



**APPLICANT:** MRK Barrett Creek, LLC

**PETITION No.:** V-65

**PHONE:** 454-439-4809

**DATE OF HEARING:** 04-01-2015

**REPRESENTATIVE:** J. Kevin Moore

**PRESENT ZONING:** CRC

**PHONE:** 770-429-1499

**LAND LOT(S):** 643

**TITLEHOLDER:** MRK Barrett Creek, LLC

**DISTRICT:** 16

**PROPERTY LOCATION:** On the south side of Ernest Barrett Parkway, east of Barrett Creek Boulevard (125 Ernest Barrett Parkway).

**SIZE OF TRACT:** 3.70 acres

**COMMISSION DISTRICT:** 3

**TYPE OF VARIANCE:** Waive the rear setback from the required 30 feet to 28 feet.

**OPPOSITION:** No. OPPOSED **PETITION No.**        **SPOKESMAN**       

**BOARD OF APPEALS DECISION**

**APPROVED**        **MOTION BY**       

**REJECTED**        **SECONDED**       

**HELD**        **CARRIED**       

**STIPULATIONS:**       



**APPLICANT:** MRK Barrett Creek, LLC      **PETITION No.:** V-65

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**COMMENTS**

**TRAFFIC:** This request will not have an adverse impact on the transportation network.

**DEVELOPMENT & INSPECTIONS:** No comment.

**SITE PLAN REVIEW:** No comment.

**STORMWATER MANAGEMENT:** No comment.

**HISTORIC PRESERVATION:** After examining Civil War trench maps, Cobb County historic property surveys, county maps, and various other resources, staff has no comments regarding the impact or treatment of historic and/or archaeological resources.

**DESIGN GUIDELINES:** No comment.

**CEMETERY PRESERVATION:** No comment.

**WATER:** No conflict.

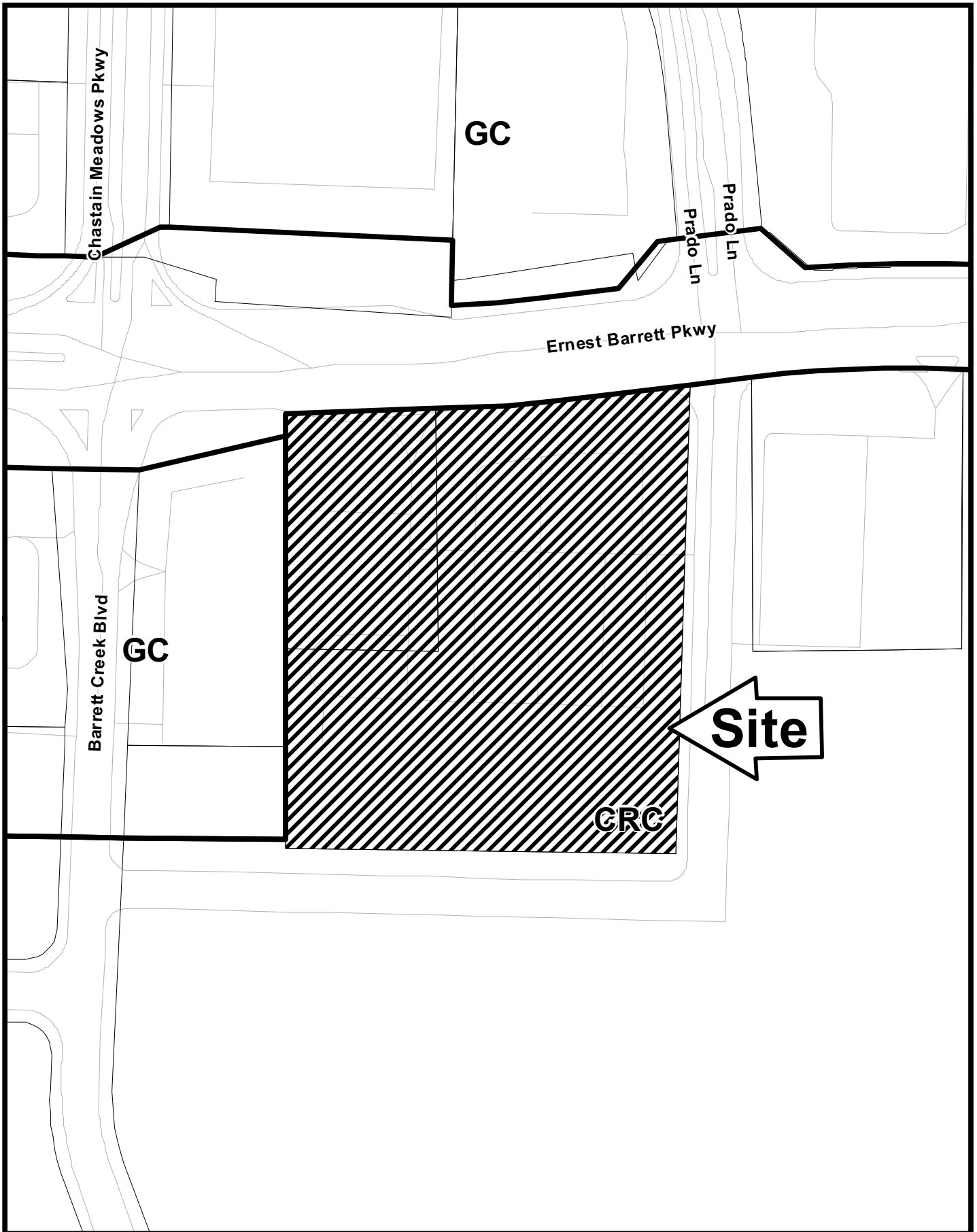
**SEWER:** No conflict.

**APPLICANT:** MRK Barrett Creek, LLC      **PETITION No.:** V-65

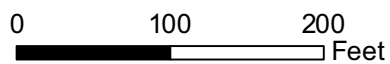
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**FIRE DEPARTMENT:** After analyzing the information presented for a Preliminary Review, the Cobb County Fire Marshal's Office is confident that all other items can be addressed during the Plan Review Stage.

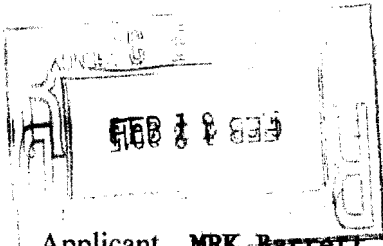
# V-65



This map is provided for display and planning purposes only. It is not meant to be a legal description.



-  City Boundary
-  Zoning Boundary



# Application for Variance Cobb County

(type or print clearly)

Application No. V- 1605 (2015)  
Hearing Date: April 1, 2015

Applicant MRK Barrett Creek, LLC Phone # \_\_\_\_\_ E-mail \_\_\_\_\_  
Moore Ingram Johnson & Steele, LLP Emerson Overlook, 326 Roswell Street  
J. Kevin Moore Address Marietta, GA 30060  
(representative's name, printed) (street, city, state and zip code)

BY: [Signature] Phone # (770) 429-1499 E-mail jkm@mijls.com  
(representative's signature) Georgia Bar No. 519728

Signed, sealed and delivered in presence of

[Signature]



My commission expires: January 10, 2019

Titleholder MRK Barrett Creek, LLC Phone # (454) 439-4809 E-mail \_\_\_\_\_  
Signature See Attached Exhibit "A" Address: 34 West Dilido Drive  
(attach additional signatures, if needed) (street, city, state and zip code) Miami Beach, FL 33139

Signed, sealed and delivered in presence of:

My commission expires: \_\_\_\_\_

Notary Public

Present Zoning of Property CRC

Location Southerly side of Ernest Barrett Parkway; easterly of Barrett Creek Boulevard  
(street address, if applicable; nearest intersection, etc.) (a/k/a 125 Ernest Barrett Parkway)

Land Lot(s) 643 District 16th Size of Tract 3.698 Acre(s)

Please select the extraordinary and exceptional condition(s) to the piece of property in question. The condition(s) must be peculiar to the piece of property involved.

Size of Property \_\_\_\_\_ Shape of Property \_\_\_\_\_ Topography of Property \_\_\_\_\_ Other X

The Cobb County Zoning Ordinance Section 134-94 states that the Cobb County Board of Zoning Appeals must determine that applying the terms of the Zoning Ordinance without the variance would create an unnecessary hardship. Please state what hardship would be created by following the normal terms of the ordinance (If applying for Backyard Chickens pursuant to Sec.134-94(4), then leave this part blank).

**See Exhibit "B" attached hereto and incorporated herein by reference.**

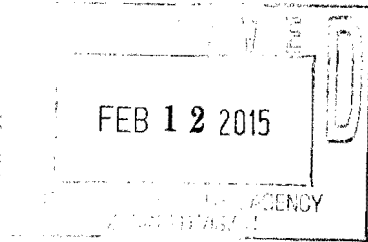
List type of variance requested: Reduction of required minimum rear setback from thirty (30) feet to twenty-eight (28) feet. (See § 134-218(4)(d)).

**EXHIBIT "A" - ATTACHMENT TO APPLICATION FOR VARIANCE**

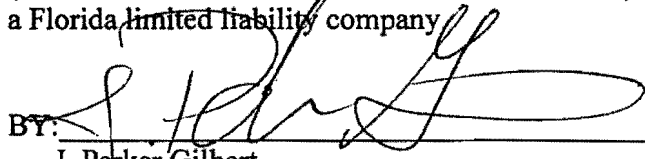
Application No.:  
Hearing Date:

V- 65 (2015)  
April 1, 2015

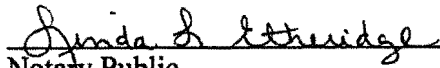
Applicant/Titleholder: **MRK Barrett Creek, LLC**



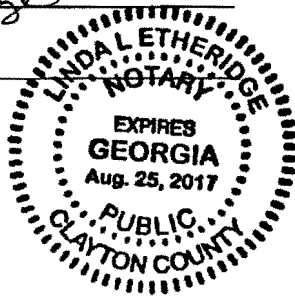
MRK BARRETT CREEK, LLC  
(f/k/a MRK ALTON ROAD PROPERTIES, LLC),  
a Florida limited liability company

BY:   
\_\_\_\_\_  
J. Parker Gilbert  
Attorney for MRK Barrett Creek, LLC

Signed, sealed, and delivered in the presence of:

  
\_\_\_\_\_  
Notary Public  
Commission Expires: \_\_\_\_\_

[Notary Seal]



ADDRESSES:

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MRK Barrett Creek, LLC  
34 West Dilido Drive  
Miami Beach, Florida 33139  
(954) 439-4809

V-65  
(2015)  
Exhibit

**EXHIBIT "B" - ATTACHMENT TO APPLICATION FOR VARIANCE**

Application No.: V- 65 (2015)  
Hearing Date: April 1, 2015

FEB 12 2015

**BEFORE THE COBB COUNTY BOARD OF ZONING APPEALS**

**Applicant/Titleholder: MRK Barrett Creek, LLC**

Please state what hardship would be created by following the normal terms of the ordinance:

Applicant requests a reduction of the minimum rear setback from the required thirty (30) feet, as set forth under the Community Retail Commercial ("CRC") zoning classification, to twenty-eight (28) feet for property located on the southerly side of Ernest Barrett Parkway, easterly of Barrett Creek Boulevard, Land Lot 643, 16<sup>th</sup> District, 2<sup>nd</sup> Section, Cobb County, Georgia (hereinafter the "Property" or "Subject Property"), and being known as 125 Ernest Barrett Parkway. The Subject Property is developed and has located thereon a restaurant, bank, and a retail building with various tenants occupying the suites within the building. As a result of the survey submitted with this Application, Applicant learned the building for the retail shops encroaches into the rear setback area by less than two (2) feet. Therefore, Applicant seeks a reduction of the required thirty (30) foot rear setback to twenty-eight (28) feet to bring the Subject Property into conformity with the Zoning Ordinance and to preserve its rights to rebuild and reconstruct the building should any portion be damaged or destroyed; and further to allow for any future renovations, upgrades or construction to the building.

The variance requested herein is not substantial; and the remaining setbacks for the Subject Property meet or exceed the minimum requirements as set forth in the Cobb County Zoning Ordinance.