



**DESIGN WORKS**

COBB COUNTY  
 1100 WOODBRIDGE HWY  
 SUITE #200  
 KENNESAW, GA 30144  
 PHONE 770.790.2855  
 FAX 770.530.5893  
 FANNING COUNTY  
 722 BARK DOG TRAIL  
 BLUE RIDGE, GA 30513  
 PHONE 706.374.4304

ARC SHEET 491 ATLANTA, GA  
**V-122 (2015)**

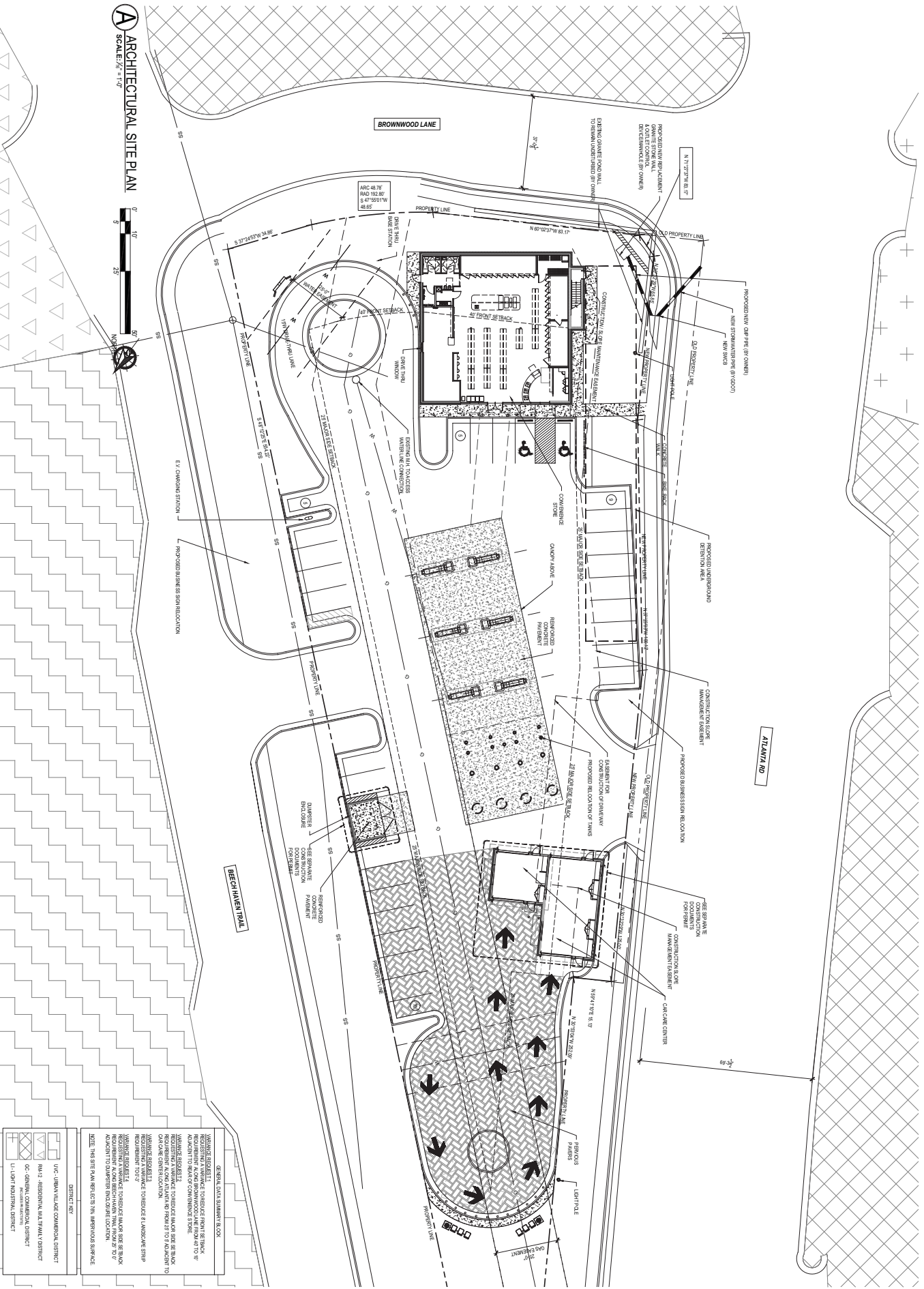
TITLE:	ARC
PROJECT:	SHEET 491 ATLANTA, GA
ISSUE:	
REVISIONS:	



DATE: 01-20-15

PROJECT NO: 1537  
 SHEET NO: A-01

Copyright © 2015  
 R Design Works



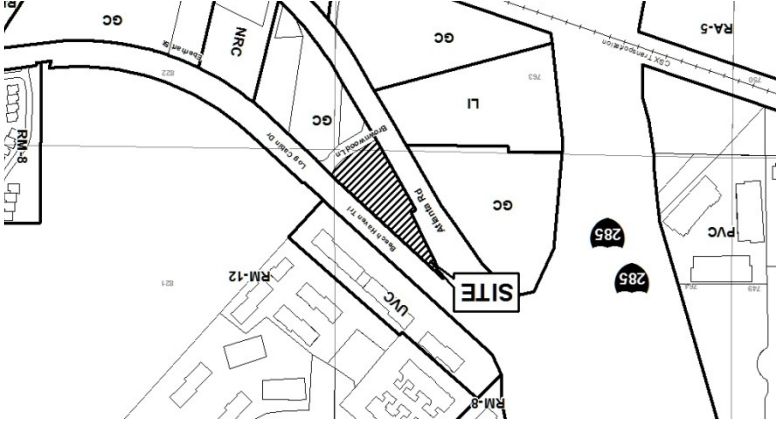
**ARCHITECTURAL SITE PLAN**  
 SCALE: 1/8" = 1'-0"

**APPLICANT:** Manzoor Haque  
**PHONE:** 678-522-2198  
**REPRESENTATIVE:** Salama Shelton  
**PHONE:** 770-790-3655  
**TITLEHOLDER:** Sean Enterprise, LLC  
**PROPERTY LOCATION:** On the north side of Brownwood Lane, between Beech Haven Trail and Atlanta Road (4641 South Atlanta Road).  
**TYPE OF VARIANCE:** 1) Waive the major side setback from the required 25 feet to zero feet adjacent to Beech Haven Trail for the proposed dumpster enclosure; 2) waive the maximum allowable impervious surface from the required 70% to 76%; 3) waive the front setback from 40 feet to 10 feet adjacent to Brownwood Lane; 4) waive the major side setback from the required 25 feet to 5 feet adjacent to Atlanta Road for the car care center; 5) waive the landscape enhancement strip along areas adjacent to right-of-way and parking areas from the required 8 feet to 3 inches; 6) allow an accessory structure (dumpster enclosure) to be in front of the primary structure; 7) increase the maximum size of a convenience store with fuel sales from 3,000 square feet to 3,600 square feet.

**OPPOSITION: NO. OPPOSED** \_\_\_\_\_ **PETITION NO.** \_\_\_\_\_ **SPOKESMAN** \_\_\_\_\_

**BOARD OF APPEALS DECISION**

**APPROVED** \_\_\_\_\_ **MOTION BY** \_\_\_\_\_  
**REFLECTED** \_\_\_\_\_ **SECONDED** \_\_\_\_\_  
**HELD** \_\_\_\_\_ **CARRIED** \_\_\_\_\_  
**STIPULATIONS:** \_\_\_\_\_



**COMMENTS**

**TRAFFIC:** Recommend no parking on the right-of-way.

Recommend any landscaping to be installed where it will not impede the line of sight for the driveways or roadways.

Recommend no additional access.

Any easement agreements with GDOT will need to remain valid.

**DEVELOPMENT & INSPECTIONS:** No comment.

**SITE PLAN REVIEW:** No comment.

**STORMWATER MANAGEMENT:** Subject to stormwater management requirements to be determined at Plan Review.

**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:** "Drive Thru Base Station" is located in a Cobb County Marietta Water Authority easement, and will require their review/approval. A utility locate will be required prior to construction of structures on Beech Haven Trail right-of-way (ROW) line to confirm location of Cobb County Water System (CCWS) 16 inch water main.

**SEWER:** No conflict.

\*\*\*\*\*

**APPLICANT:**

Manzoor Haque

**PETITION No.:**

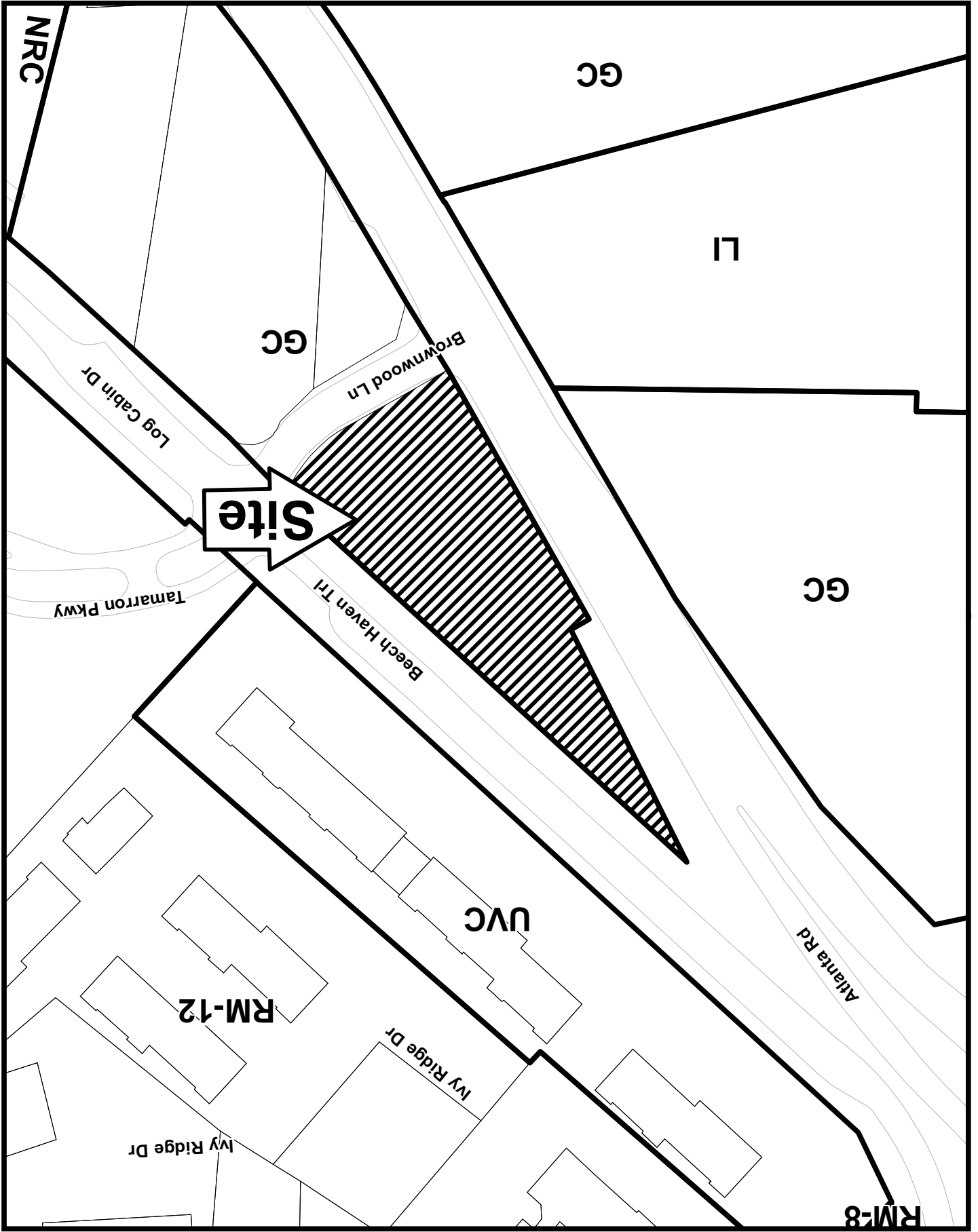
V-122

**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.

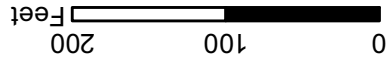
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**APPLICANT:** Manzoor Haque  
**PETITION No.:** V-122

# V-122



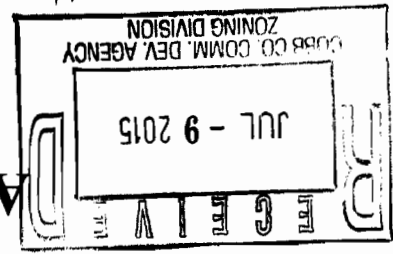
This map is provided for display and planning purposes only. It is not meant to be a legal description.



Zoning Boundary  
City Boundary

# Application for Variance

## Cobb County



Application No. V-122  
 Hearing Date: 5-11-15

Applicant Manzoor Haque

Address 1480 Shiloh Rd NW Kennesaw, GA 30144

Phone # (678) 522-2198 E-mail manzoor.haque@gmail.com

Salama Shelton  
 representative's name, printed

[Signature]  
 (representative's signature)



Signed, sealed and delivered in presence of:

[Signature]  
 Notary Public

My commission expires:

Trieholder Segn Enterprises, LLC Phone # (678) 522-2198 E-mail manzoor.haque@gmail.com

Address: 4641 S. Atlanta Rd Atlanta, GA 30080

[Signature]  
 Signed, sealed and delivered in presence of:  
 Notary Public



My commission expires:

Present Zoning of Property General Commercial

Location 4641 S. Atlanta Rd Atlanta, GA 30080

(street address, if applicable; nearest intersection, etc.)

Land Lot(s) 763, 764, 821 District 17 Size of Tract 1.22754 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

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).  
 (Please attached letter)

List type of variance requested: 1) Zoning setbacks; 2) Impervious surface; 3) queue spaces; 4) Landscape strips

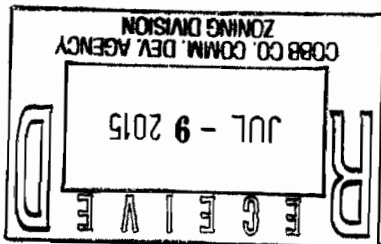
July 8, 2015

V-122  
(2015)  
Exhibit

Salama Shelton  
1480 Shiloh Rd  
Kennesaw, GA 30144

Subject: Shell Gas Station | Variance Application

To whom it may concern:



The following statement is provided on behalf of our client, Manzoor Haque, in order to explain how the application of the zoning ordinances to the site without variances would create unnecessary hardship.

Due to the constraints on Manzoor Haque's existing site and the GDOT's construction impediment within his property boundary, we are requesting variances in an effort to improve the conditions of his site. The proposed project would require variances regarding zoning setbacks, impervious surface, queue space count, and landscaping strips along new paving.

One of our biggest challenges is the relocation of the hand car wash building. Currently, the new Atlanta Rd access point installed by GDOT forces traffic to flow directly into the existing hand car wash building. It must be relocated in order to allow better circulation on the site. The 25' major side setback requirements paired with the easement locations makes relocation very difficult. The hand car wash service is a productive component of his business, and there is a high volume of customers serviced in the community. Therefore, relocation of this building is of high priority to the owner. The location we selected would require a setback variance approval due to its close proximity to the property line. Please note that the 10' water easement setback has been addressed on the north facing side of the proposed Care Center.

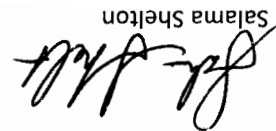
The required parking count of 29 spaces has been accommodated with this design; however, the five queuing spaces required for the Car Care Center poses a challenge given our narrow site. As previously mentioned, the Car Care Center has limited space, and a variance for required queuing spaces would allow the client to keep the functionality of his hand car wash building and also offer emissions testing on site.

The 8' landscaping strip requirement mentioned in our site concept meeting has been addressed in areas where we found it possible. There are some areas on the site that do not have the 8' landscaping strip between the property line and the new paving. The inclusion of the landscaping strips was restricted due to the priority of allotting space for the 24' drives throughout the site and the required parking count.

Based on our proposed site plan, the impervious surface area is at 76%. Please note that after GDOT acquired the R/W from the property, the site became 73% impervious. Although the impervious requirement of 70% is not currently met, our design offers more accessible green space which makes this site more pedestrian-friendly and welcoming.

Our design process this far, has been very difficult due to the additional restrictions resulting from GDOT's construction and impediment on the site. This R/W acquired by GDOT, the triangular shaped site along with gas and water easements have challenged us to come up with a design that allows the owner to improve the conditions of his site while also remaining a competitive and innovative businessperson. The design was based not only on the owner's planned site improvements, but also the Atlanta Road Design Guidelines.

Sincerely,

  
Salama Shelton

In addition to the foregoing, during the pendency of this Application, we have asked for a waiver of impervious surface coverage under the GC District within a Community Activity Center ("CAC") from seventy percent (70%) to seventy-six percent (76%). However, I am advised by our engineers who, by the way, are going through the Plan Review Process that the further focused and detailed plans now reflect an eighty-two (82%) impervious condition. Fortunately, the Stormwater Management Division is aware of this fact and aware that the detention and water quality components have been configured and designed to handle that percentage of impervious surface. I want to make certain that the Variance Application is amended to reflect that change in condition.

During our meeting, we spoke about a number of issues, including landscaping for the site. In that regard, enclosed please find the requisite number of copies of a Tree Protection & Replacement Plan which details pre-density calculations and the placement, species and type of the trees which will be placed on the subject property along, of course, with attendant lower-story vegetation.

Last week, my clients, their consultants/engineers and I met with BZA Member Kim Swanson on the subject property. The on-site meeting was helpful, particularly in light of GDOT's ongoing widening of Atlanta Road and the attendant operational improvements which have precipitated the hardships which the Applicant and Property Owner are experiencing. Those circumstances, in concert with the subject property's current size, shape and configuration, clearly make future development of the site problematic as we were able to explain to Ms. Swanson.

As you know, this firm represents the Applicant and Property Owner concerning the above-captioned Variance Application. In that regard, the Variance Application is scheduled to be heard and considered by the Cobb County Board of Zoning Appeals ("BZA") on September 11, 2015.

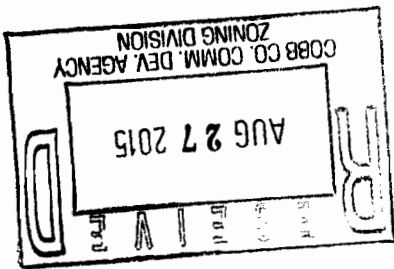
Dear Terry:

Re: Application for Variance of Manzoor Haque (No. V-122)

Mr. Terry Martin, Planner II  
 Cobb County Zoning Division  
 Community Development Agency  
 1150 Powder Springs Road, Suite 400  
 Marietta, GA 30064

**VIA HAND DELIVERY:**

August 27, 2015



GARVIS L. SAMS, JR.  
 JOEL L. LARKIN  
 PARKS F. HUFF  
 JAMES A. BALLI  
 ADAM J. ROZEN

SAMS, L. BALLI  
 A LIMITED PARTNERSHIP  
 V-122 (2015) Exhibit

770-422-7016  
 TELEPHONE 770-426-6583  
 FACSIMILE

SUITE 100  
 376 POWDER SPRINGS STREET  
 MARIETTA, GEORGIA 30064-3448

SLHB-LAW.COM



SAMS, LARKIN, HUFF & BALLI  
A LIMITED LIABILITY PARTNERSHIP

**VIA HAND DELIVERY:**

Mr. Terry Martin, Planner II

Cobb County Zoning Division

Community Development Agency

August 27, 2015

Page 2

Please do not hesitate to contact me should you have any questions whatsoever regarding these matters. With kind regards I am

Very truly yours,

SAMS, LARKIN, HUFF & BALLI, LLP



Garvis L. Sams, Jr.

[gsams@slhb-law.com](mailto:gsams@slhb-law.com)

GLS/dsj

Enclosures

cc:

Mr. Robert L. Hosack, Jr., AICP, Director (via email w/attachment)

Mr. Dana Johnson, AICP, Deputy Director (via email w/attachment)

Mr. John P. Pederson, AICP, Zoning Manager (via email w/attachment)

Mr. David Breaeden, P.E., Stormwater Management Division (via email w/attachment)

Ms. Jane Stricklin, P.E., Cobb DOT (via email w/attachment)

Mr. Tim Davidson, Cobb County Water System (via email w/attachment)

Ms. Lori Barton, Deputy County Clerk (via email w/attachment)

Mr. Murray Homan, BZA Chairman (via email w/attachment)

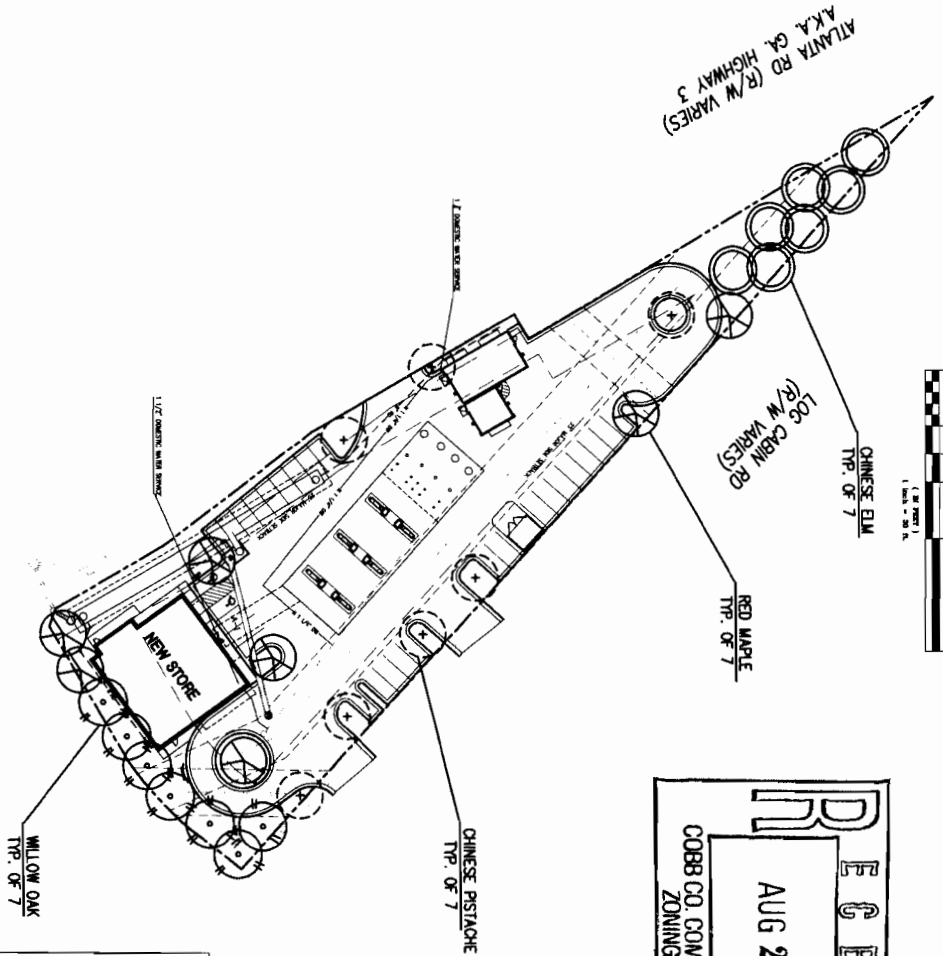
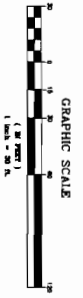
Ms. Kim Swanson, BZA Member (via email w/attachment)

Mr. Manzoor Haque (via email w/attachment)

Mr. Rick Larosa, NCARB, DBIA, LEED (via email w/attachment)

Ms. Salama Shelton, LEED (via email w/attachment)

Mr. Jefferson D. Brewer, P.E. (via email w/attachment)



**RECEIVED**  
AUG 27 2015  
COBB CO. COMM. DEV. AGENCY  
ZONING DIVISION

SYMBOL	DESCRIPTION	REVISION	DATE	BY	CHKD.	APP'D.
○	CHANGING SCHEDULE	1.0	1.17.14	JM		
○	MISSED SCHEDULE	2.0	2.27.14	JM		
○	CHANGING SCHEDULE	3.0	3.17.14	JM		
○	CHANGING SCHEDULE	4.0	4.17.14	JM		
○	CHANGING SCHEDULE	5.0	5.17.14	JM		

SYMBOL	DESCRIPTION	REVISION	DATE	BY	CHKD.	APP'D.
○	CHANGING SCHEDULE	6.0	6.17.14	JM		
○	CHANGING SCHEDULE	7.0	7.17.14	JM		
○	CHANGING SCHEDULE	8.0	8.17.14	JM		
○	CHANGING SCHEDULE	9.0	9.17.14	JM		

SYMBOL	DESCRIPTION	REVISION	DATE	BY	CHKD.	APP'D.
○	CHANGING SCHEDULE	10.0	10.17.14	JM		
○	CHANGING SCHEDULE	11.0	11.17.14	JM		

**Tree Preservation and Replacement Notes**  
The following notes shall apply to all trees shown on the site plan and shall govern the preservation and replacement of all trees to be removed or damaged by the proposed project. The following notes shall apply to all trees shown on the site plan and shall govern the preservation and replacement of all trees to be removed or damaged by the proposed project.

**Detail 416-4**  
Community Development Agency  
**Tree Maintenance - Type C**  
Typical Section

1. Prune trees to maintain a clear view of the sky and to prevent damage to property or power lines.  
2. Prune trees to maintain a clear view of the sky and to prevent damage to property or power lines.  
3. Prune trees to maintain a clear view of the sky and to prevent damage to property or power lines.

1. Prune trees to maintain a clear view of the sky and to prevent damage to property or power lines.  
2. Prune trees to maintain a clear view of the sky and to prevent damage to property or power lines.  
3. Prune trees to maintain a clear view of the sky and to prevent damage to property or power lines.

**Detail 416-1**  
Community Development Agency  
**Tree Planting**  
Typical Section

1. Plant trees in the following manner:  
2. Plant trees in the following manner:  
3. Plant trees in the following manner:

**Detail 416-7**  
Community Development Agency  
**Tree Protection Fence**  
Typical Section

1. The fence shall be constructed of 4 x 4 posts and 4 x 4 rails.  
2. The fence shall be constructed of 4 x 4 posts and 4 x 4 rails.  
3. The fence shall be constructed of 4 x 4 posts and 4 x 4 rails.



Know what's below.  
Call before you dig.  
Call 888-983-4141 or call your local utility.

**T-10**

**Tree Protection and Replacement Plan**

**1537 Shell Gas Station**  
4841 Atlanta Road  
Land Lots 783 and 784, 17th District, 2nd  
Cobb County, GA

**V-122 Exhibit (2015)**

**REVISIONS**

NO.	DATE	DESCRIPTION
1	1.17.14	CHANGING SCHEDULE
2	2.27.14	MISSED SCHEDULE
3	3.17.14	CHANGING SCHEDULE
4	4.17.14	CHANGING SCHEDULE
5	5.17.14	CHANGING SCHEDULE
6	6.17.14	CHANGING SCHEDULE
7	7.17.14	CHANGING SCHEDULE
8	8.17.14	CHANGING SCHEDULE
9	9.17.14	CHANGING SCHEDULE
10	10.17.14	CHANGING SCHEDULE
11	11.17.14	CHANGING SCHEDULE

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