



**APPLICANT:** QuikTrip Corporation

**PETITION No.:** V-42

**PHONE:** 918-615-7804

**DATE OF HEARING:** 03-09-16

**REPRESENTATIVE:** Richard W. Calhoun

**PRESENT ZONING:** GC

**PHONE:** 770-422-1776

**LAND LOT(S):** 592, 605

**TITLEHOLDER:** QuikTrip Corporation

**DISTRICT:** 18

**PROPERTY LOCATION:** On the south side of Six  
Flags Drive, west of Riverside Parkway and north of  
Interstate 20 (291 Six Flags Drive).

**SIZE OF TRACT:** 3.08 acres

**COMMISSION DISTRICT:** 4

**TYPE OF VARIANCE:** 1) Waive the maximum gross floor area for a convenience food store with self-service  
fuel sales from 3,000 square feet to 5,858 square feet; and 2) waive the required landscape screening buffer adjacent to  
residential property from the required 40 feet to zero feet adjacent to the western property line.

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

**BOARD OF APPEALS DECISION**

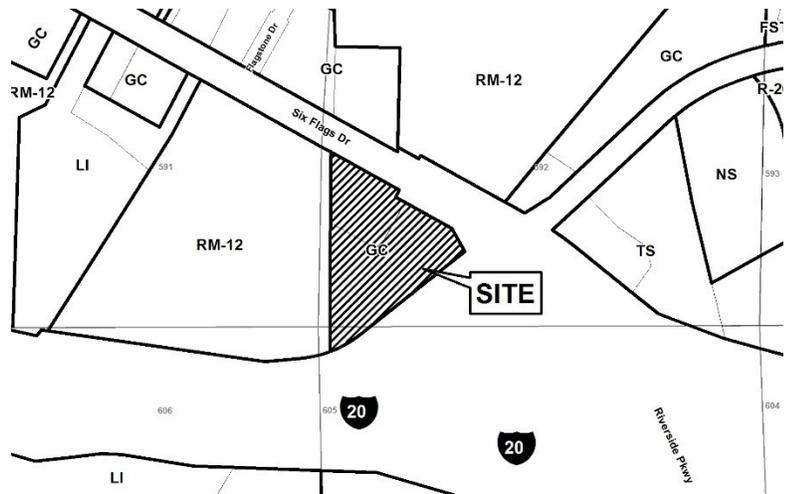
APPROVED \_\_\_\_\_ MOTION BY \_\_\_\_\_

REJECTED \_\_\_\_\_ SECONDED \_\_\_\_\_

HELD \_\_\_\_\_ CARRIED \_\_\_\_\_

STIPULATIONS: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_



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**COMMENTS**

**TRAFFIC:** Recommend applicant coordinate with Cobb County DOT prior to development plan approval to ensure compatibility with the Six Flags Drive SPLOST project.

**DEVELOPMENT & INSPECTIONS:** No comment.

**SITE PLAN REVIEW:** No comment.

**STORMWATER MANAGEMENT:** Subject to providing required stormwater management for site 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:** Staff has determined that the subject sites are not within the boundaries of approved design guidelines study areas; therefore do not have to comply with design guidelines requirements. No comments.

**CEMETERY PRESERVATION:** No comment.

**WATER:** No conflict.

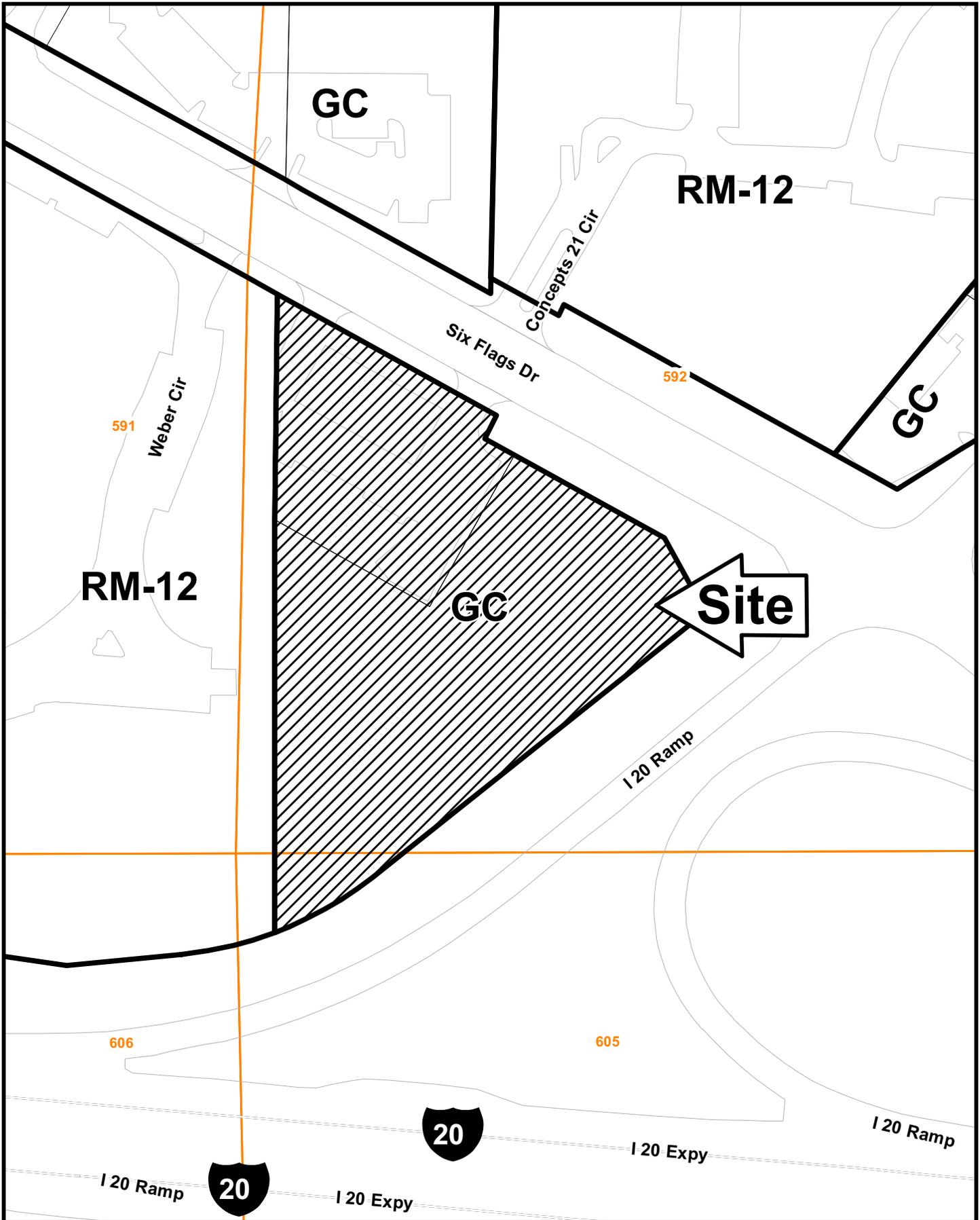
**SEWER:** No conflict.

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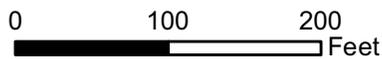
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**FIRE DEPARTMENT:** After analyzing the information presented for a Preliminary Review, the Cobb County Fire Marshal's Office is confident that all other items can be addressed during the Plan Review Stage.

# V-42



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-42  
Hearing Date: 3-9-14

Applicant QuikTrip Corporation Phone # 918-615-7804 E-mail jglavas@quiktrip.com

Richard W. Calhoun, Esq. Address 49 Atlanta Street, Marietta, GA 30060  
(representative's name, printed) (street, city, state and zip code)

Richard W Calhoun Phone # 770-422-1776 E-mail rcalhoun@gregorydoylefirm.com  
(representative's signature)

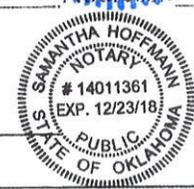
My commission expires: August 24, 2018 Signed, sealed and delivered in presence of: Patsy G Cox  
Notary Public



Titleholder QuikTrip Corporation Phone # 918-615-7804 E-mail jglavas@quiktrip.com

Signature Jessica Davis Address 4705 S 129th E Ave, Tulsa, OK 074134  
(attach additional signatures, if needed) (street, city, state and zip code)

My commission expires: 12-23-18 Signed, sealed and delivered in presence of: Samantha Hoffmann  
Notary Public



Present Zoning of Property GC (General Commercial)

Location 291 Six Flags Drive, Austell, GA 30168  
(street address, if applicable: nearest intersection, etc.)

Land Lot(s) 592, 605 District 18th Size of Tract 3.08 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 \_\_\_\_\_

Does the property or this request need a second electrical meter? YES \_\_\_\_\_ NO

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 Attached Explanation

List type of variance requested: \_\_\_\_\_

1. Increase square footage of convenience store building from 3,268 square feet to 5,858 square feet (Variance from 3000 square feet maximum floor area)
2. Variance from required 40' buffer adjacent to residential to 10' buffer.

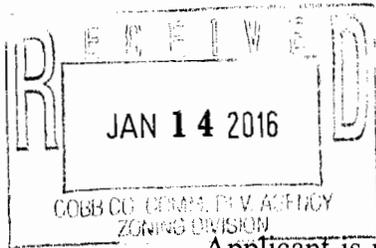


Exhibit  
V-42  
(2016)

**Statement of Hardship**

Applicant is requesting relief from two provisions of County's zoning ordinance:

- (a) The 3,000 square foot maximum floor area limitation on convenience stores, and (b) the 40' vegetative buffer required adjacent to residentially zoned property.

The applicant submits that the 3,000 square foot floor area limitation is unduly restrictive considering the size and scope of modern day convenience stores which have evolved from 2,000 square foot facilities to 5,000 square foot facilities. The customer service area of the proposed store at this location (like all QT Gen III locations) will be limited to 2,097 square feet and thus satisfies intent of the 3,000 square foot restriction, however a variance is necessary to allow a total building square footage of 5,858 square feet for the subject property.

With respect to the 40' buffer area required adjoining residentially zoned properties, the applicant shows that the subject property is both triangular in shape and also slopes to the east to a large natural detention area. These two physical constraints necessitate placing the building and related parking and other areas on the western portion of the site, which in turn requires relief from the 40' buffer requirement.

In addition, applicant shows that the 40' buffer requirement was enacted subsequent to the construction of applicant's existing facility on the subject property, and therefore a substantial portion of the required 40' buffer area is already occupied by the existing building and related structures. Therefore, relief from the 40' buffer requirement will likely be unnoticeable by the adjoining multi-family development to the west.

Applicant submits that the failure to grant the requested variances would result in an uncompensated taking and damaging of applicants' property without due process of law, and denial of equal protection of the law pursuant to Article 1§1, Paragraphs 1 and 2 and Article 1§3, Paragraph 1 of the Georgia Constitution, and corresponding provisions of the United States Constitution.