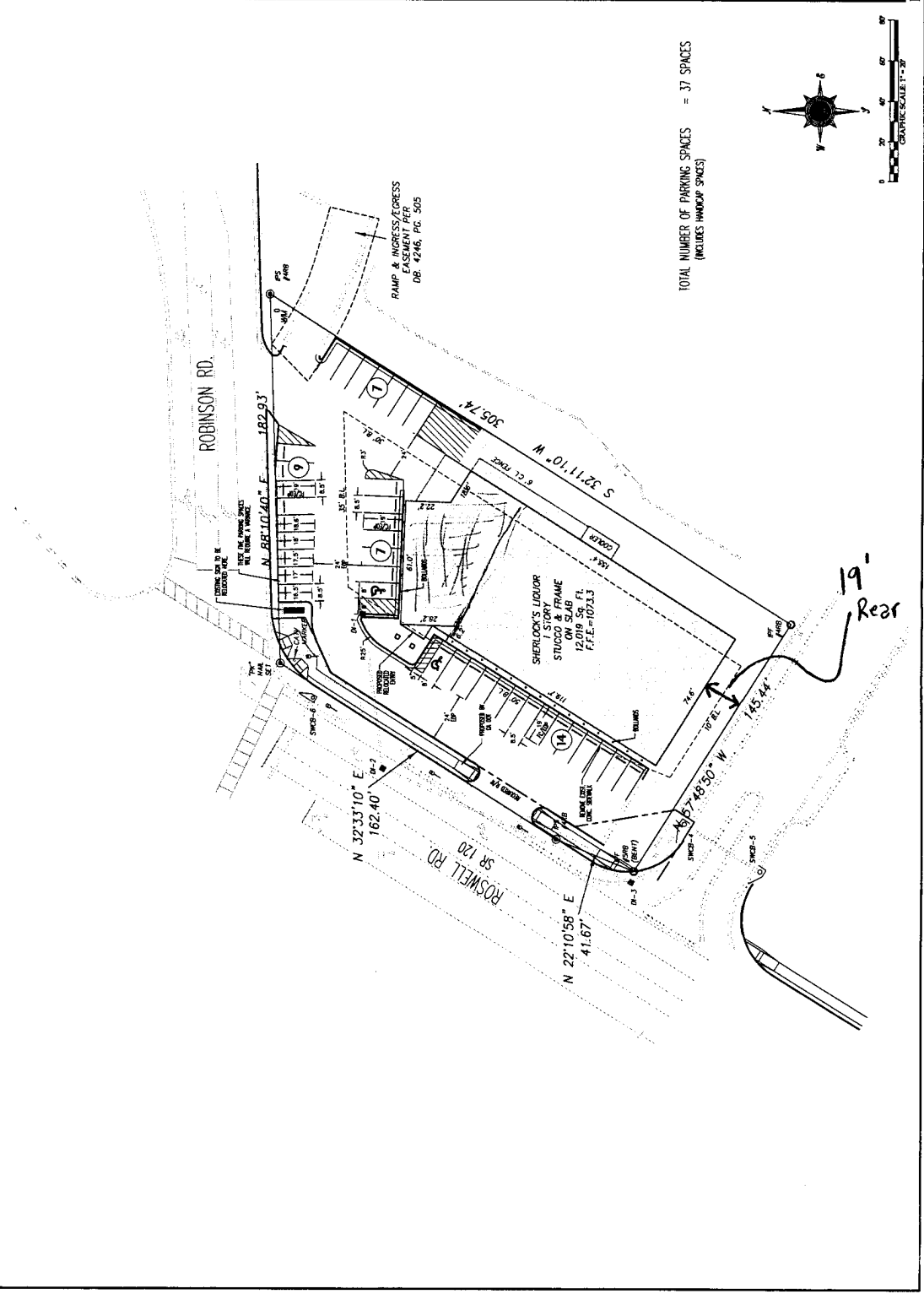


V-10
(2009)

	DOUGLASKIS CONSULTING ENGINEERS, INC. 1159 Pine Road, Suite 200, St. Louis, MO 63103 (314) 433-1100 www.douglaskis.com	EAST COBB SHERLOCKS'S, LLP 1000 W. LAMAR BLVD., SUITE 1000, ST. LOUIS, MO 63102 (314) 433-1100 www.eastcobb.com	BRYANT FAMILY INVESTMENTS, LLP 1000 W. LAMAR BLVD., SUITE 1000, ST. LOUIS, MO 63102 (314) 433-1100 www.bryantfamily.com	NO. 1	DATE
				1	07/25/09
Proposed Site Plan				SCALE	1" = 20'
EAST COBB SHERLOCKS'S, LLP				DATE	07/25/09
BRYANT FAMILY INVESTMENTS, LLP				DR. NO.	0638
DOUGLASKIS CONSULTING ENGINEERS, INC.				SHEET	1 of 1



NOT FOR CONSTRUCTION

APPLICANT: East Cobb Building Partnership **PETITION NO.:** V-10
PHONE: 770-753-9800 **DATE OF HEARING:** 01-14-09
REPRESENTATIVE: Scott W. Peters **PRESENT ZONING:** GC
PHONE: 404-681-3450 **LAND LOT(S):** 1029
PROPERTY LOCATION: Located at the southeasterly **DISTRICT:** 16
intersection of Roswell Road and Robinson Road **SIZE OF TRACT:** .885
(2156 Roswell Road). **COMMISSION DISTRICT:** 2

TYPE OF VARIANCE: 1) waive the rear setback from the required 30 feet to 19 feet (existing); 2) waive the floor area ratio from a maximum of .25 to .36; 3) waive the number of parking spaces from the required 60 spaces to 36 spaces; 4) waive the design standards for parking spaces to allow a depth of 16.5 feet from the required 19 feet; and 5) waive the setback for a sign from the centerline of a major collector road from 52 feet to 30 feet.

COMMENTS

TRAFFIC: Recommend applicant verify that sign does not obstruct visibility per Cobb County Development Standard Detail 109.

DEVELOPMENT & INSPECTIONS: No comment.

STORMWATER MANAGEMENT: No comments.

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.

CEMETERY PRESERVATION: No comment.

WATER: No conflict.

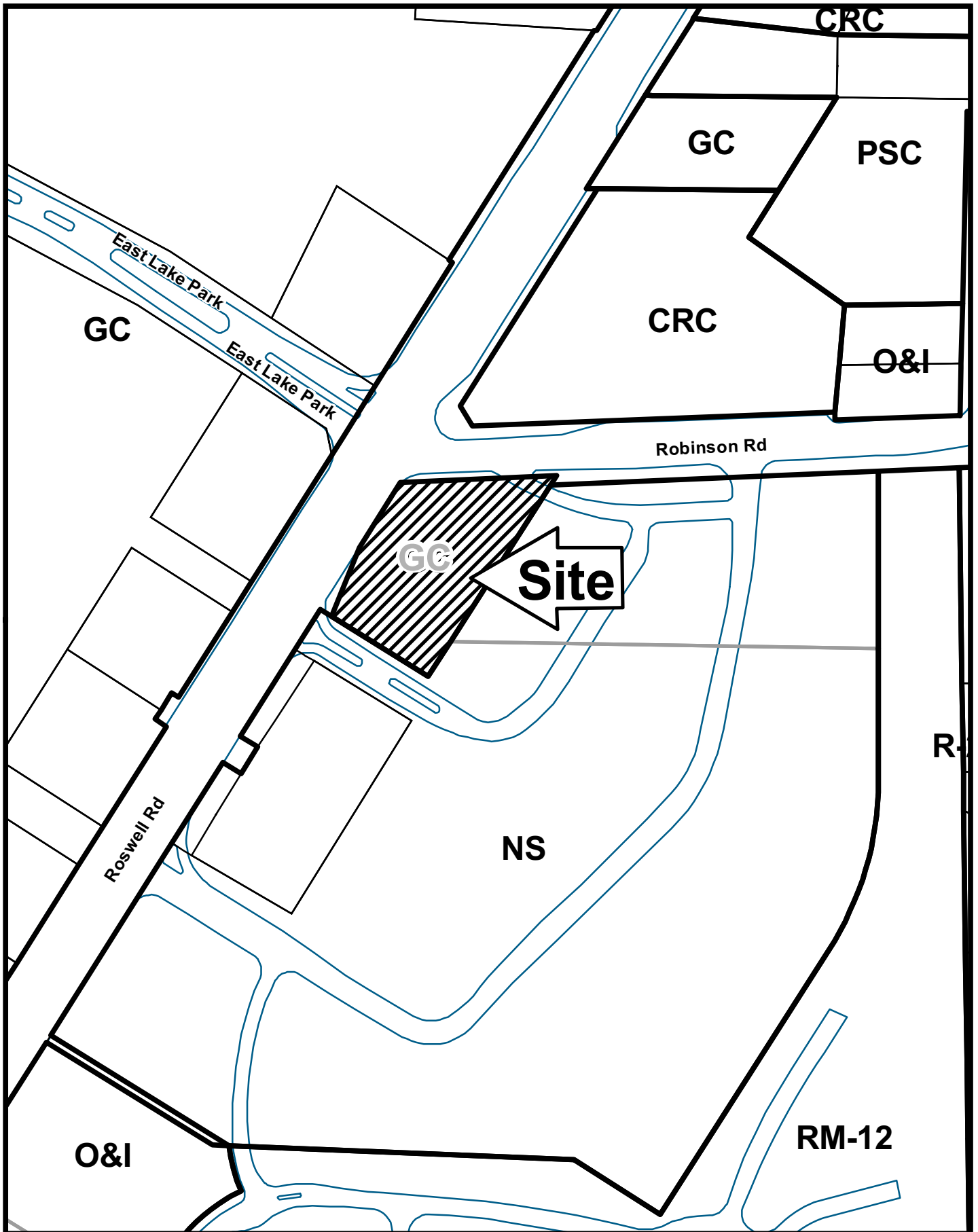
SEWER: No conflict.

OPPOSITION: NO. OPPOSED PETITION NO. SPOKESMAN

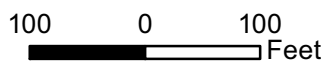
BOARD OF APPEALS DECISION
APPROVED _____ **MOTION BY** _____
REJECTED _____ **SECONDED** _____
HELD _____ **CARRIED** _____
STIPULATIONS: _____





V-10



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-10

Hearing Date: 1-14-09

Applicant East Cobb Building Partnership Business Phone (770) 753-9800 Home Phone (404) 906-3105

Scott W. Peters

Address 1100 Peachtree Street, Suite 800, Atlanta, Georgia 30309

(representative's name, printed)

(street, city, state and zip code)

(404) 681-3450

Cell Phone _____

(representative's signature)

Business Phone _____

My commission expires: _____

Signed, sealed and delivered in presence of:

Jackie Johns

Notary Public

Titleholder

Douglas Bryant, Jonathan Bryant, Suzanne Calbreath

Business Phone (404) 681-3450

Home Phone _____

Signature

(attach additional signatures, if needed)

Address: 1100 Peachtree Street, N.E., Suite 800, Atlanta, Georgia 30309

(street, city, state and zip code)

Signed, sealed and delivered in presence of:

My commission expires: _____

Notary Public

Present Zoning of Property General Commercial

Location 2156 Roswell Road; Marietta, Georgia 30062

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

Land Lot(s) 1029 District 16 Size of Tract 0.885 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 x Shape of Property x 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.

See the attached Letter of Intent. (Exhibit "A") JM

List type of variance requested: 1) Article IV, Section 134-191: to reduce the minimum rear yard setback from 30' to 19'; 2) Article IV, Section 134-191: to reduce the minimum front yard setback from 40' to 5' in order to allow the relocation of an existing pole sign out of the right of way of Roswell Road; 3) Article IV, Section 134-227(13): to increase the maximum floor area ration from 0.25 to 0.36; 4) Article IV, Section 134-272(5)(d): to reduce the number of required parking spaces from 60 to 36; and 5) Article IV, Section 134-272(5)(a)(4): to reduce the required depth of parking spaces from 19' to 16.5'.

Revised: December 6, 2005

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FACSIMILE: (404) 681-1046

Scott W. Peters

E-Mail: speters@swflp.com
Direct Dial: (404) 954-9836

November 13, 2008

Via Hand Delivery

Cobb County Community Development
Zoning Division
191 Lawrence Street
Marietta, Georgia 30060

Re: Application for variances for property located at 2156 Roswell Road

Dear Ladies and Gentlemen:

This firm represents Mr. Douglas Bryant, Mr. Jonathan Bryant, and Ms. Suzanne Calbreath (the "Owners") in regard to their requests for certain variances for the property located at 2156 Roswell Road, Tax Parcel Identification Number 16-1029-0-022-0 (the "Property"). The need for these variance has arisen as a result of the intended acquisition of a portion of the property by Cobb County and the Georgia Department of Transportation ("GDOT") in association with the widening of Roswell Road, along with certain associated improvements to the intersection of Roswell Road and Robinson Road. The Owners have reached a settlement with Cobb County and GDOT regarding the compensation to be paid for the acquisition of the necessary property, contingent upon the Owners obtaining the necessary variances to allow the existing business to continue operating at the property.

The Property currently consists of approximately 0.885 acres and is located at the southwestern intersection of Roswell Road and Robinson Road. The Property is improved with an existing single-story building containing +/- 12,019 square feet. The building is currently utilized by Sherlock's Liquor Store ("Sherlocks"), which has operated at the property for a number of years. Cobb County and GDOT requires 0.078 acres in fee simple and 0.116 acres in a permanent easement from the property. In addition, the acquisition will result in the elimination of the eastern driveway along Roswell Road, and will also modify the driveway on Robinson Road. Copies of the currently proposed Right-of-Way plans are included with this submittal. This is the last in a series of widenings of Roswell Road which have affected the property over the years.

The Owners request these variances to insure that the current business operating on the property may continue, and that it will be able to make modifications to the

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November 13, 2008

building in the future to allow for better traffic flow and parking on the property. The modifications under consideration all include the reduction in the overall size of the building.

The Owners request the following specific variances for the Property:

- (1) Article IV, Section 134-191: to reduce the minimum rear yard setback from 30' to 19';
- (2) Article IV, Section 134-191: to reduce the minimum front yard setback from 40' to 5' in order to allow the relocation of an existing pole sign out of the right-of-way of Roswell Road;
- (3) Article IV, Section 134-227(13): to increase the maximum floor area ration from 0.25 to 0.36;
- (4) Article IV, Section 134-272(5)(d): to reduce the number of required parking spaces from 60 to 36; and
- (5) Article IV, Section 134-272(5)(a)(4): to reduce the required depth of parking spaces from 19' to 16.5'.

These variances are necessary because the acquisition of the additional right of way by Cobb County and GDOT will result in significant hardships to the Property. The proposed acquisition will significantly limit the operation of Sherlock's business on the Property by encroaching upon the existing parking area for the Property, which is already tight. This will have the effect of limiting traffic circulation and the parking area on the Property, necessitating a reduction to 36 parking spaces. Sherlocks is customarily frequented by short-term customer trips, reducing the need for parking. As a result, the Owners are confident that a total of 36 parking spaces, slightly reduced in depth, will provide more than adequate parking for its customer and employee needs.

Although the existing conditions at the property would properly be characterized as a legal non-conforming use, in the event the Owners or Sherlocks seek to modify the building to further alleviate the affects of the acquisition by Cobb County and GDOT, such legal status may be lost. In the event the Owners and Sherlocks were forced to remove the existing improvements, the damage to the property would be excessive and

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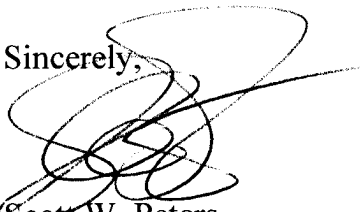
the negotiated settlement would be null and void, resulting in significant extra costs to acquire the right of way by Cobb County and GDOT.

Finally, the proposed transfer will force Sherlocks to relocate an existing pole sign out of the right-of-way of Roswell Road. After the transfer, Sherlocks will not be able to relocate the existing sign on the Property in compliance with the Zoning Ordinance due to the resulting size and shape of the Property. A variance will alleviate this hardship and allow the relocation of the existing signage. The construction of a monument sign in accordance with the current sign ordinance would further result in a destruction of necessary visibility at the intersection of Roswell Road and Robinson Road.

Each of these variances are necessary to allow Sherlocks to be able to remain in business at the location following the proposed acquisition of the right-of-way. The requested variances are the minimum necessary to alleviate the hardship created by the proposed transfer and to bring existing conditions of the Property into compliance with the Cobb County Zoning Ordinance. The Owners therefore respectfully requests that Cobb County Board of Zoning Appeals grant the requested variances so as to allow Cobb County and GDOT to acquire the necessary right of way from the property at the agreed compensation.

Thank you for your consideration in this regard.

Sincerely,



Scott W. Peters

SWP/prg

cc: Douglas Bryant
David H. Flint, Esq.

CLIENTS:5794:1:Letter of Intent.doc