

APPLICANT: Marietta Fish Market, LLC
PHONE: 770-422-7016
REPRESENTATIVE: Parks Huff
PHONE: 770-422-7016
PROPERTY LOCATION: Located on the west side of Canton Road, south of Blackwell Road and on the east side of Hilltop Drive.

PETITION NO.: V-28
DATE OF HEARING: 04-08-09
PRESENT ZONING: GC
LAND LOT(S): 443, 444
DISTRICT: 16
SIZE OF TRACT: 4.12 acres
COMMISSION DISTRICT: 3

TYPE OF VARIANCE: 1) Reduce the landscape buffer adjacent to residentially zoned property from the required 40 feet to as low as 5 feet; 2) allow temporary parking on a gravel lot on tract A during construction only; 3) waive the width of a drive aisle for 60° parking from 18.5 feet to 13 feet; and 4) waive the front setback on tract C from 50 feet to 37 feet (existing).

COMMENTS

TRAFFIC: Recommend applicant consider entering into a development agreement pursuant to O.C.G.A. 36-71-13 for dedication of the following system improvements to mitigate traffic concerns: a) donation of right-of-way on the west side of Canton Road, a minimum of 50 feet from the roadway centerline; b) donation of right-of-way on the east side of Hilltop Drive, a minimum of 30 feet from the roadway centerline. Recommend closing the northern driveway (first driveway south of the signal). Recommend a deceleration lane for entrance on Canton Road. Recommend one driveway access on Hilltop Drive. Hilltop Drive is a substandard street. Recommend improving Hilltop Drive from along the frontage to the intersection with Suholden Circle to comply with Cobb County Standards. Recommend applicant coordinate with Cobb County DOT prior to development plan approval to ensure compatibility with the proposed Canton Road Safety and Operational Improvement project.

DEVELOPMENT & INSPECTIONS: It is not possible to assess the impact of this buffer reduction without more detailed plans showing how the retaining wall will be built and what grading activity will occur in the buffer area. Staff would not support a buffer reduction unless the area could be planted and maintained properly to achieve the required buffering effect.

COMMENTS CONTINUED ON NEXT PAGE

OPPOSITION: NO. OPPOSED _____ **PETITION NO.** _____ **SPOKESMAN** _____

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



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PHONE: 770-422-7016 **LAND LOT(S):** 443, 444
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Canton Road, south of Blackwell Road and on the east **SIZE OF TRACT:** 4.12 acres
side of Hilltop Drive. **COMMISSION DISTRICT:** 3
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COMMENTS (Continued)

STORMWATER MANAGEMENT: Although the proposed land disturbance may be located sufficiently below the existing residences on the hill above to not impact the visual screening currently provided, this proposed parking lot expansion will require significant grading to construct. The existing slopes are extremely steep (1:1) and will either require high retaining walls or excessively steep graded slopes to accomplish. It appears that adequate stormwater quality has been provided for, but space is limited for meeting detention requirements. Unless underground detention is utilized, offsite detention will be required which will not be possible unless the existing downstream storm system has adequate capacity to accommodate the increased peak discharges. If approved, all these issues must be addressed at Plan Review.

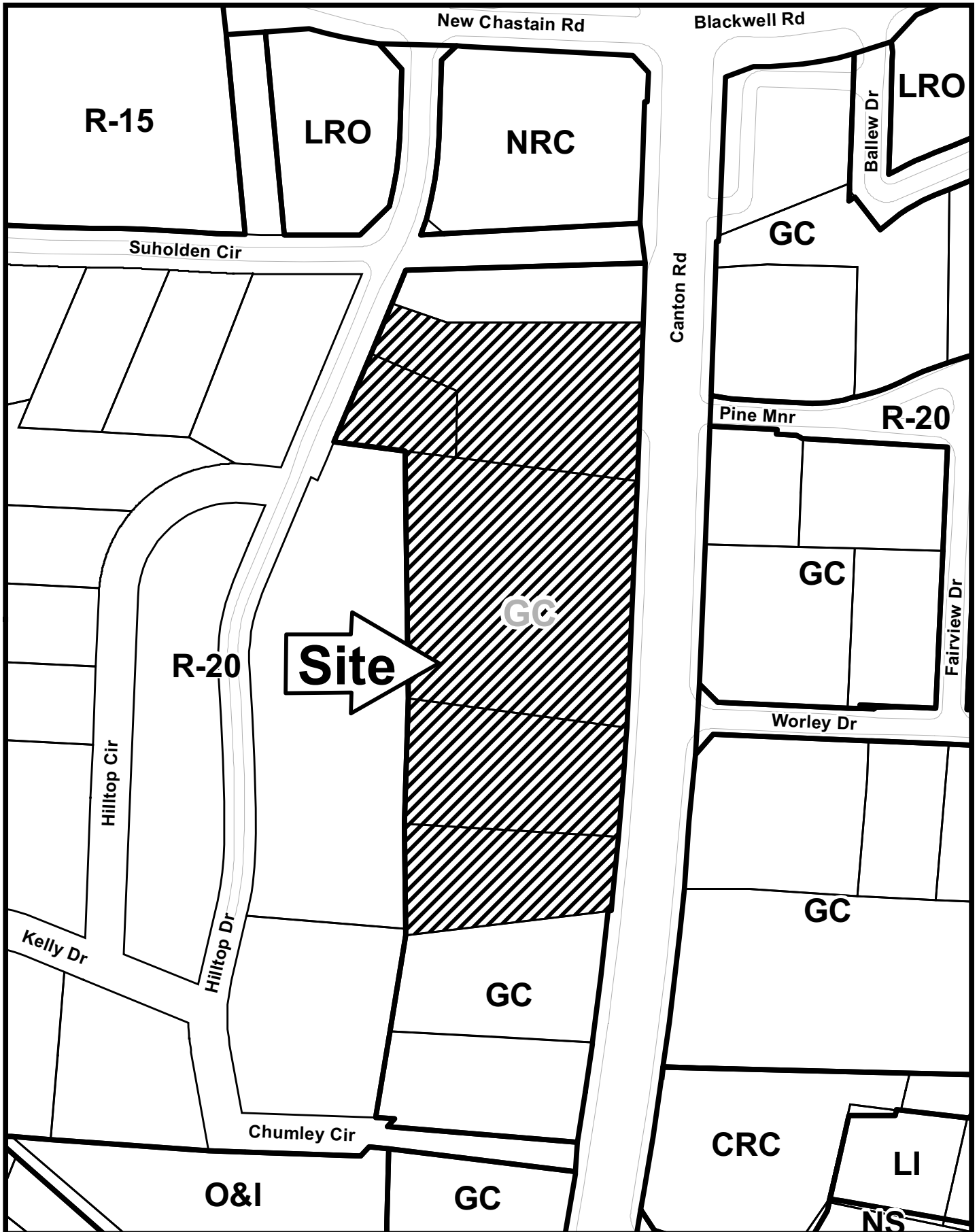
HISTORIC PRESERVATION: After examining Civil War trench maps, Cobb County historic property surveys, county maps, and various other resources, staff has no comments regarding the impact or treatment of historic and/or archaeological resources.

CEMETERY PRESERVATION: No comment.

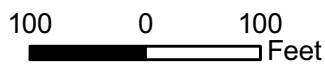
WATER: No conflict.

SEWER: No conflict.

V-28



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-28
Hearing Date: 4-8-09

Applicant Marietta Fish Market LLC Business Phone _____ Home Phone _____

Sams, Larkin + Huff LLP Address 376 Powder Spring St Marietta GA 30064
(representative's name, printed) (street, city, state and zip code)

Parks Huff Dr Tana Parks Business Phone 770-422-7016 Cell Phone _____
(representative's signature)

Signed before me this 18th day of Feb, 2009.
Signed, sealed and delivered in presence of:

My commission expires: 11-19-2011
 Brenda St Meader
Notary Public

Titleholder 3205 Tyson's Corner LLC My Commission Expires _____ Business Phone 770-423-9390 Home Phone _____

Signature Dr Tana Parks Address: 2136 Kingston Ct Marietta GA 30067
(attach additional signatures, if needed) (street, city, state and zip code)

My commission expires: 11-19-2011
Signed, sealed and delivered in presence of:
Brenda St Meader
Notary Public

Present Zoning of Property GC

Location 3185 + 3205 Canton Rd + Hilltop Dr Marietta, GA 30066
(street address, if applicable; nearest intersection, etc.)

Land Lot(s) 443 + 444 District 16 Size of Tract 4.12 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 4.12 Shape of Property Varies Topography of Property steep other than graded 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.

Additional parking for Marietta Fish Market is desperately needed for the huge unexpected customer count.

List type of variance requested: Replace the 40' undisturbed buffer with enhanced landscaping on a one to one slope. Allow parking in the 40 foot buffer. Allow temporary parking on gravel lot on tract A during construction only