



**APPLICANT:** Benning Construction Company      **PETITION NO.:** V-76  
**PHONE:** 404-792-1911      **DATE OF HEARING:** 10-14-09  
**REPRESENTATIVE:** Coart Johnson      **PRESENT ZONING:** GC  
**PHONE:** 404-792-1911      **LAND LOT(S):** 822  
**PROPERTY LOCATION:** Located on the north side      **DISTRICT:** 17  
of Atlanta Road, west of North Church Lane      **SIZE OF TRACT:** .796 acre  
(4695 Atlanta Road).      **COMMISSION DISTRICT:** 2  
**TYPE OF VARIANCE:** Waive the rear setback for tracts 1 and 2 from the required 30 feet to 10 feet.

**COMMENTS**

**TRAFFIC:** Recommend applicant verify that minimum intersection sight distance is available and if it is not, implement remedial measures, subject to the Department's approval, to achieve the minimum requirement of 500 feet.

**DEVELOPMENT & INSPECTIONS:** If this variance request is approved, a plat must be recorded reflecting the revised setback and referencing the variance case. Submit the plat after the building is complete (prior to the issuance of the Certificate of Occupancy) and show all improvements on the site. The surveyor must submit the plat to the Site Plan Review Section, Community Development Agency for review and approval prior to recording. For questions, call 770-528-2147.

**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:** There is no significant impact on the cemetery site listed in the Cobb County Cemetery Preservation Commission's Inventory Listing which is located in this or adjacent land lot.

**WATER:** No conflict.

**SEWER:** No conflict.

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

**BOARD OF APPEALS DECISION**

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

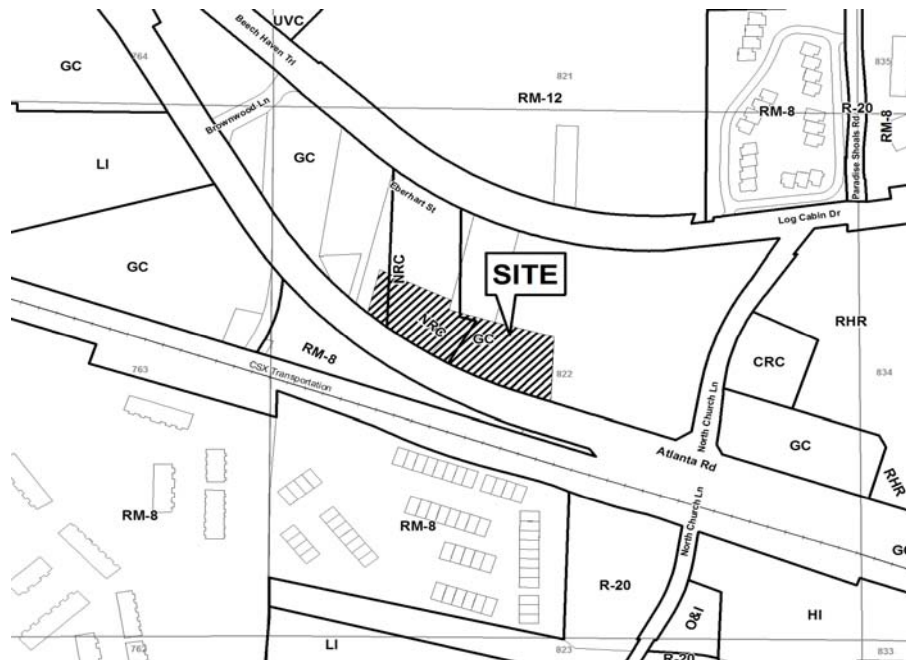
**REJECTED** \_\_\_\_\_ **SECONDED** \_\_\_\_\_

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

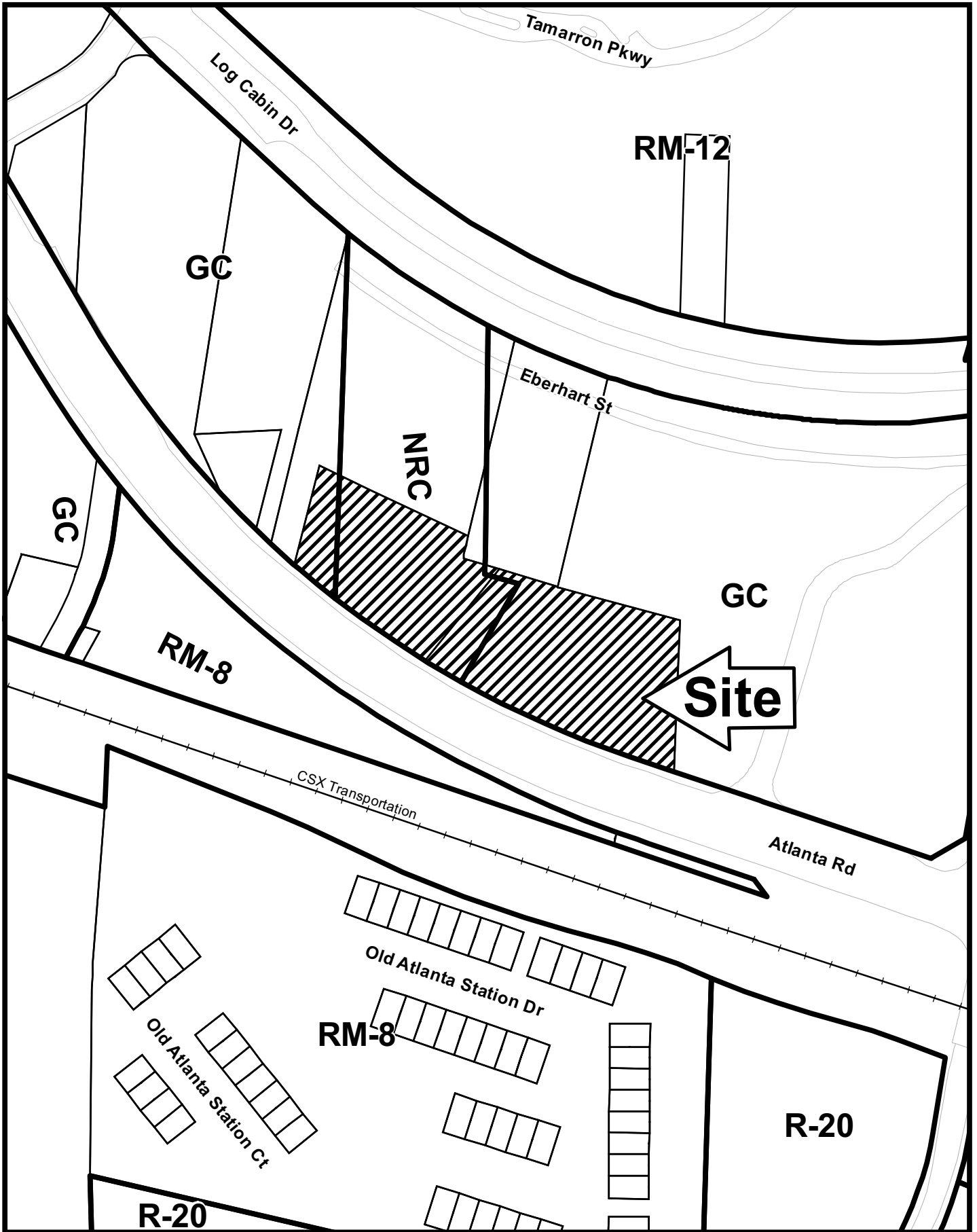
**STIPULATIONS:** \_\_\_\_\_

\_\_\_\_\_

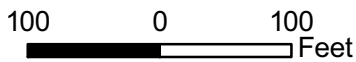
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# V-76



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-76

Hearing Date: 10-14-09

Applicant BENNING CONSTRUCTION CO. Business Phone 404-792-1911 Home Phone \_\_\_\_\_

GART JOHNSON Address 4695 SOUTH ATLANTA RD. SMYRNA, GA 30080  
(representative's name, printed) (street, city, state and zip code)

Gart Johnson Business Phone 404-792-1911 Cell Phone 678-898-8143  
(representative's signature)

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

Signed, sealed and delivered in presence of:

Kathleen Marie Spratt  
Notary Public

Titleholder BENNING CONSTRUCTION COMPANY Business Phone 404-792-1911 Home Phone \_\_\_\_\_

Signature M. T. BENNING, JR. Address 4695 SOUTH ATLANTA RD. SMYRNA, GA 30080  
(attach additional signatures, if needed) (street, city, state and zip code)

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

Signed, sealed and delivered in presence of:

Kathleen Marie Spratt  
Notary Public

Present Zoning of Property GC (GENERAL COMMERCIAL DISTRICT)

Location 4695 SOUTH ATLANTA RD. SMYRNA, GA. 30080  
(street address, if applicable; nearest intersection, etc.)

Land Lot(s) 822 District 17 Size of Tract 0.796 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.

DUE TO THE WIDENING OF S. ATLANTA RD, THE PROPERTY DEPTH BECAME SHALLOW. TO ALLOW FOR ADEQUATE PARKING FOR THIS FACILITY, WE ARE REQUESTING A VARIANCE TO ALLOW A 10' SETBACK AT THE REAR OF THE PROPERTY. THE ADJACENT PROPERTY OWNER IS THE NON-ACTIVE SIDE OF A KROGER SHOPPING CENTER.

List type of variance requested: REDUCE 30' REAR BUILDING SETBACK TO 10' TO ALLOW CONSTRUCTION OF PROPOSED BUILDINGS FOR TRACTS 1 AND 2