

V-85
(2009)

Platinum AUTO-SPA

General Notes

1. ALL DIMENSIONS ARE IN FEET AND DECIMALS THEREOF UNLESS OTHERWISE NOTED.

2. THE PROPERTY IS LOCATED AT THE CORNER OF JOHNSON FERRY ROAD AND EASTMINSTER S/D.

3. THE PROPERTY IS ZONED R-20.

4. THE PROPERTY IS CURRENTLY ZONED R-20.

5. THE PROPERTY IS CURRENTLY ZONED R-20.

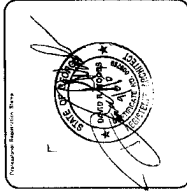
6. THE PROPERTY IS CURRENTLY ZONED R-20.

7. THE PROPERTY IS CURRENTLY ZONED R-20.

8. THE PROPERTY IS CURRENTLY ZONED R-20.

9. THE PROPERTY IS CURRENTLY ZONED R-20.

10. THE PROPERTY IS CURRENTLY ZONED R-20.

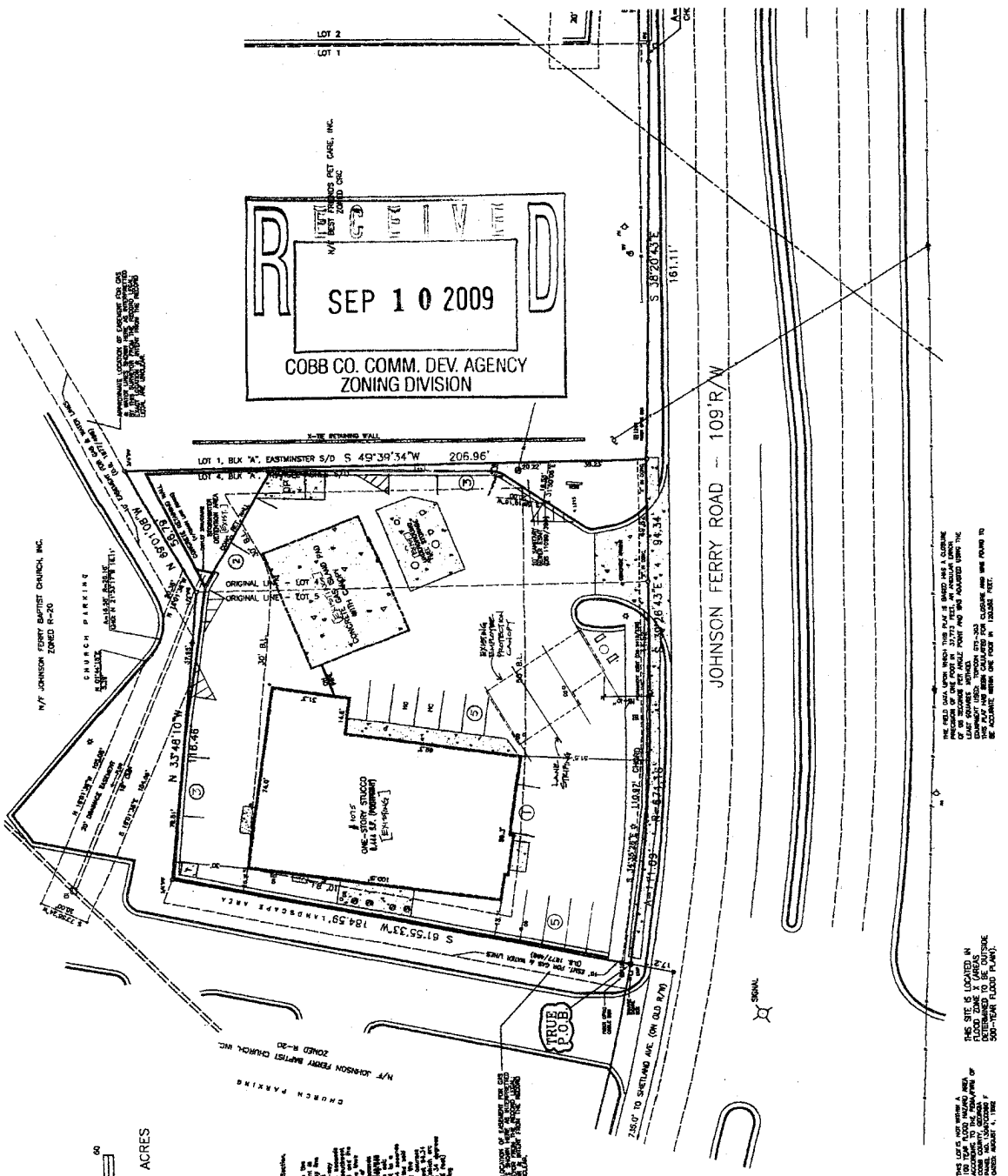


No.	Revisions/Issues	Date

DAVID R. WOODS, AIA
 186 RICH LAKE DRIVE
 SUWANEE, GA 30088
 (770) 882-7388

EXISTING ARCHITECTURAL SITE PLAN

Project	2007-012
Date	09-08-07
Issue	AS SHOWN
Scale	AS-1.0
Sheet	SIT# 81 OF 1



AREA = 34,547 S.F. OR 0.793 ACRES
 CURRENTLY ZONED CRC
 13 TOTAL PARKING SPACES SHOWN
 (INCLUDES 3 UNBUILT SPACES)

LOCAL DESCRIPTION

ALL DIMENSIONS ARE IN FEET AND DECIMALS THEREOF UNLESS OTHERWISE NOTED.

TO FIND THE CORNER POINT OF A CURVE, DRAW A LINE FROM THE POINT OF BEGINNING TO THE POINT OF TANGENCY, AND PERPENDICULAR TO THE TANGENT AT THE POINT OF TANGENCY, THE DISTANCE FROM THE POINT OF BEGINNING TO THE POINT OF TANGENCY IS THE RADIUS OF THE CURVE.

THE POINT OF BEGINNING IS THE POINT WHERE THE CURVE BEGINS TO DEVIATE FROM A STRAIGHT LINE.

THE POINT OF TANGENCY IS THE POINT WHERE THE CURVE ENDS AND MEETS A STRAIGHT LINE.

THE RADIUS OF THE CURVE IS THE DISTANCE FROM THE POINT OF BEGINNING TO THE POINT OF TANGENCY.

THE CHORD OF THE CURVE IS THE DISTANCE BETWEEN THE POINT OF BEGINNING AND THE POINT OF TANGENCY.

THE ARC OF THE CURVE IS THE DISTANCE ALONG THE CURVE BETWEEN THE POINT OF BEGINNING AND THE POINT OF TANGENCY.

THE ANGLE OF THE CURVE IS THE ANGLE BETWEEN THE TANGENTS AT THE POINTS OF BEGINNING AND TANGENCY.

THE DISTANCE FROM THE POINT OF BEGINNING TO THE POINT OF TANGENCY IS THE RADIUS OF THE CURVE.

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LEGEND

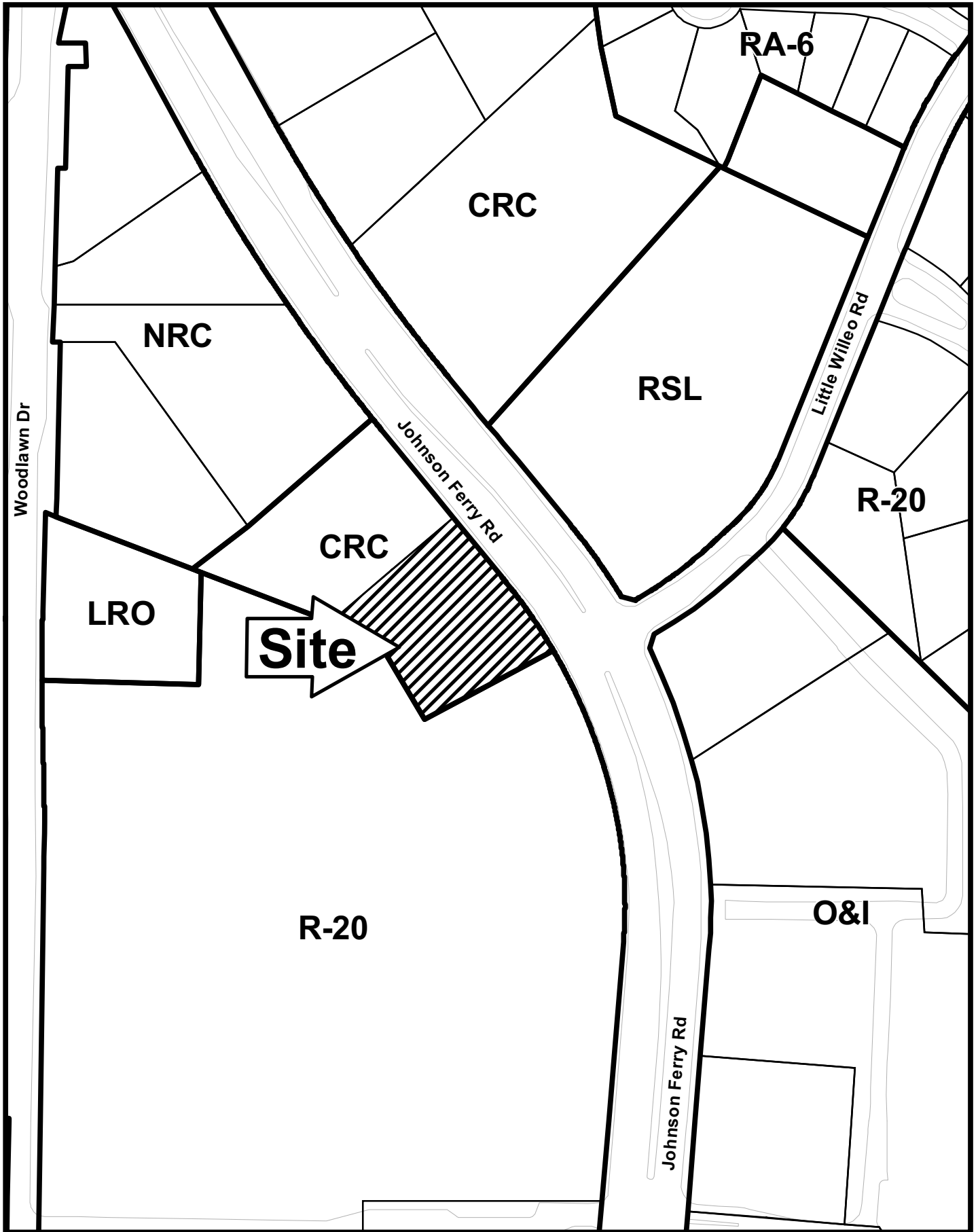
CONCRETE WORK FOUND	CONCRETE FOUND
IRON PIPE FOUND	IRON PIPE FOUND
NAIL & CAP SET	NAIL & CAP SET
FENCE LINE	FENCE LINE
POWER LINE OVERHEAD	POWER LINE OVERHEAD
UTILITY UNDERGROUND	UTILITY UNDERGROUND
UTILITY UNDERGROUND	UTILITY UNDERGROUND
CUT ANCHOR	CUT ANCHOR
STORM DRAIN	STORM DRAIN
WATER MAIN	WATER MAIN
WATER METER	WATER METER
WATER METER	WATER METER
TRANSFORMER	TRANSFORMER



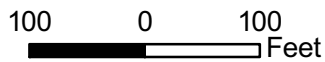
1 EXISTING ARCHITECTURAL SITE PLAN
 AS-1.0 1" = 20.00'

RELEASED FOR CONSTRUCTION

V-85



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-85

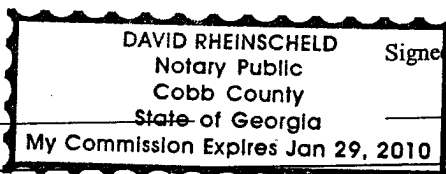
Hearing Date: 11-11-09

Applicant PLATINUM AUTO SPA, INC. Business Phone 678-560-6060 Home Phone (404)543-3550

ROBERT BURROWS, PRES. Address 1075 JOHNSON FERRY RD, MARIETTA, GA 30068
(representative's name, printed) (street, city, state and zip code)

Robert E Burrows Business Phone 678 5606060 Cell Phone 404 543 3550
(representative's signature)

My commission expires: 11/29/2010



Signed, sealed and delivered in presence of:

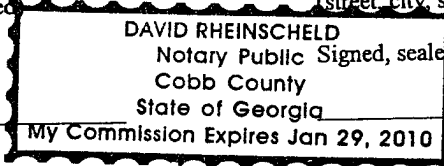
[Signature]

Notary Public

Titleholder KANBUR PROP. LLC Business Phone 678 5606060 Home Phone 404 543 3550

Signature Robert E Burrows Address: SAME AS ABOVE
(attach additional signatures, if needed) (street, city, state and zip code)

My commission expires: 11/29/2010



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

Notary Public

Present Zoning of Property CRC

Location 1075 JOHNSON FERRY RD, MARIETTA, GA 30068
(street address, if applicable; nearest intersection, etc.)

Land Lot(s) 67 District 1ST Size of Tract .793 Acre(s)

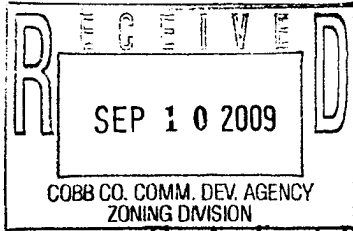
Please select the extraordinary and exceptional condition(s) to the piece of property in question. The condition(s) must be peculiar to the piece of property involved.

Size of Property .79 Shape of Property 5 SIDE Topography of Property LEVEL 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.

SEE ATTACHED

List type of variance requested: SEE ATTACHED
WAIVE THE FRONT SETBACK FROM
REQUIRED 50 FT TO 10 FT



**PLATINUM AUTO SPA
LETTER OF INTENT FOR VARIANCE**

The Applicant, Platinum Auto Spa, Inc. and Kanbur Properties, LLC (the "Applicant"), respectfully requests an extension of one year in which to come within compliance from the front yard setback requirements of the Community Retail Commercial ("CRC") zoning classification set forth in Article IV, Section 138-218 of the Cobb County Zoning Ordinance ("Zoning Ordinance") for approximately .793 acres located at 1075 Johnson Ferry Road in Land Lot 67 of the 1st District, 2nd Section, Cobb County, Georgia ("Subject Property"). The Applicant understands that there are projected changes to the Ordinance that may bring the Property into compliance within this time period. The Property is zoned to the CRC zoning classification. Platinum Auto Spa is currently conducting business as a full-service auto care facility. When the Applicant purchased the Property four years ago, it was an existing car wash facility in complete disrepair. The Applicant has successfully revived the Property, and as part of this process, inadvertently constructed a protective canopy for its workers within the fifty (50) foot front yard setback required in the CRC zoning district. Accordingly, the Applicant now respectfully requests a reduction in the front yard setback from fifty (50) feet to eighteen (18) feet to accommodate this canopy, which is used to protect employees from the elements while they are detailing automobiles.

The protective canopy allows the Applicant to be in compliance with Occupational Safety and Health Administration ("OSHA") guidelines for employees. Section 134-94 of the Zoning Ordinance authorizes the Board of Zoning Appeals to grant a variance request which is not "contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this chapter will, in an individual case, result in unnecessary hardship, so that the spirit of this chapter shall be observed, public safety and welfare secured, and substantial justice done." In this case, the grant of the variance request will allow the Applicant to continue to

protect the health and welfare of its employees, and as a result, the variance request is in the public interest.

Furthermore, the way the existing structures are situated on the Property causes a hardship to the Applicant such that there is no other place for a protective canopy to be placed on the Property. In other words, the flow of the vehicles through the existing tunnel would be completely impeded if the protective canopy were to be placed anywhere else on the Property. Additionally, the protective canopy cannot be placed anywhere else on the Property without interfering with the existing parking spaces. Accordingly, the Applicant respectfully requests approval of this variance request.

Additionally, the location of the canopy is on the south side of the only property access entrance and exit. As such the canopy does not interfere in any way with access to Johnson Ferry Road. Therefore in the spirit of driving safety it does not present an access hazard to the right-a-way, a primary reason for the setback. Accordingly, the Applicant respectfully requests approval of this variance request.

A denial of this variance request would be unconstitutional in that it would destroy the Applicant's property rights without first paying fair, adequate and just compensation for such rights, in violation of Article I, Section I, Paragraph I and Section III, Paragraph I of the Constitution of the State of Georgia of 1983, and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

Any interpretation or application of the Cobb County Zoning Ordinance that does not permit the requested variance as proposed by the Applicant is unconstitutional, illegal, null and void, constituting a taking of Applicant's Property in violation of the Just Compensation Clause of the Fifth Amendment to the Constitution of the United States, Article I, Section I, Paragraph I, and Section III, Paragraph I of the Constitution of the State of Georgia of 1983, and the Equal

Protection and Due Process Clauses of the Fourteenth Amendment to the Constitution of the United States denying the Applicant an economically viable use of its property while not substantially advancing legitimate state interests.

A denial of the foregoing variance request would also constitute an arbitrary and capricious act by the Cobb County Board of Zoning Appeals without any rational basis therefor constituting an abuse of discretion in violation of Article I, Section I, Paragraph I and Section III, Paragraph I of the Constitution of the State of Georgia of 1983, and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

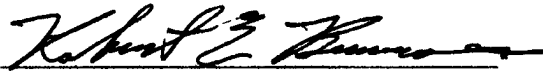
A refusal by the Cobb County Board of Zoning Appeals to grant the variance requested by the Applicant would also be unconstitutional and discriminate in an arbitrary, capricious and unreasonable manner between the Applicant and owners of the similarly situated property in violation of Article I, Section I, Paragraph II of the Constitution of the State of Georgia of 1983 and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States.

The provisions of the Cobb County Zoning Ordinance that delegate authority to the Cobb County Board of Zoning Appeals to hear matters such as the variances requested by the Applicant do not set forth sufficient standards for the Board of Zoning Appeals to follow and are an unconstitutional delegation of authority from the Board of Commissioners of Cobb County to the Cobb County Board of Appeals.

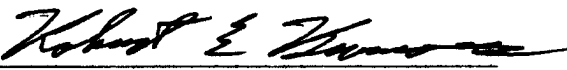
The Applicant's rights to due process, which are guaranteed by the state and federal constitutions, are denied by the procedures followed by the Cobb County Board of Appeals in that there are not sufficient rules and regulations governing the procedures of the Board, there is insufficient time allowed to present evidence to the Board and there is no right to discovery and cross examination of witnesses.

The Applicant, therefore, respectfully requests that the Cobb County Board of Zoning Appeals grant the variance as requested above.

Platinum Auto Spa, Inc.

By: 
Robert E. Burrows
President

Kanbur Properties, LLC.

By: 
Robert E. Burrows
Managing Member

1075 Johnson Ferry Road
Marietta, Georgia 30068
Telephone: (678) 560-6060
Facsimile: (678) 560-6009