



**APPLICANT:** Wendy's International, Inc.

**PETITION No.:** V-74

**PHONE:** n/a

**DATE OF HEARING:** 09-12-12

**REPRESENTATIVE:** Parks F. Huff, Esq.

**PRESENT ZONING:** GC

**PHONE:** 770-422-7016

**LAND LOT(S):** 1029

**TITLEHOLDER:** Wendy's International, Inc.

**DISTRICT:** 16

**PROPERTY LOCATION:** Between Roswell Road and Lecroy Drive, east of Barnes Mill Road (2238 Roswell Road).

**SIZE OF TRACT:** 0.68 acre

**COMMISSION DISTRICT:** 2

**TYPE OF VARIANCE:** 1) Waive the maximum impervious surface limit of 70% to allow 88.4%; and 2) waive the rear setback from the required 30 feet to 28 feet for existing building footprint.

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

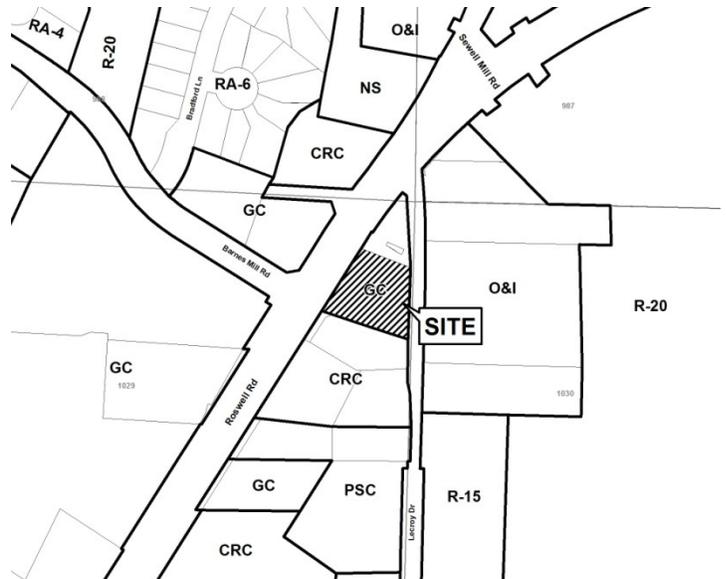
**BOARD OF APPEALS DECISION**

**APPROVED**        **MOTION BY**       

**REJECTED**        **SECONDED**       

**HELD**        **CARRIED**       

**STIPULATIONS:**         
        
      



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**COMMENTS**

**TRAFFIC:** This request will not have an adverse impact on the transportation network.

**DEVELOPMENT & INSPECTIONS:** No comment.

**SITE PLAN REVIEW:** If this variance request is approved, a subdivision plat revision must be recorded prior to the issuance of the certificate of occupancy showing all improvements on the lot and referencing the variance case in the standard plat revision note. The surveyor must submit the plat to the Site Plan Review Section, Community Development Agency for review and approval prior to recording. Call 770-528-2147.

**STORMWATER MANAGEMENT:** The existing on-site stormwater management facility was designed for the as-built conditions. No adverse stormwater management issues are anticipated from the minor entrance improvement proposed.

**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:** No comment.

**CEMETERY PRESERVATION:** No comment.

**WATER:** No conflict.

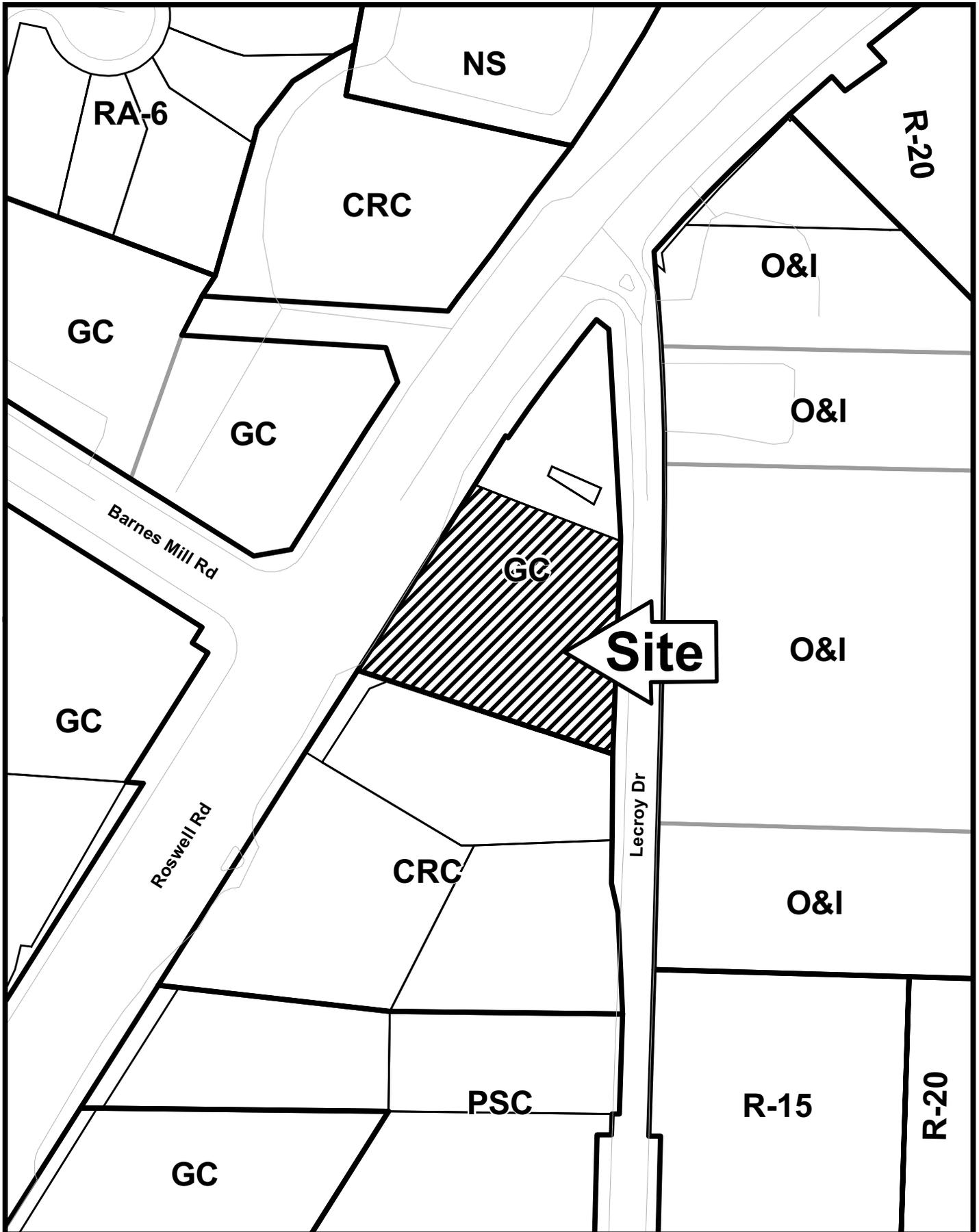
**SEWER:** No conflict.

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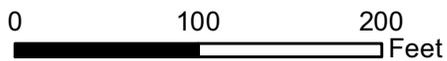
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**FIRE DEPARTMENT:** After analyzing the information presented for a Preliminary Review, the Cobb County Fire Marshal's Office is confident that all other items can be addressed during the Plan Review Stage.

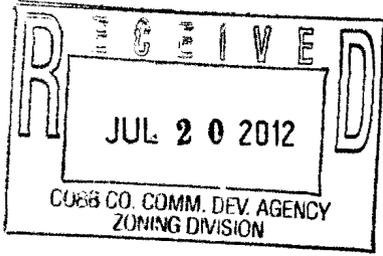
# V-74



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-74  
Hearing Date: 9/12/12

Applicant Wendy's International, Inc. Phone # \_\_\_\_\_ E-mail \_\_\_\_\_

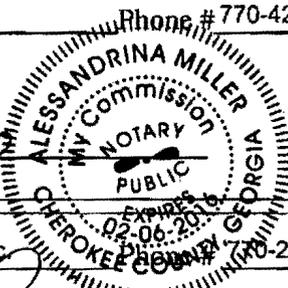
Parks F. Huff, Esq. Address 376 Powder Springs St., Ste. 100, Marietta, GA 30064  
(representative's name, printed) (street, city, state and zip code)

(representative's signature)

Phone # 770-422-7016

E-mail phuff@samslarkinbuff.com

My commission expires: 2/16/16



Signed, sealed and delivered in presence of:

[Signature]

Notary Public

Titleholder Wendy's International, Inc. Address: 1165 Sanctuary Parkway, Ste 300, Alpharetta, GA 30004  
E-mail bob.skinner@wendys.com

Signature [Signature] Address: \_\_\_\_\_  
(attach additional signatures, if needed) (street, city, state and zip code)



My commission expires: 5-31-2014

Signed, sealed and delivered in presence of:

Angela Renee Janham

Notary Public

Present Zoning of Property GC

Location 2238 Roswell Road @ LeCroy Drive  
(street address, if applicable; nearest intersection, etc.)

Land Lot(s) 1029 District 16 Size of Tract .68 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 \_\_\_\_\_ 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.

The subject property is an existing Wendy's Restaurant. The existing impervious coverage is 88.1%. The parking lot circulation does not work, and to fix the problem, the entrance and the exit need to be separated. The existing impervious coverage is high, because many right of way acquisitions over the years has greatly reduced the pervious areas.

List type of variance requested: Cobb County Code Section 134-227 (13)) which requires a maximum 70% impervious coverage needs to be varied to 88.4%.