



**APPLICANT:** Pollo Tropical

**PETITION No.:** V-89

**PHONE:** 305-671-1203

**DATE OF HEARING:** 10-01-2014

**REPRESENTATIVE:** Garvis L. Sams, Jr.

**PRESENT ZONING:** GC

**PHONE:** 770-422-7016

**LAND LOT(S):** 85

**TITLEHOLDER:** Sun Life Assurance Company of Canada

**DISTRICT:** 1

**PROPERTY LOCATION:** On the east side of Johnson Ferry Road, south of Lower Roswell Road (680 Johnson Ferry Road).

**SIZE OF TRACT:** 0.46 acre

**COMMISSION DISTRICT:** 2

**TYPE OF VARIANCE:** 1) Waive the landscape enhancement strip adjacent to a public street from the required 8 feet to 2 feet along Johnson Ferry Road; and 2) increase the maximum allowable impervious surface from 70% to 86%.

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

**BOARD OF APPEALS DECISION**

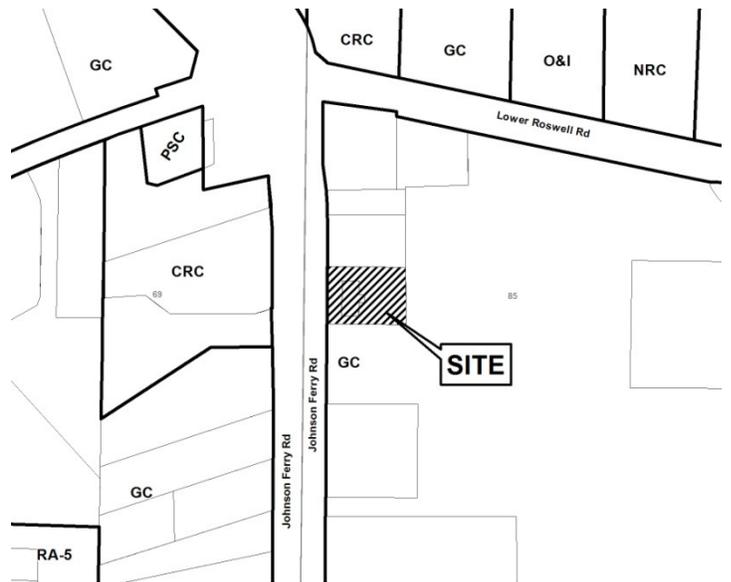
APPROVED \_\_\_\_\_ MOTION BY \_\_\_\_\_

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:** No comment.

**STORMWATER MANAGEMENT:** The proposed plan will result in a reduction in impervious coverage over existing conditions.

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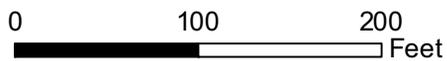
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**FIRE DEPARTMENT:** After analyzing the information presented for a Preliminary Review, the Cobb County Fire Marshal's Office is confident that all other items can be addressed during the Plan Review Stage.

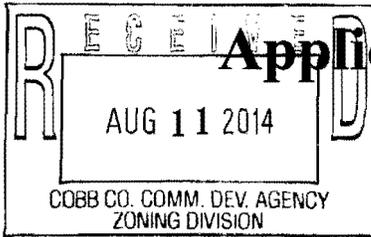
# V-89



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- 89  
Hearing Date: October 1, 2014

Applicant Pollo Tropical Phone # (305) 671-1203 E-mail grozansky@pollotropical.com  
Garvis L. Sams, Jr.

Sams, Larkin, Huff & Balli Address 376 Powder Springs Street, Suite 100, Marietta, GA 30064  
(representative's name, printed) (street, city, state and zip code)

[Signature]  
(representative's signature)

Phone # (770) 422-7016 E-mail gsams@slhb-law.com

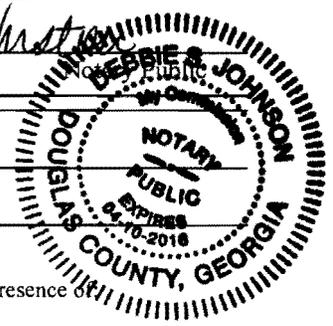
My commission expires: April 10, 2016

Signed, sealed and delivered in presence of:

[Signature]

Titleholder Sun Life Assurance Company of Canada Phone # \_\_\_\_\_ E-mail \_\_\_\_\_

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



Signed, sealed and delivered in presence of \_\_\_\_\_

My commission expires: \_\_\_\_\_ Notary Public

Present Zoning of Property General Commercial (GC)

Location East side of Johnson Ferry Road south of Lower Roswell Road (680 Johnson Ferry Road)  
(street address, if applicable; nearest intersection, etc.)

Land Lot(s) 85 District 1st Size of Tract 0.458 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 (If applying for Backyard Chickens pursuant to Sec.134-94(4), then leave this part blank).

A literal interpretation and/or enforcement of Cobb County Zoning provisions creates a hardship as a result of the imposition of the requirement of the installation of a mandatory landscaped strip along the subject property's frontage on Johnson Ferry Road.

Additionally, with the site having existing maximum impervious surface at 90%, the proposed development will reduce that to 86% but still require a variance with the maximum allowable percentage within a Community Activity Center (CAC) being 70%.

Originally, Johnson Ferry was two lanes when the shopping center was built; however, now Johnson Ferry Road is six lanes with Cobb County having expanded the right-of-way on two separate occasions thus creating an additional hardship.

List type of variance requested: \_\_\_\_\_

A waiver of the Cobb County Zoning Ordinance requirement which mandates the installation of a landscaped strip along the subject property's road frontage from eight feet (8') to two feet (2'). Also, a waiver of the interior landscape buffer from eight feet (8') to five feet (5') and a waiver of impervious surface from 70% to 86% (present impervious surface is 90% of the site).