

APPLICANT: CB Enterprises

PETITION No.: V-110

PHONE: 770-992-2277

DATE OF HEARING: 10-11-2017

REPRESENTATIVE: J. Kevin Moore

PRESENT ZONING: NRC

PHONE: 770-429-1499

LAND LOT(S): 538, 539

TITLEHOLDER: CB Enterprises

DISTRICT: 16

PROPERTY LOCATION: On the east side of Johnson Ferry Road, south of Lassiter Road (2880 Johnson Ferry Road).

SIZE OF TRACT: 0.74 acres

COMMISSION DISTRICT: 2

TYPE OF VARIANCE: 1) Waive the side setback from the required 15 feet to 11 feet adjacent to the northern property line; and 2) waive the landscaped screening buffer adjacent to residentially zoned property from the required 20 feet to zero feet adjacent to the southern property line.

OPPOSITION: No. OPPOSED PETITION No. SPOKESMAN

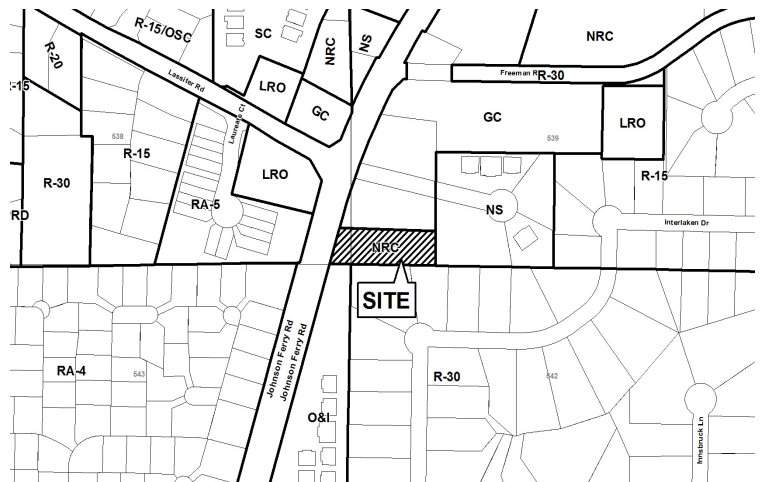
BOARD OF APPEALS DECISION

APPROVED **MOTION BY**

REJECTED **SECONDED**

HELD **CARRIED**

STIPULATIONS:



APPLICANT: CB Enterprises **PETITION No.:** V-110

COMMENTS

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

DEVELOPMENT & INSPECTIONS: No comments.

SITE PLAN REVIEW: No comments.

STORMWATER MANAGEMENT: No comments.

HISTORIC PRESERVATION: No comments.

DESIGN GUIDELINES: No comments.

CEMETERY PRESERVATION: No comments.

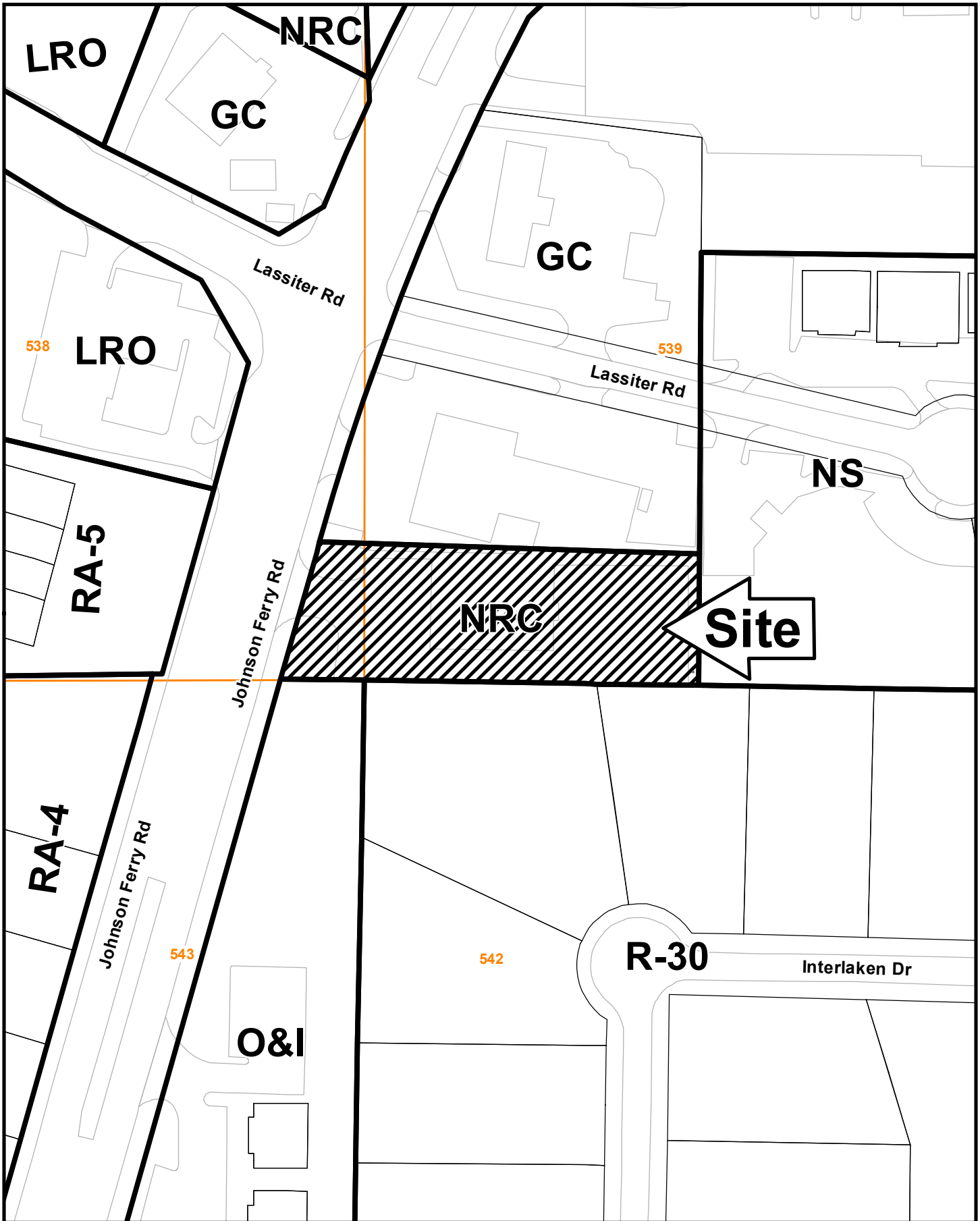
WATER: No conflict.

SEWER: No conflict.

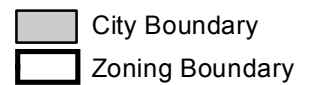
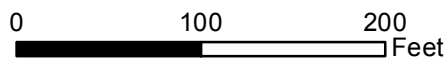
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FIRE DEPARTMENT: No comments.

V-110 2017-GIS



This map is provided for display and planning purposes only. It is not meant to be a legal description.



Application for Variance Cobb County



Application No. V-110 (2017)
Hearing Date: 10/11/2017

Applicant CB Enterprises, A Georgia General Partnership Phone # (770) 992-2277 E-mail bladenw@bellsouth.net
Moore Ingram Johnson & Steele, LLP Address Emerson Overlook, Suite 100, 326 Roswell Street
J. Kevin Moore Address Marietta, GA 30060
(representative's name, printed) (street, city, state and zip code)

BY: [Signature] Phone # (770) 429-1499 E-mail jkm@mijs.com
(representative's signature) Georgia Bar No. 519728



My commission expires: January 10, 2019

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

Titleholder CB Enterprises, A Georgia General Partnership Phone # (770) 992-2277 E-mail bladenw@bellsouth.net

Signature See Attached Exhibit "A" Address: Suite 385, 3775 Roswell Road, Marietta, GA 30062
(attach additional signatures, if needed) (street, city, state and zip code)

Signed, sealed and delivered in presence of:

Notary Public

My commission expires: _____

Present Zoning of Property NRC

Location 2880 Johnson Ferry Road
(street address, if applicable; nearest intersection, etc.)

Land Lot(s) 538, 539 District 16th Size of Tract 0.7434 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

Does the property or this request need a second electrical meter? YES _____ NO

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 Exhibit "B" attached hereto and incorporated herein by reference.

List type of variance requested: Waiver of required fifteen (15) foot side setback to eleven (11) feet on the northerly boundary. (See Sec. 134-213(4)(d).

V-110
(2017)
Exhibit

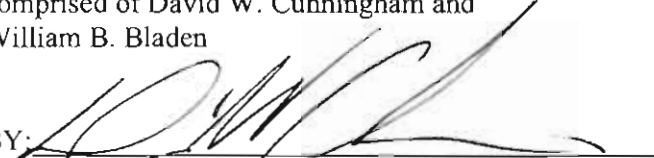
EXHIBIT "A" - ATTACHMENT TO APPLICATION FOR VARIANCE



Application No.: V- 110 (2017)
Hearing Date: October 11, 2017

Applicant/Titleholder: CB Enterprises, a Georgia General Partnership

CB ENTERPRISES, a Georgia General Partnership
comprised of David W. Cunningham and
William B. Bladen


BY: 
David W. Cunningham, General Partner

BY: 
William B. Bladen, General Partner

Address: Suite 385, 3775 Roswell Road
Marietta, Georgia 30062

Telephone No.: (770) 992-2277

Signed, sealed, and delivered in the
presence of:


Notary Public
Commission Expires: 01-10-2019

(Notary Seal)



V-110
(2017)
Exhibit

EXHIBIT "B" - ATTACHMENT TO APPLICATION FOR VARIANCE

Application No.: V- 110 (2017)
Hearing Date: October 11, 2017



BEFORE THE COBB COUNTY BOARD OF ZONING APPEALS

Applicant/Titleholder: CB Enterprises, a Georgia General Partnership

Please state what hardship would be created by following the normal terms of the ordinance:

The property which is the subject of this Application for Variance is located on the easterly side of Johnson Ferry Road, southeasterly of the intersection of Johnson Ferry Road and Lassiter Road, being more particularly known as 2880 Johnson Ferry Road, in Land Lots 538 and 539, 17th District, 2nd Section, Cobb County, Georgia (hereinafter "Property" or "Subject Property"). In July 1996, the Property's previous owner sought and obtained rezoning of the Property to the current Neighborhood Retail Commercial ("NRC") zoning category (Z-92 (1996)). The office building which is currently on the Property existed at the time of the 1996 rezoning. The building was in compliance with the side setback under the prior zoning category; however, under the current NRC category, the structure encroaches into the side setback on the northerly boundary of the Property.

Applicant seeks a waiver of the required minimum side setback on the northerly side of the Subject Property from the required fifteen (15) feet to eleven (11) feet to allow for the Property to become compliant with the existing NRC zoning classification. The requested variance is not substantial and would allow an otherwise reasonable and existing use of the Subject Property; especially, given that adjoining and surrounding properties are zoned and used for commercial purposes.