

APPLICANT: Hillcrest Partners Corporation **PETITION NO.:** V-41
PHONE: 214-599-0633 **DATE OF HEARING:** 05-13-09
REPRESENTATIVE: Steve Shellenberger **PRESENT ZONING:** GC
PHONE: 214-599-0633 **LAND LOT(S):** 55
PROPERTY LOCATION: Located on the north side of **DISTRICT:** 20
George Busbee Parkway, east of Wade Green Road **SIZE OF TRACT:** 19 acres
(4200 Wade Green Road). **COMMISSION DISTRICT:** 3

TYPE OF VARIANCE: 1) Waive the side setback adjacent to the northern property line on tract 1 from the required 10 feet to zero feet; and 2) waive the side setback adjacent to the southern property line on tract 2 from the required 10 feet to zero feet.

COMMENTS

TRAFFIC: This request will not have an adverse impact on traffic.

DEVELOPMENT & INSPECTIONS: A 3-hour firewall is required between tract 1 and tract 2. If this variance request is approved, a plat must be recorded reflecting the revised setbacks and the current lot configuration. 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 comment.

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: Tract 1 has private sub meters from tract 2 waterline. Tract 2 has Cobb County Water System master meter on Wade Green Road right-of-way. One of two options must be satisfied before lot split plat approval: 1) An agreement must be recorded against property committing owner of tract 2 to supply water (and fire protection) in perpetuity to tract 1 in all events and all conditions; wording to be approved by Cobb County Water System, or 2) Tract 1 must disconnect from tract 2 water and purchase own meters from Cobb County Water System to be installed at Busbee Parkway right-of-way.

SEWER: Available to both tracts. Copy of private offsite sewer easement for tract 2 must be submitted to Cobb County Water System before lot split plat approval.

OPPOSITION: NO. OPPOSED PETITION NO. SPOKESMAN

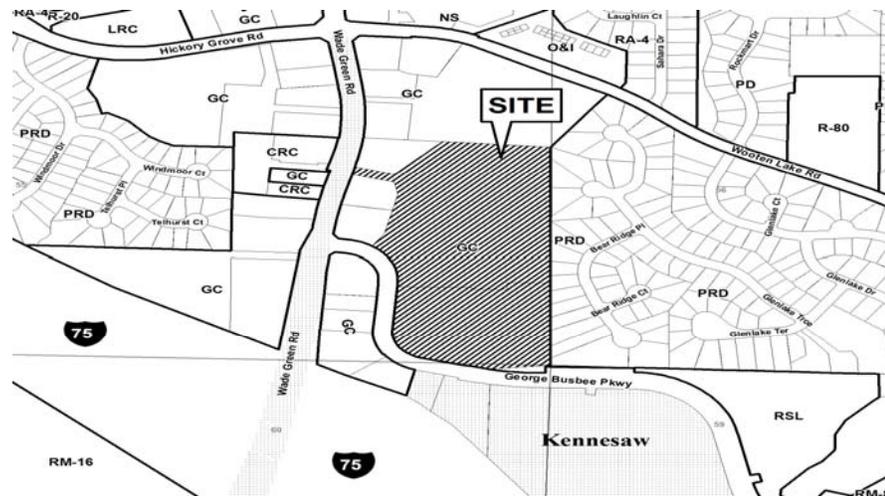
BOARD OF APPEALS DECISION

APPROVED _____ **MOTION BY** _____

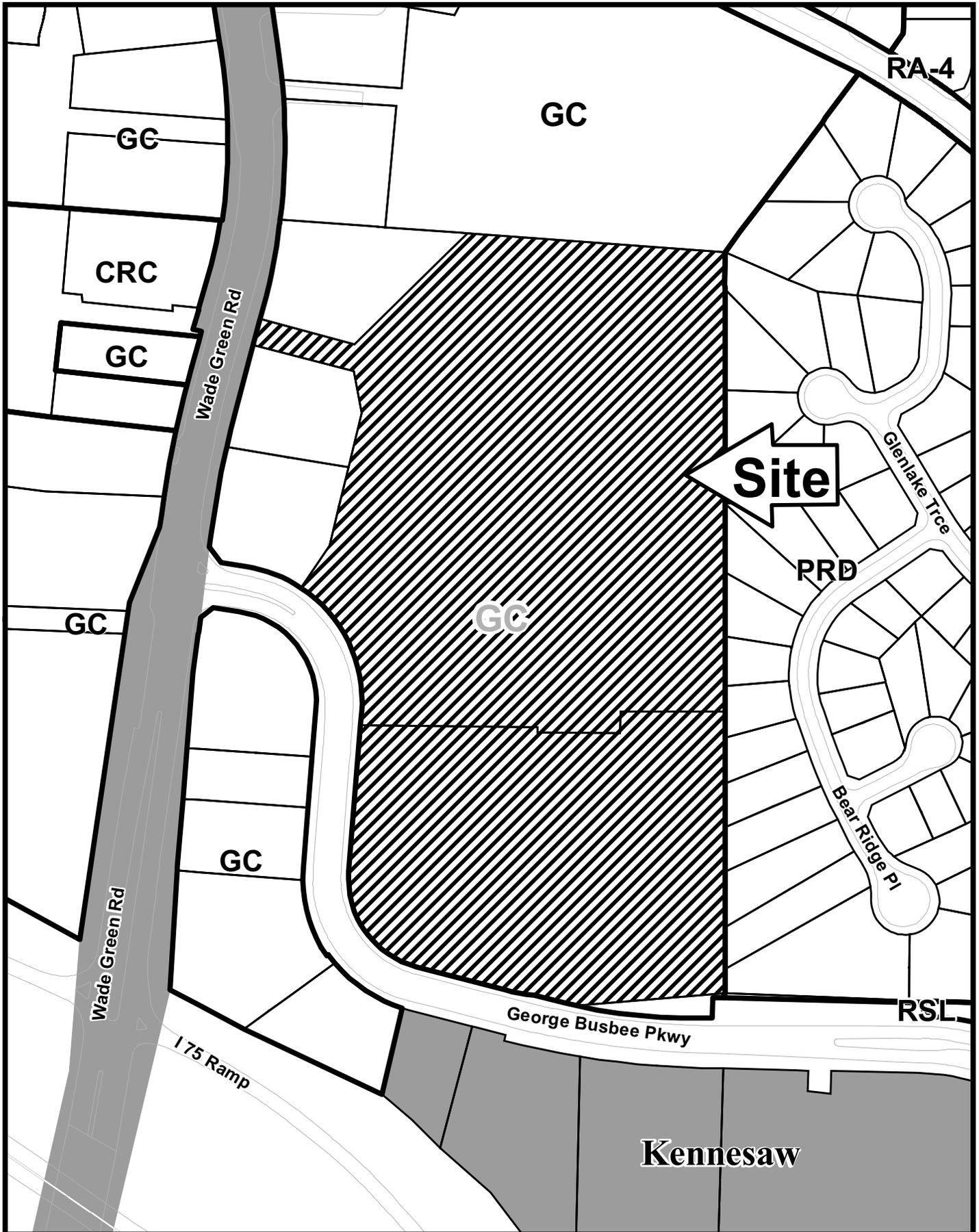
REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

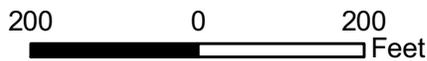
STIPULATIONS: _____



V-41



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)

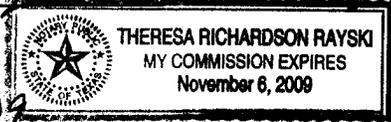
Application No. V-41

Hearing Date: 5-13-09

Applicant Hillcrest Partners Corp. Business Phone (214) 599-0633 Home Phone —

Mr. Steve Shellenberger Address 7557 Rambler Rd. Ste 905 Dallas TX
(representative's name, printed) (street, city, state and zip code) 75231

Steve Shellenberger Business Phone (214) 599-0633 Cell Phone —
(representative's signature)



Signed, sealed and delivered in presence of:

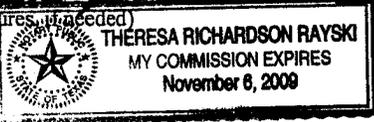
Theresa Rayski

Notary Public

My commission expires: 11-6-09

Titleholder HPC Wade Green LLC Business Phone (214) 599-0633 Home Phone —

Signature Steve Shellenberger Address: 7557 Rambler Rd. Ste 905 Dallas TX
(attach additional signatures, if needed) (street, city, state and zip code) 75231



Signed, sealed and delivered in presence of:

Theresa Rayski

Notary Public

My commission expires: 11-6-09

Present Zoning of Property GL

Location 4200 Wade Green Rd.
(street address, if applicable; nearest intersection, etc.)

Land Lot(s) 055 District 20 Size of Tract 19.00 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.

The owner must divide this commercial property with existing commercial buildings, for property management purposes.
Cobb GIS maps/tax maps currently show this tract as two tax parcels.

List type of variance requested: 1) waive the side setback adjacent to the north property line from required ten (10) feet to zero (0) feet for Tract 1. 2) waive the side setback adjacent to the south property line from required ten (10) feet to zero (0) feet for Tract 2.