



**APPLICATION FOR VARIANCE
TO THE CITY OF SMYRNA**

Type or Print Clearly

(To be completed by City)

Ward: 7

Application Number: V21-082-084
Mayor and Council Date: 8/11/21

APPLICANT: Integrity Engineering & Development

Representative's Name (print): Waylon Hoge

Address: 3615 Braselton Highway, Suite 201, Dacula, GA 30019

Business Phone: 678-546-0446 Cell Phone: 770-601-6879 Home Phone: _____

E-Mail Address: waylon@integrityeng.net

Signature of Representative: Vivian Valdivia

DocuSigned by:
EF9745FCA7E744F...

TITLEHOLDER: McDonald's USA, LLC, By: Vivian Valdivia, Regional Development Director

Address: One Glenlake Parkway, Suite 500, Atlanta, GA 30328

Business Phone: 678-357-5698 Cell Phone: 678-357-5698 Home Phone: _____

Signature: Vivian Valdivia

DocuSigned by:
EF9745FCA7E744F...

VARIANCE:

Present Zoning: G-C Type of Variance: 1. Parking reduction, 2. Removal of street trees along the road due to existing retaining wall, 3. Front and side landscape strip encroachment along South Cobb Drive and along Oak Drive.

Explain Intended Use: Intended use is a McDonald's Restaurant

Location: 5150 South Cobb Drive, Smyrna, GA 30080

Land Lot(s): 753 District: 17th Size of Tract: 1.33 Acres _____

(To be completed by City)

Received: 7/22/21

Legal Ad Posted: _____

Signs Posted: _____

Approved/Denied: _____

CONTIGUOUS ZONING

North: GC - General Commercial

East: TS - Tourist Services

South: GC - General Commercial

West: GC - General Commercial

NOTIFICATION OF CONTIGUOUS OCCUPANTS OR LANDOWNERS

By signature, it is hereby acknowledged that I have been notified that McDonald's

Intends to make an application for a variance for the purpose of Re-building a new McDonald's restaurant

on the premises described in the application.

NAME	ADDRESS
Maruit Inc	<u>5130 South Cobb Drive Smyrna, GA 30080</u>
RI CK2 LLC	<u>5140 South Cobb Drive Smyrna, GA 30080</u>
OWC LTD	<u>5191 South Cobb Drive Smyrna, GA 30081</u>
Sijac Food Groups Holding	<u>5201 South Cobb Drive Smyrna, GA 30081</u>
Paladins Partners	<u>5220 South Cobb Drive Smyrna, GA 30081</u>
Westhill Townhomes	<u>2301 Oakton Place Smyrna, GA 30081</u>
FcWH Acquisitions, LLC C/O Homeside Properties	<u>2555 Westside Parkway Suite 600 Alpharetta GA , 30004</u>

Please have adjacent property owners sign this form to acknowledge they are aware of your variance request. You may also provide certified mail receipts of notification letters sent to adjacent properties. Notification letters shall include a description of the requested variance, the License and Variance Board Meeting date and time, and a copy of the completed variance application. Adjacent and adjoining properties include any property abutting the subject property as well as any properties directly across a street.



DACULA
470 DACULA RD
DACULA, GA 30019-9998
(800)275-8777

07/21/2021 03:47 PM

Product	Qty	Unit	Price
Hold Mail Pkup	1		\$0.00
First-Class Mail® Package	1		\$4.00
Smyrna, GA 30080 Weight: 0 lb 1.30 oz Estimated Delivery Date Sat 07/24/2021 Tracking #: 9500 1117 6361 1202 8429 28			
First-Class Mail® Package	1		\$4.00
Smyrna, GA 30080 Weight: 0 lb 1.30 oz Estimated Delivery Date Sat 07/24/2021 Tracking #: 9500 1117 6361 1202 8429 35			
First-Class Mail® Package	1		\$4.00
Smyrna, GA 30080 Weight: 0 lb 1.30 oz Estimated Delivery Date Sat 07/24/2021 Tracking #: 9500 1117 6361 1202 8429 42			
First-Class Mail® Package	1		\$4.00
Smyrna, GA 30080 Weight: 0 lb 1.40 oz Estimated Delivery Date Sat 07/24/2021 Tracking #: 9500 1117 6361 1202 8429 59			
First-Class Mail® Package	1		\$4.00
Smyrna, GA 30080 Weight: 0 lb 1.30 oz Estimated Delivery Date Sat 07/24/2021 Tracking #: 9500 1117 6361 1202 8429 66			
First-Class Mail® Package	1		\$4.00
Alpharetta, GA 30004 Weight: 0 lb 1.30 oz Estimated Delivery Date Sat 07/24/2021 Tracking #: 9500 1117 6361 1202 8429 73			
First-Class Mail® Package	1		\$4.00
Smyrna, GA 30082 Weight: 0 lb 1.40 oz Estimated Delivery Date Sat 07/24/2021 Tracking #: 9500 1117 6361 1202 8429 80			

USPS is experiencing unprecedented volume
increases and limited employee
availability due to the impacts of
COVID-19. We appreciate your patience.

Text your tracking number to 28777 (2USPS)
to get the latest status. Standard Message
and Data rates may apply. You may also
visit www.usps.com USPS Tracking or call
1-800-222-1811.

In a hurry? Self-service kiosks offer
quick and easy check-out. Any Retail
Associate can show you how.

Preview your Mail
Track your Packages
Sign up for FREE!
<https://informeddelivery.usps.com>

All sales final on stamps and postage.
Refunds for guaranteed services only.
Thank you for your business.

Tell us about your experience.
Go to: <https://postalexperience.com/Pos>
or scan this code with your mobile device.



or call 1-800-410-7420.

UFN: 122277-0224
Receipt #: 840-53000101-1 6345412-1
Clerk: 11

Grand Total:	\$28.00
Credit Card Remitted	\$28.00
Card Name: VISA	
Account #: XXXXXXXXX0037	
Approval #: 54507G	
Transaction #: 041	
AID: A0000000031010	Chip
AL: VISA CREDIT	
PIN: Not Required	

[Track Another Package +](#)

Tracking Number: 9500111763611202842928

[Remove X](#)

Expected Delivery by

SATURDAY

24 JULY
2021 ⓘ 9:00pm ⓘ

USPS Tracking Plus™ Available ↗

Departed Post Office

July 21, 2021 at 5:10 pm
DACAULA, GA 30019

Change Delivery Instructions ↗

Text & Email Updates ↗



Feedback

Delivery Instructions >

Tracking History >

USPS Tracking Plus™ >

Product Information >

See Less ^

Feedback

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Tracking Number: 9500111763611202842935

Expected Delivery by

SATURDAY

24 JULY
2021 ⓘ 9:00pm ⓘ

USPS Tracking Plus™ Available >

Departed Post Office

July 21, 2021 at 5:10 pm
DACAULA, GA 30019

Change Delivery Instructions ▾

Text & Email Updates ▾

Delivery Instructions ▾

Tracking History ▾

USPS Tracking Plus™ ▾

Product Information ▾

Feedback

See Less ^

Tracking Number: 9500111763611202842942

Expected Delivery by

SATURDAY

24 JULY 2021 ⓘ 9:00pm ⓘ

USPS Tracking Plus™ Available ▾

Remove X

Departed Post Office

July 21, 2021 at 5:10 pm
Dacula, GA 30019

[Change Delivery Instructions](#) >

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Tracking Number: 9500111763611202842959

Expected Delivery by

SATURDAY

24 JULY
2021 ⓘ by
9:00pm ⓘ
USPS Tracking Plus™ Available >

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July 21, 2021 at 5:10 pm
Dacula, GA 30019

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Tracking Number: 9500111763611202842966

Expected Delivery by

SATURDAY

24 by
JULY
2021 ⓘ 9:00pm ⓘ

USPS Tracking Plus™ Available ↗

Departed Post Office

July 21, 2021 at 5:10 pm
Dacula, GA 30019

Change Delivery Instructions ↗

See More ↗

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Tracking Number: 9500111763611202842973

Expected Delivery by

SATURDAY

24 by
JULY
2021 ⓘ 9:00pm ⓘ

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USPS Tracking Plus™ Available ∨

Departed Post Office

July 21, 2021 at 5:10 pm
DACAULA, GA 30019

Change Delivery Instructions ∨

See More ∨

Tracking Number: 9500111763611202842980

Expected Delivery by

SATURDAY

24 JULY
2021 *ⓘ* 9:00pm *ⓘ*

USPS Tracking Plus™ Available ∨

Departed Post Office

July 21, 2021 at 5:10 pm
DACAULA, GA 30019

Change Delivery Instructions ∨

See More ∨

Feedback
Remove 

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Go to our FAQs section to find answers to your tracking questions.

FAQs

ZONING ORDINANCE

SECTION 1403 VARIANCE REVIEW STANDARDS

In rendering its decisions, the Mayor and City Council shall consider the following factors:

1. Whether there are extraordinary and exceptional conditions applying to the property in question, or to the intended use of the property, that do not apply generally to other properties in the same district.
2. Whether any alleged hardship which is self-created by any person having an interest in the property or is not the result of mere disregard for or ignorance of the provisions from which relief is sought.
3. Whether strict application of the relevant provisions of the zoning code would deprive the applicant of reasonable use of the property for which the variance is sought.
4. Whether the variance proposed is the minimum variance which makes possible the reasonable use of the property.

Please include your narrative here, or you may submit a typed narrative as a supplement to this application.

COMPREHENSIVE NARRATIVE

The applicant is proposing to demolish the existing restaurant and redevelop the subject property on the corner of South Cobb Drive and Oak Drive with a 4,600 square foot free standing McDonald's restaurant.

McDonald's currently owns the property and has an existing restaurant at the location which is still in operation.

Since the restaurant was built, the county has introduced the South Cobb Drive Urban Design Guidelines, resulting in changes to development guidelines along the South Cobb Drive corridor. The subject property is 1.33 acres, zoned General Commercial (GC), and is subject to the South Cobb Drive Urban Design Guidelines.



July 21, 2021

Re: Variance Application for McDonald's
5150 South Cobb Drive Smyrna, GA 30080

To Whom It May Concern:

The purpose of this letter is to notify adjacent property owners that McDonald's USA, LLC has applied for variances on the subject site to rebuild the McDonald's restaurant at this location.

The variances requested are as following:

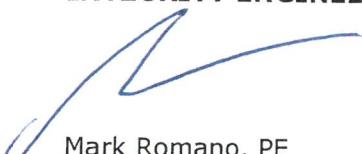
- Parking count reduction from 61 to 40 spaces.
- Removal of street trees along South Cobb Drive due to the existing retaining wall.
- Front and side landscape strip encroachment along South Cobb Drive and along Oak Drive for the existing retaining wall.

The variance hearing is scheduled for August 11th, 2021 @ 10:00 AM at City Hall. The meeting will be held by the License and Variance Board located at 2800 King Street, Smyrna, GA 30080.

Enclosed please find a copy of the variance application for your information. Please contact the City of Smyrna Office of Community Development (678-631-5360) if you have any questions or if you need any additional information.

Sincerely,

INTEGRITY ENGINEERING & DEVELOPMENT SERVICES, INC.

A handwritten signature in blue ink, appearing to read "Mark Romano".

Mark Romano, PE
Project Manager



July 16, 2021

Ms. Caitlin Crowe
Office of Community Development
City of Smyrna
3180 Atlanta Rd
Smyrna, GA 30080
ccrowe@smyrnaga.gov

Re: Variance Application for McDonald's Rebuild
5150 South Cobb Drive, Smyrna, GA 30080

Dear Ms. Crowe:

Our firm represents McDonald's concerning the subject Application for Variance. The subject property is currently a combination BP Gas station and McDonald's restaurant that is proposed to be re-developed as a new standalone McDonald's restaurant. The site is 1.33 acres in size.

As part of this application, the following variances are being requested:

- 1. Parking count reduction from 61 to 40 parking spaces**
- 2. Removal of street trees along South Cobb Drive due to existing retaining wall.**
- 3. Front and Side landscape strip encroachment along South Cobb Drive and along Oak Drive for the existing retaining wall**

Please see below for the list of variance review standards from Section 1403 of the City's zoning ordinance along with a response to the standards.

SEC. 1403. VARIANCE REVIEW STANDARDS

In rendering its decisions, the License and Variance Board or Mayor and City Council shall consider the following factors:

- 1. Whether there are extraordinary and exceptional conditions applying to the property in question, or to the intended use of the property, that do not apply generally to other properties in the same district.**
 - a. The site as currently developed has retaining walls surrounding the site due to drastic vertical grade change from front to rear. McDonald's intends the redevelop the property and leave the existing retaining walls in place that are currently located within the required landscape strips. The structural geo-grid located behind the walls will not allow trees to be planted along the top of the walls.*

2. **Whether any alleged hardship which is self-created by any person having an interest in the property or is not the result of mere disregard for or ignorance of the provisions from which relief is sought.**
 - a. *The hardship is not self-created or the result of disregard or ignorance of the zoning requirements whereas the landscape strip was not required when the property was originally developed.*
3. **Whether strict application of the relevant provisions of the zoning code would deprive the applicant of reasonable use of the property for which the variance is sought.**
 - a. *The site will not be able to be re-developed as a new McDonald's restaurant without the requested variances. The new site layout will not physically fit on the property without the variances.*
4. **Whether the variance proposed is the minimum variance which makes possible the reasonable use of the property.**
 - a. *The variances requested are the minimum variances required to re-develop the site as a new McDonald's restaurant. The site footprint has been reduced as much as possible to fit on the site and function properly.*

Thank you for your time and consideration of this variance application. Please do not hesitate to contact me should you require any further information or documentation prior to the License and Variance Board hearing.

Sincerely,

INTEGRITY ENGINEERING & DEVELOPMENT SERVICES, INC.



Waylon Hoge, PE
Project Manager



Printed: 7/7/2021

Cobb County Online Tax Receipt

Thank you for your payment!

CARLA JACKSON TAX COMMISSIONER
HEATHER WALKER CHIEF DEPUTY
Phone: 770-528-8600
Fax: 770-528-8679

Payer:
MCDONALDS

MCDONALDS CORPORATION
C/O BP AMERICA INC

Payment Date: 10/1/2020

Tax Year	Parcel ID	Due Date	Appeal Amount	Taxes Due	
2020	17075300320	10/15/2020	Pay: N/A or	\$0.00	
Interest	Penalty	Fees	Total Due	Amount Paid	Balance
\$0.00	\$0.00	\$0.00	\$0.00	\$26,468.58	\$0.00



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bill!!