



2. Granting the application *is/is not* necessary for the preservation and enjoyment of a substantial property right of the applicant, and to prevent unreasonable property loss or unnecessary hardship.
3. Granting the application *will/will not* be detrimental or injurious to property or improvements in the vicinity of the development site, or to the public health, safety, or general welfare.

**PICTURES**



**1123 Roswell Road**



**1123 Roswell Road**

**Recommended Action:**

**Approval.** The applicant, Hoover Foods, Inc., is requesting a variance for façade materials on the Wendy's at 1123 Roswell Road. This variance would allow the use of metal accent materials on the building façade. The subject property is zoned CRC (Community Retail Commercial). It is bordered to the north and west by other properties also zoned CRC. The properties across Hagood Circle to the east and Roswell Road to the south are also zoned CRC.

The proposed project involves the exterior renovation of the restaurant, including the replacement of the existing metal material with new metal accents, as shown on the submitted elevations. Section 708.16.G.3 of the Zoning Ordinance states that *“Building design and materials may be of the developer’s choosing; however, structures which utilize metal siding shall be constructed with brick, stone, rock or wood covering any facade of the building facing a roadway.”*

Both the Marietta Board of Zoning Appeals and City Council have heard and approved requests for similar exterior materials. Below is a list of recent cases.

Case #	Address	Organization
Z2007-15	727 Cobb Parkway S	Marietta Toyota
V2010-22	1250 Atlanta Ind Dr	Atlanta Beverage Company
V2010-25	925 Cobb Parkway S	Team Nissan
V2011-17	2155 Cobb Parkway S	Steve Rayman Chevrolet
V2013-10	2150 Cobb Pkwy S	Buick GMC
Z2013-27	810 Cobb Pkwy S	Mercedes of Marietta
V2014-02	1865 Cobb Pkwy S	Pugmire Lincoln Mercury
V2014-53	708 Cobb Pkwy S	Toyota Used Car Center
V2015-01	920 Cobb Pkwy S	Waffle House

Although this property fronts a highly visible and highly traveled arterial corridor within the City of Marietta, the accent metal is not a material typical of industrial buildings. This proposal is substantially similar to the previously noted cases, and as a result, staff recommends approval of this variance request.

***Staff recommends approval of this variance request.***

PZ 15-0013



Department of Development Services  
205 Lawrence Street  
Marietta, Georgia 30060  
Brian Binzer, AICP, Director

**APPLICATION FOR VARIANCE OR APPEAL**

(Owner/Applicant/or Representative must be present at all public hearings)

Application #: V 2015-09 Hearing: 2/23/15 Registrar # \_\_\_\_\_

This is a variance/appeal application for:

Board of Zoning Appeals  City Council

Owner's Name Elizabeth Hopkins, Susan Binham, John Redd and Nancy Page

Address \_\_\_\_\_ Zip Code: \_\_\_\_\_

Telephone Number: \_\_\_\_\_ Email Address: \_\_\_\_\_

**COMPLETE ONLY IF APPLICANT IS NOT OWNER:**  
Applicant Hoover Foods, Inc.  
Address 4030 Johns Creek Parkway, Suwanee, Georgia Zip Code: 30024  
Telephone Number (770) 448-0300 Email Address: carl.hoover@comcast.net

Address of property for which a variance or appeal is requested:

1123 Roswell Road Date of Acquisition: \_\_\_\_\_

Land Lot (s) 1211 District 16 Parcel 134 Acreage .73 Zoned CRC Ward 7A FLU RAC

List the variance(s) or appeal requested (please attach any additional information):

Marietta Zoning Ordinance Section 708.16(G)(3) which limits metal siding on building facades that face public streets.

**Required Information**  
1. Application fee (\$250)  
2. Completed notarized application. **The original application must be submitted with ALL original signature(s) – Copies of the application or signature(s) will NOT be accepted.**  
3. Legal description of property.  
4. Letter describing the reason for the variance request, stating why strict adherence to the code would result in a particular hardship (as distinguished from a mere inconvenience or desire to make more money).  
5. Site plan - 25 copies of site plan drawn to scale. Site plans must illustrate property lines and all relevant existing information and conditions in addition to proposed additions or modifications within the referenced property lines of the tract(s).  
6. Copy of current tax bill showing payment or documentation certified by the City of Marietta Tax Office.  
7. Documentation authorizing applicant to submit application by property owners if applicant is not owner.

**Note: The Department of Development Services reserves the right to obtain additional information that reasonably may be required in order that an informed decision may be made.**

**OVER**

## **PUBLIC NOTICE OF VARIANCES**

The City of Marietta hereby gives notice that a public hearing will be held to give consideration to the following variance requests. The Board of Zoning Appeals will consider the following requests on **Monday, February 23, 2015 at 6:00 P.M.**, City Hall. Anyone wishing to attend may do so and be heard relative thereto.

**V2015-09 [VARIANCE] HOOVER FOODS** request variances for property located in Land Lot 12110, District 16, Parcel 1340, 2<sup>nd</sup> Section, Marietta, Cobb County, Georgia and being known as 1123 Roswell Road. Variance to allow the use of metal siding on the front and side of a building facing a roadway. Ward 7A.

A description and plat of the property sought for the variances are on file in the Planning and Zoning Office, City Hall, and are available for inspection between 8:00 A.M. and 5:00 P.M., Monday through Friday. Anyone wishing to attend may do so and be heard relative thereto.

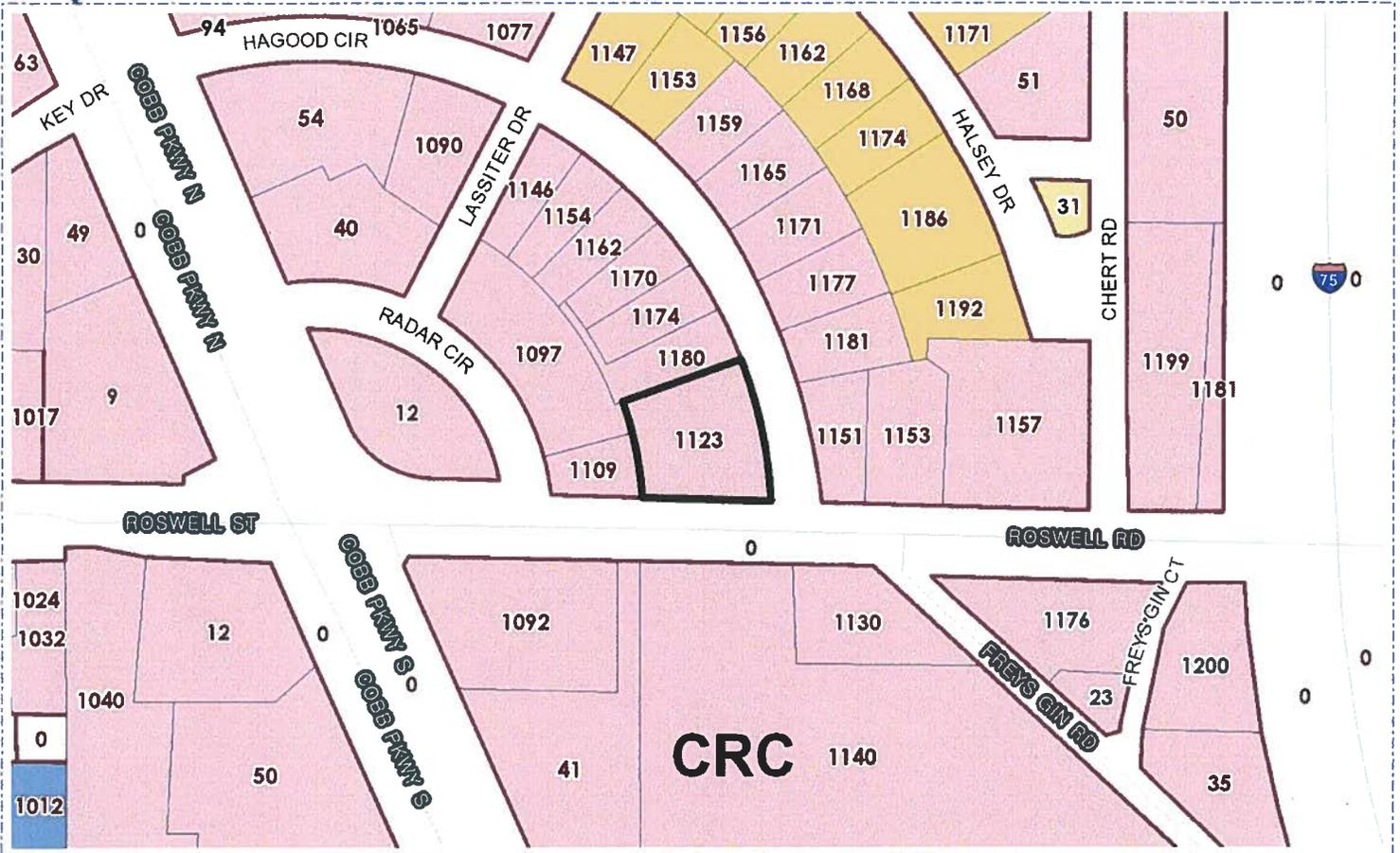
For additional information please call the Planning and Zoning Office (770) 794-5669.

**Accessibility to Meetings:** If you believe you may need the City/BLW to provide special accommodations in order to attend/or participate in any of the above meetings, please call Mr. Patrick Henley, ADA Coordinator, at 770-794-5558 (voice) or 770-794-5560 (TDD) no later than 48 hours before the date of the above meeting.

City of Marietta  
205 Lawrence Street  
Marietta, Georgia 30060



# Variance



Address	Parcel Number	Acreage	Ward	Zoning	FLU
1123 ROSWELL RD	16121101340	0.552	7A	CRC	RAC

Property Owner:	Hopkins, Binham, Redd & Page
Applicant:	Hoover Foods, Inc.
BZA Hearing Date:	2-23-15
Acquisition Date:	
Case Number:	V2015-09
City of Marietta Planning & Zoning	

**Zoning Symbols**

- Railroads
- City Limits
- Cobb County Pockets
- NA
- R1 - Single Family Residential (1 unit/acre)
- R2 - Single Family Residential (2 units/acre)
- R3 - Single Family Residential (3 units/acre)
- R4 - Single Family Residential (4 units/acre)
- RA4 - Single Family Residential - Attached
- RA6 - Single Family Residential - Attached
- RA8 - Single Family Residential - Attached
- MHP - Mobile Home Park
- PRD-SF - Planned Residential Dev. Single Family
- RM8 - Multi Family Residential (8 units/acre)
- RM10 - Multi Family Residential (10 units/acre)
- RM12 - Multi Family Residential (12 units/acre)
- RHR - Residential High Rise
- PRD-MF - Planned Residential Dev. Multi Family
- NRC - Neighborhood Retail Commercial
- CRC - Community Retail Commercial
- RRC - Regional Retail Commercial
- PCD - Planned Commercial Development
- LI - Light Industrial
- HI - Heavy Industrial
- PID - Planned Industrial Development
- MKD - Mixed Use Development
- CBD - Central Business District
- OIT - Office Institutional Transitional
- LRO - Low Rise Office
- OI - Office Institutional
- OS - Office Services
- OHR - Office High Rise

# SAMS, LARKIN, HUFF & BALLI

A LIMITED LIABILITY PARTNERSHIP

GARVIS L. SAMS, JR.  
JOEL L. LARKIN  
PARKS F. HUFF  
JAMES A. BALLI

SUITE 100  
376 POWDER SPRINGS STREET  
MARIETTA, GEORGIA 30064-3448

770-422-7016  
TELEPHONE  
770-426-6583  
FACSIMILE

---

ADAM J. ROZEN

---

WWW.SLHB-LAW.COM

January 13, 2015

**VIA E-MAIL &  
HAND DELIVERY**

Mr. Russell J. Roth, AICP  
Planning & Zoning Manager  
City of Marietta  
205 Lawrence Street  
Marietta, GA 30060

Re: Variance application of Hoover Foods, Inc. for 1123 Roswell Road, Land Lot 1211, 16<sup>th</sup> District, Parcel 134, 2<sup>nd</sup> Section, Cobb County, Georgia.

Dear Rusty:

Hoover Foods has acquired the long-term lease for the Wendy's restaurant located at 1123 Roswell Road. The original building was completed in 1974 and it has undergone several renovations over the last forty years. As part of acquiring the lease for the Wendy's, Hoover wants to reinvest in the restaurant and modernize the building as depicted in the attached renderings. However, the remodeling proposes metal accents above the brick sides. The Marietta Zoning ordinance at Section 708.16(G)(3) provides that "Building design and materials may be of the developer's choosing; however, structures which utilize metal siding shall be constructed with brick, stone, rock or wood covering any façade of the building facing a roadway." The city staff has concluded that the metal accents that are located on top of the brick sides violate this provision. Without admitting that this conclusion is true, Hoover Foods requests a variance from the limitation on metal siding contained in the ordinance.

The attached renderings show that the metal accents are attractive and more aesthetically pleasing than if the wall was all brick or if it contained wood siding as allowed by the ordinance. Hoover also notes that the current architecture contains more metal material than is proposed by Hoover. Ultimately, Hoover and the city have the same goal to ensure that the building is an aesthetically pleasing building that will attract new customers to this restaurant. The code requirement is based upon aesthetics and therefore, the variance request is based upon the aesthetics of the proposed architecture.

SAMS, LARKIN, HUFF & BALLI  
A LIMITED LIABILITY PARTNERSHIP

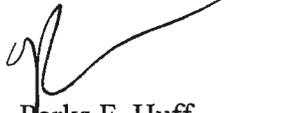
Mr. Russell J. Roth, AICP  
Planning & Zoning Manager  
City of Marietta  
January 13, 2015  
Page 2

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Please contact me if you have any questions or concerns regarding this request.

Sincerely,

SAMS, LARKIN, HUFF & BALLI, LLP

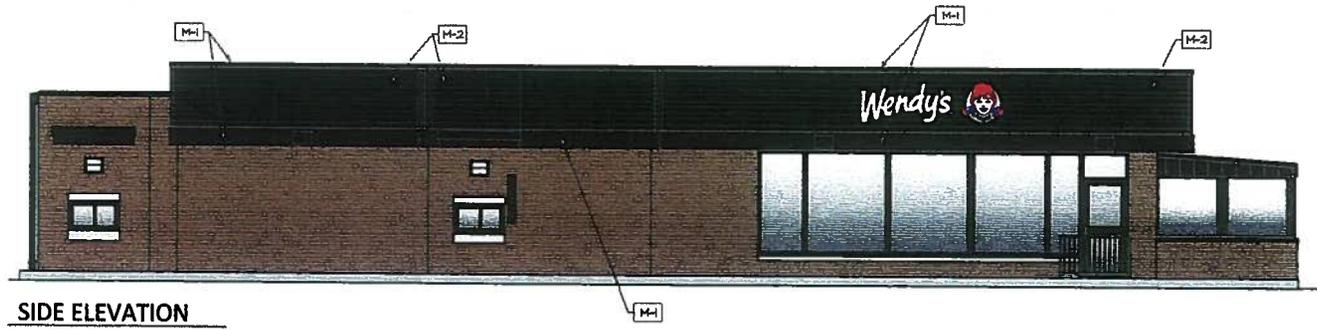


Parks F. Huff  
[phuff@slhb-law.com](mailto:phuff@slhb-law.com)

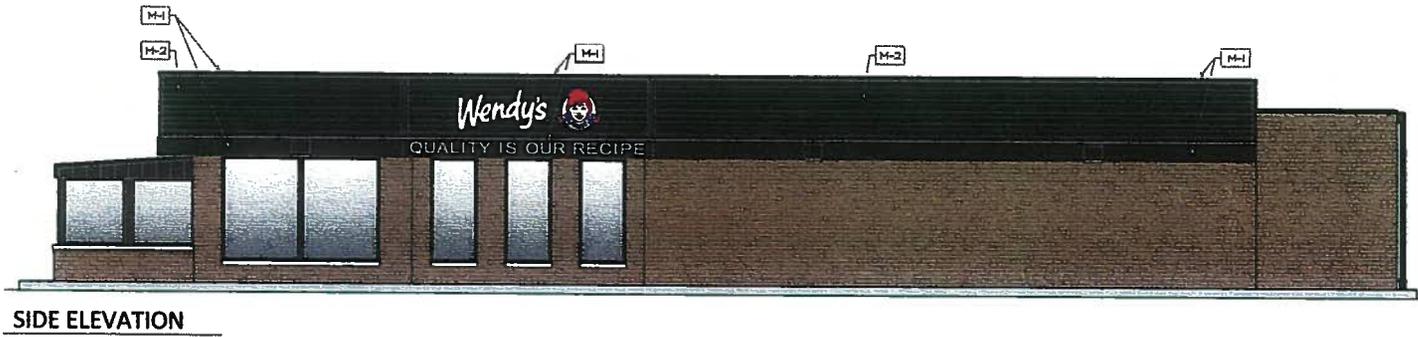
PFH/dvm  
Attachment  
cc: Hoover Foods, Inc.

MODEL 3070 - 1123 ROSWELL RD. MAIETTA, GA

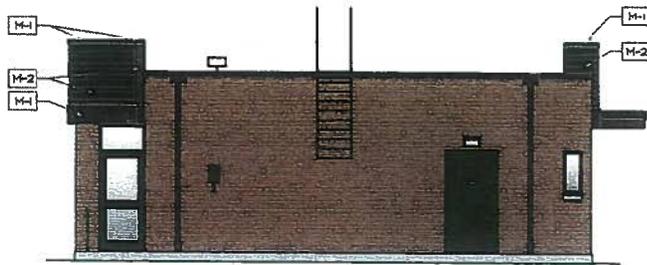
Elevations



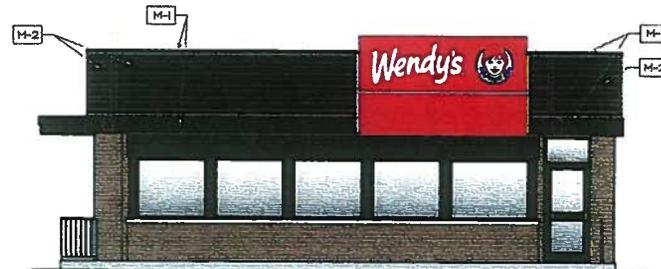
SIDE ELEVATION



SIDE ELEVATION



REAR ELEVATION



FRONT ELEVATION

**Site Description**  
Total Site Area

All that tract or parcel of land lying and being in Land Lot 1211 of the 16th District, 2nd Section, Cobb County, Georgia and being more particularly described as follows:

Beginning at the northerly Right of Way line of Roswell Road (State Route 120) having a variable Right of Way and the westerly Right of Way line of Haygood Circle (60' Right of Way), thence along the northerly Right of Way line of Roswell Road South 90 Degrees 00 Minutes 00 Seconds West, 150.00 feet to a point, thence bearing the northerly Right of Way line of Roswell Road along property now or formerly known as Van Parcel 1612101360 following the curvature thereof to the left an arc distance of 124.48 feet to a point, said curvature having a chord bearing and distance of North 13 Degrees 23 Minutes 52 Seconds West, 123.54 feet having a radius of 254.00 feet, thence South 66 Degrees 02 Minutes 00 Seconds West, 10.00 feet to a point, thence following a curve to the left an arc distance of 46.84 feet to a point, said curvature having a chord bearing and distance of North 27 Degrees 20 Minutes 07 Seconds West, 46.01 feet having a radius of 410.00 feet, thence along property now or formerly known as Van Parcel 159145 feet to a point on the westerly Right of Way line of Haygood Circle, thence along the westerly Right of Way line of Haygood Circle following the curvature thereof to the right an arc distance of 65.07 feet to a point, said curvature having a chord bearing and distance of South 26 Degrees 52 Minutes 36 Seconds East, 65.03 feet and having a radius of 370.00 feet, thence continue along the westerly Right of Way line of Haygood Circle following the curvature thereof to the right an arc distance of 102.01 feet to a point and the Point of Beginning, said curvature having a chord bearing and distance of South 12 Degrees 43 Minutes 01 Seconds East, 101.00 feet and having a radius of 370.00 feet, containing 0.30 Acres.

**Site Description**  
Tract 1

All that tract or parcel of land lying and being in Land Lot 1211 of the 16th District, 2nd Section, Cobb County, Georgia and being more particularly described as follows:

Beginning at the northerly Right of Way line of Roswell Road (State Route 120) having a variable Right of Way and the westerly Right of Way line of Haygood Circle having a variable Right of Way, thence along the north Right of Way line of Roswell Road South 90 Degrees 00 Minutes 00 Seconds West, 150.00 feet to a point, thence bearing the northerly Right of Way line of Roswell Road along property now or formerly known as a 20 Unit structure being Van Parcel 1612101360 following the curvature thereof to the left an arc distance of 124.48 feet to a point, said curvature having a chord bearing and distance of North 13 Degrees 23 Minutes 52 Seconds West, 123.54 feet having a radius of 420.00 feet, thence North 10 Degrees 00 Minutes 00 Seconds East, 150.00 feet to a point on the westerly Right of Way line of Haygood Circle, thence along the westerly Right of Way line of Haygood Circle following the curvature thereof to the right an arc distance of 102.00 feet to a point and the Point of Beginning, said curvature having a chord bearing and distance of South 12 Degrees 43 Minutes 00 Seconds East, 100.00 feet and having a radius of 370.00 feet, containing 0.30 Acres.

**Site Description**  
Tract 2

All that tract or parcel of land lying and being in Land Lot 1211 of the 16th District, 2nd Section, Cobb County, Georgia and being more particularly described as follows:

To Find The point of Beginning commence at the northerly Right of Way line of Roswell Road (State Route 120) having a variable Right of Way and the westerly Right of Way line of Haygood Circle having a variable Right of Way, thence along the westerly Right of Way line of Haygood Circle following the curvature thereof to the left an arc distance of 102.00 feet to a point and the Point of Beginning, said curvature having a chord bearing and distance of North 12 Degrees 43 Minutes 00 Seconds West, 100.00 feet and having a radius of 370.00 feet, thence South 66 Degrees 02 Minutes 00 Seconds West, 100.00 feet to a point, thence along property now or formerly known as a 20 Unit structure being Van Parcel 1612101360 following the curvature thereof to the left an arc distance of 46.84 feet to a point, said curvature having a chord bearing and distance of North 27 Degrees 20 Minutes 07 Seconds West, 46.01 feet having a radius of 410.00 feet, thence along property now or formerly known as Van Parcel 159145 feet to a point on the westerly Right of Way line of Haygood Circle, thence along the westerly Right of Way line of Haygood Circle following the curvature thereof to the right an arc distance of 65.07 feet to a point and the Point of Beginning, said curvature having a chord bearing and distance of South 26 Degrees 52 Minutes 36 Seconds East, 65.03 feet and having a radius of 370.00 feet, containing 0.30 Acres.

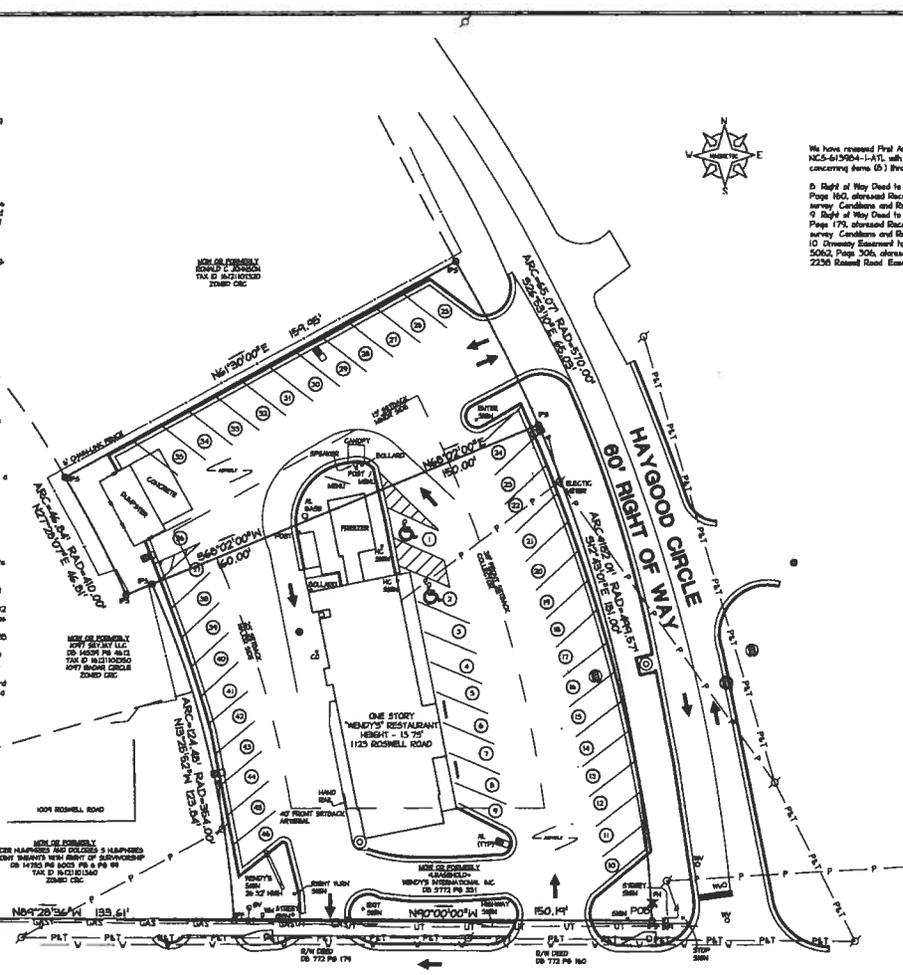
THE LOCATION OF UNDERGROUND UTILITIES AS SHOWN HEREON ARE BASED ON RECORDABLE UTILITIES AND RECORDS PROVIDED TO SURVEYOR. LOCATIONS OF UNDERGROUND UTILITIES/APPLICANCES MAY VARY FROM LOCATIONS SHOWN HEREON. SURVEYOR'S LIABILITY FOR THE ACCURACY OF THIS INFORMATION IS LIMITED TO THE INFORMATION PROVIDED TO SURVEYOR. THE SURVEYOR IS NOT RESPONSIBLE FOR THE CORRECTNESS OR ACCURACY OF THIS INFORMATION AS SHOWN HEREON AS TO SUCH UNDERGROUND INFORMATION.

THE FIELD DATA UPON WHICH THIS PLAN IS BASED HAS A CLOSURE PERCENTAGE OF ONE PART IN SEVEN AND ANIMALS BEING OF A 3-D SECOND ORDER ANGLE POINT AND HAS INCLUDED CORRECTIONS TO BE MADE TO THIS PLAN HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITH ONE PART IN SEVEN.

- EQUIPMENT USED FOR SURVEY
- 1 BOUNDARY TOTAL STATION
  - 1 REAL TIME GPS RECEIVER
  - 3 TOPCON AUTOMATIC LEVELS

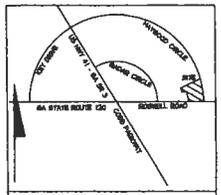
BASED ON THE INFORMATION HEREON ON THE NATIONAL FLOOD INSURANCE PROGRAM A FLOOD INSURANCE RATE MAP HAS BEEN PREPARED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY THROUGH THE FEDERAL INSURANCE ADMINISTRATION. IT IS NOT GUARANTEED THAT THE PROPERTY SHOWN HEREON IS OUTSIDE A FLOOD INSURED AREA.

HARKERROAD & ASSOCIATES DOES NOT WARRANT THE EXISTENCE OR NON-EXISTENCE OF ANY UTILITIES OR HAZARDOUS WASTE IN THE SURVEY AREA.



We have received First American Title Insurance Corporation Commitment for Title Insurance No. NCS-613904-1-A11, with an effective date of June 15, 2013 and have the following agreement concerning items (1) through (11) Schedule B, Section 1:

- Right of Way Deed to State Highway Department of Georgia, recorded in Deed Book 772, Page 160, abstract Records. The current Right of Way of Roswell Road has been shown on the survey. Conditions and Reservations are all in effect.
- Right of Way Deed to State Highway Department of Georgia, recorded in Deed Book 772, Page 173, abstract Records. The current Right of Way of Roswell Road has been shown on the survey. Conditions and Reservations are all in effect.
- Drainage Easement to Cobb County Department of Transportation, recorded in Deed Book 5062, Page 506, abstract Records. Does not apply to this site. Affects property located at 2220 Roswell Road. Easement has expired.



**LEGEND**

- BCV - BOUNDARY CONTROL WALK
- BY - BENCH PIN POINT
- BY - BENCH PIN SET (1/2\"/>

TO HOOPER FOODS INC. WELLS FARGO, N.A. FIRST AMERICAN TITLE INSURANCE COMPANY

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2011 Standard Standard Detail Requirements for ALTA/ACSM Land Title Surveys, which include and extend to 100% and 100% and include items 1 thru 4, 6 thru 11, 13 and 14 of Table A. There is no work completed.

12-13

David W. Harkleroad, R.L.S. 82453

Prepared in this State on or after the 15th day of December for Professional Engineers and Land Surveyors, this being "ready" or "substantially" ready to bear testimony, and that the surveyor and the engineer or surveyor, after approval or refusal.



30 20 10 0 10 20 30 40 50 60

SCALE IN FEET

USE DIMENSIONS ON THIS SCALE DRAWING

DATE	NO.	REVISIONS	BY



ALTA/ACSM LAND TITLE SURVEY

HOOPER FOODS, INC.  
WELLS FARGO, N.A.

ITS SUCCESSORS AND/OR ASSIGNS AS THEIR INTERESTARY APPEAR

FIRST AMERICAN TITLE INSURANCE COMPANY

120 ROSWELL ROAD  
16TH DISTRICT 2ND SECTION  
CITY OF MARIETTA  
COBB COUNTY, GEORGIA

Harkleroad and Associates

SURVEYORS - LAND SURVEYORS

5475 SATURDAY BOLLWEVER SUITE 202 DUBLIN, GA 30096  
PHONE (770) 952-9999 / FAX (770) 952-9999

SITE # SHEET 1

REFERENCE  
PB 45 PG 95

TOTAL SITE AREA  
31,937.9 SF.  
0.73 ACRES  
CURRENTLY ZONED "CRC"  
COMMUNITY RETAIL COMMERCIAL

**Site Description**  
Total Site Area

All that tract or parcel of land lying and being in Land Lot 1211 of the 16th District, 2nd Section, Cobb County, Georgia and being more particularly described as follows:

Beginning at the northerly Right of Way line of Roswell Road (State Route 120) having a variable Right of Way and the westerly Right of Way line of Haygood Circle (60' Right of Way) thence along the northerly Right of Way line of Roswell Road South 90 Degrees 00 Minutes 00 Seconds West, 150.19 feet to a point, thence leaving the northerly Right of Way line of Roswell Road along property now or formerly known as Tax Parcel 16121101360 following the curvature thereof to the left an arc distance of 124.48 feet to a point, said curvature having a chord bearing and distance of North 13 Degrees 25 Minutes 52 Seconds West, 123.84 feet having a radius of 354.00 feet, thence South 68 Degrees 02 Minutes 00 Seconds West, 10.00 feet to a point, thence following a curve to the left an arc distance of 46.84 feet to a point, said curvature having a chord bearing and distance of North 27 Degrees 28 Minutes 07 Seconds West, 46.81 feet having a radius of 410.00 feet, thence along property now or former known as Tax Parcel North 61 Degrees 30 Minutes 00 Seconds East, 159.95 feet to a point on the westerly Right of Way line of Haygood Circle, thence along the westerly Right of Way line of Haygood Circle following the curvature thereof to the right an arc distance of 65.07 feet to a point, said curvature having a chord bearing and distance of South 26 Degrees 52 Minutes 56 Seconds East, 65.03 feet and having a radius of 570.00 feet, thence continue along the westerly Right of Way line of Haygood Circle following the curvature thereof to the right an arc distance of 182.01 feet to a point and The Point of Beginning, said curvature having a chord bearing and distance of South 12 Degrees 43 Minutes 01 Seconds East, 161.00 feet and having a radius of 570.00 feet, containing . . . Acres

**Site Description**  
Tract 1

All that tract or parcel of land lying and being in Land Lot 1211 of the 16th District, 2nd Section, Cobb County, Georgia and being more particularly described as follows:

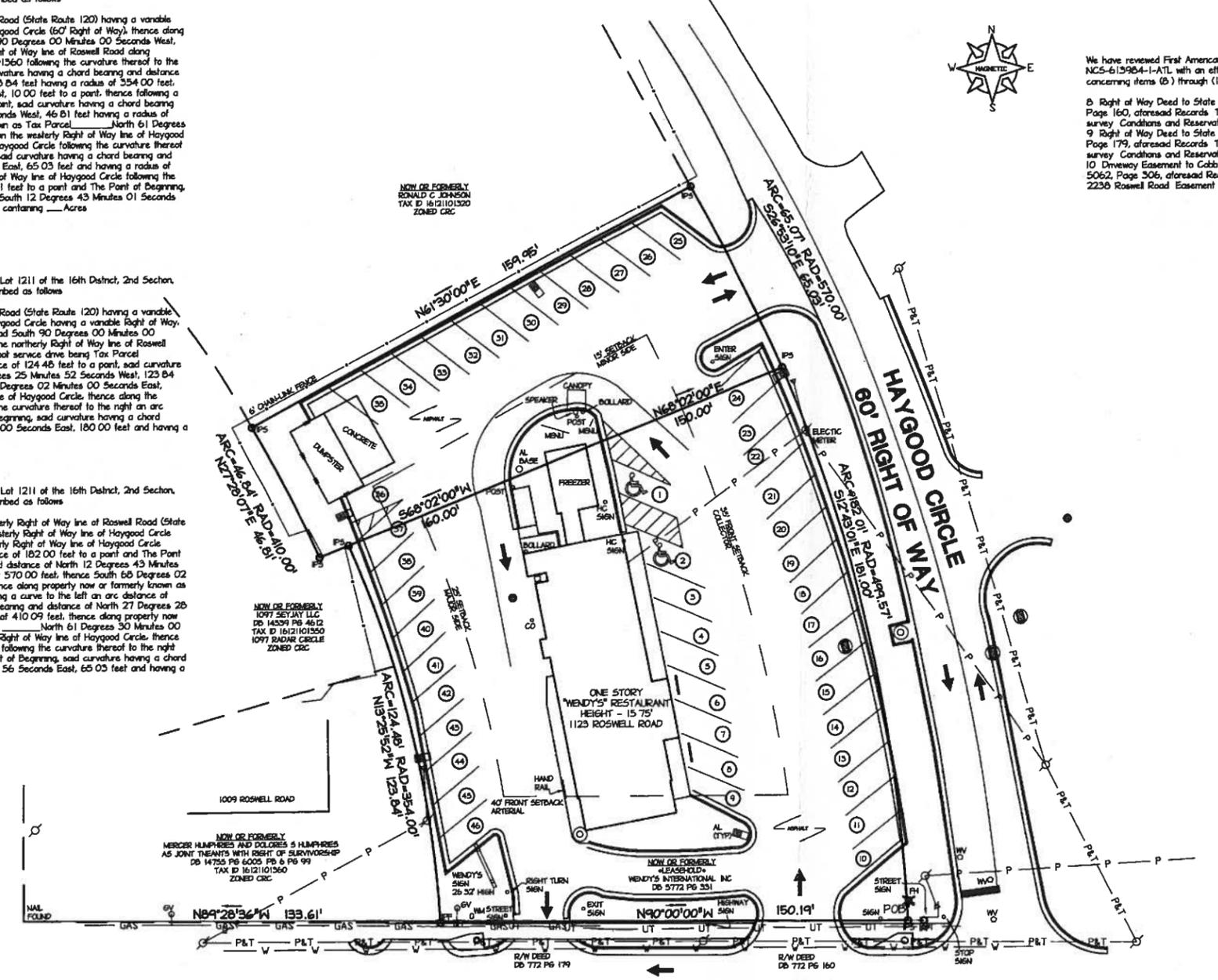
Beginning at the northerly Right of Way line of Roswell Road (State Route 120) having a variable Right of Way and the westerly Right of Way line of Haygood Circle having a variable Right of Way, thence along the north Right of Way line of Roswell Road South 90 Degrees 00 Minutes 00 Seconds West, 150.19 feet to a point, thence leaving the northerly Right of Way line of Roswell Road along property now or formerly known as a 20 foot service drive being Tax Parcel following the curvature thereof to the left an arc distance of 124.48 feet to a point, said curvature having a chord bearing and distance of North 13 Degrees 25 Minutes 52 Seconds West, 123.84 feet having a radius of 420.09 feet, thence North 68 Degrees 02 Minutes 00 Seconds East, 150.00 feet to a point on the westerly Right of Way line of Haygood Circle, thence along the westerly Right of Way line of Haygood Circle following the curvature thereof to the right an arc distance of 182.00 feet to a point and The Point of Beginning, said curvature having a chord bearing and distance of South 12 Degrees 43 Minutes 00 Seconds East, 180.00 feet and having a radius of 570.00 feet, containing 0.50 Acres

**Site Description**  
Tract 2

All that tract or parcel of land lying and being in Land Lot 1211 of the 16th District, 2nd Section, Cobb County, Georgia and being more particularly described as follows:

To Find The Point of Beginning commence at the northerly Right of Way line of Roswell Road (State Route 120) having a variable Right of Way and the westerly Right of Way line of Haygood Circle having a variable Right of Way, thence along the westerly Right of Way line of Haygood Circle following the curvature thereof to the left an arc distance of 182.00 feet to a point and The Point of Beginning, said curvature having a chord bearing and distance of North 12 Degrees 43 Minutes 00 Seconds West, 180.00 feet and having a radius of 570.00 feet, thence South 68 Degrees 02 Minutes 00 Seconds West, 160.00 feet to a point, thence along property now or formerly known as a 20 foot service drive being Tax Parcel following a curve to the left an arc distance of 46.83 feet to a point, said curvature having a chord bearing and distance of North 27 Degrees 28 Minutes 07 Seconds West, 46.81 feet having a radius of 410.09 feet, thence along property now or formerly owned by . . . being Tax Parcel North 61 Degrees 30 Minutes 00 Seconds East, 159.95 feet to a point on the westerly Right of Way line of Haygood Circle, thence along the westerly Right of Way line of Haygood Circle following the curvature thereof to the right an arc distance of 65.07 feet to a point and The Point of Beginning, said curvature having a chord bearing and distance of South 26 Degrees 52 Minutes 56 Seconds East, 65.03 feet and having a radius of 570.00 feet, containing 0.205 Acres

RADAR CIRCLE

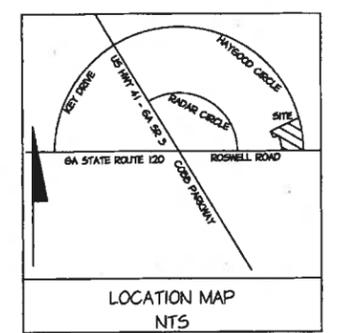


We have reviewed First American Title Insurance Corporation Commitment for Title Insurance No NCS-615984-1-ATL with an effective date of June 15, 2013 and have the following opinion concerning items (9.) through (19.) Schedule B, Section II

8. Right of Way Deed to State Highway Department of Georgia, recorded in Deed Book 772, Page 160, aforesaid Records. The current Right of Way of Roswell Road has been shown on the survey. Conditions and Reservations are still in effect.

9. Right of Way Deed to State Highway Department of Georgia, recorded in Deed Book 772, Page 179, aforesaid Records. The current Right of Way of Roswell Road has been shown on the survey. Conditions and Reservations are still in effect.

10. Driveway Easement to Cobb County Department of Transportation, recorded in Deed Book 5062, Page 306, aforesaid Records. Does not apply to this site. Affects property located at 2236 Roswell Road. Easement has expired.



**LEGEND**

10V	REGULATION CONTROL VALVE
11F	IRON PIN FOUND
12S	IRON PIN SET (1/2" DB)
13T	OPEN TOP PIPE
14C	CONCRETE MONUMENT FOUND
15C	NAIL AND CAP
16B	REBAR
17P	POWER POLE
18L	TELEPHONE POLE
19L	LAND LOT
20B	POINT OF BEGINNING
21C	BUILDING LINE
22L	CENTER LINE
23P	PROPERTY LINE
24H	FIRE HYDRANT
25C	CATCH BASIN
26A	DRAIN ALLET
27H	HEAD WALL
28J	JUNCTION BOX
29D	DRAINAGE EASEMENT
30W	WATER METER
31V	WATER VALVE
32W	GAS VALVE
33H	MAN HOLE
34T	TELEPHONE LINE
35U	BURIED TELEPHONE CABLE
36G	GAS LINE (APPROXIMATE LOCATION)
37W	WATER LINE (APPROXIMATE LOCATION)
38S	SANITARY SEWER LINE
39D	STORM DRAIN LINE
40B	RIGHT OF WAY MONUMENT FOUND
41A	ANCHOR
42H	POWER LINE (OVERHEAD)
43F	FENCE
44H	FIRE HYDRANT

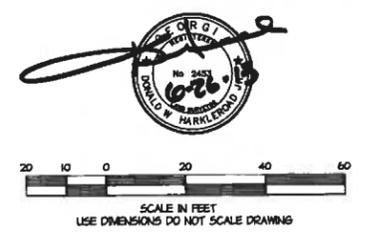
TO HOOPER FOODS INC, WELLS FARGO, N.A. & FIRST AMERICAN TITLE INSURANCE COMPANY

This is to certify that the map or plat and the survey on which it is based were made in accordance with the 2011 Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys, partly established and adopted by ALTA and NSPS, and includes items 1 thru 4, 6 thru 11, 13 and 14 of Table A Herein. The field work was completed

6-26-13

Donald W. Harklerod J. Sr. RLS #2483

Pursuant to Rule 180-6-09 of the Georgia State Board of Registration for Professional Engineers and Land Surveyors, the term "certify" or "certification" relating to land surveying services shall mean a signed statement based on facts and knowledge known to the land surveyor and not a guarantee or warranty, either expressed or implied.



DATE	NO.	REVISION	BY



**ALTA/ACSM LAND TITLE SURVEY**  
FOR  
**HOOPER FOODS, INC.**  
**WELLS FARGO, N.A.**  
IT'S SUCCESSORS AND/OR ASSIGNS AS THEIR INTEREST MAY APPEAR  
**FIRST AMERICAN TITLE INSURANCE COMPANY**  
1125 ROSWELL ROAD  
CITY OF MARIETTA  
COBB COUNTY, GEORGIA

SCALE 1" = 20' JOB NO. 59835RY13 FIELD DATE 06/26/13

**Harklerod and Associates**  
ENGINEERS - LAND SURVEYORS  
3475 SATELLITE BOULEVARD SUITE 202, DULUTH, GA 30096  
PHONE (770) 982-1996 / FAX (770) 982-1998

**SITE #** SHEET 1

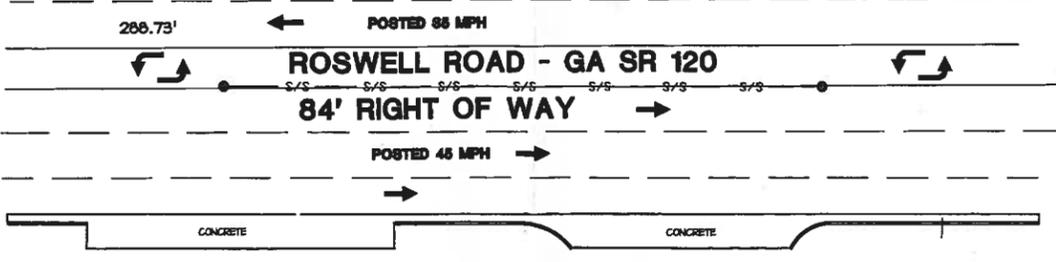
THE LOCATIONS OF UNDERGROUND UTILITIES AS SHOWN HEREON ARE BASED ON ADJACENT STRUCTURES AND RECORD DRAWINGS PROVIDED TO THE SURVEYOR. LOCATIONS OF UNDERGROUND UTILITIES/STRUCTURES MAY VARY FROM LOCATIONS SHOWN HEREON. ADDITIONAL BURIED UTILITIES/STRUCTURES MAY BE ENCOUNTERED. NO GUARANTEE IS MADE CONCERNING THE ACCURACY OF THIS SURVEY TO LOCATE BURIED UTILITIES/STRUCTURES. NO CERTIFICATION IS MADE BY THIS SURVEYOR TO THE ACCURACY OR SUFFICIENCY OF THE INFORMATION. THE OWNER HAS EMPLOYED HIS CONSULTANTS, HIS CONTRACTORS, AND/OR HIS AGENTS SHALL HEREBY DISTINGUISHLY UNDERSTAND THAT THE SURVEYOR IS NOT RESPONSIBLE FOR THE CORRECTNESS OR SUFFICIENCY OF THIS INFORMATION SHOWN HEREON AS TO SUCH UNDERGROUND INFORMATION.

THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE PART IN 10,316 AND AN ANGULAR ERROR OF 4.33 SECONDS PER ANGLE POINT AND WAS ADJUSTED USING CRANDALL'S RULE. THIS MAP OR PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE PART IN 100,000 +/-.

- EQUIPMENT USED FOR SURVEY
- SOKKIA SET 3 TOTAL STATION
  - TDS RECORD DATA COLLECTOR
  - TOPCON AUTOMATIC LEVEL

BASED ON THE INFORMATION SHOWN ON THE NATIONAL FLOOD INSURANCE PROGRAM - FLOOD INSURANCE RATE MAP 1981-F OR FLOOD WAY BOUNDARY MAP - COMMUNITY PANEL NUMBER 150226 - 0109 H, COBB COUNTY, GEORGIA DATED FEBRUARY 2, 2012, FURNISHED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY THROUGH THE FEDERAL INSURANCE ADMINISTRATION. IT IS MY OPINION THAT THE PROPERTY SHOWN HEREON IS OUTSIDE A FLOOD HAZARD AREA.

HARKLEROD & ASSOCIATES DOES NOT WARRANT THE EXISTENCE OR NON-EXISTENCE OF ANY WETLANDS OR HAZARDOUS WASTE IN THE SURVEY AREA.



REFERENCE  
PB 45 PG 95

**TOTAL SITE AREA**  
31,937.9 SF.  
0.73 ACRES  
CURRENTLY ZONED "CRC"  
COMMUNITY RETAIL COMMERCIAL