1. BZA Agenda 6.26.20 Rev2

   Documents:

   _JUN 29, 2020 BZA AGENDA-REV2.PDF

2. V2020-16 Sandy Plains Rd 1053

   Documents:

   V2020-16 SANDY PLAINS RD 1053.PDF

3. V2020-18 Delk St 526

   Documents:

   V2020-18 DELK ST 526.PDF

4. V2020-20 Etowah Dr 643

   Documents:

   V2020-20 ETOWAH DR 643.PDF

5. V2020-21 White Cir 1705

   Documents:

   V2020-21 WHITE CIR 1705.PDF

6. V2020-22 Campbell Hill St 379 Revised

   Documents:

   V2020-22 CAMPBELL HILL ST 379_2.PDF

City of Marietta

205 Lawrence Street
Post Office Box 609
Marietta, Georgia 30061

Meeting Agenda - REVISED

BOARD OF ZONING APPEALS

Bobby Van Buren, Chairman
David Hunter, Vice Chairman, Ward 4
Vacant, Ward 1
J. K. Lowman, Ward 2
Larry Zenoni, Ward 3
Juanita Carmichael, Ward 5
Tom Samples, Ward 7

Monday, June 29, 2020	**6:00 PM**	**City Hall Council Chambers**

NOTE: Applicant and those in favor have a total of 20 minutes to make their presentation to the Board. Applicant may reserve any portion of this time for rebuttal. All those in opposition have a total of 20 minutes to present comments to the Board.

CALL TO ORDER:

MINUTES:

20200511 **May 18, 2020 Board of Zoning Appeals Meeting Minutes**

Review and Approval of the May 18, 2020 Board of Zoning Appeals Meeting Minutes.

VARIANCES:

20200322 **V2020-16 [VARIANCE] 1053MSP LLC**

V2020-16 [VARIANCE] 1053MSP LLC is requesting a variance for property zoned CRC (Community Retail Commercial), located in Land Lot 07800, District 16, Parcel 0120, 2nd Section, Marietta, Cobb County, Georgia, and being known as 1053 Sandy Plains Road. Variance to reduce the undisturbed buffer from 40’ to 10’ along the northern property line. Variance to increase the allowable height of a fence from 8’ to 12.’ Ward 6B.

20200347 V2020-18 [VARIANCE] AMY MULLIS KNOWLES

V2020-18 [VARIANCE] AMY MULLIS KNOWLES is requesting variances for property zoned RM-8 (Multi Family Residential- 8 units/acre), located in Land Lot 0290, District 17, Parcel 0680, 2nd Section, Marietta, Cobb County, Georgia, and being known as 526 Delk Street. Variance to reduce the rear yard setback from 30' to 10' for a new addition; variance to reduce the front yard setback from 25' to 20' for the existing structure; variance to allow an existing shed remain 7' from the side and 1' from the rear property line. Ward 1A.

20200431 V2020-19 [VARIANCE] TRISH GREER (M.B.D. PROPERTIES LLC)

V2020-19 [VARIANCE] TRISH GREER (M.B.D. PROPERTIES LLC) is requesting a variance for property zoned CRC (Community Retail Commercial), located in Land Lot 1170, District 16, Parcel 0030, 2nd Section, Marietta, Cobb County, Georgia, and being known as 1765 Roswell Road. Variance to allow an automotive repair shop, including paint and body, to operate directly across from a single-family residential district. Ward 5A.

20200440 V2020-20 [VARIANCE] HANNAH & ROGER BALKO

V2020-20 [VARIANCE] HANNAH & ROGER BALKO are requesting variances for property zoned R-3 (Single Family Residential - 3 units/acre), located in Land Lot 1073, District 16, Parcel 0130, 2nd Section, Marietta, Cobb County, Georgia, and being known as 643 Etowah Drive. Variance to reduce the northern side yard setback for an existing accessory structure from 10' to 3'; variance to reduce the southern side yard setback for an existing accessory structure from 10' to 4'; variance to reduce the northern side yard setback from 10' to 9' for the existing home. Ward 4B.

20200447 V2020-21 [VARIANCE] 1705 WHITE CIRCLE HOLDINGS LLC

V2020-21 [VARIANCE] 1705 WHITE CIRCLE HOLDINGS LLC is requesting variances for property zoned LI (Light Industrial), located in Land Lot 862, District 16, Parcel 0020, 2nd Section, Marietta, Cobb County, Georgia, and being known as 1705 White Circle. Variance to reduce the 50-foot landscape buffer to 32 feet along the northern property line; variance to waive the requirement to establish a buffer if not present; variance to eliminate the side yard setback in the area of the building addition. Ward 4B.

TABLED

20200448 **V2020-22 [VARIANCE] WHITAKER SMITH (WATERWORKS NEIGHBORS LLC)**

V2020-22 [VARIANCE] WHITAKER SMITH (WATERWORKS NEIGHBORS LLC) are requesting variances for property zoned R-4 (Single Family Residential - 4 units/acre), located in Land Lot 1147, District 16, Parcel 0420, 2nd Section, Marietta, Cobb County, Georgia, and being known as 379 Campbell Hill Street. Variance to reduce the southern side yard setback from 10' to 6'; variance to reduce the northern side yard setback from 10' to 6'; variance to reduce the setback along North Sessions Street from 25' to 10'; variance to reduce the setback along Campbell Hill Street from 25' to 20.' Ward 4B.

OTHER BUSINESS:

20200325 **Board of Zoning Appeals - Election of Chairman**

Election of Chairman to serve for one year to April 2021.

ADJOURNMENT:

Department of Development Services
205 Lawrence Street
Marietta, Georgia 30060
Rusty Roth, AICP, Director

STAFF REVIEW AND RECOMMENDATION

Variance Case #: V2020-16 **Legistar #: 20200322**

Board of Zoning Appeals Hearing: **Monday, June 29th, 2020 – 6:00 p.m.**

Property Owner: **1053MSP LLC/Rutvik Emil Dmello**
1 Glenlake Parkway NE
Suite 700
Atlanta, GA 30328

Agent: **Parks Huff, Esq.**
Sams, Larkin, & Huff, LLP
376 Powder Springs Street
Suite 100
Marietta, GA 30064

Address: **1053 Sandy Plains Road**

Land Lot: 0780 **District: 16th** **Parcel: 0120**

Council Ward: 6B **Existing Zoning: CRC (Community Retail Commercial)**

Special Exception / Special Use / Variance(s) Requested:

1. Variance to reduce the buffer from 40 ft. to 10 ft. along the northern portion of the property line [*§716.08 (I)*]
2. Variance to increase allowable height of a fence from 8 ft to 12 ft for a property zoned CRC [*§710.04 (D.4)*]

Statement of Fact

As per section 720.03 of the Comprehensive Development Code of Marietta, the Board of Zoning Appeals may alter or modify the application of any such provision in the Development Code because of unnecessary hardship if doing so shall be in accordance with the general purpose and intent of these regulations, or amendments thereto, and only in the event the board determines that by such alteration or modification unnecessary hardship may be avoided and the public health, safety, morals and general welfare is properly secured and protected. In granting any variance the board of zoning appeals shall designate such conditions in connection therewith as will, in its opinion, secure substantially the objectives of these regulations and may designate conditions to be performed or met by the user or property owner, out of regard for the public health, safety, comfort, convenience, and general welfare of the community, including safeguards for, with respect to light, air, areas of occupancy, density of population and conformity to any master plan guiding the future development of the city. The development costs of the applicant as they pertain to the strict compliance with a regulation may not be the primary reason for granting a variance.

Department of Development Services
205 Lawrence Street
Marietta, Georgia 30060
Rusty Roth, AICP, Director

Criteria:

1. Exceptional or extraordinary circumstances or conditions *are/are not* applicable to the development of the site that do not apply generally to sites in the same zoning district.
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

Rear portion of 1053 Sandy Plains Rd abutting residential properties

Department of Development Services
205 Lawrence Street
Marietta, Georgia 30060
Rusty Roth, AICP, Director

Subject property along Sandy Plains Rd

Recommended Action:

Approval with stipulations. The property owner, 1053MSP LLC, is requesting a variance for the property at 1053 Sandy Plains Road in order to reduce the undisturbed buffer adjacent to residential homes. The property is approximately 0.93 acres in area and is located near the corner of Sandy Plains and Addison Road. Adjacent properties immediately to the east and west are also zoned CRC and include a car wash and a fast food restaurant. To the north, the adjacent properties are located in unincorporated Cobb County and are zoned R-20 (Single-Family Residential – 20,000 sq.ft. lot size); the property directly south of the subject property, across Sandy Plains Road, is zoned PID (Planned Industrial Development).

The property is a wooded lot that has never been developed. The applicant would like to develop a two-story commercial building with first floor retail businesses and second story offices. The Zoning Ordinance requires properties zoned CRC to maintain a 40-foot wide undisturbed buffer that is intended to screen views and diffuse sound along any property line abutting a residential district. Building setbacks are to be applied in addition to - not overlapping - the buffer.

As shown on the updated proposed site plan, the owner is requesting to reduce the buffer to 10 feet with an opaque privacy fence in order to provide 43 parking spaces for the 11,900 square foot building. Parking requirements for retail space is one space per 250 sq.ft., while offices require one space per 350 sq.ft. The applicant has provided all parking towards the rear of the property, away from public view, which allows the front setback to be reduced up to 50% [*§716.07 (F)*].

Two (2) residential properties, 1048 and 1050 Plainview Drive in Cobb County, would be directly impacted by the buffer reduction. The application claims the buffer reduction is necessary because the property is small and narrow. However, the site is nearly an acre in size and the buffer encroachment could be minimized or eliminated by reducing the building area. The applicant has stated that they would replace the existing chain-link fence with an opaque fence along the rear of the property.

The fast food restaurant immediately to the west (1043 Sandy Plains Road) was granted a reduction to the 50 ft. buffer as part of a rezoning case in 1990. Per Z-9021, the buffer was reduced to 10 feet wide on the north and east side of the property with the installation of a 6' tall wood fence. The car wash immediately to the east, 1813 Addison Road, was granted a reduction in the required buffer from 40 feet to 20 feet with an 8-foot tall wood fence (Z2004-29).

This case was tabled from the May 18, 2020 BZA meeting in order for the applicant to speak with the neighboring property owners and attempt to address any concerns. The applicant and attorney have reached out to city staff to state they are willing to provide the following:

- A 10 – 12-foot opaque privacy fence on the subject property along the shared boundary line of the two adjoining neighbors to the rear – the fence will run the entire length of the subject property so that it leaves no gaps for access to the residential properties.
- A 10-foot planted buffer with trees planted as depicted on the most recent site plan.
- The dumpster will be installed with rubber padding to ensure that the pickup and emptying of the dumpster does not create unnecessary noise.

To maintain consistency with what has been granted for surrounding properties, ***staff recommends approval of the requested variance with the following stipulations:***

1. ***The buffer may be reduced to no less than ten (10) feet but may be disturbed and replanted.***
2. ***The existing chain link fence be replaced with a wooden privacy fence at least 10 feet in height, but no more than 12 feet in height, with the finished side facing the exterior.***
3. ***The buffer shall contain two (2) staggered rows of evergreen trees, with 10 ft. spacing, and at a minimum height of 5 ft. at installation.***
4. ***The dumpster will be installed with rubber padding to ensure that the pickup and emptying of the dumpster does not create unnecessary noise.***

Although unrelated to variance request, the following site requirements should be noted:

- Two-way driveways must be at least 20' wide, exclusive of curb and gutter. One-way driveways must be at least 14' wide, exclusive of curb and gutter.
- A planter island is required in between every twelve (12) parking spaces and be a minimum 125 sq.ft. in area and contain at least one non-pine species tree (minimum two-inch caliper and ten feet in height). One additional planter island will be required in the row of sixteen (16) continuous parking spaces towards the northern portion of the property.
- CRC is limited to 80% impervious surface coverage.
- Accessory structures must be at least 10' from any property line.
- Metal siding may not be used on any side of a building facing a roadway.

Marietta GEORGIA

Department of Development Services
205 Lawrence Street
Marietta, GA 30060
Phone: 770-794-5440

APPLICATION FOR VARIANCE OR APPEAL

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

(NOTE: CORRESPONDENCE IS HANDLED VIA EMAIL UNLESS OTHERWISE REQUESTED)

For Office Use Only:

Application #: V2020-16 **Legistar #:** 20200322 **BZA Hearing Dt:** 5-18-20

City Council Hearing Dt (if applicable) #: — **PZ #:** _____

This is a variance/appeal application for:

☒ **Board of Zoning Appeals** ☐ **City Council**

Owner's Name 1053MSP LLC / Rutvik Emil Dmello

EMAIL Address: emil@riverbrokers.com

Mailing Address 1 Glenlake Pkwy NE #700 Atlanta, GA Zip Code: 30328 Phone Number (770) 415-9940

COMPLETE ONLY IF APPLICANT IS NOT OWNER:

~~Applicant:~~ Rep: Parks Huff, Esq. - Sams, Larkin, & Huff, LLP

EMAIL Address: phuff@samslarkinhuff.com

Mailing Address _____ Zip Code: _____ Phone Number _____

Address of subject property: 1053 Sandy Plains Rd, Marietta, GA 30066 Date of Acquisition: January 27, 2020

Land Lot (s) ~~779/780~~ 0780 District 16 Parcel 16078000120 00120 Acreage 0.911 .926 Zoned CRC Ward 6B FLU: NAC

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

Reduction of 40 feet buffer with adjoining residential lot in the back.

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. Copy of the deed that reflects the current owner(s) of the 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 – 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).
   Copies Required: One (1) - (8 ½" x 11") -or- (11" x 17") drawn to scale.
   Optional Additional Plat size: (24"x 36"). If providing (24"x 36") then 5 copies REQUIRED.
6. Copy of current tax bill showing payment or documentation certified by the City of Marietta Tax Office.

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

CAMPAIGN CONTRIBUTIONS

The Owner and Applicant herein certify that he/she ☐has ☒has not made campaign contributions or gifts aggregating $250.00 or more to the Mayor, any member of Council or any member of the Board of Zoning Appeals within the two (2) years preceding the filing of this application.

Signature of Owner

Signature of Applicant

Rutvik Emil Dmello, Member of 1053MSP LLC
Print Name

Rutvik Emil Dmello, Member of 1053MSP LLC
Print Name

FINANCIAL INTEREST

The Applicant herein certifies that he/she ☒has ☐has not a financial interest in the property which is ten percent (10%) or more.

Rutvik Emil Dmello, Member of 1053MSP LLC
Print Name

Signature of Applicant

APPLICANT CERTIFICATION

- The Applicant certifies that all information in this application, and all information furnished in support of this application, is true and complete to the best of the Applicant's knowledge and belief. Should any portion not be true, then the application may be rejected.
- Penalty for false or fraudulent statement: Whoever, in any matter, knowingly and willingly falsifies or makes any false, fictitious or fraudulent statement of representatives concerning this application shall be denied the request stated in this application.

Signature of Applicant

April 6, 2020
Date

Rutvik Emil Dmello, Member of 1053MSP LLC
Please Print

OWNER CERTIFICATION

- The Owner certifies that all information in this application, and all information furnished in support of this application, is true and complete to the best of the Owners's knowledge and belief. Should any portion not be true, then the application may be rejected.
- Penalty for false or fraudulent statement: Whoever, in any matter, knowingly and willingly falsifies or makes any false, fictitious or fraudulent statement of representatives concerning this application shall be denied the request stated in this application.
- The Owner hereby gives permission to enter on the property for inspection during the time application is pending.

Signature of Owner

Rutvik Emil Dmello, Member of 1053MSP LLC
Please Print

1 Glenlake Pkwy NE #700, Atlanta, GA 30328
Address

April 6, 2020
Date

Signed, sealed and delivered in the presence of:

KAVITA PUROHIT

Kavita R. Purohit
NOTARY PUBLIC
Fulton County, Georgia
My Commission Expires 1/22/2021

My Commission Expires: 1/22/21

Note: Owner, Applicant or Representative must be present at meeting in order for case to be heard.

Revised: 11/4/2019

CAMPAIGN CONTRIBUTIONS

The Owner and Applicant herein certify that he/she ☐has ☒has not made campaign contributions or gifts aggregating $250.00 or more to the Mayor, any member of Council or any member of the Board of Zoning Appeals within the two (2) years preceding the filing of this application.

_____	_____
Signature of Owner	Signature of Applicant
_____	Parks F. Huff, Attorney for Applicant
Print Name	Print Name

FINANCIAL INTEREST

The Applicant herein certifies that he/she ☐has ☒has not a financial interest in the property which is ten percent (10%) or more.

Parks F. Huff, Attorney for Applicant	_____
Print Name	Signature of Applicant

APPLICANT CERTIFICATION

- The Applicant certifies that all information in this application, and all information furnished in support of this application, is true and complete to the best of the Applicant's knowledge and belief. Should any portion not be true, then the application may be rejected.
- Penalty for false or fraudulent statement: Whoever, in any matter, knowingly and willingly falsifies or makes any false, fictitious or fraudulent statement of representatives concerning this application shall be denied the request stated in this application.

_____	4/6/2020
Signature of Applicant	Date

Parks F. Huff, Attorney for Applicant
Please Print

OWNER CERTIFICATION

- The Owner certifies that all information in this application, and all information furnished in support of this application, is true and complete to the best of the Owners's knowledge and belief. Should any portion not be true, then the application may be rejected.
- Penalty for false or fraudulent statement: Whoever, in any matter, knowingly and willingly falsifies or makes any false, fictitious or fraudulent statement of representatives concerning this application shall be denied the request stated in this application.
- The Owner hereby gives permission to enter on the property for inspection during the time application is pending.

_____	_____
Signature of Owner	Please Print

_____
Address

_____
Date

Signed, sealed and delivered in the presence of:

_____ My Commission Expires:_____

Note: Owner, Applicant or Representative must be present at meeting in order for case to be heard.

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GARVIS L. SAMS, JR.
JOEL L. LARKIN
PARKS F. HUFF

SAMS, LARKIN & HUFF
A LIMITED LIABILITY PARTNERSHIP
SUITE 100
376 POWDER SPRINGS STREET
MARIETTA, GEORGIA 30064-3448

770•422•7016
TELEPHONE
770•426•6583
FACSIMILE

April 6, 2020

LETTER OF INTENT

VIA EMAIL: slittle@mariettaga.gov

Ms. Shelby Little, AICP
City of Marietta
Department of Development Services
205 Lawrence Street
Marietta, GA 30060

Re: Variance Application of 1053MSP LLC regarding a .911± Acre Tract located in Land Lots 779 and 780, 16th District, known as 1053 Sandy Plains Road, City of Marietta, Cobb County, Georgia.

Dear Shelby:

This firm has been engaged by and represents 1053MSP LLC concerning the above-captioned Variance Application. The property is zoned CRC and is in a Neighborhood Activity Center. The property fronts on Sandy Plains road and there are a series of other commercial businesses on this section of Sandy Plains Road. To the rear of the property are residential properties. The applicant proposes a commercial building that will have retail businesses and offices. The uses will be quieter than adjacent uses such as car washes, fast food restaurants, landscaping businesses and convenience stores. The applicant proposes to reduce the 40-foot buffer adjacent to residential property to a 5-foot replanted buffer with a wooden privacy fence. The buffer reduction is necessary because the property is relatively small and narrow. The proposed buffer is consistent with the other buffers in the area.

For all the reasons stated herein above and with all of the information and documentation which is before you, we respectfully request that the Variance Application be approved. Of course, during the pendency of the Application, I will be providing you and your staff with any necessary additional information, documentation and stipulations in order to facilitate the approval of this Application. In the interim, please do not hesitate to contact me should you have any questions whatsoever regarding these matters.

Sincerely,

SAMS, LARKIN & HUFF, LLP

Parks F. Huff
phuff@samslarkinhuff.com

AJR/jcc

TO: **Marietta Daily Journal**

FROM: **City of Marietta**

RUN DATE: **June 12, 2020**

CITY OF MARIETTA
PUBLIC NOTICE OF VARIANCES

The City of Marietta hereby gives notice that a public hearing will be held to give consideration to the following requests. The Board of Zoning Appeals will consider the following requests on **Monday, June 29th, 2020 at 6:00 P.M.,** City Hall. Anyone wishing to attend may do so and be heard relative thereto.

V2020-16 [VARIANCE] 1053MSP LLC is requesting a variance for property zoned CRC (Community Retail Commercial), located in Land Lot 07800, District 16, Parcel 0120, 2nd Section, Marietta, Cobb County, Georgia, and being known as 1053 Sandy Plains Road. Variance to reduce the undisturbed buffer from 40' to 10' along the northern property line. Variance to increase the allowable height of a fence from 8' to 12.' Ward 6B.

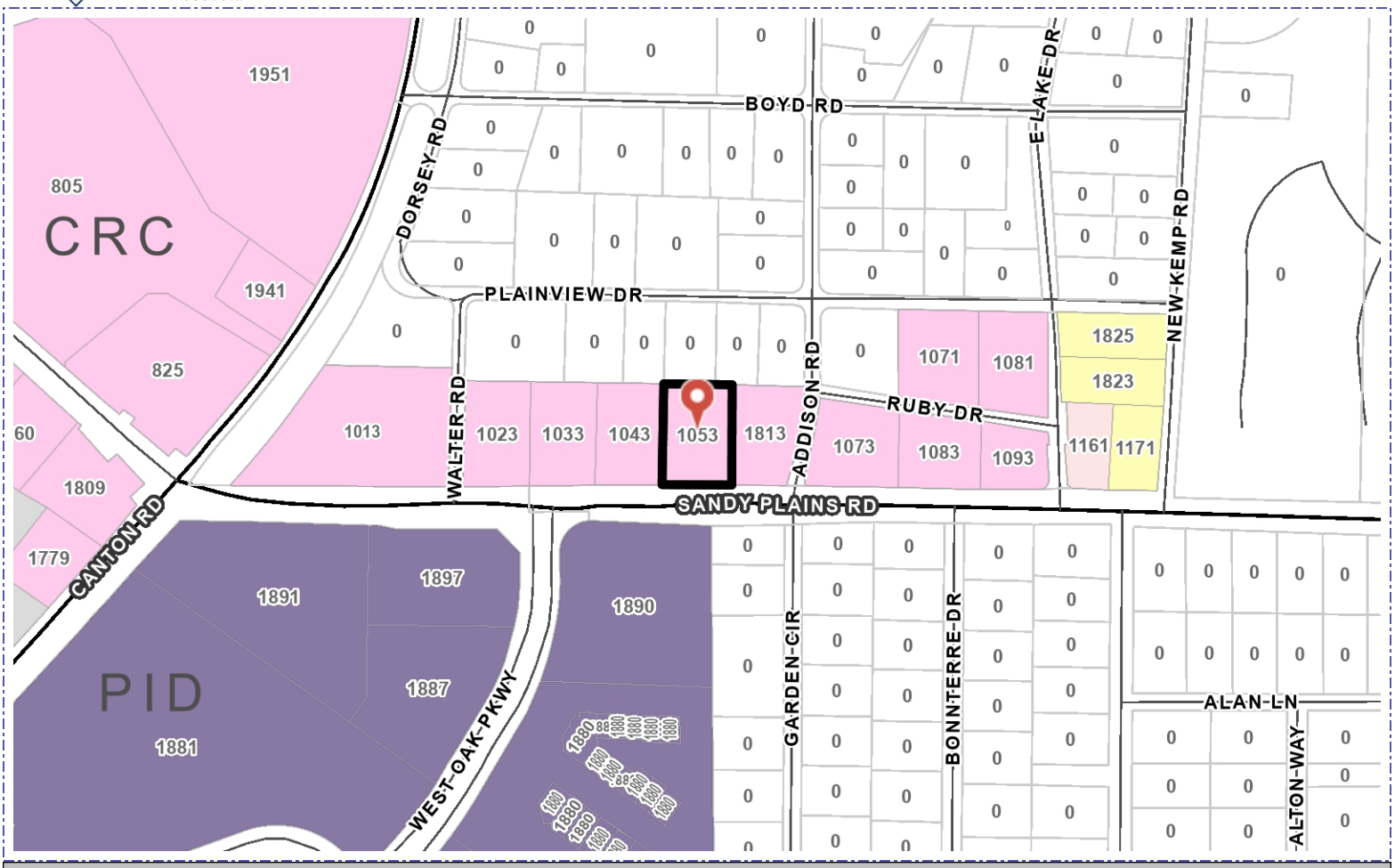
A description and plat of the property sought for the variances are on file in the Planning and Zoning Office, City Hall, and are available for inspection between 8:00 A.M. and 5:00 P.M., Monday through Friday. Anyone wishing to attend may do so and be heard relative thereto. You may also review the property file at www.mariettaga.gov and enter the case # in the search box.

For additional information including questions about virtual participation, 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 ADA Coordinator, at 770-794-5558 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
1053 SANDY PLAINS RD	16078000120	0.926	6B	CRC	NAC

Property Owner: 1053MSP LLC/Rutvik Emil Dmello

Applicant:

BZA Hearing Date: 06/29/2020

Acquisition Date:

Case Number: V2020-16

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 - Moble 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
- MXD - 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

June 7, 2020

Mr. Bobby Van Buren
Marietta Board of Zoning Appeals
Send via email

Re: Zoning Appeal Hearing about V2020-6 on June 29th at 6 PM

Dear Mr. Van Buren,

I work with Carol Brown of Canton Road Neighbors and represent that group and area residents within the City of Marietta near Canton Road because I am a resident of the City of Marietta living in Briarwood Subdivision. Briarwood is located just several blocks away from Canton Road on Sandy Plains. I have decades of experience with a number of homeowner's groups in three different counties and take a keen interest in what is approved, especially when it affects existing residential areas.

Today I am contacting you and, by virtue of "copy" on the email, the entire Board of Zoning Appeals as well as our city Council person, Michelle Cooper-Kelly.

After a review of the Variance Request and the Staff Review and Recommendation, I wanted to let you know that we are happy with the recommendations made by staff and support those, especially requiring the 20 foot buffer. The latest precedent in that block is the 2004 variance on the car wash next door to this property. The required 40 foot buffer was allowed to be reduced to 20 feet. I think that precedent should be used as a guide in making a decision about this property to keep the 20 feet in the stipulations.

Thank you in advance for taking our support of Staff into consideration.

Beverly T. McMurray

Beverly T McMurray

Former board member of Canton Road Neighbors
Former board member of NE Cobb Homeowners Group
Immediate past president of the Briarwood Homeowners Association

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Potential Design subject to City's preference.

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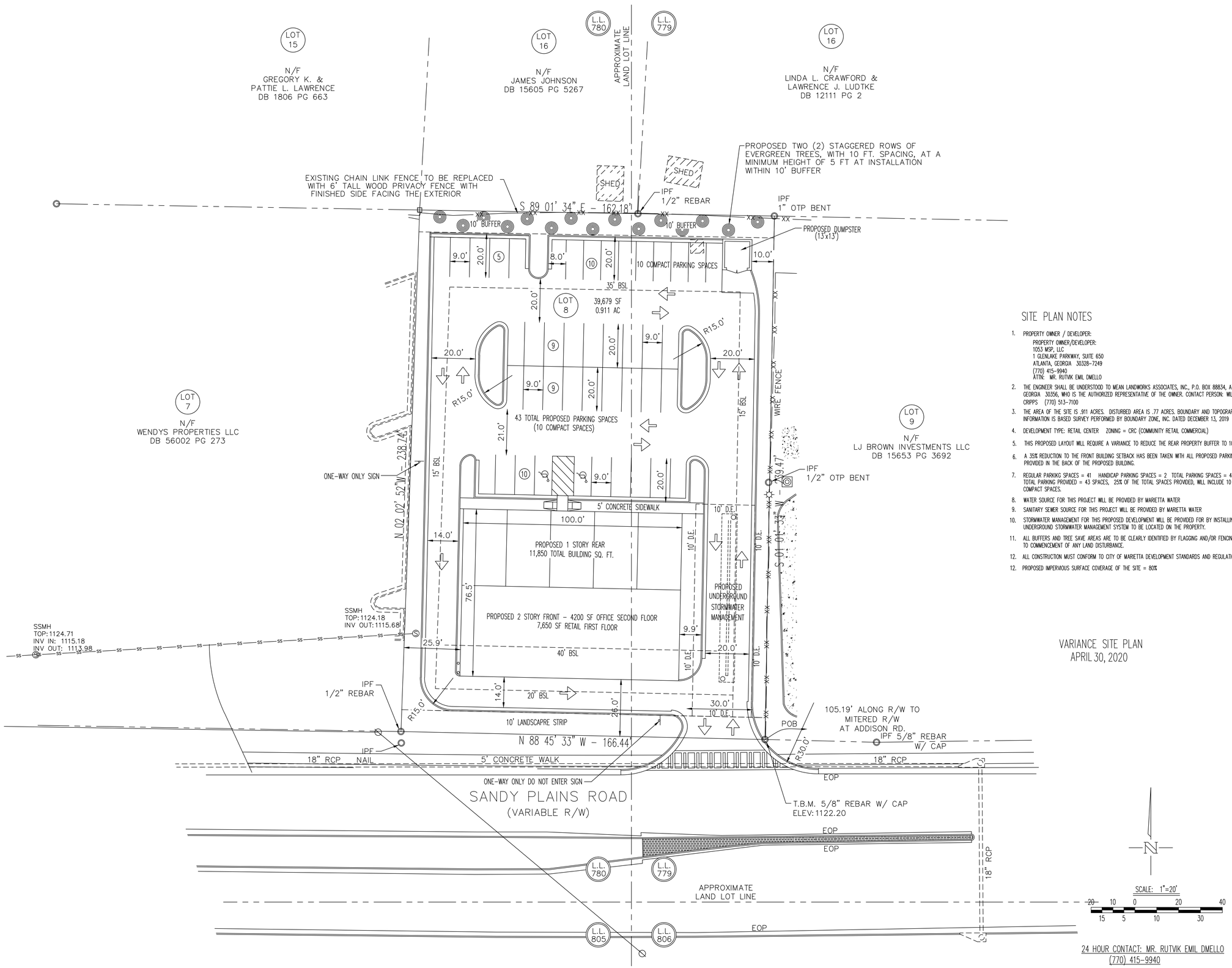

VARIANCE SITE PLAN
APRIL 30, 2020

SITE PLAN NOTES

1. PROPERTY OWNER / DEVELOPER:
   PROPERTY OWNER/DEVELOPER:
   1053 MSP, LLC
   1 GLENLAKE PARKWAY, SUITE 650
   ATLANTA, GEORGIA 30328-7249
   (770) 415-9940
   ATTN: MR. RUTVIK EMIL DMELLO
2. THE ENGINEER SHALL BE UNDERSTOOD TO MEAN LANDWORKS ASSOCIATES, INC., P.O. BOX 88834, ATLANTA, GEORGIA 30356, WHO IS THE AUTHORIZED REPRESENTATIVE OF THE OWNER. CONTACT PERSON: WILLIAM CRIPPS (770) 513-7100
3. THE AREA OF THE SITE IS .911 ACRES. DISTURBED AREA IS .77 ACRES. BOUNDARY AND TOPOGRAPHIC INFORMATION IS BASED SURVEY PERFORMED BY BOUNDARY ZONE, INC. DATED DECEMBER 13, 2019
4. DEVELOPMENT TYPE: RETAIL CENTER ZONING = CRC (COMMUNITY RETAIL COMMERCIAL)
5. THIS PROPOSED LAYOUT WILL REQUIRE A VARIANCE TO REDUCE THE REAR PROPERTY BUFFER TO 10'.
6. A 35% REDUCTION TO THE FRONT BUILDING SETBACK HAS BEEN TAKEN WITH ALL PROPOSED PARKING BEING PROVIDED IN THE BACK OF THE PROPOSED BUILDING.
7. REGULAR PARKING SPACES = 41 HANDICAP PARKING SPACES = 2 TOTAL PARKING SPACES = 43
   TOTAL PARKING PROVIDED = 43 SPACES, 23% OF THE TOTAL SPACES PROVIDED, WILL INCLUDE 10 COMPACT SPACES.
8. WATER SOURCE FOR THIS PROJECT WILL BE PROVIDED BY MARIETTA WATER
9. SANITARY SEWER SOURCE FOR THIS PROJECT WILL BE PROVIDED BY MARIETTA WATER
10. STORMWATER MANAGEMENT FOR THIS PROPOSED DEVELOPMENT WILL BE PROVIDED FOR BY INSTALLING AN UNDERGROUND STORMWATER MANAGEMENT SYSTEM TO BE LOCATED ON THE PROPERTY.
11. ALL BUFFERS AND TREE SAVE AREAS ARE TO BE CLEARLY IDENTIFIED BY FLAGGING AND/OR FENCING PRIOR TO COMMENCEMENT OF ANY LAND DISTURBANCE.
12. ALL CONSTRUCTION MUST CONFORM TO CITY OF MARIETTA DEVELOPMENT STANDARDS AND REGULATIONS.
12. PROPOSED IMPERVIOUS SURFACE COVERAGE OF THE SITE = 80%

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REVISIONS

GSWCC LEVEL II
CERT. No. 001389

Landworks Associates, Inc.
P.O. BOX 88834
ATLANTA, GEORGIA 30356
(770) 513-7100 environments2013@yahoo.com

PROJECT DESCRIPTION
SNADY PLAINS RETAIL/OFFICE CENTER
LAND LOTS 779 & 780, 16TH LAND DISTRICT, 2ND SECTION,
CITY OF MARIETTA, COBB COUNTY, GEORGIA

SHEET TITLE
VARIANCE SITE PLAN

DATE:	04-30-20
JOB:	557-200305
DRW:	WJC
CHK:	JGA

SHEET NUMBER
C-1

Department of Development Services
205 Lawrence Street
Marietta, Georgia 30060
Rusty Roth, AICP, Director

STAFF REVIEW AND RECOMMENDATION

Variance Case #: V2020-18 Legistar #: #20200347

Board of Zoning Appeals Hearing: Monday, June 29th, 2020 – 6:00 p.m.

Property Owner: Amy Mullis Knowles
526 Delk Street
Marietta, GA 30060

Applicant: Same as above

Address: 526 Delk Street

Land Lot: 290 District: 17 Parcel: 0680

Council Ward: 1A Existing Zoning: RM-8 (Multi Family Residential – 8 units/acre)

Special Exception / Special Use / Variance(s) Requested:

1. Variance to reduce the rear yard setback from 30' to 10' for a new addition. [*§708.10 (C.2) and §708.04 (H)*]
2. Variance to reduce the front yard setback from 25' to 20' for the existing structure. [*§708.10 (C.2) and §708.04 (H)*]
3. Variance to allow an existing shed remain 7' from the side and 1' from the rear property line. [*§708.10 (F.1)*]

Statement of Fact

As per section 720.03 of the Comprehensive Development Code of Marietta, the Board of Zoning Appeals may alter or modify the application of any such provision in the Development Code because of unnecessary hardship if doing so shall be in accordance with the general purpose and intent of these regulations, or amendments thereto, and only in the event the board determines that by such alteration or modification unnecessary hardship may be avoided and the public health, safety, morals and general welfare is properly secured and protected. In granting any variance the board of zoning appeals shall designate such conditions in connection therewith as will, in its opinion, secure substantially the objectives of these regulations and may designate conditions to be performed or met by the user or property owner, out of regard for the public health, safety, comfort, convenience, and general welfare of the community, including safeguards for, with respect to light, air, areas of occupancy, density of population and conformity to any master plan guiding the future development of the city. The development costs of the applicant as they pertain to the strict compliance with a regulation may not be the primary reason for granting a variance.

Criteria:

1. Exceptional or extraordinary circumstances or conditions *are/are not* applicable to the development of the site that do not apply generally to sites in the same zoning district.

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

526 Delk Street

Location of proposed addition

Recommended Action:

Approval. The property owner, Amy Mullis Knowles, is requesting variances for a proposed house addition at 526 Delk Street. The subject property is zoned RM-8 (Multi-Family Residential – 8 units/acre) and is 0.34 acres in size. Located at the northwestern corner of Delk and Hawkins Street, the property contains a single-family residence that is occupied by the owner/applicant. The adjacent properties to the north, south, west, and east across Delk Street are also zoned RM-8. Although the neighborhood is zoned for multi-family use, most of the nearby properties are used as single-family residences. Single family residences are permitted in RM-8 zoning districts, but must adhere to the area and bulk regulations for R-4 listed under §708.04 (H).

The owner purchased the property in 2014 and now wishes to add a four-bay garage with living space above. There is currently a metal carport in the location of the proposed addition.

The parcel is wide and relatively shallow; and the entrance to both the house and the driveway are from Delk Street, making the westernmost property line the rear property line. The required rear yard building setback is 30 ft., and if the addition were built outside of the required setbacks, it would drastically shorten the depth and capacity of the driveway. The applicant is requesting to push the addition to no more than 10 feet from the western property line, which is consistent with residential side setbacks.

Two of the three listed variances are for existing conditions. Should the variance for the new addition be approved, the proposed cost of the construction may trigger the redevelopment clause that requires all existing nonconformities to come into compliance. The front part of the home currently projects into the required 25 foot front setback by 5 feet. Open, unenclosed porches may project halfway into the setback so the covered porch is not an issue. Also, there is a shed in the backyard that is closer to both the rear and side property lines than current code allows.

Considering the location of the new addition is on a corner and will be consistent with standard side setbacks, city staff does not anticipate the improvements to have a negative impact on the surrounding area. As a result, ***staff recommends approval of all listed variances.***

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Department of Development Services
205 Lawrence Street
Marietta, GA 30060
Phone: 770-794-5440

APPLICATION FOR VARIANCE OR APPEAL

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

(NOTE: CORRESPONDENCE IS HANDLED VIA EMAIL UNLESS OTHERWISE REQUESTED)

For Office Use Only:

Application #: V 2020-18 **Legistar #:** 20200347 **BZA Hearing Dt:** 6-29-20

City Council Hearing Dt (if applicable) #: — **PZ #:**

This is a variance/appeal application for:

☑ **Board of Zoning Appeals** ☐ **City Council**

Owner's Name Amy Mullis Knowles

EMAIL Address: ADMINISTRATIVEARTS@COMCAST.NET

Mailing Address 526 DEIK ST Zip Code: 30060 Phone Number 770 6051759

COMPLETE ONLY IF APPLICANT IS NOT OWNER:

Applicant:

EMAIL Address:

Mailing Address Zip Code: Phone Number

Address of subject property: 526 DEIK ST Date of Acquisition: 11/2014

Land Lot (s) 02900 0290 District 17 Parcel 0680 00680 Acreage .30 .34 Zoned ~~R-4~~ RMB Ward 1A FLU: MDR

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

REAR YARD SETBACK REDUCTION

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. Copy of the deed that reflects the current owner(s) of the 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 – 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).
   Copies Required: One (1) - (8 ½" x 11") **-or-** (11" x 17") drawn to scale.
   Optional Additional Plat size: (24"x 36"). If providing (24"x 36") then 5 copies REQUIRED.
6. Copy of current tax bill showing payment or documentation certified by the City of Marietta Tax Office.

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

CAMPAIGN CONTRIBUTIONS

The Owner and Applicant herein certify that he/she ☐has ☑has not made campaign contributions or gifts aggregating $250.00 or more to the Mayor, any member of Council or any member of the Board of Zoning Appeals within the two (2) years preceding the filing of this application.

Amy Knowles
Signature of Owner

Signature of Applicant

Amy Mullis Knowles
Print Name

Print Name

FINANCIAL INTEREST

The Applicant herein certifies that he/she ☑has ☐has not a financial interest in the property which is ten percent (10%) or more.

Print Name

Signature of Applicant

APPLICANT CERTIFICATION

- The Applicant certifies that all information in this application, and all information furnished in support of this application, is true and complete to the best of the Applicant's knowledge and belief. Should any portion not be true, then the application may be rejected.
- Penalty for false or fraudulent statement: Whoever, in any matter, knowingly and willingly falsifies or makes any false, fictitious or fraudulent statement of representatives concerning this application shall be denied the request stated in this application.

Signature of Applicant

Date

Please Print

OWNER CERTIFICATION

- The Owner certifies that all information in this application, and all information furnished in support of this application, is true and complete to the best of the Owners's knowledge and belief. Should any portion not be true, then the application may be rejected.
- Penalty for false or fraudulent statement: Whoever, in any matter, knowingly and willingly falsifies or makes any false, fictitious or fraudulent statement of representatives concerning this application shall be denied the request stated in this application.
- The Owner hereby gives permission to enter on the property for inspection during the time application is pending.

Amy Knowles
Signature of Owner

Amy Knowles
Please Print

526 Polk St. SE Marietta
Address

4-15-2020
Date

Signed, sealed and delivered in the presence of:

Alisa Feldman

ALISA FELDMAN
MY COMMISSION EXPIRES
NOTARY PUBLIC
APRIL 04, 2023
FULTON COUNTY, GEORGIA

My Commission Expires: 4/4/23

Note: Owner, Applicant or Representative must be present at meeting in order for case to be heard.

Embler, Ines

From: Amy Knowles <administrativearts@comcast.net>
Sent: Friday, April 17, 2020 9:28 AM
To: Embler, Ines
Subject: RE: 526 Delk Street Variance Application - missing Item #4

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Ines,

Pertaining to item #4

Reason for variance request:

We are looking to add an addition to our residence at 526 Delk Street. We are raising two of our grandchildren ages 10 and 8. There is not enough bedroom space in the existing home, as we also have another child still in school and living at home. The plans are for an attached garage with two bedrooms and a family room above. We need the variance to be able to bring the addition in line with the back of the existing house. There is no parking on Delk Street and if we have to build the attachment further towards the front of the property, we would be left with no real driveway space. It also would not be very aesthetically pleasing. This is not a situation of inconvenience or a desire to make more money, this is to meet the space needs of our family and do it in a way that will beautify the neighborhood.

Kind regards,

Amy Knowles

From: Embler, Ines <IEmbler@mariettaga.gov>
Sent: Friday, April 17, 2020 8:42 AM
To: Amy Knowles <administrativearts@comcast.net>
Subject: RE: 526 Delk Street Variance Application - missing Item #4

We are missing item #4 of the required documents: We need a 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). You can email me a letter or an email, either format will suffice. Thanks.

Also, the tax bill submitted shows an amount due by Oct 2019. We need one that shows zero balance or a receipt of payment. Thanks.

Thanks,
Ines

From: Amy Knowles <administrativearts@comcast.net>
Sent: Thursday, April 16, 2020 1:18 PM
To: Embler, Ines <IEmbler@mariettaga.gov>

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TO: **Marietta Daily Journal**

FROM: **City of Marietta**

RUN DATE: **June 12, 2020**

CITY OF MARIETTA
PUBLIC NOTICE OF VARIANCES

The City of Marietta hereby gives notice that a public hearing will be held to give consideration to the following requests. The Board of Zoning Appeals will consider the following requests on **Monday, June 29th, 2020 at 6:00 P.M.,** City Hall. Anyone wishing to attend may do so and be heard relative thereto.

V2020-18 [VARIANCE] AMY MULLIS KNOWLES is requesting variance**s** for property zoned RM-8 (Multi Family Residential– 8 units/acre), located in Land Lot 0290, District 17, Parcel 0680, 2nd Section, Marietta, Cobb County, Georgia, and being known as 526 Delk Street. Variance to reduce the rear yard setback from 30' to 10' for a new addition; variance to reduce the front yard setback from 25' to 20' for the existing structure; variance to allow an existing shed remain 7' from the side and 1' from the rear property line. Ward 1A.

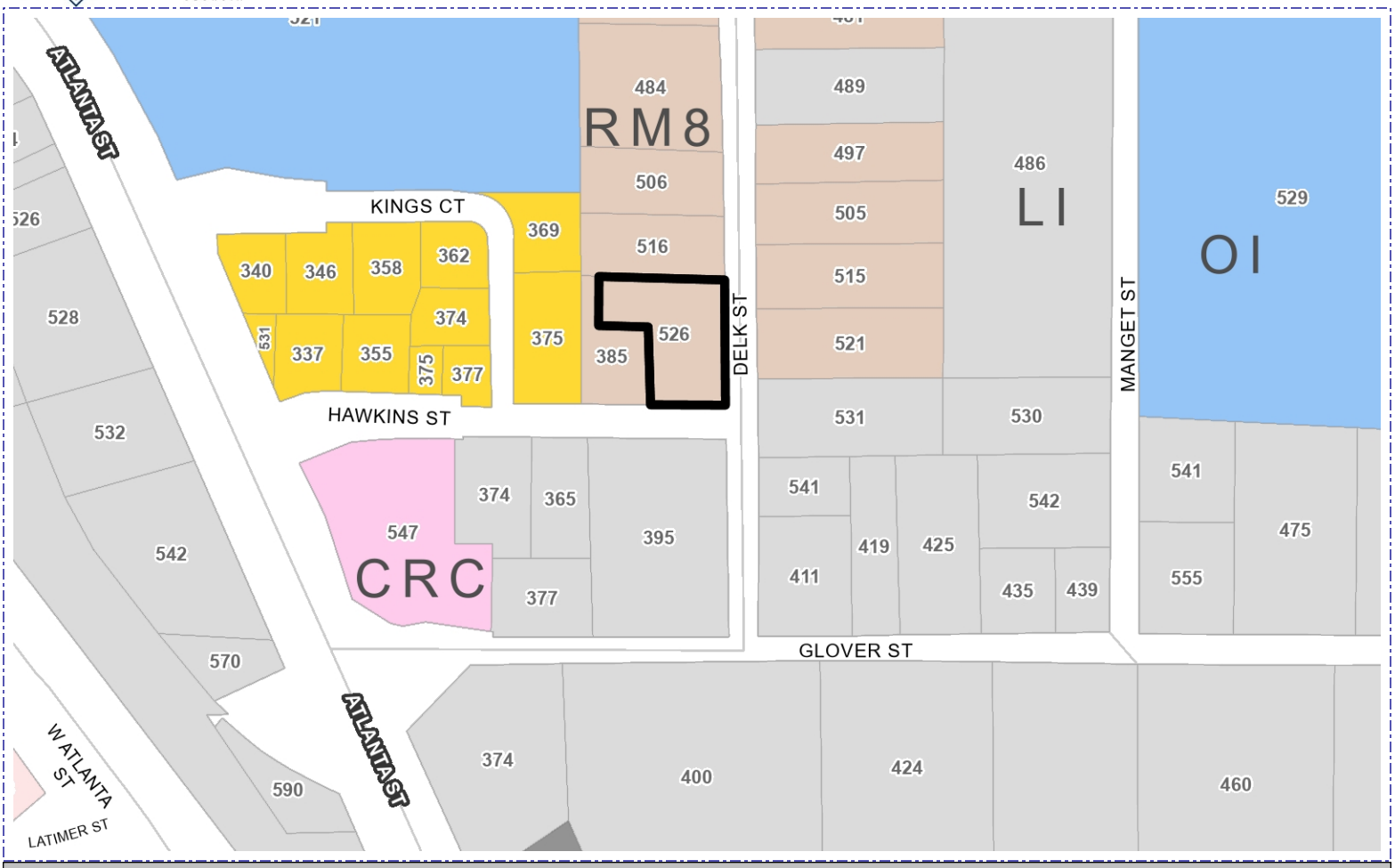
A description and plat of the property sought for the variances are on file in the Planning and Zoning Office, City Hall, and are available for inspection between 8:00 A.M. and 5:00 P.M., Monday through Friday. Anyone wishing to attend may do so and be heard relative thereto. You may also review the property file at www.mariettaga.gov and enter the case # in the search box.

For additional information including questions about virtual participation, 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 ADA Coordinator, at 770-794-5558 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
526 DELK ST	17029000680	0.34	1A	RM8	MDR

Property Owner: Amy Knowles

Applicant:

BZA Hearing Date: 06/29/2020

Acquisition Date:

Case Number: V2020-18

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 - Moble 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
- MXD - 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

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WLB ASSOCIATES, INC
These drawings and their reproductions are the property of the surveyor and may not be reproduced, or used in any way without the written permission of this surveyor.

This plat was prepared for the exclusive use of the person, persons, or entity named in the title block. Said use does not extend to any unnamed person without express permission by the surveyor naming said person.

Site Address:
526 Delk Street

Zoning: RM8
Setback based on R-4
Zoning
Front Yard: 25 '
Side Yard: 25 ';10'
Rear Yard:30 '

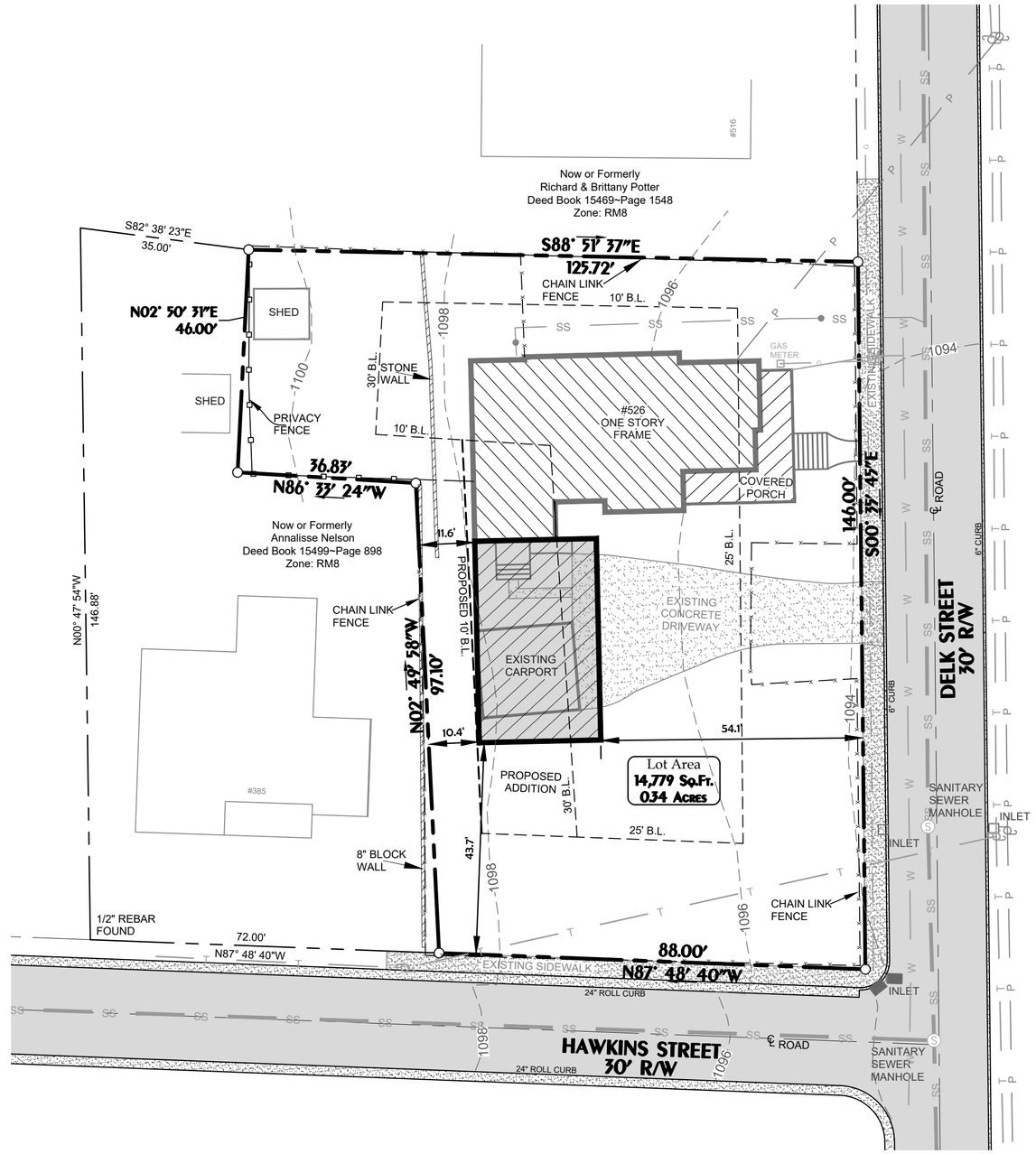
Proposed Rear:10'

The surveyor in no way intends to interpret or make conclusions regarding the zoning designation shown hereon. This information is reported from public information obtained from Cobb County records on 4/14/2020 .

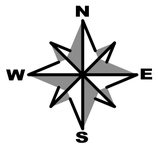
Area Summary: 0.34 acres

Survey References :
Deed Book 15200, Page 4542

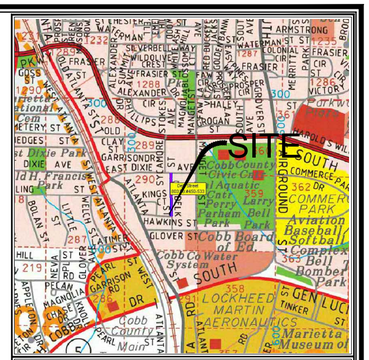
GEORGIA 811
Utilities Protection Center, Inc.
1-800-282-7411
Know what's **below.**
Call before you dig.



GRID NORTH



GEORGIA WEST ZONE - NAD 83



LOCATION MAP
not to scale / ref. aero atlas

SURVEY NOTES:

1. THE FIELD DATA FOR THIS SURVEY WAS OBTAINED WITH A LEICA TOTAL STATION 12 AND A 100 FOOT TAPE.
2. THE FIELD DATA UPON WHICH THIS SURVEY IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 47,638 FEET AND AN ANGULAR ERROR OF 2 SECONDS PER ANGLE POINT AND WAS ADJUSTED USING COMPASS RULE.
3. THIS PLAT OR MAP HAS BEEN CALCULATED FOR CLOSURE AND HAVE A CLOSURE PRECISION RATIO OF 1:127,681
4. THE PROPERTY DEPICTED HEREON DOES NOT LIE WITHIN A FLOOD HAZARD AREA ACCORDING TO THE FLOOD INSURANCE RATE MAP.
5. UNDERGROUND UTILITIES AS SHOWN BY THIS SURVEY ARE APPROXIMATE AND SHOULD BE FIELD VERIFY PRIOR TO ANY CONSTRUCTION.
6. THE SURVEY SHOWN HEREON WAS PREPARED WITHOUT THE BENEFIT OF AN ABSTRACT OF TITLE; THEREFORE, THE UNDERSIGNED AND THIS FIRM MAKES NO GUARANTEES OR REPRESENTATIONS REGARDING INFORMATION SHOWN HEREON PERTAINING TO EASEMENTS, RIGHT-OF-WAYS, SETBACK LINES, AGREEMENTS, RESERVATIONS AND OTHER SIMILAR MATTERS.
7. THIS PLAT IS FOR THE BENEFIT OF THE PARTIES IN THE TITLE BLOCK. ANY USE BY THIRD PARTIES IS AT THEIR OWN RISK. THIS FIRM WILL NOT ACCEPT ANY RESPONSIBILITY OF LIABILITY FOR THE USE OF THIS SURVEY BY ANYONE OTHER THAN THE PERSON(S) NAMED IN THE TITLE BLOCK.

LEGEND

IPF	IRON PIN FOUND		PROPERTY LINE
IPS	1/2" REBAR SET	—X—X—	FENCE
CMP	CORRUGATED METAL PIPE	—T—	TELEPHONE LINE
R/W	RIGHT OF WAY	—G—	GAS LINE
℄	CENTER LINE	—W—	WATER LINE
PL	PROPERTY LINE	—SS—	SANITARY SEWER LINE
FES	FLARED END SECTION	—P—	POWER LINE
L.L.L.	LAND LOT LINE	OTP	OPEN TOP PIPE
T.B.M.	TEMPORARY BENCHMARK	CTP	CRIMP TOP PIPE
INV.	INVERT ELEVATION	RB	REBAR
Ⓢ	SANITARY SEWER MANHOLE	Y.I.	YARD INLET
	POWER POLE	D.I.	DRAIN INLET
	FIRE HYDRANT	SMH	SAN. SEWER MANHOLE
	LIGHT POLE	CO	CLEANOUT
ICV	IRRIGATION CONTROL VALVE	WM	WATER METER
△	TRAVERSE POINT (60D NAIL)		WATER VALVE
Ⓓ	DRAINAGE MANHOLE	GW	GUY WIRE
GV	GAS VALVE	AC	AIR CONDITIONER
	BENCHMARK	N/F	NOW OR FORMERLY
		PT	PERC. TEST (BOREHOLE)
			4x4 TRANSFORMER
○	PROPERTY CORNER	RRT	RAIL ROAD TIE WALL

"Flood Hazard Statement",
By graphic plotting only, The property shown on this plat does not lie within a 100yr Flood Plain according to the flood insurance rate map (FIRM) map number 13067C0108JF. Last revised March 4, 2013.

Utilities:
Information regarding the reputed presence, size, character and location of existing underground utilities and structures is shown hereon. There is no certainty of the accuracy of this information and it shall be considered in that light by those using this drawing. The location and arrangement of underground utilities and structures shown hereon may be inaccurate and utilities and structures not shown may be encountered. The owner, his employees, his consultants and his contractors or anyone else who relies upon this survey shall hereby expressly understand that the surveyor is not responsible for the correctness or sufficiency of this information.

GRAPHIC SCALE
20 0 20 40
(IN FEET)
1 inch = 20 ft.

SURVEYORS CERTIFICATION

This plat is a retracement of an existing parcel or parcels of land and does not subdivide or create a new parcel or make any changes to any real property boundaries. The recording information of the documents, maps, plats or other instruments which created the parcel or parcels are stated hereon.
RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND.
Furthermore, the undersigned land surveyor certifies that this plat complies with the minimum technical standards for property surveys in Georgia as set fourth in the rules and regulations of the Georgia Board of Registration for Professional Engineers and Land Surveyors and as set forth in O.C.G.A. Section 15-6-67.

GEORGIA REGISTERED No. 2770 PROFESSIONAL LAND SURVEYOR WESLEY L. BROWNE, JR.

Apr 15, 2020
Wesley Browne — Date
GA. R.L.S. NO. 2770

SHEET 1 of 1

GEORGIA REGISTERED No. 2770 PROFESSIONAL LAND SURVEYOR WESLEY L. BROWNE, JR.

VARIANCE SITE PLAN OF:

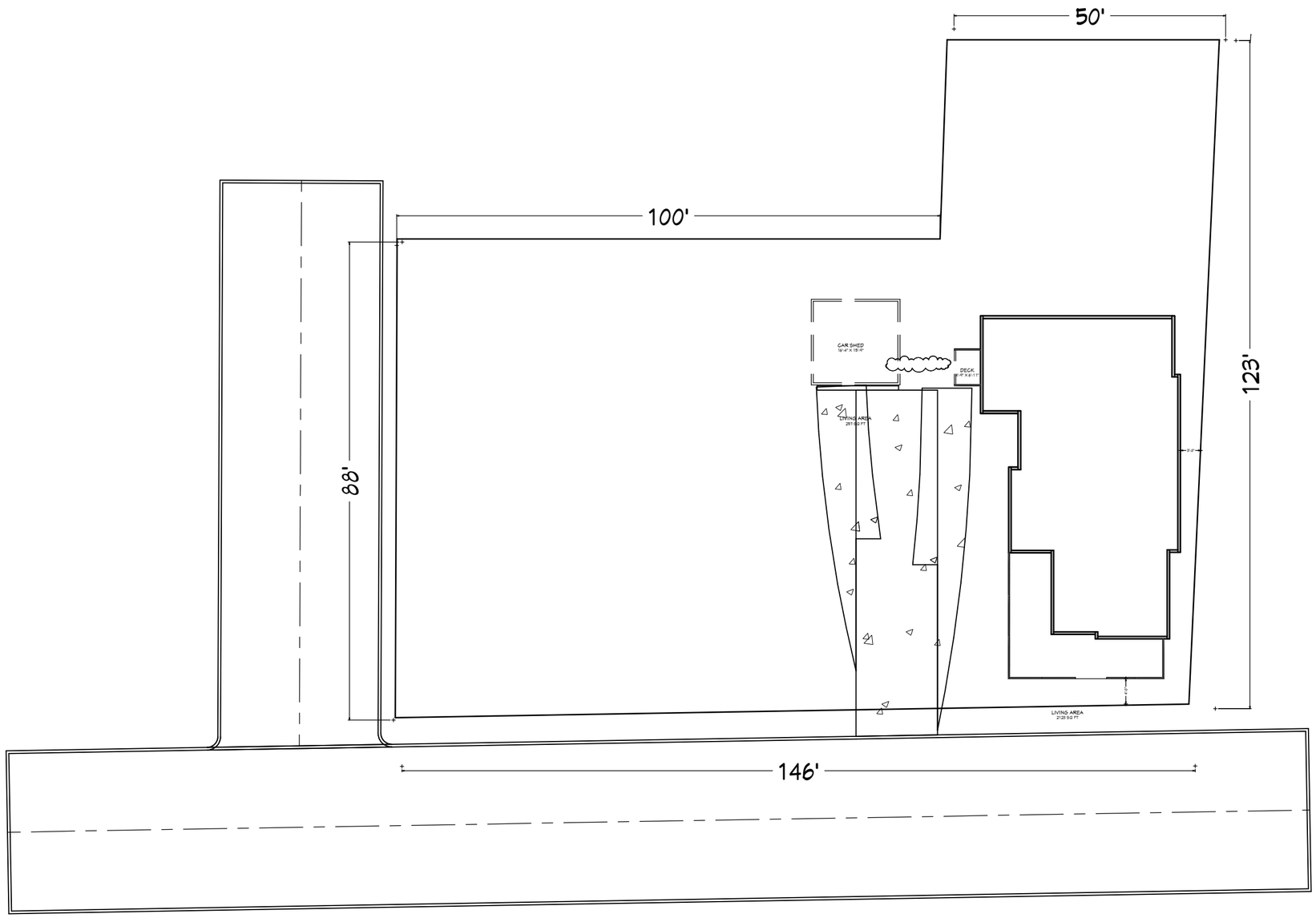
526 Delk Street

DATE	DESCRIPTION

REVISIONS

SURVEY CREW	FIELD BK / PG	L.L.	DIST.	SECTION	COUNTY	SCALE
WB	206/8	290	17th	2nd	COBB	1"=20'
FIELD WORK	DRAWN BY	DATE			JOB No.	APPROVED BY
4/14/2020	WB	April 15, 2020			2020-310	WB

W.L.B ASSOCIATES, INC.
WLB
349 CHERYL COURT
JONESBORO, GA 30238
LAND SURVEYORS ● SITE PLANNING
LAND DEVELOPMENT
Office: (678) 743-4665 Fax: (678) 298-9871
www.wlbassociates.com



Existing Site Plan/ scale 1"=20'

REVISION TABLE			
NUMBER	DATE	REVISED BY	DESCRIPTION

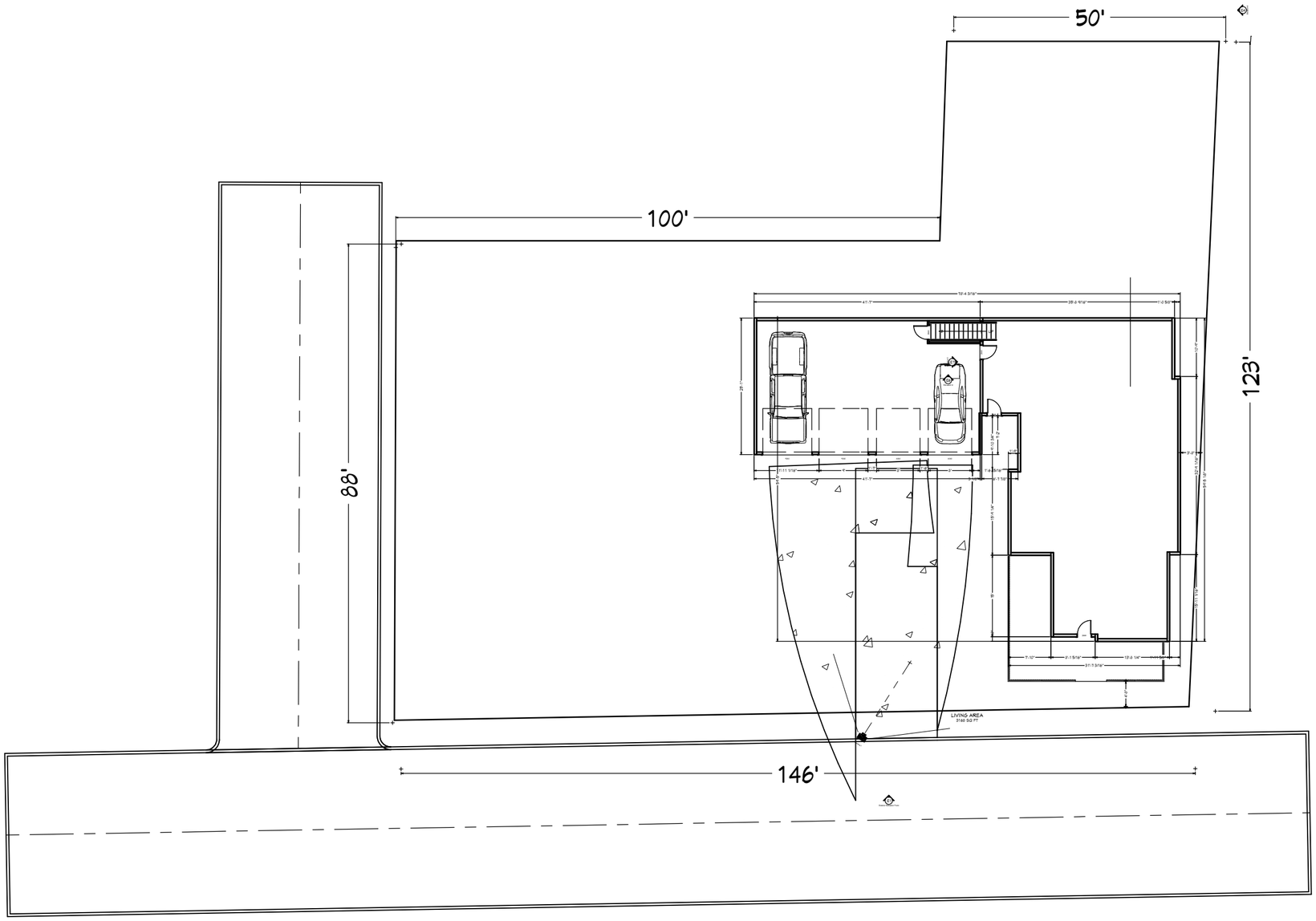
Ray W

DRAWINGS PROVIDED BY:
Ray W

DATE:
4/9/2020

SCALE:

SHEET:
P-1



propose Site Plan

REVISION TABLE

NUMBER	DATE	REVISED BY	DESCRIPTION

Ray W

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Ray W

DATE:

4/9/2020

SCALE:

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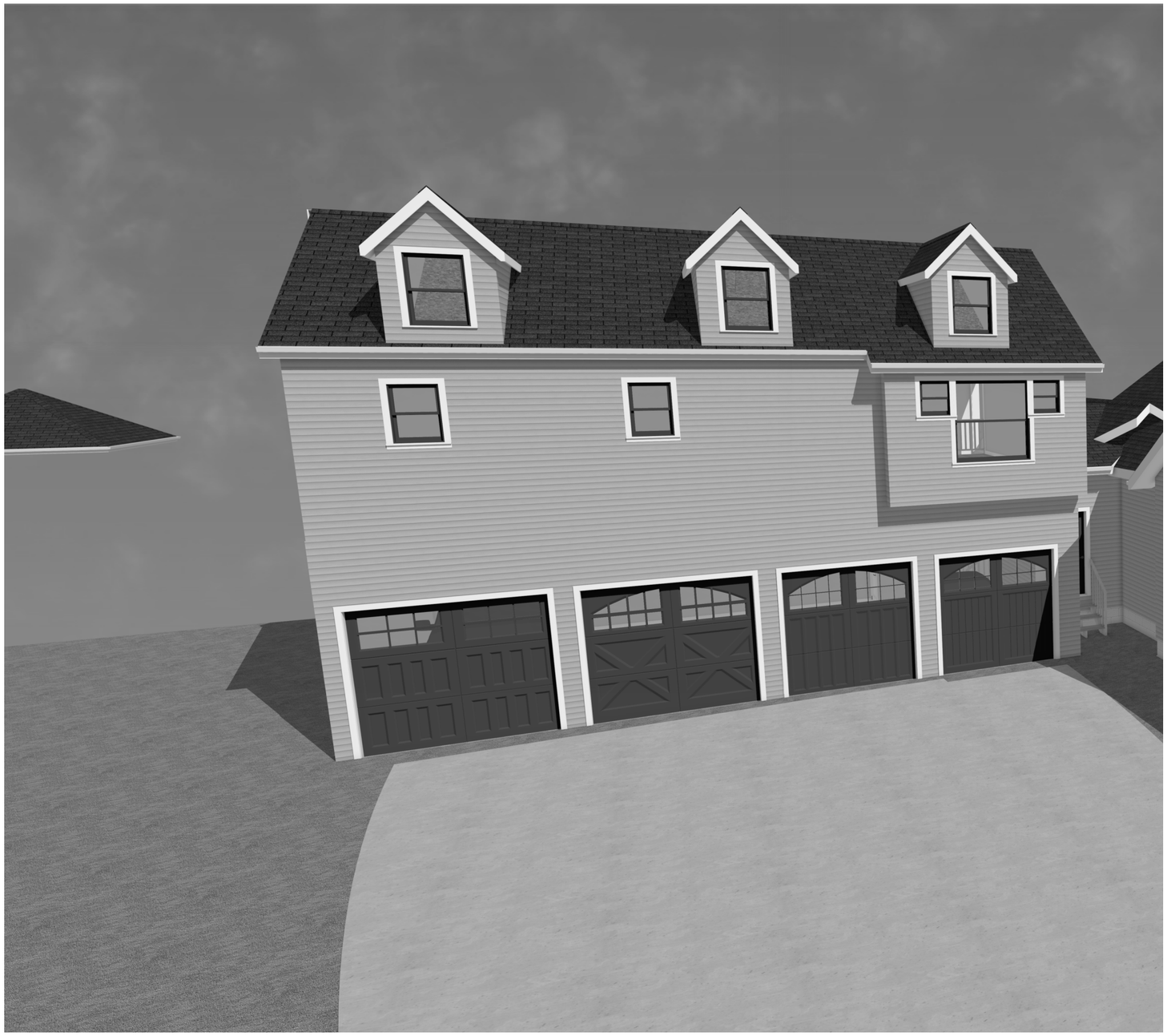


Camera 1

REVISION TABLE

NUMBER	DATE	REVISED BY	DESCRIPTION

Ray M

DRAWINGS PROVIDED BY:

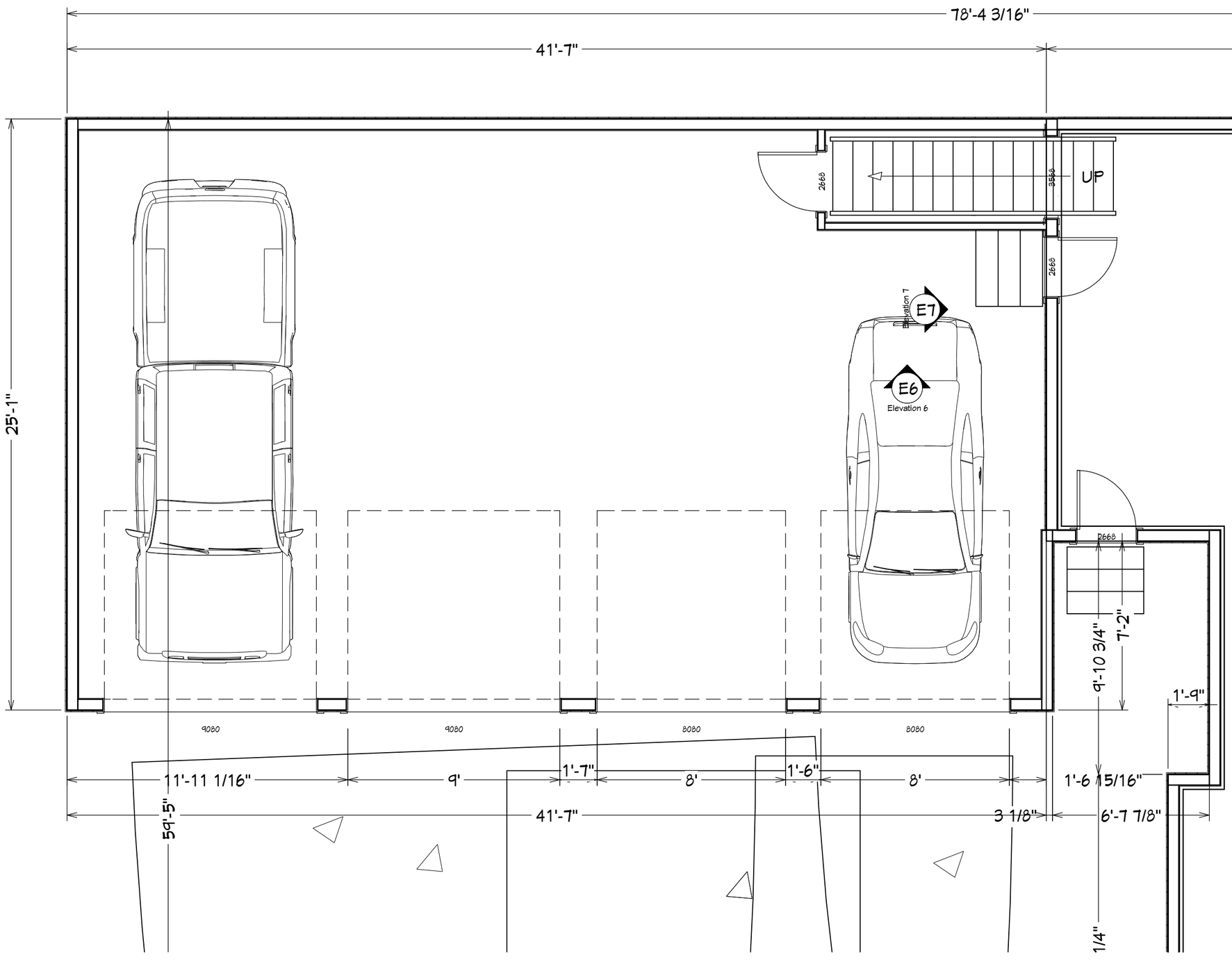
Ray M

DATE:

4/9/2020

SCALE:

SHEET:



propose 1st. fl. plan

REVISION TABLE

NUMBER	DATE	REVISED BY	DESCRIPTION

Ray W

DRAWINGS PROVIDED BY:

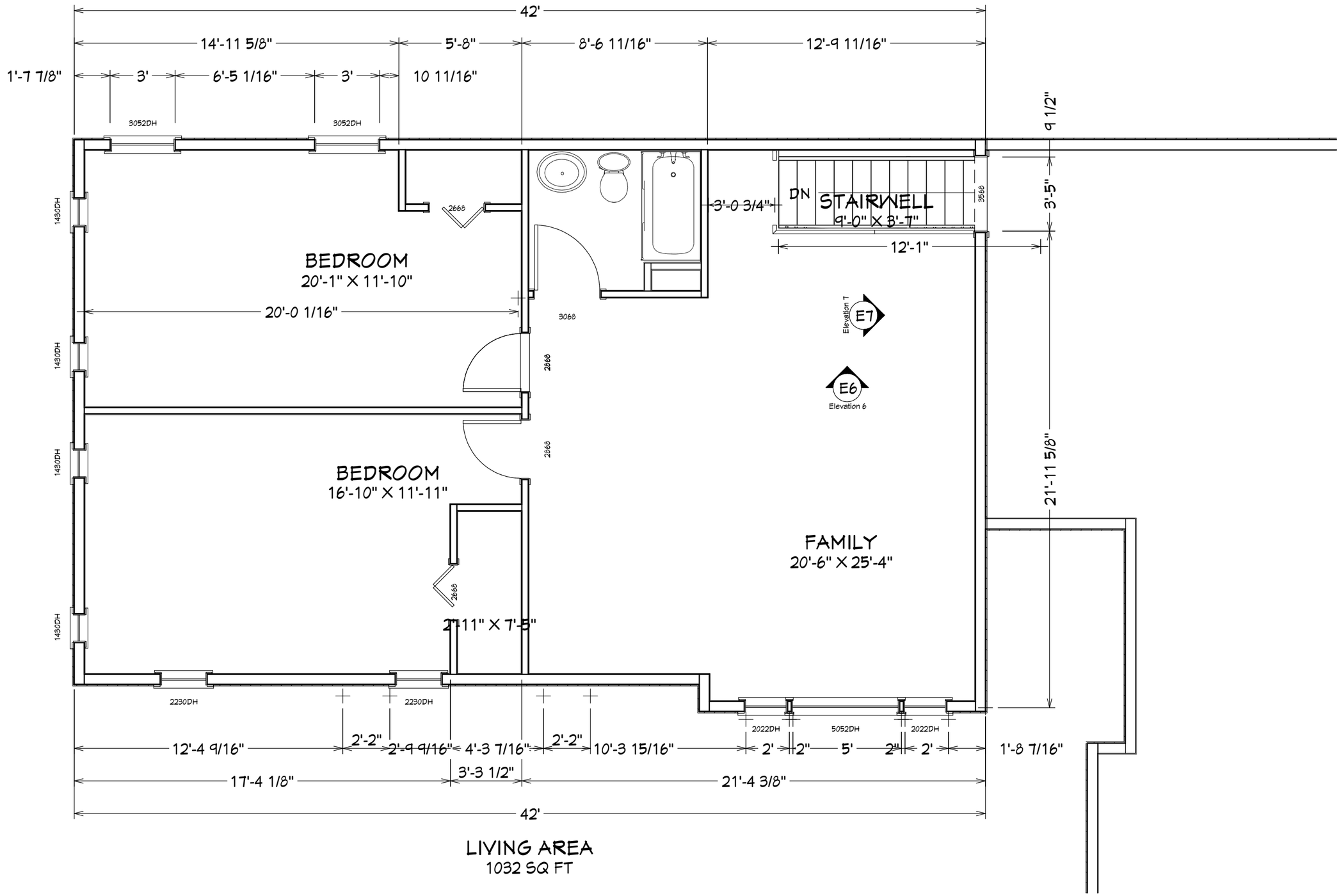
Ray W

DATE:

4/9/2020

SCALE:

SHEET:



LIVING AREA
1032 SQ FT

Prop. 2nd fl. Plan

REVISION TABLE		
NUMBER	DATE	REVISED BY	DESCRIPTION

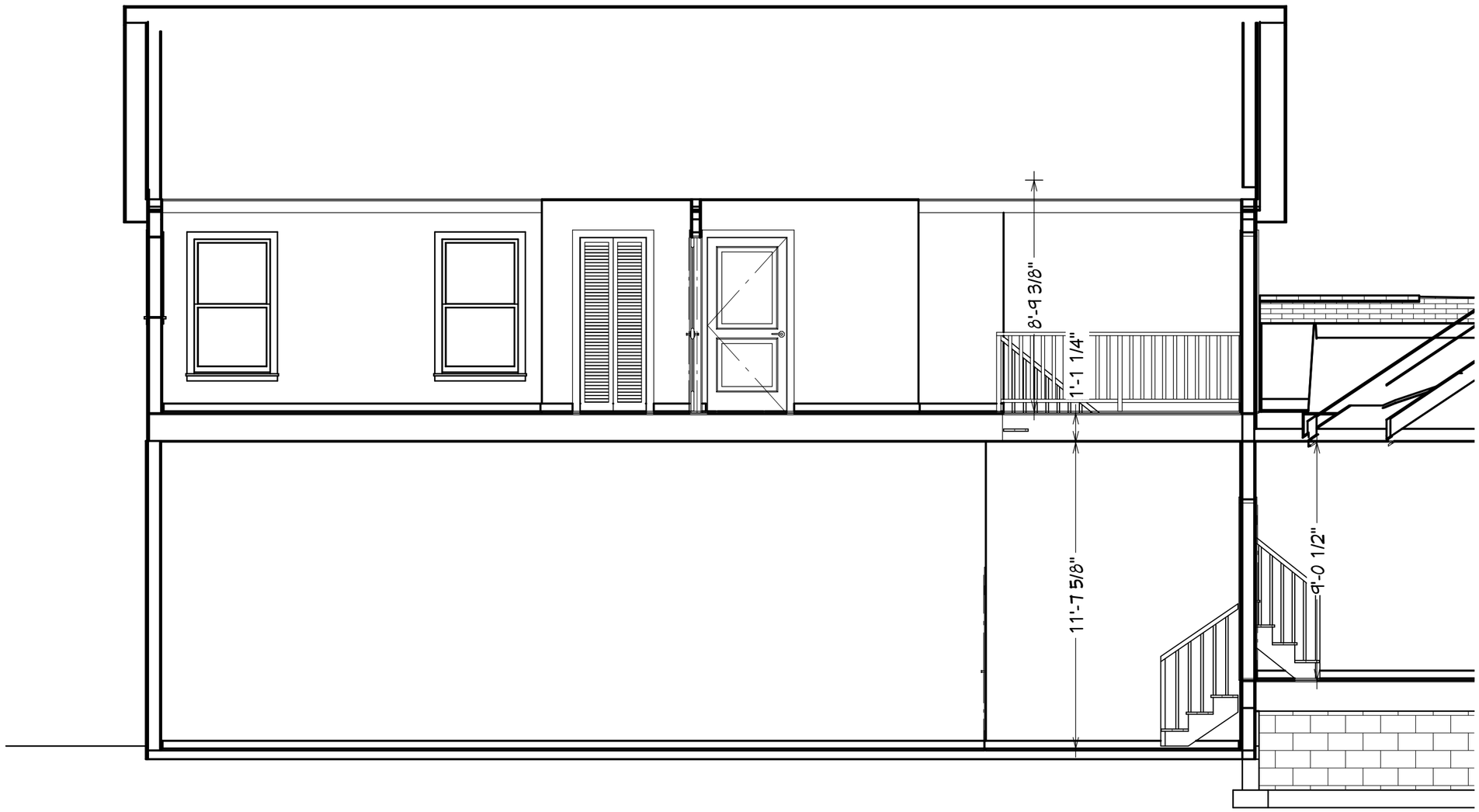
Ray W

DRAWINGS PROVIDED BY:
Ray W

DATE:
4/9/2020

SCALE:

SHEET:



Elevation 1

REVISION TABLE			
NUMBER	DATE	REVISED BY	DESCRIPTION

Ray W

DRAWINGS PROVIDED BY:

Ray W

DATE:

4/9/2020

SCALE:

SHEET:

REVISION TABLE

NUMBER	DATE	REVISED BY	DESCRIPTION

Ray W

DRAWINGS PROVIDED BY:

Ray W

DATE:

4/9/2020

SCALE:

SHEET:

Department of Development Services
205 Lawrence Street
Marietta, Georgia 30060
Rusty Roth, AICP, Director

STAFF REVIEW AND RECOMMENDATION

Variance Case #: V2020-20 **Legistar #: 20200440**

Board of Zoning Appeals Hearing: Monday, June 29th, 2020 – 6:00 p.m.

Property Owner: **Hannah Balko**
643 Etowah Drive NE
Marietta, GA 30060

Applicant: **Roger Balko**
643 Etowah Drive NE
Marietta, GA 30060

Address: **643 Etowah Drive NE**

Land Lot: 1073 **District: 16th** **Parcel: 0130**

Council Ward: 4B **Existing Zoning: R-3 (Single Family Residential – 3 units/acre)**

Special Exception / Special Use / Variance(s) Requested:

1. Variance to reduce the northern side yard setback for an existing accessory structure (shed) from 10 ft to 3 ft [*§708.03 (F)*]
2. Variance to reduce the southern side yard setback for an existing accessory structure (garage) from 10 ft to 4 ft [*§708.03 (F)*]
3. Variance to reduce the northern side yard setback from 10 ft to 9 ft for the existing home. [*§708.03 (H)*]

Statement of Fact

As per section 720.03 of the Comprehensive Development Code of Marietta, the Board of Zoning Appeals may alter or modify the application of any such provision in the Development Code because of unnecessary hardship if doing so shall be in accordance with the general purpose and intent of these regulations, or amendments thereto, and only in the event the board determines that by such alteration or modification unnecessary hardship may be avoided and the public health, safety, morals and general welfare is properly secured and protected. In granting any variance the board of zoning appeals shall designate such conditions in connection therewith as will, in its opinion, secure substantially the objectives of these regulations and may designate conditions to be performed or met by the user or property owner, out of regard for the public health, safety, comfort, convenience, and general welfare of the community, including safeguards for, with respect to light, air, areas of occupancy, density of population and conformity to any master plan guiding the future development of the city. The development costs of the applicant as they pertain to the strict compliance with a regulation may not be the primary reason for granting a variance.

Department of Development Services
205 Lawrence Street
Marietta, Georgia 30060
Rusty Roth, AICP, Director

Criteria:

1. Exceptional or extraordinary circumstances or conditions *are/are not* applicable to the development of the site that do not apply generally to sites in the same zoning district.
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

Subject property at 643 Etowah Drive with accessory structure (garage) encroaching into southern setback

Subject property

<u>Recommended Action</u>:
Approval. The applicant, Hannah Balko, is requesting multiple variances for the property at 643 Etowah Drive, which is zoned R-3 (Single Family Residential – 3 units / acre). The property is approximately 0.342 acres in size and is the applicant's primary residence. Properties to the north and east of the subject property are zoned R-3; properties to the west and south are zoned OI (Office Institutional). Due to the cost of construction, the applicant is requesting variances to allow existing nonconformities remain.

The existing house is approximately 1,684 sq.ft., and the applicant wishes to build a 178 sq.ft. wooden deck off the rear of the home, as well as renovate the interior and exterior. The total cost of construction for the work exceeds the City's threshold for allowing nonconformities to remain and therefore, requires the entire site to be compliant with all zoning requirements for properties zoned R-3.

In this case, all of the variance requests are for situations that already exist on the property.

The main structure is only 9.9 feet from the northern property line instead of the required 10 feet. Also, the existing detached garage and shed are also not in compliance with setback requirements. The applicant has stated that both the detached garage and the shed for lawn equipment were already existing on the property when the current owner bought the home in 2018. The applicant is requesting variances to allow the accessory structures to remain as-is to avoid any exorbitant costs that may arise with relocating said structures.

The detached garage only 4.1 feet from the southern property line, which is shared with a medical office building zoned OI. The lawn equipment shed on the northern end is only 3 feet from the northern property line. Accessory structures must be at least 10 feet from the side and rear property lines. The applicant is requesting to reduce the northern side yard setback for an existing accessory structure (lawn equipment shed) from 10 feet to 3 feet and to reduce the southern side yard setback for another existing structure (detached garage) from 10 feet to 4 feet.

Considering these conditions are existing and are not creating any negative impacts on the adjacent properties or surrounding community, s***taff recommends approval for all of the requested variances.***

Marietta GEORGIA

Department of Development Services
205 Lawrence Street
Marietta, GA 30060
Phone: 770-794-5440

APPLICATION FOR VARIANCE OR APPEAL

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

(NOTE: CORRESPONDENCE IS HANDLED VIA EMAIL UNLESS OTHERWISE REQUESTED)

For Office Use Only:

Application #: V2020-20 **Legistar #:** 20200440 **BZA Hearing Dt:** 6-29-20

City Council Hearing Dt (if applicable) #: — **PZ #:** 20-152

This is a variance/appeal application for:

☑ **Board of Zoning Appeals** ☐ **City Council**

Owner's Name Hannah Balko

EMAIL Address: hanballko@gmail.com

Mailing Address 643 Etowah Dr. NE Zip Code: 30060 Phone Number 678-793-2702

COMPLETE ONLY IF APPLICANT IS NOT OWNER:

Applicant: ROGER BALKO

EMAIL Address: roger@RBALKO.com

Mailing Address 643 Etowah Dr. NE Zip Code: 30060 Phone Number 404-314-3639

Address of subject property: 643 Etowah Dr. NE Date of Acquisition: 12/18

Land Lot (s) 1073 District 16 Parcel 13 Acreage 1/3 Zoned R3 Ward 4 FLU: _____

List the variance(s) or appeal requested (please attach any additional information):
Reduction of side setback at existing garage to 4.1', reduction of rear set back @ existing shed to 11.0' & side setback at existing shed to 3.0'

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. Copy of the deed that reflects the current owner(s) of the 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 – 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).
   Copies Required: One (1) - (8 ½" x 11") **-or-** (11" x 17") drawn to scale.
   Optional Additional Plat size: (24"x 36"). If providing (24"x 36") then 5 copies REQUIRED.
6. Copy of current tax bill showing payment or documentation certified by the City of Marietta Tax Office.

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

CAMPAIGN CONTRIBUTIONS

The Owner and Applicant herein certify that he/she ☐ has ☑ has not made campaign contributions or gifts aggregating $250.00 or more to the Mayor, any member of Council or any member of the Board of Zoning Appeals within the two (2) years preceding the filing of this application.

Signature of Owner

Signature of Applicant

HANNAH BALKO
Print Name

ROGER BALKO
Print Name

FINANCIAL INTEREST

The Applicant herein certifies that he/she ☐ has ☑ has not a financial interest in the property which is ten percent (10%) or more.

ROGER BALKO
Print Name

Signature of Applicant

APPLICANT CERTIFICATION

- The Applicant certifies that all information in this application, and all information furnished in support of this application, is true and complete to the best of the Applicant's knowledge and belief. Should any portion not be true, then the application may be rejected.
- Penalty for false or fraudulent statement: Whoever, in any matter, knowingly and willingly falsifies or makes any false, fictitious or fraudulent statement of representatives concerning this application shall be denied the request stated in this application.

Signature of Applicant

5-18-20
Date

ROGER BALKO
Please Print

OWNER CERTIFICATION

- The Owner certifies that all information in this application, and all information furnished in support of this application, is true and complete to the best of the Owners's knowledge and belief. Should any portion not be true, then the application may be rejected.
- Penalty for false or fraudulent statement: Whoever, in any matter, knowingly and willingly falsifies or makes any false, fictitious or fraudulent statement of representatives concerning this application shall be denied the request stated in this application.
- The Owner hereby gives permission to enter on the property for inspection during the time application is pending.

Signature of Owner

HANNAH BALKO
Please Print

643 ETOWAH DR. NE
Address

5-18-20
Date

Signed, sealed and delivered in the presence of:

Elon Hall NOTARY MY COMM. EXPIRES May 29, 2023 PUBLIC Cobb County, GA

My Commission Expires: 05/29/2023

Note: Owner, Applicant or Representative must be present at meeting in order for case to be heard.

643 Etowah Dr NE
Marietta, GA 30060

404.314.3639

RBALKO.COM

The City of Marietta, GA Board of Zoning Appeals
May 18, 2020

Members of the Board,

I, Roger Balko, am writing to request a variance to the property owned by my wife, Hannah Balko, located at 643 Etowah Dr. NE. It Is her desire to have a 8.5' x 21' wooden deck added to the rear of the home via a revision to the current open renovation permit granted by the City.

The Zoning ordinance states if exterior alterations are performed and renovation costs meet or exceed 50% of the home's assessed value, then the entire site must be brought up to current code. That level of renovation has been performed to the home.

The property also has two existing structures on It from It's previous, original owners, a two car garage and a lawn equipment shed. I am asking that the City grant variance to the Zoning ordinance to allow for these previously-permitted structures to remain in their current locations within the setbacks so that the desired exterior alterations can be made to the home without having to move the existing structures. Without a granted variance, exorbitant undue cost would be Incurred and further Improvements to the property would be prevented. This would put 643 Etowah Dr at a distinct disadvantage In the neighborhood, as other such structures are common within the mandated setbacks.

I would greatly appreciate your consideration voting In favor of this variance to allow for the further development and Improvement of the property at 643 Etowah Dr.

Sincerely,
Roger Balko

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TO: **Marietta Daily Journal**

FROM: **City of Marietta**

RUN DATE: **June 12, 2020**

CITY OF MARIETTA
PUBLIC NOTICE OF VARIANCES

The City of Marietta hereby gives notice that a public hearing will be held to give consideration to the following requests. The Board of Zoning Appeals will consider the following requests on **Monday, June 29th, 2020 at 6:00 P.M.,** City Hall. Anyone wishing to attend may do so and be heard relative thereto.

V2020-20 [VARIANCE] HANNAH & ROGER BALKO are requesting variances for property zoned R-3 (Single Family Residential – 3 units/acre), located in Land Lot 1073, District 16, Parcel 0130, 2nd Section, Marietta, Cobb County, Georgia, and being known as 643 Etowah Drive. Variance to reduce the northern side yard setback for an existing accessory structure from 10' to 3'; variance to reduce the southern side yard setback for an existing accessory structure from 10' to 4'; variance to reduce the northern side yard setback from 10' to 9' for the existing home. Ward 4B.

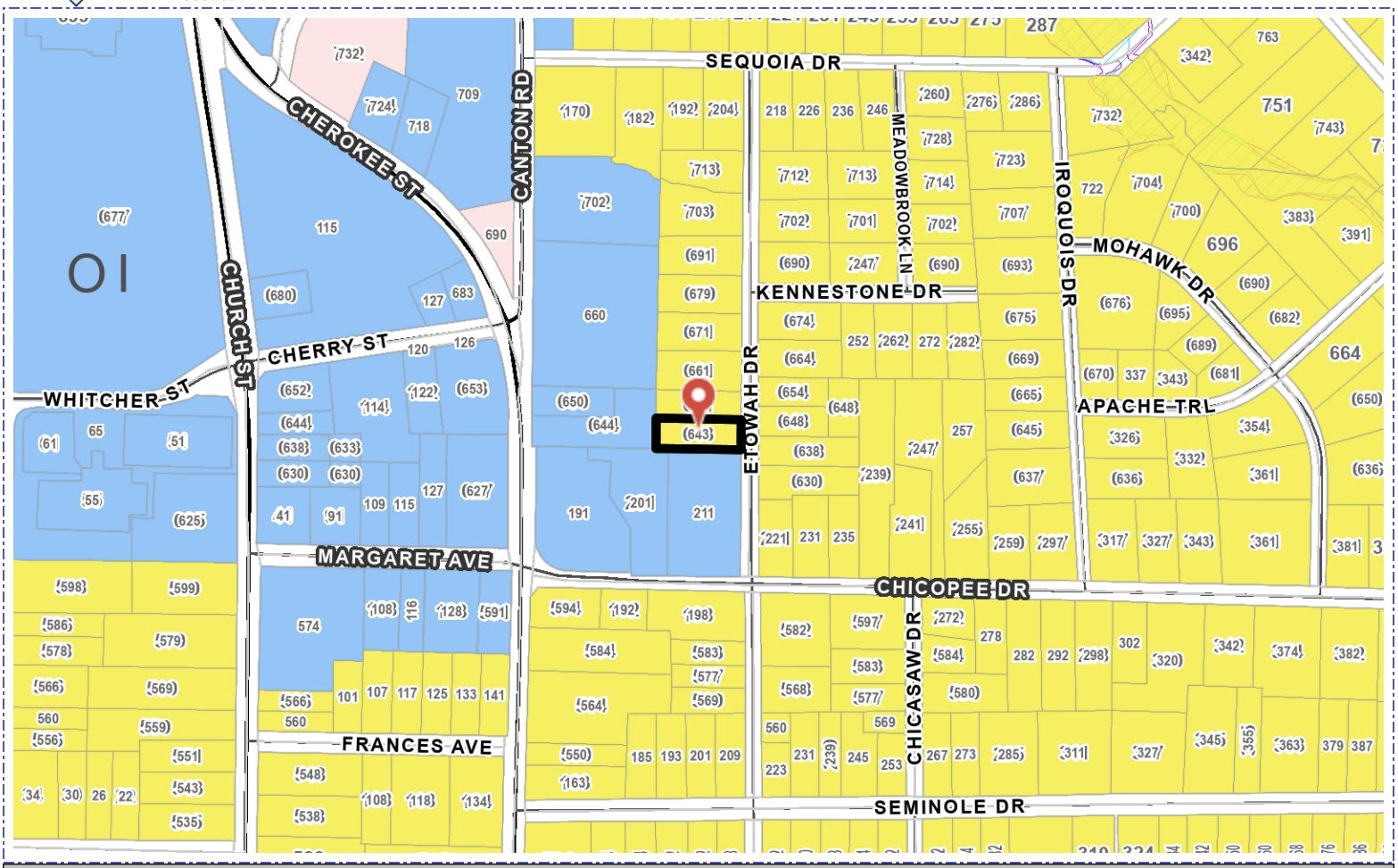
A description and plat of the property sought for the variances are on file in the Planning and Zoning Office, City Hall, and are available for inspection between 8:00 A.M. and 5:00 P.M., Monday through Friday. Anyone wishing to attend may do so and be heard relative thereto. You may also review the property file at www.mariettaga.gov and enter the case # in the search box.

For additional information including questions about virtual participation, 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 ADA Coordinator, at 770-794-5558 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
643 ETOWAH DR	16107300130	0.342	4B	R3	LDR
643 ETOWAH DR	16107300130	0.342	4B	R3	LDR

Property Owner: Hannah Balko

Applicant: Roger Balko

BZA Hearing Date: 06/29/2020

Acquisition Date:

Case Number: V2020-20

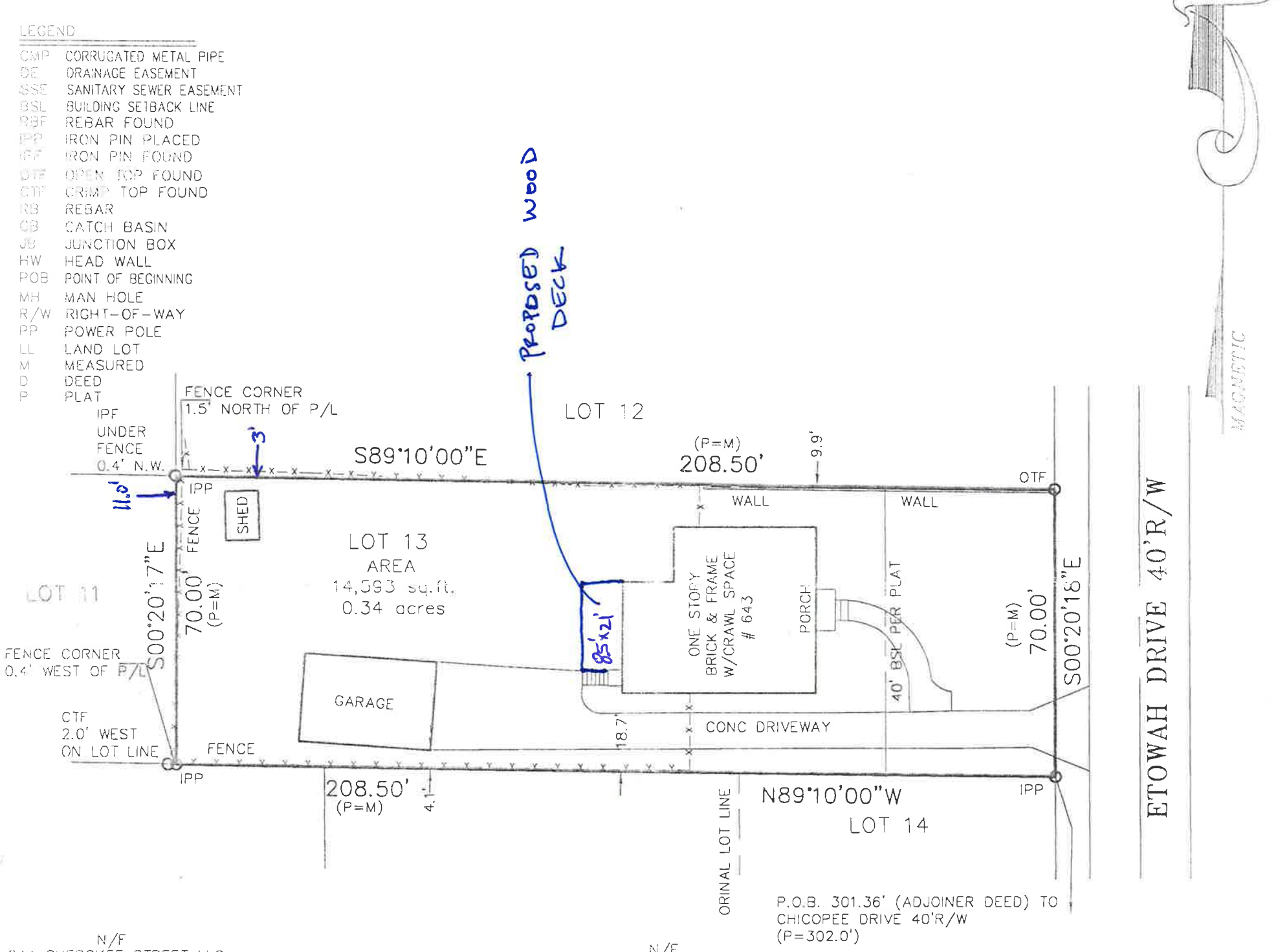
City of Marietta Planning & Zoning

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 - Moble 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
- MXD - 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

LEGEND

CMP	CORRUGATED METAL PIPE
DE	DRAINAGE EASEMENT
SSE	SANITARY SEWER EASEMENT
BSL	BUILDING SETBACK LINE
RBF	REBAR FOUND
IPP	IRON PIN PLACED
IPF	IRON PIN FOUND
OTF	OPEN TOP FOUND
CTF	CRIMP TOP FOUND
RB	REBAR
CB	CATCH BASIN
JB	JUNCTION BOX
HW	HEAD WALL
POB	POINT OF BEGINNING
MH	MAN HOLE
R/W	RIGHT-OF-WAY
PP	POWER POLE
LL	LAND LOT
M	MEASURED
D	DEED
P	PLAT



GRAPHIC SCALE

30 0 15 30 60 120

(IN FEET)
1 inch = 30 ft.

SHEET 1 OF 2

FIELD DATE 04/29/20

JOB NUMBER: 20-1506

GEORGIA REGISTERED No. 2109 PROFESSIONAL LAND SURVEYOR JOHN W. STANZILIS, JR.

PLAT BOOK 7, PAGE 41
DEED BOOK 15594, PAGE 2566

ABOVE THE GROUND AS BUILT SURVEY PREPARED FOR: ROGER BALKO — DATE 05/04/20

OWNER / PURCHASER: HANNAH BALKO — SCALE 1" = 30'

LAND LOT 1073 — 16th DISTRICT — 2nd SECTION — COBB COUNTY, GEORGIA

LOT 13 — BLOCK — UNIT — AREA OF LOT: 14,593 S.F.

SUBDIVISION GEORGE TALLEY & EMILY MOORE

ALL MATTERS PERTAINING TO TITLE ARE EXCEPTED

SOLAR LAND SURVEYING COMPANY
P.O. BOX 723993 ATLANTA, GEORGIA 31139-0993
TELEPHONE (770) 794-9055 FAX (770)794-9052

NOTICE: IF RECORDING IS REQUIRED, CONTACT THE SURVEYOR FOR PRODUCTION OF A PLAT MADE SUITABLE FOR RECORDING

NOTE: ALL EASEMENTS DEPICTED ARE PER PUBLIC RECORD, UNLESS OTHERWISE NOTED.

INFORMATION REGARDING THE REPUTED PRESENCE, SIZE, CHARACTER, AND LOCATION OF EXISTING UNDERGROUND UTILITIES AND STRUCTURES IS SHOWN HEREON. THERE IS NO CERTAINTY OF THE ACCURACY OF THIS INFORMATION AND IT SHALL BE CONSIDERED IN THAT LIGHT BY THOSE USING THIS DRAWING. THE LOCATION AND ARRANGEMENT OF UNDERGROUND UTILITIES AND STRUCTURES SHOWN HEREON MAY BE INACCURATE AND UTILITIES AND STRUCTURES NOT SHOWN MAY BE ENCOUNTERED. THE OWNER, HIS EMPLOYEES, HIS CONSULTANTS, HIS CONTRACTORS, AND/OR HIS AGENTS SHALL HEREBY DISTINCTLY UNDERSTAND THAT THE SURVEYOR IS NOT RESPONSIBLE FOR THE CORRECTNESS OF SUFFICIENCY OF THIS INFORMATION SHOWN HEREON AS TO SUCH UNDERGROUND INFORMATION.

THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE OF 1 FOOT IN 10,000 FEET, AN ANGULAR ERROR OF 03 SECONDS PER ANGLE POINT AND WAS ADJUSTED USING THE LEAST SQUARES METHOD. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND FOUND TO BE ACCURATE TO 1 FOOT IN 100,000 FEET. AN ELECTRONIC TOTAL STATION WAS USED TO GATHER THE INFORMATION USED IN PREPARATION OF THIS PLAT.

SURVEYOR CERTIFICATION

THIS PLAT IS A RETRACEMENT OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT SUBDIVIDE OR CREATE A NEW PARCEL OR MAKE ANY CHANGES TO ANY REAL PROPERTY BOUNDARIES. THE RECORDING INFOMATION OF THE DOCUMENTS, MAPS, PLATS, OR OTHER INSTRUMENTS WHICH CREATED THE PARCEL OR PARCELS ARE STATED HEREON. RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. FURTHERMORE, THE UNDERSIGNED LAND SURVEYOR CERTIFIES THAT THIS PLAT COMPLIES WITH THE MINIMUM TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN THE RULES AND REGULATIONS OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AS SET FORTH IN O.C.G.A. SECTION 15-6-67.

JOHN W. STANZILIS, JR.

PLAT CERTIFICATION NOTICE

THIS PLAT WAS PREPARED FOR THE EXCLUSIVE USE OF THE PERSON, PERSONS OR ENTITY NAMED HEREON. THIS PLAT DOES NOT EXTEND TO ANY UNNAMED PERSON, PERSONS, OR ENTITY WITHOUT EXPRESS RECERTIFICATION BY THE SURVEYOR NAMING SAID PERSON, PERSONS,

IN MY OPINION, THIS PLAT IS A CORRECT REPRESENTATION OF THE LAND PLATTED AND HAS BEEN PREPARED IN CONFORMITY WITH THE MINIMUM STANDARDS AND REQUIREMENTS OF THE LAW OF THE STATE OF GEORGIA.

THIS SURVEY WAS PREPARED IN CONFORMITY WITH THE TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN CHAPTER 180-7 OF THE RULES OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN THE GEORGIA PLAT ACT O.C.G.A. 15-6-67. AUTHORITY O.C.G.A. SECS. 15-6-67, 43-15-6, 43-15-19, 43-15-22.

CERTIFICATE OF AUTHORIZATION NO. LSF000374

FIELD DATE 04/29/20

JOB NUMBER: 20-1506

GEORGIA REGISTERED No. 2109 PROFESSIONAL LAND SURVEYOR JOHN W. STANZILIS, JR.

PLAT BOOK 7, PAGE 41

DEED BOOK 15594, PAGE 2566

ABOVE THE GROUND AS BUILT SURVEY PREPARED FOR: ROGER BALKO

DATE 05/04/20

OWNER / PURCHASER HANNAH BALKO

SCALE 1" = 30'

LAND LOT 1073 16th DISTRICT 2nd SECTION COBB COUNTY, GEORGIA

LOT 13 BLOCK UNIT AREA OF LOT: 14,593 S.F.

SUBDIVISION GEORGE TALLEY & EMILY MOORE

ALL MATTERS PERTAINING TO TITLE ARE EXCEPTED

SOLAR LAND SURVEYING COMPANY
P.O. BOX 723993 ATLANTA, GEORGIA 31139-0993
TELEPHONE (770) 794-9055 FAX (770)794-9052

Department of Development Services
205 Lawrence Street
Marietta, Georgia 30060
Rusty Roth, AICP, Director

STAFF REVIEW AND RECOMMENDATION

Variance Case #: V2020-21 Legistar #: 20200447

Board of Zoning Appeals Hearing: Monday, June 29th, 2020 – 6:00 p.m.

Property Owner: 1705 White Circle Holdings LLC
1705 White Circle
Marietta, GA 30066

Applicant: Same as above

Address: 1705 White Circle

Land Lot: 862 District: 16 Parcel: 0020

Council Ward: 4B Existing Zoning: LI (Light Industrial)

Special Exception / Special Use / Variance(s) Requested:

1. Variance to reduce the 50-foot landscape buffer to 32 feet along the northern property line. [*§708.26 (I)*]
2. Variance to waive the requirement to establish a buffer if not present. [*§710.05*]
3. Variance to eliminate the side yard setback in the area of the building addition. [*§708.26 (H)*]

Statement of Fact

As per section 720.03 of the Comprehensive Development Code of Marietta, the Board of Zoning Appeals may alter or modify the application of any such provision in the Development Code because of unnecessary hardship if doing so shall be in accordance with the general purpose and intent of these regulations, or amendments thereto, and only in the event the board determines that by such alteration or modification unnecessary hardship may be avoided and the public health, safety, morals and general welfare is properly secured and protected. In granting any variance the board of zoning appeals shall designate such conditions in connection therewith as will, in its opinion, secure substantially the objectives of these regulations and may designate conditions to be performed or met by the user or property owner, out of regard for the public health, safety, comfort, convenience, and general welfare of the community, including safeguards for, with respect to light, air, areas of occupancy, density of population and conformity to any master plan guiding the future development of the city. The development costs of the applicant as they pertain to the strict compliance with a regulation may not be the primary reason for granting a variance.

Criteria:

1. Exceptional or extraordinary circumstances or conditions *are/are not* applicable to the development of the site that do not apply generally to sites in the same zoning district.
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.

Department of Development Services
205 Lawrence Street
Marietta, Georgia 30060
Rusty Roth, AICP, Director

PICTURES

1705 White Circle

Subject area for addition

Buffer area of the residential property to the east

Buffer area of the residential property to the north

Recommended Action:

Approval. The applicant, 1705 White Circle Holdings, LLC, is requesting variances to build an addition to the existing metal building at 1705 White Circle. The subject property lies at the edge of the city limits of Marietta, is zoned LI (Light Industrial), and is bordered by residential properties. The property to the north is owned by Georgia Power Company, contains a large power station, and is zoned R-20 within unincorporated Cobb County. Heritage Ridge, a new single family community, lies to the south and east of the property and is zoned PRD-SF (Planned Residential Development – Single-Family) within City limits. The new addition would encroach into the side yard setbacks and residential buffer and is proposed for the northern side of the property.

City records indicate the subject property is used by a firearm assembly company and structural steel manufacturer. The proposed expansion would add 12,000 sq.ft. to the existing 13,832 sq.ft. building, totaling 25,832 sq.ft. of industrial space. To accomplish this, the applicant is requesting to eliminate the 20-foot side yard setback and reduce the landscape buffer from 50 feet to 32 feet from the northern property line and adjacent to the Georgia Power Company parcel. Currently, there is not a fence or any trees within the buffer, as the property is being used for outdoor storage all the way to the northern property line. If the proposed project cost exceeds 50% of the existing building value, then the remainder of the buffer will be required to be replanted and a fence constructed, unless a variance is granted to allow the area to continue to serve as outdoor storage.

The City's minimum parking standards for manufacturing, processing, and assembling requires one parking space per 1,300 sq.ft. If the location of the building addition is approved, the site will also be expected to provide a minimum of 20 parking spaces. These spaces will have to be constructed of an approved surface material, such as concrete, asphalt, or brick.

The property to the north is not being used residentially, but is a forested area approximately 175 feet wide, and contains electrical equipment and infrastructure. If this property were privately owned, the existing use would not be allowed on residentially zoned property; and considering the similar intensity of use between the two properties, buffer and setback requirements would not provide a benefit to either property. As a result, ***staff recommends approval of all variances.***

Please note the comments provided by other City Divisions:

Fire Comments:

- Sprinklers will be required in proposed addition, and in the existing building if not separated by fire rated barrier.
- IFC 510 testing requirements will need to be met. Emergency responder radio coverage.
- Depending on occupancy and use, fire alarm could potentially be required.
- Depending on elevations of the building and addition, aerial access road could be required.
- Highly encourage a pre-development meeting with City of Marietta team.

Engineering:

Comply with Storm Water Management Ordinance for quality and quantity, pre-submittal meeting suggested, proper EPD permits/approvals required.

Department of Development Services
205 Lawrence Street
Marietta, GA 30060
Phone: 770-794-5440

APPLICATION FOR VARIANCE OR APPEAL

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

(NOTE: CORRESPONDENCE IS HANDLED VIA EMAIL UNLESS OTHERWISE REQUESTED)

For Office Use Only:

Application #: V2020-21 **Legistar #:** 20200447 **BZA Hearing Dt:** 06/29/2020

City Council Hearing Dt (if applicable) #: — **PZ #:** PZ20-148

This is a variance/appeal application for:

[X] **Board of Zoning Appeals** [ ] **City Council**

*Owner's Name 1705 White Circle Holdings LLC

EMAIL Address: ghrib@cobbindustrialinc.com

Mailing Address 1705 White Circle Zip Code: 30066 Phone Number (678) 581-2622

***Applicant/Owner's Representative – J. Kevin Moore – Moore Ingram Johnson & Steele, LLP**

COMPLETE ONLY IF APPLICANT IS NOT OWNER:

Applicant:

EMAIL Address:

Mailing Address Zip Code: Phone Number

Address of subject property: 1705 White Circle Date of Acquisition: 12/17/2014

Land Lot (s) 08620 District 16 Parcel 0020 Acreage 2.197± Zoned LI Ward 4B FLU: MDR

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

See Attached Exhibit "B"

Expansion of building / setbacks

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. Copy of the deed that reflects the current owner(s) of the 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).
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   Optional Additional Plat size: (24"x 36"). If providing (24"x 36") then 5 copies REQUIRED.
6. Copy of current tax bill showing payment or documentation certified by the City of Marietta Tax Office.

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

CAMPAIGN CONTRIBUTIONS

The Owner and Applicant herein certify that he/she ☐has ☐has not made campaign contributions or gifts aggregating $250.00 or more to the Mayor, any member of Council or any member of the Board of Zoning Appeals within the two (2) years preceding the filing of this application.

See Attached Exhibit "A"
Signature of Owner

See Attached Exhibit "A"
Signature of Applicant

Print Name

Print Name

FINANCIAL INTEREST

The Applicant herein certifies that he/she ☐has ☐has not a financial interest in the property which is ten percent (10%) or more.

Print Name

See Attached Exhibit "A"
Signature of Applicant

APPLICANT CERTIFICATION

- The Applicant certifies that all information in this application, and all information furnished in support of this application, is true and complete to the best of the Applicant's knowledge and belief. Should any portion not be true, then the application may be rejected.
- Penalty for false or fraudulent statement: Whoever, in any matter, knowingly and willingly falsifies or makes any false, fictitious or fraudulent statement of representatives concerning this application shall be denied the request stated in this application.

See Attached Exhibit "A"
Signature of Applicant

Date

Please Print

OWNER CERTIFICATION

- The Owner certifies that all information in this application, and all information furnished in support of this application, is true and complete to the best of the Owners's knowledge and belief. Should any portion not be true, then the application may be rejected.
- Penalty for false or fraudulent statement: Whoever, in any matter, knowingly and willingly falsifies or makes any false, fictitious or fraudulent statement of representatives concerning this application shall be denied the request stated in this application.
- The Owner hereby gives permission to enter on the property for inspection during the time application is pending.

See Attached Exhibit "A"
Signature of Owner

Please Print

Address

Date

Signed, sealed and delivered in the presence of:

My Commission Expires:

Note: Owner, Applicant or Representative must be present at meeting in order for case to be heard.

ATTACHMENT TO APPLICATION FOR VARIANCE

Application No.: _____
Legistar No.: _____
Hearing Date: **June 29, 2020**

Applicant/Property Owner: **1705 White Circle Holdings LLC**

Applicant/Property Owner's Representative:

MOORE INGRAM JOHNSON & STEELE, LLP

BY: _____
J. Kevin Moore
Georgia Bar No. 519728

Attorneys for Applicant/Property Owner

Date Executed: May 18, 2020

Signed, sealed, and delivered in the presence of:

_____
Notary Public
My Commission Expires: January 10, 2023

[Notary Seal]

CAROLYN E. COOK
NOTARY PUBLIC
Exp. Jan. 10, 2023
COBB COUNTY, GA

J. Kevin Moore, Esq.
Moore Ingram Johnson & Steele, LLP
Attorneys at Law
Emerson Overlook
Suite 100
326 Roswell Street
Marietta, Georgia 30060
(770) 429-1499
(770) 429-8631 (Telefax)
E-mail: jkm@mijs.com

EXHIBIT "B" – ATTACHMENT TO APPLICATION FOR VARIANCE

Application No.: _____
Legistar No.: _____
Hearing Date: **June 29, 2020**

Applicant/Property Owner: 1705 White Circle Holdings LLC

Listing of Requested Variance(s) and Statement of Hardship:

The property which is the subject of the Application for Variance is located at 1705 White Circle (hereinafter collectively "Property" or "Subject Property"), is zoned Light Industrial ("LI"), and is being used for industrial purposes by Applicant/Property Owner (collectively "Applicant"). Applicant proposes an expansion to the existing building located on the Property. Due to the location of the existing building; as well as, the size and location of the proposed expansion, variances are required to ensure Applicant's plans for construction of the proposed expansion building can be accomplished. Therefore, Applicant seeks the following variances:

(1) Waiver of buffer area (along northerly property line) from required 50 feet to 32 feet; and

(2) Waiver of required side setback (along northerly property line) from required 20 feet (outside of 50-foot buffer area) to zero (0) feet, coinciding with the new buffer distance.

If the Ordinances related to the above requested variances which govern the Subject Property are strictly adhered to, Applicant would be unable to reasonably or economically construct the proposed building expansion on the Property.

TO: **Marietta Daily Journal**

FROM: **City of Marietta**

RUN DATE: **June 12, 2020**

CITY OF MARIETTA
PUBLIC NOTICE OF VARIANCES

The City of Marietta hereby gives notice that a public hearing will be held to give consideration to the following requests. The Board of Zoning Appeals will consider the following requests on **Monday, June 29th, 2020 at 6:00 P.M.,** City Hall. Anyone wishing to attend may do so and be heard relative thereto.

V2020-21 [VARIANCE] 1705 WHITE CIRCLE HOLDINGS LLC is requesting variances for property zoned LI (Light Industrial), located in Land Lot 862, District 16, Parcel 0020, 2nd Section, Marietta, Cobb County, Georgia, and being known as 1705 White Circle. Variance to reduce the 50-foot landscape buffer to 32 feet along the northern property line; variance to waive the requirement to establish a buffer if not present; variance to eliminate the side yard setback in the area of the building addition. Ward 4B.

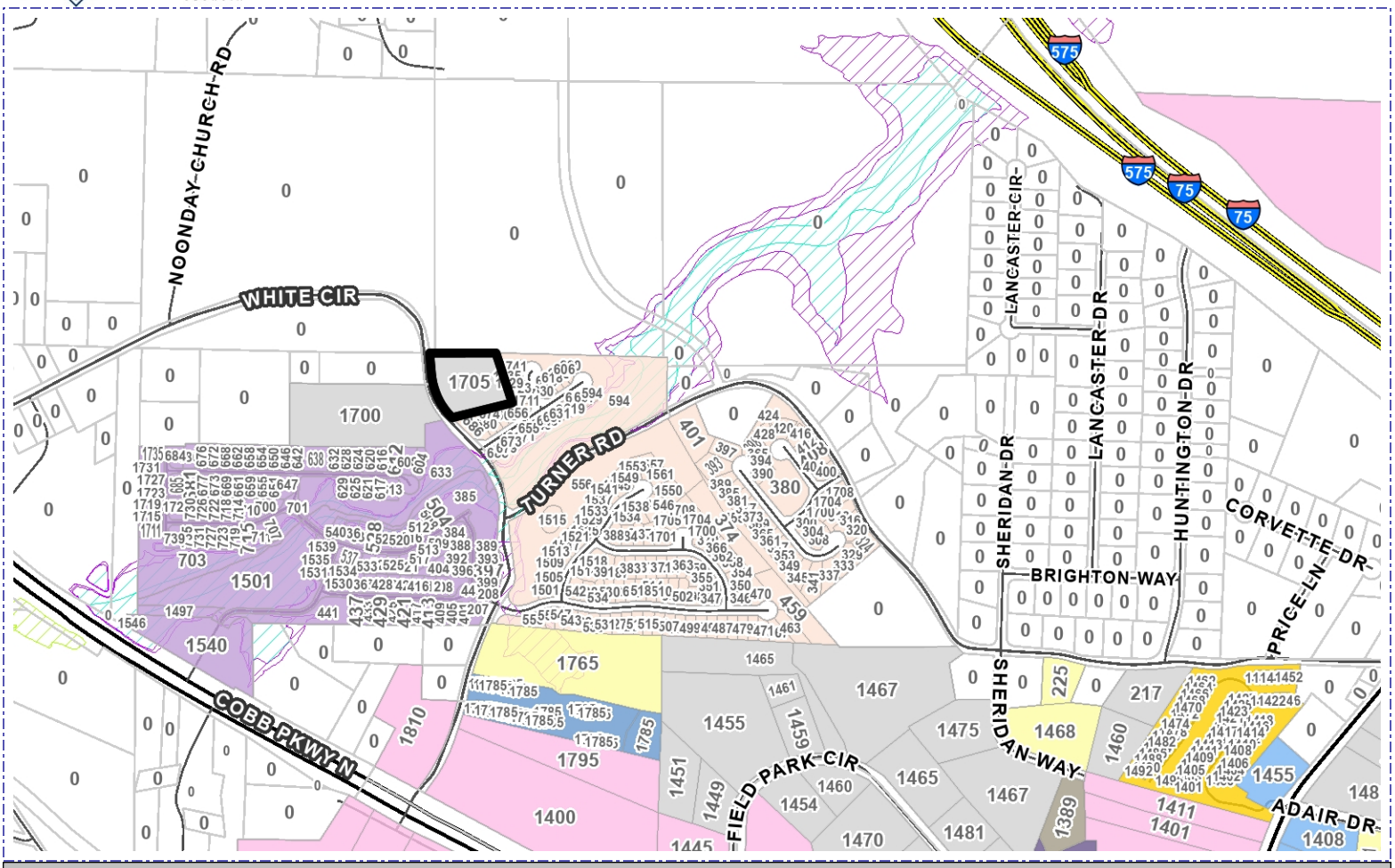
A description and plat of the property sought for the variances are on file in the Planning and Zoning Office, City Hall, and are available for inspection between 8:00 A.M. and 5:00 P.M., Monday through Friday. Anyone wishing to attend may do so and be heard relative thereto. You may also review the property file at www.mariettaga.gov and enter the case # in the search box.

For additional information including questions about virtual participation, 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 ADA Coordinator, at 770-794-5558 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
1705 WHITE CIR	16086200020	2.175	4B	LI	MDR

Property Owner: 1705 White Circle Holdings

Applicant:

BZA Hearing Date: 06/29/2020

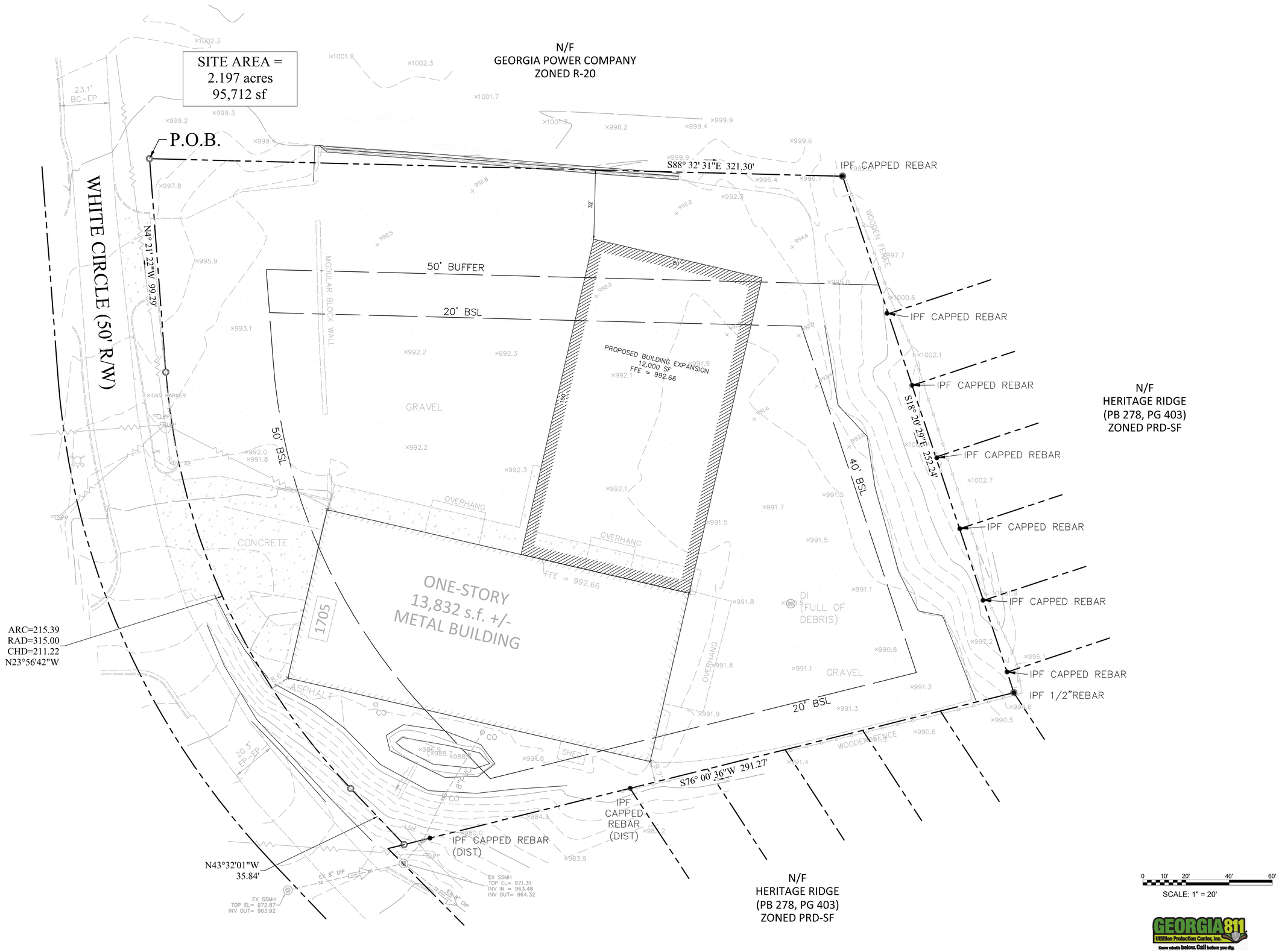
Acquisition Date:

Case Number: V2020-21

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 - Moble 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
- MXD - 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



4/21/2020

Urban Engineers, Inc.
1904 MONROE DRIVE, N.E., SUITE 150
ATLANTA, GEORGIA 30324
PHONE:(404) 873-5874
www.urbanengineers.net

REVISIONS

DATE	△	DESCRIPTION

CONCEPT SITE PLAN
COBB INDUSTRIAL
1705 WHITE CIRCLE
MARIETTA, GA

PROJECT No.	22003-5
LAND LOT(S):	862
DISTRICT:	16TH
COUNTY:	COBB
SCALE:	1" = 20'
DATE:	04-21-20

DRAWING NO.:
C-4.0

U:\Cobb Industrial\u22003\5 - 1705 White Circle\u22003\5 - Concept Plan.dwg
4/21/2020 4:07 PM

Department of Development Services
205 Lawrence Street
Marietta, Georgia 30060
Rusty Roth, AICP, Director

STAFF REVIEW AND RECOMMENDATION

Variance Case #: V2020-22 **Legistar #: 20200448**

Board of Zoning Appeals Hearing: Monday, June 29th, 2020 – 6:00 p.m.

Property Owner: **Waterworks Neighbors LLC**
327 Wallace Road
Marietta, Ga 30062

Applicant: **Whitaker Smith**
84 Church Street
Marietta, Ga 30060

Address: **379 Campbell Hill Street NW**

Land Lot: 1147 **District: 16th** **Parcel: 00420**

Council Ward: 4B **Existing Zoning: R-4 (Single Family Residential – 4 units/acre)**

Special Exception / Special Use / Variance(s) Requested:

1. Variance to reduce the southern side yard setback from 10' to 6'. [§708.04 H]
2. Variance to reduce the northern side yard setback from 10' to 6'. [§708.04 H]
3. Variance to reduce the setback along North Sessions Street from 25' to 10'. [§708.04 H]
4. Variance to reduce the setback along Campbell Hill Street from 25' to 20'. [§708.04 H]

Statement of Fact

As per section 720.03 of the Comprehensive Development Code of Marietta, the Board of Zoning Appeals may alter or modify the application of any such provision in the Development Code because of unnecessary hardship if doing so shall be in accordance with the general purpose and intent of these regulations, or amendments thereto, and only in the event the board determines that by such alteration or modification unnecessary hardship may be avoided and the public health, safety, morals and general welfare is properly secured and protected. In granting any variance the board of zoning appeals shall designate such conditions in connection therewith as will, in its opinion, secure substantially the objectives of these regulations and may designate conditions to be performed or met by the user or property owner, out of regard for the public health, safety, comfort, convenience, and general welfare of the community, including safeguards for, with respect to light, air, areas of occupancy, density of population and conformity to any master plan guiding the future development of the city. The development costs of the applicant as they pertain to the strict compliance with a regulation may not be the primary reason for granting a variance.

Criteria:

1. Exceptional or extraordinary circumstances or conditions *are/are not* applicable to the development of the site that do not apply generally to sites in the same zoning district.

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

Subject property at 379 Campbell Hill Street

Recommended Action:

Denial. The applicant, Whitaker Smith, is requesting multiple variances at the subject property 379 Campbell Hill Street. The property is approximately 0.137 acres in total and is located at the corner of Campbell Hill Street and North Sessions Street. Properties to the north and south are zoned NRC and include a yoga studio and a legally nonconforming residence. The properties to the west are zoned LI (Light Industrial). There are single family residences zoned R-4 across Campbell Hill Street to the east and further south.

In March 2019, this property was rezoned (Z2019-09) from NRC (Neighborhood Retail Commercial) to R-4 (Single Family Residential – 4/units per acre) when City Code Enforcement found the property was being used as a residence after being previously used as an art studio and retail gift shop. Multiple variances for setbacks and lot size were granted during the rezoning to allow the nonconforming structure to remain. However, the structure was demolished in October 2019 because of its severely deteriorated condition. Since the setback variances were for the existing house and accessory structures only, those variances are no longer valid. However, the variance to reduce the lot size from 7,500 sq. ft. to 5,660 sq. ft. remains applicable.

Marietta
GEORGIA

Department of Development Services
205 Lawrence Street
Marietta, Georgia 30060
Rusty Roth, AICP, Director

The applicant would like to build a single-family residence on the property. Because the parcel is limited in size and irregularly shaped, practically any new construction would require variances to the building setbacks.

However, the proposed site design has placed the driveway at a dangerous location just a few feet from the busy intersection of Campbell Hill Street and Sessions Street. This is a serious cause for concern as this intersection is already a busy, four-way stop with sight visibility issues and this could be an opportunity to improve the driveway situation on this property. However, the proposed design would make no improvements to the situation. The proposed driveway location would be blocked when only one vehicle is stopped on Sessions Street and a vehicle turning left into the driveway could block the entire intersection.

The applicant is requesting to reduce the side yard setbacks on the north and south from 10 feet to 6 feet; to reduce the setback along North Sessions Street from 25 feet to 10 feet; and to reduce the setback along Campbell Hill Street from 25 feet to 20 feet.

Marietta Fire has indicated the setback reductions would make fire sprinklers a requirement per Marietta City Code 2-6-140. The driveway will also be required to be an approved surface, such as concrete, asphalt, or brick.

Unless the design of the site plan can be modified to eliminate the dangerous driveway location, staff cannot support any requests to reduce the building setbacks. As a result***, staff recommends denial of the requested variances.***