1. Board Of Zoning Appeals Agenda

   Documents:

   _JUL 27, 2020 BZA AGENDA.PDF

2. V2020-21 White Cir 1705

   Documents:

   V2020-21 WHITE CIR 1705.PDF

3. V2020-23 Saint Marys Ln 349

   Documents:

   V2020-23 SAINT MARYS LN 349.PDF

4. V2020-24 Bells Ferry Rd 1401, 1411

   Documents:

   V2020-24 BELLS FERRY RD 1401, 1411.PDF

5. V2020-25 Cherokee St 515

   Documents:

   V2020-25 CHEROKEE ST 515.PDF

City of Marietta

Meeting Agenda

205 Lawrence Street
Post Office Box 609
Marietta, Georgia 30061

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, July 27, 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:

20200601 **June 29, 2020 Board of Zoning Appeals Meeting Minutes**

Review and Approval of the June 29, 2020 Board of Zoning Appeals Meeting Minutes.

VARIANCES:

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; variance to allow outdoor storage within 50 feet of any property zoned for residential purposes and within 25 feet of City right-of-way; variance to allow more than 50% of the parcel to be used for outdoor storage. Ward 4B.

20200533 **V2020-23 [VARIANCE] MICHEAL FARLEY & JENNIFER MEIER**

V2020-23 [VARIANCE] MICHEAL FARLEY & JENNIFER MEIER are requesting variance**s** for property zoned R-2 (Single Family Residential - 2 units/acre), located in Land Lot 1084, District 16, Parcel 0130, 2nd Section, Marietta, Cobb County, Georgia, and being known as **349 Saint Mary's Lane**. Variance to allow accessory structure to be closer to the public right of way than the primary structure; variance to reduce the setback from 2' to 0' for a fence along the right of way; variance to allow existing accessory structures to remain closer to public right of way than the main structure. Ward 4A.

20200534 **V2020-24 [VARIANCE] 1411 BELLS FERRY ROAD, LLC**

V2020-24 [VARIANCE] 1411 BELLS FERRY ROAD, LLC is requesting a variance for property zoned CRC (Community Retail Commercial), located in Land Lot 869, District 16, Parcels 0170 & 0180, 2nd Section, Marietta, Cobb County, Georgia, and being known as **1401 & 1411 Bells Ferry Road**. Variance to disturb and replant the 40' buffer. Ward 4B.

20200576 **V2020-25 [VARIANCE] GREGG E. LITCHFIELD**

V2020-25 [VARIANCE] GREGG E. LITCHFIELD is requesting a variance for property zoned R-3 (Single Family Residential - 3 units/acre), located in Land Lot 1087, District 16, Parcel 0720, 2nd Section, Marietta, Cobb County, Georgia, and being known as **515 Cherokee Street**. Variance to allow accessory structures be constructed on a lot without a principal building. Ward 4B.

ADJOURNMENT:

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, July 27th, 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 landscape buffer from 50 feet 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)*]
4. Variance to allow outdoor storage within 50 feet of any property zoned for residential purposes and within 25 feet of City right-of-way. [*§708.26 (B.35.c)*]
5. Variance to allow more than 50% of the parcel to be used for outdoor storage. [*§708.26 (G.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

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

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

Aerial view of 1705 White Circle

Recommended Action:

Approval with stipulations. 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 is on the northern side of the building and would encroach into the side yard setbacks and residential buffer.

The applicant has indicated that the project cost is not expected to exceed 50% of the existing building value. As a result, the existing nonconformities on the site, such as lack of trees, existing setback encroachments, and gravel surfaces, may remain as long as they are not expanded or enlarged in any way. 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.

Buffer

City records indicate the subject property is used by a structural steel manufacturer and firearm assembly company. 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.

Only the property to the north, which contains electrical equipment and infrastructure owned by Georgia Power, is protected by the 50-foot buffer required by Section 708.26 (I). Considering the similar intensity of use between the two properties, buffers and setbacks would not provide a benefit to either property.

Although the property to the east and south is zoned PRD-SF (Planned Residential Development – Single Family) and is currently under construction for a single family detached community, City Code Section 710.05 (H) does not require a buffer when the rezoning of an adjacent parcel creates a condition where a buffer is required when one had not been previously required. In the case of the adjacent residential community, the subject property was already zoned LI when Heritage Ridge was rezoned from OI in 2004.

Outdoor Storage

It should be noted that Light Industrial zoning is intended for manufacturing/assembly process that do not emit noise, dust, smoke, gas, fumes, odors, or vibrations from outside an enclosed building. When located on the perimeter of an industrial node, such as this property, uses should be lower in intensity.

Although LI limits a parcel to having no more than 50% of the area used for outdoor storage, a large portion of this parcel appears to be used for outdoor storage of metal construction materials, which has the potential to make a lot of noise when moved. Outdoor storage is also restricted from being within 50 feet of any property zoned for residential purposes or within 25 feet of City right of way. The applicant recently applied for a blasting permit to increase the size of the outdoor storage yard but has not provided details of the expanded location.

Of all the requested variances, allowing outdoor storage within fifty (50) of the residential property to the east and south has the most potential to disrupt the quality of life of the nearby residential community, as this is the only regulation in place that protects any adjacent residents. To minimize the potential impact on these residents, ***staff recommends approving all variances with the following conditions:***

1. ***No outdoor storage of materials between the new addition and the eastern property line.***
2. ***Two staggered rows of evergreen trees, a minimum 5-ft in height, be planted and maintained along the southern and eastern property line.***

Please note 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).
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.

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: **July 10, 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, July 27th, 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; variance to allow outdoor storage within 50 feet of any property zoned for residential purposes and within 25 feet of City right-of-way; variance to allow more than 50% of the parcel to be used for outdoor storage. Ward 4B.

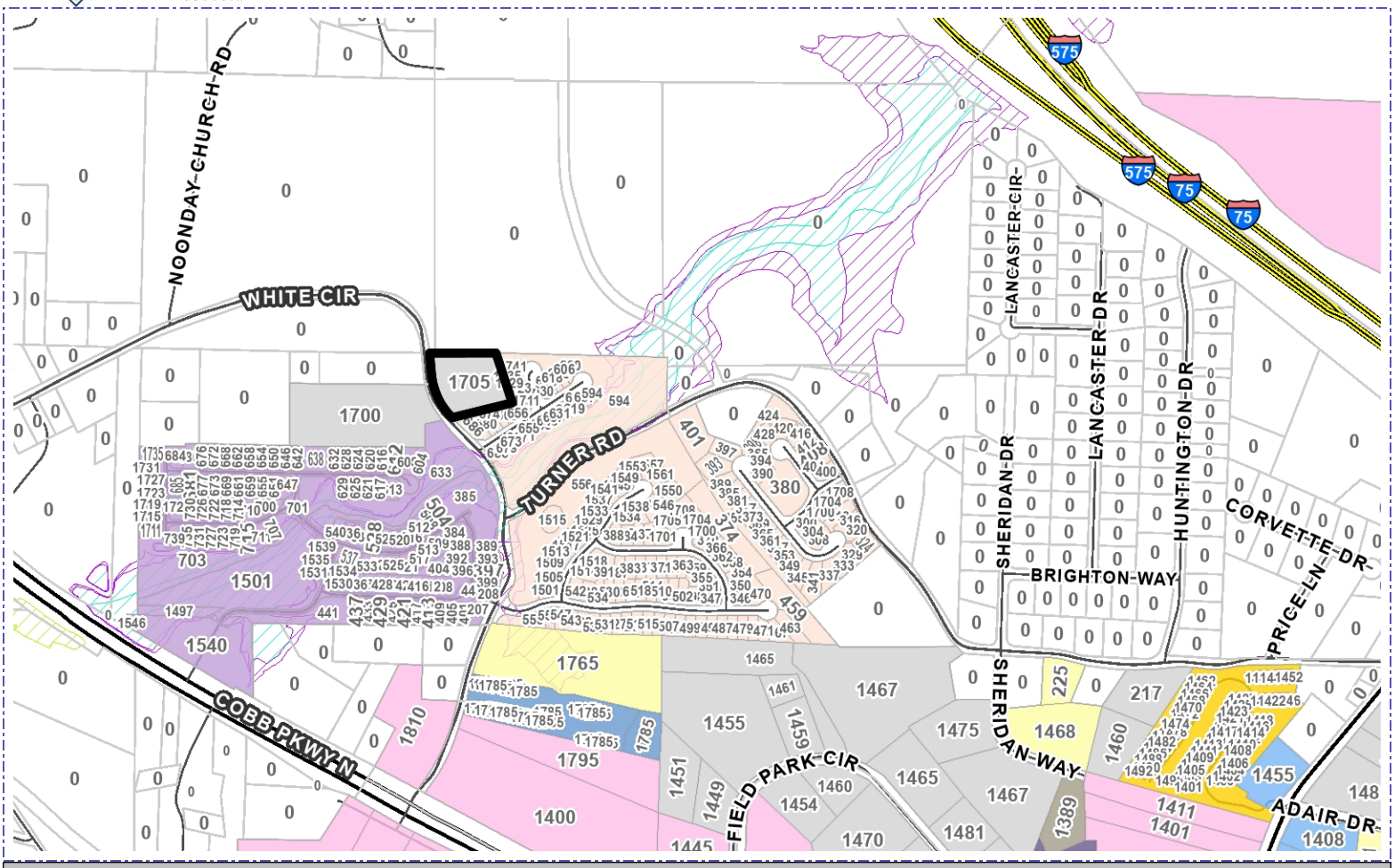
A description and plat of the property sought for the variances are on file in the Planning and Zoning Office, City Hall, and are available for inspection between 8:00 A.M. and 5:00 P.M., Monday through Friday. Anyone wishing to attend may do so and be heard relative thereto. You may also review the 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: 07/27/2020

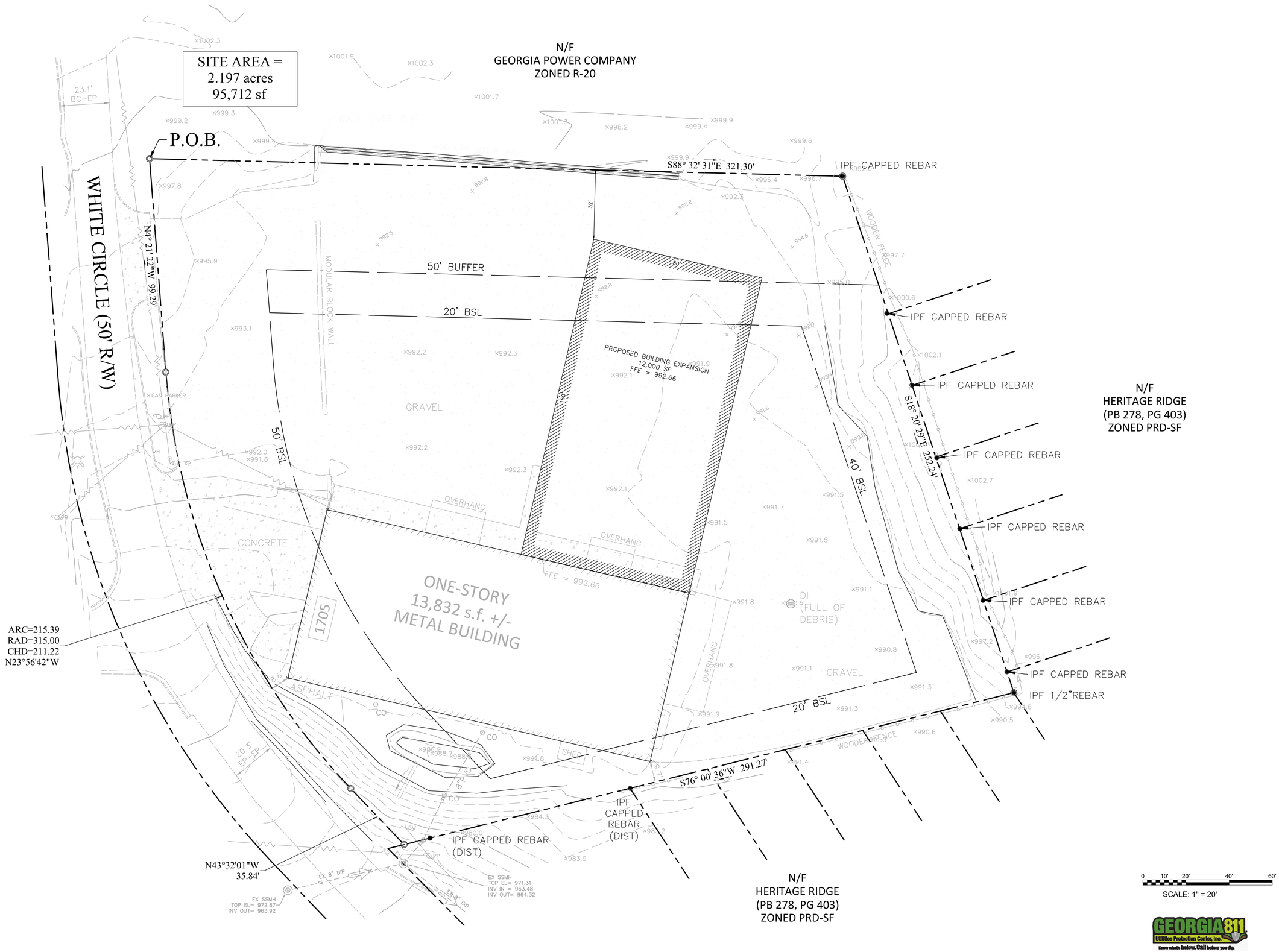
Acquisition Date:

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 #: V2020-23 Legistar #: 20200533

Board of Zoning Appeals Hearing: Monday, July 27, 2020 – 6:00 p.m.

Property Owner: Michael Farley and Jennifer Meier
349 Saint Mary's Lane
Marietta, GA 30064

Applicant: Same as above

Address: 349 Saint Mary's Lane

Land Lot: 1084 District: 16th Parcel: 00130

Council Ward: 4A Existing Zoning: R-2 (Single Family Residential – 2 units/acre)

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

1. Variance to allow accessory structure to be closer to the public right of way than the primary structure [*§*708.02 (*F.1)*]
2. Variance to reduce the setback from 2' to 0' to allow a fence along the right of way [*§*710.04]
3. Variance to allow existing accessory structures to remain closer to public right of way than the main structure [*§*708.02 (*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.

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

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.

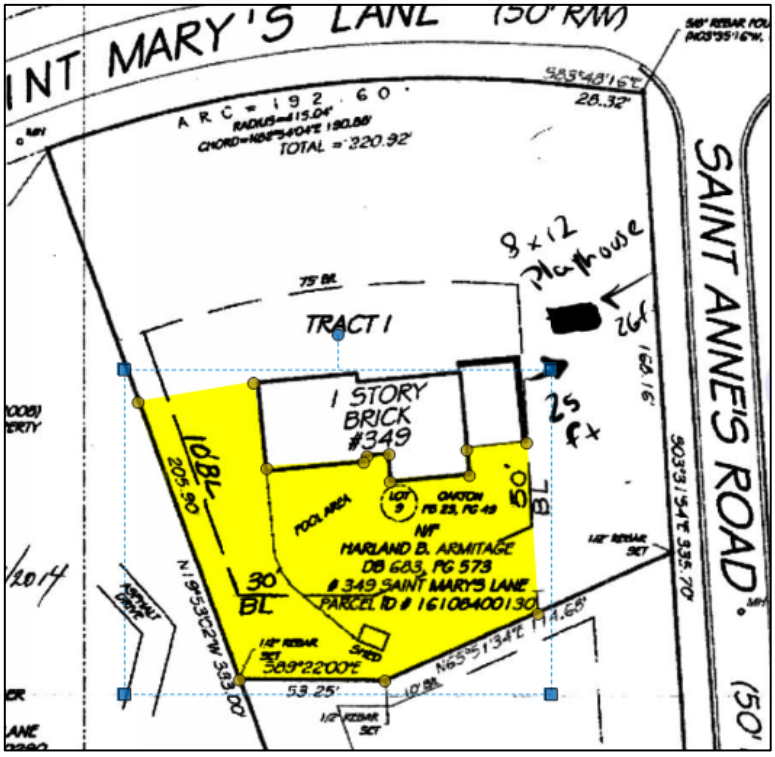
PICTURES

Partially built accessory structure (playhouse)

Existing accessory structure in major side yard

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

Rear portion of subject property to be enclosed by proposed fence



Acceptable locations for accessory structures on corner lots

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

Recommended Action:

Approval. The applicants, Michael Farley and Jennifer Meier, are requesting variances for the property at 349 Saint Mary's Lane. The subject property is approximately 0.874 acres in total and lies at the corner of Saint Anne's Road and Saint Mary's Lane. The subject property is zoned R-2 (Single Family Residential – 2units/acre) and the surrounding area is completely made up of properties zoned R-2 as well. The applicants are requesting variances for accessory structures (existing and proposed) and as well as for the placement of a new fence.

Accessory Structures

According to the zoning ordinance, accessory structures "*shall be located upon the same lot and to the side or rear of the principal use at least 10 feet from side or rear lot lines…In cases of corner lots, the accessory structure may not be closer to any right-of-way than the principal building."* This variance was brought to city staff attention by way of a building permit application for the construction of an accessory structure (8' x 12'playhouse). Staff indicated the zoning regulations would require the structure to be relocated to the southwestern portion of the property at least ten (10) feet away from the rear and side yard property lines. The building permit was approved earlier this month with the proposed accessory structure being placed (50) feet from Saint Anne's Road.

The applicants have stated that there is a pool and a steep hill towards the rear of the property and the areas indicated by city staff are not suitable locations for a playhouse. Currently, there is a playset as well as a dome structure (existing accessory structures) in the area where the applicant has proposed the 8' x 12' playhouse. The applicant has stated they wish to keep the current playset and dome structure. Since the house is situated so far away from both streets and the pool takes up much of the back yard, there is no better area to place the playhouse so that it is not closer to the right of way than the main structure. ***As such, staff recommends approval of the variance request.***

Fence

The applicants also wish to build a four (4) foot fence around the major side yard and accessory structures in order to provide an enclosed area for their children to play. The proposed fence would span from the eastern section of the major side around to the rear yard, completely enclosing the existing and proposed playsets. The applicants wish to place the fence 9.5 feet from the road due to existing vegetation. However, the plat indicates the property line is eleven (11) feet from the back of curb against Saint Anne's Road and there is a water main running along the western side of Saint Anne's Road. Further, the BZA cannot authorize a fence to be placed within the right-of-way. However, BZA may reduce the setback for a fence from two (2) to zero (0) feet from the property line as long as the fence does not block visibility. The nearby intersection is a four-way stop so visibility should not be an issue. As a result, ***staff recommends approval to reduce the fence setback from 2' to 0' with the condition that the applicants be responsible for ensuring the fence is not installed within the right of way.***

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

Marietta
GEORGIA

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 #: V2020-23 **Legistar #:** 202005533 **BZA Hearing Dt:** 7-27-20

City Council Hearing Dt (if applicable) #: — **PZ #:** 20-173

This is a variance/appeal application for:

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

Owner's Name Micheal Farley and Jennifer Meier

EMAIL Address: micheal scott farley@gmail.com Jkatiemeier@gmail.com

Mailing Address 349 Saint Mary's Ln Zip Code: 30064 Phone Number 4043952785 678 642 8470

COMPLETE ONLY IF APPLICANT IS NOT OWNER:

Applicant: _____

EMAIL Address: _____

Mailing Address _____ Zip Code: _____ Phone Number _____

Address of subject property: 349 Saint Mary's Ln Date of Acquisition: 4/2014

Land Lot (s) 1084 District 16 Parcel 00130 Acreage .87 Zoned R2 Ward 4A FLU: LDR

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

fence + playhouse placement

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.

Michael Farley
Signature of Owner

JKMeier
Signature of Applicant

Michael Farley
Print Name

Jennifer Katherine Meier
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.

Michael Farley
Print Name

Michael Farley
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.

Michael Farley
Signature of Applicant

6/15/2020
Date

Michael Farley
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.

Michael Farley
Signature of Owner

Michael Farley
Please Print

349 St. Mary's LN NW Marietta, GA 30064
Address

6/15/2020
Date

Signed, sealed and delivered in the presence of:

Joshua Maupin NOTARY MY COMM. EXPIRES Feb 20, 2023 PUBLIC Cobb County, GA

My Commission Expires: 02/20/2023

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

To whom it concerns,

We are requesting a variance for fence placement and playhouse placement on our property at 349 Saint Mary's Lane NW. There are several reasons we require placement in the requested location. We would also like to note that the playhouse area is surrounded by plantings which will entirely obscure it from view within eighteen months to two years.

1. Our yard is a very steep slope and this area is the most flat terrain we have to provide a play area for our four children. We also really just do not have a "backyard" area other than a large pool area, a narrow and extraordinarily steep hill area and a secondary driveway leading to our garage. We would actually have to remove a driveway and a pool in order to have any "backyard".

2. The original lot for our home was split and now overlooking our backyard is an approximately 20 foot retaining wall which holds a swimming pool for a large new construction home. There is no privacy therefore in the limited area behind our home. Behind this neighbor's wall there is frequent flooding further making anything to the rear of our home inappropriate for any play area for our children.

3. The area we are requesting provides us with adequate visibility to our children. Obviously, we cannot allow our children to play unsupervised by the pool area. We also have a child with some special medical needs who cannot be out of sight for us for any extended periods.

4. We are requesting to put a fence around this area to protect our children from the constant flow of cut through traffic. The issue of speeding and running the stop sign is well known in our area and we sit at the intersection.

5. We need our four foot fence to sit at approximately 9.5 feet off the road due to our extensive mature trees. The 9.5 foot line is our only clear line for fencing to maintain an attractive fence appearance and maintain any area for play without removing many large, centuries-old trees. This does not interfere with any visibility on the road but will provide a bit of safety and privacy for our family. The road is frequently walked by the community. Though we love our community there have been times that strangers have attempted unusual conversations with our children.

Thank you,

Micheal Scott Farley
Jennifer Katherine Meier

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TO: **Marietta Daily Journal**

FROM: **City of Marietta**

RUN DATE: **July 10, 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, July 27th, 2020 at 6:00 P.M.,** City Hall. Anyone wishing to attend may do so and be heard relative thereto.

V2020-23 [VARIANCE] MICHEAL FARLEY & JENNIFER MEIER are requesting variance**s** for property zoned R-2 (Single Family Residential – 2 units/acre), located in Land Lot 1084, District 16, Parcel 0130, 2nd Section, Marietta, Cobb County, Georgia, and being known as 349 Saint Mary's Lane. Variance to allow accessory structure to be closer to the public right of way than the primary structure; variance to reduce the setback from 2' to 0' for a fence along the right of way; variance to allow existing accessory structures to remain closer to public right of way than the main structure. Ward 4A.

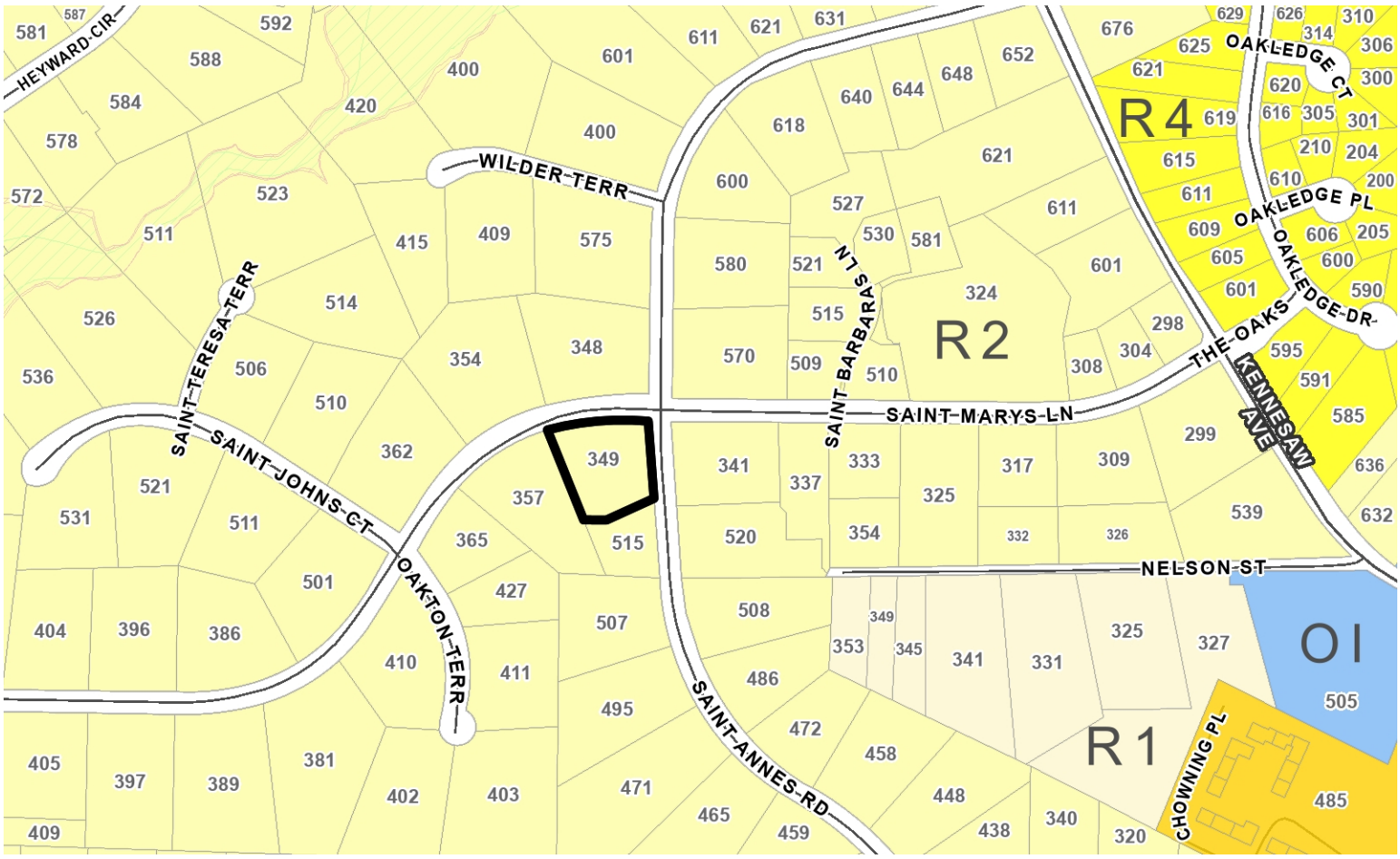
A description and plat of the property sought for the variances are on file in the Planning and Zoning Office, City Hall, and are available for inspection between 8:00 A.M. and 5:00 P.M., Monday through Friday. Anyone wishing to attend may do so and be heard relative thereto. You may also review the 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
349 SAINT MARYS LN	16108400130	0.874	4A	R2	LDR

Property Owner: Micheal Farley & Jennifer Meier

Applicant:

BZA Hearing Date: 07/27/2020

Acquisition Date:

Case Number: V2020-23

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

Reset Save

2 6 0

5.04'

04'E 190.88'

TAL = 220.92'

28.32'

Fence 9 from St. Anne's

75' BR

TRACT I

1 STORY
BRICK
#349

50'
BL

LOT 9

OAKTON
PB 23, PG 49

NIF
HARLAND B. ARMITAGE
DB 683, PG 573
349 SAINT MARYS LANE
PARCEL ID # 16108400130

N65°51'34"E 114.68'

SHED

22'00"E

3.25'

1/2" REBAR SET

1 STORY
BRICK
#349
POOL AREA
LOT 9
OAKTON
PB 23, PG 49
N/F
HARLAND B. ARMITAGE
DB 683, PG 573
349 SAINT MARY'S LANE
PARCEL ID # 16108400
30'
BL
50'
BL
25
ft
20
ft
16.16'
1/2" REBAR
SET
589°22'00

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

STAFF REVIEW AND RECOMMENDATION

Variance Case #: V2020-24 Legistar #: 20200534

Board of Zoning Appeals Hearing: Monday, July 27, 2020 – 6:00 p.m.

Property Owner: **1411 Bells Ferry Road, LLC**
1705 White Circle
Marietta, GA 30066

Applicant: **Moore Ingram Johnson & Steele, LLP – J. Kevin Moore**
326 Roswell Street
Marietta, GA 30060

Address: **1401 & 1411 Bells Ferry Road**

Land Lot: 08690 District: 16 Parcel: 0170 & 0180

Council Ward: 4B Existing Zoning: CRC (Community Retail Commercial)

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

1. Variance to disturb and replant the 40-foot buffer. [*§710.05*]

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

1401 &1411 Bells Ferry Road

Buffer along the northern property line

Recommended Action:

Approval with stipulations. The applicant, 1411 Bells Ferry Road, LLC, is requesting a variance to disturb within the landscape buffers of 1401 and 1411 Bells Ferry Road. Collectively, the subject properties are over four (4) acres and zoned CRC (Community Retail Commercial). Properties to the north are zoned RA-8 (Single Family Residential Attached – 8units/acre) and LI (Light Industrial), while property to the west is zoned RM-12 (Multi-Family Residential – 12units/acre). The property to the south is zoned CRC.

The owner is proposing to develop the property and build three (3) commercial buildings; and is requesting to disturb the landscape buffer along the northern and western property lines. However, site development plans were only submitted after the City's Engineering staff issued a stop work order for unauthorized grading and tree removal at the site. This variance request was submitted after staff noted the buffer disturbance on site development plans.

The proposed development would consist of three (3) separate office buildings and supporting infrastructure, such as parking, driveways, detention, etc. Because the properties are adjacent to residential properties, a 40-foot landscape buffer is required. Landscape buffers are required to be established and maintained to reduce noise and unsightly views; and to serve as additional protection for lower intensity residential properties adjacent to more intense commercial development. As stated within the City's zoning ordinance, *any grading, improvements, or construction shall not disturb or encroach upon the buffer area*. The applicant is proposing to disturb and grade most of the buffers; and notes on the plan indicate that all trees within the limits of disturbance will be removed.

In addition to requiring a landscape buffer, the City's tree protection and landscaping section requires a minimum site density factor to be maintained based off the site's acre. The minimum tree density is calculated at seventeen (17) units per acre; and the units are assigned based off the tree type and size. The proposed tree plan proposes a 70-unit tree density with fifty (50) units being planted into the buffer area. The proposed tree replacements will be planted at 5-6 feet in height. The purpose of the buffer replanting is not based off of units, instead it is based on visibility; therefore, the replanting shall be planted in a way to screen the views seen from the residential properties with natural vegetation and fencing.

Due to the lack of detail on the plan that has been submitted, staff is unable to determine whether the proposed replanting plan is sufficient to provide an adequate buffer. In addition, no fence is noted in the buffer. Since a purposefully planted landscape buffer will provide more protection in the future, ***staff recommends approval of the requested variance with the following stipulations:***

1. ***A six (6) foot tall, opaque fence must be installed along the property line adjacent to the buffer.***
2. ***The forty (40) foot landscape buffer shall be fully replanted with a minimum of four (4) staggered rows of a mixture of evergreen trees, spaced 10 feet apart; and each tree must be a minimum of 5-feet tall at installation.***

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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 #: V2020-24 **Legistar #:** 20200534 **BZA Hearing Dt:** 07/27/2020

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

This is a variance/appeal application for:

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

*Owner's Name 1411 Bells Ferry Road, 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: 1401 & 1411 Bells Ferry Road Date of Acquisition: 07/15/2019

Land Lot (s) 08690 District 16 Parcel 0170 0180 Acreage 4.1± Zoned CRC Ward 4B FLU: IM

List the variance(s) or appeal requested (please attach any additional information): **See Attached Exhibit "B"**

buffers

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.

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.

EXHIBIT "A" - ATTACHMENT TO APPLICATION FOR VARIANCE
(Page Two of Three)

Application No.: _____
Legistar No.: _____
Hearing Date: **July 27, 2020**

Applicant/Property Owner: **1411 Bells Ferry Road, LLC**

MOORE INGRAM JOHNSON & STEELE, LLP

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

Attorneys for Applicant/Property Owner

Date Executed: June 15, 2020

Signed, sealed, and delivered in the presence of:

Carolyn E. Cook
Notary Public
My Commission Expires: January 10, 2023

[Notary Seal]

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

Applicant/Property Owner Address:

1411 Bells Ferry Road, LLC
1705 White Circle
Marietta, Georgia 30066
(678) 581-2622 (Office)
E-mail: ghrib@cobbindustrialinc.com

EXHIBIT "B" – ATTACHMENT TO APPLICATION FOR VARIANCE

Application No.: _____
Legistar No.: _____
Hearing Date: **July 27, 2020**

Applicant/Property Owner: 1411 Bells Ferry Road, LLC

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

The property which is the subject of the Application for Variance is located at 1411 Bells Ferry Road (hereinafter collectively "Property" or "Subject Property"), is zoned to the Community Retail Commercial ("CRC") zoning classification, and is being developed for use as an office park. Due to the shape of the Property, a waiver to allow for encroachment and grading into the required forty-foot buffer adjacent to the residentially zoned property is required to accomplish installation of certain infrastructure for the overall office park development. Therefore, Applicant seeks the following variance:

(1) Waiver of 710.05(E.) of the City of Marietta Ordinance to allow encroachment into forty-foot buffer area for grading and installation of certain infrastructure during development of the proposed office park.

Upon completion of grading and installation of infrastructure, the disturbed area will be remediated and restored with extensive landscaping, providing a far superior visual screen than existing vegetation.

If the required Buffer Ordinance is strictly adhered to, Applicant would be unable to reasonably or economically construct the proposed project on the Property.

TO: **Marietta Daily Journal**

FROM: **City of Marietta**

RUN DATE: **July 10, 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, July 27th, 2020 at 6:00 P.M.,** City Hall. Anyone wishing to attend may do so and be heard relative thereto.

V2020-24 [VARIANCE] 1411 BELLS FERRY ROAD, LLC is requesting a variance for property zoned CRC (Community Retail Commercial), located in Land Lot 869, District 16, Parcels 0170 & 0180, 2nd Section, Marietta, Cobb County, Georgia, and being known as 1401 & 1411 Bells Ferry Road. Variance to disturb and replant the 40' buffer. 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.

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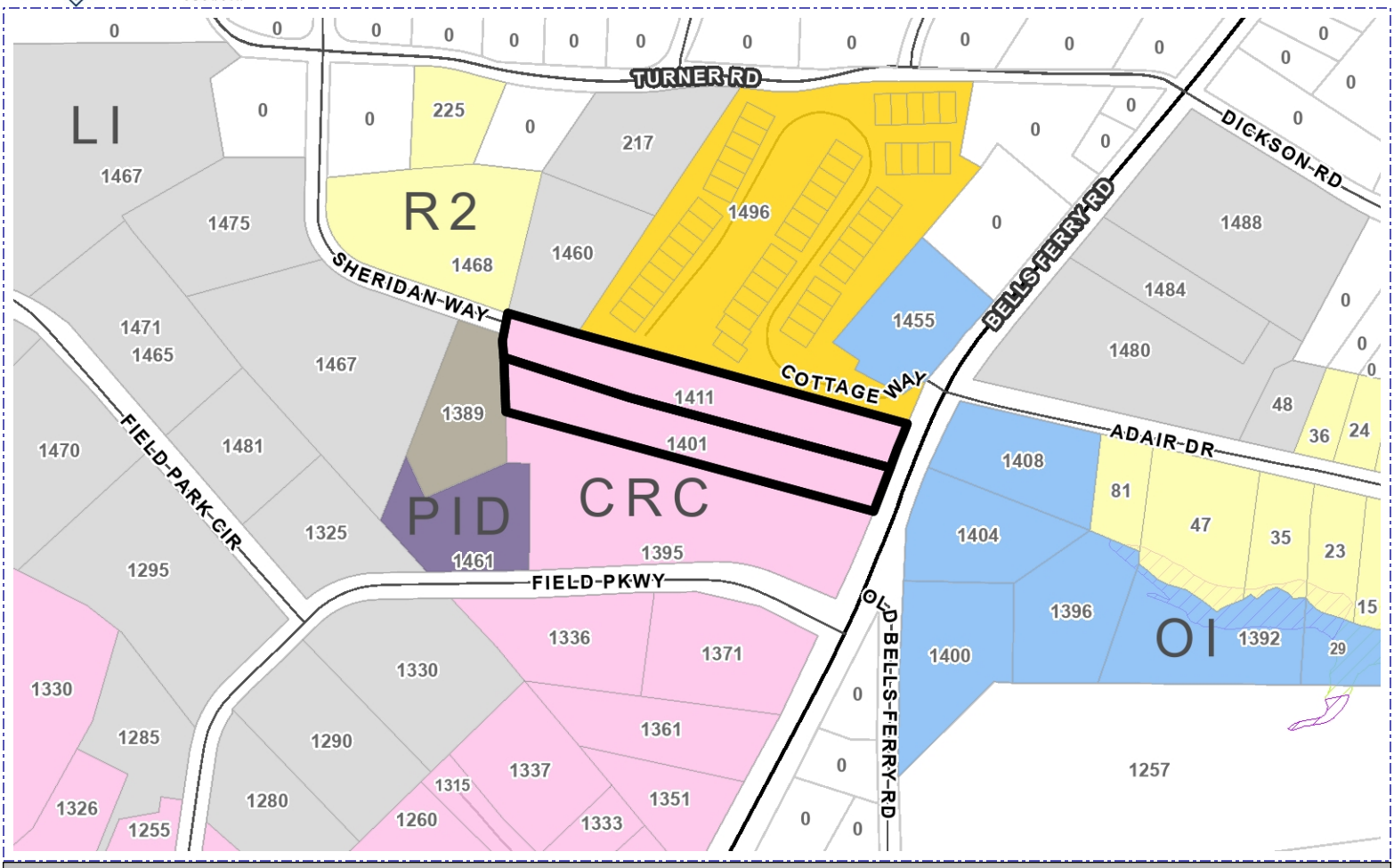
City of Marietta
205 Lawrence Street
Marietta, Georgia 30060

Variance



Address	Parcel Number	Acreage	Ward	Zoning	FLU
1401 BELLS FERRY RD	16086900180	2.079	4B	CRC	IM
1411 BELLS FERRY RD	16086900170	2.172	4B	CRC	IM

Property Owner: 1411 Bells Ferry Road, LLC

Applicant:

BZA Hearing Date: 07/27/2020

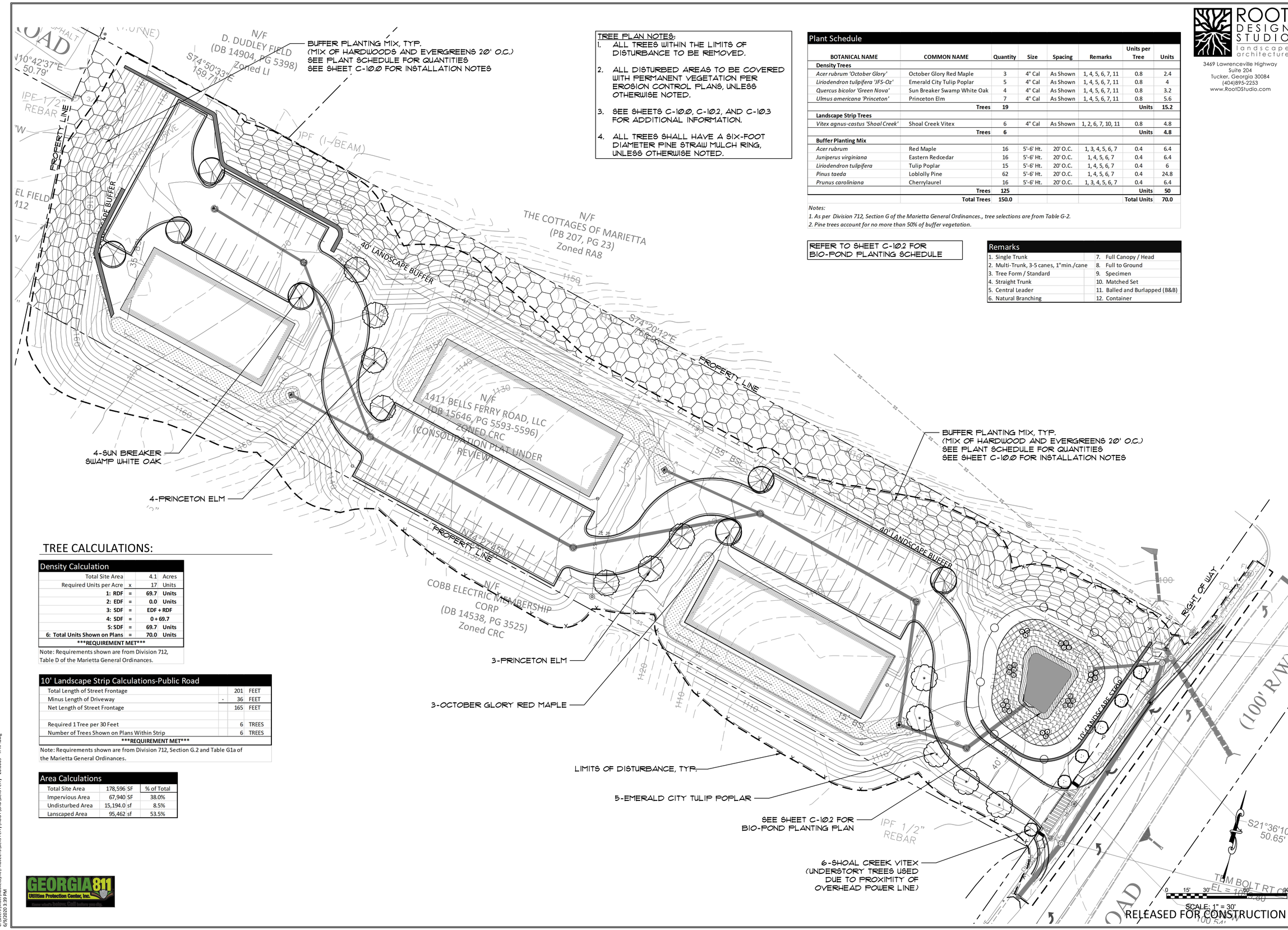
Acquisition Date:

Case Number: V2020-24

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



TREE PLAN NOTES:

1. ALL TREES WITHIN THE LIMITS OF DISTURBANCE TO BE REMOVED.
2. ALL DISTURBED AREAS TO BE COVERED WITH PERMANENT VEGETATION PER EROSION CONTROL PLANS, UNLESS OTHERWISE NOTED.
3. SEE SHEETS C-10.0, C-10.2, AND C-10.3 FOR ADDITIONAL INFORMATION.
4. ALL TREES SHALL HAVE A SIX-FOOT DIAMETER PINE STRAW MULCH RING, UNLESS OTHERWISE NOTED.

Plant Schedule

BOTANICAL NAME	COMMON NAME	Quantity	Size	Spacing	Remarks	Units per Tree	Units
Density Trees							
Acer rubrum 'October Glory'	October Glory Red Maple	3	4" Cal	As Shown	1, 4, 5, 6, 7, 11	0.8	2.4
Liriodendron tulipifera 'JFS-Oz'	Emerald City Tulip Poplar	5	4" Cal	As Shown	1, 4, 5, 6, 7, 11	0.8	4
Quercus bicolor 'Green Nova'	Sun Breaker Swamp White Oak	4	4" Cal	As Shown	1, 4, 5, 6, 7, 11	0.8	3.2
Ulmus americana 'Princeton'	Princeton Elm	7	4" Cal	As Shown	1, 4, 5, 6, 7, 11	0.8	5.6
	Trees	**19**				**Units**	**15.2**
Landscape Strip Trees							
Vitex agnus-castus 'Shoal Creek'	Shoal Creek Vitex	6	4" Cal	As Shown	1, 2, 6, 7, 10, 11	0.8	4.8
	Trees	**6**				**Units**	**4.8**
Buffer Planting Mix							
Acer rubrum	Red Maple	16	5'-6' Ht.	20' O.C.	1, 3, 4, 5, 6, 7	0.4	6.4
Juniperus virginiana	Eastern Redcedar	16	5'-6' Ht.	20' O.C.	1, 4, 5, 6, 7	0.4	6.4
Liriodendron tulipifera	Tulip Poplar	15	5'-6' Ht.	20' O.C.	1, 4, 5, 6, 7	0.4	6
Pinus taeda	Loblolly Pine	62	5'-6' Ht.	20' O.C.	1, 4, 5, 6, 7	0.4	24.8
Prunus caroliniana	Cherrylaurel	16	5'-6' Ht.	20' O.C.	1, 3, 4, 5, 6, 7	0.4	6.4
	Trees	**125**				**Units**	**50**
	Total Trees	**150.0**				**Total Units**	**70.0**

Notes:
1. As per Division 712, Section G of the Marietta General Ordinances., tree selections are from Table G-2.
2. Pine trees account for no more than 50% of buffer vegetation.

REFER TO SHEET C-10.2 FOR BIO-POND PLANTING SCHEDULE

Remarks

1. Single Trunk	7. Full Canopy / Head
2. Multi-Trunk, 3-5 canes, 1"min./cane	8. Full to Ground
3. Tree Form / Standard	9. Specimen
4. Straight Trunk	10. Matched Set
5. Central Leader	11. Balled and Burlapped (B&B)
6. Natural Branching	12. Container

TREE CALCULATIONS:

Density Calculation

Total Site Area		4.1	Acres
Required Units per Acre	x	17	Units
1: RDF	**=**	**69.7**	**Units**
2: EDF	**=**	**0.0**	**Units**
3: SDF	**=**	**EDF + RDF**	
4: SDF	**=**	**0 + 69.7**	
5: SDF	**=**	**69.7**	**Units**
6: Total Units Shown on Plans	**=**	**70.0**	**Units**
*****REQUIREMENT MET*****			

Note: Requirements shown are from Division 712, Table D of the Marietta General Ordinances.

10' Landscape Strip Calculations-Public Road

Total Length of Street Frontage		201	FEET
Minus Length of Driveway	-	36	FEET
Net Length of Street Frontage		165	FEET
Required 1 Tree per 30 Feet		6	TREES
Number of Trees Shown on Plans Within Strip		6	TREES
*****REQUIREMENT MET*****			

Note: Requirements shown are from Division 712, Section G.2 and Table G1a of the Marietta General Ordinances.

Area Calculations

Total Site Area	178,596 SF	% of Total
Impervious Area	67,940 SF	38.0%
Undisturbed Area	15,194.0 sf	8.5%
Lanscaped Area	95,462 sf	53.5%

GEORGIA811 Utilities Protection Center, Inc.

ROOT DESIGN STUDIO landscape architecture
3469 Lawrenceville Highway
Suite 204
Tucker, Georgia 30084
(404)895-2253
www.RootDStudio.com

GEORGIA REGISTERED LANDSCAPE ARCHITECT No. LA001408 MICHAEL KIDD
06/09/2020

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

REVISIONS

DATE	DESCRIPTION	△

TREE PROTECTION PLAN

BELLS FERRY OFFICE PARK
1411 BELLS FERRY ROAD
MARIETTA, GEORGIA

PROJECT No. 21905-1
LAND LOT(S): 869, 870
DISTRICT: 16th, 2nd Sec
COUNTY: Cobb
SCALE: AS SHOWN
DATE: 02/03/2020

DRAWING NO.: C-10.1

C:\Users\Matt\RocketSync\PROJECTS\Bells Ferry\ROOT\CAD\Bells Ferry - 20.0609 - TPRP.dwg
6/9/2020 3:39 PM

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

STAFF REVIEW AND RECOMMENDATION

Variance Case #: V2020-25 Legistar #: 20200576

Board of Zoning Appeals Hearing: Monday, July 27, 2020 – 6:00 p.m.

Property Owner: Gregg E. Litchfield
118 Frances Avenue
Marietta, GA 30060

Applicant: Same as above

Address: 515 Cherokee Street

Land Lot: 1087 District: 16 Parcel: 0720

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

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

1. Variance to allow accessory structures to be constructed on a lot without a principal building. [*§708.03 (F.3.)*]

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

515 Cherokee Street frontage

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

Recommended Action:

Denial. Gregg Litchfield, owner of 515 Cherokee Street, is requesting variances that would allow the construction of a new pool and pool house on the property, which backs up to his residence on Frances Avenue. The subject property, 515 Cherokee Street, is zoned R-3 (Single Family Residential – 3 units/acre) and is surrounded by other properties also zoned R-3. The subject property is mostly vacant but does contain a blacktop area striped for a half-court for basketball and a few storage buildings in the far rear (west). There is gated, vehicular access from Cherokee Street that is paved up to the blacktop area.

Pools, pool houses, and sheds are all considered accessory structures. Per Section 708.03 (F.3). "*no accessory building shall be construed upon a lot before the principal building*." The property at 515 Cherokee Street was acquired by the applicant over 20 years ago and functions as an extension of the backyard for 118 Frances Avenue, despite being a separate tax parcel. The applicant has not indicated any reason for maintaining the lot as a separated parcel. The simplest option for the applicant would be to combine the two parcels by exemption plat, which would eliminate the need for the variance. However, without providing any supporting reason or hardship for the request, the applicant has requested a variance from the regulations.

This property is part of the locally designated Church Cherokee Streets Historic District, which was established in August 2016. Any exterior work visible from the public right of way would have to be approved by the Historic Preservation Commission prior to permitting.

The Board of Zoning Appeals considered similar variances and has approved one such request and denied the other. In August 2014, a variance was requested for 108 Rigby Street (V2014-34) and was approved. However, in August 2017, the variance request for a nearby property at 564 Cherokee Street (V2017-36) was denied.

Lacking any hardship associated with this request, ***staff recommends denial of this variance.***

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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 #: V2020-25 **Legistar #:** 20200576 **BZA Hearing Dt:** 7-27-2020

City Council Hearing Dt (if applicable) #: n/a **PZ #:** 20-186

This is a variance/appeal application for:

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

Owner's Name Gregg E. Litchfield

EMAIL Address: gel@hlw-law.com

Mailing Address 118 Frances Ave Zip Code: 30060 Phone Number 404-713-7817

COMPLETE ONLY IF APPLICANT IS NOT OWNER:

Applicant:

EMAIL Address:

Mailing Address Zip Code: Phone Number

Address of subject property: 515 Chorator St Date of Acquisition:

Land Lot (s) 1087 District 16th Parcel 16108700720 00720 Acreage .56 Zoned R3 Ward 4B FLU: LDR

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

Allow for an accessory structure (pool + pool house) on a property without a principal building

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

Gregg E. Litchfield
Print Name

Gregg E. Litchfield
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.

Gregg E. Litchfield
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

10-22-20
Date

Gregg E Litchfield
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

Gregg E. Litchfield
Please Print

118 Frances Ave Marietta GA 30060
Address

10-22-20
Date

Signed, sealed and delivered in the presence of:

DANIEL W. WHITE
NOTARY PUBLIC
MY COMMISSION EXPIRES AUGUST 30, 2022
COBB COUNTY, GEORGIA

My Commission Expires:_____

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

Revised: 11 4 2019

Gregg E. Litchfield
118 Frances Ave
Marietta, GA 30060

Board of Zoning Appeals
205 Lawrence St
Marietta Ga 30060

Dear Chairman and Members.

I am the owner of 515 Cherokee St. This undeveloped lot is contiguous to my residence at 118 Frances Avenue. I would like to build a pool and pool house on this separate lot. In order to build the pool and pool house I need a variance because the Marietta Code does not allow an accessory structure on a property without a principal residence.

I have owned this lot since 1994. At present there is a well house and tool shed (existing when I purchased said lot) and a basketball court on the property. I have maintained this lot as part of my residence even though it is a separate tax parcel.

My hope is the Board finds this request reasonable and hope that they will grant the variance.

Sincerely,

Gregg E. Litchfield
404-713-7317

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TO: **Marietta Daily Journal**

FROM: **City of Marietta**

RUN DATE: **July 10, 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, July 27th, 2020 at 6:00 P.M.,** City Hall. Anyone wishing to attend may do so and be heard relative thereto.

V2020-25 [VARIANCE] GREGG E. LITCHFIELD is requesting a variance for property zoned R-3 (Single Family Residential – 3 units/acre), located in Land Lot 1087, District 16, Parcel 0720, 2nd Section, Marietta, Cobb County, Georgia, and being known as 515 Cherokee Street. Variance to allow accessory structures be constructed on a lot without a principal building. Ward 4B.

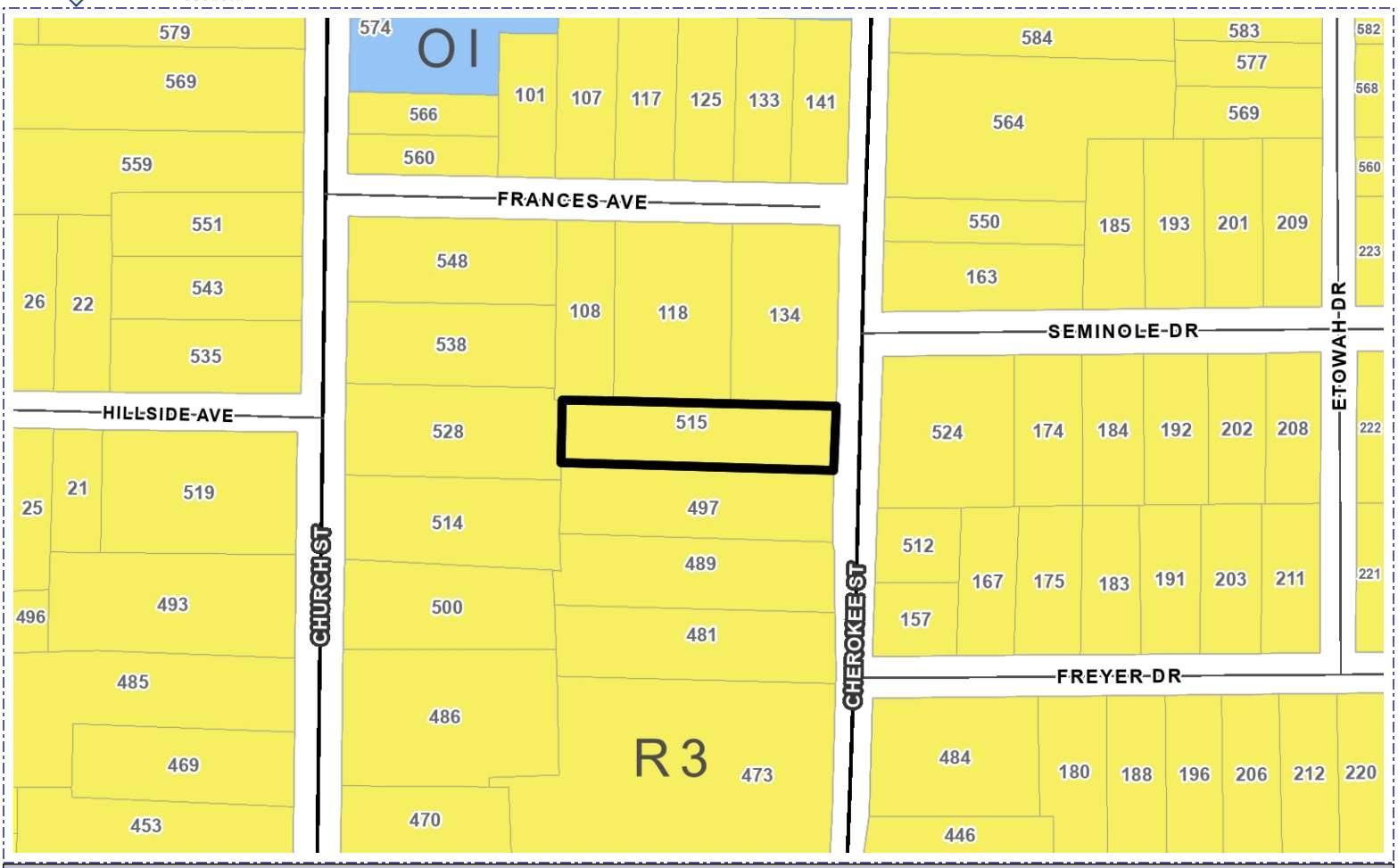
A description and plat of the property sought for the variances are on file in the Planning and Zoning Office, City Hall, and are available for inspection between 8:00 A.M. and 5:00 P.M., Monday through Friday. Anyone wishing to attend may do so and be heard relative thereto. You may also review the 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
515 CHEROKEE ST	16108700720	0.577	4B	R3	LDR

Property Owner: Gregg E. Litchfield

Applicant:

BZA Hearing Date: 07/27/2020

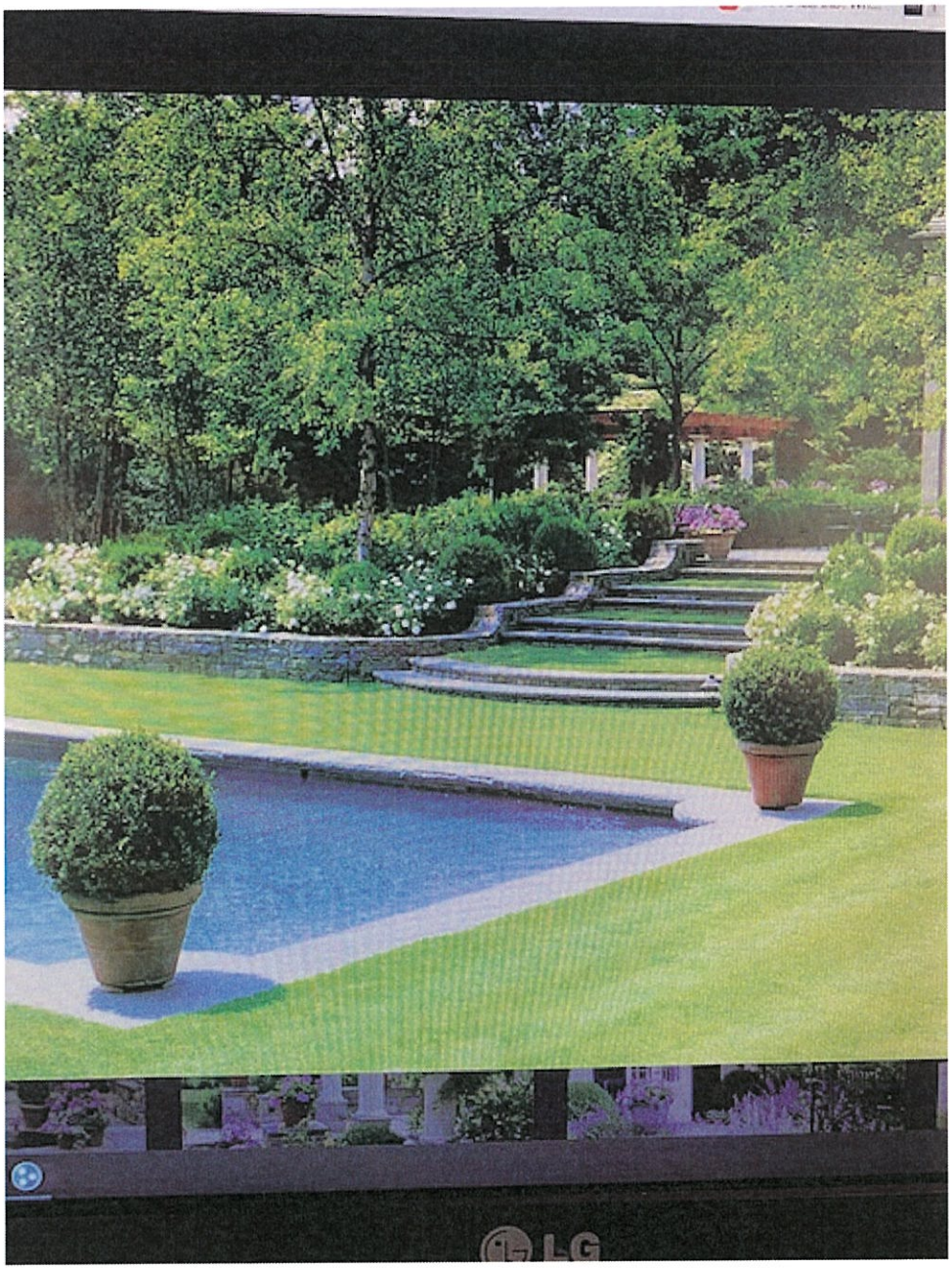
Acquisition Date:

Case Number: V2020-25

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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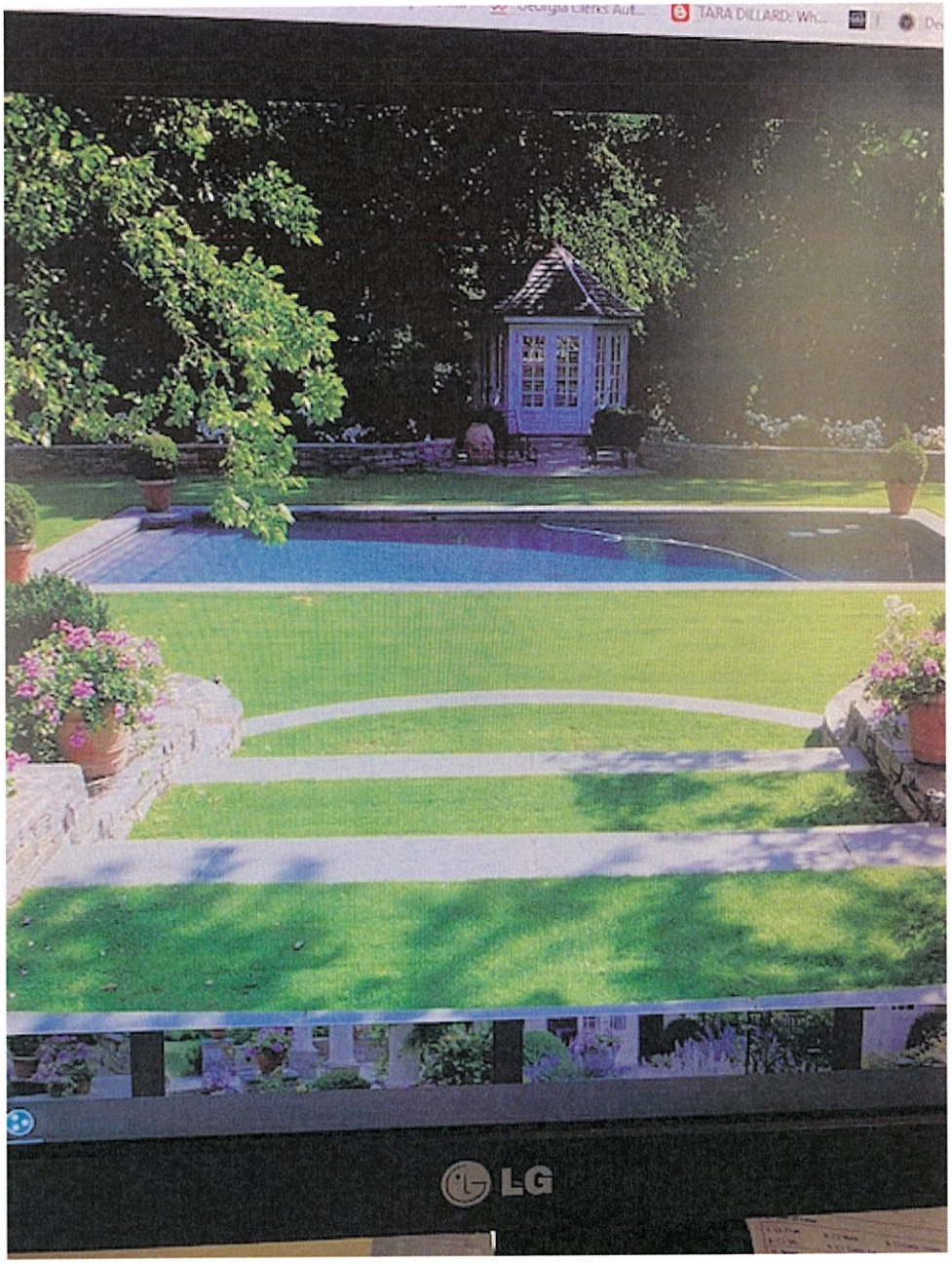
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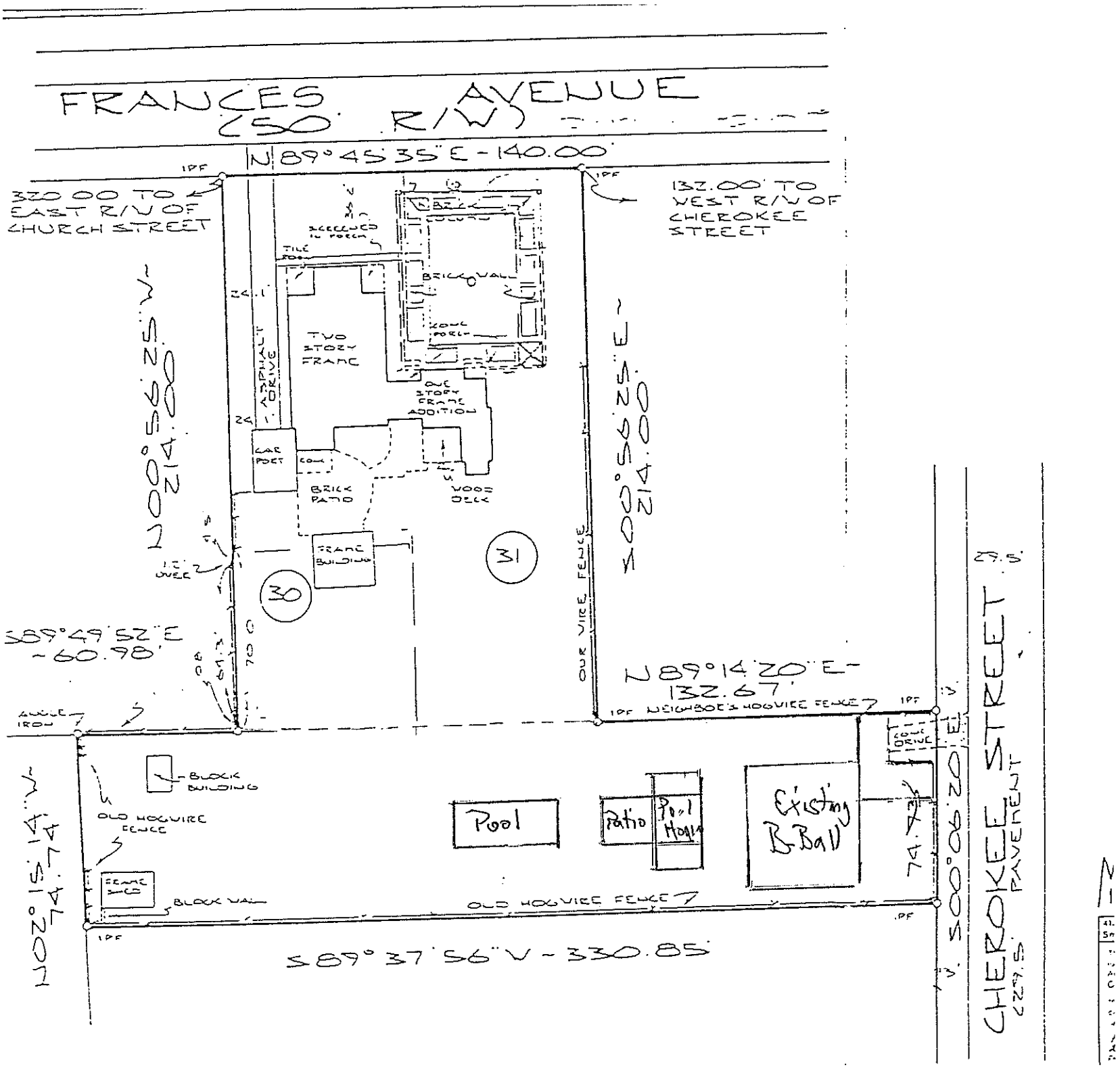
FRANCES AVENUE
(50' R/W)
N 89° 45' 35" E - 140.00'
IPF
320.00' TO EAST R/W OF CHURCH STREET
132.00' TO WEST R/W OF CHEROKEE STREET
SCREENED IN PORCH
TILE ROOF
BRICK WALL
TWO STORY FRAME
ASPHALT DRIVE
ONE STORY FRAME ADDITION
CAR PORT
BRICK PATIO
WOOD DECK
FRAME BUILDING
30
31
N 00° 56' 25" W - 214.00'
N 00° 56' 25" E - 214.00'
S 89° 49' 52" E - 60.98'
OUR WIRE FENCE
N 89° 14' 20" E - 132.67'
NEIGHBOR'S HOGWIRE FENCE
ANGLE IRON
BLOCK BUILDING
OLD HOGWIRE FENCE
FRAME SHED
BLOCK WALL
Pool
Patio
Pool House
Existing B-Ball
CONC DRIVE
S 00° 08' 20" E - 74.74'
N 00° 51' 14" W - 74.74'
S 89° 37' 56" W - 330.85'
CHEROKEE STREET
(229.5' PAVEMENT)