1. Board Of Zoning Appeals Agenda

   Documents:

   _AUG 31, 2020 BZA AGENDA.PDF

2. V2020-21 White Cir 1705

   Documents:

   V2020-21 WHITE CIR 1705.PDF

3. V2020-26 Freyer Dr 368

   Documents:

   V2020-26 FREYER DR 368.PDF

4. V2020-28 Stewart Ave 126

   Documents:

   V2020-28 STEWART AVE 126.PDF

5. V2020-29 Freyer Dr 267

   Documents:

   V2020-29 FREYER DR 267.PDF

6. V2020-30 Canton Rd 1601

   Documents:

   V2020-30 CANTON RD 1601.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, August 31, 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:

20200674 **July 27, 2020 Board of Zoning Appeals Meeting Minutes**

Review and Approval of the July 27, 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.

20200619 V2020-26 [VARIANCE] LEON & BARBARA LEAKE

V2020-26 [VARIANCE] LEON & BARBARA LEAKE are requesting a variance for property zoned R-3 (Single Family Residential - 3 units/acre), located in Land Lot 1089, District 16, Parcel 0700, 2nd Section, Marietta, Cobb County, Georgia, and being known as **368 Freyer Drive**. Variance to reduce the side setback along the eastern property line from 10 feet to 4 feet. Ward 5A.

20200632 V2020-28 [VARIANCE] RACHEL BARRY & PHILIP MYRICK

V2020-28 [VARIANCE] RACHEL BARRY & PHILIP MYRICK are requesting variances for property zoned R-4 (Single Family Residential - 4 units/acre), located in Land Lot 1147, District 16, Parcel 0170, 2nd Section, Marietta, Cobb County, Georgia, and being known as **126 Stewart Avenue**. Variance to reduce the minor side yard setback for a new addition from 10' to 6'; variance to reduce the major side yard setback for a new addition from 25' to 15'; variance to reduce the major side setback for an existing structure (house) from 25' to 4'; variance to reduce the side yard setback for an existing accessory structure (shed) from 10' to 4'; variance to reduce the rear yard setback for an existing accessory structure (shed) from 30' to 8'. Ward 4A.

20200635 V2020-29 [VARIANCE] MELISSA K. EARLEY

V2020-29 [VARIANCE] MELISSA K. EARLEY is requesting a variance for property zoned R-3 (Single Family Residential - 3 units/acre), located in Land Lot 1088, District 16, Parcel 0210, 2nd Section, Marietta, Cobb County, Georgia, and being known as **267 Freyer Drive**. Variance to reduce the side setback along the eastern property line from 10 feet to 3 feet. Ward 4B.

20200636 V2020-30 [VARIANCE] 1601 ENTERPRISES, LLC

V2020-30 [VARIANCE] 1601 ENTERPRISES, LLC is requesting a variance for property zoned CRC (Community Retail Commercial), located in Land Lot 854, District 16, Parcel 0450, 2nd Section, Marietta, Cobb County, Georgia, and being known as **1601 Canton Road**. Variance to allow metal siding on the side of a building facing a roadway. Ward 6B.

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, August 31st, 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: **August 14, 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, August 31st, 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.

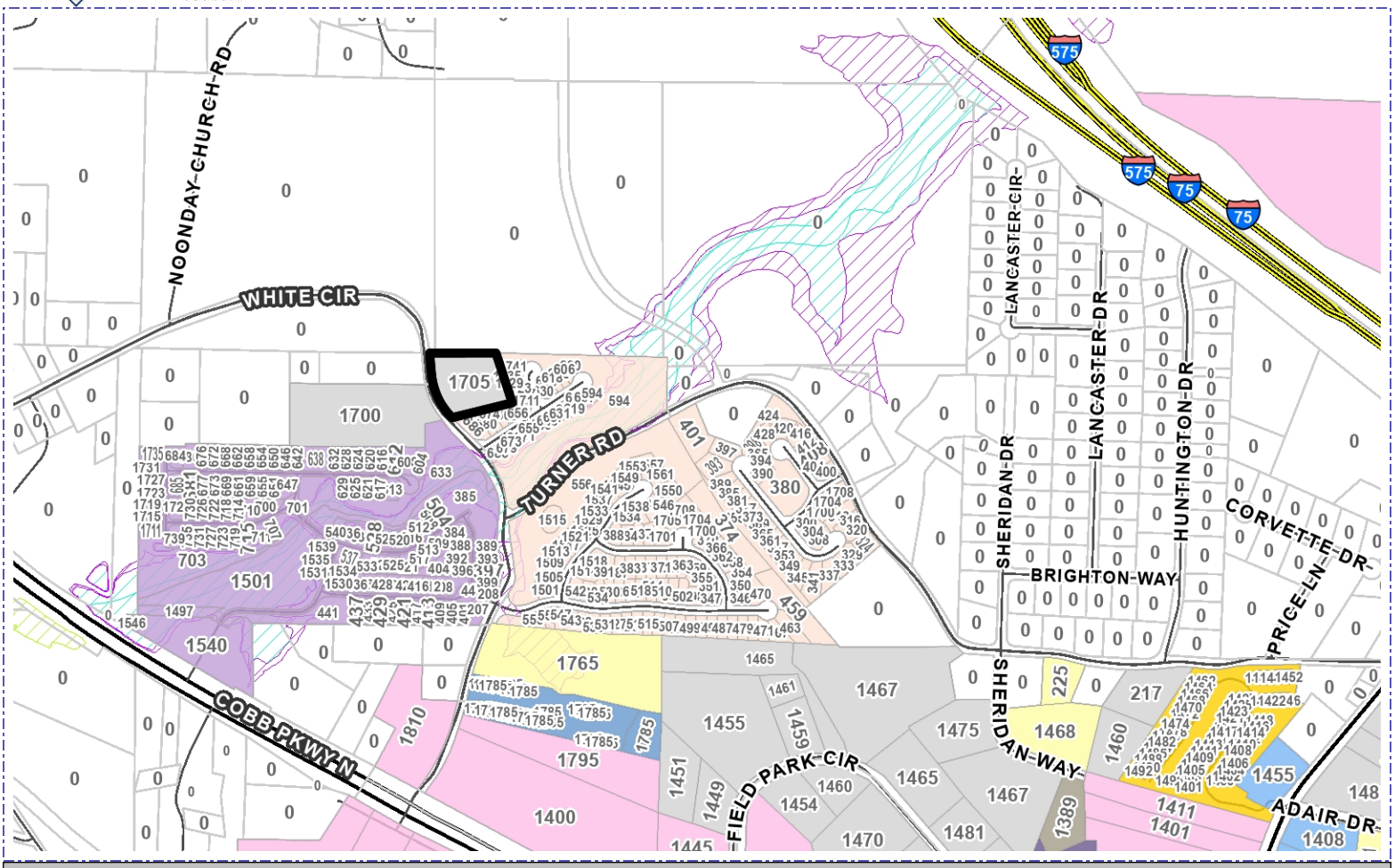
A description and plat of the property sought for the variances are on file in the Planning and Zoning Office, City Hall, and are available for inspection between 8:00 A.M. and 5:00 P.M., Monday through Friday. Anyone wishing to attend may do so and be heard relative thereto. You may also review the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

For additional information 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: 08/31/2020

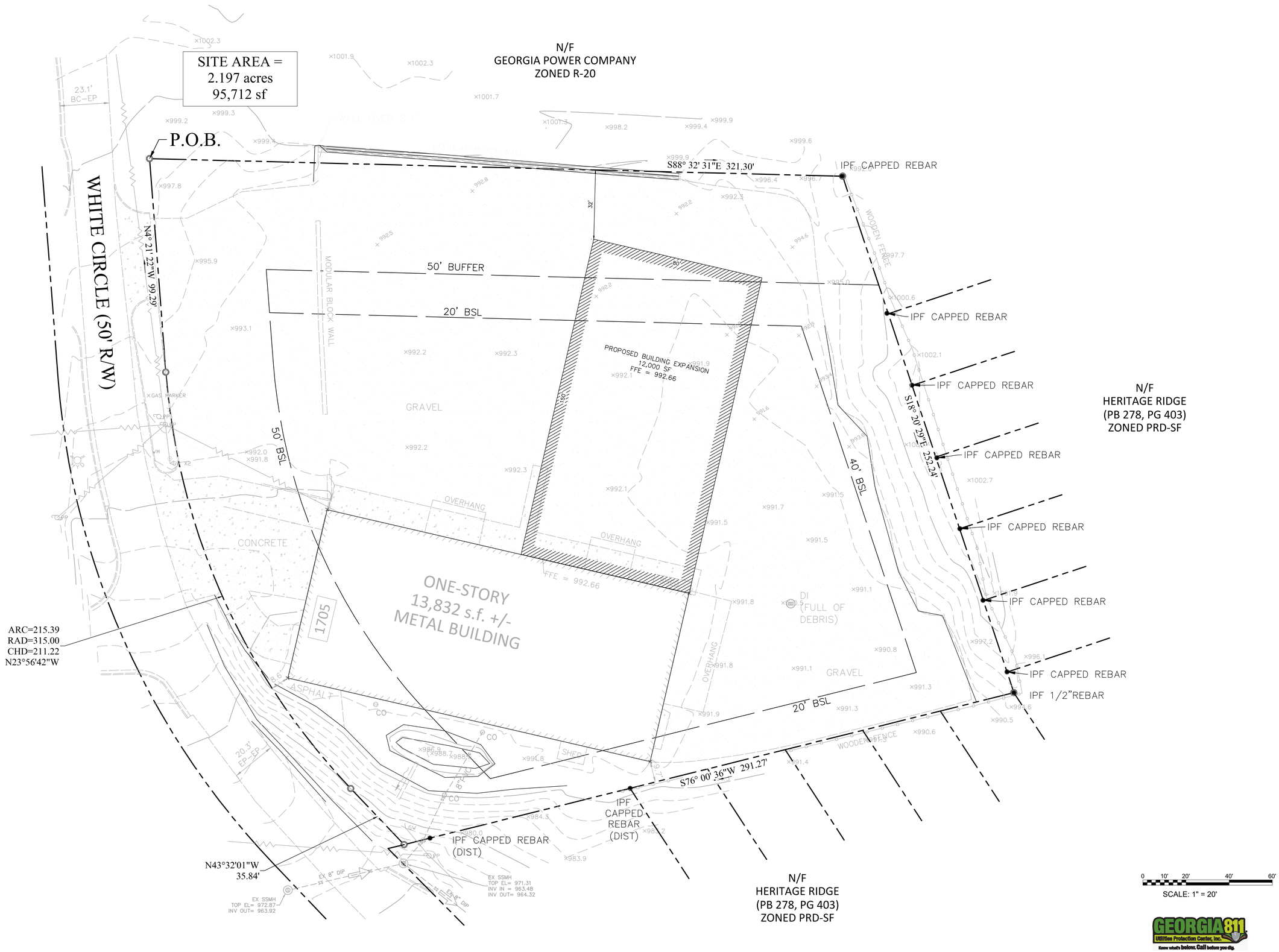
Acquisition Date:

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 #: V2020-26 Legistar #: 20200619

Board of Zoning Appeals Hearing: Monday – August 31, 2020 – 6:00 p.m.

Property Owner: Leon & Barbara Leake
368 Freyer Dr
Marietta, GA 30060

Applicant: Same as owner.

Address: 368 Freyer Drive

Land Lot: 1089 District: 16 Parcel: 00700

Council Ward: 5A Existing Zoning: R-3 (Single Family Residential – 3units/acre)

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

1. Variance to reduce the side setback along the eastern property line from 10 feet to 4 feet. [*§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.

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

368 Freyer Drive

Recommended Action:

Approval. The owners and applicants, Leon and Barbara Leake, are requesting a variance in order to expand and renovate their property and home. The 0.318 parcel is zoned R-3 (Single Family Residential – 3units/acre); the properties surrounding the subject parcel are also zoned R-3, except the parcel to the rear (south) of the property is zoned R-4 (Single Family Residential – 4units/acre). The subject property and its neighboring properties appear to have setback encroachments with their principal and accessory structures. The 72-foot lot width does not comply with the current code of a minimum 85-foot lot width, but this existing condition is legally non-conforming. There are also existing setback encroachments to the rear yard setback and to both side yard setbacks.

According to the city's zoning ordinance, the subject property may build up to 10 feet from the side property lines. The applicants would like to expand the rear portion of their existing house along the southeastern side of the existing structure to provide more living space and outdoor space. The applicants have stated they would like to build an "owner's suite" and covered porch. The owner's suite addition would be built up to approximately 4 feet 8 inches from the eastern side property line. This new encroachment would add approximately 838 square feet of space. In 2011, the Board of Zoning Appeals granted a variance (V2011-29) to reduce the western side yard setback from 10 feet to 2 feet for a building attached by a covered walkway.

Staff was provided a letter of support with no objection from the neighbor most impacted by the new encroachment. Even with the additional structures, the lot would remain under the allowable impervious coverage. Given that the lot widths for the subject property and surrounding neighbors are non-conforming, the character of the neighborhood commonly has structures built closer to their side property lines. The proposed project would not have any noticeable impact to the neighborhood. ***Therefore, staff recommends approval.***

Fire comments:
The site plan is not of sufficient quality to properly review. If the existing condition is already non-compliant with the fire protection sprinkler ordinance, then no action is required. If the exterior wall is currently > 10' from the property line or 20' from the adjacent structure, and the resulting improvement is less than those prescribed distances, then the fire sprinkler ordinance will apply and the building will require installation of fire sprinklers.

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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 #: V2020-26 **Legistar #:** 20200619 **BZA Hearing Dt:** 8-31-20

City Council Hearing Dt (if applicable) #: — **PZ #:** 20-213

This is a variance/appeal application for:

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

Owner's Name Leon & Barbara Leake

EMAIL Address: leon.leake@gmail.com

Mailing Address 368 Freyer Zip Code: 30060 Phone Number 770 335 4646

COMPLETE ONLY IF APPLICANT IS NOT OWNER:

Applicant:

EMAIL Address:

Mailing Address Zip Code: Phone Number

Address of subject property: 368 Freyer Dr. Date of Acquisition: January 1998

Land Lot (s) 1089 District 16 Parcel 00700 Acreage .318 Zoned R3 Ward 5A FLU: LDR

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

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.

F. Leon Leake — Signature of Owner

F. Leon Leake — Signature of Applicant

F. Leon Leake — Print Name

F. Leon Leake — 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.

F. Leon Leake — Print Name

F. Leon Leake — 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.

F. Leon Leake — Signature of Applicant

14 July 2020 — Date

F. Leon Leake — 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.

F. Leon Leake — Signature of Owner

F. Leon Leake — Please Print

368 Freyer Dr — Address

14 July 2020 — Date

Signed, sealed and delivered in the presence of:

INES EMBLER NOTARY PUBLIC PAULDING COUNTY, GEORGIA MY COMMISSION EXPIRES MAY 28, 2022

My Commission Expires: 5-28-2022

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

July 8, 2020

Shelby Little
Planning and Zoning Manager
205 Lawrence Street
Marietta, GA 30060

Dear Ms. Little,

As owner of the property located at 368 Freyer Dr. in Marietta and pursuant to the requirements of a Variance Application for said property, I am writing this letter of description of the intended project that necessitates a variance.

It is our desire to add an extension on the southeast side of our home that will include an owner's suite and screened in porch. A portion of the east facing wall of the owner's suite will be 4'8" from the property line and a portion will be 6'8".

Please see attached drawings.

Thank you,

leon leake
Owner
368 Freyer

Barbara Leake
Owner
368 Freyer

July 8, 2020

Shelby Little
Planning and Zoning Manager
205 Lawrence Street
Marietta, GA 30060

Dear Ms. Little,

My name is Orie Wade. I am the owner and resident of the property located at 376 Freyer Dr in Marietta. I am writing this letter on behalf of my adjacent neighbors to the west (Leon & Barbara Leake at 368 Freyer Dr.) in support of their variance application for a proposed Master Suite addition to their home.

Leon & Barbara have thoroughly reviewed with me the drawings for this addition. I understand that a portion of this structure will be 4' 8" from my property line and the remaining will be 6' 8" from my property line. I have no objection to this placement.

I have been neighbors with Leon & Barbara for over 20 years and am looking forward to there being many more. The addition of a master suite to their home will be a very positive impact on property values in our neighborhood.

Sincerely,

Orie Wade

TO: **Marietta Daily Journal**

FROM: **City of Marietta**

RUN DATE: **August 14, 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, August 31st, 2020 at 6:00 P.M.,** City Hall. Anyone wishing to attend may do so and be heard relative thereto.

V2020-26 [VARIANCE] LEON & BARBARA LEAKE are requesting a variance for property zoned R-3 (Single Family Residential – 3 units/acre), located in Land Lot 1089, District 16, Parcel 0700, 2nd Section, Marietta, Cobb County, Georgia, and being known as 368 Freyer Drive. Variance to reduce the side setback along the eastern property line from 10 feet to 4 feet. Ward 5A.

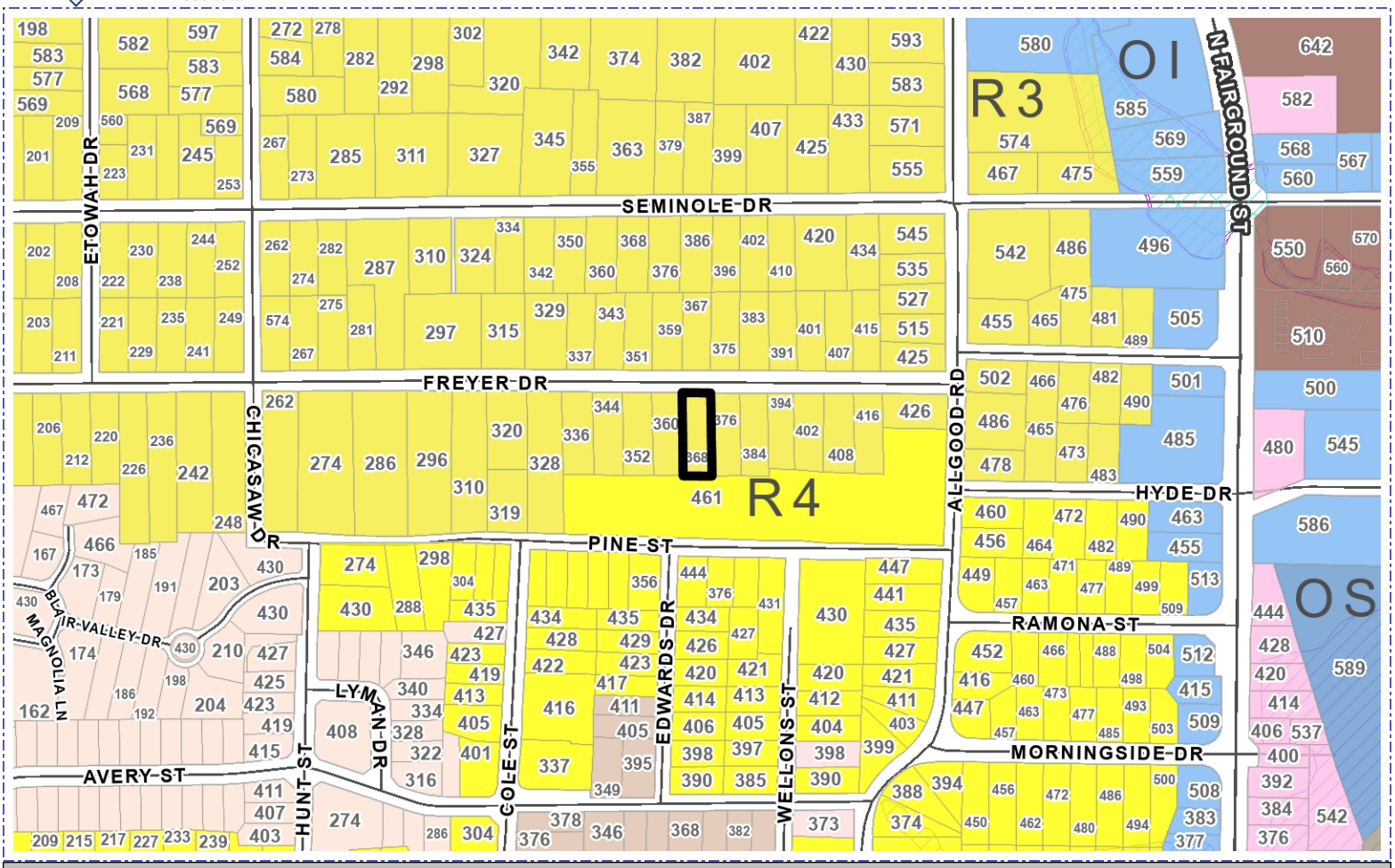
A description and plat of the property sought for the variances are on file in the Planning and Zoning Office, City Hall, and are available for inspection between 8:00 A.M. and 5:00 P.M., Monday through Friday. Anyone wishing to attend may do so and be heard relative thereto. You may also review the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

For additional information 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
368 FREYER DR	16108900700	0.318	5A	R3	LDR

Property Owner: Leon & Barbara Leake

Applicant:

BZA Hearing Date: 08/31/2020

Acquisition Date:

Case Number: V2020-26

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

PROPERTY ADDRESS:
368 FREYER DRIVE
MARIETTA, GEORGIA 30060

CURRENT OWNER OF RECORD:
F. LEON LEAKE & BARBRA S. LEAKE

REFERENCE DEED:
DB. 11073, PG. 141

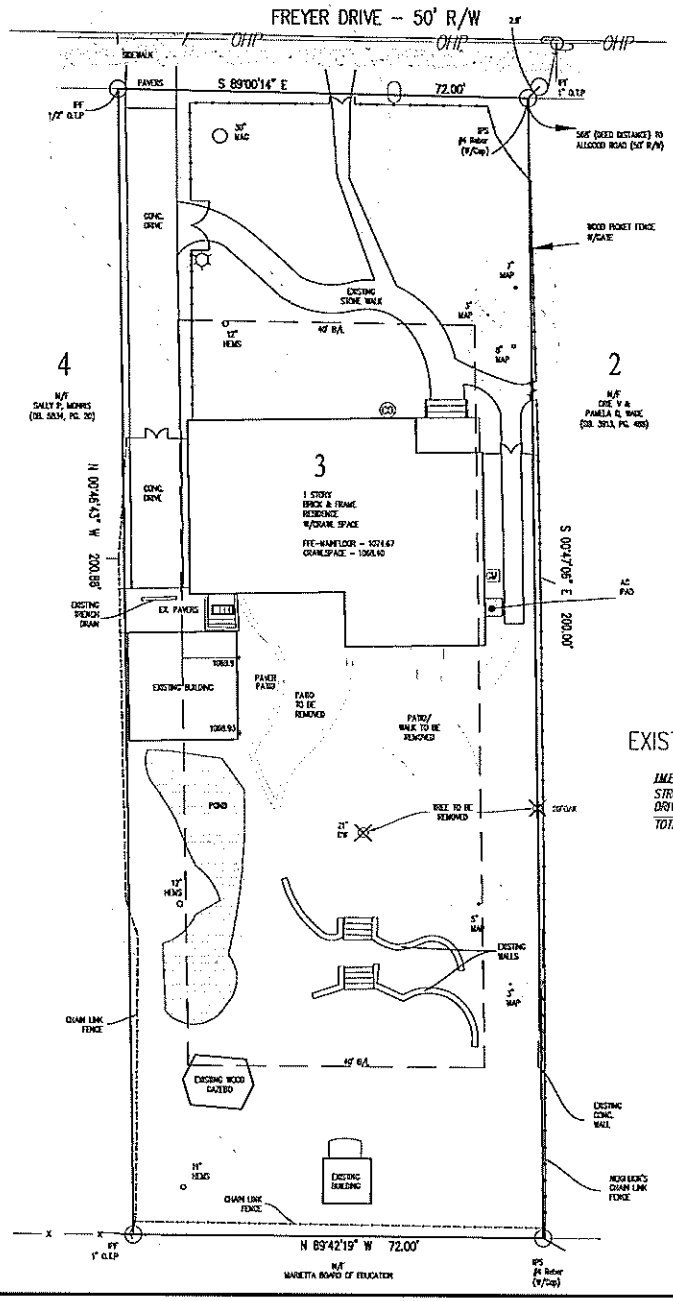
REFERENCE PLAT:
PB. 9, PG. 189

TOTAL AREA:
14,426 S.F.
0.331 ACRES

PRESENT ZONING:
R-3

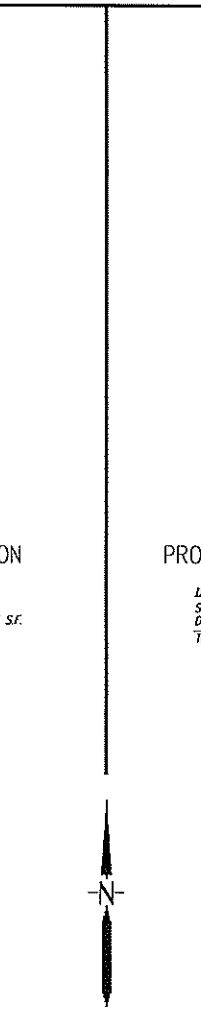
BUILDING SETBACKS:
FRONT - 40'
REAR - 30'
SIDE - 10'

FLOOD INFORMATION:
THIS PROPERTY IS NOT LOCATED WITHIN A FLOOD SPECIAL HAZARD AREA, ACCORDING TO FEMA MAP #13067C0158J, DATED: SEPTEMBER 18, 2013



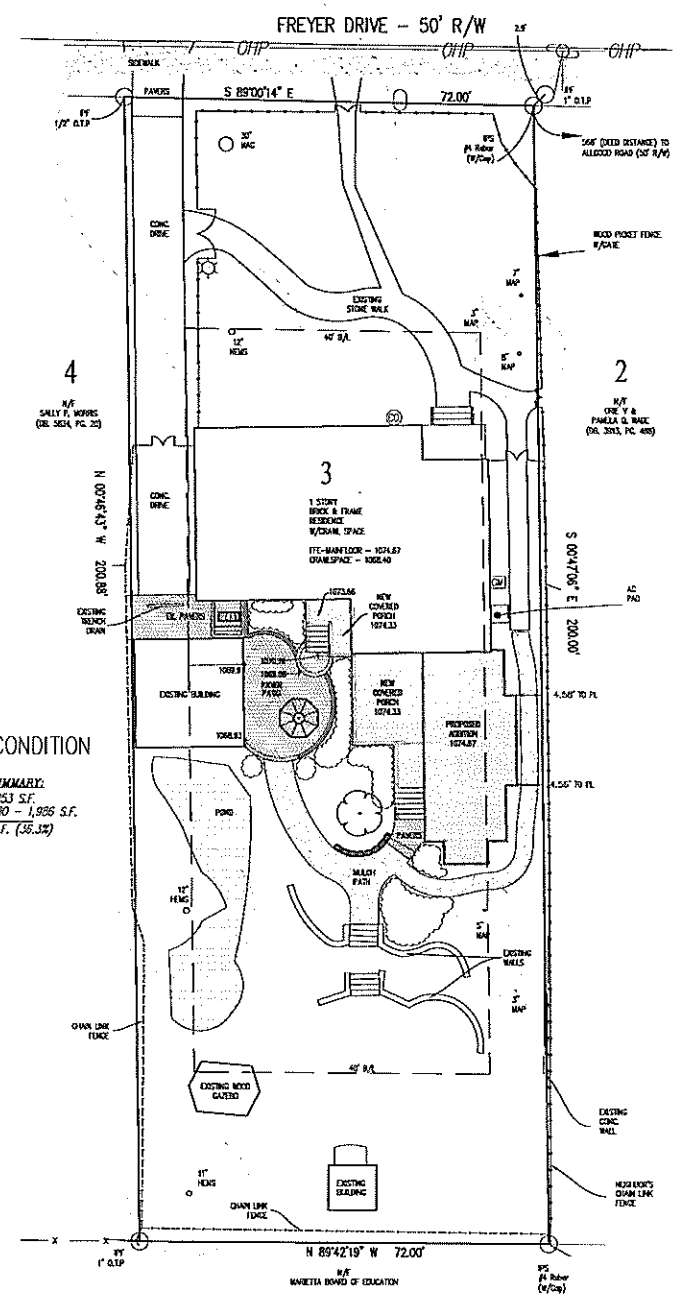
EXISTING CONDITION

IMPERVIOUS SUMMARY:
STRUCTURES- 2,415 S.F.
DRIVE, WALK, PATIO - 2,474 S.F.
TOTAL - 4,654 S.F. (32.3%)



PROPOSED CONDITION

IMPERVIOUS SUMMARY:
STRUCTURES- 3,253 S.F.
DRIVE, WALK, PATIO - 1,986 S.F.
TOTAL - 5,239 S.F. (36.3%)



centerline
Surveying and Land Planning, Inc.
1891 BELLAIR BLVD, SUITE 110, KENNESAW, GA. 30144
PHONE: (770) 424-0445 FAX: (770) 424-0449
LSF001396

VARIANCE EXHIBIT FOR:
368 FREYER DRIVE
LAND LOT 1088, 16TH DISTRICT, 2nd SECTION
CITY OF MARIETTA COBB COUNTY, GEORGIA

NO.	DATE	REVISION DESCRIPTION	BY

DRAWN BY: MCW
CHECKED BY:
DATE: 7-19-20
SCALE: 1" = 10'
PROJECT No: 120036-V

SHEET No. 1

GENERAL NOTES

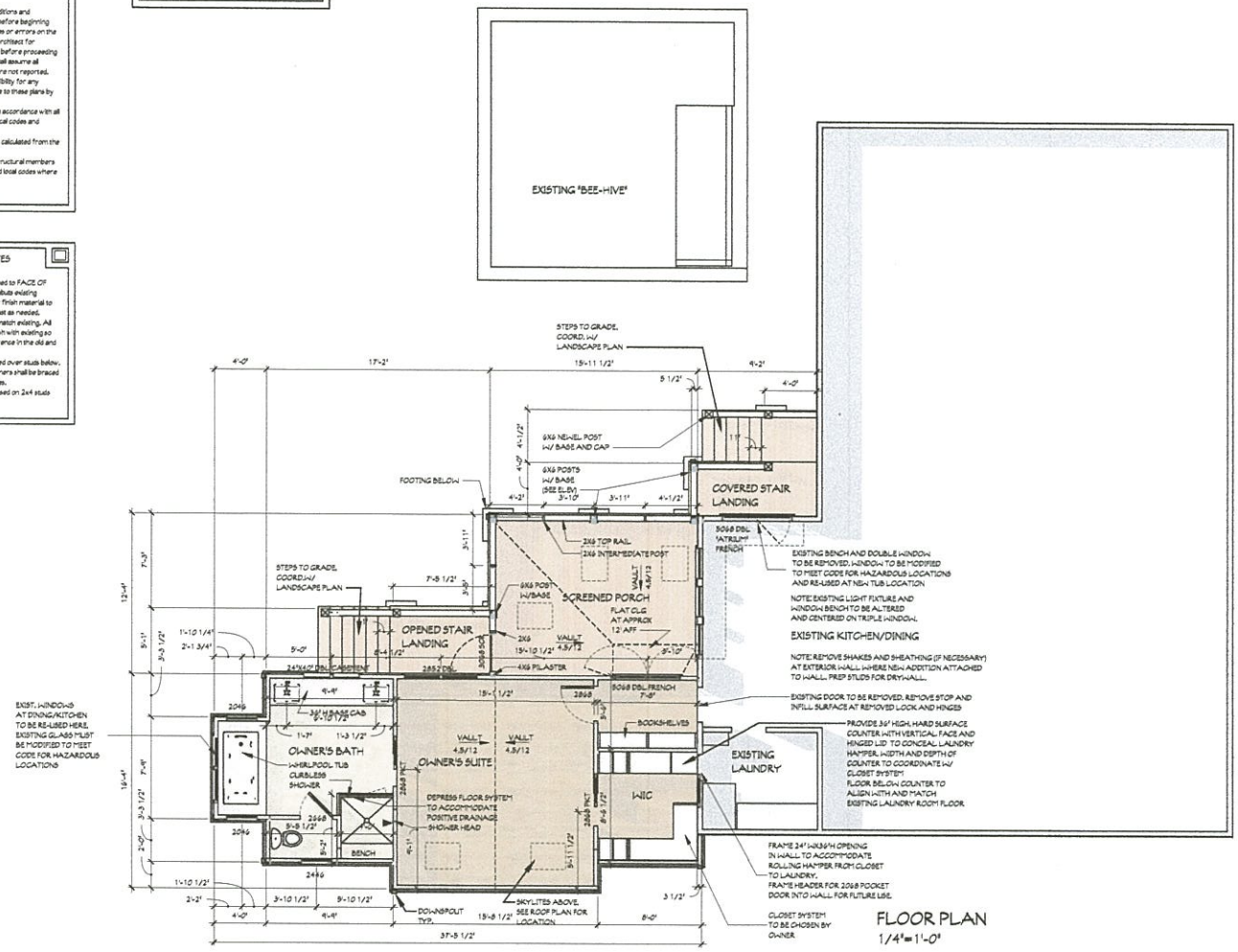
1. All notes are suggested minimum requirements only. Refer to and comply with all local codes.
2. All dimensions of existing conditions are approximate and shall be verified in field before proceeding with work.
3. Contractor shall verify all conditions and dimensions at the building site before beginning construction. Any discrepancies or errors on the plans shall be reported to the architect for justification and/or correction before proceeding with the work. Contractors shall assume all responsibility for errors that are not reported.
4. Architect assumes no responsibility for any changes or modifications made to these plans by others.
5. All work shall be performed in accordance with all applicable national, state and local codes and regulations.
6. All dimensions shall be read or calculated from the plans and never scaled.
7. All concrete, steel and wood structural members shall meet all national, state and local codes where applicable

FRAMING NOTES

1. All walls are shown and dimensioned to FACE OF STUD. Where new construction abuts existing remove any remaining drywall or finish material to measure for framing, or field adjust as needed.
2. Plate and/or ceiling heights shall match existing. All new framing shall be level and flush with existing so that there is no perceivable difference in the old and new construction.
3. All joists and rafters shall be aligned over studs below.
4. All exterior inside and outside corners shall be braced as is required by all applicable codes.
5. All framed wall dimensions are based on 2x4 studs unless otherwise noted

SQUARE FOOTAGES

CONDITIONED SPACE	538 SQ. FT.
SCREENED AND COVERED PORCH	206 SQ. FT.



FLOOR PLAN
1/4"=1'-0"

Please note that this plan in whole or in part is the property of Peek Design Group, Inc. and may not be duplicated or reproduced or reused without the expressed written consent of Peek Design Group, Inc.

Peek Design Group, Inc. assumes no liability for any structure built from these plans. Further, it is the responsibility of the builder to ensure the following:
* Verify ALL dimensions PRIOR to construction
* Verify compliance with ALL applicable building codes where structure is to be built
* Engineering aspects must incorporate actual site conditions - this plan indicates locations only.

A CUSTOM ADDITION FOR THE LEAKE RESIDENCE
MARIETTA, GEORGIA

REVISIONS		
NO.	DATE	DESC.

COPYRIGHT ©2020 PEEK DESIGN GROUP, INC.

DESCRIPTION: Floor Plan

PLAN NO. A3 — DATE 8/24/20

PEEK DESIGN GROUP
Suite 501
3950 Cobb Parkway, NW
Acworth, Georgia 30101
Phone: 770.222.4343
www.peekdesign.com

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

STAFF REVIEW AND RECOMMENDATION

Variance Case #: V2020-28 Legistar #: 20200632

Board of Zoning Appeals Hearing: Monday – August 31, 2020 – 6:00 p.m.

Property Owner: Rachel Barry & Philip Myrick
126 Stewart Avenue
Marietta, GA 30064

Applicant: Same as above

Address: 126 Stewart Avenue

Land Lot: 1147 District: 16th Parcel: 0170

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

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

1. Variance to reduce the minor side yard setback for a new addition from 10' to 6' [*§708.04 (H)*]
2. Variance to reduce the major side yard setback for a new addition from 25' to 15' [*§708.04 (H)*]
3. Variance to reduce the major side setback for an existing structure (house) from 25' to 4' [*§708.04 (H)*]
4. Variance to reduce the minor side yard setback for an existing accessory structure (shed) from 10' to 4' [*§708.04 (F.1)*]
5. Variance to reduce the rear yard setback for an existing accessory structure (shed) from 30' to 8' [*§708.04 (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.

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

Corner of Stewart Avenue and Awtrey Street

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

Major side yard setback at 126 Stewart Avenue

Minor side yard setback at subject property

Existing accessory structure (shed) along major side yard setback

Recommended Action:

Approval. The applicants, Rachel Barry & Philip Myrick, are requesting variances to expand their home at 126 Stewart Avenue. The subject property is generally a triangular shape but with irregular property lines. It is approximately 0.296 acres and is located at the corner of Awtrey Street and Stewart Avenue. The surrounding properties are all zoned R-4 (Single Family Residential – 4 units/acre) as well. The applicants are requesting variances on the existing structure to develop a one-story expansion of the master suite on the western side of the property.

The existing two-bedroom, two-bathroom house is 1,480 square feet and the applicants would like to build a 600 square foot one-story addition onto the master bedroom. The City's ordinance states that *"the lawful use of any building or structure or land existing at the time of enactment of this ordinance or amendment thereto may be continued"* and that *"any nonconforming building or structure existing as of June 9, 2010, may be retained, except that it shall not be expanded, extended or enlarged in any manner which increase its non-conformity* [*§706.01 (A)*]*."*

In this case, the variance requests are for encroachments that already exist on the property as well as for new encroachments for the proposed addition to the master suite. The existing, main structure is only 4 feet from the Awtrey Street property line (major side yard) instead of the required 25 feet. The applicants would like to place the proposed addition on the western side of the property only 6 feet from the minor side property line instead of the required 10 feet.

Because of the irregular shape of the parcel, the new addition would only be 15 feet from Awtrey Street instead of 25 feet.

Also, the existing shed located near western property line is not in compliance with the rear and minor side yard setback requirements. The shed is only 4 feet from the side property line and only 8 from the rear property line. Accessory structures are required to be at least 10 feet from the side and rear property lines. According to the applicants, the shed has been on the property since the 1940's. The applicant is requesting variances to allow the accessory structures to remain as-is to avoid the costs that may arise with relocating those structures.

Considering the irregular shape of the parcel and the existing encroachments, the new addition should not create any negative impacts on the adjacent properties or surrounding community. As a result, ***staff recommends approval of all the requested variances.***

Fire comment: The setback reduction to 6' will expose the subject property to installation of fire sprinklers in accordance with Marietta Code 2-6-140.

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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 #: V2020-28 **Legistar #:** 2020 0632 **BZA Hearing Dt:** 8-31-20

City Council Hearing Dt (if applicable) #: _____ **PZ #:** 20-217

This is a variance/appeal application for:

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

Owner's Name Rachel Barry and Philip Myrick

EMAIL Address: rachelsbarry18@gmail.com

Mailing Address 126 Stewart Ave Marietta Zip Code: 30064 Phone Number 404-308-5867

COMPLETE ONLY IF APPLICANT IS NOT OWNER:

Applicant: _____

EMAIL Address: _____

Mailing Address _____ Zip Code: _____ Phone Number _____

Address of subject property: 126 Stewart Ave Marietta, 30064 Date of Acquisition: 09/2015

Land Lot (s) 16 District 1147 Parcel 020170 Acreage .295 Zoned R4 Ward 4A FLU: MDR

List the variance(s) or appeal requested (please attach any additional information):
Request to Reduce Awtrey Street Setback from 25ft to 15 ft
Request to Reduce neighboring setback from 10ft to 6 ft

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

Rachel Barry

Print Name

Rachel Barry Philip Myrick

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.

Rachel Barry

Print Name Philip Myrick

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 July 20, 2020

Rachel Barry

Please Print

Philip Myrick

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 Rachel Barry Philip Myrick

126 Stewart Avenue, Marietta, GA 30064

Address

July 20, 2020

Date

Signed, sealed and delivered in the presence of:

SANDRA LLOYD
MY COMMISSION EXPIRES
NOTARY
PUBLIC
OCTOBER 25, 2023
COBB COUNTY, GEORGIA

My Commission Expires: 10/25/2023

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

July 20, 2020

To whom it may concern,

This letter is in request of a variance for our property at 126 Stewart Avenue, Marietta, Georgia 30064. We are planning to build a one-story master addition on the back of our house. Our house is currently a 2/2 with approximately 1480 square feet, and we need a little extra space because we are expecting our second child in January!

We are currently in the process of working with Designer, Dan Olah, to create an aesthetically-pleasing design that will match the historic craftsman style, as well as compensate for our irregularly-shaped lot line. In order to accomplish this, we are requesting a variance to reduce the side yard Awtrey Street setback from 25 feet to 15 feet and a variance to reduce the side yard neighboring setback line from 10 feet to 6 feet. These setback reductions will provide us an ample amount of space to build an attractive, historically-appropriate addition that will meet the needs of our growing family.

Sincerely,

Rachel Barry and Philip Andrew Myrick

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TO: **Marietta Daily Journal**

FROM: **City of Marietta**

RUN DATE: **August 14, 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, August 31st, 2020 at 6:00 P.M.,** City Hall. Anyone wishing to attend may do so and be heard relative thereto.

V2020-28 [VARIANCE] RACHEL BARRY & PHILIP MYRICK are requesting variances for property zoned R-4 (Single Family Residential – 4 units/acre), located in Land Lot 1147, District 16, Parcel 0170, 2nd Section, Marietta, Cobb County, Georgia, and being known as 126 Stewart Avenue. Variance to reduce the minor side yard setback for a new addition from 10' to 6'; variance to reduce the major side yard setback for a new addition from 25' to 15'; variance to reduce the major side setback for an existing structure (house) from 25' to 4'; variance to reduce the side yard setback for an existing accessory structure (shed) from 10' to 4'; variance to reduce the rear yard setback for an existing accessory structure (shed) from 30' to 8'. Ward 4A.

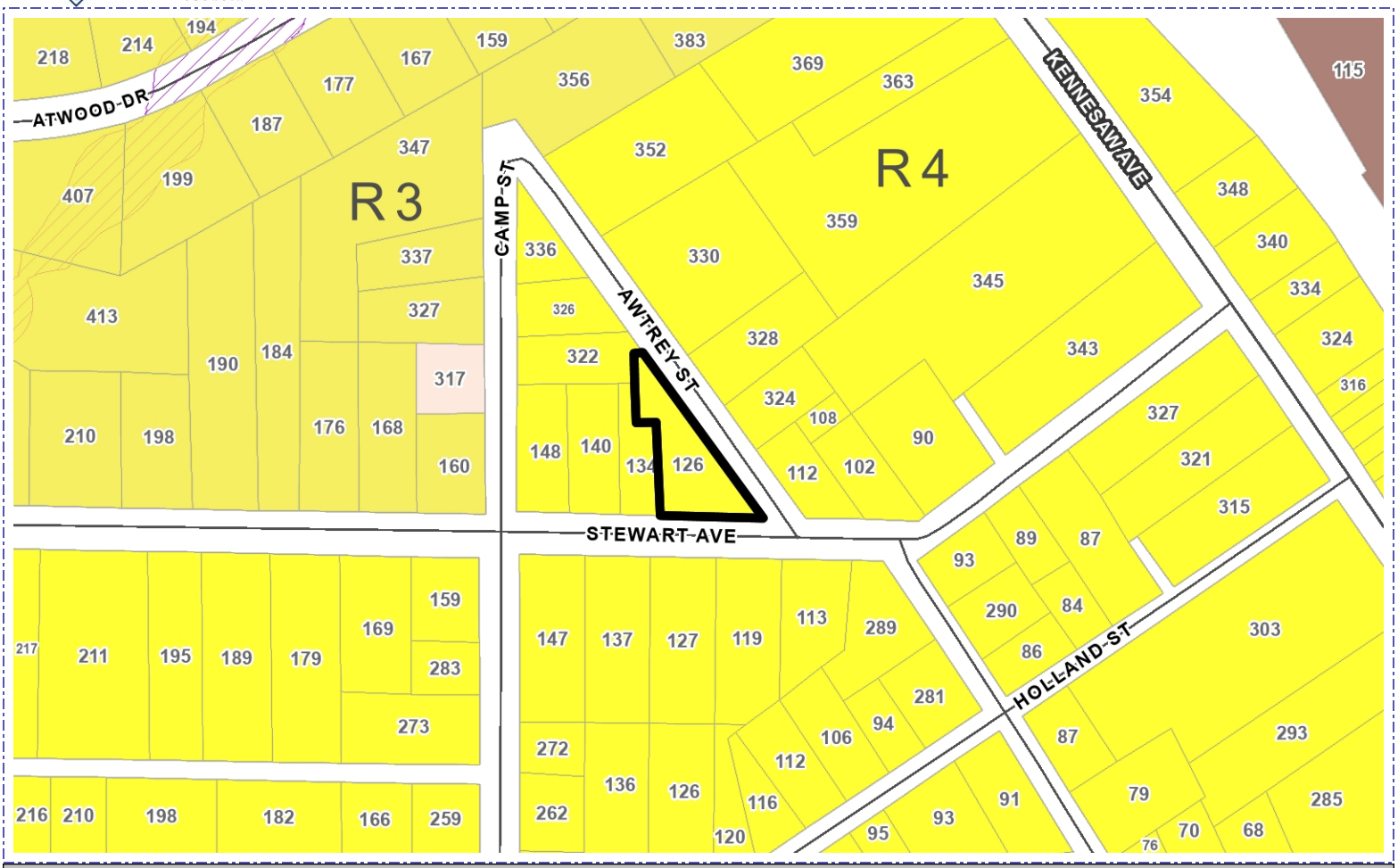
A description and plat of the property sought for the variances are on file in the Planning and Zoning Office, City Hall, and are available for inspection between 8:00 A.M. and 5:00 P.M., Monday through Friday. Anyone wishing to attend may do so and be heard relative thereto. You may also review the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

For additional information 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
126 STEWART AVE	16114700170	0.296	4A	R4	MDR

Property Owner: Rachel Barry & Philip Myrick

Applicant:

BZA Hearing Date: 08/31/2020

Acquisition Date:

Case Number: V2020-28

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
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- PRD-SF - Planned Residential Dev. Single Family
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- RHR - Residential High Rise
- PRD-MF - Planned Residential Dev Multi Family
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- CRC - Community Retail Commercial
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- 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
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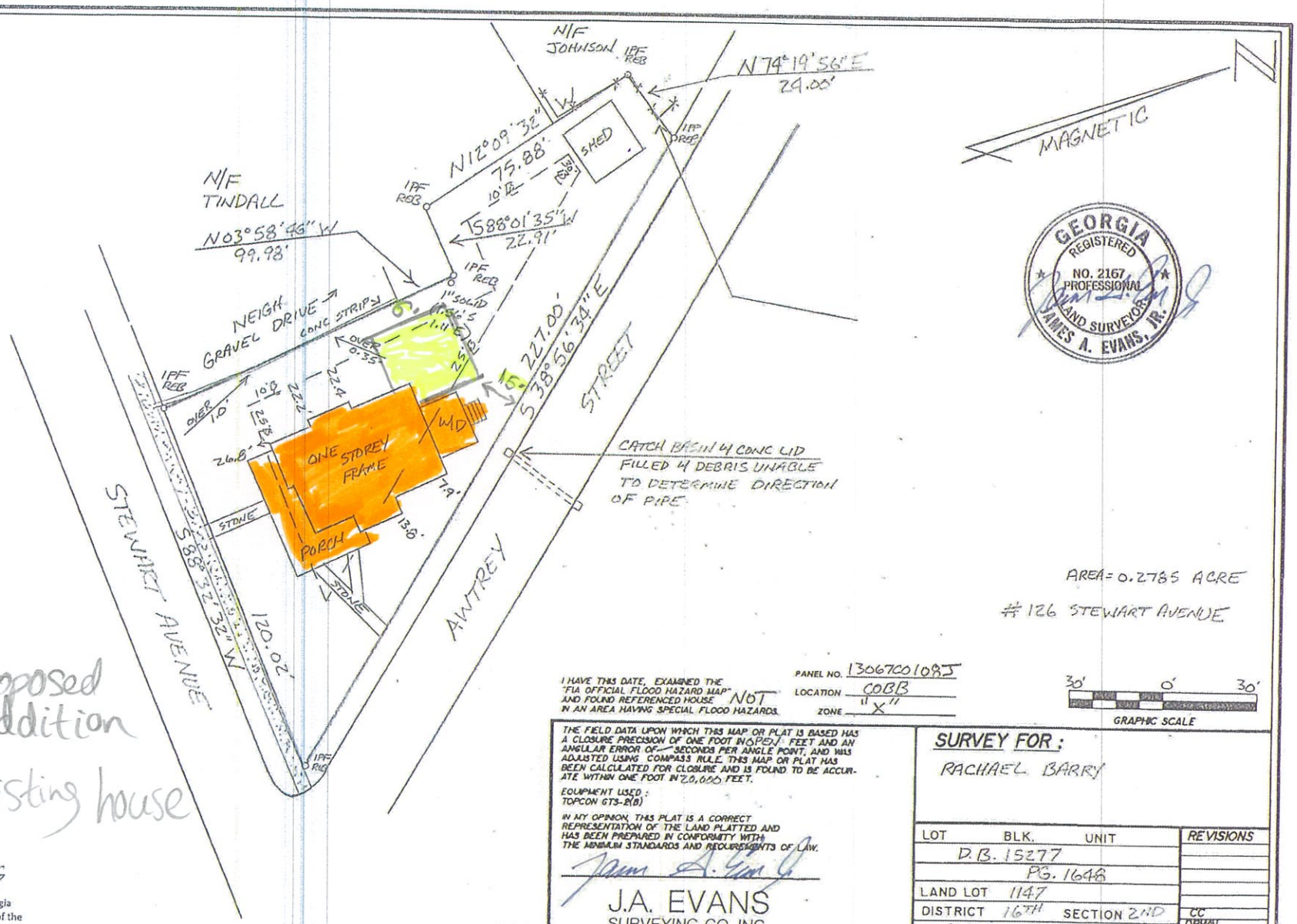


ETBACKS PER R-4 ZONING

survey was prepared in conformity with The nical Standards for Property Surveys in Georgia t forth in Chapter 180-7 of the Board Rules of the gia Board of Registration for the Professional neers and Land Surveyors and as set forth in the gia Plat Act O.C.G.A. 15-6-67.

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 #: V2020-29 **Legistar #:** 20200635 **BZA Hearing Dt:** 8-31-20

City Council Hearing Dt (if applicable) #: – **PZ #:** 20-218

This is a variance/appeal application for:

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

Owner's Name Melissa Earley

EMAIL Address: mkearley@att.net

Mailing Address 267 Freyer Dr Marietta, GA Zip Code: 30060 Phone Number 678-787-4846

COMPLETE ONLY IF APPLICANT IS NOT OWNER:

Applicant: _____

EMAIL Address: _____

Mailing Address _____ Zip Code: _____ Phone Number _____

Address of subject property: 267 Freyer Dr Marietta, GA 30060 Date of Acquisition: 3/18/2010

Land Lot (s) 1088 District 16 Parcel 00210 Acreage 0.29 .277 Zoned R3 Ward 4B FLU: LDR

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

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.

Signature of Owner

Signature of Applicant

Melissa Earley
Print Name

Melissa Earley
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.

Signature of Owner

Melissa Earley
Please Print

267 Freyer Dr Marietta, GA 30060
Address

July 18, 2020
Date

Signed, sealed and delivered in the presence of:

Denise M. C

My Commission Expires: Sept 13, 2022

Denise M Corrigan NOTARY PUBLIC EXPIRES GEORGIA 09-13-2022 Fulton COUNTY

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

From: Melissa Earley <mkearley@att.net>
Sent: Monday, July 20, 2020 8:37 PM
To: Thornton, Jasmine <JThornton@mariettaga.gov>
Cc: Little, Shelby <SLittle@mariettaga.gov>
Subject: Variance Request - 267 Freyer Dr

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Ms. Thornton,
This letter is to request a variance for the home renovation of 267 Freyer Dr. The reason for the variance is the existing house encroaches the current side setback requirements. We are not encroaching any further.

If you need further information, please let me know. Thank you for your assistance.

Sincerely,

Melissa Earley

Sent from my iPad

BLANK PAGE

TO: **Marietta Daily Journal**

FROM: **City of Marietta**

RUN DATE: **August 14, 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, August 31st, 2020 at 6:00 P.M.,** City Hall. Anyone wishing to attend may do so and be heard relative thereto.

V2020-29 [VARIANCE] MELISSA K. EARLEY is requesting a variance for property zoned R-3 (Single Family Residential – 3 units/acre), located in Land Lot 1088, District 16, Parcel 0210, 2nd Section, Marietta, Cobb County, Georgia, and being known as 267 Freyer Drive. Variance to reduce the side setback along the eastern property line from 10 feet to 3 feet. Ward 4B.

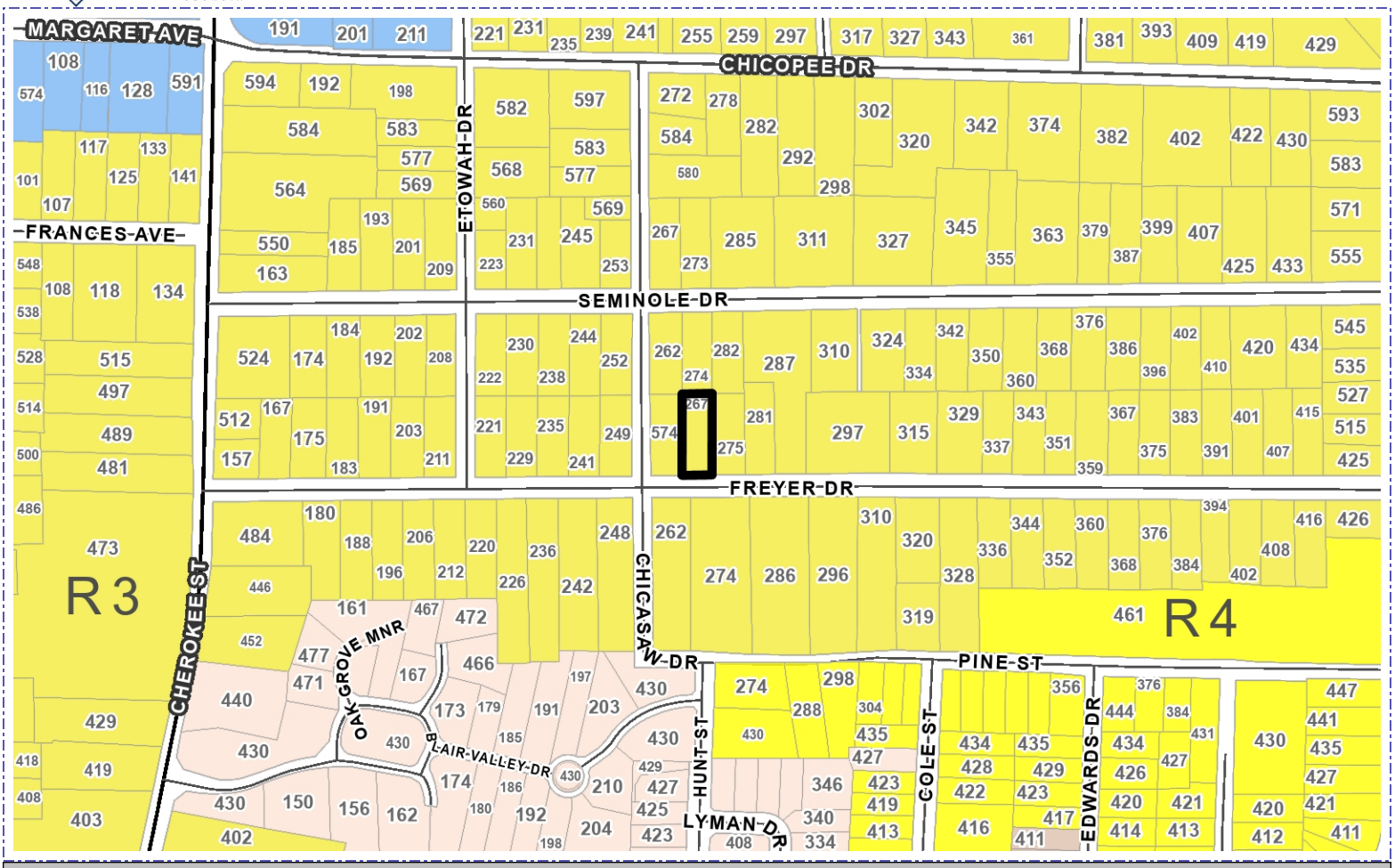
A description and plat of the property sought for the variances are on file in the Planning and Zoning Office, City Hall, and are available for inspection between 8:00 A.M. and 5:00 P.M., Monday through Friday. Anyone wishing to attend may do so and be heard relative thereto. You may also review the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

For additional information 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
267 FREYER DR	16108800210	0.277	4B	R3	LDR

Property Owner: Melissa Earley

Applicant:

BZA Hearing Date: 08/31/2020

Acquisition Date:

Case Number: V2020-29

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

EROSION SEDIMENT & POLUTION CONTROL PLAN FOR:

DEMOLITION
UPPERCUT HOMES

267 FREYER DRIVE, NE
LAND LOT 1088
16th DISTRICT – 2nd SECTION
COBB COUNTY, GEORGIA
CITY OF MARIETTA
EXISTING ZONING: R-3
PIN: 16108800210
12,575 SQ FT
0.29 ACRES

6 TOTAL DISTURBED AREA=0.25 Ac.

16 NOTE: THERE ARE NO STATE WATERS WITHIN 200' OF THIS SITE.
NOTE: NO FUEL STORAGE NEEDED ON THE SITE.
NOTE: SOPE CREEK IS AN IMPAIRED STREAM SEGMENT.
REFER TO PAGE 10 FOR APPENDIX 1 COMPLAIANCE.
NOTE: PIERS, COLUMNS, AND ENGINEERED FLOOD OPENINGS TO BE DESIGNED BY OTHERS..

LEGEND:

IPS	IRON PIN SET	BSL	BUILDING SETBACK LINE
IPF	IRON PIN FOUND	HC	HANDI-CAP
OT	OPEN TOP PIN	B	BOLLARD
CT	CRIMP TOP PIN	CMF	CONCRETE MONUMENT FOUND
RB RE-BAR	REINFORCING BAR	—Z—	OVERHEAD UTILITY LINE(S).
CRB	CAPPED RE-BAR	SSMH	SANITARY SEWER MAN HOLE
CL	CENTERLINE	MHT	MAN HOLE TELEPHONE
R/W	RIGHT-OF-WAY	DWCB	CATCH BASIN
LLL	LAND LOT LINE	JB	JUNCTION BOX
L	LINE	DI	DROP INLET
R	RADIUS	HW	HEAD WALL
CONC	CONCRETE	CMP	CORRUGATED METAL PIPE
C	CURVE	CPP	CORRUGATED PLASTIC PIPE
PP	POWER POLE	RCP	REINFORCED CONCRETE PIPE
GV	GAS VALVE	SSE	SANITARY SEWER EASEMENT
GM	GAS METER	FH	FIRE HYDRANT
LP	LAMP POLE	DE	DRAINAGE EASEMENT
—SS—	SANITARY SEWER	WV	WATER VALVE
FC	FENCE CORNER	PIV	POST INDICATOR VALVE
—X—X—	FENCE	WM	WATER METER
AE	ACCESS EASEMENT	CO C/O	SANITARY SEWER CLEANOUT
PROP	PROPOSED	POB	POINT OF BEGINNING
AC	AIR-CONDITIONER	POC	POINT OF COMMENCEMENT
		NTS	NOT TO SCALE
	GA POWER MANHOLE	SWCB	SINGLE WING CATCH BASIN
		UE	UTILITY EASEMENT
PB	POWER BOX	PM	POWER METER
CATV	CABLE TELEVISION JUNCTION BOX	CLF	CHAIN-LINK FENCE
TB	TELEPHONE JUNCTION BOX	CTW	CROSS-TIE WALL
APP	ABANDONED POWER POLE	HCS	HANDI-CAP SIGN

EROSION AND SEDIMENT CONTROL LEGEND

(FOR DETAILS SEE MANUAL FOR EROSION AND SEDIMENT CONTROL IN GEORGIA, 2016 EDITION)

STRUCTURAL PRACTICES

- Co — CONSTRUCTION EXIT
- Sd1-S-Alt — SEDIMENT BARRIER-TYPE SENSTIVE ALTERNATIVE (Sd1-C-POP)
- —SF—SF—SF — FABRIC HEIGHT: 28", WOOD POST AT 4' O.C. MAX
- —TF—TF—TF — TREE PROTECTION FENCING
- —LD—LD—LD — LIMITS OF DISTURBANCE
- St — RIPRAP OUTLET PROTECTION
- Sd2-P — INLET SEDIMENT TRAP (PIGS IN A BLANKET)
- Sd1-F — INLET SEDIMENT TRAP (WITH FENCING)
- Sd4-C — TEMPORARY SEDIMENT TRAP
- Tr — TREE PROTECTION FENCING
- SS — EROSION CONTROL MATTING BLANKETS
- CWA — CONCRETE WASH AREA
- Re — RETAINING WALL
- Cd-Hb — CHECKDAM HAYBALE
- Di — DIVERSION BERM

VEGETATIVE MEASURES

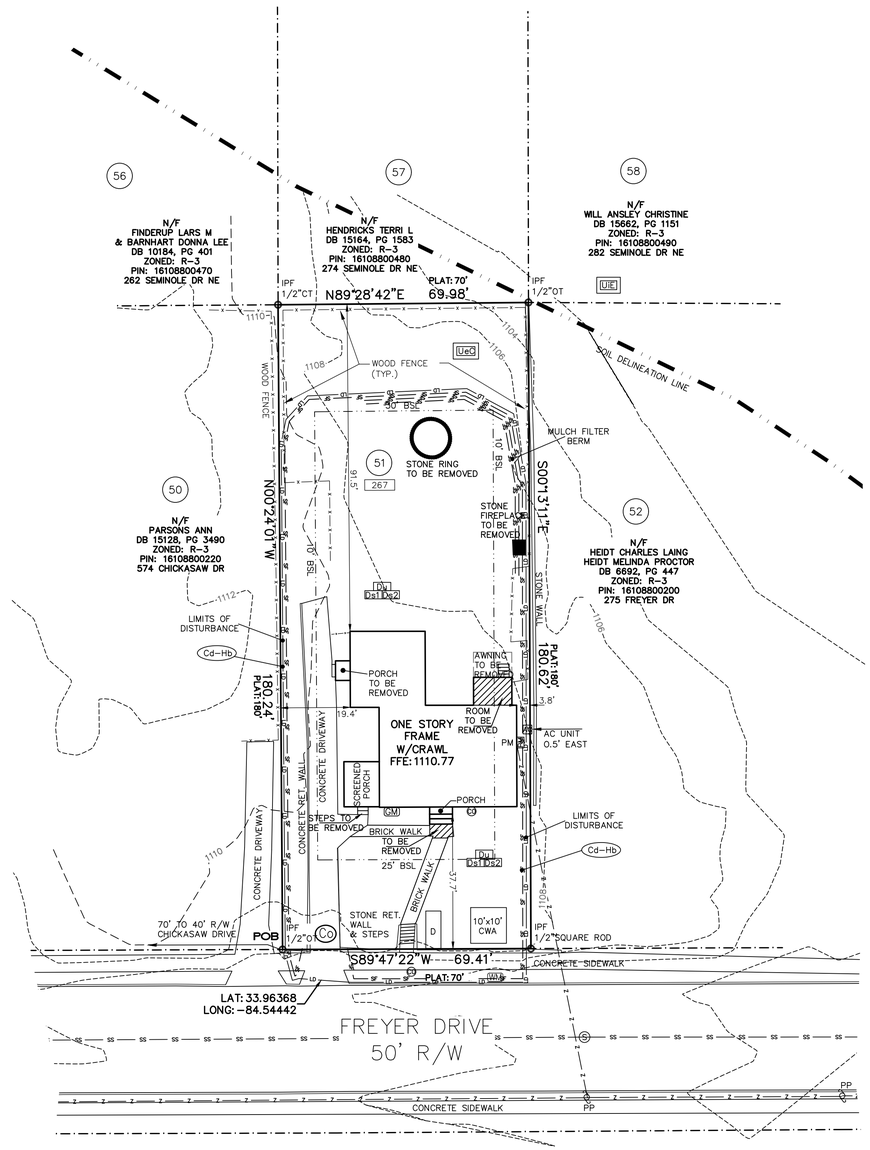
- Du — DUST CONTROL ON DISTURBED AREAS
- Ds1 — DISTURBED AREA STABILIZATION (WITH MULCHING)
- Ds2 — DISTURBED AREA STABILIZATION (WITH TEMPORARY SEEDING)
- Ds3 — DISTURBED AREA STABILIZATION (WITH PERMANENT VEGETATION)
- Ds4 — DISTURBED AREA STABILIZATION (PERMANENT WITH SOD)

CONTOURS / DRAINAGE

- —P—980 — PROPOSED CONTOUR
- —980— — EXISTING CONTOUR
- x980 or 980x — SPOT ELEVATION
- x980 TW — PROPOSED TOP WALL ELEVATION
- x978 BW — PROPOSED BOTTOM WALL ELEVATION
- — DRAINAGE FLOW ARROWS
- D — DUMPSTER

CURRENT ZONING:
R-20

FRONT SETBACK= 35'
SIDE SETBACK= 10'
MAJOR SIDE SETBACK= 25'/35'
REAR SETBACK= 35'



8

EXISTING IMPERVIOUS AREA CHART	
TOTAL LOT AREA:	12,575 SQ FT
BUILDING FOOTPRINT:	1,615 SQ FT
DRIVE/WALKS:	1,019 SQ FT
PORCHES/AWNING:	235 SQ FT
STEPS:	54 SQ FT
WALLS:	277 SQ FT
TOTAL IMPERVIOUS AREA:	3,200 SQ FT
% IMPERVIOUS AREA:	25.4%

4

5

BUILDER
BEN BURNEY
1860 SANDY PLAINS ROAD, SUITE 204-420
MARIETTA, GA 30066
24 HOUR CONTACT
BEN BURNEY
404-557-2935
BEN@UPPERCUTHOMES.COM
TERTIARY PERMITEE
BEN BURNEY
1860 SANDY PLAINS ROAD, SUITE 204-420
MARIETTA, GA 30066
404-557-2935

GRAPHIC SCALE
20 0 10 20 40 80
(IN FEET)
1 inch = 20 ft.

2

GSWCC GEORGIA SOIL AND WATER CONSERVATION COMMISSION
THOMAS E PEAY, III
LEVEL II CERTIFIED DESIGN PROFESSIONAL
CERTIFICATION NUMBER: 0000066868
ISSUED: 08/18/2018 EXPIRES: 08/18/2021

THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE OF 1 FOOT IN 23,819 FEET, AN ANGULAR ERROR OF 34 SECONDS PER ANGLE POINT AND WAS ADJUSTED USING THE COMPASS RULE. THIS PLAT WAS PREPARED FROM DATA CALCULATED FOR CLOSURE AND FOUND TO BE ACCURATE TO 1 FOOT IN 357,321 FEET. AN ELECTRONIC TOTAL STATION AND A 100' CHAIN WERE USED TO GATHER THE INFORMATION USED IN THE PREPARATION OF THIS PLAT.

NO N.G.S. MONUMENT WAS FOUND WITHIN 500 FEET OF THIS PROPERTY. THIS PLAT WAS PREPARED FOR THE EXCLUSIVE USE OF THE PERSON, PERSONS OR ENTITY NAMED HEREON. THIS PLAT IS NOT TRANSFERABLE TO ANY OTHER PERSON, PERSONS OR ENTITY. THESE DOCUMENTS, AS INSTRUMENTS OF SERVICE, REMAIN THE PROPERTY OF FRONTLINE SURVEYING & MAPPING, INC. AND NO PART THEREOF MAY BE REPRODUCED OR TRANSMITTED WITHOUT THE PRIOR WRITTEN PERMISSION. COPYRIGHT ©2020 FRONTLINE SURVEYING AND MAPPING, INC. *** ALL MATTERS PERTAINING TO TITLE ARE EXCEPTED ***

FRONTLINE SURVEYING & MAPPING, INC.
3595 Canton Road
Suite 312, PMB 272
Marietta, GA 30066
Ph. (678) 355-9905
Fax (678) 355-9805
www.frontlinesurveying.com

DATE 07/09/20
SCALE 1" = 20
COBB COUNTY, GEORGIA
REVISION BY: DATE:

EROSION, SEDIMENTATION, AND POLUTION CONTROL PLAN FOR:
UPPERCUT HOMES

LAND LOT 1088 16TH DISTRICT 2ND SECTION
LOT 51 BLOCK UNIT PHASE
SUBDIVISION CHEROKEE HEIGHTS
PB 1 PG 156 ● (IS NOT) IN AN AREA HAVING SPECIAL FLOOD HAZARDS.
DB ____ PG ____ MAP ID. 13067C0108J EFFECTIVE DATE: 03/04/2013

I HAVE THIS DATE EXAMINED THE "FIA OFFICIAL FLOOD HAZARD MAP" AND FOUND THAT BY GRAPHIC PLOTTING ONLY THE REFERENCE PARCEL

GEORGIA REGISTERED No. 3299 PROFESSIONAL LAND SURVEYOR THOMAS EDWARD PEAY, III 07/09/20
FOR THE FIRM FRONTLINE SURVEYING & MAPPING, INC. LSF #000631

JOB # 71621

SHEET 2 OF 10

\\PE2950\Shares\Z_Drive\dwg 70000 - 79999\71621-C3D.dwg, 7/10/2020 3:20:28 PM, WAH

EROSION SEDIMENT & POLUTION CONTROL PLAN FOR:

FINAL PHASE
UPPERCUT HOMES

267 FREYER DRIVE, NE
LAND LOT 1088
16th DISTRICT – 2nd SECTION
COBB COUNTY, GEORGIA
CITY OF MARIETTA
EXISTING ZONING: R-3
PIN: 16108800210
12,575 SQ FT
0.29 ACRES

6 TOTAL DISTURBED AREA=0.25 Ac.

16 NOTE: THERE ARE NO STATE WATERS WITHIN 200' OF THIS SITE.
NOTE: NO FUEL STORAGE NEEDED ON THE SITE.

LEGEND:

IPS	IRON PIN SET	BSL	BUILDING SETBACK LINE
IPF	IRON PIN FOUND	HC	HANDI-CAP
OT	OPEN TOP PIN	(B)	BOLLARD
CT	CRIMP TOP PIN	CMF	CONCRETE MONUMENT FOUND
RB RE-BAR	REINFORCING BAR	—Z—Z—	OVERHEAD UTILITY LINE(S).
CRB	CAPPED RE-BAR	SSMH (S)	SANITARY SEWER MAN HOLE
CL	CENTERLINE	MHT (T)	MAN HOLE TELEPHONE
R/W	RIGHT-OF-WAY	DWCB	CATCH BASIN
LLL	LAND LOT LINE	JB	JUNCTION BOX
L	LINE	DI	DROP INLET
R	RADIUS	HW	HEAD WALL
CONC	CONCRETE	CMP	CORRUGATED METAL PIPE
C	CURVE	CPP	CORRUGATED PLASTIC PIPE
PP	POWER POLE	RCP	REINFORCED CONCRETE PIPE
GV	GAS VALVE	SSE	SANITARY SEWER EASEMENT
GM	GAS METER	FH	FIRE HYDRANT
LP	LAMP POLE	DE	DRAINAGE EASEMENT
—SS—	SANITARY SEWER	WV	WATER VALVE
FC	FENCE CORNER	PIV	POST INDICATOR VALVE
—X—X—	FENCE	WM	WATER METER
AE	ACCESS EASEMENT	CO C/O	SANITARY SEWER CLEANOUT
PROP	PROPOSED	POB	POINT OF BEGINNING
AC	AIR-CONDITIONER	POC	POINT OF COMMENCEMENT
	GA POWER MANHOLE	NTS	NOT TO SCALE
PB	POWER BOX	SWCB	SINGLE WING CATCH BASIN
CATV	CABLE TELEVISION JUNCTION BOX	UE	UTILITY EASEMENT
TB	TELEPHONE JUNCTION BOX	PM	POWER METER
APP	ABANDONED POWER POLE	CLF	CHAIN-LINK FENCE
		CTW	CROSS-TIE WALL
		HCS	HANDI-CAP SIGN

EROSION AND SEDIMENT CONTROL LEGEND

(FOR DETAILS SEE MANUAL FOR EROSION AND SEDIMENT CONTROL IN GEORGIA, 2016 EDITION)

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- Sd1-S-Alt — SEDIMENT BARRIER-TYPE SENSTIVE ALTERNATIVE (Sd1-C-POP)
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- St — RIPRAP OUTLET PROTECTION
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CONTOURS / DRAINAGE

- -P-980 — PROPOSED CONTOUR
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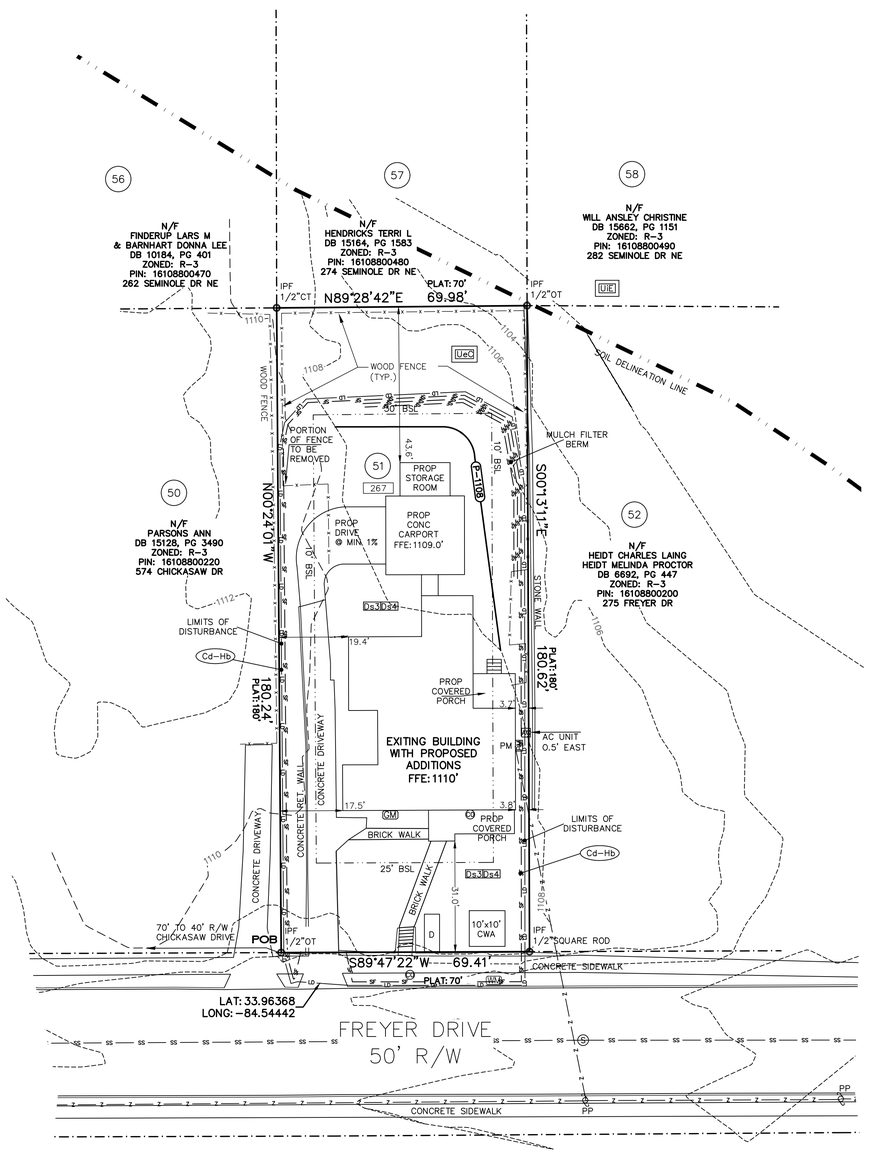
- x980 or 980x — SPOT ELEVATION
- x980 TW — PROPOSED TOP WALL ELEVATION
- x978 BW — PROPOSED BOTTOM WALL ELEVATION
- DRAINAGE FLOW ARROWS
- D — DUMPSTER

CURRENT ZONING:
R-20

FRONT SETBACK= 35'
SIDE SETBACK= 10'
MAJOR SIDE SETBACK= 25'/35'
REAR SETBACK= 35'



EXISTING IMPERVIOUS AREA CHART	
TOTAL LOT AREA:	12,575 SQ FT
BUILDING FOOTPRINT:	2,087 SQ FT
DRIVE/WALKS:	1,464 SQ FT
PORCHES/AWNING:	289 SQ FT
STEPS:	32 SQ FT
WALLS:	277 SQ FT
TOTAL IMPERVIOUS AREA:	4,149 SQ FT
% IMPERVIOUS AREA:	33.0%

8

THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE OF 1 FOOT IN 23,89[illegible] FEET, AN ANGULAR ERROR OF [illegible] 34 SECONDS PER ANGLE POINT AND WAS ADJUSTED. ALL DISTANCES, NETWORK ANGLES, AND AREAS WERE CALCULATED FOR CLOSURE AND FOUND TO BE ACCURATE TO 1 FOOT IN 357,321 FEET. AN ELECTRONIC TOTAL STATION AND A 100' CHAIN WERE USED TO GATHER THE INFORMATION USED IN THE PREPARATION OF THIS PLAT.

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3595 Canton Road
Suite 312, PMB 272
Marietta, GA 30066
Ph. (678) 355-9905
Fax (678) 355-9805
www.frontlinesurveying.com

DATE 07/09/20
SCALE 1" = 20

COBB COUNTY, GEORGIA

REVISION	BY:	DATE:

EROSION, SEDIMENTATION, AND POLUTION CONTROL PLAN FOR:
UPPERCUT HOMES

16TH DISTRICT 2ND SECTION
LAND LOT 1088 BLOCK UNIT PHASE
LOT 51 SUBDIVISION CHEROKEE HEIGHTS
PB 1 PG 156
DB PG

I HAVE THIS DATE EXAMINED THE "FIA OFFICIAL FLOOD HAZARD MAP" AND FOUND THAT BY GRAPHIC PLOTTING ONLY THE REFERENCE PARCEL ● (IS NOT) IN AN AREA HAVING SPECIAL FLOOD HAZARDS.
MAP ID 13067C0108J EFFECTIVE DATE: 03/04/2013

GEORGIA REGISTERED PROFESSIONAL No. 3289 LAND SURVEYOR RICHARD ADAMS SCALF III 07/09/20
FOR THE FIRM FRONTLINE SURVEYING & MAPPING, INC. LSF#000631

JOB # 71621

BUILDER
BEN BURNEY
1860 SANDY PLAINS ROAD, SUITE 204-420
MARIETTA, GA 30066
24 HOUR CONTACT
BEN BURNEY
404-557-2935
BEN@UPPERCUTHOMES.COM
TERTIARY PERMITEE
BEN BURNEY
1860 SANDY PLAINS ROAD, SUITE 204-420
MARIETTA, GA 30066
404-557-2935

4

5

GRAPHIC SCALE
20 0 10 20 40 80
(IN FEET)
1 inch = 20 ft.

2

GSWCC GEORGIA SOIL AND WATER CONSERVATION COMMISSION
THOMAS E PEAY, III
LEVEL II CERTIFIED DESIGN PROFESSIONAL
CERTIFICATION NUMBER: 0000066868
ISSUED: 08/18/2018 EXPIRES: 08/18/2021

SHEET 4 OF 10

\\PE2950\Shares\Z_Drive\dwg 70000 - 79999\71621-C3D.dwg, 7/10/2020 3:20:38 PM, WAH

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 #: V2020-30 **Legistar #:** 20200636 **BZA Hearing Dt:** 8-31-20

City Council Hearing Dt (if applicable) #: – **PZ #:** 20-219

This is a variance/appeal application for:

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

Owner's Name 1601 Enterprises, LLC c/o Adam J. Rozen, Esq.

EMAIL Address: ajrozen@rozenandrozen.com

Mailing Address 248 Roswell Street, Marietta Georgia Zip Code: 30060 Phone Number 770-427-7004

COMPLETE ONLY IF APPLICANT IS NOT OWNER:

Applicant: White Hawk, Inc.

EMAIL Address: See representative

Mailing Address_____ Zip Code: _____ Phone Number_____

Address of subject property: 1601 Canton Road Date of Acquisition: _____

Land Lot (s) ~~854~~ 0854 District ~~4~~ 16 Parcel ~~P255853~~ 0045D Acreage 1.1 Zoned ~~C4~~ CRC Ward 6 B FLU: IW

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

Variance to 708.16 (G)(3) to allow metal exterior on portion of building facing a roadway for building renovation in existing building footprint.

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

ATTACHMENT TO APPLICATION FOR VARIANCES

Applicant: 1601 ENTERPRISES, LLC

Titleholder: 1601 ENTERPRISES, LLC

PIN#: 16085400450

PROPERTY OWNER'S CERTIFICATION

The undersigned(s) below, or as attached, is the owner of the property considered in this application.

Signature of Owner Date

Printed Name: DERRY STOCKBRIDGE

Address: 176 SHALLOWFORD RD
KENNESAW, GA 30144

7/22/20

Signature of Notary Public Date

(Notary Seal)

ADAM J ROZEN
My Commission
NOTARY
PUBLIC
EXPIRES
12-18-2020
COBB COUNTY, GEORGIA

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 1601 ENTERPRISES, LLC — Signature of Applicant WHITE HAWK, INC.

DERRY STOCKBRIDGE — Shay Vought

Print Name MEMBER — 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.

WHITE HAWK, INC.

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 — 7-20-2020 Date

WHITE HAWK, INC.

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 — 1601 ENTERPRISES, LLC Please Print

See Representative

Address

7/20/20

Date

Signed, sealed and delivered in the presence of:

Dianne S Peterson — My Commission Expires: May 20,

DIANNE S PETERSON MY COMMISSION EXPIRES NOTARY PUBLIC MAY 20, 2025 CHEROKEE COUNTY, GEORGIA

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

CERTIFICATE REGARDING CORPORATE AUTHORITY TO PURSUE VARIANCE APPLICATION

1.

My name is Shay Vought. I am the officer who is delegated the responsibility for authenticating records of *White Hawk, Inc.* (the "Applicant"). I am of legal age and suffer from no disabilities which would affect my competence to give this Certificate which is being given on my own personal knowledge for use with respect to the Application for Variances regarding certain real property owned by the Titleholder 1601 Enterprises, LLC located in Marietta, Cobb County, Georgia.

2.

In accordance with the Requirements for Completing a City of Marietta Variance Application, I hereby attest on behalf of the Applicant that I have reviewed the Variance Application and related documents which are being filed simultaneously therewith (collectively, the "Variance Application") to which this Certificate is attached and hereby certify:

(a) That corporate seal or facsimile affixed to the Variance Application is in fact the seal of the Applicant Corporation or a true facsimile thereof; and

(b) That the officer or other representative of the Applicant Corporation who executed the Variance Application does in fact occupy the official position indicated, that the position that the signer occupies has the authority to execute the Variance Application on behalf of the Applicant or to authorize its representative to execute the same, and that the signature of said officer or other representative is genuine; and

(c) That the execution of the Variance Application and the filing of the Variance Application is with the express permission of the Applicant and Titleholder.

WHITE HAWK, INC.

By: _____

Print Name Shay Vought

Its: Proj Mgr
Title

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 Representative

Adam J. Rozen, Esq.

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.

ADAM J. ROZEN, ESQ.

Print Name REPRESENTATIVE

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

7/20/2020

Date

Adam J. Rozen, Esq.

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:

Susann R. Bristow

SUSEANN R. BRISTOW
MY COMMISSION EXPIRES
NOTARY PUBLIC
OCTOBER 04, 2020
COBB COUNTY, GEORGIA

My Commission Expires: 10/4/20

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

ADAM J. ROZEN, P.C.

A PROFESSIONAL CORPORATION
248 Roswell Street, SE
Marietta, Georgia 30060

(770) 427-7004 (T)
(770) 426-9584 (F)

ADAM J. ROZEN
ajrozen@rozenandrozen.com

July 20, 2020

VIA HAND DELIVERY:

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

Re: Variance Application of White Hawk, Inc., Owner 1601 Enterprises, LLC regarding an approximate 1.1 Acre Tract located in Land Lot 854, 16th District, City of Marietta, Cobb County, Georgia

Dear Shelby:

This firm has been engaged by and represents the applicant White Hawk, Inc. ("Applicant") concerning the above-captioned Variance Application being filed contemporaneously herewith. The Application is scheduled to be heard and considered by the City of Marietta Board of Zoning Appeals on August 31, 2020.

The property at issue consists of one parcel at 1601 Canton Road located on the north west side of Canton Road at its intersection with Collins Road. The subject property is zoned Community Retail Commercial ("CRC") and is in an area denominated as Industrial-Warehousing ("IW") which designation and character encompasses the surrounding properties in and around this industrial corridor of Canton Road.

Presently, the subject property is utilized for Jack's Tire and Auto Service facility which has successfully operated at this location for a number of years. The current use of the subject property is permitted under the CRC zoning and the owner intends to maintain the current use of the site but seeks approval to renovate the existing building and construct an additional building structure to replace a portion of the existing building in the same building footprint.

To do so, the Applicant is performing the general contractor and construction services for the Owner in furtherance of the new construction. The new building will be an enhancement and

provide a needed replacement of the existing structure. However, the CRC Ordinance at 708.16 (G)(3) provides that "*Building design and materials may be of the developer's choosing; however, structures which utilize metal siding shall be constructed with brick, stone, rock or wood covering any facade of the building facing a roadway*". While a significant improvement to the site and the overall development of this area, a portion of the building's metal exterior will face Collins Road and therefore requires a variance to the above provision. The operation and use will not change and will remain consistent with the overall industrial character of Canton Road with the added benefit of the quality of new and professional construction. Further, this construction and variance is consistent with existing surrounding buildings including many industrial warehouses constructed of metal and other various materials and also facing a roadway; which is an appropriate and positive consideration for the granting of this Variance Application.

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,

ADAM J. ROZEN, P.C.

Adam J. Rozen
ajrozen@rozenandrozen.com

AJR/srb

cc: Mrs. Jasmine C. Thornton, Zoning Administrator, MURP
1601 Enterprises, LLC
Mr. Shay Vought, White Hawk, Inc.

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TO: **Marietta Daily Journal**

FROM: **City of Marietta**

RUN DATE: **August 14, 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, August 31st, 2020 at 6:00 P.M.,** City Hall. Anyone wishing to attend may do so and be heard relative thereto.

V2020-30 [VARIANCE] 1601 ENTERPRISES, LLC is requesting a variance for property zoned CRC (Community Retail Commercial), located in Land Lot 854, District 16, Parcel 0450, 2nd Section, Marietta, Cobb County, Georgia, and being known as 1601 Canton Road. Variance to allow metal siding on the side of a building facing a roadway; variance to eliminate the 40 foot buffer adjacent to any residential district. Ward 6B.

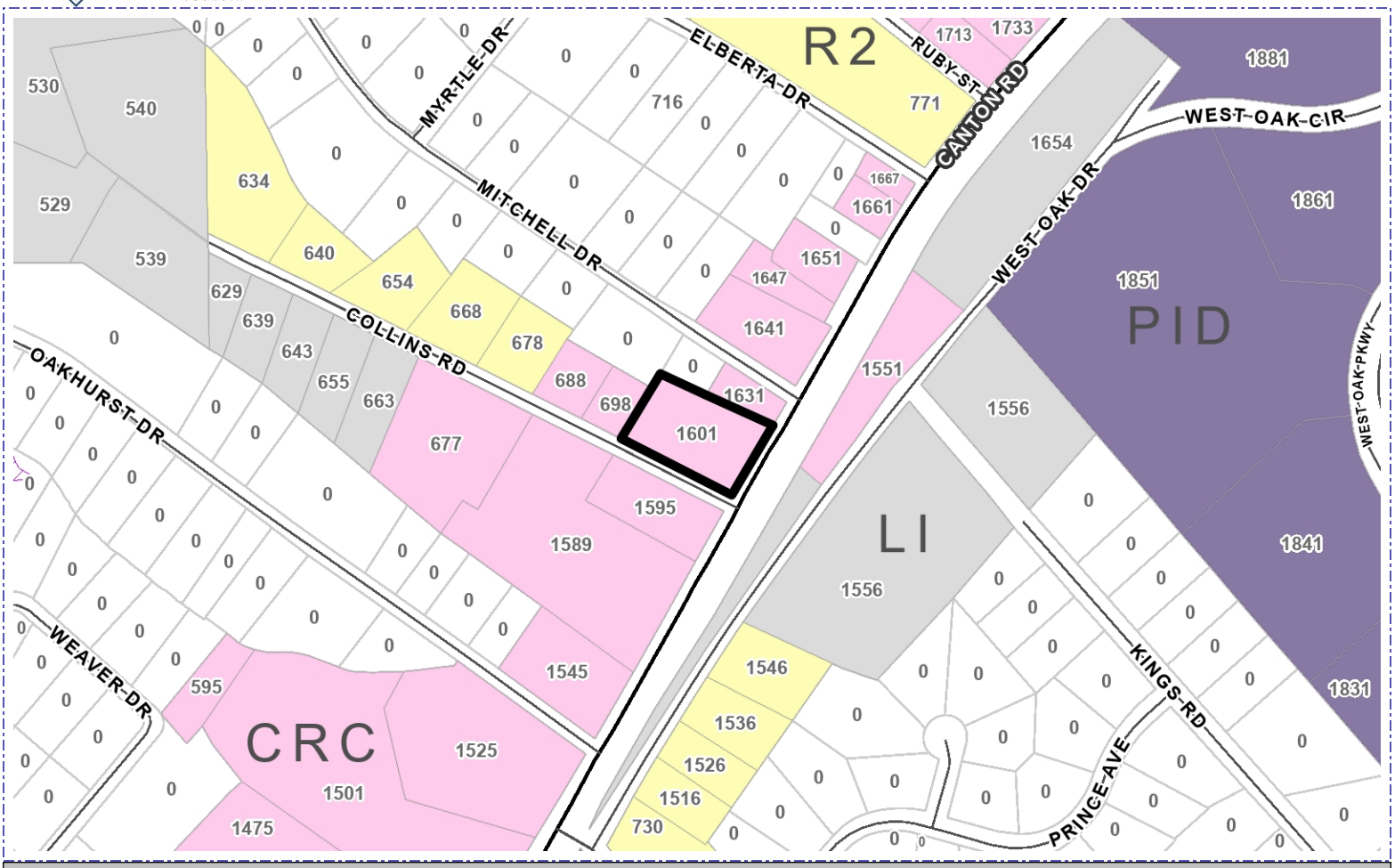
A description and plat of the property sought for the variances are on file in the Planning and Zoning Office, City Hall, and are available for inspection between 8:00 A.M. and 5:00 P.M., Monday through Friday. Anyone wishing to attend may do so and be heard relative thereto. You may also review the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

For additional information 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
1601 CANTON RD	16085400450	1.092	6B	CRC	IW

Property Owner: 1601 Enterprises, LLC

Applicant: White Hawk, Inc

BZA Hearing Date: 08/31/2020

Acquisition Date:

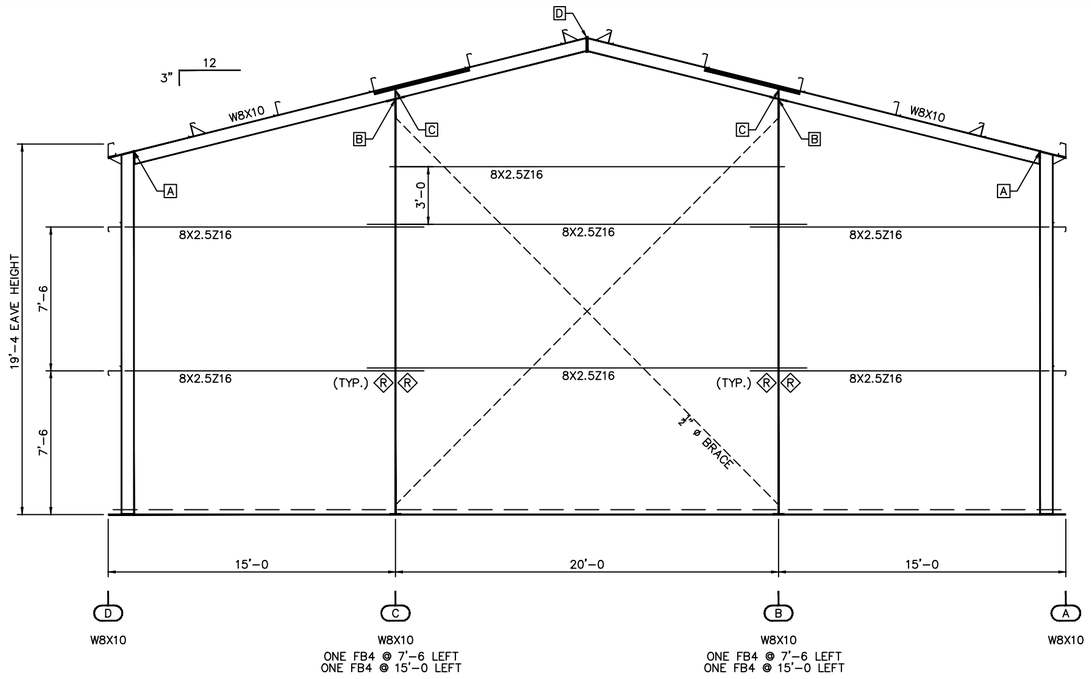
Case Number: V2020-30

City of Marietta Planning & Zoning

Zoning Symbols

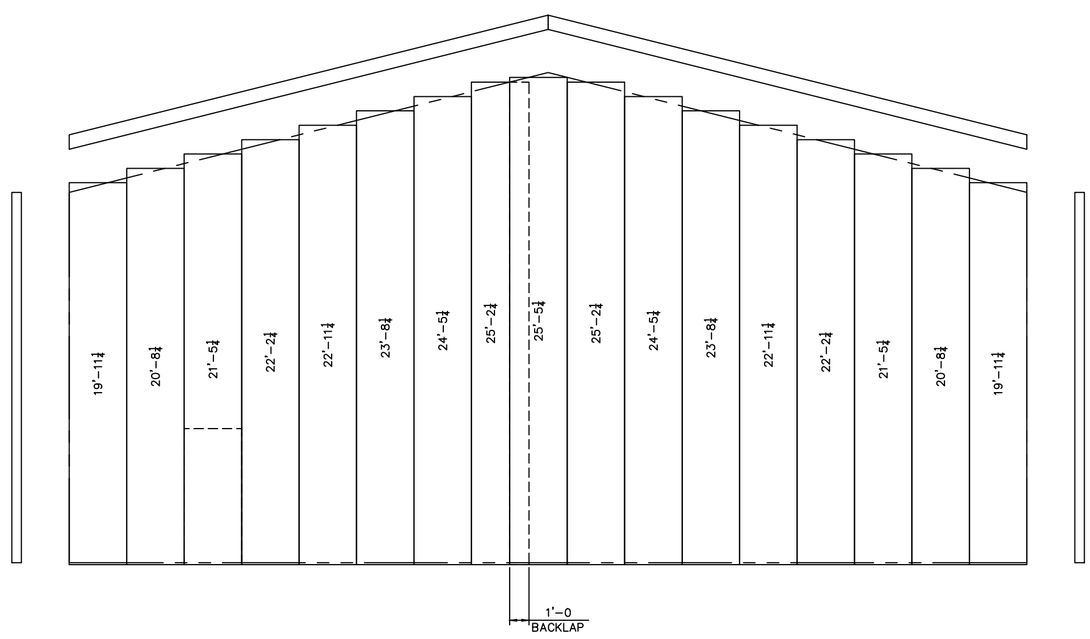
- Railroads
- City Limits
- Cobb County Pockets
- NA
- R1 - Single Family Residential (1 unit/acre)
- R2 - Single Family Residential (2 units/acre)
- R3 - Single Family Residential (3 units/acre)
- R4 - Single Family Residential (4 units/acre)
- RA4 - Single Family Residential - Attached
- RA6 - Single 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

SPLICE BOLT TABLE				
CONN.	QTY. SIZE	TYPE	HARDENED WASHERS	BEVELED WASHERS
A	(2) $\frac{1}{2}$ X $1\frac{3}{4}$	A325 B&N	0	0
B	(4) $\frac{1}{2}$ X $1\frac{3}{4}$	A325 B&N	4	0
C	(4) $\frac{3}{4}$ X $1\frac{3}{4}$	A325 B&N	0	0
D	(4) $\frac{1}{2}$ X $1\frac{3}{4}$	A325 B&N	0	0



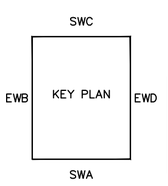
ENDWALL ELEVATION "EWB" AT GRID LINE "1"

Non-Standard PBR Wall Panel Fasteners
#3A member fasteners are to be used for panel to secondary attachment in lieu of #17A shown on the R Drawings
#4 lap fasteners are to be used for panel to panel and panel to trim attachment in lieu of #4A shown on the R Drawings



WALL SHEETING ELEVATION "EWB"
BLDG "B"

PBR WALL PANELS
PANEL COVERAGE = 3'-0
COLOR = S200
PANEL PKG. REQ'D. = PBS-1
Field Cut Panel and Trim as required per Construction Details



ZEE SECTION LAP TABLE			
SYMBOL	LAP LENGTH	SYMBOL	LAP LENGTH
G	-0'-0¼"	T	2'-5¾"
S	0'-3¾"	V	3'-1¾"
R	1'-5¾"	REFER TO CF01122	

Revision	Date	Description	By	Ck'd

Ceco Building Systems
Columbus, MS: (662) 243-6400
Mount Pleasant, IA: (319) 385-8001
Rocky Mount, NC: (252) 977-2131
www.cecobuildings.com

Customer:
WHITE HAWK, INC
1475 CANTON RD STE 100
MARIETTA, GA 30066-6397
ATTN: CY HEDRICK

Project Name & Location:
JACKS TIRE
1601 CANTON RD
MARIETTA, GA 30066-6301

Drawing Status:
☐ Preliminary Not For Construction
☐ For Approval Not For Construction
☒ For Construction Permit
☐ For Erector Installation

Scale: NOT TO SCALE
Drawn by: EOL 7/1/20
Checked by: MAC 7/2/20
Project Engineer: AXQ
Job Number: 17-B-66631-1
Sheet Number: E5 of 9

The engineer whose seal appears hereon is an employee for the manufacturer for the materials described herein. Said seal or certification is limited to the products designed and manufactured by manufacturer only.The undersigned engineer is not the overall engineer of record for this project.

Yuangang (Bill) Li, P.E.
Georgia P.E. 32641

Drawing has been digitally signed.

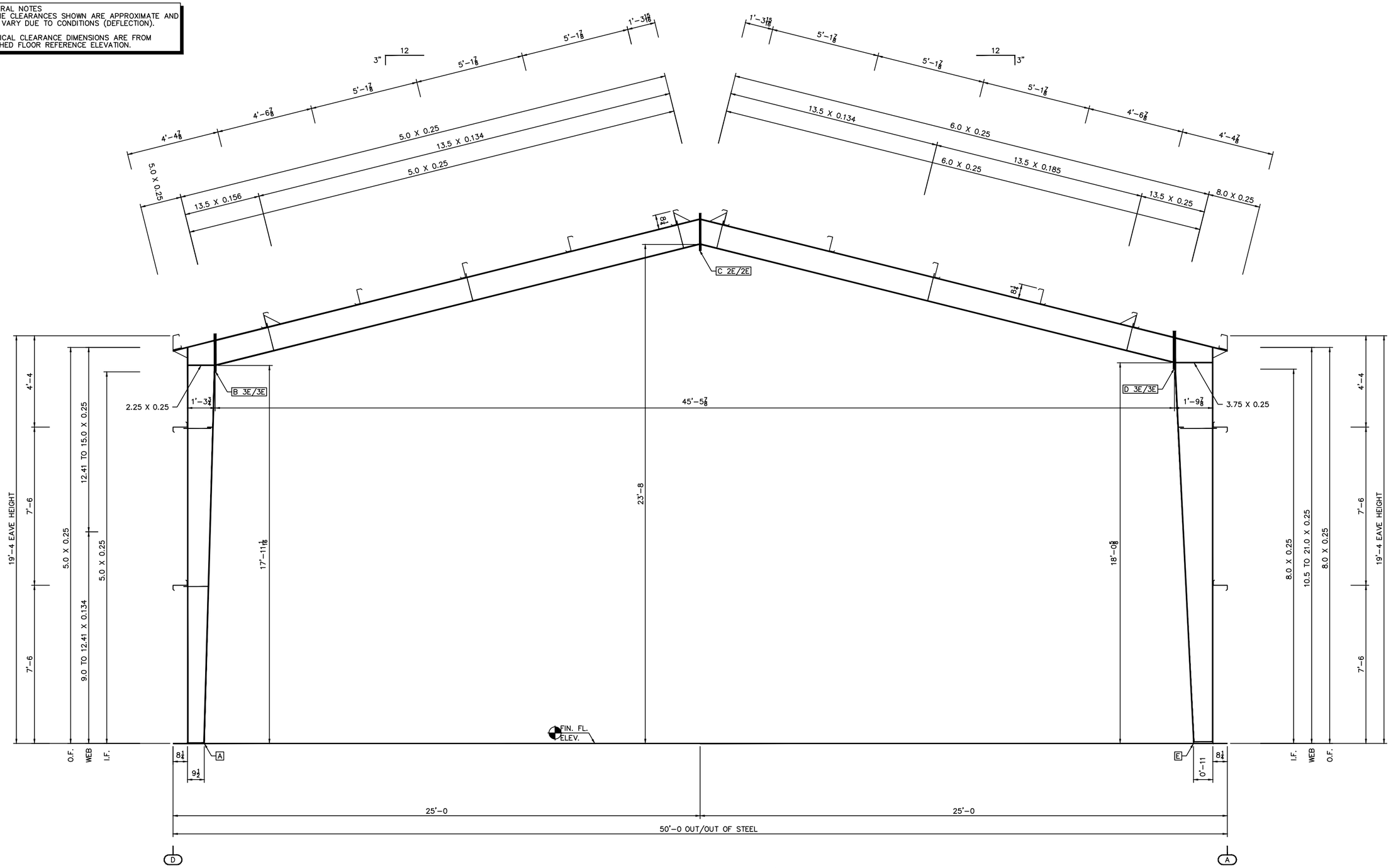
GEORGIA REGISTERED No. 32641 PROFESSIONAL ENGINEER YUANGANG (BILL) LI

Jul 07, 2020

OY/PROJECTS\XDS-V8-10-00 FRAME = Active/Eng/17-B-66631/ver01-axquesada/BLDG-B/Drftg/x01L 6/19/20 11:27:40
OY/PROJECTS\XDS-V8-10-00 FB SET = Eng/17-B-66631/ver01-axquesada/BLDG-B/Drftg/x01L

GENERAL NOTES
FRAME CLEARANCES SHOWN ARE APPROXIMATE AND MAY VARY DUE TO CONDITIONS (DEFLECTION).

VERTICAL CLEARANCE DIMENSIONS ARE FROM FINISHED FLOOR REFERENCE ELEVATION.



CROSS SECTION AT FRAME LINE "2"

	PLATE SIZE TABLE		SPLICE BOLT TABLE			
CONN.	LOW SIDE	HIGH SIDE	QTY. SIZE	TYPE	HARDENED WASHERS	BEVELED WASHERS
A	6 X 0.375 X 9 1/2					
B	6 X 0.5 X 1'-9 7/16	6 X 0.5 X 1'-8 15/16	(12) 3/4 X 2"	A325 B&N	0	0
C	6 X 0.375 X 1'-8 13/16	6 X 0.375 X 1'-8 13/16	(8) 3/4 X 1 3/4	A325 B&N	0	0
D	8 X 0.625 X 1'-9 1/2	6 X 0.625 X 1'-9	(12) 3/4 X 2 1/4	A325 B&N	0	0
E	8 X 1.0 X 0'-11					

Revision	Date	Description	By	Ck'd

Ceco Building Systems
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Mount Pleasant, IA. (319) 385-8001
Rocky Mount, NC. (252) 977-2131
www.cecobuildings.com

Customer:
WHITE HAWK, INC
1475 CANTON RD. STE 100
MARIETTA, GA 30066-6397
ATTN: CY HEDRICK

Project Name & Location:
JACKS TIRE
1601 CANTON RD
MARIETTA, GA 30066-6301

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☐ Preliminary (Not For Construction)
☐ For Approval (Not For Construction)
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☐ For Erector Installation

Scale: NOT TO SCALE
Drawn by: EOL 7/1/20
Checked by: MAC 7/2/20
Project Engineer: AXQ
Job Number: 17-B-66631-1
Sheet Number: E7 of 9

The engineer whose seal appears hereon is an employee for the manufacturer for the materials described herein. Said seal or certification is limited to the products designed and manufactured by manufacturer only.The undersigned engineer is not the overall engineer of record for this project.

Yuangang (Bill) Li, P.E.
Georgia P.E. 32641

Drawing has been digitally signed.

GEORGIA REGISTERED No. 32641 PROFESSIONAL ENGINEER YUANGANG (BILL) LI

Jul 07, 2020