



STAFF REVIEW AND RECOMMENDATION

Variance Case #: V2020-15 **Legistar #:** 20200321
Board of Zoning Appeals Hearing: **Monday, May 18th, 2020 – 6:00 p.m.**
Property Owner: Belén B. Hickman
Applicant: Melissa Lamarche
Address: 236 South Fairground Street
Land Lot: 1287 **District:** 16 **Parcel:** 0430
Council Ward: 1A **Existing Zoning:** NRC (Neighborhood Retail Commercial)

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

1. Variance to reduce the minimum lot size from 10,000 sq. ft. to 6,400 sq. ft. [*§708.15 (H)*]
2. Variance to reduce the minimum lot width from 75’ to 73’. [*§708.15 (H)*]
3. Variance to reduce the buffer from 30’ to 12’. [*§708.15 (H).*] [*§710.05 (B) & (E)*]
4. Variance to allow a substandard lot of record be developed. [*§710.09*]

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



236 South Fairground Street



Location of parking extension

Recommended Action:

Approval. The applicant, Melissa Lamarche, is requesting variances for the property at 236 South Fairground Street in order to provide additional parking for a new chiropractic office. The property is zoned NRC (Neighborhood Retail Commercial) and is located at the southwestern corner of Frasier Street and South Fairground Street. The adjacent property to the south is also zoned NRC but does not have an active business license. A parking lot owned and used by First Christian Church, which operates across Frasier Street to the north, is directly to the west and is zoned R-4 with a SLUP that was approved in 2016 (Z2016-01). Properties across South Fairground Street to the east are zoned LRO (Low Rise Office) and NRC.

The subject property is quite small and was likely built as a residence in 1942. However, City zoning maps indicate it has been zoned Neighborhood Retail Commercial since at least the 1960s. The minimum lot size for NRC zoning is 10,000 square feet. The lot was created in 1942 by plat and at the time was approximately 8,000 square feet. Based on right-of-way acquisition deeds and exhibits from January 2019 (DB 15602 PG 6077), the site is now approximately 6,418 square feet in area.

As such, the lot is considered legally nonconforming; and Section 706, Nonconforming Uses, prohibits any action that increases an existing nonconformity. For this property to be considered a buildable lot, variances to reduce the lot size and lot width would be necessary.

The applicant would like to expand the parking area behind the existing structure. Aerial images indicate the existing parking pad (30'x13') to be thirty (30) feet from the western property line, indicating adherence to the buffer requirement. However, the existing buffer only contains one or two trees and a wooden fence. Based on the submitted drawing, the applicant wishes to add 864 square feet of paving to the west and 300 square feet of paving to the east of the existing pad. To expand the pad westward would require a reduction in the buffer from 30 feet to approximately 12 feet. The existing fence and vegetation currently provide a suitable buffer, however this buffer is provided only for the church parking lot.

Because the adjacent property is a parking lot and is not being used residentially, staff recommends approval of the buffer reduction. In addition, since the property was reduced in size by City Streetscape projects, staff recommends approval of the remaining variances so the property can provide some economic purpose to the owner and tenant.

BLANK PAGE



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 #: ✓ 2020-15 Legistar #: 20200321 BZA Hearing Dt: 5-18-20
City Council Hearing Dt (if applicable) #: - PZ #: 20-115

This is a variance/appeal application for:



Board of Zoning Appeals



City Council

Owner's Name BELÉN B HICKMAN
EMAIL Address: belen @ his-company.com
Mailing Address 213 INDIAN HILLS TRL Zip Code: 30068 Phone Number 404-245-2444

COMPLETE ONLY IF APPLICANT IS NOT OWNER:

Applicant: Melissa Lamarche
EMAIL Address: drmbolchiro@gmail.com
Mailing Address 1870 Hays Farm Walk Zip Code: 30064 Phone Number 9707788500

Address of subject property: 236 S FAIRGROUND ST Date of Acquisition: 10/2005
Land Lot (s) 1287 District 16 Parcel 39 Acreage .167 Zoned NRC Ward 1A FLU: CAC
00430

List the variance(s) or appeal requested (please attach any additional information):
Parking w/in 30' of a residential Property Line

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 1/2" x 11") -or- (11" x 17") drawn to scale.
6. **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]
Signature of Owner

[Signature]
Signature of Applicant

BELEN B HICKMAN
Print Name

BELEN B HICKMAN
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.

BELEN B HICKMAN
Print Name

[Signature]
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]
Signature of Applicant

4/06/2020
Date

BELEN B HICKMAN / Melissa Lamarche
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]
Signature of Owner

BELEN B HICKMAN
Please Print

213 INDIAN HILLS TRAIL, MARIETTA, GA 30068
Address

4/06/2020
Date

Signed, sealed and delivered in the presence of:

[Signature]

RICHARD M NEGRON
NOTARY PUBLIC
Cobb County
State of Georgia
My Comm. Expires May 30, 2022

My Commission Expires: May 30, 2022

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

April 6, 2020

To: Department of Development Services
205 Lawrence St.,
Marietta, GA 30060

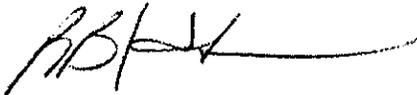
To whom it may concern,

This letter is in reference to the property located at 236 S. Fairground St, Marietta, GA 30060. This property is currently zoned as NRC (Neighborhood Retail Commercial). To perform as a retail center, more off street parking is needed to accommodate both staff and patrons to the given business. Off street parking is desirable for this location due to inadequate on street parking availability that allows ease of access to the business. 236 S. Fairground St is located at the intersection of S. Fairground and Frasier St, with parking access from Frasier Street. Due to egress toward S. Fairground St., street parking on Frasier St. is limited. This same intersection is about to be expanded and modified by the City of Marietta, thus encroaching on any previously available street parking for this location. It is also reasonable to consider the needs of any person needing handicapped parking at this location.

The current parking pad is 390 sq. ft., can accommodate 2 vehicles and is 30' from the property line of 569 Frasier St., Marietta, GA 30060 which is zoned residential. Although 569 Frasier St, is zoned residential, the entire property is a parking lot and provides overflow parking for the First Christian Church of Marietta. Due to the fact that the adjacent lot next to desired parking is indeed a parking lot, I am asking for a zoning variance to allow increased off street parking at 236 S. Fairground St., to be within less than 30' of the neighboring residential property line on the west side of the property.

I look forward to your favorable decision.

Sincerely,

A handwritten signature in black ink, appearing to read 'Belen Hickman', with a long horizontal flourish extending to the right.

Belen Hickman

BLANK PAGE

TO: Marietta Daily Journal
FROM: City of Marietta
RUN DATE: May 1, 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, May 18th, 2020 at 6:00 P.M.**, City Hall. Anyone wishing to attend may do so and be heard relative thereto.

V2020-15 [VARIANCE] MELISSA LAMARCHE (BELEN B. HICKMAN) is requesting variances for property zoned NRC (Neighborhood Retail Commercial), located in Land Lot 1287, District 16, Parcel 0430, 2nd Section, Marietta, Cobb County, Georgia, and being known as 236 South Fairground Street. Variance to reduce the minimum lot size from 10,000 sq. ft. to 6,400 sq. ft.; variance to reduce the minimum lot width from 75' to 73'; variance to reduce the buffer from 30' to 12'; variance to allow a substandard lot of record be developed. Ward 1A.

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

For additional information including questions about virtual participation, please call the Planning and Zoning Office (770) 794-5669.

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

City of Marietta
205 Lawrence Street
Marietta, Georgia 30060



Variance



Address	Parcel Number	Acreage	Ward	Zoning	FLU
236 S FAIRGROUND ST	16128700430	0.167	1A	NRC	CAC

Property Owner:	Belen B Hickman	Zoning Symbols - - - Railroads City Limits Cobb County Pockets NA R1 - Single Family Residential (1 unit/acre) R2 - Single Family Residential (2 units/acre) R3 - Single Family Residential (3 units/acre) R4 - Single Family Residential (4 units/acre) RA4 - Single Family Residential - Attached RA6 - Single Family Residential - Attached RA8 - Single Family Residential - Attached MHP - Mobile Home Park PRD-SF - Planned Residential Dev. Single Family RM8 - Multi Family Residential (8 units/acre) RM10 - Multi Family Residential (10 units/acre) RM12 - Multi Family Residential (12 units/acre) RHR - Residential High Rise PRD-MF - Planned Residential Dev Multi Family NRC - Neighborhood Retail Commercial CRC - Community Retail Commercial RRC - Regional Retail Commercial PCD - Planned Commercial Development LI - Light Industrial HI - Heavy Industrial PID - Planned Industrial Development 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
Applicant:	Melissa Lamarche	
BZA Hearing Date:	05/18/2020	
Acquisition Date:		
Case Number:	V2020-15	
City of Marietta Planning & Zoning		

