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

STAFF REVIEW

Variance Case #: V2020-09 Legistar #: 20200037

City Council Hearing: Wednesday, May 13, 2020 – 7:00 p.m.

Property Owner: Carlson Construction Services, LLC
770 Pickens Industrial Drive
Marietta, GA 30062

Agent: Kevin Moore, Esq.
Moore, Ingram, Johnson & Steele, LLP
326 Roswell Street
Marietta, GA 30060

Address: 27 North Fairground Street & 546 Washington Avenue

Land Lots: 1215 & 1234 District: 16 Parcels: 0600 & 0580

Council Ward: 5A Existing Zoning: CRC (Community Retail Commercial)

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

1. Variance to eliminate the 10' planted border along Rock Street. [*§712.08 G.2.a*]
2. Variance to reduce the setback on Rock Street from 40' to 1'. [*§708.16 H.*]
3. Variance to reduce the southern side setback for the new building from 15' to 3'. [*§708.16 H*]
4. Variance to reduce the northern side setback for the new building from 15' to 3'. [*§708.16 H*]
5. Variance to increase the impervious surface from 96% to 98%. [*§708.16 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.

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Criteria:

1. Exceptional or extraordinary circumstances or conditions *are/are not* applicable to the development of the site that do not apply generally to sites in the same zoning district.
2. Granting the application *is/is not* necessary for the preservation and enjoyment of a substantial property right of the applicant, and to prevent unreasonable property loss or unnecessary hardship.
3. Granting the application *will/will not* be detrimental or injurious to property or improvements in the vicinity of the development site, or to the public health, safety, or general welfare.

PICTURES

Subject property frontage on North Fairground Street

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Subject property looking west from North Fairground Street

Warehouse to be demolished (view from Rock Street)

Rock Street frontage

Staff Review:

Carlson Construction Services is requesting variances for properties located at 27 North Fairground Street and 546 Washington Avenue, which were recently acquired from Bellsouth Telecommunications LLC. This location is near the intersection of North Fairground Street and Roswell Street and is located within the Commercial Corridor Design Overlay - Tier A. The subject property and all surrounding properties are zoned CRC (Community Retail Commercial). Adjacent uses include a retail paint store, a veterinary office, a shopping center, and a legally nonconforming residence. The subject property has road frontage along Rock Street, Washington Avenue, and North Fairground Street but only has vehicular access from North Fairground Street.

Bellsouth used this location for offices and parking utility contractor vehicles according to historical aerial images. Carlson Construction Services, an electrical contracting company, has been operating out of a facility at 770 Pickens Industrial Drive, zoned Light Industrial, and presumably wishes to use the property as Bellsouth did. The submitted application indicates the removal of a one-story building and canopy near the center of the 1.371 acre site. A 65'x102' building is proposed to be constructed at the rear of the property, one (1) foot from the Rock Street right of way.

The site plan, as submitted, would require multiple variances for building setbacks, as well as the elimination of the required 10' planted border along Rock Street. The building location appears to be shown without any regard to the existing features on the site, i.e. there is a retaining wall that is between 9' and 15' from the Rock Street right of way. It is unclear whether the applicant's intention is to demolish the wall and push the building as close to Rock Street as possible. In

addition, the demolition of the wall to locate the building very close to Rock Street would also increase the amount of impervious surface on a site that is almost completely paved.

Other issues may arise due to the lack of information provided by the applicant. If construction costs incurred within a one-year period exceed 50% of the existing building's replacement value ($265,384 according to the Cobb County Tax Assessor), then the entire site must come into compliance with all zoning regulations. This may also trigger requirements from other departments, such as the Fire Department and Public Works Engineering.

As mentioned previously, this property is also located within the Commercial Corridor Design Overlay – Tier A. Exceeding this threshold would require the Overlay standards to be met, or additional variances granted. It should be noted that the applicant has already received a permit (BP19-4066), issued in January 2020, to do interior renovations to the building along North Fairground Street. The construction cost indicated on the building permit is $125,000. Thus, the applicant is already at 47% of the allowable 50% threshold.

Building elevations have not been provided. However, metal is prohibited as an exterior material on sides of the building facing a roadway. If the site is evaluated under the Commercial Corridor Design Overlay – Tier A, many other architectural features will be required.

The following are additional comments from the reviewing divisions:

Planning & Zoning Comments

- 546 Washington Avenue is currently a separate tax parcel that does not meet the minimum lot size for CRC (20,000 sq. ft.) and will need to be combined with the larger parcel to be functional.

Transportation Comments

- Request donation of right of way 25' from CL on along Washington and 20' from CL on Rock St.
- ROW not shown correctly at SE corner of parcel at Fairground.

Fire Comments

- Proposed new building will need to be protected throughout with an approved automatic sprinkler system. NFPA 13 (2019 edition) with DDCV, remote PIV and FDC.

Public Works Engineering

- Rotating the building 90 degrees would fit inside the existing setbacks. Replacing the 1 story block building with the 6500SF building will require compliance with the storm water management ordinance.

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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 #: V2020-09 **Legistar #:** 20200037 **BZA Hearing Dt:** –

City Council Hearing Dt (if applicable) #: 03/11/2020 **PZ #:** 20-25

This is a variance/appeal application for:

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

*Owner's Name Carlson Construction Services, LLC

EMAIL Address: dswales@carlsoncs.com

Mailing Address 770 Pickens Industrial Drive Zip Code: 30062 Phone Number (770) 732-0054

*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: 546 Washington Avenue 27 North Fairground Street Date of Acquisition: 07/26/2019

Land Lot (s) 12150 ~~12340~~ District 16 Parcel 0580 0600 Acreage 1.3995± Zoned CRC Ward 5A FLU: CAC

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

See Attached Exhibit "B"

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

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

Application No.: _____
Legistar No.: _____
Hearing Date: **March 11, 2020**

Applicant/Property Owner: **Carlson Construction Services, LLC**

MOORE INGRAM JOHNSON & STEELE, LLP

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

Attorneys for Applicant/Property Owner

Date Executed: January 13, 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.

Applicant/Property Owner Address:

Carlson Construction Services, LLC
770 Pickens Industrial Drive
Marietta, Georgia 30062
(770) 732-0054 (Office)
(770) 732-0907 (Telefax)
E-mail: dswales@carlsoncs.com

EXHIBIT "B" - ATTACHMENT TO APPLICATION FOR VARIANCE

Application No.: _____
Legistar No.: _____
Hearing Date: **March 11, 2020**

Applicant/Property Owner: Carlson Construction Services, LLC

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

The property which is the subject of the Application for Variance is located at 27 N. Fairground Street and 546 Washington Avenue (hereinafter collectively "Property" or "Subject Property") and is currently zoned Community Retail Commercial ("CRC"). Applicant desires to remove an existing structure and accessory to the structure and construct a new building, as shown on the Site Plan filed with the Application for Variance. Due to the size, location, and current zoning of the Subject Property, variances are required to ensure Applicant's plans for construction of the proposed building can be accomplished. Therefore, Applicant seeks the following variances:

(1) Waiver of required side setback (along northerly property line) from required 15 feet to 3.0 feet;
(2) Waiver of required side setback (along southerly property line) from required 15 feet to 3.4 feet; and
(3) Waiver of required rear setback (along easterly property line adjacent to Rock Street) from the required 35 feet to 1 foot.

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

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TO: **Marietta Daily Journal**

FROM: **City of Marietta**

RUN AD DATE: **April 17, 2020**

CITY OF MARIETTA
PUBLIC NOTICE OF REZONINGS, CODE AMENDMENTS, & VARIANCES

The City of Marietta hereby gives notice that a public hearing will be held to give consideration to the following variance requests at the City Council meeting held on **Wednesday, May 13th, 7:00 p.m.,** City Hall, for a final decision to be made.

V2020-09 [VARIANCE] CARLSON CONSTRUCTION SERVICES, LLC is requesting variances for property located in Land Lots 1215 & 1234, District 16, Parcels 0600 & 0580, 2nd Section of Cobb County, Marietta, Georgia and being known as 27 North Fairground Street and 546 Washington Avenue. Variance to eliminate the 10' planted border along Rock Street; variance to reduce the front yard building setback on Rock Street from 40' to 1'; variance to reduce the southern side yard building setback for the new building from 15' to 3'; variance to reduce the northern side yard building setback for the new building from 15' to 3'; variance to increase the maximum impervious surface area from 96% to 98%. Ward 5A.

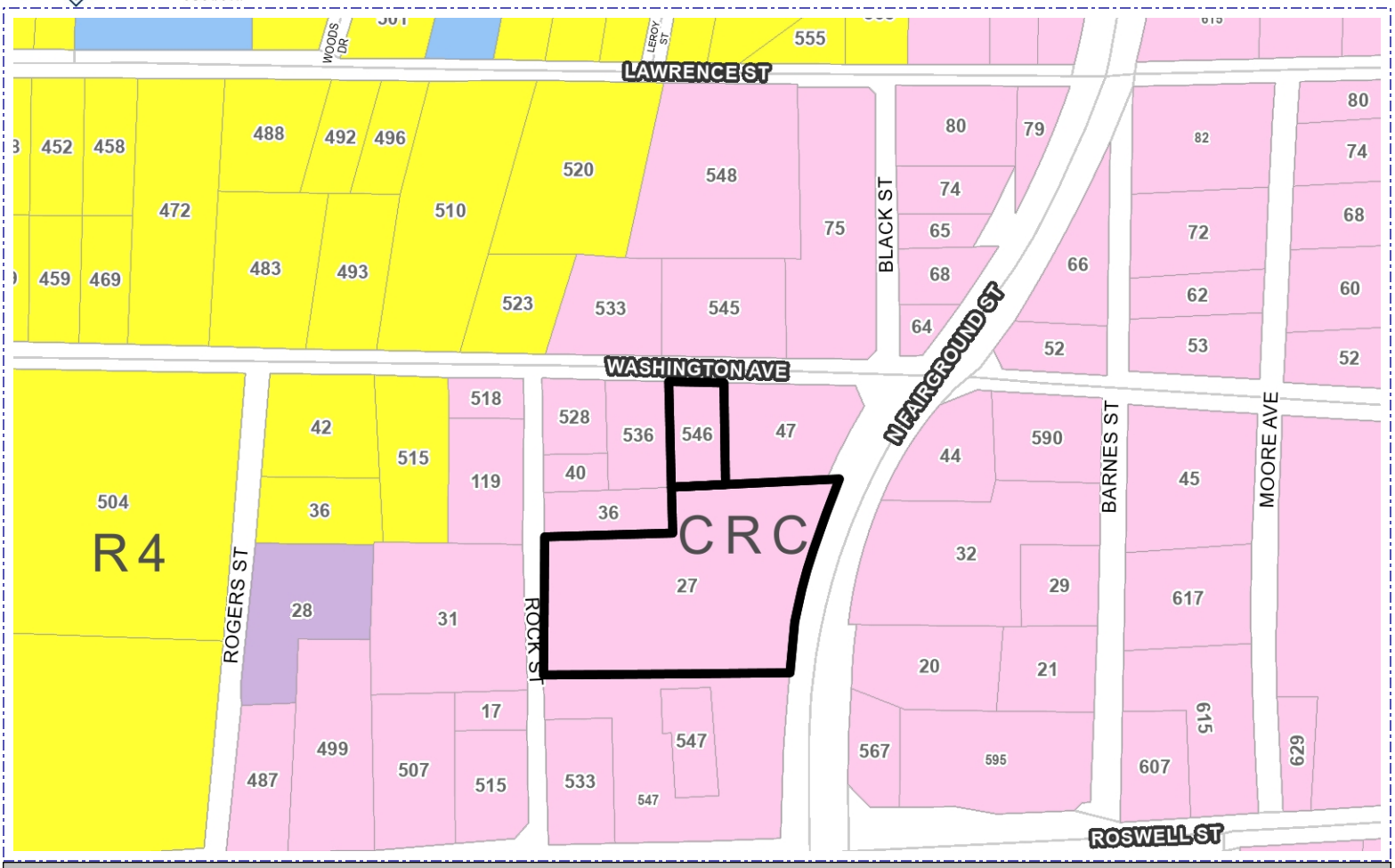
A description and plat of the property sought for the rezoning, special land use permit, and variances are on file in the Planning and Zoning Office, City Hall, and is available for inspection between 8:00 A.M. and 5:00 P.M., Monday through Friday. Anyone wishing to attend may do so and be heard relative 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
546 WASHINGTON AVE	16121500580	0.189	5A	CRC	CAC
27 N FAIRGROUND ST	16121500600	1.46	5A	CRC	CAC

Property Owner: Carlson Construction Services

Applicant:

City Council Hearing Date: 05/13/2020

Acquisition Date:

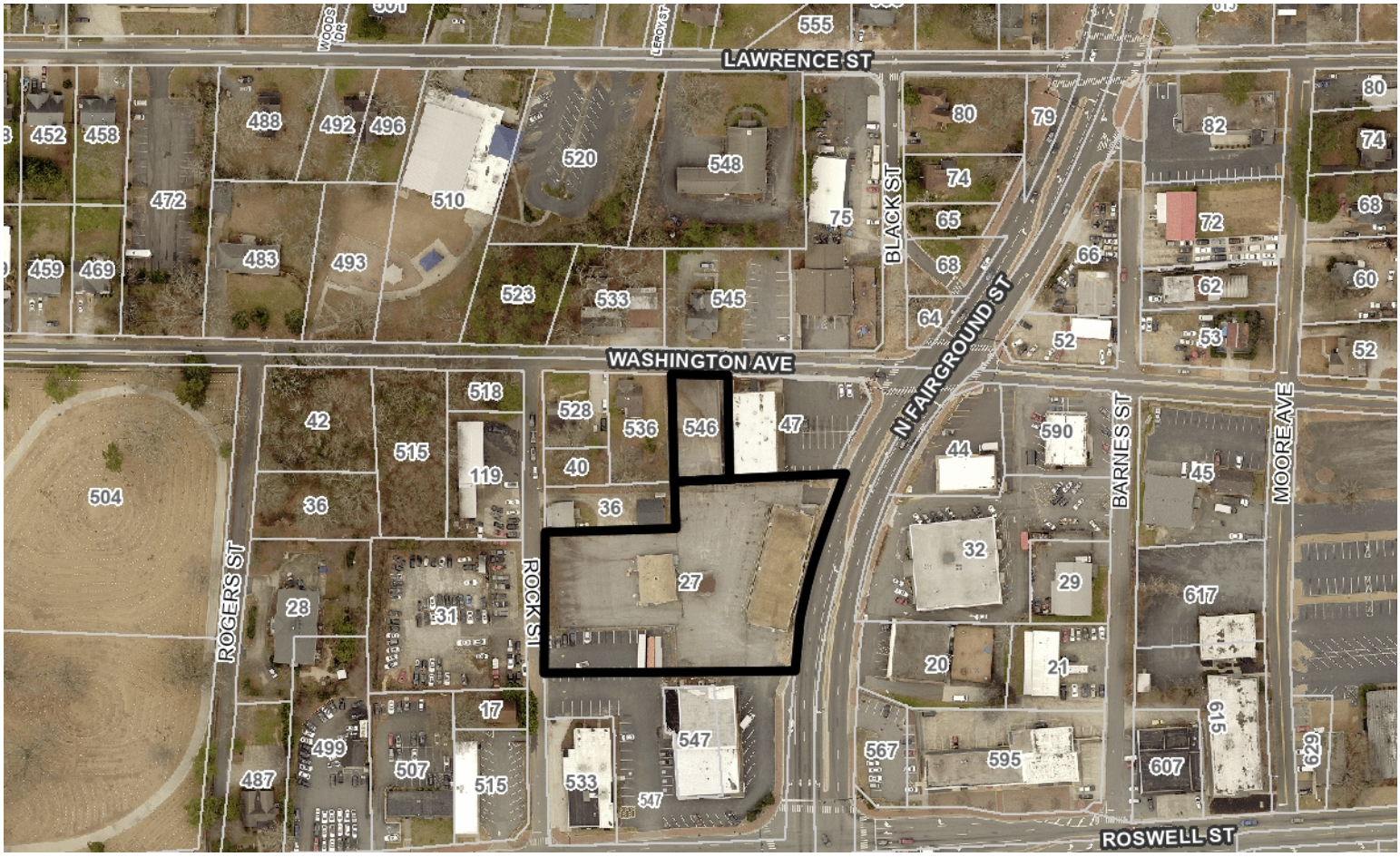
Case Number: V2020-09

City of Marietta Planning & Zoning

Zoning Symbols

- Railroads
- City Limits
- Cobb County Pockets
- NA
- R1 - Single Family Residential (1 unit/acre)
- R2 - Single Family Residential (2 units/acre)
- R3 - Single Family Residential (3 units/acre)
- R4 - Single Family Residential (4 units/acre)
- RA4 - Single Family Residential - Attached
- RA6 - Single Family Residential - Attached
- RA8 - Single Family Residential - Attached
- MHP - 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

Aerial Map



Address	Parcel Number	Acreage	Ward	Zoning	FLU
546 WASHINGTON AVE	16121500580	0.189	5A	CRC	CAC
27 N FAIRGROUND ST	16121500600	1.46	5A	CRC	CAC

Property Owner: Carlson Construction Services

Applicant:

City Council Hearing Date: 05/13/2020

Planning Commission Hearing Date:

BZA Hearing Date: Case Number: V2020-09

Comments:

City of Marietta Planning & Zoning

Legend

- Railroads
- City Limits
- Cobb County Pockets

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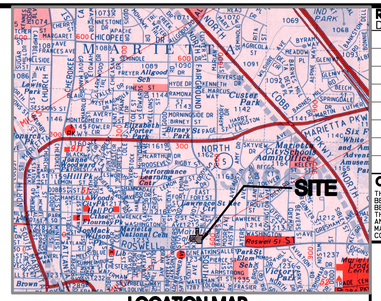
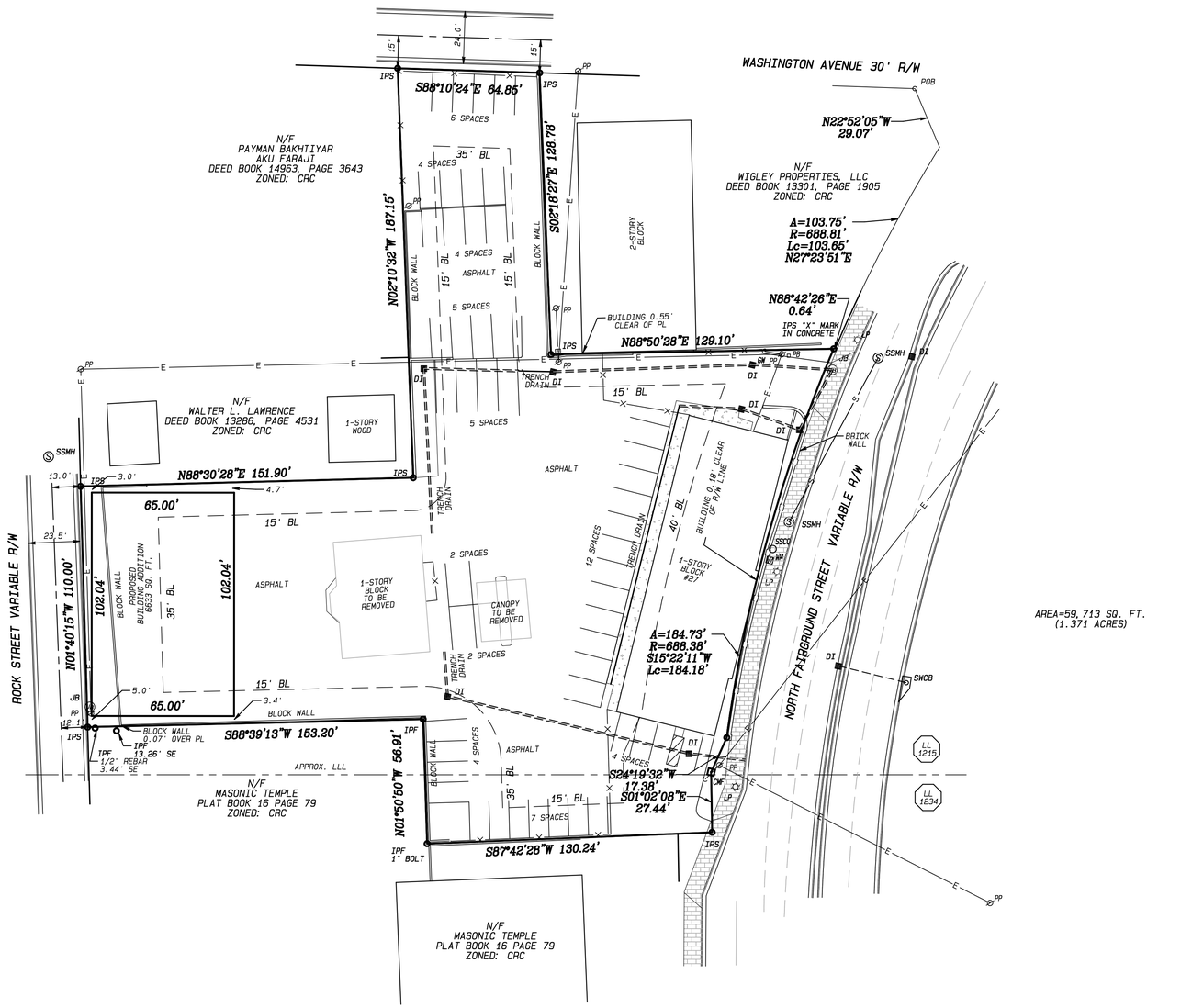
CURRENT ZONING: CRC
SETBACKS:
FRONT (ARTERIAL): 40'
FRONT (LOCAL): 35'
SIDE: 15'
REAR: 35'

ADDITIONAL IMPERVIOUS AREA PROPOSED: 867 SQ. FT.



LOCATION MAP

SCALE: 1" = 2000'
REF: ATLANTA AERO ATLAS METROPOLITAN SERIES
OCTOBER 2016-OCTOBER 2017



SURVEY NOTES:

1. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND HAS BEEN FOUND TO BE ACCURATE WITHIN 1 FOOT IN 537,814 FEET.
2. THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 10,000+ FEET AND AN ANGULAR ERROR OF 02" PER ANGLE AND WAS ADJUSTED USING THE COMPASS RULE
3. EQUIPMENT = SOKKIA IX SERIES ROBOTIC STATION
4. DATE OF SURVEY: 05-20-19
5. I HAVE, THIS DATE, EXAMINED THE OFFICIAL FIA FLOOD HAZARD MAP COMMUNITY NUMBER 130226, PANEL 010BJ, DATED 3/4/2013, AND HAVE DETERMINED THAT THIS PROPERTY IS NOT LOCATED IN AN AREA HAVING SPECIAL FLOOD HAZARDS.
6. #4 REBAR AT ALL CORNERS UNLESS OTHERWISE NOTED.

SURVEY REFERENCES:

1. DEED TO NS-MPG INC. DATED JANUARY 31, 1996 AND BEING RECORDED IN DEED BOOK 9454 PAGE 525.
2. RIGHT -OF-WAY DEED FROM BELLSOUTH TELECOMMUNICATIONS, INC. AND THE CITY OF MARIETTA, DATED FEBRUARY 28, 2002, AND BEING RECORDED IN DEED BOOK 13526, PAGE 2109.
3. PLAT OF JOE B. HARRIS ESTATED IN PLAT BOOK 6, PAGE 90.
4. PLAT OF SOU. BELL TEL. & TEL. CO. RECORDED IN PLAT BOOK 11 PAGE 127.
5. PLAT OF SOU. BELL TEL. & TEL. CO. RECORDED IN PLAT BOOK 11 PAGE 128.
6. PLAT OF MASONIC LODGE RECORDED IN PLAT BOOK 16, PAGE 79
7. SKETCH OF RIGHT OF WAY & EASEMENTS PREPARED FOR CITY OF MARIETTA, BEING PREPARED BY CROY ENGINEERING, BEING LAST REVISED 02/11/15.
8. MAINLINE PLAN OF NORTH FAIRGROUND STREET IMPROVEMENTS FOR CITY OF MARIETTA, BEING PREPARED BY CROY ENGINEERING, LAST REVISED 12/01/15.

ABBREVIATION LEGEND

A	ARC DISTANCE
B/L	BUILDING LINE
CMP	CORRUGATED METAL PIPE
D.B.	DEED BOOK
FH	FIRE HYDRANT
GW	GUY WIRE
IPF	IRON PIN FOUND
IPS	IRON PIN SET
INV	INVERT ELEVATION
Lc	CHORD LENGTH
L L	LAND LOT
L.L.L.	LAND LOT LINE
N/F	NOW OR FORMERLY
OTP	OPEN TOP PIPE
PG.	PAGE
P.O.B.	POINT OF BEGINNING
PP	POWER POLE
R	RADIUS
R/W	RIGHT-OF-WAY
S.F.	SQUARE FEET
SSMH	SANITARY SEWER MANHOLE
WM	WATER METER

SYMBOL LEGEND

- Guy Wire
- Fire Hydrant
- Drop Inlet
- Water Meter
- Water Vavle
- Power Pole
- Sanitary Sewer Manhole
- Water Line
- Sanitary Sewer Line
- Overhead Power Line
- Fence

IN MY OPINION, THIS PLAT IS A TRUE AND CORRECT REPRESENTATION OF THE LAND PLATTED AND HAS BEEN PREPARED IN CONFORMITY WITH THE TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN CHAPTER 180-7 OF THE RULES OF GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AS SET FORTH IN THE GEORGIA PLAT ACT O.C.G.A. 15-6-67.

GRAPHIC SCALE 1"=30'
0 30 90 90

REVISION RECORD

DATE	PURPOSE

COPYRIGHT
THIS DRAWING IS THE PROPERTY OF THE BELOW REFERENCED FIRM AND IS NOT TO BE USED FOR ANY PURPOSE OTHER THAN THE SPECIFIC PROJECT NAMED HEREIN, AND CANNOT BE REPRODUCED IN ANY MANNER WITHOUT THE EXPRESS WRITTEN CONSENT OF THE FIRM.

BETTERTON
SURVEYING & DESIGN, INC.
LAND SURVEYING/PLANNING
SUBDIVISION & COMMERCIAL SITE DESIGN
950 WEST SANDTOWN ROAD
MARIETTA, GEORGIA 30064
(678) 483-0242

GEORGIA REGISTERED No. 2498 R. BRIAN BETTERTON

DECEMBER 31, 2019

PROPOSED IMPROVEMENTS
27 NORTH FAIRGROUND STREET

LOCATED IN:
LAND LOTS 1215 & 1234
16TH DISTRICT, 2ND SECTION
COBB COUNTY, GEORGIA, CITY OF MARIETTA
PREPARED FOR:
DAVID SWALES

DRAWN BY	RBB
CHECKED BY	RBB
SCALE	1" = 30'
DATE	DECEMBER 31, 2019
FILE NUMBER:	19121.PRO
JOB NUMBER	19121
SHEET NUMBER	1 OF 1