



STAFF REVIEW AND RECOMMENDATION

Variance Case #: V2015-27 **Legistar #:** 20150452
Board of Zoning Appeals Hearing: **Monday, June 29, 2015 – 6:00 p.m.**
Property Owner: Cobb County
Allen Kronenberger
100 Cherokee Street
Marietta, GA 30060
Applicant: Isiah Battle
2499 Waters Run
Decatur, GA 30035
Address: 1150 Powder Springs Street
Land Lot: 0670 **District:** 17 **Parcel:** 0010
Council Ward: 2 **Existing Zoning:** CRC (Community Retail Commercial)

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

1. Variance to allow an accessory structure in front of the principal structure. [§708.16 (F.1)]

Statement of Fact

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

Criteria:

1. Exceptional or extraordinary circumstances or conditions *are/are not* applicable to the development of the site that do not apply generally to sites in the same zoning district.
2. Granting the application *is/is not* necessary for the preservation and enjoyment of a substantial property right of the applicant, and to prevent unreasonable property loss or unnecessary hardship.

3. Granting the application *will/will not* be detrimental or injurious to property or improvements in the vicinity of the development site, or to the public health, safety, or general welfare.

PICTURES



1150 Powder Springs Street



Parking Island to be removed and replaced with ATM

Recommended Action:

Approval, with conditions. The applicant Isiah Battle is seeking a variance for the owner, Cobb County Government (Allen Kronenberger), for the property located at 1150 Powder Springs Street that would allow them to install an automatic teller machine (ATM) in the parking lot of the shopping center. The property is zoned CRC (Community Retail Commercial) and is located along Powder Springs Street.

As defined in Section 724 of the Zoning Ordinance, an *Automated teller machine* is a mechanized consumer device that is operated by a customer and which performs banking and financial functions at a location remote from the controlling financial institution. An automated teller machine is an accessory use. Further, Section 708.16(F) requires accessory structures to be located to the side or rear of the principal building.

The proposed location of the ATM is in front of the shopping center building on the site. A hardship is created because of the regulations that state any accessory use must be located to the side or rear of the principal structure. It is more feasible – both for public access and for safety concerns – that the ATM be placed in front of the principal building.

According to the submitted site plans, the proposed ATM will replace the existing parking island at the front of the shopping center, and therefore will not interfere with the flow of traffic. The construction of the proposed ATM will cause the removal of only one parking island with a new parking island serving as the base to the ATM and will not cause any substantial interference with the flow of traffic. However, because the two (2) trees located in the landscape island will have to be removed in order to allow for the ATM, those trees – 3” caliper Maple Oak trees – will have to be replaced in a new landscape island.

On May 19, 2014, the Board of Zoning Appeals granted a similar variance request to allow an ATM to be located in front of the shopping center at 1000 Whitlock Avenue, but in that case no trees were lost.

The location is within the AICUZ (Air Installation Compatible Use Zone) overlay district. The AICUZ overlay district is “established to contribute to the safe operation of Dobbins Air Reserve Base (ARB), to facilitate orderly development around the airfield, to protect property values, and to control and minimize noise and potential accident impacts on the surrounding areas of the City of Marietta.” Its intent for the designated areas is to promote development suitable for the airfield vicinity by limiting land uses which require or generate large concentrations of individuals to protect the public’s safety and welfare. The applicant will need to contact the Dobbins Air Reserve Base (ARB) to verify their consent to this proposed automatic teller machine (ATM).

Given the design of the shopping center and its parking lot, there is not a more practical location for the proposed ATM to be located. However, the property is located within the AICUZ overlay district and therefore prior approval is needed from Dobbins ARB. With Dobbins approval, ***Staff recommends approval of this variance request with the following conditions;***



Department of Development Services
205 Lawrence Street
Marietta, Georgia 30060
Brian Binzer, Director

- 1. A new planter island provided at a minimum of 125 square feet provided with (2) trees planted, with a 3” caliper and the remaining area shall be landscaped with appropriate materials.**



Department of Development Services
 205 Lawrence Street
 Marietta, Georgia 30060
 Brian Binzer, AICP, Director

APPLICATION FOR VARIANCE OR APPEAL

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

Application #: V2015-27 Hearing: 6-29-15 Registrar # 20150452
P215-232

This is a variance/appeal application for:

Board of Zoning Appeals

City Council

Owner's Name Cobb County

Address 100 Cherokee Street Zip Code: 30090

Telephone Number: 770-528-2187 Email Address: Allen.Kronenberger@cobbcounty.org

COMPLETE ONLY IF APPLICANT IS NOT OWNER:

Applicant SIATH, BATTLE

Address 2499 Waters Run Decatur GA Zip Code: 30035

Telephone Number 404-641-3584 Email Address: SIATH.BATTLE@HARO.COM

Address of property for which a variance or appeal is requested:

1150 Powder Springs Rd ST Date of Acquisition: 5/14/15

Land Lot (s) 0670 District 17-67 Parcel 0010 Acreage 16.01 Zoned CC Ward 2B FLU CAC

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

Variance to allow an accessory structure closer to the right of way than the principal structure

- 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. Legal description of 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 - 25 copies of 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).
 6. Copy of current tax bill showing payment or documentation certified by the City of Marietta Tax Office.
 7. Documentation authorizing applicant to submit application by property owners if applicant is not owner.

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

TO: Marietta Daily Journal
FROM: City of Marietta
RUN DATE: June 9, 2015

PUBLIC NOTICE OF VARIANCES

The City of Marietta hereby gives notice that a public hearing will be held to give consideration to the following variance requests. The Board of Zoning Appeals will consider the following requests on **Monday, June 29, 2015 at 6:00 P.M.**, City Hall. Anyone wishing to attend may do so and be heard relative thereto.

V2015-27 [VARIANCE] COBB COUNTY (ISIAH BATTLE) is requesting a variance for property located in Land Lot 00670, District 17, Parcel 0010, 2nd Section, Marietta, Cobb County, Georgia and being known as 1150 Powder Springs Street. Variance to allow an accessory structure (ATM) closer to the right of way than the principal structure. Ward 2B.

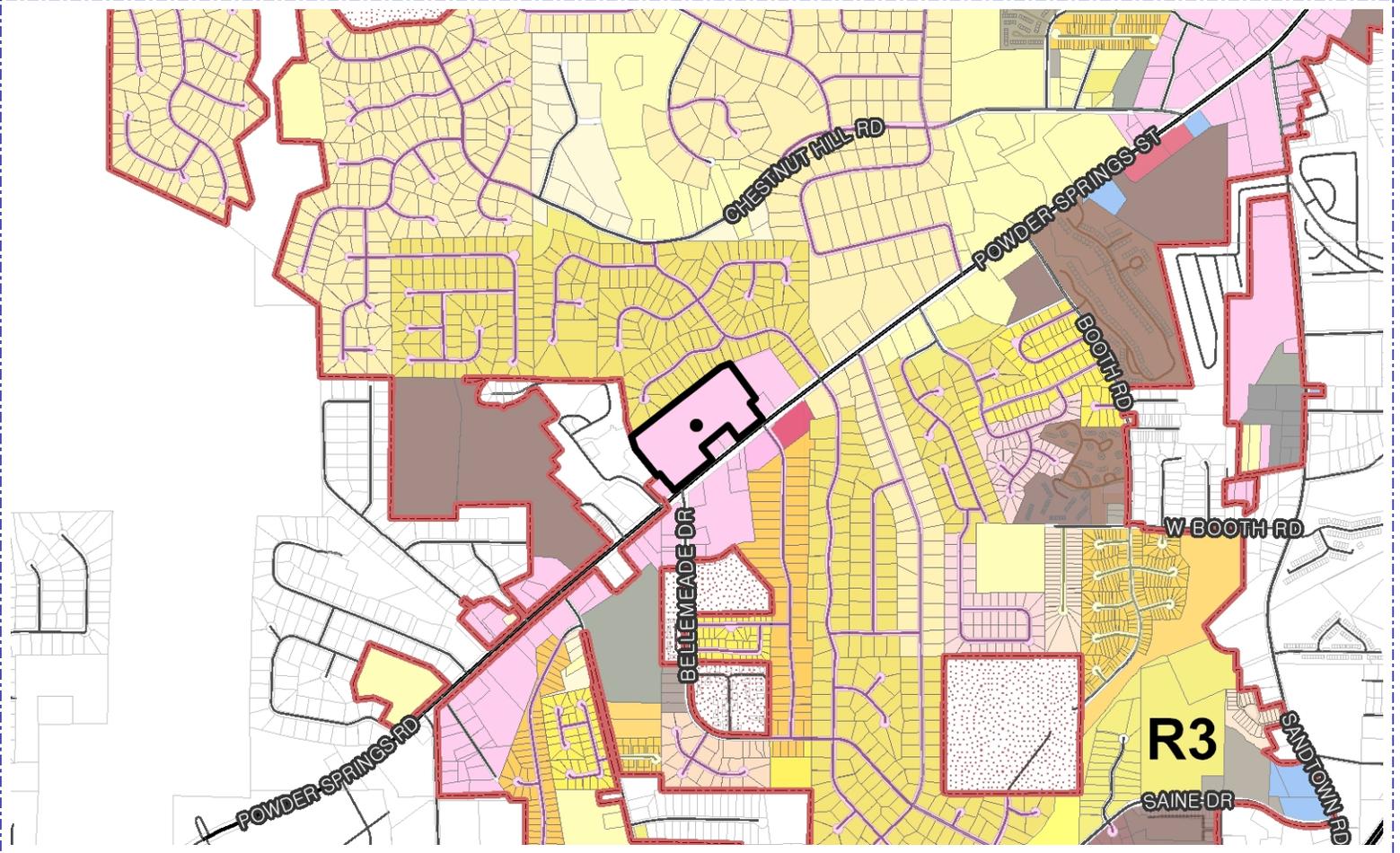
A description and plat of the property sought for the variances are on file in the Planning and Zoning Office, City Hall, and are available for inspection between 8:00 A.M. and 5:00 P.M., Monday through Friday. Anyone wishing to attend may do so and be heard relative thereto.

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 Mr. Patrick Henley, ADA Coordinator, at 770-794-5558 (voice) or 770-794-5560 (TDD) 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
1130 POWDER SPRINGS ST	17006700410	0.592	2B	CRC	CAC
1150 POWDER SPRINGS ST	17006700010	16.054	2B	CRC	CAC

Property Owner:	Cobb County	Zoning Symbols <ul style="list-style-type: none"> — 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:	Isah Battle	
BZA Hearing Date:	06/29/2015	
Acquisition Date:		
Case Number:	V2015-27	
<p>City of Marietta Planning & Zoning</p>		

