



STAFF REVIEW AND RECOMMENDATION

Variance Case #: V2016-37 **Legistar #:** 20160632
Board of Zoning Appeals Hearing: Monday, July 25, 2016 – 6:00 p.m.
Property Owner: U-Haul
John Hairston
543 Cobb Parkway South
Marietta, GA 30060
Applicant: Same as above
Address: 706 Roswell Street
Land Lot: 12350 **District:** 16 **Parcel:** 0900
Council Ward: 1A **Existing Zoning:** CRC (Community Retail Commercial)

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

1. Variance to allow an accessory structure in the front yard. §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



706 Roswell Street

Recommended Action:

Denial. John Hairston, the applicant and owner of the U-haul facility at 706 Roswell Street, is requesting a variance in order to keep the recently constructed, freestanding awning at its current location on at the property. Zoned CRC (Community Retail Commercial), the subject property is approximately 1.135 acres in size. Surrounding properties to the east and west are also zoned CRC and contain a restaurant, hair salon, and car selling business. Park Street Elementary School is located immediately to the south and is zoned R-4 (Single Family Residential – 4 units / acre). This section of Roswell Street is the primary focus of the Commercial Corridor Overlay District – Tier A, which is intended to produce more efficient use of land and a more urban, pedestrian-friendly environment to supplement the Roswell Streetscapes project.

Standards for the CRC district require accessory structures to be located “*to the side or rear of the principal use at least 10 feet from side or rear lot lines*”. A new canopy structure has been constructed in the front of the principal structure on the subject property. Although both the principal structure and new canopy sit quite a distance off of the Roswell Street corridor, staff is concerned that approval would set a precedent for similar businesses throughout the city. The requested variance to allow the structure in a front yard would set a similarly detrimental precedent for auto-centric uses.



The property has sufficient area to relocate the tent to the side yard while still maintaining the required 25' setback against residential property. Moving the tent structure to the side yard would not affect adjacent properties.

The Board of Zoning appeals denied similar requests by car washes to allow an accessory canopy structure in the front yard of the properties at 1585 Roswell Road (V2008-22) and 101 South Marietta Parkway (V2008-18) in 2008. Both properties either removed their canopies or relocated them to the side or rear yard.

The Fire Department has no objection to the zoning variance requested by U-Haul. However, regardless of the location of the canopy, they will require the membrane structure to comply with IFC chapter 3104, which includes: a flame spread certification, periodic flame spread retardant application, separation distances from LP refueling equipment and combustible waste accumulation.

Staff is concerned that approval would encourage other auto-centric uses to establish similar accessory structures therefore, **Staff recommends denial of this variance request.**



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

APPLICATION FOR VARIANCE OR APPEAL
(Owner/Applicant/or Representative must be present at all public hearings)

For Office Use Only:

Application #: V2016-37 Legistar #: 20160632 BZA Hearing Dt: 7-25-16
City Council Hearing Dt (if applicable) #: PZ #: 16-356

This is a variance/appeal application for:



Board of Zoning Appeals



City Council

Owner's Name U-Haul

Address 543 Cobles Parkway's Marietta Zip Code: 30060

Telephone Number: 770-792-3030 Email Address: John_hairston@uhaul.com

COMPLETE ONLY IF APPLICANT IS NOT OWNER:

Applicant

Address Zip Code:

Telephone Number Email Address:

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

706 Roswell Street Marietta Date of Acquisition:

Land Lot (s) 12350 District 16 Parcel 0900 Acreage 1.15 Zoned CRC Ward 1A FLUCAC

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

Use of Canopy

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. Optional Additional Plat size: (24"x 36"). If providing (24"x 36") then 25 copies REQUIRED.
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



U-HAUL COMPANY OF NORTHERN GEORGIA

543-A COBB PARKWAY SOUTH • MARIETTA, GEORGIA 30060 • PHONE (770) 792-3030 • FAX (770) 792-3044

We have been serving our community at this location since 1978. We are doing our very best to provide a better service. Allowing flexible design standards allows this property to continue to work for us in this commercial area that is always changing and growing.

Our canopy is in front of our principal building but it is setback more than 50 feet from the major thoroughfare—Roswell Street. This canopy is not creating a separate or new land use by being present. It simply is a tool that we use to enhance service for our employees and customers. It is a temporary structure which does not require development or utilities.

Our core value is to provide the best customer service. We want to use our property in a way that we can create convenience, comfort, and most importantly safety. Our canopy provides shade similar to a large shade tree, outdoor umbrella, or covered parking.

More specifically, we do not want to require that our customers walk across the entire lot to drop off or pick up a vehicle. This “shade loading space” makes their experience simple and convenient. Providing shade creates comfort that is much appreciated from our customers and employees. The existing canopy provides safety from the sun but also from other vehicular activities taking place on the site. The canopy is visible; and visibility allows other drivers to proceed with caution because they expect pedestrians to be present in this area.

We do not have reasonable use of our property because we are not free to conduct business in an affective manner. It appears that aesthetics is taking precedence over efficiency and safety. Bus stops, car washes, restaurants/coffee shops, and other land uses are free to provide shade. This is a temporary structure that is important to us and we are requesting relief so that we may conduct our business in a way that serves our community.



ARTHUR RUBLOFF & CO. OF GEORGIA

REAL ESTATE

January 5, 1979

U-HAUL R. E.

JAN 10 1979

Mr. Cal G. Thompson
Real Estate Representative
U-Haul International
2721 North Central Avenue
Suite 1100
Phoenix, Arizona 85004

RE: 706 Roswell Street
Marietta, Georgia

Dear Cal:

The City of Marietta zoning ordinance states, in essence, that any buildings constructed prior to the issuance of the zoning ordinance are unaffected by the stipulations of the zoning ordinance. This typical "grandfather clause" applies to the property you purchased on December 31, 1978.

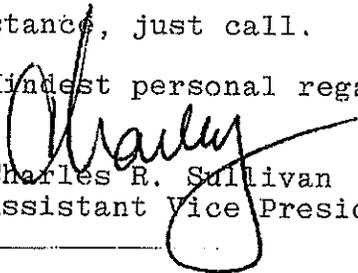
If, in the future, less than 50% of the building is destroyed by fire or the elements, you can reconstruct it to its original condition without any administrative procedures other than the normal building permit. If the original structure is more than 50% destroyed, a variance -- subject to the City of Marietta Planning Board approval -- is required.

According to City of Marietta records, your building was constructed by "All Steel Buildings, Inc." 175 W. Wieuca Road, Atlanta, Georgia. The Building Permit, #2030, was issued by the City on April 18, 1973 to the owner at that time, i.e., "Don Hyatt Pontiac Cadillac".

In the remote event that you ever need to refer to the original building permit, the above information will expedite your locating the file at the City of Marietta.

If you ever need my assistance, just call.

Kindest personal regards,


Charles R. Sullivan
Assistant Vice President

cc: J.T. Wilkinson

TO: Marietta Daily Journal
FROM: City of Marietta
RUN DATE: July 8, 2016

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, July 25, 2016 at 6:00 P.M.**, City Hall. Anyone wishing to attend may do so and be heard relative thereto.

V2016-37 [VARIANCE] U-HAUL is requesting a variance for property located in Land Lot 1235, District 16, Parcel 0900, 2nd Section, Marietta, Cobb County, Georgia and being known as 706 Roswell Street. Variance to allow an accessory structure in the front yard. 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.

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



Subject	Name	Size	Last Modified
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