

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



Along Roswell St, looking north at 759 Roswell. To the east of the property is the public right-a-way.



Facing the rear of the subject property. Public right-of-way is to the east of the property.



Along Roswell St, looking north at 759 Roswell. To the east of the property is the public right-a-way.



Recommended Action:

Approval. The applicant, Hansell L. Smith, is requesting two variances that would allow future construction on the subject property under the current Community Retail Commercial (CRC) zoning. Located at 759 Roswell Street, a small white house is located on property, with a shed in the rear; and is zoned Community Retail Commercial (CRC). To the east of the property is a public right-of-way that is currently not in use and owned by the City.

The applicant has been working with the City’s Public Works Department as they prepare to make improvements to Roswell Street. The existing structures on the property will soon be demolished, and the applicant would like to secure the ability to rebuild under the current CRC zoning regulations. The proposed variances would, if approved, allow the property owner the ability to rebuild on the property even though it does not meet current zoning requirements regarding the minimum lot size and the minimum lot width. The property is currently considered nonconforming or “grandfathered”, however that status could be lost if structures are demolished and variances not granted (see table below).

	Current CRC Zoning Regulations	Grandfather
Minimum Lot Size	20,000 sf.	11,511.84 sf.
Minimum Lot Width	100 ft.	50 ft.

The property is within the Commercial Corridor Design Overlay District, which establishes some regulations that are different than the standards under the CRC zoning category. *Section 712.09, the Commercial Corridor Design Overlay District, Tier A*, establishes the following setbacks for constructing a commercial building:

- 0 ft - 16 ft. maximum front setback
- 0 ft. rear setback (parking may be located within the rear setback)
- 6 ft. minimum side setback
- 8 ft. minimum landscaping strip

The property owner is not aware of the specific time that they may construct a building on the property; therefore possibly generating no activity for a number of years. According to Zoning Code, a variance is good for 1 year after being granted by the Board of Zoning Appeals. However, since these variances are for conditions existing on the property, the one year condition will not apply to this case. When the property owner is ready to build, he/she would need to provide the necessary plans for site development and building construction that will indicate compliance with all zoning and building regulations, including those of Commercial Corridor Design Overlay District.



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

The City of Marietta's Department of Public Works is in the process of constructing a streetscape project along Roswell Street, which will include a 6 ft. wide bricked sidewalk, pedestrian lighting, and street trees. In order to allow completion of this project, the Public Works Department has requested a stipulation to assure that approval of the variance would be contingent on an agreement granting easements and right-of-way, as may be necessary, and delineated on most current plans and legal agreements. At this time, no agreements have been signed that would grant the City such easements / right-of-way. (Additional comments from the Public Works Department are attached.)

Granting the application 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. As such, Staff recommends approval of this variance with the stipulation that the applicant shall grant easements and right-of-way, as may be necessary, and delineated on most current plans and legal agreements.