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**STAFF REVIEW AND RECOMMENDATION**

**Variance Case #:** V2016-30      **Legistar #:** 20160495  
**Board of Zoning Appeals Hearing:** Monday, August 29<sup>th</sup>, 2016 – 6:00 p.m.  
**Property Owner:** BJB, Jr., LLC  
c/o Adam Rozen, Esq.  
Sams, Larkin, Huff & Balli, LLP  
376 Powder Springs Street, Suite 100  
Marietta, GA 30064  
**Applicant:** Same as above  
**Address:** 541 & 561 Powder Springs St  
**Land Lot:** 218    **District:** 17    **Parcel:** 0450  
**Council Ward:** 1A      **Existing Zoning:** NRC (Neighborhood Retail Commercial)

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

1. Variance to reduce the buffer from 30' to 10.' [§708.15 (I)]
2. Variance to disturb and replant the buffer except in areas of adequate existing vegetation. [§710.05]

**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**



**Property prior to clearing (February 2015)**



**Property after clearing (March 2016)**



**561 Powder Springs Street**



**Illegal parking on 561 Powder Springs Street**



**Remaining buffer against residences on Lovejoy Street**

**Recommended Action:**

**Approval with stipulation.** BJJ, Jr., LLC is requesting variances from the landscape buffer regulations for the properties located at 541 and 561 Powder Springs Street. Both properties are zoned NRC (Neighborhood Retail Commercial); 541 Powder Springs Street is vacant and the building on 561 Powder Springs Street functions as New Bethesda Community Baptist Church. Single family homes on Lovejoy Street are to the north and east and are zoned R-4 (Single Family Residential – 4 units / acre) and R-3 (Single Family Residential – 3 units / acre). Aqua Rama Pools & Spas, also zoned NRC, is located immediately to the south.

The City’s Tree Protection and Landscaping Ordinance requires prior approval by Development Services staff prior to removing any dead, dying, diseased, infested or otherwise hazardous tree(s). This is to allow staff to verify that the claim is valid and to determine what replacement options are available.

In February 2016, the city received a complaint from a resident on Lovejoy Street that the buffer on 561 Powder Springs Street was being cleared; and the property owner was notified by City Code Enforcement staff of the violation (CE16-618). In this instance, since many of the trees removed were in the required 30’ buffer between NRC and residential districts, the trees would have to be replaced at the minimum standard for that requirement. Staff determined that, in order to be in compliance, the applicant must replant the 30’ buffer with three staggered rows of evergreen trees (minimum height of 6 ft.) plus the required fence.

Also, the applicant should be made aware that parking on an unpaved surface is not allowed. The unpaved portions of the site may not be used for vehicular parking of any kind.

This application was originally scheduled to be heard by the Board of Zoning Appeals on Monday, June 27, 2016 but has been continuously tabled at the applicant's request. During this time, the applicant has crafted an alternative buffer plan that increases the replanted buffer and takes into consideration the existing, remaining foliage. The revised site plan now shows a 20' buffer (instead of 10') with two rows of evergreens along most of the property line shared with the homes on Lovejoy Street. The area in the southern buffer area that already contains vegetation will be supplemented as recommended by the City's Arborist.

Other conditions proposed by the applicant include changing the height of the privacy fence that will be constructed in the areas where there is no current privacy fence from 6' to 8' tall. The stipulation letter provided by the applicant also contains language that would allow staff to impose the full 30' buffer if and when the site is redeveloped for another use.

With this change, *staff recommends approval* of this variance request with the following stipulation:

- Letter of Stipulations and Site Plan dated August 8, 2016 to Russell J. Roth, AICP from Adam J. Rozen.



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 #: V2016-30 Legistar #: 20160495 BZA Hearing Dt: 6-27-16
City Council Hearing Dt (if applicable) #: PZ #: 16-269

This is a variance/appeal application for:

[X] Board of Zoning Appeals

[ ] City Council

Owner's Name BJJ, Jr., LLC
Address 900 Circle 75 Pkwy, SE, Ste. 800, Atlanta, Georgia Zip Code: 30339
Telephone Number: 770-422-7016 Email Address: arozen@slhb-law.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:

541 Powder Springs Rd & 561 Powder Springs Rd. Date of Acquisition: March 15, 2014
Land Lot (s) 218 District 17 Parcel 430 & 45 Acreage 1.88 Zoned NRC Ward 1A FLU Mixed

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

Sec. 708.15H - Reduce the 30' setback to 10'; Sec. 708.15I - reduce the 30' buffer adjoining residential to 10'; and Sec. 710.05f \*\*\*\*\*

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

# SAMS, LARKIN, HUFF & BALLI

A LIMITED LIABILITY PARTNERSHIP

GARVIS L. SAMS, JR.

JOEL L. LARKIN

PARKS F. HUFF

JAMES A. BALLI

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ADAM J. ROZEN

SUITE 100

376 POWDER SPRINGS STREET

MARIETTA, GEORGIA 30064-3448

770•422•7016

TELEPHONE

770•426•6583

FACSIMILE

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WWW.SLHB-LAW.COM

May 16, 2016

**VIA HAND DELIVERY:**

Mr. Russell J. Roth, AICP  
Planning & Zoning Manager  
City of Marietta  
Department of Development Services  
205 Lawrence Street  
Marietta, GA 30060

Re: Variance Application of BJF, JR., LLC regarding a 1.88 Acre Tract located in  
Land Lot 218, 17<sup>th</sup> District, City of Marietta, Cobb County, Georgia

Dear Rusty:

This firm has been engaged by and represents BJF, Jr., LLC concerning the above-captioned Variance Application. The Application is scheduled to be heard and considered by the City of Marietta Board of Zoning Appeals on June 27, 2016.

The property at issue consists of a 1.88 acre tract of land located on the southeasterly side of Powder Springs St, south of its intersection with Gramling St. The subject property is zoned NRC and for its recent history has been occupied solely by the New Bethesda Community Baptist Church to the front of the property. The remaining portion of the tract has remained generally a grass field and cleared being utilized for activity solely limited to parking and other uses customary with its zoning and occupation.

The Applicant's recent landscaping of the property was prompted in an effort to improve the landscaping and utility of the property. At the time, trees located to the rear of the lot and along the adjoining property line were dead, diseased or dying and were otherwise creating a dangerous situation for the property and its neighboring residential properties. These trees were also preventing proper growth of the existing and planted landscaping along the property line. Imposition of the landscaping and buffer requirements creates a hardship for the Applicant especially in light of the commercial nature of this corridor of Powder Springs St, the limited activity conducted on the property and the currently existing fencing and planted buffer. The requested variances are necessary in order to properly utilize the property, while also prioritizing the protection of its neighboring residential users.

# SAMS, LARKIN, HUFF & BALLI

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## VIA HAND DELIVERY:

Mr. Russell J. Roth, AICP  
Planning & Zoning Manager  
City of Marietta  
Department of Development Services  
May 16, 2016  
Page 2

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For all the reasons stated herein above and with all of the information and documentation which is before you, we respectfully request that the Variance Application be approved. Of course, during the pendency of the Application, I will remain available to address any possible concerns brought forward. In fact, an effort has already begun to establish and maintain an open line of communication with the neighboring property owners. At the appropriate time, I will address any necessary stipulations and conditions in the form of a stipulation letter, or otherwise, which shall become a part of the grant of the requested variances and binding upon the subject property thereafter. In the interim, please do not hesitate to contact me should you have any questions whatsoever regarding these matters.

Sincerely,

SAMS, LARKIN, HUFF & BALLI, LLP



Adam J. Rozen  
[arozen@slhb-law.com](mailto:arozen@slhb-law.com)

Enclosure

cc: Mr. Bennett J. Frye, Jr., BJF, JR., LLC (via email w/attachments)  
Mrs. Karen Shearer Frye, CFO & Secretary, Aqua Rama Pools & Spas (via email w/ attachments)

# SAMS, LARKIN, HUFF & BALLI

A LIMITED LIABILITY PARTNERSHIP

GARVIS L. SAMS, JR.  
JOEL L. LARKIN  
PARKS F. HUFF  
JAMES A. BALLI

SUITE 100  
376 POWDER SPRINGS STREET  
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FACSIMILE

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ADAM J. ROZEN

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WWW.SLHB-LAW.COM

August 8, 2016

**VIA EMAIL DELIVERY:**

Mr. Russell J. Roth, AICP  
Planning & Zoning Manager  
City of Marietta  
Department of Development Services  
205 Lawrence Street  
Marietta, GA 30060

Re: Variance Application of BJF, JR., LLC regarding a 1.88 Acre Tract located in Land Lot 218, 17<sup>th</sup> District, City of Marietta, Cobb County, Georgia (“Application”)

Dear Rusty:

As you know, this firm has been engaged by and represents BJF, JR., LLC (“Applicant”) concerning the above-captioned Variance Application. The Application is scheduled to be heard and considered by the City of Marietta Board of Zoning Appeals (“BZA”) on August 29, 2016.

The property at issue consists of a 1.88 acre tract of land located on the southeasterly side of Powder Springs St, south of its intersection with Gramling St. The subject property is zoned NRC and for its recent history has been occupied solely by the New Bethesda Community Baptist Church fronting on and oriented towards Powder Springs St. New Bethesda Baptist Church currently and historically maintains a membership of approximately a maximum of twenty-five (25) members. The remaining portion of the tract has remained, for its recent history, partially paved and graveled being utilized for activity solely limited to passenger vehicle parking and other uses customary with its occupation. The Applicant proposes to continue to utilize the subject property in this manner for the foreseeable future.

As you are aware, the subject property is also the subject of a notice of violation of code enforcement regarding the removal of trees; some of which were along the adjoining property line and within the buffer area while others were outside of the buffer and within the buildable area of the tract. Prior to the implementation of the current Ordinance, the subject property has been utilized for numerous commercial uses with varying degrees of structures, parking and landscaping. (See attached historical aerial photography). Because of this history, a standard planted buffer was never in place but the subject property and adjoining residents enjoyed the

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Planning & Zoning Manager  
City of Marietta  
Department of Development Services  
August 8, 2016  
Page 2

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benefit of mature hardwoods along the property line and within the buildable area of the property. Due to the disturbance of the buffer and partially due to the uncertainty of the number of trees removed and their exact location, the Applicant is now required and proposes to create a planted buffer of varying depth to include plantings of large evergreen trees, understory vegetation where appropriate and installation of an eight foot (8 ft) solid privacy fence. The Applicant proposes to review its landscaping plan with the City Arborist and/or Zoning to ensure that it can plant and fill in the buffer as much as is feasible in the areas with existing vegetation and canopy cover.

During the pendency of this Application, we have established a dialogue with the City's professional staff and adjoining and nearby residential property owners. From these discussions, the Applicant understands that the ultimate concern and request is that adequate buffering is put in place to protect from the noise and view of Powder Springs Street. Concerns have also been expressed regarding the future use of the subject property and whether future development would render the proposed buffer inadequate.

The Applicant understands that the neighboring landowners were originally not in favor of the proposal as initially submitted, believing that it would not create the necessary buffer. As a result, the enclosed "Revised Site Plan" increases the buffer from ten feet (10 ft) to twenty feet (20 ft) in the areas most impacted by the tree removal, adds a second row of evergreen planting and increases the height of the privacy fence from six feet (6 ft) to the City's maximum allowable eight feet (8 ft). Additionally, although development of the subject property is not proposed in the foreseeable future, the Applicant proposes to allow the buffer to be reconsidered by the appropriate body in the event that the subject property is redeveloped in the future. This will mandate consideration of necessary additional protections in the event a redevelopment plan is created and/or is brought forward for City approval.

As the Ordinance provides, in making an application for a Variance, it is incumbent upon the Applicant to establish that there is a hardship due and owing to a literal interpretation or enforcement of Ordinance provisions. In this particular instance, the installation of a thirty foot (30) foot planted buffer eliminates square footage of the subject property which in recent history (previously occupied by commercial structures) has been utilized for parking and creates an unnecessary economic hardship. As a result, the inability to utilize the Subject Property in a manner consistent with its historical operations while achieving a buffer of increased effectiveness is an exceptional circumstance otherwise causing unreasonable property loss at a

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Planning & Zoning Manager  
City of Marietta  
Department of Development Services  
August 8, 2016  
Page 3

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time when the subject property remains mostly undeveloped generating minimal income to offset costs. This potential loss is due and owing to the size of the subject property which is utilized in a manner of minimal intensity and impact as compared to other sites in the same NRC zoning district thus constituting a true hardship.

Additionally, although an Applicant is not responsible for establishing this as criteria for the granting of Variance Application, it is important that the Variance requested not set an adverse precedence and not impair the purpose, spirit and intent of the City's Zoning Ordinance. The proposed buffer is consistent with the intensity of operations on and within the subject property and will provide sufficient protection for the adjoining residential property owners. As the Applicant proposes upon redevelopment, in the event that similar requests are made within this sub-area of the City, the intensity of the proposed and existing use can be analyzed to ensure appropriate protections are in place. In this case, the spirit and intent of the Ordinance are met and in any other cases where the concern for negative precedence may exist, the City will have the opportunity to engage in a similar analysis and protective enforcement.

With respect to the foregoing and after consultation with the Applicant, the balance of this letter will serve as its expression of agreement with the following stipulations which shall become conditions and a part of the grant of the Variance Application and binding upon the subject property thereafter. The referenced stipulations are as follows, to wit:

1. The stipulations and conditions set forth herein shall replace and supersede in full any and all prior stipulations and conditions in whatsoever form which are currently in place concerning the property which constitutes the subject matter of the above-captioned Variance Application.
2. The approval of the Variance Application concerning the subject property shall be in substantial conformity to that certain "Revised Site Plan", dated August 7, 2016 submitted contemporaneously herewith.
3. The total site area consists of approximately 1.88 acres and is proposed to remain as-is being utilized for public institutional uses and parking.

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Planning & Zoning Manager  
City of Marietta  
Department of Development Services  
August 8, 2016  
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4. All future redevelopment or otherwise increased intensity of operations on the subject property shall subject the Applicant to redevelopment standards including consideration for the ordinance requirement of a thirty foot (30 ft) planted buffer.
  - a. The Applicant's intent is to ensure that upon redevelopment of the subject property, the City will have the right to consider enforcement of its ordinance to the fullest extent regardless of the granting of the Variance Application and the Applicant hereby consents to the same.
5. The architectural style and composition of the buildings will remain in substantial conformity to the currently existing structure which are already appropriately outfitted for the intended operations aside from minor interior alterations tailored to the specific occupant.
6. An eight foot (8 ft) wooden privacy fence shall be installed along the rear property line, with the finished side facing the exterior of the property.
7. A twenty foot (20 ft) buffer shall be planted with two (2) staggered rows of large evergreen trees along the property line adjoining 570 and 571 Lovejoy Street with existing landscaping to remain and be planted with either evergreen trees and/or understory vegetation depending upon recommendation and review from the City Arborist in regard to viable growth. A ten foot (10 ft) buffer shall be planted with one (1) row of large evergreen trees along the adjoining property line with 538 Lovejoy Street with existing and mature landscaping to remain and with additional plantings subject to City Arborist review and recommendation. All trees must be a minimum height of six feet (6 ft) when planted, and spacing shall be no less than ten feet (10 ft) on center. (See the attached Proposed Site Plan for further depiction).
8. Compliance with recommendations from the City of Marietta Public Works Director and the City Engineer with respect to hydrology, detention and water quality. Of course, the percentage of impervious surface will not increase with the current building and parking areas to remain as-built.

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## VIA EMAIL DELIVERY:

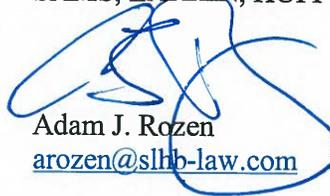
Mr. Russell J. Roth, AICP  
Planning & Zoning Manager  
City of Marietta  
Department of Development Services  
August 8, 2016  
Page 5

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Please do not hesitate to contact me should you or the staff require any additional information or documentation prior to this Application being heard by the Board of Zoning Appeals on August 29, 2016. With kind regards, I am

Sincerely,

SAMS, LARKIN, HUFF & BALLI, LLP



Adam J. Rozen  
[arozen@slhb-law.com](mailto:arozen@slhb-law.com)

AJR/klk

Enclosures

cc: Councilman Johnny Walker (via email w/ attachments)  
City of Marietta Board of Zoning Appeals Members (via email w/ attachments)  
Mr. Brian Binzer, Development Services Director (via email w/ attachments)  
Mrs. Shelby Winkles, Zoning Administrator (via email w/ attachments)  
Mr. James K. White, Jr. (via regular mail w/ attachments)  
Ms. Mary Anna Vickers (via regular mail w/ attachments)  
Mr. David Vickers (via email w/ attachments)  
Mrs. Karen Shearer Frye, CFO & Secretary, Aqua Rama Pools & Spas (via email w/ attachments)  
Mr. Bennett J. Frye, Jr., BJB, JR., LLC (via email w/ attachments)

**NOTES:**

THE FIELD DATA UPON WHICH THIS PLAT IS BASED WAS OBTAINED USING A GPT-3005W TOTAL STATION, AND HAS A LINEAR PRECISION RATIO OF ONE FOOT IN 58,889 FEET AND AN ANGULAR ERROR OF 05 SECONDS PER ANGLE AND WAS NOT ADJUSTED.

THIS PLAT HAS BEEN CHECKED FOR MATHEMATICAL ACCURACY AND CLOSES WITHIN ONE FOOT IN XXX,XXX FEET.

TOTAL AREAS: #561= 52,678 SQUARE FEET OR 1.21 ACRES  
 #541= 12,067 SQUARE FEET OR 0.28 ACRES  
 #531= 17,325 SQUARE FEET OR 0.40 ACRES  
 COMBINED AREA = 82,070 SQUARE FEET OR 1.88 ACRES

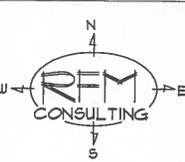
PROPERTY MAY OR MAY NOT BE SUBJECT TO PROTECTIVE OR RESTRICTIVE COVENANTS AS PER FINAL PLAT AND OR CITY/COUNTY ORDINANCES INCLUDING ALL EASEMENTS AND RIGHTS OF WAY.

THE LOCATION OF UNDERGROUND UTILITIES WERE NOT LOCATED FOR THIS SURVEY. UTILITIES SHOWN ARE BASED UPON VISIBLE AND PHYSICAL EVIDENCE. THERE MAY BE UTILITIES ON OR CROSSING THIS PROPERTY THAT ARE NOT SHOWN. CALL THE UTILITIES PROTECTION CENTER ( # 811 ) BEFORE ANY EXCAVATIONS ARE BEGUN TO ENSURE AND VERIFY THE CORRECT LOCATION AND DEPTH OF ALL UTILITIES.

**REFERENCES:**

PLAT BOOK 211, PAGE 57  
 PLAT BOOK 3, PAGE 138  
 DEED BOOK 14903, PAGE 5923  
 DEED BOOK 14347, PAGE 5003  
 DEED BOOK 13347, PAGE 2812  
 DEED BOOK 13347, PAGE 2809  
 DEED BOOK 4978, PAGE 207

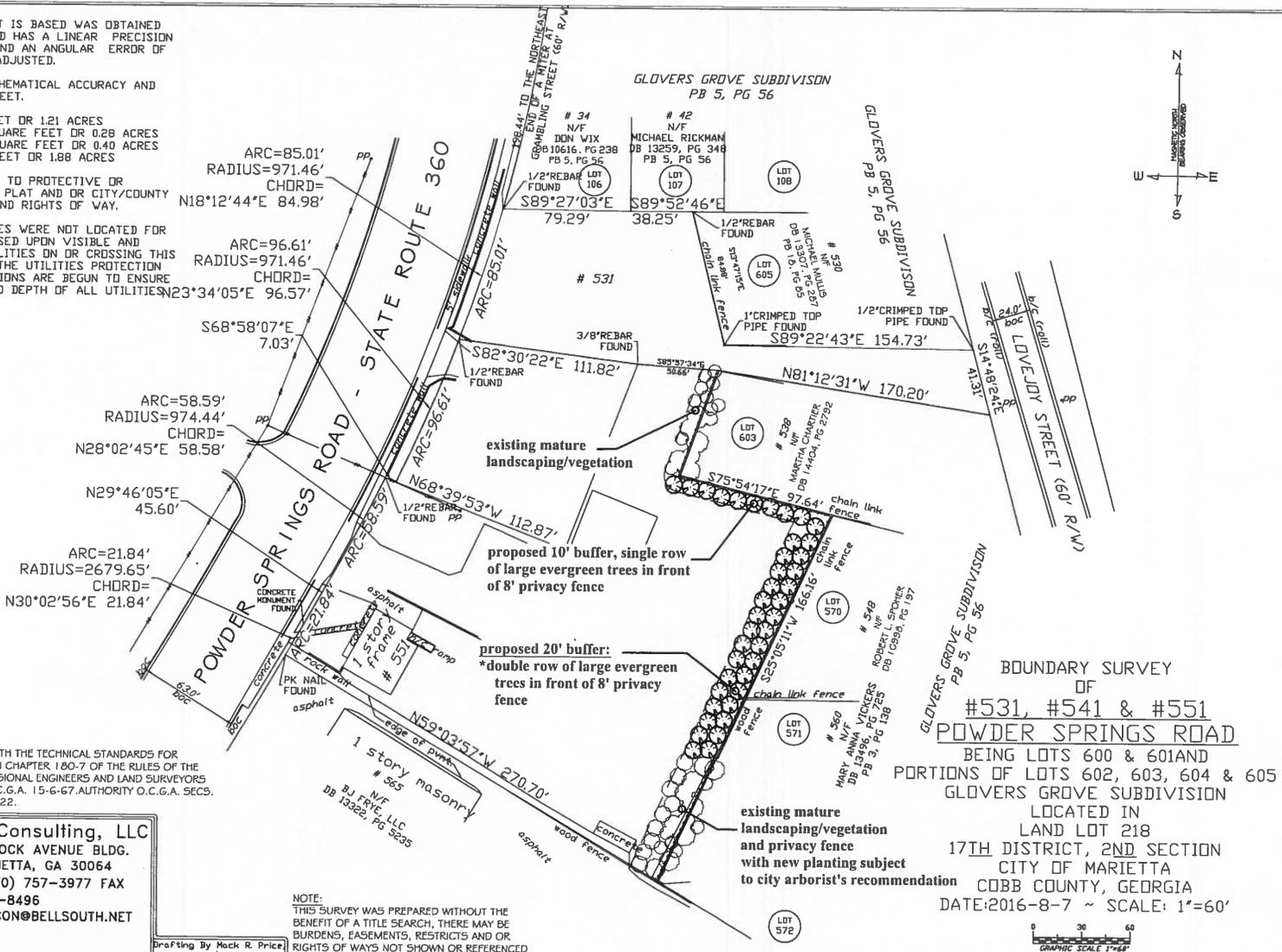
THIS SURVEY WAS PREPARED IN CONFORMITY WITH THE TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN CHAPTER 180-7 OF THE RULES OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN THE GEORGIA PLAT ACT O.C.G.A. 15-6-67, AUTHORITY O.C.G.A. SECS. 15-6-67, 43-15-4, 43-15-6, 43-15-19, 43-15-22.



**R.F.M. Consulting, LLC**  
 707 WHITLOCK AVENUE BLDG.  
 A-37 MARIETTA, GA 30064  
 PHONE (770) 757-3977 FAX  
 (770) 499-8496  
 EMAIL: RFMCON@BELLSOUTH.NET

Drafting By Mack R. Price  
 Cell 678-313-9270

**NOTE:**  
 THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE SEARCH. THERE MAY BE BURDENS, EASEMENTS, RESTRICTS AND OR RIGHTS OF WAYS NOT SHOWN OR REFERENCED THAT A CURRENT TITLE REPORT WOULD REVEAL.



BOUNDARY SURVEY  
 OF  
**#531, #541 & #551**  
**POWDER SPRINGS ROAD**  
 BEING LOTS 600 & 601 AND  
 PORTIONS OF LOTS 602, 603, 604 & 605  
 GLOVER'S GROVE SUBDIVISION  
 LOCATED IN  
 LAND LOT 218  
 17TH DISTRICT, 2ND SECTION  
 CITY OF MARIETTA  
 COBB COUNTY, GEORGIA  
 DATE: 2016-8-7 ~ SCALE: 1"=60'





# Cobb County Georgia Online Mapping



100.0 0 50.00 100.0 Feet

WGS\_1984\_Web\_Mercator\_Auxiliary\_Sphere  
© Cobb County Georgia

This map is a user generated static output from an internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

1:600



Map Notes: 2009 Imagery



# Cobb County Georgia Online Mapping



100.0 0 50.00 100.0 Feet

WGS\_1984\_Web\_Mercator\_Auxiliary\_Sphere  
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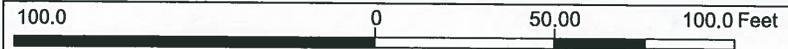
1:600



Map Notes: 2003 Imagery



# Cobb County Georgia Online Mapping



WGS\_1984\_Web\_Mercator\_Auxiliary\_Sphere  
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**THIS MAP IS NOT TO BE USED FOR NAVIGATION**

1: 600



Map Notes: 2000 Imagery

**TO: Marietta Daily Journal**  
**FROM: City of Marietta**  
**RUN DATE: August 12, 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, August 29, 2016 at 6:00 P.M.**, City Hall. Anyone wishing to attend may do so and be heard relative thereto.

**V2016-30 [VARIANCE] BJF, JR., LLC** is requesting variances for property located in Land Lot 218, District 17, Parcel 0450, 2<sup>nd</sup> Section, Marietta, Cobb County, Georgia and being known as 541 & 561 Powder Springs Street. Variance to reduce the buffer from 30' to 10;' variance to disturb and replant the buffer except in areas of adequate existing vegetation. Ward 1A.

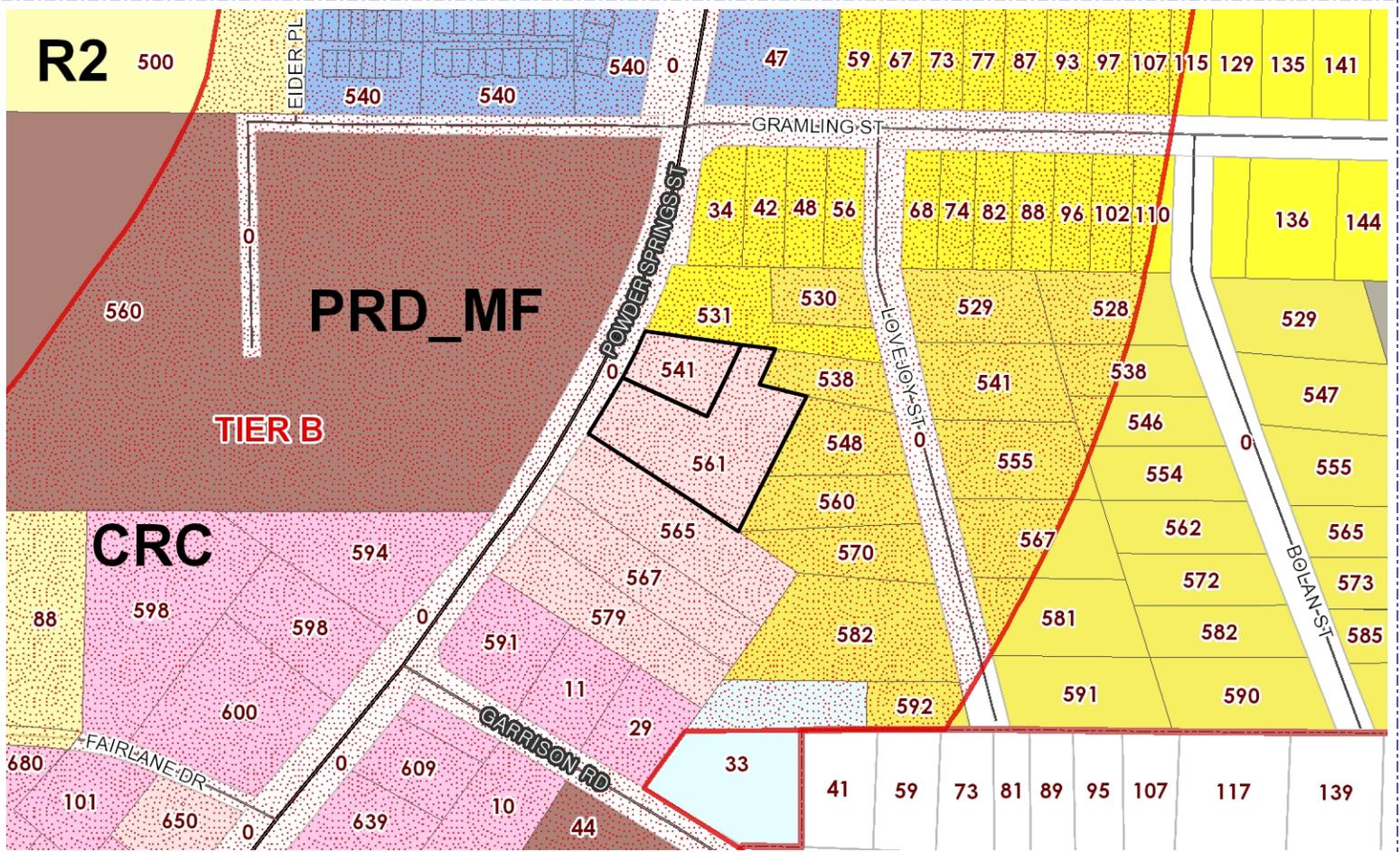
A description and plat of the property sought for the variances are on file in the Planning and Zoning Office, City Hall, and are available for inspection between 8:00 A.M. and 5:00 P.M., Monday through Friday. Anyone wishing to attend may do so and be heard relative thereto.

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

# Variance



Address	Parcel Number	Acreage	Ward	Zoning	FLU
541 POWDER SPRINGS ST	17021800430	0.34	1A	NRC	MXD
561 POWDER SPRINGS ST B	17021800450	1.071	1A	NRC	MXD

Property Owner:	BJF, Jr., LLC
Applicant:	
BZA Hearing Date:	08/29/2016
Acquisition Date:	
Case Number:	V2016-30

**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

City of Marietta Planning & Zoning

**NOTES:**

THE FIELD DATA UPON WHICH THIS PLAT IS BASED WAS OBTAINED USING A GPT-3005W TOTAL STATION. AND HAS A LINEAR PRECISION RATIO OF ONE FOOT IN 58,889 FEET AND AN ANGULAR ERROR OF 05 SECONDS PER ANGLE AND WAS NOT ADJUSTED.

THIS PLAT HAS BEEN CHECKED FOR MATHEMATICAL ACCURACY AND CLOSES WITHIN ONE FOOT IN XXX,XXX FEET.

TOTAL AREAS: #561 = 52,678 SQUARE FEET OR 1.21 ACRES  
 #541 = 12,067 SQUARE FEET OR 0.28 ACRES  
 #531 = 17,325 SQUARE FEET OR 0.40 ACRES  
 COMBINED AREA = 82,070 SQUARE FEET OR 1.88 ACRES

PROPERTY MAY OR MAY NOT BE SUBJECT TO PROTECTIVE OR RESTRICTIVE COVENANTS AS PER FINAL PLAT AND OR CITY/COUNTY ORDINANCES INCLUDING ALL EASEMENTS AND RIGHTS OF WAY.

THE LOCATION OF UNDERGROUND UTILITIES WERE NOT LOCATED FOR THIS SURVEY. UTILITIES SHOWN ARE BASED UPON VISIBLE AND PHYSICAL EVIDENCE. THERE MAY BE UTILITIES ON OR CROSSING THIS PROPERTY THAT ARE NOT SHOWN. CALL THE UTILITIES PROTECTION CENTER (# 811) BEFORE ANY EXCAVATIONS ARE BEGUN TO ENSURE AND VERIFY THE CORRECT LOCATION AND DEPTH OF ALL UTILITIES.

**REFERENCES:**

- PLAT BOOK 211, PAGE 57
- PLAT BOOK 3, PAGE 138
- DEED BOOK 14903, PAGE 5923
- DEED BOOK 14347, PAGE 5003
- DEED BOOK 13347, PAGE 2812
- DEED BOOK 13347, PAGE 2809
- DEED BOOK 4978, PAGE 207

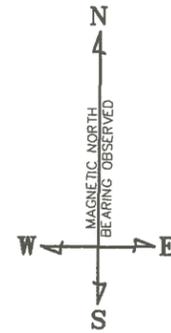
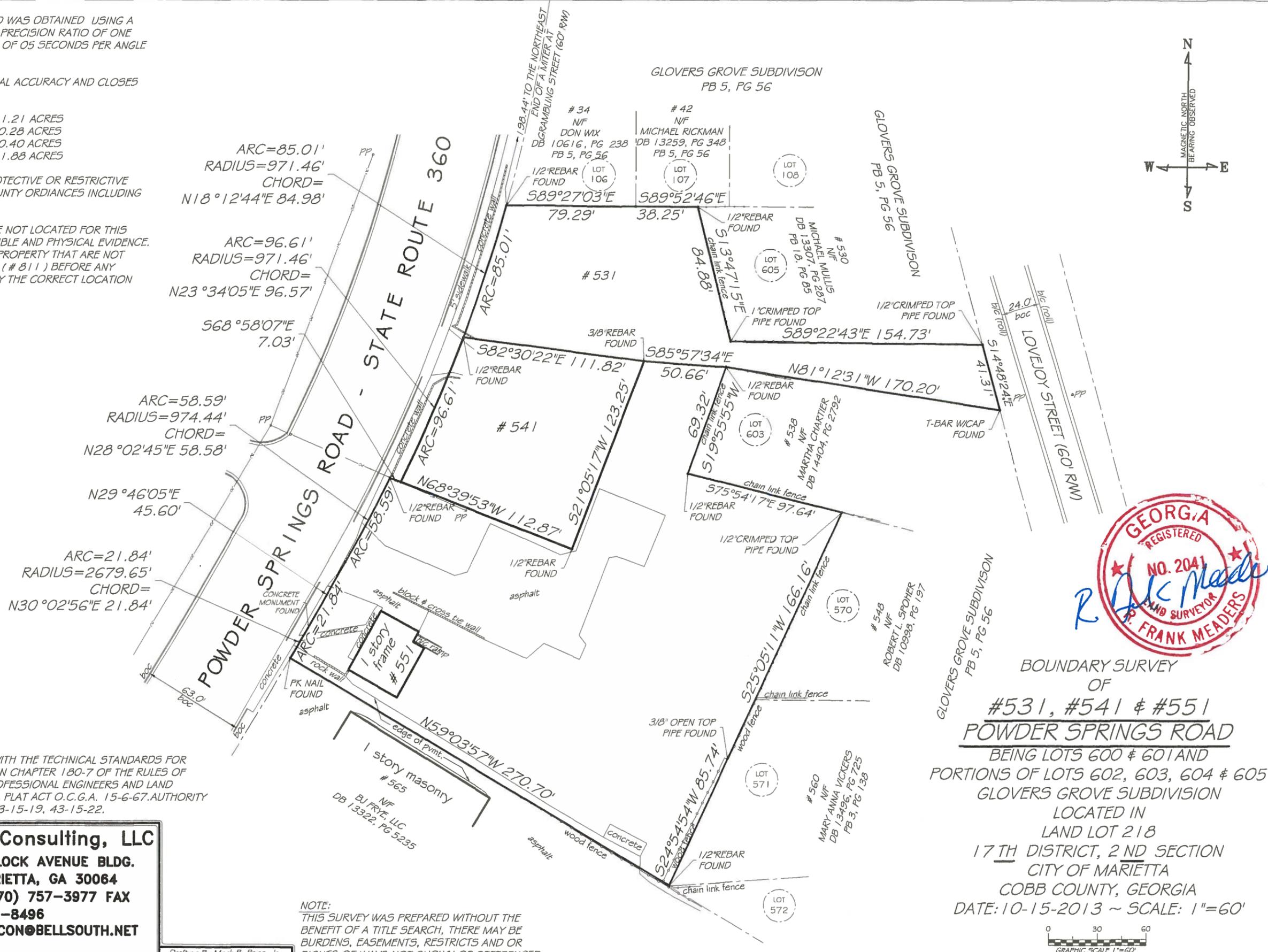
THIS SURVEY WAS PREPARED IN CONFORMITY WITH THE TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN CHAPTER 180-7 OF THE RULES OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN THE GEORGIA PLAT ACT O.C.G.A. 15-6-67. AUTHORITY O.C.G.A. SECS. 15-6-67, 43-15-4, 43-15-6, 43-15-19, 43-15-22.



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 FILE: powder springs road 2.dwg

**NOTE:**  
 THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE SEARCH, THERE MAY BE BURDENS, EASEMENTS, RESTRICTS AND OR RIGHTS OF WAYS NOT SHOWN OR REFERENCED THAT A CURRENT TITLE REPORT WOULD REVEAL.



BOUNDARY SURVEY  
 OF  
**#531, #541 & #551**  
**POWDER SPRINGS ROAD**  
 BEING LOTS 600 & 601 AND  
 PORTIONS OF LOTS 602, 603, 604 & 605  
 GLOVERS GROVE SUBDIVISION  
 LOCATED IN  
 LAND LOT 218  
 17<sup>TH</sup> DISTRICT, 2<sup>ND</sup> SECTION  
 CITY OF MARIETTA  
 COBB COUNTY, GEORGIA  
 DATE: 10-15-2013 ~ SCALE: 1"=60'



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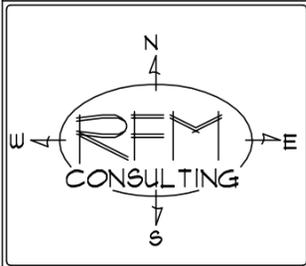
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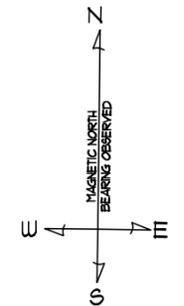
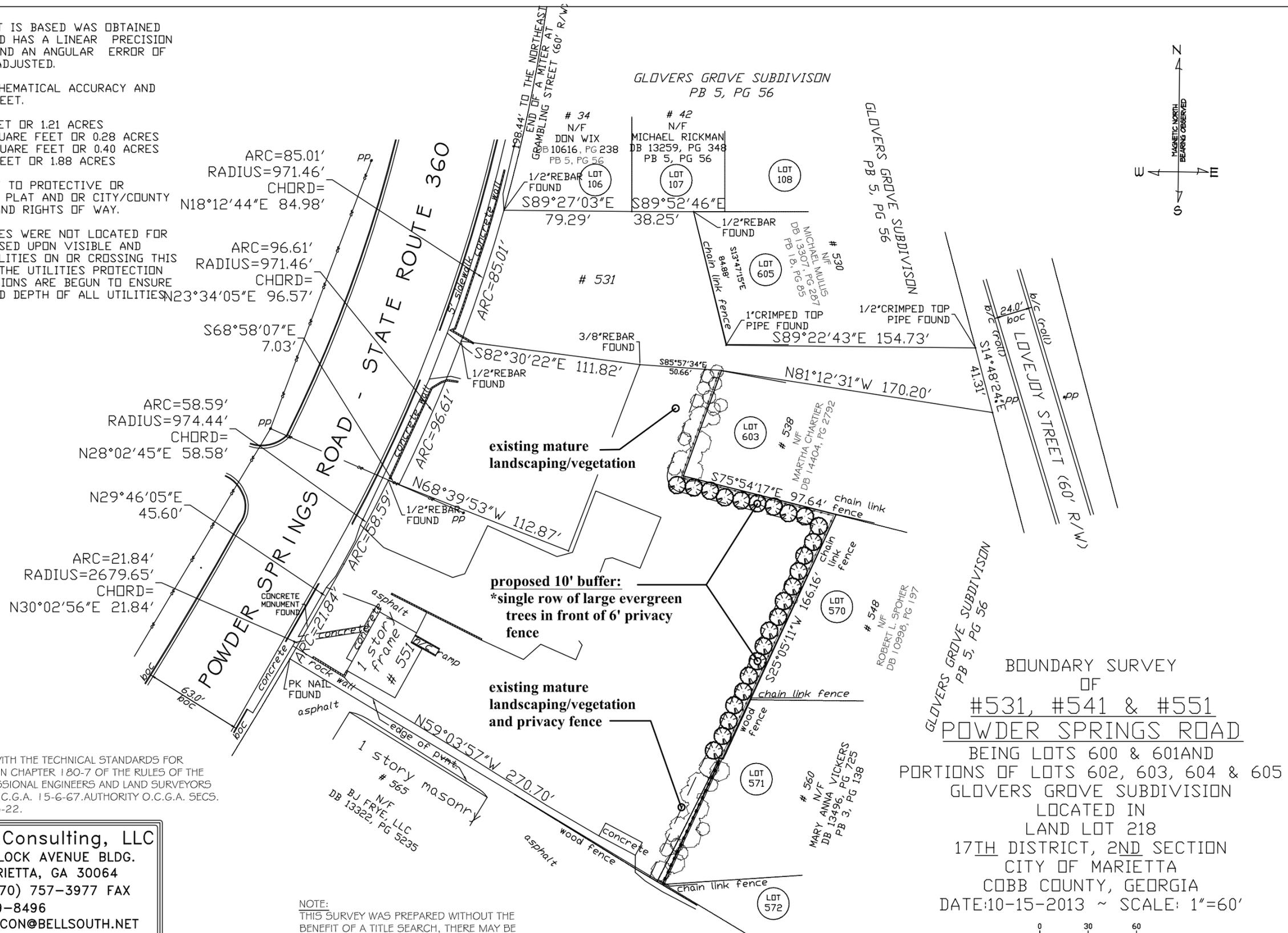
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