



STAFF REVIEW AND RECOMMENDATION

Variance Case #: V2016-56 **Legistar #:** 20161095
Board of Zoning Appeals Hearing: Monday, November 28, 2016 – 6:00 p.m.
Property Owner: Compass Residential LLC
Bruno Cluzel
144 South Avenue SE
Marietta, GA 30060
Applicant: Same as above
Address: 152 South Avenue
Land Lot: 1234 **District:** 16 **Parcel:** 0230
Council Ward: 1A **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 building. [§708.16 (F.1)]
2. Variance to allow an accessory structure to be closer to the right-of-way than the principal building. [§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



152 South Avenue



Frontage along South Avenue



Proposed site for new development



Existing parking lot



Existing freestanding sign and dilapidated fence

Recommended Action:

Denial. The owner, Compass Residential LLC, is requesting a variance to allow an accessory structure – a model home – in front of the principal structure. The subject property is on a 0.378 acre parcel of property at 152 South Avenue, which is located at the intersection of South Avenue and Waterman Street. The subject property is zoned CRC (Community Retail Commercial) and both streets are considered local roads. The requested variance would allow an accessory structure to be closer to the right-of-way than the principal structure, and accordingly, in front of the principal structure. Since the property is a corner lot, the proposed structure will be clearly visible from both streets. The adjacent property to the west and across Waterman Street to the south are zoned R-4 (Single Family Residential – 4units/acre). The adjacent property to the north and across South Avenue to the east are both zoned CRC.

There is an existing two-story office/warehouse building that is to be used as an office for the sales agents; and the warehouse space is to be used to store materials for renovating homes. Also within the warehouse will be a showroom space with miniature models of the homes. In 1988, a variance (V-880895) was granted to waive the 50 foot buffer and reduce building setbacks, which allowed the existing building to be located as close as it is to the residential property west of the site. The surrounding area is a mix of residential properties and small businesses that are in the process of being redeveloped.

The Zoning Ordinance only allows accessory structures to the side or rear of the principal structure, and in the case of corner lots they may not be closer to any right-of-way than the principal structure. The proposed model home will be built in front of the principal structure and will be closer to the right-of-way than the principal structure. The proposed model home will be approximately 1,190 square feet with one bedroom, one bathroom, a kitchen and dining/living room – all fully furnished – and its purpose would be to show the product. There are currently no similar models within Georgia so this will serve as the only model for the business.

There is a concrete wall around the front of the property along South Avenue, and the owner intends to cover the wall with wood paneling and plant trees and other landscaping in front of the wall near the streets to upgrade the property.

Although there are a number of issues to be addressed on this site – improvements to the existing structure, repair and maintenance of the wall, driveway and parking layout, etc. – the estimated cost to upgrade the property that has been provided by the owner will not require him to bring the subject property up to current codes.

Parking design and traffic flow do not appear to be adequately considered for this site. Further, the proposed business would seem to be better suited to a larger lot with room for model homes that could meet setback regulations and also provide better access and parking.

As such, *staff recommends denial of the requested variances.*



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 #: V2016-56 Legistar #: _____ BZA Hearing Dt: 11-28-16
City Council Hearing Dt (if applicable) #: _____ PZ #: 16-579

This is a variance/appeal application for:

Board of Zoning Appeals

City Council Bruno Cluzel

Owner's Name Compan Residential llc (manager Bruno Cluzel)
Address 144 South Avenue SE Marietta Zip Code: 30060
Telephone Number: 404 952 9951 Email Address: bruno@templeton.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:
152 South Ave, Marietta, GA Date of Acquisition: _____
Land Lot (s) 12340 District 16 Parcel 0230 Acreage .378 Zoned CRC Ward 1A FLU MDR

List the variance(s) or appeal requested (please attach any additional information):
Building model home - non-functioning
Accessory Bldg in front of main Bldg

- 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. Deed not recorded USE HUND
 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. USE HUND
 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



COMPASS RESIDENTIAL

ACQUISITIONS & DEVELOPMENT

TO : MARIETTA CITY OFFICIAL
Marietta, Ga 10/17/2016

Please find attached our request variance on our property located at 144 / 152 South Avenue SE Marietta GA 30060.

We would like to be granted permission to apply for a variance on our lot. We ultimately intent to build a model for our Eco Friendly Houses ("Green Magic Homes") for which we are starting the distribution and development.

Due to the innovative factors surrounding those homes, we would need to have a model home directly at our warehouse and office spaces, to show people how it looks like. This will be a first model in Georgia.

Attached is the documentation on those homes.

Best regards
Bruno Cluzel
Manager
Compass Residential LLC
144 South Av SE Marietta GA 30060
tel 4049529951

Bruno@templestone.com

TO: Marietta Daily Journal
FROM: City of Marietta
RUN DATE: November 11, 2016

**CITY OF MARIETTA
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, November 28, 2016 at 6:00 P.M.**, City Hall. Anyone wishing to attend may do so and be heard relative thereto.

V2016-56 [VARIANCE] COMPASS RESIDENTIAL LLC is requesting a variance for property located in Land Lot 1234, District 16, Parcel 0230, 2nd Section, Marietta, Cobb County, Georgia and being known as 152 South Avenue. Variance to allow an accessory structure to be closer to the right of way than the principal structure. 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
152 SOUTH AVE	16123400230	0.378	1A	CRC	MDR

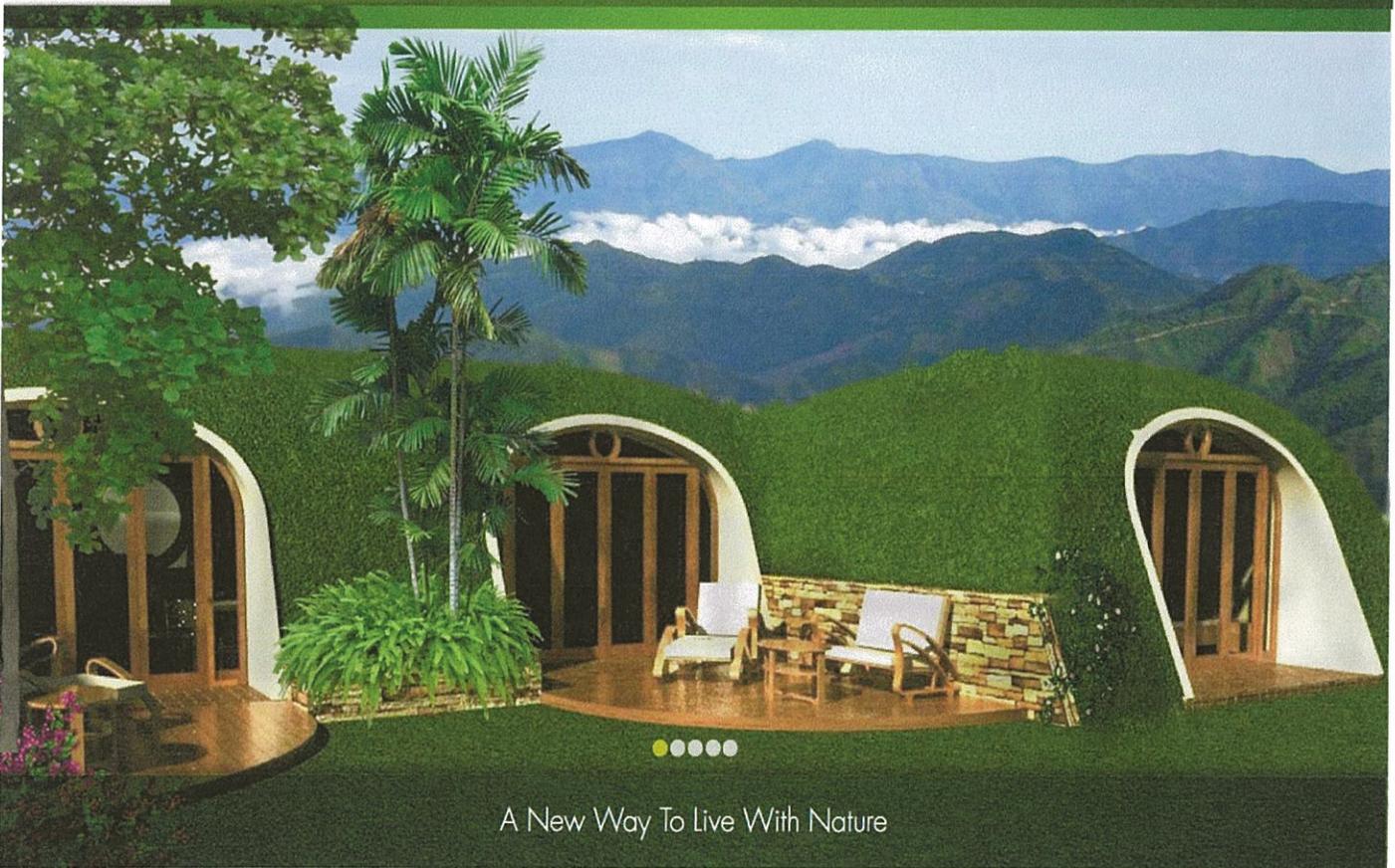
Property Owner:	Compass Residential, LLC	Zoning Symbols --- Railroads --- City Limits --- Cobb County Pockets NA R1 - Single Family Residential (1 unit/acre) R2 - Single Family Residential (2 units/acre) R3 - Single Family Residential (3 units/acre) R4 - Single Family Residential (4 units/acre) RA4 - 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
Applicant:		
BZA Hearing Date:	11/28/2016	
Acquisition Date:		
Case Number:	V2016-56	
City of Marietta Planning & Zoning		



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DESCRIPTION:

1 Bedroom

1 Bath

American Style Kitchen

Dining Bar

Living Room



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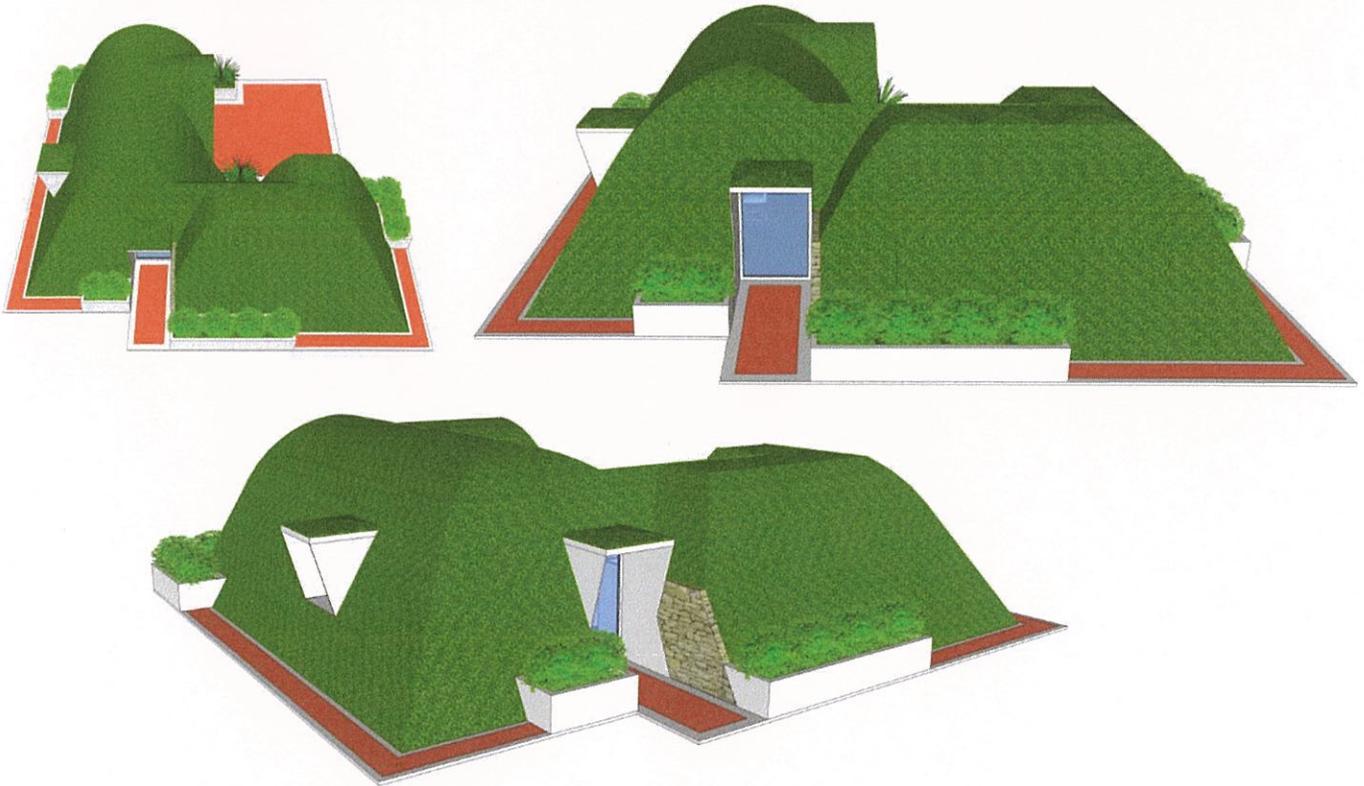


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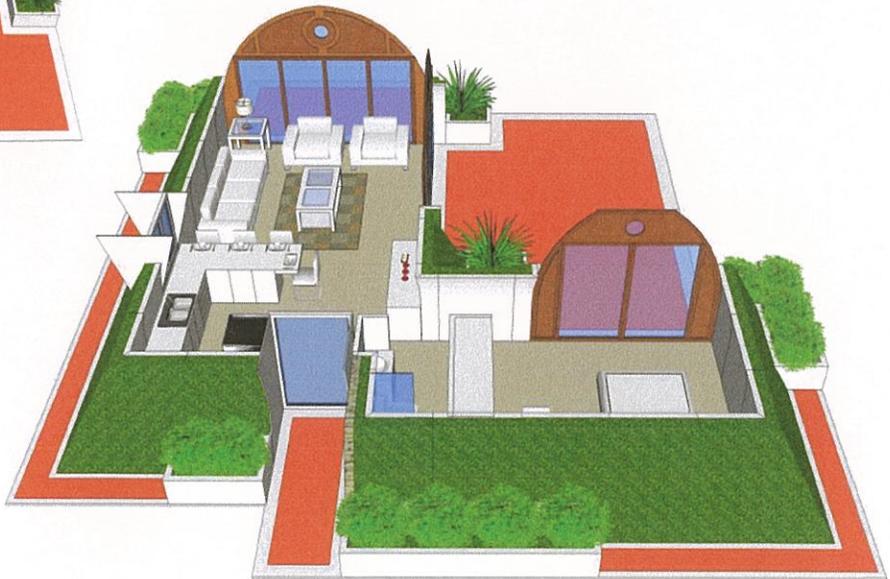
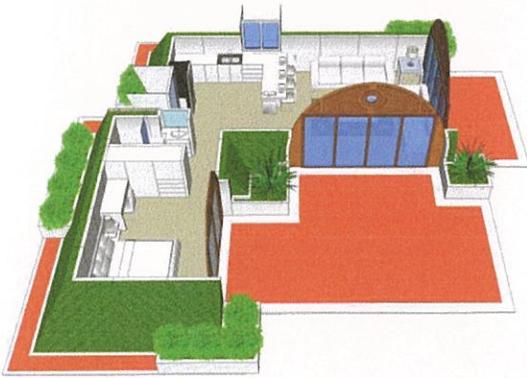
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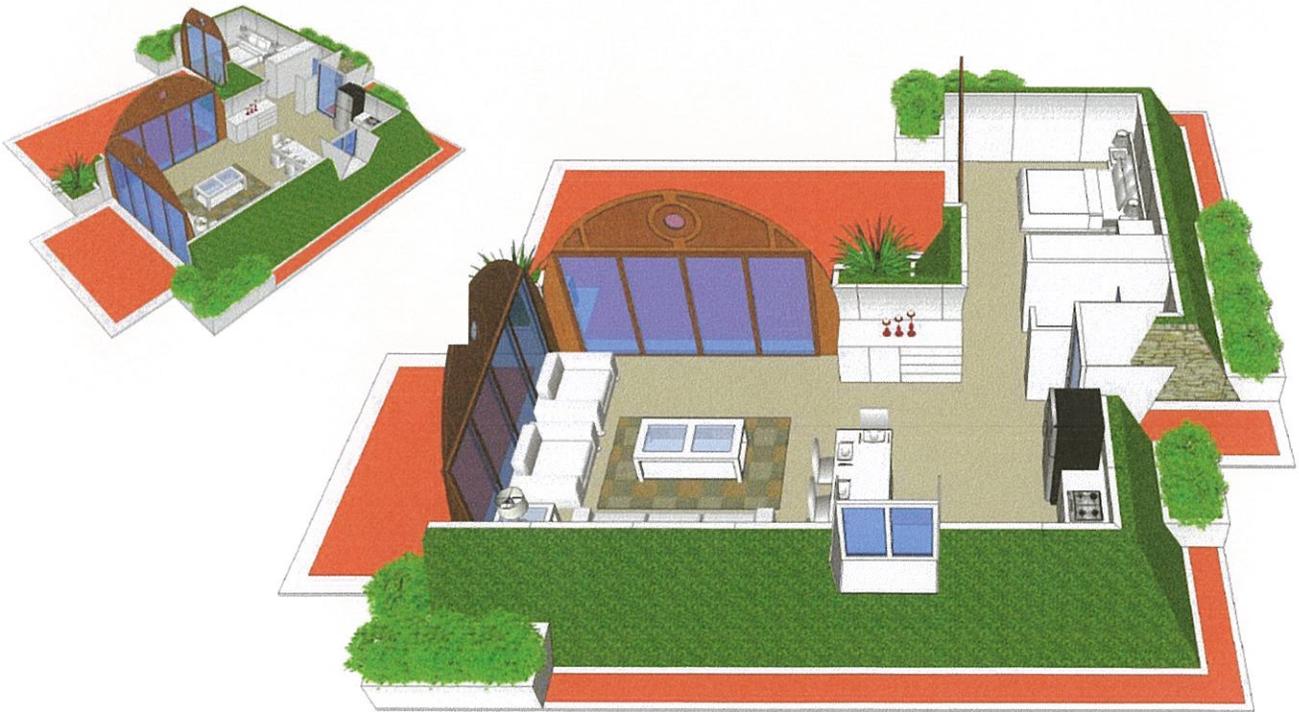


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MARTINICA

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CONTACT US

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Earth Sheltered Housing

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CP 77560, México.

