1. Board Of Zoning Appeals Agenda

   Documents:

   _OCT 28, 2019 BZA AGENDA.PDF

2. V2019-32 Kennesaw Ave 243

   Documents:

   V2019-32 KENNESAW AVE 243.PDF

3. V2019-33 Powers Ferry Rd 119

   Documents:

   V2019-33 POWERS FERRY RD 119.PDF
NOTE: Applicant and those in favor have a total of 20 minutes to make their presentation to the Board. Applicant may reserve any portion of this time for rebuttal. All those in opposition have a total of 20 minutes to present comments to the Board.

CALL TO ORDER:

MINUTES:

20190930  September 30, 2019 Board of Zoning Appeals Meeting Minutes

Review and Approval of the September 30, 2019 Board of Zoning Appeals Meeting Minutes.

VARIANCES:


V2019-32 [VARIANCE] J. PARKER & MELISSA W. GILBERT are requesting a variance for property zoned R-4 (Single Family Residential - 4 units/acre), located in Land Lot 1158, District 16, Parcel 0780, 2nd Section, Marietta, Cobb County, Georgia, and being known as 243 Kennesaw Avenue. Variance to reduce the side yard setback from 10 feet to 0 feet for an accessory structure (fireplace); Variance to allow an accessory structure (fireplace) closer to the right of way than the principal structure on a corner lot. Ward 3A.
20190872  V2019-33 [VARIANCE] FREEMONT GRACE HOLDINGS (MARIETTA PROPERTIES, LLC)

V2019-33 [VARIANCE] FREEMONT GRACE HOLDINGS (MARIETTA PROPERTIES, LLC) are requesting variances for property zoned CRC (Community Retail Commercial), located in Land Lot 1240, District 16, Parcel 1210, 2nd Section, Marietta, Cobb County, Georgia, and being known as 119 Powers Ferry Road. Variance to reduce the minimum lot size from one acre to approximately 29,000 square feet for a homeless shelter; variance to allow a homeless shelter within 750 feet of residentially zoned property. Ward 7A.

OTHER BUSINESS:

20190929  2020 Board of Zoning Appeals Calendar of Meeting Dates

Review and Approval of the 2020 Board of Zoning Appeals Calendar.

ADJOURNMENT:
STAFF REVIEW AND RECOMMENDATION

Variance Case #: V2019-32

Board of Zoning Appeals Hearing: Monday, October 28th, 2019 – 6:00 p.m.

Property Owner: J. Parker & Melissa W. Gilbert
243 Kennesaw Ave
Marietta, GA 30060

Applicant: Same as owner.

Address: 243 Kennesaw Ave.

Land Lot: 1158 District: 16 Parcel: 00780

Council Ward: 3A Existing Zoning: R-4 (Single Family Residential – 4units/acre)

Special Exception / Special Use / Variance(s) Requested:
1. Variance to reduce the side yard setback from 10 feet to 2 feet for an accessory structure (fireplace). [§708.04 (F.1)]
2. Variance to allow an accessory structure (fireplace) closer to the right of way than the principal structure on a corner lot. [§708.04 (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 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 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

243 Kennesaw Ave – Southern property line

Area of interest for proposed fireplace
Frontage along Kennesaw Avenue

Submitted drawings of proposed fireplace
Recommended Action:

Approval with a stipulation. The owners and applicants, J. Parker and Melissa W. Gilbert, are requesting variances for a new accessory structure at 243 Kennesaw Avenue. This property is located at the corner of Kennesaw Avenue and Maple Avenue and is zoned R-4 (Single Family Residential – 4 units/acre). Properties to the west and southwest are also zoned R-4 with single family residences. First Presbyterian Church owns and maintains a parking lot, zoned LI (Light Industrial), immediately to the south. The proposed accessory structure would be a wood-burning, outdoor fireplace in the front yard adjacent to Kennesaw Avenue and within the required side yard setback.

The applicants wish to build an outdoor fireplace to add character to their existing, historic home. As stated by the applicants, this is an older area of the city where many of the homes may have, at one point, functioned with outdoor kitchens. However, the proposed location of the fireplace, which is considered an accessory structure in the Zoning Ordinance, does not comply with the current zoning standards. According to the zoning ordinance, an accessory structure shall be located upon the same lot and to the side or rear of the principal use at least 10 feet from side or rear lot lines. In cases of corner lots, the accessory structure may not be closer to any right-of-way than the principal building.

Because the existing home is located very close to the southwestern sides of the corner lot, this property has no substantial backyard - only a front yard and a major side yard. The property also has a lot of trees and other vegetation. Due to the location of the house on the property, the applicants would like to incorporate their proposed fireplace into their existing landscaping and place it in their front yard.

Further, if required to accommodate the required 10-foot distance from the side property line, the fireplace would have to be located close to the center of the yard. To accommodate their preferred location, the applicants are also requesting a reduction of the setback for an accessory structure from 10 feet to 2 feet from their southern property line.

The lot is heavily landscaped with mature evergreens in addition to the fence and landscaping along the church’s parking area. A variance was granted in 2012 to allow the construction of a six (6) foot fence along the Kennesaw Avenue frontage. As a result of the vegetation and fences, it is not likely that the proposed fireplace will be easily seen from the roadway or by any adjoining neighbors. Staff recommends approval of this variance request with the following stipulation:

1. The variance shall only apply to the proposed fireplace. Any new accessory structure would have to comply with regulations or seek an additional variance.
APPLICATION FOR VARIANCE OR APPEAL
(Owner/Applicant/or Representative must be present at all public hearings)
(NOTE: CORRESPONDENCE IS HANDLED VIA EMAIL UNLESS OTHERWISE REQUESTED)

For Office Use Only:
Application #: 2019-32  Legistar #: 20190869  BZA Hearing Dt: 10-28-19
City Council Hearing Dt (if applicable) #: _______  PZ #: 19-438

This is a variance/appeal application for:
☑ Board of Zoning Appeals  ☐ City Council

Owner’s Name: J. Parker & Melissa W. Gilbert
EMAIL Address: mggilbert243@att.net
Mailing Address: 243 Kennesaw Ave NW Zip Code: 30060  Phone Number 770-315-8998

COMPLETE ONLY IF APPLICANT IS NOT OWNER:

Applicant: __________________________________________
EMAIL Address: ________________________________________
Mailing Address________________________________________ Zip Code:______ Phone Number ______

Address of subject property: 243 Kennesaw Ave NW Date of Acquisition: 1/3/98
Land Lot(s) 11580 District 16 Parcel 00780 Acreage 0.54 Zoned R4 Ward 3A FLU: LDR 439
List the variance(s) or appeal requested (please attach any additional information):
Seeking variance from 10-foot set back property line to 4 feet for wood burning outdoor fireplace. See attached.

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.

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
CAMPAIGN CONTRIBUTIONS
The Owner and Applicant herein certify that he/she ☐ has ☒ has not made campaign contributions or gifts aggregating $250.00 or more to the Mayor, any member of Council or any member of the Board of Zoning Appeals within the two (2) years preceding the filing of this application.

Signature of Owner
Melisse W. Gilbert
Print Name

Signature of Applicant
Melisse W. Gilbert
Print Name

FINANCIAL INTEREST
The Applicant herein certifies that he/she ☐ has ☒ has not a financial interest in the property which is ten percent (10%) or more.

Melisse W. Gilbert
Print Name

Signature of Applicant

APPLICANT CERTIFICATION
• The Applicant certifies that all information in this application, and all information furnished in support of this application, is true and complete to the best of the Applicant’s knowledge and belief. Should any portion not be true, then the application may be rejected.
• Penalty for false or fraudulent statement: Whoever, in any matter, knowingly and willingly falsifies or makes any false, fictitious or fraudulent statement of representatives concerning this application shall be denied the request stated in this application.

Signature of Applicant

Date 9/16/2019

Melisse W. Gilbert
Please Print

OWNER CERTIFICATION
• The Owner certifies that all information in this application, and all information furnished in support of this application, is true and complete to the best of the Owners’s knowledge and belief. Should any portion not be true, then the application may be rejected.
• Penalty for false or fraudulent statement: Whoever, in any matter, knowingly and willingly falsifies or makes any false, fictitious or fraudulent statement of representatives concerning this application shall be denied the request stated in this application.
• The Owner hereby gives permission to enter on the property for inspection during the time application is pending.

Signature of Owner

Address 243 Kearsaw Ave NW

9/16/2019 Date

Please Print

Note: Owner, Applicant or Representative must be present at meeting in order for case to be heard.

Revised: 6/26/2017
Request for Variance

The attached plans are for a front porch remodel (taking off a circa 1980s porch remodel of our 1840 home and returning the prior circa 1880 porch shown in drawings of the home) which has been permitted, and re-landscaping of the front yard to incorporate the new front-facing stairs. At the same time, we want to honor the existence of an old, historically accurate outdoor kitchen by adding an outdoor fireplace reminiscent of what might have existed back at that time period. There will be no structure over or around the fireplace. The lot has only about 25-30 feet from the center line of the front door to the side property boundary, and contains many large mature trees including a huge magnolia which is at least 130 years old, a black walnut tree, and a large oak over 100 years old. The mature trees make site placement of a fireplace limited. Note: the drawings are not to scale as to the trees and vegetation; the long limbs of the old magnolia come down and touch the ground about 15 feet in front of the bay window to the left of the front door, making siting more restricted than shown.

Therefore, we are seeking a variance for a setback of 3.5-4 feet from the left property line to site the fireplace, varied from the 10-foot setback that that the Marietta city code requires. This is not a safety hazard or a nuisance, since the neighboring property is the west parking lot for First Presbyterian Church, which my husband and I attend. We would never be using the fireplace during church events (Sunday morning or Wednesday night services/events, 4th of July fundraisers), nor would the siting pose any risk to the neighboring property This is not merely a preference or inconvenience; there is no other place to put an outdoor sitting area or fireplace that does not require cutting down trees or placing the fireplace in the front sightlines of the house itself. Bringing the fireplace to the 10-foot setback line would put it in line with the side of the house and in front of an existing porch, and would not change the effect on neighboring property, which is minimal or nonexistent. The church planted magnolia trees all along their property line, and we have a 6-foot fence, which means that the visibility between the properties is essentially non-existent year-round. There is no adverse effect visually or otherwise.

We appreciate your consideration.
TO: Marietta Daily Journal
FROM: City of Marietta
RUN DATE: October 11, 2019

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, October 28, 2019 at 6:00 P.M., City Hall. Anyone wishing to attend may do so and be heard relative thereto.

V2019-32 [VARIANCE] J. PARKER & MELISSA W. GILBERT are requesting a variance for property zoned R-4 (Single Family Residential – 4 units/acre), located in Land Lot 1158, District 16, Parcel 0780, 2nd Section, Marietta, Cobb County, Georgia, and being known as 243 Kennesaw Avenue. Variance to reduce the side yard setback from 10 feet to 0 feet for an accessory structure (fireplace); Variance to allow an accessory structure (fireplace) closer to the right of way than the principal structure on a corner lot. Ward 3A.

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. You may also review the property file at www.mariettaga.gov and enter the case # in the search box.

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 ADA Coordinator, at 770-794-5558 no later than 48 hours before the date of the above meeting.

City of Marietta
205 Lawrence Street
Marietta, Georgia 30060
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<th>Address</th>
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<th>Ward</th>
<th>Zoning</th>
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</table>

**Property Owner:** J. Parker & Melissa G. Gilbert

**Applicant:**

**BZA Hearing Date:** 10/28/2019

**Acquisition Date:**

**Case Number:** V2019-32

- City of Marietta Planning & Zoning
STAFF REVIEW AND RECOMMENDATION

Variance Case #: V2019-33
Legistar #: 20190872

Board of Zoning Appeals Hearing: Monday, October 28th, 2019 – 6:00 p.m.

Property Owner: Marietta Properties, LLC
58 S Park Square, Suite P
Marietta, Ga 30060

Applicant: Mitchell L. Bryant (Freemont Grace Holdings)
6336 Southland Forest Drive
Stone Mountain, Ga 30087

Address: 119 Powers Ferry Road

Land Lot: 1240  District: 16th  Parcel: 1210
Council Ward: 7A  Existing Zoning: CRC (Community Retail Commercial)

Special Exception / Special Use / Variance(s) Requested:
1. Variance to reduce the minimum lot size from one acre (43,560 square feet) to approximately 29,000 square feet [§708.16 (B.48.)].
2. Variance to allow a homeless shelter within 750 feet of residentially zoned property [§708.16 (B.48.a)].

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 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 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

Structure at 119 Powers Ferry Road at the intersection of Powers Ferry and Charles Avenue

Major side yard at subject property with parking in public r/w
Main parking lot fronting 119 Powers Ferry Road

Retaining wall fronting 119 Powers Ferry Road
750' Residential Buffer
**Recommended Action:**

**Approval with stipulations.** The applicant, Mitchell Bryant, on behalf of Freemont Grace Holdings, is requesting variances for the use of 119 Power Ferry Road as a homeless shelter for children. The subject property is zoned CRC (Community Retail Commercial) and is approximately 29,000 square feet (0.67 acres) in size. The subject property is located at the corner of Cloverdale Drive and Powers Ferry Road. Most of the surrounding properties are zoned CRC, except for the parcels across Cloverdale Drive to the east, which are a mixture of GC (General Commercial) and CF (Future Commercial) in unincorporated Cobb County. It should be noted that there are properties zoned R-4 (Single Family Residential – 4 units/acre) and used residually within 750 feet of the property.

The applicant wishes to use the existing facility as a “faith-inspired child residential care facility,” in order to provide **safe and secure housing and services to children who are temporarily in their care as they await permanent placement into homes.** Children staying at the facility will come from government referrals and there will be no walk-in services. The applicant has also stated that there will be a total of fifty (50) children in the facility referred by government sources and the average stay will be about thirty-five (35) days. While staying at the proposed facility, the children will receive care as necessary, counseling, and educational/vocational services by licensed and professional staff in their prospective fields. The facility will consist of a commercial kitchen, cafeteria, eight (8) showers, eight (8) dormitories, four (4) classrooms, a laundry room, four (4) recreational rooms, ten (10) administrative staff offices, and a nurse’s office. The staff will be on-site 24-hours a day and the facility will also be assisted by a non-profit religious organization to provide counseling and support services. It should be noted that the applicant objects to the description of the proposed facility as a homeless shelter, and instead would prefer it identified as a “temporary living facility for children”. Staff has used “homeless shelter” since that is the closest related use listed in the Zoning Ordinance.

The Zoning Ordinance does not contain allowances for orphanages or temporary housing for children; the most similar use is for a homeless shelter, which is allowed in CRC if more than an acre in size and over 750 feet from a residential district. However, the City ordinance does not specifically define a homeless shelter.

The subject property first came to city staff attention as a building permit for a tenant move-in application. The permit was initially denied due to not adhering to the specific stipulations:

- Failure to meet minimum one-acre lot size
- Use not located at least 750 feet from a residentially zoned property

**Proximity to Residentially Zoned District:**

According to the Marietta Zoning Ordinance, shelters for the homeless “shall be located at least 750 feet from residentially zoned property.” Considering the “use” of a property is often applicable to an entire property and not isolated to inside a building’s walls, city staff has consistently measured from property line to property line for regulations that do not specify distance from a structure. In this case, there are residentially zoned properties along Charles Avenue, James Street, Matthews Circle, and Goldie Drive, as well as one home on Rosewood Circle, that are within 750 feet of the property.
The applicant has stated the facility will be secured at all times; all entrances and the immediate exterior of the facility will be monitored by video as required by the State of Georgia; no public loitering will be allowed; and there will be no feeding/services offered to outsiders. Since the facility will not provide care for adults or walk-ins, the facility should not create the problems generally associated with homeless shelters, such as loitering, squatting, or trespassing. The property lacks exterior play areas that would generate the noise associated with day care centers and/or schools and the children will be continuously supervised. As a result, this use should not adversely impact the residences in the surrounding area.

One Acre Lot Requirement:
The applicant is requesting a variance to reduce the required minimum lot size from one acre to 29,000 square feet (0.67 acres) to use this building as a temporary residential living center for homeless children. Historical maps show this parcel existed in its current configuration as far back as 1963. The applicant has stated that the property was selected due to its prime location and because the building already contains a commercial kitchen, cafeteria, showers, dorms, and classrooms. According to business license history, the 22,000 square foot, three-level building was used for an adolescent care program from 1998-2013 but that program has since moved to another location in Marietta. Because of the property has not been used in the way for an extended amount of time, the property cannot be considered legally nonconforming. Code Enforcement records show no significant issues during the time it was operated as an adolescent care program. As a result, there should be no significant impacts to the surrounding area by reducing the minimum lot size for a children’s temporary residential living center.

The Marietta Fire Department has stated all life safety systems that are currently installed must be operable; upgrades to life safety systems may be required; and accessibility may need to be addressed.

Although the most similar use available in the Zoning Ordinance for a residential home for children is “shelter for the homeless,” the facility will be operating with much more supervision and restrictions than for a typical homeless shelter. The negative impacts on the surrounding area, such as vagrancy and loitering, is not as likely to be an issue with what is essentially an orphanage. Granting these variances 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 a result, staff recommends approval of these variances, staff recommends approval with the following stipulations:

1. The facility shall be a temporary residential housing for children, not a homeless shelter.
2. The facility will not provide care for homeless adults nor will walk-in services be provided.
3. Children staying at the facility will come from government referrals.
4. The maximum capacity of the facility will be limited to no more than fifty (50) children.
5. Facility staff will be continuously on-site 24-hours a day, seven (7) days a week.
6. The applicant will adhere to all comments from Public Works and Marietta Fire.
7. All facilities shall comply with the criteria established for residential uses as per Southern Building Code Congress International (SBCCI), as amended.
APPLICATION FOR VARIANCE OR APPEAL

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

(NOTE: CORRESPONDENCE IS HANDLED VIA EMAIL UNLESS OTHERWISE REQUESTED)

For Office Use Only:

Application #: Y 2019-33  Legistar #: 20190872  BZA Hearing Dt: 10-28-19
City Council Hearing Dt (if applicable): ___  FZ #: 19-439

This is a variance/appeal application for:

[ ] Board of Zoning Appeals  [ ] City Council

Owner's Name: Marietta Properties LLC

EMAIL Address: jamgold@bellsouth.net

Mailing Address: 58 South Park Sq. Suite 30060  Phone Number: 770-823-5322

Marietta, GA 30060

COMPLETE ONLY IF APPLICANT IS NOT OWNER:

Applicant: Mitchell L. Bryant / Freemont Grace Holders

EMAIL Address: mitchbryan@freemontgrace.com

Mailing Address: 10337 Southland Forest Dr  30057  Phone Number: 770-463-6046

Address of subject property: 119 Powers Ferry Rd  Date of Acquisition: 10/20/19


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

I will be operating a homeless shelter for children to allow existing building use as homeless shelter for children

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.

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
CAMPAIGN CONTRIBUTIONS
The Owner and Applicant herein certify that he/she □ has □ has not made campaign contributions or gifts aggregating $250.00 or more to the Mayor, any member of Council or any member of the Board of Zoning Appeals within the two (2) years preceding the filing of this application.

Signature of Owner

Signature of Applicant

Print Name

Print Name

FINANCIAL INTEREST
The Applicant herein certifies that he/she □ has □ has not a financial interest in the property which is ten percent (10%) or more.

Print Name

Signature of Applicant

APPLICANT CERTIFICATION
• The Applicant certifies that all information in this application, and all information furnished in support of this application, is true and complete to the best of the Applicant’s knowledge and belief. Should any portion not be true, then the application may be rejected.
• Penalty for false or fraudulent statement: Whoever, in any matter, knowingly and willingly falsifies or makes any false, fictitious or fraudulent statement or representations concerning this application shall be denied the request stated in this application.

Signature of Applicant

Date

Owner Certification
• The Owner certifies that all information in this application, and all information furnished in support of this application, is true and complete to the best of the Owner’s knowledge and belief. Should any portion not be true, then the application may be rejected.
• Penalty for false or fraudulent statement: Whoever, in any matter, knowingly and willingly falsifies or makes any false, fictitious or fraudulent statement or representations concerning this application shall be denied the request stated in this application.
• The Owner hereby gives permission to enter on the property for inspection during the time application is pending.

Signature of Owner

Address

Signature

Date

Signed, sealed and delivered in the presence of:

My Commission Expires: June 18, 2020

Note: Owner, Applicant or Representative must be present at meeting in order for case to be heard.

Revised: 6/26/2017
City of Marietta
Department of Development Services
Board of Zoning Appeals
205 Lawrence Street
Marietta, GA 30060

RE: 119 POWERS FERRY ROAD, MARIETTA, GA 30067 – APPLICATION FOR VARIANCE

Dear Board Members:

Under current City of Marietta Code the above-referenced property would be designated as a homeless shelter. However, our intended use is as a Residential Temporary Home for Children. In support of our request for a variance we submit the following:

Under current City of Marietta Code the above-referenced facility can only be defined as a “homeless shelter.” As such, the following requirements would be applicable: 1. Minimum one acre lot size. 2. Such use shall be located at least 750 feet from residentially zoned property. 3. Such use may not be established within 1000 feet of any other shelter for the homeless. 4. All facilities shall comply with the criteria established for residential uses as per Southern Building Code Congress International (SBCCI) as amended.

Strict adherence to the code due to the proximity of residential property and minimum lot size requirement would preclude our use of the property, and we would not be able to pursue our mission. Our intended use and relevant state and federal regulations require that our site be of a certain size, have certain amenities and be located near certain places of businesses and institutions. We selected the above-referenced building because of its unique singular suitability for our use. It is approximately 22,000 square feet, is equipped with a commercial kitchen, cafeteria, eight (8) showers, 8 dormitory rooms, and 4 available classrooms (see below).

6336 Southland Forest Dr., Stone Mountain, GA 30087  Ph: 727-463-8444
mitchbryant@freemontgrace.com
We are requesting a variance because we have been classified by code as a homeless shelter when, as we will illustrate below, we are not. The homeless shelter designation does not reflect our operations in theory or in practice.

In requesting this variance we are not merely trying to avoid an inconvenience. After a diligent search, we have not found a comparable building in the Greater Atlanta area. We selected this site in part due to its proximity to the Hartsfield-Jackson International Atlanta Airport, medical facilities and courts. If we are not permitted to use the building, we will not be able to operate as there is no other building suitable for our intended use.

Aside from the viability of our program, we submit that our program IS NOT A HOMELESS SHELTER. While providing shelter to those living on the streets under the right circumstances is a

6336 Southland Forest Dr., Stone Mountain, GA 30087  Ph: 727-463-8444
mitchbryant@freemontgrace.com
worthwhile endeavor, that is not our plan or the intended use of the building. Generally, homeless shelters house men and women without a permanent place to live. Many of the clients are transient and may have substance abuse and/or mental health issues. Loitering also tends to be issue. We must stress again: WE ARE NOT A HOMELESS SHELTER.

WHAT WE ARE

Freemont Grace Human Services is a faith-inspired child residential care facility. Our lodestar is “compassionate compliance.” Our mission is to provide safe and secure housing and services to children who are temporarily in our care as they await permanent placement in homes while meticulously adhering to all relevant rules and regulations. In furtherance of this mission, we plan to house and care for 50 children in the facility. The children will ONLY be referred to us by government sources. There will be no walk-ins or drop-ins. The average stay will be about 35 days as we are the last stop for these children before they are placed with families. While in our care, the children will receive medical care as necessary, counseling, and educational & vocational services. These services will be provided by a highly specialized professional staff, some of whom are in private practice in the city of Marietta. They include licensed therapists, caseworkers, teachers, nurse practitioners, curriculum specialists, and support staff. Staff will be on-site and on duty 24-hours a day. We will also have the assistance of a Non-profit Christian Organization founded in 1975, which will also provide professional counseling and support services.

The facility will be closed and 100% self-contained. All entrances and the immediate exterior of the facility will be video monitored as required by State of Georgia regulation. Structurally there will be no loitering, no public feeding or services rendered other than to the 50 children in our care. Again, WE ARE NOT A HOMELESS SHELTER.

Coincidentally, prior to our use, another adolescent care program occupied the building. They offered substance abuse services to adolescent youth. While our programs are similar, our services and clientele are different, and our time in care is a fraction of the prior tenant.

Respectfully, we are requesting for the reasons outlined above that you will grant us the variance and allow our use of the property, notwithstanding the Homeless Shelter designation, as our intended use as a Residential Temporary Home for Children.
TO:          Marietta Daily Journal
FROM:        City of Marietta
RUN DATE:    October 11, 2019

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, October 28, 2019 at 6:00 P.M.**, City Hall. Anyone wishing to attend may do so and be heard relative thereto.

**V2019-33 [VARIANCE] FREEMONT GRACE HOLDINGS (MARIETTA PROPERTIES, LLC)** are requesting variances for property zoned CRC (Community Retail Commercial), located in Land Lot 1240, District 16, Parcel 1210, 2nd Section, Marietta, Cobb County, Georgia, and being known as 119 Powers Ferry Road. Variance to reduce the minimum lot size from one acre to approximately 29,000 square feet for a homeless shelter; variance to allow a homeless shelter within 750 feet of residentially zoned property. Ward 7A.

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. You may also review the property file at www.mariettaga.gov and enter the case # in the search box.

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 ADA Coordinator, at 770-794-5558 no later than 48 hours before the date of the above meeting.

City of Marietta
205 Lawrence Street
Marietta, Georgia 30060
<table>
<thead>
<tr>
<th>Address</th>
<th>Parcel Number</th>
<th>Acreage</th>
<th>Ward</th>
<th>Zoning</th>
<th>FLU</th>
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</thead>
<tbody>
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<td>0.673</td>
<td>7A</td>
<td>CRC</td>
<td>CAC</td>
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**Property Owner:** Marietta Properties, LLC

**Applicant:** Mitchell L. Bryant/Freemont Grace Holdings

**BZA Hearing Date:** 10/28/2019

**City of Marietta Planning & Zoning**