



STAFF REVIEW

Variance Case #: V2026-05 **Legistar #:** 20260110

City Council Hearing: Wednesday, February 11, 2026 – 7:00 pm

Property Owner: [REDACTED]

Applicant: Same as above

Agent: N/A

Address: 675 Powder Springs Street

Land Lot: 02140 **District:** 17 **Parcel:** 0040

Council Ward: 3B **Existing Zoning:** CRC (Community Retail Commercial)

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

1. Variance to allow a commercial landscaper operate within 200' of residentially zoned property. [§708.16 (B.22.b.)]
2. Variance to waive compliance with the Commercial Corridor Design Overlay – Tier B requirements. [§712.09 (G.1.b.xiii.)]
3. Variance to reduce building setbacks for an existing building. [§708.16 (H.)]
4. Variance to eliminate the required 40' buffer adjacent to residentially zoned property. [§708.16 (I.)]
5. Variance to allow outdoor storage within 50' of residential property and across more than 25% of the parcel. [§708.16 (G.1.c.)]; [§708.16 (G.1.d.)]
6. Variance to allow parking on an unpaved surface. [§716.08 (A.)]; [§716.08 (B.)]

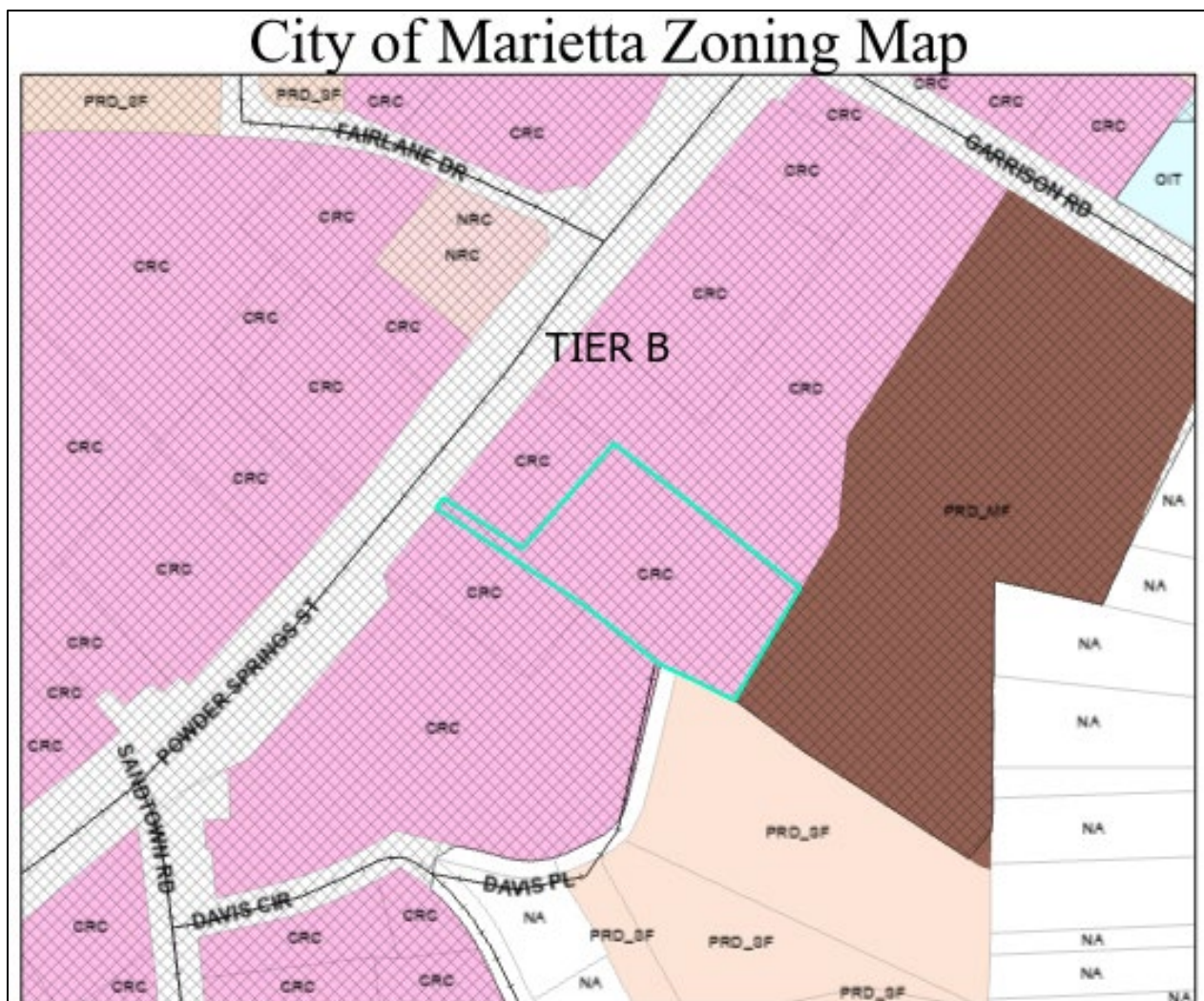
Statement of Fact

As per section 720.03 of the Comprehensive Development Code of Marietta, City Council 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 City Council 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 City Council 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:

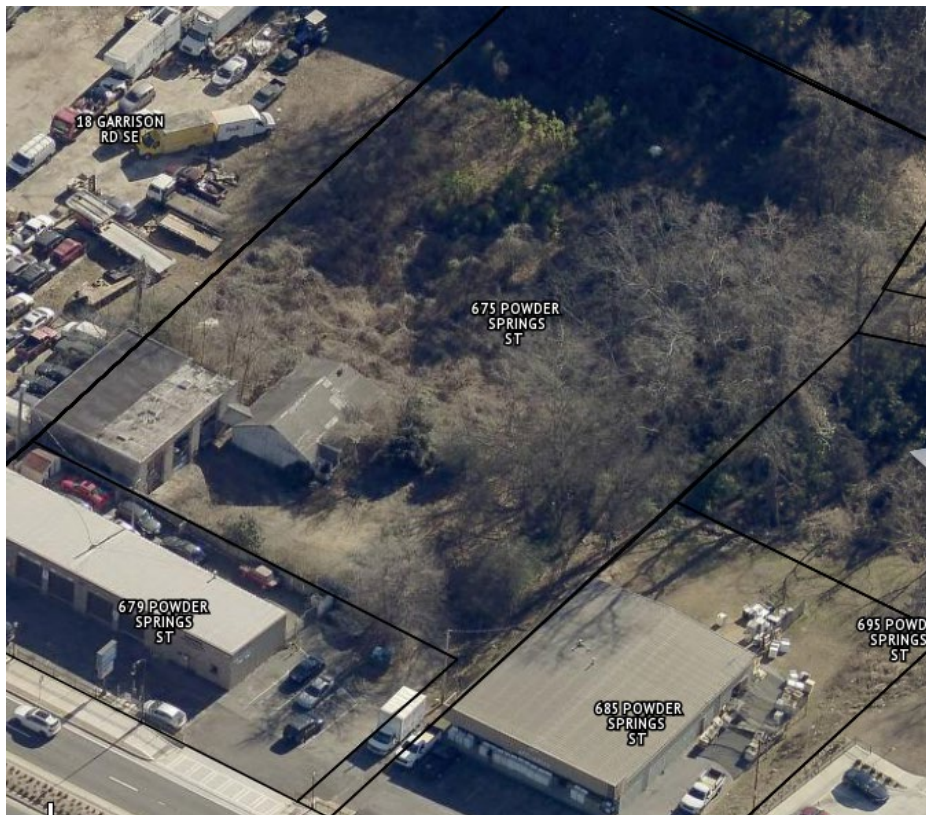
1. Exceptional or extraordinary circumstances or conditions *are/are not* applicable to the development of the site that do not apply generally to sites in the same zoning district.
2. Granting the application *is/is not* necessary for the preservation and enjoyment of a substantial property right of 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





View of the subject property entrance from Powder Springs Street



2024 Aerial Imagery of the subject property



Current conditions at 675 Powder Springs Street

Staff Review:

The owner and applicant, [REDACTED], has applied for variances to allow a commercial landscaping business to operate at 675 Powder Springs Street. The parcel is 1.03 acres and zoned CRC (Community Retail Commercial). The subject property sits behind commercially zoned parcels occupied by Driver's Automotive Repair and Smith's Appliances. To the rear and partially along the side of the property are parcels zoned PRD_SF (Planned Residential Development – Single Family) and PRD_MF (Planned Residential Development – Multi-Family), including Whispering Oaks Apartments and an undeveloped tract along Davis Circle that was rezoned and annexed under cases Z2024-22 and A2024-03 for a future townhome development. The subject property operated as an auto repair business from at least 1989 until 2021 and has remained vacant since that time.

The subject property is also located within the Commercial Corridor Design Overlay – Tier B. Properties in Tier B are subject to more restrictive design and land-use standards intended to integrate pedestrian design features and aesthetic improvements into auto-oriented corridors.

Commercial Landscaper Near Residences Within Tier B

1. Variance to allow a commercial landscaper operate within 200' of residentially zoned property. [§708.16 (B.22.b.)]
2. Variance to waive compliance with the Commercial Corridor Design Overlay – Tier B requirements. [§712.09 (G.1.b.xiii.)]

The Zoning Code specifically prohibits commercial landscaping companies from operating on properties within 200 feet of residentially zoned property. Like contractors' offices, landscaping companies rely heavily on outdoor storage – whether it be grading equipment, material supply (rocks, mulch, etc.), or removed debris (tree stumps, rocks, etc.) – and are more suited for industrial areas, as outdoor storage can be unsightly and loud.

The applicant has indicated that the landscaping business intends to restore the existing three-bay garage for indoor storage of some landscaping equipment, while also utilizing the space for basic maintenance, such as oil changes and brake work, on the company's fleet vehicles. The business proposes installing privacy fencing to secure parking for the company's box trucks. Even with an opaque eight-foot-tall fence, outdoor storage and daily operational activity – such as equipment loading, unloading, staging, and vehicle movement – would still occur outdoors and could generate noise and visual impacts for the nearby residents. The proposed fencing would not fully mitigate visibility from higher elevation properties or second story units. Other than the construction of a fence, staff has received no compelling information indicating that a commercial landscaper could operate at this location while mitigating this impact on adjacent residents.

Setback/Buffer Reduction & Outdoor Storage

3. Variance to reduce building setbacks for an existing building. [§708.16 (H.)]
4. Variance to eliminate the required 40' buffer adjacent to residentially zoned property. [§708.16 (I.)]
5. Variance to allow outdoor storage within 50' of residential property and across more than 25% of the parcel. [§708.16 (G.1.c.)]; [§708.16 (G.1.d.)]

The existing garage is within 2.7 feet and 0.7 feet from the property lines. Side setback requirements for CRC are normally fifteen (15) feet but Tier B only requires six (6) feet between the building and property line. The applicant would like to renovate the building and is requesting a variance to allow the building to be improved (but not expanded) in its current location.

CRC zoned properties directly abutting residential zoning must maintain a 40-foot, undisturbed buffer to protect nearby residential properties from noise, activity, and visual impacts. If the existing vegetation is not adequate or consists of invasive vegetation, the buffer is required to be planted back with new evergreen trees. The applicant has not proposed any buffer or transitional treatment along the shared property line, with the submitted site plan showing the area to be cleared and fully graveled. Eliminating the buffer entirely would remove the primary separation intended to shield residents from commercial activity. Given the nature of the proposed use – which includes equipment movement, vehicle maintenance, and outdoor operations – the absence of a buffer would significantly increase the potential for adverse impacts on adjacent residential properties.

The application indicates that the rear yard is to be used for outdoor storage and overnight parking of company box trucks, screened by a privacy fence. As noted above, landscaping businesses typically rely on a wide range of additional materials, equipment, and vehicles stored outdoors. The proposed storage area lies within 50 feet of residential property and appears to well exceed the maximum 25% of the parcel permitted for outdoor storage.

Gravel Parking

6. Variance to allow parking on an unpaved surface. [§716.08 (A.)]; [§716.08 (B.)]
 - 69.19% (31,072 sq. ft.) of site is gravel

The site plan indicates that the applicant proposes to add 31,072 square feet of gravel – covering 69.19% of the site – for outdoor storage and parking of business vehicles. This amount of unpaved surface requires the requested variance. While special exceptions for gravel are occasionally granted, past approvals have generally been limited to small residential driveway projects or locations that are clearly industrial in character. The applicant has not provided a justification for the extensive use of gravel, leaving cost avoidance as the only speculated motive. Additionally, driving over gravel in a standard passenger vehicle is noisy and will only be worse if heavy equipment or the company's box trucks are involved. It is also worth noting that if this same area were paved instead of graveled, the site would approach full lot coverage and would exceed the maximum 80% impervious surface limit allowed in CRC zoning.

Furthermore, there is a portion of the property located in front of the three-bay garage and office building that is not identified as gravel, asphalt, or concrete on the site plan. Based on both omission and aerial imagery, this area appears to remain as dirt/grass. Although the applicant indicates this 'courtyard' area will be used for staff and client parking, the site plan does not identify any paving or surface treatment, leaving it unclear how this area will function in compliance with parking and access requirements. If left as-is, it would be the only portion of the property not covered by building, asphalt, concrete, or gravel, yet it is still intended to serve as a parking area and primary access point to the three-bay garage and office building.



Site plan submitted with the application

2024 Aerial imagery of the subject property

There are numerous concerns associated with this request:

- Property maintenance, especially outdoor storage areas, usually degrades over time.
- Allowing quasi-industrial uses that require minimal investment will only encourage other, similar uses.
- Outdoor storage of landscaping materials can be unsightly, loud, and odorous, especially if only screened behind a fence.
- Commercial landscapers use heavy equipment beyond a passenger pick-up truck: box trucks, flatbed trucks, cherry pickers, woodchippers that are unpleasant even when not being used.
- Driving on gravel generates noise. Heavy vehicles would likely exacerbate the effect.

Engineering Comments:

- Site development plan review required.
- An oil water separator should intercept cleanup from oil change area and any vehicle wash area drains
- List variance request for gravel which must be approved by Mayor and Council

Marietta Fire Comments:

- No objections. Necessary site and building construction will be required to conform to state and local Fire/Safety Minimum Standards, and the Georgia Accessibility Code for access to and through buildings from a site arrival point. The Marietta Fire Protection Sprinkler code applies to new buildings (when tax appraised value is exceeded by construction value, or a new commercial building is created through rezoning).

Marietta Water Comments:

- No conflict with the proposed use. We would like to secure an easement for the existing sanitary sewer main at some point in the future.



Department of Development Services
205 Lawrence Street
Marietta, GA 30060

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 #: V2026-05 Legistar #: 2026 BZA Hearing Dt: NA
City Council Hearing Dt (if applicable) #: February 11, 2026 PZ #: 26-001

This is a variance/appeal application for:

☐

Board of Zoning Appeals

☒

City Council

Owner's Name

Documentation showing names of Principals authorized to sign application is **required for Corporations.**

EMAIL Address:

Mailing Address: Zip Code: Phone Number:

COMPLETE ONLY IF APPLICANT IS NOT OWNER:

Applicant:

EMAIL Address:

Mailing Address: Zip Code: Phone Number:

Address of subject property: 1075 Powder Springs St Date of Acquisition: 1962
17021400040

Land Lot(s) 214 District 17 Parcel Q Acreage 1.16 Zoned CRC Ward FLU:

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

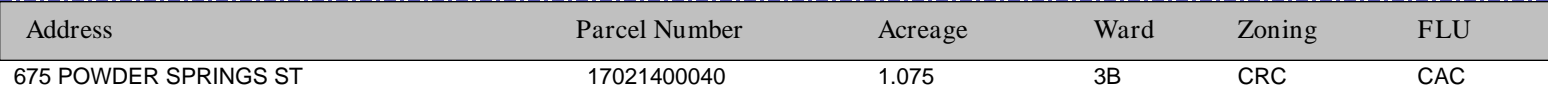
see attached

Required Information

































1. Application fee (Residential - \$250; Non-residential - \$350)
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. Documentation showing names of Principals authorized to sign application is **required for Corporations.**
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 (8 1/2" x 11") -or- One (11" x 17") drawn to scale.
Optional Additional Plat size: (24" x 36"). If providing (24" x 36") then 5 copies REQUIRED of the plat size pages.
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



City of Marietta Planning & Zoning

- ## 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 |

Marietta City Council

Re: Variance Requests for 675 Powder Springs Street, Marietta, GA 30064 (CRC Zoning)

LETTER FROM THE CURRENT OWNERS

We respectfully submit this letter in support of our variance requests for 675 Powder Springs Street. The purpose of these requests is to enable the sale of our property to a qualified and willing buyer with whom we are currently under contract.

We have owned this property since 1962. For many years, my husband operated a successful auto repair shop and salvage yard on-site, while I maintained my CPA firm in the office located on the property. As we have entered our 80s, maintaining the site has become increasingly difficult for us both physically and financially. My husband passed away in early January 2026, and this situation has become a significant hardship for our family.

The property has been vacant for several years. In 2021, we entered a private sales contract with a buyer who ultimately defaulted at closing unless we agreed to provide three-year seller financing. After those three years, the buyer again defaulted, and during that period made no meaningful effort to maintain the property. As a result, the property fell further into disrepair. In February 2025, we were forced to take the property back via Deed in Lieu of Foreclosure, and the previous buyer retains a 36-month Right of First Refusal. This long process has been extremely challenging for us, and we are now working diligently to secure a new, stable buyer.

CURRENT STATUS

With the help of professional representation, we are now under contract with a new buyer who has been patient and cooperative throughout the Right of First Refusal process. They intend to use the property as a base of operations for a commercial landscape company. During our meeting with Ms. Shelby Little in the Zoning Department, it was noted that CRC zoning requires a 200-foot buffer between a commercial landscape business and any Single-Family zoning. A 72-foot portion of the back right corner of our parcel directly abuts land recently rezoned by the City to PRD-SF for future townhome development.

We understand this 200-foot buffer requirement applies to commercial landscaping uses; however, even with Buyer, Seller and Sellers REALTOR® speaking in person to the Zoning Department no specific justification could be provided for why this particular use necessitates such a wide buffer. It seems to be 'just a rule on the books'. We believe the

proposed use would be a significant improvement over the current condition of the property—which is presently overgrown with kudzu and has attracted trespassing and homeless activity. Under the buyer’s ownership, the property would be regularly maintained, secured, and operated by a business contributing tax revenue to the City of Marietta.

PROPOSED USE OF THE PROPERTY

The buyer intends to use 675 Powder Springs Street as the site for their commercial landscaping company—a location strategically aligned with the significant amount of work they perform in the Marietta area. Their operations help beautify residential and commercial properties throughout the city.

Current site features and proposed improvements include:

1. Garage Renovation & Use

The existing 3-bay garage will be repaired and secured to store landscape equipment such as mowers, trimmers, edgers, blowers, and hand tools. It will also be used for basic vehicle maintenance (e.g., oil changes, brakes) on the company’s fleet.

2. Office Renovation & Use

The existing office will be restored for administrative operations, client meetings, team meetings, and employee breaks. Renovations may include updated flooring, plumbing, roofing, and gutters, but the footprint will remain unchanged. The courtyard in front of the garage and office will provide parking for staff and visitors.

3. Back Lot Improvements

The rear portion of the property is currently undeveloped and heavily covered in kudzu. The buyer plans to pave this area.

- **Daytime:** employee parking
- **After hours:** secure parking for company box trucks
Privacy fencing will be added on three sides.

REQUESTED VARIANCES

We respectfully request the following:

Marietta City Council

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CURRENT STATUS

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We understand this 200-foot buffer requirement applies to commercial landscaping uses; however, even with Buyer, Seller and Sellers REALTOR® speaking in person to the Zoning Department no specific justification could be provided for why this particular use necessitates such a wide buffer. It seems to be 'just a rule on the books'. We believe the

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3. Back Lot Improvements

The rear portion of the property is currently undeveloped and heavily covered in kudzu. The buyer plans to pave this area.

- **Daytime:** employee parking
- **After hours:** secure parking for company box trucks
Privacy fencing will be added on three sides.

REQUESTED VARIANCES

We respectfully request the following:

1. **A variance to remove or reduce the 200-foot buffer requirement** for a commercial landscaping business, applying specifically to the limited and well-defined operations proposed for this site.
2. **A variance permitting reasonable modifications to the existing structures—** within their current footprints—to bring them to safe, functional, and presentable conditions without requiring demolition and complete reconstruction.
3. **Exemption from the Commercial Corridor Design Overlay District requirements.**

The property is not visible from Powder Springs Street, the primary corridor, as it sits entirely behind Drivers Automotive. We understand the Director of Development Services has the authority to waive this requirement. We have provided a picture of the entrance from Powder Springs so you can see the lot is not visible.

We genuinely appreciate your time and consideration. We have a fair and viable offer, a responsible buyer, and an urgent need to complete this sale given our age and health circumstances. Approval of these variance requests will allow this long-neglected property to be restored, secured, maintained, and productively used in a manner that benefits both the surrounding area and the City of Marietta.

Sincerely,

[Redacted Signature]

Property Owner

DRIVERS
AUTOMOTIVE

SMITH APPLIANCE



ENTRANCE



379 17021400690

10

17021400010

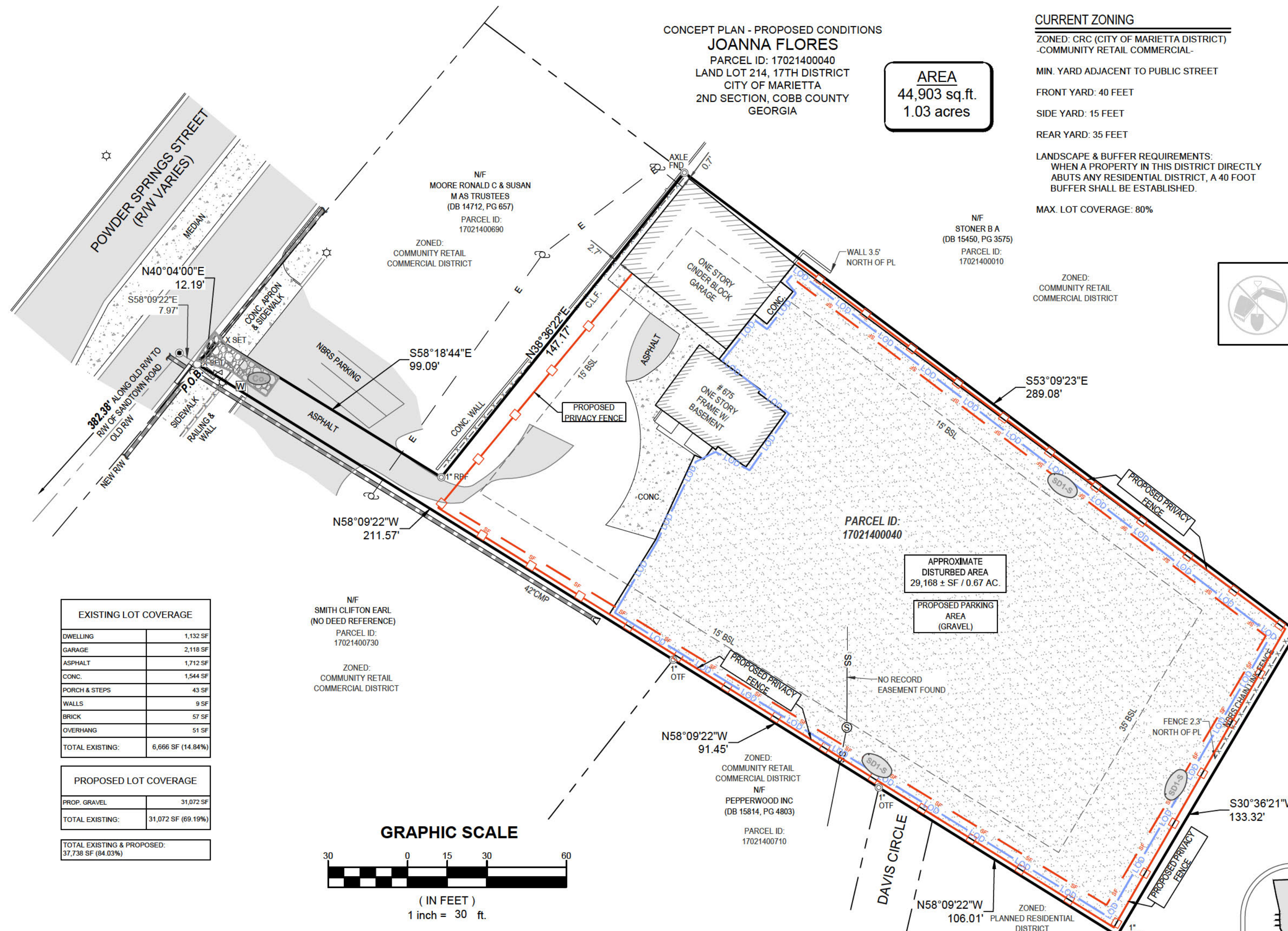
675

17021400040

685

17021400730

17021400710



SURVEY NOTES

- EQUIPMENT USED : TOPCON ROBOTIC D2 TOTAL STATION - TOPCON RTK GPS ROVER.
- THE FIELD DATA UPON WHICH THIS MAP OR PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 10,000 FEET AN ANGULAR ERROR OF 02" PER ANGLE POINT AND WAS ADJUSTED USING COMPASS RULE.
- THIS MAP OR PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 149,511 FEET.
- THIS PROPERTY IS SUBJECT TO ALL ZONING ORDINANCES, SETBACK LINES AND EASEMENTS OF RECORD LYING WITHIN.
- AS SHOWN ON FLOOD INSURANCE RATE MAPS OF CITY OF MARIETTA, COBB COUNTY, GEORGIA COMMUNITY PANEL NUMBER 13067C0116J THIS PROPERTY IS NOT LOCATED WITHIN A 100 YEAR FLOOD ZONE.

THIS PLAT WAS PREPARED FOR THE EXCLUSIVE USE OF THE PERSON, PERSONS, OR ENTITY NAMED IN THE CERTIFICATE HEREON. SAID CERTIFICATE DOES NOT EXTEND TO ANY UNNAMED PERSON WITHOUT AN EXPRESS RE-CERTIFICATION BY THE SURVEYOR NAMING SAID PERSON.

VISIT US ON OUR WEBSITE:
www.united-lls.com

2130 KINGSTON CT SE SUITE A
MARIETTA, GEORGIA 30067
Ph. (678) 294-5232

UNITED LAND SURVEYING
COA NO. LSF 001321

CONCEPT PLAN - PROPOSED CONDITIONS
JOANNA FLORES
PARCEL ID: 17021400040
LAND LOT 214, 17TH DISTRICT
CITY OF MARIETTA
2ND SECTION, COBB COUNTY
GEORGIA

REVISIONS

1.	
2.	
3.	
4.	

LEGAL REFERENCE:

DEED BOOK: 16013	PAGE: 3063-3064
PLAT BOOK: 15	PAGE: 139

SHEET 1 OF 1

PLAT DATE: 01/06/2026
FIELD DATE: 11/10/2025
SCALE: 1" = 30'
DRAWN BY: M.A.M.
REVIEWED BY: C.P.H.

GEORGIA
REGISTERED
LAND SURVEYOR
CULLEN PRESTON HARDEE
No. 3144

JOB NUMBER:
25-584-A

GSWCC
GEORGIA SOIL AND WATER CONSERVATION COMMISSION
CULLEN PRESTON HARDEE
LEVEL II CERTIFIED DESIGN PROFESSIONAL
CERTIFICATION NUMBER 0000094345
ISSUED: 05/11/2024 EXPIRES: 05/11/2027

SURVEYORS CERTIFICATION

THIS PLAT IS A RETRACEMENT OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT SUBDIVIDE OR CREATE A NEW PARCEL OR MAKE ANY CHANGES TO ANY REAL PROPERTY BOUNDARIES. THE RECORDING INFORMATION OF THE DOCUMENTS, MAPS, PLATS, OR OTHER INSTRUMENTS WHICH CREATED THE PARCEL OR PARCELS ARE STATED HEREON. RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. FURTHERMORE, THE UNDERSIGNED LAND SURVEYOR CERTIFIES THAT THIS PLAT COMPLIES WITH THE MINIMUM TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN THE RULES AND REGULATIONS OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN O.C.G.A. SECTION 15-6-67.

Cullen Preston Hardee
01/06/2026
DATE

CULLEN PRESTON HARDEE
REGISTERED LAND SURVEYOR #3144, LSF 001321