



**STAFF REVIEW AND RECOMMENDATION**

**Variance Case #:** V2015-53                      **Legistar #:** 20151019  
**Board of Zoning Appeals Hearing:**              **Monday, December 14, 2015 – 6:00 p.m.**  
**Property Owner:** 291 Roswell St LLC  
Adele Grubbs  
P.O. Box 1149  
Marietta, GA 30061  
**Applicant:** Same as above  
**Address:** 277 Roswell St  
**Land Lot:** 1232                      **District:** 16                      **Parcel:** 0790  
**Council Ward:** 5A              **Existing Zoning:** CRC (Community Retail Commercial)

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

1. Variance to erect an addition to rear of structure within the setback. [§708.16 (H)]

**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**



**277 Roswell Street**



**Rear of subject property**

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**Recommended Action:**

**Approval.** The property owner, 291 Roswell St. LLC – Adele Grubbs, is requesting a variance to erect an addition to rear of structure within the setback on the property at 277 Roswell Street. The requested variance would allow the proposed addition to lie within the 35 foot rear setback line. The subject property is approximately 0.107 acres – zoned CRC (Community Retail Commercial), and is located on Roswell Street – an arterial road. The property to the south (across Roswell Street) is zoned CRC (Community Retail Commercial), as well as the other adjacent properties are zoned CRC.

This section of Roswell Street is within the Commercial Corridor Design Overlay District, which was established “to enhance the quality and compatibility of development, to establish consistent architectural and design guidelines, to encourage the most appropriate use of land, and to promote safe and efficient movement of traffic. The district is deemed necessary to enhance the aesthetic and visual character of lands adjacent to main commercial corridors in and around Downtown Marietta.” The rear addition will not be seen from Roswell Street and will not serve as a distraction to the vehicular traffic within the parking lot to the rear of the property. The rear of the building is visible to many visitors of the adjacent properties as it abuts to a shared parking lot.

The Zoning Ordinance requires a 35 foot rear setback for property’s zoned CRC. The main structure already encroached into the rear setbacks – therefore, the addition that was recently built increased the encroachment even more into the rear setback. The owner stated that the addition is a decorative shield made from wood – to cover the unsightly gather of metal pipes and meters, which extends from the structure. The appearance of the addition is similar to an open “lean-to” or shed. As constructed, it will allow for the meters to be read as well as adding a decorative appeal to the building. The owner also stated that there will be a new row of landscaping along the addition of the property consisting of bushes and small trees to provide a visual barrier.

There are no negative impacts created by the addition to the rear of the structure, and will provide aesthetic improvements to the site. In order to allow the property owner to keep the improvements to the exterior of its building, *Staff recommends approval of the requested variance.*



Department of Development Services  
 205 Lawrence Street  
 Marietta, Georgia 30060  
 Brian Binzer, AICP, Director  
 Phone (770) 794-5440

**APPLICATION FOR VARIANCE OR APPEAL**

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

Application #: V2015-53 Hearing: 12-14-15 Legistar # 15-505

This is a variance/~~appeal~~ application for:

PZ #: \_\_\_\_\_

Board of Zoning Appeals

City Council

Owner's Name 291 Roswell St. LLC

Address P.O. 1149 MARIETTA GA Zip Code: 30061

Telephone Number: 770 528 1826 Email Address: adele.grubbs@gmail.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:

277 Roswell St Date of Acquisition: April 1, 2014

Land Lot (s) 1232 District 6<sup>th</sup> Section Parcel 2 Acreage 0.107 Zoned CRC Ward 5A FLU CAC  
12320 0790

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

To erect 2 free standing blinds - see attached.  
Erect an addition to rear of structure

**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. Legal description of property. **Legal description must be in a WORD DOCUMENT.**
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.  
 If Plat size (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**

291 Roswell Street LLC

P.O.1149

Marietta GA. 30061

26<sup>th</sup> October 2015

Department of Development Services

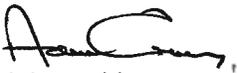
205 Lawrence Street

Marietta GA 30060

Re: Variance for 277 Roswell Street

The above application for a Variance involves the rear of the property at 277 Roswell Street. There are four separate units and each has extensive outside piping and meters that make the property unsightly, as well as a barren area before the parking. To beautify the property the utilities will be covered by wooden decorative shields that still allow the meters to be read. The remainder of the area will be landscaped and bushes and small trees planted. It is the plan to make it look like a small park.

Unfortunately the wooden structures are within the 35Foot set back and a Variance is needed. I started working at the property next door in 1972 and still have an interest in that property. This area has been an eye sore for years. The plan is to make it look a great deal better.



Adele Grubbs

291 Roswell Street LLC

**TO: Marietta Daily Journal**  
**FROM: City of Marietta**  
**RUN DATE: November 27, 2015**

**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, December 14, 2015 at 6:00 P.M.**, City Hall. Anyone wishing to attend may do so and be heard relative thereto.

**V2015-53 [VARIANCE] 291 ROSWELL ST LLC** is requesting a variance for property located in Land Lot 1232, District 16, Parcel 0790, 2<sup>nd</sup> Section, Marietta, Cobb County, Georgia and being known as 277 Roswell Street. Variance to reduce the side and rear setbacks for a building addition. Ward 5A.

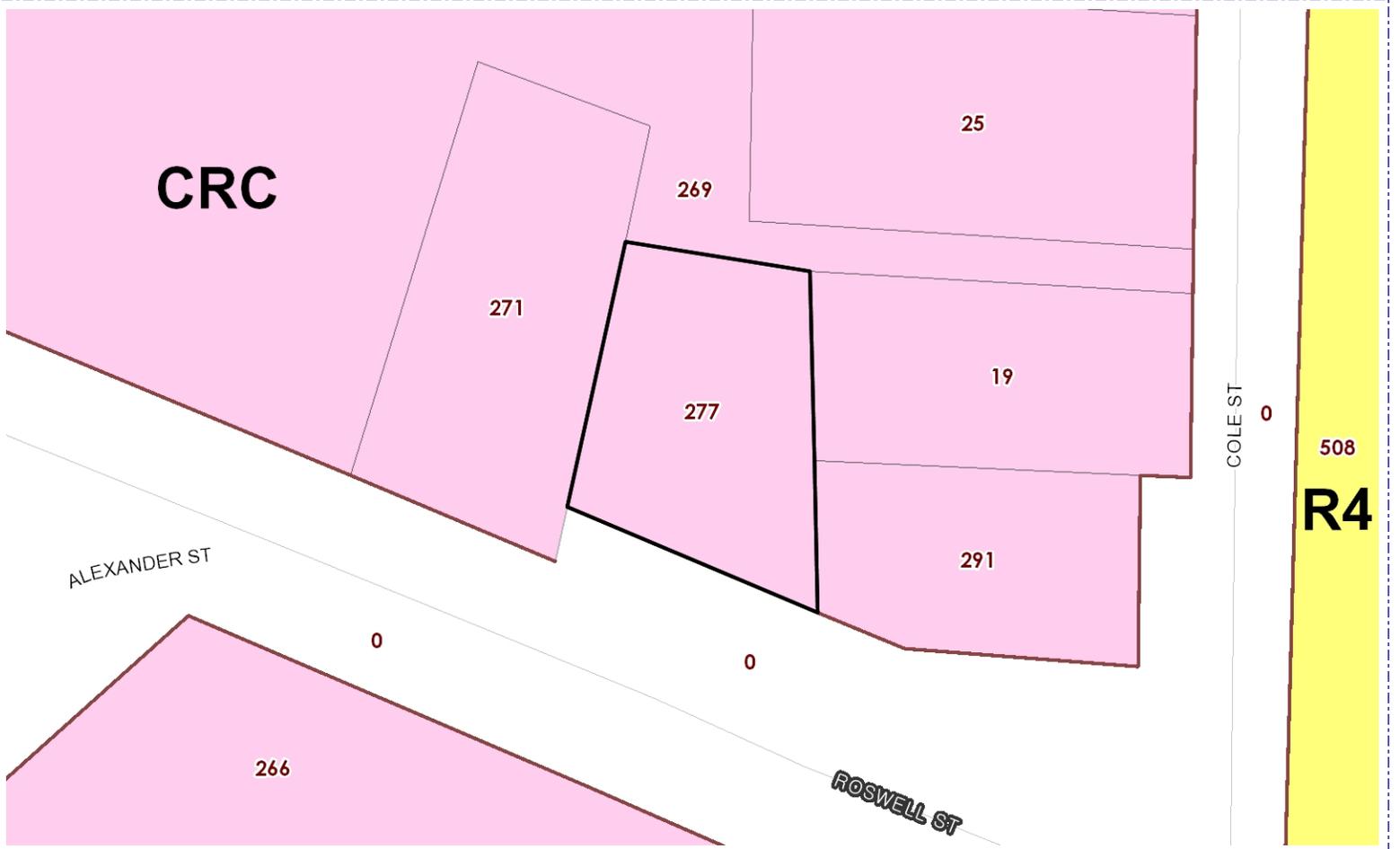
A description and plat of the property sought for the variances are on file in the Planning and Zoning Office, City Hall, and are available for inspection between 8:00 A.M. and 5:00 P.M., Monday through Friday. Anyone wishing to attend may do so and be heard relative thereto.

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
277 ROSWELL ST	16123200790	0.107	5A	CRC	CAC

Property Owner:	291 Roswell St, LLC	<b>Zoning Symbols</b> <ul style="list-style-type: none"> <li>--- Railroads</li> <li>--- City Limits</li> <li>--- Cobb County Pockets</li> <li>NA</li> <li>R1 - Single Family Residential (1 unit/acre)</li> <li>R2 - Single Family Residential (2 units/acre)</li> <li>R3 - Single Family Residential (3 units/acre)</li> <li>R4 - Single Family Residential (4 units/acre)</li> <li>RA4 - Single Family Residential - Attached</li> <li>RA6 - Single Family Residential - Attached</li> <li>RA8 - Single Family Residential - Attached</li> <li>MHP - Mobile Home Park</li> <li>PRD-SF - Planned Residential Dev. Single Family</li> <li>RM8 - Multi Family Residential (8 units/acre)</li> <li>RM10 - Multi Family Residential (10 units/acre)</li> <li>RM12 - Multi Family Residential (12 units/acre)</li> <li>RHR - Residential High Rise</li> <li>PRD-MF - Planned Residential Dev Multi Family</li> <li>NRC - Neighborhood Retail Commercial</li> <li>CRC - Community Retail Commercial</li> <li>RRC - Regional Retail Commercial</li> <li>PCD - Planned Commercial Development</li> <li>LI - Light Industrial</li> <li>HI - Heavy Industrial</li> <li>PID - Planned Industrial Development</li> <li>MXD - Mixed Use Development</li> <li>CBD - Central Business District</li> <li>OIT - Office Institutional Transitional</li> <li>LRO - Low Rise Office</li> <li>OI - Office Institutional</li> <li>OS - Office Services</li> <li>OHR - Office High Rise</li> </ul>
Applicant:		
BZA Hearing Date:	12/14/2015	
Acquisition Date:		
Case Number:	V2015-53	
City of Marietta Planning & Zoning		



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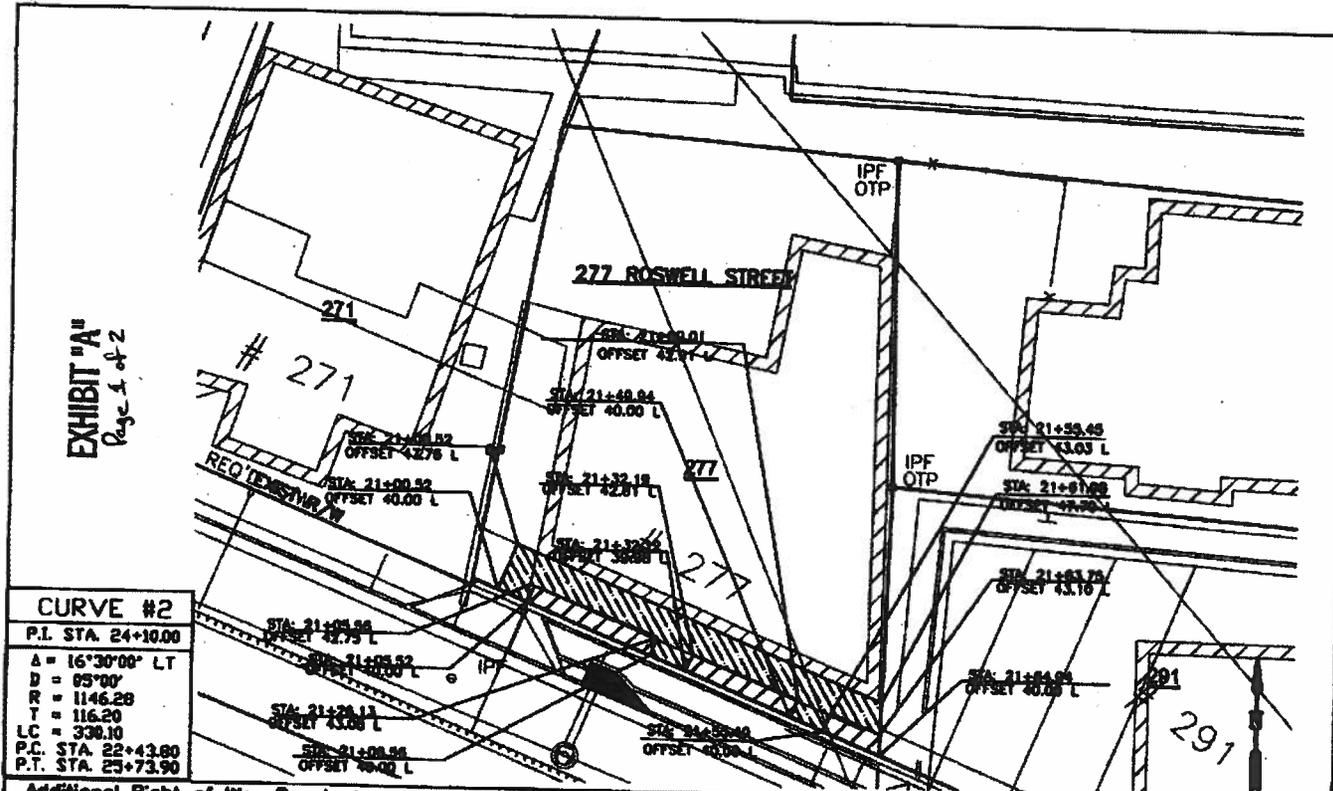
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100 ft 20 m

**EXHIBIT "A"**  
Page 1 of 2



Additional Right of Way Required =	0.000 Acres	0 Sq Ft
Temporary Construction Easement =	347.97	Sq Ft
Permanent Landscape Easement =	138.33	Sq Ft
Easement for Driveway Construction =	0	Sq Ft

 Permanent Easement	 Temp. Easement
 Driveway Easement	 Existing Right of Way
 Right of Way	 Property Lines

Prepared by:  
PBS&J  
Atlanta, Georgia

Sketch of Right of Way Required by  
City of Marietta, Georgia  
through the Property of  
**Anna & Fred E. Cook**  
Located in the  
2nd Section Land District 16  
Land Lot 1232  
Cobb County, Georgia

5-2-07 736101.00 277