Department of Development Services
205 Lawrence Street
Marietta, Georgia 30060
Brian Binzer, Director

STAFF REVIEW

Variance Case #: **V2016-15** **Legistar #:** **20160285**

City Council Hearing: **Wednesday, May 11, 2016 – 7:00 p.m.**

Property Owner: **Jimmy Freeman**
380 Clark Creek Pass
Acworth, GA 30102

Applicant: **Keith Cristal**
1860 Roswell Road
Marietta, GA 30062

Address: **800 Williams Drive**

Land Lot: **801** **District:** **16** **Parcel:** **0020**

Council Ward: **5B** **Existing Zoning:** **LI (Light Industrial)**

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

1. Variance to allow gravel as the surface for driveways and parking. [§716.08 (B.)]
2. Amend zoning stipulations included as conditions of zoning for rezoning case #Z-9926.

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.

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PICTURES

800 Williams Drive

Gated entry along private road

Aerial of 800 Williams Drive

Staff Review:

The applicant, Keith Cristal, is requesting a variance to allow gravel as a surface for driveways and parking. Mr. Cristal intends to operate a storage lot for boats and recreational vehicles and intends to spread gravel across the property to accommodate the parking area on the property at 800 Williams Drive.

The subject property is 27.735 acres, and is zoned Light Industrial (LI). The adjacent properties to the north, east, southeast and southwest corner are also zoned LI. The adjacent property to the west is zoned RM-12 (Residential Multi-Family – 12 units/acre); and the adjacent properties to the south are residentially zoned (R-20) within Cobb County.

Section 716.08 (B) of the Zoning Ordinance states that only concrete, asphalt, or brick may be used as an allowable surface for parking to accommodate vehicles up to 8,000 pounds. The applicant wishes to provide a gated facility of temporary parking spaces for boats, RVs, cars, trucks, as well as tractors. The applicant also would like to extend its services to nearby businesses for the use of overflow inventory from dealerships with heavy vehicles – such as farm tractors, etc..

In addition, Mr. Cristal would like to be able to operate a "park/ride lot" to provide access to the new Atlanta Braves baseball field once they move to SunTrust Park.

Similar variances have been considered and granted for the following:

Case #	Address	Zoning
V2016-02	25 Ayers Ave	CRC
V2015-43	772 Allgood Rd	NRC
V2015-16	393 North Sessions St	LI
V2014-33	795 Pickens Ind Dr	LI
V2014-26	336 Whitlock Ave	R-3
V2013-15	1798 Roswell Rd	CRC
V2013-13	405 Saint Mary's Ln	R-2
V2013-08	33 Garrison Rd	OIT
V2008-17	1018 Powder Springs St	R-2
V2001-03	1551 West Oak Dr	CRC
V2001-01	279 Washington Ave	OI
V2000-31	2068 Airport Industrial Park Dr	LI
V-98029	424 Glover St	LI
V-98023	Dickson Rd	LI
V-96042	2032 Airport Ct	LI
V-95052	1014 Industrial Park Dr	LI

Some of these cases were approved to allow gravel for residential driveways, while others were for vehicle storage and some light vehicle traffic. However, in the cases where vehicle storage was approved, it was limited to operable vehicles only. In this particular case, the applicant would use the majority of the site as a gravel parking/storage area for a range of vehicles varying by size.

The subject property is adjacent to multiple residential properties – therefore the applicant shall maintain and improve where necessary for a 50 feet buffer between the residential neighboring properties.

The Public Works Department makes note that a gravel surface could not withstand the driving and parking demands of the proposed commercial use. Erosion and rutting of the gravel surface would negatively impact the stream traversing the property. Noise and dust may also pose a problem for the surrounding residential neighbors.

This site was rezoned to LI, with stipulations on November 3, 1999, and appears to have been graded shortly thereafter. As private cul-de-sac street provides access to the interior of the property from Williams Drive. Only the properties at 840 Williams Drive and 850 Williams Drive have been developed within the industrial park. The majority of the site has not been developed any further.

The following stipulations – that were attached to the property at the time of the rezoning in 1999 – will have to be addressed by City Council separately, but on the same City Council agenda:

- No "automotive type businesses; and
- No outside storage of any kind

Marietta GEORGIA

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 #: V2016-15 **Legistar #:** 20160285 **BZA Hearing Dt:** –

City Council Hearing Dt (if applicable) #: 5-11-16 **PZ #:** 16-141

This is a variance/appeal application for:

☐ **Board of Zoning Appeals** ☒ **City Council**

Owner's Name Jimmy Freeman

Address 380 Clark Creek Pass Acworth Ga Zip Code: 30102

Telephone Number: 770 833-5510 Email Address: JF@AtlantaKabota.com

COMPLETE ONLY IF APPLICANT IS NOT OWNER:

Applicant Keith Cristal

Address 1860 Roswell Rd Marietta Ga Zip Code: 30062

Telephone Number 678-414-0307 Email Address: Storemytruck@Gmail.com

Address of property for which a variance or appeal is requested:

800 Williams Drive Marietta Date of Acquisition:

Land Lot (s) 801 (08010) District 16 Parcel 2 (0020) Acreage 27.7 Zoned LI Ward 5B FLU IW

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

Use of Gravel for Storage and Parking vehicles

Amend Letter of Stipulations

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 ½" 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

KEITH CRISTAL
1850 Roswell Street
Marietta, GA 30062
678-570-8380
storemytruck@gmail.com

Mr. Brian Binzer
Director of Development Services
205 Lawrence Street
Marietta, GA 30060

Re: 800 Williams Drive

Dear Mr. Binzer,

I have been a multi-business owner in Marietta for over 15 years. I am seeking a land use special stipulation change at 800 Williams Drive in Marietta in order to park vehicles on a gravel lot in the industrial area located at 800 Williams Drive. We plan to set up **Marietta Park N Lock,** a gated secure storage facility for boats, RVs, cars, trucks and tractors for clients in the Atlanta area. One of our potential users at Williams Drive sells farm tractors from his nearby dealership and will regularly require temporary parking spaces for overflow inventory. We seek to set up a hard gravel surface for parking these vehicles. This equipment has rigid tires that does not work well on paved surfaces, and that is a main reason for the need for a gravel surface.

With the Braves Stadium coming to Cobb County, event parking or a **Park and Ride** at our Marietta facility is going to be needed. It will be much easier for North Marietta, Cherokee, and North Cobb clients to park here rather than to fight that game traffic on I-75 to attend a game.

A few weeks ago, another potential tenant applied for a land use change for a Mulch production plant use at this same address. Many of the nearby property owners were not happy with the potential use, so the potential business operator withdrew his application. Our planned use on the other hand would be better suited for this property and would have a mild impact, which the neighbors will not be opposed to. Williams Drive has many industrial facilities that use this road already, so our usage would fit in well with the existing Industrial usage.

We already operate some existing parking lots in Marietta, Cobb, and Cherokee Counties, so our experience in this type of business is a great advantage. The parking needs of our community, the traffic benefits for our community, and this better land use would benefit the City of Marietta greatly. I would greatly appreciate your consideration for this special stipulation change on 800 Williams Drive in Marietta.

Sincerely,

Keith Cristal

FREEMAN EQUITIES LLC
380 Clark Creek Pass
Acworth, GA 30102
770-833-5510

March 22, 2016

Mr. Brian Binzer
Director of Development Services
205 Lawrence Street
Marietta, Georgia 30060

Re: Changes to Land Use Plan 800 Williams Drive

Thank you for considering our land use plan for 800 Williams Drive. We believe this will benefit the city and nearby communities.

The changes will reduce traffic on busy residential city streets such as Cherokee, Church, and Powder Springs Streets as well as the Marietta Loop. Instead they will travel to I-75, Canton Highway and Bells Ferry Road. This should improve traffic flow on at least ten of our downtown streets.

I have met and discussed this use with the following nearby property owners and neighbors who support our efforts:

Larry Lewallen, Co-Owner, Lewallen Construction Co.
Peggy Lewallen, Co-Owner, Lewallen Construction Co.
Roy Strickland, Co-Owner, Stone Distributors
Jack Brand, Manager, Atlanta Kubota
Mike Lehman, Manager, Stone Distributors
Rocky Devotie, Owner, White Oak Landscape Co.
Jim Remole, adjacent property owner
Frank Watts, Jr., co-owner adjacent property
Jim Freeman, adjacent property owner

As you will recall, we considered other uses a few weeks ago, only to find that some of our neighbors were uncomfortable with them. We immediately withdrew our application and are now asking for a more compatible use. This use is for a park an lock lot for campers, RVs, and trucks as well as storage of tractors and heavy equipment on a gravel surface. Our desire is to be a good neighbor and improve our city.

Sincerely,

James E. Freeman Mgr

James E. Freeman, Manager
Freeman Equities LLC
a family partnership

TO: **Marietta Daily Journal**

FROM: **City of Marietta**

RUN AD DATE: **April 15, 2016**

PUBLIC NOTICE OF REZONINGS, CODE AMENDMENT, AND VARIANCES

The City of Marietta hereby gives notice that a public hearing will be held to give consideration to the following variance requests at the City Council meeting held on **Wednesday, May 11, 2016, 7:00 p.m.,** City Hall, for a final decision to be made.

V2016-15 [VARIANCE] KEITH CRISTAL requesting variances for property located in Land Lots 800, 801, 802 & 856, District 16, Parcel 0020, 2nd Section, Marietta, Cobb County, Georgia, and being known as 800 Williams Drive, currently zoned LI (Light Industrial). Variance to allow gravel as an acceptable parking surface; amendment to letter of stipulations from Z-9926. Ward 5B.

A description and plat of the property sought for the rezoning and future land use assignment are on file in the Planning and Zoning Office, City Hall, and is 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.

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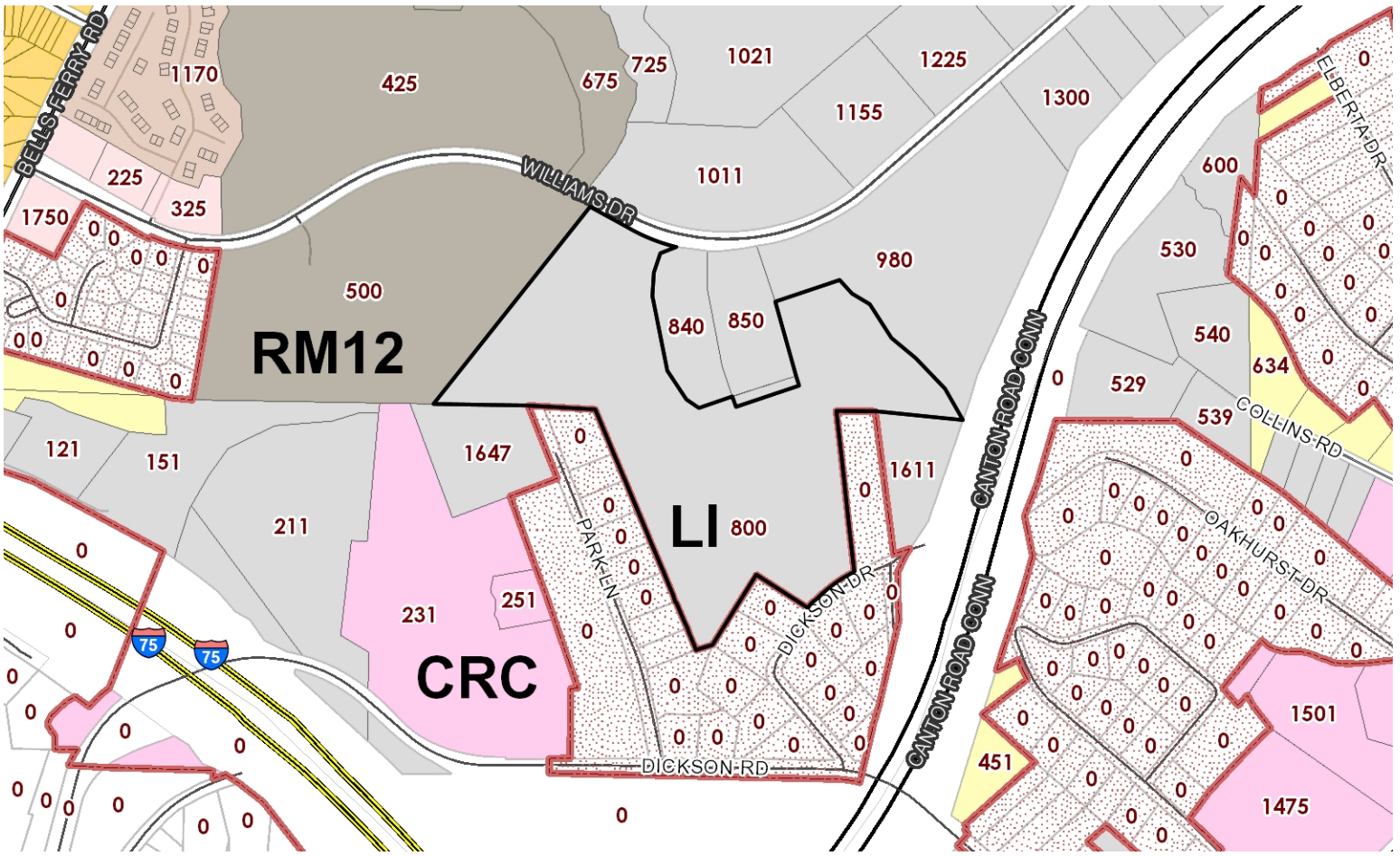
205 Lawrence Street
Marietta, Georgia 30060

Variance



Address	*Parcel Number*	*Acreage*	*Ward*	*Zoning*	*FLU*
800 WILLIAMS DR	16080100020	27.735	5B	LI	IW

Property Owner: Jimmy Freeman

Applicant: Keith Cristal

City Council Hearing Date: 05/11/2016

Acquisition Date:

Case Number: V2016-15

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 - Moble 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

Centerline Surveying Systems, Inc.

1301 SHILOH ROAD, SUITE 1210, KENNESAW, GA. 30144
PHONE: (770) 424-0028 FAX: (770) 424-2399

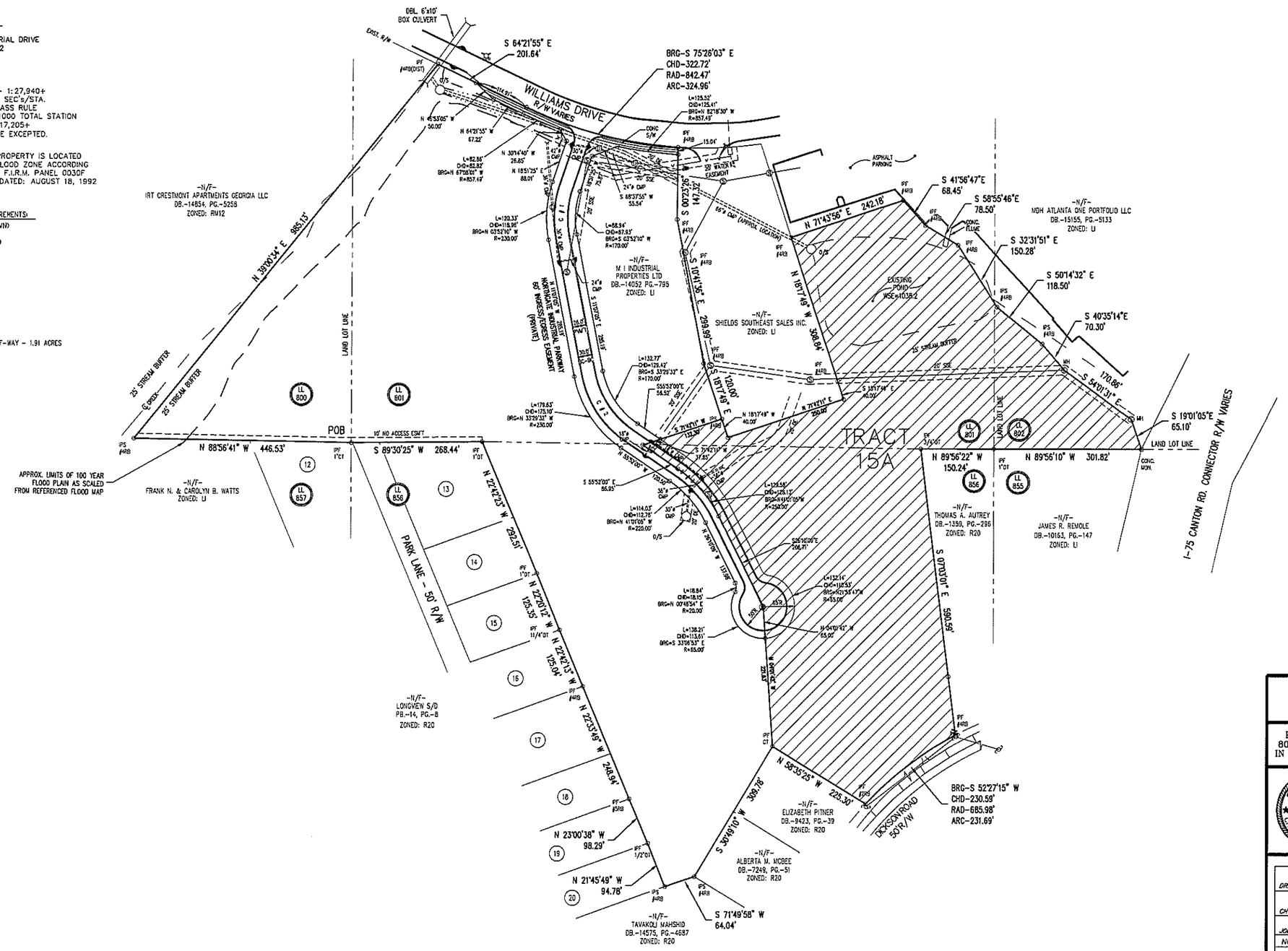
OWNER/DEVELOPER:
JAMES FREEMAN
770 PICKENS INDUSTRIAL DRIVE
MARIEATTA, GA 30062
(404) 428-6541

TRAVERSE CLOSURE = 1:27,940+
ANGULAR ERROR = 2 SEC's/STA.
ADJUSTMENT = COMPASS RULE
EQUIPMENT = WILD T1000 TOTAL STATION
PLAT CLOSURE = 1:717,205+
ALL MATTERS OF TITLE EXCEPTED.

A PORTION OF THIS PROPERTY IS LOCATED WITHIN A 100 YEAR FLOOD ZONE ACCORDING TO CITY OF MARIETTA F.I.R.M. PANEL 0030F COMMUNITY #130226 DATED: AUGUST 18, 1992

BUILDING SETBACK REQUIREMENTS:
(UNLESS OTHERWISE SHOWN)
FRONT - 75' (ARTERIAL)
FRONT - 50' (COLLECTOR)
FRONT - 50' (LOCAL)
SIDE - 50' (MAJOR)
SIDE - 20' (MINOR)
REAR - 40'

NOTES:
PROPERTY IS ZONED LI
TOTAL AREA = 31.99 ACRES
TOTAL AREA WITHIN RIGHT-OF-WAY = 1.91 ACRES
USE: DISTRIBUTION CENTER



LEGEND
- CATCH BASIN (SINGLE WING)
- CATCH BASIN (DOUBLE WING)
- CURB AND GUTTER
- DETENTION POND OUTLET STRUCTURE
- FIRE HYDRANT
- HEADWALL
- CONCRETE MONUMENT
- IRON PIN
- JUNCTION BOX
- POWER POLE
- POWER LINE
- SANITARY SEWER MANHOLE
- WATER METER

REFERENCE PLATS:
PB. 111, PG. 76-79
SURVEY FOR SHIELDS SOUTHEASTERN SALES INC. BY CENTERLINE SURVEYING SYSTEMS; DATED: SEPT. 6, 2000
PB.111, PG.-76-79

REFERENCE DEEDS:
DB. 10190, PG. 525
DB. 8714, PG. 512
DB. 10430, PG. 384
DB. 3553, PG. 406
DB. 3553, PG. 406

CURVE TABLE

CURVE	RADIUS	LENGTH	TANGENT	CHORD	BEARING	DELTA
C # 1	200.00'	104.63'	53.54'	103.44'	S03°52'10"W	29°58'30"
C # 2	200.00'	156.20'	82.33'	152.28'	S33°29'32"E	44°44'55"
C # 3	250.00'	129.58'	66.28'	128.13'	N41°01'05"W	29°41'51"

ZONING PLAT FOR:
NORTHGATE INDUSTRIAL PARK

PROPERTY IS LOCATED IN LAND LOTS 800, 801, 802, & 856 OF THE 16TH DISTRICT, 2ND SECTION, IN THE CITY OF MARIETTA, COBB COUNTY, GEORGIA

GEORGIA REGISTERED No. 2143 LAND SURVEYOR CHARLES C. FRANKLIN

GRAPHIC SCALE
-100 0 50 100 200
(IN FEET)
1 inch = 100 ft.

DRAWN BY: JHM/BRO	DATE: 07/17/01
CHECKED BY: CCF/DBP	DRAWING NO.: FINAL
JOB NO.: 700057F	SHEET 1

NO.	DATE	REVISION DESCRIPTION	BY
1	1-11-16	REVISE PROP. LINE FOR TRACT 15A	CWK