



STAFF REVIEW AND RECOMMENDATION

Variance Case #: V2016-47 **Legistar #:** 20160984
Board of Zoning Appeals Hearing: Monday, October 31, 2016 – 6:00 p.m.
Property Owner: Highpointe North HoA
335 Lake Drive
Marietta, GA 30060
Applicant: Lennar Homes of GA
Seth Brown
1000 Holcomb Woods Parkway
Roswell, GA 30076
Address: 300 Williamson Street
Land Lot: 433 **District:** 17 **Parcel:** 0920
Council Ward: 1A **Existing Zoning:** RM-10 (Residential Multifamily – 10 units/acre)

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

1. Special Land Use request to utilize a temporary building as a sales office. [§710.02]

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



300 Williamson Street



Existing – Visitor Parking Area

Recommended Action:

Approval with stipulations. The applicant, Lennar Homes of GA, is requesting a Special Land Use Permit (SLUP) for a sales trailer at 300 Williamson Street, totaling 5.75 acres. The intent is to operate a temporary structure as a sales office for the townhomes associated with Highpointe North Townhomes. The subject lot is zoned RM-10 (Multi-Family Residential – 10 units/acre). The property adjacent to the southwest corner and across the street to the west are zoned RM-8 (Multi-Family Residential – 8 units/acre). The properties adjacent to the north and south are zoned CRC (Community Retail Commercial) – and the properties to the east are zoned CRC and OI (Office Institutional).

The applicant would like to place a sales trailer in the designated common area. According to the site plan the trailer will be 12 feet wide and 42 feet long – which is 504 square feet. The trailer will sit in the northeast corner of the subject property at approximately 14.3 feet from the curb and 25.5 feet from the north property line. Using the 2 (two) existing visitor parking spaces east of the common area – one of the spaces will be a designated handicap space adjacent to a sidewalk – which leads to a ramp with access to the sales trailer. Also there will be a crosswalk providing access from the trailer to the townhomes – as shown on site plan.

According to Marietta’s Zoning Ordinance – Section 710.02 Temporary Buildings *“Requests to utilize a temporary building pending completion of a permanent building may be granted a SLUP by the Board of Zoning Appeals for a period not to exceed 1 year. Utility hookups to temporary building must be screened from view through fencing or landscaping...”*

The applicant is requesting this SLUP in order to provide an office to aid with the sale of the townhomes. Recently building permits were issued for lots 15 – 23, 25 – 31, and 60 – 68. According to the 2015 aerial – 42 townhomes out of a total of 77 townhomes have already been built; therefore - a little over 50 percent of the subdivision - and twenty-seven (27) townhomes are in process of being built. After the completion of these 27 townhomes, the subdivision will be nearly 90 percent complete.

The trailer must be permitted through Marietta’s Building Division, and the structure must comply with all applicable Georgia accessibility codes, including parking. If approved, in addition to meeting those codes, any utility hook-ups should be on the rear of the trailer in order to maintain an attractive front façade.

The Board of Zoning Appeals only has the authority to approve with the duration of one year – and then the applicant will have to reapply if the trailer is needed at that time. As illustrated on the site plans, the trailer will not be seen from any other roadway besides the roadway that serves Highpointe North Townhomes.

Therefore, staff recommends approval of this variance request for one year with the stipulation that all utility hookups are to the rear (north side) of the trailer facing the natural vegetation.



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

APPLICATION FOR SPECIAL LAND USE PERMIT

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

For Office Use Only:

Application#: V2016-47 Registrar#: _____ PZ #: 16-527
 BZA
 PC Hearing: 10/31/16 CC Hearing (If Applicable): _____

Board of Zoning Appeals City Council

Owner's Name Highpointe North HOA
 Address 335 LAKE DRIVE Marietta, Ga Zip Code: 30060
 Telephone Number: 404-372-8856 Email Address: helen@smgmgt.com

COMPLETE ONLY IF APPLICANT IS NOT OWNER:

Applicant: Lennar Homes of Ga.
 Address 1000 Holcomb Woods Pkwy Zip Code: 30076
 Telephone Number 404-796-3376 Email Address: seth.brown@lennar.com

Address of property for which special land use is requested:
300 Williamson Street, Marietta Ga 30060 Date of Acquisition: 6/24/2016

Land Lot (s) 04330 District 17 Parcel 0920 Acreage 5.75 Zoned RMo Ward 1A FLU CAC

List the special land use permit requested (please attach any additional information):

SALES TRAILER PERMIT / Install on Common Space
property owned by Highpointe North neighborhood

Required Information

1. Application fee: Board of Zoning Appeals (\$250) or Planning Commission (\$100)
2. Completed notarized application. The original application and signatures - Copies of the application or signature(s) will be returned.
3. Legal description of property. Legal description must be provided.
4. Site plan: One copy scaled to an 8 1/2" X 11" size, plus prepared by an architect, engineer, (P.E. or Civil Engineer)
5. Copy of current tax bill showing payment or documentation of payment.
6. Documentation authorizing applicant to submit application

mail notices to her as well.
 call her with questions

PERMITS PLUS CORPORATION
 Gayle White

Phone: 678-300-9438 Fax: 678-445-1975

1092 Meadow Brook Drive Woodstock, GA 30188
 E-Mail: permitspluscorp@gmail.com

Note: The Department of Development Services reserves the right to request any information reasonably may be required in order that an informed decision may be made.

OVER

TO: Marietta Daily Journal
FROM: City of Marietta
RUN DATE: October 14, 2016

CITY OF MARIETTA
PUBLIC NOTICE OF VARIANCES and SPECIAL LAND USE PERMIT

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 31, 2016 at 6:00 P.M.**, City Hall. Anyone wishing to attend may do so and be heard relative thereto.

V2016-47 [SPECIAL LAND USE PERMIT] LENNAR HOMES OF GA is requesting a Special Land Use Permit for a temporary sales trailer for property located in Land Lot 433, District 17, Parcel 0920, 2nd Section, Marietta, Cobb County, Georgia and being known as 300 Williamson Street. Ward 1A.

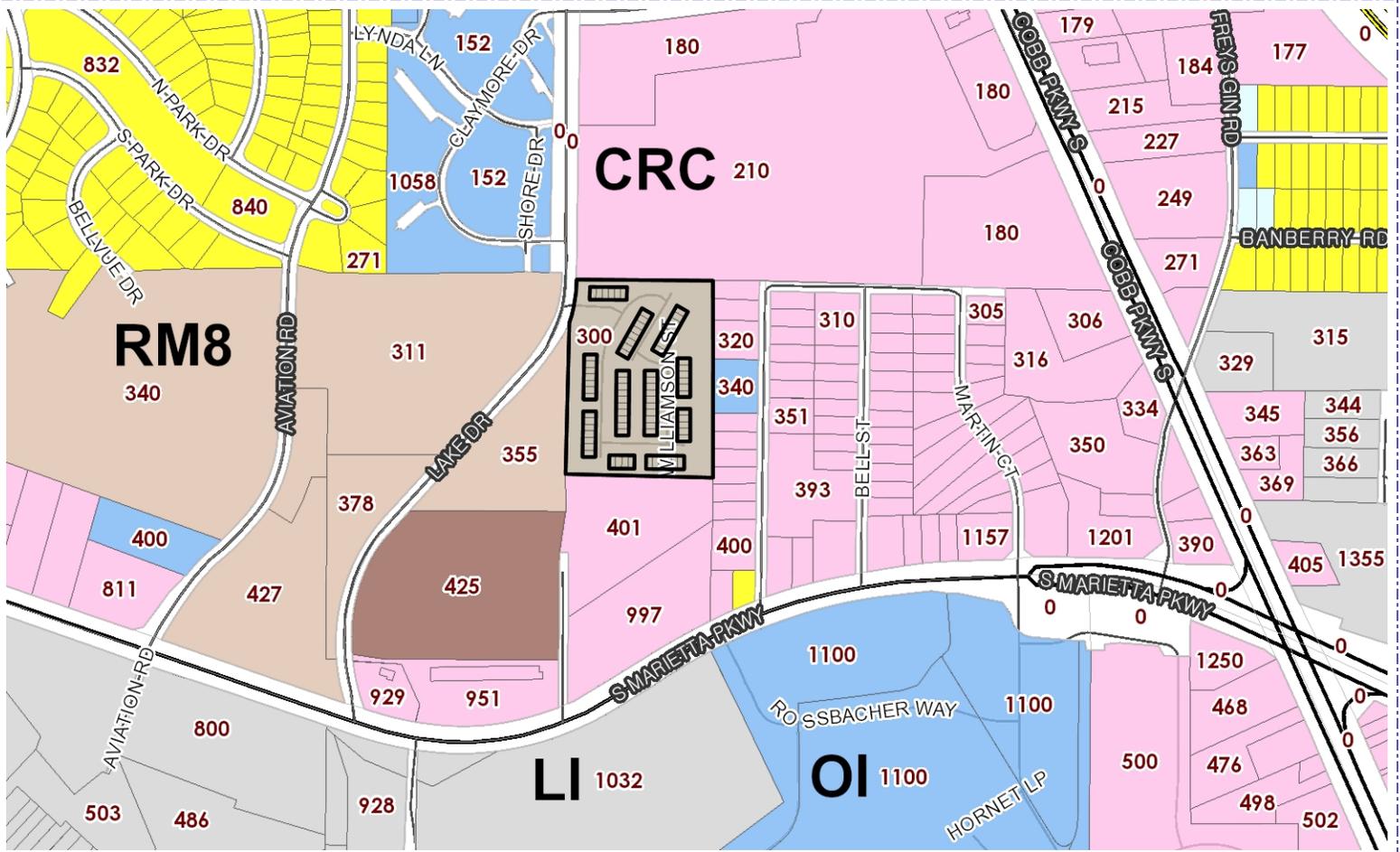
A description and plat of the property sought for the variances are on file in the Planning and Zoning Office, City Hall, and are available for inspection between 8:00 A.M. and 5:00 P.M., Monday through Friday. Anyone wishing to attend may do so and be heard relative thereto.

For additional information please call the Planning and Zoning Office (770) 794-5669.

Accessibility to Meetings: If you believe you may need the City/BLW to provide special accommodations in order to attend/or participate in any of the above meetings, please call Mr. Patrick Henley, ADA Coordinator, at 770-794-5558 (voice) or 770-794-5560 (TDD) no later than 48 hours before the date of the above meeting.

City of Marietta
205 Lawrence Street
Marietta, Georgia 30060

Special Land Use



Address	Parcel Number	Acreage	Ward	Zoning	FLU
300 WILLIAMSON ST	17043300920	5.756	1A	RM10	CAC

Property Owner:	Highpointe North HOA	Zoning Symbols
Applicant:	Lennar Homes of GA	
Agent:		
Proposed Use:		
Planning Commission Hearing Date:		
City Council Hearing Date:		
Case Number:	V2016-47	
City of Marietta Planning & Zoning		

N ~ F
 E&A SOUTHEASTERN LIMITED
 PARTNERSHIP
 ZONED: CRC

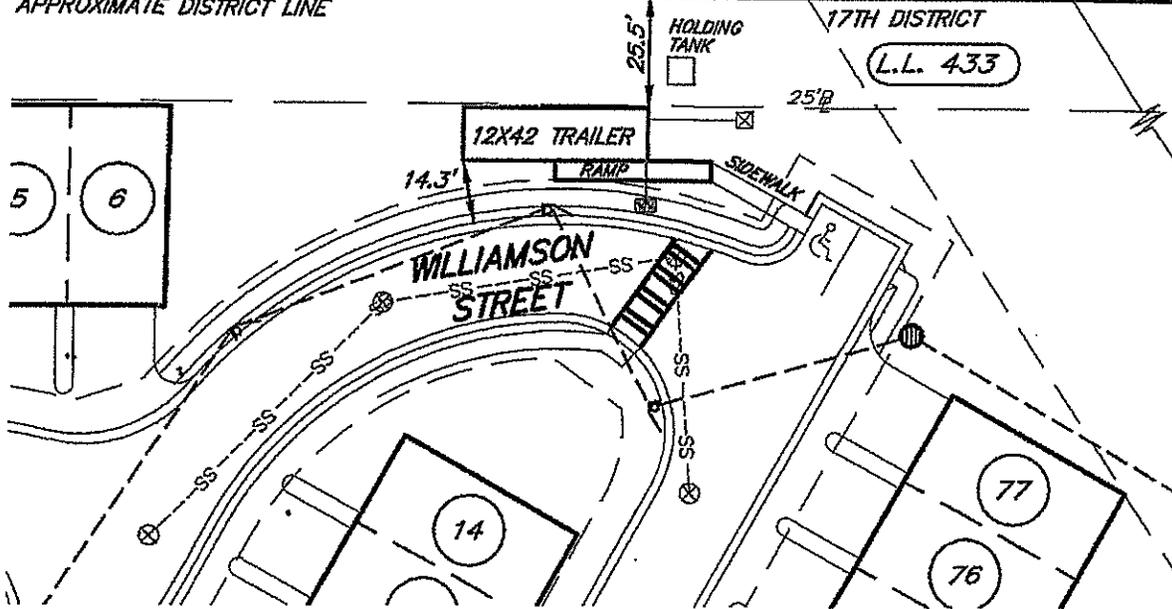
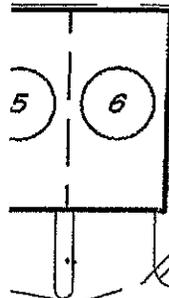
APPROXIMATE LAND LOT LINE S 89°40'12" E 483.4'
 APPROXIMATE DISTRICT LINE

L.L. 1284

19TH DISTRICT

L.L. 433

17TH DISTRICT



NORTH



Gaskins

ENGINEERING • SURVEYING • PLANNING/CONSULTING • CONSTRUCTION MGMT

Marietta Office
 1266 Powder Springs Rd
 Marietta, GA 30064
 Phone: (770) 424-7168

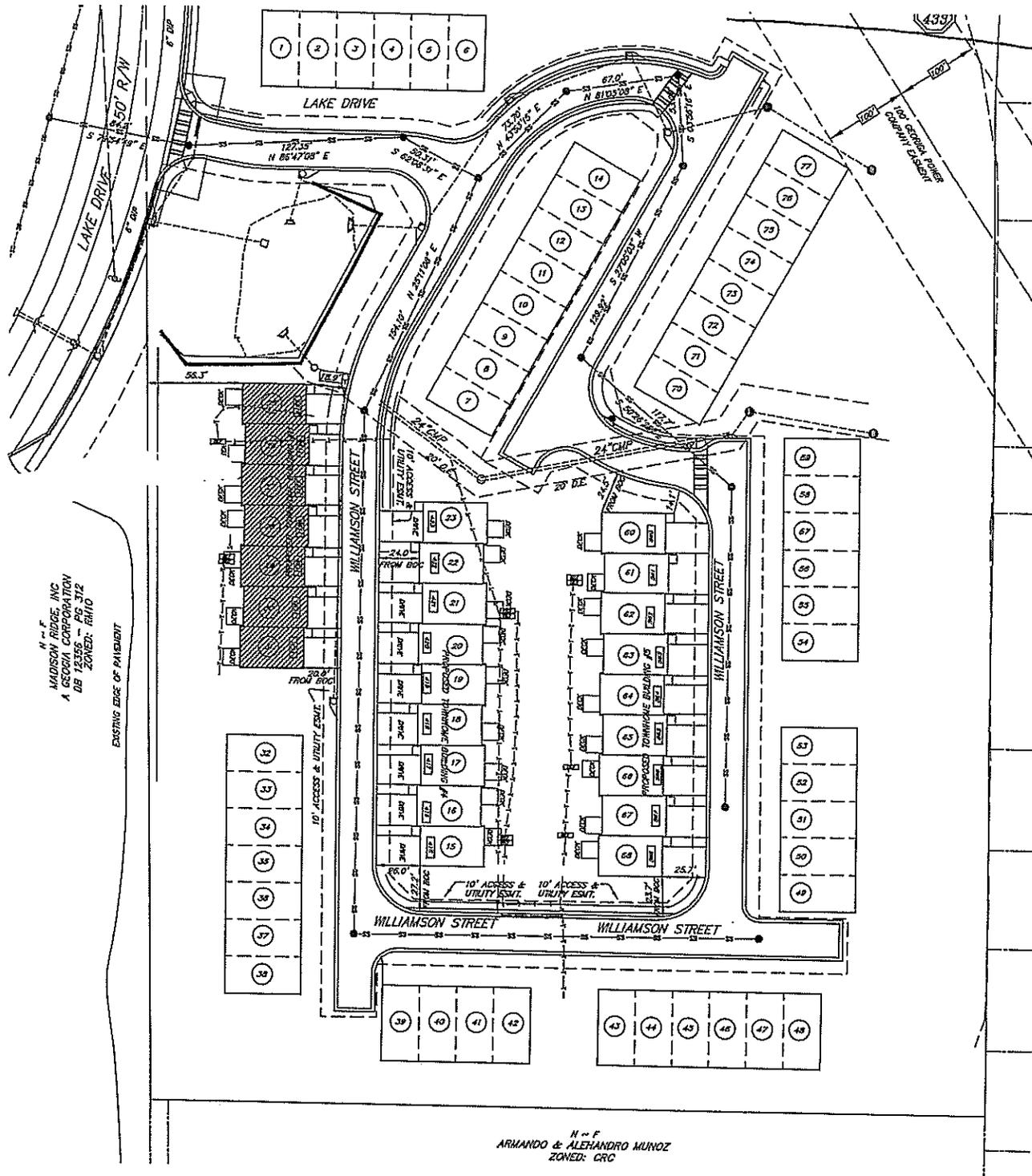
LSF# 789
 www.gscsurvey.com

Canton Office
 147 Reinhardt College Pkwy
 Ste. 8 Canton, GA 30114
 Phone: (770) 479-9698

HOUSE LOCATION PLAN FOR
 HIGHPOINTE NORTH
 SALES TRAILER

LOCATED IN L.L. 433
 17th DISTRICT, 2nd SECTION
 CITY OF MARIETTA
 COBB COUNTY, GA.

FIELD DATE: N/A	DRAWN BY: KRK
OFFICE DATE: 08/09/16	CHECKED BY: CAE
SCALE: 1"=40'	FILE: J:P135



proposed
sales trailer
location.
Previous Builder
used same site
for trailer

H & F
MADISON RIDGE, INC
A GEORGIA CORPORATION
DB 12356 - PG 312
ZONED: RM10
EXISTING EDGE OF PARKING

H & F
ARMANDO & ALEJANDRO MUNOZ
ZONED: CRC

1 Highpointe North SITE PLAN
N.T.S.

NOTE: ARCHITECTURAL SITE PLAN IS FOR ILLUSTRATION PURPOSES ONLY.