

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.

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.

Similar variances have been considered and granted for the following:

<u>Case #</u>	<u>Address</u>	<u>Zoning</u>
• 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.

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

At the City Council meeting on May 11, 2016, Mr. Cristal stated that he would limit his request to use gravel on only 5 acres on the eastern side of the property near two ponds and a stream; and that he would not request to be able to operate a “park/ride lot”. At that time, City Council tabled this item, and requested that Mr. Cristal provide a survey of the property identifying the area he intends to use.

To: Rusty Roth
Planning and Zoning Manager
Marietta City Hall
205 Lawrence Street
Marietta, Georgia 30061

From: Keith Cristal
Marietta Big Truck Parking and Storage
785 Pickens Industrial Drive
Marietta, Georgia 30060

Dear Sir,

We were illegally dumped on our property located at 785 Pickens Industrial Drive Marietta by Christopher Williams on 11-15- 16 and the case was opened up with Department of Natural Resources on 12-1- 15. I have spoken to Russell Nix and DNR is in touch with these illegal dumpers and they have uncovered other sites like ours.

Mr. Nix assures me that between the Tire Bond and the Georgia Department of Natural Resources **scrap tire fund**, this illegal tire dump will be cleaned up by the State of Georgia within the next 4-6 months.

I welcome you to call Mr. Nix and verify the facts of this unfortunate situation was beyond our control and that these tires were placed on our property without our knowledge.

Below, please see the contact information for Russell Nix in the Scrap Tire Division of the Department of Natural Resources.

**DNR CASE WAS OPEN ON 12/1/15 FOR
DEPARTMENT OF NATURAL RESOURCES
SCRAP TIRE DIVISION**

**CONTACT: OFFICER RUSSELL NIX 770-387- 4945
EMAIL: RUSSELL.NIX@DNR.GA.GOV**

We will all be much happier as soon as the site is completely cleaned up.

Thank You

Keith Cristal
Marietta Big Truck Parking and Storage
678-414-0307



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 checkbox

Board of Zoning Appeals

City Council checkbox (checked)

City Council

Owner's Name Jimmy Freeman

Address 380 Clark Creek Pass Acworth Ga Zip Code: 30102

Telephone Number: 770 833-5510 Email Address: JFA Atlanta Kabota.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 District 16 Parcel 2 Acreage 27.7 Zoned LI Ward 5B FLU IW
08010 0020

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 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.
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

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, 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.

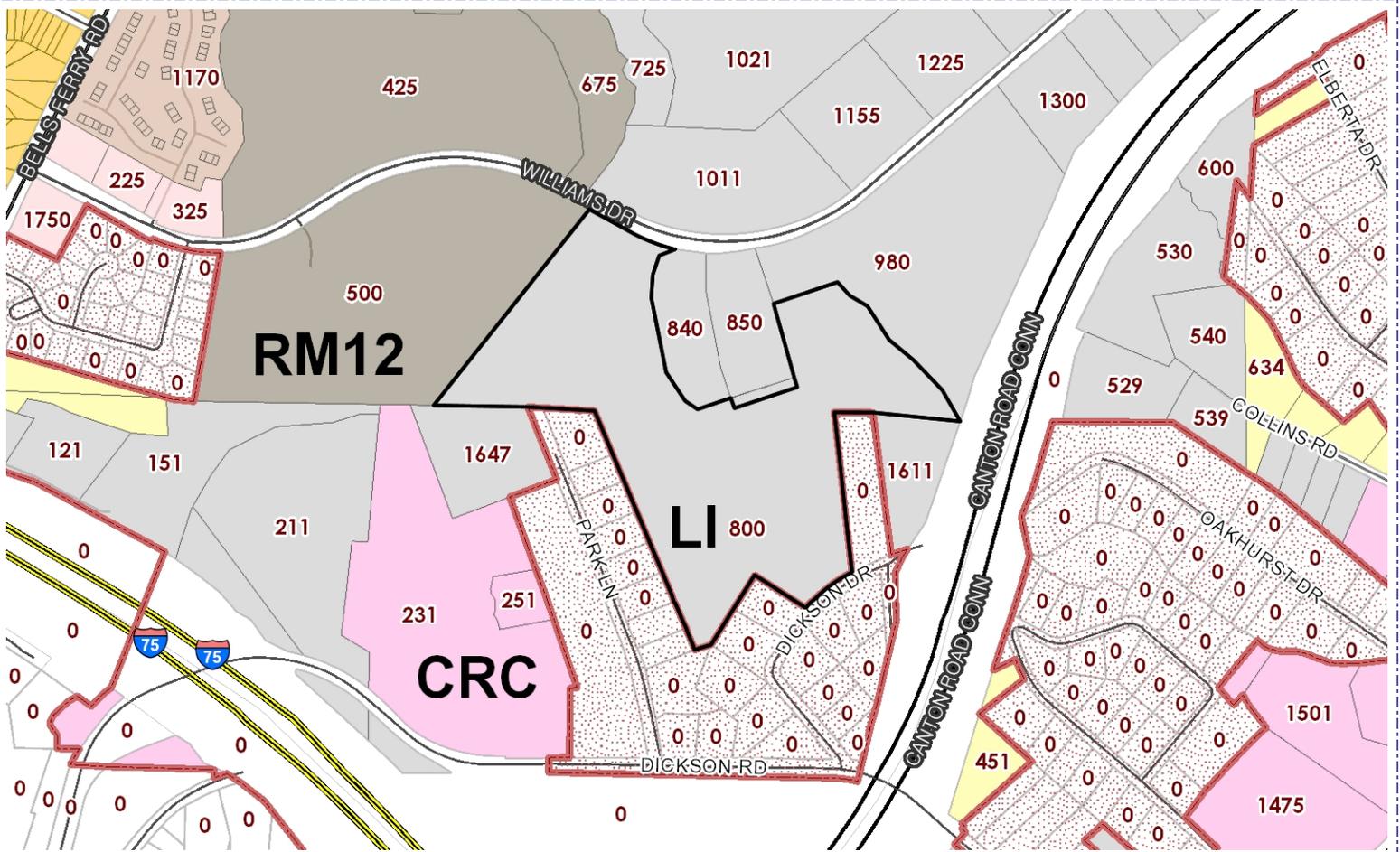
A description and plat of the property sought for the rezoning and future land use assignment are on file in the Planning and Zoning Office, City Hall, and is available for inspection between 8:00 A.M. and 5:00 P.M., Monday through Friday. Anyone wishing to attend may do so and be heard relative thereto.

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.

City of Marietta
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

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

City of Marietta Planning & Zoning

OWNER/DEVELOPER:
 JAMES FREEMAN
 770 PICKENS INDUSTRIAL DRIVE
 MARIETTA, 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.

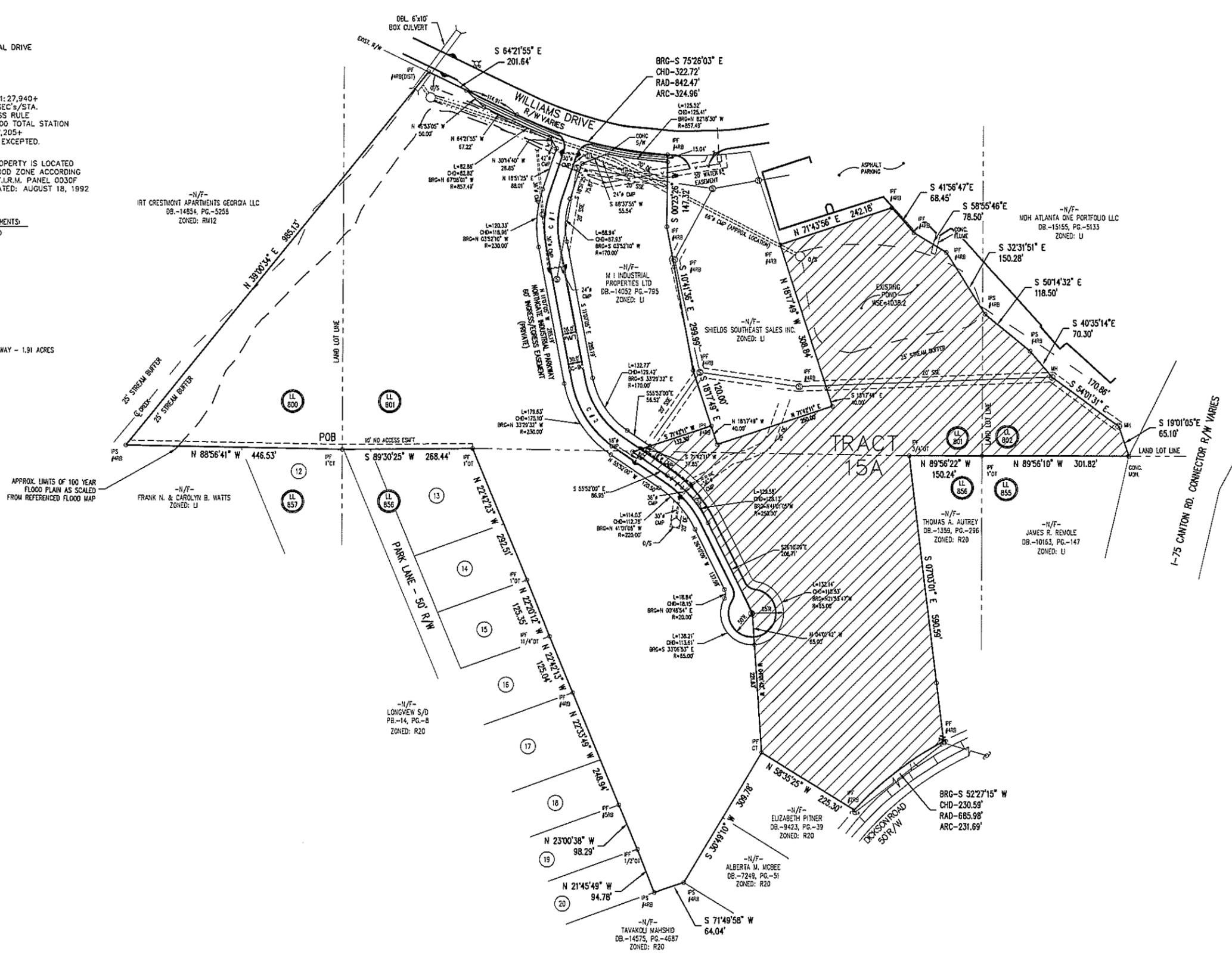
A PORTION OF THIS PROPERTY IS LOCATED WITHIN A 100 YEAR FLOOD ZONE ACCORDING TO CITY OF MARIETTA F.I.R.M. PANEL 0030F COMMUNITY #130226 DATED: AUGUST 18, 1992

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

APPROX. LIMITS OF 100 YEAR FLOOD PLAIN AS SCALED FROM REFERENCED FLOOD MAP



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

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

GRAPHIC SCALE

(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	CKW

CURVE TABLE						
CURVE	RADIUS	LENGTH	TANGENT	CHORD	BEARING	DELTA
C # 1	200.00'	104.63'	53.54'	103.44'	S03°2'10"W	29°58'30"
C # 2	200.00'	156.20'	82.33'	152.26'	S33°29'33"E	44°44'55"
C # 3	250.00'	129.58'	66.20'	128.13'	N41°01'05"W	29°41'51"