



STAFF REVIEW AND RECOMMENDATION

Variance Case #: V2016-46 **Legistar #:** 20160941
Board of Zoning Appeals Hearing: Monday, October 31, 2016 – 6:00 p.m.
Property Owner: Larry Williamson
1160 Hayes Industrial Drive
Marietta, GA 30062
Applicant: Same as above
Address: 1160 Hayes Industrial Drive
Land Lots: 945 & 1000 **District:** 16 **Parcel:** 0080
Council Ward: 5B **Existing Zoning:** LI (Light Industrial)

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

1. Variance to reduce accessory structure setback from 15 feet to 0 feet. [*§708.26(F.1)*]

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



1160 Hayes Industrial Drive



Existing addition to the far left



Existing addition

Recommended Action:

Denial. The owner, Larry Williamson, is requesting a variance to build a storage shed at 1160 Hayes Industrial Drive, a parcel totaling 0.833 acres. The intent for the storage shed is to house a boiler and its supporting accessories. The subject lot is zoned LI (Light Industrial) along with the adjacent properties to the north and south. The property across the street to the west and adjacent to the east are zoned HI (Heavy Industrial).

The owner of the subject property is co-owner of the restaurant Williamson Brothers Bar-B-Q. The business have been operating for 26 years – and have grown tremendously over the years. Their operations include producing barbeque sauce in the back of their restaurant, as well as producing it in a warehouse located at the subject property. The owner purchased the subject property in 2011 – however, no manufacturing operation began until January of 2014.

The owner is requesting to build a shed to house a boiler that will be used to help modernize their process – however, as proposed, it would extend onto the property line. There is an existing addition attached to the building that currently sits on the property line. The Zoning Ordinance states “*all such structures shall be located upon the same lot and to the side or rear of the principle use at least 15 feet from side or rear lot lines.*” The existing structure as well as the majority of the surrounding properties seem to have maximized their lot space and encroach into their side and rear setbacks.

The applicant has explained that the boiler is a step toward modernizing the way the barbeque sauce is cooked. In order to accommodate the new boiler, the applicant would like to add an additional room to house the boiler instead of using the space within the existing building. If approved, the addition to the structure will have to be sprinkled and a building permit will be required.

The building apparently has area available inside the building to accommodate a boiler room. The only reason that a new exterior storage shed is being requested is because of the increased cost involved in building new walls within the existing building to contain the boiler. Due to the increased cost, the applicant would prefer to add the new structure. Staff has not been provided any information of the difference in cost between the two options.

Many of the buildings in the area already have additions that exceed the building setback lines. However, Staff has not heard from any neighboring property owners regarding this proposed addition, and a boiler located so close to other buildings may be of concern to some neighbors.

Staff has yet to receive any feedback from neighboring property owners, and the applicant provided sufficient information regarding alternatives available to accommodate his production needs within the existing building and without further encroachment into the building setbacks; therefore Staff recommends denial of the proposed request.



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 #: V2016-46 Legistar #: 20160941 BZA Hearing Dt: 10-31-16
City Council Hearing Dt (if applicable) #: — PZ #: 16-524

This is a variance/appeal application for:

Board of Zoning Appeals

City Council

Owner's Name Larry Williamson

Address 1160 Hayes Industrial Drive Marietta, GA Zip Code: 30062

Telephone Number: 770 617 3285 Email Address: Sawyer@williamsonhros.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:

1160 Hayes Industrial Drive Date of Acquisition: June 2010

Land Lot (s) 09450 District 16 Parcel 0080 Acreage .83 Zoned 20cLI Ward 5B FLU LM
LI

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

Need to build onto the property line

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

08.31.2016

To
City of Marietta

Hello,

We are requesting a variance of the existing code to build a small storage shed on our property line. There are already existing aspects of our building that exist on the same property line.

We would use the storage shed to house a small boiler for our sauce production.

Warm regards,



Larry Williamson

Owner

larry@williamsonbros.com

Williamson Bros. Bar-B-Q – Sauce Division

Tel 770-499-9797
Fax 770-499-9711

1160 Hayes Industrial Drive
Marietta, Ga 30062

Williamsonbros.com
Sawyer.williamson@williamsonbros.com



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.

V2016-46 [VARIANCE] LARRY WILLIAMSON is requesting a variance for property located in Land Lots 945 & 1000, District 16, Parcel 0080, 2nd Section, Marietta, Cobb County, Georgia and being known as 1160 Hayes Industrial Drive. Variance to reduce the side setback to 0' for a new addition. Ward 5B.

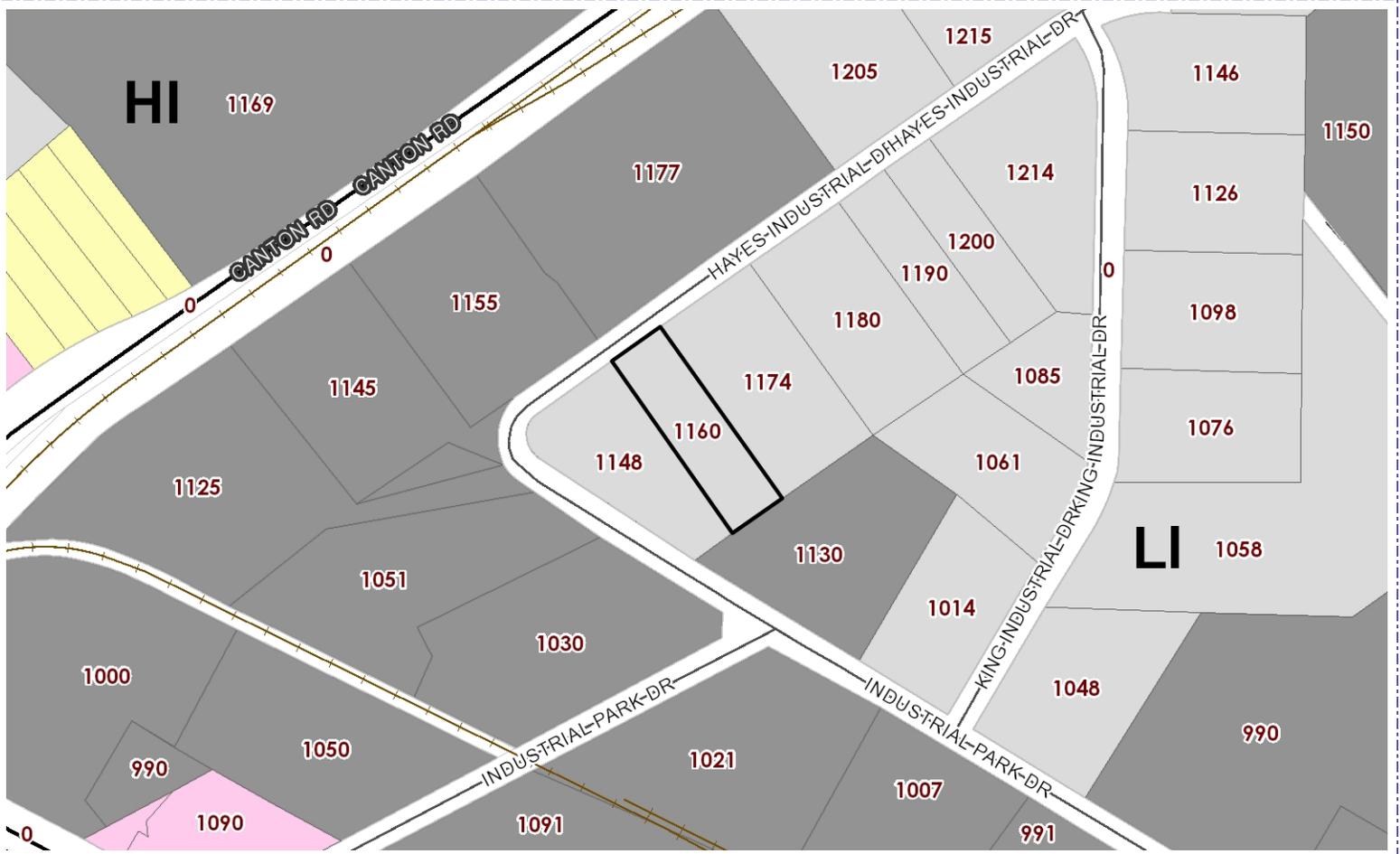
A description and plat of the property sought for the variances are on file in the Planning and Zoning Office, City Hall, and are available for inspection between 8:00 A.M. and 5:00 P.M., Monday through Friday. Anyone wishing to attend may do so and be heard relative thereto.

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

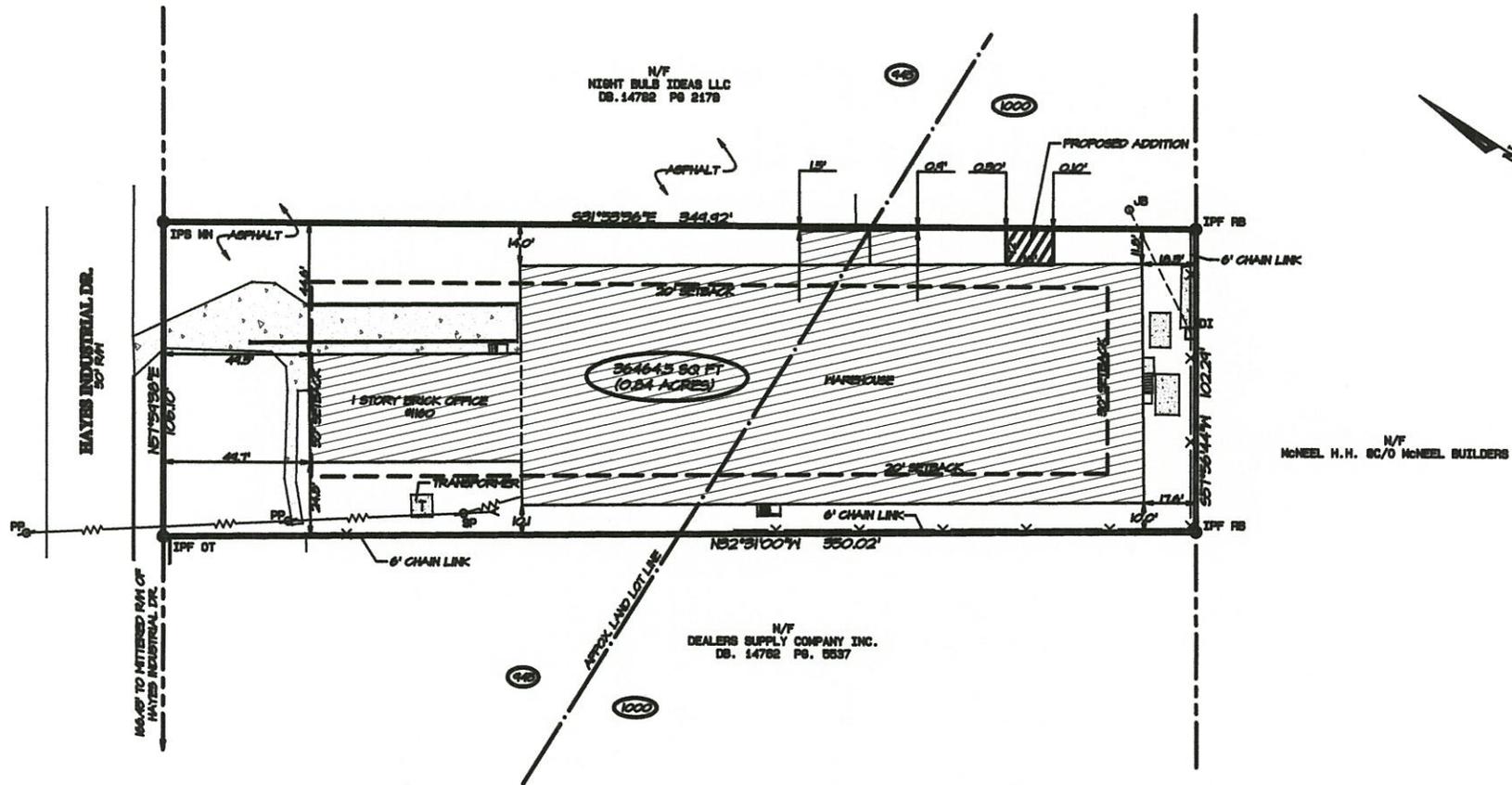


Address	Parcel Number	Acreage	Ward	Zoning	FLU
1160 HAYES INDUSTRIAL DR	16094500080	0.833	5B	LI	IM

Property Owner:	Larry Williamson
Applicant:	
BZA Hearing Date:	10/31/2016
Acquisition Date:	
Case Number:	V2016-46
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



THIS SURVEY WAS PREPARED IN CONFORMITY WITH THE TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN CHAPTER 180-7 OF THE RULES OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN THE GEORGIA PLAT ACT O.C.G.A. 18-8-67.

CERTIFICATE OF AUTHORIZATION NUMBER LBF 000198

- ZONING NOTES :**
1. PROPERTY IS ZONED : LI
 2. MINIMUM LOT AREA : 40,000 SQ. FT.
 3. SETBACKS : FRONT : 50'
SIDE : 20'
REAR : 50'
 4. MAX. HEIGHT : 4 STORIES

EXCEPT AS SPECIFICALLY STATED OR SHOWN ON THIS PLAT, THIS SURVEY DOES NOT PURPORT TO REFLECT ANY OF THE FOLLOWING WHICH MAY BE APPLICABLE TO THE SUBJECT REAL ESTATE: EASEMENTS, OTHER THAN POSSIBLE EASEMENTS THAT WERE VISIBLE AT THE TIME OF MAKING OF THIS SURVEY; BUILDING SETBACK LINES; RESTRICTIVE COVENANTS; SUBDIVISION RESTRICTIONS; ZONING OR OTHER LAND USE REGULATIONS, AND ANY OTHER FACTS THAT AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE.

ACCORDING TO AN EXAMINATION OF THE OFFICIAL F.T.R.M. FLOOD MAPS, THIS PROPERTY DOES NOT HAVE ANY SPECIAL FLOOD HAZARD CONDITIONS.

EQUIPMENT USED : TOPCON GPT-9205A

THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 221,943 FEET, AND AN ANGULAR ERROR OF 3" PER ANGLE POINT, AND WAS ADJUSTED USING: **NO ADJUSTMENT**

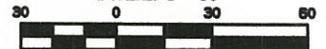
THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 384,313 FEET.

LEGEND

- | | |
|------------------------------|----------------------|
| MH - MANHOLE | IPF - IRON PIN FOUND |
| MON - MONUMENT | IPS - IRON PIN SET |
| FH - FIRE HYDRANT | RB - REBAR |
| WV - WATER VALVE | OT - OPEN TOP |
| WM - WATER METER | CT - CRIMP TOP |
| CO - CLEAN OUT | MN - MAG NAIL |
| GM - GAS METER | CB - CATCH BASIN |
| GV - GAS VALVE | JB - JUNCTION BOX |
| FFE - FINISH FLOOR ELEVATION | DI - DROP INLET |
| PP - POWER POLE | WI - WEIR INLET |
| SP - SERVICE POLE | YI - YARD INLET |
| | SS - SANITARY SEWER |

SITE PLAN
FOR
WILLIAMS BROS. B.B.Q.
LOCATED IN LAND LOTS 945 & 1000
16th. DISTRICT, 2nd. SECTION
COBB COUNTY, GEORGIA

SCALE: 1" = 30'



GRAPHIC SCALE
DATE OF SURVEY : AUGUST 10, 2016
DATE OF DRAWING : AUGUST 20, 2016

John D. Huffmann

**H. B. & P.
SURVEYING, INC.**

850 KENNESAW AVE. C-8
MARIETTA, GA. 30060
PHONE (770) 425-0141
FAX (770) 425-8579

JOB # 16-063