



**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**



**445 Franklin Gateway**



**View from south property line**



**View to rear of property**

**Recommended Action:**

**Approval with stipulations.** The applicant, Venture Homes Inc., is requesting variances for the minimum lot width, side setback, parking, and driveway width in order to construct a new office building at 445 Franklin Gateway. The applicant's intent is to operate its business – Venture Homes - within the proposed 8,000 square foot building. Venture Homes Inc. is a home builder operating across the Georgia region. The subject property is approximately 0.49 acres and is zoned CRC (Community Retail Commercial). All of the adjacent properties are also zoned CRC.

This parcel of property is very narrow and the location of the proposed building is within the side setback along the north property line – thus, a variance is needed to reduce that side setback from 15 feet to 10 feet. Considering the new building will be sprinkled and the closest adjacent building to the north is more than 70 feet inside the property line, staff does not consider the granting of this variance to be detrimental or injurious to the community.

The interior drive along the south side of the building is shown to be 18 feet wide. According to the Zoning Ordinance, all interior drives require a minimum width of 20 feet, not to include curb and gutter. Therefore, the applicant must ensure that the 18 feet wide interior drive has at least an 18 foot paved travelway. Since the rear of the building will likely be accessed only by Venture Homes' staff and not the public, a reduction in the required travelway should not be an issue.

The site plan provided shows 20 spaces as a part of the new development. Parking standards require one parking space per 350 square feet of office use, resulting in 23 spaces required for an 8,000 square foot building. Therefore, a variance will be needed to reduce the required parking from 23 spaces to 20 spaces. Again, most of the parking will be for Venture Homes' workers, so the negative impacts of a parking shortage will be internalized by the Venture Homes staff, not the community as a whole. In addition, Venture Homes has been in discussion with the adjacent property owner to request the ability to use parking spaces on the adjacent lot, if necessary. As a result, staff recommends approval of this variance.

The minimum lot width requirement within CRC zoning is 100 feet – the lot width of the subject property is approximately 86 feet. Reducing the minimum lot width for the development of this parcel will not be detrimental to the surrounding area.

The Fire Department has no objection to the variance request, but will require the site to meet acceptable turning radii.

The issue of the turning radii, as well as issues raised by other departments, such as the relocation of the sewer main, ADA compliance, and compliance with the sprinkler ordinance, will be addressed during the site plan review process.

***Therefore, staff recommends approval with the following stipulations:***

- 1. The interior drive shall have at least an 18 foot wide travelway.***
- 2. Address inter-departmental concerns during site development plan review.***



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 #: V2016-08 Legistar #: 20160165 BZA Hearing Dt: 3-28-16  
City Council Hearing Dt (if applicable) #: \_\_\_\_\_ PZ #: 16-71

This is a variance/appeal application for:

Board of Zoning Appeals

City Council

Owner's Name ASW, LLC  
Address c/o 5555 Glenridge Connector, Suite 800 Atlanta GA 30342 Zip Code: \_\_\_\_\_  
Telephone Number: (404) 467-7511 Email Address: jarogeti@kkqpc.com  
mweis2222@aatt.net

COMPLETE ONLY IF APPLICANT IS NOT OWNER:

Applicant Venture Homes, Inc.  
Address 1580 Terrell Mill Road, Marietta, Georgia Zip Code: 30067  
Telephone Number (770) 616-7515 Email Address: bobw@venturehomes.com

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

445 Franklin Road Date of Acquisition: N/A

Land Lot (s) 5724<sup>578</sup> District 17th Parcel 0090 Acreage 0.488<sup>Acres</sup> Zoned CRC Ward 7A FLU RAC  
05780

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

#s 1, 2, 3

\*see Attached

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**

**Venture Homes  
Variances Requested  
445 Franklin Road  
2/15/16**

- 1) Present Zoning, CRC, requires 100' of frontage. Said property is 92' wide. Variance is requested to accept 92'.**
  
- 2) Side setback reduced from 15' to 10' on north side of property. Variance requested.**
  
- 3) Parking requirements are 1 parking space for every 350 ft. The best allocation of space for this site allows 21 spaces as opposed to 28 spaces. Variance requested.**

**TO: Marietta Daily Journal**  
**FROM: City of Marietta**  
**RUN DATE: March 11, 2016**

### **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, March 28, 2016 at 6:00 P.M.**, City Hall. Anyone wishing to attend may do so and be heard relative thereto.

**V2016-08 [VARIANCE] VENTURE HOMES, INC.** is requesting variances for property located in Land Lot 578, District 17, Parcel 0090, 2<sup>nd</sup> Section, Marietta, Cobb County, Georgia and being known as 445 Franklin Gateway. Variance to decrease the required lot width from 100 feet to 86 feet; variance to decrease the side setback along the north property line from 15 feet to 10 feet; variance to reduce the required number of parking spaces from 23 spaces to 20 spaces; variance to reduce the interior drive width from 20 feet to 18 feet. Ward 7A.

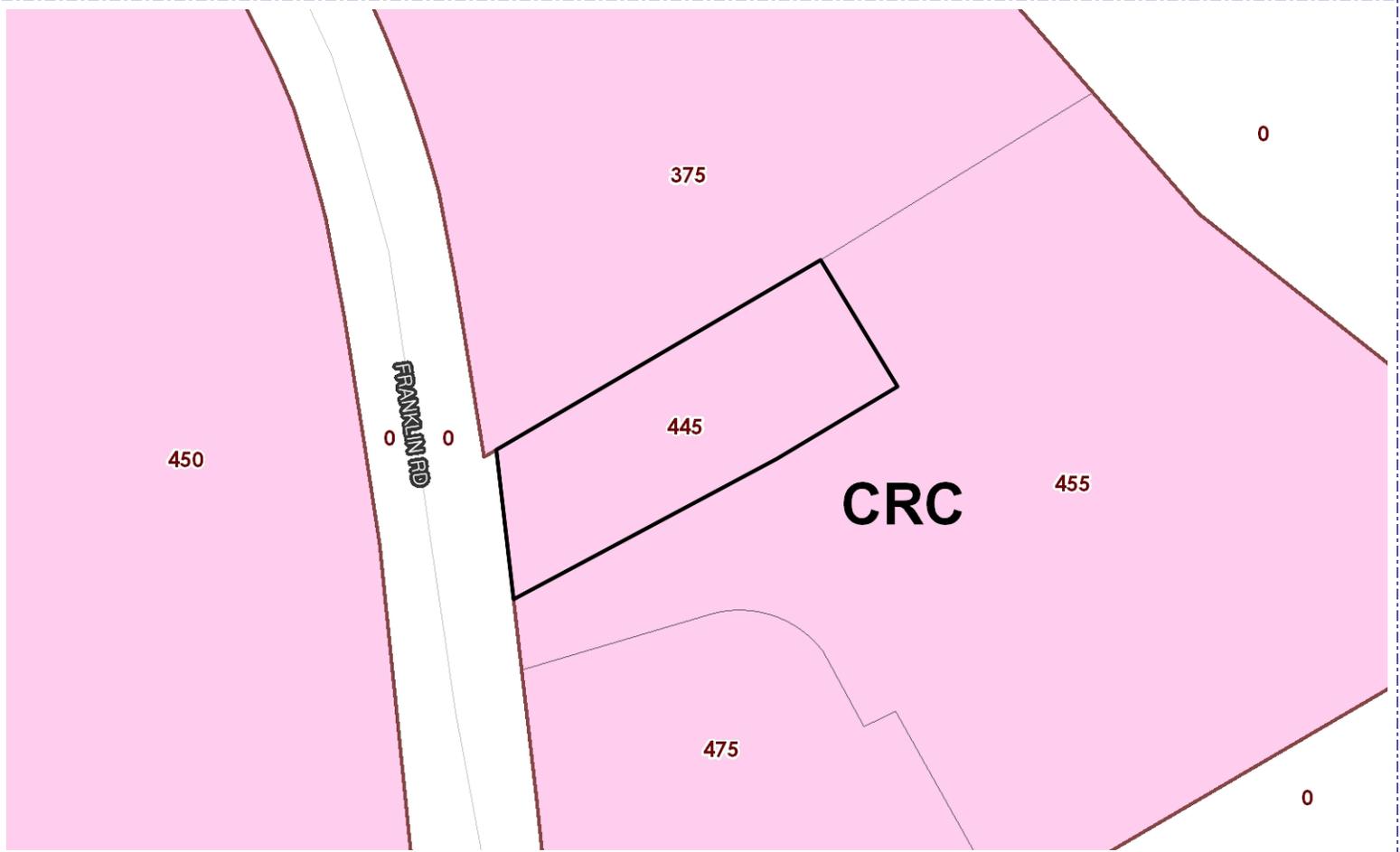
A description and plat of the property sought for the variances are on file in the Planning and Zoning Office, City Hall, and are available for inspection between 8:00 A.M. and 5:00 P.M., Monday through Friday. Anyone wishing to attend may do so and be heard relative thereto.

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
445 FRANKLIN RD	17057800090	0.492	7A	CRC	RAC

Property Owner:	ASW, LLC
Applicant:	Venture Homes
BZA Hearing Date:	03/28/2016
Acquisition Date:	
Case Number:	V2016-08
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

