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

STAFF REVIEW AND RECOMMENDATION

Variance Case #: V2013-34 **Legistar #: 20130817**

Board of Zoning Appeals Hearing: Monday, August 26, 2013 – 6:00 p.m.

Property Owner: Hal Bayless & Nick Bayless
1450 Williams Drive
Marietta, GA 30066

Applicant: Same as above

Address: 1450 Williams Drive

Land Lot: 07830 **District: 16** **Parcel: 0320**

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

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

1. Variance to reduce the setback against Canton Road Connector from 75 feet to 12 feet. [*§708.26 (H.)*]
2. Variance to reduce the side yard setback from 20 feet to 14 feet. *[*§708.26 (H.)*]*
3. Variance to allow the use of metal siding on the building façade facing Canton Road Connector. *[*§708.26 (G.2.)*]*

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

Front of subject property

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Rear of subject property

Left (north) side property line

Subject property from Canton Rd Connector

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Recommended Action:
Hal and Nick Bayless, owners of the property located at 1450 Williams Drive, are requesting variances in order to expand their existing building, which is home to Fastpak Systems Inc. The property is zoned LI (Light Industrial) and is surrounded on all sides by other properties zoned LI. The variances being requested include a reduction in the side and rear setbacks as well as a variance in the type of building material used on a road-facing façade.

Variance #1 (Rear Setback)
Approval. Section 710.13 states "*Lots which adjoin a public street in the front and rear shall provide the minimum required front yard on each street, except where such lot adjoins a limited access facility which provides no access to the lot.*" This property has frontage along Williams Drive (front) and Canton Road Connector (rear). Since it is considered a double-frontage lot, the typical rear setback (40') for LI does not apply. Instead, a seventy-five (75) foot setback would be required along Canton Road Connector. The applicant is requesting a reduction in this setback to 12.3' for a building addition. Considering there are no adjacent property owners on this side of the property, a reduction of this setback should not adversely affect any neighboring properties. Staff suggests approval of this variance.

Variance #2 (Side Setback)
Approval. The applicant is also requesting a side setback reduction against the property line along the northeastern side. Typical side setbacks for LI are twenty (20) feet. However, the existing building is only fourteen (14) feet away from the northeastern side property line. The applicant wishes to expand the building evenly along this side, continuing the same setback of fourteen (14) feet. The Fire Department will require new addition to comply with the Fire Sprinkler Ordinance. Since this encroachment will not negatively affect the adjacent property owners, staff suggests approval for this variance.

Variance #3 (Building Materials)
Approval. The design of the building addition will match the composition of the existing building. Since the Zoning Ordinance requires "*structures which utilize metal siding shall be constructed with brick, stone, rock or wood covering any facade of the building facing a roadway*," the applicant is requesting a variance to allow a steel metal building face Canton Road Connector. There is a large amount of vegetation in the rear of the property between the building and Canton Road Connector. Although it is reasonable to assume that a portion of these trees will be removed during the development process, there are still many trees within the right of way which will substantially obscure the new building addition from being visible from Canton Road Connector. The applicant has also stated that the new tree units required during the land disturbance process may be planted along the addition in order to improve the aesthetics of the building. As a result, staff recommends approval of this variance.

In summary, since this encroachment will not negatively affect the adjacent property owners or traffic along Canton Road Connector, staff recommends approval of all three variance requests.