

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



700 Lawrence Street



Facing southwest towards front of subject property



Facing northwest towards the subject property



Grandfathered barb wire fence at 701 Washington Ave

Recommended Action:

Denial. The applicant and property owner, Scott Hickman of RS2 Holdings LLC, is requesting variances from the zoning regulations regarding fences for the property at 700 Lawrence Street. The requested variances would allow a 6 foot tall chain link fence with barbed wire along the top to be erected along the major side yard (Ayers Ave) and at the front of the building along Lawrence Street.

The subject property is zoned CRC (Community Retail Commercial) and located on Lawrence Street – a collector road – where some of the properties are zoned commercially and others are residentially zoned. However, many of the properties in the surrounding neighborhood are former residences converted to small offices or warehouses. The properties located to the south, east, and west – across Ayers Avenue – of the property are zoned CRC. The properties to the north – across Lawrence Street – are zoned OI (Office Institutional).

Mr. Hickman contracted a local fence company to erect a fence, and – without contacting anyone at the City of Marietta – he assumed that a chain link fence would not be a problem since other properties in the area have such fences. Mr. Hickman wanted to have a chain link fence with barbed wire in order to protect vehicles on the property and provide security for the contents stored in the building. According to Mr. Hickman, the fence company did not know that there were any regulations prohibiting chain link fences or barbed wire. When Mr. Hickman was contacted by City Staff before the fence was completed, he was given the option of replacing the fence with a compliant fence made of wrought iron or aluminum, or of applying for a variance from the fence regulations. Mr. Hickman has chosen to request variances.

Section 710.04 (D.2.) and (G) of the Zoning Ordinance states that *“Fences or walls within major side yards or within the rear yard of double frontage lots shall not exceed 6 feet in height and shall be ornamental or decorative in nature,”* and *“A fence equipped with or having barbed wire, spikes, or similar device, or electric charge shall not contain said devices within 6 feet of the ground level. No fence shall have barbed wire, spikes, or similar devices, or an electric charge in a yard fronting a street on property zoned for residential, commercial, central business district, or office use. Barbed wire, spikes, or similar devices, or an electric charge on fences shall not exceed more than 20 inches above the height of the fence.”*

Although other properties in the area, including one located at 701 Washington Avenue, have existing chain link fences with barbed wire, the zoning regulations were specifically changed to eliminate this unattractive streetscape; and the presence of another barb wire fence will only increase the number of industrial looking properties within a commercial area that needs to be improved. In addition, because the subject property and surrounding neighbors do not have sidewalks, pedestrians are forced to walk along side of the subject property, and very close to the proposed fence. The fence sits at a lower grade level than the street surface, and therefore appears shorter than 6 feet. With pedestrians of all ages traveling by foot daily, the barbed wire fence is a serious safety concern for the surrounding community. The approval of this variance will be detrimental to public safety, the surrounding properties, or overall community; and therefore, ***Staff recommends denial of this variance request.***



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

APPLICATION FOR VARIANCE OR APPEAL
 (Owner/Applicant/or Representative must be present at all public hearings)

Application #: V2015-45 Hearing: 9-28-15 Legistar # _____

P215-391

This is a variance/appeal application for:

Board of Zoning Appeals City Council

Owner's Name RSZ HOLDINGS / SCOTT HICKMAN

Address 700 LAWRENCE ST NE Zip Code: 30060

Telephone Number: 678-772-5516 Email Address: SHICKMAN@COSATLANTA.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:

700 LAWRENCE ST NE Date of Acquisition: 10/31/2014

Land Lot (s) 12140 District 16 Parcel 16121400890 Acreage .544 Zoned CRC Ward 1A FLU MDR
0890 .444

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

ALLOWANCE TO CONSTRUCT CHAIN LINK FENCE AROUND BACK
OF STRUCTURE NOT TO GO PAST FRONT OF BUILDING. WILL BE WILLING
TO PLANT HEDGE ROW OR LIVING WALL TO COVER FENCE ON SIDE ADJACENT
TO AYERS AVE.

- 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. Legal description of 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 - 25 copies of 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).
 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.

FENCE WILL BE 6 FT IN HEIGHT WITH BARS WIRE ON TOP. SIMILAR TO ADJACENT NEIGHBORS.

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.

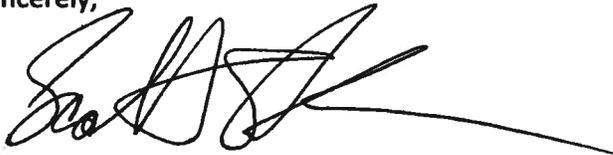
OVER

RS2 Holdings, LLC
700 Lawrence St NE
Marietta, GA 30060

August 17, 2015

We are seeking a variance to allow a chain link fence surrounding the building but not to proceed past front of building. Fence will be 6ft in height with barb at top. The reason for the fence is to secure the vehicles parked at site and provide security for contents of building. The fence would be similar to our neighbors. Would wouldn't mind planting a hedge or tree line between fence and road to cover the fence. This is a necessity for the business operated inside and would appreciate the committee allowing the project to move forward. After fence is completed the building will be painted completing planned projects for the site.

Sincerely,

A handwritten signature in black ink, appearing to read 'Scott Hickman', with a long horizontal line extending to the right.

Scott Hickman

RS2 Holdings, LLC
678-772-5516

TO: Marietta Daily Journal
FROM: City of Marietta
RUN DATE: September 11, 2015

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, September 28, 2015 at 6:00 P.M.**, City Hall. Anyone wishing to attend may do so and be heard relative thereto.

V2015-45 [VARIANCE] RS2 HOLDINGS LLC / SCOTT HICKMAN is requesting variances for property located in Land Lot 12140, District 16, Parcel 0890, 2nd Section, Marietta, Cobb County, Georgia and being known as 700 Lawrence Street. Variance to allow a 6' tall chain link fence in a major side yard; variance to allow barbed wire on a fence in a yard fronting a street on property zoned for commercial. 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.

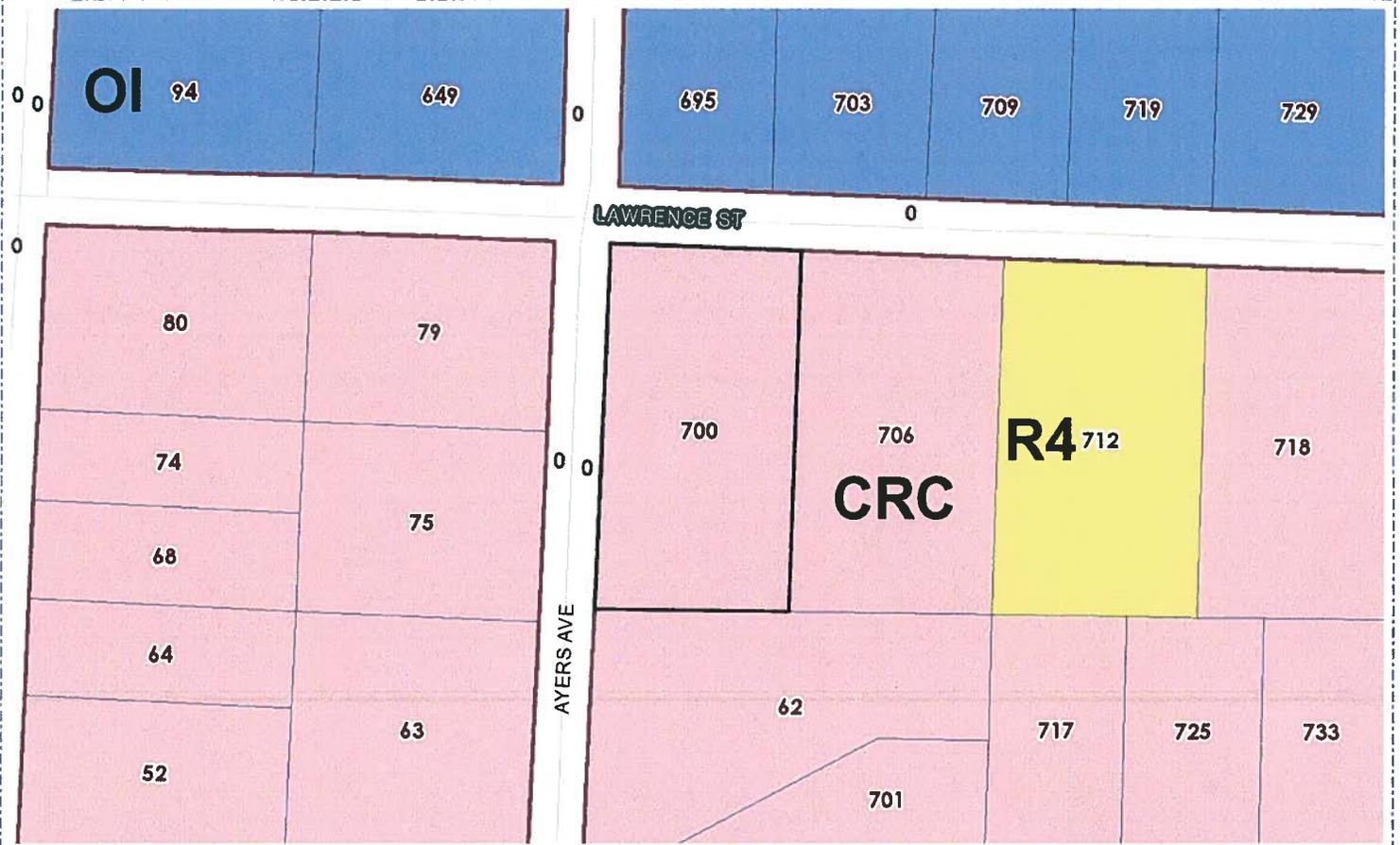
For additional information please call the Planning and Zoning Office (770) 794-5669.

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



Variance



Address	Parcel Number	Acreage	Ward	Zoning	FLU
700 LAWRENCE ST	16121400890	0.444	1A	CRC	MDR

Property Owner:	RS2 Holdings/Scott Hickman
Applicant:	
BZA Hearing Date:	09/28/2015
Acquisition Date:	
Case Number:	V2015-45

Zoning Symbols

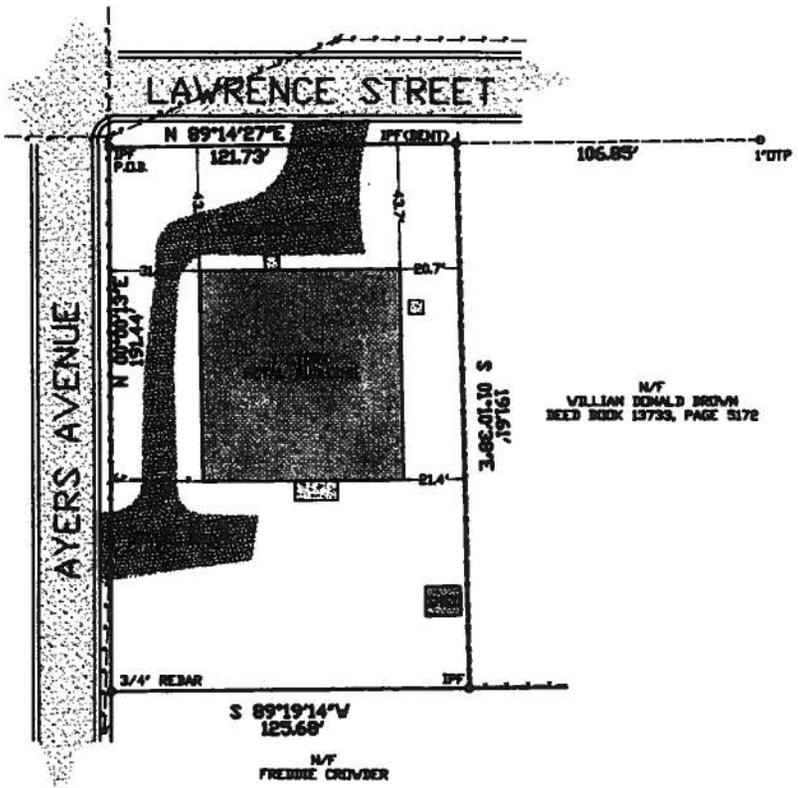
- Railroads
- City Limits
- Cobb County Pockets
- NA
- R1 - Single Family Residential (1 unit/acre)
- R2 - Single Family Residential (2 units/acre)
- R3 - Single Family Residential (3 units/acre)
- R4 - Single Family Residential (4 units/acre)
- RA4 - Single Family Residential - Attached
- RA6 - Single 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

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AREA=
 23,691 SQ. FT.
 0.544 ACRES



REFERENCES:
 PLAT BOOK 57, PAGE 98
 DEED BOOK 733, PAGE 369 (ERROR IN POB)

N/F
 WILLIAM DONALD BROWN
 DEED BOOK 13733, PAGE 5172



PROPERTY ADDRESS
 700 LAWRENCE STREET
 MARIETTA, GA 30060

BUSBEE & POSS
 LAND SURVEYING COMPANY
 2408 HOWELL STREET, SUITE A
 DULUTH, GEORGIA 30096
 770.497.9866
 FAX: 770.497.9881
 www.busbeeposs.com

SURVEY FOR
SCOTT HICKMAN
 DEED BOOK 1394, PAGE 525
 LAND LOT 1214, 164th DISTRICT, 8th SECTION
 CITY OF MARIETTA, COBB COUNTY, GEORGIA
 SCALE: 1"=40' DATE: OCTOBER 29th, 2014

THIS PROPERTY IS NOT IN AN AREA HAVING SPECIAL FLOOD
 HAZARDS AS PER COMMUNITY PANEL NO. 13067C0108 J, DATED
 MARCH 4th 2013, ZONE "X".

RICKY C. BUSBEE, GEORGIA P.L.S. 0497 - BUSBEE & POSS LAND SURVEYING, L.L.P., 2014
 THIS SURVEY WAS PREPARED IN CONFORMITY WITH THE TECHNICAL STANDARDS FOR PROPERTY
 SURVEYS IN GEORGIA AS SET FORTH IN CHAPTER 500-7 OF THE BOARD 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. 20-9-47).
 THIS SURVEY WAS NOT PREPARED WITH THE AID OF A TITLE SEARCH AND IS SUBJECT TO ANY
 RESTRICTIONS OR ENCUMBRANCES THAT MAY BE RECORDED.
 THIS SURVEY HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE
 FOOT IN 20000 FEET. EQUIPMENT USED TOPCON 573-025
 FIELD WORK - NP/NN - 10/29/14 DRAWN BY NP/JAL NP15283 - C&B

LAWRENCE STREET

N 89°14'27"E

IPF (CENT)

IPF
P.O.B.

121.73'

43.7'

43.7'

20.7'

N 00°00'13"E
191.44'

AYERS AVENUE

1 STORY
METAL BUILDING

S 01°10'38"E
191.61'

21.4'

3/4" REBAR

IPF

S 89°19'14"W
125.68'

N/F
FREDDIE CROWDER

TREET
060

POSS
NG COMPANY

EET, SUITE A
3EA 30096
1066
17.9881

poss.com -

SURVEY FOR:

SCOTT HICKMAN

DEED BOOK 1394, PAGE 525
LAND LOT 1214, 16th DISTRICT, 2nd SECTION
CITY OF MARIETTA, COBB COUNTY, GEORGIA
SCALE: 1"=40' DATE: OCTOBER 29th, 2014

THIS PROPERTY
HAZARDS AS P
MARCH 4th 20: