Department of Development Services
205 Lawrence Street
Marietta, Georgia 30060
Rusty Roth, AICP, Director

STAFF REVIEW AND RECOMMENDATION

Variance Case #: V2020-21 Legistar #: 20200447

Board of Zoning Appeals Hearing: Monday, July 27th, 2020 – 6:00 p.m.

Property Owner: 1705 White Circle Holdings LLC
1705 White Circle
Marietta, GA 30066

Applicant: Same as above

Address: 1705 White Circle

Land Lot: 862 District: 16 Parcel: 0020

Council Ward: 4B Existing Zoning: LI (Light Industrial)

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

1. Variance to reduce the landscape buffer from 50 feet to 32 feet along the northern property line. [*§708.26 (I)*]
2. Variance to waive the requirement to establish a buffer if not present. [*§710.05*]
3. Variance to eliminate the side yard setback in the area of the building addition. [*§708.26 (H)*]
4. Variance to allow outdoor storage within 50 feet of any property zoned for residential purposes and within 25 feet of City right-of-way. [*§708.26 (B.35.c)*]
5. Variance to allow more than 50% of the parcel to be used for outdoor storage. [*§708.26 (G.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

1705 White Circle

Subject area for addition

Buffer area of the residential property to the east

Buffer area of the residential property to the north

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Aerial view of 1705 White Circle

Recommended Action:

Approval with stipulations. The applicant, 1705 White Circle Holdings, LLC, is requesting variances to build an addition to the existing metal building at 1705 White Circle. The subject property lies at the edge of the city limits of Marietta, is zoned LI (Light Industrial), and is bordered by residential properties. The property to the north is owned by Georgia Power Company, contains a large power station, and is zoned R-20 within unincorporated Cobb County. Heritage Ridge, a new single-family community, lies to the south and east of the property and is zoned PRD-SF (Planned Residential Development – Single-Family) within City limits. The new addition is on the northern side of the building and would encroach into the side yard setbacks and residential buffer.

The applicant has indicated that the project cost is not expected to exceed 50% of the existing building value. As a result, the existing nonconformities on the site, such as lack of trees, existing setback encroachments, and gravel surfaces, may remain as long as they are not expanded or enlarged in any way. The City's minimum parking standards for manufacturing, processing, and assembling requires one parking space per 1,300 sq.ft. If the location of the building addition is approved, the site will also be expected to provide a minimum of 20 parking spaces. These spaces will have to be constructed of an approved surface material, such as concrete, asphalt, or brick.

Buffer

City records indicate the subject property is used by a structural steel manufacturer and firearm assembly company. The proposed expansion would add 12,000 sq.ft. to the existing 13,832 sq.ft. building, totaling 25,832 sq.ft. of industrial space. To accomplish this, the applicant is requesting

to eliminate the 20-foot side yard setback and reduce the landscape buffer from 50 feet to 32 feet from the northern property line and adjacent to the Georgia Power Company parcel. Currently, there is not a fence or any trees within the buffer, as the property is being used for outdoor storage all the way to the northern property line.

Only the property to the north, which contains electrical equipment and infrastructure owned by Georgia Power, is protected by the 50-foot buffer required by Section 708.26 (I). Considering the similar intensity of use between the two properties, buffers and setbacks would not provide a benefit to either property.

Although the property to the east and south is zoned PRD-SF (Planned Residential Development – Single Family) and is currently under construction for a single family detached community, City Code Section 710.05 (H) does not require a buffer when the rezoning of an adjacent parcel creates a condition where a buffer is required when one had not been previously required. In the case of the adjacent residential community, the subject property was already zoned LI when Heritage Ridge was rezoned from OI in 2004.

Outdoor Storage

It should be noted that Light Industrial zoning is intended for manufacturing/assembly process that do not emit noise, dust, smoke, gas, fumes, odors, or vibrations from outside an enclosed building. When located on the perimeter of an industrial node, such as this property, uses should be lower in intensity.

Although LI limits a parcel to having no more than 50% of the area used for outdoor storage, a large portion of this parcel appears to be used for outdoor storage of metal construction materials, which has the potential to make a lot of noise when moved. Outdoor storage is also restricted from being within 50 feet of any property zoned for residential purposes or within 25 feet of City right of way. The applicant recently applied for a blasting permit to increase the size of the outdoor storage yard but has not provided details of the expanded location.

Of all the requested variances, allowing outdoor storage within fifty (50) of the residential property to the east and south has the most potential to disrupt the quality of life of the nearby residential community, as this is the only regulation in place that protects any adjacent residents. To minimize the potential impact on these residents, ***staff recommends approving all variances with the following conditions:***

1. ***No outdoor storage of materials between the new addition and the eastern property line.***
2. ***Two staggered rows of evergreen trees, a minimum 5-ft in height, be planted and maintained along the southern and eastern property line.***

Please note comments provided by other City Divisions:

Fire Comments:

- Sprinklers will be required in proposed addition, and in the existing building if not separated by fire rated barrier.
- IFC 510 testing requirements will need to be met. Emergency responder radio coverage.
- Depending on occupancy and use, fire alarm could potentially be required.
- Depending on elevations of the building and addition, aerial access road could be required.
- Highly encourage a pre-development meeting with City of Marietta team.

Engineering:

Comply with Storm Water Management Ordinance for quality and quantity, pre-submittal meeting suggested, proper EPD permits/approvals required.

Department of Development Services
205 Lawrence Street
Marietta, GA 30060
Phone: 770-794-5440

APPLICATION FOR VARIANCE OR APPEAL

(Owner/Applicant/or Representative must be present at all public hearings)

(NOTE: CORRESPONDENCE IS HANDLED VIA EMAIL UNLESS OTHERWISE REQUESTED)

For Office Use Only:

Application #: V2020-21 **Legistar #:** 20200447 **BZA Hearing Dt:** 06/29/2020

City Council Hearing Dt (if applicable) #: — **PZ #:** PZ20-148

This is a variance/appeal application for:

[X] **Board of Zoning Appeals** [ ] **City Council**

*Owner's Name 1705 White Circle Holdings LLC

EMAIL Address: ghrib@cobbindustrialinc.com

Mailing Address 1705 White Circle Zip Code: 30066 Phone Number (678) 581-2622

***Applicant/Owner's Representative – J. Kevin Moore – Moore Ingram Johnson & Steele, LLP**

COMPLETE ONLY IF APPLICANT IS NOT OWNER:

Applicant:

EMAIL Address:

Mailing Address Zip Code: Phone Number

Address of subject property: 1705 White Circle Date of Acquisition: 12/17/2014

Land Lot (s) 08620 District 16 Parcel 0020 Acreage 2.197± Zoned LI Ward 4B FLU: MDR

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

See Attached Exhibit "B"

Expansion of building / setbacks

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 ½" x 11") **-or-** (11" x 17") drawn to scale.
   Optional Additional Plat size: (24"x 36"). If providing (24"x 36") then 5 copies REQUIRED.
6. Copy of current tax bill showing payment or documentation certified by the City of Marietta Tax Office.

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

CAMPAIGN CONTRIBUTIONS

The Owner and Applicant herein certify that he/she ☐has ☐has not made campaign contributions or gifts aggregating $250.00 or more to the Mayor, any member of Council or any member of the Board of Zoning Appeals within the two (2) years preceding the filing of this application.

See Attached Exhibit "A"
Signature of Owner

See Attached Exhibit "A"
Signature of Applicant

Print Name

Print Name

FINANCIAL INTEREST

The Applicant herein certifies that he/she ☐has ☐has not a financial interest in the property which is ten percent (10%) or more.

Print Name

See Attached Exhibit "A"
Signature of Applicant

APPLICANT CERTIFICATION

- The Applicant certifies that all information in this application, and all information furnished in support of this application, is true and complete to the best of the Applicant's knowledge and belief. Should any portion not be true, then the application may be rejected.
- Penalty for false or fraudulent statement: Whoever, in any matter, knowingly and willingly falsifies or makes any false, fictitious or fraudulent statement of representatives concerning this application shall be denied the request stated in this application.

See Attached Exhibit "A"
Signature of Applicant

Date

Please Print

OWNER CERTIFICATION

- The Owner certifies that all information in this application, and all information furnished in support of this application, is true and complete to the best of the Owners's knowledge and belief. Should any portion not be true, then the application may be rejected.
- Penalty for false or fraudulent statement: Whoever, in any matter, knowingly and willingly falsifies or makes any false, fictitious or fraudulent statement of representatives concerning this application shall be denied the request stated in this application.
- The Owner hereby gives permission to enter on the property for inspection during the time application is pending.

See Attached Exhibit "A"
Signature of Owner

Please Print

Address

Date

Signed, sealed and delivered in the presence of:

My Commission Expires:

Note: Owner, Applicant or Representative must be present at meeting in order for case to be heard.

ATTACHMENT TO APPLICATION FOR VARIANCE

Application No.: _____
Legistar No.: _____
Hearing Date: **June 29, 2020**

Applicant/Property Owner: **1705 White Circle Holdings LLC**

Applicant/Property Owner's Representative:

MOORE INGRAM JOHNSON & STEELE, LLP

BY: _____
J. Kevin Moore
Georgia Bar No. 519728

Attorneys for Applicant/Property Owner

Date Executed: May 18, 2020

Signed, sealed, and delivered in the presence of:

_____
Notary Public
My Commission Expires: January 10, 2023

[Notary Seal]

CAROLYN E. COOK
NOTARY PUBLIC
Exp. Jan. 10, 2023
COBB COUNTY, GA

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Moore Ingram Johnson & Steele, LLP
Attorneys at Law
Emerson Overlook
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Marietta, Georgia 30060
(770) 429-1499
(770) 429-8631 (Telefax)
E-mail: jkm@mijs.com

EXHIBIT "B" – ATTACHMENT TO APPLICATION FOR VARIANCE

Application No.: _____
Legistar No.: _____
Hearing Date: **June 29, 2020**

Applicant/Property Owner: **1705 White Circle Holdings LLC**

Listing of Requested Variance(s) and Statement of Hardship:

The property which is the subject of the Application for Variance is located at 1705 White Circle (hereinafter collectively "Property" or "Subject Property"), is zoned Light Industrial ("LI"), and is being used for industrial purposes by Applicant/Property Owner (collectively "Applicant"). Applicant proposes an expansion to the existing building located on the Property. Due to the location of the existing building; as well as, the size and location of the proposed expansion, variances are required to ensure Applicant's plans for construction of the proposed expansion building can be accomplished. Therefore, Applicant seeks the following variances:

(1) Waiver of buffer area (along northerly property line) from required 50 feet to 32 feet; and

(2) Waiver of required side setback (along northerly property line) from required 20 feet (outside of 50-foot buffer area) to zero (0) feet, coinciding with the new buffer distance.

If the Ordinances related to the above requested variances which govern the Subject Property are strictly adhered to, Applicant would be unable to reasonably or economically construct the proposed building expansion on the Property.

TO: **Marietta Daily Journal**

FROM: **City of Marietta**

RUN DATE: **July 10, 2020**

CITY OF MARIETTA
PUBLIC NOTICE OF VARIANCES

The City of Marietta hereby gives notice that a public hearing will be held to give consideration to the following requests. The Board of Zoning Appeals will consider the following requests on **Monday, July 27th, 2020 at 6:00 P.M.,** City Hall. Anyone wishing to attend may do so and be heard relative thereto.

V2020-21 [VARIANCE] 1705 WHITE CIRCLE HOLDINGS LLC is requesting variances for property zoned LI (Light Industrial), located in Land Lot 862, District 16, Parcel 0020, 2nd Section, Marietta, Cobb County, Georgia, and being known as 1705 White Circle. Variance to reduce the 50-foot landscape buffer to 32 feet along the northern property line; variance to waive the requirement to establish a buffer if not present; variance to eliminate the side yard setback in the area of the building addition; variance to allow outdoor storage within 50 feet of any property zoned for residential purposes and within 25 feet of City right-of-way; variance to allow more than 50% of the parcel to be used for outdoor storage. Ward 4B.

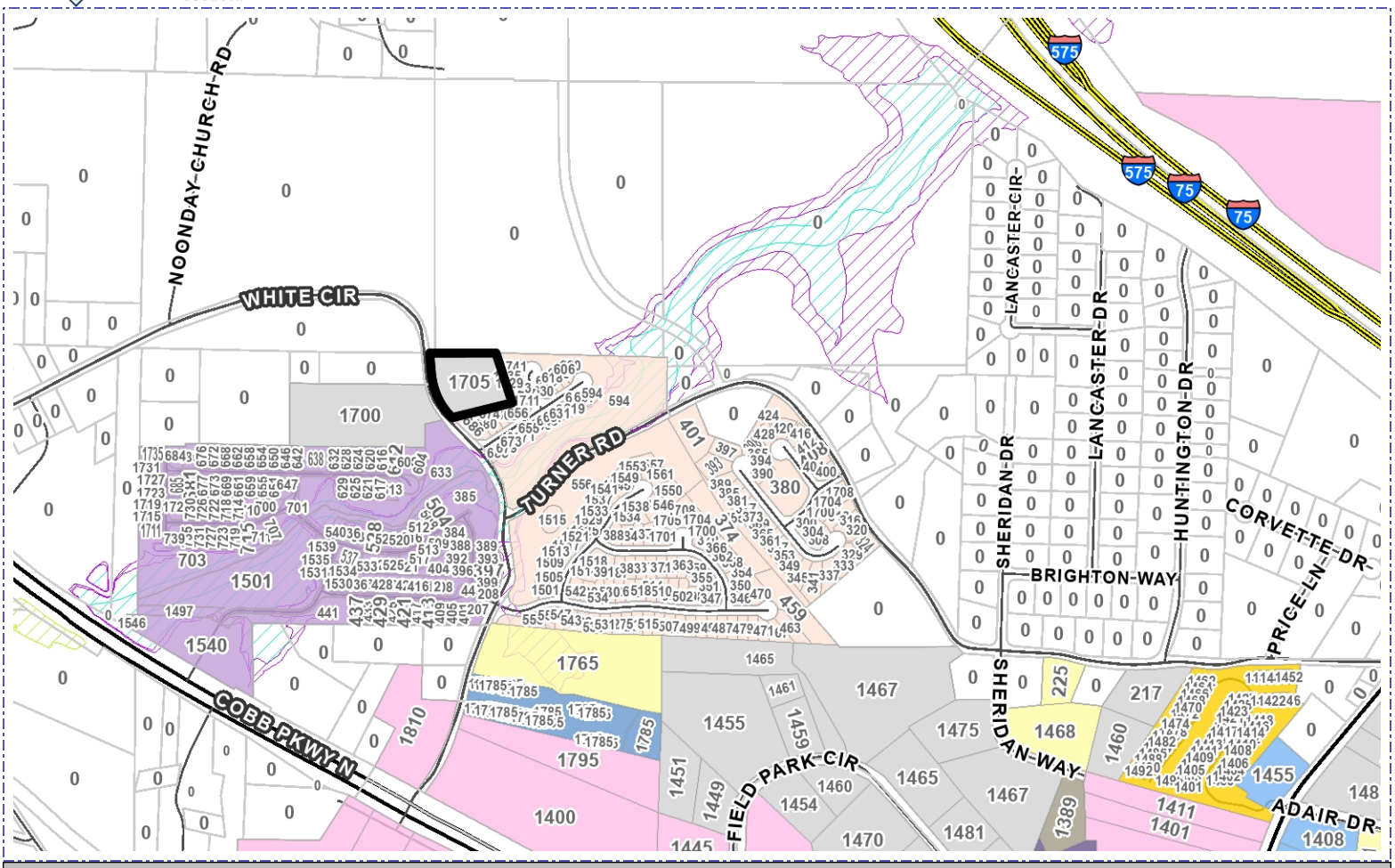
A description and plat of the property sought for the variances are on file in the Planning and Zoning Office, City Hall, and are available for inspection between 8:00 A.M. and 5:00 P.M., Monday through Friday. Anyone wishing to attend may do so and be heard relative thereto. You may also review the property file at www.mariettaga.gov and enter the case # in the search box.

For additional information including questions about virtual participation, 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 ADA Coordinator, at 770-794-5558 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
1705 WHITE CIR	16086200020	2.175	4B	LI	MDR

Property Owner: 1705 White Circle Holdings

Applicant:

BZA Hearing Date: 07/27/2020

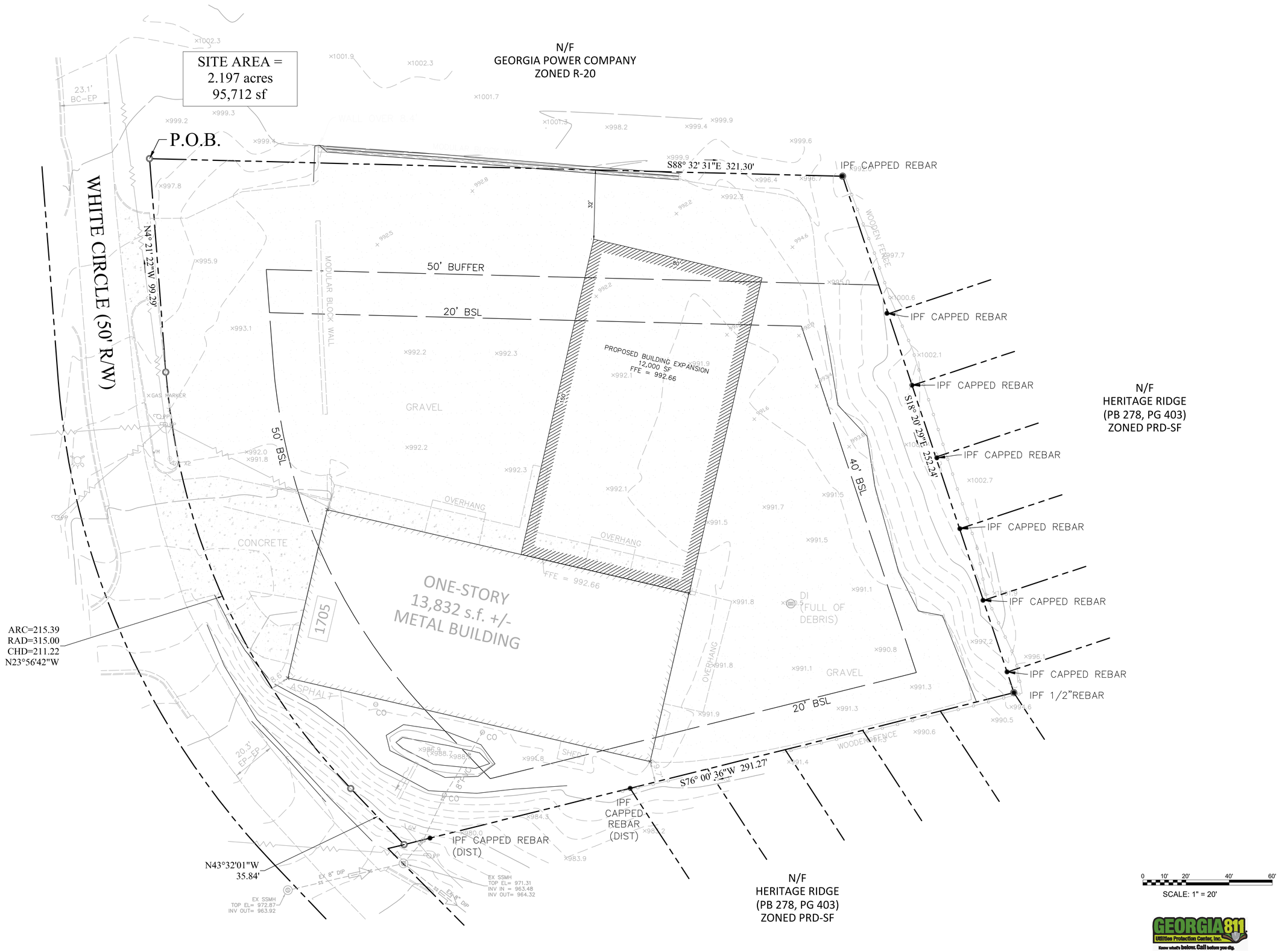
Acquisition Date:

Case Number: V2020-21

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 - Moble 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



4/21/2020

Urban Engineers, Inc.
1904 MONROE DRIVE, N.E., SUITE 150
ATLANTA, GEORGIA 30324
PHONE:(404) 873-5874
www.urbanengineers.net

REVISIONS

DATE	△	DESCRIPTION

CONCEPT SITE PLAN
COBB INDUSTRIAL
1705 WHITE CIRCLE
MARIETTA, GA

PROJECT No.	22003-5
LAND LOT(S):	862
DISTRICT:	16TH
COUNTY:	COBB
SCALE:	1" = 20'
DATE:	04-21-20

DRAWING NO.:
C-4.0

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4/21/2020 4:07 PM