

1. Agenda

Documents:

[021126RM.PDF](#)

2. V2025-15 CRESTRIDGE DRIVE 1663

Documents:

[Z2025-15 CRESTRIDGE DR 1663 - TO CC - WEB.PDF](#)

3. V2026-04 [VARIANCE] 1155 Powers Ferry Place

Documents:

[V2026-04 POWERS FERRY PL 1155 - WEB.PDF](#)

4. V2026-05 [VARIANCE] 675 Powder Springs Street

Documents:

[V2026-05 POWDER SPRINGS STREET 675 - WEB.PDF](#)



City of Marietta

205 Lawrence Street
Post Office Box 609
Marietta, Georgia 30061

Meeting Agenda CITY COUNCIL

R. Steve Tumlin, Mayor
Cheryl Richardson, Ward 1
Jason Waters, Ward 2
Daniel Gaddis, Ward 3
Byron "Tee" Anderson, Ward 4
M. Carlyle Kent, Ward 5
Andre L. Sims, Ward 6
Joseph R. Goldstein, Ward 7

Wednesday, February 11, 2026

7:00 PM

Council Chamber

CALL TO ORDER:

INVOCATION:

Council Member Jason Waters, Ward 2

PLEDGE OF ALLEGIANCE:

PRESENTATIONS:

PROCLAMATIONS:

20260136 Tree City USA Award

Recognition of the 42nd consecutive Tree City USA Award from the Georgia Forestry Commission and proclaiming February 20th, 2026 as Arbor Day.

ANNOUNCEMENTS OF GENERAL COMMUNITY INFORMATION BY THE MAYOR, COUNCIL AND/OR CITY MANAGER:

SCHEDULED APPEARANCES:

**Each speaker is allotted five (5) minutes,
for a combined total of 20 minutes.**

20260164 Scheduled Appearance

Scheduled Appearance - Kathy Slough.

20260183 Scheduled Appearance

Scheduled Appearance - Donald Barth.

CONSENT AGENDA:

Consent agenda items are marked by an asterisk (*). Consent items are approved by majority of council. A public hearing will be held only for those items marked by an asterisk that require a public hearing (also noted on agenda).

MINUTES:

*** 20260100 Regular Meeting - January 14, 2026**

Review and approval of the January 14, 2026 meeting minutes.

*** 20260165 Special Meeting - January 29, 2026**

Review and approval of the January 29, 2026 special meeting minutes.

MAYOR'S APPOINTMENTS: (for informational purposes only)**CITY COUNCIL APPOINTMENTS:**

*** 20260127 Board of Zoning Appeals Appointment (Ward 2)**

Reappointment of Walt Walker to the Board of Zoning Appeals (Ward 2), for a three-year term beginning immediately and expiring on February 11, 2029.

*** 20260128 Historic Preservation Commission Appointments (Ward 2)**

Reappointment of David Freedman to the Marietta Historic Preservation Commission (Ward 2), for a 3-year term expiring February 11, 2029.

*** 20260129 Planning Commission Appointment (Ward 2)**

Reappointment of Frasure Hunter to the Planning Commission (Ward 2), for a three (3) year term expiring February 11, 2029.

ORDINANCES:**20250450 Z2025-15 [REZONING] JOHN KING CARTER, III**

Z2025-15 [REZONING] JOHN KING CARTER, III is requesting the rezoning of 0.543 acres located in Land Lot 648, 17th District, Parcel 0310 of the 2nd Section, Cobb County, Georgia, and being known as 1663 Crestridge Drive from R-2 (Single-Family Residential, 2 units/acre) to R-2 (Single-Family Residential, 2 units/acre) with increased density to 3.7 units/acre. Ward 7A.

Planning Commission recommends Approval as Stipulated

On December 2, 2025, at the close of the public hearing, a motion was made by Mr. Anderson, seconded by Mr. Hunter, to recommend approval of the requested rezoning with the required variances and a stipulation that the property be formally divided via the Exemption Plat process and recorded with the County. The motion carried with a vote of 6-0-0.

The subject property would require two (2) variances if the requested R-2 with an increased density of 3.7 units/acre zoning is approved.

Required Variances:

1. Variance to decrease the minimum lot size from 15,000 square feet to 11,766 square feet for "lot 22" (1663 Crestridge Drive) and to 11,880 square feet for "lot 23" (unaddressed Crestridge Drive), as shown on the site plan which accompanies the rezoning application [§708.02 (H.)]

2. Variance to decrease the minimum lot widths from 100 feet to 70 feet for "lot 22" (1663 Crestridge Drive) and "lot 23" (unaddressed Crestridge Drive), as shown on the site plan which accompanies the rezoning application [§708.02 (H.)]

Public Hearing (all parties sworn in)**RESOLUTIONS:****CITY ATTORNEY'S REPORT:***** 20260133 Denial of Claim**

Denial of Claim for H. Blaine Ross.

*** 20260134 Denial of Claim**

Denial of Claim for Damel Chambers.

*** 20260186 Denial of Claim**

Denial of Claim for Eric Dawan McCain.

CITY MANAGER'S REPORT:

MAYOR'S REPORT:

COMMITTEE REPORTS:

1. Economic/Community Development: Andre Sims, Chairperson

2. Finance/Investment: M. Carlyle Kent, Chairperson

*** 20260123 Parks, Recreation, and Facilities Sponsorships Budget Amendment**

Motion to approve a budget amendment for the Parks, Recreation, and Facilities Department due to receiving \$2,600.00 in sponsorships for special events during the 2nd Quarter of Fiscal Year 2026.

*** 20260135 Budget Amendment for Vaughan Foundation**

Motion to amend the Marietta History Fund's FY26 budget to accept and appropriate the \$8,000.00 donation from the Vaughan Foundation.

3. Judicial/Legislative: Joseph R. Goldstein, Chairperson

*** 20260109 Final Plat - Highvale Ph. 2**

Motion to approve the final plat for Highvale Phase 2. Phase 2 contains the remaining 13 single family house lots and a new public road with cul-de-sac named Highvale Drive. Ward 2B.

*** 20260121 Code Amendment - Section 732.03 Sanitary Sewers**

Motion to advertise the proposed amendment to the Zoning Ordinance pertaining to sanitary sewers and on-site sewage management systems.

* **20260131 Detailed Plan Revision - Cottages at Keeler Woods Sidewalk**

Motion to approve the request by Dove Field Developers to omit the sidewalk along the northern side of Wemberley Lane on Lots 1 and 11 of Phase 2 of the Cottages at Keeler Woods. Ward 3A.

4. Parks, Recreation and Tourism: Jason Waters, Chairperson

* **20260126 2026 Street Closure and Associated Alcohol Sales and Consumption Requests**

Motion to authorize street closures and alcohol sales and consumption requests for the 2026 calendar year as presented.

Street Closures:

- Glover Park Concert Series
- Taste of Marietta
- May-retta Daze Spring Arts and Crafts Festival
- Juneteenth
- Fourth in the Park
- Art in the Park
- Chalktoberfest
- HarvestFest
- MUST Ministries Gobble Jog

Events Requesting Alcohol Sales:

- Glover Park Concert Series
- Taste of Marietta
- Art in the Park
- Chalktoberfest

Council Member Goldstein discloses that members of his family and/or entities owned by himself and/or family members own properties in the downtown area.

Council Member Goldstein discloses that he is a member of the Marietta Cobb Museum of Art.

Council Member Goldstien discloses that he is a lifetime member of the Cobb NAACP.

Council Member Goldstein discloses that his Aunt Paula Shea, serves on the Downtown Marietta Development Authority.

Council Member Goldstein Abstaining

* **20260132 Old Zion Heritage Museum Production Funding**

Motion to approve \$25,000.00 in funding for the Old Zion Heritage Museum Board to commission a theatrical production to commemorate the 250th Anniversary of the signing of the Declaration of Independence.

Council Member Kent disclosed that he is a member of the NAACP and member of Zion Baptist Church which owns the Zion Museum.

Council Member Goldstein discloses that The Earl and Rachel Smith Strand Theatre is located in space rented by THE FRIENDS OF THE STRAND, INC and rents such space is owned by the Herbert S. Goldstein Family Limited Partnership. The Herbert S. Goldstein Family Limited Partnership is owned and managed by members of Council Member Goldstein's family. Council Member Goldstein will not participate in any discussion or vote on the portion of this item related to this disclosure in his official capacity as a City Council Member.

Council Member Goldstein discloses that TheatreSquare Art Alliance is located in space rented by Raul Emiliano Thomas, Jr. and such space is owned by Philip M. Goldstein. Philip M. Goldstein is the father of Council Member Goldstein. Council Member Goldstein will not participate in any discussion or vote on the portion of this item related to this disclosure in his official capacity as a City Council Member.

Council Member Goldstein discloses that GA Metro Dance Theatre is located in space rented by Stone Worthy, LLC and such space is owned by the PMG Whitlock Ave, LLC. PMG Whitlock Ave, LLC is owned and managed by Philip M. Goldstein. Philip M. Goldstein is the father of Council Member Goldstein. Council Member Goldstein will not participate in any discussion or vote on the portion of this item related to this disclosure in his official capacity as a City Council Member.

Council Member Goldstein discloses that he is a member of the Marietta/Cobb Museum of Art.

Council Member Goldstein discloses that the Marietta Square Branding Project leases a space owned by PMG 358 ROSWELL STREET, LLC. Philip M. Goldstein is the owner and manager of PMG 358 ROSWELL STREET, LLC. Philip M. Goldstein is a member of the Marietta Square Branding Project. Philip M. Goldstein is the father of Council Member Goldstein. Council Member Goldstein will not participate in any discussion or vote on the portion of this item related to this disclosure in his official capacity as a City Council Member.

Council Member Goldstein discloses that he is a lifetime member of the Cobb County NAACP. Council Member Goldstein discloses that Marietta Theatre Company is believed to be a subtenant of Raul Emiliano Thomas, Jr. A space leased by Raul Emiliano Thomas, Jr. is owned by a member of Council Member Goldstein's family.

Council Member Goldstein discloses that the Alley Stage Foundation is located in space leased by Colt Chambers and such space is owned by Philip M. Goldstein. Philip M. Goldstein is the father of Council Member Goldstein. Council Member Goldstein will not participate in any discussion or vote on the portion of this item related to this disclosure in his official capacity as a City Council Member.

Council Member Goldstein Abstaining

* **20260176 FY2026 Welcome Center Tourism Funding Agreement**

Motion to amend the FY2026 Welcome Center Tourism Funding Agreement to add Part Z for Old Zion Heritage Museum in the amount of \$25,000.

Council Member Kent disclosed that he is a member of the NAACP and member of Zion Baptist Church which owns the Zion Museum.

Council Member Goldstein discloses that The Earl and Rachel Smith Strand Theatre is located in space rented by THE FRIENDS OF THE STRAND, INC and rents such space is owned by the Herbert S. Goldstein Family Limited Partnership. The Herbert S. Goldstein Family Limited Partnership is owned and managed by members of Council Member Goldstein's family. Council Member Goldstein will not participate in any discussion or vote on the portion of this item related to this disclosure in his official capacity as a City Council Member.

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Council Member Goldstein Abstaining

5. Personnel/Insurance: Cheryl Richardson, Chairperson*** 20260166 Municipal Court Judge Compensation and Contract**

Motion to approve an ordinance fixing compensation and contract for Chief Judge Lawrence E. Burke retroactive to January 1, 2026.

*** 20260167 Municipal Court Associate Judges Compensation**

Motion to approve an ordinance fixing compensation for the Associate Judges of City of Marietta Municipal Court.

*** 20260168 Municipal Court Prosecuting Attorney Compensation and Contract**

Motion to approve an ordinance fixing compensation and contract for Prosecuting Attorney Benjamin F Smith retroactive to January 1, 2026.

20260169 Municipal Court Chief Assistant Prosecuting Attorney Compensation and Contract

Motion to approve an ordinance fixing compensation and contract for Chief Assistant Prosecuting Attorney Courtney Brubaker.

*** 20260170 Municipal Court Assistant Prosecuting Attorneys Compensation**

Motion to approve an ordinance fixing compensation for the Assistant Prosecuting Attorneys of City of Marietta Municipal Court.

*** 20260171 City Manager Compensation and Contract**

Motion to approve compensation and employment contract for William F. Bruton Jr., retroactive to January 1, 2026.

* **20260172 Board of Lights & Water General Manager Compensation**

Motion approving Board of Lights and Water General Manager Ronald J. Mull's compensation retroactive to January 1, 2026.

* **20260173 Administrative Assistant to the Mayor Compensation and Contract**

Motion to approve compensation and employment contract for Elizabeth S. Kelley retroactive to January 1, 2026.

* **20260174 City Clerk Compensation and Contract**

Motion to approve compensation and employment contract for Stephanie E. Guy retroactive to January 1, 2026.

6. Public Safety Committee: Byron "Tee" Anderson, Chairperson

7. Public Works Committee: Daniel Gaddis, Chairperson

* **20260114 Chicopee Drive Utilities**

Motion authorizing a variance from the underground utilities ordinance by Comcast Communications for allowing for the installation of fiber optic cable to be over-lashed on existing fiber optic cable and requiring the removal of all duplicate utility poles where Comcast Communications is "next to transfer" along Chicopee Drive from the utility pole at 620 Cherokee Street to the utility pole at 620 Etowah Drive. This motion does not grant a perpetual variance. Comcast Communications must relocate underground at its expense if other utilities at the location are moved underground. Ward 4B

* **20260115 South Marietta Parkway Utilities**

Motion authorizing a variance from the underground utilities ordinance by Comcast Communications for allowing for the installation of fiber optic cable to be over-lashed on existing fiber optic cable and requiring the removal of all duplicate utility poles where Comcast Communications is "next to transfer" along South Marietta Parkway from the utility pole at 191 South Marietta Parkway to the utility pole at 277 South Marietta Parkway. This motion does not grant a perpetual variance. Comcast Communications must relocate underground at its expense if other utilities at the location are moved underground. Ward 5A

* **20260116 199 South Marietta Parkway Utilities**

Motion authorizing a variance from the underground utilities ordinance by Comcast Communications for allowing for the installation of new fiber optic cable to be over-lashed on existing fiber optic cable and requiring the removal of all duplicate utility poles where Comcast Communications is “next to transfer” along South Marietta Parkway at the utility pole located at 199 South Marietta Parkway to the utility service at 199 South Marietta Parkway. This motion does not grant a perpetual variance. Comcast Communications must relocate underground at its expense if other utilities at the location are moved underground. Ward 5A

* **20260117 Durham Street Speed Study**

Motion authorizing Public Works to conduct the speed study of Durham Street from Whitlock Avenue to Maxwell Avenue to determine if traffic calming measures are needed. Ward 3A

20260118 Banberry Road Traffic Calming

Motion authorizing the Public Works to install three (3) speed tables on Banberry Road with an estimated cost of \$4,500.00. Ward 7A

Public Hearing Required

OTHER BUSINESS:

20260036 V2026-04 [VARIANCE] LAMAR ADVERTISING OF ATLANTA (TLC PROPERTIES, INC)

V2026-04 [VARIANCE] LAMAR ADVERTISING OF ATLANTA (TLC PROPERTIES, INC) are requesting variances for property zoned CRC (Community Retail Commercial) and located in Land Lot 787, 17th District, Parcel 110 of the 2nd Section, Cobb County, Georgia, and being known as 1155 Powers Ferry Place. Ward 7A.

1. Variance for a digital billboard to be placed within 500 feet of a residential zoning district. [§714.04 (G.13.b.4.ii.)]

Public Hearing Required

- 20260110 V2026-05 [VARIANCE] VIRGINIA HEMMER CUNNINGHAM**
V2026-05 [VARIANCE] VIRGINIA HEMMER CUNNINGHAM is requesting variances for property zoned CRC (Community Retail Commercial) and located in Land Lot 214, 17th District, Parcel 0040 of the 2nd Section, Cobb County, Georgia, and being known as 675 Powder Springs Street. Ward 3B.

- 1.Variance to allow a commercial landscaper operate within 200' of residentially zoned property. [§708.16 (B.22.b.)]
- 2.Variance to waive compliance with the Commercial Corridor Design Overlay - Tier B requirements. [§712.09 (G.1.b.xiii.)]
- 3.Variance to reduce building setbacks for an existing building. [§708.16 (H.)]
- 4.Variance to eliminate the required 40' buffer adjacent to residentially zoned property. [§708.16 (I.)]
- 5.Variance to allow outdoor storage within 50' of residential property and across more than 25% of the parcel. [§708.16 (G.1.c.)]; [§708.16 (G.1.d.)]
- 6.Variance to allow parking on an unpaved surface. [§716.08 (A.)]; [§716.08 (B.)]

Public Hearing Required

- 20260175 Certificate of Appropriateness: 245 Forest Avenue - Demolition**

Consideration of a certificate of appropriateness for the demolition of 245 Forest Avenue.

Public Hearing Required

- * **20260102 BLW Actions of February 9, 2026**

Review and approval of the February 9, 2026 actions and minutes of Marietta Board of Lights and Water.

UNSCHEDULED APPEARANCES:

**Each speaker is allotted five (5) minutes,
for a combined total of 30 minutes.**

ADJOURNMENT:

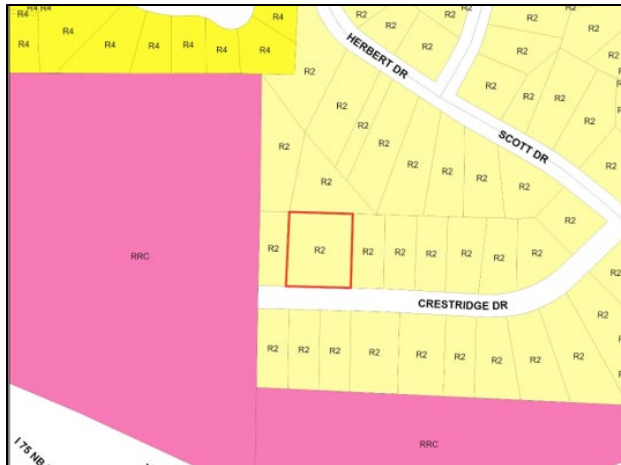
REZONING SNAPSHOT: Z2025-15

Address(es): 1663 Crestridge Drive

Rezoning Request: R-2 to R-2 w/ increased density of 3.7 units/acre

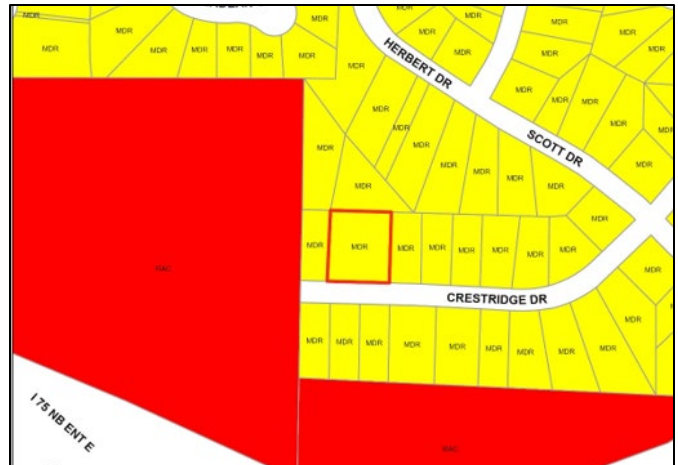
Purpose for Request: To subdivide owner's property to create another lot to sell.

Existing Zoning – R-2



*R-2 (Single-Family Residential, 2 units/acre)

Future Land Use (FLU) – MDR



*Medium Density Residential (5-8 units/acre)

Considerations and Concerns

Existing land use context

Lots to the north, south, and east are also zoned R-2; a large undeveloped tract to the west is zoned RRC (Regional Retail Commercial), but is seeking to be rezoned to residential.

Suitability of the land/site

A stream is located just east of the subject property, and floodplain exists in the property's northeastern corner. Associated stream bank buffers appear to cover about half of the lot, limiting buildable area.

Potential for adverse impacts

Floodplain is located in what would be the northeastern corner of the new lot. A Stream Buffer Variance would be required to build a home on the land, as was granted in 2024 for a house built across the street (a variance of nearly 4,000 square feet into the buffers).

Other department concerns

None beyond Engineering/Stream Buffer Variance concerns.

Alignment with City vision / Comprehensive Plan

Proposal does not align with the FLU of medium-density residential, being “not dense enough” to meet the envisioned 5-8 units/acre for the future development of the area.

Variances Required:

- Variance to decrease the minimum lot size from 15,000 square feet to 11,766 square feet for “lot 22” (1663 Crestridge Drive) and to 11,880 square feet for “lot 23” (unaddressed Crestridge Drive), as shown on the site plan which accompanies the rezoning application [*\$708.02 (H.)*]
- Variance to decrease the minimum lot widths from 100 feet to 70 feet for “lot 22” (1663 Crestridge Drive) and “lot 23” (unaddressed Crestridge Drive), as shown on the site plan which accompanies the rezoning application [*\$708.02 (H.)*]



REZONING APPLICATION ANALYSIS

ZONING CASE #: **Z2025-15** **LEGISTAR: 20250450**

LANDOWNERS:

APPLICANT: **as above**

AGENT: **N/A**

PROPERTY ADDRESS: **1663 Crestridge Drive**

PARCEL DESCRIPTION: **17064800310**

AREA: **0.543 acres** **COUNCIL WARD: 7A**

EXISTING ZONING: **R-2 (Single-Family Residential, 2 units/acre)**

REQUEST: **R-2 with an increased density of 3.7 units/acre**

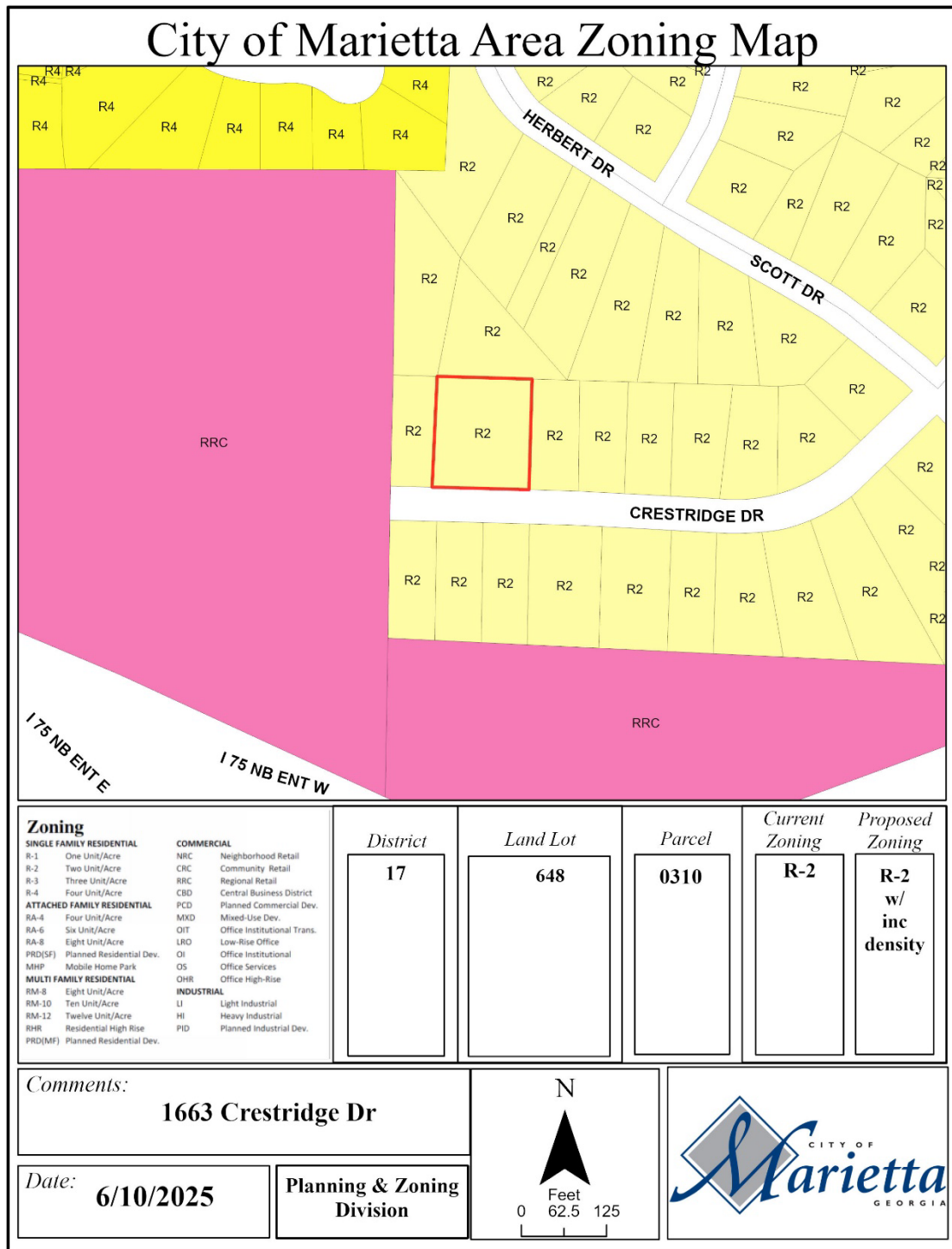
FUTURE LAND USE: **MDR (Medium Density Residential)**

REASON FOR REQUEST: **The property owner wishes to subdivide his property to create another lot that can be sold.**

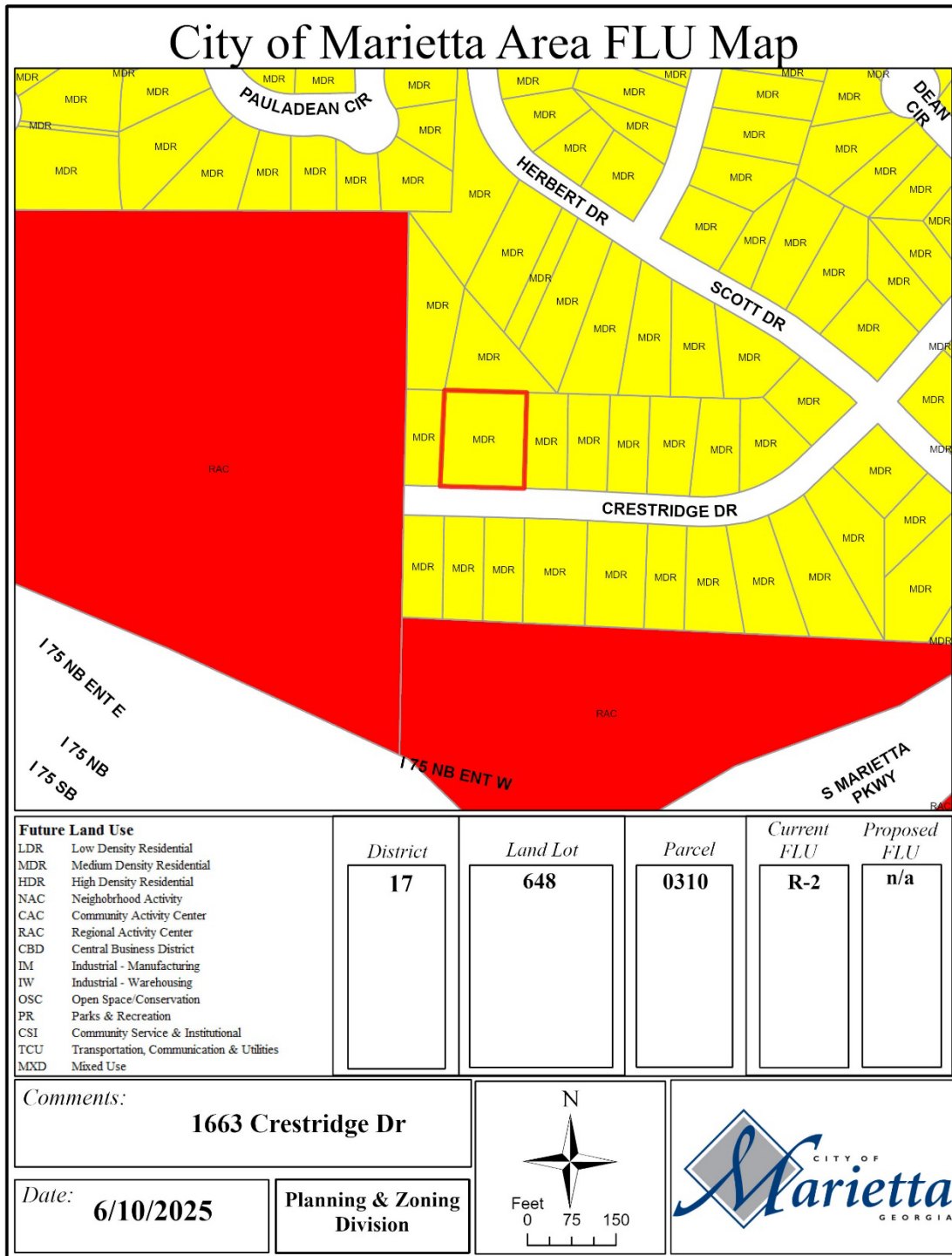
PLANNING COMMISSION HEARING: **Tuesday, December 2nd, 2025 – 6:00 pm**

CITY COUNCIL HEARING: **Wednesday, February 11th, 2026– 7:00 pm**

MAP



FLU MAP



PICTURES OF PROPERTY



**Top – The applicant’s home on the subject property, 1663 Crestridge Drive.
Bottom – Land adjacent to the applicant’s home which he would like to sell as a
separate lot if the rezoning is successful.**



Top - The stream which runs adjacent to the subject property.
Bottom – The stream also impacts the lot where a new house is being built across the street, 1664 Crestridge Drive. Stream Buffer Variances were granted to enable the house's construction.

STAFF ANALYSIS

Location Compatibility

██████████ is requesting that his property, 1663 Crestridge Drive, be rezoned from R-2 (Single-Family Residential, 2 units/acre) to R-2 with an increased density of 3.7 units/acre. ██████████ wishes to subdivide the half-acre lot (0.543 acres) into two (2) parcels – one containing his home and the other to sell. Lots to the north, south, and east are also zoned R-2, platted as part of the Powers Ferry Hills neighborhood in 1951. A large, undeveloped tract of land to the west, spanning to I-75, is zoned RRC (Regional Retail Commercial).

A stream is located just east of the subject property, and floodplain exists in the property's northeastern corner. Associated stream bank buffers appear to cover about half of the lot, limiting buildable area.

Use Potential and Impacts

The subject property once consisted of two (2) lots – numbered 22 and 23 - on the original plat of the neighborhood. ██████████ house was built on lot 22 in 1955, and lot 23 has remained vacant, presumably due to the presence of floodplain and (more recently) stream buffer restrictions. An initial search of Cobb County real estate records could not identify when or how the two (2) lots were combined into the half-acre parcel that exists today. The entirety of Powers Ferry Hills was annexed into the City in 1986 (A-86130); records indicate the subject property had already been combined when it was annexed into the City.

In 2023, the property directly across the street, 1664 Crestridge Drive, was sold to a developer. The lot, measuring 12,066 square feet (0.277 acres), is nearly a mirror image of the eastern half of the subject property, as the same stream impacts it as well, creating stream buffers which blanket the lot. The developer, however, applied for and was granted stream buffer variances and has since been able to build a house on the parcel; no zoning variances were required as the lot remained as platted in 1951 and was thus “grandfathered” in per Section 706.04 B.

Perhaps inspired by this development, ██████████ is seeking to “undo” the combination of historic lots 22 and 23, now forming the subject property, to similarly sell the “new” lot to a developer for the construction of a house while keeping his existing home on the other lot. ██████████ is proposing to reinstate the original lot line that divided lots 22 and 23, which nearly splits the property neatly in half. The resulting two (2) lots, however, do not meet current standards: Whereas R-2 zoning mandates a minimum lot size of 15,000 square feet, lot 22 (where the applicant's house sits) would measure only 11,766 square feet (0.270 acres), and lot 23 would measure only 11,880 square feet (0.273 acres). Neither lot would meet minimum lot width requirements, either. The following variances would be therefore necessary for the proposed plan to move forward:

- Variance to decrease the minimum lot size from 15,000 square feet to 11,766 square feet for “lot 22” (1663 Crestridge Drive) and to 11,880 square feet for “lot 23” (unaddressed Crestridge Drive), as shown on the site plan which accompanies the rezoning application [§708.02 (H.)]
- Variance to decrease the minimum lot widths from 100 feet to 70 feet for “lot 22” (1663 Crestridge Drive) and “lot 23” (unaddressed Crestridge Drive), as shown on the site plan which accompanies the rezoning application [§708.02 (H.)]

These reduced lot sizes created by the proposed split point to the reason a rezoning is needed: Two (2) houses located on 0.543 acres of land yields a density of 3.7 units/acre, which is beyond the density of the two (2) units per acre permissible under R-2 zoning. Because density is a reflection of the use of the land, rather than a physical attribute, a rezoning – rather than variance(s) - is necessary to enable the lot split.



Plat from 1951 which shows the applicant’s property (outlined in orange) was originally two (2) lots (labeled as “22” and “23” on the plat). The applicant wishes to restore the original property lines to create a second lot to sell, perhaps inspired by the construction of a new home recently across the street (in green) also impacted by the adjacent stream (location roughly shown in blue).

The Future Land Use of the subject property is MDR (Medium Density Residential), which is meant to provide for areas suitable for housing with densities ranging from five (5) to eight

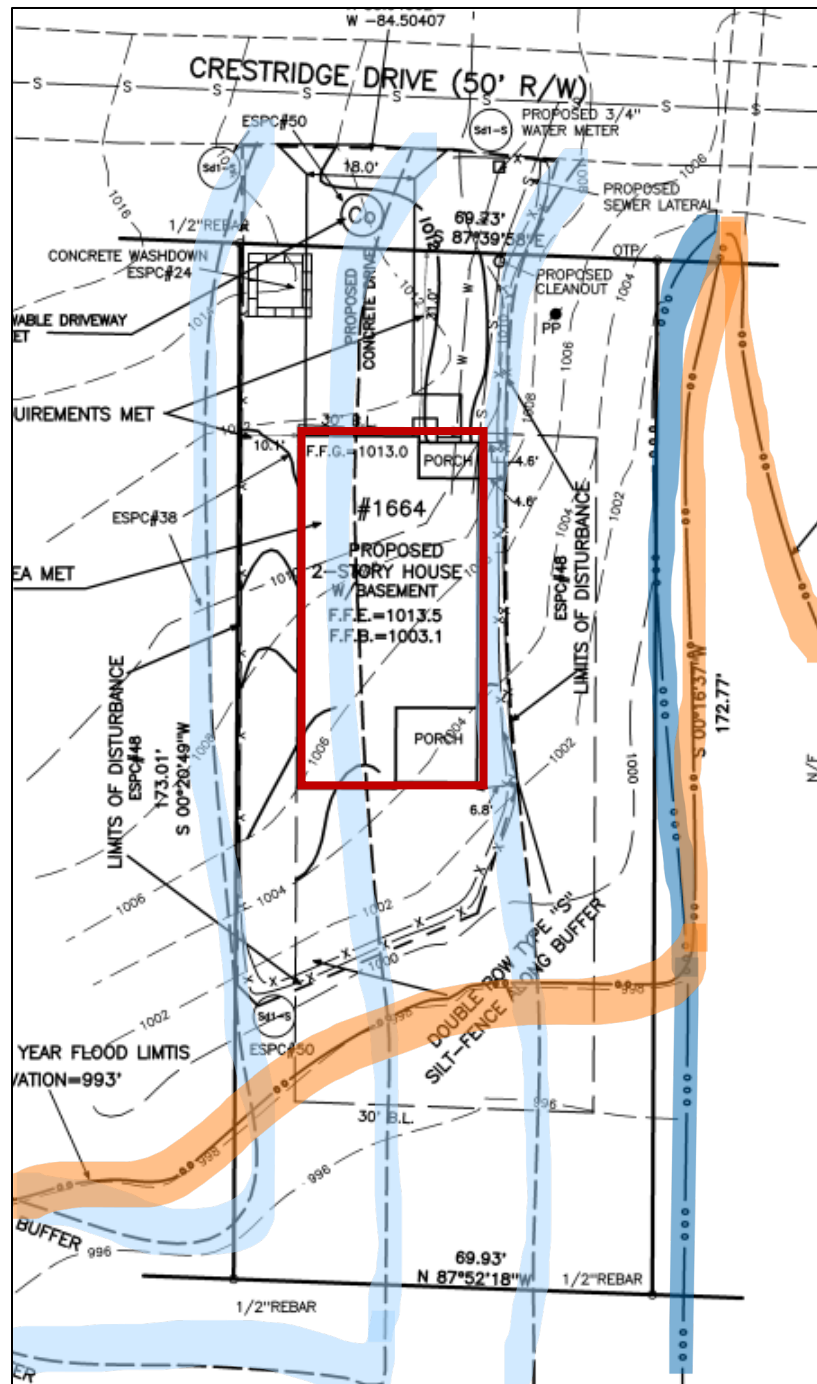
(8) units per acre. The shift from low-density residential development zoning (i.e. R-2) to higher intensity housing in the future may stem from the property's location next to the large RRC parcel, envisioned to one day attract a large-scale retail, commercial, office and/or mixed-use development (in excess of 250,000 square feet) to serve a regional market.

Higher intensity housing in this area would require acquisition of many small, individually owned parcels, which would take time; further, the "regional center" has not yet come to fruition, likely reducing the appetite for developers to undertake such an assemblage. Although the proposed rezoning to only slightly increase the density of an R-2 lot would not be supported by the Comprehensive Plan (as the density is not high enough to match the desired five [5] to eight [8] units/acre prescribed), essentially maintaining the status quo for the meantime may in practice be the most sensible way forward.

Environmental Impacts

The Engineering Department has indicated that floodplain ("Zone X") is located in what would be the northeastern corner of the newly created lot. They have noted that a Stream Buffer Variance would be required prior to a land disturbance permit being issued if a house is to be constructed on the new lot. The Department further notes that encroachment into the 25-foot State Stream Buffer cannot be waived by the City but would require a State Stream Buffer Variance also to be issued prior to land disturbing activities taking place. A site plan would be required with a building permit application.

For comparison's sake, a Stream Buffer Variance was provided to 1664 Crestridge Drive across the street, which shares many of the attributes of what would be the new lot created by the split. Staff contended and City Council concurred that the claim of a hardship on the part of the developer was justified in that without Stream Buffer Variances, the lot would be undevelopable. As such, a total encroachment of 3,878 square feet into City-mandated buffers (the 50-foot "undisturbed" buffer meant to remain in its vegetated state, and the 75-foot "impervious" buffer which is intended to keep impervious surfaces, which create water run-off, out of reach of a stream) was granted (October 2024, File No. 20240962). A condition of granting the variance was that the developer remove non-native plant species (Kudzu), replant according to a revegetation plan, and provide a \$5,000 bond be held for a year post-construction when an inspection would be done to ensure plantings were still living. No encroachment into the State buffer was proposed or requested.



Approved site plan for the construction of a house on 1664 Crestridge Drive, immediately across the street from the subject property. Variances were granted to enable construction within stream buffers (in light blue). The dark blue line shows the location of the stream, and the orange line represents the limits of the 100-year flood elevation. The house footprint is shown in red.

Economic Functionality

As indicated in the Stream Buffer Variance application for 1664 Crestridge Drive, the lot did not have an economic use prior to the house now being constructed due to the presence of stream buffers across the entire parcel, and the stream buffers created a hardship for the property owner who was limited in his use of the property. Staff questions, however, if every piece of property has the right to be developed. On the contrary - if land is environmentally sensitive (or contains a grave site, say, or is of historic value), measures are put in place to safeguard it for the greater welfare of the community, for example to prevent pollution of waterways and flooding such as in this instance.

While it is true that since their platting in the 1950s, neither the new lot proposed on the subject property or 1664 Crestridge Drive was developed, it was likely not because of regulations (which were slim to nonexistent), but because people did not find it prudent to develop on stream banks. Now that housing is in greater demand, however, and such “compromised” properties are no longer considered “out of bounds,” the question of the hardship of the developer versus the (cumulative) impacts on water quality and runoff need to be considered. Outside the realm of the zoning code, however, the issues will be deliberated and decided at a Stream Buffer Variance hearing should the rezoning be approved.

Infrastructure

The subdivision of the subject property into two (2) lots and the potential construction of a house on the vacant lot should not create burdens on the City’s infrastructure beyond those to be considered by Public Works/Engineering at a potential Stream Buffer Variance hearing in the future.

Overhead Electrical/Utilities

Overhead power lines run across the front of the subject property. All new power connections will need to be provided underground. If power poles need to be moved due to future construction, those too would need to be placed underground.

History of Property

No history relating to variances, Special Land Use Permits, or rezonings was found for the subject property.



Historical Impacts

N/A

Other Issues

An Exemption Plat will need to be completed and recorded with the County to formally split the lot if the rezoning is successful.

ANALYSIS & CONCLUSION

██████████ is requesting that his property, 1663 Crestridge Drive, be rezoned from R-2 (Single-Family Residential, 2 units/acre) to R-2 with an increased density of 3.7 units/acre. ██████████ wishes to subdivide the half-acre lot (0.543 acres) into two (2) parcels – one containing his home, which would remain, and the other to sell. Lots to the north, south, and east are also zoned R-2, platted as part of the Powers Ferry Hills neighborhood in 1951. A large, undeveloped tract of land to the west, spanning to I-75, is zoned RRC (Regional Retail Commercial).

The subject property once consisted of two (2) lots – numbered 22 and 23 - on the original plat of the neighborhood. ██████████ house was built on lot 22 in 1955, and lot 23 has remained vacant, presumably due to the presence of floodplain and (more recently) stream buffer restrictions. At some point both lots were assembled into one, and ██████████ is now seeking to “undo” their combination to be able to sell the “new” lot to a developer, perhaps inspired by the construction of a new house across the street at 1664 Crestridge Drive on a lot which is similarly impacted by the presence of the stream.

The resulting two (2) lots, however, would not meet current standards. Two (2) houses located on 0.543 acres of land would yield a density of 3.7 units/acre, which is beyond the density of the two (2) units per acre permissible under R-2 zoning and is the basis of the rezoning request. The following variances also would be necessary for the proposed plan to move forward as shown:

- Variance to decrease the minimum lot size from 15,000 square feet to 11,766 square feet for “lot 22” (1663 Crestridge Drive) and to 11,880 square feet for “lot 23” (unaddressed Crestridge Drive), as shown on the site plan which accompanies the rezoning application [§708.02 (H.)]
- Variance to decrease the minimum lot widths from 100 feet to 70 feet for “lot 22” (1663 Crestridge Drive) and “lot 23” (unaddressed Crestridge Drive), as shown on the site plan which accompanies the rezoning application [§708.02 (H.)]

A stream is located just east of the subject property, and floodplain exists in the property’s northeastern corner. Associated stream bank buffers appear to cover about half of the lot, limiting buildable area.

The Engineering Department have noted that a Stream Buffer Variance would be required prior to a land disturbance permit being issued if a house is to be constructed on the new lot. The Department further notes that encroachment into the 25-foot State Stream Buffer cannot be waived by the City but would require a State Stream Buffer Variance also to be issued prior to land disturbing activities taking place. A site plan would be required with a building permit application.

On December 2, 2025 Planning Commission voted to approve R-2 (Single Family Residential, 2 units/acre) with increased density of 3.7 units/acre with incorporated variances as condition of said zoning.



DATA APPENDIX

CITY OF MARIETTA - WATER

Is a water line adjacent to the property?	Yes
If not, how far is the closest water line?	N/A
Size of the water line?	6"
Capacity of the water line?	A fire flow test may be required
Approximate water usage by proposed use?	Not provided

CITY OF MARIETTA - WASTEWATER

Is a sewer line adjacent to the property?	Yes
If not, how far is the closest sewer line?	N/A
Size of the sewer line?	8"
Capacity of the sewer line?	A.D.F Peak
Estimated waste generated by proposed development?	Not Provided
Treatment Plant Name?	R.L. Sutton WRF
Treatment Plant Capacity?	Cobb County
Future Plant Availability?	Cobb County



DATA APPENDIX CONTINUED

DRAINAGE AND ENVIRONMENTAL CONCERNS

Does flood plain exist on the property:	Yes – Zone X
What percentage of the property is in the flood plain?	2.40%
What is the drainage basin for the property?	Rottenwood Creek
Is there potential for the presence of wetlands as determined by the U.S. Environmental Protection Agency?	Unknown
If so, is the use compatible with the possible presence of wetlands?	Unknown
Do stream buffers exist on the parcel?	Yes
Are there other topographical concerns on the parcel?	No
Are there storm water issues related to the application?	No
Potential presence of endangered species in the area?	No
• <i>Site development plan review required.</i> • <i>Stormwater concept meeting required.</i>	

TRANSPORTATION – No comments provided

What is the road affected by the proposed change?	
What is the classification of the road?	
What is the traffic count for the road?	
Estimated # of trips generated by the proposed development?	
Estimated # of pass-by cars entering proposed development?	
Do sidewalks exist in the area?	
Transportation improvements in the area?	
If yes, what are they?	



DATA APPENDIX CONTINUED

EMERGENCY SERVICES

Nearest city or county fire station from the development?	52
Distance of the nearest station?	1.9
Most likely station for 1 st response?	52
Service burdens at the nearest city fire station (under, at, or above capacity)?	Below Capacity

Site and building construction will be required to conform to state and local Fire/Safety Minimum Standards, and Georgia Accessibility Code.

New buildings will be subject to the Marietta Fire Protection Sprinkler ordinance [2-6-140].

MARIETTA POWER – ELECTRICAL

Does Marietta Power serve this site? Yes _____ No X



Department of Development Services
205 Lawrence Street
Marietta, Georgia 30060
Phone (770) 794-5440

APPLICATION FOR REZONING

(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 #: Z2025-15 Registrar #: 20250450 PZ #: 25-036
Planning Commission Hearing: December 2, 2025 City Council Hearing: Feb 11, 2026

Owner's Name _____
Documentation showing names of Principals authorized to sign application is **required for Corporations.**

EMAIL Address: _____

Mailing Address 1663 Crestridge Dr Zip Code: 30067 Telephone Number _____

COMPLETE ONLY IF APPLICANT IS NOT OWNER:

Applicant: _____

EMAIL Address: _____

Mailing Address _____ Zip Code: _____

Telephone Number _____ Add'l Email Address: _____

Address of property to be rezoned: 1663 Crestridge Drive, Marietta, GA 30067

Land Lot (s) 0648 District 17 Parcel 0310 Acreage .525 Ward 7A Future Land Use: MDR

Present Zoning Classification: R-2 Proposed Zoning Classification: R-2 with an increase of density of 3.7 units/acre

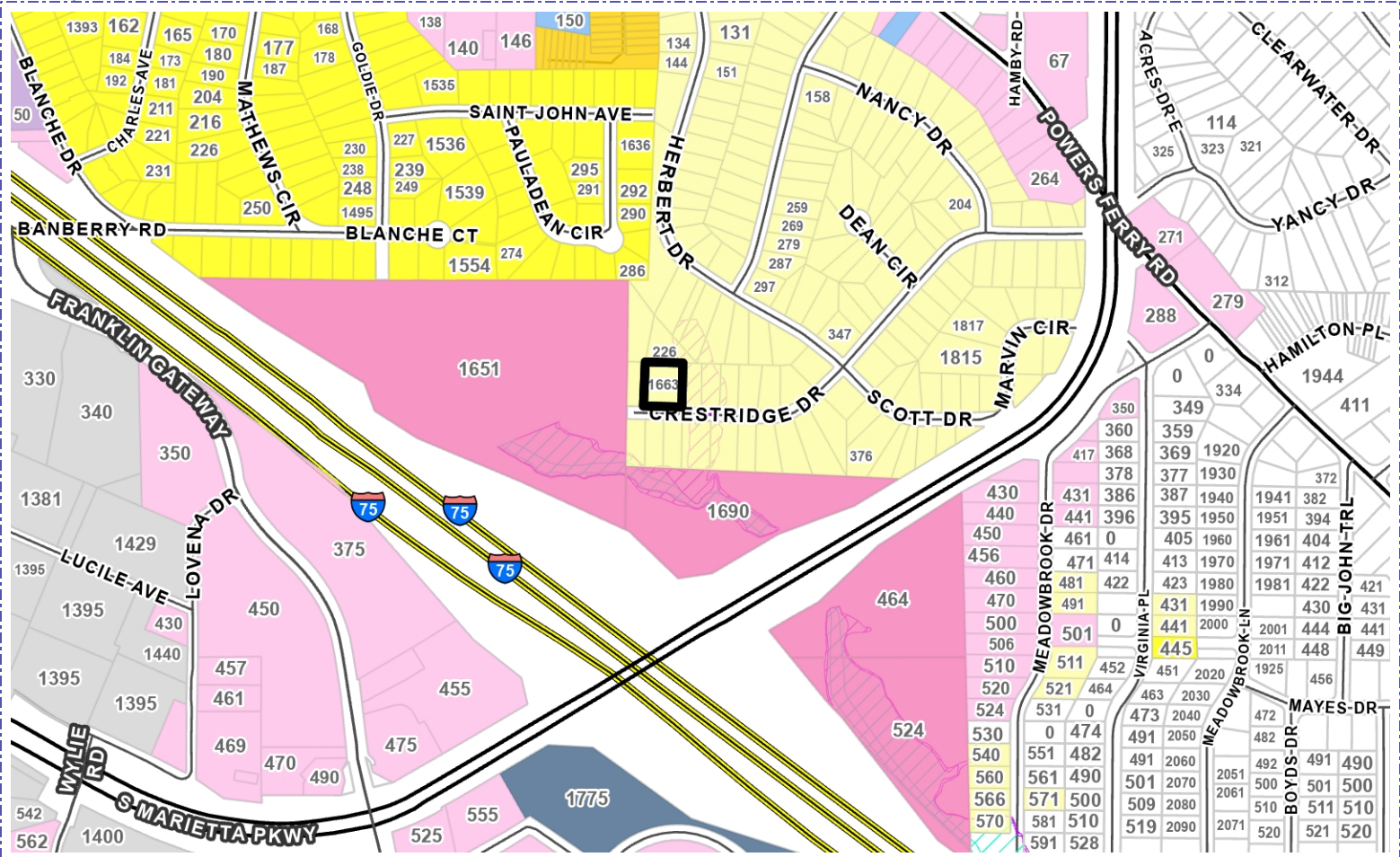
REQUIRED INFORMATION

Applicant must submit the following information by 4:00 p.m. on or before the application deadline. Failure to submit any item, or any additional information that might be requested, on or before the deadline will result in the application being held until the next scheduled meeting of the Planning Commission.

1. Application
2. Legal Description.
3. Copy of the deed that reflects the current owner(s) of the property. Documentation showing names of principals authorized to sign application is **required for Corporations.**
4. Copy of current tax bill showing payment or a certification from the City of Marietta Tax Office stating that taxes have been paid.
5. Site plan, plat or survey prepared by an architect, engineer (P.E. or Civil Engineer), Landscape Architect or Land Surveyor whose state registration is current and valid, and whose seal shall be affixed to the site plan/plat/survey.
6. A detailed written description of the proposed development/project must be submitted with the application.
7. **REZONING REQUESTS TO PRD, PCD, PID, or MXD MUST INCLUDE THE GENERAL PLAN CHECKLIST WITH THIS APPLICATION.**
8. Application fee - see next page



REZONING



Address		Parcel Number	Acreage	Ward	Zoning	FLU
1663 CRESTRIDGE DR		17064800310	0.525	7A	R2	MDR
Property Owner:		JOHN K. CARTER, III				
Planning Commission Date :		DEC 2, 2025				
City Council Hearing Date:		DEC 10, 2025 Feb 11, 2026				
Acquisition Date:						
Case Number:		Z2025-15				
		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				

DETAILED DESCRIPTION OF THE PROPOSED PROJECT

I am requesting rezoning of this property to R-2 with an increased density of 3.7 units/acre. This request is in preparation for a subsequent request to split the lot into two lots. The proposed new property line is based on the historic platting of the neighborhood. I believe the return to a greater density is warranted by the increasing population density of the metro area, which has given rise to the "larger houses on smaller lots" model now being used in urban areas. Once this rezoning is approved I will apply for the exemption plat to formally split the property into two lots.

I live in the house on historic lot 22 as shown on the map. Subsequent to successfully having the property split into two lots, I plan to request a stream buffer variance for historic lot 23 (with stipulations including mitigation plantings) in order to make it buildable, and then sell it to someone who wishes to build on it.

City Engineer Charles Richards came out to view the property and spoke with me at length. He was very sanguine about my prospects of obtaining these objectives. I have also spoken with Planning & Zoning Administrator Sarah Ciccone, who reviewed the survey and advised me to proceed with the request above.

Sarah said that at the same time I should request variances for lot size (under 15,000 sf each) and minimum lot width (under 100 feet) in this request, so I am making those variance requests here.

As a point of interest, the owners of the lot across the street now numbered as 1664, which borders the same stream, have submitted all the same rezoning and variance requests successfully, and are now building a house on it. Charles Richards was of the opinion that the same could be done with my lot.

Please let me know if I can answer any questions or provide further information.
Thank you for your consideration.

The field data upon which this plat is based has a closure precision of one foot in 15,000 feet and an angular error of 03" seconds per angle point and was adjusted using the Compass Rule. This plat has been calculated for closure and is found to be accurate within one foot in 100,000 feet.

Equipment used: Topcon GTS-213 Total Station.

FLOOD HAZARD STATEMENT

THIS PROPERTY IS A FLOOD HAZARD AREA AS PER THE FIRM FLOOD HAZARD MAP OF COBB COUNTY, GEORGIA, COMMUNITY PANEL NUMBER 13067C 0109H, DATED 11/02/12

NOTE:

PER COBB COUNTY CODE SEC. 134-267(d), NO FENCE OR FREESTANDING WALL (BOTH HEREIN REFERRED TO AS FENCE) OTHER THAN A RETAINING WALL SHALL BE MORE THAN EIGHT FEET IN HEIGHT (NOT ADJACENT TO A ROAD) OR BE CONSTRUCTED IN A PUBLIC -OF-WAY (ROAD). IF A FENCE IS ADJACENT TO A PUBLIC ROAD RIGHT-OF-WAY, OR IS IN FRONT OF OR TO THE SIDE OF THE HOUSE IN A RESIDENTIAL DISTRICT, OR IS IN FRONT OF OR TO THE SIDE OF THE BUILDING IN A NONRESIDENTIAL DISTRICT, SUCH FENCE SHALL NOT EXCEED SIX FEET IN HEIGHT AND SHALL FURTHER MEET THE REQUIREMENTS SET FORTH IN SECTION 134-263 IF A CORNER LOT (INTERSECTION SITE DISTANCE). THE REQUIRED HEIGHT LIMITATION (WHICH INCLUDES POSTS OR COLUMNS AND ORNAMENTS ON TOP OF FENCE) MUST BE MET ON BOTH SIDES OF FENCE AND MEASURED FROM THE EXISTING GRADE UPON WHICH IT IS ERRECTED. NO MORE THAN SIX INCHES OF BACKFILL SHALL BE ALLOWED ON THE EXISTING GRADE AGAINST THE FENCE. THIS SIX INCHES OF BACKFILL SHALL BE INCLUDED WHEN DETERMINING THE HEIGHT OF THE FENCE. FENCES SHALL BE MAINTAINED IN A STRUCTURALLY SOUND CONDITION. FURTHERMORE, NO FREE-STANDING WALL OR FENCE ADJACENT TO A PUBLIC ROAD RIGHT-OF-WAY, OR IN FRONT OF OR TO THE SIDE OF THE HOUSE IN A RESIDENTIAL DISTRICT, OR IN FRONT OF OR TO THE SIDE OF THE BUILDING IN A NONRESIDENTIAL DISTRICT IS PERMITTED TO BE MORE THAN 8 FEET IN HEIGHT UNLESS APPROVED BY THE BOARD OF ZONING APPEALS OR THE BOARD OF COMMISSIONERS.

ZONING INFORMATION:

CLASSIFICATION: R2 (MARIETTA)
SETBACKS: FRONT - 30 FEET (LOCAL)
SIDE - 10 FEET
REAR - 30 FEET
MINIMUM LOT SIZE - 15,000 sf.
MAXIMUM DENSITY - 2 UNITS PER ACRES
MINIMUM LOT WIDTH - 100 FEET
MAXIMUM BUILDING HEIGHT - 40 FEET
MINIMUM FLOOR AREA - 1600 sf.
MAXIMUM LOT COVERAGE - 35%

LEGEND

IPF = 1/2" REBAR FOUND
IPS = 1/2" REBAR PIN SET
LL = LAND LOT
LL.L = LAND LOT LINE
P.L = PROPERTY LINE
CL = CENTERLINE
B.L = BUILDING LINE
R/W = RIGHT-OF-WAY
S.S.E. = SANITARY SEWER EASEMENT
D.E. = DRAINAGE EASEMENT
MH = MANHOLE
C.B. = CATCH BASIN
J.B. = JUNCTION BOX
HW = HEADWALL
D.I. = DROP INLET
PP = POWER/UTILITY POLE
F.H. = FIRE HYDRANT
I.E. = INVERT ELEVATION
F.F.E. = FINISHED FLOOR ELEVATION
F.F.B. = FINISHED FLOOR BASEMENT
F.F.C. = FINISHED FLOOR GARAGE
B.O.C. = BACK OF CURB
EP = EDGE OF PAVEMENT
N/F = NOW OR FORMERLY
P.O.B. = POINT OF BEGINNING
SS = SANITARY SEWER LINE/PIPE
X-X-X = FENCE LINE
O = FLOOD HAZARD ZONE LINE
S-S = STORM SEWER LINE/PIPE
W = WATER LINE
G = GAS LINE
FW = FLOW WELL
C.E. = CONSTRUCTION EASEMENT
WV = WATER VALVE
LS = LIGHT STANDARD
QTI = OPEN TOP PIPE FOUND
CTP = CRIMP TOP PIPE FOUND
WD = WOOD DECK
CO = CLEAN OUT
ICV = IRRIGATION CONTROL VALVE
WM = WATER METER
GW = GUY WIRE

TOTAL AREA:
23,646 sf.
0.543 ACRES

SURVEYOR'S ACKNOWLEDGEMENT:

I HEREBY CERTIFY THAT THE PLAN SHOWN AND DESCRIBED HEREON IS A TRUE AND CORRECT SURVEY MADE ON THE GROUND UNDER MY SUPERVISION, THAT THE MONUMENTS HAVE BEEN PLACED AS SHOWN HEREON, AND ACCURACY AND SPECIFICATIONS REQUIRED BY THE COBB COUNTY DEVELOPMENT STANDARDS.

Robert W. Richardson

SIGNATURE
REGISTERED GA. LAND SURVEYOR

ROBERT W. RICHARDSON
PRINTED NAME

05/13/25
DATE

AS REQUIRED BY SUBSECTION (d) OF O.C.G.A. SECTION 15-6-67, THIS PLAT HAS BEEN PREPARED BY A LAND SURVEYOR AND APPROVED BY ALL APPLICABLE LOCAL JURISDICTIONS FOR RECORDING AS EVIDENCED BY APPROVAL CERTIFICATES, SIGNATURES, STAMPS, OR STATEMENTS HEREON. SUCH APPROVALS OR AFFIRMATIONS SHOULD BE CONFIRMED WITH THE APPROPRIATE GOVERNMENTAL BODIES BY ANY PURCHASER OR USER OF THIS PLAT AS TO INTENDED USE OF ANY PARCEL. FURTHERMORE, THE UNDERSIGNED LAND SURVEYOR CERTIFIES THAT THIS PLAT COMPLIES WITH THE MINIMUM TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN THE RULES AND REGULATIONS OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN O.C.G.A. SECTION 15-6-67.

Robert W. Richardson

ROBERT W. RICHARDSON, GA RLS #3419

05/13/25
DATE



N/F
MCMILLAN PARTNERS LLC
DB:14568 PG:5709

N/F
SENSEY P. BUCHHEIM
DB:15219 PG:5941

LL
577

LL
648

THIS PLAT SUPERCEDES A PORTION OF THE PLAT RECORDED IN PLAT BOOK: 10, PAGE: 86 THE PURPOSE OF THIS REVISION IS TO:

PROPOSED DIVIDING LINE TO FOLLOW HISTORIC SUBDIVISION LINE FOR LOTS 22 & 23.

APPROVED BY: _____ DATE _____
COBB COUNTY ZONING DIVISION
COBB COUNTY DEVELOPMENT & INSPECTIONS DIVISION DATE _____



ALPHA LAND SERVICES
P.O. BOX 1651
LOGANVILLE, GA 30052
CONTACT: ROBERT RICHARDSON
OFF. 770.866.4004 (CELL: 770.866.4004)
REVISION: _____
FIELD DATE: 04/03/25
REF. PLAT: PB. 10 P. 86

FINAL PLAT FOR:
1663 CRESTRIDGE DRIVE
TAX PARCEL# 17064800310
LAND LOT: 648
DISTRICT: 17TH
COUNTY: COBB
FIELD DATE: 04/03/25
PLAT DATE: 05/13/25
LOT: 22&23 BLOCK: C
SUB: POWERS
FERRY HILLS
AREA = 0.543 ACRES
JOB No. 25148S08

SPR-2025-



STAFF REVIEW

Variance Case #: V2026-04 **Legistar #:** 20260036

City Council Hearing: Wednesday, February 11, 2026 – 7:00 pm

Property Owner:



Applicant:



Agent: N/A

Address: 1155 Powers Ferry Place

Land Lot: 787, 788, 798 **District:** 17 **Parcel:** 0110

Council Ward: 7A **Existing Zoning:** CRC (Community Retail Commercial)

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

1. Variance for a digital billboard to be placed within 500 feet of a residential zoning district.
[§714.04 (G.13.b.4.ii.)]

Statement of Fact

As per section 720.03 of the Comprehensive Development Code of Marietta, City Council 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 City Council 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 City Council 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



The subject billboard is located within 500 feet of a residential development.

PICTURES



**Top – View of subject billboard (indicated by yellow arrow) traveling south on I-75.
Bottom - View of subject billboard (indicated by yellow arrow) traveling north on I-75.**

Staff Review:

[REDACTED] is requesting variances to convert two (2) faces of an existing static billboard located along I-75 at 1155 Powers Ferry Place to a dual-faced digital display. The billboard shares a lot, zoned CRC (Community Retail Commercial), with a self-storage facility. The property is located adjacent to an apartment complex, Elme Marietta, within 245 feet of the billboard structure.

Digital billboards have been determined by Mayor and Council to be a particular concern worthy of increased regulation, having been deemed “distracting” and “confusing” in the zoning code. As such, a supplemental set of regulations [§714.04 (G.13.-15.)) was created to only allow the installation of digital billboards as part of a “trade-off,” whereby the removal of four (4) existing billboard panels could “earn” a billboard company the right to install one (1) digital panel.

The following regulations pertain to the “swap”:

- An existing billboard panel may be replaced with a digital panel if no less than four (4) existing billboard panels are removed in their entirety.
- An existing panel that is to be retrofitted with a digital panel cannot count as a “removed panel.”
- Existing billboards to be counted toward the exchange are to be completely removed, including the structure, down to the foundation of each sign face.
- The sum of the existing billboard panels removed must be equal to or greater than 2,400 square feet.
- Billboards removed as part of another government agreement, such as a right-of-way condemnation or zoning condition, cannot count toward the removal threshold for the exchange program unless otherwise approved by City Council.
- The exchange program is only applicable to billboard structures lawfully in existence on (or from) December 11, 2013.

Requirements of a *new digital billboard* include:

- The electronic sign face of the new billboard is limited to 672 square feet.
- The digital billboard can be no more than 70 feet in height, measured from the established road grade at the nearest point of the interstate.
- The digital billboard cannot be located within 500 feet of residentially zoned property.
- No digital billboard shall be located within 5,000 feet of another digital billboard on the same side of the road.
- A building permit for the digital billboard can be issued only after all sign structures required for the swap are removed.

The resulting “retrofitted” digital billboard would thereafter be considered a “legally non-conforming sign,” as long as it is not moved or increased in height or size (although structural improvements to accommodate the new digital faces are permitted).

Proposal

The applicant submitted a list of billboards (via email to Staff), which have previously been removed for other purposes, to be considered for the exchange program. Zoning code does not directly address if the historic accrual of removed billboard panels can “count” toward an eventual swap for a digital face. A degree of interpretation is therefore needed to assess the validity of request to count billboards “retroactively” that have been removed over the course of years. An indication of the intention of the code may be found in the wording of §714.04 (G.13.b.1.):

An existing billboard panel may be replaced with a digital panel if no less than four (4) existing billboard panels are removed in their entirety. (*emphasis added*)

Due to this language and the overarching desire of City Council to significantly reduce the net total number of billboards in the city, Staff believes that regulations were meant to require the contemporaneous removal of static billboard panels in exchange for a digital panel (i.e. four [4] panels come down from “active” billboards at the same time as a digital panel going up).

Should City Council wish to entertain proposal to count past billboard removals toward a digital panel installation, however, the table below assesses characteristics of the old billboards vis-à-vis sign ordinance regulations to determine their eligibility. Removal dates listed are estimates based on historic aerial photographs; no demo permits were issued for the removal of the billboards. Historic photographs also show that all were installed prior to 2013, and their removals appear to have been “complete.”

Static Billboard Panels Previously Removed by [REDACTED]			Proposed for Exchange	
<i>Location</i>	<i>Date Removed</i>	<i># Panels Removed</i>	<i>Total SF</i>	<i>Removed as part of government agreement?</i>
41 Cobb Pkwy SE (now 31 Cobb Pkwy S)	Nov 2024 (demo'd for new QT)	2 panels	1,344 sf	No
880 Cobb Pkwy SE	2022-23 (demo'd as variance condition for car lot)	2 panels	1,344 sf	Yes
1250 S Marietta Pkwy SE	2023-24 (demo'd by KSU/ former Budget Car Rental)	2 panels	1,344 sf	No
<i>Total potentially eligible for digital billboard panel exchange</i>		<i>4 panels</i>	<i>2,688 sf</i>	

The “greyed out” line in the table indicates that the billboard at 880 Cobb Parkway cannot count towards existing panel removal, as its demolition was a condition of a variance granted in 2015

(V2015-03), unless overridden by Council. In that variance case, the property owner requested that a car dealership be permitted to develop while leaving an existing billboard on the same lot. Permission was given for the dealership and billboard to coexist, but it was agreed that the property owner would remove the billboard 12 months after the issuance of building permits, or by December 31, 2016 (whichever occurred first). As the demo date listed in the chart indicates, it wasn't until 2022/23 that it actually came down. Still, its removal was part of a "government agreement," which eliminates it from eligibility in the exchange program.

The other two (2) billboards which have been removed at 41 Cobb Pkwy SE and 1250 S Marietta Parkway would be able to be counted (if Council decides past panel removal for other purposes can count toward a swap). This would result in a total of four (4) panels / 2,688 square feet of signage removed and eligible to count towards the exchange.

Code states that "an existing billboard panel may be replaced with a digital panel if no less than four (4) existing billboard panels are removed in their entirety" [*§714.04 (G.13.b.1.), emphasis added*]. The square footage of the removals listed only qualifies for one (1) digital billboard panel at the subject property; eight (8) panels (totaling at least 4,800 square feet) would need to be removed to justify the dual-sided digital billboard being requested.

The applicant proposed another possible billboard to remove in anticipation of achieving the requisite eight (8) panels for the "swap," located at 1280 Canton Road. Because the billboard at 880 Cobb Parkway SE does not "count," however, another billboard in addition to the one on Canton Road will need to be identified (and removed) to enable both digital panels to be erected as desired by the applicant.

Variances Required

Only one (1) variance would be required if Council wishes to condone the installation of a singular digital billboard face (based on the exchange of four (4) static panels removed as part of other projects):

1. Variance for a billboard to be placed within 500 feet of a residential zoning district.
[*§714.04 (G.13.b.4.ii.)*]

The second digital billboard panel desired by the applicant would necessitate the removal of four (4) additional billboard panels (and their support structures), or a waiver granted by City Council. Such decision would be weighed against the stated aim of significantly reducing the number of billboards in the city.

The proposal otherwise complies with requirements for a new digital billboard panel to be erected as listed in §714.04 (G.13.): A survey supplied with the application shows other digital billboards on the same side of the interstate are located more than 5,000-feet from the subject billboard, and plans show the size of the new billboard face is proposed to measure 672 square feet (the maximum allowed). In addition, the billboard structure would meet height criteria, proposed to be decreased from its current 74 feet to 65 feet tall at the base (equivalent to 70 feet tall measured from the established road grade at the nearest point of the interstate, as code requires). As mentioned above,

any other existing non-conformities of the billboard (such as not being located on its own lot and its location within 1,000 feet of another billboard) are still considered “grandfathered” if participating in the exchange program.

It is assumed that all other technical regulations relating to billboards, such as those dealing with panel brightness and copy area limitations, will be followed, as none of these concerns were flagged by the applicant.

Building Inspections:

- Building and related permits will be required for this conversion by a properly licensed contractor.

Engineering:

- No comments.

Fire Department:

- No objections.



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 #: V2026-04 Legistar #: 20260036 BZA Hearing Dt: N/A
City Council Hearing Dt (if applicable) #: February 11, 2026 PZ #: 25-088

This is a variance/appeal application for:

☐

Board of Zoning Appeals

☒

City Council

Owner's Name

Documentation showing names of Principals authorized to sign application is **required for Corporations**.

Applicant name and contact information available upon request. Redacted to reduce fraudulent collection attempts.

EMAIL Address:

Mailing Address: Zip Code: 30092 Phone Number:

COMPLETE ONLY IF APPLICANT IS NOT OWNER:

Applicant:

EMAIL Address:

Mailing Address: Zip Code: 44333 Phone Number:

Address of subject property: 1155 Powers Ferry Pl, Marietta, GA 30067 Date of Acquisition: 10/17/2018

Land Lot (s) 787, 788, 798 District 17th Parcel 17078700110 Acreage 10.73 Zoned CRC Ward 7A FLU: RAC

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

Variance for setback from Residential Districts (see attached request letter)

Required Information

1. Application fee (Residential - \$250; Non-residential - \$350)
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. Documentation showing names of Principals authorized to sign application is **required for Corporations**.
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 (8 1/2" x 11") -or- One (11" x 17") drawn to scale.
Optional Additional Plat size: (24" x 36"). If providing (24" x 36") then 5 copies REQUIRED of the plat size pages.
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

Variance Request – Digital Conversion of Existing Billboard on I-75

To Whom It May Concern:

Lamar Advertising respectfully requests a variance to allow the conversion of the existing static billboard located at 1155 Powers Ferry Place along Interstate 75 to a dual-faced digital display. In accordance with Section 714.04 (G)(13) of the City of Marietta Sign Ordinance, Lamar has already permanently removed three (3) billboard structures totaling six (6) sign faces and is committed to removing one (1) additional structure, bringing the total to four (4) structures and eight (8) sign faces removed. This satisfies the billboard removal requirements associated with the digital conversion allowance.

The proposed conversion site meets all applicable requirements with the exception of (i) the 500-foot spacing from a residential zoning district and (ii) the current height above road grade. The adjacent residential zoning is located approximately 200 feet away; however, the existing billboard is fully screened from the residential development by a large storage warehouse building, established vegetation, and natural grade separation. These existing physical site conditions prevent direct visibility and materially eliminate potential light, aesthetic, or visual impact to the residential property.

To further ensure minimal neighborhood impact, Lamar is willing to install Daktronics LightDirect digital display technology. This system utilizes precisely engineered louvers to limit off-axis light spill and ensures that illumination is directed only toward the intended roadway viewing zone. As Daktronics states, "The light from the billboard is alleviated the moment the viewer leaves the specified display area," providing a residential-friendly lighting solution without affecting on-highway readability.

Additionally, upon approval of this request, Lamar will reduce the height of the billboard to comply with the maximum 70-foot height requirement. This reduction will further decrease regional visibility and strengthen compatibility with surrounding development.

Hardship Justification

Strict adherence to the 500-foot spacing requirement in this instance would produce no additional public benefit, as the purpose of the spacing standard, protecting residential areas from visual and lighting impacts, is already achieved through existing permanent site conditions and enhanced lighting controls. The hardship is based on unique, existing physical characteristics of the site, not economic preference, and is not self-created.

Lamar has already committed substantial investment to permanently reduce billboard inventory within the City, directly supporting the City's policy objective of lowering sign density. Preventing

modernization at this final eligible location would result in a disproportionate outcome where inventory is removed but no public benefit is realized through the improved display.

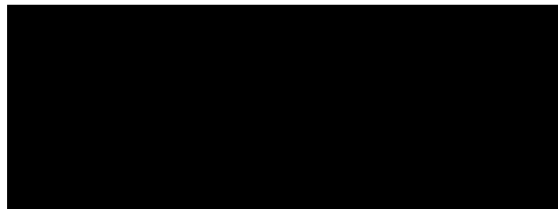
Public and Community Benefit

This variance will result in:

- Permanent removal of four (4) billboard structures citywide
- Reduced visual clutter and improved corridor aesthetics
- Lower overall sign height than exists today
- Advanced light-control technology eliminating spill toward residential areas
- A safer and more structurally modernized installation

For these reasons, we respectfully request approval of this variance to allow the digital conversion of this existing structure consistent with the intent and purpose of the City's sign ordinance.

Sincerely,



Little, Shelby

From: [REDACTED]
Sent: Monday, December 29, 2025 12:00 PM
To: Little, Shelby; Ciccone, Sarah
Subject: RE: LAMAR -- Proposed Removal of Existing Billboard & Replace with a Digital Billboard -- 1155 Powers Ferry PL (Parcel 17078700110)
Attachments: We sent you safe versions of your files

Mimecast Attachment Protection was unable to create safe copies of your attachments.



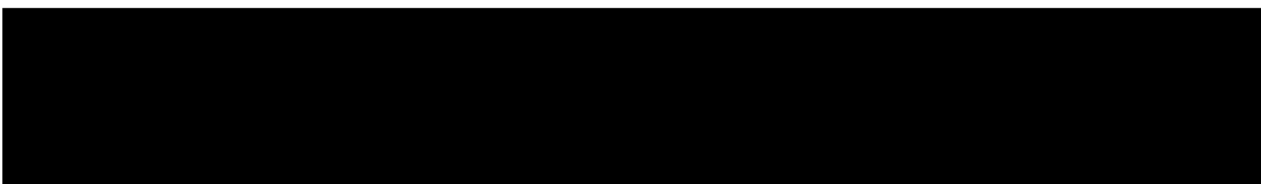
Shelby,

Please see the below and the attached. Unfortunately, we do not have records that the demo permits were ever obtained for the 3 structures that have already been removed.

	Demo Permit Number	Address (Street Name and Number)	# Panels Removed	Area To Be Removed	Pictures w Dimension
Location #1	N/A	41 Cobb Pkwy SE	2	1,344	Attached
Location #2	N/A	880 Cobb Pkwy SE	2	1,344	Attached
Location #3	N/A	1250 S Marietta Pkwy SE	2	1,344	Attached
Location #4	TBD	1280 Canton Rd (to be removed)	2	1,344	Attached

Let me know if there is anything else you need from me prior to the meeting. If I don't talk to you before then, have a safe and happy new year.

Thank you,



Celebrating 18 years as one of FORTUNE's 100 Best Companies to Work For

From: Little, Shelby <SLittle@mariettaga.gov>
Sent: Tuesday, December 23, 2025 6:12 AM
To: [REDACTED] Ciccone, Sarah <sciccone@mariettaga.gov>
Subject: RE: LAMAR -- Proposed Removal of Existing Billboard & Replace with a Digital Billboard -- 1155 Powers Ferry PL (Parcel 17078700110)

Thanks [REDACTED]. I never heard back from our attorneys so we'll just move forward unless we hear otherwise from them. We've received the application and have it tentatively scheduled for a public hearing before City Council on

This document, together with the concepts and designs presented herein, is intended only for the specific purposes and object for which it was prepared. It is not intended to be used for any other purpose, and its use for any other purpose is strictly prohibited. The document is the property of the author and is not to be distributed, copied, or otherwise used without the author's written permission. The author assumes no responsibility for any errors or omissions in this document.

[illegible]

A circular professional engineer seal for the State of Georgia. The outer ring contains the text "GEORGIA" at the top and "DAVID MICHAEL FRANKLYN" at the bottom, separated by two stars. The inner circle contains the text "REGISTERED" at the top, "No. PE041695" in the center, and "PROFESSIONAL ENGINEER" at the bottom. A signature is written across the seal, and the date "1/27/26" is written in the bottom right corner.

LICENSED PROFESSIONAL

PROJECT SUMMARY

JURISDICTION:
CITY OF MARIETTA

ZONING
CRC - COMMUNITY RETAIL COMMERCIAL

HANDICAPPED REQUIREMENTS
FACILITY IS UNMANNED AND NOT FOR
HUMAN HABITATION

HANDICAPPED ACCESS:
NOT REQUIRED

PLUMBING REQUIREMENTS:
FACILITY HAS NO PLUMBING

CODES:
ALL WORK SHALL BE PERFORMED AND MATERIALS INSTALLED IN ACCORDANCE
WITH THE CURRENT EDITIONS OF ALL APPLICABLE NATIONAL, STATE, & LOCAL
CODES AS ADOPTED BY THE LOCAL AUTHORITY HAVING JURISDICTION FOR THE
LOCATION. NOTHING IN THESE PLANS IS TO BE CONSTRUED TO PERMIT WORK
NOT CONFORMING TO THESE CODES.

BUILDING CODE:	2018 IBC W/ GA AMENDMENTS
MECHANICAL CODE:	2018 IMC W/ GA AMENDMENTS
ELECTRICAL CODE:	2023 NEC

FOR ANY CONFLICTS BETWEEN SECTIONS OF
LISTED CODES AND STANDARDS, THE MOST
RESTRICTIVE REQUIREMENT SHALL GOVERN.

KHA PROJECT MARETTA, GA	DATE 12/17/25	SCALE AS SHOWN	DRAWN BY TAM	CHECKED BY KJC
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MARINETTA, GA BILLBOARD
1155 POWERS FERRY PL
MARINETTA, GA 30067



CALL GEORGIA ONE CALL
(800) 282-7411
CALL 3 WORKING DAYS
BEFORE YOU DIG.



SHEET NUMBER
T-1

GENERAL NOTES

1.

THE MUNICIPALITY REQUIREMENTS AND THE LATEST CITY OF MARIETTA STANDARD SPECIFICATIONS INCLUDING CHANGES SHALL GOVERN ALL CONSTRUCTION ITEMS THAT ARE A PART OF THIS PLAN UNLESS OTHERWISE NOTED. WHEN CONFLICTS ARISE BETWEEN ABOVE LISTED SPECIFICATIONS, THE MORE STRINGENT SHALL TAKE PRECEDENCE.

2.

STANDARD SPECIFICATIONS, SUPPLEMENTAL SPECIFICATIONS, AND RECURRING SPECIAL PROVISIONS, CONSTRUCTION PLANS, AND SUBSEQUENT DETAILS ARE ALL TO BE CONSIDERED AS PART OF THE CONTRACT. INCIDENTAL ITEMS OR ACCESSORIES NECESSARY TO COMPLETE THIS WORK MAY NOT BE SPECIFICALLY NOTED, BUT ARE CONSIDERED A PART OF THIS CONTRACT.

3.

THE CONTRACTOR SHALL BE RESPONSIBLE FOR HAVING THE UTILITY COMPANIES LOCATE THEIR FACILITIES IN THE FIELD PRIOR TO CONSTRUCTION AND SHALL ALSO BE RESPONSIBLE FOR THE MAINTENANCE AND PRESERVATION OF THESE FACILITIES. THE ENGINEER DOES NOT WARRANT THE LOCATION OF ANY EXISTING UTILITIES SHOWN ON THE PLAN. THE CONTRACTOR SHALL CALL GEORGIA UTILITIES PROTECTION SERVICE (811) AND THE MUNICIPALITY FOR UTILITY LOCATIONS.

4.

NO CONSTRUCTION PLANS SHALL BE USED FOR CONSTRUCTION UNLESS SPECIFICALLY MARKED "FOR CONSTRUCTION" PRIOR TO COMMENCEMENT OF CONSTRUCTION. THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND CONDITIONS AFFECTING THE WORK WITH THE ACTUAL CONDITIONS AT THE JOB SITE. IN ADDITION, THE CONTRACTOR MUST VERIFY THE SURVEYOR'S LINE AND GRADE STAKES. IF THERE ARE ANY DISCREPANCIES WITH WHAT IS SHOWN ON THE CONSTRUCTION PLANS, HE/SHE MUST IMMEDIATELY REPORT THEM TO THE SURVEYOR OR ENGINEER BEFORE DOING ANY WORK. OTHERWISE, THE CONTRACTOR ASSUMES FULL RESPONSIBILITY. IN THE EVENT OF DISAGREEMENT BETWEEN THE CONSTRUCTION PLANS, SPECIFICATIONS, AND/OR SPECIAL DETAILS, THE CONTRACTOR SHALL SECURE WRITTEN INSTRUCTION FROM THE ENGINEER PRIOR TO PROCEEDING WITH ANY PART OF THE WORK AFFECTED BY OMISSIONS OR DISCREPANCIES. FAILING TO SECURE SUCH INSTRUCTION, THE CONTRACTOR WILL BE CONSIDERED TO HAVE PROCEEDED AT THE CONTRACTOR'S OWN RISK AND EXPENSE. IN THE EVENT OF ANY DOUBT OR QUESTIONS ARISING WITH RESPECT TO THE TRUE MEANING OF THE CONSTRUCTION PLANS OR SPECIFICATIONS, THE DECISION OF THE ENGINEER SHALL BE FINAL AND CONCLUSIVE.

5.

NOTIFICATION OF COMMENCING CONSTRUCTION:

5.1.

THE CONTRACTOR SHALL NOTIFY AFFECTED GOVERNMENTAL AGENCIES IN WRITING AT LEAST THREE FULL WORKING DAYS PRIOR TO COMMENCEMENT OF CONSTRUCTION. IN ADDITION, THE CONTRACTOR SHALL NOTIFY, AS NECESSARY, ALL TESTING AGENCIES, THE MUNICIPALITY, AND THE OWNER SUFFICIENTLY IN ADVANCE OF CONSTRUCTION.

5.2.

FAILURE OF THE CONTRACTOR TO ALLOW PROPER NOTIFICATION TIME WHICH RESULTS IN THE TESTING COMPANIES TO BE UNABLE TO VISIT THE SITE AND PERFORM TESTING WILL CAUSE THE CONTRACTOR TO SUSPEND THE OPERATION TO BE TESTED UNTIL THE TESTING AGENCY CAN SCHEDULE TESTING OPERATIONS. COST OF SUSPENSION OF WORK SHALL BE BORNE BY THE CONTRACTOR.

6.

ALL CONTRACTORS SHALL KEEP ACCESS AVAILABLE AT ALL TIMES FOR ALL EMERGENCY TRAFFIC, AS DIRECTED BY THE MUNICIPALITY.

7.

ALL PROPOSED GRADES SHOWN ON PLANS ARE FINISHED SURFACE ELEVATIONS, UNLESS NOTED OTHERWISE.

8.

THE CONTRACTOR SHALL PRESERVE ALL CONSTRUCTION STAKES UNTIL THEY ARE NO LONGER NEEDED. ANY STAKES DESTROYED OR DISTURBED BY THE CONTRACTOR PRIOR TO THEIR USE SHALL BE RESET BY THE SURVEYOR AT THE CONTRACTOR'S EXPENSE.

9.

ALL FRAMES AND LIDS FOR STORM AND SANITARY SEWERS, VALVE VAULT COVERS, FIRE HYDRANTS, AND B-BOXES ARE TO BE ADJUSTED TO MEET FINISHED GRADE. THIS ADJUSTMENT IS TO BE MADE BY THE SEWER AND WATER CONTRACTOR. AND THE COST IS TO BE CONSIDERED INCIDENTAL. THESE ADJUSTMENTS TO FINISHED GRADE WILL NOT ALLEVIATE THE CONTRACTOR FROM ANY ADDITIONAL ADJUSTMENTS AS REQUIRED BY THE MUNICIPALITY UPON FINAL INSPECTION OF THE PROJECT. FINAL GRADES MAY BE DETERMINED BY THE MUNICIPALITY AND MAY VARY FROM PLAN GRADE.

10.

ANY EXISTING SIGNS, LIGHT STANDARDS, AND UTILITY POLES THAT INTERFERE WITH CONSTRUCTION OPERATIONS AND ARE NOT NOTED ON THE PLANS FOR DISPOSAL SHALL BE REMOVED AND RESET BY THE CONTRACTOR AT HIS/HER OWN EXPENSE, AS DIRECTED BY THE ENGINEER. ANY DAMAGE TO THESE ITEMS SHALL BE REPAIRED OR REPLACED BY THE CONTRACTOR AT HIS/HER OWN EXPENSE TO THE SATISFACTION OF THE OWNER. ANY SIGNS NOT REQUIRED TO BE RESET SHALL BE DELIVERED TO THE RESPECTIVE OWNERS.

11.

REMOVAL OF SPECIFIED ITEMS, INCLUDING BUT NOT LIMITED TO, PAVEMENT, SIDEWALK, CURB, CURB AND GUTTER, CULVERTS, ETC., SHALL BE DISPOSED OF OFF-SITE BY THE CONTRACTOR AT THE CONTRACTOR'S OWN EXPENSE. THE CONTRACTOR IS RESPONSIBLE FOR ANY PERMITS REQUIRED FOR SUCH DISPOSAL.

12.

ANY FIELD TILES ENCOUNTERED SHALL BE INSPECTED BY THE MUNICIPALITY. THE DRAIN TILE SHALL BE CONNECTED TO THE STORM SEWER SYSTEM AND A RECORD KEPT BY THE CONTRACTOR OF THE LOCATIONS AND TURNED OVER TO THE MUNICIPALITY UPON COMPLETION OF THE PROJECT. THE COST OF THIS WORK SHALL BE CONSIDERED INCIDENTAL TO THE CONTRACT, AND NO ADDITIONAL COMPENSATION SHALL BE ALLOWED.

13.

BEFORE ACCEPTANCE, ALL WORK SHALL BE INSPECTED BY THE MUNIICIPALITY, AS NECESSARY.

14.

EASEMENTS FOR THE EXISTING UTILITIES, BOTH PUBLIC AND PRIVATE, AND UTILITIES WITHIN PUBLIC RIGHT-OF-WAYS ARE SHOWN ON THE PLANS ACCORDING TO AVAILABLE RECORDS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE LOCATION OF THESE UTILITIES LINES AND THEIR PROTECTION FROM DAMAGE DUE TO CONSTRUCTION OPERATIONS. IF EXISTING UTILITY LINES OF ANY NATURE ARE ENCOUNTERED WHICH CONFLICT WITH LOCATIONS OF THE NEW CONSTRUCTION, THE CONTRACTOR SHALL NOTIFY THE ENGINEER SO THAT THE CONFLICT MAY BE RESOLVED.

15.

OWNER SHALL OBTAIN EASEMENTS AND APPROVAL OF PERMITS NECESSARY TO FACILITATE CONSTRUCTION OF THE PROPOSED UTILITIES. THE CONTRACTOR, HOWEVER, SHALL FURNISH ALL REQUIRED BONDS AND EVIDENCE OF INSURANCE NECESSARY TO SECURE THESE PERMITS AND EASEMENTS.

16.

THE CONTRACTORS SHALL PLAN THEIR WORK BASED ON THEIR OWN BORINGS, EXPLORATIONS, AND OBSERVATIONS TO DETERMINE SOIL CONDITIONS AT THE LOCATION OF THE PROPOSED WORK.

17.

THE CONTRACTOR IS SOLELY RESPONSIBLE FOR SAFETY ON THE JOB PER OSHA REGULATIONS.

18.

IT SHALL BE THE CONTRACTOR'S SOLE RESPONSIBILITY TO PROVIDE PROPER BARRICADING, WARNING DEVICES, AND THE SAFE MANAGEMENT OF TRAFFIC WITHIN THE AREA OF CONSTRUCTION. ALL SUCH DEVICES AND THEIR INSTALLATION SHALL CONFORM TO THE MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES FOR STREET AND HIGHWAYS, LATEST EDITION, AND IN ACCORDANCE WITH THE MUNICIPAL ORDINANCES.

19.

THE CONTRACTOR SHALL COLLECT AND REMOVE ALL CONSTRUCTION DEBRIS, EXCESS MATERIALS, TRASH, OIL AND GREASE RESIDUE, MACHINERY, TOOLS, AND OTHER MISCELLANEOUS ITEMS WHICH WERE NOT PRESENT PRIOR TO PROJECT COMMENCEMENT AT NO ADDITIONAL EXPENSE TO THE OWNER. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ACQUIRING ANY AND ALL PERMITS NECESSARY FOR THE HAULING AND DISPOSAL REQUIRED FOR CLEANUP, AS DIRECTED BY THE ENGINEER OR OWNER. BURNING ON THE SITE IS NOT PERMITTED.

20.

NO UNDERGROUND WORK SHALL BE COVERED UNTIL IT HAS BEEN APPROVED BY THE MUNICIPALITY. APPROVAL TO PROCEED MUST BE OBTAINED FROM THE MUNICIPALITY PRIOR TO INSTALLING PAVEMENT BASE, BINDER, AND SURFACE, AND PRIOR TO POURING ANY CONCRETE AFTER FORMS HAVE BEEN SET, AS NECESSARY.

21.

ALL EXISTING UTILITIES OR IMPROVEMENTS, INCLUDING WALKS, CURBS, PAVEMENT, AND PARKWAYS DAMAGED OR REMOVED DURING CONSTRUCTION SHALL BE PROMPTLY RESTORED TO THEIR RESPECTIVE ORIGINAL CONDITION. THIS WORK SHALL BE CONSIDERED INCIDENTAL TO THE CONTRACT UNLESS A PAY ITEM IS LISTED ON THE BID LIST.

22.

AT THE CLOSE OF EACH WORKING DAY AND AT THE CONCLUSION OF CONSTRUCTION OPERATIONS, ALL DRAINAGE STRUCTURES AND FLOW LINES SHALL BE FREE FROM DIRT AND DEBRIS.

23.

TREES NOT MARKED FOR REMOVAL SHALL BE CONSIDERED AS DESIGNATED TO BE SAVED AND SHALL BE PROTECTED, AS PER MUNICIPAL STANDARDS.

24.

UMB PRUNING SHALL BE PERFORMED UNDER THE SUPERVISION OF AN APPROVED LANDSCAPE ARCHITECT, FORESTER, OR ARBORIST AND SHALL BE UNDERTAKEN IN A TIMELY FASHION SO AS NOT TO INTERFERE WITH CONSTRUCTION. ALL LIMBS, BRANCHES, AND OTHER DEBRIS RESULTING FROM THIS WORK SHALL BE DISPOSED OF OFF-SITE BY THE CONTRACTOR AT HIS/HER OWN EXPENSE. ALL CUTS OVER ONE (1) INCH IN DIAMETER SHALL BE PAINTED WITH AN APPROVED TREE PAINT.

25.

WHERE SHOWN ON THE PLANS OR DIRECTED BY THE ENGINEER, EXISTING DRAINAGE STRUCTURES AND PIPE SHALL BE CLEANED OF DEBRIS AND PATCHED AS NECESSARY TO ASSURE INTEGRITY OF THE STRUCTURE. THIS WORK SHALL NOT BE PAID FOR SEPARATELY, BUT SHALL BE MERGED INTO THE CONTRACT UNIT PRICE EACH FOR STRUCTURES AND CONTRACT UNIT PRICE PER LINEAL FOOT FOR STORM SEWERS, WHICH SHALL BE PAYMENT IN FULL FOR CLEANING, PATCHING, REMOVAL, AND DISPOSAL OF DEBRIS AND DIRT. DRAINAGE STRUCTURES AND STORM SEWERS CONSTRUCTED AS PART OF THIS PROJECT SHALL BE MAINTAINED BY THE CONTRACTOR AT HIS EXPENSE. NO EXTRA PAYMENT WILL BE MADE FOR CLEANING STRUCTURES OR STORM SEWERS CONSTRUCTED AS PART OF THIS PROJECT.

26.

HYDRANTS SHALL NOT BE FLUSHED DIRECTLY ONTO THE ROAD SUBGRADES. WHENEVER POSSIBLE, HOSES SHALL BE USED TO DIRECT THE WATER INTO LOT AREAS OR THE STORM SEWER SYSTEM, IF AVAILABLE. DAMAGE TO THE ROAD SUBGRADE OR LOT GRADING DUE TO EXCESSIVE WATER SATURATION AND/OR EROSION FROM HYDRANT FLUSHING, OR FROM LEAKS IN THE WATER DISTRIBUTION SYSTEM, WILL BE REPAIRED BY THE CONTRACTOR FLUSHING OR USING THE HYDRANT AT THE CONTRACTOR'S OWN EXPENSE. LEAKS IN THE WATER DISTRIBUTION SYSTEM SHALL BE THE RESPONSIBILITY OF THE WATER MAIN CONTRACTOR AND SHALL BE REPAIRED AT HIS EXPENSE.

27.

AFTER THE STORM SEWER SYSTEM HAS BEEN CONSTRUCTED, THE CONTRACTOR SHALL PLACE EROSION CONTROL AT LOCATIONS INDICATED BY THE ENGINEER. THE PURPOSE OF THE EROSION CONTROL WILL BE TO MINIMIZE THE AMOUNT OF SILTATION THAT NORMALLY WOULD ENTER THE STORM SEWER SYSTEM FROM ADJACENT AND/OR UPSTREAM DRAINAGE AREAS.

28.

THE TRENCHES FOR PIPE INSTALLATION SHALL BE KEPT DRY AT ALL TIMES DURING PIPE PLACEMENT. APPROPRIATE FACILITIES TO MAINTAIN THE DRY TRENCH SHALL BE PROVIDED BY THE CONTRACTOR, AND THE COST OF SUCH SHALL BE INCIDENTAL TO THE UNIT PRICE BID FOR THE ITEM. PLANS FOR THE SITE DEWATERING, IF EMPLOYED, SHALL BE SUBMITTED TO AND APPROVED BY THE ENGINEER PRIOR TO IMPLEMENTATION. NO ADDITIONAL COMPENSATION SHALL BE MADE FOR DEWATERING DURING CONSTRUCTION UNLESS APPROVED IN WRITING BY THE OWNER.

29.

EROSION CONTROL MEASURES SHALL BE INSTALLED IN ACCORDANCE WITH IDEM REGULATIONS AND STANDARDS FOR SOIL EROSION AND SEDIMENTATION CONTROL AND SHALL BE MAINTAINED BY THE CONTRACTOR AND REMAIN IN PLACE UNTIL A SUITABLE GROWTH OF GRASS, ACCEPTABLE TO THE ENGINEER, HAS DEVELOPED.

30.

THE CONTRACTOR IS SOLELY RESPONSIBLE FOR DETAILED PHASING AND CONSTRUCTION SEQUENCING NECESSARY TO CONSTRUCT THE PROPOSED IMPROVEMENTS INCLUDED IN THESE PLANS. THE CONTRACTOR SHALL NOTIFY ENGINEER IN WRITING IMMEDIATELY, PRIOR TO AND/OR DURING CONSTRUCTION IF ANY ADDITIONAL INFORMATION ON THE CONSTRUCTION SEQUENCE IS NECESSARY. CONTRACTOR IS SOLELY RESPONSIBLE FOR COMPLYING WITH THE REQUIREMENTS OF THE AUTHORITY HAVING JURISDICTION AND ALL OTHER APPLICABLE LAWS.

EROSION CONTROL NOTES

1.

CONSTRUCTION ENTRANCE SHALL BE LOCATED SO AS TO PROVIDE THE LEAST AMOUNT OF DISTURBANCE TO THE FLOW OF TRAFFIC IN AND OUT OF THE SITE. ADDITIONALLY, CONSTRUCTION ENTRANCE SHALL BE LOCATED TO COINCIDE WITH THE PHASING OF THE PAVEMENT REPLACEMENT.

2.

POST CONSTRUCTION STORM WATER POLLUTION CONTROL MEASURES INCLUDE STABILIZATION BY PERMANENT PAVING, DRAINAGE SYSTEM STRUCTURE, OR LANDSCAPING.

3.

TEMPORARY AND PERMANENT STABILIZATION PRACTICES AND BMP'S SHALL BE INSTALLED AT THE EARLIEST POSSIBLE TIME DURING THE CONSTRUCTION SEQUENCE. AS AN EXAMPLE, PERIMETER SILT FENCE SHALL BE INSTALLED BEFORE COMMENCEMENT OF ANY GRADING ACTIVITIES. OTHER BMP'S SHALL BE INSTALLED AS SOON AS PRACTICABLE AND SHALL BE MAINTAINED UNTIL FINAL SITE STABILIZATION IS ATTAINED. CONTRACTOR SHALL ALSO REFERENCE CIVIL AND LANDSCAPE PLANS SINCE PERMANENT STABILIZATION IS PROVIDED BY LANDSCAPING, THE BUILDING(S), AND SITE PAVING.

4.

BMP'S HAVE BEEN LOCATED AS INDICATED IN THESE PLANS IN ACCORDANCE WITH GENERALLY ACCEPTED ENGINEERING PRACTICES IN ORDER TO MINIMIZE SEDIMENT TRANSFER. FOR EXAMPLE: SILT FENCES LOCATED AT TOE OF SLOPE AND INLET PROTECTION FOR INLETS RECEIVING SEDIMENT FROM SITE RUN-OFF

DEMOLITION NOTES

1.

THE INTENT OF THE DEMOLITION PLAN IS TO DEPICT EXISTING FEATURES THAT ENCUMBER THE PROPOSED CONSTRUCTION AREA AND ARE SCHEDULED FOR REMOVAL. SOME INCIDENTAL ITEMS MAY HAVE BEEN INADVERTENTLY OMITTED FROM THE PLAN. THE CONTRACTOR IS ENCOURAGED TO THOROUGHLY INSPECT THE SITE AS WELL AS REVIEW THE PLANS AND SPECIFICATIONS PRIOR TO SUBMITTING PRICING. CONTRACTOR WILL NOT RECEIVE ADDITIONAL COMPENSATION FOR INCIDENTAL ITEMS NOT SHOWN ON THE DEMOLITION PLAN.

2.

THE LOCATIONS OF EXISTING UTILITIES SHOWN ON THIS PLAN HAVE BEEN DETERMINED FROM THE BEST INFORMATION AVAILABLE AND ARE GIVEN FOR THE CONVENIENCE OF THE CONTRACTOR. THE ENGINEER ASSUMES NO RESPONSIBILITY FOR THEIR ACCURACY. PRIOR TO COMMENCING ANY DEMOLITION ACTIVITY, THE CONTRACTOR SHALL NOTIFY THE UTILITY COMPANIES FOR ONSITE LOCATIONS OF EXISTING UTILITIES AND FIELD VERIFY ALL UNDERGROUND UTILITIES.

3.

THE CONTRACTOR SHALL MAINTAIN ALL UTILITY SERVICES TO THE EXISTING BUILDING AT ALL TIMES. UTILITY SERVICES SHALL NOT BE INTERRUPTED WITHOUT APPROVAL FROM THE CONSTRUCTION MANAGER.

4.

CONTRACTOR IS REQUIRED TO OBTAIN ALL NECESSARY DEMOLITION PERMITS.

5.

THE CONTINUOUS ACCESS SHALL BE MAINTAINED FOR THE TRUCKS AT ALL TIMES DURING DEMOLITION OF THE EXISTING FACILITIES.

6.

CONTRACTOR MAY LIMIT SAW-CUT AND PAVEMENT REMOVAL TO ONLY THOSE AREAS WHERE IT IS REQUIRED AS SHOWN ON THESE CONSTRUCTION PLANS BUT IF ANY DAMAGE IS INCURRED ON ANY OF THE SURROUNDING PAVEMENT, ETC., THE CONTRACTOR SHALL BE RESPONSIBLE FOR ITS REMOVAL AND REPAIR.

7.

THE CONTRACTOR SHALL COORDINATE WITH RESPECTIVE UTILITY COMPANIES PRIOR TO THE REMOVAL AND/OR RELOCATION OF UTILITIES OR PRIOR TO ANY FURTHER DEMOLITION. THE CONTRACTOR SHALL COORDINATE WITH THE UTILITY COMPANY CONCERNING PORTIONS OF WORK WHICH MAY BE PERFORMED BY THE UTILITY COMPANY'S FORCES AND ANY FEES WHICH ARE TO BE PAID TO THE UTILITY COMPANY FOR THEIR SERVICES. THE CONTRACTOR IS RESPONSIBLE FOR PAYING ALL FEES AND CHARGES.

8.

THE CONTRACTOR SHALL USE DUE CARE IN HAULING DEBRIS FROM SITE TO ENSURE THE SAFETY OF THE PUBLIC.

9.

DAMAGE TO ALL EXISTING CONDITIONS TO REMAIN WILL BE REPLACED AT CONTRACTOR'S EXPENSE.

10.

CONTRACTOR SHALL LIMIT ALL DEMOLITION ACTIVITIES TO THOSE AREAS DelineATED ON THE CONSTRUCTION DRAWINGS UNLESS OTHERWISE DIRECTED BY THE CONSTRUCTION MANAGER.

11.

CONTRACTOR IS RESPONSIBLE FOR CONTROLLING AIRBORNE DUST AND POLLUTANTS BY USING WATER SPRINKLING OR OTHER SUITABLE MEANS OF CONTROL.

12.

CONTRACTOR TO USE CARE IN HANDLING DEBRIS FROM SITE TO ENSURE THE SAFETY OF THE PUBLIC. HAUL ROUTE TO BE CLOSELY MONITORED FOR DEBRIS OR MATERIALS TRACKED ONTO ADJOINING ROADWAYS, ETC. ROADWAYS AND WALKWAYS TO BE CLEARED DAILY OR AS NECESSARY TO MAINTAIN PUBLIC SAFETY.

13.

DEWATERING SHOULD BE ANTICIPATED AND INCLUDED. DEWATERING SHALL BE DONE IN ACCORDANCE WITH LOCAL AND REGIONAL REQUIREMENTS.

EARTHWORK NOTES

1.

GENERAL

1.1.

ALL EARTHWORK OPERATIONS TO CONFORM TO GEOTECHNICAL RECOMMENDATIONS IN THE GEOTECHNICAL REPORT.

1.2.

IT IS THE CONTRACTOR'S RESPONSIBILITY TO UNDERSTAND THE SOIL AND GROUNDWATER CONDITIONS AT THE SITE.

1.3.

ANY QUANTITIES IN THE BID PROPOSAL ARE INTENDED AS A GUIDE FOR THE CONTRACTOR'S SUBMIT DETERMINING THE SCOPE OF THE COMPLETED PROJECT. IT IS THE CONTRACTOR'S RESPONSIBILITY TO DETERMINE ALL MATERIAL QUANTITIES AND APPRISE HIMSELF/HERSELF OF ALL SITE CONDITIONS. THE CONTRACT PRICE SUBMITTED BY THE CONTRACTOR SHALL BE CONSIDERED AS LUMP SUM FOR THE COMPLETE PROJECT. NO CLAIMS FOR EXTRA WORK WILL BE RECOGNIZED.

1.4.

THE CONTRACTOR WILL NOTE THAT THE ELEVATIONS SHOWN ON THE CONSTRUCTION PLANS ARE FINISHED GRADE AND SUBGRADE ELEVATIONS (AS NOTED) AND THAT PAVEMENT THICKNESS, TOPSOIL, ETC., MUST BE ACCOUNTED FOR.

1.5.

THE CONTRACTOR SHALL MAINTAIN POSITIVE DRAINAGE DURING CONSTRUCTION AND PREVENT STORMWATER FROM RUNNING INTO OR STANDING IN EXCAVATED AREAS. THE FAILURE TO PROVIDE PROPER DRAINAGE WILL NEGATE ANY POSSIBLE ADDED COMPENSATION REQUESTED DUE TO DELAYS OR UNSUITABLE MATERIALS CREATED AS A RESULT THEREOF. FINAL GRADES SHALL BE PROTECTED AGAINST DAMAGE FROM EROSION, SEDIMENTATION, AND TRAFFIC.

1.6.

PLANS FOR THE SITE DEWATERING, IF EMPLOYED, SHALL BE SUBMITTED AND APPROVED PRIOR TO IMPLEMENTATION. NO ADDITIONAL COMPENSATION SHALL BE MADE FOR DEWATERING DURING CONSTRUCTION.

1.7.

THE CONTRACTOR SHALL BE RESPONSIBLE FOR IMPLEMENTATION OF THE SOIL EROSION AND SEDIMENTATION CONTROL MEASURES. THE INITIAL ESTABLISHMENT OF EROSION CONTROL PROCEDURES AND THE PLACEMENT OF SILT AND FILTER FENCING, ETC., TO PROTECT ADJACENT PROPERTY, ETC., SHALL OCCUR BEFORE GRADING BEGINS.

1.8.

PRIOR TO COMMENCEMENT OF GRADING ACTIVITIES, THE CONTRACTOR SHALL ERECT A CONSTRUCTION FENCE AROUND ANY TREE DESIGNATED TO BE PRESERVED. SAID FENCE SHALL BE PLACED IN A CIRCLE CENTERED AROUND THE TREE, THE DIAMETER OF WHICH SHALL BE SUCH THAT THE ENTIRE DRIP ZONE (EXTENT OF FURTHEST EXTENDING BRANCHES) SHALL BE WITHIN THE FENCE LIMITS. THE EXISTING GRADE WITHIN THE FENCED AREA SHALL NOT BE DISTURBED.

1.9.

IF LANDSCAPE PLANTINGS ARE WITHIN OR ADJACENT TO AREAS WHERE LIME STABILIZATION OCCURS, CONTRACTOR SHALL FULLY REMOVE SOIL CONTAINING LIME STABILIZATION AND REPLACE WITH HIGH QUALITY PLANTING SOIL.

2.

TOPSOIL EXCAVATION INCLUDES:

2.1.

EXCAVATION OF TOPSOIL AND OTHER STRUCTURALLY UNSUITABLE MATERIALS WITHIN THOSE AREAS THAT WILL REQUIRVE EARTH EXCAVATION OR COMPACTED FILL MATERIAL. EXISTING VEGETATION SHALL BE REMOVED PRIOR TO STRIPPING TOPSOIL OR FILLING AREAS.

2.2.

PLACEMENT OF EXCAVATED MATERIAL IN OWNER-DESIGNATED AREAS FOR FUTURE USE WITHIN AREAS TO BE LANDSCAPED AND THOSE AREAS NOT REQUIRING STRUCTURAL FILL MATERIAL. PROVIDE NECESSARY EROSION CONTROL MEASURES FOR STOCKPILE.

2.3.

TOPSOIL STOCKPILED FOR RESPAED SHALL BE FREE OF CLAY AND SHALL NOT CONTAIN ANY OF THE TRANSITIONAL MATERIAL BETWEEN THE TOPSOIL AND CLAY. THE TRANSITIONAL MATERIAL SHALL BE USED IN NON-STRUCTURAL FILL AREAS OR DISPOSED OF OFF-SITE.

2.4.

TOPSOIL RESPAED SHALL INCLUDE HAULING AND SPREADING OF TOPSOIL DIRECTLY OVER AREAS TO BE LANDSCAPED WHERE SHOWN ON THE PLANS OR AS DIRECTED BY THE OWNER.

3.

EARTH EXCAVATION INCLUDES:

3.1.

EXCAVATION OF SUBSURFACE MATERIALS WHICH ARE SUITABLE FOR USE AS STRUCTURAL FILL. THE EXCAVATION SHALL BE TO WITHIN A TOLERANCE OF 0.1 FEET OF THE PLAN SUBGRADE ELEVATIONS WHILE MAINTAINING PROPER DRAINAGE. THE TOLERANCE WITHIN PAVEMENT AREAS SHALL BE SUCH THAT THE EARTH MATERIALS SHALL "BALANCE" DURING THE FINE GRADING OPERATION.

3.2.

PLACEMENT OF SUITABLE MATERIALS SHALL BE WITHIN THOSE AREAS REQUIRING STRUCTURAL FILL IN ORDER TO ACHIEVE THE PLAN SUBGRADE ELEVATIONS TO WITHIN A TOLERANCE OF 0.1 FEET. THE FILL MATERIALS SHALL BE PLACED IN LOOSE LIFTS THAT SHALL NOT EXCEED EIGHT (8) INCHES IN THICKNESS, AND THE WATER CONTENT SHALL BE ADJUSTED IN ORDER TO ACHIEVE REQUIRED COMPACTION.

PAVING NOTES

1.

GENERAL

1.1.

PAVING WORK INCLUDES FINAL SUBGRADE SHAPING, PREPARATION, AND COMPACTION; PLACEMENT OF SUBBASE OR BASE COURSE MATERIALS; BITUMINOUS INTERMEDIATE AND/OR SURFACE COURSES; FORMING, FINISHING, AND CURING CONCRETE PAVEMENT, CURBS, AND WALKS; AND FINAL CLEAN-UP AND ALL RELATED WORK.

2.

SUBGRADE PREPARATION

2.1.

EARTHWORK FOR PROPOSED PAVEMENT SUBGRADE SHALL BE FINISHED TO WITHIN 0.1 FOOT, PLUS OR MINUS, OF PLAN ELEVATION. THE CONTRACTOR SHALL SATISFY HIMSELF THAT THE SUBGRADE HAS BEEN PROPERLY PREPARED AND THAT THE FINISH TOP SUBGRADE ELEVATION HAS BEEN GRADED WITHIN TOLERANCES ALLOWED IN THESE SPECIFICATIONS. UNLESS THE CONTRACTOR ADVISES THE ENGINEER IN WRITING PRIOR TO FINE GRADING FOR BASE COURSE CONSTRUCTION, IT IS UNDERSTOOD THAT HE/SHE HAS APPROVED AND ACCEPTS THE RESPONSIBILITY FOR THE SUBGRADE.

2.2.

AFTER STRIPPING TO THE PROPOSED SUBGRADE LEVEL, THE BUILDING AND PARKING AREA SHOULD BE PROOF-ROLLED WITH A TANDEM AXLE DUMP TRUCK OR SIMILAR HEAVY RUBBER Tired VEHICLE TYPICALLY WITH AN AXIAL LOAD GREATER THAN NINE (9) TONS OR MEETING SPECIFICATIONS OUTLINED IN INDOT CMS ITEM 204 FOR ROADWAY SUBGRADE COMPACTION AND PROOF-ROLLING.

2.3.

MAXIMUM DEFLECTION ALLOWED IN ISOLATED AREAS MAY BE ONE (1) INCH IF NO DEFLECTION OCCURS OVER THE MAJORITY OF THE AREA.

2.4.

PRIOR TO THE CONSTRUCTION OF THE CURB AND GUTTER AND THE PLACEMENT OF THE BASE MATERIAL, THE PAVEMENT AREA SHALL BE FINE-GRADED TO WITHIN 0.04 FEET (1/2 INCH) OF FINAL SUBGRADE ELEVATION, TO A POINT TWO (2) FEET BEYOND THE BACK OF THE CURB, SO AS TO ENSURE THE PROPER THICKNESS OF PAVEMENT COURSES. NO CLAIMS FOR EXCESS QUANTITY OF BASE MATERIALS DUE TO IMPROPER SUBGRADE PREPARATION WILL BE HONORED.

2.5.

PRIOR TO PLACEMENT OF THE BASE COURSE, THE SUBGRADE SHALL BE APPROVED BY THE TESTING ENGINEER.

3.

CONCRETE WORK

3.1.

ALL EXTERIOR CONCRETE SHALL BE PORTLAND CEMENT CONCRETE CLASS S1 OR PV. CONCRETE SHALL BE A MINIMUM OF SIX (6) BAG MIX AND SHALL DEVELOP A MINIMUM OF 4,000 PSI COMPRESSIVE STRENGTH AT TWENTY-EIGHT (28) DAYS. ALL CONCRETE SHALL BE BROOM-FINISHED PERPENDICULAR TO THE DIRECTION OF TRAVEL.

3.2.

CONCRETE CURB AND/OR COMBINATION CURB AND GUTTER SHALL BE OF THE TYPE SHOWN ON THE PLANS. THE CONTRACTOR IS CAUTIONED TO REFER TO THE CONSTRUCTION STANDARDS AND THE PAVEMENT CROSS SECTION TO DETERMINE THE GUTTER FLAG THICKNESS AND THE AGGREGATE BASE COURSE THICKNESS BENEATH THE CURB AND GUTTER. PRE-MOLDED FIBER EXPANSION JOINTS, WITH TWO 3/4-INCH BY 18-INCH EPOXY-COATED STEEL DOWEL BARS SHALL BE GREASED AND FITTED WITH METAL EXPANSION TUBES. SAWED OR FORMED CONTRACTION JOINTS SHALL BE PROVIDED AT NO GREATER THAN TEN TO TWENTY-FIVE FOOT INTERVALS BETWEEN EXPANSION JOINTS. NO HONEY-COMBING OF THE CURB AND GUTTER WILL BE ACCEPTED.

3.3.

CURBS SHALL BE DEPRESSED AT LOCATIONS WHERE PUBLIC WALKS INTERSECT CURB LINES AND OTHER LOCATIONS, AS DIRECTED, FOR THE PURPOSE OF PROVIDING ACCESSIBILITY.

3.4.

THE CURBS SHALL BE BACKFILLED AFTER THEIR CONSTRUCTION AND PRIOR TO THE PLACEMENT OF THE BASE COURSE.

3.5.

CONCRETE SIDEWALK SHALL BE IN ACCORDANCE WITH THE ABOVE AND THE PLANS. PROVIDE SCORED JOINTS AT MAXIMUM 6-FOOT INTERVALS AND 1/2-INCH PRE-MOLDED FIBER EXPANSION JOINTS AT 20-FOOT MAXIMUM INTERVALS AND ADJACENT TO CONCRETE CURBS, DRIVEWAYS, FOUNDATIONS, AND OTHER STRUCTURES.

3.6.

CONCRETE DRIVEWAY APRONS SHALL BE IN ACCORDANCE WITH THE ABOVE AND THE PLANS. PROVIDE 6-INCH BY 6-INCH NO. 6 WELDED WIRE MESH IN ALL DRIVEWAYS. PROVIDE 1/2-INCH PRE-MOLDED FIBER EXPANSION JOINT ADJACENT TO CURBS AND CONCRETE SIDEWALKS. PROVIDE SAWED OR FORMED CONTRACTION'S JOINT AT MID-POINT AND 15-FOOT MAXIMUM.

3.7.

STANDARD REINFORCED CONCRETE PAVEMENT SHALL BE IN ACCORDANCE WITH THE ABOVE AND THE PLANS. SAWED OR FORMED CONTRACTION EXPANSION JOINTS SHALL BE AS SHOWN ON THE PLANS.

3.8.

CONCRETE CURING AND PROTECTION SHALL BE PER INDOT STANDARDS. TWO (2) COATS OF INDOT APPROVED CURING AGENT SHALL BE APPLIED TO ALL EXPOSED CONCRETE SURFACES.

3.9.

THE COST OF AGGREGATE BASE OR SUBBASE UNDER CONCRETE WORK SHALL BE INCLUDED IN THE COST OF THE RESPECTIVE CONCRETE ITEM.

4.

FLEXIBLE PAVEMENT

4.1.

THE PAVEMENT MATERIALS FOR BITUMINOUS STREETS, PARKING LOTS, AND DRIVE AISLES SHALL BE AS DETAILED ON THE PLANS. UNLESS OTHERWISE SHOWN ON THE PLANS, THE FLEXIBLE PAVEMENTS SHALL CONSIST OF AGGREGATE BASE, ASPHALT INTERMEDIATE COURSE TYPE 2, AND ASPHALT SURFACE COURSE TYPE 1. OF THE THICKNESS AND MATERIALS SPECIFIED ON THE PLANS. THICKNESSES SPECIFIED SHALL BE CONSIDERED TO BE THE MINIMUM COMPACTED THICKNESS.

4.2.

ALL TRAFFIC SHALL BE KEPT OFF THE COMPLETED AGGREGATE BASE UNTIL THE INTERMEDIATE COURSE IS LAID.

4.3.

PRIOR TO PLACEMENT OF THE SURFACE COURSE, THE INTERMEDIATE COURSE SHALL BE CLEANED AND TACK-COATED IF DUSTY OR DIRTY. ALL DAMAGED AREAS IN THE INTERMEDIATE COURSE, BASE, OR CURB SHALL BE REPAIRED TO THE SATISFACTION OF THE OWNER PRIOR TO LAYING THE SURFACE COURSE. THE CONTRACTOR SHALL PROVIDE WHATEVER EQUIPMENT AND STAFF NECESSARY, INCLUDING THE USE OF POWER BROOMS IF REQUIRED BY THE OWNER, TO PREPARE THE PAVEMENT FOR APPLICATION OF THE SURFACE COURSE. THE TACK COAT SHALL BE UNIFORMLY APPLIED TO THE BINDER COURSE AT A RATE OF 0.05 TO 0.10 GALLONS PER SQUARE YARD.

4.4.

SEAMS IN SURFACE AND BASE COURSES SHALL BE STAGGERED A MINIMUM OF 6 INCHES.

5.

TESTING AND FINAL ACCEPTANCE

5.1.

THE CONTRACTOR SHALL FOLLOW THE QUALITY CONTROL TESTING PROGRAM FOR CONCRETE AND PAVEMENT MATERIALS ESTABLISHED BY THE ENGINEER.

5.2.

PRIOR TO PLACEMENT OF THE BITUMINOUS CONCRETE SURFACE COURSE, THE CONTRACTOR, WHEN REQUIRED BY THE MUNICIPALITY, SHALL OBTAIN SPECIMENS OF THE INTERMEDIATE COURSE WITH A CORE DRILL WHERE DIRECTED, FOR THE PURPOSE OF "THICKNESS VERIFICATION."

5.3.

WHEN REQUIRED BY THE MUNICIPALITY, THE CONTRACTOR SHALL OBTAIN SPECIMENS OF THE FULL DEPTH BITUMINOUS CONCRETE PAVEMENT STRUCTURE WITH A CORE DRILL WHERE DIRECTED IN ORDER TO CONFIRM THE PLAN THICKNESS. DEFICIENCIES IN THICKNESS SHALL BE ADJUSTED FOR BY THE METHOD REQUIRED BY CITY OF SANDY SPRINGS STANDARDS.

5.4.

FINAL ACCEPTANCE OF THE TOTAL PAVEMENT INSTALLATION SHALL BE SUBJECT TO THE TESTING AND CHECKING REQUIREMENTS CITED ABOVE.

5.5.

ALL MATERIAL AND CONSTRUCTION SHALL CONFORM TO THE MUNICIPAL CODE. WHEN CONFLICTS ARISE BETWEEN MUNICIPAL CODE, AND GENERAL NOTES, THE MORE STRINGENT SHALL TAKE PRECEDENCE.

Kimley»Horn

KIMLEY-HORN & ASSOCIATES, INC.
3875 EMBASSY PKWY, SUITE 280
AKRON, OH 44333

DAVID ENGINEER
MICHAEL FRANKLIN
1/27/26

DATE
12/17/25

WHA PROJECT
MARIETTA, GA

SCALE
AS SHOWN

DRAWN BY
TAM

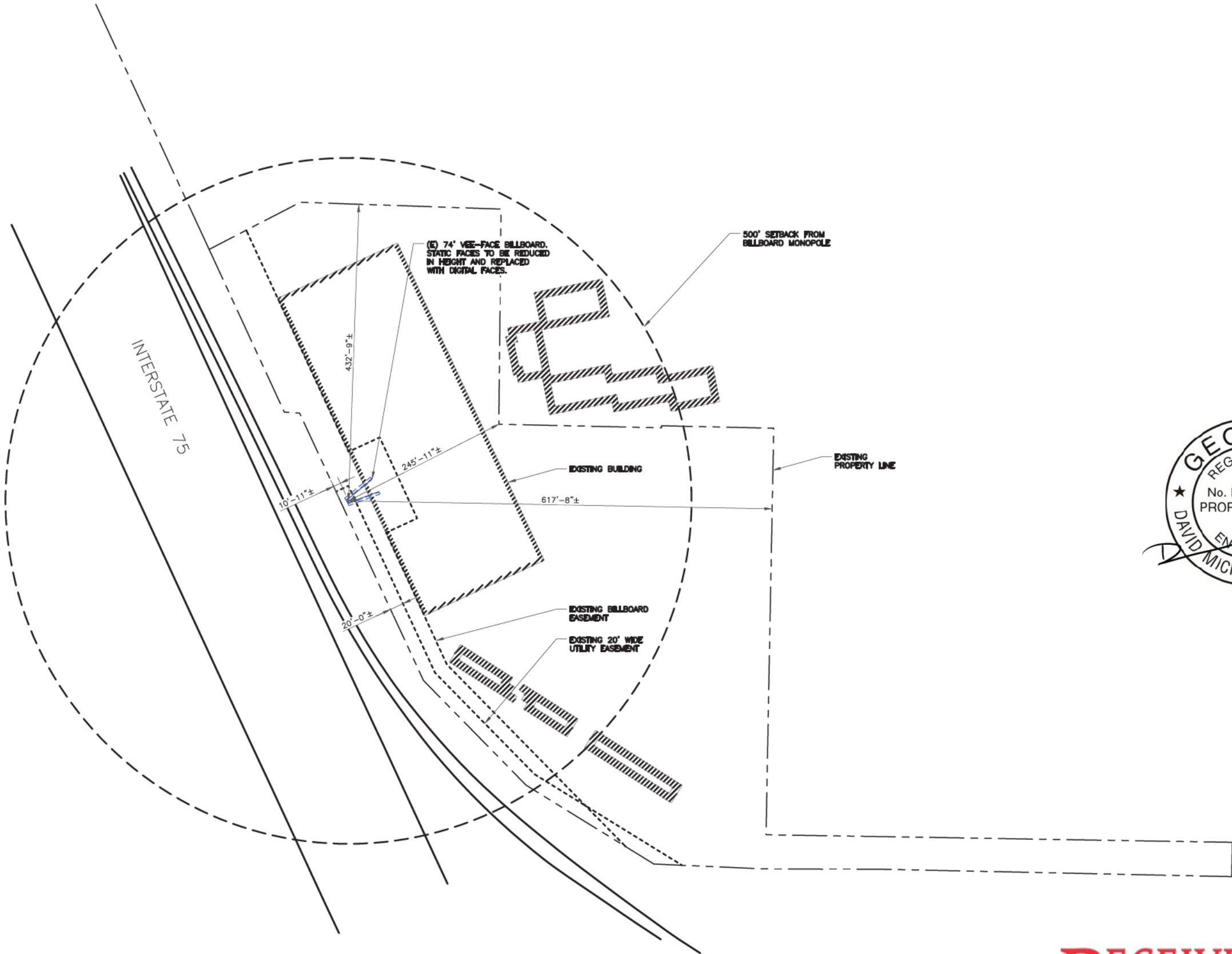
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KAC

MARIETTA, GA BILLBOARD
1155 POWERS FERRY PL
MARIETTA, GA 30067

CALL GEORGIA ONE CALL
(800) 282-7411
CALL 3 WORKING DAYS
BEFORE YOU DIG!

SHEET NUMBER
T-2

This document, together with the concepts and designs presented herein, is intended only for the specific purpose and client for which it was prepared. None of and Engineer assumes or shall be without liability to Kimley-Horn and Associates, Inc. shall be without liability to Kimley-Horn and Associates, Inc.



1 OVERALL SITE PLAN
SCALE: 1" = 80'-0" (FULL SIZE)
1" = 160'-0" (11x17)

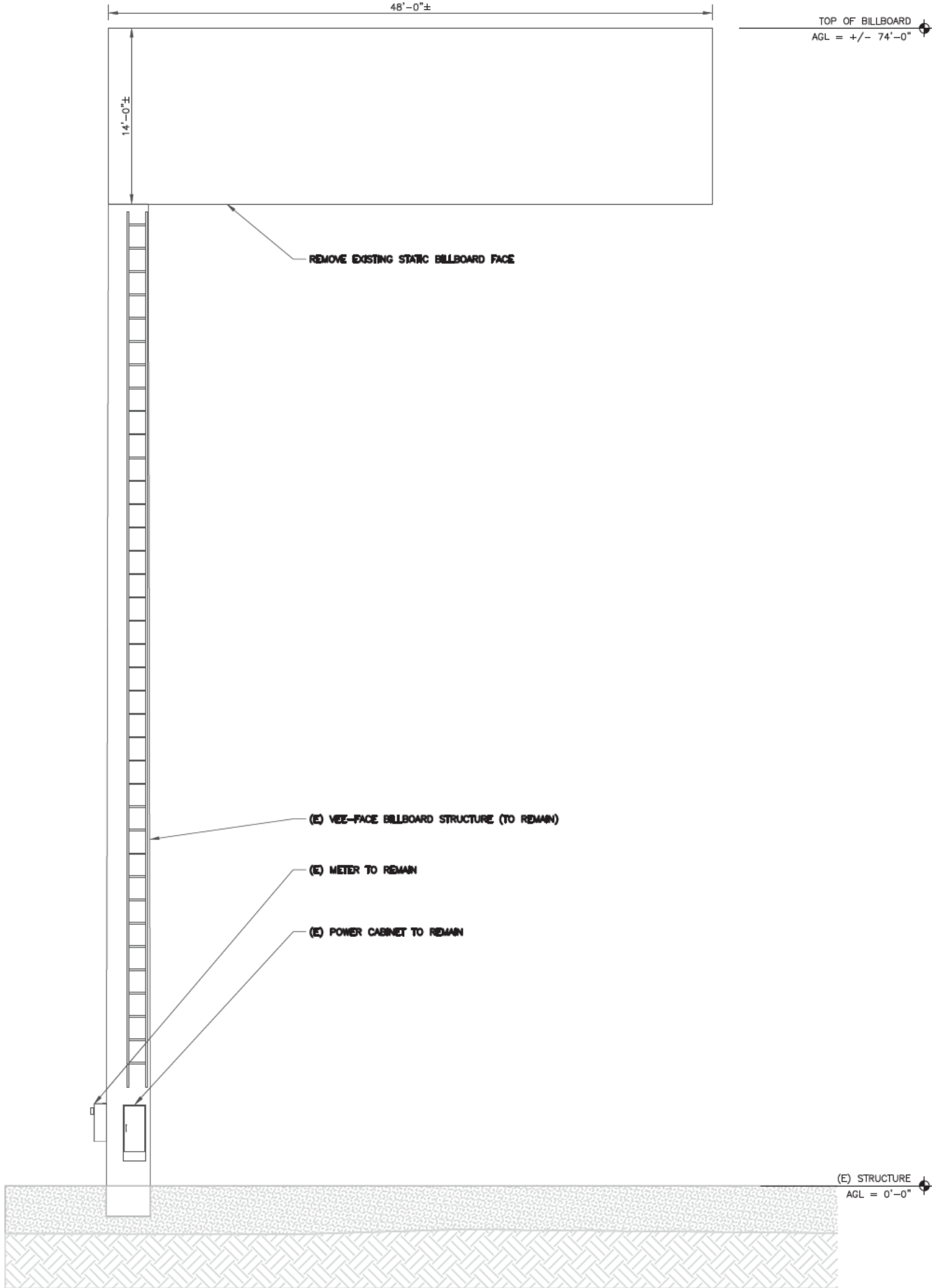


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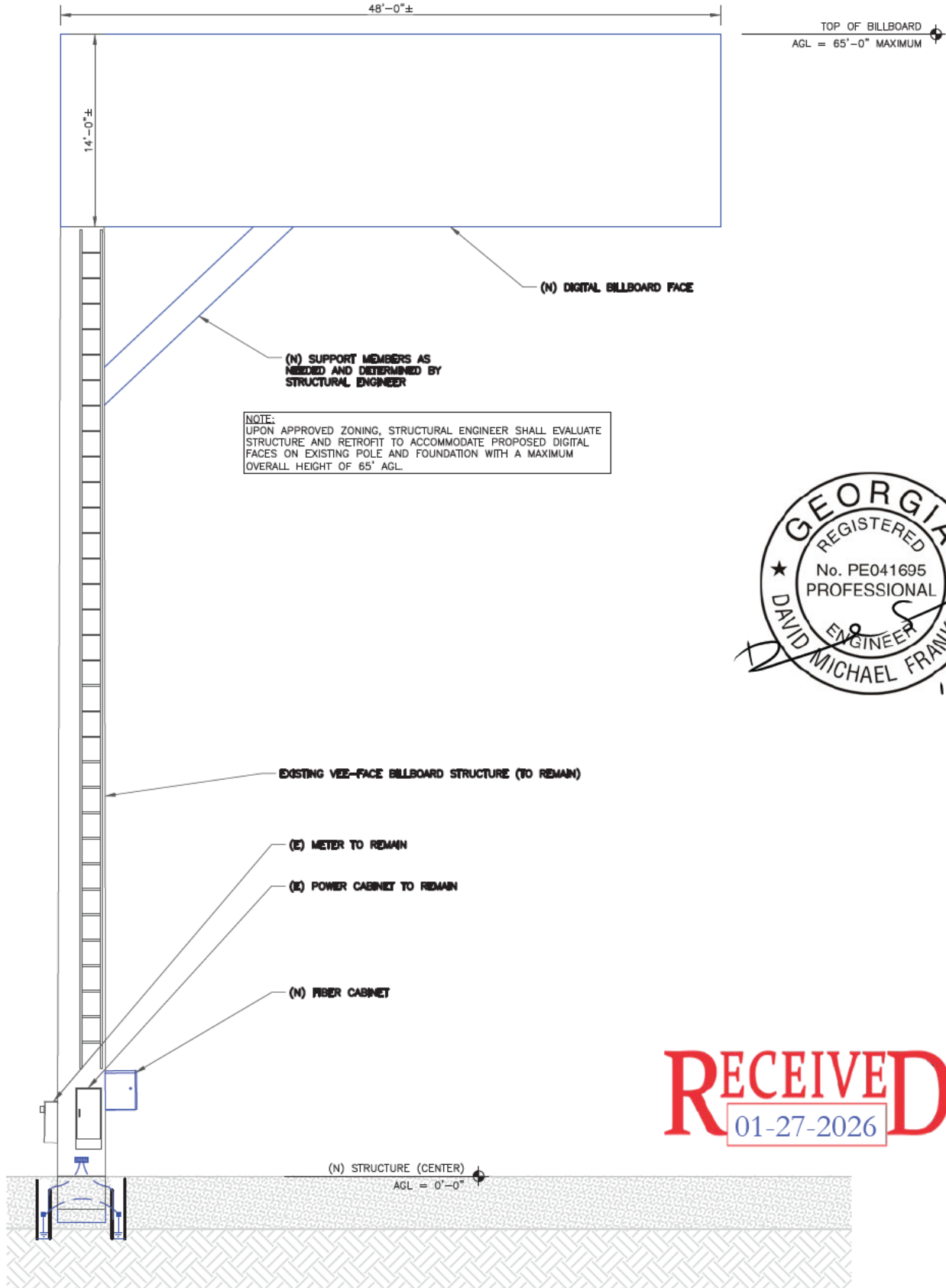


KHA PROJECT		DATE	SCALE	AS SHOWN	DRAWN BY	CHECKED BY	DATE
MARETTA, GA		12/17/25	1" = 80'-0"	1" = 160'-0"	TAM	RJC	1/27/26
MARETTA, GA BILLBOARD		1155 POWERS FERRY PL	MARETTA, GA 30067				
CALL GEORGIA ONE CALL		(800) 282-7411	CALL 3 WORKING DAYS BEFORE YOU DIG!				
SHEET NUMBER		C-1					
Kimley»Horn		KIMLEY-HORN & ASSOCIATES, INC. 3875 EMBASSY PKWY, SUITE 280 AKRON, OH 44333					
LICENSED PROFESSIONAL		DAVID MICHAEL FRANKLIN No. PE041695 PROFESSIONAL ENGINEER					
REVISED FOR PERMIT		01/23/26	TAM				
FOR PERMIT		12/17/25	TAM				
FOR REVIEW		11/17/25	TAM				
REVISIONS		DATE	BY				
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This document, together with the concepts and designs presented herein, is intended only for the specific purpose and client for which it was prepared. None of and no part of this document shall be relied upon for any other purpose without the written consent of Kimley-Horn and Associates, Inc. All dimensions are in feet and inches unless otherwise noted. All dimensions are to the center of the structure unless otherwise noted. All dimensions are to the center of the structure unless otherwise noted. All dimensions are to the center of the structure unless otherwise noted.



1 EXISTING SOUTH ELEVATION
SCALE: NOT TO SCALE



2 NEW SOUTH ELEVATION
SCALE: NOT TO SCALE



RECEIVED
01-27-2026

KHA PROJECT		DATE	SCALE	AS SHOWN	DRAWN BY	CHECKED BY	DATE
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KIMLEY-HORN & ASSOCIATES, INC.							
3875 EMBASSY PKWY, SUITE 280							
AKRON, OH 44333							
LICENSED PROFESSIONAL							
DAVID MICHAEL FRANKLIN							
REGISTERED							
No. PE041695							
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STAFF REVIEW

Variance Case #: V2026-05

Legistar #: 20260110

City Council Hearing: Wednesday, February 11, 2026 – 7:00 pm

Property Owner:



Applicant: Same as above

Agent: N/A

Address: 675 Powder Springs Street

Land Lot: 02140

District: 17

Parcel: 0040

Council Ward: 3B

Existing Zoning: CRC (Community Retail Commercial)

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

1. Variance to allow a commercial landscaper operate within 200' of residentially zoned property. [§708.16 (B.22.b.)]
2. Variance to waive compliance with the Commercial Corridor Design Overlay – Tier B requirements. [§712.09 (G.1.b.xiii.)]
3. Variance to reduce building setbacks for an existing building. [§708.16 (H.)]
4. Variance to eliminate the required 40' buffer adjacent to residentially zoned property. [§708.16 (I.)]
5. Variance to allow outdoor storage within 50' of residential property and across more than 25% of the parcel. [§708.16 (G.1.c.)]; [§708.16 (G.1.d.)]
6. Variance to allow parking on an unpaved surface. [§716.08 (A.)]; [§716.08 (B.)]

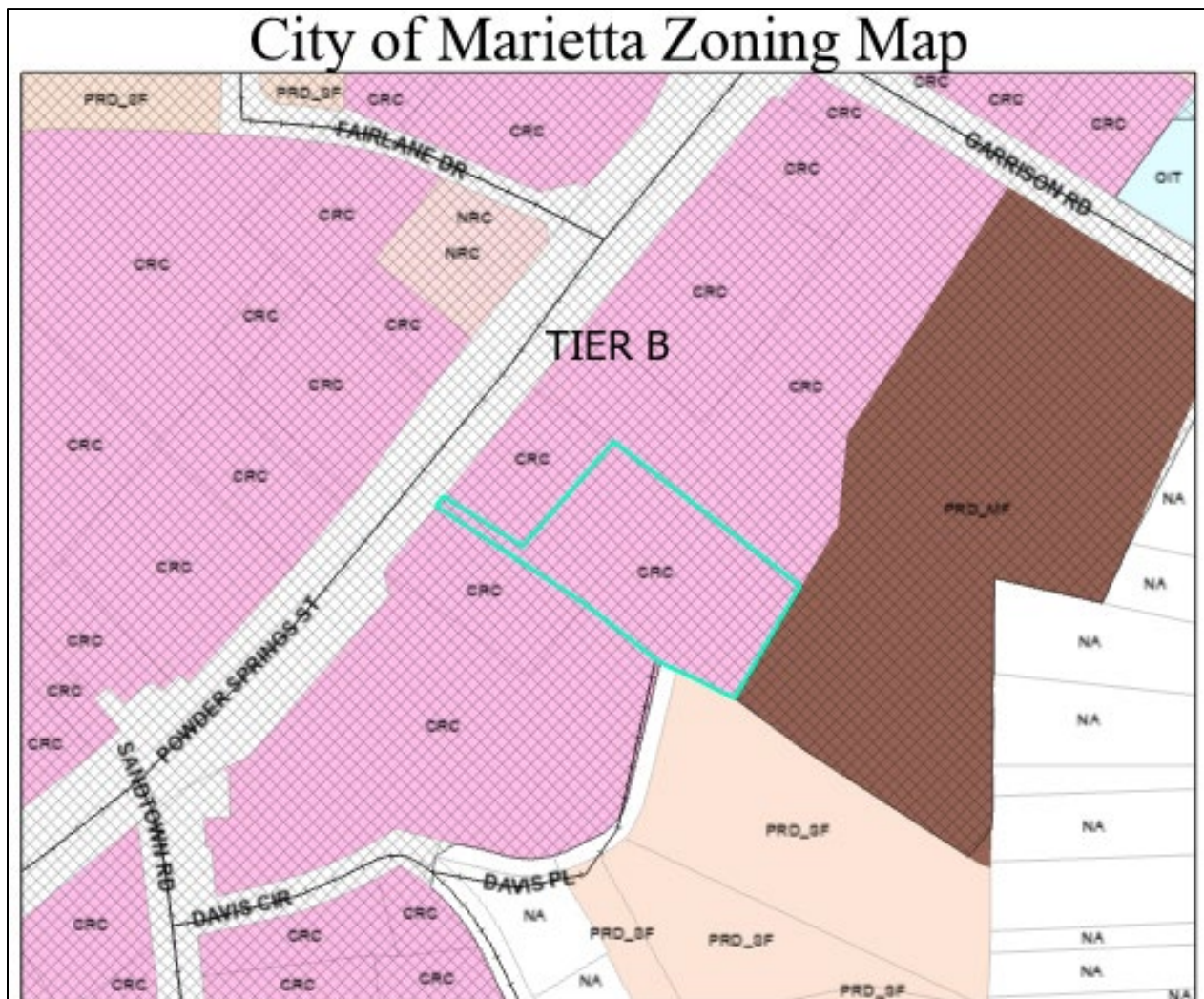
Statement of Fact

As per section 720.03 of the Comprehensive Development Code of Marietta, City Council 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 City Council 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 City Council 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:

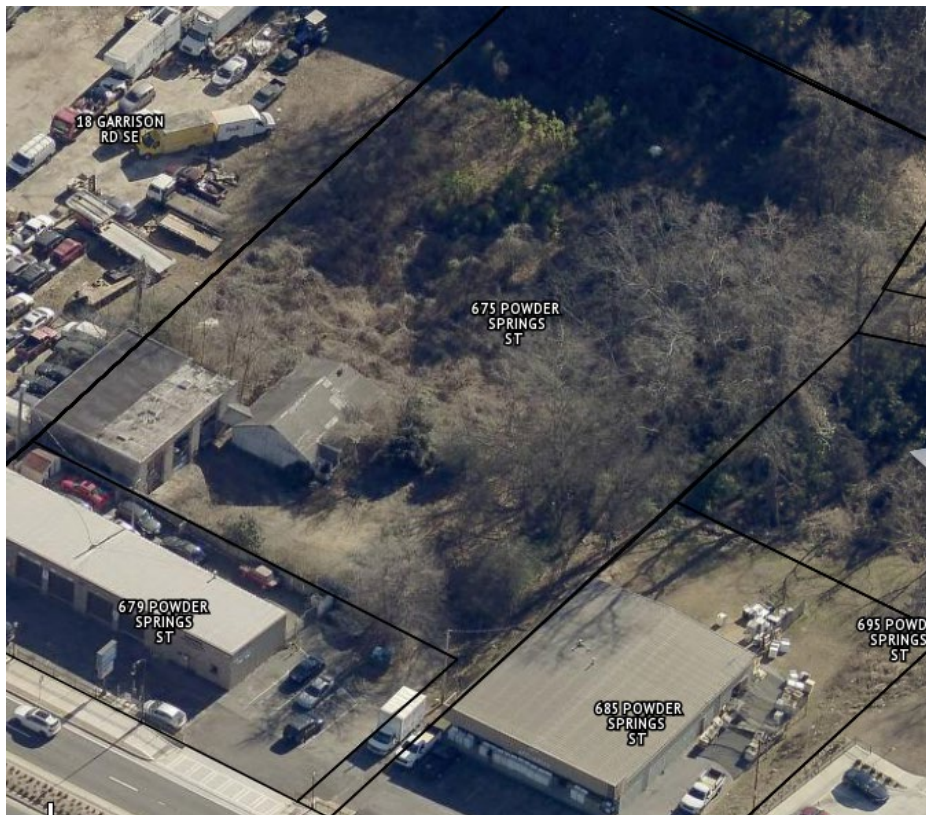
1. Exceptional or extraordinary circumstances or conditions *are/are not* applicable to the development of the site that do not apply generally to sites in the same zoning district.
2. Granting the application *is/is not* necessary for the preservation and enjoyment of a substantial property right of 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





View of the subject property entrance from Powder Springs Street



2024 Aerial Imagery of the subject property



Current conditions at 675 Powder Springs Street

Staff Review:

The owner and applicant, [REDACTED], has applied for variances to allow a commercial landscaping business to operate at 675 Powder Springs Street. The parcel is 1.03 acres and zoned CRC (Community Retail Commercial). The subject property sits behind commercially zoned parcels occupied by Driver's Automotive Repair and Smith's Appliances. To the rear and partially along the side of the property are parcels zoned PRD_SF (Planned Residential Development – Single Family) and PRD_MF (Planned Residential Development – Multi-Family), including Whispering Oaks Apartments and an undeveloped tract along Davis Circle that was rezoned and annexed under cases Z2024-22 and A2024-03 for a future townhome development. The subject property operated as an auto repair business from at least 1989 until 2021 and has remained vacant since that time.

The subject property is also located within the Commercial Corridor Design Overlay – Tier B. Properties in Tier B are subject to more restrictive design and land-use standards intended to integrate pedestrian design features and aesthetic improvements into auto-oriented corridors.

Commercial Landscaper Near Residences Within Tier B

1. Variance to allow a commercial landscaper operate within 200' of residentially zoned property. [§708.16 (B.22.b.)]
2. Variance to waive compliance with the Commercial Corridor Design Overlay – Tier B requirements. [§712.09 (G.1.b.xiii.)]

The Zoning Code specifically prohibits commercial landscaping companies from operating on properties within 200 feet of residentially zoned property. Like contractors' offices, landscaping companies rely heavily on outdoor storage – whether it be grading equipment, material supply (rocks, mulch, etc.), or removed debris (tree stumps, rocks, etc.) – and are more suited for industrial areas, as outdoor storage can be unsightly and loud.

The applicant has indicated that the landscaping business intends to restore the existing three-bay garage for indoor storage of some landscaping equipment, while also utilizing the space for basic maintenance, such as oil changes and brake work, on the company's fleet vehicles. The business proposes installing privacy fencing to secure parking for the company's box trucks. Even with an opaque eight-foot-tall fence, outdoor storage and daily operational activity – such as equipment loading, unloading, staging, and vehicle movement – would still occur outdoors and could generate noise and visual impacts for the nearby residents. The proposed fencing would not fully mitigate visibility from higher elevation properties or second story units. Other than the construction of a fence, staff has received no compelling information indicating that a commercial landscaper could operate at this location while mitigating this impact on adjacent residents.

Setback/Buffer Reduction & Outdoor Storage

3. Variance to reduce building setbacks for an existing building. [§708.16 (H.)]
4. Variance to eliminate the required 40' buffer adjacent to residentially zoned property. [§708.16 (I.)]
5. Variance to allow outdoor storage within 50' of residential property and across more than 25% of the parcel. [§708.16 (G.1.c.)]; [§708.16 (G.1.d.)]

The existing garage is within 2.7 feet and 0.7 feet from the property lines. Side setback requirements for CRC are normally fifteen (15) feet but Tier B only requires six (6) feet between the building and property line. The applicant would like to renovate the building and is requesting a variance to allow the building to be improved (but not expanded) in its current location.

CRC zoned properties directly abutting residential zoning must maintain a 40-foot, undisturbed buffer to protect nearby residential properties from noise, activity, and visual impacts. If the existing vegetation is not adequate or consists of invasive vegetation, the buffer is required to be planted back with new evergreen trees. The applicant has not proposed any buffer or transitional treatment along the shared property line, with the submitted site plan showing the area to be cleared and fully graveled. Eliminating the buffer entirely would remove the primary separation intended to shield residents from commercial activity. Given the nature of the proposed use – which includes equipment movement, vehicle maintenance, and outdoor operations – the absence of a buffer would significantly increase the potential for adverse impacts on adjacent residential properties.

The application indicates that the rear yard is to be used for outdoor storage and overnight parking of company box trucks, screened by a privacy fence. As noted above, landscaping businesses typically rely on a wide range of additional materials, equipment, and vehicles stored outdoors. The proposed storage area lies within 50 feet of residential property and appears to well exceed the maximum 25% of the parcel permitted for outdoor storage.

Gravel Parking

6. Variance to allow parking on an unpaved surface. [§716.08 (A.)]; [§716.08 (B.)]
 - 69.19% (31,072 sq. ft.) of site is gravel

The site plan indicates that the applicant proposes to add 31,072 square feet of gravel – covering 69.19% of the site – for outdoor storage and parking of business vehicles. This amount of unpaved surface requires the requested variance. While special exceptions for gravel are occasionally granted, past approvals have generally been limited to small residential driveway projects or locations that are clearly industrial in character. The applicant has not provided a justification for the extensive use of gravel, leaving cost avoidance as the only speculated motive. Additionally, driving over gravel in a standard passenger vehicle is noisy and will only be worse if heavy equipment or the company's box trucks are involved. It is also worth noting that if this same area were paved instead of graveled, the site would approach full lot coverage and would exceed the maximum 80% impervious surface limit allowed in CRC zoning.

Furthermore, there is a portion of the property located in front of the three-bay garage and office building that is not identified as gravel, asphalt, or concrete on the site plan. Based on both omission and aerial imagery, this area appears to remain as dirt/grass. Although the applicant indicates this 'courtyard' area will be used for staff and client parking, the site plan does not identify any paving or surface treatment, leaving it unclear how this area will function in compliance with parking and access requirements. If left as-is, it would be the only portion of the property not covered by building, asphalt, concrete, or gravel, yet it is still intended to serve as a parking area and primary access point to the three-bay garage and office building.



Site plan submitted with the application

2024 Aerial imagery of the subject property

There are numerous concerns associated with this request:

- Property maintenance, especially outdoor storage areas, usually degrades over time.
- Allowing quasi-industrial uses that require minimal investment will only encourage other, similar uses.
- Outdoor storage of landscaping materials can be unsightly, loud, and odorous, especially if only screened behind a fence.
- Commercial landscapers use heavy equipment beyond a passenger pick-up truck: box trucks, flatbed trucks, cherry pickers, woodchippers that are unpleasant even when not being used.
- Driving on gravel generates noise. Heavy vehicles would likely exacerbate the effect.

Engineering Comments:

- Site development plan review required.
- An oil water separator should intercept cleanup from oil change area and any vehicle wash area drains
- List variance request for gravel which must be approved by Mayor and Council

Marietta Fire Comments:

- No objections. Necessary site and building construction will be required to conform to state and local Fire/Safety Minimum Standards, and the Georgia Accessibility Code for access to and through buildings from a site arrival point. The Marietta Fire Protection Sprinkler code applies to new buildings (when tax appraised value is exceeded by construction value, or a new commercial building is created through rezoning).

Marietta Water Comments:

- No conflict with the proposed use. We would like to secure an easement for the existing sanitary sewer main at some point in the future.



Department of Development Services
205 Lawrence Street
Marietta, GA 30060

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 #: V2026-05 Legistar #: 2026 BZA Hearing Dt: NA
City Council Hearing Dt (if applicable) #: February 11, 2026 PZ #: 26-001

This is a variance/appeal application for:

☐

Board of Zoning Appeals

☒

City Council

Owner's Name

Documentation showing names of Principals authorized to sign application is **required for Corporations.**

EMAIL Address:

Mailing Address

Zip Code:

Phone Number

COMPLETE ONLY IF APPLICANT IS NOT OWNER:

Applicant:

EMAIL Address:

Mailing Address

Zip Code:

Phone Number 7

Address of subject property: 1075 Powder Springs St Marietta, 30064 Date of Acquisition: 1962

Land Lot (s) 214 District 17 Parcel 17021400040 Acreage 1.16 Zoned CRC Ward FLU:

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

see attached

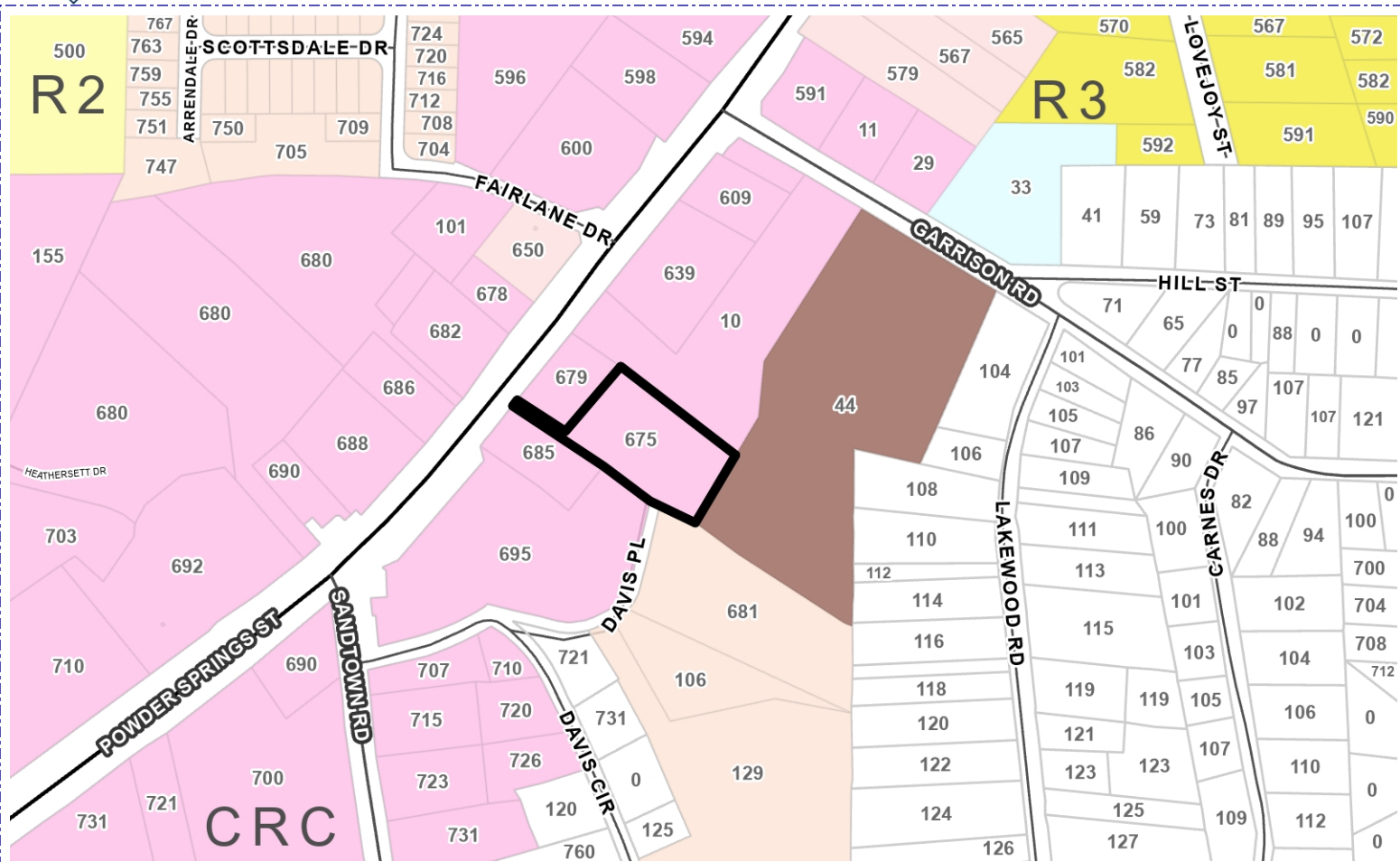
Required Information

1. Application fee (Residential - \$250; Non-residential - \$350)
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. Documentation showing names of Principals authorized to sign application is **required for Corporations.**
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 (8 1/2" x 11") -or- One (11" x 17") drawn to scale.
Optional Additional Plat size: (24"x 36"). If providing (24"x 36") then **5** copies REQUIRED of the plat size pages.
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

Variance



Address	Parcel Number	Acreage	Ward	Zoning	FLU
675 POWDER SPRINGS ST	17021400040	1.075	3B	CRC	CAC

Property Owner:	
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Marietta City Council

Re: Variance Requests for 675 Powder Springs Street, Marietta, GA 30064 (CRC Zoning)

LETTER FROM THE CURRENT OWNERS

We respectfully submit this letter in support of our variance requests for 675 Powder Springs Street. The purpose of these requests is to enable the sale of our property to a qualified and willing buyer with whom we are currently under contract.

We have owned this property since 1962. For many years, my husband operated a successful auto repair shop and salvage yard on-site, while I maintained my CPA firm in the office located on the property. As we have entered our 80s, maintaining the site has become increasingly difficult for us both physically and financially. My husband passed away in early January 2026, and this situation has become a significant hardship for our family.

The property has been vacant for several years. In 2021, we entered a private sales contract with a buyer who ultimately defaulted at closing unless we agreed to provide three-year seller financing. After those three years, the buyer again defaulted, and during that period made no meaningful effort to maintain the property. As a result, the property fell further into disrepair. In February 2025, we were forced to take the property back via Deed in Lieu of Foreclosure, and the previous buyer retains a 36-month Right of First Refusal. This long process has been extremely challenging for us, and we are now working diligently to secure a new, stable buyer.

CURRENT STATUS

With the help of professional representation, we are now under contract with a new buyer who has been patient and cooperative throughout the Right of First Refusal process. They intend to use the property as a base of operations for a commercial landscape company. During our meeting with Ms. Shelby Little in the Zoning Department, it was noted that CRC zoning requires a 200-foot buffer between a commercial landscape business and any Single-Family zoning. A 72-foot portion of the back right corner of our parcel directly abuts land recently rezoned by the City to PRD-SF for future townhome development.

We understand this 200-foot buffer requirement applies to commercial landscaping uses; however, even with Buyer, Seller and Sellers REALTOR® speaking in person to the Zoning Department no specific justification could be provided for why this particular use necessitates such a wide buffer. It seems to be 'just a rule on the books'. We believe the

proposed use would be a significant improvement over the current condition of the property—which is presently overgrown with kudzu and has attracted trespassing and homeless activity. Under the buyer’s ownership, the property would be regularly maintained, secured, and operated by a business contributing tax revenue to the City of Marietta.

PROPOSED USE OF THE PROPERTY

The buyer intends to use 675 Powder Springs Street as the site for their commercial landscaping company—a location strategically aligned with the significant amount of work they perform in the Marietta area. Their operations help beautify residential and commercial properties throughout the city.

Current site features and proposed improvements include:

1. Garage Renovation & Use

The existing 3-bay garage will be repaired and secured to store landscape equipment such as mowers, trimmers, edgers, blowers, and hand tools. It will also be used for basic vehicle maintenance (e.g., oil changes, brakes) on the company’s fleet.

2. Office Renovation & Use

The existing office will be restored for administrative operations, client meetings, team meetings, and employee breaks. Renovations may include updated flooring, plumbing, roofing, and gutters, but the footprint will remain unchanged. The courtyard in front of the garage and office will provide parking for staff and visitors.

3. Back Lot Improvements

The rear portion of the property is currently undeveloped and heavily covered in kudzu. The buyer plans to pave this area.

- **Daytime:** employee parking
- **After hours:** secure parking for company box trucks
Privacy fencing will be added on three sides.

REQUESTED VARIANCES

We respectfully request the following:

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REQUESTED VARIANCES

We respectfully request the following:

1. **A variance to remove or reduce the 200-foot buffer requirement** for a commercial landscaping business, applying specifically to the limited and well-defined operations proposed for this site.
2. **A variance permitting reasonable modifications to the existing structures—** within their current footprints—to bring them to safe, functional, and presentable conditions without requiring demolition and complete reconstruction.
3. **Exemption from the Commercial Corridor Design Overlay District requirements.**

The property is not visible from Powder Springs Street, the primary corridor, as it sits entirely behind Drivers Automotive. We understand the Director of Development Services has the authority to waive this requirement. We have provided a picture of the entrance from Powder Springs so you can see the lot is not visible.

We genuinely appreciate your time and consideration. We have a fair and viable offer, a responsible buyer, and an urgent need to complete this sale given our age and health circumstances. Approval of these variance requests will allow this long-neglected property to be restored, secured, maintained, and productively used in a manner that benefits both the surrounding area and the City of Marietta.

Sincerely,

[Redacted Signature]

Property Owner

DRIVERS
AUTOMOTIVE

SMITH APPLIANCE



ENTRANCE



379 17021400690

10

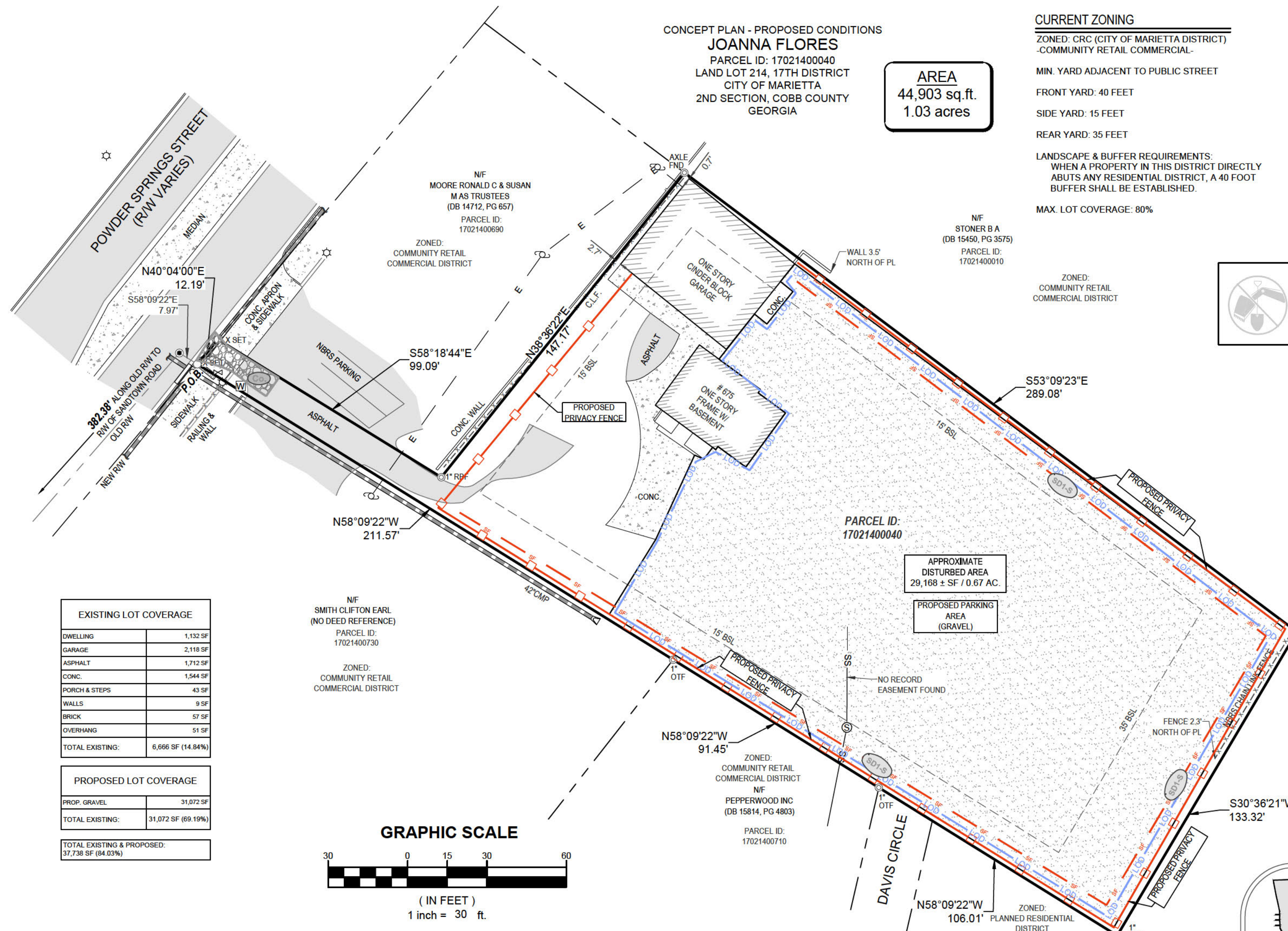
17021400010

675

17021400040

685 17021400730

17021400710



SURVEY NOTES

- EQUIPMENT USED : TOPCON ROBOTIC D2 TOTAL STATION - TOPCON RTK GPS ROVER.
- THE FIELD DATA UPON WHICH THIS MAP OR PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 10,000 FEET AN ANGULAR ERROR OF 02" PER ANGLE POINT AND WAS ADJUSTED USING COMPASS RULE.
- THIS MAP OR PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 149,511 FEET.
- THIS PROPERTY IS SUBJECT TO ALL ZONING ORDINANCES, SETBACK LINES AND EASEMENTS OF RECORD LYING WITHIN.
- AS SHOWN ON FLOOD INSURANCE RATE MAPS OF CITY OF MARIETTA, COBB COUNTY, GEORGIA COMMUNITY PANEL NUMBER 13067C0116J THIS PROPERTY IS NOT LOCATED WITHIN A 100 YEAR FLOOD ZONE.

THIS PLAT WAS PREPARED FOR THE EXCLUSIVE USE OF THE PERSON, PERSONS, OR ENTITY NAMED IN THE CERTIFICATE HEREON. SAID CERTIFICATE DOES NOT EXTEND TO ANY UNNAMED PERSON WITHOUT AN EXPRESS RE-CERTIFICATION BY THE SURVEYOR NAMING SAID PERSON.

VISIT US ON OUR WEBSITE:
www.united-lls.com

2130 KINGSTON CT SE SUITE A
MARIETTA, GEORGIA 30067
Ph: (678) 294-5232

UNITED LAND SURVEYING
COA NO. LSF 001321

CONCEPT PLAN - PROPOSED CONDITIONS
JOANNA FLORES
PARCEL ID: 17021400040
LAND LOT 214, 17TH DISTRICT
CITY OF MARIETTA
2ND SECTION, COBB COUNTY
GEORGIA

REVISIONS

1.	
2.	
3.	
4.	

LEGAL REFERENCE:

DEED BOOK: 16013	PAGE: 3063-3064
PLAT BOOK: 15	PAGE: 139

SHEET 1 OF 1

PLAT DATE: 01/06/2026
FIELD DATE: 11/10/2025
SCALE: 1" = 30'
DRAWN BY: M.A.M.
REVIEWED BY: C.P.H.

GEORGIA
REGISTERED LAND SURVEYOR
CULLEN PRESTON HARDEE
No. 3144

JOB NUMBER:
25-584-A

GSWCC
GEORGIA SOIL AND WATER CONSERVATION COMMISSION
CULLEN PRESTON HARDEE
LEVEL II CERTIFIED DESIGN PROFESSIONAL
CERTIFICATION NUMBER 0000094345
ISSUED: 05/11/2024 EXPIRES: 05/11/2027

SURVEYORS CERTIFICATION

THIS PLAT IS A RETRACEMENT OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT SUBDIVIDE OR CREATE A NEW PARCEL OR MAKE ANY CHANGES TO ANY REAL PROPERTY BOUNDARIES. THE RECORDING INFORMATION OF THE DOCUMENTS, MAPS, PLATS, OR OTHER INSTRUMENTS WHICH CREATED THE PARCEL OR PARCELS ARE STATED HEREON. RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. FURTHERMORE, THE UNDERSIGNED LAND SURVEYOR CERTIFIES THAT THIS PLAT COMPLIES WITH THE MINIMUM TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN THE RULES AND REGULATIONS OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN O.C.G.A. SECTION 15-6-67.

Cullen Preston Hardee
01/06/2026
DATE

CULLEN PRESTON HARDEE
REGISTERED LAND SURVEYOR #3144, LSF 001321