



STAFF REVIEW AND RECOMMENDATION

Variance Case #: V2020-04

Legistar #: 20191163

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

**Property Owner: Pamela & David Willey
273 Camp Street NW
Marietta, GA 30064**

Applicant: Same as above

**Address: 273 Camp Street NW
Marietta, GA 30064**

Land Lot: 1157

District: 16th

Parcel: 0850

Council Ward: 4A

Existing Zoning: R-4 (Single Family Residential – 4 units/acre)

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

1. Variance to reduce the southern side yard setback from ten (10) feet to four (4) feet for the expansion of an existing structure [*§708.04 (H)*]
2. Variance to reduce front yard setback from twenty-five (25) feet to twenty-four (24) feet for an existing structure [*§708.04 (H)*]
3. Variance to allow an accessory structure (framed shed) to remain within ten (10) feet of the rear property line [*§708.04 (F.1)*]

Statement of Fact

As per section 720.03 of the Comprehensive Development Code of Marietta, the Board of Zoning Appeals may alter or modify the application of any such provision in the Development Code because of unnecessary hardship if doing so shall be in accordance with the general purpose and intent of these regulations, or amendments thereto, and only in the event the board determines that by such alteration or modification unnecessary hardship may be avoided and the public health, safety, morals and general welfare is properly secured and protected. In granting any variance the board of zoning appeals shall designate such conditions in connection therewith as will, in its opinion, secure substantially the objectives of these regulations and may designate conditions to be performed or met by the user or property owner, out of regard for the public health, safety, comfort, convenience, and general welfare of the community, including safeguards for, with respect to light, air, areas of occupancy, density of population and conformity to any master plan guiding the future development of the city. The development costs of the applicant as they pertain to the strict compliance with a regulation may not be the primary reason for granting a variance.

Criteria:

1. Exceptional or extraordinary circumstances or conditions *are/are not* applicable to the development of the site that do not apply generally to sites in the same zoning district.

2. Granting the application *is/is not* necessary for the preservation and enjoyment of a substantial property right of the applicant, and to prevent unreasonable property loss or unnecessary hardship.
3. Granting the application *will/will not* be detrimental or injurious to property or improvements in the vicinity of the development site, or to the public health, safety, or general welfare.

PICTURES



273 Camp Street – Proposed expansion area



20' alleyway easement separating subject property and 259 Camp Street

Recommended Action:

The applicants, Pam and David Willey, are requesting variances to expand their home at 273 Camp Street. The subject property is approximately 0.322 acres in size and is surrounded by properties zoned R-4 (Single Family Residential – 4 units/acre) that are also used residentially. The primary reason for the variances is to allow for an addition to main structure that would include a garage and guest bedrooms.

Side Yard Setback

The applicants are requesting a variance to reduce the southern side yard setback from ten (10) feet to four (4) feet in order to build a new garage with guest bedrooms onto the home. The existing structure currently does not encroach within the side yard setback. However, the applicants wish to make the following improvements to make the home more accommodating for “senior-oriented improvements” including:

- Moving an existing staircase that leads to the basement to a location where safe, code-compliant stairs are possible.

-
- Enlarging the master bedroom, guest bedrooms, and baths for easier movement and mobility
 - Adding a garage to eliminate the steep climb from carport up the driveway and to the house

It should be noted that according to the survey/site plans, there is a twenty (20) foot alleyway between the subject property and the neighboring properties of 259 Camp Street and 166 Maple Avenue. Currently, the alleyway is undeveloped public right of way that is overgrown with vegetation. The proposed addition would not impact the adjacent properties due to the separation created by the alleyway.

Front Yard Setback

The only reason for the front yard setback is to allow the existing structure to encroach by one (1) foot into the front-yard setback, reducing the setback from twenty-five (25) to twenty-four (24) feet.

Rear Yard Setback - Accessory Structure

During the review of the proposed site plan, staff noticed that there is an existing accessory structure – a frame shed – located in the rear yard that does not meet the required 10-foot rear yard setback. The variance request would allow the applicants to keep the shed at its current location.

According to the Marietta Fire Department, the entire property will be subject to the fire protection ordinance and require sprinklers due to the proximity to the property lines since the cost of construction exceeds the appraised building value as of 2020.

Due to the limited area available for the additions on to the house, ***staff recommends approval of the variances requested.***



APPLICATION FOR VARIANCE OR APPEAL

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

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

For Office Use Only:

Application #: V2020-04 Legistar #: 20191163 BZA Hearing Dt: 1-27-20
City Council Hearing Dt (if applicable) #: - PZ #: 19-532

This is a variance/appeal application for:

Checked box for Board of Zoning Appeals

Board of Zoning Appeals

Unchecked box for City Council

City Council

Owner's Name Pamela e David Willey

EMAIL Address: dpwilley@comcast.net

Mailing Address 273 CAMP ST Zip Code: 30064 Phone Number 678 662 5518

COMPLETE ONLY IF APPLICANT IS NOT OWNER:

Applicant:

EMAIL Address:

Mailing Address Zip Code: Phone Number

Address of subject property: 273 CAMP ST Date of Acquisition: 7-18-2019

Land Lot(s) 1157 District 16 Parcel 00850 Acreage 0.33 Zoned R-4 Ward 4A FLU: MDR

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

VARIANCE FOR GARAGE OVER SIDE YARD SET BACK

Required Information

- 1. Application fee (\$250)
2. Completed notarized application. The original application must be submitted with ALL original signature(s) - Copies of the application or signature(s) will NOT be accepted.
3. Copy of the deed that reflects the current owner(s) of the property.
4. Letter describing the reason for the variance request, stating why strict adherence to the code would result in a particular hardship (as distinguished from a mere inconvenience or desire to make more money).
5. Site plan - drawn to scale. Site plans must illustrate property lines and all relevant existing information and conditions in addition to proposed additions or modifications within the referenced property lines of the tract(s).
Copies Required: One (1) - (8 1/2" x 11") -or- (11" x 17") drawn to scale.
Optional Additional Plat size: (24"x 36"). If providing (24"x 36") then 5 copies REQUIRED.
6. Copy of current tax bill showing payment or documentation certified by the City of Marietta Tax Office.

Note: The Department of Development Services reserves the right to obtain additional information that reasonably may be required in order that an informed decision may be made.

OVER

CAMPAIGN CONTRIBUTIONS

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

[Signature]
Signature of Owner

Signature of Applicant

PAMELA K WILLEY
Print Name
DAVID WILLEY

Print Name

FINANCIAL INTEREST

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

[Signature]
Print Name PAMELA K WILLEY

DAVID WILLEY
[Signature]
Signature of Applicant

APPLICANT CERTIFICATION

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

[Signature]
Signature of Applicant

12-9-19
12/9/19
Date

DAVID WILLEY
PAMELA K WILLEY
Please Print

OWNER CERTIFICATION

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

[Signature]
Signature of Owner

PAMELA K WILLEY
Please Print
DAVID WILLEY

273 CAMP ST MARIETTA GA 30064
Address

12-9-19
Date

Signed, sealed and delivered in the presence of:

Elon Hall



05/29/2023
My Commission Expires:

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

Marietta Board of Zoning Appeals
Planning and Zoning Dept
City of Marietta

272 Camp St
Marietta, GA 30064
December 11, 2019

To the Board,

The following Variance request explanation is intended for the meeting on January 27, 2020, with a required variance application submittal date of December 16, 2019.

We bought the property at 273 Camp St., Marietta in July 2019 with the intention of renovating to enable it to be our "forever" (retirement) house. In order to use it that way, several senior-oriented improvements are planned:

- The staircase to the basement, steep with uneven stairs, needs to be moved to a location where safe, code-compliant stairs are possible.
- Space allocated for the master bedroom, guest bedrooms, and baths will be enlarged for easier movement and accessibility.
- A garage added to eliminate the steep climb from the under-the-house carport up the driveway to the house.

We've been working with Thomas Diehl, DCA Architects, Inc, to develop plans to meet these needs (Site Plan attached). The planned movement of the basement stairs and the garage addition to the side of the house result in a side yard setback of 4 ft rather than the specified 10 ft, on the south side of the property.

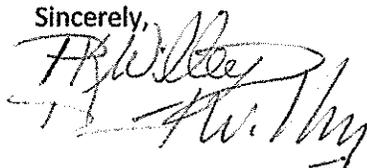
The south side of the property doesn't border a neighbor's property, but instead there is a 20 ft alley between our property and our neighbor, Beth Crary, at 259 Camp St.

We have verbal agreement from our surrounding neighbors for the planned improvements. Because we are out of town until past the December 16 submittal date, we will bring written documentation from our neighbors to the Jan 27, 2020 meeting, rather than submitting with the package.

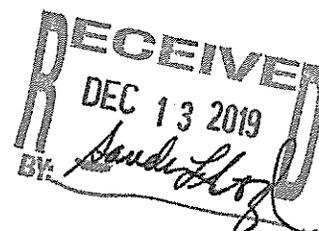
Rough estimates for the renovations are in the neighborhood of \$200,000. We expect to have firmer estimates from contractors before the January meeting. The 2019 Cobb County tax assessment of the property was for \$140,312 (\$80,000 land, \$60,312 building). The 2019 Cobb County tax appraisal of the property was \$350,780 (\$200,000 land, \$150,780 building).

Thank you for your consideration of our request.

Sincerely,



Pam and David Willey



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TO: Marietta Daily Journal

FROM: City of Marietta

RUN DATE: January 10, 2020

**CITY OF MARIETTA
PUBLIC NOTICE OF VARIANCES**

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

V2020-04 [VARIANCE] PAMELA & DAVID WILLEY are requesting variances for property zoned R-4 (Single Family Residential – 4 units/acre), located in Land Lot 1157, District 16, Parcel 0850, 2nd Section, Marietta, Cobb County, Georgia, and being known as 273 Camp Street. Variance to reduce the side yard setback from 10 feet to 4 feet; variance to reduce front yard setback from 25 feet to 24 feet for the existing structure; variance to allow an accessory structure remain within 10 feet of the rear property line. Ward 4A.

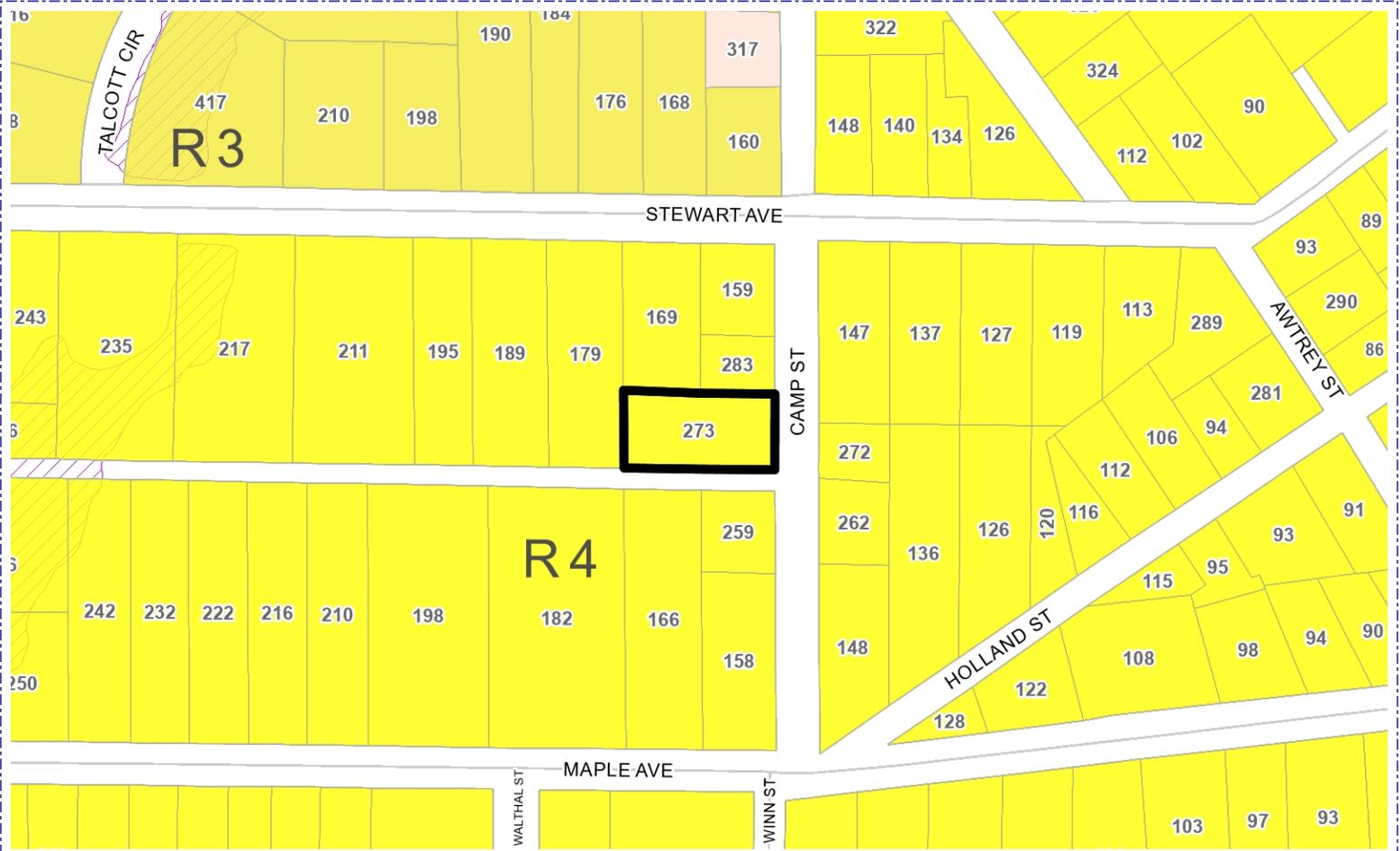
A description and plat of the property sought for the variances are on file in the Planning and Zoning Office, City Hall, and are available for inspection between 8:00 A.M. and 5:00 P.M., Monday through Friday. Anyone wishing to attend may do so and be heard relative thereto. You may also review the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

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

Accessibility to Meetings: If you believe you may need the City/BLW to provide special accommodations in order to attend/or participate in any of the above meetings, please call ADA Coordinator, at 770-794-5558 no later than 48 hours before the date of the above meeting.

City of Marietta
205 Lawrence Street
Marietta, Georgia 30060

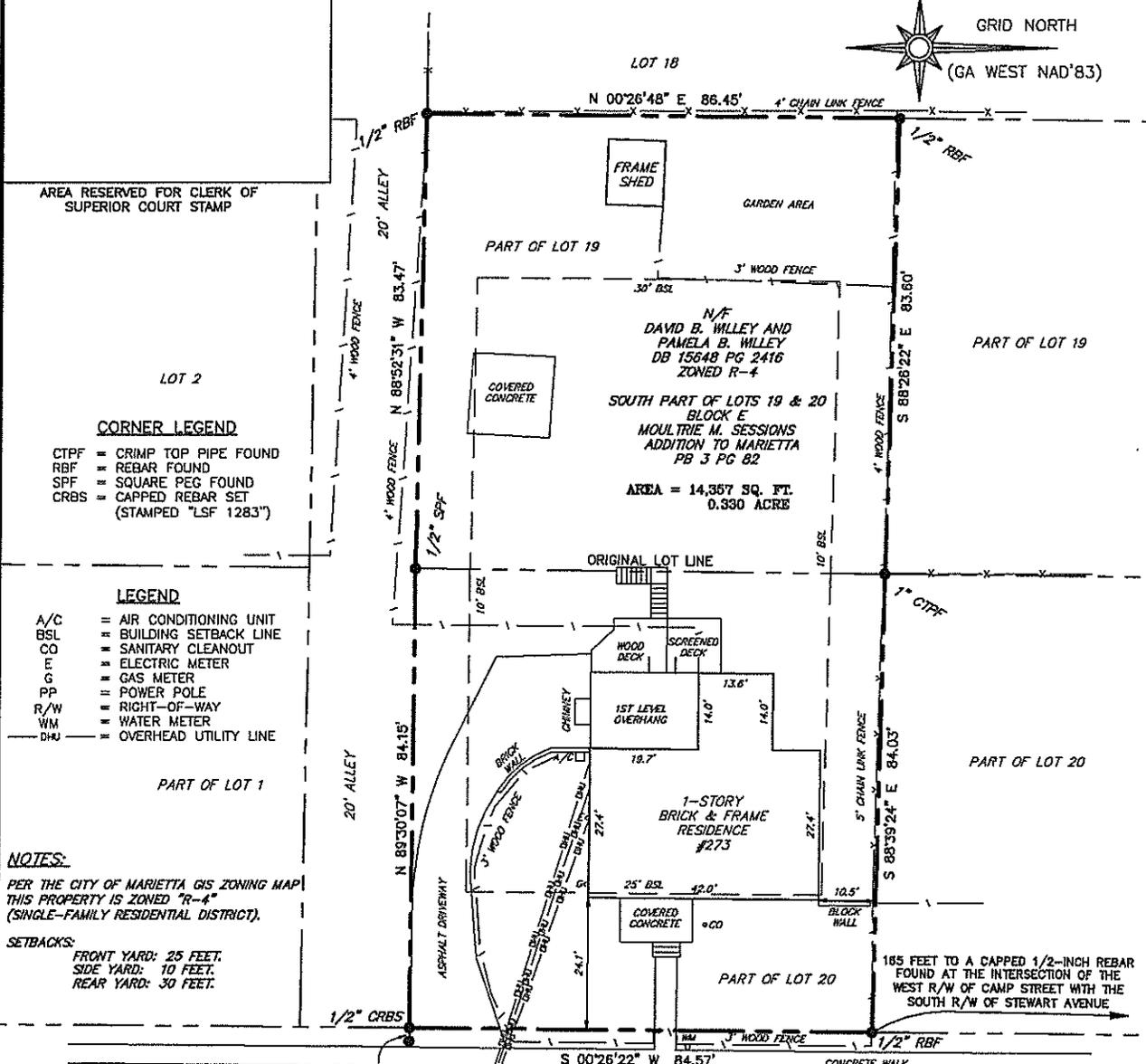
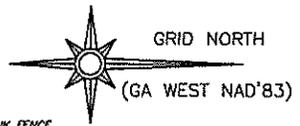
Variance



Address	Parcel Number	Acreage	Ward	Zoning	FLU
273 CAMP ST	16115700850	0.322	4A	R4	MDR

Property Owner:	Pamela & David Willey	Zoning Symbols
Applicant:		
BZA Hearing Date:	01/27/2020	
Acquisition Date:		
Case Number:	V2020-04	
City of Marietta Planning & Zoning		

NOTES:
 1. The public records referenced on this plat were used for the establishment of the boundary of this property. They are not and do not constitute a title search. This plat is subject to all legal easements, right-of-ways, and covenants public and private.
 2. This plat or survey is intended for the sole use of the parties listed hereon, any other use is strictly prohibited.
 3. The basis of bearing is Georgia State Plane, North American Datum 1983 (NAD'83), Georgia West Zone.

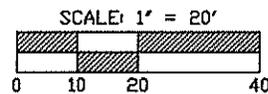


AREA RESERVED FOR CLERK OF SUPERIOR COURT STAMP

- CORNER LEGEND**
- CTPF = CRIMP TOP PIPE FOUND
 - RBF = REBAR FOUND
 - SPF = SQUARE PEG FOUND
 - CRBS = CAPPED REBAR SET (STAMPED "LSF 1283")

- LEGEND**
- A/C = AIR CONDITIONING UNIT
 - BSL = BUILDING SETBACK LINE
 - CO = SANITARY CLEANOUT
 - E = ELECTRIC METER
 - G = GAS METER
 - PP = POWER POLE
 - R/W = RIGHT-OF-WAY
 - WM = WATER METER
 - DHU = OVERHEAD UTILITY LINE

NOTES:
 PER THE CITY OF MARIETTA GIS ZONING MAP THIS PROPERTY IS ZONED "R-4" (SINGLE-FAMILY RESIDENTIAL DISTRICT).
SETBACKS:
 FRONT YARD: 25 FEET.
 SIDE YARD: 10 FEET.
 REAR YARD: 30 FEET.



CAMP STREET
 (40' R/W)

Survey for
PAM WILLEY

SOUTH PART OF LOTS 19 & 20
BLOCK E
MOULTRIE M. SESSIONS
ADDITION TO MARIETTA
PB 3, PG 82

Land Lot 1157
 16th District, 2nd Section
 Cobb County, Georgia
GeoTerra USA, LLC

760 Old Roswell Road, Suite 234
 Roswell, Georgia 30076
 kcolburn@geoterrausa.net
 678-697-7044

COA: LSF001283
 COPYRIGHT © 2019 BY GeoTerra USA, LLC
 ALL RIGHTS RESERVED
 G2019-137

CLOSURE:
 Error of Closure Plat: 1 / 161,818
 Error of Closure Field: N/A
 Angular Error: N/A
 Adjusted by: N/A (Baseline)
 Field Date: September 09, 2019
 Plat Date: September 23, 2019

EQUIPMENT:
 -Trimble 5600 Total Station
 -Trimble R10 GPS unit
 -Trimble TSC3 Data Collector
 -Trimble VRS Network

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 15-6-87.

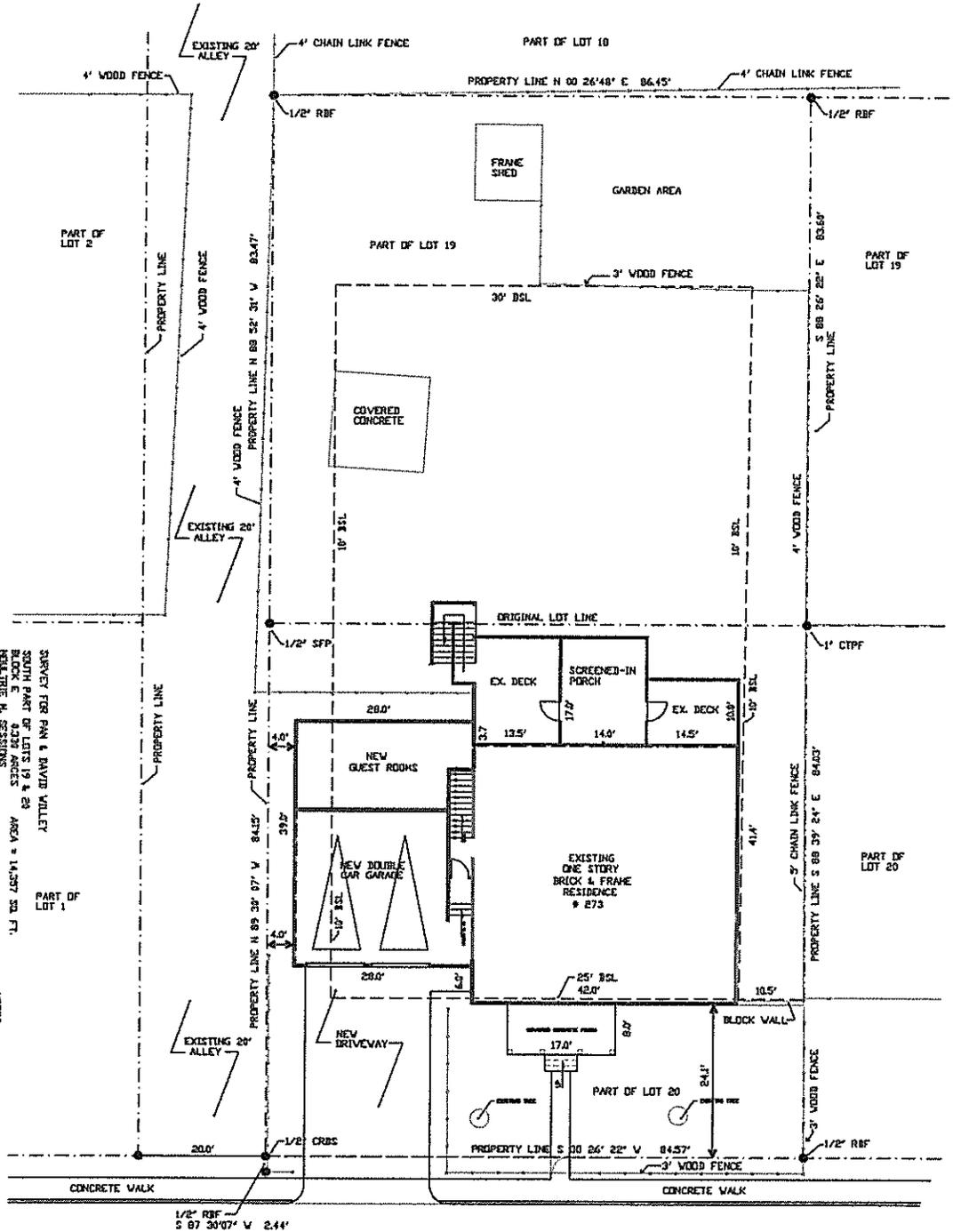
Karie L. Colburn
 KARIE L. COLBURN, GAPLS #2963
 09/23/2019
 DATE



The property is the property of DCA ARCHITECTS, INC. This drawing is for the use of the City of Marietta, Georgia. It is not to be used for any other purpose. The City of Marietta, Georgia, is not responsible for the accuracy of this drawing. The City of Marietta, Georgia, is not responsible for the accuracy of this drawing.

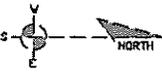
DCA ARCHITECTS, INC.
 7105 S. BURN, ARCHITECT
 3602 S. BURN, ARCHITECT
 Marietta, Georgia 30067
 Phone: 770-959-1552 Fax: 770-959-1554
 Cell: 484-973-6591
 e-mail: dcaarchitects@comcast.net

LAND LOT 1157
 16th DISTRICT, 2nd SECTION COBB COUNTY, GEORGIA
 ARCHITECT OBTAINED SURVEY FROM
 Georgia USA, LLC
 766 OLD GEORGIA RD, SUITE 234
 ROSWELL, GEORGIA 30076
 PHONE: 770-959-1552
 FAX: 770-959-1554
 DATED 07/20/2013



NOTES:
 PER THE CITY OF MARIETTA GIS ZONING MAP
 THIS PROPERTY IS ZONED "R-4"
 < SINGLE-FAMILY RESIDENTIAL DISTRICT 1
 SETBACKS:
 FRONT YARD 25 FEET
 SIDE YARD 10 FEET
 REAR YARD 30 FEET
 OWNER IS ASSUMING FIRE & FLOOD SAFETY YARD
 ALONG THE 20 FOOT EXISTING ALLEY NOT USED

CAMP STREET < 40' R/W >



PROPOSED SITE PLAN
 SCALE 1/8" = 1'-0"

SHEET NO.
 S-1



DCA
 ARCHITECTS
 3415 ASHLEY ESTATES
 MARIETTA, GEORGIA 30067
 PHONE: 770-959-1552 FAX: 770-959-1554

REMEDIATION & ADDITION FOR:
PAM & DAVE WILLEY RESIDENCE
 227 CAMP STREET
 MARIETTA, COBB COUNTY, GEORGIA

DATE	11/15/13
BY	DAVID WILLEY
PROJECT	227 CAMP STREET
CLIENT	PAM & DAVE WILLEY
SCALE	1/8" = 1'-0"