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## **REZONING APPLICATION ANALYSIS**

**ZONING CASE #: Z2020-06**

**LEGISTAR: 20200036**

**LANDOWNERS:** ACFL2, Inc./ Andre Chassaigon  
260 Howard Street NE  
Suite# 4  
Atlanta, Georgia 30317

**APPLICANT:** Aramis Realty, LLC/ Jody Collins  
260 Howard Street NE  
Suite# 4  
Atlanta, Georgia 30317

**AGENT:** N/A

**PROPERTY ADDRESS:** 508 & 510 Morningside Drive NE  
Marietta, Georgia 30060

**PARCEL DESCRIPTION:** 16 11430 0370

**AREA:** ~0.21 AC

**COUNCIL WARD:** 5A

**EXISTING ZONING:** OI (Office Institutional)

**REQUEST:** R-4 (Single Family Residential- 4 units/acre)

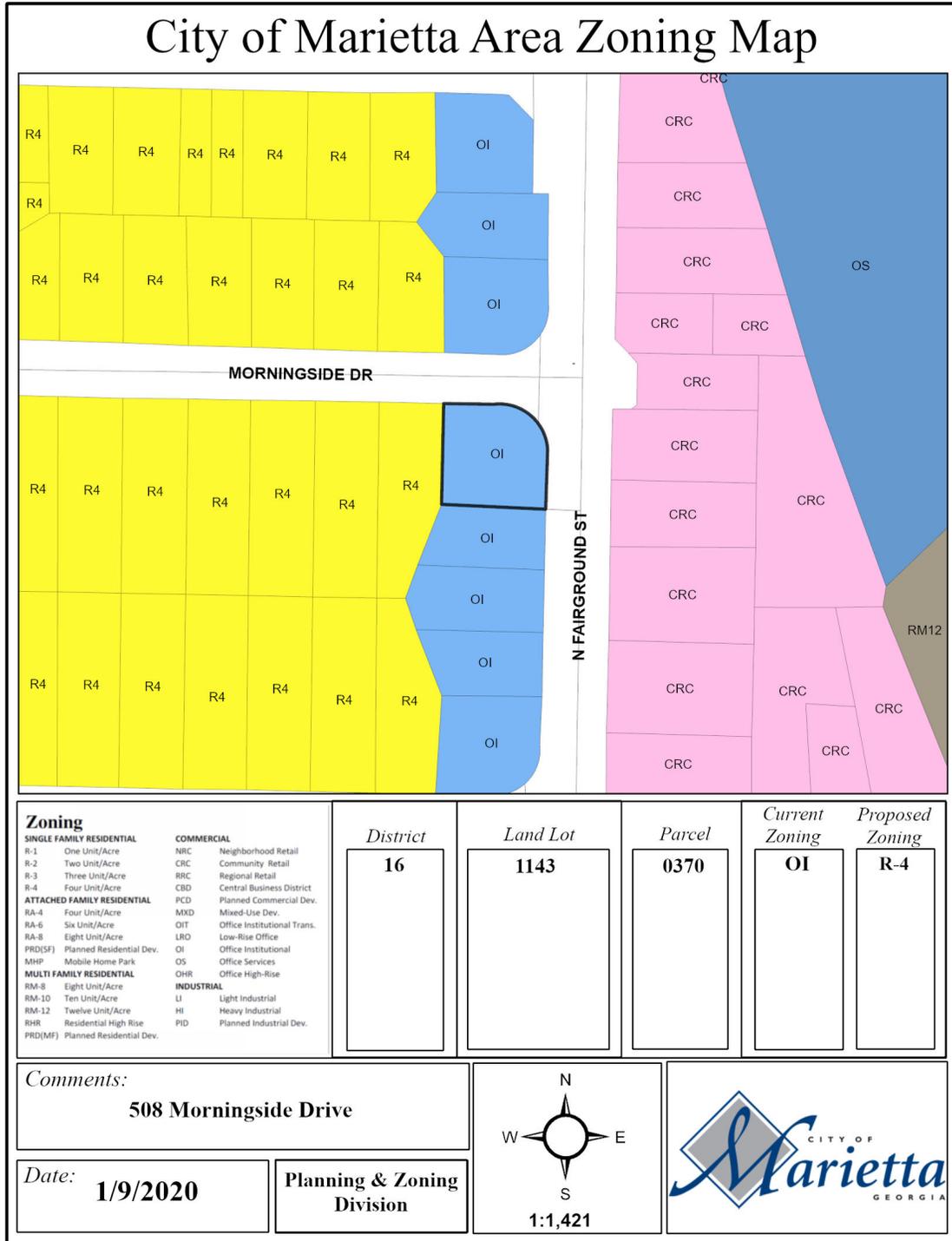
**FUTURE LAND USE:** CAC (Community Activity Center)

**REASON FOR REQUEST:** The applicant is requesting the rezoning of the property at 508 & 510 Morningside Drive NE from OI to R-4 in order to use as a single-family detached residence.

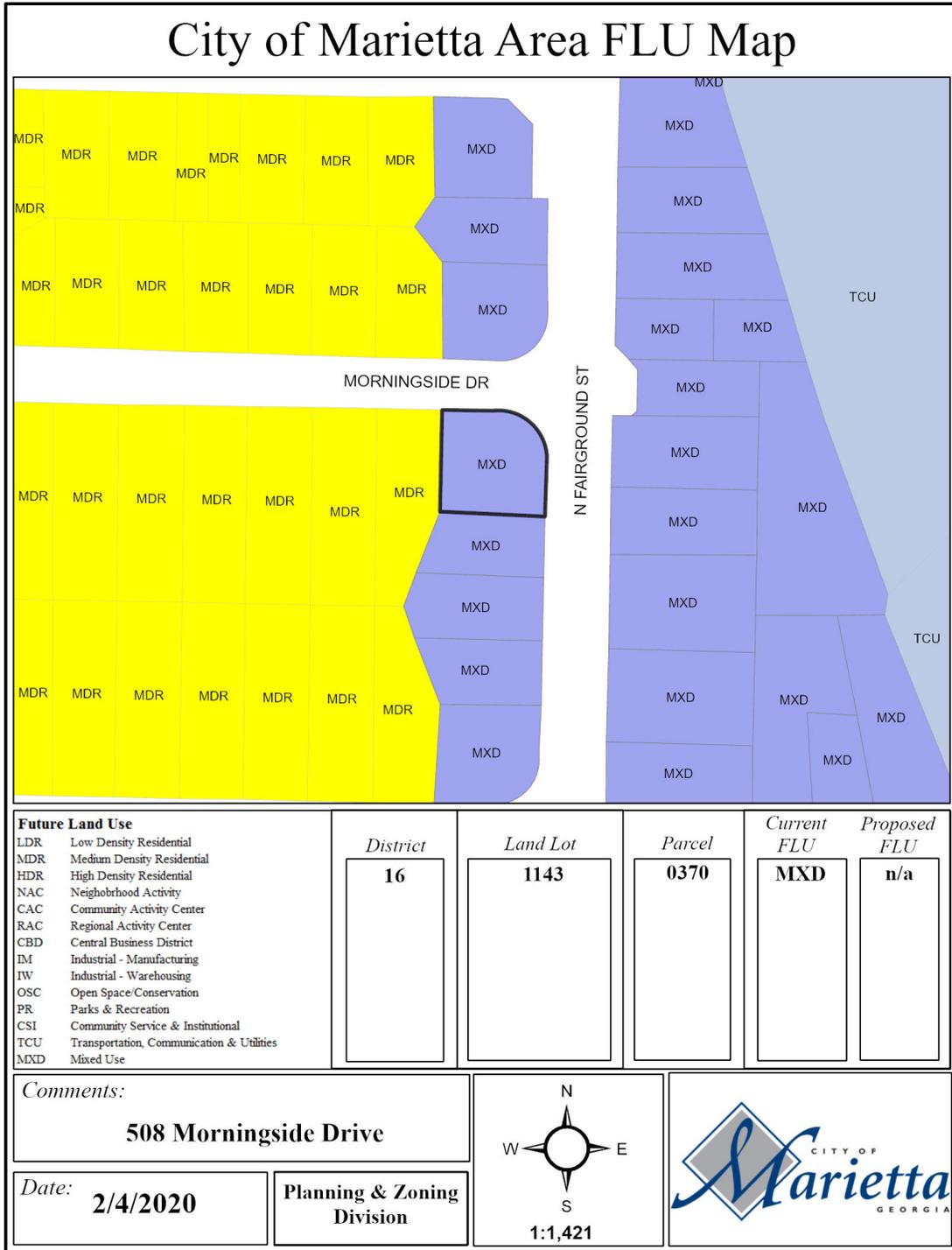
**PLANNING COMMISSION HEARING:** Tuesday, March 3, 2020 – 6:00 p.m.

**CITY COUNCIL HEARING:** Wednesday, March 11, 2020 – 7:00 p.m.

# MAP



## FLU MAP



**PICTURES OF PROPERTY**



*Front of property at 508 & 510 Morningside Drive*



*Driveway next to public right of way on the eastside of property*



*Driveway next to public right of way on the westside of property*

## STAFF ANALYSIS

### *Location Compatibility*

The applicant, Aramis Realty, LLC/ Jody Collins, is requesting the rezoning of the subject property located at 508/510 Morningside Drive, which is 0.21 acres in area, from OI (Office Institutional) to R-4 (Single Family Residential-4 units/acre). The applicant is requesting this rezoning in order to use the existing structure as a single-family residence. The property is located at the corner of Morningside Drive and North Fairground Street.

The adjacent properties to the north are zoned OI and R-4; to the west are all zoned R-4; to the east (across N Fairground St) are zoned CRC (Community Retail Commercial); and to the south are a mixture of OI and R-4 zoning. Further north of Morningside Drive, along both Hyde and Freyer Drive, there are no duplexes and all the residences are single family units.

### *Use Potential and Impacts*

The Morningside/Ramona/Birney area was developed with a mix of duplexes and single-family homes in the 1940s. Many of the duplexes are rental units and many have deteriorated due to lack of maintenance. However, the construction of new homes in the area is expected to increase interest in rehabilitating and reinvesting in nearby, existing homes.

This property had previously been used as a duplex but has been vacant and listed for sale for approximately six (6) years. Many of the residential properties within the area and along Morningside Drive are currently being used as rented duplexes. The applicant had previously requested to rezone (Z2018-31) the property to R-4 with an additional use as a duplex in December 2018 but was denied. This property is surrounded by residential uses and low intensity offices; therefore, the proposed use of this property as a single-family residence should not pose a detrimental effect on the surrounding areas.

To convert the duplex into a single family home, the applicant has provided plans to remove an interior wall separating the living areas. However, there is no indication that the second, unnecessary kitchen will be altered. Should this property be rezoned as requested, the removal of one of the kitchens will be required to ensure that the structure will not be used as two separate units.

Also, the following variances would be necessary to allow the existing structure to remain as is:

1. Variance to reduce the major side setback along the eastern property line from 25 ft. to 21 ft. [§708.04 (H)]
2. Variance to reduce the front yard setback along the northern property line from 25 ft. to 19 ft. [§708.04 (H)]



The FLU (Future Land Use) of this property is CAC (Community Activity Center); The purpose of the Community Activity Center category is to provide for areas that can meet the retail and service needs of several neighborhoods and communities. These are areas that provide a wide range of goods and services, including businesses and professional offices, which are appropriately located throughout the city along collector and arterial streets. The current zoning of OI is compatible with the FLU. Although R-4 zoning is not compatible with the CAC Future Land Use, it is reflective of the current use of properties in the surrounding neighborhood.

*Environmental Impacts*

Only minimal changes are proposed so there should be no additional environmental impacts caused by the proposed request. There is no indication of any wetlands, streams, or endangered species existing on the property.

*Economic Functionality*

The subject property, as well as all corner properties along the west side of North Fairground Street, are zoned OI. However, most of these parcels lack the size needed for viable office use. There are no commercial or office uses on the west side of Fairground Street, but several properties along the east side of Fairground Street have transitioned to commercial use. The limited area of the subject property does not meet the minimum lot size or provide enough area for office/commercial parking requirements; therefore, this property is not economically functional as currently zoned.

*Infrastructure*

The property has two areas used for parking: the eastern curb cut leads to a paved area and the western curb cut leads to a lightly graveled area that is now overgrown with grass. Current regulations require two (2) parking spaces per unit and the Zoning Ordinance prohibits parking on an unpaved surface or on the street. The paved parking space is located dangerously close to the intersection and stop sign at North Fairground Street. If the property is rezoned as requested, the existing paved parking space should be removed, and two paved parking spaces should be provided on the west side of the home. The sidewalk at the driveway must also be replaced. Otherwise, the following variance would be necessary to allow conditions remain as-is:

1. Variance to allow a gravel and grass surface for parking. [*§716.08 (B)*]

According to Marietta City Schools Impact Assessment, there is only the potential of two (2) students that would possibly enroll in the school system from the rezoning of this development. Therefore, staff does not expect the rezoning of this property to have a negative impact on the city school system.



*Overhead Electrical/Utilities*

There are overhead utilities on Morningside Drive, but no potential conflicts are anticipated with this request.

*History of Property*

The applicant previously requested the rezoning of this property in 2018 (Z2018-31) from OI to R-4 with the additional usage as a duplex but the request was denied by City Council.

*Historical Impacts*

There is no known historical significance associated with this property.



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## ANALYSIS & CONCLUSION

The applicant, Aramis Realty, LLC/ Jody Collins, is requesting the rezoning of the subject property located at 508/510 Morningside Drive, which is 0.21 acres in area, from OI to R-4. The applicant is requesting this rezoning in order to convert the existing structure to a single-family residence. The property is located at the corner of Morningside Drive and North Fairground Street. Surrounding properties are zoned R-4, OI, and CRC.

This property had previously been used as a duplex but has been vacant and listed for sale for six (6) years. Many of the residential properties within the area and along Morningside Drive are currently being used as duplexes. However, most are rental units that have deteriorated due to lack of maintenance. The applicant had previously requested to rezone the property to R-4 (Z2018-31) with an additional use as a duplex in December 2018 but that request was denied. Since the property is surrounded by residential uses and low intensity offices, a single-family residence should not be detrimental to the surrounding area.

The applicant has provided plans to remove an interior wall separating the living areas to convert the duplex into a single-family home. However, there is no indication that the second, unnecessary kitchen would be altered. Should this property be rezoned as requested, the removal of one of the kitchens will be required to ensure that the structure will not be used as two separate units. Also, should the property be rezoned as requested, the following variances would be necessary to allow the structure remain as is:

1. Variance to reduce the major side setback along the eastern property line from 25 ft. to 21 ft. for the existing structure only. [*§708.04 (H)*]
2. Variance to reduce the front yard setback along the northern property line from 25 ft. to 19 ft. for the existing structure only. [*§708.04 (H)*]

The existing paved parking space, which is dangerously close to the intersection, should be removed and two paved parking spaces should be provided on the west side of the home. The sidewalk at the driveway must also be replaced. Otherwise, the following variance would be necessary to allow the parking to remain as-is:

- Variance to allow a gravel and grass surface for parking. [*§716.08(B)*]

The FLU (Future Land Use) of this property is CAC (Community Activity Center); The purpose of the Community Activity Center category is to provide for areas that can meet the retail and service needs of several neighborhoods and communities. Although the existing OI zoning is compatible with the FLU, a single family home zoned R-4 is more reflective of the current use of the neighborhood.

Prepared by: *J. Suddell*

Approved by: *Rusty Roth*



## 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 in Morningside and 12 in Fairground
Capacity of the water line?	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?	6 inch in Morningside and 8 inch in Fairground
Capacity of the sewer line?	A.D.F. Peak
Estimated waste generated by proposed development?	Not Provided
Treatment Plant Name?	Cobb County
Treatment Plant Capacity?	Cobb County
Future Plant Availability?	Cobb County

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## DATA APPENDIX CONTINUED

### ***DRAINAGE AND ENVIRONMENTAL CONCERNS***

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Does flood plain exist on the property:	No
What percentage of the property is in the flood plain?	N/A
What is the drainage basin for the property?	Sope Creek
Is there potential for the presence of wetlands as determined by the U.S. Environmental Protection Agency?	No
If so, is the use compatible with the possible presence of wetlands?	No
Do stream bank buffers exist on the parcel?	No
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

- For safety reasons, reconfiguration of the eastern driveway is strongly recommended and requested

### ***TRANSPORTATION***

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What is the road effected by the proposed change?	Fairground St. and Morningside Dr.
What is the classification of the road?	Fairground St.: Collector
What is the traffic count for the road?	Morningside Dr.: Local
Estimated # of trips generated by the proposed development?	Fairground St.: 22,076 (2018)
Estimated # of pass-by cars entering proposed development?	Morningside Dr.: n/a
Do sidewalks exist in the area?	Daily 10
Transportation improvements in the area?	AM 1
If yes, what are they?	PM 1

Recommend requiring removal of driveway closest to Fairground Street and replacing sidewalk at driveway.



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## DATA APPENDIX CONTINUED

### EMERGENCY SERVICES

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Nearest city or county fire station from the development?	112 Haynes St (51)
Distance of the nearest station?	1.2 miles
Most likely station for 1 <sup>st</sup> response?	51
Service burdens at the nearest city fire station (under, at, or above capacity)?	n/a

**Comments:** If the cost of the project meets or exceeds 100% of the gross assessed value of the building (appraised value of the building) as recorded with the Cobb County Tax Assessor’s office, then the building could be subject to the fire protection ordinance of the Marietta City Code 2-6-140.

### MARIETTA POWER - ELECTRICAL

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Does Marietta Power serve this site?      Yes   x                        No \_\_\_\_\_

If not, can this site be served?              Yes \_\_\_\_\_                      No \_\_\_\_\_

What special conditions would be involved in serving this site?

None

Additional comments:



**DATA APPENDIX CONTINUED**

***MARIETTA CITY SCHOOLS***

**Marietta City Schools Impact Assessment:**

Elementary School System Servicing Development:	<b>Sawyer Road Elementary</b>
Middle School Servicing Development:	<b>Marietta Middle School</b>
High School Servicing Development:	<b>Marietta High School</b>
Capacity at Elementary School:	<b>725</b>
Capacity at Middle School:	<b>1,350</b>
Capacity at Marietta Sixth Grade Academy:	<b>775</b>
Capacity at High School:	<b>2,150</b>
Current enrollment of Elementary School:	<b>630</b>
Current enrollment of Middle School:	<b>1,390</b>
Current enrollment of High School:	<b>2,455</b>
Number of students generated by present development:	<b>0</b>
Number of students projected from the proposed development:	<b>1</b>
New schools pending to serve this area:	<b>0</b>
<b><u>Comments:</u></b>	

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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 #: 22020-06      Legistar #: 2020 0036      PZ #: 20-21  
 Planning Commission Hearing: 3-3-20      City Council Hearing: 3-11-20

Owner's Name ACFL2, Inc. / André Chassaigon

EMAIL Address: \_\_\_\_\_

Mailing Address 260 Howard St NE #4      Zip Code: 30317      Telephone Number 404-512-1876

**COMPLETE ONLY IF APPLICANT IS NOT OWNER:**

Applicant: Aramis Realty, LLC / Jody Collins

EMAIL Address: operations@aramisrealty.com

Mailing Address 260 Howard St NE, Ste 4, Atlanta, GA      Zip Code: 30317

Telephone Number 404-512-1876      Email Address: \_\_\_\_\_

Address of property to be rezoned: 508/510 Morningside Dr NE, Marietta, GA 30060

Land Lot (s) 1143      District 16      Parcel 00370      Acreage 0.241      Ward 5A      Future Land Use: CAE

Present Zoning Classification: 01      Proposed Zoning Classification: R-4      MXD

### 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. The original application must be submitted with ALL ORIGINAL SIGNATURES - Copies of the application or signature(s) will NOT be accepted. ALL rezoning submittals must include proposed plans, supplementary material, etc. in Adobe Acrobat on computer disk.
2. Legal Description. Legal description must be in a WORD DOCUMENT.
3. Application fee (\$500)
4. Copy of the deed that reflects the current owner(s) of the property.
5. Copy of current tax bill showing payment or a certification from the City of Marietta Tax Office stating that taxes have been paid.
6. 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.

**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.

The following information must be included:

- Specific use or uses proposed for the site
  - Acreage, bearing and distances, other dimensions, and location of the tract(s)
  - Locations, sizes and setbacks of proposed structures, including the number of stories and total floor area
  - Detention/retention areas, and utility easements
  - Public or private street(s) - right of way and roadway widths, approximate grades
  - Location and size of parking area with proposed ingress and egress
  - Specific types and dimensions of protective measures, such as buffers
  - Landscaping
  - Wetlands, stream buffers, and 100 year floodplain
7. A detailed written description of the proposed development/project must be submitted with the application.

**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 Planning Commission within the two (2) years preceding the filing of the this application.

[Signature]  
Signature of Owner

[Signature]  
Signature of Applicant

André Chassaignon  
Print Name

Jody Collins  
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.

Jody Collins  
Print Name

[Signature]  
Signature of Applicant

**OWNER/APPLICANT CERTIFICATION**

- The Owner or 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.
- The Owner or Applicant hereby gives permission to enter on the property for inspection during the time application is pending.

[Signature]  
Signature

Jody Collins  
Please Print

260 Howard St NE, Ste 4, Atlanta, GA 30317  
Address

1/7/2020  
Date

Signed, sealed and delivered in the presence of:

Kacy - Ann Marie Brown My Commission Expires: 05/22/23



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

**PROPOSED DEVELOPMENT/PROJECT – 508-510 MORNINGSIDE DR NE**

Given that the property located at 508-510 Morningside Dr NE, Marietta, GA 30060 is a single-family duplex originally built and used for residential purposes, and that the street on which this property is located is a residential neighborhood, and that this property has remained vacant for a period greater than 6 months and thus has fallen into disrepair and is no longer suitable for habitation as-is, we propose to make extensive repairs and modifications to both the interior and exterior of the building, which, when complete, will result in a single-family, non-duplex dwelling fit for renting to and being inhabited by members of the general public.

The proposed repairs to the property will: A) remove the presence of squatters from the premises and discourage their presence in the property or surrounding area(s) via the installation of a 24x7 monitored alarm system and the replacement of broken windows, doors, crawlspace access, etc., including the removal of boards over the existing windows; B) repair and modify the exterior structure and cosmetic appearance via replacement of the roof, rotted siding, entry doors, decorative metalwork and railings, and altering the roof and facade structural designs as needed for the conversion from a duplex into a single-family property; C) render the units fit for residential use and convert the interior layout from a duplex to a single-family design via modification, removal and/or addition of interior walls and doorways, replacement and painting of interior sheetrock on walls and ceilings, replacement and/or refinishing of flooring, replacement of stolen plumbing and electric lines, replacement of central heating and air conditioning systems and linesets, installation of kitchen appliances, application of pest/rodent control measures, etc.

The specific conversion plans for this property are being designed by ESI (Engineering Systems, Inc.), a licensed architectural firm. The actual conversion will be completed by a General Contractor, to be determined.

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**TO: Marietta Daily Journal**

**FROM: City of Marietta**

**RUN AD DATE: February 14, 2020**

**CITY OF MARIETTA  
PUBLIC NOTICE OF REZONINGS and CODE AMENDMENTS**

The City of Marietta hereby gives notice that a public hearing will be held on the following by the Planning Commission on **Tuesday, March 3<sup>rd</sup>, 2020, 6:00 P.M.**, City Hall, for a recommendation to the City Council at their meeting on **Wednesday, March 11<sup>th</sup>, 2020, 7:00 p.m.**, City Hall, for a final decision to be made.

**Z2020-06 [REZONING] ARAMIS REALTY, LLC (ACFL2, INC)** is requesting the rezoning of 0.21 acres located in Land Lot 1143, District 16, Parcel 0370 of the 2<sup>nd</sup> Section, Cobb County, Georgia, and being known as 508 Morningside Drive from OI (Office Institutional) to R-4 (Single Family Residential – 4 units/acre). Ward 5A.

A description and plat of the property sought for the rezoning, special land use permit, and variances are on file in the Planning and Zoning Office, City Hall, and is 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](http://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.

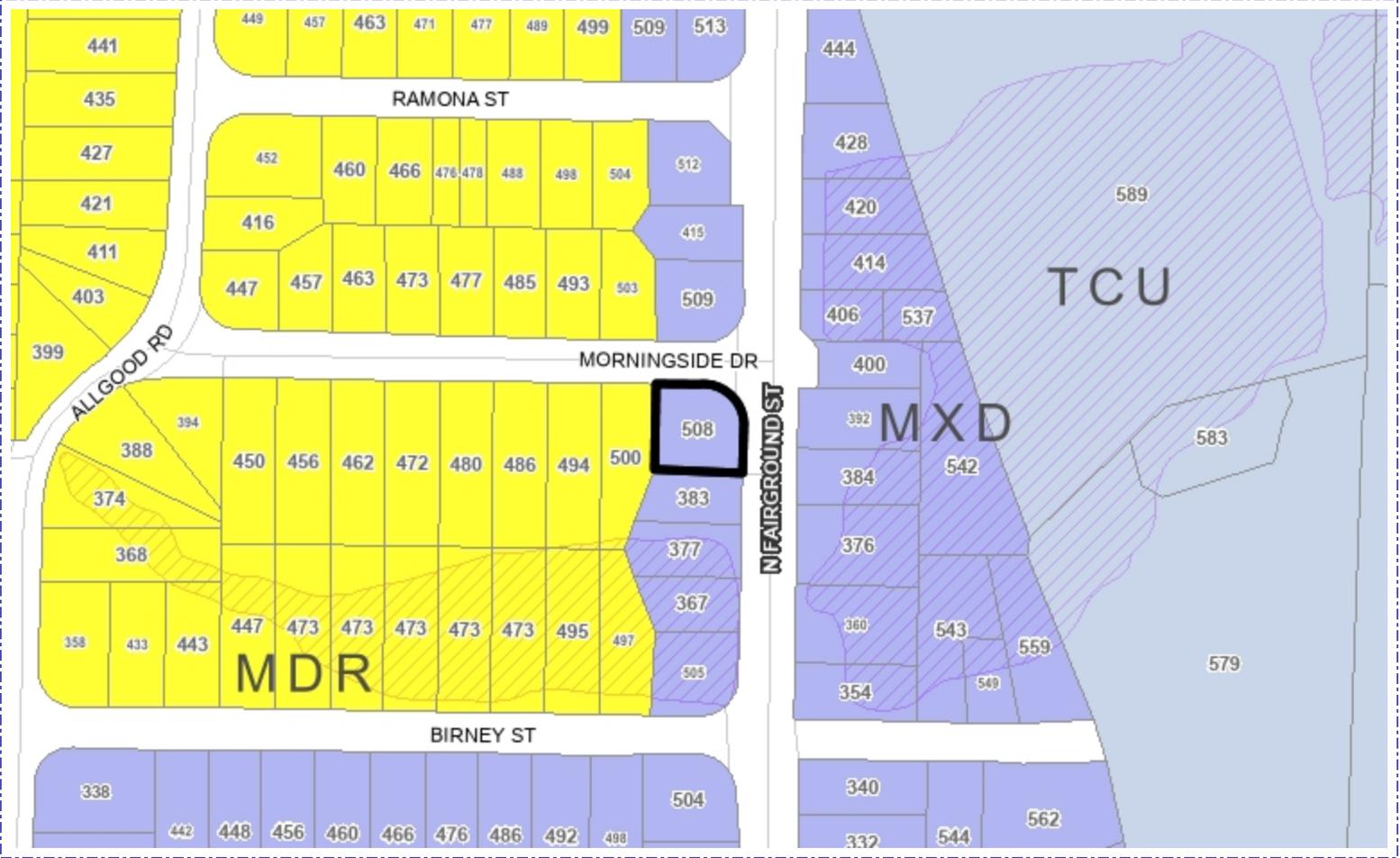
City of Marietta  
205 Lawrence Street  
Marietta, Georgia 30060

# Rezoning

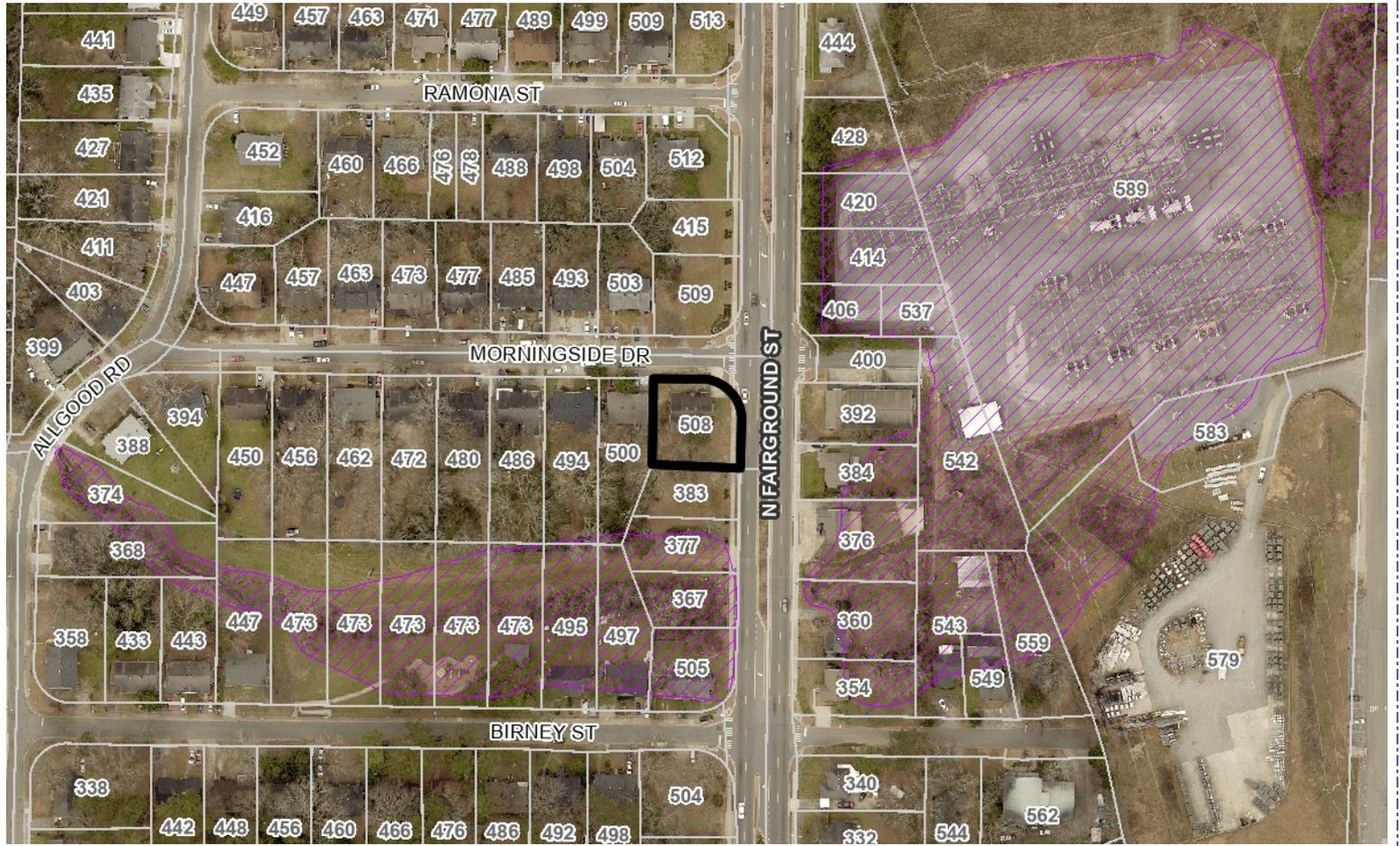


Address	Parcel Number	Acreage	Ward	Zoning	FLU
508 MORNINGSIDE DR	16114300370	0.241	5A	OI	MXD

Property Owner:	ACFL2, Inc./Andre Chassaigon		<b>Zoning Symbols</b> 
Applicant:	Aramis Realty/Jody Collins		
Proposed Zoning:	OI to R4		
Agent:			
Proposed Use:			
Planning Commission Date:	03/03/2020		
City Council Hearing Date:	03/11/2020	Case Number: Z2020-06	
<b>City of Marietta Planning &amp; Zoning</b>			



Address	Parcel Number	Acreage	Ward	Zoning	FLU
508 MORNINGSIDE DR	16114300370	0.241	5A	OI	MXD
Planning Commission Hearing Date:	03/03/2020	<b>Future Land Use Symbols</b> 			
City Council Hearing Date:	03/11/2020				
Future Land Use:	MXD				
Case Number:					
Comments:					
City of Marietta Planning & Zoning					



Address	Parcel Number	Acreage	Ward	Zoning	FLU
508 MORNINGSIDE DR	16114300370	0.241	5A	OI	MXD

Property Owner:	ACFL2, Inc./Andre Chassaigon
Applicant:	Aramis Realty/Jody Collins
City Council Hearing Date:	03/11/2020
Planning Commission Hearing Date:	03/03/2020
BZA Hearing Date:	Case Number: Z2020-06
Comments:	

**Legend**

- Railroads
- City Limits
- Cobb County Pockets

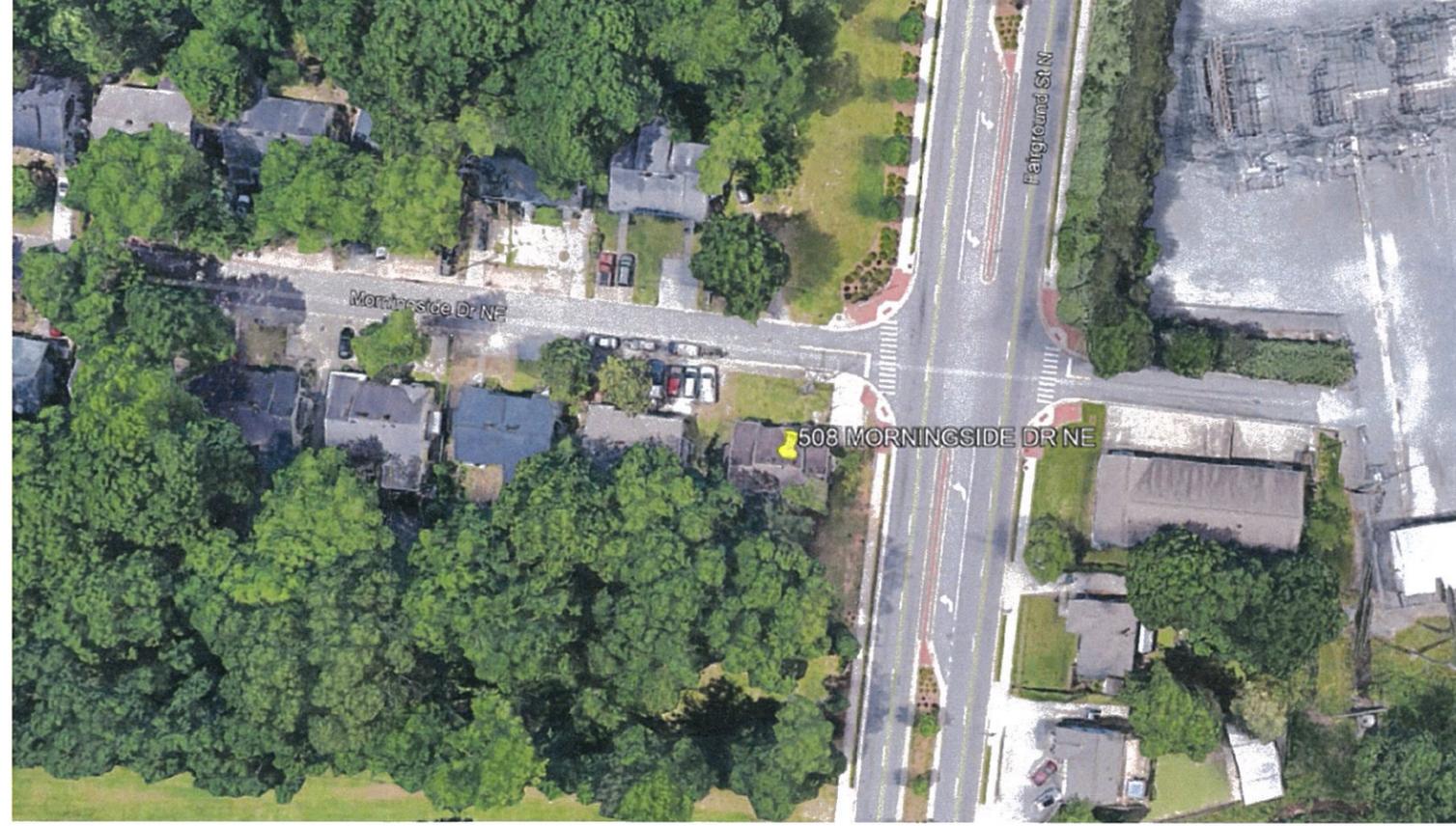
# 508 MORNINGSIDE DRIVE NE MARIETTA, GA



SITE LOCATION

## SHEET INDEX

SHEET NO.	SHEET DESCRIPTION	REV.
C1	EXTERIOR SITE PLAN	0
C2	INTERNAL LAYOUT	0



NOT ISSUED FOR CONSTRUCTION

0

COVER SHEET

NO.	DATE	DESCRIPTION
1	12/21/2019	508 MORNINGSIDE DR SITEPLAN
-	-	-
-	-	-
-	-	-

JOB NO: 74121    ENG: NXA    DRAWN BY: DXE

508 MORNINGSIDE  
DRIVE NE  
SITEPLAN



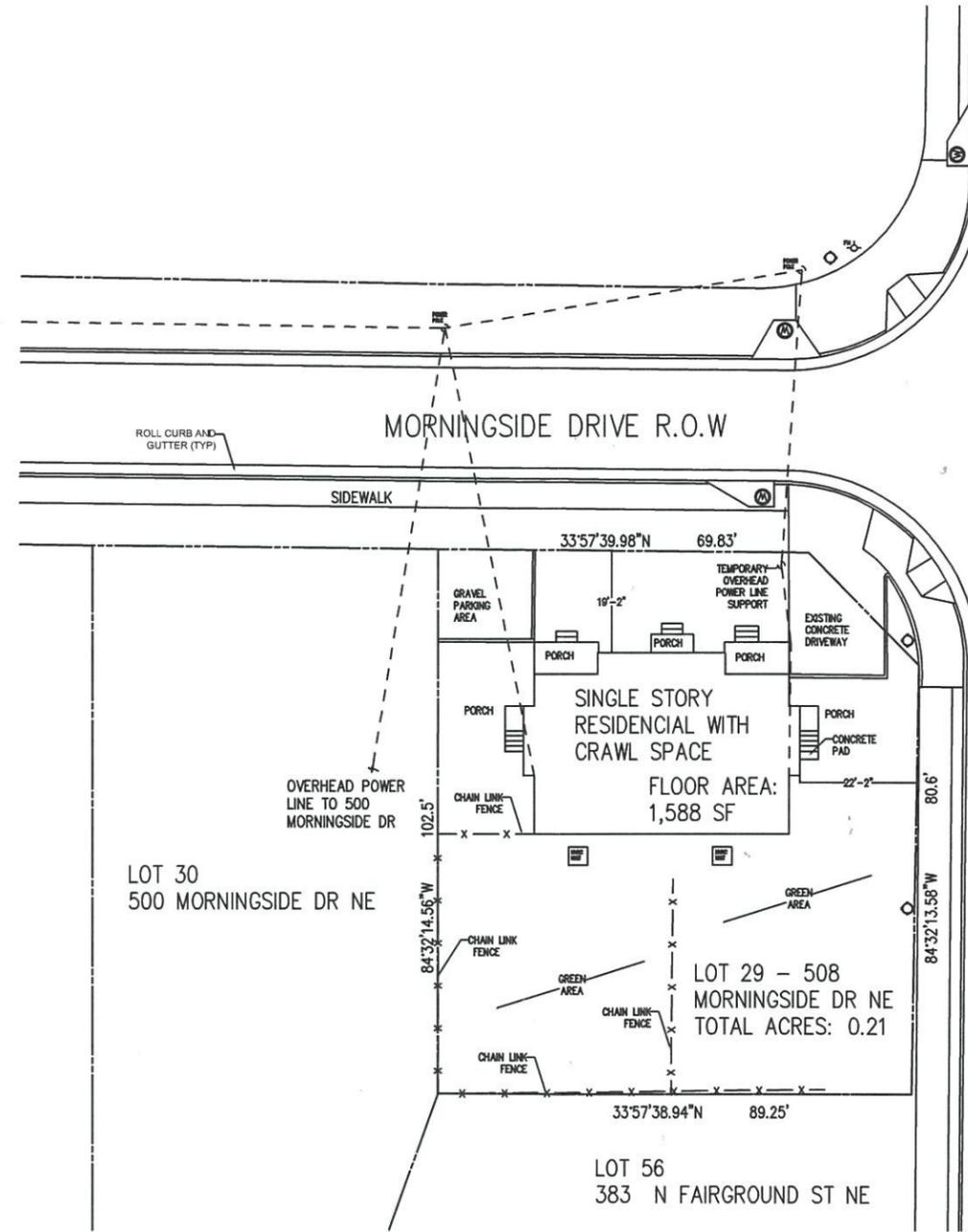
ENGINEERING SYSTEMS, INC.  
Structural Engineering Group  
6230 Regency Parkway  
Norcross, GA 30071  
(678) 990-3280 phone

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- GENERAL NOTES:  
 1. PROPERTY IS OUTSIDE 100 YEAR FLOODPLAIN.  
 2. SITE PLAN OF EXISTING CONDITIONS AS OBSERVED ON 11/26/2019.

LEGEND:

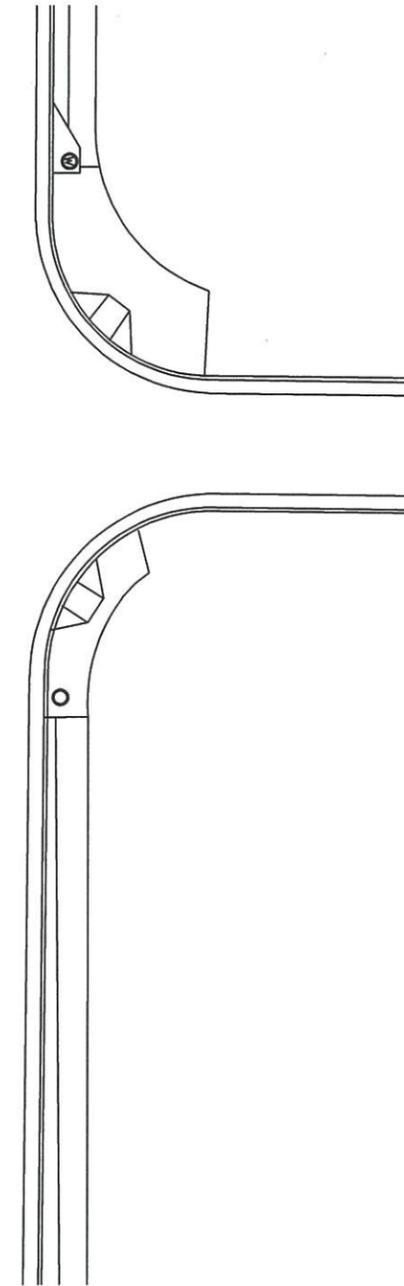
- SYMBOLS:
- STREET LIGHT POLE
  - ⊕ FIRE HYDRANT
  - ⊙ ELECTRICAL POLE
  - ⊙ DRAINAGE MANHOLE
  - MANHOLE
  - x — PROPERTY AND R.O.W. LIMITS
  - - - - OVERHEAD POWER LINES
  - x - CHAIN LINK FENCE
  - - - R.O.W. RIGHT OF WAY



SITE PLAN EXISTING CONDITIONS  
 SCALE: 1/32" = 1'-00"



FAIRGROUND STREET R.O.W.



ENGINEERING SYSTEMS, INC.  
 Structural Engineering Group  
 6230 Regency Parkway  
 Norcross, GA 30071  
 (678) 990-3280 phone



508 MORNINGSIDE  
 DRIVE NE  
 SITEPLAN

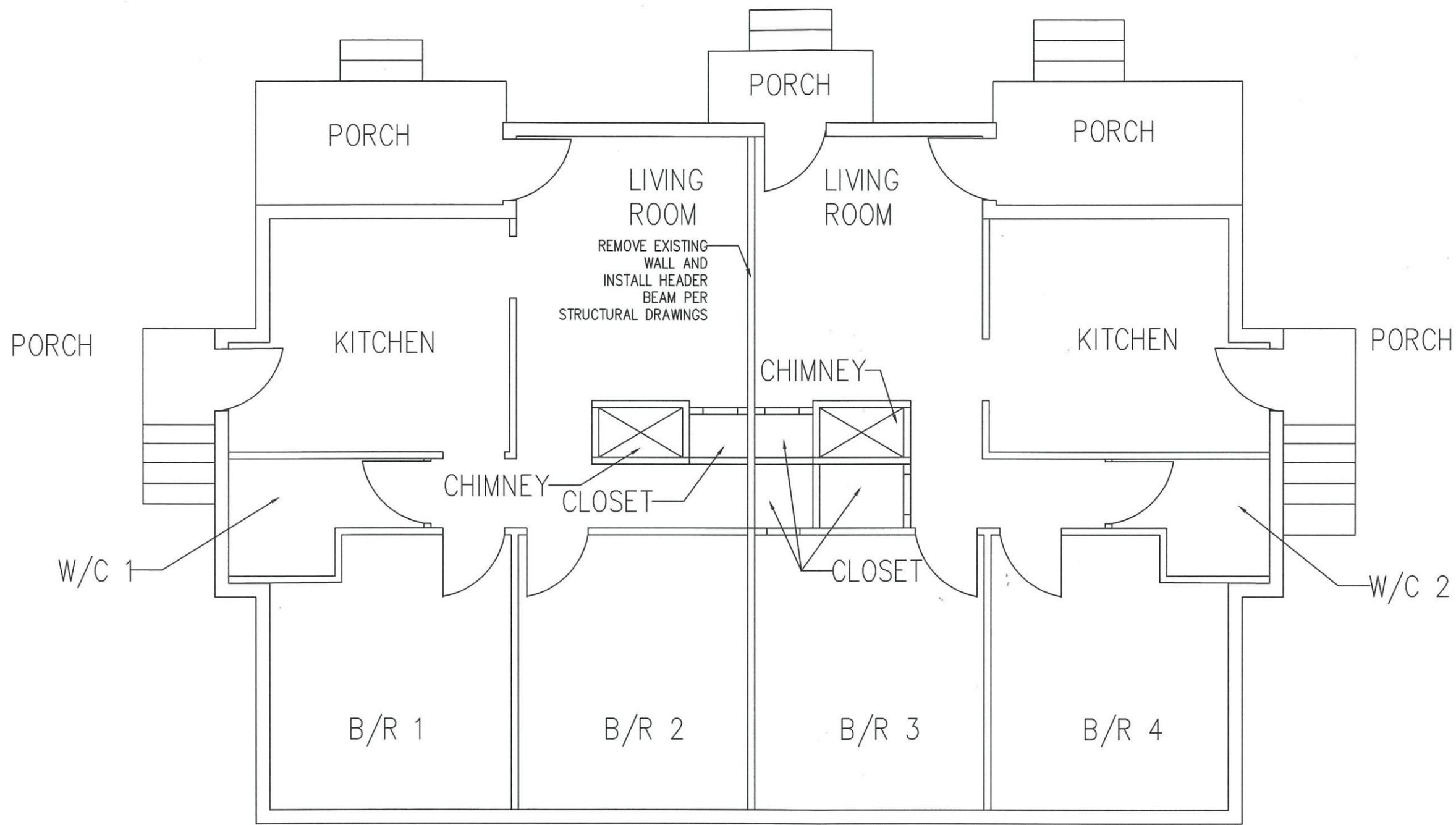
NO.	DATE	DESCRIPTION
1	12/21/2019	508 MORNINGSIDE DR SITEPLAN

JOB NO. 74121    ENG: NXA    DRAWN BY: DXE

NOT ISSUED FOR CONSTRUCTION

EXISTING CONDITIONS

C1



SITE PLAN EXISTING CONDITIONS  
SCALE: 3/16" = 1'-00"



NOT ISSUED FOR CONSTRUCTION

NO.	DATE	DESCRIPTION
1	12/21/2019	508 MORNINGSIDE DR SITEPLAN

508 MORNINGSIDE  
DRIVE NE  
SITEPLAN

ENGINEERING SYSTEMS, INC.  
Structural Engineering Group  
6230 Regency Parkway  
Norcross, GA 30071  
(678) 990-3280 phone

C2

INTERNAL LAYOUT

