

AN ORDINANCE

**REZONING** property in the corporate limits of the City of Marietta, Georgia Land Lot 1147, District 16, Parcel 0080 of the 2<sup>nd</sup> Section, Cobb County, Georgia, and being known as **90 Stewart Avenue**.

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**WHEREAS**, application has been filed by **RICHARD W. JANTZEN, III & MARY ASHLEY JANTZEN** for rezoning property in the corporate limits of the City of Marietta, Georgia; and,

**WHEREAS**, following proper notice, a public hearing was held before this body; and,

**NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF MARIETTA, GEORGIA, THAT:**

**Section 1:** The following property to wit:

All that tract or parcel of land lying and being in Land Lot 1147 of the 16th District, 2nd Section, Cobb County, Georgia, and fronting 110 feet on the north side of Stewart Avenue in said city and extending back north a uniform width for a distance of 158 feet, and being more particularly described as follows:

Beginning at a point on the north side of Stewart Avenue in said city and south-west corner of the property formerly known as the J.J. Daniell home place, or rather at point where west side of a 10 foot alley separates this property from that of the aforesaid J.J. Daniell's home place, and running thence north along the west side of said alley for a distance of 85 feet, and thence continuing north along west side of G. C. Roberts' former property for a distance of 73 feet to a corner; thence west for a distance of 110 feet to property formerly belonging to J. W. Morris' estate; thence south along east line of J. W. Morris' estate property for a distance of 158 feet to north side of Stewart Avenue thence east along north side of Stewart Avenue for a distance of 110 feet to the beginning point.

Said tract or parcel of land contains 0.4 acres, more or less.

**Section 2:** The above-described property is hereby rezoned into the corporate limits in the City of Marietta, Georgia from R-4 (Single Family Residential – 4 units/acre) to R-4 (Single Family Residential – 4 units/acre) with an increase in density.

**Section 3:** The following variances are incorporated as conditions of zoning:

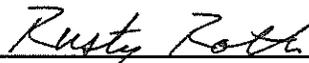
1. Variance to reduce the side setback for an existing structure from 10' to 0' for Tract 1 [*§708.04 (H)*]
2. Variance to reduce the front setback for an existing structure from 25' to 24' for Tract 1 [*§708.04 (H)*]
3. Variance to reduce the lot width for a property zoned R-4 from 75' to 59' for Tract 1 [*§708.04 (H)*]
4. Variance to reduce the lot width for a property zoned R-4 from 75' to 51' for Tract 2 [*§708.04 (H)*]
5. Variance to increase the density from 4 units/acre to 4.78 units/acre for the construction of two homes on 0.418 acres. [*§708.04 (H)*]
6. Variance for the existing sidewalk to remain as is in lieu of improving it to a 5-foot-wide sidewalk with 2-foot landscape strip. [*§732.07 (C)*]

**Section 4:** It is hereby declared to be the intention of this Ordinance that its sections, paragraphs, sentences, clauses and phrases are severable, and if any section, paragraph, sentence, clause or phrase of this Ordinance is declared to be unconstitutional or invalid, it shall not affect any of the remaining sections, paragraphs, sentences, clauses or phrases of this Ordinance.

**Section 5:** All Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed.

**Section 6:** This Ordinance shall become effective upon the signature or without the signature of the Mayor, subject to Georgia laws 1983, page 4119.

Final Ordinance submitted by:

  
\_\_\_\_\_  
Rusty Roth, Acting Director  
Department of Development Services

Approved as to form:

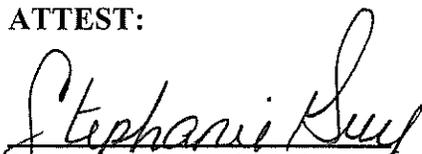
  
\_\_\_\_\_  
Douglas R. Haynie, City Attorney

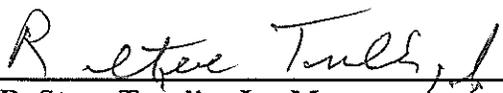
Approved by City Council:

DATE: May 13, 2020

APPROVED:

ATTEST:

  
\_\_\_\_\_  
Stephanie Guy, City Clerk

  
\_\_\_\_\_  
R. Steve Tumlin, Jr., Mayor

**MAP**

