



**STAFF REVIEW AND RECOMMENDATION**

**Variance Case #:** V2020-35                      **Legistar #:** 20200701

**Board of Zoning Appeals Hearing: Monday, September 28, 2020 – 6:00 p.m.**

**Property Owner:** Andrew & Kelly Hairetis  
192 Church St NE  
Marietta, GA 30060

**Applicant:** Same as owner.

**Address:** 632 Kennesaw Avenue

**Land Lot:** 1085                      **District:** 16                      **Parcel:** 00030

**Council Ward:** 4A                      **Existing Zoning:** R-2 (Single Family Residential – 2units/acre)

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

1. Variance to reduce the lot width from 100 feet to 82 feet for Tract I. [*§708.02 (H)*]
2. Variance to reduce the lot width from 100 feet to 74 feet for Tract II. [*§708.02 (H)*]

**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**



**632 Kennesaw Avenue – Tract I**



**632 Kennesaw Avenue – Tract II**

**Recommended Action:**

**Denial.** The owners, Andrew and Kelly Hairetis, are seeking the necessary variances in order to split their existing parcel into two (2) parcels. The subject property is approximately 1.598 acres in size and is zoned R-2 (Single Family Residential – 2units/acre). The adjacent properties to the northwest and west (across Kennesaw Avenue) are also zoned R-2. *The Oaks* residential development, zoned R-4 (Single Family Residential – 4units/acre), lies to the north. South of the subject property is an office complex zoned OI (Office Institutional). Railroad tracks run along the eastern side of the property. The owners wish to divide the subject property into two parcels and sell one parcel.

When creating a new parcel, the parcel shall meet all minimum standards of the zoning designation. Any non-conformities caused from the new property line must be addressed prior to recording with Cobb County Superior Court Clerk. Although the existing structure has encroached into the building setbacks – the new property line does not create the non-conformity. Therefore, a variance for the existing encroachments are not necessary. However, dividing the parcel reduces the lot width below the minimum lot width of 100 feet. Based on the submitted plans, “Tract I” lot width is being reduced to 82 feet and “Tract II” lot width is being reduced to 74 feet. According to definitions, “*Lot width is the distance between the side lot line measured along the front building line of the lot as determined by the prescribed minimum front setback requirement.*” Please note that Kennesaw Avenue is a collector road; therefore, the front setback is 35 feet.

In order to legally separate the subject property into two tracts, a variance to reduce the lot widths would be necessary. There is a local street (Nelson Street) across from the subject property and Kennesaw Avenue is a collector road which experiences a lot of vehicular traffic. Although the future plans for the new lots are not noted, adding another residential driveway could cause a safety concern along Kennesaw Avenue. Therefore, the owners should consider a shared driveway easement for the two parcels to alleviate multiple curb cuts. The lots along this section of Kennesaw Avenue provide wide road frontages to allow for vehicular turn arounds when entering/exiting the property. The newly created lots could create vehicular safety concerns on a highly traveled road; ***therefore, staff recommends denial.***

*Engineering comment: Because these lots are being created/platted after 2006, they will not be eligible for local stream buffer variances. Local stream buffer variances will not be considered when the actions of a property owner have created their own conditions of hardship, known as “self-imposed hardship”. Only if the Georgia Environmental Protection Division grants a State stream buffer variance will the city consider granting a local stream buffer variance. (Section 7-10-050 B.4.)*

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

APPLICATION FOR VARIANCE OR APPEAL

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

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

For Office Use Only:

Application #: 2020-35 Legistar #: 20200701 BZA Hearing Dt: 9-28-20
City Council Hearing Dt (if applicable) #: - PZ #: 20-235

This is a variance/appeal application for:

[x] Board of Zoning Appeals [ ] City Council

Owner's Name Andrew Hairetis and Kelly Hairetis

EMAIL Address: controln@gmail.com

Mailing Address 192 Church St NE Marietta GA Zip Code: 30060 Phone Number 678-301-0065

COMPLETE ONLY IF APPLICANT IS NOT OWNER:

Applicant:

EMAIL Address:

Mailing Address Zip Code: Phone Number

Address of subject property: 632 Kennesaw Ave, Marietta GA 30060 Date of Acquisition: March 9 2020

Land Lot (s) 1085p District 16 Parcel 30 Acreage 1.598 Zoned R2 Ward 4A FLU: CSI

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

Split 1.7 ac lot into two lots- one measuring approx .5ac and the second measuring approx 1.2 ac.

Add one driveway curb cut for lot of 1.2 ac.

Reduce Minimum Lot Width

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

**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.

ANDREW HAIRETIS  
Applicant 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.
- **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.

\_\_\_\_\_  
Applicant Signature (if not the Owner)

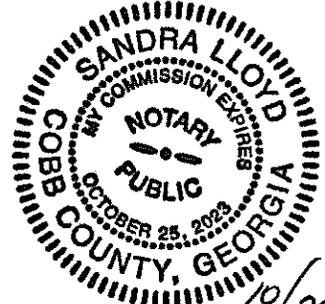
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Please Print

[Signature]  
Owner Signature

ANDREW HAIRETIS  
Please Print

192 CHURCH ST MARIETTA GA 30060  
Mailing Address

8/14/2020  
Date



Signed, sealed and delivered in the presence of:

[Signature]

My Commission Expires: 10/25/2023

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

Many business have been affected by the COVID-19 pandemic and our business is no exception. When we purchased the property on Kennesaw Ave our plans were to renovate the home and possibly move-in in the future - after we sold our existing home. Once our business was shut down earlier this year, we had to re-evaluate our plans and take a more conservative approach to our finances, including changing course on the Kennesaw property.

Our plan now is to subdivide the lot into two smaller lots and sell one. This would free up resources to allow us to pursue other options for the bigger lot which includes on it the existing house that need renovation.

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**TO: Marietta Daily Journal**

**FROM: City of Marietta**

**RUN DATE: September 11, 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, September 28<sup>th</sup>, 2020 at 6:00 P.M.**, City Hall. Anyone wishing to attend may do so and be heard relative thereto.

**V2020-35 [VARIANCE] ANDREW & KELLY HAIRETIS** are requesting a variance for property zoned R-2 (Single Family Residential – 2 units/acre), located in Land Lot 1085, District 16, Parcel 0030, 2<sup>nd</sup> Section, Marietta, Cobb County, Georgia, and being known as 632 Kennesaw Avenue. Variance to reduce the lot width from 100 feet to 82 feet for Tract I and from 100 feet to 74 feet for Tract II. Ward 4A.

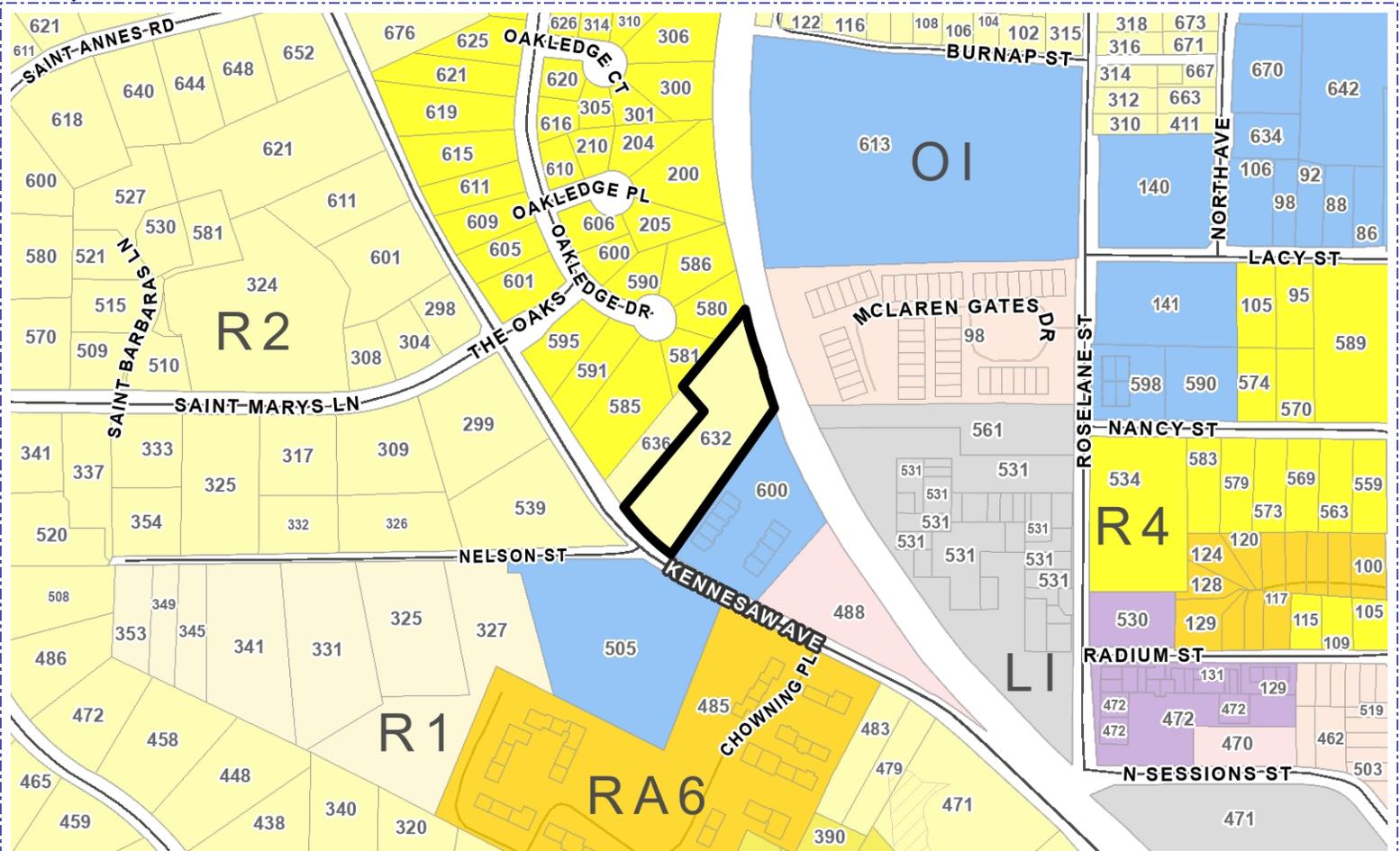
A description and plat of the property sought for the variances are on file in the Planning and Zoning Office, City Hall, and are available for inspection between 8:00 A.M. and 5:00 P.M., Monday through Friday. Anyone wishing to attend may do so and be heard relative thereto. You may also review the property file at [www.marietta.gov](http://www.marietta.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
632 KENNESAW AVE	16108500030	1.598	4A	R2	CSI

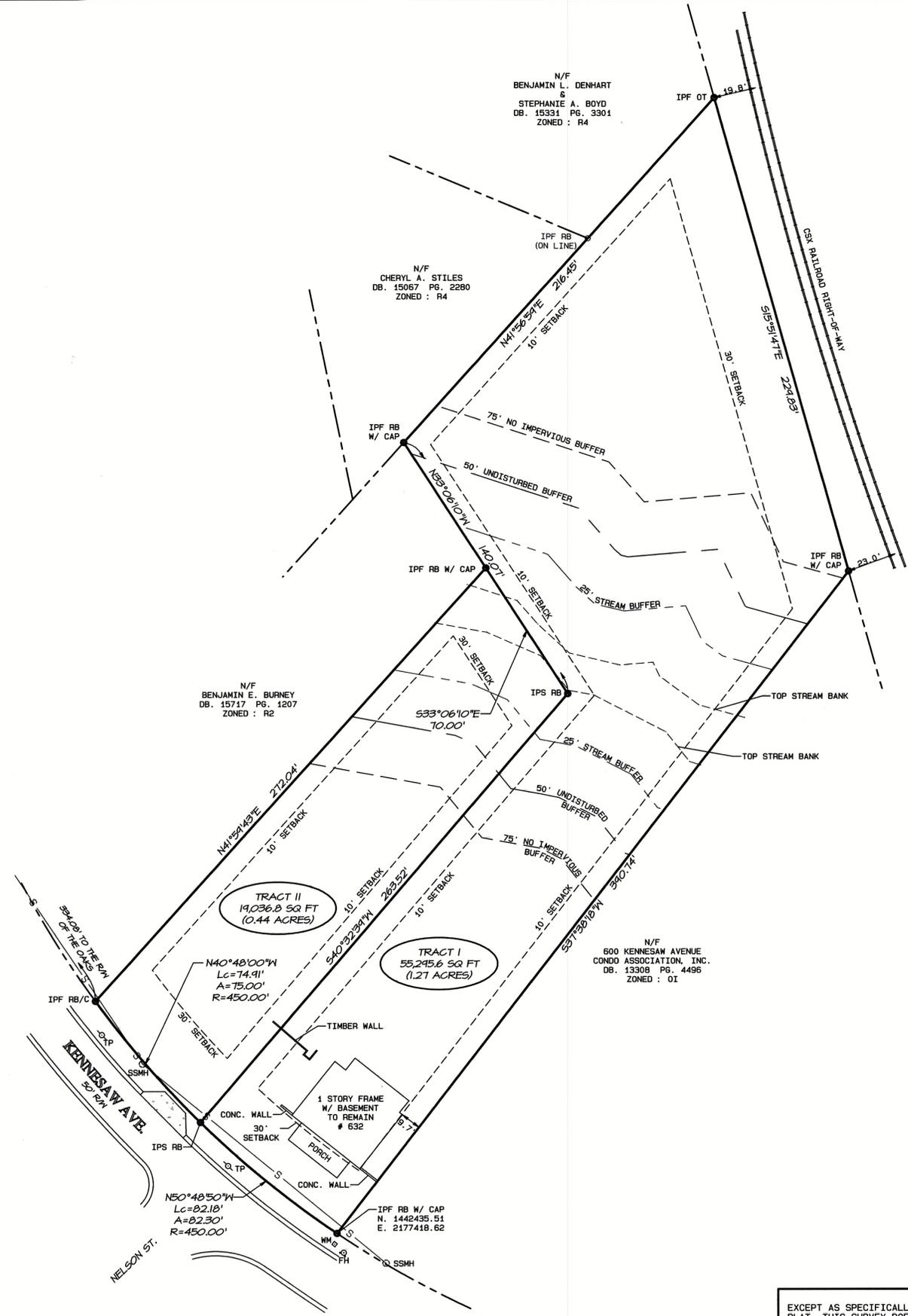
Property Owner:	Andrew & Kelly Hairetis	<b>Zoning Symbols</b> --- Railroads --- City Limits --- Cobb County Pockets NA R1 - Single Family Residential (1 unit/acre) R2 - Single Family Residential (2 units/acre) R3 - Single Family Residential (3 units/acre) R4 - Single Family Residential (4 units/acre) 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
Applicant:		
BZA Hearing Date:	09/28/2020	
Acquisition Date:		
Case Number:	V2020-35	
<b>City of Marietta Planning &amp; Zoning</b>		

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, 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.

*John O. Huffman* 8-17-2020  
 JOHN O. HUFFMAN RLS 2034



- REFERENCES :
- DEED BOOK 15738, PAGE 6479, COBB COUNTY RECORDS.
  - BOUNDARY SURVEY FOR T-MOBILE SOUTH, LLC. BY BAILEY LAND GROUP, DATED 08-08-2018, PROJECT NO. 18.136



IT IS HEREBY CERTIFIED THAT THIS PLAT IS TRUE AND CORRECT PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE UNDER MY SUPERVISION ON THE GROUND.

*John O. Huffman*  
 REGISTERED LAND SURVEYOR # 2034

THE UNDERSIGNED, AS PUBLIC WORKS DIRECTOR OF THE CITY OF MARIETTA, GEORGIA, HEREBY APPROVES THIS PLAT FOR THE RECOEDING OF SAME IN THE OFFICE OF THE CLERK OF THE SUPERIOR COURT OF COBB COUNTY.

\_\_\_\_\_  
 PUBLIC WORKS DIRECTOR DATE  
 CITY OF MARIETTA

THE UNDERSIGNED, AS DEVELOPMENT SERVICES DIRECTOR OF THE CITY OF MARIETTA, GEORGIA, HEREBY APPROVES THIS PLAT FOR THE RECORDING OF SAME IN THE OFFICE OF THE CLERK OF THE SUPERIOR COURT OF COBB COUNTY.

\_\_\_\_\_  
 DEVELOPMENT SERVICES DIRECTOR DATE  
 CITY OF MARIETTA

OWNER,  
 ANDREW HAIRETIS  
 632 KENNESAW AVE. NW  
 MARIETTA GA. 30060  
 PH : 678-301-0065

\_\_\_\_\_  
 SIGNATURE DATE

THE PURPOSE OF THIS PLAT IS TO CREATE NEW TRACT II FROM TRACT I (16 10850 0030).

EXEMPTION PLAT  
 FOR  
**ANDREW HAIRETIS &  
 KELLY HAIRETIS**  
 LOCATED IN LAND LOT 1085  
 16th. DISTRICT, 2nd. SECTION  
 CITY OF MARIETTA  
 COBB COUNTY, GEORGIA  
 SCALE: 1" = 30'



DATE OF SURVEY : JULY 31, 2020  
 DATE OF DRAWING : AUGUST 10, 2020

THIS SURVEY WAS PREPARED IN CONFORMITY WITH THE TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN CHAPTER 180-7 OF THE RULES OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN THE GEORGIA PLAT ACT O.C.G.A. 15-6-67.

CERTIFICATE OF AUTHORIZATION NUMBER LSF 000196

- ZONING NOTES :
- PROPERTY IS ZONED : R-2
  - MINIMUM LOT SIZE : 15,000 SQ. FT.
  - SETBACKS : FRONT : 30'  
 MAJOR SIDE : 25'  
 MINOR REAR : 10'
  - MINIMUM FLOOR AREA : 1,600 SQ. FT.

EXCEPT AS SPECIFICALLY STATED OR SHOWN ON THIS PLAT, THIS SURVEY DOES NOT PURPORT TO REFLECT ANY OF THE FOLLOWING WHICH MAY BE APPLICABLE TO THE SUBJECT REAL ESTATE: EASEMENTS, OTHER THAN POSSIBLE EASEMENTS THAT WERE VISIBLE AT THE TIME OF MAKING OF THIS SURVEY; BUILDING SETBACK LINES; RESTRICTIVE COVENANTS; SUBDIVISION RESTRICTIONS; ZONING OR OTHER LAND USE REGULATIONS; AND ANY OTHER FACTS THAT AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE.

ACCORDING TO AN EXAMINATION OF THE OFFICIAL F.I.R.M. FLOOD MAPS, THIS PROPERTY DOES NOT HAVE ANY SPECIAL FLOOD HAZARD CONDITIONS.

EQUIPMENT USED : GEOMAX ZOOM90

THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 21,231 FEET, AND AN ANGULAR ERROR OF 0" PER ANGLE POINT, AND WAS ADJUSTED USING: NO ADJUSTMENT

THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 218,874 FEET.

LEGEND

MH - MANHOLE	IPF - IRON PIN FOUND
MON - MONUMENT	IPS - IRON PIN SET
FH - FIRE HYDRANT	RB - REBAR
WV - WATER VALVE	OT - OPEN TOP
WM - WATER METER	CT - CRIMP TOP
CO - CLEAN OUT	SR - SOLID ROD
GM - GAS METER	CB - CATCH BASIN
GV - GAS VALVE	JB - JUNCTION BOX
FFE - FINISH FLOOR	DI - DROP INLET
ELEVATION	WI - WEIR INLET
PP - POWER POLE	YI - YARD INLET
LP - LIGHT POLE	SS - SANITARY SEWER

**H. B. & P.  
 SURVEYING, LLC**

850 KENNESAW AVE.  
 SUITE 8  
 MARIETTA, GA. 30060  
 PHONE (770) 425-0141  
 FAX (770) 425-8579

JOB # 20-079