

FILE REFERENCE NO: 20120859  
ORDINANCE NO: 7609

## AN ORDINANCE

**REZONING** the following property in the corporate limits of the City of Marietta, Georgia in Land Lot 11470, District 16, Parcel 0390, 2<sup>nd</sup> Section, Marietta, Cobb County, Georgia and being known as 361/363 Campbell Hill Street.

---

**WHEREAS**, application has been filed by **RAY WORDEN** 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 16<sup>th</sup> District, 2<sup>nd</sup> Section, Cobb County, Georgia being 0.24 acres as per plat of survey of #361 and #363 Campbell Hill Street, dated May 23, 2012, prepared by R.F.M. Consulting, LLC and being more particularly described as follows:

To find the TRUE POINT OF BEGINNING, begin at a 1/2 inch rebar located at the intersection of the southerly side of the right-of-way of Sessions Street and the easterly side of the right-of-way of Campbell Hill Street and from beginning point run thence South 28 degrees 27 minutes 08 seconds West for a distance of 64.03 feet to a 1" rod located on the westerly side of the right-of-way of Campbell Hill Street and on the eastern land lot line of Land Lot 1147, said district and section, which is the TRUE POINT OF BEGINNING; from said TRUE POINT OF BEGINNING, running thence South 00 degrees 00 minutes 00 seconds East along the westerly side of the right-of-way of Campbell Hill Street, and along the eastern land lot line of Land Lot 1147, for a distance of 51.64 feet to a 3/4" rod and corner; running thence North 88 degrees 53 minutes 30 seconds West for a distance of 179.73 feet to a 1/2 inch rebar and corner; running thence North 43 degrees 10 minutes 08 seconds West for a distance of 72.11 feet to a 1/2 inch rebar and corner; running thence South 88 degrees 53 minutes 40 seconds East for a distance of 229.08 feet to a 1" rod at the TRUE POINT OF BEGINNING.

**Section 2:** The following properties are hereby rezoned into the corporate limits in the City of Marietta, Georgia from NRC (Neighborhood Retail Commercial) to NRC (Neighborhood Retail Commercial) with additional use as a duplex.

**Section 3:** The use of the property as a duplex is hereby approved; however, if the main structure is demolished, the zoning will revert back to NRC, without the residential (duplex) use. In addition, the following variances are approved as conditions of zoning for the current developed property only, and should be discontinued upon the redevelopment of the site, according to Section 706.03, Continuance of a nonconforming building or structure:

1. Variance to reduce the minimum lot width from 75' to 50.' §708.15 (H)
2. Variance to reduce the left (south) side setback from 10' to 6' in order to accommodate the existing building. §708.15 (H)
3. Variance to reduce the side setback for an accessory structure from 10' to 3' in order to accommodate the existing shed on the south side of the rear yard. §708.15 (F)(1)
4. Variance to reduce the side setback for an accessory structure from 10' to 5' in order to accommodate the existing shed on the north side of the rear yard. §708.15 (F)(1)
5. Variance to allow the current trees and landscaping conditions satisfy the requirements of Section 712.08 until the site is redeveloped or converted to commercial use.
6. Variance to reduce the required driveway width from 20' to 10.' § 716.08 (C)(5)

**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.

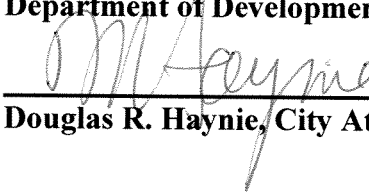
**Section 6:** This Ordinance shall become effective upon the signature or without the signature of the Mayor, subject to Georgia laws 1983, page 4119.

**Final Ordinance submitted by:**



**Brian Binzer, Director  
Department of Development Services**

**Approved as to form:**

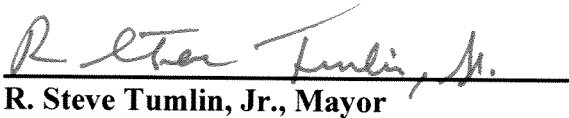


**Douglas R. Haynie, City Attorney**

**Approved by City Council:**

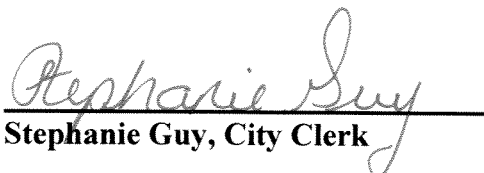
**DATE: October 10, 2012**

**APPROVED:**



**R. Steve Tumlin, Jr., Mayor**

**ATTEST:**



**Stephanie Guy, City Clerk**