

AN ORDINANCE

REZONING property in the corporate limits of the City of Marietta, Georgia in Land Lot 10710, District 16, Parcels 0220 and 0210, 2nd Section, Marietta, Cobb County, Georgia and being known as 750 Allgood Road and 740 Allgood Road.

WHEREAS, application has been filed by **GREGORY VANCE & MARGARET QUINN** 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:

750 Allgood Road:

All that tract or parcel of land lying and being in Land Lot 1071, 16th District, 2nd Section, Cobb County, Georgia, being lot 111, Allgood Manor Subdivision, as per plat recorded in Plat Book 10, Page 103, Cobb County, Georgia records, which plat is incorporated herein by this reference and made a part of this description.

All that tract or parcel of land lying and being in original land lot number 1071, 16th district, 2nd section, Cobb County, Georgia, being all of lot 110, Allgood Manor Subdivision of the Henry Clay Hudgins property, as shown on the revised plat of Allgood Manor Subdivision of the Henry Clay Hudgins property, prepared by Merrit & Welker, engineers (a.t. Merritt, Georgia professional registered engineer), dated April, 1952, revised October 30, 1952, and recorded in plat book 10, page 103, Cobb County, Georgia records, which is hereby incorporated herein and made a part hereof, by this specific reference thereto, for a more complete description of the said property being more particularly described herein below as follows:

Beginning at an iron pin found the southeast side of Allgood Road, which is located 110 feet northeast of the corner formed by the intersection of the southeast side of Allgood Road with the northeast side of Tom Read Drive, which was formerly known as Allgood Drive; thence running southeast for a distance of 116.5 feet to an iron pin; thence running northeasterly for a distance of 49.5 feet to an iron pin; thence continuing running northeasterly for a distance of 40.5 feet to an iron pin; thence running northwesterly for a distance of 156.7 feet to an iron pin; located on the southeast side of Allgood Road; thence running southwest, along the southeast side of Allgood Road, for a distance of 70 feet to an iron pin and the point of beginning.

740 Allgood Road:

All that tract or parcel of land situate lying and being in Land Lot 1071 of the 16th District, 2nd Section, Cobb County, Georgia, being lot 109, Allgood Manor Subdivision, as per plat recorded in Plat Book 10, Page 103, Cobb County, Georgia records, to which plat reference is made for a more detailed description, an said property is commonly known as 740 Allgood Road, Marietta, Cobb County, Georgia.

Section 2: The above-described property is hereby rezoned into the corporate limits in the City of Marietta, Georgia from OI (Office Institutional) to CRC (Community Retail Commercial).

Section 3: The following variances are incorporated as a condition of zoning:

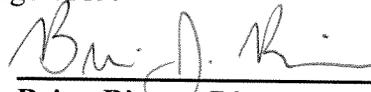
- Variance to reduce the required landscaped buffer along the southeast property line from 40' to 10'. [*§708.23 (I)*]
- Variance to reduce the required rear yard setback (measured from the buffer line) from 35' to 14.5'. [*§708.23 (H)*]

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:



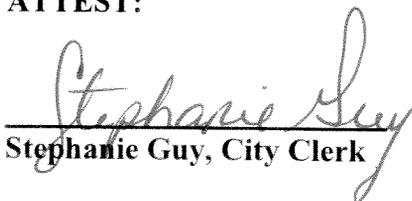
Douglas R. Haynie, City Attorney

Approved by City Council:

DATE: August 13, 2014

APPROVED:

ATTEST:



Stephanie Guy, City Clerk



R. Steve Tumlin, Jr., Mayor