

AN ORDINANCE

REZONING property in the corporate limits of the City of Marietta, Georgia in Land Lot 1145, District 16, Parcel 2630, 2nd Section, Marietta, Cobb County, Georgia and being known as 155 Montgomery Street.

WHEREAS, application has been filed by **RICHARD F. & MARGIE M. BAUER** 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:

155 Montgomery Street

All that tract or parcel of land lying and being in Land Lot 1145, 16th District, 2nd Section of Cobb County, Georgia, being Lot I on that plat of survey conducted by Betterton Surveying and Design, Inc., Robert B. Betterton, RLS No. 2496, prepared for Kevin Knox on January 26, 2015, and being more particularly described as follows:

To find the POINT OF BEGINNING, locate the Variable Right of Way on Harold Street, thence along the Northern Boundary line North 88°20'28" West a distance of 131.34 feet to an iron pin set and the POINT OF BEGINNING . Thence along the same Northern Boundary of Harold Street, North 88°20'28" West a distance of 74.20 feet to an iron pin found; thence North 06°39'21" East a distance of 135.26 feet to an iron pin found; thence North 88°30' 11" West a distance of 60.32 feet to an iron pin found; thence South 00°46'11" West a distance of 134.93 feet to an iron pin set and POINT OF BEGINNING.

Said tract contains 14,113 square feet or .324 acres.

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-3 (Single Family Residential – 3 units/acre).

Section 3: The following variance is incorporated as a condition of zoning:

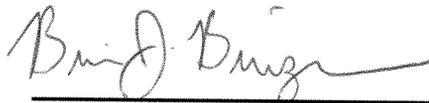
- Variance to allow the existing carriage house to be closer to Montgomery Street than the principal structure. [*§708.03 (F.1)*]

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.

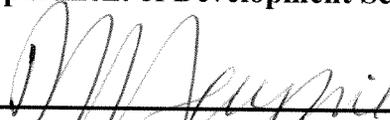
Section 6: This Ordinance shall become effective upon the signature or without the signature of the Mayor, subject to Georgia laws 1983, page 4119.

Final Ordinance submitted by:



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

Approved as to form:



Douglas R. Haynie, City Attorney

Approved by City Council:

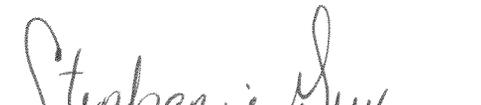
DATE: July 8, 2015

APPROVED:



R. Steve Tumlin, Jr., Mayor

ATTEST:



Stephanie Guy, City Clerk