

AN ORDINANCE

REZONING property in the corporate limits of the City of Marietta, Georgia in Land Lot 1014, District 16, Parcels 0840, 0830, and 0810, 2nd Section, Marietta, Cobb County, Georgia, and being known as **387 & 390 Roselane Street; and 880 Cogburn Avenue.**

WHEREAS, application has been filed by **THE SUTTON GROUP (CHERYL WHITMER)** 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 1014, 16th District, 2nd Section, City of Marietta, Cobb County, Georgia, and being more particularly described as follows:

BEGINNING at the northwest end of the mitered right of way intersection of the northerly right of way of Cogburn Avenue (right of way varies) and the easterly right of way of Roselane Street (40 foot right of way); thence along the easterly right of way of Roselane Street the following courses and distances: thence N05°59'01"W a distance of 31.83 feet to a point; thence along a curve to the right, following the curvature thereof, for an arc distance of 34.37 feet, said curve having a radius of 106.12 feet and being subtended by a chord of N03°17'45"E 34.22 feet to a point; thence along a curve to the right, following the curvature thereof, for an arc distance of 42.24 feet, said curve having a radius of 420.43 feet and being subtended by a chord of N15°27'13"E 42.22 feet to an iron pin set; thence leaving said right of way of Roselane Street N87°12'48"E a distance of 86.30 feet to a 1.5 inch open top pipe found; thence S89°55'19"E a distance of 75.00 feet to an iron pin set; thence S01°02'09"W a distance of 120.00 feet to a nail set on the northerly right of way of Cogburn Avenue; thence along said right of way N89°15'00"W a distance of 160.98 feet to the southeasterly end of the mitered right of way intersection; thence along said miter N47°37'01"W a distance of 10.78 feet to the **POINT OF BEGINNING.**

Said tract or parcel contains .46 acres, more or less (20,038 square feet).

Section 2: The above-described property is hereby rezoned into the corporate limits in the City of Marietta, Georgia from R-2 (Single Family Residential – 2 units / acre) to OI (Office Institutional).

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

1. Variance to reduce the required buffer from 30 ft to 11.8 ft along the eastern property line
2. Variance to allow the buffer be disturbed and replanted
3. Variance to allow the buffer with no fence.
4. Variance to reduce the required landscape strip along Cogburn Avenue from 10 ft to 0 ft.
5. Variance to reduce the required landscape strip along Roselane Street from 10 ft to 5 ft.
6. Variance to waive the requirement for street trees within the reduced landscape strip.
7. Variance to waive the requirement that a maximum of twelve (12) parking spaces in a row shall be permitted without a planter island.
8. Variance to reduce the required lot size from 20,000 square feet to 18,000 square feet.

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:



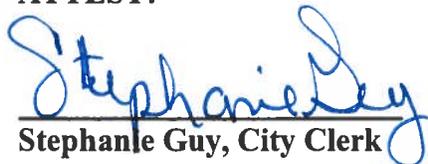
Douglas R. Haynie, City Attorney

Approved by City Council:

DATE: June 8, 2016

APPROVED:

ATTEST:



Stephanie Guy, City Clerk



R. Steve Tumlin, Jr., Mayor