



STAFF REVIEW AND RECOMMENDATION

Variance Case #: V2015-37 **Legistar #:** 20150692
Board of Zoning Appeals Hearing: **Monday, August 31st, 2015 – 6:00 p.m.**
Property Owner: Camden Clayton
781 James St NW
Marietta, GA 30060
Applicant: Same as above
Address: 781 James St
Land Lot: 1013 **District:** 16 **Parcel:** 0480
Council Ward: 5B **Existing Zoning:** R-2 (Single Family Residential – 2 units/acre)

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

1. Variance to allow an attached accessory structure within the required 30 ft. front yard setback. [*§708.02 (F.2)*]
2. Variance to allow an attached accessory structure within the required side yard setback. [*§708.02 (F.2)*]

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



781 James Street



2 - Car Carport

Recommended Action:

Approval, with stipulation. The owner, Camden Clayton, is requesting variance to allow an attached accessory structure (carport) to be located within the required front and side yard setbacks on the property at 781 James Street. The subject property, as well as all the other properties located to the north, south, east and west, is zoned R-2 (Single Family Residential – 2 units/acre). The requested variances would allow the carport to remain in its current location within the front and side yard setbacks, as it is located approximately 15 feet from the front property line and 0 feet from the side property line.

Section 708.02 (F.2) of the Zoning Ordinance states that “*When an accessory building is attached to the principal building in any manner, it shall be deemed part of the principal structure and subject to all bulk and area requirements of same.*” As defined in the Zoning Ordinance, “*a building is any structure designed or built for the support, enclosure, shelter, or protection of persons, animals or property of any kind.*”

There had been a one-car carport located on the property, but Mr. Clayton has stated that it was “old, rotten and falling apart”; and as a part of general maintenance of the property, he removed the dilapidated carport and replace it with the current structure. However, Mr. Clayton did not get a building permit to construct the new carport, and he built it to accommodate two cars, which makes it substantially wider than the previous carport. Because of the added width to accommodate another car, the new carport now appears to encroach into the side setback. Mr. Clayton has provided no survey to verify the setback from the carport to the property line, but it appears to be on the property line.

As he was completing construction of the carport in April 2014, Code Enforcement informed Mr. Clayton that he needed a building permit for the carport and that it was encroaching into the building setbacks. Mr. Clayton was advised that he would need to get a variance to be allowed to keep the carport in that location and that he would also need to obtain a building permit. On June 17, 2015, Mr. Clayton submitted the application for a variance.

Mr. Clayton has obtained signatures from neighbors who have no objection to allowing him to keep the carport - one neighbor who owns property across James Street and from one neighbor who lives one house away. He has not provided any letters from any adjacent property owners.

There are no other carports located within the building setbacks on James Street. However, it has been verified that a carport had previously been located on this property, so having an updated carport should pose no harm to its adjoining properties, public safety or overall community, as long as it does not encroach upon the side yard setbacks adjacent to his neighbor’s property. As a result, ***Staff recommends approval of this variance request with the stipulation that Mr. Clayton either provide a survey showing that the carport is at least 5 ft. from the side property line or convert the structure to a one car carport.***



Department of Development Services
 205 Lawrence Street
 Marietta, Georgia 30060
 Brian Binzer, AICP, Director

APPLICATION FOR VARIANCE OR APPEAL

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

Application #: V2015-37 Hearing: 8-31-15 Legistar # 20150692

This is a variance/appeal application for:

P2 15-343

Board of Zoning Appeals

City Council

Owner's Name Camden Clayton

Address 781 James st NW Zip Code: 30060

Telephone Number: 256-312-1026 Email Address: clc0025@gmail.com

COMPLETE ONLY IF APPLICANT IS NOT OWNER:

Applicant _____

Address _____ Zip Code: _____

Telephone Number _____ Email Address: _____

Address of property for which a variance or appeal is requested:

781 James st Date of Acquisition: _____

Land Lot (s) 10/30 District 16 Parcel 0480 Acreage 7.364 Zoned R2 Ward SB FLU/LDR

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

108.2 (F.2) Attached accessory structure within front setback

- 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. Legal description of 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 - 25 copies of 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).
 6. Copy of current tax bill showing payment or documentation certified by the City of Marietta Tax Office.
 7. Documentation authorizing applicant to submit application by property owners if applicant is not owner.

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

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Variance Request

Pre-existing carport was old, rotten and falling apart. Old carport was removed & new carport (current) was put in the same space. I was told old carport was grandfathered in so I need a variance for the new carport.

Camden Clayton
6-17-15

W

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6-17-2015

With my signature below I am making the
statement that Camden Clayton at 781 James St NW
can keep his carport as is,

Sign	address
Correshia Reid	761 James St Marietta GA 30060
Arcene Williams	780 James St, Marietta GA 30066

IN THE MUNICIPAL COURT OF MARIETTA
STATE OF GEORGIA

CITY OF MARIETTA

CASE NO: 15TR05669

Vs.

Clayton Camden
Defendant

You are hereby ordered to return to the Marietta Municipal Court, 150 Haynes Street, Marietta, Georgia for a Plea/Arrestment Calendar on 5/23/2015 at 8:30 am 1:30^{3:00 pm} pm. Failure to appear will result in additional fines, suspension of your driver's license and a warrant for your arrest. You will receive no further notice. This is a Plea/Arrestment Calendar and a trial will not be heard on this date. If you wish to have a Non-Jury Trial on your case, you must sign a waiver of arrestment and a trial date will be assigned to you at that time.

ADDRESS: 781 James St NW
30060

PHONE NO: 256-317-1026

Receipt acknowledgment date: _____

Signature: Defendant Attorney

(RU)
ISSUED BY

TO: Marietta Daily Journal
FROM: City of Marietta
RUN DATE: August 14, 2015

PUBLIC NOTICE OF VARIANCES

The City of Marietta hereby gives notice that a public hearing will be held to give consideration to the following variance requests. The Board of Zoning Appeals will consider the following requests on **Monday, August 31, 2015 at 6:00 P.M.**, City Hall. Anyone wishing to attend may do so and be heard relative thereto.

V2015-37 [VARIANCE] CAMDEN CLAYTON is requesting a variance for property located in Land Lot 1013, District 16, Parcel 0480, 2nd Section, Marietta, Cobb County, Georgia and being known as 781 James Street. Variance to allow an attached accessory structure within front setback. Ward 5B.

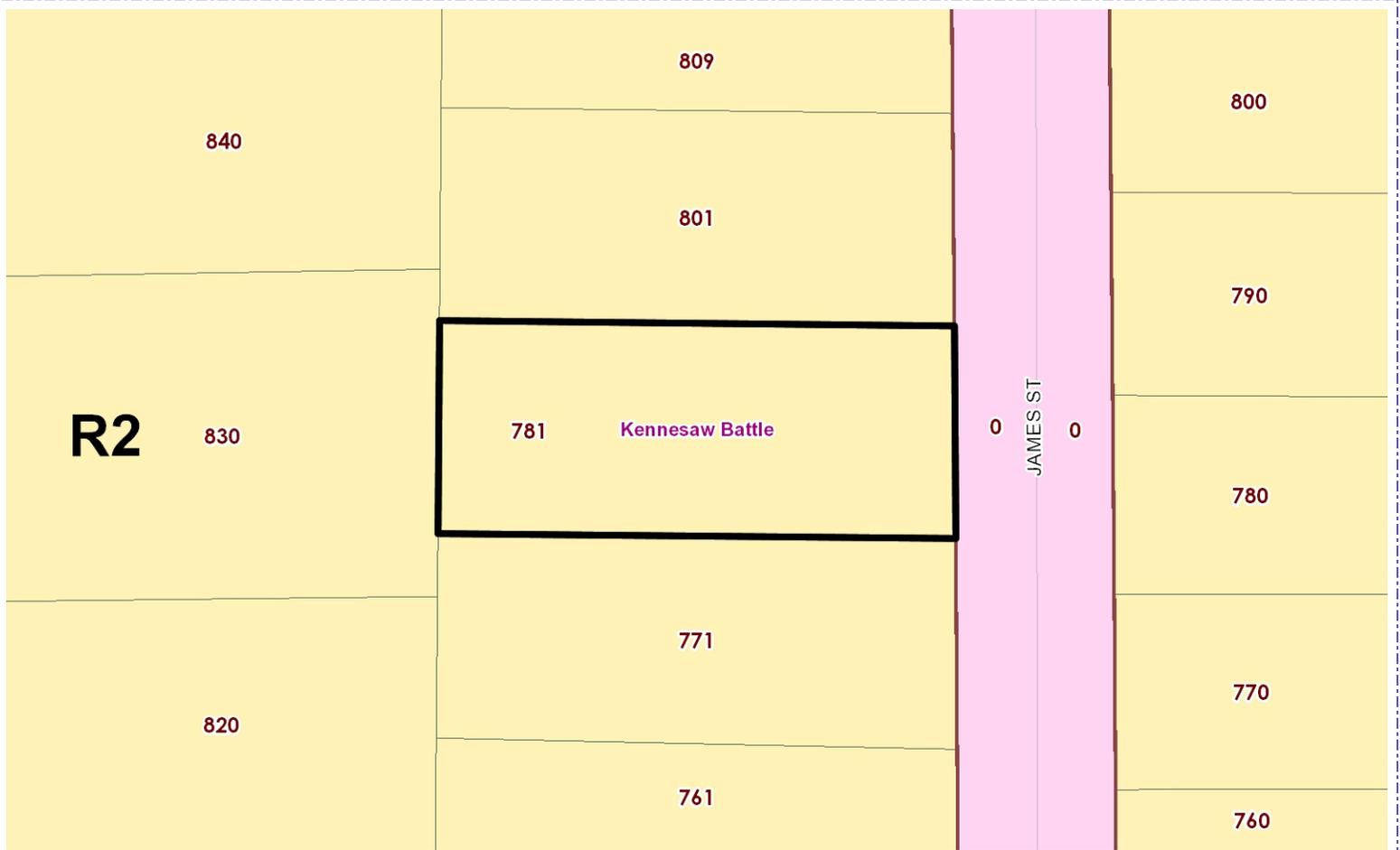
A description and plat of the property sought for the variances are on file in the Planning and Zoning Office, City Hall, and are available for inspection between 8:00 A.M. and 5:00 P.M., Monday through Friday. Anyone wishing to attend may do so and be heard relative thereto.

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 Mr. Patrick Henley, ADA Coordinator, at 770-794-5558 (voice) or 770-794-5560 (TDD) 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
781 JAMES ST	16101300480	0.364	5B	R2	LDR

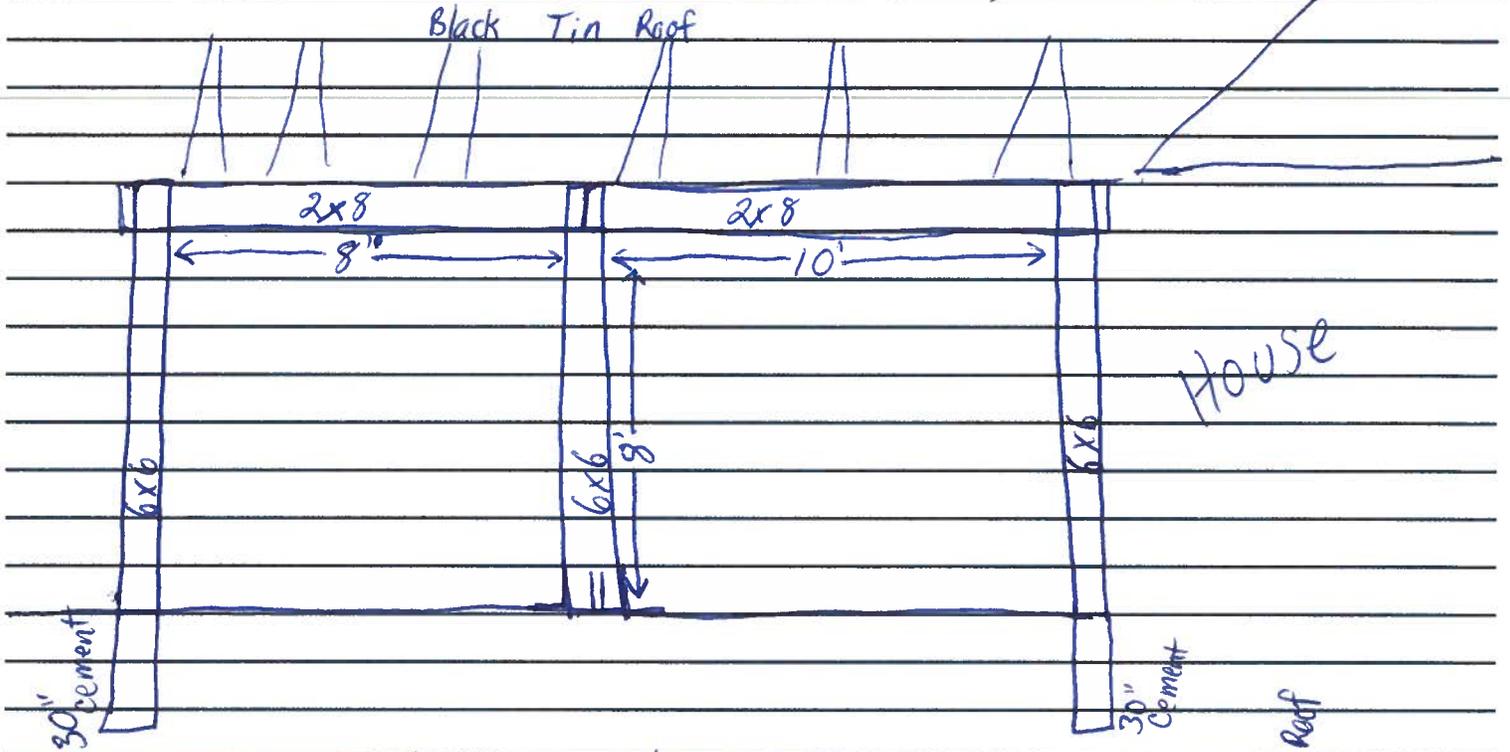
Property Owner:	Camden Clayton	Zoning Symbols
Applicant:		
BZA Hearing Date:	08/31/2015	
Acquisition Date:		
Case Number:	V2015-37	
City of Marietta Planning & Zoning		

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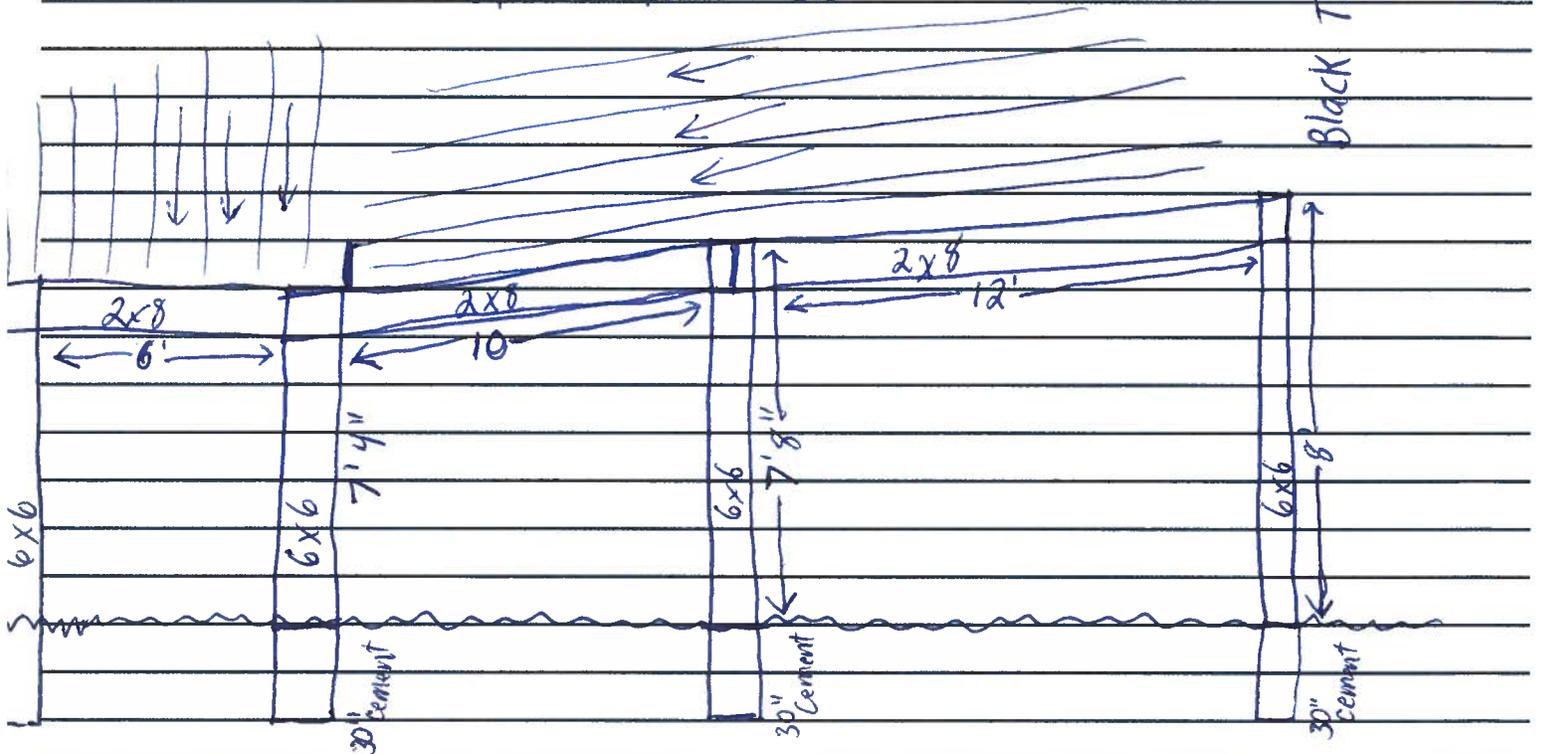
Starting into Practice

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Front (Street View)



Left Side View





old structure



772 James St NW
Marietta, Georgia
Street View - Apr 2013



old structure

Image capture: Apr 2013 © 2015 Google

- Profile**
- Values**
- Residential**
- Commercial**
- Appeals**
- Permits**
- History**
- Sales**
- Sketch**
- Photos**
- Map**
- Tax Information**

PARID: 16101300480

NEIGHBORHOOD: TAX
04010059 YEAR:
2015
781
JAMES
ST

1 of 1

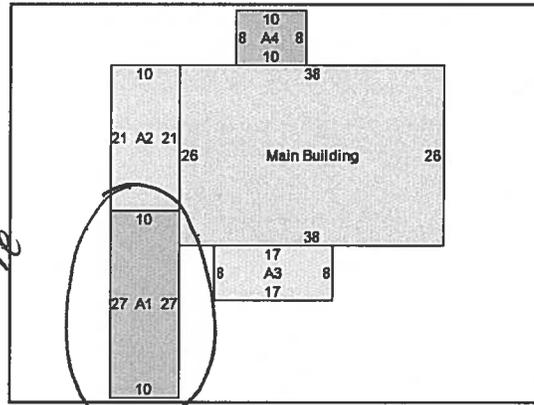
[Return to Search Results](#)

Actions

- [Printable Summary](#)
- [Printable Version](#)

Reports

- [Composite Report](#)
- [2015 Notice of Assessm](#)
- [2014 Notice of Assessm](#)
- [2013 Notice of Assessm](#)



Options

Type	Line #	Item	Area
ADDN	0	Main Building	988
ADDN	1	A1 - 32:CANPY CANOPY	270
ADDN	2	A2 - 10:1S FR ONE STORY FRAME	210
ADDN	3	A3 - 11:OP OPEN PORCH	136
ADDN	4	A4 - 31:WDDCK WOOD DECKS	80

Click on an item to display it independently.

Disclaimer

Ownership/Appraisal Data is based on the 2014 Tax Digest
Date of Jan. 1, 2014.

The Tax Assessor makes every effort to produce the most accurate information possible. No warranties, expressed or implied are provided for the data herein, its use or interpretation. The assessment information is updated periodically and may or may not represent changes either in ownership or physical characteristics from the last certified tax roll. All other data is subject to change.

By accessing records on this website, I agree to these terms and conditions.

Data Copyright Cobb County Assessor's Office
Last Updated: 12/Jul/2015