
STAFF REVIEW AND RECOMMENDATION

Variance Case #: V2015-20

Legistar #: 20150246

Board of Zoning Appeals Hearing: Monday, April 27, 2015

Property Owner: Dale Yake
93 Rose Hall Lane
Dallas, GA 30132

Applicant: Henry Darby
1070 Pebble Hill Lane
Greensboro, GA 30642

Address: 513 Kent Terrace

Land Lot: 1081 **District:** 16 **Parcel:** 27

Council Ward: 4A **Existing Zoning:** R-2 (Single Family Residential – 2 units / acre)

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

1. Variance to increase the allowable building height from 35' to 44'8". [*§708.02 (H.)*]

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



513 Kent Terrace

Recommended Action:

Approval. The applicant, Henry Darby, is requesting a height variance to construct a new home on 513 Kent Terrace, which is located inside the Anderson Farm subdivision. The property, and all surrounding properties, is zoned R-2 (Single Family Residential – 2 units / acre). Kennesaw Mountain National Battlefield Park lies directly to the rear (west).

The maximum building height for all single family zoning districts within the City of Marietta, including the R-2 district, is thirty-five (35) feet. At a height of thirty-five (35) feet, a house can typically be two to three stories tall. The Zoning Ordinance defines “height” as “*The vertical distance measured from the mean elevation of the proposed finished grade to the highest point of a structure, sign or its supporting structure, whichever is higher.*” Section 710.11 allows cupolas, chimneys, smokestacks, elevator penthouses, water tanks, heating and air conditioning units, etc. to be exempted from height calculations in all zoning districts except single family residential districts. However, even if the chimneys were excluded from the measurements, the home would still exceed the 35’ height limit.

Plans for this house show the height from the highest finished grade (at the front) to the top of the fireplace as being 42'6." The height from the lowest finished grade (at the rear) to the top of the fireplace is 52.' This yields an average height of 47'3."

If the height of the fireplace were to be exempted, the height taken from the finished grade at the front to the ridgeline of the roof is 37,' from the rear to the ridgeline of the roof is 45,' averaging at 41.' The tallest sides of the home are on the west-facing side and the south-facing side. The home will not likely be viewed from the rear because it backs up to the park. The southern side will be visible from the street as cars and pedestrians approach from the entrance to the neighborhood. However, the home, as viewed from the front, will not likely look much different than the surrounding homes, which may also be taller than the residential height restriction.

The height limit for residential structures is 35' city-wide, with the exception of planned developments. Considering the many different types and styles of homes and neighborhoods in the city, a uniform height limit is not necessarily appropriate. Structure height is typically only important when it relates to other nearby structures; what may be appropriate in Anderson Farms may not be appropriate in Cherokee Heights or the Renaissance District. Because this request should not have a negative effect on other homes in the neighborhood because of the comparable scale and height of the proposed home, *staff recommends approval of this variance request.*



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 #: V 2015-20 Hearing: 4-27-15 Registrar # _____

PZ 15-118
This is a variance/appeal application for:

Board of Zoning Appeals

City Council

Owner's Name DALE YAKE

Address 93 ROSE HALL LANE DALLAS GA Zip Code: 30132

Telephone Number: 770-853-3450 Email Address: DYAKE@PT-SOLUTIONS.US

COMPLETE ONLY IF APPLICANT IS NOT OWNER:

Applicant HENRY PARBY

Address 1070 PEBBLE HILL LANE GREENSBORO Zip Code: GA 30642

Telephone Number 706-817-6519 Email Address: HENRY@WINSON CUSTOM HOMES GA .C.

Address of property for which a variance or appeal is requested:
513 KENT TERRACE MARIETTA GA ³⁰⁰⁶⁴⁻²⁰⁶¹ Date of Acquisition: _____

Land Lot (s) 1081 District 16TH Parcel 0270 Acreage .936 Zoned R-2 Ward 4A FLU LDR

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

HEIGHT VARIANCE

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

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, April 27, 2015 at 6:00 P.M.**, City Hall. Anyone wishing to attend may do so and be heard relative thereto.

V2015-20 [VARIANCE] DALE YAKE (HENRY DARBY) requesting a variance for property located in Land Lot 1081, District 16, Parcel 0270, 2nd Section, Marietta, Cobb County, Georgia and being known as 513 Kent Terrace. Variance to increase the allowable building height from 35' to 44'8". Ward 4A.

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.

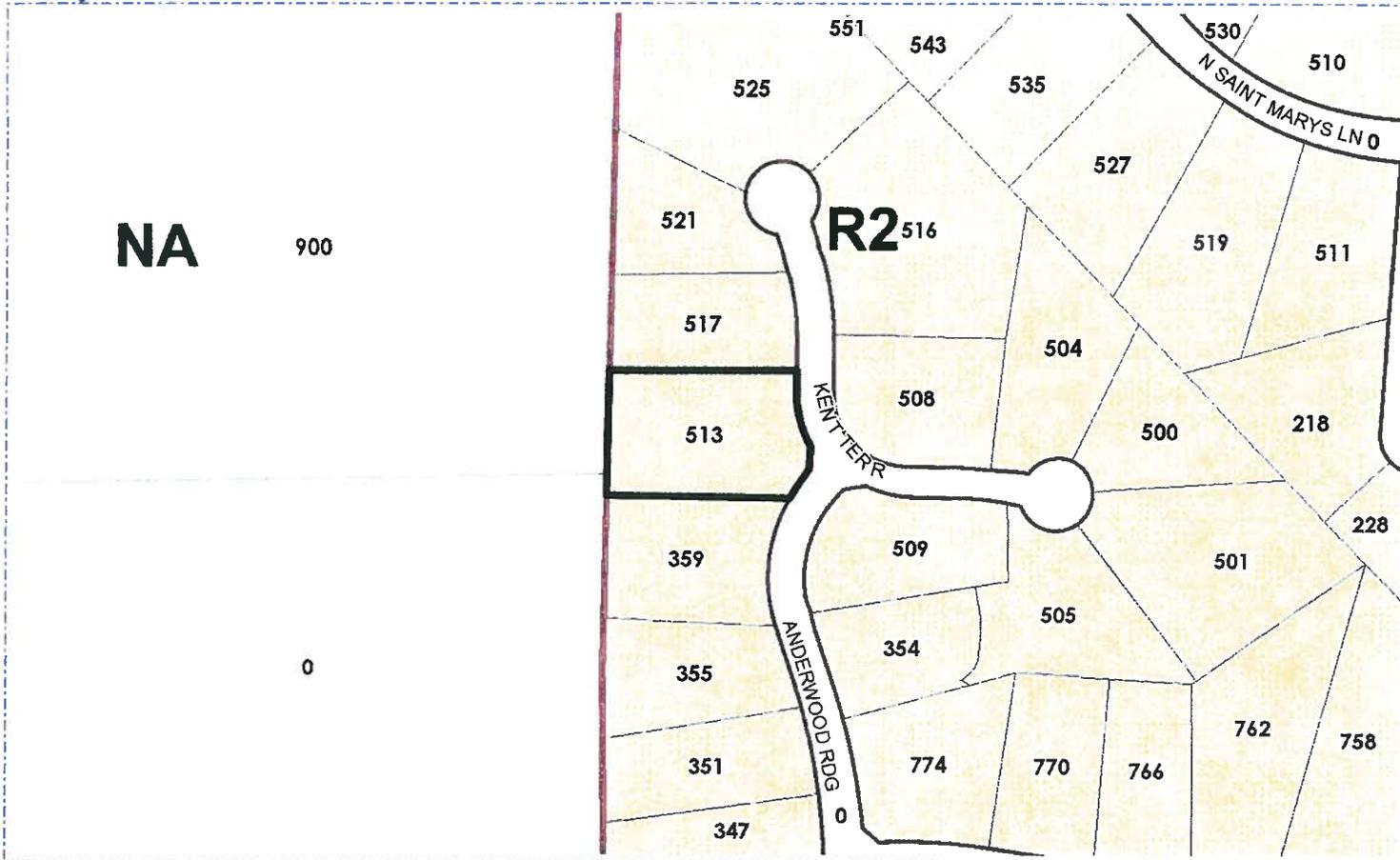
For additional information please call the Planning and Zoning Office (770) 794-5669.

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
513 KENT TERR	16108100270	0.936	4A	R2	LDR

Property Owner:	Dale Yake
Applicant:	Henry Darby
BZA Hearing Date:	4/27/15
Acquisition Date:	
Case Number:	V2015-20

Zoning Symbols

- Railroads
- City Limits
- Cobb County Pockets
- NA
- R1 - Single Family Residential (1 unit/acre)
- R2 - Single Family Residential (2 units/acre)
- R3 - Single Family Residential (3 units/acre)
- R4 - Single Family Residential (4 units/acre)
- RA4 - Single Family Residential - Attached
- RA6 - Single Family Residential - Attached
- RA8 - Single Family Residential - Attached
- MHP - Mobile Home Park
- PRD-SF - Planned Residential Dev. Single Family
- RM8 - Multi Family Residential (8 units/acre)
- RM10 - Multi Family Residential (10 units/acre)
- RM12 - Multi Family Residential (12 units/acre)
- RHR - Residential High Rise
- PRD-MF - Planned Residential Dev. Multi Family
- NRC - Neighborhood Retail Commercial
- CRC - Community Retail Commercial
- RRC - Regional Retail Commercial
- PCD - Planned Commercial Development
- LI - Light Industrial
- HI - Heavy Industrial
- PID - Planned Industrial Development
- MKD - Mixed Use Development
- CBD - Central Business District
- OIT - Office Institutional Transitional
- LRO - Low Rise Office
- OI - Office Institutional
- OS - Office Services
- OHR - Office High Rise

City of Marietta Planning & Zoning

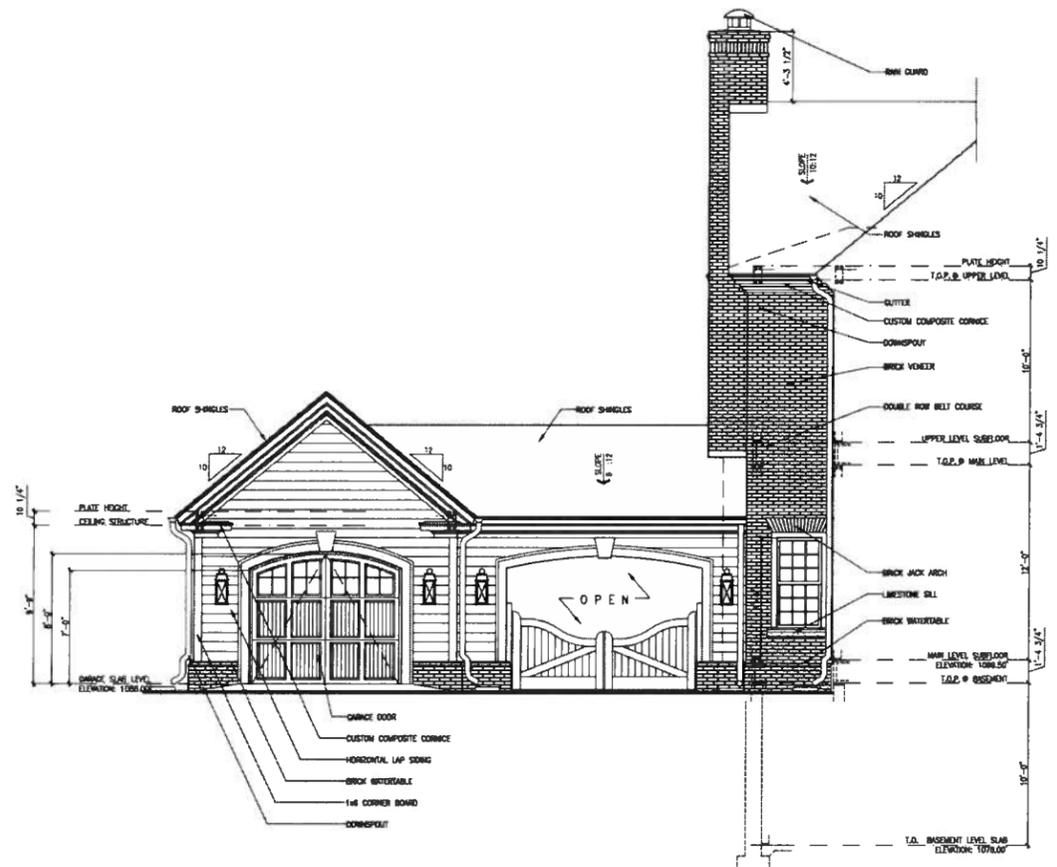


**HARRISON
DESIGN**

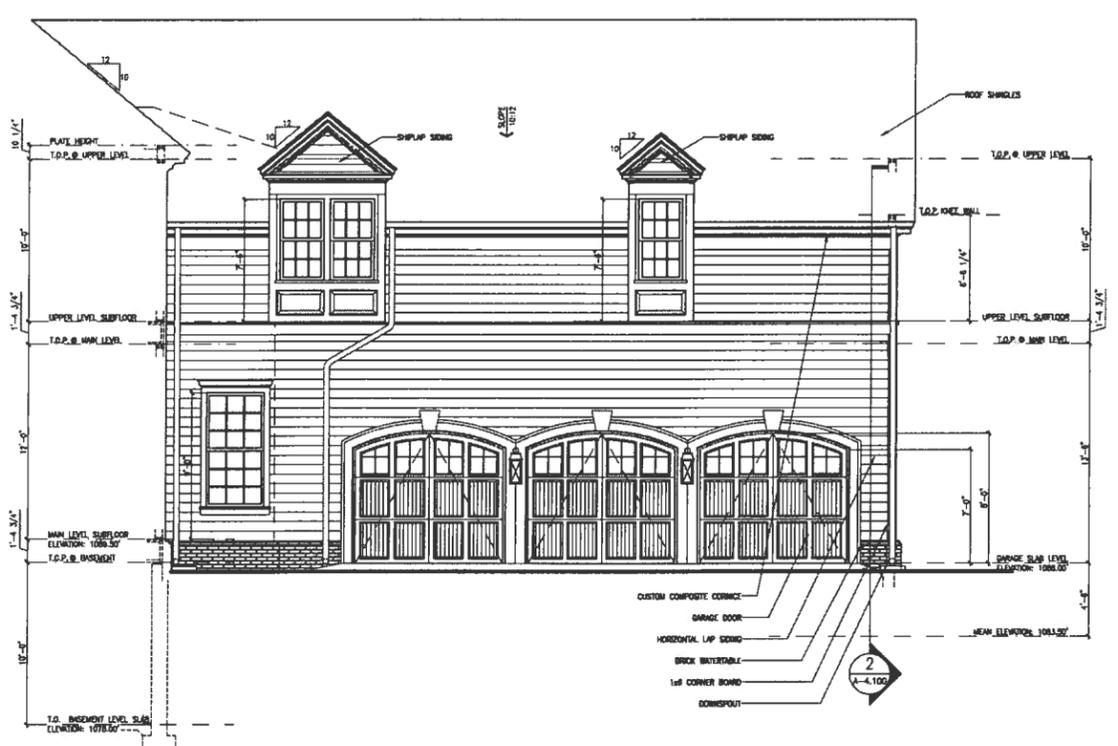
8100 Collins Hill Place NW
Atlanta, Georgia 30342
Phone: (404) 380-7700
Fax: (404) 380-7700
www.harrisondesign.com

All drawings are the property of Harrison Design. Any reproduction or use of these drawings without the written consent of Harrison Design is strictly prohibited. Harrison Design shall not be held responsible for any errors or omissions in these drawings. The contractor shall obtain all necessary permits and approvals from the appropriate authorities. The contractor shall be responsible for the accuracy of all field and site data. The contractor shall be responsible for the accuracy of all field and site data. The contractor shall be responsible for the accuracy of all field and site data.

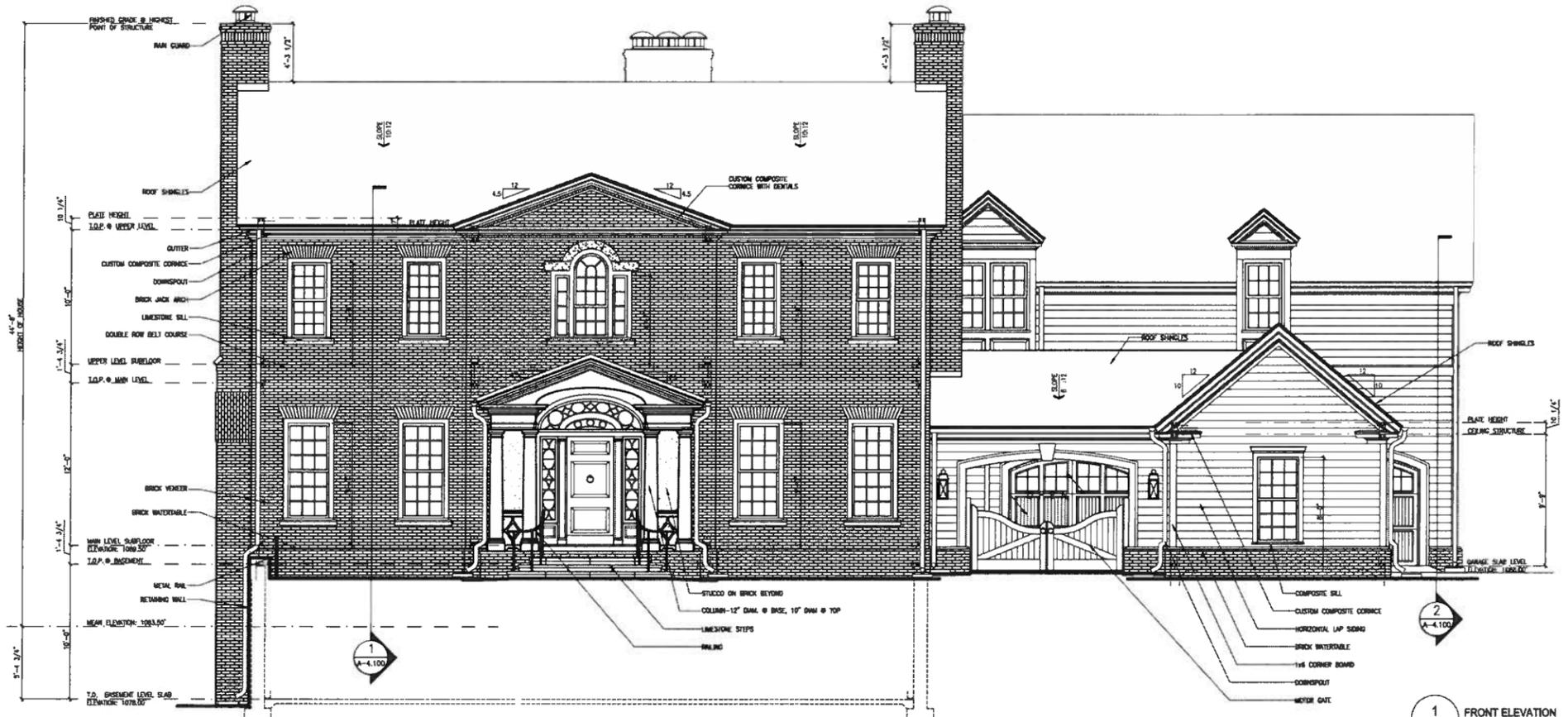
RELEASED FOR CONSTRUCTION



3 ONE-CAR GARAGE ELEVATION
SCALE: 1/4" = 1'-0"



2 GARAGE ELEVATION
SCALE: 1/4" = 1'-0"

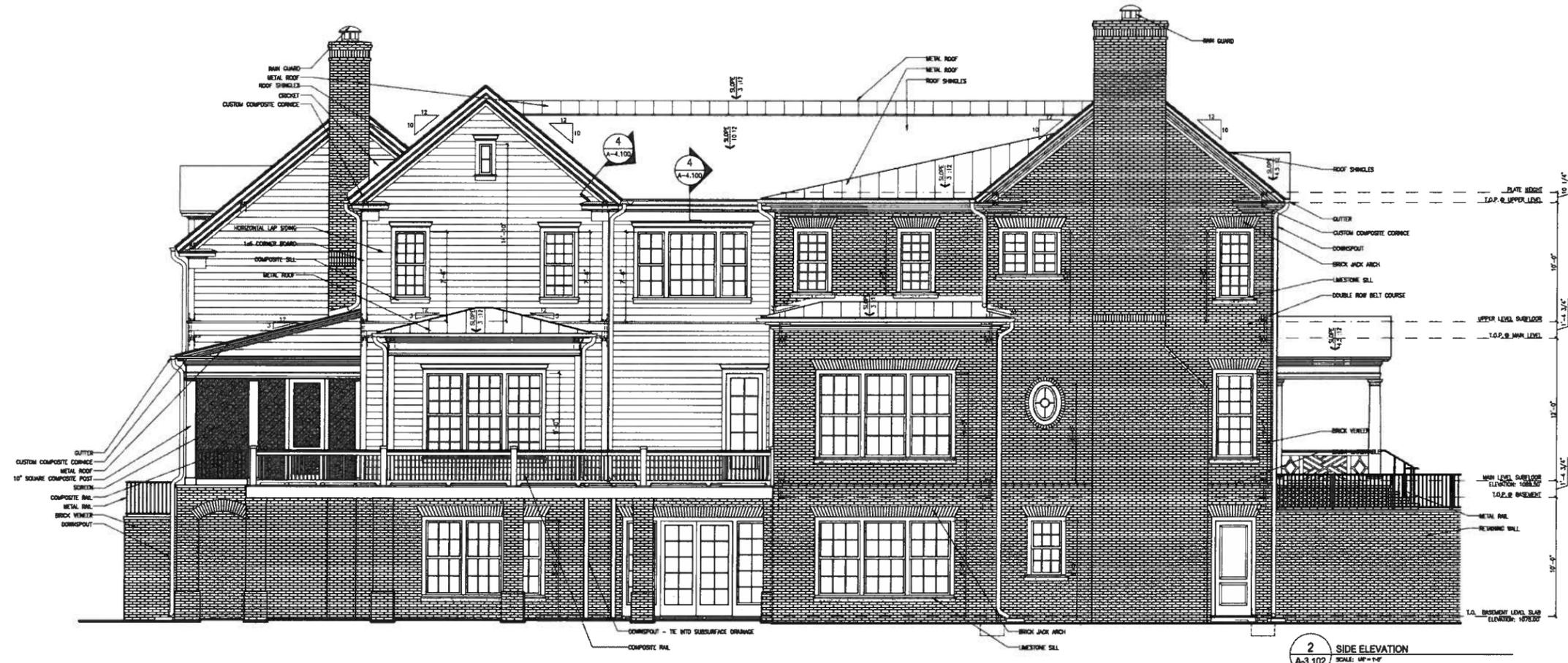


1 FRONT ELEVATION
SCALE: 1/4" = 1'-0"

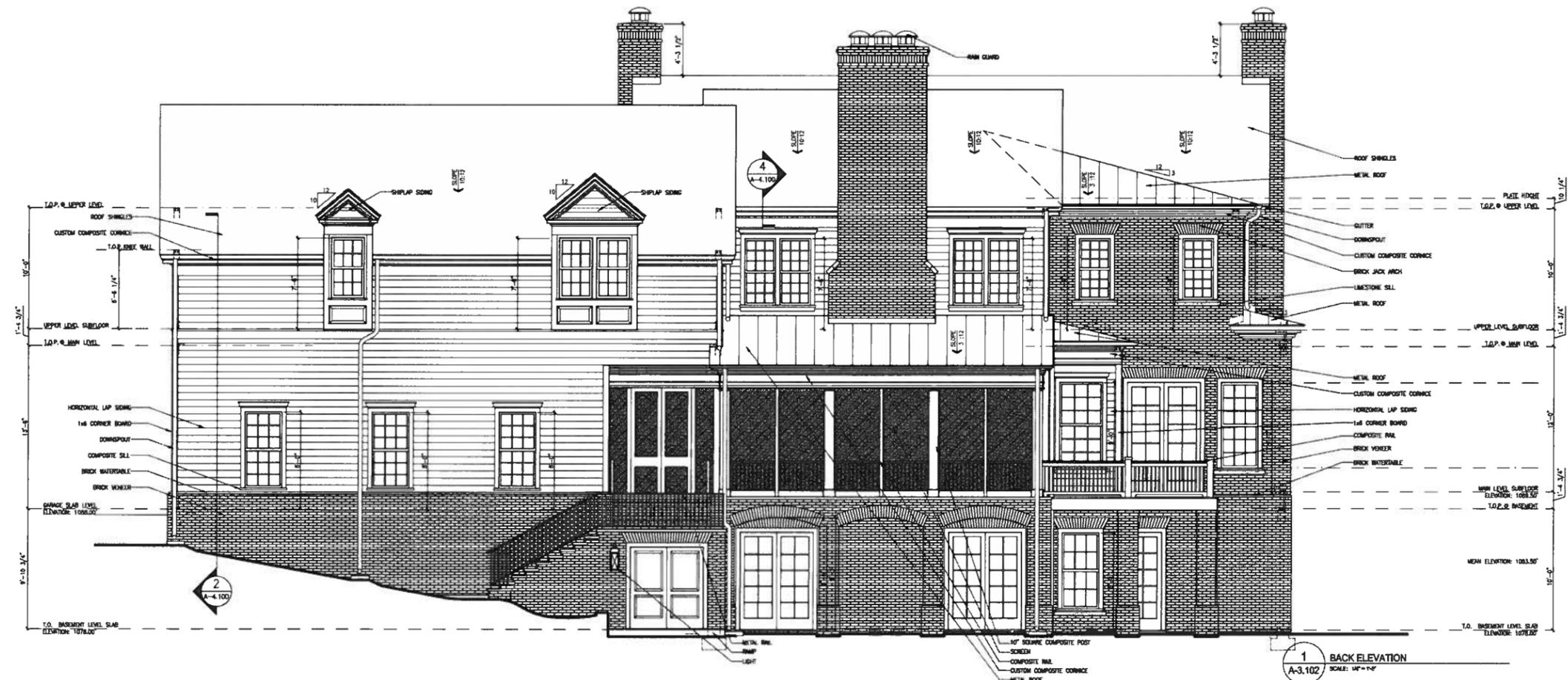
513 KENT TERRACE
MARIETTA, GEORGIA 30064

Date: 2015-03-04
Scale: 1/4" = 1'-0"
Drawn: TBS
Project no.: 3209.00
Title: ELEVATIONS
Sheet number: A-3.100

RELEASED FOR CONSTRUCTION



2 SIDE ELEVATION
A-3.102 SCALE: 1/4" = 1'-0"



1 BACK ELEVATION
A-3.102 SCALE: 1/4" = 1'-0"

513 KENT TERRACE
MARIETTA, GEORGIA 30064

DATE	2015-03-04
SCALE	1/4" = 1'-0"
DRAWN	TBS
CHECKED	SM
PROJECT NO.	3209.00
SHEET	ELEVATIONS
PROJECT NUMBER	A-3.102