



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

STAFF REVIEW AND RECOMMENDATION

Variance Case #: V2009-09

Board of Zoning Appeals Hearing: Monday, May 18, 2009 – 6:00 p.m.

Applicant: James Everett Roberson
372 Cedar Trace
Marietta, GA 30008

Property Owner: Same as above

Address: 372 Cedar Trace

Land Lot: 01490 District: 17 Parcel: 0140

Council Ward: 3 Existing Zoning: R-4

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

1. Variance to allow a recreational vehicle to be parked in the front of the principal structure in a district zoned for residential purposes. [Sec. 716.09]

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



Recreational vehicle in side yard (left)



Side yard (right)



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Recommended Action:

Approval. Mr. James Everett Roberson is requesting a variance to park his Recreational Vehicle (RV) on the front side of his property located at 372 Cedar Trace. His property, zoned R-4, is located off of Booth Road and is surrounded on all sides by other single family homes, also zoned R-4. Section 716.09 (B) specifically prohibits the storage of recreational vehicles in the side or front yard of any residentially zoned district.

Mr. Roberson purchased his RV approximately two years ago and has been parking his RV on the left side of his property, on a paved addition to his driveway. Because there is only 10 feet between the house and the property line, access to the side and rear is limited on the left side of the house. A stacked stone retaining wall and numerous trees block access to the side and rear on the right side. The RV is located in the most unobtrusive location available to the applicant. There is also a multitude of healthy shrubs and trees that has a pleasant screening effect. Off-site storage has been considered; however, the applicant is concerned that vandalism and access for maintenance may become an issue.

A statement pledging their support of the request and location of the vehicle has also been obtained from all of his neighbors: three across Cedar Trace, both neighbors to the side, and his neighbor to the rear.

Staff recommends approval of this variance request, as the application is necessary to prevent unreasonable property loss or unnecessary hardship and is not detrimental or injurious to property or improvements in the vicinity of the development site, or to the public health, safety, or general welfare.