



STAFF REVIEW AND RECOMMENDATION

Variance Case #: V2016-55 **Legistar #:** 20161094
Board of Zoning Appeals Hearing: Monday, November 28, 2016 – 6:00 p.m.
Property Owner: Dale M. Yake
513 Kent Terrace
Marietta, GA 30064
Applicant: Same as above
Address: 513 Kent Terrace
Land Lot: 16 **District:** 10810 **Parcel:** 0270
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 fence height in the front yard from 4’ to 6.’ [§710.04 (D.1)]

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



Columns for fence



Recommended Action:

Denial. Dale Yake is requesting a variance to allow a 6' tall fence in the front yard of his residence at 513 Kent Terrace. This property is located in Anderson Farm, a residential subdivision zoned R-2 (Single Family Residential – 2 units/acre). Kennesaw Mountain National Battlefield Park lies directly to the west of the subject property.

The residence on this property is nearly finished being constructed. The applicant wishes to construct a 6' wrought iron fence, with stone columns and gates at the driveways, around the entire front yard. This property is at a prominent location within the subdivision, as it is at the bottom of a hill and at the intersection of Kent Terrace and Anderwood Ridge. Because it is at the bottom of a hill, the property contains the stormwater pond for a portion of the subdivision. As a result, any fence constructed on the property will need to be open at the bottom to allow passage of stormwater.

A few corner homes in the neighborhood have fences in their secondary side yard, but most fences don't appear to be more than 5' tall. Allowing a 6' tall fence in this neighborhood would set a precedent for any other homes desiring a 6' fence in the front yard. There is no apparent hardship for the request for the additional 2' height. *As a result, staff recommends denial of this variance request.*



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

APPLICATION FOR VARIANCE OR APPEAL

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

For Office Use Only:

Application #: V2016-55 Legistar #: _____ BZA Hearing Dt: 11-28-16
City Council Hearing Dt (if applicable) #: _____ PZ #: 16-578

This is a variance/appeal application for:

Board of Zoning Appeals

City Council

Owner's Name DALE M. YAKE

Address 513 KENT TERRACE Zip Code: 30064

Telephone Number: 770 853 3450 Email Address: dyake@ptsolutions.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:

513 KENT TERRACE, MARIETTA 30064 Date of Acquisition: 3-26-14

Land Lot (s) 1081 District 16th Parcel 0270 Acreage .98 Zoned R2 Ward 4A FLU LDR

List the variance(s) or appeal requested (please attach any additional information):
10810
→ 1610810 0270

6' FENCE IN FRONT OF PROPERTY

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. Copy of the deed that reflects the current owner(s) of the 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 – 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).
Copies Required: One (1) - (8 1/2" x 11") -or- (11" x 17") drawn to scale.
Optional Additional Plat size: (24"x 36"). If providing (24"x 36") then 25 copies REQUIRED.
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

To whom it may concern,

I am requesting a fence variance from four foot to six foot in our front yard at 513 Kent Terrace Marietta, Georgia 30064. The requested variance serves to preserve the aesthetic integrity of home by allowing the six foot fence to continue in height and materials around the perimeter of the residential property. Strict enforcement of the height restriction would actually impair the visual appeal of the custom home by requiring lower fence heights in the front without regard to quality or the type of aesthetic fence material being utilized. Thank you for your consideration on this matter.

Kind Regards,

Dale Yake

TO: Marietta Daily Journal
FROM: City of Marietta
RUN DATE: November 11, 2016

**CITY OF MARIETTA
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, November 28, 2016 at 6:00 P.M.**, City Hall. Anyone wishing to attend may do so and be heard relative thereto.

V2016-55 [VARIANCE] DALE M. YAKE is 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 fence height in the front yard from 4' to 6.' 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.

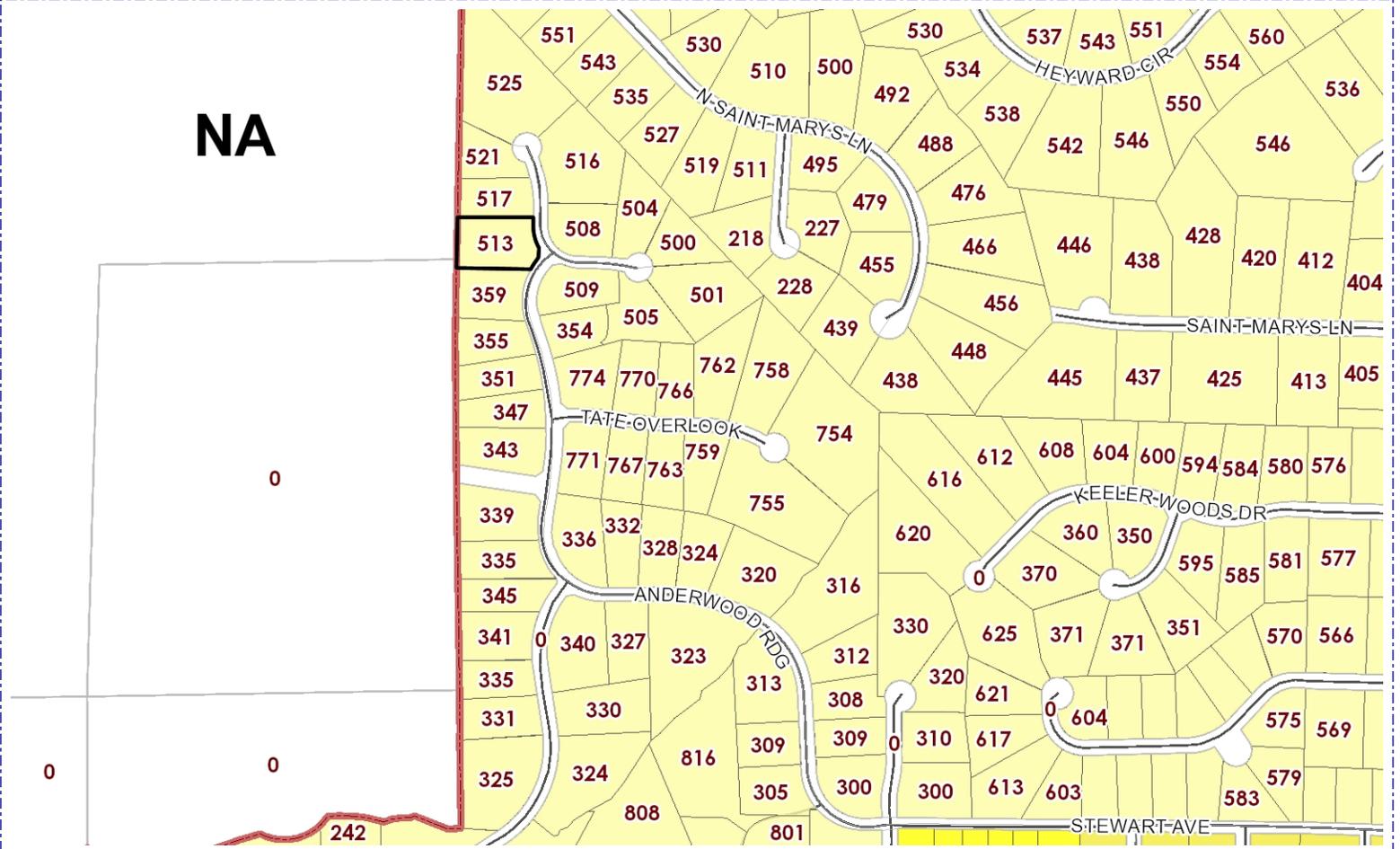
For additional information please call the Planning and Zoning Office (770) 794-5669.

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

NA



Address	Parcel Number	Acreage	Ward	Zoning	FLU
513 KENT TERR	16108100270	0.936	4A	R2	LDR

Property Owner:	Dale M. Yake	Zoning Symbols
Applicant:		
BZA Hearing Date:	11/28/2016	
Acquisition Date:		
Case Number:	V2016-55	
<p>City of Marietta Planning & Zoning</p>		

LEGEND

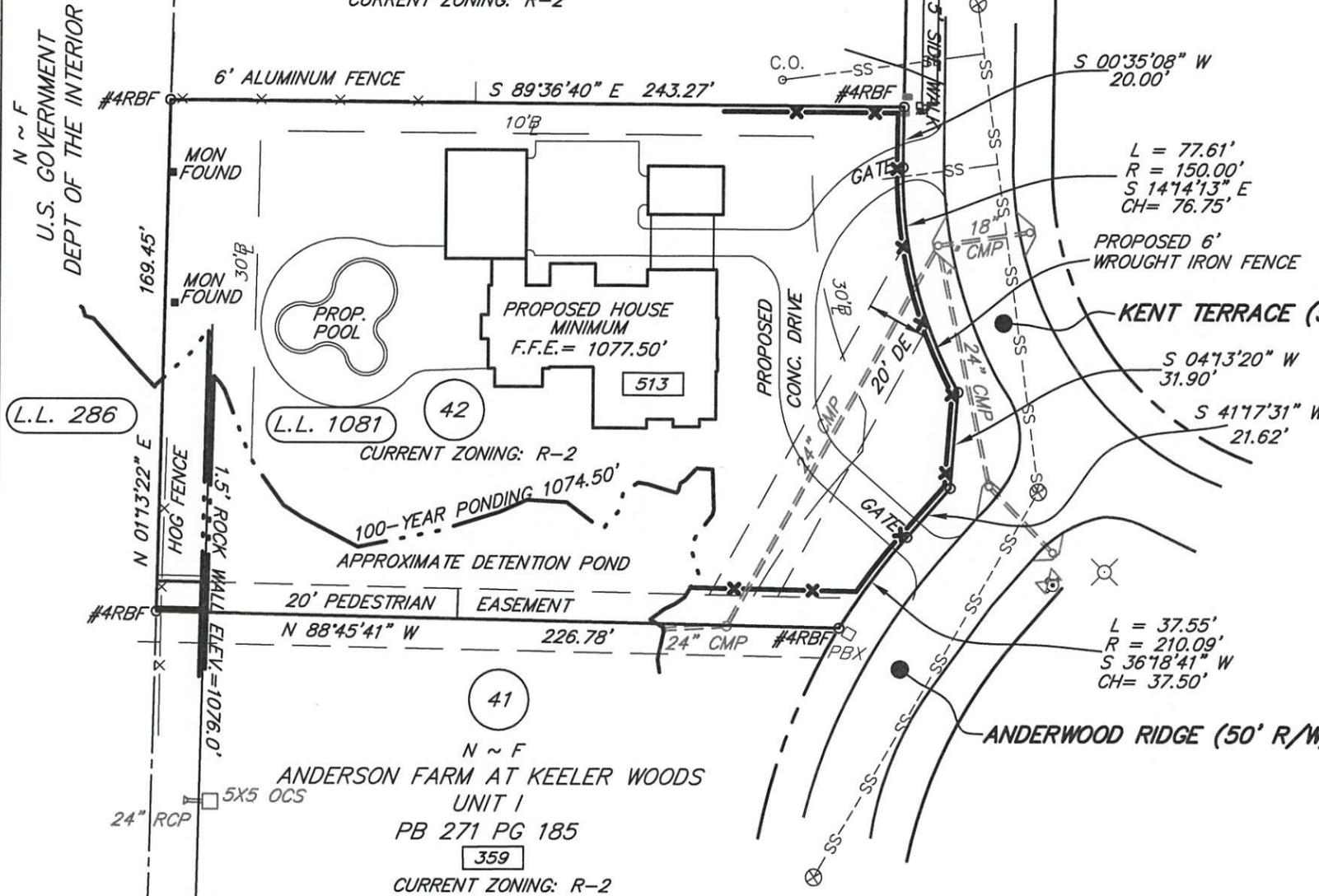
	P.P. - POWER POLE
	L.P. - LIGHT POLE
	F.H. - FIRE HYDRANT
	M.H. - SANITARY SEWER MANHOLE
	W/M - WATER METER
	G/M - GAS METER
	RBS - REINFORCING BAR SET
	RBF - REINFORCING BAR FOUND
	CTF - CRIMP TOP PIPE FOUND
	OTF - OPEN TOP PIPE FOUND
	R/W MON. - RIGHT-OF-WAY MONUMENT
	TYPE OF FENCE
	J.B. - JUNCTION BOX
	D.I. - DROP INLET / YARD INLET
	C.B. - CATCH BASIN
	R.C.P. - REINFORCED CONCRETE PIPE
	C.M.P. - CORRUGATED METAL PIPE
	F.F.E. - FINISHED FLOOR ELEVATION
	WATER VALVE
	C.O. SEWER CLEAN OUT
	TELEPHONE MANHOLE
	OVERHEAD POWER LINES
	HW. - HEADWALL
	PBX POWERBOX
	1234 STREET ADDRESS
	-W--W- WATER LINE
	---T---T- UNDERGROUND TELEPHONE LINE
	---G--- GAS LINE
	---E--- UNDERGROUND ELECTRICAL LINE

N ~ F
ANDERSON FARM AT KEELER WOODS
 UNIT 1
 PB 271 PG 185
 517
 CURRENT ZONING: R-2

THIS PARCEL OF LAND IS NOT IN THE 100 YEAR FLOOD PLAIN AND IS IN ZONE X; ACCORDING TO F.E.M.A. (F.I.A.) COMMUNITY NUMBER # 130052, MAP NUMBER # 13067C0104H DATED MARCH 4, 2013.

VARIANCE PURPOSE NOTE:

REQUESTING A TWO FOOT HEIGHT VARIANCE ON A FENCE FROM 4 FEET TO 6 FEET IN THE FRONT YARD.



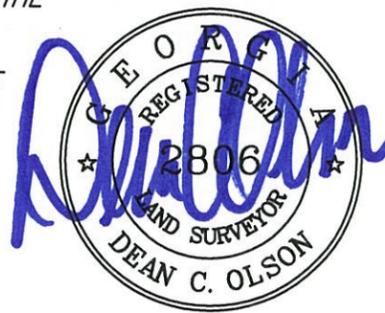
GPS NOTES:

- HORIZONTAL DATUM IS NAD 83. VERTICAL DATUM IS NAVD 88.
- THE NORTHING, EASTING, AND ELEVATION OF THE STARTING POINTS FOR THIS SURVEY WERE OBTAINED UTILIZING A TRIMBLE 5800 GPS RECEIVER WITH A TRIMBLE TSC2 DATA COLLECTOR RECEIVING RTK CORRECTIONS VIA A CELL PHONE FROM THE EGPS SOLUTIONS REAL TIME NETWORK. THE TECHNIQUE USED WAS RTK CORRECTED MEASUREMENTS FROM THE TRIMBLE VRS REAL TIME NETWORK OPERATED BY EGPS SOLUTIONS, INC. THE RELATIVE POSITIONAL ACCURACY OBTAINED ON THE POINTS UTILIZED IN THIS SURVEY WERE 0.04 FT. HORIZONTAL AND 0.07 FT. VERTICAL AT THE 95% CONFIDENCE LEVEL.

SURVEYOR REFERENCE:
 DALE YAKE AND EMILY YAKE
 DB 15147, PG 1233
 P.B. 271 PG. 185



THIS SURVEY WAS PREPARED IN CONFORMITY WITH THE TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN CHAPTER 180-7 OF THE RULES OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN THE GEORGIA PLAT ACT O.C.G.A. 15-6-67.



LOCATION OF UTILITIES EXISTING ON OR SERVING THE SUBJECT PROPERTY IS DETERMINED BY OBSERVABLE EVIDENCE ONLY. THIS PROPERTY MAY BE SUBJECT TO EASEMENTS, CLAIMS, PRESCRIPTION AND SUBSURFACE CONDITIONS THAT ARE NOT VISIBLE OR RECORDED, THUS DEEMING THEM UNDETERMINED AND NOT SHOWN. THIS PLAT IS INTENDED FOR THE PARTIES STATED ON THE FACE OF SURVEY. USE OF THE SURVEY BY THIRD PARTIES IS AT THEIR OWN RISK.

THIS PLAT IS PREPARED FROM A FIELD SURVEY USING A FIVE SECOND DIGITAL THEODOLITE AND ELECTRONIC DISTANCE METER; LINEAR PRECISION OF TRAVERSE: 1/22,926; ANGULAR ERROR: 10" PER POINT. THE TRAVERSE WAS ADJUSTED USING THE COMPASS RULE. LINEAR PRECISION OF THIS PLAT: 1/70,706. MATTERS OF TITLE ARE EXCEPTED.

Gaskins
 ENGINEERING • SURVEYING • PLANNING/CONSULTING • CONSTRUCTION MGMT

Marietta Office
 1266 Powder Springs Rd
 Marietta, GA 30064
 Phone: (770) 424-7168

Canton Office
 147 Reinhardt College Pkwy
 Ste. 8 Canton, GA 30114
 Phone: (770) 479-9698

FIELD DATE: 03/17/14	DRAWN BY: JIC
OFFICE DATE: 10/14/2016	CHECKED BY: DCO
SCALE: 1"=50'	FILE: S:/BND/COBB/16/1081

VARIANCE EXHIBIT FOR:

513 KENT TERRACE
 ANDERSON FARM AT KEELER WOODS

LOCATED IN L.L. 1081
 16th DISTRICT, 2ND SECTION
 COBB COUNTY, GA.