



STAFF REVIEW AND RECOMMENDATION

Variance Case #: V2016-43 **Legistar #:** 20160765
Board of Zoning Appeals Hearing: **Monday, August 29th, 2016 – 6:00 p.m.**
Property Owner: Jeffrey M. & Juliann M. Findling
252 McCord Street
Marietta, GA 30064
Address: 252 McCord Street
Land Lot: 12200 **District:** 16 **Parcel:** 0030
Council Ward: 3A **Existing Zoning:** R-3 (Single Family Residential – 3 units/acre)

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

1. Variance to reduce the side setback for an accessory structure from 10’ to 3.’ [§708.03 (F.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



252 McCord Street



Proposed location of detached garage (from Cleburne Ave)

Recommended Action:

Denial. Jeffrey and Juliann Findling, owners of 252 McCord Street, are requesting a side setback reduction for a new detached garage on their property, which is located at the northeastern corner of McCord Street and Cleburne Avenue. The subject property is zoned R-3 (Single Family Residence – 3 units/acre). The surrounding properties to the east, west, and south contain single family residences also zoned R-3. Northcutt Stadium, zoned R-4 (Single Family Residence – 4 units/acre), lies directly to the north.

The applicants recently finished remodeling and adding onto their home. Their detached garage in the rear, which crossed over the property line to the east, was also recently demolished. The applicant wishes to build a new, two-car garage in their backyard, 3' from the side property line. Setbacks for accessory structures are 10' from the side and rear unless the structure exceeds 15' in height; then the rear setback becomes equal to the height. No building elevations were provided with the application, indicating only the side setback is an issue. A discussion with the contractor indicated the garage's height would be approximately 20' and the footprint approximately 30'x25.'

The Marietta Building Department has the following comments regarding the placement of the new garage:

The proposed garage at 252 McCord St is not allowed by code to have any openings in the rear wall if it is constructed 3 feet or less from the property line. This includes any windows or doors. Also if the rear wall is 5 feet or less from the property line then the wall will be required to have a 1 hour fire rating. The fire rating will extend from the foundation to the overhang. The wall will be measured from the overhang and not from the wall itself to the property line to determine the distance from the property line. This is in accordance to Table R302.1(1) of the 2012 International Residential Code that is currently being enforced by the City of Marietta.

The City has not received any feedback from the affected neighbor. No apparent or legitimate hardship exists other than wanting to maximize their yard. The property contains enough width for the required 10' setback, the garage, and an adequate driveway. 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 #: V2016-43 Legistar #: BZA Hearing Dt: 8-29-16
City Council Hearing Dt (if applicable) #: PZ #: 16-413

This is a variance/appeal application for:



Board of Zoning Appeals



City Council

Owner's Name Jeffrey M. & Juliann M. Findling

Address 252 McCord St, Marietta, GA Zip Code: 30064

Telephone Number: 678-865-7828 Email Address: jmfinding@gmail.com

COMPLETE ONLY IF APPLICANT IS NOT OWNER:

Applicant Gordon Brans

Address (write to owner only) Zip Code:

Telephone Number 678-300-1590 Email Address: gordonbrans@bellsouth.net

Address of property for which a variance or appeal is requested:
252 McCord St, Marietta, GA 30064 Date of Acquisition: March 20, 2015

Land Lot (s) 12200 District 16 Parcel 0030 Acreage .43 Zoned R3 Ward 3A FLU LDR

List the variance(s) or appeal requested (please attach any additional information):
CONSTRUCT residential Garage 3 feet from property line
VERSUS the current 6 Feet zoning guideline

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

VARIANCE REQUEST DESCRIPTION

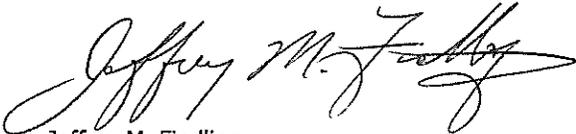
July 7, 2016

Dear Sir or Madam,

We are respectfully requesting a variance on our property located at 252 McCord Street NW, Marietta, GA 30064.

The current zoning guidelines allow for a 6 foot setback from the adjacent property line. We are requesting a variance to reduce the setback to 3 feet. We are planning on building a garage on our property and are hoping to maximize the amount of usable land on which to build.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Jeffrey M. Findling". The signature is fluid and cursive, with a long horizontal stroke at the end.

Jeffrey M. Findling

A handwritten signature in black ink, appearing to read "Juliann M. Findling". The signature is cursive and somewhat stylized.

Juliann M. Findling

TO: Marietta Daily Journal
FROM: City of Marietta
RUN DATE: August 12, 2016

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 29, 2016 at 6:00 P.M.**, City Hall. Anyone wishing to attend may do so and be heard relative thereto.

V2016-43 [VARIANCE] JEFFREY M. & JULIANN M. FINDLING is requesting a variance for property located in Land Lot 1220, District 16, Parcel 0030, 2nd Section, Marietta, Cobb County, Georgia and being known as 252 McCord Street. Variance to reduce the side setback for an accessory structure from 10' to 3.' Ward 3A.

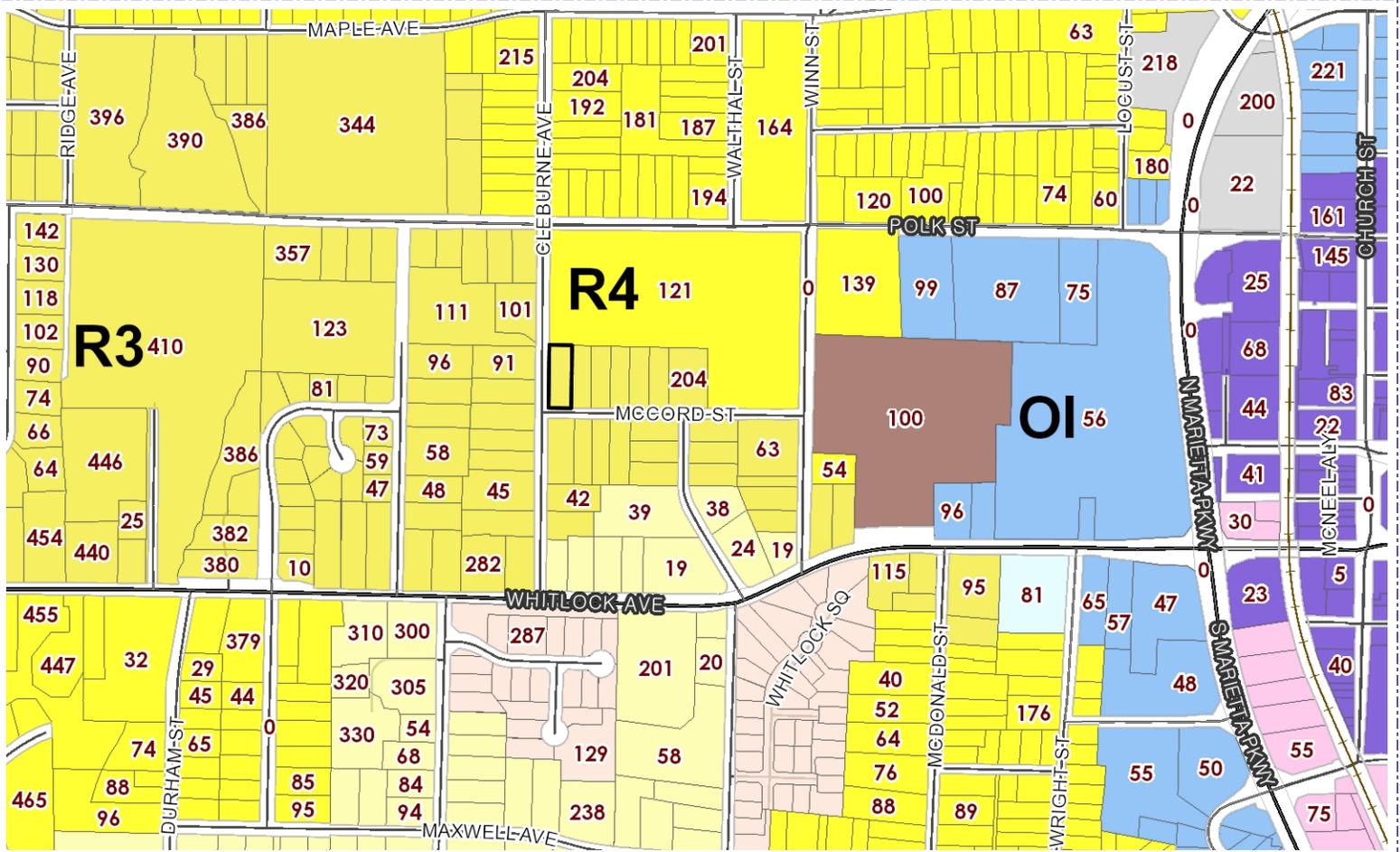
A description and plat of the property sought for the variances are on file in the Planning and Zoning Office, City Hall, and are available for inspection between 8:00 A.M. and 5:00 P.M., Monday through Friday. Anyone wishing to attend may do so and be heard relative thereto.

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
252 MCCORD ST	16122000030	0.43	3A	R3	LDR

Property Owner:	Jeffrey M & Juliann M Findling
Applicant:	Gordon Brans
BZA Hearing Date:	08/29/2016
Acquisition Date:	
Case Number:	V2016-43
City of Marietta Planning & Zoning	

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
- MXD - 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

NEW

NOTES:
THIS SURVEY WAS PREPARED IN CONFORMITY WITH THE TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN CHAPTER 100-7 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. 13-2-67, AUTHORITY O.C.G.A. SECS. 13-2-67, 13-15-4, 13-15-6, 13-15-13, 13-15-22.

THE FIELD DATA UPON WHICH THIS PLAT IS BASED WAS OBTAINED USING A GTS 3005H TOTAL STATION, AND HAS A LINEAR PRECISION RATIO OF ONE FOOT IN 12,223 FEET AND AN ANGULAR ERROR OF 03-SECONDS PER ANGLE AND WAS NOT ADJUSTED.

THIS PLAT HAS BEEN CHECKED FOR MATHEMATICAL ACCURACY AND CLOSURES WITHIN ONE FOOT IN INFINITY.

TOTAL AREA = 16,275 SQUARE FEET OR 0.42 ACRES.

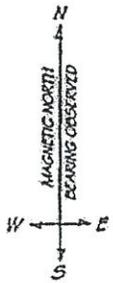
PROPERTY MAY OR MAY NOT BE SUBJECT TO PROTECTIVE OR RESTRICTIVE COVENANTS AS PER FINAL PLAT AND OR CITY/COUNTY ORDINANCES INCLUDING ALL EASEMENTS AND RIGHTS OF WAY.

THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE SEARCH. THERE MAY BE BURDENS, EASEMENTS, RESTRICTS AND OR RIGHTS OF WAYS NOT SHOWN OR REFERENCED THAT A CURRENT TITLE REPORT WOULD REVEAL.

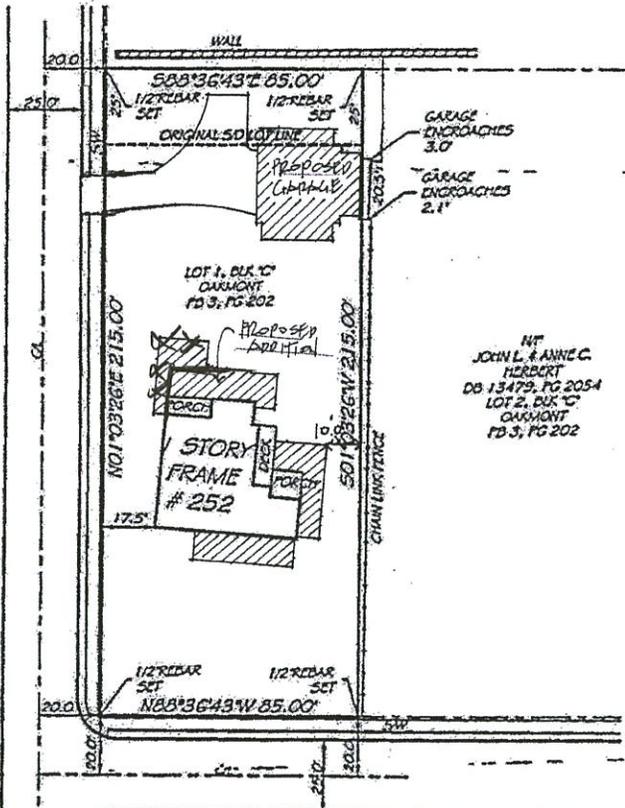
THE LOCATION OF UNDERGROUND UTILITIES WERE NOT LOCATED FOR THIS SURVEY. UTILITIES SHOWN ARE BASED UPON VISIBLE AND PHYSICAL EVIDENCE. THERE MAY BE UTILITIES ON OR CROSSING THIS PROPERTY THAT ARE NOT SHOWN. CALL THE UTILITIES PROTECTION CENTER (7811) BEFORE ANY EXCAVATIONS ARE BEGUN TO ENSURE AND VERIFY THE CORRECT LOCATION AND DEPTH OF ALL UTILITIES.

REFERENCES:
DEED BOOK 13373, PAGE 266
DEED BOOK 13373, PAGE 563
PLAT BOOK 3, PAGE 202

BY
MARIETTA BOARD OF EDUCATION

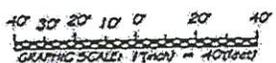


CLEBURNE AVENUE (40' R/W)

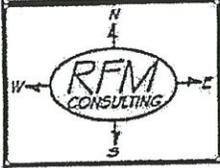


BY
JOHN L. & ANNE C. HERBERT
DB 13479, PG 205-4
LOT 2, BLK 'C' OAKMONT
PB 3, PG 202

Mc CORD STREET (40' R/W)



SURVEY OF
#252 Mc CORD STREET
LOT 1, BLOCK 'C'
OAKMONT
LOCATED IN
LAND LOT 1220
16th DISTRICT, 2nd SECTION
CITY OF MARIETTA
COBB COUNTY, GEORGIA
FIELD DATE: 03-18-2015
PLAT DATE: 03-19-2015
SCALE: 1" (INCH) = 40' (FEET)



R.F.M. CONSULTING, LLC
707 WHITLOCK AVENUE
BUILDING A-37
MARIETTA, GA 30064
(770) 757-3977
EMAIL: RFMCON@BLLSOUTH.NET



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THE FIELD DATA UPON WHICH THIS PLAT IS BASED WAS OBTAINED USING A GPT-3005W TOTAL STATION, AND HAS A LINEAR PRECISION RATIO OF ONE FOOT IN 12,229 FEET AND AN ANGULAR ERROR OF 05 SECONDS PER ANGLE AND WAS NOT ADJUSTED.

THIS PLAT HAS BEEN CHECKED FOR MATHEMATICAL ACCURACY AND CLOSES WITHIN ONE FOOT IN INFINITY.

TOTAL AREA = 18,275 SQUARE FEET OR 0.42 ACRES.

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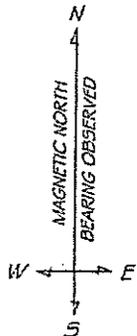
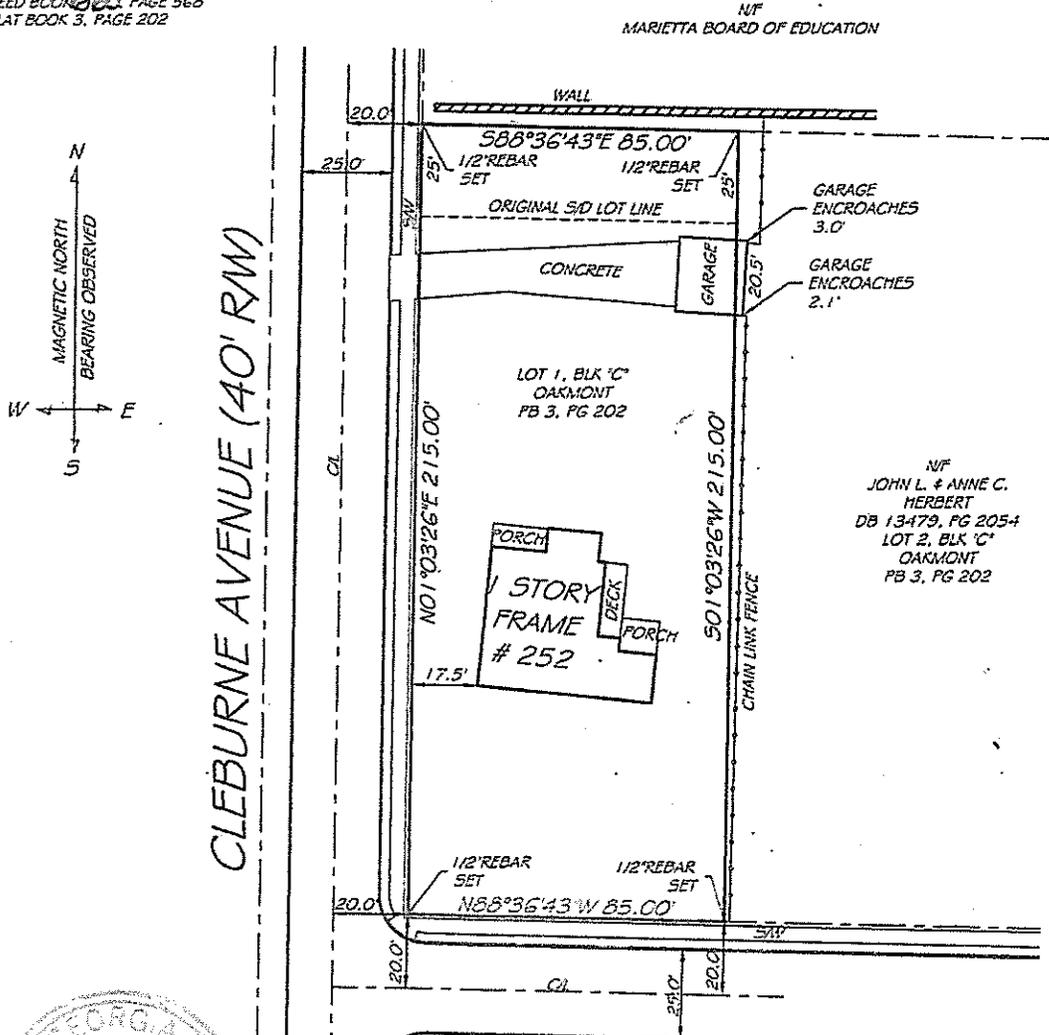
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REFERENCES:

DEED BOOK 13579, PAGE 288
DEED BOOK 13579, PAGE 568
FLAT BOOK 3, PAGE 202

Handwritten initials: OJD

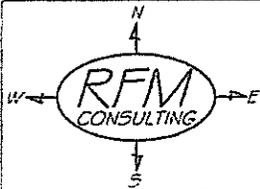


CLEBURNE AVENUE (40' R/W)

Mc CORD STREET (40' R/W)

SURVEY OF
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