



REZONING APPLICATION ANALYSIS

ZONING CASE #: **Z2016-27** **LEGISTAR: 20160894**

LANDOWNERS: **Jean Lamothe**
 2091 Allgood Road
 Marietta, GA 30062

APPLICANT: **Same as above**

AGENT: **n/a**

PROPERTY ADDRESS: **463 Morningside Drive**

PARCEL DESCRIPTION: **16 11430 0140**

AREA: **~0.19 acres** **COUNCIL WARD: 4B**

EXISTING ZONING: **R-4 (Single Family Residential – 4 units / acre)**

REQUEST: **R-4 w/ additional use for duplex**

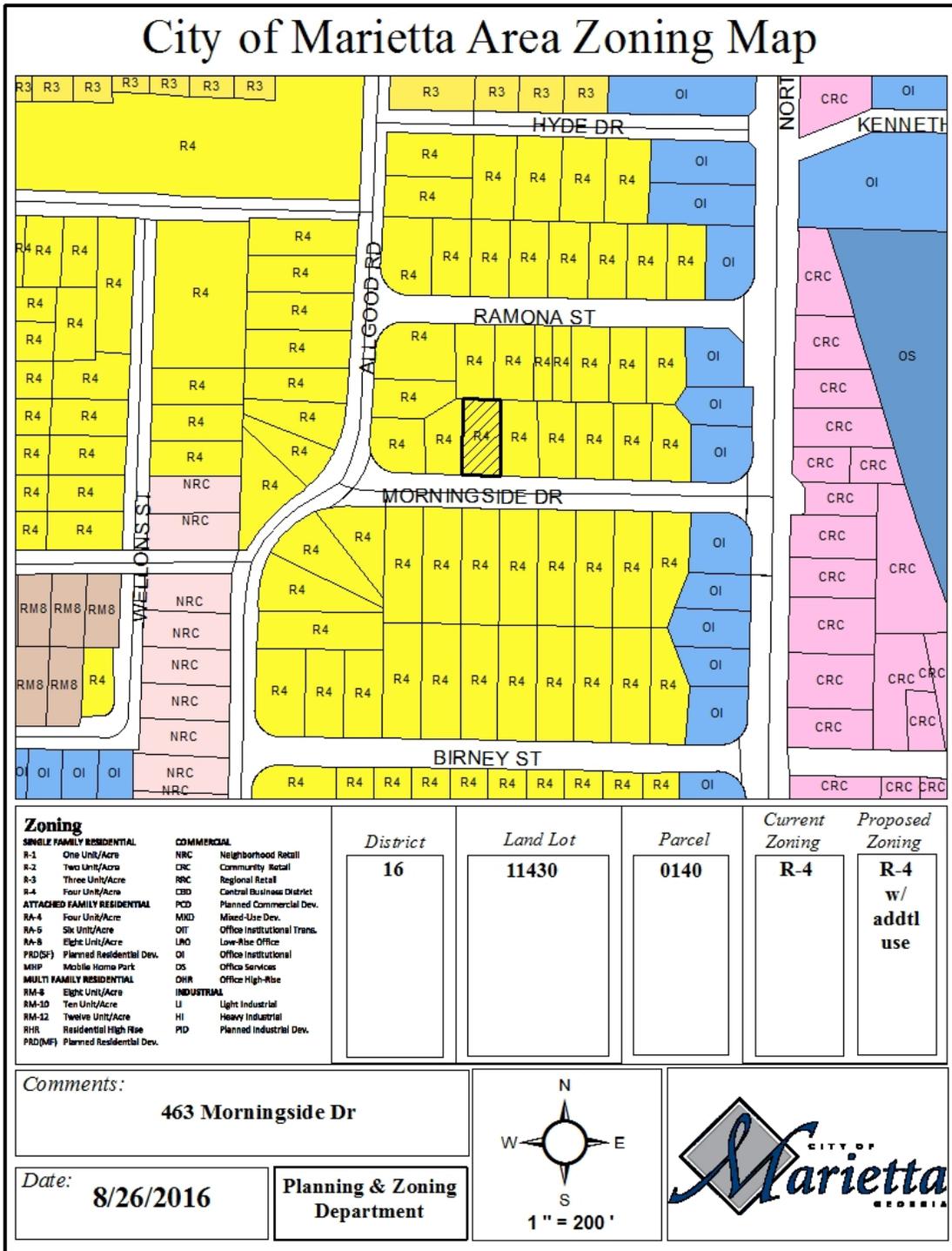
FUTURE LAND USE: **MDR (Medium Density Residential)**

REASON FOR REQUEST: **The applicant is requesting the rezoning of this property from R-4 to R-4 with an additional use so the property may be reestablished as a duplex.**

PLANNING COMMISSION HEARING: **Tuesday, October 4, 2016 – 6:00 p.m.**

CITY COUNCIL HEARING: **Thursday, October 13, 2016 – 7:00 p.m.**

MAP



FLU MAP



PICTURES OF PROPERTY



463 Morningside Drive



465 Morningside Drive



Existing structure of subject properties

STAFF ANALYSIS

Location Compatibility

Jean Lamothe is requesting property located at 463-465 Morningside Drive be rezoned from R-4 (Single Family Residential – 4 units/ac) to R-4 (Single Family Residential – 4 units/ac) with an additional use so the property may be legally reestablished as a duplex. The property contains a residential structure that was built as a duplex, and had been used as a duplex until it became vacant in 2011. Properties to the north, east, west, and across Morningside Drive to the south are also zoned R-4 and used as duplexes.

Use Potential and Impacts

The subject property is a duplex. Cobb County Tax records state it was built in 1948, and aerial photographs of the area show that the entire subdivision was completed by 1961. Research into zoning regulations indicates that the 1974 Zoning Ordinance included duplexes, along with single family residences, as permitted uses under the R-10 zoning classification. By the time the 1984 Zoning Ordinance was approved, duplexes were eliminated as a permitted use in R-10. So at that time, any duplexes that had already been built became nonconforming uses. In 1998, a new Zoning Ordinance was approved, and under the zoning classification system, R-10 became R-4, which is the category under which the property is zoned today.

Section 706, Nonconforming Uses, allows a use that is nonconforming to continue, except that it cannot be “Reestablished after discontinuance for a continuous period of 6 months or 18 months during any 3 year period”. The intent of the nonconforming use clause in the Zoning Ordinance is to permit non-conformities to continue until they are removed, but not to encourage their survival. Marietta’s code is similar to many other codes, including Cobb County, in that “grandfathered” uses do not survive if disestablished for a period of time.

The duplex property was left vacant with no utilities for at least five years. According to the utility billing – utilities for the unit at 463 Morningside Drive have been off since March 31, 1997 – utilities for the unit of 465 Morningside Drive have been off since August 25, 2011.

All of the properties immediately adjacent to the subject property are also nonconforming duplexes. Along Morningside Drive, the majority of the residences are duplexes and all appear the same architecturally.

However - there have been other properties in the City that have lost their nonconforming use status, and have been renovated and converted physically to single family homes. These properties include:

- 450 Morningside Drive
- 253 McArthur Drive
- 269 McIntosh Avenue
- 447 Birney Street
- 233 Roosevelt Circle

The Future Land Use (FLU) of this parcel, as specified in the City's Comprehensive Plan, is MDR (Medium Density Residential). The FLU serves as a guide for long-term growth and how development should occur over time and into the future. The purpose of the Medium Density Residential category is to provide for areas that are suitable for medium-density housing with densities ranging from three (3) to six (6) dwelling units per acre. Both R-4 and RA-4 - a zoning classification that allows duplexes - are compatible with this future land use.

Environmental Impacts

Any proposed changes to the site should be minimal so there should be no additional environmental impacts caused by the proposed request. There is no indication of any wetlands, streams, or endangered species existing on the property.

Economic Functionality

The properties have been vacant for an extended period of time – one unit has been vacant for five (5) years – the other unit has been vacant for nineteen (19) years. All the properties along Morningside Drive are similar in character. As the property is zoned for residential use – it is reasonably zoned to be occupied as a single family residence.

Although it previously occupied as a duplex – the City passed a Residential Infill Development ordinance with the intent to increase new single-family residential structures in existing neighborhoods. This neighborhood is included in the area identified as eligible for Residential Infill Development.

Infrastructure

This property only contains one driveway that is wide and deep enough to park two cars in tandem. The applicant is proposing to add a second parking area for the unit at 463 Morningside Drive – on the left. Current regulations require 2 parking spaces per unit and 0.2 guest spaces per unit. The Zoning Ordinance prohibits parking on an unpaved surface. The second driveway would have to accommodate 2 vehicles for the second residential unit in order to be in compliance with zoning. There appears to be a parking problem on this street due to the number of units. Many cars are parked along the street.



History of Property

Besides the history of the changes to the zoning codes throughout the years – there is no history of any rezonings or variances for these properties.

ANALYSIS & CONCLUSION

Jean Lamothe is requesting the property located at 463-465 Morningside Drive be rezoned from R-4 to R-4 with an additional use so the property may be legally reestablished as a duplex. The property contains a residential structure that was built as a duplex, and had been used as a duplex until it became vacant in 2011. Properties to the north, east, west, and across Morningside Drive to the south are also zoned R-4 and used as duplexes.

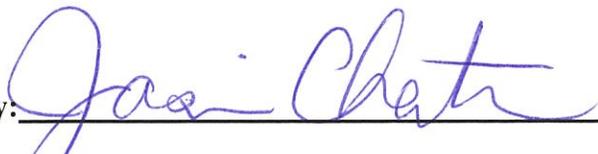
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The duplex property was left vacant with no utilities for at least five years. According to the utility billing – utilities for the unit at 463 Morningside Drive have been off since March 31, 1997 – utilities for the unit of 465 Morningside Drive have been off since August 25, 2011.

This property is included in the area identified as eligible for the Residential Infill Development Overlay District, which is designed to encourage more single family homes in the area of the city with existing infrastructure. However, on its own this parcel does not have enough land area to qualify for subdivision under the Infill Ordinance.

The Future Land Use (FLU) of this parcel, as specified in the City’s Comprehensive Plan, is MDR (Medium Density Residential). The FLU serves as a guide for long-term growth and how development should occur over time and into the future. The purpose of the Medium Density Residential category is to provide for areas that are suitable for medium-density housing with densities ranging from three (3) to six (6) dwelling units per acre. Both R-4 and RA-4 - a zoning classification that allows duplexes - are compatible with this future land use.

Prepared by:



Approved by:





DATA APPENDIX

CITY OF MARIETTA - WATER

Is there a water line adjacent to the property?	Yes
If not, how far is the closest water line?	N/A
Size of water line?	8" DIP
Capacity of water line?	Fire Flow Test may be required
Approximate water usage by proposed use?	N/A

CITY OF MARIETTA - SEWER

Is a sewer line adjacent to the property?	Yes
If not, how far is the closest sewer line?	N/A
Size of sewer line?	6"
Capacity of the sewer line	A.D.F.
Peak Capacity Available	
Estimated waste generated by proposed development?	N/A
Treatment Plant Name?	Cobb County
Treatment Plant Capacity?	Cobb County

DATA APPENDIX CONTINUED

DRAINAGE AND ENVIRONMENTAL CONCERNS

Does flood plain exist on the property:	No
What percentage of the property is in the flood plain?	N/A
What is the drainage basin for the property?	Sope Creek
Is there potential for the presence of wetlands as determined by the U.S. Environmental Protection Agency?	No
If so, is the use compatible with the possible presence of wetlands?	N/A
Do stream bank buffers exist on the parcel?	No
Are there other topographical concerns on the parcel?	No
Are there storm water issues related to the application?	No
Potential presence of endangered species in the area?	No

TRANSPORTATION

What is the road effected by the proposed change?	Morningside Dr
What is the classification of the road?	Local
What is the traffic count for the road?	N/A
Estimated # of trips generated by the proposed development?	N/A
Estimated # of pass-by cars entering proposed development?	N/A
Do sidewalks exist in the area?	Yes; across the street
Transportation improvements in the area?	No
If yes, what are they?	N/A



DATA APPENDIX CONTINUED

EMERGENCY SERVICES

Nearest city or county fire station from the development?	Station 51
Distance of the nearest station?	1.0 mile
Most likely station for 1 st response?	Station 51
Service burdens at the nearest city fire station (under, at, or above capacity)?	None

MARIETTA POWER - ELECTRICAL

Does Marietta Power serve this site? Yes X No _____

If not, can this site be served? Yes _____ No _____

What special conditions would be involved in serving this site?

Additional comments:

DATA APPENDIX CONTINUED

MARIETTA CITY SCHOOLS

Marietta City Schools Impact Assessment:

Elementary School System Servicing Development:	Sawyer Road
Middle School Servicing Development:	Marietta Middle School
High School Servicing Development:	Marietta High School
Capacity at Elementary School:	700 – 800
Capacity at Middle School:	1,300 – 1,400
Capacity at Marietta Sixth Grade Academy:	800 – 900
Capacity at High School:	2,400 – 2,500
Current enrollment of Elementary School:	786
Current enrollment of Middle School:	1,361
Current enrollment of High School:	2,329
Number of students generated by present development:	0
Number of students projected from the proposed development:	1
New schools pending to serve this area:	None
<u>Comments:</u>	



APPLICATION FOR REZONING

(OWNER/APPLICANT OR REPRESENTATIVE MUST BE PRESENT AT ALL PUBLIC HEARINGS)

For Office Use Only:

Application #: 22016-27 Legistar #: 20160894 PZ #: 16-492
 Planning Commission Hearing: 10-4-16 City Council Hearing: 10-13-16

Owner's Name Jean Lamothe Email Address: lamothej@yahoo.com
 Mailing Address 2091 ALLGOOD RD Zip Code: 30062 Telephone Number 404-867-5382

COMPLETE ONLY IF APPLICANT IS NOT OWNER:

Applicant: JEAN LAMOTHE
 Mailing Address 2091 ALLGOOD RD MARIETTA GA Zip Code: 30062
 Telephone Number 404-867-5382 Email Address: lamothej@yahoo.com

Address of property to be rezoned: 463/465 MORNINGSIDE DR. MARIETTA GA
 Land Lot (s) 1143 District 16 Parcel 16114300140 Acreage 1/5 ACRE Ward 4B Future Land Use: MUR
 Present Zoning Classification: R4 Proposed Zoning Classification: R4 w/ADDITIONAL USE as a duplex

REQUIRED INFORMATION

Applicant must submit the following information by 4:00 p.m. on or before the application deadline. Failure to submit any item, or any additional information that might be requested, on or before the deadline will result in the application being held until the next scheduled meeting of the Planning Commission.

1. **ALL rezoning submittals must include proposed plans, supplementary material, etc. in Adobe Acrobat on computer disk. The original application must be submitted with ALL original signatures - Copies of the application or signature(s) will NOT be accepted.**
2. Legal Description. Legal description must be in a WORD DOCUMENT.
3. Application fee (\$500)
4. Copy of the deed that reflects the current owner(s) of the property.
5. Copy of current tax bill showing payment or a certification from the City of Marietta Tax Office stating that taxes have been paid.
3. Site plan/plat/survey prepared by an architect, engineer (P.E. or Civil Engineer), landscape architect or land surveyor whose state registration is current and valid, and whose seal shall be affixed to the site plan/plat/survey. Five (5) copies, drawn to scale and no larger than 24" x 36"; and one (1) copy 11' x 17' or smaller, must be submitted. The following information must be included:
 - Specific use or uses proposed for the site
 - Acreage, bearing and distances, other dimensions, and location of the tract(s)
 - Locations, sizes and setbacks of proposed structures, including the number of stories and total floor area
 - Detention/retention areas, and utility easements
 - Public or private street(s) - right of way and roadway widths, approximate grades
 - Location and size of parking area with proposed ingress and egress
 - Specific types and dimensions of protective measures, such as buffers
 - Landscaping
 - Wetlands, stream buffers, and 100 year floodplain
4. A detailed written description of the proposed development/project must be submitted with the application.

463/465 Morningside is a duplex is located between Allgood road on the West and Fairground road on the East. Prior to acquiring the dwelling, it was an eyesore that disfigured the landscape of the community, as indicated by the "before purchase" picture, leaky roof, broken doors and windows, and dilapidated siding just to name a few.

The previous residence-owner lived in unit 463 and kept 465 vacant without utilities for a while. The dwelling lost its R4 zoning-status in the process. The majority of dwellings on morningside are "duplex residences" except for one. 463/465 Morningside drive has two 2-bedrooms units. Each family unit is identical, the house being symmetrical about the central axis, except that the left hand unit is always the reverse in plan of the right hand unit. There is adequate living space, by any modest standards, for a family of four.

With its new architectural-shingle roof, all new vinyl windows and trim, new exterior paint the dwelling brings a revitalized look to Morningside Dr. .. see "after purchase" picture. Please allow us to contribute to the revitalization of Marietta by re-instating the R4 status of 463/465 Morningside.

TO: Marietta Daily Journal

FROM: City of Marietta

RUN AD DATE: September 16, 2016

PUBLIC NOTICE OF REZONINGS

The City of Marietta hereby gives notice that a public hearing will be held on the following by the Planning Commission on **Tuesday, October 4, 2016, 6:00 P.M.**, City Hall, for a recommendation to the City Council at their meeting on **Thursday, October 13, 2016, 7:00 p.m.**, City Hall, for a final decision to be made.

Z2016-27 [REZONING] JEAN LAMOTHE is requesting the rezoning of 0.19 acres located in Land Lot 1143, District 16, Parcel 0150, 2nd Section, Marietta, Cobb County, Georgia, and being known as 463/465 Morningside Drive from R-4 (Single Family Residential – 4 units/acre) to R-4 (Single Family Residential – 4 units/acre) with an additional use as a duplex. Ward 4B.

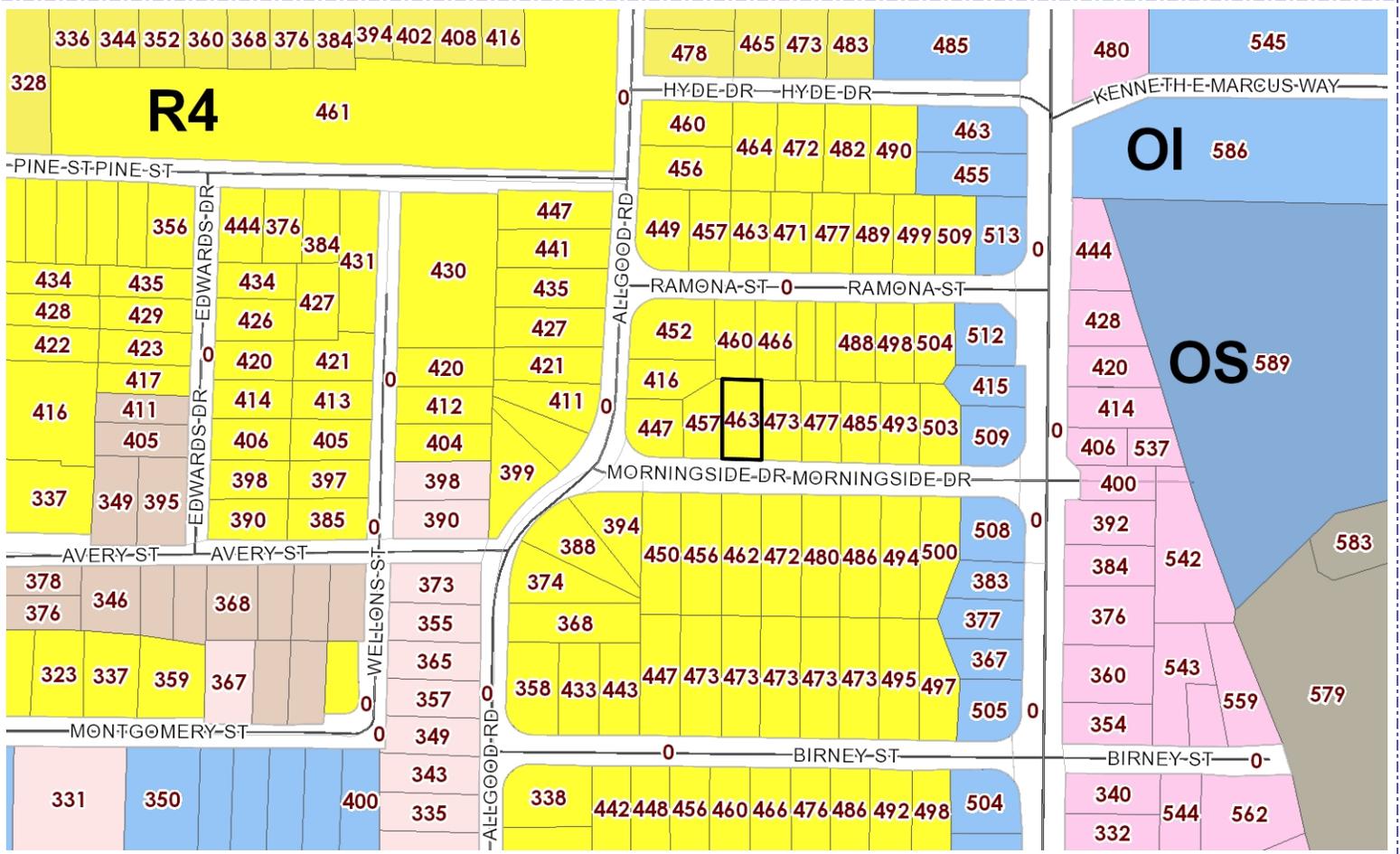
A description and plat of the property sought for the rezoning and future land use assignment are on file in the Planning and Zoning Office, City Hall, and is available for inspection between 8:00 A.M. and 5:00 P.M., Monday through Friday. Anyone wishing to attend may do so and be heard relative thereto.

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.

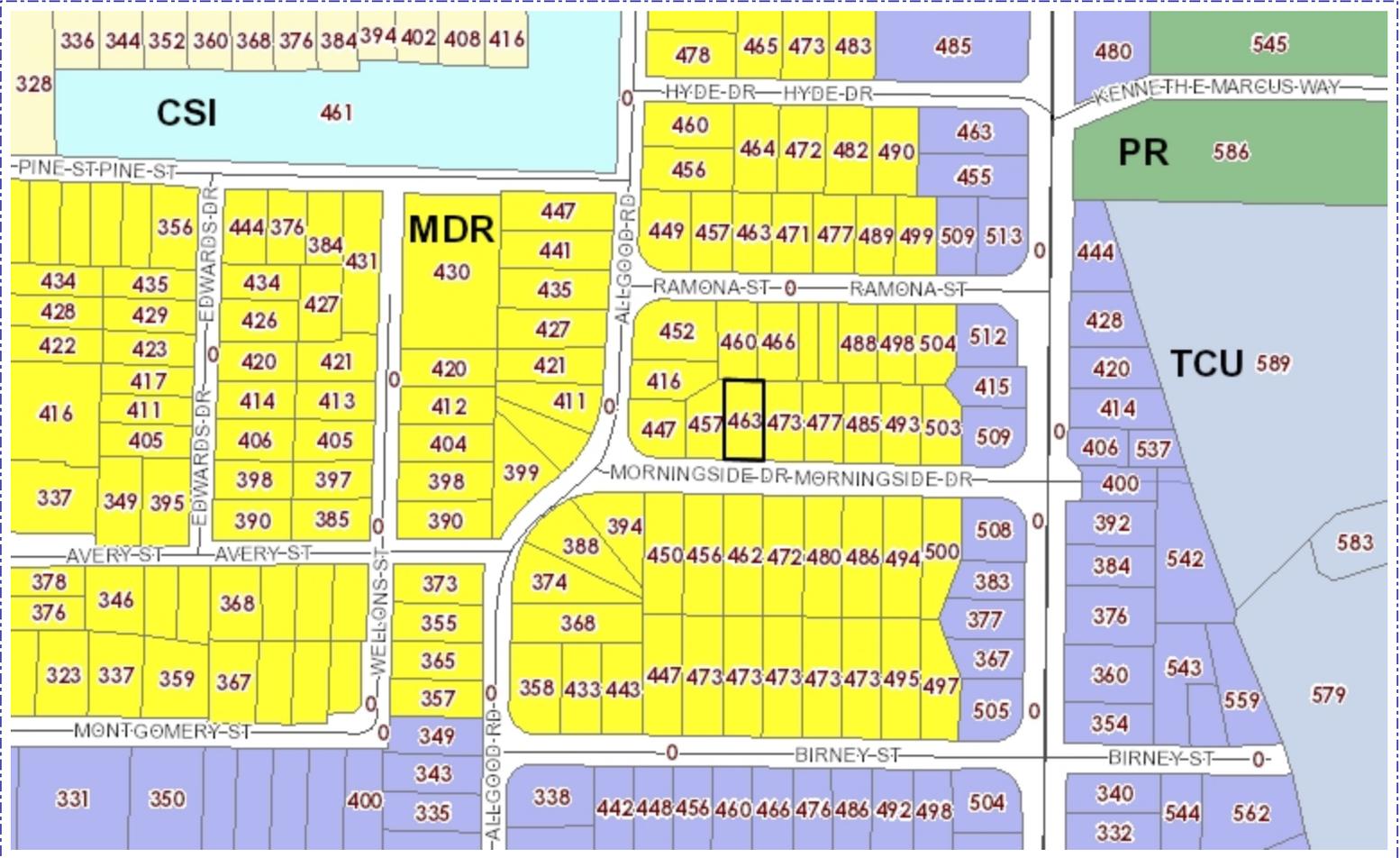
City of Marietta
205 Lawrence Street
Marietta, Georgia 30060

Rezoning



Address	Parcel Number	Acreage	Ward	Zoning	FLU
463 MORNINGSIDE DR	16114300140	0.192	4B	R4	MDR

Property Owner:	Jean Lamothe	Zoning Symbols
Applicant:		
Proposed Zoning:	R4 w/add'l use (duplex)	
Agent:		
Proposed Use:		
Planning Commission Date:	10/04/2016	
City Council Hearing Date:	10/13/2016	Case Number: Z2016-27
City of Marietta Planning & Zoning		



Address	Parcel Number	Acreage	Ward	Zoning	FLU
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463 MORNINGSIDE DR	16114300140	0.192	4B	R4	MDR
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Planning Commission Hearing Date:	10/04/2016	Future Land Use Symbols 			
City Council Hearing Date:	10/13/2016				
Future Land Use:	MDR				
Case Number:					
Comments:					

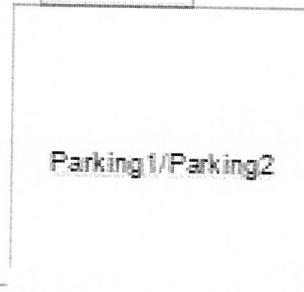
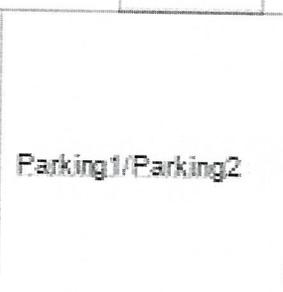
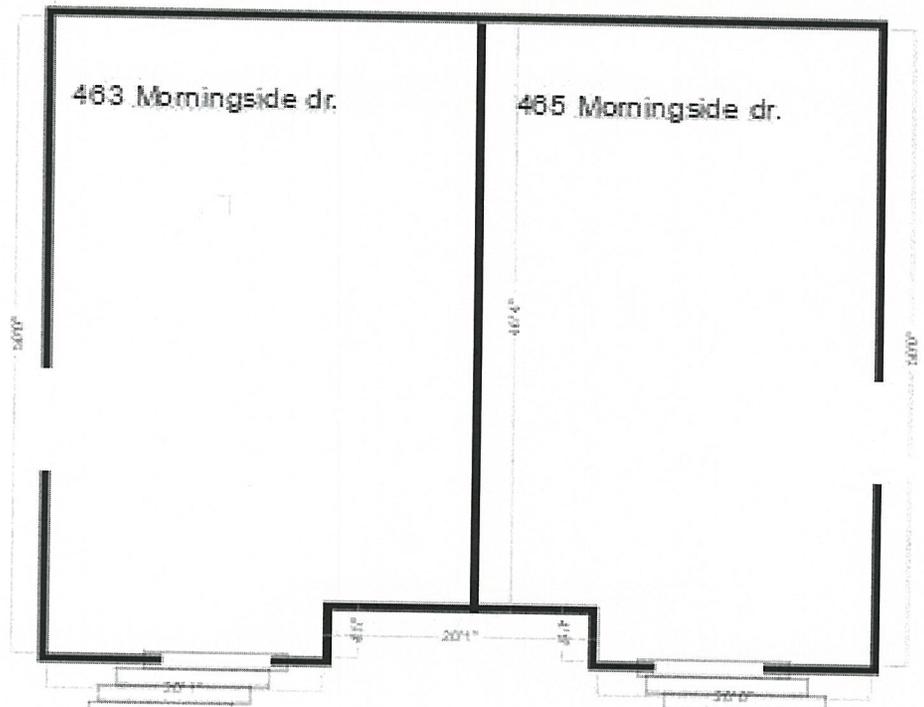


Address	Parcel Number	Acreage	Ward	Zoning	FLU
463 MORNINGSIDE DR	16114300140	0.192	4B	R4	MDR

Property Owner:	Jean Lamothe
Applicant:	
City Council Hearing Date:	10/13/2016
Planning Commission Hearing Date:	10/04/2016
BZA Hearing Date:	Case Number: Z2016-27
Comments:	

Legend

- Railroads
- City Limits
- Cobb County Pockets



Morningside Drive, Marietta

30'0"

10'0"

BEFORE Purchase

