



**REZONING APPLICATION ANALYSIS**

**ZONING CASE #:** Z2015-16 **LEGISTAR:** 20150382

**LANDOWNERS:** Sondra Rowan  
601 Townsend Pl  
Powder Springs, GA 30127

**APPLICANT:** Susan Raper  
4261 Westside Drive  
Acworth, GA 30101

**AGENT:** N/A

**PROPERTY ADDRESS:** 319 Church Street

**PARCEL DESCRIPTION:** 16 11460 0370

**AREA:** 0.537 acres **COUNCIL WARD:** 4

**EXISTING ZONING:** RM-8 (Multi Family Residential – 8 units / acre)

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

**FUTURE LAND USE:** LDR (Low Density Residential)

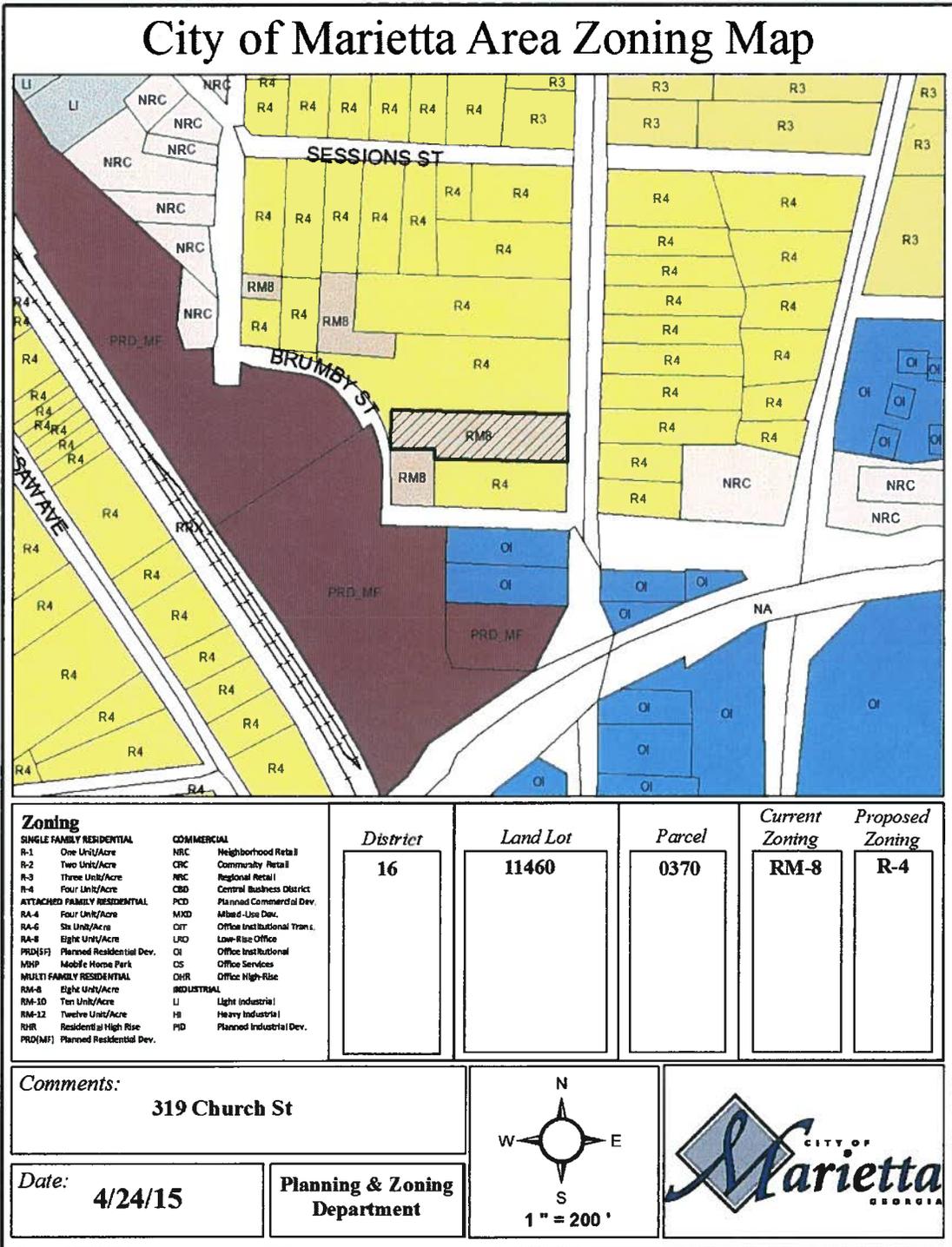
**REASON FOR REQUEST:** The applicant is requesting to rezone the property to R-4 (Single Family Residential – 4 units/ac) in order to improve the property, and potentially to create another single family lot.

**PLANNING COMMISSION HEARING:** Wednesday, July 1, 2015 6:00 p.m.

**CITY COUNCIL HEARING:** Wednesday, July 8, 2015 7:00 p.m

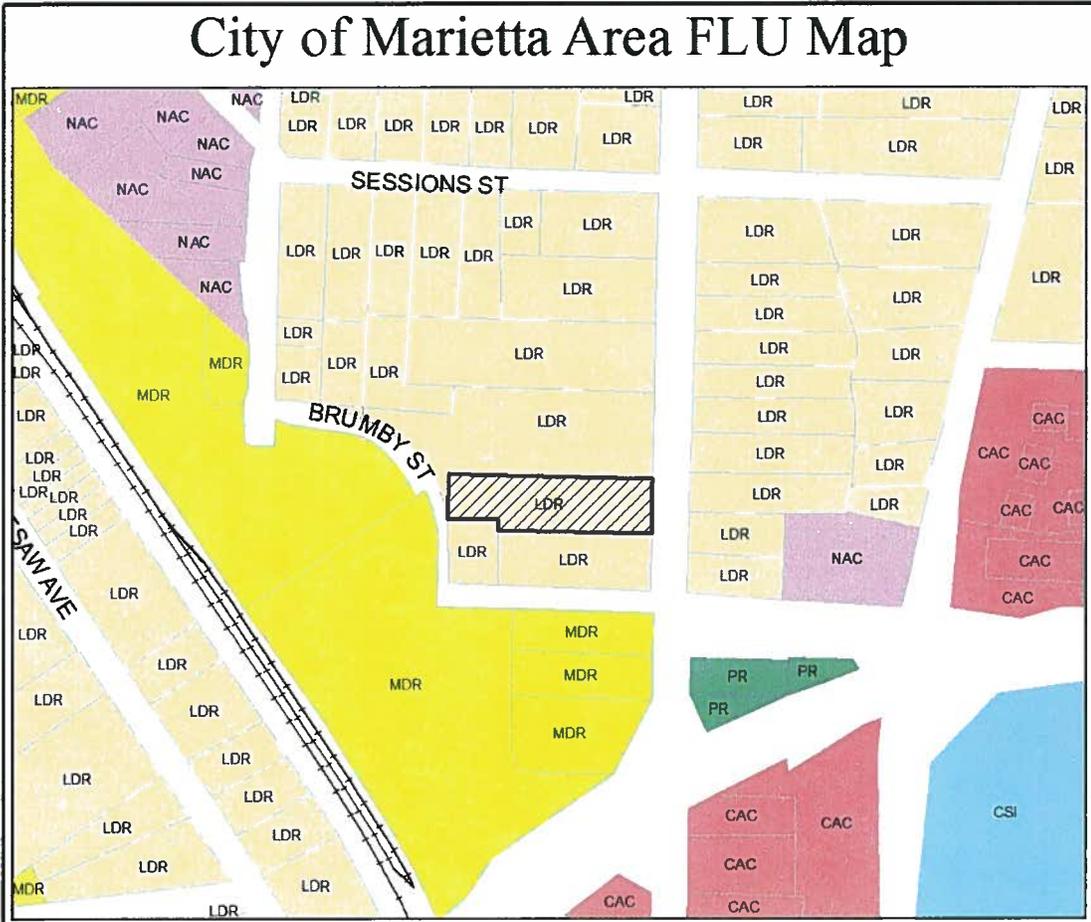
**MAP**

**City of Marietta Area Zoning Map**



## FLU MAP

### City of Marietta Area FLU Map

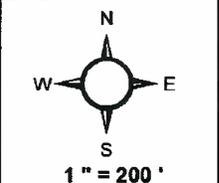


| Future Land Use                               | District | Land Lot | Parcel | Current FLU | Proposed FLU |
|---|----------|----------|--------|-------------|--------------|
| LDR Low Density Residential                   | 16       | 11460    | 0370   | LDR         | N/A          |
| MDR Medium Density Residential                |          |          |        |             |              |
| HDR High Density Residential                  |          |          |        |             |              |
| NAC Neighborhood Activity                     |          |          |        |             |              |
| CAC Community Activity Center                 |          |          |        |             |              |
| RAC Regional Activity Center                  |          |          |        |             |              |
| CBD Central Business District                 |          |          |        |             |              |
| IM Industrial - Manufacturing                 |          |          |        |             |              |
| IW Industrial - Warehousing                   |          |          |        |             |              |
| OSC Open Space/Conservation                   |          |          |        |             |              |
| PR Parks & Recreation                         |          |          |        |             |              |
| CSI Community Service & Institutional         |          |          |        |             |              |
| TCL Transportation, Communication & Utilities |          |          |        |             |              |
| MXD Mixed Use                                 |          |          |        |             |              |

Comments:  
 319 Church St

Date: 4/24/15

Planning & Zoning Department



**PICTURES OF PROPERTY**



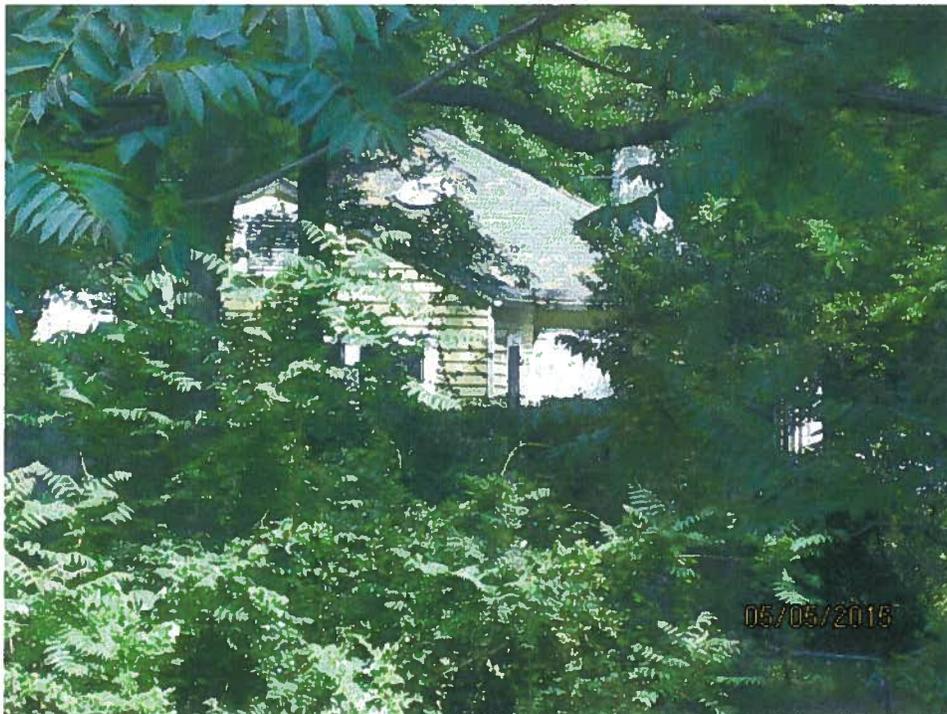
**Front & south side of 319 Church Street**



**Front & north side of 319 Church Street**



**View of rear yard of 319 Church Street from Brumby Street**



**View of back of house of 319 Church Street from Brumby Street**

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## STAFF ANALYSIS

### *Location Compatibility*

Susan Raper, representing the property owner, Sandra Rowan, is requesting the property located at 319 Church Street be rezoned from RM-8 (Multi-Family Residential - 8 units/ac) to R-4 (Single Family Residential - 4 units/ac) to make the zoning compatible with the currently developed property, to improve the property, and potentially to create another single family lot. The property, which contains a residential structure facing Church Street, extends from Church Street to Brumby Street. To the north and south of the property are other properties that are also zoned R-4. Across Brumby Street, to the west, are the Brumby Apartments, that are zoned PRD-MF (Planned Residential Development – Multi Family). Across Church Street to the east are single family homes zoned R-4. One adjacent parcel located to the southwest is owned by the City of Marietta/BLW, and is zoned RM-8.

### *Use Potential and Impacts*

Although zoned RM-8, the subject property has always been used residentially, and is part of the Church Street neighborhood, considered one of the most historically significant neighborhoods in Marietta.

The subject property is in the middle of a single family residential district where the adjacent uses are single family homes. The applicant has a contract on the property and intends to improve the current house on Church Street. Also, the applicant is considering splitting the lot to create another conforming residential lot with access off of Brumby Street. There is a large vacant back yard area, and the applicant is in the process of assuring access can be provided from Brumby Street.

The adjacent parcel that is owned by the City of Marietta/BLW contains a well that was once used as a source of water for residents of the City. Easements are required to protect City infrastructure, and if observed, the proposed rezoning will have little impact on this property.

The City of Marietta Comprehensive Plan and the Future Land Use map designates this property and all surrounding areas as Low Density Residential (LDR). Low Density Residential Districts provide for areas that are suitable for single family detached housing up to three (3) dwelling units per acre. Although not technically consistent with the current designation, the zoning request to rezone this property to R-4 to develop a single family residence is consistent with the current density and development pattern in the area.



### *Environmental Impacts*

There is no indication of any streams, wetlands, endangered species, or topographical issues on the property.

### *Economic Functionality*

All adjacent properties are zoned R-4, with the exception of the adjacent City/BLW property that is zoned RM-8; and the subject property is currently developed with one single family house. The current zoning of RM-8 is out of character for the surrounding residential neighborhood where the majority of the surrounding properties are already zoned R-4.

### *Infrastructure*

The property is entirely within city limits and will be used for residential purposes and will continue utilizing the water, sewer and electric services. There will be minimal impact to traffic in the area. In addition, the Public Works Department has noted that there is a 20' sewer easement around the public sewer main which crosses the property. No permanent structure can be built encroaching that easement.

### *History of Property*

On December 10, 1998, the City of Marietta rezoned the following six (6) parcels – in the area surrounding this subject parcel – from RM-8 to R-4:

- 21 Sessions Street
- 27 Sessions Street
- 29 Sessions Street
- 35 Sessions Street
- 309 Church Street
- 331 Church Street

Although the rezoning of these parcels is not directly related to the subject parcel, it does represent that the City of Marietta was aware of the inconsistent zoning classifications in this area.



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## ANALYSIS & CONCLUSION

Susan Raper, representing the property owner, Sandra Rowan, is requesting the property located at 319 Church Street be rezoned from RM-8 (Multi-Family Residential - 8 units/ac) to R-4 (Single Family Residential - 4 units/ac) to make the zoning compatible with the currently developed property, to improve the property, and potentially to create another single family lot. The property, which contains a residential structure facing Church Street, extends from Church Street to Brumby Street. To the north and south of the property are other properties that are also zoned R-4. Across Brumby Street, to the west, are the Brumby Apartments, that are zoned PRD-MF (Planned Residential Development – Multi Family). Across Church Street to the east are single family homes zoned R-4. One adjacent parcel located to the southwest is owned by the City of Marietta/BLW, and is zoned RM-8. Although zoned RM-8, the subject property has always been used residentially, and is part of the Church Street neighborhood, considered one of the most historically significant neighborhoods in Marietta.

The subject property is in the middle of a single family residential district where the adjacent uses are single family homes. The applicant has a contract on the property and intends to improve the current house on Church Street. Also, the applicant is considering splitting the lot to create another conforming residential lot with access off of Brumby Street. There is a large vacant back yard area, and the applicant is in the process of assuring access can be provided from Brumby Street.

The adjacent parcel that is owned by the City of Marietta/BLW contains a well that was once used as a source of water for residents of the City. Easements are required to protect City infrastructure, and if observed, the proposed rezoning will have little impact on this property.

In addition, the Public Works Department has noted that there is a 20' sewer easement around the public sewer main which crosses the subject property, and no permanent structure can be built encroaching that easement.

The City of Marietta Comprehensive Plan and the Future Land Use map designates this property and all surrounding areas as Low Density Residential (LDR). Low Density Residential Districts provide for areas that are suitable for single family detached housing up to three (3) dwelling units per acre. Although not technically consistent with the current designation, the zoning request to rezone this property to R-4 to develop a single family residence is consistent with the current density and development pattern in the area.

***This case was discussed and tabled at the Planning Commission meeting on June 2, 2015 in order to clarify legal ownership of the property.***

Prepared by: \_\_\_\_\_

Approved by:           Rusty Roth



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## DATA APPENDIX

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### *CITY OF MARIETTA - WATER*

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|  |                             |
|--|-----------------------------|
| Is a water line adjacent to the property?  | Yes                         |
| If not, how far is the closest water line? | ---                         |
| Size of the water line?                    | 10"                         |
| Capacity of the water line?                | Variable based on condition |
| Approximate water usage by proposed use?   | 400 GPD                     |

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### *CITY OF MARIETTA - SEWER*

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|  |   |
|--|---|
| Is a sewer line adjacent to the property?          | Yes – Public sewer main crosses the property itself |
| If not, how far is the closest sewer line?         | ---   |
| Size of the sewer line?                            | 10"   |
| Capacity of the sewer line?                        | Variable based on condition                         |
| Estimated waste generated by proposed development? | 400 GPD   |
| Treatment Plant Name?                              | South Cobb WRF                                      |
| Treatment Plant Capacity?                          | Cobb Water must confirm                             |
| Future Plant Availability?                         | Cobb Water must confirm                             |

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- There is a 20' sewer easement around the public sewer main which crosses the property. No permanent structure can be built encroaching that easement.

**DATA APPENDIX CONTINUED**

***DRAINAGE AND ENVIRONMENTAL CONCERNS***

|  |      |
|--|------|
| Does flood plain exist on the property?  | No   |
| What percentage of the property is in a floodplain?  | N/A  |
| What is the drainage basin for the property?   | Sope |
| 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 the 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?                | Church St and Brumby St                     |
| What is the classification of the road?                          | Church St is arterial<br>Brumby St is local |
| What is the traffic count for the road?                          | ---   |
| Estimated number of cars generated by the proposed development?  | ---   |
| Estimated number of trips generated by the proposed development? | ---   |
| Do sidewalks exist in the area?                                  | Sidewalk on Church St<br>None on Brumby St  |
| Transportation improvements in the area?                         | No  |
| If yes, what are they?   | N/A   |

- Any structural modifications to the existing buildings at 319 Church Street will trigger the requirement for a 20-ft. wide easement along the existing sanitary sewer line (and any other utilities that may be present) within the property.
- If ingress/egress is anticipated through the lot at 211 Brumby Street, title concerns exist: The property is owned by the City of Marietta.



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**DATA APPENDIX CONTINUED**

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***EMERGENCY SERVICES***

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Nearest city or county fire station from the development?

Distance of the nearest station?

Most likely station for 1<sup>st</sup> response?

Service burdens at the nearest city fire station (under, at, or above capacity)?

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***MARIETTA POWER - ELECTRICAL***

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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:



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## DATA APPENDIX CONTINUED

### *MARIETTA CITY SCHOOLS*

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#### **Marietta City Schools Impact Assessment:**

Elementary School Zone Servicing Development:

Grades six (6) through twelve (12) will be serviced by:

- Marietta Sixth Grade Academy
- Marietta Middle School
- Marietta High School

Current Capacity at Servicing Elementary School:

Current Capacity at Marietta Sixth Grade Academy:

Current Capacity at Marietta Middle School:

Current Capacity at Marietta High School:

Current Enrollment at Servicing Elementary School:

Current Enrollment at:

- Marietta Sixth Grade Academy:
- Marietta Middle School:
- Marietta High School:

Number of students generated by present development:

Number of students projected from proposed development at:

- Elementary level:
- Sixth Grade level:
- Middle School 7<sup>th</sup> & 8<sup>th</sup> Grade level:
- High School level:

New School(s) planned that might serve this area:

#### **Comments:**

**TO: Marietta Daily Journal**

**FROM: City of Marietta**

**RUN AD DATE: June 12, 2015**

**PUBLIC NOTICE OF REZONINGS, VARIANCES, AND CODE AMENDMENTS**

The City of Marietta hereby gives notice that a public hearing will be held on the following rezonings and code amendment by the Planning Commission on **Wednesday, July 1, 2015, 6:00 P.M.**, City Hall, for a recommendation to the City Council at their meeting on **Wednesday, July 8, 2015, 7:00 p.m.**, City Hall, for a final decision to be made.

**Z2015-16 [REZONING] SONDR A ROWAN (SUSAN RAPER)** requesting rezoning for property located in Land Lot 1146, District 16, Parcel 0370, 2<sup>nd</sup> Section, Marietta, Cobb County, Georgia and being known as 319 Church Street from RM-8 (Multi Family Residential - 8 units / acre) to R-4 (Single Family Residential – 4 units/ acre). Ward 4.

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.

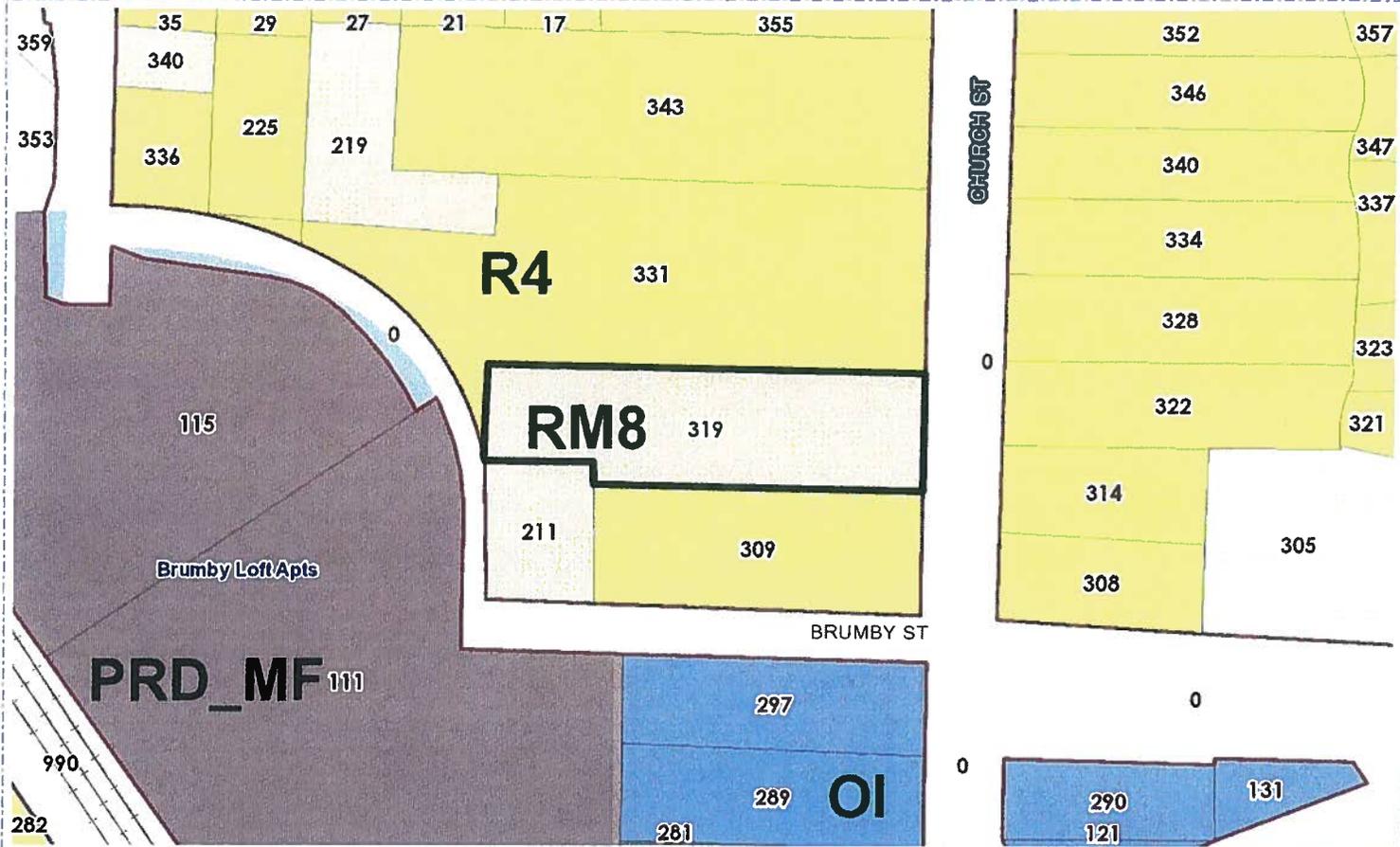
For additional information please call the Planning and Zoning Office (770) 794-5669.

**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 |
|---------------|---------------|---------|------|--------|-----|
| 319 CHURCH ST | 16114600370   | 0.537   | 4B   | RM8    | LDR |

|                                   |              |
|-----------------------------------|--------------|
| <b>Property Owner:</b>            | Sondra Rowan |
| <b>Applicant:</b>                 | Susan Raper  |
| <b>Proposed Zoning:</b>           | R4           |
| <b>Agent:</b>                     |              |
| <b>Proposed Use:</b>              |              |
| <b>Planning Commission Date:</b>  | 7/1/15       |
| <b>City Council Hearing Date:</b> | 7/8/15       |
| <b>Case Number:</b>               | Z2015-16     |

**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
- U - Light Industrial
- HI - Heavy Industrial
- PIO - 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

City of Marietta Planning & Zoning

**From:** [Roth, Rusty](#)  
**To:** [Daniel White](#)  
**Cc:** [Binzer, Brian](#); [Little, Shelby](#); [Chatman, Jasmine](#); [Embler, Ines](#)  
**Subject:** Z2015-16 Church St 319  
**Date:** Thursday, June 04, 2015 12:15:50 PM  
**Attachments:** [Z2015-16 Church St 319 Superior Court Order Rowan v Rowan.pdf](#)

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Daniel,

Susan Raper, the applicant to rezone 319 Church Street, delivered the attached court order to our office – this is the case where the owners are apparently contesting a property settlement as a result of their divorce. At this time, the rezoning case has been tabled until the July meetings, so let us know if you need anything else on this.

*Rusty Roth*  
Planning & Zoning Manager  
770-794-5670

COBB COUNTY GA  
FILED IN OFFICE  
2015 MAR 12 PM 1:45

**IN THE SUPERIOR COURT FOR THE COUNTY OF COBB  
STATE OF GEORGIA**

SONDRA HAGAN ROWAN, :  
Plaintiff, : CIVIL ACTION FILE  
v. : FILE NUMBER: 12-1-09594-49  
KEITH ALAN ROWAN, :  
Defendant. :

*Debra J. Galt*  
COBB SUPERIOR COURT CLERK

**SUPPLEMENTAL TEMPORARY ORDER**

The above-styled divorce action came on for a hearing on the court's calendar for Tuesday, March 10, 2015. The Defendant and his attorney, Robert J. Grayson, and the Plaintiff appearing pro se were present. The issue before the Court being the request of the Plaintiff for the additional authority to sell a  
**IT IS HEREBY ORDERED** as follows:

**A. REAL PROPERTY**

The Plaintiff shall have the authority to sell all four of the parties' real property as identified below:

1. 601 Townsend Place, Powder Springs, Cobb County, Georgia 30127-4442. (The marital residence where Plaintiff resides).
2. 322 Church Street, Marietta, Cobb County, Georgia 30060. (The Defendant's current residence).
3. 403 North Sessions Street, Marietta, Georgia 30060-1351. (Business office).
4. 319 Church Street, Marietta, Georgia 30060. (Rental Property).

Sondra Hagan Rowan v. Keith Alan Rowan,  
Case No. 12-1-9594-49, Cobb Superior Court.

As to the said properties the Plaintiff wife shall and does have the authority to list such properties for sale and to sell said properties with the net proceeds of any sale being held in escrow pending further agreement between the parties or, if the parties are unable to agree, pending further order of the court. It is further Ordered that the Defendant shall within 72 hours of 11:30 a.m. on this date allow access to the property known as 322 Church Street so she may inspect the property as to its sale ready condition and take photographs if she desires.

**B. CHILD SUPPORT and SALE OF CORVETTE**

As the Defendant has arraigned for the sale of the parties' Corvette automobile for \$4,000.00, he shall pay from the proceeds of that sale the sum of \$3,000.00 to the Plaintiff as child support arrearage for January and February of 2015. March 2015, child support is currently due and accruing.

**C. TRIAL DATE.**

The parties having requested a Final Non-Jury Trial date for this case, it is hereby set for a non-jury final hearing on April 23, 2105, at 9:30 a.m.

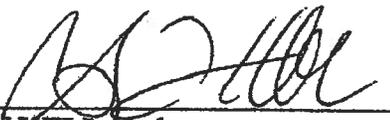
**D. OTHER MATTERS**

Except as modified or changed herein, the Court's prior Order from the

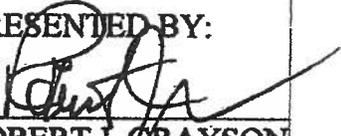
Sondra Hagan Rowan v. Keith Alan Rowan,  
Case No. 12-1-9594-49, Cobb Superior Court.

hearing of January 7, 2015, shall remain in full force and effect.

SO ORDERED and DECREED this 10<sup>th</sup> day of March, 2015.

  
\_\_\_\_\_  
C. LaTAIN-KELL, Judge  
Superior Court of Cobb County  
Cobb Judicial Circuit

PRESENTED BY:

  
\_\_\_\_\_  
ROBERT J. GRAYSON  
Attorney for Defendant  
State Bar No. 306500  
272 Washington Avenue  
Marietta, GA 30060

770-424-8420(O) 770-424-6319(F)  
e-mail: rjg@rjgatty.com

IN THE SUPERIOR COURT OF COBB COUNTY  
STATE OF GEORGIA

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have this day served a copy of the within and foregoing order (Civil Action File No. 12-1-9594-49) upon all parties by sending a true and correct copy through the Cobb County Mail System addressed to the following:

Robert J. Grayson, Esq.  
Edwards, Friedewald & Grayson  
272 Washington Avenue  
Marietta, GA 30060

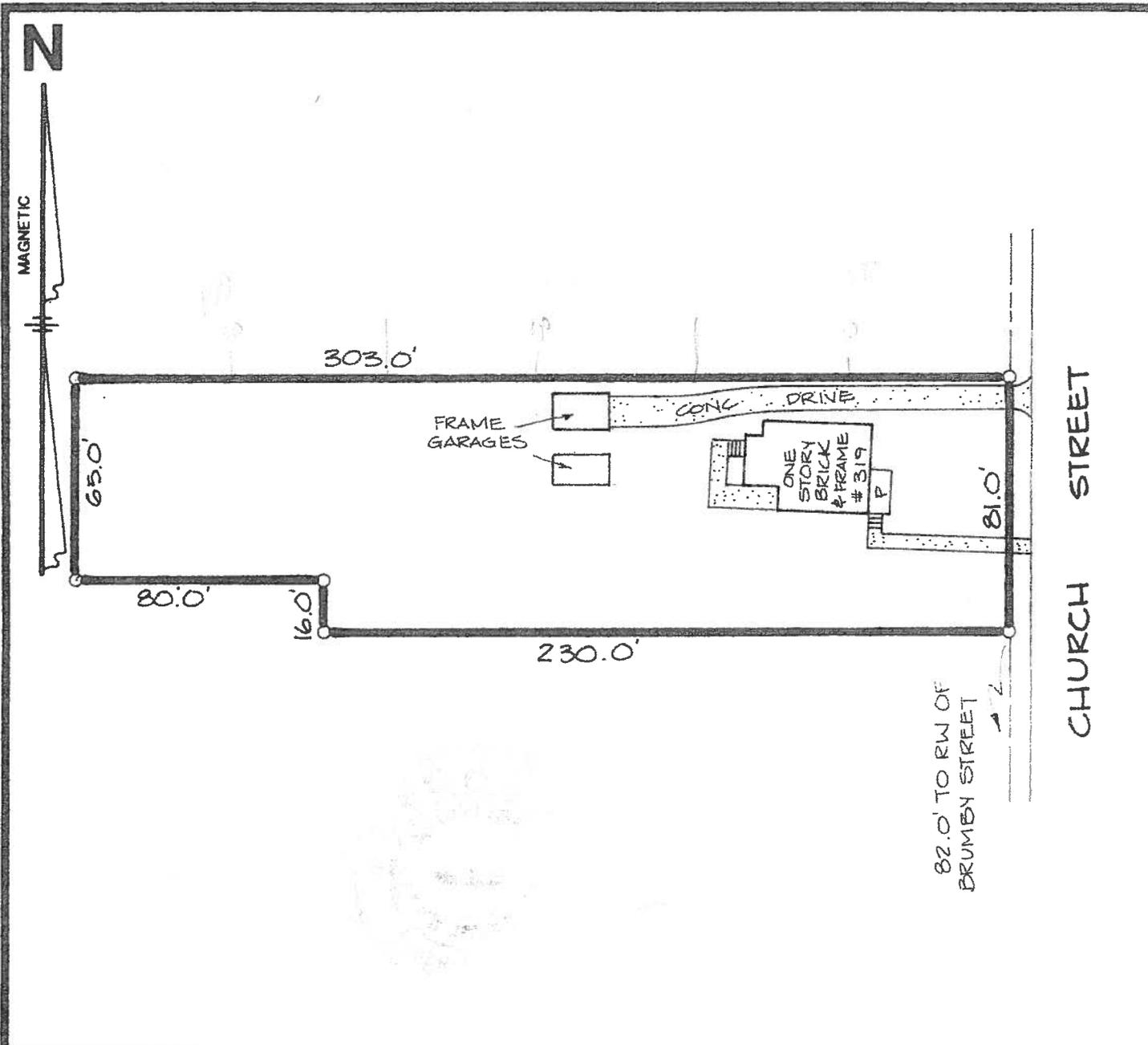
Sondra Rowan  
601 Townsend Place  
Powder Springs, GA 30127

This 12<sup>th</sup> day of March, 2015.



Natalie C. Bloodworth  
for C. LaTain Kell, Judge  
Superior Court of Cobb County  
Cobb Judicial Circuit





© COPYRIGHT: WEST GEORGIA ENGINEERS & SURVEYORS, INC.

THIS PROPERTY (IS) (IS NOT) LOCATED IN A FEDERAL FLOOD AREA AS INDICATED BY FIA OFFICIAL FLOOD HAZARD MAPS.

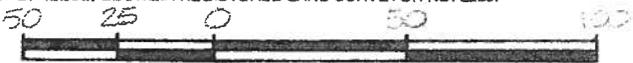
THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 10,000 FEET AND AN ANGULAR ERROR OF 10 " PER ANGLE POINT AND WAS ADJUSTED USING COMPASS RULE.

THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 10,000 FEET.

EQUIPMENT UTILIZED: ANGULAR LIETZ 1 LINEAR 100 STEEL TAPE

UNLESS OTHERWISE SHOWN THERE ARE NO NATIONAL GEODETIC SURVEY MONUMENTS WITHIN 500' OF THIS PROPERTY.

LARRY D. NEESE, GEORGIA REGISTERED LAND SURVEYOR NO. 2235.



GRAPHIC SCALE

CURSED IS HE WHO MOVES HIS NEIGHBOR'S BOUNDARY MARK, AND ALL THE PEOPLE SHALL SAY, "AMEN" Deut 27:17

SURVEY FOR

KEITH A ROWEN

|                       |                      |
|-----------------------|----------------------|
| LOT                   | BLOCK                |
| PLAT BOOK             | PAGE                 |
| LAND LOT <u>1146</u>  |                      |
| DISTRICT <u>16</u>    | SECTION <u>2</u>     |
| COUNTY <u>COEB</u>    | STATE <u>GEORGIA</u> |
| DATE <u>4-29-92</u>   | REVISED              |
| SCALE: 1" = <u>50</u> | JOB NO.              |

**WEST GEORGIA SURVEYORS, INC.**

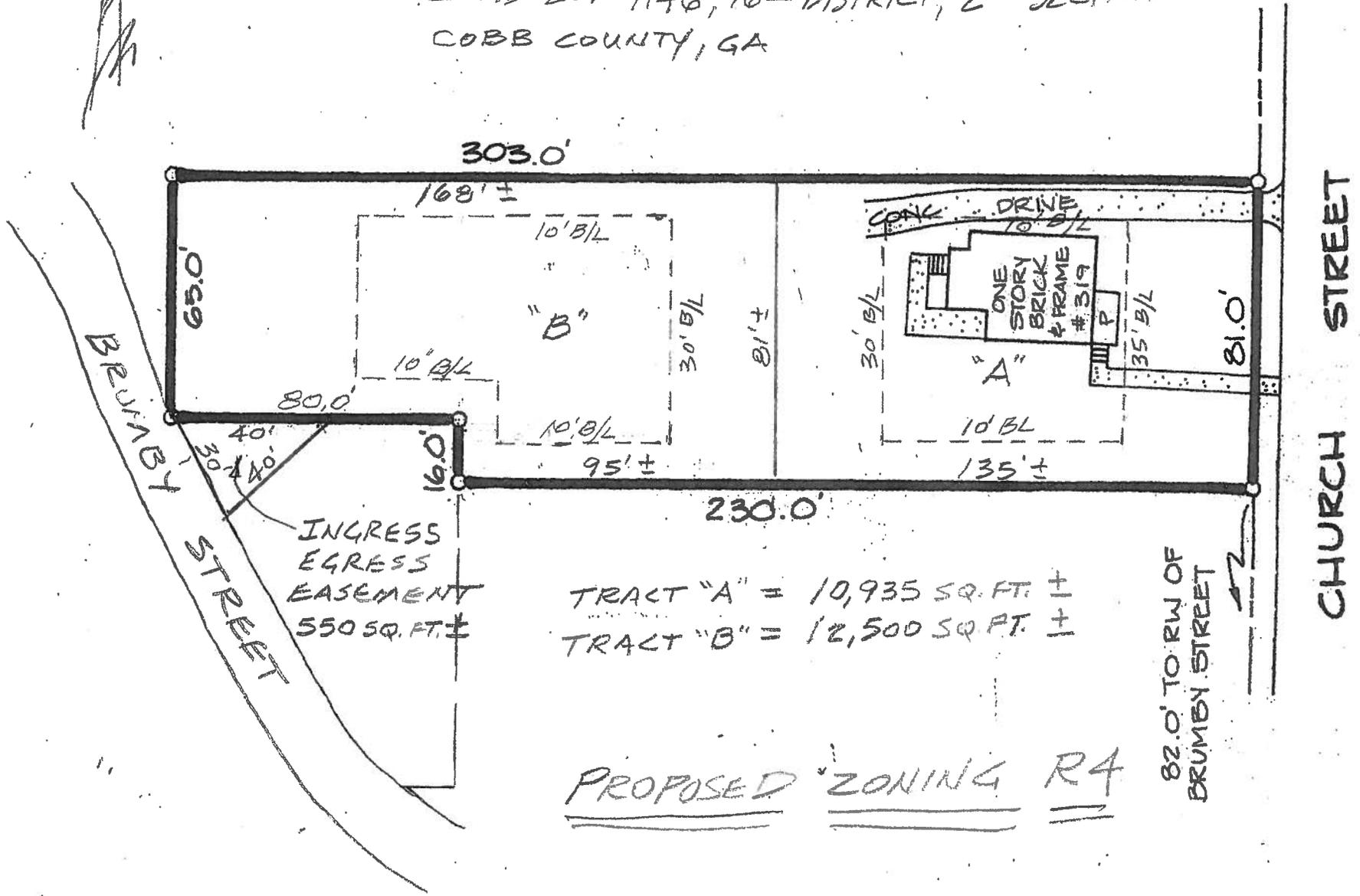
P. O. BOX 828 MARIETTA, GEORGIA 30061 (404) 428-2122



319 CHURCH STREET  
MARIETTA, GA. 30060

1" = 40'

LAND LOT 1146, 16<sup>TH</sup> DISTRICT, 2<sup>ND</sup> SECTION  
COBB COUNTY, GA



INGRESS  
EGRESS  
EASEMENT  
550 SQ. FT. ±

TRACT "A" = 10,935 SQ. FT. ±  
TRACT "B" = 12,500 SQ. FT. ±

PROPOSED ZONING RA

82.0' TO RW OF  
BRUMBY STREET

CHURCH STREET