



STAFF REVIEW AND RECOMMENDATION

Variance Case #: V2015-46 **Legistar #:**
Board of Zoning Appeals Hearing: Monday, October 26, 2015 – 6:00 p.m.
Property Owners: Robert M. Goodman
324B Saint Mary’s Lane
Marietta, GA 30064

Elizabeth G. & James R. Lunsford
530 Saint Barbara’s Lane
Marietta, GA 30064

Applicant: Robert M. Goodman
Address: 324B Saint Mary’s Ln (aka 581 Kennesaw Ave) & 530 Saint Barbara’s Ln

Land Lot: 1084 **District:** 16 **Parcels:** 0620 & 0430

Council Ward: 4A **Existing Zoning:** R-2 (Single Family Residential – 2 units/acre)

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

1. Variance to reduce the side setback from 10’ to 0’ for the existing shared garage structure.
[§708.02 (H)]

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



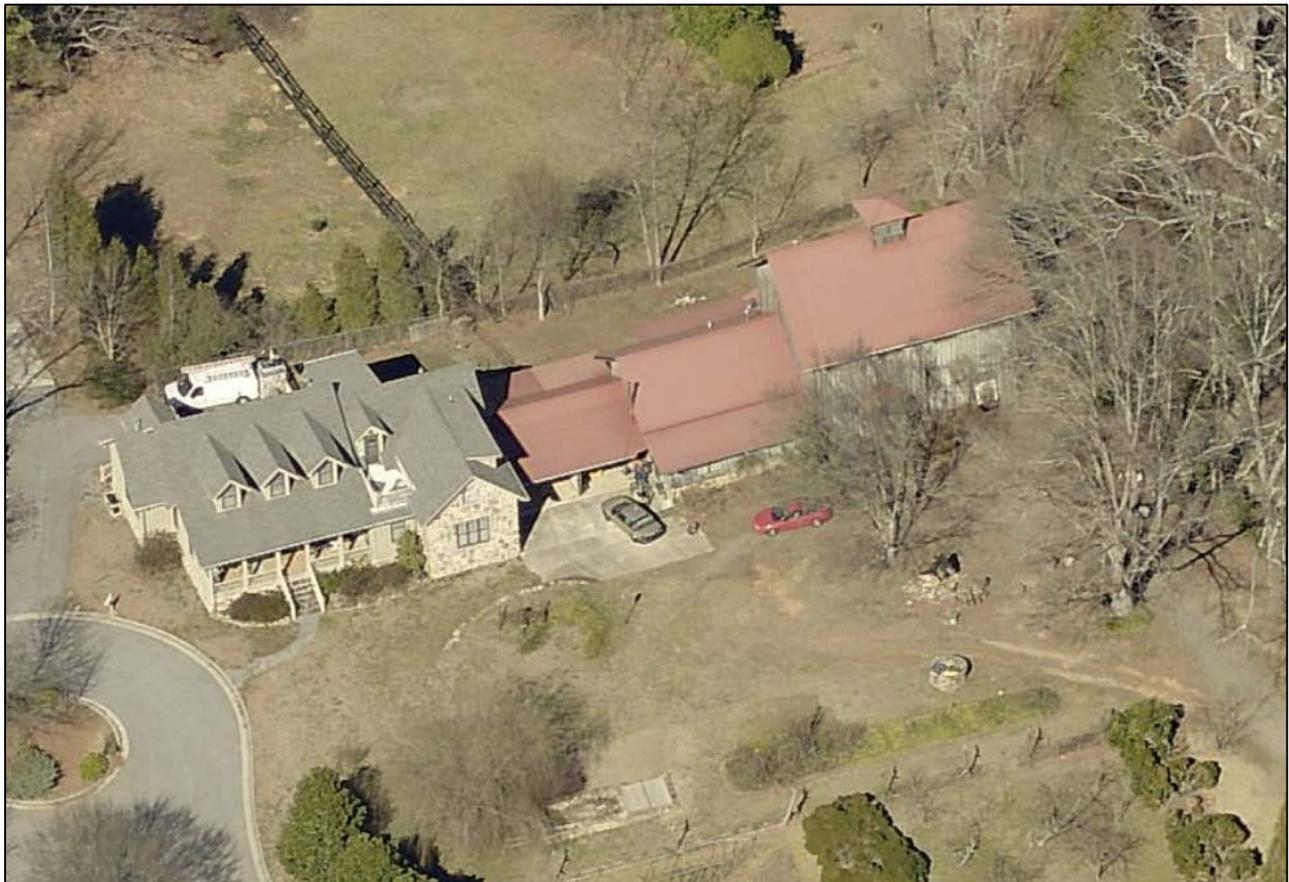
530 Saint Barbara's Lane



**581 Kennesaw Ave (a.k.a. 324B Saint Mary's Lane)
and garage for 530 Saint Barbara's Lane**



Both structures



Aerial view



Recommended Action:

Approval. Robert Goodman and Elizabeth Lunsford are requesting side setback variances for their properties located at 530 Saint Barbara's Lane and 581 Kennesaw Avenue (a.k.a. 324B Saint Mary's Lane), which are zoned R-2 (Single Family Residential – 2 units / acre). These two properties are surrounded by parcels also zoned R-2. Although their homes are located on two adjacent properties, they are joined by a garage/carport - the property line runs through the center of the garage. As a result, the applicants are requesting reductions in the side setbacks to 0.'

This entire area once made up the 325 acre Oakton estate built in 1838. The home on 581 Kennesaw Avenue (a.k.a. 324B Saint Mary's Lane), owned by Bob Goodman, functioned as the barn for Oakton but has been converted to a residence. Elizabeth Lunsford's home at 530 Saint Barbara's Lane was built in 2001. These two parcels were inadvertently subdivided in 2003 for the creation of the rest of the Saint Barbara's Lane subdivision (Oakton Section 9, Phase 2). The subdivision created the property line division through the shared garage of the two properties.

The Fire Department typically is most concerned with having a structure bisected by a property line because of fire safety. However, the Fire Department has no objections with the structure the way it is. Any future addition or improvements to the property would need to be in compliance with all codes.

Because this condition is existing and is not adversely impacting any adjacent properties or the community as a whole, *staff recommends approval of this variance request.*



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

APPLICATION FOR VARIANCE OR APPEAL
 (Owner/Applicant/or Representative must be present at all public hearings)

Application #: _____ Hearing: 10-26-15 Legistar # _____

This is a variance/appeal application for:

Board of Zoning Appeals

City Council

Owner's Name Robert M Goodman

Address 324B St. Mary's Ln Zip Code: 30064

Telephone Number: 770-428-2547 Email Address: robert_m_goodman@yahoo.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:

581 Kennesaw Ave Date of Acquisition: 2006

Land Lot (s) 1077/1084 District 16 Parcel 620 Acreage 0.42 Zoned R2 Ward 4A FLU LDR
10840 0620 .34

List the variance(s) or appeal requested (please attach any additional information):

① addition of 15-ft strip to formerly land-locked parcel to be combined with existing utility & Access Easement to provide access to St. Barbara's Ln. ② (see over)

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. Legal description of 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 - 25 copies of 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).
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



Department of Development Services
 205 Lawrence Street
 Marietta, Georgia 30060
 Brian Binzer, AICP, Director
 Phone (770) 794-5440

APPLICATION FOR VARIANCE OR APPEAL

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

Application #: V2015-46 Hearing: 10-26-15 Legistar # 20150861

This is a variance/appeal application for:

PZ #: 15-424

Board of Zoning Appeals

City Council

Owner's Name Elizabeth G. Lunsford

Address 530 St. Barbara's Lane NW Marietta GA Zip Code: 30064

Telephone Number: 770-597-6618 Email Address: elizabethlunsford@westminster.net

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: 324 B Saint Mary's LN (aka 531 Kennesaw Ave + 530 Saint Barbara's LN) Date of Acquisition: _____

Land Lot (s) 10840 District 16 Parcel 0620 Acreage .34 Zoned R2 Ward 4A FLU LDR

List the variance(s) or appeal requested (please attach any additional information):

Variance to reduce side setback from 10' to 0' for existing shared garage structure

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. Legal description of property. **Legal description must be in a WORD DOCUMENT.**
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.
If Plat size (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

**324 St. Mary's Lane
Marietta, Georgia 30064
Telephone 770-421-9865
FAX 770-421-8776**

Will Goodman and Associates, Inc.
Landscape Architecture and Garden Design

To whom it may concern,

The purpose of this letter is to attempt to identify need for request for variance. The applicant, Robert Goodman, has utilized my driveway off Kennesaw Ave as access to his property. We are selling our home and the need for an alternate access became apparent. I have deeded necessary property for access to St Barbara's Lane. Our sister's (Elizabeth Lunsford) property located adjacent previously had an easement on it that allowed access to St Barbara's Lane, but the easement was eliminated with a refinance of her home.

The requirement is to have this dimension be 20' in width. Combined with an adjacent utility easement of 5' that exists on our sister's property, we are in hopes this request of a 15' wide easement is acceptable. The layout proposed was designed to allow automotive access, while retaining the integrity of the north side of our historic garden and compost and cold frame structure constructed in the 1870's.

Please feel free to contact me if there are any questions.

Sincerely,

Will Goodman
404.216.0785

TO: Marietta Daily Journal
FROM: City of Marietta
RUN DATE: October 9, 2015

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, October 26, 2015 at 6:00 P.M.**, City Hall. Anyone wishing to attend may do so and be heard relative thereto.

V2015-46 [VARIANCE] ROBERT M. GOODMAN AND ELIZABETH & JAMES LUNSFORD are requesting variances for property located in Land Lot 1084, District 16, Parcels 0620 & 0430, 2nd Section, Marietta, Cobb County, Georgia and being known as 581 Kennesaw Ave (aka 324B Saint Mary's Ln) and 530 Saint Barbara's Ln. Variance to reduce the side setback from 10' to 0' for the existing shared garage structure. 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.

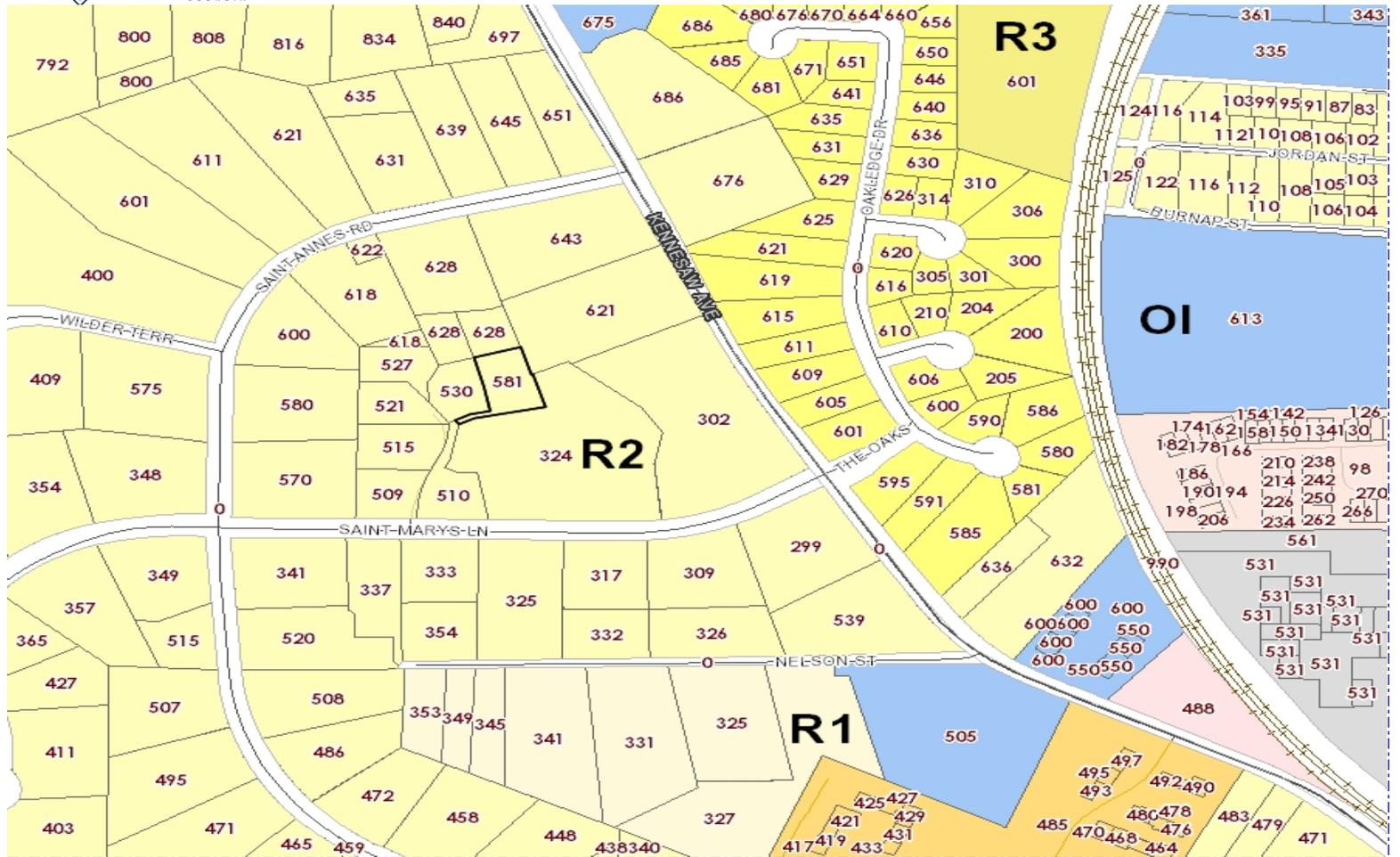
For additional information please call the Planning and Zoning Office (770) 794-5669.

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

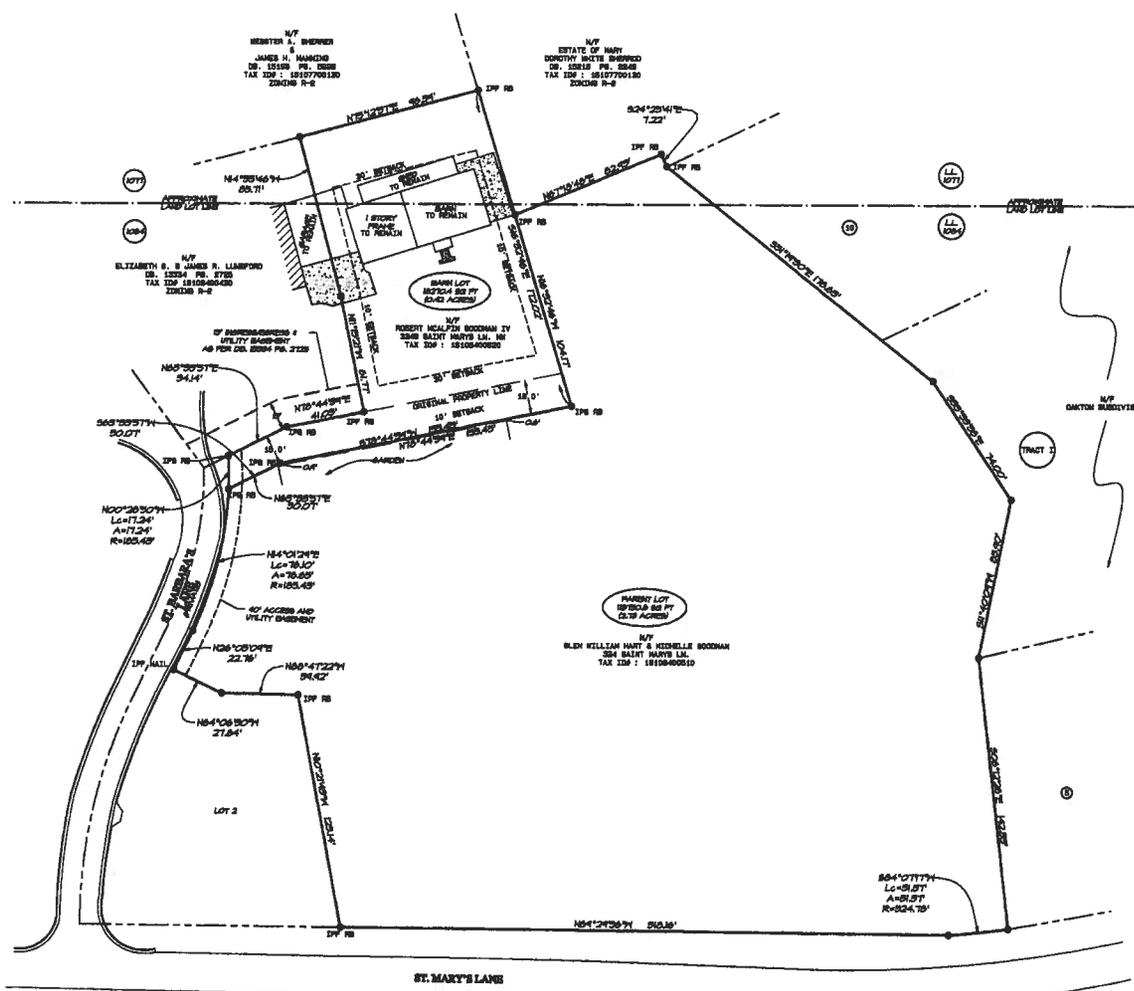


Address	Parcel Number	Acreage	Ward	Zoning	FLU
581 KENNESAW AVE	16108400620	0.395	4A	R2	LDR

Property Owner:	Robert M. Goodman
Applicant:	
BZA Hearing Date:	10/26/2015
Acquisition Date:	
Case Number:	V2015-46
<p>City of Marietta Planning & Zoning</p>	

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



OWNER:
ROBERT MCALPIN GOODMAN IV
204 SAINT MARYS LN. NW
MARIETTA, GA.
PH: 770-425-2547

SIGNATURE _____ DATE _____

IT IS HEREBY CERTIFIED THAT THIS PLAT IS TRUE AND CORRECT PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE UNDER MY SUPERVISION IN THE FIELD.

REGISTERED LAND SURVEYOR _____

SURVEY NUMBER _____

THE UNDERSIGNED, AS PUBLIC WORKS DIRECTOR OF THE CITY OF MARIETTA, GEORGIA, HEREBY APPROVES THIS EXEMPTION PLAT FOR THE RECORDS OF SAID CITY IN THE OFFICE OF THE CLERK OF THE SUPERIOR COURT OF COBB COUNTY.

PUBLIC WORKS DIRECTOR _____ DATE _____
CITY OF MARIETTA

THE UNDERSIGNED, AS PLANNING AND ZONING DIRECTOR OF THE CITY OF MARIETTA, GEORGIA, HEREBY APPROVES THIS EXEMPTION PLAT FOR THE RECORDS OF SAID CITY IN THE OFFICE OF THE CLERK OF THE SUPERIOR COURT OF COBB COUNTY.

PLANNING AND ZONING DIRECTOR _____ DATE _____
CITY OF MARIETTA

EXEMPTION PLAT
FOR
ROBERT M. GOODMAN
&
WILL GOODMAN
LOCATED IN LAND LOTS 1077 & 1084
166th DISTRICT, 2nd SECTION
CITY OF MARIETTA
COBB COUNTY, GEORGIA
SCALE: 1"=50'
30 0 30 60
GRAPHIC SCALE



DATE OF SURVEY: AUGUST 30, 2008
DATE OF DRAWING: AUGUST 20, 2008

<p>THE PURPOSE OF THIS PLAT IS TO CREATE ACCESS TO SAINT BARBARAS LN. AND TO FORM A NEW STREET ADDRESS FOR ROBERT MCALPIN GOODMAN IV.</p>	<p>ZONING R-2 BULK AND AREA REGULATIONS</p> <p>MINIMUM LOT SIZE: 65,000 SQ. FT. TWO DWELLING UNITS PER ACRE 100 FT./75 FT. FOR A 2.5-30-50-50 20 FT. MINIMUM LOT WIDTH: 100 FT. MINIMUM BUILDING HEIGHT: 8 FT. MAXIMUM FLOOR AREA: 1,000 SQ. FT. MAXIMUM BUILDING COVERAGE: 30% MAXIMUM IMPERVIOUS SURFACE: 30% FRONT SETBACK (MINIMUM): 40 FT. FRONT SETBACK (COLLECTOR): 30 FT. FRONT SETBACK (LOCAL): 30 FT. SIDE SETBACK (MINIMUM): 30 FT. SIDE SETBACK (LOCAL): 30 FT. REAR SETBACK: 30 FT.</p>	<p>EXCEPT AS SPECIFICALLY STATED OR SHOWN ON THIS PLAT, THIS SURVEY DOES NOT PURPORT TO REFLECT ANY OF THE FOLLOWING WHICH MAY BE APPLICABLE TO THE SUBJECT REAL ESTATE, EXCEPT WHERE SHOWN OTHERWISE: (1) EASEMENTS, OTHER THAN POSITIVE EASEMENTS THAT WERE VISIBLE AT THE TIME OF MAKING OF THIS SURVEY; (2) BUILDING SETBACK LINES; (3) RESTRICTIVE COVENANTS, SUBDIVISION RESTRICTIONS, ZONING OR OTHER LAND USE REGULATIONS; AND (4) ANY OTHER FACTS THAT AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE.</p>	<p>ACCORDING TO AN EXAMINATION OF THE OFFICIAL P.L.R.M. FLOOD MAP, THIS PROPERTY DOES NOT HAVE ANY SPECIAL FLOOD HAZARD CONDITIONS.</p> <p>EQUIPMENT USED: TOPCON/BTC-3000A THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 25,707 FEET, AND AN HORIZONTAL ERROR OF 1/100,000 HORIZONTAL AND HAS ADJUSTED USING: LEAST SQUARES.</p> <p>THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 25,707 FEET.</p>	<p>LEGEND</p> <table border="0"> <tr><td>WH</td><td>-</td><td>HANDHOLE</td><td>IFP</td><td>-</td><td>IRON PIN FOUND</td></tr> <tr><td>WM</td><td>-</td><td>MONUMENT</td><td>IRP</td><td>-</td><td>IRON PIN SET</td></tr> <tr><td>PH</td><td>-</td><td>FIRE HYDRANT</td><td>RB</td><td>-</td><td>REBAR</td></tr> <tr><td>MV</td><td>-</td><td>MATER VALVE</td><td>OT</td><td>-</td><td>OPEN TOP</td></tr> <tr><td>WM</td><td>-</td><td>MATER METER</td><td>CT</td><td>-</td><td>CRIMP TOP</td></tr> <tr><td>CO</td><td>-</td><td>CLEAN OUT</td><td>SR</td><td>-</td><td>SOLID ROD</td></tr> <tr><td>SM</td><td>-</td><td>GAS METER</td><td>CB</td><td>-</td><td>CATCH BASIN</td></tr> <tr><td>GV</td><td>-</td><td>GAS VALVE</td><td>JB</td><td>-</td><td>JUNCTION BOX</td></tr> <tr><td>FFE</td><td>-</td><td>FIREHOLE FLOOR</td><td>DI</td><td>-</td><td>DROP INLET</td></tr> <tr><td>PP</td><td>-</td><td>POWER POLE</td><td>WI</td><td>-</td><td>WEIR INLET</td></tr> <tr><td>LP</td><td>-</td><td>LIGHT POLE</td><td>VI</td><td>-</td><td>VEIN INLET</td></tr> <tr><td></td><td></td><td></td><td>BS</td><td>-</td><td>SANITARY BOWER</td></tr> </table>	WH	-	HANDHOLE	IFP	-	IRON PIN FOUND	WM	-	MONUMENT	IRP	-	IRON PIN SET	PH	-	FIRE HYDRANT	RB	-	REBAR	MV	-	MATER VALVE	OT	-	OPEN TOP	WM	-	MATER METER	CT	-	CRIMP TOP	CO	-	CLEAN OUT	SR	-	SOLID ROD	SM	-	GAS METER	CB	-	CATCH BASIN	GV	-	GAS VALVE	JB	-	JUNCTION BOX	FFE	-	FIREHOLE FLOOR	DI	-	DROP INLET	PP	-	POWER POLE	WI	-	WEIR INLET	LP	-	LIGHT POLE	VI	-	VEIN INLET				BS	-	SANITARY BOWER	<p>E. B. & P. SURVEYING, INC.</p> <p>850 KENNESAW AVE. C-8 MARIETTA, GA. 30060 PHONE (770) 425-0441 FAX (770) 425-8579 JOB # 15-038</p>
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<p>THIS SURVEY WAS PREPARED IN CONFORMANCE WITH THE TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN CHAPTER 140-7 OF THE RULES OF THE GEORGIA BOARD OF SURVEYING FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN THE GEORGIA PLAT ACT O.C.G.A. 40-9-07.</p> <p>CERTIFICATE OF AUTHORIZATION NUMBER LAF 000188</p>																																																																													



618 SAINT ANNES RD

628 SAINT ANNES RD

643 KENNESAW AVE

618 SAINT ANNES RD

628 SAINT ANNES RD

628 SAINT ANNES RD

621 KENNESAW AVE

527 SAINT BARBARAS LN

530 SAINT BARBARAS LN

581 KENNESAW AVE

302 SAINT MARYS LN

521 SAINT BARBARAS LN

515 SAINT BARBARAS LN

324 SAINT MARYS LN

509 SAINT BARBARAS LN

510 SAINT BARBARAS LN

SAINT BARBARAS LN