



STAFF REVIEW AND RECOMMENDATION

Variance Case #: V2015-47 **Legistar #:** 20150862
Board of Zoning Appeals Hearing: Monday, October 26, 2015 – 6:00 p.m.
Property Owners: Carolyn N. & Deirdre A. Johnson
174 Seminole Drive
Marietta, GA 30060
Applicant: Same as above
Address: 174 Seminole Drive
Land Lot: 1088 **District:** 16 **Parcel:** 0370
Council Ward: 4B **Existing Zoning:** R-3 (Single Family Residential – 3 units/acre)

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

1. Variance to reduce the required setbacks for a guest house – the side yard setback from 20 feet to 6.8 feet and the rear yard setback from 20 feet to 13.2 feet. [§708.03 (C (1.A))]
2. Variance to reduce the required lot area dedicated to a guest house from 5,000 square feet to 4,400 square feet. [§708.03 (C (1.B))]

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



174 Seminole Drive



Facing east of the guest house



Rear of the guest house

Recommended Action:

Approval with stipulations. The property owners, Carolyn N. Johnson & Deirdre A. Johnson, are requesting variances to allow their guest house to be within the side and rear yard setbacks; and to allow the lot area dedicated to the guest house to be reduced to 4,400 square feet on the property at 174 Seminole Drive. The requested variances would allow the existing guest house to remain in its current location. The subject property is 0.342 acres – zoned R-3 (Single Family Residential – 3 units/acre), and is located on Seminole Drive – a lightly traveled local road – which connects Cherokee Street and North Fairground Street. The properties on all sides are zoned R-3 (Single Family Residential – 3 units/acre).

According to the City’s Zoning Ordinance – section 708.03 C.1 allows “*Guest homes and servant quarters, provided: a) Such structure is located to the rear of the principal structure and no less than 20 feet from any property line and 10 feet from the principal building. b) Such structure has 5000 square feet of lot area dedicated to its use in addition to the district requirements for the principal use...*”

The owners stated that the structure, built in 1926 with the house, was originally used for storage – but they have added on to it to create a guest house. As such, instead of meeting the current required setbacks of 20 feet from the side or rear property line, the guest house is located only 6.8 feet from the side property line and 13.2 feet from the rear property line. The two property owners wish to expand their guest house to accommodate an adequate living space for one owner, Carolyn N. Johnson, while the other owner, Deirdre A. Johnson and her husband, will occupy the main house. The plans provided shows the guest house to include one bedroom, one bathroom, full-size kitchen, living room, laundry and porch area. All adjacent owners have been notified about the proposed addition, and none have voiced any objection.

Although the subject property nearby neighbors provided their approval of the new renovation, one neighbor has requested for the addition to not be more than its existing height of 13 feet 6 inches; and the applicants are willing to comply with that request.

The fire department states that the guest house must have a sprinkler system, and it will have to be inspected for other possible safety concerns.

In order to allow the property owners to make improvements to their guest house, *Staff recommends approval of the requested variances, with the following stipulations:*

- 1. The guest house overall structure do not exceed 13'6" in height.*
- 2. The structure must have a sprinkler system and meet all Fire Department Life and Safety codes.*



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 #: V2015-47 Hearing: 10-26-15 Legistar # _____

This is a variance/appeal application for: PZ #: 15-426

Board of Zoning Appeals City Council

Owner's Name Carolyn N. Johnson & Deirdre A. Johnson

Address 174 Seminole Drive, Marietta GA Zip Code: 30060

Telephone Number: 770-424-1148 Email Address: cnjohnson0304@comcast.net
Carolyn Cell # 770-605-8177

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:
174 Seminole Drive Date of Acquisition: October 2, 2013

Land Lot (s) 10880 District 16 Parcel 0570 Acreage .33 Zoned R-3 Ward 4B FLU LDR

List the variance(s) or appeal requested (please attach any additional information):
Reduction in dedicated lot use (total); rear and side setbacks.

- 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

**Carolyn N. Johnson
Deirdre A. Johnson
174 Seminole Drive
Marietta, GA 30060
770-242-1148**

14 September 2015

Department of Development Services
205 Lawrence Street
Marietta, GA 30060

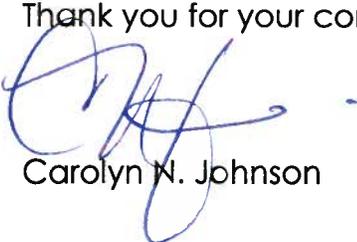
Re: Application for Variance

To Whom It May Concern:

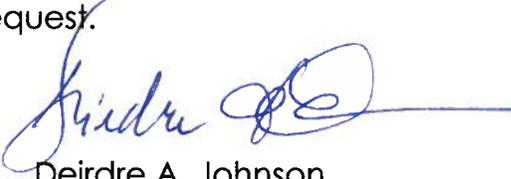
We have asked for a variance for a reduction in dedicated lot use (total) as well as the rear and side setbacks. The existing structure was built in 1926 when the house was built and to add onto it requires these variances.

We wish to add to its size, approximately double the current size. We have attached plans for the interior of the structure and the exterior elevations. All of our adjacent neighbors have signed on off on this change, letter attached.

Thank you for your consideration of this request.



Carolyn N. Johnson



Deirdre A. Johnson

**Johnson
174 Seminole Drive
Marietta, GA 30060
770.424.1148**

To: City of Marietta Zoning Department

Date: September 14, 2015

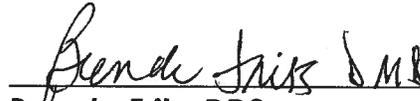
Re: Variance Request for Johnson Property
174 Seminole Drive
Lot 4, Cherokee Heights Subdivision
Land Lot 1088, 16th District, 2nd Section
City of Marietta, Cobb County, Georgia
Deed Book 15126, Page 5768
Plat Book 1, Page 156

We the undersigned neighbors with adjoining properties to the one cited above, do hereby indicate our acceptance of the proposed addition as shown on the RFM Consulting Survey, 8/20/2015, to the existing garage at that property.



Andrew Fowler

524 Cherokee Street
Parts of Lots 3 & 4
DB2122, Pg 65
Cherokee Heights S/D
PB 1, Pg 156



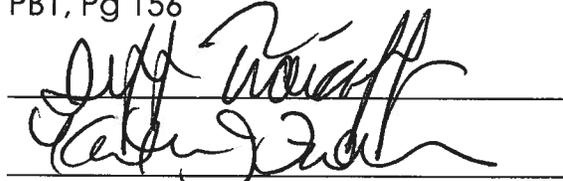
Brenda Fritz, DDS

184 Seminole Drive
Lot 5
DB14349, Pg 2228
Cherokee Heights S/D
PB1, Pg 156



**Michael J. Ricciardi &
Natali Tesche**

167 Freyer Drive
Part of Lots 1 & 2
DB14069, Pg 1656
Cherokee Heights S/D
PB 1, Pg 156



**Jeff Traicoff &
Kathie Fuller**

175 Freyer Drive
Part of Lots 1 & 2
DB14384, Pg 5609
Cherokee Heights S/D
PB 1, Pg 156



Richard L. Hyde

183 Freyer Drive
Cherokee Heights S/D
Lot 9DB14868, Pg 4274
PB1, Pg 156

* WE ACCEPT WITH THE STIPULATION
THAT THE NEW BUILDING HEIGHT
WILL NOT BE MORE THAN 13'6",
*

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.

V2015-47 [VARIANCE] CAROLYN N. & DEIDRE A. JOHNSON are requesting variances for property located in Land Lot 1088, District 16, Parcel 0370, 2nd Section, Marietta, Cobb County, Georgia and being known as 174 Seminole Drive. Variance to reduce the required lot area dedicated to a guest house from 5,000 sq.ft to 4,400 sq.ft; variance to reduce the required setbacks for a guest house – for the side yard setback from 20 ft. to 6.8 ft. and for the rear yard setback from 20 ft. to 13.2 ft. Ward 4B.

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.

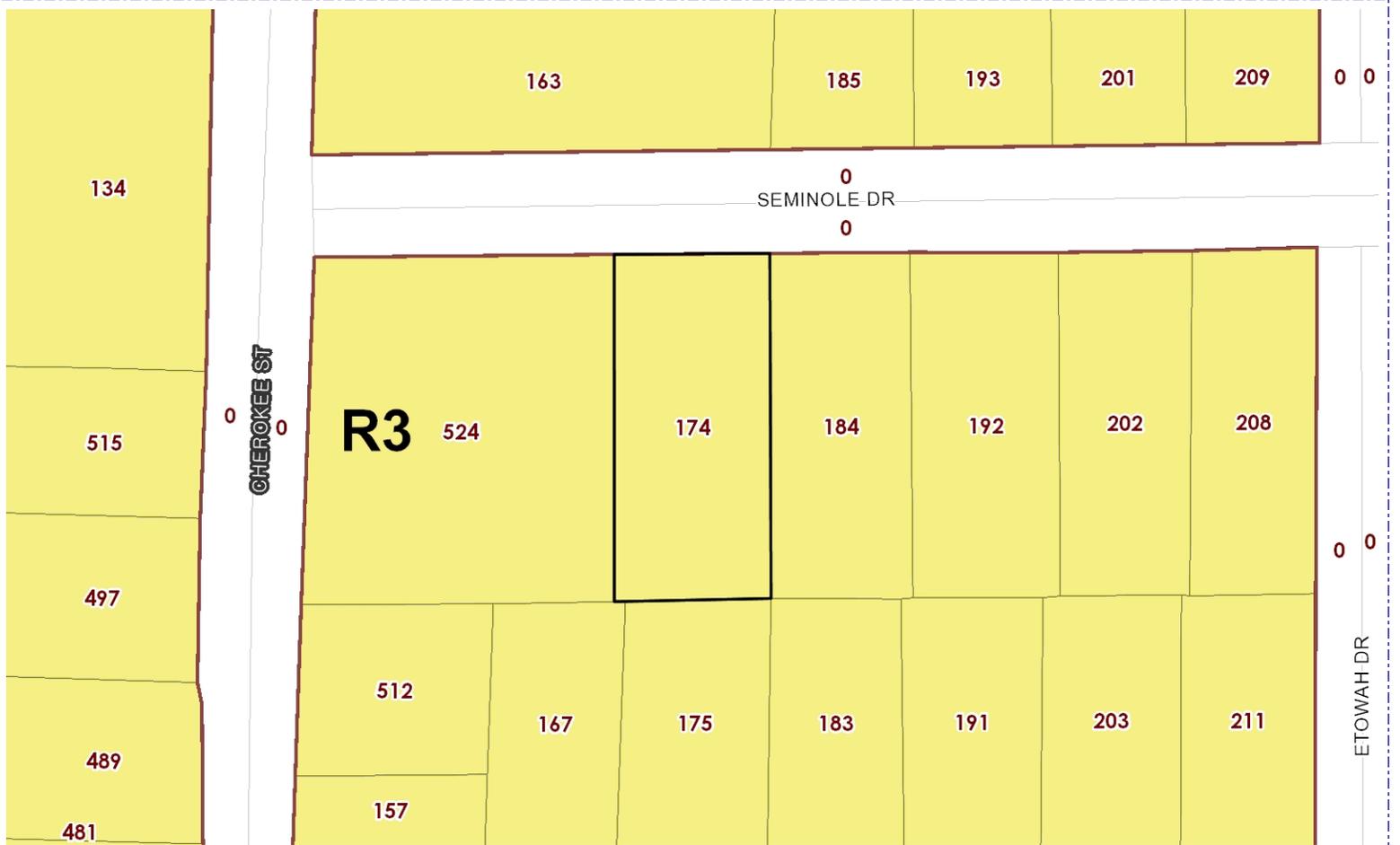
For additional information please call the Planning and Zoning Office (770) 794-5669.

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
174 SEMINOLE DR	16108800370	0.342	4B	R3	LDR

Property Owner:	Carolyn N. Johnson & Deirdre A. Johnson
Applicant:	
BZA Hearing Date:	10/26/2015
Acquisition Date:	
Case Number:	V2015-47
City of Marietta Planning & Zoning	

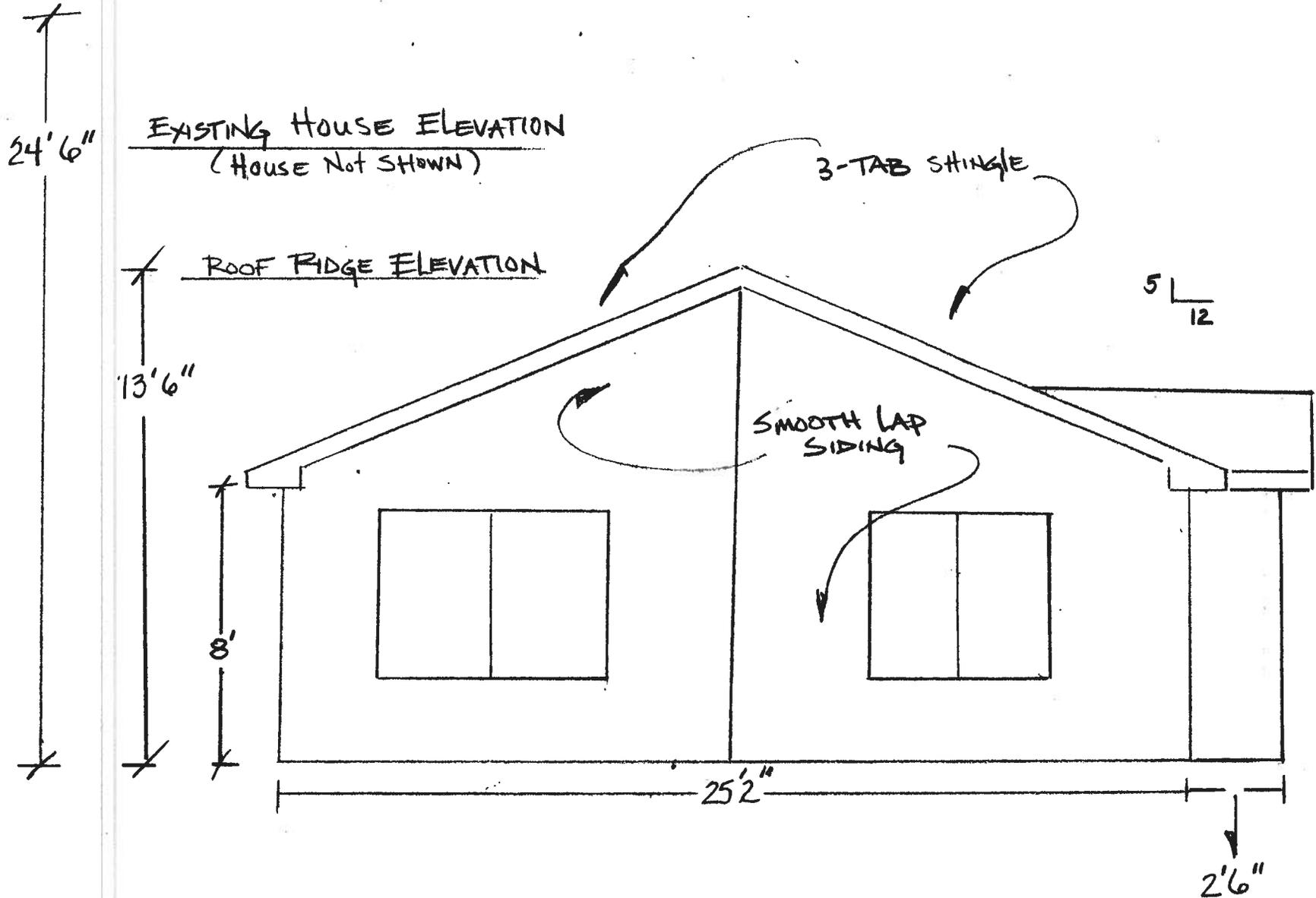
Zoning Symbols

- 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

PLAN A

FE

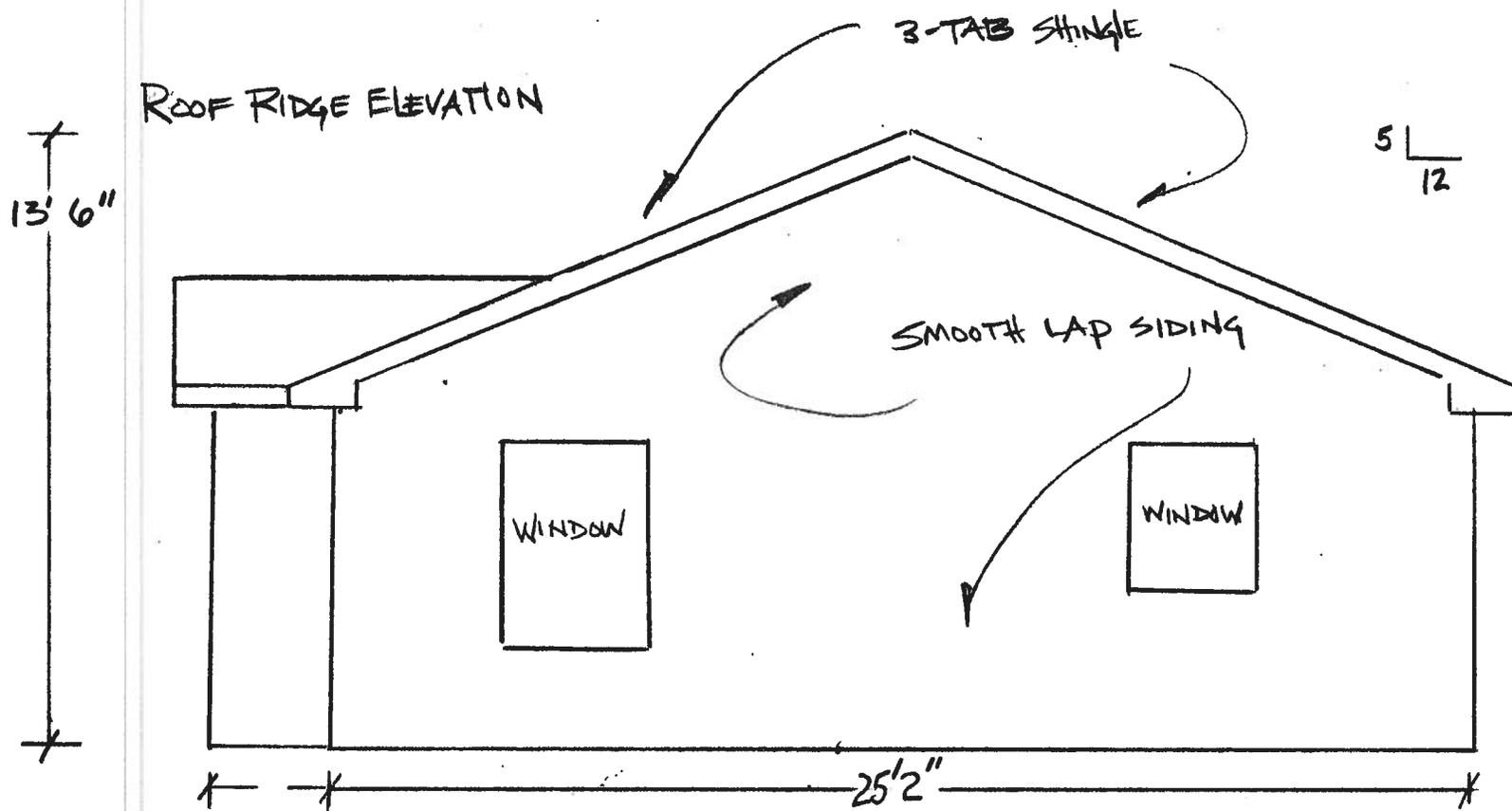
CARRIE COTTAGE FRONT ELEVATION



PLAN A

RE

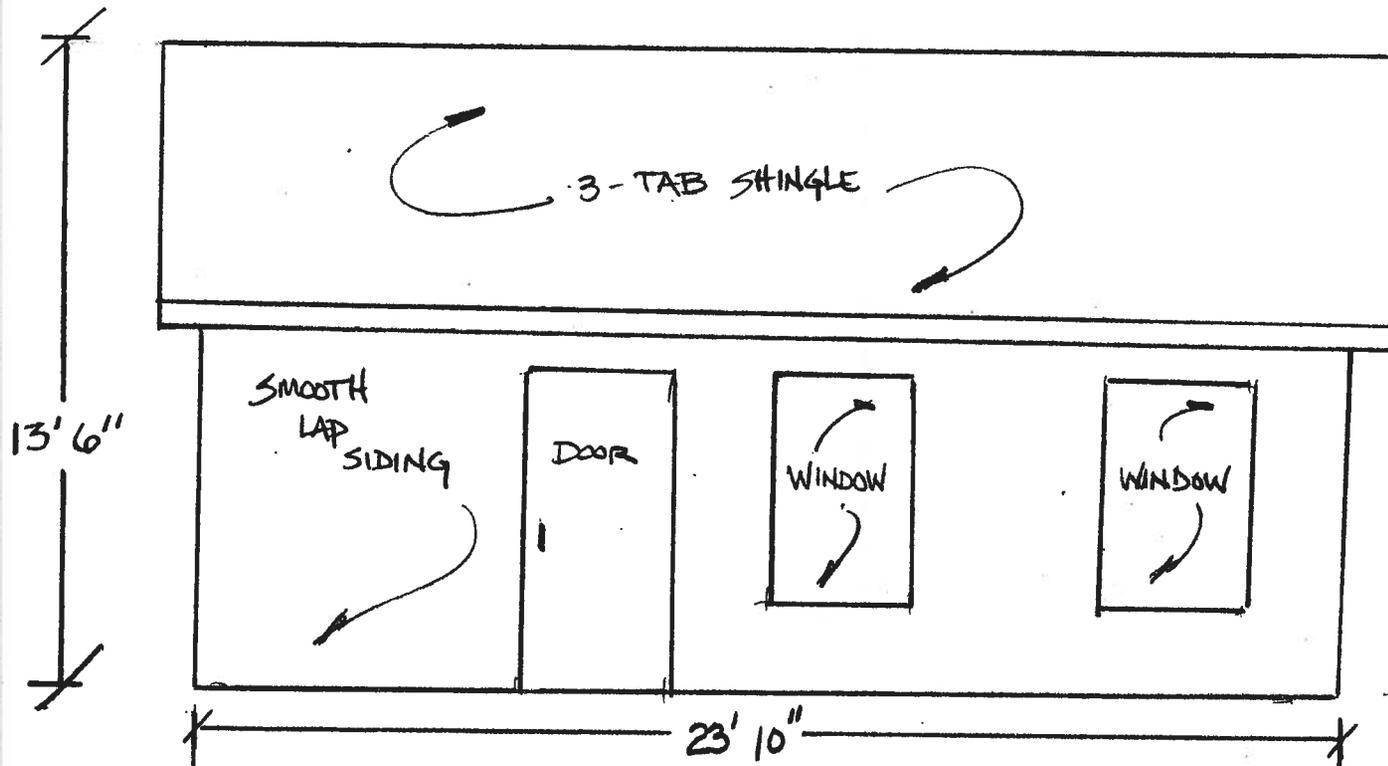
CARRIE COTTAGE REAR ELEVATION



LE

PLAN A

CARRIE COTTAGE LEFT ELEVATION



RSE

PLAN A
CARRIE COTTAGE RIGHT ELEVATION

