



STAFF REVIEW AND RECOMMENDATION

Variance Case #: V2015-12 **Legistar #:** 20150199
Board of Zoning Appeals Hearing: Monday, March 30, 2015
Property Owner: Amy J. Holland & Dana N. Martin
4391 Freys Farm Lane
Kennesaw, GA 30152
Applicant: Same as above
Address: 1141 Whitlock Ave
Land Lot: 325 **District:** 20 **Parcel:** 1450
Council Ward: 3A **Existing Zoning:** OI (Office Institutional)

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

1. Variance to reduce the buffer from 30' to 0.' [§708.23 (I)]

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



1141 Whitlock Ave



1141 Whitlock Ave – from Old Dallas Road



1141 Whitlock Avenue

Recommended Action:

Approval with stipulations. The applicants and property owners, Amy J. Holland and Dana N. Martin, are requesting a variance to reduce the buffer so the property at 1141 Whitlock Avenue so it may be developed into a 7,400 square foot counseling office. The property is located at the southwestern corner of the intersection of Whitlock Avenue and Old Dallas Road/Polk Street Extension and is zoned OI (Office Institutional). The Hickory Walk subdivision, zoned R-4 (Single Family Residential – 4 units / acre) is located to the east of the subject property. Immediately to the south and zoned RA-8 (Single Family Residential Attached – 8 units / acre) is the Manning Way townhome community. Cobb County owns the property to the west, which is a former day care center and is zoned NRC (Neighborhood Community Center). This section of Whitlock Avenue, including the subject property, is located within the Commercial Corridor Design Overlay – Tier B, which imposes additional site, building, and streetscape design criteria to new development projects.

This site has many unique challenges that have contributed to it remaining undeveloped, despite being located in a very prime location. There is a very steep slope that falls from Whitlock Avenue down to the rear of the property. A twenty (20) foot wide water line easement runs along the entire property frontage, and a storm sewer structure bisects it towards the west side. The property is also wide, but not very deep. This - paired with the residential buffers on the east and southern sides - drastically reduces the developable area of the site.

The applicant is requesting a variance to reduce the required thirty (30) foot undisturbed buffer along the southern and eastern property lines. Although the applicant's request is to reduce the buffer to zero (0) feet, the submitted plans show the replanting of a fifteen (15) foot buffer with a mixture of evergreen trees and shrubs. The need to disturb up to the property line likely arises from the steep slope of the property and the severe grading that will need to be done to make the property somewhat level. The topographical issues and unfortunate location of the water line easement are legitimate hardships that impact the usability of the property. As a result, *staff recommends approval of this variance with the following condition:*

- *A fifteen (15) foot wide buffer containing an opaque fence and mixture of evergreen trees and shrubs be provided along all sections of the site adjacent to residentially zoned property.*

Public Works Comments:

- Site Plans will be required for construction. Plans must include, driveways, erosion-sedimentation-and pollution control plan, stormwater management (preventing concentrated flows from adjacent property), stormwater quality, and any other applicable improvements required by City Code and Georgia Stormwater Management Manual. Additional comments will be made at time of site plan submittal, if it is required. There can be no point discharge onto adjacent property which is not into a stream, defined drainageway, or storm sewer. Discharge will not be allowable at the property line to Brighton Ct properties, or into the street R.O.W. If easements are required for drainage through adjacent property, then the owner is to obtain.
- The proposed Trail along the north side of Whitlock Avenue will have no effect on this property.
- A GA DOT Permit will be required for connection to Whitlock Avenue as depicted.
- The turning radius shown on the plan shows that the entrance from the west must be modified to handle the AASHTO SU-30.
- At the right-out, signage must be clearly noted: "Right Out Only, No Left Turn"
- Drainage pipe must be collected at endwall from Whitlock Avenue and taken through property to suitable outfall as noted in first comment. It must be connected directly to the pipe to the south (end of existing ditch) in the Brighton Ct Condo property by means of a storm manhole / junction box.
- Drives must be at least 14' asphalt travelway (per City Code) plus curb and gutter in addition to the above requirement. *Per City Code Division 716.06B - In all cases, the travel-way shall not be less than 14' in width for one-way access and not less than 20' in width for two-way access. The travel-way is defined as the paved surface intended for travel between curbs and excludes gutters. For one-way the travel-way includes the entire roadway excluding gutters, for two-way alleys the travel-way includes one-half of the roadway excluding gutters. When*

designing for emergency vehicles greater than 30' in

*length the entire roadway excluding gutters may be considered the travel-way.
Refer to Code Division 716 for additional requirements."*

- Sidewalks will be constructed to the most current specification as determined by the City Director of Public Works, or designee. Sidewalk location can be varied at the discretion of the Director with prior approval. Sidewalks shall have a minimum width of five (5) feet for interior residential streets, six (6) feet for exterior and non-residential or as required by ADA or the Georgia Accessibility Code. The width of sidewalks designated as multi-use trails shall be at the direction of City Council as administered by the Director of Public Works. The concrete shall have a compressive strength of 3,000 pounds per square inch at 28 days and a minimum depth of four inches.
- Builders are required to install sidewalk prior to issuance of a Certificate of Occupancy. Where plat approval is required, sidewalks shall be required to be installed at the time of construction of the appropriate street pavement. Where plat approval is not required, sidewalks must be installed before the property owner applies for a certificate of occupancy.
- Parking spaces shall be a minimum of 19' long by 9' wide asphalt excluding curb and gutter. Where no walkway occurs along face of curb, a 1' overhang is allowable if no trees or "street furniture" is proposed or which will block sidewalk. Wheel Stops may be required to prevent vehicle overhang on sidewalk. Spaces less than 19' in length are to be clearly marked "For Compact Cars Only".
- *Per City Code Division 716.08B - Minimum standards for surfaces treated and hardened to accommodate vehicles up to 8,000 pounds are as follows:*
 - Concrete. 4 inches of 2500 psi concrete with control joints at least every 30 feet, or if no control joints are utilized, then wire reinforcement throughout.
 - Asphalt. Binder and topping course mixes at least 3" thick.
 - Brick. Bricks laid in a 2" concrete base.Please see standard details available from Public Works.
- Wall as proposed along south side of drive must be structural concrete.
- The depicted emergency access to Old Dallas Rd appears troubling considering the 20' elevation difference.



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 #: V2015-12 Hearing: 3/30/15 Legistar # _____

This is a variance/appeal application for:

Board of Zoning Appeals City Council

Owner's Name Amy J. Holland and Dana N. Martin

Address 4391 Freys Farm Lane, Kennesaw, GA Zip Code: 30152

Telephone Number: 404-216-0818 Email Address: MARTIN3009@Bellsouth.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:

1141 Whitlock Avenue Date of Acquisition: 08/06/2013

Land Lot (s) 03260 District 20 Parcel 1450 Acreage 1.64 Zoned 01 Ward 3A FLUMDR

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

See attached letter

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



7500 Memorial Pkwy SW, Ste 209 | Huntsville, AL 35802
Phone: 256.539.1221 | Fax: 256.539.1220

February 12, 2015

Rusty Roth
Planning and Zoning Manager, City of Marietta
Development Services Department
205 Lawrence ST.
Marietta, GA 30060

RE: Christian Psychiatric Services
1141 Whitlock Avenue
Marietta, GA

Dear Rusty Roth,

The intent of this letter is to describe the request of two variances for the property located at 1141 Whitlock Avenue, Marietta, Georgia. The current zoning for the property is office institutional. The requirements for zoning compliance are as follows: 50' front setback, 25' side setback (major) 15' side setback (minor), and 35' rear setback. When an OI district directly abuts an RA-6 a 30' buffer shall be established (Division 708). The property currently has a 20' water easement running along the southern portion of the 50' front setback. Due to the water line easement and the constraints of the property geometry the proposed building and required parking encroach into the 30' landscape buffer along the southern property line. Thus, the owner of the property would like to request a variance for the landscape buffer from 30' to 0'. The landscape buffer plantings would still be installed according to the zoning requirements and a geo-stone permanent wall with fence on top will be provided for added screening along the rear property line.

Additionally, the owner of the property would like to request a 5' reduction for the front setback from 50' to 45'. This will allow for additional landscape plant material to be installed throughout the rear of the building and all parking requirements according to the zoning ordinance.

Please see the site plan and section for graphical illustrations of existing site conditions and proposed site modifications.

Best Regards,

A handwritten signature in blue ink, appearing to read 'Jerry Cargile'.

Jerry Cargile, PE
Founding Partner – Principal Civil Engineer
Registered in AL, TN, GA, VA, NC, TX, NM, MS

TO: Marietta Daily Journal
FROM: City of Marietta
RUN DATE: March 13, 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, March 30, 2015 at 6:00 P.M.**, City Hall. Anyone wishing to attend may do so and be heard relative thereto.

V2015-12 [VARIANCE] AMY J. HOLLAND & DANA N. MARTIN requesting variances for property located in Land Lots 324 & 325, District 20, Parcel 1450, 2nd Section, Marietta, Cobb County, Georgia and being known as 1141 Whitlock Avenue. Variance to reduce the buffer from 30' to 0.' 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.

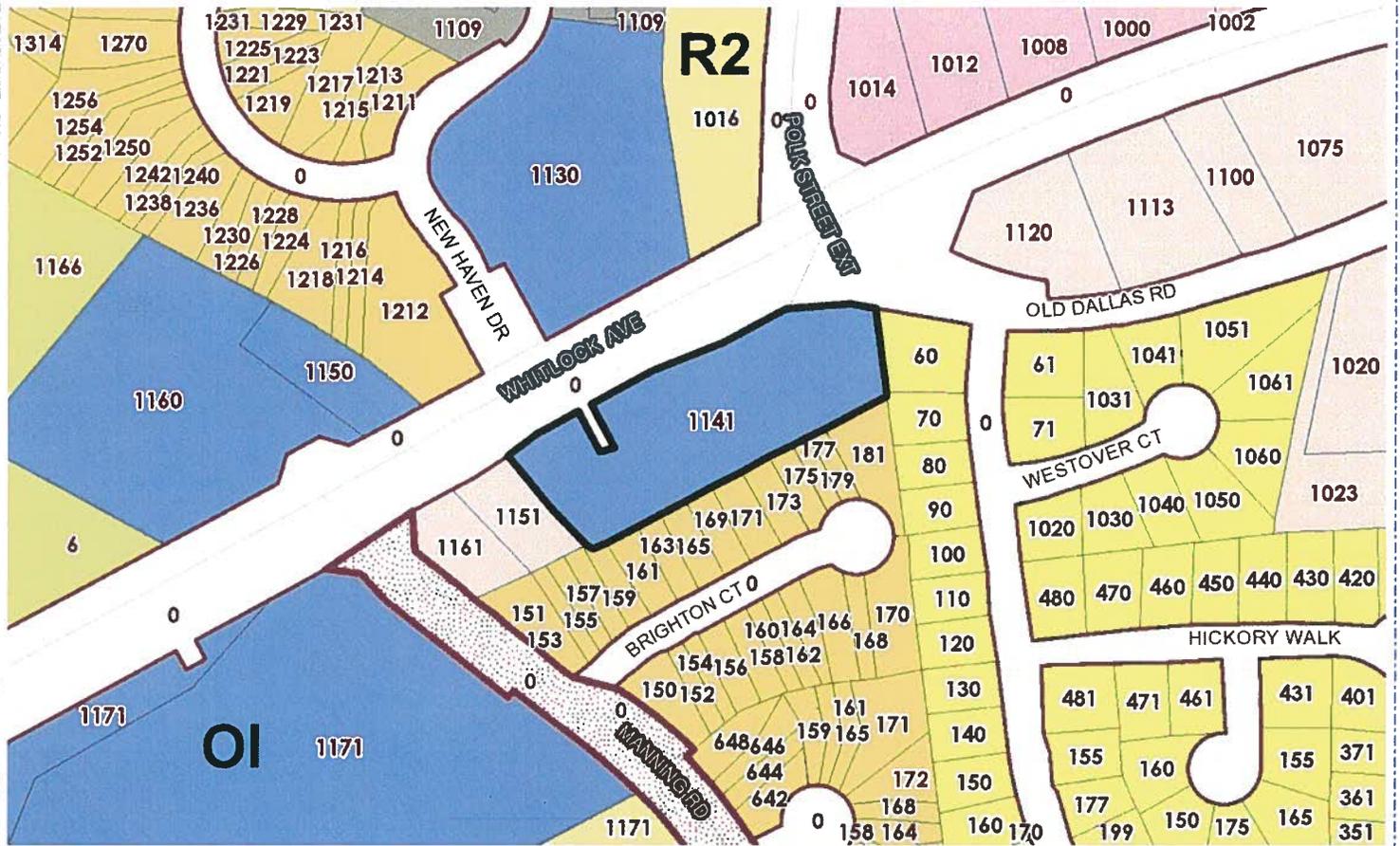
For additional information please call the Planning and Zoning Office (770) 794-5669.

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



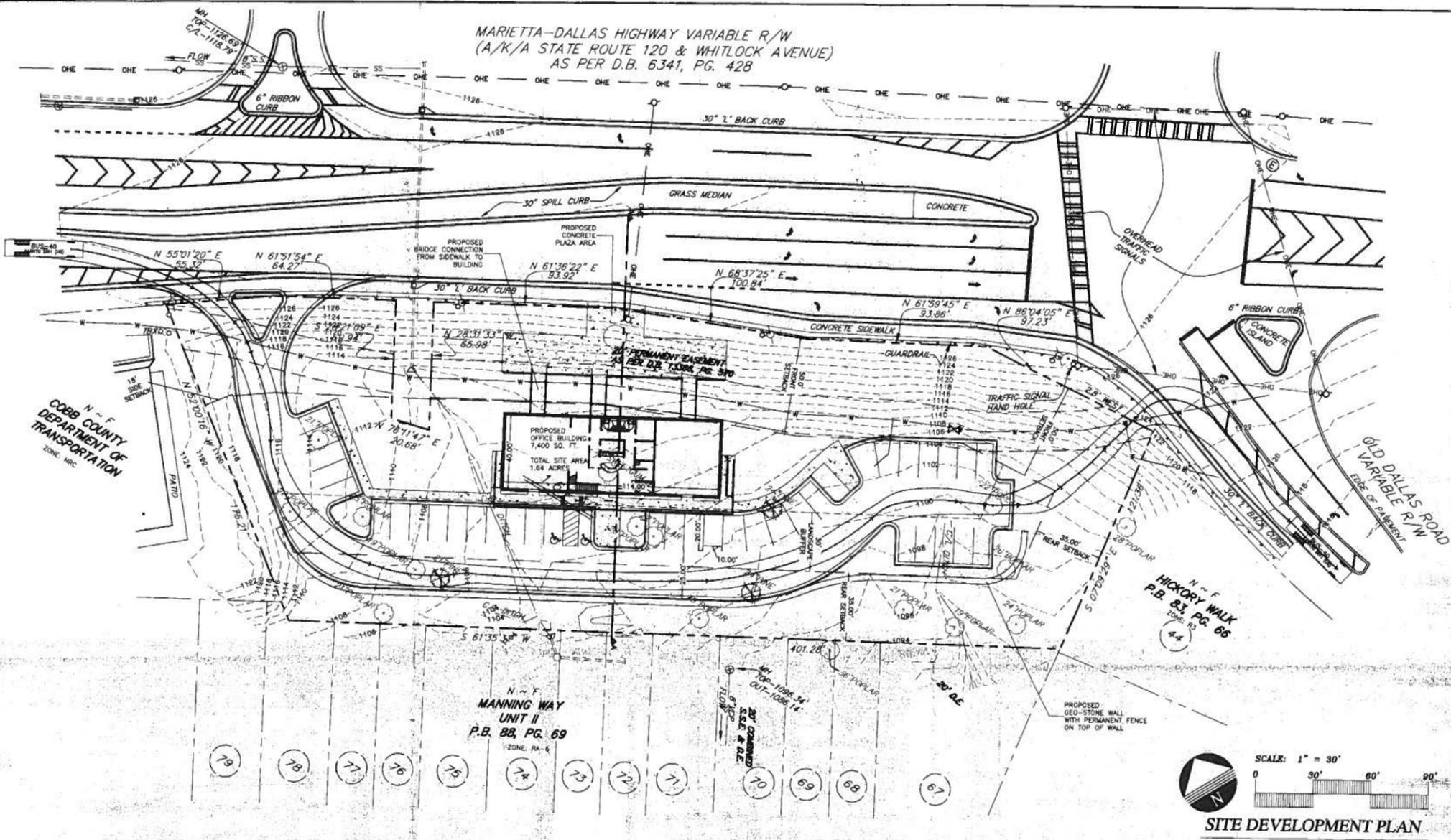
Address	Parcel Number	Acreage	Ward	Zoning	FLU
1141 WHITLOCK AVE	20032501450	1.823	3A	OI	MDR

Property Owner:	Amy Holland & Dana Martin
Applicant:	
BZA Hearing Date:	3/30/15
Acquisition Date:	
Case Number:	V2015-12

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

City of Marietta Planning & Zoning



ZONING DISTRICT:

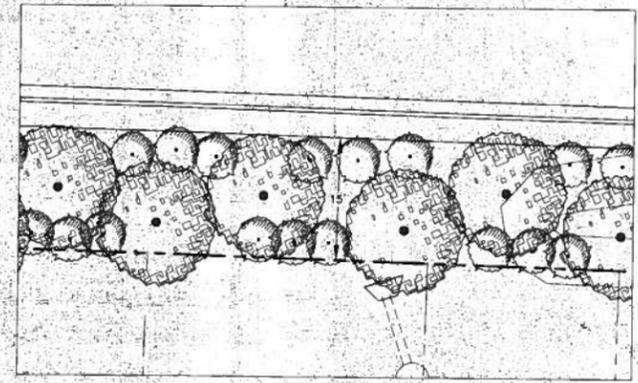
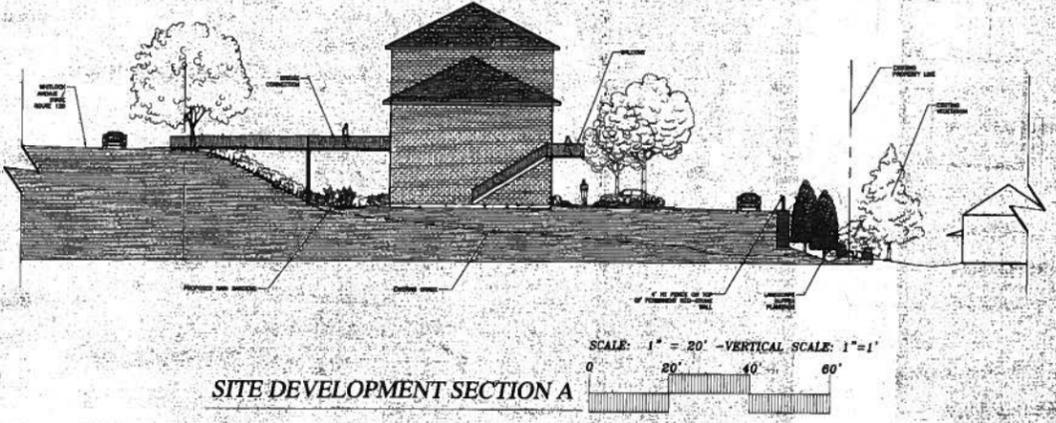
ZONE: O1
 MINIMUM LOT SIZE: 20,000 SQ. FT.
 MINIMUM LOT WIDTH: 75'
 MAXIMUM HEIGHT: 50'
 MAXIMUM FLOOR AREA RATIO: 0.75
 DISTRICT YARD SETBACK REQUIREMENTS PER ZONING:
 FRONT YARD: 50' (VARIANCE REQUEST)
 SIDE YARD MAJOR: 25'
 SIDE YARD MINOR: 15'
 REAR YARD: 35'
 PARKING REQUIREMENTS: 1 SPACE / 300 SF FLOOR AREA
 35 PARKING SPACES REQUIRED
 37 PARKING SPACES PROVIDED

LANDSCAPE REQUIREMENTS:
 MINIMUM IMPERVIOUS SURFACE: 60K
 MINIMUM LANDSCAPE AREA: 15K
 30' LANDSCAPE BUFFER REQUIRED ALONG REAR YARD
 BUFFER SHALL HAVE EVERGREEN PLANTINGS AND A PERMANENT WALL
 0' LANDSCAPE BUFFER PROVIDED - EVERGREEN PLANTINGS ARE PROVIDED IN 35' SETBACK ALONG REAR YARD (SEE LANDSCAPE BUFFER) (VARIANCE REQUEST)

ZONING AUTHORITY: CITY OF MARIETTA, GA
 PHONE NUMBER: 770.794.5670
 CONTACT PERSON: RUSTY ROTH

SITE PLAN NOTES:

- TOTAL SITE AREA: 1.64 ACRES
- SURVEY WAS PROVIDED BY SCHULTZ PARTNERS, L.P.
- SITE IS LOCATED IN L.L. 324 & 325 20TH DISTRICT, 2ND SECTION CITY OF MARIETTA, COBB COUNTY, GA.
- SITE WILL CONSIST OF UNDERGROUND CHAMBERS FOR STORM WATER DETENTION AS OUTLINED IN THE GEORGIA STORM WATER MANAGEMENT MANUAL.
- FIRE TRUCK EXIT AREA ALONG OLD DALLAS ROAD WILL CONSIST OF APPROVED GRASS PAVERS.
- PEDESTRIAN ACCESS TO SITE WILL BE PROVIDED FROM WHITLOCK AVENUE SIDEWALK.
- TOTAL PROPOSED BUILDING HEIGHT IS 37'



CONCEPT PLANT SCHEDULE

EVERGREEN BUFFER TREES	36
EVERGREEN BUFFER TREE - INSTALLED	HT. 8' - 10'
SHADE TREES	9
LANDSCAPE BUFFER TREE PLANTING MATERIAL	10' - 12' INSTALLED HT.
EVERGREEN BUFFER SHRUBS	59
EVERGREEN BUFFER SHRUBS	INSTALLED HT. 36" - 40"



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http://www.4siteinc.biz



CHRISTIAN PSYCHIATRIC SERVICES
 PREPARED FOR VARIANCE REQUEST
 1141 WHITLOCK AVENUE
 MARIETTA, GA. 30064

JOB NO. 15-006

SCALE: AS NOTED

SPT. NO. 1 OF 1

REVISIONS:

DRAWN BY:	FIELD DATE:	OFFICE DATE:	CHECKED BY:	FILL NAME:
		2-11-15	J.CARGILE	15-006 COB