

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



263 – 271 Lemon Street



Community Garden



1” Purple Smoke Tree

Staff Review:

The applicant, Reconnecting Families, Inc., on behalf of Zion Baptist Church of Marietta, Inc. is requesting a variance for the community garden at 263 and 271 Lemon Street, totaling 0.553 acres. The request is to keep the planted 1” caliper street trees along Lemon Street. The subject lots are zoned R-4 (Single Family Residential – 4 units/acre) along with the adjacent properties to the north and west. The property across the street to the east is zoned NRC (Neighborhood Retail Commercial) and the properties across the street to the south are zoned OI (Office Institutional).

The applicant recently obtained a Special Land Use Permit (SLUP) from City Council to allow for their community garden on January 14, 2015 (Z2015-02). The SLUP was granted with the following variances based off the applicant’s submitted plans:

1. Variance to allow for installation of an accessory structure, gazebo and shed, without the presence of a primary structure. [§708.04 (F)]
2. Variance to reduce the setback for a fence from 2 ft. to 0 ft. to allow for a 4 ft. decorative fence to be placed on the property line along Lemon Street and Hunt Street. [§710.04 (D.1)]
3. Variance to waive tree requirement of street trees along Hunt Street. [§712.08 (G.2)]
4. Variance to allow understory trees along Lemon Street under overhead utility lines. [§712.08 (G)]

The purpose of street trees are to “*provide tree-lined roadways that improve the quality of the built environment for pedestrians and motorists alike*”. The typical street tree approved by staff is 3” caliper and usually stands 6 to 8 feet in height. The tree plan presented to City Council during the discussion of the Special Land Use Permit indicated that four 3-inch Trident Maple trees were to be planted along Lemon Street. However, during site development, Reconnecting Families was allowed to change the species to Purple Smoke Trees, which are listed as an appropriate road frontage yard tree according to the City of Marietta’s Tree Species Selection List. However, the trees that were planted were very small - only 1” caliper and stood approximately 2 feet in height, as shown in the pictures above.

Reconnecting Families, Inc. has stated that the selected street trees will grow to approximately 12 to 15 feet in height within the next 4 years – and that these trees will not create a shade problem for the garden that would occur with larger street trees.

This project provides for fruit and vegetable gardens, and the applicant has stated it requires 8 plus hours of direct sunlight - as well as pollinators - to keep the produce fresh and organic. Reconnecting Families has planted the perimeter of the property with perennial plants to attract insects that will aid with pollination. In order to provide the best conditions for a garden, Reconnecting Families is requesting this variance to be able to keep and maintain the existing trees that were planted.



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

APPLICATION FOR VARIANCE OR APPEAL

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

For Office Use Only:

Application #: V2016-48 Registrar #: BZA Hearing Dt:
City Council Hearing Dt (if applicable) #: 11-9-16 PZ #: 16-528

This is a variance/appeal application for:

Board of Zoning Appeals checkbox

Board of Zoning Appeals

City Council checkbox (checked)

City Council

Owner's Name ZION BAPTIST

Address 165 LEMON ST Zip Code: 30060

Telephone Number: 770 427 8749 Email Address:

COMPLETE ONLY IF APPLICANT IS NOT OWNER:

Applicant RECOLLECTING FAMILIES

Address PO BOX 1175 Marietta GA Zip Code: 30061

Telephone Number 678-458-6338 Email Address: Sarah.Gaither@IBERIA BANK.COM

Address of property for which a variance or appeal is requested:

263/271 LEMON ST Date of Acquisition:

Land Lot(s) 11600 District 116 Parcel 59/57 Acreage 0.2/0.2 Zoned R4 Ward 3A FLU MDR
0570/0590 272/.281

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

VARIANCE FOR SIZE OF STREET TREES ON LEMON ST.

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. Copy of the deed that reflects the current owner(s) of the 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 - 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. Optional Additional Plat size: (24"x 36"). If providing (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

June 27, 2016

Marietta City Council
205 Lawrence Street
Marietta, Georgia 30060



Marietta City Council Members:

My name is Kim Baumert and I have been a Cobb County Master Gardener since 2010. I have spent 6 years volunteering weekly at our Plant-a-Row for the Hungry Garden, which donates approximately 3000 pounds of fresh, organic produce annually to Cobb Family Resources. I have a passion for growing fresh food for those in need and I embrace sharing my passion and my knowledge with others.

I have redirected my efforts to a new garden that needs my knowledge and experience. As the Lead Master Gardener at Reconnecting Our Roots Community Garden (RORCG), I have been able to take all that I have learned at Plant a Row and put it to good use at RORCG.

This letter is to request a Variance for the tree size requirements at Reconnecting Our Roots Community Garden.

The reason I am asking for the variance is because vegetable gardens need 8+ hours of direct sunlight a day to produce fruit. It is crucial that the vegetable plants get enough sunshine. We do not want to be faced with too much shade in a few years.

Not only do vegetable plants need sun, they also need pollinators. The Cobb Master Gardeners have lined the property with perennial plants to attract bees, butterflies, hummingbirds, and other necessary insects to aid with pollination for the vegetable gardens. Pollinator flowering plants will not bloom unless they have 8+ hours of direct sun. No flowers = no bees & butterflies=less fresh, organic food.

We are asking that you allow the four *Cotinus coggygria* 'Royal Purple' trees (Purple Smoke Trees) that we planted in February 2016 to remain along Lemon Street. They are on the Approved Street Tree List for the City of Marietta. They are planted four feet above the street because of the retainer wall. The four trees are multi-trunked and they have already grown over 15 inches since we planted them. They will grow to be approximately 12 – 15 feet tall within the next four years. These trees will not create a shade problem for the garden as some other trees will.

Sincerely,

Kim Baumert
MGVCC
RORCG Lead

Master Gardener Volunteers Of Cobb County
678 South Cobb Drive, Ste. 200
Marietta, GA 30060



COBB COUNTY

August 25, 2016

Marietta City Council
205 Lawrence Street
Marietta, Georgia 30060

Marietta City Council Members,

I work in the Agriculture & Natural Resources Department at the University of Georgia Cooperative Extension Service in Cobb County as the Master Gardener Coordinator of more than 250 Master Gardener volunteers.

Reconnecting Families, along with Cobb Master Gardeners, have worked very hard to create a community garden a few blocks from The Historic Marietta Square, and it has become a beautiful, functional community garden.

Reconnecting Our Roots Community Garden has 22 raised beds and an expansive pollinator garden. These areas are, literally, solar-powered. They need sunshine to thrive.

UGA's publication *Vegetable Gardening in Georgia*, written by Robert Westerfield, UGA Extension Horticulturist and David Linvill, Chatham County Extension Agent, explains the importance of sunlight to the garden: "Site - Try to select a site that receives at least 8 to 10 hours of sunlight a day. Select a location that is conveniently located near the house and a water supply. The soil should have a good texture and be well-drained." (extension.uga.edu/publications, Circular 963, page 1)

Westerfield explained the purpose of pollinators in a separate publication, *Pollination of Vegetable Crops*: "Many insects visit flowers to collect pollen and nectar as food. As they forage, these insects spread pollen grains among flowers, accomplishing pollination. Many flowers offer sugary liquid nectar as an added enticement for these pollinating insects." (extension.uga.edu/publications, Circular 934, page 4)

In my professional opinion, the trees along Lemon Street cannot be so big that they shade the pollinator beds or the vegetable beds. Native, flowering trees, *Cotinus coggygria* 'Royal Purple' (Purple Smoke Trees), were planted in February 2016. These trees are multi-trunked instead of single-trunked so it is difficult to gauge the 3" requirement size for the trunk of the tree.

I will be happy to answer any questions you may have.

Best Regards,

A handwritten signature in cursive script that reads "Renae Lemon".

Renae Lemon
UGA Cooperative Extension – Cobb County
ANR Team



TO: Marietta Daily Journal

FROM: City of Marietta

RUN AD DATE: October 14, 2016

**CITY OF MARIETTA
PUBLIC NOTICE OF REZONINGS, SPECIAL LAND USE PERMITS, AND VARIANCES**

The City of Marietta hereby gives notice that a public hearing will be held to give consideration to the following variance requests at the City Council meeting held on **Wednesday, November 9, 2016, 7:00 p.m.**, City Hall, for a final decision to be made.

V2016-48 [VARIANCE] RECONNECTING FAMILIES is requesting a variance for property located in Land Lot 1160, District 16, Parcels 0590 & 0570, 2nd Section, Cobb County, Georgia, and being known as 263 & 271 Lemon Street, currently zoned R-4 (Single Family Residential – 4 units/acre) with a Special Land Use Permit for a community garden. Variance to allow 1” caliper street trees. Ward 3A.

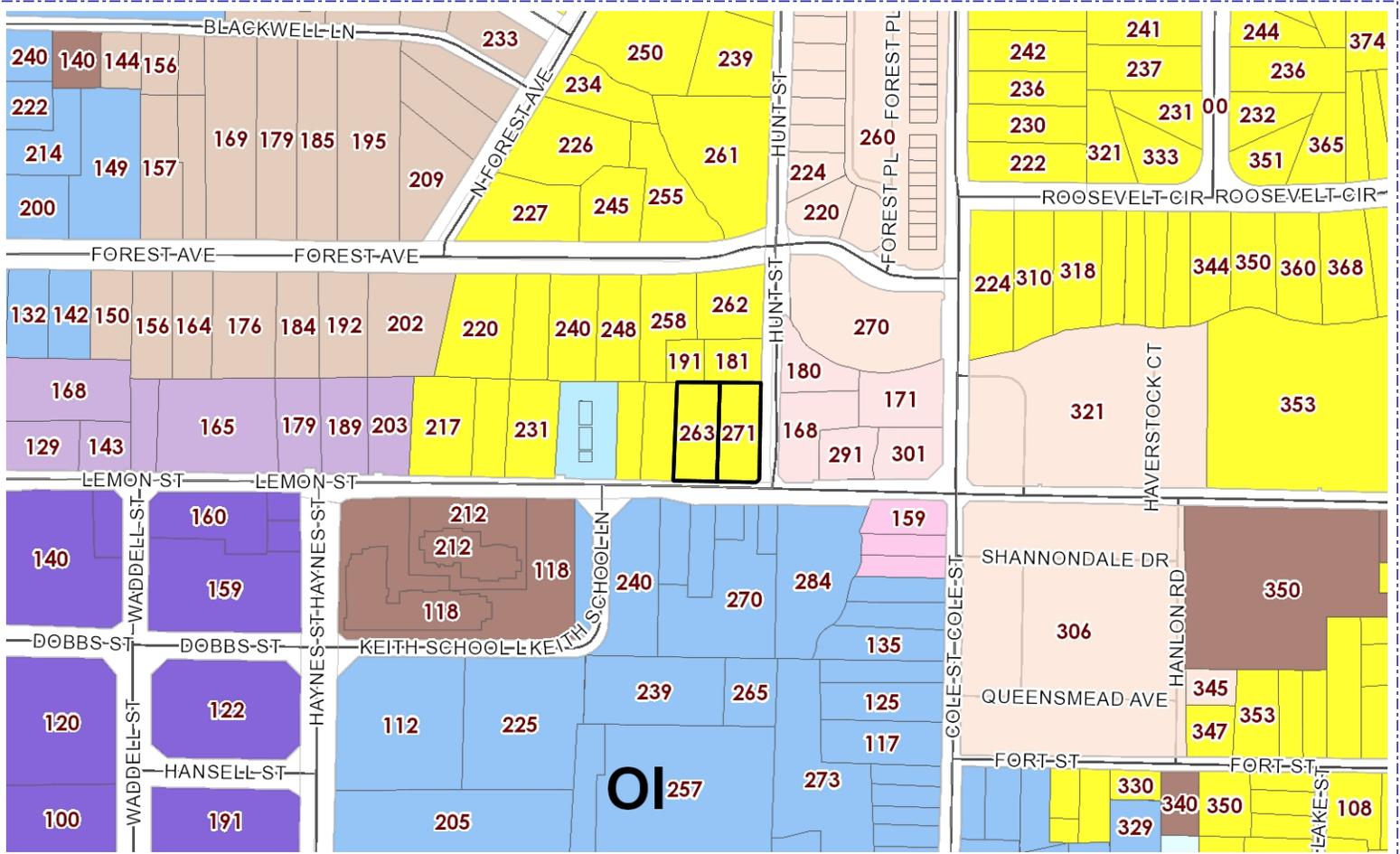
A description and plat of the property sought for the rezoning and future land use assignment are on file in the Planning and Zoning Office, City Hall, and is available for inspection between 8:00 A.M. and 5:00 P.M., Monday through Friday. Anyone wishing to attend may do so and be heard relative thereto.

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

Variance



Address	Parcel Number	Acreage	Ward	Zoning	FLU
271 LEMON ST	16116000570	0.272	3A	R4	MDR
263 LEMON ST	16116000590	0.281	3A	R4	MDR

Property Owner: Zion Baptist

Applicant: Reconnecting Families

City Council Hearing Date: 11/09/2016

Acquisition Date:

Case Number: V2016-48

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



THE COTINUS COGGYGRIA (PURPLE SMOKE TREE)

N/F
ZBC PROPERTIES
258 HUNT STREET
DB 14088 PG 2421
PID:16116001520

N/F
DB DREAMWORKS
181 HUNT STREET
DB 14221 PG 3712
PID:16116000600

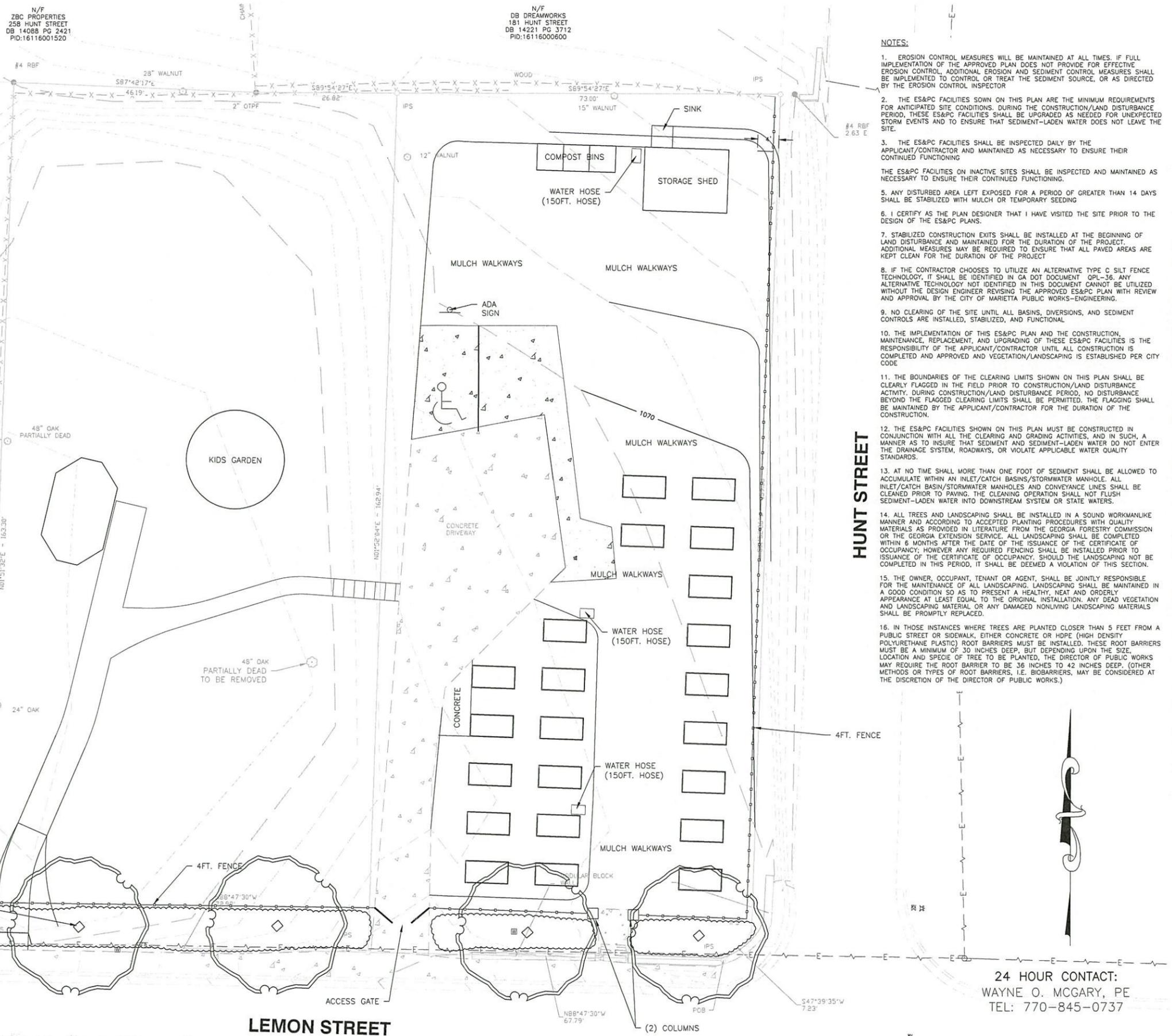
N/F
ZION BAPTIST CHURCH OF MARIETTA, INC.
255 LEMON STREET
DB 15039 PG1260
PID: 16116000600

ALL SOIL ARE CLASSIFIED AS UeC

Construction Schedule:

- 1. Grading Day 1
- 2. Mulching Day 1
- 3. Placement of structures Day 3-4
- 4. Installation of Water Svc Day 3-4
- 5. Construction of S/W Day 5-8
- 6. Construction of Beds Day 8
- 7. Planting of Trees Day 10

(4) COTINUS COGGYGRIA
(PURPLE SMOKE TREES)



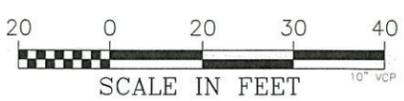
NOTES:

1. EROSION CONTROL MEASURES WILL BE MAINTAINED AT ALL TIMES. IF FULL IMPLEMENTATION OF THE APPROVED PLAN DOES NOT PROVIDE FOR EFFECTIVE EROSION CONTROL, ADDITIONAL EROSION AND SEDIMENT CONTROL MEASURES SHALL BE IMPLEMENTED TO CONTROL OR TREAT THE SEDIMENT SOURCE, OR AS DIRECTED BY THE EROSION CONTROL INSPECTOR.
2. THE ES&PC FACILITIES SHOWN ON THIS PLAN ARE THE MINIMUM REQUIREMENTS FOR ANTICIPATED SITE CONDITIONS. DURING THE CONSTRUCTION/LAND DISTURBANCE PERIOD, THESE ES&PC FACILITIES SHALL BE UPGRADED AS NEEDED FOR UNEXPECTED STORM EVENTS AND TO ENSURE THAT SEDIMENT-LADEN WATER DOES NOT LEAVE THE SITE.
3. THE ES&PC FACILITIES SHALL BE INSPECTED DAILY BY THE APPLICANT/CONTRACTOR AND MAINTAINED AS NECESSARY TO ENSURE THEIR CONTINUED FUNCTIONING.
4. THE ES&PC FACILITIES ON INACTIVE SITES SHALL BE INSPECTED AND MAINTAINED AS NECESSARY TO ENSURE THEIR CONTINUED FUNCTIONING.
5. ANY DISTURBED AREA LEFT EXPOSED FOR A PERIOD OF GREATER THAN 14 DAYS SHALL BE STABILIZED WITH MULCH OR TEMPORARY SEEDING.
6. I CERTIFY AS THE PLAN DESIGNER THAT I HAVE VISITED THE SITE PRIOR TO THE DESIGN OF THE ES&PC PLANS.
7. STABILIZED CONSTRUCTION EXITS SHALL BE INSTALLED AT THE BEGINNING OF LAND DISTURBANCE AND MAINTAINED FOR THE DURATION OF THE PROJECT. ADDITIONAL MEASURES MAY BE REQUIRED TO ENSURE THAT ALL PAVED AREAS ARE KEPT CLEAN FOR THE DURATION OF THE PROJECT.
8. IF THE CONTRACTOR CHOOSES TO UTILIZE AN ALTERNATIVE TYPE C SILT FENCE TECHNOLOGY, IT SHALL BE IDENTIFIED IN CA DOT DOCUMENT QPL-36. ANY ALTERNATIVE TECHNOLOGY NOT IDENTIFIED IN THIS DOCUMENT CANNOT BE UTILIZED WITHOUT THE DESIGN ENGINEER REVISING THE APPROVED ES&PC PLAN WITH REVIEW AND APPROVAL BY THE CITY OF MARIETTA PUBLIC WORKS-ENGINEERING.
9. NO CLEARING OF THE SITE UNTIL ALL BASINS, DIVERSIONS, AND SEDIMENT CONTROLS ARE INSTALLED, STABILIZED, AND FUNCTIONAL.
10. THE IMPLEMENTATION OF THIS ES&PC PLAN AND THE CONSTRUCTION, MAINTENANCE, REPLACEMENT, AND UPGRADE OF THESE ES&PC FACILITIES IS THE RESPONSIBILITY OF THE APPLICANT/CONTRACTOR UNTIL ALL CONSTRUCTION IS COMPLETED AND APPROVED AND VEGETATION/LANDSCAPING IS ESTABLISHED PER CITY CODE.
11. THE BOUNDARIES OF THE CLEARING LIMITS SHOWN ON THIS PLAN SHALL BE CLEARLY FLAGGED IN THE FIELD PRIOR TO CONSTRUCTION/LAND DISTURBANCE ACTIVITY. DURING CONSTRUCTION/LAND DISTURBANCE PERIOD, NO DISTURBANCE BEYOND THE FLAGGED CLEARING LIMITS SHALL BE PERMITTED. THE FLAGGING SHALL BE MAINTAINED BY THE APPLICANT/CONTRACTOR FOR THE DURATION OF THE CONSTRUCTION.
12. THE ES&PC FACILITIES SHOWN ON THIS PLAN MUST BE CONSTRUCTED IN CONJUNCTION WITH ALL THE CLEARING AND GRADING ACTIVITIES, AND IN SUCH A MANNER AS TO INSURE THAT SEDIMENT AND SEDIMENT-LADEN WATER DO NOT ENTER THE DRAINAGE SYSTEM, ROADWAYS, OR VIOLATE APPLICABLE WATER QUALITY STANDARDS.
13. AT NO TIME SHALL MORE THAN ONE FOOT OF SEDIMENT SHALL BE ALLOWED TO ACCUMULATE WITHIN AN INLET/CATCH BASIN, STORMWATER MANHOLE. ALL INLET/CATCH BASIN/STORMWATER MANHOLES AND CONVEYANCE LINES SHALL BE CLEANED PRIOR TO PAVING. THE CLEANING OPERATION SHALL NOT FLUSH SEDIMENT-LADEN WATER INTO DOWNSTREAM SYSTEM OR STATE WATERS.
14. ALL TREES AND LANDSCAPING SHALL BE INSTALLED IN A SOUND WORKMANLIKE MANNER AND ACCORDING TO ACCEPTED PLANTING PROCEDURES WITH QUALITY MATERIALS AS ACCORDING TO LITERATURE FROM THE GEORGIA FORESTRY COMMISSION OR THE GEORGIA EXTENSION SERVICE. ALL LANDSCAPING SHALL BE COMPLETED WITHIN 6 MONTHS AFTER THE DATE OF THE ISSUANCE OF THE CERTIFICATE OF OCCUPANCY; HOWEVER ANY REQUIRED FENCING SHALL BE INSTALLED PRIOR TO ISSUANCE OF THE CERTIFICATE OF OCCUPANCY. SHOULD THE LANDSCAPING NOT BE COMPLETED IN THIS PERIOD, IT SHALL BE DEEMED A VIOLATION OF THIS SECTION.
15. THE OWNER, OCCUPANT, TENANT OR AGENT, SHALL BE JOINTLY RESPONSIBLE FOR THE MAINTENANCE OF ALL LANDSCAPING. LANDSCAPING SHALL BE MAINTAINED IN A GOOD CONDITION SO AS TO PRESENT A HEALTHY, NEAT AND ORDERLY APPEARANCE AT LEAST EQUAL TO THE ORIGINAL INSTALLATION. ANY DEAD VEGETATION AND LANDSCAPING MATERIAL OR ANY DAMAGED NONLIVING LANDSCAPING MATERIALS SHALL BE PROMPTLY REPLACED.
16. IN THOSE INSTANCES WHERE TREES ARE PLANTED CLOSER THAN 5 FEET FROM A PUBLIC STREET OR SIDEWALK, EITHER CONCRETE OR HDPE (HIGH DENSITY POLYURETHANE PLASTIC) ROOT BARRIERS MUST BE INSTALLED. THESE ROOT BARRIERS MUST BE A MINIMUM OF 30 INCHES DEEP, BUT DEPENDING UPON THE SIZE, LOCATION AND SPECIE OF TREE TO BE PLANTED, THE DIRECTOR OF PUBLIC WORKS MAY REQUIRE THE ROOT BARRIER TO BE 36 INCHES TO 42 INCHES DEEP. (OTHER METHODS OR TYPES OF ROOT BARRIERS, I.E. BIOBARRIERS, MAY BE CONSIDERED AT THE DISCRETION OF THE DIRECTOR OF PUBLIC WORKS.)

HUNT STREET

LEMON STREET

24 HOUR CONTACT:
WAYNE O. MCGARY, PE
TEL: 770-845-0737



Engineers
Planners
Surveyors

CROY
ENGINEERING

200 NORTH COBB PARKWAY, BLDG. 400, SUITE 413
MARIETTA, GA 30067
PHONE: (770) 971-5407 FAX: (770) 971-0620

Prepared at 1:1 scale using AutoCAD by: Wayne O. McGary on 6/29/2016 10:05 AM

RECONNECTING OUR ROOTS
GARDEN

263 & 271 LEMON STREET
LAND LOT(S) 11160
OF THE 16th DISTRICT, 2nd SECTION
CITY OF MARIETTA, COBB COUNTY, GEORGIA

NO.	REVISION REFERENCE	DATE

SEAL

GSWCC CERT #14190

SHEET TITLE
SITE PLAN

DRAWN BY WOM/ZVB	CHECKED BY WOM
SCALE 1"=10'	ISSUE DATE 02/15/15

PROJECT NUMBER
0000.00

DRAWING NUMBER
C2

SHEET 02 of 04