



STAFF REVIEW AND RECOMMENDATION

Variance Case #: V2015-13 **Legistar #:** 20150200
Board of Zoning Appeals Hearing: **Monday, March 30, 2015**
Property Owner: Johnathan L. McMurry
325 Nelson Street
Marietta, GA 30064
Applicant: Cooper Jones LLC
575 Hames Road
Marietta, GA 30064
Address: 325 Nelson St
Land Lot: 1084 **District:** 16 **Parcel:** 0360
Council Ward: 4A **Existing Zoning:** R-1 (Single Family Residential – 1 unit/acre)

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

1. Variance to allow a guest home to the front of a principal structure. [*§708.01 (C.2.a.)*]

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



325 Nelson Street – principal structure



325 Nelson Street – Principal Structure (left) and existing guest house (right)

Recommended Action:

Approval with a stipulation. The applicant, Cooper Jones LLC, is requesting a variance to construct a guest home in front of the principal structure at 325 Nelson Street. The property is approximately 1.3 acres in size and is zoned R-1 (Single Family Residential – 1 unit / acre). The surrounding properties are also zoned R-1; across Nelson Street to the north is property zoned R-2 (Single Family Residential – 2 units / acre). The property contains an existing guest home in the front yard, near Nelson Street, and the main house towards the back of the property.

This property was annexed into the City in 1994 (A-9417) and the main house was finished in 2002. There is no record of the original construction of the guest home - it was likely annexed with the structure already built. Guest homes are permitted in R-1 as long as they are located to the rear of the principal structure, at least twenty (20) feet from any property line and ten (10) feet from the principal structure, and is not larger or taller than the principal structure. The guest home may also not be used by paying guests or tenants. The applicant wishes to demolish the existing guest home and build a new structure in generally the same location – to the front of the principal structure.

It should be noted that the property cannot be subdivided – now or in the future – to create a new lot; and is only used as a guest home for paying guests or tenants. As long as these conditions are maintained, there would not be an issue related to maximum density in an R-1 residential area. Considering the construction of the guest house 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, ***staff recommends approval of this variance with the following stipulation:***

- ***Cobb County Health Department be consulted to determine whether additional septic fields are necessary to accommodate the additional square footage.***

Public Works Comments:

- A Land Disturbing Activity Permit will be required with Building Permits.
- Cobb County Health Department must be contacted to determine if additional septic fields are necessary for additional square footage of house.

11-11-15
P215-55



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 #: V2015-13 Hearing: 3/30/15 Registrar # _____

This is a variance/appeal application for:

Board of Zoning Appeals

City Council

Owner's Name Jonathan L. McMurry
Address 325 Nelson St Marietta GA Zip Code: 30064
Telephone Number: 770-675-6460 Email Address: jmcsmurry1@kennesa

COMPLETE ONLY IF APPLICANT IS NOT OWNER:
Applicant COOPER JONES LLC
Address 575 HAMES ROAD Zip Code: 30064
Telephone Number 770-823-2149 Email Address: acooperjones@gmail.com

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

325 Nelson St. Date of Acquisition: 4/09
Land Lot (s) 10840 District 16th Parcel 360 Acreage 1 1/2 Zoned R1 Ward 4A FLU LDR
1.331

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

Replace the current guest house in its run down condition, with an updated guest house per the attached plans

- 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



Reason for Application for Variance

325 Nelson St

Marietta, GA 30064

To Whom It May Concern,

On Behalf of Jonathan McMurry, we at Cooper Jones LLC are applying for variance from the ordinance preventing the construction of an accessory structure in front of a home.

Currently there is a guest home located at the property. Mr. McMurry would like to replace the current structure in disrepair with a new guest home and squash court. The lot would not allow for a guest home to be moved to the rear of the main home. There simply is not enough space for the structure and the required septic field. As a result, we ask for variance from the ordinance, allowing Mr. McMurry to place an updated guest house in front of the main home to replace the current guest house.

Thank You for Your Consideration,

A handwritten signature in black ink, appearing to read 'R. Balko', is written over the typed name.

Roger Balko, P.M.

Cooper Jones LLC

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.

V2015-13 [VARIANCE] COOPER JONES LLC (JOHNATHAN L. MCMURRAY) requesting variances for property located in Land Lot 10840, District 16, Parcel 0360, 2nd Section, Marietta, Cobb County, Georgia and being known as 325 Nelson Street. Variance to allow a guest home to the front of a principal 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.

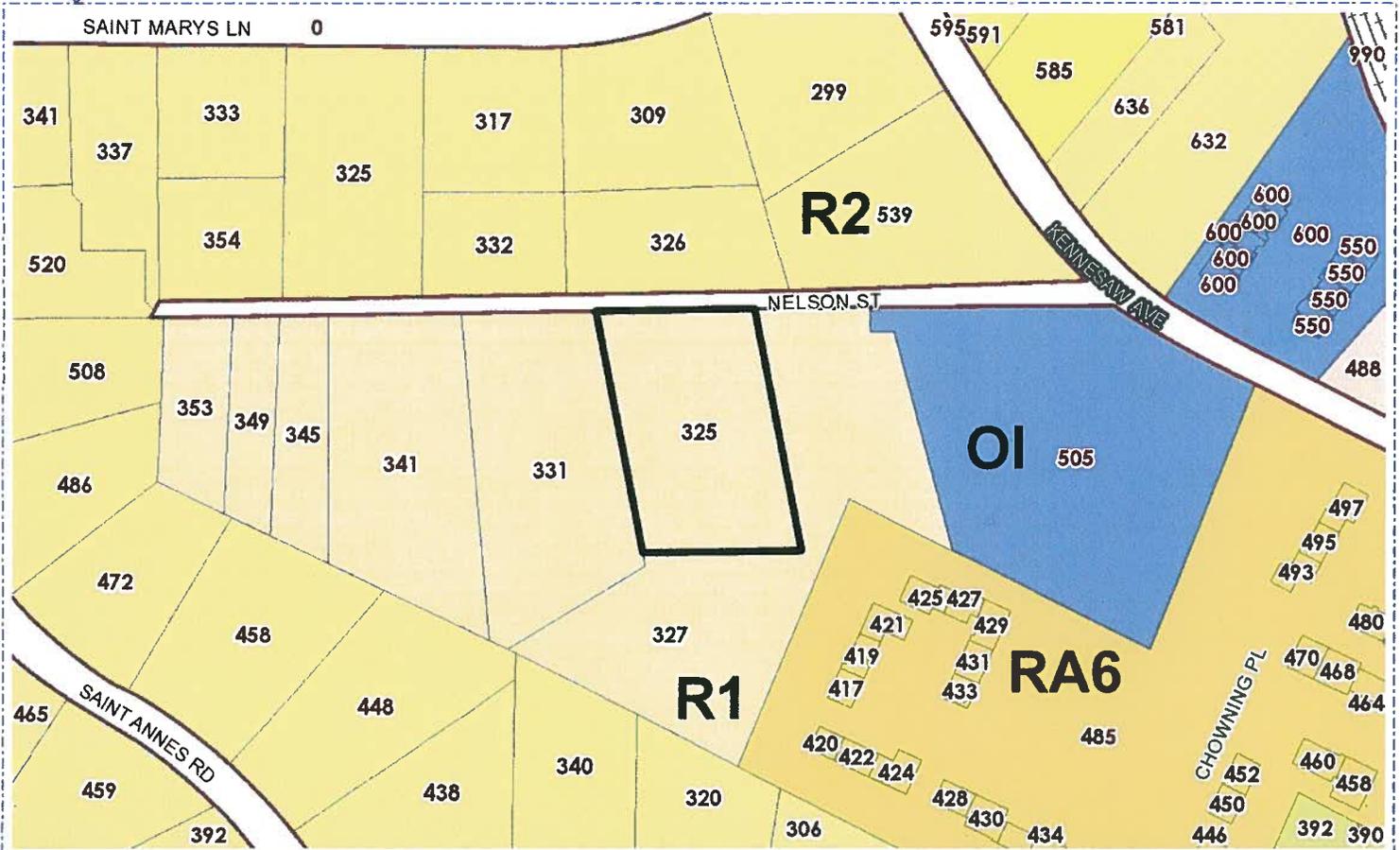
For additional information please call the Planning and Zoning Office (770) 794-5669.

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
325 NELSON ST	16108400360	1.331	4A	R1	LDR

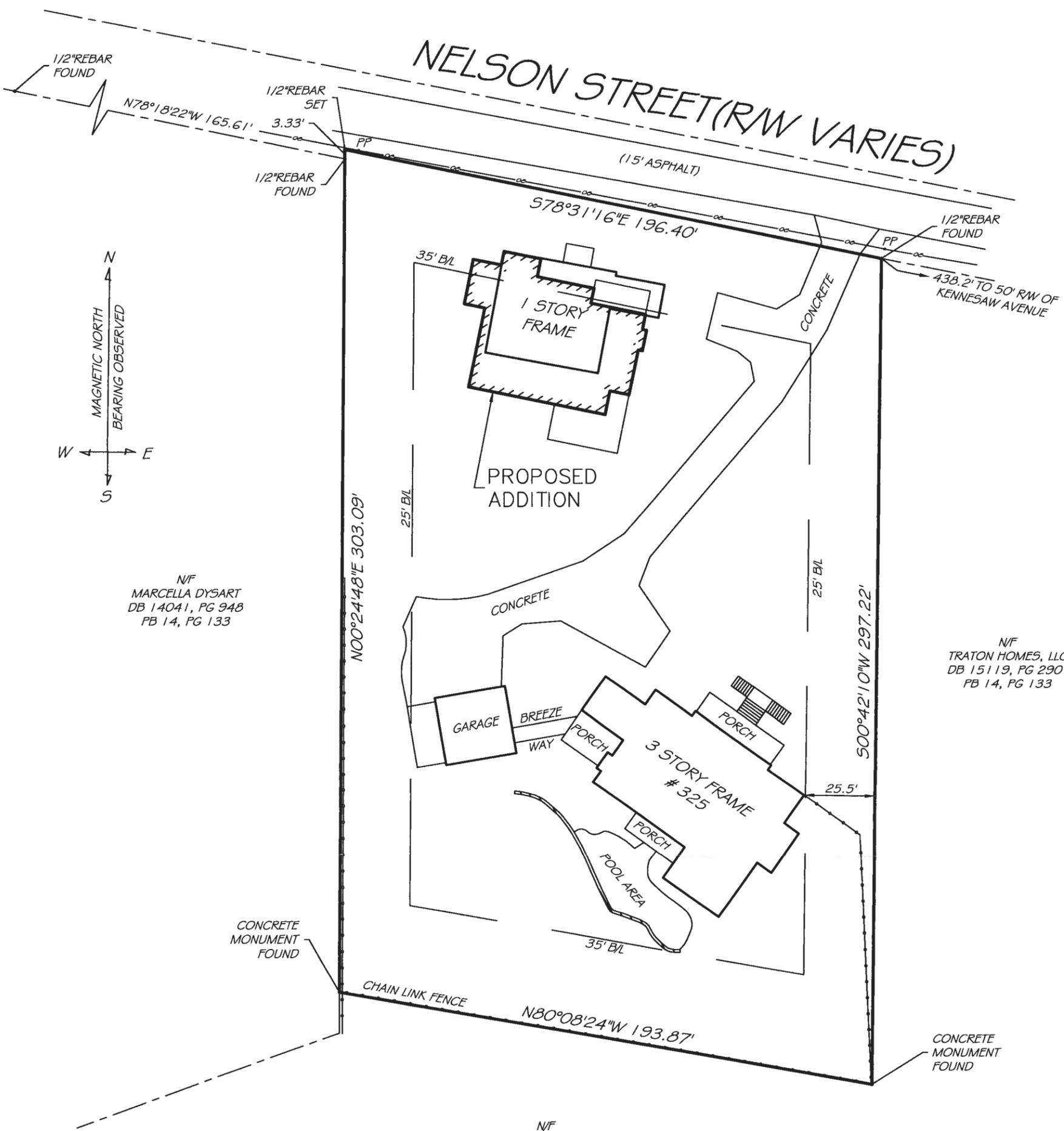
Property Owner:	Jonathan McMurry
Applicant:	Cooper Jones LLC
BZA Hearing Date:	3/30/15
Acquisition Date:	
Case Number:	V2015-13

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
- I - 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

NELSON STREET (RW VARIES)



Bulk and Area Regulations.
 Minimum Lot Size: 25,000 sq. ft.
 Maximum Density: One dwelling unit per acre
 Minimum Lot Width: 150 ft./125 ft. for a cul-de-sac
 Maximum Building Height: 35 ft.
 Minimum Floor Area: 1,800 sq. ft.
 Maximum Lot Coverage: 35 %
 Front Setback (arterial): 50 ft.
 Front Setback (collector): 40 ft.
 Front Setback (local): 35 ft.
 Side Setback (major): 35 ft.
 Side Setback (minor): 25 ft.
 Rear Setback: 35 ft.

NOTES:
 THIS SURVEY WAS PREPARED IN CONFORMITY WITH THE TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN CHAPTER 180-7 OF THE RULES OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN THE GEORGIA PLAT ACT O.C.G.A. 15-6-67. AUTHORITY O.C.G.A. SECS. 15-6-67, 43-15-4, 43-15-6, 43-15-19, 43-15-22.

THE FIELD DATA UPON WHICH THIS PLAT IS BASED WAS OBTAINED USING A GPT-3005W TOTAL STATION. AND HAS A LINEAR PRECISION RATIO OF ONE FOOT IN 00,000 FEET AND AN ANGULAR ERROR OF 05 SECONDS PER ANGLE AND WAS NOT ADJUSTED.

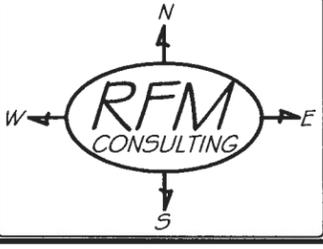
THIS PLAT HAS BEEN CHECKED FOR MATHEMATICAL ACCURACY AND CLOSES WITHIN ONE FOOT IN 152,397 FEET.

TOTAL AREA = 57,653 SQUARE FEET OR 1.32 ACRES.

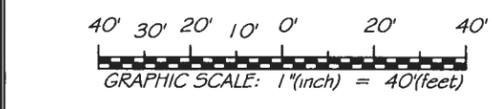
THE LOCATION OF UNDERGROUND UTILITIES WERE NOT LOCATED FOR THIS SURVEY. UTILITIES SHOWN ARE BASED UPON VISIBLE AND PHYSICAL EVIDENCE. THERE MAY BE UTILITIES ON OR CROSSING THIS PROPERTY THAT ARE NOT SHOWN. CALL THE UTILITIES PROTECTION CENTER (# 811) BEFORE ANY EXCAVATIONS ARE BEGUN TO ENSURE AND VERIFY THE CORRECT LOCATION AND DEPTH OF ALL UTILITIES.

REFERENCES:
 DEED BOOK 14676, PAGE 802
 PLAT BOOK 14, PAGE 133

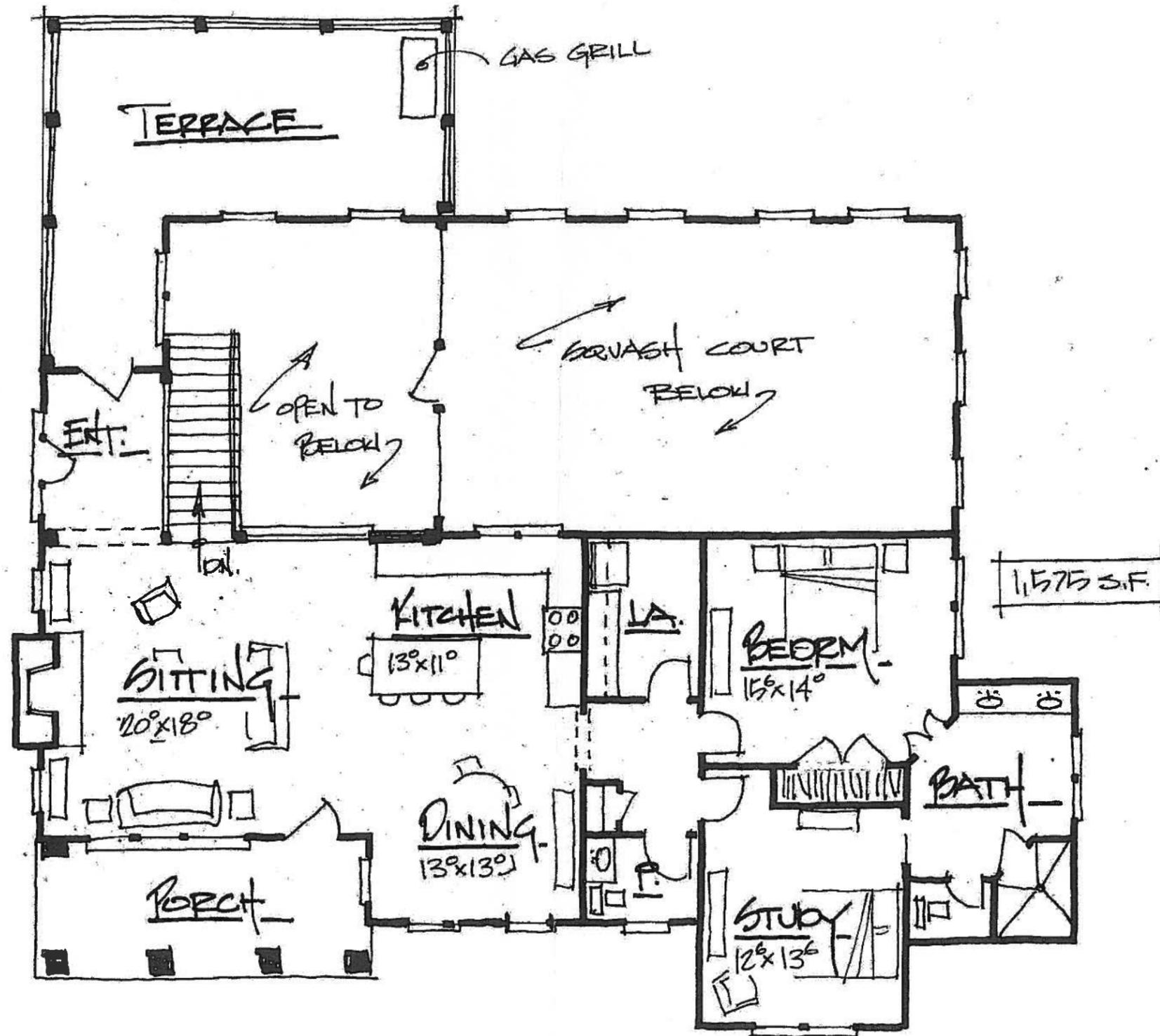
**SURVEY OF
 #325 NELSON STREET
 LOCATED IN
 LAND LOT 1084
 16th DISTRICT, 2nd SECTION
 CITY OF MARIETTA
 COBB COUNTY, GEORGIA
 FIELD DATE: 02-06-2015
 PLAT DATE: 02-06-2015
 SCALE: 1" (INCH) = 40' (FEET)**



R.F.M. CONSULTING, LLC
 707 WHITLOCK AVENUE
 BUILDING A-37
 MARIETTA, GA 30064
 (770) 757-3977
 EMAIL: RFMCON@BELLSOUTH.NET



Drafting By Mack R. Price, Jr.
 Cell 678-315-9270
 FILE: NELSON STREET.dwg

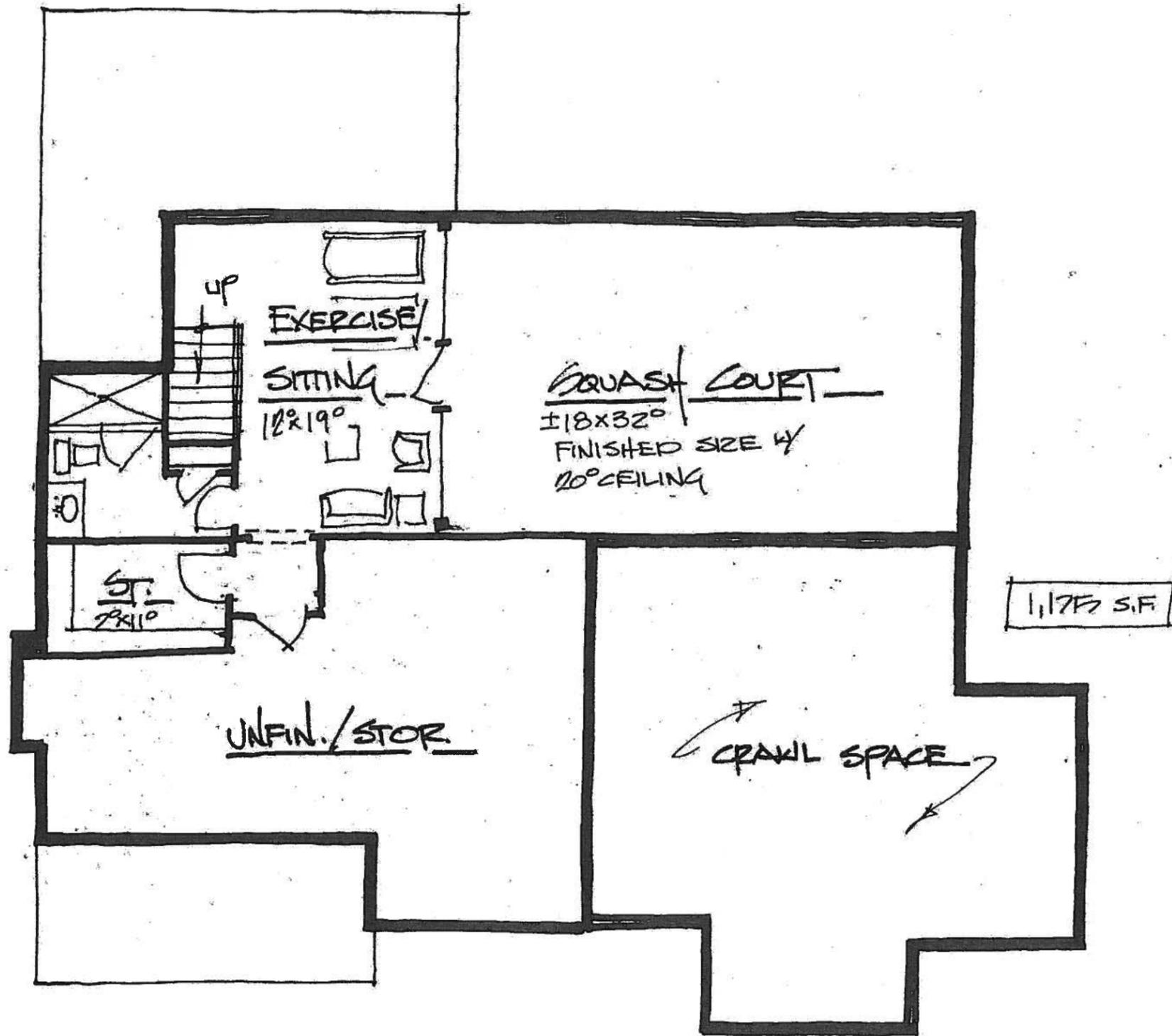


The information contained in this document is the exclusive property of Caldwell Cline Architects and Designers and cannot be used or reproduced in any manner without the expressed consent of the owner.

MCMURRY RESIDENCE

MAIN LEVEL FLOOR PLAN

CALDWELL • CLINE
 ARCHITECTS • DESIGNERS
 222 CRESCENT CIRCLE MARIETTA GA 30064
 PHONE 770-424-3882 678-668-8930 FAX



The information contained in this document is the exclusive property of Caldwell Cline Architects and Designers and cannot be used or reproduced in any manner without the expressed consent of the owner.

MCMURRY RESIDENCE

LOWER LEVEL FLOOR PLAN

CALDWELL • CLINE
 ARCHITECTS • DESIGNERS
 222 CRESCENT CIRCLE MARIETTA GA 30064
 PHONE 770-424-3882 678-668-8930 FAX



The information contained in this document is the exclusive property of Caldwell Cline Architects and Designers and cannot be used or reproduced in any manner without the expressed consent of the owner.

McMURRY RESIDENCE

FRONT ELEVATION

CALDWELL • CLINE
ARCHITECTS • DESIGNERS
222 CRESCENT CIRCLE MARIETTA GA 30064
PHONE 770-424-3882 678-668-8930 FAX