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## **REZONING APPLICATION ANALYSIS**

**ZONING CASE #:** Z2016-25

**LEGISTAR:** 20160797

**LANDOWNERS:** Sosa, LLC  
1806 New York Avenue  
Atlanta, GA 30307

**APPLICANT:** Same as above

**AGENT:** n/a

**PROPERTY ADDRESS:** 74 Austin Ave

**PARCEL DESCRIPTION:** 16 12140 0580

**AREA:** 0.16 acres

**COUNCIL WARD:** 1A

**EXISTING ZONING:** CRC (Community Activity Center)

**REQUEST:** R-4 (Single Family Residential – 4 units / acre)

**FUTURE LAND USE:** MDR (Medium Density Residential)

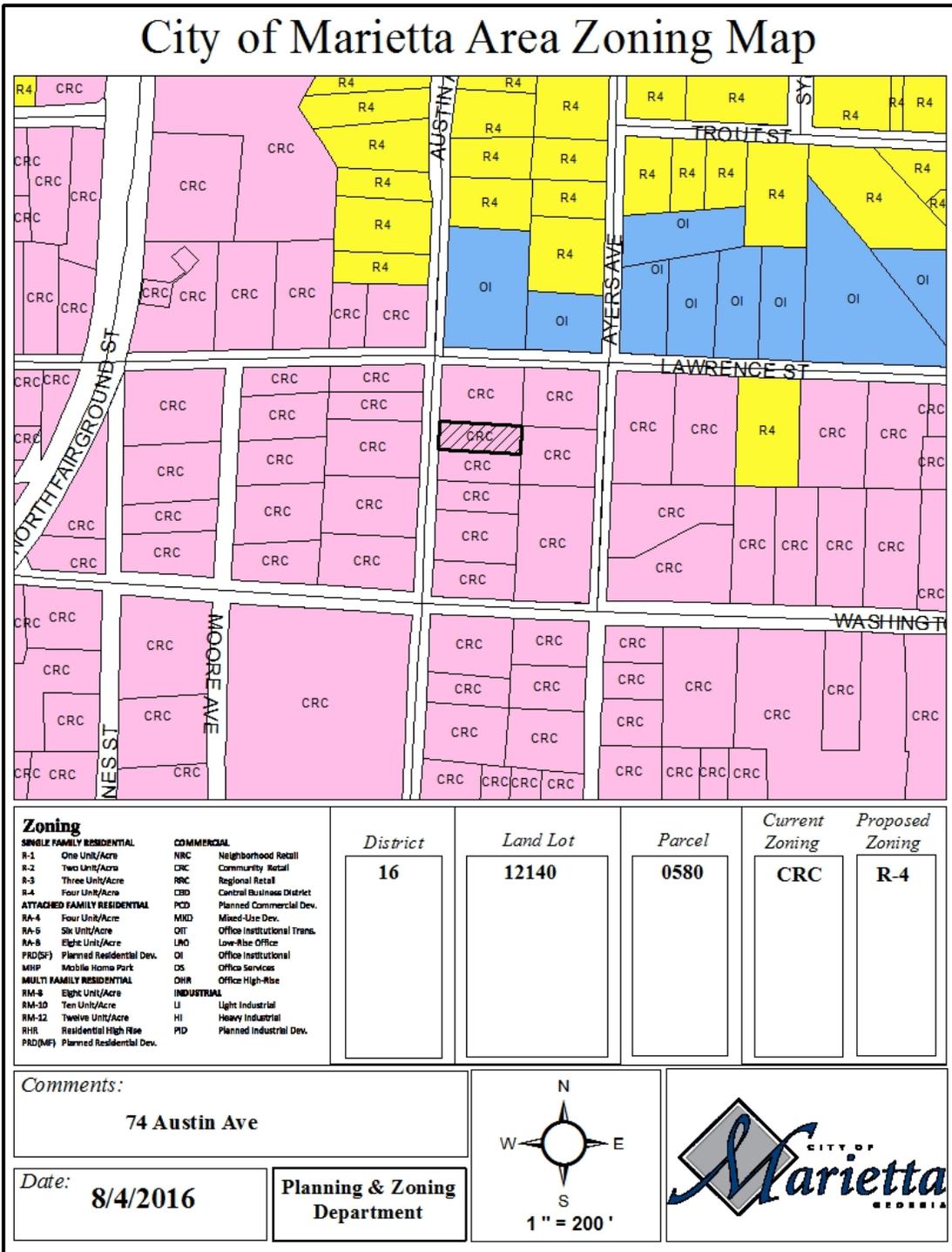
**REASON FOR REQUEST:** The applicant wishes to use this commercially zoned residential structure as a single family dwelling.

**PLANNING COMMISSION HEARING:** Tuesday, September 6, 2016 – 6:00 p.m.

**CITY COUNCIL HEARING:** Wednesday, September 14, 2016 – 7:00 p.m.

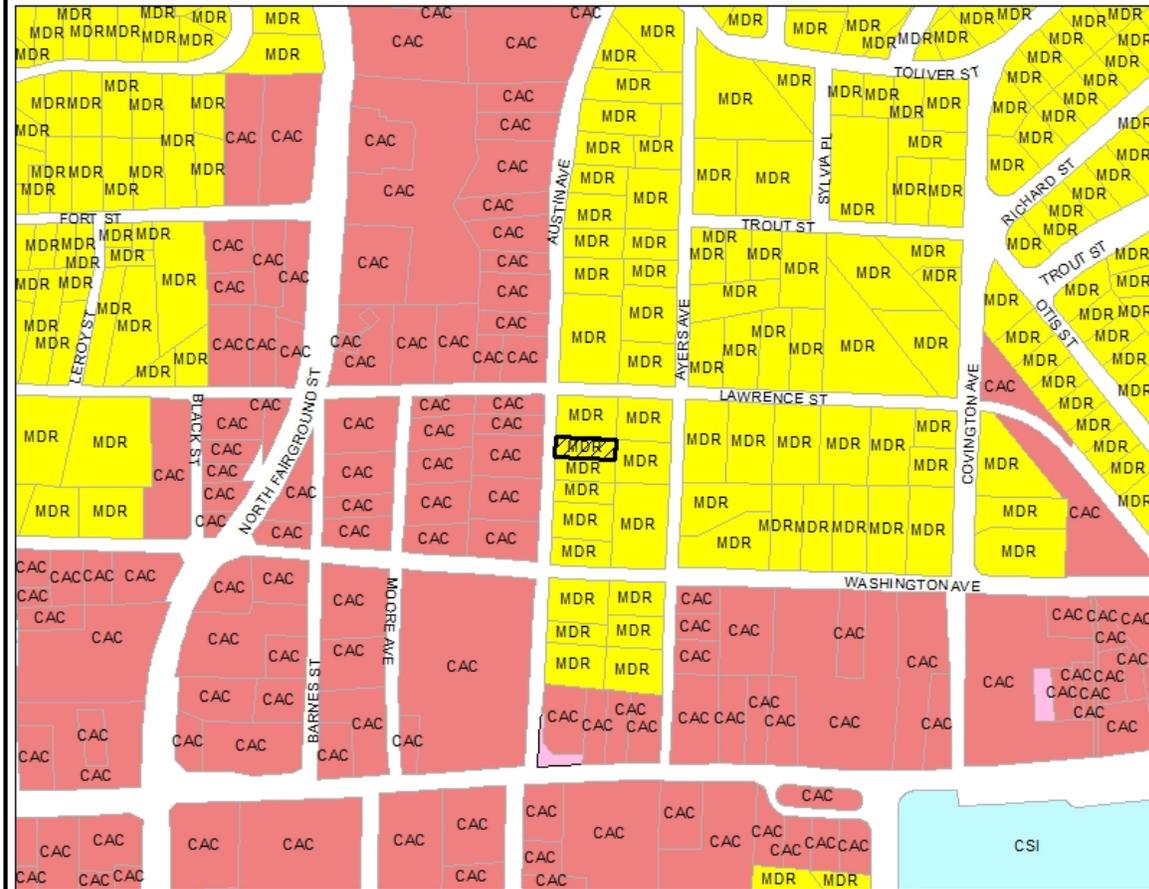
# MAP

## City of Marietta Area Zoning Map



## FLU MAP

### City of Marietta Area FLU Map

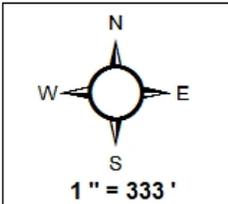


Future Land Use	District	Land Lot	Parcel	Current FLU	Proposed FLU
LDR Low Density Residential MDR Medium Density Residential HDR High Density Residential NAC Neighborhood Activity CAC Community Activity Center RAC Regional Activity Center CBD Central Business District IM Industrial - Manufacturing IW Industrial - Warehousing OSC Open Space/Conservation PR Parks & Recreation CSI Community Service & Institutional TCU Transportation, Communication & Utilities MXD Mixed Use	16	12140	0580	MDR	n/a

Comments:  
 74 Austin Ave

Date: 8/4/2016

Planning & Zoning Department



**PICTURES OF PROPERTY**



**74 Austin Avenue**



**74 Austin Avenue**

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## STAFF ANALYSIS

### *Location Compatibility*

Sosa, LLC has applied to rezone the property at 74 Austin Avenue from CRC (Community Retail Commercial) to R-4 (Single Family Residential – 4 units / acre) so the property may be used as a single family dwelling. The property contains approximately 6,500 square feet and is surrounded by other properties also zoned CRC, despite many of the surrounding structures appearing residential in nature.

### *Use Potential and Impacts*

This property is located in an older section of the City that was originally built as a residential area that was zoned for commercial use in the 1970's, likely to support and encourage the Roswell Street corridor. Although business licenses have been issued for the property in the past, there is no building permit history to indicate whether the property's interior is suitable for residential occupancy.

Aerial imagery indicates ample parking area in the rear accessed by a shared driveway with 68 Austin Avenue. The applicant's request does not specify whether this property would be used as rental housing or owner-occupied. Due to an imbalance in the ownership to rental ratio, the City's preference is to have more owner occupied units.

The future land use for this property and the surrounding area is MDR (Medium Density Residential), which is appropriate for single family use ranging from three (3) to six (6) units per acre. This request is compatible with the MDR future land use category.

### *Environmental Impacts*

The residential use of this property should have no adverse environmental impact on the surrounding area or city as a whole.

### *Economic Functionality*

Marietta's market for small, commercial office space is not currently in demand. However, the residential housing market is very strong. It is unlikely the property would be utilized as commercial space with the amount of similar properties vacant in the area. This property is more economically viable as a single family home.

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## ***STAFF ANALYSIS CONTINUED***

### *Infrastructure*

The property will continue utilizing the water, sewer, sanitation, and electric services provided by the City. There will be minimal impact to the traffic and transportation. No additional students are expected from this residence.

### *History of Property*

There is no record of any past variance, Special Land Use Permit, or rezoning requests for this property.

### *Other Issues*

The following aspects of the site do not meet the R-4 standards and would need variances:

- Variance to reduce the minimum lot width from 75' to 45.' [*§708.04 (H.)*]
- Variance to reduce the minimum lot size from 7,500 square feet to 6,500 square feet. [*§708.04 (H.)*]
- Variance to reduce the side setbacks for the existing structure only. [*§708.04 (H.)*]

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## ANALYSIS & CONCLUSION

Sosa, LLC is requesting the rezoning of 74 Austin Avenue from CRC to R-4 so the property may be used as a single family home. The property contains approximately 6,500 square feet and is surrounded by other properties also zoned CRC, despite many of the surrounding structures appearing residential in nature.

This property is located in an older section of the City that was originally built as a residential area and was zoned for commercial use in the 1970's. Aerial imagery indicates ample parking area in the rear accessed by a shared driveway with 68 Austin Avenue. The applicant's request does not specify whether this property would be used as rental housing or owner-occupied.

The following variances would be necessary to allow the improvements to the property as a residential home:

1. Variance to reduce the minimum lot width from 75' to 45.' [*§708.04 (H.)*]
2. Variance to reduce the minimum lot size from 7,500 square feet to 6,500 square feet. [*§708.04 (H.)*]
3. Variance to reduce the side setbacks for the existing structure only. [*§708.04 (H.)*]

The future land use for this property and the surrounding area is MDR (Medium Density Residential), which is appropriate for single family use ranging from three (3) to six (6) units per acre. This request is compatible with the MDR future land use category.

Prepared by: Shelly Wenkles

Approved by: Rusty Rott




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## DATA APPENDIX

### *CITY OF MARIETTA - WATER*

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Is there a water line adjacent to the property?	Yes
If not, how far is the closest water line?	N/A
Size of water line?	8 inches
Capacity of water line?	Fire flow test may be required
Approximate water usage by proposed use?	N/A

### *CITY OF MARIETTA - SEWER*

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Is a sewer line adjacent to the property?	Yes
If not, how far is the closest sewer line?	N/A
Size of sewer line?	6 inches
Capacity of the sewer line Peak	A.D.F. Capacity Available
Estimated waste generated by proposed development?	N/A
Treatment Plant Name?	Cobb County
Treatment Plant Capacity?	Cobb County




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## DATA APPENDIX CONTINUED

### ***DRAINAGE AND ENVIRONMENTAL CONCERNS***

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Does flood plain exist on the property:	No
What percentage of the property is in the flood plain?	N/A
What is the drainage basin for the property?	Sope Creek
Is there potential for the presence of wetlands as determined by the U.S. Environmental Protection Agency?	No
If so, is the use compatible with the possible presence of wetlands?	N/A
Do stream bank buffers exist on the parcel?	No
Are there other topographical concerns on the parcel?	No
Are there storm water issues related to the application?	No
Potential presence of endangered species in the area?	No

### ***TRANSPORTATION***

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What is the road effected by the proposed change?	Austin Ave
What is the classification of the road?	Local
What is the traffic count for the road?	N/A
Estimated # of trips generated by the proposed development?	N/A
Estimated # of pass-by cars entering proposed development?	N/A
Do sidewalks exist in the area?	Yes; other side of Austin Ave
Transportation improvements in the area?	No
If yes, what are they?	N/A



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## DATA APPENDIX CONTINUED

### *EMERGENCY SERVICES*

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Nearest city or county fire station from the development?	Station 52 149 Dodd Street
Distance of the nearest station?	1 mile
Most likely station for 1 <sup>st</sup> response?	Station 52 149 Dodd Street
Service burdens at the nearest city fire station (under, at, or above capacity)?	None

The fire department has no objection to the zoning reclassification as requested for the property located at 74 Austin Ave.

### *MARIETTA POWER - ELECTRICAL*

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Does Marietta Power serve this site?      Yes   x                        No           

If not, can this site be served?              Yes                                 No           

What special conditions would be involved in serving this site?

Additional comments:



**DATA APPENDIX CONTINUED**

**MARIETTA CITY SCHOOLS**

**Marietta City Schools Impact Assessment:**

Elementary School System Servicing Development:	<b>Sawyer Road Elementary</b>
Middle School Servicing Development:	<b>Marietta Middle School</b>
High School Servicing Development:	<b>Marietta High School</b>
Capacity at Elementary School:	<b>800 - 900</b>
Capacity at Middle School:	<b>1,300 – 1,400</b>
Capacity at Marietta Sixth Grade Academy:	<b>800 – 900</b>
Capacity at High School:	<b>2,500 – 2,600</b>
Current enrollment of Elementary School:	<b>474</b>
Current enrollment of Middle School:	<b>1,286</b>
Current enrollment of High School:	<b>2,111</b>
Number of students generated by present development:	<b>0</b>
Number of students projected from the proposed development:	<b>0</b>
New schools pending to serve this area:	<b>None</b>
<b><u>Comments:</u> Spoke to owner, no expected students. Single family home.</b>	



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

## APPLICATION FOR REZONING

(OWNER/APPLICANT OR REPRESENTATIVE MUST BE PRESENT AT ALL PUBLIC HEARINGS)

*For Office Use Only:*

Application #: 22016-25 Legistar #: \_\_\_\_\_ PZ #: 16-410  
 Planning Commission Hearing: 9-6-16 City Council Hearing: 9-14-16

Owner's Name Sosa, LLC Email Address: pineyroat@gmail.com

Mailing Address 1806 New York Ave, Atlanta GA Zip Code: 30307 Telephone Number (404) 921-7160

**COMPLETE ONLY IF APPLICANT IS NOT OWNER:**

Applicant: \_\_\_\_\_  
 Mailing Address \_\_\_\_\_ Zip Code: \_\_\_\_\_  
 Telephone Number \_\_\_\_\_ Email Address: \_\_\_\_\_

Address of property to be rezoned: 74 Austin Ave, Marietta, GA 30060  
 Land Lot (s) 12140 District 16 Parcel 0580 Acreage 0.16 Ward 1A Future Land Use: MDR  
 Present Zoning Classification: CRC Proposed Zoning Classification: R-4

**REQUIRED INFORMATION**

Applicant must submit the following information by 4:00 p.m. on or before the application deadline. Failure to submit any item, or any additional information that might be requested, on or before the deadline will result in the application being held until the next scheduled meeting of the Planning Commission.

1. **ALL rezoning submittals must include proposed plans, supplementary material, etc. in Adobe Acrobat on computer disk. The original application must be submitted with ALL original signatures - Copies of the application or signature(s) will NOT be accepted.**
2. Legal Description. Legal description must be in a WORD DOCUMENT.
3. Application fee (\$500)
4. Copy of the deed that reflects the current owner(s) of the property.
5. Copy of current tax bill showing payment or a certification from the City of Marietta Tax Office stating that taxes have been paid.
3. Site plan/plat/survey prepared by an architect, engineer (P.E. or Civil Engineer), landscape architect or land surveyor whose state registration is current and valid, and whose seal shall be affixed to the site plan/plat/survey. Five (5) copies, drawn to scale and no larger than 24" x 36"; and one (1) copy 11' x 17' or smaller, must be submitted. The following information must be included:
  - Specific use or uses proposed for the site
  - Acreage, bearing and distances, other dimensions, and location of the tract(s)
  - Locations, sizes and setbacks of proposed structures, including the number of stories and total floor area
  - Detention/retention areas, and utility easements
  - Public or private street(s) - right of way and roadway widths, approximate grades
  - Location and size of parking area with proposed ingress and egress
  - Specific types and dimensions of protective measures, such as buffers
  - Landscaping
  - Wetlands, stream buffers, and 100 year floodplain
4. A detailed written description of the proposed development/project must be submitted with the application.

SOSA, LLC  
HECTOR PINEYRO, MEMBER/MANAGER  
1806 NEW YORK AVE NE  
ATLANTA, GA 30307  
404-921-7160  
[PINEYROATL@GMAIL.COM](mailto:PINEYROATL@GMAIL.COM)

July 2, 2016

**Via Hand Delivery**

Department of Development Services  
205 Lawrence Street  
Marietta, GA 30060

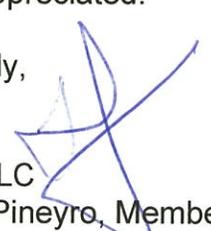
Re: 74 Austin Ave NE, Marietta, GA 30060/ Rezoning Application from CRC to R-1 (Residential)

Dear Sir or Madam:

Please accept this Application for Rezoning for the above reference property for consideration. This request is being made to rezone the property from CRC to Residential (R-1). I understand this property was previously zoned residential, but at some point converted to CRC. The property is a bungalow, and no changes to the existing structure are being made. Additionally, no additional buildings or structures are being added. The property will remain as is and simply converted to R-1 zoning to be used as residential property. Accordingly, we have included an areal view of the property, but we have not included any site plans etc, as no changes are being made.

If any additional information is required, I am happy to provide such. Your time and consideration is greatly appreciated.

Sincerely,

  
Sosa, LLC  
Hector Pineyro, Member/Manager

**TO: Marietta Daily Journal**

**FROM: City of Marietta**

**RUN AD DATE: August 19, 2016**

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

The City of Marietta hereby gives notice that a public hearing will be held on the following by the Planning Commission on **Tuesday, September 6, 2016, 6:00 P.M.**, City Hall, for a recommendation to the City Council at their meeting on **Wednesday, September 14, 2016, 7:00 p.m.**, City Hall, for a final decision to be made.

**Z2016-25 [REZONING] SOSA LLC** is requesting the rezoning of 0.16 acres located in Land Lot 1214, District 16, Parcel 0580, 2<sup>nd</sup> Section, Marietta, Cobb County, Georgia, and being known 74 Austin Avenue from CRC (Community Retail Commercial) to R-4 (Single Family Residential – 4 units / acre). Ward 1A.

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.

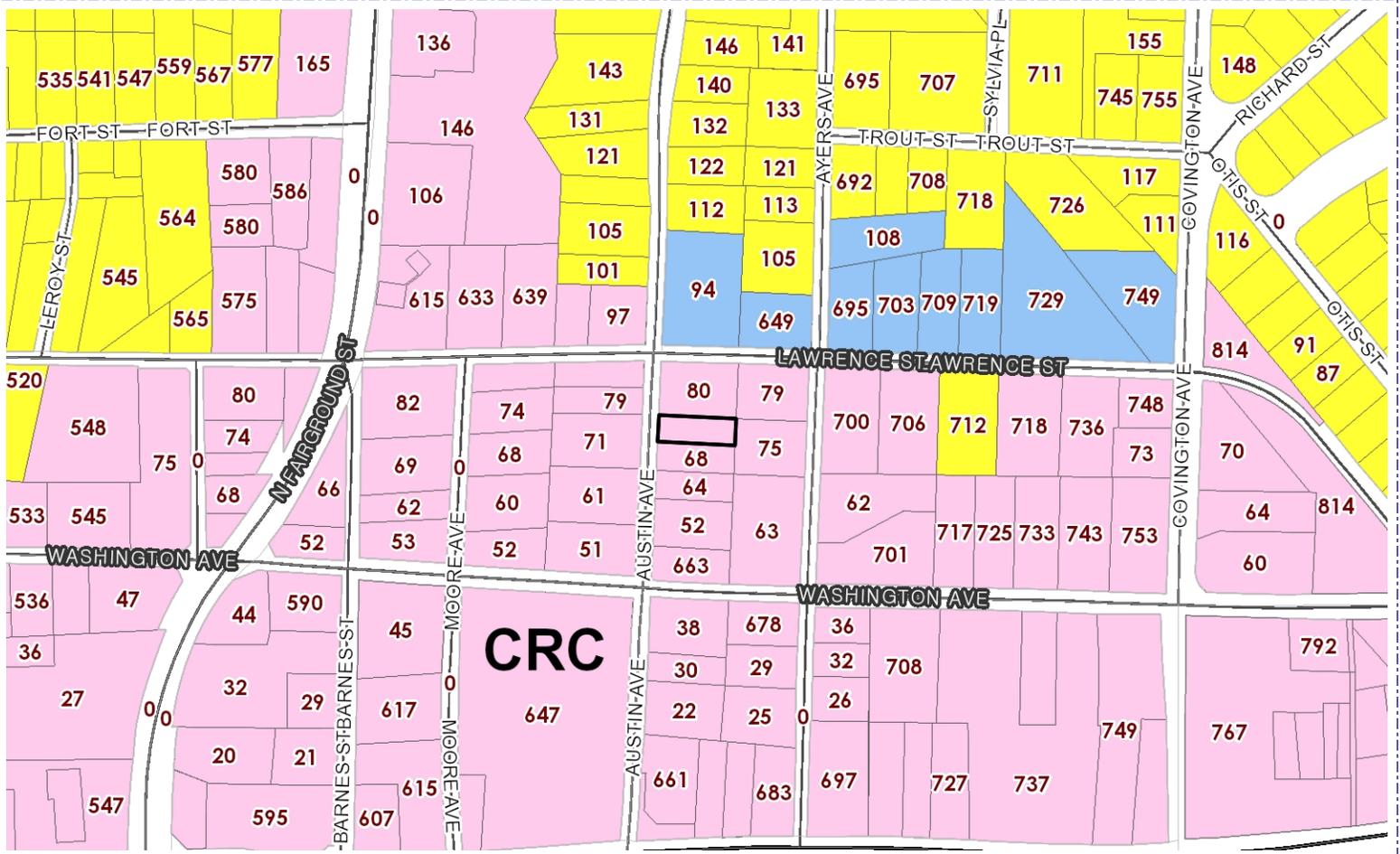
For additional information please call the Planning and Zoning Office (770) 794-5669.

**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

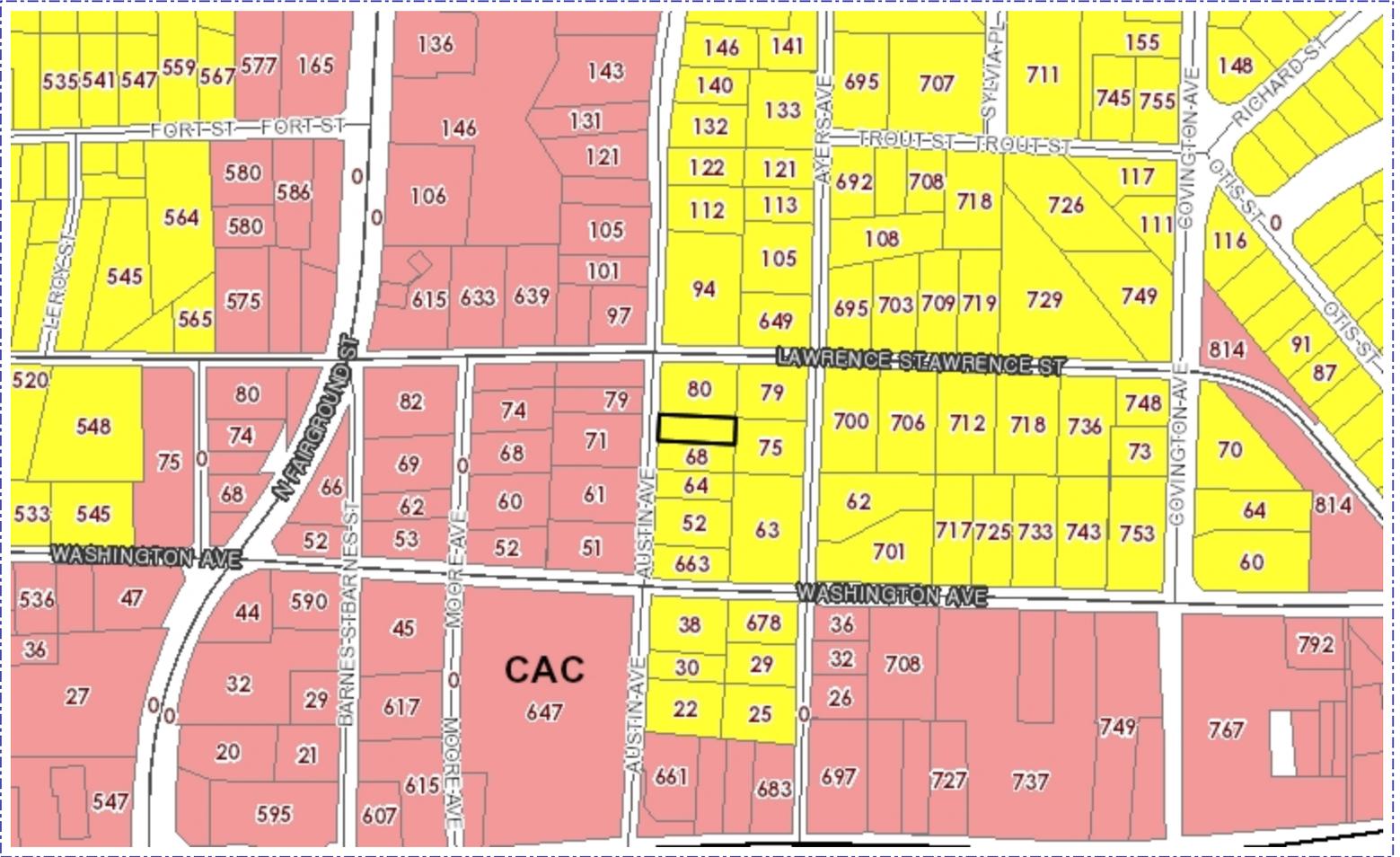


# Rezoning



Address	Parcel Number	Acreage	Ward	Zoning	FLU
74 AUSTIN AVE	16121400580	0.154	1A	CRC	MDR

Property Owner:	Sosa, LLC	<b>Zoning Symbols</b> 
Applicant:		
Proposed Zoning:	R-4	
Agent:		
Proposed Use:		
Planning Commission Date:	09/06/2016	
City Council Hearing Date:	09/14/2016	Case Number: Z2016-25
<b>City of Marietta Planning &amp; Zoning</b>		



Address	Parcel Number	Acreage	Ward	Zoning	FLU
74 AUSTIN AVE	16121400580	0.154	1A	CRC	MDR
Planning Commission Hearing Date:	09/06/2016	<b>Future Land Use Symbols</b> 			
City Council Hearing Date:	09/14/2016				
Future Land Use:					
Case Number:					
Comments:					
<b>City of Marietta Planning &amp; Zoning</b>					



Address	Parcel Number	Acreage	Ward	Zoning	FLU
74 AUSTIN AVE	16121400580	0.154	1A	CRC	MDR

Property Owner:	Sosa, LLC
Applicant:	
City Council Hearing Date:	09/14/2016
Planning Commission Hearing Date:	09/06/2016
BZA Hearing Date:	Case Number: Z2016-25
Comments:	

**Legend**

- Railroads
- City Limits
- Cobb County Pockets

**CORRECT HOME FACTS**

♡ **SAVE**

**GET UPDATES**

**SHARE**

**MORE** ▾

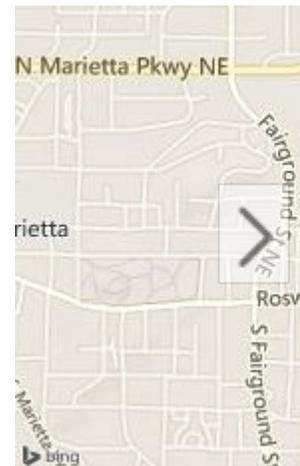
City, State, or Zip



Public

Owner NEW

Georgia · Marietta · 30060 · 74 Austin Ave NE



74 Austin Ave NE, Marietta, GA 30060

SOLD: \$55,000 Sold on 04/08/16

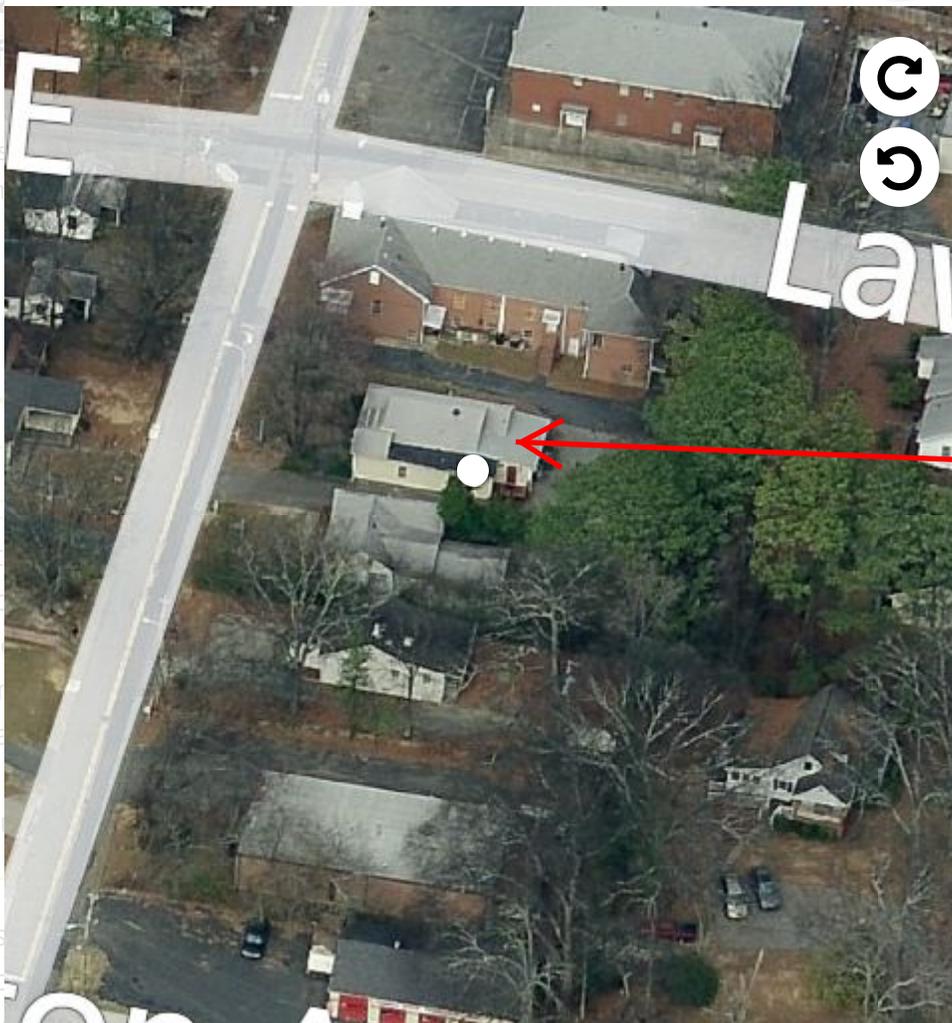
Save home

★★★★★ (37)  
21 Recent sales  
(404) 850-9900

**Adriana Arenas**  
★★★★★ (2)  
3 Recent sales

Bird's Eye

Directions



74 Austin Ave

3 beds · 2.0 baths

Edit

Edit home facts for accurate Zestimate

Get Your Report

See Zestimate updates, price changes, latest sales, and listings in the area

Sign in

Great office space in a bungalow located in historic Marietta, Cobb County, GA near I-75. Taxes reasonable.

Property needs updating but would be a great office space for small company. Includes full kitchen, 2 baths, reception area, multiple offices and conference. Sold AS/IS. No disclosure. Zoned commercial.

74 Austin Ave NE, Marietta, GA 30060-2164

50 feet

20 m

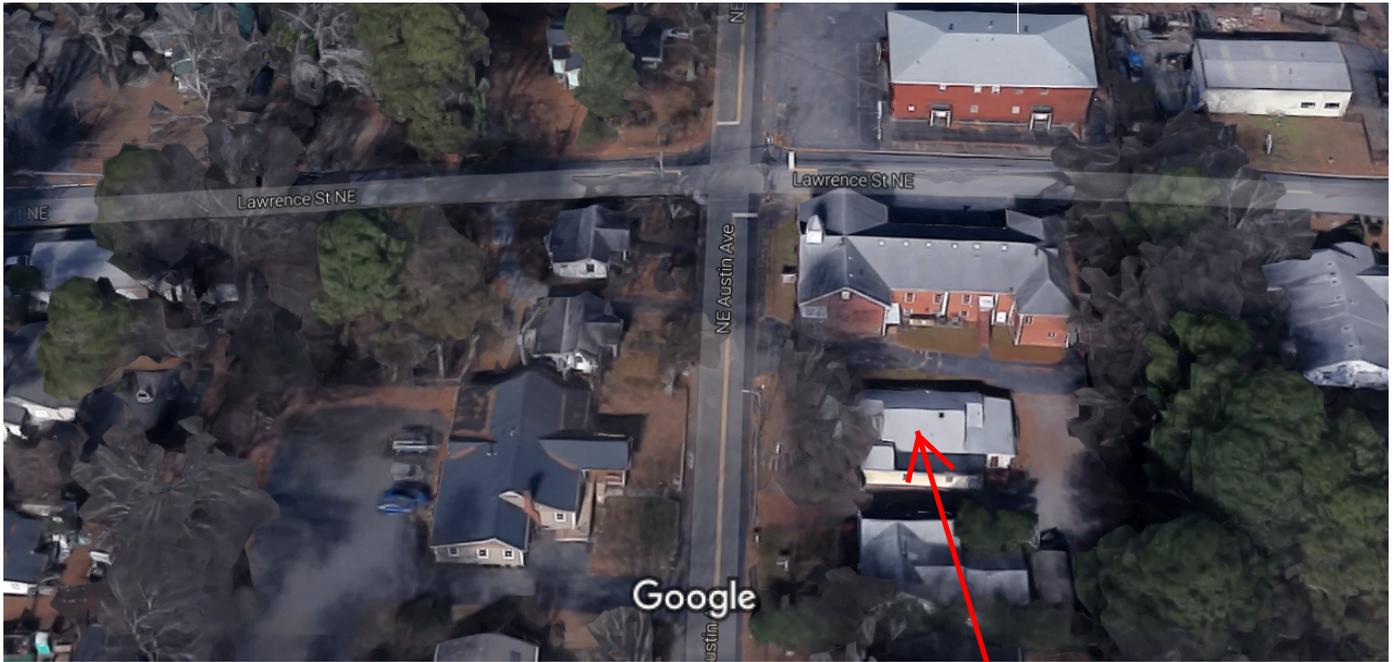


3 beds, 2.0 baths, 1313 sqft  
692 Frasier Cir SE, Marietta, GA 30060

124 Park St SE, Marietta, GA 30060

**FOR SALE**  
\$89,000  
2 beds, 1.0 baths, 724 sqft  
124 Park St SE, Marietta, GA 30060

Google Maps 74 NE Austin Ave



Imagery ©2016 Google, Map data ©2016 Google 20 ft



74 Austin Ave

74 NE Austin Ave  
Marietta, GA 30060

