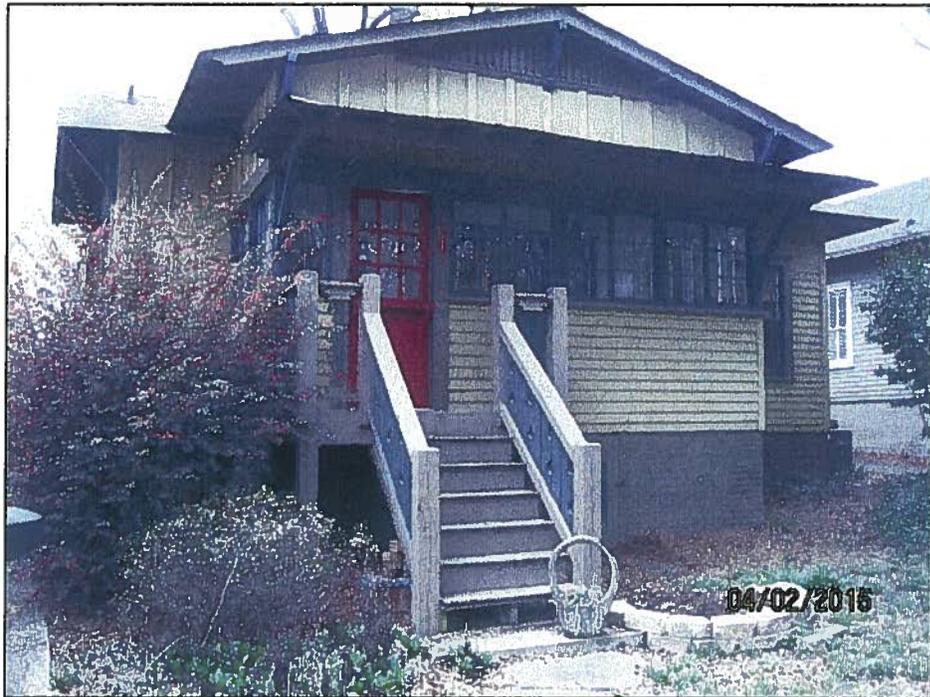


2. Granting the application *is/is not* necessary for the preservation and enjoyment of a substantial property right of the applicant, and to prevent unreasonable property loss or unnecessary hardship.
3. Granting the application *will/will not* be detrimental or injurious to property or improvements in the vicinity of the development site, or to the public health, safety, or general welfare.

PICTURES



Current house at 346 Church Street (front)



Current house at 346 Church St. (rear)



Driveway separating 346 Church St. from 340 Church St.



346 Church St. – 5' from 352 Church St. property line

Recommended Action:

Approval. The applicants and property owners, David and Elena Kay, are requesting variances to allow a new house and a new carriage house to be built the property located at 346 Church Street. The subject property is zoned R-4, Single Family Residential (4/units acre) and is 0.26 acres. This lot is located along the east side of Church Street, south of its intersection with Sessions Street. All of the properties in the surrounding area are also zoned R-4, Single Family Residential (4/units acre).

The applicant has stated that the current house is not structurally sound, and will have to be demolished, and a new house will be built. However, because this lot is very narrow – approximately 52 feet in width – they are requesting variances that would allow the house to be built 5' from the side property line to the north – adjacent to the property at 352 Church Street.

The side setback on the south side – adjacent to 340 Church Street - would be met since the driveway would remain approximately in its current location run along that property line. The driveway would be extended and would lead to the proposed new garage and carriage house (guest house), which is to be located in the rear yard area of the property. The garage would be located on the bottom floor of the two-story structure, and the living area of the carriage house would be located above the garage.

The R-4 zoning classification allows carriage or guest houses provided the following regulations are met:

- 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.
 - c) No paying guests or tenants are housed.
 - d) No other similar use or structure is located on the lot.
 - e) The building's height and/or area do not exceed that of the principal building.

In this case, the proposed carriage house would also require a setback variance, as it is proposed to be only 5 feet from the property line on the south. The applicant has not provided any information regarding whether there would be any specific user of this carriage house.

In addition, another variance would be required to allow the carriage house on the property, since the lot size is not sufficient to meet the requirement for an additional 5,000 square feet – above the minimum lot size of 7,500 square feet. The area of this lot is 11,220 square feet, but the total area needed in order to be allowed a carriage house would be 12,500 square feet. Therefore, only 3,720 square feet could be dedicated to the carriage house.

Many of the lots in Marietta's older neighborhoods are quite narrow, as compared to more recently developed subdivision. Aerial photographs of this part of Marietta seem to indicate that many of the neighboring homes – including homes adjacent to this property – do not meet the required building setbacks; and many appear to have garage/guest homes similar to the one proposed. The house that the applicant is proposing to build would be approximately 35 feet wide, and will not fit on a 52 foot wide lot without a variance.

Given the physical limitations of the property, these requests would allow the new house to be built substantially similar to the other houses in the area; and 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 therefore recommends approval of these variances.**

The fire department has the following objections to this exemption plat:

- 1. Homes that are closer than 10 feet to the property line or 20 feet to the neighboring structure, shall require a fire sprinkler system per city ordinance. Both structures will require fire sprinkler systems.**



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 #: V2015-18 Hearing: 4-27-15 Registrar # _____

PZ 15-111
This is a variance/appeal application for:

Board of Zoning Appeals

City Council

Owner's Name DAVID AND ELENA KAY

Address 692 BEAUREGARD DR SW Zip Code: 30064

Telephone Number: 678 923 4173 Email Address: DBKAY 11 @ AOL.COM

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:

346 CHURCH STREET Date of Acquisition: JUN 2014

Land Lot (s) 11460 District 16 Parcel 16 11460 0460 Acreage .25 Zoned R4 Ward 4B FLU LDR

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

Request setback on left side of house 5' from property line.
Request setback of 5' on right side of garage from property line
(see attach)

- 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

The current house on 346 Church St. has structural issues which requires that we demolish the structure and rebuild. Ben Burney, of Full Circle Homes, will be the builder of our new home and garage. The narrow lot requires that we build on the same existing footprint. We have worked with architect Don Olah to reproduce the existing home, in keeping with the style of homes that currently exist on Church St. The house will have an addition in back and a second floor.

The 5 foot offset for the garage is for safety reasons. This offset will allow us to build a turnaround area so that we don't have to back out of the driveway onto Church St. Church St. is often very busy, especially since our home is very close to the intersection of Powder Springs Road and Church St.

Should you need any additional clarification please call me, at your convenience, at 678-923-4173. Thank you for your consideration.

Sincerely,

David B. King

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, April 27, 2015 at 6:00 P.M.**, City Hall. Anyone wishing to attend may do so and be heard relative thereto.

V2015-18 [VARIANCE] DAVID & ELENA KAY requesting variances for property located in Land Lot 1146, District 16, Parcel 0460, 2nd Section, Marietta, Cobb County, Georgia and being known as 346 Church Street. Variance to reduce the minimum side yard setback from 10 ft. to 5 ft. along the northern property line; variance to reduce the minimum side yard setback for a carriage house from 20 ft. to 5 ft. along the southern property line. Variance to reduce the minimum additional lot area for a guest house from 5,000 s.f. to 3,720 s.f. 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.

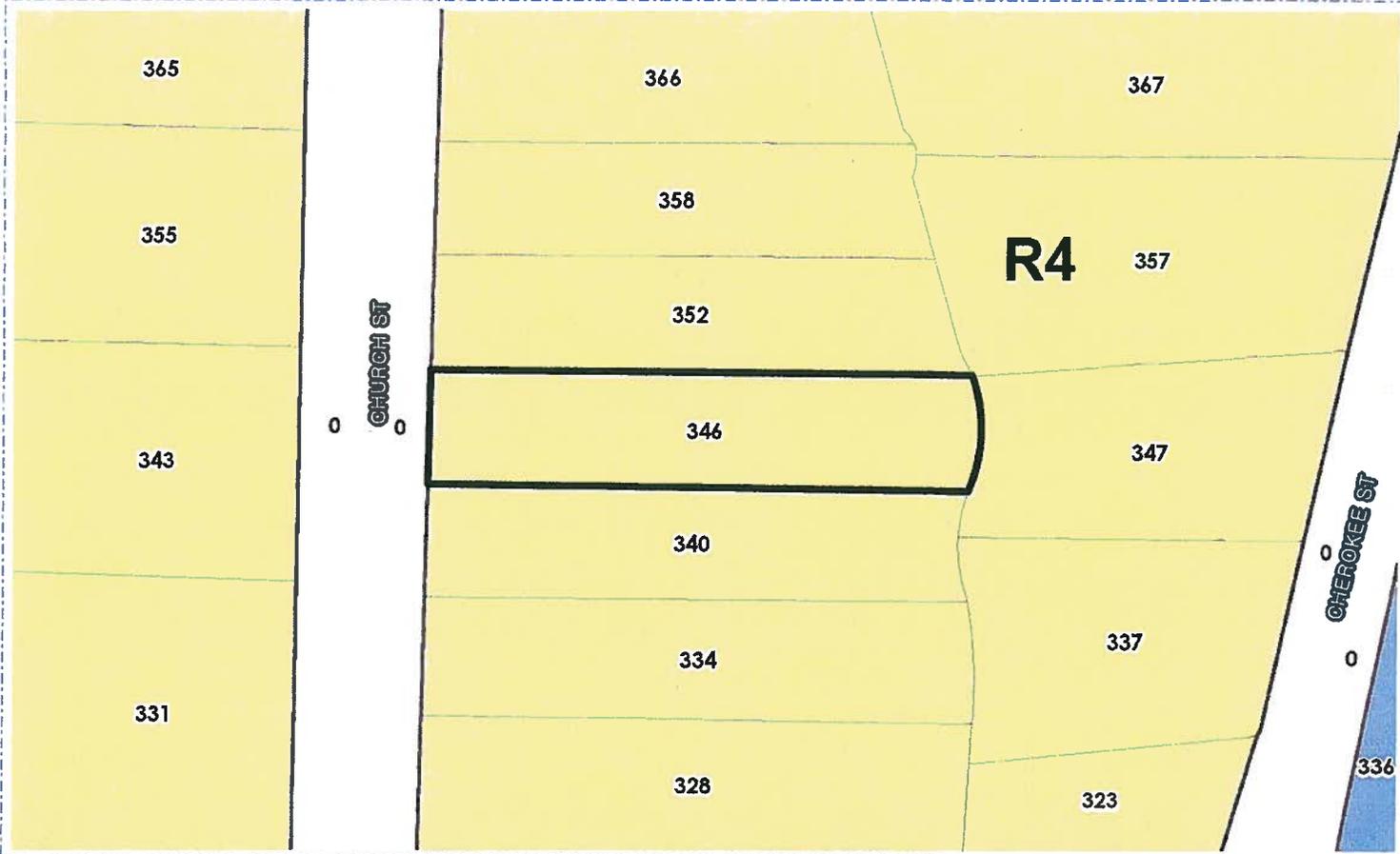
For additional information please call the Planning and Zoning Office (770) 794-5669.

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



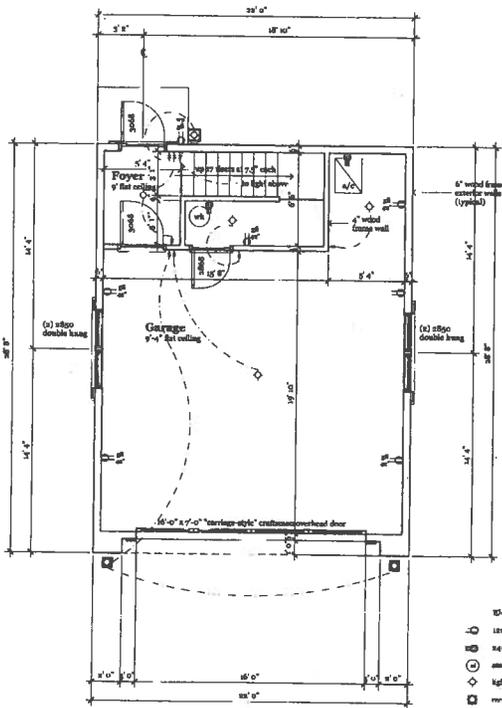
Address	Parcel Number	Acreage	Ward	Zoning	FLU
346 CHURCH ST	16114600460	0.281	4B	R4	LDR

Property Owner:	David & Elena Kay
Applicant:	
BZA Hearing Date:	4/27/15
Acquisition Date:	
Case Number:	V2015-18

Zoning Symbols

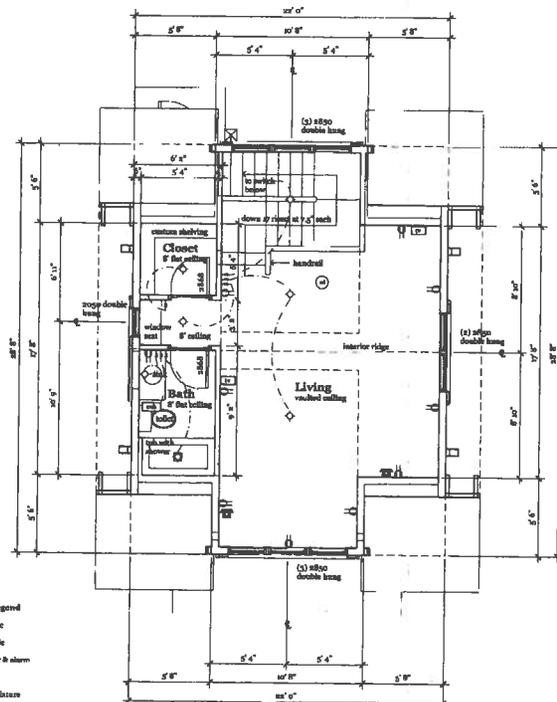
- Railroads
- City Limits
- Cobb County Pockets
- NA
- R1 - Single Family Residential (1 unit/acre)
- R2 - Single Family Residential (2 units/acre)
- R3 - Single Family Residential (3 units/acre)
- R4 - Single Family Residential (4 units/acre)
- RA4 - Single Family Residential - Attached
- RA6 - Single 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-MP - 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
- MKD - 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

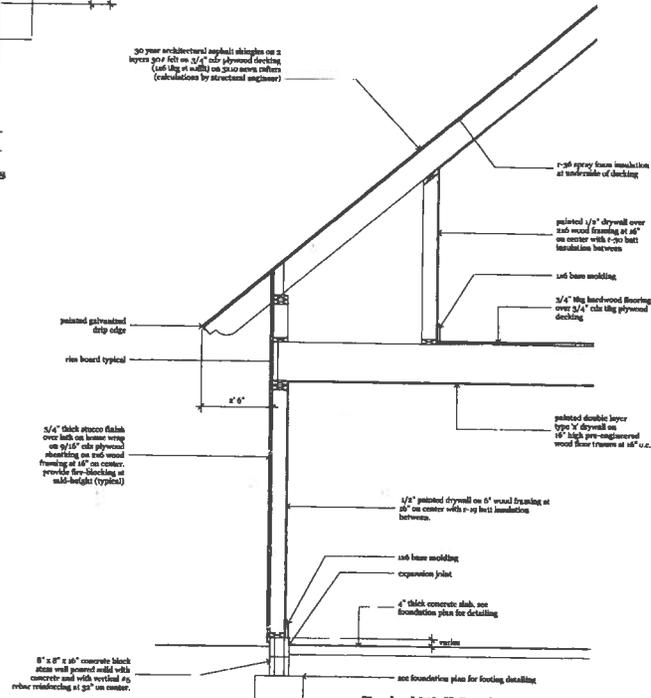
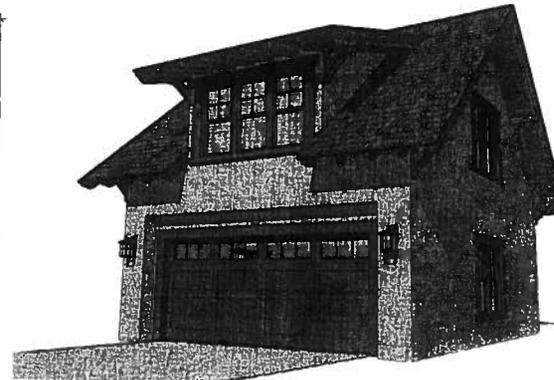


First Floor Plan with Electrical Notations
scale: 1/4" = 1'-0"

- Electrical Legend**
- ⊖ 120V receptacle
 - ⊖ 240V receptacle
 - ⊖ smoke detector & alarm
 - ⊖ light fixture
 - ⊖ recessed light fixture
 - ⊖ light switch
 - ⊖ exhaust fan
 - wp waterproof
 - gs ground fault circuit interrupter
 - ca² mounted ca² (1.0cm) above the floor
 - cn category 3 network cabling
 - pl phone line
 - co coaxial cable
 - cm carbon monoxide alarm, hard wired with supplemental power



Second Floor Plan with Electrical Notations
scale: 1/4" = 1'-0"



Typical Wall Section
scale: 1/4" = 1'-0"



Don Tyson, Home Designer
Post Office Box 377
Owasso, OK 74050
tel (918) 246-8811
don Tyson
don Tyson



Bungalow Garage
don Tyson
a craftsmen garage apartment plan from don Tyson
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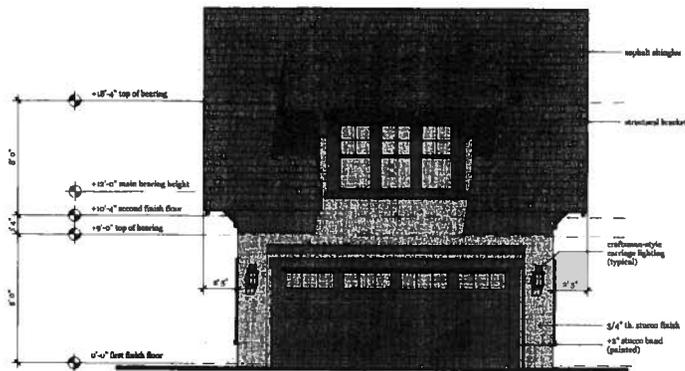
Area Calculations
Living Room 210
Dining Room 140
Kitchen 110
Bath 50
Garage 200
Total 710

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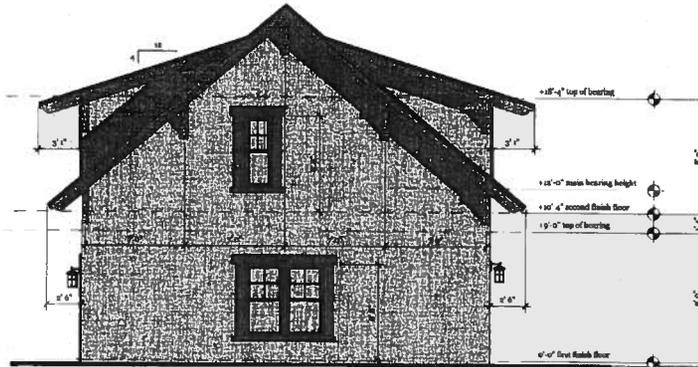
Engineer of Record

Index of pages

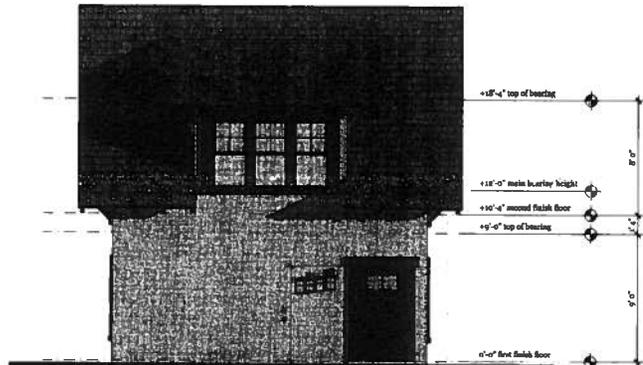
01	floor plans, wall section
02	exterior elevations
03	building section
04	foundation plan, framing plan, notes and details



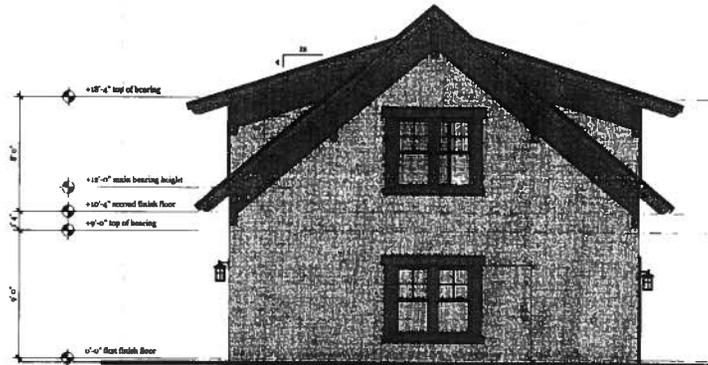
Front Exterior View
scale: 1/4" = 1'-0"



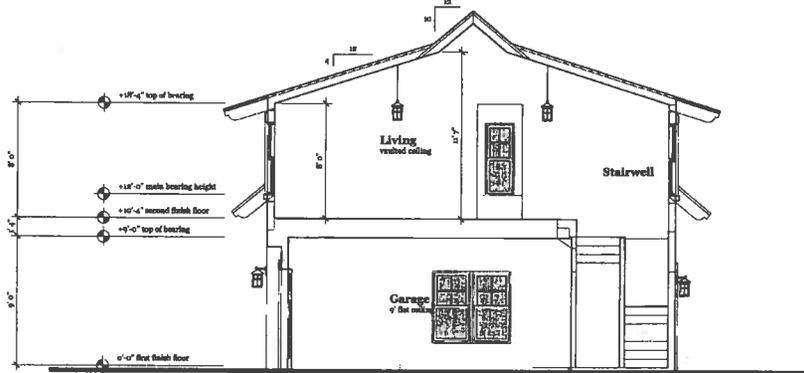
Left Side Exterior View
scale: 1/4" = 1'-0"



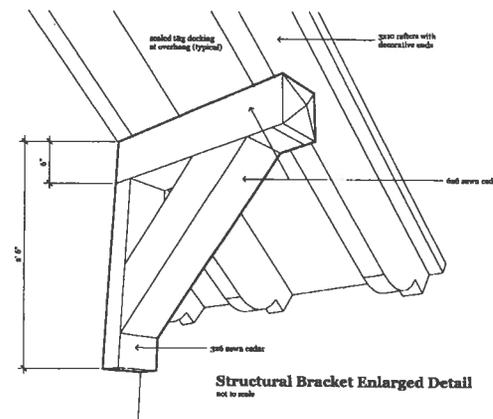
Rear Exterior View
scale: 1/4" = 1'-0"



Right Side Exterior View
scale: 1/4" = 1'-0"



Building Section
scale: 1/4" = 1'-0"



Structural Bracket Enlarged Detail
not to scale



Dan Tyson Home Designer
P.O. Box 1000
Owens, OK 74450
tel (918) 246-8811
dantyson.com



BarnGlow Garage
dantyson.com_garage/creativelife
a custom garage apartment plan
from dantyson.com

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Building Code
These plans were prepared in accordance with the International Residential Code (IRC) 2012. All other codes and regulations apply. Plans are not to be used for construction, and will not be held liable for damages based on the location of said structure.

Notes
1. All dimensions are in feet and inches.
2. All materials are to be standard grade unless otherwise noted.
3. All framing is to be 2x6 unless otherwise noted.
4. All exterior walls are to be finished with 1/2\"/>

Area Calculations
Living Room size
Garage size
Total floor area of

Engineer of Record

Index of pages

01	Floor plans, wall section
02	exterior elevations, building section
03	Foundation plan, framing plans
04	notes and details

NOTES:

THIS SURVEY WAS PREPARED IN CONFORMITY WITH THE TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN CHAPTER 130-7 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 GFT-3005W TOTAL STATION. AND HAS A LINEAR PRECISION RATIO OF ONE FOOT IN 25,884 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 491,990,000 FEET.

TOTAL AREA = 11,220 SQUARE FEET OR 0.26 ACRES.

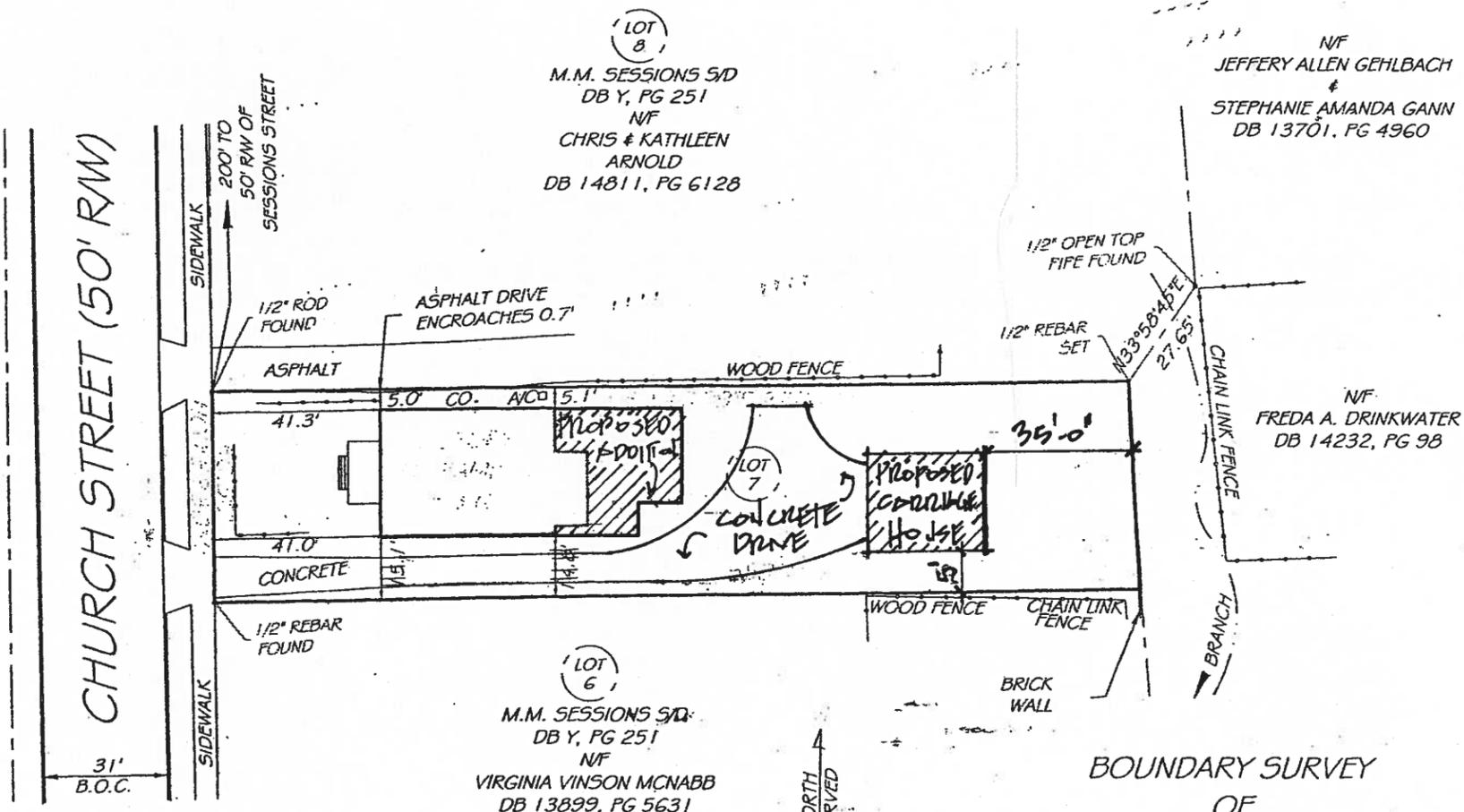
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PROPERTY MAY OR MAY NOT BE SUBJECT TO PROTECTIVE OR RESTRICTIVE COVENANTS AS PER FINAL PLAT AND OR CITY/COUNTY ORDINANCES INCLUDING ALL EASEMENTS AND RIGHTS OF WAY.

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REFERENCES:

DEED BOOK Y, PAGES 251
DEED BOOK 14007, PAGE 3173



BOUNDARY SURVEY
OF
346 CHURCH STREET
LOT 7
M.M. SESSIONS ADDITION
LOCATED IN LAND LOT 1146,
16th DISTRICT, 2nd SECTION
CITY OF MARIETTA
COBB COUNTY, GEORGIA
DATE: 05-16-2014 ~ SCALE: 1"=40'

RFM CONSULTING

Drawn by: Mark F. Price, Jr.
Cell 678-312-9270
FILE: CHURCH STREET.dwg

