

1. Board Of Zoning Appeals Agenda

Documents:

[_JAN 27, 2020 BZA AGENDA.PDF](#)

2. V2019-35 N Fairground St 230

Documents:

[V2019-35 N FAIRGROUND ST 230.PDF](#)

3. V2020-02 Chicopee Dr 198

Documents:

[V2020-02 CHICOPEE DR 198.PDF](#)

4. V2020-03 Powder Springs St 1255

Documents:

[V2020-03 POWDER SPRINGS ST 1255.PDF](#)

5. V2020-04 Camp St 273

Documents:

[V2020-04 CAMP ST 273.PDF](#)

6. V2020-05 Stewart Ave 160

Documents:

[V2020-05 STEWART AVE 160.PDF](#)

7. V2020-08 Martin Ct 336

Documents:

[V2020-08 MARTIN CT 336.PDF](#)



City of Marietta

Meeting Agenda

205 Lawrence Street
Post Office Box 609
Marietta, Georgia 30061

BOARD OF ZONING APPEALS

Bobby Van Buren, Chairman
Karen Kirkpatrick, Vice Chairwoman, Ward 1
J. K. Lowman, Ward 2
Larry Zenoni, Ward 3
David Hunter, Ward 4
Ronald Clark, Ward 5
Tom Samples, Ward 7

Monday, January 27, 2020

6:00 PM

City Hall Council Chambers

NOTE: Applicant and those in favor have a total of 20 minutes to make their presentation to the Board. Applicant may reserve any portion of this time for rebuttal. All those in opposition have a total of 20 minutes to present comments to the Board.

CALL TO ORDER:

MINUTES:

20200032 December 16, 2019 Board of Zoning Appeals Meeting Minutes

Review and Approval of the December 16, 2019 Board of Zoning Appeals Meeting Minutes.

VARIANCES:

20190944 V2019-35 [VARIANCE] KORAY AGIRBAS

V2019-35 [VARIANCE] KORAY AGIRBAS is requesting a variance for property zoned CRC (Community Retail Commercial), located in Land Lot 1162, District 16, Parcel 1370, 2nd Section, Marietta, Cobb County, Georgia, and being known as **230 North Fairground Street**. Variance to reduce the required minimum lot size of 1.46 acres to 1.23 acres to operate automobile sales and other businesses. Ward 1A.

20191148 V2020-02 [VARIANCE] TERRY & CHRISTY KEMP

V2020-02 [VARIANCE] TERRY & CHRISTY KEMP are requesting variances for property zoned R-3 (Single Family Residential - 3 units/acre), located in Land Lot 1088, District 16, Parcel 0740, 2nd Section, Marietta, Cobb County, Georgia, and being known as **198 Chicopee Drive**. Variance to reduce the front yard setback from 30 feet to 26 feet; variance to reduce the rear yard setback from 30 feet to 23 feet; variance to allow accessory structures closer to the right-of-way than the principal structure as shown on submitted plan. Ward 4B.

20191162 V2020-03 [VARIANCE] TIDAL WAVE (TRACEY DIEHL)

V2020-03 [VARIANCE] TIDAL WAVE (TRACEY DIEHL) are requesting variances for property zoned CRC (Community Retail Commercial), located in Land Lot 7, District 17, Parcel 0390, 2nd Section, Marietta, Cobb County, Georgia, and being known as **1255 Powder Springs Street**. Variance to allow a digital sign within 200 feet of a residential property line; variance to allow a digital sign to be placed above the static copy area. Ward 2B.

20191163 V2020-04 [VARIANCE] PAMELA & DAVID WILLEY

V2020-04 [VARIANCE] PAMELA & DAVID WILLEY are requesting variances for property zoned R-4 (Single Family Residential - 4 units/acre), located in Land Lot 1157, District 16, Parcel 0850, 2nd Section, Marietta, Cobb County, Georgia, and being known as **273 Camp Street**. Variance to reduce the side yard setback from 10 feet to 4 feet; variance to reduce front yard setback from 25 feet to 24 feet for the existing structure; variance to allow an accessory structure remain within 10 feet of the rear property line. Ward 4A.

20191165 V2020-05 [VARIANCE] JIMMY D. & KATE R. BERRY (DAVID MEYER)

V2020-05 [VARIANCE] JIMMY D. & KATE R. BERRY (DAVID MEYER) are requesting variances for property zoned R-3 (Single Family Residential - 3 units/acre), located in Land Lot 1148, District 16, Parcel 0110, 2nd Section, Marietta, Cobb County, Georgia, and being known as **160 Stewart Avenue**. Variance to reduce the rear yard setback from 30' to 15'; variance to reduce the major side yard setback from 25' to 6'; variance to reduce the minimum lot size from 10,000 square feet to 9,148 square feet; variance to reduce the minimum lot width from 85' to 81.' Ward 4A.

20191201 V2020-08 [VARIANCE] EUGENIA K RICKS

V2020-08 [VARIANCE] EUGENIA K RICKS is requesting variances for property zoned CRC (Community Retail Commercial), located in Land Lot 504, District 17, Parcel 0400, 2nd Section, Marietta, Cobb County, Georgia, and being known as **336 Martin Court**. Variance to allow the expansion of a nonconforming use and building; variance to reduce the side yard setback from 7.5' to 5' for an unenclosed projection. Ward 1A.

ADJOURNMENT:



STAFF REVIEW AND RECOMMENDATION

Variance Case #: V2019-35

Legistar #: 20190944

Board of Zoning Appeals Hearing: Monday, January 27, 2020 – 6:00 p.m.

**Property Owner: Koray Agirbas
230 N Fairground St.
Marietta, GA 30060**

Applicant: Same as owner.

Address: 230 North Fairground Street

Land Lot: 1162 District: 16 Parcel: 01370

Council Ward: 1A Existing Zoning: CRC (Community Retail Commercial)

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

1. Variance to reduce the required minimum lot size from 1.46 acres to 1.23 acres to operate automobile sales and other businesses. [*§708.16 (B.6)*]

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



230 North Fairground Street



Planted border and extended paving

Recommended Action:

Denial. The owner of 230 North Fairground Street, Koray Agirbas, is requesting a variance to allow automobile sales and an additional business on a parcel that is 1.23 acres in size. The subject property is zoned CRC (Community Retail Commercial) within the Commercial Corridor Overlay – Tier B district. Adjacent properties to the west and east along Fairground Street are also zoned CRC, but the property to the rear is zoned R-4 (Single Family Residential – 4 units/acre). There is a creek between the subject property and the adjacent property to the west. The site also contains a 100-foot, monopole cell tower with a 20-foot access and utility easement. The applicant wishes to allow a car repair business in addition to the current business of auto sales.

Applicant's request

Section 708.16(B.6) allows automobile sales as a permitted use in the CRC zoning district with a minimum one-acre lot size. As such, one acre of property is required for each auto dealer operating on the property. In addition, if other businesses wish to operate on the same site as an auto dealer, an additional 20,000 square feet required. For this site to accommodate the existing auto sales business and an auto repair business, a total of 1.46 acres (~63,560 square feet) is required. The current site is only 1.23 acres in area.

The current structure is listed as approximately 2,625 square feet and contains five (5) bays used for auto repair. Based on aerial photos, there has already been some auto repair activities conducted on the site. For example, there is a shed roof off the rear portion of the structure that houses tires and auto parts; and there are dismantled vehicles under and around this structure as well.

It should be noted that car maintenance facilities such as brake repair, installation of tires, tune-up shops, oil change services, emission stations, etc., are permitted in CRC as long as all activities take place within a building and no outside storage or engine/body dismantling is allowed. Auto repair shops involving paint and/or body work are prohibited when adjacent to any single-family residential district. If this request is approved, no paint or body work will be permitted due to the residential parcel to the northeast.

The applicant will need to verify with the Building Division and Fire Department about any improvements needed to accommodate the additional and/or change in use - for example, a fire wall separating the businesses and/or a fire sprinkler system may be required.

Code Compliance and Environmental Concerns

The City recently completed a substantial streetscape project along this section of Fairground Street, which is also within the Commercial Corridor Overlay, an area highlighted for architectural and streetscape enhancements in and around downtown Marietta. Aerial imagery indicates there have been multiple, unpermitted activities starting in 2015, when the current tenant began occupying the property. These violations include paving adjacent to a stream, an unpermitted rear addition, a new chain link fence in the front yard, as well as potentially dumping tires illegally. These issues are being handled separately by Code Enforcement, but warrant consideration to the variance request.



Department of Development Services
205 Lawrence Street
Marietta, Georgia 30060
Rusty Roth, AICP, Director

Staff Recommendation

Based on the conditions at the site, it is evident that the owner/applicant has not been running an orderly business and does not currently comply with City permitting requirements. Allowing additional businesses to operate on this site would further degrade an area where aesthetic improvements are encouraged. There does not appear to be a legitimate hardship for the owner and applicant; therefore, *staff recommends denial of this request.*

APPLICATION FOR VARIANCE OR APPEAL

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

(NOTE: CORRESPONDENCE IS HANDLED VIA EMAIL UNLESS OTHERWISE REQUESTED)

For Office Use Only:

Application #: 2019-35 Legistar #: 20190944 BZA Hearing Dt: 11-25-19
City Council Hearing Dt (if applicable) #: - PZ #: 19-465

This is a variance/appeal application for:



Board of Zoning Appeals



City Council

Owner's Name KORAY AGIRBAS

EMAIL Address: kagirbas@gmail.com

Mailing Address 230 N FAIRGROUNDS ST Zip Code: 30060 Phone Number 770.899.5277

COMPLETE ONLY IF APPLICANT IS NOT OWNER:

Applicant: _____

EMAIL Address: _____

Mailing Address _____ Zip Code: _____ Phone Number _____

Address of property to be rezoned: 230 N FAIRGROUNDS ST Date of Acquisition: 09/13/2019

Land Lot (s) 1162 District 16 Parcel 01370 Acreage 1.234 Zoned CRC Ward 1A FLU: CAC

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

Mechanic shop - less than 1 acre lot

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.

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

CAMPAIGN CONTRIBUTIONS

The Owner and Applicant herein certify that he/she has has not made campaign contributions or gifts aggregating \$250.00 or more to the Mayor, any member of Council or any member of the Board of Zoning Appeals within the two (2) years preceding the filing of this application.

Koray Agirbas
Signature of Owner
KORAY AGIRBAS
Print Name

Signature of Applicant

Print Name

FINANCIAL INTEREST

The Applicant herein certifies that he/she has has not a financial interest in the property which is ten percent (10%) or more.

Print Name

Signature of Applicant

APPLICANT CERTIFICATION

- The Applicant certifies that all information in this application, and all information furnished in support of this application, is true and complete to the best of the Applicant's knowledge and belief. Should any portion not be true, then the application may be rejected.
- Penalty for false or fraudulent statement: Whoever, in any matter, knowingly and willingly falsifies or makes any false, fictitious or fraudulent statement of representatives concerning this application shall be denied the request stated in this application.

Koray Agirbas
Signature of Applicant

09.13.2019
Date

KORAY AGIRBAS
Please Print

OWNER CERTIFICATION

- The Owner certifies that all information in this application, and all information furnished in support of this application, is true and complete to the best of the Owners's knowledge and belief. Should any portion not be true, then the application may be rejected.
- Penalty for false or fraudulent statement: Whoever, in any matter, knowingly and willingly falsifies or makes any false, fictitious or fraudulent statement of representatives concerning this application shall be denied the request stated in this application.
- The Owner hereby gives permission to enter on the property for inspection during the time application is pending.

Koray Agirbas
Signature of Owner

KORAY AGIRBAS
Please Print

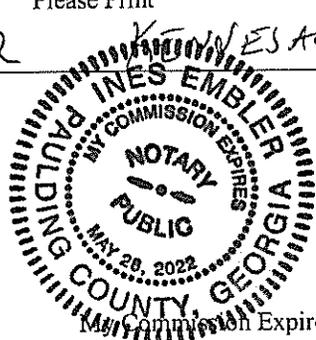
4354 NESBIT DR
Address

KENNESAW, GA 30144

09.13.2019
Date

Signed, sealed and delivered in the presence of:

[Signature]



Commission Expires: 5-28-2022

Note: Owner, Applicant or Representative must be present at meeting in order for case to be heard.

To whom it may concern,

I am requesting a variance for 230 N. Fairground Street
Marietta GA 30060.

This request is in order to receive an additional license for a mechanic shop on this property owned by me, Koray Agirbas. I am aware that the zoning requirement for used car dealership license and mechanic shop is 1.5 acres. The size of my property is 1.43 acres. Having the second license will allow me to be able to work on the cars and also rent a portion of my building which is also on this property that Key Auto Finance currently occupies.

Koray Agirbas

230 N Fairground St

Marietta, Ga 30060

7708995277

kagirbas@gmail.com

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TO: Marietta Daily Journal
FROM: City of Marietta
RUN DATE: January 10, 2020

**CITY OF MARIETTA
PUBLIC NOTICE OF VARIANCES**

The City of Marietta hereby gives notice that a public hearing will be held to give consideration to the following requests. The Board of Zoning Appeals will consider the following requests on **Monday, January 27, 2020 at 6:00 P.M.**, City Hall. Anyone wishing to attend may do so and be heard relative thereto.

V2019-35 [VARIANCE] KORAY AGIRBAS is requesting a variance for property zoned CRC (Community Retail Commercial), located in Land Lot 1162, District 16, Parcel 1370, 2nd Section, Marietta, Cobb County, Georgia, and being known as 230 North Fairground Street. Variance to reduce the required minimum lot size of 1.46 acres to 1.23 acres to operate automobile sales and other businesses. Ward 1A.

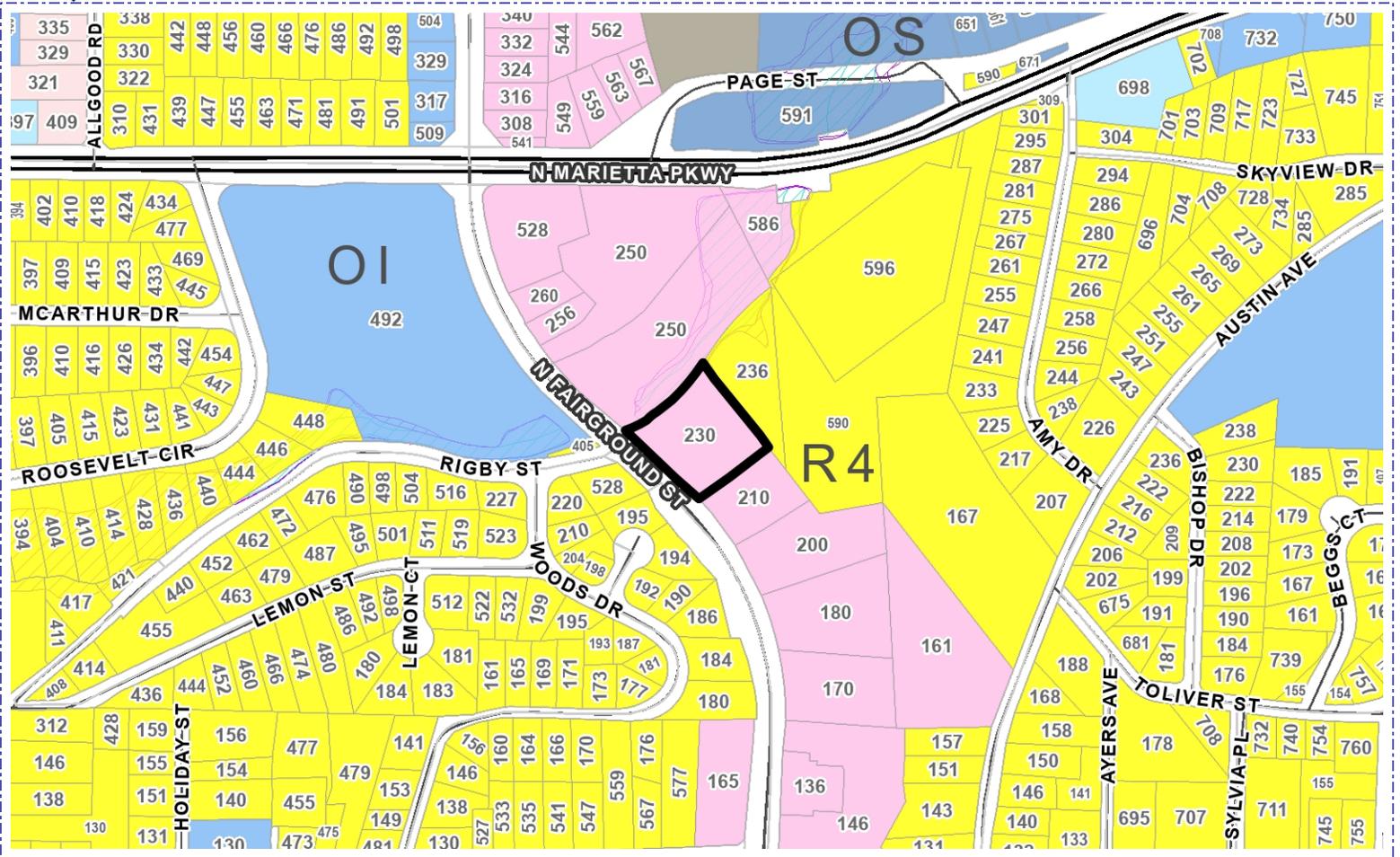
A description and plat of the property sought for the variances are on file in the Planning and Zoning Office, City Hall, and are available for inspection between 8:00 A.M. and 5:00 P.M., Monday through Friday. Anyone wishing to attend may do so and be heard relative thereto. You may also review the property file at www.mariettaga.gov and enter the case # in the search box.

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 ADA Coordinator, at 770-794-5558 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
230 N FAIRGROUND ST	16116201370	1.234	1A	CRC	CAC

Property Owner:	Koray Agirbas
Applicant:	
BZA Hearing Date:	1/27/2020
Acquisition Date:	
Case Number:	V2019-35
City of Marietta Planning & Zoning	

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



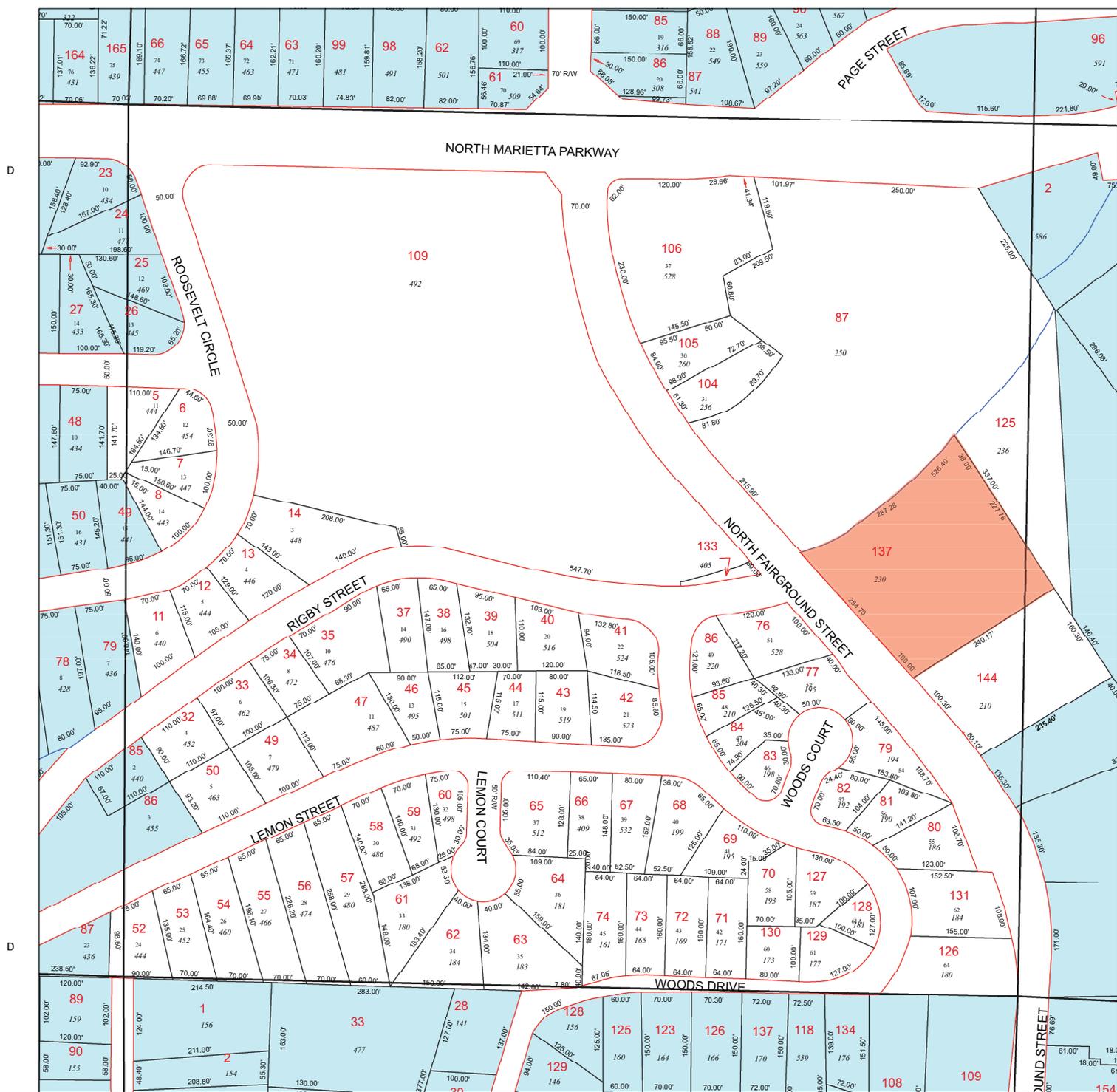
Map center: 33° 57' 24.7" N, 84° 32' 5.9" W

This map is a user generated static output from an Internet mapping site and is for general reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. THIS MAP IS NOT TO BE USED FOR NAVIGATION.



TAX MAP 16-1162

Plot Date: Aug 19, 2005



Legend

- Parcel Lines
- Creek Parcel Lines
- City Limit Lines
- ROW Lines
- School Tax Exempt
- Parcels Inside Landlot
- Cobb County Parcels
- Unidentified Parcels

25 Parcel
15 Lot
1530 Address

Reference Area:

16-1144	16-1143	16-1142
16-1161	16-1162	16-1163
16-1216	16-1215	16-1214

100 Feet

DISCLAIMER NOTE: This map is prepared for the inventory of real property found within this jurisdiction and is compiled from aerial photography, recorded deeds, plats, and other imagery, data and public records. Users of this map are hereby notified that the aforementioned primary public information sources should be consulted for verification of the information contained on this map. This jurisdiction, and the mapping companies involved in preparing it, assume no legal responsibilities for the information contained on this map.

Coordinate System based on Georgia State Plane System. West Zone - NAD83

GIS Department
205 Lawrence Street - Marietta, Georgia 30060
www.mariettaga.gov

**** LEGEND ****

- IPF = IRON PIN FOUND
- IPB = IRON PIN SET
- CMF = CONCRETE MONUMENT FOUND
- R/W = RIGHT OF WAY
- BL = BUILDING LINE
- LL = LAND LOT LINE
- LL = LAND LOT
- N/T = NOW OR FORMERLY
- NTS = NOT TO SCALE
- CL = CENTER LINE
- BM = BENCH MARK
- TEM = TEMPORARY BENCH MARK
- PC = POINT OF CURVATURE
- PI = POINT OF INTERSECTION
- PT = POINT OF TANGENCY
- R = RADII
- CH = CHORD
- IE = INVERT ELEVATION
- T- = TELEPHONE LINE
- W- = WATER LINE
- G- = GAS LINE
- S- = SEWER LINE
- P- = POWER LINE
- MH = MAN HOLE
- SSE = SANITARY SEWER EASEMENT
- DE = DRAINAGE EASEMENT
- CE = CONSTRUCTION EASEMENT
- CB = CATCH BASIN
- JB = JUNCTION BOX
- DI = DROP INLET
- HW = HEAD WALL
- FH = FIRE HYDRANT
- RCP = REINFORCED CONCRETE PIPE
- HP = HANDICAPPED PARKING



N/V TURNER CHAPEL AND CHURCH
DB 14028 PG 95

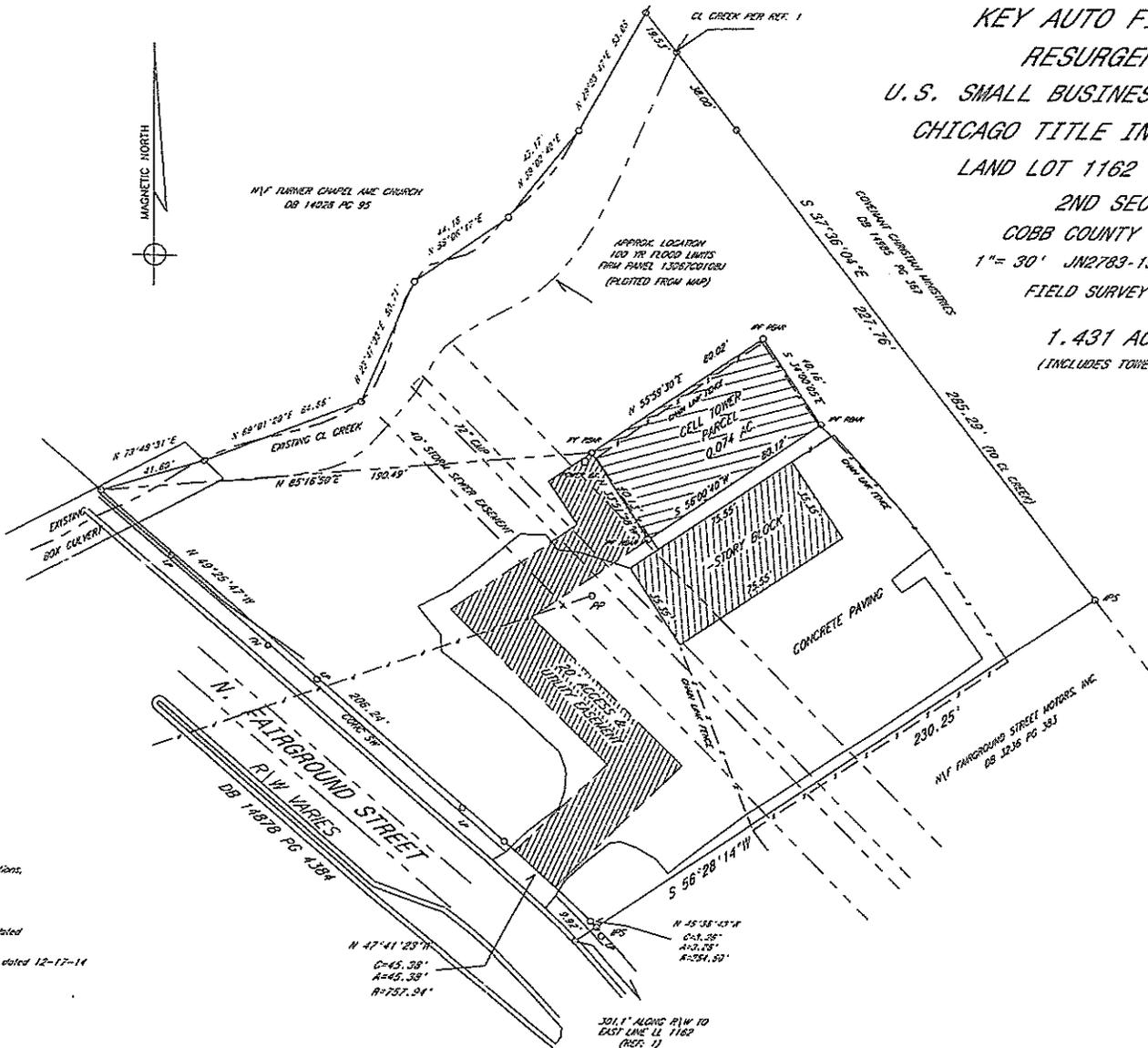
APPROX LOCATION
100 FT FLOOD LIMITS
FROM PANEL 13057C0108U
(PLOTTED FROM MAP)

BOUNDARY SURVEY FOR;
KEY AUTO FINANCE, INC.
RESURGENS BANK
U.S. SMALL BUSINESS ADMINISTRATION
CHICAGO TITLE INSURANCE COMPANY
LAND LOT 1162 16TH DISTRICT
2ND SECTION
COBB COUNTY GEORGIA
1"= 30' JN2783-15 11-11-15
FIELD SURVEY 11-10-15

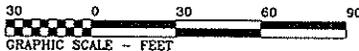
1.431 ACRES
(INCLUDES TOWER PARCEL)

GENERAL NOTES

- 1) The field data upon which this plot is based has a precision of one foot in 21,208 feet and an angular error of 3" per angle point and was adjusted using least squares.
- 2) This plot has been calculated for closure and has an accuracy of one foot in 101,459 feet.
- 3) Field equipment used for this survey was a Topcon GPF-2005.
- 4) All easements, restrictions, or exceptions to title are shown based on information supplied to M.V. Ingram Enterprises, Inc. No certification as to the completeness or accuracy of any matters of title is made by M.V. Ingram Enterprises, Inc.
- 5) Underground utilities shown on this plot were taken from field observation and from plans by others; the exact location of all utilities should be verified by the respective utility company. M.V. Ingram Enterprises, Inc. assumes no liability for the exact location of any underground utility. For verification contact the Utilities Protection Center Inc. 1-800-287-7411.
- 6) This survey is a correct representation of the land plotted and has been plotted in conformity with the minimum standards of Georgia law. It does not intend to indicate ownership of any parcel or easement; this information should be verified by an attorney licensed by the state of Georgia.
- 7) Said described property is located within an area having a Zone Designation "A & A'" by the Secretary of Housing and Urban Development, in Flood Insurance Rate Map No. 13057C0108U dated 3-04-12.
- 8) This property may be subject to easements, rights of way, reservations, or restrictions, which are not recorded or not disclosed by the title policy or otherwise unknown to the surveyor. Exception is taken to any such items.
- 9) Survey reference: 1) Plot for Johnny Hawkins by A.G. Caville dated 8-3-54.
2) Survey for Crown Castle by William R. Gore, dated 12-17-14



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 is set forth in the Georgia Plat Act O.C.G.A. 16-6-67.



M. V. INGRAM ENTERPRISES, INC.
LAND SURVEYING AND PLANNING
P.O. BOX 46400
LAWRENCEVILLE, GEORGIA 30046
(770) 963-4801



STAFF REVIEW AND RECOMMENDATION

Variance Case #: V2020-02 **Legistar #:** 20191148

Board of Zoning Appeals Hearing: Monday, January 27, 2020 – 6:00 p.m.

Property Owner: Terry Kemp & Christy Kemp
102 Payton Loriane Dr
Powder Springs, GA 30127

Applicant: Same as owner.

Address: 198 Chicopee Drive

Land Lot: 10880 **District:** 16 **Parcel:** 0740

Council Ward: 4B **Existing Zoning:** R-3 (Single Family Residential – 3units/acre)

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

1. Variance to reduce the front yard setback from 30 ft. to 26 ft. [*§708.03 (H)*]
2. Variance to reduce the rear yard setback from 30 ft. to 23 ft. [*§708.03 (H)*]
3. Variance to allow accessory structures closer to the right-of-way than the principal structure as shown on submitted plan. [*§708.03 (F.1)*]

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



198 Chicopee Drive – subject area to be expanded



Fenced-in pool area with landscape



Piped stream with brick wall



Rear of subject property

Recommended Action:

Approval. The owner and applicant, Terry and Christy Kemp, wish to improve and expand the existing structure at 198 Chicopee Drive. The subject property lies at the corner of Chicopee and Etowah Drive. The property is zoned R-3 (Single Family Residential – 3units/acre) and is 0.588 acres in size. All adjoining properties are also zoned R-3 and the properties to the north, across Chicopee Drive, are zoned OI (Office Institutional).

The owners wish to add an attached garage to the front of their house. However, the property contains a piped stream and corresponding 20-foot drainage easement that restricts the development of permanent structures. In order to avoid the easement, the proposed two-car garage would be angled and attached to the existing structure. The garage would encroach by 4 feet into the front yard and therefore, the request would be to reduce the front yard setback from 30 feet to 26 feet.

Although the only expansion is the garage – the owners wish to improve the property with partial demo in the rear and interior renovation. The proposed improvements would exceed 50% of the building’s value – therefore, all development standards must comply with current code. Please note the existing structure encroaches into the rear building setback. The entire rear portion of the house is in the rear setback; however, the closest point only encroaches by approximately 7 feet.

Further, there is an existing pool and pergola east of the existing structure that shall remain. According to the Zoning Ordinance – it states, “*in cases of corner lots, the accessory structure may not be closer to any right-of-way than the principal building*”. The accessory structures are closer towards Etowah Drive than the principal building; therefore, a variance to remain in its current location is necessary.

With the proposed garage, the owners also wish to reconfigure the driveway/access to the property. The proposed driveway would allow for vehicles to turnaround on the property before exiting on to Chicopee Drive. Many surrounding properties have been recently redeveloped or renovated, so the proposed improvements will not be detrimental, but will complement the area; ***therefore, staff recommends approval.***



Department of Development Services
205 Lawrence Street
Marietta, GA 30060
Phone: 770-794-5440

APPLICATION FOR VARIANCE OR APPEAL

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

(NOTE: CORRESPONDENCE IS HANDLED VIA EMAIL UNLESS OTHERWISE REQUESTED)

For Office Use Only:

Application #: V 2020-02 Legistar #: 20191148 BZA Hearing Dt: 1-27-20
City Council Hearing Dt (if applicable) #: - PZ #: 19-526

This is a variance/appeal application for:



Board of Zoning Appeals



City Council

Owner's Name Terry & Christy Kemp

EMAIL Address: caht94@bellsouth.net

Mailing Address 102 Payton Loriane Dr Zip Code: 30127 Phone Number 678-773-2290

COMPLETE ONLY IF APPLICANT IS NOT OWNER:

Applicant: _____

EMAIL Address: _____

Mailing Address _____ Zip Code: _____ Phone Number _____

Address of subject property: 178 Chicopee Dr. Date of Acquisition: 8/29/2019

Land Lot (s) 10890 District 16 Parcel 0740 Acreage .588 Zoned R-3 Ward 4B FLU: LDR

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

Setbacks for garage

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.

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

CAMPAIGN CONTRIBUTIONS

The Owner and Applicant herein certify that he/she has has not made campaign contributions or gifts aggregating \$250.00 or more to the Mayor, any member of Council or any member of the Board of Zoning Appeals within the two (2) years preceding the filing of this application.

TJK
Signature of Owner

Signature of Applicant

Terry Kemp
Print Name

Print Name

FINANCIAL INTEREST

The Applicant herein certifies that he/she has has not a financial interest in the property which is ten percent (10%) or more.

Print Name

Signature of Applicant

APPLICANT CERTIFICATION

- The Applicant certifies that all information in this application, and all information furnished in support of this application, is true and complete to the best of the Applicant's knowledge and belief. Should any portion not be true, then the application may be rejected.
- Penalty for false or fraudulent statement: Whoever, in any matter, knowingly and willingly falsifies or makes any false, fictitious or fraudulent statement of representatives concerning this application shall be denied the request stated in this application.

TJK
Signature of Applicant

12/10/2019
Date

Terry Kemp
Please Print

OWNER CERTIFICATION

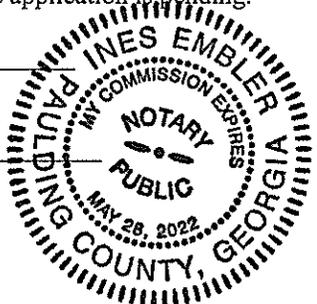
- The Owner certifies that all information in this application, and all information furnished in support of this application, is true and complete to the best of the Owners's knowledge and belief. Should any portion not be true, then the application may be rejected.
- Penalty for false or fraudulent statement: Whoever, in any matter, knowingly and willingly falsifies or makes any false, fictitious or fraudulent statement of representatives concerning this application shall be denied the request stated in this application.
- The Owner hereby gives permission to enter on the property for inspection during the time application is pending.

TJK
Signature of Owner

Terry Kemp
Please Print

102 Payton Loriane Dr.
Address

12/10/2019
Date



Signed, sealed and delivered in the presence of:

[Signature]

My Commission Expires: 5-28-22

Note: Owner, Applicant or Representative must be present at meeting in order for case to be heard.

The requested Application for Variance results from an effort to update the existing structure to include a garage. As currently constructed, 198 Chicopee Drive has no such amenity. Below is a view of the home as it stands today.

Current



The desired location for the attached two car garage is the left side (when viewed from Chicopee Dr.) of the current home. Below is an artistic rendering showing only the side location and approximate angle the garage would have. This addition can also be viewed on the attached Site Plan

Artistic Rendering Showing Side Location and Approximate Angle



This Site Plan places a corner of the garage approximately 5-10 feet into the 30-foot Chicopee Dr. setback while also avoiding the 10-foot buffer for the underground pipe in the vicinity. Details of this area can be seen on the Site Plan provided with the application.

Additional setback issues within the property will be addressed with the following actions:

- A room addition, approximately 28' x 18', currently on the rear of the home will be demolished. It is marked as "Portion of Structure to be Removed" on the attached Site Plan and attached original Property Survey.
- An outbuilding, approximately 10' x 8', currently standing just off the rear property line will be demolished. It is not shown on the attached Site Plan but can be viewed on the attached original Property Survey.

All other setback issues not specifically addressed in this letter will be left and hopefully approved by the Application for Variance.

TO: Marietta Daily Journal
FROM: City of Marietta
RUN DATE: January 10, 2020

**CITY OF MARIETTA
PUBLIC NOTICE OF VARIANCES**

The City of Marietta hereby gives notice that a public hearing will be held to give consideration to the following requests. The Board of Zoning Appeals will consider the following requests on **Monday, January 27, 2020 at 6:00 P.M.**, City Hall. Anyone wishing to attend may do so and be heard relative thereto.

V2020-02 [VARIANCE] TERRY & CHRISTY KEMP are requesting variances for property zoned R-3 (Single Family Residential – 3 units/acre), located in Land Lot 1088, District 16, Parcel 0740, 2nd Section, Marietta, Cobb County, Georgia, and being known as 198 Chicopee Drive. Variance to reduce the front yard setback from 30 feet to 26 feet; variance to reduce the rear yard setback from 30 feet to 23 feet; variance to allow accessory structures closer to the right-of-way than the principal structure as shown on submitted plan. 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. You may also review the property file at www.mariettaga.gov and enter the case # in the search box.

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 ADA Coordinator, at 770-794-5558 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
198 CHICOPEE DR	16108800740	0.613	4B	R3	LDR

Property Owner:	Terry & Christy Kemp	Zoning Symbols <ul style="list-style-type: none"> --- 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
Applicant:		
BZA Hearing Date:	01/27/2020	
Acquisition Date:		
Case Number:	V2020-02	
City of Marietta Planning & Zoning		

- Proposed -

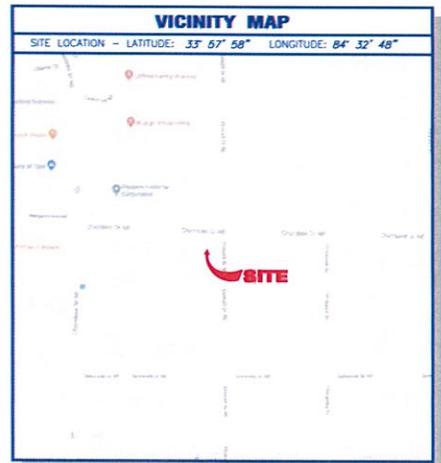


Know what's below.
Call before you dig.
Dial 811
 Or Call 800-282-7411

IF YOU DIG

LEGEND

- | | |
|-------------------------------|-----------------------------|
| STANDARD ABBREVIATIONS | STANDARD SYMBOLS |
| AC AIR CONDITIONER | PP POWER POLE |
| CI CURB INLET | GW GUY WIRE |
| CMF CORRUGATED METAL PIPE | PL POWER LINE |
| CPED DROP INLET CONCRETE PIPE | LP LIGHT POLE |
| DI DUCTILE IRON PIPE | ET ELECTRIC TRANSFORMER |
| DWCB DOUBLE WING CATCH BASIN | GV GAS VALVE |
| FNC FENCE | GM GAS METER |
| FND FOUND | WV WATER VALVE |
| JB JUNCTION BOX | WM WATER METER |
| OTF OPEN TOP PIPE | PH PHOTO POSITION INDICATOR |
| PM POWER METER | PI PHOTO POSITION INDICATOR |
| POB POINT OF BEGINNING | TI TREE POSITION INDICATOR |
| PCP POINT OF COMMENCING | |
| RCP REINFORCED CONCRETE PIPE | |
| RBR IRON REINFORCING BAR | |
| RFS 5/8" RIB SET | |
| SMH SEWER MANHOLE | |
| SS SANITARY SEWER | |
| CB CATCH BASIN | |



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THIS PROPERTY IS NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA BASED ON THE FLOOD INSURANCE RATE MAP FOR THIS AREA. THE MAP NUMBER FOR THIS AREA IS 13067C0108L AND THE DATE OF SAID MAP IS MARCH 4, 2013. THIS DETERMINATION WAS MADE BY GRAPHICALLY DETERMINING THE POSITION OF THIS SITE ON SAID FIRM MAPS UNLESS OTHERWISE NOTED.

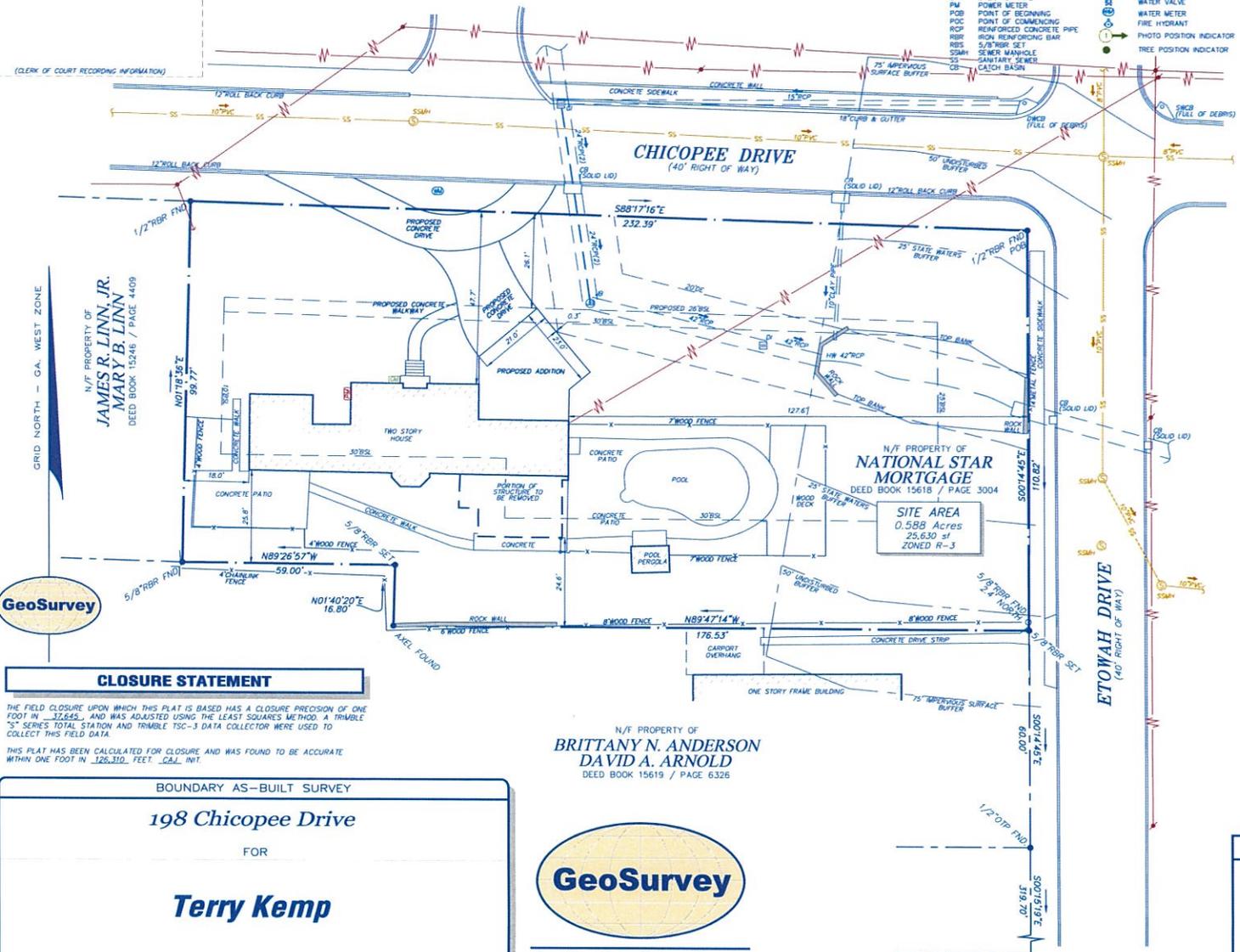
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NO ZONING REPORT OR ZONING LETTER WAS PROVIDED TO THE SURVEYOR. THE SITE IS ZONED "R-3" (SINGLE FAMILY RESIDENTIAL DISTRICT) AS SHOWN ON THE ZONING MAP OF THE CITY OF MARIETTA. THE MINIMUM YARD SETBACKS ARE: FRONT - 30 FEET; SIDE - 25 FEET (STREET) INTERIOR SIDE - 10 FEET; AND REAR - 30 FEET.

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CLOSURE STATEMENT

THE FIELD CLOSURE UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 32,645, AND WAS ADJUSTED USING THE LEAST SQUARES METHOD. A TRIMBLE "S" SERIES TOTAL STATION AND TRIMBLE TSC-3 DATA COLLECTOR WERE USED TO COLLECT THIS FIELD DATA.

THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND WAS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 326,310 FEET. C.A.L. INT.

BOUNDARY AS-BUILT SURVEY	
198 Chicopee Drive	
FOR	
Terry Kemp	
GS JOB NO: 20196237	DRAWING SCALE: 1" = 20'
FIELD WORK: MN	SURVEY DATE: 08-28-2019
PROJ MGR: CAJ	CITY: MARIETTA STATE: GA
REVIEWED: JRC	COUNTY: COBB
DWG FILE: 20196237.dwg	LAND LOT: 1088
	DISTRICT: 16TH SECTION: 2ND

N/F PROPERTY OF
BRITTANY N. ANDERSON
DAVID A. ARNOLD
 DEED BOOK 15619 / PAGE 6326



Land Surveying • 3D Laser Scanning
 1660 Barnes Mill Road
 Marietta, Georgia 30062
 Phone: (770) 795-9900
 Fax: (770) 795-8880
 www.geosurvey.com
 EMAIL: info@geosurvey.com
 Certificate of Authorization #LSF-000621



CERTIFICATION FOR RETRACEMENT SURVEYS

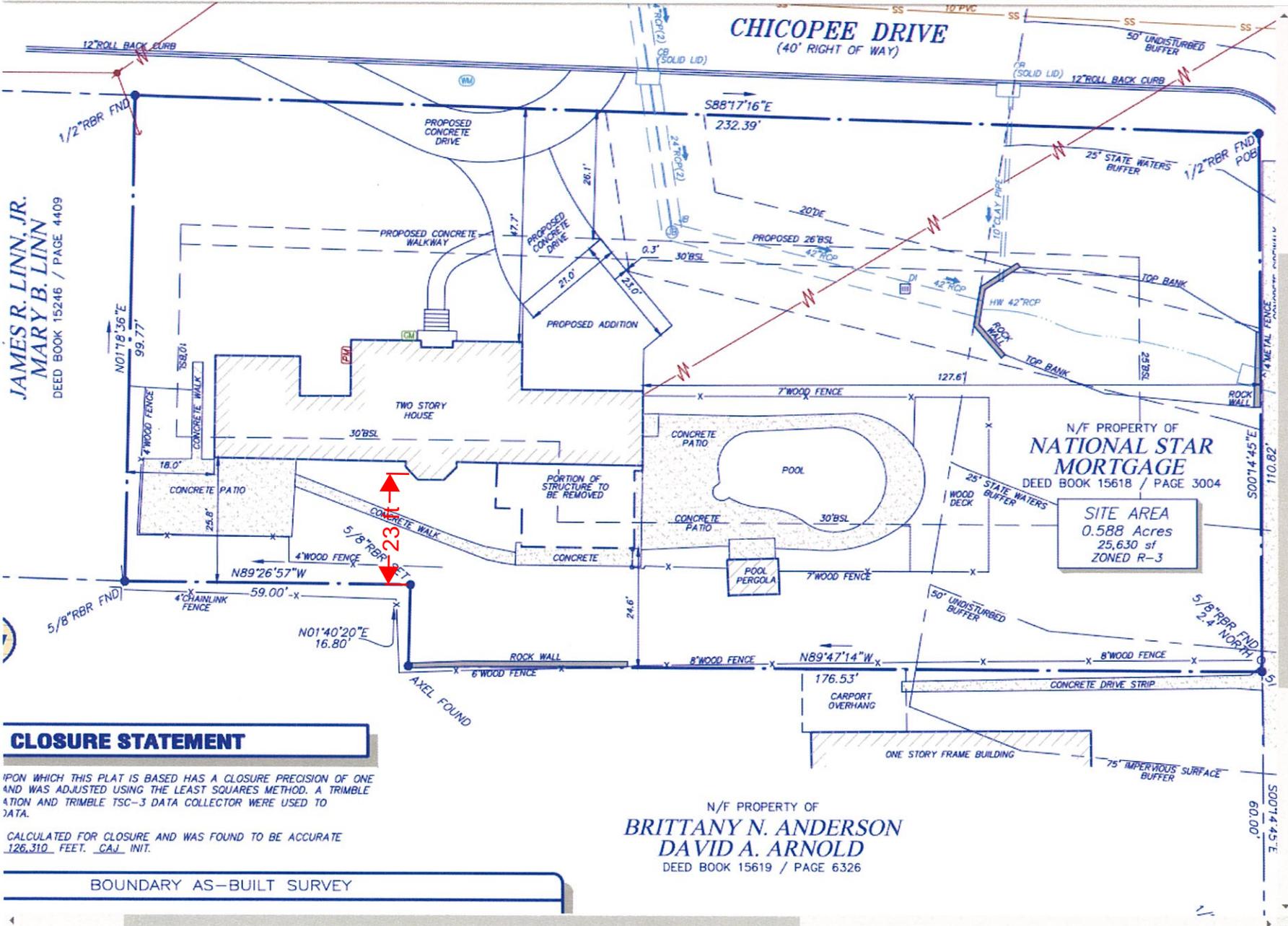
SURVEYOR CERTIFICATION

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Craig A. Jennings
 Georgia Registered
 Land Surveyor # 3043

- Proposed -



JAMES R. LINN, JR.
 MARY B. LINN
 DEED BOOK 15246 / PAGE 4409

N/F PROPERTY OF
NATIONAL STAR MORTGAGE
 DEED BOOK 15618 / PAGE 3004

SITE AREA
 0.588 Acres
 25,630 sf
 ZONED R-3

N/F PROPERTY OF
BRITTANY N. ANDERSON
DAVID A. ARNOLD
 DEED BOOK 15619 / PAGE 6326

CLOSURE STATEMENT

UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE AND WAS ADJUSTED USING THE LEAST SQUARES METHOD. A TRIMBLE 4700 AND TRIMBLE TSC-3 DATA COLLECTOR WERE USED TO OBTAIN DATA.

CALCULATED FOR CLOSURE AND WAS FOUND TO BE ACCURATE TO ± 0.01 FEET. CAJ INIT.

BOUNDARY AS-BUILT SURVEY

- Existing -

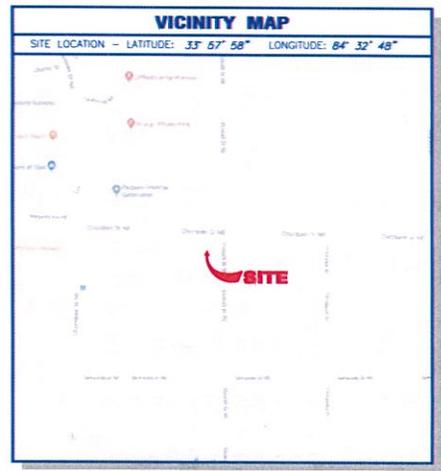
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Dial 811
Or Call 800-282-7411

LEGEND

- | | |
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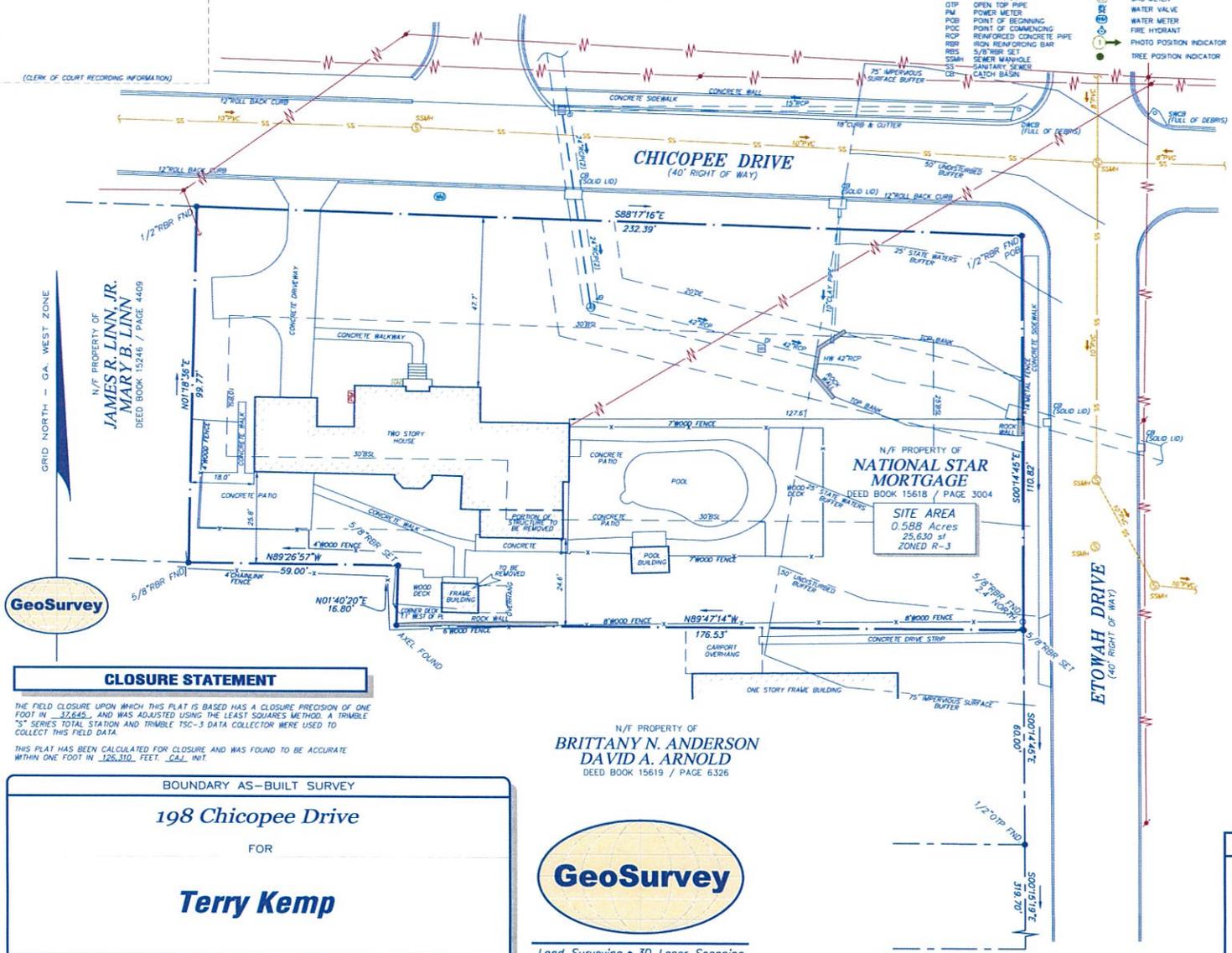
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BOUNDARY AS-BUILT SURVEY
198 Chicopee Drive

FOR
Terry Kemp

GS JOB NO:	20196237	DRAWING SCALE:	1" = 20'	SURVEY DATE:	08-28-2019
FIELD WORK:	MN	CITY:	MARIETTA	STATE:	GA
PROJ MGR:	CAJ	COUNTY:	COBB		
REVIEWED:	JRC	LAND LOT:	1088		
DWG FILE:	20196237.dwg	DISTRICT:	16TH	SECTION:	2ND

N/F PROPERTY OF
BRITTANY N. ANDERSON
DAVID A. ARNOLD
DEED BOOK 15619 / PAGE 6326



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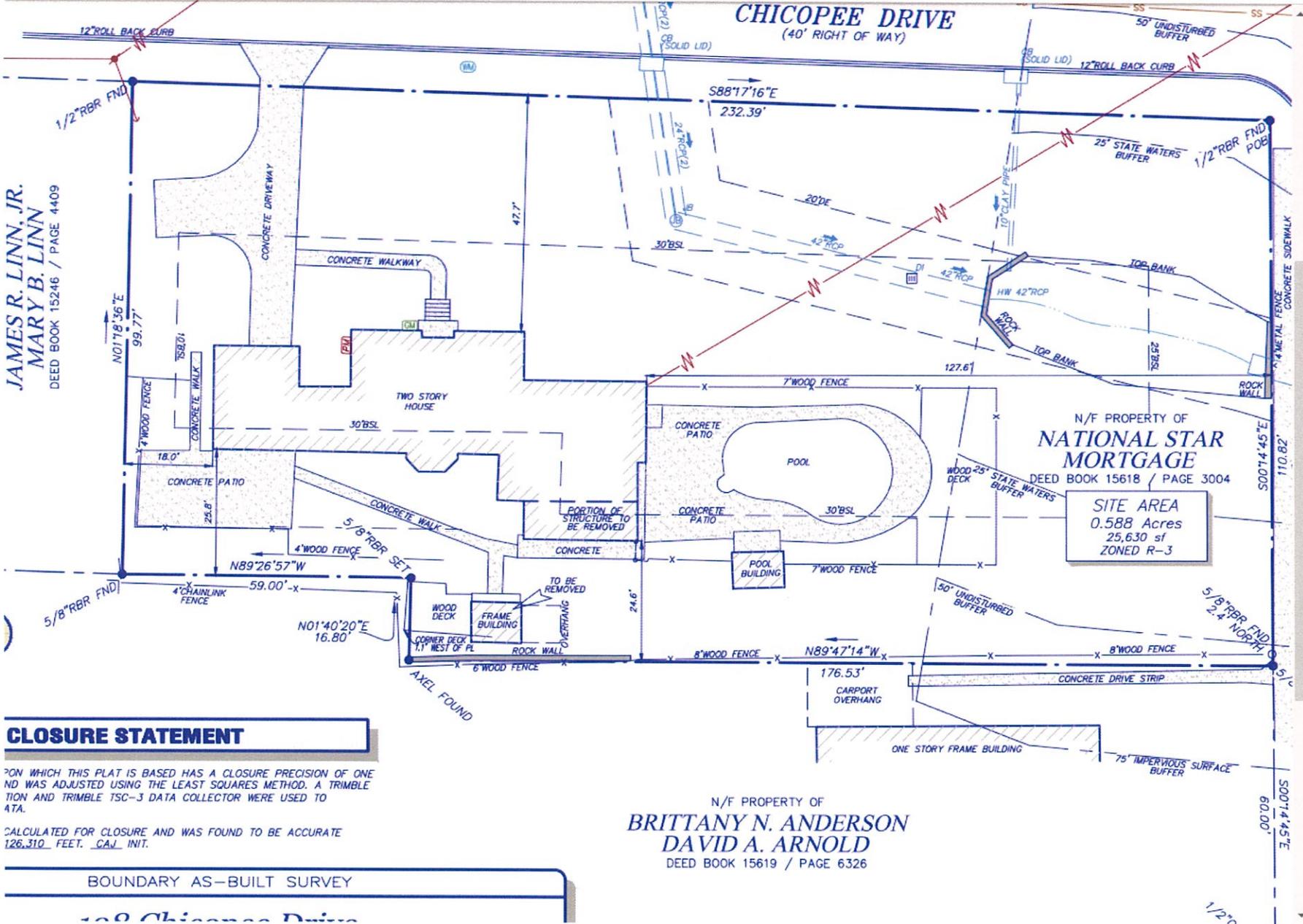


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Craig A. Jennings
Georgia Registered
Land Surveyor # 3043

- Existing -





STAFF REVIEW AND RECOMMENDATION

Variance Case #: V2020-03 Legistar #: 20191162

Board of Zoning Appeals Hearing: Monday, January 27th, 2020 at 6:00 p.m.

**Property Owner: Tidal Wave
 Scott Blackstock
 PO Box 311
 Thomaston, GA 30286**

**Applicant: Tracey Diehl
 6487 Hilliard Drive
 Canal Winchester, OH 43110**

**Address: 1255 Powder Springs Street
 Marietta, GA 30064**

Land Lot: 70 District: 17th Parcel: 390

Council Ward: 2B Existing Zoning: CRC (Community Retail Commercial)

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

1. Variance to allow a digital sign within 200 feet of a residential property line [*§714.04 (F.4)*]
2. Variance to allow a digital sign to be placed above the static copy area [*§714.04 (F.4)*]

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



Existing signage at 1255 Powder Springs



Residential property at 1250 Powder Springs Street across from subject property



Residential property at 1250 Powder Springs Street across from subject property

Recommended Action:

The applicant, Tracey Diehl, is requesting a variance in order to erect a digital sign at the subject property 1255 Powder Springs Street. The property is approximately 1.36 acres total and is zoned CRC (Community Retail Commercial). The property is currently being renovated and will be under new ownership (Tidal Wave). The properties to the northwest and west of the subject property are zoned CRC as well. The property to the north across Powder Springs Street is zoned PRD-MF (Planned Residential Development- Multi-Family); and the adjacent property to the south is zoned RM-12 (Multi-Family Residential (12 units/acre). To the east of the property is a parcel in unincorporated Cobb County that is zoned NRC (Neighborhood Retail Commercial). The requested variance would allow a digital, monument-style sign along Powder Springs Street to remain within 200 feet of a residential property.

Previously there was a non-conforming pylon-style sign on site as a part of the previous owners' auto spa business. The applicant would like to completely change the sign to a monument sign with a digital component. It should be noted that the applicant has a second location at 1505 Roswell Road is currently going through an expansion and renovation and is also updating their freestanding sign. However, the sign on Roswell Road is being updated as a conforming monument sign without a digital sign component. That property is also located next to a residentially zoned property in Cobb County. Both properties are located along arterial roads with heavy traffic. The applicant has not indicated why the subject property at 1255 Powder Springs Street would require an additional digital component along with a static sign while the location along Roswell Road would not.

According to the Zoning Ordinance, a digital sign is defined as "*electronic signage that uses LED screens, plasma panels, or any similar electronic signage devices...*" The applicant has stated that the digital sign is necessary because the business is "*as an impulse driven business it is imperative that motorists be able to identify their destination safely*". The approximate distance from the sign to the residential property is between 100 feet and 115 feet. In addition, the residential property is an apartment complex, and the first building is located 78 feet beyond the front property line.

The applicant is also requesting a variance to allow a digital sign to be placed above a static copy sign area. According to the city ordinance, digital signs cannot exceed 50% of the total sign face and must be located below the static copy area. Though the digital component of the sign takes up less than the allotted 50% total sign face area, the digital sign is placed above a secondary static copy area that reads "Entrance on Cunningham Road – Free Vacuums."

Digital signs in the City of Marietta must comply with the following regulations:

- *Digital signs shall contain static messages only and shall not have movement nor flashing on any part of the sign structure, design, or pictorial segment of the sign*
- *Each sign must have a light sensing device that will adjust the brightness of the display as the natural ambient light conditions change*
- *Digital signs may not operate at brightness levels of more than 0.20 foot-candles above ambient light levels as measured at 125 feet*
- *Each individual static message must be displayed for a minimum of 20 seconds*



Department of Development Services
205 Lawrence Street
Marietta, Georgia 30060
Rusty Roth, AICP, Director

The applicant has not presented justification for a variance for a digital sign component at the subject property's location on Powder Springs Street. The request is made more questionable since company has a secondary location along a similarly heavily travelled arterial roadway that does not have a digital sign component. As such, ***staff recommends denial of the requested variances.***

However, if the Board wishes to consider approval of the requested variances, staff recommends the following stipulation:

- 1. The subject property shall be limited only to the digital sign shown on the proposed plans.***
- 2. The sign will comply with all other restrictions for digital signs specified under Section 714.04 (F.4).***

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Department of Development Services
205 Lawrence Street
Marietta, GA 30060
Phone: 770-794-5440

APPLICATION FOR VARIANCE OR APPEAL

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

(NOTE: CORRESPONDENCE IS HANDLED VIA EMAIL UNLESS OTHERWISE REQUESTED)

For Office Use Only:

Application #: V2020-03 Registrar #: 20191162 BZA Hearing Dt: 1-27-20
City Council Hearing Dt (if applicable) #: - PZ #: 19-531

This is a variance/appeal application for:

Board of Zoning Appeals checkbox (checked)

Board of Zoning Appeals

City Council checkbox (unchecked)

City Council

Owner's Name: Scott Blackstock / Tidal Wave

EMAIL Address: c/o tracey@expeditethediell.com

Mailing Address: PO Box 311 Thomaston GA Zip Code: 30286 Phone Number: c/o 614 828 8215

COMPLETE ONLY IF APPLICANT IS NOT OWNER:

Applicant: Tracey Diell

EMAIL Address: tracey@expeditethediell.com

Mailing Address: 6481 Hilliard Dr, CW04 Zip Code: 43110 Phone Number: 804 859 7618

Address of subject property: 1255 Powder Springs Rd ST Date of Acquisition: 28 June 2019

Land Lot (s) 7 District 17 Parcel 00390 Acreage 1.307 Zoned CRC Ward 28 FLU: CAC

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

714.04 F.4. for monument sign with digital message center

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...
5. Site plan - drawn to scale. Site plans must illustrate property lines and all relevant existing information...
6. Copy of current tax bill showing payment or documentation certified by the City of Marietta Tax Office.

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

CAMPAIGN CONTRIBUTIONS

The Owner and Applicant herein certify that he/she has has not made campaign contributions or gifts aggregating \$250.00 or more to the Mayor, any member of Council or any member of the Board of Zoning Appeals within the two (2) years preceding the filing of this application.

Scott Blackstock

Signature of Owner

Scott Blackstock

Print Name

Tracy Diem

Signature of Applicant

Tracy Diem

Print Name

FINANCIAL INTEREST

The Applicant herein certifies that he/she has has not a financial interest in the property which is ten percent (10%) or more.

Tracy Diem

Print Name

Tracy Diem

Signature of Applicant

APPLICANT CERTIFICATION

- The Applicant certifies that all information in this application, and all information furnished in support of this application, is true and complete to the best of the Applicant's knowledge and belief. Should any portion not be true, then the application may be rejected.
- Penalty for false or fraudulent statement: Whoever, in any matter, knowingly and willingly falsifies or makes any false, fictitious or fraudulent statement of representatives concerning this application shall be denied the request stated in this application.

Tracy Diem

Signature of Applicant

11/20/19

Date

Tracy Diem

Please Print

OWNER CERTIFICATION

- The Owner certifies that all information in this application, and all information furnished in support of this application, is true and complete to the best of the Owners's knowledge and belief. Should any portion not be true, then the application may be rejected.
- Penalty for false or fraudulent statement: Whoever, in any matter, knowingly and willingly falsifies or makes any false, fictitious or fraudulent statement of representatives concerning this application shall be denied the request stated in this application.
- The Owner hereby gives permission to enter on the property for inspection during the time application is pending.

Scott Blackstock

Signature of Owner

Scott Blackstock

Please Print

P.O. Box 311 Thomaston, GA 30286

Address

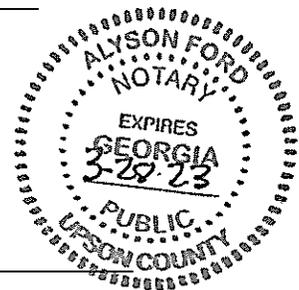
Nov. 19, 2019

Date

Signed, sealed and delivered in the presence of:

Alyson Ford

My Commission Expires: 3-28-23



Note: Owner, Applicant or Representative must be present at meeting in order for case to be heard.

AFFIDAVIT OF PERMIT AUTHORIZATION

This affidavit certifies that the party listed, who is not a lessee, licensed architect, engineer, or contractor, has been granted authorization to obtain a variance(s) on behalf of a property owner. It must be filled out completely by the property owner if another party is submitting an application(s) on the owner's behalf. This form must be notarized and must be submitted prior to issuance.

I, Scott Blackstock "owner of the property listed below certify that I have granted, Clayton Signs and their permit expeditor Expedite The Diehl, as my duly authorized agents. They have my permission to obtain the sign permits, variances, master sign plans and any other related documents necessary for the construction (or installation) of the Chick-fil-A Signs at the following address:

1255 Powder Springs Rd. Marietta, GA 30064
Address of permit location

I understand that I am authorizing them to apply for a variance and related variance documents. This is limited to what is necessary for sign variance projects to be completed.

Scott Blackstock
Signature of Property Owner

Nov. 19, 2019
Date

Notary

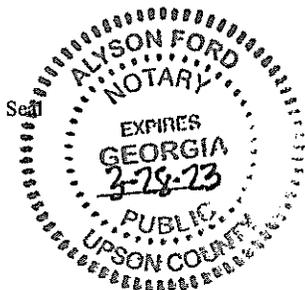
State of Georgia

City/ County of Upson

I, Alyson Ford Notary Public in and for the aforesaid State hereby certify that Scott Blackstock appeared before me in the State and City/County aforesaid and executed this affidavit on this 19th day of "November" 2019.

Alyson Ford
Notary Public

My Commission Expires the 28 day of March, 2023.
Date Month year



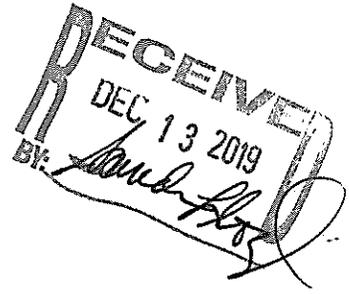
December 12, 2019

City of Marietta

Board of Zoning Appeals

205 Lawrence Street

Marietta, GA 30060



Dear Members of the Board;

The application is for a variance to the sign regulations section 714.04.F4 for a monument sign with electronic message center that is within 200 feet of a residential zone. The adjacent property already has a monument sign with an electronic message center. The proposed sign is approximately 194 feet from the back of the nearest residential building which is directly across the street. The residential property is shielded by mature trees and the proposed monument sign would have no impact on this property.

This sign is proposed for Tidal Wave Auto Spa and the electronic message center is perpendicular to the road and not necessary facing the residential zone but rather the traffic to the east and west.

The proposed double-faced monument sign will be set back 5 feet from the sidewalk and it will be 15 ft in height. This sign is consistent with other signs in the area and the proposed sign is 46.25 sq. ft. Tidal Wave would like to take their place in the community and as an impulse driven business it is imperative that motorists be able to identify their destination safely. The proposed sign is the size necessary to be seen at posted speed limits.

Thank you for your consideration of this request.


Tracey Dreni

TO: Marietta Daily Journal

FROM: City of Marietta

RUN DATE: January 10, 2020

**CITY OF MARIETTA
PUBLIC NOTICE OF VARIANCES**

The City of Marietta hereby gives notice that a public hearing will be held to give consideration to the following requests. The Board of Zoning Appeals will consider the following requests on **Monday, January 27, 2020 at 6:00 P.M.**, City Hall. Anyone wishing to attend may do so and be heard relative thereto.

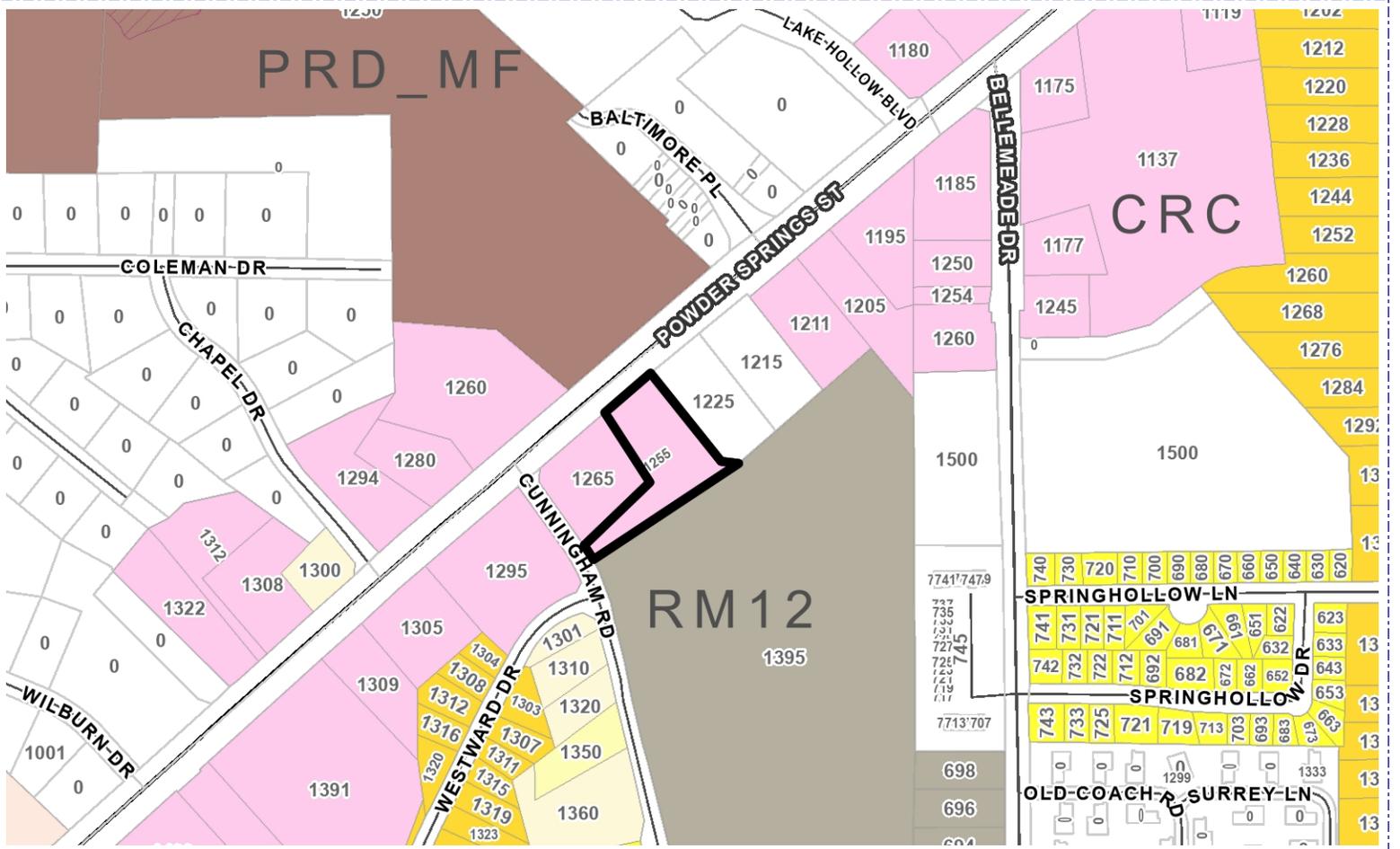
V2020-03 [VARIANCE] TIDAL WAVE (TRACEY DIEHL) are requesting variances for property zoned CRC (Community Retail Commercial), located in Land Lot 7, District 17, Parcel 0390, 2nd Section, Marietta, Cobb County, Georgia, and being known as 1255 Powder Springs Street. Variance to allow a digital sign within 200 feet of a residential property line; variance to allow a digital sign to be placed above the static copy area. Ward 2B.

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. You may also review the property file at www.mariettaga.gov and enter the case # in the search box.

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 ADA Coordinator, at 770-794-5558 no later than 48 hours before the date of the above meeting.

City of Marietta
205 Lawrence Street
Marietta, Georgia 30060



Address	Parcel Number	Acreage	Ward	Zoning	FLU
1255 POWDER SPRINGS ST	17000700390	1.362	2B	CRC	CAC

Property Owner:	Scott Blackstock/Tidal Wave	Zoning Symbols
Applicant:	Tracey Diehl	
BZA Hearing Date:	01/27/2020	
Acquisition Date:		
Case Number:	V2020-03	
City of Marietta Planning & Zoning		

SIGN TYPES

ILLUMINATED MONUMENT SIGN + ALUMINUM ENTRANCE SIGN 

ILLUMINATED OVAL SHAPED CABINET AT FRONT FACADE 

ILLUMINATED DRIVE-UP MENUS 

POST & PANELS SIGNS 



TIDAL WAVE AUTO SPA
1255 POWDER SPRINGS ST.
MARIETTA, GEORGIA 30064

SIGNAGE DOCUMENT

ACCOUNT REP: TODD WILLIS
DESIGNER: STEVEY MANN



WE BRING THE WORLD
TO YOUR DOOR

5198 NORTH LAKE DRIVE
LAKE CITY, GEORGIA 30260
OFFICE: 404-361-3800
FACSIMILE: 404-361-7038
WWW.CLAYTONSIGNS.COM

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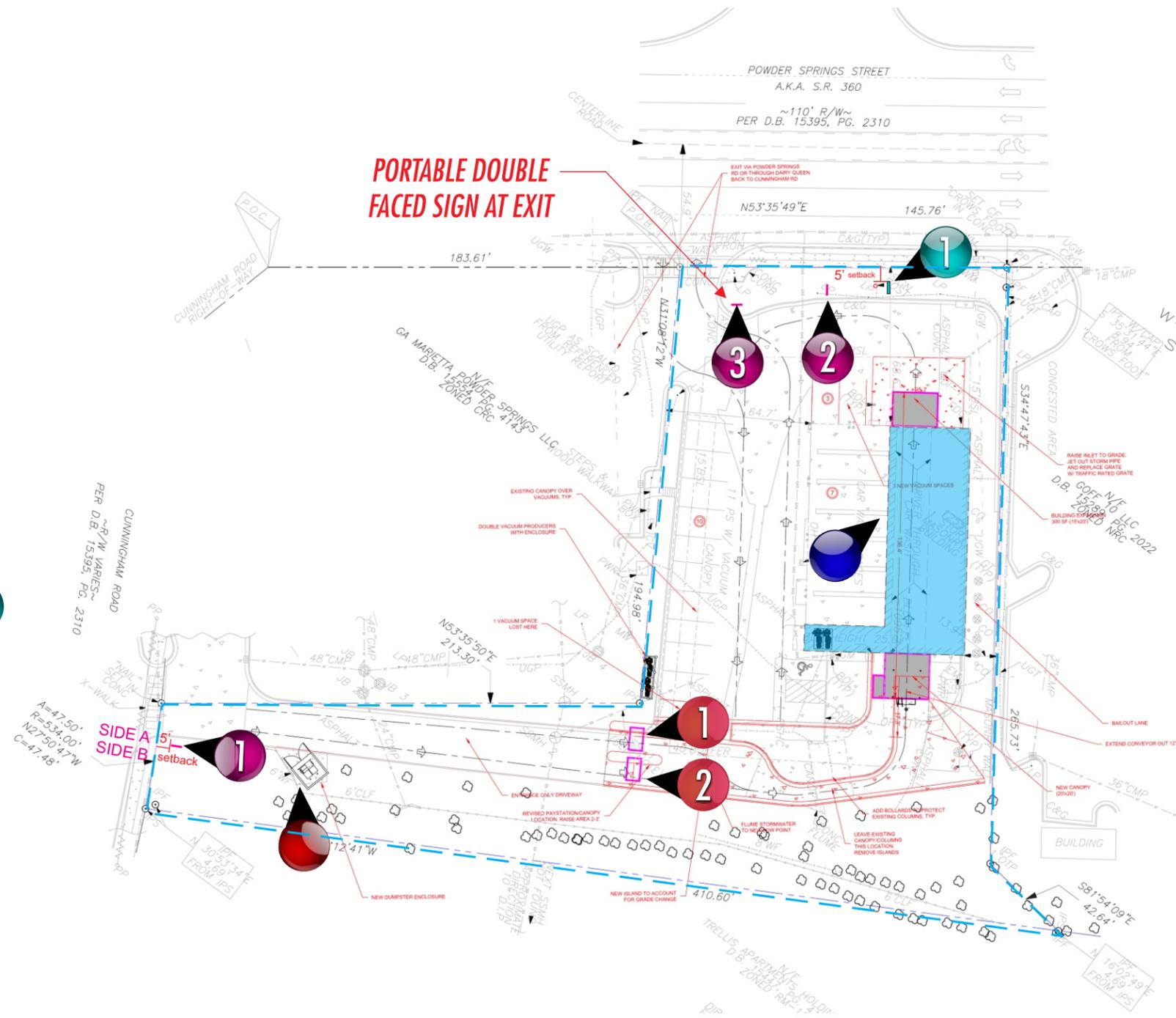
SIGN TYPE LOCATION LEGEND

ILLUMINATED MONUMENT SIGN + ALUMINUM ENTRANCE SIGN 

ILLUMINATED OVAL SHAPED CABINET AT FRONT FACADE 

POST & PANELS SIGNS   

ILLUMINATED DRIVE-UP MENUS  

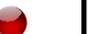


DATE - 7 / 17 / 2019

SIGN TYPES

ILLUMINATED MONUMENT SIGN + ALUMINUM ENTRANCE SIGN (DOUBLE-SIDED) 

ILLUMINATED OVAL SHAPED CABINET AT FRONT FACADE 

DUMPSTER SIGN PANELS 

POST & PANELS SIGNS 



TIDAL WAVE AUTO SPA
1255 POWDER SPRINGS RD
MARIETTA, GEORGIA 30064

REVISIONS:

DATE _____
DATE _____

DESIGNER STEVEY MANN

ACCOUNT REP TODD WILLIS

SCALE: AS INDICATED

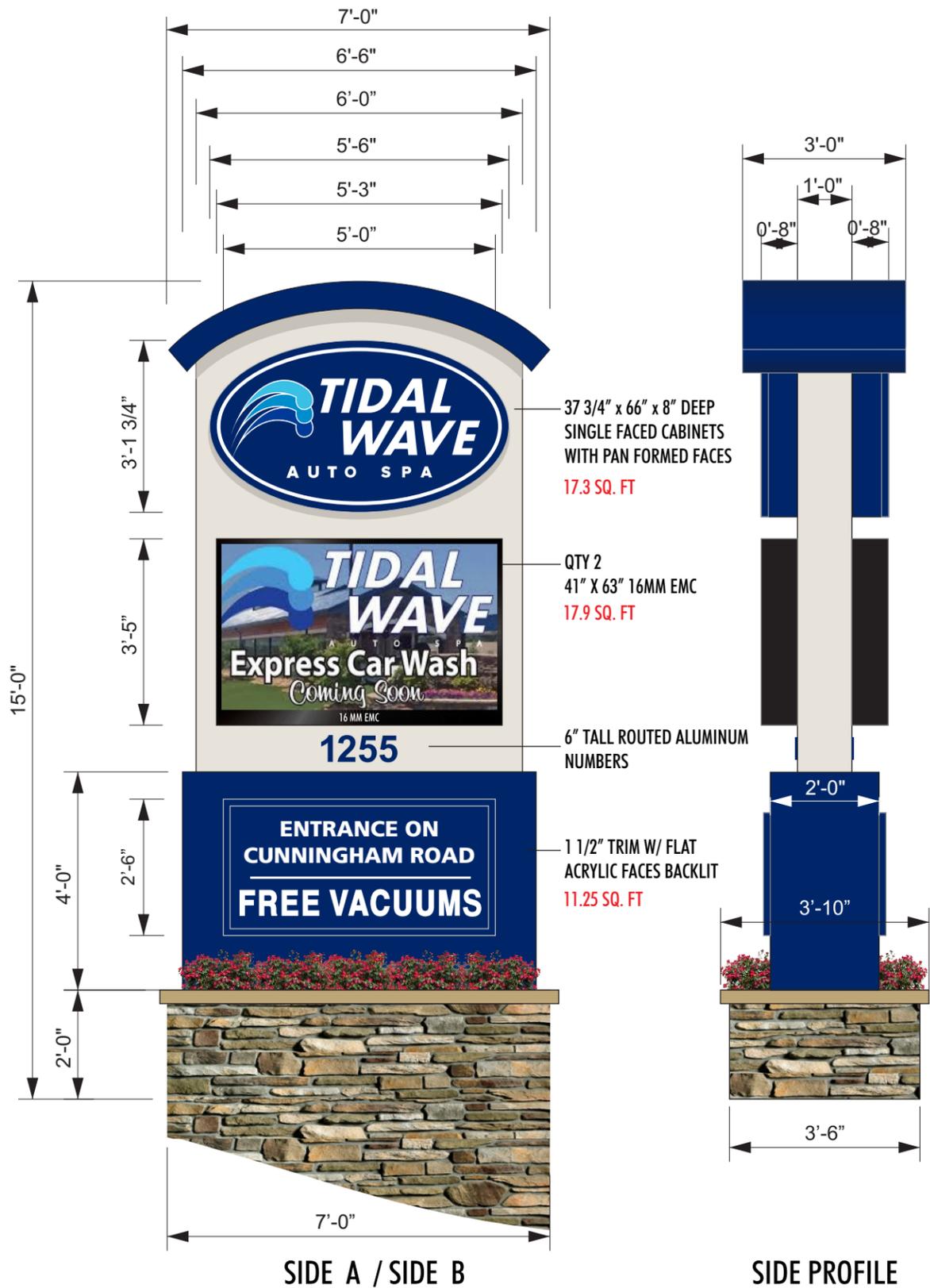
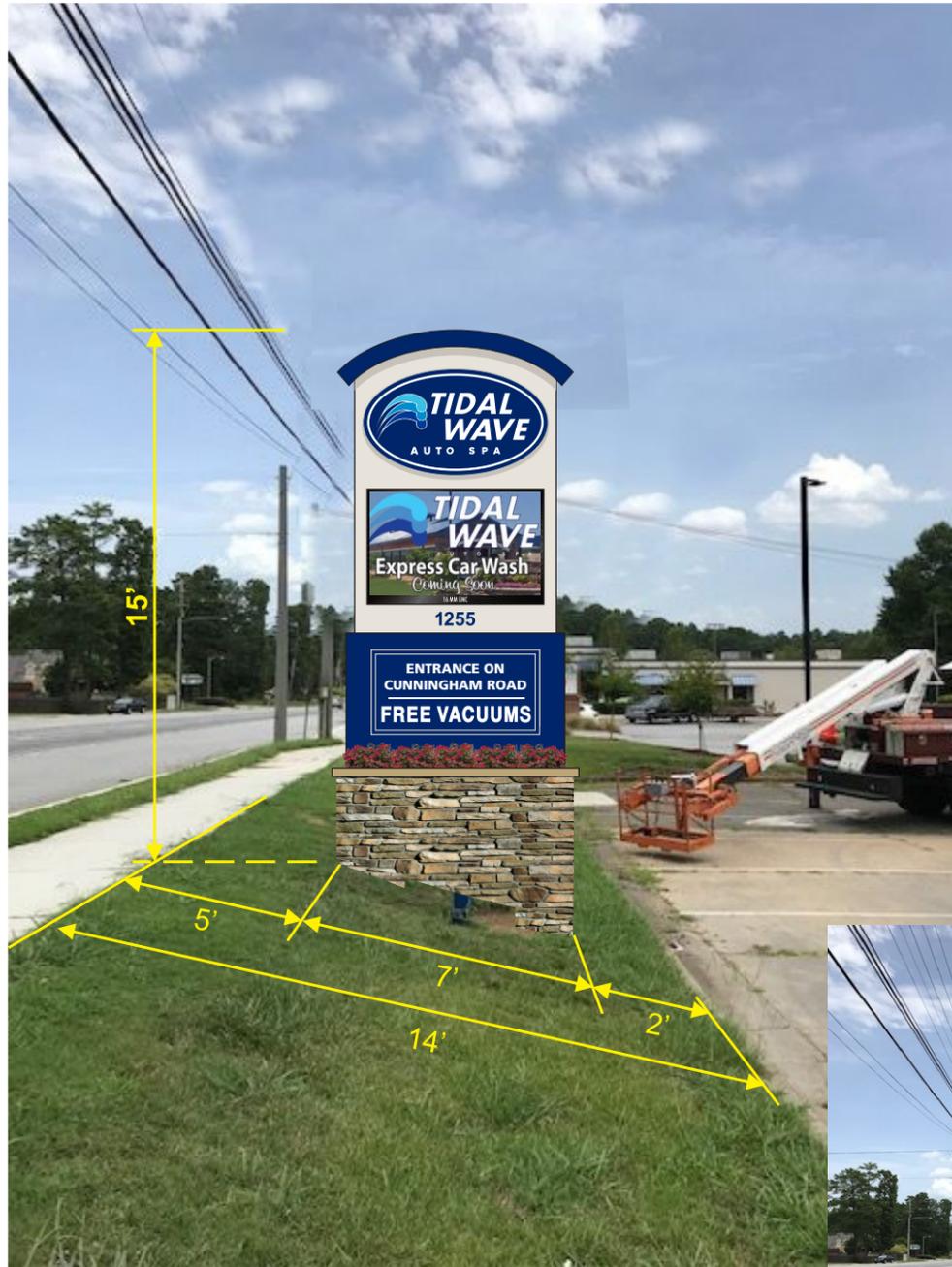
DRAWING FILE NAME

O:\BM\ Folder T \ TIDAL WAVE -
Marietta, Georgia 7.17.19. cdr

ALL ELECTRICAL SIGNS ARE
120 VOLTS
UNLESS OTHERWISE INDICATED

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PAINT COLOR FOR REVISED MONUMENT
 **TO MATCH PANTONE 281 C. GLOSS FINISH**

EXISTING SIGN TO BE REMOVED

SIDE A / SIDE B

SIDE PROFILE

TOTAL SQ. FT = 46.25



5198 NORTH LAKE DRIVE
 LAKE CITY, GA 30260
 404-361-3800
 FAX 404-361-7038
 WWW.CLAYTONSIGNS.COM

DATE - 7 / 17 / 2019
SIGN TYPES
ILLUMINATED MONUMENT SIGN + ALUMINUM ENTRANCE SIGN (DOUBLE-SIDED)
ILLUMINATED OVAL SHAPED CABINET AT FRONT FACADE
DUMPSTER SIGN PANELS
POST & PANELS SIGNS



REVISIONS:
DATE _____
DATE _____

DESIGNER STEVEY MANN
 ACCOUNT REP. TODD WILLIS
 SCALE: AS INDICATED
 DRAWING FILE NAME
 O:\BM\ Folder T \ TIDAL WAVE - Marietta, Georgia 7.17.19. cdr

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LAKE CITY, GA 30260
404-361-3800
FAX 404-361-7038
WWW.CLAYTONSIGNS.COM

DATE - 7 / 17 / 2019
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DUMPSTER SIGN PANELS
POST & PANELS SIGNS



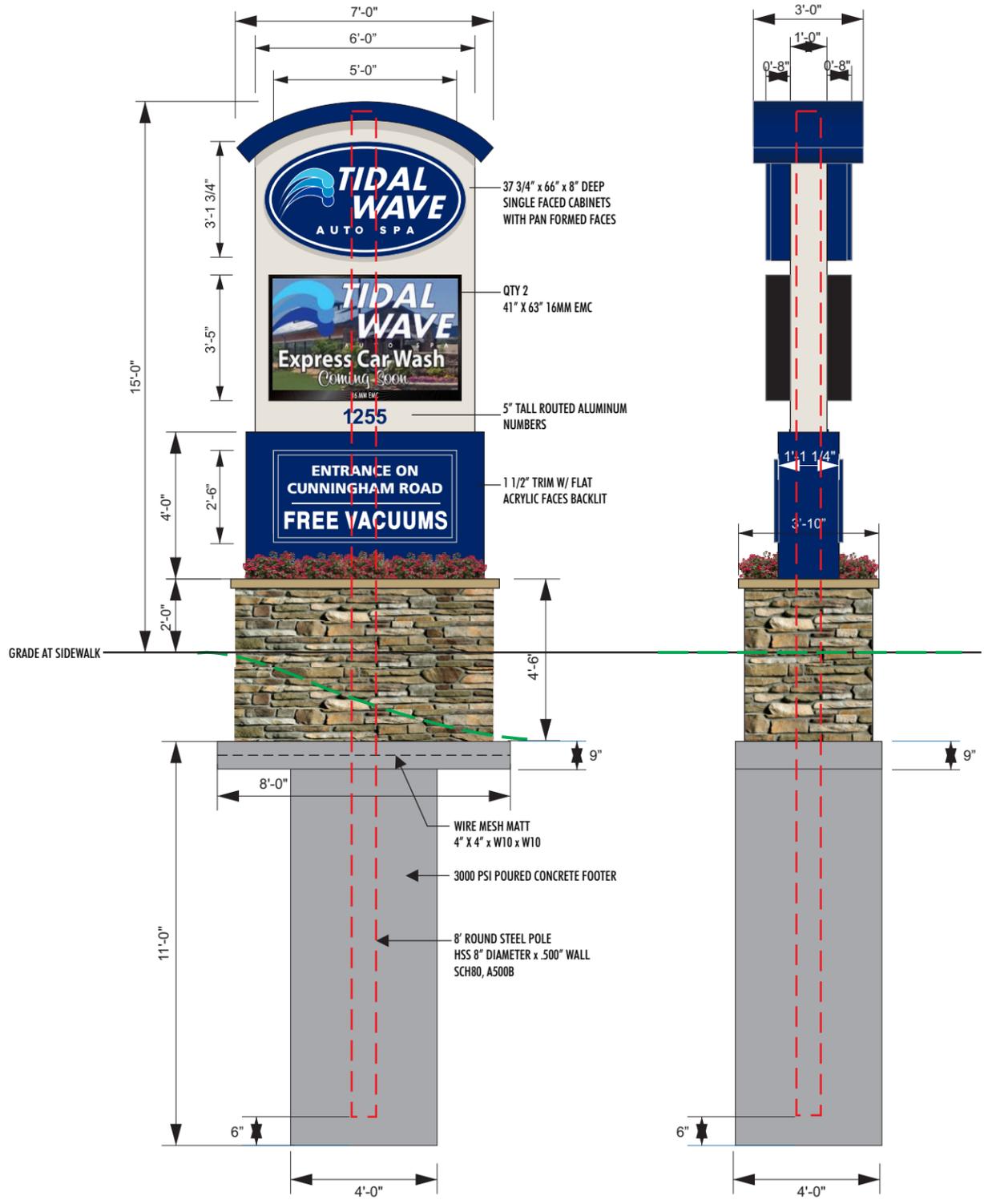
TIDAL WAVE AUTO SPA
1255 POWDER SPRINGS RD
MARIETTA, GEORGIA 30064

REVISIONS:
DATE _____
DATE _____
DESIGNER STEVEY MANN
ACCOUNT REP. TODD WILLIS
SCALE: AS INDICATED
DRAWING FILE NAME
O:\BM\ Folder T \ TIDAL WAVE - Marietta, Georgia 7.17.19. cdr

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SIDE A / SIDE B

SIDE PROFILE

PAINT COLOR FOR REVISED MONUMENT

TO MATCH PANTONE 281 C. GLOSS FINISH

DOUBLE FACE INTERNALLY ILLUMINATED MONUMENT SIGN W/ ELECTRONIC MESSAGE CENTER

SCALE: 1/4" = 1'-0"





STAFF REVIEW AND RECOMMENDATION

Variance Case #: V2020-04

Legistar #: 20191163

Board of Zoning Appeals Hearing: Monday, January 27th, 2020 at 6:00 p.m.

**Property Owner: Pamela & David Willey
273 Camp Street NW
Marietta, GA 30064**

Applicant: Same as above

**Address: 273 Camp Street NW
Marietta, GA 30064**

Land Lot: 1157

District: 16th

Parcel: 0850

Council Ward: 4A

Existing Zoning: R-4 (Single Family Residential – 4 units/acre)

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

1. Variance to reduce the southern side yard setback from ten (10) feet to four (4) feet for the expansion of an existing structure [*§708.04 (H)*]
2. Variance to reduce front yard setback from twenty-five (25) feet to twenty-four (24) feet for an existing structure [*§708.04 (H)*]
3. Variance to allow an accessory structure (framed shed) to remain within ten (10) feet of the rear property line [*§708.04 (F.1)*]

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



273 Camp Street – Proposed expansion area



20' alleyway easement separating subject property and 259 Camp Street

Recommended Action:

The applicants, Pam and David Willey, are requesting variances to expand their home at 273 Camp Street. The subject property is approximately 0.322 acres in size and is surrounded by properties zoned R-4 (Single Family Residential – 4 units/acre) that are also used residentially. The primary reason for the variances is to allow for an addition to main structure that would include a garage and guest bedrooms.

Side Yard Setback

The applicants are requesting a variance to reduce the southern side yard setback from ten (10) feet to four (4) feet in order to build a new garage with guest bedrooms onto the home. The existing structure currently does not encroach within the side yard setback. However, the applicants wish to make the following improvements to make the home more accommodating for “senior-oriented improvements” including:

- Moving an existing staircase that leads to the basement to a location where safe, code-compliant stairs are possible.

-
- Enlarging the master bedroom, guest bedrooms, and baths for easier movement and mobility
 - Adding a garage to eliminate the steep climb from carport up the driveway and to the house

It should be noted that according to the survey/site plans, there is a twenty (20) foot alleyway between the subject property and the neighboring properties of 259 Camp Street and 166 Maple Avenue. Currently, the alleyway is undeveloped public right of way that is overgrown with vegetation. The proposed addition would not impact the adjacent properties due to the separation created by the alleyway.

Front Yard Setback

The only reason for the front yard setback is to allow the existing structure to encroach by one (1) foot into the front-yard setback, reducing the setback from twenty-five (25) to twenty-four (24) feet.

Rear Yard Setback - Accessory Structure

During the review of the proposed site plan, staff noticed that there is an existing accessory structure – a frame shed – located in the rear yard that does not meet the required 10-foot rear yard setback. The variance request would allow the applicants to keep the shed at its current location.

According to the Marietta Fire Department, the entire property will be subject to the fire protection ordinance and require sprinklers due to the proximity to the property lines since the cost of construction exceeds the appraised building value as of 2020.

Due to the limited area available for the additions on to the house, *staff recommends approval of the variances requested.*



APPLICATION FOR VARIANCE OR APPEAL

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

(NOTE: CORRESPONDENCE IS HANDLED VIA EMAIL UNLESS OTHERWISE REQUESTED)

For Office Use Only:

Application #: V2020-04 Legistar #: 20191163 BZA Hearing Dt: 1-27-20
City Council Hearing Dt (if applicable) #: - PZ #: 19-532

This is a variance/appeal application for:

Board of Zoning Appeals

City Council

Owner's Name Pamela e David Willey

EMAIL Address: dpwilley@comcast.net

Mailing Address 273 CAMP ST Zip Code: 30064 Phone Number 678 662 5518

COMPLETE ONLY IF APPLICANT IS NOT OWNER:

Applicant: _____

EMAIL Address: _____

Mailing Address _____ Zip Code: _____ Phone Number _____

Address of subject property: 273 CAMP ST Date of Acquisition: 7-18-2019

Land Lot (s) 1157 District 16 Parcel 00850 Acreage 0.33 Zoned R-4 Ward 4A FLU: MDR

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

VARIANCE FOR GARAGE OVER SIDE YARD SET BACK

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 5 copies REQUIRED.
6. Copy of current tax bill showing payment or documentation certified by the City of Marietta Tax Office.

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

CAMPAIGN CONTRIBUTIONS

The Owner and Applicant herein certify that he/she has has not made campaign contributions or gifts aggregating \$250.00 or more to the Mayor, any member of Council or any member of the Board of Zoning Appeals within the two (2) years preceding the filing of this application.

[Signature]
Signature of Owner

Signature of Applicant

PAMELA K WILLEY
Print Name
DAVID WILLEY

Print Name

FINANCIAL INTEREST

The Applicant herein certifies that he/she has has not a financial interest in the property which is ten percent (10%) or more.

[Signature]
Print Name PAMELA K WILLEY

DAVID WILLEY
[Signature]
Signature of Applicant

APPLICANT CERTIFICATION

- The Applicant certifies that all information in this application, and all information furnished in support of this application, is true and complete to the best of the Applicant's knowledge and belief. Should any portion not be true, then the application may be rejected.
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[Signature]
Signature of Applicant

12-9-19
12/9/19
Date

DAVID WILLEY
PAMELA K WILLEY
Please Print

OWNER CERTIFICATION

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- The Owner hereby gives permission to enter on the property for inspection during the time application is pending.

[Signature]
Signature of Owner

PAMELA K WILLEY
Please Print
DAVID WILLEY

273 CAMP ST MARIETTA GA 30064
Address

12-9-19
Date

Signed, sealed and delivered in the presence of:
Elon Hall



05/29/2023
Commission Expires:

Note: Owner, Applicant or Representative must be present at meeting in order for case to be heard.

Marietta Board of Zoning Appeals
Planning and Zoning Dept
City of Marietta

272 Camp St
Marietta, GA 30064
December 11, 2019

To the Board,

The following Variance request explanation is intended for the meeting on January 27, 2020, with a required variance application submittal date of December 16, 2019.

We bought the property at 273 Camp St., Marietta in July 2019 with the intention of renovating to enable it to be our "forever" (retirement) house. In order to use it that way, several senior-oriented improvements are planned:

- The staircase to the basement, steep with uneven stairs, needs to be moved to a location where safe, code-compliant stairs are possible.
- Space allocated for the master bedroom, guest bedrooms, and baths will be enlarged for easier movement and accessibility.
- A garage added to eliminate the steep climb from the under-the-house carport up the driveway to the house.

We've been working with Thomas Diehl, DCA Architects, Inc, to develop plans to meet these needs (Site Plan attached). The planned movement of the basement stairs and the garage addition to the side of the house result in a side yard setback of 4 ft rather than the specified 10 ft, on the south side of the property.

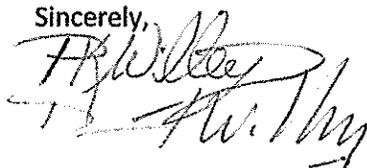
The south side of the property doesn't border a neighbor's property, but instead there is a 20 ft alley between our property and our neighbor, Beth Crary, at 259 Camp St.

We have verbal agreement from our surrounding neighbors for the planned improvements. Because we are out of town until past the December 16 submittal date, we will bring written documentation from our neighbors to the Jan 27, 2020 meeting, rather than submitting with the package.

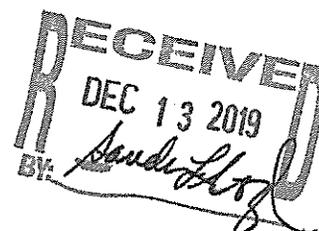
Rough estimates for the renovations are in the neighborhood of \$200,000. We expect to have firmer estimates from contractors before the January meeting. The 2019 Cobb County tax assessment of the property was for \$140,312 (\$80,000 land, \$60,312 building). The 2019 Cobb County tax appraisal of the property was \$350,780 (\$200,000 land, \$150,780 building).

Thank you for your consideration of our request.

Sincerely,



Pam and David Willey



BLANK PAGE

TO: Marietta Daily Journal

FROM: City of Marietta

RUN DATE: January 10, 2020

**CITY OF MARIETTA
PUBLIC NOTICE OF VARIANCES**

The City of Marietta hereby gives notice that a public hearing will be held to give consideration to the following requests. The Board of Zoning Appeals will consider the following requests on **Monday, January 27, 2020 at 6:00 P.M.**, City Hall. Anyone wishing to attend may do so and be heard relative thereto.

V2020-04 [VARIANCE] PAMELA & DAVID WILLEY are requesting variances for property zoned R-4 (Single Family Residential – 4 units/acre), located in Land Lot 1157, District 16, Parcel 0850, 2nd Section, Marietta, Cobb County, Georgia, and being known as 273 Camp Street. Variance to reduce the side yard setback from 10 feet to 4 feet; variance to reduce front yard setback from 25 feet to 24 feet for the existing structure; variance to allow an accessory structure remain within 10 feet of the rear property line. Ward 4A.

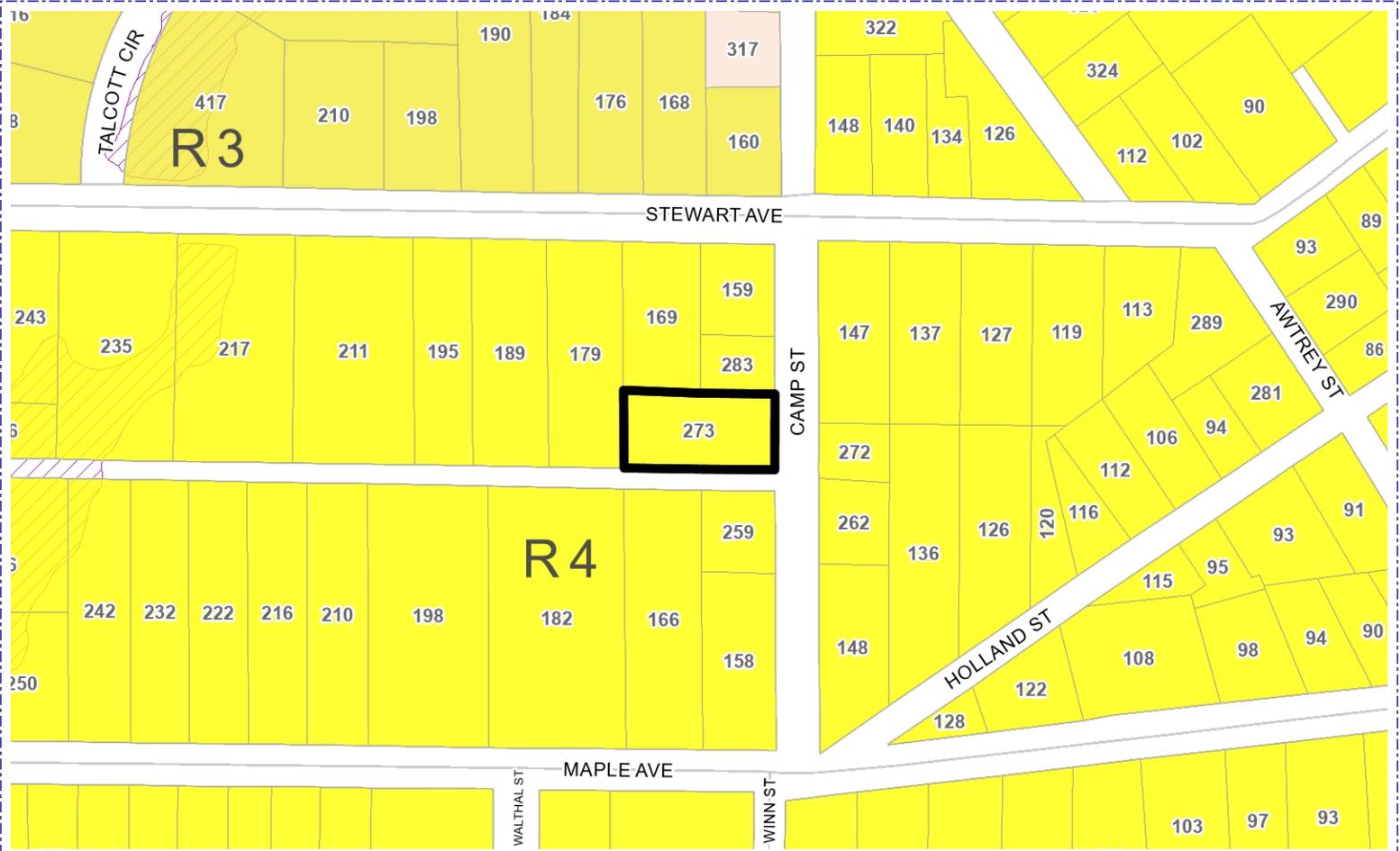
A description and plat of the property sought for the variances are on file in the Planning and Zoning Office, City Hall, and are available for inspection between 8:00 A.M. and 5:00 P.M., Monday through Friday. Anyone wishing to attend may do so and be heard relative thereto. You may also review the property file at www.mariettaga.gov and enter the case # in the search box.

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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 ADA Coordinator, at 770-794-5558 no later than 48 hours before the date of the above meeting.

City of Marietta
205 Lawrence Street
Marietta, Georgia 30060

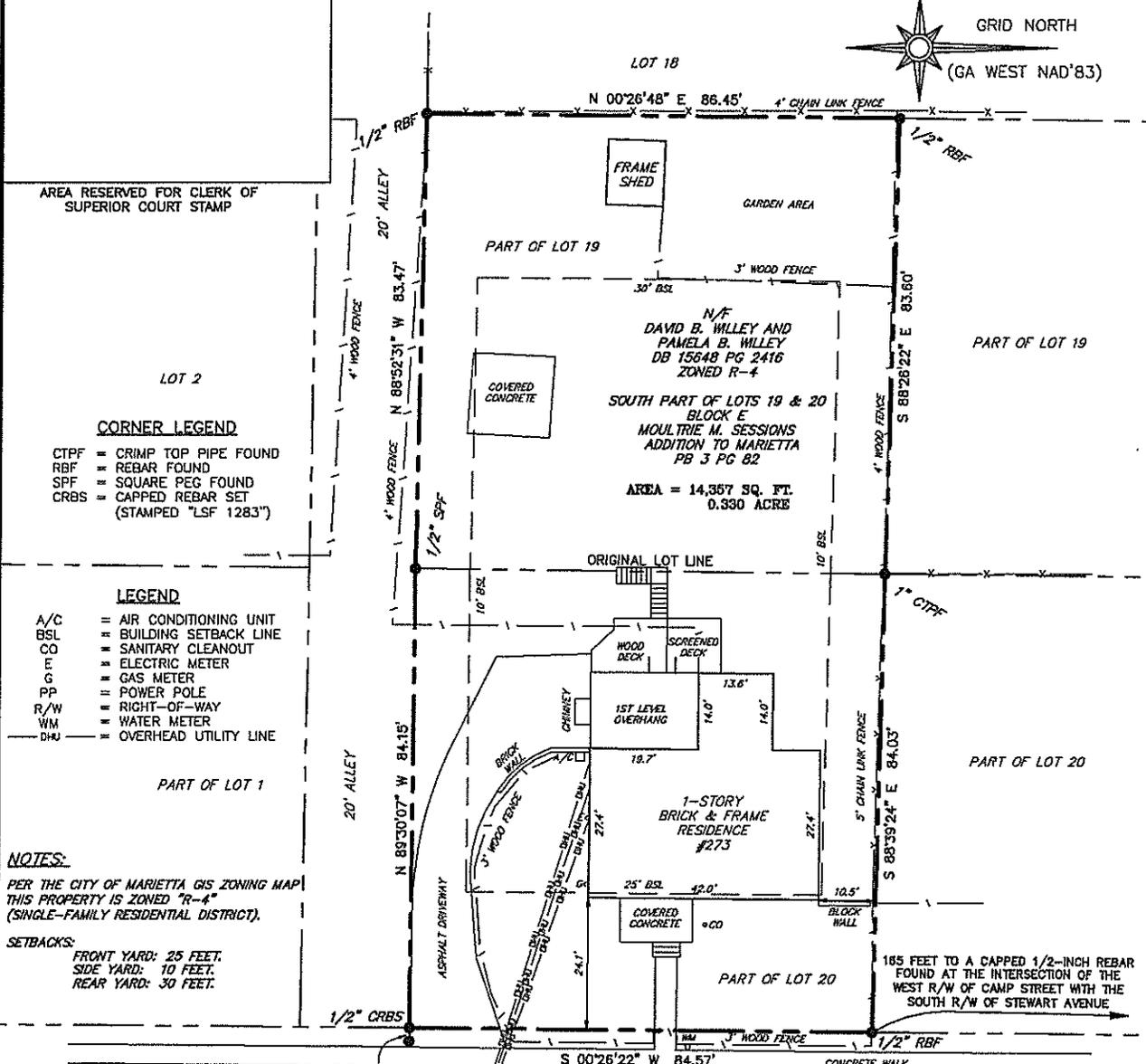
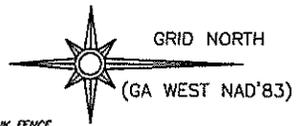
Variance



Address	Parcel Number	Acreage	Ward	Zoning	FLU
273 CAMP ST	16115700850	0.322	4A	R4	MDR

Property Owner:	Pamela & David Willey	Zoning Symbols
Applicant:		
BZA Hearing Date:	01/27/2020	
Acquisition Date:		
Case Number:	V2020-04	
City of Marietta Planning & Zoning		

NOTES:
 1. The public records referenced on this plat were used for the establishment of the boundary of this property. They are not and do not constitute a title search. This plat is subject to all legal easements, right-of-ways, and covenants public and private.
 2. This plat or survey is intended for the sole use of the parties listed hereon, any other use is strictly prohibited.
 3. The basis of bearing is Georgia State Plane, North American Datum 1983 (NAD'83), Georgia West Zone.

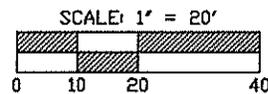


AREA RESERVED FOR CLERK OF SUPERIOR COURT STAMP

- CORNER LEGEND**
- CTPF = CRIMP TOP PIPE FOUND
 - RBF = REBAR FOUND
 - SPF = SQUARE PEG FOUND
 - CRBS = CAPPED REBAR SET (STAMPED "LSF 1283")

- LEGEND**
- A/C = AIR CONDITIONING UNIT
 - BSL = BUILDING SETBACK LINE
 - CO = SANITARY CLEANOUT
 - E = ELECTRIC METER
 - G = GAS METER
 - PP = POWER POLE
 - R/W = RIGHT-OF-WAY
 - WM = WATER METER
 - DHU = OVERHEAD UTILITY LINE

NOTES:
 PER THE CITY OF MARIETTA GIS ZONING MAP THIS PROPERTY IS ZONED "R-4" (SINGLE-FAMILY RESIDENTIAL DISTRICT).
SETBACKS:
 FRONT YARD: 25 FEET.
 SIDE YARD: 10 FEET.
 REAR YARD: 30 FEET.



CAMP STREET
(40' R/W)

Survey for
PAM WILLEY

SOUTH PART OF LOTS 19 & 20
BLOCK E
MOULTRIE M. SESSIONS
ADDITION TO MARIETTA
PB 3, PG 82

Land Lot 1157
 16th District, 2nd Section
 Cobb County, Georgia
GeoTerra USA, LLC

760 Old Roswell Road, Suite 234
 Roswell, Georgia 30076
 kcolburn@geoterrausa.net
 678-697-7044

COA: LSF001283
 COPYRIGHT © 2019 BY GeoTerra USA, LLC
 ALL RIGHTS RESERVED
 G2019-137

CLOSURE:
 Error of Closure Plat: 1 / 161,818
 Error of Closure Field: N/A
 Angular Error: N/A
 Adjusted by: N/A (Baseline)
 Field Date: September 09, 2019
 Plat Date: September 23, 2019

EQUIPMENT:
 -Trimble 5600 Total Station
 -Trimble R10 GPS unit
 -Trimble TSC3 Data Collector
 -Trimble VRS Network

CERTIFICATION:
 This plat is a retracement of an existing parcel or parcels of land and does not subdivide or create a new parcel or make any changes to any real property boundaries. The recording information of the documents, maps, plats, or other instruments which created the parcel or parcels are stated hereon. RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. Furthermore, the undersigned land surveyor certifies that this plat complies with the minimum technical standards for property surveys in Georgia as set forth in the rules and regulations of the Georgia Board of Registration for Professional Engineers and Land Surveyors and as set forth in O.C.G.A. Section 15-6-87.

Karie L. Colburn
 KARIE L. COLBURN, GAPS #2963
 09/23/2019
 DATE



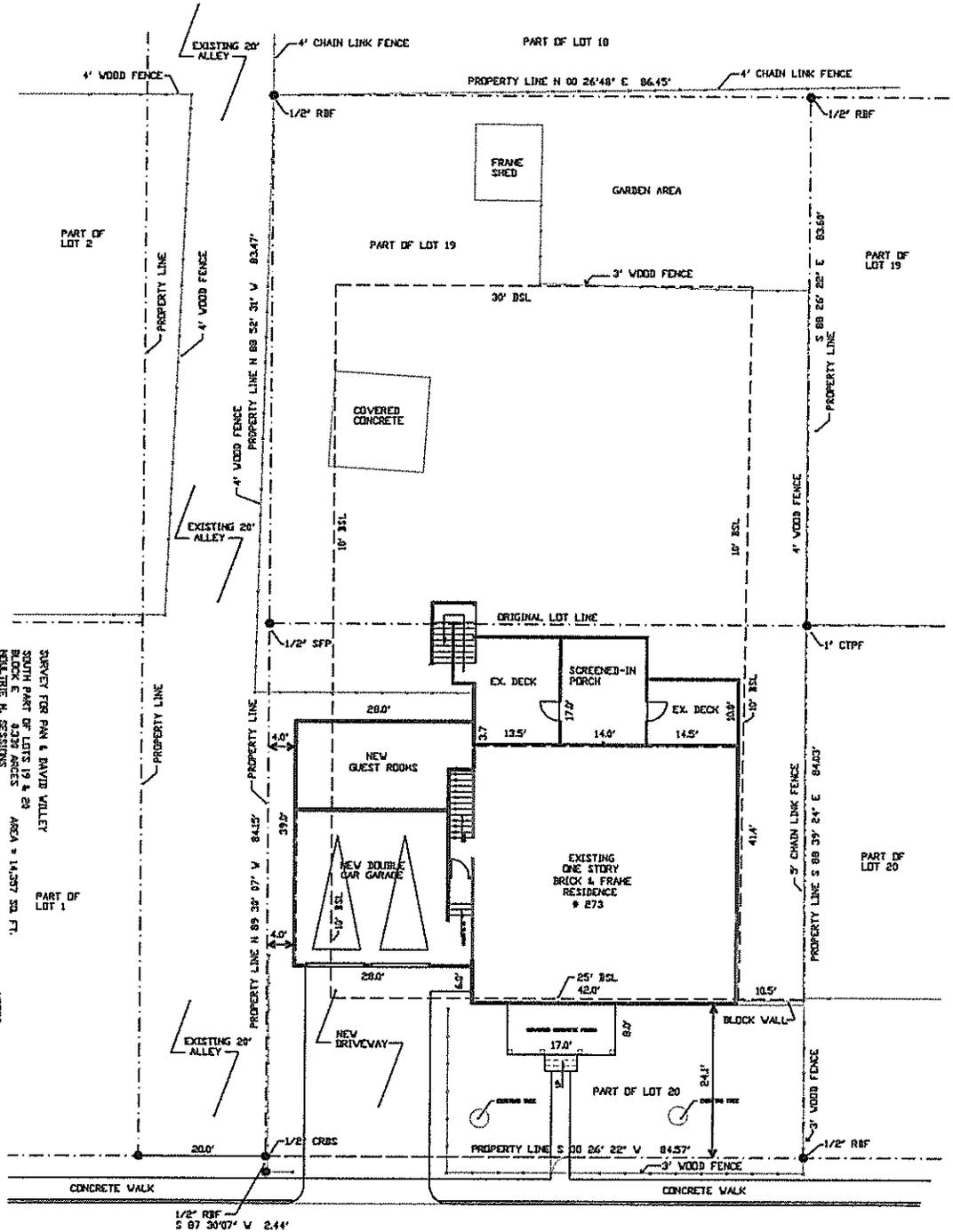
The property is the property of DCA ARCHITECTS, INC. This is not a site plan for a project and should not be used for any other purpose. It is the property of DCA ARCHITECTS, INC. and should not be used for any other purpose. It is the property of DCA ARCHITECTS, INC. and should not be used for any other purpose.

DCA ARCHITECTS, INC.
 7105 S. BIRN, ARCHITECT
 3625 S. BIRN, ARCHITECT
 Marietta, Georgia 30067
 Phone: 770-859-1552 Fax: 770-859-1554
 Cell: 484-873-6591
 e-mail: dcaarchitects@comcast.net

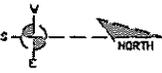
LAND LOT 1157
 SURVEY FOR PAN & DAVIS VALLEY
 SOUTH PART OF LOTS 19 & 20
 AREA = 14,357 SQ. FT.
 ADDITION TO MARIETTA
 PS 2, PG 82

ARCHITECT OBTAINED SURVEY FROM
 Georgia USA, LLC
 766 OLD GEORGIA ROAD, SUITE 234
 ROSWELL, GEORGIA 30076
 PHONE: 770-992-9999
 FAX: 770-992-9999
 DATED 07/23/2013

NOTES
 PER THE CITY OF MARIETTA GIS ZONING MAP
 THIS PROPERTY IS ZONED "R-4"
 < SINGLE-FAMILY RESIDENTIAL DISTRICT 1
 SETBACKS:
 FRONT YARD 25 FEET
 SIDE YARD 10 FEET
 REAR YARD 30 FEET
 OWNER IS ASKING FOR A 4 FOOT SIDE YARD
 ALONG THE 20 FOOT EXISTING ALLEY NOT USED



CAMP STREET < 40' R/W >



PROPOSED SITE PLAN
 SCALE 1/8" = 1'-0"

SHEET NO. **5-1**

DCA ARCHITECTS
 3625 S. BIRN, ARCHITECT
 MARIETTA, GEORGIA 30067
 PHONE: 770-859-1552
 FAX: 770-859-1554

REMEDIATION & ADDITION FOR:
PAM & DAVE WILLEY RESIDENCE
 227 CAMP STREET
 MARIETTA, COBB COUNTY, GEORGIA

DATE	11/15/13
BY	DAVID WILLEY
PROJECT	227 CAMP STREET
CLIENT	PAM & DAVE WILLEY
SCALE	1/8" = 1'-0"



STAFF REVIEW AND RECOMMENDATION

Variance Case #: V2020-05 **Legistar #:** 20191165

Board of Zoning Appeals Hearing: Monday, January 27, 2020 – 6:00 p.m.

Property Owner: Jimmy D. & Kate R. Berry
160 Stewart Avenue
Marietta, GA 30064

Applicant: David Meyer
1635 Old Hwy 41, Ste 112-314
Kennesaw, GA 30152

Address: 160 Stewart Avenue

Land Lot: 1148 **District:** 16 **Parcel:** 0110

Council Ward: 4A **Existing Zoning:** R-3 (Single Family Residential – 3 units/acre)

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

1. Variance to reduce the rear yard setback from 30 ft. to 15 ft. [§708.03 H]
2. Variance to reduce the major side yard setback from 25 ft. to 6 ft. [§708.03 H]
3. Variance to reduce the minimum lot size from 10,000 sq.ft. to 9,148 sq.ft. [§708.03 H]
4. Variance to reduce the minimum lot width from 85 ft. to 81 ft. [§708.03 H]

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



160 Stewart Avenue



Proposed Garage area



Rear of subject property



Proposed view of screened porch with fireplace



Older photograph with car in driveway

Recommended Action:

Partial approval. The applicant, David Meyer, is requesting variances to expand the existing structure at 160 Stewart Avenue. The subject property is approximately 0.21 acres and is zoned R-3 (Single Family Residential – 3units/acre). All the surrounding properties are zoned R-3 except for the adjacent property to the north that is zoned PRD-SF (Planned Residential Development – Single-Family). The subject property is a corner lot which lies at the northeast corner of Stewart Avenue and Camp Street. The owners wish to complete a total renovation, including the interior and exterior space, as well as expansion on all sides of the structure.

Prior to 2008, the property at 160 Stewart Avenue included the adjacent property at 317 Camp Street. The residential unit on the Camp Street property was originally approved as a guest house associated with the Stewart Avenue property. However, the property owner at the time improperly subdivided the property into two (2) lots. That is why the structures on both properties do not meet standard lot size and building setback requirements; and it is also the reason that 317 Camp Street is zoned PRD-SF as it does not meet lot size or density requirements for the area.

The existing structure at 160 Stewart Avenue is a 3-bedroom/2-bathroom, one-story residence that totals 1,865 square feet of heated floor space. The proposed renovation would add approximately 186 square feet of heated space. Most of the expansion would be unheated space, which would include two (2) separate porches and a 566 sq. ft. garage – for a total of 1,101 sq. ft.

The variance request to reduce the rear setback from 30 ft. to 15 ft. would be for both the existing house and for two (2) additions. As mentioned previously, the current house is set back only 15 ft. because the lots were improperly subdivided without consideration for building setbacks. Both additions to the rear would simply be an extension to the existing building line.

The proposed garage would extend from the house and onto the area of the current driveway; and is requesting to reduce the major side yard setback from 25 ft. to 6 ft. It should be noted that the depth of the driveway off Camp Street would only be approximately 6 ft. No vehicle could be parked in the driveway without extending into the street and potentially creating visibility issues for neighboring properties and approaching traffic.

The width of the lot is similar to many other lots in the area and was not modified by the lot split. It is less than the minimum required lot width of 85 feet and as such would require a variance.

Many lots in older areas of the City are smaller than those in more contemporary subdivisions and often require variances during renovations and modifications. However, some preferred modifications on older homes cannot be safely provided. In this situation, the driveway depth created by the proposed garage location is of particular concern. ***As such, staff recommends that variances 1, 3 & 4 be approved; and that variance #2 be modified to reduce the required setback from 25 ft. to 14.5 ft.***

Further, the Fire Department has noted that if total construction cost is more than the tax assessed value, the entire structure would be subject to the fire protection ordinance due to the proximity of the structure to its property lines.

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Department of Development Services
205 Lawrence Street
Marietta, GA 30060
Phone: 770-794-5440

APPLICATION FOR VARIANCE OR APPEAL

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

(NOTE: CORRESPONDENCE IS HANDLED VIA EMAIL UNLESS OTHERWISE REQUESTED)

For Office Use Only:

Application #: 2020-05 Legistar #: 20191165 BZA Hearing Dt: 1-27-20
City Council Hearing Dt (if applicable) #: - PZ #: 19-534

This is a variance/appeal application for:

Checked box for Board of Zoning Appeals

Board of Zoning Appeals

Empty box for City Council

City Council

Owner's Name: JIMMY D AND KATE R BERRY
EMAIL Address: KATEROSERS@MSN.COM
Mailing Address: 160 STEWART AVE 30004 MARIETTA, GA
Phone Number: 404 405 6116

COMPLETE ONLY IF APPLICANT IS NOT OWNER: Applicant is Owner. This is for contact information purposes only for the applicant/owner's representative.

Applicant: David Meyer
EMAIL Address: dmeyer@dgm1pc.com
Mailing Address: 1635 Old Hwy 41 KENNESAW GA 30152
Phone Number: (770) 891-6588

Address of subject property: 160 STEWART AVE Date of Acquisition: 2019-4-16

Land Lot (s) 1148 District 16 Parcel 110 Acreage .21 Zoned R3 Ward 4A FLU: RES MOR

List the variance(s) or appeal requested (please attach any additional information):
ADDITIONS TO HOUSE ARE NECESSARY TO UPDATES AND MAKE IT CONDENSURATE WITH NEIGHBOR'S CURRENT SETBACKS DO NOT ALLOW HOOD THIS

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).
6. Copy of current tax bill showing payment or documentation certified by the City of Marietta Tax Office.

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

CAMPAIGN CONTRIBUTIONS

The Owner and Applicant herein certify that he/she has has not made campaign contributions or gifts aggregating \$250.00 or more to the Mayor, any member of Council or any member of the Board of Zoning Appeals within the two (2) years preceding the filing of this application.

Signature of Owner

Signature of Applicant

Print Name

Print Name

FINANCIAL INTEREST

The Applicant herein certifies that he/she has has not a financial interest in the property which is ten percent (10%) or more.

Print Name

Signature of Applicant

APPLICANT CERTIFICATION

- The Applicant certifies that all information in this application, and all information furnished in support of this application, is true and complete to the best of the Applicant's knowledge and belief. Should any portion not be true, then the application may be rejected.
- Penalty for false or fraudulent statement: Whoever, in any matter, knowingly and willingly falsifies or makes any false, fictitious or fraudulent statement of representatives concerning this application shall be denied the request stated in this application.

Signature of Applicant

Date

Please Print

OWNER CERTIFICATION

- The Owner certifies that all information in this application, and all information furnished in support of this application, is true and complete to the best of the Owners's knowledge and belief. Should any portion not be true, then the application may be rejected.
- Penalty for false or fraudulent statement: Whoever, in any matter, knowingly and willingly falsifies or makes any false, fictitious or fraudulent statement of representatives concerning this application shall be denied the request stated in this application.
- The Owner hereby gives permission to enter on the property for inspection during the time application is pending.

Signature of Owner

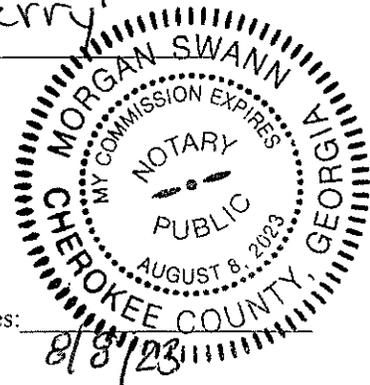
Please Print

Address

Date

Signed, sealed and delivered in the presence of:

My Commission Expires:



Note: Owner, Applicant or Representative must be present at meeting in order for case to be heard.

DGM

LAND PLANNING
CONSULTANTS, INC.



SITE PLANNING
LANDSCAPE
ARCHITECTURE

December 16, 2019

Mr. Rusty Roth
Department of Development Services
205 Lawrence Street
Marietta, Georgia 30060

RE: Variance Request for 160 Stewart Avenue, Marietta, Georgia

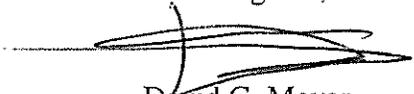
Dear Mr. Roth:

As you may know, I will be representing Mr. and Mrs. Jimmy Berry in requesting a setback variance for their residence at 160 Stewart Avenue in Ward 4A of the City of Marietta. The case will be heard by the Board of Zoning Appeals on January 27, 2020.

As you are aware, many homes in this area are undergoing renovations and upgrades. This is a very exciting and positive development for the city. However, in renovating these homes and keeping them commensurate in terms of value and aesthetics with their neighboring homes, their existing building setbacks often do not allow for 'bumps' or 'extensions' outside of their existing footprint. Our reason for requesting this variance (to reduce the major side setback from 25' to 6' and the rear setback from 30' to 15') is to accommodate the proposed renovations to this residence. This is depicted on our accompanying site plan dated December 16, 2019.

Please feel free to contact me via phone or email if you have any questions or concerns Mr. Roth.

Kind Regards,



David G. Meyer
President

770 514-9006
FAX 514-9491
975 COBB PLACE
BVD, SUITE 212
KENNESAW
GA 30144
DGM.LPC.COM

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TO: Marietta Daily Journal
FROM: City of Marietta
RUN DATE: January 10, 2020

**CITY OF MARIETTA
PUBLIC NOTICE OF VARIANCES**

The City of Marietta hereby gives notice that a public hearing will be held to give consideration to the following requests. The Board of Zoning Appeals will consider the following requests on **Monday, January 27, 2020 at 6:00 P.M.**, City Hall. Anyone wishing to attend may do so and be heard relative thereto.

V2020-05 [VARIANCE] JIMMY D. & KATE R. BERRY (DAVID MEYER) are requesting variances for property zoned R-3 (Single Family Residential – 3 units/acre), located in Land Lot 1148, District 16, Parcel 0110, 2nd Section, Marietta, Cobb County, Georgia, and being known as 160 Stewart Avenue. Variance to reduce the rear yard setback from 30’ to 15’; variance to reduce the major side yard setback from 25’ to 6’; variance to reduce the minimum lot size from 10,000 square feet to 9,148 square feet; variance to reduce the minimum lot width from 85’ to 81.’ Ward 4A.

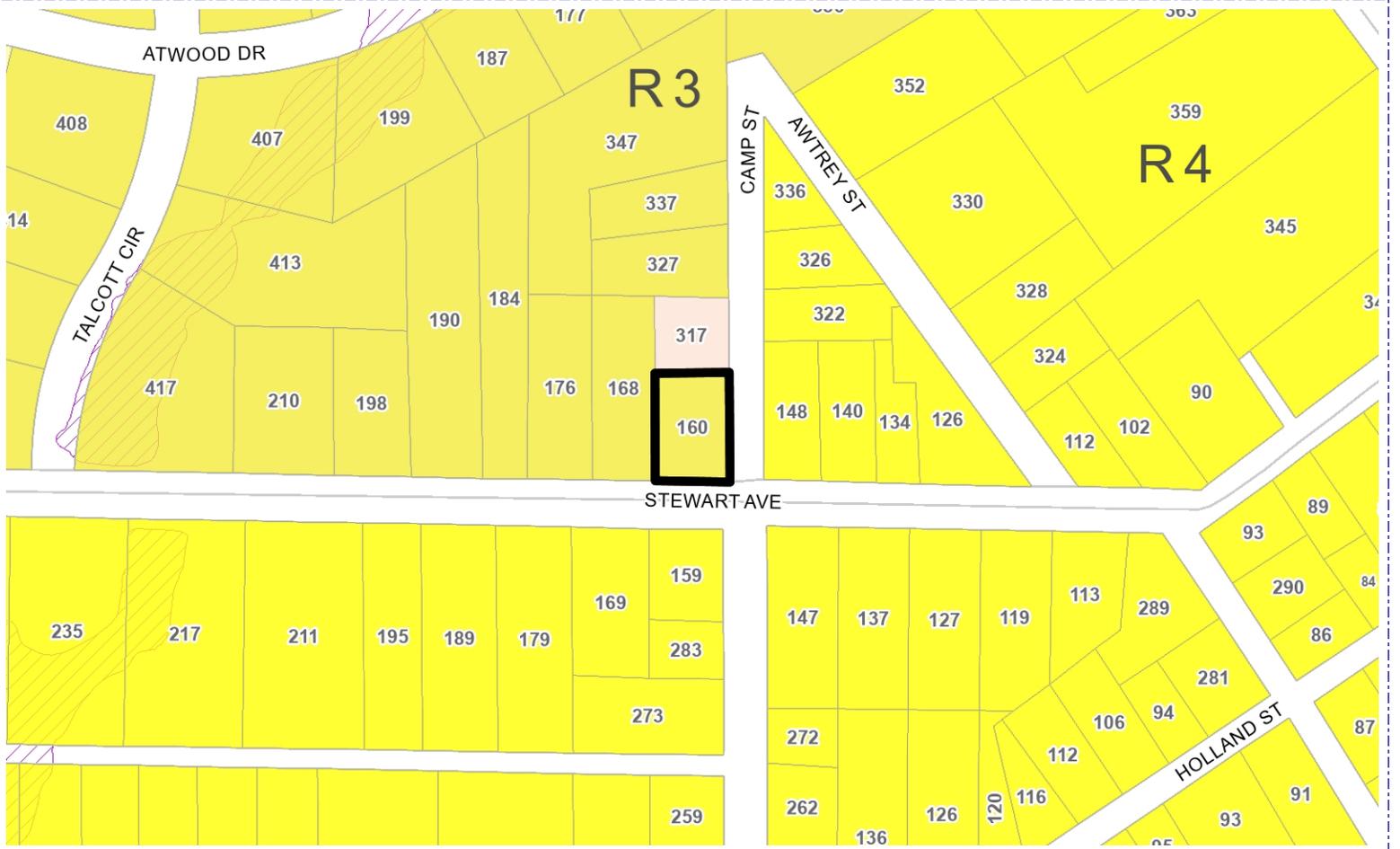
A description and plat of the property sought for the variances are on file in the Planning and Zoning Office, City Hall, and are available for inspection between 8:00 A.M. and 5:00 P.M., Monday through Friday. Anyone wishing to attend may do so and be heard relative thereto. You may also review the property file at www.mariettaga.gov and enter the case # in the search box.

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 ADA Coordinator, at 770-794-5558 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
160 STEWART AVE	16114800110	0.227	4A	R3	MDR

Property Owner:	Jimmy & Kate Berry	Zoning Symbols
Applicant:	David Meyer	
BZA Hearing Date:	01/27/2020	
Acquisition Date:		
Case Number:	V2020-05	
City of Marietta Planning & Zoning		

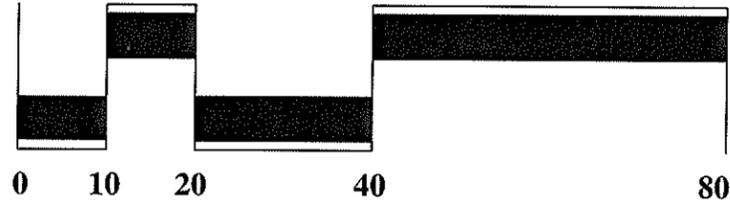
Variance Request Site Plan

160 Stewart Avenue

City of Marietta, Georgia Land Lot 1148, 16th District, 2nd Section

24 hour contact:

Sam Parker
Parker Builders, LLC
Tanner Lake Trail
Marietta, Georgia 30064
404 787 3440



Scale: 1" = 20'

December 16, 2019

DGM
LAND PLANNING
CONSULTANTS



975 COBB PLACE
BLVD, SUITE 212
KENNESAW
GA 30144
770 514-9006
FAX 514-9491

Site Data

Total Site Area: 9,148 SF (.21 AC)

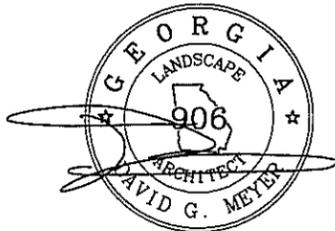
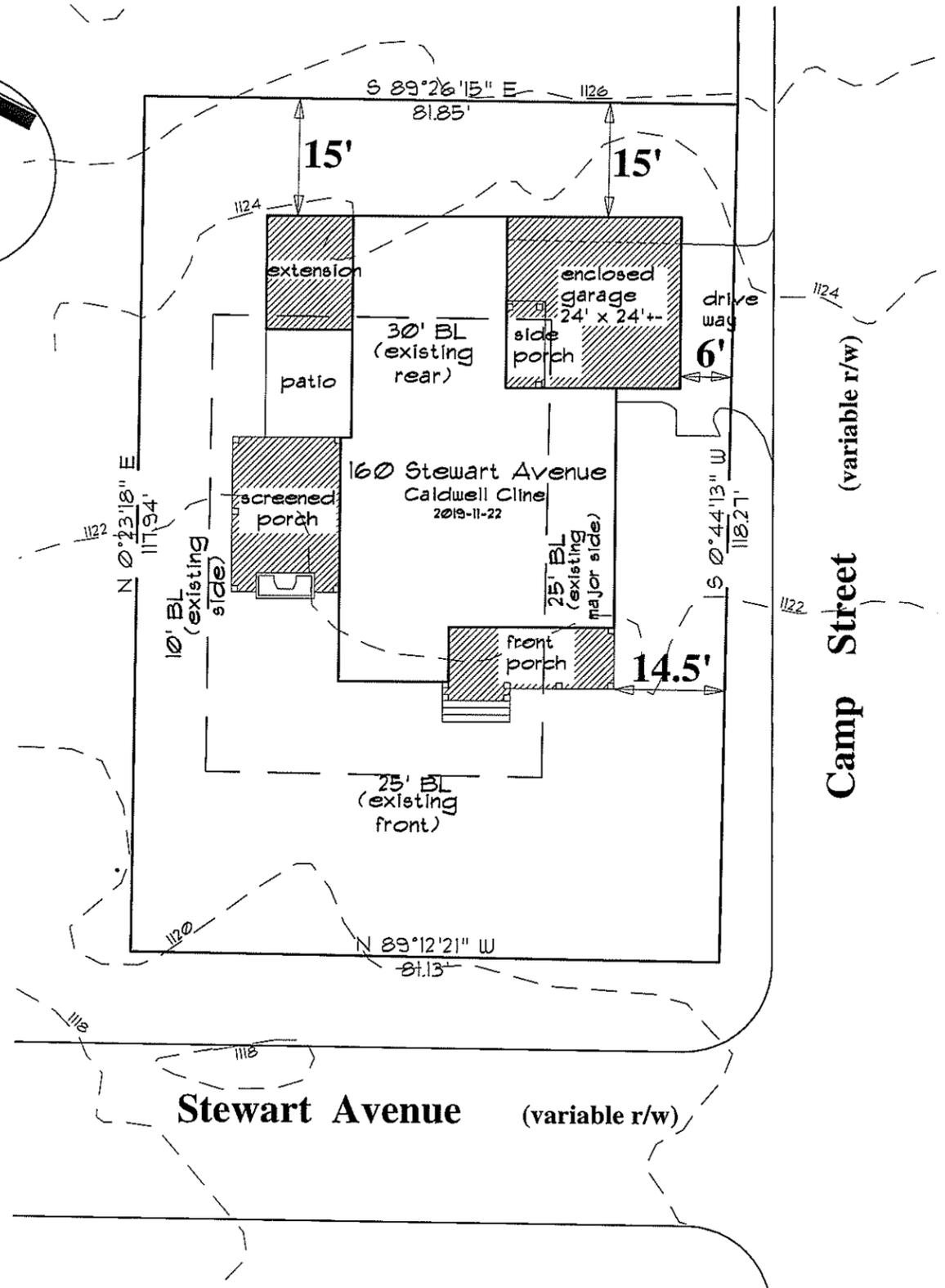
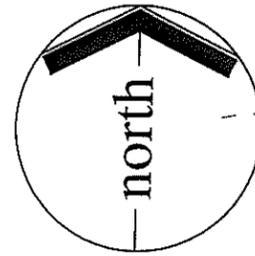
Present Zoning: R3

Existing Building Setbacks:

- front: 25' (local)
- side: 25' (major side)
10' (minor)
- rear: 30'

*Variance Request:

to reduce rear building setback
line from 30' to 15' and
to reduce major side setback
from 25' to 6'





STAFF REVIEW AND RECOMMENDATION

Variance Case #: V2020-08 **Legistar #:** 20191201

Board of Zoning Appeals Hearing: Monday, January 27, 2020 – 6:00 p.m.

Property Owner: Eugenia Kelley Ricks
318 Chinquapin Drive
Marietta, GA 30064

Applicant: Same as above

Address: 336 Martin Court

Land Lot: 504 **District:** 17 **Parcel:** 0400

Council Ward: 1A **Existing Zoning:** CRC (Community Retail Commercial)

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

1. Variance to allow the expansion of a nonconforming use and building. [§706.02 (C) & §706.03 (A)]
2. Variance to reduce the side yard setback from 7.5’ to 5’ for an unenclosed projection. [§708.16 (H) & 710.14 (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



336 Martin Court



New shed roof on left side



Recommended Action:

Denial. Eugenia K. Ricks is requesting variances for improvements recently made at 336 Martin Court. The subject property is zoned CRC (Community Retail Commercial) but has a continuous history of being used as a single-family home. The surrounding neighborhood, while also zoned CRC, is a mixture of residences and businesses operating out of former homes.

Section 706 allows commercially zoned properties that have always been used as residences to continue being used as residences. However, residential uses on commercially zoned property are not to be expanded, extended, or enlarged in any manner which would increase its nonconformity.

During a routine neighborhood inspection in early December 2019, Marietta Code Enforcement observed that a new carport structure had been constructed - without permits - on the left side of the house and that the yard was being used for the storage of appliances and old tires. The site plan provided by the applicant indicates the new shed addition is between 5' and 12' away from the southern side property line. The required setback for an unenclosed porch is 7.5' from the side property line in CRC zoning district. As a result, the applicant is requesting a variance to reduce the side yard setback for an unenclosed projection from 7.5' to 5' for a shed roof on the southern side. According to the letter provided by the applicant, this area would be used for an outdoor eating and playing area.

The site plan provided with the variance application also includes a proposed master bedroom and bathroom addition off the back of the house, as well as a front porch addition. These additions and alterations are unquestionably residential in nature and prohibited by the property's commercial zoning classification. If the long-term goal is to use and improve the property as a residence, then the property owner needs to rezone the property rather than address piecemeal alterations.

A permit for a new driveway on the right (north) side of the home was obtained in October 2019 so the property owner is aware of the City's permitting process.

The Marietta Fire Department has stated that if the cost of construction of the project is greater than the assessed value at the time of the application for a building permit, then the property could be subject to fire protection ordinance. There is also concern that the plans submitted do not accurately reflect the garage/shed in the rear of the property.

A new fence along the southern property line has been recently installed. The fence has been installed incorrectly with the finished side facing inward instead of outward.

While granting these variances will not be injurious or detrimental to residents and property owners in and around the subject property, there are also no exceptional circumstances that apply to this situation other than disregard of local zoning ordinances and permitting processes. ***Staff recommends denial of these variance requests.***



Department of Development Services
205 Lawrence Street
Marietta, GA 30060
Phone: 770-794-5440

APPLICATION FOR VARIANCE OR APPEAL

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

(NOTE: CORRESPONDENCE IS HANDLED VIA EMAIL UNLESS OTHERWISE REQUESTED)

For Office Use Only:

Application #: V2020-08 Legistar #: 20191201 BZA Hearing Dt: 1-27-20
City Council Hearing Dt (if applicable) #: PZ #: 19-542

This is a variance/appeal application for:

[X] checkbox

Board of Zoning Appeals

[] checkbox

City Council

Owner's Name Eugenia Kelley Ricks

EMAIL Address: geniericks@gmail.com

Mailing Address 318 Chinguapin Dr Zip Code: 30064 Phone Number 770-422-8948

COMPLETE ONLY IF APPLICANT IS NOT OWNER:

Applicant:

EMAIL Address:

Mailing Address Zip Code: Phone Number

Address of subject property: 336 Martin Court Date of Acquisition: 12/23/2019

Land Lot (s) P504 District 17 Parcel 00400 Acreage .03 Zoned CRC Ward 1A FLU: CAC

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

Add a shed roof to left side of the house.

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 5 copies REQUIRED.
6. Copy of current tax bill showing payment or documentation certified by the City of Marietta Tax Office.

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

CAMPAIGN CONTRIBUTIONS

The Owner and Applicant herein certify that he/she has has not made campaign contributions or gifts aggregating \$250.00 or more to the Mayor, any member of Council or any member of the Board of Zoning Appeals within the two (2) years preceding the filing of this application.

Eugenia Kelly Ricks
Signature of Owner

Eugenia Kelly Ricks
Signature of Applicant

Eugenia Kelley Ricks
Print Name

Print Name

FINANCIAL INTEREST

The Applicant herein certifies that he/she has has not a financial interest in the property which is ten percent (10%) or more.

Print Name

Signature of Applicant

APPLICANT CERTIFICATION

- The Applicant certifies that all information in this application, and all information furnished in support of this application, is true and complete to the best of the Applicant's knowledge and belief. Should any portion not be true, then the application may be rejected.
- Penalty for false or fraudulent statement: Whoever, in any matter, knowingly and willingly falsifies or makes any false, fictitious or fraudulent statement of representatives concerning this application shall be denied the request stated in this application.

Signature of Applicant

Date

Please Print

OWNER CERTIFICATION

- The Owner certifies that all information in this application, and all information furnished in support of this application, is true and complete to the best of the Owners's knowledge and belief. Should any portion not be true, then the application may be rejected.
- Penalty for false or fraudulent statement: Whoever, in any matter, knowingly and willingly falsifies or makes any false, fictitious or fraudulent statement of representatives concerning this application shall be denied the request stated in this application.
- The Owner hereby gives permission to enter on the property for inspection during the time application is pending.

Eugenia K Ricks
Signature of Owner

Eugenia K. Ricks
Please Print

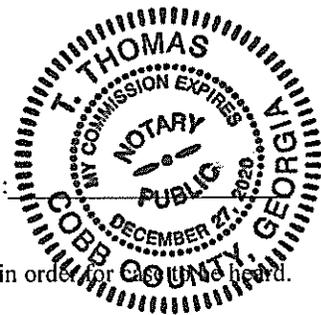
318 Chinguapin Drive Marietta, Ga 30064
Address

12/23/2019
Date

Signed, sealed and delivered in the presence of:

T. Thomas

My Commission Expires:



Note: Owner, Applicant or Representative must be present at meeting in order for case to be heard.

December 27, 2019

To Whom it May Concern:

I would like to ask your permission to add the following to my home at 336 Martin Court.

1. A 20' x 45' carport to be used as an outdoor eating and playing area. To be added on the left side of the house and down 45' and 20' wide.
2. A front porch 12' x 34'. It is to extend the entire length of the front. To use used as an outdoor sitting area.
3. A master bedroom and bath to be added to the back. From the left side 30 feet down and 20 feet wide. A total of 600 square feet.

The house now has 680 square feet. This would make the total 1280 square feet of living space.

The family living there consists of husband, wife, and their 4 children.

I believe this would improve the neighborhood and our city. Thank you for considering this request.

Sincerely,

Eugenia K Ricks

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TO: Marietta Daily Journal

FROM: City of Marietta

RUN DATE: January 10, 2020

**CITY OF MARIETTA
PUBLIC NOTICE OF VARIANCES**

The City of Marietta hereby gives notice that a public hearing will be held to give consideration to the following requests. The Board of Zoning Appeals will consider the following requests on **Monday, January 27, 2020 at 6:00 P.M.**, City Hall. Anyone wishing to attend may do so and be heard relative thereto.

V2020-08 [VARIANCE] EUGENIA K RICKS is requesting variances for property zoned CRC (Community Retail Commercial), located in Land Lot 504, District 17, Parcel 0400, 2nd Section, Marietta, Cobb County, Georgia, and being known as 336 Martin Court. Variance to allow the expansion of a nonconforming use and building; variance to reduce the side yard setback from 7.5' to 5' for an unenclosed projection. Ward 1A.

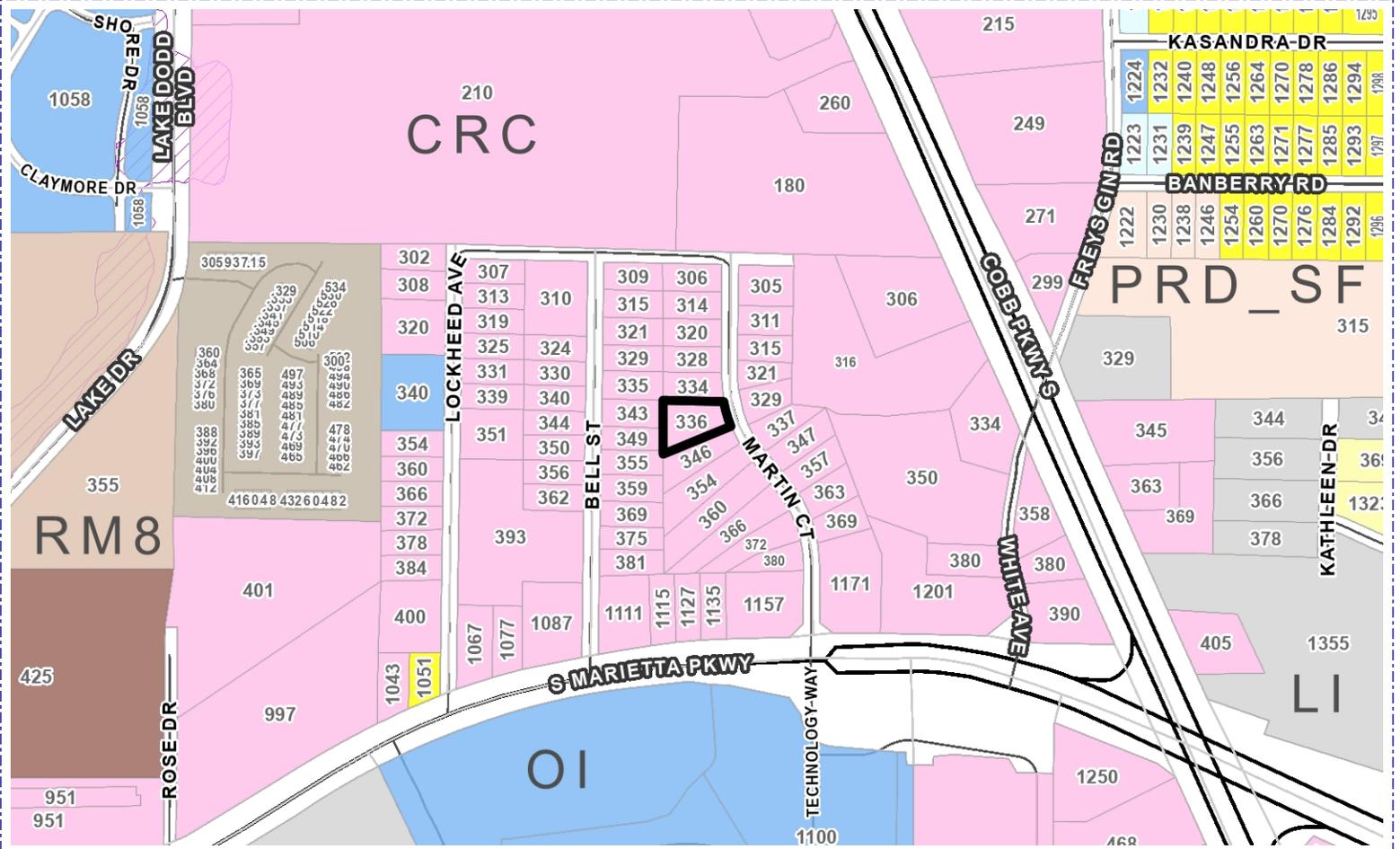
A description and plat of the property sought for the variances are on file in the Planning and Zoning Office, City Hall, and are available for inspection between 8:00 A.M. and 5:00 P.M., Monday through Friday. Anyone wishing to attend may do so and be heard relative thereto. You may also review the property file at www.mariettaga.gov and enter the case # in the search box.

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 ADA Coordinator, at 770-794-5558 no later than 48 hours before the date of the above meeting.

City of Marietta
205 Lawrence Street
Marietta, Georgia 30060

Variance

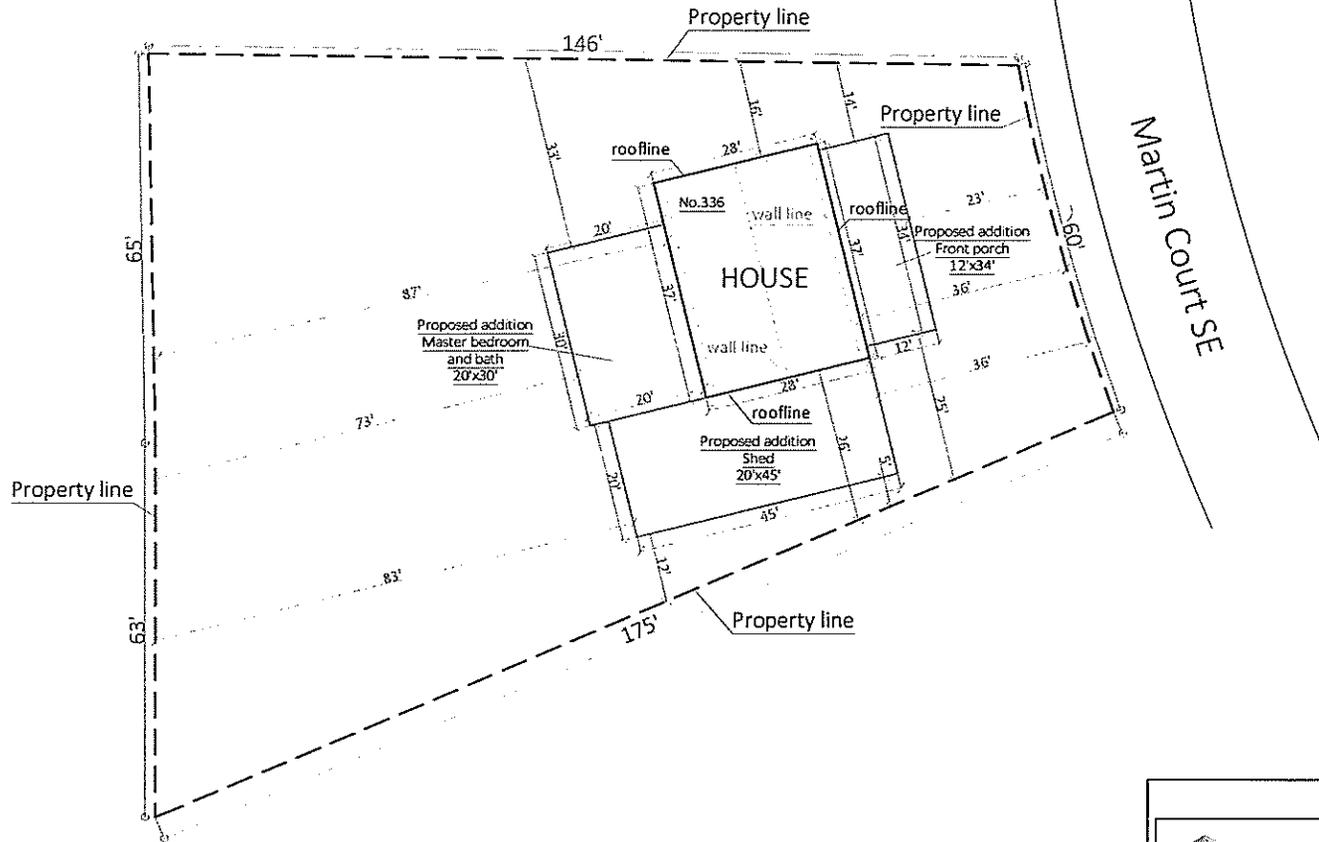
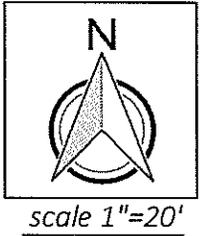


Address	Parcel Number	Acreage	Ward	Zoning	FLU
336 MARTIN CT	17050400400	0.339	1A	CRC	CAC

Property Owner:	Eugenia Kelley Ricks	Zoning Symbols
Applicant:		
BZA Hearing Date:	01/27/2020	
Acquisition Date:		
Case Number:	V2020-08	
City of Marietta Planning & Zoning		

SITE PLAN

336 Martin Court SE
Marietta, GA 30060
Parcel ID: 17050400400
Lot area: 0.33 Acres
Plot Size: 11"x17"



Created by:

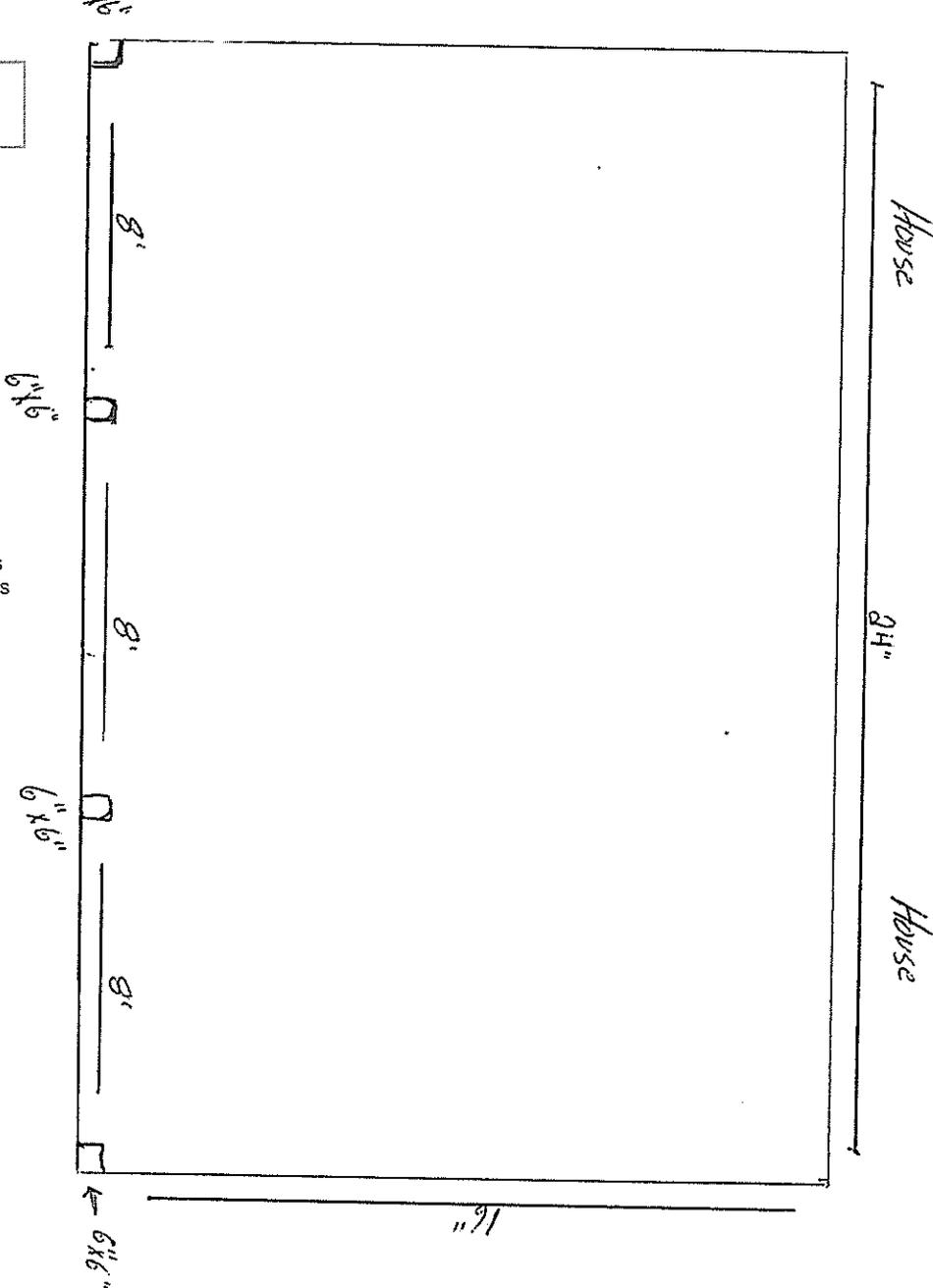
GETASITEPLAN.COM
WITH BEST QUALITY IN SHORT TIME

Disapproved
Engineering PW - Keith Person
12/17/2019 11:00:26 AM

Need site plan

Disapproved
Dec/18/2019 6:29:38 AM
City of Marietta Building inspections
Jeff Duckett
jduckett@marietta.gov

1. Please provide footing details
2. Please provide framing details and how it will be attached to existing structure.
3. Will there be any electrical outlets, lights, etc?



CASE PHOTOGRAPHS
19-00004105
336 Martin Ct



CASE PHOTOGRAPHS

19-00004049

336 Martin Ct

