



STAFF REVIEW AND RECOMMENDATION

Variance Case #: V2025-41

Legistar #: 20250854

Board of Zoning Appeals Hearing: Monday, January 26th, 2026 – 6:00 pm

Property Owner: [REDACTED]

Applicant: Same as above

Address: 554 Bolan Street

Land Lot: 02180

District: 17

Parcel: 0860

Council Ward: 1A

Existing Zoning: R3 (Single Family Residential – 3 units/acre)

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

1. Variance to reduce the rear setback to 4' for an accessory structure exceeding 15 feet in height. [§708.03 (F.4)]
2. Variance to allow the height of an accessory structure exceed that of the principal structure. [§708.03 (F.5)]

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



View of subject property from Bolan Street



View of the accessory structure (treehouse) from Bolan Street



Additional pictures taken during initial Code Enforcement visit on 9/15/2025

Recommended Action: Denial.

The applicant, [REDACTED], is requesting variances to allow for an existing accessory structure to remain on the property located at 554 Bolan Street. The subject property is zoned R3 (Single Family Residential – 3 units/acre) and is approximately 0.44 acres. All surrounding properties share the R4 zoning designation.

The applicant is requesting variances to allow for the recently constructed accessory structure, a treehouse, to remain within 7 feet of the rear property line and to exceed the height of the principal structure. Under R3 zoning regulations, accessory structures over 15 feet in height must be set back at least a distance equal to their height. While the exact height is unknown, its elevation above the principal structure indicates it exceeds 15 feet and therefore requires a greater rear setback than currently provided.

The applicant did not obtain a building permit prior to constructing the treehouse, which is understandable given that many people may not associate a treehouse with formal permitting requirements. However, due to the magnitude of the structure – its substantial height and overall scale – it meets the threshold where a building permit is required. **The structure functions more like a raised accessory building than a typical play feature.** The applicant was made aware of applicable zoning and building requirements following a complaint, which prompted a site inspection by Code Enforcement on September 15, 2025.

Following the Code Enforcement citation (25 00002395), the applicant submitted a building permit on September 19, 2025 (BLDG2509064949) and a variance application on September 30, 2025 (VARIANCE 2025.1964). While the structure was built without prior approval, these actions demonstrate the applicants' prompt efforts to address the issue and pursue compliance through the appropriate review process.

In this case, the applicant has not identified a specific hardship beyond having constructed the treehouse without regard to zoning and permitting requirements. The structure does not utilize a tree for support, functioning more as a freestanding elevated playhouse than a traditional treehouse. While it is understandable that zoning and permitting requirements may be overlooked for a structure intended for children's recreation, the scale and height of this particular build exceed what is typically expected. The backyard of the subject property appears to have adequate space to accommodate a play structure in a compliant location; however, the height would need to be reduced to meet zoning standards, as accessory structures are not permitted to exceed the height of the principal building.



Aerial Imagery of the subject property showing sufficient backyard space.

While the Board of Zoning Appeals has approved setback and height variances for accessory structures in the past, this request is unique in that it involves a treehouse-style structure of notable scale and placement – an accessory type not previously approved for variances by the board.

Due to the lack of hardship presented and adequate backyard area for relocation, ***staff recommends denial of the variances requested.***

Alternatively, should the Board decide to approve the request, staff recommends a five-year approval period. Should the applicants wish to retain the accessory structure beyond that timeframe, they may return to request an extension at that time.

1/5/2026 Update:

At the November 24, 2025 meeting, the Board of Zoning Appeals requested additional information regarding the exact height of the accessory structure and the primary structure. An inspection was conducted by Jeff Duckett, Chief Building Official for the City, on December 2, 2025. The following observations were noted:

The accessory structure sits on slightly raised ground at the back of the property. The surrounding ground becomes flat about 6 feet away from it. The building is **17 feet 6 inches tall** when measured from the average ground level. It is positioned **4 feet 6 inches** from the back property line.

The primary structure on the property is 15 feet and 6 inches in height.

Please note: Should the Board decide to approve the variances requested, the variance must reflect the actual distance from the rear property line – 4 feet 6 inches – rather than the 7 feet originally requested by the applicant in the November BZA meeting.





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

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 #: V2025-41 Registrar #: 20250854 BZA Hearing Dt: JAN 26, 2026
City Council Hearing Dt (if applicable) #: _____ PZ #: 25-074

This is a variance/appeal application for:



Board of Zoning Appeals



City Council

COMPLETE ONLY IF APPLICANT IS NOT OWNER:

Applicant: _____

EMAIL Address: _____

Mailing Address _____ Zip Code: _____ Phone Number _____

Address of subject property: 554 Bolan Street SE Date of Acquisition: 7/9/2015

Land Lot (s) 0218 District 17 Parcel 0860 Acreage .44 Zoned R3 Ward 1A FLU: MDR

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

Required Information


1. Application fee (Residential - \$250; Non-residential - \$350)
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. Documentation showing names of Principals authorized to sign application is **required for Corporations.**
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 (8 ½" x 11") -or- One (11" x 17") drawn to scale.
Optional Additional Plat size: (24"x 36"). If providing (24"x 36") then 5 copies REQUIRED of the plat size pages.
6. Copy of current tax bill showing payment or documentation certified by the City of Marietta Tax Office.

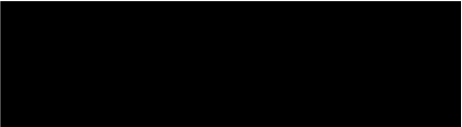
Note: The Department of Development Services reserves the right to obtain additional information that reasonably may be required in order that an informed decision may be made.

OVER

Variance



Address	Parcel Number	Acreage	Ward	Zoning	FLU
554 BOLAN ST	17021800860	0.439	1A	R3	MDR
Property Owner: [REDACTED]				Zoning Symbols 	
Applicant:					
BZA Hearing Date: NOV 24, 2025 Jan 26, 2026					
Acquisition Date:					
Case Number: V2025-41					
<div> <div>City of Marietta Planning & Zoning</div> </div>					



09-30-2025

Subject: Scope of Work and Statement of Use – Treehouse Project

I submit this letter to outline the scope of work and intended use for the construction of a treehouse located on my property.

Project Description:

The proposed project is the construction of a **14-foot by 8-foot elevated treehouse structure**. The treehouse will be supported by cedar logs posts, include safety railings on three sides, and feature an opening for staircase access at the front. A **gable-style slanted roof with metal roofing sheets**.

Scope of Work:

- Build a **14 × 8 ft raised wooden platform** by cedar logs for stability.
- Install **safety railings** on three sides of the platform, leaving an opening for staircase access.
- Construct and secure a **staircase** for safe entry and exit.
- Install a **gable-style metal roof**.
- Ensure all construction methods and materials meet appropriate **safety and durability standards** for long-term use.

Statement of Use:

The completed treehouse will serve exclusively as a **recreational and play structure** for family use. Its purpose is to provide a safe, secure, and creative outdoor space for children with safety considerations. The design prioritizes durability, weather resistance, and minimal neighborhood impact.

Thank you for your attention and review of this project plan. Please let me know if additional documentation or approvals are required.

Sincerely,



1641

12/15

141

 $4' - 1/2$

fence

13-8

4602

SL

911

13

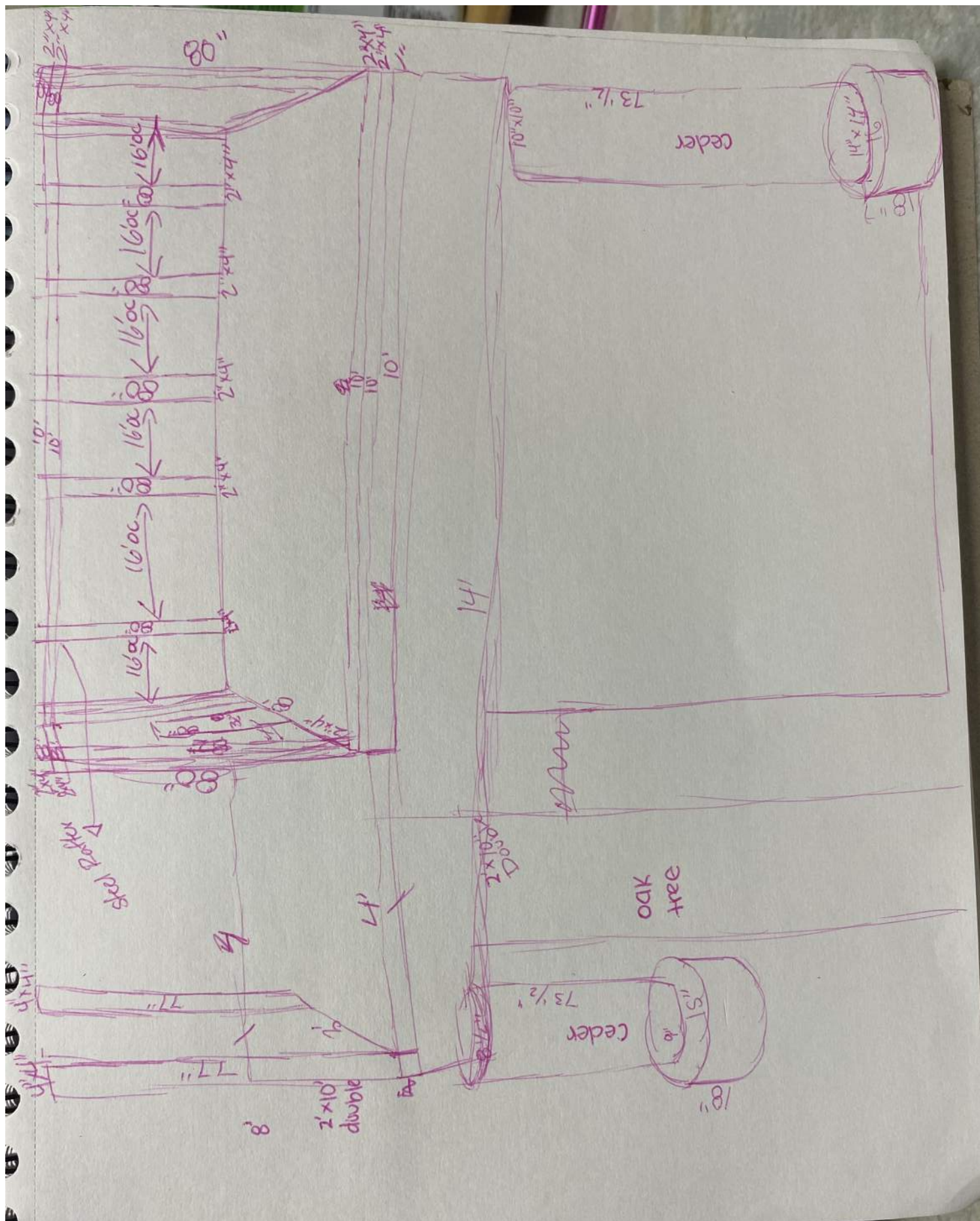
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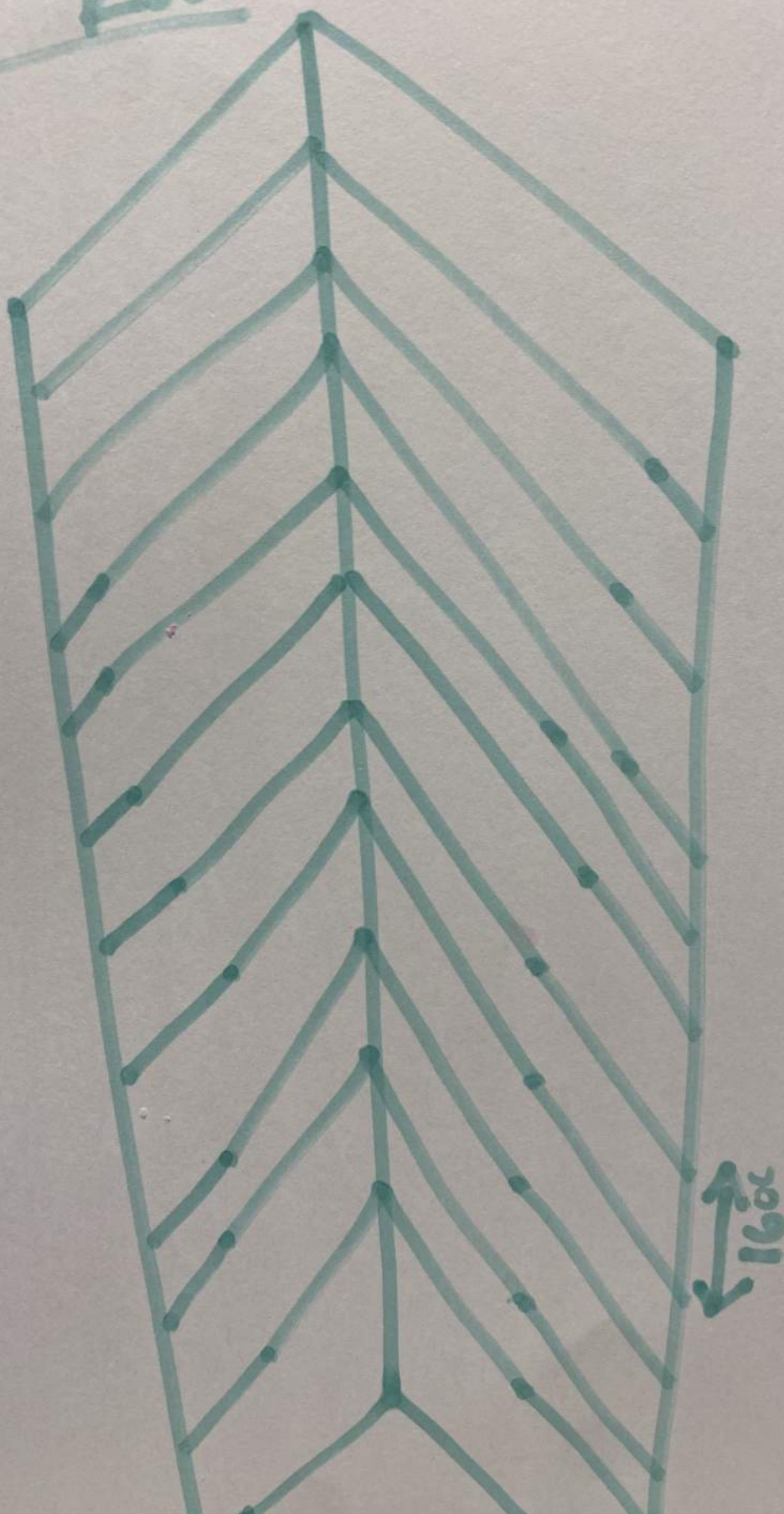
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21



Top Roof

8-12



554 Bolan St Site for Tree House



- Parcels
- Parcels
- Railroads
- Kennesaw Mountain Ntl B
- Parks
- Streets
- INTERSTATE
- ARTERIAL
- COLLECTOR
- LOCAL
- Dobbins Runway
- Dobbins Boundary

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.

9/17/2025 9:52 AM