



STAFF REVIEW AND RECOMMENDATION

Variance Case #: V2016-25 **Legistar #:** 20160470
Board of Zoning Appeals Hearing: Monday, June 27th, 2016 – 6:00 p.m.
Property Owner: Stephen E. Turner
54 Whitlock Drive
Marietta, GA 30064
Applicant: Same as above
Address: 54 Whitlock Drive
Land Lot: 1228 **District:** 16 **Parcel:** 0650
Council Ward: 3A **Existing Zoning:** R-2 (Single Family Residential – 2 units/acre)

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

1. Variance to reduce the rear setback from 30 feet to 15 feet. [*§708.02 (H.)*]
2. Variance to reduce the side setback from 10’ to 9.5’ for the existing structure. [*§708.02 (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



54 Whitlock Drive

Recommended Action:

Approval. Owner and applicant, Stephan Turner is requesting a variance at 54 Whitlock Drive of 0.311 acres, which would allow him to construct a rear addition onto the existing house. The property is zoned R2 (Single Family Residential – 2 units/acre), and is located along Whitlock Drive, which is off of Whitlock Avenue. The subject property is located within an established residential neighborhood where the majority of the properties are also zoned R2. To the northeast near Whitlock Avenue is the Walnut Grove subdivision, which is zoned PRD-SF (Planned Residential Development – Single Family).

Mr. Turner is requesting to reduce his rear yard setback from 30 ft. to 15 ft. in order to construct an addition onto the rear of his house. The addition will include an added bedroom and bathroom. The other lots along Whitlock Drive are between 170 feet and 200 feet deep, but the subject property is only 135 feet deep. It is not clear why, but because of the lack of depth, the house only has 35 ft. of rear yard available for any addition.

Mr. Turner made this same variance request in 2013 (V2013-09) and the variance was approved. However, due to unspecified reasons, the addition was not begun within a year of that approval, and the variance expired.

The application in 2013 included a letter from his neighbor to the rear, Mr. Otis Brumby III, stating that he has no objections to the requested variance. Mr. Turner has recently spoken to Mr. Brumby and has confirmed that he still has no objection to the proposed addition. As such, ***Staff recommends approval of the variance request to reduce the rear setback from 30 ft. to 15 ft. for an addition to the rear of his house as shown on the provided survey.***

In regards to the second variance request, the existing house on the north side encroaches 0.5 ft. into the required 10 ft. side yard setback. If the cost of the addition exceeds 50% of the replacement value of the house, then all nonconformities on the site would have to be addressed. This is an existing encroachment that is not being made worse by the proposed addition; therefore, ***staff recommends approval of this variance.***



Department of Development Services
205 Lawrence Street
Marietta, GA 30060
Brian Binzer, AICP, Director

APPLICATION FOR VARIANCE OR APPEAL

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

For Office Use Only:

Application #: 12016-25 Legistar #: 2016 0470 BZA Hearing Dt: 6-27-16
City Council Hearing Dt (if applicable) #: PZ #: 16-258

This is a variance/appeal application for:

Checked box for Board of Zoning Appeals

Board of Zoning Appeals

Unchecked box for City Council

City Council

Owner's Name STEPHEN E. TURNER

Address 54 WHITLOCK DRIVE SW Zip Code: 30064

Telephone Number: 770.355.5595 Email Address: SETURNER@bellsouth.net

COMPLETE ONLY IF APPLICANT IS NOT OWNER:

Applicant

Address Zip Code:

Telephone Number Email Address:

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

54 WHITLOCK DRIVE
MARIETTA, GA. 30064 Date of Acquisition:

Land Lot (s) 12280 District 16 Parcel 0650 Acreage .311 Zoned R-2 Ward 3A FLU LDR

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

Request to Reduce Rear Yard Setback from 30 ft to 15 ft
in order to construct an additional bedroom and bathroom.

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.
7. Documentation authorizing applicant to submit application by property owners if applicant is not owner.

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

OVER

May 4, 2016

Subject: Application for Property Line Setback Variance for 54 Whitlock Drive SW Marietta, Ga. 30064

Attention: City of Marietta Board of Zoning Appeals

To Whom it may concern,

Owner and applicant , Stephen Turner is requesting a variance at 54 Whitlock Drive of .311 acres, which would allow him to construct an addition onto the rear of his home. The property is zoned R2 (Single Family Residential 2 units/acre), and is located within an established residential neighborhood where the majority of the properties are zoned R2.

I request to reduce the rear yard setback from 30 ft. to 15ft. in order to construct an addition to the rear of the home. The addition will include an added bedroom and bathroom onto the existing home.

I submitted a request on January 24, 2013 for the same type of variance and it was approved. However due to unforeseen reasons I was unable to start project as planned.

Thank you for your consideration



Stephen Turner

TO: Marietta Daily Journal
FROM: City of Marietta
RUN DATE: June 10, 2016

PUBLIC NOTICE OF VARIANCES and SPECIAL LAND USE PERMITS

The City of Marietta hereby gives notice that a public hearing will be held to give consideration to the following variance requests. The Board of Zoning Appeals will consider the following requests on **Monday, June 27, 2016 at 6:00 P.M.**, City Hall. Anyone wishing to attend may do so and be heard relative thereto.

V2016-25 [VARIANCE] STEPHEN E. TURNER is requesting variances for property located in Land Lot 1228, District 16, Parcel 0650, 2nd Section, Marietta, Cobb County, Georgia and being known as 54 Whitlock Drive. Variance to reduce the rear setback from 30' to 15'; variance to reduce the side setback from 10' to 9.5' for the existing structure. Ward 3A.

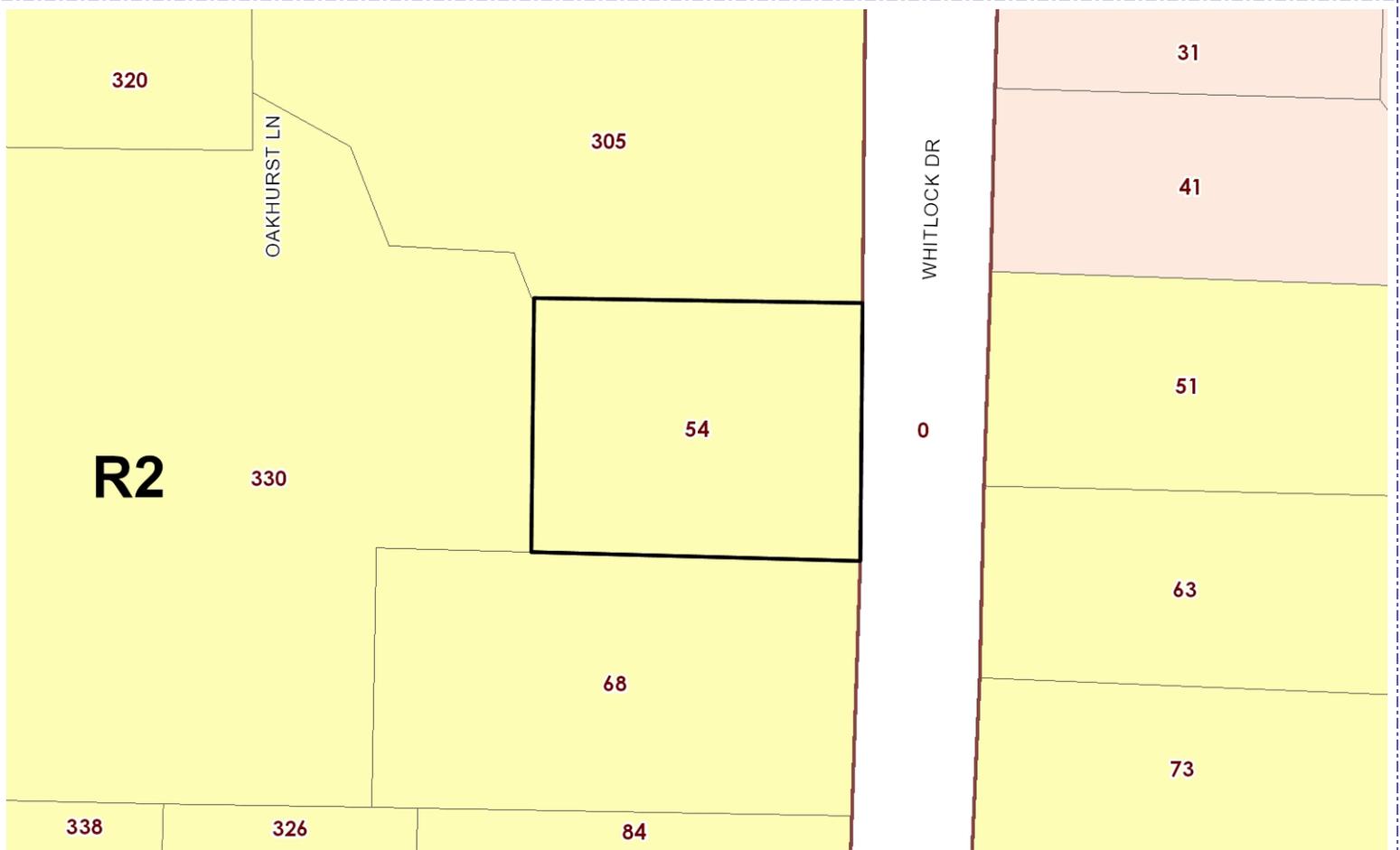
A description and plat of the property sought for the variances are on file in the Planning and Zoning Office, City Hall, and are available for inspection between 8:00 A.M. and 5:00 P.M., Monday through Friday. Anyone wishing to attend may do so and be heard relative thereto.

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

Accessibility to Meetings: If you believe you may need the City/BLW to provide special accommodations in order to attend/or participate in any of the above meetings, please call Mr. Patrick Henley, ADA Coordinator, at 770-794-5558 (voice) or 770-794-5560 (TDD) no later than 48 hours before the date of the above meeting.

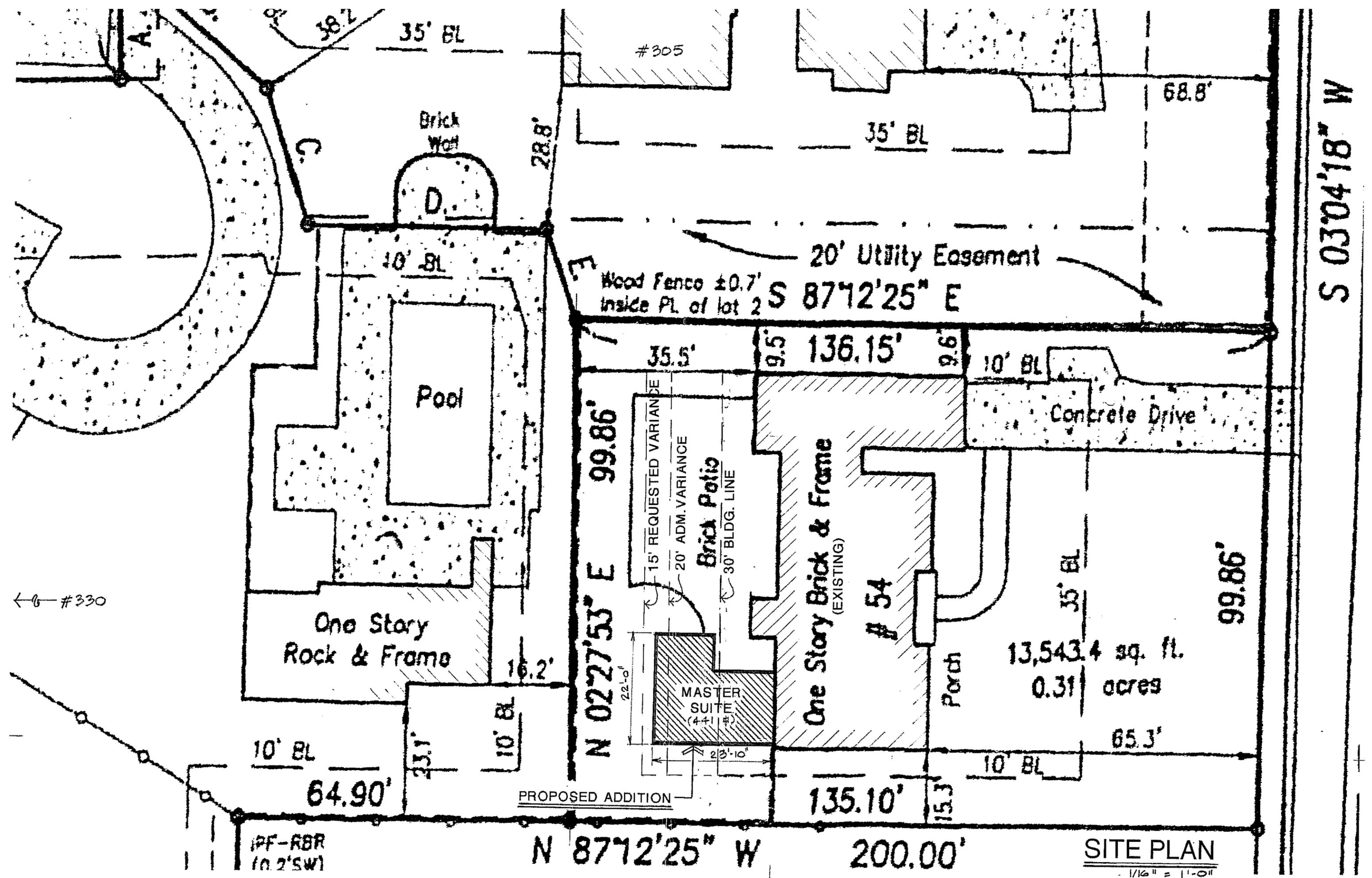
City of Marietta
205 Lawrence Street
Marietta, Georgia 30060

Variance



Address	Parcel Number	Acreage	Ward	Zoning	FLU
54 WHITLOCK DR	16122800650	0.294	3A	R2	LDR

Property Owner:	Stephen E. Turner	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:	06/27/2016	
Acquisition Date:		
Case Number:	V2016-25	
<p>City of Marietta Planning & Zoning</p>		



S 03°04'18" W

#305

68.8'

35' BL

35' BL

28.8'

20' Utility Easement

Wood Fence ±0.7' Inside Pl. of lot 2 S 87°12'25" E

10' BL

Pool

35.5'

9.5' 136.15'

9.6'

10' BL

Concrete Drive

N 02°27'53" E 99.86'

15' REQUESTED VARIANCE

20' ADM. VARIANCE

Brick Patio

30' BLDG. LINE

One Story Brick & Frame (EXISTING)

54

Porch

35' BL

13,543.4 sq. ft.
0.31 acres

99.86'

One Story Rock & Frame

16.2'

MASTER SUITE (441 sq. ft.)

22'-0"

23'-10"

10' BL

35.1'

10' BL

64.90'

PROPOSED ADDITION

135.10'

15.3'

10' BL

65.3'

N 87°12'25" W

200.00'

SITE PLAN

1/16" = 1'-0"

PF-FBR (0.2'SW)

#330

EXIST. FENCE



VAP. 16'

ADM. 20'

