

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



447 Atlanta Street – Front view



Westward view – Parking lot and existing building



Southward view – back of property, viewing possible service driveway



Southward view – possible service driveway. Back of property.

Recommended Action:

Denial. Hamid Nikfarjam, owner and applicant is requesting variances at 447 Atlanta Street that would allow him to construct 6 additional rooms for an assisted living facility/nursing home and to increase occupancy from 24 beds to 42 beds. The property is a 0.436 acre parcel zoned OI (Office Institutional), and is located along the east side of Atlanta Street. The subject property is surrounded predominately by OI (Office Institutional), and directly to the rear abuts a CRC (Community Retail Commercial) zoned parcel.

According to the current zoning regulations, an assisted living/nursing home may have a maximum of 20 beds per gross acre of development. Since the subject is 0.436 acres, if developed today, it would only be allowed to have 8 beds; however, it currently has a total of 24 beds, and the applicant is seeking to substantially increase the occupancy to 42 beds. In order for the applicant to increase occupancy, the listed variance would need to be granted.



In 1990, the previous owner had applied for a variance (File # V-900972) that allowed him to construct an addition to the property to begin a nursing home/assisted living facility. The variance was approved for the following:

- V-9000972:
 - Variance to reduce the south side property line setback from 15 ft. to 5 ft.
 - Variance to reduce rear setback from 40 ft. to 20 ft.

(These setback variances were discovered after Variances #2 and #3 were advertised, but should be withdrawn from this application, as they have previously been approved.)

The approved variance allowed the occupancy of the building to be increased from 15 residents to 24 residents. At that time, City zoning regulations did not include a specific limitation on the total number of residents or beds allowed per acre. That regulation does not appear in the zoning ordinance until 1998.

The Marietta Fire Department has reviewed this proposal and made an inspection of the facility. They have determined, according to their regulations and the total livable area of the building being 11,000 square feet, that the maximum occupancy of the facility would be 55 people, including staff.

Zoning regulations also includes the requirement for 1 parking space per 4 beds for an assisted living facility/nursing home. Since the applicant is requesting to increase the occupancy to 42 beds, 11 parking spaces would be required on the site. The site plan does not indicate the number of existing parking spaces. Further, the parking lot is not striped, so there is no way to determine the exact number of parking spaces that are provided. Staff visited the site and determined that there are approximately 10-11 existing parking spaces on the site. Additional variances may be necessary, but that cannot be confirmed given the information that we have at this time.

The applicant has provided no information as to why this increase to the occupancy of this facility would be beneficial to the area or the City as a whole. As such, **Staff recommends denial of the requested variance to increase maximum occupancy.**