



**STAFF REVIEW**

**Variance Case #:** V2015-16 **Legistar #:** 20150247

**City Council Hearing:** Wednesday, May 13<sup>th</sup>, 2015 **7:00 p.m.**

**Property Owner:** John M. Patterson  
Sessions Street Partners LLC  
393 North Sessions Street #200  
Marietta, GA 30060

**Applicant:** Same

**Agent:** N/A

**Address:** 393 North Sessions Street

**Land Lot:** 11470 **District:** 16 **Parcel:** 0440

**Council Ward:** 4 **Existing Zoning:** LI, Light Industrial

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

1. Variance to allow the expansion of a gravel parking area. [§716.08 (B)]
2. Variance to waive the requirements of the tree ordinance so as to reduce the site density factor from 9.28 units to 0.3 units. [§712.08 (D)]

**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**



**393 N. Sessions Street**



**Location of tree removal & gravel expansion**

**Staff Review:**

The applicant and owner, John M. Patterson, is requesting variances related to the unauthorized removal of a tree, and subsequently covering the area with gravel on the property located at 393 North Sessions Street. The 0.54 acre property is occupied by Marietta Optometry, and is zoned LI (Light Industrial). Adjacent properties to the northwest are also zoned LI (Light Industrial); properties to the southwest are PRD-MF (Planned Residential Development – Single Family), and properties to the southeast are zoned NRC (Neighborhood Retail Commercial). To the northeast, across North Sessions Street, are properties zoned NRC (Neighborhood Retail Commercial) and R-4 (Single Family Residential).

On October 15, 2014, Mr. Patterson hired a tree service company to remove a tree on his property. Mr. Patterson had previously consulted with a representative of the tree company to verify that the tree was dead and had a large hornets nest inside the trunk. The tree service representatives proceeded to remove the tree without checking on whether any City approval was required. A Code Enforcement officer witnessed the tree being removed and notified Mr. Patterson that he would have to contact the Planning & Zoning office in order to rectify the situation, which he did.

Mr. Patterson proposes to plant a 3-inch caliper Japanese Maple tree in a nearby location on the property so as to increase its chances of survival, since the location of the destroyed tree was near the asphalt parking area. Also, where the destroyed tree had been located, Mr. Patterson has covered that area with gravel, and is requesting to be allowed to continue to utilize that area for parking.

Section 708.12 (D.3) states that “*Dead, dying, diseased, infested or otherwise hazardous trees may be removed only after a Notification of Tree Removal form has been submitted and the condition of the tree(s) is verified by City staff prior to removal.*” Since Mr. Patterson removed the tree without prior approval, his request to replace the tree must be considered by City Council.

Further, Section 716.08 (B) requires all new parking areas to be on a hardened, treated surface such as concrete, asphalt or brick. City Council would have to grant permission for Mr. Patterson to continue to use the new gravel area for parking.

**TO: Marietta Daily Journal**

**FROM: City of Marietta**

**RUN AD DATE: April 17, 2015**

**PUBLIC NOTICE OF REZONINGS, VARIANCES, AND CODE AMENDMENTS**

The City of Marietta hereby gives notice that a public hearing will be held to give consideration to the following rezoning and variance requests by City Council at their meeting on **Wednesday, May 13, 2015, 7:00 p.m.**, City Hall, for a final decision to be made.

**V2015-16 [VARIANCE] JOHN M. PATTERSON** requests variances for property located in Land Lot 1147, District 16, Parcel 0440, 2<sup>nd</sup> Section, Marietta, Cobb County, Georgia and being known as 393 North Sessions Street, currently zoned LI (Light Industrial). Variance to allow the expansion of a gravel parking area; variance to waive the requirements of the tree ordinance so as to reduce the site density factor from 9.28 units to 0.3 units. Ward 4.

A description and plat of the property sought for the rezoning and future land use assignment are on file in the Planning and Zoning Office, City Hall, and is 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.

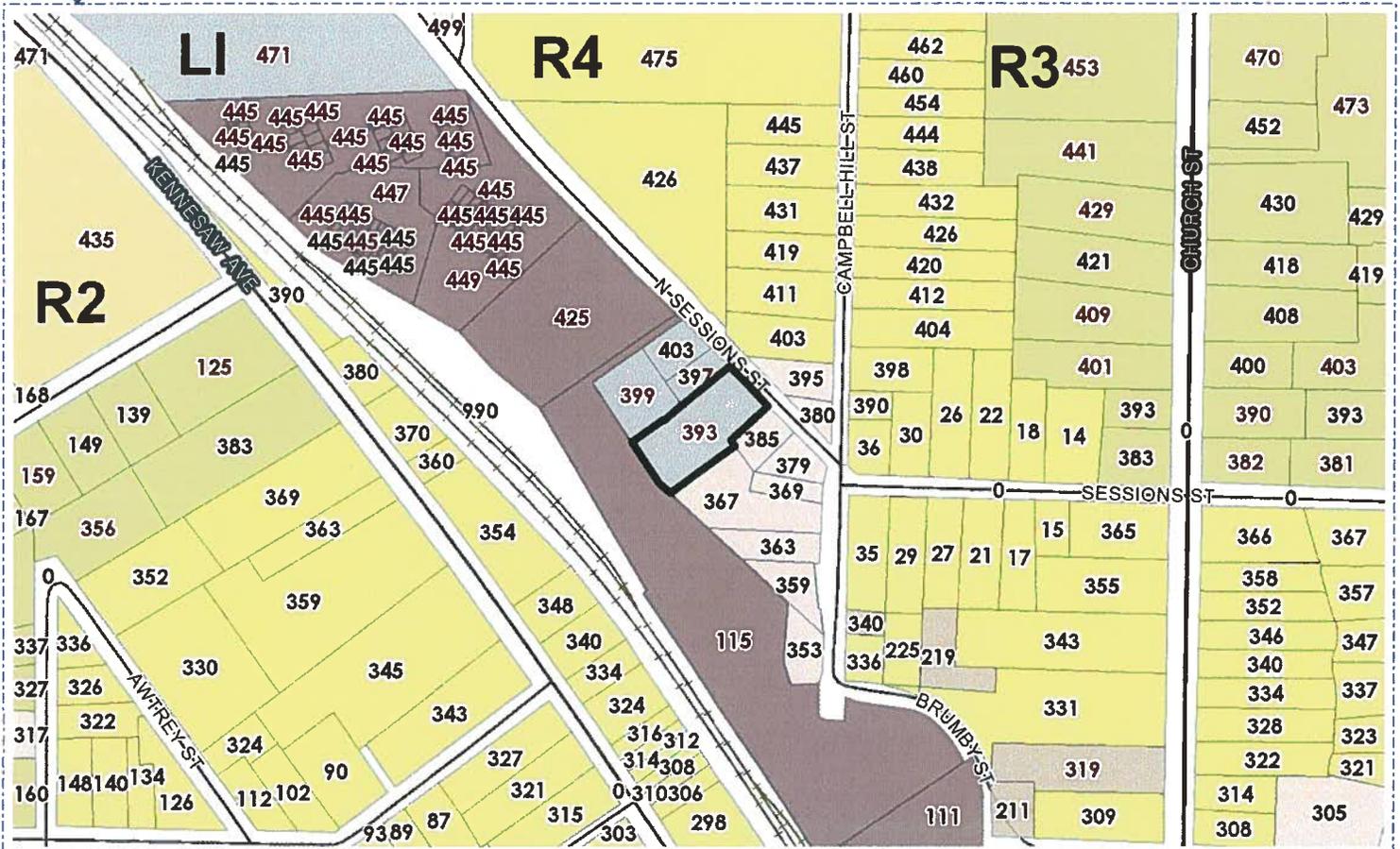
For additional information please call the Planning and Zoning Office (770) 794-5669.

**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
393 N SESSIONS ST	16114700440	0.546	4B	LI	NAC

Property Owner: John M Patterson/Sessions St Partners LLC

Applicant:

City Council Hearing Date: 5/13/15

Acquisition Date:

Case Number: V2015-16

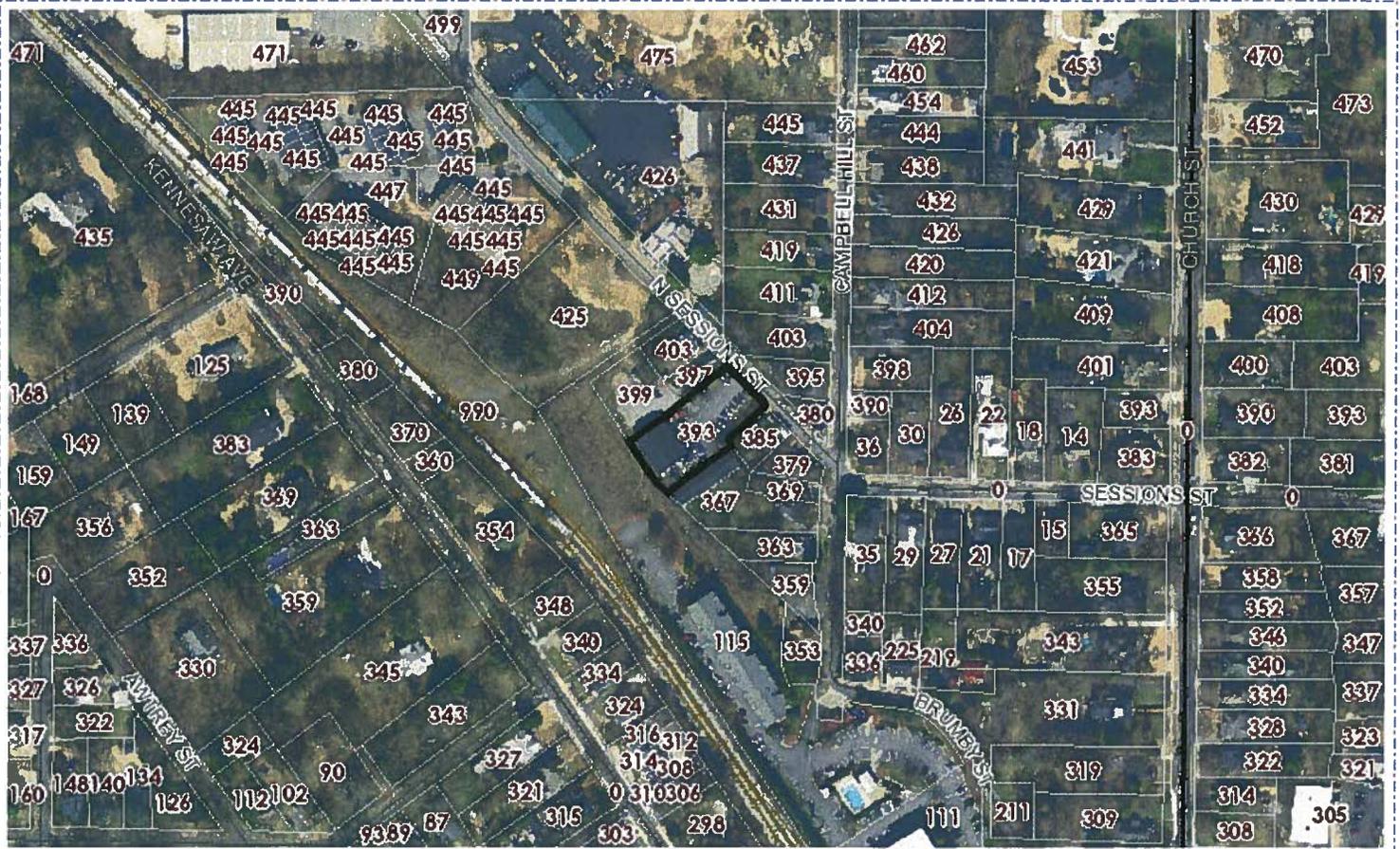
City of Marietta Planning & Zoning

**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



# Aerial Map



Address	Parcel Number	Acreage	Ward	Zoning	FLU
393 N SESSIONS ST	16114700440	0.546	4B	LI	NAC
<b>Property Owner:</b> John M Patterson/Sessions St Partners LLC					<b>Legend</b> Railroads City Limits Cobb County Pockets
<b>Applicant:</b>					
<b>City Council Hearing Date:</b> 5/13/15					
<b>Planning Commission Hearing Date:</b>					
<b>Case Number:</b> V2015-16					
<b>Comments:</b>					
City of Marietta Planning & Zoning					



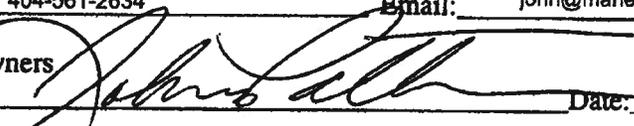
Department of Development Services  
205 Lawrence Street  
Marietta, Georgia 30060  
Brian Binzer, AICP, Director

### NOTIFICATION OF TREE REMOVAL

Property Owner: John Patterson

Address: 393 North Sessions Street Marietta GA 30060

Phone: 404-561-2634 Email: john@mariettavision.com

Property Owners  
Signature:  Date: 10-15-2014

Reason for Request: The tree is dying and limbs are falling off of the tree. Also there is a massive hornets nest in the trunk of the tree.

**Required Information**

- A site plan showing location of the tree(s) to be removed
- Report from arborist or landscape architect documenting health of tree(s) to be removed
- Diameter of tree measured 4 1/2 feet above ground level
- Species of tree
- Photos of tree

**TO BE COMPLETED BY DEPARTMENT OF DEVELOPMENT SERVICES**

District(s) \_\_\_\_\_ Land Lots(s) \_\_\_\_\_ Parcel(s) \_\_\_\_\_

Inspection Notes & Decision: \_\_\_\_\_

DATE APPROVED \_\_\_\_\_

DATE DENIED \_\_\_\_\_

\_\_\_\_\_  
Planning & Zoning Manager

# SILVER TREE SERVICE

10 Years of experience!!!



10 Years of experience!!!

FREE ESTIMATE!

Fully Insured Stump Grinding  
Dead Tree Removal

**770-895-7597**

**404-454-8355**

professional.silvertreeservice@gmail.com

*March Sessions  
30060*

*Maralla Tison*

Client Name \_\_\_\_\_  
Home Phone \_\_\_\_\_  
Work Phone \_\_\_\_\_  
Cell \_\_\_\_\_ Fax \_\_\_\_\_

Job Location \_\_\_\_\_  
Estimate Date \_\_\_\_\_

## SCOPE OF WORK

*The tree that was  
cut down at 393 March  
Sessions Street was  
rotten and could not  
be saved.*

*Jose Luis Plata*

Final Total

### ABOVE WORK INCLUDES:

- Dump Truck  Chip Truck  Bobcat  
 Contract Crane  Stump Grinder

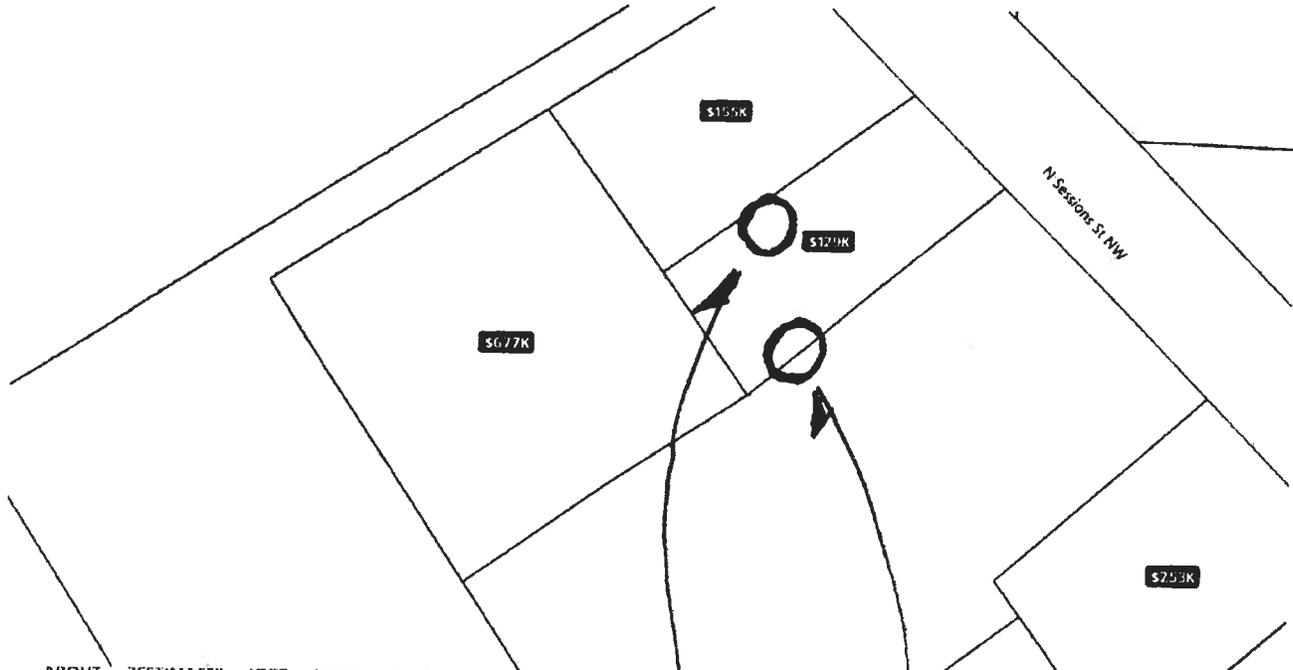
### NOTES

Starting Date: \_\_\_\_\_  
Scheduling Date (\$150.00): \_\_\_\_\_  
Completion Date: \_\_\_\_\_

Signature: \_\_\_\_\_  
By Signing, I agree to the terms & conditions on reverse  
Date: \_\_\_\_\_

393 North Sessions Street

LISTING TYPE ANY PRICE 0+ BEDS MORE



ABOUT ZESTIMATES JOBS HELP ADVERTISE  
TERMS OF USE & PRIVACY AD CHOICE BLOG  
MOBILE APPS

Yahoo! Zillow Real Estate Network © 2006-2014 Zillow



*mt*  
*3-3-1*  
*Removed tree*  
*Removed tree*

*Proposal*  
*Proposed tree*  
*mt*  
*3-3-15*

*John Salter*  
*3-3-15*

*John Salter*  
*404-561-2634*

# 16-1147



**Legend**

- Parcel
- Easement ROW
- Trail ROW
- Water Feature
- Land Use
- Subdivision Boundary
- Cobb Boundary

**City Limits**

- East Cobb
- Marietta
- Kennesaw
- Acworth
- Powder Springs
- Smyrna
- Unincorporated
- C.J.D. Limits
- Comprehensive Plan
- Town Center

**Misc**

- Leaf Hoods
- Water Property Line
- Fence

16-1085	16-1086	16-1087
16-1148		16-1146
16-1157	16-1158	16-1159

**Cobb County Board of Tax Assessors**  
 Mapping Division  
 1000 Peachtree St., NW, 3rd Fl.  
 Atlanta, Georgia 30309  
 770-437-1100

**Field Book**  
 Jan. 14, 2011

THIS MAP WAS PREPARED BY THE MAPPING DIVISION OF THE BOARD OF TAX ASSESSORS OF COBB COUNTY, GEORGIA. THE BOARD OF TAX ASSESSORS IS NOT RESPONSIBLE FOR ANY ERRORS OR OMISSIONS THAT MAY APPEAR HEREIN. THE BOARD OF TAX ASSESSORS IS NOT RESPONSIBLE FOR ANY DAMAGES, INCLUDING CONSEQUENTIAL DAMAGES, THAT MAY BE SUFFERED BY ANY PARTY AS A RESULT OF THE USE OF THIS MAP. THE BOARD OF TAX ASSESSORS IS NOT RESPONSIBLE FOR ANY DAMAGES, INCLUDING CONSEQUENTIAL DAMAGES, THAT MAY BE SUFFERED BY ANY PARTY AS A RESULT OF THE USE OF THIS MAP.

**Scale:**

0 50 100 200 Feet  
 (1 inch = 200 ft. in A4 size paper)



# DEVENTER NORTH AMERICA, INC.

PLAT OF SURVEY FOR

LOCATED IN  
HARRETTA, GEORGIA  
LAND LOT 147, 16TH DISTRICT, 2ND SECTION  
COBB COUNTY, GEORGIA

AREA:  
0.95 ACRES  
GRAPHIC SCALE



DATE	DESCRIPTION	REVISIONS
10/7/02	ADDED TRACT TO THE NORTHWEST	

## THE RUSSELLE COMPANY

PROFESSIONAL LAND SURVEYORS

2981 POWDER SPRINGS ROAD  
HARRETTA, GEORGIA 30084  
(770) 943-5603

E-MAIL: GCRUSSELL@MINDSPRING.COM  
PROJ. NO. C06922 FILE: C05322.DWG  
FIELD SURVEY DATE: 9/19/02  
PLAT DATE: 9/20/02 SCALE: 1"=30'

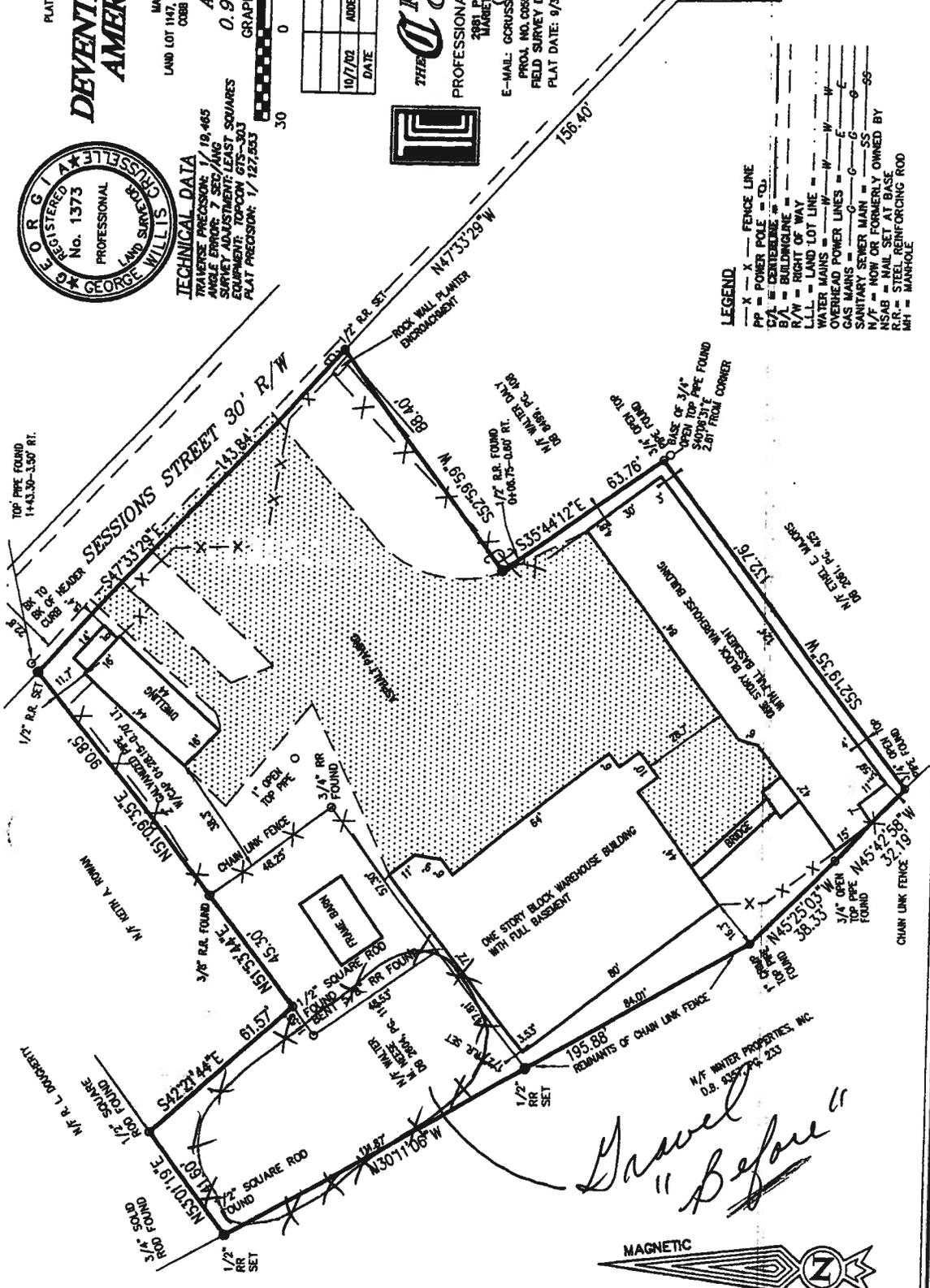


### TECHNICAL DATA

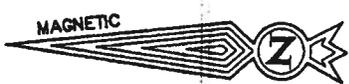
TRaverse Precision: 1/19,465  
ANGLE ERROR: 7 SEC/ANG  
SURVEY ADJUSTMENT: LEAST SQUARES  
EQUIPMENT: TOPCON GTS-303  
PLAT Precision: 1/127,853

CAMPBELL HILL ST. 25' PAVING ST. 30' R/W

- LEGEND**
- X - FENCE LINE
  - PP - POWER POLE
  - CA - CENTERLINE
  - BL - BUILDING LINE
  - R/W - RIGHT OF WAY
  - LLL - LAND LOT LINE
  - W - WATER MAINS
  - G - GAS MAINS
  - S - SANITARY SEWER MAIN
  - N/SAB - NOW OR FORMERLY OWNED BY
  - M/SAB - MAIL SET AT BASE
  - R.R. - STEEL REINFORCING ROD
  - MT - MANHOLE



*Gravel "Before"*



C05522

PLAT OF SURVEY FOR

# DEVENTER NORTH AMERICA, INC.

LOCATED IN  
MARSHALL COUNTY, GEORGIA  
LAND LOT 1147, 16TH DISTRICT, 2ND SECTION  
OCEB COUNTY, GEORGIA

AREA:  
0.95 ACRES  
GRAPHIC SCALE



DATE	DESCRIPTION
10/7/02	ADDED TRACT TO THE NORTHWEST



## THE RUSSELLE COMPANY

PROFESSIONAL LAND SURVEYORS

2181 POWDER SPRINGS ROAD  
MARSHALL COUNTY, GEORGIA 30054  
(770) 943-5803  
E-MAIL: OCSURSELLER@MINDSPRING.COM

PROJ. NO. 008522 FILE: 005322.DWG  
FIELD SURVEY DATE: 9/16/02  
PLAT DATE: 9/30/02 SCALE: 1"=30'

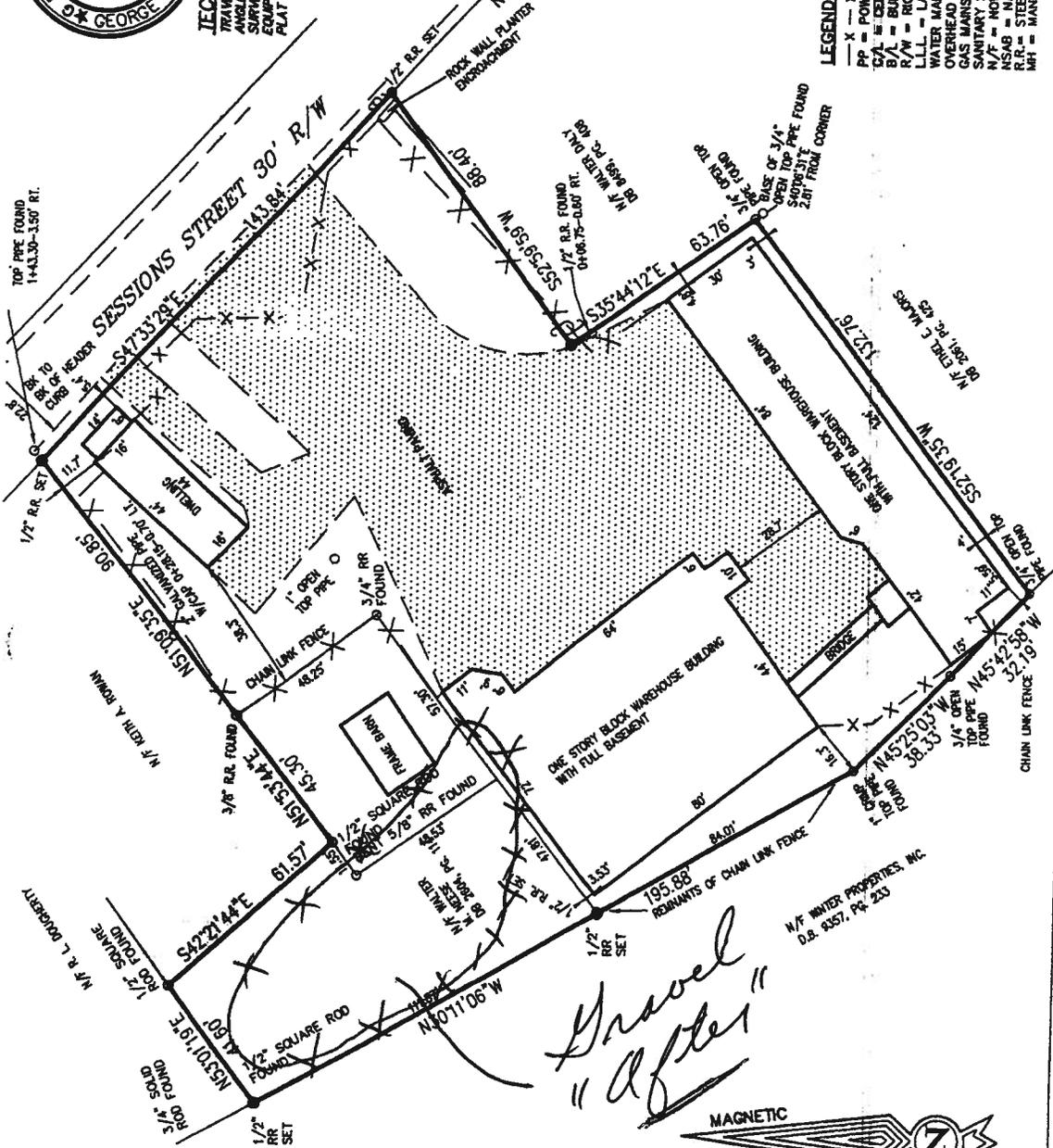


### TECHNICAL DATA

TRAVERSE PRECISION: 1/18,465  
ANGLE ERROR: 7 SEC/ANG  
SIGHT ADJUSTMENT: LEAST SQUARES  
EQUATION: TOPCON 675-303  
PLAT PRECISION: 1/127,503

CAMPBELL  
HILL 25' PAVING  
ST. 30' R/W

- LEGEND**
- X-X- FENCE LINE
  - PP - POWER POLE - TO
  - CL - CENTERLINE
  - B/L - BUILDING
  - R/W - RIGHT OF WAY
  - LL - LAND LOT LINE
  - W - WATER MAINS
  - G - GAS MAINS
  - SS - SANITARY SEWER MAIN
  - N/F - NOW OR FORMERLY OWNED BY
  - R/S - NAIL SET AT BASE
  - RF - STEEL REINFORCING ROD
  - M/F - MANHOLE



*Gravel  
"After"*



005522





# 393 N. Sessions St #200, Marietta GA 30060



—	Street Right of Way
+	Railroads
—	Hydrography
—	City Limits
□	City Limits
□	Cobb County Pockets
<b>2011 Contours</b>	
—	862.0 - 870.0
—	870.1 - 880.0
—	880.1 - 890.0
—	890.1 - 900.0
—	900.1 - 910.0
—	910.1 - 920.0
—	920.1 - 930.0
—	930.1 - 940.0
—	940.1 - 950.0
—	950.1 - 960.0
—	960.1 - 970.0
—	970.1 - 980.0
—	980.1 - 990.0
—	990.1 - 1000.0
—	1000.1 - 1010.0
—	1010.1 - 1020.0
—	1020.1 - 1030.0
—	1030.1 - 1040.0
—	1040.1 - 1050.0
—	1050.1 - 1060.0
—	1060.1 - 1070.0
—	1070.1 - 1080.0
—	1080.1 - 1090.0
—	1090.1 - 1100.0
—	1100.1 - 1110.0
—	1110.1 - 1120.0
—	1120.1 - 1130.0
—	1130.1 - 1140.0
—	1140.1 - 1150.0
—	1150.1 - 1160.0
—	1160.1 - 1170.0
—	1170.1 - 1180.0
—	1180.1 - 1190.0

DISCLAIMER NOTE: This map is prepared for the inventory of real property found within this jurisdiction and is compiled from aerial orthoimagery, recorded deeds, plats and other imagery, data and public records. Users of this map are hereby notified that the