



STAFF REVIEW AND RECOMMENDATION

Variance Case #: V2016-07 **Legistar #:** 20160074
Board of Zoning Appeals Hearing: Monday, February 29th, 2016 – 6:00 p.m.
Property Owner: WHB Contractors, LLC
5880 Live Oak Parkway
Suite 180
Norcross, GA 30093
Applicant: Richard Wilmath
5880 Live Oak Parkway
Suite 180
Norcross, GA 30093
Address: 197 Blair Valley Drive
Land Lot: 11450 **District:** 16 **Parcel:** 2480
Council Ward: 5A **Existing Zoning:** PRD-SF (Planned Residential Development – Single Family)

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

1. *Variance to reduce the side yard setback along the western property line from 10’ to 7’.*
[§708.09 (H)]

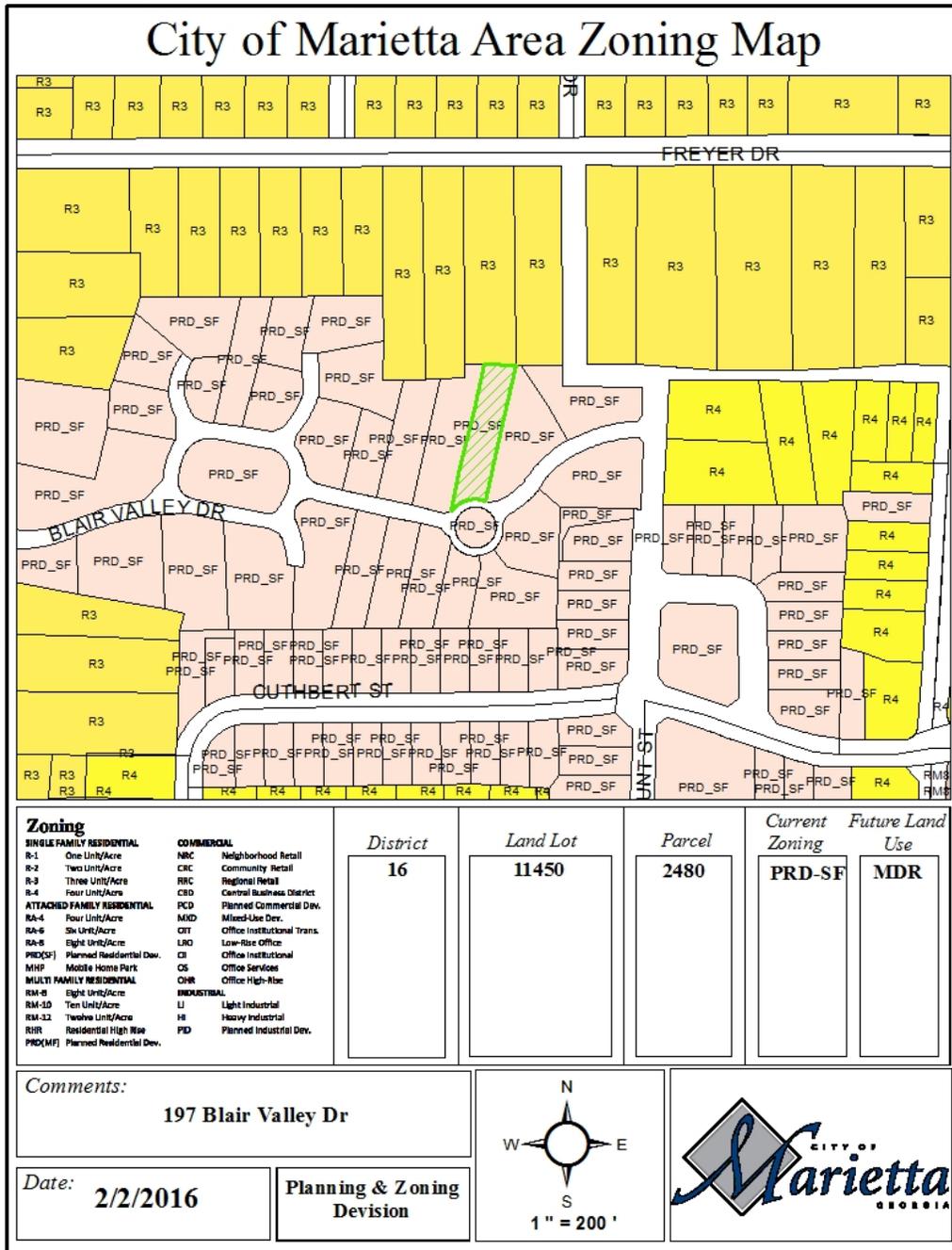
Statement of Fact

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.

- 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.
- 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



197 Blair Valley Drive



191 Blair Valley Drive – located to the west



203 Blair Valley Drive – located east of subject property

Recommended Action:

Approval with a stipulation. WBH Contractors, LLC, on behalf of the owner Richard Wilmath, is requesting to reduce the side yard setback from 10' to 7' for the property at 197 Blair Valley Drive. The subject property, along with the properties located immediately to the south, east and west are located within Blair Valley subdivision and are zoned PRD-SF (Planned Residential Development – Single Family). The properties immediately to the north face Freyer Drive and are zoned R-3, Single Family Residential (3 u/ac). The subject property is a vacant lot comprised of 0.217 acres within the Blair Valley Subdivision.

PRD-SF zoning differs from most other residential zoning districts in that it does not have a set standard for setbacks, height, building coverage, minimum house size, etc. This allows more flexible and creative development patterns by having City Council set the allowable bulk and area regulations on a case-by-case basis either during rezoning or as a detailed plan. In this case (Z-9315), the property was rezoned in November 1993 according to a plan specifying a minimum 10' side setback (20' between buildings). This plan did not specify the minimum building coverage or maximum impervious surface area allowed on the lots in the subdivision; however, it did set the height limit at 35,' which is consistent with height limits in other zoning districts.

The applicant wishes to construct a home on the property at 197 Blair Valley Drive. However, the lot is narrow at approximately 53' wide. If the required 10' side setbacks were provided on both sides, it would only allow a 33' wide home. Instead, the applicant is requesting variances that would reduce the 10' side setback to 6' on the west side so the proposed house can be wider.

There is a history of variance requests for side building setback reductions for the lots within this subdivision due to the narrow lots. Lots for which variances have been approved include:

1. 161 Blair Valley Drive (AV2014-14)
2. 180 Blair Valley Drive (AV-9803)
3. 186 Blair Valley Drive (AV-9803)
4. 192 Blair Valley Drive (V2012-42)
5. 198 Blair Valley Drive (AV2005-34)

This property also received an administrative variance (AV2012-19) in November 2012, to reduce the side yard setbacks to allow a similar house to be built. However, that variance has since expired, and a new variance must be obtained under a new process in which neighboring property owners have the opportunity to object to the requested variance.

Marietta Water commented that, if approved, it is imperative that the building stay out of the sanitary sewer easement, and that it should stay at least 10 feet away from the location of the water main. (*The applicant should contact Marietta Water prior to beginning construction so the location of the sewer main can be marked.*) In addition, the Marietta Fire Department will require a fire sprinkler system to be installed in order to comply with City of Marietta Fire Sprinkler Ordinance.

Granting the variance is consistent with other developed lots in the subdivision and should not negatively impact the surrounding properties or community as long as the new structure contains a fire sprinkler system. As a result, ***staff recommends approval of these variances with the following stipulations:***

- 1. the new structure must stay out of the sanitary sewer easement;***
- 2. the new structure should stay at least 10 feet away from the location of the water main;***
- 3. the new structure will comply with the City of Marietta Fire Sprinkler Ordinance.***



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 #: V2016-07 Legistar #: BZA Hearing Dt: 2/29/16
City Council Hearing Dt (if applicable) #: PZ #: 16-033

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 WHB CONTRACTORS, LLC
Address 5880 Live Oak Pkwy, Ste. 180, Norcross, GA Zip Code: 30093
Telephone Number: 770-448-2175 Email Address:

COMPLETE ONLY IF APPLICANT IS NOT OWNER:

Applicant RICHARD WILMATH
Address 5880 Live Oak Pkwy, Ste. 180, Norcross GA 30093 Zip Code: 30093
Telephone Number 678-776-2671 Email Address: RWILMATH@WATERFORHOMES.COM

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

197 Blair Valley Drive Date of Acquisition: July 31, 2013

Land Lot (s) 1088+1145 District 16 Parcel 2480 Acreage .287 Zoned PRD-S Ward SA FLU
11450 16 2480

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

Reduce left side building line from 10' to 6' -- 4' reduction

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.
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



January 20, 2016

City of Marietta
The Board of Zoning Appeals
205 Lawrence Street
Marietta, GA 30060

RE: Variance on Land Lot 1088, Parcel 2480 and being know as 197 Blair Valley Drive

To Whom It May Concern:

The variance requested is for a four foot (4') reduction in the left-side building line from ten feet (10') to six feet (6') in order to accommodate the floor plan proposed for this lot. The lot is narrower than other lots in the neighborhood, and the proposed floor plan is in keeping with the homeowners association requirements for the neighborhood. We seek the additional footage to accommodate the floor plan.

Respectfully submitted,

David R. Clough
Managing Member
WHB Contractors, LLC

TO: Marietta Daily Journal
FROM: City of Marietta
RUN DATE: February 12, 2016

PUBLIC NOTICE OF VARIANCES

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, February 29, 2016 at 6:00 P.M.**, City Hall. Anyone wishing to attend may do so and be heard relative thereto.

V2016-07 [VARIANCE] WHB CONTRACTORS LLC is requesting a variance for property located in Land Lots 1088 & 1145, District 16, Parcel 2480, 2nd Section, Marietta, Cobb County, Georgia and being known as 197 Blair Valley Drive. Variance to reduce the western side yard setback from 10' to 6'. Ward 5A.

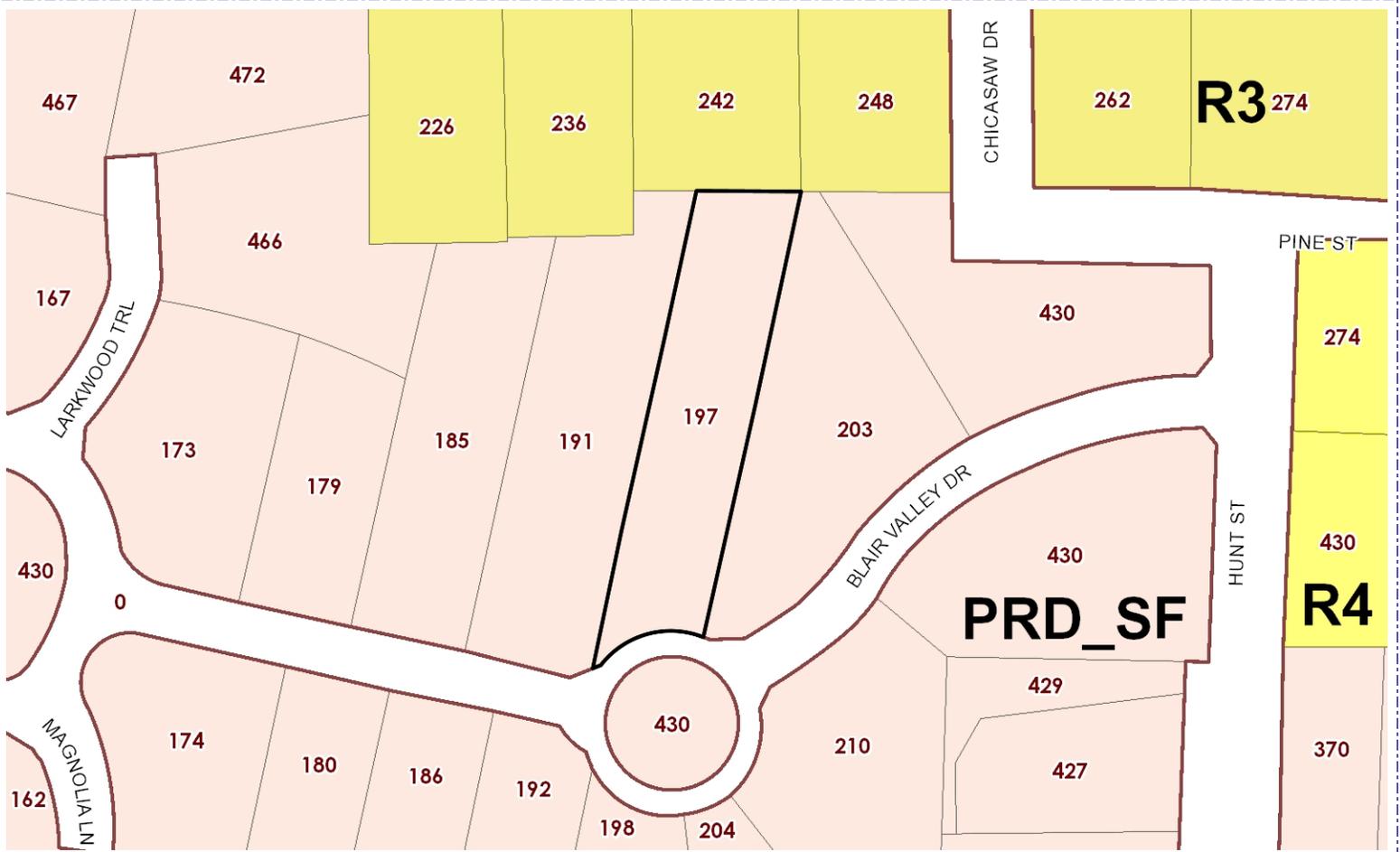
A description and plat of the property sought for the variances are on file in the Planning and Zoning Office, City Hall, and are available for inspection between 8:00 A.M. and 5:00 P.M., Monday through Friday. Anyone wishing to attend may do so and be heard relative thereto.

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
197 BLAIR VALLEY DR	16114502480	0.295	5A	PRD_SF	MDR

Property Owner: WHB Contractors, LLC

Applicant: Richard Wilmath

BZA Hearing Date: 02/29/2016

Acquisition Date:

Case Number: V2016-07

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

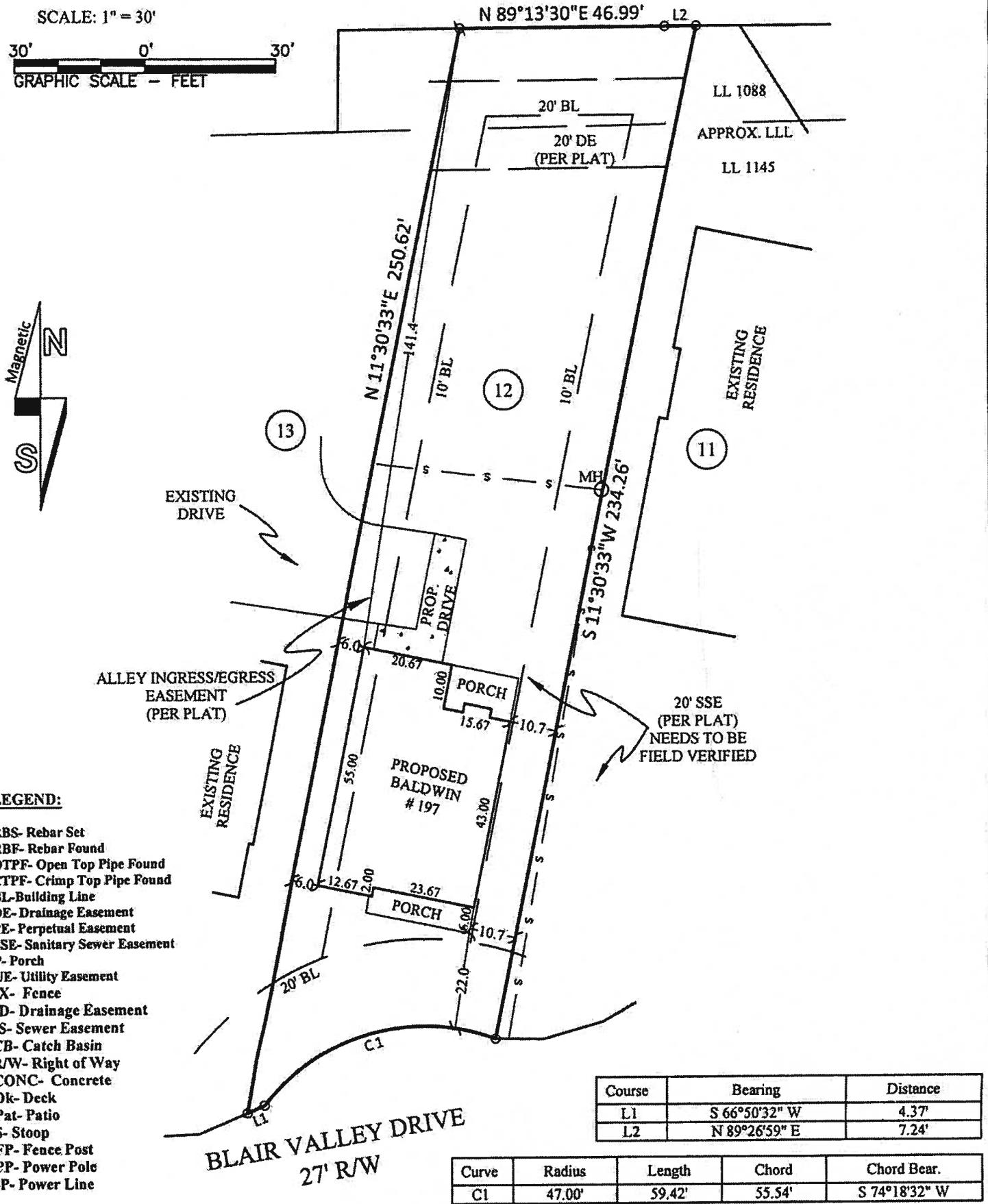
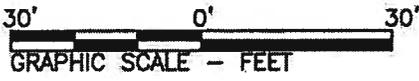
GENERAL NOTES

1. NO FIELD WORK HAS BEEN PERFORMED.
2. THIS PROPERTY IS SUBJECT TO ADDITIONAL EASEMENTS OR RESTRICTIONS OF RECORD.
3. CARTER LAND SURVEYORS IS UNABLE TO WARRANT THE ACCURACY OF BOUNDARY INFORMATION, STRUCTURES, EASEMENTS, AND BUFFERS THAT ARE ILLUSTRATED ON THE SUBDIVISION PLAT.
4. UTILITY EASEMENT HAS NOT BEEN FIELD VERIFIED BY SURVEYOR. CONTACT UTILITY CONTRACTOR FOR LOCATION PRIOR TO CONSTRUCTION. (IF APPLICABLE)
5. THIS PLAT IS FOR EXCLUSIVE USE BY CLIENT. USE BY THIRD PARTIES IS AT THEIR OWN RISK.
6. DIMENSIONS FROM HOUSE TO PROPERTY LINES SHOULD NOT BE USED TO ESTABLISH FENCES.
7. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 10,000 FEET.

AREA: 12,490 S.F. ~ 0.287 ACRES
 PLAT BOOK 147, PAGE (S) 42

BOX DIMENSION TO BE STAKED:
 36.3' WIDTH X 59.0' DEPTH

SCALE: 1" = 30'



LEGEND:

- RBS- Rebar Set
- RBF- Rebar Found
- OTPF- Open Top Pipe Found
- CTPF- Crimp Top Pipe Found
- BL- Building Line
- DE- Drainage Easement
- PE- Perpetual Easement
- SSE- Sanitary Sewer Easement
- P- Porch
- UE- Utility Easement
- X- Fence
- D- Drainage Easement
- S- Sewer Easement
- CB- Catch Basin
- R/W- Right of Way
- CONC- Concrete
- Dk- Deck
- Pat- Patio
- S- Stoop
- FP- Fence Post
- PP- Power Pole
- P- Power Line

Course	Bearing	Distance
L1	S 66°50'32" W	4.37'
L2	N 89°26'59" E	7.24'

Curve	Radius	Length	Chord	Chord Bear.
C1	47.00'	59.42'	55.54'	S 74°18'32" W

**HLP FOR:
 WATERFORD HOMES**

SUBDIVISION: 440 CHEROKEE
 LOT: I2
 LAND LOT: 1145 & 1088
 16TH DISTRICT, 2ND SECTION
 COBB COUNTY, GEORGIA
 ORDER DATE: 11-17-2015

2015111173 WATERFORD

**CARTER & CLARK
 LAND SURVEYORS AND PLANNERS**

2780 Peachtree Industrial Boulevard
 Duluth, GA 30097
 Ph: 770.495.9793
 Toll Free: 866.637.1048
 www.carterandclark.com
 Atlanta • Charlotte • Houston • Dallas
 Galveston • Beaumont

