



**STAFF REVIEW AND RECOMMENDATION**

**Variance Case #:** V2015-39      **Legistar #:** 20150695  
**Board of Zoning Appeals Hearing:** Monday, August 31<sup>st</sup>, 2015 – 6:00 p.m.  
**Property Owner:** Chris & Martha Spencer  
210 Cedar Woods Way  
Canton, GA 30114  
**Applicant:** Same as above  
**Address:** 340 Anders Path  
**Land Lot:** 1152      **District:** 16      **Parcel:** 0250  
**Council Ward:** 4A      **Existing Zoning:** R-2 (Single Family Residential – 2 units/acre)

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

1. Variance to increase the allowable building height from 35’ to 49’. [§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**



**340 Anders Path**



**Frontage along Anderwood Ridge of subject property**

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**Recommended Action:**

**Approval.** The owners, Chris and Martha Spencer, are requesting a height variance to construct a new home on 340 Anders Path, which is located inside the Anderson Farm subdivision. The property, and all surrounding properties are zoned R-2 (Single Family Residential – 2 units / acre). Kennesaw Mountain National Battlefield Park lies directly west of the subject property – across Anders Path - rear to the properties along Anders Path.

The maximum building height for all single family zoning districts within the City of Marietta, including the R-2 district, is thirty-five (35) feet. At a height of thirty-five (35) feet, a house can typically be two to three stories tall. The Zoning Ordinance defines “height” as “*The vertical distance measured from the mean elevation of the proposed finished grade to the highest point of a structure, sign or its supporting structure, whichever is higher.*” Section 710.11 allows cupolas, chimneys, smokestacks, elevator penthouses, water tanks, heating and air conditioning units, etc. to be exempted from height calculations in all zoning districts except single family residential districts.

Plans for this house show the height from the highest finished grade (at the front) to the highest roof point as being 44’11.” The height from the lowest finished grade (at the rear) to the highest roof point is 53’9”. This yields an average height of 48’10”. However, the home – as viewed from the front and rear – will not likely look much different of the surrounding homes, which may also be taller than the residential height restriction.

The height limit for residential structures is 35’ city-wide, with the exception of planned developments. Considering the many different types and styles of homes and neighborhoods in the city, a uniform height limit is not necessarily appropriate. Structure height is typically only important when it relates to other nearby structures; what may be appropriate in Anderson Farms may not be appropriate in Cherokee Heights or the Renaissance District. Because this request should not have a negative effect on other homes in the neighborhood because of the comparable scale and height of the proposed home, *staff recommends approval of this variance request.*



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

APPLICATION FOR VARIANCE OR APPEAL
(Owner/Applicant/or Representative must be present at all public hearings)

Application #: V2015-39 Hearing: Legistar #

This is a variance/appeal application for:



Board of Zoning Appeals



City Council

Owner's Name Chris + Martha Spencer

Address 210 Cedar Woods Way Canton Zip Code: 30114

Telephone Number: 770-318-6346 Email Address: chris@spencerwelcomes.com

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:

340 Anders Path Date of Acquisition: 4-20-15

Land Lot (s) 11520 District 10th Parcel 0250 Acreage 1.13 Zoned R2 Ward 4A FLU LDR

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

Height over 35 feet

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. Legal description of 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 - 25 copies of 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).
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

210 Cedar Woods Way

Canton GA 30114

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Marietta Variance Board

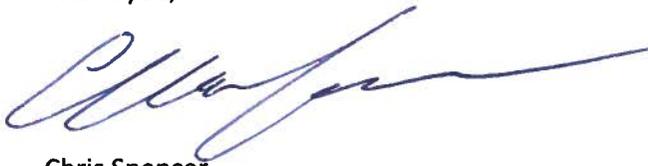
RE: Lot 8 Anderson Farms, Height Variance

July 8, 2015,

To Whom It May Concern,

I am seeking a height variance at 340 Anders Path Marietta Ga 30064, Lot 8 in the Anderson Farms Subdivision. The average height of the home will be over the 35 foot limit when averaging the front and rear heights. The granting of the request will allow this home to fit in with the size, height and style of the other homes in the neighborhood.

Thank you,

A handwritten signature in blue ink, appearing to read "Chris Spencer", with a long horizontal flourish extending to the right.

Chris Spencer

770-318-6346

**TO: Marietta Daily Journal**  
**FROM: City of Marietta**  
**RUN DATE: August 14, 2015**

**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, August 31, 2015 at 6:00 P.M.**, City Hall. Anyone wishing to attend may do so and be heard relative thereto.

**V2015-39 [VARIANCE] CHRIS & MARTHA SPENCER** is requesting a variance for property located in Land Lot 1152, District 16, Parcel 0250, 2<sup>nd</sup> Section, Marietta, Cobb County, Georgia and being known as 340 Anders Path. Variance to increase the allowable building height from 35' to 49'. Ward 4A.

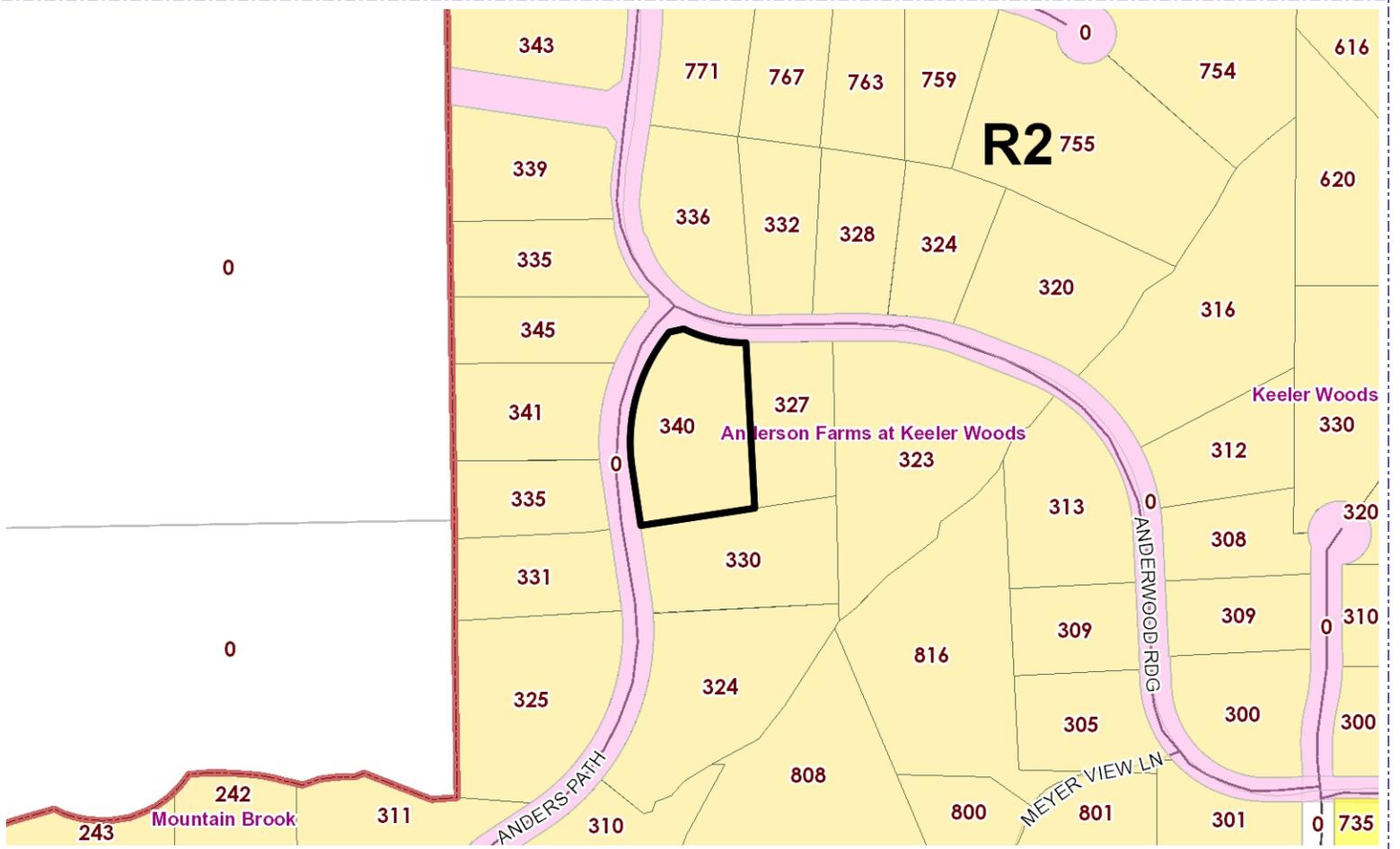
A description and plat of the property sought for the variances are on file in the Planning and Zoning Office, City Hall, and are available for inspection between 8:00 A.M. and 5:00 P.M., Monday through Friday. Anyone wishing to attend may do so and be heard relative thereto.

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
340 ANDERS PATH	16115200250	1.166	4A	R2	LDR

Property Owner: Chris & Martha Spencer

Applicant:

BZA Hearing Date: 08/31/2015

Acquisition Date:

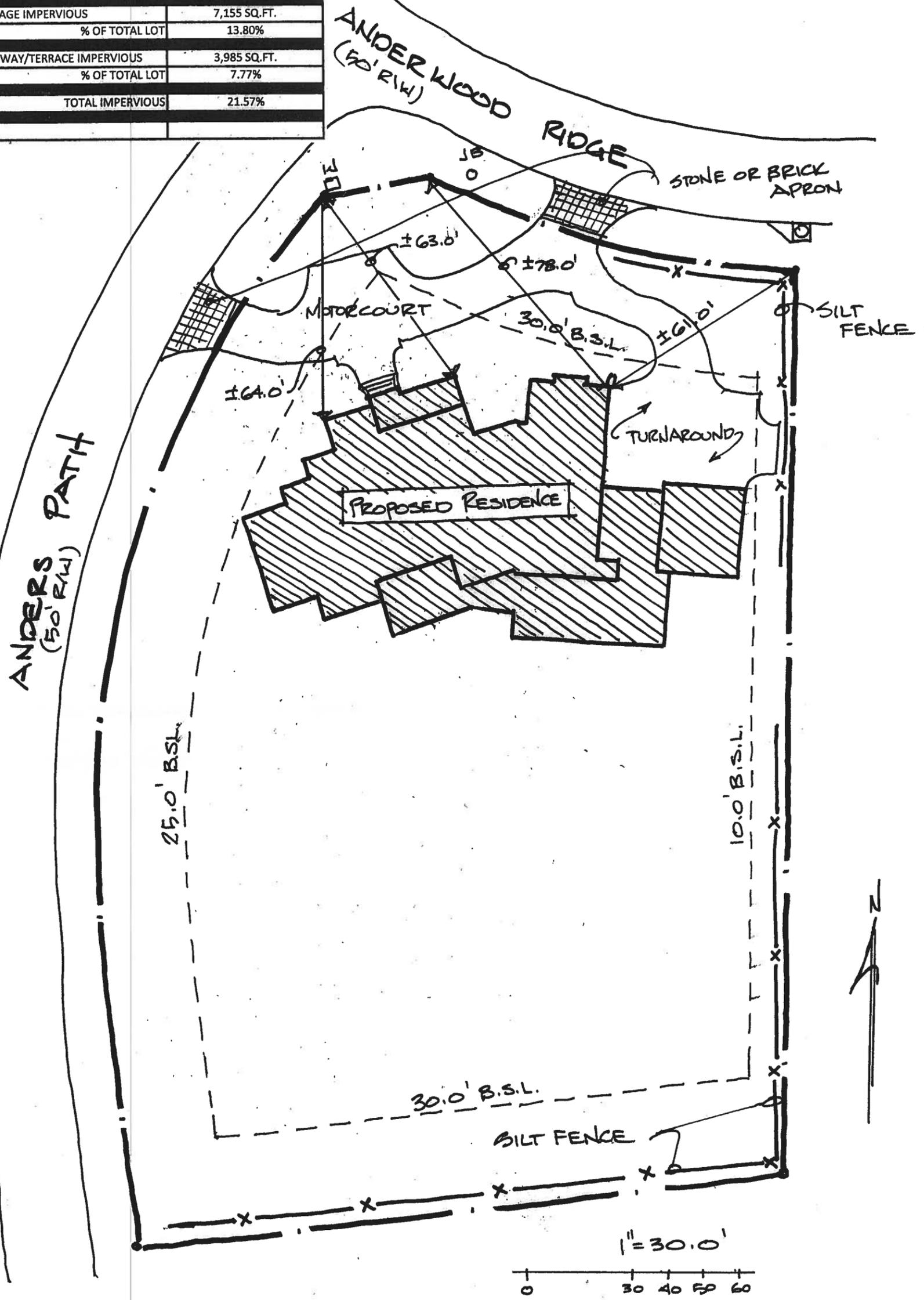
Case Number: V2015-39

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

PROPERTY DEVELOPMENT SUMMARY	
LOCATION	LOT 8 ANDERSON FARMS 340 ANDERS PATH MARIETTA, GEORGIA
TOTAL LOT SIZE	1.18 ACRES
HOUSE/ GARAGE IMPERVIOUS	7,155 SQ.FT.
% OF TOTAL LOT	13.80%
DRIVE/WALKWAY/TERRACE IMPERVIOUS	3,985 SQ.FT.
% OF TOTAL LOT	7.77%
TOTAL IMPERVIOUS	21.57%



**SITE PLAN**  
**LOT 8 ANDERSON FARMS**

7-8-15

**SPENCER RESIDENCE**

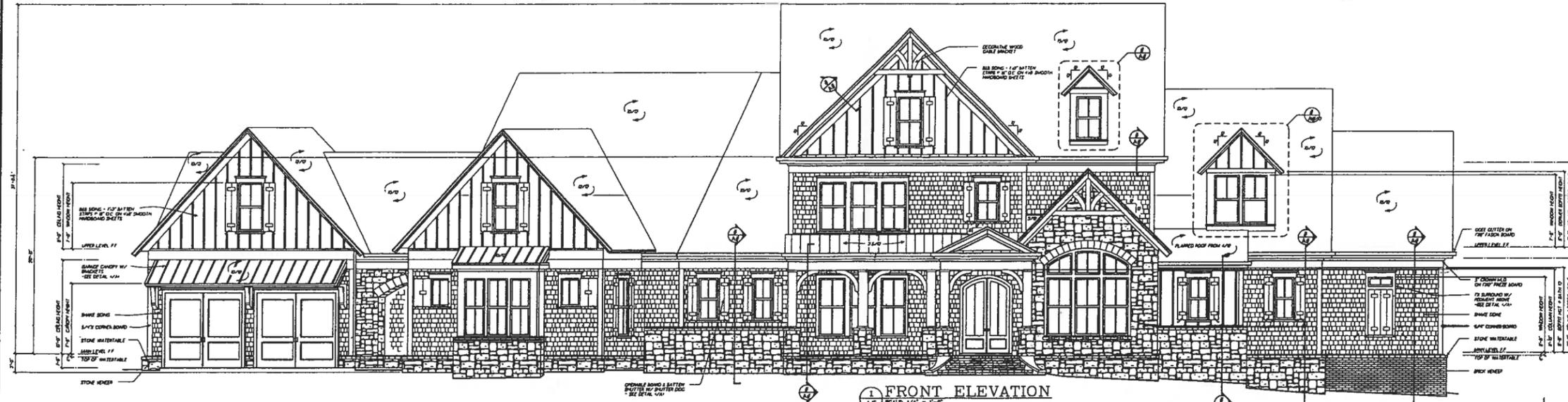
**CALDWELL • CLINE**  
ARCHITECTS • DESIGNERS  
222 CRESCENT CIRCLE MARIETTA GA 30064  
PHONE 770-424-3882 678-668-8930 FAX

SPENCER RESIDENCE

ANDERSON FARM LOT 8  
 MARIETTA, GEORGIA 30064  
 EST. 2015

CALDWELL • CLINE

ARCHITECTS • DESIGNERS  
 222 Crescent Circle - Marietta, GA 30064  
 Phone 770-424-3882 - Fax 770-424-1377  
 www.caldwellcline.com



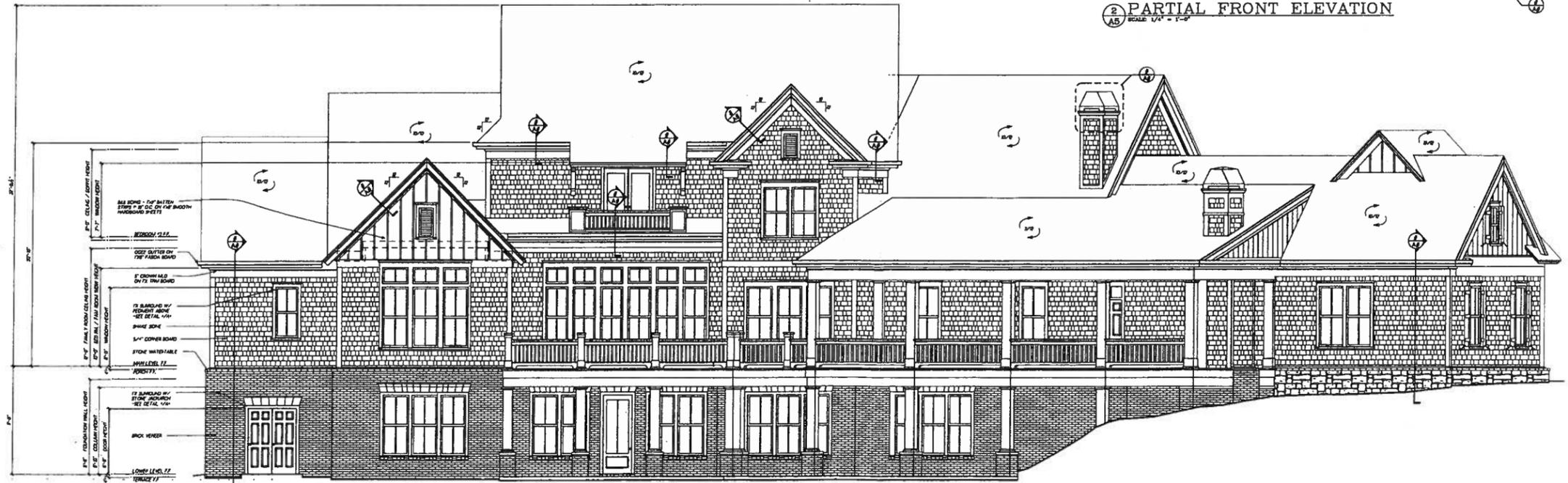
1 FRONT ELEVATION  
 SCALE 1/4" = 1'-0"

IMPORTANT:  
 ALL DIMENSIONS SHALL BE TO THE FACE UNLESS OTHERWISE NOTED OTHERWISE.

ELEVATION NOTES	
MEAN GRADE ELEVATION	2'-0" - 3'-0" = 2'-0" 5'-0" / 2 = 5'-0"
MEAN ROOF HEIGHT	37'-0 1/2" + 20'-0" = 57'-0 1/2" 37'-0 1/2" / 2 = 28'-6 1/4" 28'-6 1/4" MEAN ROOF HEIGHT
AVERAGE ROOF HEIGHT	28'-8 1/4" + 8'-8" = 35'-5 1/4"



2 PARTIAL FRONT ELEVATION  
 SCALE 1/4" = 1'-0"



3 REAR ELEVATION  
 SCALE 1/4" = 1'-0"

This drawing is the property of Caldwell & Cline Architects, Inc. and shall remain the property of Caldwell & Cline Architects, Inc. unless otherwise indicated.

DATE: 07-08-16  
 PROJECT NUMBER: 215013  
 DRAWN BY: TCM  
 CHECKED BY: TCM