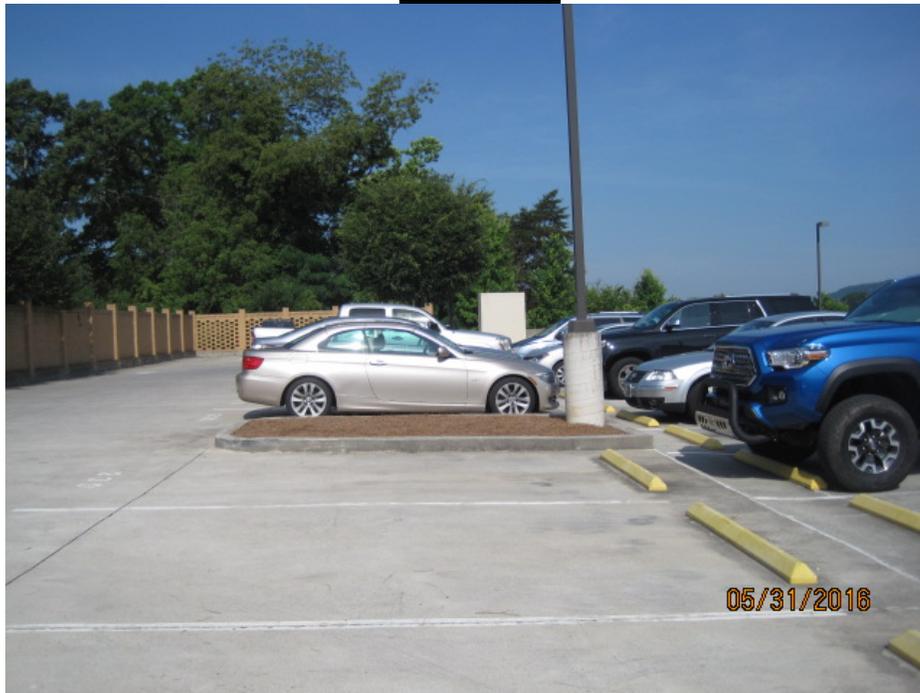




3. Granting the application *will/will not* be detrimental or injurious to property or improvements in the vicinity of the development site, or to the public health, safety, or general welfare.

**PICTURES**



**Tree island where tree has been removed**



**Tree island with required tree**



**Aerial view of Emerson Overlook**



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**Staff Review:**

Kathryn Raynor, the President of the Emerson Overlook Homeowners Association, is requesting a variance from the Tree Ordinance on behalf of Emerson Overlook, LLC, the owner of the property. The variance request is to waive the requirement that a landscape island must contain a parking lot tree at least 2 inches in diameter and 10 feet in height.

The subject property is located at 326 Roswell Street and specifically is the parking structure for the Emerson Overlook Building. The property is zoned Community Retail Commercial (CRC), and is also within the Commercial Corridor Design Overlay District (CCDOD), which allows a mix of uses including residential condominiums.

In November 2007, during the construction of the development, Emerson Overlook LLC obtained a variance to be allowed to reduce the landscaped buffer adjacent to the residential neighborhood to the rear of the property. Because of the topography of the site, the parking structure was actually made up of a two level parking deck adjacent to the building, and an on-grade parking lot to the rear of the structure and adjacent to the residential property. A structural wall separates the parking deck and the on-grade parking lot.

As part of that variance, Emerson Overlook, LLC agreed to plant two (2) parking lot trees on the on-grade portion of the parking lot, since that was the only area where the tree roots could reach into the soil and survive.

Over the years since the development was completed, residents have noticed that water drains down the inside of the wall and keeps the soil very wet. Because the trees were planted next to the wall, the soil is too wet for the trees. One tree has already died and the Homeowners Association has had it removed.

With this variance, they are requesting to remove the other tree, and to plant shrubs in the planter islands, because they believe that the root system for shrubs will be more suited for the water-soaked soil.



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 #: V2016-28 Legistar #: 20160473 BZA Hearing Dt: -
City Council Hearing Dt (if applicable) #: 7-13-16 PZ #: 16-260

This is a variance/appeal application for:

Board of Zoning Appeals checkbox

Board of Zoning Appeals

City Council checkbox

City Council

Owner's Name Emerson Overlook LLC Attn: Kathryn Raynor
Address 326 Roswell St. Unit 504 Zip Code: 30060
Telephone Number: 904.994.0344 Email Address: kathrynraynor9441@comcast.net

COMPLETE ONLY IF APPLICANT IS NOT OWNER:

Applicant Kathryn Raynor President E.O. Homeowners Assoc.
Address 326 Roswell St. Unit 504 Zip Code: 30060
Telephone Number 904.994.0344 Email Address: kathrynraynor9441@comcast.net

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

326 Roswell St. Marietta, GA Date of Acquisition: March 2006
Land Lot (s) 12330 District 16 Parcel 53 Acreage 1.31 Zoned CRC Ward 1A FLU CAC

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

Landscape

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

From: **Kathryn Raynor** kathrynraynor9441@comcast.net  
Subject: Fwd: Letter to City of Marietta  
Date: Today at 6:55 AM  
To: kathrynraynor9441@comcast.net

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May 2, 2016

City of Marietta  
Department of Development Services  
205 Lawrence Street  
Marietta, GA. 30060

**Re: Supporting Letter in Connection with a Variance Request  
at 326 Roswell Street (Emerson Overlook)**

To whom it may concern:

We are requesting a variance due to the fact that we have lost two trees and fear the loss of the third one this year in the existing island planting areas as one enters Emerson Overlook's surface parking lot in the rear of the building. At present two planting areas are currently empty and the third has the existing tree.

First an explanation on why the trees are perishing. First of all if one drives down to the second floor parking area after it has rained, you will notice that even after a couple of days after the rain has stopped, that the wall on the south side of the building looks very wet. This is due to the large amount of water that moves underground at an angle landing right against the wall. The planters (or islands) were built adjacent to that wall. The water then sits there soaking into the soil where the roots to the trees are growing or used to be growing. Trees do not like wet

feet unless they are Willows or Alders or the like. This theory can be supported by observing the cemetery across the street from our property and the amount of trees that have either fallen over or have died due to overwatering the trees. Over time this will create root rot, soil-weakening, killing the roots and ultimately the tree.

Rather than replanting the islands with new trees, we recommend some small shrubs approximately 3-4 feet that will not run their roots deep down into the ground, allowing them to flourish rather than drown in the water-soaked soil.

Also, the only two security lights for the entire parking deck are two lamp poles that, unfortunately, are installed in the same islands. The trees restrict the security lights ability to serve their purpose which is lighting the deck by completely blocking the downward lighting.

Thank you for your consideration regarding this request.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Kathryn M. Raynor', written over a light blue grid background.

Kathryn M. Raynor  
President - Emerson Overlook Residential Board of Directors

**TO: Marietta Daily Journal**

**FROM: City of Marietta**

**RUN AD DATE: June 17, 2016**

### **PUBLIC NOTICE VARIANCES**

The City of Marietta hereby gives notice that a public hearing will be held to give consideration to the following variance requests at the City Council meeting held on **Wednesday, July 13, 2016, 7:00 p.m.**, City Hall, for a final decision to be made.

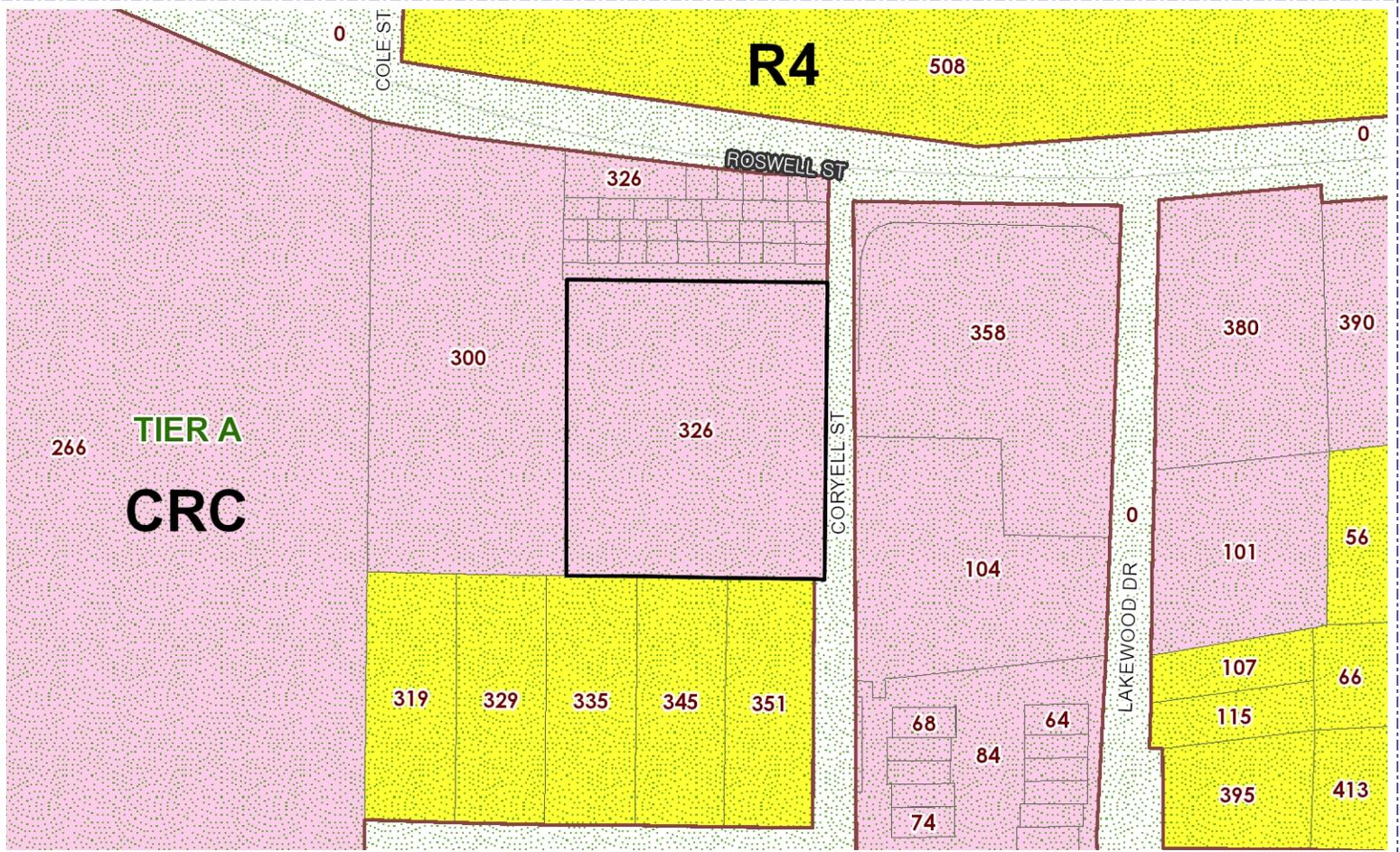
**V2016-28 [VARIANCE] EMERSON OVERLOOK, LLC (KATHRYN RAYNOR)** requesting a variance for property located in Land Lot 1233, District 16, Parcel CMMN, 2<sup>nd</sup> Section, Cobb County, Georgia, and being known as 326 Roswell Street, currently zoned CRC (Community Retail Commercial). Variance to remove trees from required planter islands. Ward 1A.

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

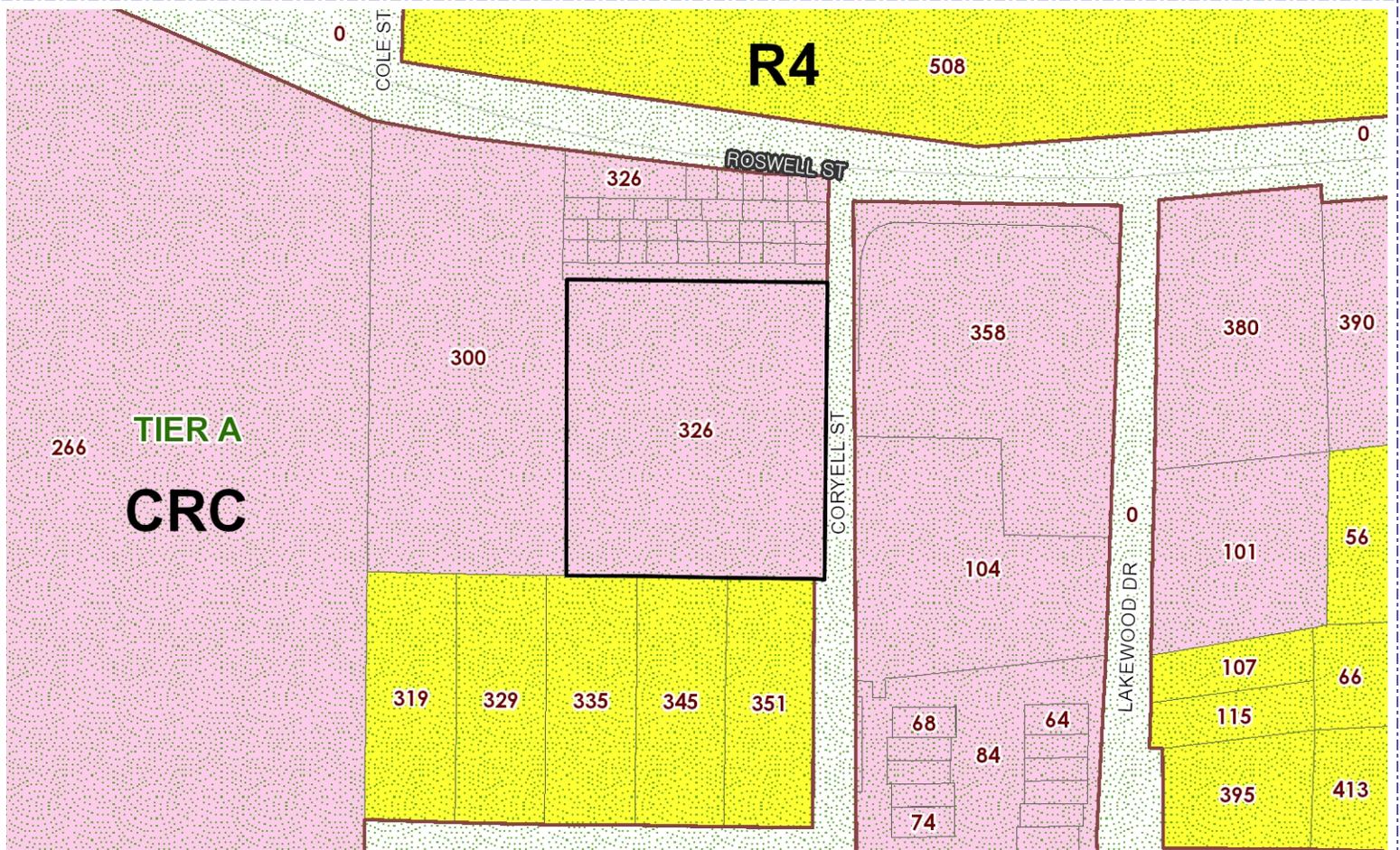


Address	Parcel Number	Acreage	Ward	Zoning	FLU
326 ROSWELL ST	1612330CMMN	1.131	1A	CRC	CAC

Property Owner:	Emerson Overlook
Applicant:	Kathryn Raynor
City Council Hearing Date:	07/13/2016
Acquisition Date:	
Case Number:	V2016-28
<p>City of Marietta Planning &amp; Zoning</p>	

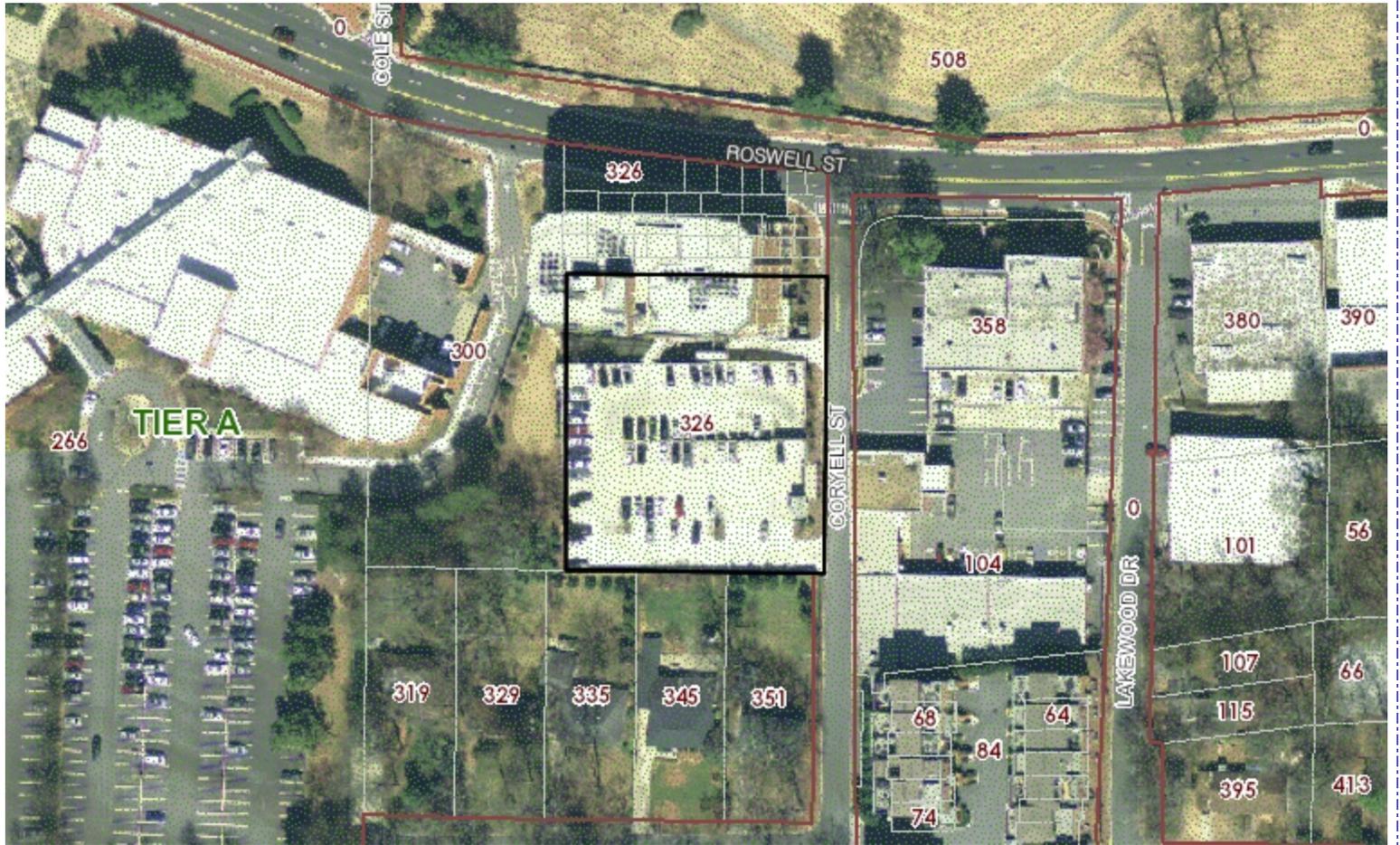
**Zoning Symbols**

- 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



Address	Parcel Number	Acreage	Ward	Zoning	FLU
326 ROSWELL ST	1612330CMMN	1.131	1A	CRC	CAC

Property Owner:	Emerson Overlook	<b>Zoning Symbols</b> --- 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:	Kathryn Raynor	
City Council Hearing Date:	07/13/2016	
Acquisition Date:		
Case Number:	V2016-28	
<b>City of Marietta Planning &amp; Zoning</b>		



Address	Parcel Number	Acreage	Ward	Zoning	FLU
326 ROSWELL ST	1612330CMMN	1.131	1A	CRC	CAC

Property Owner:	Emerson Overlook
Applicant:	Kathryn Raynor
City Council Hearing Date:	07/13/2016
Planning Commission Hearing Date:	
BZA Hearing Date:	Case Number: V2016-28
Comments:	

**Legend**

- Railroads
- City Limits
- Cobb County Pockets

