



STAFF REVIEW AND RECOMMENDATION

Variance Case #: V2016-20 **Legistar #:** 20160349
Board of Zoning Appeals Hearing: Monday, May 23rd, 2016 – 6:00 p.m.
Property Owner: Tammy Turner
949 Springdale Drive
Marietta, GA 30062
Applicant: Same as above
Address: 949 Springdale Drive
Land Lot: 1140 **District:** 16 **Parcel:** 0240
Council Ward: 5B **Existing Zoning:** R-4 (Single Family Residential – 4 units/acre)

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

1. Variance to allow gravel as an acceptable parking surface [§716.08 A & B]

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



Subject Property



Graveled Area



Graveled Area



Subject Property – October 2012 (Source: Google Maps)

Recommended Action:

Denial. The applicant and owner, Tammy Turner, is requesting a variance for improvements recently made at her home at 949 Springdale Drive. Her property, as well as all surrounding properties, is zoned R-4 (Single Family Residential – 4 units/acre). The variance being requested is to allow gravel as an acceptable parking surface. Ms. Turner was recently cited by Code Enforcement – the owner stated that she was told to replenish her gravel by staff – and upon return staff found that the replenishing of the gravel expanded to areas that were not graveled.

Section 716.08 (B) of the Zoning Ordinance states that only concrete, asphalt, or brick may be used as an allowable surface for parking to accommodate vehicles up to 8,000 pounds. The Board of Zoning Appeal has granted similar variances for residences to use gravel:

<u>Case #</u>	<u>Address</u>	<u>Zoning</u>
• V2016-14	- 95 Kirkpatrick Dr	R-4
• V2016-06	- 476 Stewart Ave	R-2
• V2014-26	- 336 Whitlock Ave	R-3
• V2013-13	- 405 Saint Mary’s Ln	R-2
• V2008-17	- 1018 Powder Springs St	R-2

Based off the most recent Google image dated October, 2012 – the gravel is shown to extend to the road from the existing carport. However – after a site visit by staff – the owner has expanded the area of gravel towards the residence; therefore, in order for the newly graveled area to remain – a variance is needed. Although gravel already existed on the subject property – the owner has not explained why she needed to expand the gravel from how it was originally placed on the property. One of the main concerns for gravel driveways is the tendency for the gravel to be tracked or washed out into the road. There was no hardship that would have prevented the applicant from complying with the City’s regulations, and as such *staff recommends denial to this variance request.*

However, if the Board is inclined to approve this variance request, staff recommends the following stipulations:

- 1. All gravel in the right-of-way be replaced with turf grass.*
- 2. A 20 feet paved apron for entrance/exit.*



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 #: V2016-20 Legistar #: 20160349 BZA Hearing Dt: May 23rd, 2016
City Council Hearing Dt (if applicable) #: PZ #: 10-180

This is a variance/appeal application for:



Board of Zoning Appeals



City Council

Owner's Name Tammy Turner

Address 949 Springdale Dr Zip Code: 30062

Telephone Number: 404 6978014 Email Address: tturner1418@gmail.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:

949 Springdale Dr Marietta Date of Acquisition: 4/13/16

Land Lot (s) 11400 District 16 Parcel 0240 Acreage Zoned R4 Ward 5B FLU RAC

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

to allow gravel as a parking surface

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

4/13/14

To whom this may concern,

I, Jammy Turner owner of property on 949 Springdale Dr. Marietta, Ga 30062 am filing for a variance for my gravel on my property. Code enforcement sent me a violation in October 2015 stating that the gravel needed to be replenished and in early January we replenished it. In late January I received another violation from code enforcement stating that we put gravel down in the wrong spot. But we replenished it in the side yard which her letter stated for us to do. I have went to court in this matter and they have instructed me to file a variance.

TO: Marietta Daily Journal
FROM: City of Marietta
RUN DATE: May 6, 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, May 23, 2016 at 6:00 P.M.**, City Hall. Anyone wishing to attend may do so and be heard relative thereto.

V2016-20 [VARIANCE] TAMMY TURNER is requesting variances for property located in Land Lot 1140, District 16, Parcel 0240, 2nd Section, Marietta, Cobb County, Georgia and being known as 949 Springdale Drive. Variance to allow gravel as an acceptable parking surface. Ward 5B.

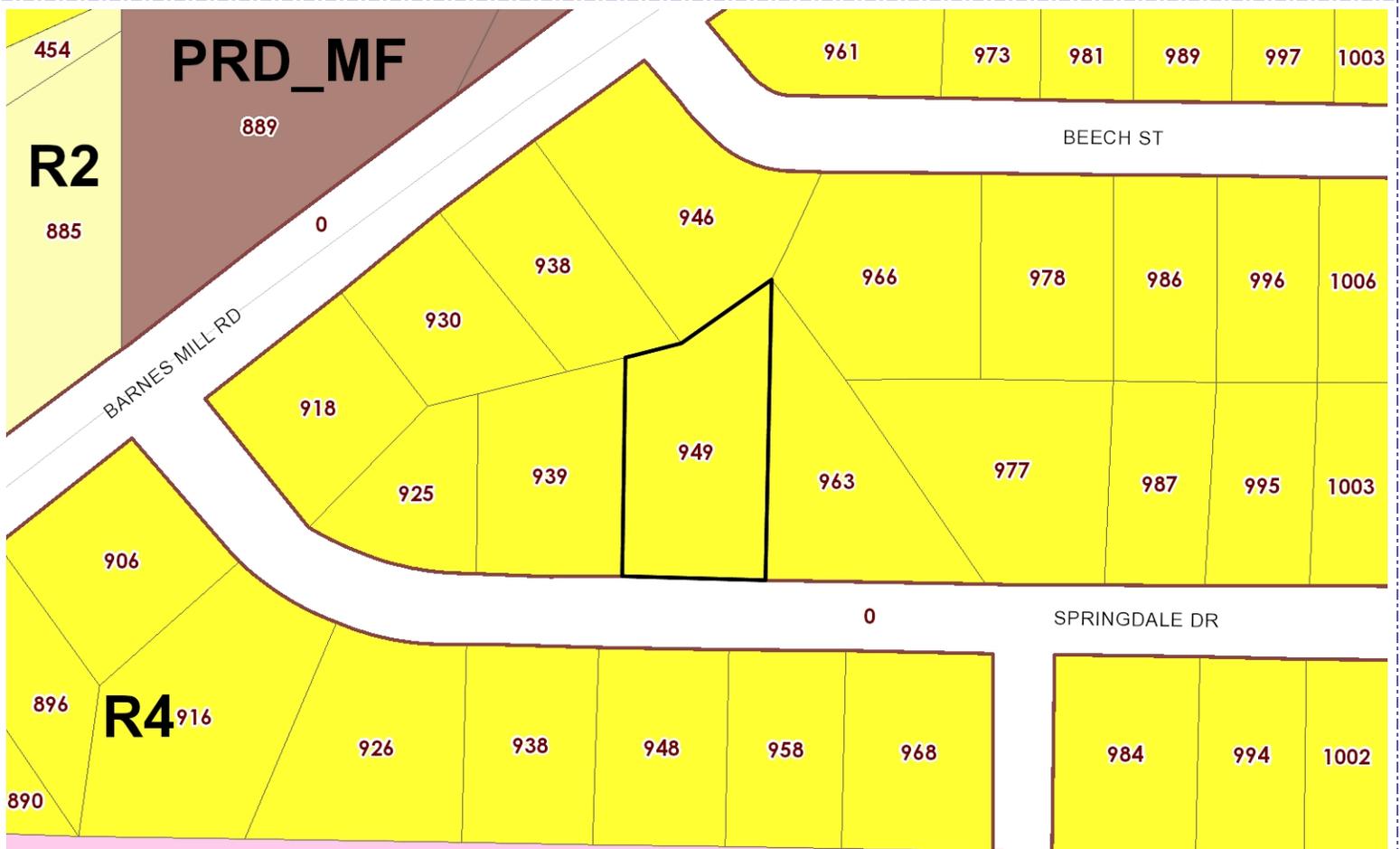
A description and plat of the property sought for the variances are on file in the Planning and Zoning Office, City Hall, and are available for inspection between 8:00 A.M. and 5:00 P.M., Monday through Friday. Anyone wishing to attend may do so and be heard relative thereto.

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
949 SPRINGDALE DR	16114000240	0.392	5B	R4	RAC

Property Owner: Tammy Turner

Applicant:

BZA Hearing Date: 05/23/2016

Acquisition Date:

Case Number: V2016-20

City of Marietta Planning & Zoning

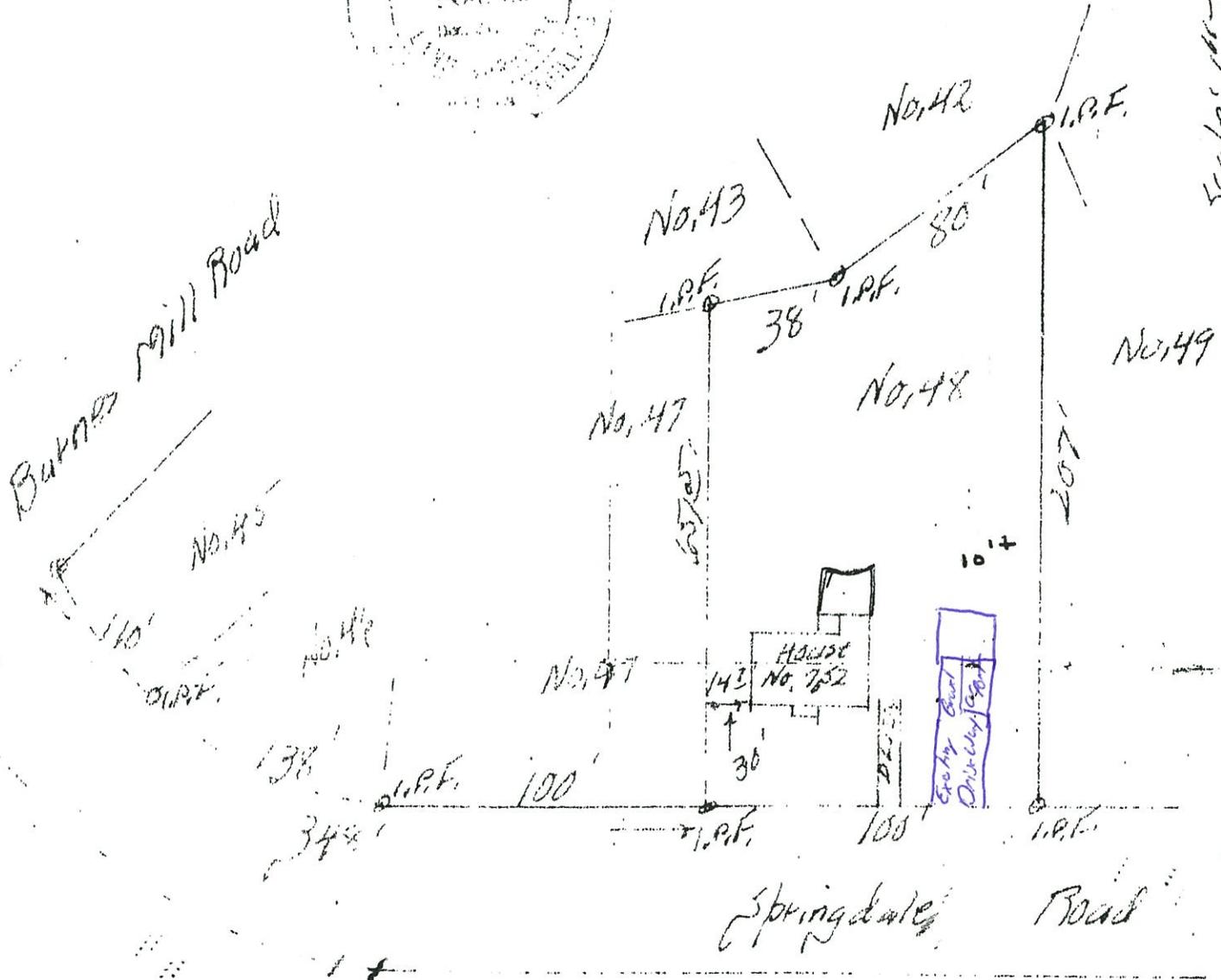
Zoning Symbols

- 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



Burns Mill Road

Scale: 1" = 50' 2



Purchaser - Jack Jones Lathern Jr.
 Lot No. 48 - Hill Homes Subdivision - Part I -
 Plat Nos. 1093-1140 - 16th District 2nd section
 County - Georgia
 Surveyed by J. C. Phillips - Surveyor
 11/10/1944