



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

STAFF REVIEW AND RECOMMENDATION

Variance Case #: V2013-11

Legistar #: 20130146

Board of Zoning Appeals Hearing: Monday, February 25, 2013 – 6:00 p.m.

Applicant: Nancy D. Greene
290 Westland Way, S. W.
Marietta, GA 30064

Property Owner: A. Randal Greene
290 Westland Way, S. W.
Marietta, GA 30064

Address: 708 Skyview Drive

Land Lot: 1163 **District:** 16 **Parcel:** 0550

Council Ward: 5 **Existing Zoning:** R-4 (Residential Single-Family 4 units/acre)

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

1. Variance to reduce east side yard setback from 10 ft. to 0 ft. [Section 708.04(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







Recommended Action:

Approval, with stipulations. Nancy Greene, petitioner for the owner, A. Randal Greene is requesting a variance to install a carport at 708 Skyview Drive, and is 0.21 acres. The property is zoned R4 (Single Family Residential 4 units/acre), and is located along Skyview Drive which is just off of North Marietta Parkway (SR 120) and Cobb Parkway North (US41). The residential neighborhood is zoned R4 (Single Family Residential 4 units/acre), and is made up of moderate sized, bungalow styled detached housing units.

The petitioner is in the process of renovating house on the property and would like to add a 2-car carport. However, the subject property is of triangular shape, and the odd shape of this lot limits the area available for the proposed 2-car carport and other improvements.

In January 2011, the owner, Mr. Greene was approved for an administrative variance (AV2011-01), to reduce the required side yard setback from 10 ft. to 8 ft. in order to construct a screened porch to the rear of the house. Since the approval of the administrative variance, Mr. and Mrs. Greene have re-graded the property and removed many trees and brush. They are in the process of reconstructing a damaged retaining wall along the east side property line and have proposed to pour a new driveway once they receive decision of this variance request.

The variance sought is to install a 2-car carport that will extend into the front and east side yards, and which will be attached to the existing house by a covered walkway. The petitioner is requesting a 0 ft. east side yard setback to install carport.

The petitioner has indicated that they would like to provide parking parallel to the street for 2 cars, and has also requested to park cars on the new paved driveway. The Public Works Department commented on these two issues:

- According to the proposed site plan showing the parallel parking in the front yard setback and right-of-way is not permitted. Off street parking in the right-of-way is not allowed.
- As proposed, the new carport provides insufficient space for one car length (20 ft. minimum) between the carport and the right-of-way. A parked car cannot overhang from the property into the right-of-way.

Mrs. Greene has stated that she has spoken to neighbor at 728 Skyview Drive and they have no objections. However, at this time she has not received anything in writing, but attempting to get written approval from them.

Staff recommends approval of the requested variance to allow petitioner to install a 2-car carport with a 0 ft. east side yard setback with the following stipulations:

- 1. The setback shall be measured to the eaves or overhang of the roof of the carport, such that no portion of the carport structure shall encroach over the property line.**
- 2. The carport structure shall be built according to the architectural elevations attached to the submitted plans.**