
STAFF REVIEW AND RECOMMENDATION

Variance Case #: V2015-17 **Legistar #:** 20150243
Board of Zoning Appeals Hearing: Monday, April 27, 2015
Property Owner: Jill C. Mutimer
587 S. Keeler Woods Drive
Marietta, GA 30064
Applicant: Same as above
Address: 283 Ridge Avenue
Land Lot: 1155 **District:** 16 **Parcel:** 77
Council Ward: 3A **Existing Zoning:** R-3 (Single Family Residential – 3 units / acre)

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

1. Variance to increase the maximum height of an accessory structure from 15 ft. to 20 ft. (setback required to be equal to height of the structure). [§708.03 (F.4)]
2. Variance to reduce the minimum rear yard setback for an accessory structure from 10' to 9.3'. [§708.03 (F.1)]

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:

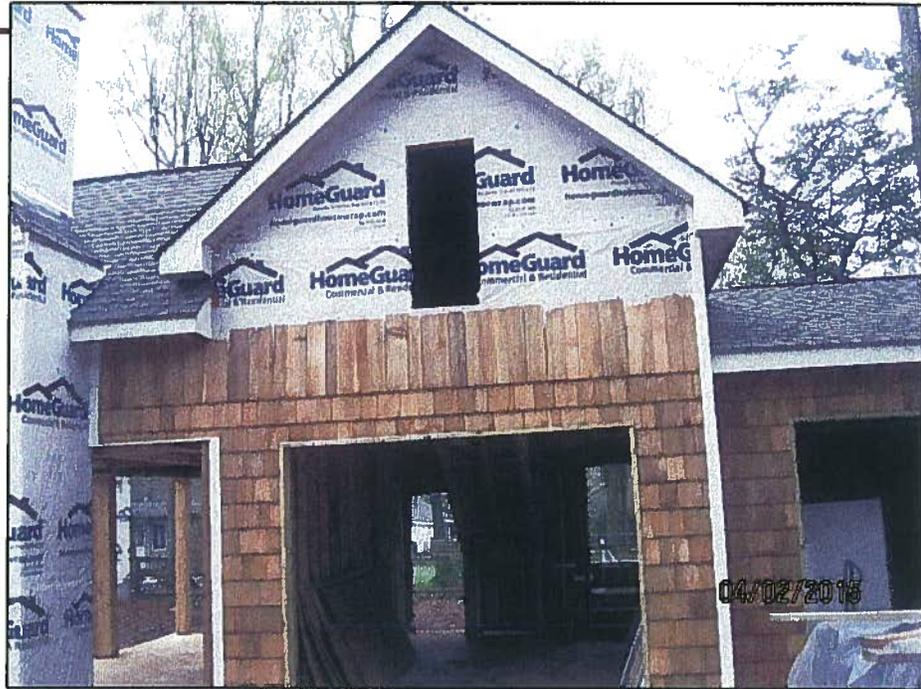
1. Exceptional or extraordinary circumstances or conditions *are/are not* applicable to the development of the site that do not apply generally to sites in the same zoning district.

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.

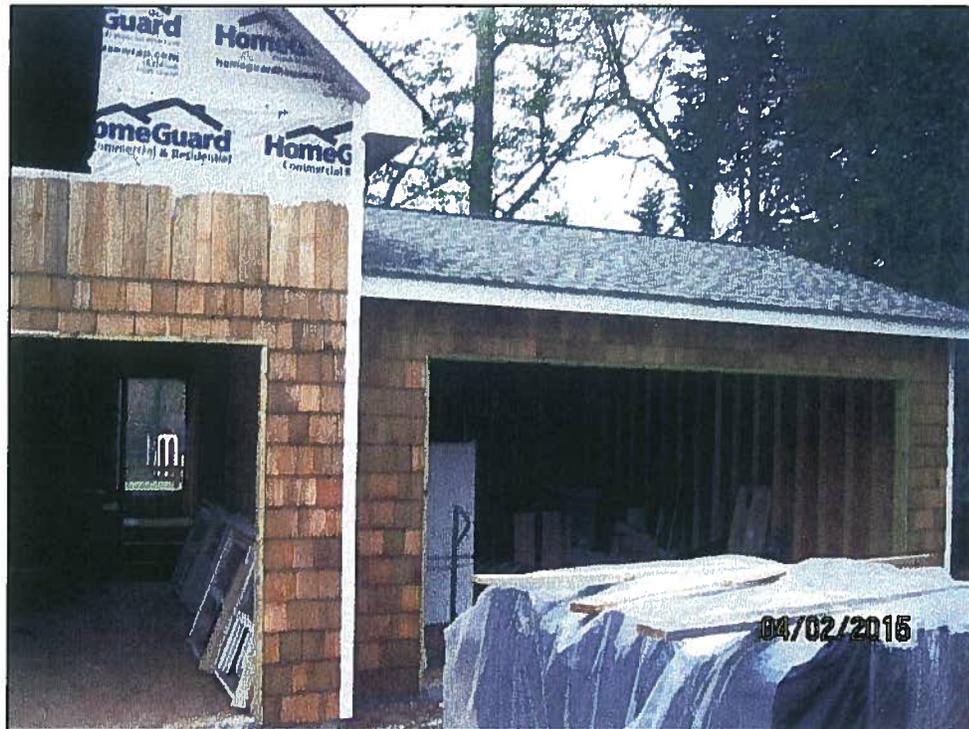
PICTURES



Front of garage



One car garage – 20' in height



Two car garage 14'7" in height



Back of garage - encroaches on rear building setback

Recommended Action:

Approval. The applicant and property owner, Jill C. Mutimer, is requesting variances to allow a detached garage in the rear yard area of the property at 283 Ridge Avenue. The subject property is zoned R-3, Single Family Residential (3/units acre) and is 0.385 acres. This lot is south of the intersection of Ridge Avenue and Stewart Avenue, and all adjacent properties are zoned R-3, Single Family Residential (3/units acre). Properties located across Ridge Avenue are zoned R-4, Single Family Residential (4/units acre); and properties located further to the north and across Stewart Avenue are zoned R-2, Single Family Residential (2/units acre).

Section 708.03 (F.4) states: *Accessory structures greater than 15 feet in height, but less than 35 feet in height, must be set back at least 10 feet from the side property line, and must be setback from the rear property line a distance of 30 feet, or a distance equal to the height of the structure, whichever is less.*

The garage on this property has already been constructed, and the applicant thought that the two-tiered design that was chosen would meet the City's regulations, but it does not. The building is constructed such that it has a section that is closest to the rear property line that has a two-car garage and is 14'7" in height. Another section, under a common roof, is a one-car garage that is 20' in height. The portion of the building that is 20' in height is 30' from the rear property line.

A second variance is also being requested because one corner of the building encroached upon the 10 foot rear yard setback, and is only 9'3" from the rear property line (see attached site plan).

Since the applicant kept the height of the garage structure below 15 feet as it neared the rear property line, it will not negatively impact the surrounding properties, and as a result, **Staff recommends approval of the requested variances.**

The Marietta Fire Department has the following objections to this exemption plat:

- 1. Homes that are closer than 10 feet to the property line or 20 feet to the neighboring structure, shall require a fire sprinkler system per city ordinance.**
(The applicant will have to meet with representatives of the Fire Marshall's Office in order to resolve this issue.)

March 11, 2015

Representatives of the City of Marietta

RE: Variance Request for 283 Ridge Avenue

Dear Members of the Board of Zoning Appeals:

The referenced property was purchased in 8/2014 and we began renovation in 12/2014, after hiring an architect and contractor. The renovations plans called for a garage to be constructed on the back of the property.

The property is zoned R3 (zoning ordinance 708.03 attached). The ordinance states that all accessory structures with a height of less than 15 feet must be at least 10 feet from the rear lot line. However, if the height is greater than 15 feet but less than 35 feet, it must be located at least 30 feet from the rear property line.

In an effort to comply with the zoning ordinance, the architect drew and we built a 2-car garage that is 14'7" high and goes back to the allowed 10 foot set back. Once you reach the 30-foot setback, we have a separate one-car garage (separate structure) that is 20' high. So, we do not go above 15 feet until the 30-foot threshold is met. Therefore, we felt that we were in compliance with the zoning ordinance.

However, we have been advised that because the two structures carry a common roof, the city considers it one structure. And, even though the height of the "structure" doesn't go above 15 feet until the 30-foot setback is reached, the city feels we are in violation of the zoning and require a variance.

In addition, it has come to my attention that my contractor accidentally placed one corner of the accessory structure garage 9'3" from the property line, rather than 10'. Therefore, although this could be accomplished with an administrative variance, we would like to address both issues under this variance request all at once.

The structure is built already as we felt we were in compliance with the requirement. Given the heights of the structures are in alignment with the requirements, with the only issue being that they carry a common roof, we respectfully request that you grant this variance as the structures cost us about \$50,000 to build and if we were forced to separate the roof, it would be impossible to keep the small area between the structures and the structures themselves in good repair.

Please find pictures attached for your review.

A handwritten signature in black ink, appearing to read "Joe C. Muttman". The signature is written in a cursive style with a long, sweeping underline.



This garage is no taller than 14'7". Per zoning can't be more than 15' at 10' setback



This garage does not reach 20 feet until it is 30 feet off the setback per zoning requirements.

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, April 27, 2015 at 6:00 P.M.**, City Hall. Anyone wishing to attend may do so and be heard relative thereto.

V2015-17 [VARIANCE] JILL C. MUTIMER requesting variances for property located in Land Lot 1155, District 16, Parcel 0770, 2nd Section, Marietta, Cobb County, Georgia and being known as 283 Ridge Avenue. Variance to increase the maximum height of an accessory structure from 15 ft. to 20 ft. (setback required to be equal to height of the structure); variance to reduce the rear setback for an accessory structure to 9.3'. Ward 3A.

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.

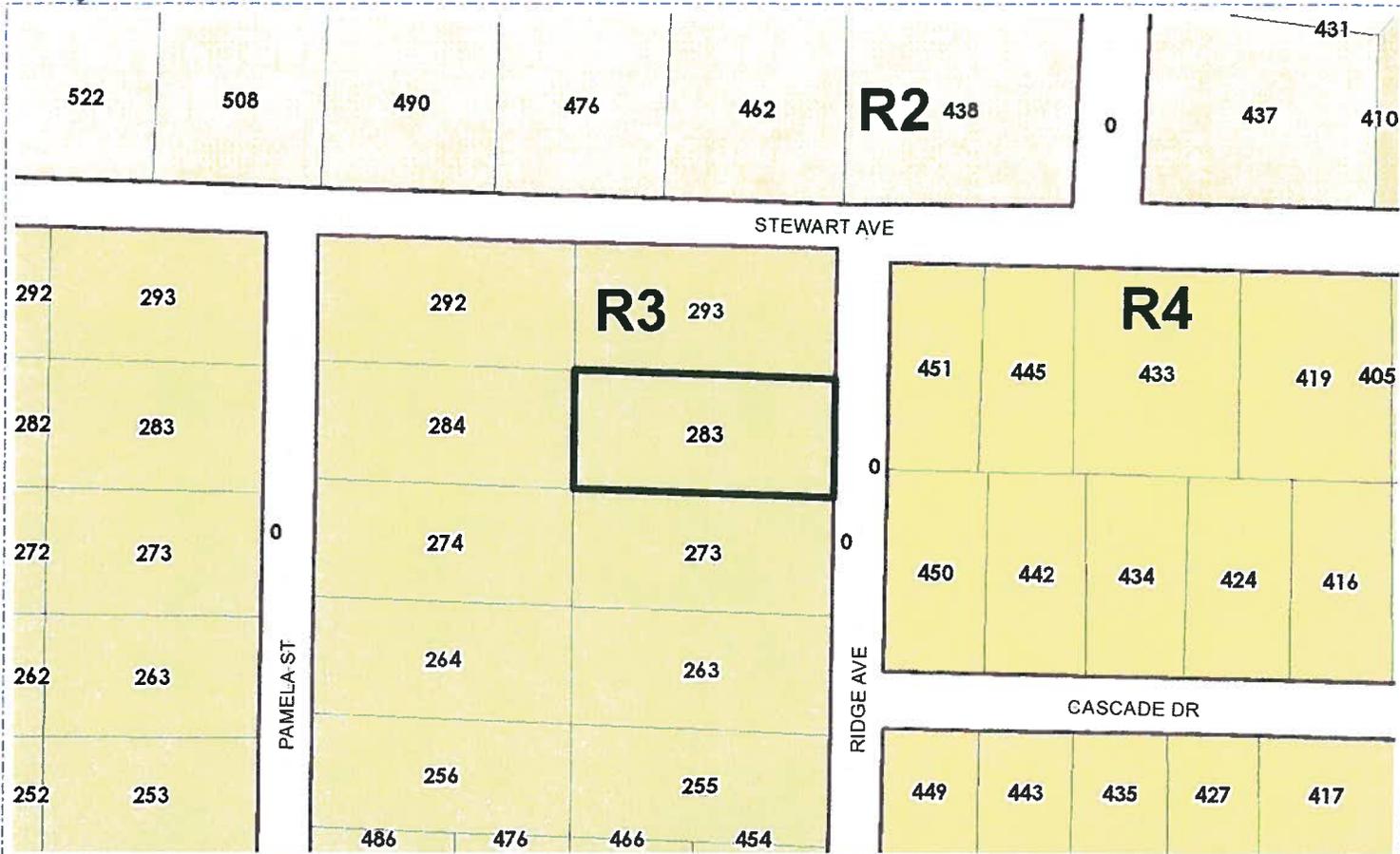
For additional information please call the Planning and Zoning Office (770) 794-5669.

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



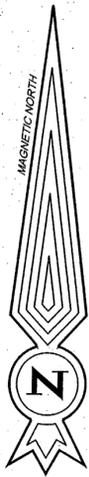
Address	Parcel Number	Acreage	Ward	Zoning	FLU
283 RIDGE AVE	16115500770	0.385	3A	R3	LDR

Property Owner:	Jill C. Mutimer
Applicant:	
BZA Hearing Date:	4/27/15
Acquisition Date:	
Case Number:	V2015-17

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

City of Marietta Planning & Zoning



FOUNDATION LOCATION
SURVEY FOR

JILL MUTIMER

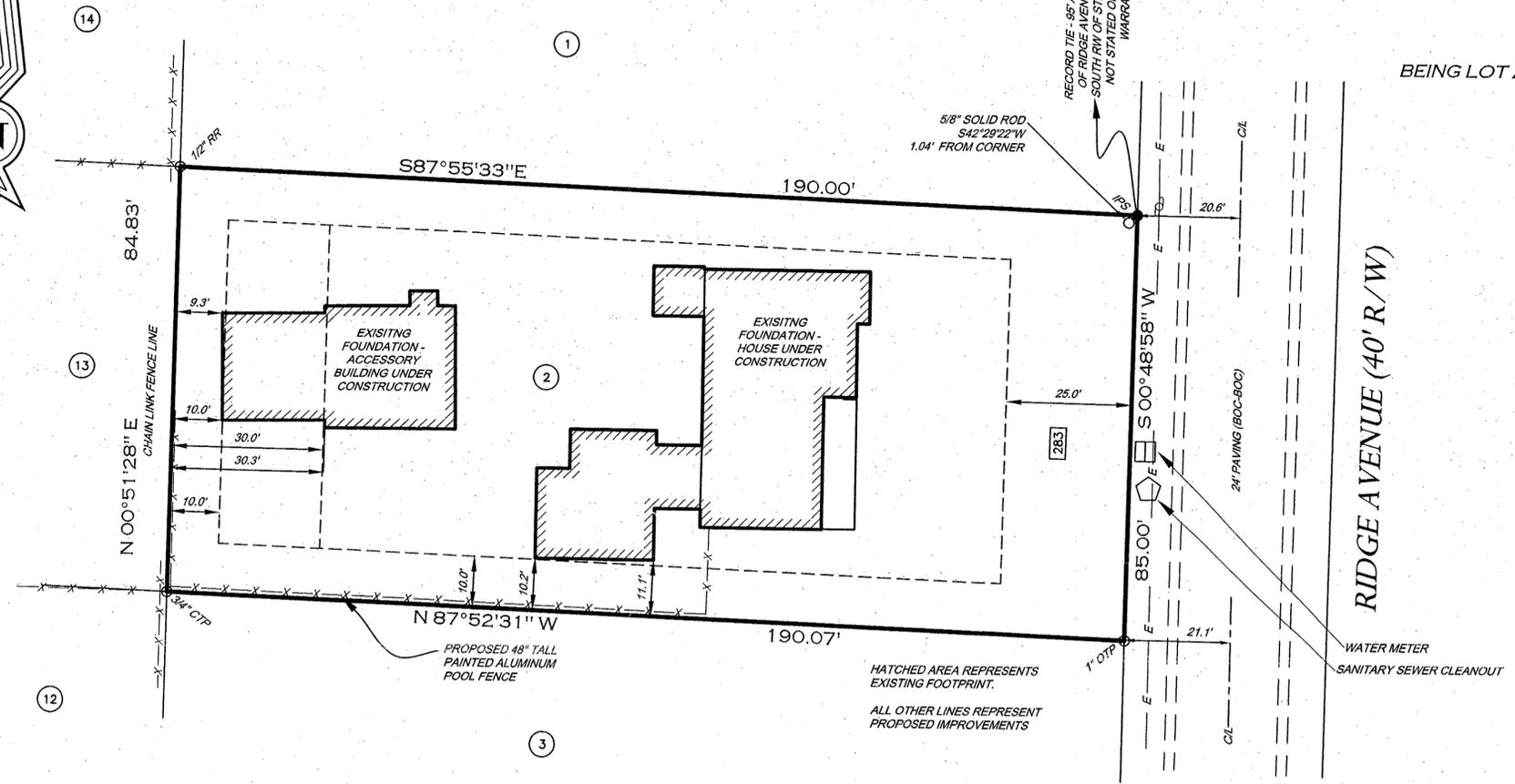
LOCATED IN LAND LOT 1155, 16TH DISTRICT, 2ND SECTION,
COBB COUNTY, GEORGIA

CITY OF MARIETTA

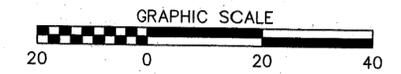
BEING LOT 2, DLOCK D, UNIT ONE, WESTWOOD SUBDIVISION,
P.B. 15, PG. 61

283 RIDGE AVENUE

AREA = 0.370 ACRES
(16,133 SQ. FT.)



- LEGEND**
- CORNER MONUMENTATION:
 - = IFS = CORNER SET WITH A 1/2" STEEL REINFORCING ROD
 - = CORNER FOUND
 - △ = UNMONUMENTED CORNER
 - ⊙ = CORNER TO BE SET WHEN CONSTRUCTION PERMITS
 - x — x — FENCE LINE
 - RR = STEEL REINFORCING ROD
 - OTP = OPEN TOP WATER PIPE
 - CTP = CRIMPED TOP WATER PIPE
 - PP = POWER POLE = 'O'
 - CL = CENTERLINE = ———
 - B/L = BUILDINGLINE = - - - - -
 - R/W = RIGHT OF WAY = ———
 - L.L.L. = LAND LOT LINE = ———
 - WATER MAINS = — W — W — W — W —
 - OVERHEAD POWER LINES = — E — E — E — E —
 - GAS MAINS = — G — G — G — G —
 - SANITARY SEWER MAIN = — SS — SS —
 - N/F = NOW OR FORMERLY OWNED BY
 - NSAB = NAIL SET AT BASE
 - NFAB = NAIL FOUND AT BASE
 - D.B. = DEED BOOK
 - P.B. = PLAT BOOK
 - R/W MON. = CONCRETE RIGHT OF WAY MONUMENT



SURVEY NOTES:

THIS PLAT WAS PREPARED WITHOUT THE BENEFIT OF A CURRENT TITLE REPORT. THERE MAY BE MATTERS AFFECTING TITLE THAT ARE NOT SHOWN.

THERE HAS BEEN NO EXTENSIVE RESEARCH PERFORMED BY, NOR PROVIDED TO THIS FIRM AS TO ANY ZONING CONDITIONS ASSOCIATED WITH THE SUBJECT PROPERTY.

THERE IS A 25' NON-DISTURBANCE BUFFER (WARM WATER STREAMS) AND A 50' NON-DISTURBANCE BUFFER (TROUT STREAMS) ADJACENT TO ANY STREAM OR BODY OF WATER MANDATED BY THE STATE AND THERE MAY BE ENHANCED BUFFERS PLACED ON THESE WATERS BY COUNTIES OR MUNICIPALITIES. THE PROPER AUTHORITY SHOULD BE CONTACTED BEFORE BEGINNING ANY DISTURBANCE NEAR THESE AREAS.

THIS PLAT WAS PREPARED FOR EXCLUSIVE USE BY THE PERSONS AND/OR ORGANIZATIONS NAMED HEREON. THIS PLAT DOES NOT EXTEND TO OTHERS WITHOUT THE PERMISSION OF THE SURVEYOR.

ORIGINAL PLATS, NOTES AND OTHER DRAWINGS PREPARED BY THE SURVEYOR AND HIS ASSOCIATES, INCLUDING ELECTRONIC FILES, ARE INSTRUMENTS OF SERVICE AND ARE THE PROPERTY OF THE SURVEYOR.

THERE MAY BE OTHER UTILITIES EXISTING ON THIS PROPERTY THAT ARE NOT SHOWN.

TECHNICAL DATA

TRAVERSE PRECISION: 1/49,730
 ANGLE ERROR: 5 SEC. PER ANG.
 SURVEY ADJUSTMENT: LEAST SQUARES
 EQUIPMENT: TOPCON G PT-3005
 PLAT PRECISION: 1/119,286

FLOOD STATEMENT

I HAVE THIS DATE EXAMINED THE FLOOD INSURANCE RATE MAPS, COMMUNITY PANEL NO: 13067C0104 H EFFECTIVE DATE: MARCH 4, 2013 THE MAP GRAPHICALLY DEPICTS THE SUBJECT PROPERTY TO LIE IN ZONE: "X"

"X" = AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN

ADDITIONAL REFERENCES:
 FINAL PLAT OF WESTWOOD SUBDIVISION,
 UNIT ONE PREPARED BY J. P. PHILLIPS (RLS
 # 148) RECORDED IN P.B. 15, PG. 61.



REVISIONS	
DATE	DESCRIPTION

THE CRUSSELLE COMPANY
 PROFESSIONAL LAND SURVEYORS
 2981 POWDER SPRINGS ROAD
 MARIETTA, GEORGIA 30064
 (770) 943-5903
 E-MAIL: BEN@CRUSSELLE.COM

PROJ. NO. C06342 FILE: C06342 - FOUND LOC (2-27-15).DWG
 FIELD SURVEY DATE: 02/26/2015
 PLAT DATE: 02/27/2015 SCALE: 1"=20'