



STAFF REVIEW AND RECOMMENDATION

Variance Case #: V2016-14 **Legistar #:** 20160240
Board of Zoning Appeals Hearing: Monday, April 25th, 2016 – 6:00 p.m.
Property Owner: Randa Whitfield
95 Kirkpatrick Drive
Marietta, GA 30064
Applicant: Same as above
Address: 95 Kirkpatrick Drive
Land Lot: 1227 **District:** 16 **Parcel:** 0410
Council Ward: 3A **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]
2. Variance to increase the allowable height of a fence in the front yard from 4’ to 6’. [§710.04 D.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.

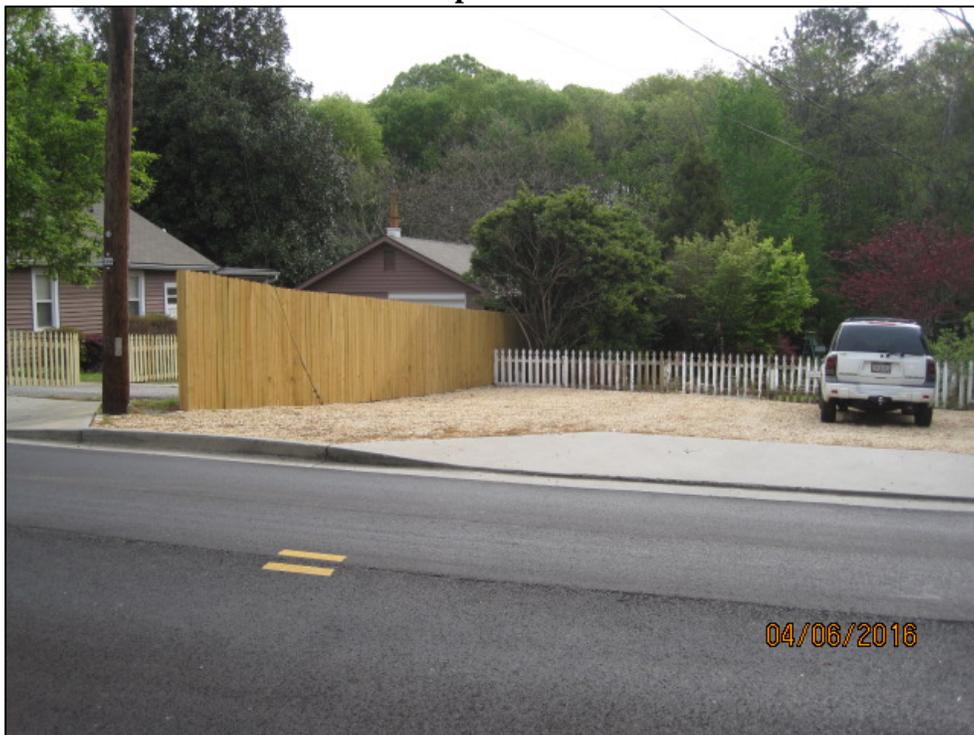
Criteria:

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



95 Kirkpatrick Drive



95 Kirkpatrick Drive



Recommended Action:

The applicant and owner, Randa Whitfield, is requesting variances for improvements recently made at her home at 95 Kirkpatrick Drive. Her property, as well as all surrounding properties, is zoned R-4 (Single Family Residential – 4 units/acre). The variances being requested are to allow gravel as an acceptable parking surface and to allow a 6’ fence in the front yard. Ms. Whitfield has provided letters from a number of her neighbors in supporting of her pursuit of these variances.

The tall shrubs along the northern property line were removed after a car accident in December and the applicants replaced it with a 6’ privacy fence. The fence does not extend as close to the road as the shrubs in order to provide better visibility getting out of the driveway. This section of Kirkpatrick Drive is moderately busy because its proximity to the intersection with Whitlock Avenue. However, since the new fence is located in the front yard, its height is limited to 4 feet. The applicants are requesting a variance to allow the fence remain at its current height. Given that the front yard of the property is quite small, only about 10 feet of the fence is over the height limit. As long as the height does not block the visibility of oncoming traffic for the residents on either side of the fence, *staff would support this variance request.*

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>
• V2016-06	- 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

One of the main concerns for gravel driveways is the tendency for the gravel to be tracked or washed out into the road. It will be especially important to keep this busy section of Kirkpatrick free of gravel debris. Other than the fact that the applicant likes the look of pea gravel in her yard, she has not explained why she did not repair and improve the asphalt driveway that was originally on the property. There was no hardship that would have prevented the applicant from complying with the City’s regulations, and as such *staff recommends denial of this variance request.*

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

1. Comply with the Marietta Public Works Department recommendation that a 20-ft deep concrete driveway be installed (the driveway is only about 40 feet deep so this stipulation would require the applicants to pave approximately half the depth of the driveway); and
2. All gravel in the right of way be replaced with turf grass.
3. Evergreen shrubs must be planted along the fence with a maximum spacing of 10 ft. between each.



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 #: V2016-14 Legistar #: BZA Hearing Dt: 4-25-16
City Council Hearing Dt (if applicable) #: PZ #: 16-133

This is a variance/appeal application for:

Checked box for Board of Zoning Appeals

Board of Zoning Appeals

Unchecked box for City Council

City Council

Owner's Name Randa Whittfield

Address 95 Kirkpatrick Dr. Zip Code: 30064

Telephone Number: 404 788 6488 Email Address: brettandranda@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:

95 Kirkpatrick Dr Date of Acquisition: 9/2008

Land Lot (s) 12270 District 16 Parcel 0410 Acreage .39 Zoned R4 Ward 3A FLU LDR

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

gravel driveway + 6' privacy fence

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...
5. Site plan - drawn to scale. Site plans must illustrate property lines and all relevant existing information and conditions...
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

Randa Whitfield

95 Kirkpatrick Drive
Marietta, Ga. 30064
(404)788-6488
brettandranda@gmail.com

14th March 2016

Shelby Little

Zoning Administrator Planning and Zoning
205 Lawrence Street
Marietta, Ga. 30061-0609

Dear Ms Little,

My Husband and I are writing to ask for a Variance forgiveness for our new pea gravel driveway and our new 6' privacy fence that we have recently completed. Back in late December (the 26th) to be exact, there was a terrible accident next door at 85 Kirkpatrick Drive knocking down several trees and about 50' of picket fencing which prompted us to take immediate action and take down the 25-30' tall shrubs that separated our house at 95 Kirkpatrick Drive from our new neighbors replacing it with a 6' privacy fence to not only provide more driveway for us but to ensure the safety first and foremost of pulling in and out of both driveways that has been so very difficult to do with the tall shrubs in the way and the narrow driveway. We have also made an upgrade to our semi-asphalt driveway that looked pathetic (especially when it rained) making a absolute mess on both sides of the small driveway while leaving us very little parking space. We have poured 18 tons of crusher run and 11 tons of pea gravel to ensure the proper drainage and provide an additional 9' of width that we can now use as a working driveway. We got this idea after seeing several homes throughout the City of Marietta that had pea gravel driveways and thought what a beautiful upgrade it would not only bring to our home but the neighborhood as well! After getting many letters from neighbors thanking us for our improvements, we just knew we made the right decision for our Family and neighborhood.

I have the letters from all of the neighbors that chose to write us stating how the improvements made them feel and will be including them along with this letter for you all to read and hopefully take into consideration.

Thank you all so very much for taking the time to hear us!

Sincerely,

Randa Whitfield



March 12, 2016

To Whom it May Concern:

I live at 109 Kirkpatrick Drive, and my backyard is in view of the Whitfields' home next door. I do not see a problem with their new gravel driveway nor the new 6 foot wooden privacy fence. Both were nicely done in an effort to replace their former driveway and the tall skinny trees that had been in the place where the fence now stands. Both are visual improvements over the previous crumbling driveway and the old trees. In fact, there are several tall privacy fences between the yards along Kirkpatrick Drive next to the Whitfield home, but theirs is the nicest of them all as it is clean, simple and of one height along its length. Brett and Randa Whitfield have been good neighbors, and they are hardworking people trying to improve their home while raising three children. I hope that the city will reconsider the citation that was issued for these home improvements, and allow their new driveway and fence to remain as it is.

Sincerely,

A handwritten signature in black ink, appearing to read "Jennifer Mercure", with a long horizontal flourish extending to the right.

Jennifer Mercure

To whom it may concern:

It is my understanding that multiple violations have been brought against my neighbor residing at 95 Kirkpatrick Drive. I was rather shocked that the recently upgraded curb appeal was under accusation. I vividly remember driving by the house when the new fence and gravel driveway were installed. My immediate reaction was, "Wow, that not only looks great, but look at how much space they now have!"

The height of the fence at 6'-0" is in no way harmful to any of the residences nearby. If anything, it is the exact opposite. For the immediate neighbors, it provides a sense of privacy, but for the Whitfield family, it provides a degree of protection from the busy street with speeding cars. While this may sound like a stretch, you will find documentation of a recent car accident where a vehicle left the roadway and smashed through the Whitfield's neighbor's yard at 85 Kirkpatrick Drive. While significant damage was caused throughout the yard, at least the homeowner's fencing braced the initial impact of the vehicle. With young children in the Whitfield household, the privacy fence should be considered an attribute to the property rather than a nuisance.

In addition to the fence, I was informed the addition of gravel to the driveway is under question. The gravel is in no way offensive to the neighborhood and should be considered as an upgrade. It not only adds to the charm of the home, but also to the neighborhood. It is a welcome choice of material that blends nicely with the surroundings.

As a long-standing neighbor of the Whitfield's, I hope that you will consider my thoughts about the property are fair. The home is a charming bungalow on a busy street. The privacy fence provides the needed level of security for the homeowner and the gravel driveway is an attractive upgrade for the neighborhood.

Sincerely,



Katie Brown
157 Kirkpatrick Drive

To Whom It May Concern:

I am writing this letter on behalf of The Whitfield Family. I had the privilege of being their neighbor for seven years. I recently moved in November and recognize that I will never have neighbors like the Whitfields again. They are some of the most genuine and generous people that I know. They went above and beyond their neighborly duties to always look out for us and offer a helping hand whenever possible.

Not only were they great people to live next door to, but they also took impeccable care of their property. During the seven years that I lived next door, they were constantly involved in projects to update their home. They maintained a beautiful yard that gave their home great curb appeal.

I was shocked to hear that their latest improvements were in question. The Whitfields removed huge shrubs between the two properties that made it unsafe to back out of both driveways. These were completely overgrown and made it close to impossible to get in and out of the driveway. They replaced it with fencing that still provided privacy, but now make it possible to enter and exit the properties safely.

One of the reasons that my husband and I sold our home at 85 Kirkpatrick Drive in November was because of the busy street and how difficult it was to park cars and back out of our driveway. The Whitfields made upgrades to their home that now allow them to properly park cars, but to also more safely exit their driveway. The Whitfields consulted with their new neighbors and made improvements that make it safer for them as well.

In December of 2015 there was a huge accident at 85 Kirkpatrick Drive. This is not the first accident that has happened on the street due to the speed at which drivers take the curve in the road. The Whitfields were looking out for their best interest, as well as their neighbors, when they removed shrubs and expanded their driveway. They made these decisions to increase the curb appeal and safety of their property.

I hope that this letter sheds a little light on the caliber of people that I had the privilege of living next door to for seven years. Their intentions were honest when they made changes to their home. I hope that you will consider letting these changes remain so that they can keep their family safe.

Thank you,

Nicole Weber

Former resident

85 Kirkpatrick Drive



Randa Whitfield <randa.ayers@gmail.com>

Fence Looks Awesome!

aarondelias <aarondelias@yahoo.com>

Sun, Feb 21, 2016 at 6:49 PM

To: randa.ayers@gmail.com

Mr. & Mrs. Whitfield

Thank you for building the fence that stands between both of our drive ways. We feel that the driveway helps establish privacy between our homes as well as enhance the general setting. It also provides us with a much clearer vantage point when reversing out of our drive way as opposed to the previous fencing and bushes that once lay there. The fencing, as well as your new driveway, really gives your home a clean, crisp appeal to it. Again, we cannot thank you enough for taking the time to get all of that done.

Your neighbors at 85 Kirkpatrick Drive Sw,

Aaron Elias
&
Brooke Elias

Sent from my Sprint Samsung Galaxy Note5.



Randa Whitfield <randa.ayers@gmail.com>

Updates to 95 Kirkpatrick Dr.

Courtney Morgan <courtney.morgan19@gmail.com>

Mon, Feb 29, 2016 at 2:24 PM

To: randa.ayers@gmail.com

To whom it may concern:

My husband and I have noticed the upgraded changes made to 95 Kirkpatrick Dr. with the pea gravel driveway and privacy fence. Those updates give additional charm to their home along with added value to our neighborhood. We absolutely love the changes and wish more people would take time to do the same to enhance their property.

-The Craigs
Brookwood Drive

Sent from my iPhone

To Whom it May Concern,

My name is Ashli Oliver and I reside at 289 Merrydale Drive, just off of Kirkpatrick. Having always admired pea gravel driveways, I took particular notice when the Whitfields replaced their old, broken concrete drive with a fresh pea gravel drive. In addition to the lovely new driveway, they also replaced an old and rusted chain-linked fence and overgrown hedge with a beautifully done privacy fence. Not only does this improve the look of their property, but the entire neighborhood. I appreciate the work they have done; they are an asset to Marietta!

Sincerely,

Ashli Oliver

March 14, 2016

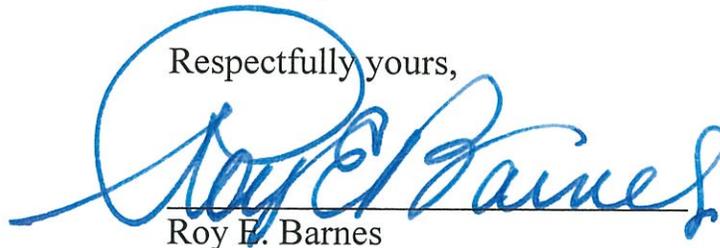
TO WHOM IT MAY CONCERN:

**Re: Bret and Randa Withfield
95 Kirkpatrick Drive
Marietta, GA**

It is my understanding that Bret and Randa Withfield have asked for a variance so that they can improve their front yard with a fence and other amenities. I am very familiar with their construction and the improvements they have made and believe they will not take away from the neighborhood but, in fact, find them to be a welcomed addition for the area.

I therefore urge you to grant any variance or permission necessary to allow the Withfields to continue and maintain these improvements.

Respectfully yours,



Roy E. Barnes

REB/srh

TO: Marietta Daily Journal
FROM: City of Marietta
RUN DATE: April 8, 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, April 25, 2016 at 6:00 P.M.**, City Hall. Anyone wishing to attend may do so and be heard relative thereto.

V2016-14 [VARIANCE] RANDA WHITFIELD is requesting variances for property located in Land Lot 1227, District 16, Parcel 0410, 2nd Section, Marietta, Cobb County, Georgia and being known as 95 Kirkpatrick Drive. Variance to allow gravel as an acceptable parking surface; variance to increase the allowable height of a fence in the front yard from 4' to 6'. Ward 3A.

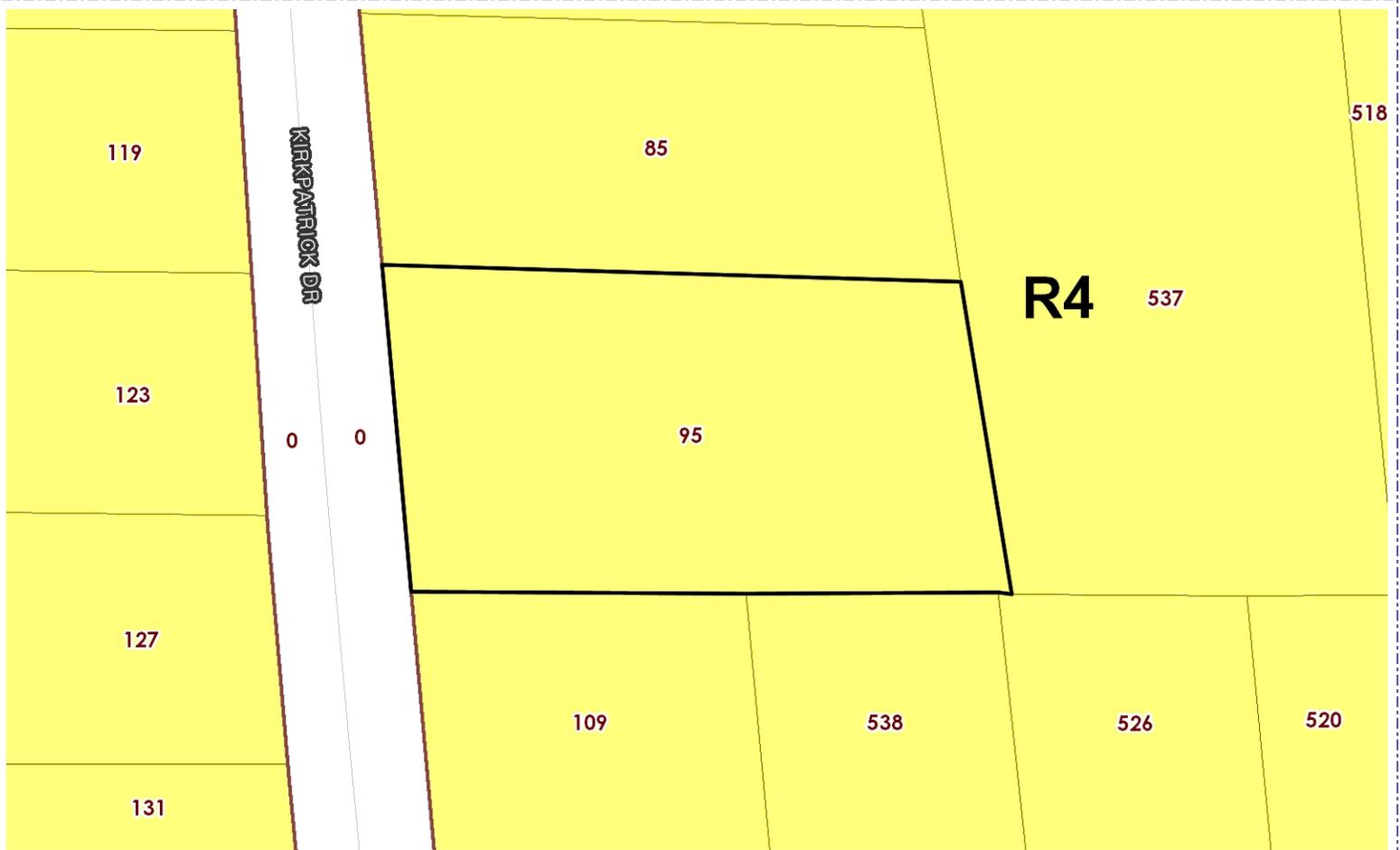
A description and plat of the property sought for the variances are on file in the Planning and Zoning Office, City Hall, and are available for inspection between 8:00 A.M. and 5:00 P.M., Monday through Friday. Anyone wishing to attend may do so and be heard relative thereto.

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
95 KIRKPATRICK DR	16122700410	0.39	3A	R4	LDR

Property Owner: Randa Whitfield

Applicant:

BZA Hearing Date: 04/25/2016

Acquisition Date:

Case Number: V2016-14

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













