



STAFF REVIEW AND RECOMMENDATION

Variance Case #: V2015-11 **Legistar #:** 20150198

Board of Zoning Appeals Hearing: **Monday, March 30, 2015**

Property Owner: David and Brittany Bottoms
1040 Greymont Circle
Marietta, GA 30064

Applicant: Terry H. Poor
The Poorter Group, LLC
112 Whitlock Drive
Marietta, GA 30064

Address: 1040 Greymont Cir

Land Lot: 02490 **District:** 20 **Parcel:** 0290

Council Ward: 4C **Existing Zoning:** R-1 (Single Family Residential – 1 unit/acre)

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

1. Variance to increase the allowable height for a gate to 5 ft. and two columns to 6 ft.
[§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



1040 Greymont Circle

Recommended Action:

Approval with conditions. The applicant, Terry H. Poor, is requesting variances for the property at 1040 Greymont Circle in order to construct a driveway entry gate. The property is zoned R-1 (Single Family Residential – 1 unit / acre) and is located in a subdivision off of Old Mountain Road. The properties on either side are also zoned R-1 and contain single family homes. The subject property is approximately 2.5 acres in size and backs up to both the Kennesaw Mountain National Battlefield Park and residential (R-20) property in unincorporated Cobb County.

The property owners would like to construct an entry gate near Greymont Circle in order to prevent unwelcome vehicles from entering their property. The five (5) foot tall gate will be attached to two stone/brick columns that will be six (6) feet in height. Zoning Code Section 710.04 (D.1) limits fences or walls within the front yard of any parcel of land on a public/private street to four (4) feet in height. The applicant has stated that the owners would like a gate large enough to deter drivers, as well as be aesthetically pleasing.

The front yard of the property contains a thick copse of trees, which isolates the front yard and home from view of the street. Because of this, the addition of a gate and with columns of this size will not seem overbearing.

In order to prevent vehicles overhanging the street, the Public Works Department has asked that the gate and keypad be placed at least twenty (20') feet from the right of way. The design submitted also indicates the gate will swing outwards towards the street and will not allow the required distance. Also, because the gate will limit access to the property by City sanitation, the owner will have to bring trash to the street for pick up.

Considering the construction of the gate 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, *staff recommends approval of this variance with the following stipulation:*

- *Either the gate doors be switched to swing inward; or the gate and columns be shifted back so there is an unobstructed 20' between the gate and the street.*

Public Works Comments:

- A Land Disturbing Activity Permit will be required when the Building Permits are obtained.
- The proposed gate poses potential problems for emergency vehicles and City waste collection (trash collection to be brought to street by Owner for pick-up.)
- The Entrance Gate & Keypad shall be located at least twenty feet (20') from the Greymont Circle R.O.W. Revise site plan for Building Permit to show similar dimension (as above) as driveway sketch.



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

APPLICATION FOR VARIANCE OR APPEAL

(Owner/Applicant/or Representative must be present at all public hearings)

Application #: V2015-11 Hearing: 3/30/15 Legistar # _____

This is a variance/appeal application for:

Board of Zoning Appeals

City Council

Owner's Name David and Brittany Bottoms

Address 1040 Greymont Circle

Zip Code: 30064

Telephone Number: 678-486-5861

Email Address: dbottoms@thebottomsgroup.com

COMPLETE ONLY IF APPLICANT IS NOT OWNER:

Applicant Terry H. Poor / The Poorter Group, LLC

Address 112 Whitlock Drive

Zip Code: 30064

Telephone Number 770-823-0559

Email Address: hicks@poortergroup.com

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

1040 Greymont Circle, Marietta, GA 30064

Date of Acquisition: Mar 2015

Land Lot (s) ⁰²⁴⁹⁰~~249~~ District 20 Parcel ⁰²⁹⁰~~200~~ Acreage 2.5 Zoned R1 ~~Fes~~ Ward 4 FLU ~~wa~~ LDR

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

Requesting 6ft columns / 5 ft gate for automated entrance gate in the front drive

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. Legal description of 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 - 25 copies of 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).
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

REASON FOR VARIANCE REQUEST

STREET ADDRESS: 1040 Greymont Circle, Marietta, GA 30064

PROPERTY OWNERS: David and Brittany Bottoms

PARCEL ID: 20024900290

According to Marietta City building codes, columns, gates and/or fences are not to exceed a height of 4 feet if placed in the front of a residential property. David and Brittany Bottoms are requesting the building of an automatic entrance gate with columns 2 feet higher than Marietta City Code requires due to security and design reasons. There have been several instances over the past few years where cars have driven into their driveway and up to the house before turning around and leaving. Many of these times have occurred at night. This has caused the family great concern.

The Bottoms wish to have a gate large enough to deter drivers from utilizing their driveway as a turnaround as well as one that would compliment the aesthetics of the home and property. They feel the design of the gate, as seen on the Gate Plan, accomplishes both goals. The Bottoms have consulted with a designer, whom lives and works in Marietta, as well as a security company for professional advice. This plan is the result of their discussions.

TO: Marietta Daily Journal
FROM: City of Marietta
RUN DATE: March 13, 2015

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, March 30, 2015 at 6:00 P.M.**, City Hall. Anyone wishing to attend may do so and be heard relative thereto.

V2015-11 [VARIANCE] THE POORTER GROUP, LLC (DAVID AND BRITTANY BOTTOMS) requesting variances for property located in Land Lot 02490, District 20, Parcel 0290, 2nd Section, Marietta, Cobb County, Georgia and being known as 1040 Greymont Circle. Variance to increase the allowable height for a gate to 5' and two columns to 6'. Ward 4C.

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.

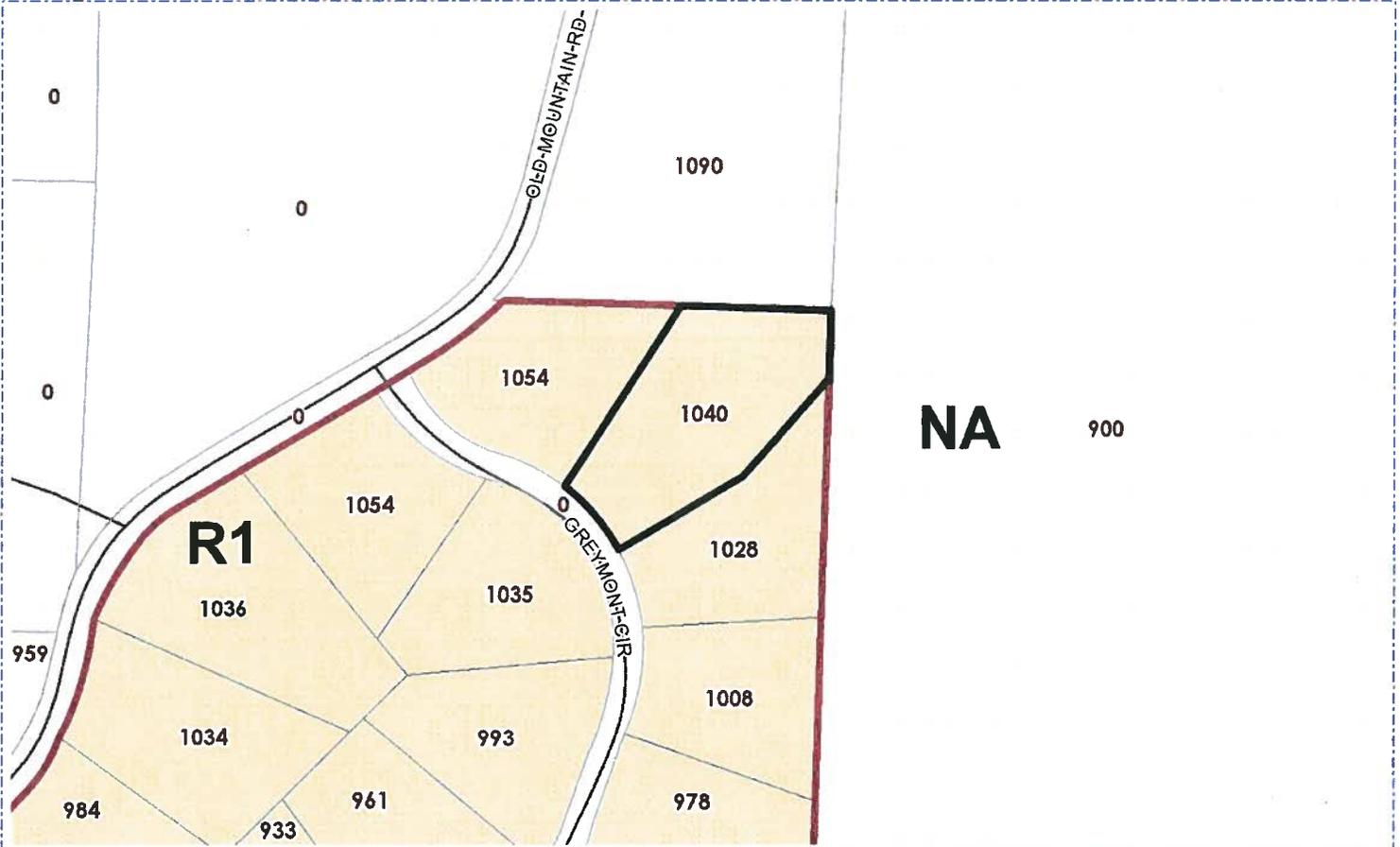
For additional information please call the Planning and Zoning Office (770) 794-5669.

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.

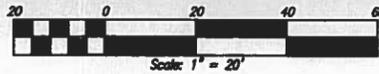
City of Marietta
205 Lawrence Street
Marietta, Georgia 30060



Variance

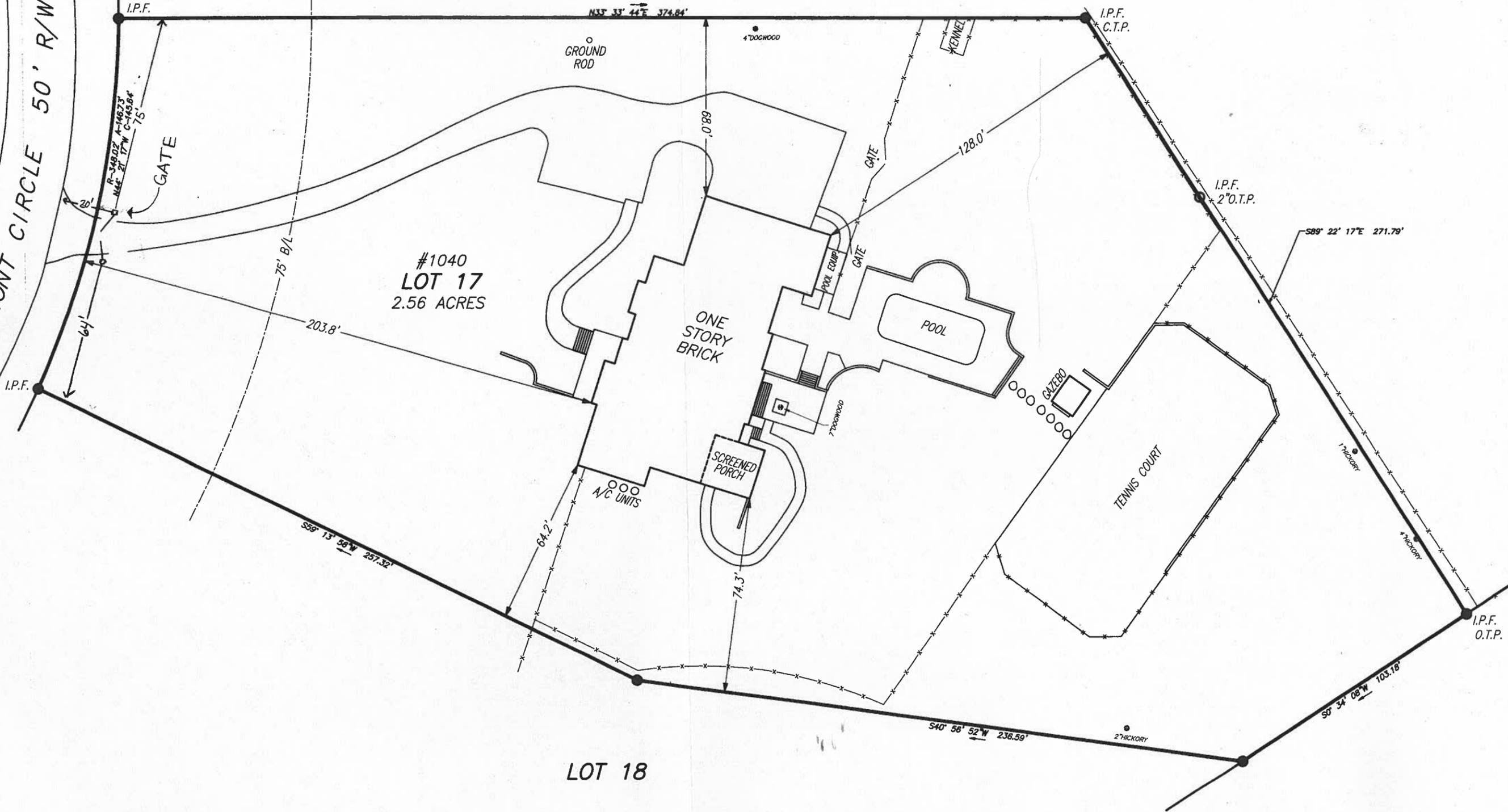


Address	Parcel Number	Acreage	Ward	Zoning	FLU
1040 GREYMONT CIR	20024900290	2.524	4C	R1	LDR
Property Owner:	David & Brittany Bottoms				Zoning Symbols Railroads City Limits Cobb County Pockets NA R1 - Single Family Residential (1 unit/acre) R2 - Single Family Residential (2 units/acre) R3 - Single Family 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
Applicant:	Terry H. Poor/The Poorter Group LLC				
BZA Hearing Date:	3/30/15				
Acquisition Date:					
Case Number:	V2015-11				
City of Marietta Planning & Zoning					



LOT 16

GREYMONT CIRCLE 50' R/W



LOT 18

REFERENCE: P.B. 41, PG. 62



FLOOD STATEMENT
 THIS PROPERTY IS NOT LOCATED IN A FLOOD HAZARD AREA ACCORDING TO
 F.I.R.M. PANEL #13067C102 G LAST REVISED ON DEC. 16, 2008.

SURVEYED REG. TPO
 CALCULATED RAM
 DRAWN RAM
 DWG. NAME GREYMONT 1040
 DATE DEC. 12, 2009

GUDGER SURVEYING, INC.
 LAND AND ENGINEERING SURVEYS
 7000 PEACHTREE-DUNWOODY ROAD
 BUILDING 6, SUITE 350
 ATLANTA, GEORGIA 30328
 PHONE (770) 396-8011 FAX (770) 396-2379

SURVEY FOR
 1040 GREYMONT DRIVE
 LOT 17
 GREYMONT
 LL 249, DISTRICT 20, SECTION 2
 COBB COUNTY, GEORGIA

NO.	DATE	REVISION

2008
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