



STAFF REVIEW AND RECOMMENDATION

Variance Case #: V2016-44 **Legistar #:** 20160766
Board of Zoning Appeals Hearing: Monday, August 29th, 2016 – 6:00 p.m.
Property Owner: Robert Baitis
472 Campbell Hill Street
Marietta, GA 30060
Applicant: Same as above
Address: 472 Campbell Hill Street
Land Lot: 10870 **District:** 16 **Parcel:** 0640
Council Ward: 4B **Existing Zoning:** R-4 (Single Family Residential – 4 units/acre)

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

1. Variance to allow a detached garage contain an additional 260 s.f. [*§708.04 (F.5.)*]

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



472 Campbell Hill Street

Recommended Action:

Approval. Robert Baitis, owner of 472 Campbell Hill Street, is requesting a variance to construct a detached garage in his rear yard than will be larger than regulations allow. The subject property is a single family residence zoned R-4 (Single Family Residential – 4 units/acre) and is surrounded by other single family residences, zoned R-4 and R-3 (Single Family Residence – 3 units/acre). Lewis Park lies across the Campbell Hill Street to the west.

Mr. Baitis wishes to construct a detached garage in his rear yard. Accessory structures are restricted to be being no more than 50% the size of the main house. According to the Cobb County Tax Assessor's Office, the principal structure is 1,600 square feet - this limits the total square footage for detached structures to 800 square feet. The 24'x44' garage that Mr. Baitis wishes to build is approximately 260 square feet larger than what is allowed. Mr. Baitis has provided letters of support from all of his surrounding neighbors and does not anticipate needing any variances for setbacks.



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

The typical home in this area was built before attached garages were a predominate feature in new homes, which were built at a smaller scale than houses built now. As a result, detached garages are common in this neighborhood. Further, the structure will meet all setback requirements and will likely not be very noticeable from the street. As a result, *staff recommends approval* of this variance request.



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 #: V2016-44 Legistar #: BZA Hearing Dt: 8-29-16
City Council Hearing Dt (if applicable) #: PZ #: 16-432

This is a variance/appeal application for:



Board of Zoning Appeals



City Council

Owner's Name Robert Baitis

Address 472 Campbell Hill St. NW Zip Code: 30060

Telephone Number: 770-880-2164 Email Address: rbaitis@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:

472 Campbell Hill St. NW Date of Acquisition: Feb. 26, 2016

Land Lot (s) 10870 District 16 Parcel: 0640 Acreage .27 Zoned R4 Ward 4B FLU LDR

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

Request for an additional 250 sq. ft. for detached garage construction. 807 sq. ft. allowed-requesting 1056 sq. ft.

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. new owners
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

July 14, 2016

Baitis Detached Garage Petition

472 Campbell Hill St. NW

Marietta, GA. 30060

The purpose of this petition is to appeal to our immediate neighbors for their understanding and approval of our plans to construct a detached garage in our backyard.

The garage will measure approximately 24'W x 44'L x 18'H, for a total of 1056sq. ft. This footprint is approximately 250sq. ft. greater than what is allowed without a variance.

As for setback, we do not foresee the garage encroaching on either the rear or side setbacks, which in this case would be 18' for the rear setback and 10' on the sides.

Included with this letter are copies of the recent survey, conducted in May 2016, as well as a conceptual representation of the design of the garage. Our intention is to align the general style and colors of the garage with our home.

Our intent is to begin construction as soon as possible. Tentative schedule is to begin work in early September 2016 with the hopes of completing the project by end of October 2016.

In order to meet the above timeline we intend to request this variance during the August 29th Board of Zoning Appeals Meeting.

We hope that you will find the above plan acceptable, and we thank you for your time and understanding.

Sincerely,

Robert & Dedra Baitis

472 Campbell Hill St. NW

Donald A Gillis
Signature of Approving Neighbor
Date July 14, 2015
Mary O'Neil Gillis
453 CHURCH ST, MARIETTA 30060
Address

July 14, 2016

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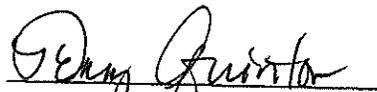
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Sincerely,

Robert & Dedra Baitis

472 Campbell Hill St. NW


Signature of Approving Neighbor

7-16-16
Date

478 Campbell Hill St. NW Marietta GA 30060
Address

July 14, 2016

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472 Campbell Hill St. NW

Marietta, GA. 30060

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Sincerely,

Robert & Dedra Baitis

472 Campbell Hill St. NW


Signature of Approving Neighbor

7/17/16
Date

462 Campbell Hill St NW Marietta, GA 30060
Address

TO: Marietta Daily Journal
FROM: City of Marietta
RUN DATE: August 12, 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, August 29, 2016 at 6:00 P.M.**, City Hall. Anyone wishing to attend may do so and be heard relative thereto.

V2016-44 [VARIANCE] ROBERT BAITIS is requesting a variance for property located in Land Lot 1087, District 16, Parcel 0640, 2nd Section, Marietta, Cobb County, Georgia and being known as 472 Campbell Hill Street. Variance to allow a detached garage contain an additional 260 s.f. Ward 4B.

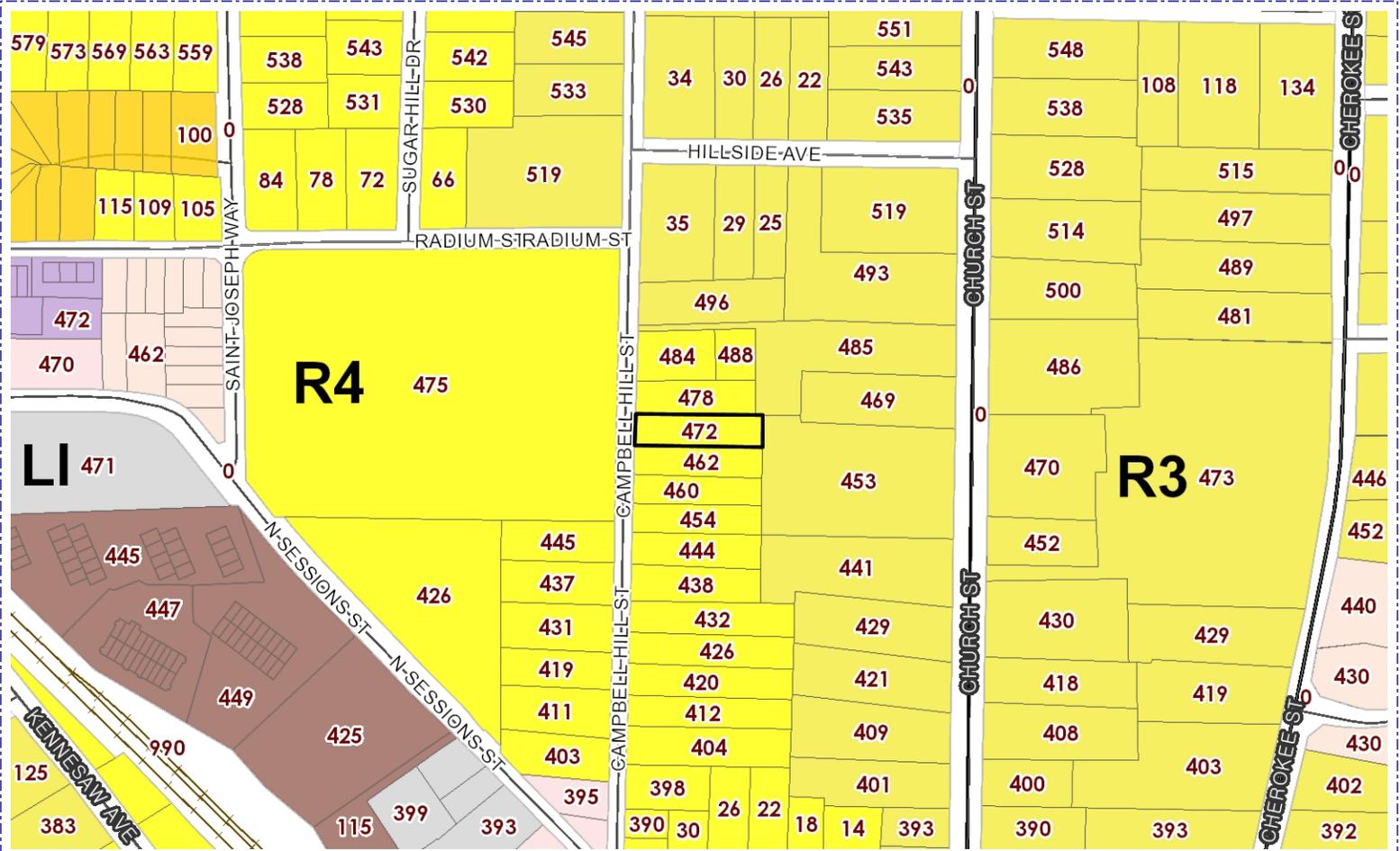
A description and plat of the property sought for the variances are on file in the Planning and Zoning Office, City Hall, and are available for inspection between 8:00 A.M. and 5:00 P.M., Monday through Friday. Anyone wishing to attend may do so and be heard relative thereto.

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
472 CAMPBELL HILL ST	16108700640	0.278	4B	R4	LDR

Property Owner:	Robert Baitis	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:		
BZA Hearing Date:	08/29/2016	
Acquisition Date:		
Case Number:	V2016-44	
City of Marietta Planning & Zoning		

