



STAFF REVIEW AND RECOMMENDATION

Variance Case #: V2015-31 **Legistar #:** 20150495
Board of Zoning Appeals Hearing: Monday, June 29, 2015 – 6:00 p.m.
Property Owner: Robert Hemby
698 Chestnut Hill Road
Marietta, GA 30064
Address: 736 Chestnut Hill Road
Land Lot: 00690 **District:** 17 **Parcel:** 0220
Council Ward: 2 **Existing Zoning:** R-2 (Single Family Residential – 2 units/acre)

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

1. Variance to allow an accessory structure in the front of the principal structure. [*§708.02 (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



Accessory (left) and Primary (right) structures



Properties from Chestnut Hill Road

Recommended Action:

Approval. Robert Hemby, owner of 736 Chestnut Hill Road, is requesting a variance for an existing accessory building to remain in front of the primary structure. The property is zoned R-2 (Single Family Residential – 2 units / acre) and is approximately 0.8 acres in size. All surrounding properties are also zoned R-2. The applicant owns and resides at the property immediately to the east at 698 Chestnut Hill Road.

The applicant would like to convert the primary structure into an in-law cottage and allow the accessory structure to remain. He also wishes to combine the subject property with his property to the east. Once combined, both the in-law cottage and adjacent shed will become accessory structures to the main house on 698 Chestnut Hill Road. Section 708.02 (F.1.) does not allow accessory structures in front of a primary structure. According to the applicant's letter, both structures were built in 1969 by a previous owner and are still existing. Historical aerial imagery supports this. It is more economical to use the existing structures and will not create any adverse impacts on surrounding properties.

Granting this variance should not cause any adverse impact on the surrounding area, neighborhood, or community. And, considering that the thick vegetation obscures the structures from Chestnut Hill Road and the structures were in place prior to the passage of the current ordinance, *staff recommends approval of this variance request.*



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 #: V2015-31 Hearing: 6/29/15 Registrar # _____

This is a variance/appeal application for:

Board of Zoning Appeals City Council

Owner's Name ROBERT HEMBY
Address 698 CHESTNUT HILL ROAD Zip Code: 30064
Telephone Number: 770-218-0781 Email Address: RH2020@COMCAST.NET

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:
736 CHESTNUT HILL ROAD Date of Acquisition: 3-28-2014

Land Lot (s) 690 District 17 Parcel 0220 Acreage 0.8 Zoned R3 Ward 28 FLU LDR
698 69 17 22 1.6 R4

List the variance(s) or appeal requested (please attach any additional information):
EXISTING ACCESSORY BUILDING IS CLOSER TO THE STREET THAN THE PRIMARY RESIDENCE

- 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

May 18, 2015

Re: 736 and 698 Chestnut Hill Road Zoning Variance

An existing accessory building is located closer to the street on lot 736 than the primary residence on lot 698 Chestnut Hill Road. The existing accessory building was built by the original home owner in 1969. It is used to store lawn maintenance equipment. Future plans are to combine lots 736 and 698 into one property (698). The existing garage next to the accessory building will be remodeled into an in-law cottage.

TO: Marietta Daily Journal
FROM: City of Marietta
RUN DATE: June 9, 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, June 29, 2015 at 6:00 P.M.**, City Hall. Anyone wishing to attend may do so and be heard relative thereto.

V2015-31 [VARIANCE] ROBERT HEMBY requesting a variance for property located in Land Lot 00690, District 17, Parcel 0220, 2nd Section, Marietta, Cobb County, Georgia and being known as 736 Chestnut Hill Road. Variance to allow an accessory structure closer to the right of way than the principal structure. Ward 2B.

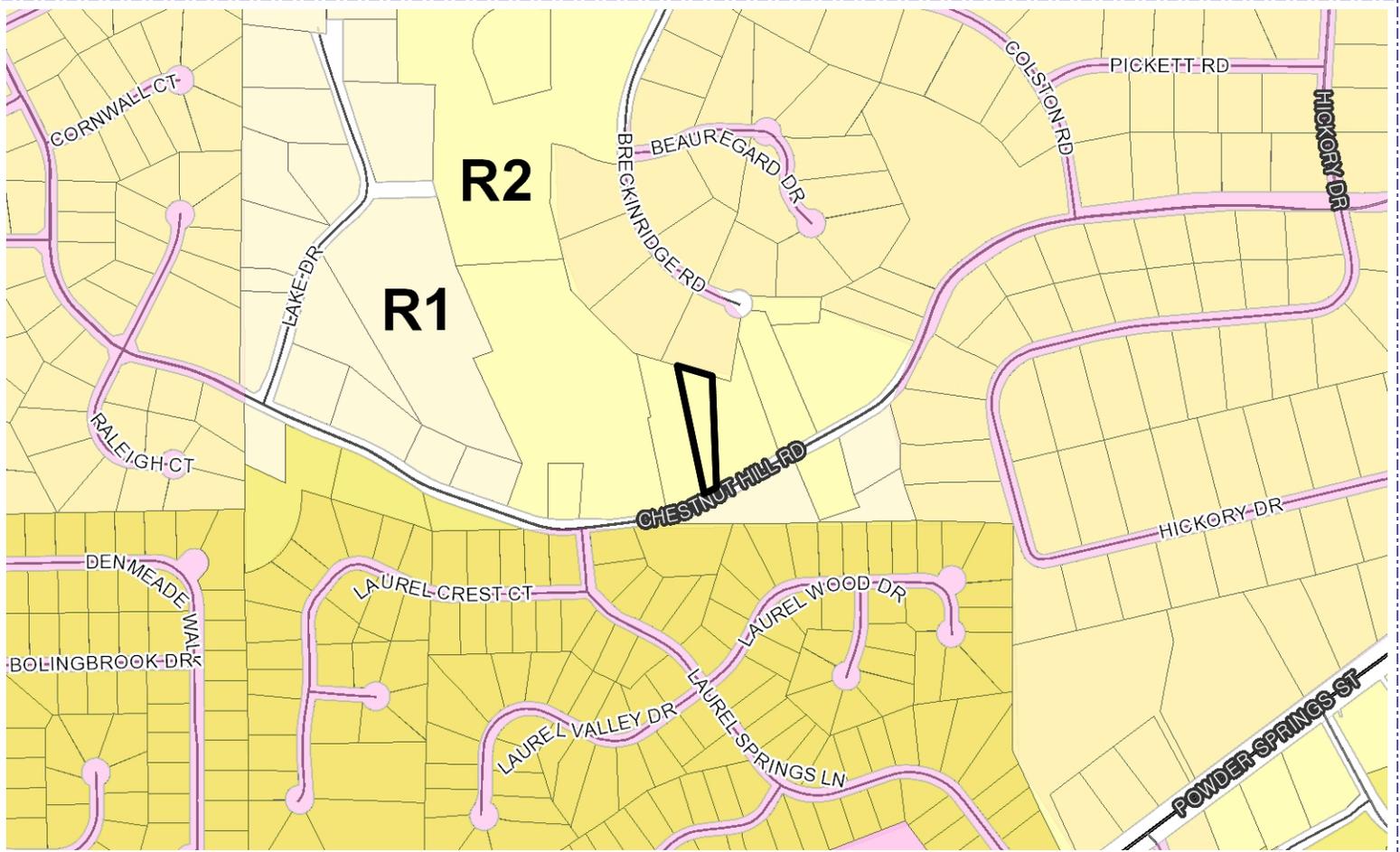
A description and plat of the property sought for the variances are on file in the Planning and Zoning Office, City Hall, and are available for inspection between 8:00 A.M. and 5:00 P.M., Monday through Friday. Anyone wishing to attend may do so and be heard relative thereto.

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

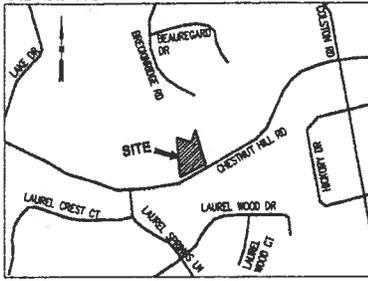
Variance



Address	Parcel Number	Acreage	Ward	Zoning	FLU
736 CHESTNUT HILL RD	17006900220	0.752	2B	R2	LDR
738 CHESTNUT HILL RD	17006900240	1.507	2B	R2	LDR

Property Owner: Robert Hemby	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: 06/29/2015	
Acquisition Date:	
Case Number: V2015-31	
City of Marietta Planning & Zoning	

SITE VICINITY MAP-NOT TO DRAWING SCALE:



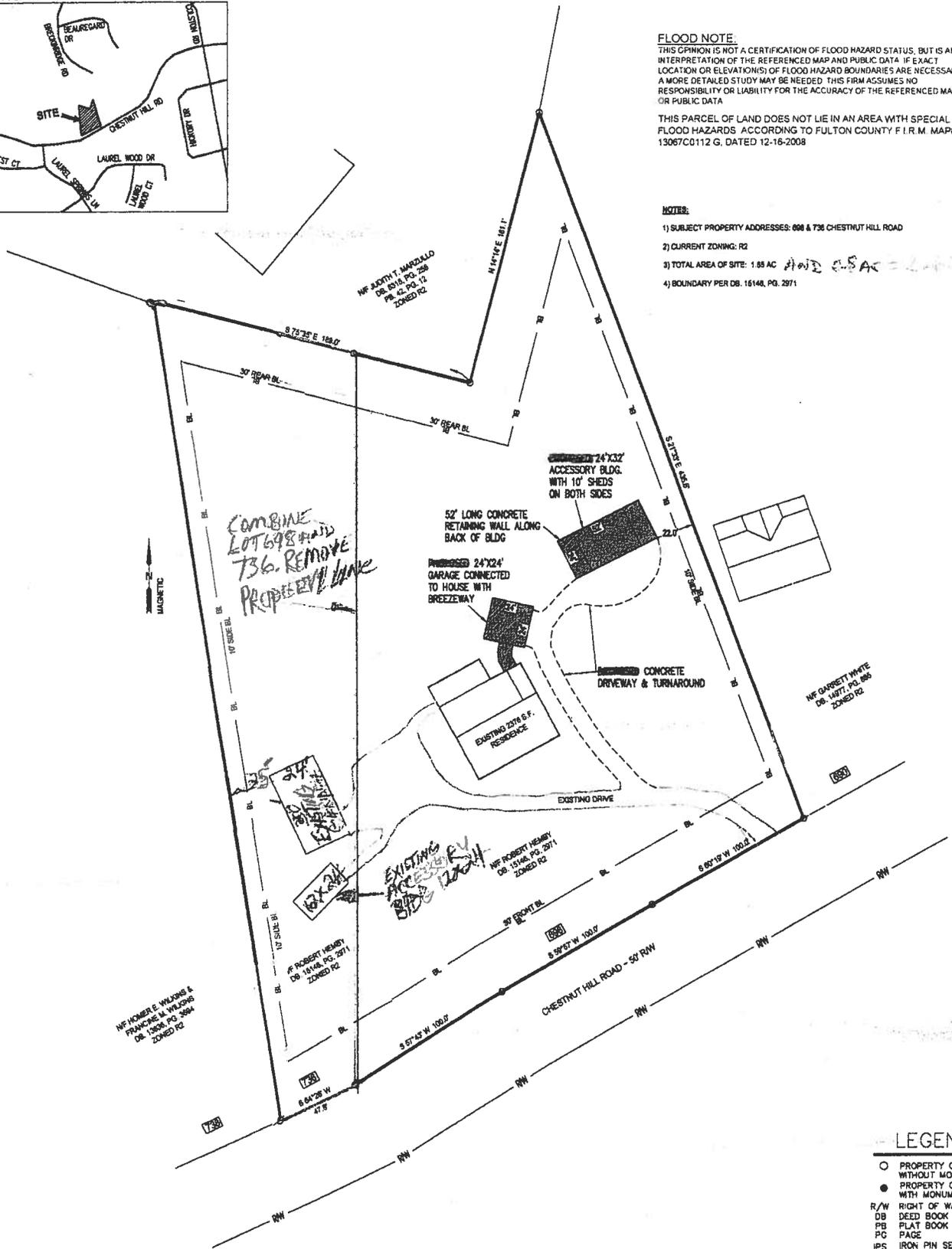
FLOOD NOTE:

THIS OPINION IS NOT A CERTIFICATION OF FLOOD HAZARD STATUS, BUT IS AN INTERPRETATION OF THE REFERENCED MAP AND PUBLIC DATA. IF EXACT LOCATION OR ELEVATION(S) OF FLOOD HAZARD BOUNDARIES ARE NECESSARY, A MORE DETAILED STUDY MAY BE NEEDED. THIS FIRM ASSUMES NO RESPONSIBILITY OR LIABILITY FOR THE ACCURACY OF THE REFERENCED MAP OR PUBLIC DATA.

THIS PARCEL OF LAND DOES NOT LIE IN AN AREA WITH SPECIAL FLOOD HAZARDS ACCORDING TO FULTON COUNTY F.I.R.M. MAP# 13067C0112 G, DATED 12-16-2008

NOTES:

- 1) SUBJECT PROPERTY ADDRESSES: 608 & 736 CHESTNUT HILL ROAD
- 2) CURRENT ZONING: R2
- 3) TOTAL AREA OF SITE: 1.88 AC *AND CSAC = 2.400*
- 4) BOUNDARY PER DB: 16148, PG. 2971



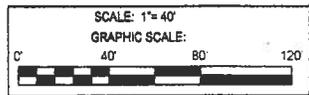
LEGEND

- PROPERTY CORNER WITHOUT MONUMENT
- PROPERTY CORNER WITH MONUMENT
- R/W RIGHT OF WAY
- DB DEED BOOK
- PB PLAT BOOK
- PG PAGE
- IPS IRON PIN SET
- IPF IRON PIN FOUND
- NBA NO BUILD AREA
- P.O.B. POINT OF BEGINNING
- N/F PRESENT OR FORMER OWNER
- N.T.S. NOT TO SCALE
- BL BUILDING LINE

NO.	DATE	REVISIONS
0	5-21-14	FIRST ISSUE

HEMBY RESIDENCE SITE PLAN

LOCATED IN:
LAND LOT 69, DISTRICT 17, SECTION 2
CITY OF MARIETTA
COBB COUNTY, GEORGIA
 5-21-2014



NOT A CONTROLLED DOCUMENT UNLESS ORIGINAL SIGNATURE & CONTRASTING INK IS PRESENT



Cobb County Georgia Online Mapping



0.0 0 0.02 0.0 Miles

WGS_1984_Web_Mercator_Auxiliary_Sphere
© Cobb County Georgia

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

1:962



Map Notes: 637 Chestnut Hill Road