



STAFF REVIEW AND RECOMMENDATION

Variance Case #: V2016-03 **Legistar #:** 20160070
Board of Zoning Appeals Hearing: Monday, February 29th, 2016 – 6:00 p.m.
Property Owner: Mary Robinson
275 North Forest Avenue
Marietta, GA 30060
Applicant: Same as above
Address: 275 N Forest Avenue
Land Lot: 11600 **District:** 16 **Parcel:** 0310
Council Ward: 3A **Existing Zoning:** R-4 (Single Family Residential – 4 units/acre)

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

1. Variance to reduce the side yard setback for an addition to 5.1.’
2. Variance to reduce the side yard setback for an unenclosed projection to 4.7.’

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



275 N Forest Ave (from Vance Circle)



Proposed location of carport



Recommended Action:

Approval. Mary Robinson is requesting variances in order to add a carport and small storage area to her home at 275 North Forest Avenue. The property is located at the corner of North Forest and Vance Circle, is zoned R-4 (Single Family Residential – 4 units/acre), and is surrounded by other single family homes also zoned R-4.

Many of the homes in the Forest Hill area were built prior to traditional zoning. Garages were not common, lots were smaller, and houses closer together. The applicant wishes to construct a carport on the rear of the house that will be accessed from the rear alley. The existing house is only 2.1 feet from the side property line; however, the proposed carport and enclosed storage area will be 5.1 feet from the side property line. The zoning requirements for R-4 require a 10 foot side setback and 30 foot rear setback. Although the carport will extend slightly into the rear setback, it does not necessitate a variance since open, unenclosed projections may extend halfway into setbacks.

The Marietta Fire Department has no objections with the proposed carport addition.

Since the new addition will not be getting any closer to the adjacent property than the existing house, *staff recommends approval of this variance.*



Department of Development Services
 205 Lawrence Street
 Marietta, Georgia 30060
 Brian Binzer, AICP, Director
 Phone (770) 794-5440

APPLICATION FOR VARIANCE OR APPEAL
 (Owner/Applicant/or Representative must be present at all public hearings)

Application #: V2016-03 Hearing: 2-29-16 Legistar # _____

This is a variance/appeal application for:

PZ #: PZ 16-16

Board of Zoning Appeals

City Council

Owner's Name Mary Robinson

Address 275 North Forest Ave Zip Code: 30060

Cell Telephone Number: 770-241-8139 Email Address: mrgrubbs@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:

275 North Forest Ave Marietta Date of Acquisition: 12-17-15

Land Lot (s) 11600 District 16th Parcel 0310 Acreage 0.2 Zoned R4 Ward 3A FLU MDR

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

Add a carport, storage, entry foyer, and a small deck that are partially over the building line.

- 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. **Legal description must be in a WORD DOCUMENT.**
 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.
If Plat size (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.
 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

Mary B Robinson
275 North Forest Ave
Marietta, GA 30060
770-241-8139

January 12, 2016

City of Marietta
Department of Development Services
205 Lawrence St.
Marietta, GA 30060

RE: Application For Variance
275 North Forest Ave

To Whom It May Concern:

Please consider my request to add a carport to my home. There is no existing carport or garage, only open parking, where the proposed carport would be built. My current home is outside the building line. Part of the proposed addition would also be outside the building line, but it is the best possible placement. I am working with an architect and am very sensitive to an appropriate addition. My Neighbors are in Agreement.

There is an existing storage building on the property line, within the proposed carport. That would be removed. This storage would be relocated as part of the addition at the back of the carport.

There is also a small existing deck off the side of the house that I am requesting to increase to a more appropriate size, for safe access to the home.

Thank You for considering my request.

Sincerely

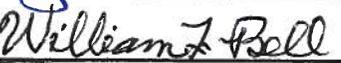


Mary Robinson

CONSENT OF CONTIGUOUS OCCUPANTS OR LAND OWNERS

TO ACCOMPANY APPLICATION FOR THE PURPOSE OF VARIANCE REQUEST

By signature, it is hereby acknowledged that I give my consent/or have no objection that Mary Robinson intends to make an application to the appropriate Cobb County Authorities for a variance request for the purpose of Adding Carport Storage + deck on the premises described in the application.

	Signature	Printed name	Address
1.		JOHN MARDON	299 VANCE CIRCLE
2.		WILLIAM T. BELL	265 N. Forest Ave N.E.
3.		Ruby Mercier 281 N Forest Ave NE	Mtata, Ga 30060
4.			
5.			
6.			
7.			
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(Attach additional pages if necessary)

Revised October 1, 2009

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

V2016-03 [VARIANCE] MARY ROBINSON is requesting variances for property located in Land Lot 1160, District 16, Parcel 0310, 2nd Section, Marietta, Cobb County, Georgia and being known as 275 North Forest Avenue. Variance to reduce the side yard setback for an addition from 10' to 5.1'; variance to reduce the side yard setback for an unenclosed projection from 5' to 4.7.' 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

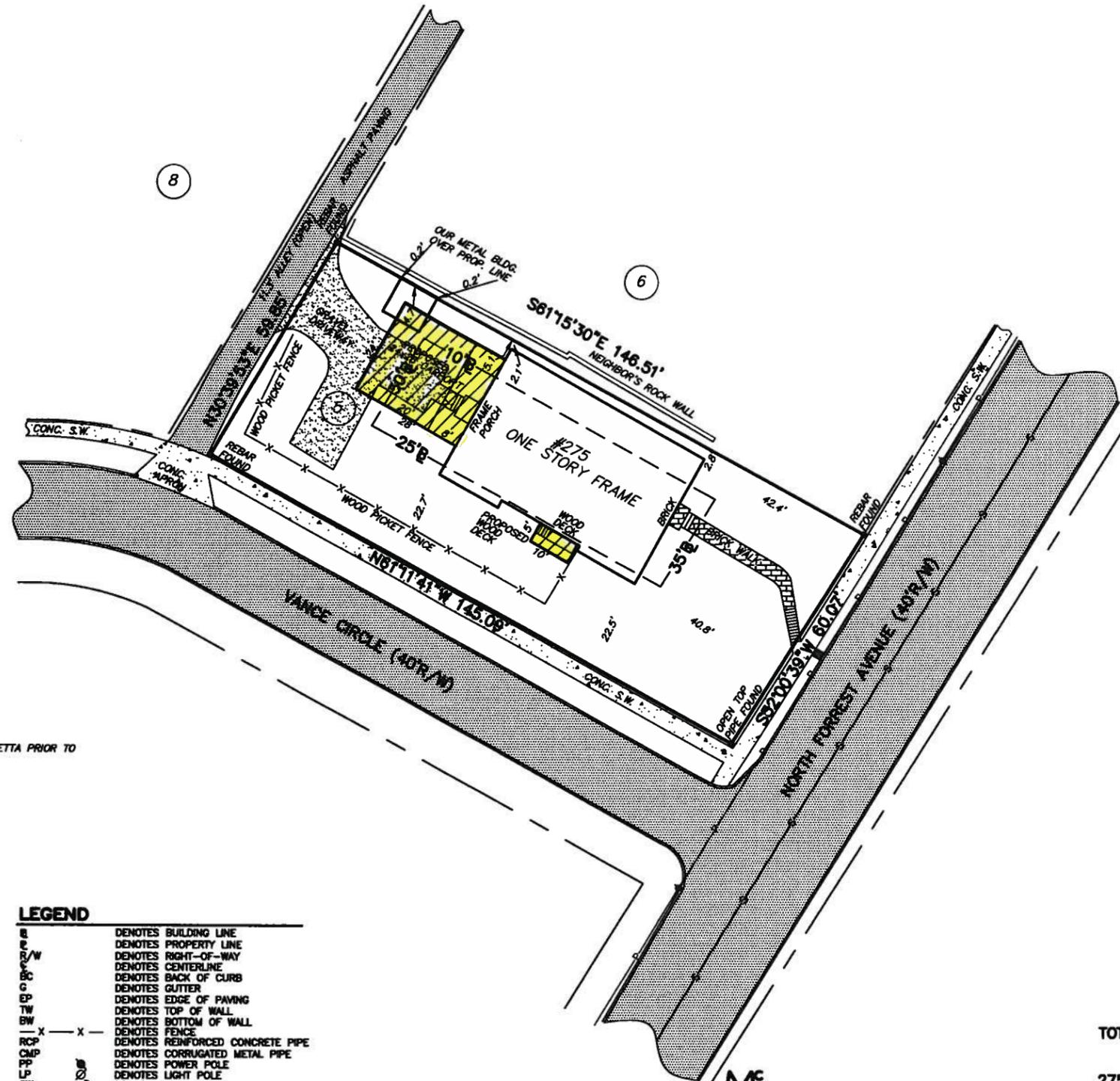


Address	Parcel Number	Acreage	Ward	Zoning	FLU
275 N FOREST AVE	16116000310	0.182	3A	R4	MDR

Property Owner:	Mary Robinson
Applicant:	
BZA Hearing Date:	02/29/2016
Acquisition Date:	
Case Number:	V2016-03
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



ZONING NOTES

CITY OF MARIETTA ZONING R-4
 MINIMUM LOT SIZE 7,500 SQ.FT.
 MAXIMUM LOT WIDTH = 75 FEET/80 FEET FOR CUL-DE-SAC
 MAXIMUM BUILDING HEIGHT = 35 FEET
 MINIMUM FLOOR AREA = 1,200 SQ.FT.
 MAXIMUM BUILDING COVERAGE = 35%
 MAXIMUM IMPERVIOUS COVERAGE = 50%
 MINIMUM FRONT SET BACKS
 ARTERIAL = 35 FEET
 COLLECTOR = 25 FEET
 LOCAL = 25 FEET
 MINIMUM SIDE SET BACKS
 MAJOR = 25 FEET
 MINOR = 10 FEET
 MINIMUM REAR SET BACK = 30 FEET
 ALL ZONING MATTERS MUST BE APPROVED BY THE CITY OF MARIETTA PRIOR TO CONSTRUCTION

SURVEY NOTES

- STORM SEWER, SANITARY SEWER AND OTHER BURIED UTILITIES MAY HAVE BEEN PAVED OR COVERED OVER. THE LOCATION OF UNDERGROUND UTILITIES AS SHOWN HEREON ARE BASED ON ABOVE GROUND STRUCTURES AND RECORD DRAWINGS PROVIDED TO THE SURVEYOR. LOCATIONS OF UNDERGROUND UTILITIES MAY VARY FROM LOCATIONS SHOWN HEREON. ADDITIONAL BURIED UTILITIES MAY BE ENCOUNTERED. NO EXCAVATIONS WERE MADE DURING THE PROCESS OF THIS SURVEY TO LOCATE BURIED UTILITIES. BEFORE EXCAVATIONS ARE BEGUN, PLEASE CALL ALL LOCAL UTILITY PROVIDERS.



- SURVEYOR HAS MADE NO INVESTIGATION OR INDEPENDENT SEARCH FOR EASEMENTS OF RECORD, ENCUMBRANCES, RESTRICTIVE COVENANTS, OWNERSHIP TITLE EVIDENCE, OR ANY OTHER FACTS THAT A CURRENT TITLE SEARCH MAY DISCLOSE.
- THIS PLAT WAS PREPARED FOR THE EXCLUSIVE USE OF THE PERSON, PERSONS OR ENTITY NAMED HEREON. THIS PLAT DOES NOT EXTEND TO ANY UNNAMED PERSON, PERSONS, OR ENTITY WITHOUT THE EXPRESS RECERTIFICATION OF THE SURVEYOR NAMING SUCH PERSON, PERSONS OR ENTITY.
- THE FIELD DATA UPON WHICH THIS PLAT IS BASED WAS GATHERED BY AND OPEN TRAVERSE. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 89,846 FEET. LINEAR AND ANGULAR MEASUREMENTS WERE OBTAINED BY USING A TOPCON TOTAL STATION.
- BEARINGS SHOWN WERE COMPUTED FROM ANGLED TURNED FROM A SINGLE MAGNETIC OBSERVATION.
- THIS PROPERTY IS SUBJECT TO CURRENT ZONING REGULATIONS AND RESTRICTIONS.
- THIS PLAT IS NOT INTENDED FOR RECORDING.

LEGEND

B	DENOTES BUILDING LINE
P	DENOTES PROPERTY LINE
R/W	DENOTES RIGHT-OF-WAY
C	DENOTES CENTERLINE
BC	DENOTES BACK OF CURB
G	DENOTES GUTTER
EP	DENOTES EDGE OF PAVING
TW	DENOTES TOP OF WALL
BW	DENOTES BOTTOM OF WALL
X-X	DENOTES FENCE
RCP	DENOTES REINFORCED CONCRETE PIPE
CMP	DENOTES CORRUGATED METAL PIPE
PP	DENOTES POWER POLE
LP	DENOTES LIGHT POLE
GW	DENOTES GUY WIRE
P	DENOTES POWER LINE
PM	DENOTES POWER METER
PB	DENOTES POWER BOX
A/C	DENOTES AIR CONDITION
TB	DENOTES TELEPHONE BOX
GM	DENOTES GAS METER
GV	DENOTES GAS VALVE
GLM	DENOTES GAS LINE MARKER
WM	DENOTES WATER METER
WV	DENOTES WATER VALVE
FH	DENOTES FIRE HYDRANT
MW	DENOTES MONITORING WELL
HW	DENOTES HEADWALL
JB	DENOTES JUNCTION BOX
DI	DENOTES DROP INLET
S	DENOTES SANITARY SEWER LINE
SSMH	DENOTES SANITARY SEWER MANHOLE
CO	DENOTES CLEAN OUT

REFERENCE MATERIAL

- WARRANTY DEED IN FAVOR OF DANIEL J. KRIEGER DEED BOOK 13030 PAGE 15 COBB COUNTY, GEORGIA RECORDS



No.	Revision	Date
1	COUNTY COMMENTS	1-8-16
2	COUNTY COMMENTS	1-11-16

MCLUNG SURVEYING SERVICES, INC.
 4833 South Cobb Drive Suite 200
 Smyrna, Georgia 30080 (770) 434-3383
 Certificate of Authorization #LSF000782

This property IS NOT located in a Federal Flood Area as indicated by F.I.R.M. Official Flood Hazard Maps.



Michael R. Noles
 Georgia RLS #2846
 Member SAMSOG
 JOB#241136

In my opinion this plat is a correct representation of the land platted.

TOTAL AREA= 0.200± ACRES
 OR 8,733± SQ.FT.

275 NORTH FORREST AVENUE
 MARIETTA, GEORGIA

SURVEY FOR
 MARY B. ROBINSON

LOT 5
 FOREST HILLS

LAND LOT 1160
 DISTRICT 16TH
 COBB COUNTY
 GEORGIA

PLAT PREPARED: 1-8-16
 FIELD: 1-6-16 SCALE: 1"=20'

