



REZONING APPLICATION ANALYSIS

ZONING CASE #: Z2015-16 **LEGISTAR: #20150382**

LANDOWNERS: Sondra Rowan
601 Townsend Pl
Powder Springs, GA 30127

APPLICANT: Susan Raper
4261 Westside Drive
Acworth, GA 30101

AGENT: N/A

PROPERTY ADDRESS: 319 Church Street

PARCEL DESCRIPTION: 16 11460 0370

AREA: 0.537 acres **COUNCIL WARD:** 4

EXISTING ZONING: RM-8 (Multi Family Residential – 8 units / acre)

REQUEST: R-4 (Single Family Residential – 4 units / acre)

FUTURE LAND USE: LDR (Low Density Residential)

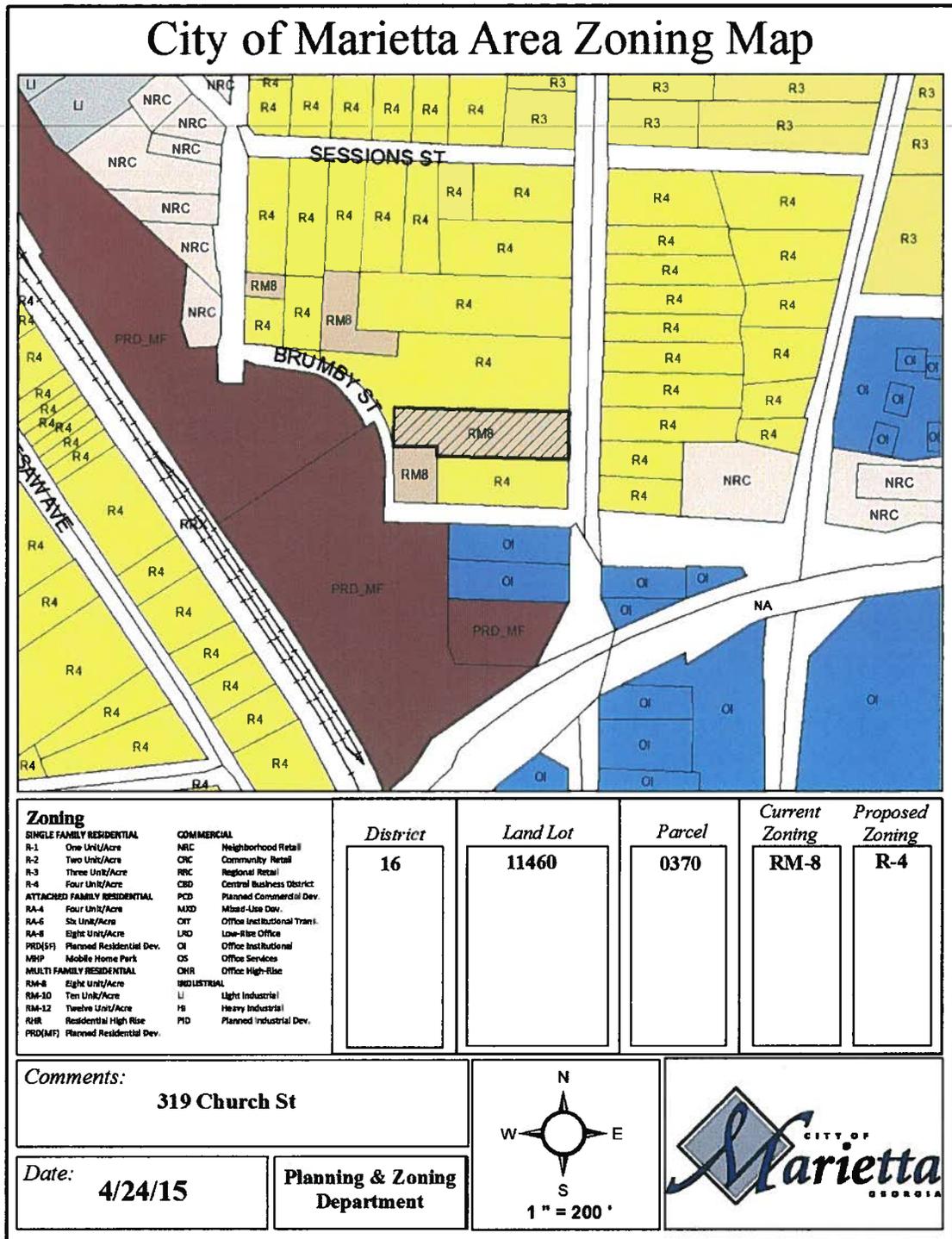
REASON FOR REQUEST: The applicant is requesting to rezone the property to R-4 (Single Family Residential – 4 units/ac) in order to improve the property, and potentially to create another single family lot.

PLANNING COMMISSION HEARING: Wednesday, July 1, 2015 6:00 p.m.

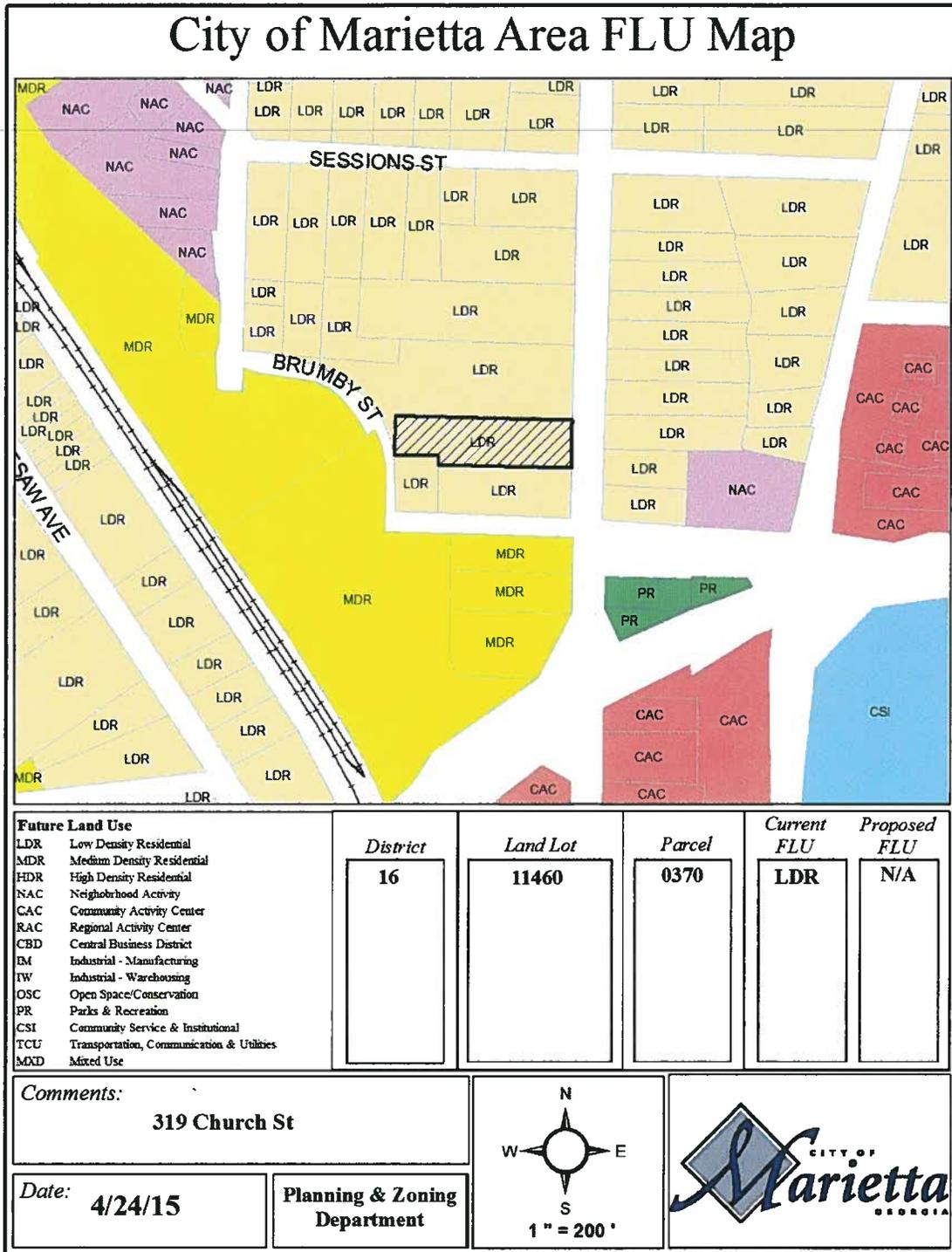
CITY COUNCIL HEARING: Wednesday, August 12, 2015 7:00 p.m

MAP

City of Marietta Area Zoning Map



FLU MAP



PICTURES OF PROPERTY



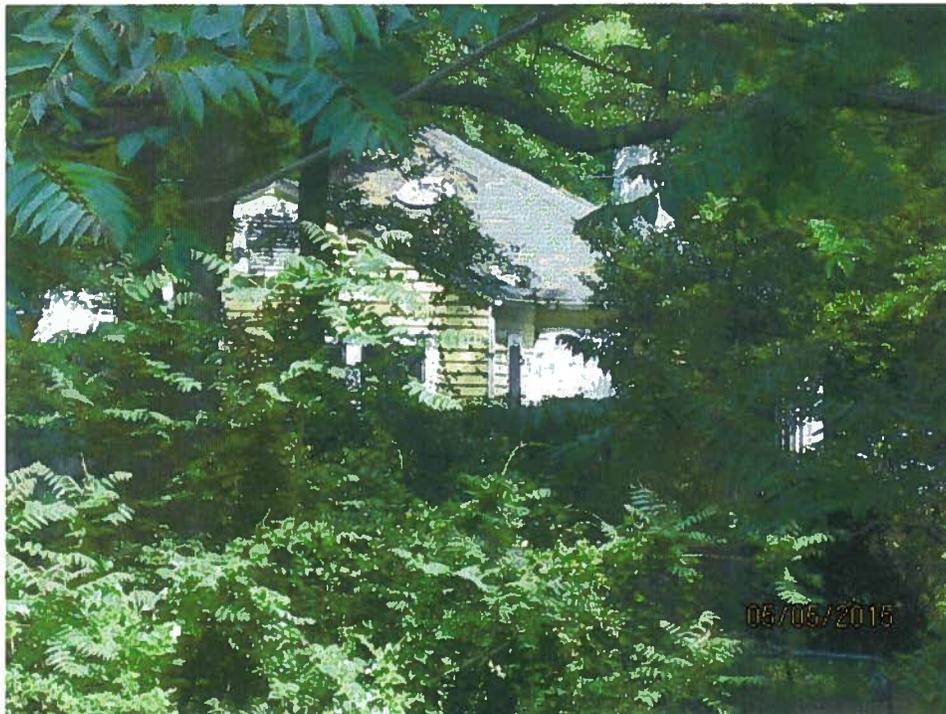
Front & south side of 319 Church Street



Front & north side of 319 Church Street



View of rear yard of 319 Church Street from Brumby Street



View of back of house of 319 Church Street from Brumby Street



STAFF ANALYSIS

Location Compatibility

Susan Raper, representing the property owner, Sandra Rowan, is requesting the property located at 319 Church Street be rezoned from RM-8 (Multi-Family Residential - 8 units/ac) to R-4 (Single Family Residential - 4 units/ac) to make the zoning compatible with the currently developed property, to improve the property, and potentially to create another single family lot. The property, which contains a residential structure facing Church Street, extends from Church Street to Brumby Street. To the north and south of the property are other properties that are also zoned R-4. Across Brumby Street, to the west, are the Brumby Apartments, that are zoned PRD-MF (Planned Residential Development – Multi Family). Across Church Street to the east are single family homes zoned R-4. One adjacent parcel located to the southwest is owned by the City of Marietta/BLW, and is zoned RM-8.

Use Potential and Impacts

Although zoned RM-8, the subject property has always been used residentially, and is part of the Church Street neighborhood, considered one of the most historically significant neighborhoods in Marietta.

The subject property is in the middle of a single family residential district where the adjacent uses are single family homes. The applicant has a contract on the property and intends to improve the current house on Church Street. Also, the applicant is considering splitting the lot to create another conforming residential lot with access off of Brumby Street. There is a large vacant back yard area, and the applicant is in the process of assuring access can be provided from Brumby Street.

The adjacent parcel that is owned by the City of Marietta/BLW contains a well that was once used as a source of water for residents of the City. Easements are required to protect City infrastructure, and if observed, the proposed rezoning will have little impact on this property.

The City of Marietta Comprehensive Plan and the Future Land Use map designates this property and all surrounding areas as Low Density Residential (LDR). Low Density Residential Districts provide for areas that are suitable for single family detached housing up to three (3) dwelling units per acre. Although not technically consistent with the current designation, the zoning request to rezone this property to R-4 to develop a single family residence is consistent with the current density and development pattern in the area.

Environmental Impacts

There is no indication of any streams, wetlands, endangered species, or topographical issues on the property.

Economic Functionality

All adjacent properties are zoned R-4, with the exception of the adjacent City/BLW property that is zoned RM-8; and the subject property is currently developed with one single family house. The current zoning of RM-8 is out of character for the surrounding residential neighborhood where the majority of the surrounding properties are already zoned R-4.

Infrastructure

The property is entirely within city limits and will be used for residential purposes and will continue utilizing the water, sewer and electric services. There will be minimal impact to traffic in the area. In addition, the Public Works Department has noted that there is a 20' sewer easement around the public sewer main which crosses the property. No permanent structure can be built encroaching that easement.

History of Property

On December 10, 1998, the City of Marietta rezoned the following six (6) parcels – in the area surrounding this subject parcel – from RM-8 to R-4:

- 21 Sessions Street
- 27 Sessions Street
- 29 Sessions Street
- 35 Sessions Street
- 309 Church Street
- 331 Church Street

Although the rezoning of these parcels is not directly related to the subject parcel, it does represent that the City of Marietta was aware of the inconsistent zoning classifications in this area.



ANALYSIS & CONCLUSION

Susan Raper, representing the property owner, Sandra Rowan, is requesting the property located at 319 Church Street be rezoned from RM-8 (Multi-Family Residential - 8 units/ac) to R-4 (Single Family Residential - 4 units/ac) to make the zoning compatible with the currently developed property, to improve the property, and potentially to create another single family lot. The property, which contains a residential structure facing Church Street, extends from Church Street to Brumby Street. To the north and south of the property are other properties that are also zoned R-4. Across Brumby Street, to the west, are the Brumby Apartments, that are zoned PRD-MF (Planned Residential Development – Multi Family). Across Church Street to the east are single family homes zoned R-4. One adjacent parcel located to the southwest is owned by the City of Marietta/BLW, and is zoned RM-8. Although zoned RM-8, the subject property has always been used residentially, and is part of the Church Street neighborhood, considered one of the most historically significant neighborhoods in Marietta.

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In addition, the Public Works Department has noted that there is a 20' sewer easement around the public sewer main which crosses the subject property, and no permanent structure can be built encroaching that easement.

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This case was discussed and tabled at the Planning Commission meeting on June 2, 2015 in order to clarify legal ownership of the property. At their July 1, 2015 meeting, the Planning Commission recommended approval with a stipulation that the ownership issues be worked out prior to the City Council meeting. On July 8, 2015, City Council tabled the item because the ownership issues had not been resolved.

Prepared by: _____

Approved by: Rusty Rott



DATA APPENDIX

CITY OF MARIETTA - WATER

Is a water line adjacent to the property?	Yes
If not, how far is the closest water line?	---
Size of the water line?	10"
Capacity of the water line?	Variable based on condition
Approximate water usage by proposed use?	400 GPD

CITY OF MARIETTA - SEWER

Is a sewer line adjacent to the property?	Yes – Public sewer main crosses the property itself
If not, how far is the closest sewer line?	---
Size of the sewer line?	10"
Capacity of the sewer line?	Variable based on condition
Estimated waste generated by proposed development?	400 GPD
Treatment Plant Name?	South Cobb WRF
Treatment Plant Capacity?	Cobb Water must confirm
Future Plant Availability?	Cobb Water must confirm

- There is a 20' sewer easement around the public sewer main which crosses the property. No permanent structure can be built encroaching that easement.

DATA APPENDIX CONTINUED

DRAINAGE AND ENVIRONMENTAL CONCERNS

Does flood plain exist on the property?	No
What percentage of the property is in a floodplain?	N/A
What is the drainage basin for the property?	Sope
Is there potential for the presence of wetlands as determined by the U.S. Environmental Protection Agency?	No
If so, is the use compatible with the possible presence of wetlands?	N/A
Do stream bank buffers exist on the parcel?	No
Are there other topographical concerns on the parcel?	No
Are the storm water issues related to the application?	No
Potential presence of endangered species in the area?	No

Transportation

What is the road effected by the proposed change?	Church St and Brumby St
What is the classification of the road?	Church St is arterial Brumby St is local
What is the traffic count for the road?	---
Estimated number of cars generated by the proposed development?	---
Estimated number of trips generated by the proposed development?	---
Do sidewalks exist in the area?	Sidewalk on Church St None on Brumby St
Transportation improvements in the area?	No
If yes, what are they?	N/A
<ul style="list-style-type: none"> Any structural modifications to the existing buildings at 319 Church Street will trigger the requirement for a 20-ft. wide easement along the existing sanitary sewer line (and any other utilities that may be present) within the property. If ingress/egress is anticipated through the lot at 211 Brumby Street, title concerns exist: The property is owned by the City of Marietta. 	



DATA APPENDIX CONTINUED

EMERGENCY SERVICES

Nearest city or county fire station from the development?

Distance of the nearest station? _____

Most likely station for 1st response? _____

Service burdens at the nearest city fire station (under, at, or above capacity)? _____

MARIETTA POWER - ELECTRICAL

Does Marietta Power serve this site? Yes x No _____

If not, can this site be served? Yes _____ No _____

What special conditions would be involved in serving this site?

Additional comments:



DATA APPENDIX CONTINUED

MARIETTA CITY SCHOOLS

Marietta City Schools Impact Assessment:

Elementary School Zone Servicing Development:

Grades six (6) through twelve (12) will be serviced by:

- Marietta Sixth Grade Academy
- Marietta Middle School
- Marietta High School

Current Capacity at Servicing Elementary School:

Current Capacity at Marietta Sixth Grade Academy:

Current Capacity at Marietta Middle School:

Current Capacity at Marietta High School:

Current Enrollment at Servicing Elementary School:

Current Enrollment at:

- Marietta Sixth Grade Academy:
- Marietta Middle School:
- Marietta High School:

Number of students generated by present development:

Number of students projected from proposed development at:

- Elementary level:
- Sixth Grade level:
- Middle School 7th & 8th Grade level:
- High School level:

New School(s) planned that might serve this area:

Comments:



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

APPLICATION FOR REZONING

(OWNER/APPLICANT OR REPRESENTATIVE MUST BE PRESENT AT ALL PUBLIC HEARINGS)

Application #: 22015-16 Legistar #: _____
 Planning Commission Hearing: 6/2/15 City Council Hearing: 6/10/15 P215-172

Owner's Name Sandra Rowan Email Address: Sandra.rowan@gmail.com
 Mailing Address 601 Townsend Pl Powder Springs, GA Zip Code: 30127 Telephone Number 678-725-6319

COMPLETE ONLY IF APPLICANT IS NOT OWNER: 6319
 Applicant: SUSAN RAPER
 Mailing Address 4261 Westside Dr Acworth Zip Code: 30101
 Telephone Number 770-377-3420 Email Address: SU-2@comcast.net

Address of property to be rezoned: 319 Church Street
 Land Lot (s) 1146 District 16 Parcel 0370 Acreage .537 Ward 48 Future Land Use: LDR
 Present Zoning Classification: RMS Proposed Zoning Classification: R4/RH

REQUIRED INFORMATION

Applicant must submit the following information by 4:00 p.m. on or before the application deadline. Failure to submit any item, or any additional information that might be requested, on or before the deadline will result in the application being held until the next scheduled meeting of the Planning Commission.

1. **ALL** rezoning submittals must include proposed plans, supplementary material, etc. in Adobe Acrobat on computer disk. **The original application must be submitted with ALL original signatures - Copies of the application or signature(s) will NOT be accepted.**
2. Legal Description. Legal description must be in a WORD DOCUMENT.
3. Application fee (\$500)
4. Copy of the deed that reflects the current owner(s) of the property.
5. Copy of current tax bill showing payment or a certification from the City of Marietta Tax Office stating that taxes have been paid.
6. Plat/survey showing the dimensions, acreage, location of the tract(s) and utility easements prepared by an architect, engineer (P.E. or Civil Engineer), landscape architect or land surveyor whose state registration is current and valid and whose seal shall be affixed to the plat/survey.
7. Site plan (25 copies, drawn to scale) prepared by an architect, engineer, (P.E. or Civil Engineer), whose state registration is current and valid, showing the following:
 - One copy scaled to an 8 1/2" X 11" size
 - Specific use or uses proposed for the site
 - Locations, sizes and setbacks of proposed structures, including the number of stories and total floor area
 - Detention/retention areas
 - Public or private street(s) - right of way and roadway widths, approximate grades
 - Location and size of parking area with proposed ingress and egress
 - Specific types and dimensions of protective measures, such as buffers
 - Landscaping
 - Wetlands and 100 year floodplain
8. A detailed written description of the proposed development / project must be submitted with the rezoning application.

existing survey

PERSON IN OPPOSITION CERTIFICATION

ZONING FILE NUMBER: 22015-16

FILE NAME: Sondra Rowan

DATE OF MEETING: 7-1-15

I, KEITH A. ROWAN, HEREIN CERTIFY THAT I (HAVE) ~~(HAVE NOT)~~ MADE A CAMPAIGN CONTRIBUTION(S) OR GIFTS AGGREGATING \$250.00 OR MORE TO THE MAYOR, ANY MEMBER OF COUNCIL OR ANY MEMBER OF THE PLANNING COMMISSION WITHIN THE TWO (2) YEARS PRECEDING THE FILING OF THE REZONING APPLICATION. I FURTHER CERTIFY THAT I ~~(HAVE NOT)~~ (HAVE) A FINANCIAL INTEREST IN THE PROPERTY, WHICH IS TEN (10%) PERCENT OR MORE.


SIGNATURE

07/01/15
DATE

PERSON IN OPPOSITION CERTIFICATION

ZONING FILE NUMBER: Z 2015-16

FILE NAME: Sondra Rowan (Susan Raper)

DATE OF MEETING: 060215

I, KEITH A. ROWAN, HEREIN CERTIFY THAT I (HAVE) (HAVE NOT) MADE A CAMPAIGN CONTRIBUTION(S) OR GIFTS AGGREGATING \$250.00 OR MORE TO THE MAYOR, ANY MEMBER OF COUNCIL OR ANY MEMBER OF THE PLANNING COMMISSION WITHIN THE TWO (2) YEARS PRECEDING THE FILING OF THE REZONING APPLICATION. I FURTHER CERTIFY THAT I (HAVE) (HAVE NOT) A FINANCIAL INTEREST IN THE PROPERTY, WHICH IS TEN (10%) PERCENT OR MORE.

Keith A. Rowan
SIGNATURE

060215
DATE

From: [Roth, Rusty](#)
To: [Daniel White](#)
Cc: [Binzer, Brian](#); [Little, Shelby](#); [Chatman, Jasmine](#); [Embler, Ines](#)
Subject: Z2015-16 Church St 319
Date: Thursday, June 04, 2015 12:15:50 PM
Attachments: [Z2015-16 Church St 319 Superior Court Order Rowan v Rowan.pdf](#)

Daniel,

Susan Raper, the applicant to rezone 319 Church Street, delivered the attached court order to our office – this is the case where the owners are apparently contesting a property settlement as a result of their divorce. At this time, the rezoning case has been tabled until the July meetings, so let us know if you need anything else on this.

Rusty Roth

Planning & Zoning Manager
770-794-5670

COBB COUNTY GA
FILED IN OFFICE

2015 MAR 12 PH 1:45

Debra J. [Signature]
COBB SUPERIOR COURT CLERK

IN THE SUPERIOR COURT FOR THE COUNTY OF COBB

STATE OF GEORGIA

SONDRA HAGAN ROWAN,
Plaintiff,

:
: CIVIL ACTION FILE

v.

: FILE NUMBER: 12-1-09594-49

KEITH ALAN ROWAN,
Defendant.

:
:

SUPPLEMENTAL TEMPORARY ORDER

The above-styled divorce action came on for a hearing on the court's calendar for Tuesday, March 10, 2015. The Defendant and his attorney, Robert J. Grayson, and the Plaintiff appearing pro se were present. The issue before the Court being the request of the Plaintiff for the additional authority to sell a
IT IS HEREBY ORDERED as follows:

A. REAL PROPERTY

The Plaintiff shall have the authority to sell all four of the parties' real property as identified below:

1. 601 Townsend Place, Powder Springs, Cobb County, Georgia 30127-4442. (The marital residence where Plaintiff resides).
2. 322 Church Street, Marietta, Cobb County, Georgia 30060. (The Defendant's current residence).
3. 403 North Sessions Street, Marietta, Georgia 30060-1351. (Business office).
4. 319 Church Street, Marietta, Georgia 30060. (Rental Property).

Sondra Hagan Rowan v. Keith Alan Rowan,
Case No. 12-1-9594-49, Cobb Superior Court.

As to the said properties the Plaintiff wife shall and does have the authority to list such properties for sale and to sell said properties with the net proceeds of any sale being held in escrow pending further agreement between the parties or, if the parties are unable to agree, pending further order of the court. It is further Ordered that the Defendant shall within 72 hours of 11:30 a.m. on this date allow access to the property known as 322 Church Street so she may inspect the property as to its sale ready condition and take photographs if she desires.

B. CHILD SUPPORT and SALE OF CORVETTE

As the Defendant has arraigned for the sale of the parties' Corvette automobile for \$4,000.00, he shall pay from the proceeds of that sale the sum of \$3,000.00 to the Plaintiff as child support arrearage for January and February of 2015. March 2015, child support is currently due and accruing.

C. TRIAL DATE.

The parties having requested a Final Non-Jury Trial date for this case, it is hereby set for a non-jury final hearing on April 23, 2105, at 9:30 a.m.

D. OTHER MATTERS

Except as modified or changed herein, the Court's prior Order from the

Sondra Hagan Rowan v. Keith Alan Rowan,
Case No. 12-1-9594-49, Cobb Superior Court.

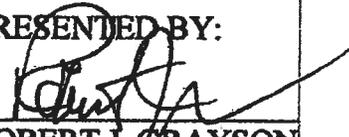
hearing of January 7, 2015, shall remain in full force and effect.

SO ORDERED and DECREED this 10th day of March, 2015.



C. LaTAIN KELL, Judge
Superior Court of Cobb County
Cobb Judicial Circuit

PRESENTED BY:



ROBERT J. GRAYSON
Attorney for Defendant
State Bar No. 306500
272 Washington Avenue
Marietta, GA 30060

770-424-8420(O) 770-424-6319(F)
e-mail: rjg@rjgatty.com

IN THE SUPERIOR COURT OF COBB COUNTY
STATE OF GEORGIA

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have this day served a copy of the within and foregoing order (Civil Action File No. 12-1-9594-49) upon all parties by sending a true and correct copy through the Cobb County Mail System addressed to the following:

Robert J. Grayson, Esq.
Edwards, Friedewald & Grayson
272 Washington Avenue
Marietta, GA 30060

Sondra Rowan
601 Townsend Place
Powder Springs, GA 30127

This 17th day of March, 2015.


Natalie C. Bloodworth
for C. LaTain Kell, Judge
Superior Court of Cobb County
Cobb Judicial Circuit

TO: Marietta Daily Journal

FROM: City of Marietta

RUN AD DATE: July 17, 2015

PUBLIC NOTICE OF REZONINGS

The City of Marietta hereby gives notice that a public hearing will be held to give consideration to the following rezoning request by City Council at their meeting on **Wednesday, August 12, 2015, 7:00 p.m.**, City Hall, for a final decision to be made.

Z2015-16 [REZONING] SONDRRA ROWAN (SUSAN RAPER) requesting rezoning for property located in Land Lot 1146, District 16, Parcel 0370, 2nd Section, Marietta, Cobb County, Georgia and being known as 319 Church Street from RM-8 (Multi Family Residential - 8 units/acre) to R-4 (Single Family Residential – 4 units/acre). Ward 4.

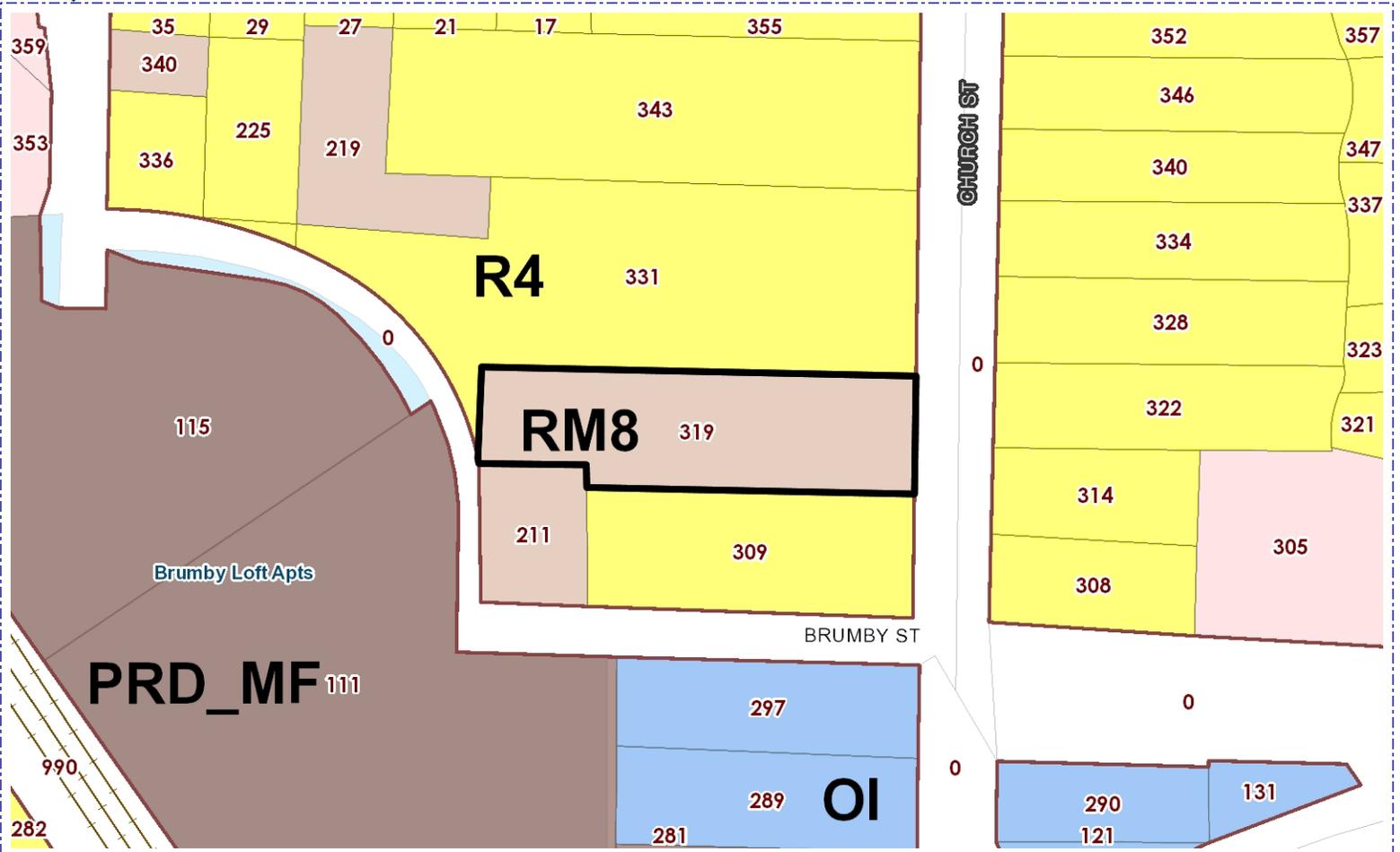
A description and plat of the property sought for the rezoning and future land use assignment are on file in the Planning and Zoning Office, City Hall, and is available for inspection between 8:00 A.M. and 5:00 P.M., Monday through Friday. Anyone wishing to attend may do so and be heard relative thereto.

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

Rezoning



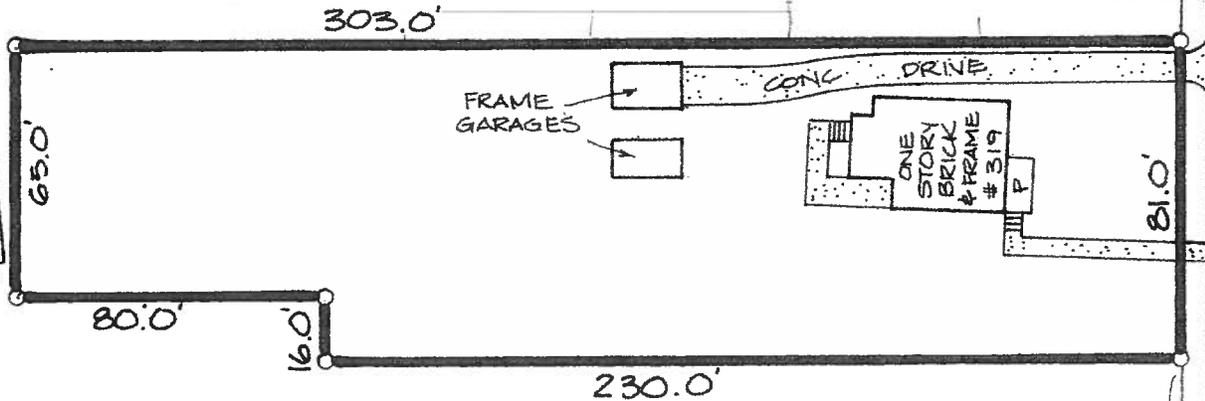
Address	Parcel Number	Acreage	Ward	Zoning	FLU
319 CHURCH ST	16114600370	0.537	4B	RM8	LDR

Property Owner:	Sondra Rowan		Zoning Symbols <ul style="list-style-type: none"> 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:	Susan Raper		
Proposed Zoning:	R4		
Agent:			
Proposed Use:			
Planning Commission Date:			
City Council Hearing Date:	8/12/15	Case Number: Z2015-16	
City of Marietta Planning & Zoning			



N

MAGNETIC



CHURCH STREET

82.0' TO RW OF BRUMBY STREET

THIS PROPERTY (S) (IS NOT) LOCATED IN A FEDERAL FLOOD AREA AS INDICATED BY FIA OFFICIAL FLOOD HAZARD MAPS.

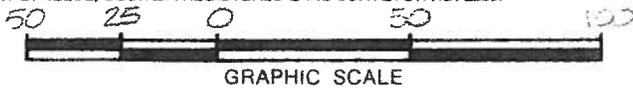
THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 10,000 FEET AND AN ANGULAR ERROR OF 10 " PER ANGLE POINT AND WAS ADJUSTED USING COMPASS RULE.

THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 10,000 FEET.

EQUIPMENT UTILIZED: ANGULAR LIETZ 1 LINEAR 100 STEEL TAPE

UNLESS OTHERWISE SHOWN THERE ARE NO NATIONAL GEODETIC SURVEY MONUMENTS WITHIN 500' OF THIS PROPERTY.

LARRY D. NEESE, GEORGIA REGISTERED LAND SURVEYOR NO. 2235.



GRAPHIC SCALE

CURSED IS HE WHO MOVES HIS NEIGHBOR'S BOUNDARY MARK, AND ALL THE PEOPLE SHALL SAY, "AMEN". Deut. 27:17

SURVEY FOR

KEITH A. ROWEN

LOT	BLOCK
PLAT BOOK	PAGE
LAND LOT <u>1146</u>	
DISTRICT <u>16</u>	SECTION <u>2</u>
COUNTY <u>COBB</u>	STATE <u>GEORGIA</u>
DATE <u>4-29-92</u>	REVISED
SCALE: 1" = <u>50</u>	JOB NO.

WEST GEORGIA SURVEYORS, INC.

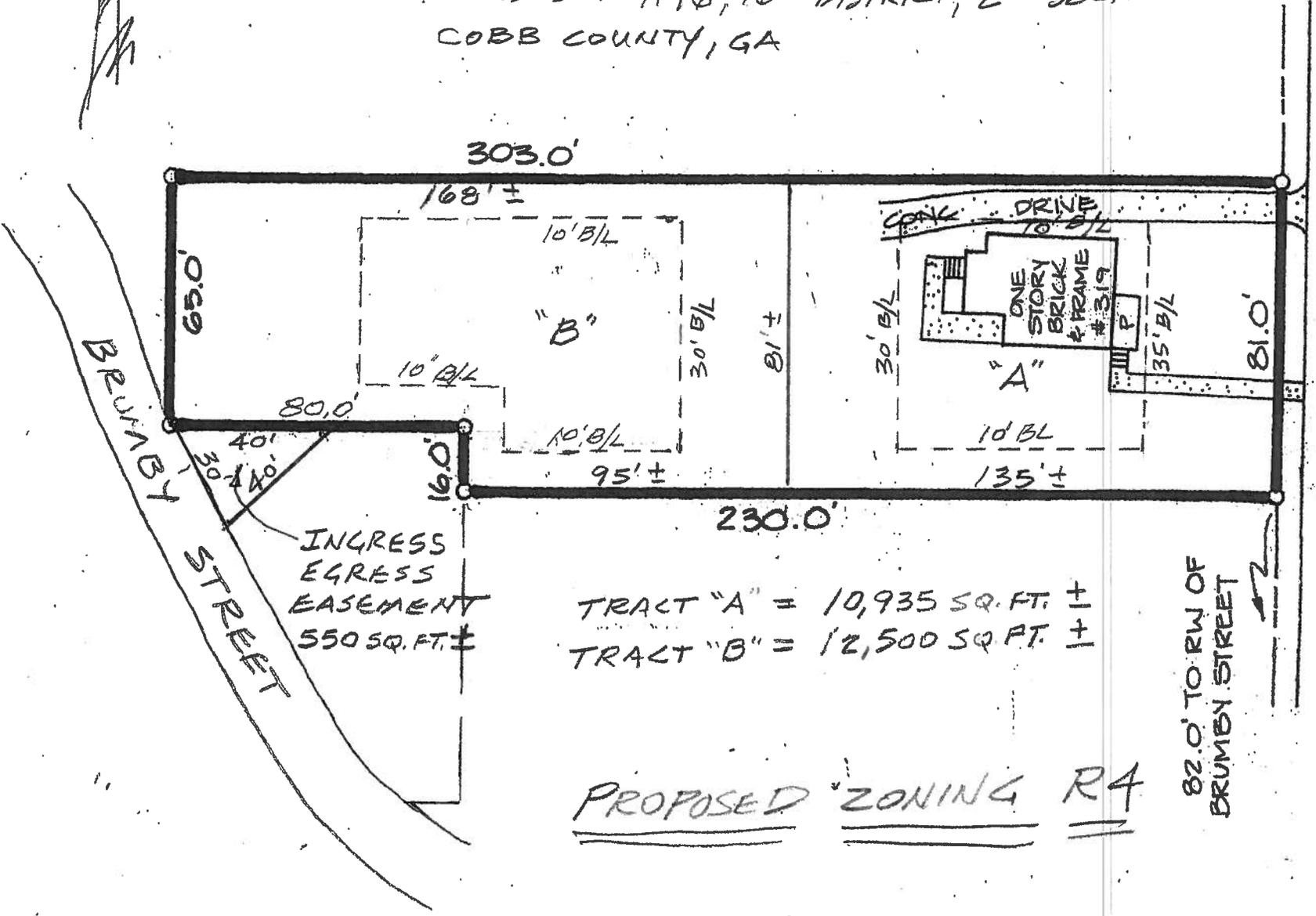
P. O. BOX 828 MARIETTA, GEORGIA 30061 (404) 428-2122



1" = 40'

319 CHURCH STREET
MARIETTA, GA. 30060

LAND LOT 1146, 16TH DISTRICT, 2ND SECTION
COBB COUNTY, GA



INGRESS
EGRESS
EASEMENT
550 SQ. FT. ±

TRACT "A" = 10,935 SQ. FT. ±
TRACT "B" = 12,500 SQ. FT. ±

PROPOSED ZONING RA

82.0' TO RW OF
BRUMBY STREET

CHURCH STREET