



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

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## STAFF REVIEW AND RECOMMENDATION

Variance Case #: V2009-23

Legistar #: 20091194

Board of Zoning Appeals Hearing: Monday, November 23, 2009 – 6:00 p.m.

**Applicant:** Gary R. Mills  
4962 Lakeland Drive  
Marietta, GA 30068

**Property Owner:** Lisa A. Mills  
4962 Lakeland Drive  
Marietta, GA 30068

**Address:** 764 Frasier Circle

**Land Lot:** 16      **District:** 1286      **Parcel:** 1220

**Council Ward:** 1      **Existing Zoning:** RA-6

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

1. Variance to reduce the minimum length of the concrete parking pad from 20 ft. to 18 ft. [Section 716.08 (C) 4].
2. Variance to reduce the minimum parking space requirement for single-family attached unit from 2 parking spaces per unit to 1 parking space per unit. [Section 716.07 (E)].

### 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.

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**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**



Front view of 764 Frasier Circle. Notice obstructions, tree, light pole and underground water meters. To the east is 756 Frasier Cr. (un-acquired and undeveloped property).



Back view of 764 Frasier Circle and attached townhouse unit. Neighboring attached unit has padded parking. Subject property is the grassy back yard.

**Recommended Action:**

**Approval.** Mr. Gary R. Mills is requesting a variance to install a 10 ft. wide parking pad in front of the residential dwelling unit at 764 Frasier Circle. The subject property is zoned RA-6 (Residential Attached – 6 units per acre) and is part of a residential duplex community that was recently renovated and converted to a townhouse community; now known as the Village at Frasier Park. When renovated, the subject property was not developed to include private parking; therefore, vehicles at this townhome unit must park along the street.



Deerfield Development, the developer of the Village at Frasier Park purchased and redeveloped the duplex housing properties one property at a time. The redevelopment initiative of the Frasier Circle neighborhood increased the property values of the area. However, to date, there are four (4) properties that were never acquired. The property to the east of the subject property is one that was not able to be acquired by the developers. Originally, the developer's plans were to acquire this neighboring property and to construct a shared driveway with parking pads in the rear of both properties. This driveway design is displayed throughout the renovated townhouse units on Frasier Circle.

Currently, Frasier Circle is approximately 20 ft. wide, and is a one-way local street. The Marietta Public Works Department has an upcoming project to install curb and gutter and repave the road and sidewalk. Prior to the redevelopment of the majority of Frasier Circle, some lots had parking pads in the front yard, but most residents had to park in the street along the curb. This on-street parking created access problems, both for the residents and for emergency vehicles. The properties that were redeveloped by Deerfield Development installed driveways that led to the rear lot areas, with parking pads to the side or rear of the property, and eliminated parking pads in the front yards.

According to the City Zoning Code 716.08.C.4 Surface parking standards, parking spaces with dimensions less than 9 ft. wide and 20 ft deep are prohibited. The applicant's request is to be allowed to install a 10 ft. X 18.5 ft. parking pad to create parking in front of the subject property unit. As shown in the photo of the front yard, there are a few obstructions in the area of the proposed parking pad, such as a tree, a light pole, and underground water meters. These items may prove to be obstacles, and the tree will have to be removed, if the requested parking pad is installed. Another concern in considering this variance is that a vehicle parked in the space may encroach onto the sidewalk, therefore obstructing the public use of the sidewalk.

(With the information that was provided, Staff has been unable to determine if a variance would be necessary from the requirement that no more than 35% of the required front yard may be paved or used for parking. Compliance with this requirement should be verified prior to the issuance of any permit, should this request be approved.)

Unfortunately, given the physical limitations of the property, and the applicant's inability to work out a better solution with the neighboring property owners, the only options are to either park in the street or to be able to utilize the requested parking pad. Given these options, ***Staff recommends approval of this application request, with the following stipulations: (1) No vehicle parked on the parking pad shall be allowed to overhang onto the sidewalk; (2) No resident of this property shall be allowed to park within the street.*** Granting the requested variance application is necessary for the preservation and enjoyment of a substantial property right of the applicant, and to prevent unreasonable property loss or unnecessary hardship.