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## **REZONING APPLICATION ANALYSIS**

**ZONING CASE #:** Z2016-31

**LEGISTAR:** 20160988

**LANDOWNERS:** Mr. John Schiavone  
The Most Reverend Wilton D. Gregory S.L.D.  
As Archbishop of the Roman Catholic Archdiocese of Atlanta  
And/or his successors in office  
Saint Joseph Catholic Church  
2401 Lake Park Drive  
Smyrna, GA 30080

**APPLICANT:** Same as above

**AGENT:** n/a

**PROPERTY ADDRESS:** 557 Campbell Hill Street

**PARCEL DESCRIPTION:** 16 10860 0560

**AREA:** 0.42 acres

**COUNCIL WARD:** 4B

**EXISTING ZONING:** R-3 (Single Family Residential – 3 units/acre)

**REQUEST:** R-3 with a Special Land Use Permit for Assembly

**FUTURE LAND USE:** LDR (Low Density Residential)

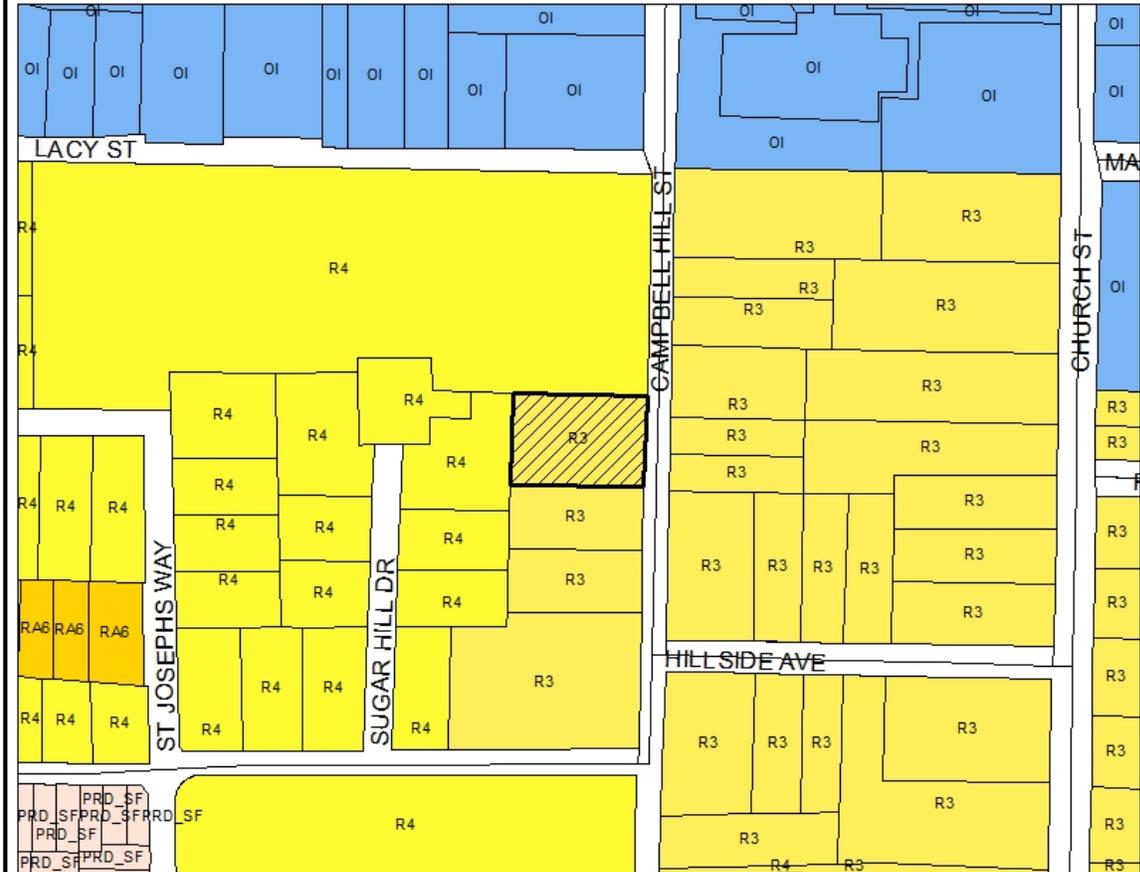
**REASON FOR REQUEST:** The applicant is requesting a Special Land Use Permit (SLUP) to allow a religious organization to use a residential building for church related activities such, but not limited to, church group meetings, outdoor functions, pastor residence.

**PLANNING COMMISSION HEARING:** Tuesday, November 1, 2016 – 6:00 p.m.

**CITY COUNCIL HEARING:** Wednesday, November 8, 2016 – 7:00 p.m.

# MAP

## City of Marietta Area Zoning Map

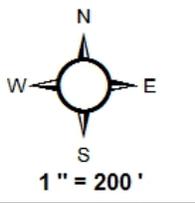


Zoning		District	Land Lot	Parcel	Current Zoning	Proposed Zoning
<b>SINGLE FAMILY RESIDENTIAL</b> R-1 One Unit/Acre R-2 Two Unit/Acre R-3 Three Unit/Acre R-4 Four Unit/Acre <b>ATTACHED FAMILY RESIDENTIAL</b> RA-4 Four Unit/Acre RA-5 Six Unit/Acre RA-8 Eight Unit/Acre PRD(SF) Planned Residential Dev. MHP Mobile Home Park <b>MULTI FAMILY RESIDENTIAL</b> RM-8 Eight Unit/Acre RM-10 Ten Unit/Acre RM-12 Twelve Unit/Acre RHR Residential High Rise PRD(MF) Planned Residential Dev.	<b>COMMERCIAL</b> NRC Neighborhood Retail CRC Community Retail RRC Regional Retail CBD Central Business District PCD Planned Commercial Dev. MID Mixed-Use Dev. OIT Office Institutional Trans. LNO Low-Rise Office OI Office Institutional OS Office Services OHR Office High-Rise <b>INDUSTRIAL</b> LI Light Industrial HI Heavy Industrial PID Planned Industrial Dev.	16	1086	0560	R-3	R-3 w/ SLUP

Comments:  
 557 Campbell Hill Street

Date: 9/28/2016

Planning & Zoning Department



## FLU MAP



**PICTURES OF PROPERTY**



**Subject Property – 557 Campbell Hill Street**



**Similar property owned by the applicant (543 Sugar Hill Drive)**

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## STAFF ANALYSIS

### *Location Compatibility*

Saint Joseph Catholic Church, located at 589 Campbell Hill Street, is requesting a Special Land Use Permit (SLUP) for the property at 557 Campbell Hill Street, which is zoned R-3 (Single Family Residential – 3 units/acre). The Church wishes to use it for small group meetings, outdoor functions, and/or a pastor’s residence. The adjacent property to the south and properties across Campbell Hill Street are zoned R-3 and used as residential homes. A residential home, zoned R-4 (Single Family Residential – 4 units/acre) is located to the rear. The main Church campus, approximately 8.5 acres in size, lies directly to the north and is zoned R-4 with a SLUP with variances and stipulations approved in March of 2009.

### *Use Potential and Impacts*

The Church purchased this property in August 2015 and subsequently removed the swimming pool in the rear yard. On August 29, 2016, staff received calls from concerned citizens that trees were being removed from the property. Individual residential lots are typically exempt from the Tree Ordinance; however, staff instructed the workers to cease tree removal activity until the Church could provide information on the use of the property. Under current regulations, places of assembly are only permitted on residentially-zoned properties with a SLUP approved by City Council.

The applicant has stated that the intended use of the building is for small groups, consisting of 10-15 people, with no more than 25 at a time, for activities such as Bible study, Grief Support, and Confirmation Class. Attendees would park at the church facility and walk to the home by way of a planned pathway and the only use of the driveway off of Campbell Hill Street will be for “*meeting set up and maintenance vehicles.*” The applicant maintains that the house will appear residential in nature.

The required setback for a place of assembly is 75 feet from any property line. Therefore, should the SLUP be approved, the following variance would be needed in order to retain the structure at 557 Campbell Hill Street:

- *Variance to reduce the required 75 foot setback to 15 feet along the southern property line for the existing structure only. [Section 708.03 (E.1.b)]*

The Future Land Use (FLU) of the City’s Comprehensive Plan designates this parcel as Low Density Residential (LDR). Properties designated as Low Density Residential (LDR) are suitable for low-density housing with densities of up to three (3) dwelling units per acre. However, it is noted that certain low-impact uses - such as park and recreational facilities, elementary schools, libraries and community centers – may also be an appropriate transition between non-residential developments and residential neighborhoods.

In December 2006, City Council adopted the Historic Church-Cherokee and Kennestone Area Transportation and Land Use Master Plan. Goals outlined in the study include the preservation of the Cherokee-Church Street Historic District and St. James neighborhoods and minimizing “the impact of through traffic on the community.” The study was commissioned in order to minimize adverse impacts on the surrounding neighborhoods posed by the expansion of the hospital and unplanned development. Identified as an option to improve vehicular circulation around the school area and improve pedestrian safety is a “drop-off zone” for St. Joseph’s School, provided by linking Lacy Street and Nancy Street as shown below. The plan also anticipates the possibility of an expansion of the St. Joseph campus, albeit westward towards Roselane Street rather than south down Sugar Hill Drive or Campbell Hill Street.

### *Environmental Impacts*

There are no streams or possible wetlands located in the vicinity of the site, nor is the property located in a floodplain. It is unlikely that any endangered species currently exist on the property. As long as a property is used and zoned for single family, it remains exempt from the Tree Protection and Landscaping section of the Zoning Ordinance. Should the SLUP be approved, a row of evergreen trees along the southern property line would provide a buffer against the residences to the south. Not only would this reestablish any lost tree density, it would also protect residential neighbors to the south from any current or future activity.

### *Economic Functionality*

The property has historically been used as a single family residence and is in a desirable neighborhood. Considering the high demand for single family homes in this area, this property is currently functional as zoned.

### *Infrastructure*

One of the criteria for SLUP eligibility is the ability to provide adequate parking for the use. Current regulations require one parking space for every four seats in the room with the greatest seating capacity for places of assembly and 5 spaces plus 2 per classroom for schools or daycare centers. The rezoning and SLUP case approved in 2009 (see below) included a variance to reduce the required parking for a place of assembly and an elementary school from 252 to 211. Parking for the small group assembly will be, and is encouraged to be, at the main church campus but would require the following variance:

- *Variance to allow required parking be provided offsite (589 Campbell Hill Street)*

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## *History of Property*

On March 11, 2009 (Z2009-01), City Council rezoned the main Church campus at 589 Campbell Hill Street, and including the houses on 543 & 555 Sugar Hill Drive, to R-4 with a SLUP. The following variances and stipulations were approved with the request:

*The letter of stipulations and the plat signed by the applicant and dated March 11, 2009 shall be incorporated as part of the zoning, along with the following stipulations:*

- *Any exterior property changes that include the addition of occupiable space must be submitted back to the Planning Commission and City Council for site plan review which would include any buffer requirements.*
- *The Church will install a fence and place shrubs as per the attached plat. The fence will be the same as the fence that surrounds the school playground. A controlled non-passenger vehicle gate may be installed so as to allow access from the Church property to the house for maintenance purposes.*
- *After two (2) years the fence shall be extended along Sugar Hill to the south property line of the house.*
- *For two (2) years the Church will be able to access the Sugar Hill Drive house by using the two driveways for the purpose of handicap visitors and delivery of supplies. Otherwise access to the house will be from the Church property. There will be no parking in the street allowed for people visiting the Sugar Hill House. There will be no access to the Church property through the house.*

*The following variances are granted:*

- *Variance to allow a fence exceeding 4 feet in height and chain link in composition along St. Joseph Way, Nancy Street, and Lacy Street.*
- *Variance to reduce the required 75 foot setback to 15 feet for property located at 543 Sugar Hill Drive.*
- *Variance to reduce required parking for a place of assembly and an elementary school from 252 to 211.*
- *Variance to allow more than 12 parking spaces in a row without a planter island.*
- *Variance to allow continued use of the curb cuts on Sugar Hill Drive and St. Joseph Way, both residential streets.*
- *Variance to allow use of an unpaved parking lot for a period of two (2) years.*

## *Other Issues*

The following are the criteria for determining a site's eligibility for a Special Land Use Permit, as specified in Section 712.01 (E):

1. Whether or not there will be a significant adverse effect on the neighborhood or area in which the proposed use will be located.
2. Whether or not the use is compatible with the neighborhood.
3. Whether or not the proposed use will constitute a nuisance as defined by state law.
4. Whether or not property values of surrounding property will be adversely affected.



5. Whether or not adequate provisions are made for parking and traffic considerations.
6. Whether or not the site or intensity of the use is appropriate.
7. Whether or not adequate provisions are made regarding hours of operation.
8. The location or proximity of other similar uses (whether conforming or nonconforming).
9. Whether or not adequate controls and limits are placed upon commercial deliveries.
10. Whether or not adequate landscaping plans are incorporated to ensure appropriate transition.
11. Whether or not the public health, safety and welfare of the surrounding neighborhoods will be adversely affected.

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## ANALYSIS & CONCLUSION

Saint Joseph Catholic Church, located at 589 Campbell Hill Street, is requesting a Special Land Use Permit (SLUP) for the property at 557 Campbell Hill Street, which is zoned R-3. The Church wishes to use it for small group meetings, outdoor functions, and/or a pastor's residence. The adjacent properties to the south, east, and west are zoned R-3 and used as residential homes. The main Church campus, approximately 8.5 acres in size, lies directly to the north and is zoned R-4 with a SLUP with variances and stipulations approved in March of 2009.

The Church purchased this property in August 2015. Under current regulations, places of assembly are only permitted on residentially-zoned properties with a SLUP approved by City Council. The applicant has stated that the intended use of the building is for small groups, consisting of 10-15 people with no more than 25 at a time, for activities such as Bible study, Grief Support, and Confirmation Class. Attendees would park at the church facility and walk to the home by way of a planned pathway and the only use of the driveway off of Campbell Hill Street will be for "meeting set up and maintenance vehicles." The applicant maintains that the house will appear residential in nature.

1. *Variance to reduce the required 75 foot setback to 15 feet along the southern property line for the existing structure only. [Section 708.03 (E.1.b)]*
2. *Variance to allow required parking be provided offsite (589 Campbell Hill Street). [Section 716.07 (A.)]*

The Future Land Use (FLU) of the City's Comprehensive Plan designates this parcel as Low Density Residential (LDR). Properties designated as Low Density Residential (LDR) are suitable for low-density housing with densities of up to three (3) dwelling units per acre. However, it is noted that certain low-impact uses - such as park and recreational facilities, elementary schools, libraries and community centers - may also be an appropriate transition between non-residential developments and residential neighborhoods. The Historic Church-Cherokee and Kennestone Area Transportation and Land Use Master Plan adopted in December 2006 aimed to minimize adverse impacts on the surrounding neighborhoods posed by the expansion of the hospital and unplanned development.

Prepared by: Shelly Winkles

Approved by: Rusty Roth



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## DATA APPENDIX

### *CITY OF MARIETTA - WATER*

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Is a water line adjacent to the property?	Yes
If not, how far is the closest water line?	N/A
Size of the water line?	8" D.I.P.
Capacity of the water line?	Fire flow test may be required
Approximate water usage by proposed use?	N/A

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### *CITY OF MARIETTA - SEWER*

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Is a sewer line adjacent to the property?	Yes
If not, how far is the closest sewer line?	N/A
Size of the sewer line?	A.D.F.
Capacity of the sewer line?	N/A
Estimated waste generated by proposed development?	A.D.F                      Peak
Treatment Plant Name?	N/A
Treatment Plant Capacity?	Cobb County
Future Plant Availability?	Cobb County

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## DATA APPENDIX CONTINUED

### ***DRAINAGE AND ENVIRONMENTAL CONCERNS***

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Does flood plain exist on the property:	No
What percentage of the property is in the flood plain?	N/A
What is the drainage basin for the property?	Sope Creek
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 there storm water issues related to the application?	No
Potential presence of endangered species in the area?	No

### ***TRANSPORTATION***

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What is the road effected by the proposed change?	Campbell Hill St
What is the classification of the road?	Local
What is the traffic count for the road?	N/A
Estimated # of trips generated by the proposed development?	N/A
Estimated # of pass-by cars entering proposed development?	N/A
Do sidewalks exist in the area?	Yes; across the street
Transportation improvements in the area?	No
If yes, what are they?	N/A



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## DATA APPENDIX CONTINUED

### *EMERGENCY SERVICES*

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Nearest city or county fire station from the development?	Station 51
Distance of the nearest station?	1.2 mi.
Most likely station for 1 <sup>st</sup> response?	Station 51
Service burdens at the nearest city fire station (under, at, or above capacity)?	None

### *MARIETTA POWER - ELECTRICAL*

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Does Marietta Power serve this site?      Yes       No

If not, can this site be served?      Yes       No

What special conditions would be involved in serving this site?

Additional comments:



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

APPLICATION FOR SPECIAL LAND USE PERMIT

(Owner/Applicant/or Representative must be present at all public hearings)

For Office Use Only:
Application#: 22016-31 SLUP Legistar#: PZ #: 16-535
PC Hearing: 11-1-16 CC Hearing (if Applicable): 11-9-16

Board of Zoning Appeals [X] PC + [X] City Council
Owner's Name Catholic Archdiocese of Atlanta and/or his successors in office (St. Joseph Catholic Church)
Address 2401 Lake Park Drive, Smyrna, GA Zip Code: 30080
Telephone Number: 404-920-7866 Email Address: ctrevathan@archatl.com

COMPLETE ONLY IF APPLICANT IS NOT OWNER:
Applicant:
Address Zip Code:
Telephone Number Email Address:

Address of property for which special land use is requested:
557 Campbell Hill Street Date of Acquisition: Aug 17, 2015
Land Lot (s) 16 District 10860 Parcel 16108600560 Acreage 0.42 Zoned R3 Ward 4B FLU LDR
List the special land use permit requested (please attach any additional information):

To allow a religious organization to use a residential building for church related activities such as but not limited to: church group meetings, outdoor functions, pastor residence.

- Required Information
1. Application fee: Board of Zoning Appeals (\$250) or Planning Commission/City Council (\$500)
2. Completed notarized application. The original application must be submitted with ALL original signatures - 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. Site plan: One copy scaled to an 8 1/2" X 11" size, plus 25 copies, if larger than 11" x 17", drawn to scale prepared by an architect, engineer, (P.E. or Civil Engineer), whose state registration is current and valid.
5. Copy of current tax bill showing payment or documentation certified by the City of Marietta Tax Office.
6. 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

THE ROMAN CATHOLIC  
ARCHDIOCESE OF ATLANTA

THE OFFICE OF THE ARCHBISHOP



**SPECIAL POWER OF ATTORNEY**

I, Wilton D. Gregory, S.L.D., as Archbishop and administrator of The Roman Catholic Archdiocese of Atlanta, and/or His Successors In Office, of 2401 Lake Park Drive, Smyrna, the County of Cobb, the State of Georgia, do hereby appoint Mr. John Schiavone of 2401 Lake Park Drive, the County of Cobb, the State of Georgia, my true and lawful attorney in fact, for me and in my name, place and stead, and for my use and benefit to:

make, seal, and deliver, to bargain, contract, agree for, purchase, receive, and take lands, tenements, hereditaments, and accept the possession of all lands, and all deeds and other assurances, in the law therefore, and to lease, let demise, bargain, sell, remise, release, convey, mortgage, and hypothecate lands, tenements, and hereditaments upon such terms and conditions and under such covenants as he shall think fit;

Also to bargain and agree for, buy, sell, mortgage, hypothecate, and in any and every way and manner deal in and with goods, wares, and merchandise, chooses in action, and other property in possession or in action, and to make, do, and transact all and every kind of business of whatsoever nature and kind; and also for me and in my name, and as my act and deed, to sign, seal, execute, deliver, and acknowledge such deeds, leases, mortgages, hypothecations, charter parties, bills of releases and satisfaction of mortgage, judgments, and other debts, and such other instruments in writing of whatsoever kind and nature as may be necessary or proper in the premises;

I further give and grant unto the attorney in fact full power and authority to do everything necessary and proper to be done in the exercise of any of the foregoing powers as fully as I might or could do if personally present, with full power of substitution and revocation, hereby ratifying and confirming all that my attorney shall lawfully do or cause to be done by virtue hereof.

This Special Power of Attorney is effective from July 1, 2016 through June 30, 2017.

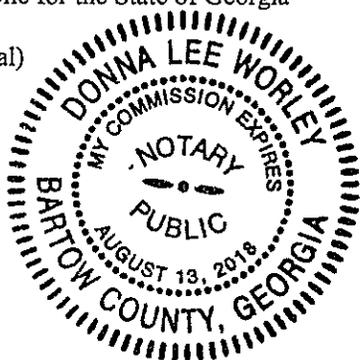
Executed this 1st day of July, 2016, at Smyrna, the State of Georgia.

Most Reverend Wilton D. Gregory  
Archdiocese of Atlanta, the County of Cobb, the State of Georgia

On July 1<sup>st</sup>, 2016, before me, a notary public for the State of Georgia, personally appeared Archbishop Wilton D. Gregory, Archbishop of the Archdiocese of Atlanta, known to me or proved to me to be the person whose name is subscribed to the within power of attorney, and acknowledged to me that he or she executed the same.

Notary Public for the State of Georgia

(Notary Seal)



Witness

Witness

AN ORDINANCE

**REZONING** property in the corporate limits of the City of Marietta, Georgia, located in Land Lot 10860, District 16, Parcels 0010, 0460, 0370, 0220, 0230, 0240, 0450, 2nd Section, Marietta, Cobb County, Georgia and being known as 589 Campbell Hill Street, 555 Sugar Hill Drive, 558 St. Joseph Way, 95 Lacy Street, 570 Nancy Street, 574 Nancy Street and 543 Sugar Hill Drive.

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**WHEREAS**, application has been filed by **JAMES W. FRIEDEWALD** for rezoning property in the corporate limits of the City of Marietta, Georgia; and,

**WHEREAS**, following proper notice, a public hearing was held before this body; and,

NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF MARIETTA, GEORGIA, THAT:

**Section 1:** The following property to wit:

All that tract and parcel of land lying and being in Land Lot 1086, 16th District, 2nd Section, Cobb County, state of Georgia and as shown on the boundary survey for St. Joseph Catholic Church, dated October 11, 2008, as prepared by Tate Engineering and Surveying, Inc., Richard Tate Grant, Registered Land Surveyor, containing 8.553 acres and being more particularly described as follows:

Beginning at the intersection of the southerly side of the right of Lacy Street and the westerly side of the right of way of Campbell Hill Street; thence south 01 degrees 30 minutes 28 seconds west a distance of 350.88 feet along the westerly side of the right of way of Campbell Hill Street to a point and corner; thence north 87 degrees 34 minutes 12 seconds west a distance of 184.76 feet to an iron pin; thence north 88 degrees 15 minutes 34 seconds west a distance of 77.05 feet to an iron pin; thence north 88 degrees 15 minutes 34 seconds west a distance of 39.20 feet; thence north 28 degrees 58 minutes 36 seconds east a distance of 48.90 feet; thence north 30 degrees 28 minutes 15 seconds west a distance of 43.48 feet; thence north 89 degrees 48 minutes 04 seconds west a distance of 59.67 feet; thence south 01 degrees 33 minutes 00 seconds west a distance of 28.58 feet; thence north 89 degrees 19 minutes 10 seconds west a distance of 60.53 feet; thence south 00 degrees 21 minutes 45 seconds west a distance of 98.52 feet; thence north 87 degrees 12 minutes 40 seconds east a distance of 39.35 feet; thence south 01 degrees 41 minutes 34 seconds west along the westerly side of the right of way of Sugar Hill Road a distance of 71.00 feet; thence south 01 degrees 41 minutes 00 seconds west along the westerly side of the right of way of Sugar Hill Road a distance of 94.85 feet to a point and corner; thence north 89 degrees 16 minutes 45 seconds west a distance of 128.92 feet to a point and corner; thence north 01 degrees 41 minutes 52 seconds west a distance of 95.08 feet; thence north 01 degrees 26 minutes 29 seconds west a distance of 50.00 feet to a point and corner; thence south 88 degrees 37 minutes 56 seconds west a distance of 148.63 feet to a point and corner; thence north 01 degrees 19 minutes 30 seconds west a distance of

76.00 feet to a point and corner; thence north 89 degrees 16 minutes 39 seconds west a distance of 201.62 feet along the northerly side of the right of way of Nancy Street; thence north 88 degrees 32 minutes 03 seconds west a distance of 168.16 feet along the northerly side of the right of way of Nancy Street to a point and corner; thence north 00 degrees 48 minutes 25 seconds east a distance of 159.41 to a point and corner; thence south 89 degrees 12 minutes 27 seconds east a distance of 84.26 to a point and corner; thence north 01 degrees 03 minutes 17 seconds east a distance of 182.95 to a point and corner and the southerly side of the right of way of Lacy Street; thence south 88 degrees 55 minutes 50 seconds east along the southerly side of the right of way of Lacy Street a distance of 958.90 to the point of beginning.

**Section 2:** The above-described property is hereby rezoned into the corporate limits of the City of Marietta, Georgia from R-4 (Single Family Residential 4 units/acre) and OI (Office Institution) to R-4 (Single Family Residential 4 units/acre) with a Special Land Use Permit (SLUP) for a place of assembly.

**Section 3:** The letter of stipulations and the plat signed by the applicant and dated March 11, 2009 shall be incorporated as part of the zoning, along with the following stipulations:

- Any exterior property changes that include the addition of occupiable space must be submitted back to the Planning Commission and City Council for site plan review which would include any buffer requirements.
- The Church will install a fence and place shrubs as per the attached plat. The fence will be the same as the fence that surrounds the school playground. A controlled non-passenger vehicle gate may be installed so as to allow access from the Church property to the house for maintenance purposes.
- After two (2) years the fence shall be extended along Sugar Hill to the south property line of the house.
- For two (2) years the Church will be able to access the Sugar Hill Drive house by using the two driveways for the purpose of handicap visitors and delivery of supplies. Otherwise access to the house will be from the Church property. There will be no parking in the street allowed for people visiting the Sugar Hill House. There will be no access to the Church property through the house.

**Section 4:** The following variances are granted:

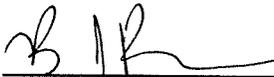
- Variance to allow a fence exceeding 4 feet in height and chain link in composition along St. Joseph Way, Nancy Street, and Lacy Street.
- Variance to reduce the required 75 foot setback to 15 feet for property located at 543 Sugar Hill Drive.
- Variance to reduce required parking for a place of assembly and an elementary school from 252 to 211.
- Variance to allow more than 12 parking spaces in a row without a planter island.
- Variance to allow continued use of the curb cuts on Sugar Hill Drive and St. Joseph Way, both residential streets.
- Variance to allow use of an unpaved parking lot for a period of two (2) years.

**Section 5:** It is hereby declared to be the intention of this Ordinance that its sections, paragraphs, sentences, clauses and phrases are severable, and if any section, paragraph, sentence, clause or phrase of this Ordinance is declared to be unconstitutional or invalid, it shall not affect any of the remaining sections, paragraphs, sentences, clauses or phrases of this Ordinance.

**Section 6:** All Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed.

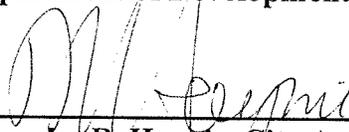
**Section 7:** This Ordinance shall become effective upon the signature or without the signature of the Mayor, subject to Georgia laws 1983, page 4119.

**Final Ordinance submitted by:**



**Brian Binzer, Director  
Department of Development Services**

**Approved as to form:**



**Douglas R. Haynie, City Attorney**

**Approved by City Council:**

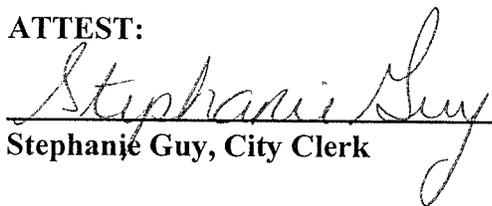
**DATE: March 11, 2009**

**APPROVED:**



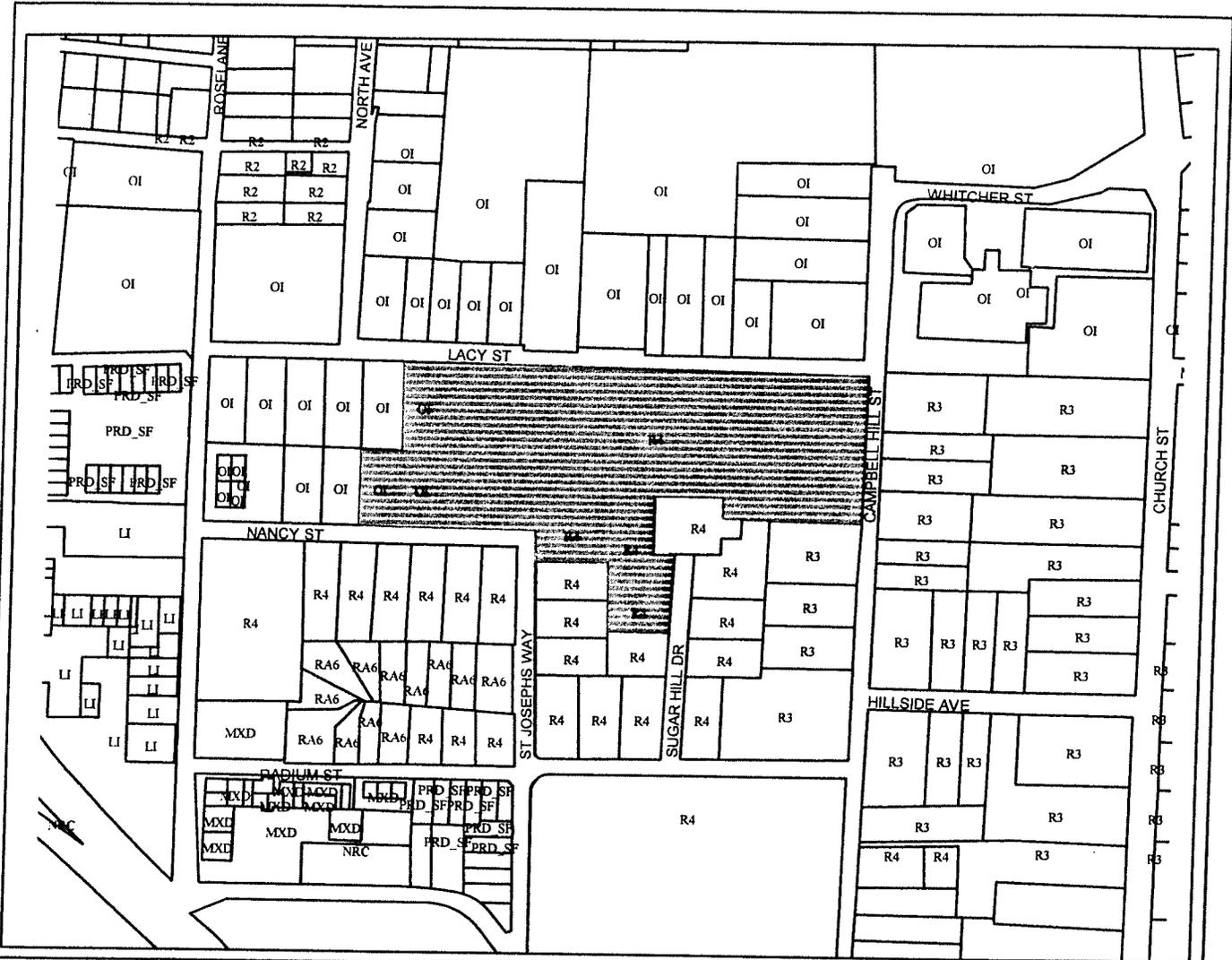
**William B. Dunaway, Mayor**

**ATTEST:**



**Stephanie Guy, City Clerk**

# Rezoning



Name of Applicant/Petitioner/Agent: James W. Friedewald

Name of Property Owner: St. Joseph Catholic Church

Addresses of property for which a Rezoing is requested: 589 Campbell Hill Street; 555 Sugar Hill Drive; 558 St. Joseph Way; 95 Lacy Street; 570 Nancy Street; 574 Nancy Street; 543 Sugar Hill Drive

Ward: 4  
Rezoning Case # Z2009-01

District, Land Lot, Parcel:

District 16, Land Lot 10860, Parcels 0010, 0460, 0370, 0220, 0230, 0240, 0450

Current Zoning / Proposed Zoning: R-4 & OI / R-4

Proposed Use: Church & School

Acreage: 8.553 acs.

Planning Commission Hearing / City Council Hearing  
2/3/09 ~~2/11/09~~ 3/11/09

## Zoning

### SINGLE FAMILY RESIDENTIAL

- R-1 One Unit/Acre
- R-2 Two Units/Acre
- R-3 Three Units/Acre
- R-4 Four Units/Acre

### ATTACHED FAMILY RESIDENTIAL

- RA-4 Four Unit/Acre
- RA-6 Six Unit/Acre
- RA-8 Eight Unit/Acre

### MULTI-FAMILY RESIDENTIAL

- RM-8 Eight Unit/Acre
- RM-10 Ten Unit/Acre
- RM-12 Twelve Unit/Acre
- R1R Residential High Rise
- PRD(MF) Planned Residential Dev

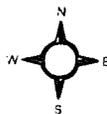
### COMMERCIAL

- NRC Neighborhood Retail
- CAC Community Retail
- PRC Regional Retail
- CBD Central Business District
- PLD Planned Commercial Dev
- MXD Mixed Use Dev
- OIT Office Institutional Trans
- LRO Low-Rise Office
- OI Office Institutional
- OS Office Services
- CBR Office High-Rise

### INDUSTRIAL

- LI Light Industrial
- HI Heavy Industrial
- PI Planned Industrial Dev

Zoning Department



90000



# ST JOSEPH'S CATHOLIC CHURCH ZONING STIPULATIONS

1. THE CHURCH WILL INSTALL A FENCE AND PLACE SHRUBS AS PER THE ATTACHED PLAT. THE FENCE WILL BE THE SAME AS THE FENCE THAT SURROUNDS THE SCHOOL PLAYGROUND. A CONTROLLED NON-PASSENGER VEHICLE GATE MAY BE INSTALLED SO AS TO ALLOW ACCESS FROM THE CHURCH PROPERTY TO THE HOUSE FOR MAINTENANCE PURPOSES.

2. AFTER <sup>Two</sup> TO YEARS THE FENCE SHALL BE EXTENDED ALONG SUGAR HILL TO THE SOUTH PROPERTY LINE OF THE HOUSE.

*James W. Fredwell*  
*2-11-09*

**3. FOR TWO YEARS THE CHURCH WILL BE ABLE TO ACCESS THE SUGAR HILL DRIVE HOUSE BY USING THE TWO DRIVEWAYS FOR THE PURPOSE OF HANDICAP VISITORS AND DELIVERY OF SUPPLIES. OTHERWISE ACCESS TO THE HOUSE WILL BE FROM THE CHURCH PROPERTY. THERE WILL BE NO PARKING IN THE STREET ALLOWED FOR PEOPLE VISITING THE SUGAR HILL HOUSE. THERE WILL BE NO ACCESS TO THE CHURCH PROPERTY THROUGH THE HOUSE.**

**4. VARIANCE TO ALLOW A FENCE EXCEEDING 4 FEET IN HEIGHT AND CHAIN LINK IN COMPOSITION ALONG ST. JOSEPH WAY, NANCY STREET AND LACY**

**STREET (THIS IS WHAT PRESENTLY ENCLOSSES THE SCHOOL'S PLAYGROUND).**

**5. VARIANCE TO REDUCE THE 75 FOOT SETBACK TO 15 FEET FOR THE CHURCH'S SUGAR HILL DRIVE HOUSE.**

**6. VARIANCE TO REDUCE THE REQUIRED PARKING FROM 252 SPACES TO 211.**

**7. VARIANCE TO ALLOW FOR MORE THAN 12 PARKING SPACES IN A ROW WITHOUT A PLANTER ISLAND.**

**8. THE PARKING LOT OFF OF ST. JOSEPH WAY SHALL BE PAVED WITHIN TWO YEARS OR THE CHURCH SHALL CEASE USING THE LOT FOR PARKING.**

**9. THE CHURCH WILL COME BACK TO THE PLANNING COMMISSION AND CITY COUNCIL FOR SITE PLAN**

**REVIEW SHOULD THE CHURCH MAKE ANY  
EXTERIOR PROPERTY CHANGES THAT INCLUDE THE  
ADDITION OF OCCUPIABLE SPACE.**

**10. A VARIANCE FROM THE 20 FOOT PLANTED  
BUFFER.**

**TO: Marietta Daily Journal**

**FROM: City of Marietta**

**RUN AD DATE: October 14, 2016**

**CITY OF MARIETTA  
PUBLIC NOTICE OF REZONINGS, SPECIAL LAND USE PERMITS, AND VARIANCES**

The City of Marietta hereby gives notice that a public hearing will be held on the following by the Planning Commission on **Tuesday, November 1, 2016, 6:00 P.M.**, City Hall, for a recommendation to the City Council at their meeting on **Wednesday, November 9, 2016, 7:00 p.m.**, City Hall, for a final decision to be made.

**Z2016-31 [SPECIAL LAND USE PERMIT] SAINT JOSEPH'S CATHOLIC CHURCH** is requesting a Special Land Use Permit (SLUP) for 0.565 acres located in Land Lot 1086, District 16, Parcel 0560, 2<sup>nd</sup> Section, Marietta, Cobb County, Georgia, and being known as 557 Campbell Hill Street from R-3 (Single Family Residential – 3 units/acre) to R-3 (Single Family Residential – 3 units/acre) with a special land use permit for assembly. Ward 4B.

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.

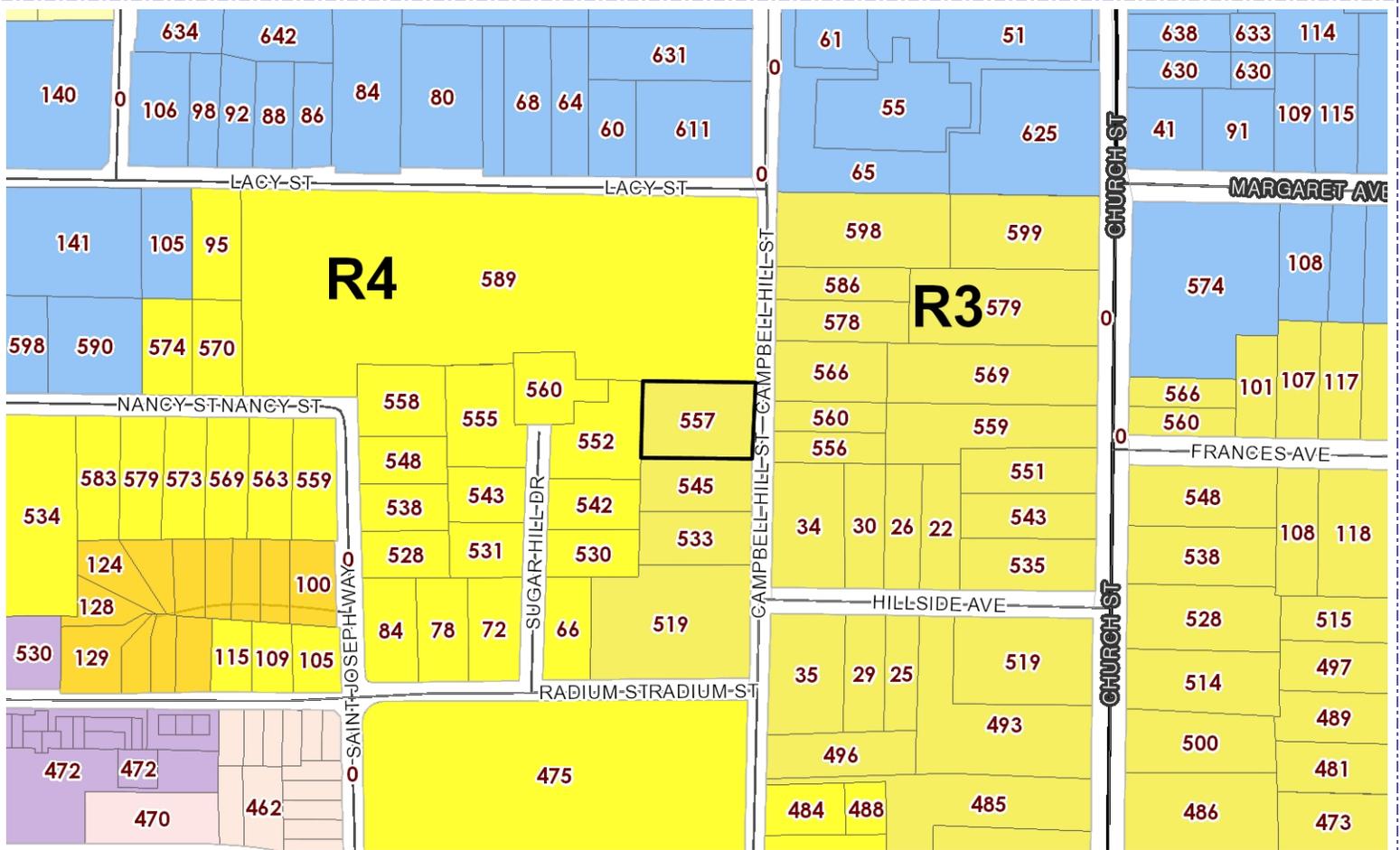
For additional information please call the Planning and Zoning Office (770) 794-5669.

**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

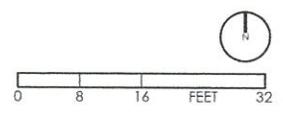
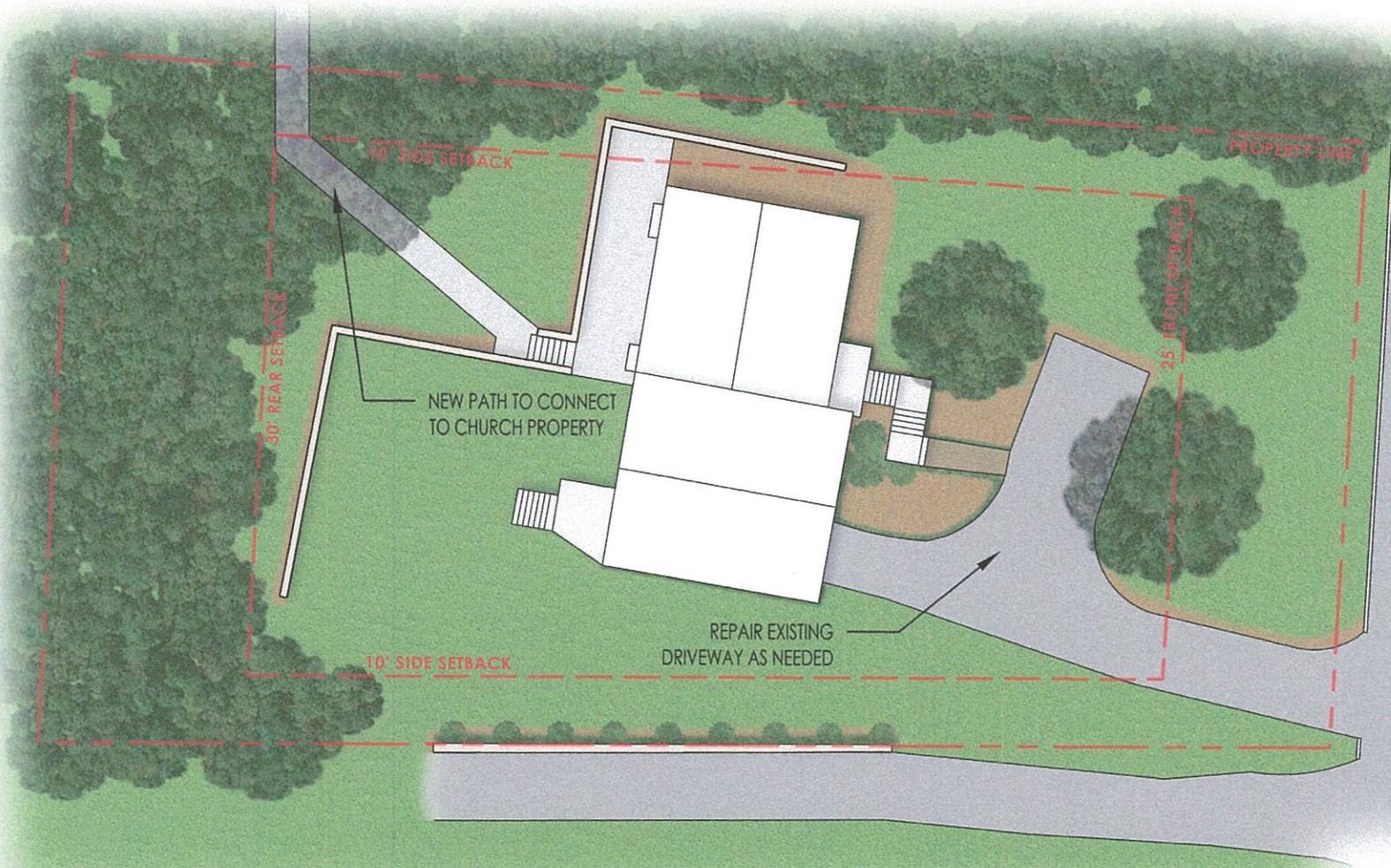


# Special Land Use



Address	Parcel Number	Acreage	Ward	Zoning	FLU
557 CAMPBELL HILL ST	16108600560	0.565	4B	R3	LDR

Property Owner:	St. Joseph Catholic Church	<b>Zoning Symbols</b> 
Applicant:		
Agent:		
Proposed Use:		
Planning Commission Hearing Date:	11/01/2016	
City Council Hearing Date:	11/09/2016	
Case Number:	Z2016-31	
City of Marietta Planning & Zoning		



ARCHITECT  
**smith•boland**  
 ARCHITECTS  
 1295 W SPRING STREET, SUITE 130  
 SMYRNA, GA 30080  
 (P) 770.435.3080  
 (E) INFO@SMITHBOLAND.COM  
 (W) WWW.SMITHBOLAND.COM

ADDITIONS AND RENOVATIONS FOR:  
**SAINT JOSEPH  
 CATHOLIC CHURCH**  
 557 CAMPBELL HILL STREET, MARIETTA, GA 30060

ISSUE AND DATE  
 09/20/2016

SHEET TITLE  
**ARCHITECTURAL  
 SITE PLAN**

SHEET  
**AS01**

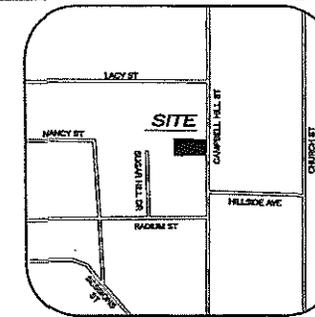
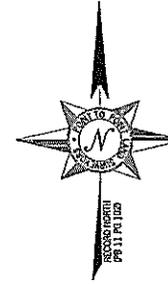
**SUBJECT PROPERTY**

OWNER: LAUREN STONE (PER TAX ASSESSOR)  
 SITE ADDRESS: 557 CAMPBELL HILL STREET, MARIETTA, GA 30050  
 AREA: 0.41 ACRES ±  
 ZONED: R3 (SINGLE FAMILY RESIDENTIAL)  
 MINIMUM LOT WIDTH: 85 FEET  
 MINIMUM FLOOR AREA: 1,400 SQ. FT.  
 SETBACKS:  
 FRONT: 25 FEET  
 SIDE: 10 FEET  
 REAR: 30 FEET  
 ALL ZONING INFORMATION SHOULD BE VERIFIED WITH THE PROPER ZONING OFFICIALS

REFERENCES:  
 1) DEED BOOK 14724 PAGE 4297  
 2) PLAT BOOK 11 PAGE 102 (SOURCE OF BOUNDARY DESCRIPTION)

**LEGAL DESCRIPTION**

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 1086 OF THE 16TH DISTRICT, 2ND SECTION, CITY OF MARIETTA, COBB COUNTY, GEORGIA, BEING LOT 1, PROPERTY OF PAUL EDWARD AND DOROTHY JEAN DOWNING SUBDIVISION, AS PER PLAT BOOK 11, PAGE 102, COBB COUNTY, GEORGIA RECORDS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
 BEGINNING AT A 1/4-INCH REBAR FOUND ALONG THE WESTERLY RIGHT-OF-WAY OF CAMPBELL HILL STREET (HAVING AN APPARENT 30 FOOT RIGHT-OF-WAY), SAID REBAR BEING SOUTH 09°33'17" WEST, 365.92 FEET, MORE OR LESS, FROM THE CENTERLINE INTERSECTION OF CAMPBELL HILL STREET AND LACY STREET; THENCE RUNNING ALONG SAID WESTERLY RIGHT-OF-WAY OF CAMPBELL HILL STREET, SOUTH 03°29'57" WEST, 88.88 FEET TO A 1/4-INCH REBAR FOUND; THENCE LEAVING SAID WESTERLY RIGHT-OF-WAY AND RUNNING, SOUTH 90°00'00" WEST, 189.02 FEET TO A 1-INCH OPEN TOP PIPE FOUND; THENCE, NORTH 03°02'29" EAST, 101.03 FEET TO A 1/4-INCH REBAR FOUND; THENCE, SOUTH 86°19'04" EAST, 189.47 FEET TO A 1/4-INCH REBAR FOUND ALONG SAID WESTERLY RIGHT-OF-WAY AND THE TRUE POINT OF BEGINNING.  
 SAID TRACT CONTAINS 0.41 ACRES (17,955 SQUARE FEET) MORE OR LESS.



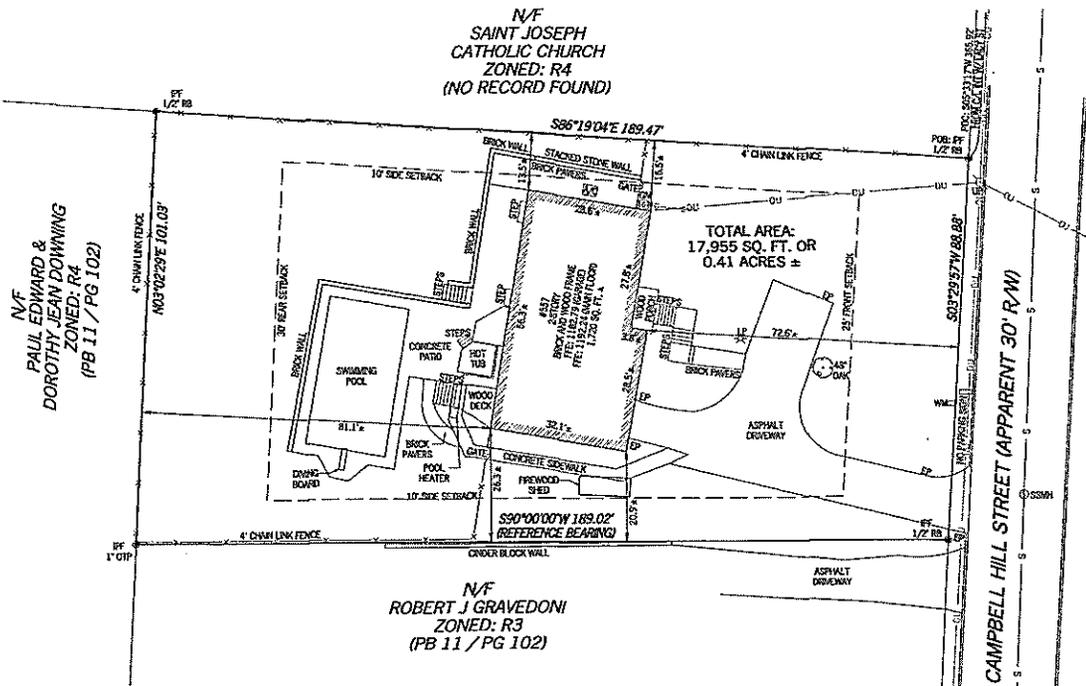
**VICINITY MAP**  
 NOT TO SCALE

**GENERAL NOTES**

THIS SURVEY WAS PREPARED WITHOUT BENEFIT OF A TITLE REPORT WHICH MAY REVEAL ADDITIONAL CONVEYANCES, EASEMENTS, OR RIGHTS-OF-WAY NOT SHOWN HEREON.  
 EQUIPMENT USED FOR ANGULAR & LINEAR MEASUREMENTS: LEXCA TPS 1200 ROBOTIC (DATE OF LAST FIELD VIST: 7-1-15)  
 THE FIELD DATA UPON WHICH THIS SURVEY IS BASED HAS A CLOSURE, PRECISION OF ONE FOOT IN 37,321 FEET AND AN ANGULAR ERROR OF 7.0" PER ANGLE POINT AND WAS NOT ADJUSTED.  
 THE PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE TO WITHIN ONE FOOT IN 75,850 FEET.  
 BEARINGS SHOWN ON THIS SURVEY ARE FROM RECORD NORTH, (PB 11 PG 102)  
 NO WETLANDS AREAS HAVE BEEN INVESTIGATED BY THIS SURVEY.  
 THERE IS NO OBSERVED EVIDENCE OF CURRENT EARTH MOVING WORK, BUILDING CONSTRUCTION OR BUILDING ADDITIONS AT THE TIME OF SURVEY.  
 NO PORTION OF THIS PROPERTY IS LOCATED IN A SPECIAL FLOOD AREA AS PER F.L.R.M. COMMUNITY PANEL NO. 1306700108J DATED MARCH 4, 2013.  
 THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM ABOVE GROUND FIELD SURVEY INFORMATION. THE SURVEYOR MAKES NO GUARANTEES THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED ALTHOUGH THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES.

**TITLE EXCEPTIONS**

FIRST AMERICAN TITLE INSURANCE COMPANY  
 SCHEDULE B - SECTION 2  
 COMMITMENT NUMBER RCTC 150239  
 EFFECTIVE DATE: JULY 1, 2015  
 10. ALL MATTERS AFFECTING SUBJECT PROPERTY AS SHOWN ON PLAT RECORDED IN PLAT BOOK 11, PAGE 102, RECORDS OF THE SUPERIOR COURT OF COBB COUNTY, GEORGIA.  
 ALL MATTERS AFFECTING THE SUBJECT PROPERTY ARE PLOTTED HEREON

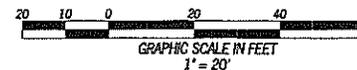


**SURVEYOR'S CERTIFICATE**

TO ARCHBISHOP WILTON D. GREGORY, AS ARCHBISHOP OF THE ARCHDIOCESE OF ATLANTA, AS TRUSTEE OF THE AOA PARISH REAL ESTATE TRUST, DATED JANUARY 4, 2013, AND HIS APPOINTED SUCCESSORS AND/OR ADMINISTRATORS & FIRST AMERICAN TITLE INSURANCE COMPANY:

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE "MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA / ACSM LAND TITLE SURVEYS JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS IN 2011, AND INCLUDES ITEMS 1, 2, 3, 4, 5, 6, 8, 9, 7, 8, 11, 13, 15 & 820 OF TABLE A THEREOF, PURSUANT TO THE ACCURACY STANDARDS AS ADOPTED BY ALTA AND NSPS AND IN EFFECT ON THE DATE OF THIS CERTIFICATION. UNDERSIGNED FURTHER CERTIFIES THAT IN MY PROFESSIONAL OPINION, AS A LAND SURVEYOR REGISTERED IN THE STATE OF GEORGIA, THE RELATIVE POSITIONAL ACCURACY OF THIS SURVEY DOES NOT EXCEED THAT WHICH IS SPECIFIED THEREIN, NO APPARENT ENCROACHMENTS ON THE PROPERTY.

*[Signature]* 7/27/15  
 JUSTIN KYLE LAWRENCE, GEORGIA REGISTERED LAND SURVEYOR #3283

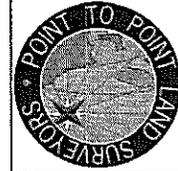


THIS SURVEY WAS PREPARED IN CONFORMITY WITH THE TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN CHAPTER 1807 OF THE RULES OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN THE GEORGIA PLAT ACT O.C.G.A. 15-4-67.

CERTIFICATE OF AUTHORIZATION: L587000843

RELEASE DESCRIPTION	DATE:	7/27/15
ADD TITLE		
AN ALTA/ACSM LAND TITLE SURVEY PREPARED FOR: ARCHBISHOP WILTON D. GREGORY, AS ARCHBISHOP OF THE ARCHDIOCESE OF ATLANTA, AS TRUSTEE OF THE AOA PARISH REAL ESTATE TRUST, DATED JANUARY 4, 2013, AND HIS APPOINTED SUCCESSORS AND/OR ADMINISTRATORS & FIRST AMERICAN TITLE INSURANCE COMPANY		

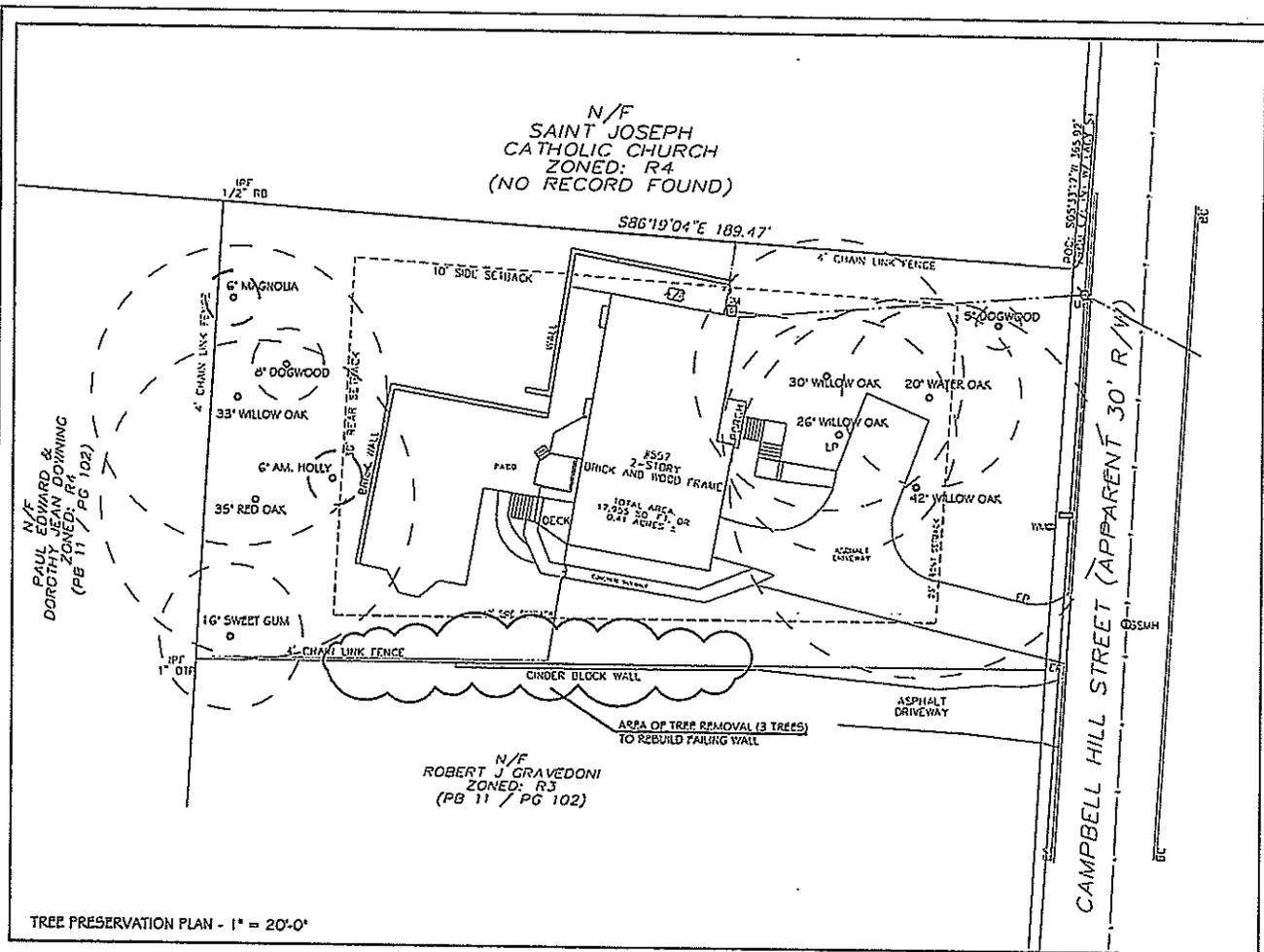
AN ALTA/ACSM LAND TITLE SURVEY PREPARED BY:  
**POINT TO POINT LAND SURVEYORS**  
 1010 Pennsylvania Avenue  
 McDonough, GA 30253  
 (p) 678.565.4440 (f) 678.565.4497  
 (w) pointtopointsurvey.com



LAND LOT: 1086
DISTRICT: 16TH
SECTION: 2ND
CITY: MARIETTA
COUNTY: COBB
STATE: GEORGIA
DATE: JULY 15, 2015
DRAWN BY: GSH
CHKD BY: JKL
APPROVED BY: C. INER
JOB #: G150360
FILE #: 15-C-020
SHEET NUMBER: <b>1</b>
OF 1 SHEETS

**LEGEND**

POB POINT OF BEGINNING	⊙ SANITARY SEWER MANHOLE
POC POINT OF COMMENCEMENT	○ UTILITY POLE
RF IRON PIN FOUND	★ LIGHT POLE
RB REBAR	○ GUY WIRE
OTF OPEN TOP PIPE	⊖ WATER METER
UP UTILITY POLE	⊖ APPROX. GAS LINE
LP LIGHT POLE	— FENCE LINE
SMH SANITARY SEWER MANHOLE	
EF EDGE OF PAVEMENT	
BC BACK OF CURB	
OU OVERHEAD UTILITY	
GW GUY WIRE ANCHOR	
CLF CURB LINK FENCE	
WM WATER METER	
GM GAS METER	
AC AIR CONDITIONING UNIT	
N/W NON CONFORMING LINT	
R/W RIGHT-OF-WAY	



**DENSITY CALCULATIONS:**

Total Site Acreage:  
= .41 Ac

= .41 x 17 Units  
= 6.79 Required

EDF = 31.7 (See charts this Sht.)

Therefore: Density Met



**TJ Schell**  
 2965 Gandy Parkway  
 Suite 112  
 Marietta, Georgia 30068  
 Phone: (770) 541-2319

LANDSCAPE ARCHITECT  
 LICENSE #200-28272

Certified Arborist  
 #50-5442A  
 Teresa Eldredge

**ST. JOSEPH'S CHURCH**  
 MEETING ROOMS @ #557 CAMPBELL HILL ST.  
 #557 Campbell Hill St., City of Marietta, GA

TREE  
 PRESERVATION  
 AND  
 CALCULATIONS  
 PLAN

DATE	BY

JOB NO.  
 SCALE AS SHOWN  
 DATE: 8.13.16  
 DRAWN BY: TJS  
 SHEET No.

T-1

TREE PRESERVATION PLAN - 1" = 20'-0"

**TABLE FOR TREE PRESERVATION UNITS**

EVERGREEN TREES

QTY.	SIZE	UNITS	T. UNITS
2	+13'HT.	1.2	2.4
			2.4

**TABLE FOR TREE PRESERVATION UNITS**

HARDWOOD TREES

QTY.	SIZE	UNITS	T. UNITS
2	5-8" CAL.	.6	1.2
1	13-16" CAL.	1.2	1.2
1	17-20" CAL.	1.9	1.9
4	25-40" CAL.	4.5	18.0
1	+41" CAL.	7.0	7.0
			29.3



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