

PICTURES



447 Atlanta Street



Driveway (right) leading to rear parking area



Rear parking area

Recommended Action:

Denial. Hamid Nikfarjam, owner and applicant is requesting a variance at 447 Atlanta Street that would allow him to increase occupancy from 24 beds to 36 beds. The property is a 0.436 acre parcel zoned OI (Office Institutional), and is located along the east side of Atlanta Street. The subject property is surrounded predominately by OI zoned properties. The property located immediately to the rear is zoned CRC (Community Retail Commercial).

According to the current zoning regulations, an assisted living/nursing home may have a maximum of 20 beds per gross acre of development. Since the subject is 0.436 acres, if developed today, it would only be allowed to have 8 beds; however, it currently has a total of 24 beds, and the applicant is seeking to increase the occupancy to 36 beds. In order for the applicant to increase occupancy, the listed variance would need to be granted.

In 1990, the previous owner had applied for a variance (File # V-900972) that allowed him to construct an addition to the property to begin a nursing home/assisted living facility. The variance was approved for the following:

- V-9000972:
 - Variance to reduce the south side property line setback from 15 ft. to 5 ft.
 - Variance to reduce rear setback from 40 ft. to 20 ft.

The approved variance also allowed the occupancy of the building to be increased from 15 residents to 24 residents. At that time, City zoning regulations did not include a specific limitation on the total number of residents or beds allowed per acre. That regulation does not appear in the zoning ordinance until 1998.

Mr. Nikfarjam applied for and was denied a variance to increase occupancy from 24 beds to 42 beds in May 2013 (V2013-22). A request to appeal the twelve month waiting period to re-apply for the same variance was also denied in October 2013 (V2013-41).

Mr. Nikfarjam then applied for and was denied for a similar variance on May 19, 2014 (V2014-10). A request to appeal the twelve month waiting period to re-apply for a similar variance was approved at the Board of Zoning Appeals meeting held on June 23, 2014.

The Marietta Fire Department has reviewed this proposal and made an inspection of the facility. They have determined, according to their regulations and the total livable area of the building being 11,000 square feet, that the maximum occupancy of the facility would be 55 people, including staff.

Parking requirements for assisted living facilities/nursing homes are one (1) parking space for every four (4) beds. Since the applicant is requesting to increase the occupancy to thirty six (36) beds, nine (9) parking spaces would be required on the site. In May of last year, the parking spaces have been numbered and striped by the applicant. There are eleven (11) parking spaces in the rear and the applicant has also recently constructed a parking pad in the front, which will accommodate three (3) additional cars. In order to provide maximum parking for visitors, Mr. Nikfarjam has indicated that he has obtained permission from neighboring property owners to provide additional parking for staff.

Although the site can provide the required parking for the increase in occupancy, the driveway serving the site is very narrow. Staff had difficulty backing the city vehicle out of a parking space in order to exit.

Mr. Nikfarjam has indicated that there is a need in the community for greater occupancy at the Marietta Living Centre, and that he provides a service to individuals who may not be able to afford other accommodations. However, he has not provided any documentation to confirm his assertions. Although the provision of adequate assisted living facilities could be a benefit to the community as a whole, the applicant has not provided any information as to why this site should not have to adhere to the regulations or why this situation is exceptional to any other request to increase density. As such, **Staff again recommends denial of this variance request.**