



REZONING APPLICATION ANALYSIS

ZONING CASE #: Z2020-03

LEGISTAR: 20191115

LANDOWNERS: Peter Varljen
31 Whitlock Drive
Marietta, GA 30064

APPLICANT: Same as above

AGENT: n/a

PROPERTY ADDRESS: 224 West Dixie Avenue

PARCEL DESCRIPTION: 17th District, Land Lot 287, Parcel 0090

AREA: 0.36 acres

COUNCIL WARD: 1A

EXISTING ZONING: OIT (Office Institution Transitional)

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

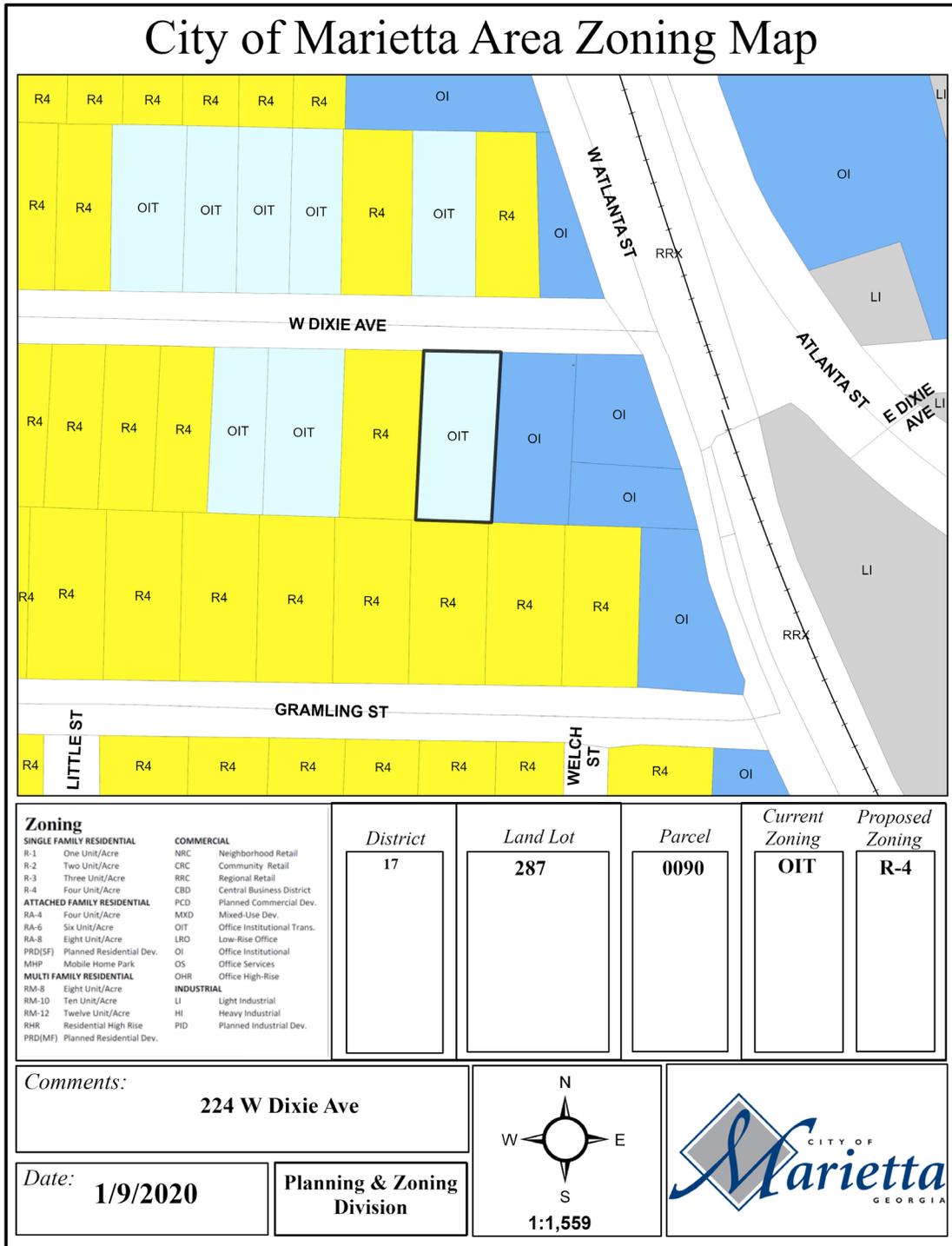
FUTURE LAND USE: MDR (Medium Density Residential)

REASON FOR REQUEST: The applicant is requesting this rezoning so the property can be improved and used as a single-family residence.

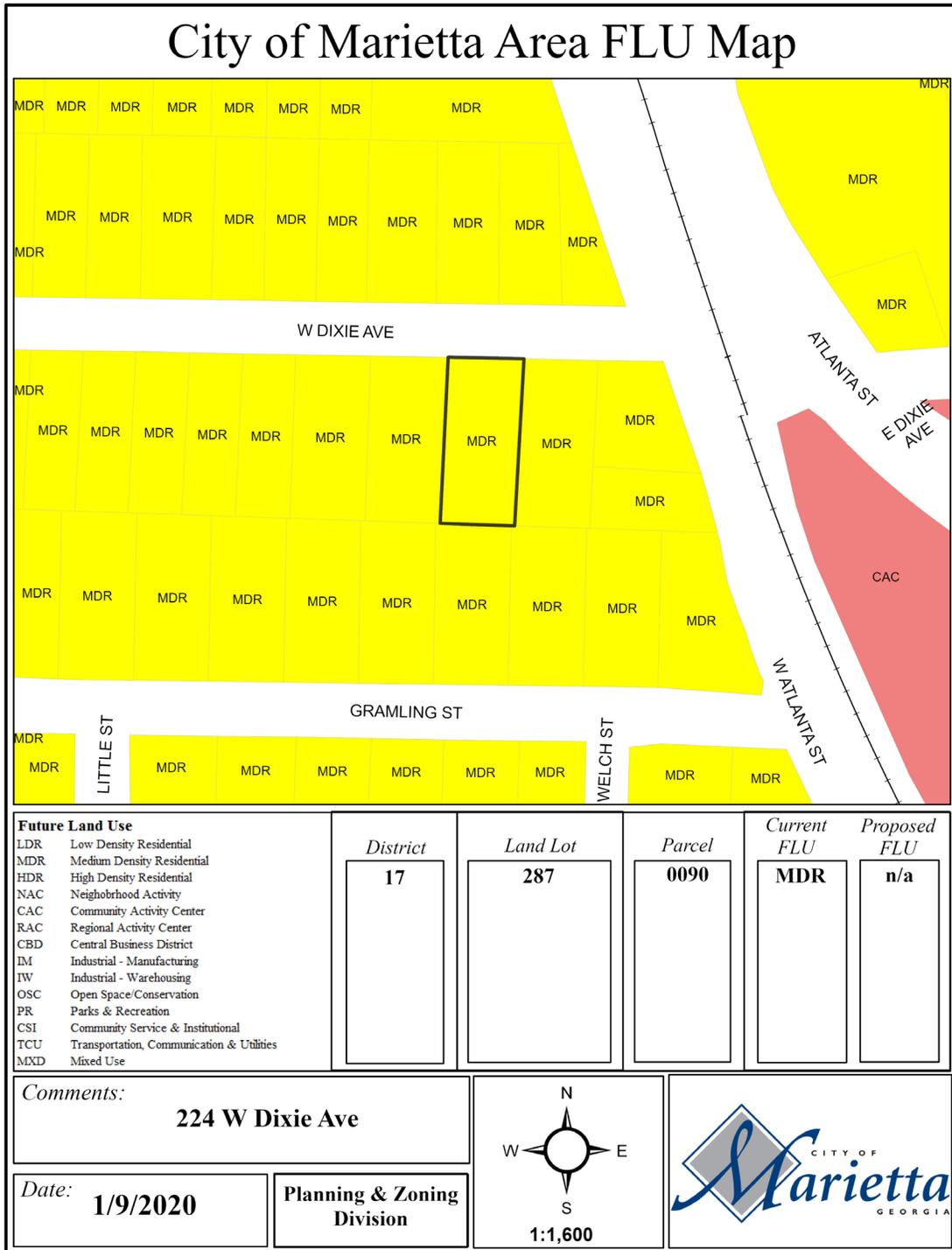
PLANNING COMMISSION HEARING: Tuesday, February 4, 2020 – 6:00 p.m.

CITY COUNCIL HEARING: Wednesday, February 12, 2020 – 7:00 p.m.

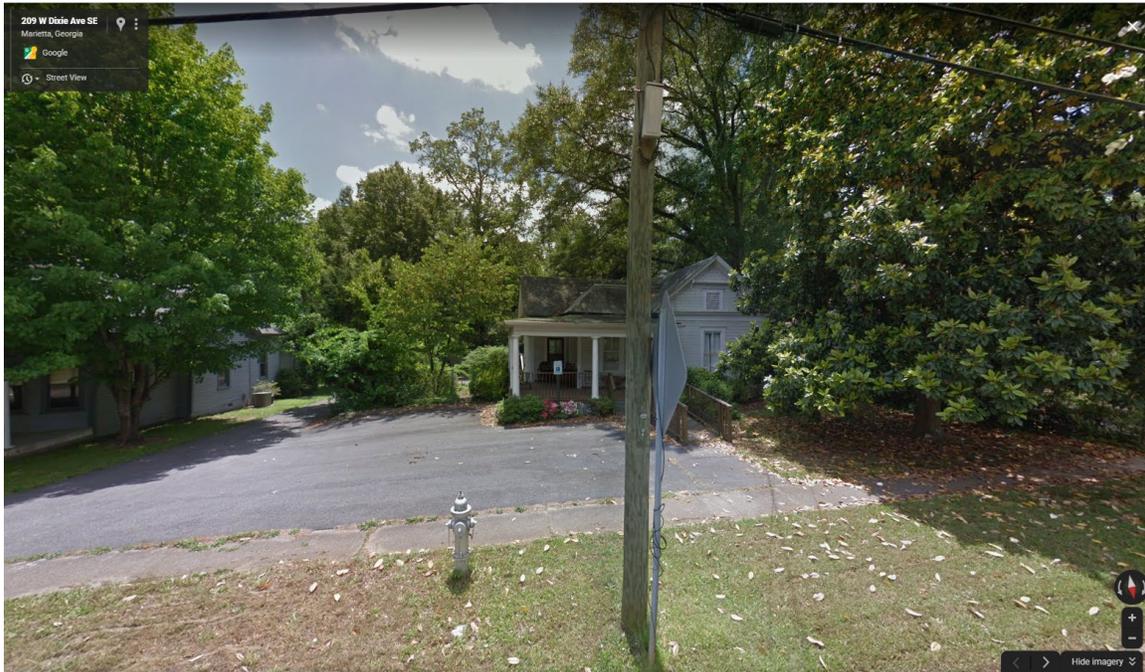
MAP



FLU MAP



PICTURES OF PROPERTY



2016 Google Street View of Property



224 West Dixie Avenue (unpermitted land disturbance) – December 2019



224 West Dixie Avenue (unpermitted land disturbance) – December 2019



Rear yard of 224 West Dixie Avenue

STAFF ANALYSIS

Location Compatibility

The owner and applicant, Peter Varljen, is requesting to rezone the property located at 224 West Dixie Avenue from OIT (Office Institution Transitional) to R-4 (Single Family Residential – 4 units/acre) so it may be used as a single-family residence. The adjacent properties to the west and south are zoned R-4 (Single Family Residential – 4units/ acre) while the property to the east is zoned OI (Office Institutional). Overall, this section of West Dixie is a mixture of OIT, R-4 and OI zonings.

Use Potential and Impacts

The subject property was originally built as a residential structure in the 1920's but was rezoned to OIT in 1999 along with several other adjacent properties. City records indicate the structure was converted to commercial occupancy in 2005 and used as a counseling office between 2006 and 2009. A large portion of the front yard was paved for parking during this time.

Most of the surrounding properties, despite their commercial zoning, have never been used as a business other than a home occupation. The surrounding area is mostly residential in nature aside from the few businesses at the end of the block along West Atlanta Street. The use of this property as a residence would be consistent with the area and should have no negative impacts on surrounding properties if rezoned. The home immediately to the west was similarly rezoned in August 2019.

Because this property was built originally as a residence and previously zoned R-4, it appears to meet all the bulk and area regulations and would not need variances. The applicant has indicated that the renovations would be within the existing footprint and would not include any additions or expansions. However, there are two detached accessory structures in the rear yard that are not identified on the survey. Without an updated survey that includes these structures, staff cannot determine whether they comply with the size and setback restrictions for accessory structures. While the playhouse is likely compliant, the detached garage appears to be very close to the side and rear property lines. The garage would have to be removed unless variances were granted with the rezoning:

- Variances to allow the garage to remain in place and as-is. [*§708.04 (F)*]

The Future Land Use designation of this area is MDR (Medium Density Residential). MDR is intended for residential densities ranging from five (5) to eight (8) units per acre. As a result, this request to rezone from OIT to R-4 would be supported by the City's Comprehensive Plan.

Environmental Impacts

The applicant has already removed a substantial amount of paving in the front and rear yards, as well as a large magnolia tree in the front yard. Plans indicate the applicant will stabilize the yard with sod and provide a smaller asphalt driveway and parking pad.

Economic Functionality

The subject property has been zoned for office use (OIT) since 1999 but has not experienced much use during that time. Most of the surrounding properties are used residentially and, due to its size and construction type, this property would be better suited for residential use as well.

Infrastructure

The proposed use as a single-family residence would have minimal impact on the transportation, education, water, sewer, electricity, or other public infrastructure in the area. The new driveway and parking pad will satisfy the requirement of having two parking spaces for a single-family home.

Overhead Electrical/Utilities

There are overhead utilities along the south side of West Dixie Avenue. Preservation of the required front setback of twenty-five (25) feet should eliminate any potential conflict with existing overhead utilities.

History of Property

The subject property was one of nine properties that were rezoned as a group (Z-9908) in 1999. The rezoning included the following addresses: 175, 185, 191, 196, 197, 206, 209, 214 & 224 West Dixie Avenue. Otherwise, there is no history of any variances or special land use permits for this property.



Other Issues

The applicant purchased the subject property in November 2019 and began making interior and exterior modifications with the goal of using the structure as a single-family residence. These modifications were made without applying for or obtaining permits through the Marietta Building Division. City Staff issued a Stop Work Order on December 11, 2019 and informed the applicant of the property's commercial zoning classification. The applicant submitted for a building permit and rezoning application as instructed but also continued to work, despite being advised to stop. On December 16, 2019, the City's Engineering Division, assisted by Code Enforcement and Marietta Police Department, issued citations to the applicant and contractor for failing to comply with a Stop Work Order.

The applicant and contractor appeared in Municipal Court on January 8, 2020. The contractor paid a fine while the applicant has requested a nonjury trial before the judge, scheduled for January 29, 2020. The applicant has been issued a building permit for limited work on the home while the rezoning is pending.

ANALYSIS & CONCLUSION

The owner and applicant, Peter Varljen, is requesting to rezone the property located at 224 West Dixie Avenue from OIT to R-4 so it may be used as a single-family residence. The adjacent properties to the west and south are zoned R-4 while the property to the east is zoned OI. Overall, this section of West Dixie is a mixture of OIT, R-4 and OI zonings.

The subject property was originally built as a residential structure in the 1920's but was rezoned to OIT in 1999 along with several other adjacent properties. Most of the surrounding properties, despite their commercial zoning, have never been used as a business other than a home occupation. The use of this property as a residence would be consistent with the area and should have no negative impacts on surrounding properties if rezoned. The home immediately to the west was similarly rezoned in August 2019.

Because this property was built originally as a residence and previously zoned R-4, it appears to meet all the bulk and area regulations and would not need variances. However, there are two detached accessory structures in the rear yard that are not identified on the survey. While the playhouse is likely compliant, the detached garage appears to be very close to the side and rear property lines and would need the following variance to remain:

- Variances to allow the garage to remain in place and as-is. [*§708.04 (F)*]

The applicant purchased the subject property in November 2019 and began making interior and exterior modifications without applying for building permits. City Staff issued a Stop Work Order on December 11, 2019 and informed the applicant of the property's commercial zoning classification. The applicant continued to work and on December 16, 2019, the City's Engineering Division, assisted by Code Enforcement and Marietta Police Department, issued citations to the applicant and contractor for failing to comply with a Stop Work Order. The applicant is currently awaiting a nonjury trial before the judge on January 29, 2020. The applicant has been issued a building permit for limited work on the home while the rezoning is pending.

The Future Land Use designation of this area is MDR, which is intended for residential densities ranging from five (5) to eight (8) units per acre. As a result, this request to rezone from OIT to R-4 would be supported by the City's Comprehensive Plan.

Prepared by: *Shelly Green*

Approved by: *Rusty Roth*



DATA APPENDIX

CITY OF MARIETTA - WATER

Is a water line adjacent to the property? _____

If not, how far is the closest water line? _____

Size of the water line? _____

Capacity of the water line? _____

Approximate water usage by proposed use? _____

CITY OF MARIETTA - WASTEWATER

Is a sewer line adjacent to the property? _____

If not, how far is the closest sewer line? _____

Size of the sewer line? _____

Capacity of the sewer line? _____

Estimated waste generated by proposed development? A.D.F
Peak _____

Treatment Plant Name? _____

Treatment Plant Capacity? _____

Future Plant Availability? _____



DATA APPENDIX CONTINUED

DRAINAGE AND ENVIRONMENTAL CONCERNS

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?	Olley 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?	No
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

Additional Comments:

Code Enforcement case; citations issued to the property owner and grading contractor for violating a stop-work order; arraignment held on January 8, 2020; contractor pleaded no lo contender and paid \$150 fine; property owner opted for non-jury trial to be held on January 29, 2020

TRANSPORTATION

What is the road affected by the proposed change?	
What is the classification of the road?	
What is the traffic count for the road?	
Estimated # of trips generated by the proposed development?	
Estimated # of pass-by cars entering proposed development?	
Do sidewalks exist in the area?	
Transportation improvements in the area?	
If yes, what are they?	



DATA APPENDIX CONTINUED

EMERGENCY SERVICES

Nearest city or county fire station from the development?	54 (Chestnut Hill)
Distance of the nearest station?	1.1 miles
Most likely station for 1 st response?	54
Service burdens at the nearest city fire station (under, at, or above capacity)?	Under

MARIETTA POWER - ELECTRICAL

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:



DATA APPENDIX CONTINUED

MARIETTA CITY SCHOOLS

Marietta City Schools Impact Assessment:

Elementary School System Servicing Development:	Hickory Hills
Middle School Servicing Development:	Marietta Middle School
High School Servicing Development:	Marietta High School
Capacity at Elementary School:	425
Capacity at Middle School:	1,350
Capacity at Marietta Sixth Grade Academy:	775
Capacity at High School:	2,150
Current enrollment of Elementary School:	351
Current enrollment of Middle School:	1,390
Current enrollment of High School:	2,502
Number of students generated by present development:	0
Number of students projected from the proposed development:	1
New schools pending to serve this area:	0
<u>Comments:</u>	

BLANK PAGE



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

APPLICATION FOR REZONING

(OWNER/APPLICANT OR REPRESENTATIVE MUST BE PRESENT AT ALL PUBLIC HEARINGS)
 (NOTE: CORRESPONDENCE IS HANDLED VIA EMAIL UNLESS OTHERWISE REQUESTED)

For Office Use Only:

Application #: 22020-03 Legistar #: 20191115 PZ #: 19-538
 Planning Commission Hearing: 2-4-20 City Council Hearing: 2-12-20

Owner's Name PETER VARLTEN

EMAIL Address: VARLTENPC@EATHLINK.NET

Mailing Address 224 W. DIXIE AVE SW ^{MARIETTA} Zip Code: 30008 Telephone Number 404-309-2426

COMPLETE ONLY IF APPLICANT IS NOT OWNER:

Applicant: _____

EMAIL Address: _____

Mailing Address _____ Zip Code: _____

Telephone Number _____ Email Address: _____

Address of property to be rezoned: 224
244 W. DIXIE AVE SW, MARIETTA GA 30008

Land Lot (s) 79 District 17 Parcel ¹⁷⁰²⁹⁷ 00090 Acreage .361 Ward 31A Future Land Use: RESIDENTIAL

Present Zoning Classification: HO ⁰²⁸⁷ 00090 Proposed Zoning Classification: RESIDENTIAL ³⁶⁸ MDR

REQUIRED INFORMATION OIT RY

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. **The original application must be submitted with ALL ORIGINAL SIGNATURES - Copies of the application or signature(s) will NOT be accepted. ALL rezoning submittals must include proposed plans, supplementary material, etc. in Adobe Acrobat on computer disk.**
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. **Site plan, plat or survey 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 site plan/plat/survey.**

Copies Required: One (1) - (8 1/2" x 11") -or- (11" x 17") drawn to scale. Optional Additional Plat size: (24"x 36").
 If providing (24"x 36") then 5 copies REQUIRED.

The following information must be included:

- Specific use or uses proposed for the site
- Acreage, bearing and distances, other dimensions, and location of the tract(s)
- Locations, sizes and setbacks of proposed structures, including the number of stories and total floor area
- Detention/retention areas, and utility easements
- Public or private street(s) - right of way and roadway widths, approximate grades
- Location and size of parking area with proposed ingress and egress

CAMPAIGN CONTRIBUTIONS

The Owner and Applicant herein certify that he/she has has not made campaign contributions 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 this application.

Peter J. Varljen
Signature of Owner
PETER J. VARLJEN
Print Name

Peter J. Varljen
Signature of Applicant
PETER J. VARLJEN
Print Name

FINANCIAL INTEREST

The Applicant herein certifies that he/she has has not a financial interest in the property which is ten percent (10%) or more.

PETER J. VARLJEN
Print Name

Peter J. Varljen
Signature of Applicant

OWNER/APPLICANT CERTIFICATION

- The Owner or Applicant certifies that all information in this application, and all information furnished in support of this application, is true and complete to the best of the Applicant's knowledge and belief. Should any portion not be true, then the application may be rejected.
- Penalty for false or fraudulent statement: Whoever, in any matter, knowingly and willingly falsifies or makes any false, fictitious or fraudulent statement of representatives concerning this application shall be denied the request stated in this application.
- The Owner or Applicant hereby gives permission to enter on the property for inspection during the time application is pending.

Peter J. Varljen
Signature

PETER J. VARLJEN
Please Print

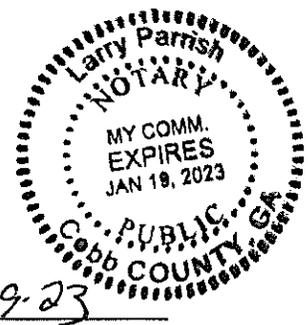
224 W DIXIE AVE SW MARIETTA GA 30008
Address

12/17/19
Date

Signed, sealed and delivered in the presence of: LARRY PARISH

Larry Parish

My Commission Expires: 1-19-23



Proposed Scope of Work

224 W. Dixie Avenue SW Marietta GA 30008

1. Remove walls in main area to create more open space (engineer diagram provided showing required structural requirements).
2. Add a hallway wall to create separate room on left side of house.
3. Replace old electrical wiring and upgrade electrical systems to current code. Half of house was previously upgraded to new wiring.
4. Replace old plumbing and upgrade plumbing systems to current code. Half of house was previously upgraded to newer plumbing.
5. Add required Smoke and CO detectors
6. Cosmetic upgrades to include:
 - inside repainting
 - upgrade existing bathroom and kitchen fixtures and cabinets
7. Repaint outside of house
8. Level landscaping and add new sod to front yard of house and seed back yard

BLANK PAGE

TO: Marietta Daily Journal

FROM: City of Marietta

RUN AD DATE: January 17, 2020

**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, February 4th, 2020, 6:00 P.M.**, City Hall, for a recommendation to the City Council at their meeting on **Wednesday, February 12th, 2020, 7:00 p.m.**, City Hall, for a final decision to be made.

Z2020-03 [REZONING] PETER VARLJEN is requesting the rezoning of 0.36 acres located in Land Lot 287, District 17, Parcel 0090 of the 2nd Section, Cobb County, Georgia, and being known as 224 West Dixie Avenue from OIT (Office Institution Transitional) to R-4 (Single Family Residential – 4 units/acre). Ward 1A.

A description and plat of the property sought for the rezoning, special land use permit, and variances 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. You may also review the property file at www.marietta.gov and enter the case # in the search box.

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 ADA Coordinator at 770-794-5558 no later than 48 hours before the date of the above meeting.

City of Marietta
205 Lawrence Street
Marietta, Georgia 30060



Rezoning

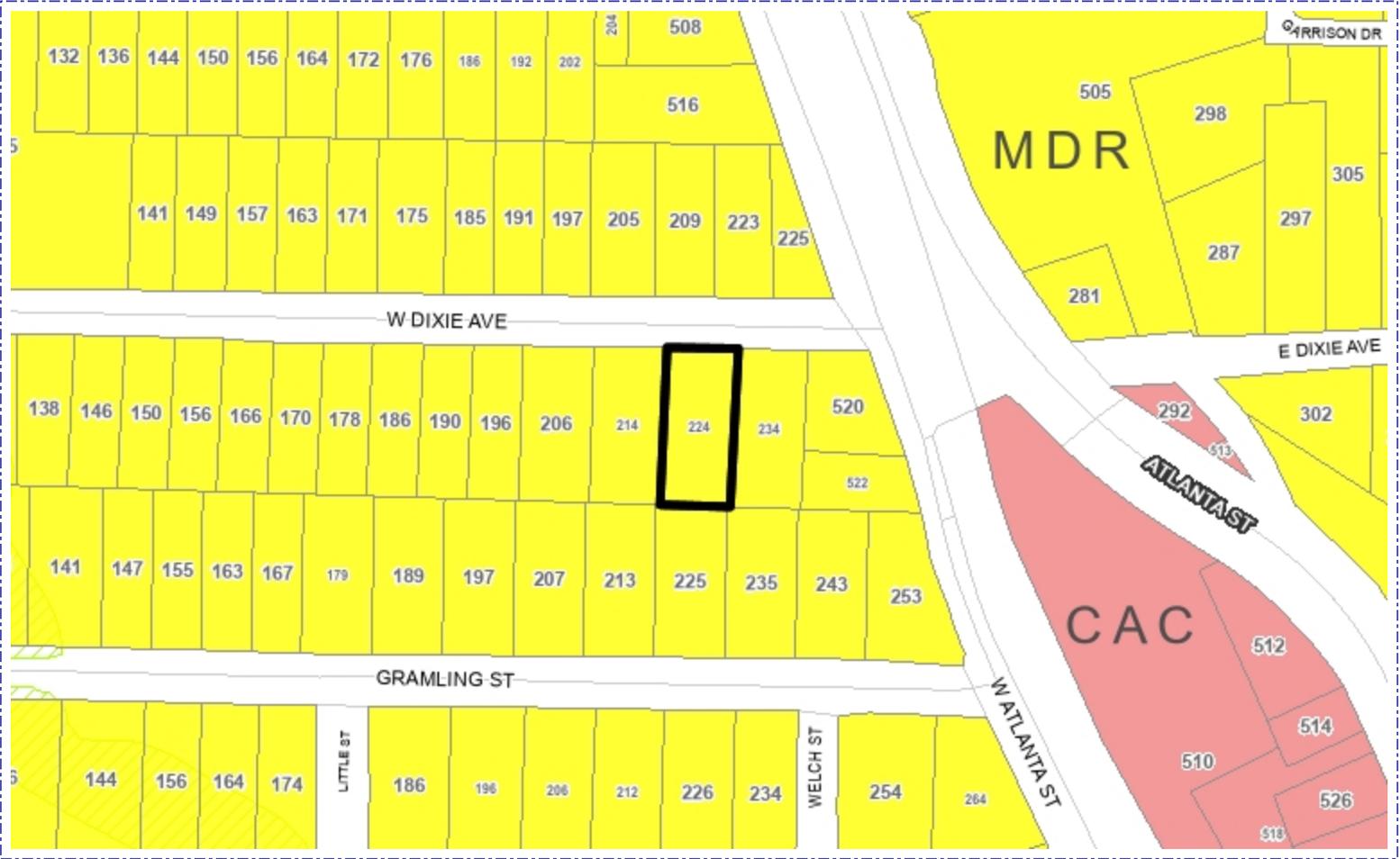


Address	Parcel Number	Acreage	Ward	Zoning	FLU
224 W DIXIE AVE	17028700090	0.368	1A	OIT	MDR

Property Owner:	Peter Varljen	
Applicant:		
Proposed Zoning:	OIT to R4	
Agent:		
Proposed Use:		
Planning Commission Date:	02/04/2020	
City Council Hearing Date:	02/12/2020	Case Number: Z2020-03
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

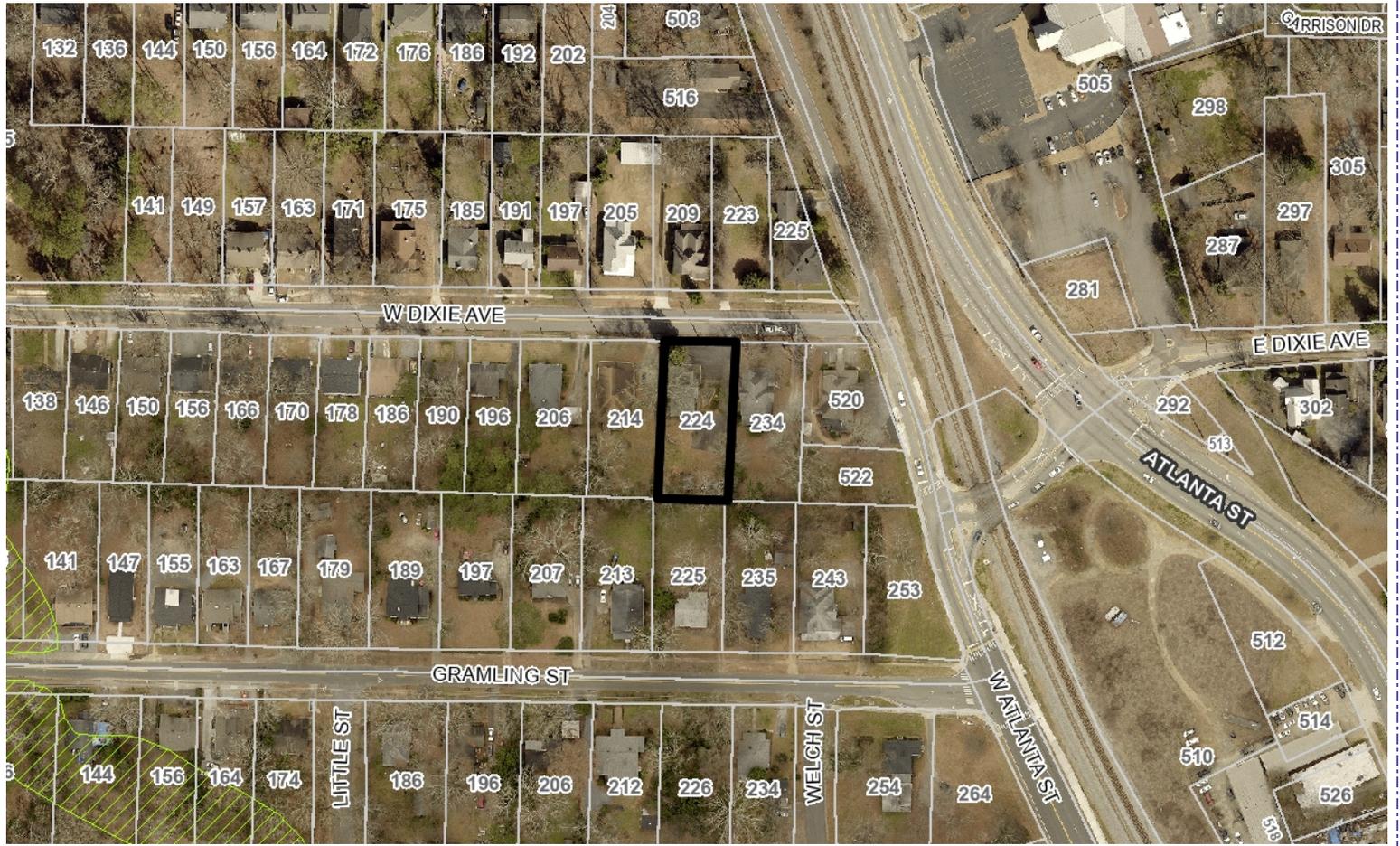


Address	Parcel Number	Acreage	Ward	Zoning	FLU
224 W DIXIE AVE	17028700090	0.368	1A	OIT	MDR

Planning Commission Hearing Date: 02/04/2020
City Council Hearing Date: 02/12/2020
Future Land Use: MDR
Case Number:
Comments:
City of Marietta Planning & Zoning

Future Land Use Symbols

- Railroads
- City Limits
- Cobb County Pockets
- RAC - Regional Activity Center
- CAC - Community Activity Center
- NAC - Neighborhood Activity Center
- CBD - Central Business District
- MXD - Mixed Use Development
- CSI - Community Service and Institutional
- HDR - High Density Residential
- MDR - Medium Density Residential
- LDR - Low Density Residential
- OSC - Open Space / Conservation
- PR - Parks / Recreation
- IW - Industrial Warehousing
- IM - Industrial Manufacturing
- TCU - Transportation and Utilities



Address	Parcel Number	Acreage	Ward	Zoning	FLU
224 W DIXIE AVE	17028700090	0.368	1A	OIT	MDR

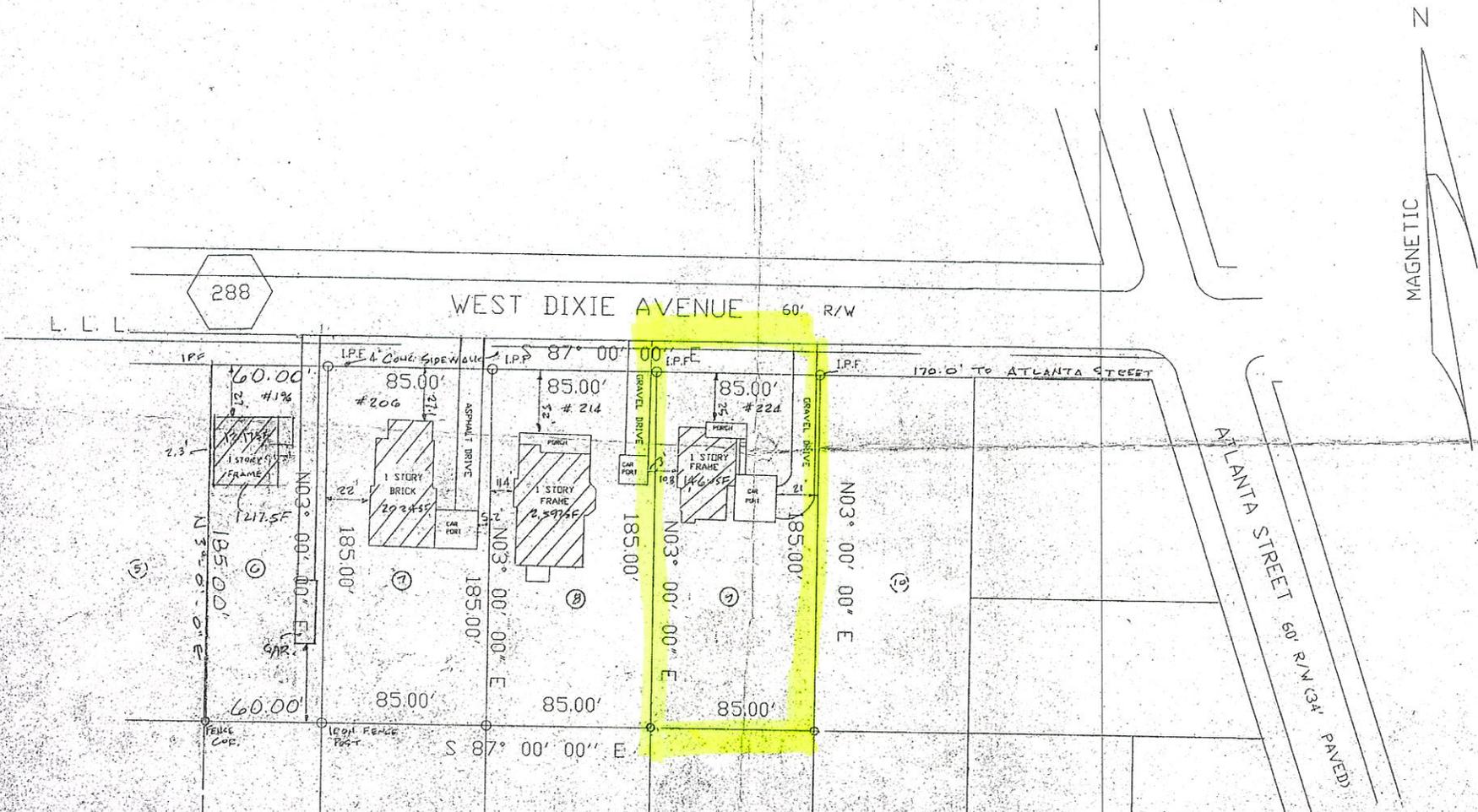
Property Owner:	Peter Varljen
Applicant:	
City Council Hearing Date:	02/12/2020
Planning Commission Hearing Date:	02/04/2020
BZA Hearing Date:	Case Number: Z2020-03
Comments:	

Legend

- Railroads
- City Limits
- Cobb County Pockets

CURRENT SET BACKS & LOT SIZES

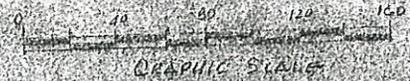
ADDRESS	FRONT S.E.	SIDE S.E.	REAR S.E.	GARAGE REAR S.E.	LOT SIZE
196	27'	2.3'	30	N.A.	11,100 S.F.
206	27.1'	5.2'	30	38'	15,725 S.F.
214	22'	11.4'	30	N.A.	15,725 S.F.
224	25'	10.8'	30	N.A.	15,725 S.F.



PROPOSED ZONING: OIT
 PROPOSED USE: PROFESSIONAL OFFICE BUILDINGS
 SETBACKS:
 FRONT - 25'
 SIDE - 15'
 REAR - 30'
 NOTE - NO ENCUMBRANCES, LAKES,
 STREAMS, WETLANDS, 100-YEAR
 FLOOD PLAIN, CEMETERIES,
 BUFFERS OR AERIAL PHOTOGRAPHS ON
 THIS LAND.



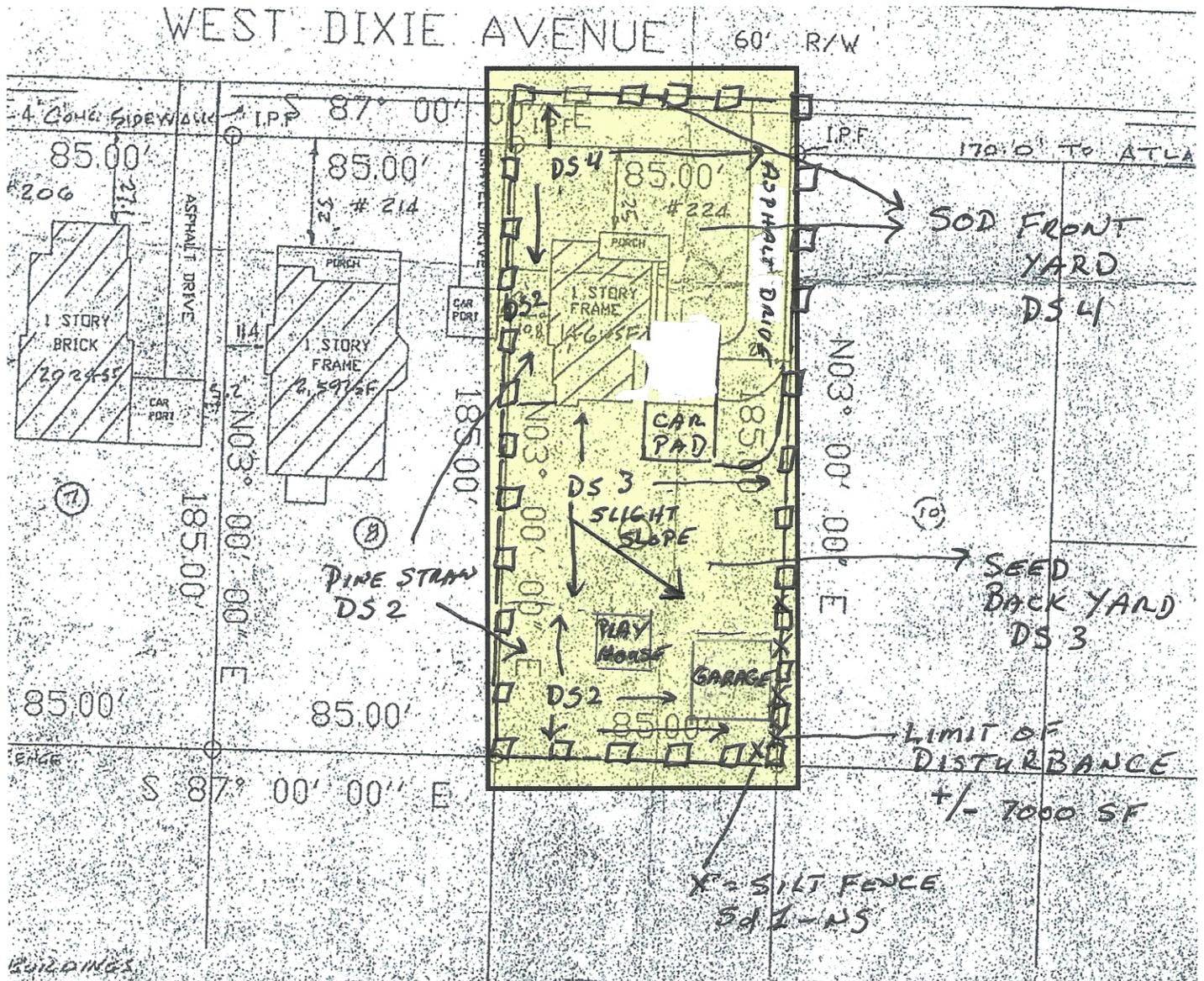
I HAVE THIS DATE EXAMINED THE P.L.R.M.
 OFFICIAL FLOOD MAP AND FOUND NO EN-
 DANGED LOT OR NOT IN AN AREA HAVING
 SPECIAL FLOOD HAZARD.
 COUNTY: 130226
 MAP: 0050E



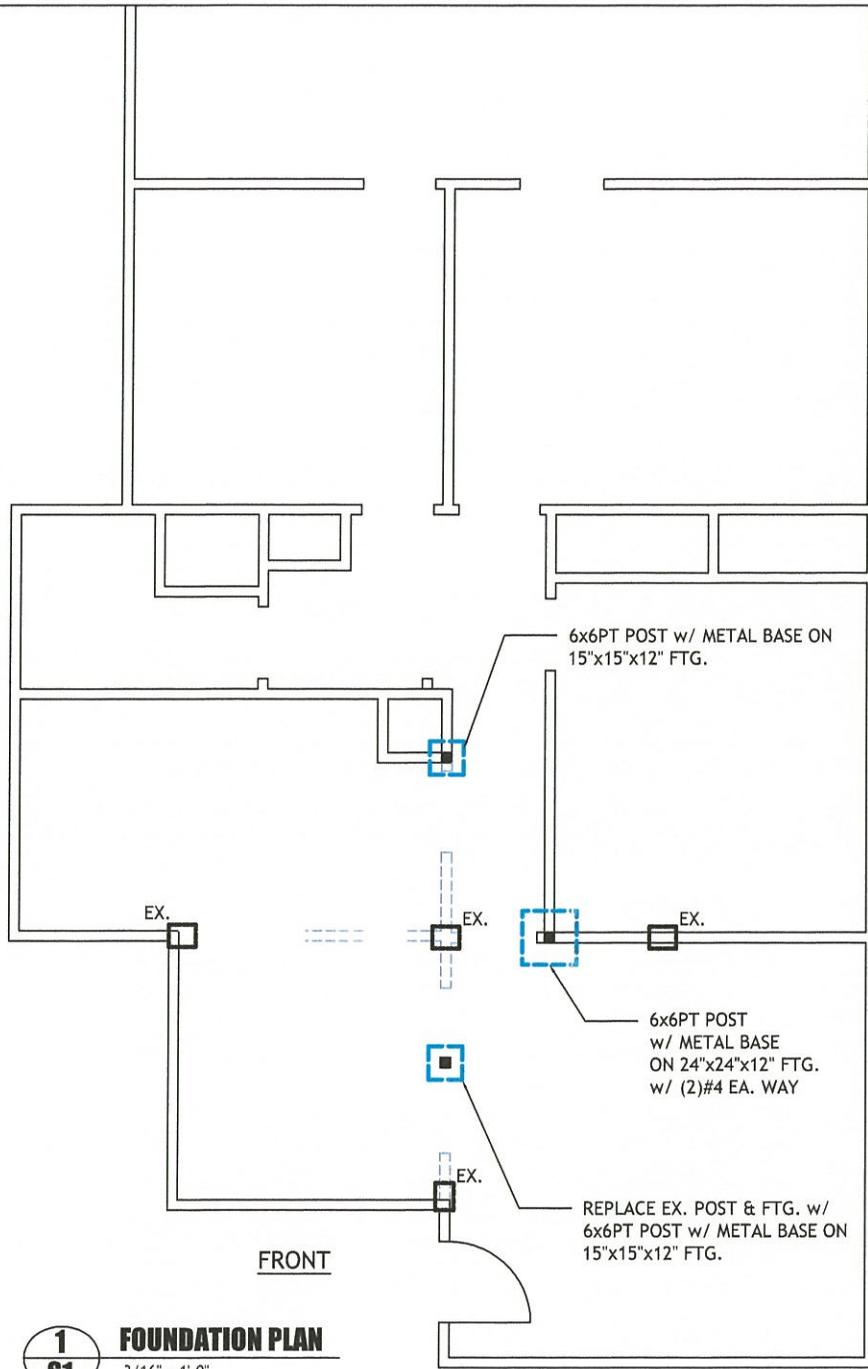
Survey For:
NANCY DOOLEY
 LOTS 6, 7, 8, 9
 CROVERS CREEK ESTATE
 Land Lot 287 District 1742MP
 COBB County, Georgia
 Scale 1"=40' Date MARCH 2, 1999
D. W. Lynch Surveyors
 Smyrna, Georgia (404) 434-2090

Landscape Design Plan

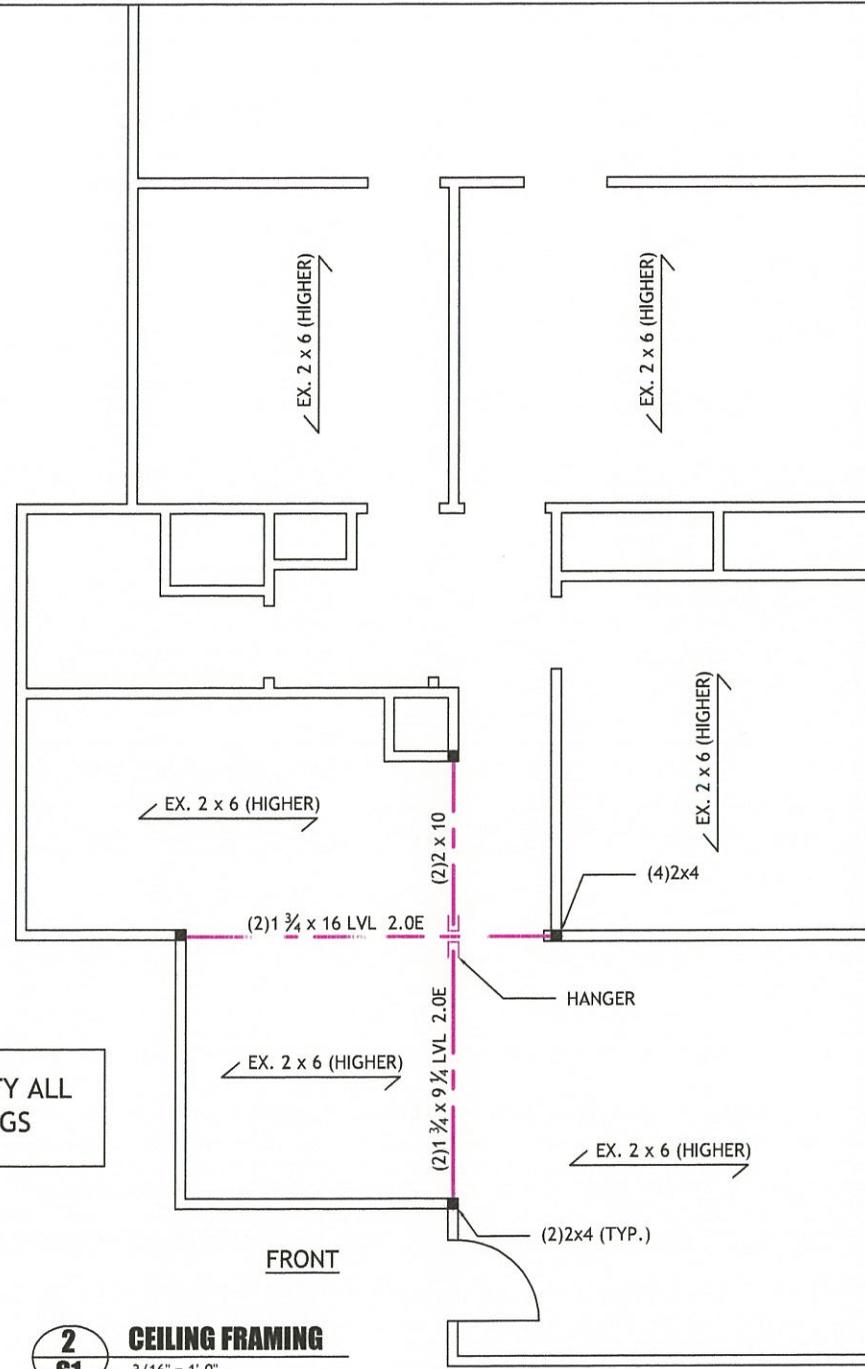
224 West Dixie Avenue, Marietta GA



1. Prepare existing lawn for new sod and seeding by grading, filling existing minor depressions with topsoil, and removing most of the existing grass/weeds. Back yard will have a light slope toward back left corner of house. We will install silt fence at that corner.
2. Install new sod (DS4) to front yard to include area between sidewalk and road.
3. Install pinestraw (DS2) around house, creating a flower bed.
4. Install pinestraw (DS2) on right side of house.
5. Plant grass seed (DS3) on entire back of yard up to fronts of garage and little



1
S1 **FOUNDATION PLAN**
3/16" = 1'-0"



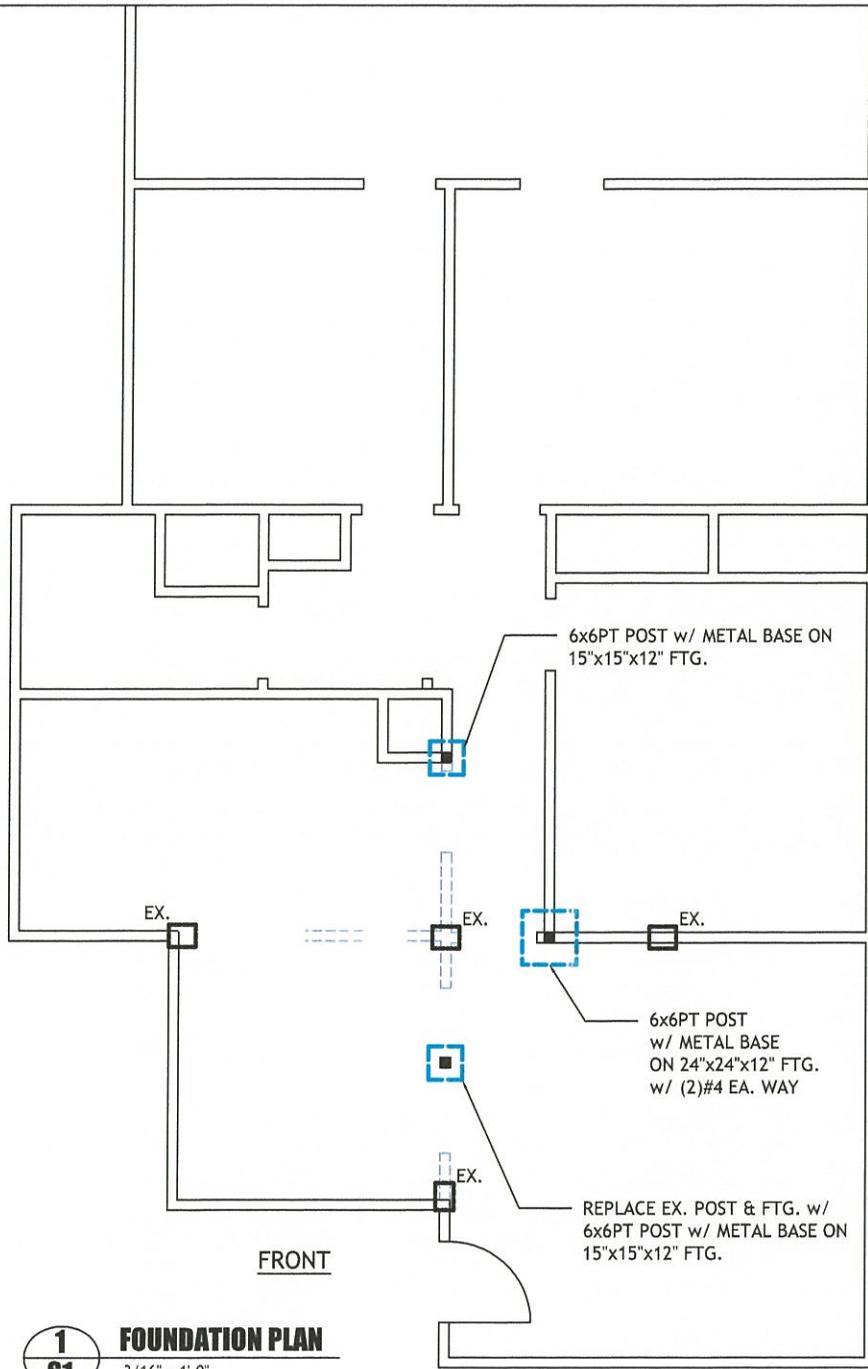
2
S1 **CEILING FRAMING**
3/16" = 1'-0"

date: 11/12/19
scale: AS NOTED
by: B. HATTORI
revision:

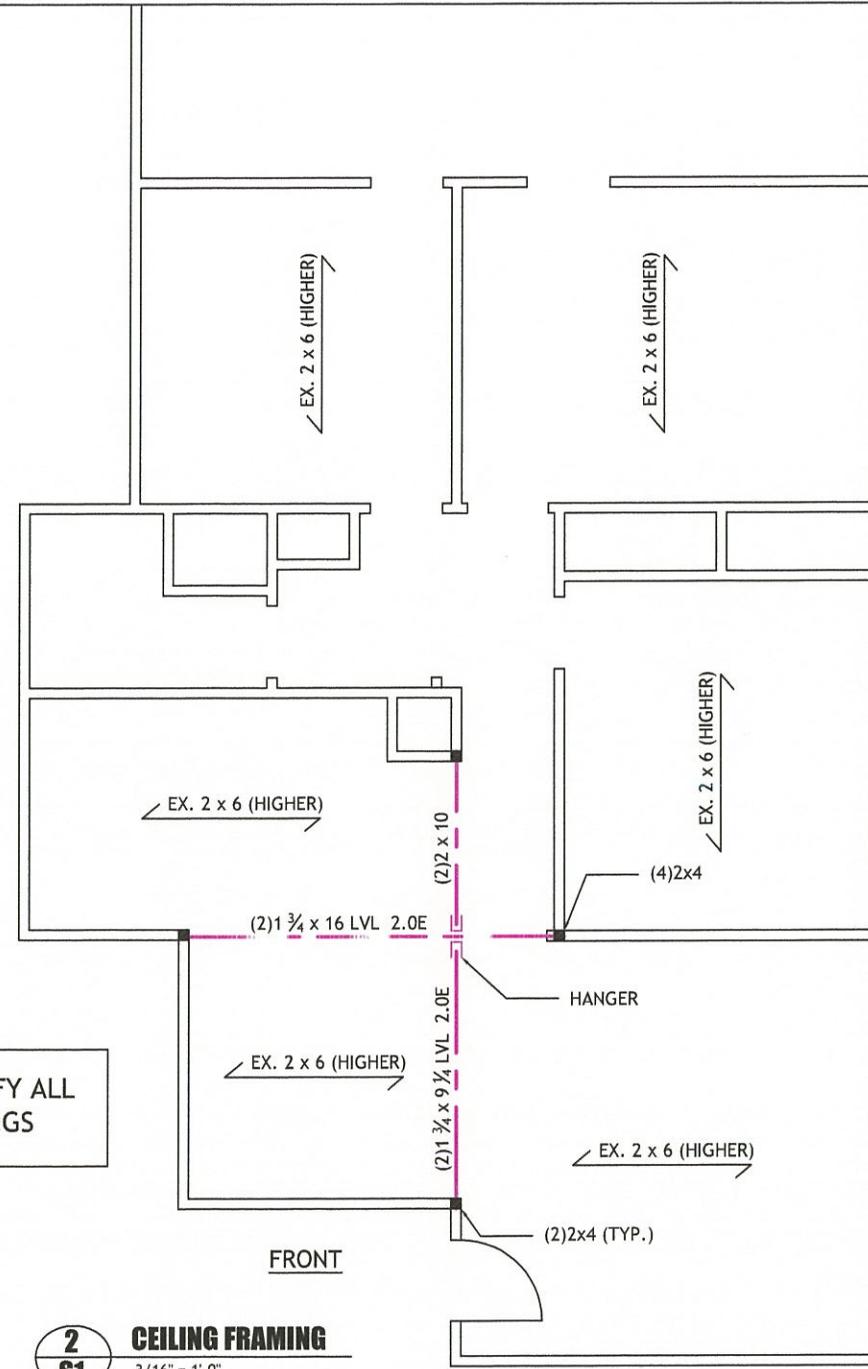
engineer
PROJECT NORTH ENGINEERING
770.582.0345 / bryce.hattori@gmail.com

project
224 W DIXIE AVE SE
MARIETTA, GA 30008

S1



1
S1 **FOUNDATION PLAN**
3/16" = 1'-0"



FIELD VERIFY ALL
EX. FOOTINGS

2
S1 **CEILING FRAMING**
3/16" = 1'-0"

date: 11/12/19
scale: AS NOTED
by: B. HATTORI
revision:

engineer
PROJECT NORTH ENGINEERING
770.582.0345 / bryce.hattori@gmail.com

project
224 W DIXIE AVE SE
MARIETTA, GA 30008

S1