



STAFF REVIEW AND RECOMMENDATION

Variance Case #: V2020-18 **Legistar #:** #20200347

Board of Zoning Appeals Hearing: Monday, June 29th, 2020 – 6:00 p.m.

Property Owner: Amy Mullis Knowles
526 Delk Street
Marietta, GA 30060

Applicant: Same as above

Address: 526 Delk Street

Land Lot: 290 **District:** 17 **Parcel:** 0680

Council Ward: 1A **Existing Zoning:** RM-8 (Multi Family Residential – 8 units/acre)

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

1. Variance to reduce the rear yard setback from 30’ to 10’ for a new addition. [§708.10 (C.2) and §708.04 (H)]
2. Variance to reduce the front yard setback from 25’ to 20’ for the existing structure. [§708.10 (C.2) and §708.04 (H)]
3. Variance to allow an existing shed remain 7’ from the side and 1’ from the rear property line. [§708.10 (F.1)]

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.

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



526 Delk Street



Location of proposed addition

Recommended Action:

Approval. The property owner, Amy Mullis Knowles, is requesting variances for a proposed house addition at 526 Delk Street. The subject property is zoned RM-8 (Multi-Family Residential – 8 units/acre) and is 0.34 acres in size. Located at the northwestern corner of Delk and Hawkins Street, the property contains a single-family residence that is occupied by the owner/applicant. The adjacent properties to the north, south, west, and east across Delk Street are also zoned RM-8. Although the neighborhood is zoned for multi-family use, most of the nearby properties are used as single-family residences. Single family residences are permitted in RM-8 zoning districts, but must adhere to the area and bulk regulations for R-4 listed under §708.04 (H).

The owner purchased the property in 2014 and now wishes to add a four-bay garage with living space above. There is currently a metal carport in the location of the proposed addition.

The parcel is wide and relatively shallow; and the entrance to both the house and the driveway are from Delk Street, making the westernmost property line the rear property line. The required rear yard building setback is 30 ft., and if the addition were built outside of the required setbacks, it would drastically shorten the depth and capacity of the driveway. The applicant is requesting to push the addition to no more than 10 feet from the western property line, which is consistent with residential side setbacks.

Two of the three listed variances are for existing conditions. Should the variance for the new addition be approved, the proposed cost of the construction may trigger the redevelopment clause that requires all existing nonconformities to come into compliance. The front part of the home currently projects into the required 25 foot front setback by 5 feet. Open, unenclosed porches may project halfway into the setback so the covered porch is not an issue. Also, there is a shed in the backyard that is closer to both the rear and side property lines than current code allows.

Considering the location of the new addition is on a corner and will be consistent with standard side setbacks, city staff does not anticipate the improvements to have a negative impact on the surrounding area. As a result, ***staff recommends approval of all listed variances.***

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Department of Development Services
205 Lawrence Street
Marietta, GA 30060
Phone: 770-794-5440

APPLICATION FOR VARIANCE OR APPEAL

(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 #: 2020-18 Registrar #: 20200347 BZA Hearing Dt: 6-29-20
City Council Hearing Dt (if applicable) #: - PZ #: -

This is a variance/appeal application for:

Board of Zoning Appeals checkbox (checked)

Board of Zoning Appeals

City Council checkbox (unchecked)

City Council

Owner's Name Amy Mullis Knowles

EMAIL Address: ADMINISTRATIVEAPPS@COMCAST.NET

Mailing Address 526 DELL ST Zip Code: 30060 Phone Number 770 6051759

COMPLETE ONLY IF APPLICANT IS NOT OWNER:

Applicant:

EMAIL Address:

Mailing Address Zip Code: Phone Number

Address of subject property: 526 DELL ST Date of Acquisition: 11/2014

Land Lot(s) 02900 District 17 Parcel 0680 Acreage .30 Zoned R4 Ward 1A FLU: MDR
0290 00680 -34 RMB

List the variance(s) or appeal requested (please attach any additional information):

REAR YARD SETBACK REDUCTION

Required Information

- 1. Application fee (\$250)
2. Completed notarized application. The original application must be submitted with ALL original signature(s) - Copies of the application or signature(s) will NOT be accepted.
3. Copy of the deed that reflects the current owner(s) of the property.
4. Letter describing the reason for the variance request, stating why strict adherence to the code would result in a particular hardship (as distinguished from a mere inconvenience or desire to make more money).
5. Site plan - drawn to scale. Site plans must illustrate property lines and all relevant existing information and conditions in addition to proposed additions or modifications within the referenced property lines of the tract(s).
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.
6. Copy of current tax bill showing payment or documentation certified by the City of Marietta Tax Office.

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

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 Board of Zoning Appeals within the two (2) years preceding the filing of this application.

Amy Knowles
Signature of Owner

Signature of Applicant

Amy Mullis Knowles
Print Name

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.

Print Name

Signature of Applicant

APPLICANT CERTIFICATION

- The 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.

Signature of Applicant

Date

Please Print

OWNER CERTIFICATION

- The Owner 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 Owners'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 hereby gives permission to enter on the property for inspection during the time application is pending.

Amy Knowles
Signature of Owner

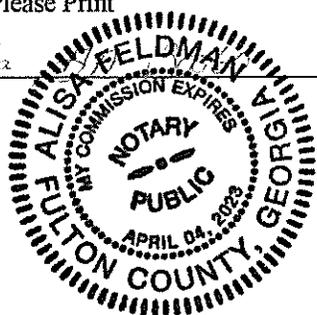
Amy Knowles
Please Print

526 Delk St. SE Marietta
Address

4-15-2020
Date

Signed, sealed and delivered in the presence of:

Alisa Feldman



My Commission Expires: 4/4/23

Note: Owner, Applicant or Representative must be present at meeting in order for case to be heard.

Embler, Ines

From: Amy Knowles <administrativearts@comcast.net>
Sent: Friday, April 17, 2020 9:28 AM
To: Embler, Ines
Subject: RE: 526 Delk Street Variance Application - missing Item #4

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Ines,

Pertaining to item #4

Reason for variance request:

We are looking to add an addition to our residence at 526 Delk Street. We are raising two of our grandchildren ages 10 and 8. There is not enough bedroom space in the existing home, as we also have another child still in school and living at home. The plans are for an attached garage with two bedrooms and a family room above. We need the variance to be able to bring the addition in line with the back of the existing house. There is no parking on Delk Street and if we have to build the attachment further towards the front of the property, we would be left with no real driveway space. It also would not be very aesthetically pleasing. This is not a situation of inconvenience or a desire to make more money, this is to meet the space needs of our family and do it in a way that will beautify the neighborhood.

Kind regards,

Amy Knowles

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From: Embler, Ines <IEmbler@mariettaga.gov>
Sent: Friday, April 17, 2020 8:42 AM
To: Amy Knowles <administrativearts@comcast.net>
Subject: RE: 526 Delk Street Variance Application - missing Item #4

We are missing item #4 of the required documents: We need a letter describing the reason for the variance request, stating why strict adherence to the code would result in a particular hardship (as distinguished from a mere inconvenience or desire to make more money). You can email me a letter or an email, either format will suffice. Thanks.

Also, the tax bill submitted shows an amount due by Oct 2019. We need one that shows zero balance or a receipt of payment. Thanks.

Thanks,
Ines

.....
From: Amy Knowles <administrativearts@comcast.net>
Sent: Thursday, April 16, 2020 1:18 PM
To: Embler, Ines <IEmbler@mariettaga.gov>

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TO: Marietta Daily Journal

FROM: City of Marietta

RUN DATE: June 12, 2020

**CITY OF MARIETTA
PUBLIC NOTICE OF VARIANCES**

The City of Marietta hereby gives notice that a public hearing will be held to give consideration to the following requests. The Board of Zoning Appeals will consider the following requests on **Monday, June 29th, 2020 at 6:00 P.M.**, City Hall. Anyone wishing to attend may do so and be heard relative thereto.

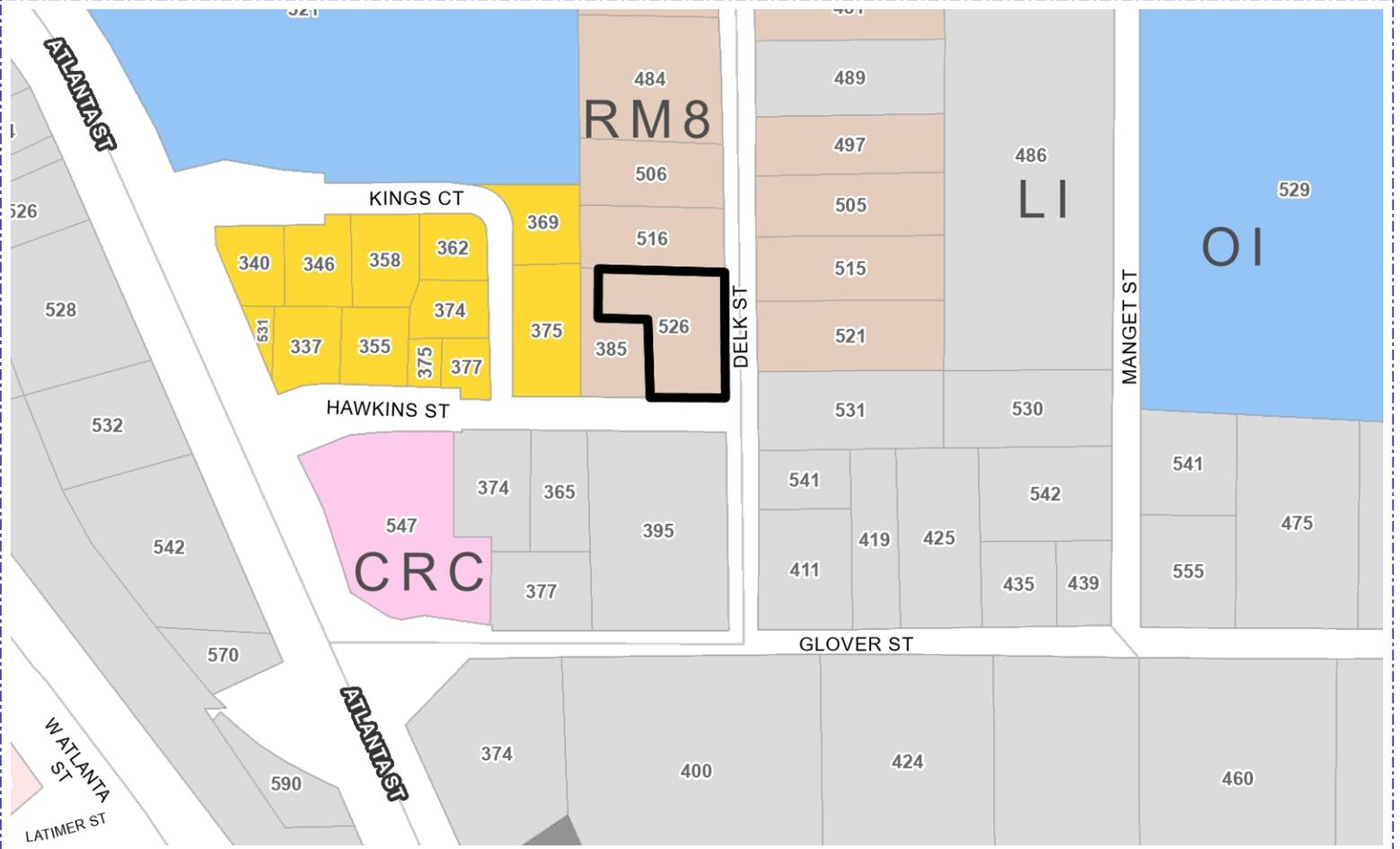
V2020-18 [VARIANCE] AMY MULLIS KNOWLES is requesting variances for property zoned RM-8 (Multi Family Residential– 8 units/acre), located in Land Lot 0290, District 17, Parcel 0680, 2nd Section, Marietta, Cobb County, Georgia, and being known as 526 Delk Street. Variance to reduce the rear yard setback from 30’ to 10’ for a new addition; variance to reduce the front yard setback from 25’ to 20’ for the existing structure; variance to allow an existing shed remain 7’ from the side and 1’ from the rear property line. Ward 1A.

A description and plat of the property sought for the variances are on file in the Planning and Zoning Office, City Hall, and are 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.mariettaga.gov and enter the case # in the search box.

For additional information including questions about virtual participation, 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



| Address | Parcel Number | Acreage | Ward | Zoning | FLU |
|-------------|---------------|---------|------|--------|-----|
| 526 DELK ST | 17029000680 | 0.34 | 1A | RM8 | MDR |

| | | |
|---|-------------|---|
| Property Owner: | Amy Knowles | 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 |
| Applicant: | | |
| BZA Hearing Date: | 06/29/2020 | |
| Acquisition Date: | | |
| Case Number: | V2020-18 | |
| City of Marietta Planning & Zoning | | |

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WLB ASSOCIATES, INC
 These drawings and their reproductions are the property of the surveyor and may not be reproduced, or used in any way without the written permission of this surveyor.
 This plat was prepared for the exclusive use of the person, persons, or entity named in the title block. Said use does not extend to any unnamed person without express permission by the surveyor naming said person.

Site Address:
 526 Delk Street

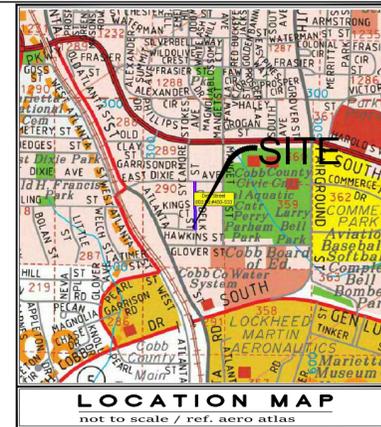
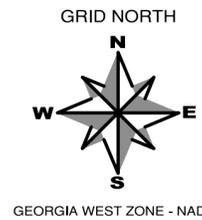
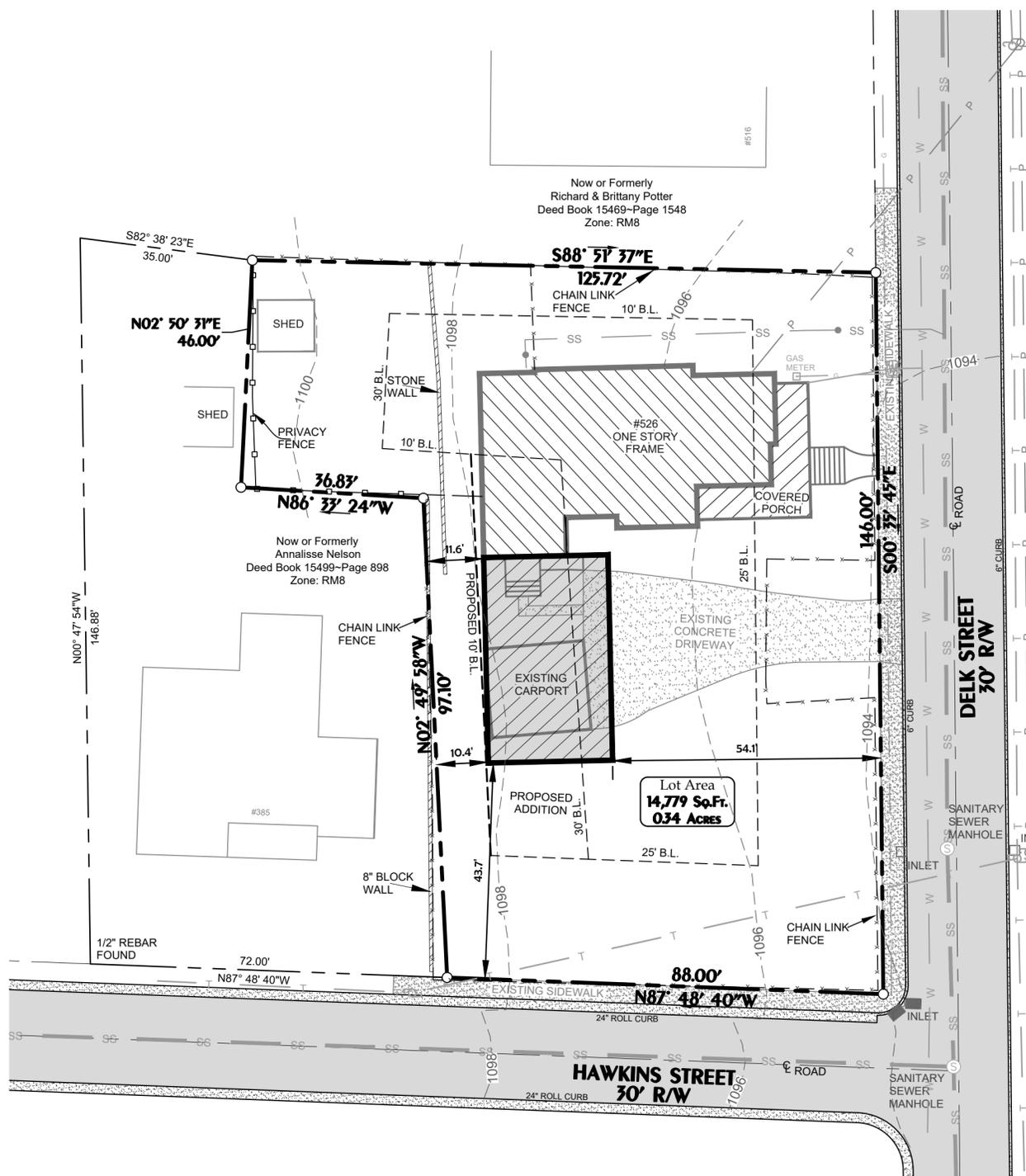
Zoning: RM8
 Setback based on R-4
 Zoning
 Front Yard: 25'
 Side Yard: 25';10'
 Rear Yard: 30'

Proposed Rear: 10'

The surveyor in no way intends to interpret or make conclusions regarding the zoning designation shown hereon. This information is reported from public information obtained from Cobb County records on 4/14/2020.

Area Summary: 0.34 acres

Survey References:
 Deed Book 15200, Page 4542



SURVEY NOTES:

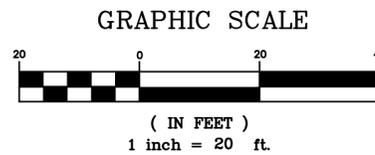
- THE FIELD DATA FOR THIS SURVEY WAS OBTAINED WITH A LEICA TOTAL STATION 12 AND A 100 FOOT TAPE.
- THE FIELD DATA UPON WHICH THIS SURVEY IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 47,638 FEET AND AN ANGULAR ERROR OF 2 SECONDS PER ANGLE POINT AND WAS ADJUSTED USING COMPASS RULE.
- THIS PLAT OR MAP HAS BEEN CALCULATED FOR CLOSURE AND HAVE A CLOSURE PRECISION RATIO OF 1:127,681
- THE PROPERTY DEPICTED HEREON DOES NOT LIE WITHIN A FLOOD HAZARD AREA ACCORDING TO THE FLOOD INSURANCE RATE MAP.
- UNDERGROUND UTILITIES AS SHOWN BY THIS SURVEY ARE APPROXIMATE AND SHOULD BE FIELD VERIFY PRIOR TO ANY CONSTRUCTION.
- THE SURVEY SHOWN HEREON WAS PREPARED WITHOUT THE BENEFIT OF AN ABSTRACT OF TITLE; THEREFORE, THE UNDERSIGNED AND THIS FIRM MAKES NO GUARANTEES OR REPRESENTATIONS REGARDING INFORMATION SHOWN HEREON PERTAINING TO EASEMENTS, RIGHT-OF-WAYS, SETBACK LINES, AGREEMENTS, RESERVATIONS AND OTHER SIMILAR MATTERS.
- THIS PLAT IS FOR THE BENEFIT OF THE PARTIES IN THE TITLE BLOCK. ANY USE BY THIRD PARTIES IS AT THEIR OWN RISK. THIS FIRM WILL NOT ACCEPT ANY RESPONSIBILITY OF LIABILITY FOR THE USE OF THIS SURVEY BY ANYONE OTHER THAN THE PERSON(S) NAMED IN THE TITLE BLOCK.

LEGEND

| | | | |
|--------|---------------------------|-----------|-----------------------|
| IPF | IRON PIN FOUND | - - - - - | PROPERTY LINE |
| IPS | 1/2" REBAR SET | - X - X - | FENCE |
| CMP | CORRUGATED METAL PIPE | - T - | TELEPHONE LINE |
| R/W | RIGHT OF WAY | - G - | GAS LINE |
| Q | CENTER LINE | - W - | WATER LINE |
| R | PROPERTY LINE | - SS - | SANITARY SEWER LINE |
| FES | FLARED END SECTION | - P - | POWER LINE |
| L.L.L. | LAND LOT LINE | OTF | OPEN TOP PIPE |
| T.B.M. | TEMPORARY BENCHMARK | CTP | CRIMP TOP PIPE |
| INV. | INVERT ELEVATION | RB | REBAR |
| SMH | SANITARY SEWER MANHOLE | Y.I. | YARD INLET |
| PP | POWER POLE | D.I. | DRAIN INLET |
| FH | FIRE HYDRANT | SMH | SAN. SEWER MANHOLE |
| CP | CLEANOUT | CO | CLEANOUT |
| LP | LIGHT POLE | WM | WATER METER |
| ICV | IRRIGATION CONTROL VALVE | WV | WATER VALVE |
| TP | TRAVERSE POINT (60D NAIL) | GW | GUY WIRE |
| DM | DRAINAGE MANHOLE | AC | AIR CONDITIONER |
| GV | GAS VALVE | N/F | NOW OR FORMERLY |
| B | BENCHMARK | PT | PERC. TEST (BOREHOLE) |
| OC | PROPERTY CORNER | TF | 4x4 TRANSFORMER |
| | | RRT | RAIL ROAD TIE WALL |

"Flood Hazard Statement",
 By graphic plotting only, The property shown on this plat does not lie within a 100yr Flood Plain according to the flood insurance rate map (FIRM) map number 13067C0108JE. Last revised March 4, 2013.

Utilities:
 Information regarding the reputed presence, size, character and location of existing underground utilities and structures is shown hereon. There is no certainty of the accuracy of this information and it shall be considered in that light by those using this drawing. The location and arrangement of underground utilities and structures shown hereon may be inaccurate and utilities and structures not shown may be encountered. The owner, his employees, his consultants and his contractors or anyone else who relies upon this survey shall hereby expressly understand that the surveyor is not responsible for the correctness or sufficiency of this information.



SURVEYORS CERTIFICATION

This plat is a retracement of an existing parcel or parcels of land and does not subdivide or create a new parcel or make any changes to any real property boundaries. The recording information of the documents, maps, plats or other instruments which created the parcel or parcels are stated hereon.

RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND.

Furthermore, the undersigned land surveyor certifies that this plat complies with the minimum technical standards for property surveys in Georgia as set forth in the rules and regulations of the Georgia Board of Registration for Professional Engineers and Land Surveyors and as set forth in O.C.G.A. Section 15-6-67.

Wesley Browne
 G.A.R.L.S. NO. 2770

Apr 15, 2020
 Date

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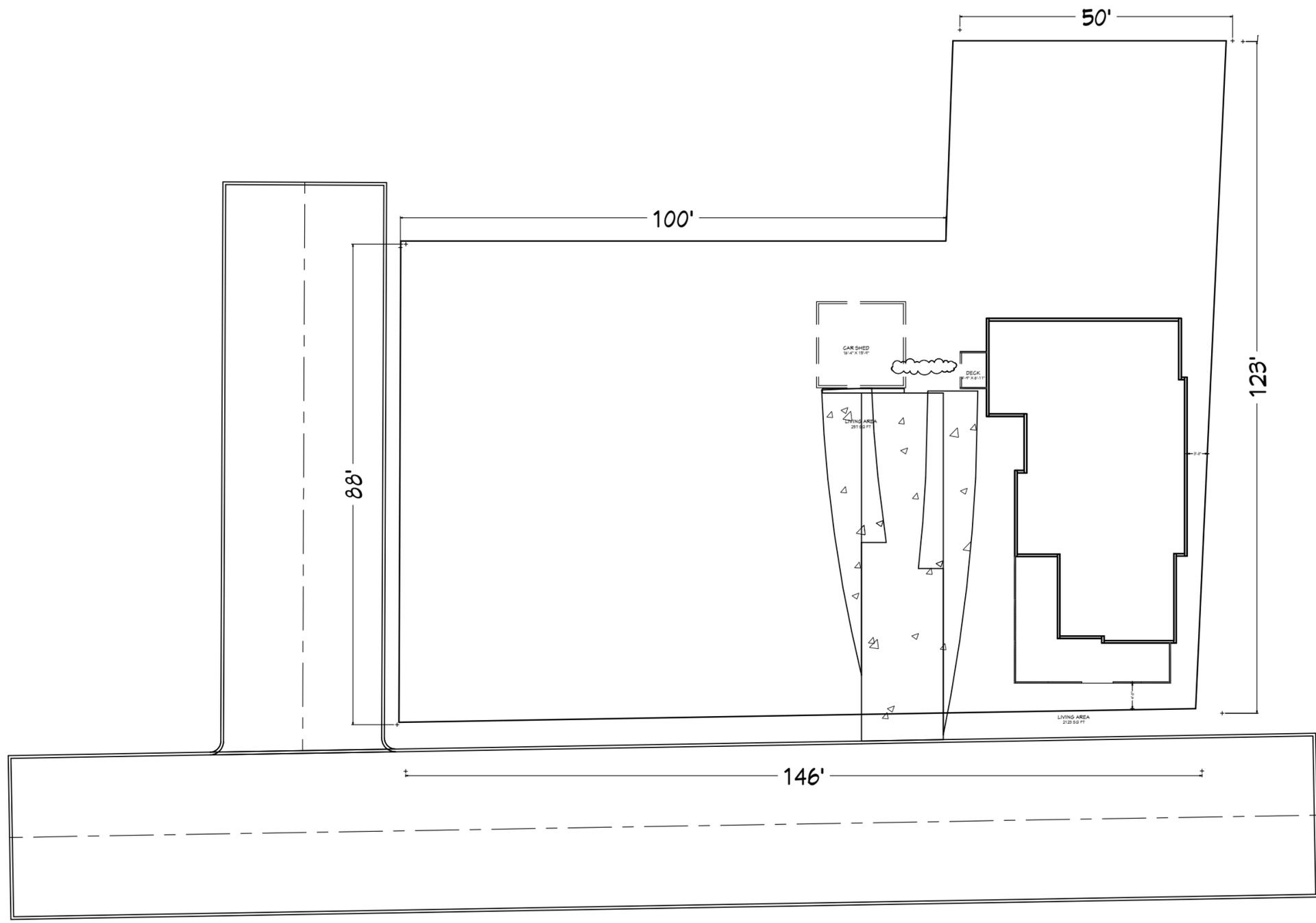
VARIANCE SITE PLAN OF:

526 Delk Street

| DATE | DESCRIPTION |
|------------------|---------------|
| REVISIONS | |
| SURVEY CREW | FIELD BK / PG |
| WB | 206/8 |
| L.L. | 290 |
| DIST. | 17th |
| SECTION | 2nd |
| COUNTY | COBB |
| SCALE | 1"=20' |
| FIELD WORK | DRAWN BY |
| 4/14/2020 | WB |
| DATE | JOB No. |
| April 15, 2020 | 2020-310 |
| APPROVED BY | |
| WB | |

W.L.B ASSOCIATES, INC.

349 CHERYL COURT
 JONESBORO, GA 30238
 LAND SURVEYORS • SITE PLANNING
 LAND DEVELOPMENT
 Office: (678) 743-4665 Fax: (678) 298-9871
 www.wlbassociates.com



Existing Site Plan/ scale 1"=20'

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Ray W

Ray W

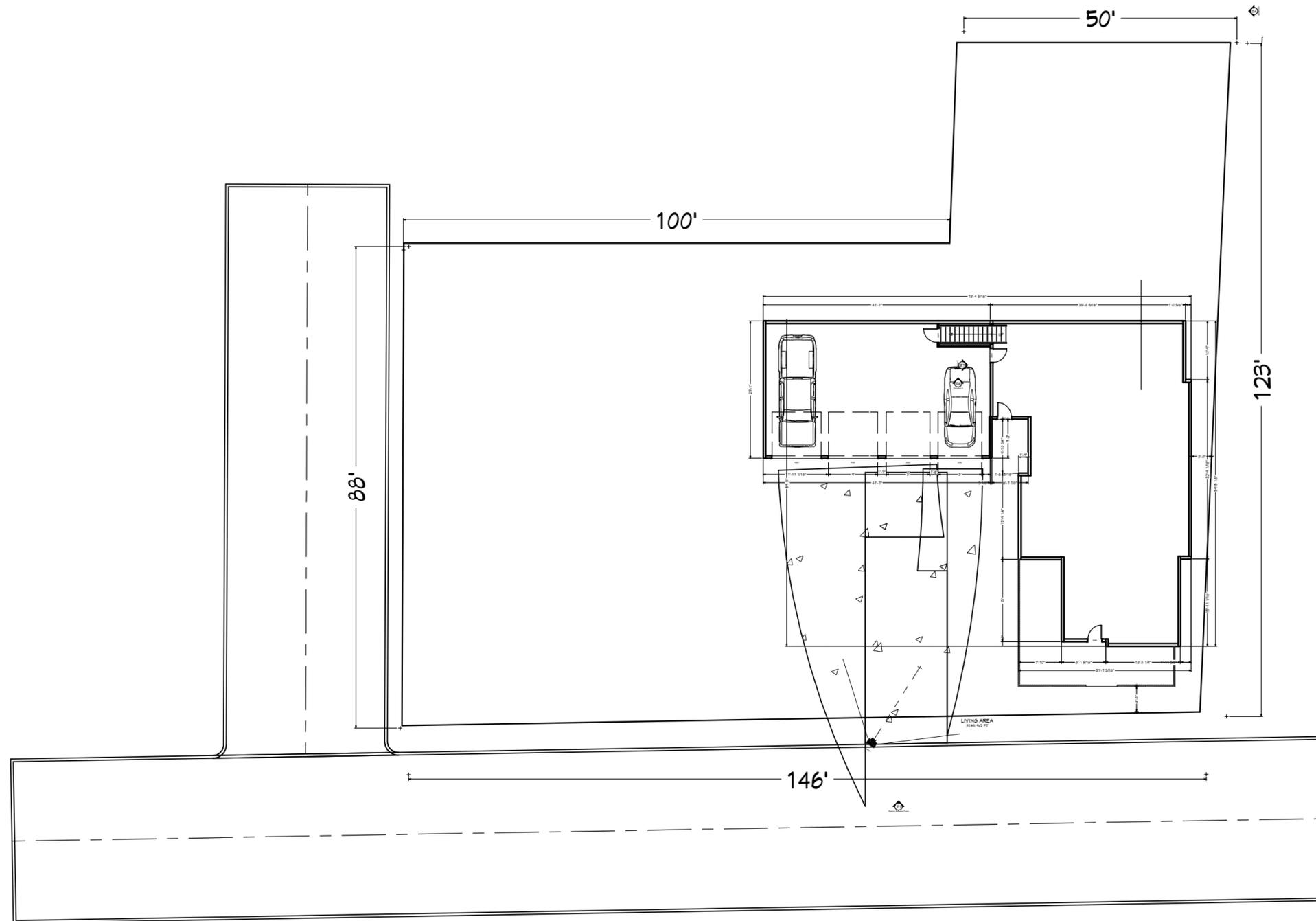
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4/9/2020

SCALE:

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P-1



propose Site Plan

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Ray W

Ray W

DATE:

4/9/2020

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Camera 1

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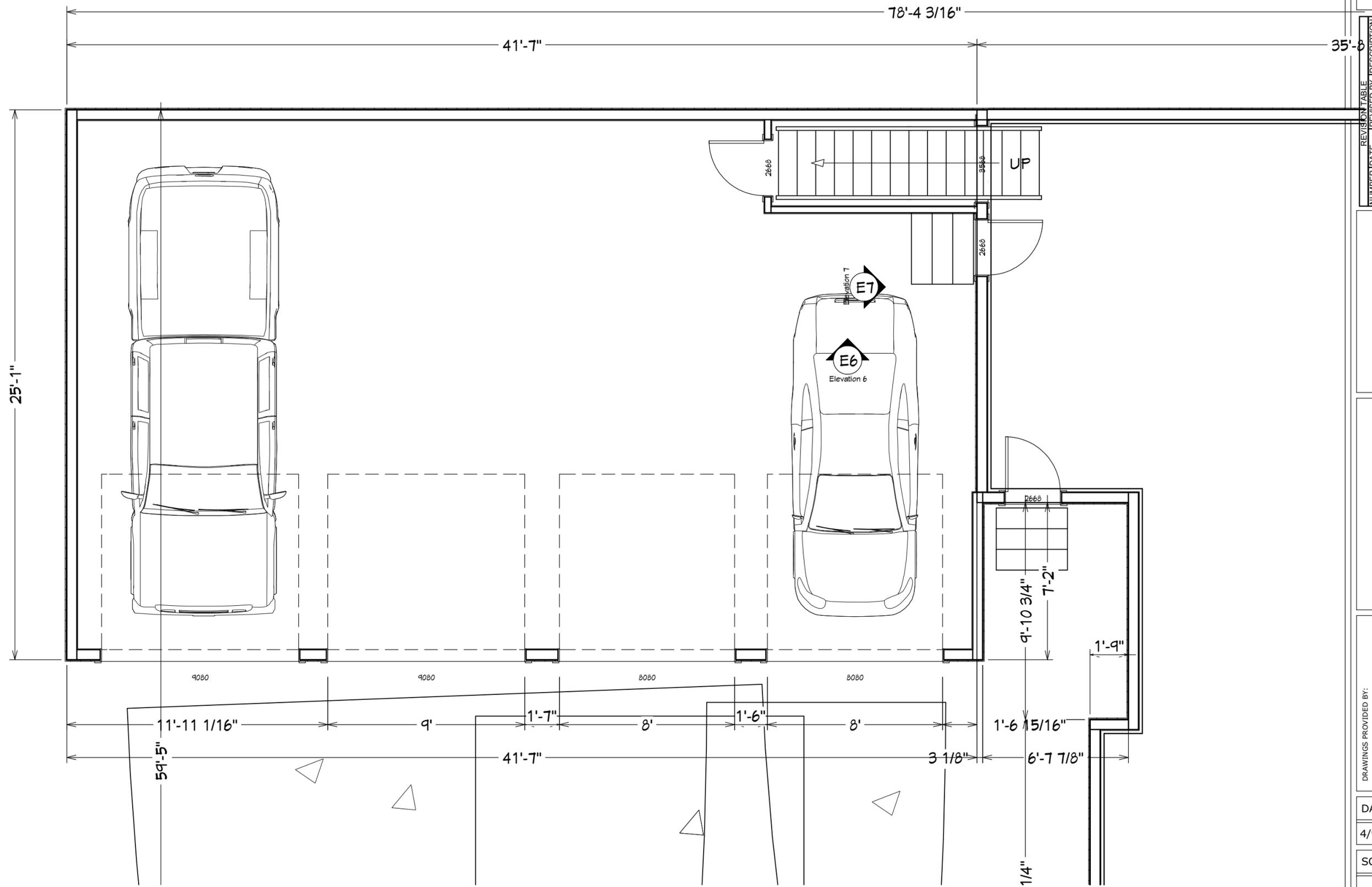
Ray W

DRAWINGS PROVIDED BY:
Ray W

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4/9/2020

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propose 1st. fl. plan

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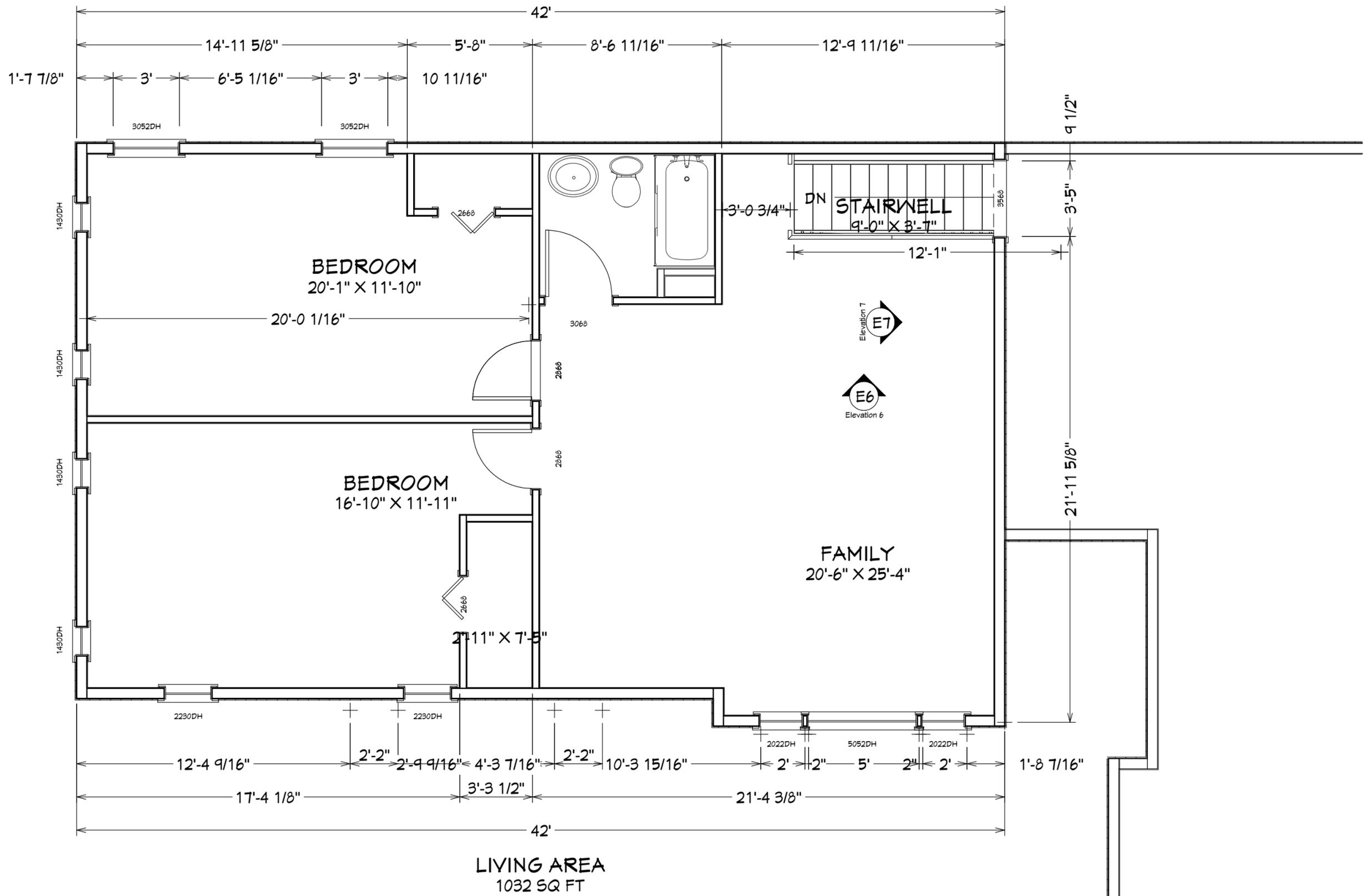
RAY W
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Prop. 2nd fl. Plan

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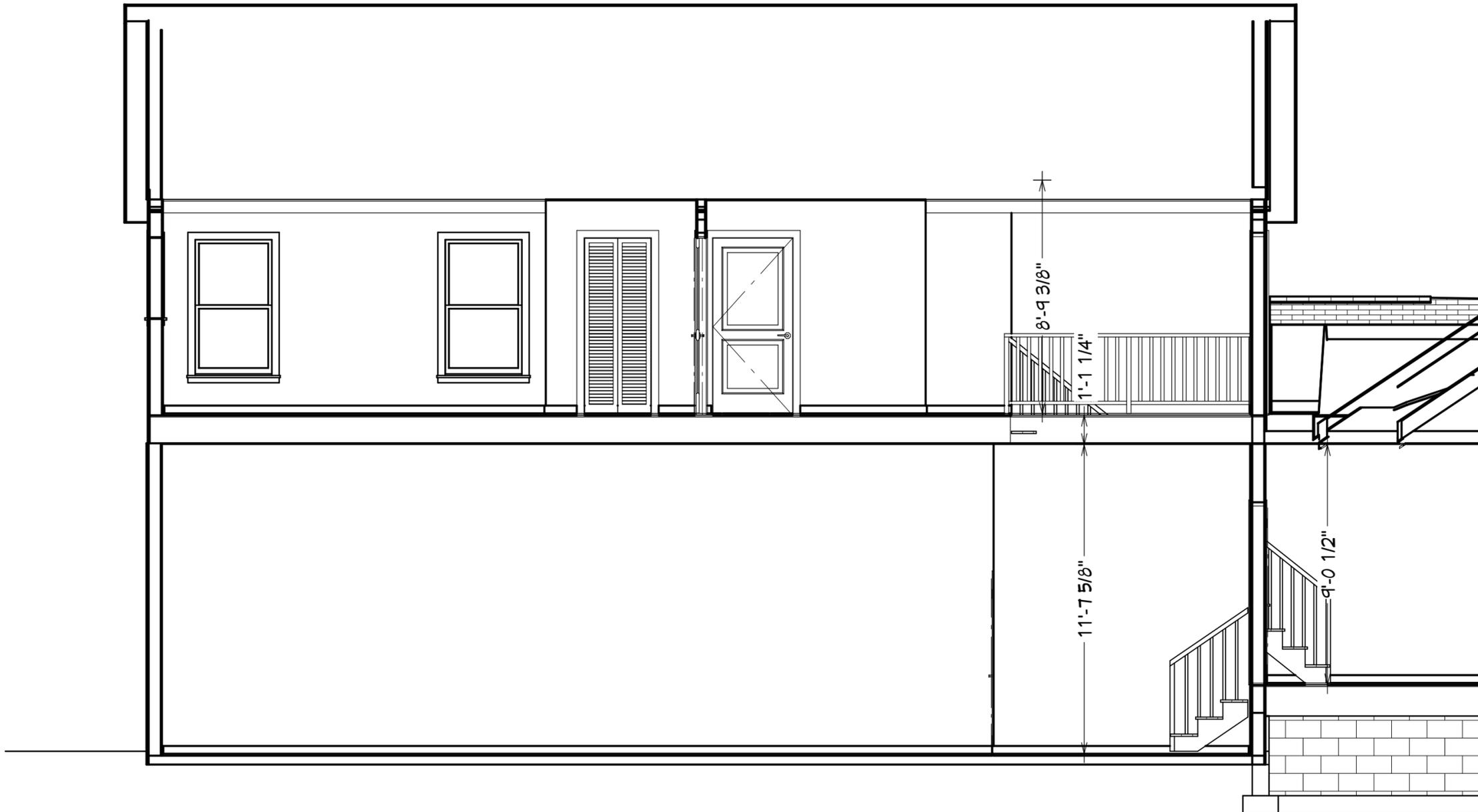
Ray W

Ray W

DATE:
4/9/2020

SCALE:

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Elevation 1

| REVISION TABLE | NUMBER | DATE | REVISED BY | DESCRIPTION |
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Ray W

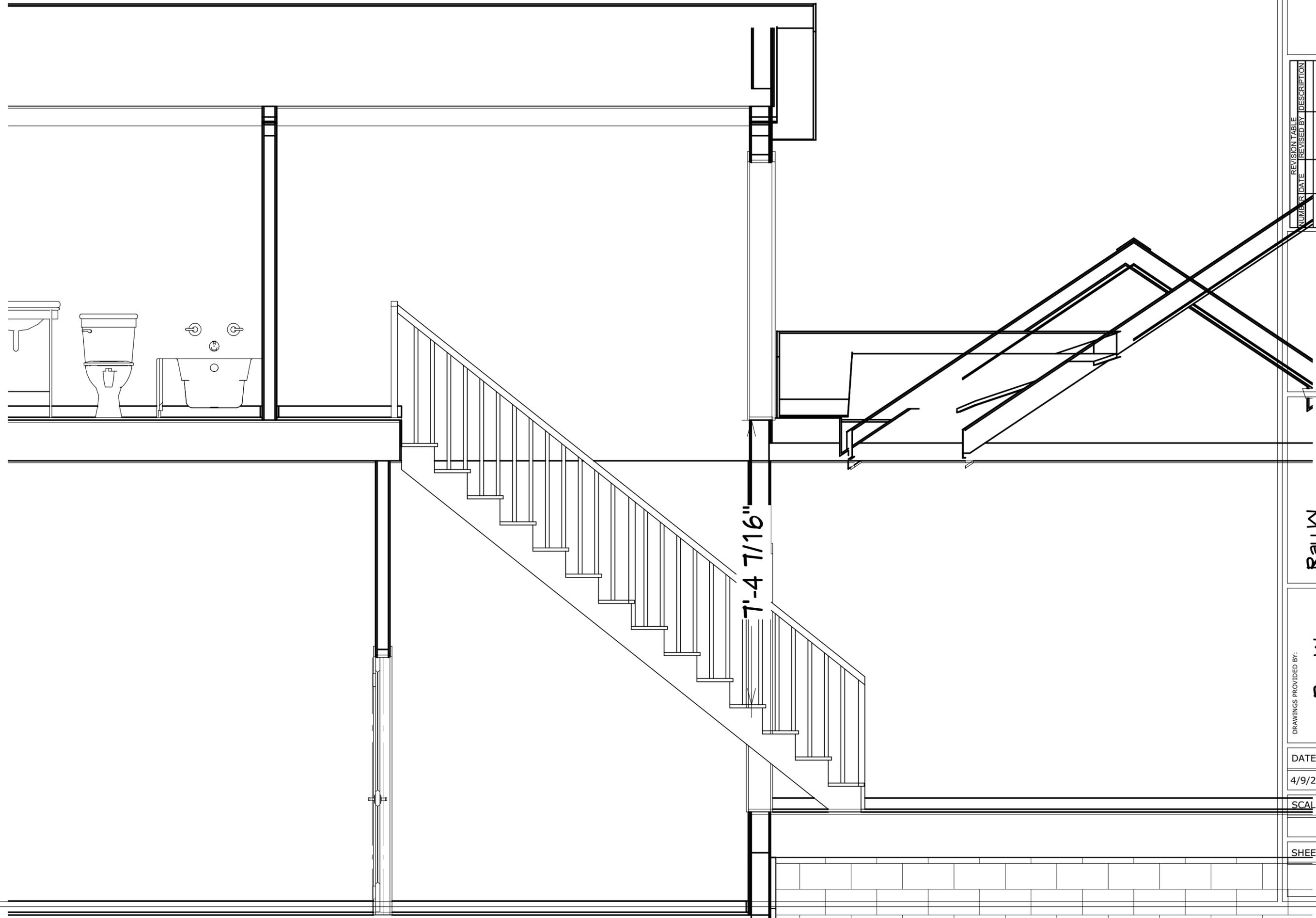
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| REVISION TABLE | NUMBER | DATE | REVISOR | DESCRIPTION |
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Ray W

Ray W

DATE:
4/9/2020

SCALE:

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