



**STAFF REVIEW AND RECOMMENDATION**

**Variance Case #: V2020-20                      Legistar #: 20200440**

**Board of Zoning Appeals Hearing: Monday, June 29<sup>th</sup>, 2020 – 6:00 p.m.**

**Property Owner:        Hannah Balko  
   643 Etowah Drive NE  
   Marietta, GA 30060**

**Applicant:                      Roger Balko  
   643 Etowah Drive NE  
   Marietta, GA 30060**

**Address:                              643 Etowah Drive NE**

**Land Lot: 1073                      District: 16<sup>th</sup>                              Parcel: 0130**

**Council Ward: 4B                      Existing Zoning: R-3 (Single Family Residential – 3 units/acre)**

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

1. Variance to reduce the northern side yard setback for an existing accessory structure (shed) from 10 ft to 3 ft [*§708.03 (F)*]
2. Variance to reduce the southern side yard setback for an existing accessory structure (garage) from 10 ft to 4 ft [*§708.03 (F)*]
3. Variance to reduce the northern side yard setback from 10 ft to 9 ft for the existing home. [*§708.03 (H)*]

**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**



**Subject property at 643 Etowah Drive with accessory structure (garage) encroaching into southern setback**



**Subject property**

**Recommended Action:**

**Approval.** The applicant, Hannah Balko, is requesting multiple variances for the property at 643 Etowah Drive, which is zoned R-3 (Single Family Residential – 3 units / acre). The property is approximately 0.342 acres in size and is the applicant’s primary residence. Properties to the north and east of the subject property are zoned R-3; properties to the west and south are zoned OI (Office Institutional). Due to the cost of construction, the applicant is requesting variances to allow existing nonconformities remain.

The existing house is approximately 1,684 sq.ft., and the applicant wishes to build a 178 sq.ft. wooden deck off the rear of the home, as well as renovate the interior and exterior. The total cost of construction for the work exceeds the City’s threshold for allowing nonconformities to remain and therefore, requires the entire site to be compliant with all zoning requirements for properties zoned R-3.

In this case, all of the variance requests are for situations that already exist on the property.

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The main structure is only 9.9 feet from the northern property line instead of the required 10 feet. Also, the existing detached garage and shed are also not in compliance with setback requirements. The applicant has stated that both the detached garage and the shed for lawn equipment were already existing on the property when the current owner bought the home in 2018. The applicant is requesting variances to allow the accessory structures to remain as-is to avoid any exorbitant costs that may arise with relocating said structures.

The detached garage only 4.1 feet from the southern property line, which is shared with a medical office building zoned OI. The lawn equipment shed on the northern end is only 3 feet from the northern property line. Accessory structures must be at least 10 feet from the side and rear property lines. The applicant is requesting to reduce the northern side yard setback for an existing accessory structure (lawn equipment shed) from 10 feet to 3 feet and to reduce the southern side yard setback for another existing structure (detached garage) from 10 feet to 4 feet.

Considering these conditions are existing and are not creating any negative impacts on the adjacent properties or surrounding community, ***staff recommends approval for all of the requested variances.***



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 #: V2020-20 Legistar #: 20200440 BZA Hearing Dt: 6-29-20
City Council Hearing Dt (if applicable) #: - PZ #: 20-152

This is a variance/appeal application for:

Checked box for Board of Zoning Appeals

Board of Zoning Appeals

Empty box for City Council

City Council

Owner's Name Hannah Balko
EMAIL Address: hanbalko@gmail.com
Mailing Address 643 Etowah Dr. NE Zip Code: 30060 Phone Number 678-793-2702

COMPLETE ONLY IF APPLICANT IS NOT OWNER:

Applicant: ROGER BALKO
EMAIL Address: roger@rbalko.com
Mailing Address 643 Etowah Dr. NE Zip Code: 30060 Phone Number 404-314-3639

Address of subject property: 643 Etowah Dr. NE Date of Acquisition: 12/18
Land Lot (s) 1073 District 10 Parcel 13 Acreage 1/3 Zoned R3 Ward 4 FLU:

List the variance(s) or appeal requested (please attach any additional information):
Reduction of side setback at existing garage to 4.1', reduction of rear set back @ existing shed to 11.0' & side setback at existing shed to 30.0'

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.

Hannah Balko  
Signature of Owner

[Signature]  
Signature of Applicant

HANNAH BALKO  
Print Name

ROGER BALKO  
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.

ROGER BALKO  
Print Name

[Signature]  
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]  
Signature of Applicant

5-18-20  
Date

ROGER BALKO  
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.

Hannah Balko  
Signature of Owner

HANNAH BALKO  
Please Print

643 ETOWAH DR. NE  
Address

5-18-20  
Date

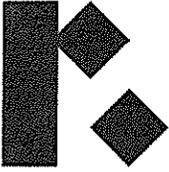
Signed, sealed and delivered in the presence of

[Signature]



My Commission Expires: 05/29/2023

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



643 Etowah Dr NE  
Marietta, GA 30060

404.314.3639

**RBALKO.COM**

The City of Marietta, GA Board of Zoning Appeals  
May 18, 2020

Members of the Board,

I, Roger Balko, am writing to request a variance to the property owned by my wife, Hannah Balko, located at 643 Etowah Dr. NE. It is her desire to have a 8.5' x 21' wooden deck added to the rear of the home via a revision to the current open renovation permit granted by the City.

The Zoning ordinance states if exterior alterations are performed and renovation costs meet or exceed 50% of the home's assessed value, then the entire site must be brought up to current code. That level of renovation has been performed to the home.

The property also has two existing structures on it from its previous, original owners, a two car garage and a lawn equipment shed. I am asking that the City grant variance to the Zoning ordinance to allow for these previously-permitted structures to remain in their current locations within the setbacks so that the desired exterior alterations can be made to the home without having to move the existing structures. Without a granted variance, exorbitant undue cost would be incurred and further improvements to the property would be prevented. This would put 643 Etowah Dr at a distinct disadvantage in the neighborhood, as other such structures are common within the mandated setbacks.

I would greatly appreciate your consideration voting in favor of this variance to allow for the further development and improvement of the property at 643 Etowah Dr.

Sincerely,  
Roger Balko

**R. BALKO**

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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 29<sup>th</sup>, 2020 at 6:00 P.M.**, City Hall. Anyone wishing to attend may do so and be heard relative thereto.

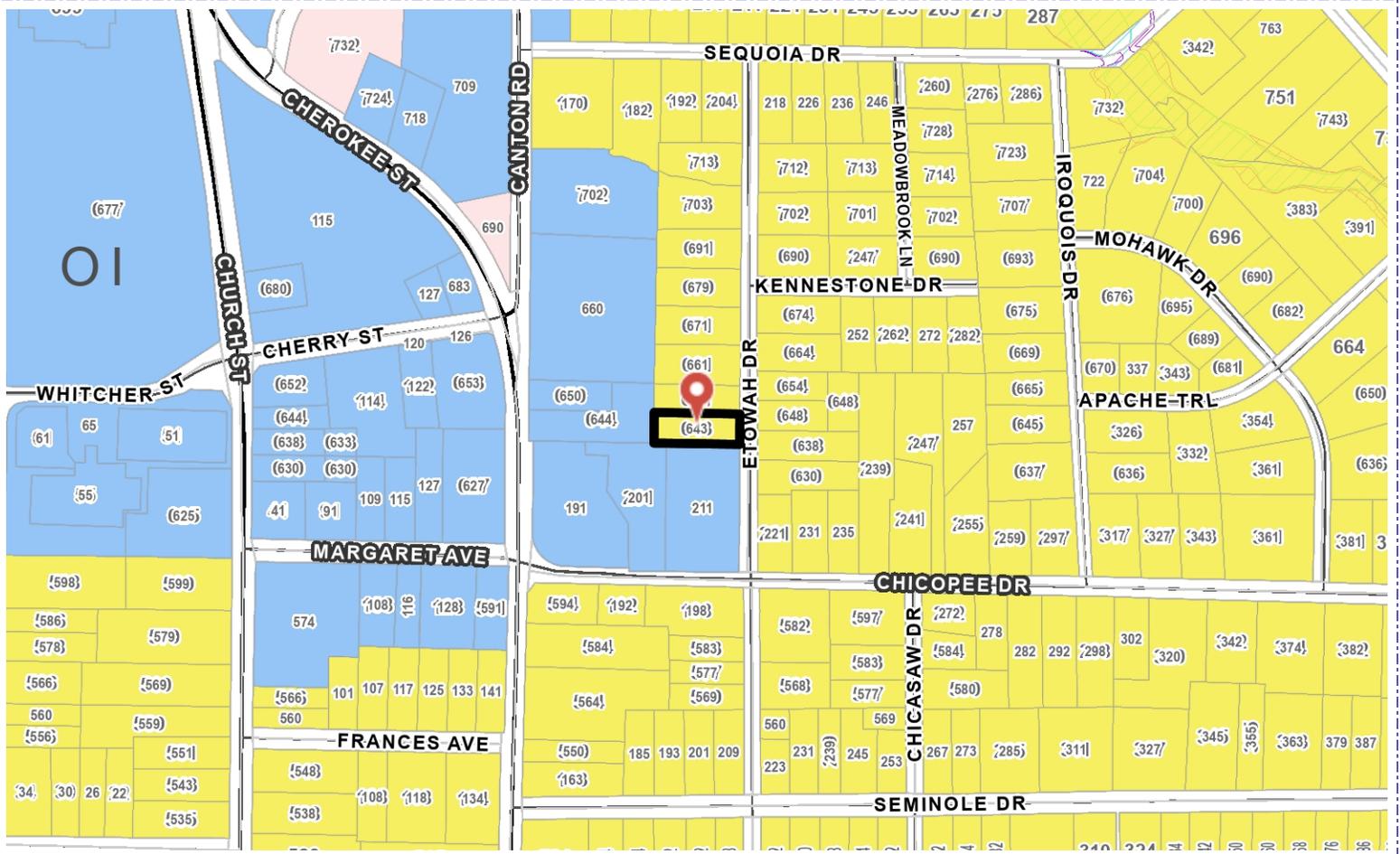
**V2020-20 [VARIANCE] HANNAH & ROGER BALKO** are requesting variances for property zoned R-3 (Single Family Residential – 3 units/acre), located in Land Lot 1073, District 16, Parcel 0130, 2<sup>nd</sup> Section, Marietta, Cobb County, Georgia, and being known as 643 Etowah Drive. Variance to reduce the northern side yard setback for an existing accessory structure from 10' to 3'; variance to reduce the southern side yard setback for an existing accessory structure from 10' to 4'; variance to reduce the northern side yard setback from 10' to 9' for the existing home. Ward 4B.

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](http://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 |
|---------------|---------------|---------|------|--------|-----|
| 643 ETOWAH DR | 16107300130   | 0.342   | 4B   | R3     | LDR |
| 643 ETOWAH DR | 16107300130   | 0.342   | 4B   | R3     | LDR |

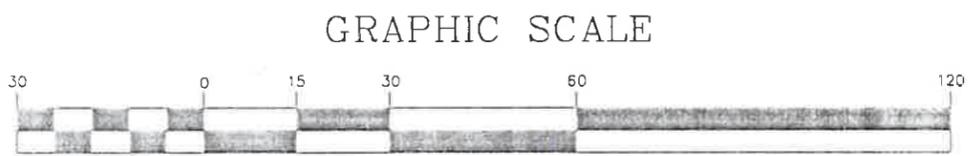
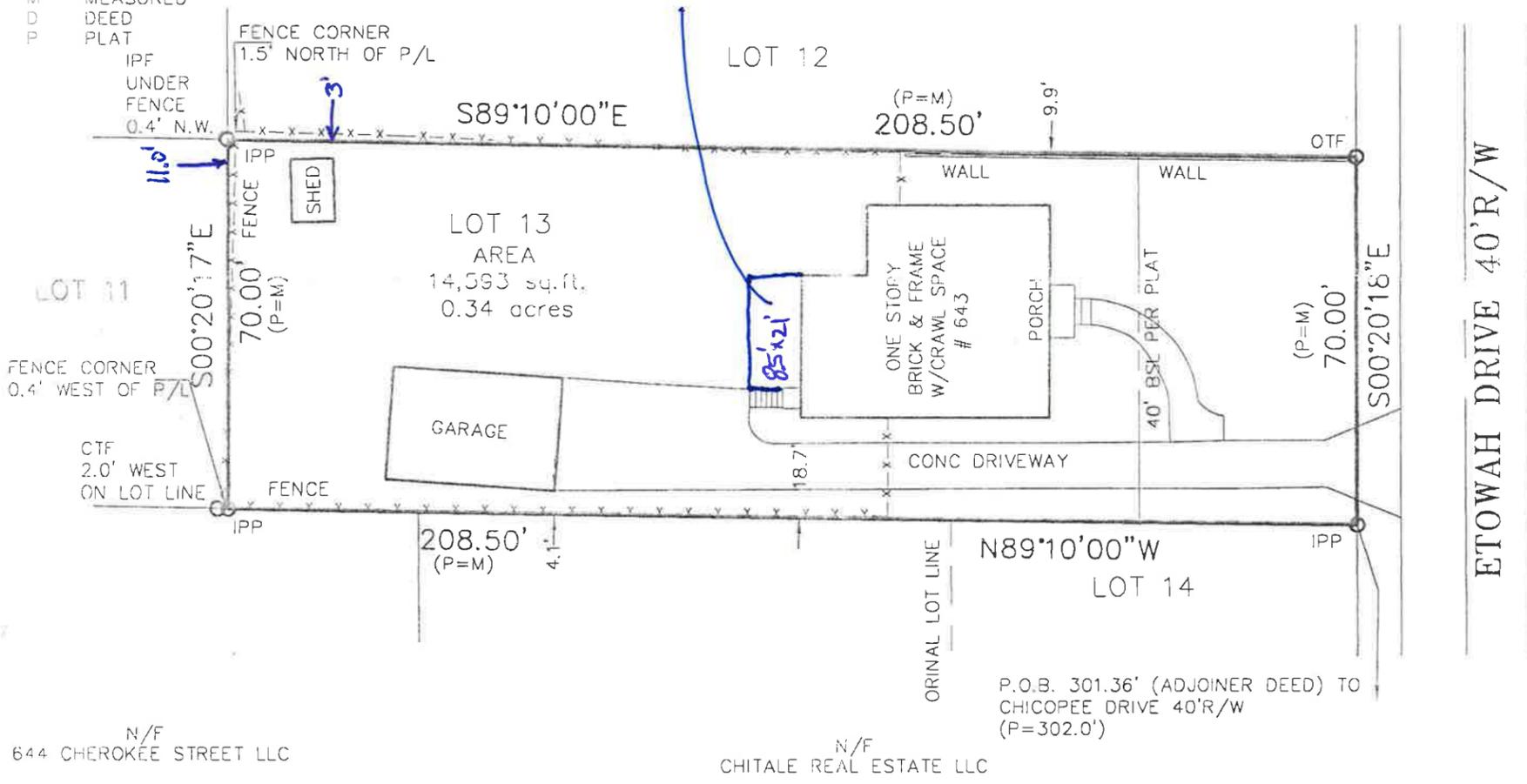
|                   |              |
|-------------------|--------------|
| Property Owner:   | Hannah Balko |
| Applicant:        | Roger Balko  |
| BZA Hearing Date: | 06/29/2020   |
| Acquisition Date: |              |
| Case Number:      | V2020-20     |

**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

City of Marietta Planning & Zoning

- LEGEND
- CMP CORRUGATED METAL PIPE
  - DE DRAINAGE EASEMENT
  - SSE SANITARY SEWER EASEMENT
  - BSL BUILDING SETBACK LINE
  - RBF REBAR FOUND
  - IPP IRON PIN PLACED
  - IPF IRON PIN FOUND
  - OTF OPEN TOP FOUND
  - CTF CRIMP TOP FOUND
  - IRB REBAR
  - CB CATCH BASIN
  - JB JUNCTION BOX
  - HW HEAD WALL
  - POB POINT OF BEGINNING
  - MH MAN HOLE
  - R/W RIGHT-OF-WAY
  - PP POWER POLE
  - LL LAND LOT
  - M MEASURED
  - D DEED
  - P PLAT



SHEET 1 OF 2

JOB NUMBER: 20-1506



|  |               |                     |
|--|---------------|---------------------|
| ABOVE THE GROUND AS BUILT SURVEY PREPARED FOR: |               | FIELD DATE 04/29/20 |
| ROGER BALKO                                    |               | DATE 05/04/20       |
| OWNER / PURCHASER                              |               | SCALE 1" = 30'      |
| HANNAH BALKO                                   |               |                     |
| LAND LOT 1073                                  | 16th DISTRICT | 2nd SECTION         |
| COBB COUNTY, GEORGIA                           |               |                     |
| LOT 13   | BLOCK         | UNIT                |
| AREA OF LOT: 14,593 S.F.                       |               |                     |
| SUBDIVISION GEORGE TALLEY & EMILY MOORE        |               |                     |

ALL MATTERS PERTAINING TO TITLE ARE EXCEPTED

**SOLAR LAND SURVEYING COMPANY**  
 P.O. BOX 723993 ATLANTA, GEORGIA 31139-0993  
 TELEPHONE (770) 794-9055 FAX (770)794-9052

PLAT BOOK 7, PAGE 41  
 DEED BOOK 15594, PAGE 2566

NOTICE: IF RECORDING IS REQUIRED, CONTACT THE SURVEYOR FOR PRODUCTION OF A PLAT MADE SUITABLE FOR RECORDING

NOTE: ALL EASEMENTS DEPICTED ARE PER PUBLIC RECORD, UNLESS OTHERWISE NOTED.

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, HIS CONTRACTORS, AND/OR HIS AGENTS SHALL HEREBY DISTINCTLY UNDERSTAND THAT THE SURVEYOR IS NOT RESPONSIBLE FOR THE CORRECTNESS OF SUFFICIENCY OF THIS INFORMATION SHOWN HEREON AS TO SUCH UNDERGROUND INFORMATION.

THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE OF 1 FOOT IN 10,000 FEET, AN ANGULAR ERROR OF 03 SECONDS PER ANGLE POINT AND WAS ADJUSTED USING THE LEAST SQUARES METHOD. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND FOUND TO BE ACCURATE TO 1 FOOT IN 100,000 FEET. AN ELECTRONIC TOTAL STATION WAS USED TO GATHER THE INFORMATION USED IN PREPARATION OF THIS PLAT.

**SURVEYOR 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 AS SET FORTH IN O.C.G.A. SECTION 15-6-67.

JOHN W. STANZILIS, JR.

**PLAT CERTIFICATION NOTICE**

THIS PLAT WAS PREPARED FOR THE EXCLUSIVE USE OF THE PERSON, PERSONS OR ENTITY NAMED HEREON. THIS PLAT DOES NOT EXTEND TO ANY UNNAMED PERSON, PERSONS, OR ENTITY WITHOUT EXPRESS RECERTIFICATION BY THE SURVEYOR NAMING SAID PERSON, PERSONS,

IN MY OPINION, THIS PLAT IS A CORRECT REPRESENTATION OF THE LAND PLATTED AND HAS BEEN PREPARED IN CONFORMITY WITH THE MINIMUM STANDARDS AND REQUIREMENTS OF THE LAW OF THE STATE OF GEORGIA.

THIS SURVEY WAS PREPARED IN CONFORMITY WITH THE TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN CHAPTER 180-7 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. 15-6-67. AUTHORITY O.C.G.A. SECS. 15-6-67, 43-15-6, 43-15-19, 43-15-22.

CERTIFICATE OF AUTHORIZATION NO. LSF000374

**SHEET 2 OF 2**

FIELD DATE 04/29/20

JOB NUMBER: 20-1506



|  |                     |                                     |                          |
|--|---------------------|-------------------------------------|--------------------------|
| ABOVE THE GROUND AS BUILT SURVEY PREPARED FOR:   | <b>ROGER BALKO</b>  | DATE                                | 05/04/20                 |
| OWNER / PURCHASER  | <b>HANNAH BALKO</b> | SCALE                               | 1" = 30'                 |
| LAND LOT 1073  | 16th DISTRICT       | 2nd SECTION                         | COBB COUNTY, GEORGIA     |
| LOT 13   | BLOCK               | UNIT                                | AREA OF LOT: 14,593 S.F. |
| SUBDIVISION <b>GEORGE TALLEY &amp; EMILY MOORE</b>   |                     |                                     |                          |
| ALL MATTERS PERTAINING TO TITLE ARE EXCEPTED   |                     | <b>SOLAR LAND SURVEYING COMPANY</b> |                          |
| P.O. BOX 723993 ATLANTA, GEORGIA 31139-0993<br>TELEPHONE (770) 794-9055 FAX (770) 794-9052 |                     |                                     |                          |

PLAT BOOK 7, PAGE 41  
DEED BOOK 15594, PAGE 2566