



STAFF REVIEW AND RECOMMENDATION

Variance Case #: V2020-22

Legistar #: 20200448

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

**Property Owner: Waterworks Neighbors LLC
327 Wallace Road
Marietta, Ga 30062**

**Applicant: Whitaker Smith
84 Church Street
Marietta, Ga 30060**

Address: 379 Campbell Hill Street NW

Land Lot: 1147 District: 16th Parcel: 00420

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

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

1. Variance to reduce the southern side yard setback from 10’ to 6’. [§708.04 H]
2. Variance to reduce the northern side yard setback from 10’ to 6’. [§708.04 H]
3. Variance to reduce the setback along North Sessions Street from 25’ to 10’. [§708.04 H]
4. Variance to reduce the setback along Campbell Hill Street from 25’ to 20’. [§708.04 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 379 Campbell Hill Street

Recommended Action:

Denial. The applicant, Whitaker Smith, is requesting multiple variances at the subject property 379 Campbell Hill Street. The property is approximately 0.137 acres in total and is located at the corner of Campbell Hill Street and North Sessions Street. Properties to the north and south are zoned NRC and include a yoga studio and a legally nonconforming residence. The properties to the west are zoned LI (Light Industrial). There are single family residences zoned R-4 across Campbell Hill Street to the east and further south.

In March 2019, this property was rezoned (Z2019-09) from NRC (Neighborhood Retail Commercial) to R-4 (Single Family Residential – 4/units per acre) when City Code Enforcement found the property was being used as a residence after being previously used as an art studio and retail gift shop. Multiple variances for setbacks and lot size were granted during the rezoning to allow the nonconforming structure to remain. However, the structure was demolished in October 2019 because of its severely deteriorated condition. Since the setback variances were for the existing house and accessory structures only, those variances are no longer valid. However, the variance to reduce the lot size from 7,500 sq. ft. to 5,660 sq. ft. remains applicable.

The applicant would like to build a single-family residence on the property. Because the parcel is limited in size and irregularly shaped, practically any new construction would require variances to the building setbacks.

However, the proposed site design has placed the driveway at a dangerous location just a few feet from the busy intersection of Campbell Hill Street and Sessions Street. This is a serious cause for concern as this intersection is already a busy, four-way stop with sight visibility issues and this could be an opportunity to improve the driveway situation on this property. However, the proposed design would make no improvements to the situation. The proposed driveway location would be blocked when only one vehicle is stopped on Sessions Street and a vehicle turning left into the driveway could block the entire intersection.

The applicant is requesting to reduce the side yard setbacks on the north and south from 10 feet to 6 feet; to reduce the setback along North Sessions Street from 25 feet to 10 feet; and to reduce the setback along Campbell Hill Street from 25 feet to 20 feet.

Marietta Fire has indicated the setback reductions would make fire sprinklers a requirement per Marietta City Code 2-6-140. The driveway will also be required to be an approved surface, such as concrete, asphalt, or brick.

Unless the design of the site plan can be modified to eliminate the dangerous driveway location, staff cannot support any requests to reduce the building setbacks. As a result, ***staff recommends denial of the requested variances.***

