

**AN ORDINANCE**

**REZONING** property in the corporate limits of the City of Marietta, Georgia Land Lot 1289, District 16, Parcel 0310 of the 2<sup>nd</sup> Section, Cobb County, Georgia, and being known as **391 Atlanta Street**.

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**WHEREAS**, application has been filed by **JERRY & ANGELA PFEUFFER** for rezoning property in the corporate limits of the City of Marietta, Georgia; and,

**WHEREAS**, following proper notice, a public hearing was held before this body; and,

**NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF MARIETTA, GEORGIA, THAT:**

**Section 1:** The following property to wit:

All that tract or parcel of land lying and being in Land Lot 1289 of the 16<sup>th</sup> District, 2<sup>nd</sup> Section of Cobb County, Georgia, being in the City of Marietta, Georgia, and being more particularly described as follows:

Beginning at a point on the East Side of Atlanta Street, 348 feet South from the intersection formed by the East side of Atlanta Street with the South side of Frasier Street, said point of beginning also being the Southwest corner of property now or formerly owned by W. A. Florence; running thence South along the East side of Atlanta Street, 100 feet to the property now or formerly owned by G. M. Fleming; running thence East along the North line of said Fleming property, 220 feet; running thence North 100 feet to said Florence property; running thence West along the South line of said Florence property, 220 feet to the East side of Atlanta Street and the point of beginning.

Said tract or parcel contains 0.59 acres.

**Section 2:** The above-described property is hereby rezoned into the corporate limits in the City of Marietta, Georgia from OI (Office Institutional) to R-4 (Single Family Residential – 4 units/acre).

**Section 3:** The following variance is incorporated as a condition of zoning:

1. Variance to allow the use of gravel as an acceptable driving and parking surface for an area not to extend any further than the rear of the house and according to drawing signed and dated by the applicant. [§716.08 (A & B)]

**Section 4:** It is hereby declared to be the intention of this Ordinance that its sections, paragraphs, sentences, clauses and phrases are severable, and if any section, paragraph, sentence, clause or phrase of this Ordinance is declared to be unconstitutional or invalid, it shall not affect any of the remaining sections, paragraphs, sentences, clauses or phrases of this Ordinance.

**Section 5:** All Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed.

**Section 6:** This Ordinance shall become effective upon the signature or without the signature of the Mayor, subject to Georgia laws 1983, page 4119.

**Final Ordinance submitted by:**

  
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**Rusty Roth, Director**  
**Department of Development Services**

**Approved as to form:**

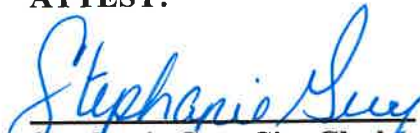
  
\_\_\_\_\_  
**Douglas R. Haynie, City Attorney**

**Approved by City Council:**

**DATE:** January 13, 2021

**APPROVED:**

**ATTEST:**

  
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**Stephanie Guy, City Clerk**

  
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**R. Steve Tumlin, Jr., Mayor**