



City of Marietta

205 Lawrence Street
Post Office Box 609
Marietta, Georgia 30061

Meeting Minutes BOARD OF ZONING APPEALS

Bobby Van Buren, Chairman
James A. Mills, Vice Chairman
Karen Kirkpatrick, Ward 1
J. K. Lowman, Ward 2
David Hunter, Ward 4
Ronald Clark, Ward 5
Tom Samples, Ward 7

Monday, January 29, 2018

6:00 PM

City Hall Council Chambers

Present: Bobby Van Buren, James Mills, Karen Kirkpatrick, J. K. Lowman, Ronald Clark and Tom Samples

Absent: David Hunter

Staff:

Rusty Roth, Director, Development Services
Shelby Little, Planning & Zoning Manager
Jasmine Chatman, Planning & Zoning Administrator
Robin Osindele, Urban Planner
Sarah Hegener, Associate City Attorney
Ines Embler, Secretary to the Board

CALL TO ORDER:

Chairman Van Buren called the January 29, 2018 meeting of the Board of Zoning Appeals to order at 6:00 PM.

Chairman Van Buren explained the rules and procedures used in conducting the public hearings.

MINUTES:

20180080

December 18, 2017 Board of Zoning Appeals Meeting Minutes

Review and Approval of the December 18, 2017 Board of Zoning Appeals Meeting Minutes.

Mr. Lowman made a motion, seconded by Ms. Kirkpatrick that the December 18, 2017 Board of Zoning Appeals meeting minutes be approved. The Motion carried 6-0-0. Mr. Hunter was absent.

A motion was made by Board member Lowman, seconded by Board member Kirkpatrick, that this matter be Approved and Finalized. The motion carried by the following vote:

Absent: 1

Vote For: 6

VARIANCES:

20180021 V2018-01 [VARIANCE] NANCY BARBAT & DOUG AHO

V2018-01 [VARIANCE] NANCY BARBAT & DOUG AHO are requesting variances for property zoned CRC (Community Retail Commercial), located in Land Lot 1234, District 16, Parcel 1700, 2nd Section, Marietta, Cobb County, Georgia, and being known as 167 South Avenue. Variance to reduce the minimum lot width for tract 1 from 100 feet to 70 feet; variance to reduce the minimum lot width for tract 2 from 100 feet to 78 feet; variance to reduce the minimum lot size for tract 1 from 20,000 sq. ft. to 5,799 sq. ft.; variance to reduce the minimum lot size for tract 2 from 20,000 sq. ft. to 6,028 sq. ft.; variance to reduce the side setback for tract 1 along the southern property line from 15' to 7;' variance to reduce the side setback for tract 2 along the northern property line from 15'to 8.' Ward 1A.

A public meeting was held.

Mrs. Nancy Barbat & Mr. Doug Aho presented a request for a variance to reduce the minimum lot width for tract 1 from 100 feet to 70 feet; variance to reduce the minimum lot width for tract 2 from 100 feet to 78 feet; variance to reduce the minimum lot size for tract 1 from 20,000 sq. ft. to 5,799 sq. ft.; variance to reduce the minimum lot size for tract 2 from 20,000 sq. ft. to 6,028 sq. ft.; variance to reduce the side setback for tract 1 along the southern property line from 15' to 7;' variance to reduce the side setback for tract 2 along the northern property line from 15'to 8.

There was no opposition to this variance.

Chairman Van Buren asked Mr. C.R. Monhole what his future plans for the property are if he were to purchase the property. Mr. Monhole explained that they will maintain the upkeep outside by adding foliage and painting.

Ms. Kirkpatrick asked if the artist studio will be open to the public. Mr. Monhole's spouse stated that the art studio is for her personal use and it will not be open to the public.

The public hearing was closed.

A motion was made by Ms. Kirkpatrick to grant the application as requested on the basis

that it would 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. It was seconded by Mr. Lowman. The Motion carried 6-0-0.

A motion was made by Board member Kirkpatrick, seconded by Board member Lowman, that this matter be Approved and Finalized. The motion carried by the following vote:

Absent: 1

Vote For: 6

20180022 V2018-02 [VARIANCE] SUGAR BEACH INVESTMENTS LLC

V2018-02 [VARIANCE] SUGAR BEACH INVESTMENTS LLC is requesting variances for property zoned LI (Light Industrial), located in Land Lot 802, District 16, Parcel 0140, 2nd Section, Marietta, Cobb County, Georgia, and being known as 540 Collins Road. Variances to allow gravel as an acceptable parking surface and reduce the landscape buffer adjacent to residential from 50' to 6.' Ward 6B.

A public meeting was held.

Mr. Paul Barrett and Mr. Tim Barrett presented a request for a variance to allow gravel as an acceptable parking surface and reduce the landscape buffer adjacent to residential from 50' to 6.'

There was no opposition to this variance.

Chairman Van Buren asked why they want gravel as opposed to paving; their plans for fencing and about water retention due to the steep grade. Mr. Barrett stated that it was not economically feasible to pave. He said the do not plan on fencing as there are huge oaks there and he said there is a retention in the area in the back that would take care of any water issues.

The public hearing was closed.

A motion was made by Chairman Van Buren to grant the application as requested, on the basis that it would 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. It was seconded by Mr. Lowman. The Motion carried 6-0-0.

A motion was made by Board member Van Buren, seconded by Board member Lowman, that this matter be Approved and Finalized. The motion carried by the following vote:

Absent: 1

Vote For: 6

20180023 V2018-03 [VARIANCE] ALLGOOD 75 IND. PROP. INC. (AQUA UNDERGROUND, INC)

V2018-03 [VARIANCE] ALLGOOD 75 IND. PROP. INC. (AQUA UNDERGROUND, INC) is requesting a variance for property zoned LI (Light Industrial), located in Land Lot 868, District 16, Parcel 0010, 2nd Section, Marietta, Cobb County, Georgia, and being known as 1465 Field Park Circle. Variance to reduce the side yard setback adjacent to the residential buffer from 20' to 5.' Ward 4B.

A public meeting was held.

Mr. David Youssi and Ms. Valerie Hammerton presented a request for a variance to reduce the side yard setback adjacent to the residential buffer from 20' to 5.'

There was one (1) in support and 8 (eight) in opposition to this variance, six (6) spoke. Mr. Taiwo Ogbomo, Mr. Jayaman Nedunpurattu, Ms. Carolyn Rae, Mr. Scott Uzzel, Mrs. Patricia Ann Uzzel, Ms. Hang Hang Liu, Ms. Feng Liu and Mr. Upenda Nerilla opposed. Mr. Charlie Crowder spoke in support.

Mr. Lowman asked if they have any problems with the staff's suggested stipulation regarding foliage and Mr. Youssi said they do not have an issue with that request.

The opposition's main concern was noise, property values and safety. They stated that there have been several break-ins in the area.

Mr. Crowder spoke in support stating that the buffer will not be disturbed, that what the applicant wants to do is to move the building closer to the setback, but that they will not be clearing any buffer area.

The board members asked what they will do if the variance is not approved; whether there will be additional lighting; will there be a fence and about big truck deliveries. Ms. Hammerton stated that they would rotate where the building is. She stated that with or without the variance they will still grade the area, without disturbing the buffer, so it will either be a building or a gravel area, which is allowed in their current zoning. Mr. Barrett said they will provide additional lighting around the building and the fencing will be around the outside storage area. He stated that their deliveries are maybe two trucks a month and that they are likely 2-ton trucks.

The public hearing was closed.

A motion was made by Mr. Lowman to grant the application as requested with the following stipulation, on the basis that granting the application is necessary for the preservation and enjoyment of a substantial property right of the applicant, and to prevent unreasonable property loss or unnecessary hardship. It was seconded by Mr. Mills. The Motion carried 4-2-0. Mr. Clark and Ms. Kirkpatrick opposed.

Stipulation:

One row of new evergreen trees at a minimum height of 6 ft. and no further apart than 20 (twenty) feet will be planted within the setback/buffer to supplement the existing vegetation and to provide a visual buffer.

A motion was made by Board member Lowman, seconded by Board member Mills, that this matter be Approved as Stipulated. The motion carried by the following vote:

Absent: 1

Vote For: 4

Vote Against: 2

20180024 V2018-04 [VARIANCE] THE WALKER SCHOOL

V2018-04 [VARIANCE] THE WALKER SCHOOL is requesting variances for property zoned OI (Office Institutional), located in Land Lot 1018, District 16, Parcel 0070, 2nd Section, Marietta, Cobb County, Georgia, and being known as 700 Cobb Parkway North. Variance to allow the construction of a 6’ decorative fence with 9’4” tall piers along a public right of way; variance to allow the construction of an 8’ vinyl-coated fence along the Allgood Road frontage; variance to reduce the required setback for fences from 2’ to 0;’ variance to reduce the setback for a freestanding sign from 5’ to 0;’ variance to incorporate a monument sign into a fence; variance to allow signage on a windscreen for a fence. Ward 5B.

A public meeting was held.

Ms. Christie Holman presented a request for a variance to allow the construction of a 6’ decorative fence with 9’4” tall piers along a public right of way; variance to allow the construction of an 8’ vinyl-coated fence along the Allgood Road frontage; variance to reduce the required setback for fences from 2’ to 0;’ variance to reduce the setback for a freestanding sign from 5’ to 0;’ variance to incorporate a monument sign into a fence; variance to allow signage on a windscreen for a fence.

There was no opposition to this variance.

Mr. Lowman asked if they want the name “Walker School” on the windscreen fencing along Allgood Road. Ms. Holman said that they would really like to have the name on the fence, that it would be a nice simple look.

Mr. Lowman asked what the purpose of the logo was and expressed concern over setting a precedent with regards to signage and other businesses in the area. Ms. Holman said it would be more attractive and it would promote their school.

Mr. Clark asked for clarification on the monument sign they are proposing. Ms. Holman said it is stone, similar in style to the sign in front of the school but smaller.

Ms. Kirkpatrick asked what the length and height of the wall will be. Ms. Holman said the height is 8 (eight) feet, so people cannot look into the playground area and that the length will be the entire length of the chain link fence.

The public hearing was closed.

A motion was made by Mr. Clark to grant the application for variances 1 (one) through 5 (five) and deny variance 6 (six), on the basis that it would 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. It was seconded by Mr. Lowman. The Motion carried 6-0-0.

Variances Approved:

1. Variance to allow the construction of a 6 ft. decorative fence with 9 ft. 4 in. tall piers along a public right of way. [§710.04 (D.1)]
2. Variance to allow the construction of an 8 ft. vinyl-coated fence along the Allgood Road frontage. [§710.04 (D.2)]
3. Variance to reduce the required setback for fences from 2 ft. to 0 ft. [§710.04 (D.4)]
4. Variance to reduce the setback for a freestanding sign from 5 ft. to 0 ft. [§714.04 (F)]
5. Variance to incorporate a monument sign into a fence. [§710.04 (F)]

Variance Denied:

6. Variance to allow signage on a windscreen for a fence.

A motion was made by Board member Clark, seconded by Board member Lowman, that this matter be Approved as Stipulated. The motion carried by the following vote:

Absent: 1

Vote For: 6

20180025

V2018-05 [VARIANCE] KELLY MORRISON (ROGER BALKO & DAVID MEYER)

V2018-05 [VARIANCE] KELLY MORRISON (ROGER BALKO & DAVID MEYER) are requesting a variance for property zoned R-1 (Single Family Residential/Agriculture - 1 unit/acre), located in Land Lot 1084, District 16, Parcel 0350, 2nd Section, Marietta, Cobb County, Georgia, and being known as 327 Nelson Street. Variance to increase the allowable height of a fence in the front yard from 4' to 6.' Ward 4A.

A public meeting was held.

Mr. David Meyer presented a request for a variance to increase the allowable height of a fence in the front yard from 4' to 6.'

There was no opposition to this variance.

There were no questions from the board members.

The public hearing was closed.

A motion was made by Mr. Mills to grant the application as requested with the following stipulation, on the basis that it would 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. It was seconded by Mr. Clark. The Motion carried 6-0-0.

Stipulation:

Fence to be wrought-iron like material similar to the example presented.

A motion was made by Board member Mills, seconded by Board member Clark, that this matter be Approved as Stipulated. The motion carried by the following vote:

Absent: 1

Vote For: 6

OTHER BUSINESS:

20180026 Board of Zoning Appeals Rules of Procedure

Review and update of the Board of Zoning Appeals Rules of Procedure.

The Board of Zoning Appeals board members reviewed the latest Rules of Procedure and made recommendations asking staff to return next month with a final document.

Tabled

ADJOURNMENT:

The January 29, 2018 meeting of the Board of Zoning Appeals was adjourned at 6:59PM

BOBBY VAN BUREN, CHAIRMAN

INES EMBLER, SECRETARY