



City of Marietta

205 Lawrence Street
Post Office Box 609
Marietta, Georgia 30061

Meeting Minutes

PLANNING COMMISSION

- Bob Kinney - Chairman*
- Jay Davis, Ward 1*
- Frasure Hunter, Ward 2*
- Boozer McClure, Ward 3*
- Byron "Tee" Anderson, Ward 4*
- Brenda McCrae, Ward 5*
- Stephen Diffley, Ward 7*

Tuesday, February 4, 2020

6:00 PM

City Hall Council Chambers

Present: Bob Kinney, Jay Davis, Frasure Hunter, Boozer McClure, Byron "Tee" Anderson, Brenda McCrae and Stephen Diffley

Staff:

- Rusty Roth, Director, Development Services*
- Shelby Little, Planning & Zoning Manager*
- Jasmine Thornton, Planning & Zoning Administrator*
- Daniel White, City Attorney*
- Ines Embler, Secretary to the Board*

CALL TO ORDER & ROLL CALL:

Chairman Kinney called the February 4, 2020 Planning Commission Meeting to order at 6:00PM.

Daniel White, City Attorney, explained the rules and procedures used in conducting the public hearings.

MINUTES:

20200042 January 7, 2020 Regular Planning Commission Meeting Minutes

Review and Approval of the January 7, 2020 Regular Planning Commission Meeting Minutes.

Mr. Diffley made a motion, seconded by Mr. Davis, to recommend approval of the Planning Commission Work Session and Planning Commission Meeting Minutes as submitted. The motion carried 7-0-0.

A motion was made by Diffley, seconded by Davis, that this matter be Approved and Finalized. The motion carried by the following vote:

Absent: 0
Vote For: 7
Vote Against: 0

REZONINGS AND SPECIAL LAND USE PERMITS:

20191115 Z2020-03 [REZONING] PETER VARLJEN

Z2020-03 [REZONING] PETER VARLJEN is requesting the rezoning of 0.36 acres located in Land Lot 287, District 17, Parcel 0090 of the 2nd Section, Cobb County, Georgia, and being known as 224 West Dixie Avenue from OIT (Office Institution Transitional) to R-4 (Single Family Residential - 4 units/acre). Ward 1A.

File number Z2020-03 was presented by Ms. Little for a request to rezone property known as 224 West Dixie Avenue from OIT (Office Institution Transitional) to R-4 (Single Family Residential - 4 units/acre).

A public hearing was held.

Mr. Peter Varljen is requesting to rezone property known as 224 West Dixie Avenue from OIT (Office Institution Transitional) to R-4 (Single Family Residential - 4 units/acre).

There were several in support and no opposition to this request. Ms. Shea Kenigsmark spoke in support.

Mr. Diffley asked if the garage and storage shed will be removed. Mr. Varljen said they are in the process of turning it into a workroom for parties and activities and a playhouse.

Chairman Kinney asked if this will be their residence and when they expect to finish renovations. Mr. Varljen said it will be his daughter's residence who is currently in medical school and will be doing her residency here. They expect to finish by April.

The public hearing was closed.

Mr. Diffley made a motion, seconded by Mr. Hunter to recommend approval as submitted. The motion carried 7-0-0.

If Council approves the rezoning, the following variance would be incorporated as conditions of zoning:

Variance:

- *Variances to allow the garage to remain in place and as-is. [§708.04 (F)]*

Recommended for Approval

Absent: 0
Vote For: 7
Vote Against: 0

20191202

Z2020-04 [SPECIAL LAND USE PERMIT] TURNER HILL COMMUNITY DEVELOPMENT CORPORATION

Z2020-04 [SPECIAL LAND USE PERMIT] TURNER HILL COMMUNITY DEVELOPMENT CORPORATION is requesting a Special Land Use Permit for 0.299 acres located in Land Lot 1143, District 16, Parcel 0520, 2nd Section, Marietta, Cobb County, Georgia, and being known as 460 Birney Street (aka 462 Birney Street) from R-4 (Single Family Residential - 4 units/acre) to R-4 (Single Family Residential - 4 units/acre) with a special land use permit for a halfway house. Ward 5A.

File number Z2020-04 was presented by Ms. Little for a Special Land Use Permit for a halfway house at property located in Land Lots 1143, District 16, Parcel 0520, 2nd Section, Marietta, Cobb County, Georgia, and being known as 460 Birney Street (aka 462 Birney Street) from R-4 (Single Family Residential - 4 units/acre) to R-4 (Single Family Residential - 4 units/acre)

A public hearing was held.

Ms. Sandra Van is requesting a Special Land Use Permit for a halfway house at property located in Land Lots 1143, District 16, Parcel 0520, 2nd Section, Marietta, Cobb County, Georgia, and being known as 460 Birney Street (aka 462 Birney Street) from R-4 (Single Family Residential - 4 units/acre) to R-4 (Single Family Residential - 4 units/acre)

There was one in support and two in opposition to this request. Mr. John Skelton and Mr. George Hussey spoke in opposition.

Mr. Skelton representing SSH Partners, the owners of property at 448 Birney Street expressed concern over the impact on the value of the property being right by a halfway house. He said that the City's Comprehensive Plan also does not support it.

Chairman Kinney asked what specific problems his client has had with the halfway house. He was unable to cite any specific problems.

Ms. McCrae asked how long his client has owned the property. Mr. Skelton said since 2008. Ms. McCrae pointed out that his client purchased the property after the halfway was already in place as they have been there since 2006.

Mr. Hussey owns rental property at 447 N. Marietta Parkway. He expressed concern over the safety of children living so close to a halfway house.

Chairman Kinney asked what specific problems he has experienced from the halfway house and asked for confirmation that he said his back yard is adjacent and asked if there is a fence. Mr. Hussey said he has not experienced any specific problems with the halfway house or its residents and affirmed that his backyard is adjacent and is fenced.

Mr. Diffley asked if the children use the park on Birney Street and how do they get there. Mr. Hussey said they do and that they walk there. Mr. Diffley asked if it was correct that there are no sidewalks on that street where the children walk to the playground and Mr. Hussey affirmed.

Mr. McClure stated that in 14 years there have been no incidents directly with the halfway house. Mr. Hussey said there have been incidents but that he cannot directly attribute them to the halfway house.

In her rebuttal Ms. Van said that the residents in the house who qualify to live there are non-violent offenders and that any incident in the house would be a matter of public record. She said the criteria is that they have to be out of the house by 8:00AM and they do not return until after 5:00PM. They are required to go to work every day or be out looking for a job.

The public hearing was closed.

Mr. Diffley made a motion, seconded by Ms. McCrae, to recommend approval as stipulated. The motion carried 4-3-0. Mr. Anderson, Mr. Davis and Mr. McClure opposed.

If Council approves the Special Land Use Permit, the following stipulation would be incorporated as conditions of the Special Land Use Permit:

Stipulation:

- *The Special Land Use Permit shall expire if the property is sold.*

Recommended for Approval as Stipulated

Absent: 0
Vote For: 4
Vote Against: 3

ADJOURNMENT:

The February 4, 2020 Planning Commission Meeting adjourned at 6:33PM.

ROBERT W. KINNEY, CHAIRMAN

INES EMBLER, SECRETARY