



# 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*

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Monday, March 25, 2019

6:00 PM

City Hall Council Chambers

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

*Absent: David Hunter and Ronald Clark*

*Staff:*

*Rusty Roth, Director, Development Services*

*Shelby Little, Planning & Zoning Manager*

*Robin Osindele, Urban Planner*

*Gregg Litchfield, City Attorney*

*Ines Embler, Secretary to the Board*

### CALL TO ORDER:

*Chairman Van Buren called the February 25, 2019 meeting of the Board of Zoning Appeals to order at 5:57PM.*

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

### MINUTES:

**20190220 February 25, 2019 Board of Zoning Appeals Meeting Minutes**

**Review and Approval of the February 25, 2019 Board of Zoning Appeals Meeting Minutes.**

*Mr. Lowman made a motion, seconded by Mr. Samples that the January 28, 2019 Board of Zoning Appeals meeting minutes be approved. The Motion carried 5-0-0. Mr. Hunter and Mr. Clark were absent.*

**A motion was made that this matter be Approved and Finalized. The motion carried by the following vote:**

**Absent: 2**

**Vote For: 5**

**VARIANCES:****20190162****V2019-08 [VARIANCE] SERENA E. SACKS**

**V2019-08 [VARIANCE] SERENA E. SACKS is requesting a variance for property zoned R-4 (Single Family Residential - 4 units/acre), located in Land Lot 1287, District 16, Parcel 0350, 2nd Section, Marietta, Cobb County, Georgia, and being known as 290 Grover Street. Variance to allow gravel as an acceptable parking surface. Ward 1A.**

*A public meeting was held.*

*Ms. Serena Sacks and Mr. Larry Sacks presented a request for a variance to allow gravel as an acceptable parking surface.*

*There was no opposition to this request.*

*Chairman Van Buren asked where the French drain that Mr. Sacks stated was installed runs off to. Ms. Sacks said it runs around behind the garage.*

*Chairman Van Buren asked for clarification that they did not do this gravel area for parking. Mr. Sacks affirmed stating that she lives alone and only has one vehicle.*

*Ms. Kirkpatrick also asked if they do not intend to use this space as parking. Mr. Sacks again affirmed but stated that an occasional visitor may possibly park there.*

*Chairman Van Buren asked why did they take the gravel all the way to the street. Mr. Sacks said it was to help with dirt that was coming down the hill.*

*Chairman Van Buren asked if they understand why the city has a problem with the gravel and if they read the City's recommendations. Mr. Sacks said he understood why the city has a problem with the gravel and that he did not read the City's recommendations. Chairman Van Buren explained the City's recommendations. Mr. Sacks stated that he is willing to move the gravel back a couple feet and sod that strip, but they don't want to be under some kind of jurisdiction as to how to landscape the property.*

*Ms. Little asked if there was a reason why they chose slate instead of grass. Mr. Sacks said they chose slate because grass and dirt would not hold and everything was washing away.*

*Ms. Kirkpatrick asked if he would be open to removing gravel ten feet back and putting shrubbery for the purpose of keeping vehicles off. Mr. Sacks opposed stating he was not willing to give up ten feet. Staff explained that those ten feet are actually not his, they are City right of way and that they cannot have gravel on City right of way.*

*Ms. Sacks stated that she does not understand why friends can't park on the gravel because many neighbors around her have gravel parking. Staff explained that those properties are grandfathered and that the City no longer allows gravel parking. Because her property is new, it does not qualify to be grandfathered. It was explained that the City right of way extends twenty feet from the center line.*

*The public hearing was closed.*

*A motion was made by Ms. Kirkpatrick to deny the variance to allow gravel as an acceptable parking surface, but to approve the gravel for drainage purposes with the following stipulations, 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 5-0-0.*

*Stipulations:*

- 1. The gravel will be removed from the right of way, which is twenty (20) feet from the center line of Haley Street and sod to be installed in that place.*
- 2. Installation of low growing ornamental shrubs or a low decorative fence subject to fence regulations along Haley Street and down the western edge of the concrete driveway in order to deter parking but minimize potential site distance issues.*

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

**Absent: 2**

**Vote For: 5**

### **OTHER BUSINESS:**

**20190289**

**Board Attorney**

**According to Section 720.09, consideration by the Marietta Board of Zoning Appeals for attorney services provided by Haynie, Litchfield, Crane, & White.**

*A motion was made by Mr. Lowman to approve the attorney services provided by Haynie, Litchfield, Crane, & White. It was seconded by Ms. Kirkpatrick. The motion carried 5-0-0.*

**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: 2**

**Vote For: 5**

### **ADJOURNMENT:**

*The March 25, 2019 meeting of the Board of Zoning Appeals was adjourned at 6:23PM*

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**BOBBY VAN BUREN, CHAIRMAN**

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**INES EMBLER, SECRETARY**