



# 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, April 29, 2019

6:00 PM

City Hall Council Chambers

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*Present: Bobby Van Buren, Karen Kirkpatrick, J. K. Lowman, David Hunter, Ronald Clark  
and Tom Samples*

*Absent: James Mills*

*Staff:*

*Rusty Roth, Director, Development Services*  
*Jasmine Thornton, Planning & Zoning Administrator*  
*Gregg Litchfield, City Attorney*  
*Ines Embler, Secretary to the Board*

### CALL TO ORDER:

*Chairman Van Buren called the April 29, 2019 meeting of the Board of Zoning Appeals to order at 5:59 PM.*

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

*Chairman Van Buren observed a moment of silence in honor of Mr. James A. Mills, a Board Member whom we just lost.*

### MINUTES:

**20190371      March 25, 2019 Board of Zoning Appeals Meeting Minutes**

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

*Mr. Lowman made a motion, seconded by Mr. Hunter that the March 25, 2019 Board of Zoning Appeals meeting minutes be approved. The Motion carried 6-0-0. Mr. Mills was absent.*

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

**Absent:** 1

**Vote For:** 6

## **VARIANCES:**

### **20190249 V2019-10 [VARIANCE] CYNTHIA W. SAVAGE**

**V2019-10 [VARIANCE] CYNTHIA W. SAVAGE is requesting a variance for property zoned R-2 (Single Family Residential - 2 units/acre), located in Land Lot 1229, District 16, Parcel 0190, 2nd Section, Marietta, Cobb County, Georgia, and being known as 73 Whitlock Drive. Variance to reduce the northern side setback from 10 feet to 6 inches in order to build a carport. Ward 3A.**

*A public meeting was held.*

*Ms. Cynthia Savage presented a request for a variance to reduce the northern side setback from 10 feet to 6 inches in order to build a carport.*

*There was no opposition to this request.*

*Chairman Van Buren asked to see the pictures Mrs. Savage was presenting and she approached the bench.*

*Chairman Van Buren asked if she read the City's recommendations and she said yes.*

*Mr. Lowman stated that one of the City's recommendations was for a five foot setback with tandem parking and asked Mrs. Savage if that would be a problem. Mrs. Savage said parking tandem would present a little bit of a problem because of the roof line and that they probably would end up with a single car garage.*

*The public hearing was closed.*

*A motion was made by Mr. Hunter to approve this application for a five (5) foot setback, which is 50% of the side yard setback rather than the requested six (6) inches 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 Ms. Kirkpatrick. The Motion carried 6-0-0.*

*Variance approved:*

*Variance for a five (5) foot setback, which is 50% of the side yard setback rather than the requested six (6) inches.*

**A motion was made by Board member Hunter, seconded by Board member Kirkpatrick, that this matter be Approved as Stipulated. The motion carried by**

the following vote:

Absent: 1

Vote For: 6

**20190259**

**V2019-11 [VARIANCE] BARBARA L. SVOBODA**

**V2019-11 [VARIANCE] BARBARA L. SVOBODA is requesting a variance for property zoned R-2 (Single Family Residential - 2 units/acre), located in Land Lot 1228, District 16, Parcel 0670, 2nd Section, Marietta, Cobb County, Georgia, and being known as 84 Whitlock Drive. Variance to allow gravel as an acceptable parking surface. Ward 3A.**

*A public meeting was held.*

*Ms. Barbara Svoboda 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 for confirmation that she lay gravel without knowing it was against City rules. Ms. Svoboda affirmed stating that she sees gravel all over her neighborhood so she didn't think it was not acceptable.*

*Chairman Van Buren asked why she didn't extend the gravel to the driveway. Ms. Svoboda said this is a recreation vehicle and is not driven a lot.*

*Mr. Hunter asked if the gravel moves to the street much. Ms. Svoboda said no that it is far enough off the street that it does not present a problem.*

*The public hearing was closed.*

*A motion was made by Mr. Hunter to approve this application 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.*

*Variance approved:*

*Variance to allow gravel as an acceptable parking surface. [§716.08 (B)]*

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

Absent: 1

Vote For: 6

**20190285**

**V2019-12 [VARIANCE] PRIVATA VITA, LLC**

**V2019-12 [VARIANCE] PRIVATA VITA, LLC is requesting a variance for property zoned R-2 (Single Family Residential - 2 units/acre), located in Land Lots**

**922 & 923, District 16, Parcel 0200, 2nd Section, Marietta, Cobb County, Georgia, and being known as 1296 Allgood Road. Request to modify stipulations approved with V2018-43. Ward 6B.**

*A public meeting was held.*

*Mr. Alex Farrington presented a request to modify stipulations approved with V2018-43.*

*There was one (1) in opposition to this request. Mr. David Millarc opposed.*

*Chairman Van Buren asked what the primary issue for turning the driveway was. Mr. Farrington it was the difficulty presented in entering the vehicles into the building.*

*Chairman Van Buren asked for clarification that there are no changes to the building, just setbacks. Mr. Farrington stated he no longer needs the setbacks changed and that he is only requesting to change the driveway entrance from Lincoya Drive to Allgood Road. He said the roadway to the front of the building will be 50 feet.*

*Mr. Samples asked how much was the building cut down in size. Mr. Farrington said it changed by 1000 square feet, so now the building would be 6,000 square feet.*

*Ms. Kirkpatrick asked if he is envisioning the driveway to come straight off of Allgood Road or a circle driveway. Mr. Farrington said it would be a straight drive and again stated that it would be 50 feet from the street so there is plenty of room for a car to turn around.*

*Mr. Samples asked why they not able to bring the slope down on Lincoya Drive. Mr. Farrington said it is 100 feet wide and the total property is 150 feet and there is a lip so over all it would have only given 10 feet to go down 8 feet, so it was not enough distance to have the ramp to go up the building.*

*Mr. David Millarc opposed stating concern over the driveway being off Allgood Road with the amount of traffic that the road currently has. He would be okay if there were deceleration lanes on Allgood Road and feels a circle drive would be better.*

*Ms. Kirkpatrick asked how frequently he would be accessing this garage. Mr. Farrington said he works full time so he would most likely be using the garage on weekends.*

*Ms. Kirkpatrick asked if the driveway will be gated and landscaped. Mr. Farrington said he will ultimately gate it to match the residence, but not at this time. He said there will also be landscape to match the residence.*

*Ms. Kirkpatrick asked about the look of the building and windows. Mr. Farrington said it was the same as previously approved; that the only change was the roof.*

*The public hearing was closed.*

*A motion was made by Chairman Van Buren to approve this application removing stipulation #2 (variance to reduce the front setback from 40 feet to 20 feet in order to build a 6,000 sq. ft. garage) and stipulation #3 (variance to reduce the rear setback from 30 feet to 25 feet (height of the building) in order to build a 6,000 sq. ft. garage) and to modify the previously approved stipulation (V2019-43) to now allow driveway access off Allgood Road 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. Hunter. The Motion carried 6-0-0.*

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

**Absent:** 1

**Vote For:** 6

**20190287**

**V2019-13 [VARIANCE] THE WALKER SCHOOL**

**V2019-13 [VARIANCE] THE WALKER SCHOOL is requesting variances for property zoned OI (Office Institutional), located in Land Lots 1017, 1018, & 1071, District 16, Parcel 0070, 2nd Section, Marietta, Cobb County, Georgia, and being known as 700 Cobb Parkway North. Variance to increase the allowable height for a fence along the front property line from 4 feet to 6 feet; variance to increase the allowable height for columns along the front property line from 4 feet to 7.5 feet. Ward 5B.**

*A public meeting was held.*

*Ms. Christie Holman presented a request for a to increase the allowable height for a fence along the front property line from 4 feet to 6 feet; variance to increase the allowable height for columns along the front property line from 4 feet to 7.5 feet.*

*There was no opposition to this request.*

*Mr. Samples asked if there will be gates at the entrances. Ms. Holman said they would love to but currently the gates are only at the north entrance. She said the gates are manual, not electronic.*

*Chairman Van Buren asked if this is the same fence that is there now. Ms. Holman said it would be the same fencing that was approved in the variance in January of 2018. It would mirror the design of the monument signs that are currently at the school main entrance.*

*Mr. Clark asked if the height of the signs would be the same. Ms. Holman said the heights of the piers is about the height of the sign and the actual fencing is a little lower.*

*Chairman Van Buren asked if it was wood fencing. Ms. Holman said it was decorative stone.*

*Ms. Kirkpatrick asked what the distance from the piers is. Ms. Holman said she believes its around 35 feet and then there's the decorative fencing that would be in between the piers.*

*The public hearing was closed.*

*A motion was made by Mr. Clark to approve the variances 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. Samples. The Motion carried 6-0-0.*

*Variances approved:*

*Variance to increase the allowable height for a fence along the front property line*

*4 feet to 6 feet. [§710.04 (D.1)]*

*Variance to increase the allowable height for columns along the front property line from 4 feet to 7.5 feet. [§710.04 (D.1)]*

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

**Absent:** 1

**Vote For:** 6

**20190291**

**V2019-14 [VARIANCE] COBB COUNTY**

**V2019-14 [VARIANCE] COBB COUNTY is requesting variances for property zoned CRC (Community Retail Commercial), located in Land Lot 260, District 19, Parcels 010, 0190, 0130, and 0140, 2nd Section, Marietta, Cobb County, Georgia, and being known as 1440, 1446, & 1450 Dura Drive and 1497 County Services Parkway. Variance to reduce the side setback along the southern property line from 15 feet to 11 feet; variance to reduce the undisturbed landscape buffer from 40 feet to 20 feet along the southeastern corner of the property; variance to waive the undisturbed landscape buffer along the southern property line; variance to allow metal on the building façade facing the roadway. Ward 2B.**

*A public meeting was held.*

*Mr. Travis Stalcup, Mr. Jeff Brewer and Mr. Earl Smith presented a request for a variance to reduce the side setback along the southern property line from 15 feet to 11 feet; variance to reduce the undisturbed landscape buffer from 40 feet to 20 feet along the southeastern corner of the property; variance to waive the undisturbed landscape buffer along the southern property line; variance to allow metal on the building façade facing the roadway.*

*There were two (2) opposition to this request. Ms. Peggy Waters and Mr. Wayne Cole opposed.*

*Chairman Van Buren asked for clarification as to where the fencing would be located. Mr. Brewer said it would be in the green area of the site plan. It would be a six foot fence with 20 feet of undisturbed supplemental plantings.*

*Chairman Van Buren asked if there were other metal buildings in the area. Mr. Brewer said the driver's license building and the new parks building have metal along the sides.*

*Ms. Waters and Mr. Cole opposed stating concern about the additional traffic by having the exits off of Dura Drive. They would like to see more landscaping and expressed concern over the nearby spring.*

*Mr. Smith said the entire property will be fenced and that the rear drive was required by the Fire Department. He said Dura Drive will be an access drive not to be used by the public or employees. Employees will be using the drive that is to the south of the plan onto the private drive and out to County Services. He said they will comply with all of the tree ordinances and landscape requirements.*

*Dr. Christopher Gullede, Chief Medical Examiner, stated that they currently have 12*

employees and are hoping to grow to 15 or 16. He said because this is a 24/7, 365-day operation that would not be the total number during any particular time.

The public hearing was closed.

A motion was made by Mr. Lowman to approve this application as requested on the basis that exceptional or extraordinary circumstances or conditions are applicable to the development of the site that do not apply generally to sites in the same zoning district. It was seconded by Mr. Clark. The Motion carried 6-0-0.

Variances Approved:

Variance to reduce the side setback along the southern property line from 15 feet to 11 feet. [§708.16 (H)]

Variance to reduce the undisturbed landscape buffer from 40 feet to 20 feet along the southeastern corner of the property. [§708.16 (I)]

Variance to waive the undisturbed landscape buffer along the southern property line. [§708.16 (I)]

Variance to allow metal on the building façade facing the roadway. [§708.16 (G.3)]

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

**Absent:** 1

**Vote For:** 6

## **OTHER BUSINESS:**

### **20190368 Board of Zoning Appeals - Election of Chairman**

#### **Election of Chairman to serve for one year to April 2019.**

Chairman Van Buren, opened the floor for nominations for the position of Chairman for the term of one year to April 2020.

Mr. Lowman nominated Mr. Van Buren for election as Chairman. Hearing no other nominations, the nominations were closed.

Mr. Lowman made a motion to elect Mr. Van Buren, seconded by Ms. Kirkpatrick. The motion carried 5-0-1. Mr. Van Buren Abstained.

**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

**20190369 Board of Zoning Appeals - Election of Vice Chairman**

**Election of Vice Chairman to serve for one year to April 2019.**

*Chairman Van Buren opened the floor for nominations for the position of Vice Chairman for the term of one year to April 2020.*

*Mr. Lowman nominated Ms. Kirkpatrick for election as Vice Chairman. Hearing no other nominations, the nominations were closed.*

*Mr. Lowman made a motion to elect Ms. Kirkpatrick, seconded by Mr. Clark. The motion carried 6-0-0.*

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

Absent: 1

Vote For: 6

**ADJOURNMENT:**

*The April 29, 2019 meeting of the Board of Zoning Appeals was adjourned at 6:55PM*

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**BOBBY VAN BUREN, CHAIRMAN**

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**INES EMBLER, SECRETARY**