



City of Marietta

205 Lawrence Street
Post Office Box 609
Marietta, Georgia 30061

Meeting Minutes

BOARD OF ZONING APPEALS

Bobby Van Buren, Chairman
Karen Kirkpatrick, Vice Chairwoman, Ward 1
J. K. Lowman, Ward 2
Larry Zenoni, Ward 3
David Hunter, Ward 4
Ronald Clark, Ward 5
Tom Samples, Ward 7

Monday, June 24, 2019

6:00 PM

City Hall Council Chambers

Present: Karen Kirkpatrick, Larry Zenoni, David Hunter and Tom Samples

Absent: Bobby Van Buren, J. K. Lowman, Ronald Clark

Staff:

Rusty Roth, Director, Development Services

Shelby Little, Planning & Zoning Manager

Jasmine Thornton, Planning & Zoning Administrator

Gregg Litchfield, City Attorney

Ines Embler, Secretary to the Board

CALL TO ORDER:

Vice Chairwoman Kirkpatrick called the June 24, 2019 meeting of the Board of Zoning Appeals to order at 6:00 PM.

Vice Chairwoman Kirkpatrick explained the rules and procedures used in conducting the public hearings.

MINUTES:

20190567

May 20, 2019 Board of Zoning Appeals Meeting Minutes

Review and Approval of the May 20, 2019 Board of Zoning Appeals Meeting Minutes.

Mr. Samples made a motion, seconded by Mr. Hunter that the May 20, 2019 Board of Zoning Appeals meeting minutes be approved. The Motion carried 4-0-0. Mr. Van Buren, Mr. Lowman and Mr. Clark were absent.

A motion was made by Board member Samples, seconded by Board member

Hunter, that this matter be Approved and Finalized. The motion carried by the following vote:

Absent: 3

Vote For: 4

OTHER BUSINESS:

20190526 Request to waive required waiting period

Request to waive required waiting period for case V2019-16 where no action was taken at the May 20, 2019 meeting.

Mr. Henry Bohn presented a request to waive the required waiting period for case V2019-16 where no action was taken at the May 20, 2019 meeting.

There were no questions from the Board Members.

A motion was made by Mr. Zenoni to waive the required waiting period for case V2019-16 where no action was taken at the May 20, 2019 meeting and to allow the case be heard. It was seconded by Mr. Hunter. The Motion carried 4-0-0.

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

Absent: 3

Vote For: 4

VARIANCES:

20190379 V2019-16 [VARIANCE] ROSWELL STREET PROPERTIES, LLC

V2019-16 [VARIANCE] ROSWELL STREET PROPERTIES, LLC is requesting variances for property zoned CRC (Community Retail Commercial), located in Land Lots 1010 & 1071, District 16, Parcel 0050, 2nd Section, Marietta, Cobb County, Georgia, and being known as 630 Cobb Parkway North. Variance to modify stipulations from V2019-04 to allow the fence at the top of the wall be constructed of chain link with barrier strips or cloth instead of wood. Ward 5B.

A public meeting was held.

Mr. Henry Bohn presented a request for a variance to modify stipulations from V2019-04 to allow the fence at the top of the wall be constructed of chain link with barrier strips or cloth instead of wood.

There was no opposition to this request.

Vice Chairwoman Kirkpatrick asked what color the weathering cloth would be. Mr. Bohn said it would be green.

Mr. Samples noted that the paperwork said the request was for a ten (10) foot fence and asked why he is now requesting eight (8) feet. Mr. Bohn said the eight feet was a suggestion based on the weight of the chain link, he felt it would be easier to install. However, he said if the Board decided on ten (10) feet, he would gladly do the ten (10) feet.

The public hearing was closed.

A motion was made by Vice Chairwoman Kirkpatrick to approve this application with an eight (8) foot tall chain link fence with barrier strips of green cloth, 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 4-0-0.

Variance approved:

1. Variance to modify stipulations from V2019-04 to allow an eight (8) foot tall chain link fence instead of wood, at the top of the wall, with barrier strips of green cloth.

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

Absent: 3

Vote For: 4

20190475

V2019-19 [VARIANCE] COBB COUNTY PROPERTY MANAGEMENT

V2019-19 [VARIANCE] COBB COUNTY PROPERTY MANAGEMENT is requesting a variance for property zoned OI (Office Institutional), located in Land Lots 1159 & 1160, District 16, Parcel 1020, 2nd Section, Marietta, Cobb County, Georgia, and being known as 140 North Marietta Parkway (aka 260 Cherokee Street). Variance to increase the maximum allowable height of a fence from 4' to 6'; variance to reduce the setback for a fence along the right of way from 2' to 0'. Ward 3A.

A public meeting was held.

Mr. Travis Stalcup presented a request for a variance to increase the maximum allowable height of a fence from 4' to 6'; variance to reduce the setback for a fence along the right of way from 2' to 0'.

There was no opposition to this request.

Vice Chairwoman Kirkpatrick asked Mr. Stalcup to describe the type of fence and how far from Cherokee Street would the two gates be. Mr. Stalcup said it was a six (6) foot tall metal ornamental (known as wrought iron) fence with motorized gates and the gates would be fifty

(50) feet of off Cherokee Street.

Vice Chairwoman Kirkpatrick asked if the setback from 2' to 0' was on the west side next to Cherokee. Mr. Stalcup affirmed and said it would be as close to the sidewalk as possible in order to keep people from backing into the fence when they parked.

Vice Chairwoman Kirkpatrick asked if they have received any opposition from the new neighbors across the street on Cherokee Street. Mr. Stalcup said they have not received an opposition.

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. Zenoni. The Motion carried 4-0-0.

Variances approved:

1. Variance to increase the maximum allowable height of a fence from 4' to 6.' [§710.04 (D.1.)]
2. Variance to reduce the setback for a fence from 2' to 0.' [§710.04 (D.1.)]

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

Absent: 3

Vote For: 4

20190480

V2019-20 [VARIANCE] 803, LLC

V2019-20 [VARIANCE] 803, LLC is requesting variances for property zoned R-3 (Single Family Residential - 3 units/acre), located in Land Lots 4 & 5, District 16, Parcel 0130, 2nd Section, Marietta, Cobb County, Georgia, and being known as 803 Chestnut Hill Road. Variance to reduce the front setback from 30' to 23' for Lot 1; variance to reduce the major side setback from 25' to 5' for Lot 1; variance to reduce the minor side setback from 10' to 6' for Lot 1; variance to reduce the minimum lot size for two parcels to be common area. Ward 2B.

A public meeting was held.

Mr. James Maddox and Mr. Jeremy Kinnon presented a request for a variance to reduce the front setback from 30' to 23' for Lot 1; variance to reduce the major side setback from 25' to 5' for Lot 1; variance to reduce the minor side setback from 10' to 6' for Lot 1; variance to reduce the minimum lot size for two parcels to be common area.

There was one (1) in opposition to this request. Ms. Jane Quillen opposed.

Vice Chairwoman Kirkpatrick asked if the variance to reduce the major side setback from 25 feet to 5 feet for lot 1 was at the SW corner of the map provided. Mr. Maddox said that looking at Parcel #1, it would be the Northeast corner of the map and the western side of

that parcel.

Mr. Samples asked why they can't shift the entrance over another 20 feet and how wide is the lot that is not going to be used. Mr. Maddox explained that part of the conditions are to provide adequate space for street trees, so they are unable to move over any further. He said the lot is ten feet wide and it would be maintained by the homeowner's association for this development.

Mr. Zenoni asked if this encroachment was only on the street and not the neighbors and Mr. Maddox affirmed.

Vice Chairwoman Kirkpatrick asked if there was a structure on the lot that was not his and if those trees will provide any privacy. Mr. Maddox said there is a home on that lot and that the trees would provide a buffer.

Vice Chairwoman Kirkpatrick asked him to speak about the storm management area and Mr. Maddox explained satisfactorily.

Mr. Hunter asked where it would drain and if it will affect the property at 942 and surrounding. Mr. Maddox said it will drain toward the west and it would not affect the properties along side it.

Mr. Roth stated that the applicant met with City Engineers and that they worked out the plan that meets with the City's requirements. He said the variances being requested are not pertaining to storm water.

Ms. Quillen stated that she is not necessarily opposed but rather had some questions. She resides at 910 Raleigh Court and is a little concerned about the storm system directly behind her home. Mr. Maddox explained that there will be a tree line along all that area and that they have a full tree replacement plan; they will replace any trees removed according to City Code standard. She showed Ms. Quillen on the map that there will be five trees of buffer directly behind her property.

The public hearing was closed.

A motion was made by Mr. Samples to approve this application as stipulated 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 Vice Chairwoman Kirkpatrick. The Motion carried 4-0-0.

Variances approved:

1. Variance to reduce the front setback from 30 feet to 23 feet for Lot 1. [§708.03 (H.)
2. Variance to reduce the major side setback from 25 feet to 5 feet for Lot 1. [§708.03 (H.)
3. Variance to reduce the minor side setback from 10 feet to 6 feet for Lot 1. [§708.03 (H.)
4. Variance to reduce the minimum lot size for two parcels containing the stormwater management area and neighborhood sign. [§708.03 (H.)

Stipulation:

A mandatory homeowner's association shall be established to maintain neighborhood sign parcel and stormwater management area.

A motion was made by Board member Samples, seconded by Board member

Kirkpatrick, that this matter be Approved as Stipulated. The motion carried by the following vote:

Absent: 3

Vote For: 4

ADJOURNMENT:

The June 24, 2019 meeting of the Board of Zoning Appeals was adjourned at 6:35PM

KAREN KIRKPATRICK, VICE CHAIRWOMAN

INES EMBLER, SECRETARY