



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, July 30, 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
Jasmine Chatman, Planning & Zoning Administrator
Daniel White, City Attorney
Ines Embler, Secretary to the Board

CALL TO ORDER:

Chairman Van Buren called the July 30, 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:

20180804

June 25, 2018 Board of Zoning Appeals Meeting Minutes

Review and Approval of the June 25, 2018 Board of Zoning Appeals Meeting Minutes.

Mr. Mills made a motion, seconded by Mr. Lowman that the June 25, 2018 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 Mills, seconded by Board member

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

Absent: 1
Vote For: 6

VARIANCES:

20180544 V2018-20 [VARIANCE] SABDOS, LLC

V2018-20 [VARIANCE] SABDOS, LLC is requesting variances for properties zoned LI (Light Industrial), located in Land Lot 1138, District 16, Parcel 0470, 2nd Section, Marietta, Cobb County, Georgia, and being known as 413 Wallace Road (aka 403 Wallace Road). Variance to reduce the rear setback from 40 ft to 26 ft; variance to reduce the side setback from 20 ft to 14 ft. Ward 5A.

A public meeting was held.

Mr. Kevin Moore, Esq., for the Applicant presented a request for a variance to reduce the rear setback from 40 ft to 26 ft; variance to reduce the side setback from 20 ft to 14 ft.

There was no opposition to this variance.

Mr. Clark asked if emergency vehicles would have a problem with ingress and egress into the property and Mr. Moore said they would not and pointed to the area in question on the screen showing how they would gain access. Chairman Van Buren commented that he was at the site recently and was unable to get through.

Mr. Clark asked if they would be amenable to adding a sprinkler system to the new building. Mr. Moore said as long as it is required by Code, they would meet all of the Fire Department's requirements.

The public hearing was closed.

A motion was made by Mr. Clark to grant the application as submitted, 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 Clark, seconded by Board member Lowman, that this matter be Approved and Finalized. The motion carried by the following vote:

Absent: 1
Vote For: 6

20180691 V2018-30 [VARIANCE] JAMES C. & TIFFANY N. CABELL

V2018-30 [VARIANCE] JAMES C. & TIFFANY N. CABELL are requesting variances for property zoned R-4 (Single Family Residential - 4 units/acre), located

in Land Lot 1160, District 16, Parcel 0330, 2nd Section, Marietta, Cobb County, Georgia, and being known as 292 Vance Circle. Variance to reduce the setback along the west side property line for an addition from 10' to 2'; variance to reduce the rear setback for an addition from 30' to 2'. Ward 3A.

A public meeting was held.

Mr. Chris Campbell presented a request for a variance to reduce the setback along the west side property line for an addition from 10' to 2'; variance to reduce the rear setback for an addition from 30' to 2'.

There was no opposition to this variance.

Ms. Kirkpatrick asked if he owns lots 18 and 19 and Mr. Campbell said he did.

Chairman Van Buren asked if his designs also address drainage in order that it will not affect the neighbors. Mr. Campbell said they will make sure any drainage concerns are addressed.

The public hearing was closed.

A motion was made by Mr. Mills to grant the application as submitted, 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.

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

Absent: 1

Vote For: 6

20180716

V2018-31 [VARIANCE] FEED MY LAMBS INC (LCM, INC)

V2018-31 [VARIANCE] FEED MY LAMBS INC (LCM, INC) are requesting variances for property zoned OI (Office Institutional), located in Land Lot 1090, District 16, Parcel 0510, 2nd Section, Marietta, Cobb County, Georgia, and being known as 560 North Fairground Street. Variance to reduce the major side yard setback from 25' to 9'. Ward 4B.

A public meeting was held.

Mr. Michael Lassiter presented a request for a variance to reduce the major side yard setback from 25' to 9'.

There was no opposition to this variance.

Mr. Lassiter stated that they would like to change the setback request from 9' to 10' in order to bring the building whole with the existing grandfathered structure. He said they have revised all the drawings to meet with Public Works and Zoning Staff requests.

Chairman Van Buren asked for confirmation that the existing building is 10' and he is now

asking for 10' for the new building. Mr. Lassiter said the existing building varies from 10' to 9 ¾'. He said this particular renovation fits at 11' and he had requested the additional two feet, but after reviewing with staff it was determined that 11' is not needed and that 10' will suffice.

Ms. Kirkpatrick asked if the addition will be brick. Mr. Lassiter said it will match and replicate the existing structure.

Ms. Kirkpatrick asked about the roof line. Mr. Lassiter said it will remain within the confines of the existing roof line.

Ms. Kirkpatrick commented that apparently there have been known drainage issues with this property and the area and requested assurance that the new building will not add any additional drainage issues. Mr. Lassiter affirmed stating that he reviewed all drainage concerns with regards to impervious areas with staff.

The public hearing was closed.

A motion was made by Ms. Kirkpatrick to grant the 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 Mr. Mills. The Motion carried 6-0-0.

Variance Approved:

1. Variance to reduce the major side yard setback from 25' to 10'.

Stipulation:

1. They will keep the same continuous building lines along the southern side of the building.

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: 1

Vote For: 6

20180720

V2018-32 [VARIANCE] JOHN & CAITLIN WATKINS

V2018-32 [VARIANCE] JOHN & CAITLIN WATKINS are requesting variances for property zoned R-3 (Single Family Residential - 3 units/acre), located in Land Lot 1088, District 16, Parcel 0240, 2nd Section, Marietta, Cobb County, Georgia, and being known as 241 Freyer Drive. Variance to reduce the side yard setback for an accessory structure from 10' to 6'; variance to reduce the rear yard setback for an accessory structure from 21' to 10'. Ward 4B.

A public meeting was held.

Mr. John and Mrs. Caitlin Watkins presented a request for a variance to reduce the side yard setback for an accessory structure from 10' to 6'; variance to reduce the rear yard

setback for an accessory structure from 21' to 10'.

There was no opposition to this variance.

Chairman Van Buren asked for confirmation that the height will not change and Mr. Watkins affirmed stating only the depth of the structure will change.

Ms. Kirkpatrick asked what the new depth is and what he plans to side it with. Mr. Watkins said the new depth is 28 feet and that the siding will match the material and paint of the house.

The public hearing was closed.

A motion was made by Mr. Lowman 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 Ms. Kirkpatrick. The Motion carried 6-0-0.

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: 1

Vote For: 6

20180732

V2018-33 [VARIANCE] RACETRAC PETROLEUM INC

V2018-33 [VARIANCE] RACETRAC PETROLEUM INC is requesting a variance for property zoned CRC (Community Retail Commercial), located in Land Lot 1224, District 16, Parcel 0200, 2nd Section, Marietta, Cobb County, Georgia, and being known as 900 Whitlock Avenue. Variance to allow a digital sign within 200 feet of a residentially zoned property. Ward 3A.

Mr. Parks Huff, Esq., for the Applicant presented a request for a variance to allow a digital sign within 200 feet of a residentially zoned property.

There was no opposition to this variance.

Chairman Van Buren asked if RaceTrac is open 24 hours and Mr. Huff said it is.

The public hearing was closed.

A motion was made by Mr. Mills to grant the 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 Mr. Lowman. The Motion carried 6-0-0.

Stipulation:

1. *Digital gas prices on the sign may not be changed more than once per hour.*

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

following vote:

Absent: 1

Vote For: 6

20180772 V2018-36 [VARIANCE] HIG LLC

V2018-36 [VARIANCE] HIG LLC is requesting variances for property zoned LI (Light Industrial), located in Land Lot 710, District 17, Parcel 0100, 2nd Section, Marietta, Cobb County, Georgia, and being known as 1851 Airport Industrial Park Drive. Variance to reduce the front yard setback from 50' to 17'; variance to reduce the required minimum lot size from 1.46 acres to 1.266 acres to operate automobile sales and other businesses. Ward 7A.

A public meeting was held.

Mr. Nabil Hammam presented a request for a variance to reduce the front yard setback from 50' to 17'; variance to reduce the required minimum lot size from 1.46 acres to 1.266 acres to operate automobile sales and other businesses.

There was no opposition to this variance.

Mr. Hamman is withdrawing the variance request to reduce the required minimum lot size from 1.46 acres to 1.266 acres to operate automobile sales and other businesses at this time and is only requesting a variance to reduce the front yard setback from 50' to 17'.

Mr. Samples expressed concern over how many vehicles are on the lot and stated that he was there recently and was unable to get around. He asked how many cars are on the lot and where do employees park. Mr. Hammam said the quantity of cars vary depending on inventory that comes in. He said employees figure out where to park and that they block the entrance at night in order to avoid people from driving into the lot when they are closed.

The board members asked questions pertaining to the planned fencing and type of shop it will be. Mr. Hamman said it would be a general mechanics shop. There will not be any body shop and painting type of activity. He said he plans on installing the fence around the same time the new structure goes up. It will be a combination wood privacy fence and chain link. He said the chain link would be going up the hill and he would add greenery in front.

The board members asked exactly how many vehicles he has in inventory and how many vehicles will fit in the new building. Mr. Hammam said his inventory is around 65 cars, but that they are not all on the premises at the same time. He estimates he currently has around 45 vehicles on the lot. He said 3 vehicles will fit in the new building.

The public hearing was closed.

A motion was made by Mr. Samples to deny the application. It was seconded by Mr. Lowman. The motion tied. Three opposed. Chairman Van Buren, Mr. Mills and Ms. Kirkpatrick opposed.

A second motion was made by Mr. Samples to deny the application. There was no second. The motion failed for lack of a second.

A third motion was made by Mr. Lowman to approve 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 Ms. Kirkpatrick. The Motion carried 5-1-0. Mr. Samples opposed.

Variance Approved:

- 1. Variance to reduce the front yard setback from 50' to 17'*

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: 5

Vote Against: 1

ADJOURNMENT:

The July 30, 2018 meeting of the Board of Zoning Appeals was adjourned at 7:00PM

BOBBY VAN BUREN, CHAIRMAN

INES EMBLER, SECRETARY