



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, August 27, 2018

6:00 PM

City Hall Council Chambers

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

Absent: James Mills

Staff:

Shelby Little, Planning & Zoning Manager

Robin Osindele, Urban Planner

Sarah Hegener, Associate City Attorney

Ines Embler, Secretary to the Board

CALL TO ORDER:

Chairman Van Buren called the August 27, 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:

20180887

July 30, 2018 Board of Zoning Appeals Meeting Minutes

Review and Approval of the July 30, 2018 Board of Zoning Appeals Meeting Minutes.

Mr. Lowman made a motion, seconded by Mr. Samples that the July 30, 2018 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 Samples, that this matter be Approved and Finalized. The motion carried by the following vote:

Absent: 1

Vote For: 6

VARIANCES:

20180815 V2018-37 [VARIANCE] EUGENE & LAUREL KOVACH

V2018-37 [VARIANCE] EUGENE & LAUREL KOVACH are requesting a variance for property zoned R-2 (Single Family Residential - 2 units/acre), located in Land Lot 710, District 17, Parcel 0500, 2nd Section, Marietta, Cobb County, Georgia, and being known as 714 Hampton Place. Variance to reduce the side yard setback along the eastern property line from 10 feet to 1.7 feet for the existing carport. Ward 2B.

A public meeting was held.

Mr. Eugene Kovach presented a request for a variance to reduce the side yard setback along the eastern property line from 10 feet to 1.7 feet for the existing carport.

Mr. Lowman noted that the clause on the builder's contract said he would meet all local codes, but that it did not happen and Mr. Kovach agreed.

Chairman Van Buren asked if it's 1.7 feet over the setback and Mr. Kovach affirmed, stating that is it 1.7 feet from the property line.

Mr. Lowman asked if the adjoining property owner has any problems with this request. Mr. Kovach said no, Mr. Faulker was present and he expressed to his wife and he that he did not have a problem with the carport sitting that close to the property line.

There was one (1) in opposition to this variance. Dr. D. Parker opposed.

Dr. Parker opposed stating that the carport has a second story and that the possibility exists for future people living there. He suggested that the board approve the request with the stipulation that there be no further north additions than the existing carport.

Chairman Van Buren asked Dr. Parker which property is his. Dr. Parker said land parcel 532.

Mr. Lowman asked Mr. Kovach if he would be amenable to Dr. Parker's stipulation request. Mr. Kovach said he was.

Mr. Kovach in his rebuttal stated that the upper floor is strictly for storage, it is not livable space.

Mr. Lowman asked if there is any plumbing or electric and Mr. Kovach said there was not.

The public hearing was closed.

A motion was made by Mr. Lowman to grant the application as stipulated. It was seconded by Mr. Hunter. The Motion carried 6-0-0.

Stipulation:

Any future building on the property will stay within all City codes.

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

Absent: 1

Vote For: 6

20180817

V2018-39 [VARIANCE] CARLY MINICK

V2018-39 [VARIANCE] CARLY MINICK is requesting variances for property zoned R-4 (Single Family Residential - 4 units/acre), located in Land Lot 1146, District 16, Parcel 0010, 2nd Section, Marietta, Cobb County, Georgia, and being known as 444 Campbell Hill Street. Variance to reduce the side yard setback along the northern property line from 10 feet to 5 feet for the existing home; variance reduce the rear setback from 10 feet to 0 feet for the existing accessory structure; variance reduce the side setback from 10 feet to 1 foot for the existing accessory structure. Ward 4B.

A public meeting was held.

Mr. Casey and Mrs. Carly Minick presented a request for a to reduce the side yard setback along the northern property line from 10 feet to 5 feet for the existing home; variance reduce the rear setback from 10 feet to 0 feet for the existing accessory structure; variance reduce the side setback from 10 feet to 1 foot for the existing accessory structure.

There was no opposition to this variance.

Chairman Van Buren asked for clarifications pertaining to setbacks and Mr. Minick answered satisfactorily.

Mr. Robert Gravedoni addressed the Board, stating that they are not opposed to this request but is questioning whether approving the setback for the shed would possibly open up for future owners to build up to that property line. Chairman Van Buren asked Staff for clarification. Ms. Little stated that the code is written in a way that it will only allow the existing structure to remain but not expand.

The public hearing was closed.

A motion was made by Mr. Hunter to approve variances 1, 2 and 3, 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 Hunter, seconded by Board member Samples, that this matter be Approved and Finalized. The motion carried by the following vote:

Absent: 1

Vote For: 6

20180830 V2018-40 [VARIANCE] JAY CHANG

V2018-40 [VARIANCE] JAY CHANG is requesting variances for property zoned LI (Light Industrial), located in Land Lot 858, District 16, Parcel 0390, 2nd Section, Marietta, Cobb County, Georgia, and being known as 121 Bells Ferry Lane. Variance to eliminate the 50’ buffer abutting a residential district; variance to reduce the rear yard setback from 40’ to 36’; variance to reduce the side yard setback from 20’ to 6.’ Ward 5B.

A public meeting was held.

Mr. Jay Chang presented a request for a to eliminate the 50’ buffer abutting a residential district; variance to reduce the rear yard setback from 40’ to 36’; variance to reduce the side yard setback from 20’ to 6.’

There was no opposition to this variance.

Chairman Van Buren asked if he is only building on the existing pad that’s already laid and Mr. Chang affirmed.

Chairman Van Buren asked if he is following all other regulations. Mr. Chang said they have applied for a variance for fire sprinkler from the Fire Marshal; they have received their first denial, but Assistant Chief, Tim Nalley, called him today and gave him three options; he is working with him to meet those codes.

The public hearing was closed.

A motion was made by Mr. Clark to grant the 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.

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

20180836 V2018-43 [VARIANCE] VITA PRIVATA LLC

V2018-43 [VARIANCE] VITA PRIVATA LLC is requesting variances for property zoned R-2 (Single Family Residential - 2 units/acre), located in Land Lot 923, District 16, Parcel 0200, 2nd Section, Marietta, Cobb County, Georgia, and being known as 1290 Allgood Road. Variance to allow an accessory structure to be closer to road than the principal building; variance to reduce the rear setback for an accessory structure greater than 15’ in height; variance to allow the area of an

accessory building's footprint exceed 50% of the principal structure. Ward

A public meeting was held.

Mr. Alex Farrington presented a request for a variance to allow an accessory structure to be closer to road than the principal building; variance to reduce the rear setback for an accessory structure greater than 15' in height; variance to allow the area of an accessory building's footprint exceed 50% of the principal structure.

Chairman Van Buren asked if the garage would be for storage of vehicles only or will there be repairs onsite. Mr. Farrington stated that it is strictly for storage and general maintenance. He said this is a private structure, just for his cars and it will not be a repair shop in any way.

Chairman Van Buren asked if he was aware of the City's recommendations. Mr. Farrington was not aware. Chairman Van Buren read the City's recommendations to him.

Chairman Van Buren asked what the detriment would be if asked to scale back from 6,000 square feet and how many cars will this structure hold. Mr. Farrington said the capacity of putting cars in there. This structure would hold 20 vehicles tightly and 14-15 loosely.

Ms. Kirkpatrick asked what type of construction would it be. Mr. Farrington said it is a metal frame, but it will be sheet rocked inside and brick on the outside along with stucco and the windows as shown so he can match the home as much as possible.

Chairman Van Buren asked if he's aware that he will have to combine the property and if he is familiar with the process. Mr. Farrington affirmed.

Chairman Van Buren asked if he will have a separate driveway for that and Mr. Farrington said he would.

Chairman Van Buren said the recommendation is for six (6) foot privacy fence on the back area. Mr. Farrington said the fence is already there and that he plans on installing Leyland Cypress in that area.

Chairman Van Buren asked about electrical plans and asked if he would be opposed to tying in to the house in order to make it one rather than have its own electrical panel. Mr. Farrington said it would be simple electrical just to plug in a car charger or the like and that it would be up to the electrical company as to how many panels he could have. He said they currently have two electrical points so adding a third would not be a problem for him. Chairman Van Buren asked Staff for clarification. Ms. Little explained that both the Zoning Department and the Building department are recommending that a separate electrical service should not be installed on the building. Mr. Farrington asked if he could tie in to the existing one that's there and Ms. Little said yes. Mr. Farrington was amenable to that recommendation.

Chairman Van Buren asked if he's familiar with the setbacks for the property and Mr. Farrington said he was. Chairman Van Buren asked Staff for clarifications pertaining to setbacks and Ms. Little explained satisfactorily.

There was one (1) opposition to this variance. Mr. Stephen Watts opposed.

Mr. Stephen Watts addressed the Board stating that he is not necessarily opposed to this request as long as Mr. Farrington adds the Leyland Cypress trees along the back as he just stated he would. He expressed concern over the building getting too close to the rear

setbacks. He feels the dimensions of the structure are a little excessive for a garage.

There were further discussions about possibly turning the building so that the driveway would be off Lincoya Drive and all parties were agreeable to possibly turning the building and staying within setbacks.

Mr. Samples asked about the pitch of the building and Mr. Farrington explained satisfactorily.

The public hearing was closed.

A motion was made by Chairman Van Buren 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. Samples. The Motion carried 6-0-0.

Variances Approved:

Variance to allow an accessory structure to be closer to road than the principal building. [§708.02 (F.1)]

Variance to reduce the rear setback for an accessory structure greater than 15' in height. [§708.02 (F.4)]

Variance to allow the area of an accessory building's footprint exceed 50% of the principal structure. [§708.02 (F.5)]

Stipulations:

Properties (1290 & 1296 Allgood Road) must be combined through the exemption plat process (approved and recorded) prior to the issuance of any building permits.

Building driveway to be off of Lincoya Drive.

A six (6) foot privacy fence and two staggered rows of 7'-8' tall evergreen trees must be planted along the rear property line to provide a buffer for the adjacent residences.

Only one electrical service will be allowed for both properties; storage building may not have its own electrical meter.

Building must comply with the setbacks for a primary structure in R-2: Front: 40'; side 10'; major side: 25'; except the rear setback can be no closer than the height of the building.

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

Absent: 1

Vote For: 6

ADJOURNMENT:

The August 27, 2018 meeting of the Board of Zoning Appeals was adjourned at 7:00PM

BOBBY VAN BUREN, CHAIRMAN

INES EMBLER, SECRETARY