



# City of Marietta

205 Lawrence Street  
Post Office Box 609  
Marietta, Georgia 30061

## Meeting Minutes

### BOARD OF ZONING APPEALS

*Bobby Van Buren, Chairman*  
*David Hunter, Vice Chairman, Ward 4*  
*Vacant, Ward 1*  
*J. K. Lowman, Ward 2*  
*Larry Zenoni, Ward 3*  
*Juanita Carmichael, Ward 5*  
*Tom Samples, Ward 7*

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Monday, September 28, 2020

6:00 PM

City Hall Council Chambers

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*Present: Bobby Van Buren, J. K. Lowman, Larry Zenoni, Juanita Carmichael and Tom Samples*

*Absent: David Hunter*

*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 September 28, 2020 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:

**20200764 August 31, 2020 Board of Zoning Appeals Meeting Minutes**

**Review and Approval of the August 31, 2020 Board of Zoning Appeals Meeting Minutes.**

*Mr. Lowman made a motion, seconded by Mr. Samples that the August 31, 2020 Board of Zoning Appeals meeting minutes be approved. The Motion carried 5-0-0. Ward 1 is vacant and Mr. Hunter was absent.*

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

Absent: 1  
Vote For: 5

**VARIANCES:**

**20200685 V2020-32 [VARIANCE] RICK BAIER**

**V2020-32 [VARIANCE] RICK BAIER is requesting a variance for property zoned LI (Light Industrial), located in Land Lot 941, District 16, Parcel 0030, 2nd Section, Marietta, Cobb County, Georgia, and being known as 1263 Cobb Parkway North (aka 1161 Bells Ferry Road). Variance to allow metal siding on the sides of a building facing a roadway. Ward 4B.**

*A public meeting was held.*

*Mr. Brendan Nelson and Mr. Mark Pfeil presented a request for a variance to allow metal siding on the sides of a building facing a roadway.*

*There was no opposition to this request.*

*Chairman Van Buren asked if only the front of the building will have metal. Mr. Nelson said there will also be accents on the corners as well.*

*Mr. Lowman asked if the facility will house overnight patients. Mr. Nelson said no. The facility will only see patients from 8:00AM to 5:00PM with no overnight stays.*

*Mr. Samples asked what the square footage of the building is. Mr. Nelson it is close to 80,000 square feet.*

*The public hearing was closed.*

*A motion was made by Mr. Lowman 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. Samples. The Motion carried 5-0-0.*

*Variance approved:*

- 1. Variance to allow metal siding as an appropriate building material facing a roadway. [§708.16 (G.3)]*

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

Absent: 1  
Vote For: 5

20200686

**V2020-33 [VARIANCE] EDILBERTO VIANA**

**V2020-33 [VARIANCE] EDILBERTO VIANA is requesting a variance for property zoned CRC (Community Retail Commercial), located in Land Lot 507, District 17, Parcel 0030, 2nd Section, Marietta, Cobb County, Georgia, and being known as 628 Cobb Parkway South. Variance to allow auto sales on a lot less than 1 acre. Ward 1A.**

*A public meeting was held.*

*Mr. Edilberto Viana presented a request for a variance to allow auto sales on a lot less than 1 acre.*

*There was no opposition to this request.*

*Chairman Van Buren asked how many cars will fit in the lot and if there will be any repairs or car washing on site. Mr. Viana said 30-35 cars fit on the lot and that there will be no mechanic or bodywork onsite.*

*Chairman Van Buren asked if he is moving the cars from the other lot over to this new lot and what he was doing with the other lot. Mr. Viana affirmed and said the lease expires in November.*

*Chairman Van Buren asked if he read the City's recommendations and if he understood them. Mr. Viana said he did and that he is sure he can fit 30-35 cars. He said he will have a spot for 2 employees as well as spots for customers and a disabled spot.*

*Chairman Van Buren asked how he acquires cars and how he gets them to his location. Mr. Viana said he acquires vehicles at auction and he has a transport company bring them over. Chairman Van Buren expressed concern over a transport delivery offloading and obstructing Cobb Parkway. Mr. Viana said the transport delivers the vehicles to his mechanic and body shop and that he then drives the vehicles over to his location, one at a time.*

*Mr. Lowman asked if a requirement that offloading be somewhere other than this location would be acceptable to him and Mr. Viana said yes.*

*The public hearing was closed.*

*A motion was made by Chairman Van Buren 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 Mrs. Carmichael. The Motion carried 5-0-0.*

*Variance approved:*

- 1. Variance to reduce the minimum lot size required for automobile sales. [§708.16 (B.6.A)]*

*Stipulations:*

- 1. The subject property shall be limited to only one (1) active used car dealership.*
- 2. The use shall not be reestablished after discontinuance for a continuous period of 6 months.*
- 3. Offloading of vehicles will be done at a separate location and not on Cobb Parkway.*

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

Absent: 1

Vote For: 5

**20200695 V2020-34 [VARIANCE] ANDREW POOLE & SHERON JO POOLE**

**V2020-34 [VARIANCE] ANDREW POOLE & SHERON JO POOLE are requesting a variance for property zoned R-2 (Single Family Residential - 2 units/acre), located in Land Lot 1228, District 16, Parcel 0110, 2nd Section, Marietta, Cobb County, Georgia, and being known as 138 Durham Street. Variance to allow gravel as an acceptable parking surface for the existing driveway only. Ward 3A.**

*A public meeting was held.*

*Mr. & Mrs. Andrew and Sheron Jo Poole presented a request for a variance to allow gravel as an acceptable parking surface for the existing driveway only.*

*There was no opposition to this request.*

*Chairman Van Buren asked for clarification on the apron and Mr. Poole explained satisfactorily.*

*Mr. Poole stated that his replacement cost did not exceed more than 50% of the replacement value of the house. Chairman Van Buren asked how he determined the estimated replacement cost of the current house. Mr. Poole said he used the appraisal.*

*Mr. Zenoni asked if the pavers are going to cover the entire width of the gravel. Mr. Poole said it will cover from the mailbox to the drive where it is right now, approximately 12 feet.*

*Mr. Zenoni asked if the thought the pavers would be sufficient to keep the gravel out of the road, expressing concern that the City's concern is for safety to others should gravel spill onto the road. Mr. Poole said the pavers will do the job more than enough because right now there is no gravel on the road.*

*The public hearing was closed.*

*A motion was made by Mr. Zenoni 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 Mr. Samples. The Motion carried 5-0-0.*

*Variance approved:*

- 1. Variance to allow gravel as an acceptable parking surface for the existing driveway only. [§716.08]*

*Stipulation:*

1. *A ten (10) foot apron made of brick pavers will be installed to cover the entire north to south width of the driveway.*

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

**Absent:** 1

**Vote For:** 5

**20200701**

**V2020-35 [VARIANCE] ANDREW & KELLY HAIRETIS**

**V2020-35 [VARIANCE] ANDREW & KELLY HAIRETIS are requesting a variance for property zoned R-2 (Single Family Residential - 2 units/acre), located in Land Lot 1085, District 16, Parcel 0030, 2nd Section, Marietta, Cobb County, Georgia, and being known as 632 Kennesaw Avenue. Variance to reduce the lot width from 100 feet to 82 feet for Tract I and from 100 feet to 74 feet for Tract II. Ward 4A.**

*A public meeting was held.*

*Mr. & Mrs. Andrew and Kelly Hairetis presented a request for a variance to reduce the lot width from 100 feet to 82 feet for Tract I and from 100 feet to 74 feet for Tract II.*

*There was one (1) in opposition to this request. Ms. Cheryl Stiles was not opposed, but did want to state an environmental concern.*

*Ms. Stiles expressed environment concerns over the stream bed that is behind the property and asked for it to be protected.*

*Chairman Van Buren asked Staff if this would affect the stream buffers and Ms. Little said it will not change anything as far as the stream buffers are concerned.*

*Chairman Van Buren asked Mr. Hairetis why he felt that a shared driveway would diminish the value of property. Mr. Hairetis said a shared driveway would require a shared easement and that is not a very common thing on Kennesaw Avenue. They are trying to keep it in line with all the other homes on the street.*

*Mr. Samples asked if he has made any arrangements for the purchase of this lot if this variance gets approved. Mr. Hairetis said that the builder that is going to be buying the additional 1/2 acre lot was present and that he plans on putting a brand new house on it. He said the builder actually owns the property next to that and has been a builder in Marietta for many years.*

*Chairman Van Buren asked if he understood the City's concern over traffic on Kennesaw Avenue. Mr. Hairetis said he did and explained that there will be enough room in the driveway where they can turn the vehicles around in order to exit facing forward.*

*Mr. Zenoni asked if the new builder will be able to put a house there without violating the stream buffers requirements. Mr. Hairetis said he believes so as there is plenty of space there before you reach the stream buffer.*

*The public hearing was closed.*

*A motion was made by Mr. Samples to deny this application. The motion died for lack of a second.*

*A second motion was made by Mr. Zenoni 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 3-2-0. Chairman Van Buren and Mr. Samples opposed.*

*Variance approved:*

- 1. Variance to reduce the lot width from 100 feet to 82 feet for Tract I. [§708.02 (H)]*
- 2. Variance to reduce the lot width from 100 feet to 74 feet for Tract II. [§708.02 (H)]*

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

**Absent:** 1

**Vote For:** 3

**Vote Against:** 2

**20200716**

**V2020-36 [VARIANCE] ALFRED MILLER**

**V2020-36 [VARIANCE] ALFRED MILLER is requesting a variance for property zoned CRC (Community Retail Commercial), located in Land Lot 67, District 17, Parcel 0020, 2nd Section, Marietta, Cobb County, Georgia, and being known as 1137 Powder Springs Street. Variance to allow an animal kennel/clinic within 100 feet of residentially zoned property. Ward 2B.**

*A public meeting was held.*

*Mr. Alfred Miller presented a request for a variance to allow an animal kennel/clinic within 100 feet of residentially zoned property.*

*There was no opposition to this request.*

*Chairman Van Buren asked Mr. Miller what his plans for the facility are. Mr. Miller said this is going to be a kennel and that he will be keeping dogs on site.*

*Chairman Van Buren asked if all of the animals are housed indoors and if they will be going outside for any reason. Mr. Miller said they will be strictly indoors but that there is a small space outside that they are considering using in the future.*

*Chairman Van Buren asked Staff if using the outdoor area in the future will require additional variances. Ms. Little said it is likely.*

*Mr. Zenoni asked how big the unit was; how big the kennels will be and if he is only housing dogs. Mr. Miller said the unit is around 5000 square feet; he does not know the kennels dimensions yet and affirmed that is he only housing dogs.*

*Mrs. Carmichael asked if this was the type of kennel where people can drop off their dogs. Mr. Miller said yes, it will be a boarding facility.*

*The public hearing was closed.*

*A motion was made by Mr. Lowman 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. Samples. The Motion carried 4-1-0. Mrs. Carmichael opposed.*

*Variance approved:*

- 1. Variance to allow an animal kennel clinic within 100 feet of residentially zoned property. [§708.16 (B.3)]*

**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: 4**

**Vote Against: 1**

**ADJOURNMENT:**

*The September 28, 2020 meeting of the Board of Zoning Appeals was adjourned at 6:46PM*

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**BOBBY VAN BUREN, CHAIRMAN**

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**INES EMBLER, SECRETARY**