



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, October 29, 2018

6:00 PM

City Hall Council Chambers

Present: Bobby Van Buren, James Mills, Karen Kirkpatrick, David Hunter and Tom Samples

Absent: Ronald Clark and J. K. Lowman

Staff:

Rusty Roth, Director, Development Services
Shelby Little, Planning & Zoning Manager
Jasmine Thornton, Planning & Zoning Administrator
Gregg Litchfield
Ines Emblar, Secretary to the Board

CALL TO ORDER:

Chairman Van Buren called the October 29, 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:

20181111

September 24, 2018 Board of Zoning Appeals Meeting Minutes

Review and Approval of the September 24, 2018 Board of Zoning Appeals Meeting Minutes.

Ms. Kirkpatrick made a motion, seconded by Mr. Samples that the September 24, 2018 Board of Zoning Appeals meeting minutes be approved. The Motion carried 5-0-0. Mr. Clark and Mr. Lowman were absent.

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

Absent: 2

Vote For: 5

VARIANCES:

20181029 V2018-48 [VARIANCE] BERIT & GEORGE BAKER

V2018-48 [VARIANCE] BERIT & GEORGE BAKER are requesting a variance for property zoned R-3 (Single Family Residential - 3 units/acre), located in Land Lot 1073, District 16, Parcel 0590, 2nd Section, Marietta, Cobb County, Georgia, and being known as 226 Sequoia Drive. Variance to reduce the side setback for an accessory structure from 10 feet to 3 feet. Ward 4B.

A public meeting was held.

Mr. George Drayton, for the applicant, presented a request for a variance to reduce the side setback for an accessory structure from 10 feet to 3 feet.

There was no opposition to this variance.

Chairman Van Buren asked if the structure will remain one level. Mr. Drayton affirmed stating the structure is a two-car carport.

Chairman Van Buren asked if they have spoken to the neighbors about their plans. Mr. Drayton said they have the variance signs up and that the neighbor to the left is 105 years old; he has been their neighbor for 50 plus years and have never had any opposition. The other neighbors all around there a new and they had a get together several weekends ago and they were all very supportive.

The public hearing was closed.

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

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: 2

Vote For: 5

20181042 V2018-49 [VARIANCE] DATASITE ATLANTA

V2018-49 [VARIANCE] DATASITE ATLANTA is requesting a variance for property zoned CRC (Community Retail Commercial), located in Land Lot 798,

District 17, Parcel 0070, 2nd Section, Marietta, Cobb County, Georgia, and being known as 1130 Powers Ferry Place. Variance to allow an 8-foot fence within the front yard. Ward 6A.

A public meeting was held.

Mr. Ryan Murphy presented a request for a to allow an 8-foot fence within the front yard.

There was no opposition to this variance.

Chairman Van Buren asked if the variance was only for gates at two sections and no fence. Mr. Murphy said it was for three gates only.

Chairman Van Buren asked if they are 8 feet now. Mr. Murphy clarified that they are not yet installed; they are looking to replace them with an 8-foot gate.

The public hearing was closed.

A motion was made by Chairman Van Buren 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. Hunter. The Motion carried 5-0-0.

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

Absent: 2

Vote For: 5

20181045

V2018-50 [VARIANCE] K-9 COACH, LLC (MARK NELKIN)

V2018-50 [VARIANCE] K-9 COACH, LLC (MARK NELKIN) are requesting variances for property zoned CRC (Community Retail Commercial), located in Land Lot 1170, District 16, Parcel 0030, 2nd Section, Marietta, Cobb County, Georgia, and being known as 1765 Roswell Road. Variance to allow an animal kennel within 100 feet of a property zoned residential; variance to waive the requirement that all animals shall be located within an enclosed building; variance to increase the allowable fence height from 8 feet to 10 feet. Ward 5A.

A public meeting was held.

Mr. Jarrette Burckhalter presented a request for a variance to allow an animal kennel within 100 feet of a property zoned residential; variance to waive the requirement that all animals shall be located within an enclosed building; variance to increase the allowable fence height from 8 feet to 10 feet.

In his statement to the Board Mr. Burckhalter said that he checked with the apartments behind his property and they informed him that they allow dogs of all sizes, up to 3 per unit. He said all animals sleep inside in individual suites and that during the day, all outside activity is supervised.

There was no opposition to this variance.

Chairman Van Buren asked for clarification as to the height of the fence being 8 feet. Mr. Burckhalter said the 8-foot height is just proposed. They have no objection to any particular height.

Mr. Hunter asked how many dogs are kept at one time. Mr. Burckhalter said they don't know specifically. He said the Vinings location which is similar in size has about 80 dogs.

Chairman Van Buren asked how many dogs play outside at one time? Mr. Burckhalter said around 10-12 Monday through Friday and on Saturday there may be up to 20 dogs in a play group, but they wouldn't all necessarily be outside at one time and they will always be supervised.

Mr. Samples asked if they are putting an indoor pool at this location. Mr. Burckhalter they are not certain yet but that it would not be in inground pool; they are splash pools.

Mr. Hunter asked what the square foot of the area in the back is. It was determined that it was roughly 600 square feet.

Ms. Kirkpatrick asked how they manage waste containment. Mr. Burckhalter said they pick up in 5 mil trash bags, double sealed and then disposed of immediately.

Mr. Mills expressed concern over possible odor because it is very close to a residential area. Mr. Burckhalter said they will have K9 Turf installed, which is specially designed for K9 facilities. It is anti-microbial, anti-bacterial and it is designed so that you can easily clean it up. They will be cleaned throughout the day and disinfected.

The public hearing was closed.

A motion was made by Mr. Mills to approve all three variances with the stipulation that no dogs shall use the outdoor play yard unattended. All dogs using the outdoor play yard must be supervised by a staff person. Granting the application is necessary for the preservation and enjoyment of a substantial property right of the applicant, and to prevent unreasonable property loss or unnecessary hardship. It was seconded by Mr. Hunter. The Motion carried 5-0-0.

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

Absent: 2

Vote For: 5

ADJOURNMENT:

The October 29, 2018 meeting of the Board of Zoning Appeals was adjourned at 6:22PM

BOBBY VAN BUREN, CHAIRMAN

INES EMBLER, SECRETARY