



# City of Marietta

205 Lawrence Street  
Post Office Box 609  
Marietta, Georgia 30061

## Meeting Minutes BOARD OF ZONING APPEALS

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

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**Monday, January 31, 2022**

**6:00 PM**

**City Hall Council Chambers**

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*Present: Bobby Van Buren, Larry Zenoni, Craig Smith, and Juanita Carmichael*

*Absent: J.K. Lowman, David Hunter*

*Staff: Shelby Little, Planning & Zoning Manager*  
*Gregg Litchfield, City Attorney*  
*Lisa Rajabnik, Secretary to the Board*

### CALL TO ORDER:

*Chairman Van Buren called the January 31, 2022 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:

**20220072      November 29, 2021 Board of Zoning Appeals Meeting Minutes**

*Review and approval of the November 29, 2021 Board of Zoning Appeals Work Session and Meeting Minutes.*

*Mr. Smith made motion, seconded by Ms. Carmichael, to approve the*

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*November 29, 2021 Board of Zoning Appeals Work Session and Meeting Minutes. The Motion carried 4-0-0.*

**Approved and Finalized**

**Absent:** 2

**Vote For:** 4

**VARIANCES:**

**20210944 V2021-38 [VARIANCE] KHALAMI, LLC**

**V2021-38 [VARIANCE] KHALAMI, LLC** is requesting a variance for property zoned CRC (Community Retail Commercial), located in Land Lot 1279, District 16, Parcel 0970, 2nd Section, Marietta, Cobb County, Georgia, and being known as 244 Powers Ferry Road. Variance to reduce the minimum lot size required for automobile sales from 1 acre to 0.24 acre. Ward 7A.

*Shelby Little presented case V2021-31.*

*A public meeting was held.*

*Mr. Khalil presented a variance request to reduce the minimum lot size required for automobile sales from 1 acre to 0.24 acre.*

*Chairman Van Buren asked for clarification as to the maximum number and duration of stay for the vehicles. Mr. Khalil said no more than the requested 20 cars, and for a duration of no longer than 30 days.*

*Chairman Van Buren asked if Mr. Khalil had reviewed the Staff recommendations. Mr. Khalil stated that changes had been made to accommodate staff recommendations including planting of trees. Shelby Little stated that trees had been planted however they were not in compliance with the perimeters of the Code requiring a 3" caliper trunk size. Mr. Khalil acknowledged that since planting the trees they have been made aware that the trees do not meet the requirements of the code.*

*There was discussion regarding staff recommendations, impervious surface conditions and the specifics of the intended number of cars to be located on the property.*

*Mr. Khalil responded satisfactorily.*

*There was one (1) present in opposition to the request. Mr. Donald Barth opposed.*

*Mr. Barth, neighbor, stated that a variance should only be allowed in the case of a hardship and not for the purpose of providing exception to existing codes. Mr. Barth expressed concern that the increase in business in the area is causing significant watershed, flooding, and traffic issues. Mr. Barth requested that consideration be made for the residents in the neighborhood and for the negative effect on property values as a result of accommodating too much business to the area.*

*Mr. Khalil responded that in his opinion the approval of the requested variance should not add to the grievances of the neighbors in the area.*

*Vice Chairman Zenoni stated that the property in zoned CRC.*

*Chairman Van Buren suggested that the case be tabled to allow Mr. Kahlil to consult with engineering and obtain an approved stormwater drainage plan. Additionally, Chairman Van Buren suggested that more information be obtained regarding specific impervious surface conditions for the property before a final decision be made.*

*The public hearing was closed.*

*A motion was made by Vice Chairman Zenoni, seconded by Ms. Carmichael, to table this request until the applicant can provide additional information and to waive the re-advertising fee. The Motion carried 4-0-0.*

**Tabled**

**Absent: 2**

**Vote For: 4**

**20210971**

**V2021-42 [VARIANCE] ALL 4 SEASON’S 24/7 LLC**

**V2021-42 [VARIANCE] ALL 4 SEASON’S 24/7 LLC** is requesting a variance for property zoned R-2 (Single Family Residential - 2 units/acre), located in Land Lot 1242, District 16, Parcel 0330, 2nd Section, Marietta, Cobb County, Georgia, and being known as 184 Powers Ferry Road. Variance to increase the allowable height of a fence within the front yard setback from 4’ to 8.’ Ward 7A.

*Shelby Little presented case V2021-42.*

*A public meeting was held.*

*Tom Mitchell is requesting a variance to increase the allowable height of a fence within the front yard setback from 4’ to 8’.*

*The Board asked questions regarding the application and Mr. Mitchell answered satisfactorily.*

*There was one (1) present in opposition to the request. Mr. Donald Barth opposed.*

*Mr. Donald Barth, neighbor, expressed concerns that the 8' fence was an intentional attempt to conceal activity within the property which involved the storage of vast numbers of Portable Sanitation Units.*

*He requested that the fence allowance be reduced to 6' instead of 8'.*

*The public hearing was closed.*

*The Board discussed an acceptable fence height and confirmed that 6' was agreeable.*

*A motion was made by Vice Chairman Zenoni, seconded by Mr. Smith, to approve a variance to increase the allowable height of the fence within the front yard setback from 4' to 6'. The motion carried 4-0-0.*

**Approved and Finalized**

**Absent:** 2

**Vote For:** 4

**20211159**

**V2022-01 [VARIANCE] DANIEL & KAREN HILL**

**22-01 [VARIANCE] DANIEL & KAREN HILL** are requesting variances for property zoned R-4 (Single Family Residential - 4 units/acre), located in Land Lot 1288, District 16, Parcel 0430, 2nd Section, Marietta, Cobb County, Georgia, and being known as 403 Alexander Circle. Variance to allow the height of an accessory dwelling unit to exceed that of the principal building, variance to allow the area of the accessory dwelling unit's footprint to exceed 50% that of the principal structure, variance to reduce the western side setback from 10 feet to 7 feet for an accessory dwelling unit, variance to reduce the western side setback from 10 feet to 5.5 feet for the existing principal structure and proposed addition to the principal structure, variance to reduce the eastern side setback for an open carport from 5 feet to 2 feet. Ward 1A.

*Shelby Little presented case V2022-01.*

*A public hearing was held.*

*Mr. Daniel Hill & Mrs. Karen Hill are requesting five (5) variances.*

*The Board asked questions regarding the application and Mr. and Mrs. Hill responded satisfactorily.*

*Chairman Van Buren asked why the original approved variance had been allowed to lapse.*

*Mr. Hill responded that personal circumstance and Covid prevented work to progress as originally planned.*

*Chairman Van Buren asked for comment from the Hills regarding opposition to the application. Mr. Hill said that he believed that opposition stemmed from removing dead trees and conducting clean up. The clean up coincided with a season of exceptional rainfall which caused significant run off and flooding for all neighbors in the area.*

*The Board presented questions regarding specifics of the proposed plans and changes to codes since the original application.*

*There was review and discussion of the variances included in the application.*

*Mr. and Mrs. Hill responding to questions satisfactorily.*

*Chairman Van Buren asked for any opposition. There was no opposition represented.*

*The public hearing was closed.*

*A motion was made by Mr. Smith, seconded by Vice Chairman Zenoni, to approve the following variance request:*

*Variance to allow the height of an accessory dwelling unit to exceed that of the principal building. [§708.04 (C.1.e)]*

*Variance to allow the area of the accessory dwelling unit's footprint to exceed 50% that of the principal structure. [§708.04 (C.1.f)]*

*Variance to reduce the western side setback from 10 feet to 5.5 feet for the existing principal structure and proposed addition to the principal structure. [§708.04 (H)]*

*Variance to reduce the eastern side setback for an open carport from 5 feet to 2 feet. [§708.04 (H)]*

*And, to deny the following variance request:*

*Variance to reduce the western side setback from 10 feet to 7 feet for an accessor dwelling unit. [§708.04 (C.1.a)]*

*The motion carried 4-0-0.*

**Approved as Stipulated**

**Absent: 2**

**Vote For: 4**

20211160

**V2022-02 [VARIANCE] WIGLEY PROPERTIES, LLC. (Linda W. Turner)**

**V2022-02 [VARIANCE] Wigley Properties LLC.** is requesting a variance for property zoned CRC (Community Retail Commercial), located in Land Lot 1215, District 16, Parcel 0430, 2nd Section, Marietta, Cobb County, Georgia, and being known as 549 Washington Avenue (aka 75 Black Street). Variance to increase the allowable height of a fence in the front yard from 4' to 5.5'. Ward 5A.

*Shelby Little presented case V2022-02.*

*A public hearing was held.*

*Linda Turner, representing Wigley Properties LLC., is requesting a variance to increase the allowable height of a fence in the front yard from 4' to 5.5'.*

*The Board asked questions regarding the application and Ms. Turner responded satisfactorily.*

*Chairman Van Buren asked for any opposition. There was no opposition represented.*

*The public hearing was closed.*

*A motion was made by Ms. Carmichael, seconded by Vice Chairman Zenoni, to approve the variance to increase the allowable height of a fence in the front yard from 4' to 5.5'. The motion carried 4-0-0.*

**Approved and Finalized**

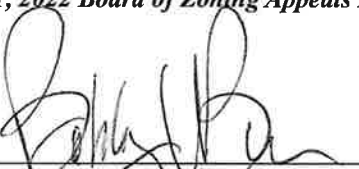
**Absent:** 2


**Vote For:** 4

**OTHER BUSINESS:**

**ADJOURNMENT:**

*The January 31, 2022 Board of Zoning Appeals Meeting adjourned at 7:25PM.*

  
**BOBBY VAN BUREN, CHAIRMAN**

  
**LISA RAJABNIK, SECRETARY**