



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

Monday, March 28, 2022

6:00 PM

City Hall Council Chambers

Present: Bobby Van Buren, Larry Zenoni, Craig Smith, Juanita Carmichael, J. K. Lowman

Absent: David Hunter

Staff: Shelby Little, Planning and Zoning Manager; Rusty Roth, Director of Development Services; Sarah Ciccone, Planning and Zoning Administrator; Gregg Litchfield, City Attorney; Lisa Rajabnik, Planning & Zoning Coordinator.

CALL TO ORDER:

Chairman Van Buren called the Monday, March 28, 2022, Board of Zoning Appeals regular meeting to order at 6:00PM.

MINUTES:

20220283 **Monday, February 28, 2022, Board of Zoning Appeals Work Session, and Meeting Minutes**

Approval of the February 28, 2022, Board of Zoning Appeals Work Session, and Meeting Minutes.

Mr. Zenoni made a motion, seconded by Ms. Carmichael, to approve the February 28, 2022 Work Session and Meeting Minutes.

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

Absent: 1

Vote For: 5

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; variance to reduce the buffer adjacent to residential from 40' to 0.' Ward 7A.

Ms. Little presented case V2022-38 and a public hearing was held.

Mr. Khalil (Owner) presented the request.

Mr. Khalil stated that the Board's request from the January BZA hearing for further engineering data regarding storm water management would not be available until after April 27, 2022, and that at this time he was not prepared to further the variance request. He offered that he hoped to be prepared with the requested information at the end of May 2022, which would place the request for consideration again on the BZA's June agenda.

Mr. Van Buren asked if Mr. Khalil intended to continue operations. Mr. Khalil confirmed that his intention was to continue operating the business as normal.

Mr. Roth brought to the Board's attention that the owners current operating license did not allow cars on site and that tabling the application would halt Code Enforcement proceedings while Mr. Khalil continued operations.

Ms. Little suggested the staff's recommendation to reduce the paving to less than 5000 ft to bring the property within current regulations. Mr. Khalil responded that he did not consider reducing the paving a viable option.

Chairman Van Buren asked for any opposition comments.

Mr. Barth (Resident) presented his statements in opposition and requested the board deny the request based on existing criteria that an auto sales business be no less than one acre in size.

Mr. Remillard (Resident) presented his comments in opposition and asked the board to consider its position on approving variances for auto lots smaller than the required one acre minimum.

The public hearing was closed.

The Board discussed the request and reiterated the considerations.

A motion was made by Mr. Zenoni and seconded by Mr. Smith to deny the requested variance. The motion carried 5-0-0.

Denied

Absent: 1

Vote For: 5

20220154

V2022-05 [VARIANCE] RAMAIAH RANI YEMMELA

V2022-05 [VARIANCE] RAMAIAH RANI YEMMELA is requesting a variance for property zoned R-2 (Single Family Residential - 2 units/acre), located in Land Lot 879, District 16, Parcel 0040, 2nd Section, Marietta, Cobb County, Georgia, and being known as 1380 Allgood Road. Variance to increase the allowable height of an existing fence in the front yard from 4’ to 6’; variance to increase the allowable height of an existing fence in the rear yard of a double frontage lot from 6’ to 8’; variance to reduce the setback for a fence from 2’ to 0.’ Ward 6B.

Ms. Little presented case V2022-05 and clarified that variances #2 and #3 were no longer necessary and would not be part of the request. A public hearing was held.

Ramaiha Rani Yemmela (Owner) and her husband presented the request.

Chairman Van Buren reiterated that the item for consideration would be limited to variance request #1, to increase the allowable height of an existing fence in the front yard from 4’ to 6’ as variances #2 and #3 were no longer necessary items for consideration.

Chairman Van Buren asked for any opposition comments.

Ms. Weise (Resident of Brentwood Park) presented her comments in opposition to allowing a 6ft fence at the front of the property and requested the board uphold the existing regulations without exception.

The public hearing was closed.

The Board discussed the request.

Denied

Absent: 1

Vote For: 5

20220171

V2022-06 [VARIANCE] SILVIO S. GOMES

V2022-06 [VARIANCE] SILVIO S. GOMES is requesting a variance for property zoned CRC (Community Retail Commercial), located in Land Lot 1242,

District 16, Parcel 0870, 2nd Section, Marietta, Cobb County, Georgia, and being known as 126 Hamby Road. Variance to reduce the minimum lot size in CRC from 20,000 sf to 11,106 sf; variance to reduce the rear setback from 35' to 29'; variance to reduce the major side setback from 25' to 24'; variance to reduce the required parking for office/car repair uses from 9 to 6 spaces; variance to reduce the dimensions of parking spaces from 9' wide by 20' deep, to 9' wide by 18' deep; variance to reduce the dimension of interior drives from 20' to 10.' Ward 7A.

Ms. Little presented case V2022-06 and a public hearing was held.

Silvio S. Gomes (Owner) presented the request and answered questions from the board. Chairman Van Buren asked for any opposition comments.

Mr. Barth (Resident) presented his opposition to the planned development because of the lot being too small and requested the board make consideration to the aesthetic of the area and acknowledge potential traffic problems.

Mr. Remillard (Resident) agreed to opposition comments made by Mr. Barth.

The public hearing was closed.

The Board discussed the request.

A motion was made by Mr. Lowman to approve the request for variance 1 (one) on the basis that it would not be detrimental or injurious to property improvements in the vicinity of the development site, or to public health, safety or general welfare; and, to deny variances 2 (two) through 6 (six). The motion was seconded by Mr. Zenoni. The motion carried 5-0-0.

Variance approved:

1) Variance to reduce the minimum lot size in CRC from 20,000 sf to 11,106 sf.

Variances denied:

2) Variance to reduce the rear setback from 35' to 29';

3) Variance to reduce the major side setback from 25' to 24';

4) Variance to reduce the required parking for office/car repair uses from 9 to 6 spaces;

5) Variance to reduce the dimensions of parking spaces from 9' wide by 20' deep, to 9' wide by 18' deep;

6) Variance to reduce the dimension of interior drives from 20' to 10.'

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

Absent: 1

Vote For: 5

OTHER BUSINESS:

ADJOURNMENT:

The March 28, 2022, meeting of the Board of Zoning Appeals was adjourned at 6:49PM.

BOBBY VAN BUREN, CHAIRMAN

LISA RAJABNIK, SECRETARY