



City of Marietta

205 Lawrence Street
Post Office Box 609
Marietta, Georgia 30061

Meeting Minutes

BOARD OF ZONING APPEALS

- Bobby Van Buren, Chairman*
- Rosser Southerland, Ward 1*
- Walter Walker, Ward 2*
- Mark Maloney, Ward 3*
- David Hunter, Ward 4*
- Juanita Carmichael, Ward 5*
- Donald Barth, Ward 7*

Monday, April 24, 2023

6:00 PM

City Hall Council Chambers

Present : Bobby Van Buren, Rosser Southerland, Walter Walker, Mark Maloney, David Hunter, Juanita Carmichael, Donald Barth

Staff: Shelby Little, Planning and Zoning Manager;
Sarah Ciccone, Planning & Zoning Administrator
Lisa Rajabnik, Planning and Zoning Coordinator
Greg Litchfield, City Attorney

CALL TO ORDER:

Chairman Van Buren called the Monday, April 24, 2023, Board of Zoning Appeals Regular Meeting to order at 6:00PM.

Chairman Van Buren explained the rules and procedures used in conducting public hearings.

MINUTES:

20230332 Monday, March 27, 2023 Board of Zoning Appeals Work Session and Regular Meeting Minutes

Approval of the March 27, 2023, Board of Zoning Appeals Work Session, and Meeting Minutes.

Mr. Maloney made a motion, seconded by Ms. Carmichael, to approve the March 27, 2023, Work Session, and Regular Meeting Minutes. The motion carried with a vote of 6-0-1. Mr. Walker abstained.

Approved and Finalized

Absent: 0
Vote For: 6
Abstain: 1

VARIANCES:**20230229 V2023-06 [VARIANCE] ALLY REALTY, LLC.**

V2023-06 [VARIANCE] ALLY REALTY, LLC. is requesting a variance for property zoned CRC (Community Retail Commercial) located in Land Lot 581, District 17, Parcel 0040, 2nd Section, Marietta, Cobb County, Georgia, and being known as 1049 Cobb Parkway South. Variance to disturb and reduce the buffer from 40' to 30.' Ward 1A.

Ms. Little presented variance request V2023-06.

A public hearing was held.

Mr. Alex Nash represented the request. He explained the constraints of the site and reasons for the requested variance. In response to staff recommendation, Mr. Nash suggested an amended request to allow temporary encroachment into the required 40 ft buffer during development to be restored upon completion.

The Board Members, Mr. Nash and Staff discussed the proposed amendment to the request.

With no opposition to or support for the request, the public hearing was closed.

Mr. Southerland made a motion, seconded by Mr. Maloney, to approve the amended variance allowing up to 16ft of temporary disturbance within the 40 ft buffer for the purpose of development, to be restored and fully replanted to 40ft when development is complete as granting the application will 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. The approved variance, as stated, is contingent to the prior combining of lots to meet the 2-acre minimum lot size for automobile sales businesses. The vote carried 7-0-0.

Approved Variance as amended:

- 1) Variance allowing up to 16ft of temporary disturbance within the 40 ft buffer for the purpose of development, to be restored and fully replanted when development is complete.*

Stipulation:

- 1) Approved variance is contingent to the prior combining of lots to meet the 2-acre minimum lot size for automobile sales businesses.*

Approved as Stipulated**Absent:** 0**Vote For:** 7**20230266****V2023-08 [VARIANCE] KHEHRA INVESTMENTS, LLC.**

V2023-08 [VARIANCE] KHEHRA INVESTMENTS, LLC. is requesting variances for property zoned CRC (Community Retail Commercial) located in Land Lot 1071, District 16, Parcel 0330, 2nd Section, Marietta, Cobb County, Georgia, and being known as 611 Cobb Parkway North. Variance to reduce the front setback from 40' to 20'; variance to reduce the side setback from 15' to 10'; variance to eliminate the 35' rear setback; variance to allow a building to lie within 40' buffer. Ward 5B.

Ms. Little presented variance request V2023-08.

A public hearing was held.

Mr. Jerry Johnson, Perspective Engineering, represented the request and explained the plans and the incorporated proposed revisions to include staff recommendations. He confirmed that a Knox Box would be installed at the gated rear driveway for emergency services. He added that a 6ft fence to the rear of the building would be an agreeable addition.

With no opposition to or support for the request, the public hearing was closed.

Ms. Carmichael made a motion, seconded by Mr. Barth, to approve the request as stipulated on the basis that 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. The vote carried 7-0-0.

Variances Approved:

- 1. *Variance to reduce the front setback from 40 ft. to 20 ft. [§708.16 (H)]*
- 2. *Variance to reduce the side setback from 15 ft. to 10 ft. [§708.16 (H)]*
- 3. *Variance to eliminate the 35 ft. rear setback [§708.16 (H)]*
- 4. *Variance to allow a building to lie within 40 ft. buffer. [§708.16 (I)]*

The following stipulations would be incorporated as conditions of approval.

- 1) *The remaining buffer, in the area of approved variances #3 and #4, to be planted with evergreens at least 5ft tall and spaced no more than 10ft apart.*
- 2) *A 6ft. privacy fence to be installed at the rear of the property.*

Approved as Stipulated

Absent: 0

Vote For: 7

OTHER BUSINESS:

20230334 Board of Zoning Appeals - Election of Chairman

Election of Chairman to serve for one year to April 2024.

Chairman Van Buren opened the floor to nominations for the Board of Zoning Appeals Chairman for a term of one year to April 2024.

Mr. Hunter nominated Mr. Barth for election as Chairman.

Mr. Barth nominated Mr. Van Buren for election as Chairman.

Hearing no further nominations, Mr. Van Buren closed the floor and asked for motions.

Mr. Barth made a motion, seconded by Ms. Carmichael, to re-elect Mr. Van Buren as the Board of Zoning Appeals Chairman for a term of one year to April 2024. The motion carried 6-0-1. Mr. Van Buren abstained.

Approved and Finalized

Absent: 0

Vote For: 6

Abstain: 1

20230335 Board of Zoning Appeals - Election of Vice Chairman

Election of Vice Chairman to serve for one year to April 2024.

Chairman Van Buren opened the floor to nominations for the Board of Zoning Appeals Vice Chairman for a term of one year to April 2024.

Mr. Hunter nominated Mr. Barth for election as Vice Chairman.

Hearing no further nominations, Mr. Van Buren closed the floor to nominations and asked for motions.

Mr. Hunter made a motion, seconded by Mr. Maloney, to elect Mr. Barth as the Board of Zoning Appeals Vice Chairman for a term of one year to April 2024. The motion carried 6-0-1. Mr. Barth abstained.

Approved and Finalized

Absent: 0

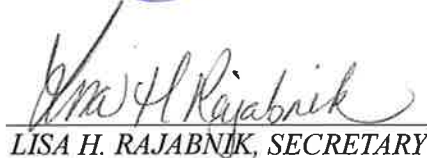
Vote For: 6

Abstain: 1

ADJOURNMENT:

*The Monday, April 24, 2023,
Board of Zoning Appeals regular meeting adjourned at 6:23PM.*


BOBBY VAN BUREN, CHAIRMAN


LISA H. RAJABNIK, SECRETARY