



City of Marietta

Meeting Minutes

205 Lawrence Street
Post Office Box 609
Marietta, Georgia 30061

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

Wednesday, May 31, 2023

6:00 PM

City Hall Council Chambers

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

Absent: David Hunter

Staff : Rusty Roth, Director, Department of Development Services
Shelby Little, Planning and Zoning Manager;
Lisa Rajabnik, Planning and Zoning Coordinator
Daniel White, City Attorney

CALL TO ORDER:

Chairman Van Buren called the Wednesday, May 31, 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:

20230459 **Monday, April 24, 2023 Board of Zoning Appeals Work Session and Regular Meeting Minutes**

Approval of the April 24, 2023, Board of Zoning Appeals Work Session, and Meeting Minutes.

Mr. Maloney made a motion, seconded by Mr. Barth, to approve the April 24, 2023, Work Session, and Regular Meeting Minutes. The motion carried with a vote of 6-0-0.

Approved and Finalized

Absent: 1

Vote For: 6

VARIANCES:

20230374 V2023-09 [APPEAL/VARIANCE] MARIETTA RETAIL AND PHARMACY, LLC. (COBB PKWY HOLDINGS, LLC.)

V2023-09 [APPEAL/VARIANCE] MARIETTA RETAIL AND PHARMACY, LLC. (COBB PKWY HOLDINGS, LLC.) are requesting an appeal of the building permit application BLDG2211204861 (*BLDG2212048614*) for property zoned CRC (Community Retail Commercial) located in Land Lot 505, District 17, Parcel 0210, 2nd Section, Marietta, Cobb County, Georgia, and being known as 345 Cobb Parkway South. Ward 7A.

Mr. White, City Attorney, presented appeal V2023-09 and explained the applicant was appealing the decision to deny a building permit for the property at 345 Cobb Parkway. He advised the Board of Zoning Appeals has no purview over the appeal and should dismiss the request.

A public hearing was held.

Mr. Christopher Berney presented on behalf of Marietta Retail and Pharmacy, LLC.

Mr. Don Cook presented on behalf of Cobb Parkway Holdings, LLC.

Mr. Parks Huff presented on behalf of Strive Pharmacy.

The public hearing was closed.

Mr. Walker made a motion, seconded by Mr. Barth, to dismiss the appeal. The motion carried 6-0-0.

Denied

Absent: 1

Vote For: 6

20230377 V2023-11 [VARIANCE] ALEKS MILLER

V2023-11 [VARIANCE] ALEKS MILLER is requesting a variance for property

zoned R-2 (Single Family Residential - 2 units/acre) located in Land Lot 1228, District 16, Parcel 0420, 2nd Section, Marietta, Cobb County, Georgia, and being known as 143 Durham Street. Variance to allow gravel as an acceptable parking surface; variance to allow bricks/pavers without a 2" concrete base. Ward 3A.

Ms. Little presented variance request V2023-11.

There was no representation present.

Mr. Walker made a motion, seconded by Mr. Barth, to deny the request. The motion carried 6-0-0.

Denied

Absent: 1

Vote For: 6

20230379

V2023-12 [VARIANCE] DARLIN MARCELLIN

V2023-12 [VARIANCE] DARLIN MARCELLIN is requesting variances for property zoned CRC (Community Retail Commercial) located in Land Lot 858, District 16, Parcel 0060, 2nd Section, Marietta, Cobb County, Georgia, and being known as 1570 Bells Ferry Road. Variance to waive the minimum lot size of 20,000 square feet; variance to waive the requirement for a 40-foot buffer adjacent to residentially-zoned property. Ward 5B.

Ms. Little presented variance request V2023-12.

A public hearing was held.

Ms. Darlin Marcellin (applicant) represented the request.

There was no support for or opposition to the request.

The Board and Ms. Marcellin discussed the request.

With no further comments or questions, the public hearing was closed.

Mr. Maloney made a motion, seconded by Ms. Carmichael, to approve the request with stipulation 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 motion carried 5-1-0. Mr. Barth opposed.

Variance approved with stipulation:

1. Variance to reduce the minimum lot size from 20,000 sq.ft. to 12,039 sq. ft.

[\$708.16 H]

Stipulation:

- i) A revised site plan showing the landscape strip and street trees to be submitted for review.
- ii) A drawing depicting the management plan for drop off/pick up and queued cars to be submitted for review.

Variance approved with stipulation:

- 2. Variance to waive the requirement for a 40-foot buffer adjacent to residentially zoned property [§708.04 I]

Stipulation:

- i) Buffers to be reduced on the southside to 8ft and along the rear side to 15ft.
- ii) Buffer to consist of planted rows of staggered evergreen trees (planted 10ft on center) and a 6ft privacy fence.

Approved as Stipulated

Absent: 1

Vote For: 5

Vote Against: 1

20230380

V2023-13 [VARIANCE] HDP HOLDINGS, LLC.

V2023-13 [VARIANCE] HDP HOLDINGS, LLC. is requesting variances for property zoned OI (Office Institutional) located in Land Lot 1216, District 16, Parcel 0350, 2nd Section, Marietta, Cobb County, Georgia, and being known as 313 Lawrence Street. Variance to waive the minimum lot size of 20,000 square feet; variance to reduce the buffer from 30' to 25'; variance to reduce the front setback from 40' to 20'; variance to reduce the side setback from 15' to 4'; Variance to reduce the required site density factor for trees. Ward 5A.

Ms. Little presented variance request V2023-13.

A public hearing was held.

Mr. Dean Phillips (applicant) represented the request.

There was no support for or opposition to the request presented.

The Board and Mr. Phillips discussed the request.

With no further comment or questions, the public hearing was closed.

Ms. Carmichael made a motion, seconded by Mr. Maloney, to approve the request

with stipulation as 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 motion carried 6-0-0.

Variances approved with stipulation:

- 1. Variance to waive the minimum lot size of 20,000 sq.ft. [708.23 (H)]*
- 2. Variance to reduce the buffer from 30 ft. to 25 ft. [708.23 (I)]*
- 3. Variance to reduce the front setback off a collector road from 40 ft. to 20 ft.[708.23 (H)]*
- 4. Variance to reduce the side setback from 15ft. to 4 ft. [708.23 (H)]*
- 5. Variance to reduce the required site density factor for trees. [712.08 (B)]*

Stipulation:

- i) The applicant must plant two trees on the property using species highlighted in the tree ordinance.*

Approved as Stipulated

Absent: 1

Vote For: 6

20230384

V2023-14 [VARIANCE] BILL RYAN (JENI EDITH GARCIA)

V2023-14 [VARIANCE] BILL RYAN (JENI EDITH GARCIA) are requesting a variance for property zoned R-4 (Single Family Residential - 4 units/acre) located in Land Lot 216, District 17, Parcel 0480, 2nd Section, Marietta, Cobb County, Georgia, and being known as 340 McDonald Court. Variance to reduce the southern side yard setback from 10 feet to 5 feet Ward 3A.

Ms. Little presented variance request V2023-14.

A public hearing was held.

Mr. Bill Ryan and Ms. Jeni Edith Garcia (applicants) represented the request.

There was no support or opposition present.

With no comment or questions from the Board the public hearing was closed.

Mr. Maloney made a motion, seconded by Ms. Carmichael, to approve the request as submitted 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 motion carried 6-0-0.

Approved and Finalized

Absent: 1

Vote For: 6

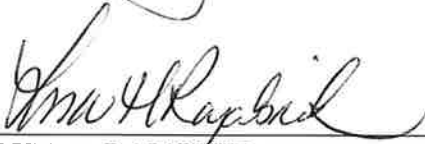
OTHER BUSINESS:

ADJOURNMENT:

*The Wednesday, May 31, 2023, Board of Zoning Appeals Meeting
adjourned at 6:38PM.*



BOBBY VAN BUREN, CHAIRMAN



LISA H. RAJABNIK, SECRETARY