



City of Marietta

205 Lawrence Street
Post Office Box 609
Marietta, Georgia 30061

Meeting Minutes BOARD OF ZONING APPEALS

Bobby Van Buren, Chairman, Ward 6

Craig Smith, Vice Chairman, Ward 1

J. K. Lowman, Ward 2

Mark Maloney, Ward 3

David Hunter, Ward 4

Juanita Carmichael, Ward 5

Donald Barth, Ward 7

Monday, June 27, 2022

6:00 PM

City Hall Council Chambers

Present: Bobby Van Buren, Craig Smith, Mark Maloney, J. K. Lowman, David Hunter, Donald Barth.

Absent: Juanita Carmichael

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

CALL TO ORDER:

Chairman Van Buren called the Monday, June 27, 2022, Board of Zoning Appeals Regular Meeting to order at 6:00PM.

MINUTES:

20220591 Monday, April 25, 2022 Board of Zoning Appeals Work Session and Meeting Minutes

Approval of the April 25, 2022 Board of Zoning Appeals Work Session and Meeting Minutes.

Mr. Maloney made a motion, seconded by Mr. Barth, to approve the April 25, 2022, Work Session and Regular Meeting Minutes.

Approved and Finalized**Absent:** 1**Vote For:** 6**VARIANCES:****20220104 V2022-04 [VARIANCE] BJF, JR., LLC.**

V2022-04 [VARIANCE] BJF, JR., LLC is requesting a variance for properties zoned R-4 (Single Family Residential - 4 units/acre) and NRC (Neighborhood Retail Commercial), located in Land Lot 218, District 17, Parcels 0410, 0430 & 0450, 2nd Section, Marietta, Cobb County, Georgia, and being known as 531, 541 & 561 Powder Springs Street. Variance to increase the allowable height of a fence in a front yard from 4' to 8.' Ward 1A.

Tabled**20220432 V2022-14 [VARIANCE] NICHOLAS PROPERTIES, LLC**

V2022-14 [VARIANCE] NICHOLAS PROPERTIES, LLC is requesting variances for property zoned CRC (Community Retail Commercial), located in Land Lot 1242, District 16, Parcel 0980, 2nd Section, Marietta, Cobb County, Georgia, and being known as 232 Powers Ferry Road. Variance to reduce the minimum lot size required for automobile sales from 1 acre to 0.24 acres; variance to reduce the buffer adjacent to residential from 40' to 0;' variance to increase the impervious surface above 80%. Ward 7A.

Ms. Little presented case V2022-14 and a public hearing was held.

Mr. Charbel Nicolas (Nicolas Properties, LLC) presented the request.

Chairman Van Buren asked for any opposition comments and with none the public hearing was closed.

Mr. Barth asked several questions regarding the type of business Mr. Nicolas operated, the number of vehicles typically present and how loading and unloading was performed. Mr. Nicolas explained that he operated an auto sales business, typically parked 10-12 cars on the property, and that loading and unloading of vehicles was conducted from the median lane on Powers Ferry. He stated that his business operations were no different from several other businesses along Powers Ferry Road.

Mr. Barth asked if Mr. Nicolas understood that there was a requirement that Auto Sales Businesses were required to have a lot size greater than 1 acre. Mr. Nicolas acknowledged his understanding and reiterated that his business was similar to others in the area.

A motion was made by Mr. Barth, seconded by Mr. Smith, to deny the request.

The motion carried 6-0-0.

Denied

Absent: 1

Vote For: 6

20220483 V2022-15 [VARIANCE] JOSH WINTER (JEFFREY & TINA COOPER)

V2022-15 [VARIANCE] JOSH WINTER (JEFFREY & TINA COOPER) are requesting a variance for property zoned R-4 (Single Family Residential - 4 units/acre), located in Land Lot 1230, District 16, Parcel 0300, 2nd Section, Marietta, Cobb County, Georgia, and being known as 220 Wright Street. Variance to increase the allowable impervious surface from 50% to 63%. Ward 3A.

Ms. Little presented case V2022-15 and a public hearing was held.

Mr. Josh Winter, representing the owners of the property Jeffrey and Tina Cooper, presented the request.

Chairman Van Buren asked for any opposition comments and with none the public hearing was closed.

The Board members referenced the Public Works Engineering Staff recommendation that the entire decking surrounding the pool be constructed using pervious pavers. Mr. Winter agreed to the recommendation with the addition that a 1 ft border of cement be allowed to retain the position of the pavers. The Board agreed to the boarder within the constraints of no more than 56% of pervious cover in total. Mr. Winter agreed to comply.

Mr. Maloney made a motion, seconded by Mr. Barth, to approve the variance request as stipulated on the basis that approval 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.

The stipulation is as follows:

Variance to allow a pervious surface increase from 50% to 56% inclusive of pervious pavers and a 1 ft. cement retaining border.

Approved as Stipulated

Absent: 1

Vote For: 6

20220531 V2022-17 [VARIANCE] ORLANDO LOPEZ AND JESSICA DEAN

V2022-17 [VARIANCE] ORLANDO LOPEZ AND JESSICA DEAN are requesting variances for property zoned R-4 (Single Family Residential - 4 units/acre), located in Land Lot 1146, District 16, Parcel 0150, 2nd Section, Marietta, Cobb County, Georgia, and being known as 14 Sessions Street. Variance to reduce side yard setback from 10 feet to 1'; variance to reduce the rear yard setback from 26 feet to 3'. Ward 4B.

Ms. Little presented case V2022-17 and a public hearing was held.

Mr. Orlando Lopez, owner, presented the request.

Chairman Van Buren asked for any opposition comments and with none the public hearing was closed.

The Board members discussed the details of the proposed project with Mr. Lopez who responded satisfactorily.

A motion was made by Mr. Hunter and seconded by Mr. Barth to approve the request on the basis that approval 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. The Motion carried 6-0-0.

Approved and Finalized

Absent: 1

Vote For: 6

20220569

V2022-19 [VARIANCE] THE PAR-CON GROUP, LLC

V2022-19 [VARIANCE] THE PAR-CON GROUP, LLC is requesting a variance for property zoned CRC (Community Retail Commercial), located in Land Lot 854, District 16, Parcel 0030, 2nd Section, Marietta, Cobb County, Georgia, and being known as 688 Collins Road. Variance to allow gravel as an acceptable parking and driving surface. Ward 6B.

Ms. Little presented case V2022-19 and a public hearing was held.

Mr. Todd Angel, representing the Par-Con Group, LLC., presented the request.

Chairman Van Buren asked for any opposition comments and with none the public hearing was closed.

A motion was made by Chairman Van Buren, seconded by Mr. Lowman, to approve the request on the basis that approval 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. The Motion carried 6-0-0.

Approved and Finalized

Absent: 1

Vote For: 6

20220572 V2022-20 [VARIANCE] KELLY & DAVID DUDLEY

V2022-20 [VARIANCE] KELLY & DAVID DUDLEY are requesting a variance for property zoned R-3 (Single Family Residential - 3 units/acre), located in Land Lot 1088, District 16, Parcel 0390, 2nd Section, Marietta, Cobb County, Georgia, and being known as 192 Seminole Drive. Variance to reduce the side yard setback from 10’ to 3.’ Ward 4B.

Ms. Little presented case V2022-20 and a public hearing was held.

Ms. Kelly Dudley, owner, presented the request.

Chairman Van Buren asked for any opposition comments and with none the public hearing was closed.

A motion was made by Mr. Hunter, seconded by Mr. Barth, to approve the request on the basis that approval 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. The Motion carried 6-0-0.

Approved and Finalized

Absent: 1

Vote For: 6

OTHER BUSINESS:

ADJOURNMENT:

The June 27, 2022, meeting of the Board of Zoning Appeals was adjourned at 6:36PM.

BOBBY VAN BUREN, CHAIRMAN

LISA RAJABNIK, SECRETARY