



# 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*

**Monday, August 28, 2023**

**6:00 PM**

**City Hall Council Chambers**

*Present : Donald Barth, Rosser Southerland, David Hunter, Walter Walker, Juanita Carmichael*

*Absent: Bobby Van Buren, Mark Maloney*

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

#### **CALL TO ORDER:**

*Vice-Chair Barth called the Monday, August 28, 2023, Board of Zoning Appeals Meeting to order at 6:00PM.*

*Vice-Chair Barth explained the rules and procedures used in conducting public hearings.*

#### **MINUTES:**

**20230713**

#### **Monday, July 31, 2023 Board of Zoning Appeals Work Session and Regular Meeting Minutes**

Approval of the July 31, 2023, Board of Zoning Appeals Work Session and Meeting Minutes.

*Mr. Southerland made a motion, seconded by Mr. Walker, to approve the July 31, 2023, Work Session, and Meeting Minutes. The motion carried with a vote of 5-0-0.*

**A motion was made that this matter be Approved and Finalized. The motion carried by the following vote:**

**Absent: 2**

**Vote For : 5**

**VARIANCES:**

**20230643**

**V2023-21 [VARIANCE] RACETRAC PETROLEUM, LLC.**

**V2023-21 [VARIANCE] RACETRAC PETROLEUM, LLC.** is requesting variances for property zoned CRC (Community Retail Commercial) located in Land Lot 1224, District 16, Parcel 0200, 2nd Section, Marietta, Cobb County, Georgia, and being known as 900 Whitlock Avenue. Variance to allow a digital sign within 200-feet of residential; variance to allow a digital sign as a wall sign. Ward 3A.

*Ms. Little presented variance request V2023-21.*

*A public hearing was held.*

*Mr. Parks Huff, attorney representing RaceTrac Petroleum, LLC., outlined the request. He explained the variance was to replace an existing outdated wall sign with a digital sign.*

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

*The Board asked Mr. Huff various questions including, if the variance was approved with the stipulations suggested by staff, would the sign comply also with the current city digital sign regulations. Mr. Huff confirmed.*

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

*Mr. Walker made a motion, seconded by Ms. Carmichael, to approve the request with stipulation as doing so 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 with a vote of 5-0-0.*

**Variances Approved:**

1. Variance to allow digital LED sign within 200-feet of residential [§714.04 (F.4)]
2. Variance to allow digital LED sign as a wall sign [§714.04 (F.4)]

**Stipulations:**

- 1) *The digital gas prices on the sign must not be changed more than once per hour.*
- 2) *The digital sign must comply with all other City of Marietta sign regulations including -*
  - i) *Digital signs shall contain static messages only and shall not have movement nor flashing on any part of the sign structure, design, or pictorial segment of the sign.*
  - ii) *Each sign must have a light sensing device that will adjust the brightness of the display as the natural ambient light conditions change.*
  - iii) *Digital signs may not operate at brightness levels of more than 0.20 foot-candles above ambient light levels as measured at a distance of 125 feet.*

**Approved as Stipulated**

**Absent: 2**

**Vote For: 5**

**OTHER BUSINESS:**

**ADJOURNMENT:**

*The Monday, August 28th, 2023, Board of Zoning Appeals Meeting adjourned at 6:15PM.*

  
DONALD BARTH, VICE-CHAIRMAN

  
LISA H. RAJABNIK, SECRETARY

