



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, September 25, 2023

6:00 PM

City Hall Council Chambers

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

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

CALL TO ORDER:

Chairman Van Buren called the Monday, September 25th, 2023, Board of Zoning Appeals Meeting to order at 6:00PM.

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

MINUTES:

20230775 Board of Zoning Appeals Work Session and Meeting minutes.
Approval of the August 28th, 2023, Board of Zoning Appeals Work Session, and Meeting minutes.

Mr. Barth made a motion, seconded by Ms. Carmichael, to approve the August 28th, 2023, Work Session, and Meeting Minutes. The motion carried with a vote of 7-0-0.

Approved and Finalized

Absent: 0

Vote For: 7

20230710

V2023-23 [VARIANCE] QUA-SER, INC. (KEVIN H. SMITH) is requesting a variance for property zoned R-4 (Single Family Residential - 4 units/acre) located in Land Lot 1234, District 16, Parcel 1150, 2nd Section, Marietta, Cobb County, Georgia, and being known as 144 Jackson Circle. Variance to increase the allowable height of a fence in the front yard from 4' to 6.' Ward 1A.

Ms. Little presented variance request V2023-23.

A public hearing was held.

Mr. H. Smith (builder/owner) represented the case and offered points for consideration. He stated he was not aware of the City's fencing regulations. He said there was another property on the street with a 6ft fence. He continued; the fence was installed to address a nuisance situation involving a resident of the property next door.

In opposition, Ms. Jodi Roberts (neighbor), unable to attend the hearing, forwarded a letter in which she expressed strong opposition to the request. She urged the Board to uphold the ordinance as written to prevent selfish attempts to isolate particular properties and residents in the friendly and diverse neighborhood.

Also in opposition, Mr. David Riden, (owner /resident), came forward to identify himself as the owner of the property at 162 Jackson Circle which had been referred to by Mr. Smith. He was also issued a citation. He requested the Board consider the fact the fence on his property was in place when he purchased the home over 5 years ago.

Council advised Mr. Riden that matters pertaining to his property would need to be addressed separately by contacting the Planning and Zoning Department for more information.

The Board continued. They asked Mr. Smith if he would be willing to reduce the height of the fence to 4ft voluntarily? He responded that he wished to continue with the request as submitted.

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

Mr. Southerland made a motion, seconded by Mr. Barth, to deny the request. The motion carried with a vote of 7-0-0.

Denied

Absent: 0

Vote For: 7

OTHER BUSINESS:

ADJOURNMENT:

*The Monday, September 25th, 2023, Board of Zoning Appeals Meeting
adjourned at 6:26pm.*



BOBBY VAN BUREN, CHAIRMAN



LISA H. RAJABNIK, SECRETARY

