



# City of Marietta

205 Lawrence Street  
Post Office Box 609  
Marietta, Georgia 30061

## Motion Signature

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File Number: 20190134

### Appeal of V2018-55 (20181235) Gholamreza Dehghani

Consideration of an appeal of the Board of Zoning Appeal's denial of variance V2018-55 (#20181235) by Gholamreza Dehghani.

*Motion to overturn the denial of the Board of Zoning Appeal and approve the variance to allow automobile sales on a parcel less than an acre on property located at 1999 Davis Lane, with the following stipulation incorporated as condition of approval:*

*Letter of stipulations for Sams, Larkin, Huff & Balli, to Rusty Roth, Planning & Zoning Director, for the City of Marietta, dated February 13, 2019, with the following additions:*

- 1. All parking of inventory or storage vehicles shall be limited to the rear and side yard of the subject property and not permitted in the six (6) paved parking spaces along the subject property's frontage.*
- 2. There shall be no junk or inoperable vehicles on site.*

Date: February 13, 2019

R. Steve Tumlin, Jr., Mayor

Stephanie Guy, City Clerk

# SAMS, LARKIN, HUFF & BALLI

A LIMITED LIABILITY PARTNERSHIP

GARVIS L. SAMS, JR.  
JOEL L. LARKIN  
PARKS F. HUFF  
JAMES A. BALLI

SUITE 100  
376 POWDER SPRINGS STREET  
MARIETTA, GEORGIA 30064-3448

770•422•7016  
TELEPHONE  
770•426•6583  
FACSIMILE

ADAM J. ROZEN

WWW.SLHB-LAW.COM

February 14, 2019

## REVISED STIPULATION LETTER PURSUANT TO FEBRUARY 13, 2019 APPEAL HEARING

### VIA EMAIL & HAND DELIVERY

Mr. Russell J. Roth, AICP, Director  
City of Marietta Development Services  
205 Lawrence Street  
Marietta, GA 30060

Re: Appeal Pursuant to §720.08 – Appeals; Variance Application of Gholamreza Dehghani (“Applicant”) regarding a .58 Acre Tract located in Land Lot 0712, 17<sup>th</sup> District, City of Marietta, Cobb County, Georgia (V#2018-55) (“Application”).

Dear Rusty:

As you know, this firm is engaged by and represents the Applicant regarding the above Application and the timely filed appeal (the “Appeal”). The City of Marietta Mayor and City Council heard the Appeal on February 13, 2019 and unanimously voted not to uphold the Board of Zoning Appeals (the “BZA”) denial but instead to approve the Variance request subject to conditions. Those conditions are embodied, in part, in the original stipulation letter dated February 13, 2019 (the “Original Stipulation Letter”) and additional conditions as memorialized and filed with the Clerk following the Appeal Hearing.

As a result, and in order to memorialize all stipulations and conditions in one document, this revised stipulation letter will replace and supercede the Original Stipulation Letter. (the “Revised Stipulation Letter”). The agreeable stipulations and conditions which shall become conditions and a part of the grant of the requested Variance are as follows:

1. The granting of the following variance as requested in the Application and not otherwise in conflict with this letter:
  - a) Variance to allow automobile sales on a parcel less than an acre (0.58 ac). [§708.26 (7.a)]
2. Applicant agrees to a limit of parked vehicles on site at any given time to thirty six (36) vehicles. This includes the six (6) paved parking spaces in the front of the site as well as the gravel space to the rear and north side of the site which provides enough gravel surface for approximately thirty (30) vehicles. These vehicles parked on the gravel surface will be considered permissible as legally nonconforming pursuant to the applicable “grandfathering” provisions of the Marietta Ordinance.

SAMS, LARKIN, HUFF & BALLI

A LIMITED LIABILITY PARTNERSHIP

VIA EMAIL & HAND DELIVERY:

Mr. Russell J. Roth, AICP, Director  
City of Marietta Development Services  
February 14, 2019  
Page 2

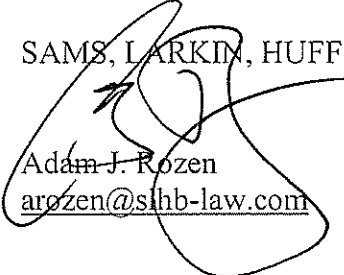
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3. Applicant agrees to submit a parking plan for final approval by the Zoning Division within sixty (60) days of approval of this request. (the "Parking Plan").
4. Applicant agrees to maintain, repair and replace as necessary the privacy fence around the Subject Property in order to maintain visual screening.
5. Applicant agrees to comply with all recommendations and requirements of the City Engineer and City Public Works Director with respect to stormwater management and traffic and transportation issues as applicable to the Subject Property.
6. All parking of inventory or storage vehicles shall be limited to the rear and side yard of the Subject Property and not permitted in the six (6) paved parking spaces along the Subject Property's frontage.
7. There shall be no junk or inoperable vehicles on site.

Please let me know if anything further is needed at this time. Thank you for your continued time and consideration.

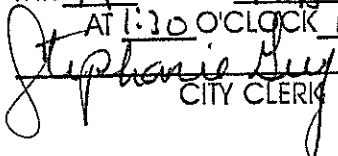
Sincerely,

SAMS, LARKIN, HUFF & BALLI, LLP

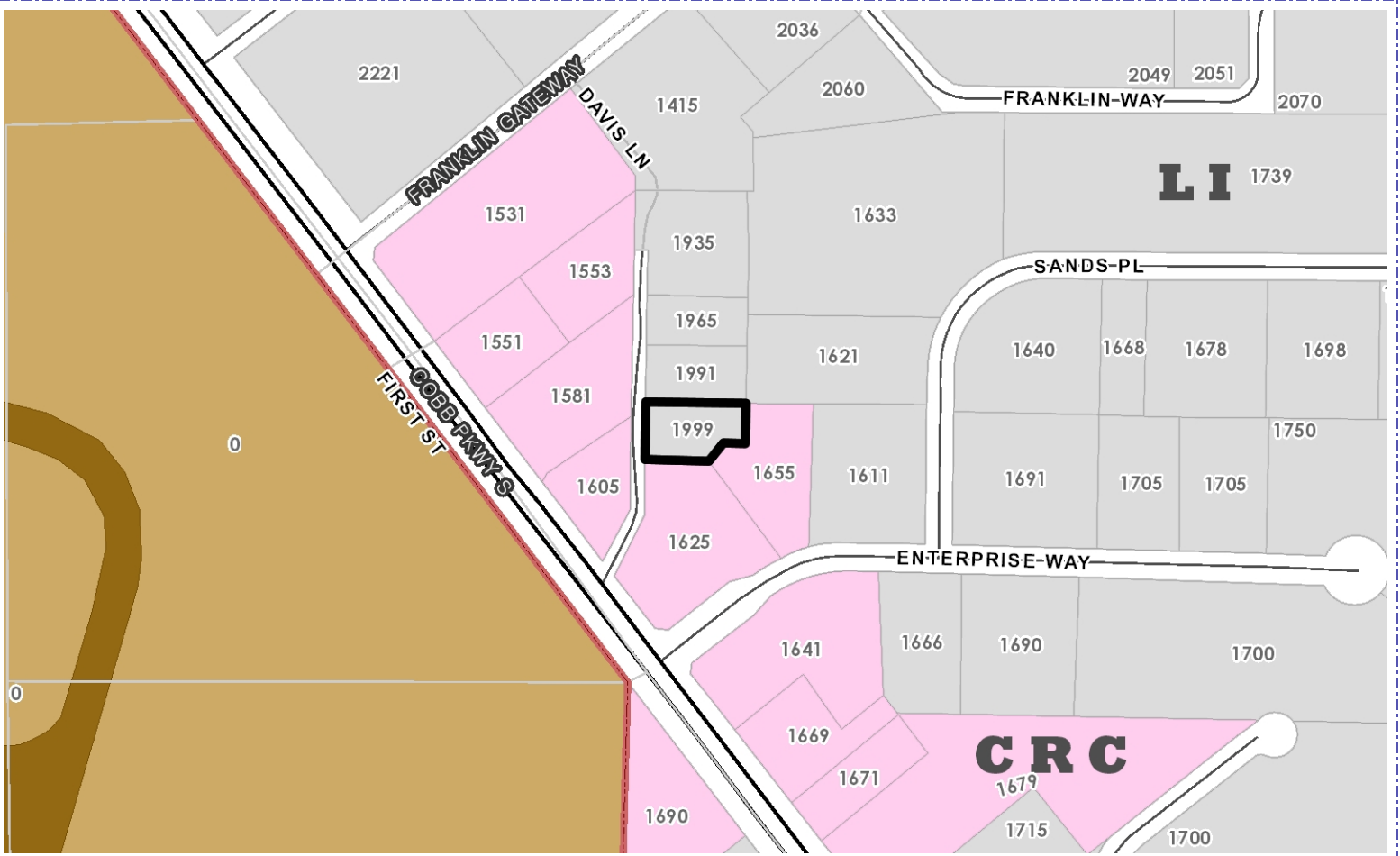
  
Adam J. Rozen  
[arozen@slhb-law.com](mailto:arozen@slhb-law.com)

AJR/

cc: Honorable R. Steve "Thunder" Tumlin, Jr., Mayor (via email)  
Members, Marietta City Council (via email)  
Ms. Stephanie Guy, Marietta City Clerk (via email)  
Members, Marietta City Board of Zoning Appeals (via email)  
Mr. Douglas Haynie, City Attorney (via email)  
Mr. William F. Bruton, City Manager (via email)  
Ms. Shelby Little, Zoning Administrator (via email)  
Ms. Jasmine Thornton, Planning and Zoning Administrator II (via email)  
Mr. Carlton Bruton (via email)  
Parks F. Huff, Esq. (via email)

FILED IN MARIETTA CITY CLERK'S OFFICE  
THIS 14 DAY OF Feb 20 19  
AT 1:30 O'CLOCK P M  
  
CITY CLERK

# Variance



Address	Parcel Number	Acreage	Ward	Zoning	FLU
1999 DAVIS LN	17071200060	0.586	7A	LI	CAC

Property Owner:	Carlton E. Bruton
Applicant:	Gholamreza Dehghani
BZA Hearing Date:	12/17/18
Acquisition Date:	
Case Number:	V2018-55
City of Marietta Planning & Zoning	

**Zoning Symbols**

- Railroads
- City Limits
- Cobb County Pockets
- NA
- R1 - Single Family Residential (1 unit/acre)
- R2 - Single Family Residential (2 units/acre)
- R3 - Single Family Residential (3 units/acre)
- R4 - Single Family Residential (4 units/acre)
- RA4 - Single Family Residential - Attached
- RA6 - Single Family Residential - Attached
- RA8 - Single Family Residential - Attached
- MHP - Mobile Home Park
- PRD-SF - Planned Residential Dev. Single Family
- RM8 - Multi Family Residential (8 units/acre)
- RM10 - Multi Family Residential (10 units/acre)
- RM12 - Multi Family Residential (12 units/acre)
- RHR - Residential High Rise
- PRD-MF - Planned Residential Dev Multi Family
- NRC - Neighborhood Retail Commercial
- CRC - Community Retail Commercial
- RRC - Regional Retail Commercial
- PCD - Planned Commercial Development
- LI - Light Industrial
- HI - Heavy Industrial
- PID - Planned Industrial Development
- MXD - Mixed Use Development
- CBD - Central Business District
- OIT - Office Institutional Transitional
- LRO - Low Rise Office
- OI - Office Institutional
- OS - Office Services
- OHR - Office High Rise