



# City of Marietta

205 Lawrence Street  
Post Office Box 609  
Marietta, Georgia 30061

## Meeting Minutes BOARD OF ZONING APPEALS

*Bobby Van Buren, Chairman*  
*James A. Mills, Vice Chairman*  
*Karen Kirkpatrick, Ward 1*  
*J. K. Lowman, Ward 2*  
*David Hunter, Ward 4*  
*Ronald Clark, Ward 5*  
*Tom Samples, Ward 7*

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Monday, March 26, 2018

6:00 PM

City Hall Council Chambers

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*Present: Bobby Van Buren, James Mills, Karen Kirkpatrick, J. K. Lowman, David Hunter,  
Ronald Clark and Tom Samples*

*Staff:*

*Rusty Roth, Director, Development Services*  
*Shelby Little, Planning & Zoning Manager*  
*Robin Osindele, Urban Planner*  
*Sarah Hegener, Associate City Attorney*  
*Ines Embler, Secretary to the Board*

### CALL TO ORDER:

*Chairman Van Buren called the March 26, 2018 meeting of the Board of Zoning Appeals to order at 6:00 PM.*

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

### MINUTES:

**20180298**

**February 26, 2018 Board of Zoning Appeals Meeting Minutes**

**Review and Approval of the February 26, 2018 Board of Zoning Appeals Meeting Minutes.**

*Mr. Hunter made a motion, seconded by Mr. Lowman that the February 26, 2018 Board of Zoning Appeals meeting minutes be approved. The Motion carried 6-0-0. Mr. Mills abstained.*

**A motion was made by Board member Hunter, seconded by Board member Lowman, that this matter be Approved and Finalized. The motion carried by the following vote:**

Absent: 0  
Vote For: 6  
Abstain: 1

**VARIANCES:**

**20180223 V2018-08 [VARIANCE] BANOVA PROPERTIES, LLC**

**V2018-08 [VARIANCE] BANOVA PROPERTIES, LLC is requesting variances for properties zoned OI (Office Institutional), located in Land Lot 1087, District 16, Parcels 0350 & 0340, 2nd Section, Marietta, Cobb County, Georgia, and being known as 108 & 116 Margaret Avenue. Variance to reduce the rear yard setback from 35 feet to 20 feet; variance to reduce the residential buffer from 30 feet to 0 feet. Ward 4B.**

*A public meeting was held.*

*Mr. Adam Rosen, Esq., for the Applicant, requested to table this request to the next Board of Zoning Appeals meeting.*

*The public hearing was closed.*

*A motion was made by Mr. Hunter to table this request to the April 30, 2018 meeting. It was seconded by Mr. Lowman. The Motion carried 7-0-0.*

**A motion was made by Board member Hunter, seconded by Board member Lowman, that this matter be Tabled. The motion carried by the following vote:**

Absent: 0  
Vote For: 7

**20180234 V2018-09 [VARIANCE] MIKAEL HARRISON (ALTAIR SIGN & LIGHT)**

**V2018-09 [VARIANCE] MIKAEL HARRISON (ALTAIR SIGN & LIGHT) are requesting a variance for property zoned CRC (Community Retail Commercial), located in Land Lot 777, District 16, Parcel 1100, 2nd Section, Marietta, Cobb County, Georgia, and being known as 1755 Scufflegrit Road. Variance to allow a digital sign within 200 feet of a residential property line; variance to allow a digital sign be 62% of the total sign face. Ward 6B.**

*A public meeting was held.*

*Mr. Louis Holland and Mr. Michael Harrison presented a request for a to allow a digital sign within 200 feet of a residential property line.*

*There was no opposition to this variance.*

The Board Members asked what the hours of operation were and if they could turn the digital display off after business hours. Mr. Holland said they are open 8:00AM to 8:00PM and said he would prefer to keep the display on longer in order that commuter traffic may see the sign. He suggested turning the display off from midnight to 5:00AM.

The public hearing was closed.

A motion was made by Chairman Van Buren to grant the application as requested with the stipulation that the digital sign be turned off from midnight to 5:00AM daily, on the basis that it 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. It was seconded by Mr. Mills. The Motion carried 7-0-0.

A motion was made by Board member Van Buren, seconded by Board member Mills, that this matter be Approved as Stipulated. The motion carried by the following vote:

Absent: 0

Vote For: 7

20180261

**V2018-11 [VARIANCE] GREGORY KEITH TOWNSEND (SINA HEJABIYAN)**

**V2018-11 [VARIANCE] GREGORY KEITH TOWNSEND (SINA HEJABIYAN) are requesting a variance for property zoned CRC (Community Retail Commercial), located in Land Lot 1234, District 16, Parcel 0550, 2nd Section, Marietta, Cobb County, Georgia, and being known as 136 South Fairground Street. Variance to reduce the minimum lot size for automobile sales from one acre to 0.32 acres. Ward 1A.**

A public meeting was held.

Mr. Sina Hejabiyani and Mr. Gregory Keith Townsend presented a request for a variance to reduce the minimum lot size for automobile sales from one acre to 0.32 acres.

There was no opposition to this variance.

The Board Members asked for affirmation that he would not be making any sales from the site and asked if any of the vehicles are personal vehicles. Mr. Hejabiyani affirmed and explained that they only store vehicles there and then take them to auction. None of the vehicles stored are personal vehicles.

The Board Members asked if he has an Auto Broker License. He said he did and approached the bench with copies of his licenses. Ms. Little confirmed they are current.

The Board Members asked how the vehicles are transported to the auction and Mr. Hejabiyani said they usually drive them over there.

The Board Members asked how many vehicles are stored on site and if there is any signage on the property. Mr. Hejabiyani said they usually store 15-20 vehicles at a time and that they only have a small sign on the window.

The Board Members asked Mr. Townsend what businesses were there prior to this business

and how long he's owned the property. Mr. Townsend said he's owned it for about two years and his father owned it prior to that. He said the previous business was a church and prior to that a pawn shop.

The public hearing was closed.


A motion was made by Ms. Kirkpatrick to deny the application. It was seconded by Mr. Hunter. The Motion carried 5-2-0. Chairman Van Buren and Mr. Lowman opposed.

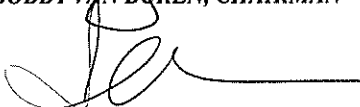
A motion was made by Board member Kirkpatrick, seconded by Board member Hunter, that this matter be Denied. The motion carried by the following vote:

Absent: 0  
Vote For: 5  
Vote Against: 2

**ADJOURNMENT:**

The March 26, 2018 meeting of the Board of Zoning Appeals was adjourned at 6:25PM.

  
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BOBBY VAN BUREN, CHAIRMAN

  
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INES EMBLER, SECRETARY