



# City of Marietta

205 Lawrence Street  
Post Office Box 609  
Marietta, Georgia 30061

## Meeting Minutes

### BOARD OF ZONING APPEALS

*Bobby Van Buren, Chairman*  
*David Hunter, Vice Chairman, Ward 4*  
*Vacant, Ward 1*  
*J. K. Lowman, Ward 2*  
*Larry Zenoni, Ward 3*  
*Juanita Carmichael, Ward 5*  
*Tom Samples, Ward 7*

**Monday, July 27, 2020**

**6:00 PM**

**City Hall Council Chambers**

*Present: Bobby Van Buren, J. K. Lowman, Larry Zenoni, David Hunter, Juanita Carmichael and Tom Samples*

*Staff:*

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

### CALL TO ORDER:

*Chairman Van Buren called the July 27, 2020 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:

**20200601 June 29, 2020 Board of Zoning Appeals Meeting Minutes**

**Review and Approval of the June 29, 2020 Board of Zoning Appeals Meeting Minutes.**

*Mr. Samples made a motion, seconded by Mr. Hunter that the June 29, 2020 Board of Zoning Appeals meeting minutes be approved. The Motion carried 6-0-0. Ward 1 is vacant.*

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

following vote:

Absent: 0

Vote For: 6

## VARIANCES:

### 20200447 V2020-21 [VARIANCE] 1705 WHITE CIRCLE HOLDINGS LLC

**V2020-21 [VARIANCE] 1705 WHITE CIRCLE HOLDINGS LLC is requesting variances for property zoned LI (Light Industrial), located in Land Lot 862, District 16, Parcel 0020, 2nd Section, Marietta, Cobb County, Georgia, and being known as 1705 White Circle. Variance to reduce the 50-foot landscape buffer to 32 feet along the northern property line; variance to waive the requirement to establish a buffer if not present; variance to eliminate the side yard setback in the area of the building addition; variance to allow outdoor storage within 50 feet of any property zoned for residential purposes and within 25 feet of City right-of-way; variance to allow more than 50% of the parcel to be used for outdoor storage. Ward 4B.**

*A public meeting was held.*

*Mr. Kevin Moore, Esq., for the Applicant, requested to table this request to the August meeting.*

*A motion was made by Mr. Zenoni to table this request to the August 31, 2020 meeting. It was seconded by Mrs. Carmichael. The Motion carried 6-0-0.*

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

Absent: 0

Vote For: 6

### 20200533 V2020-23 [VARIANCE] MICHEAL FARLEY & JENNIFER MEIER

**V2020-23 [VARIANCE] MICHEAL FARLEY & JENNIFER MEIER are requesting variances for property zoned R-2 (Single Family Residential - 2 units/acre), located in Land Lot 1084, District 16, Parcel 0130, 2nd Section, Marietta, Cobb County, Georgia, and being known as 349 Saint Mary's Lane. Variance to allow accessory structure to be closer to the public right of way than the primary structure; variance to reduce the setback from 2' to 0' for a fence along the right of way; variance to allow existing accessory structures to remain closer to public right of way than the main structure. Ward 4A.**

*A public meeting was held.*

*Mr. Micheal Farley and Mrs. Jennifer Meier presented a request for a variance to allow*

*accessory structure to be closer to the public right of way than the primary structure; variance to reduce the setback from 2' to 0' for a fence along the right of way; variance to allow existing accessory structures to remain closer to public right of way than the main structure.*

*There were three (3) in opposition to this request. Mr. Bill Hageman, Mr. David Mayfield and Mr. Ed Downing opposed.*

*The opposition objected to the playhouse placement. They feel it is too visible to the main thorough fare of their neighborhood and they would like to maintain the community standards that have been there for over sixty years.*

*In their rebuttal Mr. Farley & Mrs. Meier stated that once the plantings they are installing grow they will not be able to see the playhouse from the street. Mrs. Meier noted that there are many mini mansions being built around them, therefore the neighborhood standards are not being preserved.*

*The Board Members asked if the fence will be inside of the trees and if it will go all the way to the driveway on the side of the house. Mr. Farley & Mrs. Meier affirmed.*

*Chairman Van Buren asked if they would be willing to install a higher fence. Mr. Farley said they would but did not think it was allowed by the City. Ms. Little explained the code to their satisfaction.*

*The Board Members asked if they have thought about putting the playhouse on the other side of the house. Mr. Farley said there is nowhere to play there unsupervised and that the other side of the house is where the pool is.*

*Chairman Van Buren asked if immediate neighbors are in agreement and Mr. Farley & Mrs. Meier said they were.*

*Mr. Hunter asked when the roof of the playhouse which is currently tarped will be fixed. Mr. Farley said they stopped building it when the City gave them the Stop Order. If approved, they can finish the playhouse immediately. The Board members looked at pictures of what the finished playhouse will look like.*

*The public hearing was closed.*

*A motion was made by Chairman Van Buren to approve this application as stipulated 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 Mrs. Carmichael. The Motion tied 3-3-0. Mr. Hunter, Mr. Samples and Mr. Zenoni opposed.*

*Chairman Van Buren re-opened the public session.*

*Chairman Van Buren asked Mr. Farley if they would consider moving it. Mr. Farley explained that they could move it to the back of the driveway, but that it would be completely visible to everyone from there. Mrs. Meier stated she has a child that cannot be out of site and this would be the only location possible for her to be able to supervise at all times.*

*A second motion was made by Chairman Van Buren to approve this application as stipulated 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 Mrs. Carmichael. The Motion carried 4-2-0. Mr. Samples and Mr. Zenoni opposed.

*Variances approved:*

1. Variance to allow accessory structure to be closer to the public right of way than the primary structure [§708.02 (F.1)]
2. Variance to reduce the setback from 2' to 0' to allow a fence along the right of way [§710.04]
3. Variance to allow existing accessory structures to remain closer to public right of way than the main structure [§708.02 (F.1)]

*Stipulations:*

1. The applicants will be responsible for ensuring the fence is not installed within the right of way.
2. The applicant will look to relocate the playhouse closer in by about 6-8 feet so it is no as visible to the street.

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

**Absent:** 0

**Vote For:** 4

**Vote Against:** 2

**20200534**

**V2020-24 [VARIANCE] 1411 BELLS FERRY ROAD, LLC**

**V2020-24 [VARIANCE] 1411 BELLS FERRY ROAD, LLC is requesting a variance for property zoned CRC (Community Retail Commercial), located in Land Lot 869, District 16, Parcels 0170 & 0180, 2nd Section, Marietta, Cobb County, Georgia, and being known as 1401 & 1411 Bells Ferry Road. Variance to disturb and replant the 40' buffer. Ward 4B.**

*A public meeting was held.*

*Mr. Kevin Moore, Esq., for the Applicant, presented a request for a variance to disturb and replant the 40' buffer.*

*There was no opposition to this request.*

*Chairman Van Buren asked Mr. Moore for clarification to item #5 of the stipulation letter and Mr. Moore explained satisfactorily.*

*The public hearing was closed.*

*A motion was made by Mr. Hunter to approve this application including the letter of stipulation from J. Kevin Moore of Moore Ingram Johnson & Steele to Shelby Little, Planning & Zoning Manager for the City of Marietta, dated July 22, 2020, 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 Mrs. Carmichael. The Motion carried 6-0-0.*

*Variance approved:*

1. *Variance to disturb and replant the 40-foot buffer. [§710.05]*

*Stipulation:*

1. *Letter of Stipulation from J. Kevin Moore of Moore Ingram Johnson & Steele to Shelby Little, Planning & Zoning Manager for the City of Marietta, dated July 22, 2020.*

**A motion was made by Board member Hunter, seconded by Board member Carmichael, that this matter be Approved as Stipulated. The motion carried by the following vote:**

**Absent:** 0

**Vote For:** 6

**20200576**

**V2020-25 [VARIANCE] GREGG E. LITCHFIELD**

**V2020-25 [VARIANCE] GREGG E. LITCHFIELD is requesting a variance for property zoned R-3 (Single Family Residential - 3 units/acre), located in Land Lot 1087, District 16, Parcel 0720, 2nd Section, Marietta, Cobb County, Georgia, and being known as 515 Cherokee Street. Variance to allow accessory structures be constructed on a lot without a principal building. Ward 4B.**

*A public meeting was held.*

*Mrs. Sally Litchfield presented a request for a variance to allow accessory structures be constructed on a lot without a principal building.*

*Mr. Daniel White, City Attorney disclosed that he works closely with both Mr. & Mrs. Litchfield, but that this case was not discussed among them.*

*There was no opposition to this request.*

*Chairman Van Buren asked if they are fencing the pool area. Mrs. Litchfield said the whole property is already fenced.*

*The public hearing was closed.*

*A motion was made by Mr. Hunter to approve this application 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. Lowman. The Motion carried 6-0-0.*

*Variance approved:*

1. *Variance to allow accessory structures to be constructed on a lot without a principal building. [§708.03 (F.3.)]*

**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

**ADJOURNMENT:**

*The July 27, 2020 meeting of the Board of Zoning Appeals was adjourned at 6:51PM*

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***BOBBY VAN BUREN, CHAIRMAN***

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***INES EMBLER, SECRETARY***