



City of Marietta

205 Lawrence Street
Post Office Box 609
Marietta, Georgia 30061

Meeting Minutes BOARD OF ZONING APPEALS

James A. Mills, Ward 3, Chairman
J. K. Lowman, Ward 2, Vice Chairman
Susan Grant, Ward 1
G. Marshall Dye, Ward 4
Steven A. Carson, Ward 5
William "Bill" J. Martin, Ward 6
Neil Bishop, Ward 7

Monday, November 28, 2011

6:00 PM

City Hall Council Chambers

Present: Neil Bishop, G. Marshall Dye, James A. Mills, Susan Grant,
Steven A. Carson, William "Bill" J. Martin.
Absent: J. K. Lowman

Staff:

Brian Binzer, Development Services Director
Shelby Little, Urban Planner
Kyethea Clark, Urban Planner
Daniel White, City Attorney

Absent Staff Members: Rusty Roth and Patsy Bryan

MINUTES:

20111049

October 31, 2011 Regular Board of Zoning Appeals Meeting Minutes

Review and Approval of the October 31, 2011 Board of Zoning Appeals Meeting Minutes

Ms. Grant made a Motion to approve the October 31, 2011, seconded by Mr. Martin. The motion carried 6-0-0.

A motion was made by Board member Susan Grant, seconded by Board member William "Bill" J. Martin, that this matter be Approved and Finalized. The motion carried by the following vote: 6 – 0 – 0.

Absent: 1 - Board member Lowman

VARIANCES:**20111017****V2011-35 Sope Creek, LLC 1990 Roswell Road**

V2011-35 [VARIANCE] SOPE CREEK, LLC. request variances for property located in Land Lot 11000, District 16, Parcel 0010 and being known as 1990 Roswell Road (The Falls Apartments). Variance to allow a sign with an interior angle of 60° be considered a double-faced sign; Variance to reduce the required sign setback from 5' to 2'; Variance to increase the allowable sign height from 10' to 20'; Variance to increase the allowable sign structure area from 60 s.f. to 174 s.f. Ward 6.

File #2011107 (V2011-35) was presented by Mrs. Clark for property located in Land Lot 11000, District 16, Parcel 0010 and being known as 1990 Roswell Road.

Mr. Michael Martin, representing Sope Creek, LLC, is requesting several variances for a sign. Mr. Martin stated that he would like to withdraw the first variance regarding the interior angle of the sign. He further explained that the proposed sign will be made using architectural metal and stone materials.

The new sign drops in elevation as compared to the previous sign that was road level. The additional 10' will give the new sign the height necessary for potential customers to see.

Mr. Martin made a motion, seconded by Mr. Carson, to approve (withdrawing #1) all variances except for #1 with the rationale that granting the application will 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 6 – 0 – 0.

A motion was made by Board member William "Bill" J. Martin, seconded by Board member Steven A. Carson, that this matter be Approved as Stipulated. The motion carried by the following vote: 6 – 0 – 0.

Absent – 1 Board member Lowman

20111018**V2011-36 Daniel & Jacqueline Ashworth 328 Freyer Road**

V2011-36 [VARIANCE] DANIEL & JACQUELINE ASHWORTH request variances for property located in Land Lot 10890, District 16, Parcel 0030 and being known as 328 Freyer Road. Variance to increase the maximum height of a fence within a yard fronting a public street from 4' to 6'; Variance to reduce the required setback for a fence from 2' to 0'. Ward 5.

File #20111018 (V2011-36) was presented by Mrs. Clark for property located in Land Lot 10890, District 16, Parcel 0030 and being known as 328 Freyer Drive.

The applicant and owner, Daniel Ashworth, moved here 9 years ago but wanted to install a taller fence for safety after having a car stolen.

Mr. Carson made a motion, seconded by Mr. Dye, to approve all variances with rationale that granting the application will 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 6 – 0 – 0.

A motion was made by Board member Steven A. Carson, seconded by Board member G. Marshall Dye, that this matter be Approved and Finalized. The motion carried by the following vote: 6 – 0 – 0.

Absent – 1 Board member Lowman

20111019

V2011-37 Transamerica International, Inc. 642 Allgood Road

V2011-37 [VARIANCE] TRANSAMERICA INTERNATIONAL, INC.

request variances for property located in Land Lot 10710, District 16, Parcel 0620 and being known as 642 Allgood Road. Variance to increase the height of a fence (wrought iron) in front and side yard from 4 ft. to 6 ft. (Section 710.04); Variance to allow fence to be constructed less than 2 ft. of the public right-of-way. Ward 5.

File #20111019 (V2011-37) was presented by Mrs. Clark for property located in Land Lot 10710, District 16, Parcel 0620 and being known as 642 Allgood Road.

Mr. Gene Dong, General Manager with Transamerica International, Inc. owns Hillcrest Apartment. Mr. Dong stated that the City project is impacting their existing 6' chain link fence. Having the fence prevents pedestrians from cutting through their property and creating a safety issue and dangerous environment. Property manager and security have been trying to keep trespassers out of property, which is why the fence was there. A four foot fence would not keep people out. Bus riders would climb over a four foot fence to reach the shade on the property while waiting for the bus. A fence would keep them out. Also, some of the units near the corner of N. Fairground Street and Allgood Road are now very close to the street. These units are three bedroom units, inhabited by families and teenagers that play outside. The fence would keep them from running out into the street. Lastly, the fence will keep people seeking to conduct illegal activities initiated at the nearby gas stations from using the property as a hideout.

Mr. Martin asked who will install the fence and Mr. Dong responded that the City will build a six foot fence if the variance is approved, a four foot fence if it is denied.

Mr. Carson made a motion, seconded by Mr. Martin, to approve variances with the rationale that granting the application will 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 6 – 0 – 0.

A motion was made by Board member Steven A. Carson, seconded by Board member William "Bill" J. Martin, that this matter be Approved and Finalized . The motion carried by the following vote: 6 – 0 – 0.

Absent: 1 - Board member Lowman

20111020

V2011-38 David Zurn, Jr. 579 Wilshire Avenue

V2011-38 [VARIANCE] DAVID ZURN, JR. request variances for property located in Land Lot 10920, District 16, Parcel 0900 and being known as 579 Wilshire Avenue. Variance to reduce side setback from 10 ft. to 3 ft. Ward 5.

File #20111020 (V2011-38) was presented by Mrs. Clark for property located in Land Lot 10920, District 16, Parcel 0900 and being known as 579 Wilshire Avenue.

The property owner and applicant, David Zurn Jr., clarified that the setback being requested is actually 2.8' at the nearest location rather than the 3' shown. His plan was to destroy the small, old shed once the new structure was completed. He then received a violation letter from code enforcement and realized he had not researched setbacks. He tried to contact landlord of property next door to get his support; he left 5 voicemails and sent a letter dated November 2, 2011. He has not responded.

Mr. Carson asked Mr. Zurn if he is willing to raise the enclosed structure 12" above the existing grade with concrete piers and anchor the storage bin and shed to prevent flotation and Mr. Zurn responded yes.

Mr. Carson made a motion, seconded by Mr. Dye, to approve the variances with two stipulations:

1. Raise each enclosed structure approximately 12" above existing grade with concrete piers to allow flood waters to flow under the sheds.
 2. Anchor the storage bin and shed to prevent flotation in accordance with the requirements of the Dept of Public Works – Building Inspections Division.
- Mr. Carson's rationale being that granting the application will 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 6 – 0 – 0.

A motion was made by Board member Steven A. Carson, seconded by Board member G. Marshall Dye, that this matter be Approved as Stipulated. The motion carried by the following vote: 6 – 0 – 0.

Absent – 1 Board member Lowman

20111021

V2011-39 Charles Thomas Blackwell 613 Wilshire Avenue

V2011-39 [VARIANCE] CHARLES THOMAS BLACKWELL request variances for property located in Land Lot 10690, District 16, Parcel 0050 and being known as 613 Wilshire Avenue. Variance to reduce north side setback from 10 ft. to 2.4 ft.; Variance to reduce south side setback from 10 ft. to 8.1 ft.; Variance to allow the area of the accessory building's footprint to exceed 50% of the principal structure by allowing 62%. Ward 5.

File #20111021(V2011-39) was presented by Mrs. Clark for property located in Land Lot 10690, District 16, Parcel 0050 and being known as 613 Wilshire Avenue.

Charles Blackwell, owner and applicant, purchased storage sheds already constructed and had them delivered and lined up with existing sheds on north side. He intended on taking down last shed (9'x10'), which would reduce him below the 50%. He intends on taking this shed down before the end of the year.

Mr. Carson asked Mr. Blackwell if he is willing to raise enclosed structure 12" above the existing grade with concrete piers and anchor the storage bin and shed to prevent flotation and Mr. Blackwell responded yes.

Mr. Carson made a motion, seconded by Ms. Grant, to approve with following stipulations:

1. Raise each enclosed structure approximately 12" + above existing grade with

concrete pillars to allow flood waters to flow under the sheds.

2. Anchor the storage bin and shed to prevent flotation in accordance with the requirements of the Dept of Public Works – Building Inspections Division.

3. One of the existing sheds will be removed in order to reduce the square footage of the accessory structures' footprint.

Mr. Carson's rationale being that granting the application will 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.

Mr. Mill asked if Mr. Carson's motion includes variance #3 and Mr. Carson responded yes.

The motion carried 6 – 0 – 0.

A motion was made by Board member Steven A. Carson, seconded by Board member Susan Grant, that this matter be Approved as Stipulated. The motion carried by the following vote: 6 – 0 – 0.

Absent – 1 Board member Lowman

OTHER:

20111072

Appeal of a decision by the Director of Development Services

David Haddle of Hubert Properties LLLP is appealing the decision made by the Director of Development Services regarding permit #11-2435 for the pylon sign located at 227 Cobb Parkway South.

This item was tabled to the December 19, 2011 BZA Meeting.

ADJOURNMENT:

The Board of Zoning Appeals Meeting adjourned at 6:46 p.m.

JAMES A. MILLS, CHAIRMAN

PATSY BRYAN, SECRETARY