



City of Marietta

205 Lawrence Street
Post Office Box 609
Marietta, Georgia 30061

Meeting Minutes BOARD OF ZONING APPEALS

J. K. Lowman, Ward 2, Chairman
James A. Mills, Ward 3, Vice Chairman
Roy L. Shults, Ward 1
G. Marshall Dye, Ward 4
Steven A. Carson, Ward 5
Millard W. Slayton, Ward 6
Neil Bishop, Ward 7

Monday, February 22, 2010

6:00 PM

City Hall Council Chambers

Roy L. Shults, James Mills, Millard Slayton, Neil Bishop, G. Marshall Dye,
Steven A. Carson

Absent: J. K. Lowman

Staff:

Rusty Roth, Development Services Manager
Patsy Bryan, Secretary to the Board
Kyethea Clark, Urban Planner
Daniel White, City Attorney

CALL TO ORDER:

Vice Chairman Mills called the February 22, 2010 Board of Zoning Appeals Meeting to order at 6:00 p.m.

MINUTES:

20100185 January 25, 2010 Regular Board of Zoning Appeals Meeting Minutes

Review and Approval of January 25, 2010 Board of Zoning Appeals Meeting Minutes

Mr. Dye made a motion to approve the January 25, 2010 Regular Board of Zoning Appeals Minutes, seconded by Mr. Slayton. Motion carried 6 – 0 – 0.

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

Absent: 1 - Board member Lowman

VARIANCES:**20100089 V2010-04 Khosrow Moradi 313 Marble Mill Road**

V2010-04 KHOSROW MORADI request variances for property located in Land Lot 1005, District 16, Parcel 280 and being known as 313 Marble Mill Road. Variance to allow an automotive repair shop (including paint and body) on a parcel adjacent to a single family residential district. Ward 5.

File #20100089 (V2010-04) was presented by Mr. Roth for the applicant, Khosrow Moradi, who is requesting a variance for property located at 313 Marble Mill Road. The variance is to allow an automotive repair shop on a parcel adjacent to a single family residential district.

On behalf of the owner, MRW Properties, LLC, as well as Khosrow Moradi, Mary Lanning, RLA, ASLA with McMullen Engineering is requesting this variance in order to allow Mr. Moradi repair automobiles at this site. In July, a Special Land Use Permit was approved to allow for high grade plastics recycling. Ms. Lanning explained in detail the need for Mr. Moradi to continue his business of repairing automobiles due to the economic downturn, employee parking, fencing and buffer of 3 rows of evergreens.

Ms. Lanning and Khosrow Moradi both understand that in order to actively use the land beyond the 150 foot point, the applicant will need to contact the city and make such request.

Mr. Dye recused himself from this vote as he is a neighbor of the property in question.

Mr. Carson made a motion, seconded by Mr. Bishop, to approve the variance to allow an automotive repair shop (including paint and body) on a parcel adjacent to a single family residential district with the following stipulations:

- *The applicant will authorize City of Marietta Code Enforcement to make monthly inspections to verify that no inoperable vehicles remain on site for more than 30 days.*
- *All vehicles will be stored on an approvable surface (concrete, brick, or asphalt) north of the "150 Foot Limit Line."*

The rationale for granting this variance is that it 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.

Motion carried 5 – 0 – 1. Mr. Dye recused himself.

A motion was made by Board member Steven A. Carson, seconded by Board member Neil Bishop, that this matter be Approved as Stipulated. The motion carried by the following vote: 5 – 0 – 1. Mr. Dye recused himself.

Absent: 1 - Board member Lowman

Abstain: 1 - Board member Dye

20100091

V2010-05 Kevin Knight 165 Fairground Street

V2010-05 KEVIN KNIGHT request variances for property located in Land Lot 12150, District 16, Parcel 1090 and being known as 165 Fairground Street. Variance to waive installation of trees located within a required buffer area designated at the northwest corner of the site and variance to waive installation of a fence located within a required buffer area designated at the northwest corner of the site. Ward 5.

File #20100091 (V2010-05) was presented by Mr. Roth for the applicant, Kevin Knight, who is requesting variances for property located at 165 Fairground Street. The variance request is to waive the installation of trees located within a required buffer area and to waive installation of a fence located within the required buffer area.

The applicant, Kevin Knight, explained that these variances are necessary to prevent further soil destabilization on a severely sloped area in the northwest corner of the parcel.

Mr. Carson stated that the site has improved from a year ago although the site still has soil and erosion problems.

Mr. Carson made a motion, seconded by Mr. Dye, to waive installation of trees located within a required buffer area designated at the northwest corner of the site and to waive installation of a fence located within a required buffer area designated at the northwest corner of the site with the following stipulation:

- *The owner shall correct the slope and provide an engineer's letter stating that it is stable to the satisfaction of the Director of the Department of Public Works.*

The rationale for granting these variances is that it 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.

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

ADJOURNMENT:

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The February 22, 2010 Board of Zoning Appeals Meeting adjourned at 6:11 p.m.

JAMES MILLS, VICE CHAIRMAN

PATSY BRYAN, SECRETARY