



# 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*  
*David Hunter, Ward 4*  
*Ronald Clark, Ward 5*  
*William "Bill" J. Martin, Ward 6*  
*Justice Barber, Ward 7*

---

Monday, October 28, 2013

6:00 PM

City Hall Council Chambers

---

Present: James A. Mills, Susan Grant, William "Bill" J. Martin, J. K. Lowman, Ronald Clark, Justice Barber, and David Hunter

Staff:

*Rusty Roth, Development Services Manager*  
*Patsy Bryan, Secretary to the Board*  
*Daniel White, City Attorney*

### CALL TO ORDER:

*Chairman Mills called the Monday, October 28, 2013 Board of Zoning Appeals Meeting to order at 6:00 p.m.*

### MINUTES:

**20131116** September 30, 2013 Board of Zoning Appeals Meeting Minutes

Review and Approval of the September 30, 2013 Board of Zoning Appeals Meeting Minutes

*Mr. Lowman made a motion, seconded by Mr. Martin, to approve the September 30, 2013 Board of Zoning Appeals Meeting Minutes as submitted.*

*The Motion carried 7 – 0 – 0.*

**A motion was made by Board member Lowman, seconded by Board member Martin, that this Minutes be Approved and Finalized. The motion CARRIED by the following vote: 7 – 0 – 0**

### VARIANCES:

**20131074 V2013-36 Danny J. Covington 547 Atlanta Street**

**V2013-36 [VARIANCE] DANNY J. COVINGTON** requests a variance for property located in Land Lot 02900, District 17, Parcel 0170, 2nd Section, Marietta, Cobb County, Georgia and being known as 547 Atlanta Street. Variance to allow an accessory structure to be located closer to a street right of way than the principal building. Ward 3.

*File #20131074 (V3013-36) was presented by Mr. Roth for property located in Land Lot 02900, District 17, Parcel 0170 and being known as 547 Atlanta Street.*

*Public hearing was held.*

*The applicant, Danny J. Covington, is requesting a variance to allow an accessory structure to be located closer to a street right-of-way than the principal building.*

*Environmental Services requires the grill to be covered. The fire department does not require sprinkling of the structure which is described as A-line roof and beige in color to match the building.*

*No one spoke in opposition.*

*Public hearing was closed.*

*Chairman Mills made a motion, seconded by Mrs. Barber, to approve the variance with the following stipulations:*

- (1) That the variance be approved per the submitted design (see attached).*
- (2) The new development plans will be required to be submitted and approved, and the site improvements must be completed, before any building permits may be issued for the carport.*

*The criteria for granting this variances is that exceptional or extraordinary circumstances or conditions are applicable to the development of the site that do not apply generally to sites in the same zoning district.*

*The motion carried 7 – 0 – 0.*

**A motion was made by Board member Mills, seconded by Board member Barber, that this Variance be Approved as Stipulated . The motion CARRIED by the following vote: 7 – 0 – 0**

**20131105 V2013-39 Jeffrey C. Glover, LLC 6 Carriage Oaks Drive**

**V2013-39 [VARIANCE] JEFFREY C. GLOVER, LLC** requests a variance for property located in Land Lot 03250, District 20, Parcel 2550, 2nd Section, Marietta, Cobb County, Georgia and being known as 6 Carriage Oaks Drive. Variance to allow an accessory structure to be located closer to the right of way than the principal building. Ward 4.

*File #20131105 (V2013-39) was presented by Mr. Roth for property located in Land Lot 03250, District 20, Parcel 2550 and being known as 6 Carriage Oaks Drive.*

*Public hearing was held.*

*The applicant, Jeffrey C. Glover, is requesting a variance to allow an accessory structure to be located closer to the right-of-way than the principal building.*

*Mr. Glover described the open pavilion as being a 20' x 20' gable structure on a poured concrete pad.*

*Public hearing was closed.*

*Mr. Hunter made a motion, seconded by Mr. Lowman to approve the variance with the stipulation that the trees along Whitlock Avenue not be disturbed. The 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 7 – 0 – 0.*

**A motion was made by Board member Hunter, seconded by Board member Lowman, that this Variance be Approved as Stipulated . The motion CARRIED by the following vote: 7 – 0 – 0**

**20131171****V2013-41 Hamid Nikfarjam 447 Atlanta Street**

**V2013-41 HAMID NIKFARJAM** requests a waiver of the 12 month time period for resubmission for property located in Land Lot 02880, 17th District, Parcel 0380, 2nd Section of Cobb County, Marietta, Georgia and being known as 447 Atlanta Street.

*File #20131171 (V2013-41) was presented by Mr. Roth for an appeal by Hamid Nikfarjam.*

*Public hearing was held.*

*Mr. Roth read the Marietta Zoning Ordinance (Section D) in relation to the time limit on resubmission.*

*Mr. John Moore, representing Mr. Nikfarjam, is requesting a waiver of the 12 month time period for resubmission of an application.*

*At time of the May 20, 2013 hearing, the applicant had not received approval from Georgia Department of Community Health. Mr. Nikfarjam received this approval from the state on July 24, 2013.*

*The parking lot has been paved and 11 spaces provided. There being no problems with access, the applicant would provide information on emergency access if allowed to resubmit.*

*No one was in opposition.*

*Public hearing was closed.*

*Mr. Clark made a motion to deny the request, seconded by Mr. Lowman. The motion carried 5 - 2 - 0 with Mrs. Barber and David Hunter opposed.*

**A motion was made by Board member Clark, seconded by Board member Lowman, that this Variance be Denied . The motion CARRIED by the following vote: 5 – 2 – 0**

**ADJOURNMENT:**

*Mr. Lowman made a motion, seconded by Mr. Martin, to adjourn at 6:43 p.m.*

\_\_\_\_\_  
*JAMES A. MILLS, CHAIRMAN*

\_\_\_\_\_  
*PATSY BRYAN, SECRETARY*