



City of Marietta
Meeting Minutes
BOARD OF ZONING APPEALS

205 Lawrence Street
Post Office Box 609
Marietta, Georgia 30061

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

Monday, June 25, 2007

6:00 PM

City Hall Council Chambers

Present: James Mills, Samuel Elliott, Millard Slayton, Neil Bishop and G. Marshall Dye
Absent: Roy L. Shults and J. K. Lowman

Staff:

Brian Binzer, Development Services Director
Rusty Roth, Development Services Manager
Patsy Bryan, Secretary to the Board
Julie McQueen, Urban Planner
Nathan Lawrence, Urban Planner
Daniel White, City Attorney

CALL TO ORDER:

Vice Chairman Mills called the June 25, 2007 Board of Zoning Appeals meeting to order at 6:00 p.m.

At this time, Vice Chairman Mills made a motion to table the variance request from Richard H. Pugmire (V2007-27) to the July meeting per the request of the applicant, seconded by Mr. Elliott. Motion carried 5 - 0.

MINUTES:

20070658 May 21, 2007 Regular Board of Zoning Appeals Meeting Minutes

Review and Approval of May 21, 2007 Board of Zoning Appeals Meeting Minutes

File #20070658 - Mr. Elliott made a motion to accept the May 21, 2007 Board of Zoning Appeals Minutes as submitted, seconded by Mr. Bishop. Motion carried 5 - 0.

A motion was made by Board member Elliott, seconded by Board member Bishop, that this matter be Approved. The motion carried by the following vote:

Vote: 5 - 0 - 0

Approved

VARIANCES:

20070593 V2007-24 Mount Paran Christian School 1275 Stanley Road

V2007-24 Mount Paran Christian School request variances for property located in Land Lot 02430, 20th District, Parcel 0250, 2nd Section of Cobb County, Marietta, Georgia and being located at 1275 Stanley Road. Variance for Special Land Use Permit to allow four (4) temporary buildings to serve as classrooms pending the completion of a permanent building for a period not to exceed one year. Ward 4.

File #20070593 (V2007-24) was presented by Ms. McQueen for property located in Land Lot 02430, 20th District, Parcel 0250 and being known as 1275 Stanley Road. The applicant, Mount Paran Christian School is requesting a variance for a Special Land Use Permit to allow four (4) temporary buildings to serve as classrooms pending the completion of a permanent building for a period not to exceed one (1) year.

Mr. Fred Bentley, Jr. represented Mount Paran Christian School and stated that the school is undertaking a major capital campaign for the addition of classrooms.

A letter from Randall Paulson was submitted to the Board indicating additional classrooms.

Mr. Dye made a motion, seconded by Mr. Slayton, to approve variance as stated with the stipulation that a bond will be established to guarantee the removal of the buildings. 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 public health, safety or general welfare. Motion carried 5 - 0 - 0.

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

Vote: 5 - 0 - 0

Approved as Stipulated

20070594

V2007-25 J & E Real Estate Investments, LLC 911 Allgood Road

V2007-25 J&E Real Estate Investments, LLC (Jim Eyre) request variances for property located in Land Lot 997, 16th District, Parcel 0020, 2nd Section of Cobb County, Marietta, Georgia and being located at 911 Allgood Road. Variance to reduce the undisturbed landscape buffer along the north side of the property from 50 feet to 25 feet; Variance to allow the buffer along the north side of the property to be disturbed and replanted with a screening of new trees; Variance to reduce the undisturbed landscape buffer from 50 feet to 0 feet along the east side of the property; Variance to allow a storm water retention or detention facility in the required buffer along the east side of the property. Ward 5.

File #20070594 (V2007-25) was presented by Ms. McQueen for property located in Land Lot 997 of the 16th District, Parcel 0020 and being known as 911 Allgood Road.

Jim Eyre with J&E Real Estate is being represented by Melissa Haisten, with Sams, Larkin & Huff and requesting the following 3 variances:

- (1) Variance to allow the buffer along the northern side of the property to be disturbed and replanted with a screening of new trees;*
- (2) Variance to reduce the undisturbed landscape buffer from 50 feet to 25 feet along the east side of the property; and*
- (3) Variance to allow the buffer along the east side of the property to be disturbed and replanted with a screening of trees.*

These three variances are an amendment to the original variances requested.

According to Ms. Haistens there are several features that create significant hardships in the development of this property for industrial uses. First, there is a stream running across the property creating 4.41 acres of flood plain and requires 75 foot stream bank buffers on either side of stream, therefore, preventing development of this environmentally sensitive area. The second reason is the topography of the property causes a significant amount of grading to be necessary to place building pads for buildings on property due to an existing 135-foot drop from the rear of property down to the stream. The third reason is the 100' and 150' Georgia Power easements, which traverse the property.

Mr. Elliott made a motion to grant the variances as requested, seconded by Mr. Slayton, with the rationale being that this organization has taken a difficult piece of property to work with and will be turning it into a very useful industrial complex. Mr. Elliott commended the applicant for their efforts and it allows them to take advantage of their property and will not be detrimental to the neighborhood. Motion carried 5 - 0.

A motion was made by Board member Elliott, seconded by Board member Slayton, that this matter be Approved. The motion carried by the following vote:

Vote: 5 - 0 - 0

Approved

20070596

V2007-27 Richard H. Pugmire 1865 Cobb Parkway South

V2007-27 Richard H. Pugmire request variance for property located in Land Lot 07310, 17th District, Parcel 0090, 2nd Section of Cobb County, Marietta, Georgia and being located at 1865 Cobb Parkway South. Variance to allow a third freestanding sign along a property line that abuts a public right-of-way. Ward 1.

Earlier in the meeting, Vice Chairman Mills made a motion to table the variance request from Richard H. Pugmire (V2007-27) to the July meeting per the request of the applicant, seconded by Mr. Elliott. Motion carried 5 - 0.

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

Vote: 5 - 0 - 0

Tabled

ADJOURNMENT:

The Board of Zoning Appeals meeting adjournment at 6:21 p.m.

JAMES MILLS, VICE CHAIRMAN

PATSY BRYAN, SECRETARY