



# 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*  
*Brad N. Leskoven, Ward 1*  
*David Hunter, Ward 4*  
*Ronald Clark, Ward 5*  
*Bobby Van Buren, Ward 6*  
*Justice Barber, Ward 7*

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Monday, November 24, 2014

6:00 PM

City Hall Council Chambers

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*Present: J. K. Lowman, Ronald Clark, Justice Barber, James Mills, Brad N. Leskoven,  
and Bobby Van Buren*

*Not Present: David Hunter*

*Staff:*

*Brian Binzer, Director Development Services*  
*Shelby Little, Planning Administrator*  
*Ines Embler, Secretary to the Board*  
*Matthew Williams, Urban Planner*  
*Daniel White, City Attorney*

*Staff not present: Rusty Roth, Planning & Zoning Manager*

### CALL TO ORDER:

Mr. Lowman called the November 24, 2014 meeting of the Board of Zoning Appeals to order at 6:00PM.

### MINUTES:

**20141200      October 27, 2014 Board of Zoning Appeals Meeting Minutes**

#### **Review and Approval of the October 27, 2014 Board of Zoning Appeals Meeting Minutes**

*Chairman Lowman made a motion, seconded by Mr. Van Buren, that the October 27, 2014 Board of Zoning Appeals meeting minutes be approved.*

**A motion was made by Chairman Lowman, seconded by Board member Van Buren, that this Minutes be Approved and Finalized. The motion CARRIED by the following vote.**

**Absent:      1**

**Vote For:    6**

**VARIANCES:**

**20141154 V2014-53 Marietta Toyota 708 Cobb Parkway South**

**V2014-53 [VARIANCE] MARIETTA TOYOTA request a variance for property located in Land Lot 05740, District 17, Parcel 0100, 2nd Section, Marietta, Cobb County, Georgia and being known as 708 Cobb Parkway South. Variance to allow the use of ACM (Aluminum Composite Metal) panels on the front and side of a building facing a roadway. Ward 1A.**

*A public meeting was held.*

*The applicant, Mr. David Funderburk, presented samples of the panels to the members of the board. He was asked by Mr. Lowman when he anticipates finishing construction and Mr. Funderburk replied that it would take approximately 4 weeks.*

*No questions were presented and there was no opposition to this variance.*

*The public hearing was closed.*

*A motion was made by Mr. Leskoven to grant the application on the basis that it would not be detrimental or injurious to the property or the improvements in the vicinity of the development or to the public health, safety or general welfare. It was seconded by Ms. Barber.*

**A motion was made by Board member Leskoven, seconded by Board member Barber, that this Variance be Approved and Finalize . The motion CARRIED by the following vote.**

**Absent: 1**

**Vote For: 6**

**20141155 V2014-55 Alan & Kimberly Downey 353 Nelson Street**

**V2014-55 [VARIANCE] ALAN & KIMBERLY DOWNEY request variances for property located in Land Lot 10840, District 16, Parcel 0410, 2nd Section, Marietta, Cobb County, Georgia and being known as 353 Nelson Street. Variance to reduce the front yard setback from 35' to 25'; variance to reduce the side yard setback from 25' to 10'; variance to reduce the minimum lot size for a yard serviced by a septic tank from 1 acre to 0.423 acres; variance to reduce the minimum road frontage for a yard serviced by a septic tank from 100' to 84'. Ward 4A.**

*A public meeting was held.*

*The applicant, Mr. Alan Downey presented a survey showing the house previously on*

*the lot that had been demolished and was 4 feet from the property line.*

*Mr. Lowman asked if there were any problems with the County Health Department about this matter and if there were any problems. Mr. Downey said that his builder has spoken with them and that there are no problems.*

*Mr. Leskoven asked if there currently is a septic tank on the property and Mr. Downey informed him that there is not. He stated that the house was 100 years old and that there was a septic at one time, but not currently. It was located behind the house and they will be putting a new septic tank in.*

*No questions were presented and there was no opposition to this variance.*

*The public hearing was closed.*

*Mr. Lowman made a motion that we approve the variance as submitted granting the application on the basis that it would not be detrimental or injurious to the property or the improvements in the vicinity of the development or to the public health, safety or general welfare. The motion was made for approval with the understanding that the County Health Department will approve the septic system that's put in. It was seconded by Mr. Mills. The Motion carried 6-0-0.*

**A motion was made by Chairman Lowman, seconded by Board member Mills, that this Variance be Approved and Finalized. The motion CARRIED by the following vote.**

**Absent: 1**

**Vote For: 6**

**20141156**

**V2014-56 T.Y. Lin International 840 Church Street**

**V2014-56 [VARIANCE] T.Y.LIN INTERNATIONAL request variances for property located in Land Lot 10150, District 16, Parcel 0600, 2nd Section, Marietta, Cobb County, Georgia and being known as 840 Church Street. Variance to allow an accessory structure closer to Vann Street than the principal structure. Variance to reduce the setback for an accessory structure from 10' to 5.' Variance to allow the use of metal siding on the building facades facing a roadway. Ward 5B.**

*A public meeting was held.*

*The applicant, Ms. Teresa Curry with T.Y. Lin International, presented a picture showing the building and metal siding location. She stated that the metal band on top of the siding is a decoration for the building, and it breaks up the wall. Ms. Barber asked if the photograph presented was different than what was originally submitted. Ms. Curry stated that it was a different building but the same type, and that the metal siding was the same.*

*She said the dumpster would be in a brick enclosure and gated, and that it needed to be there because of the elevation of the land. Otherwise, the driveway slope would be in excess of 15%. She said that they will have to share the driveway with the medical complex because of the elevation.*

*Mr. Mills asked Ms Little if having one entry/exit would cause a problem with the City just having one access from Vann Street, and she said it would not.*

*Ms. Barber asked to be shown on the map why it would be problematic in her design to move the proposed location over to the other side. Ms. Curry explained that the grade change would be too steep.*

*Mr. Clark asked if the area around the dumpster would have some greenery around it. Ms. Curry said that it would be gated, have a brick enclosure and that it would also be surrounded by landscaping. Mr. Clark expressed concern about the traffic coming off of Church Street onto Vann Street. Ms. Curry said the dumpster will not impede traffic on Vann Street, that the bulk of their traffic would use the signalized intersection on Church Street. Mr. Clark asked when Waste Management picked up trash, and Ms. Curry stated that they come late at night or very early.*

*Mr. Leskoven questioned the location of the dumpster and gate enclosure, and Ms. Curry confirmed and showed him more specifically on the map.*

*No questions were presented and there was no opposition to this variance. The public hearing was closed.*

*Mr. Clark made a motion to approve the variance on the basis that it would not be detrimental or injurious to the property or the improvements in the vicinity of the development or to the public health, safety or general welfare, seconded by Mr. Van Buren.*

*Mr. Daniel White requested that they submit the plan that they presented tonight to Ms. Little because it is different than what's in the packet and the motion would be approved according to that plan.*

*A stipulation was included to require that the exterior of the dumpster enclosure match that of the exterior of the building itself and to approve the variances based upon the site plan presented by submitted to the City.*

*The motion was re-entered by Mr. Clark, seconded by Mr. Van Buren with the above stipulation. The motion was carried 6-0-0.*

**A motion was made by Board member Clark, seconded by Board member Van Buren, that this Variance be Approved as Stipulated . The motion CARRIED by the following vote.**

**Absent: 1**

**Vote For: 6**

20141181

**V2014-57 Red Hare Properties 1998 Delk Industrial Boulevard**

**V2014-57 [VARIANCE] RED HARE PROPERTIES LLC request variances for property located in Land Lot 07150, District 17, Parcel 0150, 2nd Section, Marietta, Cobb County, Georgia and being known as 1998 Delk Industrial Drive. Variance to reduce the required landscape buffer from 50 ft. to 10 ft. to accommodate new parking lot. Ward 1A.**

*A public meeting was held.*

*The applicant Mr. Roger Davis said they would like to purchase the building and they are requesting variances to add parking. The distance from building to chain link fence is about 90 feet and he is proposing to go within 10 feet from the fence. He said the City re-routed the storm water drains last year and cut a big swath out behind the building, so it's just grass that they mow now.*

*Mr. Lowman inquired about the truck docks and employee parking. Mr. Davis pointed to the location on the map and said brewery employees would park in the back. Ms. Barber asked if they currently meet their parking requirements per the code without the additional parking that he is requesting and Mr. Davis stated that they did.*

*Mr. Leskoven stated that the comments from staff mentioned the City Arborist viewing the property and asked if he would have any opposition to that. Mr. Davis stated that he would not be opposed, but that there were no trees anywhere on the property.*

*No questions were presented and there was no opposition to this variance.*

*The public hearing was closed.*

*Mr. Leskoven made a motion to approve the variance as submitted with the stipulation that the City Arborist inspect the property to determine whether additional evergreen trees should be required. The motion is approved on the basis that it would not be detrimental or injurious to the property or the improvements in the vicinity of the development or to the public health, safety or general welfare. It was seconded by Mr. Lowman. The motion carried 6-0-0.*

**A motion was made by Board member Leskoven, seconded by Chairman Lowman, that this Motion be Approved and Finalized . The motion CARRIED by the following vote.**

**Absent: 1**

**Vote For: 6**

**OTHER BUSINESS:**

**20141202            2015 Board of Zoning Appeals Calendar of meeting dates**

**Review and Approval of the 2015 Board of Zoning Appeals calendar**

*The 2015 Board of Zoning Appeals calendar was approved 6-0-0.*

**A motion was made that this Motion be Approved and Finalized. The motion CARRIED by the following vote.**

**Absent:    1**

**Vote For:  6**

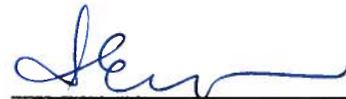
**ADJOURNMENT:**

*Mr. Lowman made a motion to adjourn, seconded by Mr. Van Buren. The November 24, 2014 meeting of the Board of Zoning Appeals was adjourned at 6:29PM.*



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**J.K. LOWMAN, CHAIRMAN**



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**INES EMBLER, SECRETARY**