



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, February 26, 2007

6:00 PM

City Hall Council Chambers

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

Staff:

Brian Binzer, Development Services Director
Rusty Roth, Development Services Manager
Julie McQueen, Urban Planner
Nathan Lawrence, Urban Planner
Daniel White, City Attorney

Absent: Patsy Bryan

CALL TO ORDER:

Chairman Lowman called the February 26, 2007 Board of Zoning Appeals Meeting to order at 6:00 p.m.

MINUTES:

20070190 January 29, 2007 Regular Board of Zoning Appeals Meeting Minutes

Review and Approval of January 29, 2007 Board of Zoning Appeals Meeting Minutes

Mr. Elliott made a motion to approve the Minutes as amended, seconded by Mr. Bishop. Motion carried 7 - 0 - 0. Correction is that Mr. Shults made a motion to deny, seconded by Mr. Slayton (see Page 4).

A motion was made that this matter be Approved. The motion carried by the following vote:

Vote: 7 - 0 - 0

Approved

VARIANCES:

20070142 V2007-04 868 Meadow Place Whitaya Chaisit

V2007-04 Whitaya Chaisit request variance for property located in Land Lot 10920, 16th District, Parcel 0400, 2nd Section of Cobb County, Marietta, Georgia and being located at 868 Meadow Place. Variance from the minor side setback

from 10ft. to 0ft. to construct a garage door on the existing attached carport [708.04.H]
Ward 5.

File #200070142 (V2007-04) was presented by Ms. McQueen for property located at 868 Meadow Place.

The applicant, Whitaya Chaisit, is asking for a variance from the minor side setback of 10 feet to 0 feet in order to construct a garage door on an existing attached carport.

Mr. Chaisit spoke and explained that he is seeking more security due to previous theft.

Mr. Elliott presented several questions to Mr. Chaisit about theft from rear of property, aesthetics and fence rather than garage.

Mr. Elliott made motion to deny, seconded by Mr. Bishop. Motion carried 7 - 0 - 0.

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

Vote: 7 - 0 - 0

Denied

20070143 V2007-05 1955 Airport Industrial Park Drive Toby Johnson

V2007-05 Toby Johnson request variance for property located in Land Lot 0709, 17th District, Parcel 0040, 2nd Section of Cobb County, Marietta, Georgia and being located at 1955 Airport Industrial Park Drive. Variance to allow automobile sales on a lot less than 1 acre in size [708.26.B.6.a]. Ward 1.

File #20070143 (V2007-05) was presented by Ms. McQueen for property located at 1955 Airport Industrial Park Drive.

The applicant, Toby Johnson, is requesting a variance to allow automobile sales on a lot that is less than 1 acre in size.

David Womack explained to the Board that the property had already been a car dealership for about 15 years. Due to an oversight of business partner, he failed to keep the grandfathered status and would like to get the status reinstated. He has already signed a 5-year lease for property.

Daniel White, the City Attorney, clarified that the variance would not reinstate the grandfather status, but would reduce the required lot size.

Mr. Mills asked if he would be willing to have a maximum of 5 cars on site at one time. Mr. Womack stated that they usually keep 4 vehicles on inside showroom and 5 vehicles on the outside.

Council for approval.

Variance #3: Mr. Shults made a motion to deny, seconded by Mr. Slayton. Motion failed 3 - 4 - 0. In favor of denial: Mr. Shults, Mr. Slayton and Mr. Elliott. Opposed: Mr. Mills, Mr. Dye, Chairman Lowman and Mr. Bishop.

Mr. Mills made a motion to grant the variance on item #3, seconded by Mr. Dye. Motion carried 4 - 3 - 0. In favor: Mr. Mills, Mr. Dye, Chairman Lowman and Mr. Bishop. Opposed: Mr. Shults, Mr. Slayton and Mr. Elliott.

Variance #4: Mr. Shults made a motion to deny, seconded by Mr. Slayton. Motion failed 2 - 5 - 0. In favor of denial: Mr. Shults and Mr. Slayton. Opposed: Mr. Mills, Mr. Elliott, Mr. Dye, Chairman Lowman and Mr. Bishop.

Mr. Mills made a motion to approve to approve Variance #4, seconded by Mr. Dye. Motion carried 5 - 2 - 0 with Mr. Mills, Mr. Dye, Mr. Elliott, Mr. Bishop and Chairman Lowman in favor. Opposed: Mr. Shults and Mr. Slayton.

Daniel White revised his opinion on Variance #2 and stated action needs to be taken as the applicant is not asking for a variance to put up a pylon sign but asking to put up a second free-standing sign. Variance could be granted with stipulation that sign would be a monument sign.

Variance #2: Mr. Shults made a motion to deny, seconded by Mr. Slayton. Motion carried 3 - 3 - 1 with Mr. Shults, Mr. Slayton and Mr. Elliott in favor of denial. Opposed: Mr. Mills, Mr. Dye and Chairman Lowman. Abstained: Mr. Bishop. Therefore, the motion is denied.

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

Vote: 7 - 0 - 0

Denied

20070145

V2007-07 186 Parkview Drive John Richard Chambers

V2007-07 John Richard Chambers request variance for property located in Land Lot 1285, 16th District, Parcel 69, 2nd Section of Cobb County, Marietta, Georgia and being located at 186 Parkview Drive. Variance from the requirement that a fence shall not be constructed within 2 ft. of the public right-of-way. [712.04.A.2]; Variance from the maximum height of a fence located in a side yard of a residentially zoned property between the street and the front edge of the house from 4 ft. in height to approximately 9ft. in height. [712.04.A.2]; Variance from the maximum height of a fence located in a side yard of a residentially zoned property between the primary structure and the rear lot line from 8 ft. in height to approximately 14ft. in height. [712.04.A.2]. Ward 1.

File #20070145 (V2007-07) was presented by Ms. McQueen for property located in Land Lot 12850, District 16, Parcel 0690 and being known as 186 Parkview Drive.

The applicant, John Richard Chambers, is requesting a variance for the maximum height of a fence located in a side yard of a residentially zoned property between the street and the front edge of the house from 4 feet in height to approximately 9 feet in height, variance from the maximum height of a fence located in a side yard of a residentially zoned property between the primary structure and the rear lot line from 8 feet in height to approximately 14 feet in height.

Mr. Chambers stated that he is not asking for a variance from the requirement that a fence shall not be constructed within 2 feet of the public right-of-way but needs variance for height of fence.

Chairman Lowman explained to Mr. Chambers that the variance regarding right-of-way could not be handled through the Board of Zoning Appeals but rather through City Council. Chairman Lowman also explained to Mr. Chambers that he has ten (10) days to bring that part of fence into compliance and he agreed to do so.

Mr. Chambers gave details of needing height for privacy on his front porch.

Variance #1 (from house to city right-of-way): Mr. Shults made a motion to deny, seconded by Mr. Dye. Motion carried 6 - 1 - 0. Mr. Elliott opposed.

Variance #2 (from house to rear lot): This variance no longer necessary and Mr. Chambers requested withdrawal of the variance for 14 feet high fence, as it is no longer needed.

Mr. Bishop made a motion to allow Mr. Chambers 2 months to lower fence into compliance, seconded by Mr. Mills. Motion carried 7 - 0 - 0.

A motion was made by Board member Shults, seconded by Board member Dye, that this matter be Denied. The motion carried by the following vote:

Vote: 6 - 1 - 0

Denied

Vote Against: 1 - Samuel Elliott

ADJOURNMENT:

The February 26, 2007 Board of Zoning Appeals Meeting adjourned at 7:20 p.m.

KEN LOWMAN, CHAIRMAN

*JULIE MCQUEEN
Recording Secretary in the absence
of Datas Ryan*

of Patsy Bryan