



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, December 21, 2009

6:00 PM

City Hall Council Chambers

Present: J. K. Lowman, James Mills, Millard Slayton, Neil Bishop, G. Marshall Dye, Steven A. Carson.

Absent: Roy L. Shults

Staff:

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

CALL TO ORDER:

Chairman Lowman called the December 21, 2009 Board of Zoning Appeals Meeting to order at 6:00 p.m.

MINUTES:

20091391

November 30, 2009 Regular Board of Zoning Appeals Meeting Minutes

Review and Approval of November 30, 2009 Board of Zoning Appeals Meeting Minutes

A motion was made by Board member James Mills, seconded by Board member Steven A. Carson, that this matter be Approved and Finalized. The motion Carried by the following vote:

Vote 6 - 0 - 0 Approved and Finalized

VARIANCES:

20091392 V2009-26 Tom Whitehead 280 Cobb Parkway South

V2009-26 TOM WHITEHEAD request variance for property located in Land Lot 12380, District 16, Parcel 0200, and being known as 280 Cobb Parkway South, Suite D (master parcel is 180 Cobb Parkway S). Variance to allow a wall sign to be placed on a building face that does not abut a public roadway or designated access drive to a planned center. Ward 7.

File #20091392 (V2009-26) was presented by Mr. Roth for property located in Land Lot 12380, District 16, Parcel 0200 and being known as 280 Cobb Parkway South, Suite D.

The applicant, Tom Whitehead, is requesting a variance to allow a wall sign to be placed on a building face that does not abut a public roadway or designated access drive to a planned center.

Mr. Whitehead explained that the variance is to allow the sign on the north side of the building in order for customers to find the Sprint store.

The current sign on the north side is the sign requested per conversation between Mr. Mills and Mr. Whitehead. Chairman Lowman clarified with Mr. Whitehead that no changes will be made to the current subject sign that is already in place.

Mr. Bishop made a motion, seconded by Mr. Slayton, to approve this application with the rationale being that by approving the application will not be detrimental to improvements to property or improvements in the vicinity of the development site, or to the public health, safety, or general welfare.

Mr. Mills asked if any stipulations would be included, as recommended by staff, and Mr. Bishop rejected the offer. Motion carried 6 – 0 – 0.

A motion was made by Board member Neil Bishop, seconded by Board member Millard Slayton, that this matter be Approved and Finalized. The motion Carried by the following vote:

VOTE: 6 - 0 - 0 Approved and Finalized

20091384 V2009-27 Hansell L. Smith, Esq. 759 Roswell Street

V2009-27 HANSELL L. SMITH, ESQ. request variances for property located in Land Lots 1214 and 1235, District 16, Parcel 1180, and being known as 759 Roswell Street. Variance to reduce minimum lot size from 20,000 square feet to 11,500 square feet and reduce minimum lot width from 100 ft. to 50 ft. Ward 5.

File #20091392 (V2009-27) was presented by Mr. Roth for property located in Land Lots 1214 and 1215, District 16, Parcel 1180 and being known as 759 Roswell Street.

The applicant, Hansell "Hap" Smith, is requesting a variance to reduce minimum lot size from 20,000 square feet to 11,500 square feet and reduce the minimum lot width from 100 feet to 50 feet.

Ken Stanton, Jr. was in attendance to represent the family. The property is owned by the Estate of Ken Stanton, Sr. and the executors are his mother and sister.

Mr. Smith described the property as being east of the former Clell's Restaurant and across from Roswell Street Baptist Church.

Since last January the family has been involved in discussions with the city regarding easements and possibly having the city tear down the building or have the fire department burn the building for a training exercise.

Mr. Smith expressed concern that if the building is torn down, it is no longer grandfathered. Currently the building is grandfathered, on a lot approximately 11,500 square foot and roughly 50' or 60' wide. It is too small under the current zoning to build a new building unless a variance is granted. It is possible that it could be combined with one of the adjoining properties.

In the city's recommendation of approval, the city asked that the approval be conditioned upon granting an easement to the Public Works Department or to the city to install a sidewalk in the front. Mr. Smith gave his consent and approval to the stipulation.

The easement stipulation would be for a 6-foot brick sidewalk and concrete further into the property according to discussion between Chairman Lowman and Mr. Smith; however, this is subject to change if the buildings are torn down.

Mr. Carson made motion, seconded by Mr. Dye, to approve the following variances:

- 1. Reduce minimum lot size from 20,000 sq. ft. to 11,500 sq. ft.*
- 2. Reduce minimum lot width from 100 ft. to 50 ft.*

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 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 and Finalized. The motion Carried by the following vote:

VOTE: 6 - 0 - 0 Approved and Finalized

ADJOURNMENT:

The December 21, 2009 Board of Zoning Appeals Meeting adjourned at 6:13 p.m.

J. K. LOWMAN, CHAIRMAN

PATSY BRYAN, SECRETARY