



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
G. Marshall Dye, Ward 4
Steven A. Carson, Ward 5
William "Bill" J. Martin, Ward 6
Neil Bishop, Ward 7

Monday, September 26, 2011

6:00 PM

City Hall Council Chambers

J. K. Lowman, Neil Bishop, G. Marshall Dye, James A. Mills, Susan Grant, Steven A. Carson, and William "Bill" J. Martin

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 Mills called the September 26, 2011 Board of Zoning Appeals Meeting to order at 6:00 p.m.

MINUTES:

20110865

August 29, 2011 Regular Board of Zoning Appeals Meeting Minutes

Review and Approval of the August 29, 2011 Board of Zoning Appeals Meeting Minutes

Mr. Lowman made a motion to approve the August 29, 2011 Board of Zoning Appeals Meeting Minutes, seconded by Ms. Grant. Motion carried 7 – 0.

A motion was made by Board member J. K. Lowman, seconded by Board member Susan Grant, that this matter be Approved and Finalized. The motion carried by the following vote: 7 – 0.

VARIANCES:**20110799**

V2011-28 Garvis L. Sams, Jr. Sams, Larkin & Huff 302 Old Clay Street
V2011-28 [VARIANCE] GARVIS L. SAMS, JR. request a variance for property located in Land Lot 02890, District 17, Parcel 0210 and being known as 302 Old Clay Street. Variance to reduce the setback for an animal clinic adjacent to residential from 100' to 41.13'. Ward 3.

File #20110799 (V2011-28) was presented by Mr. Roth for property located in Land Lot 02890, District 17, Parcel 0210 and being known as 302 Old Clay Street.

Mr. Garvis Sams is requesting a variance for a setback for an animal clinic adjacent to a residential property from 100' to 46.76'. Mr. Sams is representing the applicant, Dr. Melville William "Bill" Kinney, III. Ed Hammock, Real Estate Broker, was also in attendance.

The property, described as a 0.23 acre tract, is located at the southeastern intersection of Old Clay Street and Garrison Drive. The property, zoned OI, is currently used as an office building. Property to the west is zoned OI, property to the north is zoned CRC and OI, and property to the south is zoned multi-family.

A 100' setback is required when animal clinics or hospitals are located adjacent to residential. The variance will accommodate the as-built circumstances. Mr. Sams referenced Mr. Ramsey's consent form relative to concerns regarding no external kennels or outside runs, as well as the September 12, 2011 Letter of Stipulations from Garvis Sams to Shelby Little.

According to Mr. Sams, the purchase of the property is contingent upon the actions of the Board of Zoning Appeals.

Diane Thomas, a resident of 331 Garrison Drive, spoke in opposition to this variance request. Mr. Thomas stated that their property is approximately 200 yards away and subject property has been used as a church counseling center.

Mr. Mills made a motion, seconded by Mr. Carson, to approve the variance with the stipulations that are identified in the Letter of Stipulations dated September 12, 2011 from Mr. Sams to Shelby Little.

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.

A motion was made by Board member James A. Mills, seconded by Board member Steven A. Carson, that this matter be Approved as Stipulated. The motion carried by the following vote: 7 – 0.

20110800**V2011-29 Leon Leake 368 Freyer Drive**

V2011-29 [VARIANCE] LEON LEAKE request a variance for property located in Land Lot 10890, District 16, Parcel 0700 and being known as 368 Freyer Drive. Variance to reduce the west side yard setback from 10 ft. to 2 ft. Ward 5.

File #20110800 (V2011-29) was presented by Mr. Roth for property located in Land Lot 10890, District 16, Parcel 0700 and being known as 368 Freyer Drive.

The property owner and applicant, Leon Leake, is requesting a variance to reduce the west side yard setback from 10' to 2 ft. The purpose of the 19' x 19' structure is to develop a project room for sewing and knitting.

Mr. Leake referred to a letter from his neighbor at 360 Freyer Drive in favor of the variance. After review from the Marietta Fire Department, Mr. Leake is exempt from the sprinkler ordinance.

Mr. Carson made a motion to approve the variance request, seconded by Mr. Dye. 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.

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: 7 – 0.

20110801**V2011-30 Anthony Marzullo 2017 Airport Industrial Park Drive**

V2011-30 [VARIANCE] ANTHONY MARZULLO request variance for property located in Land Lot 06600, District 17, Parcel 0170 and being known as 2017 Airport Industrial Park Drive. Variance to reduce the one (43,560 sf.) acre minimum lot size to 2,100 sf for an automobile sales and a variance to waive the requirement that an automobile sales lot be located at least 50 ft. from properties zoned residential to 0 ft. Ward 1.

File #20110801 (V2011-30) was presented by Mr. Roth for property located in Land Lot 06600, District 17, Parcel 0170 and being known as 2017 Airport Industrial Park Drive.

The applicant, Anthony Marzullo, is requesting a variance to reduce the requirement for automobile sales from 1 acre to 2,100 square feet and a variance to waive the requirements that an automobile sales lot be located at least 50 feet from properties zoned residential.

Mr. Marzullo signed a lease in June under the assumption that it was permitted for automobile sales. The storage area is an in-door, climate controlled garage with no outside storage, exterior lighting or speakers. Mr. Marzullo stated that business is by appointment only.

Ms. Grant made a motion, seconded by Mr. Martin, to approve the variances with the stipulations that cars shall not be stored outside in the parking area; no outside lighting shall be installed that impacts the adjacent residential property; and no outdoor speakers shall be installed.

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.

A motion was made by Board member Susan Grant, seconded by Board member William "Bill" J. Martin, that this matter be Approved as Stipulated. The motion carried by the following vote: 7 – 0.

OTHER BUSINESS:

20110562

Board of Zoning Appeals - Rules of Procedure

Signing of Rules of Procedure by current Board.

File #20110562 – Board of Zoning Appeals – Rules of Procedure

Chairman Mills stated that the Rules of Procedures have previously been approved and with no comments, Chairman Mills made a motion to accept and sign the Rules of Procedure, seconded by Mr. Lowman.

A motion was made by Board member James A. Mills, seconded by Board member J. K. Lowman, that this matter be Approved and Finalized. The motion carried by the following vote: 7 – 0.

ADJOURNMENT:

The September 26, 2011 Board of Zoning Appeals Meeting adjourned at 6:30 p.m.

JAMES A. MILLS, CHAIRMAN

PATSY BRYAN, SECRETARY