City of Marietta

205 Lawrence Street
Post Office Box 609
Marietta, Georgia 30061

Meeting Minutes

BOARD OF ZONING APPEALS

Bobby Van Buren, Chairman
James A. Mills, Vice Chairman
Karen Kirkpatrick, Ward 1
J. K. Lowman, Ward 2
David Hunter, Ward 4
Ronald Clark, Ward 5
Tom Samples, Ward 7

Monday, June 25, 2018 | **6:00 PM** | **City Hall Council Chambers**

Present: Bobby Van Buren, James Mills, Karen Kirkpatrick, J. K. Lowman, David Hunter, Ronald Clark and Tom Samples

Absent:

Staff:
Rusty Roth, Director, Development Services
Jasmine Chatman, Planning & Zoning Administrator
Sarah Hegener, Associate City Attorney
Ines Embler, Secretary to the Board

CALL TO ORDER:

Chairman Van Buren called the June 25, 2018 meeting of the Board of Zoning Appeals to order at 6:00 PM.

Chairman Van Buren explained the rules and procedures used in conducting the public hearings.

MINUTES:

20180683 **April 30, 2018 Board of Zoning Appeals Meeting Minutes**

Review and Approval of the April 30, 2018 Board of Zoning Appeals Meeting Minutes.

Mr. Lowman made a motion, seconded by Mr. Mills that the April 30, 2018 Board of Zoning Appeals meeting minutes be approved. The Motion carried 7-0-0.

A motion was made by Board member Lowman, seconded by Board member

Mills, that this matter be Approved and Finalized. The motion carried by the following vote:

Absent: 0

Vote For: 7

VARIANCES:

20180544 **V2018-20 [VARIANCE] SABDOS, LLC**

V2018-20 [VARIANCE] SABDOS, LLC is requesting variances for properties zoned LI (Light Industrial), located in Land Lot 1138, District 16, Parcel 0470, 2nd Section, Marietta, Cobb County, Georgia, and being known as 413 Wallace Road (aka 403 Wallace Road). Variance to reduce the rear setback from 40 ft to 26 ft; variance to reduce the side setback from 20 ft to 14 ft. Ward 5A.

A public meeting was held.

Mr. Dan Fink on behalf of Mr. Kevin Moore, Esq., for the Applicant, requested to table this request to the July 30, 2018 meeting.

A motion was made by Mr. Mills to table this request to the July Board of Zoning Appeals Meeting. It was seconded by Mr. Hunter. The Motion carried 7-0-0.

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

Absent: 0

Vote For: 7

20180581 **V2018-21 [VARIANCE] NICHOLAS & JAMIE WILSON**

V2018-21 [VARIANCE] NICHOLAS & JAMIE WILSON are requesting variances for property zoned R-4 (Single Family Residential - 4 units/acre), located in Land Lot 1153, District 16, Parcel 0160, 2nd Section, Marietta, Cobb County, Georgia, and being known as 760 West Ridge Court. Variance to reduce the minor side yard setback from 10' to 9'; variance to reduce the rear yard setback from 30' to 24.5'; variance to reduce the major side setback on the west side from 25' to 5'; variance to reduce the side yard setback for an existing accessory structure from 10' to 8.' Ward 4A.

A public meeting was held.

Mr. Nicholas & Mrs. Jamie Wilson presented a request for a variance to reduce the minor side yard setback from 10' to 9'; variance to reduce the rear yard setback from 30' to 24.5'; variance to reduce the major side setback on the west side from 25' to 5'; variance to reduce

the side yard setback for an existing accessory structure from 10' to 8.

There was no opposition to this variance.

Mr. Wilson presented a new design that would eliminate Staff concerns mentioned in the Analysis report.

Chairman Van Buren asked if he only changed the direction from where you pull in to the garage, thereby still needing the requested setbacks and Mr. Wilson affirmed. Mrs. Wilson stated that they no longer need the third variance request as they will be removing the shed.

The public hearing was closed.

A motion was made by Mr. Hunter to grant the application as stipulated with the following variances, on the basis that it would 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. It was seconded by Mr. Clark. The Motion carried 7-0-0.

Variances Approved:

1. *Variance to reduce the minor side yard setback from 10' to 9'. [§708.04 H]*
2. *Variance to reduce the rear yard setback from 30' to 24.5'. [§708.04 H]*
3. *Variance to reduce the major side setback on the east side from 25' to 5'. [§708.04 H]*

Stipulations:

1. *The new design plan submitted at the meeting will be used.*
2. *The chain link fencing will be removed.*

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

Absent: 0

Vote For: 7

20180616

V2018-22 [SPECIAL LAND USE PERMIT] ALDERSWOOD OF GEORGIA HOLDINGS INC

V2018-22 [SPECIAL LAND USE PERMIT] ALDERSWOOD OF GEORGIA HOLDINGS INC is requesting a Special Land Use Permit for a cemetery expansion on property zoned R-2 (Single Family Residential - 2 units/acre), located in Land Lots 325 & 326, District 20, Parcels 2180 & 0080, 2nd Section, Marietta, Cobb County, Georgia, and being known as 1306 & 1326 Whitlock Avenue. Ward 2A.

A public meeting was held.

Mr. Todd Korn presented a request for a Special Land Use Permit for a cemetery expansion.

There was no opposition to this variance.

Mr. Korn shared with the Board pictures of what some of the estate type burials would look

like.

Mr. Lowman asked if there would also be family type plots and Mr. Korn said the pictures show the higher end units but that family plots would also be available as the market bears.

The public hearing was closed.

A motion was made by Mr. Lowman to grant the application as requested on the basis that it would 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. It was seconded by Mr. Samples. The Motion carried 7-0-0.

A motion was made by Board member Lowman, seconded by Board member Samples, that this matter be Approved and Finalized. The motion carried by the following vote:

Absent: 0

Vote For: 7

20180617 **V2018-23 [SPECIAL LAND USE PERMIT] LENNAR GA INC.**

V2018-23 [SPECIAL LAND USE PERMIT] LENNAR GA INC. is requesting a Special Land Use Permit for a temporary sales trailer on property zoned PRD-SF (Planned Residential Development - Single Family), located in Land Lot 217, District 17, Parcel 0270, 2nd Section, Marietta, Cobb County, Georgia, and being known as 20 Hedges Street (aka 32 Hedges Street). Ward 1A.

A public meeting was held.

Mr. Jay Wallace presented a request for a Special Land Use Permit for a temporary sales trailer.

There was no opposition to this variance.

Ms. Kirkpatrick asked how soon they plan on applying for a permit; how long they need the trailer and once the trailer is up, how long before they start the building. Mr. Wallace said they plan on applying for a permit as soon as the variance is approved; they will only need the trailer for less than one year; they are building a model home. He said once the trailer is up they will start the building.

Chairman Van Buren asked for the dimensions of the trailer. Mr. Wallace said it is standard size, 12ft x 60ft.

Ms. Kirkpatrick asked if this trailer is strictly for sales or if it will used for construction as well and if it would only be manned during the typical sales hours. Mr. Wallace said it would only be used for sales and affirmed the hours.

Ms. Kirkpatrick asked if the variance was approved if he would be opposed to having the hookups in the back. Mr. Wallace said there would be no opposition.

The public hearing was closed.

A motion was made by Ms. Kirkpatrick to grant the application as stipulated on the basis

that it would 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. It was seconded by Mr. Hunter. The Motion carried 7-0-0.

Stipulations:

1. *All hookups will be to the rear of the trailer*
2. *The temporary trailer will not exceed one (1) year on the premises.*

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

Absent: 0

Vote For: 7

20180618 **V2018-24 [VARIANCE] SUGAR BEACH INVESTMENTS LLC**

V2018-24 [VARIANCE] SUGAR BEACH INVESTMENTS LLC are requesting variances for property zoned LI (Light Industrial), located in Land Lot 802, District 16, Parcel 0140, 2nd Section, Marietta, Cobb County, Georgia, and being known as 540 Collins Road. Variance to reduce the side yard setback and residential buffer for the construction of a new building. Ward 6B.

A public meeting was held.

Mr. Paul Barrett presented a request for a variance to reduce the side yard setback and residential buffer for the construction of a new building.

There was no opposition to this variance.

Chairman Van Buren asked if he understood that he was supposed to contact the City before he cut trees down and Mr. Barrett said he did not and that he stopped as soon as he received the cease and desist letter. He said he didn't mean to get ahead of himself with the tree cutting but needed to see if it was possible to build out there before he spent the money on a survey.

Chairman Van Buren asked how he proposes to leave the stream better than it is. Mr. Barrett said he would dig it out about two feet and put a galvanized or concrete pipe in it and then cover it up.

Chairman Van Buren asked why he did not have a letter from the residential neighbor directly impacted and why a zero buffer. Mr. Barrett said that the neighbor wants half a million dollars for his house and doesn't want it appraised so he is unable to give him a valid offer for the property. He said he wants to build a retaining wall so technically it is not zero buffer as there will still be 15ft buffer.

Chairman Van Buren asked what he plans to do if the variance is not approved. Mr. Barrett said he would probably put the building up for sale next year.

Mr. Clark asked what the neighbors are saying about his development plans and how high is the retaining wall he plans to build. Mr. Barrett said the neighbor would not sign the letter because it was his father who would need to sign and his father wants him (Mr.

Barrett) to buy his property. He said the wall will be 14-15 feet.

The public hearing was closed.

A motion was made by Chairman Van Buren to grant the application with the following variances, on the basis that it would 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. It was seconded by Mr. Hunter. The Motion carried 6-1-0. Mr. Samples opposed.

Variances Approved:

1. *Variance to reduce the side setback from 20 feet to 15 feet. [§708.26 (H)]*
2. *Variance to reduce the residential buffer from 50 feet to 15 feet, with the stipulation that the building setback and the landscaped buffer will be the same 15-foot area. [§708.26 (I)]*

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

Absent: 0

Vote For: 6

Vote Against: 1

20180619 **V2018-25 [VARIANCE] HSP 2110 NEW MARKET PARTNERS LLC (PARALLAX DIGITAL)**

V2018-25 [VARIANCE] HSP 2110 NEW MARKET PARTNERS LLC (PARALLAX DIGITAL) are requesting variances for property zoned OI (Office Institutional), located in Land Lot 714, District 17, Parcel 0100, 2nd Section, Marietta, Cobb County, Georgia, and being known as 2110 Newmarket Parkway. Variance to increase the allowable sign area for an incidental sign visible from the public right of way from 6 sq. ft. to 21 sq. ft.; variance to increase the allowable height for an incidental sign visible from public right of way from 3' to 6'8". Ward 1A.

A public meeting was held.

Mr. Jim Knapp presented a request for a variance to increase the allowable sign area for an incidental sign visible from the public right of way from 6 sq. ft. to 21 sq. ft.; variance to increase the allowable height for an incidental sign visible from public right of way from 3' to 6'8".

There was no opposition to this variance.

Ms. Kirkpatrick stated that she's been through the neighborhood and agrees with Mr. Knapp's previous statement that the current signage is very confusing.

Chairman Van Buren asked how close be to the existing signs will the new signs be. Mr.

Knapp said that generally they will be in the opposite side.

Mr. Samples asked if he was taking down the old signs. Mr. Knapp said those signs will remain as they mark building numbers.

Ms. Kirkpatrick asked for clarification to the location of the new signs and Mr. Knapp explained satisfactorily.

The public hearing was closed.

A motion was made by Ms. Kirkpatrick to grant the application as requested on the basis that it would 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. It was seconded by Mr. Mills. The Motion carried 7-0-0.

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

Absent: 0

Vote For: 7

20180620

V2018-26 [VARIANCE] HSP 2161 NEW MARKET PARTNERS LLC (PARALLAX DIGITAL)

V2018-26 [VARIANCE] HSP 2161 NEW MARKET PARTNERS LLC (PARALLAX DIGITAL) are requesting variances for property zoned LI (Light Industrial), located in Land Lot 656, District 17, Parcel 0050, 2nd Section, Marietta, Cobb County, Georgia, and being known as 2211 Newmarket Parkway. Variance to increase the allowable sign area for an incidental sign visible from the public right of way from 6 sq. ft. to 23 sq. ft.; variance to increase the allowable height for an incidental sign visible from public right of way from 3' to 7'3". Ward 1A.

A public meeting was held.

Mr. Jim Knapp presented a request for a variance to increase the allowable sign area for an incidental sign visible from the public right of way from 6 sq. ft. to 23 sq. ft.; variance to increase the allowable height for an incidental sign visible from public right of way from 3' to 7'3".

There was no opposition to this variance.

There were no questions from the Board Members.

The public hearing was closed.

A motion was made by Ms. Kirkpatrick to grant the application as requested on the basis that it would 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. It was seconded by Mr. Hunter. The Motion carried 7-0-0.

A motion was made by Board member Kirkpatrick, seconded by Board member Hunter, that this matter be Approved and Finalized. The motion carried by the following vote:

Absent: 0

Vote For: 7

20180621 **V2018-27 [VARIANCE] HSP 2161 NEW MARKET PARTNERS LLC (PARALLAX DIGITAL)**

V2018-27 [VARIANCE] HSP 2161 NEW MARKET PARTNERS LLC (PARALLAX DIGITAL) are requesting variances for property zoned LI (Light Industrial), located in Land Lot 656, District 17, Parcel 0060, 2nd Section, Marietta, Cobb County, Georgia, and being known as 2221 Newmarket Parkway. Variance to increase the allowable sign area for an incidental sign visible from the public right of way from 6 sq. ft. to 24 sq. ft.; variance to increase the allowable height for an incidental sign visible from public right of way from 3' to 7'8". Ward 1A.

A public meeting was held.

Mr. Jim Knapp presented a request for a variance to increase the allowable sign area for an incidental sign visible from the public right of way from 6 sq. ft. to 24 sq. ft.; variance to increase the allowable height for an incidental sign visible from public right of way from 3' to 7'8".

There was no opposition to this variance.

There were no questions from the Board Members.

The public hearing was closed.

A motion was made by Ms. Kirkpatrick to grant the application as requested on the basis that it would 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. It was seconded by Mr. Lowman. The Motion carried 7-0-0.

A motion was made by Board member Kirkpatrick, seconded by Board member Lowman, that this matter be Approved and Finalized. The motion carried by the following vote:

Absent: 0

Vote For: 7

20180622 **V2018-28 [VARIANCE] MANOR PARK HOMEOWNERS ASSOCIATION**

V2018-28 [VARIANCE] MANOR PARK HOMEOWNERS ASSOCIATION is requesting a variance for properties zoned PRD-SF (Planned Residential

Development - Single Family), located in Land Lot 1160, District 16, Parcels 1860 & 1960, 2nd Section, Marietta, Cobb County, Georgia, and being known as 220 Hunt Street & 260 Hunt Street. Variance to reduce the setback for subdivision entrance signs from 5' to 0'. Ward 5A.

A public meeting was held.

Mr. Christina Samara presented a request for a variance to reduce the setback for subdivision entrance signs from 5' to 0'.

There was no opposition to this variance.

There were no questions from the Board Members.

The public hearing was closed.

A motion was made by Mr. Clark to grant the application as requested on the basis that it would 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. It was seconded by Mr. Lowman. The Motion carried 7-0-0.

A motion was made by Board member Clark, seconded by Board member Lowman, that this matter be Approved and Finalized. The motion carried by the following vote:

Absent: 0

Vote For: 7

OTHER BUSINESS:

20180625 **Board of Zoning Appeals - Election of Chairman**

Election of Chairman to serve for one year to April 2019.

Sarah Hegener, Associate City Attorney, opened the floor for nominations for the position of Chairman for the term of one year to April 2019.

Mr. Van Buren nominated Mr. Hunter for election as Chairman.

Mr. Hunter nominated Mr. Van Buren for election as Chairman. Hearing no other nominations, the nominations were closed.

Ms. Kirkpatrick made a motion to elect Mr. Van Buren, seconded by Mr. Lowman. The motion carried 6-0-1. Mr. Van Buren Abstained.

A motion was made by Board member Kirkpatrick, seconded by Board member Lowman, that this matter be Approved and Finalized. The motion carried by the following vote:

Absent: 0

Vote For: 6

Abstain: 1

20180626 **Board of Zoning Appeals - Election of Vice Chairman**

Election of Vice Chairman to serve for one year to April 2019.

Sarah Hegener, Associate City Attorney, opened the floor for nominations for the position of Vice Chairman for the term of one year to April 2019.

Mr. Van Buren nominated Mr. Mills for election as Vice Chairman. Hearing no other nominations, the nominations were closed.

Mr. Van Buren made a motion to elect Mr. Mills, seconded by Ms. Kirkpatrick. The motion carried 6-0-1. Mr. Mills Abstained.

A motion was made by Board member Van Buren, seconded by Board member Mills, that this matter be Approved and Finalized. The motion carried by the following vote:

Absent: 0

Vote For: 6

Abstain: 1

ADJOURNMENT:

The June 25, 2018 meeting of the Board of Zoning Appeals was adjourned at 6:54PM

BOBBY VAN BUREN, CHAIRMAN

INES EMBLER, SECRETARY