



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, January 28, 2019

6:00 PM

City Hall Council Chambers

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

Absent: David Hunter

Staff:

Rusty Roth, Director, Development Services
Shelby Little, Planning & Zoning Manager
Jasmine Thornton, Planning & Zoning Administrator
Gregg Litchfield, City Attorney
Ines Embler, Secretary to the Board

CALL TO ORDER:

Chairman Van Buren called the January 28, 2019 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:

20190021

December 17, 2018 Board of Zoning Appeals Meeting Minutes

Review and Approval of the December 17, 2018 Board of Zoning Appeals Meeting Minutes.

Mr. Lowman made a motion, seconded by Mr. Samples that the December 17, 2018 Board of Zoning Appeals meeting minutes be approved. The Motion carried 5-0-1. Mr. Mills abstained and Mr. Hunter was absent.

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: 1
- Vote For: 5
- Abstain: 1

VARIANCES:

20190005 V2019-01 [VARIANCE] RICKY MCCOLLISTER (CALVIN E. DURHAM)

V2019-01 [VARIANCE] RICKY MCCOLLISTER (CALVIN E. DURHAM) are requesting a variance for property zoned CRC (Community Retail Commercial), located in Land Lots 361 & 432, District 17, Parcel 0260, 2nd Section, Marietta, Cobb County, Georgia, and being known as 777 South Marietta Parkway. Variance to reduce the landscape buffer from 40 feet to 20 feet. Ward 1A.

A public meeting was held.

Mr. Calvin Durham presented a request for a variance to reduce the landscape buffer from 40 feet to 20 feet.

There was no opposition to this variance.

Chairman Van Buren asked for clarification pertaining to the buffer and driveway and Mr. Durham answered satisfactorily.

Ms. Kirkpatrick asked if they receive customers on site; what the timing for demolition and construction is and what the building size was. Mr. Durham said they do receive customers and pointed to the public parking area on the site plan. He said the building plans are ready to go and if the variance is approved demolition could start by March at the earliest. He said the building size is a little under 9,000 square feet and is one story.

The public hearing was closed.

A motion was made by Ms. Kirkpatrick to approve this application 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 6-0-0.

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

- Absent: 1
- Vote For: 6

20190006 V2019-03 [VARIANCE] DANIEL & KAREN HILL

V2019-03 [VARIANCE] DANIEL & KAREN HILL are requesting variances for property zoned R-4 (Single Family Residential - 4 units/acre), located in Land Lot 1288, District 16, Parcel 0430, 2nd Section, Marietta, Cobb County, Georgia, and being known as 403 Alexander Circle. Variance to allow the height of a guest house exceed that of the principal building; variance to allow the square footage of a guest house exceed that of the principal building; variance to reduce the western side setback from 20' feet to 7' for a guest house; variance to reduce the eastern side setback from 20' to 11' for a guest house; variance to reduce the western side setback from 10' feet to 5.5' feet for the existing and proposed addition to the principal structure; variance to reduce the eastern side setback for an open carport from 5' to 2'. Ward 1A.

A public meeting was held.

Mr. Daniel Hill presented a request for a variance to allow the height of a guest house exceed that of the principal building; variance to allow the square footage of a guest house exceed that of the principal building; variance to reduce the western side setback from 20' feet to 7' for a guest house; variance to reduce the eastern side setback from 20' to 11' for a guest house; variance to reduce the western side setback from 10' feet to 5.5' feet for the existing and proposed addition to the principal structure; variance to reduce the eastern side setback for an open carport from 5' to 2'.

There was no opposition to this variance.

Ms. Kirkpatrick complemented the owners saying it is a beautiful property and expressed concern that the proposed guest house may be too large compared to the existing structure even with the addition to the existing garage. Mr. Hill said it is not a guest house, it is just bedrooms that they are adding. Chairman Van Buren explained that if the buildings are detached, it is considered a guest house.

Chairman Van Buren asked for clarification pertaining to the buffer and asked if the garage will be opened. Mr. Hill explained the buffer situation satisfactorily and said the garage is already open, it is a porte-cochère and vehicles will go through there to access the property in the back. He said the driveway from the existing garage will be a permeable surface of some kind, even though Ms. Kirkpatrick pointed out that city code requires a hard surface such as asphalt or concrete.

Mr. Samples asked how they plan to get equipment through the porte-cochère to the back area. Mr. Hill said the neighbors have granted them easements for access.

Ms. Kirkpatrick asked if variance #2 was denied, if he would be open to reducing the size of the structure. Mr. Hill objected stating it would not be feasible do to the downstairs being a garage.

Mr. Hill said that homes in the immediate neighborhood also have structures similar structures so his property would not be different from what already exists in the neighborhood. He said the neighbors are all supportive and that this would not impact neighbors adversely.

The public hearing was closed.

A motion was made by Ms. Kirkpatrick to approve this application with the stipulation that

any portion of fencing in front of the house will be required to be decorative 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 6-0-0.

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

Absent: 1

Vote For: 6

20190007

V2019-04 [VARIANCE] ROSWELL STREET PROPERTIES, LLC

V2019-04 [VARIANCE] ROSWELL STREET PROPERTIES, LLC is requesting variances for property zoned CRC (Community Retail Commercial), located in Land Lots 1010 & 1071, District 16, Parcel 0050, 2nd Section, Marietta, Cobb County, Georgia, and being known as 630 Cobb Parkway North. Variance to allow the finished side of a fence face the interior; variance to increase the allowable height of a fence from 8' to 10.' Ward 5B.

A public meeting was held.

Mr. Henry Bohn presented a request for a variance to allow the finished side of a fence face the interior; variance to increase the allowable height of a fence from 8' to 10.'

There were two (2) in opposition to this variance. Mr. Fred Brown and Mrs. Patricia Rogers Brown opposed.

Chairman Van Buren asked if he is keeping the trees behind there and if the neighbors will oppose to turning the fence to the inside. Mr. Bohn affirmed and said the reason for turning the boards to the inside is that they break every so often and due to the topography, it will be easier to maintain from the inside.

Mr. Clark asked for clarification as to the type of pole he was putting down. Mr. Bohn explained that the pole will go behind the guard rail next to the wall and it will go down two feet.

Mr. Clark expressed concern over the concrete washing away in the part that slopes. Mr. Bohn said there is a curb there and in between the curb and the wall is all gravel.

Mr. and Mrs. Brown are the neighbors directly behind the property. They opposed citing previous history with the applicant where promises were not kept. They are not opposed to the fence; they actually are requesting that the fence be twelve (12) feet high instead of the requested ten (10).

Mr. Clark asked Mr. Brown how much traffic goes behind the property. Mr. Brown said it is a 24/7 operation, so traffic is continuous and they also receive deliveries on back.

Mr. Clark asked Mr. Bohn if he would have a problem with the fence height being twelve feet. Mr. Bohn said he is not an engineer and could not answer that question and expressed concern that the higher the fence the more pressure if it gets wind- blown.

Chairman Van Buren asked Mr. Bohn if he would be opposed to tabling this request a month in order for him to research whether or not a twelve (12) foot fence is doable or if he would prefer that the Board make a decision this evening. Mr. Bohn was apprehensive but agreed to table this request to the next meeting.

The public hearing was closed.

A motion was made by Mr. Mills to table this request to the next meeting. It was seconded by Mr. Lowman. The Motion carried 6-0-0.

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

Absent: 1

Vote For: 6

ADJOURNMENT:

The January 28, 2019 meeting of the Board of Zoning Appeals was adjourned at 7:01PM

BOBBY VAN BUREN, CHAIRMAN

INES EMBLER, SECRETARY