



# City of Marietta

205 Lawrence Street  
Post Office Box 609  
Marietta, Georgia 30061

## Meeting Minutes

### BOARD OF ZONING APPEALS

*Bobby Van Buren, Chairman  
Rosser Southerland, Ward 1  
J. K. Lowman, Ward 2  
Mark Maloney, Ward 3  
David Hunter, Ward 4  
Juanita Carmichael, Ward 5  
Donald Barth, Ward 7*

Monday, January 30, 2023

6:00 PM

City Hall Council Chambers

*Present : Bobby Van Buren, Rosser Southerland, Juanita Carmichael, Mark Maloney, David Hunter, Donald Barth*

*Absent: J.K. Lowman*

*Staff: Rusty Roth, Director, Department of Development Services;  
Shelby Little, Planning and Zoning Manager;  
Lisa Rajabnik, Planning and Zoning Coordinator*

#### CALL TO ORDER:

*Chairman Van Buren called the Monday, January 30, 2023, Board of Zoning Appeals Regular Meeting to order at 6:00PM.*

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

#### MINUTES:

**20230022      Monday, November 28, 2022 Board of Zoning Appeals Work Session and Regular Meeting Minutes**

Approval of the November 28, 2022, Board of Zoning Appeals Work Session, and Meeting Minutes.

*Mr. Maloney made a motion, seconded by Mr. Hunter, to approve the November 28, 2022, Work Session and Regular Meeting Minutes. The motion carried with a vote of 5-0-1. Mr. Southerland abstained.*

**Approved and Finalized**

**Absent:** 1

**Vote For:** 5

**Abstain:** 1

## VARIANCES:

**20220894**

**V2022-36 [VARIANCE] ANDRE MOREIRA**

**V2022-36 [VARIANCE] ANDRE MOREIRA** is requesting variances for property zoned LI (Light Industrial) located in Land Lot 1138, District 16, Parcels 0410, 0400, & 0390, 2nd Section, Marietta, Cobb County, Georgia, and being known as 450 Wallace Road (aka 1299, 1309, & 1315 Carolyn Street). Variance to allow an automotive repair shop to be located directly across the street from any single-family residential district; variance to allow outdoor storage in the front and side of the principal structure, enclosed by a fence less than 8 feet in height. Ward 5A.

*Ms. Little presented the case.*

*A public hearing was held.*

*Mr. Moreira represented the variance request. He explained that financial hardship had caused a delay in paying taxes and renewal of his business license.*

*The Board and Mr. Moreira discussed the non-conformities of the property. Mr. Moreira expressed his desire to resolve the issues however re-emphasized the financial burden of bringing the property to current code standards.*

*Mr. Van Buren stated that although he understood and appreciated the financial aspects of Mr. Moreira's situation, there was and had been opportunity to address some of the areas of concern without cost. Mr. Van Buren asked if Mr. Moreira was prepared to address the concerns given time. Mr. Moreira affirmed that he would.*

*Chairman Van Buren asked for opposition/support for the request.*

*Mr. Jaine Viera Da Silva Jr was present to oppose the request. As the owner of the property located at 1323 Carolyn Street, Mr. Viera wanted it to be known that Mr. Moreira's building was currently encroaching on his property line approx. 15 to 20 feet and wanted it removed.*

*Mr. Litchfield advised that the property encroachment was not an issue to be considered by the BZA and would need to be addressed outside of the meeting.*

*The public hearing was closed.*

*Ms. Carmichael made a motion, seconded by Mr. Maloney, to table the request up to 90 days to allow Mr. Moreira time to bring the property into compliance and to*

*waive the re-advertising fee. The motion carried with a vote of 6-0-0.*

**Tabled**

**Absent:** 1

**Vote For:** 6

**20221154 V2023-01 [VARIANCE] FRAVERT SERVICES (SJ GEORGIA INVESTOR LLC)**

**V2023-01 [VARIANCE] FRAVERT SERVICES (SJ GEORGIA INVESTOR LLC)** are requesting a variance for property zoned CRC (Community Retail Commercial) located in Land Lot 781, District 17, Parcel 0170, 2nd Section, Marietta, Cobb County, Georgia, and being known as 2086 Cobb Parkway South. Variance to reduce the setback for a freestanding sign from 5' to 0.' Ward 7A.

*Ms. Little presented the case.*

*A public hearing was held.*

*Mr. David Brandt represented the variance request. He explained the details of the request.*

*There was no opposition or support for the request.*

*With no further comment or question from the Board the public hearing was closed.*

*Mr. Barth made a motion, seconded by Ms. Carmichael to approve the request for variance as submitted on the basis that the request 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. The motion carried a vote of 6-0-0.*

**Approved and Finalized**

**Absent:** 1

**Vote For:** 6

**OTHER BUSINESS:**

**20230023 Board of Zoning Appeals - Election of Vice Chairman**

Election of Vice Chairman to the Board of Zoning Appeals, for a term till April 2023.

*Chairman Van Buren opened the floor for nominations for the position of Vice-Chairman for a term to April 2023.*

*Mr. Hunter nominated Mr. Maloney for election of Vice Chairman. Hearing no other nominations, Mr. Van Buren closed the floor.*

*Mr. Hunter made a motion, seconded by Ms. Carmichael, to elect Mr. Maloney as Vice Chairman. The motion carried with a vote of 5-0-1. Mr. Maloney abstained.*

**Approved and Finalized**

**Absent:** 1

**Vote For:** 6

**ADJOURNMENT:**

*The Monday, January 30, 2023,  
Board of Zoning Appeals Meeting adjourned at 6:43PM.*



*BOBBY VAN BUREN, CHAIRMAN*



*LISA H. RAJABNIK, SECRETARY*