



City of Marietta

205 Lawrence Street
Post Office Box 609
Marietta, Georgia 30061

Meeting Minutes

BOARD OF ZONING APPEALS

Bobby Van Buren, Chairman
David Hunter, Vice Chairman, Ward 4
Craig Smith, Ward 1
J. K. Lowman, Ward 2
Larry Zenoni, Ward 3
Juanita Carmichael, Ward 5
Vacant, Ward 7

Monday, February 22, 2021

6:00 PM

City Hall Council Chambers

Present: J. K. Lowman, David Hunter, Craig Smith, Larry Zenoni and Juanita Carmichael

Absent: Bobby Van Buren

Staff:

Rusty Roth, Director, Development Services

Shelby Little, Planning & Zoning Manager

Robin Osindele, Urban Planner

Gregg Litchfield, City Attorney

Ines Embler, Secretary to the Board

CALL TO ORDER:

Acting Chairman Lowman called the January 25, 2021 meeting of the Board of Zoning Appeals to order at 6:00PM.

Acting Chairman Lowman explained the rules and procedures used in conducting the public hearings.

MINUTES:

20210141 January 25, 2021 Board of Zoning Appeals Meeting Minutes

Review and Approval of the January 25, 2021 Board of Zoning Appeals Meeting Minutes.

Mr. Hunter made a motion, seconded by Mrs. Carmichael that the January 25, 2021 Board of Zoning Appeals meeting minutes be approved. The Motion carried 5-0-0. Mr. Van Buren was absent and Ward 7 is vacant.

Approved and Finalized

Absent: 1

Vote For: 5

VARIANCES:

20210058 V2021-08 [VARIANCE] KIM QUANG

V2021-08 [VARIANCE] KIM QUANG is requesting variances for property zoned R-3 (Single Family Residential - 3 units/acre), located in Land Lot 1073, District 16, Parcel 0420, 2nd Section, Marietta, Cobb County, Georgia, and being known as 263 Sequoia Drive. Variance to reduce the eastern side setback from 10 ft to 6ft; variance to allow gravel as an acceptable driving and parking surface. Ward 5B.

A public meeting was held.

Mr. Kim Quang failed to be present at the public hearing.

The public hearing was closed.

A motion was made by Mrs. Carmichael to table this request due to the Applicant's failure to appear before the Board. It was seconded by Mr. Smith. The Motion carried 5-0-0.

Tabled

Absent: 1

Vote For: 5

20210060 V2021-09 [VARIANCE] BENEDICT HOLDINGS & PROPERTIES

V2021-09 [VARIANCE] BENEDICT HOLDINGS & PROPERTIES is requesting variances for property zoned OI (Office Institutional), located in Land Lot 1214, District 16, Parcel 0780, 2nd Section, Marietta, Cobb County, Georgia, and being known as 108 Ayers Avenue. Variance to waive the 30-foot landscape buffer against a residential property; variance to waive the 15-foot side yard setback; variance to allow aluminum siding as an acceptable building material seen from the roadway. Ward 1A.

A public meeting was held.

Ms. Patricia Benedict presented a variance request to waive the 30-foot landscape buffer

against a residential property; variance to waive the 15-foot side yard setback; variance to allow metal siding as an acceptable building material seen from the roadway.

There was no opposition in person and one (1) in opposition via Web-ex to this request. Mr. Barry Leavell opposed.

Mr. Leavell opposed citing concerns with drainage runoff along the side of residential property; not enough parking spaces and stated that he would have liked to see a site plan to know exactly what they are doing.

The Board Members asked questions pertaining to drainage and parking. Ms. Benedict replied satisfactorily. Staff addressed the parking concerns stating that they meet the code requirements for parking.

The public hearing was closed.

A motion was made by Mr. Smith to approve this 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 Mrs. Carmichael. The Motion carried 5-0-0.

Variations approved:

- 1. Variance to waive the 30-foot landscape buffer against a residential property. [§708.23 (I)]*
- 2. Variance to waive the 15-foot side yard setback. [§708.23 (H)]*
- 3. Variance to allow metal siding as an acceptable building material seen from the roadway. [§708.23 (G.4)]*

Stipulations:

- 1. Reduction of the 30' landscaped buffer to 10' adjacent to the 50'x 20' building addition only.*
- 2. Reduction of the side building setback from 15 ft. to 10 ft., to be applied concurrently (overlapping) with the 10 ft. buffer, and adjacent to the 50'x 20' building addition only.*
- 3. The 10 ft. buffer remaining between the new addition and property line must be planted with evergreen trees and shrubs a minimum of 5' in height and spaced appropriately for the proposed species.*
- 4. The applicant must provide a tree plan incorporating a minimum of 6.3 tree units with the submittal of the building permit application for the addition.*
- 5. Variance to allow metal siding as an acceptable building material seen from the roadway.*
- 6. Per the request of Marietta Fire Department:
Any addition to a commercial building will be required to be protected by fire sprinklers. If the addition and the existing structure are separated by a fire rated separation the existing may remain non-sprinklered. If no rated separation, then fire sprinklers will be required throughout the addition and the existing.*

Approved as Stipulated

Absent: 1

Vote For: 5

20210061

V2021-10 [VARIANCE] PRO BUILDING SYSTEMS, INC. (ALLY REALTY, LLC)

V2021-10 [VARIANCE] PRO BUILDING SYSTEMS, INC. (ALLY REALTY, LLC) are requesting a variance for property zoned CRC (Community Retail Commercial), located in Land Lot 582, District 17, Parcel 0070, 2nd Section, Marietta, Cobb County, Georgia, and being known as 1071 Cobb Parkway South. Variance to allow the use of ACM (Aluminum Composite Metal) panels on the side of a building facing a roadway. Ward 1A.

A public meeting was held.

Mr. Steven Ellis presented a variance request to allow the use of ACM (Aluminum Composite Metal) panels on the side of a building facing a roadway.

There was no opposition to this request.

There were no questions from the Board Members.

The public hearing was closed.

A motion was made by Mr. Smith to approve this application on the basis that exceptional or extraordinary circumstances or conditions are applicable to the development of the site that do not apply generally to sites in the same zoning district. It was seconded by Mrs. Carmichael. The Motion carried 5-0-0.

Variations approved:

- 1. *Variance to allow ACM (Aluminum Composite Metal) as an acceptable building material seen from the roadway. [§708.16 (G.3)]*

Approved and Finalized

Absent: 1

Vote For: 5

ADJOURNMENT:

The February 22, 2021 meeting of the Board of Zoning Appeals was adjourned at 6:38PM.

J. K. LOWMAN, ACTING CHAIRMAN

INES EMBLER, SECRETARY