



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
Cecedrick Lockett, Ward 7

Monday, March 29, 2021

6:00 PM

City Hall Council Chambers

Present: Bobby Van Buren, David Hunter, Craig Smith, Larry Zenoni, Juanita Carmichael and Cecedrick Lockett

Absent: J. K. Lowman

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:

Chairman Van Buren called the March 29, 2021 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:

20210240 February 22, 2021 Board of Zoning Appeals Meeting Minutes

Review and Approval of the February 22, 2021 Board of Zoning Appeals Meeting Minutes.

Mr. Hunter made a motion, seconded by Mrs. Carmichael that the February 22, 2021 Board of Zoning Appeals meeting minutes be approved. The Motion carried 6-0-0. Mr. Lowman was absent.

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

Absent: 1

Vote For: 6

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 4B.

A public meeting was held.

Mr. Sebastian Garcia presented a variance request to reduce the eastern side setback from 10 ft to 6ft; variance to allow gravel as an acceptable driving and parking surface.

There was no opposition to this request.

Chairman Van Buren asked if the gravel starts at the side going towards the back. Mr. Garcia said the gravel starts at the back corner of the house and the rest is concrete.

The public hearing was closed.

A motion was made by Mrs. Carmichael 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 Mr. Hunter. The Motion carried 6-0-0.

Variance approved:

- 1. Variance to reduce the eastern side setback from 10 ft to 6ft. [§708.03 (H)]*
- 2. Variance to allow gravel as an acceptable driving and parking surface. [§716.08 (B)]*

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

Absent: 1

Vote For: 6

20210145 V2021-11 [VARIANCE] KELLY BRYAN

V2021-11 [VARIANCE] KELLY BRYAN is requesting a variance for property zoned R-4 (Single Family Residential - 4 units/acre), located in Land Lot 1229, District 16, Parcel 0290, 2nd Section, Marietta, Cobb County, Georgia, and being known as 148 Rambo Place. Variance to increase the allowable height of a fence within the front yard from 4 ft. to 8 ft. Ward 3A.

A public meeting was held.

Ms. Kelly Bryan presented a variance request to increase the allowable height of a fence within the front yard from 4 ft. to 8 ft.

There was no opposition to this request.

Chairman Van Buren asked if she extended the fence and if she did not know the regulations. Ms. Bryan said she did extend the fence and did not know the regulations.

The public hearing was closed.

A motion was made by Mr. Zenoni to approve this application granting the application is necessary for the preservation and enjoyment of a substantial property right of the applicant, and to prevent unreasonable property loss or unnecessary hardship. It was seconded by Mrs. Carmichael. The Motion carried 6-0-0.

Variations approved:

- 1. Variance to increase the allowable height of a fence within the front yard setback from 4 ft. to 8 ft. [§710.04 (D)]*

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

Absent: 1

Vote For: 6

20210146 V2021-12 [VARIANCE] SIGNAL SIGNS (JAIMATAJI, LLC)

V2021-12 [VARIANCE] SIGNAL SIGNS (JAIMATAJI, LLC) are requesting variances for property zoned OI (Office Institutional), located in Land Lot 799, District 17, Parcel 0080, 2nd Section, Marietta, Cobb County, Georgia, and being known as 2500 Delk Road. Variance to increase the allowable height for an internal incidental sign from 8 ft. to 12 ft. Variance to increase the allowable sign face for an internal incidental sign from 40 s.f. to 93 s.f. Ward 7A.

A public meeting was held.

Ms. Marcia Jones presented a variance request to increase the allowable height for an

internal incidental sign from 8 ft. to 12 ft. Variance to increase the allowable sign face for an internal incidental sign from 40 s.f. to 93 s.f.

There was no opposition to this request.

Chairman Van Buren asked for clarification on the second variance being requested and Ms. Jones responded satisfactorily. Staff confirmed that both variances being requested were for the new internal incidental sign.

The public hearing was closed.

A motion was made by Chairman Van Buren to approve this application with stipulation 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 6-0-0.

Variances approved:

- 1. Variance to increase the allowable height for an internal incidental sign from 8 ft. to 12 ft. [§714.03 (C)]*
- 2. Variance to increase the allowable sign face for an internal incidental sign from 40 sq.ft. to 93 sq.ft. [§714.03 (C)]*

Stipulation:

- 1. Incorrect installation of sign on Delk Road will be corrected within 30 days and prior to permitting of new, 12' tall incidental sign.*

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

Absent: 1

Vote For: 6

20210170

V2021-13 [VARIANCE] EDWARD C. GERSTNER (FOUST HALL COMMERCIAL PROPERTIES)

V2021-13 [VARIANCE] EDWARD C. GERSTNER (FOUST HALL COMMERCIAL PROPERTIES) are requesting a variance for property zoned LI (Light Industrial), located in Land Lot 710, District 17, Parcel 0150, 2nd Section, Marietta, Cobb County, Georgia, and being known as 1960 Airport Industrial Park Drive. Variance to reduce the required minimum lot size of 1.46 acres to 0.46 acres to operate automobile sales and other businesses. Ward 7A.

A public meeting was held.

Mr. Edward Gerstner presented a variance request to reduce the required minimum lot size of 1.46 acres to 0.46 acres to operate automobile sales and other businesses.

There was no opposition to this request.

The Board members asked questions pertaining to the operation of the business and Mr. Gerstner replied satisfactorily.

The public hearing was closed.

A motion was made by Mr. Zenoni 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 Mrs. Carmichael. The Motion carried 5-1-0. Chairman Van Buren opposed.

Variations approved:

- 1. Variance to reduce the required minimum lot size of 1.46 acres to 0.46 acres to operate automobile sales and other businesses. [§708.26 (B.7.a)]*

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

Absent: 1

Vote For: 5

Vote Against: 1

20210173

V2021-14 [VARIANCE] DAVID & JODI BITLER

V2021-14 [VARIANCE] DAVID & JODI BITLER are requesting a variance for property zoned R-2 (Single Family Residential - 2 units/acre), located in Land Lot 1077, District 16, Parcel 0190, 2nd Section, Marietta, Cobb County, Georgia, and being known as 816 North Saint Mary's Lane. Variance to reduce the side yard setback from 10 ft. to 5 ft. Ward 4A.

A public meeting was held.

Mr. David Bitler presented a variance request to reduce the side yard setback from 10 ft. to 5 ft.

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. Hunter 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 Chairman Van Buren. The Motion carried 6-0-0.

Variations approved:

- 1. Variance to reduce the eastern side yard setback for a proposed addition from 10 ft. to 5 ft. [§708.02 (H)]*

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

Absent: 1

Vote For: 6

20210175 V2021-15 [VARIANCE] LORRIE A. LONG

V2021-15 [VARIANCE] LORRIE A. LONG is requesting a variance for property zoned R-3 (Single Family Residential - 3 units/acre), located in Land Lot 1148, District 16, Parcel 0550, 2nd Section, Marietta, Cobb County, Georgia, and being known as 218 Atwood Drive. Variance to reduce the rear and side yard setbacks to 4 ft. for an accessory structure. Ward 4A.

A public meeting was held.

Mr. Steve Kolar presented a variance request to reduce the rear and side yard setbacks to 4 ft. for an accessory structure.

There was no opposition to this request.

Mr. Hunter noted that a previous variance was approved for this property and asked why this wasn't included in that variance request. Mr. Kolar said that variance was for a garage project and that they didn't think about it at that time.

The public hearing was closed.

A motion was made by Mr. Hunter 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 Mrs. Carmichael. The Motion carried 6-0-0.

Variations approved:

- 1. Variance to reduce the rear yard setback from 10 ft to 4 ft for an accessory structure (shed). [§708.03 (F.4)]*
- 2. Variance to reduce the minor side yard setback from 10 ft to 4 ft for an accessory structure (shed). [§708.03 (F.4)]*

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

Absent: 1

Vote For: 6

20210182 V2021-16 [VARIANCE] PRESTWICK COMPANIES (ACTION QOZB, LLC)

V2021-16 [VARIANCE] PRESTWICK COMPANIES (ACTION QOZB, LLC) are requesting a variance for property zoned RHR (Residential High Rise), located in Land Lot 506, District 17, Parcel 0620, 2nd Section, Marietta, Cobb County, Georgia, and being known as a portion of 565 Cobb Parkway South.

**Variance to increase the allowable impervious surface from 60% to 80%.
Ward 1A.**

A public meeting was held.

Mr. Noel Taylor and Mr. Josh Marx presented a variance request to increase the allowable impervious surface from 60% to 80%.

There was no opposition to this request.

The Board members asked how many units were in the project and if these units were affordable or market rate. Mr. Marx said they are mixed. The vast are senior affordable and about 15 are at market rate.

The public hearing was closed.

A motion was made by Mr. Smith 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. Hunter. The Motion carried 6-0-0.

Variations approved:

- 1. Variance to increase the allowable impervious surface from 60% to 80%. [§708.13 (H.)]*

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

Absent: 1

Vote For: 6

ADJOURNMENT:

The March 29, 2021 meeting of the Board of Zoning Appeals was adjourned at 6:29PM.

BOBBY VAN BUREN, CHAIRMAN

INES EMBLER, SECRETARY