



City of Marietta

205 Lawrence Street
Post Office Box 609
Marietta, Georgia 30061

Meeting Minutes

BOARD OF ZONING APPEALS

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

Monday, June 28, 2021

6:00 PM

City Hall Council Chambers

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

Staff:

Rusty Roth, Director, Development Services
Shelby Little, Planning & Zoning Manager
Robin Osindele, Urban Planner
Gregg Litchfield, City Attorney

CALL TO ORDER:

Chairman Van Buren called the June 28, 2021 meeting of the Board of Zoning Appeals to order at 5:58 PM.

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

MINUTES:

20210552

April 26, 2021 Board of Zoning Appeals Meeting Minutes

Review and Approval of the April 26, 2021 Board of Zoning Appeals Meeting Minutes.

Mr. Hunter made a motion, seconded by Mrs. Carmichael that the April 26, 2021 Board of Zoning Appeals meeting minutes be approved. The Motion carried 7-0-0.

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: 0

Vote For: 7

VARIANCES:

20210260

V2021-21 [VARIANCE] DAN UNDERWOOD

V2021-21 [VARIANCE] DAN UNDERWOOD is requesting variances for property zoned R-4 (Single Family Residential - 4 units/acre), located in Land Lot 1146, District 16, Parcel 0320, 2nd Section, Marietta, Cobb County, Georgia, and being known as 15 Sessions Street. Variance to reduce the rear yard setback from 30' to 6'; variance to increase the allowable impervious surface from 50% to 65%; variance to increase the building coverage from 35% to 40%; Ward 4B.

A public meeting was held.

Mr. Dan Underwood presented a variance request to reduce the rear yard setback from 30' to 6'; variance to increase the allowable impervious surface from 50% to 65%; variance to increase the building coverage from 35% to 40%.

There were two (2) in opposition to this request. Ms. Brenda Lyle Wood and Mr. John Schupp opposed.

Ms. Wood borders the rear of the property. She expressed concern about the impervious surface of the garage damaging her trees.

Mr. Schupp said he felt the 6-foot and the 12-foot setbacks are too close. He is okay with a 20-foot setback.

Chairman Van Buren asked if there are any changes from the last presentation. Mr. Underwood said he's providing a new option for a 12-foot setback option or a 20-foot setback option and proceeded to explain in detail.

The Board Members discussed further with the Applicant and staff the setbacks and the requirement to replace the gravel driveway.

Mr. Lowman made a suggestion to Mr. Underwood that he draft for the City the details of what he submitted and get their comments and then see if he can address those comments in his final submission.

The public hearing was closed.

A motion was made by Mr. Hunter to table this request until he returns with more definitive plans and to waive the re-advertising fee. It was seconded by Mr. Lowman. The Motion carried 7-0-0.

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

Absent: 0

Vote For: 7

20210459

V2021-25 [VARIANCE] ROBERT & STACEY BARNETT

V2021-25 [VARIANCE] ROBERT & STACEY BARNETT are requesting a variance for property zoned R-4 (Single Family Residential - 4 units/acre), located in Land Lot 1289, District 16, Parcel 0400, 2nd Section, Marietta, Cobb County, Georgia, and being known as 293 Frasier Street. Variance to allow gravel as an acceptable parking surface. Ward 1A.

A public meeting was held.

Mr. Robert Barnett presented a variance request to allow gravel as an acceptable parking surface.

There was no opposition to this request and one (1) in support. Ms. Lori Barger spoke in support.

Ms. Barger is the neighbor to the west side. She said the gravel driveway that Mr. Barnett put in is keeping water off her property and if the City makes him put an impervious driveway, she's going to have a water problem because it's coming down hill.

Mr. Barnett explained his reason for adding slate over asphalt and adding it on the second side.

Mr. Smith addressed the concerns of the letter received from Mrs. Gibson and asked Mr. Barnett if he has any comments. Mr. Barnett explained the problems with the tree situation and said that this was addressed with her through his attorney as well.

Mr. Smith asked about the stop order for starting construction without permits and Mr. Barnett explained satisfactorily.

The public hearing was closed.

A motion was made by Mr. Smith to deny this application. It was seconded by Mr. Lockett. The Motion carried 5-2-0. Mrs. Carmichael and Mr. Zenoni opposed.

A motion was made by Board member Smith, seconded by Board member Lockett, that this matter be Denied. The motion carried by the following vote:

Absent: 0

Vote For: 5

Vote Against: 2

20210493

V2021-26 [VARIANCE] JIM HALSEMA (BRIDGELINE CAPITAL LLC)

V2021-26 [VARIANCE] JIM HALSEMA (BRIDGELINE CAPITAL LLC) are requesting variances for property zoned CRC (Community Retail Commercial) located in Land Lot 213, District 17, Parcel 0150, 2nd Section, Marietta, Cobb County, Georgia, and being known as 870 Sandtown Road. Variance to reduce the side yard setback along the northern property line from 15' to 0'; variance to reduce the buffer along the northern property line from 40' to 18'. Ward 1A.

A public meeting was held.

Mr. Jim Halsema presented a variance request to reduce the side yard setback along the northern property line from 15' to 0'; variance to reduce the buffer along the northern property line from 40' to 18'.

There was no opposition to this request.

Chairman Van Buren asked if he read the City's recommendations and if he understood the portion about the evergreen trees and the required 6 ft. opaque fence. He also asked if he read and was in agreement with the zoning comments. Mr. Halsema affirmed to both questions.

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. Lockett. The Motion carried 7-0-0.

Variances approved:

- 1. Variance to reduce the side yard setback along the northern property line from 15 ft. to 0 ft. [§708.16 H]*
- 2. Variance to reduce the buffer along the northern property line from 40 ft. to 18 ft. [§708.16 I]*

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

Absent: 0

Vote For: 7

20210494

V2021-27 [VARIANCE] ROOTS & WINGS HOSPITALITY CORP.

V2021-27 [VARIANCE] ROOTS & WINGS HOSPITALITY CORP. are requesting variances for property zoned R-4 (Single Family Residential - 4 units/acre), located in Land Lot 1158, District 16, Parcel 0670, 2nd Section, Marietta, Cobb County, Georgia, and being known as 195 Locust Street. Variance to reduce front yard setback from 25 feet to 18 feet for the existing structure; variance to reduce minor side yard setback from 10 feet to 3 feet for the existing structure; variance to reduce rear yard setback from 30 feet to 10 feet for a proposed addition; variance to reduce the major side yard setback from 25 feet to 22 feet for a proposed addition; variance to reduce the minimum lot size from 7,500 square feet to 6,380 square feet; variance to reduce the minimum lot width from 75 feet to 69 feet. Ward 3A.

A public meeting was held.

Mr. Trevor Enge presented a variance request to reduce front yard setback from 25 feet to 18 feet for the existing structure; variance to reduce minor side yard setback from 10 feet to 3 feet for the existing structure; variance to reduce rear yard setback from 30 feet to 10 feet for a proposed addition; variance to reduce the major side yard setback from 25 feet to 22 feet for a proposed addition; variance to reduce the minimum lot size from 7,500 square feet to 6,380 square feet; variance to reduce the minimum lot width from 75 feet to 69 feet.

There was no opposition to this request.

Mr. Zenoni asked if he is aware of the City's recommendation that they will have to have a sprinkler system and Mr. Enge affirmed.

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 Mr. Lowman. The Motion carried 7-0-0.

Variances approved:

- 1. Variance to reduce front yard setback from 25 ft. to 18 ft. for the existing structure. [§708.04 (H)]*
- 2. Variance to reduce minor side yard setback from 10 ft. to 3 ft. for the existing structure. [§708.04 (H)]*
- 3. Variance to reduce rear yard setback from 30 ft. to 10 ft. for a proposed addition. [§708.04 (H)]*
- 4. Variance to reduce the major side yard setback from 25 ft. to 22 ft. for a proposed addition. [§708.04 (H)]*
- 5. Variance to reduce the minimum lot size from 7,500 sq.ft. to 6,380 sq.ft. [§708.04 (H)]*
- 6. Variance to reduce the minimum lot width from 75 ft. to 69 ft. [§708.04 (H)]*

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

Absent: 0

Vote For: 7

ADJOURNMENT:

The June 28, 2021 meeting of the Board of Zoning Appeals was adjourned at 7:09PM

BOBBY VAN BUREN, CHAIRMAN

INES EMBLER, SECRETARY