



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
Vacant, Ward 1
J. K. Lowman, Ward 2
Larry Zenoni, Ward 3
Juanita Carmichael, Ward 5
Tom Samples, Ward 7

Monday, June 29, 2020

6:00 PM

City Hall Council Chambers

*Present: Bobby Van Buren, J. K. Lowman, Larry Zenoni, David Hunter, Juanita Carmichael
and Tom Samples*

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 June 29, 2020 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:

20200511 May 18, 2020 Board of Zoning Appeals Meeting Minutes

Review and Approval of the May 18, 2020 Board of Zoning Appeals Meeting Minutes.

Mr. Samples made a motion, seconded by Mr. Lowman that the May 18, 2020 Board of Zoning Appeals meeting minutes be approved. The Motion carried 6-0-0. Ward 1 is vacant.

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

Absent: 0

Vote For: 6

VARIANCES:

20200322 V2020-16 [VARIANCE] 1053MSP LLC

V2020-16 [VARIANCE] 1053MSP LLC is requesting a variance for property zoned CRC (Community Retail Commercial), located in Land Lot 07800, District 16, Parcel 0120, 2nd Section, Marietta, Cobb County, Georgia, and being known as 1053 Sandy Plains Road. Variance to reduce the undisturbed buffer from 40' to 10' along the northern property line. Variance to increase the allowable height of a fence from 8' to 12.' Ward 6B.

A public meeting was held.

Mr. Adam Rozen, Esq., for the Applicant, presented a request for a variance to reduce the undisturbed buffer from 40' to 10' along the northern property line. Variance to increase the allowable height of a fence from 8' to 12.'

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 Chairman Van Buren to approve this application with the stipulations in the email received 6/29/2020 from Adam Rozen, Esq., for agreeable conditions between the Applicant and neighbors, as well as the stipulations recommended by the City, 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 buffer from 40 ft. to 10 ft. along the northern portion of the property line [§716.08 (I)]*

Stipulations by agreeable conditions between Applicant and neighbors; email dated 6/29/2020:

- 1. The buffer may be reduced to no less than ten (10) feet but may be disturbed and replanted.*
- 2. The existing chain link fence to be replaced with a wooden privacy fence at 8 feet in height, with the unfinished side facing the houses. The fence will connect with the adjacent fence on the Wendy's side; On the car wash side we will extend the fence past our property to replace the entire Crawford House existing chain link fence that is parallel to Sandy Plains Rd.*

3. *The buffer shall contain two (2) staggered rows of evergreen trees 'Green Giant', with 10 ft. spacing, and at a minimum height of 5 ft. at installation.*
4. *The dumpster will be installed with rubber padding to ensure that the pickup and emptying of the dumpster does not create unnecessary noise.*
5. *We will try our level best to move the dumpster to 20 ft away from the property line. If the new site plan cannot allow that, then the dumpster will remain at the current site plan location, with a cinder block enclosure around it, at the same height as the receptacle.*

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

Absent: 0

Vote For: 6

20200347

V2020-18 [VARIANCE] AMY MULLIS KNOWLES

V2020-18 [VARIANCE] AMY MULLIS KNOWLES is requesting variances for property zoned RM-8 (Multi Family Residential- 8 units/acre), located in Land Lot 0290, District 17, Parcel 0680, 2nd Section, Marietta, Cobb County, Georgia, and being known as 526 Delk Street. Variance to reduce the rear yard setback from 30' to 10' for a new addition; variance to reduce the front yard setback from 25' to 20' for the existing structure; variance to allow an existing shed remain 7' from the side and 1' from the rear property line. Ward 1A.

A public meeting was held.

Mr. and Mrs. Knowles presented a request for a variance to reduce the rear yard setback from 30' to 10' for a new addition; variance to reduce the front yard setback from 25' to 20' for the existing structure; variance to allow an existing shed remain 7' from the side and 1' from the rear property line.

There was no opposition to this request.

Mr. Zenoni asked if they plan on keeping the existing structure and Mr. Knowles said yes.

Chairman Van Buren asked if they plan on renting the living space above the garage and Mr. Knowles said no.

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 6-0-0.

Variances approved:

1. *Variance to reduce the rear yard setback from 30' to 10' for a new addition. [§708.10 (C.2) and §708.04 (H)]*
2. *Variance to reduce the front yard setback from 25' to 20' for the existing structure. [§708.10 (C.2) and §708.04 (H)]*

3. *Variance to allow an existing shed remain 7' from the side and 1' from the rear property line. [§708.10 (F.1)]*

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: 0

Vote For: 6

20200440

V2020-20 [VARIANCE] HANNAH & ROGER BALKO

V2020-20 [VARIANCE] HANNAH & ROGER BALKO are requesting variances for property zoned R-3 (Single Family Residential - 3 units/acre), located in Land Lot 1073, District 16, Parcel 0130, 2nd Section, Marietta, Cobb County, Georgia, and being known as 643 Etowah Drive. Variance to reduce the northern side yard setback for an existing accessory structure from 10' to 3'; variance to reduce the southern side yard setback for an existing accessory structure from 10' to 4'; variance to reduce the northern side yard setback from 10' to 9' for the existing home. Ward 4B.

A public meeting was held.

Mr. Roger Balko presented a request for a variance to reduce the northern side yard setback for an existing accessory structure from 10' to 3'; variance to reduce the southern side yard setback for an existing accessory structure from 10' to 4'; variance to reduce the northern side yard setback from 10' to 9' for the existing home.

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 Mr. Samples. The Motion carried 6-0-0.

Variances approved:

1. *Variance to reduce the northern side yard setback for an existing accessory structure (shed) from 10 ft to 3 ft [§708.03 (F)]*
2. *Variance to reduce the southern side yard setback for an existing accessory structure (garage) from 10 ft to 4 ft [§708.03 (F)]*
3. *Variance to reduce the northern side yard setback from 10 ft to 9 ft for the existing home. [§708.03 (H)]*

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

Absent: 0

Vote For: 6

20200448 V2020-22 [VARIANCE] WHITAKER SMITH (WATERWORKS NEIGHBORS LLC)

V2020-22 [VARIANCE] WHITAKER SMITH (WATERWORKS NEIGHBORS LLC) are requesting variances for property zoned R-4 (Single Family Residential - 4 units/acre), located in Land Lot 1147, District 16, Parcel 0420, 2nd Section, Marietta, Cobb County, Georgia, and being known as 379 Campbell Hill Street. Variance to reduce the southern side yard setback from 10' to 6'; variance to reduce the northern side yard setback from 10' to 6'; variance to reduce the setback along North Sessions Street from 25' to 10'; variance to reduce the setback along Campbell Hill Street from 25' to 20.' Ward 4B.

Mr. Whitaker Smith presented a request for a variance to reduce the southern side yard setback from 10' to 6'; variance to reduce the northern side yard setback from 10' to 6'; variance to reduce the setback along North Sessions Street from 25' to 10'; variance to reduce the setback along Campbell Hill Street from 25' to 20.'

The Applicant presented the Board Members with a new site plan.

There were two (2) in opposition to this request. Mrs. Sara Olah and Mr. Dan Olah opposed.

Mr. and Mrs. Olah stated that they were not opposed to the originally submitted site plan. They are opposed to the new site plan because the structure will now be too close to their structure. Mrs. Olah feels the houses would sit too close to one another. Mr. Olah asked if they (the Olah's) were to do renovations in the future would they have to adhere to a sprinkler ordinance. Staff advised that they would because of the proximity to their property line, not because of what the Applicant is proposing.

Mr. Hunter asked Mrs. Olah if they are the owners of the property and they said they are.

Chairman Van Buren asked Mr. Smith what they changed from the original site plan. Mr. Smith said they took the footprint of the house and flipped it and re-centered the front towards Campbell Hill Street.

Chairman Van Buren asked if they will still require the same variances originally applied for and Mr. Smith said yes. Staff later clarified in the discussion session with the Board Members stating that they would not need the variance to reduce the northern side yard setback from 10' to 6'.

Mr. Hunter asked if the setbacks are still the same. Mr. Smith said yes.

The public hearing was closed.

A motion was made by Mr. Hunter to approve this application based on the 2nd site plan submitted at the meeting and excluding variance #2; variance to reduce the northern side yard setback from 10' to 6', 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. Zenoni. The Motion carried 6-0-0.

Variances approved:

- 1. Variance to reduce the southern side yard setback from 10' to 6'. [§708.04 H]*
- 3. Variance to reduce the setback along North Sessions Street from 25' to 10'. [§708.04 H]*
- 4. Variance to reduce the setback along Campbell Hill Street from 25' to 20'. [§708.04 H]*

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

Absent: 0

Vote For: 6

OTHER BUSINESS:

20200325 Board of Zoning Appeals - Election of Chairman

Election of Chairman to serve for one year to April 2021.

Chairman Van Buren, opened the floor for nominations for the position of Chairman for the term of one year to April 2021.

Mr. Samples nominated Mr. Van Buren for election as Chairman. Hearing no other nominations, the nominations were closed.

Mr. Samples made a motion to elect Mr. Van Buren, seconded by Mr. Zenoni. The motion carried 6-0-1. Mr. Van Buren Abstained.

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

Absent: 0

Vote For: 6

ADJOURNMENT:

The June 29, 2020 meeting of the Board of Zoning Appeals was adjourned at 6:36PM

BOBBY VAN BUREN, CHAIRMAN

INES EMBLER, SECRETARY