



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
Vacant, Ward 7

Monday, August 30, 2021

6:00 PM

City Hall Council Chambers

Present: Bobby Van Buren, Larry Zenoni, David Hunter and Juanita Carmichael

Absent: J. K. Lowman and Craig Smith

Staff:

Rusty Roth, Director, Development Services
Shelby Little, Planning & Zoning Manager
Sarah Ciccone, Planning & Zoning Administrator
Robin Osindele, Urban Planner
Gregg Litchfield, City Attorney
Ines Embler, Secretary to the Board

CALL TO ORDER:

Chairman Van Buren called the August 30, 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:

20210712 July 26, 2021 Board of Zoning Appeals Meeting Minutes

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

Mrs. Carmichael made a motion, seconded by Mr. Zenoni that the July 26, 2021 Board of Zoning Appeals meeting minutes be approved. The Motion carried 4-0-0. Mr. Lowman and Mr. Smith were absent. Ward 7 is vacant.

Approved and Finalized**Absent:** 2**Vote For:** 4**VARIANCES:****20210667****V2021-31 [VARIANCE] THOMAS & CONSTANCE ELLIOTT**

V2021-31 [VARIANCE] THOMAS & CONSTANCE ELLIOTT are requesting variances for property zoned OI (Office Institutional), located in Land Lot 1159, District 16, Parcel 0310, 2nd Section, Marietta, Cobb County, Georgia, and being known as 228 Church Street. Variance to reduce the setback against the right of way for a fence from 2' to 0;' variance to increase the allowable height of a fence/wall in a front yard from 4' to 5.' Ward 3A.

A public meeting was held.

Mr. Adam Rozen, Esq., for the Applicant, presented a variance request to reduce the setback against the right of way for a fence from 2' to 0;' variance to increase the allowable height of a fence/wall in a front yard from 4' to 5.'

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. Zenoni 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 4-0-0.

Variances approved:

- 1. Variance to reduce the setback against the right of way for a fence from 2' to 0;'*
- 2. Variance to increase the allowable height of a fence/wall in a front yard from 4' to 5.'*

Stipulations:

- 1. An executed Hold Harmless Agreement will be submitted to the City prior to construction of the fence/wall.*
- 2. Written documentation signed by the owner of the property at 218 Church Street indicating understanding of the potential issue and agreement on the placement of the fence/wall must also be submitted to the City prior to construction of the fence/wall.*

Approved as Stipulated**Absent:** 2**Vote For:** 4

20210668

V2021-32 [VARIANCE] SHELDON DOWNING

V2021-32 [VARIANCE] SHELDON DOWNING is requesting variances for property zoned R-4 (Single Family Residential - 4 units/acre), located in Land Lot 1227, District 16, Parcel 0540, 2nd Section, Marietta, Cobb County, Georgia, and being known as 164 Normandy Drive. Variance to reduce the minimum lot size for a property containing an accessory dwelling unit from 12,500 square feet to 9,300 square feet; variance to reduce the northern side yard setback from 10' to 2' for the existing accessory structure; variance to reduce the rear yard setback from 10' to 6' for the existing accessory structure; variance to allow gravel as an acceptable parking surface; variance to reduce the rear yard setback for the accessory dwelling unit from 24' to 10'; variance to allow an accessory dwelling unit to be taller than the principal structure. Ward 3A.

A public meeting was held.

Mr. Sheldon Downing presented a variance request to reduce the minimum lot size for a property containing an accessory dwelling unit from 12,500 square feet to 9,300 square feet; variance to reduce the northern side yard setback from 10' to 2' for the existing accessory structure; variance to reduce the rear yard setback from 10' to 6' for the existing accessory structure; variance to allow gravel as an acceptable parking surface; variance to reduce the rear yard setback for the accessory dwelling unit from 24' to 10'; variance to allow an accessory dwelling unit to be taller than the principal structure.

There was one (1) in opposition to this request. Ms. Julia Walker opposed.

Ms. Walker opposed saying the second story is out of character with the neighborhood and feels that the current property is under kept. She is concerned that the new dwelling could be used as a rental.

The Board Members asked questions pertaining to his plans for the new structure and the gravel area where he's parking cars. They explained that the new improvements will nullify anything previously grandfathered, therefore he will now be required to come into compliance.

Regarding the gravel parking, Mr. Downing said he will be adding a 16'x12' concrete pad for parking in lieu of gravel.

The public hearing was closed.

A motion was made by Mr. Zenoni to approve variances 1, 2, 3, 5 and 6 as stipulated and deny variance 4 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 4-0-0.

Variances approved:

1. *Variance to reduce the minimum lot size for a property containing an accessory dwelling unit from 12,500 square feet to 9,300 square feet [§708.04 (C.1.b.)]*
2. *Variance to reduce the northern side yard setback from 10 ft to 2 ft for the existing accessory structure [§708.04 (F.1.)]*
3. *Variance to reduce the rear yard setback from 10 ft to 6 ft for the existing accessory structure [§708.04 (F.1.)]*
5. *Variance to reduce the rear yard setback for the accessory dwelling unit from 24 ft to 10 ft [§708.04 (C.1.g.)]*
6. *Variance to allow an accessory dwelling unit to be taller than the principal structure [§708.04 (C.1.e.)]*

Variances denied:

4. *Variance to allow gravel as an acceptable parking surface [§716.08 (A & B)]*

Stipulation:

1. *The second story to the primary dwelling, which already has a building permit issued, will be built before or simultaneously to the accessory structure.*

Approved as Stipulated

Absent: 2

Vote For: 4

ADJOURNMENT:

The August 30, 2021 meeting of the Board of Zoning Appeals was adjourned at 6:57PM

BOBBY VAN BUREN, CHAIRMAN

INES EMBLER, SECRETARY