



City of Marietta
Meeting Minutes
BOARD OF ZONING APPEALS

205 Lawrence Street
Post Office Box 609
Marietta, Georgia 30061

J. K. Lowman, Ward 2, Chairman
Roy L. Shults, Ward 1
James A. Mills, Ward 3
G. Marshall Dye, Ward 4
Samuel Elliott, Ward 5
Millard W. Slayton, Ward 6
Neil Bishop, Ward 7

Monday, September 24, 2007

6:00 PM

City Hall Council Chambers

Present: Roy L. Shults, J. K. Lowman, James Mills, Samuel Elliott, Millard Slayton, Neil Bishop and G. Marshall Dye

Staff:

Brian Binzer, Development Services Director
Rusty Roth, Development Services Manager
Patsy Bryan, Secretary to the Board
Shelby Little, Urban Planner
Daniel White, City Attorney

CALL TO ORDER:

Chairman Lowman called the September 24, 2007 Board of Zoning Appeals Meeting to order at 6:00 p.m.

MINUTES:

20071047 July 30, 2007 Regular Board of Zoning Appeals Meeting Minutes

Review and Approval of July 30, 2007 Meeting Minutes

Mr. Bishop made a motion to approve the July 30, 2007 Board of Zoning Appeals Minutes, seconded by Mr. Mills. Motion carried 7 - 0 - 0.

A motion was made by Board member Bishop, seconded by Board member Mills, that this matter be Approved. The motion carried by the following vote:

Vote: 7 - 0 - 0

Approved

VARIANCES:

20070974 V2007-33 Grant Shepherd 110 & 112 Marr Avenue

V2007-33 Grant Shepherd request variance for property located in Land Lot 1003, 16th District, Parcels 40 and 41, 2nd Section of Cobb County, Marietta, Georgia and being located at 110 and 112 Marr Avenue. Variance to allow an outside storage facility adjacent to property used as for residential purposes. Ward 5.

File #20070974 (V2007-33) was presented by Mr. Roth for property located in Land Lot 1003, 16th District, Parcels 40 and 41, 2nd Section of Cobb County,

Marietta, Georgia and being located at 110 and 112 Marr Avenue.

The applicant, Grant Shepherd, is requesting a variance to allow outside storage adjacent to property used as for residential purposes.

Grant Shepherd is representing the John and Kelly Harrison who own subject property. The objective is to clear the lot of all debris, put opaque fence (with gate) around property, and use property for outside storage of signs, traffic cones, and no heavy equipment or dump trucks. Trees along property lines will remain. Stone or gravel will be added once property has been leveled.

Mr. Shepherd was in agreement to having black LCX heavy-duty fencing with windscreens. The idea is not to pave the area, but put gravel/stone crusher run for base of storage area according to Mr. Shepherd.

Mr. Elliott made a motion to approve the variance to allow an outside storage facility adjacent to property used for residential purposes, which included Mr. Dye's stipulation to include a black LCX heavy duty fencing with windscreens, seconded by Chairman Lowman. The rationale being that this is an excellent opportunity for the city to benefit from cleaning of lot and it will be far more presentable to the public as a whole. Mr. Dye also included another stipulation that once property is graded down to grade level, #57 stone or equivalent is put on dirt in order to maintain lot so as not to become a dirt lot, seconded by Mr. Mills.

Motion carried 7 - 0.

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

Vote: 7 - 0 - 0

Approved as Stipulated

20070975 V2007-34 Katy Duncan/Donna Santamaria 403 Sycamore Street

V2007-34 Katy Duncan/Donna Santamaria request a variance for property located in Land Lot 02890, 17th District, Parcel 1160, 2nd Section of Cobb County, Marietta, Georgia and being located at 403 Sycamore Street. Variance to allow a wall sign on a building face that does not abut a public roadway. Ward 1.

File #20070975 (V2007-34) was presented by Mr. Roth for property located in Land Lot 02890, 17th District, Parcel 1160, 2nd Section of Cobb County, Marietta, Georgia and being located at 403 Sycamore Street.

The applicant, Donna Santamaria is requesting a variance to allow a wall sign on a building face that does not abut a public roadway.

According to Ms. Santamaria, there will be no lights behind sign, black face with Williamson Brothers Catering in gold lettering.

Greg Crisp property owner across Sycamore wanted to confirm that there would be no lighting within sign.

Mr. Shults made a motion to approve, seconded by Mr. Slayton, with the rationale being that granting the application will 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. Motion carried 7 - 0 - 0.

A motion was made by Board member Shults, seconded by Board member Slayton, that this matter be Approved. The motion carried by the following vote:

Vote: 7 - 0 - 0

Approved

20070976 V2007-35 Timothy L. Martin 394 Roosevelt Circle

V2007-35 Timothy L. Martin request variance for property located in Land Lot 11610, 16th District, Parcel 0740, 2nd Section of Cobb County, Marietta, Georgia and being located at 394 Roosevelt Circle. Variance to allow a six (6) foot fence to be constructed in a front yard. Ward 5.

File #20070976 (V2007-35) was presented by Mr. Roth for property located in Land Lot 11610, 16th District, Parcel 0740, 2nd Section of Cobb County, Marietta, Georgia and being located at 394 Roosevelt Circle.

The applicant, Timothy L. Martin, is requesting a variance to allow a six (6) foot fence to be constructed in a front yard area.

Mr. Martin stated that he feels like there is confusion over description of proposed work. Describing pictures included in staff analysis, Mr. Martin is requesting 2-feet of additional height from corner of driveway to pine tree.

Commander Farrell and Lieutenant Hathaway were under the impression that Mr. Martin wanted to put a 6-foot privacy fence around entire front of property. Mr. Martin clarified that he only wants to put the fence 35 feet from street easement to pine tree.

According to Mr. Martin, a privacy fence will be a buffer to inappropriate activities next door and will help in attracting quality people.

Any additional fencing would meet city code stated Mr. Martin when questioned by Mr. Mills.

Mr. Dye asked Mr. Martin if he would still put up a 4-foot fence if he did not get variance and Mr. Martin stated that he was not sure, but would like to put some type of fence around property to prevent loitering and foot traffic.

Mr. Martin agreed with Mr. Elliott to postpone for 30 days in order for staff to get input from police and for Mr. Martin to make ascertain cost of fence and

length of fence.

Mr. Elliott made a motion to table this request until next month. Chairman Lowman asked Mr. Roth if he could get firm, official input from police department and Mr. Roth concurred. Mr. Mills seconded this motion. Motion carried 7 - 0 - 0.

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

Vote: 7 - 0 - 0

Tabled

OTHER BUSINESS:

20071048 Board of Zoning Appeals - Election of Chairman

Election of Chairman to serve from September 2007 to April 2008.

File#20071048 - Election of Chairman -

As stated by Daniel White, this is election for Chairman to serve from September 2007 to April 2008.

Chairman Lowman nominated Mr. Mills as Chairman, seconded by Mr. Elliott. The vote carried 6 - 0 to elect Mr. Mills as Chairman.

20071049 Board of Zoning Appeals - Election of Vice Chairman

Election of Vice Chairman to serve from September 2007 to April 2008.

File #20071049 - Election of Vice Chairman -

As stated by Daniel White, this is election for Vice Chairman to serve from September 2007 to April 2008.

Mr. Dye nominated Mr. Elliott, seconded by Chairman Lowman.

The vote carried 6 - 0 to elect Mr. Elliott as Vice Chairman.

ADJOURNMENT:

The September 24, 2007 Board of Zoning Appeals meeting adjourned at 6:26 p.m.

KEN LOWMAN, CHAIRMAN

PATSY BRYAN, SECRETARY