



City of Marietta

205 Lawrence Street
Post Office Box 609
Marietta, Georgia 30061

Meeting Minutes - **REVISED** BOARD OF ZONING APPEALS

James A. Mills, Ward 3, Chairman
J. K. Lowman, Ward 2, Vice Chairman
Brad N. Leskoven, Ward 1
David Hunter, Ward 4
Ronald Clark, Ward 5
Bobby Van Buren, Ward 6
Justice Barber, Ward 7

Monday, November 30, 2015

6:00 PM

City Hall Council Chambers

Present: James Mills, J. K. Lowman, Justice Barber, Brad N. Leskoven, David Hunter and Bobby VanBuren

Absent: Ron Clark

Staff:

Rusty Roth, Planning & Zoning Manager
Jasmine Chatman, Planner
Daniel White, City Attorney
Ines Embler, Secretary to the Board

CALL TO ORDER:

Chairman Mills called the November 30, 2015 meeting of the Board of Zoning Appeals to order at 6:00PM.

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

MINUTES:

20151026

October 26, 2015 Board of Zoning Appeals Meeting Minutes

Review and Approval of the October 26, 2015 Board of Zoning Appeals Meeting Minutes.

Mr. Hunter made a motion, seconded by Ms. Barber that the October 26, 2015 Board of Zoning Appeals meeting minutes be approved. The Motion carried 6-0-0. Mr. Clark was absent.

A motion was made by Board member Hunter, seconded by Board member Barber, that this Minutes be Approved and Finalized. The motion CARRIED by the following vote.

Absent: 1

Vote For: 6

VARIANCES:

20150954 V2015-48 [VARIANCE] GREENBERGFARROW

V2015-48 [VARIANCE] GREENBERGFARROW is requesting variances for property located in Land Lots 730 & 731, District 17, Parcel 0080, 2nd Section, Marietta, Cobb County, Georgia and being known as 1787 Cobb Parkway South. Variance to increase the allowable canopy sign area from 10 s.f. to 24 s.f. for one side and 46 s.f. for the other side; variance to allow mechanically changeable copy. Ward 7A.

A public meeting was held.

Mr. Seth Frederico Olivares, the applicant, presented a request for a variance to increase the allowable canopy sign area from 10sf. to 24sf for one side and 46sf for the other side; variance to allow mechanically changeable copy in order to make the signage more visible and so employees can change the price without having to climb a ladder.

The Board Members asked questions about visibility of the sign and if he had any concerns over the Staff Report's recommendations. Mr. Olivares explained the location of the sign and how it would be visible to Walmart shoppers. He had no objection to the stipulations recommended in the Staff Report.

There was no opposition to this variance.

The public hearing was closed.

A motion was made by Ms. Barber to grant the application with the stipulation that allowable signage be limited to two sides of the canopy, under the criteria that unique conditions are applicable to the development of this site that do not generally apply to the sites in the same zoning district, on the basis that it would not be detrimental or injurious to the property or the improvements in the vicinity of the development or to the public health, safety or general welfare. It was seconded by Mr. Lowman. The Motion carried 6-0-0.

A motion was made by Board member Barber, seconded by Board member Lowman, that this Variance be Approved as Stipulated. The motion CARRIED by the following vote.

Absent: 1

Vote For: 6

20150955 V2015-49 [VARIANCE] GREATER COMMUNITY COGIC INC

V2015-49 [VARIANCE] GREATER COMMUNITY COGIC INC is requesting a variance for property located in Land Lot 1233, District 16,

Parcel 0340, 2nd Section, Marietta, Cobb County, Georgia and being known as 416 Roswell Street. Variance to allow all required parking be provided off site. Ward 1A.

A public meeting was held.

Ms. Pearl Freeman, the applicant and Mr. Jackie Worthy, presented a request for a variance to allow all required parking be provided off site in order to lease the top part of their building without losing tax exempt status.

The Board Members asked questions pertaining to the location of the parking spots and asked if they had any concerns over the Staff Report's recommendations. Ms. Pearlman explained the location of the parking spots and stated that she had no objections to the Staff Report's recommendations.

There was no opposition to this variance.

The public hearing was closed.

A motion was made by Mr. Leskoven to grant the application with the stipulation that six (6) parking spaces shall be designated by an easement on the plat for this parcel, under the criteria that unique conditions are applicable to the development of this site that do not generally apply to the sites in the same zoning district, on the basis that it would not be detrimental or injurious to the property or the improvements in the vicinity of the development or to the public health, safety or general welfare. It was seconded by Mr. VanBuren. The Motion carried 6-0-0.

A motion was made by Board member Leskoven, seconded by Board member Van Buren, that this Variance be Approved as Stipulated. The motion CARRIED by the following vote.

Absent: 1

Vote For: 6

20150978

V2015-50 [VARIANCE] FBS HOMES INC.

V2015-50 [VARIANCE] FBS HOMES INC. is requesting a variance for property located in Land Lot 1233, District 16, Parcel 0660, 2nd Section, Marietta, Cobb County, Georgia and being known as 430 Chester Street. Variance to reduce the side setback for an accessory structure to less than 10 feet. Ward 1A.

A public meeting was held.

Mr. Rick Van De Water, the applicant, presented a request for a variance to reduce the side setback for an accessory structure to less than 10 feet in order to complete renovations to the home.

Mr. Van De Water addressed the concerns stated in the Staff Report regarding water runoff into the neighbor's property and maintenance. He stated that the carport roof is metal and comes with a built in gutter system that will eliminate runoff to the neighbor's property. He said that the metal roof will have little to no maintenance.

The Board Members expressed concern over trespassing into the neighbor's property should there be a need for maintenance and asked if the contractor was aware of the City's Ordinances. Mr. Van De Water explained and stated that currently, the driveway is only ten inches from the neighbor's property, so even

without the carport, any maintenance would involve stepping into the neighbor's yard, but that he has spoken with the owner of the property next door and that he did not have any objections. He said that he and the contractor have severed their working relationship due to several mishaps that have caused him setbacks and he's guessing the contractor was not educated in the City's policies.

There was no opposition to this variance.

The public hearing was closed.

A motion was made by Mr. Leskoven to grant the application on the basis that it would not be detrimental or injurious to the property or the improvements in the vicinity of the development or to the public health, safety or general welfare. It was seconded by Mr. Hunter. The Motion carried 4-2-0. Mr. Lowman and Mr. VanBuren opposed.

A motion was made by Board member Leskoven, seconded by Board member Van Buren, that this Variance be Approved and Finalized. The motion CARRIED by the following vote.

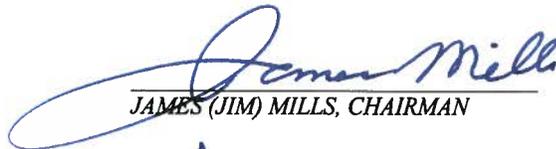
Absent: 1

Vote For: 4

Vote Against: 2

ADJOURNMENT:

The November 30, 2015 meeting of the Board of Zoning Appeals was adjourned at 6:23 PM



JAMES (JIM) MILLS, CHAIRMAN



INES EMBLER, SECRETARY

