



**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*

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Monday, March 19, 2007

6:00 PM

City Hall Council Chambers

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

*Staff:*

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

**CALL TO ORDER:**

*Chairman Lowman called the March 19, 2007 Board of Zoning Appeals Meeting to order at 6:00 p.m.*

**MINUTES:**

**20070268 February 26, 2007 Regular Board of Zoning Appeals Meeting Minutes**

Review and Approval of February 26, 2007 Board of Zoning Appeals Meeting Minutes

*Mr. Shults made a motion to accept the February 26, 2007 Board of Zoning Appeals Meeting Minutes, seconded by Mr. Elliott. Motion carried 6 - 0.*

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

**Vote: 6 - 0 - 0**

**Approved**

**VARIANCES:**

**20070250 V2007-08 Jeff Williams 118 Powers Ferry Road**

V2007-08 Jeff Williams request variances for property located in Land Lot 1240, 16th District, Parcel 79, 2nd Section of Cobb County, Marietta, Georgia and being located at 118 Powers Ferry Road. Variance to reduce the minimum required lot size from 20,000 square feet to 12,894 square feet (708.16.H). Variance to reduce the minimum side minor building setback from 15 feet to 0 feet (708.16.H); Variance to reduce the rear building setback from 35 feet to

approximately 5 feet (708.16.H); Variance to reduce the maximum impervious surface area from 80% to 96% (708.16.H); Variance to reduce the minimum landscaped area from 15% to 4% (708.16.H); Variance to eliminate the 40-foot buffer along the southern property line (708.16.I); Variance to eliminate the 10-foot landscape strip along Powers Ferry Road (712.08.G.2); Variance to reduce the on-site tree density from 4.5 units to 0 units (712.08.D.4); Variance to reduce the minimum number of off-street parking spaces from 16 to 8 (716.07.Table J). Ward 7.

*File #20070250 (V2007-08) was presented by Mr. Roth for property located in Land Lot 1240, 16th District, Parcel 79 and being known as 118 Powers Ferry Road.*

*Jeff Williams is requesting several variances in order to improve said property for use as office for construction managers in the general contracting business providing no outside storage. These changes will bring building into code.*

*Mr. Elliott made a motion to approve the variances as requested with the rationale being that the improvements will bring structure into compliance and will be a major improvement in area, seconded by Mr. Bishop. Motion carried 6 - 0.*

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

**Vote: 6 - 0 - 0**

**Approved**

**20070252**

**V2007-10 David Jenkins 569 Church Street**

V2007-10 David Jenkins request variance for property located in Land Lot 10870, 16th District, Parcel 0150, 2nd Section of Cobb County, Marietta, Georgia and being located at 569 Church Street. Variance to reduce the minimum side yard setback for an accessory structure from 10 feet to 2.9 feet (708.03.F.1). Ward 4.

*File #20070252 (V2007-10) was presented by Mr. Roth for property located in Land Lot 10870, 16th District, Parcel 0150 and being known as 569 Church Street.*

*David Jenkins, representing homeowners Mark & Lisa Kassoff, is requesting a variance to reduce the side yard setback for an accessory structure from 10 feet to 2.9 feet in order to replace a free-standing garage.*

*Mr. Dye made a motion to approve variance with 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, seconded by Mr. Shults. Motion carried 6 - 0.*

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

**Vote: 6 - 0 - 0****Approved****20070253 V2007-11 McWhirter Realty 109 and 115 Margaret Avenue**

V2007-11 McWhirter Realty Partners request variance for property located in Land Lot 1074, 16th District, Parcels 19 and 20, 2nd Section of Cobb County, Marietta, Georgia and being located at 109 and 115 Margaret Avenue. Variance to install a temporary bank building for a period of six (6) months. [710.02] Ward 4.

*File #20070253 (V2007-11) was presented by Mr. Roth for property located in Land Lot 1074, 16th District, Parcels 19 and 20 and being known as 109 and 115 Margaret Avenue.*

*Barry McWhirter, the applicant and representing the owner, Wellstar Health Systems, is requesting a variance for a special land use permit to install a temporary bank building for a period of six (6) months.*

*Mr. McWhirter is developing an office park just a few blocks from Margaret Avenue called Kennestone East Office Park. Georgia Commerce Bank, a lead tenant, needs a temporary bank facility in this area while under construction. Mr. McWhirter presented a site plan representing the temporary modular building with drive-thru window.*

*The location of Kennestone East Office Park at Canton Road and Cherokee Street will be the first branch for Georgia Commerce Bank with headquarters at 75 and Cumberland.*

*Conversation between Mr. Elliott and Mr. McWhirter implied that the bank is trying to get in the market place and the current site conditions do not allow for temporary structure on site for bank and there are no other workable locations in the area.*

*Mr. Dye made a motion to deny variance, seconded by Mr. Shults. Motion carried 5 - 0 - 1 to deny with Mr. Bishop abstaining.*

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

**Vote: 5 - 0 - 1****Denied****Abstain: 1 - Neil Bishop****20070257 V2007-12 John Richard Chambers 186 Parkview Drive**

V2007-12 John Richard Chambers requests to waive the requirement that an application for a variance affecting the same property shall not be submitted more than once every 12 months [720.04.D] for property located in Land Lot 1285, 16th District, Parcel 69, 2nd Section of Cobb County, Marietta, Georgia and being known as 186 Parkview Drive. Ward 1.

*File #20070257 (V2007-12) was presented by Mr. Roth for property located in Land Lot 1285, 16th District, Parcel 69 and being known as 186 Parkview Drive.*

*The applicant, John Richard Chambers, is requesting to waive the requirement that an application for a variance affecting the same property shall not be submitted more than once every 12 months.*

*Mr. Chambers stated that if given a chance to come back, he feels like he can improve modifications being made on fence with photographs to show relationship of house and fence and low area of yard. According to Mr. Chambers, the top of fence has been cut off.*

*Mr. Elliott clarified to Mr. Chambers that this hearing does not grant approval for any requested variances and only allows you to come back before the 12 months are up.*

*Mr. Shults made a motion to grant 12-month waiver, seconded by Mr. Elliott. Motion carried 6 - 0.*

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

**Vote: 6 - 0 - 0**

**Approved**

**ADJOURNMENT:**

*The March 19, 2007 Board of Zoning Appeals meeting adjourned at 6:20 p.m.*

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*KEN LOWMAN, CHAIRMAN*

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*PATSY BRYAN, SECRETARY*