



# City of Marietta

205 Lawrence Street  
Post Office Box 609  
Marietta, Georgia 30061

## Meeting Minutes BOARD OF ZONING APPEALS

*James A. Mills, Ward 3, Chairman*  
*J. K. Lowman, Ward 2, Vice Chairman*  
*Susan Grant, Ward 1*  
*David Hunter, Ward 4*  
*Ronald Clark, Ward 5*  
*William "Bill" J. Martin, Ward 6*  
*Justice Barber, Ward 7*

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Monday, February 24, 2014

6:00 PM

City Hall Council Chambers

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Susan Grant, William "Bill" J. Martin, J. K. Lowman, Ronald Clark, Justice Barber, David Hunter, and James Mills

*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 Mills called the February 24, 2014 Board of Zoning Appeals meeting to order at 6:00 p.m.*

### MINUTES:

20140132

#### January 27, 2014 Board of Zoning Appeals Meeting Minutes

Review and Approval of the January 27, 2014 Board of Zoning Appeals Meeting Minutes

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

Absent: 0

Vote For: 7

**VARIANCES:****20140052 V2014-01 Osvaldo Izaguirre-Guerrero 829 Toliver Street**

**V2014-01 [VARIANCE] OSVALDO IZAGUIRRE-GUERRERO** requests a variance for property located in Land Lot 11640, District 16, Parcel 0210, 2nd Section, Marietta, Cobb County, Georgia and being known as 829 Toliver Street. Variance to reduce the required side yard setback for an attached, open and unenclosed carport from 5 ft. to 0 ft. Ward 5A.

*File #20140052 (V2014-01) was presented by Mr. Roth for property located in Land Lot 11640, District 16, Parcel 0210 and being known as 829 Toliver Street. The property owner, Osvaldo Izaguirre-Guerrero, is requesting a variance to reduce the required side yard setback for an attached, unenclosed carport from 5 ft. to 0 ft.*

*A public hearing was held.*

*Mr. Izaguirre-Guerrero was assisted for translational purposes by Jose Armando Cadena. Mr. Izaguirre-Guerrero, the owner, has lived at this address for 13 years. Mr. Izaguirre-Guerrero didn't realize that he needed a permit for the carport. Neither of the next door property owners, Dante Espericueta and Jose Cadena, have a problem with the carport.*

*The Board continued with questions regarding setbacks, time of construction, size of carport, and the restructuring of the carport.*

*The public hearing was closed.*

*Mr. Clark made a motion to deny the request and for Mr. Izaguirre-Guerrero to seek the assistance of Mr. Roth, Zoning Manager, for other options for the carport. Motion carried 6 – 1 – 0 with Mr. Martin opposed.*

**A motion was made by Board member Clark, seconded by Board member Lowman, that this Variance be Denied . The motion CARRIED by the following vote.**

**Absent: 0**

**Vote For: 6**

**Vote Against: 1**

**20140085 V2014-02 Kevin Rusk 1865 Cobb Parkway SE**

**V2014-02 [VARIANCE] KEVIN RUSK** requests a variance for property located in Land Lot 07310, District 17, Parcel 0090, 2nd Section, Marietta, Cobb County, Georgia and being known as 1865 Cobb Parkway SE. Variance to allow the use of ACM (Aluminum Composite Metal) panels on the side of a building facing a roadway. Ward 7A.

*File #20140085 (V2014-02) was presented by Mr. Roth for property located in Land Lot 07310, District 17, Parcel 0090 and being known as 1865 Cobb Parkway, S.E.*

The property owner, Richard Pugmire, represented by Kevin Rusk, is seeking a variance to allow the use of ACM (Aluminum Composite Metal) panels on the side of a building facing a roadway.

A public hearing was held.

Kevin Rusk introduced Austin Pugmire, General Manager of Pugmire Lincoln. Mr. Rusk is requesting panels for the front of the building, which is a requirement by Lincoln Mercury when renovating a building.

Chairman Mills confirmed that the type of façade being requested is the same type of façade used on other car dealerships on Cobb Parkway.

No one spoke in opposition.

Austin Pugmire, General Manager of Pugmire Lincoln, reiterated that the ACM panels are a standard material used throughout the nation.

The public hearing was closed.

Mrs. Barber made a motion, seconded by Mr. Martin to approve the application, with the criteria that granting this 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. The motion carried 7 – 0 – 0.

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

**Absent: 0**

**Vote For: 7**

20140086

**V2014-03 Kim Whiting 1823 Stone Bridge Way**

**V2014-03 [VARIANCE] KIM WHITING** requests a variance for property located in Land Lot 02810, District 20, Parcel 1560, 2nd Section, Marietta, Cobb County, Georgia and being known as 1823 Stone Bridge Way. Variance to allow an accessory structure 9' closer to the right-of-way than the principal building. Ward 4C.

File #20140086 (V2014-03) was presented by Mr. Roth for property located in Land Lot 01810, District 20, Parcel 1560 and being known as 1823 Stone Bridge Way.

A public hearing was held.

Kim Whiting, for the owner, William Culley, is requesting a variance to allow an accessory structure 9' closer to the right of way than the principal structure in order to build an in-ground swimming pool.

No one in opposition or in support of this variance.

The public hearing was closed.

Mr. Hunter made a motion, seconded by Mr. Clark, to approve this variance, with the

*criteria that granting this application will not be detrimental or injurious to property of improvements in the vicinity of the development site, or to the public health, safety, or general welfare. The motion carried 7 – 0 – 0.*

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

**Absent: 0**

**Vote For: 7**

**20140087**

**V2014-04 Gary W. Callicott 820 Polk Street**

**V2014-04 [VARIANCE] GARY W. CALLICOTT** requests a variance for property located in Land Lot 11530, District 16, Parcel 0250, 2nd Section, Marietta, Cobb County, Georgia and being known as 820 Polk Street. Variance to reduce the minimum lot width from 150' to 100.' Ward 4A.

*File#20140087 (V2014-04) was presented by Mr. Roth for property located in Land Lot 11530, District 16, Parcel 0250 and being known as 820 Polk Street.*

*A public hearing was held.*

*The applicant, Garry W. Callicott, is requesting to reduce the minimum lot width in order to develop the property at 820 Polk Street. Mr. Callicott has been a builder in the Atlanta area for over 30 years and wishes to subdivide the property into three lots that are uniform in size and shape. A reduction in the lot width to 100' is necessary in order to make three rectangular lots. The applicant is able to meet the regulation without a variance but it would create three abnormally shaped lots, resulting in an irregular setback for the future homes along Polk Street.*

*The following individuals voiced their concern:*

*Heather Simpson, a resident of 861 Oakton Pond Court, expressed concern about the number of houses that can be built on this property. Mr. Roth explained that under the current zoning only 3 houses can be built. Previously, another developer wanted to build more houses on this lot but this is not the same request.*

*Additionally, questions included impact on traffic, number of curb cuts, health of the pond, and how the wetlands will be protected.*

*Mr. Roth explained that before building permits can be obtained, the developer will have to get a land disturbance permit and show how the wetlands or flood plains will be protected. Public Works regulations and building codes will have to be met before permits to build a house are issued.*

*Mr. Roth advised Ms. Simmons that this is not a rezoning but a variance on the lot width. The creek would have a 50' to 75' buffer setback according to Mr. Roth.*

*Chairman Mills explained the reasoning for having a variance as opposed to not having a variance.*

*Michelle Brown, a resident in Oakton Pond Subdivision, inquired about the square footage of the houses and erosion problems. The square footage is approximately 2,800 to 3,200 square feet and all efforts will be made to protect the creeks, water supply, and pond.*

*Mr. Callicott pointed out that he cannot leave until everything is stabilized and grass is growing.*

*The public hearing was closed.*

*Mr. Hunter made a motion to approve this variance, seconded by Mrs. Barber, with the criteria that exceptional or extraordinary circumstances or conditions are applicable to the development of the site that do not apply generally to sites in the same zoning district. The motion carried 7 – 0 – 0.*

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

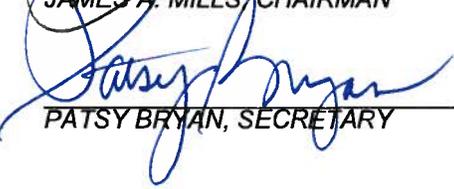
**Absent: 0**

**Vote For: 7**

### **ADJOURNMENT:**

*Mr. Lowman made a motion to adjourn, seconded by Ms. Grant. The February 24, 2014 Board of Zoning Appeals meeting adjourned at 6:33 p.m.*

  
JAMES A. MILLS, CHAIRMAN

  
PATSY BRYAN, SECRETARY