



City of Marietta
Meeting Minutes
BOARD OF ZONING APPEALS

205 Lawrence Street
Post Office Box 609
Marietta, Georgia 30061

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

Monday, November 26, 2007

6:00 PM

City Hall Council Chambers

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

Staff:

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

CALL TO ORDER:

Chairman Mills called the November 26, 2007 Board of Zoning Appeals meeting to order at 6:00 p.m.

MINUTES:

20071270 October 29, 2007 Regular Board of Zoning Appeals Meeting Minutes

Review and Approval of October 29, 2007 Board of Zoning Appeals Meeting Minutes

Mr. Lowman made a motion to accept the October 29, 2007 Board of Zoning Appeals Meeting Minutes as submitted, seconded by Mr. Bishop. Motion carried 4 - 0 - 1. Mr. Shults was not at the October 29, 2007 meeting.

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

Vote: 4 - 0 - 1 Approved
Abstain: 1 - Roy L. Shults

VARIANCES:

20071161 V2007-39 Graham Bates 1284 Banberry Road

V2007-39 Graham Bates request variance for property located in Land Lot 12810, 16th District, Parcel 0640, 2nd Section of Cobb County, Marietta, Georgia and being located at 1284 Banberry Road. Variance to reduce setback for canopy from 5' to 2'. Ward 7.

File #20071161 (V2007-39) was presented by Mr. Binzer for property located in

Land Lot 12810, 16th District, Parcel 0640 and being known as 1284 Banberry Road.

The applicant, Graham Bates, represented by Jeannette Nunez, is requesting a variance to reduce the setback for a canopy from 5 feet to 2 feet.

Code Enforcement advised Ms. Nunez that the canopy needed to be removed.

Ms. Nunez stated that she uses the canopy to stay out of the elements and physical/health reasons.

Carolyn Johnson, co-owner of property next door, objects to the canopy.

Mr. Bishop made a motion to deny the request, seconded by Mr. Lowman. Motion carried 5 - 0.

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

Vote: 5 - 0 - 0

Denied

20071250 V2007-40 Ed Barkan 393 Church Street

V2007-40 Ed Barkan request variance for property located in Land Lot 11460, District 16, Parcel 0170, 2nd Section of Cobb County, Marietta, Georgia and being located at 393 Church Street. Variance to increase the impervious surface from 66% to 68% [708.03.H]. Ward 4.

File #20071250 (V2007-40) was presented by Mr. Binzer for property located in Land Lot 11460, District 16, Parcel 0170, and being known as 393 Church Street.

The applicant, Ed Barkan, is requesting a variance to increase the impervious surface from 66% to 68%. Mr. Barkan explained that this would allow a turn around and relieve a safety hazard. The property has the appearance of being commercial and owners would like to restore the integrity of property so that it appears to be residential. The next-door neighbor signed affidavit of support.

Mr. Dye made a motion to approve the variance with the rationale being that the applicant will do a really nice job so that it will look nice for the neighborhood and will improve the hazard of getting out on Church Street, seconded by Mr. Lowman. Approved 5 - 0.

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

Vote: 5 - 0 - 0

Approved

20071251 V2007-41 Jonathan Rawls 2002 Polytechnic Lane

V2007-41 Jonathan Rawls request variance for property located in Land Lot

05070, District 17, Parcel 0090, 2nd Section of Cobb County, Marietta, Georgia and being located at 2002 Polytechnic Lane. Variance to reduce the rear setback from 35 feet to 15 feet [708.16.H]. Ward 1.

File #20071251 (V2007-41) was presented by Mr. Binzer for property located in Land Lot 05070, District 17, Parcel 0090, and being known as 2002 Polytechnic Lane.

The applicant, Jonathan Rawls, is requesting a variance to reduce the rear setback from 35 feet to 15 feet. Mr. Rawls is relocating his business to the city of Marietta to a 15,000 square foot office/administration and operations center.

Mr. Rawls is agreeable to meeting the 15' landscape buffer requirement for the residential use in the rear of subject property.

Staff defined landscape buffer requirements in Section 710.05.D. and identified the fence as a solid fence.

Mr. Shults made a motion to approve with the stipulations as discussed and 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 public safety, health or general welfare. Mr. Mills asked Mr. Shults if he would be amenable to including the description of a 6-foot high fence and landscape buffer. Mr. Shults sought staff recommendation for description. Mr. Binzer stated that the motion should include buffer requirements be met as listed in Section 710.05.D, seconded by Mr. Bishop. The motion carried 5 - 0.

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

Vote: 5 - 0 - 0

Approved as Stipulated

ADJOURNMENT:

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

JAMES A. MILLS, CHAIRMAN

PATSY BRYAN, SECRETARY