



# 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*  
*Brad N. Leskoven, Ward 1*  
*David Hunter, Ward 4*  
*Ronald Clark, Ward 5*  
*Bobby Van Buren, Ward 6*  
*Justice Barber, Ward 7*

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Monday, April 25, 2016

6:00 PM

City Hall Council Chambers

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

*Absent: Ronald Clark and*

*Staff:*

*Brian Binzer, Development Services Director*  
*Rusty Roth, Development Services Manager*  
*Jasmine Chatman, Urban Planner*  
*Daniel White, City Attorney*  
*Ines Embler, Secretary to the Board*

### CALL TO ORDER:

*Chairman Mills called the April 25, 2016 meeting of the Board of Zoning Appeals to order at 6:00 PM.*

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

### MINUTES:

#### 20160318      **March 28, 2016 Board of Zoning Appeals Meeting Minutes**

Review and Approval of the March 28, 2016 Board of Zoning Appeals Meeting Minutes.

*Mr. Hunter made a motion, seconded by Mr. Lowman that the March 28, 2016 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 Lowman, that this Minutes be Approved and Finalized. The motion CARRIED**

by the following vote.

Absent: 1

Vote For: 6

**VARIANCES:**

**20160238 V2016-11 [VARIANCE] JBE REALTY HOLDINGS LLC**

**V2016-11 [VARIANCE] JBE REALTY HOLDINGS LLC is requesting variances for properties located in Land Lot 643, District 17, Parcels 0290 & 0110, 2nd Section, Marietta, Cobb County, Georgia and being known as 1145 Rottenwood Drive and 1721 Ashborough Road. Variance to reduce the major side setback along Delk Road from 50' to 30'; variance to reduce the major side setback along Ashborough Road from 50' to 20'; variance to reduce the rear setback from 40' to 10'; variance to increase the allowable impervious surface from 75% to 78%; variance to increase the allowable height for the parking deck from 50' to 56.' Ward 1A.**

*A public meeting was held.*

*Mr. Steve Ellis, presented a request for a variance to reduce the major side setback along Delk Road from 50' to 30'; variance to reduce the major side setback along Ashborough Road from 50' to 20'; variance to reduce the rear setback from 40' to 10'; variance to increase the allowable impervious surface from 75% to 78%; variance to increase the allowable height for the parking deck from 50' to 56'.*

*There was no opposition to this variance.*

*Mr. Leskoven asked for clarification that on average the height of the parking deck is not above 50 (fifty) feet and Mr. Ellis affirmed, stating that if you average the ground elevation change, it is not above 50 (fifty) feet.*

*Mr. Leskoven stated that the applicant should be made aware that they will need to provide a letter from Dobbins Air Reserve Base and/or the Federal Aviation Administration, stating that the proposed building will not be a hazard to air navigation. Mr. Ellis said that they have reached out to Mr. Richard Crim and he has approved.*

*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 Ms. Barber. The Motion carried 6-0-0.*

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

Absent: 1

Vote For: 6

**20160239 V2016-12 [VARIANCE] JBE REALTY HOLDINGS LLC**

**V2016-12 [VARIANCE] JBE REALTY HOLDINGS LLC is requesting variances for property located in Land Lot 582, District 17, Parcel 0040, 2nd Section, Marietta, Cobb County, Georgia and being known as 1141 Cobb Parkway South. Variance to allow the use of Honeycomb Aluminum Composite Wall Panels on the side of a building facing a roadway. Ward 1A.**

*A public meeting was held.*

*Mr. Steve Ellis, presented a request for a variance to allow the use of Honeycomb Aluminum Composite Wall Panels on the side of a building facing a roadway.*

*There was no opposition to this variance.*

*The Board members asked questions pertaining to the building material and height of building and Mr. Ellis responded satisfactorily.*

*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. Lowman. The Motion carried 6-0-0.*

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

**Absent: 1**

**Vote For: 6**

**20160240 V2016-14 [VARIANCE] RANDA WHITFIELD**

**V2016-14 [VARIANCE] RANDA WHITFIELD is requesting variances for property located in Land Lot 1227, District 16, Parcel 0410, 2nd Section, Marietta, Cobb County, Georgia and being known as 95 Kirkpatrick Drive. Variance to allow gravel as an acceptable parking surface; variance to increase the allowable height of a fence in the front yard from 4' to 6'. Ward 3A.**

*A public meeting was held.*

*Mr. and Mrs. Brett and Randa Whitfield, presented a request for a variance to allow gravel as an acceptable parking surface; variance to increase the allowable height of a fence in the front yard from 4' to 6'.*

*There was no opposition to this variance.*

*The board members asked questions pertaining to the size of the gravel and distance of fence to the right of way as well as where the house sits in relation to the road.*

*Mr. and Mrs. Whitfield replied that the pea gravel is ¾' in size; the house sits lower*

than the road and explained where the fence ends in relation to the road.

The public hearing was closed.

A motion was made by Mr. Mills, with stipulations, 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 Ms. Barber. The Motion carried 6-0-0.

**STIPULATIONS:**

1. All gravel in the right of way be replaced with turf grass (from the driveway apron to the end of the fence).
2. Gravel to be maintained with ¾" (three quarter inch) like kind gravel.

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

Absent: 1

Vote For: 6

**OTHER BUSINESS:**

**20160241 Board of Zoning Appeals - Election of Chairman**

**Election of Chairman to serve for one year from May 2016 to April 2017.**

Daniel White, City Attorney, opened the floor for nominations for the position of Chairman for the term of May 2016 to April 2017.

Mr. Hunter nominated Chairman Mills for re-election as Chairman. Hearing no other nominations, the nominations were closed.

Mr. Lowman made a motion to re-elect Chairman Mills, seconded by Mr. Van Buren. The motion carried 5-0-1. Chairman Mills abstained and Mr. Clark was absent.

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

Absent: 1

Vote For: 5

Abstain: 1

**20160242 Board of Zoning Appeals - Election of Vice Chairman**

**Election of Vice Chairman to serve for one year from May 2016 to April 2017.**

Daniel White, City Attorney, opened the floor for nominations for the position of Vice Chairman for the term of May 2016 to April 2017.

Mr. Hunter nominated Mr. Lowman for re-election as Vice Chairman. Hearing no other nominations, the nominations were closed.

*Chairman Mills made a motion to re-elect Mr. Lowman, seconded by Mr. Leskoven. The motion carried 5-0-1. Mr. Lowman abstained and Mr. Clark was absent.*

**A motion was made by Board member Mills, seconded by Board member Leskoven, that this Motion be Approved and Finalized. The motion CARRIED by the following vote.**

**Absent:** 1

**Vote For:** 5

**Abstain:** 1

**ADJOURNMENT:**

*The April 25, 2016 meeting of the Board of Zoning Appeals was adjourned at 6:22PM*

  
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JAMES (JIM) MILLS, CHAIRMAN

  
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INES EMBLER, SECRETARY

