

**MINUTES OF VARIANCE HEARING
COBB COUNTY BOARD OF ZONING APPEALS
APRIL 12, 2023
1:30 P.M.**

The Board of Zoning Appeals Variance Hearing was held on Wednesday, April 12, 2023, at 1:30 p.m. in the second-floor public meeting room of Cobb County Building A, 100 Cherokee Street, Marietta, Georgia. Present and comprising a quorum of the Board were:

Barkley Russell, Chairwoman
Deidra Willis, Vice Chair
Fred Beloin
Kim Swanson
Alice Summerour

CHAIRWOMAN RUSSELL – CALL TO ORDER

Chairwoman Russell called the hearing to order at 1:30 p.m. and explained the procedures for the public hearing.

Mr. John Pederson, Zoning Division Manager, read into the record the following cases that were withdrawn or continued and then read in the Consent Agenda.

WITHDRAWN/CONTINUED CASES

- V-36** **ALEXANDER FARRINGTON** (Arfco Developments, LLC, owner) requesting a variance to reduce stream buffer from the required 75 feet to 40 feet in land lot 1207 of the 16th district. Property is located at the northern terminus of Dogwood Drive, north of Nekoma Street (118 Dogwood Drive). *(Continued by Staff from the March 15, 2023, BZA hearing until the April 12, 2023, BZA hearing). WITHDRAWN WITHOUT PREJUDICE*
- V-46** **EDWARD MICHAEL GLANCY, JR.** (Edward Michael Glancy, Jr. and Laura Adamson Glancy, owners) requesting a variance to reduce the rear setback from the required 35 feet to 26 feet in land lot 35 of the 20th district. Property is located at the eastern terminus of Lakeside Court, east of Lake Drive (5447 Lakeside Court). **WITHDRAWN WITHOUT PREJUDICE**
- V-40** **CHRISTINE LOBDELL RANEY** (Christine L. Lobdell Raney, as Trustee of the Christine L. Lobdell Raney Family Living Trust dated September 20, 2006, owners) requesting a variance to 1) allow a second electrical meter on a residential lot; and 2) reduce the side setback from the required 10 feet to 9.5 feet adjacent to the western property line (existing) in land lot 695 of the 19th district. Property is located on the southwest side of Pair Road, northwest of Shadyside Road (2155 Pair Road). *(Continued by staff from the April 12, 2023, BZA hearing until the May 10, 2023, BZA hearing; therefore, was not considered at this hearing).*

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CONSENT AGENDA

V-39 **JAMES E. BARLOW, JR. AND JULIE BARLOW** (James E. Barlow, Jr. and Julie Barlow, owners) requesting a variance to allow a second electrical meter on a residential lot in land lot 230 of the 20th district. Property is located on the east side of Victoria Falls Drive, north of Fords Road (1310 Victoria Falls Drive).

To **approve** V-39, subject to:

- 1. Department of Transportation comments and recommendations**
- 2. Development and Inspections Division comments and recommendations**
- 3. No commercial use; single-family use *only***

V-41 **JOHN H. CHAPIN AND DIANNE D. CHAPIN, TRUSTEES, OR THEIR SUCCESSORS IN INTEREST, OF THE JOHN H. AND DIANNE D. CHAPIN LIVING TRUST, DATED MAY 21, 2012** (John H. Chapin and Dianne D. Chapin, Trustees, or their successors in interest, of the John H. and Dianne D. Chapin Living Trust, dated May 21, 2012, owners) requesting a variance to 1) reduce the front setback from the required 15 feet to seven feet; and 2) increase the maximum allowable impervious surface from 35% to 53.51% in land lots 3 and 4 of the 1st district. Property is located on the west side of Chattahoochee Plantation Drive, south of Chattahoochee Lane (4468 Chattahoochee Plantation Drive).

To **approve** V-41, subject to:

- 1. Department of Transportation comments and recommendations**
- 2. Stormwater Management Division comments and recommendations**
- 3. Maximum impervious surface to be 48.9%**
- 4. Site Plan dated April 11, 2023 (attached and made a part of these minutes), with the final approval by Stormwater Management**

At the call for petition V-42 (Natasha F. De Barros), opposition was present; therefore, V-42 was pulled from the Consent Agenda and heard on the Regular Agenda in its numerical order (see page 6 of these minutes).

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CONSENT AGENDA (CONT.)

- V-43 MICHAEL MCDONALD AND CATHERINE MCDONALD** (Michael J. McDonald and Catherine McDonald, owners) requesting a variance to 1) reduce the front setback from the required 60 feet to 58 feet (existing); 2) reduce the side setback from the required 25 feet to 15 feet; 3) reduce the rear setback for an accessory structure under 650 square feet (existing approximately 391 square foot shed and overhang) from the required 50 feet to four feet; 4) reduce the side setback for an accessory structure under 650 square feet (existing approximately 391 square foot shed and overhang) from the required 25 feet to zero feet adjacent to the northern property line; and 5) reduce the rear setback for an accessory structure under 650 square feet (existing approximately 370 pergola) from the required 50 feet to 45 feet in land lot 107 of the 16th district. Property is located on the east side of Monticello Circle, northwest of Jefferson Township Place (4686 Monticello Circle.)

To approve V-43, subject to:

- 1. Development and Inspections Division comments and recommendations**
- 2. Stormwater Management Division comments and recommendations**
- 3. Fire Department comments and recommendations**

At the call for petition V-44 (Marquita Jackson), opposition was present; therefore, V-44 was pulled from the Consent Agenda and heard on the Regular Agenda in its numerical order (see page 7 of these minutes).

- V-45 WALTON COMMUNITY SERVICES INC.** (Walton Community Services, Inc., owner) requesting a variance to 1) reduce the setback for a sign from the required 62 feet from the centerline of an arterial road right-of-way to 61 feet; and 2) reduce the side yard setback for a sign from the required 15 feet to nine feet in land lots 1006 and 1067 of the 19th district. Property is located on the east side of Austell Road, south of Fairview Drive (4493 Austell Road).

To approve V-45, subject to:

- 1. Department of Transportation comments and recommendations**
- 2. Stormwater Management Division comments and recommendations**
- 3. Fire Department comments and recommendations**

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CONSENT AGENDA (CONT.)

- V-47** **LILIYA GALEEVA AND ART STIENIS** (Arthur Stienis and Liliya Galeeva, owners) requesting a variance to allow pool equipment to be located to the side of the house in land lot 275 of the 20th district. Property is located on the east side of Acworth Due West Road, north of Stone Lakes Drive (820 Acworth Due West Road).

To **approve** V-47, subject to:

1. Department of Transportation comments and recommendations

- V-49** **AMANDA MOULTHROP** (Philip Matthew Moulthrop and Amanda N. Moulthrop, as Trustees of the Matthew and Amanda Moulthrop Revocable Trust, dated April 16, 2021, owners) requesting a variance to 1) allow an accessory structure to be located to the side of the house (existing pool and deck); 2) reduce the side setback for a pool from the required five feet to zero feet adjacent to the eastern property line (existing); 3) allow an accessory structure to be located to the side of the house (proposed 1,500 square foot garage); 4) reduce the setbacks for an accessory structure over 650 square feet (proposed 1,500 square foot garage) from the required 100 feet to 35 feet from the front property line and to 10 feet adjacent to the eastern property line; and 5) allow a second electrical meter on a residential lot in land lots 79 and 80 of the 1st district. Property is located on the south side of Fox Run Lane, east of Sherwood Lane (4866 Fox Run Lane).

To **approve** V-49, subject to:

- 1. Development and Inspections Division comments and recommendations**
- 2. Site Plan Review comments and recommendations**
- 3. Stormwater Management Division comments and recommendations**
- 4. Water Division comments and recommendations**
- 5. Fire Department comments and recommendations**
- 6. Detached garage not to be used for residential or commercial uses**
- 7. Applicant to plant trees and shrubbery around the garage to buffer the street view on Fox Run Lane; to be approved by the County Arborist**

- V-50** **NORTHON BORGES** (Northon B. Borges, owner) requesting a variance to allow an accessory use (proposed inground pool) to the side of the house in land lot 1184 of the 16th district. Property is located on the south side of Lower Roswell Road, east of Lindsey Road (3870 Lower Roswell Road).

To **approve** V-50, subject to:

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CONSENT AGENDA (CONT.)

V-50 NORTHON BORGES (CONT.)

- 1. Department of Transportation comments and recommendations**
- 2. Sewer Division comments and recommendations**

V-51 KERLEY FAMILY HOMES (Kerley Family Homes, LLC, owner) requesting a variance to reduce the front setback from the required 35 feet to 32 feet in land lots 277 and 278 of the 20th district. Property is located on the southwest corner of Entrenchment Ridge Court and Fortification Ridge, west of Frank Kirk Road (3129 Fortification Ridge).

To approve V-51, subject to:

- 1. Department of Transportation comments and recommendations**
- 2. Fire Department comments and recommendations**
- 3. Site Plan Review comments and recommendations**

Prior to voting on the Consent Agenda, Mr. Beloin voiced opposition to V-41 and asked that V-41 be voted on separately; thereafter, the following motions were made:

MOTION: Motion by Beloin, second by Willis, to approve the Consent Agenda, as *revised*, with exception of V-41.

VOTE: **ADOPTED 5-0**

MOTION: Motion by Swanson, second by Summerour, to approve V-41.

VOTE: **ADOPTED 4-1**, Beloin opposed

REGULAR AGENDA

V-32 JEFFREY JOHNSON (Synergy Investing LLC, owner) requesting a variance to 1) reduce the front setback for Lot 1 from the required 40 feet to 28 feet (existing); 2) reduce the rear setback for Lot 1 from the required 35 feet to 30 feet (existing); and 3) reduce the required setbacks for an accessory structure over 650 square feet (existing approximately 1,450 square foot garage) from 100 feet to 80 feet adjacent to the southern property line, 36 feet adjacent to the northern property line, 35 feet adjacent to the western property line, and 21 feet adjacent to the eastern property line on Lot 1 in land lots 660 and 661 of the 16th district. Property is located on the east side of Jewell Drive and Hiawasse Drive and on the north side of Liberty Hill Road, east of Canton Road (905 Liberty Hill Road). *(Continued by the BZA from the March 15, 2023, BZA hearing until the April 12, 2023, BZA hearing).*

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REGULAR AGENDA (CONT.)

V-32 JEFFREY JOHNSON (CONT.)

The public hearing was opened; Kevin Moore, Annemarie Thomas, and David Poteet addressed the Board. Following presentation and discussion, the following motion was made:

MOTION: Motion by Swanson, second by Summerour, to **approve** V-32, subject to:

- 1. Convert the office space to a personal gym within 90 days**
- 2. Space to be inspected and permitted by Cobb County within 90 days**
- 3. No office or living use; gym space for personal use *only***
- 4. No parking of company vehicles on the property; must comply with Cobb County Code regarding parking**
- 5. Property of the single-family home cannot be subdivided until completion of all the above stipulations**
- 6. Personal business use *only***

VOTE: **ADOPTED** 5-0

V-42 NATASHA F. DE BARROS (Natasha Furlan De Barros, owner) requesting a variance to 1) reduce the side setback from the required 10 feet to zero feet adjacent to the western property line (existing); and 2) reduce the setback for an accessory structure under 144 square feet (existing approximately 120 square foot shed) from the required five feet to one foot adjacent to the northern property line in land lot 862 of the 17th district. Property is located on the north side of Sunny Lane, west of Smithstone Road (2593 Sunny Lane).

The public hearing was opened; Natasha Furlan De Barros and Dorothy Dow addressed the Board. Following presentation and discussion, the following motion was made:

MOTION: Motion by Swanson, second by Willis, to **approve** V-42, subject to:

- 1. Development and Inspections Division comments and recommendations**
- 2. Site Plan Review comments and recommendations**
- 3. Within 90 days, Applicant to either 1) remove the portion of the house over the property line; 2) revise property lines to get the house at least 1 foot on the property; or 3) Applicant obtain an easement or agreement for the encroachment**

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REGULAR AGENDA (CONT.)

V-42 NATASHA F. DE BARROS (CONT.)

VOTE: **ADOPTED 5-0**

V-44 MARQUITA JACKSON (Tremeze S. Jackson and Marquita Jackson, owners) requesting a variance to reduce the side setback for an accessory structure under 650 square feet (418 square foot gazebo) from the required 12 feet to two feet in land lot 300 of the 20th district. Property is located on the southwest side of Julia Drive, south of Due West Road (397 Julia Drive).

The public hearing was opened; Marquita Jackson, Tremeze Jackson, Amber Hutton, Brandon Hutton, and Stephanie Spratt addressed the Board. Following presentation and discussion, the following motion was made:

MOTION: Motion by Beloin, second by Swanson, to **hold** V-44 until the May 10, 2023, Board of Zoning Appeals Variance Hearing.

VOTE: **ADOPTED 5-0**

Prior to the public hearing for V-48 (Johnson Ferry Baptist Church, Inc.), Ms. Summerour recused herself due to a conflict of interest. Ms. Summerour left the hearing at 2:45p.m.

V-48 JOHNSON FERRY BAPTIST CHURCH, INC. (Johnson Ferry Baptist Church, Inc., owner) requesting a variance to 1) increase the maximum total sign area allowed for signage for non-residential uses located on residential zoned property with acreage over five acres from 64 square feet to 84.6 square feet; 2) increase the height of non-residential signage on residential zoned property from eight feet to 9.33 feet; and 3) increase the maximum size for an electronic messaging portion of the sign from 32 square feet to **60 50** square feet in land lot 67 of the 1st district. Property is located on the west side of Johnson Ferry Road and the east side of Woodlawn Drive, south of Little Willeo Road (955 Johnson Ferry Road).

The public hearing was opened; Kevin Moore and Jacquelyn Bettadapur addressed the Board. Following presentation and discussion, the following motion was made:

MOTION: Motion by Swanson, second by Beloin, to **approve** V-48, subject to:

- 1. Revise Variance No. 3 to increase the maximum size for an electronic messaging portion of the sign from 32 square feet to 50 square feet**
- 2. Sign to be on a 20 second rotation**
- 3. Sign to be dark between 11:00 p.m. and 5:00 a.m.**

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REGULAR AGENDA (CONT.)

V-48 JOHNSON FERRY BAPTIST CHURCH, INC. (CONT.)

VOTE: **ADOPTED** 4-0, Summerour recused

APPROVAL OF MINUTES

MOTION: Motion by Swanson, second by Willis, to **approve** the following minutes, *as presented*:

March 15, 2023 – Board of Zoning Appeals Variance Hearing

VOTE: **ADOPTED** 4-0, Summerour not present

MOTION: Motion by Willis, second by Swanson, to **approve** the following minutes, *as presented*:

April 10, 2023 – Special Called Meeting/Work Session Agenda Review

VOTE: **ADOPTED** 4-0, Summerour not present

ADJOURNMENT

MOTION: Motion by Swanson, second by Willis, to **adjourn** the hearing.

VOTE: **ADOPTED** 4-0, Summerour not present

The hearing adjourned at 3:10 p.m.



Leila Washington, Deputy County Clerk
Cobb County Board of Zoning Appeals

Min. Bk. 24 Petition No. V-41
Doc. Type site plan

Meeting Date 4-12-2023

TRACT AREA - 0.350 ACRES (15,253 sq. ft.)



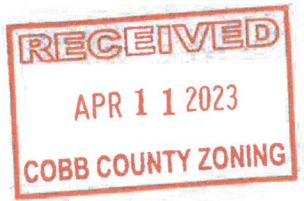
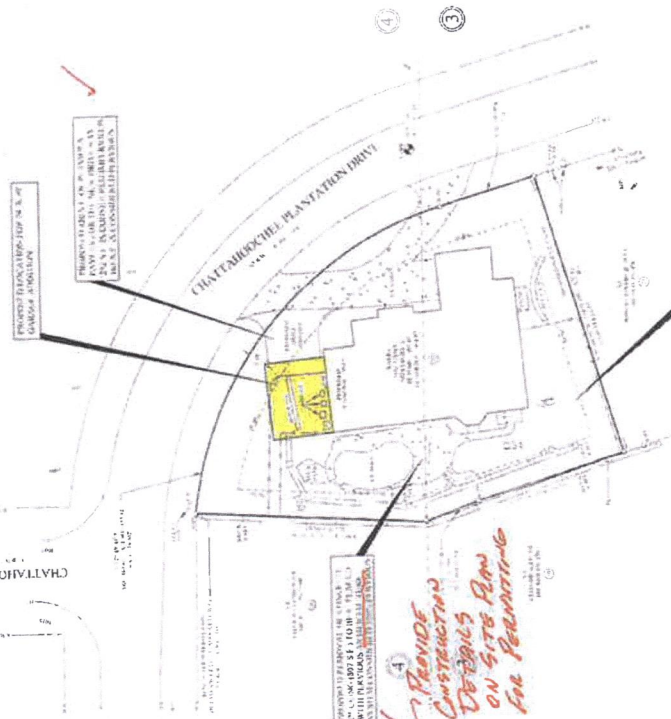
SITE ADDRESS:
4468 CHATTAHOOCHEE PLANTATION DRIVE
MARIETTA, GA 30106
DB 14129 PG 6314
DB 14548 PG 3181
TAX ID# 01000300160

GENERAL NOTES:

1. PROPERTY ZONED: R-15
2. PROPOSED ZONING: TO REMAIN R-15
3. SETBACKS REQUIRED:
 - FRONT: 15'
 - MINOR SIDE: 10'
 - REAR: 10'
4. PROPOSED USE: EXISTING HOME W/ GARAGE & DRIVE ADDITION
5. PARKING REQUIRED: 2 SPACES
6. VARIANCES REQUESTED:
 - a. TO REDUCE THE FRONT SETBACK FROM 15' TO 7' TO ALLOW FOR THE PROPOSED GARAGE ADDITION.
 - b. TO INCREASE MAXIMUM IMPERVIOUS TO 49 %.
7. PROPERTY SERVED BY COBB COUNTY WATER & SEWER:
 - EXISTING IMPERVIOUS COVERAGE: 46,443 sq. ft. (7,022 S.F. COVERAGE)
 - PROPOSED IMPERVIOUS COVERAGE: 48,900 sq. ft. (7,459 S.F. COVERAGE)
8. PROPOSED STORMWATER MITIGATION: A WATER QUALITY DRY WELL TO BE USED AS MITIGATION FOR THE COVERAGE IN EXCESS OF 35% SEE NOTE B3.
9. AS PER FIRST FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NO. 13007C0034J DATED 3-1-23, THIS PROPERTY IS NOT IN AN AREA HAVING SPECIAL FLOOD HAZARDS IN A ZONE "X".
10. THIS PROPERTY DOES NOT HAVE A CEMETERY, WETLANDS, HISTORIC OR ARCHITECTURAL FEATURES LOCATED ON THE PROPERTY.

ALL SURVEY INFORMATION TAKEN FROM RESEARCH SURVEY FOR JOHN H. & DIANNE D. CHAPIN LIVING TRUST DATED 11-4-22 PREPARED BY P.L.C.E.A.

NO.	DESCRIPTION	DATE
1	RECEIVED	4/11/2023
2	COBB COUNTY ZONING	4/11/2023
3	APR 11 2023	4/11/2023
4	RECEIVED	4/11/2023
5	COBB COUNTY ZONING	4/11/2023
6	APR 11 2023	4/11/2023
7	RECEIVED	4/11/2023
8	COBB COUNTY ZONING	4/11/2023
9	APR 11 2023	4/11/2023
10	RECEIVED	4/11/2023
11	COBB COUNTY ZONING	4/11/2023
12	APR 11 2023	4/11/2023
13	RECEIVED	4/11/2023
14	COBB COUNTY ZONING	4/11/2023
15	APR 11 2023	4/11/2023
16	RECEIVED	4/11/2023
17	COBB COUNTY ZONING	4/11/2023
18	APR 11 2023	4/11/2023
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22	RECEIVED	4/11/2023
23	COBB COUNTY ZONING	4/11/2023
24	APR 11 2023	4/11/2023
25	RECEIVED	4/11/2023
26	COBB COUNTY ZONING	4/11/2023
27	APR 11 2023	4/11/2023
28	RECEIVED	4/11/2023
29	COBB COUNTY ZONING	4/11/2023
30	APR 11 2023	4/11/2023



PROVIDE Construction Details ON SITE PLAN FOR PERMITTING

APPROVE ALL CALCULATIONS & CONSTRUCTION DETAILS ON UPDATED SITE PLAN TO BE USED FOR PERMITTING