

**MINUTES OF VARIANCE HEARING
COBB COUNTY BOARD OF ZONING APPEALS
MAY 10, 2023
1:30 P.M.**

The Board of Zoning Appeals Variance Hearing was held on Wednesday, May 10, 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

VICE CHAIR WILLIS – CALL TO ORDER

Vice Chair Willis called the hearing to order at 1:31 p.m. and explained the procedures for the public hearing.

Mr. Terry Martin, Zoning Division Planner III, read into the record the following case that was withdrawn and then read in the Consent Agenda.

WITHDRAWN CASE

V-57

ASHLEY BARTON (John William Ames and Chali Langson, owners) requesting a variance 1) to increase the allowable impervious coverage from 35% to 49.6%; and 2) allow pool equipment on side of the house in land lots 342 and 379 of the 16th district. Property is located on the north side of Julia Drive, south of Goodhearth Drive, east of Knight Road (1854 Goodhearth Drive). ***WITHDRAWN WITHOUT PREJUDICE***

CONSENT AGENDA

MOTION: Motion by Summerour, second by Swanson, to **approve** the following cases on the Consent Agenda, *as presented*:

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 the Staff from the April 12, 2023, BZA hearing until the May 10, 2023, BZA hearing*).

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CONSENT AGENDA (CONT.)

V-40 CHRISTINE LOBDELL RANEY (CONT.)

To **approve** V-40, subject to:

- 1. Development and Inspections Division comments and recommendations**
- 2. Shed not to be used for residential or commercial use**

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). *(Previously held by the BZA from the April 12, 2023, BZA hearing until the May 10, 2023, BZA hearing).*

To **approve** V-44, subject to:

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

V-53 HELDER ZANELLA (Helder Zanella, owner) requesting a variance to 1) reduce the rear setback from the required 35 feet to 32 feet (existing); 2) reduce the side setback from the required 10 feet to five feet adjacent to the eastern property line; and 3) reduce the front setback from the required 30 feet (platted) to 25 feet in land lot 792 of the 17th district. Property is located at the northeast intersection of Robin Lane and Freydale Road (2277 Freydale Road).

To **approve** V-53, subject to:

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

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CONSENT AGENDA (CONT.)

- V-54** **JAMES R. DOW** (James R. Dow and Catherine A. Dow, owners) requesting a variance to reduce the rear setback for an accessory structure under 650 square feet (proposed approximately 288 square foot shed) from the required 35 feet to 11 feet in land lot 37 of the 16th district. Property is located on the west side of Surrey Drive, south of Old Mountain Park Road (4925 Surrey Drive).

To **approve** V-54, subject to:

- 1. Development and Inspections Division comments and recommendations**

- V-55** **GARY A. WERT** (Town Center Associates, owners) requesting a variance to allow a non-ground-based monument style sign in land lot 645 of the 16th district. Property is located on the south side of Ernest Barrett Parkway, east of Roberts Court, west of Interstate 575 (425 Ernest Barrett Parkway).

To **approve** V-55, subject to:

- 1. Department of Transportation comments and recommendations**

- V-56** **DAMALIE GUTIERREZ** (Damali Gutierrez and Juan Manuel Gonzalez, owners) requesting a variance to 1) reduce the side setback from the required 12 feet to three feet adjacent to the northern property line; 2) reduce the rear setback for an accessory structure under 650 square feet (existing approximately 160 square foot canopy) from the required 40 feet to zero feet; 3) reduce the side setback for an accessory structure under 650 square feet (existing approximately 160 square foot canopy) from the required 12 feet to zero feet adjacent to the northern property line; 4) reduce the rear setback for an accessory structure under 650 square feet (existing approximately 232 square foot wood deck) from the required 40 feet to 20 feet; 5) reduce the side setback for an accessory structure under 650 square feet (existing approximately 232 square foot wood deck) from the required 12 feet to four feet adjacent to the north property line; and 6) reduce the rear setback for an accessory structure under 650 square feet (existing approximately 150 square foot shed) from the required 40 feet to seven feet in land lot 601 of the 19th district. Property is located on the east side of Florence Road, south of Moon Road (2751 Florence Road).

To **approve** V-56, subject to:

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CONSENT AGENDA (CONT.)

V-56 DAMALIE GUTIERREZ (CONT.)

- 1. Department of Transportation comments and recommendations**
- 2. Development and Inspections Division comments and recommendations**
- 3. Site Plan Review comments and recommendations**
- 4. Stormwater Management Division comments and recommendations**

V-58 JAMES T. HUNT (James T. Hunt and Karen M. Hunt, owners) requesting a variance to 1) reduce the rear setback from the required 40 feet to 31 feet; and 2) reduce the front setback from the required 25 feet to 23 feet (existing) in land lot 86 of the 1st district. Property is located on the west side of Olde Towne Lane, north of Olde Towne Parkway (731 Olde Towne Lane).

To approve V-58, subject to:

- 1. Fire Department comments and recommendations**

CONSENT VOTE: **ADOPTED 5-0**

REGULAR AGENDA

V-52 MICHAEL COTTON (Michael G. Cotton and Kendra Davenport Cotton, owners) requesting a variance to reduce the rear setback for an accessory use (existing 572 square foot basketball court) from the required 20 feet to four feet in land lot 430 of the 19th district. Property is located on the east side of Whitman Drive, north of Thayer Drive (1985 Whitman Drive).

The public hearing was opened; Michael Cotton addressed the Board. Following presentation and discussion, the following motion was made:

MOTION: Motion by Beloin, second by Russell, to approve V-52, subject to:

- 1. Use of the basketball court to end each day by dusk or no later than 9:00 p.m.**
- 2. No lighting to be added**

VOTE: **ADOPTED 5-0**

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AMEND SOMETHING PREVIOUSLY ADOPTED

**Item 1
(V-80)**

Section 17.02 of the Board of Zoning Appeals Hearing Procedures adopted January 11, 1994, and last revised December 15, 2021, allows the Board of Zoning Appeals to amend an action taken at a previous hearing. This item would be to amend the motion by the Board of Zoning Appeals for V-80 (Madison Rieke) of 2022 (September) as listed in the official minutes of the September 14, 2022, meeting.

MOTION: Motion by Summerour, second by Swanson, to **amend** a previously adopted approval of V-80 from the September 14, 2022, BZA Variance Hearing minutes (attached and made a part of these minutes) with the following change to stipulation 1.

1. **Revised site plan dated August 19, 2022, pertaining to the number of parking spaces only** (attached and made a part of these minutes)

VOTE: **ADOPTED** 5-0

APPROVAL OF MINUTES

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

April 12, 2023 – Board of Zoning Appeals Variance Hearing
May 8, 2023 – Special Called Meeting/Work Session Agenda Review

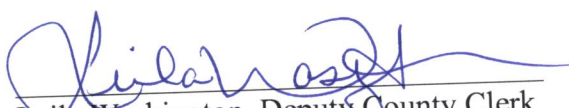
VOTE: **ADOPTED** 5-0

ADJOURNMENT

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

VOTE: **ADOPTED** 5-0

The hearing adjourned at 1:53 p.m.


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

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Min. Bk. 24 Petition No. Item 1(v-80)
Doc. Type minutes
Meeting Date 5-10-23

CONTINUED/WITHDRAWN CASES (CONT.)

V-100 **DAVID PEET AND REBECCA PEET** (David L. Peet and Rebecca Peet, owners) requesting a variance to 1) reduce the major side setback from the required 10 feet to nine feet (existing); and 2) reduce the major side setback from 10 feet to zero feet in land lot 745 of the 17th district. Property is located on the southwest corner of Tynemoore Court and Tynemoore Trail (3734 Tynemoore Trace).

Mr. Pederson presented the Applicant's request for a continuance; thereafter, the following motion was made:

MOTION: Motion by Summerour, second by Swanson, to continue V-100 until the October 12, 2022 Board of Zoning Appeals Variance Hearing.

VOTE: **ADOPTED** 5-0

V-85 **TODD E. HALEY** (Todd E. Haley, owner) requesting a variance to reduce the side setback for an accessory structure over 1,000 square feet (proposed 1,872 square foot barn) from the required 100 feet to 25 feet adjacent to the northern property line in land lot 295 of the 20th district. Property is located on the east side of Harrison Way, north of Burnt Hickory Way (504 Harrison Way).

Mr. Pederson presented the Applicant's request to withdraw V-85 without prejudice; thereafter, the following motion was made:

MOTION: Motion by Beloin, second by Swanson, to allow V-85 to be *withdrawn without prejudice*.

VOTE: **ADOPTED** 5-0

CONSENT AGENDA

V-80 **MADISON RIEKE (FORESITE GROUP)** (Brixmor Eastlake SC, LLC, owner) requesting a variance to waive individual parking ratios for each tenant in favor of an overall parking ratio of one space per 300 square feet of net floorspace for the center and out buildings in land lots 1028 and 1029 of the 16th district. Property is located on the west side of Roswell Road, north of Robinson Road (2211 Roswell Road). *(Continued by Staff from the August 10, 2022 BZA hearing until the September 14, 2022 BZA hearing).*

To approve V-80, subject to:

Correction to V-80
of these minutes
-approved in the
5-10-23 BZA
Minutes



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Petition No. Item 7 (V-80)
Meeting Date 5-10-23
Continued

CONSENT AGENDA (CONT.)

V-80 MADISON RIEKE (FORESITE GROUP) (CONT.)

1. ***Revised site plan dated August 19, 2022 (attached and made a part of these minutes)***

V-84 LES FISCHER (Brenda Fischer and Les Fischer, owners) requesting a variance to allow a fence to exceed six feet in height (existing eight foot fence) when adjacent to a public road right-of-way, or in front of or to the side of the house in a residential district in land lot 113 of the 20th district. Property is located on the southeast corner of Rabbit Run and Cheatham Road, south of Dallas Acworth Highway (3482 Cheatham Road).

To **approve** V-84, subject to:

1. **Development and Inspections Division comments and recommendations**
2. **Northwest corner of the fence to be 15 feet off the right-of-way**

Later in the hearing there was a motion to reconsider and hear case V-84 (Les Fischer); therefore, V-84 was heard on the Regular Agenda (see page 8 of these minutes)

V-86 AQUA DESIGN POOLS & SPAS, LLC (Gregory Tuttle and April D. Tuttle, owner) requesting a variance to 1) reduce the major side setback from the required 20 feet to 18 feet (existing); 2) reduce the side setback for deck and pool decking from the required five feet to two feet adjacent to the western property line; and 3) increase the maximum allowable impervious coverage from 35% to 39% in land lot 746 of the 16th district. Property is located on the southwest corner of Murdock Road and Bellehurst Drive, across from Bunker Hill Road (2998 Bellehurst Drive).

To **approve** V-86, subject to:

1. **Stormwater Management Division comments and recommendations**
2. ***Revised site plan attached to the email from John Pederson dated September 13, 2022 (attached and made a part of these minutes)***

V-88 TATYANA KUPRIENKO (Tatyana Kuprienko and Lorant Kovacs, owners) requesting a variance to reduce the rear setback from the required 35 feet to 20 feet in land lots 146 and 159 of the 20th district. Property is located at the southern terminus of Balvenie Place, south of Glengyle Park (2905 Balvenie Place).

To **approve** V-88.