

**MINUTES OF VARIANCE HEARING
COBB COUNTY BOARD OF ZONING APPEALS
JUNE 14, 2023
1:30 P.M.**

The Board of Zoning Appeals Variance Hearing was held on Wednesday, June 14, 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 1:32 p.m. and explained the procedures for the public hearing.

Mr. Terry Martin, Zoning Division Planner III, read in the following cases on the Consent Agenda.

CONSENT AGENDA

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

V-59

MARC HURTADO (Marcus A. Hurtado, owner) requesting a variance to
1) reduce the setbacks for an accessory structure over 650 square feet (proposed 1,500 square foot garage) from the required 100 feet to 27 feet adjacent to the western property line and to 43 feet adjacent to the eastern property line; 2) reduce the side setback for an existing accessory structure under 650 square feet (existing approximately 375 square foot shed) from the required 10 feet to five feet adjacent to the western property line; and 3) reduce the side setback for an existing accessory structure under 650 square feet (existing approximately 600 square foot shed) from the required 10 feet to two feet adjacent to the western property line in land lot 953 of the 19th district. Property is located on the south side of Hill Road, west of C H James Parkway (5025 Hill Road).

To **approve** V-59, subject to:

1. No residential or commercial use of the accessory structure
2. Fire Department comments and recommendations
3. Development and Inspections Division comments and recommendations

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CONSENT AGENDA (CONT.)

V-60

JAMES P. CANTOS (James Patrick Cantos, owner) requesting a variance to 1) reduce the setbacks for an accessory structure (existing approximately 1,100 square foot garage and carport) from the required 100 feet to 65 feet adjacent to the western property line, 70 feet to the rear property line, and 95 feet to the front property line; 2) allow an accessory structure (existing approximately 1,100 square foot garage and carport) to be located to the side of the principal structure; and 3) allow a second electrical meter on a residential lot in land lot 1019 of the 19th district. Property is located on the south side of McKay Road, east of Austell Powder Springs Road (3765 McKay Road).

To **approve** V-60, subject to:

- 1. No residential or commercial use of the accessory structure**
- 2. Department of Transportation comments and recommendations**
- 3. Development and Inspections Division comments and recommendations**

V-61

JOHN JOHNSON (John Johnson and Allison Johnson, owners) requesting a variance to reduce the setbacks for an accessory structure over 650 square feet (proposed 816 square foot two-story detached garage) from the required 100 feet to 36 feet adjacent to the rear property line and to 10 feet adjacent to the southern property line in land lot 29 of the 16th district. Property is located on the west side of Jefferson Township Parkway, west of Township Cove Road (3515 Jefferson Township Parkway).

To **approve** V-61, subject to:

- 1. No residential or commercial use of the accessory structure**
- 2. Department of Transportation comments and recommendations**

V-63

RAECHEL RICHARDS (Joseph William Benjamin McCullar and Raechel L. Richards, owners) requesting a variance to 1) reduce the side setback from the required 10 feet to six feet adjacent to the eastern property line; and 2) reduce the front setback from the required 35 feet to 25 feet in land lot 254 of the 16th district. Property is located on the south side of Loch Highland Pass, west of Dunbarton Way (4007 Loch Highland Pass).

To **approve** V-63, subject to:

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

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CONSENT AGENDA (CONT.)

V-64 **CYNTHIA WINN-GARNIGAN** (Cynthia Winn, owner) requesting a variance to 1) reduce the major side setback from the required 25 feet to 23 feet (existing); 2) and reduce the rear setback from the required 30 feet to 20 feet in land lot 226 of the 20th district. Property is located on the northeast corner of Brookgreen Drive and Brookgreen Way, east of McLain Road (1700 Brookgreen Way).

To **approve** V-64.

V-65 **DAVID JOHNSON AND MARY BARTON** (Mary Barton and David Leslie Johnson, owners) requesting a variance to 1) allow an accessory structure (existing approximately 144 square foot shed) to be located in front of the principal structure; 2) allow an accessory structure (proposed 1,200 square foot workshop) to be located in front of the principal structure; 3) reduce the setbacks for an accessory structure over 650 square feet (proposed 1,200 square foot workshop) from the required 100 feet to 29 feet adjacent to the eastern and western property lines; and 4) allow a second electrical meter on a residential lot in land lot 3 of the 20th district. Property is located on the south side of McCoy Road, east of Will Ben Street (5699 McCoy Road).

To **approve** V-65, subject to:

1. **No running water to the accessory structure**
2. **Accessory structure to be painted the same color as the principal residence**
3. **Accessory structure to be used during the hours of 8:00 a.m. through 7:00 p.m. only**
4. **No residential or commercial use of the accessory structure**
5. **Stormwater Management Division comments and recommendations**
6. **Fire Department comments and recommendations**
7. **Development and Inspections Division comments and recommendations**

V-66 **BYRON R. HAYS** (Byron R. Hays and Nancy Jo Hays, owners) requesting a variance to 1) reduce the side setback from the required 10 feet to two feet adjacent to the northwest property line in land lot 143 of the 1st district. Property is located on the southwest corner of Thackston Drive and Larry Lane, west of Richmond Hill Drive (5050 Larry Lane).

To **approve** V-66, subject to:

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CONSENT AGENDA (CONT.)

V-66 BYRON R. HAYS (CONT.)

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

V-67 1155 BARRETT LLC (1155 Barrett, LLC, owner) requesting a variance to increase the maximum allowable impervious coverage from 70% to 78.2% in land lot 208 of the 20th district. Property is located on the south side of Ernest Barrett Parkway, east of Cobb Place Boulevard (1155 Ernest Barrett Parkway).

To approve V-67, subject to:

- 1. Stormwater Management Division comments and recommendations**
- 2. Sewer Division comments and recommendations**

CONSENT VOTE: **ADOPTED 5-0**

REGULAR AGENDA

V-62 JAMES FITZGERALD (James E. Fitzgerald and Jacqueline W.K. Fitzgerald, owners) requesting a variance to 1) reduce the front setback from the required 35 feet (platted) to 30 feet; 2) reduce the side setback from the required 12 feet to three feet adjacent to the western property line; 3) reduce the side setback for an accessory structure under 650 square feet (proposed 640 square foot workshop) from the required 12 feet to five feet adjacent to the eastern property line; and 4) reduce the rear setback for an accessory structure under 650 square feet (proposed 640 square foot workshop) from the required 40 feet to five feet in land lot 794 of the 17th district. Property is located on the south side of Sunny Lane, west of Smithstone Road (2536 Sunny Lane).

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

MOTION: Motion by Swanson, second by Summerour, to approve V-62, subject to:

- 1. Home office use *only*; no residential or commercial use of the accessory structure**
- 2. Accessory structure cannot be habitable per County Code Sec. 134-196, page 8, section 10**

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REGULAR AGENDA

V-62 JAMES FITZGERALD (CONT.)

3. Accessory structure to be fully permitted with a lean-to located to the side of the accessory structure, which is away from the side neighbors, or to the front of the accessory structure towards the house
4. Kiln required to be permitted by the Fire Department and Building Code

VOTE: ADOPTED 5-0

APPROVAL OF MINUTES

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

May 10, 2023 – Board of Zoning Appeals Variance Hearing

VOTE: ADOPTED 5-0

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

June 12, 2023 – Special Called Meeting/Work Session Agenda Review

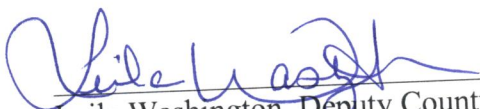
VOTE: ADOPTED 5-0

ADJOURNMENT

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

VOTE: ADOPTED 5-0

The hearing adjourned at 2:04 p.m.


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