

**MINUTES OF VARIANCE HEARING
COBB COUNTY BOARD OF ZONING APPEALS
AUGUST 9, 2023
1:30 P.M.**

The Board of Zoning Appeals Variance Hearing was held on Wednesday, August 9, 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 1:31 p.m. and explained the procedures for the public hearing.

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 John Pederson, Zoning Division Manager, read in the following cases that were withdrawn or continued and then read in the Consent Agenda.

WITHDRAWN/CONTINUED CASES

- V-81** **TIMOTHY GIAMBRONE** (Timothy Giambrone and Fedilina Giambrone, owners) requesting a variance to reduce the side setback from the required 10 feet to five feet adjacent to the north property line in land lot 223 of the 1st district. Property is located on the east side of Beau Reve Park, south of Kellerman Creek (5409 Beau Reve Park). ***WITHDRAWN WITHOUT PREJUDICE***
- V-82** **NEW OAK REAL ESTATE LLC** (New Oak Real Estate LLC, owner) requesting a variance to reduce the front setbacks for lots 1-6 from the required 35 feet to 20 feet in land lot 6 of the 17th district. Property is located on the east side of South Hurt Road, north of Russell Drive (3866 South Hurt Road). ***WITHDRAWN WITHOUT PREJUDICE***
- V-88** **TIMOTHY BICE AND GINA BICE** (Timothy Bice and Gina Bice, owners) requesting a variance to reduce the 25-foot county impervious buffer to 10 feet in land lots 94 and 95 of the 19th district. Property is located on the west side of Luther Court, south of Wilderness Drive (650 Luther Court). ***WITHDRAWN WITHOUT PREJUDICE***

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WITHDRAWN/CONTINUED CASES (CONT.)

V-91 **JAKE ANTHONY STRANGE** (Harmon Anthony Strange and Jake Anthony Strange, owners) requesting a variance to reduce the setbacks for an accessory structure over 650 square feet (proposed 1,080 square foot building) from the required 100 feet to 10 feet adjacent to the west property line, 35 feet to the south property line, and 50 feet adjacent to the east property line in land lot 790 of the 17th district. Property is located on the south side of Powers Ferry Road, east of Sun Valley Drive (652 Powers Ferry Road). *(Continued until the September 13, 2023, BZA Hearing; therefore, was not considered at this hearing).*

V-85 **MICHAEL MATTHEWS** (Michael S. Matthews, owner) requesting a variance to 1) allow an accessory building (proposed 3,150 square foot shop/barn) to be located to the side of the principal building; 2) reduce the setbacks for an accessory building over 650 square feet (proposed 3,150 square foot shop/barn) from the required 100 feet to 29 feet adjacent to the north property line and 94 feet adjacent to the east property line; and 3) allow a second electrical meter on a residential property in land lot 236 of the 20th district. Property is located on the east side of Acworth Due West Road, north of Cooks Farm Drive (1450 Acworth Due West Road).

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

MOTION: Motion by Beloin, second by Summerour, to continue V-85 until the September 13, 2023, Board of Zoning Appeals Variance Hearing.

VOTE: **ADOPTED** 5-0

CONSENT AGENDA

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

V-78 **CARLA A. GARCIA** (Carla Ann Garcia and Mario Onil Garcia Lopez, owners) requesting a variance to 1) reduce the side setback for an accessory structure under 650 square feet (approximately 180 square foot shed) from the required 10 feet to three feet adjacent to the west property line; and 2) allow parking and maneuvering of vehicles on a non-hardened and treated surface (gravel drive) in land lot 700 of the 19th district. Property is located on the north side of Pair Road, west of Cockspur Trail (1436 Pair Road).

To approve V-78, subject to:

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CONSENT AGENDA (CONT.)

V-78 CARLA A. GARCIA (CONT.)

- 1. Department of Transportation comments and recommendations**
- 2. Development and Inspections Division comments and recommendations**
- 3. Stormwater Management Division comments and recommendations**
- 4. Accessory structure not to be used for commercial or residential use**

V-79 DALE CLARK AND NADZEYA SOMMERS (NadzeYA Sommers and Dale R. Clark, owners) requesting a variance to increase the maximum allowable impervious surface from 35% to 40% in land lot 888 of the 16th district. Property is located on the east side of Acacia Park Place, north of Sewell Mill Road (2575 Acacia Park Place).

To **approve** V-79, subject to:

- 1. Stormwater Management Division comments and recommendations**

V-80 DAVID GUADIANA (David Guadiana-Jimenez, owner) requesting a variance to 1) allow a fence that is in front of or to the side of the house in a residential district to exceed six feet in height (proposed eight foot fence); and 2) reduce the side setback from the required 10 feet to nine feet adjacent to the east property line (existing) in land lots 492 and 545 of the 19th district. Property is located on the north side of Clintwood Drive, west of Bankstone Drive (2458 Clintwood Drive).

To **approve** V-80.

V-83 HENRIETTA L. LEAVELL (Henrietta L. Leavell, owner) requesting a variance to 1) reduce the setbacks for an accessory structure over 650 square feet (existing approximately 933 square foot one story framed building and covered storage area) from the required 100 feet to 51 feet adjacent to the east property line, 78 feet adjacent to the rear property line, and 83 feet adjacent to the west property line; and 2) allow parking and/or maneuvering of vehicles on a non-hardened and treated surface (existing gravel drive) in land lot 216 of the 20th district. Property is located on the north side of Stilesboro Road, west of Johnston Trail (2770 Stilesboro Road).

To **approve** V-83, subject to:

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

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CONSENT AGENDA (CONT.)

- V-84** **STEPHEN BRICKNER** (Stephen D. Brickner, owner) requesting a variance to reduce the setbacks for an accessory structure under 650 square feet (proposed 512 square foot pergola) from the required 10 feet to six feet adjacent to the west property line in land lots 17 and 56 of the 16th district. Property is located on the north side of Willow Drive, west of Willow Creek Drive (1579 Willow Drive).

To **approve** V-84.

- V-86** **MATTHEW WILSON** (Matthew Wilson, owner) requesting a variance to reduce the front setback from the required 35 feet to 24 feet in land lot 138 of the 1st district. Property is located on the south side of Odins Way, west of Little Willeo Road (5064 Odins Way).

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

1. Stormwater Management Division comments and recommendations

- V-87** **CHRISTOPHER MOTEN AND BERNARD BELL** (Bernard Bell and Christopher W. Moten, owners) requesting a variance to 1) increase the maximum allowable impervious coverage from 35% to 45%; and 2) reduce the setback for an uncovered patio from the required five feet to zero feet adjacent to the north, south, and east property lines in land lot 46 of the 19th district. Property is located on the east side of Ellis Mountain Drive, west of Ellis Preserve Lane (2201 Ellis Mountain Drive).

To **approve** V-87, subject to:

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

- V-89** **JOSEPH A. SMITH AND RACHELLE W. SMITH** (Joseph Anthony Smith and Rachelle Wells Smith, owners) requesting a variance to 1) allow parking and/or maneuvering on a non-hardened and treated surface (existing gravel drive); 2) reduce the side setback for an accessory structure under 650 square feet (existing approximately 240 square foot one story frame building #1) from the required 10 feet to eight feet adjacent to the north property line; 3) reduce the rear setback for an accessory structure under 650 square feet (existing approximately 240 square foot one story frame building #1) from the required 35 feet to seven feet; 4) reduce the side setback for an accessory structure under 650 square feet (existing approximately 306 square foot one story frame building #2) from the required 10 feet to five feet adjacent to the south property line; and 5) reduce the rear setback for an accessory structure

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CONSENT AGENDA (CONT.)

V-89 JOSEPH A. SMITH AND RACHELLE W. SMITH (CONT.)

under 650 square feet (existing approximately 306 square foot one story frame building #2) from the required 35 feet to 17 feet in land lot 705 of the 19th district. Property is located on the west side of Russell Street, at the western terminus of LeeAnn Drive, west of South Hurt Road (3830 Russell Street).

To **approve** V-89, subject to:

- 1. Department of Transportation comments and recommendations**
- 2. Development and Inspections Division comments and recommendations**
- 3. Accessory structure not to be used for commercial or residential use**

At the call for petition V-90 (Nathaniel McFarland), opposition was present; therefore, V-90 was pulled from the Consent Agenda and heard on the Regular Agenda in its numerical order.

CONSENT VOTE: **ADOPTED 5-0**

REGULAR AGENDA

V-90 NATHANIEL MCFARLAND (Nathaniel G. McFarland and Bethany C. McFarland, owners) requesting a variance to reduce the rear setback for an accessory structure under 650 square feet (proposed 550 square foot workshop) from the required 35 feet to 10 feet in land lot 175 of the 17th district. Property is located on the north side of County Cork Drive, east of Shannon Way (204 County Cork Drive).

The public hearing was opened; Nathaniel McFarland and Paul Russo addressed the Board. Following presentation and discussion, the following motion was made:

MOTION: Motion by Willis, second by Swanson, to **approve** V-90, subject to:

- 1. Applicant to meet with the County Arborist to define what vegetation should be placed in the area behind the workshop to provide proper screening; Applicant will install and maintain vegetation; County Arborist to do a final inspection after the installation of vegetation.**

VOTE: **ADOPTED 5-0**

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REGULAR AGENDA (CONT.)

V-92 **RAFFINEE GONZALEZ** (LaShon Jones as Trustee of the 293 Fontaine Trust Under Trust Instrument Dated April 26, 2023, owner) requesting a variance to 1) reduce the front setback for an accessory structure (proposed approximately 64 square foot watchtower) from the required 60 feet to 13 feet; 2) allow an accessory structure (proposed approximately 64 square foot watchtower) to be located in front of the principal building; and 3) allow a fence or wall in front of the house to be over six feet (proposed nine foot wall) in land lot 177 of the 17th district. Property is located on the south side of Fontaine Road, south of Collins Lake Drive (293 Fontaine Road).

The public hearing was opened; Raffinee Gonzalez and Steve Jungk addressed the Board. Following presentation and discussion, the following motion was made:

MOTION: Motion by Willis, second by Beloin, to **approve** V-92, subject to:

- 1. Erect a nine-foot fence/wall as proposed with a three to four-foot vegetation buffer that will stay green year-round to maintain the aesthetic and provide consistency along the road; County Arborist to approve vegetation**

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

APPROVAL OF MINUTES

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

July 12, 2023 – Special Called Meeting/Appeal Hearing A-01-2023

VOTE: **ADOPTED** 5-0

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

July 12, 2023 – Board of Zoning Appeals Variance Hearing

VOTE: **ADOPTED** 5-0

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APPROVAL OF MINUTES (CONT.)

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

August 7, 2023 – Special Called Meeting/Work Session Agenda Review

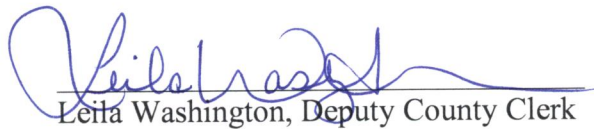
VOTE: **ADOPTED** 5-0

ADJOURNMENT

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

VOTE: **ADOPTED** 5-0

The hearing adjourned at 2:34 p.m.


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