

**MINUTES OF VARIANCE HEARING
COBB COUNTY BOARD OF ZONING APPEALS
DECEMBER 13, 2023
1:30 P.M.**

The Board of Zoning Appeals Variance Hearing was held on Wednesday, December 13, 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 continued and then read in the Consent Agenda.

HELD/CONTINUED CASES

- V-110** **PULTE HOME COMPANY, LLC** (Pulte Home Corporation, owner) requesting a variance to 1) reduce the setback from the required 15 feet to 10 feet adjacent to the south property line; and 2) reduce the setback from the required 40 feet to 27 feet adjacent to the north property line in land lot 237 of the 20th district. Property is located on the south side of Paul Samuel Road, on the west side of Turnwell Place, and on the north side of Whithorn Way (3754 Whithorn Way). *(Held by the BZA from the October 11, 2023, BZA hearing until the November 15, 2023, BZA hearing; Continued by Staff from the November 15, 2023, and December 13, 2023, BZA hearings until January 10, 2024, BZA hearing; therefore, was not considered at this hearing).*
- V-128** **LESLIE PETERSON** (Leslie Peterson, owner) requesting a variance to reduce the rear setback from the required 35 feet to 24 feet in land lot 186 of the 20th district. Property is located on the south side of Chipping Drive, west of Mars Hill Road (5113 Chipping Drive). *(Continued by staff from the December 13, 2023, BZA hearing until the January 10, 2024, BZA hearing; therefore, was not considered at this hearing).*

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CONSENT AGENDA

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

V-117 **MARCUS T. FLOYD** (Beverly Edwards-Floyd and Marcus Floyd, owners) requesting a variance to 1) reduce the front setback from the required 45 feet to 20 feet; and 2) allow the exposed portions of the proposed retaining walls, as measured from the adjacent property owner's side of the exposed wall, to exceed six feet in height when constructed to the heights shown within the distances specified at each location shown (wall heights of one foot to 47 feet) in land lot 338 of the 20th district. Property is located on the northwest corner of Pindos Trail and Pindos Pass, and on the east side of Pindos Place (5100 Pindos Pass). *(Previously continued by staff from the November 15, 2023, BZA hearing until the December 13, 2023, BZA hearing).*

To **approve** V-117, subject to:

1. **Site plan revised November 28, 2023 (attached and made a part of these minutes)**
2. **Revised Department of Transportation comments and recommendations dated December 6, 2023 (attached and made a part of these minutes)**
3. **Site Plan Review comments and recommendations**
4. **Foliage as shown in photo No. 1, submitted by Mr. Beloin (attached and made a part of these minutes), to be maintained by the Applicant as the retaining walls are being built**
5. **Applicant to use architectural stone for the retaining walls as shown in photo No. 2, submitted by Mr. Beloin (attached and made a part of these minutes); alternatively, they may use poured walls with brick or stone veneers on all above ground, visible retaining walls**
6. **No stamped walls to be used as shown in photo No. 3, submitted by Mr. Beloin (attached and made a part of these minutes)**

V-120 **ANTONIO A. RODRIGUEZ** (Antonio A. Rodriguez, owner) requesting a variance to 1) allow an accessory structure (approximately 144 square foot shed with porch) to the side of the principal building; and 2) reduce the rear setback for an accessory structure (approximately 144 square foot shed with porch) from the required 30 feet to 18 feet (existing) in land lot 486 of the 18th district. Property is located at the northern terminus of Grinder Drive, north of Blair Bridge Road (7030 Grinder Drive).

To **approve** V-120, subject to:

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CONSENT AGENDA (CONT.)

V-120 ANTONIO A. RODRIGUEZ (CONT.)

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

V-122 JEREMY LINDSEY (Jeremy Lindsey and Rachel Lindsey, owners) requesting a variance 1) to allow a second electrical meter on a residential lot; and 2) allow parking and/or maneuvering of vehicles on a non-hardened and treated surface (gravel drive to barn) in land lot 464 of the 19th district. Property is located on the east side of Gus Robinson Road, north of Macland Road (3599 Gus Robinson Road).

To **approve** V-122, subject to:

- 1. Development and Inspections Division comments and recommendations**
- 2. Stormwater Management Division comments and recommendations**
- 3. Fire Department comments and recommendations**
- 4. No dwelling or commercial use (except riding stable) of the accessory building**

V-123 KEVIN LEWELLING AND SARAH LEWELLING (Kevin W. Lewelling and Sarah T. Lewelling, owners) requesting a variance to reduce the setbacks for an accessory structure over 650 square feet (proposed 864 square foot garage) from the required 100 feet to 18 feet adjacent to the north property line, six feet adjacent to the east property line, and 82 feet adjacent to the west property line in land lot 319 of the 16th district. Property is located at the eastern terminus of Southpoint Court, east of Northpoint Drive (3680 Southpoint Court).

To **approve** V-123, subject to:

- 1. Stormwater Management Division comments and recommendations**
- 2. Fire Department comments and recommendations**
- 3. Cars may *only* be parked on a hardened surface**

V-124 LAURA BRYAN (Laura N. Bryan, owner) requesting a variance to 1) reduce the side setbacks from the required five feet to four feet adjacent to the north and south property lines (existing); 2) reduce the rear setback from the required 40 feet to 20 feet; and 3) increase the maximum allowable impervious coverage from 40% to 43.3% in land lot 72 of the 1st district. Property is located on the east side of Powers Place, south of Powers Road (285 Powers Place).

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CONSENT AGENDA (CONT.)

V-124 LAURA BRYAN (CONT.)

To **approve** V-124, subject to:

- 1. Development and Inspections Division comments and recommendations**
- 2. Site Plan Review comments and recommendations**
- 3. Stormwater Management Division comments and recommendations, with an effective stormwater rate of 40%, as approved by the Stormwater Management Division**

V-125 ROBERT F & JEAN C WILLIAMS TRUST (The Robert F. Williams Revocable Living Trust and The Jean C. Williams Revocable Living Trust, owners) requesting a variance to 1) reduce the setbacks for an accessory structure over 650 square feet (existing approximately 2,280 square foot barn) from the required 100 feet to one foot adjacent to the west property line, 35 feet adjacent to the north property line, and 30 feet adjacent to the west property line; and 2) allow parking and/or maneuvering of vehicles on a non-hardened and treated surface (gravel) in land lot 164 of the 20th district. Property is located on the north side of Ellis Road, east of Mack Dobbs Road (3050 Ellis Road).

To **approve** V-125, subject to:

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

V-126 AMANDA L. DONGES (Amanda Lynne Donges, owner) requesting a variance to 1) increase the maximum allowable impervious surface from 40% to 43%; and 2) reduce the front setback from the required 20 feet to 19 feet (existing) in land lot 697 of the 17th district. Property is located on the north side of Cheyanne Drive, west of Atlanta Road (2002 Cheyanne Drive).

To **approve** V-126, subject to:

- 1. Site Plan Review comments and recommendations**
- 2. Stormwater Management Division comments and recommendations, subject to final approval by Stormwater Management prior to the issuance of the building permit**

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CONSENT AGENDA (CONT.)

V-127 **JENNIFER DOUGHERTY AND JOHN DOUGHERTY** (Jennifer Leigh Burrows and John Richard Dougherty, owners) requesting a variance to allow pool equipment to be located to the side of the principal building rather than behind in land lots 332 and 389 of the 16th district. Property is located on the south side of Woodrun Trail and the north side of Shallowford Road, east of Country Woods Entrance (3308 Woodrun Trail).

To **approve** V-127.

V-129 **BRIAN FULLERTON** (Brian P. Fullerton, owner) requesting a variance to increase the maximum impervious coverage from the required 35% to 41% in land lot 186 of the 16th district. Property is located at the southern terminus of Shamans Drive, south of Shamans Walk (4202 Shamans Drive).

To **approve** V-129, subject to:

1. Stormwater Management Division comments and recommendations

V-130 **CAROLYN SUSSMAN** (Eric Joel Sussman and Carolyn Sussman, owners) requesting a variance to reduce the rear setback from the required 40 feet to 28 feet in land lot 114 of the 16th district. Property is located at the northern terminus of Highland Plains Court, north of Mountain Road (4533 Highland Plains Court).

To **approve** V-130, subject to:

1. Site Plan Review comments and recommendations

2. Stormwater Management Division comments and recommendations

V-131 **MARCIA CHAMPAGNE** (Marcia A. Champagne, owner) requesting a variance to reduce the minor side setback from the required 12 feet to five feet adjacent to the east property line in land lot 954 of the 17th district. Property is located on the southeast corner of Randall Farm Road and New Paces Ferry Road, west of Randall Road (3120 New Paces Ferry Road).

To **approve** V-131, subject to:

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

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CONSENT AGENDA (CONT.)

V-132 **CHRISTOPHER HEMBREE** (Michelle Ringwood Stotz, owner) requesting a variance to reduce the rear setback from the required 35 feet to 24 feet in land lot 342 of the 20th district. Property is located at the western terminus of Meryton Court, south of Meryton Circle (302 Meryton Court).

To **approve** V-132, subject to:

1. **Site Plan Review comments and recommendations**
2. **Stormwater Management Division comments and recommendations**

V-134 **S. H. CREEL CONTRACTING** (Cherie Carlisle and Scott Jerald, owners) requesting a variance to 1) allow an accessory use (proposed pool and deck) to the side of the principal building; and 2) reduce the setback for a pool from the required five feet to one foot adjacent to the south property line in land lot 835 of the 17th district. Property is located at the southern terminus of Blue Canyon Court, south of Vinings Canyon Bend (2557 Blue Canyon Court).

To **approve** V-134, subject to:

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

CONSENT VOTE: **ADOPTED 5-0**

REGULAR AGENDA

V-101 **VAHID MOHAMMADI** (Roohollah Mohammadi and Soodabeh Fahandej Sadi, owners) requesting a variance to allow a fence to be more than six feet in height when in front of or to the side of the house in a residential district (up to eight in height) in land lots 147, 214, and 215 of the 16th district. Property is located on the west side of Norman Drive, south of Shiloh Road (4741 Norman Drive). (*Held by the BZA from the October 11, 2023, BZA hearing until the December 13, 2023, BZA hearing*).

The public hearing was opened; Vahid Mohammadi and Sherry Smith addressed the Board. Following presentation and discussion, the following motion was made:

MOTION: Motion by Summerour, second by Willis, to **deny** V-101.

VOTE: **ADOPTED 5-0**

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REGULAR AGENDA (CONT.)

V-133 **VILLA FLORA, LLC** (Villa Flora, LLC, owner) requesting a variance to allow an accessory structure (approximately 77 square foot shed with plates) to be located in front of the principal building in land lot 1189 of the 16th district. Property is located on the east side of Woodlawn Drive, north of Blackland Drive (130 Woodlawn Drive).

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

MOTION: Motion by Swanson, second by Willis, to **deny** V-133, subject to:

1. Applicant to remove accessory structure within 15 days

VOTE: **ADOPTED** 5-0

OTHER BUSINESS

Item 1 To adopt a resolution which establishes the dates, time, and place of the Board of Zoning Appeals Variance Hearings for the 2024 Calendar Year (attached and made a part of these minutes).

The Board of Zoning Appeals Variance Hearings for the 2023 calendar year shall be held in the Public Meeting Room on the second floor of Cobb County Building A, 100 Cherokee Street, Marietta, on the 2nd Wednesday of each month at 1:30 p.m., *with the exception of the month of May*, when the hearing will be held on the 3rd Wednesday of the month. The Board of Zoning Appeals Variance Hearing dates are as follows:

January 10	May 15 (3 rd Wed.)	September 11
February 14	June 12	October 9
March 13	July 10	November 13
April 10	August 14	December 11

MOTION: Motion by Beloin, second by Swanson, to **adopt** a resolution which establishes the dates, time, and place of the Board of Zoning Appeals Variance Hearings for the 2024 Calendar Year.

VOTE: **ADOPTED** 5-0

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APPROVAL OF MINUTES

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

November 15, 2023 – Board of Zoning Appeals Variance Hearing

VOTE: **ADOPTED 5-0**

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

December 11, 2023 – Special Called Meeting/Work Session Agenda Review

VOTE: **ADOPTED 5-0**

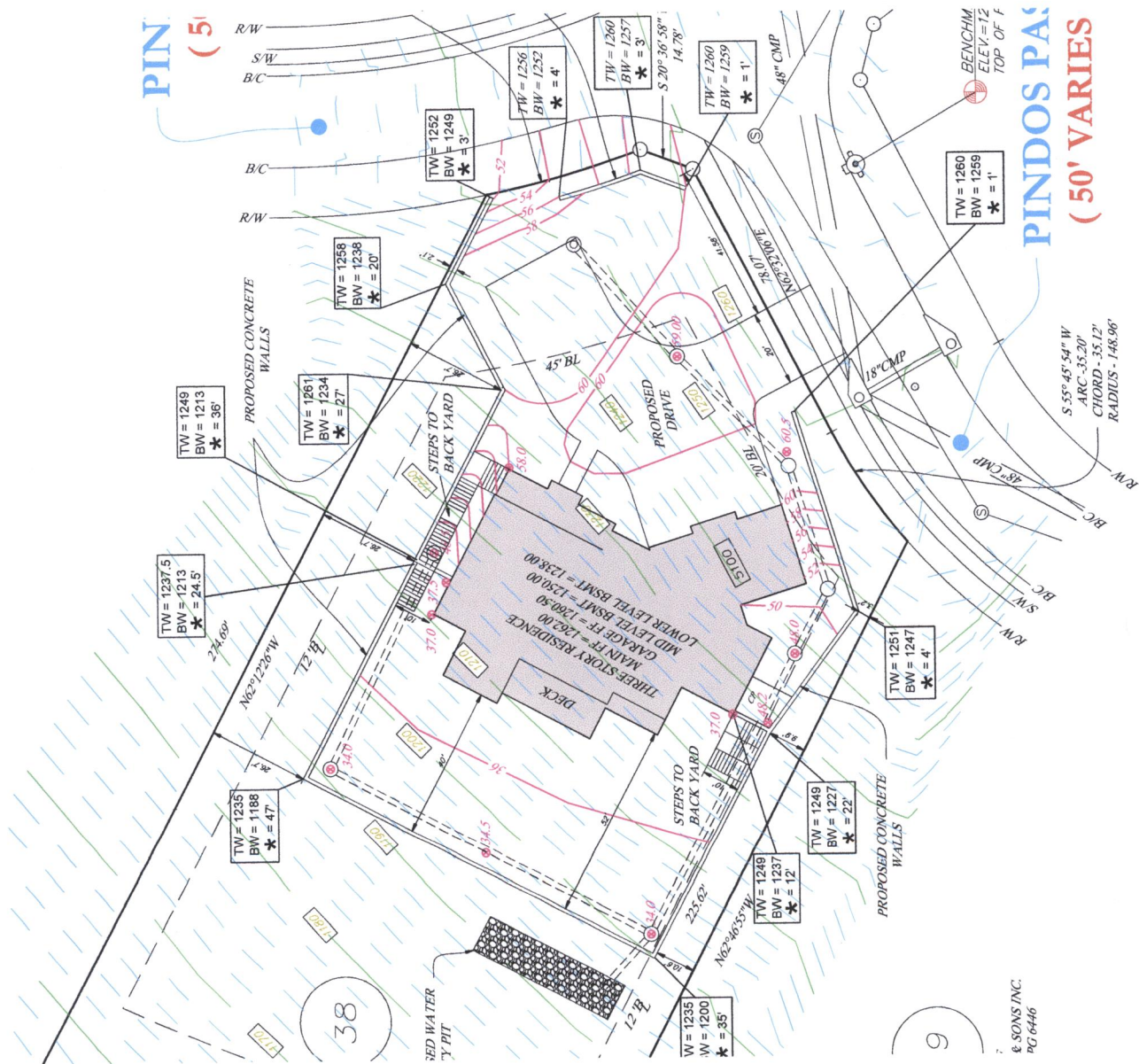
ADJOURNMENT

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

VOTE: **ADOPTED 5-0**

The hearing adjourned at 2:18 p.m.


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



VARIANCE ANALYSIS
Cobb County Department of Transportation
November 2023
Revised 12-6-23 DRAFT

V-117-DOT

1. Recommend driveways meet residential driveway standards per Section 402.7.1, Residential Driveways, of the Cobb County Development Standards.
2. Recommend no driveway on Pindos Trail because the length of the property frontage does not meet the requirements for a driveway on a local roadway. This recommendation is pursuant to Cobb County Development Standard 402.7.1 Residential Driveways.
3. Recommend a minimum of 50 feet straight-line distance (from end of driveway curb return to start of driveway curb return) between the proposed driveways and between any proposed driveways and the intersection of Pindos Pass and Pindos Trail. This recommendation is pursuant to Cobb County Development Standard 402.7.1, Residential Driveways and Cobb County Development Standard Detail 116R, Residential Driveway Standard. Due to additional site engineering details discussed with Cobb DOT, including some alternative layout review, an exception to this minimum distance will be granted by Cobb DOT. The spacing must meet the minimum shown in the site plan submitted to Cobb DOT on November 28, 2023 (22 feet) and all onsite improvements must maximize the line of sight between the site driveway and a vehicle turning right from Pindos Trail
4. Recommend driveway be treated with a hardened surface a minimum of 25' from the edge of pavement or to the County right-of-way, whichever is greater in length.
5. Recommend applicant be required to meet all Cobb County Development Standards and Ordinances related to project improvements.

Min. Bk. 24 Petition No. V-117
Doc. Type photo
Meeting Date 12-13-2023

11

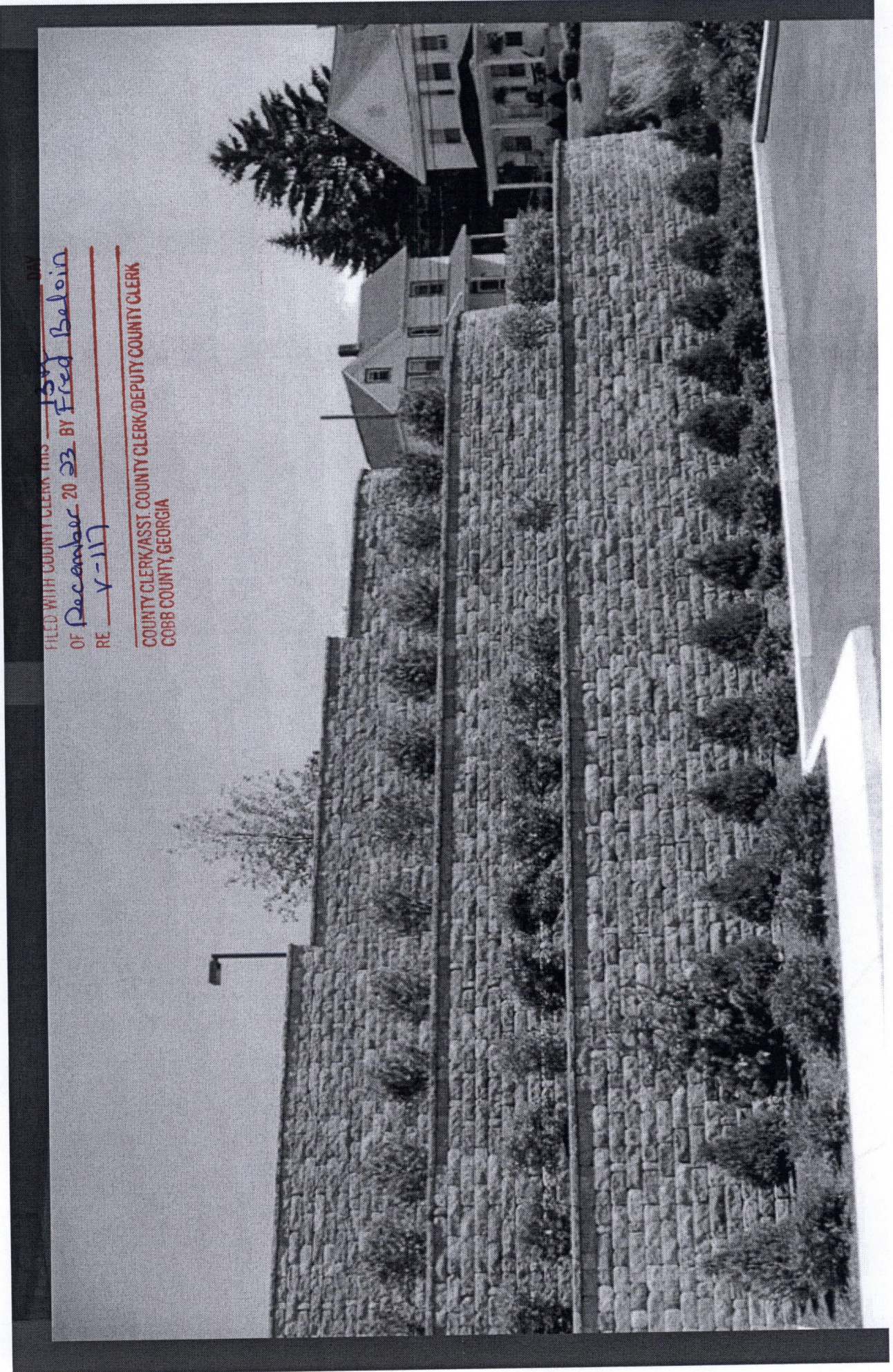


FILED WITH COUNTY CLERK THIS 13th DAY
OF December 20 23 BY Fred Beloin
RE V-117

COUNTY CLERK/ASST. COUNTY CLERK/DEPUTY COUNTY CLERK
COBB COUNTY, GEORGIA

Min. Bk. 24 Petition No. V-117
Doc. Type photo
Meeting Date 12-13-2023

FILED WITH COUNTY CLERK THIS 15th DAY
OF December 20 23 BY Fred Beloin
RE V-117
COUNTY CLERK/ASST. COUNTY CLERK/DEPUTY COUNTY CLERK
COBB COUNTY, GEORGIA

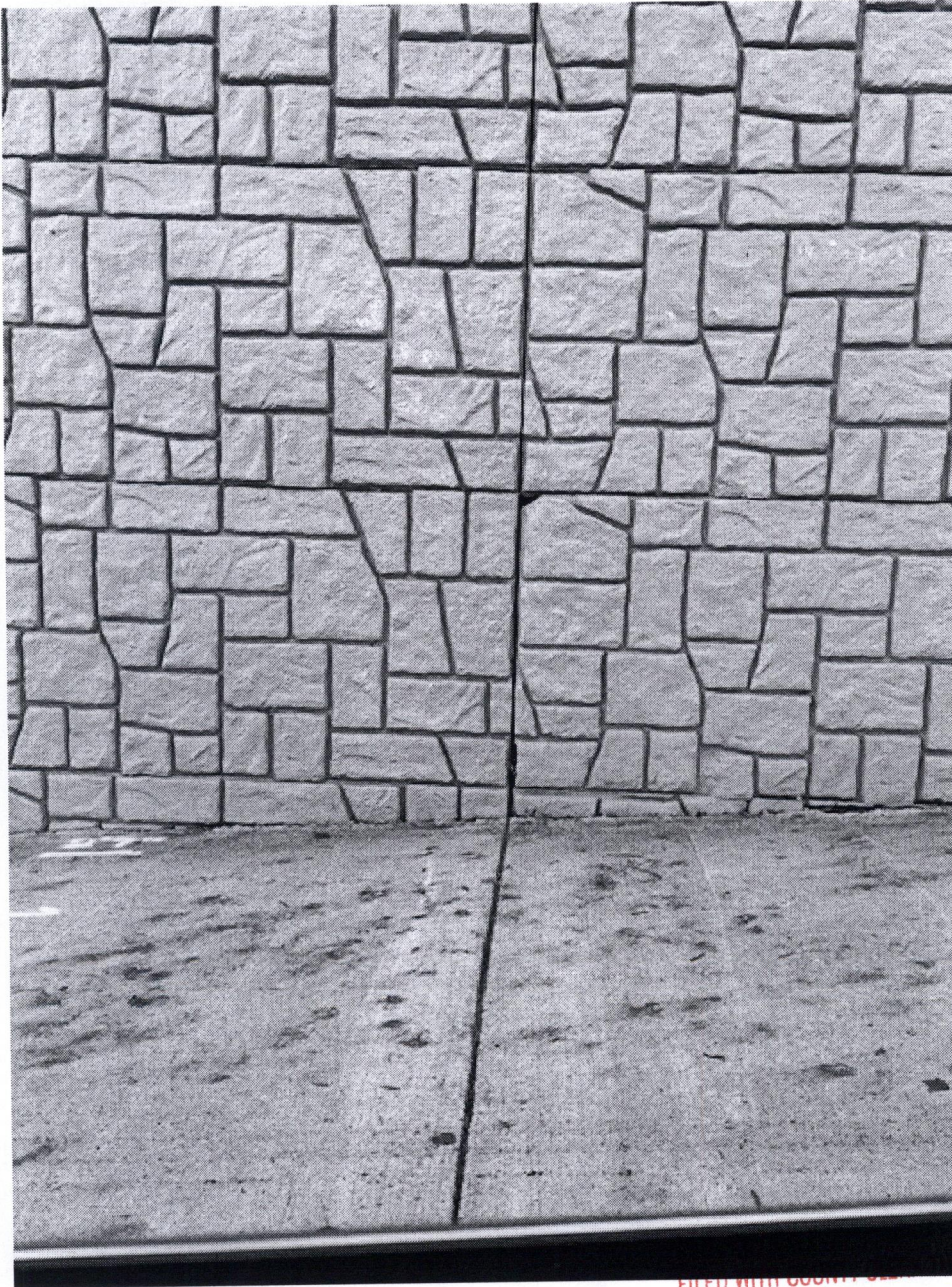


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Janet Wells

From: Fred Beloin
Sent: Wednesday, December 13, 2023 12:20 PM
To: Janet Wells

Min. Bk. 24 Petition No. V-117
Doc. Type photo
Meeting Date 12-13-2023



Sent from my iPhone

FILED WITH COUNTY CLERK
OF December 13th 2023 BY Fred Beloin DAY
RE V-117
COUNTY CLERK/ASST. COUNTY CLERK/DEPUTY COUNTY CLERK
COBB COUNTY, GEORGIA