

**MINUTES OF VARIANCE HEARING
COBB COUNTY BOARD OF ZONING APPEALS
JANUARY 10, 2024
1:30 P.M.**

The Board of Zoning Appeals Variance Hearing was held on Wednesday, January 10, 2024, 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.

CONTINUED CASES

- V-110²³** **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, through the January 10, 2024, BZA hearings until February 14, 2024, BZA hearing; therefore, was not considered at this hearing).*
- V-13** **CARLA A. GARCIA** (Carla Ann Garcia and Mario Onil Garcia Lopez, owners) requesting a variance to reduce the side setback for an accessory structure over 650 square feet (approximately 700 square foot shed and overhang) from the required 100 feet to zero feet adjacent to the east property line 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). *(Continued by Staff from the January 10, 2024, BZA hearing until February 14, 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 presented*:

- V-2** **TIFFANY JOELLE HODGES** (Shawn E. Hodges and Tiffany J. Hodges, owners) requesting a variance to reduce the side setback from the required 10 feet to five feet adjacent to the west property line in land lot 288 of the 20th district. Property is located on the south side of Burnt Hickory Road, west of East New Salem Common (1677 Burnt Hickory Road).

To **approve** V-2, subject to:

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

- V-3** **ETHAN FEYT** (Trisha Daniel Feyt and Ethan Charles Feyt, owners) requesting a variance to reduce the rear setback from the required 30 feet to 11 feet in land lots 29 and 50 of the 1st district. Property is located on the north side of Ellenwood Drive, west of Ellenwood Park Drive (1774 Ellenwood Drive).

To **approve** V-3.

- V-4** **EVA RICH AND THOMAS RICH** (Thomas L. Rich and Eva A. Rich, owners) requesting a variance to increase the maximum allowable impervious coverage from 35% to 40% **37.5%** in land lot 759 of the 16th district. Property is located on the north side of Oak Forest Circle, north of Wood Acres Lane (4060 Oak Forest Circle).

To **approve** V-4, subject to:

- 1. Maximum of 37.5% impervious coverage**

- V-6** **WILLIE T. NELSON, III AND GAYLE C. NELSON** (W. T. Nelson, III and Gayle C. Nelson, owners) requesting a variance to 1) allow an accessory structure (existing approximately 800 square foot carport) to the side of the principal building; 2) reduce the rear setback for an accessory structure under 650 square feet (existing 648 square foot open shed) from the required 35 feet to 10 feet; 3) reduce the setbacks for accessory structures over 1,000 square feet from the required 100 feet to 13 feet adjacent to the northern property line for existing 1,557 square foot two-story barn, 65 feet adjacent to the eastern property line for existing 3,633 square foot one-story barn, and 25 feet adjacent to the eastern property line for existing 1,416 square foot one-

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CONSENT AGENDA (CONT.)

V-6 WILLIE T. NELSON, III AND GAYLE C. NELSON (CONT.)

story shed; and 4) allow maneuvering on a gravel driveway in land lots 655 and 656 of the 16th district. Property is located on the east side of Bells Ferry Road, south of Bristol Lane (2346 Bells Ferry Road).

To approve V-6, subject to:

- 1. Sewer Division comments and recommendations**
- 2. Fire Department comments and recommendations**

V-7 VICKIE BEAHAM (Vickie Lynn Beaham, owner) requesting a variance to increase the maximum allowable impervious coverage from 35% to 52% in land lot 666 of the 16th district. Property is located on the south side of Newton Road, west of Sandy Plains Road (1702 Newton Road).

To approve V-7, subject to:

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

V-8 GEORGE E. MARKS (George Edward Marks and Pamela S. Marks, owners) requesting a variance to 1) increase the maximum allowable impervious coverage from 35% to 57%; and 2) reduce the setbacks for an accessory structure over 650 square feet (existing approximately 1,066 square foot shed) from the required 100 feet to six feet adjacent to the eastern and southern property lines in land lot 318 of the 20th district. Property is located on the east side of Stone Mill Lane, north of Granite Way (154 Stone Mill Lane).

To approve V-8, subject to:

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

V-9 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 in front of the house (proposed 720 square foot garage); and 2) reduce the front setback for an accessory structure over 650 square feet (proposed 720 square foot garage) from the required 100 feet to 10 feet 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).

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CONSENT AGENDA (CONT.)

V-9 AMANDA MOULTHROP (CONT.)

To approve V-9, subject to:

- 1. Stormwater Management Division comments and recommendations**
- 2. No residential dwelling or commercial use of the accessory structure**

V-11 MICHAEL SAMAAAN (Michael Samaan, owner) requesting a variance to 1) reduce the side setback for an uncovered patio from the required five feet to three feet (existing) adjacent to the western property line; and 2) reduce the side setback for a covered patio from the required 10 feet to seven feet (existing) adjacent to the western property line in land lot 523 of the 16th district. Property is located on the north side of Macby Drive, east of Kinjac Drive (1925 Macby Drive).

To approve V-11, subject to:

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

V-12 DAVE ARASMITH (Dave Arasmith, owner) requesting a variance to reduce the rear setback from the required 35 feet to 28 feet in land lot 811 of the 16th district. Property is located on the southwest corner of Romans Drive and Starlight Drive, south of Wynn Drive (1741 Starlight Drive).

To approve V-12, subject to:

- 1. Department of Transportation comments and recommendations**

CONSENT VOTE: **ADOPTED 5-0**

REGULAR AGENDA

V-128'²³ LESLIE PETERSON (Leslie Peterson, owner) requesting a variance to 1) reduce the rear setback from the required 35 feet to 24 feet; and 2) reduce the setbacks for an accessory structure over 650 square feet (existing approximately 765 square foot detached garage) from the required 100 feet to 12 feet adjacent to the rear property line and to one foot adjacent to the west property line 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). *(Previously continued by Staff from the December 13, 2023, BZA hearing until the January 10, 2024, BZA hearing).*

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REGULAR AGENDA (CONT.)

V-128'²³ LESLIE PETERSON (CONT.)

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

MOTION: Motion by Beloin, second by Swanson, to **approve** V-128'²³, subject to:

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

VOTE: **ADOPTED** 5-0

V-1 STEVEN SCHMID, STEPHANIE SCHMID, GABRIEL GUZMAN
(Steven Michael Schmid and Stephanie Leigh Schmid, owners) requesting a variance to reduce the side setback from the required five feet to four feet adjacent to the north property line in land lot 337 of the 16th district. Property is located on the northwest corner of Bonaire Terrace and Woodshire Trail (3550 Woodshire Trail).

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

MOTION: Motion by Summerour, second by Swanson, to **deny** V-1.

VOTE: **ADOPTED** 5-0

V-5 ROBERT HOWARD (Susan Howard and Robert Howard, owners) requesting a variance to 1) allow an accessory structure (existing approximately 40 square foot shed) to be located on the side of the principal building; 2) reduce the side setback for an accessory structure under 144 square feet (existing approximately 40 square foot shed) from the required five feet to zero feet; and 3) allow an accessory structure (proposed approximately 72 square foot gazebo) to be located in front of the principal building in land lot 1044 of the 16th district. Property is located on the east side of Butlers Gate, south of Chestnut Lake Drive (744 Butlers Gate).

The public hearing was opened; Robert Howard, Craig Coleman, and Richard Grome addressed the Board. Following presentation and discussion, the following motion was made:

MOTION: Motion by Swanson, second by Willis, to **approve** V-5.

VOTE: **ADOPTED** 5-0

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REGULAR AGENDA (CONT.)

V-10 **JAMES D. COOK** (James D. Cook and Paula P. Cook, owners) requesting a variance to 1) reduce the front setback from the required 35 feet to 29 feet (existing); 2) reduce the major side setback from the required 25 feet to 22 feet (existing); 3) reduce the side setback for an accessory structure under 650 square feet (existing 298 square foot shed) from the required 10 feet to zero feet; and 4) reduce the rear setback for an accessory structure under 650 square feet (existing 298 square foot shed) from the required 30 feet to zero feet in land lot 252 of the 16th district. Property is located on the southwest corner of Coventry Court and Coventry Way, west of Mabry Road (4497 Coventry Way).

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

MOTION: Motion by Summerour, second by Beloin, to **approve** V-10, subject to:

- 1. Staff comments and recommendations**
- 2. Modify the overhang so that it does not go over the Applicant's property line**

VOTE: **ADOPTED 5-0**

APPROVAL OF MINUTES

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

December 13, 2023 – Board of Zoning Appeals Variance Hearing
January 8, 2024 – Special Called Meeting/Work Session Agenda Review

VOTE: **ADOPTED 5-0**

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ADJOURNMENT

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

VOTE: **ADOPTED 5-0**

The hearing adjourned at 2:54 p.m.



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

