

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

The Board of Zoning Appeals Variance Hearing was held on Wednesday, April 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
Fred Beloin
Kim Swanson
Alice Summerour

Deidra Willis, Vice Chairwoman, not present

CHAIRWOMAN RUSSELL – CALL TO ORDER

Chairwoman Russell called the hearing to order at 1:30 p.m. and explained the procedures for the public hearing.

Mr. John Pederson, Zoning Division Manager, read in the following case that was continued and then read in the Consent Agenda.

CONTINUED CASE

V-50 **JUDITH E. GRANNEMANN DEJARNETT** (Betty R. Grannemann Estate, owner) requesting a variance to 1) reduce setbacks for an accessory structure over 650 square feet (existing approximately 1,198 square foot two story block and frame garage) from the required 100 feet to 17 feet adjacent to the east property line and to 37 feet adjacent to the proposed south property line of Tract 1; 2) reduce setbacks for an accessory structure over 650 square feet (existing approximately 1,361 square foot barn) from the required 100 feet to two feet adjacent to the east property line and to 22 feet adjacent to the proposed north property line of Tract 3; and 3) allow parking and/or maneuvering of vehicles on a non-hardened and treated surface (gravel drives) in land lot 217 of the 20th district. Property is located on the south side of Stilesboro Road, east of Davis Farm Drive (2875 Stilesboro Road). *(Continued by Staff from the April 10, 2024, BZA hearing until the May 15, 2024, BZA hearing; therefore, was not considered at this hearing).*

CONSENT AGENDA

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

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CONSENT AGENDA (CONT.)

- V-43** **USA CELL ACCESSORIES** (Pat Mell Partnership, owner) requesting a variance to allow a sign attached to the roof of a building or structure in land lot 300 of the 17th district. Property is located at the northwest intersection of South Cobb Drive and Pat Mell Road (371 Pat Mell Road).

To **approve** V-43.

- V-44** **PEACHSTATE POOL BUILDERS** (Nelson W. Rupp III and Danielle S. Rupp, owners) requesting a variance to allow an accessory use (proposed pool and spa) to be located to the side of the principal building in land lot 272 of the 1st district. Property is located at the eastern terminus of Willeo Place, east of Willeo Creek Point (900 Willeo Place).

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

1. Stormwater Management Division comments and recommendations

- V-45** **ARPAD VUKOVICS** (Arpad Vukovics, Andrea Olga Fekete, and Klara Vukovics, owners) requesting a variance to reduce the setbacks for an accessory structure over 650 square feet (approximately 1,440 square foot proposed building) from the required 100 feet to 85 feet adjacent to the western property line, 24 feet adjacent to the northern property line, and 10 feet adjacent to the eastern property line (amending previous V-19 of 2021 to allow two stories) in land lot 342 of the 20th district. Property is located on the north side of Meryton Drive, west of Meryton Circle (107 Meryton Drive).

To **approve** V-45, subject to:

- 1. All stipulations from V-19 of 2021 apply**
- 2. Accessory building permitted to be two stories**

- V-46** **SANDJAR KOZUBAEV** (Sandjar Kozubaev and Feruzakhon Ruzieva, owners) requesting a variance to reduce the rear setback for an accessory structure under 650 square feet (proposed approximately 336 square foot shed) from the required 30 feet to eight feet in land lot 912 of the 16th district. Property is located on the south side of Hilton Drive, south of Sewell Mill Road (1290 Hilton Drive).

To **approve** V-46, subject to:

- 1. No commercial or residential dwelling use of the accessory building**

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CONSENT AGENDA (CONT.)

- V-48** **TOLL SOUTHEAST LP COMPANY, INC.** (Toll Southeast LP Company, Inc., owner) requesting a variance to reduce the front setback from the required 20 feet to 15 feet for lot 94 in land lots 415 and 474 of the 19th district. Property is located on the east side of Harken Grove, south of Freestone Way (1917 Harken Grove).

To **approve** V-48, subject to:

1. Site Plan Review comments and recommendations

- V-49** **GARY L. FRIESTAD** (Gary L. Friestad and Kathy L. Friestad, owners) requesting a variance to reduce the rear setback from the required 30 feet to eight feet in land lot 675 of the 17th district. Property is located on the south side of Tristan Drive, north of Dunbar Trail (1951 Tristan Drive).

To **approve** V-49.

- V-53** **1155 BARRETT, LLC** (1155 Barrett, LLC, owner) requesting a variance to reduce the side setback from the required 10 feet to five feet on either side of the proposed property line 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-53, subject to:

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

- V-54** **MIGUEL ROMERO** (Miguel Romero, Sr. and Silvia Ruiz de Azua Taboasas, owners) requesting a variance to reduce the side setback from the required 10 feet to five feet adjacent to the south property line in land lot 679 of the 16th district. Property is located on the west side of Castle Lane, south of Kingsley Drive (2375 Castle Lane).

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

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

CONSENT VOTE: **ADOPTED** 4-0, Willis not present

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REGULAR AGENDA

- V-42** **EVGENIYA PAVLOVA MILLER** (Matthew P. Miller and Evgeniya Pavlova Miller, owner) requesting a variance to 1) reduce the side setback from the required 10 feet to nine feet adjacent to the east property line (existing); 2) reduce the setback for an uncovered deck from the required five feet to one foot adjacent to the east property line (existing); and 3) reduce the setback for attached two story frame structure from the required 10 feet to six feet adjacent to the west property line in land lot 748 of the 16th district. Property is located on the south side of Holly Mill Court, east of Holly Mill Run (3286 Holly Mill Court). *(Previously continued by Staff from the March 13, 2024, BZA hearing until the April 10, 2024, BZA hearing).*

The public hearing was opened; Evgeniya Pavlova Miller, Leonard Greski, and Anthony Gasper addressed the Board. Following presentation and discussion, the following motion was made:

MOTION: Motion by Swanson, second by Summerour, to **approve** Variance Nos. 1 and 2 and **deny** Variance No. 3 of V-42, subject to:

1. **The contractor and property owner must get all inspections completed; there are currently 10 outstanding inspections**
2. **Contractor to place a permit box in front of the house; all inspections completed must be posted so the neighbors can see the status of the inspections**
3. **Final inspection must be done before a Certificate of Occupancy is issued**
4. **This building cannot be used until the Certificate of Occupancy is issued**
5. **The music room must be sound proofed**
6. **No living or business use of the accessory structure; hobby and storage use *only***

VOTE: **ADOPTED** 4-0, Willis not present

- V-47** **GLADYS FRANCOIS** (Gary Francois and Gladys Kelly, owners) requesting a variance to 1) allow an accessory use (proposed pool's associated patio) to be located to the side of the principal building; 2) reduce the rear setback for the proposed approximately 640 square foot pool and associated patio from the required 35 feet to 20 feet; and 3) reduce the front setback for the proposed approximately 640 square foot pool and associated patio from the required 35 feet to 23 feet in land lot 304 of the 16th district. Property is located on the southwest corner of May Breeze Road and Weldon Woods Drive (3777 Weldon Woods Drive).

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REGULAR AGENDA (CONT.)

V-47 GLADYS FRANCOIS (CONT.)

The public hearing was opened; James Lawson, Steve Westbrook, and John Stuetser addressed the Board. Following presentation and discussion, the following motion was made:

During the public hearing there was a power outage, so a brief recess was called at 2:07 p.m. until 2:18 p.m.

MOTION: Motion by Summerour, second by Swanson, to **approve** V-47, subject to:

- 1. Move the pool pumps to 3777 Weldon Woods Drive**
- 2. Lighting to be solely inside the pool; no outdoor lighting**
- 3. Lights in the pool must be directed away from the neighbor behind their property to shield their house from any such lighting**
- 4. Trees/arborvitaes to be planted around the pool to shield the pool from view**
- 5. Impervious surface to stay below 35%**
- 6. Pool must not interfere with the drainage easement**

VOTE: **ADOPTED** 4-0, Willis not present

V-51 ALEX FARRINGTON (Arfco Developments, LLC, owner) requesting a variance to 1) reduce the front setback from the required 40 feet to 38 feet; 2) reduce the side setback from the required 10 feet to nine feet adjacent to the east property line; and 3) waive the required parking to zero spaces in land lot 1207 of the 16th district. Property is located at the northern terminus of Dogwood Drive, north of Nekoma Street (118 Dogwood Drive).

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

MOTION: Motion by Summerour, second by Swanson, to **deny** V-51.

VOTE: **ADOPTED** 4-0, Willis not present

V-52 MILTON SANCHEZ (Milton A. Sanchez, Lital Powell and Joshua Dominique Powell, owners) requesting a variance to 1) reduce the side setback for an accessory structure under 650 square feet (existing approximately 384 square foot detached garage) from the required 10 feet to zero feet adjacent to the east property line; and 2) allow an accessory structure (existing approximately 384 square foot detached garage) to be located to the side of the principal building in land lot 1174 of the 16th district. Property is

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REGULAR AGENDA (CONT.)

V-52 MILTON SANCHEZ (CONT.)

located on the south side of Old Orchard Drive, south of Old Orchard Court (2280 Old Orchard Drive).

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

MOTION: Motion by Swanson, second by Summerour, to **deny** V-52, subject to:

1. Garage to be moved within 60 days

VOTE: **ADOPTED** 4-0, Willis not present

APPROVAL OF MINUTES

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

March 13, 2024 – Board of Zoning Appeals Variance Hearing

VOTE: **ADOPTED** 4-0, Willis not present

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

April 8, 2024 – Special Called Meeting/Work Session Agenda Review

VOTE: **ADOPTED** 4-0, Willis not present

ADJOURNMENT

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

VOTE: **ADOPTED** 4-0, Willis not present

The hearing adjourned at 2:44 p.m.


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