

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

The Board of Zoning Appeals Variance Hearing was held on Wednesday, July 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 Chairwoman
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 on the Consent Agenda.

CONSENT AGENDA

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

V-83 **2009 DORSEY ROAD, LLC** (2009 Dorsey Road, LLC, owner) requesting a variance to 1) reduce the side setback from the required 20 feet to 10 feet adjacent to the west property line (existing) in land lot 733 of the 16th district. Property is located on the north side of Dorsey Road, east of Canton Road (2009 Dorsey Road).

To **approve** V-83.

V-84 **BARBARA DIAZ** (R&N Real Estate Investments, LLC, owner) requesting a variance to increase the maximum sign area allowed on a lot between one and five acres to 120 square feet from 49 square feet in land lot 408 of the 19th district. Property is located on the southeast side of Powder Springs Road, north of Windy Hill Road (1651 Powder Springs Road).

To **approve** V-84.

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CONSENT AGENDA (CONT.)

- V-86 PETER J. O'HANLON AND THERESE R. O'HANLON** (Peter J. O'Hanlon and Therese R. O'Hanlon, owners) requesting a variance to 1) reduce the rear setback from the required 35 feet to 29 feet; and 2) increase the maximum allowable impervious coverage from 35% to 50% in land lot 1043 of the 17th district. Property is located on the west side of Langley Oaks Drive, north of Paper Mill Road (436 Langley Oaks Drive).

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

- 1. Stormwater Management Division comments and recommendations**
- 2. Applicant to mitigate to current impervious coverage**

- V-87 MOHAMMAD ARIFUL KARIM** (Mohammad Ariful Karim and Tasnim Karim, owners) requesting a variance to reduce the front setback from the required 45 feet to 35 feet in land lot 338 of the 20th district. Property is located on the west side of Pindos Place and the east side of Mars Hill Road, north of Pindos Pass (224 Pindos Place).

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

- 1. No future encroachments farther than the 35 feet**

- V-89 SARAH CHRISNER** (Florrie Laynes, LLC, owner) requesting a variance to 1) allow an accessory structure (existing approximately 1,032 square foot barn) to be located to the side of the principal building; and 2) reduce the setbacks for an accessory structure over 1,000 square feet (existing approximately 1,032 square foot barn) from the required 100 feet to 36 feet adjacent to the east property line in land lot 685 of the 19th district. Property is located on the west side of Hopkins Road, north of Macedonia Road (3068 Hopkins Road).

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

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

- V-90 BRET ROBYCK AND AMANDA ROBYCK** (Bret Robyck and Amanda Robyck, owners) requesting a variance to 1) allow an accessory use (proposed pool, spa, and associated decking) to be located to the side of the principal building, and 2) reduce the side setback for the pool, spa, and associated decking from the required five feet to two feet adjacent to the east property line in land lot 49 of the 1st district. Property is located at the northern terminus of Rock Ivy Trail, north of Childers Road (3702 Rock Ivy Trail).

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CONSENT AGENDA (CONT.)

V-90 BRET ROBYCK AND AMANDA ROBYCK (CONT.)

To approve V-90.

V-91 JELANI CAMPBELL (Jelani Campbell, owner) requesting a variance to reduce the front setback from the required 35 feet to 31 feet in land lots 673 and 696 of the 17th district. Property is located on the north side of West Lee Road, west of Pineridge Road (1953 West Lee Road).

To approve V-91.

V-92 SHAWN VAUGHN AND HAZEL JEANETTE VAUGHN (Shawn Vaughn and Hazel Jeanette Vaughn, owners) requesting a variance to reduce the rear setback from the required 40 feet to 25 feet in land lot 454 of the 19th district. Property is located on the south side of Macland Road, east of Bullard Road (4979 Macland Road).

To approve V-92.

V-93 CHRISTOPHER GUSHEE (Christopher Gushee and Gomathi Gushee, owners) requesting a variance to increase the maximum allowable impervious coverage from 35% to 36.6% in land lot 753 of the 16th district. Property is located at the northeast terminus of Hadfield Court, north of Hadfield Drive (2114 Hadfield Court).

To approve V-93, subject to:

1. Stormwater Management Division comments and recommendations

At the call for petition V-94 (Matthew J. Howard), opposition was present; therefore, V-94 was pulled from the Consent Agenda and heard on the Regular Agenda in its numerical order (see page 5 of these minutes).

V-96 HAROLD HOLBROOK (Harold Holbrook and Melanie Holbrook, owners) requesting a variance to allow an accessory use (existing pool and associated decking and equipment) to be located to the side of the principal building in land lot 147 of the 20th district. Property is located on the south side of Thornhill Drive, west of Giles Road (4811 Thornhill Drive).

To approve V-96, subject to:

1. Variance is approved for the existing pool, decking, and equipment only

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CONSENT AGENDA (CONT.)

Mr. Beloin requested that case V-88 (Daniel Schmale) be added to the Consent Agenda. With no opposition present, Mr. Pederson read V-88 into the record, and Mr. Beloin read in the stipulations for this case.

V-88 **DANIEL SCHMALE** (Daniel Schmale, owner) requesting a variance to 1) reduce the side setback from the required 12 feet to 10 feet adjacent to the north property line (existing); 2) reduce the setbacks for an accessory structure over 650 square feet (proposed approximately 1,085 square foot barn) from the required 100 feet to eight feet adjacent to the rear and to ~~40~~ **12** feet adjacent to the south property line; and 3) allow parking and/or maneuvering of vehicles on a gravel surface (barn access) in land lot 81 of the 20th district. Property is located at the northwest terminus of Summit Drive, north of Ivey Lane (3739 Summit Drive).

To **approve** V-88, subject to:

- 1. Gravel driveway leading to the barn to tie into an existing paved driveway or have at least a 25-foot paved apron before it ties into public roads**

Ms. Willis requested that case V-95 (Ashaahkan Perry) be added to the Consent Agenda. With no opposition present, Mr. Pederson read V-95 into the record.

V-95 **ASHAAHKAN PERRY** (Ashaahkan Brown and Anthony Perry, owners) requesting a variance to 1) increase the height of a fence that is in front of or to the side of the house in a residential district from the maximum six feet to eight feet; and 2) reduce the side setback for an accessory structure (approximately 80 square foot shed) from the required five feet to four feet (existing) in land lot 54 of the 17th district. Property is located on the west side of Favor Pines Court, south of Smyrna Powder Springs Road (3028 Favor Pines Court).

To **approve** V-95.

CONSENT VOTE: ADOPTED 5-0

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REGULAR AGENDA

- V-85** **MISAEEL MONDRAGON** (Misael Mondragon, as Trustee of the MJPL Mondragon Family Trust, owner) requesting a variance to 1) reduce the rear setback for an accessory structure over 144 square feet (existing 384 square foot shed #2) from the required 35 feet to 24 feet (existing); 2) reduce the setback for an accessory structure over 650 square feet (1,500 square foot steel garage) from the required 100 feet to 15 feet from the south property line and to 20 feet from the east property line; and 3) allow parking and/or maneuvering of vehicles on a non-hardened and treated surface (garage access) in land lot 708 of the 16th district. Property is located on the southeast side of Oland Circle, south of Powell Wright Road (2114 Oland Circle).

The public hearing was opened; Louise Aldridge and Carol Brown addressed the Board. Following presentation and discussion, the following motion was made:

MOTION: Motion by Summerour, second by Willis, to **hold** V-85 until the August 14, 2024, Board of Zoning Appeals Variance Hearing.

VOTE: **ADOPTED** 5-0

- V-94** **MATTHEW J. HOWARD** (Matthew J. Howard, owner) requesting a variance to amend stipulations of past cases V-45 of 2013 and BZA OB-003-2015 including elevations in land lot 889 of the 17th district. Property is located on the south side of Orchard Lake Court, north of Brookview Drive (4105 Orchard Lake Court).

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

MOTION: Motion by Swanson, second by Willis, to **approve** V-94, subject to:

1. **Stormwater Management Division comments and recommendations**
2. **The removal of any trees for the foundation to be replaced by new trees in the front of the property**
3. **All previous stipulations from V-45 of 2013, *not in conflict*, to remain in effect (attached and made a part of these minutes)**
4. **Site plan dated May 9, 2024 (attached and made a part of these minutes)**

VOTE: **ADOPTED** 5-0

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APPROVAL OF MINUTES

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

June 12, 2024 – Board of Zoning Appeals Variance Hearing

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

VOTE: **ADOPTED** 5-0

ADJOURNMENT

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

VOTE: **ADOPTED** 5-0

The hearing adjourned at 2:35 p.m.


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

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Min. Bk. 24 Petition No. V-94
Doc. Type Stipulations
Meeting Date 7-10-2024

REGULAR CASES (CONT.)

V-39 **JIM ARMES** (Gregory Jon Sullivan and Laura Aileen Sullivan, owners) requesting a variance to waive the maximum allowable impervious surface from 35% to 38.71% in Land Lot 309 of the 16th District. Located on the south side of Rockhaven Court, south of Shallowford Road (3823 Rockhaven Court).

The public hearing was opened and Mr. Jim Armes addressed the Board. Following presentation and discussion, the following motion was made:

MOTION: Motion by Poteet, second by Swanson, to **approve** variance request **subject to**:

- **Site Plan Review Division comments and recommendations**
- **Stormwater Management Division comments and recommendations**

VOTE: **ADOPTED** unanimously

Following the vote on V-39, a recess was taken from 1:54 p.m. until 2:03 p.m.

V-45 **ANNA MARIA KUIK** (Anna Maria Petronella Kuik Wijsman, owner) requesting a variance to: 1) waive the rear setback from the required 15 feet (previous variance case #110 of 1983) to 14 feet; and 2) waive the front setback from the required 30 feet (previous variance case #110 of 1983) to 20 feet in Land Lot 889 of the 17th District. Located on the south side of Orchard Lake Court, north of Brookview Drive (4109 Orchard Lake Court).

The public hearing was opened and Mr. Richard Sibly and Mr. Doug Lacy addressed the Board. Following presentation and discussion, the following motion was made:

MOTION: Motion by Swanson, second by Williams, to **approve** variance request **subject to**:

- **Request no. 1 amended and approved to waive the rear setback to 13 feet**
- **Request no. 2 approved to waive the front setback to 20 feet**

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REGULAR CASES (CONT.)

V-45 ANNA MARIA KUIK (CONT.)

- Elevation plan "B" dated April 10, 2013 (attached and made a part of these minutes)
- Agreeable conditions contained in email from Mr. Richard Sibley dated April 9, 2013 (attached and made a part of these minutes)
- Site Plan Review Division comments and recommendations
- Stormwater Management Division comments and recommendations
- Sewer Division comments and recommendations

VOTE: **ADOPTED** unanimously

V-47 **ST. BENEDICT'S EPISCOPAL CHURCH, LLC** (Irving C. Hoffman and Haynes Grading, Inc., owners) requesting a variance to waive the minimum lot size for a private school of general and special education from the required 5 acres to 2.09 acres in Land Lot 694 of the 17th District. Located on the northeast corner of Cooper Lake Road and Weaver Street (2025 and 2105 Cooper Lake Road).

The public hearing was opened and Mr. John Moore, Ms. Mary Rose Barnes and Ms. Sandra Hembree addressed the Board. Following presentation and discussion, the following motion was made:

MOTION: Motion by Swanson, second by Williams, to **approve** variance request **subject to**:

- Variance approval for this use and this user *only*
- Final ratification of lot size reduction by the Board of Commissioners as required by code at their April 16, 2013 Zoning Hearing

VOTE: **ADOPTED** unanimously

