

**MINUTES OF VARIANCE HEARING
COBB COUNTY BOARD OF ZONING APPEALS
AUGUST 14, 2024
1:30 P.M.**

The Board of Zoning Appeals Variance Hearing was held on Wednesday, August 14, 2024, at 1:30 p.m. in the second-floor public meeting room of the David Hankerson Building, 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, not present

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 John Pederson, Zoning Division Manager, read in the following cases that were withdrawn or continued and then read in the Consent Agenda.

WITHDRAWN/CONTINUED CASES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-97** **CHUCK OWUZO** (Chuck Owuzo, owner) requesting a variance to 1) reduce the public road frontage required for an electronic sign from 200 feet to 147 feet in land lots 789 and 840 of the 19th district. Property is located on the east side of Old Anderson Farm Road, south of Powder Springs Road (3575 Old Anderson Farm Road). ***WITHDRAWN WITHOUT PREJUDICE***
- V-98** **CHARLES BARNWELL** (Grace M. Barnwell and Charles M. Barnwell, IV, owners) requesting a variance to 1) reduce the required setbacks for an accessory use over 650 square feet (existing 1,890 square foot sport court) from 100 feet to four feet adjacent to the east and south property lines; and 2) allow an accessory use (existing 1,890 square foot sport court) to be located to the front of the principal building in land lots 889 and 905 of the 17th district. Property is located on the west side of Valley Creek Drive, south of Orchard Knob Drive (4180 Valley Creek Drive). ***(Continued by Staff from the August 14, 2024, BZA hearing until the September 11, 2024, BZA hearing; therefore, was not considered at this hearing).***

CONSENT AGENDA

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

**MINUTES OF VARIANCE HEARING
COBB COUNTY BOARD OF ZONING APPEALS
AUGUST 14, 2024
PAGE 2**

CONSENT AGENDA (CONT.)

- V-100** **CAROLINE WOODBURY** (Jonathan Woodbury and Caroline Woodbury, owners) requesting a variance to allow encroachment into the 50-foot county undisturbed stream buffer by approximately 10 feet as shown in land lot 228 of the 20th district. Property is located at the northeast terminus of Mortimer Court, west of Brooks Farm Drive (6184 Mortimer Court).

To **approve** V-100, subject to:

1. Erosion Control Division comments and recommendations

- V-101** **LEIGH ANN CALKINS** (Leigh Ann Calkins, owner) requesting a variance to 1) reduce the side setback for an accessory structure over 144 square feet (proposed 360 square foot shed) from the required 10 feet to five feet adjacent to the western property line; and 2) reduce the rear setback for an accessory structure over 144 square feet (proposed 360 square foot shed) from the required 35 feet to seven feet in land lot 1243 of the 16th district. Property is located on the south side of Clearwater Drive, east of Hazelwood Drive (1829 Clearwater Drive).

To **approve** V-101, subject to:

1. No residential or commercial use of the accessory structure

- V-102** **JEFFREY R. MILLER** (Jeffrey Ronald Miller and Linda Diane Miller, owners) requesting a variance to reduce the rear setback from the required 40 feet to 30 feet in land lot 890 of the 17th district. Property is located on the west side of North Elizabeth Lane, north of Paradise Circle (4241 North Elizabeth Lane).

To **approve** V-102, subject to:

1. Site Plan Review comments and recommendations

- V-103** **JOSEPH MARTIN SHAY AND SUSAN CARTER SHAY** (Joseph Martin Shay and Susan Carter Shay, owners) requesting a variance to 1) allow an accessory structure (proposed 346 square foot above ground pool) to the side of the principal building; 2) allow an accessory structure (existing approximately 704 square foot carport awning) to the side of the principal building; and 3) reduce the setbacks for an accessory structure over 650 square feet (existing approximately 704 square foot carport awning) from the required 100 feet to 34 feet adjacent to the south property line and 76 feet adjacent to the north property line in land lot 802 of the 19th district. Property is located on the west side of Old Lost Mountain Road, north of Richard D. Sailors Parkway (3484 Old Lost Mountain Road).

**MINUTES OF VARIANCE HEARING
COBB COUNTY BOARD OF ZONING APPEALS
AUGUST 14, 2024
PAGE 3**

CONSENT AGENDA (CONT.)

V-103 JOSEPH MARTIN SHAY AND SUSAN CARTER SHAY (CONT.)

To **approve** V-103, subject to:

1. Department of Transportation comments and recommendations

V-104 IVAN MESKIMEN (Ivan Dale Meskimen and Amy E. Meskimen, owners) requesting a variance to reduce the setbacks for an accessory structure over 650 square feet (proposed 1560 square foot garage) from the required 100 feet to 20 feet adjacent to the east property line and to 26 feet adjacent to the west property line in land lot 22 of the 20th district. Property is located on the south side of Boxwood Trace, east of Boxwood Way (1541 Boxwood Trace).

To **approve** V-104, subject to:

- 1. No residential or commercial use of the accessory structure**
- 2. No plumbing to be installed in the accessory structure**
- 3. Exterior of new garage to be hardiplank with finishes comparable to house**
- 4. No turbo charged vehicles to be kept on site**
- 5. Hours of work on cars to be limited to 7:00 a.m. until 7:00 p.m.**

V-105 VINCENT SOLLICITO (Vincent Sollicito, owner) requesting a variance to reduce the rear setback from the required 30 feet to 24 feet in land lot 862 of the 17th district. Property is located at the northern terminus of Smithstone Trace, north of Smithstone Way (518 Smithstone Trace).

To **approve** V-105.

V-107 KEVIN MCFALL AND SARAH MCFALL (Sarah C McFall and Kevin S McFall, owners) requesting a variance to 1) allow an accessory use (proposed pool, pool deck, spa, and pool equipment) to be located to the side of the principal building; and 2) reduce the setback for an accessory structure over 650 square feet (existing approximately 1,656 square foot accessory building) from the required 100 feet to 22 feet adjacent to the west property line in land lots 6, 69, and 70 of the 19th district. Property is located on the west side of Holland Road, north of Old Dallas Road (1280 Holland Road).

To **approve** V-107.

CONSENT VOTE: ADOPTED 4-0, Summerour not present

**MINUTES OF VARIANCE HEARING
COBB COUNTY BOARD OF ZONING APPEALS
AUGUST 14, 2024
PAGE 4**

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). *(Previously held by the BZA from the July 10, 2024, BZA hearing until the August 14, 2024, BZA hearing).*

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

MOTION: Motion by Swanson, second by Beloin, to **hold** V-85 until the September 11, 2024, Board of Zoning Appeals Variance Hearing.

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

- V-99** **KERENE HOILETT** (Ricardo Hoilett and Kerene Hoilett, owners) requesting a variance to reduce the rear setback for an accessory structure over 144 square feet (proposed approximately 240 square foot structure) from the required 25 feet to seven feet adjacent to the south property line in land lot 174 of the 19th district. Property is located on the southeast corner of Lakefield Circle and Lakefield Walk, north of Lakefield Pass (2601 Lakefield Circle).

The public hearing was opened; Kerene and Ricardo Hoilett addressed the Board. Following presentation and discussion, the following motion was made:

MOTION: Motion by Beloin, second by Willis, to **approve** V-99, subject to:

- 1. Structure to be built with materials and look as shown in the pictures presented by the Applicant (attached and made a part of these minutes)**

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

**MINUTES OF VARIANCE HEARING
COBB COUNTY BOARD OF ZONING APPEALS
AUGUST 14, 2024
PAGE 5**

REGULAR AGENDA (CONT.)

V-106 **DAVID JOHNSON** (David Allen Johnson, owner) requesting a variance to
1) reduce the side setback for an accessory structure (existing approximately
171 square foot treehouse playhouse) from the required 10 feet to two feet
adjacent to the west property line; 2) reduce the side setback for an accessory
structure under 144 square feet (existing approximately 35 square foot
pergola) from the required five feet to three feet adjacent to the west property
line; and 3) allow parking and/or maneuvering of vehicles on a non-hardened
and treated surface (existing gravel) in land lot 354 of the 16th district.
Property is located on the north side of Parkwood Drive, east of Bells Ferry
Road (51 Parkwood Drive).

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

MOTION: Motion by Swanson, second by Willis, to **deny** Variance Nos. 1
and 2, and **approve** Variance No. 3 of V-106, subject to:

- 1. Accessory structures and concrete driveway on the left side of the
property to be removed within 60 days**

VOTE: **ADOPTED** 3-1, Beloin opposed, Summerour not present

APPROVAL OF MINUTES

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

July 10, 2024 – Board of Zoning Appeals Variance Hearing

August 12, 2024 – Special Called Meeting/Work Session Agenda Review

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

**MINUTES OF VARIANCE HEARING
COBB COUNTY BOARD OF ZONING APPEALS
AUGUST 14, 2024
PAGE 6**

ADJOURNMENT

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

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

The hearing adjourned at 2:48 p.m.



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



FILED WITH COUNTY CLERK THIS 14th DAY
 OF August 2024 BY Kerene Hoilett
 RE V-99

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

Min. Bk. 24 Petition No. V-99
 Doc. Type pictures
 Meeting Date 8-14-2024



FILED WITH COUNTY CLERK THIS 14th DAY
 OF August 20 24 BY Keren Hoilett
 RE V-99

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

Petition No. V-99
 Meeting Date 8-14-2024
 Continued



FILED WITH COUNTY CLERK THIS 14th DAY
 OF August 20 24 BY Kerene Hoilett
 RE V-99

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

Petition No. V-99
 Meeting Date 8-14-2024
 Continued



Erick Harrington
☎(404) 642-2139
www.vikingpatios.com

FILED WITH COUNTY CLERK THIS 14th DAY
OF August 2024 BY Keren Hoilett
RE V-99

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

Petition No. V-99
Meeting Date 8-14-2024
Continued