

**MINUTES OF VARIANCE HEARING
COBB COUNTY BOARD OF ZONING APPEALS
SEPTEMBER 11, 2024
1:30 P.M.**

The Board of Zoning Appeals Variance Hearing was held on Wednesday, September 11, 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

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 John Pederson, Zoning Division Manager, read in the following cases that were withdrawn or continued and then read in the Consent Agenda.

WITHDRAWN/CONTINUED CASES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-119** **STEPHANIE TURNER LEE HOMES** (Brian W. Moore and Jessica L. Moore, owners) requesting a variance to reduce the rear setback from the required 35 feet to 28 feet (existing) in land lot 214 of the 20th district. Property is located on the south side of Murray's Loch Place, north of Point Grey Court (1390 Murray's Loch Place). ***WITHDRAWN WITHOUT PREJUDICE***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, and September 11, 2024, BZA hearings until the October 9, 2024, BZA hearing; therefore, was not considered at this hearing).***

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WITHDRAWN/CONTINUED CASES (CONT.)

- V-109** **MARK AXFORD** (Mark L. Axford and Karin D. Axford, owners) requesting a variance to 1) reduce the setbacks for an accessory structure over 650 square feet (proposed 1,080 square-foot barn) from the required 100 feet to 93 feet adjacent to the rear property line, 20 feet adjacent to the west property line, and 85 feet adjacent to the front property line; 2) reduce the setback for a building used for animals (existing chicken coop) from the required 100 feet to 73 feet adjacent to the east property line and 70 feet adjacent to the rear property line; and 3) allow maneuvering and/or parking of vehicles on a non-hardened and treated surface (gravel driveway) in land lot 163 of the 16th district. Property is located on the south side of Keheley Drive, south of Kemp Road (4490 Keheley Drive). *(Continued by Staff from the September 11, 2024, BZA hearing until the October 9, 2024, BZA hearing; therefore, was not considered at this hearing).*
- V-114** **SANDY BRASWELL** (Sandy Braswell, owner) requesting a variance to reduce the setbacks for an accessory structure over 650 square feet (proposed approximately 962 square-foot canopy and steel building) from the required 100 feet to seven feet adjacent to the east property line and 92 feet adjacent to the west property line in land lots 718 and 719 of the 19th district. Property is located on the south side of Macedonia Road, east of Avondale Parkway (3163 Macedonia Road). *(Continued by Staff from the September 11, 2024, BZA hearing until the October 9, 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 revised*:

- 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). *(Held by the BZA from the July 10, 2024, and August 14, 2024, BZA hearings until the September 11, 2024, BZA hearing).*

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CONSENT AGENDA (CONT.)

V-85 MISael MONDRAGON (CONT.)

To approve V-85, subject to:

1. No commercial use of the steel structure; garage is to be used for storage of classic cars
2. No business on the property other than customary home occupations
3. No automotive repair or restoration of autos on the property or in steel structure
4. No storage of automotive repair equipment such as air compressors and hydraulic lifts
5. No storage of other business materials and equipment such as for landscape contractor or tree service use
6. No residential use of the steel structure
7. Gravel driveway to the garage to be paved
8. Residential parking is limited to 4 vehicles; no parking on gravel
9. No electricity to the garage

V-110 WILLIAM M. CHAPMAN (William M. Chapman and Myrna B. Chapman, owners) requesting a variance to reduce the rear setback for an accessory structure over 144 square feet (proposed 320 square-foot shed) from the required 30 feet to 10 feet in land lot 293 of the 16th district. Property is located on the north side of West Station Drive, west of Station Drive (160 West Station Drive).

To approve V-110, subject to:

1. No commercial or residential dwelling use of the accessory structure

V-111 GE VERNOVA (Piedmont 600 Galleria, LLC, owner) requesting a variance to increase the maximum sign area for a wall sign for a building over two stories or over 20 feet in height from 200 square feet to 462.27 square feet (one 462.27 square-foot sign on each of the south and east elevations) in land lots 947 and 980 of the 17th district. Property is located on the northeast side of Akers Mill Road, and on the south side of South Galleria Parkway, west of Cobb Galleria Parkway (600 South Galleria Parkway).

To approve V-111.

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CONSENT AGENDA (CONT.)

- V-112** **JAMES REDMOND AND TERRIE REDMOND** (Terrie Redmond and James Henry Redmond, III, owners) requesting a variance to 1) reduce the front setback from the required 35 feet to 26 feet; 2) reduce the side setback from the required 10 feet to 7.5 feet adjacent to the south property line; and 3) reduce the rear setback for an accessory structure under 650 square feet (existing approximately 213 square-foot shed) from the required 35 feet to eight feet in land lot 1172 of the 16th district. Property is located on the west side of Worthington Drive, north of Hunting Creek Court (219 Worthington Drive).

To **approve** V-112, subject to:

1. Stormwater Management Division comments and recommendations

- V-113** **HERCULANEUM PROPERTIES, LLC** (Edgar (Gary) L. Wollam, M.D., owner) requesting a variance to 1) increase the maximum allowable impervious coverage for 3865 Medical Park Drive from the required 70% to 82% (existing); and 2) reduce the rear setback for 3865 Medical Park Drive from the required 30 feet to 29 feet (existing) in land lot 857 of the 19th district. Property is located on the northeast corner of Medical Park Drive and Mulkey Road (3865 Medical Park Drive).

To **approve** V-113, subject to:

1. Stormwater Management Division comments and recommendations

- V-117** **LOT ONE HOMES OF GEORGIA** (Lot One Homes of Georgia, LLC., owner) requesting a variance to reduce the rear setback from the required 35 feet to 25 feet in land lots 269 and 270 of the 16th district. Property is located on the northeast side of Shallowford Road, east of Middle Drive (2021 Shallowford Road).

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

- 1. Department of Transportation comments and recommendations**
- 2. Site Plan Review comments and recommendations**

At the call for petition V-120 (Peter Brown and Shandra Brown), opposition was present; therefore, V-120 was pulled from the Consent Agenda and heard on the Regular Agenda in its numerical order (see page 7 of these minutes).

CONSENT VOTE: ADOPTED 5-0

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REGULAR AGENDA

V-108 **EVER SILIEZAR** (Ever N. Siliezar Lobos, owner) requesting a variance to allow a fence to be taller than six feet when adjacent to a public road right-of-way or in front of or to the side of the building in a nonresidential district (existing eight-foot chain link fence) in land lots 931 and 932 of the 16th district. Property is located on the east side of Bells Ferry Road, north of Fields Parkway (1310 Bells Ferry Road).

The public hearing was opened; Ever Siliezar and Kathy Sims addressed the Board. Following presentation and discussion, the following motion was made:

MOTION: Motion by Swanson, second by Summerour, to **approve** V-108, subject to:

1. Applicant to paint the fence black and install decorative, semi-privacy slats along the front *only* within 30 days
2. Applicant to provide access to the power company to maintain the access property to their standards

VOTE: **ADOPTED** 5-0

V-115 **AARON HUDSON** (William Aaron Hudson, Jr., owner) requesting a variance to 1) allow an accessory structure (proposed approximately 800 square-foot barn) to the side of the principal building; and 2) reduce the setback for an accessory structure over 650 square feet (proposed approximately 800 square-foot barn) from the required 100 feet to 12 feet adjacent to the north property line in land lot 279 of the 20th district. Property is located on the west side of Tarpley Road, north of Kirk Lane (683 Tarpley Road).

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

MOTION: Motion by Beloin, second by Willis, to **hold** V-115 until the October 9, 2024, Board of Zoning Appeals Variance Hearing.

VOTE: **ADOPTED** 5-0

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REGULAR AGENDA (CONT.)

- V-116 TRAVIS TURNER** (Travis William Turner and Megan Amelia Faye, owners) requesting a variance to 1) allow an accessory structure (proposed 572 square-foot garage) to the side of the principal building; 2) reduce the rear setback for an accessory structure over 144 square feet (proposed 572 square-foot garage) from the required 35 feet to 10 feet; 3) reduce the rear setback for an accessory structure over 144 square feet (existing approximately 450 square-foot shed) from the required 35 feet to two feet; and 4) reduce the side setback for an accessory structure over 144 square feet (existing approximately 450 square-foot shed) from the required 10 feet to two feet in land lot 1249 of the 16th district. Property is located on the southwest corner of Dale Drive and Rhodes Drive (2871 Dale Drive).

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

MOTION: Motion by Summerour, second by Swanson, to **approve** V-116, subject to:

- 1. Hold Harmless Agreement required for the shed**
- 2. Applicant is not required to sprinkle the shed**
- 3. No living, business, or electricity in the shed**
- 4. Applicant will not violate Cobb County's noise ordinance**

VOTE: **ADOPTED** 5-0

- V-118 RONALD DORSEY AND KAREN DORSEY** (Ronald E. Dorsey and Karen H. Dorsey, owners) requesting a variance to 1) allow an accessory structure (existing approximately 140 square-foot storage building) to be located in front of the principal building; 2) reduce the front setback for an accessory structure over 144 square feet (existing approximately 600 square-foot awning) from the required 40 feet to 20 feet; and 3) allow parking and/or maneuvering of vehicles on a non-hardened and treated surface (existing gravel drives) in land lot 394 of the 18th district. Property is located on the east side of Queen Mill Road, north of Mount Gerizim Road (6597 Queen Mill Road).

The public hearing was opened; Karen and Ronald Dorsey addressed the Board. Following presentation and discussion, the following motion was made:

MOTION: Motion by Willis, second by Swanson, to **approve** V-118.

VOTE: **ADOPTED** 5-0

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REGULAR AGENDA (CONT.)

V-120 **PETER BROWN AND SHANDRA BROWN** (Peter F. Brown and Shandra C. Brown, owners) requesting a variance to 1) increase the maximum allowable impervious coverage from 35% to 39.08%; and 2) allow pool equipment to the side of the house in land lot 11 of the 1st district. Property is located on the west side of Dunmore Road, north of Chestnut Lake Drive (4430 Dunmore Road).

The public hearing was opened; Alex Tidwell, David Grigereit, and Debra Goldstein addressed the Board. Following presentation and discussion, the following motion was made:

MOTION: Motion by Summerour, second by Willis, to **hold** V-120 until the October 9, 2024, Board of Zoning Appeals Variance Hearing.

VOTE: **ADOPTED 5-0**

APPROVAL OF MINUTES

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

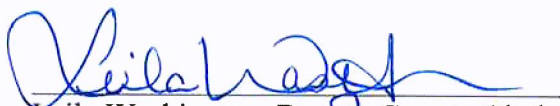
August 14, 2024 – Board of Zoning Appeals Variance Hearing

September 9, 2024 – Special Called Meeting/Work Session Agenda Review

VOTE: **ADOPTED 5-0**

ADJOURNMENT

The hearing adjourned at 2:30 p.m.


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