

**MINUTES OF VARIANCE HEARING
COBB COUNTY BOARD OF ZONING APPEALS
OCTOBER 9, 2024
1:30 P.M.**

The Board of Zoning Appeals Variance Hearing was held on Wednesday, October 9, 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 1:34 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 John Pederson, Zoning Division Manager, read in the following cases that were withdrawn or continued and then read in the Consent Agenda.

WITHDRAWN/CONTINUED CASES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-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by Staff from the August 14, 2024, and September 11, 2024, BZA hearings until the October 9, 2024, BZA hearing).* **WITHDRAWN WITHOUT PREJUDICE**
- 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). *(Previously held by the BZA from the September 11, 2024, BZA hearing until the October 9, 2024, BZA hearing).*

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WITHDRAWN/CONTINUED CASES (CONT.)

V-115 AARON HUDSON (CONT.)

Mr. Pederson presented the Applicant's request to withdraw V-115 without prejudice; thereafter, the following motion was made:

MOTION: Motion by Beloin, second by Willis, to **allow** V-115 to be *withdrawn without prejudice*.

VOTE: **ADOPTED 5-0**

V-126 JEFFREY JOHNSON (Jeffrey M. Johnson and Damaris Johnson, owners) requesting a variance to 1) allow parking and/or maneuvering of vehicles on a non-hardened and treated surface (existing gravel drive); and 2) allow a seven-foot fence adjacent to a public road right-of-way in front of a house in a residential district in land lot 661 of the 16th district. Property is located at the southeast corner of Liberty Hill Road and Addison Road (1032 Liberty Hill Road).

Mr. Pederson presented the Applicant's request to withdraw V-126 without prejudice; thereafter, the following motion was made:

MOTION: Motion by Summerour, second by Willis, to **allow** V-126 to be *withdrawn without prejudice*.

VOTE: **ADOPTED 5-0**

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). *(Held by the BZA from the September 11, 2024, BZA hearing until the October 9, 2024, BZA hearing; continued by Staff from the October 9, 2024, BZA hearing until the November 13, 2024, BZA hearing; therefore, was not considered at this hearing).*

V-129 CHARLES BROWN AND DIANE BENSON-BROWN (Diane Benson-Brown and Charles D. Brown, owners) requesting a variance to reduce the setbacks for an accessory structure (proposed approximately 182 square-foot shed) from the required 35 feet to three feet adjacent to the rear property line and from the required 10 feet to three feet adjacent to the south property line in land lot 990 of the 16th district. Property is located on the west side of Brickleberry Lane, north of Oak Trail Drive (979 Brickleberry Lane).

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WITHDRAWN/CONTINUED CASES (CONT.)

V-129 CHARLES BROWN AND DIANE BENSON-BROWN (CONT.)

(Continued by Staff from the October 9, 2024, BZA hearing until the November 13, 2024, BZA hearing; therefore, was not considered at this hearing).

CONSENT AGENDA

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

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). *(Previously continued by Staff from the September 11, 2024, BZA hearing until the October 9, 2024, BZA hearing).*

To **approve** V-109, subject to:

- 1. Department of Transportation comments and recommendations**
- 2. No habitable space or commercial use of the accessory building**

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). *(Previously continued by Staff from the September 11, 2024, BZA hearing until the October 9, 2024, BZA hearing).*

To **approve** V-114, subject to:

- 1. Development and Inspections Division to inspect the accessory structure**
- 2. Driveway to be paved**
- 3. No habitable space or commercial use of the accessory building**

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CONSENT AGENDA (CONT.)

- V-121** **MAXIMO LEZAMA** (Maximo E. Lezama, owner) requesting a variance to 1) reduce the rear setback for an accessory structure under 650 square feet (proposed 384 square-foot shed) from the required 30 feet to five feet; and 2) reduce the side setback for an accessory structure under 650 square feet (proposed 384 square-foot shed) from the required 10 feet to four feet adjacent to the north property line in land lot 773 of the 19th district. Property is located on the east side of Castle Way, south of King Arthur Drive (3427 Castle Way).

To **approve** V-121, subject to:

- 1. Development and Inspections Division comments and recommendations**
- 2. No habitable space or commercial use of the accessory building**

- V-122** **PEACHSTATE POOL BUILDERS** (Guillermo Cremer and Monica Espinosa, owners) requesting a variance to increase the maximum allowable impervious coverage from 35% to 39.99% in land lot 529 of the 16th district. Property is located on the west side of Holly Springs Road, south of Idlewood Drive (2770 Carey Woods Court).

To **approve** V-122, subject to:

- 1. Sewer Division comments and recommendations**
- 2. Stormwater Management Division to approve the final impervious mitigation plans prior to permitting**

At the call for petition V-124 (Sukiana Properties, LLC), opposition was present; therefore, V-124 was pulled from the Consent Agenda and heard on the Regular Agenda in its numerical order (see page 6 of these minutes).

- V-125** **JYO N. SHRIRAM** (Jyo N. Shriram and Deepa S. Shriram, owners) requesting a variance to increase the maximum allowable impervious coverage from 35% to 39.3% in land lot 753 of the 16th district. Property is located at the northern terminus of Hadfield Drive, west of Hadfield Court (3651 Hadfield Drive).

To **approve** V-125, subject to:

- 1. Stormwater Management Division to approve the final impervious mitigation plan for any impervious surface over 35% prior to permitting**

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CONSENT AGENDA (CONT.)

V-127 **DAN NETHERLAND** (Dan A. Netherland, owner) requesting a variance to 1) reduce the front setback from the required 35 feet to 29 feet; 2) reduce the setbacks for an accessory structure over 1,000 square feet (proposed 1,080 square-foot workshop) from 100 feet to 25 feet adjacent to the north property line, 45 feet adjacent to the south property line, and five feet adjacent to the rear property line; and 3) reduce the setbacks for an accessory structure under 144 square feet (existing 71 square-foot firewood storage building) from required five feet to zero feet adjacent to the rear property line and five to zero feet adjacent to the north property line in land lot 29 of the 17th district. Property is located on the west side of Vernon Drive, north of Carlouetta Road (4588 Vernon Drive).

To approve V-127, subject to:

1. **Development and Inspections Division comments and recommendations**
2. **No habitable space or commercial use of the accessory building**
3. **Accessory structure to be insulated to reduce noise**
4. **No water, sewer, or gas utilities to the accessory structure**
5. **No work in the accessory structure after 10:00 p.m.**

V-131 **LAURA BRYAN** (Laura Nunnally Bryan Revocable Trust, owner) requesting a variance to 1) increase the maximum allowable impervious coverage from 43.3% (approved per V-124 of 2023) to 47.4% **45.8%**; and 2) ~~reduce the setbacks for proposed pool equipment from the required five feet to four feet adjacent to the east property line and three feet adjacent to the south property line in land lot 72 of the 1st district. Property is located on the east side of Powers Place, south of Powers Road (285 Powers Place).~~

To approve V-131, subject to:

1. **If the variance is approved, stormwater mitigation should be provided for the excess impervious area beyond the maximum 40% allowed by RA-4 zoning code (note that V-124-2023 requested side and rear setback variances, not impervious area increase)**
2. **The discharge from the pool equipment should be directed to sanitary sewer as a surface discharge may create a nuisance for the adjoining neighbor**

At the call for petition V-132 (McDonald's), opposition was present; therefore, V-132 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-123** **PAUL D. HURLEY** (Paul D. Hurley, owner) requesting a variance to waive the paved sidewalk, curb, and gutter requirement for a residential subdivision in land lot 144 of the 20th district. Property is located on the north and south sides of Loring Way, west of Loring Road (Addresses on file).

The public hearing was opened; Paul Hurley, Vicki Wiechert, and Roger Wilson addressed the Board. Following presentation and discussion, the following motion was made:

MOTION: Motion by Beloin, second by Swanson, to **hold** V-123 until the November 13, 2024, Board of Zoning Appeals Variance Hearing.

VOTE: **ADOPTED** 5-0

- V-124** **SUKIANA PROPERTIES, LLC** (Sukiana Properties, LLC, owner) requesting a variance to 1) reduce the setbacks for an accessory structure over 650 square feet (existing approximately 907 square-foot two story garage) from the required 100 feet to two feet adjacent to the north property line and two feet adjacent to the rear property line; 2) allow for an accessory structure on a lot without a principal building (existing approximately 907 square-foot two story garage); and 3) allow parking and/or maneuvering of vehicles on a non-hardened and treated surface (grass for garage access) in land lots 951 of the 19th district. Property is located on the west side of Brownsville Road, south of Hill Road (4110 Brownsville Road).

The public hearing was opened; Patrick Henry and Jonathan Niño Charari addressed the Board. Following presentation and discussion, the following motion was made:

MOTION: Motion by Willis, second by Summerour, to **approve** V-124, subject to:

- 1. Department of Transportation comments and recommendations**
- 2. Development and Inspections Division comments and recommendations**
- 3. No habitable space or commercial use of the accessory structure**
- 4. Accessory structure to be inspected and brought to code**

VOTE: **ADOPTED** 5-0

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REGULAR AGENDA (CONT.)

V-128 **VASUDEVAN SRINIVASAN** (Vasudevan Srinivasan, owner) requesting a variance to reduce the rear setback from the required 35 feet to 25 feet in land lot 212 of the 1st district. Property is located on the south side of Mill Run Drive, east of Mill Run Trace (5301 Mill Run Drive).

The public hearing was opened; John Clay and Leonard Greski addressed the Board. Following presentation and discussion, the following motion was made:

MOTION: Motion by Summerour, second by Willis, to **hold** V-128 until the November 13, 2024, Board of Zoning Appeals Variance Hearing.

VOTE: **ADOPTED** 5-0

V-130 **JENNIFER AND TREY CAMBERN** (Jennifer Cambern, owner) requesting a variance to 1) increase the maximum impervious coverage allowed from 35% to 50%; 2) reduce the rear setback from the required 40 feet to 14 feet; 3) reduce the front setback from the required 45 feet to 19 feet; 4) reduce the side setback from the required 12 feet to nine feet adjacent to the west property line; and 5) allow parking and maneuvering of vehicles on a non-hardened and treated surface (existing gravel drive) in land lot 756 of the 16th district. Property is located on the south side of Bishop Lake Road, north of Spring Circle (4540 Bishop Lake Road).

The public hearing was opened; Robert Cain, Thomas Bogan, Richard Grome, and Richard Enzinger addressed the Board. Following presentation and discussion, the following motion was made:

MOTION: Motion by Summerour, second by Willis, to **hold** V-130 until the November 13, 2024, Board of Zoning Appeals Variance Hearing.

VOTE: **ADOPTED** 5-0

Chairwoman Russell called for a brief recess from 3:19 p.m. until 3:30 p.m.

V-132 **MCDONALD'S** (McDonald's Real Estate Company, owner) requesting a variance to 1) increase the maximum height allowed for a freestanding sign from 19 feet to 20 feet; and 2) allow a ground-based sign to be non-monument style in land lots 85 and 86 of the 1st district. Property is located on the north side of Lower Roswell Road, east of Johnson Ferry Road (4819 Lower Roswell Road).

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REGULAR AGENDA (CONT.)

V-132 MCDONALD'S (CONT.)

The public hearing was opened; Cheryl Wyatt and Leonard Greski addressed the Board. Following presentation and discussion, the following motion was made:

MOTION: Motion by Summerour, second by Swanson, to **approve** V-132.

VOTE: **ADOPTED** 5-0

V-133 KEYRIN REYES ALVAREZ (Marcos Lopez Navarrete, Keyrin Reyes Alvarez, owners) requesting a variance to allow a 9'3" fence on the side of a house in a residential district in land lot 992 of the 17th district. Property is located on the south side of Old Mill Trace, east of Terrell Mill Road (3194 Old Mill Trace).

The public hearing was opened; Lynn Chen, Keyrin Reyes Alvarez, David Craven, and Thomas Peace addressed the Board. Following presentation and discussion, the following motion was made:

MOTION: Motion by Summerour, second by Willis to **deny** V-133, subject to:

- 1. 60 days to come into compliance with the fence height of six feet**

VOTE: **ADOPTED** 5-0

APPROVAL OF MINUTES

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

September 11, 2024 – Board of Zoning Appeals Variance Hearing

September 11, 2024 – Special Called Meeting/Appeal Hearing

October 7, 2024 – Special Called Meeting/Agenda Review Work Session

VOTE: **ADOPTED** 5-0

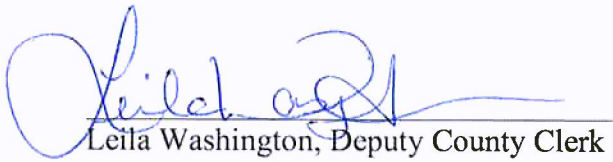
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ADJOURNMENT

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

VOTE: **ADOPTED** 5-0

The hearing adjourned at 3:54 p.m.



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