

**MINUTES OF VARIANCE HEARING
COBB COUNTY BOARD OF ZONING APPEALS
NOVEMBER 13, 2024
1:30 P.M.**

The Board of Zoning Appeals Variance Hearing was held on Wednesday, November 13, 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 1:33 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 John Pederson, Zoning Division Manager, read in the following cases that were withdrawn or continued and then read in the Consent Agenda.

WITHDRAWN/CONTINUED CASES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-145** **JOHN C. ANSELMO** (John C. Anselmo and Deanna M. Anselmo, owners) requesting a variance to increase the maximum allowable impervious coverage from 40% to 45.1% in land lot 816 of the 16th district. Property is located at the northern terminus of Tabor Drive, east of Holly Springs Road (1769 Tabor Drive). ***WITHDRAWN WITHOUT PREJUDICE***
- V-129** **CHARLES BROWN, 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). ***(Continued by Staff from the October 9, 2024, and November 13, 2024, BZA hearings until the December 11, 2024, BZA hearing; therefore, was not considered at this hearing).***
- V-148** **JAKE ANTHONY STRANGE** (Harmon Anthony Strange and Jake Anthony Strange, owners) requesting a variance to 1) reduce the setbacks for an accessory structure over 1,000 square feet (proposed 1,080 square-foot building) from the required 100 feet to 10 feet adjacent to the west property

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WITHDRAWN/CONTINUED CASES (CONT.)

V-148 JAKE ANTHONY STRANGE (CONT.)

line, 35 feet adjacent to south property line, and 54 feet adjacent to the east property line; and 2) reduce the side setback from the required 10 feet to seven feet adjacent to the west property line (existing) in land lot 790 of the 17th district. Property is located on the south side of Powers Ferry Road, east of Sun Valley Drive (652 Powers Ferry Road). *(Continued by Staff from the November 13, 2024, BZA hearing until the December 11, 2024, BZA hearing; therefore, was not considered at this hearing).*

V-147 KEVIN CLAYTON (T Kevin Clayton and Karen M. Clayton, owners) requesting a variance to reduce the setbacks for an accessory structure over 1,000 square feet (proposed 6,340 square-foot sports court) from the required 100 feet to 19 feet adjacent to the east property line and 26 feet adjacent to the north property line in land lot 1260 of the 16th district. Property is located on the east side of Woodlawn Drive, north of Paper Mill Road (4445 Paper Mill Road).

Mr. Pederson presented the Applicant's request for a continuance; thereafter, the following motion was made:

MOTION: Motion by Summerour, second by Willis, to **continue** V-147 until the December 11, 2024, Board of Zoning Appeals Variance Hearing.

VOTE: **ADOPTED** 5-0

CONSENT AGENDA

Clerk's note: Per the request of Mr. Beloin, Mr. Pederson announced that V-143 (Stanley Wills and Albert Mathison) was to be pulled off Consent and heard on the Regular Agenda. Prior to the Consent vote, Mr. Beloin announced that it should have been case V-144 (Stephan and Linda McCormick); therefore, V-143 was left on Consent and V-144 was moved to the Regular Agenda.

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

V-135 ANDY LE (Andy Dinh Le and Tiffany Ni Le, owners) requesting a variance to reduce the setbacks for an accessory structure over 1,000 square feet (proposed 1,200 square-foot basketball court) from the required 100 feet to 15 feet adjacent to the south property line, 20 feet adjacent to the east property line, and 45 feet adjacent to the west property line in land lot 914 of the 16th

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CONSENT AGENDA (CONT.)

V-135 ANDY LE (CONT.)

district. Property is located on the south side of Octavia Lane, east of East Piedmont Road (2476 Octavia Lane).

To **approve** V-135, subject to:

- 1. Development and Inspections Division comments and recommendations**
- 2. Any lights on the basketball court to be turned off at 9:00 p.m.**

V-136 BEN CARLOS K. STATEN (Ben C.K. Staten, owner) requesting a variance to 1) reduce the rear setback for an accessory structure under 650 square feet (existing 384 square-foot shed) from the required 30 feet to 14 feet; and 2) reduce the major side setback from the required 20 feet to 19 feet adjacent to the west property line (existing) in land lot 628 of the 19th district. Property is located at the northeast corner of Waymar Way and Waymar Drive (2722 Waymar Drive).

To **approve** V-136.

V-137 JENNIFER JONES (Charles Chris Esslinger and Traci Elizabeth Esslinger, owners) requesting a variance to allow a proposed inground pool and pool equipment to be located to the side and front of the principal building in land lot 750 of the 17th district. Property is located on the north side of Park Avenue, east of Beech Street (2225 Park Avenue).

To **approve** V-137, subject to:

- 1. Site Plan Review comments and recommendations**
- 2. Sewer Division comments and recommendations**

V-140 TIM AND HOPE MORGAN (Timothy Rhyne and Victoria Hope Morgan, owners) requesting a variance to allow a proposed inground pool and decking to encroach upon the 75-foot impervious buffer in land lot 143 of the 19th district. Property is located on the east side of Poplar Springs Road, south of Dallas Highway (841 Poplar Springs).

To **approve** V-140, subject to:

- 1. Stormwater Management Division comments and recommendations**

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CONSENT AGENDA (CONT.)

- V-141** **STEPHEN QUAILE** (Stephen Quaile and Heather Quaile, owners) requesting a variance to 1) reduce the rear setback for an accessory structure under 650 square feet (proposed approximately 576 square-foot garage) from the required 35 feet to ten feet adjacent to the west property line; and 2) allow an accessory structure (proposed approximately 576 square-foot garage) to be located to the side of the principal building in land lot 302 of the 20th district. Property is located at the northern terminus of Wild Iris Lane, north of Owl Creek Drive (411 Wild Iris Lane).

To **approve** V-141, subject to:

- 1. Detached garage not to be used for dwelling use or commercial use**
- 2. No turbo charged vehicles kept on the property**

- V-142** **EMORY FLOYD** (Emory K. Floyd and Marva M. Benbow, owners) requesting a variance to 1) reduce the rear setback from the required 40 feet to 25 feet; and 2) reduce the side setbacks from the required 10 feet to nine feet adjacent to the north and south property lines (existing) in land lot 488 of the 19th district. Property is located at the northeast terminus of Hampton Estates Drive, east of Powder Springs Road (2413 Hampton Estates Drive).

To **approve** V-142.

- V-143** **STANLEY WILLS AND ALBERT MATHISON (AS EXECUTORS OF THE ESTATE OF CHARLES E. WILLS AND MARY B. WILLS)** (Albert Franklin Mathison and Stanley Alvin Wills, owners) requesting a variance to 1) reduce the setbacks for an accessory structure over 1,000 square feet (existing approximately 2,054 square-foot barn) from the required 100 feet to 20 feet adjacent to the west property line, 68 feet adjacent to the south property line, and 95 feet adjacent to the north property line; 2) allow parking and maneuvering of vehicles on a non-hardened and treated surface (existing gravel drive); 3) reduce the front setback for an accessory structure under 650 square feet (existing approximately 600 square-foot metal carport) from the required 40 feet to 22 feet; and 4) allow for an accessory structure on a lot without a principal building (existing approximately 600 square-foot metal carport) in land lot 197 of the 20th district. Property is located on the west side of Acworth Due West Road, north of Freys Farm Lane (2095 Acworth Due West Road).

To **approve** V-143, subject to:

- 1. Barn not to be used for dwelling use or commercial use**

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CONSENT AGENDA (CONT.)

V-146 **GREGORY ADAM UPCHURCH** (Gregory A. Upchurch, owner) requesting a variance to 1) reduce the front setback from the required 35 feet to 31 feet (existing); 2) reduce the rear setback from the required 35 feet to 33 feet; and 3) reduce the side setback from the required ten feet to two feet adjacent to the west property line in land lot 792 of the 17th district. Property is located on the east side of Sybil Lane, south of Freydale Road (2296 Freydale Road).

To approve V-146, subject to:

1. **Development and Inspections Division comments and recommendations**

CONSENT VOTE: **ADOPTED 5-0**

REGULAR AGENDA

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%~~ 39.84%; 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, and October 9, 2024, BZA hearings until the November 13, 2024, BZA hearing).*

The public hearing was opened; Alex Tidwell and Shandra Brown addressed the Board. Following presentation and discussion, the following motion was made:

MOTION: Motion by Summerour, second by Beloin, to approve V-120, subject to:

1. **Allow increase of impervious area up to 39.84%**
2. **Provide stormwater mitigation as shown on the *revised* site plan (attached and made a part of these minutes)**
3. **Stormwater Management Division comments and recommendations**
4. **The pool's waste line to be connected to the sanitary sewer system**

VOTE: **ADOPTED 5-0**

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REGULAR AGENDA (CONT.)

- 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). *(Previously held by the BZA from the October 9, 2024, BZA hearing until the November 13, 2024, BZA hearing).*

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

MOTION: Motion by Beloin, second by Willis, to **approve** V-123, subject to:

- 1. Waive the paved sidewalk, curb, and gutter requirement in front of and abutting the specific lots highlighted on the map (attached and made a part of these minutes)**
- 2. Stormwater Management Division comments and recommendations**
- 3. Department of Transportation comments and recommendations**

VOTE: **ADOPTED** 5-0

- 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 addressed the Board. Following presentation and discussion, the following motion was made:

MOTION: Motion by Summerour, second by Beloin, to **deny** V-128.

VOTE: **ADOPTED** 5-0

- V-130** **JENNIFER AND TREY CAMBERN** (Jennifer Cambern, owner) requesting a variance to 1) increase the maximum allowable impervious coverage 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).

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REGULAR AGENDA (CONT.)

V-130 JENNIFER AND TREY CAMBERN (CONT.)

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

MOTION: Motion by Summerour, second by Swanson, to **hold** V-130 until the December 11, 2024, Board of Zoning Appeals Variance Hearing.

VOTE: **ADOPTED 5-0**

V-134 JODY POWELL AND C&B CONSTRUCTION LLC (Jody Powell and Kimberly Powell, owners) requesting a variance to 1) reduce the front setback from the required 35 feet to 34 feet (existing); 2) reduce the setbacks for an accessory structure under 144 square feet (existing approximately 40 square-foot shed) from the required five feet to two feet adjacent to the east property line; 3) reduce the rear setback for an accessory structure under 650 square feet (existing approximately 207 square-foot shed) from the required 30 feet to seven feet; and 4) reduce the setback for an accessory structure under 650 square feet (existing approximately 207 square-foot shed) from the required 10 feet to seven feet adjacent to east property line in land lot 631 of the 16th district. Property is located on the east side of Renny Court, north of Newton Road (1781 Newton Road).

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

MOTION: Motion by Summerour, second by Willis, to **approve** V-134, subject to:

- 1. Fire Department requirement for a one-hour fire resistance construction to be applied since the setback is less than five feet**
- 2. Move the sheds as needed outside the drainage easement**

VOTE: **ADOPTED 5-0**

V-138 WES BUCHANAN (Jon W Buchanan and Brittany D Buchanan, owners) requesting a variance 1) to allow an accessory structure over 1,000 square feet (proposed 1,800 square-foot sports court) to be located closer to the side street than the principal building; and 2) reduce the setbacks for accessory structure over 1,000 square feet (proposed 1,800 square-foot sports court) from the required 100 feet to seven feet adjacent to the north property line,

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REGULAR AGENDA (CONT.)

V-138 WES BUCHANAN (CONT.)

14 feet adjacent to the west property line, and 91 feet adjacent to the south property line in land lot 255 of the 20th district. Property is located on the west side of Cherrybark Trace, south of Walker Hill Way (3001 Walker Hill Way).

The public hearing was opened; Trey Boltz and Wes Buchanan addressed the Board. Following presentation and discussion, the following motion was made:

MOTION: Motion by Beloin, second by Summerour, to **hold** V-138 until the December 11, 2024, Board of Zoning Appeals Variance Hearing.

VOTE: **ADOPTED 5-0**

V-139 PROBITY ONE, LLC (Deborah Kay Hubert and Probit One, LLC, owners) requesting a variance to 1) reduce the setback for an accessory structure over 1,000 square feet (existing approximately two story 1,550 square-foot shed) from the required 100 feet to 36 feet adjacent to north property line; 2) to allow an accessory structure to be located to the side of the principal building (existing approximately two story 1,550 square-foot shed); and 3) to allow for a second electrical meter on a lot in land lot 859 of the 16th district. Property is located at the northwest intersection of Turner Road and Bells Ferry Road (130 Turner Road and 1521 Bells Ferry Road).

The public hearing was opened; Ada Napolitano Garcia and Deborah Hubert addressed the Board. Following presentation and discussion, the following motion was made:

MOTION: Motion by Swanson, second by Summerour, to **deny** V-139, subject to:

- 1. Accessory structure and the second electrical meter, if present, to be removed within 60 days**

VOTE: **ADOPTED 5-0**

V-144 STEPHAN AND LINDA MCCORMICK (Stephan R. McCormick and Linda K. McCormick, owners) requesting a variance 1) to reduce the setbacks for an accessory structure over 1,000 square feet (existing two-story approximately 1,170 square-foot barn/stable) from the required 100 feet to 31 feet adjacent to the north property line; 2) to allow an accessory structure

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REGULAR AGENDA (CONT.)

V-144 STEPHAN AND LINDA MCCORMICK (CONT.)

(existing two-story approximately 1,170 square-foot barn/stable) to be located in front of the principal building on a lot; 3) to reduce the setback from an accessory structure (existing approximately 170 square-foot shed) from the required 25 feet to 12 feet adjacent to the north property line; 4) to allow an accessory structure (existing approximately 170 square-foot shed) to be located in front of the principal building on a lot; 5) to reduce the setback for an accessory structure (existing approximately 297 square-foot chicken coop) from 25 feet to one foot adjacent to the south property line; 6) to reduce the setback for an accessory structure (existing 160 square-foot shed) from the required 25 feet to five feet adjacent to the south property line; 7) to allow encroachment of the 75-foot impervious buffer; and 8) to allow gravel drive (existing) without 25-foot paved or asphalt apron at the public road in land lots 350, 351, 390, and 391 of the 19th district. Property is located on the east side of Velma Drive, north of Mary L Trail (3430 Velma Drive).

The public hearing was opened; Linda and Steve McCormick addressed the Board. Following presentation and discussion, the following motion was made:

MOTION: Motion by Beloin, second by Willis, to **approve** V-144, subject to:

- 1. Barn not to be used for dwelling use or commercial use**

VOTE: **ADOPTED 5-0**

APPROVAL OF MINUTES

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

October 9, 2024 – Board of Zoning Appeals Variance Hearing

November 4, 2024 – Special Called Meeting/Agenda Review Work Session

VOTE: **ADOPTED 5-0**

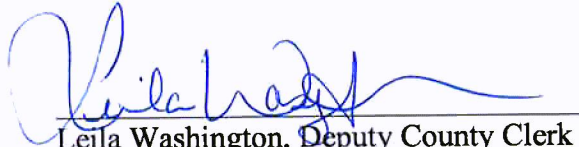
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ADJOURNMENT

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

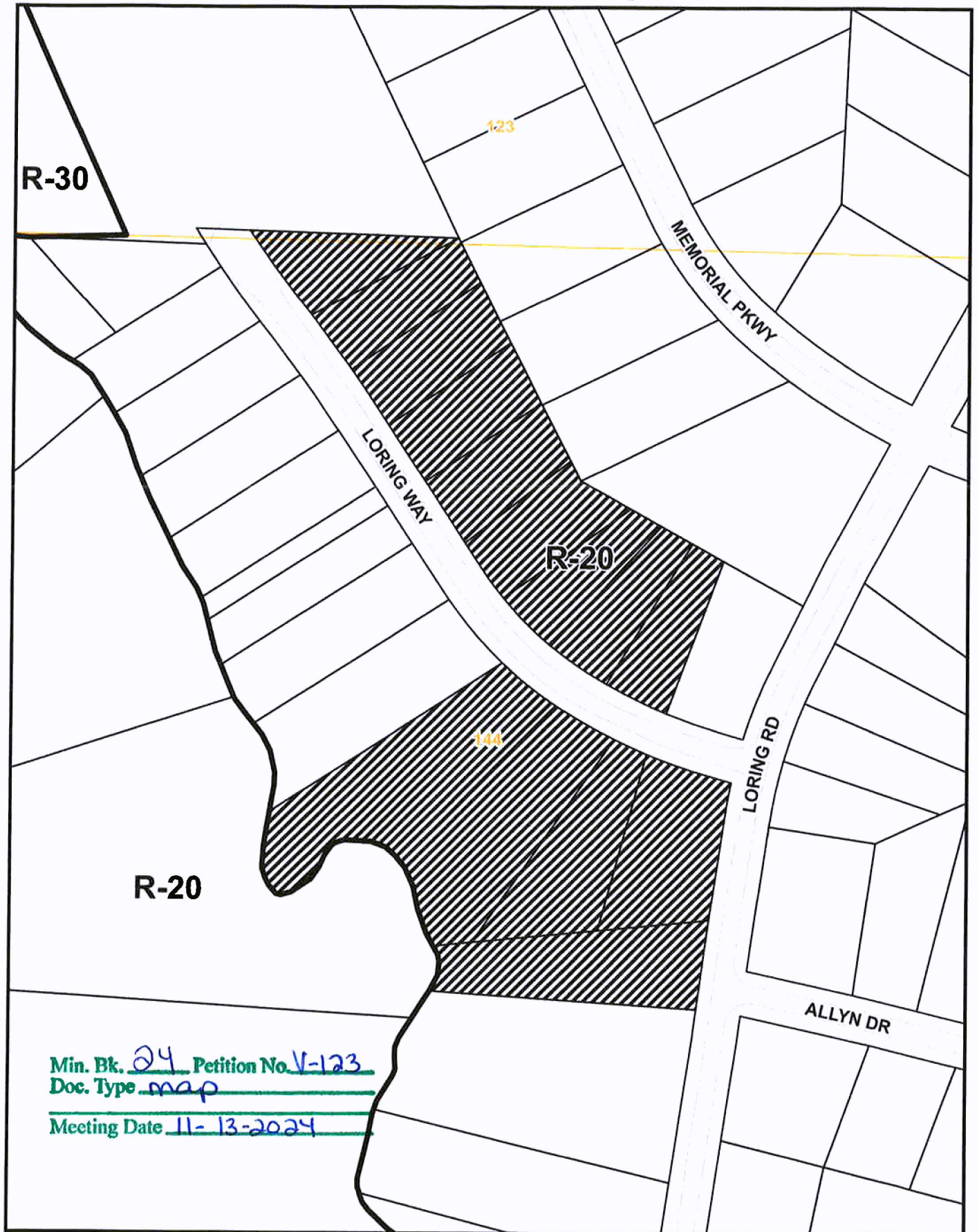
VOTE: **ADOPTED** 5-0

The hearing adjourned at 4:01 p.m.



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

V-123 2024 Map



This map is provided for display and planning purposes only. It is not meant to be a legal description.

0 120 240 Feet

 Zoning Boundary

 City Boundary