

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

The Board of Zoning Appeals Variance Hearing was held on Wednesday, December 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 continued and then read in the Consent Agenda.

CONTINUED CASES

- 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, through December 11, 2024, BZA hearings until the January 15, 2025, BZA hearing; therefore, was not considered at this hearing).*
- 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). *(Continued by the BZA from the October 9, 2024, BZA hearing until the November 13, 2024, BZA hearing; Held by the BZA from the November 13, 2024, BZA hearing until the December 11, 2024, BZA hearing; Continued by Staff from the December 11, 2024, BZA hearing until the January 15, 2025, BZA hearing; therefore, was not considered at this hearing).*

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CONTINUED CASES (CONT.)

V-147 **KEVIN CLAYTON** (T. Kevin Clayton and Karen M. Clayton, owners) requesting a variance to 1) 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; and 2) increase the height of a wall from six feet to eight feet along Paper Mill Road. Property is located on the east side of Woodlawn Drive, north of Paper Mill Road (4445 Paper Mill Road) 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). *(Continued by the BZA from the November 13, 2024, BZA hearing until the December 11, 2024, BZA hearing; Continued by Staff from the December 11, 2024, BZA hearing until the January 15, 2025, BZA hearing; therefore, was not considered at this hearing).*

V-150 **KOFFI NOGBE** (Koffi D. Nogbe, owner) requesting a variance to 1) allow encroachment of the 65-foot undisturbed stream buffer; and 2) increase the maximum allowable impervious coverage from 40% to 57.98% in land lot 520 of the 16th district. Property is located on the west side of Shaw Road, north of Mitchell Falls Court (1400 Mitchell Falls Court).

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

MOTION: Motion by Willis, second by Summerour, to **continue** V-150 until the January 15, 2025, Board of Zoning Appeals Variance Hearing.

VOTE: **ADOPTED** 5-0

CONSENT AGENDA

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

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 ten feet adjacent to the west property line, 35 feet adjacent to south property line, and 54 feet adjacent to the east property line; 2) reduce the side setback from the required 10 feet to seven feet adjacent to the west property line (existing); and 3) to allow an 8.5 foot fence on a residential lot 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). *(Previously continued by Staff from the November 13, 2024, BZA hearing until the December 11, 2024, BZA hearing).*

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CONSENT AGENDA (CONT.)

V-148 JAKE ANTHONY STRANGE (CONT.)

To **approve** V-148, subject to:

- 1. No residential dwelling use or commercial use; workshops and crafts *only***
- 2. No pool house**
- 3. No parking of vehicles in sheds**
- 4. No parking on grass; hardened surfaces *only***
- 5. Trailer can only be parked on a hardened surface or pad staying within the impervious requirements of 35%; current lot coverage to be 26.25%**
- 6. Only firewood and lawn furnishings to be stored outside per Cobb County Code 134-197 (12) e.**
- 7. Any further development of the property must be in compliance of all Cobb County Codes and require permits before work is started; submission into Building and Inspections Division must be done prior to commencement of any work**

V-149 TODD HENDERSON (Todd P. Henderson and Kimberly D. Henderson, owners) requesting a variance to 1) reduce the rear setback from the required 40 feet to 20 feet; 2) reduce setbacks for an accessory structure under 144 square feet (existing approximately 110 square-foot shed) from the required five feet to three feet adjacent to the west property line and one foot adjacent to the south property line in land lot 26 of the 20th district. Property is located on the west side of Webster Way, north of Webster Drive (4732 Webster Way).

To **approve** V-149.

V-151 GORDON STEELE (Gordon L. Steele and Lacey M. Steele, owners) requesting a variance 1) to increase the maximum allowable impervious coverage from 42% to 51%; and 2) reduce the setbacks for an uncovered structure (existing approximately 493 square-foot play area) from the required five feet to one foot adjacent to the west property line in land lot 238 of the 20th district. Property is located on the west side of Sutters Pond Drive, north of Hamilton Road (1375 Sutters Pond Drive).

To **approve** V-151, subject to:

- 1. Stormwater Management Division comments and recommendations**

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CONSENT AGENDA (CONT.)

- V-152** **ANN TARTT STOVALL AND THOMAS KENNETH STOVALL** (Thomas Kenneth Stovall and Ann Tardt Stovall, owners) requesting a variance to allow for pool equipment to be located to the side of the principal structure in land lot 253 of the 20th district. Property is located at the southern terminus of Merion Way, east of Marietta Country Club Drive (2241 Merion Way).

To **approve** V-152.

- V-153** **SETH AND CHRISTY JACOB** (Seth O. Jacob and Christina M. Jacob, owners) requesting a variance to 1) reduce the rear setback for an accessory structure under 650 square feet (proposed 288 square-foot shed) from the required 35 feet to 10 feet; 2) reduce the side setback for an accessory structure under 650 square feet (proposed 288 square-foot shed) from the required 10 feet to three feet adjacent to the north property line; and 3) to allow for parking and/or maneuvering of vehicles on a non-hardened and treated surface (existing gravel drive) in land lot 649 of the 17th district. Property is located on the west side of Big John Trail, south of Powers Ferry Road (394 Big John Trail).

To **approve** V-153.

- V-154** **JAMES HLAVENKA** (James F. Hlavenka, owner) requesting a variance to 1) reduce the front setback from the required 45 feet to 40 feet (existing); 2) reduce the side setback from the required 12 feet to zero feet adjacent to the west property line (existing); 3) reduce the rear setback from the required 40 feet to 17 feet; and 4) reduce the side setback from the required 12 feet to 10 feet adjacent to the east property line in land lot 75 of the 1st district. Property is located at the northern terminus of Maple Brook, east of Dogwood Trail (4727 Maple Brook).

To **approve** V-154, subject to:

- 1. Stormwater Management Division comments and recommendations**
- 2. Department of Transportation comments and recommendations**
- 3. Sewer Division comments and recommendations**

- V-155** **BRYAN ARROYAVE** (Bryan Arroyave and Joseph E. Spivey, owners) requesting a variance to 1) reduce the rear setback for an accessory structure under 650 square feet (existing one story 404 square-foot barn on Tract 3) from the required 50 feet to 42 feet; 2) reduce the setback for an accessory structure over 1,000 square feet (existing approximately 3,528 square-foot two story barn and canopy) from the required 100 feet to 14 feet adjacent to the west property line on Tracts 1 and 2 ; and 3) reduce the setback for an accessory structure (an existing chicken coop) from the required 25 feet to 22 feet adjacent to the east property line on Tracts 1 and 2 in land lots 278 and 315 of the 19th district. Property is located on

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CONSENT AGENDA (CONT.)

V-155 BRYAN ARROYAVE (CONT.)

the south side of North Cook Road, east of Casteel Road (3701 and 3671 North Cook Road).

To approve V-155.

V-156 ROXI AND AARON KONNICK (Aaron Konnick and Roxi Konnick, owners) requesting a variance to 1) reduce the rear setback for an accessory structure under 650 square feet (proposed 392 square-foot pool house) from the required 35 feet to 10 feet; and 2) reduce the rear setback from the required 35 feet to 19 feet (existing) in land lots 415 and 450 of the 16th district. Property is located at the northwest corner of Oak Crest Trail and Oak Crest Court (3157 Oak Crest Trail).

To approve V-156.

V-158 BUYSIDE CAPITAL ADVISORS (Sohail Choudhry, owner) requesting a variance to 1) reduce the front setback from the required 25 feet to 20 feet; and 2) to allow for a second electrical meter on a residential lot in land lot 588 of the 18th district. Property is located at the western terminus of Crestside Drive, west of Factory Shoals Road (7268, 7266, and 7264 Crestside Drive).

To approve V-158, subject to:

1. Stormwater Management Division comments and recommendations

V-159 LONNIE AND STEPHANIE MOORE (Stephanie S. Moore and Lonnie Moore, owners) requesting a variance to 1) reduce the setbacks for an accessory structure over 1,000 square feet (proposed approximately 1,440 square-foot two story garage) from the required 100 feet to eight feet adjacent to the east property line, 76 feet adjacent to the north property line, and 80 feet adjacent to the west property line; 2) allow for an accessory structure to be located on the side of the principal structure (proposed approximately 1,440 square-foot two story garage); and 3) allow for a second electrical meter on a single-family residential lot in land lot 223 of the 1st district. Property is located at the corner of Hyde Road and Aven Road (5575 Aven Road).

To approve V-159, subject to:

- 1. Stormwater Management Division comments and recommendations**
- 2. No residential dwelling use or commercial use of the detached garage**

CONSENT VOTE: ADOPTED 5-0

REGULAR AGENDA

- 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 an 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, 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). *(Previously held by the BZA from the November 13, 2024, BZA hearing until the December 11, 2024, BZA hearing).*

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

MOTION: Motion by Beloin, second by Swanson, to **approve** V-138, subject to:

1. **Applicant to plant a hedge row of wintergreen boxwoods approximate to the fence and at least 5 feet from the right-of-way**
2. **Right-of-way to be kept grassed and cleared**
3. **Sport court to be at least 12 feet from the right-of-way of Walker Hill Road**
4. **Lighting for the sport court to be shoebox style facing downwards**

VOTE: **ADOPTED 5-0**

- V-157** **GEOFF RESNIK** (Melissa D. King and Geoff Resnik, owners) requesting a variance to 1) reduce the setbacks for an accessory structure over 1,000 square feet (proposed 3,000 square-foot storage building) from the required 100 feet to 75 feet adjacent to the east property line, 68 feet adjacent to the south property line, and 29 feet adjacent to the north property line; 2) to allow an accessory structure to be located in the front and to the side of the principal building (an existing approximately 132 square-foot shed); 3) to allow an accessory structure to be located in the front and to the side of the principal building (existing 30 square-foot cooler); 4) to allow an accessory structure to be located in the front and to the side of the principal building (existing approximately 352 square-foot storage building); 5) to allow an accessory structure to be located in the front and to the side of the principal building (existing approximately 440 square-foot storage building); and 6) to allow for a second electrical meter on a single-family residential lot in land lot 264 of the 20th district. Property is located on the east side of Mars Hill Road, north of Hadaway Road (1004 Mars Hill Road).

The public hearing was opened; Melissa King and Geoff Resnik addressed the Board. Following presentation and discussion, the following motion was made:

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REGULAR AGENDA (CONT.)

V-157 GEOFF RESNIK (CONT.)

MOTION: Motion by Beloin, second by Willis, to hold V-157 until the January 15, 2025, Board of Zoning Appeals Variance Hearing.

VOTE: FAILED 2-3, Summerour, Russell, and Swanson opposed

Due to the failed motion for V-157, Ms. Swanson made the following motion:

MOTION: Motion by Swanson, second by Summerour, to **approve** V-157, subject to:

1. Remove one accessory structure prior to the issuance of the Certificate of Occupancy for the storage building
2. Architect to match the design of the storage building to the primary residence
3. Lighting will be provided for the inside of the storage building *only*; no outdoor lighting
4. No residential use of the storage building, storage use *only*
5. No water or sewer to the storage building
6. No deliveries from outside sources
7. The box truck will be parked inside the storage building

VOTE: **ADOPTED** 4-1, Beloin opposed

OTHER BUSINESS

OB-1 To adopt a resolution which establishes the dates, time, and place of the Board of Zoning Appeals Variance Hearings for the 2025 Calendar Year (attached and made a part of these minutes).

The Board of Zoning Appeals Variance Hearings for the 2025 calendar year shall be held in the Public Meeting Room on the second floor of the David Hankerson Building, 100 Cherokee Street, Marietta, on the 2nd Wednesday of each month at 1:30 p.m., *with the exception of the months of January and October*, when the hearings will be held on the 3rd Wednesday of the month. The Board of Zoning Appeals Variance Hearing dates are as follows:

January 15 (3 rd Wed.)	May 14	September 10
February 12	June 11	October 15 (3 rd Wed.)
March 12	July 9	November 12
April 9	August 13	December 10

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OTHER BUSINESS (CONT.)

OB-1 (CONT.)

MOTION: Motion by Willis, second by Summerour, to **adopt** a resolution which establishes the dates, time, and place of the Board of Zoning Appeals Variance Hearings for the 2025 Calendar Year.

VOTE: **ADOPTED 5-0**

APPROVAL OF MINUTES

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

November 13, 2024 – Board of Zoning Appeals Variance Hearing

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

VOTE: **ADOPTED 5-0**

ADJOURNMENT

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

VOTE: **ADOPTED 5-0**

The hearing adjourned at 2:32 p.m.


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

**COBB COUNTY BOARD OF ZONING APPEALS
RESOLUTION FOR ESTABLISHMENT OF
DATES, TIME, AND PLACE OF
VARIANCE HEARINGS FOR 2025**

BE IT RESOLVED, the Cobb County Board of Zoning Appeals, in accordance with guidelines set forth in the Cobb County Zoning Ordinance, does hereby designate the following dates, time, and place of its Variance Hearings for the calendar year 2025:

2nd Wednesday of each month at 1:30 p.m., with the exception of the months of January and October when the hearing will be held on the 3rd Wednesday of the month.

BE IT FURTHER RESOLVED, the meeting place for the Variance Hearings shall be the Public Meeting Room on the second floor of the David Hankerson Building, 100 Cherokee Street, Marietta, Georgia.

BE IT FURTHER RESOLVED, the County Clerk, or her designee, is hereby directed to publish this Resolution in the newspaper in which the Sheriff's advertisements are published, once a week for two (2) weeks during the thirty (30) day period immediately following its passage and is further directed to post and maintain a copy of this Resolution on the County's official bulletin board located on the second floor of the David Hankerson Building, 100 Cherokee Street, Marietta, Georgia.

So adopted this 11th day of December 2024.

Leila Washington
Deputy County Clerk
Cobb County Board of Zoning Appeals

VARIANCE HEARING DATES FOR 2025

January 15 (3 rd Wed.)	May 14	September 10
February 12	June 11	October 15 (3 rd Wed.)
March 12	July 9	November 12
April 9	August 13	December 10