

**MINUTES OF VARIANCE HEARING
COBB COUNTY BOARD OF ZONING APPEALS
FEBRUARY 12, 2025
1:30 P.M.**

The Board of Zoning Appeals Variance Hearing was held on Wednesday, February 12, 2025, 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 Massey, Vice Chairwoman
Fred Beloin
Kim Swanson

Alice Summerour, not present

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 continued and then read in the Consent Agenda.

CONTINUED CASES

V-28 **VICKIE BEAHAM** (Vickie Lynn Beaham, owner) requesting a variance to increase the maximum allowable impervious coverage from 35% to 52% in land lot 666 of the 16th district. Property is located on the south side of Newton Road, west of Sandy Plains Road (1702 Newton Road).

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

MOTION: Motion by Massey, second by Swanson, to **continue** V-28 until the March 12, 2025, Board of Zoning Appeals Variance Hearing.

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

V-15 **HEATH LAWSON** (Heath Lawson, owners) requesting a variance to 1) reduce the setbacks for an accessory structure over 650 square feet (existing approximately 800 square-foot carport) from the required 100 feet to zero feet adjacent to the west and south property lines; 2) allow an accessory structure to be located to the side of the principal building (existing approximately 800 square-foot carport); 3) reduce the rear setback for an accessory structure (existing approximately 288 square-foot shed) from the required 35 feet to 13 feet; and 4) allow for parking and/or maneuvering on a non-hardened and treated surface (existing gravel drive and grass) in land lot 3 of the 20th district. Property is located on the south side of McCoy Road, east of Will Ben Street (5695 McCoy Road).

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CONTINUED CASES (CONT.)

V-15 HEATH LAWSON (CONT.)

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

MOTION: Motion by Beloin, second by Swanson, to **continue** V-15 until the March 12, 2025, Board of Zoning Appeals Variance Hearing.

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

CONSENT AGENDA

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

V-150²⁴ **KOFFI NOGBE** (Koffi D. Nogbe, owner) requesting a variance to 1) to 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). *(Continued by the BZA from the December 11, 2024, BZA hearing until the January 15, 2025, BZA hearing; Held by the BZA from the January 15, 2025, BZA hearing until the February 12, 2025, BZA hearing).*

To **approve** V-150²⁴, subject to:

1. Erosion Control to approve the final buffer averaging plan

V-16 **BONNIE KOLESAR** (Bonnie Kolesar, owner) requesting a variance to 1) allow an accessory structure (existing approximately 7,392 square-foot volleyball court) to be located in the front and to the side of the principal structure; 2) allow for an accessory structure (existing approximately 288 square-foot gazebo) to be located in the front and to the side of the principal structure; 3) reduce the setbacks for an accessory structure over 1,000 square feet (existing approximately 7,392 square-foot volleyball court) from the required 100 feet to five feet adjacent to the south property line, 28 feet adjacent to the east property line, 37 feet adjacent to the west property line and 65 feet adjacent to the north property line; 4) reduce the setback for an accessory structure (existing approximately 288 square-foot gazebo) from the required 35 feet to 18 feet adjacent to the west property line; 5) allow pool equipment to be located to the side of the principal structure (existing); and 6) reduce the setback for pool equipment from the required five feet to zero feet adjacent to the east property line (existing) in land lot 75 of the 1st district. Property is located at the eastern terminus of Maple Brook, north of Dogwood Trail (4724 Maple Brook).

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CONSENT AGENDA (CONT.)

V-16 BONNIE KOLESAR (CONT.)

To **approve** V-16, subject to:

1. Stormwater Management Division comments and recommendations

V-18 DAVID GREGORY PETERSON (David Gregory Peterson and Linda Marie Peterson, owners) requesting a variance to 1) allow an accessory structure (proposed 2,184 square-foot, two story garage) to be located in the front and to the side of the principal structure; and 2) allow an inground pool to be located to the side of the principal structure (existing) in land lot 230 of the 20th district. Property is located on the west side of Red Rock Road, north of Fords Road (1275 Red Rock Road).

To **approve** V-18, subject to:

- 1. No commercial use or residential dwelling use of the accessory structure**
- 2. Accessory structure to be substantially similar to the elevation in the Variance Analysis (attached and made a part of these minutes)**

V-19 NICHOLAS SMYTHE AND JORDAN R. SMYTHE (Nicholas Smythe and Jordan Smythe, owners) requesting a variance to 1) allow an inground pool and equipment to be located to the side of the principal building; 2) increase the maximum allowable impervious coverage from the required 35% to 38.35%; and 3) reduce the rear setback from the required 30 feet to 19 feet (existing) in land lot 23 of the 16th district. Property is located at the northern terminus of Canopy Drive, north of Canopy Lane (5041 Canopy Drive).

To **approve** V-19, subject to:

1. Stormwater Management Division comments and recommendations

V-20 OLEKSANDR YEFREMOV (Oleksandra Yefremova and Oleksandr Yefremov, owners) requesting a variance to 1) reduce the front setback from the required 40 feet to 37 feet (existing); 2) reduce the setbacks for an accessory structure over 1,000 square feet (an existing approximately 1,876 square-foot shed) from the required 100 feet to three feet adjacent to the north property line, three feet adjacent to the east property line, and 20 feet adjacent to the west property line; and 3) allow for parking and/or maneuvering on a non-hardened and treated surface (gravel/grass for shed access) in land lot 458 of the 16th district. Property is located on the north side of Davis Road, west of Ellsmere Trace (2905 Davis Road).

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CONSENT AGENDA (CONT.)

V-20 OLEKSANDR YEFREMOV (CONT.)

To **approve** V-20, subject to:

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

V-21 DON HAGEMEISTER (Sandra Marlena Williams and Tara Huffman, owners) requesting a variance to reduce the rear setback from the required 35 feet to 17 feet in land lot 605 of the 16th district. Property is located at the northern terminus of Harvest Way, north of Rocky Springs Drive (3337 Harvest Way).

To **approve** V-21.

V-22 ASHLEY DOVER (Erica Weddington and Jason Weddington, owners) requesting a variance to allow pool equipment to be located on the side of the principal building in land lot 816 of the 16th district. Property is located on the east side of Tabor Drive, east of Holly Springs Road (1704 Tabor Drive).

To **approve** V-22.

V-23 MARKHAM PEYKOFF (Kimberly L. Peykoff and Markham J. Peykoff, owners) requesting a variance to reduce the rear setback from the required 35 feet to 22 feet in land lot 131 of the 20th district. Property is located on the south side of Wimbledon Drive, west of Wimbledon Court (1495 Wimbledon Drive).

To **approve** V-23.

V-24 PERRIN PROPERTIES, INC. (Perrin Properties, Inc., owner) requesting a variance to increase the maximum impervious coverage from the required 80% to 82.53% (existing) in land lot 172 of the 20th district. Property is located on the northwest corner of Auto Park Drive and Barrett Lakes Boulevard, north of Ernest Barrett Parkway (2111 Barrett Lakes Boulevard).

To **approve** V-24, subject to:

1. Stormwater Management Division comments and recommendations

V-26 TERESA AND ANDRE MINTZ (Andre Lee Mintz and Teresa Hnatowicz Mintz, owners) requesting a variance to 1) reduce the rear setback from the required 40 feet to 32 feet; 2) allow an accessory structure (an existing one story, approximately 345 square-foot garage) to be located in front and to the side of the principal building; 3) allow an accessory structure (an existing approximately 40 square-foot dog house) to be located in front and to the side of the principal building; and 4) reduce the rear setback for an accessory structure (an existing approximately 315

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CONSENT AGENDA (CONT.)

V-26 TERESA AND ANDRE MINTZ (CONT.)

square-foot concrete covered patio) from the required 40 feet to 19 feet in land lot 336 of the 20th district. Property is located on the north side of Midway Road, west of Wylstream Place (286 Midway Road).

To **approve** V-26, subject to:

- 1. No commercial use or residential dwelling use of the accessory structures**
- 2. Plat to be recorded with this variance noted on it**
- 3. Applicant to maintain the existing tree buffers on the east and north property lines; if disturbed during construction the trees must be replaced**

V-27 WORLD FINANCE (Centro NP East Lake Pavilions LLC, owners) requesting a variance to increase the wall sign area maximum allowed from 37 square feet to 82 square feet in land lots 1029 and 1060 of the 16th district. Property is located on the east side of Roswell Road and on the south side of Robinson Road (2100 Roswell Road).

To **approve** V-27.

V-29 ROBERT AND TAMARA ZUBIC (Robert Anto Zubic and Tamara Zubic, owners) requesting a variance to reduce the side setback from the required 12 feet to six feet adjacent to the south property line in land lot 340 of the 20th district. Property is located at the northern terminus of Catesby Road, east of Nuttail Lane (110 Catesby Road).

To **approve** V-29, subject to:

- 1. No commercial use of the building addition**

At the call for petition V-30 (Mission Builders LLC), opposition was present; therefore, V-30 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 4-0, Summerour not present

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REGULAR AGENDA

V-130^{'24} **JENNIFER AND TREY CAMBERN** (Jennifer Cambern, owner) requesting a variance to 1) increase the maximum impervious coverage allowed from 35% to 40%; 2) reduce the rear setback from the required 40 feet to 14 feet (existing); and 3) reduce the front setback from the required 45 feet to 19 feet (existing) 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). *(Held by the BZA from the October 9, 2024, and November 13, 2024, BZA hearings until the December 11, 2024, BZA hearing; Continued by Staff from the December 11, 2024, and January 15, 2025, BZA hearings until the February 12, 2025, BZA hearing).*

The public hearing was opened; Adam Rozen, Richard Enzinger, Richard Grome, and James Beveridge addressed the Board. Following presentation and discussion, the following motion was made:

MOTION: Motion by Swanson, second by Massey, to **approve** V-130^{'24}, subject to:

- 1. Site Plan submitted on February 10, 2025 (attached and made a part of these minutes) with the following change:**
 - A. Strike: “rear deck repaired”, and replace with: “rear deck replaced”**
- 2. Applicant to meet with Stormwater Management to mitigate the impervious coverage to 35%**
- 3. Existing deck (east of the house) to remain uncovered**
- 4. The rear deck will remain uncovered and no lattice to be installed on either side**
- 5. There will be no additional buildings or structures constructed in the area shown on the left side of the site plan behind the proposed additional building footprint and to the proposed partial 25-foot rear BSL (building setback line)**
- 6. Extension of the seawall to be built prior to any grading or construction on the site; once permitted and the seawall is complete, it is to be inspected by the Cobb County Development and Inspections Division before any additional building permits are obtained**

VOTE: ADOPTED 4-0, Summerour not present

V-17 **SANDY BRASWELL** (Sandy Braswell, owner) requesting a variance to allow for parking and or/maneuvering on a non-hardened and treated surface (gravel access for an approximately 962 square-foot canopy and steel building) 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).

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REGULAR AGENDA (CONT.)

V-17 SANDY BRASWELL (CONT.)

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

MOTION: Motion by Massey, second by Beloin, to **hold** V-17 until the March 12, 2025, Board of Zoning Appeals Variance Hearing.

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

V-25 ISSAK HAYUT (Issak Hayut, owner) requesting a variance to increase the maximum impervious coverage from the required 35% to 39.1% in land lot 166 of the 1st district. Property is located on the east side of Bliss Lane, north of Roswell Road (2180 Bliss Lane).

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

MOTION: Motion by Swanson, second by Massey, to **hold** V-25 until the March 12, 2025, Board of Zoning Appeals Variance Hearing.

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

V-30 MISSION BUILDERS LLC (K. Brown and Associates LLC, owner) requesting a variance to reduce the rear setback from the required 35 feet to 10 feet in land lot 109 of the 17th district. Property is located on the east side of Leland Court, north of Camilla Circle (5554 Leland Court).

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

MOTION: Motion by Massey, second by Swanson, to **approve** V-30, subject to:

1. Staff comments and recommendations

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

APPROVAL OF MINUTES

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

January 15, 2025 – Board of Zoning Appeals Variance Hearing

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

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APPROVAL OF MINUTES (CONT.)

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

February 3, 2025 – Special Called Meeting/Agenda Review Work Session

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

ADJOURNMENT

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

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

The hearing adjourned at 2:36 p.m.



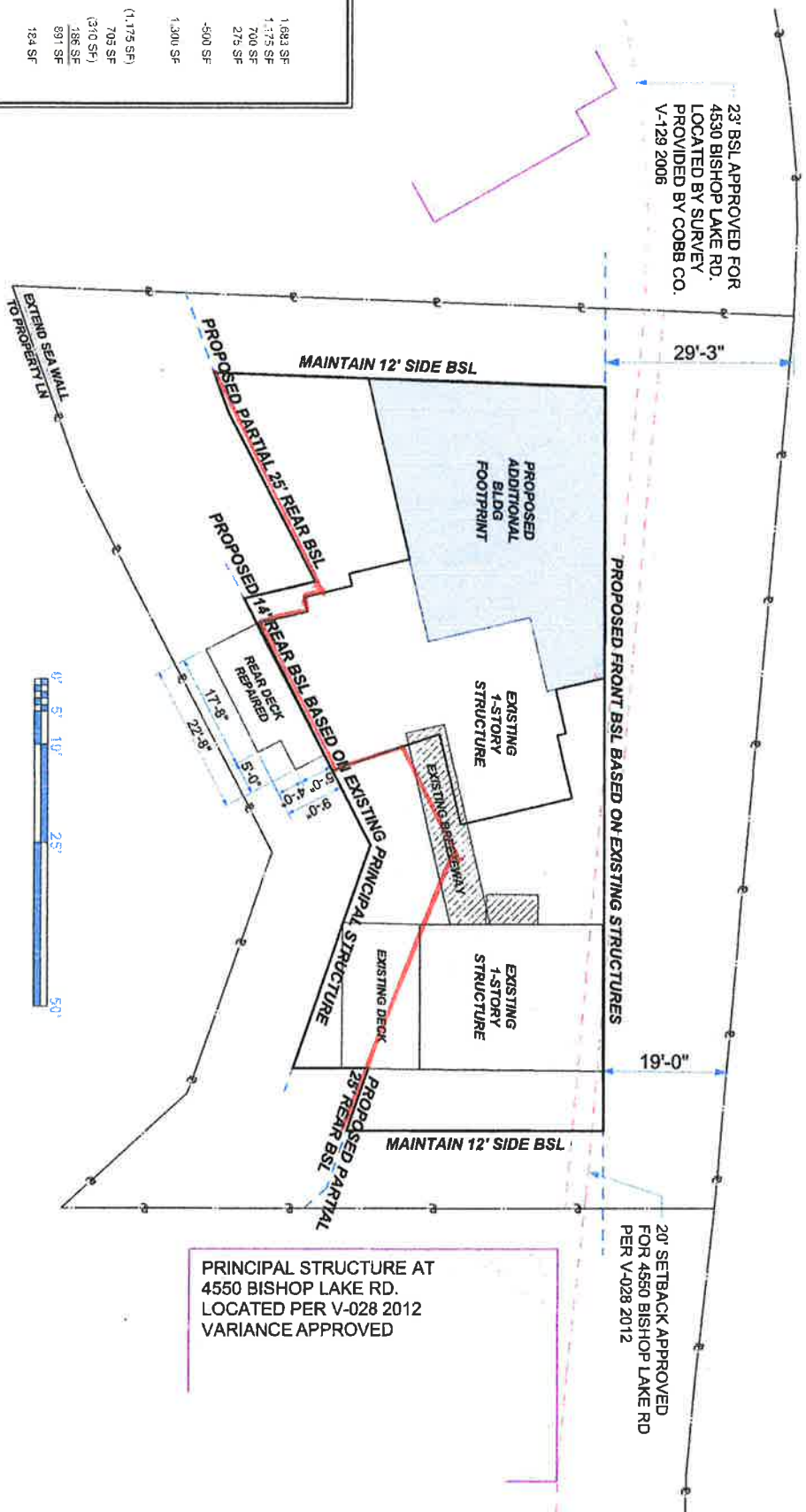
Leila Washington, Deputy County Clerk
Cobb County Board of Zoning Appeals

Min. Bk. 24 Petition No. V-130²⁴
 Doc. Type Site plan
 Meeting Date 2-12-2025

AREA CALCULATIONS	
EXISTING	
BLDG FOOTPRINT	1,683 SF
DRIVEWAY	1,175 SF
MISC. HARDSCAPE, RET. WALL	700 SF
EXISTING WOOD DECK	275 SF
EXISTING HARDSCAPE REMOVED	-500 SF
PROPOSED ADD. BLDG FOOTPRINT	1,300 SF
PROPOSED DRIVEWAY	(1,175 SF)
REPLACE EXISTING SURFACE (40% PERMEABLE PAVERS)	705 SF
ADD. DRIVEWAY SURFACE (40% PERMEABLE PAVERS)	(310 SF)
PROPOSED DECK	386 SF
(to replace original, demolished)	891 SF
RESULTANT BLDG FOOTPRINT	124 SF
RESULTANT IMPERVIOUS BUILDING FOOTPRINT	2,983 SF
MISC. HARDSCAPE DRIVEWAY	2,983 SF
DECK (100% IMPERVIOUS)	200 SF
DECK (100% IMPERVIOUS)	1,425 SF
TOTAL PAVEMENT + ROOF AREAS	891 SF
TOTAL EFFECTIVE IMPERVIOUS	459 SF
TOTAL LOT AREA	5,127 SF
% COVERAGE	4.533 SF
TOTAL PAVEMENT + ROOF AREAS	12,774 SF
TOTAL EFFECTIVE IMPERVIOUS	40%
(TOTAL ALLOWABLE)	(40%)
(TOTAL ALLOWABLE)	36%
(TOTAL ALLOWABLE)	(35%)

LEGEND

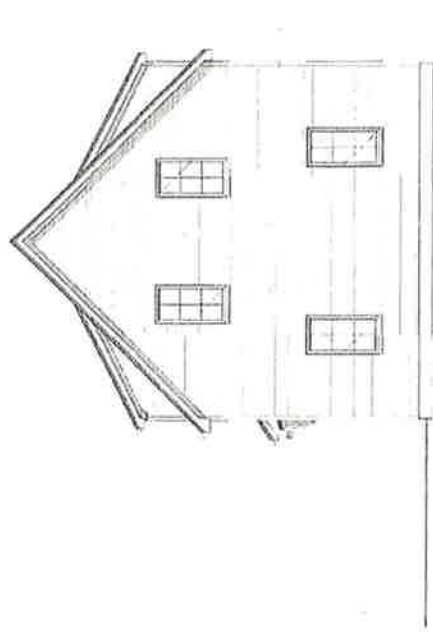
- PROPOSED BUILDABLE AREA
- EXISTING RETAINING WALL
- EXISTING TERRAIN
- EXISTING HARDSCAPE
- HARDSCAPE TO BE REMOVED
- DECK
- EXISTING HOUSE
- EXISTING BREEZEWAY
- PROPOSED HOUSE ADDITION
- 40% PERMEABLE DRIVEWAY



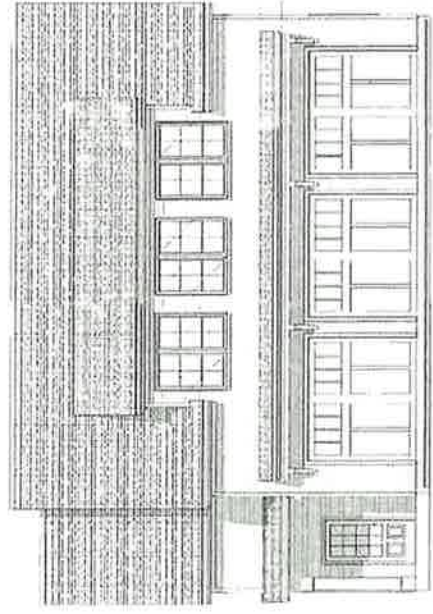
4540 Bishop Lake Rd
 Marietta, GA

Review Set
Not For Construction

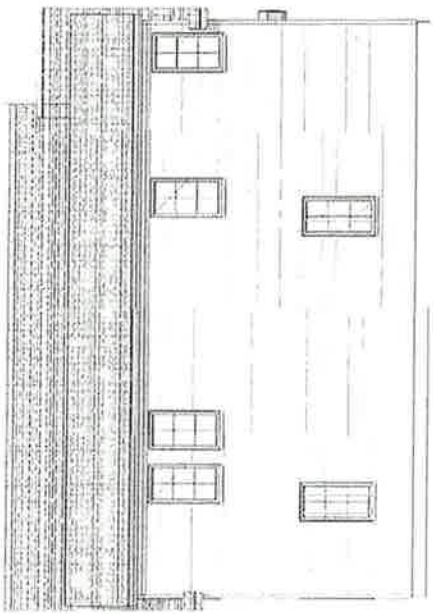
Min. Bk. 24 Petition No. V-18
 Doc. Type elevations
 Meeting Date 2-22-2025



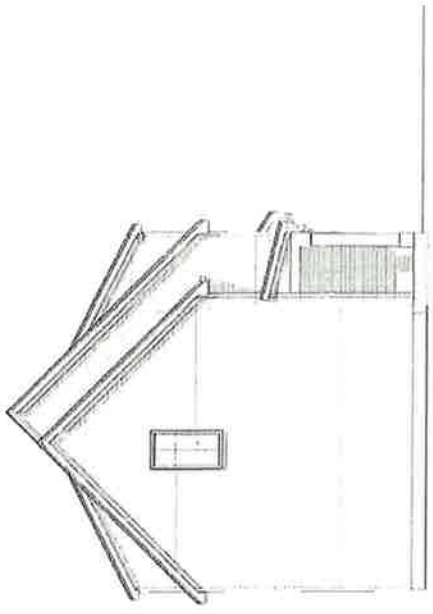
E3 Right Elevation



E2 Front Elevation



E4 Rear Elevation



E5 Left Elevation

Approved