

**MINUTES OF ZONING HEARING
COBB COUNTY BOARD OF COMMISSIONERS
APRIL 15, 2025
9:00 A.M.**

The Board of Commissioners' Zoning Hearing was held on Tuesday, April 15, 2025, 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:

Lisa Cupid, Chairwoman
Commissioner JoAnn Birrell
Commissioner Keli Gambrill
Commissioner Monique Sheffield arrived at 9:11 a.m.

CALL TO ORDER – CHAIRWOMAN CUPID

Chairwoman Cupid called the hearing to order at 9:03 a.m.

Mr. John Pederson, Zoning Division Manager, reviewed the hearing procedures and announced the following cases which were *withdrawn, held, or continued*.

WITHDRAWN, HELD, AND CONTINUED CASES

O.B. 15 Issan Chetty requesting consideration for a lot size reduction from 5-acres to 1.98 acres for a church and other variances as shown on the site plan. Property is located on the west side of Hiram Lithia Springs Road, south of Garrett Road in land lots 1316 and 1317 of the 19th district. (5560 Hiram Lithia Springs Road). ***WITHDRAWN WITHOUT PREJUDICE***

Z-2'²⁴ **FLOURNOY DEVELOPMENT GROUP, LLC** (Cobb County, owner) requesting rezoning from **GC** to **RRC** for a multifamily residential building in land lots 763 and 764 of the 17th district. Property is located on the west side of Atlanta Road and on the east side of I-285, south of the intersection of I-285 and Atlanta Road (4600 Atlanta Road). (***Previously continued by Staff from the February 6, 2024, through the February 4, 2025, Planning Commission (PC) hearings until the May 6, 2025, PC hearing; therefore, was not considered at this hearing.***)

Z-68'²⁴ **SAKSS AUSTELL, LLC** (Robert Alan Plott and Donna Dickson Plott and Yonas Bayou, owners) requesting rezoning from **R-20** to **NRC** for a convenience store with fuel sales, retail, and drive through restaurant in land lot 84 of the 17th district. Property is located on the west side of Austell Road, north of Chamberlain Circle (2096 and 2106 Austell Road). (***Previously continued by Staff from the December 3, 2024, and February 4, 2025, Planning Commission (PC) hearings until the March 4, 2025, PC hearing; held by the PC from the March 4, 2025, PC hearing, until the May 6, 2025, PC hearing; therefore, was not considered at this hearing.***)

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WITHDRAWN, HELD, AND CONTINUED CASES (CONT.)

- Z-7** **FORT & COLE STREET, LLC** (Estate of Betty J. King (a/k/a Betty Hayes King) and Jerry Wayne Hayes, owners) requesting rezoning from **R-15** to **FST** for townhomes in land lot 639 of the 19th district. Property is located on the northwest corner of Powder Springs Road and Wood Meadows Drive (2318 Powder Springs Road). *(Held by the Planning Commission (PC) from the April 1, 2025, PC hearing until the May 6, 2025, PC hearing; therefore, was not considered at this hearing).*
- LUP-8** **ANGELA BENITEZ** (Hector A. Benitez and Angela Marina B. Escamilla, owners) requesting a **Temporary Land Use Permit** to allow more vehicles and adults than the code allows in land lot 478 of the 19th district. Property is located on the west side of Chamirey Drive, southwest of Callaway Road (1478 Chamirey Drive). *(Previously held by the Planning Commission (PC) from the March 4, 2025, PC hearing until the May 6, 2025, PC hearing; therefore, was not considered at this hearing).*
- LUP-9** **JOSE A. ESCARENA** (Jose A. Escarena, owner) requesting a **Temporary Land Use Permit** to allow occupancy of an accessory structure in land lot 773 of the 19th district. Property is located on the south side of King Arthur Drive, west of Castle Way (3404 King Arthur Drive). *(Continued by the Planning Commission (PC) from the April 1, 2025, PC hearing until the May 6, 2025, PC hearing; therefore, was not considered at this hearing).*
- LUP-11** **RICHARD GONZALEZ** (Otoniel Gonzalez, owner) requesting a **Temporary Land Use Permit (Renewal)** to allow more vehicles than the code allows in land lot 795 of the 19th district. Property is located on the north side of Hopkins Court, east of Hopkins Road (3450 Hopkins Court). *(Continued by the Planning Commission (PC) from the April 1, 2025, PC hearing until the May 6, 2025, PC hearing; therefore, was not considered at this hearing).*
- LUP-12** **JONATHAN MARTIN** (Juan Castaneda, owner) requesting a **Temporary Land Use Permit** to allow more vehicles than the code allows in land lot 307 of the 17th district. Property is located on the southeast corner of Norton Circle and Orrin Drive (340 Norton Circle). *(Continued by the Planning Commission (PC) from the April 1, 2025, PC hearing until the May 6, 2025, PC hearing; therefore, was not considered at this hearing).*
- SLUP-2** **FREE BIRD COMMUNICATIONS, LLC** (Dixie L. Stretch and Donald G. Stretch, owners) requesting a **Special Land Use Permit** for a 185-foot communications tower in land lot 160 of the 20th district. Property is located on the northeast corner of Acworth Due West Road and Jim Owens Road (2516 Acworth Due West Road). *(Previously continued by Staff from the February 4, 2025, through the April 1, 2025, Planning Commission (PC) hearings until the May 6, 2025, PC hearing; therefore, was not considered at this hearing).*

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WITHDRAWN, HELD, AND CONTINUED CASES (CONT.)

O.B. 20 To consider amending the stipulations for Karan Singh regarding rezoning application Z-41 of 2022. Property is located at the southwest corner of Shallowford Road and Trickum Road in land lot 339 of the 16th district (3705 Trickum Road). *(Continued by Staff until the May 20, 2025, Board of Commissioners' (BOC) Zoning Hearing; therefore, was not considered at this hearing).*

O.B. 14 To consider installing a gate and making Allatoona Heights subdivision a private road for David Pearson Communities, Inc. Property is located at the western end of Collins Road in land lots 190 and 191 of the 20th district (Collins Road). *(Continued by Staff from the March 18, 2025, Board of Commissioners' (BOC) Zoning hearing until the April 15, 2025, BOC Zoning hearing).*

Mr. Pederson presented the Applicant's request for a continuance of O.B. 14; thereafter, the following motion was made:

MOTION: Motion by Gambrill, second by Birrell, to **continue** O.B. 14 to the May 20, 2025, Board of Commissioners' Zoning Hearing.

VOTE: **ADOPTED** 3-0, Sheffield not present

Mr. Pederson made the following announcement and read in the cases for the Consent Agenda.

INFORMATION REGARDING ZONING CASES

All information regarding zoning cases must be turned in to the Zoning Office on the Wednesday prior to the zoning hearing for consideration. If said information is turned in past the deadline, then it is at the Board's discretion as to whether the information will be considered.

CONSENT AGENDA

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

Z-6 **MASHONA COUNCIL** (Mashona Council, owner) requesting rezoning from **GC** to **R-12** for a single-family residence in land lot 1207 of the 16th district. Property is located on the east side of Dogwood Drive, east of Nekoma Street (107 Dogwood Drive).

To **approve** Z-6 to the **R-12** zoning district, subject to:

- 1. Lot size reduction variance as stated in the Zoning comments and recommendations**
- 2. Department of Transportation comments and recommendations**

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CONSENT AGENDA (CONT.)

Z-8 **WILLIAMSON PROPERTIES, LLC** (Williamson Properties, LLC, owner) requesting rezoning from **NRC** to **NRC** for a real estate office with storage in land lot 85 of the 16th district. Property is located on the northwest corner of Canton Road and Ecton Drive (4700 Ecton Drive).

To **approve** Z-8 to the **NRC** zoning district, subject to:

- 1. Site Plan received by the Zoning Division dated February 6, 2025 (attached and made a part of these minutes)**
- 2. Email correspondence from Amy Diaz dated April 1, 2025 (attached and made a part of these minutes)**
- 3. Maximum of 70% impervious surface**
- 4. Variances as stated in the Zoning comments and recommendations**
- 5. Refuse and designated recycling collection location facilities must be contained within completely enclosed facilities**
- 6. No outdoor storage of vehicle parts**
- 7. No outdoor display of merchandise**
- 8. Parking lot to be striped and all vehicles to be parked in striped parking spaces**
- 9. Fire Department comments and recommendations**
- 10. Stormwater Management Division comments and recommendations**
- 11. Planning Division comments and recommendations**
- 12. Water and Sewer Division comments and recommendations**
- 13. Department of Transportation comments and recommendations**

LUP-10 **JOSE R. MEDINA** (Jose R. Medina and Eleuteria Diaz, owners) requesting a **Temporary Land Use Permit** to allow more vehicles than the code allows in land lot 773 of the 19th district. Property is located on the west side of Sir Galahad Drive, east of Corbin Place (1524 Sir Galahad Drive).

To **approve** LUP-10 for **24 months**, subject to:

- 1. Allow four adults**
- 2. Allow four cars to be parked outside on the driveway, and one additional car to be parked in the garage**

LUP-13 **SANDY CLOUGH** (Sandra L. Clough and Richard C. Clough, owners) requesting a **Temporary Land Use Permit (Renewal)** to allow an artist's studio and the storage of art prints in land lot 336 of the 20th district. Property is located on the west side of Trail Road, north of the intersection of Trail Road and Midway Road (25 Trail Road).

To **approve** LUP-13 for **24 months**, subject to:

- 1. No signs**
- 2. No on-street parking**

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CONSENT AGENDA (CONT.)

LUP-13 SANDY CLOUGH (CONT.)

- 3. No outdoor storage**
- 4. Two seasonal employees *only***

LUP-14 NORDIA WRIGHT-AGNANT (Thankful Baptist-Kennesaw, Inc., owners) requesting a **Temporary Land Use Permit** for a church and social adult club for seniors in land lot 256 of the 20th district. Property is located on the southeast side of Kennesaw Due West Road, south of Frank Kirk Road (928 Kennesaw Due West Road).

To **approve** LUP-14 for **24 months**.

OTHER BUSINESS

O.B. 16 Terrence Ralph requesting consideration for a road frontage reduction from 75-feet to 0-feet for a single-family house on Tract 8B, and other variances as shown on the site plan. Property is located on the south side of North River Forest Court, south of North River Forest Drive in land lot 281 of the 1st district (707 North River Forest Court).

At the call for O.B. 16, due to opposition being present and a petition in opposition recently received, Commissioner Birrell requested the case be continued to May so the Applicant and opposition could meet and have discussions; thereafter, the following motion was made:

Motion: Motion by Birrell, second by Sheffield, to **continue** O.B. 16 to the May 20, 2025, Board of Commissioners' Zoning Hearing.

VOTE: **ADOPTED 4-0**

O.B. 17 To consider amending the site plan and stipulations for Sergio Condori regarding rezoning application Z-182 of 2005. Property is located on the west side of Mars Hill Road, south of Hadaway Road in land lot 270 of the 20th district (755 Mars Hill Road).

To **approve** O.B. 17, subject to:

- 1. *Only* one house permitted on this 1.49 acre tract**
- 2. Cobb DOT comments and recommendations contained in the Other Business packet**
- 3. Stormwater Management Division comments and recommendations contained in the Other Business packet**
- 4. Fire Department comments and recommendations contained in the Other Business packet**

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CONSENT AGENDA (CONT.)

OTHER BUSINESS (CONT.)

O.B. 18 To consider amending the stipulations for Dillon Investments, LLC regarding rezoning application Z-15 of 2024. Property is located at the northwest corner of Macland Road and Villa Rica Road in land lot 428 of the 19th district (2080 Villa Rica Road).

To **approve** O.B. 18, subject to:

- 1. The lot split stipulation is extended to July 15, 2025**
- 2. All previous stipulations and conditions, *not otherwise in conflict with this amendment*, to remain in effect**

O.B. 19 To consider amending the stipulations for Thomas B. Marsh, Jr. regarding rezoning application Z-15 of 2021. Property is located on the north side of Woodstock Road, east of York Place in land lot 109 of the 16th district (4618 Woodstock Road).

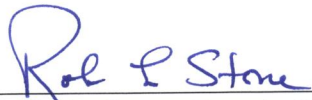
To **approve** O.B. 19, subject to:

- 1. No outdoor storage**
- 2. No roofing trailers onsite**
- 3. Fire Department comments and recommendations contained in the Other Business packet**
- 4. Use approved to be an administrative office for a roofing business only**
- 5. All previous stipulations and conditions, *not in conflict with this amendment*, to remain in effect**

CONSENT VOTE: **ADOPTED 4-0**

ADJOURNMENT

The hearing adjourned at 9:18 a.m.



Robin L. Stone, Deputy County Clerk
Cobb County Board of Commissioners

Rezoning Plat

4700 Ecton Drive

Cobb County, Georgia Land Lot 85, 16th District, 2nd Section

prepared for:

Williamson Properties, LLC
 2440 Canton Road
 Marietta, Georgia 30066

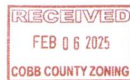
DGM

LAND PLANNING
 CONSULTANTS, INC.



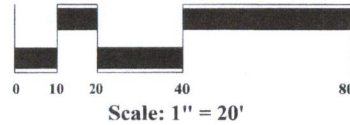
1635 Old Hwy 41
 SUITE 112-314
 KENNESAW, GA 30152

770-514-9006
 DGMLPC.COM



General Notes:

- Boundary taken from David Shirley survey, dated 2017-5-9
- Topographic information from Cobb County GIS.
- According to Flood Insurance Rate Map (FIRM) #13067C0034 G, December 16, 2008, no portion of this site contains floodplain.
- No cemeteries are known to exist on site.
- No streams and/or wetlands are known to exist on site.
- No archeological or architectural landmarks are known to exist on site.
- No utility easements are known to exist on site.
- Stormwater management and water quality structures are conceptual in size and will be revised based on hydrologic study.



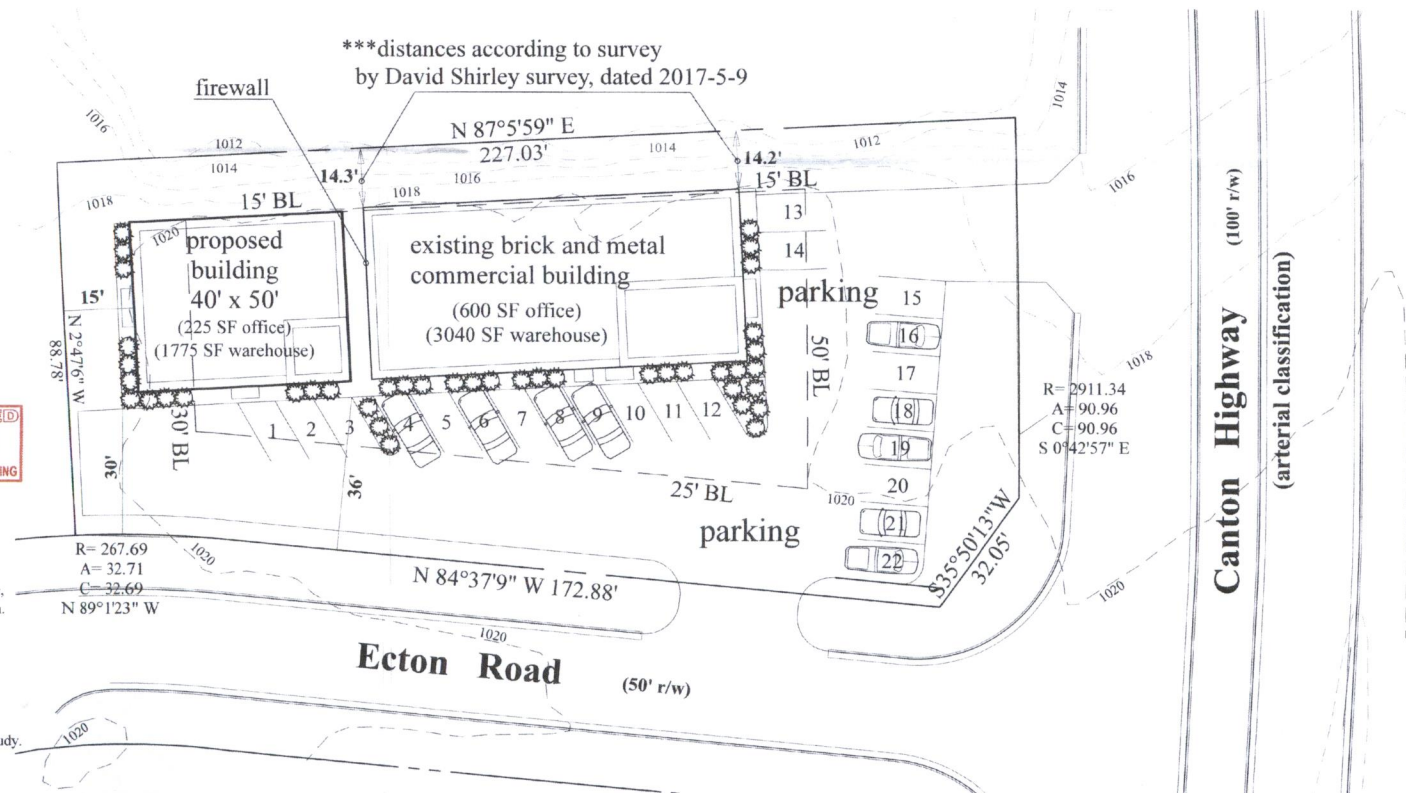
February 4, 2025

Site Data

Total Site Area:
 Present Zoning:
 Proposed Zoning:
 Total Parking Required:

Total Office Space Shown:
 Total Warehouse Area Shown:
 NRC Building Setbacks:
 Impervious Surface Breakdown:
 Buildings: 5,640 SF
 Asphalt Parking: 10,700 SF
 Total: 16,340 SF
 (71.4% of total site)

.524 AC (22,862 SF)
 NRC with stipulations
 NRC with stipulations
 Office: 1 space per 285 SF = 2.9 spaces
 Warehouse: 1 space per 2,000 SF = 2.4 spaces
 825 SF 10 spaces provided
 4,815 SF 12 spaces provided
 front: 50' (arterial)
 minor side: 15'
 major side: 25'
 rear: 30'
 (** variance to 15' requested)



Stone, Robin

From: Stone, Robin
Sent: Tuesday, April 15, 2025 11:38 AM
To: Stone, Robin
Subject: FW: Ecton Drive Z-8 Williamson Property
Attachments: df3ce56c-87e6-4c9a-96c2-bc1990de94d3.pdf; Z-8-2025_CCDOT.pdf

From: Diaz, Amy <Amy.Diaz@cobbcounty.org>
Sent: Tuesday, April 1, 2025 2:30 PM
To: Birrell, JoAnn <JoAnn.Birrell@cobbcounty.org>; Francis, Michael <Michael.Francis@cobbcounty.org>
Cc: Jorgensen, Kimberly <Kimberly.Jorgensen@cobbcounty.org>; Yee, Jonathan <Jonathan.Yee@cobbcounty.org>; Raessler, Andrew <Drew.Raessler@cobbcounty.org>
Subject: RE: Ecton Drive Z-8 Williamson Property

Commissioner Birrell,

It was good to see you this morning as well! I am still catching up, but I have reviewed this case and here is my understanding.

1. Our Recommendation 2 uses very typical wording for this situation which I've listed here in blue italics. I've also underlined the qualifier that should help this applicant out. *Upon redevelopment, where redevelopment is defined as any action requiring a Land Disturbance Permit that also changes the existing business operations of the development in terms of use, intensity and/or anticipated traffic, DOT recommends the following:*
 - a. We started adding that underlined qualifier so we could except exactly this kind of case—people that were making improvements to the site that were triggering a LDP but that were not adding additional trips. Usually this when the applicant is landscaping, building storage, resurfacing, or doing some combination of those three activities.
 - b. We want the improvements to trigger when the driveways change and/or more trips are generated but not for more minor/cosmetic improvements. If the anticipated parking lot resurfacing does not change the driveways (no added width, etc.) it should not trigger this stipulation.
2. I would also recommend a detail change for their site plan. Their new parking lot striping plan changes part of the lot from perpendicular parking to angled parking. Angled parking should really only be used when you have one-way aisle flow, or at a minimum have accesses at both ends of the parking block. It's difficult to back out and reverse direction from an angled space to exit the way they have it shown.

I'll be glad to discuss either point with the applicant or their engineers if needed.

Thanks,

Amy Diaz
Development Services Engineer

Cobb County DOT
770-528-1683

Petition No. Z-8
Meeting Date 4-15-2025
Continued

From: Birrell, JoAnn <JoAnn.Birrell@cobbcounty.org>
Sent: Tuesday, April 1, 2025 12:38 PM
To: Diaz, Amy <Amy.Diaz@cobbcounty.org>; Francis, Michael <Michael.Francis@cobbcounty.org>
Cc: Jorgensen, Kimberly <Kimberly.Jorgensen@cobbcounty.org>
Subject: FW: Ecton Drive Z-8 Williamson Property

Amy glad to see you are back please advise if DOT is agreeable to this request prior to BOC zoning in two weeks Thanks

From: Parks Huff <phuff@samlarkinbuff.com>
Sent: Tuesday, April 1, 2025 11:01 AM
To: Birrell, JoAnn <JoAnn.Birrell@cobbcounty.org>
Cc: Jorgensen, Kimberly <Kimberly.Jorgensen@cobbcounty.org>
Subject: Ecton Drive Z-8 Williamson Property

Commissioner

I would like to meet with you regarding the Williamson case that is on the BOC agenda in two weeks. The case was on the consent agenda today for approval. Mr. Williamson is good with all the conditions with the exception of a tweak to the DOT recommendation. The plan is to replace a small outbuilding and a tractor trailer used for storage with a small commercial building that is mainly storage. Even though it is a small change to the plan it will require a LDP permit which would trigger significant changes to the driveways. We would like to say that an LDP with a redevelopment that exceeds the current site plan would trigger the DOT requirements. I also want to make sure we answer any other questions you may have. Thanks for your time.

PARKS F. HUFF, ESQ.
SAMS, LARKIN & HUFF, LLP
376 Powder Springs Street, Suite 100
Marietta, Georgia 30064
770.422.7016 (office)/ 404.975.8859 (mobile)
phuff@samlarkinbuff.com



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Meeting Date 4-15-2025
Continued