

**MINUTES OF VARIANCE HEARING
COBB COUNTY BOARD OF ZONING APPEALS
APRIL 9, 2025
1:30 P.M.**

The Board of Zoning Appeals Variance Hearing was held on Wednesday, April 9, 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
Fred Beloin
Kim Swanson
Alice Summerour

Deidra Massey, Vice Chairwoman, not present

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 John Pederson, Zoning Division Manager, read in the following cases that were withdrawn or continued and then read in the Consent Agenda.

WITHDRAWN/CONTINUED CASES

V-47 **HAICHENG ZHANG** (Haicheng Zhang, owner) requesting a variance to 1) reduce the side setback from the required 25 feet to 8 feet adjacent to eastern property line; 2) reduce the setbacks for an accessory structure (existing approximately 240 square foot covered cabana) from the required 25 feet to 15 feet adjacent to western property line; 3) reduce the setbacks for an accessory structure (existing approximately 2,808 square foot sports court) from the required 100 feet to 75 feet adjacent to eastern property line and 22 feet adjacent to western property line in land lot 1260 of the 16th district. Property is located on the north side of Paper Mill Road, east of Woodlawn Drive (4405 Paper Mill Rd). ***WITHDRAWN WITHOUT PREJUDICE***

V-38 **JOHN ELLIS** (John T. Ellis, owner) requesting a variance to 1) allow an accessory structure shed 1 (existing approximately 200 square foot shed) to the side of the principal building; 2) reduce the setbacks for an accessory structure shed 2 (existing approximately 108 square foot shed) from the required five feet to one foot along the eastern property line; 3) reduce the setback for an accessory structure (existing approximately 169 square foot pergola) from the required 30 feet to 26 feet along the northern property line in land lot 534 of the 16th district. Property is located on the north side of Old Concord Road, south of Liberty Ridge Trail, north of Sudbury Court (3495 Liberty Ridge Trail).

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

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WITHDRAWN/CONTINUED CASES (CONT.)

V-38 JOHN ELLIS (CONT.)

MOTION: Motion by Summerour, second by Swanson, to **continue** V-38 until the May 14, 2025, Board of Zoning Appeals Variance Hearing.

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

CONSENT AGENDA

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

V-37 JOEL TERRY, DARLENE TERRY (Joel R. Terry, Darlene M. Terry, as trustees of the Terry Trust, owners) requesting a variance to 1) allow an accessory structure shed 1 (approximately 280 square foot detached shed) to the side of the principal building on proposed tract 1 in land lot 1175 of the 16th district. Property is located on the west side of Holt Road, west of Club Valley Drive (289 Holt Rd).

To **approve** V-37.

V-39 DENNIS K. THEUT (Dennis K. Theut, Kathleen A. Theut, owners) requesting a variance to 1) reduce the side setback from the required 10 feet to two feet adjacent to the northern property line; 2) reduce the setbacks for an accessory structure (approximately 276 square foot detached garage) from the required 10 feet to two feet adjacent to the northern property line and 35 feet to nine feet adjacent to the eastern property line in land lot 18 of the 19th district. Property is located on the east side of Nottingham Way, south of Cambridge Drive (363 Nottingham Way).

To **approve** V-39, subject to:

1. Stormwater Management Division comments and recommendations

V-41 DONALD T. CARLISLE (Donald T. Carlisle, owner) requesting a variance to 1) reduce the rear setback from the required 35 feet to five feet; 2) reduce the setbacks for an accessory structure (existing approximately 120 square foot detached shed) from the required five feet to two feet adjacent to southern property line in land lot 7 of the 16th district. Property is located on the south side of Charter Oaks Court, west of Shallow Ridge Road (4903 Charter Oaks Ct).

To **approve** V-41.

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CONSENT AGENDA (CONT.)

- V-42** **EDWARD WALKER, ERIN WALKER** (Edward Jerome Walker, Erin Michelle Walker, as Joint Tenants with the Rights of Survivorship, owners) requesting a variance to 1) reduce the rear setback from the required 30 feet to 23 feet in land lot 19 of the 16th district. Property is located on the northeast corner of Macaw Court and Falcon Wood Drive (1855 Falcon Wood Drive).

To **approve** V-42.

- V-43** **OUTBACK DECK INC.** (Francis William Lachance, Donna Packard Lachance, as Joint Tenants with Right of Survivorship and not as tenants in common, owners) requesting a variance to 1) reduce the rear setbacks from the required 27.6 feet (per V-109 of 1993) to 12 feet in land lot 66 of the 1st district. Property is located on the south side of Taylors Court, west of Little Willeo Road (4750 Taylors Ct).

To **approve** V-43.

- V-44** **MANISH PURI** (Manish Puri, owner) requesting a variance to 1) increase the maximum allowable impervious surface from 40% (per V-163 of 2015) to 63.2%; 2) allow an accessory structure (existing approximately 560 square foot pergola) to the side of the principal building; 3) reduce the setbacks for an accessory structure (existing approximately 560 square foot pergola) from the required 25 feet to four feet adjacent to southeastern property line in land lot 958 of the 16th district. Property is located on the northwest corner of Monte Drive and Sewell Mill Road (1151 Monte Drive).

To **approve** V-44, subject to:

- 1. Stormwater Management Division comments and recommendations**
- 2. Applicant to meet with the Stormwater Management Division within 60 days to have a mitigation plan approved and applicant to have that work inspected and verified it is complete within 120 days. If that work is not complete within 120 days, then this variance approval shall be revoked.**

- V-45** **BARBARA ANN HUGHIE WILLIAMS** (Barbara Ann Hughie Williams, owner) requesting a variance to 1) increase the maximum height of a fence located on the side of the principal building from the required six feet to eight feet; 2) reduce the setback for an accessory structure (existing approximately 56 square foot detached shed) from the required five feet to zero feet adjacent to eastern property line in land lot 1168 of the 16th district. Property is located on the north side of Varner Road, east of Sourwood Drive (1425 Varner Rd).

To **approve** V-45, subject to:

CONSENT AGENDA (CONT.)

V-45 BARBARA ANN HUGHIE WILLIAMS (CONT.)

- 1. Approved as shown on the exhibit received February 13, 2025, contained in the variance analysis (attached and made a part of these minutes)**

V-46 CARLOS RAMIREZ (Sandra Leigh Ramirez, as Trustee of the Sandra Leigh Ramirez Revocable Trust, owners) requesting a variance to 1) allow an accessory structure to be closer to the side street right-of-way line than the principal building; 2) reduce the setback for an accessory structure (approximately 605 square foot detached garage) from the required 45 feet to 44 feet adjacent to southern property line in land lots 1092 and 1093 of the 17th district. Property is located at the northwest corner of Atlanta Country Club Drive and Burning Tree Drive (720 Atlanta Country Club Dr).

To approve V-46, subject to:

- 1. Garage not to be used for dwelling or commercial uses**

V-48 MATTHEW WHITLEY, KELLIE WHITLEY (Matthew Whitley, Kellie Whitley, as Joint Tenants with Right of Survivorship, owners) requesting a variance to 1) reduce the side setback from the required 7.5 feet to five feet adjacent to northwest property line in land lot 102 of the 1st district. Property is located on the north side of Chartley Way and southeast of Chartley Lane, south of Chartley Circle (4612 Chartley Way).

To approve V-48.

V-50 THOMAS DEITZ (Karen Laurine Deitz, Thomas William Deitz, as Joint Tenants with Rights of Survivorship and not as Tenants in Common, owners) requesting a variance to reduce the rear setback from the required 20 feet to 16 feet in land lot 237 of the 20th district. Property is located on the east side of Weighhouse Place, south of Paul Samuel Road (1135 Weighhouse Pl).

To approve V-50.

V-51 KEVIN CRIDER (Vickie D. Crider, Kevin T. Crider, owners) requesting a variance to 1) reduce the side setback from the required 10 feet to five feet adjacent to northeastern property line; 2) reduce the setback for an accessory structure (existing approximately 280 square foot shed) from the required 35 feet to one foot adjacent to northwest property line in land lots 264 and 269 of the 20th district. Property is located on the west side of Brown Store Road, north of Carter Road (887 Brown Store Rd).

To approve V-51.

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CONSENT AGENDA (CONT.)

- V-52** **GLAZE EXPRESS CAR WASH, INC** (Glaze Express Car Wash, Inc, owner) requesting a variance to 1) increase the maximum height of a sign allowed from the required 19 feet to 19.6 feet; 2) increase the maximum allowable sign area per sign from the required 49 square feet to 78.2 square feet in land lot 55 of the 20th district. Property is located at the southwest corner of Wade Green Road and George Busbee Parkway (1480 George Busbee Pkwy).

To **approve** V-52, subject to:

- 1. Department of Transportation comments and recommendations**
- 2. Fire Department comments and recommendations**
- 3. Sewer Division comments and recommendations**
- 4. Zoning Manager to approve the final location of the sign**

- V-53** **CLAUDIA M. BRICE** (Claudia M. Brice, owners) requesting a variance to 1) increase the maximum allowable impervious surface from 35% to 42.6%; 2) reduce the front setback for a detached shed from the required 10 feet to six feet adjacent to the western property line; 3) reduce the setback for an accessory structure (existing approximately 432 square foot pavilion) from the required 10 feet to six feet adjacent to the western property line; 4) reduce the setbacks for an accessory structure (existing approximately 2208 square foot detached garage) from the required 100 feet to one foot adjacent to the eastern property line, three feet adjacent to the northern property line, and 78 feet adjacent to the eastern property line in land lot 705 of the 19th district. Property is located on the northwest corner of Amelia Drive and Lyle Lane (1150 Amelia Dr).

To **approve** V-53, subject to:

- 1. Detached garage not to be used for dwelling or commercial uses**
- 2. Stormwater Management Division comments and recommendations**

CONSENT VOTE: ADOPTED 4-0, Massey not present

REGULAR AGENDA

- 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). *(Continued by the BZA from the February 12, 2025, and March 12, 2025, BZA hearings until the April 9, 2025, BZA hearing).*

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

REGULAR AGENDA (CONT.)

V-28 VICKIE BEAHAM (CONT.)

MOTION: Motion by Summerour, second by Beloin, to **deny** V-28.

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

V-49 DON HAGEMEISTER (Frances Joanna Pettyjohn, Susan Edwards, and Derek Boyd, owners) requesting a variance to increase the maximum length of breezeway connecting an accessory structure to the principal building from the required 25 feet to 108 feet in land lot 465 of the 16th district. Property is located on the southeast side of Mar Lanta Drive and north of Manor House Drive (3256 Mar Lanta Dr).

The public hearing was opened; Don Hagemeister, Gary Rasmussen, and Barbara Rasmussen addressed the Board. Following presentation and discussion, the following motion was made:

MOTION: Motion by Summerour, second by Swanson, to **deny** V-49.

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

AMEND SOMETHING PREVIOUSLY ADOPTED

V-35 Section 17.02 of the Board of Zoning Appeals Hearing Procedures adopted January 11, 1994, and last revised December 15, 2021, allows the Board of Zoning Appeals to amend an action taken at a previous hearing. This item would be to amend the motion by the Board of Zoning Appeals for V-35 (Daniela Dudas) of 2025 as listed in the official minutes of the March 12, 2025, meeting.

MOTION: Motion by Swanson, second by Summerour, to **amend** a previously adopted approval of V-35 from the March 12, 2025, Board of Zoning Appeals Variance Hearing minutes (attached and made a part of these minutes) with the following change to stipulation 1:

1. Stormwater Management Division comments and recommendations, **not to apply to this pool, but anything else that requires a permit in the future**

VOTE: **ADOPTED** 3-1, Beloin opposed and Massey not present

After discussion, Ms. Swanson made the following motion to further amend V-35 with the addition of two stipulations.

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AMEND SOMETHING PREVIOUSLY ADOPTED (CONT.)

V-35 (CONT.)

MOTION: Motion by Swanson, second by Summerour, to further amend a previously adopted approval of V-35 from the March 12, 2025, Board of Zoning Appeals Variance Hearing minutes (attached and made a part of these minutes) with the addition of the following stipulations:

2. Any permanent structure: sidewalks, deck, and pad for the pool equipment will need to come back for a variance prior to building such structure to mitigate the impervious surface to 35%
3. Pool to be removed within 5 years from today's date (April 9, 2030)

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

**Clerk's Note: After the hearing it was determined that the first motion to amend case V-35 failed per the Rules and Procedures, Section 17.02. This case was reconsidered at the May 14, 2025, Board of Zoning Appeals Hearing.*

APPROVAL OF MINUTES

MOTION: Motion by Beloin, second by Swanson, to **approve** the following minutes, *as revised*:

March 12, 2025 – Board of Zoning Appeals Variance Hearing

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

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

March 31, 2025 – Special Called Meeting/Agenda Review Work Session

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

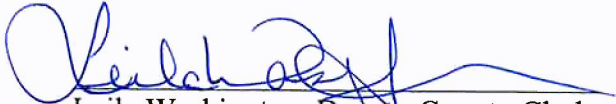
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ADJOURNMENT

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

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

The hearing adjourned at 2:35 p.m.

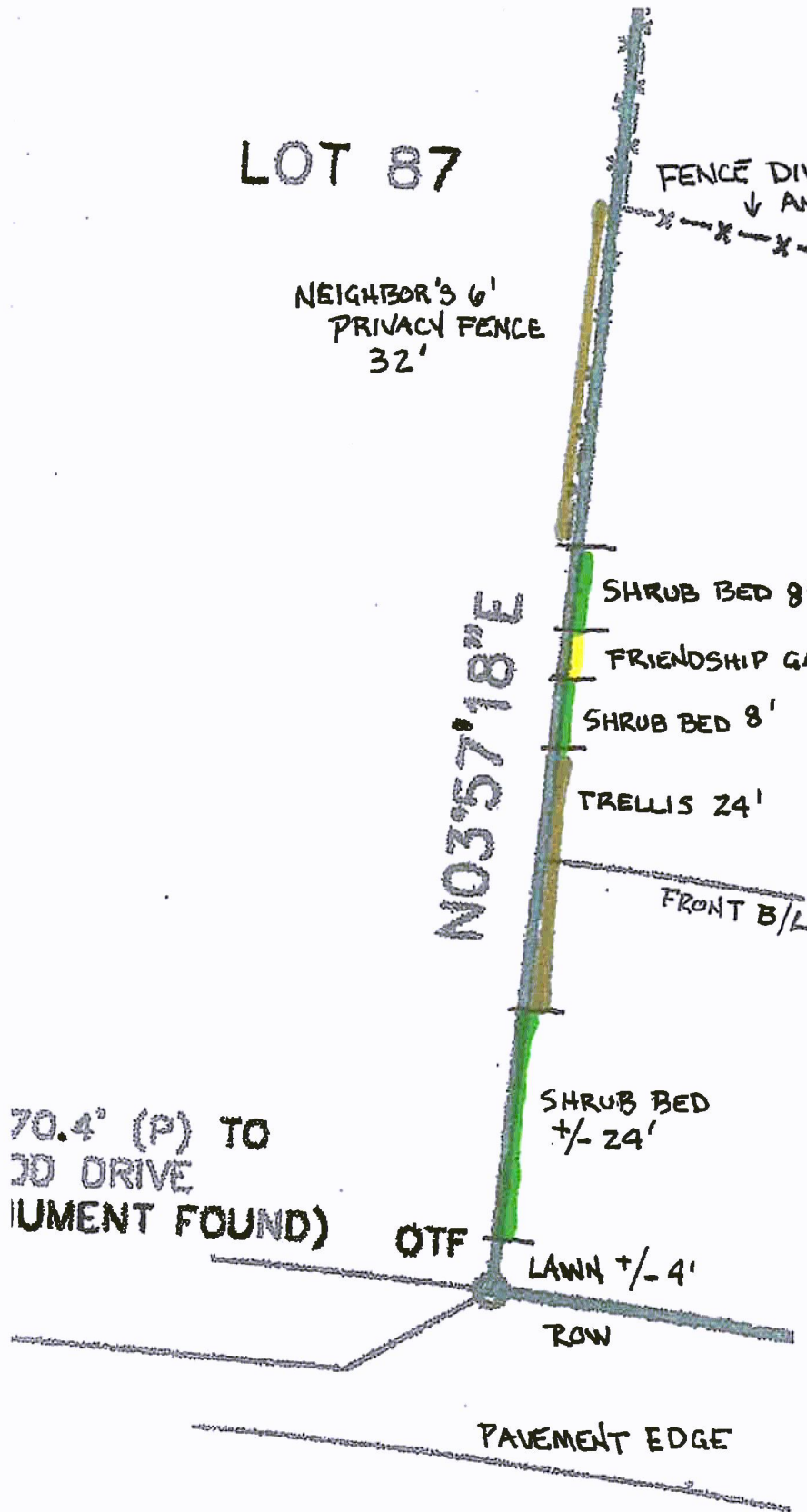
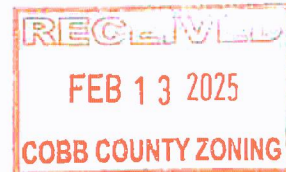

Leila Washington, Deputy County Clerk
Cobb County Board of Zoning Appeals

LOT 87

NEIGHBOR'S 6'
PRIVACY FENCE
32'

FENCE DIVIDING FRONT
↓ AND BACK YARDS

LOT 86



VARNER
1425 VARNER ROAD

LAYOUT OF TRELLIS
SCALE: 1" = 16'

N ↑



Petition No. V-45
Meeting Date 4-9-2025
Continued



TRELLIS PATTERN

