

**MINUTES OF VARIANCE HEARING
COBB COUNTY BOARD OF ZONING APPEALS
MAY 14, 2025
1:30 P.M.**

The Board of Zoning Appeals Variance Hearing was held on Wednesday, May 14, 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

CHAIRWOMAN RUSSELL – CALL TO ORDER

Chairwoman Russell called the hearing to order at 1:32 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 John Pederson, Zoning Division Manager, read in the following cases that were withdrawn or continued and then read in the Consent Agenda.

WITHDRAWN/CONTINUED CASES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-57 RONALD B. JACKSON, CENIE B. JACKSON** (Ronald B. Jackson and Cenie B. Jackson, owners) requesting a variance to reduce the rear setback from the required 35 feet to 19 feet in land lot 308 of the 16th district. Property is located on the northeast corner of Wenlok Trail and Blackwell Road (2065 Wenlok Trl).
WITHDRAWN WITHOUT PREJUDICE
- V-64 KAP MEDIA GROUP, LLC** (Bravo Hotel Operating Company, LLC; Inland American Lodging Atlanta Waverly, LLC, owners) requesting a variance to increase the maximum allowable square footage for a temporary sign for a commercially zoned property from the required 100 square feet to 12,000 square feet in land lots 913, 914, and 947 of the 17th district. Property is located on the northwest corner of Galleria Parkway and Galleria Drive and located on the southwest corner of Cobb Parkway and Interstate 285 (2844 Cobb Pkwy, 2450 Galleria Pkwy). ***(Continued by Staff from the May 14, 2025, BZA hearing until the June 11, 2025, BZA hearing; therefore, was not considered at this hearing).***

CONSENT AGENDA

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

**MINUTES OF VARIANCE HEARING
COBB COUNTY BOARD OF ZONING APPEALS
MAY 14, 2025
PAGE 2**

CONSENT AGENDA (CONT.)

At the call for petition V-38 (John Ellis), opposition was present; therefore, V-38 was pulled from the Consent Agenda and heard on the Regular Agenda in its numerical order (see page 3 of these minutes).

V-54 **RAHEEM AMLANI** (Raheem Amlani, owner) requesting a variance to reduce the setbacks for an accessory structure (proposed 720 square foot building) from the required 100 feet to 21 feet adjacent to the eastern property line, 31 feet adjacent to the southern property line, 53 feet adjacent to the western property line, and 95 feet adjacent to the northern property line in land lot 293 of the 16th district. Property is located on the south side of West Station Drive, southwest of Junction Drive (169 West Station Dr).

To **approve** V-54, subject to:

- 1. Accessory structure not to be used for dwelling or commercial use**
- 2. Must be permitted and inspected by Cobb County Government**

V-55 **AMANDA DESANTIS** (Donald Winfield Clements and Stacy Jo Clements and Amanda Elizabeth Clements and Marcia Sears Clements as Joint Tenants with Rights of Survivorship, owners) requesting a variance to reduce the rear setback from the required 30 feet to 23 feet in land lots 1247 and 1248 of the 19th district. Property is located on the east side of Swan Lane, north of Golden Finch Lane (5377 Swan Ln).

To **approve** V-55.

V-56 **CHRISTOPHER E. PETTUS, PATRICIA A. PETTUS** (Christopher E. Pettus and Patricia A. Pettus as Joint Tenants with Rights of Survivorship, owners) requesting a variance to 1) increase the maximum height of a fence located on the side of the principal building and along a road from the required six feet to eight feet; and 2) reduce the rear setback from the required 30 feet to 11 feet in land lot 59 of the 16th district. Property is located on the southeast corner of Chapelle Court and Nevilly Way (4844 Chapelle Ct).

To **approve** V-56.

At the call for petition V-59 (Timothy Thompson), opposition was present; therefore, V-59 was pulled from the Consent Agenda and heard on the Regular Agenda in its numerical order (see page 4 of these minutes).

**MINUTES OF VARIANCE HEARING
COBB COUNTY BOARD OF ZONING APPEALS
MAY 14, 2025
PAGE 3**

CONSENT AGENDA (CONT.)

- V-60** **ASHLEY DOVER** (Kevin Christopher Heuer and Stephanie Lynne Heuer as Joint Tenants with Rights of Survivorship, owners) requesting a variance to 1) increase the maximum allowable impervious surface from the required 35% to 36.83%; and 2) allow the pool equipment to be located to the side of the principal building in land lot 1161 of the 16th district. Property is located on the south side of Creekview Drive, east of Winding Creek Place (3785 Creekview Dr).

To **approve** V-60, subject to:

1. Stormwater Management Division comments and recommendations

- V-61** **LOUIS LECLERC, LUCINDA LECLERC** (Louis Leclerc and Lucinda Ann Leclerc as Joint Tenants with Right of Survivorship, owners) requesting a variance to 1) reduce the rear setback from the required 35 feet to 26 feet; and 2) reduce the side setback from the required 10 feet to five feet adjacent to the northwestern property line in land lot 17 of the 17th district. Property is located on the north side of Montview Way, west of Montview Drive (2815 Montview Way).

To **approve** V-61, subject to:

1. Stormwater Management Division comments and recommendations

CONSENT VOTE: **ADOPTED 5-0**

REGULAR AGENDA

- 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 Liberty Ridge Trail, north of Sudbury Court (3495 Liberty Ridge Trl). *(Previously continued by the BZA from the April 9, 2025, BZA hearing until the May 14, 2025, BZA hearing).*

The public hearing was opened; John Ellis and Trudy Austin addressed the Board. Following presentation and discussion, the following motion was made:

MOTION: Motion by Summerour, second by Massey, to **approve** V-38, subject to:

1. No encroachments approved on the property

REGULAR AGENDA (CONT.)

V-38 JOHN ELLIS (CONT.)

VOTE: **ADOPTED** 5-0

V-59 TIMOTHY THOMPSON (Timort, LLC, owner) requesting a variance to 1) reduce the rear setback from the required 35 feet to 10 feet adjacent to the eastern property line; and 2) reduce the setbacks for an accessory structure (existing 64 square foot shed) from the required five feet to two feet adjacent to the northwestern property line in land lot 1051 of the 16th district. Property is located at eastern terminus of Greenfield Drive, south of Fox Hollow Way (3452 Greenfiled Dr).

The public hearing was opened; Timothy Thompson and Richard Grome addressed the Board. Following presentation and discussion, the following motion was made:

MOTION: Motion by Summerour, second by Massey, to **approve** V-59.

VOTE: **ADOPTED** 5-0

V-58 HAMID-ALAEI (PRSA-MB Investments, LLC, owner) requesting a variance to reduce the major side setback from the required 25 feet to 15 feet in land lots 1039 and 1040 of the 16th district. Property is located on the northwest corner of High Green Drive and High Green Court (3769 High Green Dr).

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

MOTION: Motion by Summerour, second by Swanson, to **approve** V-58.

VOTE: **ADOPTED** 5-0

**Later in the hearing, there was a request by Staff to reconsider the motion for V-58 to include the Department of Transportation comments. After discussion, the following motion was made:*

MOTION: Motion by Summerour, second by Swanson, to **approve** V-58, subject to:

1. Department of Transportation comments and recommendations

VOTE: **ADOPTED** 5-0

**MINUTES OF VARIANCE HEARING
COBB COUNTY BOARD OF ZONING APPEALS
MAY 14, 2025
PAGE 5**

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 Massey, second by Swanson, 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 and the addition to stipulations 2 and 3:

1. **Stormwater Management Division comments and recommendations, *not to apply to this pool, but anything else that requires a permit in the future***
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 (May 14, 2030)**

VOTE: **ADOPTED 5-0**

APPROVAL OF MINUTES

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

April 9, 2025 – Board of Zoning Appeals Variance Hearing

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

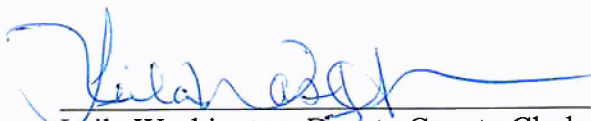
VOTE: **ADOPTED 5-0**

ADJOURNMENT

MOTION: Motion by Summerour, second by Massey, 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

CONSENT AGENDA (CONT.)

- V-31** **STATE PERMITS, INC.** (SCC Parkwood Plaza LLC, owner) requesting a variance to reduce the number of required parking spaces from 130 to 122 in land lot 985 of the 17th district. Property is located at the northwest intersection of Powers Ferry Road and Parkwood Circle (2014 Powers Ferry Road).

To **approve** V-31.

- V-33** **JASON TURNER** (H. Ray Turner and Jan Y. Turner, owners) requesting a variance to 1) reduce the front setback from the required 45 feet to 43 feet; 2) reduce the side setback from the required 12 feet to 10 feet (existing); and 3) reduce the setback for an accessory structure under 650 square feet (existing approximately 400 square-foot building) from the required 12 feet to seven feet adjacent to the east property line in land lot 957 of the 17th district. Property is located on the north side of Farmington Drive, east of Woodland Brook Drive (3011 Farmington Drive).

To **approve** V-33, subject to:

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

- V-34** **JEFFREY WERTZ** (Whitestone Builders, LLC, owner) requesting a variance to reduce the front setback from the required 45 feet to 25 feet in land lot 908 of the 17th district. Property is located on the northwest side of Tanglewood Drive, south of Wallace Circle (3680 Tanglewood Drive).

To **approve** V-34, subject to:

1. **Department of Transportation comments and recommendations**

- V-35** **DANIELA DUDAS** (George Rednic and Maria Rednic, owners) requesting a variance to 1) reduce the rear setback for an accessory structure under 650 square feet (proposed 390 square-foot above ground pool) from the required 35 feet to 10 feet; and 2) increase the maximum allowable impervious coverage from 35% to 45.27% (existing) in land lot 120 of the 17th district. Property is located on the south side of Covered Bridge Place, west of Weatherly Way (324 Covered Bridge Place).

To **approve** V-35, subject to:

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

CONSENT AGENDA (CONT.)

V-35 DANIELA DUDAS (CONT.)

3. Pool to be removed within 5 years from today's date (May 14, 2030)

**Clerk's note: The motion for V-35 includes the amended stipulations (underlined above) that were adopted at the May 14, 2025, Board of Zoning Appeals Variance Hearing.*

At the call for petition V-36 (James and Ruthie Sagar), opposition was present; therefore, V-36 was pulled from the Consent Agenda and heard on the Regular Agenda in its numerical order (see page 5 of these minutes).

V-40 DEREK A. KIRCHNER (Derek A. and Alexandria Kirchner, owners) requesting a variance to 1) reduce the side setback along the south property line from the required 10 feet to five feet (screen porch); 2) reduce the setbacks for an uncovered deck (existing) from the required five feet to four feet adjacent to the south property line; and 3) increase the maximum impervious surface from 35% to 37% in land lots 142 and 143 of the 16th district. Property is located on the east side of Delphinium Boulevard, north of Dahlia Way (585 Delphinium Boulevard).

To **approve** V-40, subject to:

1. Stormwater Management Division comments and recommendations

CONSENT VOTE: **ADOPTED 5-0**

REGULAR AGENDA

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 one foot adjacent to the western and southern property lines; 2) reduce the setbacks for a proposed accessory structure over 650 square feet (approximately 1440 square-foot building) from the required 100 feet to 10 feet from the rear property line, 50 feet from the western property line, and 45 feet from the eastern property line; 3) reduce the rear setback for an accessory structure under 650 square feet (existing approximately 288 square-foot shed) from the required 35 feet to one foot adjacent to the eastern and southern property lines; 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).

The public hearing was opened; Heath and Kimberly Lawson addressed the Board. Following presentation and discussion, the following motion was made: