

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

The Board of Zoning Appeals Variance Hearing was held on Wednesday, July 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
Deidra Massey, Vice Chairwoman
Fred Beloin
Kim Swanson
Alice Summerour

CHAIRWOMAN RUSSELL – CALL TO ORDER

Chairwoman Russell called the hearing to order at 1:35 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 John Pederson, Zoning Division Manager, read in the following cases that were withdrawn or held and then read in the Consent Agenda.

WITHDRAWN/HELD CASES

V-81 **CHAD DAVIS** (Jeanine Ellen Ferris, Barbara Ann Specht as Joint Tenants with Rights of Survivorship and not as Tenants in Common, owners) requesting a variance to increase the maximum allowable impervious surface from the required 35% to 40% in land lot 119 of the 19th district. Property is located on the west side of Ellis Farm Drive, west of Peacedale Court (2158 Ellis Farm Dr). ***WITHDRAWN WITHOUT PREJUDICE***

V-78 **NATALIE SPOTZ** (Griffin C. Spotz, Natalie C. Spotz, owners) requesting a variance to 1) reduce the side setback from the required 12 feet to 10 feet adjacent to the western property line; and 2) allow an accessory structure (proposed approximately 368 square foot garage) to the side of the principal building in land lot 1076 of the 17th district. Property is located on the north side of Lamplighter Lane, east of Hitching Post Court (380 Lamplighter Ln).

Mr. Pederson presented the Applicant's request to withdraw V-78 without prejudice; thereafter, the following motion was made:

MOTION: Motion by Summerour, second by Massey, to **allow** V-78 to be *withdrawn without prejudice*.

VOTE: **ADOPTED 5-0**

**MINUTES OF VARIANCE HEARING
COBB COUNTY BOARD OF ZONING APPEALS
JULY 9, 2025
PAGE 2**

WITHDRAWN/HELD CASES (CONT.)

- V-65** **WILLIAM A. LAYNE** (William A. Layne, owner) requesting a variance to reduce the setbacks for an accessory structure (proposed approximately 578 square foot shed) from the required 35 feet to 14 feet adjacent to the western property line and two feet adjacent to the northern property line in land lot 94 of the 19th district. Property is located on the northwest corner of Friendship Ridge Lane and Friendship Ridge Court (730 Friendship Ridge Ct). *(Previously held by the BZA from the June 11, 2025, BZA hearing until the August 13, 2025, BZA hearing; therefore, was not considered at this hearing).*

CONSENT AGENDA

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

- V-76** **NEAL BISOGNA** (Neal Michael Vincent Bisogna, owner) requesting a variance to 1) reduce the setbacks for an accessory structure (proposed 1,500 square foot garage) from the required 100 feet to 24 feet adjacent to the southern property line and 59 feet adjacent to the eastern property line; 2) allow an accessory structure (proposed 1,500 square foot garage) to the side of the principal building; and 3) allow a second electrical meter in land lots 109 and 110 of the 20th district. Property is located on the west side of Joseph Drive, south of Ivey Road (3365 Joseph Dr).

To **approve** V-76, subject to:

- 1. Stormwater Management Division comments and recommendations**
- 2. No dwelling or commercial use of the accessory structure**

- V-77** **WALTER A. SZAREK JR.** (Walter Andrew Szarek Jr., owner) requesting a variance to 1) reduce the setbacks for an accessory structure (proposed 1,200 square foot garage) from the required 100 feet to 16 feet adjacent to the southern property line, 11 feet adjacent to the eastern property line, and 90 feet adjacent to the western property line; and 2) allow a second electrical meter in land lot 104 of the 20th district. Property is located at the terminus of Kenmont Court, north of Old 41 Highway (3365 Kenmont Ct).

To **approve** V-77, subject to:

- 1. Stormwater Management Division comments and recommendations**
- 2. No dwelling or commercial use of the accessory structure**

**MINUTES OF VARIANCE HEARING
COBB COUNTY BOARD OF ZONING APPEALS
JULY 9, 2025
PAGE 3**

CONSENT AGENDA (CONT.)

- V-79** **WILLIAMS A. GONZALEZ** (Williams Andres Gonzalez Rodriguez, owner) requesting a variance to 1) reduce the setback for an accessory structure (proposed 528 square foot garage) from the required 40 feet to 25 feet adjacent to the southern property line; 2) reduce the setbacks for an accessory structure (existing 480 square foot shed) from the required 12 feet to five feet adjacent to the western property line and 28 feet adjacent to the southern property line in land lot 1271 of the 19th district. Property is located on the south side of Lindsey Drive, east of Holloman Road (4571 Lindsey Dr).

To **approve** V-79, subject to:

- 1. No dwelling or commercial use of the accessory structure**
- 2. Development and Inspections Division comments and recommendations**

- V-80** **HUGO DELGADO** (NV Property Investment LLC, owner) requesting a variance to reduce the front setback from the required 50 feet to 35 feet in land lot 204 of the 19th district. Property is located on the east side of Casteel Road, north and west of Lavilla Drive (1135 Casteel Rd).

To **approve** V-80.

- V-82** **ASHLEY DOVER** (Angelo L. Sanchez Jr., Julie Ann Custalow as Joint Tenants with Rights of Survivorship, owners) requesting a variance to increase the maximum allowable impervious surface from the required 35% to 38.5% in land lot 248 of the 16th district. Property is located on the west side of Sweat Creek Run, west of Sweat Creek Cove (3801 Sweat Creek Run).

To **approve** V-82, subject to:

- 1. Stormwater Management Division comments and recommendations**

- V-83** **CHARLIE HEARD** (Charles F. Heard, Charles F. Heard Jr., owners) requesting a variance to reduce the setbacks for an accessory structure (proposed approximately 623 square foot garage) from the required 40 feet to 22 feet adjacent to the northwestern property line and from the required 12 feet to three feet adjacent to the southwestern property line in land lot 954 of the 17th district. Property is located at the terminus of Brandy Station Court, east of Randall Farm Road (3830 Brandy Station Ct).

To **approve** V-83, subject to:

- 1. No dwelling or commercial use of the accessory structure**

**MINUTES OF VARIANCE HEARING
COBB COUNTY BOARD OF ZONING APPEALS
JULY 9, 2025
PAGE 4**

CONSENT AGENDA (CONT.)

V-84 **PIEDMONT LUBE CENTER LLC** (Stadion at Acworth, LLC, owner) requesting a variance to allow two monument signs on the same property closer than 150 feet to each other in land lot 72 of the 20th district. Property is located on the northeast corner of Lake Acworth Drive and Cobb Parkway (3928 Cobb Pkwy NW).

To **approve** V-84, subject to:

1. Department of Transportation comments and recommendations

V-86 **EDWARD C. JENNINGS** (Cheryl R. Bonner, owner) requesting a variance to increase the maximum allowable impervious surface from the required 35% to 36.57% in land lot 613 of the 19th district. Property is located on the west side of Rhonda Dale Drive, south of John Petree Road (2858 Rhonda Dale Dr).

To **approve** V-86, subject to:

1. Stormwater Management Division comments and recommendations

V-87 **GENE SHERER** (Gene Sherer and Mary Sherer as Joint Tenants with Rights of Survivorship, owners) requesting a variance to reduce the rear setback from the required 35 feet to 30 feet in land lot 21 of the 1st district. Property is located at the southeast corner of Smoke Rise Lane and Chimney Springs Drive (4540 Smoke Rise Ln).

To **approve** V-87.

V-88 **NILESH PATEL** (Nilesh G. Patel, Bina B. Patel, Natenarine Rajkumar, Savitri Rajkumar, Haisam Zakaria, Siraj Roy, owners) requesting a variance to increase the maximum height of a fence along a road from the required six feet to eight feet in land lot 556 of the 16th district. Property is located within the Post Oak Manor Subdivision on the northeast corner of Post Oak Tritt Road and Baramore Road (2250, 2251, 2254, 2258 Shadetree Ct).

To **approve** V-88, subject to:

1. Department of Transportation comments and recommendations last revised June 30, 2025 (attached and made a part of these minutes)

CONSENT VOTE: ADOPTED 5-0

**MINUTES OF VARIANCE HEARING
COBB COUNTY BOARD OF ZONING APPEALS
JULY 9, 2025
PAGE 5**

REGULAR AGENDA

- V-74** **CHARLES BARNWELL** (Grace M. Barnwell and Charles M. Barnwell, IV as Joint Tenants with Rights of Survivorship, owners) requesting a variance to 1) reduce the required setbacks for an accessory use over 650 square feet (existing 1,890 square foot sport court) from 100 feet to four feet adjacent to the east and south property lines; and 2) allow an accessory use (existing 1,890 square foot sport court) to be located to the front of the principal building in land lots 889 and 905 of the 17th district. Property is located on the west side of Valley Creek Drive, south of Orchard Knob Drive (4180 Valley Creek Drive).

The public hearing was opened; Katie Gregory and Charles Barnwell addressed the Board. Following presentation and discussion, the following motion was made:

MOTION: Motion by Swanson, second by Summerour, to **deny** V-74, subject to:

- 1. Sport court to be removed within 60 days**

VOTE: **ADOPTED** 5-0

- V-75** **MARTIN G. NDUNGU** (Martin Gathare Ndungu, owner) requesting a variance to 1) increase the maximum allowable impervious surface from the required 35% to 41%; 2) reduce the side setback from the required 10 feet to five feet adjacent to the southwest property line; and 3) reduce the rear setback from the required 35 feet to 10 feet in land lot 351 of the 17th district. Property is located on the south side of Miller Avenue, east of Old Concord Road (1679 Miller Ave).

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

MOTION: Motion by Swanson, second by Beloin, to **hold** V-75 until the September 10, 2025, Board of Zoning Appeals Variance Hearing.

VOTE: **ADOPTED** 5-0

***Clerk's Note:** The Board of Zoning Appeals directed the Applicant to submit a new site plan to Community Development by August 22, 2025, showing the garage behind the house.*

- V-85** **HANS MICHEL** (Pegasus Capital Group LLC, a Florida limited liability company and Hans Michel, owners) requesting a variance to 1) reduce the front setback from the required 45 feet to 20 feet; and 2) increase the maximum height of a retaining wall from the required six feet to 50 feet in land lot 338 of the 20th district. Property is located on the east side of Pindos Place, west of Pindos Pass (5108 Pindos Pass).

**MINUTES OF VARIANCE HEARING
COBB COUNTY BOARD OF ZONING APPEALS
JULY 9, 2025
PAGE 6**

REGULAR AGENDA (CONT.)

V-85 HANS MICHEL (CONT.)

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

MOTION: Motion by Beloin, second by Massey, to **hold** V-85 until the August 13, 2025, Board of Zoning Appeals Variance Hearing.

VOTE: **ADOPTED 5-0**

Clerk's Note: The Board of Zoning Appeals directed the Applicant to submit visuals of the retaining wall and a water run off plan before the August BZA Hearing.

APPROVAL OF MINUTES

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

June 11, 2025 – Board of Zoning Appeals Variance Hearing

June 30, 2025 – Special Called Meeting/Agenda Review Work Session

VOTE: **ADOPTED 5-0**

ADJOURNMENT

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

VOTE: **ADOPTED 5-0**

The hearing adjourned at 2:39 p.m.


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

VARIANCE ANALYSIS (continued)
Cobb County Department of Transportation
July 2025
REVISED 6/30/25

4. Recommend applicant be required to meet all Cobb County Development Standards and Ordinances related to project improvements.

V-86-DOT

This request will not have an adverse impact on the transportation network.

V-87-DOT

This request will not have an adverse impact on the transportation network.

V-88-DOT

Observations

The existing sight distance (looking to the left) from Baramore Road does not meet Cobb County Development Standards for this roadway speed. Removal and/or trimming of vegetation within the County right-of-way (between the fence and the roadway) would improve the line of sight for vehicles exiting Baramore Road to access Post Oak Tritt Road.

Recommendations

THE RECOMMENDATION BELOW SHALL BECOME A STIPULATED REQUIREMENT UPON INCLUSION WITH AND APPROVAL BY THE BOARD OF ZONING APPEALS OF THIS APPLICATION:

1. Recommend the fence be located off county right-of-way and where it will not impede the line of sight for the driveways or roadways.
2. As part of the fence modification, recommend applicant clear vegetation within the line-of-sight (more than three feet in height) along the Post Oak Tritt frontage. This recommendation is pursuant to Cobb County Development Standard Detail 401B, Intersection Sight Distance.
3. Recommend applicant be required to meet all Cobb County Development Standards and Ordinances related to project improvements.