

**MINUTES OF VARIANCE HEARING
COBB COUNTY BOARD OF ZONING APPEALS
AUGUST 13, 2025
1:30 P.M.**

The Board of Zoning Appeals Variance Hearing was held on Wednesday, August 13, 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 John Pederson, Zoning Division Manager, read in the following cases that were withdrawn, held, or continued and then read in the Consent Agenda.

WITHDRAWN/HELD/CONTINUED CASES

- V-96** **CHAD J. MCMILLEN** (Bobby McMillen and Chad J. McMillen as Joint Tenants with the Right of Survivorship and not as Tenants in Common, owners) requesting a variance to reduce the setbacks for an accessory structure (proposed 1,156 square foot garage) from the required 40 feet to six feet adjacent to the northeastern property line and nine feet adjacent to the northwestern property line in land lot 109 of the 16th district. Property is located on the north side of Woodstock Road, east of York Place (4624 Woodstock Rd). ***WITHDRAWN WITHOUT PREJUDICE***
- 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). ***(Held by the BZA from the July 9, 2025, BZA hearing until the September 10, 2025, BZA hearing; therefore, was not considered at this hearing).***
- V-90** **CHRIS AND ELLEN FOSTER** (Christopher Michael Foster and Ellen Cierzniak Foster as Joint Tenants with Rights of Survivorship and not as Tenants in Common, owners) requesting a variance to 1) increase the allowable maximum impervious coverage from the required 35% to 47.2%; 2) increase the maximum height for a retaining wall from the required six feet to 10 feet; 3) reduce the setbacks for an accessory structure (proposed 626 square foot pool terrace) from the required 40

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WITHDRAWN/HELD CASES (CONT.)

V-90 CHRIS AND ELLEN FOSTER (CONT.)

feet to 31 feet adjacent to the northern property line and eight feet adjacent to the southeastern property line in land lots 1091 and 1088 of the 17th district. Property is located on the northeast side of Pine Valley Drive, north of Oakmont Circle (331 Pine Valley Dr). *(Continued by Staff from the August 13, 2025, BZA hearing until the September 10, 2025, BZA hearing; therefore, was not considered at this hearing).*

CONSENT AGENDA

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

V-89 CHRISTOPHER GERKS (Aaron R. Vanwormer, owner) requesting a variance to reduce the side setback from the required 10 feet to four feet adjacent to the western property line in land lot 1058 of the 16th district. Property is located on the north side of Hunton Court, east of Holt Road (2539 Hunton Ct).

To **approve** V-89.

V-91 CHIMNEY LAKES HOA (Chimney Lakes Homeowners' Association, Inc., owners) requesting a variance to 1) increase the maximum allowable impervious coverage from the required 35% to 49%; 2) reduce the setbacks for an accessory structure (existing 12,886 square foot tennis court "A") from the required 20 feet to eight feet adjacent to the northern property line; 3) reduce the setbacks for an accessory structure (existing 12,828 square foot tennis court "B") from the required 50 feet to 19 feet adjacent to the southern property line; and 4) reduce the setbacks for an accessory structure (existing 528 square foot covered pavilion and shed) from the required 50 feet to 23 feet adjacent to the southern property line in land lot 467 of the 16th district. Property is located on the southwestern corner of Lake Chimney Court and Johnson Ferry Road (4350 Lake Chimney Ct).

To **approve** V-91, subject to:

- 1. Stormwater Management Division comments and recommendations**
- 2. Sewer Division comments and recommendations**

V-92 EDDIE WALTER USERY (Eddie Walter Usery Jr. and Sharon Kaye Usery, owners) requesting a variance to reduce the major side setback from the required 26.25 feet (per administrative variance) to 16 feet in land lot 367 of the 16th district. Property is located on the southeastern corner of Estates Landing Drive and Bells Ferry Road (3502 Estates Landing Dr).

To **approve** V-92.

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CONSENT AGENDA (CONT.)

- V-93** **TIMOTHY GRANT** (Timothy Grant and Leilani Grant, owners) requesting a variance to 1) reduce the setbacks for an accessory structure (proposed 1,680 square foot garage) from the required 100 feet to 33 feet adjacent to eastern property line and 65 feet adjacent to the southern property line; 2) reduce the setback for an accessory structure (existing 1,253 square foot garage) from the required 100 feet to 99 feet adjacent to southern property line in land lots 15 and 16 of the 19th district. Property is located on the west side of Mayes Road, south of Dallas Highway (416 Mayes Rd).

To **approve** V-93, subject to:

1. Stormwater Management Division comments and recommendations

- V-95** **ALLAN GUTIERREZ** (Allan Gutierrez, owner) requesting a variance to increase the maximum height of a fence located behind the principal building from the required eight feet to 12 feet in land lot 743 of the 17th district. Property is located on the west side of Paces Park Circle, east of Atlanta Road (3710 Paces Park Cir).

To **approve** V-95.

- V-98** **PACES PARK HOMEOWNER'S ASSOCIATION, INC** (James F. Hyslop and Jill E. Hyslop, Christopher D. Goodwin, owners) requesting a variance to increase the maximum height of a fence located behind the principal building from the required eight feet to 12 feet in land lot 743 of the 17th district. Property is located on the west side of Paces Park Circle, east of Atlanta Road (3712, 3714 Paces Park Cir).

To **approve** V-98.

- V-100** **DWAYNE DENNIS JR.** (Dwayne Dennis Jr. and Jamie Noelle Dennis as Joint Tenants with the Rights of Survivorship, owners) requesting a variance to reduce the setbacks for an accessory structure (proposed 320 square foot shed) from the required 30 feet to 19 feet adjacent to the eastern property line in land lot 209 of the 16th district. Property is located on the northeast corner of Farmbrook Trail and Newpond Trail (581 Farmbrook Trl).

To **approve** V-100.

CONSENT VOTE: **ADOPTED 5-0**

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REGULAR AGENDA

- 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). *(Held by the BZA from the June 11, 2025, and July 9, 2025, BZA hearings until the August 13, 2025, BZA hearing).*

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

MOTION: Motion by Beloin, second by Massey, to **approve** V-65, subject to:

- 1. Accessory structure to be used for storage *only***
- 2. Applicant must apply for a permit with Cobb County Building Inspections within 30 days**
- 3. Applicant to apply to get a certificate of completion or occupancy for the building**
- 4. All plumbing must be removed**
- 5. No residential use of the accessory structure**

VOTE: **ADOPTED 5-0**

- 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 side of Pindos Pass (5108 Pindos Pass). *(Previously held by the BZA from the July 9, 2025, BZA hearing until the August 13, 2025, BZA hearing).*

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 Swanson, to **approve** V-85, subject to:

- 1. Email from Pablo Garcia dated July 29, 2025 (attached and made a part of these minutes); stormwater issues will be addressed as represented in this email**
- 2. Retaining walls from the rear to appear substantially as they appear on the front in the visuals that were shown at this hearing (attached and made a part of these minutes)**
- 3. Stormwater Management comments and recommendations**
- 4. Staff comments and recommendations**

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REGULAR AGENDA (CONT.)

V-85 HANS MICHEL (CONT.)

VOTE: ADOPTED 5-0

V-94 DAVID WALKER (Davis Allen Walker and Meredith Ramsburg Walker, owners) requesting a variance to 1) increase the maximum allowable impervious coverage from the required 40% to 52%; 2) reduce the side setback from the required 10 feet to eight feet adjacent to the northern property line in land lot 228 of the 20th district. Property is located on the east side of Fernstone Trail, west of Fernstone Terrace (6279 Fernstone Trl).

The public hearing was opened; David Walker, Jason Hill, and Wendy Seiler addressed the Board. Following presentation and discussion, the following motion was made:

MOTION: Motion by Beloin, second by Massey, to **hold** V-94 until the September 10, 2025, Board of Zoning Appeals Variance Hearing.

VOTE: ADOPTED 5-0

V-97 TERESA AND ANDRE MINTZ (Andre Lee Mintz and Teresa Hnatowicz Mintz, owners) requesting a variance to reduce the rear setback from the required 32 feet (V-26 of 2025) 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 Rd).

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

MOTION: Motion by Beloin, second by Massey, to **hold** V-97 until the September 10, 2025, Board of Zoning Appeals Variance Hearing.

VOTE: ADOPTED 5-0

V-99 MASHANDA AND ANDY RUFFIN (Andy Ruffin and Mashanda Ruffin as Joint Tenants with Rights of Survivorship, owners) requesting a variance to reduce the setbacks for an accessory structure (proposed 1,250 square foot garage) from the required 100 feet to two feet adjacent to the northern and western property lines in land lot 489 of the 19th district. Property is located on the north side of Green Drive, south of Freestone Way (1920 Green Dr).

Deidra Massey announced that she will be recusing herself from this case due to a personal relation with the Applicant.

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REGULAR AGENDA (CONT.)

V-99 MASHANDA AND ANDY RUFFIN (CONT.)

The public hearing was opened; Andy and Mashanda Ruffin addressed the Board. Following presentation and discussion, the following motion was made:

MOTION: Motion by Russell, second by Swanson, to **hold** V-99 until the September 10, 2025, Board of Zoning Appeals Variance Hearing.

VOTE: **ADOPTED** 4-0, Massey recused

AMEND SOMETHING PREVIOUSLY ADOPTED

V-70 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 the text of an action taken at a previous hearing. This item would be to amend the motion by the Board of Zoning Appeals for V-70 of 2025 as listed in the official minutes of the June 11, 2025, meeting.

BEAM CONSTRUCTION COMPANY, INC (BEAM Construction Company, Inc, owner) requesting a variance to 1) increase the maximum allowable impervious surface from the required 35% to 38% and 2) reduce the side setback from 25 feet to 21 feet in land lot 28 of the 1st district. Property is located at the northeast corner of Childers Road and Colebrook Trail (3441 Colebrook Trail).

MOTION: Motion by Summerour, second by Massey, to **amend** a previously adopted approval of V-70 from the June 11, 2025, Board of Zoning Appeals Variance Hearing minutes (attached and made a part of these minutes) with the following change to stipulation 1 (underlined below):

1. **Stormwater Management Division comments and recommendations, be done prior to the Certificate of Occupancy**

VOTE: **ADOPTED** 5-0

APPROVAL OF MINUTES

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

July 9, 2025 – Board of Zoning Appeals Variance Hearing

August 4, 2025 – Special Called Meeting/Agenda Review Work Session

VOTE: **ADOPTED** 5-0

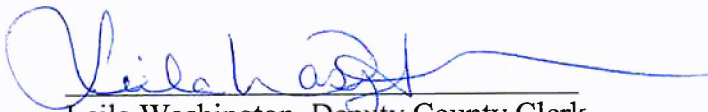
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ADJOURNMENT

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

VOTE: **ADOPTED** 5-0

The hearing adjourned at 3:33 p.m.



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

Washington, Leila

From: Pederson, John
Sent: Tuesday, July 29, 2025 6:00 AM
To: Jones, Cameron
Subject: Fw: Variance Case: V-85. 5108 Pindos Pass
Attachments: 25_0727 5108 Pindos Pass_Elevations.pdf; 251-094 5108 Pindos Pass CIVIL 07-25-25 Preliminary.pdf

Please forward to BZA . Thanks

From: Pablo Garcia <pgarcia@architecturecg.com>
Sent: Monday, July 28, 2025 6:15 PM
To: Pederson, John <John.Pederson@cobbcounty.gov>
Cc: H Michel <hm@pegasuscapital.biz>
Subject: Variance Case: V-85. 5108 Pindos Pass

Hi John,

I am reaching out on behalf of Variance case V-85 at 5108 Pindos Pass. During the previous variance meeting on 7/9, a request was made to provide further information regarding the stormwater management strategy for the proposed residential development at this site.

Due to the significant topographical challenges of the property, we requested a reduction in the front setback from 45 feet to 20 feet, as well as approval for exposed retaining walls to exceed 6-feet. To address stormwater mitigation with the site challenges, we are proposing the installation of a water quality dry well toward the rear of the property, as the total impervious area will exceed 5,000 square feet.

While the civil plans are being finalized, we wanted to share this preliminary information in advance of the upcoming variance meeting. I have also attached the proposed residential elevations for reference.

Please let me know if you have any questions.

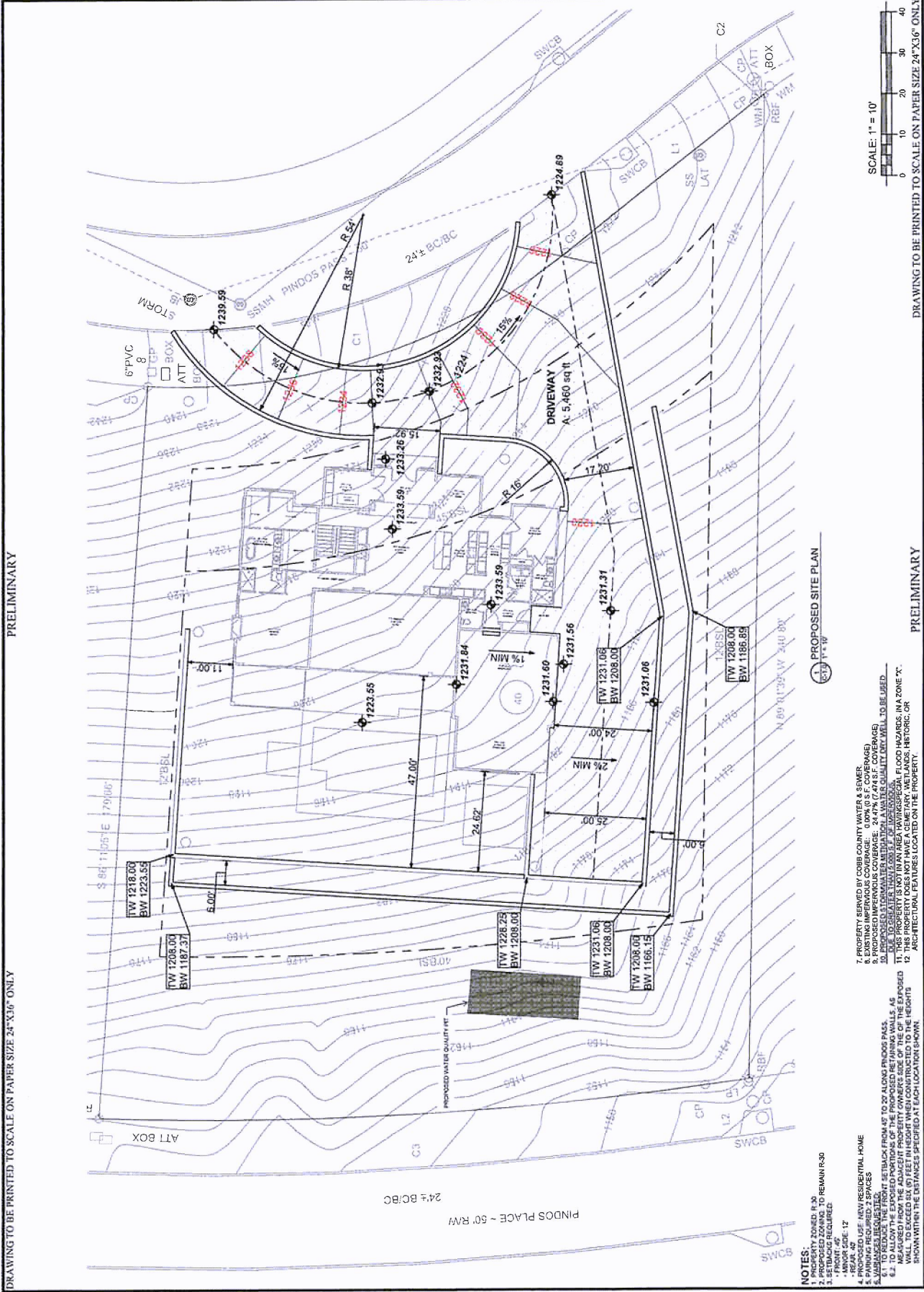
Thank you,

Pablo Garcia, RA | NCARB
CGA
pgarcia@architecturecg.com
678.820.1428

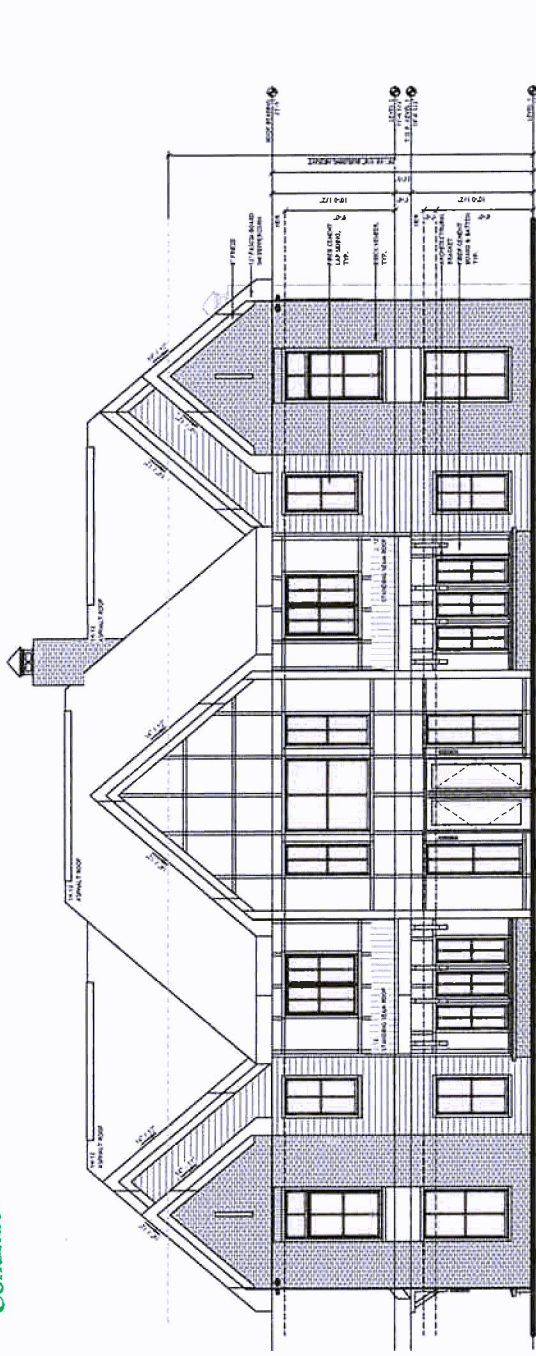
Petition No. V-8S
Meeting Date 8-13-2025
Continued

DRAWING TO BE PRINTED TO SCALE ON PAPER SIZE 24"x36" ONLY

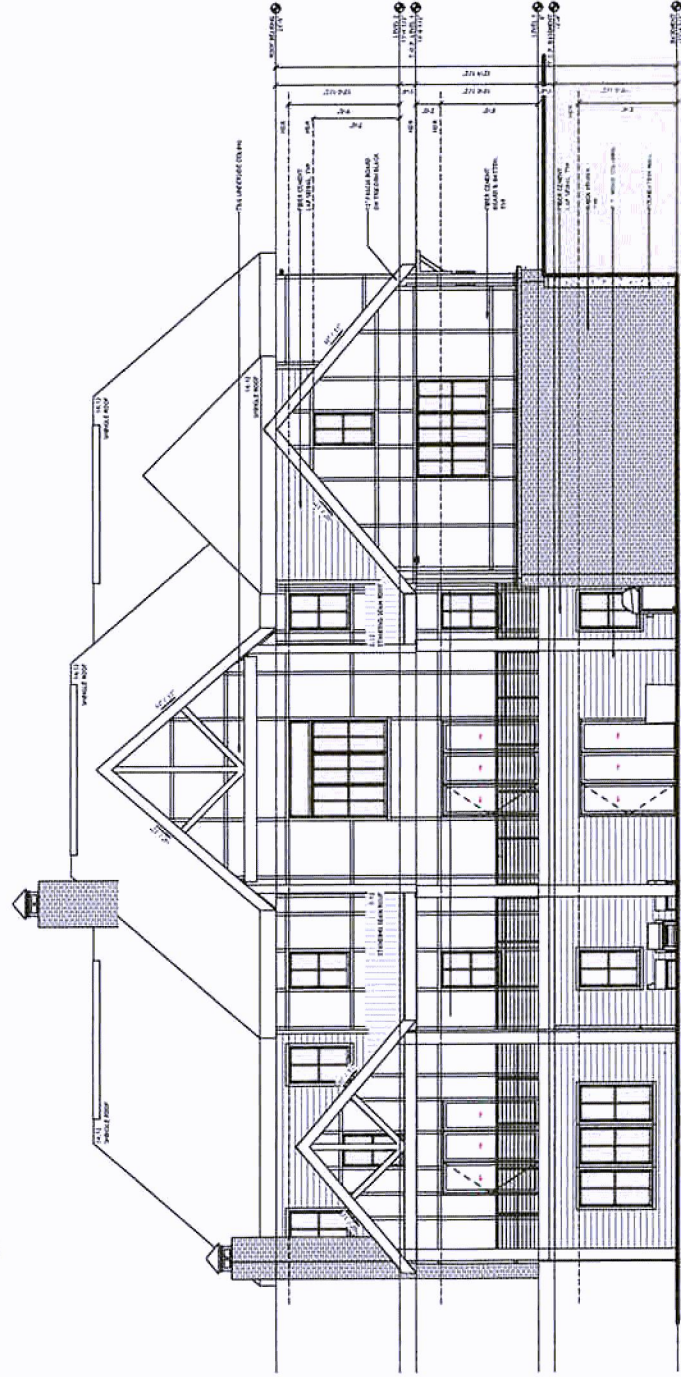
PRELIMINARY



Petition No. V-85
 Meeting Date 8-13-2025
 Continued



1 EXTERIOR - ELEVATION - NORTH ELEVATION
 1/4\"/>



2 EXTERIOR - ELEVATION - SOUTH
 1/4\"/>

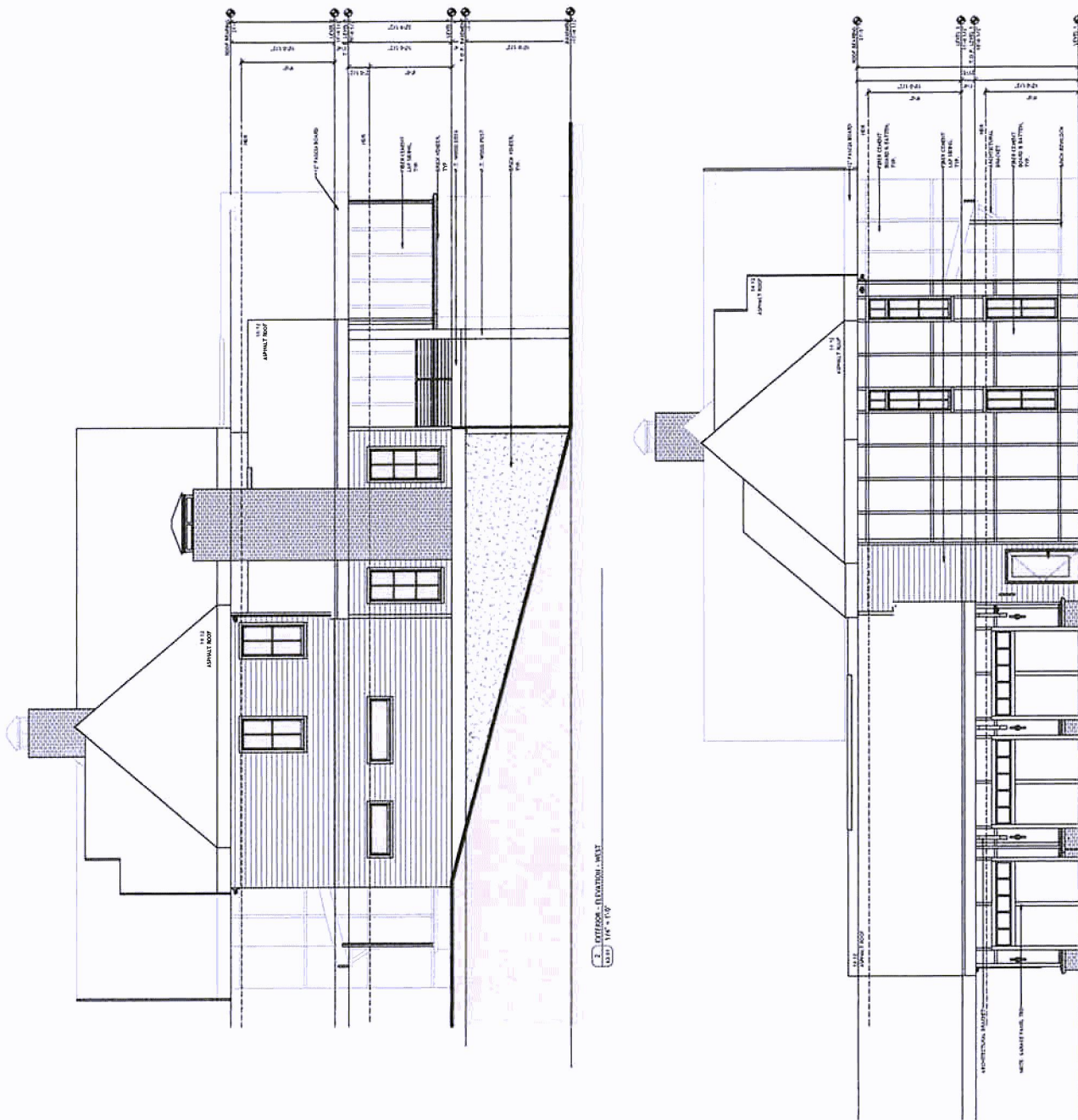
NO.	DESCRIPTION	DATE
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20	REVISION	

Petition No. V-95
Meeting Date 8-13-2015

5108 PINDOS PASS
5108 PINDOS PASS
POWDER SPRINGS, GA 30127
MICHEL RESIDENCE

PROJECT #: 250029
DRAWN BY: PG
CHECKED BY: PG

 CSA
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contact@architectural.com

[illegible]

2. $\text{DIFFERENTIAL - FLUCTUATION - WAVE}$
 0.000 $\sqrt{16} = 4.00$

1. CRITERION - ELEVATION - EAST
0.00 / 1/4" = 5'-0"

Min. Bk. 24 Petition No. V-85
Doc. Type Visuals
Meeting Date 8-13-2025



Petition No. V-85
Meeting Date 8-13-2025
Continued



Petition No. V-85
Meeting Date 8-13-2025
Continued

