

**MINUTES OF ZONING HEARING
COBB COUNTY BOARD OF COMMISSIONERS
SEPTEMBER 16, 2025
9:00 A.M.**

The Board of Commissioners' Zoning Hearing was held on Tuesday, September 16, 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:

Commissioner Erick Allen
Commissioner Keli Gambrill
Commissioner Monique Sheffield

Lisa Cupid, Chairwoman – not present
Commissioner JoAnn Birrell, Vice Chair – not present

CALL TO ORDER – JOHN PEDERSON

Mr. John Pederson, Zoning Division Manager, called the hearing to order at 9:01 a.m.

Ms. Debra Blair, Deputy County Attorney, announced that with a quorum present and in the absence of the Chair and Vice Chair, pursuant to the Board of Commissioners' Zoning and Land Use Hearing Procedures, a temporary Vice Chair needed to be appointed to preside over today's hearing. Thereafter, the following motion was made:

MOTION: Motion by Allen, second by Sheffield, to **nominate** Commissioner Gambrill as temporary Vice Chair.

VOTE: **ADOPTED** 3-0, Cupid and Birrell not present

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 Pederson reviewed the hearing procedures and announced the following cases which were *withdrawn, held, or continued*.

Z-9 **WHATABURGER RESTAURANTS, LLC** (West Village Associates, LLC, owner) requesting rezoning from **R-20** to **PVC** for a restaurant in land lot 748 of the 17th district. Property is located on the south side of Atlanta Road, east of West Village Way, and northwest of Pine Street (Atlanta Road). *(Previously continued by Staff from the May 6, 2025, through the September 2, 2025, Planning Commission (PC) hearings until the October 7, 2025, PC hearing).* **WITHDRAWN WITHOUT PREJUDICE**

Z-20 **TRATON, LLC** (Estate of Lucille Garrett and William D. Brown, owners) requesting rezoning from **R-20** to **RA-5** for a residential subdivision in land lot 691 of the 19th district. Property is located on the east side of Ernest Barrett Parkway, north of Macedonia Road (No address). **WITHDRAWN WITHOUT PREJUDICE**

LUP-32 **ROBBIN R. FOWLER** (Robbin and Simon Fowler, owners) requesting a **Temporary Land Use Permit** to allow more unrelated adults and vehicles than the code allows in land lot 819 of the 17th district. Property is located on the east side of Orchard Valley Dr., south of Brookview Dr. (4313 Orchard Valley Drive). *(Previously held by the Planning Commission (PC) from the August 5, 2025, PC hearing until the September 2, 2025, PC hearing).* **WITHDRAWN WITHOUT PREJUDICE**

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WITHDRAWN, HELD, AND CONTINUED CASES (CONT.)

SLUP-5 **JOSE GENAO** (Jose Genao and Lina Capellan Genao, owners) requesting a **Special Land Use Permit** for an automotive salvage yard in land lot 279 of the 17th district. Property is located at the southwest intersection of Joyner Avenue and Cochran Road (1650 Joyner Road). **WITHDRAWN WITHOUT PREJUDICE**

O.B. 22 To consider amending the site plan and stipulations for Whataburger Restaurants, LLC regarding rezoning application Z-64 of 2017. Property is located on the northwest side of West Village Parkway, the south side of West Atlanta Road, the west side of Atlanta Road, and the west side of Pine Street in land lot 748 of the 17th district (4448 Atlanta Road). *(Previously continued by Staff from the May 20, 2025, through August 19, 2025, Board of Commissioners' (BOC) Zoning hearings until the September 16, 2025, BOC Zoning hearing).* **WITHDRAWN WITHOUT PREJUDICE**

O.B. 45 To consider amending the stipulations for Traton, LLC regarding application OSC-1 of 2024. Property is located on the west side of Midway Road, south of Dallas Highway in land lots 62 and 87 of the 19th district (636 Midway Road).

Mr. Pederson presented the Applicant's request to withdraw O.B. 45 *without prejudice*; thereafter, the following motion was made:

MOTION: Motion by Gambrill, second by Allen, to **allow** O.B. 45 to be *withdrawn without prejudice*.

VOTE: **ADOPTED** 3-0, Cupid and Birrell not present

Z-2'²⁴ **FLOURNOY DEVELOPMENT GROUP, LLC** (Cobb County, owner) requesting rezoning from **GC** to **RRC** for multifamily residential 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 September 2, 2025, Planning Commission (PC) hearings until the October 7, 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;*

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WITHDRAWN, HELD, AND CONTINUED CASES (CONT.)

Z-68'²⁴ SAKSS AUSTELL, LLC (CONT.)

held by the PC from the March 4, 2025, through the May 6, 2025, PC hearings until the June 3, 2025, PC hearing; held by the Board of Commissioners (BOC) from the June 17, 2025, through the August 19, 2025, BOC Zoning Hearings until the October 21, 2025, BOC Zoning Hearing; therefore, was not considered at this hearing).

Z-17 LITTLE SUNSHINE'S PLAYHOUSE (Asad Nezamabadi, owner) requesting rezoning from **R-15** to **LRO** for a daycare in land lot 482 of the 16th district. Property is located on the northeast corner of Sandy Plains Road and Trickum Road (3090 Trickum Road and 3061 Sandy Plains Road). *(Previously continued by Staff from the August 5, 2025, Planning Commission (PC) hearing until the October 7, 2025, PC hearing; therefore, was not considered at this hearing).*

Z-18 RACETRAC, INC (The Medford Family LP, owner) requesting rezoning from **PSC** to **NRC** for a convenience store with fuel sales in land lot 583 of the 16th district. Property is located on the northwest intersection of Bells Ferry Road and Barrett Pkwy (2595 Bells Ferry Road). *(Previously continued by Staff from the August 5, 2025, Planning Commission (PC) hearing until the September 2, 2025, PC hearing; held by the PC until the October 7, 2025, PC hearing; therefore, was not considered at this hearing).*

Z-19 BROCK BUILT HOMES, LLC (West Cobb Church, Inc. and New Friendship Missionary Baptist Church, Inc., owners) requesting rezoning from **R-20** and **R-30** to **R-20** for a residential subdivision in land lots 243 and 276 of the 19th district. Property is located on the east side of Friendship Church Road, south of Villa Rica Road (1245 and 1251 Villa Rica Road). *(Held by the Planning Commission (PC) until the October 7, 2025, PC hearing; therefore, was not considered at this hearing).*

Z-21 JOSE GENAO (Jose Genao and Lina Capellan Genao, owners) requesting rezoning from **CF** to **HI** for light automotive repair in land lot 279 of the 17th district. Property is located at the southwest intersection of Joyner Avenue and Cochran Road (1650 Joyner Road). *(Continued by the Planning Commission (PC) until the October 7, 2025, PC hearing; therefore, was not considered at this hearing).*

LUP-31 ANNE LOU CRISPELL (Nicholas Crispell, owner) requesting a **Temporary Land Use Permit** to allow dog boarding in land lot 934 of the 17th district. Property is located on the east side of Leafwood Dr., east of Leafwood Ct. (3036 Leafwood Drive). *(Previously held by the Planning Commission (PC) from the August 5, 2025, PC hearing until the September 2, 2025, PC hearing; continued by Staff until the October 21, 2025, Board of Commissioners' (BOC) Zoning hearing; therefore, was not considered at this hearing).*

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WITHDRAWN, HELD, AND CONTINUED CASES (CONT.)

- LUP-33** **CAROL J. HICKS-VARGAS, MICHAEL VARGAS** (Carol Hicks-Vargas and Michael Vargas, owners) requesting a **Temporary Land Use Permit** to allow more adults and vehicles than the code allows in land lot 80 of the 16th district. Property is located on the southwest side of Rocky Top Court, north of Watkins Glenn Drive (230 Rocky Top Court). *(Previously continued by the Planning Commission (PC) from the August 5, 2025, PC hearing until the September 2, 2025, PC hearing; continued by Staff until the October 21, 2025, Board of Commissioners' (BOC) Zoning hearing; therefore, was not considered at this hearing).*
- LUP-35** **C. SUSAN VELASQUEZ** (Genesis Ministries, Inc., owner) requesting a **Temporary Land Use Permit** to allow a personal care home for up to sixteen people in land lot 210 of the 16th district. Property is located on the south side of Hawkins Store Road, east of Bells Ferry Road (262 Hawkins Store Road). *(Continued by Staff until the October 21, 2025, Board of Commissioners' (BOC) Zoning hearing; therefore, was not considered at this hearing).*
- O.B. 40** To consider amending the site plan for Chad J. McMillen regarding rezoning application Z-21 of 2012. Property is located on the northeast side of Woodstock Road, east of York Place in land lot 109 of the 16th district (4624 Woodstock Road). *(Previously continued by the Board of Commissioners (BOC) from the August 19, 2025, BOC Zoning hearing until the September 16, 2025, BOC Zoning hearing; continued by Staff until the October 21, 2025, BOC Zoning hearing; therefore, was not considered at this hearing).*
- O.B. 42** To consider a Settlement of Litigation for LCD Acquisitions and Townpark Renaissance, LLC regarding cases Z-25 of 2024 and SLUP-6 of 2024. Property is located on the east side of Townpark Drive, north of Townpark Lane in land lots 358 and 363 of the 16th district (112 Townpark Drive). *(Continued by Staff from the September 16, 2025, Board of Commissioners' (BOC) Zoning hearing until the October 21, 2025, BOC Zoning hearing; therefore, was not considered at this hearing).*

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

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 Allen, second by Sheffield, to **approve** the following cases on the Consent Agenda, *as revised*:

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CONSENT AGENDA (CONT.)

OTHER BUSINESS

At the call for O.B. 41 (Landstar Builders, Inc), the Applicant was not present, and there was no opposition present. The case was pulled from the Consent Agenda to see if the Applicant could be contacted. Later in the hearing, the Applicant was present, and the case was added back to the Consent Agenda (see page 7 of these minutes for the motion).

O.B. 44 To consider a reduction of public road frontage from 75-feet to zero-feet and other variances for Branden Tubo. Property is located on the north side of Cheatham Road, east of Cheatham Lake Drive in land lots 152 and 153 of the 20th district (2795 Cheatham Road).

To **approve** O.B. 44, subject to:

- 1. Road frontage is reduced to zero-feet for Tract Two, with accessory structure variances shown on the Site Plan received by the Zoning Division on August 7, 2025 (attached and made a part of these minutes)**
- 2. No other subdivision of this property**
- 3. Water and Sewer Division comments and recommendations contained in the Other Business packet**
- 4. Cobb DOT comments and recommendations contained in the Other Business packet**
- 5. Stormwater Management Division comments and recommendations contained in the Other Business packet**

O.B. 46 To consider a reduction of public road frontage from 75-feet to 53-feet and other variances for John R. Hooker. Property is located on the east side of Hiram Acworth Highway, south of Sayre Drive in land lot 342 of the 20th district (Hiram Acworth Highway).

To **approve** O.B. 46, subject to:

- 1. Site Plan received by the Zoning Division on August 11, 2025 (attached and made a part of these minutes) that shows this property with 53-feet of road frontage**
- 2. Cobb DOT comments and recommendations contained in the Other Business packet**
- 3. Site Plan Review comments and recommendations contained in the Other Business packet**

CONSENT VOTE: **ADOPTED** 3-0, Cupid and Birrell not present

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REGULAR AGENDA

At the call for LUP-26 (Reynaldo Valdez), the Applicant was waiting on his interpreter to arrive, so the case was put on hold until the interpreter was present. LUP-34 (Jose Orellana) was moved up on the agenda and heard next.

LUP-34 **JOSE ORELLANA** (Jose Orellana, owner) requesting a **Temporary Land Use Permit** to allow more adults and vehicles than the code allows in land lot 16 of the 17th district. Property is located at the southeast intersection of Birchwood Road and Walnut Circle (803 Birchwood Road).

The public hearing was opened, and Jose Orellana addressed the Board. Following the presentation and discussion, the following motion was made:

MOTION: Motion by Sheffield, second by Allen, to **approve** LUP-26 **34** for **12 months**, subject to:

1. **Planning Commission's (PC) recommendations for LUP-34 taken from the PC minutes dated September 2, 2025 (attached and made a part of these minutes), with the following change:**
 - A. **Item No. 1 – revise to read: “No more than five vehicles parked at the property”**
2. **All other comments and recommendations, *not otherwise in conflict***

VOTE: **ADOPTED** 3-0, Cupid and Birrell not present

Clerk's Note: When making her motion, Commissioner Sheffield inadvertently said LUP-26, when the motion was for LUP-34.

Following the vote for LUP-34 (Jose Orellana), Mr. Pederson announced that the Applicant and interpreter for LUP-26 (Reynaldo Valdez) were present; therefore, LUP-26 was heard next.

LUP-26 **REYNALDO VALDEZ** (Jose M. Delgado and Reynaldo Valdez Bravo, owners) requesting a **Temporary Land Use Permit** to allow more adults and vehicles than the code allows in land lot 56 of the 17th district. Property is located on the north side of Walnut Circle, west of Birchwood Way (1039 Walnut Circle). ***(Previously continued by the Planning Commission (PC) from the July 1, 2025, and August 5, 2025, PC hearings until the September 2, 2025, PC hearing).***

The public hearing was opened; Reynaldo Valdez and Abigail Schieber (translator for the Applicant) addressed the Board. Following the presentation and discussion, the following motion was made:

MOTION: Motion by Sheffield, second by Gambrill, to **approve** LUP-26 for **24 months**, subject to:

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REGULAR AGENDA (CONT.)

LUP-26 REYNALDO VALDEZ (CONT.)

- 1. Applicant to clean out the garage within 30 days (from today's date) to allow for the parking of two vehicles**
- 2. To allow three vehicles to be parked outside on the driveway**
- 3. Applicant to remove any additional vehicles from the property within 60 days (from today's date)**
- 4. All Staff comment and recommendations, *not otherwise in conflict***

VOTE: **ADOPTED** 3-0, Cupid and Birrell not present

Following the vote for LUP-26 (Reynaldo Valdez), Mr. Pederson announced that the Applicant for O.B. 41 (Landstar Builders, Inc) was present, and there was no opposition present, so O.B. 41 could be added back to the Consent Agenda. Mr. Pederson read in the case and the stipulations, and the motion was made to add the case back to the Consent Agenda.

CONSENT AGENDA (CONT.)

O.B. 41 To consider amending the stipulations for Landstar Builders, Inc regarding rezoning application Z-18 of 2022. Property is located on the south side of Liberty Hill Road, east of Canton Road in land lot 660 of the 16th district (910 Liberty Hill Road).

To **approve** O.B. 41, subject to:

- 1. Contractor use is permitted**
- 2. No outdoor storage and no heavy equipment on site**
- 3. Fire Department comments and recommendations contained in the Other Business packet**
- 4. Cobb DOT comments and recommendations contained in the Other Business packet**
- 5. All previous stipulations and conditions, *not otherwise in conflict*, to remain in effect**

MOTION: Motion by Gambrill, second by Sheffield, to **approve** O.B. 41, *as presented*.

VOTE: **ADOPTED** 3-0, Cupid and Birrell not present

MOTION: Motion by Gambrill, second by Sheffield, to **add** O.B. 41 back to the Consent Agenda.

VOTE: **ADOPTED** 3-0, Cupid and Birrell not present

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OTHER BUSINESS

O.B. 33 To consider amending the stipulations and site plan for Adesuwa Faderin regarding rezoning application Z-13 of 2013. Property is located on the east side of Atlanta Road, south of Paces Ferry Road in land lot 743 of the 17th district (3691 Atlanta Road). *(Previously continued by Staff from the July 15, 2025, Board of Commissioners' (BOC) Zoning hearing until the August 19, 2025, BOC Zoning hearing; held by the BOC from the August 19, 2025, BOC Zoning hearing until the September 16, 2025, BOC Zoning hearing).*

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

MOTION: Motion by Allen, second by Sheffield, to **approve** O.B. 33, subject to:

1. **Hours of operations no earlier than 6:00 a.m., with customer hours from 8:00 a.m. until 7:00 p.m. Monday through Saturday. No business operations including baking, cleaning, or equipment maintenance/repair after 9:00 p.m. Monday through Saturday. All employees arriving before 8:00 a.m. shall use the parking spaces located closest to Atlanta Rd and use the front entrance or south entrance to the building.**
2. **The business is to be closed for operations and business to customers on Sunday.**
3. **All operations are to take place inside the facility including cleaning, baking, cooking, and customer tastings.**
4. **Inbound and outbound deliveries are allowed between 9:00 a.m. and 7:00 p.m. Monday through Friday and must use the entrance on the south side of the building or the front entrance. No loading or unloading on the north side of the building in the shared drive.**
5. **No dumpster allowed. Only 2, 96-gallon rolling bins to be placed in an enclosure on the south side of the building. Doors to the enclosure must always be closed *except* for the emptying of the bins. Final location and enclosure design to be approved by the District Commissioner and must be installed on or before November 16, 2025.**
6. **Trash collection and grease trap cleaning is restricted to 8:00 a.m. and 6:00 p.m. Monday through Saturday.**
7. **Vegetative buffer to be placed in the rear of the building on or before November 16, 2025. County Arborist to approve the design.**
8. **Neon "Open" sign, no larger than 1 foot by 1 foot is permitted to be displayed from the front interior of the building. Sign shall be static with no flashing, blinking, or scrolling.**

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OTHER BUSINESS (CONT.)

O.B. 33 (CONT.)

9. No speakers permitted outside, and no audible music to be heard outside the building. There shall be no outdoor seating or extended covering, awning, etc.
10. No outdoor storage or outdoor display of merchandise.
11. No idling of vehicles in the parking lot.
12. Any lighting, including outdoor and security lighting, shall be directed away from/installed so as to prevent any lighting from penetrating onto any surrounding residential properties.
13. All previous stipulations and conditions, *not otherwise in conflict*, are to remain in effect
14. All future use of the property shall come back before the Cobb County Board of Commissioners for approval.

VOTE: **ADOPTED** 3-0, Cupid and Birrell not present

O.B. 34 To consider amending the stipulations for Kamilu Afolabi Fadairo regarding rezoning application Z-47 of 2016. Property is located on the east side of Ellis Mountain Drive, south of Sage Lake Bend in land lot 45 of the 19th district (2360 Ellis Mountain Drive). *(Previously continued by Staff from the August 19, 2025, Board of Commissioners' (BOC) Zoning hearing until the September 16, 2025, BOC Zoning hearing).*

The public hearing was opened; Kamilu Fadairo, Karen Dickey, and Josh Krohse addressed the Board. Following the presentation and discussion, the following motion was made:

MOTION: Motion by Gambrill, second by Allen, to **deny** O.B. 34, subject to:

1. Applicant to remove the fence from the undisturbed buffer area by **October 16, 2025**
2. Applicant to work with the County Arborist to replant any of the disturbed natural buffer area by **November 16, 2025**

VOTE: **ADOPTED** 3-0, Cupid and Birrell not present

O.B. 37 To consider amending the stipulations for Furniture and Mattress Warehouse, LP regarding rezoning application Z-25 of 2021. Property is located on the south side of Piedmont Road and on the east side of Bells Ferry Road in land lot 642 of the 16th district (Bells Ferry Road). *(Previously continued by Staff from the August 19, 2025, Board of Commissioners' (BOC) Zoning hearing until the September 16, 2025, BOC Zoning hearing).*

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OTHER BUSINESS (CONT.)

O.B. 37 (CONT.)

At the call for O.B. 37, the Applicant was not present, and there was no opposition present. Discussion ensued and the following motion was made to continue the case to October:

MOTION: Motion by Allen, second by Gambrill, to **continue** O.B. 37 until the October 21, 2025, Board of Commissioners' Zoning Hearing.

VOTE: **ADOPTED** 3-0, Cupid and Birrell not present

O.B. 39

To consider a reduction of required lot size for horses for Matthew Brady Owen from 2 acres to 0.459 acres. Property is located on the south side of Sasanqua Lane in land lot 697 of the 19th district (3118 Sasanqua Lane). *(Previously held by the Board of Commissioners from the August 19, 2025, Board of Commissioners' (BOC) Zoning hearing until the September 16, 2025, BOC Zoning hearing).*

The public hearing was opened, and Jennifer Arozqueta addressed the Board. Following the presentation and discussion, the following motion was made:

MOTION: Motion by Sheffield, second by Gambrill, to **deny** O.B. 39.

VOTE: **ADOPTED** 3-0, Cupid and Birrell not present

O.B. 43

To consider amending the stipulations for Adrienne and Todge Aumiller regarding rezoning application Z-47 of 2016. Property is located on the east side of Ellis Mountain Drive, north of Sage Lake Bend in land lot 45 of the 19th district (2360 Ellis Mountain Drive).

The public hearing was opened; Adrienne and Todge Aumiller, and Karen Dickey addressed the Board. Following the presentation and discussion, the following motion was made:

MOTION: Motion by Gambrill, second by Sheffield, to **deny** O.B. 43, subject to:

- 1. Applicant to remove the fence from the undisturbed natural buffer area by October 16, 2025**
- 2. Applicant to replant any of the disturbed natural buffer area by November 16, 2025**

VOTE: **ADOPTED** 3-0, Cupid and Birrell not present

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ADJOURNMENT

The hearing adjourned at 11:26 a.m.



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

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Min. Bk. 101 Petition No. LUP-34
Doc. Type PC recommendation for
LUP-34 from 9-2-2025 PC Minutes
Meeting Date 9-16-2025

REGULAR AGENDA (CONT.)

Z-19 BROCK BUILT HOMES, LLC (CONT.)

The public hearing was opened; Kevin Moore, David Smith, and Travis McComb addressed the Planning Commission. Following the presentation and discussion, the following motion was made:

MOTION: Motion by Beloin, second by Massey, to **hold** Z-19 until the October 7, 2025, Planning Commission Zoning Hearing.

VOTE: **ADOPTED** 5-0

Chairwoman Faucette called for a brief recess from 12:08 p.m. until 12:14 p.m.

LUP-34 **JOSE ORELLANA** (Jose Orellana, owner) requesting a **Temporary Land Use Permit** to allow more adults and vehicles than the code allows in land lot 16 of the 17th district. Property is located at the southeast intersection of Birchwood Road and Walnut Circle (803 Birchwood Road).

The public hearing was opened; Jose Orellana, Jesus Orellana (interpreter for the Applicant), and Nina Player addressed the Planning Commission. Following the presentation and discussion, the following motion was made:

MOTION: Motion by Massey, second by Beloin, to recommend **approval** of LUP-34 for **12 months**, subject to:

1. **Five vehicles**
2. **No vehicles are to be parked on the street or in the right-of-way; all parking is to be in the driveway *only***
3. **Applicant to clear out the garage to allow for the parking of one vehicle inside**
4. **Code Enforcement to make regular visits to the property to ensure compliance with the stated stipulations**

VOTE: **ADOPTED** 4-1, Anderson opposed

LUP-35 **C. SUSAN VELASQUEZ** (Genesis Ministries, Inc., owner) requesting a **Temporary Land Use Permit** to allow a personal care home for up to sixteen people in land lot 210 of the 16th district. Property is located on the south side of Hawkins Store Road, east of Bells Ferry Road (262 Hawkins Store Road).

The public hearing was opened; Susan and Eli Velasquez addressed the Planning Commission. Following the presentation and discussion, the following motion was made:

OB-44-2025 Proposed

