

**MINUTES OF VARIANCE HEARING
COBB COUNTY BOARD OF ZONING APPEALS
SEPTEMBER 10, 2025
1:30 P.M.**

The Board of Zoning Appeals Variance Hearing was held on Wednesday, September 10, 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, 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 John Pederson, Zoning Division Manager, read in the following cases that were withdrawn and then read in the Consent Agenda.

WITHDRAWN CASES

V-101 PRESTON POORE (Preston B. Poore and Carla B. Poore, owners) requesting a variance to reduce the rear setback from the required 30 feet to 20 feet in land lot 88 of the 1st district. Property is located on the northwest corner of Gaskin Walk and Upper Branden Place (4933 Gaskin Walk). ***WITHDRAWN WITHOUT PREJUDICE***

V-112 CLAUDIA VAITELIS (Claudia Vaitelis and Kestas Vaitelis, owners) requesting a variance to 1) reduce the setbacks for an accessory structure (proposed 240 square foot gazebo) from the required 35 feet to 30 feet adjacent to the northern property line and eight feet adjacent to the eastern property line; and 2) allow an accessory structure (proposed 240 square foot gazebo) to be located closer to the road than the principal building in land lot 894 of the 16th district. Property is located on the northwest corner of Logan Circle and Ben Franklin Court (1429 Logan Cir).

Mr. Pederson presented the Applicant's request to withdraw V-112 without prejudice; thereafter, the following motion was made:

MOTION: Motion by Massey, second by Swanson, to **allow** V-112 to be *withdrawn without prejudice*.

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

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CONSENT AGENDA

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

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 Board of Zoning Appeals from the July 9, 2025, hearing until the September 10, 2025, hearing).*

To **approve** V-75, subject to:

- 1. Stormwater Management Division comments and recommendations**
- 2. Development and Inspections Division comments and recommendations**
- 3. Site Plan received April 22, 2025 (attached and made a part of these minutes), with the Stormwater Management Division to approve the final Site Plan**
- 4. All new driveways and other driveway modifications to be permitted by Cobb Department of Transportation**

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 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). *(Previously continued by Staff from the August 13, 2025, BZA hearing until the September 10, 2025, BZA hearing).*

To **approve** V-90, subject to:

- 1. Stormwater Management Division comments and recommendations**
- 2. Department of Transportation comments and recommendations**
- 3. Dam breach study to be reviewed and approved by the Stormwater Management Division prior to permits**

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CONSENT AGENDA (CONT.)

- V-102** **SAEEDULLAH SAEED** (Saeedullah Saeed and Zari Rahman, as Joint Tenants with Rights of Survivorship, owners) requesting a variance to 1) reduce the side setback from the required 10 feet to zero feet adjacent to the eastern property line; 2) reduce the front setback from the required 50 feet to 40 feet; and 3) allow for parking and/or maneuvering on a non-hardened and treated surface (existing gravel) in land lot 261 of the 19th district. Property is located on the north side of Murray Circle, west of Powder Springs Road (1020 Murray Cir).

To **approve** V-102, subject to:

1. Stormwater Management Division comments and recommendations

- V-103** **BERTHA E. OLIVARES** (Bertha E. Olivares, Felipa Garcia and Hugo E. Olivares as Joint Tenants with Rights of Survivorship and not as Tenants in Common, owners) requesting a variance to reduce the side setback from the required 10 feet to two feet adjacent to the northeastern property line in land lot 208 of the 16th district. Property is located on the south side of Farmbrook Trail, south of John Arthur Way (602 Farmbrook Trl).

To **approve** V-103, subject to:

1. Stormwater Management Division comments and recommendations

- V-104** **KIMBER R. BELL** (Patrick D. Bell and Kimber R. Bell, owners) requesting a variance to 1) reduce the setbacks for an accessory structure (proposed 2,400 square foot garage) from the required 100 feet to 40 feet adjacent to the northwestern property line and 70 feet adjacent to the southern property line; 2) allow for parking and/or maneuvering on a non-hardened and treated surface (existing gravel); and 3) allow a second electrical meter in land lots 265 and 230 of the 20th district. Property is located on the northwest corner of Red Rock Road and Fords Road (1245 Red Rock Rd).

To **approve** V-104, subject to:

- 1. Department of Transportation comments and recommendations**
- 2. No commercial or residential dwelling use of the accessory structure**

- V-105** **GERALD MISEL AND ANITA BEST** (Gerald Misel, Jr. and Anita Best with Joint Tenants with Rights of Survivorship and not as Tenants in Common, owners) requesting a variance to 1) reduce the rear setback from the required 40 feet to 38 feet; 2) reduce the side setback from the required 12 feet to two feet adjacent to the eastern property line; and 3) increase the maximum allowable impervious coverage from the required 35% to 45.1% in land lot 81 of the 1st district. Property is located

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CONSENT AGENDA (CONT.)

V-105 GERALD MISEL AND ANITA BEST (CONT.)

on the north side of Mulberry Drive, east of Johnson Ferry Road (4815 Mulberry Dr).

To **approve** V-105, subject to:

- 1. Stormwater Management Division comments and recommendations**
- 2. Revised Site Plan received August 29, 2025 (attached and made a part of these minutes), with the Stormwater Management Division approving the final Site Plan**

At the call for petition V-106 (Nancy Carroll), opposition was present; therefore, V-106 was pulled from the Consent Agenda and heard on the Regular Agenda in its numerical order (see page 7 of these minutes).

V-107 JAMES RYAN SMITH (James Ryan Smith and Alec Winchester Smith, owners) requesting a variance to reduce the rear setback from the required 35 feet to 28 feet in land lot 256 of the 20th district. Property is located at the terminus of Shaftoe Street, north of Waterhouse Street (908 Shaftoe St).

To **approve** V-107.

V-108 NICHELLE BELL (Lawrence Harper and Judy Harper as Joint Tenants with Rights of Survivorship, owners) requesting a variance to 1) reduce the setbacks for an accessory structure (proposed 1,600 square foot garage) from the required 100 feet to 31 feet adjacent to the western property line and 15 feet adjacent to southern property line; 2) allow an accessory structure (proposed 1,600 square foot garage) to be located to the side of the principal building; 3) allow an accessory structure (existing 200 square foot building) to be located to the front of the principal building; and 4) allow for parking and/or maneuvering on a non-hardened and treated surface (existing gravel and woodchips) in land lots 243, 244, 261, and 262 of the 16th district. Property is located on the north side of Pete Shaw Road, west of Ophie Drive (3251 Pete Shaw Rd).

To **approve** V-108, subject to:

- 1. Stormwater Management Division comments and recommendations**

At the call for petition V-109 (Terry L. Yeager), opposition was present; therefore, V-109 was pulled from the Consent Agenda and heard on the Regular Agenda in its numerical order (see page 7 of these minutes).

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CONSENT AGENDA (CONT.)

- V-110** **JONATHAN AND ANDREA LAMONT** (Andrea LaMont and Jonathan LaMont as Joint Tenants with Rights of Survivorship, owners) requesting a variance to 1) reduce the front setback from the required 50 feet to 23 feet; and 2) allow an accessory use (proposed pool equipment) to be located on the side of the principal building in land lot 747 of the 16th district. Property is located on the northeast corner of Bunker Hill Circle and Bunker Hill Road (3010 Bunker Hill Cir).

To **approve** V-110.

- V-111** **GREGORY AND KAELYN STEFAN** (Gregory Stefan and Kaelyn Stefan, owners) requesting a variance to increase the maximum allowable impervious coverage from the required 35% to 41.1% in land lot 696 of the 17th district. Property is located on the north side of Lee Road, east of Pineridge Road (2025 Lee Rd).

To **approve** V-111, subject to:

1. **Stormwater Management Division comments and recommendations**

CONSENT VOTE: **ADOPTED** 4-0, Summerour not present

REGULAR AGENDA

- 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%~~ **50%**; 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). *(Previously held by the Board of Zoning Appeals from the August 13, 2025, BZA hearing until the September 10, 2025, BZA hearing).*

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

MOTION: Motion by Beloin, second by Massey, to **approve** V-94, subject to:

1. **Modify Variance No. 1 to increase the maximum allowable impervious coverage from the required 40% to 50%; mitigation as required by the Stormwater Management Division**
2. **A second row of silt fencing to be used and other enhanced measures as recommended or required by the Stormwater Management Division**

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

REGULAR AGENDA (CONT.)

- 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). *(Previously held by the Board of Zoning Appeals from the August 13, 2025, BZA hearing until the September 10, 2025, BZA hearing).*

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 Swanson, to **approve** V-97, subject to:

- 1. Stormwater Management to have final approval of the final Site Plan**
- 2. The final Site Plan to not cause any portion of the building to be any closer to any boundary as shown on the last submitted site plan received June 12, 2025 (attached and made a part of these minutes)**
- 3. 30-foot-long row of Green Giant trees be placed on the rear property line to provide additional privacy to the neighbor to the rear**
- 4. Construction hours limited to 7:00 a.m. until 6:00 p.m. Monday through Saturday**

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

- V-99** **MASHANDA AND ANDY RUFFIN** (Andy Ruffin and Mashanda Ruffin as Joint Tenants with Rights of Survivorship, owners) requesting a variance to 1) 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; and 2) allow driving and/or maneuvering on a non-hardened and treated surface (millings) 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). *(Previously held by the Board of Zoning Appeals from the August 13, 2025, BZA hearing until the September 10, 2025, BZA hearing).*

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

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

MOTION: Motion by Russell, second by Swanson, to **approve** V-99, subject to:

- 1. Stormwater Management Division to sign off on the impervious surface issue**

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REGULAR AGENDA (CONT.)

V-99 MASHANDA AND ANDY RUFFIN (CONT.)

- 2. Add trees where needed along the back of the garage to fill in and screen that area**
- 3. Same building materials be used to match the house**
- 4. Stormwater Management Division comments and recommendations**

VOTE: ADOPTED 3-0, Summerour not present, Massey recused

V-106 NANCY CARROLL (Nancy Carroll, owner) requesting a variance to reduce the setbacks for an accessory structure (proposed 1,000 square foot garage) from the required 100 feet to three feet adjacent to the western property line and 20 feet adjacent to the southern property line in land lot 199 of the 20th district. Property is located at the terminus of Stilesboro Court, east of Stilesboro Drive (4024 Stilesboro Ct).

The public hearing was opened; Nancy Carroll, Dennis Runnian, and Gay Runnian addressed the Board. Following presentation and discussion, the following motion was made:

MOTION: Motion by Beloin, second by Massey, to **hold** V-106 until the October 15, 2025, Board of Zoning Appeals Variance Hearing.

VOTE: ADOPTED 4-0, Summerour not present

V-109 TERRY L. YEAGER (Terry L. Yeager, owner) requesting a variance to allow an accessory use (proposed pool equipment) to be located on the side of the principal building in land lot 242 of the 20th district. Property is located on the west side of Falkirk Lane, north of Tayside Crossing (1415 Falkirk Ln).

The public hearing was opened; Terry Yeager, Mary Yeager, Chuck Barnes, and Kelly Barnes addressed the Board. Following presentation and discussion, the following motion was made:

MOTION: Motion by Beloin, second by Massey, to **hold** V-109 until the October 15, 2025, Board of Zoning Appeals Variance Hearing.

VOTE: ADOPTED 4-0, Summerour not present

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APPROVAL OF MINUTES

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

August 13, 2025 – Board of Zoning Appeals Variance Hearing

September 3, 2025 – Special Called Meeting/Agenda Review Work Session

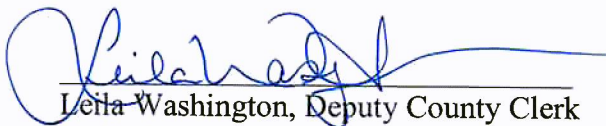
VOTE: **ADOPTED** 4-0, Summerour not present

ADJOURNMENT

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

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

The hearing adjourned at 3:13 p.m.


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



