

**MINUTES OF VARIANCE HEARING
COBB COUNTY BOARD OF ZONING APPEALS
OCTOBER 15, 2025
1:30 P.M.**

The Board of Zoning Appeals Variance Hearing was held on Wednesday, October 15, 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 1:31 p.m. and explained the procedures for the public hearing.

Mr. John Pederson, Zoning Division Manager, read in the following cases that were continued and then read in the Consent Agenda.

CONTINUED CASES

- V-113** **BURN BOOT CAMP LOST MOUNTAIN** (ECP Lost Mountain, LLC, owner) requesting a variance to allow a temporary or permanent sign to cover more than 50% of the window glass in land lot 65 of the 19th district. Property is located on the south side of Dallas Highway, south of Schofield Drive (5087 Dallas Hwy). *(Previously continued by Staff from the October 15, 2025, BZA hearing until the November 12, 2025, BZA hearing; therefore, was not considered at this hearing).*
- V-116** **JENNIFER WOLFE** (Ronnie Blake Perkna and Sharon D. Perkna and Bruce C. Perkna, owners) requesting a variance to 1) reduce the front setback from the required 45 feet to 43 feet; and 2) increase the maximum height of a retaining wall from the required six feet to 12 feet in land lots 1264 and 1265 of the 16th district. Property is located on the north side of River Ridge Chase, west of Paper Mill Road (4031 River Ridge Chase). *(Previously continued by Staff from the October 15, 2025, BZA hearing until the December 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 revised*:

- V-114** **SCOTT DOZIER** (Scott Dozier and Margaret D Dozier as Joint Tenants with Rights of Survivorship, owners) requesting a variance to reduce the front setback from the required 50 feet to 26 feet in land lot 837 of the 17th district. Property is

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CONSENT AGENDA (CONT.)

V-114 SCOTT DOZIER (CONT.)

located on the northeast corner of Valley Trail Drive and Brookview Drive (4300 Valley Trial Dr).

To approve V-114, subject to:

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

V-115 KELLY CONSOLA (Equity Trust Company Custodian FBO Kelly Ann Consola, owner) requesting a variance to 1) reduce the front setback from the required 45 feet to 30 feet; and 2) reduce the rear setback from the required 40 feet to 25 feet in land lot 338 of the 20th district. Property is located on the south side of Pindos Trail, east of Pindos Pass (5003 Pindos Trl).

To approve V-115, subject to:

- 1. Stormwater Management Division comments and recommendations, with the deletion of comment No. 3**

V-117 CRYSTAL FREEMAN-HENDERSON (Crystal Freeman-Henderson, owner) requesting a variance to allow two additional electrical meters (one at each garage) in land lot 367 of the 16th district. Property is located on the south side of Woodhill Drive, west of Shaw Road (1440 Woodhill Dr).

To approve V-117.

V-118 JASON TOOLE (Chick-fil-A, Inc., owner) requesting a variance to 1) increase the maximum allowable impervious coverage from 78.91% (V-58 of 2024) to 80.3%; 2) allow two accessory structures (proposed 1,327 square foot freestanding meal delivery canopy and 1,151 square foot freestanding order canopy) to be located to the side and front of the principal building; 3) reduce the setbacks for an accessory structure (proposed 1,327 square foot freestanding meal delivery canopy) from the required 50 feet to 49 feet adjacent to the southeastern property line and six feet adjacent to the northeastern property line; 4) reduce the setbacks for an accessory structure (proposed 1,151 square foot freestanding order canopy) from the required 50 feet to 28 feet adjacent to the southeastern property line; and 5) reduce parking spaces from the required 49 spaces to 45 spaces in land lot 1061 of the 16th district. Property is located on the northwest corner of Summit Village Drive and Roswell Road (2105 Roswell Rd).

To approve V-118, subject to:

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CONSENT AGENDA (CONT.)

V-118 JASON TOOLE (CONT.)

1. Stormwater Management Division comments and recommendations

At the call for V-121 (Emmett Shead), opposition was present; therefore, V-121 was pulled from the Consent Agenda to be added to the Regular Agenda. Before the vote to approve the Consent Agenda, the Applicant and the opposition came to a resolution, and the case was left on the Consent Agenda.

V-121 EMMETT SHEAD (Emmett Shead, Jr. and Kim K. Shead, owners) requesting a variance to 1) reduce the rear setback for an accessory structure (proposed 576 square foot garage) from the required 35 feet to seven feet adjacent to the southern property line; and 2) reduce the rear setback for an accessory structure (existing 336 square foot pool house/gazebo) from the required 35 feet to 20 feet adjacent to the southern property line in land lot 529 of the 19th district. Property is located at the southwest corner of Greenes Lane and Gaydon Road (2506 Greenes Ln).

To **approve** V-121, subject to:

1. No residential or commercial use of the detached garage

V-122 NORTH ATLANTA INSTALLATION (Shiloh Station, LLC, owners) requesting a variance to increase the maximum allowable square footage for wall signs per face from the required 200 square feet to 502.6 square feet in land lots 61 and 92 of the 20th district. Property is located on the northeast corner of Royal Drive and Jiles Road, and on the west side of Cherokee Street (3895 Cherokee St).

To **approve** V-122.

V-123 NORTH ATLANTA INSTALLATION (Centro NP East Lake Pavilions, LLC, owner) requesting a variance to increase the maximum allowable square footage for wall signs per face from the required 200 square feet to 486.5 square feet in land lots 1029 and 1060 of the 16th district. Property is located on the east side of Roswell Road, and on the south side of Robinson Road (2100 Roswell Rd).

To **approve** V-123.

V-124 NORTH ATLANTA INSTALLATION (Butler Creek Station, LLC, owner) requesting a variance to increase the maximum allowable square footage for wall signs per face from the required 200 square feet to 292 square feet in land lots 107, 108, and 122 of the 20th district. Property is located on the north side of Cobb Parkway, and on the west side of Acworth Due West Road (3330 Cobb Pkwy NW).

To **approve** V-124.

CONSENT AGENDA (CONT.)

V-125 **NORTH ATLANTA INSTALLATION** (KRG Acworth Stilesboro, LLC, owner) requesting a variance to increase the maximum allowable square footage for wall signs per face from the required 200 square feet to 311.1 square feet in land lots 224 and 225 of the 20th district. Property is located on the east side of Mars Hill Road, and on the south side of Stilesboro Road (1720 Mars Hill Rd).

To **approve** V-125.

V-126 **MARY ELIZABETH STONE AND MEADE G. STONE** (Mary Elizabeth Stone and Meade G. Stone, III, owners) requesting a variance to 1) reduce the rear setback from the required 40 feet to 35 feet; **and** 2) increase the maximum allowable impervious coverage from the required 35% to 39.8% ~~and 3) allow for parking and/or maneuvering on a non-hardened and treated surface (existing gravel)~~ in land lot 906 of the 17th district. Property is located on the north side of Paces Lake Drive, west of Randall Farm Road (2945 Paces Lake Dr).

To **approve** V-126.

V-127 **PRAMOD MATHUR** (Pramod Mathur, owner) requesting a variance to 1) reduce the rear setback from the required 30 feet to 11 feet; 2) reduce the setbacks for an accessory structure (proposed pool equipment) from the required five feet to two feet adjacent to the southwestern property line; and 3) increase the maximum allowable impervious coverage from the required 35% to 49.6% in land lot 958 of the 16th district. Property is located on the west side of Monte Drive, south of Monte Villa Court (1159 Monte Dr).

To **approve** V-127, subject to:

1. Stormwater Management Division comments and recommendations

V-128 **JASON PENDLEY** (Charlie Terry Pendley, S. Darlene Pendley and Terry Jason Pendley, owners) requesting a variance to 1) reduce the setbacks for an accessory structure (existing 1,080 square foot pool house) from the required 100 feet to 35 feet adjacent to the eastern property line and 10 feet adjacent to the southern property line; and 2) reduce the setbacks for an accessory structure (existing 1,200 square foot garage) from the required 100 feet to 59 feet adjacent to the eastern property line and 20 feet adjacent to the northern property line in land lot 506 of the 19th district. Property is located on the east side of Old Lost Mountain Road, south of Abby Grove Court (2332 Old Lost Mountain Rd).

To **approve** V-128.

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CONSENT AGENDA (CONT.)

- V-129** **MAURER CO RETAINING WALLS, INC.** (Willie Lewis Evans and Maria Dolores Evans, owners) requesting a variance to 1) increase the maximum height of a retaining wall from the required six feet to 16.5 feet; and 2) increase the maximum allowable impervious coverage from the required 35% to 49.7% in land lot 72 of the 16th district. Property is located on the southeastern side of Mistflower Drive, east of Day Lily Way (627 Mistflower Dr).

To **approve** V-129, subject to:

1. Stormwater Management Division comments and recommendations

- V-130** **NEIL GOLDSTEIN** (Jennifer Goldstein and Neil Goldstein, owners) requesting a variance to reduce the rear setback from the required 50 feet to 28 feet in land lot 102 of the 1st district. Property is located on the south side of Chartley Way, north of Shallowford Road (4607 Chartley Way).

To **approve** V-130, subject to:

1. Stormwater Management Division comments and recommendations

Prior to approving the Consent Agenda, Mr. Pederson announced that case V-120 (Steve Cannon) could be added to the Consent Agenda. The Applicant was present, and there was no opposition present.

- V-120** **STEVE CANNON** (Steve R. Cannon and Lori G. Cannon, owners) requesting a variance to 1) reduce the side setbacks from the required 10 feet to five feet adjacent to the western and northern property line; and 2) allow an accessory use (proposed pool equipment) to be located on the side of the principal building in land lot 253 of the 20th district. Property is located on the north side of Lattimore Farm Drive, west of Covell Court (2212 Lattimore Farm Dr).

To **approve** V-120.

MOTION: Motion by Beloin, second by Summerour, to **add** V-120 to the Consent Agenda.

VOTE: **ADOPTED** 5-0

CONSENT VOTE: **ADOPTED** 5-0

REGULAR AGENDA

- 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). *(Previously held by the Board of Zoning Appeals from the September 10, 2025, BZA hearing until the October 15, 2025, BZA hearing).*

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

MOTION: Motion by Beloin, second by Summerour, to **approve** V-106, subject to:

1. **Revised site plan dated October 8, 2025 (attached and made a part of these minutes), locating the northwest corner of the garage seven feet from the western boundary**
2. **Applicant to plant no less than four evergreen trees to be at least five feet tall at the time of planting to provide immediate ground cover**
3. **No business use of the garage**
4. **The siding of the garage to be charcoal grey**
5. **The garage to be permitted**

VOTE: **ADOPTED 5-0**

- 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 **approve** V-109, subject to:

1. **Pool pump not to exceed four feet in height to be located 4.5 feet off the south property line and eight feet off the west property line**
2. **The pump pad elevation not to exceed 1069 feet above sea level**

VOTE: **ADOPTED 5-0**

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REGULAR AGENDA (CONT.)

V-119 **LIAM BYRNES** (David Moss, owner) requesting a variance to 1) reduce the setbacks for an accessory structure (proposed 1,300 square foot pool house) from the required 100 feet to 39 feet adjacent to the eastern property line and 80 feet adjacent to the southern property line; 2) reduce the setbacks for an accessory structure (existing approximately 810 square foot brick shop and storage building) from the required 100 feet to 81 feet adjacent to the northern property line and 70 feet adjacent to the western property line; 3) reduce the setbacks for an accessory structure (existing 448 square foot chicken coop) from the required 25 feet to 19 feet adjacent to the western property line; and 4) allow a second electrical meter in land lot 415 of the 19th district. Property is located on the north side of Macland Road, west of McEachern Manor Drive (2086 Macland Rd).

The public hearing was opened; Liam Byrnes and David Moss addressed the Board. Following presentation and discussion, the following motion was made:

MOTION: Motion by Beloin, second by Swanson, to **hold** V-119 until the November 12, 2025, Board of Zoning Appeals Variance Hearing.

VOTE: **ADOPTED** 5-0

APPROVAL OF MINUTES

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

September 10, 2025 – Board of Zoning Appeals Variance Hearing

October 6, 2025 – Special Called Meeting/Agenda Review Work Session

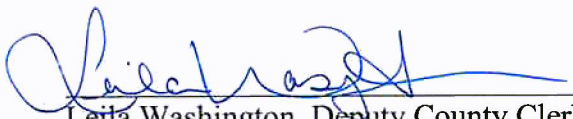
VOTE: **ADOPTED** 5-0

ADJOURNMENT

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

VOTE: **ADOPTED** 5-0

The hearing adjourned at 2:56 p.m.

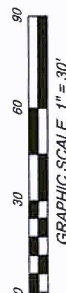

Leila Washington, Deputy County Clerk
Cobb County Board of Zoning Appeals

BEING LOT 56, STILESBO HILLS, PLAT BOOK 63, PAGE 134
(4024 STILESBO COURT)

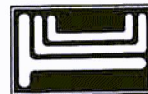
IMPERVIOUS AREA CALCULATIONS

[illegible]

SUBJECT PROPERTY DEED
DEED IN FAVOR OF NANCY CARROLL & ROBERT CARROLL: D.B. 9888, PG 37

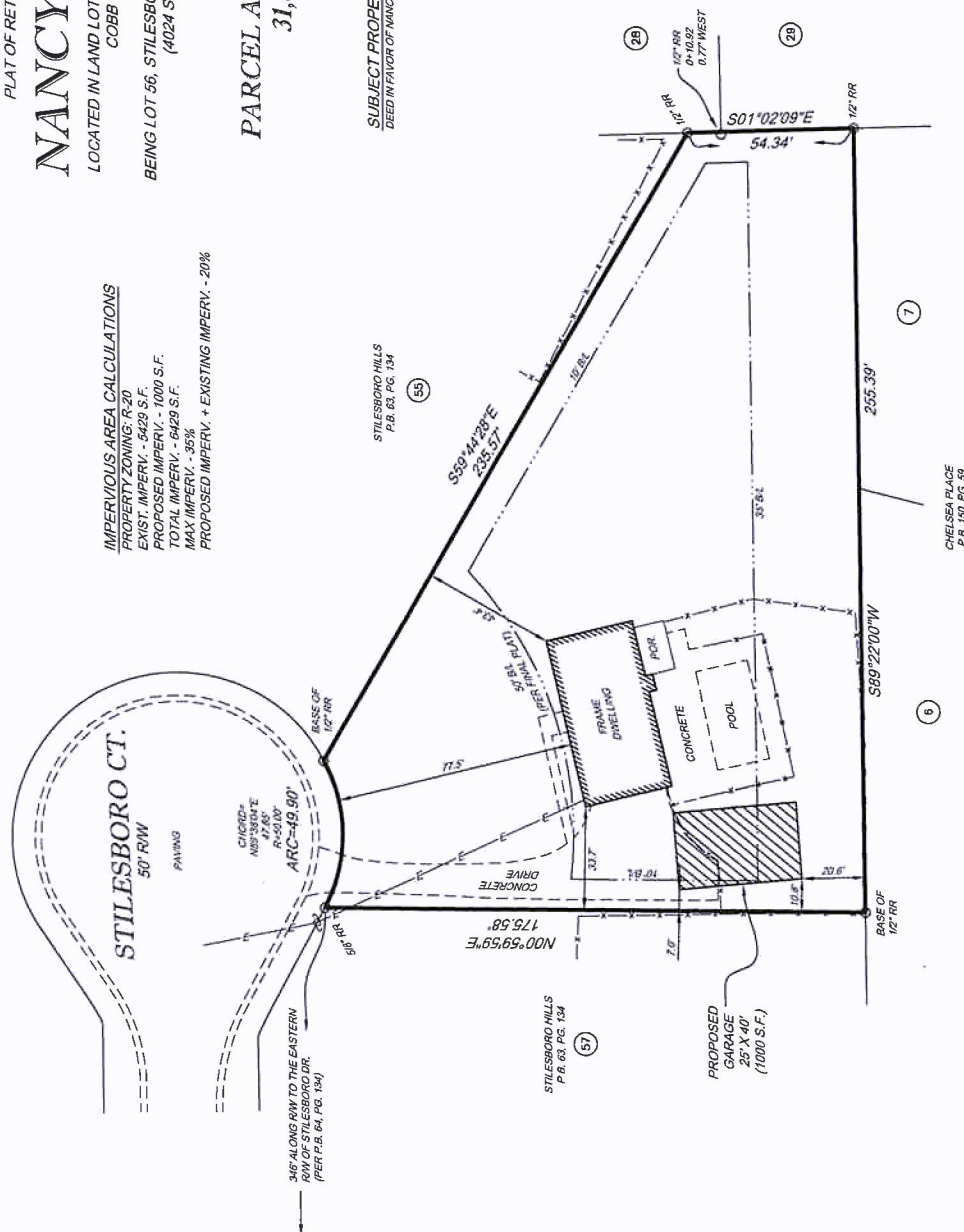


REVISIONS	
DATE	DESCRIPTION
10/08/2025	REVISE LOCATION OF PROPOSED GARAGE



THE RUSSELL COMPANY
PROFESSIONAL LAND SURVEYORS
2981 POWDER SPRINGS ROAD
MARIETTA, GEORGIA 30064
(770) 943-5903
E-MAIL: RPN@CRUSSELL.COM

PROJ. NO. C07572 FILE: C07572.DWG
FIELD SURVEY DATE: 06/20/2025
PLAT DATE: 07/09/2025 SCALE: 1" = 30'



HAVE THIS DATE EXAMINED THE FLOOD INSURANCE
RATE MAPS, COMMUNITY PANEL NO.: 13067C0018H
EFFECTIVE DATE: OCTOBER 5, 2018
THE MAP GRAPHICALLY DEPICTS THE SUBJECT
PROPERTY TO LIE IN ZONE. "X"

THIS PLAN IS A REARRANGEMENT OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT SUBDIVIDE OR CREATE A NEW PARCEL OR MAKE ANY CHANGES TO ANY REAL PROPERTY BOUNDARIES. THE RECORDING INFORMATION FOR THE EXISTING PARCEL OR PARCELS OF LAND, AS SHOWN ON RECORD MAPS, DEEDS, PLATS, OR OTHER INSTRUMENTS WHICH CREATED THE PARCEL OR PARCELS ARE STATED HEREON. THE REARRANGEMENT OF THIS PLAT, OR OTHER INSTRUMENTS WHICH CREATED THE PARCEL OR PARCELS, DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, OR COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. FURTHERMORE, THE UNDERSIGNED LAND SURVEYOR CERTIFIES THAT THE RULES AND REGULATIONS OF THE GEORGIA BOARD OF SURVEYING AND MAPPING, AND THE RULES AND REGULATIONS OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN THE O.C.G.A. SECTION 15-6-87.

Bernard W. Cussell / 07/08/2025
 ENJAMIN W. CRIJSEL / F.R.L.S. 2841 DATE