

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

The Board of Zoning Appeals Variance Hearing was held on Wednesday, December 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:

Deidra Massey, Chairwoman
Kim Swanson, Vice Chairwoman
Fred Beloin
Alice Summerour
Barkley Russell

CHAIRWOMAN MASSEY – CALL TO ORDER

Chairwoman Massey 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 John Pederson, Zoning Division Manager, read in the following case that was withdrawn and then read in the Consent Agenda.

V-152 **GRACE RESURRECTION METHODIST CHURCH, INC** (Barkis Family Revocable Trust, owner) requesting a variance to 1) reduce the setbacks for an accessory structure (proposed 6,200 square foot playground) from the required 50 feet to eight feet adjacent to the western property line; and 2) allow a church within a residential zoning district to have primary access to the facility from a minor collector roadway in land lot 690 of the 16th district. Property is located on the east side of the intersection of Oak Lane, Bill Murdock Road, and Casteel Road (3650 Oak Ln). ***WITHDRAWN WITHOUT PREJUDICE***

CONSENT AGENDA

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

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). ***(Continued by Staff from the October 15, 2025, and November 12, 2025, BZA hearings until the December 10, 2025, BZA hearing).***

To **approve** V-116, subject to:

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CONSENT AGENDA (CONT.)

V-116 JENNIFER WOLFE (CONT.)

1. *Revised site plan dated November 21, 2025 (attached and made a part of these minutes)*
2. **Retaining wall to be completely on the Applicant's property**

V-140 DIEGO COSTA (Costa Living Spaces LLC, a Georgia limited liability company, owner) requesting a variance to reduce the rear setback from the required 35 feet to 30 feet in land lot 412 of the 16th district. Property is located on the east side of Corral Drive, north of Bridal Path (3440 Corral Dr).

To **approve** V-140.

At the call for petition V-141 (Jennifer Burgener), opposition was present; therefore, V-141 was pulled from the Consent Agenda and heard on the Regular Agenda in its numerical order (see page 5 of these minutes).

V-142 ELEANOR HOCHBERG (David G. Hochberg and Eleanor Hochberg as Joint Tenants with Rights of Survivorship, owners) requesting a variance to increase the maximum allowable impervious coverage from the required 35% to 48% in land lot 4 of the 1st district. Property is located on the northeast side of Chattahoochee Plantation Drive, east of Chattahoochee Lane (4467 Chattahoochee Plantation Dr).

To **approve** V-142, subject to:

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

V-143 NORTH ATLANTA INSTALLATION (Tiffany & Tomato INC, Hancock-Pulaski Properties INC, and Club Babaloo INC, owners) requesting a variance to increase the maximum allowable square footage for wall signs per face from the required 200 square feet to 282.2 square feet in land lot 402 of the 19th district. Property is located on the northwest side of Powder Springs Road, east of John Ward Road (1690 Powder Springs Rd).

To **approve** V-143.

V-144 ADVANCED SCAPES (Jeri Mogle and Christopher Mogle as Joint Tenants with Rights of Survivorship, owners) requesting a variance to allow an accessory use (proposed pool and deck) to be located closer to the road than the principal building in land lot 582 of the 19th district. Property is located on the northwest corner of Moon Road and Greenes Lane (4840 Moon Rd).

To **approve** V-144, subject to:

CONSENT AGENDA (CONT.)

V-144 ADVANCED SCAPES (CONT.)

- 1. Department of Transportation comments and recommendations**
- 2. Stormwater Management Division comments and recommendations**
- 3. To be inspected by the Stormwater Management Division prior to the Certificate of Completion**

V-145 CHRISTOPHER HEMBREE (Joan M. Comer, owner) requesting a variance to reduce the side setback from the required 10 feet to eight feet adjacent to the southern property line in land lot 456 of the 16th district. Property is located on the east side of Plains Way, east of Plains Court (3280 Plains Way).

To **approve** V-145.

V-146 BRAVES DEVELOPMENT COMPANY, LLC (Pennant Park Acquisition, LLC, owner) requesting a variance to 1) allow for an electronic sign to be used as a wall sign; and 2) increase the maximum allowable square footage for wall signs per face from the required 200 square feet to 290.98 square feet; and 3) increase the maximum allowable square footage for the electronic messaging portion of a sign from the required 32 square feet to 290.98 square feet in land lots 944 and 983 of the 17th district. Property is located on the southern corner of Windy Ridge Parkway and Interstate North Circle (360 Interstate North Pkwy).

To **approve** V-146.

V-147 WILLIAM ALBERT MURNER AND SABRINA ISABEL MURNER (William Albert Murner and Sabrina Isabel Murner as Joint Tenants with Rights of Survivorship and not as Tenants in Common, owners) requesting a variance to 1) increase the maximum allowable impervious coverage from the required 35% to 39.93%; and 2) allow an accessory use (proposed pool equipment) to be located on the side of the principal building in land lot 29 of the 1st district. Property is located on the east side of Monceau Way and on the west side of Childers Road (3314 Monceau Way).

To **approve** V-147, subject to:

- 1. Stormwater Management Division comments and recommendations**

V-148 DAVID IANNARELLI (Ana Karen Trujillo Paniagua, owner) requesting a variance to 1) reduce the setbacks for an accessory structure (existing 176 square foot building with porch) from the required 10 feet to three feet adjacent to the northeastern property line; 2) reduce the side setback from the required 10 feet to five feet adjacent to the southwestern property line; 3) reduce the setbacks for an accessory structure (existing pool equipment) from the required five feet to zero

CONSENT AGENDA (CONT.)

V-148 DAVID IANNARELLI (CONT.)

feet adjacent to the southwestern property line; 4) allow an accessory use (existing pool equipment) to be located on the side of the principal building; and 5) increase the maximum allowable impervious coverage from the required 35% to 41.9% in land lot 542 of the 19th district. Property is located at the terminus of Beringer Lane, north of Mondavi Place (2373 Beringer Ln).

To approve V-148, subject to:

- 1. Department of Transportation comments and recommendations**
- 2. Stormwater Management Division comments and recommendations**
- 3. To be inspected by the Stormwater Management Division prior to the Certificate of Completion**

At the call for petition V-149 (Trailside Equities LLC), opposition was present; therefore, V-149 was pulled from the Consent Agenda and heard on the Regular Agenda in its numerical order (see page 6 of these minutes).

V-150 JUAN FIGUERO AND YALI LU (Juan Figuereo and Yali Lu, owners) requesting a variance to 1) reduce the front setback from the required 100 feet to 96 feet; 2) reduce the side setback from the required 25 feet to 15 feet adjacent to the northern property line; and 3) reduce the side setback from the required 25 feet to seven feet adjacent to the southern property line in land lot 1260 of the 16th district. Property is located on the west side of Atlanta Country Club Drive, west of Winged Foot Circle (124 Atlanta Country Club Dr).

To approve V-150, subject to:

- 1. Stormwater Management Division comments and recommendations**
- 2. Plantings to be installed along the south property line (where the encroachment is) to be approved by the County Landscape Architect**

V-153 REGENCY CENTERS CORPORATION (Delk Spectrum, L.P., Signature Place, L.P., owner) requesting a variance to 1) reduce parking spaces from the required 591 spaces to 351 spaces; 2) increase the maximum allowable impervious coverage from the required 70% to 96%; 3) increase the maximum allowable floor area ratio from the required 0.25 to 0.3; and 4) waive the eight foot landscape enhancement strip along Delk Road in land lot 925 of the 17th district. Property is located on the south side of Delk Road, east of Powers Ferry Road (2900 Delk Rd).

To approve V-153, subject to:

- 1. Department of Transportation comments and recommendations**

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CONSENT AGENDA (CONT.)

V-153 REGENCY CENTERS CORPORATION (CONT.)

- 2. Stormwater Management Division comments and recommendations**
- 3. Fire Department comments and recommendations**

V-154 PLEINES DANIELLE SIOBHAN (Danielle Siobhan Pleines, owner) requesting a variance to reduce the rear setback from the required 40 feet to 27 feet in land lot 1065 of the 16th district. Property is located on the west side of Coventry Township Place, north of Barnes Mill Road (757 Coventry Township Pl).

To approve V-154, subject to:

- 1. Stormwater Management Division comments and recommendations**

CONSENT VOTE: **ADOPTED 5-0**

REGULAR AGENDA

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). *(Continued by Staff from the October 15, 2025, BZA hearing until the November 12, 2025, BZA hearing; Held by the Board of Zoning Appeals from the November 12, 2025, BZA hearing until the December 10, 2025, BZA hearing).*

Mr. Beloin announced that he would be recusing himself from this case. The public hearing was opened; Brittany Schmidt addressed the Board. Following presentation and discussion, the following motion was made:

MOTION: Motion by Massey, second by Summerour, to approve V-113, subject to:

- 1. Revised renderings received on December 8, 2025 (attached and made a part of these minutes)**

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

V-141 JENNIFER BURGNER (Thomas Dakota Burgener and Jennifer Nicole Burgener as trustees of Burgener Family Real Estate Trust, owners) requesting a variance to 1) allow for two accessory structures (garage #1 and garage #2) to be located on residential property without a principal building; 2) reduce the setbacks for an accessory structure (garage #2) from the required 100 feet to six feet adjacent to the northern property line in land lot 683 of the 19th district. Property is located

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REGULAR AGENDA (CONT.)

V-141 JENNIFER BURGNER (CONT.)

on the east side of Old Villa Rica Road, north of Bagley Forest Drive (3023 Old Villa Rica Rd).

The public hearing was opened; Thomas Dakota Burgner and Dawn Wright addressed the Board. Following presentation and discussion, the following motion was made:

MOTION: Motion by Massey, second by Beloin, to **hold** V-141, until the January 14, 2026, Board of Zoning Appeals Variance Hearing.

VOTE: **ADOPTED** 5-0

V-149 TRAILSIDE EQUITIES LLC (Jensen West and Hermanda West as Joint Tenants with the Rights of Survivorship, owners) requesting a variance to reduce the front setback from the required 45 feet to 35 feet in land lot 112 of the 20th district. Property is located on the east side of Littleport Lane, west of High Noontide Way (3354 Littleport Ln).

The public hearing was opened; Jordan Deeney, Robert Sprayberry, and Linda Milevsky addressed the Board. Following presentation and discussion, the following motion was made:

MOTION: Motion by Beloin, second by Russell, to **hold** V-149, until the January 14, 2026, Board of Zoning Appeals Variance Hearing.

VOTE: **ADOPTED** 5-0

V-151 AOA PROPERTIES HOLDING, INC (Cobb County Board of Education, owner) requesting a variance to 1) reduce the setbacks for a church within a residential zoning district from the required 50 feet to 12 feet adjacent to the western and southern property line; and 2) waive the 50 foot landscape buffer required for a church within a residential zoning district to the encroachments shown on the submitted site plan in land lot 863 of the 17th district. Property is located on the south side of Lower Roswell Road and the terminus of Freydale Road (2570, 2618 Lower Roswell Rd).

The public hearing was opened; Kevin Moore, John Hanson, Andrew Beldecos, Carolyn Warner, and Robert Clark addressed the Board. Following presentation and discussion, the following motion was made:

MOTION: Motion by Summerour, second by Swanson, to **approve** V-151, subject to:

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REGULAR AGENDA (CONT.)

V-151 AOA PROPERTIES HOLDING, INC (CONT.)

- 1. Letter of agreeable conditions from Kevin Moore dated December 10, 2025 (attached and made a part of these minutes)**

VOTE: ADOPTED 5-0

OTHER BUSINESS

- OB-1** To adopt a resolution which establishes the dates, time, and place of the Board of Zoning Appeals Variance Hearings for the 2026 Calendar Year (attached and made a part of these minutes).

The Board of Zoning Appeals Variance Hearings for the 2026 calendar year shall be held in the Public Meeting Room on the second floor of the David Hankerson Building, 100 Cherokee Street, Marietta, on the 2nd Wednesday of each month at 1:30 p.m., with the exception of the months of April and July when the hearing will be held on the 3rd Wednesday of the month, and the month of November when the hearing will be held on the 2nd Thursday of the month. The Board of Zoning Appeals Variance Hearing dates are as follows:

January 14	May 13	September 9
February 11	June 10	October 14
March 11	July 15 (3 rd Wed.)	November 12 (2 nd Thurs.)
April 15 (3 rd Wed.)	August 12	December 9

MOTION: Motion by Summerour, second by Swanson, to **adopt** a resolution which establishes the dates, time, and place of the Board of Zoning Appeals Variance Hearings for the 2026 Calendar Year.

VOTE: ADOPTED 5-0

APPROVAL OF MINUTES

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

November 12, 2025 – Board of Zoning Appeals Variance Hearing

December 1, 2025 – Special Called Meeting/Agenda Review Work Session

VOTE: ADOPTED 5-0

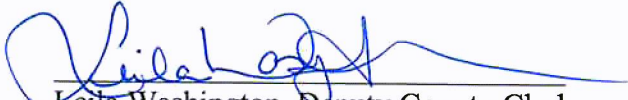
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ADJOURNMENT

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

VOTE: **ADOPTED** 5-0

The hearing adjourned at 2:47 p.m.



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

Min. Bk. 24 Petition No. V-113
Doc. Type renderings
Meeting Date 12-10-2025

Received 12-8-25
by Cobb County Zoning



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Job Information

Revision By:
Order Taken By
Order Date:
Delivery Date:
Terms:
Comments:
Description:

Customer Information

Customer Name:
Company:
Street:
City:
State: Zip
Country:
Phone:
Fax:
E-mail address:

[illegible]

MOORE INGRAM JOHNSON & STEELE

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CAMP HILL, PENNSYLVANIA 17011
TELEPHONE (717) 790-2854

FAIRFIELD, NEW JERSEY
165 PASSAIC AVENUE
SUITE 205
FAIRFIELD, NEW JERSEY 07004
TELEPHONE 201-602-4082

December 10, 2025

Via E-mail Only

Min. Bk. 24 Petition No. V-151
Doc. Type letter of
agreeable conditions
Meeting Date 12-10-2025

Mr. John P. Pederson, AICP
Zoning Division Manager
Zoning Division
Cobb County Community Development Agency
Suite 400
1150 Powder Springs Road
Marietta, Georgia 30064

RE: Application for Variance - Application No. V-151 (2025)
 Applicant: AOA Properties Holding, Inc.
 Property Owner: Cobb County Board of Education
 Property: 9.86 acres, more or less, located on the southerly
 side of Lower Roswell Road and at the terminus
 of Freydale Road, being more particularly known
 as 2570 and 2618 Lower Roswell Road, Land
 Lot 863, 17th District, 2nd Section, Cobb County,
 Georgia

Dear John:

On behalf of the Applicant, AOA Properties Holding, Inc. (hereinafter "Applicant"), and the Property Owner, Cobb County Board of Education (hereinafter "Owner" or "Property Owner"), we submit the stipulations set forth below for the referenced Application for Variance, which, if the Application is approved, as submitted, will become a part of the grant of the requested variances, and be binding upon the Property. The proposed stipulations are as follows:

- (1) Applicant agrees the variances requested in the Application are limited to the existing conditions and improvements of the Subject Property. Areas where no existing condition or improvement encroaches into either the required fifty (50) foot setback and landscape buffer shall meet such requirements; however, existing vegetation shall serve to satisfy landscape buffer requirements without the necessity of additional plantings.

MOORE INGRAM JOHNSON & STEELE

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Meeting Date 12-10-2025
Continued

Mr. John P. Pederson, AICP
Zoning Division Manager
Zoning Division
Cobb County Community Development Agency
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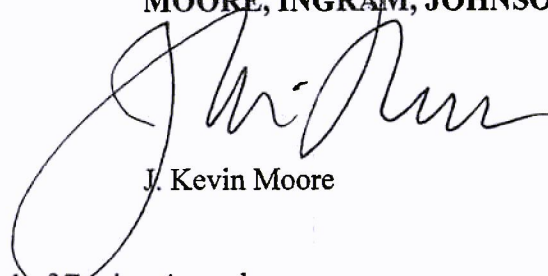
- (2) Regarding the existing gravel area located in the northeastern portion of the Property, Applicant agrees to either:
- i) Remove the gravel and replace with grass, landscaping, and re-establish the required landscape buffer in the area; or
 - ii) Replace the gravel area with hardened surface materials in accordance with Cobb County Ordinances.
- (3) Applicant agrees to install/construct a swale, berm, or other acceptable stormwater directional measure along the rear of the Property in order to direct stormwater to the existing detention pond, subject to approval of Cobb County Stormwater Division. Further, Applicant agrees the existing detention pond shall be regularly maintained.

Thank you for your consideration of the requested variances. If you should have any questions or require additional information at this time, please do not hesitate to contact me.

With kindest regards, I remain

Very truly yours,

MOORE, INGRAM, JOHNSON & STEELE, LLP



J. Kevin Moore

JKM:cc

c: Cobb County Board of Zoning Appeals
Barkley Russell, Chairwoman
Fred Beloin
Deidra Massey
Alice Summerour
Kim Swanson

MOORE INGRAM JOHNSON & STEELE

Mr. John P. Pederson, AICP
Zoning Division Manager
Zoning Division
Cobb County Community Development Agency
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Petition No. V-151
Meeting Date 12-10-2025
Continued

c: Terry L. Martin, AICP, CNU-A
Senior Planner
Zoning Division
Cobb County Community Development Agency

Ric Grome, President
East Cobb Civic Association, Inc.

AOA Properties Holding, Inc.