

**MINUTES OF VARIANCE HEARING
COBB COUNTY BOARD OF ZONING APPEALS
JANUARY 14, 2026
1:30 P.M.**

The Board of Zoning Appeals Variance Hearing was held on Wednesday, January 14, 2026, 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 1:30 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 John Pederson, Zoning Division Manager, read in the following cases that were withdrawn and then read in the Consent Agenda.

V-1 JOSEPH BARNA (Barna Investment Group, LLC, owner) requesting a variance to allow an accessory structure (proposed 2,400 square foot building) to be located on a residential property without a principal building; 2) reduce the setbacks for an accessory structure (proposed 2,400 square foot building) from the required 100 feet to 60 feet adjacent to western property line in land lot 153 of the 19th district. Property is located east of Poplar Springs Road, south of Dallas Highway (no address given). **WITHDRAWN WITHOUT PREJUDICE**

V-9 ANTHONY CHANUDET (Anthony Chanudet and Kathleen B. Chanudet, owners) requesting a variance to reduce the rear setback from the required 35 feet to 18 feet in land lot 119 of the 19th district. Property is located on the southwest corner of Ellis Farm Drive and Dempsey Court (800 Dempsey Ct). **WITHDRAWN WITHOUT PREJUDICE**

CONSENT AGENDA

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

V-141'²⁵ JENNIFER BURGENER (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 a 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 on the east side of Old Villa Rica Road, north of Bagley Forest Drive (3023 Old

CONSENT AGENDA (CONT.)

V-141'²⁵ JENNIFER BURGNER (CONT.)

Villa Rica Rd). *(Previously held by the Board of Zoning Appeals from the December 10, 2025, BZA hearing until the January 14, 2026, BZA hearing).*

To approve V-141'²⁵, subject to:

1. Department of Transportation comments and recommendations

V-2 JONIECE D. HINDS (Joniece Danyelle Hinds, Trustee of the JD Hinds Family Trust, whose address is 2210 Dunbar Trail, Smyrna, Georgia 30080, owner) requesting a variance to reduce the rear setback from the required 30 feet to 22 feet in land lot 675 of the 17th district. Property is located on the south side of Dunbar Trail, north, east, and west of Tristan Drive (2210 Dunbar Trail).

To approve V-2, subject to:

1. Stormwater Management Division comments and recommendations

V-3 AUSTIN KAASE (Austin James Kaase and Ansley Jayne Kaase as Joint Tenant with Rights of Survivorship, owners) requesting a variance to 1) reduce the setback for an accessory structure (proposed 910 square foot two-story garage) from the required 100 feet to 12 feet adjacent to the eastern property line; 2) allow an accessory structure (proposed 910 square foot two-story garage) to be located closer to the road than the principal building and 3) allow an accessory structure (existing 64 square foot playset) to be located closer to the road than the principal building in land lot 82 of the 1st district. Property is located on the northwest corner of Hampton Farms Drive and Pine Wood Court (4925 Hampton Farms Dr).

To approve V-3, subject to:

1. Detached garage not to be used for residential or commercial uses

V-4 PARMINDER SINGH (Simone Estate Group LLC, owner) requesting a variance to 1) allow a second electrical meter (at existing 900 square foot garage); 2) allow three accessory structures (existing carport #1, carport #2, and carport #3) to be located on the side of the principal building; 3) allow an accessory structure (existing 900 square foot garage) to be located on the side of the principal building; and 4) allow an accessory structure (existing 576 square foot barn) to be located on the side of the principal building in land lots 222, 223, 280, and 281 of the 1st district. Property is located on the south side of Aven Road, east of Hyde Road (5530 Aven Rd).

To approve V-4, subject to:

1. Accessory structure not to be used for residential or commercial uses

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CONSENT AGENDA (CONT.)

- V-5** **PEACH STATE POOL SERVICE AND BUILDERS** (Stacy C. Edelman and Martin Edelman, owners) requesting a variance to 1) allow an accessory use (proposed pool equipment) to be located on the side of the principal building; and 2) increase the maximum allowable impervious coverage from the required 35% to 36.06% in land lot 111 of the 16th district. Property is located on the northeast side of Jefferson Ridge Way, north of Sandy Plains Road (4602 Jefferson Ridge Way).

To **approve** V-5, subject to:

1. Stormwater Management Division comments and recommendations

- V-6** **KIP THOMPSON** (Cassandra D. Thompson and Kip Keino Thompson, as Trustees of the Cassandra D. Thompson and Kip Keino Thompson Living Trust, owners) requesting a variance to 1) reduce the setback for an accessory structure (proposed 400 square foot garage) from the required 35 feet to five feet adjacent to the southern property line; and 2) allow an accessory structure (proposed 400 square foot garage) to be located closer to the road than the principal building in land lot 740 of the 16th district. Property is located on the southwest corner of Kinridge Court and Kinridge Drive (2096 Kinridge Ct).

To **approve** V-6, subject to:

1. Accessory structure not to be used for residential or commercial uses

- V-7** **BARBARA MCREE** (SCGVI-Stonewood, LLC, owner) requesting a variance to allow a temporary or permanent sign to cover more than 50% of the window glass surface of each pane of glass in land lot 69 of the 1st district. Property is located on the east side of Woodlawn Drive, north of Lower Roswell Road (4719 Lower Roswell Rd).

To **approve** V-7.

At the call for petition V-8 (Jennifer Polatschek), opposition was present; therefore, V-8 was pulled from the Consent Agenda and heard on the Regular Agenda in its numerical order (see page 6 of these minutes).

- V-10** **ARMAN KAEDI AND DANY M. GARCIA ZARATE** (Arman Kaedi and Dany M. Garcia Zarate as Joint Tenants with Rights of Survivorship, owners) requesting a variance to reduce the setbacks for an accessory structure (proposed 216 square foot kitchen area) from the required 35 feet to 28 feet adjacent to the northern property line in land lot 29 of the 19th district. Property is located on the north side of Old Dallas Road, south of Dallas Hwy (2237 Old Dallas Hwy).

To **approve** V-10.

CONSENT AGENDA (CONT.)

- V-11** **CHRISTOPHER HEMBREE** (Gary M. Stormark and Cynthia J. Stormark 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 43%; and 2) allow an accessory structure (existing 132 square foot gazebo) to be located at the front of the principal building in land lot 23 of the 20th district. Property is located on the south side of Boxwood Trace, north of Boxwood Drive (1565 Boxwood Trace).

To **approve** V-11, subject to:

1. Stormwater Management Division comments and recommendations

- V-12** **JOEL AND PAM MCCLURE** (Joel E. McClure and Pam McClure, owners) requesting a variance to allow an accessory use (proposed pool equipment) to be located on the side of the principal building in land lot 293 of the 20th district. Property is located at the terminus of Chatfield Pointe (440 Chatfield Pt).

To **approve** V-12.

- V-15** **CARRIE E. CARBONE AND DAVID CARBONE** (Carrie E. Carbone and David Carbone, owners) requesting a variance to increase the maximum allowable impervious coverage from the required 35% to 38% in land lot 982 of the 16th district. Property is located on the south side of Canton View Walk, west of Old Canton Road (3032 Canton View Walk).

To **approve** V-15, subject to:

1. Stormwater Management Division comments and recommendations

- V-16** **TRAVIS JOHNSON** (Travis B. Johnson, owner) requesting a variance to 1) increase the maximum allowable impervious coverage from the required 35% to 38.25%; and 2) reduce the side setback from the required 10 feet to five feet adjacent to the southwestern property line in land lot 601 of the 16th district. Property is located at the terminus of Lulworth Lane (2555 Lulworth Ln).

To **approve** V-16, subject to:

1. Stormwater Management Division comments and recommendations

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CONSENT AGENDA (CONT.)

V-17 **ANTONIO MCDOWELL AND EMMA ROSE MCDOWELL** (Antonio McDowell and Emma Rose McDowell, owners) requesting a variance to 1) increase the maximum allowable impervious coverage from the required 40% to 45%; and 2) reduce the rear setback from the required 40 feet to 28 feet in land lot 746 of the 17th district. Property is located on the northeast side of Gilmore Road, north of Cantrell Road and Whitehall Court (4117 Gilmore Rd).

To **approve** V-17, subject to:

1. **Applicant to mitigate the overage in impervious surface with Stormwater Management prior to permitting**
2. **Existing deck post be removed from the sewer easement**
3. **Pervious pavers to be used under deck**

V-19 **FEDERAL EXPRESS CORPORATION** (FedEx Ground Package System, Inc, owner) requesting a variance to reduce parking spaces from the required 1,078 spaces (per V-115 of 2023) to 1,064 spaces in land lots 174 and 175 of the 20th district. Property is located on the southeast corner of Old 41 Highway and Airport Road (1675 Airport Rd).

To **approve** V-19.

V-20 **DINA AND DAVID VEENHUIS** (Dina Dennis Veenhuis and David Gordon Veenhuis, owners) requesting a variance to 1) reduce the major side setback from the required 35 feet to 30 feet; and 2) reduce the rear setback from the required 35 feet to 28 feet in land lot 240 of the 20th district. Property is located on the southwest corner of Mountainside Trace and Crestmont Way (1209 Mountainside Trace).

To **approve** V-20.

At the call for petition V-21 (Farnaz Kar), opposition was present; therefore, V-21 was pulled from the Consent Agenda and heard on the Regular Agenda in its numerical order (see page 8 of these minutes).

CONSENT VOTE: ADOPTED 5-0

REGULAR AGENDA

V-149'²⁵ **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).

REGULAR AGENDA (CONT.)

V-149'²⁵ TRAILSIDE EQUITIES LLC (CONT.)

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

MOTION: Motion by Beloin, second by Russell, to approve V-149'²⁵, subject to:

1. **Stormwater Management Division comments and recommendations**
2. **The contours of the lot will not be changed in any manner that would change the direction of surface water flow such as to concentrate the flow of water towards any immediate adjacent lot**
3. **The Applicant obtain and include in the construction, redundancy in the pumps and dosing tank and an alarm system as recommended by Mr. Andrew Heath**
4. **Recommended, *but not required*, that the Applicant consider a Generac System**

VOTE: **ADOPTED 5-0**

V-8 JENNIFER POLATSCHEK (Jennifer Gould Wilson, owner) requesting a variance to 1) reduce the major side setback from the required 35 feet to 11 feet; and 2) reduce the rear setback from the required 35 feet to four feet adjacent to the western property line in land lot 227 of the 1st district. Property is located on the northwest corner of Willow Point Parkway and Willow Point Court (5511 Willow Point Pkwy).

The public hearing was opened; Jennifer Polatschek, Bethany Weidenhammer, and David Rumrill addressed the Board. Following presentation and discussion, the following motion was made:

MOTION: Motion by Summerour, second by Swanson, to approve V-8, subject to:

1. **Recommendations outlined in the East Cobb Civic Associations' presentation (attached and made a part of these minutes), striking the recommendation that any new future business would require a Land Use Permit (LUP)**
2. **The conceptual drawings labeled as Option 3 (attached and made a part of these minutes)**
3. **Staff comments and recommendations**

VOTE: **ADOPTED 5-0**

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REGULAR AGENDA (CONT.)

- V-13** **GARY BRYANT GILMORE** (Robert J. Slimp and Martha M. Slimp, owners) requesting a variance to 1) increase the maximum allowable impervious coverage from required 40% (per V-170 of 2015) to 61%; 2) reduce the rear setback from the required 30 feet to 13 feet; and 3) reduce the front setback from the required 25 feet to 23 feet in land lot 23 of the 16th district. Property is located at the terminus of Canopy Drive (5037 Canopy Dr).

The public hearing was opened; Gary Gilmore and Timothy Helmes addressed the Board. Following presentation and discussion, the following motion was made:

MOTION: Motion by Summerour, second by Russell, to **hold** V-13, until the February 11, 2026, Board of Zoning Appeals Hearing.

VOTE: **ADOPTED** 5-0

Chairwoman Massey called for a brief recess from 3:00 p.m. until 3:10 p.m.

- V-14** **DC ENCLOSURES, INC** (Malcolm H. Miller, owner) requesting a variance to 1) increase the maximum allowable impervious coverage from the required 40% to 54.58%; 2) reduce the rear setback from the required 30 feet to 12 feet; and 3) reduce the front setback from the required 20 feet to 17 feet in land lots 994 and 995 of the 17th district. Property is located at the terminus of Palisades Court (3190 Palisades Ct).

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

MOTION: Motion by Summerour, second by Swanson, to **approve** V-14, subject to:

- 1. Maximum impervious coverage of 40%; Applicant meet with the Stormwater Management Division to develop a plan to mitigate back to the 40%**

VOTE: **ADOPTED** 5-0

- V-18** **EARNEST CRUMLEY** (Earnest Hayward Crumley, as Trustee of the Earnest Hayward Crumley Revocable Trust and Beverly Jane Crumley, as Trustee of the Beverly Jane Crumley Revocable Trust, owners) requesting a variance to 1) reduce the front setback from the required 35 feet to 31 feet; and 2) reduce the setback for an accessory structure (proposed 405 square foot shaded area with fireplace) from the required 35 feet to five feet adjacent to the northeast property line in land lot 253 of the 20th district. Property is located at the northeast corner of Lattimore Farm Drive and Covell Court (2232 Covell Ct).

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REGULAR AGENDA (CONT.)

V-18 EARNEST CRUMLEY (CONT.)

The public hearing was opened; William O’Grady and Robert Davis addressed the Board. Following presentation and discussion, the following motion was made:

MOTION: Motion by Beloin, second by Russell, to **hold** V-18, until the February 11, 2026, Board of Zoning Appeals Hearing.

VOTE: **ADOPTED 5-0**

V-21 FARNAZ KAR (Farnaz Kar and Houman Abrisham Kar as Joint Tenants with Rights of Survivorship, owners) requesting a variance to 1) allow an accessory use (proposed pool) to be located on the side of the principal building; 2) allow an accessory use (proposed pool equipment) to be located on the side of the principal building; 3) allow an accessory structure (proposed freestanding deck #1 and freestanding deck #2) to be located on the side of the principal building; and 4) reduce the setbacks for an accessory structure (proposed freestanding deck #1) from the required five feet to two feet; and 5) reduce the front setback from the required 50 feet to 49 feet in land lots 977 and 1040 of the 16th district. Property is located on the west side of Indian Hills Parkway, north of High Green Drive (901 Indian Hills Pkwy).

The public hearing was opened; Farnaz Kar and Virginia Choate addressed the Board. Following presentation and discussion, the following motion was made:

MOTION: Motion by Summerour, second by Swanson, to **approve** V-21, subject to:

1. Staff comments and recommendations

VOTE: **ADOPTED 5-0**

APPROVAL OF MINUTES

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

December 10, 2025 – Board of Zoning Appeals Variance Hearing

January 5, 2026 – Special Called Meeting/Agenda Review Work Session

VOTE: **ADOPTED 5-0**

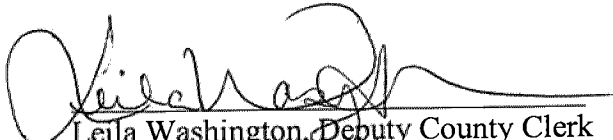
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ADJOURNMENT

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

VOTE: **ADOPTED** 5-0

The hearing adjourned at 3:52 p.m.



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

BZA Meeting January 14, 2026
V-8 2026
ECCA Presentation

My name is David Rumrill. I am the East Cobb Civic Association Case Manager for this case.

This variance request asks for up to a 68% reduction in the required setbacks, to add a new 2-car Garage, Office and Storage space, and an "In-Law" suite.

ECCA is **Opposed** to the granting of this variance as submitted.

There is **no stated Hardship** on the Application, and ECCA believes no Hardship exists.

The applicant's written response to the notice of opposition sent to the BZA is long and extensive but appears to be more of a series of wants rather than something a variance should be granted for.

Most of the issues raised by the applicant are self-imposed hardships such as:

- parking of two large trucks,
- the need for extra space to accommodate guests due to conversion of current quarters to office space,
- operation of two businesses from the home requiring extra office space and
- greater storage of business items such as multiple large samples, and multiple deliveries to the home.

These reasons seem to be more of a series of wants for increased business use rather than needs for increased family size.

(Alternatives: off-site storage of samples; combining two office spaces into one; off-site office space.)

Min. Bk. 24 Petition No. V-8
Doc. Type Presentation
Meeting Date 1/14/26

The house is presently within required setbacks but sits diagonally across the property facing the corner. With this orientation the major side setback is really the front setback for the house. In addition, with this orientation the house already sticks out in front of the neighboring house, but it is within code.

If you allow the request to reduce the side setback from 35 to 11 feet, over 68% reduction in the setback, and the side setback from 10 to 4 feet (60% reduction) the house will stick out significantly further resulting in a much greater impact on the view scape of the subdivision, and particularly from the adjacent home which sits further back.

ECCA believes that the Applicant is trying to put too much into too small an area. This is like trying to fit a square peg in a round hole. A mismatch – when something is forced into a place it doesn't belong.

ECCA and the HOA are concerned that the view from the front of the adjacent home on Willow Point Parkway (5501) will be partially obscured by extending the applicant's home to within 4 feet of the side property line, and within 11 feet in front of the setback from the main road.

Since the applicant's home sits diagonally and on the front portion of their lot, any extension to the left will be substantially closer to the street than the current setback of the home at 5501 Willow Point Parkway.

The applicant indicates there is current vegetation between their home and the home to the left but acknowledges it is not all evergreens. Pictures provided by the applicant show that most of the vegetation is deciduous trees and do not provide screening of the view of the current home in the winter from the front of the home at 5501. It appears most of that vegetation is on the applicant's side of the property line. Much of that vegetation may be removed for the requested extension.

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We don't wish to see a imposed "restriction" on the current, or future, homeowners of 5501 Willow Point Parkway with what they may have to do with the vegetation on their property to provide screening of an adjacent structure just 4 feet from the property line.

ECCA Recommendation:

ECCA recommends DENIAL of this petition due to the large (68%) reduction in the major side setback, and within 4 feet of the side property line, the house will stick out significantly further than it does now resulting in a much greater impact on the permanent view scape of the subdivision and adjacent property than now exists.

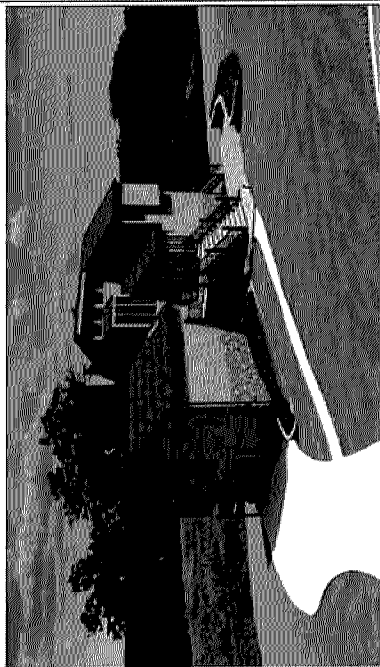
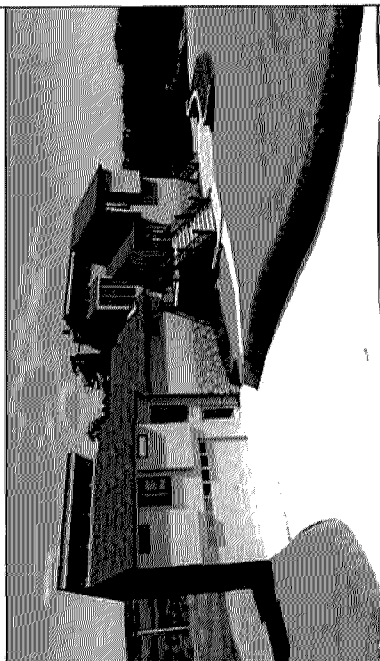
If these Variances are granted, we recommend:

- No outside storage.
- No clients allowed to come to house.
- That any new future business require a LUP from the BOC.
- The planting of evergreen screening (approved by the County Arborist), to be maintained by the current owner and any future owners of 5511 Willow Point Parkway on the applicant's property line between 5551 and 5501 Willow Point Parkway.
- That the added structure be subject to the submitted site plan and renderings.
- Inclusion of all County/Staff comments

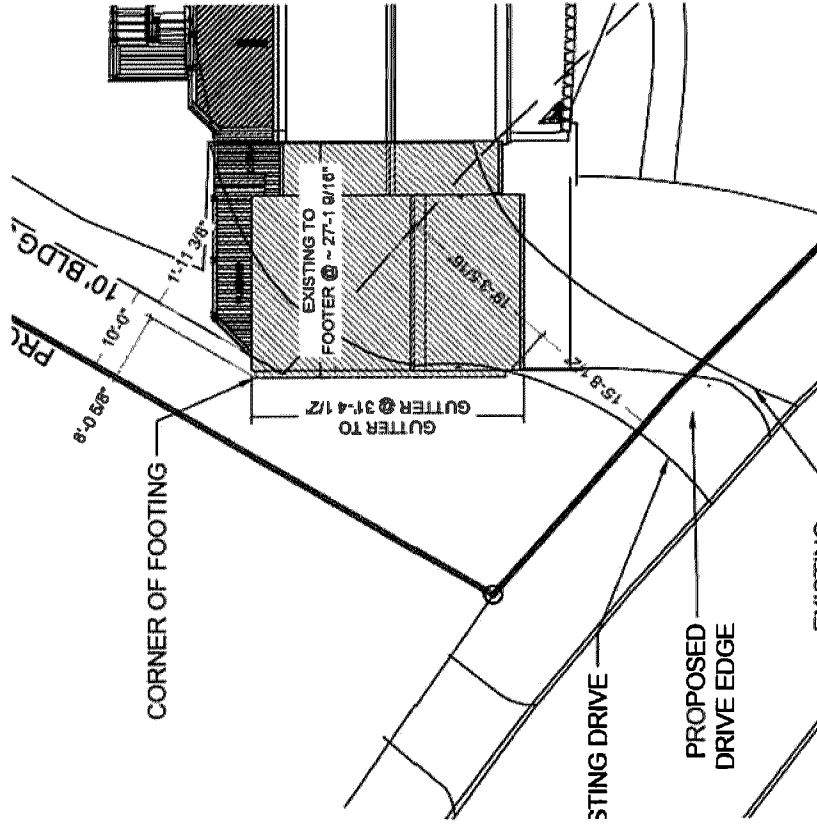
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Secondary proposal to reduce footprint of requested two car garage add on. Option B is to reduce space of two car garage and go to an oversized one door garage.

- PDF – SITE PLAN
CONCEPT – OPTION B(3)
FOR VARIANCE –
CHANGED GARAGE
DOOR TO A SINGLE
16'WX8'H – this narrows
the addition by 4'-5"

													
EXISTING CONDITION - FRONT LEFT	PROPOSED - FRONT LEFT												
													
EXISTING CONDITION - REAR LEFT	EXISTING PROPOSED - REAR LEFT												
CONCEPTUAL DRAWINGS - 3 - NOT FOR CONSTRUCTION													
<table><tr><th>REV#</th><th>DATE</th><th>DESCRIPTION OF REV</th></tr><tr><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td></tr></table>		REV#	DATE	DESCRIPTION OF REV									
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Doc. Type DRAWINGS
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Option B(3) proposed by our architect reflects a significant reduction from our original setback request while still addressing most of the needs of our growing family. While this is not our first choice, we believe it represents an extremely reasonable compromise to the current request.

The alternative additions suggested by the ECCA in other areas of the property would require substantial structural engineering and grading work. These measures would consume our entire budget before any usable structure could be built.

We have already invested several thousand dollars working with an architect to develop the most cost-effective solution for this property—one that maintains the architectural integrity and design of the existing home while minimizing impact.

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