

**MINUTES OF VARIANCE HEARING
COBB COUNTY BOARD OF ZONING APPEALS
MAY 13, 2026
1:30 P.M.**

The Board of Zoning Appeals Variance Hearing was held on Wednesday, May 13, 2026, 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 continued by Staff, and then read in the Consent Agenda.

V-36 ZAKI MERCHANT (Zaki Merchant, owner) requesting a variance to 1) reduce the side setback from required 10 feet to seven feet adjacent to the southern property line; and 2) increase the maximum allowable impervious coverage from required 35% to 47% in land lot 1194 of the 16th district. Property is located on the east side of Shadowlawn Road, south of Cherokee Place (59 Shadowlawn Road). *(Continued by Staff until the August 12, 2026 Board of Zoning Appeals hearing; therefore, was not considered at this hearing).*

CONSENT AGENDA

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

V-49 DAVID VIDAL-CASTILLO (David Vidal-Castillo and Maria Teresa Vidal, owners) requesting a variance to 1) reduce the side setback from required 10 feet to eight feet adjacent to the eastern property line; and 2) reduce the side setback from required ten feet to six feet adjacent to the western property line in land lots 422 and 443 of the 16th district. Property is located on the north side of Suholden Circle, west of Hilltop Drive (711 Canopy Drive).

To **approve** V-49, subject to:

1. Site Plan Review comments and recommendations

CONSENT AGENDA (CONT.)

V-51 **MARK BOOKER** (Mark Booker, owner) requesting a variance to 1) reduce the front setback from required 35 feet to 16 feet; 2) reduce the setbacks for an accessory structure (existing 305 square foot shed #1) from required 10 feet to one foot adjacent to the western property line; 3) reduce the setbacks for an accessory structure (existing 215 square foot shed #2) from required 10 feet to zero feet adjacent to the western property line; and 4) reduce the setbacks for an accessory structure (existing 56 square foot shed #3) from required five feet to four feet adjacent to the northwestern property line in land lot 371 of the 17th district. Property is located on the north side of Mozley Drive, north of Benson Avenue (679 Mozley Drive).

To approve V-51.

V-52 **PAOLA CASTILLO** (Heriberto Juarez and Paola Castillo, owners) requesting a variance to 1) allow an accessory structure (existing 120 square foot shed) to be located on the side of the principal building; 2) allow an accessory structure (existing 120 square foot shed) to be located closer to the road than the principal building; 3) allow an accessory structure (existing 840 square foot shed and awning) to be located on the side of the principal building; 4) reduce the setbacks for an accessory structure (existing 840 square foot shed and awning) from required 100 feet to 11 feet adjacent to the southern property line, 10 feet adjacent to the western property line, and 67 feet adjacent to the eastern property line; 5) reduce the setbacks for an accessory structure (existing 690 square foot playground area) from required 100 feet to seven feet adjacent to the western property line, 42 feet adjacent to the southern property line, and 90 feet adjacent to the eastern property line; and 6) allow parking and maneuvering on a nonhardened surface (gravel) in land lots 210 and 235 of the 19th district. Property is located on the southwestern corner of Midway Road and Luther Ward Terrace (1206 Luther Ward Terrace).

To approve V-52, subject to:

1. No residential dwelling use or commercial use of the accessory structures

At the call for petition V-53 (Coletta Khatib), opposition was present; therefore, V-53 was pulled from the Consent Agenda and heard on the Regular Agenda in its numerical order (see page 6 of these minutes).

V-54 **CRISTY MOREIRA** (Nathaniel M. Moreira and Cristy M. Moreira, owners) requesting a variance to 1) reduce the rear setback from required 30 feet to 14 feet; 2) reduce the setbacks for an accessory structure (approximately existing 68 square foot tree house) from required five feet to four feet adjacent to the southern property line; 3) reduce the setbacks for an accessory structure (approximately existing 35 square foot plastic shed) from required five feet to two feet adjacent to the southern property line; and 4) increase the maximum allowable impervious coverage from 35% to 57% in land lot 846 of the 16th district. Property is located on the south side of Newberry Court, east of Oakmoor Place (1850 Newberry Court).

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CONSENT AGENDA (CONT.)

V-54 CRISTY MOREIRA (CONT.)

To approve V-54, subject to:

- 1. Development and Inspections Division comments and recommendations**
- 2. Stormwater Management Division comments and recommendations**

V-55 MARCUS LEE MCLEROY (Marcus Lee McLeroy and Elizabeth Hladik, owners) requesting a variance to reduce the setbacks for an accessory structure (proposed 288 square foot shed) from required 35 feet to six feet adjacent to the southern and eastern property lines in land lot 721 of the 17th district. Property is located on the south side of Freydale Road, west of Robin Lane (2222 Freydale Road).

To approve V-55.

V-56 JOE SULLIVAN (Loretta A. Hawkins, owner) requesting a variance to 1) reduce the setbacks for an accessory structure (proposed approximately 1,374 square foot garage) from required 100 feet to 18 feet adjacent to the western property line, 36 feet adjacent to the northern property line, and 75 feet adjacent to the eastern property line; and 2) allow parking and maneuvering on a nonhardened surface (gravel) in land lot 307 of the 20th district. Property is located on the north side of Nichols Road, east of Antioch Road (5780 Nichols Road).

To approve V-56, subject to:

- 1. No residential dwelling use or commercial use of the accessory structure**

At the call for petition V-58 (Morgan and Peggy McNeel), opposition was present; therefore, V-58 was pulled from the Consent Agenda and heard on the Regular Agenda in its numerical order (see page 8 of these minutes).

V-59 RON LESTER (Ann L. Campbell and Ronald Lester, owners) requesting a variance to 1) allow an accessory structure (proposed 1,054 square foot garage) to be located at the front of the principal building; and 2) reduce the setbacks for an accessory structure (proposed 1,054 square foot garage) from required 100 feet to 21 feet adjacent to the southern property line, 78 feet adjacent to the northern property line, and 79 feet adjacent to the western property line in land lot 203 of the 20th district. Property is located on the east side of Shillings Road, south of Pine Mountain Road (2020 Shillings Road).

To approve V-59, subject to:

- 1. Stormwater runoff is to be offset by installation of a CULTEC water capture system under so much of the driveway that leads to and adjoins with the garage, as determined necessary by Cobb Stormwater Management Division staff**

CONSENT AGENDA (CONT.)

V-59

RON LESTER (CONT.)

2. During all land clearing and construction periods, applicant/owner must install and maintain two rows of wire backed silt fence line with hay bales along the southern property line from the right of way to the location of the storm sewer easement as shown on the application for V-59, in order to mitigate water runoff and prevent a discharge both generally and specifically as it relates to 2118 Shillings Chase Drive.
3. During all land disturbance and construction activities on the subject property, the landscaping on the southernmost 10 feet of the subject property must remain undisturbed to mitigate runoff.
4. The garage doors on the new structure are to face north and not towards Shillings Road
5. The garage shall have hardy plank siding
6. No portion of the garage shall be used as a separate living unit and the air conditioning portion of the new garage shall be used solely for a home office type use
7. No other commercial use of the subject property is allowed
8. Stormwater Management Division comments and recommendations
9. Department of Transportation comments and recommendations
10. In case of any conflict between staff comments and these specific conditions, these specific conditions are to control

V-60

KENNESAW AUTO INVESTMENTS, LLC (Kennesaw Auto Investments, owner) requesting a variance to increase the maximum allowable impervious coverage from required 80% to 89% in land lots 208 and 209 of the 20th district. Property is located at the northern corner of Roberts Boulevard and Ernest Barrett Parkway, and on the south side of Auto Park Drive (1110 Roberts Boulevard)

To approve V-60, subject to:

1. Fire Department comments and recommendations
2. Stormwater Management Division comments and recommendations

V-61

JESSE BATTAGLIA (Jeffrey C. Shropshire and Melissa D. Shropshire, owners) requesting a variance to 1) allow an accessory structure (proposed 570 square foot garage #1) to be located at the front and the side of the principal building; 2) reduce the setbacks for an accessory structure (existing approximately 1,800 square foot garage #2) from required 100 feet to 65 feet adjacent to the southern property line; and 3) reduce the setbacks for an accessory structure (existing approximately 690 square foot garage #3) from required 100 feet to 20 feet adjacent to the southern property line in land lot 264 of the 20th district. Property is located on the east side of Mars Hill Road, north of Hadaway Road (1010 Mars Hill Road).

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CONSENT AGENDA (CONT.)

V-61 JESSE BATTAGLIA (CONT.)

To **approve** V-61, subject to:

1. No residential dwelling use or commercial use of the accessory structure

At the call for petition V-62 (Iglesia Del Dios Vivo Columna Y Apoyo De La Verdad "La Luz Del Mundo" Inc), opposition was present; therefore, V-62 was pulled from the Consent Agenda and heard on the Regular Agenda in its numerical order (see page 8 of these minutes).

V-63 SCOTT J. TANGER (Scott J. Tanger, owner) requesting a variance to 1) reduce the major side setback from 35 feet to 16 feet; and 2) allow parking and maneuvering on a nonhardened surface (gravel) in land lots 865 and 866 of the 17th district. Property is located at the northeast intersection of Hearthstone Lane and Hearthstone Court (619 Hearthstone Lane).

To **approve** V-63, subject to:

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

CONSENT VOTE: ADOPTED 5-0

REGULAR AGENDA

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 required 30 feet to 13 feet; 3) reduce the front setback from required 25 feet to 23 feet, and 4) reduce setback for an outdoor fireplace from five feet to zero feet, in land lot 23 of the 16th district. Property is located at the terminus of Canopy Drive (5037 Canopy Dr). *(Previously held by the Board of Zoning Appeals (BZA) from the January 14, 2026 BZA hearing until the April 15, 2026 BZA hearing; continued by Staff until the May 13, 2026 BZA hearing).*

The public hearing was opened; Gary Gilmore, Robert Slimp, and Timothy Helms addressed the Board. During the presentations and discussions, it was determined that more information was needed from the Cobb County School Board attorney. The discussion was paused until later in the hearing and the following motion was made:

MOTION: Motion by Summerour, second by Swanson, to **lay on the table** V-13. (See page 8 for the final motion)

VOTE: ADOPTED 5-0

REGULAR AGENDA (CONT.)

V-50 **KARL S. JOSEPH** (Karl S. Joseph, owner) requesting a variance to 1) increase the maximum impervious coverage from required 40% to 83.6%; and 2) reduce the setbacks for an accessory structure (existing 231-square-foot canopy) from required twenty feet to one foot adjacent to the northeastern property line in land lot 724 of the 16th district. Property is located on the north side of Shiloh Valley Trail, east of Shiloh Valley Circle (1974 Shiloh Valley Trail).

The public hearing was opened; Karl Joseph addressed the Board. Following presentations and discussions, the following motion was made:

MOTION: Motion by Swanson, second by Beloin, to **approve** V-50, subject to:

1. **Removal of 231-square-foot canopy**
2. **Removal of walls, step and paving that extend into the 20-foot access easement and onto the neighbor's property at 1972 Shiloh Valley Trail**
3. **Decrease impervious surface from 83.6% to 50% and work with the Stormwater division manager to determine systems that can help with water runoff**

VOTE: **ADOPTED 5-0**

V-53 **COLETTA KHATIB** (Coletta Khatib, Allen Khatib, and Zachariya Ahmed Khatib, owners) requesting a variance to 1) reduce the setbacks for an accessory structure (proposed 442 square foot carport) from required 12 feet to five feet adjacent to the southwestern property line in land lot 202 of the 20th district. Property is located on the northwest side of Pine Mountain Road, north of Stilesboro Road (1875 Pine Mountain Road).

The public hearing was opened; Allen Khatib, Coletta Khatib, and Hulet Norwellin addressed the Board. Following presentations and discussions, the following motion was made:

MOTION: Motion by Beloin, second by Swanson, to **approve** V-53, subject to:

1. **Plant a 40-foot greenscape hedge in the soil between the driveway and the boundary line with the neighbor**
2. **Meet with the county arborist for further direction on the greenscape hedge**
3. **90 days to come into compliance**

VOTE: **ADOPTED 5-0**

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REGULAR AGENDA (CONT.)

V-57 ASHTON ATLANTA RESIDENTIAL, LLC (RLS Chastain, LLC, owners) requesting a variance to reduce impervious stream buffer from required 75 feet to 60 feet for proposed lots 182 and 183 in land lots 428, 429, 364, and 365 of the 16th district. Property is located on the south side of Chastain Road, the west side of Chastain Meadows Parkway, and on the east side of I-575 (no address).

The public hearing was opened; Bart Pierce addressed the Board. Following presentations and discussions, the following motion was made:

MOTION: Motion by Swanson, second by Summerour, to approve V-57, subject to:

1. Preservation of green space be recorded on the final plat as presented which will have no green space development
2. Final plat via recorded document for lots 182 and 183 should note conditions placed on each lot
3. Plats and deed conveyances from the developer to the purchaser should note restrictions on each lot

Chairwoman Massey called for a break from 3:20 p.m. until 3:32 p.m. at which time a substitute motion on V-57 was made.

MOTION: Motion by Swanson, second by Summerour, to approve V-57, subject to:

1. Preservation of green space needs to be recorded on the final plat
2. Notes on plats for lots 182 and 183 to state "Per V-57-2026, mitigation for impervious buffer encroachment is required and further impervious area is not allowed on lots 182 and 183."

VOTE: ADOPTED 5-0

MOTION: Motion by Swanson, second by Summerour, to amend the previously adopted motion for V-57.

VOTE: **ADOPTED 5-0**

MOTION: Motion by Massey, second by Summerour, to approve V-57, subject to:

1. **Preservation of green space to be recorded on the final plat**
2. **Additional impervious mitigation is required on lots 182 and 183 after the Certificate of Occupancy is remitted to the applicant**
3. **Applicant to provide education of any restrictions applied to lots 182 and 183 to their staff, as well as any buyer, prior to purchase**

VOTE: **ADOPTED 5-0**

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REGULAR AGENDA (CONT.)

Clerk's Note: The applicant for V-13 returned to provide the result of his conversation with the Cobb County School Board's attorney and to resume the variance case.

- 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 required 30 feet to 13 feet; and 3) reduce the front setback from 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). *(Previously held by the Board of Zoning Appeals (BZA) from the January 14, 2026 BZA hearing until the April 15, 2026 BZA hearing; continued by Staff until the May 13, 2026 BZA hearing).*

MOTION: Motion by Summerour, second by Russell, to **approve** V-13.

VOTE: **ADOPTED** 5-0

- V-58 MORGAN AND PEGGY MCNEEL** (Morgan L. and Peggy D. McNeel, owners) requesting a variance to reduce the setbacks for an accessory structure (proposed 625 square foot pool house) from required 35 feet to 18 feet adjacent to the southern property line in land lot 253 of the 20th district. Property is located at the terminus of Hazeltine Lane (1100 Hazeltine Lane).

The public hearing was opened; Rob Hosack and Lew Achord addressed the Board. Following presentations and discussions, the following motion was made:

MOTION: Motion by Beloin, second by Russell, to **hold** V-58 until the June 10, 2026 Board of Zoning Appeals Variance Hearing.

VOTE: **ADOPTED** 5-0

- V-62 IGLESIA DEL DIOS VIVO COLUMNA Y APOYO DE LA VERDAD "LA LUZ DEL MUNDO" INC.** (Iglesia Del Dios Vivo Columna Y Apoyo De La Verdad "La Luz Del Mundo" Inc., owner) requesting a variance to 1) reduce the setbacks for a church within a residential zoning district from required 50 feet to nine feet adjacent to the northern property line, 21 feet adjacent to the western property line, and 38 feet adjacent to the 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 701 of the 19th district. Property is located on the west side of Austell Road, north of Pair Road (3050 Austell Road).

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REGULAR AGENDA (CONT.)

V-62 IGLESIA DEL DIOS VIVO COLUMNA Y APOYO DE LA VERDAD “LA LUZ DEL MUNDO” INC. (CONT.)

The public hearing was opened; Joel Larkin, Juan Silver, and Erin McCormick addressed the Board. Following presentations and discussions, the following motion was made:

MOTION: Motion by Massey, second by Summerour, to **hold** V-62 until the June 10, 2026 Board of Zoning Appeals Variance Hearing.

VOTE: **ADOPTED 5-0**

APPROVAL OF MINUTES

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

- April 15, 2026 – Board of Zoning Appeals Variance Hearing
- May 4, 2026 – Board of Zoning Appeals Agenda Review Work Session

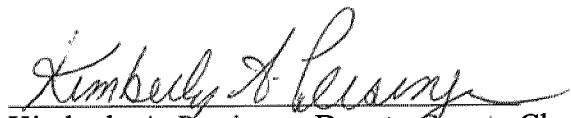
VOTE: **ADOPTED 5-0**

ADJOURNMENT

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

VOTE: **ADOPTED 5-0**

The hearing adjourned at 4:21 p.m.



Kimberly A. Persinger, Deputy County Clerk
Cobb County Board of Zoning Appeals

