



**STAFF REVIEW AND RECOMMENDATION**

**Variance Case #:** V2016-35      **Legistar #:** 20160620  
**Board of Zoning Appeals Hearing:** Monday, July 25, 2016 – 6:00 p.m.  
**Property Owner:** Aaron B. Pareigis  
243 Hope Street  
Marietta, GA 30064  
**Applicant:** Same as above  
**Address:** 425 Wright Street  
**Land Lot:** 216    **District:** 17      **Parcel:** 0380  
**Council Ward:** 3A    **Existing Zoning:** R-4 (Single Family Residential – 4 units/acre)

**Special Exception / Special Use / Variance(s) Requested:**

1. Variance to allow gravel as an acceptable parking surface [§716.08 A & B]

**Statement of Fact**

As per section 720.03 of the Comprehensive Development Code of Marietta, the Board of Zoning Appeals may alter or modify the application of any such provision in the Development Code because of unnecessary hardship if doing so shall be in accordance with the general purpose and intent of these regulations, or amendments thereto, and only in the event the board determines that by such alteration or modification unnecessary hardship may be avoided and the public health, safety, morals and general welfare is properly secured and protected. In granting any variance the board of zoning appeals shall designate such conditions in connection therewith as will, in its opinion, secure substantially the objectives of these regulations and may designate conditions to be performed or met by the user or property owner, out of regard for the public health, safety, comfort, convenience, and general welfare of the community, including safeguards for, with respect to light, air, areas of occupancy, density of population and conformity to any master plan guiding the future development of the city. The development costs of the applicant as they pertain to the strict compliance with a regulation may not be the primary reason for granting a variance.

**Criteria:**

1. Exceptional or extraordinary circumstances or conditions *are/are not* applicable to the development of the site that do not apply generally to sites in the same zoning district.
2. Granting the application *is/is not* necessary for the preservation and enjoyment of a substantial property right of the applicant, and to prevent unreasonable property loss or unnecessary hardship.
3. Granting the application *will/will not* be detrimental or injurious to property or improvements in the vicinity of the development site, or to the public health, safety, or general welfare.

**PICTURES**



**425 Wright Street**



**Gravel side yard**



**Recommended Action:**

**Denial.** The applicant and owner, Aaron B. Pareigis, is requesting a variance for improvements recently made to 425 Wright Street. This property and surrounding homes to the east, west, and south are zoned R-4 (Single Family Residential – 4 units/acre). The adjacent homes to the north are zoned RM-12 (Residential Multi family – 12 units/acre). The variance being requested is to allow “mini slate chips” as an acceptable parking surface.

Section 716.08 (B) of the Zoning Ordinance states that only concrete, asphalt, or brick may be used as an allowable surface for parking to accommodate vehicles up to 8,000 pounds.

According to the applicant’s letter, an extensive renovation, including a new roof, siding, and new porch was completed at the subject property. However, there is no indication that a building permit was applied for or issued for this work. An old chain link enclosing the front yard was also removed. The applicant replaced and expanded the old asphalt driveway with “mini slate chips”. Even if gravel had been in place prior to the renovation, Section 706 prohibits the enlargement of any nonconformity.

Had the applicant applied for a building permit prior to completing the work, City staff could have explained the restrictions on gravel. Depending on the value of the work done at the property, compliance with all current regulations would likely have been required.

The Board of Zoning Appeal has considered other similar requests, and have granted the following variances to allow residences to use gravel:

<u>Case #</u>	<u>Address</u>	<u>Zoning</u>
• V2016-20	- 949 Springdale Dr	R-4
• V2016-14	- 95 Kirkpatrick Dr	R-4
• V2016-06	- 476 Stewart Ave	R-2
• V2014-26	- 336 Whitlock Ave	R-3
• V2013-13	- 405 Saint Mary’s Ln	R-2
• V2008-17	- 1018 Powder Springs St	R-2

One of the main concerns for gravel driveways is the tendency for the gravel to be tracked or washed out into the road, and that is a concern at this location as well. In addition, in October 2014, City Council considered a request from the Board of Zoning Appeals to amend the zoning regulations to allow gravel, but that request was not received favorably. City Council directed Staff to continue to enforce the prohibition of gravel as a permitted surface for driveways or parking areas. As a result, *staff recommends denial of this variance request.*

*However, if the Board is inclined to approve this variance request, staff recommends the following stipulation:*

1. Comply with the Marietta Public Works Department recommendation that a 20-ft deep concrete driveway be installed

**APPLICATION FOR VARIANCE OR APPEAL**

(Owner/Applicant/or Representative must be present at all public hearings)

For Office Use Only:

Application #: V2016-35 Registrar #: 2016 0620 BZA Hearing Dt: 7-25-16  
 City Council Hearing Dt (if applicable) #: \_\_\_\_\_ PZ #: 16-353

This is a variance/appeal application for:



Board of Zoning Appeals



City Council

Owner's Name Aaron B. Pareigis

Address 243 Hope St. Marietta, GA Zip Code: 30064

Telephone Number: 678-468-9867 Email Address: garonsquared@comcast.net

**COMPLETE ONLY IF APPLICANT IS NOT OWNER:**

Applicant \_\_\_\_\_

Address \_\_\_\_\_ Zip Code: \_\_\_\_\_

Telephone Number \_\_\_\_\_ Email Address: \_\_\_\_\_

Address of property for which a variance or appeal is requested:

425 Wright St. Marietta GA 30064 Date of Acquisition: Jan. 15, 2016

Land Lot (s) 02160 216 District 17 Parcel 0380 425 Acreage 0.3 Zoned R4 Ward A3 FLU MDR  
0.247 3A

List the variance(s) or appeal requested (please attach any additional information):

To not replace the blacktop drive, leaving gravel in its place, creating a single surface gravel drive.

**Required Information**

1. Application fee (\$250)
2. Completed notarized application. **The original application must be submitted with ALL original signature(s) – Copies of the application or signature(s) will NOT be accepted.**
3. Copy of the deed that reflects the current owner(s) of the property.
4. Letter describing the reason for the variance request, stating why strict adherence to the code would result in a particular hardship (as distinguished from a mere inconvenience or desire to make more money).
5. **Site plan – drawn to scale.** Site plans must illustrate property lines and all relevant existing information and conditions in addition to proposed additions or modifications within the referenced property lines of the tract(s).  
**Copies Required: One (1) - (8 1/2" x 11") -or- (11" x 17") drawn to scale.**  
 Optional Additional Plat size: (24" x 36"). If providing (24" x 36") then 25 copies REQUIRED.
6. Copy of current tax bill showing payment or documentation certified by the City of Marietta Tax Office.
7. Documentation authorizing applicant to submit application by property owners if applicant is not owner.

**Note: The Department of Development Services reserves the right to obtain additional information that reasonably may be required in order that an informed decision may be made.**

# 425 Wright Street Variance Request

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June 13, 2016

Aaron Pareigis

AaronSquared Holdings, LLC

243 Hope Street

Marietta, GA 30064

Case Number: 16-00002126

To whom it may concern:

I recently completed a beautiful renovation of the property and home at 425 Wright Street, Marietta GA. The renovation transformed the property from a neglected, dilapidated rental home to a lovely home purchased by a first time home buyer. The renovation improved the overall appearance and home values on both Griggs and Wright Streets. Our business model focuses on improving properties, bringing up home values and improving the overall neighborhood. As a long time City of Marietta resident, serving our community by improving homes and the neighborhoods we work in is at the core of our purpose.

The 425 Wright Street exterior renovation includes a new roof, siding, paint, reconstructed porch, tree trimming, exterior entertaining areas, removal of the chain link fence from the front yard, extensive landscaping, and driveway improvements fashioning a beautiful, functional, defined and usable parking area. The former drive was a mix of brown and white pea gravel, large slate chips and a small, crumbling and broken up area of blacktop. Mini slate chips were used for an attractive look, functionality, coordination with the color of the home, and because various gravels were already down when we purchased the property. We chose a cohesive, attractive, one surface driveway for an aesthetically pleasing look refreshing the existing gravel driveway with a single medium.

With regard to the Zoning Use Violation; Case Number 16-00002126, we understood the area in question, describe as in the Narrative as "...the driveway and parking area", was acceptable in it's previous condition: majority gravel and a patch of thin layered, broken asphalt. Images from GIS Interactive Map from 2011 (a) and 2014 (b) and from Google Maps Oct. 2012 (c) provides evidence of the existence and usage of the existing areas in question as "driveway and parking areas". Our experience managing rentals on Hedges St. and West Dixie Ave., also within the City of Marietta limits, allowed for the refreshment of existing gravel driveways and parking areas. As a result, we respectfully feel we are not in violation of the Surface Parking Standards Code as the drive and parking areas were previously acceptable to the City of Marietta and the drive was simply re-graveled (1,2,3,4,5).

## 425 Wright Street Variance Request

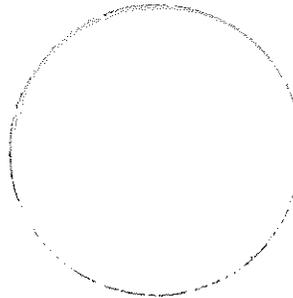
Notwithstanding the Code Violation Notice, we refreshed the existing gravel drive and parking area. We defined these areas with bordering to provide greater depth of gravel and defining an unquestionable drive and parking area in the eyes of the occupant and City of Marietta. By bordering the area we reduced the previously used area by approximately 400 sq. ft. The gravel drive and parking prevents excessive runoff to the properties below the elevation of 425 Wright Street. Refreshing the drive protects the health of the 200-250 year old oak that stands next to the drive and whose root system spans the entirety of the current drive. Replacement of the current drive would cause serious damage to the surface roots critical to the health of the oak. We believe that the current driveway is the best choice for the home, environment and the overall appearance of the neighborhood, is allowed through grandfathering of the gravel driveway and is a dramatic improvement to the gravel drive.

The current residents we have spoken to are thrilled with the renovation and appearance of the property. We have added real value to the street. The neighbors and support the driveway being left as it is with refreshed gravel for it's appearance, functionality, and believes it is appropriate for the home and street. We are requesting a variance to keep the drive as it is and not replace the small area of blacktop that was replaced with slate. We appreciate your consideration and look forward to continue making Marietta more beautiful one home at a time.

Sincerely yours,

A handwritten signature in black ink that reads "Aaron B. Pareigis". The signature is written in a cursive, flowing style.

Aaron B. Pareigis



9 AM City 205 Lawrence St.  
**Marietta Code Enforcement  
 Notification**

**THE FOLLOWING VIOLATIONS WERE  
 OBSERVED ON YOUR PROPERTY**

At 425 WRIGHT ST On 5/17/16

- ( ) Sec. 9 - Nonoperable, junked, or dismantled vehicle/s in yard.
- ( ) Sec. 7 - Vehicle/s not allowed on grass/dirt must be on an approved treated surface.
- ( ) Sec. 7 - Overgrown grass, weeds, or brush.
- ( ) Sec. 7 - Trash, rubbish, litter or debris.
- ( ) Sec. 7 - Outside storage in yard, open carport or porch not allowed.
- ( ) Sec. 5 - Garbage may be placed in cans at the curb, on day of pickup. Cans must be stored at the rear of residence.
- ( ) Sec. 7 - Livestock (goats, chickens, pigs etc.) not allowed in residential areas.
- ( ) Sec. 9 - Violation of a nuisance by allowing graffiti to be on buildings.
- ( ) Sec. 9 - Violation of a nuisance by making excessive noise.
- ( ) Sec. 7 - Commercial vehicle over 8,000 lbs not allowed in residentially zoned property.
- ( ) Sec. Other Enlarged Gravel Parking

PARKING AREA MUST BE PAVED  
 Failure to correct the violations identified above within forty-eight (48) hours could result in further action.

Please Contact Rusty Roth - 7794-5670

770-301-5117

R Roth @ marietta ga gov

Inspector's Name

Telephone Number

**HISPANIC TRANSLATION ON BACK OF CARD**

**TO: Marietta Daily Journal**  
**FROM: City of Marietta**  
**RUN DATE: July 8, 2016**

**PUBLIC NOTICE OF VARIANCES**

The City of Marietta hereby gives notice that a public hearing will be held to give consideration to the following variance requests. The Board of Zoning Appeals will consider the following requests on **Monday, July 25, 2016 at 6:00 P.M.**, City Hall. Anyone wishing to attend may do so and be heard relative thereto.

**V2016-35 [VARIANCE] AARON B. PAREIGIS** is requesting a variance for property located in Land Lot 216, District 17, Parcel 0380, 2<sup>nd</sup> Section, Marietta, Cobb County, Georgia and being known as 425 Wright Street. Variance to allow gravel as an acceptable parking surface. Ward 3A.

A description and plat of the property sought for the variances are on file in the Planning and Zoning Office, City Hall, and are available for inspection between 8:00 A.M. and 5:00 P.M., Monday through Friday. Anyone wishing to attend may do so and be heard relative thereto.

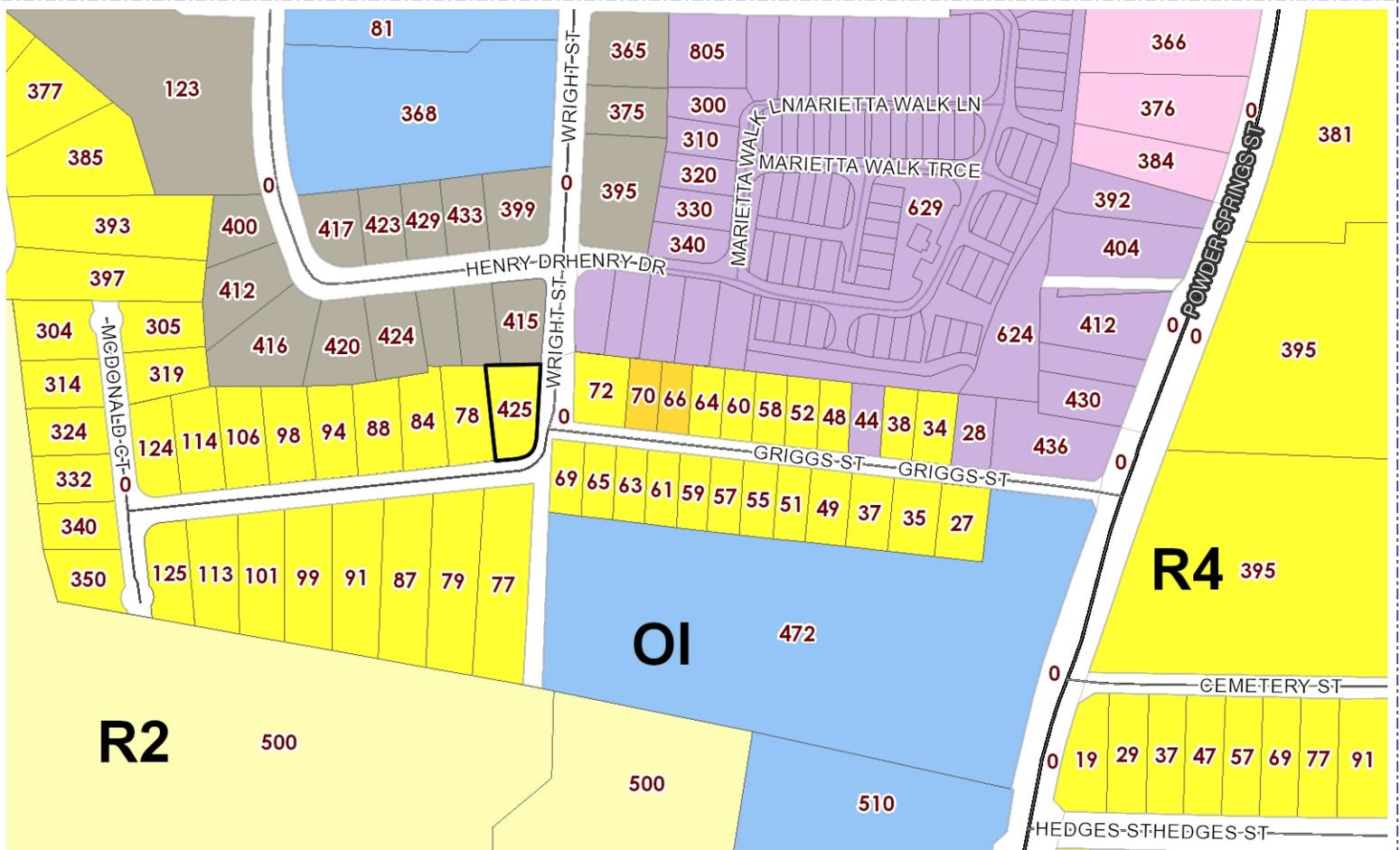
For additional information please call the Planning and Zoning Office (770) 794-5669.

**Accessibility to Meetings:** If you believe you may need the City/BLW to provide special accommodations in order to attend/or participate in any of the above meetings, please call Mr. Patrick Henley, ADA Coordinator, at 770-794-5558 (voice) or 770-794-5560 (TDD) no later than 48 hours before the date of the above meeting.

City of Marietta  
205 Lawrence Street  
Marietta, Georgia 30060



# Variance



Address	Parcel Number	Acreage	Ward	Zoning	FLU
425 WRIGHT ST	17021600380	0.247	3A	R4	MDR

Property Owner:	Aaron B. Pereigis
Applicant:	
BZA Hearing Date:	07/25/2016
Acquisition Date:	
Case Number:	V2016-35
City of Marietta Planning & Zoning	

**Zoning Symbols**

- Railroads
- City Limits
- Cobb County Pockets
- NA
- R1 - Single Family Residential (1 unit/acre)
- R2 - Single Family Residential (2 units/acre)
- R3 - Single Family Residential (3 units/acre)
- R4 - Single Family Residential (4 units/acre)
- RA4 - Single Family Residential - Attached
- RA6 - Single Family Residential - Attached
- RA8 - Single Family Residential - Attached
- MHP - Mobile Home Park
- PRD-SF - Planned Residential Dev. Single Family
- RM8 - Multi Family Residential (8 units/acre)
- RM10 - Multi Family Residential (10 units/acre)
- RM12 - Multi Family Residential (12 units/acre)
- RHR - Residential High Rise
- PRD-MF - Planned Residential Dev Multi Family
- NRC - Neighborhood Retail Commercial
- CRC - Community Retail Commercial
- RRC - Regional Retail Commercial
- PCD - Planned Commercial Development
- LI - Light Industrial
- HI - Heavy Industrial
- PID - Planned Industrial Development
- MXD - Mixed Use Development
- CBD - Central Business District
- OIT - Office Institutional Transitional
- LRO - Low Rise Office
- OI - Office Institutional
- OS - Office Services
- OHR - Office High Rise

GRIGGS STREET

38

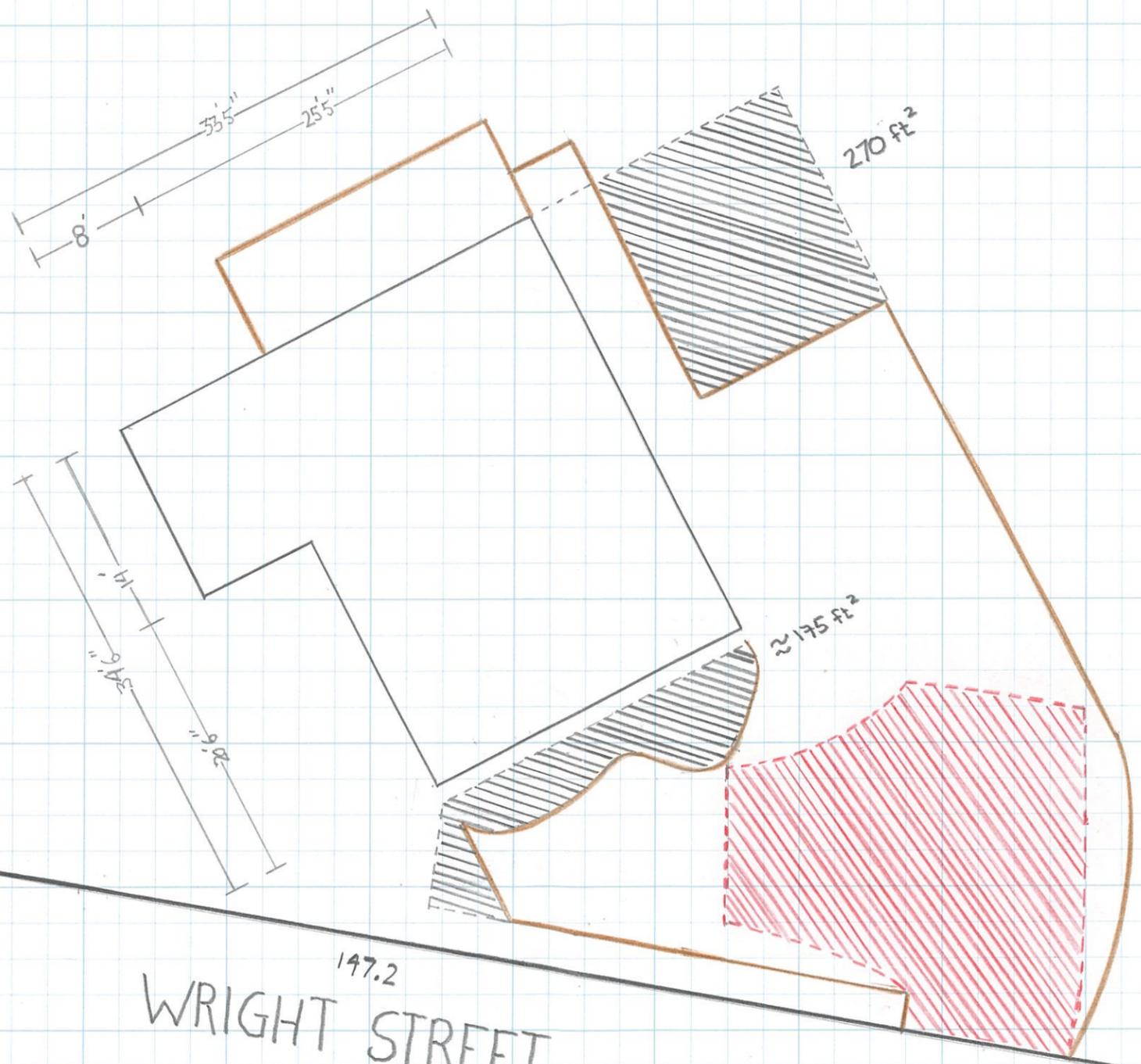
151.2

92.5

41.7

147.2

WRIGHT STREET



- PEA GRAVEL
- BLACKTOP
- ORIGINAL DRIVE
- PERM STRUCTURE
- REDUCED DRIVE

SCALE 3/32

AARON PAREIGIS  
 CASE NO: 16-00002126  
 DRIVEWAY VARIANCE REQUEST



# My Neighborhood: Cobb County, Georgia

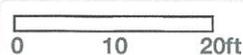
I want to...



 2011 Im...

Lat/Lon (DD) ▲

Lat: 33.94499° N  
 Lon: 84.55446° W



(a)

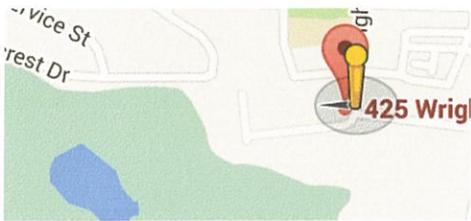
Google Maps Wright St



Image capture: Oct 2012 © 2016 Google

Marietta, Georgia

Street View - Oct 2012



(c)



(1)



(2)



(3)



(4)



(5)