



**STAFF REVIEW AND RECOMMENDATION**

**Variance Case #:** V2016-29      **Legistar #:** 20160494  
**Board of Zoning Appeals Hearing:** Monday, June 27<sup>th</sup>, 2016 – 6:00 p.m.  
**Property Owner:** Michael J. Ricciardi & Natali Tesche-Ricciardi  
167 Freyer Drive  
Marietta, GA 30060  
**Applicant:** Same as above  
**Address:** 167 Freyer Drive  
**Land Lot:** 1088      **District:** 16      **Parcel:** 0330  
**Council Ward:** 4B      **Existing Zoning:** R-3 (Single Family Residential – 3 units/acre)

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

1. Variance to reduce the side yard setback for an unenclosed carport from 5’ to 4.5”. [§708.03 (H) and §710.14 (A)]

**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.

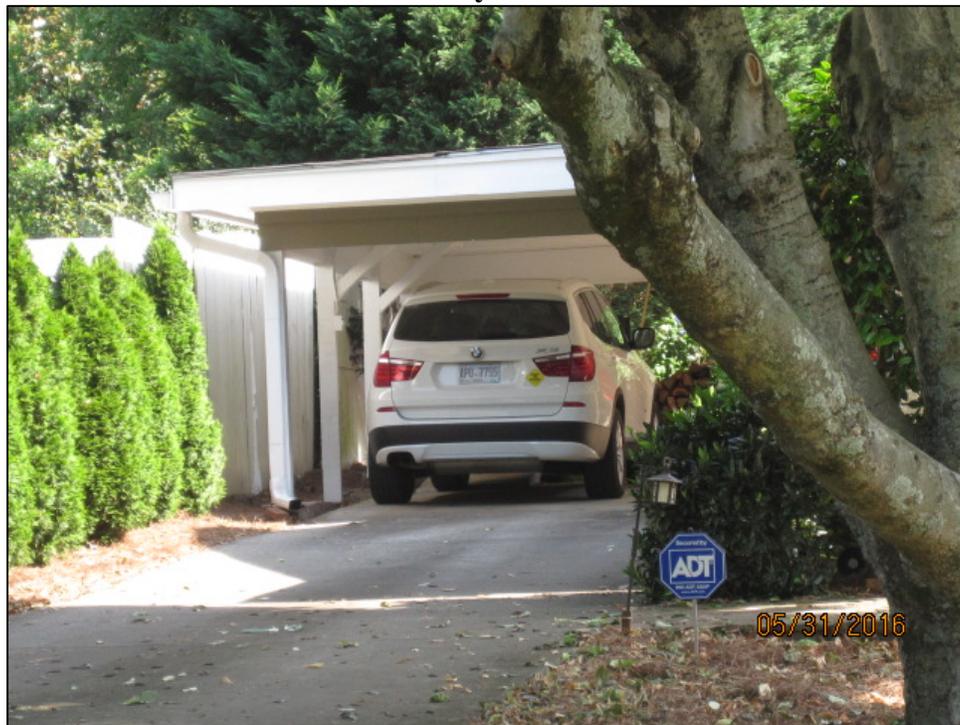
**Criteria:**

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**



**167 Freyer Drive**



**Existing carport / proposed area of reconstruction**

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**Recommended Action:**

**Denial.** The property owners, Michael J. Ricciardi & Natali Tesche-Ricciardi, are requesting a variance to allow their carport to be located within the side yard setback on the property at 167 Freyer Drive. The subject property is 0.283 acres – zoned R-3 (Single Family Residential – 3 units/acre) and is located on Freyer Drive, which connects Cherokee Street and Allgood Road. The properties on all sides are zoned R-3 (Single Family Residential – 3 units/acre).

The subject property currently contains a carport that is on or within a foot of the side property line to the west, adjacent to 512 Cherokee Street. The applicant is proposing a rear addition to the house that will include a new carport on the west side of the house in the same location as the existing carport. The support posts of the proposed new carport would be approximately 1 ft. from the property line, but the eaves of the roof would only be 4.5 inches from the side property line.

The owners have provided letters from a number of their surrounding neighbors in support of the requested variance. However, there is no support letter from the property owner that would be impacted the most (512 Cherokee Street). There are a number of concerns that are typically expressed when any building is proposed so close to a property line, including run-off from the roof and the ability to build/maintain the structure without trespassing on the neighbor's property. It is not clear from the plans how the slope of the carport roof will direct water or whether it will have a gutter system.

The Marietta Fire Department has stated that the fire sprinkler ordinance will not apply provided that the new carport be constructed of non-combustible materials, but it can never be enclosed on more than two sides.

Since the proposed carport is part of a substantial renovation, it appears that the applicant should have the opportunity to improve the situation by moving the carport further away from the side property line so as not to impact the neighboring property. As such, ***Staff recommends denial of this variance.***

However, if the Board wished to consider approving this request since the new carport will not be any closer to the adjacent property than the existing carport, ***staff recommends the following condition:***

- ***Plans submitted for permitting must provide a detailed exhibit addressing how stormwater runoff will be captured and directed away from the adjacent property.***



Department of Development Services
205 Lawrence Street
Marietta, GA 30060
Brian Binzer, AICP, Director

APPLICATION FOR VARIANCE OR APPEAL

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

For Office Use Only:

Application #: V2016-29 Registrar #: 20160494 BZA Hearing Dt: 6-27-16
City Council Hearing Dt (if applicable) #: PZ #: 16-268

This is a variance/appeal application for:

[X] Board of Zoning Appeals

[ ] City Council

Owner's Name: Michael J. Ricciardi + Natali Tesche-Ricciardi
Address: 167 Freyer Drive, Marietta GA Zip Code: 30060
Telephone Number: 404-395-7117 Email Address: mricciardi5@gmail.com

COMPLETE ONLY IF APPLICANT IS NOT OWNER:

Applicant: n/a
Address: Zip Code:
Telephone Number: Email Address:

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

167 Freyer Dr., Marietta GA 30060 Date of Acquisition: 10/29/2004
Land Lot (s) 10880 District 16 Parcel 16-1088-33 Acreage 1/3 Zoned R3 Ward 4B FLU LDR
0330 .283

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

We would like to widen our carport.
\* See additional information attached

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...
5. Site plan - drawn to scale. Site plans must illustrate property lines and all relevant existing information and conditions...
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.

OVER

Additional information for our variance request:

As part of our planned home renovation/expansion due to our growing family, we would also like to rebuild our carport. Our current carport will have to be torn down during the home renovation to fit equipment through to the back of our house. We would like to re-build the carport, making minor changes to the width and height (the distance from the carport to the property line will not change appreciably). The new carport, that was drawn by our architect, will also match the architecture of our house much better than our current carport.

The City of Marietta Department of Development Services  
205 Lawrence Street  
Marietta, GA 30060

April 30<sup>th</sup>, 2016

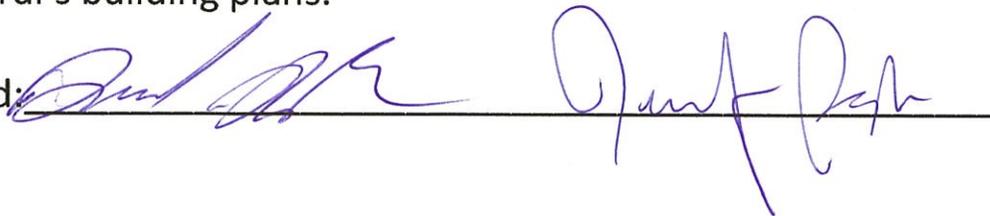
Re.: Letter in support of the Ricciardi Family's variance application to the building/zoning board of the city of Marietta.

To whom it may concern:

This is to certify that I support the Ricciardi's variance application to widen their carport on their property at 167 Freyer Drive, Marietta GA 30060. I have seen the architectural drawing of their building project and have been informed of the dimensions in regard to my property.

1. We, Jenny and Daniel Pugh, the neighbors of Mike and Natali Ricciardi, living at 157 Freyer Drive, Marietta GA 30060, would like to express our support and we attest that we have no objection to the Ricciardi's building plans.

Signed:



3. We, Kathie Fuller and Jeff Traicoff, the neighbors of Mike and Natali Ricciardi, living at 175 Freyer Drive, Marietta GA 30060, would like to express our support and we attest that we have no objections to the Ricciardi's building plans.

Signed: \_\_\_\_\_

*Kathie Fuller* *Jeff Traicoff*

4. We, Eloise Fowler and Andrew Fowler, the neighbors of Mike and Natali Ricciardi, living at 524 Cherokee Street, Marietta GA 30060, would like to express our support and we attest that we have no objections to the Ricciardi's building plans.

Signed: \_\_\_\_\_

*Andrew V. Fowler*  
*Eloise Fowler*

5. I, Carolyn Johnson, the neighbor of Mike and Natali Ricciardi, living at 174 Seminole Drive, Marietta GA 30060, would like to express my support and I attest that I have no objection to the Ricciardi's building plans.

Signed: \_\_\_\_\_

*Carolyn Johnson*

**TO: Marietta Daily Journal**  
**FROM: City of Marietta**  
**RUN DATE: June 10, 2016**

**PUBLIC NOTICE OF VARIANCES and SPECIAL LAND USE PERMITS**

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, June 27, 2016 at 6:00 P.M.**, City Hall. Anyone wishing to attend may do so and be heard relative thereto.

**V2016-29 [VARIANCE] MICHAEL RICCIARDI & NATALI TESCHE-RICCIARDI** are requesting a variance for property located in Land Lot 1088, District 16, Parcel 0330, 2<sup>nd</sup> Section, Marietta, Cobb County, Georgia and being known as 167 Freyer Drive. Variance to reduce the side yard setback for an unenclosed carport from 5' to 4.5." Ward 4B.

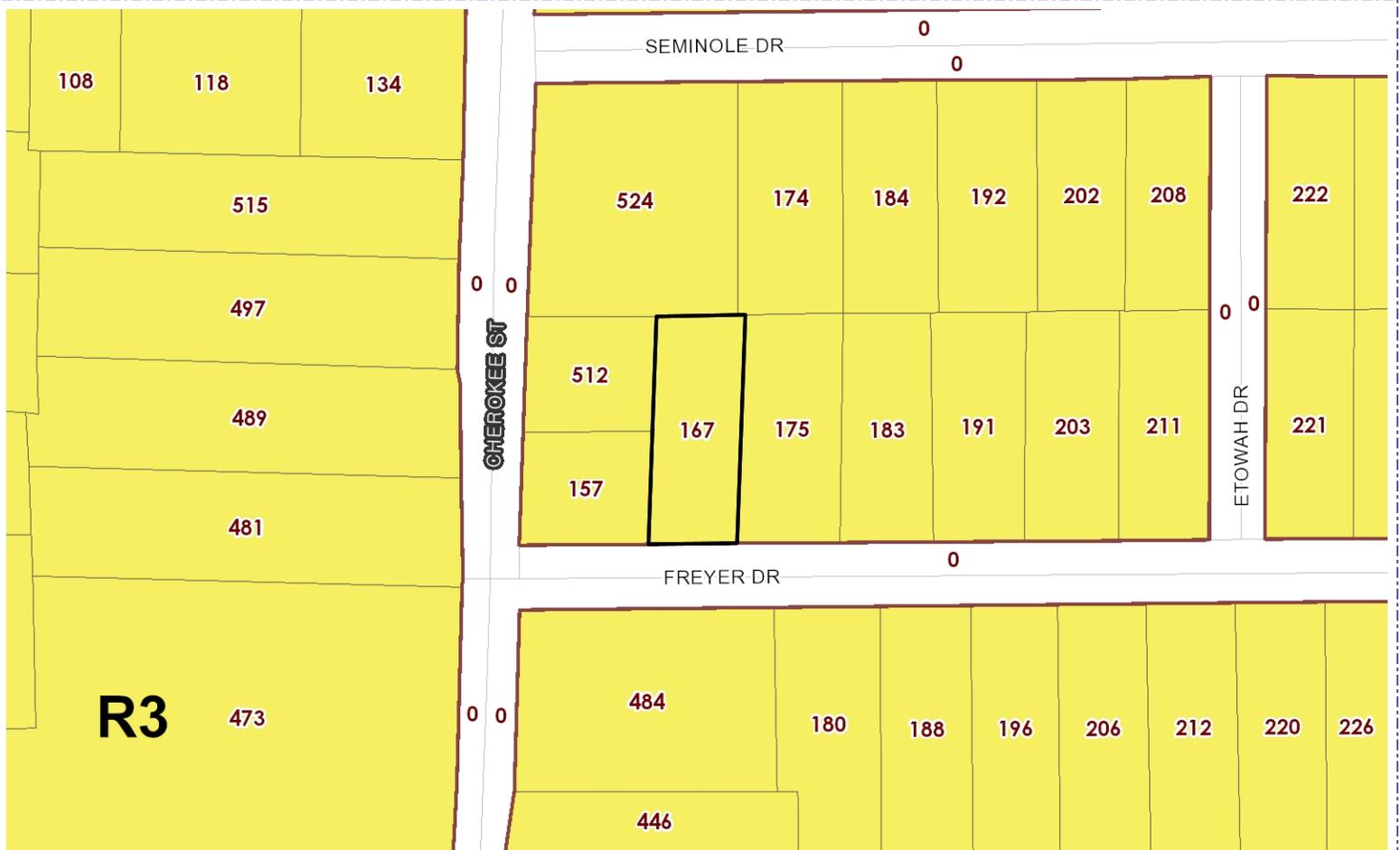
A description and plat of the property sought for the variances are on file in the Planning and Zoning Office, City Hall, and are available for inspection between 8:00 A.M. and 5:00 P.M., Monday through Friday. Anyone wishing to attend may do so and be heard relative thereto.

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.

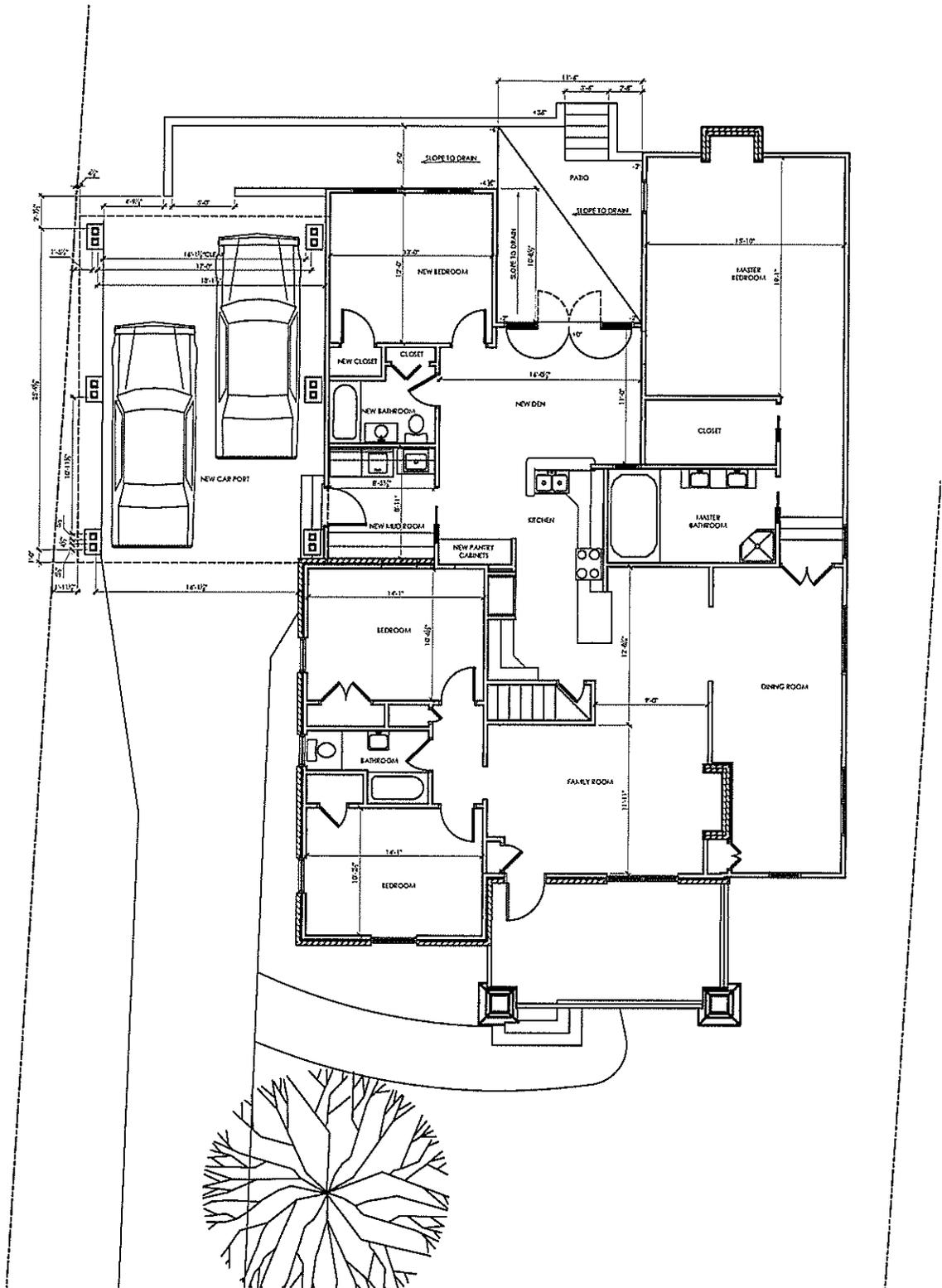
City of Marietta  
205 Lawrence Street  
Marietta, Georgia 30060

# Variance



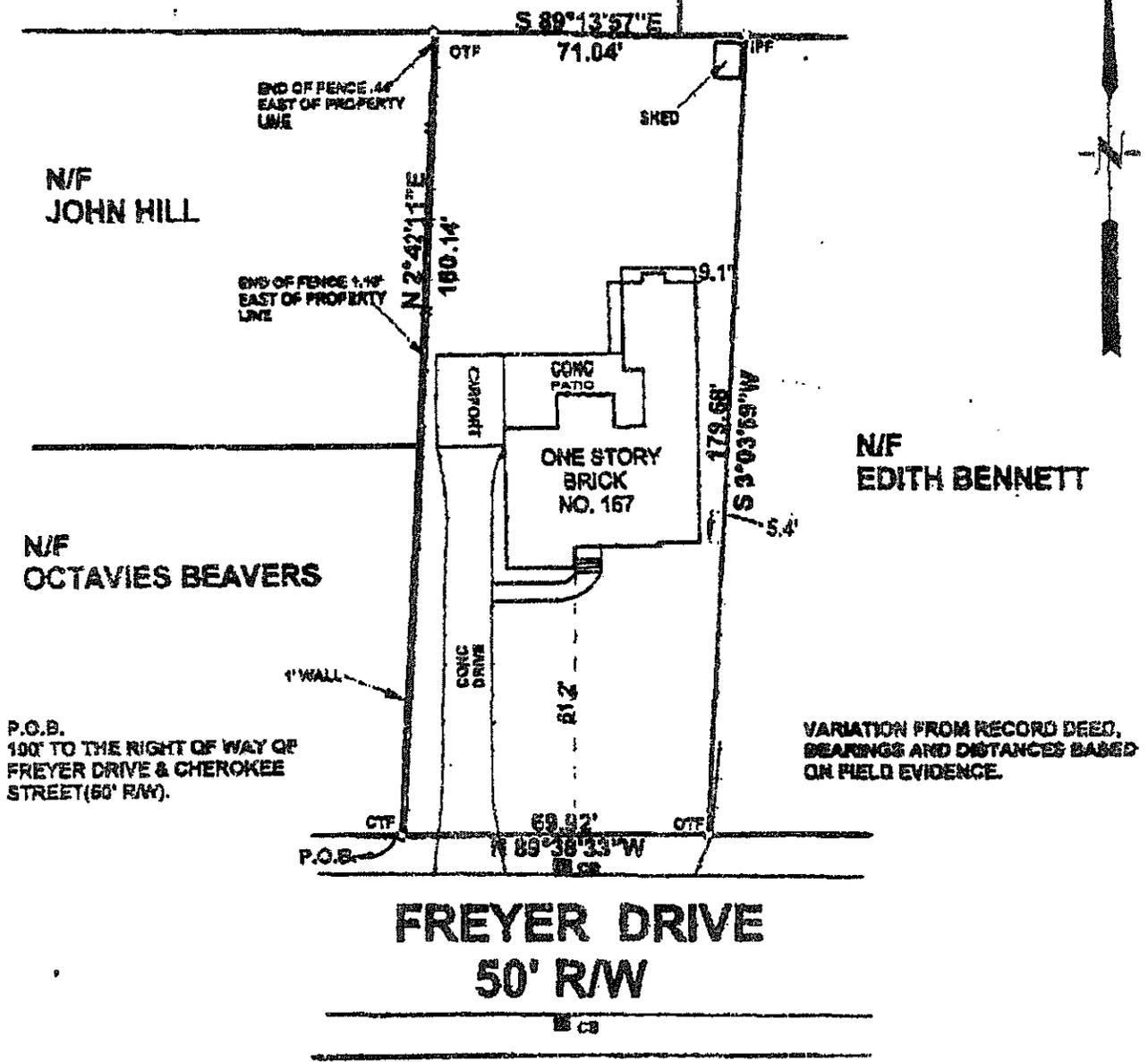
Address	Parcel Number	Acreage	Ward	Zoning	FLU
167 FREYER DR	16108800330	0.283	4B	R3	LDR

Property Owner:	Riccardi, Michael & Natali	<b>Zoning Symbols</b> 
Applicant:		
BZA Hearing Date:	06/27/2016	
Acquisition Date:		
Case Number:	V2016-29	
<b>City of Marietta Planning &amp; Zoning</b>		



N/F  
ANDREW FOWLER

N/F  
ANN JOHNSON



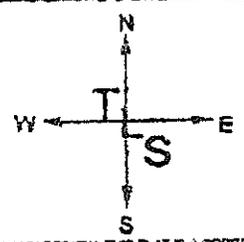
P.O.B.  
100' TO THE RIGHT OF WAY OF  
FREYER DRIVE & CHEROKEE  
STREET (60' R/W).

VARIATION FROM RECORD DEED,  
BEARINGS AND DISTANCES BASED  
ON FIELD EVIDENCE.

**FREYER DRIVE**  
**50' R/W**

THIS PROPERTY IS NOT LOCATED  
IN AN F.I.A. FLOOD HAZARD ZONE.

REF:  
DB 13417, PG 3863  
PARTS OF LOTS 1&2  
CHEROKEE HEIGHTS S/D  
PB 1, PG 156



**TRU-LINE SURVEYING INC.**  
2070 Altic Parkway Suite 506  
Kennesaw, Ga. 30152  
Office (770) 919-8732  
Fax (770) 919-8731



IN MY OPINION THIS PLAT IS A CORRECT REPRESENTATION  
OF THE LAND PLATTED AND HAS BEEN PREPARED IN  
CONFORMITY WITH THE MINIMUM STANDARDS AND  
REQUIREMENTS OF LAW

*W.E. Clowis*

**SURVEY FOR**  
**CHRIS JENKINS**

LAND LOT:	1088	SCALE:	1"=40'
DISTRICT:	16th	DATE:	11/6/03
SECTION:	2nd	DRAWN BY:	FEO
COUNTY:	COBB	CHECKED BY:	WEC
STATE:	GEORGIA	JOB NO.	01-2758