



STAFF REVIEW AND RECOMMENDATION

Variance Case #: V2026-02

Legistar #: 20251086

Board of Zoning Appeals Hearing: Monday, January 26th, 2026 – 6:00 pm

Property Owner: [REDACTED]

Applicant: Same as above

Address: 82 Moon Street

Land Lot: 11580

District: 16

Parcel: 0480

Council Ward: 3A

Existing Zoning: R-4 (Single Family Residential – 4 units/acre)

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

1. Variance to reduce the front setback from 25' to 24'. [§708.04 (H)]
2. Variance to allow shale as an acceptable parking surface. [§716.08 (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



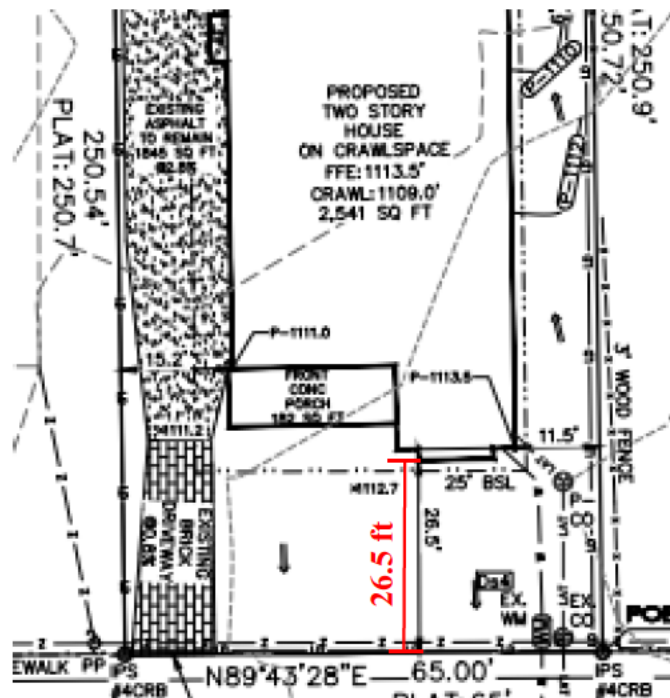
Views of subject property from Moon Street

Recommended Action: *Approval & Denial.*

The applicant, [REDACTED], is requesting variances to construct a shale driveway and to allow an already completed 6-inch encroachment into the front setback at 82 Moon Street. The subject property, along with the surrounding properties, is zoned R4 (Single Family Residential – 4 units/acre) and is approximately 0.37 acres.

Variance #1 – Front Setback

The applicant is seeking a variance to allow a minor encroachment of approximately 6 inches into the required 25-foot front setback. A building permit (BLDG-2025-030289) was issued on February 28, 2025, based on a submitted survey and site plan indicating that the proposed home would sit 26.5 feet from the front property line. As construction neared completion, however, an updated survey revealed that the structure was actually built at a distance of 24.6 feet from the front property line, resulting in a 6-inch encroachment.

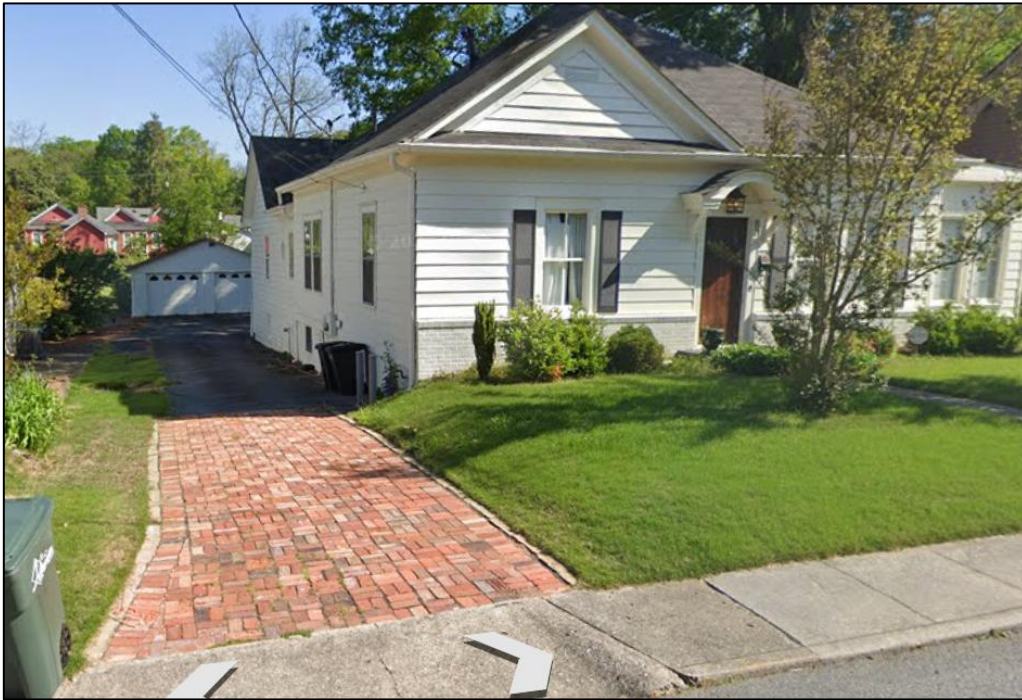


Site plan from approved building permit (BLDG-2025-030289), February 28, 2025

The applicant is now seeking a variance to address the as-built condition, as the setback discrepancy appears to be the result of an unintentional error rather than a deliberate change from the approved plans. Although the request does not demonstrate a traditional hardship, requiring the homeowner to alter or remove a nearly completed structure would create an unnecessary burden. Considering the very small scale of the encroachment and the lack of any clear impact on neighboring properties, *staff recommends approval of the variance* as a reasonable outcome.

Variance #2 – Shale Driveway

Section 716.08(B) of the Zoning Ordinance states that only concrete, asphalt, or brick may be used as an allowable surface for parking areas intended to accommodate vehicles up to 8,000 pounds. The approved building permit for this property showed that the existing asphalt and brick driveway was to remain in place.



Google Earth Imagery of the former brick/asphalt driveway at the subject property

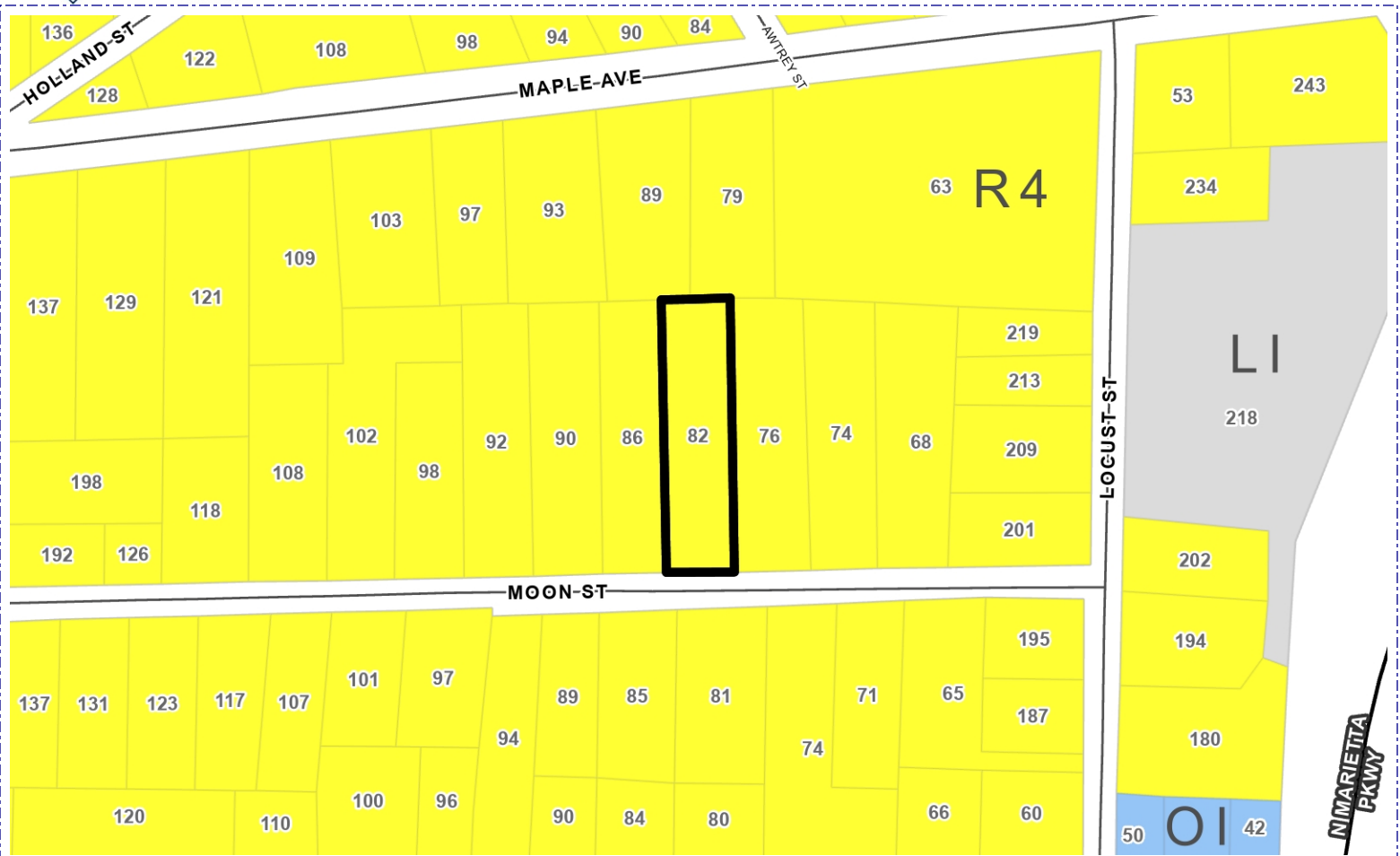
However, during the replacement of the private sewer line that services the home, the driveway was removed and could not be preserved. The applicant is now requesting a variance to replace the former driveway with a shale surface rather than one of the permitted materials.

The Board of Zoning Appeals has considered similar requests in the past, and in some cases, gravel or comparable surfaces were allowed with stipulations—such as requiring pavement of an acceptable surface for the first 20 feet of the driveway—to prevent loose material from migrating into the public right-of-way. Public Works has also noted that, **at minimum, a 5-foot apron is required** between the sidewalk/right-of-way and the proposed shale driveway to ensure that no shale enters the street. It is important to note that prior proposals to amend the ordinance to allow gravel or similar materials more broadly have been repeatedly denied by City Council.

As shale is not permitted as an acceptable parking surface and no hardship has been demonstrated that would prevent installation of a compliant paved driveway, ***staff recommends denial of this variance request.***

Alternatively, should the Board decide to approve the second variance requested, Staff recommends requiring pavement of an acceptable surface for the first 20 feet of the driveway.

Variance



Address		Parcel Number	Acreage	Ward	Zoning	FLU
82 MOON ST		16115800480	0.367	3A	R4	MDR
Property Owner: David [REDACTED]					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	
Applicant:						
BZA Hearing Date:		01/26/26				
Acquisition Date:						
Case Number:		V2026-02				
City of Marietta Planning & Zoning						



Address		Parcel Number	Acreage	Ward	Zoning	FLU
82 MOON ST		16115800480	0.367	3A	R4	MDR
Property Owner: David [REDACTED]					Legend Railroads City Limits Cobb County Pockets	
Applicant:						
City Council Hearing Date:						
Planning Commission Hearing Date:						
BZA Hearing Date: 01/26/26 Case Number: V2026-02						
Comments:						
City of Marietta Planning & Zoning						



APPLICATION FOR VARIANCE OR APPEAL

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

(NOTE: CORRESPONDENCE IS HANDLED VIA EMAIL UNLESS OTHERWISE REQUESTED)

For Office Use Only:

Application #: V2026-02

Legistar #: 20251091

BZA Hearing Dt: Jan 26, 2026

City Council Hearing Dt (if applicable) #:

PZ #: 25-086

This is a variance/appeal application for:



Board of Zoning Appeals



City Council

Owner's Name: [REDACTED]

Documentation showing names of Principals authorized to sign application is required for Corporations.

EMAIL Address: [REDACTED]

Mailing Address: [REDACTED]

Phone Number: [REDACTED]

COMPLETE ONLY IF APPLICANT IS NOT OWNER:

Applicant: _____

EMAIL Address: _____

Mailing Address: _____

Zip Code: _____

Phone Number: _____

Address of subject property: 82 N Main St Marietta 30064

Date of Acquisition: _____

Land Lot (s) 1158

District 16

Parcel 480

Acreage _____

Zoned R

Ward _____

FLU: _____

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

Approval of shale driveway, slight incursion of front setback

Required Information

1. Application fee (Residential - \$250; Non-residential - \$350)
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. Documentation showing names of Principals authorized to sign application is required for Corporations.
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 (8 1/2" x 11") -or- One (11" x 17") drawn to scale.
Optional Additional Plat size: (24" x 36"). If providing (24" x 36") then **5** copies REQUIRED of the plat size pages.
6. Copy of current tax bill showing payment or documentation certified by the City of Marietta Tax Office.

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

VARIANCE REQUEST – 82 Moon St.

Parcel No. 1611 5800 480

SCOPE OF WORK

Pervious driveway. Construction of new home. Prior drive was impervious and was destroyed in replacing sewer line. Earlier proposal of partial shale and retaining portion of old drive is now moot.

Scope: Construction and installation of shale driveway.

Variance for front setback incursion. Applicant seeks variance for slight incursion into front setback. A change in construction method caused a very slight incursion (6") of bay window foundation into the front setback space.

