



STAFF REVIEW AND RECOMMENDATION

Variance Case #: V2026-02

Legistar #: 20251086

Board of Zoning Appeals Hearing: Monday, February 23, 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



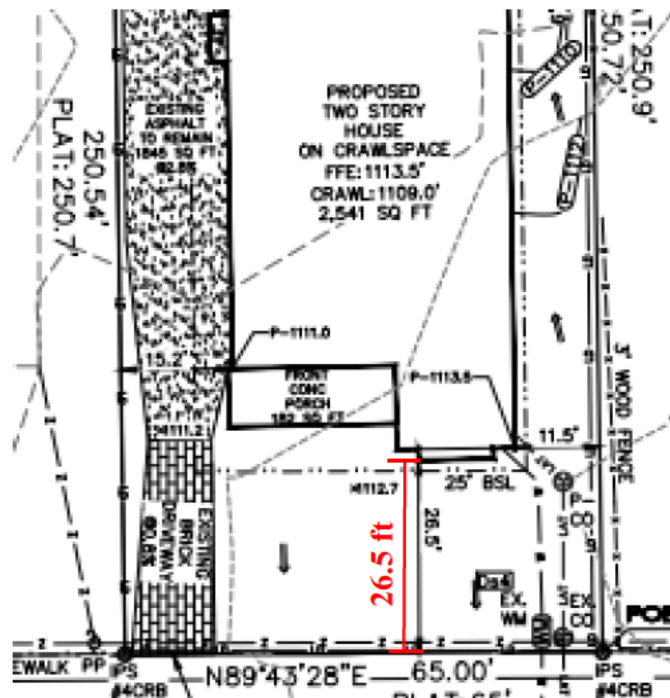
Views of subject property from Moon Street

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

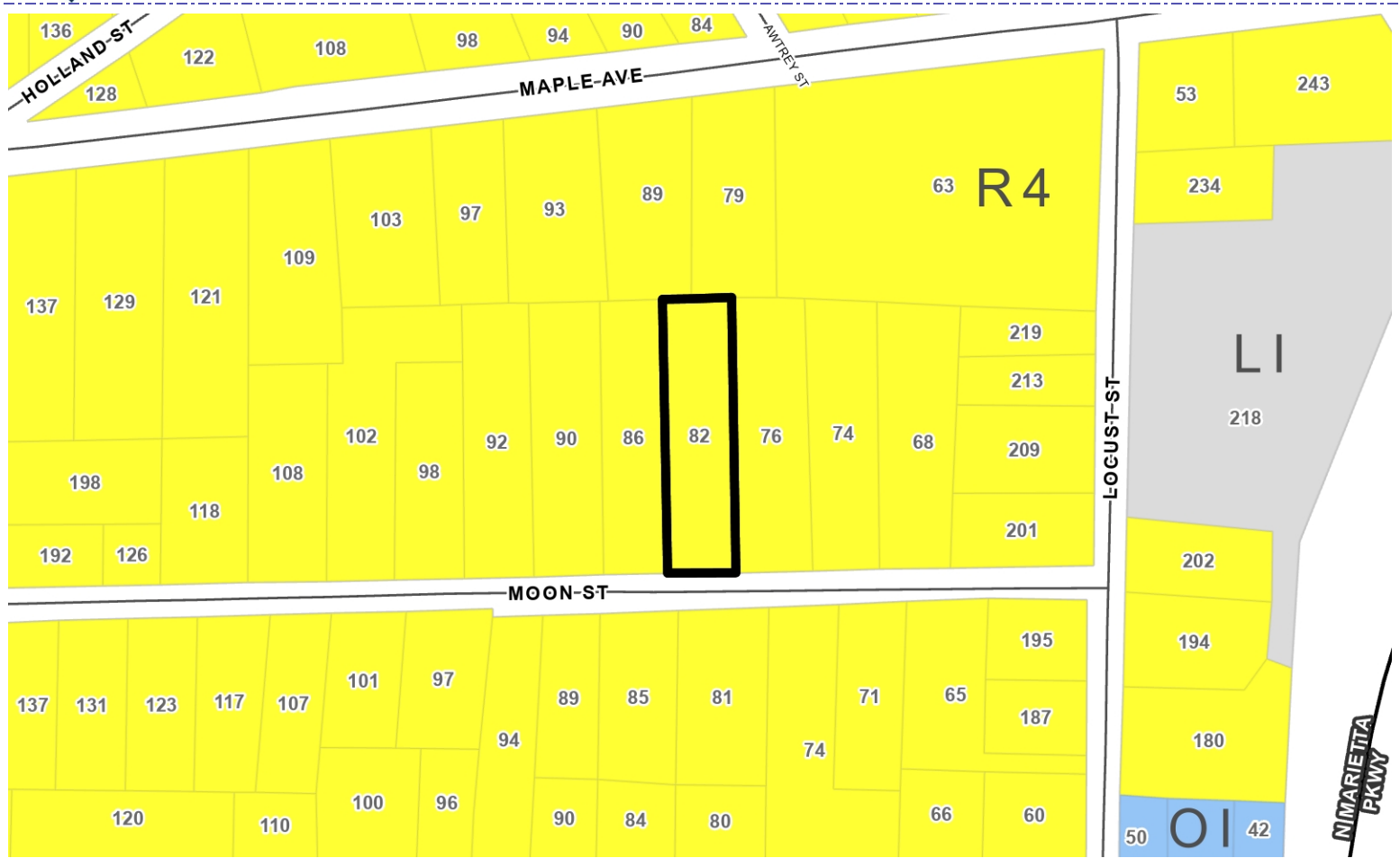
However, during the replacement of the private sewer line that services the home, the driveway was removed and could not be preserved. The applicant is now requesting a variance to replace the former driveway with a shale surface rather than one of the permitted materials.

































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.

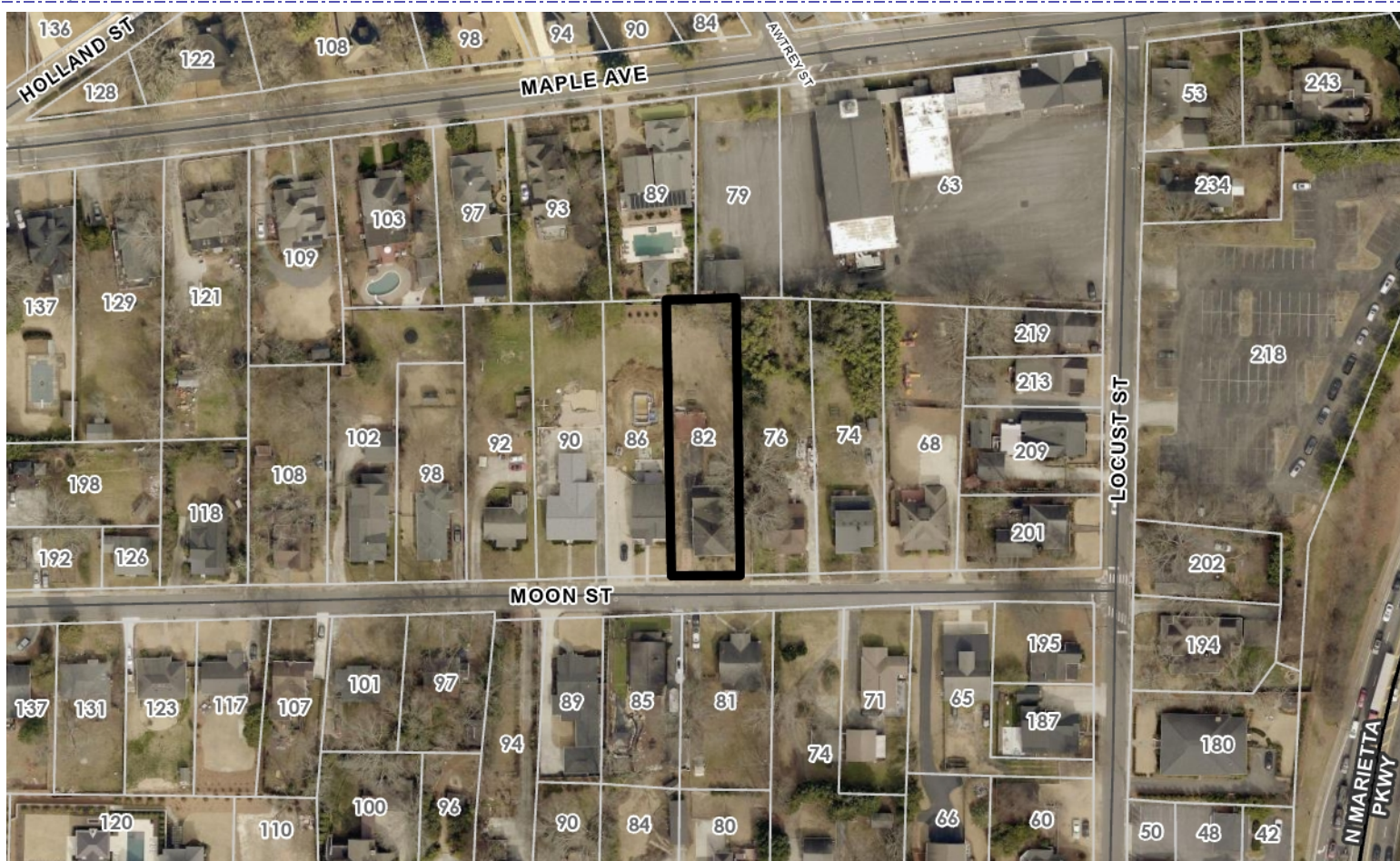
As shale is not permitted as an acceptable parking surface and no hardship has been demonstrated that would prevent installation of a compliant paved driveway, ***staff recommends denial of this variance request.***

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: <div><div></div><div></div></div>				<div>Zoning Symbols</div> <div><div></div> Railroads</div> <div><div></div> City Limits</div> <div><div></div> Cobb County Pockets</div> <div><div></div> NA</div> <div><div></div> R1 - Single Family Residential (1 unit/acre)</div> <div><div></div> R2 - Single Family Residential (2 units/acre)</div> <div><div></div> R3 - Single Family Residential (3 units/acre)</div> <div><div></div> R4 - Single Family Residential (4 units/acre)</div> <div><div></div> RA4 - Single Family Residential - Attached</div> <div><div></div> RA6 - Single Family Residential - Attached</div> <div><div></div> RA8 - Single Family Residential - Attached</div> <div><div></div> MHP - Mobile Home Park</div> <div><div></div> PRD-SF - Planned Residential Dev. Single Family</div> <div><div></div> RM8 - Multi Family Residential (8 units/acre)</div> <div><div></div> RM10 - Multi Family Residential (10 units/acre)</div> <div><div></div> RM12 - Multi Family Residential (12 units/acre)</div> <div><div></div> RHR - Residential High Rise</div> <div><div></div> PRD-MF - Planned Residential Dev Multi Family</div> <div><div></div> NRC - Neighborhood Retail Commercial</div> <div><div></div> CRC - Community Retail Commercial</div> <div><div></div> RRC - Regional Retail Commercial</div> <div><div></div> PCD - Planned Commercial Development</div> <div><div></div> LI - Light Industrial</div> <div><div></div> HI - Heavy Industrial</div> <div><div></div> PID - Planned Industrial Development</div> <div><div></div> MXD - Mixed Use Development</div> <div><div></div> CBD - Central Business District</div> <div><div></div> OIT - Office Institutional Transitional</div> <div><div></div> LRO - Low Rise Office</div> <div><div></div> OI - Office Institutional</div> <div><div></div> OS - Office Services</div> <div><div></div> OHR - Office High Rise</div>	
Applicant:					
BZA Hearing Date: <div><div>01/26/26</div><div>02/23/26</div></div>					
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:	Legend  Railroads  City Limits  Cobb County Pockets	
Applicant:		
City Council Hearing Date:		
Planning Commission Hearing Date:		
BZA Hearing Date:		01/26/26 02/23/26 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 Registrar #: 20251091 BZA Hearing Dt: Feb 23, 2026
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: _____

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

EMAIL Address: _____

Mailing Address: _____

Phone Number: _____

COMPLETE ONLY IF APPLICANT IS NOT OWNER:

Applicant: _____

EMAIL Address: _____

Mailing Address: _____

Zip Code: _____

Phone Number: _____

Address of subject property: 82 Moor St Marietta 30064

Date of Acquisition: _____

Land Lot (s) 115B

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.

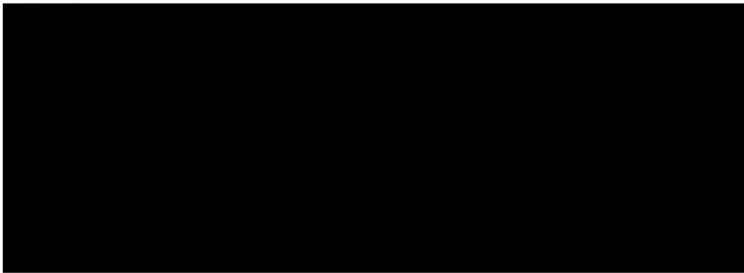
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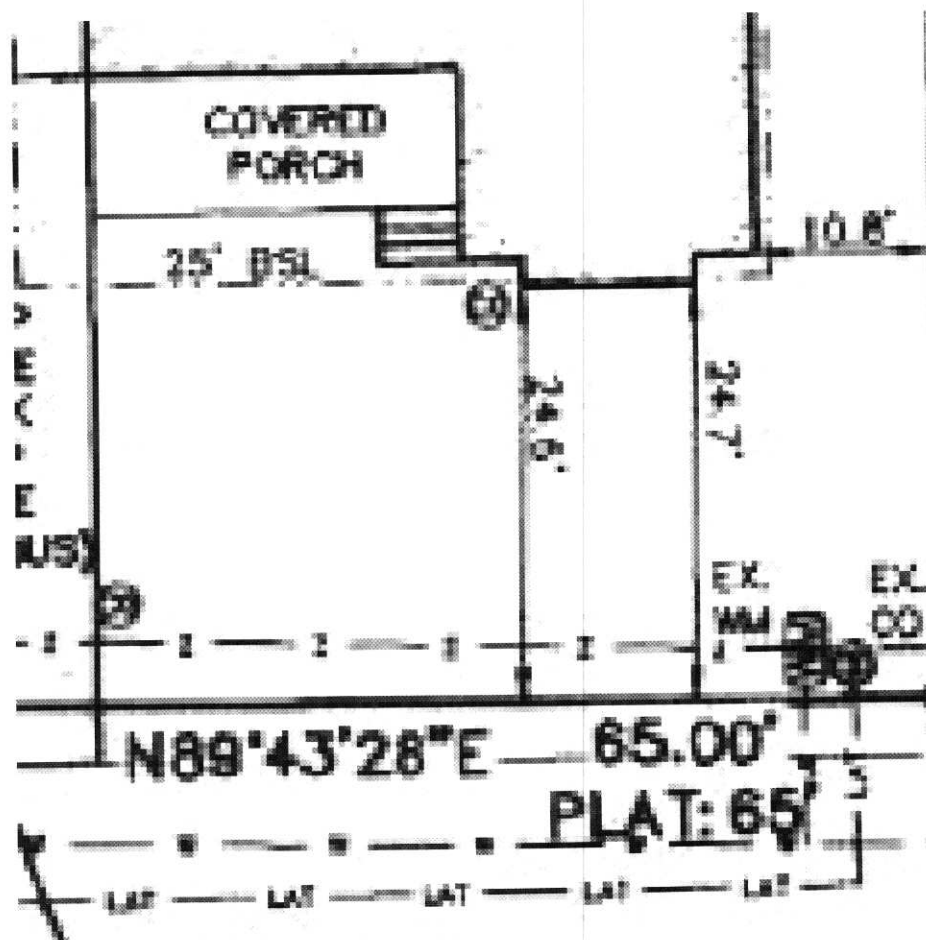
SCOPE OF WORK

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.



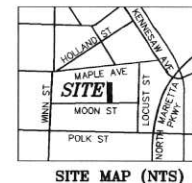




82 MOON STREET
LAND LOT 1158
16th DISTRICT - 2nd SECTION
COBB COUNTY, GEORGIA
CITY OF MARIETTA
EXISTING ZONING: R-4
PIN: 16005800480
16,290 SQ FT
0.37 ACRES

CURRENT ZONING:
R-4

FRONT SETBACK = 25'
SIDE SETBACK = 10'
REAR SETBACK = 30'
MIN LOT WIDTH = 75'
MIN LOT SIZE = 7,500 SF
MAX BLDG COVER = 35%
MAX IMPERV SURFACE = 50%



SITE MAP (NTS)



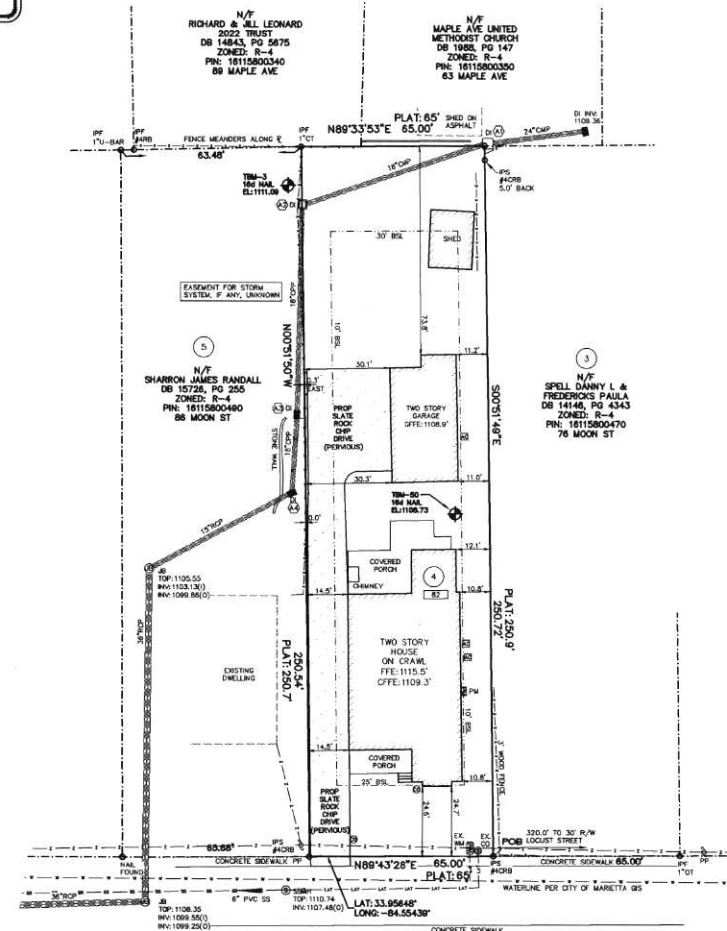
PLAT = PLAT DISTANCE M = MEASURED

SURVEY NOTES

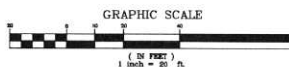
- 10 HORIZONTAL DATUM IS GEORGIA STATE PLANE WEST ZONE
11 HORIZONTAL DATUM IS NORTH AMERICAN DATUM YEAR 1983 (NAD83)
12 HORIZONTAL DATUM IS NORTH AMERICAN DATUM YEAR 1983 (NAD83)
13 OF 1988 (NAD83)
14 ALL DISTANCE REFERENCES SHOWN HEREON ARE RECORDED
15 IN THE GLENN SURVEY COUNTY OFFICE OF COBB
16 COUNTY, SUBJECT TO THE FOLLOWING:
17 OWNER'S DEED REFERENCES ACCESSED VIA SUPERIOR COURT
18 RECORDS, LOCATIONS AND ALL DISTANCES DETERMINED
19 THEREFROM ARE NOT GUARANTEED AS TO ACCURACY
20 OR PRECISION.
21 THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF AN
22 ADJUDICATED SURVEY. ALL DISTANCES ARE UNADJUSTED
23 AND EXACT.
24 STRAIGHT LINES MISILE WITHIN THE SUBJECT PROPERTY
25 BOUNDARIES ON THE DATE OF SURVEY ARE SHOWN HEREON.
26 DISTANCES SHOWN ON THE PLAT ARE HORIZONTAL. GROUND
27 DISTANCES MAY VARY THEREFROM.
28 THIS PROPERTY MAY CONTAIN METALS. ALL METALS ARE
29 THE PROPERTY OF THE U.S. ARMY CORPS OF
30 ENGINEERS AND/OR THE STATE OF GEORGIA DEPARTMENT
31 OF TRANSPORTATION. THE PROPRITY IS NOT BEING
32 OFFERED FOR SALE. THE PROPRITY IS NOT BEING
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TOPOGRAPHIC NOTE:

TOPOGRAPHIC CONTOURS SHOWN WERE FIELD RUN 07-12-2024 BY
FRONTLINE SURVEYING & MAPPING, INC.
OFF-SITE CONTOURS ARE FROM 2018 AND WERE RETRIEVED FROM
NOAA DATA ACCESS VIEWER TOPOGRAPHICAL CONTOUR DOWNLOAD
TOOL (<https://coast.noaa.gov/dataviewer/#/tidal/>).



MOON STREET
F/K/A GROVES STREET
30' R/W



SURVEYOR'S CERTIFICATION:

THIS PLAT IS A RETRACEMENT OF AN EXISTING PARCEL OR PARCELS OF LAND, AND DOES NOT SURVEY OR CREATE A NEW PARCEL, OR MAKE ANY CHANGES TO ANY PRE-EXISTING PROPERTY BOUNDARIES. THE RECORDING INFORMATION OF THE DOCUMENTS, MAPS, PLATS, OR OTHER INSTRUMENTS WHICH CREATED THE PARCEL OR PARCELS ARE STATED HEREIN.

REGISTRATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. FURTHERMORE, THE UNDERGROUND SURVEYOR CERTIFIES THAT THIS PLAT COMPLIES WITH THE MINIMUM TECHNICAL REQUIREMENTS OF THE SURVEYING AND MAPPING BOARD, AND THE LOCAL REGULATIONS OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS.

By: Thomas E. Peay, Jr. Registered Ge. Land Surveyor #2402 Date 12/02/25
Frontline Surveying & Mapping, Inc.
3595 Canton Rd.
Suite 312, PMB-272
Marietta, Ga. 30066

 3595 Canton Road

DATE OF FIELD SURVEY: 11/20/2025 1" = 20'

FINAL SURVEY FOR:
UPPERCUT HOMES, INC.

RESIDENTIAL

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1

	JOB #
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SUITE 312 - 272
Marietta, GA 30066
Ph. (678) 355-9905

FRONTLINE
LAWYERS • MAPPING, INC.

SCALE 1" = 20'

COBB COUNTY, GEORGIA

ON BY: DATE:

1158	16th Oct	16th Oct

LAND LOT
4



FOR THE
FRONTLINE SALES
MAPPING, INC.

Fax (678) 355-9805



PG 100

MRS. SUSAN C. AUSTIN PROPERTY_{HASE}

I HAVE THIS DATE EXAMINED THE "FIA OFFICIAL FLOOD HAZARD MAP" FOR THE PROPERTY AND FOUND THAT BY GRAPHIC PLOTTING ONLY THE REFERENCE

186



743