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Battle over Marietta eyesore goes on

Unfinished building in Marietta morphs into unintended landmark

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Five years the unfinished building has stood near the corner of South Marietta Parkway and I-75. Five summers, five winters. Five springtimes when trees came to life and partially hid the structure from visitors at a nearby hotel. Five autumns, when their leaves fell.

The steel skeleton has become a three-story monument to a standoff between a developer and the Marietta City Council.

It might be that nothing is permanent, but some things surely last.

In 2005, Marietta developer Waleed Jaraysi began constructing a building at 555 Commerce Ave., on the site of an old Chili's restaurant. He didn't make it to 2006.

The city stopped the project in December when inspectors realized Jaraysi was erecting a 24,000-square-foot building. He'd been given a permit for a structure comprising 8,000 square feet.

Since then, nothing has happened at the site. All the action has taken place in council chambers and courtrooms.

The city has spent \$70,000 in legal fees trying to get the building knocked down or completed and is ready to spend \$90,000 to bulldoze it. Jaraysi's lawyer says his client has \$2 million invested in the site, but, given the economic climate, is hard-pressed to finish it. Still, Jaraysi doesn't want to see the structure demolished; his lawyer says he's trying to arrange financing.

Depending on whom you ask, Jaraysi is a guy who doesn't play by the rules, or is the victim of an unfeeling governing board. On one point, everybody agrees: Something needs to be done.

"People use two landmarks in Marietta," said homeowner Chris Eckenroth. "The good one is the Big Chicken. The other ... is that bleep-expetive building."

Jaraysi, who has remained silent, doing most of his communication in court, recently took his case to the Georgia Court of Appeals after a Cobb Superior Court judge said the city could go ahead with its plans to demolish the structure.

"It's still his property," said Richard Capriola, an Atlanta lawyer representing Jaraysi in his fight with the city. "He still has the right to build on it."

The issue may get reviewed in the appeals court before year's end. Until then, the building remains as it ever has unfinished, unsightly and unlikely to change anytime soon.

Lengthy court case

It's unclear what Jaraysi had in mind when he started constructing a building three times the size of what his permit authorized.

It began simply enough. In April 2005, Jaraysi got a permit from Marietta to build a social hall suitable for weddings and other happy events. The site was to be a shiny adjunct to Nazareth Plaza, which Jaraysi also owns.

But the city stopped construction in December 2005 as the one-story structure added a second story, then a third. Workers placed wood over some open windows and left the site.

Thus began a series of maneuvers that began at city hall and led to court. In 2007, the city sued to demolish the building; it dropped the suit in 2009 after reaching an agreement with Jaraysi. City officials agreed to allow a larger building on the site, zoned for commercial retail use, but still Jaraysi did nothing.

On May 25, Jaraysi and the city signed a court-issued consent order requiring him to resume construction. He was to start no later than June 25 and have the project completed by Nov. 29.

But the target date came and went. The only movement on the site was windblown trash.

On July 26, Cobb Superior Court Judge Adele Grubb ruled that Marietta could go ahead with the demolition because Jaraysi didn't honor the terms of the consent order. She also approved an injunction that prohibits Jaraysi from interfering.

Jaraysi took the case to the next level, the state court of appeals. It could be heard within a couple of months, said Capriola, "but I think that's optimistic."

Marietta city attorney Doug Haynie, who has represented the city for more than 20 years, sighed recently as he reviewed the case.

"We're going to be tied up in it for another several months," Haynie said. "I've never seen anything so contentious."

Brian Noye works for a firm that represents the owners of Parkway Center Towers, an office complex close to the unfinished building. Tenants in the towers, he said, are unhappy.

Jaraysi, he said, had to install steel beams to the original Chili's structure to strengthen it, then violated the terms of his permit when he added too much space. "I don't know what happened in his mind," Noyes said.

Neighbors uniting

Laurie McKee-Harper, the property manager at Parkway Center Towers, has been looking at the unfinished edifice for three years. She's tired of the sight.

McKee-Harper appeared twice before the council, both times urging the panel to destroy the edifice. The unfinished building, she said, has made renting space difficult in the towers she manages.

"Anything that detracts from your building is not a good thing," she said. "He's had ample opportunity to do something."

Residents of Twin Brooks, a subdivision two-tenths of a mile from the site, want something to happen, too.

"He's been so recalcitrant," said Eckenroth, president of his subdivision's homeowner association. Eckenroth, elected to the post in November, made the edifice an association priority. Members recently began circulating a petition asking Marietta officials to force the building's destruction or completion.

For Eckenroth, the petition may be the most-discussed topic in his household since his aunt got trapped in an elevator with film star Harrison Ford.

—hear everybody talk about how proud Marietta is of its entryways into the city,” said Eckenroth, a consultant who specializes in green construction and other environmental issues. —Well, this thing is still here.”

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