

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



Structure at subject property 628 Cobb Parkway South



Structure at subject property

Recommended Action:

Denial. The applicant, Edilberto A. Viana, Jr., is requesting a variance that would allow the subject property, 628 Cobb Parkway South, to be used for automobile sales. The subject property is zoned CRC (Community Retail Commercial) and is approximately 0.715 acres in size. Most of the surrounding properties are also zoned CRC except for property directly east is zoned OI (Office Institutional). The applicant is requesting the variance to reduce the minimum lot size required to operate an automobile dealership.

The Zoning Ordinance requires a property contain at least one acre in order to use a property for automobile sales in the CRC zoning district. The one-acre requirement is intended to ensure sufficient area to have an orderly display of vehicles. The subject property has been vacant since 2015; prior to that, the property operated as a pawn shop from 2009 to 2015. The surrounding area along Cobb Parkway South is made up of a variety of commercial businesses such as fast-food restaurants, motels, banks, rental car offices, car dealerships, and pawn shops.

The applicant has operated Germany Auto Brothers within the City of Marietta for over three (3) years at their South Marietta Parkway location and would like to change its current business as an auto broker to an auto dealership at the subject property. The applicant plans on keeping the site as-is and using the current structure. The city allows auto brokers' offices to operate on commercial property containing less than an acre as long as no inventory is kept on site. The applicant is requesting to allow inventory at the subject property.



The numerous automobile sales lots operating on parcels that do not meet the minimum acreage requirement have been an ongoing concern for the city. One of the major problems caused by the lack of area is that when inventory is being delivered, the delivery trucks often stop in the street to unload the vehicles and this causes issues such as roadblocks and congestion. The maneuvering of inventory, lack of customer parking, and poor access to the property is also a concern with smaller parcels. These issues are even greater since the subject property is located on Cobb Parkway – a major thoroughfare that is heavily travelled.

The Board of Zoning Appeals has considered the following cases regarding automobile sales on sites that do not meet the one-acre requirement:

Case #	Address	Acreage	Zoning	Ruling	Stipulations
V2000-07	1960 Airport Ind Park Drive	0.46	LI	Approved	None
V2000-12	1326 Cobb Pkwy N	0.64	CRC	Approved	6 car limit
V2000-16	2072 Airport Ind Pk Drive	0.65	LI	Approved	None
V2001-02	484 Cobb Pkwy N	0.611	CRC	Denied	
V2001-07	1195 Cobb Pkwy S	0.426	CRC	Approved	None
V2004-21	44 N Fairground Street	0.3	CRC	Approved	Yes
V2006-06	1791 Roswell Road	0.7	CRC	Denied	
V2007-05	1955 Airport Ind Park Dr	0.348	LI	Approved	None
V2013-03	927 & 929 S Marietta Pkwy	0.77	CRC	Denied	
V2013-46	927 & 929 S Marietta Pkwy	0.77	CRC	Denied	
V2014-28	1245 Bellemeade Drive	0.557	CRC	Approved	None
V2015-40	1101 Cobb Pkwy S	0.346	CRC	Approved	Site specific
V2016-09	1912 Lower Roswell Rd	0.989	CRC	Approved	Yes
V2017-02	749 Roswell Road	0.88	CRC	Approved	
V2018-55	1999 Davis Lane	0.586	CRC	Denied*	*Overturned by City Council
V2019-24	863 Roswell Street	0.59	CRC	Denied	

The one-acre requirement is intended to ensure sufficient area to provide required parking and to have an orderly display of vehicles. The subject property has never been used for auto sales and does not have the minimum required acreage necessary, nor has the applicant stated a hardship as to why they feel the property should be used as an auto dealership with inventory. **Therefore, staff recommends denial of this variance request.**

If, however, the Board decides to approve this request, staff recommends the following stipulations:

1. **The subject property shall be limited to only one (1) active used car dealership.**
2. **The use shall not be reestablished after discontinuance for a continuous period of 6 months.**

9939529



Department of Development Services
205 Lawrence Street
Marietta, GA 30060
Phone: 770-794-5440

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 #: V2020-33 Registrar #: 20200686 BZA Hearing Dt: 9-28-20
City Council Hearing Dt (if applicable) #: - PZ #: 20-232

This is a variance/appeal application for:



Board of Zoning Appeals (Parbhu T. Patel)



City Council

Owner's Name Parbhu T. Patel

EMAIL Address: PT Patel SA @ Yahoo.com 404.387.2651 MISS PATE.

Mailing Address 628 Cobb Pkwy SE Zip Code: 30060 Phone Number 770-833-6552

COMPLETE ONLY IF APPLICANT IS NOT OWNER:

Applicant: EDUARDO A. VIANA JR

EMAIL Address: GERMANY AUTO BROTHERS @ GMAIL.COM
GERMANY AUTO BROTHERS @ GMAIL.COM

Mailing Address: 1400 SOUTH MARIETTA PKWY Zip Code: 30067 Phone Number 478 2882440
MARIETTA STE 203

Address of subject property: 628 COBB PKWY S Date of Acquisition: _____
MARIETTA GA 30060

Land Lot (s) 0507 District 17 Parcel 06030 Acreage .715 Zoned CRC Ward 1A FLU: CAC

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

Auto dealer less than bre-deer. sell cars only

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 5 copies REQUIRED.
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

FINANCIAL INTEREST

The Applicant herein certifies that he/she has has not a financial interest in the property which is ten percent (10%) or more.

EDILBERTO VIANA
Applicant Print Name

[Signature]
Signature of Applicant

OWNER / APPLICANT CERTIFICATION

- The Owner or Applicant certifies that all information in this application, and all information furnished in support of this application, is true and complete to the best of the Applicant's knowledge and belief. Should any portion not be true, then the application may be rejected.
- Penalty for false or fraudulent statement: Whoever, in any matter, knowingly and willingly falsifies or makes any false, fictitious or fraudulent statement of representatives concerning this application shall be denied the request stated in this application.
- The Owner or Applicant hereby gives permission to enter on the property for inspection during the time application is pending.
- **CAMPAIGN CONTRIBUTIONS:** The Owner and Applicant herein certify that he/she has has not made campaign contributions or gifts aggregating \$250.00 or more to the Mayor, any member of Council or any member of the Planning Commission within the two (2) years preceding the filing of the this application.

[Signature]
Applicant Signature (if not the Owner)

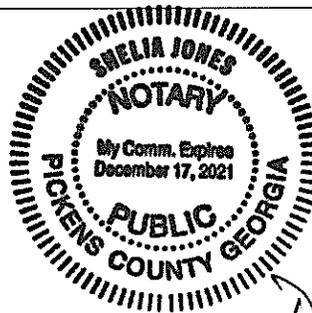
EDILBERTO VIANA
Please Print

[Signature]
Owner Signature

P. T. BATEL
Please Print

638 Cobb Pkwy S.E.
Mailing Address

8-12-20
Date



Signed, sealed and delivered in the presence of:

[Signature]

My Commission Expires: December 17, 2021

Note: Owner, Applicant or Representative must be present at meeting in order for case to be heard.



REAZON FOR VARIANCE REQUEST

I, EDILBERTO VIANA ONWER OF GERMANY AUTO BROTHERS,

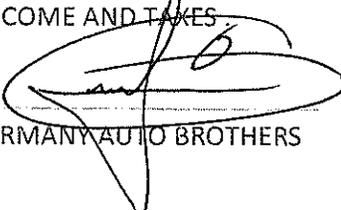
REQUEST VARIANCE (PROPERTY LESS ACRE AND NOT GRANDFATHER AREA)

GERMANY AUTO BROTHERS LOCATE IN MARIETTA OVER 3 YEARS AND KEEP OVER 30 CARS FOR SALE

NO FEET ACTUAL LOCATION

PROPERTY :628 COBB PKWY S MARIETTA GA 30060 IS VACANT, AVAILABLE AND FEET OVER 40 CARS .

WE SOLD OVER 160 CARS IN 2019 AND 2020 READY OVER 70 CARS SOLD .THIS WILL INCREASE CASH FLOW ,INCOME AND TAXES.


GERMANY AUTO BROTHERS

Date: ___/___/2019.

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TO: Marietta Daily Journal
FROM: City of Marietta
RUN DATE: September 11, 2020

**CITY OF MARIETTA
PUBLIC NOTICE OF VARIANCES**

The City of Marietta hereby gives notice that a public hearing will be held to give consideration to the following requests. The Board of Zoning Appeals will consider the following requests on **Monday, September 28th, 2020 at 6:00 P.M.**, City Hall. Anyone wishing to attend may do so and be heard relative thereto.

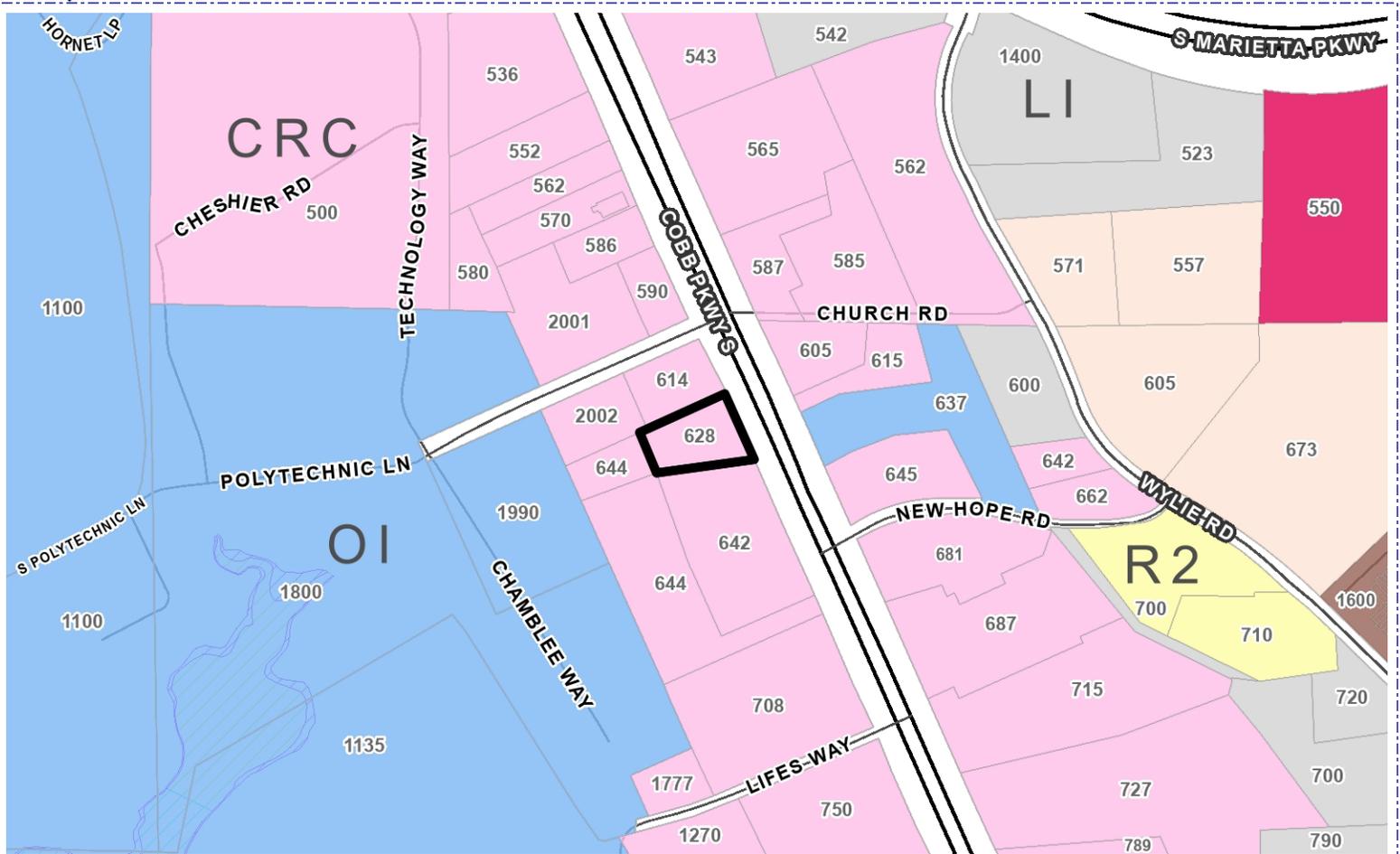
V2020-33 [VARIANCE] EDILBERTO VIANA is requesting a variance for property zoned CRC (Community Retail Commercial), located in Land Lot 507, District 17, Parcel 0030, 2nd Section, Marietta, Cobb County, Georgia, and being known as 628 Cobb Parkway South. Variance to allow auto sales on a lot less than 1 acre. Ward 1A.

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. You may also review the property file at www.mariettaga.gov and enter the case # in the search box.

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 ADA Coordinator, at 770-794-5558 no later than 48 hours before the date of the above meeting.

City of Marietta
205 Lawrence Street
Marietta, Georgia 30060



Address	Parcel Number	Acreage	Ward	Zoning	FLU
628 COBB PKWY S	17050700030	0.715	1A	CRC	CAC

Property Owner:	Parbta T. Patel	Zoning Symbols
Applicant:	Edilberto A. Viana, Jr.	
BZA Hearing Date:	09/28/2020	
Acquisition Date:		
Case Number:	V2020-33	
City of Marietta Planning & Zoning		

SITE PLAN

Address: 628 Cobb Pkwy SE

City, State, ZIP: Marietta, GA 30060

Country: USA

Scale 1":30'

