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

STAFF REVIEW AND RECOMMENDATION

Variance Case #: V2015-19 **Legistar #:** 20150245

Board of Zoning Appeals Hearing: Monday, April 27, 2015

Property Owner: Red Hare Properties, LLC
1998 Delk Industrial Boulevard
Marietta, GA 30067

Applicant: Same as above

Address: 1998 Delk Industrial Boulevard

Land Lot: 715 **District:** 17 **Parcel:** 15

Council Ward: 1A **Existing Zoning:** LI (Light Industrial)

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

1. Variance to allow the use of metal siding on the front and side of a building facing a roadway. [§ 708.26 (G.3)]

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.

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

PICTURES

1998 Delk Industrial Boulevard (front)

1998 Delk Industrial Boulevard (front)

Recommended Action:

Approval. The applicant for Red Hare Properties, Roger Davis, is requesting a variance to use metal siding on a new warehouse that will be visible from Delk Industrial Boulevard. The subject property is zoned LI (Light Industrial), along with the surrounding properties to the north, south and east. The property to the west is in Cobb County and is zoned RM-12 (Residential Multifamily). Delk Industrial Boulevard is an industrial area off of Franklin Road.

The Red Hare Brewery has started renovating their existing facility to include a new brew house and a warehouse. In addition to those renovations, they are also proposing to add a new parking area in the rear yard of property for which they received a variance in November 2014 to reduce the buffer.

The proposed warehouse addition will be visible from Delk Industrial Boulevard, which is an industrial road lined with various warehousing and distribution buildings. Section 708.26.G.3 of the Zoning Ordinance states that "*Building design and materials may be of the developer's choosing; however, structures which utilize metal siding shall be constructed with brick, stone, rock or wood covering any facade of the building facing a roadway.*"

Both the Marietta Board of Zoning Appeals and City Council have heard and approved requests for similar exterior materials. Below is a list of recent cases.

Case #	Address	Organization
Z2007-15	727 Cobb Parkway South	Marietta Toyota
V2010-22	1250 Atlanta Ind Dr	Atlanta Beverage Company
V2010-25	925 Cobb Parkway South	Team Nissan
V2011-17	2155 Cobb Parkway S	Steve Rayman Chevrolet
V2013-10	2150 Cobb Pkwy S	Buick GMC
V2014-02	1865 Cobb Pkwy S	Pugmire Lincoln Mercury
V2014-53	708 Cobb Pkwy S	Toyota Used Car Center

This request would allow the building to look substantially similar to other buildings in the area and 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. **Staff therefore recommends approval of this variance.**

V2015-19

Marietta GEORGIA

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

APPLICATION FOR VARIANCE OR APPEAL

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

Application #: V2015-19 **Hearing:** 4-27-15 **Legistar #** _____

This is a variance/appeal application for:

[X] **Board of Zoning Appeals** [ ] **City Council**

Owner's Name RED HAKE Properties, LLC

Address 1998 Delk Industrial, Blvd. Zip Code: 30067

Telephone Number: 770-331-8763 Email Address: roger@redhakegroup.com

COMPLETE ONLY IF APPLICANT IS NOT OWNER:

Applicant _____

Address _____ Zip Code: _____

Telephone Number _____ Email Address: _____

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

1998 Delk Industrial Blvd Date of Acquisition: Dec 2014

Land Lot (s) 715 District 17 Parcel 15 Acreage 1.2 Zoned LI Ward 1 FLU IW

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

Material Fin Front of New Addition to Metal

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. Legal description of 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 - 25 copies of 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).
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

PUBLIC NOTICE OF VARIANCES

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, April 27, 2015 at 6:00 P.M.,** City Hall. Anyone wishing to attend may do so and be heard relative thereto.

V2015-19 [VARIANCE] RED HARE PROPERTIES, LLC requesting a variance for property located in Land Lot 715, District 17, Parcel 0150, 2nd Section, Marietta, Cobb County, Georgia and being known as 1998 Delk Industrial Boulevard. Variance to allow the use of metal siding on the front and side of a building facing a roadway. Ward 1A.

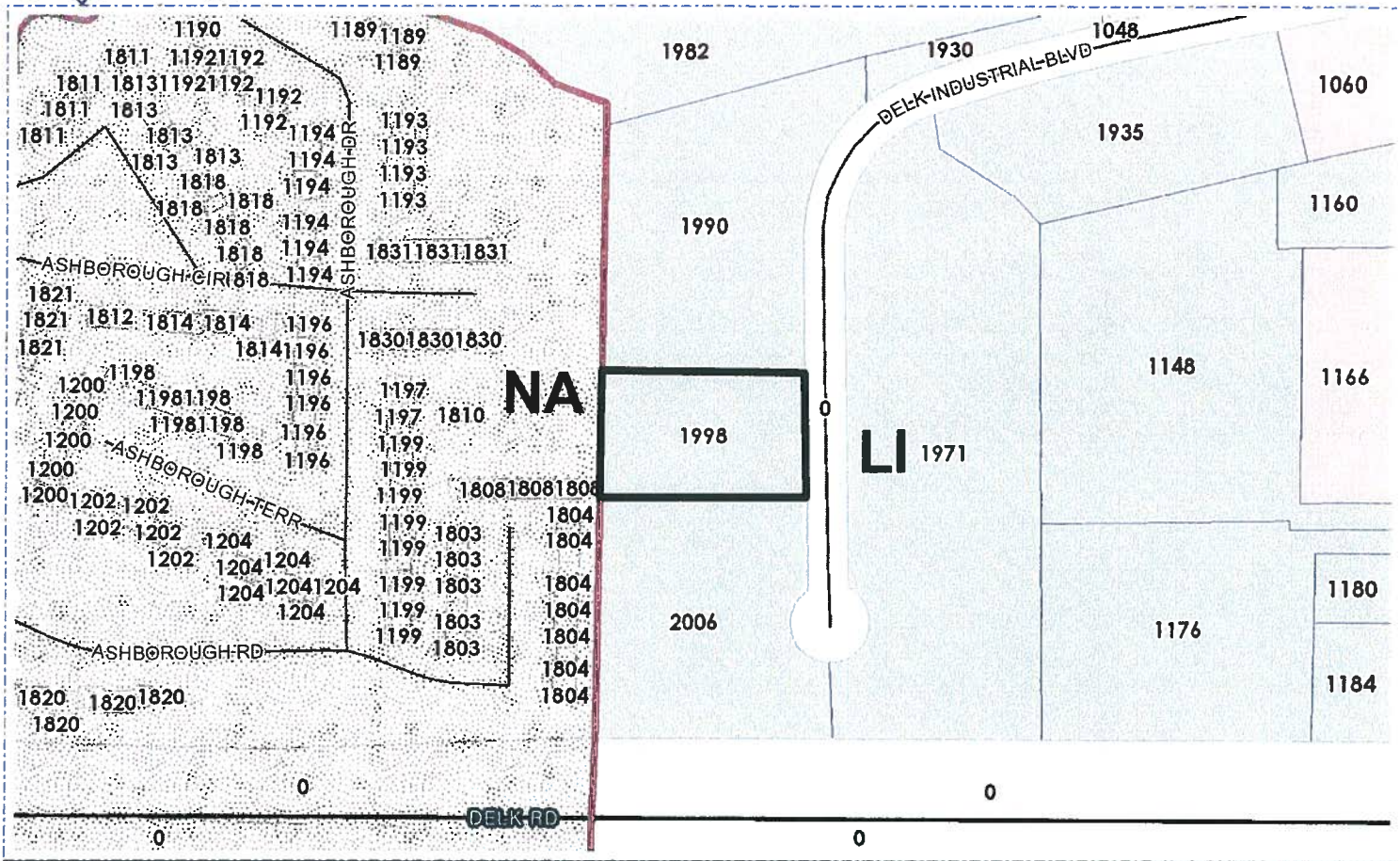
A description and plat of the property sought for the variances are on file in the Planning and Zoning Office, City Hall, and are available for inspection between 8:00 A.M. and 5:00 P.M., Monday through Friday. Anyone wishing to attend may do so and be heard relative thereto.

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
1998 DELK INDUSTRIAL BLVD	17071500150	1.207	1A	LI	IW

Property Owner: Red Hare Properties, Inc.

Applicant:

BZA Hearing Date: 4/27/15

Acquisition Date:

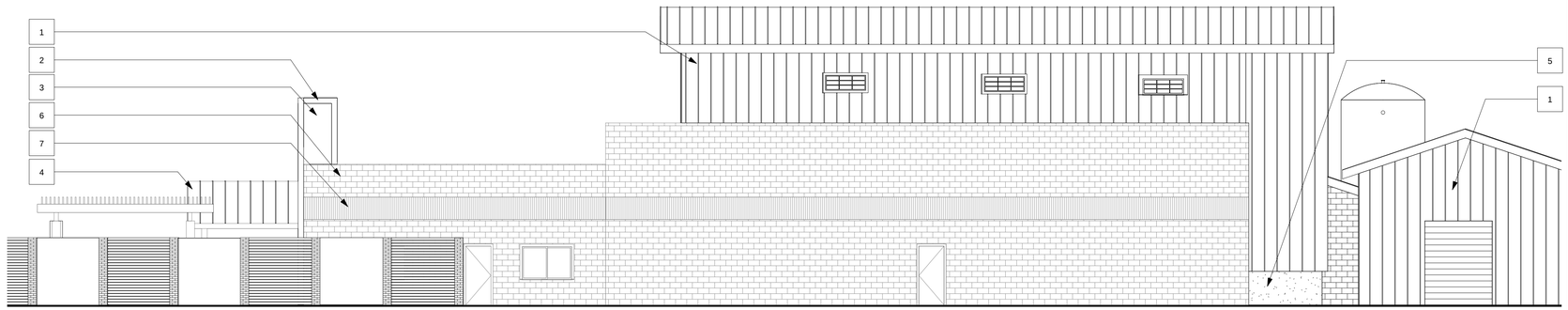
Case Number: V2015-19

City of Marietta Planning & Zoning

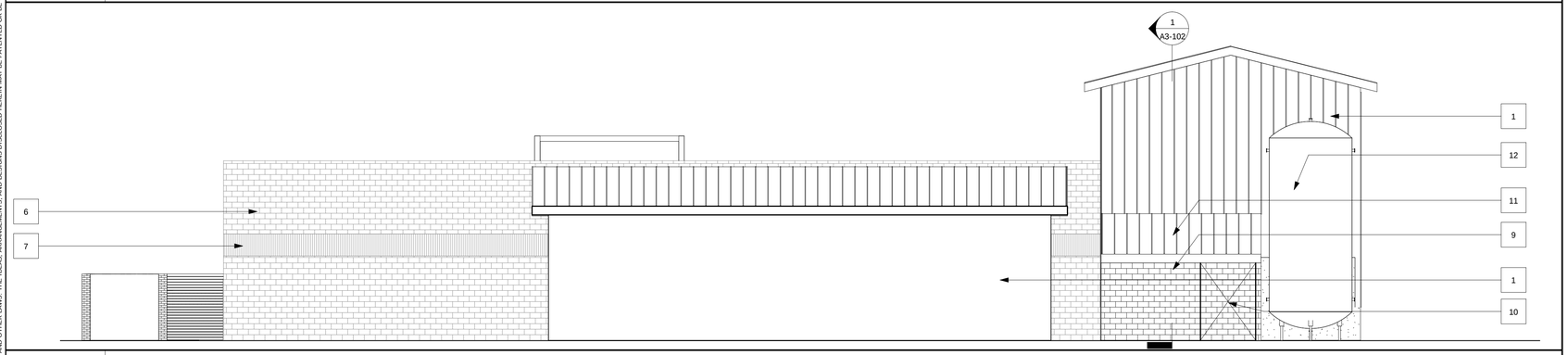
Zoning Symbols

- 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
- RA5 - Single Family Residential - Attached
- RA6 - 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

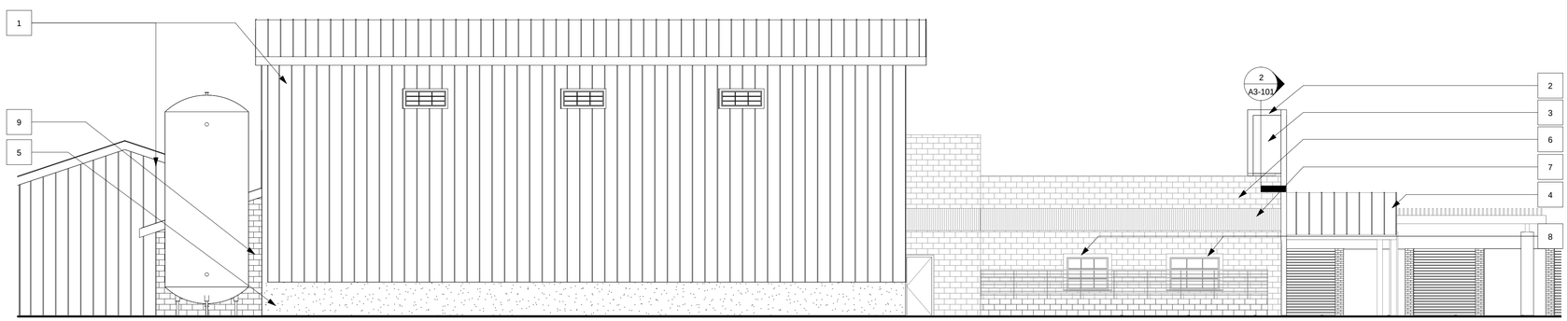
ALL IDEAS, DESIGNS, ARRANGEMENTS AND PLANS INDICATED OR REPRESENTED BY AND THE PROPERTY OF BOGGSVICKERS ARCHITECTS AND WERE CREATED, EVOLVED, AND DEVELOPED FOR USE ON AND IN CONNECTION WITH THE SPECIFIED PROJECT. NONE OF HTE IDEAS, DESIGNS, ARRANGEMENTS, OR PLANS SHALL BE USED BY OR DISCLOSED TO ANY PERSON, FIRM, OR CORPORATION FOR ANY PURPOSE WHATSOEVER WITHOUT THE WRITTEN PERMISSION OF BOGGSVICKERS ARCHITECTS. WARNING: REPRODUCTION HEREOF IS A CRIMINAL OFFENSE UNDER 18 U.S.C. SEC. 506 UNAUTHORIZED DISCLOSURE MAY CONSTITUTE TRADE SECRET MISAPPROPRIATION DIN VIOLATION OF 17.24-2-31-1 ET. SEQ. AND OTHER LAWS. THE IDEAS, ARRANGEMENTS, AND DESIGNS DISCLOSED HEREIN MAY BE PATENTED OR BE THE SUBJECT OF PENDING PATENT APPLICATION.



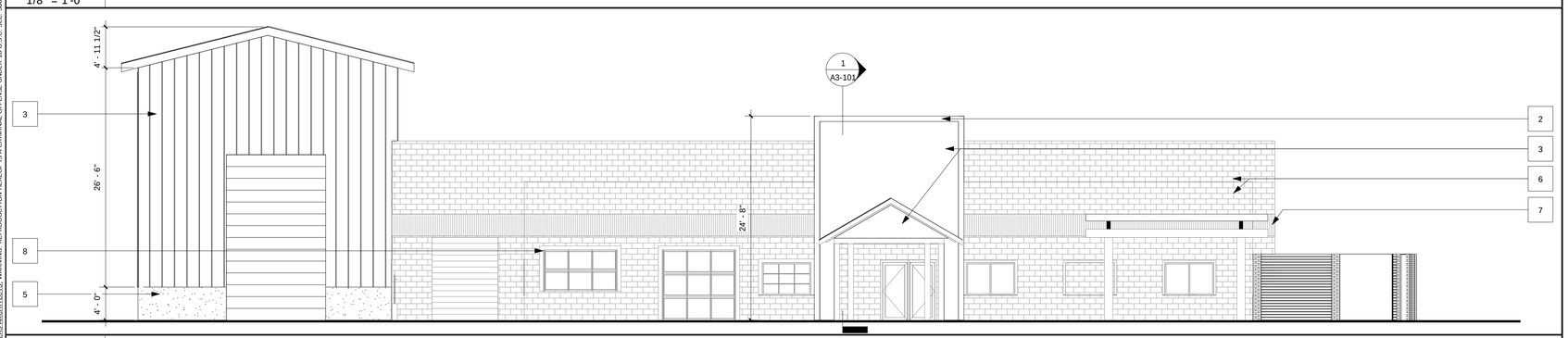
4 EAST ELEVATION
1/8" = 1'-0"



3 NORTH ELEVATION
1/8" = 1'-0"



2 WEST ELEVATION
1/8" = 1'-0"



1 SOUTH ELEVATION
1/8" = 1'-0"

GENERAL NOTES

1. REFER TO PRE ENGINEERED DWGS FOR ALL METAL BUILDING DETALS.

TAG NOTES

1	METAL SIDING PROVIDED BY OTHERS.
2	CEDAR CLAD 6X6 TUBE STEEL
3	METAL R PANEL, 26 GA, COPPER-TEN ROBUST FINISH
4	EXISTING STANDING SEAM ROOFING, PAINT RED TO MATCH RED HARE LOGO. COORDINATE W/ OWNER
5	NEW POURED CONCRETE, PAINTED SW 7068; GRIZZLE GRAY
6	EXISTING SPLITFACE CMU, PAINTED SW 7068; GRIZZLE GRAY
7	EXISTING FLUTED CMU, PAINTED SW 7069; IRON ORE
8	1" x 6" TRIM @ ALL DOORS AND NEW WINDOWS, PAINT RED TO MATCH RED HARE LOGO. COORDINATE W/ OWNER.
9	NEW CMU, PAINTED SW 7068; GRIZZLE GRAY
10	PROVIDE CONTINUOUS VERTICAL CONTROLL JOINT DEEP RAKED FOR BLOW OUT PANEL.
11	STANDING SEAM TO MATCH PRE ENGINEERING MTL BUILDING
12	RELOCATED SILO

BoggsVickers ARCHITECTS
41 Perimiter Center East, Suite 630
Atlanta, Georgia 30346
404.937.6550

RED HARE BREWING

BREWERY EXPANSION

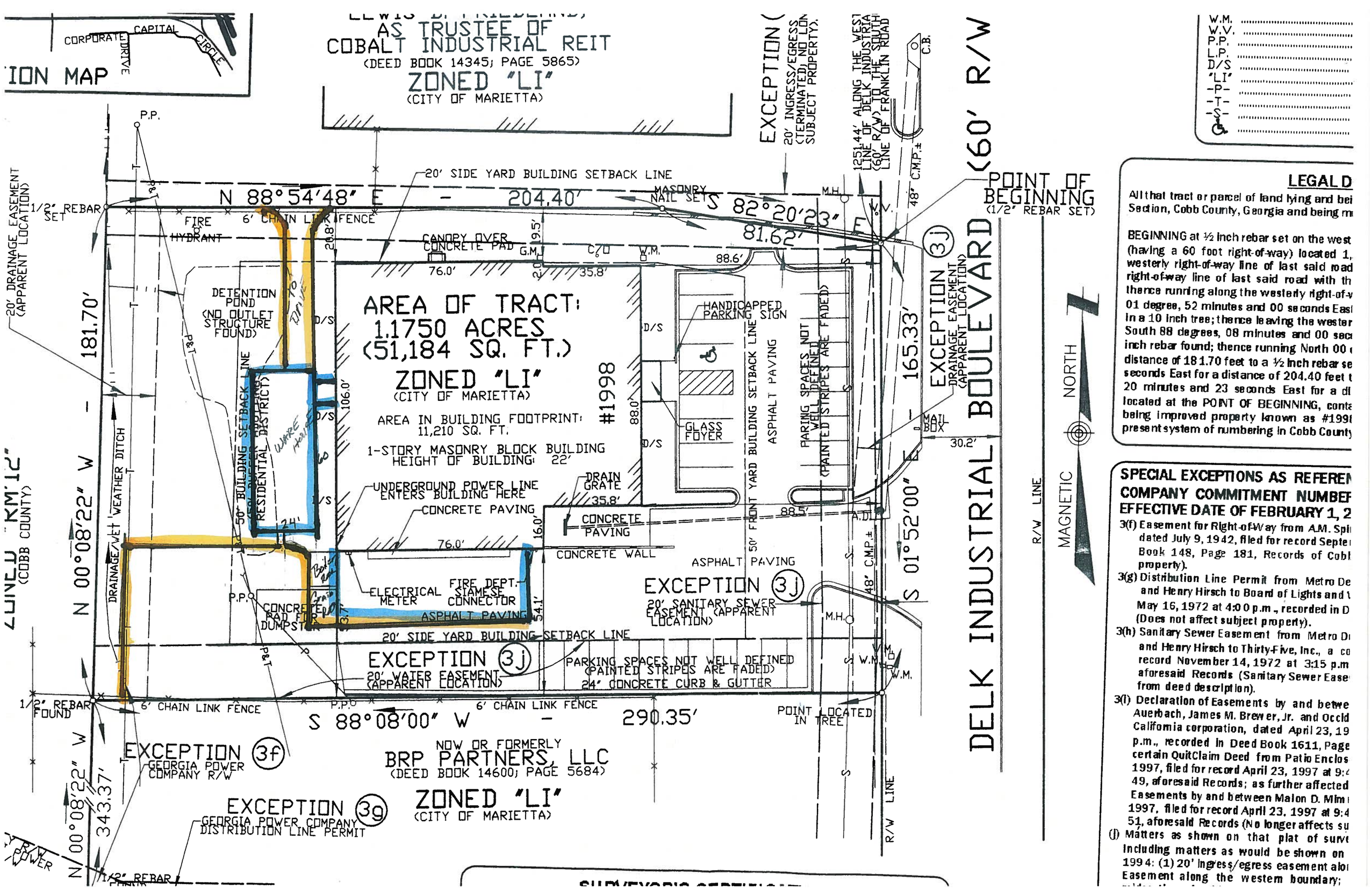
1998 DELK INDUSTRIAL BOULEVARD
MARIETTA, GA 30067

No.	Revisions / Submissions	Date	D.	CK.
	FOR CONSTRUCTION	02.09.2015	TG	JB

EXTERIOR ELEVATIONS

PROJECT NUMBER: 14070.00

A2-101



LEGAL D

All that tract or parcel of land lying and bei
Section, Cobb County, Georgia and being m

BEGINNING at ½ inch rebar set on the west
(having a 60 foot right-of-way) located 1,
westerly right-of-way line of last said road
right-of-way line of last said road with th
thence running along the westerly right-of-v
01 degree, 52 minutes and 00 seconds East
in a 10 inch tree; thence leaving the wester
South 88 degrees, 08 minutes and 00 sec
inch rebar found; thence running North 00
distance of 181.70 feet to a ½ inch rebar se
seconds East for a distance of 204.40 feet t
20 minutes and 23 seconds East for a di
located at the POINT OF BEGINNING, conta
being improved property known as #199
present system of numbering in Cobb County

SPECIAL EXCEPTIONS AS REFEREN

COMPANY COMMITMENT NUMBEF
EFFECTIVE DATE OF FEBRUARY 1, 2

3(f) Easement for Right-of-Way from A.M. Spi
dated July 9, 1942, filed for record Septe
Book 148, Page 181, Records of Cobl
property).

3(g) Distribution Line Permit from Metro De
and Henry Hirsch to Board of Lights and
May 16, 1972 at 4:00 p.m., recorded in D
(Does not affect subject property).

3(h) Sanitary Sewer Easement from Metro D
and Henry Hirsch to Thirty-Five, Inc., a co
record November 14, 1972 at 3:15 p.m
aforesaid Records (Sanitary Sewer Ease
from deed description).

3(i) Declaration of Easements by and betwe
Auerbach, James M. Brewer, Jr. and Occid
California corporation, dated April 23, 19
p.m., recorded in Deed Book 1611, Page
certain QuitClaim Deed from Patio Enclos
1997, filed for record April 23, 1997 at 9:
49, aforesaid Records; as further affected
Easements by and between Malon D. Mim
1997, filed for record April 23, 1997 at 9:4
51, aforesaid Records (No longer affects su

(j) Matters as shown on that plat of surve
including matters as would be shown on
1994: (1) 20' ingress/egress easement alo
Easement along the western boundary;