



STAFF REVIEW AND RECOMMENDATION

Variance Case #: V2015-54 **Legistar #:** 20151020
Board of Zoning Appeals Hearing: Monday, December 14, 2015 – 6:00 p.m.
Property Owner: HI Atlanta Inc.
111 West Fortune Street
Tampa, FL 33602
Applicant: Tony Patel
Horizon Hospitality Management Inc.
200 North Point Way
Acworth, GA 30102
Address: 2500 Delk Road
Land Lot: 07990 **District:** 17 **Parcel:** 0080
Council Ward: 7A **Existing Zoning:** OI (Office Institutional)

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

1. Variance to allow a hotel within 300’ of a residential use [§708.23 (B.13.a)]
2. Variance to reduce the minimum road frontage required for a detached sign [§714.04 (F)]
3. Variance to increase the building height from 50’ to 54’ 1” [§708.23 (H)]

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



Recommended Action:

Mr. Tony Patel of Horizon Hospitality Management Inc. is requesting variances for the property at 2500 Delk Road, zoned OI (Office Institutional), in order to construct a four-story Fairfield Inn & Suites hotel. The subject property is vacant and is bordered by hotels and a gas station, all zoned CRC (Community Retail Commercial), to the north. The properties to the east are also zoned CRC and consist of a fast food restaurant and a vacant parcel adjacent a stream. The subject property contains over 300' of frontage along Interstate 75 to the west. The applicant is requesting variances for residential proximity, building height, and road frontage requirements for detached signage.

In October 2015, City Council denied a request by the applicant for a Special Land Use Permit (Z2015-30) for an extended stay hotel facility at this location.

Variance #1: Residential Proximity

Hotels in the OI zoning district are not permitted within 300 feet of any property zoned for residential use. The Stratford Ridge Apartments in Cobb County are located to the southeast and are within 300 feet of the subject property. The County has rezoned the neighboring apartments to PVC (Planned Village Commercial), which is a commercial classification; but it continues to be utilized as a multi-family apartment use. However, there is a wide, vegetated buffer containing a creek between the subject property and the apartments that will minimize any negative impacts from the hotel development. This area is also located along a prime corridor that will likely be experiencing a resurgence of commercial growth due to the many regionally-significant developments underway. *As a result, staff recommends approval of this variance request.*

Variance #2: Road Frontage for Detached Sign

Section 714.04 (F) requires any property containing a detached sign to have at least 75 feet of road frontage. Although this property primarily fronts along I-75, access is provided by a narrow driveway on a section of the property (approximately 50 feet wide) along Delk Road. Without a sign along Delk Road, the hotel facility will not have any way to notify patrons how to access the hotel, as it will not likely be visible from Delk Road because of the topography and distance. Neighboring businesses have existing legally nonconforming signs and are not likely to be agreeable to sharing, since it would require their signs to come into compliance with a more restrictive sign ordinance. *As a result, staff recommends approval of this variance request.*

Variance #3: Building Height

The limit for building height in OI districts is 50 feet. According to the submitted elevations, most of the proposed building will comply with this restriction. However, a few portions of the building's parapet will extend upwards of 54'1." Because this site sits much lower than the adjacent sites, the building will not appear disproportionately tall and the breaks in the roofline will provide architectural interest. *As a result, staff recommends approval of this variance request.*

In summary, staff recommends approval of all three variance requests.



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 #: V2015-54 Hearing: 12-14-15 Legistar # _____

This is a variance/appeal application for:

P215-506



Board of Zoning Appeals



City Council

Owner's Name HI Atlanta Inc.

Address 111 West Fortune Street, Tampa, FL Zip Code: 33602

Telephone Number: (813) 229-6686 Email Address: acallen@hidddevelopment.com

COMPLETE ONLY IF APPLICANT IS NOT OWNER:

Applicant Tony Patel (for Horizon Hospitality Management Inc.)

Address 200 North Point Way, Acworth GA Zip Code: 30102

Telephone Number 678 / 521 / 4527 Email Address: tonypatel1@aol.com

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

2500 Delk Rd, Marietta GA Date of Acquisition: _____

Land Lot (s) 07990 District 17th Parcel 0080 Acreage 4.11 Zoned OI Ward 1A FLU RAC

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

The variance request is to allow a hotel within 300' of a property zoned for residential use.

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

H.I. ATLANTA, INC.

October 30, 2015

Mr. Brian Binzer
City of Marietta
205 Lawrence Street
Marietta, GA 30060

Re: Variance to allow new hotel to be constructed at 2500 Delk Road, Marietta, GA, 30067

Dear Mr. Binzer:

As owner of the 4.11 acre parcel of land known as 2500 Delk Road, Marietta, Georgia, we are requesting that the City of Marietta allow the appropriate approvals for a new hotel to be constructed on the vacant parcel.

The property was operated as a Traveler's Inn until the buildings were demolished around 2006. Since then the vacant land has sat ideal, but now we wish to construct a new hotel on the site.

It is our understanding that under our current zoning, OI (Office Institutional) we are restricted from building a new hotel without a variance to allow the new structure to be built within 300' of the existing residential development adjacent to our property.

Therefore we are requesting the City of Marietta zoning appeals board consider and approve the appropriate variance to allow the construction of a new hotel on the subject site.

Very truly yours,



Andre P. Callen
Vice President

APC/jh

From: Paul Harper <pharper@harper-engineering.com>
To: 'Tony Patel' <tonypatel1@aol.com>
Subject: Delk Rd Variance Info
Date: Wed, Aug 12, 2015 9:26 am

Land Lot is 799, 17th District
Acreage is 4.11 ac
Zoned OI (Office Institutional)

"The variance request is to allow a hotel within 300' of a property zoned for residential use."

Paul Harper, PE
Harper Engineering, Inc.
(404) 406-5171
www.harper-engineering.com

HARPER ENGINEERING IS CELEBRATING OUR 9th YEAR SERVING CLIENTS



Horizon Hospitality Management, Inc.

To: Mr. Rusty Roth, City of Marietta GA
From: Mason Drake, Horizon Hospitality Inc.
Date: November 13, 2015

Re: Road Frontage Sign Variance

Mr. Roth,

We hereby request a variance to the City's required road frontage of 75 feet for signage. Our parcel under contract has only 58 feet of frontage. We have calculated that there is sufficient room for a monument sign on the western edge of the property just before reaching the private road. Road signage is of course critical to the feasibility of a hotel at this location as it will be hidden from view.

Thank you for your consideration.



Mason Drake

Chief Investment Officer

Horizon Hospitality Management, Inc.

TO: Marietta Daily Journal
FROM: City of Marietta
RUN DATE: November 27, 2015

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, December 14, 2015 at 6:00 P.M.**, City Hall. Anyone wishing to attend may do so and be heard relative thereto.

V2015-54 [VARIANCE] HI ATLANTA INC (TONY PATEL) is requesting a variance for property located in Land Lot 07990, District 17, Parcel 0080, 2nd Section, Marietta, Cobb County, Georgia and being known as 2500 Delk Road. Variance to allow a hotel within 300' of a residential use; variance to reduce the minimum road frontage required for a detached sign; variance to increase the building height from 50' to 54'1". Ward 7A.

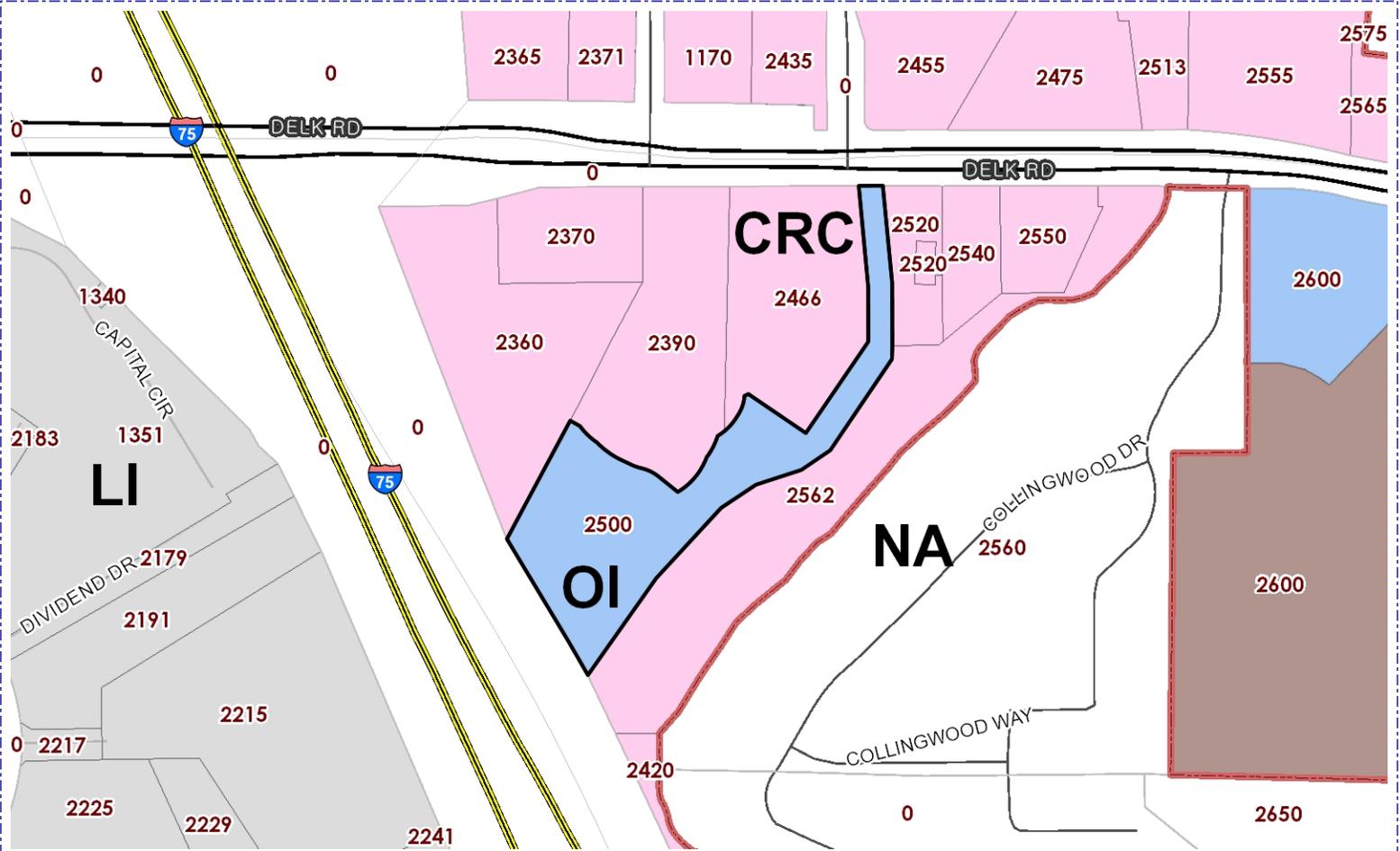
A description and plat of the property sought for the variances are on file in the Planning and Zoning Office, City Hall, and are available for inspection between 8:00 A.M. and 5:00 P.M., Monday through Friday. Anyone wishing to attend may do so and be heard relative thereto.

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

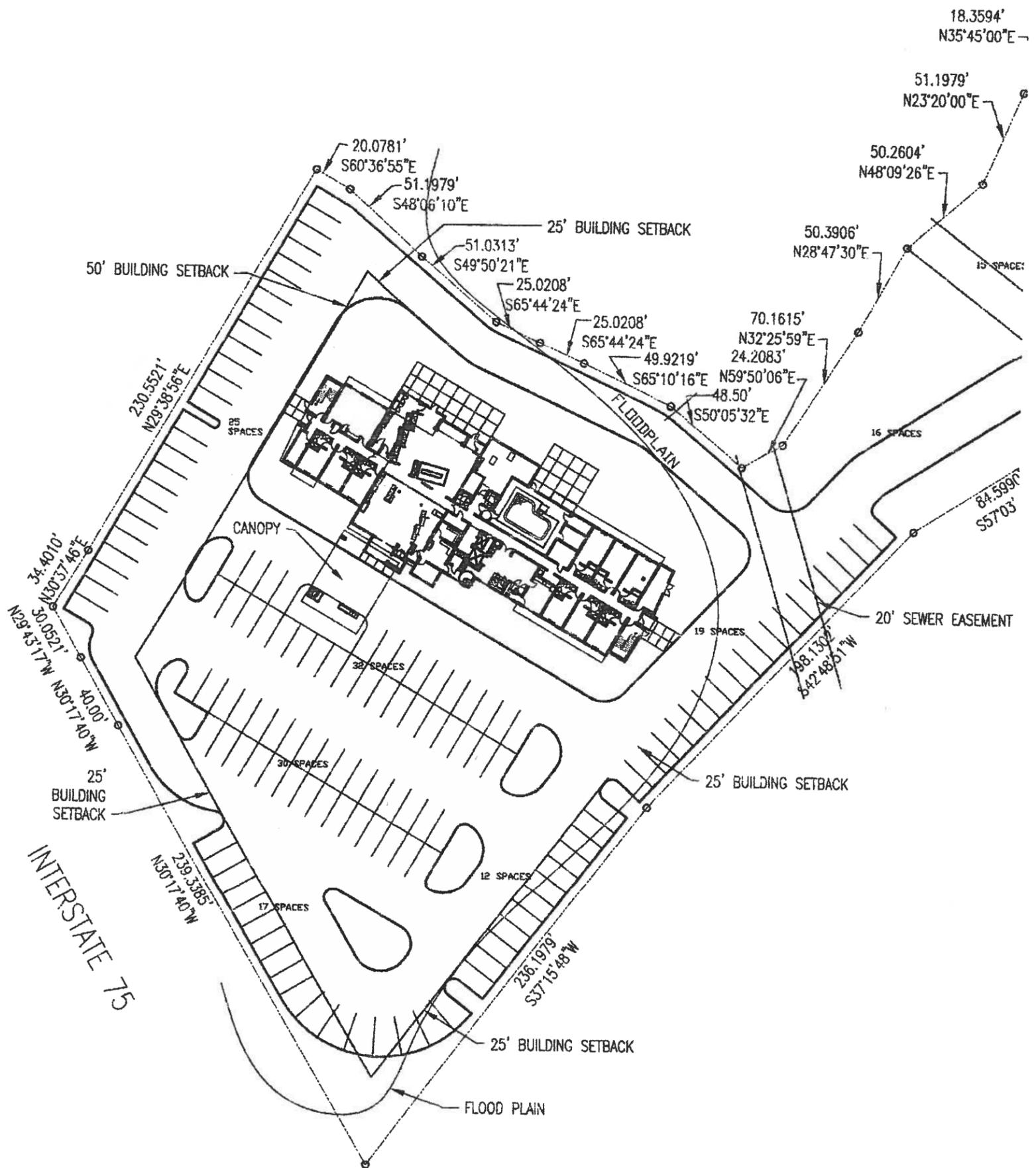


Address	Parcel Number	Acreage	Ward	Zoning	FLU
2500 DELK RD	17079900080	4.117	7A	OI	RAC

Property Owner:	HI Atlanta, Inc.
Applicant:	Tony Patel (Horizon Hospitality Management, Inc)
BZA Hearing Date:	12/14/2015
Acquisition Date:	
Case Number:	V2015-54
<p>City of Marietta Planning & Zoning</p>	

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



EXTERIOR FINISH KEY

	EF1	PLASTER/ACRYLIC FINISH (MFT)
	EF2	DARK GREY FINISH COLOR (EPP SPACE ON 212-22)
	EF3a	ACCENT EF3 COLOR (EPP ON 212B-23)
	EF3b	DARK GREY FINISH COLOR - TYPICAL (EPP SPACE ON 212B-23)
	EF4	SPARK TONER FINISH COLOR (EPP CHESTNUT HD-4)
	EF4a	BANK BUILDING FINISH COLOR (EPP CHESTNUT HD-4)
	EF5	ACCENT EF3 COLOR (EPP HAZELTON TAN HD-34)
	SP1	UNGLAZED STONE
	SP2	EXTERIOR ACRYLIC FINISH - CEMENT BOARD SHEET (EPP Space 104 Color 212B-10)
	SP3	FAIR COLOR - ALUM. ROOF TRUSS CANOPY

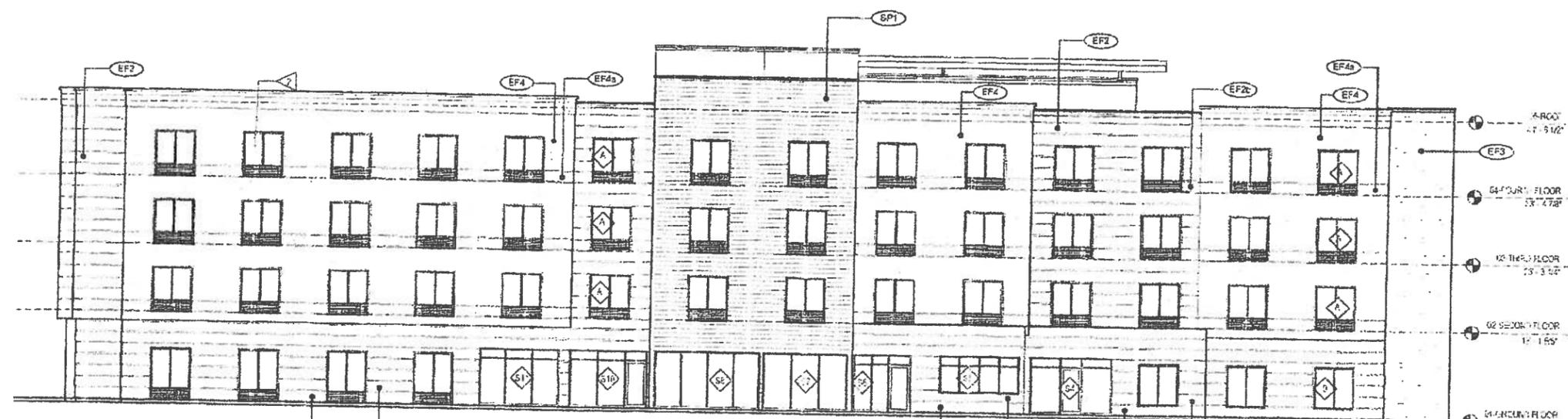
ALL COLORS ARE BOHANNAN BOARD FINISHES

CRITERIA NOTES

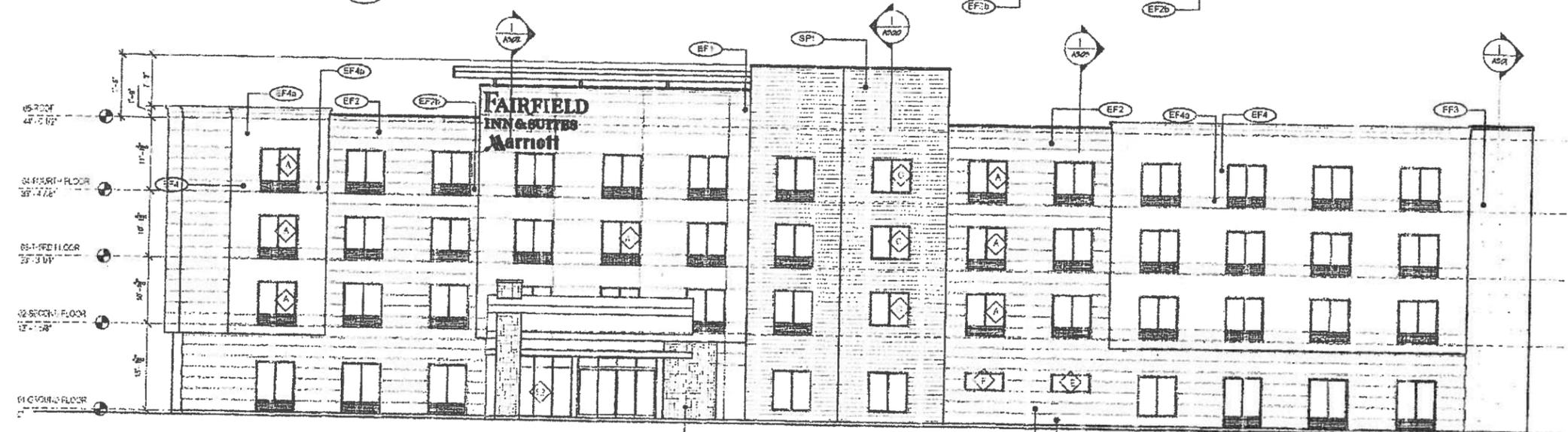
- ▷ TYPICAL GUESTROOM ENTRY @ GROUND FLOOR
- ▷ TYPICAL GUESTROOM ENTRY FOR UPPER FLOOR
- ▷ NOT USED
- ▷ OFFICIAL "COURTESY" TYPE SIGNAGE OR SIZE OF SIGNAGE LOCATE AS APPROPRIATE BASED ON BUILDING PRESENTATION
- ▷ ALTERNATE LOCATION FOR "COURTESY" BUILDING SIGNAGE
- ▷ ALIGN & COORDINATE SIGNAGE ALONG FRONT OF BUILDING. SEE ENLARGED DETAILS FOR DIMENSIONS.
- ▷ CONTINUE SIGNAGE ALONG EXTENDED SIDE OF BUILDING
- ▷ SEE EVERY CORNER. SEE ENLARGED DRAWINGS FOR DETAILS.
- ▷ SIGNAGE - BUILDING SIGNAGE AT REAR OF BLDG.
- ▷ LUMBERED SUBGRADE

EXTERIOR INSULATION FINISH SYSTEM (EIFS)

1. CONTRACTOR TO PROVIDE ALL LABOR, MATERIALS AND EQUIPMENT NECESSARY TO INSTALL THE EIFS APPLIED DRYVET SYSTEM OR EQUAL.
2. INSTALLER MUST BE A TRAINED APPLICATOR AND HE IS RESPONSIBLE TO VERIFY THAT THE PROPOSED SUBSTRATE IS ACCEPTABLE TO THE APPLICABLE REGULATORY AUTHORITIES PRIOR TO THE APPLICATION OF THE DRYVET SYSTEM.
3. CONTRACTOR TO FOLLOW DRYVET SYSTEM MFG. PUBLISHED DETAILS AND SPECIFIC RECOMMENDATIONS FOR THIS PROJECT.
4. THE INSULATION BOARD MUST BE UL APPROVED.
5. THE APPLICATOR SHALL OBTAIN TWO SETS SAMPLES OF THE DRYVET SYSTEM FOR EACH FINISH COLOR AND TEXTURE. LOAN THE SAME TOOLS AND TOOLS/FILES AS FOR THE ACTUAL PROJECT.
6. THE APPLICATOR SHALL SUBMIT COMPLETED DRAWINGS FOR THE DRYVET SYSTEM.
7. ALL MATERIAL IS TO BE DELIVERED IN ORIGINAL UNOPENED PACKAGES WITH LABELS INTACT.
8. ALL STORED MATERIAL SHALL BE PROTECTED FROM WEATHER AND AT TEMPERATURES NOT LESS THAN AS RECOMMENDED.
9. THE SYSTEM SHALL NOT BE INSTALLED AT TEMPERATURE LESS THAN 40 DEGREES F.
10. ADJACENT MATERIALS SHALL BE PROTECTED DURING INSTALLATION.
11. DRYVET SYSTEM MFG. SHALL OFFER A THREE-YEAR WARRANTY.



2 REAR ELEVATION
SCALE: 1/8" = 1'-0"



1 FRONT ELEVATION
SCALE: 1/8" = 1'-0"

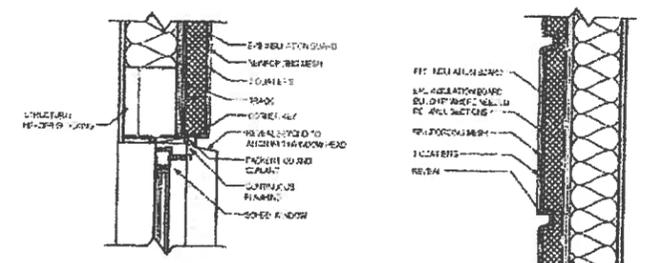


Best & Associates Architects
1726 W LANAR ALEX FRY, MARVILLE, TN 38003
PHONES 888-977-4800 FAX 888-988-4800

FAIRFIELD INN & SUITES
GA

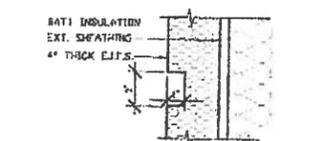
PROJECT	80
DATE	8/10/16
BY	10/1/16
SCALE	SEE
ELEVATIONS	SEE

A200

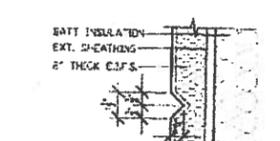


10 WINDOW HEAD AT EIFS
A201 SCALE: 1/2" = 1'-0"

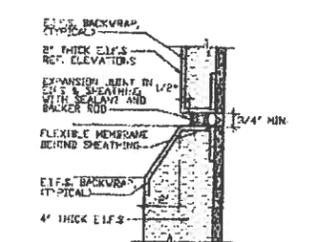
9 EIFS DETAIL
A201 SCALE: 1/2" = 1'-0"



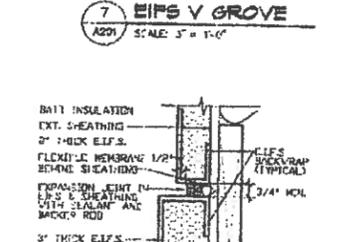
8 EIFS RUSTICATION JOINT
A201 SCALE: 3" = 1'-0"



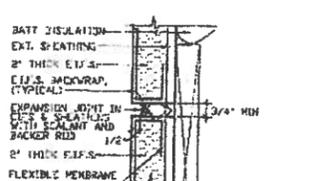
7 EIFS V GROVE
A201 SCALE: 3" = 1'-0"



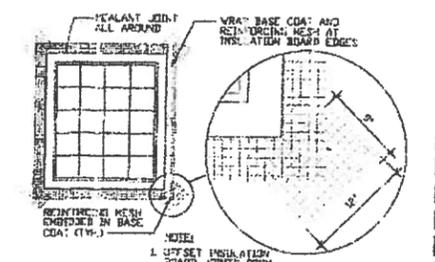
6 2" TO 4" EIFS EXPANSION JOINT
A201 SCALE: 3" = 1'-0"



5 2" TO 3" EIFS EXPANSION JOINT
A201 SCALE: 3" = 1'-0"



4 2" TO 2" EIFS EXPANSION JOINT
A201 SCALE: 3" = 1'-0"



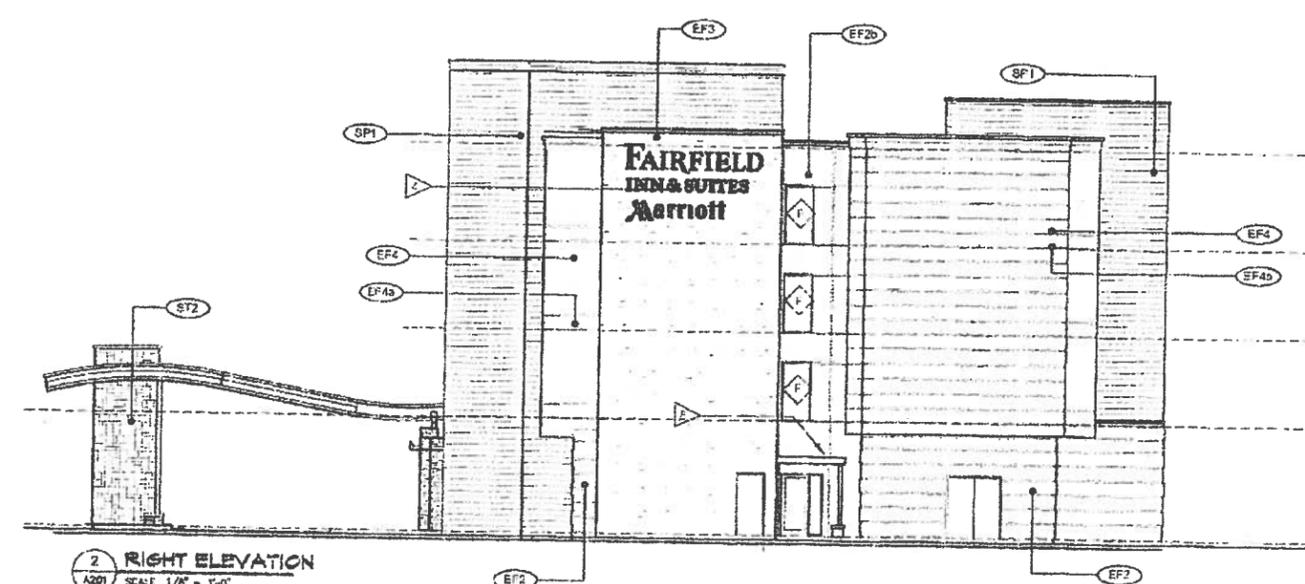
3 EIFS MESH AT WINDOWS
A201 SCALE: 3/8" = 1'-0"

CRITERIA NOTES

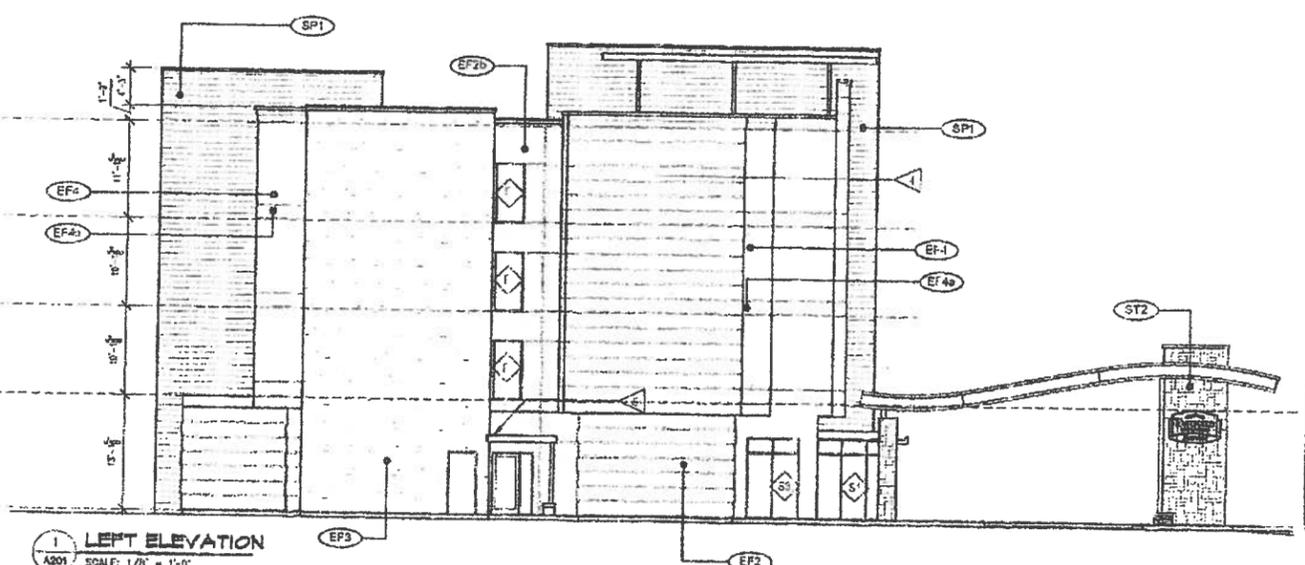
- ▽ TYPICAL GUESTROOM ROOM @ GROUND FLOOR
- ▽ TYPICAL GUESTROOM WINDOW FOR UPPER FLOOR
- ▽ NOT USED
- ▽ OPTIONAL "OUTDOOR" TYPE SOURCE ON SIDE OF BUILDING LOCAL TO APPROPRIATE SIDE OR BEYOND OBSTACLES
- ▽ ALTERNATE LOCATION FOR "OUTDOOR" BEILING SOURCE
- ▽ ALIGN & CENTERLINE SIGNALS TO SIDE FACER OF BUILDING. SEE CHANGES DETAILS FOR DIMENSIONS
- ▽ CORNERIC REVEALS ALONG EXPOSED EDGE OF SIG. DIM.
- ▽ SEE CHART SAMPLES FOR ENLARGED ELEVATIONS FOR DETAILS
- ▽ SPECIAL BUILDING SERVICE AT SEAL OF BUILDING
- ▽ (DASHED) ALTERNATE

EXTERIOR FINISH KEY

- EF1 PEARLESQUE ACCENT EIFS (FINISH 1000)
- EF2 DARK EIFS FINISH COLOR (DEEP LEAD BY 2125-20)
- EF2a ACCENT EIFS COLOR (DARK SILVER BY 2125-33)
- EF2b DARK EIFS FINISH COLOR - TYPICAL (DEEP LEAD BY 2125-20)
- EF3 STAR BROWN EIFS COLOR (DARK 0-2125-4)
- EF4 MID-BLACK EIFS COLOR (PINKL BUFF BY 10-33)
- EF4a ACCENT EIFS COLOR (BURNISHED TAN BY 10-34)
- EF11 OILFIELD STONE
- SF1 EXTENSIVE ACCENT FINISH (CONCRETE FINISH BOARD) (SEE TAG CODE 2125-10)
- P11 PAINT COLOR - ALUM. ROOF SHEET (D807)



2 RIGHT ELEVATION
A201 SCALE: 1/8" = 1'-0"



1 LEFT ELEVATION
A201 SCALE: 1/8" = 1'-0"



Bed & Associates Architects

175 W LAMAR AVE. SUITE 100, MARIETTA, GA 30067
PHONE 770-427-4800 FAX 770-427-4808

GA
FAIRFIELD INN & SUITES

DATE:	08/10/10
BY:	SP
CHECKED BY:	SP
SCALE:	3/8" = 1'-0"
PROJECT NO.:	1004-0
DATE PLOTTED:	08/10/10

ELEVATIONS

3/4/11

A201