



STAFF REVIEW AND RECOMMENDATION

Variance Case #: V2016-41 **Legistar #:** 20160763
Board of Zoning Appeals Hearing: Monday, August 29th, 2016 – 6:00 p.m.
Property Owner: La Ultima Trompeta
37 Moore Avenue
Marietta, GA 30060
Applicant: Same as above
Address: 37 Moore Avenue (a.k.a. 45 Moore Avenue)
Land Lot: 1214 **District:** 16 **Parcel:** 0160
Council Ward: 5A **Existing Zoning:** CRC (Community Retail Commercial)

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

1. Variance to increase the allowable height of a freestanding sign from 10’ to approximately 20.’ [§714.04 (F) TABLE H.]
2. Variance to increase the allowable sign structure area from 50 s.f. to 116 s.f. [§714.04 (F) TABLE H.]
3. Variance to increase the allowable sign area from 50 s.f. to 64 s.f. [§714.04 (F) TABLE 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:

Denial. La Ultima Trompeta is requesting variances for a sign at 37 Moore Avenue (also known as 45 Moore Avenue). The subject property is zoned CRC (Community Retail Commercial), 26,158 square feet in size, and located at the corner of Moore Avenue, Washington Avenue, and Barnes Street. The surrounding properties, also zoned CRC, function as a bank, a thrift store, and vacant offices.



During July 2015, the nonconforming pylon sign at the corner of Barnes Street and Washington Avenue was converted to a monument sign without obtaining building permits and without making any inquiries about sign regulations. Had the property owners consulted with City Staff, they would have been informed that the pylon sign could not be altered without coming into compliance with the sign ordinance.

The finished sign exceeds sign regulations with respect to height, sign area, and structure area. Monument signs on collector roads, i.e. Washington Avenue, are limited to 10 feet in height with a sign area no larger than 50 square feet and structure area not exceeding 50 square feet. Based on the measurements provided by the applicant, the altered pylon sign is in excess of 18 feet tall with a sign area of 64 square feet and a structure area of 116 square feet.

Other surrounding businesses have complied with the sign regulations and have built new compliant signs. Because this applicant has provided no hardship to justify why their sign cannot be updated to comply with the same codes applicable to other businesses, ***staff recommends denial of this variance.***



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

APPLICATION FOR VARIANCE OR APPEAL

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

For Office Use Only:

Application #: V2016-41 Legistar #: BZA Hearing Dt: 8-29-16
City Council Hearing Dt (if applicable) #: - PZ #: 16-408

This is a variance/appeal application for:

Checked box for Board of Zoning Appeals

Board of Zoning Appeals

Unchecked box for City Council

City Council

Owner's Name LA Ultima trompeta

Address 37 moore AVE marietta GA Zip Code: 30060

Telephone Number: 678-704-1284 Email Address: LA Ultima_trompeta@yahoo.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:

37 moore AVE. marietta Date of Acquisition:

Land Lot (s) 12140 District 16 Parcel 0160 Acreage .171 Zoned CRC Ward SA FLU CAC
.236 (45 moore)

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

Variance to allow sign

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...
5. Site plan - drawn to scale. Site plans must illustrate property lines and all relevant existing information...
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

To whom it may concern

APPLYING FOR VARIANCE

My reason for ~~building the aberrance~~ is because when we bought the property we were excited that finally we had found a house for God and we wanted to put everything pretty for God and we thought since it was in the fence we did not permission we were happy to have bought the property. If you see in the pictures of before the only thing we did is put blocks on the side and wood on the top of the sign. We know it's a grandfather sign and we want to keep it. Now we apply to let us keep our sign for everyone to see God's wonders that allow us to buy a property for him.

TO: Marietta Daily Journal
FROM: City of Marietta
RUN DATE: August 12, 2016

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, August 29, 2016 at 6:00 P.M.**, City Hall. Anyone wishing to attend may do so and be heard relative thereto.

V2016-41 [VARIANCE] LA ULTIMA TROMPETA is requesting variances for property located in Land Lot 1214, District 16, Parcel 0160, 2nd Section, Marietta, Cobb County, Georgia and being known as 37 Moore Avenue (a.k.a 45 Moore Avenue). Variance to increase the allowable height of a freestanding sign from 10' to approximately 20'; variance to increase the allowable sign structure area from 50 s.f. to 116 s.f.; variance to increase the allowable sign area from 50 s.f. to 64 s.f. Ward 5A.

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.

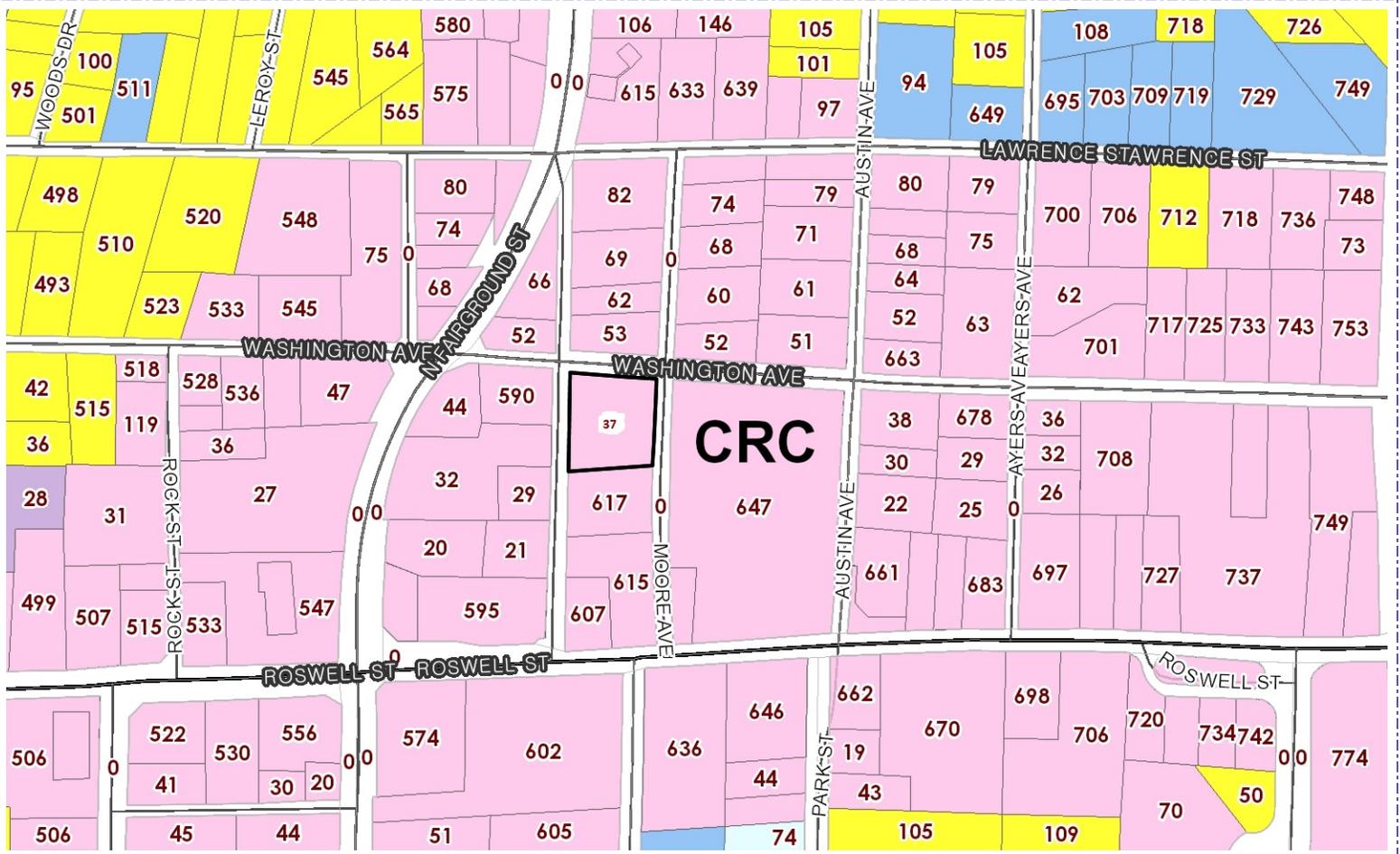
For additional information please call the Planning and Zoning Office (770) 794-5669.

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

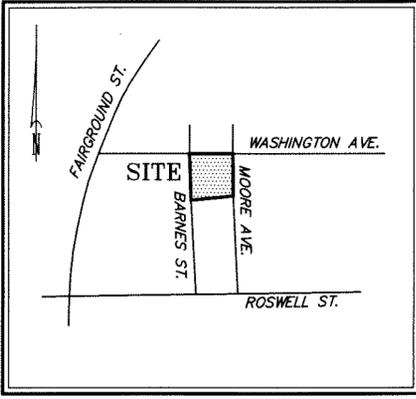


Variance



Address	Parcel Number	Acreage	Ward	Zoning	FLU
37 MOORE AVE	16121400160	0.236	5A	CRC	CAC

Property Owner:	The Ultima Trompeta	Zoning Symbols <ul style="list-style-type: none"> --- 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
Applicant:		
BZA Hearing Date:	08/29/2016	
Acquisition Date:		
Case Number:	V2016-41	
City of Marietta Planning & Zoning		



VICINITY MAP (N.T.S.)

ADDRESS INFORMATION:
 37 MOORE AVENUE (PARENT TRACT)
 MARIETTA, GA 30060

NEW ADDRESS:
 37 MOORE AVENUE
 MARIETTA, GA 30060

TRACT "A" = 45 MOORE AVENUE (TAX PARCEL 16121400160)
 TRACT "B" = 37 MOORE AVENUE (TAX PARCEL 16121400170)

THE PURPOSE OF THIS PLAT IS COMBINE TRACT "A" (TAX PARCEL 16121400160) AND TRACT "B" (TAX PARCEL 16121400170) INTO ONE PARCEL OF LAND.

CRC ZONING REGULATIONS

MIN. LOT SIZE	20,000 SQ. FT.
MIN. LOT WIDTH	100 FT.
MAX. BUILDING HEIGHT	75 FT.
MAX. FLOOR AREA RATIO	0.50
MAX. IMPERVIOUS SURFACE	80%
MIN. LANDSCAPED AREA	15%
FRONT SETBACK (ARTERIAL)	40 FT.
FRONT SETBACK (COLLECTOR)	35 FT.
FRONT SETBACK (LOCAL)	35 FT.
SIDE SETBACK (MAJOR)	25 FT.
SIDE SETBACK (MINOR)	15 FT.
REAR SETBACK	35 FT.

PLAT BK: 274 PG: 800-800
 Filed and Recorded Mar-24-2015 12:21 PM
 DOC#: P2015-000091
 Rebecca Keaton
 REBECCA KEATON
 CLERK OF SUPERIOR COURT Cobb Cty. GA.

THIS PROPERTY IS CURRENTLY ZONED CRC (COMMUNITY RETAIL COMMERCIAL) PER THE CITY OF MARIETTA G.I.S. DEPT.

THIS PROPERTY IS LOCATED WITHIN THE COMMERCIAL CORRIDOR DESIGN OVERLAY - TIER A PER THE CITY OF MARIETTA PLANNING & ZONING DIVISION.

GENERAL NOTES~

THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS AN ANGULAR ERROR OF 4 SECONDS PER ANGLE POINT AND A PRECISION RATIO OF 1 IN 75,480. IT HAS BEEN ADJUSTED USING THE COMPASS RULE.

EQUIPMENT USED TO OBTAIN THESE MEASUREMENTS WAS A TOPCON GTS-235.

THE DATA SHOWN ON THIS PLAT HAS A CLOSURE PRECISION RATIO OF 1 IN 250,201.

ALL I.P.'s ARE 1/2" REBARS, UNLESS OTHERWISE INDICATED.

BEARINGS ARE CALCULATED FROM ANGLES TURNED FROM A SINGLE MAGNETIC OBSERVATION.

ACCORDING TO THE CURRENT "F.I.A. OFFICIAL FLOOD HAZARD MAP", COMMUNITY PANEL NO. 13067C 0108 J, DATED MARCH 4, 2013, THIS PROPERTY IS NOT IN AN AREA HAVING SPECIAL FLOOD HAZARDS.

ALL MATTERS OF TITLE ARE EXCEPTED.

THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE SEARCH. THERE MAY BE EASEMENTS OR OTHER ENCUMBRANCES NOT SHOWN.

* PER DEED AND PLAT RECORDS; NO MONUMENT FOUND.

THE SURVEY AND PLAT SHOWN HEREON IS NOT INTENDED FOR USE OR RELIANCE BY ANY PARTIES OR ENTITIES NOT SPECIFICALLY LISTED IN THE TITLE. UNAUTHORIZED THIRD PARTIES SHALL INDEMNIFY AND HOLD BARTON SURVEYING, INC. HARMLESS AGAINST ANY AND ALL LIABILITY FOR ANY LOSS ARISING OUT OF, OR RELATED TO, RELIANCE BY ANY THIRD PARTY ON ANY WORK PERFORMED THEREUNDER, OR THE CONTENTS OF THE SURVEY.

REFERENCE: DB 15197, PG. 6238

TOTAL AREA = 26,158 SQ. FT.
 0.600 ACRE

THE APPROVAL OF THIS PLAT DOES NOT CONSTITUTE A RELEASE OF ANY RIGHT, TITLE OR INTEREST CURRENTLY OR PREVIOUSLY HELD BY THE CITY OF MARIETTA, INCLUDING ANY EASEMENT, RIGHT OF WAY OF OTHER INTEREST IN THE REAL PROPERTY. THE CITY HEREBY RETAINS ANY AND ALL CURRENT OR PREVIOUS INTEREST IN SAID PROPERTY.

THE UNDERSIGNED, AS DEVELOPMENT SERVICES DIRECTOR OF THE CITY OF MARIETTA, GEORGIA, HEREBY APPROVES THIS PLAT FOR THE RECORDING OF SAME IN THE OFFICE OF THE CLERK OF THE SUPERIOR COURT OF COBB COUNTY.

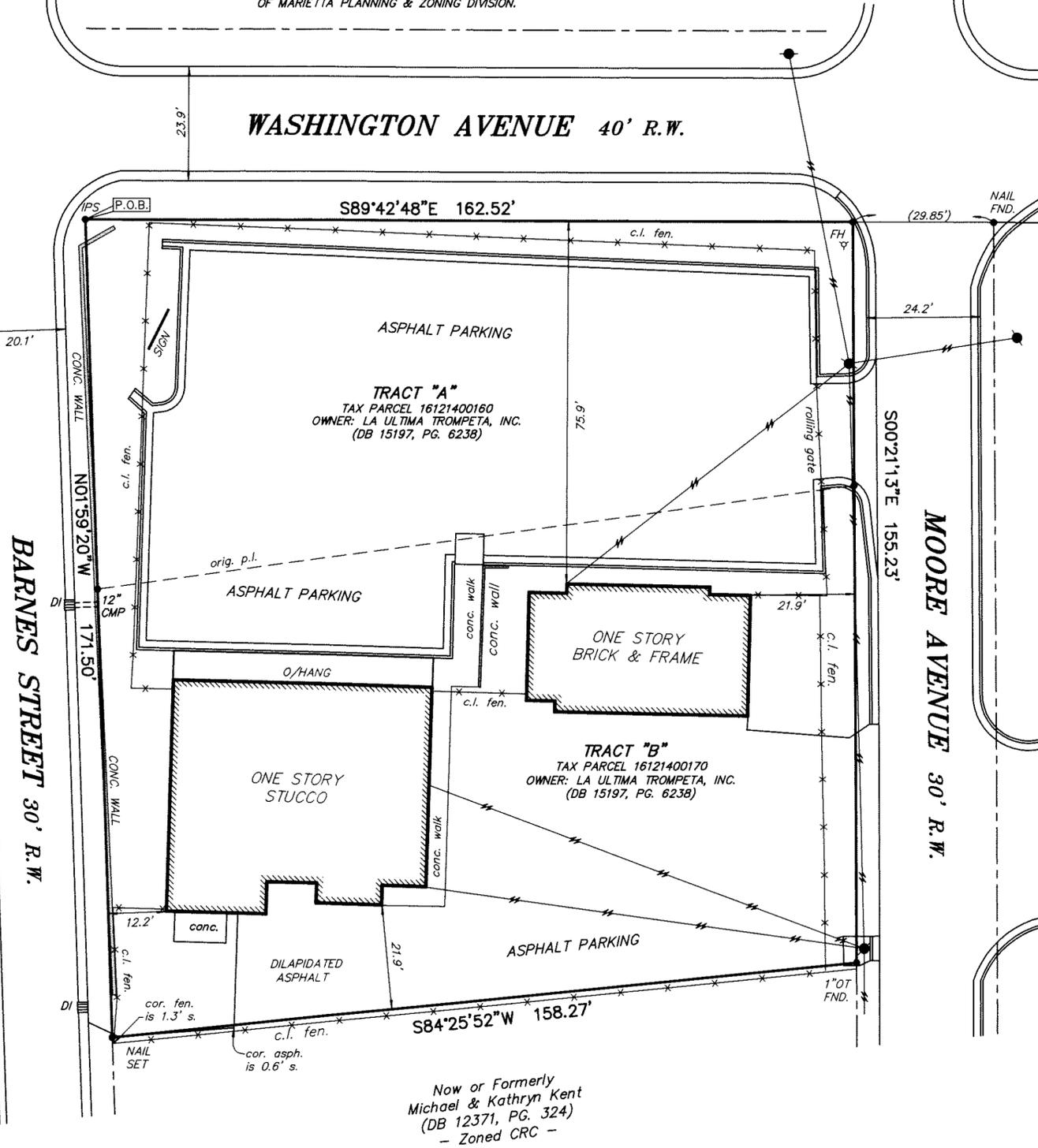
DIRECTOR OF THE DEPARTMENT OF DEVELOPMENT SERVICES DATE

THE UNDERSIGNED, AS PUBLIC WORKS DIRECTOR OF THE CITY OF MARIETTA, GEORGIA, HEREBY APPROVES THIS EXEMPTION PLAT FOR THE RECORDING OF SAME IN THE OFFICE OF THE CLERK OF THE SUPERIOR COURT OF COBB COUNTY.

PUBLIC WORKS DIRECTOR DATE

OWNER/DEVELOPER:
 LA ULTIMA TROMPETA, INC.
 C/O DENNIS REYES & GABRIELA ANDERSON
 3914 MCGUIRE WAY
 KENNESAW, GA 30144
 PHONE: 678-704-1284

OWNER DATE



Now or Formerly
 Michael & Kathryn Kent
 (DB 12371, PG. 324)
 - Zoned CRC -

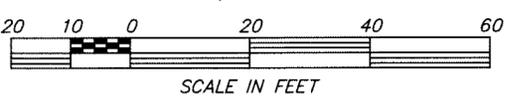


I HEREBY CERTIFY THAT THIS SURVEY WAS PREPARED IN CONFORMITY WITH THE TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN CHAPTER 180-7 OF THE RULES OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN THE GEORGIA PLAT ACT O.C.G.A. 15-6-67.

DAVID BARTON, GA. R.L.S. No. 2533
 JOB # 14-114 DRAWN BY: TD FIELD CREW: BM/PS
 FIELD DATE: 11-14-14 PLAT PREPARED: 11-20-14

**EXEMPTION PLAT FOR
 LA ULTIMA TROMPETA, INC.**

LOCATED IN LAND LOT 1214
 16th DISTRICT, 2nd SECTION
 CITY OF MARIETTA
 COBB COUNTY, GEORGIA
 NOVEMBER 14, 2014 1"=20'



LEGEND

IPF	=	1/2" REBAR FND.
IPS	=	1/2" REBAR SET
R.W.	=	RIGHT OF WAY
SSE	=	SANITARY SEWER EASEMENT
DE	=	DRAINAGE EASEMENT
L.L.L.	=	LAND LOT LINE
C.L.	=	CENTERLINE
CT	=	CRIMP TOP PIPE
OT	=	OPEN TOP PIPE
CMP	=	CORRUGATED METAL PIPE
RCP	=	REINFORCED CONCRETE PIPE
DI	=	DROP INLET
JB	=	JUNCTION BOX
MH	=	MANHOLE
CB	=	CATCH BASIN
BM	=	BENCHMARK
PP	=	POWER POLE
FH	=	FIRE HYDRANT
CMF	=	CONCRETE MONUMENT FND.
B.C.	=	BACK OF CURB
E.P.	=	EDGE OF PAVEMENT
FEN	=	FENCE
O.H.	=	OVERHEAD ELEC. SERVICE LINE
B.L.	=	BUILDING LINE
U.G.	=	UNDERGROUND POWER LINE
TX	=	TRANSFORMER

BARTON SURVEYING INC.
 P.O. BOX 640
 LEBANON, GEORGIA 30146
 (770) 345-2810

BEFORE



BEFORE



NEW

4x8

151
→

IGLESIA
EVANGELICA
LA ULTIMA TROMPETA

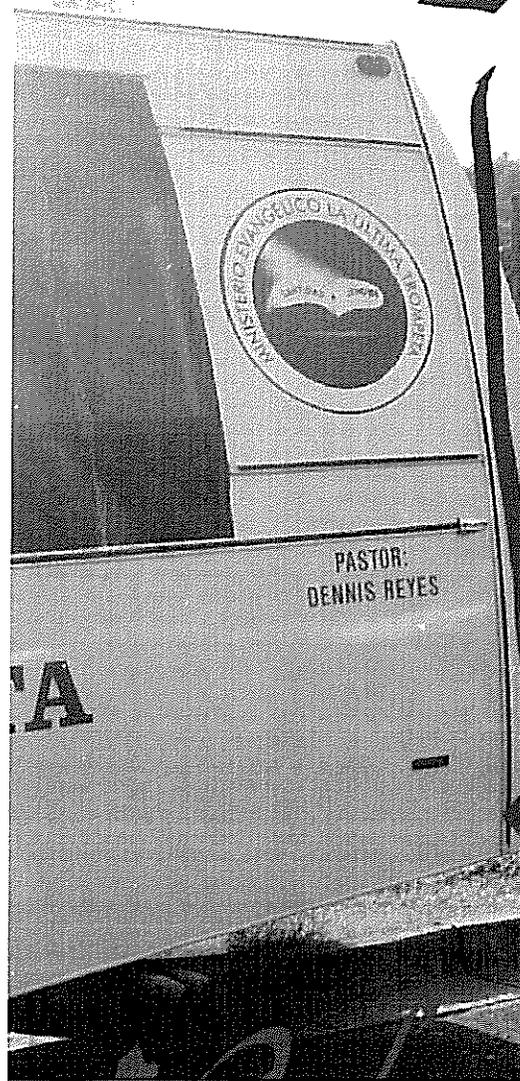
SERVICIOS DE NUESTRA IGLESIA

MARTES	7:00 PM
JUEVES	7:00 PM
SABADO	7:00 PM
DOMINGO	5:00 PM

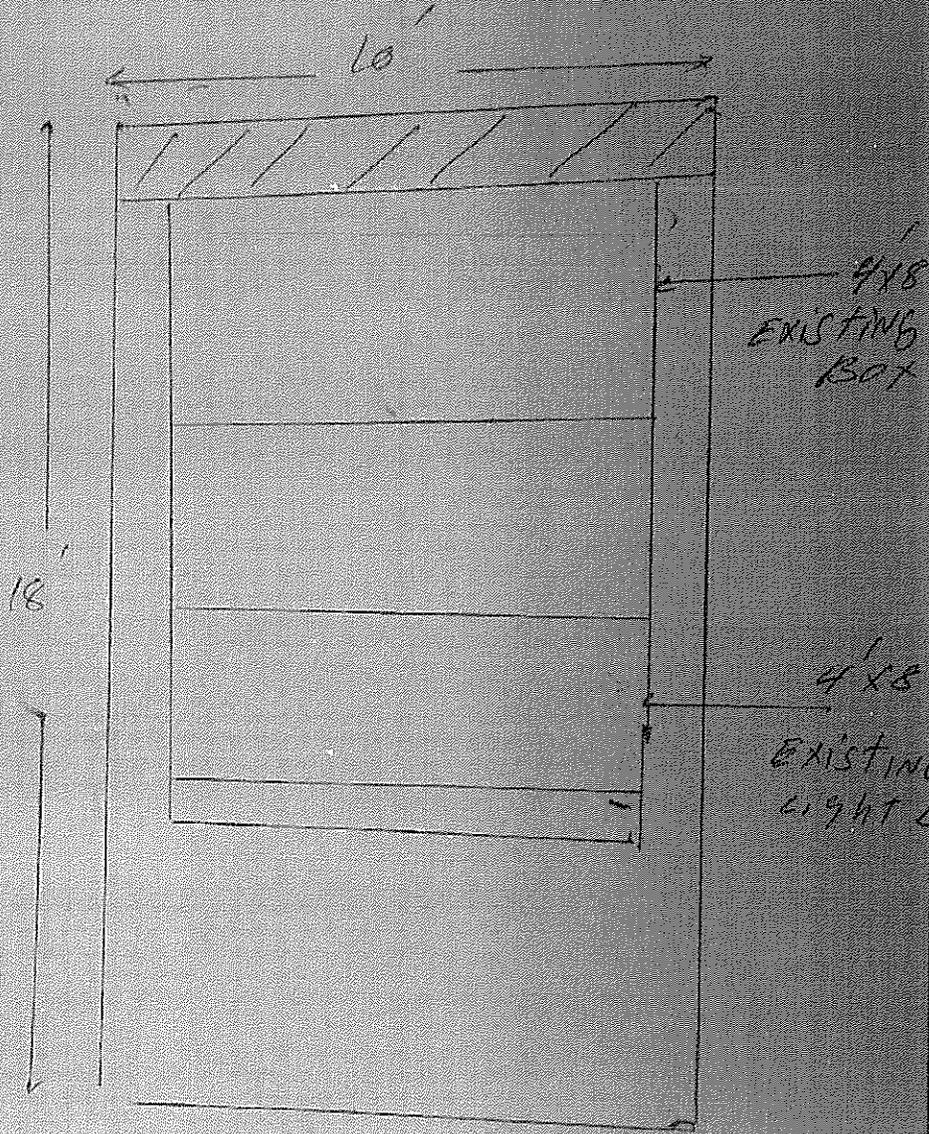
EXISTING

60/

PASTOR:
DENNIS REYES



NEW



EXISTING
MONUMENT SIGN

18' SH D=10'
10' L

NEW

