



STAFF REVIEW AND RECOMMENDATION

Variance Case #: V2016-10 **Legistar #:** 20160237
Board of Zoning Appeals Hearing: Monday, June 27th, 2016 – 6:00 p.m.
Property Owner: Bong Hong
2565 Delk Road
Marietta, GA 30067
Applicant: Kwang M. Lim (Randy Hoeptner)
2565 Delk Road
Marietta, GA 30067
Address: 2565 Delk Road
Land Lot: 858 **District:** 17 **Parcel:** 0080
Council Ward: 6A **Existing Zoning:** CRC (Community Retail Commercial)

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

1. Variance to allow more than 50% of the windows containing signage account for more than 50% of the window face [§714.04 (E)]
2. Variance to allow wall signage cover more than 15% and/or 5% of the wall face. [§714.04 (B)]

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



Front of Mink's facing Delk Road



Side of Mink's facing west

Recommended Action:

Denial. Kwang M. Lim is requesting sign variances for the property at 2565 Delk Road, Mink's Package Store, which is located at 2565 Delk Road. The subject property and the properties on either side are all zoned CRC (Community Retail Commercial). The apartments to the rear are located in Cobb County and are zoned RM-12. Major improvements to the property, including building renovations and site improvements, were recently finished for this site.

Every window pane on the front and west side of the building is covered in product advertisements. The applicant is requesting variances to exceed the allowable amount of window signage. Section 714.04 (E) of the Sign Ordinance states: *No more than 50% of the windows of a business shall be used to display window signs and the signage in a single window shall not account for more than 50% of a window face.*

Further, *the total permissible sign area for a single business may be incorporated within wall, canopy, under canopy, projecting or window signage provided that in aggregate, the total sign area does not exceed the 15% limit.* The applicant has not provided any clear dimensions specifying the amount of signage covering the windows. The existing permitted wall signs (BP15-1007 through BP15-1009) indicate they cover approximately 5% of each building face. It is likely that the front and west side of the buildings have more than 15% of the wall covered in signage.

The applicant has not provided a justifiable hardship that does not apply to every other similarly zoned business in the City. The building and its existing, permitted signage is highly visible from the Delk Road corridor. One of the purposes of the sign ordinance is to eliminate visual clutter. As such, approval of this request would set a precedent that would be detrimental to the aesthetics of the City. As a result, *staff recommends denial of this variance request.*

This item was tabled at the June 27, 2016 meeting of the Board of Zoning Appeals, and the applicant was directed to bring more detailed dimensional information to the July meeting. At this time, Staff has not received any information.



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 #: V2016-10 Registrar #: BZA Hearing Dt: 4-25-16 6-27-16
City Council Hearing Dt (if applicable) #: N/A PZ #: 16-125

This is a variance/appeal application for:

[X] Board of Zoning Appeals

[] City Council

Owner's Name Bong Hongy
Address 2565 Delk RD, Marietta GA Zip Code: 30067
Telephone Number: 770 952 2337 Email Address: MINKSPackage@gmail.com

COMPLETE ONLY IF APPLICANT IS NOT OWNER:

Applicant Kwang M LIM G.M. / Randy Hoepfner (translator)
Address 2565 Delk RD, Marietta GA Zip Code: 30067
Telephone Number Email Address:

404-429-509
Text him if questions so he can translate. owner/Applic do NOT speak Engl. well.

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

2565 Delk RD marietta GA 30067 Date of Acquisition:
Land Lot (s) 08580 District 17 Parcel 0080 Acreage .931 Zoned CRC Ward GA FLU CAC

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

see Attach windows not currently 50% visible from street. Seeking variance to all window stay covered.

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 25 copies REQUIRED.
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

MINKS PACKAGE
2565 DELK ROAD
MARIETTA GA, 30067

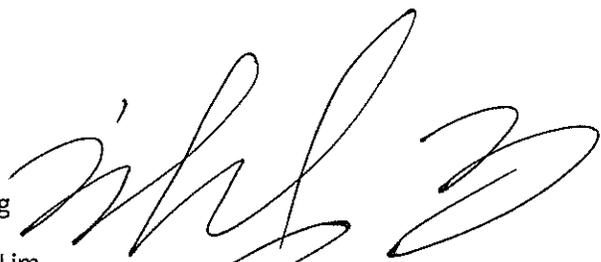
MAR.10.2016

Dear Sirs,

This is a request for variance as to our store signage. While we are more than willing to cooperate with the signage requirements, we would like for you to take into consideration the fact that there has been a significant investment involved with these windows. In fact, 9 of the windows involved include original art work – not just commercial advertising. Furthermore, this art work was performed by local artists from the cities of Marietta and Atlanta. We hope to keep these works and honor their efforts.

We are willing to work with you on the remaining windows as requested. Thank you in advance for your consideration.

Sincerely yours.

Bong Hong 
Kwang M Lim 

TO: Marietta Daily Journal
FROM: City of Marietta
RUN DATE: June 10, 2016

PUBLIC NOTICE OF VARIANCES and SPECIAL LAND USE PERMITS

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, June 27, 2016 at 6:00 P.M.**, City Hall. Anyone wishing to attend may do so and be heard relative thereto.

V2016-10 [VARIANCE] BONG HONG is requesting variances for property located in Land Lot 858, District 17, Parcel 0080, 2nd Section, Marietta, Cobb County, Georgia and being known as 2565 Delk Road. Variance to allow more than 50% of the windows containing signage account for more than 50% of the window face; variance to allow wall signage cover more than 15% and/or 5% of the wall face. Ward 6A.

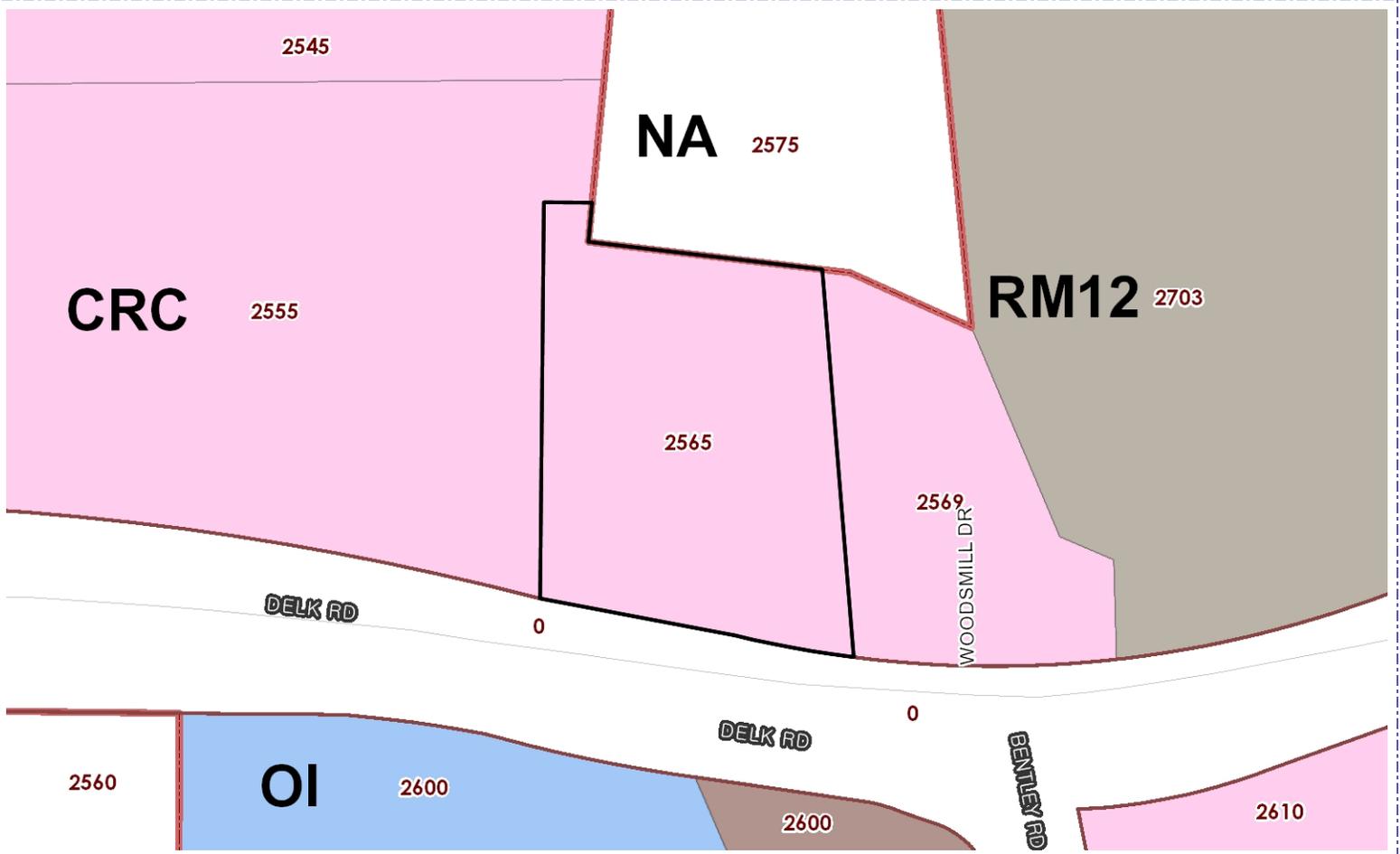
A description and plat of the property sought for the variances are on file in the Planning and Zoning Office, City Hall, and are available for inspection between 8:00 A.M. and 5:00 P.M., Monday through Friday. Anyone wishing to attend may do so and be heard relative thereto.

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
2565 DELK RD HM	17085800080	0.931	6A	CRC	CAC

Property Owner:	Bong Hong	Zoning Symbols
Applicant:	Kwang M. Lim/Randy Hoepfner	
BZA Hearing Date:	07/25/2016	
Acquisition Date:		
Case Number:	V2016-10	
City of Marietta Planning & Zoning		

CONSTRUCTION NOTES

- PLEASE BE REMINDED THAT THE SUSPENDED ACOUSTICAL CEILING, LIGHTING FIXTURES, ETC. MUST BE ATTACHED TO THE STRUCTURAL MEMBERS ONLY.
- ANY MECHANICAL EQUIPMENT (E.G. EXHAUST FANS, HVAC UNITS, ETC.) INSTALLED BY THE TENANT MUST UTILIZE NOISE/VIBRATION ISOLATORS. DIRECT WELDING OF EQUIPMENT TO THE ROOF STRUCTURE AND/OR STRUCTURAL MEMBERS IS NOT ALLOWED.
- REVIEW OF THE PLANS IS ONLY FOR CONFORMANCE WITH THE LEASE AGREEMENT AND COMPLIANCE WITH THE INFORMATION GIVEN IN THE CONTRACT DOCUMENTS. LANDLORD APPROVAL DOES NOT RELIEVE THE TENANT OF ANY ERRORS, INCLUDING DETAILS, FEATURES, DIMENSIONS, MATERIALS, ETC., WHICH WILL CAUSE NON-COMFORMITY WITH THE CONTRACT DOCUMENTS OR THE IMPLIED OR EXPRESSED INTENT THEREOF.
- ANY CHANGES OF MATERIALS OR FINISHES WITHOUT OUR WRITTEN CONSENT, AND ANY FAILURE TO TIMELY COMPLY WITH THE ADDITIONAL REQUIREMENTS SET FORTH HEREIN, WILL NEGATE THE LANDLORD'S APPROVAL.
- BEFORE CONSTRUCTION MAY COMMENCE IN THE STORE, THE FOLLOWING ITEMS MUST BE COMPLETED:
 - THE NAMES AND ADDRESSES OF YOUR PROPOSED GENERAL CONTRACTOR AND SUBCONTRACTORS MUST BE SUBMITTED TO THE LANDLORD.
 - TENANT'S CONTRACTOR MUST FULFILL THE INSURANCE REQUIREMENTS AS REQUIRED BY THE LEASE.
 - TENANT MUST SUBMIT DRAWINGS TO MUNICIPALITY TO RECEIVE A PERMIT FOR TENANT'S PORTION OF WORK INCLUDING ALL FIX TURING.
 - A COPY OF TENANT'S BUILDING PERMIT AS ISSUED BY MUNICIPALITY MUST BE DELIVERED TO THE LANDLORD AT THE ADDRESS LISTED ABOVE.
 - THE ELECTRIC, GAS AND WATER UTILITIES FOR THE SPACE MUST BE PLACED IN THE TENANT'S OR TENANT CONTRACTOR'S NAME.
- PRIOR TO STORE OPENING, TENANT SHALL PROVIDE A CERTIFICATE OF INSURANCE TO LANDLORD EVIDENCING PROPER INSURANCE IS IN EFFECT AS REQUIRED BY THE LEASE.
- THE STORE FRONT IDENTIFICATION SIGN AND SIGNAGE BEHIND STOREFRONT GLASS WILL BE REVIEWED FOR APPROVAL UPON RECEIPT FROM TENANT. ANY NON-COMFORMANCE WITH SIGN CRITERIA WILL RESULT IN DISAPPROVAL OF SIGNAGE.
- ANY WORK INVOLVING THE SPRINKLER MUST BE COORDINATED WITH THE LANDLORD.
- GENERAL CONTRACTOR TO VERIFY LOCATION OF ALL EQUIPMENT AND MILLWORK WITH OWNER PRIOR TO INSTALLATION OF EQUIPMENT OR OUTLET.
- CONTRACTOR TO STRIP AND CLEAN AREAS OF EXPOSED SLAB IN PREPARATION OF NEW FLOOR FINISHES, PATCH ALL HOLES AND UNEVEN CONCRETE TO PROVIDE SMOOTH SURFACE. PREP SURFACE AS REQUIRED BY MANUFACTURING REQUIREMENTS.
- GC TO CLEAN INTERIOR WINDOWS AT THE CONCLUSION OF THE CONSTRUCTION PROCESS AS PART OF THE FINAL CLEAN.

WALL SCHEDULE

- 1- [Symbol] - EXISTING EXTERIOR WALL
- 2- [Symbol] - NEW NON RATED - 6" 20 GA METAL STUDS @ 16" O.C. MAX. W/ 3/4" EXTERIOR SHEATHING ON EXTERIOR SIDE.

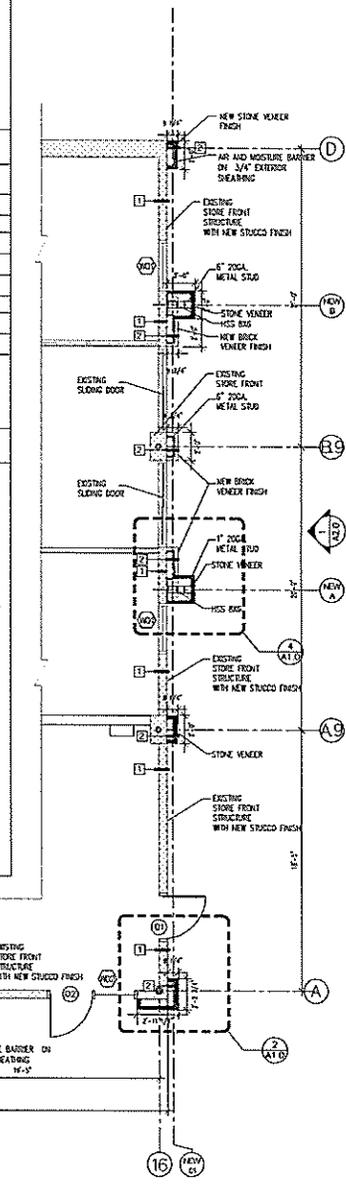
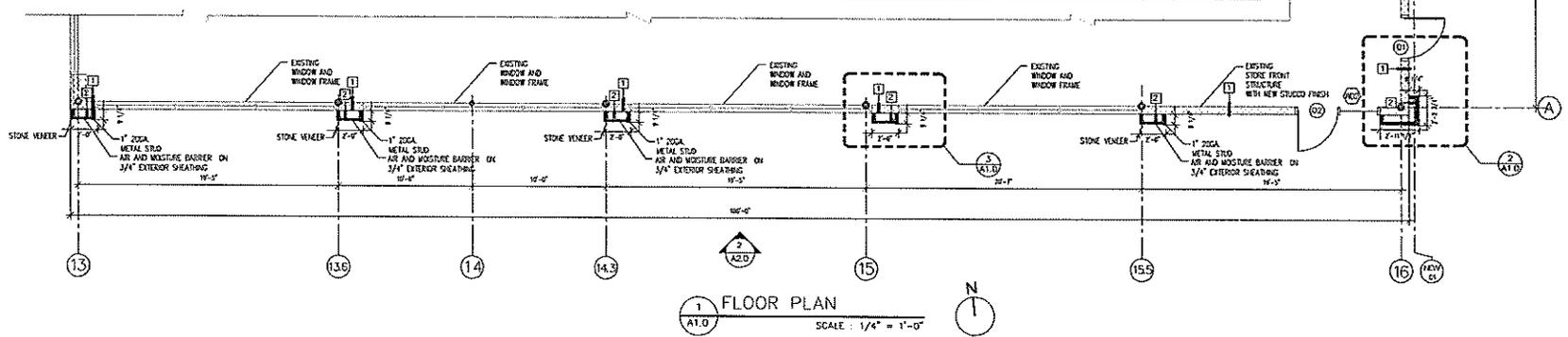
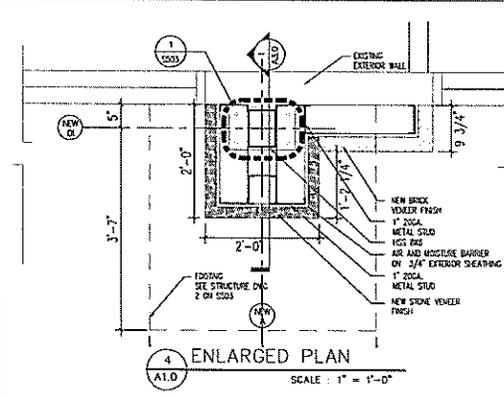
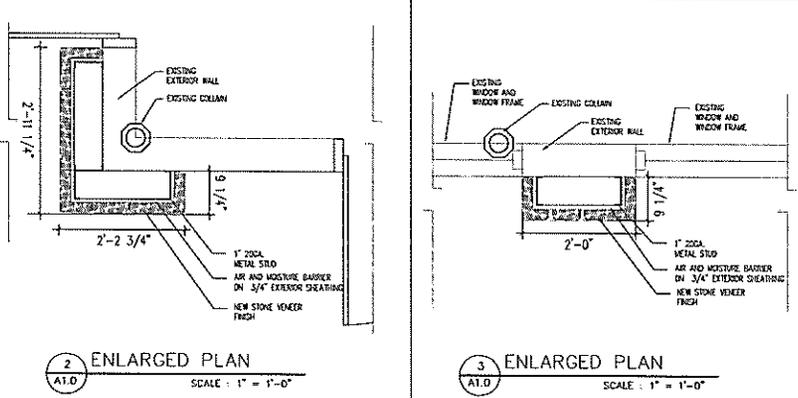
DOOR AND WINDOW SCHEDULE

DOOR AND FRAME SCHEDULE

DOOR						
DOOR #	SIZE	TYPE	MATERIAL	ELEVATION	FRAME	NOTES
D1	3'-0" X 7'-0"	STORE FRONT	TEMPERED GLASS		ALUMINUM	NEW
D2	3'-0" X 7'-0"	STORE FRONT	TEMPERED GLASS		ALUMINUM	NEW
WINDOW						
WINDOW #	SIZE	TYPE	MATERIAL	ELEVATION	FRAME	NOTES
W1	3'-6" X 10'-0"	STORE FRONT	TEMPERED GLASS		ALUMINUM	NEW
W2	3'-0" X 10'-0"	STORE FRONT	TEMPERED GLASS		ALUMINUM	NEW

- NOTE:
 1. GC AND OWNER TO FIELD VERIFY ALL DIMENSIONS. INFORM ARCHITECT ANY VEG INFORMATION. THE DIMENSION HERE SHOWN MAY NOT REPRESENT THE FIELD CONDITION.
 2. REFER TO SHEET A2.0 FOR DOOR ELEVATION.
 3. GC TO FIELD VERIFY AND INSTALL DOOR SHEEPS ON ALL EXTERIOR DOORS.

ENLARGED PLAN



JOB NUMBER 143701
 DRAWN BY: YH, HJ, HC
 CHECKED BY: YS

YUNG ARCHITECTURE
 3485 Saddle Brook, 310 South
 Dunwoody, Georgia 30088
 770-497-6000
 770-497-6005
 yungarchitecture@gmail.com

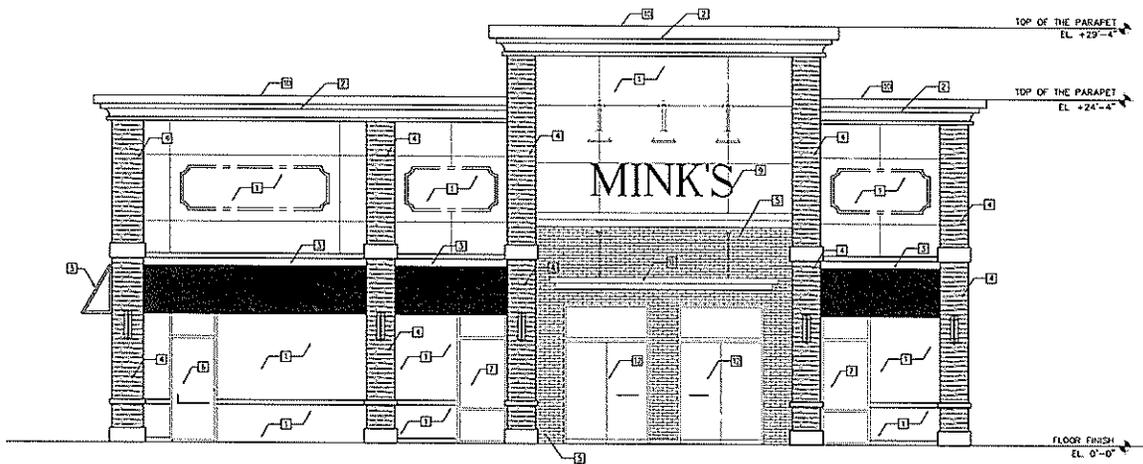
REVISION	DATE	DESCRIPTION

MINK'S PACKAGE STORE
 2565 BELK RD.
 MARIETTA, GA

FLOOR PLAN

A1.0

DATE: 05/28/2014



ELEVATION KEYED NOTES

- 1 EIFS FINISH
- 2 EIFS TRIM SYSTEM
- 3 AWNING
- 4 STONE VENEER FINISH
- 5 BRICK VENEER FINISH
- 6 NEW DOOR
- 7 NEW WINDOW
- 8 EXISTING WINDOW
- 9 NEW SLOJACE
- 10 METAL COPING OVER PARAPET W/ 1" DROP EDGE
- 11 STOREFRONT METAL AWNING
- 12 EXISTING SLIDING DOOR

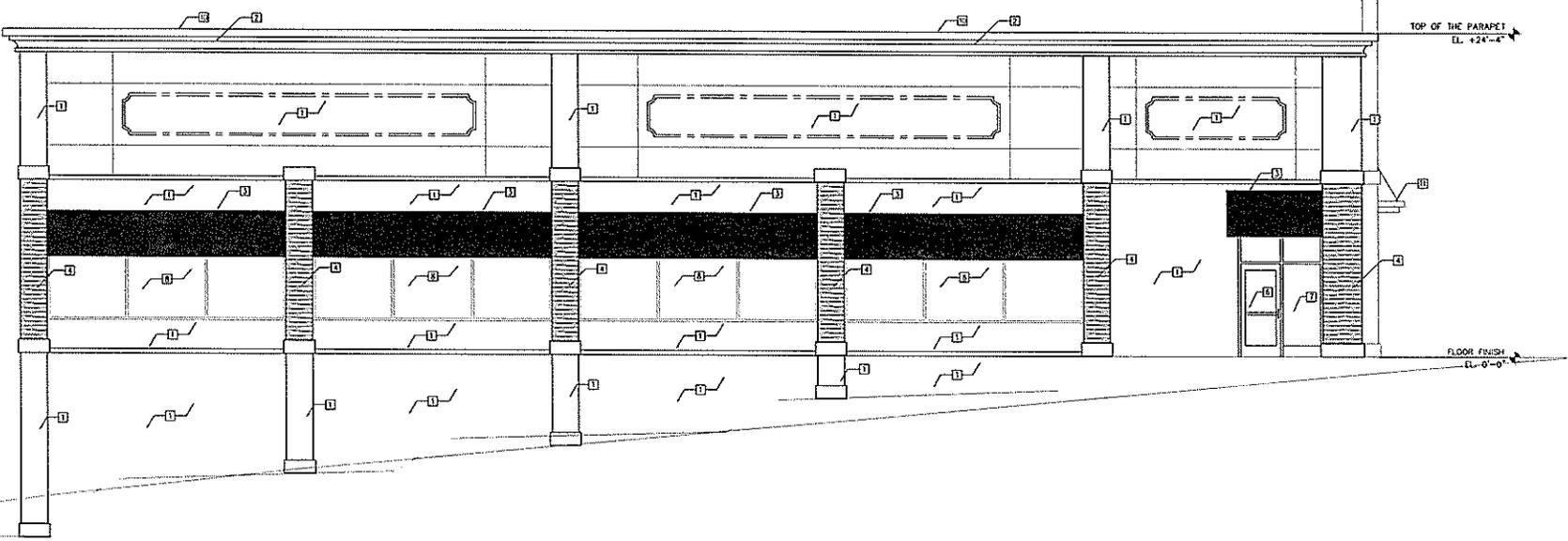
JOB NUMBER - 141702
 DRAWN BY - YH, JIJ
 CHECKED BY - YS

YUNG ARCHITECTURE
 3440 Sandline Blvd, 310 South
 Duluth, Georgia 30090
 Tel: 770-487-0035
 yungarchitecture@gmail.com

YUNG
 ARCHITECTURE

REVISIONS
 DATE DESCRIPTION

1 ELEVATION (EAST)
 SCALE: 1/8"=1'-0"



2 ELEVATION (WEST)
 SCALE: 1/8"=1'-0"

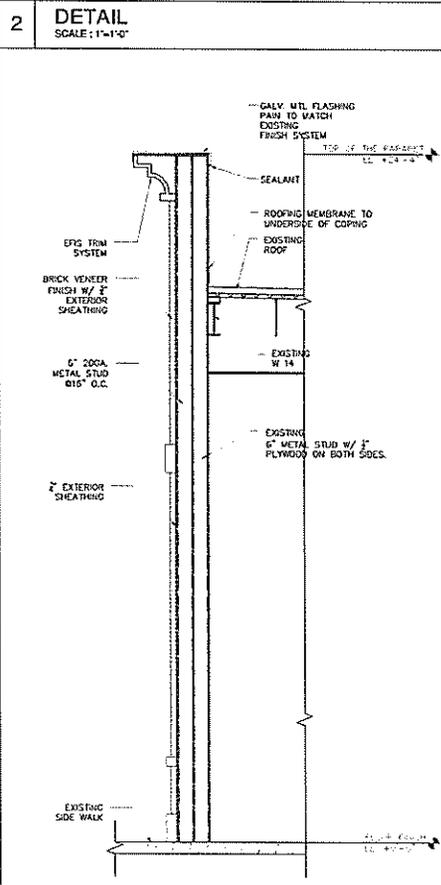
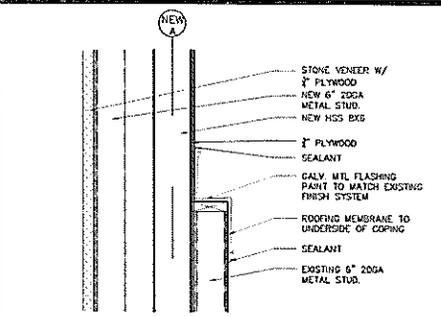
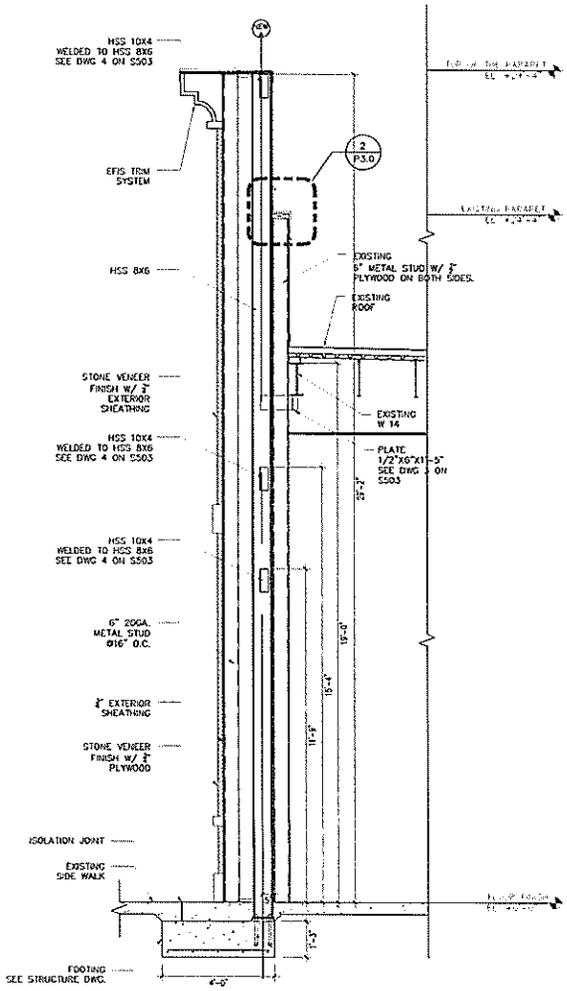
The following are as represented in general
 and are not to be construed as a contract
 or a warranty of any kind. The architect
 shall not be responsible for the accuracy of
 the information provided by the client.

MINK'S PACKAGE STORE
 FRONT ELEVATION COSMETIC CHANGE
 2565 DELK RD.
 MARIETTA, GA

EXTERIOR
 ELEVATION

A2.0

DATE 12/03/2014



1 WALL SECTION
SCALE: 1/2"=1'-0"

4 WALL SECTION
SCALE: 1/2"=1'-0"

5 NOT USED

JOB NUMBER : 141702
DRAWN BY : YL HU
CHECKED BY : YS

YUNG ARCHITECTURE
 Suite 200, 1000 Peach
 Dulles, Ga 30098
 770-497-6404
 Fax 770-497-6005
 yung@yungarchitecture.com

YUNG
ARCHITECTURE

REVISION DATE ECV:MP/TM

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MINK'S PACKAGE STORE
 FRONT ELEVATION COSMETIC CHANGE
 2565 DELK RD.
 MARIETTA, GA

WALL SECTION

A3.0

DATE : 12/03/2014

