



STAFF REVIEW AND RECOMMENDATION

Variance Case #: V2016-01 **Legistar #:** 20151167
Board of Zoning Appeals Hearing: **Monday, January 25th, 2016 – 6:00 p.m.**
Property Owner: Steve Rayman
2165 Cobb Pkwy S
Smyrna, GA 30080-7632
Applicant: David Zenner
Zennergrouop
1320 Ellsworth Industrial Blvd A1800
Atlanta, GA 30318
Address: 2165 Cobb Parkway South
Land Lot: 805 **District:** 17 **Parcel:** 0060
Council Ward: 7A **Existing Zoning:** CRC (Community Retail Commercial)

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

- 1. Variance to allow the use of ACM (Aluminum Composite Metal) panels on the side of a building facing a roadway. [*§708.16 (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.

PICTURES



Recommended Action:

Approval. The applicant, David Zenner for Steve Rayman, is requesting a variance for the property at 2165 Cobb Parkway. This variance would allow the installation of aluminum composite metal (ACM) panels on a wall facing a public roadway. Zoned CRC (Community Retail Commercial), this property is bordered by properties zoned CRC or OI (Office Institutional) and containing automobile-oriented businesses or offices.

Part of the proposed improvements for this site includes updating the building's exterior by using ACM panels. Section 708.16.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.*"



Below is a list of previously approved sites approved to use metal building materials on the side of a building facing a roadway:

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
V2015-19	1998 Delk Ind Blvd	Red Hare Brewery

Although this property fronts a highly visible and highly traveled arterial corridor within the City of Marietta, a clear and consistent precedent has been set. In addition, the ACM panels provide a modern, attractive design feature, and are not a metal façade typical of industrial buildings. This proposal is substantially similar to the previously noted cases, and as a result, *staff recommends approval of this variance request.*



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 #: V2016-01 Legistar #: BZA Hearing Dt: 1-25-2016
City Council Hearing Dt (if applicable) #: PZ #:

This is a variance/appeal application for:

[X] Board of Zoning Appeals [] City Council

Owner's Name Steve Rayman
Address 2165 Cobb PKWY Zip Code: 30080
Telephone Number: 770-953-0100 Email Address: steve@steveraymanauto.com

COMPLETE ONLY IF APPLICANT IS NOT OWNER:

Applicant David Zenner
Address 1320 Ellsworth Industrial BLVD-A1B00 Zip Code: 30318
Telephone Number 404-881-8370 Email Address: David.Zenner@zennergroup.com

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

2165 Cobb PKWY South Date of Acquisition:

Land Lot (s) 780 District 17 Parcel 0060 Acreage 2.557 Zoned CRC Ward 7A FLU CAC
0805 17080500060

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

var to allow metal as an exterior material

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



To The Board of Zoning Appeals:

REQUEST FOR ADMINISTRATIVE VARIANCE – STEVE RAYMAN USED CAR BUILDING

Please accept this letter as a formal request for a variance from the prohibited use of metal as an exterior material, as it pertains to our proposed improvements to Steve Rayman Used Cars at 2155 Cobb Parkway Southeast. The aluminum composite material (A.C.M) we are proposing for the fascia of the building is an architectural finish compatible with the design standards. A.C.M. is an attractive high-end finish that is prevalent on many of the automobile dealerships along Cobb Parkway. It has previously been approved by this Board as the main fascia material on the Steve Rayman New Car sales building next door.

Sincerely,

A handwritten signature in black ink, appearing to read 'D. Zenner', written over a horizontal line.

David Zenner, AIA

TO: Marietta Daily Journal
FROM: City of Marietta
RUN DATE: January 8, 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, January 25, 2016 at 6:00 P.M.**, City Hall. Anyone wishing to attend may do so and be heard relative thereto.

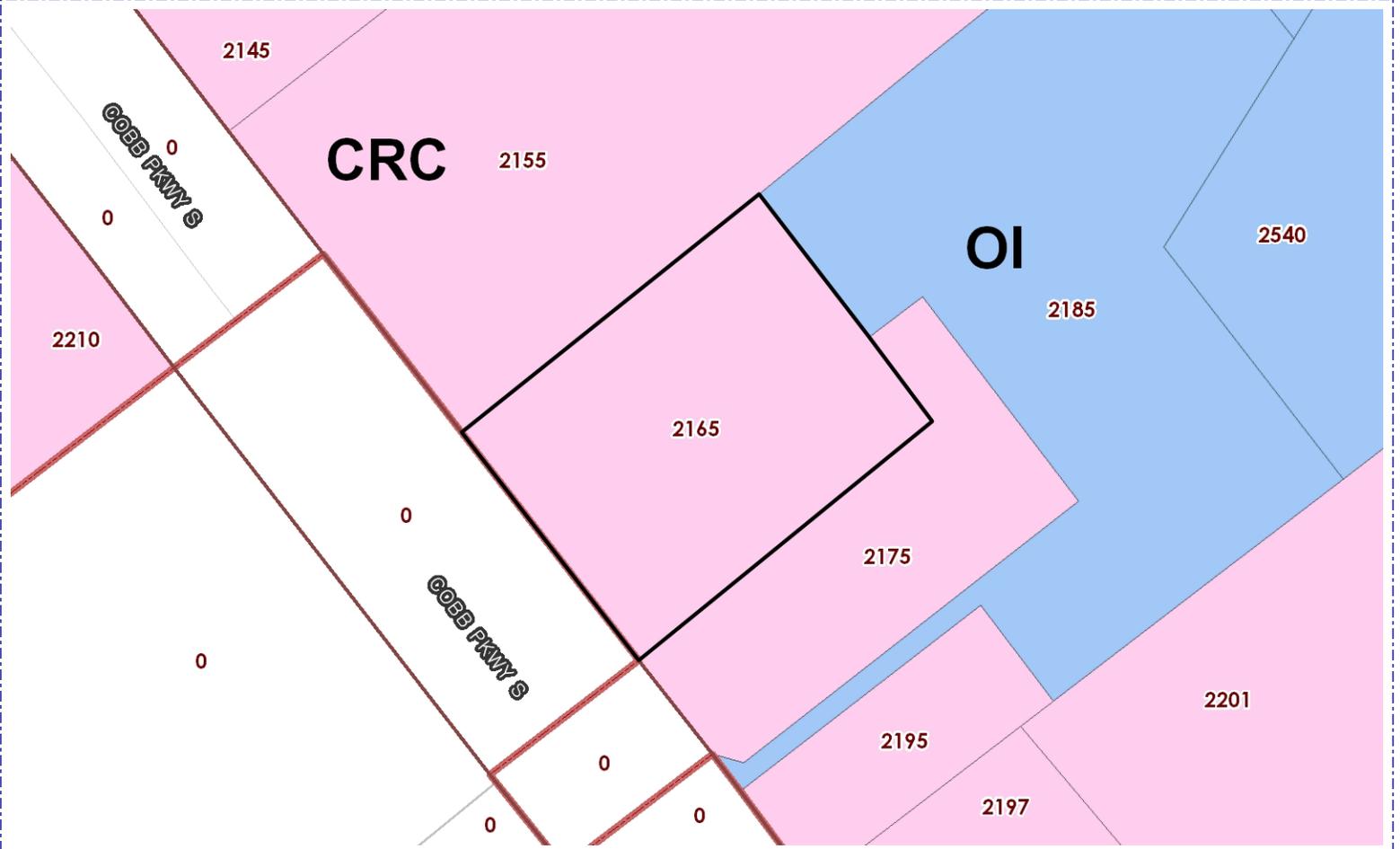
V2016-01 [VARIANCE] STEVE RAYMAN is requesting a variance for property located in Land Lot 805, District 17, Parcel 0060, 2nd Section, Marietta, Cobb County, Georgia and being known as 2165 Cobb Parkway South. Variance to allow the use of ACM (Aluminum Composite Metal) panels on the side of a building facing a roadway. 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.

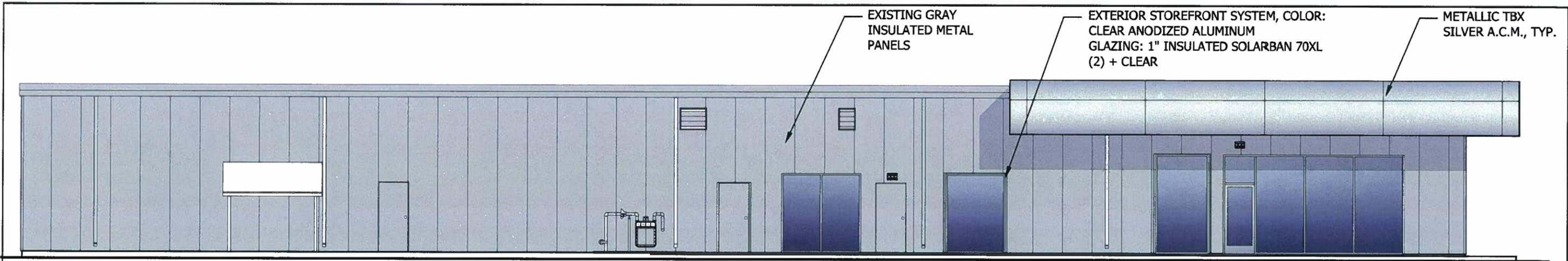
Accessibility to Meetings: If you believe you may need the City/BLW to provide special accommodations in order to attend/or participate in any of the above meetings, please call Mr. Patrick Henley, ADA Coordinator, at 770-794-5558 (voice) or 770-794-5560 (TDD) no later than 48 hours before the date of the above meeting.

City of Marietta
205 Lawrence Street
Marietta, Georgia 30060

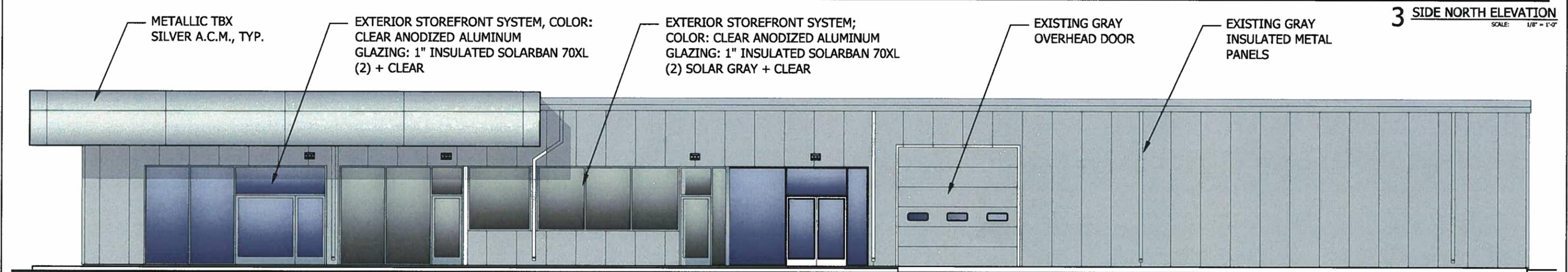


Address	Parcel Number	Acreage	Ward	Zoning	FLU
2165 COBB PKWY S	17080500060	2.766	7A	CRC	CAC

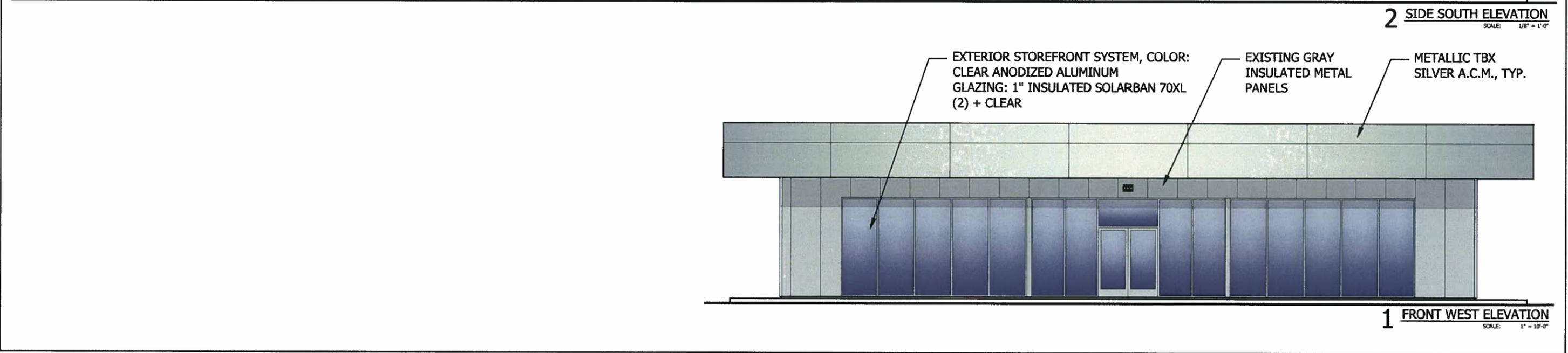
Property Owner:	Steve Rayman	Zoning Symbols <ul style="list-style-type: none"> --- Railroads --- City Limits --- Cobb County Pockets NA R1 - Single Family Residential (1 unit/acre) R2 - Single Family Residential (2 units/acre) R3 - Single Family Residential (3 units/acre) R4 - Single Family Residential (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:	David Zenner	
BZA Hearing Date:	01/25/2016	
Acquisition Date:		
Case Number:	V2016-01	
City of Marietta Planning & Zoning		



3 SIDE NORTH ELEVATION
SCALE: 1/8" = 1'-0"



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



1 FRONT WEST ELEVATION
SCALE: 1" = 10'-0"



a facility renovation for:
STEVE RAYMAN USED CAR BUILDING
2155 Cobb Parkway Southeast, Smyrna, GA 30080

seal	issuance	copyright
	Zoning Review	© 2015 THE ZENNER GROUP, INC.
	12-09-15	THIS DRAWING AND THE ASSOCIATED ELECTRONIC FILE ARE PROVIDED AS AN INSTRUMENT OF SERVICE FOR THIS PROJECT. THE DESIGNS REPRESENTED IN THESE DOCUMENTS REMAIN THE SOLE PROPERTY OF THE ZENNER GROUP, INC. ANY USE OF THESE DOCUMENTS FOR PURPOSES OTHER THAN THOSE ASSOCIATED WITH THIS PROJECT, WITHOUT THE EXPRESS, WRITTEN PERMISSION OF THE ZENNER GROUP, INC. IS PROHIBITED.

DI	DROP INLET	WM	WATER METER
FH	FIRE HYDRANT	WH	WATER METER
TOC	TOP OF CURB	INV	INVERT
TRAV	TRAVERSE	N&W	NAIL AND WASHER
LP	LIGHT POLE	Φ	TOP HOLE
CP	CONCRETE PIPE	TW	TOP WALL
CB	CATCH BASIN	EM	ELECTRIC METER
STO-MH	STORM MANHOLE	GM	GAS METER
SS-MH	SANITARY MANHOLE	E-PP	ELECTRIC POLE
CMP	CORRUGATED METAL PIPE	LP	LIGHT POLE
TBM	TEMPORARY BENCH MARK	4	DOWNSPOUT
IPS	IRON PIN SET	R/W	RIGHT-OF-WAY
IPF	IRON PIN FOUND	HW	HEADWALL
PK	MASONRY NAIL	FH	FIRE HYDRANT
HIC	HICKORY	U/G	UNDERGROUND
COT	COTTONWOOD	TP	TELEPHONE POLE
CM	CHAMP HYDRANT	O/H	OVERHEAD
DOC	DOGWOOD	GV	GAS VALVE
HOL	HOLLY	WV	WATER VALVE
MT	MULTI TRUNK	TR	TRAFFIC
CE	CEDAR	ELEC	ELECTRIC
MAP	MAPLE	CATV	CABLE TV
BCE	BEECH	CO	CLEAN OUT
P	PINE	E-MH	ELECTRIC MANHOLE
CAM	CAMELLIA	HB	HOSE BIB
COL	COLUMN		
*	LAMP POLE		

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.

DATE: _____

Public Works Director
City of Marietta, Georgia

The undersigned, as Planning and Zoning Director of the City of Marietta, Georgia, hereby approves this exemption plat for the recording of the same in the office of the Clerk of the Superior Court of Cobb County.

DATE: _____

Planning and Zoning Director
City of Marietta, Georgia

PROPERTY OWNER:

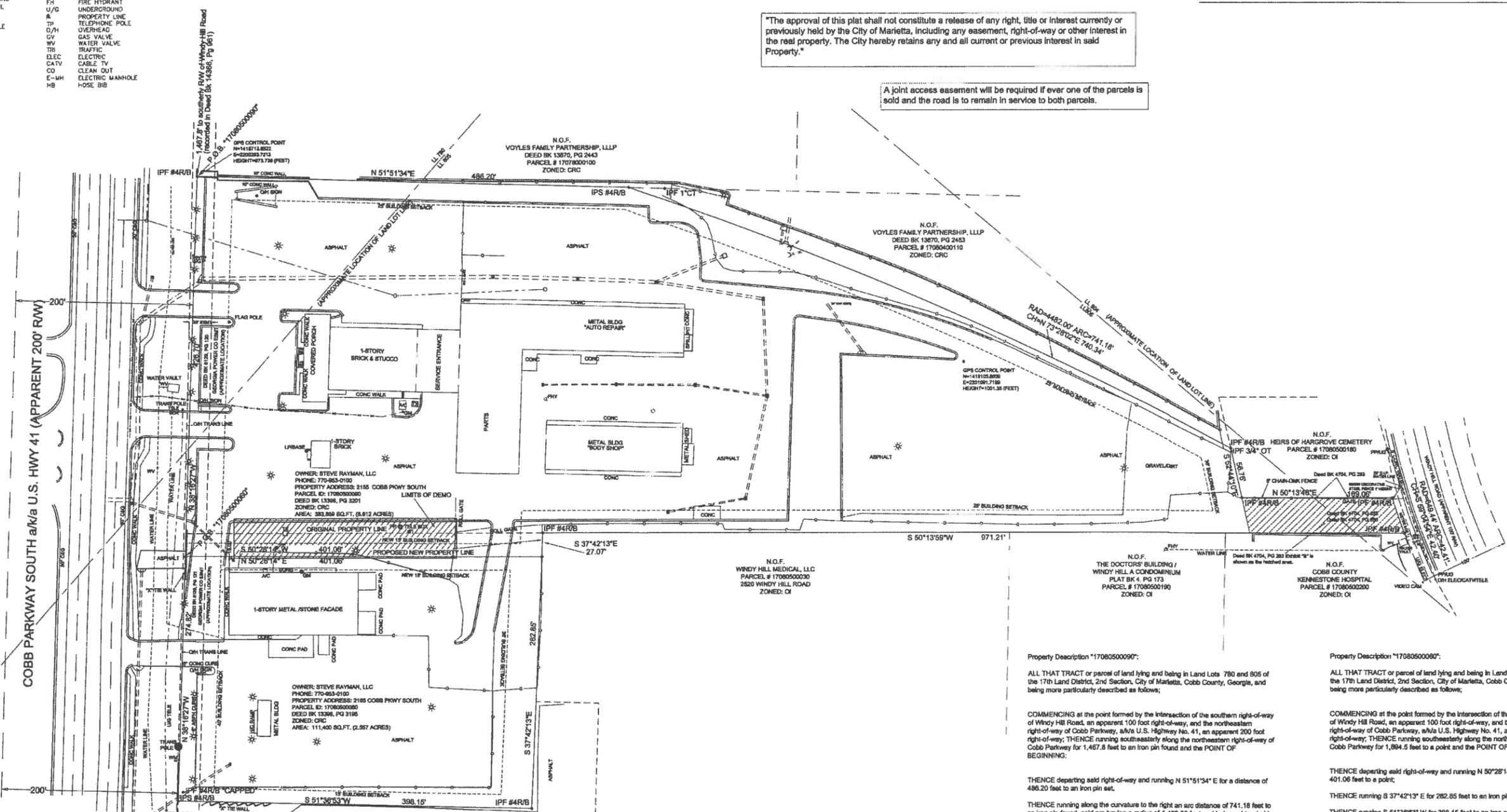
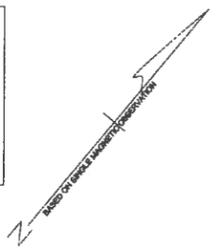
NAME: _____

ADDRESS: _____

SIGNED: _____ DATE: _____

"The approval of this plat shall 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 or other interest in the real property. The City hereby retains any and all current or previous interest in said Property."

A joint access easement will be required if ever one of the parcels is sold and the road is to remain in service to both parcels.



- Survey Notes:
- The equipment used to perform the survey from which this map or plat is based included a Topcon GTS-223 total station and a steel tape.
 - The field data upon which this map or plat is based has a closure precision of one foot in 16653 feet and an angular error of 14 seconds per angle point and was adjusted using Least Squares.
 - This map or plat has been calculated for closure and is found to be accurate within one foot in 309580 feet.
 - The Basis of Bearing for this survey is based on a single magnetic observation. All distances shown are ground distances.
 - According to Flood Insurance Rate Map panel Number 13087C01383 with an effective date of December 16, 2008, the property depicted hereon does not lie in a designated "Flood Hazard" area.
 - The surveyor is not responsible for the correctness or sufficiency of the location and arrangement of underground utilities and structures. Utilities and structures not shown may be encountered. The contractor shall ascertain the TRUE location of any underground utility or structure.
 - The surveyor has made no investigation or independent search for easements of record, encumbrances, restrictive covenants, ownership title evidence, or other facts that an accurate and current title search may disclose.
 - It is not the responsibility of the surveyor to certify or verify any zoning requirements or restrictions. The owner or contractor should contact the appropriate zoning authority for any restrictions prior to planning.
 - Subsurface and environmental conditions were not examined or considered as a part of this survey. No statement is made concerning the existence of underground or overhead facilities that may affect the use or development of this tract.
 - Property is subject to all easements and restrictions of record. All matters of title are excepted.
 - All fences are 6" chain-link unless otherwise noted.
 - Monuments will be placed at "new" property corners upon acceptance of "Exemption" plat.

ZONING INFORMATION - as per City of Marietta

Zoned: CRC, Community Retail Commercial
Automobile sales and repair are permitted uses.

Minimum Lot Size:	20,000 sq. ft.
Minimum Lot Width:	100 ft.
Maximum Building Height:	75 ft.
Maximum Floor Area Ratio:	0.50
Maximum Impervious Surface:	80%
Minimum Landscaped Area:	15%
Front Setback (setback):	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.

All zoning information is based on data obtained via "MuniCode" for the City of Marietta and is not warranted to be accurate or complete. Setbacks depicted on the drawing are shown at the request of property owner.

- REFERENCES:
- Plat for Ed Voyles recorded in Plat BK 170, Page 51
 - Deed BK 13306, Page 3201
 - Deed BK 13306, Page 3458
 - Deed BK 13870, Page 2443
 - Deed BK 14366, Page 994
 - Plat for BNS Realty Corp., General Motors Acceptance Corporation & Lawyers Title Insurance Corporation - last revised 03-08-04 and prepared by: MACTEC Engineering & Consulting, Inc. (plat not stamped or signed by surveyor).
 - Plat for Barbara Benson Smith, First Union National Bank of Georgia and Chicago Title Insurance Company - dated 08-06-1996 and prepared by: H. E. Harper Land Surveyor.
 - Plat BK C4, PG 173 Condominium plat of The Doctors' Building / Windy Hill A Condominium.

Purpose of this plat is to create a new property line between parcels 2185 COBB PKWY SOUTH (ID:17080500060) and 2155 COBB PKWY SOUTH (ID:17080500090) to allow for the construction of a retaining wall and additional parking benefiting 2155 COBB PKWY SOUTH.

Property Description "17080500090":
ALL THAT TRACT or parcel of land lying and being in Land Lots 780 and 805 of the 17th Land District, 2nd Section, City of Marietta, Cobb County, Georgia, and being more particularly described as follows:

COMMENCING at the point formed by the intersection of the southern right-of-way of Windy Hill Road, an apparent 100 foot right-of-way, and the northeastern right-of-way of Cobb Parkway, a/v/a U.S. Highway No. 41, an apparent 200 foot right-of-way; THENCE running southeasterly along the northeastern right-of-way of Cobb Parkway for 1,467.8 feet to an iron pin found and the POINT OF BEGINNING;

THENCE departing said right-of-way and running N 51°51'34"E for a distance of 486.20 feet to an iron pin set;

THENCE running along the curvature to the right an arc distance of 741.18 feet to an iron pin found, said arc having a radius of 4,482.00 feet and being subtended by a chord bearing of N 73°28'02"E for 740.34 feet;

THENCE running S 52°44'10" E for 56.75 feet to an iron pin found;

THENCE running N 50°13'46" E for 169.06 feet to an iron pin found on the southwestern right-of-way of Windy Hill Road, an apparent 100 foot right-of-way;

THENCE running southeasterly along the right-of-way following the curvature to the left an arc distance of 42.41 feet to an iron pin found, said arc having a radius 649.44 feet and being subtended a chord bearing of S 59°04'54" E for 42.40 feet;

THENCE departing the right-of-way and running S 50°13'59" W for 971.27 feet to an iron pin found;

THENCE running S 37°42'13" E for 27.07 feet to a point;

THENCE running S 50°28'14" W for 426.70 feet to an iron pin found on the northeastern right-of-way of Cobb Parkway;

THENCE running along the right-of-way, N 38°16'27" W for 426.70 feet to an iron pin found and the Point of Beginning.

SAID tract including all easements and restrictions of record contains 8.812 acres.

Property Description "17080500060":
ALL THAT TRACT or parcel of land lying and being in Land Lots 780 and 805 of the 17th Land District, 2nd Section, City of Marietta, Cobb County, Georgia, and being more particularly described as follows:

COMMENCING at the point formed by the intersection of the southern right-of-way of Windy Hill Road, an apparent 100 foot right-of-way, and the northeastern right-of-way of Cobb Parkway, a/v/a U.S. Highway No. 41, an apparent 200 foot right-of-way; THENCE running southeasterly along the northeastern right-of-way of Cobb Parkway for 1,084.5 feet to a point and the POINT OF BEGINNING;

THENCE departing said right-of-way and running N 50°28'14" E for a distance of 401.06 feet to a point;

THENCE running S 37°42'13" E for 282.85 feet to an iron pin found;

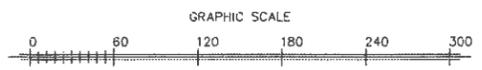
THENCE running S 51°38'53" W for 386.15 feet to an iron pin set on the northeastern right-of-way of Cobb Parkway;

THENCE running along the right-of-way, N 38°16'27" W for 274.82 feet to a point and the Point of Beginning.

SAID tract including all easements and restrictions of record contains 2.557 acres.

It is hereby certified that this plat is true and correct and prepared from an actual survey of the property. Original field work was completed on March 26, 2011 under the supervision of Michael J. Barger, GARLS No. 2858. No additional field work was performed in the production of this survey.

Bruce L. Floyd, GARLS No. 2755 DATE: 12/8/15



REVISIONS

BOSTWICK, DUKE, HARPER & WORTHY, INC.
LAND SURVEYING
10910 WOODSTOCK ROAD
ROSWELL, GEORGIA 30075
770-552-0804

EXEMPTION PLAT FOR:
STEVE RAYMAN, LLC
PARCEL IDS: "17080500060" & "17080500090"
LAND LOTS 780 & 805
DISTRICT 17, SECTION 2
CITY OF MARIETTA, COBB COUNTY, GEORGIA

DRAWN BY: TCB
SCALE: 1 inch = 60'
DATE: 11/12/2015
Job No. 11008

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 SURVEYORS AND AS SET FORTH IN THE GEORGIA PLAT ACT O.C.G.A. 13-8-87.



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COLOR

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AMI

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