



STAFF REVIEW AND RECOMMENDATION

Variance Case #: V2015-06 **Legistar #:** 20150074
Board of Zoning Appeals Hearing: Monday, February 23, 2015
Property Owner: Target Corporation
Laurie O'Donnell
1000 Nicollet Mall
Minneapolis, MN 55403
Applicant: Federal Heath Sign Co.
Boyd Hippenstiel
12704 Dupont Cir
Tampa, FL 33626
Address: 2201 Cobb Parkway South
Land Lot: 08510 **District:** 17 **Parcel:** 0010
Council Ward: 7A **Existing Zoning:** CRC (Community Retail Commercial)

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

1. Variance to increase maximum sign height for a detached shared commercial space sign from 20 ft. to 25 ft. [§714.05 (A)]
2. Variance to increase maximum sign face (sq. ft.) for a detached shared commercial space sign from 160 sq. ft. to 198 sq. ft. [§714.05 (A)]
3. Variance to decrease the required lot frontage for a detached sign from 75 ft. to 69 ft. [§714.05 (A)]

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



View of proposed location for new sign at 2201 Cobb Pkwy



View of current sign at 2201 Cobb Pkwy



View of current sign at 2201 Cobb Pkwy at entry/exit



View of current sign from Cobb Pkwy

Recommended Action:

The applicant, Boyd Hippenstiel on behalf of the property owner Target Stores, is requesting variances to allow for the installation of a new detached shared commercial use sign that would replace the current detached commercial single use sign at 2201 Cobb Parkway. The subject property is zoned Community Retail Commercial (CRC) and is 21.407 acres. The adjacent properties to the east and north are located in Cobb County's jurisdiction, and are zoned GC, CF, and RM-12. The adjacent properties to the west are within the City of Marietta and zoned CRC and OI. The property across Cobb Parkway is within the Smyrna city limits and zoned General Commercial (GC).

Target's intent is to lease out the additional space it has within the existing Target shopping center. In doing so, they would like to have additional signage for the new tenants, which they do not think could be achieved with the current detached pole sign. The applicant intends to build a new monument style sign that would be 25 feet in height and 198 square feet; and it would be a new monument style that would replace an existing pole sign. According to section 714.05 (A) of the sign ordinance, detached signs for shared commercial space over 100,000 square feet are limited to 20 feet in height and 160 square feet in area.

The applicant has stated that the variances are requested due to natural conditions such as the topography of the surrounding area and trees on neighboring lots that hinder clear visibility.

In section 714.05 (A) of the sign ordinance it also states that "*Individual tenants are not entitled to any freestanding signage on the premises, however, the property owner or manager may request one freestanding, monument based, sign for each property line which abuts public right-of-way provided the sign area is located at least 5 feet from any property line for a distance of at least 75 feet.*" An exemption plat is currently being reviewed and it shows that the subject parcel only has 69 feet along Cobb Parkway after the reconfiguration of the lot lines to accommodate new outparcels. Thus a variance to decrease the required lot frontage for a detached sign from 75 ft. to 69 feet would be required as well. However, it is not clear why the exemption plat cannot be redrawn to add 6 more feet to the parcel's frontage in order to achieve the 75 feet requirement without negatively impacting other lot lines.

As can be seen in the pictures, there does not appear to be any conditions that limit visibility to the proposed sign, and no reason that the proposed sign could not be modified to meet the City's requirements. Further, since the applicant is currently in the process of revising the parcel lines for these properties, there does not appear to be any reason as to why the width of the property cannot be changed to meet the 75 feet requirement stated in the zoning ordinance. As such, **Staff recommends denial of these variances.**

APPLICATION FOR VARIANCE OR APPEAL

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

Application #: V2015-06 Hearing: 2-23-15 Legistar # _____

This is a variance/appeal application for:



Board of Zoning Appeals



City Council

Owner's Name TARGET STORES (CONTACT: LAURIE O'DONNELL)
Address 1000 NICOLLET MALL MINNEAPOLIS MN Zip Code: 55403
Telephone Number: 612-761-1550 Email Address: LAURIE.ODONNELL@TARGET

COMPLETE ONLY IF APPLICANT IS NOT OWNER:

Applicant Boyd Hippenstiel / Federal Health Sign Co
Address 12704 Dupont Cr. Zip Code: 33626
Telephone Number 813-855-4415 Email Address: bhippenstiel@federalhealth.com

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

2201 Cobb PARKWAY S.E. Date of Acquisition: _____
CD5, 806
Land Lot (s) 851, 851 District 17⁵⁰⁰² Parcel 001 Acreage 2.101 Zoned CRC Ward _____ FLU _____
↳ 1708510 0010

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

Request to allow shared site sign @ 25ft in ht.
See ATTACHED and 198 sqft tota.

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

City of Marietta Board of Zoning Appeals
205 Lawrence Street
Marietta, GA 30060

Target Stores would like to request a variance from *714.04.F/Table H.Maximum Height And Sign Area For Detached Signs* for their location at 2201 Cobb Parkway. The request is to allow an increase in the overall height from the allowable 20 feet to 25 feet and an increase in the total sign face area from the allowed 160 square feet to 198 square feet. This new monument style sign would replace the existing pole sign facing Cobb Parkway at this location

The variance is requested due to natural conditions such as topography of the surrounding area and trees on neighboring lots hindering clear visibility as well as the wide right of way of Cobb Parkway which causes the property line to be a distance of approximately 60' beyond the curb of the street creating a distant setback for the sign

City of Marietta Board of Zoning Appeals
205 Lawrence Street
Marietta, GA 30060

Target Stores would like to request a variance from *714.05.A/Table I. DETACHED SIGNS STANDARDS FOR SHARED COMMERCIAL SPACE* for their location at 2201 Cobb Parkway. The request is to allow an increase in the overall height from the allowable 20 feet to 25 feet and an increase in the total sign face area from the allowed 160 square feet to 198 square feet. This new monument style sign would replace the existing pole sign facing Cobb Parkway at this location.

The variance is requested due to natural conditions such as topography of the surrounding area and trees on neighboring lots hindering clear visibility as well as the wide right of way of Cobb Parkway which causes the property line to be a distance of approximately 60' beyond the curb of the street creating a distant setback for the sign

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, February 23, 2015 at 6:00 P.M.**, City Hall. Anyone wishing to attend may do so and be heard relative thereto.

V2015-06 [VARIANCE] FEDERAL HEATH SIGN CO. (TARGET CORPORATION) request a variance for property located in Land Lot 08510, District 17, Parcel 0010, 2nd Section, Marietta, Cobb County, Georgia and being known as 2201 Cobb Parkway South. Variance to increase maximum sign height for a detached shared commercial space sign from 20 ft. to 25 ft.; variance to increase maximum sign face for a detached shared commercial space sign from 160 sq. ft. to 198 sq. ft.; variance to reduce the required 75' minimum distance that a property line must abut a public right of way in order to have a sign. 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.

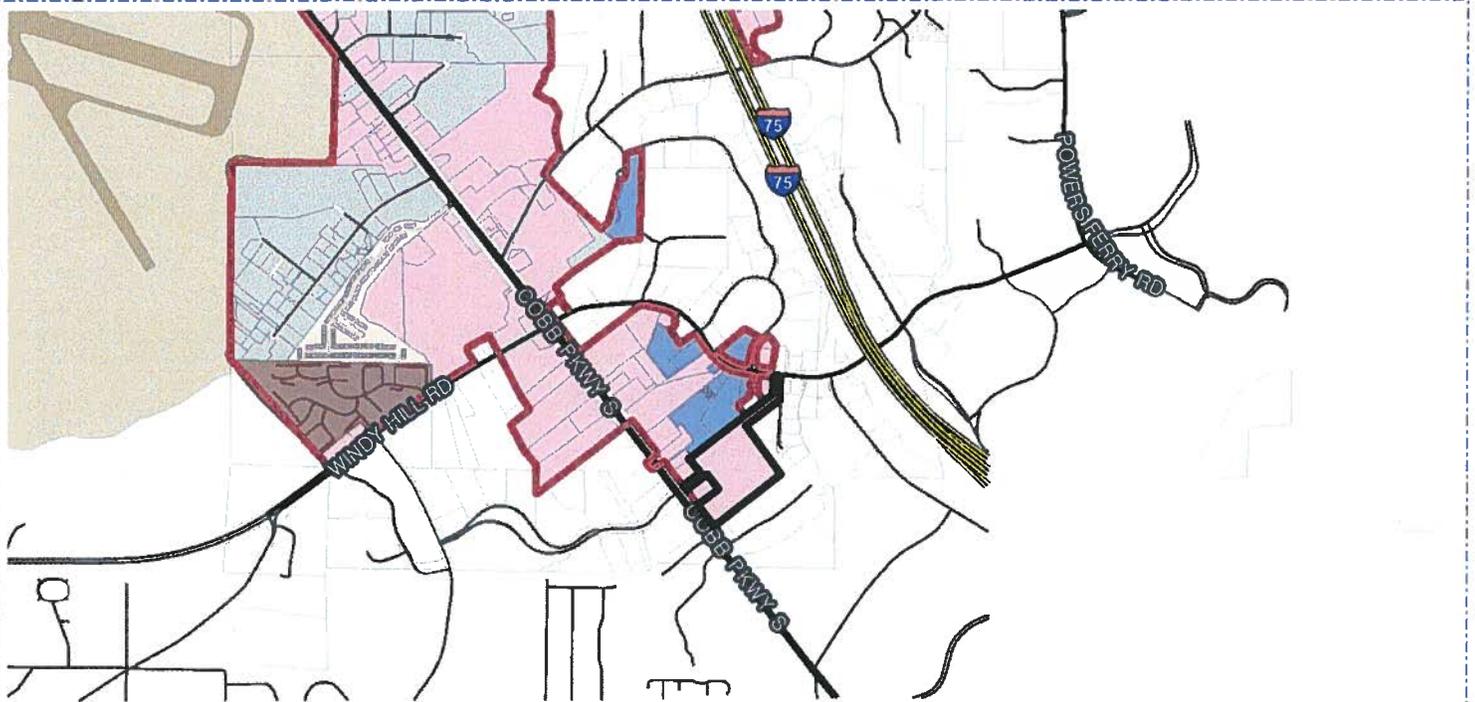
For additional information please call the Planning and Zoning Office (770) 794-5669.

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

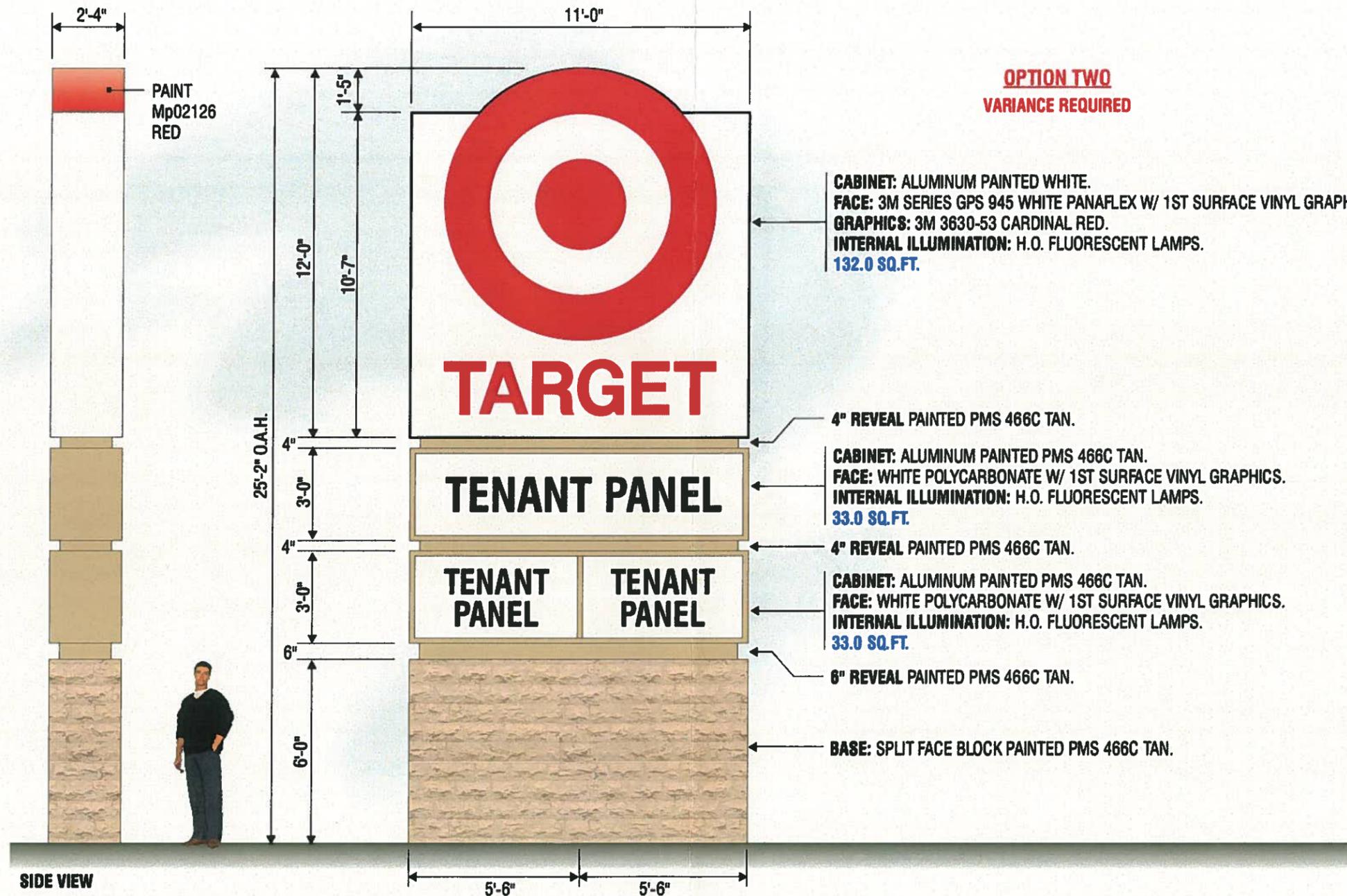


Address	Parcel Number	Acreage	Ward	Zoning	FLU
2540 WINDY HILL RD	17080500040	6.076	7A	OI	CAC
2201 COBB PKWY S	17085100010	21.407	7A	CRC	CAC

Property Owner:	Target Stores
Applicant:	Boyd Hippenstiel/Federal Heath Sign Co
BZA Hearing Date:	2-23-15
Acquisition Date:	
Case Number:	V2015-06
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
- 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



A INTERNALLY ILLUMINATED D/F PYLON SIGN / ONE (1) REQUIRED
 SCALE : 1/4" = 1'-0"

FEDERAL HEATH
SIGN COMPANY
 www.FederalHeath.com
 12704 Dupont Circle, Tampa, FL 33626
 (813) 855-4415 (800) 284-3284 Fax (813) 854-3037

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 Houston, TX - Corpus Christi, TX - Indianapolis, IN
 Louisville, KY - Knoxville, TN - Grafton, WI - Delaware, OH
 Willowbrook, IL - Tunica, MS - Atlanta, GA
 Tampa, FL - Daytona Beach, FL - Orlando, FL

Building Quality Signage Since 1901

Revisions:
R1 6W 10/29/14 Revise tenant panel configuration on both options.

Colors Depicted In This Rendering May Not Match Actual Finished Materials. Refer To Product Samples For Exact Color Match.

Client Approval/Date: _____
 Landlord Approval/Date: _____

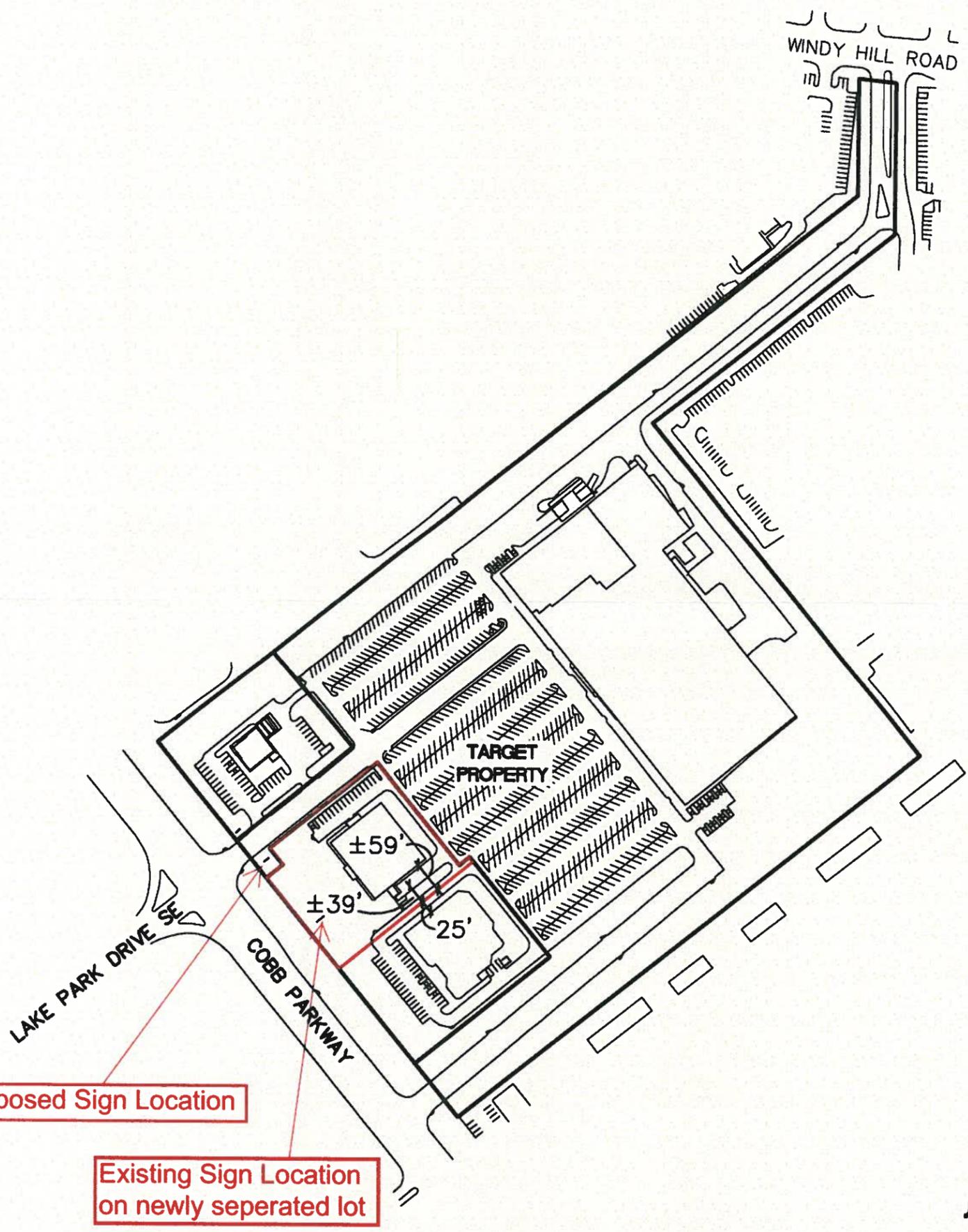
Account Rep: **Boyd Hippenstiel**
 Project Manager: **Judy Padron**
 Drawn By: **Brian Wood**

UL Underwriters Laboratories Inc. **nfc** ELECTRICAL TO USE ALL LISTED COMPONENTS AND SHALL MEET ALL N.E.C. STANDARDS
 ALL ELECTRICAL SIGNS ARE TO COMPLY WITH U.L. 48 AND ARTICLE 400 OF THE N.E.C. STANDARDS, INCLUDING THE PROPER GROUNDING AND BONDING OF ALL SIGNS.

Project / Location:
TARGET
 Store #T0373
 2201 Cobb Parkway
 Smyrna, GA 30080

Job Number: **23-05998-10**
 Date: **August 17, 2011**
 Sheet Number: **2** Of **2**
 Design Number: **23-05998-10 R1**

This original drawing is provided as part of a planned project and is not to be exhibited, copied or reproduced without the written permission of Federal Heath Sign Company, LLC or its authorized agent. © FHSC



- DIMENSIONS ARE BASED ON AN ASSUMED LOT LINE THAT IS 25' FROM THE EXTERNAL WALL OF THE EXISTING LIFETIME BUILDING.
- DIMENSIONS FROM THE PROPOSED LOT LINE TO THE EXISTING ETHAN ALLEN BUILDING AND LOADING DOCK ARE APPROXIMATE AND WOULD BE CONFIRMED WITH A TOPOGRAPHIC SURVEY.
- A TOPOGRAPHIC SURVEY SHOULD BE COMPLETED TO LOCATE THE LIMITS OF THE BUILDING ENVELOPES AND ATTACHED LOADING DOCK PRIOR TO PLATTING, TO CONFIRM THAT REQUIRED SETBACKS ARE MET.

