



STAFF REVIEW AND RECOMMENDATION

Variance Case #: V2015-33 **Legistar #:** 20150605
Board of Zoning Appeals Hearing: Monday, July 27, 2015 – 6:00 p.m.
Property Owner: AIKG, LLC (Andretti)
1255 Roswell Rd
Marietta, GA 30062
Applicant: Randy Schneider (General Manager)
1255 Roswell Rd
Marietta, GA 30062
Address: 1255 Roswell Road
Land Lot: 12100 **District:** 16 **Parcel:** 0750
Council Ward: 5A **Existing Zoning:** CRC (Community Retail Commercial)

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

- 1.Variance to allow a temporary banner for longer than 60 days annually. [*§714.05 (E)*]
- 2.Variance to allow signage cover 44% of the building façade facing Roswell Road. [*§714.04 (B)*]
- 3.Variance to allow a roof sign facing Roswell Road. [*§714.06 (A.15)*]

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



1255 Roswell Road – banner and murals



1255 Roswell Road – banner



1255 Roswell Road – banner



1255 Roswell Road – mural

Recommended Action:

Randy Schneider for AIKG, LLC is requesting multiple sign variances for the property at 1255 Roswell Road. This property is zoned CRC (Community Retail Commercial), is the former location of the Burlington Coat Factory, and is currently under construction for Andretti Indoor Karting & Games, which is anticipating a late summer opening. The applicant is requesting variances that would extend the allowable time period to hang a banner, increase the wall sign area to accommodate murals, and allow a roof sign above the facility entrance.

Variance #1 - Banner

In early February, a sixty (60) day banner permit - the maximum allowed annually - was issued for Andretti for the period starting February 20th to April 20th. Andretti staff was notified by Code Enforcement that their banner permit had expired the week of April 27, 2015. The applicant submitted a variance application in June.

The City's temporary banner regulations are designed to allow an appropriate period for new businesses to advertise while having permanent signs made. The time period also allows for existing businesses to advertise temporary or seasonal events. These regulations specifically prohibit banners being used as temporary signage for an extended time.

In this case, Andretti anticipated an opening date of late May, but because of construction delays, has had to push opening for later in the summer. Unanticipated construction delays are justifiable as extraordinary circumstances and would constitute a hardship. **As a result, Staff recommends approval of this variance for a period ending August 31, 2015 or when the permanent sign is constructed, whichever is sooner.**

Although not included in the application, it is anticipated that Andretti's will also need to request a "Grand Opening" banner for which an additional time period would be required.

Variance #2 - Wall Signage

Wall signs facing a roadway are not limited in number but are limited to covering no more than 15% of the wall. A sign is defined as:

Any structure, part thereof, or device attached thereto or painted or represented thereon or any material or thing, illuminated or otherwise, which displays or includes any numeral, letter, word, model, banner, emblem, insignia, device, trademark or other representation used as or in the nature of an announcement, advertisement, direction or designation of any person, group, organization, place, commodity, product, service, business, profession, enterprise, industry or idea which is located upon any land or any building or upon a window.

Staff has interpreted this definition to include any painted murals depicting a good or service offered at the site and are subject to the size limitations imposed on wall signs. The painted murals of a go-cart, race helmet, and steering wheel integrated with "Andretti Indoor Karting & Games" along cover 38.5% of the storefront. With the roof sign discussed below, 44% of the front façade is covered in signage.

It is also worth noting that the rendering submitted to staff includes three poster board cabinets near the entrance. Since these are considered signage, their area would be included in their allowable signage area and were not allocated when advertising for the variance.

The Board of Zoning Appeals denied a similar request in February of 2012 for Lucas Mejia (V2012-02), who had painted a large mural for his restaurant at 1157 Roswell Road. In this particular case, staff does not see a hardship that does not apply generally to all sites in the same zoning district that would justify the granting of this variance. **As a result, Staff recommends denial of this variance.**

Variance #3 - Roof Sign

Andretti is also proposing the letter “A” with the text “Andretti Indoor Karting & Games” mounted on the top of the canopy at the front entrance. Roof signs are prohibited according to Section 714.06 (A.15.) and are defined as “A sign that is mounted on the roof of a building or which is wholly dependent upon a building for support or which projects above the point of a building with a flat roof, the eave line of a building with a gambrel, gable or hip roof or the deck line of a building with a mansard roof.” Because the sign will be solely supported by the canopy and is at least eighteen (18) inches from the building face, it is considered a roof sign and would need a variance before it could be permitted and constructed.

Although the roof sign is wholly dependent on the canopy for support, from the roadway it will not appear much different from a wall sign because it does not project much from the building face. **As a result, Staff would recommend approval of this variance with the stipulation that the sign project no more than 5’ above the roofline.**

Summary

Staff recommends the following:

1. **Approval** of the variance allowing the banner sign to remain for a period ending August 31, 2015 or when the permanent sign is constructed, whichever is sooner. (If the applicant confirms the need for a “Grand Opening” banner, Staff recommends no more than 15 additional days.)
2. **Denial** of the variance allowing wall signage to cover up to 44% of the façade facing Roswell Road.
3. **Approval** of the variance to allow a roof sign over the front entrance with a stipulation that the sign project no more than 5’ above the roofline.



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 #: V2015-33 Hearing: 7-27-15 Registrar # P2-15-298

This is a variance/appeal application for:

Board of Zoning Appeals

City Council

Owner's Name AIKG, LLC.

Address 1255 Roswell Rd. Zip Code: 30062

Telephone Number: 770-992-5688 Email Address: Schneider@andretti Karting.com

COMPLETE ONLY IF APPLICANT IS NOT OWNER:
Applicant Randy Schneider, General Manager
Address 1255 Roswell Rd. Zip Code: 30062
Telephone Number 443-986-7022 Email Address: Schneider@andretti Karting.com

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

1255 Roswell Road, Marietta, GA 30062 Date of Acquisition: 2/1/2015

Land Lot (s) 12100 District 16th Parcel 2nd Section Acreage 8.697 Zoned CRC Ward 5A FLU CAC
0750

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

Extension of temporary signage permit for pole sign and building signage. Site is under construction and permanent signage is in production.

- 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

To: Charlette Brinson
Code Enforcement Officer

From: AIKG, LLC.
1255 Roswell Road
Marietta, GA 30062

Re: Response to Case Number 15-00001623

Dear Charlette,

Thank you for your letter of 5/21/15 that we received on 5/28/15 because of the Memorial day Holiday.

We understand and agree with the underlying rationale for temporary signs. Permanent signs are certainly more aesthetically pleasing and we would like to install ours as soon as possible.

The original temporary sign request was in anticipation of a late May opening. The Marietta Andretti facility is currently still under construction with an expected soft opening date of late July.

We are respectfully requesting an extension of the temporary signage permit while construction and production of permanent signage is being completed. Attached please find plans for permanent signage on both the building and pole signage. We anticipate an approximate timeline of 2-3 weeks for production of the permanent pole sign and approximately 4-6 weeks for the production of permanent building facade sign. Attached please find an application of Administrative Variance of temporary signage.

We appreciate your cooperation on this matter. If you have any questions or concerns, please feel free to contact me. Thank you for your help in this matter and we look forward to being an integral part of the Marietta community!

Randy Schneider
General Manager, Marietta
Andretti Indoor Karting and Games



DEPARTMENT OF DEVELOPMENT SERVICES

205 Lawrence Street
P.O. Box 609
Marietta, GA 30061-0609
(770) 794-5439
Fax (770) 794-5433

May 21, 2015

1255 Roswell Road, LLC
c/o Corporation Service Company
40 Technology Pkwy South, #300
Norcross, GA 30092

Case Number: 15-00001623

Dear: 1255 Roswell Road, LLC

This is to bring to your attention a violation of the Marietta City Code as observed by a Code Enforcement Officer.

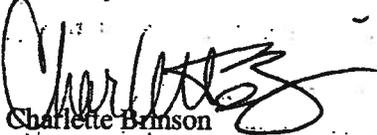
Details of the code violation and corrective actions to bring the deficiencies into compliance with City Code are contained in the attached violation detail report.

This office would like to solicit your cooperation in bringing this matter into compliance within five (5) days, which is May 26, 2015.

If you have any questions regarding this matter, please contact me by telephoning (770) 792.3959.

I will be happy to assist you in establishing a reasonable schedule to bring the matter into compliance.

Sincerely,


Charlette Brinson
Code Enforcement Officer

TO: Marietta Daily Journal
FROM: City of Marietta
RUN DATE: July 10, 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, July 27, 2015 at 6:00 P.M.**, City Hall. Anyone wishing to attend may do so and be heard relative thereto.

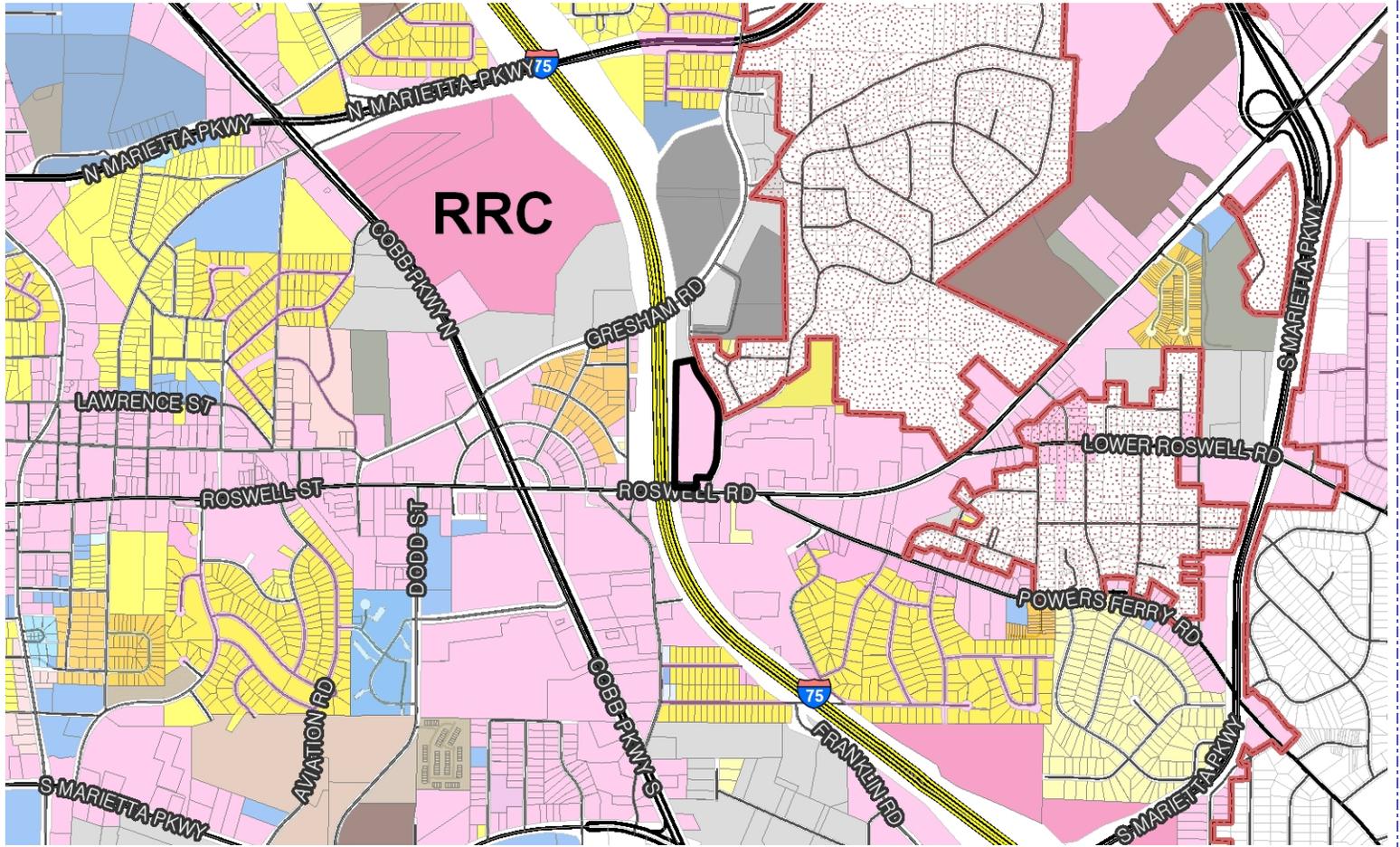
V2015-33 [VARIANCE] AIKG,LLC (RANDY SCHNEIDER) is requesting variances for property located in Land Lot 12100, District 16, Parcel 0750, 2nd Section, Marietta, Cobb County, Georgia and being known as 1255 Roswell Road. Variance to allow a temporary banner for longer than 60 days annually; variance to allow signage cover 44% of the building façade facing Roswell Road; variance to allow a roof sign facing Roswell Road. 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

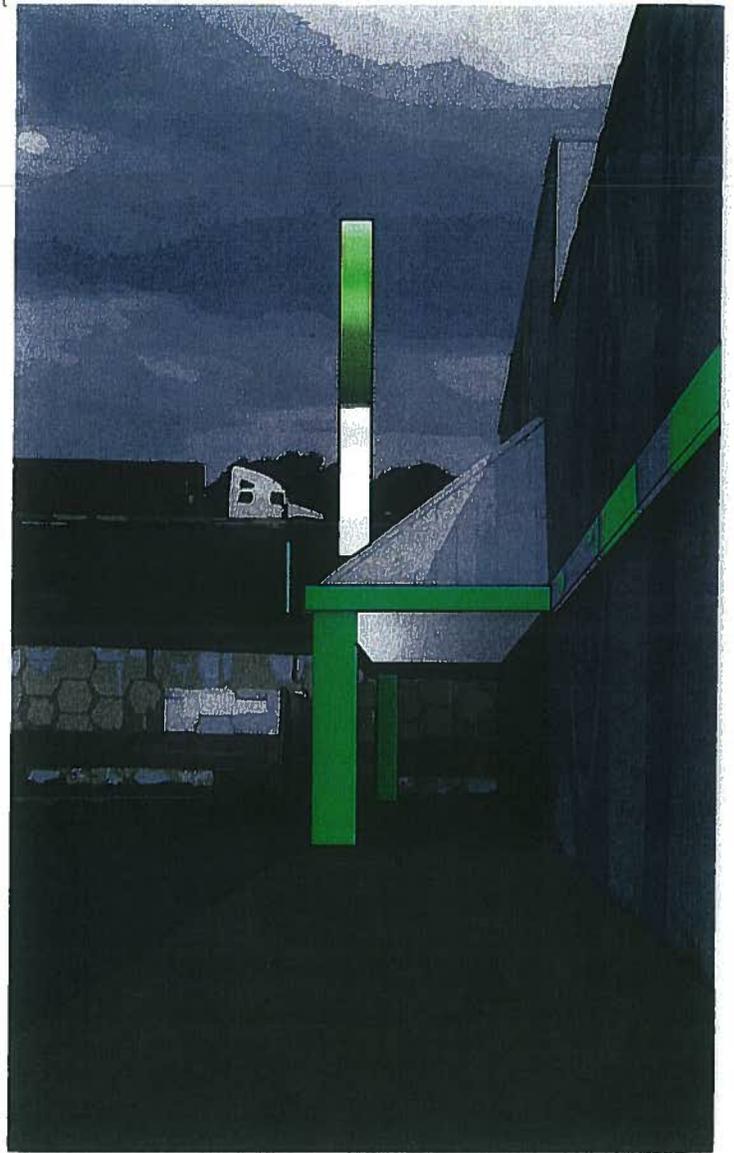
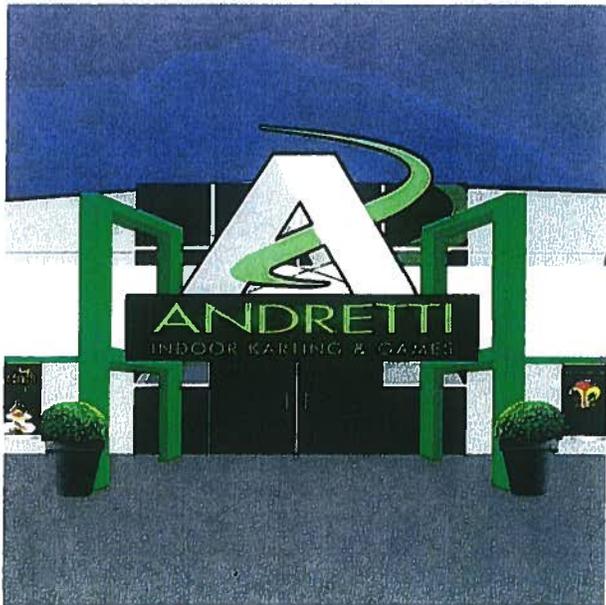
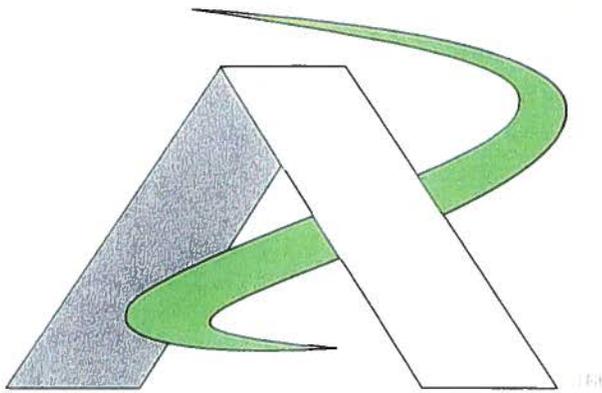


Address	Parcel Number	Acreage	Ward	Zoning	FLU
1255 ROSWELL RD	16121000750	8.697	5A	CRC	CAC

Property Owner:	AIKG, LLC (Andretti)
Applicant:	Randy Schneider
BZA Hearing Date:	07/27/2015
Acquisition Date:	
Case Number:	V2015-33
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



AIK Marietta
side view mock

15'H x 30'L (450 sq ft) 30'H x 44'L (1,320 sq ft)

15'H x 20'L (300 sq ft)

75'L x 30'H (2,250 sq ft)

6'h x 35'L (210 sq ft)



30'H x 94'L
2820 sq ft

40'H x 120'L (4,800 sq ft)

30'H x 94'L
2820 sq ft

308'L
10,440 sq ft
Total

4530 sq ft
metals
signage 43%