



STAFF REVIEW AND RECOMMENDATION

Variance Case #: V2016-09 **Legistar #:** 20160166
Board of Zoning Appeals Hearing: Monday, March 28, 2016 – 6:00 p.m.
Property Owner: Petroleum Realty V, LLC
801 Arthur Godfrey Road
Suite 600
Miami Beach, FL 33140-3323
Applicant: David Malone
Malone’s Automotive
271 Powers Ferry Road
Marietta, GA 30067
Address: 1912 Lower Roswell Road
Land Lot: 12060 **District:** 16 **Parcel:** 0080
Council Ward: 6A **Existing Zoning:** CRC (Community Retail Commercial)

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

1. Variance to reduce the minimum lot size required for automobile sales. [*§714.16 (B.6.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



Main structures at 1912 Lower Roswell Road



Car Wash structure at 1912 Lower Roswell Road



Recommended Action:

Denial. David Malone of Malone’s Automotive is requesting variances for 0.86 acres located at 1912 Lower Roswell Road. The subject property and adjacent property to the west, QuikTrip, are zoned CRC (Community Retail Commercial). To the west is property zoned GC (General Commercial) in Cobb County. The adjacent properties to the rear are single family residences zoned R-20 in Cobb County.

This property was annexed (A2011-01) from Cobb County and rezoned (Z2011-02) to CRC in 2011 with stipulations to allow the site to remain as-is, despite not complying with current zoning requirements for impervious surface coverage, buffers against the residences to the rear, signs, and tree regulations. These stipulations are effective until the property is improved under Section 706 of the City’s redevelopment ordinance. The applicant has stated that he does not intend to exceed the redevelopment threshold.

According to the Zoning Ordinance, in order to use a property for automobile sales, there must be at least one acre of property. The one acre requirement is intended to ensure sufficient area to have an orderly display of vehicles. For the past few years the property has been used as vehicular storage for another car dealer operating off site. The applicant wishes to obtain a license to sell vehicles from this location.

The Board of Zoning Appeals has considered the following cases regarding automobile sales on sites that do not meet the one acre requirement:

Case #	Address	Acreage	Zoning	Ruling	Stipulations
V2000-07	1960 Airport Ind Park Drive	0.46	LI	Approved	None
V2000-12	1326 Cobb Pkwy N	0.64	CRC	Approved	No more than 6 cars for sale at a time
V2000-16	2072 Airport Ind Pk Drive	0.65	LI	Approved	None
V2001-02	484 Cobb Pkwy N	0.611	CRC	Denied	
V2001-07	1195 Cobb Pkwy S	0.426	CRC	Approved	None
V2004-21	44 N Fairground Street	0.3	CRC	Approved	Sale of motorcycles only; vehicles to be stored inside at the end of business day
V2006-06	1791 Roswell Road	0.7	CRC	Denied	
V2007-05	1955 Airport Ind Park Drive	0.348	LI	Approved	None
V2013-03	927 & 929 S Marietta Pkwy	0.77	CRC	Denied	
V2013-46	927 & 929 S Marietta Pkwy	0.77	CRC	Denied	
V2014-28	1245 Bellemeade Drive	0.557	CRC	Approved	None
V2015-40	1101 Cobb Pkwy S	0.346	CRC	Approved	Improvements on the property must be similar to the ones presented



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

Even though this property has been used for vehicular storage and substantially resembles a car sales lot, the property does not have the minimum required acreage and **staff recommends denial of this request.**

However, if the Board wishes to approve the variance request since the applicant intends to improve the conditions of the property, Staff recommends the following stipulations:

1. The applicant agrees to make improvements to the building as shown in the submitted rendering.
2. If any washing or servicing of vehicles is to occur on property, the applicant and/or property owner must provide stormwater pollution prevention measures, such as enclosed work bays, oil/grit separators, chemical storage/containment areas, etc.
3. Exterior grease traps, if required, must be well maintained.



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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 #: V2016-09 Registrar #: 20160166 BZA Hearing Dt: 3-28-16
City Council Hearing Dt (if applicable) #: - PZ #: 16-73

This is a variance/appeal application for:

Board of Zoning Appeals

City Council

Owner's Name PETROLEUM REALTY V, LLC

Address 801 ARTHUR GODFREY RD SUITE 600 Zip Code: _____

Telephone Number: 301 305 695 8700 Email Address: SFITZGERALD@TERRANOVA CORP. COM

COMPLETE ONLY IF APPLICANT IS NOT OWNER:

Applicant MALONES AUTOMOTIVE / DAVID MALONE

Address 271 POWERS FERRY RD Zip Code: 30067

Telephone Number C) 678 300 4268 Email Address: DAVE@MALONESAUTO.COM

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

1912 LOWER ROSWELL RD Date of Acquisition: _____

Land Lot (s) 12060 District 16 Parcel 0080 Acreage .989 Zoned CRC Ward 6A FLU CAC

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

PROPERTY IS .86 ACRES, NEED VARIANCE DUE TO 1 ACRE MIN. FOR AUTO SALES BUSINESS LICENCE

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

Malones Automotive

*Malones Automotive, Inc has been leasing this location as a storage lot for our main sales lot around the corner at 271 Powers Ferry Rd. Would like to purchase the location and redevelop into a luxury car pre-owned lot. Need a variance due to the lot size being less than 1 acre. Total size is .86 acres

Info about Malones Automtive, Inc:

*Over \$23,000,000 in Retail Sales in 2015 / 20+ Employees,

*Have been in business in the City of Marietta for 16 years.

* Over 7,000 Satisfied Customers with a great reputation, 65% of our monthly sales are repeat or referred customers, A+ BBB Rating, Google, "Malones Automotive Reviews" to check us out online.

*Specializing in Preowned Luxury Cars, Average selling price over \$30,000

*Will tear down old Shell Gas Station that has been vacant eye-sore for 10+ years (Due to QT being next door)

*Will build new Sales building that will match the quality of cars that we sell.

Two other previous car repair & sales lots across the street. Usage fits the area.

TO: Marietta Daily Journal
FROM: City of Marietta
RUN DATE: March 11, 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, March 28, 2016 at 6:00 P.M.**, City Hall. Anyone wishing to attend may do so and be heard relative thereto.

V2016-09 [VARIANCE] MALONE'S AUTOMOTIVE is requesting a variance for property located in Land Lot 1206, District 16, Parcel 0080, 2nd Section, Marietta, Cobb County, Georgia and being known as 1912 Lower Roswell Road. Variance to reduce the minimum lot size required for automobile sales. Ward 6A.

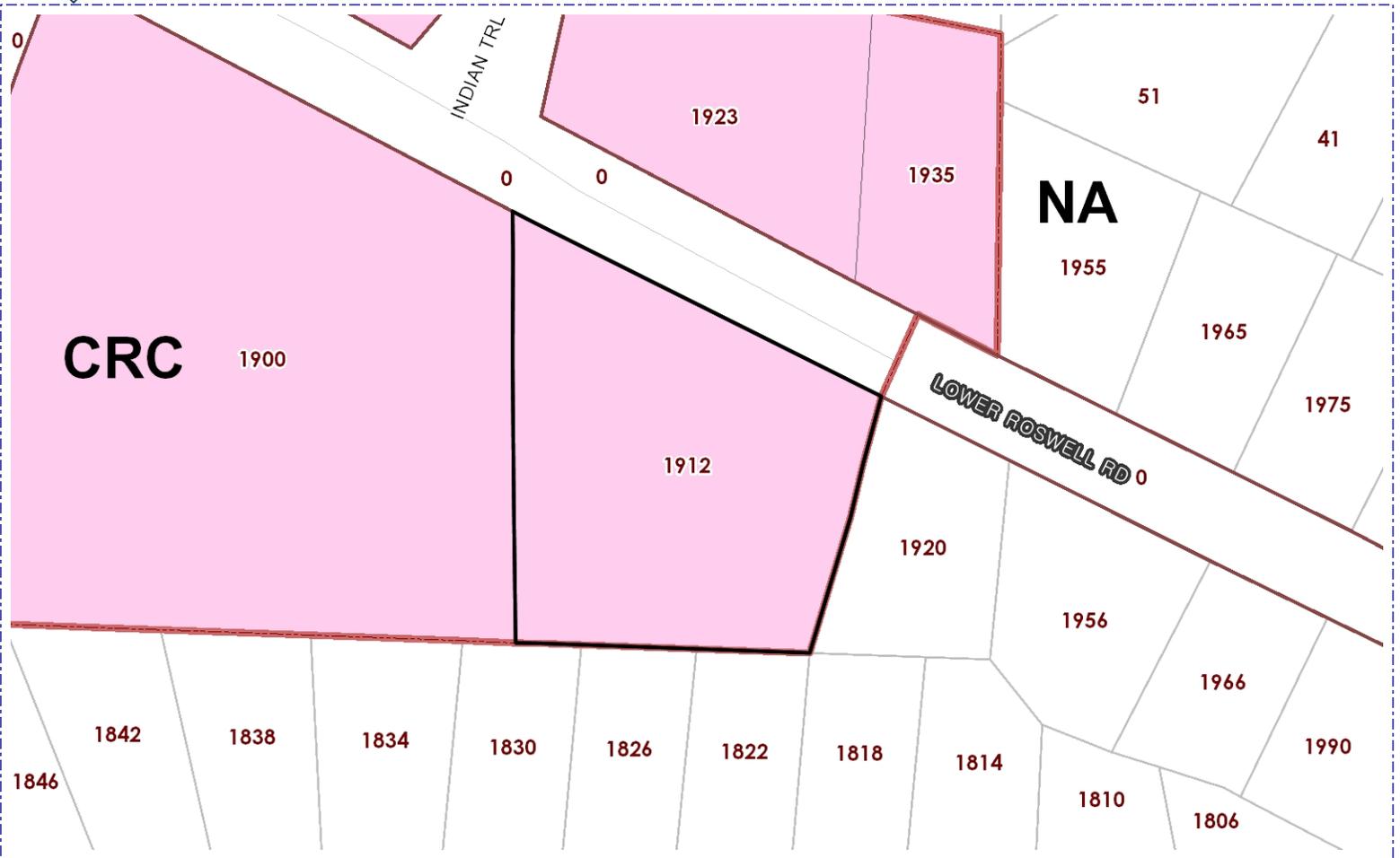
A description and plat of the property sought for the variances are on file in the Planning and Zoning Office, City Hall, and are available for inspection between 8:00 A.M. and 5:00 P.M., Monday through Friday. Anyone wishing to attend may do so and be heard relative thereto.

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.

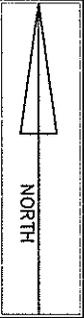
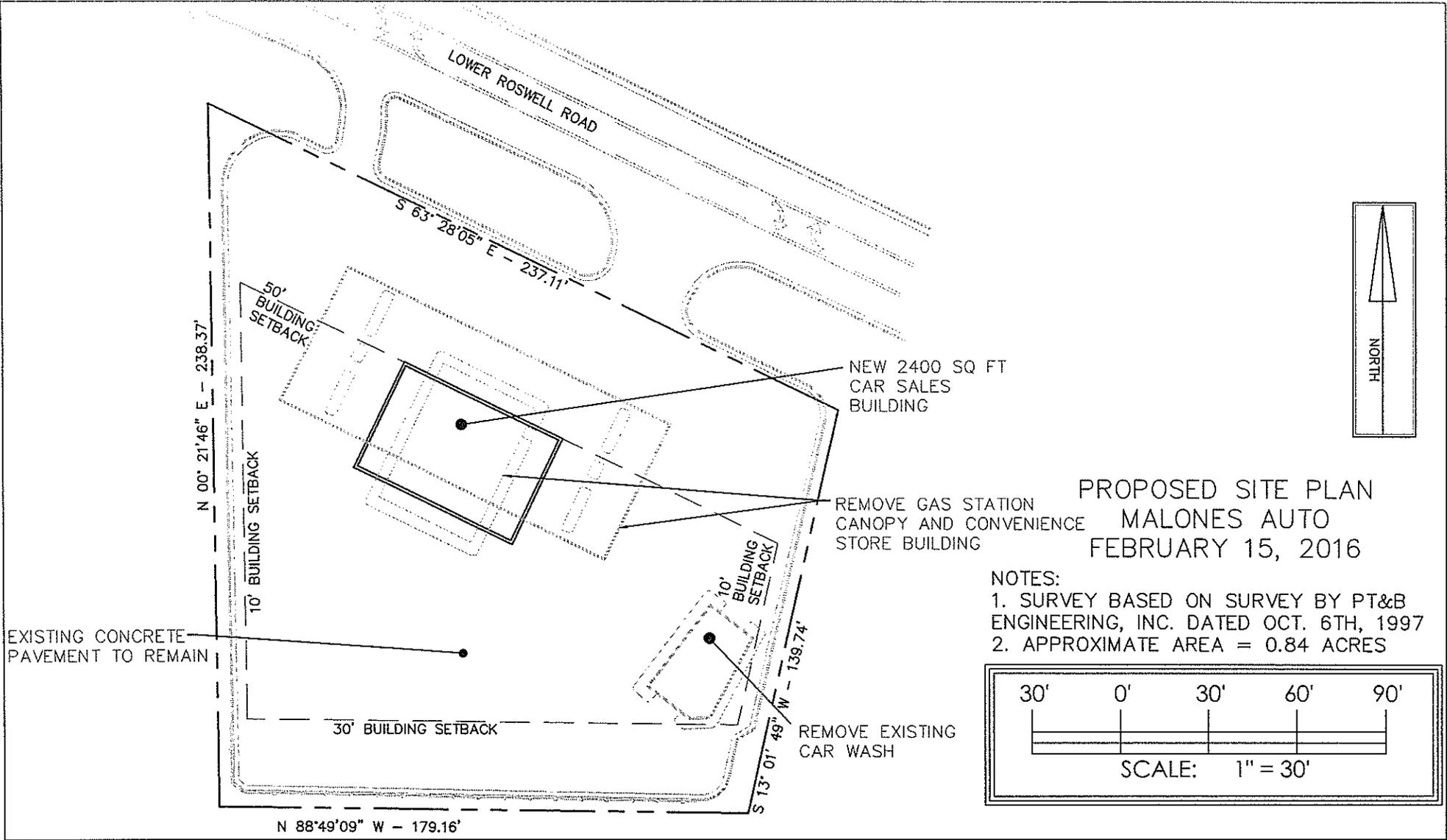
City of Marietta
205 Lawrence Street
Marietta, Georgia 30060

Variance



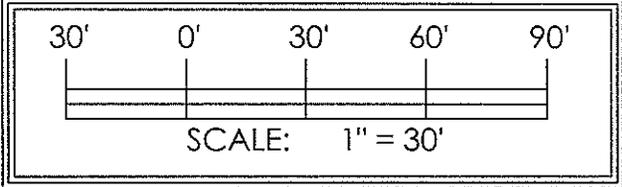
Address	Parcel Number	Acreage	Ward	Zoning	FLU
1912 LOWER ROSWELL RD	16120600080	0.989	6A	CRC	

Property Owner:	Petroleum Realty V, LLC	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:	Malones Automotive	
BZA Hearing Date:	03/28/2016	
Acquisition Date:		
Case Number:	V2016-09	
City of Marietta Planning & Zoning		



PROPOSED SITE PLAN
 MALONES AUTO
 FEBRUARY 15, 2016

- NOTES:
 1. SURVEY BASED ON SURVEY BY PT&B ENGINEERING, INC. DATED OCT. 6TH, 1997
 2. APPROXIMATE AREA = 0.84 ACRES



NEW building 2,400' 21h x 60w x 40d



Site CHANGES

