



STAFF REVIEW AND RECOMMENDATION

Variance Case #: V2016-11 **Legistar #:** 20160238
Board of Zoning Appeals Hearing: Monday, April 25th, 2016 – 6:00 p.m.
Property Owner: JBE Realty Holdings LLC (Jimmy Ellis)
1145 Rottenwood Drive
Marietta, GA 30060
Applicant: Steven T. Ellis – PRO Building Systems, Inc.
3678 North Peachtree Road
Atlanta, GA 30341
Address: 1145 Rottenwood Drive & 1721 Ashborough Road
Land Lot: 643 **District:** 17 **Parcels:** 0290 & 0110
Council Ward: 1A **Existing Zoning:** LI (Light Industrial)

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

1. Variance to reduce the major side setback from 50 feet to 30 feet along the southern property line for the existing building. [§708.26 (H)]
2. Variance to reduce the major side setback from 50 feet to 20 feet along the northern property line for the existing building. [§708.26 (H)]
3. Variance to reduce the major side setback from 50 feet to 30 feet along the southern property line for the proposed parking deck. [§708.26 (H)]
4. Variance to reduce the rear setback from 40 feet to 10 feet for the proposed parking deck. [§708.26 (H)]
5. Variance to increase the maximum building height from 50 feet to 56 feet for the proposed parking deck. [§708.26 (H)]
6. Variance to increase the maximum impervious surface from 75 percent to 78 percent. [§708.26 (H)]

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



Aerial of subject properties



1721 Ashborough Road



1145 Rottenwood Drive



Rear of existing structure

Recommended Action:

The applicant, Steven T. Ellis of PRO Building Systems Inc., is requesting multiple variances for a proposed new Jim Ellis Audi facility on the property at 1145 Rottenwood Drive and 1721 Ashborough Road. The variances that are being requested would (1) allow the existing structure and new parking deck to be located within the building setbacks; (2) allow an increase to the maximum impervious surface; and (3) increase the maximum building height. The applicant intends to use the properties for service, maintenance, support and inventory for the Audi dealership; and the parking deck would be used primarily by employees for parking and the storage of vehicles.

In order to develop the property as proposed, the two current parcels would have to be combined through the exemption plat process; and the requested variances would allow the existing structure and proposed parking deck to be located on one (1) parcel.

The subject properties comprise approximately 3.212 acres, and are zoned LI (Light Industrial). The properties are located at the southeast corner of the intersection of Rottenwood Drive and Ashborough Road, and both are local roads. The adjacent property to the east is a Georgia Power substation located in Cobb County and zoned R-20. The properties across Ashborough Road to the north are zoned LI; and the property across Rottenwood Drive to the west is zoned CRC (Community Retail Commercial). South of the subject properties is Delk Road ramp to Cobb Parkway.

The property at 1721 Ashborough Road was annexed and rezoned into the City of Marietta on January 14, 2015 (Z2015-01), and the following stipulations were included as conditions of zoning:

1. Variance to reduce the required landscape strip from 10 feet to 7 feet.
2. Variance to reduce the (western) side yard setback from 20 feet to 10 feet.
3. Variance to eliminate the 50 feet buffer against the property to the east.
4. Variance to reduce a two way driveway from 20 feet to 15 feet.

Based on discussions with the applicant, the proposed project is expected to exceed the threshold given under Section 706, Nonconforming Uses. As a result, the site will be required to comply with all current codes, including areas unaffected by the project, such as the existing building.

The following variances are being requested by the applicant:

Variance #1 & 2: Major side yard setbacks for the existing structure

This property is bordered by three streets – Delk Road, Rottenwood Drive and Ashborough Drive, so the property will have a front yard setback, and two “Major side yard setbacks”. A “Major side yard setback” is defined as: *The required minimum horizontal distance between the building line and the property line which abuts any street frontage not considered as the front setback.* The applicant is requesting variances to reduce the northern property line setback from 50 feet to 20 feet for the existing building; and to reduce the southern property line setback from 50 feet to 30 feet for the existing building. The existing structure at 1145 Rottenwood Drive lies within the current major side yard setbacks, and the variances are necessary to accommodate that structure. **As a result, staff recommends approval of these variance requests.**

Variance #3 & #4: Major side yard setbacks & rear yard setbacks for the proposed parking garage

The applicant is requesting variances to reduce major side yard setback along the southern property line from 50 feet to 30 feet; and to reduce the rear setback from 40 feet to 10 feet for the proposed parking deck. The reduction of the major side yard setback would allow the parking deck to be built in line with the existing building on the site. A Georgia Power substation is adjacent to the subject property on the western side, which requires a rear yard setback. There should be no further development in between the substation and the parking deck. Also, if this site was not bordered by streets on three sides, the proposed structure would only be required to meet the minor side setback at 20 feet. In addition, although associated with an entirely different project, the variance request for the reduction of the rear yard setback is the same as the request that was made when the property was annexed. **As a result, staff recommends approval of this variance request.**

Variance #5: Building Height

The Light Industrial zoning regulations limit the maximum building height to 50 feet, and the elevations of the proposed parking deck shows a height of 56 feet. The parking deck would be constructed on a part of the lot that slopes towards the rear of the property. The proposed parking deck will have five (5) levels, with the fifth level open with no covering. The definition of a building height calculates *the vertical distance measured from the finished floor elevation to the roof line.* Considering the parcel is surrounded by three thoroughfares and a Georgia Power substation – the small increase of the maximum building height should not be detrimental to public safety, the surrounding properties, or overall community.

The applicant should be made aware that they will need to provide a letter from Dobbins Air Reserve Base and/or the Federal Aviation Administration, stating that the proposed building will not be a hazard to air navigation. **Staff recommends approval of this variance request.**

Variance #6: Impervious surface of 78%

According to the submitted plan, the impervious surface coverage for the existing site is 66.7%. The modifications included in the project, namely the inclusion of the proposed parking deck, will result in a higher impervious surface coverage (78%) of the site, while the Light Industrial zoning regulations only allow a maximum of impervious surface of 75%. The applicant has stated the existing structure will be used for vehicle service and support – and the parking deck will be for inventory for surplus vehicles. In addition, the applicant has noted that the automobile dealership - that is located in a CRC zoning district - is allowed a maximum impervious surface of 80%. Since the small increase of the maximum impervious surface area should not be detrimental to public safety, the surrounding properties, or overall community, **Staff recommends approval of this variance request.**

The fire department has no objection to the variance requests, however the parking deck will require GA Accessibility features, standpipes and verification of the turning radius from existing asphalt paving to the entrance exit between the two structures.

In summary, staff recommends approval of the following variances:

- *Variance #1: Variance to reduce the major side setback from 50 feet to 30 feet along the southern property line.*
- *Variance #2: Variance to reduce the major side setback from 50 feet to 20 feet along the northern property line for the existing building.*
- *Variance #3: Variance to reduce the major side setback from 50 feet to 30 feet along the southern property line for the proposed parking deck.*
- *Variance #4: Variance to reduce the rear setback from 40 feet to 10 feet for the proposed parking deck.*
- *Variance #5 Variance to increase the maximum building height from 50 feet to 56 feet.*
- *Variance #6: Variance to increase the maximum impervious surface from 75 percent to 78 percent.*



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 #: V2016-11 Registrar #: BZA Hearing Dt: 4-25-16
City Council Hearing Dt (if applicable) #: PZ #: 16-126

This is a variance/appeal application for:



Board of Zoning Appeals



City Council

Owner's Name JBE Realty Holdings LLC Jimmy Ellis
Address 1145 Rottenwood Drive Zip Code: 30060
Telephone Number: (770) 234-8115 Email Address: jimmye@jimellis.com

COMPLETE ONLY IF APPLICANT IS NOT OWNER:

Applicant Steven T. Ellis - PRO Building Systems, Inc.
Address 3678 North Peachtree Road Atlanta, GA Zip Code: 30341
Telephone Number 770-455-1791 x44 Email Address: stellis@probltdg.com

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

1145 Rottenwood Drive Date of Acquisition:

Land Lot (s) 06430 District 17 Parcel 0290 Acreage 3.213 Zoned LJ Ward 1A FLU IW

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

#1) Reduction of Building setback(s), #2) Reduction in required pervious area

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



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March 10, 2016

Mr. Brian Binzer
City of Marietta
205 Lawrence Street
Marietta, GA 30060

Re: Jim Ellis Audi– Variance Request
1145 Rottenwood Drive
Atwell Project No. - 16000249

Dear Mr. Binzer:

Please accept this letter as a formal request for consideration for variances of the City of Marietta Zoning regulations. The site is currently zoned LI (Light Industrial) and is currently utilized as office and warehouse space. The variances currently being requested are for the building setback requirements, and the percent pervious area.

Variance #1: Per Division 708, Section 708.26(H) of the Zoning Ordinance, the minimum side yard building setback requirement on the north and south side of the property is 50 feet and the rear yard building setback is 40 feet. We are requesting that the minimum side yard setback go from 50' to 20' along the northern property line, and from 50' to 30' along the southern property line. We are furthermore requesting that the minimum rear yard setback go from 40' to 10' along the eastern property line. Currently the existing 2-story building encroaches into the side yard setbacks by 30' on the north side and 20' on the south side. These setbacks need to reflect the limits of the existing structures out there today. Due to the proposed site plan and desired use, we are furthermore requesting that the rear yard setback, adjacent to the existing Georgia Power Sub-station, be reduced to 10' to accommodate the proposed parking deck. This site is surrounded by public roadways on three sides and a sub-station on the remaining side. This setback variance will not affect anyone's view, or disrupt any residential or business functions.

Variance #2: Per Division 708, Section 708.26(H) of the Zoning Ordinance, the maximum impervious surface requirement for the site is 75 percent. The existing site prior to the proposed lot consolidation and re-development consists of an existing developed parcel approximately 86 percent impervious with the small remaining parcel as a newly graded lot. The current design of the redeveloped site, with the addition of a parking deck, will have an impervious area representing approximately 78 percent impervious. The owner is requesting a variance to increase the impervious surface from the maximum 75 percent to 78 percent (or in other words, reduce the required pervious area by 3%). The new design makes every effort to reduce impervious surfaces in areas along the front of the existing building by removing a row of parking, and adding in the required 10-ft landscape strips along all the public right-of-ways. However, the plan calls for the new parking deck and related structures to increase the impervious surface in the rear of the property along the Delk Road and Georgia Power Sub-station by the 3%, or roughly 4,500 SF of additional impervious surface. Although this property is zoned LI, it will operate more like it's neighboring business to the west which is in the CRC zoning classification and has an 80% maximum impervious surface.



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If you have any additional questions, please feel free to give me a call at 678-961-2403.

Sincerely,

A handwritten signature in black ink that reads "Brian E. Kay". The signature is written in a cursive style with a large, stylized initial "B".

Brian Kay, PE – Team Leader

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

V2016-11 [VARIANCE] JBE REALTY HOLDINGS LLC is requesting variances for properties located in Land Lot 643, District 17, Parcels 0290 & 0110, 2nd Section, Marietta, Cobb County, Georgia and being known as 1145 Rottenwood Drive and 1721 Ashborough Road. Variance to reduce the major side setback along Delk Road from 50' to 30'; variance to reduce the major side setback along Ashborough Road from 50' to 20'; variance to reduce the rear setback from 40' to 10'; variance to increase the allowable impervious surface from 75% to 78%; variance to increase the allowable height for the parking deck from 50' to 56.' Ward 1A.

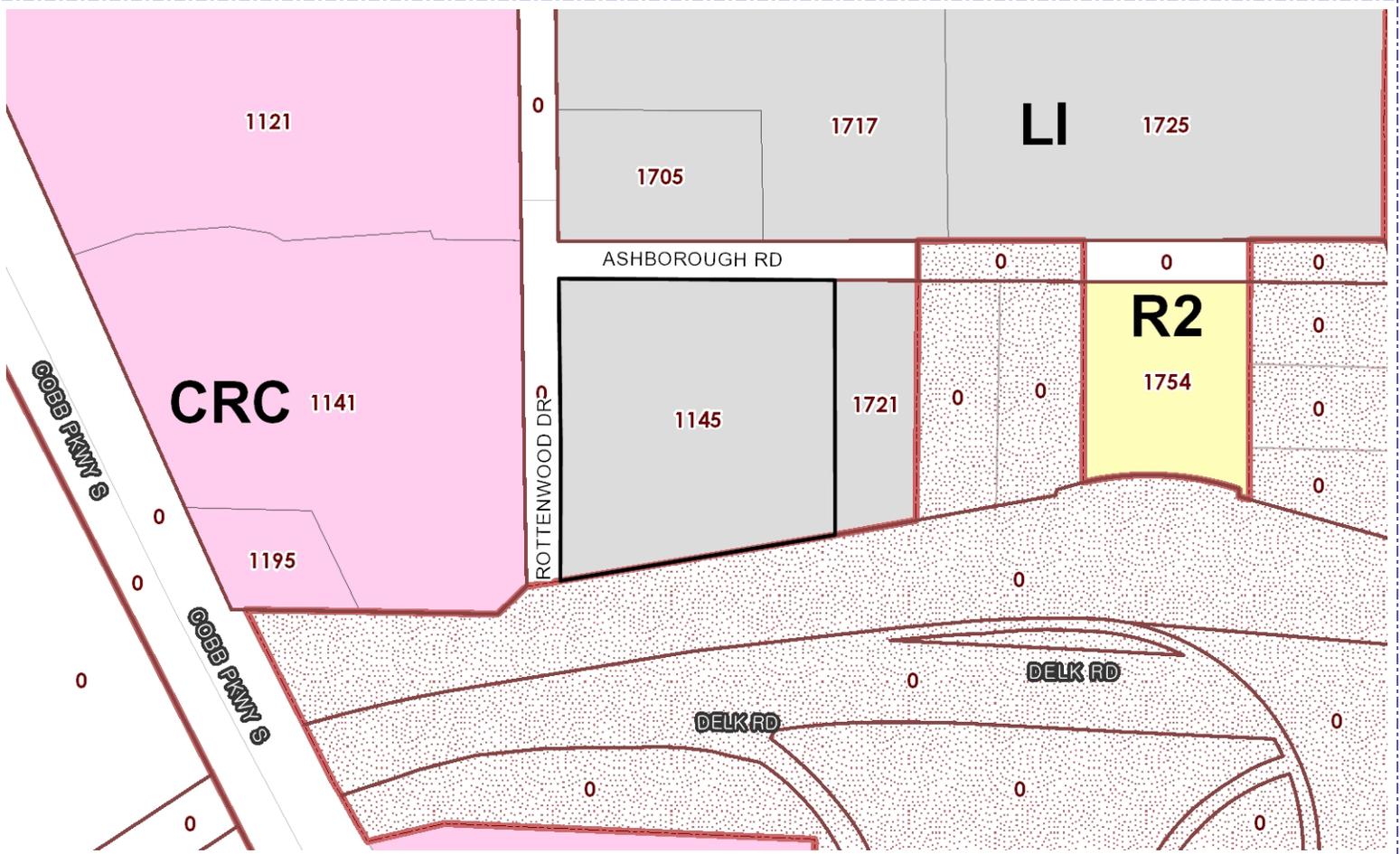
A description and plat of the property sought for the variances are on file in the Planning and Zoning Office, City Hall, and are available for inspection between 8:00 A.M. and 5:00 P.M., Monday through Friday. Anyone wishing to attend may do so and be heard relative thereto.

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.

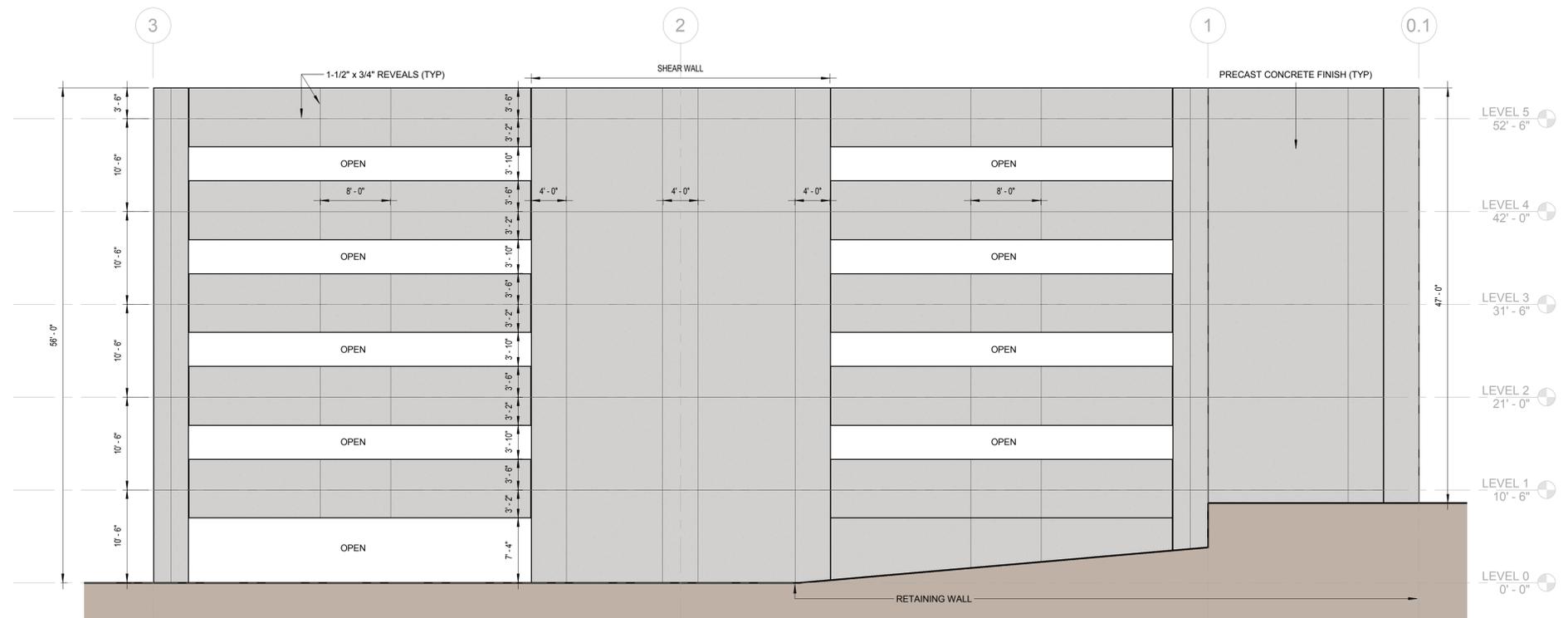
City of Marietta
205 Lawrence Street
Marietta, Georgia 30060

Variance

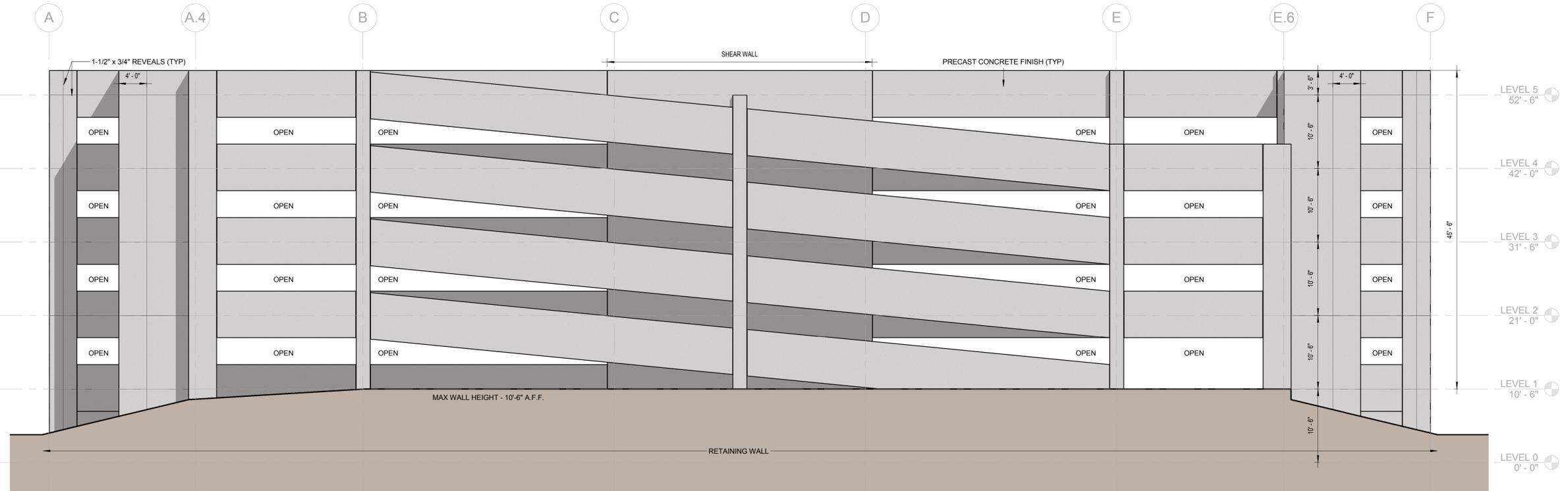


Address	Parcel Number	Acreage	Ward	Zoning	FLU
1145 ROTTENWOOD DR	17064300290	2.539	1A	LI	IW

Property Owner:	JBE Realty Holdings/Jimmy Ellis	Zoning Symbols
Applicant:	Pro Building Systems/Steven Ellis	
BZA Hearing Date:	04/25/2016	
Acquisition Date:		
Case Number:	V2016-11	
City of Marietta Planning & Zoning		

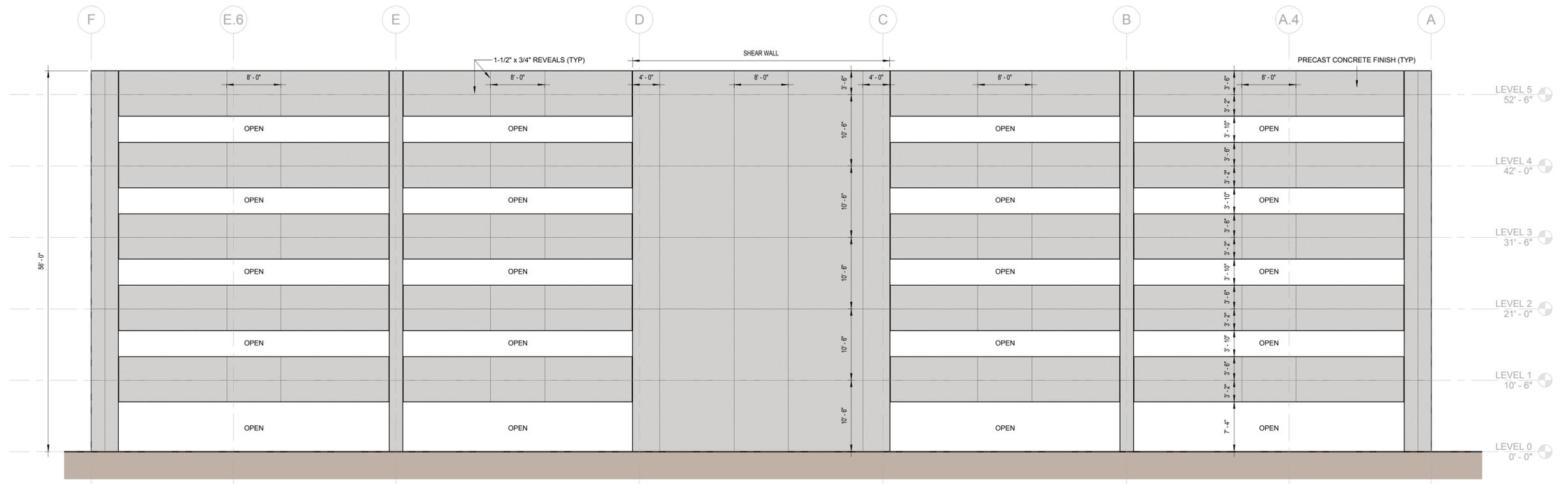


② FRONT ELEVATION
1/8" = 1'-0"

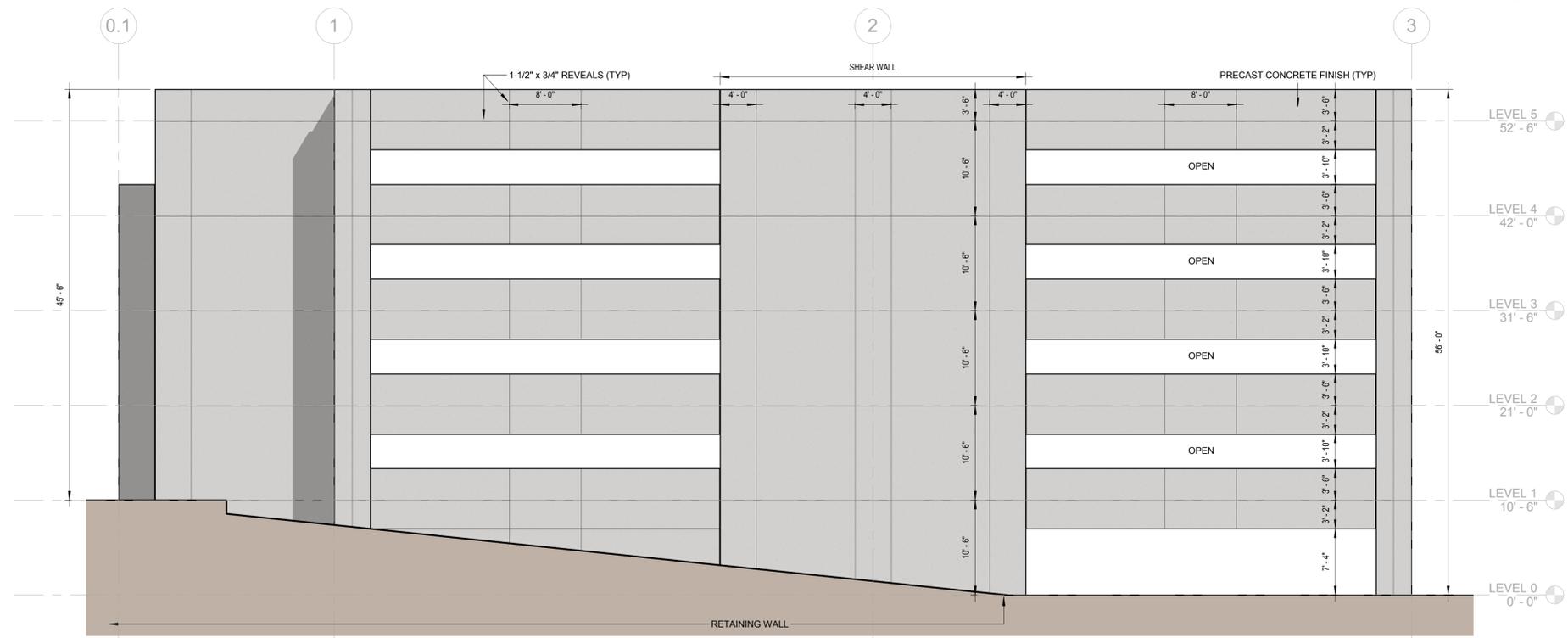


① RIGHT SIDE ELEVATION
1/8" = 1'-0"

JIM ELLIS ASHBOROUGH RD PARKING DECK

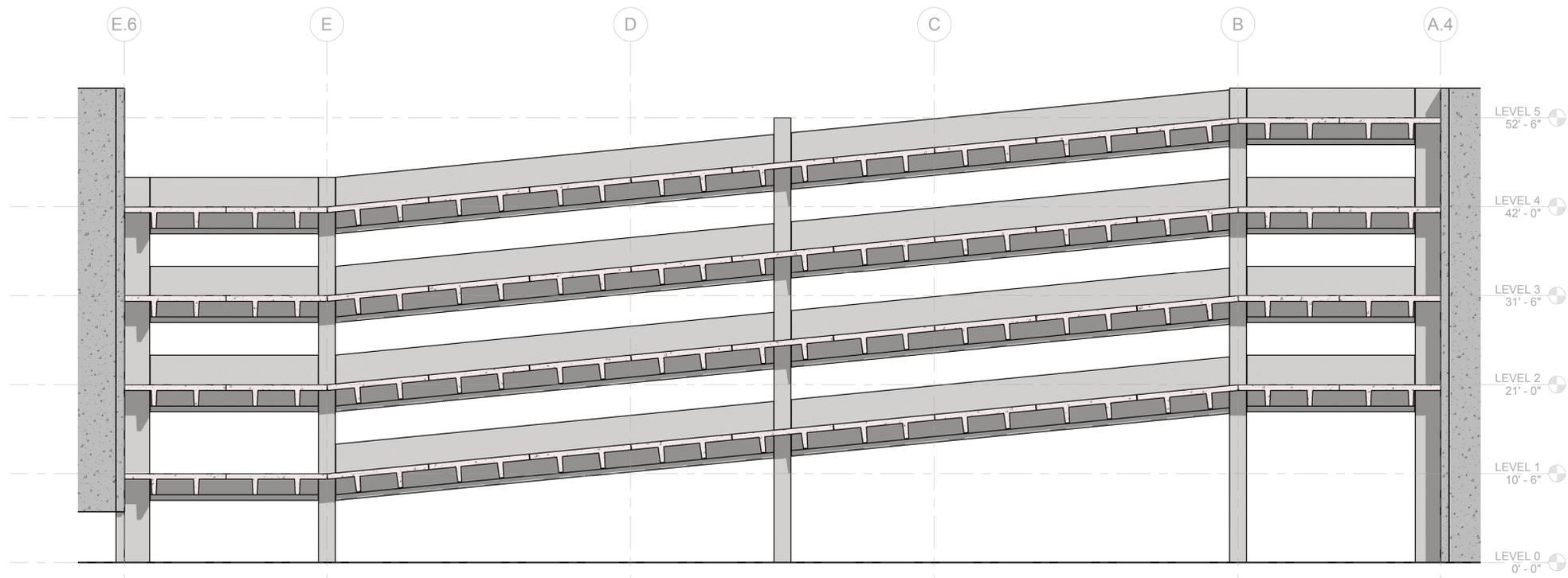


② LEFT SIDE ELEVATION
1/8" = 1'-0"

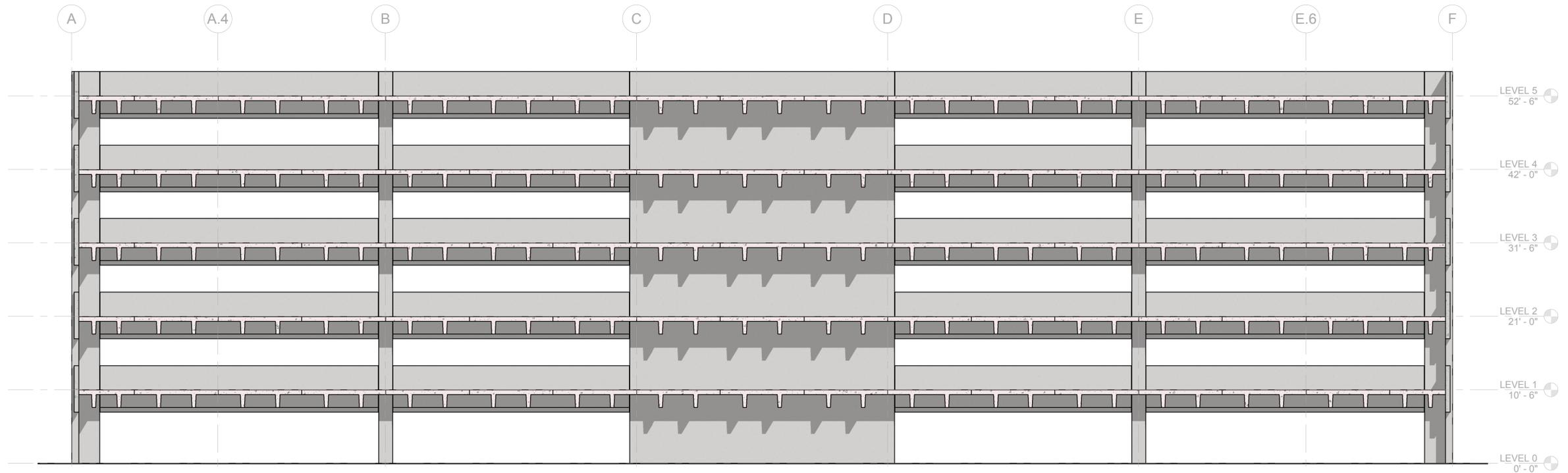


① REAR ELEVATION
1/8" = 1'-0"

JIM ELLIS ASHBOROUGH RD PARKING DECK

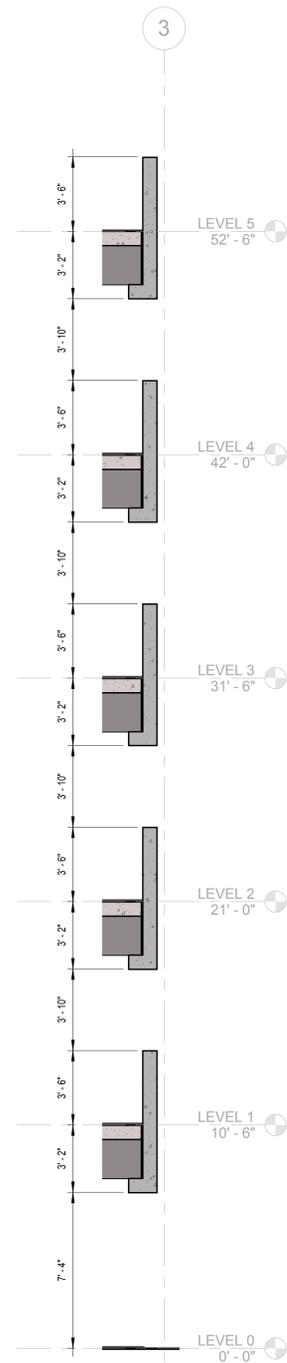


② SECTION B
1/8" = 1'-0"

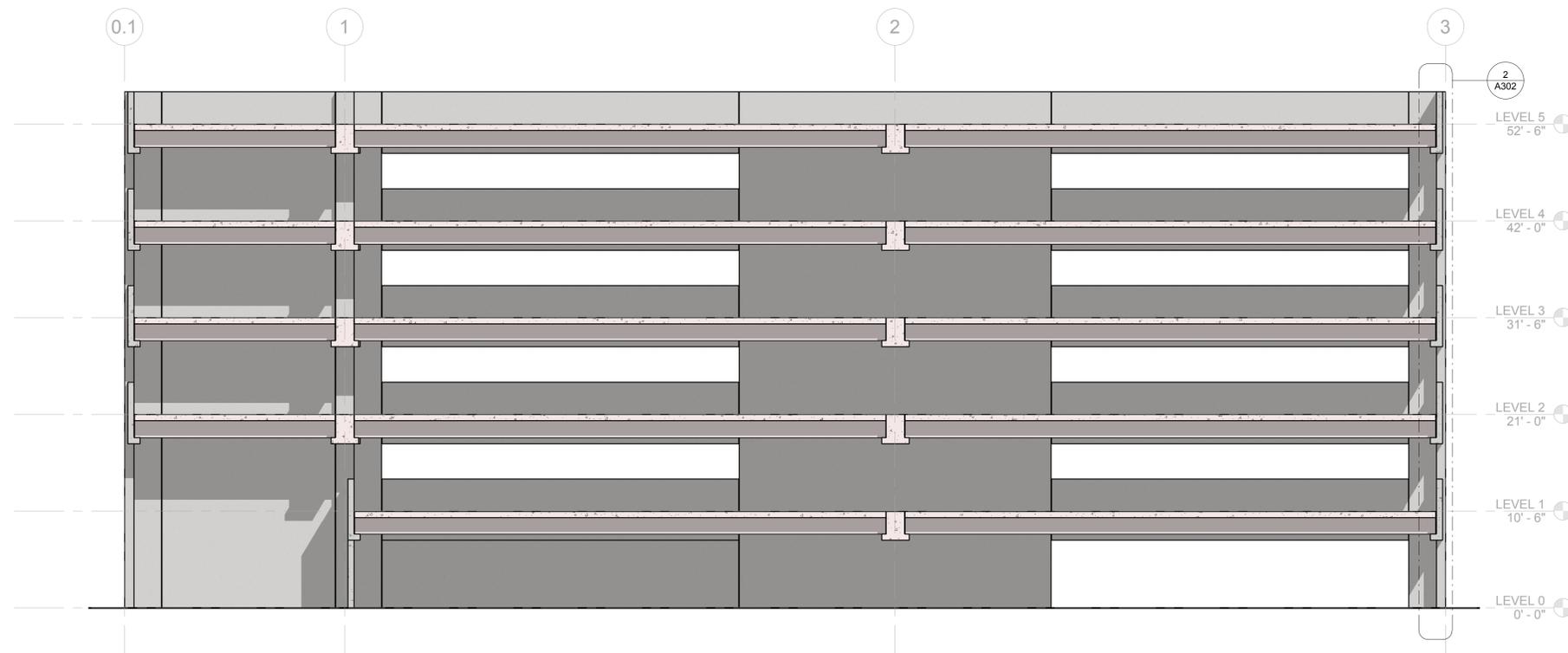


① SECTION A
1/8" = 1'-0"

JIM ELLIS ASHBOROUGH RD PARKING DECK

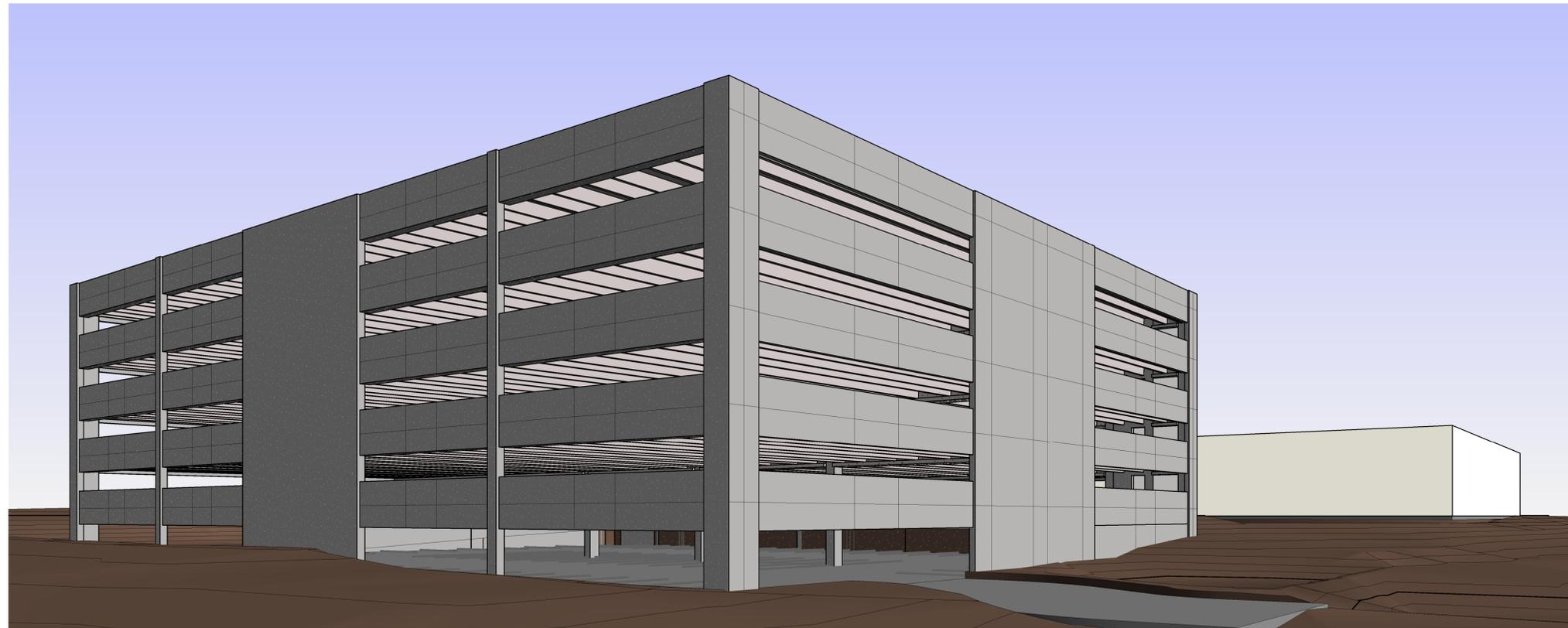
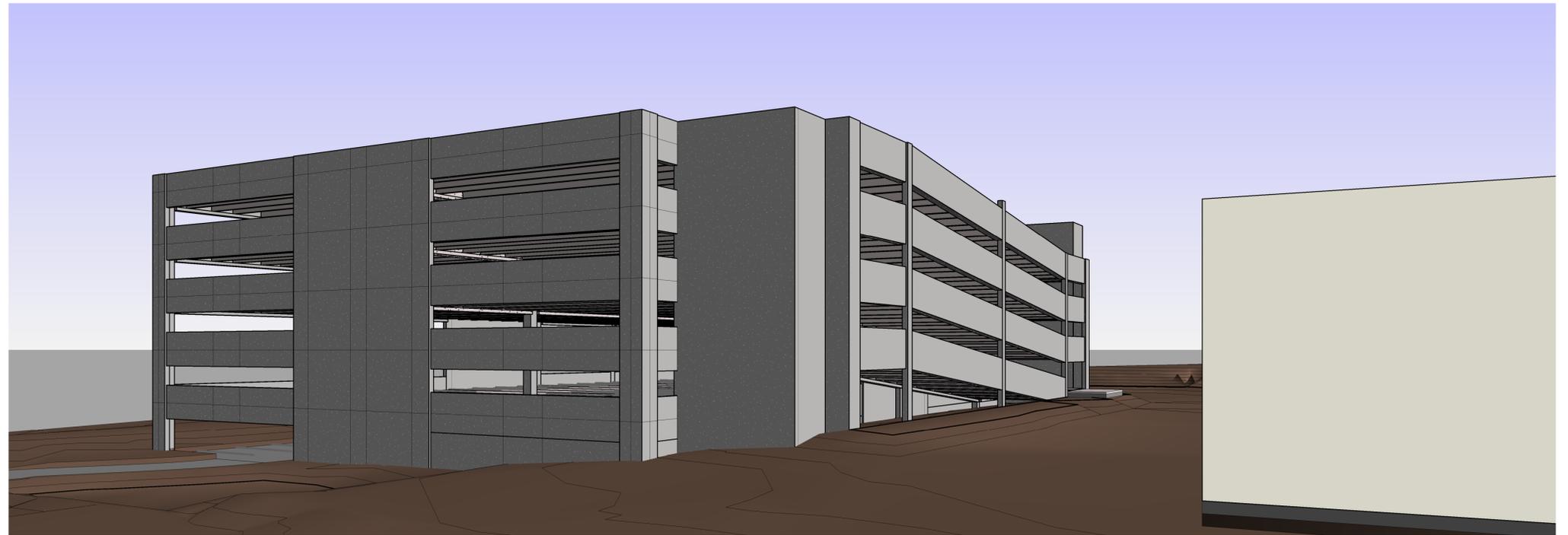


② SECTION D
1/4" = 1'-0"

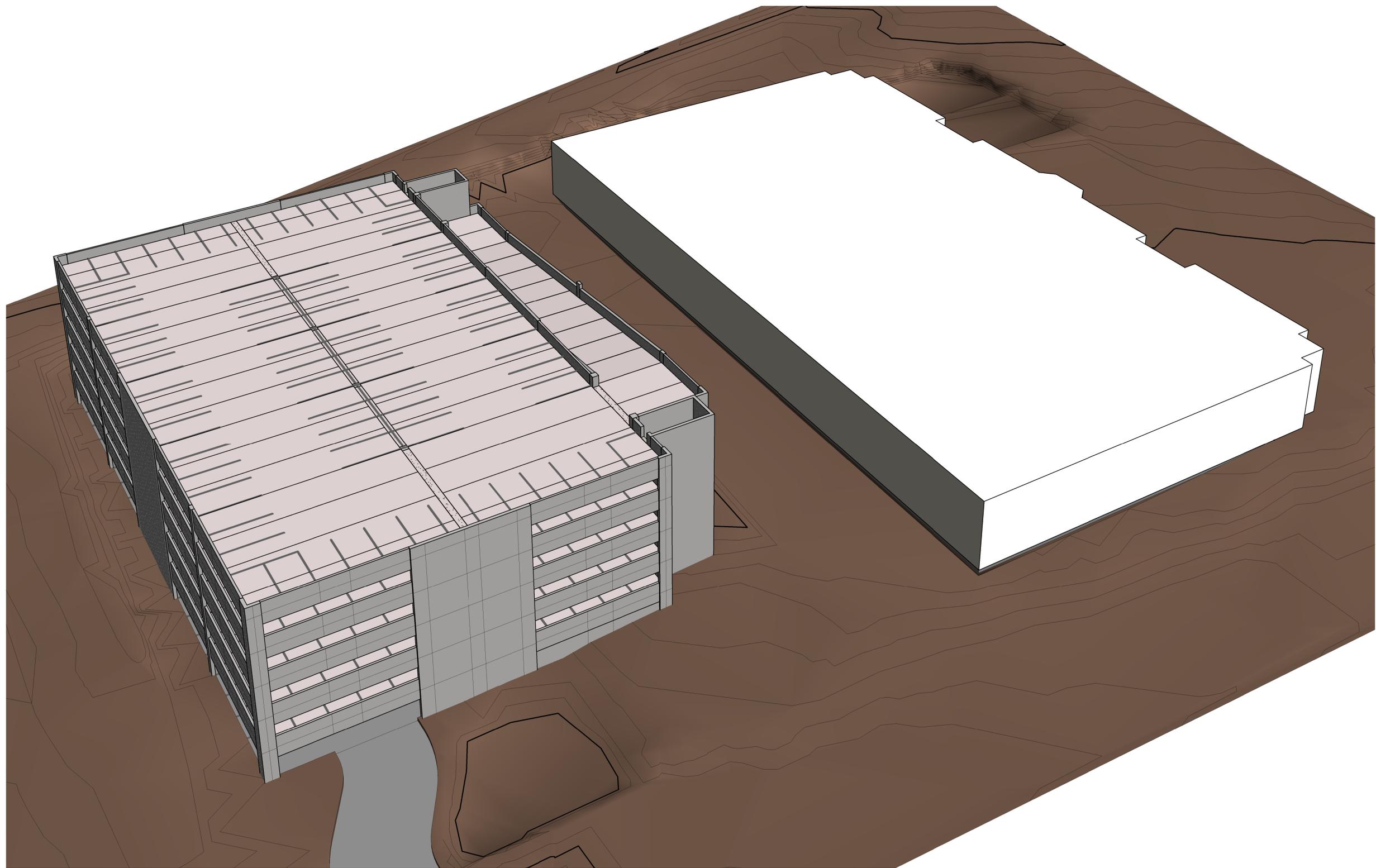


① SECTION C
1/8" = 1'-0"

JIM ELLIS ASHBOROUGH RD PARKING DECK



JIM ELLIS ASHBOROUGH RD PARKING DECK



JIM ELLIS ASHBOROUGH RD PARKING DECK

