



**PICTURES**



**1245 Bellemeade Front View**



**1245 Bellemeade Drive Front View**



**1245 Bellemeade Drive Parking Lot Area**

**Recommended Action:**

**Denial.** Mr. Marco Rivas is requesting a variance for the property located at 1245 Bellemeade Drive that would allow an automobile sales and repair shop on parcel that is only 0.557 acres in area. However, as defined in Section 708.16 (B.6) under permitted uses, one of the conditions for automobile sales is that a minimum one acre lot size is required. The property is zoned CRC (Community Retail Commercial).

The property is located on the southwestern part of the city that borders properties under the jurisdiction of Cobb county and neighboring communities. Most of the commercial properties in the area are oriented toward Powder Springs Street, but a few parcels, including the subject property, are oriented toward a side street. All of the surrounding properties that are located within the Marietta city limits are also zoned CRC (Community Retail Commercial). The adjacent property to the south is property that Mr. Rivas owns that is located within Cobb County's jurisdiction, and is zoned RM-12, Multi-Family Residential. The subject parcel is the last parcel that is zoned and used for commercial purposes along Bellemeade Drive before the uses of the property transition to residential uses.



Mr. Rivas did contact the Planning & Zoning Office prior to attempting to lease his property to a tenant who wanted to use it to sell cars, and was told that if he had a minimum of one acre then car sales would be permitted. At that time, Mr. Rivas assumed that his property in Cobb County could be counted toward that one acre minimum. However, because the other property that he owns is actually two parcels - that are not located within the City of Marietta - zoned RM-12, these properties cannot be counted toward the one acre minimum required for car sales.

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 Dr	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 St	0.3	CRC	Approved	Sale of motorcycles only; vehicles to be stored inside at the end of business day
V2006-06	1791 Roswell Rd	0.7	CRC	Denied	
V2007-05	1955 Airport Ind Park Drive	0.348	LI	Approved	None

Most recently the Board of Zoning Appeals approved a variance that allowed for the use of two auto dealerships as well as other businesses on a 2-acre lot. (V2014-16)

It should be noted that in most of these cases in which variances were approved, the subject property has been located on a busy commercial roadway, and the others have been on streets in industrial areas. In this case, the property is located on a two-lane street and is close to where the properties begin to transition from commercial to residential. A parcel of property at this location should be a less intensive commercial use, not a more intensive use, and as such **Staff recommends denial of this variance.**