Staff Report
City of Doraville, Georgia
Planning and Zoning

Public Hearing(s):	PC Public Hearing August 19, 2010 MCC Public Hearing August 23, 2010
Applicant:	2M Properties, LLC
Request:	Zoning Variance(s): side yard building setback variance (existing structure) and impervious lot coverage variance on M-2 zoned property with CUP (Impound Lot).
Location:	Parcel ID 18-337-01-008, 4171 Winters Chapel Road
Tract Size:	Approximately 3.1 +/- acres

VAR - Standards of Review (§ Section 1402 of Zoning Code);

(1) ***There are extraordinary and exceptional conditions pertaining to the particular piece of property in question due to its size, shape, or topography that are not applicable to other lands or structures in the same district.*** True. The subject property is as multi-fronted parcel with frontages or abutment on several public ways and has a relatively shallow depth for an industrial zoned lot. As a lot of record, the site appears to have been diminished in size over time by public road development. The M-2 district is generally characterized by large parcels which are five (5) or more acres and range as large as 25 acres.

(2) ***A literal interpretation of the provisions of this Ordinance would deprive the Applicant of rights commonly enjoyed by other properties of the district in which the property is located.*** Result cannot be determined from available information. The subject property is a pilot re-development activity of a smaller M-2 lot. The City code generally supports decreasing non-conformity and a good faith attempt is being made with a post development site that will ultimately have no building footprint expansion but will have fairly significant corrective action of non-paved (asphalt/concrete) surfaces.

(3) ***Granting the variance requested will not confer upon the property of the applicant any special privileges that are denied to other properties of the district in which the applicant's property is located.*** True. Small lot M-2 properties may be more generally impacted due to post development situations and the need for compliance with current City code(s).

(4) ***The requested variance will be in harmony with the purpose and intent of this Ordinance and will not be injurious to the neighborhood or to the general welfare.*** True. With conditions of approval to address the frontage of Winters Chapel Road, the use of the property will have limited visual impact upon the community given the remaining public road frontages are densely vegetated.

(5) ***The special circumstances are not the results of the applicant.*** True. The subject property was developed in 1966 at a time when there was no regulation of impervious surfaces and hence the existing gravel areas have been actively used for a number of years. The parcel size was critically altered by public right-of-way development of the road extension/by-pass between Winters Chapel Road and Oakcliff Road and the development of Oakcliff Road. These parcel reductions are more adequately visually depicted on the 1966 base zoning map.

(6) ***The variances requested is the minimum variance that will make possible the legal use of the land, building or structure.*** True. Based upon the Council approved Conditional Use on the site, more land will need to be devoted to exterior vehicle parking than is commonly associated with M-2 properties because endemic to the use is outside parking and "storage"

(7) ***The variance is not a request to permit a use of land, buildings, or structures which is not permitted by right in the district involved.*** False. At least one of the uses being pursued on the parcel (impound lot) is a Conditional Use and not a use permitted by right.

Recommendation(s):

Staff recommends **Approval** of the requested impervious surface variance not to exceed 85 percent impervious coverage but **Denial** of the requested "side" yard building setback since by Code this frontage would be defined as a front yard building setback if we assume the property abuts a right-of-way tract (18-340-04-002) which is owned by DeKalb County.

The existing structure shall be deemed to be legally non-conforming and its further grant of relief has been deemed to be no advantage to the City given as presently constructed and situated the footprint cannot be expanded nor is there a desire by the City to do so when a 75 foot front building setback is presently required by Code.

The following conditions are recommended and have been reviewed in form and content by the City Arborist.

NOTE: Conditions do not eliminate compliance with any other Codes. The Applicant is advised the City Tree Ordinance (Ordinance 2009-12) may have a substantial impact on the cost of redevelopment of the site given the requirements for tree density units warranted by Code; however, alternative methodologies are presented therein to comply with said Code.

NATURAL:

(1) Provide a 20 foot replanted landscape strip (excluding permissible ingress/egress curb-cut) along the Winters Chapel Road frontage. The strip shall contain a staggered double row mixture of understory story deciduous and evergreen trees given the presence of overhead power lines. The strip shall be maintained in perpetuity and shall be mulched with a minimum three (3) inches of decorative hardwood mulch. The species selection within the strip shall include the following minimum selections: Waxmrytle,

Cryptomeria, Holly (pyramidal tree form), Magnolia, and flowering cherry. Pine varieties shall not meet the requirements for required tree plantings. The City Arborist shall determine the appropriate plant placement and spacing in accordance with generally accepted Industry standards.

(2) All trees shall be a minimum of three (3) inches in caliper and eight (8) feet in height at the time of planting.