Staff Report
City of Doraville, Georgia
Planning and Zoning

Public Hearing(s):	PC Public Hearing September 23, 2010 MCC Public Hearing September 27, 2010
Applicant:	2M Properties, LLC
Request:	Zoning Variance(s): Article XII, Parking and Loading, Section 1205, variance to allow gravel parking. The property is zoned M-2 with CUP (Impound Lot) with Zoning Variance(s) – impervious surface and building setbacks variances granted on August 23, 2010.
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.*** False. The subject property actually benefits more than other similarly situated properties because it has been granted previously on August 23, 2010, an impervious surface variance to allow additional impervious areas over and above the Code thresholds.

(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.*** False. Since these are specific development requirements of the Code on industrial zoned property, this is not a right commonly or customarily enjoyed by others given the Code again mandates conformity when a use is established. The subject property is, and has remained, a vacant parcel for some time and its use is changing.

(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.*** False. The request is unilaterally forbidden by Code on all industrial zoned lands. The consequences for other industrial uses such as automotive sales lots are manifold given one could assert similarly that cars for sale are merely being "stored" outside as well. One needs only to look at the mini-storage warehouses within the City where outdoor vehicle storage is existing to see that all of these lots are paved with asphalt or concrete.

(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.*** False. The ordinance intends that parking, circulation, and loading areas be paved with asphalt and/or concrete and that the minimum design standards for parking space size, orientation, and aisle width be maintained. Otherwise, any site is likely to be chaotic and misused not unlike other automobile lots within the City in particular along New

Peachtree and South Peachtree Roads which have become automotive graveyards and frequent Code enforcement problems. Just because an area is not visible from a road (as in this case) does not mean that it can easily become a property maintenance problem as well. If the Council wishes for industrial sites to be treated differently than other commercial style zonings, the Council should amend the existing ordinance to reflect these community choices; however, Staff asserts this will severely weaken the impetus of existing ordinances which are designed to improve properties rather than revert them to an unfinished state. Staff asserts there is no "green" initiative from using gravel given the tracking of limestone whitewash from gravel surfaces onto adjacent paved surfaces produces the same types of runoff and contamination issues as paved surfaces. The cost/benefit analysis from a stormwater perspective is essentially a zero sum game whereby groundwater and soil contamination either occurs on-site or it occurs off-site – either way contamination occurs without proper filtration, cleansing, and remediation. Aesthetically, a paved asphalt or concrete lot would be believed to add value/worth to any property when properly maintained. Additionally, the necessary compaction and material depth which is needed for gravel to support a vehicular travel way renders it decidedly non-pervious. The Georgia Stormwater Management Manual does not generally support the use of this type of crude alternate "paving" given the approved alternate paving methods (such as porous concrete and modular porous paver systems) have extremely limited applications, high maintenance costs, and high initial capital outlay for construction.

(5) ***The special circumstances are not the results of the applicant.*** False. The issue of paved parking has been discussed in depth in public hearing(s) with this Applicant. While Staff understands and is sympathetic to the investment costs of paving the lot, economic costs are not regarded as a defensible hardship criterion.

(6) ***The variances requested is the minimum variance that will make possible the legal use of the land, building or structure.*** False. The legal use of the property has already been accounted for by virtue of its underlying zoning and conditional use received.

(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 **Denial** of the requested gravel variance.