

CITY of CLARKSTON
VARIANCE ANALYSIS

Report Prepared by: Shawanna N. Qawiy, MPA, MSCM
Planning and Development Director

Applicant: Joseph C. Gargiulo

Location: 795/801/803 Glendale Road, Clarkston, GA 30021

Parcel ID(s): 18 065 06 042 / 18 065 06 032/ 18 065 06 043

Lot Size: 1.73

Current Use: Vacant warehouse/ Empty Lot/ Telecommunications tower/lot

Proposed Use: Warehouse renovations and parking lot expansion

Zoning: I- Light Industrial*
*(*Currently zoned NR-3 High Density Neighborhood Residential District pursuant to a rezoning request to be heard on June 19, 2018/ July 5, 2018)*

Zoning and Use of Surrounding Properties:

	Zoning	Land Use
North	NR-3 High Density Neighborhood District	N/A Church Street (Proposed development of 60 townhomes)
South	I-Light Industrial	Decatur Paint and Body Inc. Spectrasite Communications LLC (Cellular Tower)
East	I-Light Industrial	Industrial Office Park
West	I-Light Industrial	Business Plaza INTNOJ Barbershop Good Times Restaurant Body Shop (Corner of Church St. / Glendale Rd.)

Request: A variance request of Section 1103- Driveways and Curb Cuts to allow more two (2) curb cuts on a street frontage with less than 300 feet between curb cuts.

Sign Posted: May 30, 2018

P&Z Meeting: June 19, 2018

City Council Meeting: July 5, 2018

Analysis:

The applicant is proposing to vary *Section 1103-Driveways and curb cuts (f) ... developments on properties with a single street frontage greater than four hundred (400) feet shall be permitted two (2) curb cuts along one street frontage provided that each curb is at least 300 feet apart.* The parcel at 801 Glendale Road which is zoned NR-3 High Density Neighborhood Residential* (**an approved rezoning request will zone the parcel as I-Light Industrial*) district is currently vacant. The attached proposed conceptual site plan shows that the variance request is including three (3) parcels, all having road frontage on Glendale Road. The proposed conceptual site plan also shows that the applicant is proposing to expand the parking area to the south of the property where the unoccupied warehouse is located.

Criteria for Granting a Variance (Article III, Sec. 308):

Criteria 1: There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography.

The three (3) combined parcels do not have an extraordinary or exceptional condition pertaining to the size, shape or topography. 803 Glendale Road is the location of the telecommunications tower that has an access easement from the property located at 795 Glendale Road. The three (3) combined properties do not meet the minimum 400 feet of required street frontage nor the requirements to allow two (2) curb cuts that are a minimum of 300 feet apart.

Criteria 2: Such conditions are peculiar to the particular piece of property involved.

803 Glendale Road is the location of a telecommunications tower that has an access easement to the property from the property located at 795 Glendale Road.

Criteria 3: Such conditions are not a result of the actions of the applicant.

The current conditions of the property to allow an access easement to the property that houses the telecommunications tower from his property, is as a result of the applicant. The request to allow more than one (1) curb cut on street frontage less than 300 feet apart is at the request of the applicant. The property's renovations and permitted use can be performed with access to the property via one curb cut that is currently present on the property.

Criteria 4: A literal interpretation of the provisions of this ordinance would create an unnecessary hardship.

A literal interpretation of the provisions of the ordinance would not create an unnecessary hardship. The applicant would be able to perform the proposed renovations on the vacant warehouse and construct a parking area without adding an additional curb cut for access to the property.

Criteria 5: The variance requested will not cause substantial detriment to the public good nor impair the purposes or intent of this zoning ordinance.

The variance requested will not cause substantial detriment to the public good nor impair the purposes or intent of this zoning ordinance.

Criteria 6: The variance is not a request to permit a structure or use of land not authorized in the applicable district.

The applicants variance request is not to permit a structure or use of land not authorized in the applicable zoning district. The request is to vary the development regulation requirements outlined in the zoning ordinance.

Staff Recommendation:

Staff recommends **DENYING** the variance request.

Attachments:

- Application package including site plan
- Pictures of the site.
- Sections of the Clarkston Zoning Code and Ordinance referenced in the analysis

RECEIVED
4-27-18



CITY of CLARKSTON
PLANNING AND DEVELOPMENT DEPARTMENT
VARIANCE APPLICATION

1055 ROWLAND STREET
CLARKSTON, GA 30021
404.296.6489

This page must be completed by the Applicant. Please see Applicant Instructions for full requirements.

SUBMITTAL CHECKLIST

Your application must include the following items, or it will not be considered complete:

- X Plan(s) to scale demonstrating variance requested
- X Survey
- X Property Deed
- X Recorded Plat of Property (seven (7) copies)
- X Campaign Contribution Disclosure Form
- X Filing Fee (payable to The City of Clarkston)

RECEIVED
5/2/18
Submitted

FOR OFFICE USE/DETERMINATION

Review determination and fee: Review fee (payable to *The City of Clarkston*) depends on type of review(s). (See Fee Schedule):

_____ Variance _____ (Fee)
Please indicate if this is an Administrative Variance

APPLICANT INFORMATION

Joseph C. Gargiulo		J.P. Enterprise
Applicant Name		Company
404-294-4726		404-373-2912
Primary Phone #	Alternate Phone #	Fax #
N/A		
Email Address		

PROJECT SUMMARY

JOE'S OFFICE / WAREHOUSE
Name of Project

Detailed Description of Variance. Include: Variance needed (code section, square footage or other dimension); Proposed use(s) and square footage of floor area for each use; and written explanation of hardship involved with need for variance (see checklist).

SEE EXHIBIT "A" ATTACHED



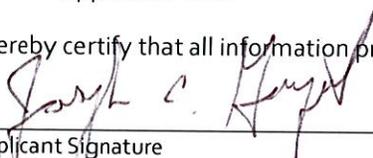
CITY of CLARKSTON
PLANNING AND DEVELOPMENT DEPARTMENT
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Total Number of Parcels Involved:	<u>3</u>	Total Project Area (acre/sf):	<u>1.73 Acres</u>	Total Disturbed Area:	<u>0.8 Acres</u>
Total Number of Buildings:	<u>1</u>	Total Estimated Construction Cost:	<u>\$750,000.00</u>		

Project Submittal Checklist and all documents, plans, written analysis, and fees required therein accompany this application form.

I hereby certify that all information provided herein and in the accompanying documents is true and correct.

		<u>4.27.18</u>
Applicant Signature		Date
X Property Owner	<input type="checkbox"/> Owner's Agent	



CITY of CLARKSTON
PLANNING AND DEVELOPMENT DEPARTMENT
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PROPERTY INFORMATION/OWNER AUTHORIZATION

If more than one parcel is the subject of review, owner-applicant shall complete information for each parcel on additional page attachments; authorized agent-applicants must complete this page for EACH parcel.

PARCEL (PROPERTY) INFORMATION

795 Glendale Rd. ⁸⁰¹		Clarkston, GA	30021
Property Address/Location	Suite/Apt. #	City, State	Zip Code
18 065 06 042 / 18 065 06 032 / 18 065 06 043		1.73 AC	
Parcel ID/Property Tax Identification Number		Total Acreage	
Vacant Building		M (Industrial)	
Present Use(s)		Present Zoning (Official Zoning Map)	
Office / Warehouse			
Proposed Use(s)			

X Indicate here if there are more than one subject parcels (attach information accordingly)

Legal description includes: Or: Indicate here that an exhibit identifying property location is attached.

Subdivision Name	Lot #	Block #
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PROPERTY OWNER

Joseph C. Gargiulo		J.P. Enterprise	
Owner (Person, Firm, Corporation, or Agency)		Company Name	
P.O. Box 33623		Decatur	30033
Mailing Address	Suite/Apt. #	City, State	Zip Code
404 294-4726	404-373-2912	N/A	
Primary Phone #	Fax #	Email Address	

PROPERTY OWNER'S AGENT (If applicable; must match applicant contact information on page #1)

Name and Company (Owner's Agent or Attorney)			
Mailing Address	Suite/Apt. #	City, State	Zip Code
Primary Phone #	Fax #	Email Address #	

AUTHORIZATION FOR AGENT (If applicable)

Owner Signature	Date
Print Name	

Subscribed and sworn before me this _____





CITY of CLARKSTON
PLANNING AND DEVELOPMENT DEPARTMENT
VARIANCE APPLICATION

1055 ROWLAND STREET
CLARKSTON, GA 30021
404.296.6489

day of _____, 20_____.

Signature of Notary Public in the State of Georgia

EXHIBIT "A"

I request permission to vary from Article XI - Parking and Loading requirements Section 1103(f) driveways and curb cuts. Although my property does not meet the minimum frontage or the curb cut spacing requirements, it is unique as it technically provides access to two parcels. The rear parcel (cell tower) is land locked and only has access via an access easement on this parcel. This access is provided by the drive cut to the south. I do not want a dead end drive to the main entry of my building, and am therefore requesting a second drive cut for access to my point of entry. Please note that at this time the property has continuous street access across the front and the revision to two drive cuts will be a substantial improvement to the existing conditions.



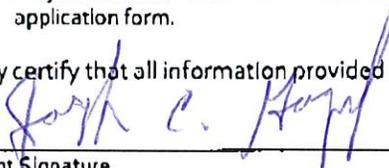
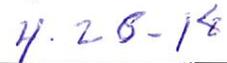
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Applicant Signature		Date
<input checked="" type="checkbox"/> Property Owner	<input type="checkbox"/> Owner's Agent	

**CITY OF CLARKSTON:
Disclosure of Campaign Contributions**

RECEIVED
5.22.18

Disclosure of Campaign Contributions
City of Clarkston

Pursuant to OCGA, Section 36-67A-3(a), the following disclosure is mandatory when an applicant or any representative has made campaign contributions aggregating \$250.00 or more to a local government within two (2) years immediately preceding the filing of this application.

It shall be the duty of the applicant and the attorney representing the applicant to file a disclosure with the governing authority of the respective local government. The following questions **must** be answered:

Have you, the applicant, made \$250.00 or more in campaign contributions to a **local** government official within two years immediately preceding the filing of this application?

Yes No

If the answer is **yes**, you must file a disclosure report with the governing authority of City of Clarkston showing:

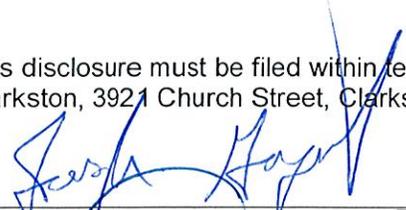
1. The name and official position of the local governing authority in City of Clarkston to whom the campaign contribution was made.

Name and official position of the applicant/representative (Please Print)

2. The dollar amount and description of each campaign contribution made during the two (2) years immediately preceding the filing of this application and the date of each such contribution was made.

_____	\$ _____
Description of Campaign Contribution (Please Print)	Dollar Amount

This disclosure must be filed within ten (10) days after the application is first filed and must be submitted to the City of Clarkston, 3921 Church Street, Clarkston, GA 30021.



Signature (choose one) Applicant Owner

Notary Signature

May 22, 2018

Date

May 22, 2018

Date and Seal



Sec. 1103. - Driveways and curb cuts.

Driveways and curb cuts shall meet the following criteria:

- (a) Interior driveway. Where ninety (90) degree parking is utilized, all interior driveways shall be a minimum of twenty two (22) feet in width. If forty five (45) or sixty (60) degree angle parking is used, then interior driveways shall be at least twelve (12) feet in width for one-way traffic and twenty two (22) feet in width for two-way traffic. Where parallel parking is utilized or there is no parking, interior driveways shall be a minimum of ten (10) feet in width for one-way traffic and twenty (20) feet in width for two-way traffic.
- (b) All sidewalk paving materials shall be continued across any intervening driveway at the same prevailing grade and cross slope as on the adjacent sidewalk clear zone. A corresponding interior sign or painted bar on the driveway shall be provided adjacent to the sidewalk paving as it intersects the driveway which shall communicate that vehicles must stop or yield for the intervening sidewalk.
- (c) Driveway curb cut widths shall be a maximum of twenty-four (24) feet for two-way entrances and twelve (12) feet for one-way entrances, unless otherwise permitted by the DeKalb or Georgia Department of Transportation. For the purposes of this section, two (2) curb cuts serving two one-way driveways shall only be counted as one (1) curb cut provided that each curb cut does not exceed one (1) lane in width.
- (d) Driveway curb cuts on any street that functions as an arterial street or collector street are permitted only when access cannot be provided from a side or rear street located immediately adjacent to a contiguous property, with the exception of hotel patron drop-off drives.
- (e) Driveways, except for a driveway to reach the side yard or rear yard or an on-site parking facility, are not permitted between the sidewalk and a building, and shall be perpendicular to any adjacent street.
- (f) No more than one (1) curb cut shall be permitted for each development, provided that properties with more than one (1) street frontage may have one (1) curb cut located on each street frontage. However, developments on properties with a single street frontage greater than four hundred (400) feet shall be permitted two (2) curb cuts along one street frontage provided that each curb is at least 300 feet apart.

- (g) A common or joint driveway may be authorized by the planning and development commission.
- (h) All developments shall have pedestrian walkways a minimum width of five (5) feet connecting ground level parking to the public sidewalks and to all building entrances.