

Variance Justifications
8811 Hwy 92, Woodstock, Georgia
FCA Realty LLC
December 6, 2019

1. Explain requested variance.

The Applicant is requesting a variance from various sections of the Land Development Code (LDC) in order to accommodate the redevelopment of an existing big box retail store on Hwy 92. The property is an existing legal non-conformity that the Applicant intends to adaptively reuse but due to the existing conditions on the property the Applicant seeks a variance from the following sections of the LDC:

- a. **Section 7.881 – Architectural Standards of the Parkway Overlay District.**
 - i. 7.881.4 – Windows separated from floor line by 24” base: Variance to allow for less than the 24” base in certain places along the front façade as shown on the plans.
 - ii. 7.881.13 – Ivy & Trellises requirement on exterior of building: Variance to not require installation of ivy and trellises.
- b. **Section 7.880 – Streetscape Zone Standards of the Parkway Overlay District:** Variance to not require the installation of fencing and other streetscape landscaping.
- c. **Section 19.400 – Outdoor Lighting Standards:** Variance to allow maximum fc levels to exceed requirements of the ordinance by 0.2.
- d. **Section 9.200(c) – General Plan Requirements:** Variance to allow landscaped tree coverage not to be less than the 50 foot radius coverage.

2. There are exceptional and extraordinary conditions pertaining to the particular piece of property in question, due to its size, shape or topography.

There are exceptional and extraordinary conditions pertaining to this particular property primarily related to topography and the fact that this property is already developed with an existing big box retail building which is being repurposed for the proposed development.

- a. The property contains an existing big box retail building that is being repurposed for the proposed development. This creates an exceptional condition on the property as it relates to the architectural standards of the Parkway Overlay District as the building was constructed prior to the standards being implemented.
- b. There is an extreme elevation change that exists at the south property line along Hwy 92, whereby from the grade of the road to the finished grade of the parking lot there is a 27 foot difference in elevation. As a result, much of the property sits below the grade of the road and the property line abutting the right-of-way of Hwy 92 is approximately 20 feet below the grade of the road.

- c. There is an extreme elevation change, as referenced above in item 2(b) that causes much of the property to sit below the grade of Hwy 92. Further, the existing lighting structures are being reused in their current state and repurposed akin to the manner in which the principal structure on the property is being repurposed.
- d. The existing conditions on the property creating the need for the landscape tree coverage variance is that landscaped islands already exist on the property and are being repurposed much like the other development features of the site.

3. The application of these regulations to this particular piece of property would create a practical difficulty or unnecessary hardship.

Strictly applying the regulations listed above to this piece of property would create a practical difficulty and unnecessary hardship. Because the property is already developed and the proposed redevelopment of the property is an infill project that intends to adaptively reuse the existing improvements and site development features, strictly applying the LDC would prohibit reuse of the existing building site improvements.

- a. With respect to Section 7.881.4 extending the base under the showroom storefront as required by the LDC would prevent full-height showroom vehicle entry doors, which is a necessary component of the dealership. Further, the requirement will be met in places on the front façade where there are not full-height showroom vehicle entry doors. Regarding Section 7.881.13, compliance would require a reduction of existing drive aisles immediately adjacent and around the existing building.
- b. Regarding Section 7.880, Georgia Department of Transportation does not allow work, with the exception of landscaping, in their right of way. There is no ability to move closer to the sidewalk to meet the intent of ordinance. Further, the existing topography negates the visibility of fence, which would be located approximately 20 feet below the grade of Hwy 92.
- c. To comply with Section 19.400, additional light poles with concrete bases would be required that would reduce existing parking on the site. Notwithstanding the foregoing, where the property abuts the residential areas to the north the site lighting meets or exceeds the ordinance requirement.
- d. To fully comply with Section 9.200(c) additional site disturbance would be required along with the addition of concrete islands in various places throughout the parking lot. Compliance is not possible on the eastern property line as the drive aisle abuts the property line and the adjacent commercial property. The existing coverage of the landscape trees is closely aligned with the intent of the LDC.

4. Such conditions are peculiar to the particular piece of property involved.

- a. The conditions are peculiar to this particular property as it is extremely unlikely that there are other properties in this area of the City of Woodstock that share the exact same topographical conditions.
- b. Same answer as Item 4(a).

c. Same answer as Item 4(a).

d. Same answer as Item 4(a).

5. A literal interpretation of this ordinance would deprive the applicants of any rights that others in the same district are allowed.

a. The literal interpretation of the LDC would deprive the Applicant of the ability to use the property in a manner that it believes is the highest and best use of the property, not unlike other properties in the immediately surrounding area. Further, not only would the literal interpretation of the LDC deprive the Applicant of rights enjoyed by others in the same district, but it would cut against the sustainability practices of the City of Woodstock as mentioned in the comprehensive plan whereby reuse of buildings is a stated goal.

b. Same answer as Item 5(a).

c. Same answer as Item 5(a).

d. Same answer as Item 5(a).

6. Relief, if granted, would not cause substantial detriment to the public good, or impair the purposes and intent of this ordinance.

By granting relief from the LDC, the public will suffer no substantial detriment nor will the purposes and intent of the ordinance be impaired.

a. With the exception of the eastern property line, the property is surrounded by vegetative buffering or screening due to the elevation change from Hwy 92 to the grade of the parking lot.

b. Same answer as Item 6(a).

c. The proposed redevelopment of the property into a new and used car automobile dealership and service department will be non-offensive to neighboring properties as the existing lighting on the property will remain largely as-is, all vehicle servicing will occur inside, and no loud speakers will be used as all communication will be done via walkie-talkie.

d. Same answer as Item 6(a).

7. Special circumstances or conditions applying to the building or land or building and land in question are peculiar to such premises and do not apply generally to other land or buildings in the vicinity.

a. As previously described, this a developed property that will be adaptively reused to accommodate the proposed project. The property was developed prior to the existing requirements of the LDC and as such create conditions due to the development climate of the time that are not aligned with the current requirements, thereby creating the need for the

variances sought herein. These conditions do not apply generally to other land or buildings in the vicinity.

- b. Same answer as Item 7(a).
 - c. Same answer as Item 7(a).
 - d. Same answer as Item 7(a).
- 8. Granting of the application is necessary for the preservation and enjoyment of a property right and not merely to serve as a convenience to the applicant.**
- a. Granting the variances sought herein is necessary for the enjoyment of the applicant's property rights. The applicant is requesting the variances sought herein in order to accommodate the development of the proposed project. Without these variances, the project will not be feasible. It should be noted that due to the nature of the existing structure on the property, any developer that seeks to redevelop this property in a manner that preserves the existing improvements with an eye to sustainability will have to seek variances. Accordingly, the variances sought herein are not a convenience to the applicant but rather a necessary component to redevelopment.
 - b. Same answer as Item 8(a).
 - c. Same answer as Item 8(a).
 - d. Same answer as Item 8(a).
- 9. The condition from which relief or a variance is sought did not result from willful action by the applicant.**
- a. The applicant has not created any of the existing conditions on this property.
 - b. Same answer as Item 9(a).
 - c. Same answer as Item 9(a).
 - d. Same answer as Item 9(a).
- 10. Authorizing the variance will not impair adequate supply of light and air to adjacent property or unreasonably increase the congestion of public streets, increase the danger of fire, imperil the public safety, unreasonably diminish or impair established property values within the surrounding areas or in any other respect impair the health, safety, comfort, morals or general welfare of the inhabitants of the City.**
- a. Due to the nature of the project's proposed redevelopment of an existing structure, there will be no impairment of adequate light and air to adjacent property more so than what already exists. There will be no unreasonable congestion of the public streets per the traffic study that has been submitted as a part of this application. There will be no increased fire danger and the

public health, safety, comfort, morals and general welfare will not be imperiled. With respect to property values, the proposed redevelopment should have a more positive impact on adjacent property values than the existing big box retail store.

- b. Same answer as Item 10(a).
- c. Same answer as Item 10(a).
- d. Same answer as Item 10(a).