

**DECEMBER 15, 2015 ZONING HEARING  
“OTHER BUSINESS”  
COMMISSION DISTRICT 4**

**ITEM # 61**

To consider granting a Special Exception for a reduction of public road frontage as recommended by the Board of Zoning Appeals from their November 11, 2015 Variance Hearing regarding Variance Application:

V-150          AJAY North America, LLC

**BACKGROUND**

In accordance with a Zoning Ordinance Amendment adopted by the Board of Commissioners on July 28, 2015, Section 134-94(a)(5), the Board of Commissioners shall consider granting a Special Exception for reduction of road frontage, after approval by the Board of Zoning Appeals. The Variance Analysis is attached for review. The Board of Zoning Appeals considered this appeal at the November 11, 2015 Variance Hearing and recommended approval of the Special Exception.

**FUNDING**

N/A

**RECOMMENDATION**

The Board of Commissioners consider granting a Special Exception for reduction of road frontage as recommended by the Board of Zoning Appeals for Variance case:

V-150          AJAY North America, LLC

**ATTACHMENTS**

Variance analysis

**MINUTES OF VARIANCE HEARING  
COBB COUNTY BOARD OF ZONING APPEALS  
NOVEMBER 11, 2015  
PAGE 4**

**CONSENT AGENDA (CONT.)**

**V-150**      **AJAY NORTH AMERICA, LLC**, owner requesting a variance to: 1) waive the rear setback from the required 30/40 feet to zero feet adjacent to the western property line; 2) reduce the minimum number of required parking spaces from 21 to 14 spaces for proposed administration building; and 3) waive the minimum public road frontage from the required 50 feet to zero feet in Land Lots 909, 910, 941, and 942 of the 19<sup>th</sup> District. Located on the west side of Industry Road, south of Flint Hill Road (1400, 4000 Industry Road).

To **approve** the variance request, subject to:

- **Site Plan Review Division comments and recommendations**

~~**V-151**      **HENRY R. VITALI, JR. AND ANITA M. VITALI** (Henry Ross Vitali, Jr. and Anita M. Vitali, owners) requesting a variance to waive side setback for an accessory structure over 650 square feet (approximately 2,200 square foot garage/shop) from the required 100 feet to 18 feet adjacent to the southern property line in Land Lot 339 of the 20<sup>th</sup> District. Located at the western terminus of Breckenridge Point, west of Mars Hill Road (171 Mars Hill Road).~~

~~To **approve** variance request, subject to:~~

- ~~• **No commercial or residential use of the accessory building**~~
- ~~• **Stormwater Management Division comments and recommendations**~~
- ~~• **Sewer Division comments and recommendations**~~

*Due to opposition present, V-152 (Southland Homes) was pulled from the Consent Agenda and added to the Regular Agenda.*



**APPLICANT:** Ajay North America, LLC

**PETITION No.:** V-150

**PHONE:** 770-943-6202

**DATE OF HEARING:** 11-11-2015

**REPRESENTATIVE:** Charles D. Rann

**PRESENT ZONING:** LI, HI

**PHONE:** 770-505-8115

**LAND LOT(S):** 909, 910, 941, 942

**TITLEHOLDER:** Ajay North America, LLC

**DISTRICT:** 19

**PROPERTY LOCATION:** On the west side of Industry Road, south of Flint Hill Road (1400, 4000 Industry Road).

**SIZE OF TRACT:** 6.85 acres

**COMMISSION DISTRICT:** 4

**TYPE OF VARIANCE:** 1) Waive the rear setback from the required 30/40 feet to zero feet adjacent to the western property line; 2) reduce the minimum number of required parking spaces from 21 to 14 spaces for proposed administration building; and 3) waive the minimum public road frontage from the required 50 feet to zero feet.

**OPPOSITION:** No. OPPOSED **PETITION No.**        **SPOKESMAN**       

**BOARD OF APPEALS DECISION**

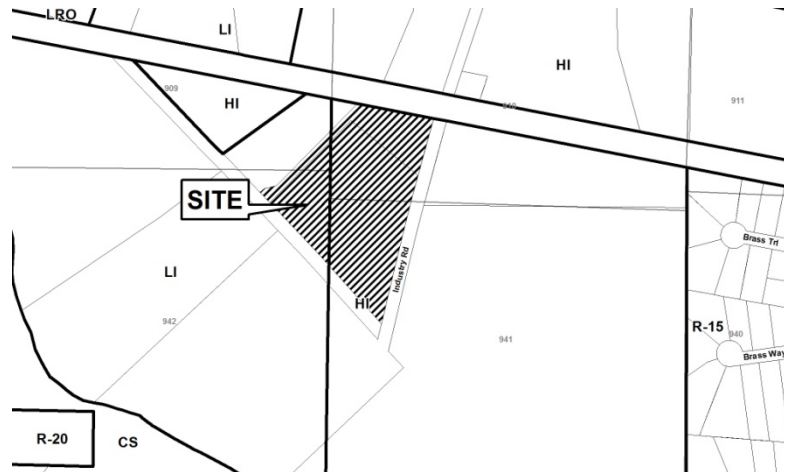
**APPROVED**        **MOTION BY**       

**REJECTED**        **SECONDED**       

**HELD**        **CARRIED**       

**STIPULATIONS:**       



**APPLICANT:** Ajay North America

**PETITION No.:** V-150

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**COMMENTS**

**TRAFFIC:** This request will not have an adverse impact on the transportation network.

**DEVELOPMENT & INSPECTIONS:** No comment.

**SITE PLAN REVIEW:** If this variance request is approved, a plat must be recorded combining parcels 19094100020 and 19091000100 prior to the issuance of the land disturbance permit. A plat revision must be recorded prior to the issuance of the certificate of occupancy showing all improvements on the lot and referencing the variance case in the standard plat revision note. The surveyor must submit the plat to the Site Plan Review Section, Community Development Agency for review and approval prior to recording. Call 770-528-2147.

**STORMWATER MANAGEMENT:** Subject to Plan Review comments.

**HISTORIC PRESERVATION:** After examining Civil War trench maps, Cobb County historic property surveys, county maps, and various other resources, staff has no comments regarding the impact or treatment of historic and/or archaeological resources

**DESIGN GUIDELINES:** No comment.

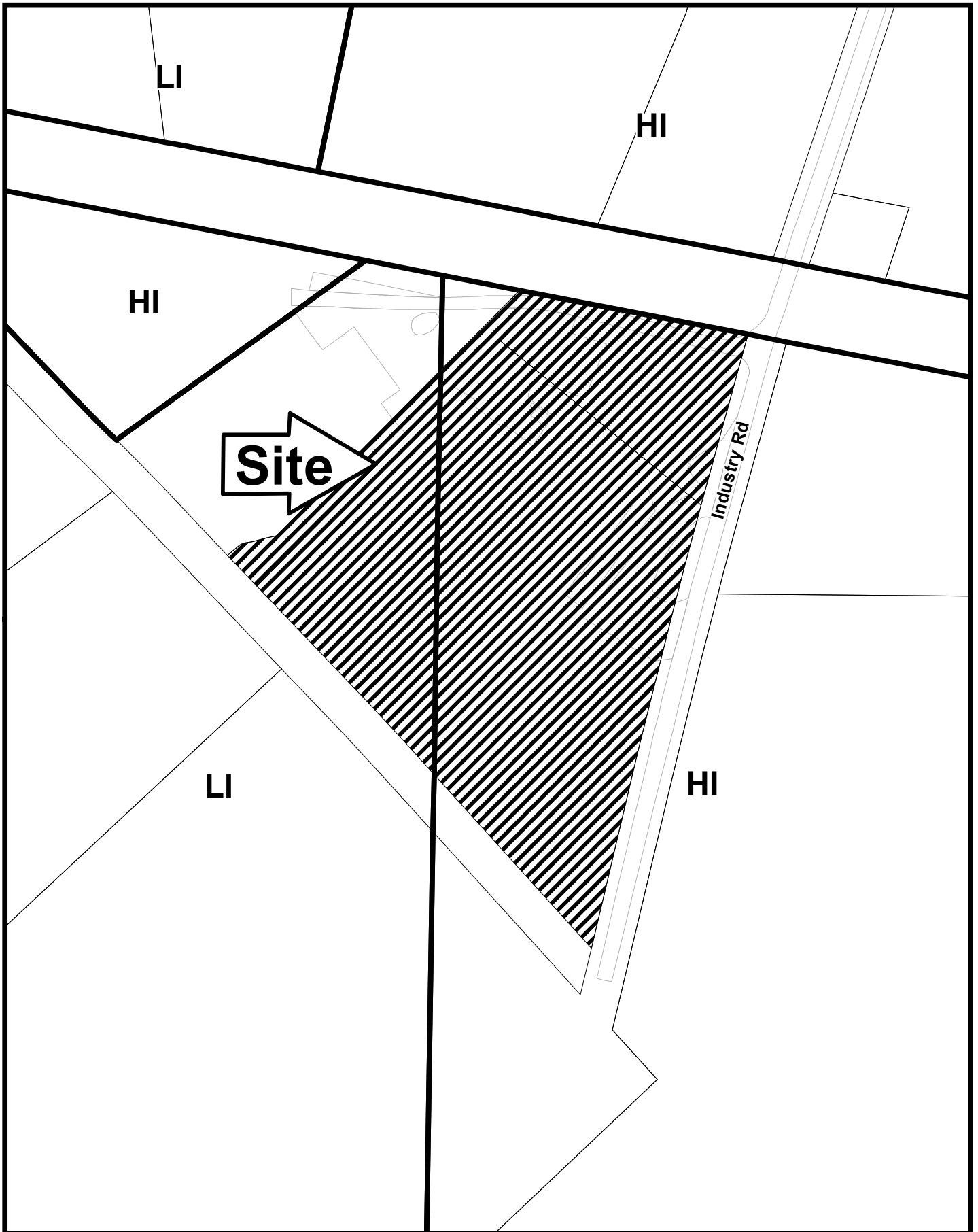
**CEMETERY PRESERVATION:** No comment.

**WATER:** No conflict

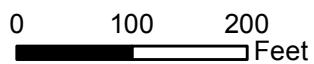
**SEWER:** No conflict



**FIRE DEPARTMENT:** NO COMMENTS: After analyzing the information presented for a Preliminary Review, the Cobb County Fire Marshal's Office is confident that all other items can be addressed during the Plan Review Stage.

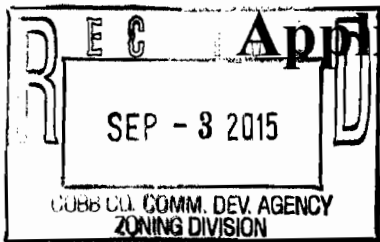
# V-150



This map is provided for display and planning purposes only. It is not meant to be a legal description.



-  City Boundary
-  Zoning Boundary



# Application for Variance Cobb County

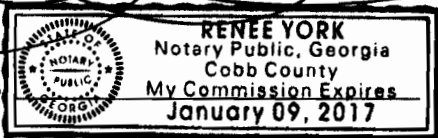
(type or print clearly)

Application No. V-150  
Hearing Date: 11/11/2015

Applicant Ajay North America, LLC Phone # 770-943-6202 E-mail Alan.shipp@ajay-sqm.com

Charles D. Rann (Edison Engineering Group, LLC) Address 1400 Industry Road, Powder Springs, GA 30127  
(representative's name, printed) (street, city, state and zip code)

[Signature] Phone # 770-505-8115 E-mail crann@edisoneng.com  
(representative's signature)

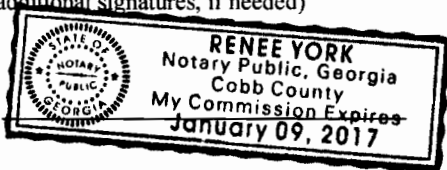


Signed, sealed and delivered in presence of:  
[Signature]  
Notary Public

My commission expires

Titleholder Ajay North America, LLC Phone # 770-943-6202 E-mail Alan.shipp@ajay-sqm.com

Signature [Signature] Address: 1400 Industry Road, Powder Springs, GA 30127  
(attach additional signatures, if needed) (street, city, state and zip code)



Signed, sealed and delivered in presence of:  
[Signature]  
Notary Public

My commission expires:

Present Zoning of Property LI & HI

Location 1400 Industry Road & 4000 Industry Road, Powder Springs, GA 30127  
(street address, if applicable; nearest intersection, etc.)

Land Lot(s) 909,910,941,942 District 19th Size of Tract 6.851 Acre(s)

Please select the extraordinary and exceptional condition(s) to the piece of property in question. The condition(s) must be peculiar to the piece of property involved.

Size of Property \_\_\_\_\_ Shape of Property \_\_\_\_\_ Topography of Property \_\_\_\_\_ Other

The Cobb County Zoning Ordinance Section 134-94 states that the Cobb County Board of Zoning Appeals must determine that applying the terms of the Zoning Ordinance without the variance would create an unnecessary hardship. Please state what hardship would be created by following the normal terms of the ordinance (If applying for Backyard Chickens pursuant to Sec.134-94(4), then leave this part blank).

See Attached Letter  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

List type of variance requested: See Attached Letter



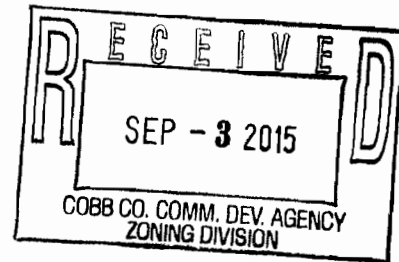
V-150  
(2015)  
Exhibit

**EDISON ENGINEERING GROUP**  
MUNICIPAL • ENVIRONMENTAL • LAND PLANNING

2203 Charles Hardy Parkway • Dallas, GA 30157 • (770) 505-8115

September 3, 2015

Mr. Terry Martin, Planner 2  
Cobb County Community Development Agency  
Zoning Division  
P.O. Box 649  
Marietta, GA 30061



Re: Ajay North America – SPR-2015-00152  
Cobb County Board of Zoning Appeals Application

Dear Mr. Martin:

Ajay North America, LLC (AJAY) was formed in 1972 as Ajay Chemicals. Since 1972, AJAY, through acquisition and partnering, has expanded their manufacturing and distribution abilities to become one of the leaders in iodine-based chemicals with three other facilities in addition to the location at 1400 Industry Road in Powder Springs.

Expansion planning at their manufacturing location at 1400 Industry Road has resulted in the requirement to combine two existing parcels (Parcel 19-0910-0-010-0; Parcel 19-0941-0-002-0) in order to construct a new 8,000 square foot administration building. In addition to the new administration building, AJAY is planning to construct a new 30,000 square foot warehouse on the southern side of the combined parcel.

The combination of the parcels has not taken place as AJAY is working with the Cobb County Board of Assessor’s Office to ensure the existing Brownfield Tax Abatement (Parcel 19-0941-0-002-0) is preserved with the combination of properties.

Parcel 19-0910-0-010-0 and Parcel 19-0941-0-002-0 are both located in Heavy Industrial (HI) and Light Industrial (LI) districts. The specific variance request with the appropriate code section is included below:

Parcel ID & Zoning District	Variance Request	Cobb County Code Section Reference	
		(L) Light Industrial District	(HI) Heavy Industrial District
19-0910-0-010-0	Rear setback (west) reduction to zero	Sec. 134-230.(4).d - Minimum building setbacks: Rear 30 feet	Sec. 134-231.(4).d - Minimum building setbacks: Rear 40 feet
Zoned LI & HI	Reduction from required 21 spaces to 14 spaces at proposed administration building; Additional parking will be located within 400 feet of building entrance	Sec. 134-272.(5).d; Sec. 134-272.(5).b.2	Sec. 134-272.(5).d; Sec. 134-272.(5).b.2
	Road frontage requirement from 50 feet to zero with access provided through 50 foot public easement	Sec. 134-230.(4).c - Minimum Public Road Frontage: 50 feet; Sec. 134-261. - Street frontage requirement: 50 feet	Sec. 134-230.(4).c - Minimum Public Road Frontage: 50 feet; Sec. 134-261. - Street frontage requirement: 50 feet



Parcel ID & Zoning District	Variance Request	Cobb County Code Section Reference	
		(LI) Light Industrial District	(HI) Heavy Industrial District
19-0941-0-002-0  Zoned LI & HI	Rear setback (west) reduction to zero	Sec. 134-230(4) d - Minimum building setbacks: Rear 30 feet	Sec. 134-231(4) d - Minimum building setbacks: Rear 40 feet
	Road frontage requirement from 50 feet to zero with access provided through 50 foot public easement	Sec. 134-230(4) c - Minimum Public Road Frontage: 50 feet; Sec. 134-261 - Street frontage requirement: 50 feet	Sec. 134-230(4) c - Minimum Public Road Frontage: 50 feet; Sec. 134-261 - Street frontage requirement: 50 feet

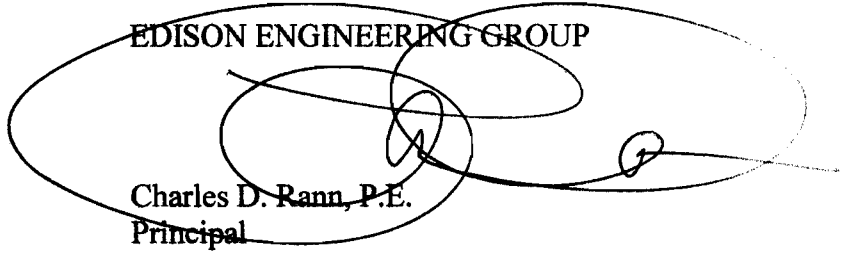
The requested variances should not impact adjacent properties as the subject parcels are surrounded by other industrial zoned properties (AJAY owns the properties to the west of the site). The approval of the request will allow for AJAY to master plan the facility and maximize the use of the properties where there is a common property line with other AJAY parcels. AJAY acknowledges the location of the Silver Comet Trail to the north and has made no requests to reduce the northern setback.

The attached variance application package and site plan is attached for your use.

Contact me if you have any questions.

Sincerely,

**EDISON ENGINEERING GROUP**



Charles D. Rann, P.E.  
Principal

Enclosures

cc: Alan Shipp, Ajay North America, LLC  
Jim Croft, Croft & Associates  
File (14-004)