

# Staff Report – Variance

Public Hearing Date: September 18, 2025

**Case:** VAR-2025-13

**Current Zoning:** Planned Industrial (PI) District

**Council Ward:** 4

**Proposed Request:** Variance request to exceed the maximum number of accessory structures permitted on a property and to reduce the required rear yard setback to permit the construction of a new multipurpose Operations and Maintenance Facility within the Planned Industrial (PI) District, located in Ward 4.

**Staff Report Compiled By:** SaVaughn Irons-Kumassah, Principal Planner

**Staff Recommendation:** Approval of variance with conditions

## APPLICANT INFORMATION

<b>Owner of Record:</b> <b>Name:</b> Metropolitan Atlanta Rapid Transit Authority 5163 and 5265 Old Dixie Highway FOREST PARK, GA 30297	<b>Applicant:</b> Metropolitan Atlanta Rapid Transit Authority 5163 and 5265 Old Dixie Highway FOREST PARK, GA 30297
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## PROPERTY INFORMATION

<b>Parcel Number:</b> 13077A A009 and Parcel # 13077A A001	<b>Acreage:</b> 31.24 +/-
<b>Address:</b> 5163 and 5265 Old Dixie Highway Forest Park, GA 30297	<b>FLU:</b> Industrial

### ZONING CLASSIFICATIONS OF CONTIGUOUS PROPERTIES

Direction	Zoning & Use	Direction	Zoning & Use
North	PI: Planned Industrial District	East	LI: Light Industrial District
South	PI: Planned Industrial District	West	PI: Planned Industrial District

## SUMMARY & BACKGROUND

The Metropolitan Atlanta Rapid Transit Authority (MARTA) has submitted a request for two variances to facilitate the development of a new Multipurpose Operations and Maintenance Facility across two

contiguous parcels located at 5163 and 5265 Old Dixie Highway, within the Planned Industrial (PI) District in Ward 4. The combined acreage of the site is approximately 31.24 +/- acres, and the proposed development represents a significant public infrastructure investment intended to support MARTA's expanding transit operations, electric vehicle fleet, and public safety functions.

The development includes several functionally specialized buildings and support structures, designed to facilitate efficient site circulation, bus maintenance and fueling operations, and future electric bus infrastructure. In total, the project includes six buildings and two ancillary structures, distributed across the two parcels. MARTA is requesting the following two zoning variances to support the proposed development:

1. Variance from Rear Yard Setback Requirement (Sec. 8-8-49 Planned Industrial District Standards.)

On the southern parcel (5265 Old Dixie Highway), MARTA requests relief from the required 30-foot rear yard setback, seeking approval to reduce the setback to approximately 21 feet to allow for the placement of the Fueling and Servicing Building (H) and the Bus Wash Facility (E). The reduction is needed to accommodate safe and functional bus circulation patterns across the site, especially given the significant turning radii required for bus movements.

This portion of the site directly abuts a 100-foot-wide Georgia Power easement, of which MARTA has been granted use of a 20-foot-wide strip for underground utilities and roadway circulation, though no structures are permitted within that zone. While the variance would permit construction closer to the property line, the proposed buildings remain well outside the Georgia Power easement, and the new setback condition improves upon the current configuration, where the existing structure sits only 12 feet from the property line.

2. Variance from Accessory Structure Limitations (Sec. 8-8-75 Accessory Use/Structures Standards.(5)a. b.)

City code currently limits the number of accessory structures on a single lot to three (3) and restricts their combined size to no more than 50% of the primary structure's finished floor area. On the 5265 Old Dixie Highway parcel, MARTA proposes a primary Operations & Maintenance Building (Building A), along with five accessory structures, which include:

- Bus Wash Building (E)
- Industrial Wastewater Treatment Facility (G)
- Fueling and Servicing Building (H)
- Dumpster Area Canopy (F)
- Battery Electric Bus Charging Infrastructure (J), consisting of at-grade electrical switch gear, generators, and gantry structures.

The applicant asserts that the operational complexity of a modern transit facility—including the need for specialized systems, vehicle separation, and efficient internal circulation—necessitates the construction of more than three accessory structures. Furthermore, the layout has been strategically designed to isolate conflicting uses (e.g., fueling and waste management from maintenance and admin operations), support sustainable transit infrastructure, and ensure compliance with safety and operational protocols.

The adjacent parcel at 5163 Old Dixie Highway contains a MARTA Police Precinct (primary structure, Building C) and a Compressed Natural Gas (CNG) Plant (Building K), which complies with accessory structure limitations and does not require a variance. Notably, while one building (the CNG Plant)

straddles the shared lot line between the parcels, no setback variance is required due to a 2023 ordinance amendment allowing the waiver of side setbacks on contiguous parcels under common ownership (Sec. 8-8-73).

Both requested variances highlight the limitations of applying conventional zoning standards to large-scale, mission-critical public infrastructure projects. While the zoning ordinance appropriately limits accessory structures in typical industrial settings to preserve site organization and reduce visual clutter, the proposed development operates more similar to a public utility or essential service node, with multiple interdependent functions that require spatial and operational separation.

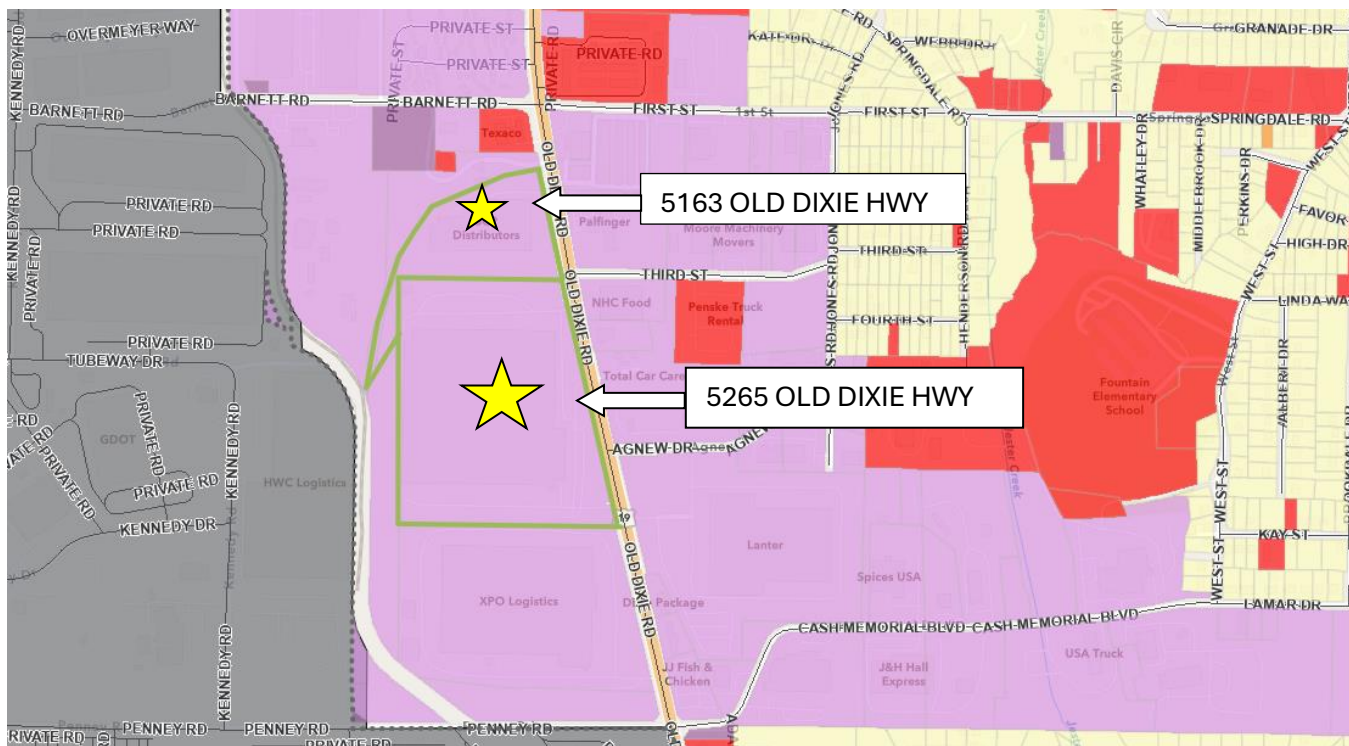
The proposed design supports MARTA's long-term operational efficiency, sustainability initiatives (including electric bus infrastructure), and public safety presence through the integrated police precinct. The applicant has demonstrated that strict adherence to the accessory structure limit and rear yard setback would compromise safe bus circulation, site logistics, and core functions.

The project's unified site plan, shared ownership, and the interconnected nature of its uses suggest that these variances—while technically exceeding specific code limits—do not undermine the intent of the zoning ordinance. Instead, the proposed layout appears to enhance site functionality and service delivery.

## AERIAL MAP



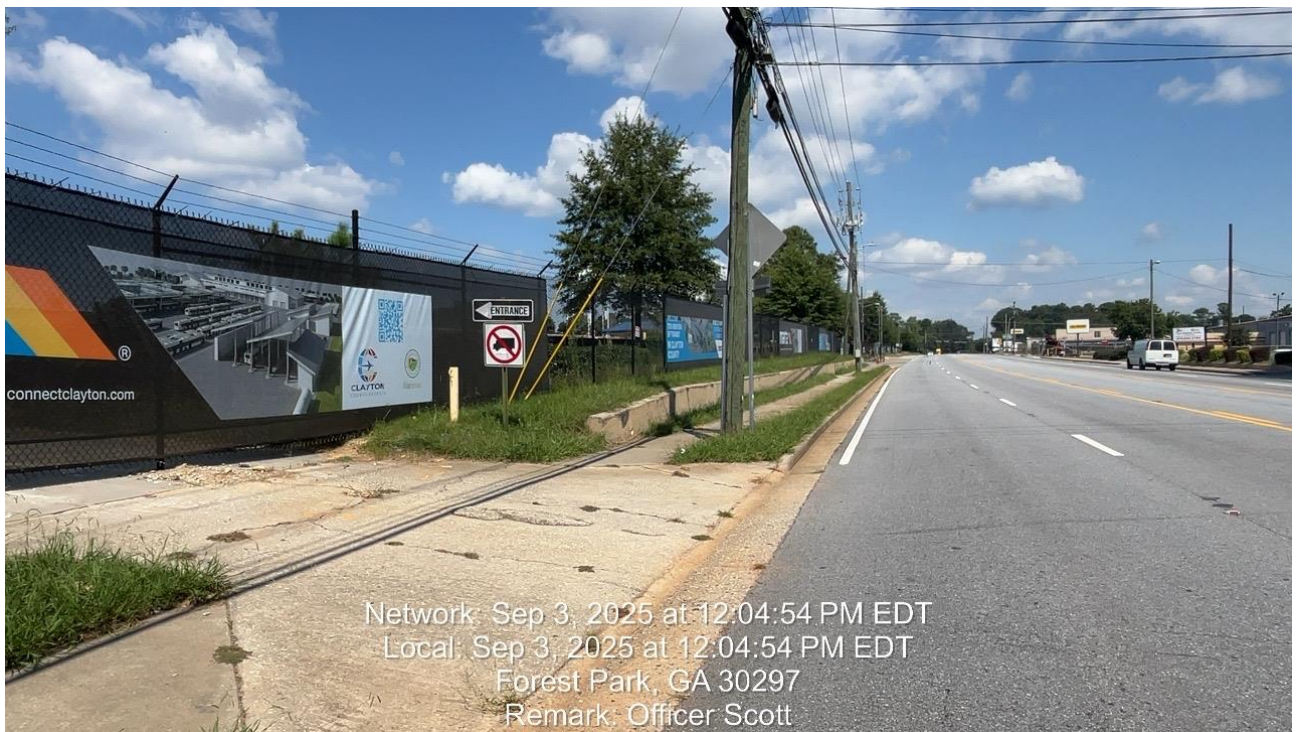
# ZONING MAP







**SITE PHOTOS**





### VARIANCE JUSTIFICATION

The Planning Commission may grant a variance from the development standards of this chapter in permittance under this chapter, if, after a public hearing, it makes findings of facts in writing, that:

1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community, per Sec. 8-8-193. (a) (1) of the Code of Ordinances.
2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner per Sec. 8-8-193. (a) (2) of the Code of Ordinances; and
3. The strict application of the terms of this ordinance will result in practical difficulty in the use of the property. This situation shall not be self-imposed, nor be based on a perceived reduction of, or restriction on, economic gain, per Sec. 8-8-193. (a) (3) of the Code of Ordinances.

### STAFF RECOMMENDATION

Staff recommends **APPROVAL** with conditions of the variance to exceed the maximum number of accessory structures permitted on a property (from three to five) and to reduce the required rear yard setback (from 30 feet to 21 feet) to allow for the construction of a new multipurpose Operations and Maintenance Facility within the Planned Industrial (PI) District, located in Ward 4. Staff finds that the requested variances are justified based on the unique operational requirements of the facility, the public benefit it provides, and the physical characteristics of the site. The proposal meets the intent of the zoning ordinance and does not result in adverse impacts to surrounding properties. Based upon this information, staff recommends the following conditions of approval:

1. **Site Plan Compliance:** The development shall substantially conform to the site plan submitted with the variance application. Any significant deviations shall require additional review and approval by the Planning Commission or City staff, as applicable.
2. **Accessory Structure Limit:** The variance shall apply only to the 5265 Old Dixie Highway parcel and shall allow for no more than **five (5)** accessory structures, in addition to the primary Operations and Maintenance Building. These structures are limited to:
  - Bus Wash Building (E)
  - Industrial Wastewater Treatment Facility (G)
  - Fueling & Servicing Building (H)
  - Dumpster Area Canopy (F)
  - Battery Electric Bus Charging Infrastructure (J)
3. **Rear Yard Setback Reduction:** The minimum rear yard setback on the 5265 Old Dixie Highway parcel may be reduced from **30 feet to 21 feet**, as depicted on the submitted plans. No buildings or permanent structures shall encroach into the Georgia Power easement.
4. **Utility Coordination:** Prior to issuance of any building permits, the applicant shall provide written confirmation of coordination with Georgia Power and any other applicable utility providers to ensure compliance with easement restrictions and site access requirements.
5. **Future Subdivision Restriction:** No subdivision or lot reconfiguration shall occur that results in noncompliance with these variances or creates additional lots that exceed accessory structure limits under Sec. 8-8-75(5).
6. **Permitting Compliance:** All construction must comply with applicable building codes, stormwater regulations, and permitting requirements. Any future accessory structures not identified in this request will require separate review and approval, unless otherwise permitted by right
7. **Urban Design Review Board (UDRB) Approval:** Prior to any consideration or approval, the applicant shall submit architectural renderings and material samples for review by City staff. Formal approval from the Urban Design Review Board (UDRB) shall be required for the overall site design, including building façades, landscaping, and buffer treatments. No site development or construction permits shall be issued until UDRB approval has been granted in accordance with applicable city design standards and procedures.

Attachments Included

- Justification Letter