



Michael L. Thurmond
Chief Executive Officer

DeKalb County Zoning Board of Appeals
Department of Planning & Sustainability
330 Ponce De Leon Avenue, Suite 300
Decatur, GA 30030



Wednesday, January 9, 2019 at 1:00 PM
Planning Department Staff Analysis

N.4 Case No: A-19-1243010 Parcel ID(s): 18-063-14-009

Commission District: 02 Super District 06

Applicant: QuikTrip Corporation c/o Battle Law, P.C.
One West Court Square, Suite 750
Decatur, Georgia 30033

Owner: Plant Improvement Company, Inc.
PO Box 3475
Tulsa, OK 74101

Project Name: 1910 Lawrenceville Highway

Location: The property is located at the northside of Lawrenceville Highway, approximately 149 feet east of Harrington Drive, at 1910 Lawrenceville Highway, Decatur, Georgia.

REQUEST: Variance from Section 27-5.4.5 of the DeKalb County Zoning Ordinance to allow for grading and the placement of a retaining wall within the first 16.1 feet of the transitional buffer for a proposed redevelopment, relating to the C-1 zoning district pursuant to zoning condition CZ-18-235207.

Staff Recommendation: **“APPROVAL” based on the submitted site plan received on December 6, 2018 and with condition that all approved zoning conditions are met.**

STAFF FINDINGS:

Table 1: Surround Zoning and Land Use

	Adjacent Zoning	Adjacent Land Use
North	R-75 & C-2	Undeveloped & <i>Stivers Decatur Subaru</i>
East	R-75	Detached single family homes
South	HR-2	Multifamily homes
West	C-2	<i>Stivers Decatur Subaru</i>
Northeast	R-75	Detached single family homes
Northwest	C-2	<i>Stivers Decatur Subaru</i>
Southeast	HR-2	Multifamily homes
Southwest	HR-2	Multifamily homes
Street Type		Major Arterial

Site Location: The property is located at the northside of Lawrenceville Highway, approximately 149 feet east of Harrington Drive, at 1910 Lawrenceville Highway, Decatur, Georgia. The property fronts Orion Drive and Lawrenceville Highway, which and is classified as a Major Arterial.

Variance request: The applicant is requesting variances from Section 27-5.4.5 of the DeKalb County Zoning Ordinance to allow for grading and the placement of a retaining wall within the first 16.1 feet of the transitional buffer for a proposed redevelopment of a QuikTrip gas station, relating to the C-1 zoning district pursuant to zoning condition CZ-18-235207.

Variance Analysis: Per the County’s GIS database, the site has approximately 224-feet of street frontage along Lawrenceville Hwy and approximately 223-feet along Orion Drive. The total lot area is 68,991 square feet. The C-1 zoning district requires 10-feet of frontage along a public street and a minimum lot area of 20,000 square feet; the property which meets the requirements.

Based on the submitted site plan, the subject property is irregularly shaped with a sloping topography within the rear yard. The location of the existing store will be reoriented so that the gas canopy can be relocated to the Orion Drive side of the property away from the Cobb Estates subdivision. Per Section 27-5.4.5 of the DeKalb County Zoning Ordinance “*Grading or construction adjacent to the transitional buffer zone shall not disturb or encroach upon the transitional buffer zone.*” Per the applicant, “*Per section 27-4.2.28 C.2 requires that the canopy sit back 15 feet from the property line, and the gas pumps must sit back 30 feet from the property line. When the shape and topography of the subject property is combined with 50 feet transitional buffer along the rear property line, there is simply insufficient room to push the building forward and maintain the required driving aisle and parking spaces in the manner that is consistent with the site plan recently approved by the DeKalb County Board of Commissioner.*”

Based on the submitted materials, the applicant has had conversations and meetings with the Medlock area Neighborhood Associations, Inc. regarding the clean-up of the transitional buffer. There are several dead and/or diseased trees within the transitional buffer than need to be removed from the buffer area. The Applicant has agreed to cut the ivy and remove the damage trees, and replant trees within the buffer. The applicant anticipates that sixteen (16) trees will be removed from the buffer that are not dead or diseased, and replaced within the buffer.

Based on the submitted materials and site visit, it appears due to the severe restrictions and limited buildable area, the applicant requests pose a hardship, and therefore meets the criteria for approval, based on the following findings.

1. By reason of exceptional narrowness, shallowness or shape of a specific lot, or by reason of exceptional topographic conditions, which were not created by the owner or applicant, the strict application of the requirements of this chapter would deprive the property owner of rights and privileges enjoyed by other property owners in the same zoning district:

Based on the submitted materials, it appears that the strict application of the requirements of this chapter would deprive the property owner of rights and privileges enjoyed by other property owners in the same zoning district since the subject property is an irregular shaped lot with a sloping topography within the rear yard, resulting in design constraints.

2. The requested variance does not go beyond the minimum necessary to afford relief, and does not constitute a grant of special privilege inconsistent with the limitations upon other properties in the zoning district in which the subject property is located:

Based on the submitted materials, it appears that the proposed variance is the minimum necessary to afford relief, and does not constitute a grant of special privilege inconsistent with the limitations upon other properties in the zoning district in which the subject property is located since 27-4.2.28 C.2 requires that the canopy sit back 15 feet from the property line, and the gas pumps must sit back 30 feet from the property line. When the shape and topography of the subject property is combined with 50 feet transitional buffer along the rear property line, there is insufficient lot area to push the building forward and maintain the required driving aisle and parking spaces in the manner that is consistent with the site plan recently approved by the DeKalb County Board of Commissioner on November 13, 2018.

3. The grant of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the zoning district in which the subject property is located:

Based on the submitted materials, the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the zoning district in which the subject property is located. Further, the applicant was been in communication with the neighborhood regarding the the encroachment as well as improvements of the transitional buffer.

4. The literal interpretation and strict application of the applicable provisions or requirements of this chapter would cause undue and unnecessary hardship:

Based on the submitted materials, it appears that the literal interpretation and strict application of the applicable provisions or requirements of this chapter would not cause an undue and unnecessary hardship since

5. The requested variance would be consistent with the spirit and purpose of this Chapter and the DeKalb County Comprehensive Plan Text:

Based on the submitted materials, it appears that the requested variance would be consistent with the spirit and purpose of this chapter and the DeKalb County Comprehensive Plan text.

FINAL STAFF ANALYSIS:

Based on the submitted materials, it appears that the proposed variance is the minimum necessary to afford relief, and does not constitute a grant of special privilege inconsistent with the limitations upon other properties in the zoning district in which the subject property is located since 27-4.2.28 C.2 requires that the canopy sit back 15 feet from the property line, and the gas pumps must sit back 30 feet from the property line. When the shape and topography of the subject property is combined with 50 feet transitional buffer along the rear property line, there exists site constraints for moving the building forward and maintaining the required driving aisle and parking spaces in the manner that is consistent with the site plan recently approved by the DeKalb County Board of Commissioner on November 13, 2018. Therefore, the Department of Planning and Sustainability recommends that the application be "Approved".

STAFF RECOMMENDATION: "APPROVAL" based on the submitted site plan received on December 6, 2018 and with condition that all approved zoning conditions are met.