



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



Michael L. Thurmond

Wednesday, October 14, 2020 at 1:00 PM

Chief Executive Officer

Planning Department Staff Analysis

N3 Case No: A-20-1244246 Parcel ID(s): 15-017-02-006; and 15-017-01-001

Commission District: 03 Super District 06

Applicant: Strategic Development Partners,, LLC
3715 Northside Parkway Building 400, Suite 425
Atlanta, GA 30327

Owner: Greenland LLC.

Project Name: 1025 & 1064 LANCASTER ROAD, CONLEY, GA 30288

Location: The properties are located on the east of Lancaster Road, at 1025 & 1064 Lancaster Road, Conley, GA 30288.

REQUEST: Variances request from chapter 27-39.1 of the DeKalb County Zoning Ordinance (1) waive the streetscape requirements, (2) waive the streetlights and street furnishing requirement, and (3) chain-link fences shall not be located closer than eighty-five (85) feet to a public right-of-way, unless the chain-link fence is in Tier 4 and is not visible from the public right-of-way, relating the Bouldercrest-Cedar Grove-Moreland Overlay District.

Staff Recommendation: "Denial".

STAFF FINDINGS:

Site Location: The properties are located on the east of Lancaster Road, at 1025 & 1064 Lancaster Road, Conley, GA 30288. The subject properties are located within tier 4 of the Bouldercrest-Cedar Grove- Moreland Overlay District.

Variance request: Variances request from chapter 27-39.1 of the DeKalb County Zoning Ordinance (1) waive the streetscape requirements, (2) waive the streetlights and street furnishing requirement, and (3) chain-link fences shall not be located closer than eighty-five (85) feet to a public right-of-way, unless the chain-link fence is in Tier 4 and is not visible from the public right-of-way, relating the Bouldercrest-Cedar Grove- Moreland Overlay District.

Variance Analysis: Based on the submitted materials, the applicant is proposing to purchase the subject properties, design and develop the properties, and market the properties to users and tenants whose business operations meet the uses allowed under the current zoning and BCGMOD guidelines. Based on the submitted materials, the applicant is requesting a variance to waive the streetscape requirements, (2) waive the streetlights and street furnishing requirement, and (3) chain-link fences shall not be located closer than eighty-five (85) feet to a public right-of-way. The Bouldercrest-Cedar Grove- Moreland Overlay District requires Chain-link fences not be located closer than eighty-five (85) feet to a public right-of-way, unless the chain-link fence is in Tier 4 and is not visible from the public right-of-way. In Tiers 1, 2, 3 and 5, chain-link shall be vinyl coated, and in Tier 4, chain-link fencing may have any finish. Chain-link fences shall be screened with evergreen shrubs and trees with a mature height of five (5) feet or greater, planted no closer than three (3) feet to the fence; Streetlights and furnishings are required for all streets in the district; and a minimum 10-foot sidewalk with a 40-foot spacing for street trees.

The intent of the Bouldercrest-Cedar Grove- Moreland Overlay District is to provide for the development of sidewalks and walkways in order to promote safe and convenient pedestrian access, and to reduce dependence on automobiles and other motorized means of transportation; promote physically attractive, environmentally safe and economically sound residential and non-residential developments and communities; and to improve the visual appearance and increase property values within the Bouldercrest-Cedar Grove-Moreland community.

Based on the submitted materials, the applicant does not meet the intent of the Bouldercrest-Cedar Grove- Moreland Overlay District nor meets the criteria for approval based on the following criteria:

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 site plan, the strict application of the requirements of this chapter would not deprive the property owner of rights and privileges enjoyed by other property owners.

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:

Due to the shape of lot, it appears that the requested variance does go beyond that minimum necessary to afford relief. Therefore, granting this variance does constitute a grant of special privilege inconsistent with the limitations upon other properties in the zoning district in which the subject property is located.

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:

Granting this variance will 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.

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, literal interpretation and strict application of the applicable provisions or requirements of this chapter would not cause undue and unnecessary hardship.

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 not be consistent with the spirit and purpose of this chapter and the DeKalb County Comprehensive Plan nor the intent of the Bouldercrest-Cedar Grove- Moreland Overlay District.

FINAL STAFF ANALYSIS:

Based on the submitted materials, it appears that the requested variance would not be consistent with the spirit and purpose of this chapter and the DeKalb County Comprehensive Plan nor the intent of the Bouldercrest-Cedar Grove- Moreland Overlay District. Therefore, the Department of Planning and Sustainability recommends that the application be “denied”.

STAFF RECOMMENDATION: “Denial”