



DeKalb County Zoning Board of Appeals

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Wednesday, May 12, 2021

Planning Department Staff Analysis

Case No.: A-21-1244829 **Parcel ID(s):** 18-152-01-006

Commission District: 2 Super District: 6

Applicant: The Allen Morris Company

Owner: DeKalb County Holdings, LLC; CSS 18, LLC

Location/Address: 2490 North Druid Hills Road, Atlanta, GA

Requests: 1) Reduce the required transitional buffer on the north and east sides of the site from 50 feet to as narrow as 7 feet; and
2) Allow a combined fire truck access lane and pedestrian path to encroach into the required transitional buffer on the north and east sides of the site.

Staff Recommendation: 1) Approval.
2) Approval.

STAFF FINDINGS

Site Location and Property Description:

The subject property is a 5.6-acre tract, zoned HR-2 on April 27, 2021, consisting of three parcels. The property fronts on North Druid Hills Road, a major thoroughfare that distributes traffic from Interstate 85 and provides a conduit for traffic between DeKalb County and the Buckhead area of the City of Atlanta. The west side of the subject property also fronts on Mt. Mariah Road, a local street that dead ends into one of the parcels that comprise the subject property, which is currently used for a place of worship (the Congregation Shaarai Shamayin) and cemetery. Mt. Mariah Road borders a City of Brookhaven boundary line. The eastern side of the property is bordered by the driveway and parking lot of the First Alliance Church. With the exception of the place of worship and its parking lot and cemetery, the majority of the site is wooded or partially cleared for development. A concrete pad was poured at the center of the largest parcel, in preparation for construction of a synagogue that was proposed approximately ten years ago.

The property is an irregular shape. At North Druid Hills Road, the width is 285 feet. The side property lines meet North Druid Hills Road at an angle, so that the site becomes wider as it gets farther from North Druid Hills Road. The rear of the site was formed by adding on two smaller parcels. The grade of the subject property is approximately 35 feet below that of the adjoining property to the east. The topography slopes steeply from the church property on the east, to the building site on the subject property, forming, in the middle of the largest parcel, approximately 41 – 55 feet from the east property line, a ravine.

The property was rezoned to allow for construction of a five-story, 337-unit multifamily residential development with a parking deck at the center of the building. The building is proposed to contain 3,000 square feet of ground floor commercial space. The application for the variance states that the pedestrian path was located on the east side of the site so that it can connect with the Peachtree Creek Trail.

Surrounding Zoning and Land Use:

Direction	Adjacent Zoning	Adjacent Land Use
North	R-85	Wooded
Northeast	R-85	Single-family residential
East	R-85	First Alliance Church
Southeast	R-85	First Alliance Church
South	North Druid Hills Road	N.A.
Southwest	North Druid Hills Road	N.A.
West	Mount Moriah Road	N.A.
Northwest	C-1	Wooded strip between Mt. Moriah Church site and Target site

- 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:**

There is no minimum lot area in the HR-2 district against which the area of the subject property can be compared to determine whether it is extraordinary. The minimum width of an HR-2 lot is 100 feet, and the subject property exceeds this standard. The shape of the property doesn't dictate the location of the combined fire lane and pedestrian path. The topography of the site is unique to it, but has not been the driver of the location of the proposed building or fire lane/pedestrian path, since the site plan indicates that the topography will be leveled to allow for construction of the development in the manner desired by the applicant. It appears that the transitional buffer standard could have been met, if the footprint of the building had been made smaller. On the other hand, it doesn't appear necessary for a transitional buffer on the property, at least as the adjoining properties to the north and east are currently developed, since no negative effects would be imposed on the adjoining properties as a result of the absence of the transitional buffer.

- 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 on other properties in the zoning district in which the subject property is located:**

The proposed fire lane and pedestrian path appears to have been designed at the minimum width necessary to provide adequate access for fire trucks while providing a pedestrian path of the width requested by staff of the Transportation Division of the DeKalb County Public Works Department.

- 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:**

The transitional buffer is required because of the zoning classifications of the subject property and the adjoining properties, not by the proposed and existing functional uses of the properties. The First Alliance Church building is already separated from the east side of the subject property by a 40-foot driveway. The Church's parking lot adjoins the rear of east side of the subject property. On the north side of the subject property, the adjoining lot is landlocked and wooded. It cannot be developed unless the condominiums to the north were to be extended into it. To locate a combined fire lane and pedestrian path in the transitional buffer of the subject property would not harm any member of the public who would be driving a car up the driveway or parking in the parking lot of the Church, and the fire lane/pedestrian path has no impact on the adjoining wooded property to the north.

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

The transitional buffer could be preserved if the building footprint were made smaller or if the fire lane were to be deemed unnecessary by the fire department and the pedestrian path were eliminated. It would not be necessary to impose either of these scenarios on the applicant since the transitional buffer doesn't add to the public welfare or act to protect the adjoining properties.

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

The proposed pedestrian path would offer an opportunity for relaxation, exercise, and social interaction to the residents of the proposed multifamily development without having negative effects on adjoining and nearby property, and, as such, is consistent with the spirit and purpose of the Zoning Ordinance as well as the policies of the Comprehensive Plan.

FINAL STAFF ANALYSIS:

Staff has not identified any conditions intrinsic to the size, shape, or topography of the lot that make reduction of the transitional buffer, and encroachment into it, necessary. The encroachment is the minimum necessary to allow for provision of an adequate fire lane and a pedestrian path at the width requested by staff of the Transportation Division of the DeKalb County Public Works Department. The variances would not be detrimental to the public welfare but would, conversely, offer an amenity to residents of a proposed multifamily development without harming adjoining and nearby properties.

STAFF RECOMMENDATION:

1. Approval of a variance to reduce the required transitional buffer on the north and east sides of the site from 50 feet to as narrow as 7 feet; and
2. Approval of a variance to allow a combined fire truck access lane and pedestrian path to encroach into the required transitional buffer on the north and east sides of the site.