

Public Hearing: YES NO

Department: Planning & Sustainability

SUBJECT:

COMMISSION DISTRICT(S): All Districts

Application of the Director of Planning and Sustainability to amend Section 27-7.5.3 (A) (1) of the DeKalb County Zoning Ordinance to refine variance criteria for the Zoning Board of Appeals. This text amendment is County-wide.

PETITION NO: N6. TA-21-1245114 (2021-3160)

PROPOSED USE: To refine variance criteria for the Zoning Board of Appeals.

LOCATION: County-wide.

PARCEL NO. : N/A

INFO. CONTACT: Jeremy McNeil, Sr. Planner/Brandon White, Current Planning Manager

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PURPOSE:

Application of the Director of Planning and Sustainability to amend Section 27-7.5.3 (A)(1) of the DeKalb County Zoning Ordinance to clarify that variances from all overlay district development standards shall go before the Zoning Board of Appeals. This text amendment is County-wide.

RECOMMENDATION:

COMMUNITY COUNCIL: CC-1: No Quorum; **CC-2:** Deferral; **CC-3:** Full Cycle Deferral; **CC-4:** Denial; **CC-5:** Approval.

PLANNING COMMISSION: Full Cycle Deferral.

PLANNING STAFF: Deferral.

STAFF ANALYSIS: See attachments.

PLANNING COMMISSION VOTE: Full Cycle Deferral 8-0-0. Gwendolyn McCoy moved, LaSonya Osler seconded for Full Cycle Deferral, per staff recommendation.

COMMUNITY COUNCIL VOTE/RECOMMENDATION: CC-1: No Quorum; members present voted for Full Cycle Deferral 2-0-0; **CC-2:** Deferral 7-0-0; **CC-3:** Full Cycle Deferral 8-0-0; **CC-4:** Denial 10-0-0; **CC-5:** Approval 8-0-0.



DeKalb County Department of Planning & Sustainability

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Michael Thurmond
Chief Executive Officer

Planning Commission Hearing Date: Thursday, November 04, 2021 5:30 PM

Board of Commissioners Hearing Date: Thursday, November 18, 2021 5:30 PM

TEXT AMENDMENT ANALYSIS

AGENDA NO.: N6

ZONING CASE NO.: TA-21- 1245114

COMMISSION DISTRICTS:

Districts 1, 2, 3, 4, & 5

Super Districts 6 & 7

APPLICANT: Department of Planning & Sustainability

SECTIONS OF ZONING ORDINANCE AFFECTED BY AMENDMENTS: Section 27-7.5.3. A1 - Applications for variances; and criteria to be used by the zoning board of appeals in deciding applications for variances.

REASON FOR REQUEST:

The Department is proposing to amend the language in the first criterion to provide clarity to applicants who are filing applications before the Zoning Board of Appeals as well as to aide members of the Zoning Board of Appeals in evaluating applications.

Attachments:

- 1. Revised Sections of the Zoning Ordinance (Revisions are highlighted in ~~red~~ or blue)

AN ORDINANCE TO AMEND CHAPTER 27 OF THE CODE OF DEKALB COUNTY, GEORGIA,
AND FOR OTHER PURPOSES.

WHEREAS, the Board of Commissioners is authorized to exercise zoning powers to protect and promote the County's health, safety, and general welfare;

WHEREAS, the role of the Zoning Board of Appeals is to evaluate applications relating to variances, special exceptions, well as appeals of an administrative official;

WHEREAS, the intent is to provide clarity to applicants who are filing applications before the Zoning Board of Appeals as well as to aide members of the Zoning Board of Appeals in evaluating applications;

NOW THEREFORE, BE IT ORDAINED by the Governing Authority of DeKalb County, Georgia, and be it hereby ordained by the Authority of same, that Chapter 27 of the Code of DeKalb County, as revised in 2015, is hereby amended as follows:

PART I. ENACTMENT

Sec. 7.5.3. - Applications for variances; and criteria to be used by the zoning board of appeals in deciding applications for variances.

Variances from the provisions or requirements of this chapter other than variances described in section 7.5.4 shall be authorized only upon making all of the following findings in writing:

1. ~~By reason of exceptional narrowness, shallowness, or shape of a specific lot, or by reason of exceptional topographic and other site conditions~~ There are extraordinary or exceptional conditions pertaining to the particular piece of property (such as, but not limited to, lot size, lot shape, ~~floodplain, major stand of trees, steep slope~~ specimen tree(s), steep slope(s), or preservation of historic characteristics of the property), which were not created by the owner or applicant; ~~; by reason of such conditions~~, 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.
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.
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.
4. The literal interpretation and strict application of the applicable provisions or requirements of this chapter would 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.