

Chief Executive Officer
Michael Thurmond

DEPARTMENT OF PLANNING & SUSTAINABILITY

Interim Director
Cedric Hudson

ZONING BOARD OF APPEALS APPLICATION FOR PUBLIC HEARING (VARIANCES, SPECIAL EXCEPTIONS, APPEALS OF ADMINISTRATIVE DECISIONS)

Applicant and/or
Authorized Representative: Amin Chagani

Mailing Address: 3125 Touchton Ct

City/State/Zip Code: Duluth, GA 30097

Email: landsolutionassociates@gmail.com, amin.chagani@targetrealty.com

Telephone Home: 678-725-4631/469-531-7445 Business: _____

OWNER OF RECORD OF SUBJECT PROPERTY

Owner: Elie Smeen

Address (Mailing): 1045 Riverbend Club Dr, Atlanta, GA 30339

Email: eliesmeen@gmail.com Telephone Home: 770-294-0222 Business: _____

ADDRESS/LOCATION OF SUBJECT PROPERTY

Address: 4124 Covington Hwy City: Decatur State: GA Zip: 30567

District(s): _____ Land Lot(s): _____ Block: _____ Parcel: _____

Zoning Classification: _____ Commission District & Super District: _____

CHECK TYPE OF HEARING REQUESTED:

☒ X VARIANCE (From Development Standards causing undue hardship upon owners of property.)

☐ SPECIAL EXCEPTIONS (To reduce or waive off-street parking or loading space requirements.)

☐ OFFICIAL APPEAL OF ADMINISTRATIVE DECISIONS.

PLEASE REVIEW THE FILING GUIDELINES ON PAGE 4. FAILURE TO FOLLOW GUIDELINES MAY RESULT IN SCHEDULING DELAYS.

Email plansustain@dekalbcountyga.gov with any questions.



DEPARTMENT OF PLANNING & SUSTAINABILITY

ZONING BOARD OF APPEALS APPLICATION

AUTHORIZATION OF THE PROPERTY OWNER

I hereby authorize the staff and members of the Zoning Board of Appeals to inspect the premises of the Subject Property.

I hereby certify that the information provided in the application is true and correct.

I hereby certify that I am the owner of the property subject to the application.

DATE: 8/28/2023 | 2:47 PM MST

Applicant
Signature:

DocuSigned by:

eli smeen

077051E35686495

DATE:

Applicant
Signature:



DEPARTMENT OF PLANNING & SUSTAINABILITY

ZONING BOARD OF APPEALS APPLICATION

AUTHORIZATION TO REPRESENT THE PROPERTY OWNER

I hereby authorize the staff and members of the Zoning Board of Appeals to inspect the premises of the Subject Property.

I hereby certify that the information provided in the application is true and correct.

I hereby certify that I am the owner of the property and that I authorize the applicant/agent to apply for a hearing to the Zoning Board of Appeals for the requests as shown in this application.

DATE: 8/29/23

Applicant/Agent
Signature: _____

TO WHOM IT MAY CONCERN:

(I)/ (WE): Eli Smeen
(Name of Owners) _____

being (owner/owners) of the property described below or attached hereby delegate authority to the above signed agent/applicant.

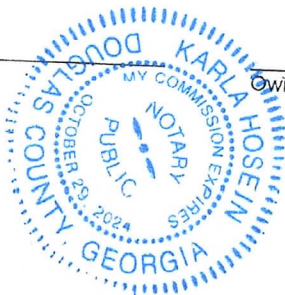
Notary Public

Owner Signature

Notary Public

Owner Signature

Karla Hosein
Notary Public
expires: 10/29/24



Owner Signature

LETTER OF INTENT

Per Sec. 3.41.7 (A) (1), Buildings shall be set back from the property line adjoining a public street, or private drive not more than (20) feet. It is this code section in which we are seeking a variance.

Existing Site Description

The site is presently an abandoned car rental business with two driveways onto Covington Hwy, asphalt pavement and a small building, a visual blight on the Covington Hwy corridor. The first property seen by travelers exiting the south bound lanes of I-285. The land between the I-285 exit ramp and the abandoned car rental lot consists of mature woodlands protecting the headwaters of a stream.

Proposed Development

The proposed project consists of a new Convenience Store and a four pump fuel station under a canopy. Access onto Covington Hwy. will be by one GDOT approved right-in/out driveway located on the western end of the property with a deceleration lane extending east towards the I-285 exit ramp. The proposed development will include pedestrian access along the Covington Hwy. corridor with a sidewalk connection to the proposed building. Landscape enhancements as required by County code will create an aesthetic development. The existing woodlands within the stream buffer will be protected. The convenience store and fuel station will provide products needed in the community, and a thriving business will increase the tax base.

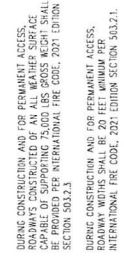
Hardship




Due to Covington Hwy having a median this site will depend solely on west traveling vehicular traffic across the Covington Hwy I-285 bridge and the southbound I-285 traffic exiting I-285 onto Covington Hwy. **On coming traffic visibility traveling east to west is critical to the success of this business.** To adhere to Sec. 3.41.7 (A) (1), and due to the only driveway location on the west side of the property that GDOT will allow, the building can only to be placed on the eastern side of the developable portion of the property. This building placement will create the following scenarios:

1. The property is unique based on size, the location to the I-285 off ramp, and having a creek which requires a 75-foot undisturbed buffer. Due to proximity of the off ramp, the location of the proposed driveway can only be in the location shown on the plans. Base on the stream buffer and topography, the building cannot be placed further to the east than as shown on the plans. Due to the elevation differences to the property to the west and where the new driveway as to be placed, the building cannot be place on the

western side of the property. Furthermore, there are large trees on the northeast corner of the property which we are trying to save.

2. Placing the building per Sec. 3.41.7 (A) (1) in a manner that functions requires the back of the building, it's service doors and utility meters, to face the on coming west bound traffic. The front façade and entrance of the building will face west with the fuel canopy orientated perpendicular to Covington Hwy and parallel to the front of the building will not be visible to west bound motorist.
3. The building will screen the fuel pumps, motorists traveling west won't see the fuel pumps until they approach the side of the building. At that point the motorist will either not have time to maneuver into the driveway therefore bypassing the site, or will try to make an abrupt maneuver across traffic and into the entrance drive creating a traffic hazard. This potential of vehicular accidents could be tragic, and the loss of customer base would be detrimental to the success of this business.
4. For this business to be successful and a contributing tax base for the County, the business must market itself by having the fuel station visible to approaching motorist, and visible enough at a distance for a motorist to see the fuel canopy to safely maneuver across traffic lanes, into the deceleration lane, and into the driveway.
5. Two existing businesses competing for customers were developed prior to the Covington Hwy Overlay requirements. Both establishments have fuel canopies in front of their buildings visible to Covington Hwy traffic. Requiring the new development to abide by Sec. 3.41.7 (A) (1) will place the proposed business at a disadvantage to its competitors.
6. A denial of this variance request will most likely deem the project impractical to develop. If not developed that site will remain in its original condition, a visual blight to the corridor.



- SITE LEGEND:**
- | | |
|-------------------------------------------------------------------------------------|--------------------------------|
|  | NORMAL DUTY KIDNEY PRESENT |
|  | HEAVY DUTY KIDNEY PRESENT |
|  | 2000 SITE INSPECTIONS / SENSUS |

[illegible]

- SNV at 100
R



G.D.O.T. IMPROVEMENTS SHOWN PER PLANS DESIGNED BY INFRASTRUCTURE CONSULTING & ENGINEERING FOR P.L. NO. 0017129 AND STAMPED "RELEASED FOR CONSTRUCTION 02-01-2022" AND PORTIONS ARE STILL CURRENTLY UNDER CONSTRUCTION.