



Michael L. Thurmond
Chief Executive Officer

DeKalb County Zoning Board of Appeals
Department of Planning & Sustainability
178 Sams Street,
Decatur, GA 30030

Wednesday, January 10, 2024

Planning Department Staff Analysis



Cedric Hudson
Interim Director

D3. Case No: A-23-1246626 Parcel ID(s): 15-019-02-004

Commission District 03 Super District 06

Applicant: Joel C. Warren
308 Pennlyn Place
Peachtree City, GA 30269

Owner: Axis Media LLC / Joel Warren
1555 Cedar Grove Road
Conley, GA 30288

Project Name: 1555 Cedar Grove Rd. - Garage Construction

Location: 1555 Cedar Grove Road, Conley, GA 30288

Request: 1) Variance from Section 27-2.2.1 to reduce side yard setback from 50' to 10'
2) Variance from Section 27-2.2.1 to reduce rear yard setback from 40' to 5'

Staff Recommendation: Denial

STAFF FINDINGS:

Variance Analysis:

The applicant is proposing to construct a 60' x 80' garage in an R-100 (Residential Medium Lot) zoned parcel within the Bouldercrest Corridor tier 2 Overlay district.

1. There is an extraordinary or exceptional physical condition(s) pertaining to the particular piece of property (such as, but not limited to, lot size, lot shape, specimen tree(s), steep slope(s), or preservation of historic characteristics of the property), which was not created by the current owner, previous owner, or applicant; by reason of a clearly demonstrable condition(s), 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, as distinguished from a special privilege or convenience sought by the property owner.

The property exhibits exceptional physical conditions as a corner lot. This results in unusual setback requirements from interior R-100 lots. Strict adherence to these setback requirements may unjustly deprive the property owner of rights and privileges enjoyed by others in the same zoning district. This variance request seeks to address these setback challenges caused by the corner lot and topographical constraints rather than seeking special privileges. Additionally, the presence of a legal non-conforming single-family residential structure (although used as a commercial building) presents a need for a uniform aesthetic and functionality standard.

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:

The proposed structure exceeds the minimum necessary to afford relief. The 60x80 garage structure extends beyond what is essential to address the setback challenges associated with the property's exceptional physical conditions.

There may be opportunities to revise the proposed garage structure to bring it into compliance with the required setbacks, while still meeting the property owner's intended use. Such adjustments could potentially align more closely with the criterion's stipulation of affording relief without granting special privileges inconsistent with neighboring properties.

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:

Despite the property's R-100 (Residential Medium Lot) zoning designation surrounded by M (Light Industrial), the Bouldercrest Overlay Corridor 2 regulations supersede standard zoning. This overlay district explicitly prohibits residential development, focusing on light industrial and commercial uses. The property functions as the location for the applicant's business offices for the rental and management of filming industry equipment, aligning with the overlay district's goals of encouraging light industrial development. Granting the variance would not be materially detrimental to the public welfare; rather, it complements the intended development objectives of the overlay district, fostering a mixed-use environment consistent with commercial and industrial activities, thus not causing harm to the property or the zoning district's character.

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

The proposed 60'x80' garage structure could be redesigned to conform to the required setbacks without preventing the applicant from pursuing a reasonable alternative. Therefore, the strict application of the zoning regulations would not impose undue hardship, and thus, the case does not fulfill this criterion.

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 may be consistent with the spirit and purpose of this chapter. The future land use for the subject property described in the DeKalb County Comprehensive Plan text is Light Industrial. The plan states: The intent of the Light Industrial Character Area is identify areas appropriate for industrial type uses. The location of these areas shall

preserve the appeal and appearance of residential and commercial areas from the prospective intrusion of light industrial land uses. These areas consist of areas used in low intensity manufacturing, including wholesale trade, and distribution activities that do not generate excessive noise, vibration, air pollution or other nuisance characteristics. This application appears to conform to this development goal.

FINAL STAFF ANALYSIS:

While the property's exceptional conditions, including its corner lot status, topography challenges on the eastern portion of the lot, and a legal non-conforming single-family residential structure, are recognized; however the variance request falls short on Criteria 2 and 4. It exceeds the necessary relief for setback challenges, and the strict application of zoning regulations does not cause undue hardship. However, the proposed use as the applicant's business offices aligns with the Bouldercrest Overlay Tier 2 district's goals. Nevertheless, due to the variance's failure to meet these criteria, staff recommends denial of the application.

CRITERIA BREAKDOWN

Criteria 1 (Physical Conditions) – Meets the criteria
Criteria 2 (Minimum Necessary) – Fails to the meet the criteria
Criteria 3 (Public Detriment) – Meets the criteria
Criteria 4 (Ordinance Hardship) – Fails to the meet the criteria
Criteria 5 (Land Use Alignment) – Meets the criteria

Staff Recommendation: Denial

Property address: 1555 Cedar grove rd. Conley Ga, 30288, Parcel 15 019 02 004
Current Zoning: Bouldercrest- Cedar Grove-Moreland Overlay district, Tier 2
Owner: Axis Media LLC / Joel C. Warren
Contact: 248-872-7026, joelcwarren@gmail.com
Permit #310223

Letter of Intent for DeKalb County

Objective

To obtain a zoning variance and permit to construct a 60ft x 80ft garage structure on the south end of the property located at 1555 Cedar Grove Road, Conley GA, 30288. The purpose of this structure is to house and service lighting equipment for the Film/TV industry.

The Property's Unique Challenges

The property dimensions of 235ft x 100ft introduce distinct obstacles when striving to optimize its usage through additional construction within the confines of existing zoning setback regulations. The magnitude of the current setbacks imposed on this narrow property effectively renders the potential for professional structures unattainable, resulting in a restriction on prospective economic advancement.

Zoning Variance Request

The combination of deep zoning setbacks and spot zoning impedes the narrow property's development potential. I acknowledge that setbacks serve the purpose of enhancing safety, privacy, and aesthetic cohesion within the community, however, adjusting the setbacks for this property would allow for a more optimal utilization of its limited size, which is a half-acre.

Community Impact

The construction of a garage structure on my property holds no potential to adversely impact public welfare, neighboring properties, or any existing improvements within the same zoning district. The proposed structure will conform to safety and regulatory standards. The design and construction plan diligently considers the spatial requirements and aesthetics that characterize the surrounding industrial area. The dense tree coverage within the easement on the western side of the property (parallel with Bowman Industrial Ct) will create partial visibility of the structure from the road.

Source of Hardship

As the zoning laws currently stand, the deep setbacks impose a significant and undue hardship on my property. I'm seeking a zoning variance in order to maximize the use of my property and support the evolving needs of my business. The size of the structure I'm proposing is crucial for my long-term growth and success because it will allow me the necessary space required to store my products and operate in an organized and secure location. Without a permitted variance, the property's development is suppressed, which ultimately stifles the future of my business as well.

Aligning with the Spirit of the Law

DeKalb County's Comprehensive Plan, designed to guide sustainable development and enhance community welfare, places a strong emphasis on adaptive land use that reflects evolving needs. By considering my variance request, the local authority demonstrates its commitment to flexible governance that is responsive to individual property characteristics. Upon further examination, one will find that this property naturally needs zoning adjustments to align with its adjacent community.

CEDAR GROVE ROAD ~ 130' R/W

N84° 56' 50"E 99.75' (APD)

BOWMAN INDUSTRIAL COURT ~ 60' R/W

N02° 37' 55"W 221.26' (APD)

S02° 53' 19"E 221.27' (APD)

N/F
Aska Enterprise Llc
Dt:28810, PG:338

GARAGE
80' X 60'

PROPERTY ADDRESS:
1555 Cedar Grove Rd
Conley, GA 30288

S84° 58' 22"W 100.74' (APD)

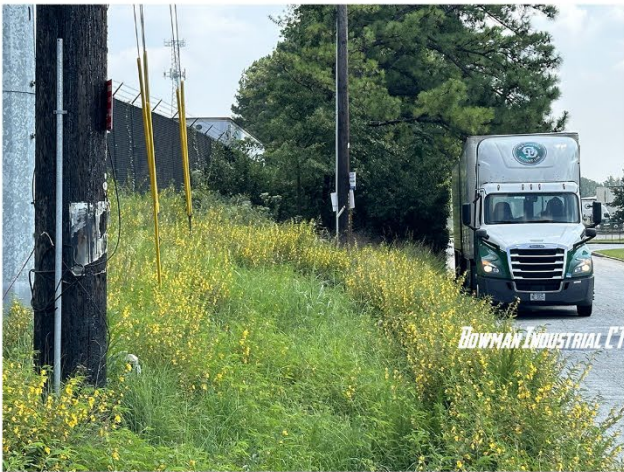


N/F
Aska Enterprise LLC

1555 CEDAR GROVE RD 60X80FT GARAGE ADDITION PROPOSAL
CURRENT PICTURES



CEDAR GROVE RD



BOWMAN INDUSTRIAL CT



BOWMAN INDUSTRIAL CT



REAR OF VIEW OFF PROPERTY



PROPOSED GARAGE LOCATION

~ THIS MAP/PLAT HAS BEEN FIELD RUN WITH ASSUMED ELEVATIONS, THEN ADJUSTED TO NAVD83 BASED ON MULTIPLE OBSERVATIONS FROM GOOGLE EARTH SATELLITE IMAGERY OR OTHER ONLINE SOURCES. THE ELEVATIONS SHOWN HEREON ARE +/- 1' (4 ONE FOOT). TREE SYMBOLS ARE NOT TO SCALE. TREE SYMBOLS REPRESENT POSITION OF TREE & ARE NOT THE CRITICAL ROOT ZONE (NOT DRIPLINE).

NO DETERMINATION OF FLOOD HAZARD HAS BEEN MADE FOR THIS PROPERTY BY THIS SURVEYOR.

THIS BOX RESERVED FOR THE CLERK OF THE SUPERIOR COURT

CEDAR GROVE ROAD ~ 130' R/W

N84° 56' 50"E 99.75' (APD)

BOWMAN INDUSTRIAL COURT ~ 60' R/W

N02° 37' 55"W 221.26' (APD)

S02° 53' 19"E 221.27' (APD)

S84° 58' 22"W 100.74' (APD)

LEGEND

AKA	ALSO KNOWN AS	POB	POINT OF BEGINNING
APD	AS PER DEED	R/W	RIGHT-OF-WAY
APP	AS PER PLAT	R/SF	REAR FOUND
ISO	BUILDING (S/18XQ/L) LINE	R/SF	R/RAMP/ST
CP	COMPUTER SHOWN	1140' LINE	1140' LINE
CTP	COMPACT PPE FOUND	WINE OR C/O CONCRETE PPE	CORROGATED METAL PPE
DB	DEED BOOK	WATER VALVE	WATER METER
FEE	FIRST FLOOR ELEVATION	WATER VALVE	WATER METER
FKA	FORMERLY KNOWN AS	TELECOM MANHOLE	SANITARY SEWER MANHOLE
FF	FORMERLY FOUND	CLEAN OUT	JUNCTION BOX
LL	LAND LOT	DROP INLET	GAS VALVE
LL	LAND LOT LINE	GAS METER	WALL
NW	NEW OR FORMERLY	HARDWOOD	
PH	PLAT BOOK		
UPH	UTILITY POH		
LAMP	LAMP POST		
TR	TREE		
PINE	PINE TREE		

IMPERVIOUS AREA:
GRAVEL 4559 SF
PAVER 275 SF
LANDING 15 SF
PORCH 138 SF
BUILDING 180 SF
STEPS 30 SF
SHED 190 SF
A/C 7 SF

EXISTING 6796 SF ~ 30.76
ZONING: R-100

SURVEYOR'S CERTIFICATION:

THIS PLAT IS A RETRACEMENT OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT SUBDIVIDE OR CREATE A NEW PARCEL OR MAKE ANY CHANGES TO ANY REAL PROPERTY BOUNDARIES. THE RECORDING INFORMATION OF THE DOCUMENTS, MAPS, PLATS, OR OTHER INSTRUMENTS WHICH CREATED THE PARCEL OR PARCELS ARE STATED HEREON. RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. FURTHERMORE, THE UNDERSIGNED LAND SURVEYOR CERTIFIES THAT THIS PLAT COMPLIES WITH THE MINIMUM TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN THE RULES AND REGULATIONS OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN O.C.G.A. SECTION 15-6-67.

By: Charles W. Loveless
CHARLES W. LOVELESS, Professional Land Surveyor #003030

Date: 1/25/23

AREA ~ 22163 SQ. FT
OR
0.509 ACRES

0 20
SCALE: 1" = 20'

Delta
SURVEYORS
INC.

240 PLACHTREE STREET NW
SUITE 2200
ATLANTA, GA 30305
(478) 323-4712
info@deltasurveyorsinc.com
LSF # 005170



AS-BUILT PREPARED FOR:

HIGH DYNAMIC, LLC

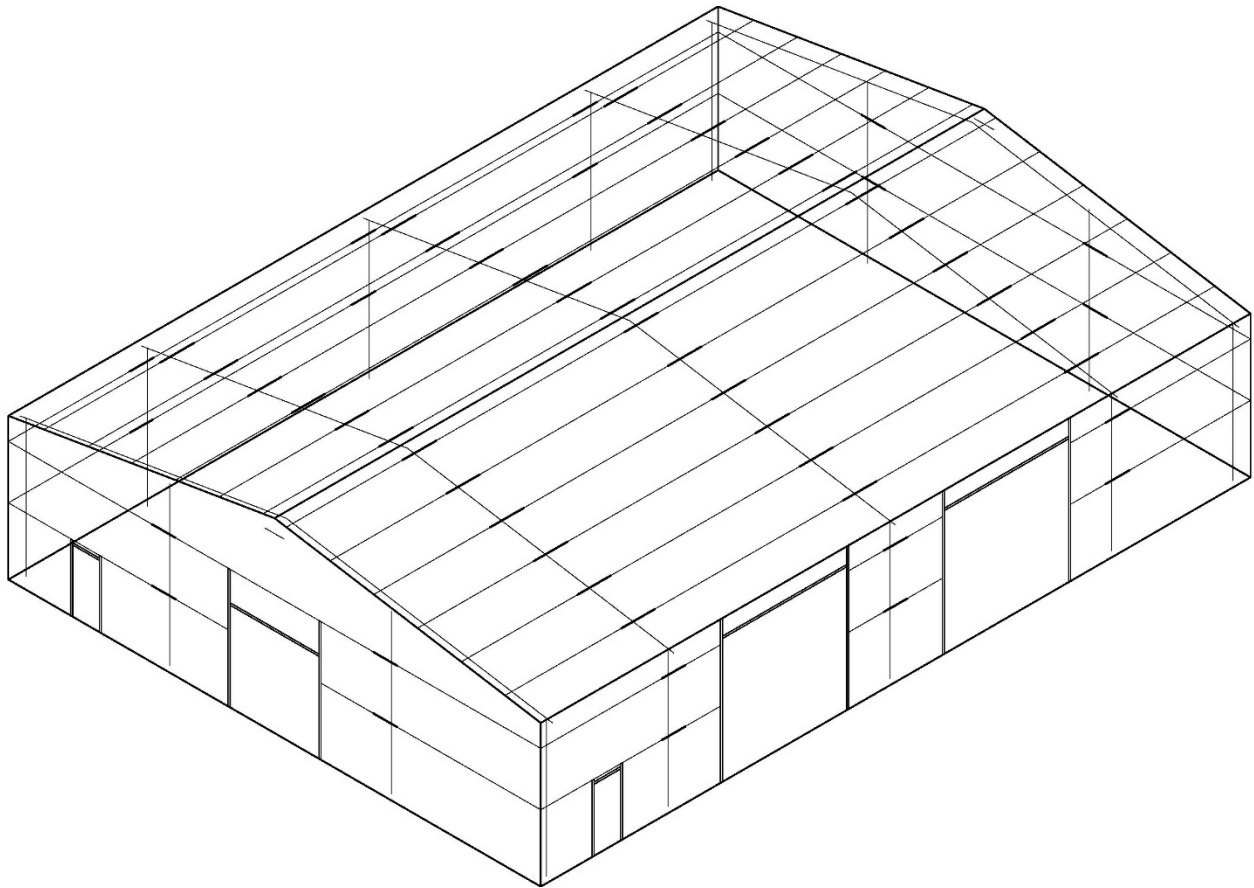
PROPERTY ADDRESS:
1555 Cedar Grove Rd
Conley, GA 30288

PARCEL ID: 15 019 02 004	DB: 29970, PG: 85	BY:
LAND LOT 19	15th DISTRICT	TH
DEKALB COUNTY, GEORGIA	FIELD DATE: 1-21-2023	TH
LOCATED IN UNINCORP	DRAWN DATE: 1-23-2023	TW

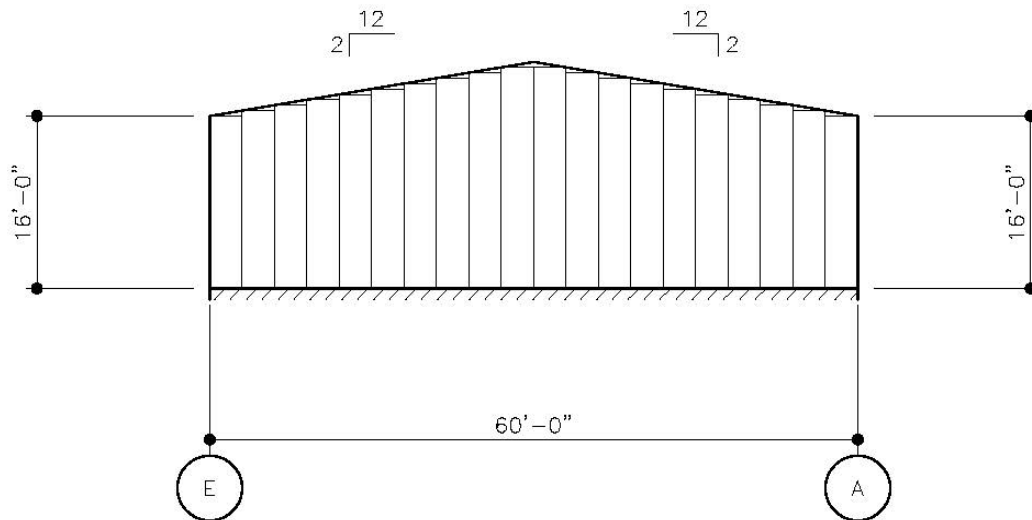
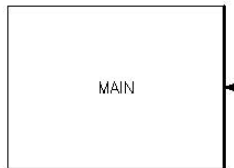


RPLS: LS003030

THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE OF 1 FOOT IN 30,000 FEET, AN ANGULAR ERROR OF 05 SECONDS PER ANGLE POINT AND WAS ADJUSTED USING THE LEAST SQUARES METHOD. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND FOUND TO BE ACCURATE TO 1 FOOT IN 136,584 FEET. AN ELECTRONIC TOTAL STATION WAS USED IN THE PREPARATION OF THIS PLAT. ALL MATTERS OF TITLE ARE EXCEPTED. THIS PLAT IS SUBJECT TO ALL LEGAL EASEMENTS AND RIGHTS-OF-WAY PUBLIC OR PRIVATE.



KEY PLAN



WALL SHEETING ELEVATION AT LINE 5

PANELS: 26 GA. R-PANEL - TO BE SELECTED (SP)



PROJECT NAME:
60X80X16
CONLEY, GA

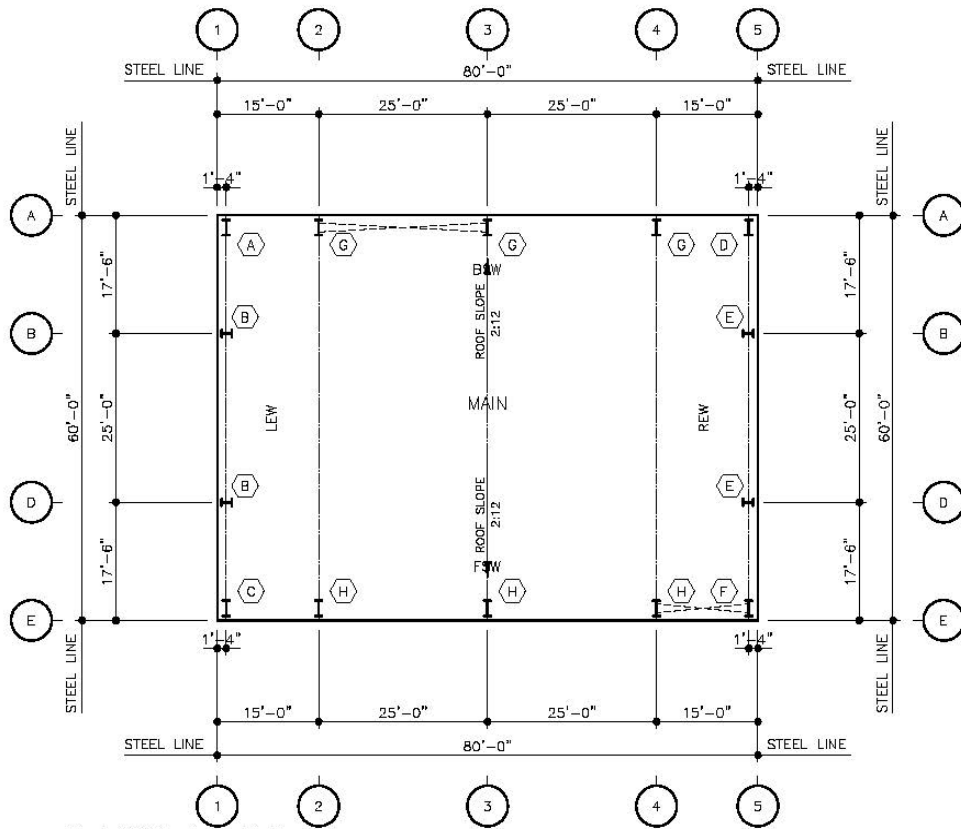
ORDER NAME:
MID GA STEEL

ORDER NUMBER:
R-01182023

PROJECT NUMBER:
WS7

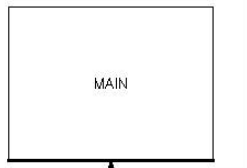
DO NOT USE FOR FINAL CONSTRUCTION

SHEET TITLE:
PRELIMINARY SHEETING ELEVATIONS



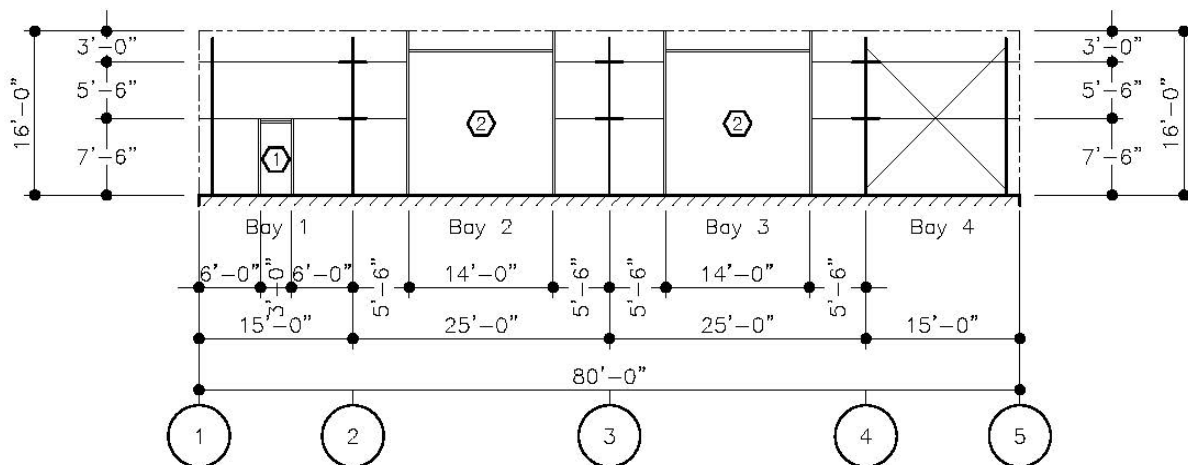
Finish floor elevation assumed to be 100'-0" unless noted otherwise.

KEY PLAN



FRAMED OPENING SCHEDULE

ID	QTY	WIDTH	HEIGHT	SILL HEIGHT	LOCATED
1	1	3'-0"	7'-0"	0'-0"	FACTORY
2	2	14'-0"	14'-0"	0'-0"	FACTORY



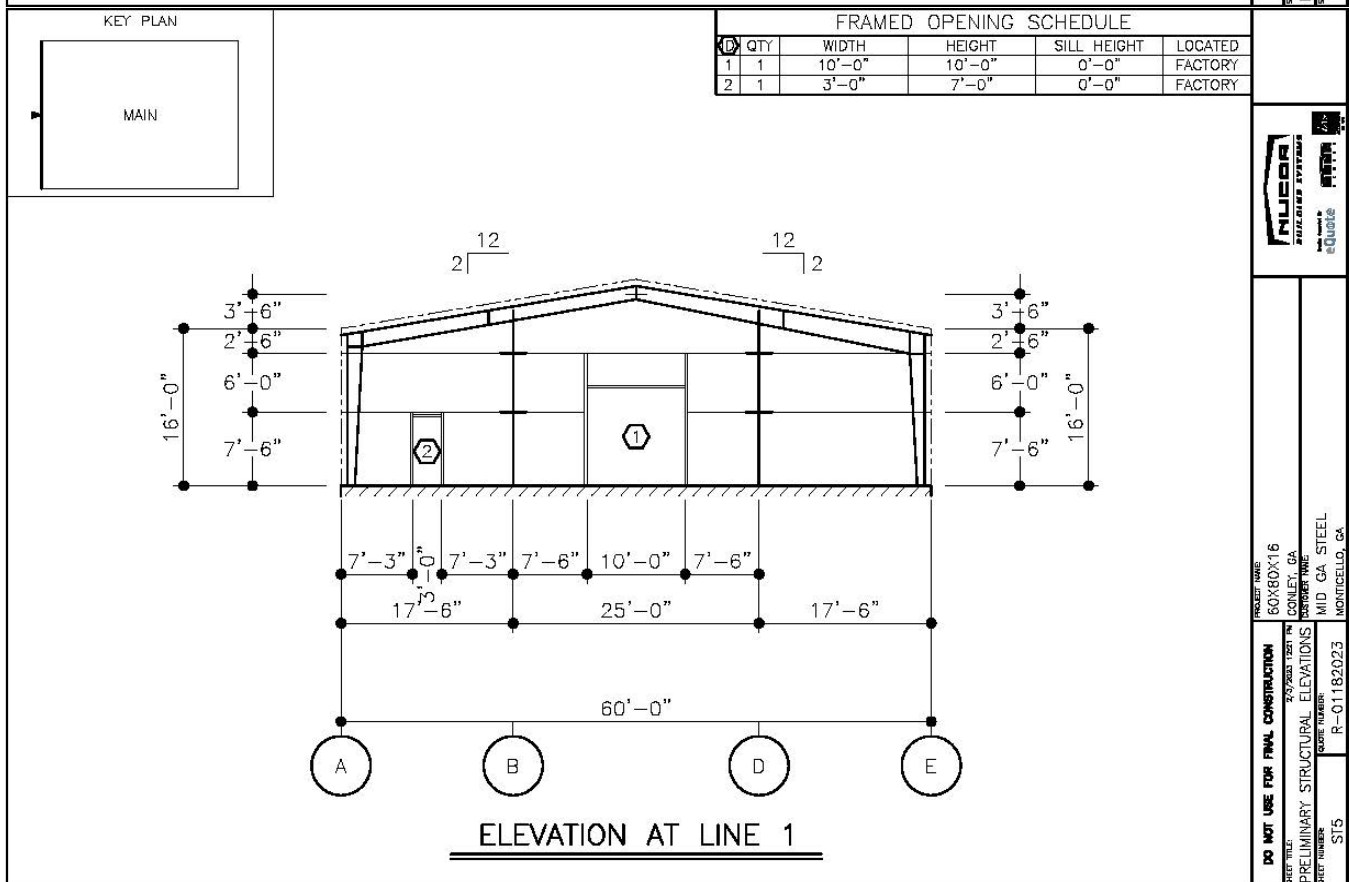
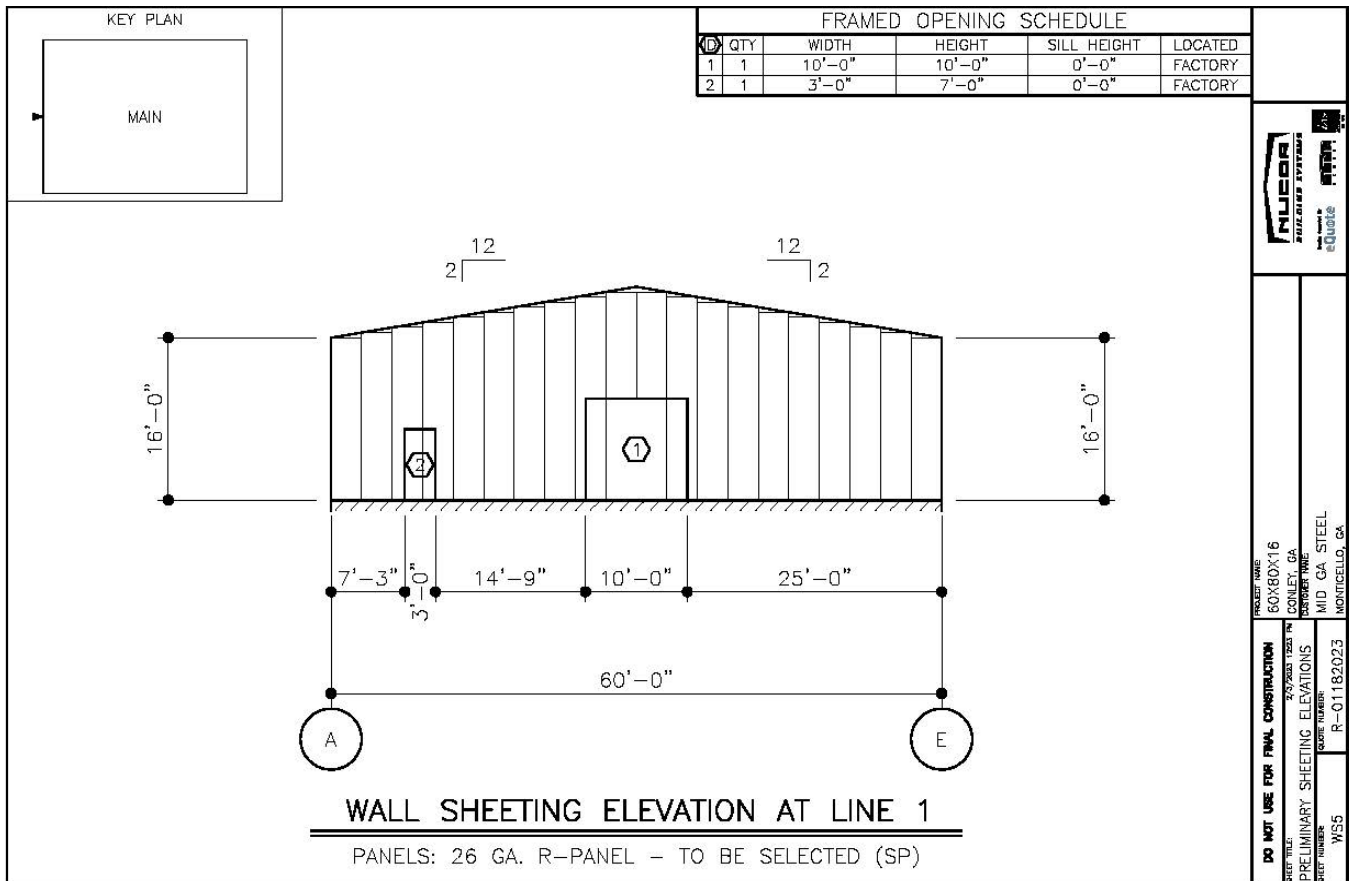
ELEVATION AT LINE E



PROJECT NAME: 60X80X16
CONLEY, GA
SHEET TITLE: PRELIMINARY ANCHOR BOLT PLAN
SHEET NUMBER: R-01182023
DO NOT USE FOR FINAL CONSTRUCTION



PROJECT NAME: 60X80X16
CONLEY, GA
SHEET TITLE: PRELIMINARY STRUCTURAL ELEVATIONS
SHEET NUMBER: ST6
DO NOT USE FOR FINAL CONSTRUCTION





Development Services Center
178 Sams Street
Decatur, GA 30030
www.dekalbcountyga.gov/planning
404-371-2155 (o); 404-371-4556 (f)

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: Joel C. Warren
Mailing Address: 308 Pennlyn Place
City/State/Zip Code: Peachtree City, Ga, 30269
Email: joelcwarren@gmail.com
Telephone Home: 2488727026 Business: 2488727026

OWNER OF RECORD OF SUBJECT PROPERTY

Owner: Axis Media LLC / Joel Warren
Address (Mailing): 1555 Cedar Grove Rd, Conley, Ga, 30288
Email: joelcwarren@gmail.com Telephone Home: 2488727026 Business: 2488727026

ADDRESS/LOCATION OF SUBJECT PROPERTY

Address: 1555 Cedar Grove rd City: Conley State: ga Zip: 30288
District(s): _____ Land Lot(s): _____ Block: _____ Parcel: 15 019 02 004
Zoning Classification: Commercial overlay / r100 Commission District & Super District: Bouldercrest Tier 2

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

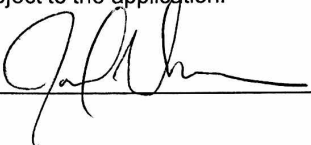
AUTHORIZATION OF THE PROPERTY OWNER

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: 8/23/2023

Applicant
Signature: 

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: 8/23/2023 Applicant/Agent Signature: [Signature]

TO WHOM IT MAY CONCERN:

(I)/ (WE): AXIS MEDIA / JOEL WARREN
(Name of Owners)

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

[Signature] [Signature]
Notary Public Owner Signature

Notary Public Owner Signature

Notary Public Owner Signature