



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: Kelly Panter
Mailing Address: 3424 Peachtree Rd NE Suite 1780
City/State/Zip Code: Atlanta, GA 30326
Email: kelly@galerieliving.com
Telephone Home: _____ Business: 404-660-5071

OWNER OF RECORD OF SUBJECT PROPERTY

Owner: Emory University
Address (Mailing): 1599 CLIFTON RD NE ATLANTA GA 30322-0001
Email: sara.lu@emory.edu Telephone Home: _____ Business: 404.727.8439

ADDRESS/LOCATION OF SUBJECT PROPERTY

Address: 1260 BRIARCLIFF RD City: Atlanta State: GA Zip: 30306
District(s): 18 Land Lot(s): 55 Block: _____ Parcel: 18 055 02 020
Zoning Classification: O1 Commission District & Super District: Dist 2, Super Dist 6

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: _____ Applicant 
Signature: Sara Lu, Associate VP, Real Estate, Emory University

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: _____ Applicant/Agent Signature: _____

TO WHOM IT MAY CONCERN:

(I)/ (WE): Emory University
(Name of Owners)

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

Susan Stephenson
Notary Public Susan Stephenson
NOTARY PUBLIC
DeKalb County, GEORGIA
My Commission Expires 03/21/2028

Notary Public

Notary Public

[Signature]
Owner Signature

Owner Signature

Owner Signature

Filing Guidelines for Applications to the Zoning Board of Appeals

- 1. Submit Application Materials:**
 - a. To ensure proper processing and payment, please create a profile and upload at least page 1 of your application to: <https://epermits.dekalbcountyga.gov/> (no more than 10mb permitted).
 - If you have an existing account, you may use that account and create a *new application number* by selecting the proper application type.
 - Fill out *all* Account Portal Questions
 - Put your **email address** under “**WEB ACCOUNT**”
 - **SAVE APPLICATION NUMBER (1246XXX)** – send to staff when you email your complete application.
 - b. After portal submittal, email one (1) combined PDF document of the completed application and materials to plansustain@dekalbcountyga.gov and licarter@dekalbcountyga.gov along with application number.
 - c. Please confirm we have received your application.
 - d. For any questions, please contact plansustain@dekalbcountyga.gov
- 2. Order of Submitted Materials:**
 - a. Application Form
 - b. Signatures and authorization (including permission to go on property)
 - c. Letter of Intent
 - d. Surveys, site plans.
 - e. Other relevant materials (e.g., photographs, letters of support, citation, etc.)
- 3. Authorization:**
 - a. If property owner is different from the applicant, the form to authorize the application must be signed by the owner and stamped by a notary.
 - b. If property is owned by more than one property owner, all property owners must authorize the request.
- 4. Letter of Intent:**
 - a. **Explain what you are asking for and why.**
 - b. A typed statement indicating the request and clarifying justification for the proposal based on the criteria as indicated in Section 27-7.5.3 or 7.5.4 of the DeKalb County Zoning Ordinance (see attached information).
 - c. Reference the section of the code you are requesting to vary and the amount of requested change, (such as to reduce the rear yard setback from forty (40) feet to twenty (20) feet to construct an addition).
- 5. Surveys and site plans of the Subject Property:**
 - a. Must be stamped by a professional engineer or surveyor, registered in the State of Georgia.
 - b. All plans and surveys must include the following information:
 1. Must show all property lines with dimensions.
 2. Must show the location of all existing and proposed buildings, structures, parking and setbacks (their relationship to the property boundaries).
 3. Must show any other features related to the request such as trees, fences, topography, streams, etc.
 4. Must be to-scale
 5. Must show lot area and lot coverage (impervious materials, including paving and structures).
- 6. Application Fee is \$300.** You will be able to pay by credit card on the epermitting portal. A receipt will be provided.

Writing the Letter of Intent

Please address the following criteria as appropriate:

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

The zoning board of appeals shall hear and decide applications for variances from the strict application of the regulations of this chapter and chapter 21 where the strict application of any regulation enacted under said chapters would result in exceptional and undue hardship upon the owner of such property. In determining whether or not to grant a variance, the board shall apply the criteria specified in this section to the facts of each case. The board may attach reasonable conditions to any approved variance in accordance with section 7.3.9. Once imposed, conditions shall become an integral part of the approved variance and shall be enforced as such. No changes to an approved condition attached to a variance shall be authorized except by re- application to the zoning board of appeals in full compliance with the applicable provisions of this division. No relief may be granted or action taken under the terms of this division unless such relief can be granted without substantial detriment to the public good and without substantial impairment of the intent and purpose of this chapter and the comprehensive plan. The zoning board of appeals shall apply the following criteria to the types of applications specified below as follows:

- A. 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. 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.
 - 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.
- B. Appeals of decisions regarding building architectural design standards shall be evaluated using the same criteria as section 7.6.7(B).

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- C. Appeals to the height standards, but not to add stories, shall be evaluated using the criteria as follows:
1. Adequacy of the size of the site for the use contemplated and whether or not adequate land area is available for the proposed use including provision of all required yards, open space, off-street parking, and all other applicable requirements of the zoning district in which the use is proposed to be located.
 2. Compatibility of the proposed use with adjacent properties and land uses and with other properties and land uses in the district.
 3. Adequacy of public services, public facilities, and utilities to serve the proposed use.
 4. Whether or not the proposed use provides for all required buffer zones and transitional buffer zones where required by the regulations of the zoning district in which the use is proposed to be located.
 5. Whether or not the size, scale and massing of proposed buildings are appropriate in relation to the size of the subject property and in relation to the size, scale and massing of adjacent and nearby lots and buildings.
 6. Whether or not the proposed use will create a negative shadow impact on any adjoining lot or building as a result of the proposed building height.

7.5.2 Applications for variances to reduce or waive off-street parking or loading space requirements.

The zoning board of appeals shall hear and decide applications for variances to reduce or waive required off-street parking or loading spaces in accordance with the provisions and standards of this section. All such applications shall be heard and decided based on the notice requirements of section 7.2.4. The zoning board of appeals may waive or reduce the required number of parking or loading spaces in any district only upon an expressed finding that:

- A. The character of the use of the building(s) is such as to make unnecessary the full provision of parking or loading spaces;
- B. The lot upon which the building(s) is located is within one thousand (1,000) feet of the boundary of a MARTA Rapid Transit Station;
- C. The provision of the full number of parking spaces would have a deleterious effect on a historic building, site, district or archaeological resource;
- D. The use has a characteristic that differentiates it from the typical use example used in the formulation of this Zoning Ordinance;
- E. The location of the proposed development is relatively isolated where the opportunity for diversity of use, pedestrian access, and alternative modes is not available; or
- F. The developer is providing the additional spaces for general public parking (for hourly or daily parking charges) to serve surrounding development.

Section 21-27. Sign Variances.

- (a) Where a literal application of this article, due to special circumstances, would result in an unusual hardship in an individual case, a variance may be granted by the zoning board of appeals after receiving evidence that the applicant meets all of the following criteria:
1. Exceptional conditions pertaining to the property where the sign is to be located as a result of its size, shape, or topography, which are not applicable to other lands or structures in the area;
 2. Granting the variance would not confer on the applicant any significant privileges which are denied to others similarly situated;
 3. The exceptional circumstances are not the result of action by the applicant;
 4. The requested variance is the minimum variance necessary to allow the applicant to enjoy the rights commonly enjoyed by others similarly situated;
 5. Granting of the variance would not violate more than one (1) standard of this article; and
 6. Granting the variance would not result in allowing a sign that interferes with road or highway visibility or obstruct or otherwise interfere with the safe and orderly movement of traffic.
- (b) No variance shall be granted to the height of a sign or the aggregate area of signs permitted on a lot.
- (c) No variance shall be granted which increases the size of a sign more than twenty (20) percent of that allowed by this chapter. (Ord. No. 13-03, Pt. I, 6-10-03)

7.5.3 Appeals of decisions of administrative officials.

- A. *General Power.* The zoning board of appeals shall have the power and duty to hear and decide appeals where it is alleged by the appellant that there is error in any final order, requirement, or decision made by an administrative official based on or made in the enforcement of this Zoning Ordinance or as otherwise authorized by local law or the Code of DeKalb County as Revised 1988. Administrative officials must make final decisions covered by this section within one hundred and eighty (180) days of receipt of all necessary information to make such decision. A failure to act prior to the passage of one hundred and eighty (180) days shall not be construed to be a final order, requirement or decision within the meaning of this division. If a decision is not made by the 181st day, the requested decision is deemed denied, and becomes appealable. All such appeals shall be heard and decided following the notice requirements of section 7.2.4, and pursuant to the following criteria and procedural requirements.
- B. *Appeals of decisions of administrative officials.* Appeals of decisions of administrative officials may be filed by (1) any person aggrieved by; (2) any elected member of the DeKalb County Governing Authority affected by; or (3) an owner of property within two hundred and fifty (250) feet of the nearest property line of the property that is the subject of any final order, requirement, or decision of an administrative official, based on or made in the enforcement of this Zoning Ordinance, or as otherwise authorized by local law or the Code of DeKalb County as Revised 1988. by filing with the secretary of the zoning board of appeals an application for appeal, specifying the grounds thereof, within fifteen (15) days after the action was taken by the official that is the subject of the appeal.
- C. *Appeal stays all legal proceedings.* An appeal of a decision of an administrative official stays all legal proceedings in furtherance of the action or decision appealed from unless the official from whom the appeal is taken certifies to the zoning board of appeals, after notice of appeal has been filed, that by reason of facts stated in the certificate, a stay would, in that official's opinion, cause imminent peril to life or property. In such a case, legal proceedings shall be stayed only pursuant to a restraining order granted by a court of competent jurisdiction directed to the officer from whom the appeal is taken and



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- D. *Appeal stays land disturbance or construction activity in certain situations.* If the action or decision appealed from permits land disturbance or construction activity to commence or continue on residentially zoned property, the appeal stays the land disturbance or construction activity until the zoning board of appeals issues a decision on the appeal. Thereafter, land disturbance or construction activity in such cases shall only be stayed by an order from a court of competent jurisdiction. In all cases involving non-residentially zoned property, the appeal to the zoning board of appeals does not stay land disturbance or construction activity; such activity shall only be stayed by an order from a court of competent jurisdiction.
- E. Thereafter, in such situations land disturbance or construction activity shall only be stayed by an order granted by a court of competent jurisdiction.
- F. *Time of hearing.* The zoning board of appeals shall fix a reasonable time for the hearing of the appeal and give notice thereof pursuant to the requirements of section 7.2.4 as well as written notice to the appellant. Any party may appear at the hearing in person, by an agent, by an attorney, or by the submission of written documentation.
- G. *Decision of the zoning board of appeals.* Following the consideration of all testimony, documentary evidence, and matters of record, the zoning board of appeals shall make a determination on each appeal and shall issue a written decision explaining the reasons for its decision. The zoning board of appeals shall decide the appeal within a reasonable time, but in no event more than sixty (60) days from the date of the hearing. An appeal shall be sustained only upon an expressed finding by the zoning board of appeals that the administrative official's action was based on an erroneous finding of a material fact, erroneously applied the Zoning Ordinance to the facts, or that the administrative official acted in an arbitrary manner. In exercising its powers, the zoning board of appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from, and to that end shall have all the powers of the administrative official from whom the appeal was taken and may issue or direct the issuance of a permit, provided all requirements imposed by any applicable laws are met.



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7.5.4 Limitations of authority of the zoning board of appeals.

No variance shall be granted by the zoning board of appeals to:

- A. Allow a structure or use not listed as a permitted use or a special use in the applicable zoning district or a density of development that is not authorized within such district. This prohibition does not apply to any variance from the supplemental regulations of Article 4 of this Zoning Ordinance or from any other accessory feature or characteristic of a permitted or special use, unless said variance is otherwise prohibited by the regulations of this chapter.
- B. Allow any variance which conflicts with or changes any requirement enacted as a condition of zoning or of a special land use permit by the board of commissioners.
- C. Reduce, waive or modify in any manner the minimum lot width unless the purpose is to reverse a lot merger.
- D. Reduce, waive or modify in any manner the minimum lot area established by this chapter.
- E. Extend the time period for a temporary outdoor social, religious, entertainment or recreation activity approved by the director of planning.
- F. Permit the expansion or enlargement of any nonconforming use of land, nonconforming use of land and buildings in combination, nonconforming use of land and structures in combination, or nonconforming use requiring special land use permit.
- G. Permit the reestablishment of any nonconforming use of land, nonconforming use of land and buildings in combination, nonconforming use of land and structures in combination, or nonconforming use requiring special land use permit where such use has lapsed pursuant to the requirements and limitations of Article 8 of this chapter.
- H. Permit customer contact for a home occupation authorized by this chapter.
- I. Allow any variance to increase the height of a building which will result in adding a story.

Summary of Zoning Board of Appeals Application Process:

1. **Timeline.** It takes ~45-60 days to submit your application and receive an initial decision from the Zoning Board of Appeals regarding your request.
2. **Pre-application Meetings.** DeKalb County now mandates pre-application meetings. Please email plansustain@dekalbcountyga.gov to schedule a virtual appointment to meet with a Planner assigned to the Zoning Board of Appeals. During the virtual meeting, we will review and provide feedback regarding your request, review the application process, and answer any questions.
3. **Application Submittals.** Create a profile and upload at least page 1 of your application to: <https://epermits.dekalbcountyga.gov/> (no more than 10mb permitted). Email a combined PDF document of the completed application and materials to plansustain@dekalbcountyga.gov and lrcarter@dekalbcountyga.gov along with the application number.
4. **Public Hearing Signs.** You will need to post at least one sign per street frontage of the property. Staff will prepare a sign template. You will need to coordinate sign printing and posting with a sign company of your choice, at least 30 days prior to the ZBA hearing. Sign(s) must remain posted until final Board of Appeals action regarding the request. If the application is deferred, you may update the sign(s).
5. **Revisions or amendments.** An application must be submitted in writing and must be received a least 14-days before the scheduled meeting to be addressed by the staff report.
6. **Staff Report.** Staff prepares reports and recommendations for each application. These recommendations are based on the attached criteria established by the [DeKalb County Zoning Code](#). Final staff reports are available to the applicant and the public prior to the scheduled Board of Appeals meeting. Find current reports on our website, here: <https://www.dekalbcountyga.gov/planning-and-sustainability/public-hearing-agendas-info>
7. **Monthly Meetings.** The Zoning Board of Appeals meets once a month, generally on the second Tuesday of each month at 1:00 P.M., via Zoom. Find agendas on our website, [HERE](#).
8. **Applicant and/or Representative must be Present.** Applicants or their representatives must be present at the public hearing to present the request to the Zoning Board of Appeals.
9. **Public Hearing portion of Meeting.** Applicants and others in favor of an application are given a total of five (5) minutes to present to the Board. That is five minutes combined, no matter how many people wish to speak. Applicants should be prepared to explain their variance, why they are requesting it and answer questions from the board. Anyone speaking in opposition also has a total of five (5) minutes to address the application in front of the board. Be prepared to raise your hand or announce yourself when the chair asks for those in support or opposition to the application.
10. **Applicant and/or Representative must be Present.** Applicants or their representative must be present at the public hearing to present the request to the Zoning Board of Appeals.
11. **Executive Session.** After the public hearing, the Board of Appeals will close the public hearing, go into executive session for discussion, and will then take an action on an application. Applicants are not allowed to address the Board of Appeals during Executive Session unless they are asked questions by members of the Board of Appeals.

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- 12. Zoning Board of Appeals Actions.** The Board of Appeals is authorized to:
- a. Approve the application as submitted;
 - b. Approve a revised application;
 - c. Approve an application with conditions;
 - d. Deny an application (if an application is denied, no variance can be considered on the same site within 24 months);
 - e. Allow an application to be "Withdrawn without Prejudice" at the request of the applicant.
- 13. Compliance with standards upon denial.** In such case that a variance request is initiated due to an existing code violation and such application is denied, the violation shall be required to be brought into compliance within thirty (30) days of such denial or as specified by the board if a greater time period is approved.
- 14. Successive applications.** Section 27-920 of the DeKalb County Zoning Ordinance states: An application for a variance or special exception affecting all or a portion of the same property which was denied by the Zoning Board of Appeals shall not be submitted more than once every twenty-four (24) months measured from the date of final decision by the zoning board of appeals. The Zoning Board of Appeals may waive or reduce this twenty-four-month time interval by resolution provided that if the application for a variance or special exception was denied by the Zoning Board of Appeals, the time interval between the date of said denial and any subsequent application or amendment affecting the same property shall be no less than six (6) months.
- 15. Appeals of Decisions.** Any person aggrieved by a final decision of the board, or any officer, department, board or agency affected by such decision, may seek review of such decision by petitioning the Superior Court of DeKalb County. Such petition shall be filed within 30 days after the final decision of the board is rendered.

February 19, 2025

DeKalb County
Department of Planning & Sustainability
178 Sams Street
Decatur, Georgia 30030

Letter of Intent

Property Location: 1260 Briarcliff Road
Property Information and Proposed Project:

The property is presently zoned OI (Office-Institutional) containing multiple buildings/structures, parking lots, utilities and infrastructure. The buildings include Briarcliff mansion on the National Register of Historic Places, Library Service Center building (LSC) and the abandoned Georgia Mental Health Institute consisting of a multi-story tower and gymnasium/maintenance building. The lot complies with the OI district dimensional requirements however, non-conformities may be present which are consistent with the age of the buildings/structure. There exists on the site along the southern (side) property line a curbed asphalt driveway that provides access to multiple parking areas for the abandoned buildings and the Library Service Center, within the driveway there are numerous utilities including water, sewer, storm drainage, power, and gas. There also exists on site numerous retaining walls and decorative perimeter/boundary walls.

The proposed project is Senior Living Facility Corso Druid Hills and will consist of a phased senior living development consisting of 498 total units, 44 bungalow units, 21 memory care units and 433 one and two-bed independent and assisted living units. Buildings range in height from 1 to 8 stories with heights up to 101' in conformance with SLUP-22-1245880. To achieve this the abandoned multi-story tower and maintenance buildings as well as a significant amount of the existing driveways, surface parking and retaining walls will be demolished. The proposed development includes re-routing and upgrading utilities, retaining walls, sub-surface parking (parking garage), surface parking and reconfigured driveways to provide access to the new buildings and the buildings that will remain (Briarcliff mansion and Library Service Center).

Upgrading and re-routing utilities include replacing the existing non-functioning storm drainage system serving the existing buildings, parking lots and driveways. A majority of the existing storm drainage structures and pipes are undersized and full of debris due to a lack of maintenance causing drainage and erosion problems around the site.

Section 27-5.4.5. - Transitional buffers – REDUCE FROM 50' TO 0'

1. Physical conditions of the site:

The physical conditions of the site along the southern property line where we are seeking relief from the 50' transitional buffer include the internal loop driveway for the property that connects Briarcliff Road with the abandoned Georgia Mental Health Institute buildings, the LSC looping back around to the Briarcliff Mansion and Briarcliff Road. The driveway has five (5) connection points to the abandoned buildings parking areas and the LSC. The project slopes front (Briarcliff Rd) to back (LSC) an average of 6% with an elevation drop of 83' from Briarcliff Rd at elevation 995 to the LSC at elevation 912. The driveway contains numerous utilities including a storm drainage system that is undersized and full of debris due to a lack of maintenance causing drainage and erosion issues around the site.

To develop the project as proposed will require demolishing the abandoned multi-story tower and maintenance buildings as well as a significant amount of the existing driveways, surface parking and retaining walls. The driveway and drainage system located along the southern property line will need to be removed and replaced to bring it into code compliance. J

2. Minimum Variance Necessary

The requested variance is the minimum necessary as the existing driveway, utilities and decorative walls are located all the way up to the property line and SLUP-22-1245880 conditions 10 and 11 mitigate the impacts in the buffer by enhancing the buffers intended purpose and keeping the integrity of the transitional space.

10. Per the 9/1/2022 Height Study Diagram, Building "B2" (memory care), along the south property border, must maintain a building height of 1-story.

11. Walls, fencing, or vegetative barriers shall be installed to insulate neighbors from the taller buildings within view per 9/16/2022 Fencing Diagram.

3. Public Welfare

The proposed variances will be an improvement of the current site condition and will on the whole be unnoticeable to nearby properties. The transitional buffer currently contains pavement, driveways and utilities. In the proposed condition the driveway pavement will be removed and replaced to bring it in compliance with current code requirements, the number of driveway connection points will be reduced from five (5) to two (2) and the current non-functioning storm drainage system will be replaced with a system that meets current code requirements.

Additional impacts from the overall project include:

- Eliminating the vandalism and crime occurring at both the Georgia Mental Health Institute building and Briarcliff mansion, the overall project includes a complete renovation of the Briarcliff mansion.
- Sidewalk connectivity along Briarcliff Road.

4. Ordinance Hardship

The current condition of the driveway is deteriorating, unsafe and not in compliance with code. The project would not be possible with the existing driveway and connections if transitional buffer is enforced.

The proposed driveway will address safety issues as well as Fire Site accessibility issues.

5. Alignment with the Spirit of the Law

The subject land use is allowable under its present zoning; and said improvement consistent with the Comprehensive Plan of Dekalb County. The project has been reviewed and approved by the Historic Preservation Commission and the Druid Hills Civic Association.

Additionally the project is maintaining the historical integrity of the property though restoring the mansion, providing affordable senior housing (3% of units) and alleviating the housing crisis with dense development.

In addition to the criteria responses above the following are justifications for impacting the non-conforming transitional buffer for the proposed Senior Living Facility Corso Druid Hills at 1260 Briarcliff Rd:

1. **Improved Land Use Efficiency:** The transitional buffer where the impacts will occur is non-conforming and the proposed improvements within the buffer are necessary to optimize and efficiently use the available land for the senior living facility while continuing to serve the existing buildings/facilities, in this case the Library Service Center, on the property.
2. **Design Mitigation:** SLUP-22-1245880 conditions 10 and 11 mitigate the impacts in the buffer by enhancing the buffers intended purpose and keeping the integrity of the transitional space.
 10. Per the 9/1/2022 Height Study Diagram, Building "B2" (memory care), along the south property border, must maintain a building height of 1-story.
 11. Walls, fencing, or vegetative barriers shall be installed to insulate neighbors from the taller buildings within view per 9/16/2022 Fencing Diagram.
3. **Improved Accessibility and Connectivity:** As discussed previously the proposed impacts will provide efficient access for emergency vehicles, residents, or visitors to both the senior living facility and the remaining existing facilities/buildings.
4. **Environmental Considerations:** As discussed previously the current storm drainage system within the driveway and transitional buffer is undersized and in poor condition. The proposed improvements will improve stormwater management and erosion control.

- 5. Community Benefit:** Senior living facilities provide critical services to a community, and we believe increasing the space available for the facility outweighs the minimal impact on the non-conforming buffer. The facility serves an important social purpose by offering housing and care for senior citizens, who might otherwise have to live farther away from family and community support.

Sec. 5.4.7. - Walls, fences, and retaining walls – MAXIMUM RETAINING WALL HEIGHT OF 28’

1. Physical Conditions of the site:

The physical conditions of the site includes an average slope from front (Briarcliff Rd) to back (LSC) of 6% with an elevation drop of 83’ from Briarcliff Rd at elevation 995 to the LSC at elevation 912. The site also contains several retaining walls with maximum heights ranging from 10’ to 20’ at both the abandoned buildings and the perimeter of the site, see attached Retaining Wall Exhibit for locations and pictures of the existing walls.

The proposed retaining walls will minimize removal of existing trees and provide the required minimal slopes to facilitate walking for the senior residents of the facility ensuring safe even walkways. The proposed locations and configuration (length and height) of retaining walls are necessary to provide required access to the property off University Drive (wall 11) and to provide efficient access for emergency vehicles, residents, and visitors to both the senior living facility and the remaining existing facilities/buildings. The walls are also necessary to protect the existing mature tree canopies on the site that provides a significant visual barrier from adjoining properties and streets.

In addition the wall locations and vertical (ground topographic elevation) relationship to the properties immediately adjacent to them will have minimal impact and be an improvement to the current abandoned and unmaintained areas of the property.

2. Minimum Variance Necessary

The requested variance is limited to retaining walls and does not seek its application upon the entirety of the property and/or to larger or subsequent additions and/or other structures. The Ordinance provides for these limitations in seeking a variance.

3. Public Welfare

The proposed retaining walls will minimize removal of existing trees and the slopes to facilitate walking for the senior residents of the facility ensuring safe even walkways with minimal slopes. In addition the wall locations and vertical (ground topographic elevation) relationship to the properties immediately adjacent to them will have minimal impact and be an improvement to the current abandoned and unmaintained areas of the property.

4. Ordinance Hardship

A literal interpretation and strict application of the code section would create undue hardship as the senior residents would not be able to walk between the various buildings and facilities. All senior residents will need the ability to walk to the main building for meals, mail pick-up, recreational activities, medical treatments and general socializing. The development would not be able to be built as designed to provide a functional senior living facility.

5. Alignment with the Spirit of the Law

The subject land use is allowable under its present zoning; and said improvement consistent with the Comprehensive Plan of Dekalb County. The project has been reviewed and approved by the Historic Preservation Commission and the Druid Hills Civic Association.

Additionally the project is maintaining the historical integrity of the property though restoring the mansion, providing affordable senior housing (3% of units) and alleviating the housing crisis with dense development.

In addition to the criteria responses above the following are justifications for the retaining walls that will exceed the maximum height requirement for the proposed Senior Living Facility Corso Druid Hills at 1260 Briarcliff Rd, see attached Retaining Wall Exhibit:

OI (Office-Institutional) District Building Setback Requirements (Minimum, unless otherwise specified)

- Front thoroughfares and arterials (feet): 60*
- Front – all other streets (feet): 50*
- Side – interior lot (feet): 20*
- Side – corner lot on public streets (feet): 50*
- Rear (feet): 30*

* If located next to single-family residential and the building will exceed 35 feet, the building setback from residential shall be increased 50%.

Wall 3 – located in the rear (SW) of the property is located more than 50’ from the southern (side) property line that abuts the Briarcliff subdivision and over 500’ from the western (rear) property line that abuts residential property. The western facing portion of wall 3 also has the Library Service Center building between the wall and the property line.

Wall 4 – located in the rear (NW) of the property is located more than 40’ from the northern (side) property line that abuts residential lots on University Drive and over 500’ from the western (rear) property line that abuts residential property.

Wall 5 – located in the middle of the property along the northern property line, the wall location varies from 10’ to 100’ from the northern (side) property line that abuts residential lots on University Drive.

Wall 11 – located at the front of the property along the northern property line, the wall location varies from 50’ to 100’ from the northern (side) property line that abuts the right-of-way of university Drive.

The proposed locations and configuration (length and height) of retaining walls 3, 4, 5 and 11 are necessary to provide required access to the property off University Drive (wall 11) and to provide efficient access for emergency vehicles, residents, and visitors to both the senior living facility and the remaining existing facilities/buildings. The walls are also necessary to protect the existing mature tree canopies on the site that provides a significant visual barrier from adjoining properties and streets.

UNIVERSITY DR
(R/W VARIES)

UNIVERSITY DR
(R/W VARIES)

BRIARCLIFF ROAD
(R/W VARIES)
STATE ROUTE 42

LABORATORY
SERVICES
CENTER

WALL 3
(SEE SHEET 2)
ELEV 912

WALL 4
(SEE SHEET 3)

WALL 5
(SEE SHEET 3)

WALL 3
(SEE SHEET 2)

WALL 2B

WALL 2A

WALL 1

LEVEL ELEVATIONS
LEVEL 01-097.2
LEVEL 02-098.0
LEVEL 03-098.8
LEVEL 04-099.6
LEVEL 05-100.4
LEVEL 06-101.2
LEVEL 07-102.0
LEVEL 08-102.8
LEVEL 09-103.6

WALL 11
(SEE SHEET 3)

WALL 12

WALL 13

WALL 6

WALL 7

WALL 8

WALL 10



RETAINING WALL EXHIBIT
SHEET 1 OF 4

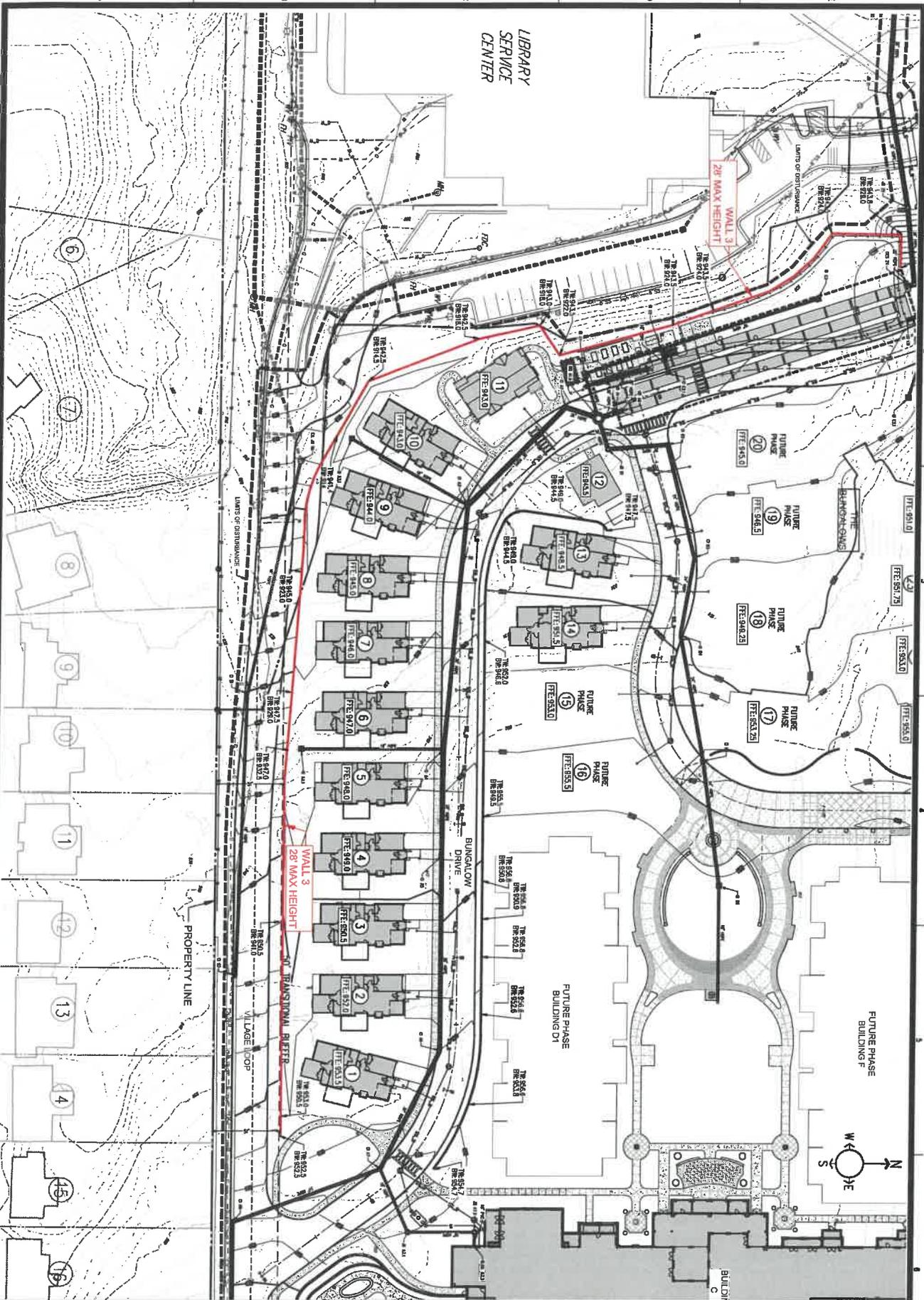
CORSO DRUID HILLS
1280 BRIARCLIFF ROAD ATLANTA, GA 30308
DICKAL'S AP# 18488000

SCALE: 1" = 60'
0 60 120 180
feet

NO.	DATE	DESCRIPTION
1	12/15/20	ISSUED FOR EXHIBIT REVIEW
2		
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30		

APPROVED FOR
CORSO DRUID HILLS, LLC
SITE FEATURES TO BE
EXHIBITED TO THE
ATLANTA, GA 30308
170-07-0000





LIBRARY
SERVICE
CENTER

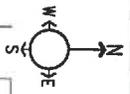
28' MAX HEIGHT
WALL 3

28' MAX HEIGHT
WALL 3

PROPERTY LINE

BUNGALOW
DRIVE

VILLAGE
LOOP



CORSO DRUID HILLS
1250 BRADDOCK ROAD ATLANTA, GA 30306
CHICAGO, ILL. 60606

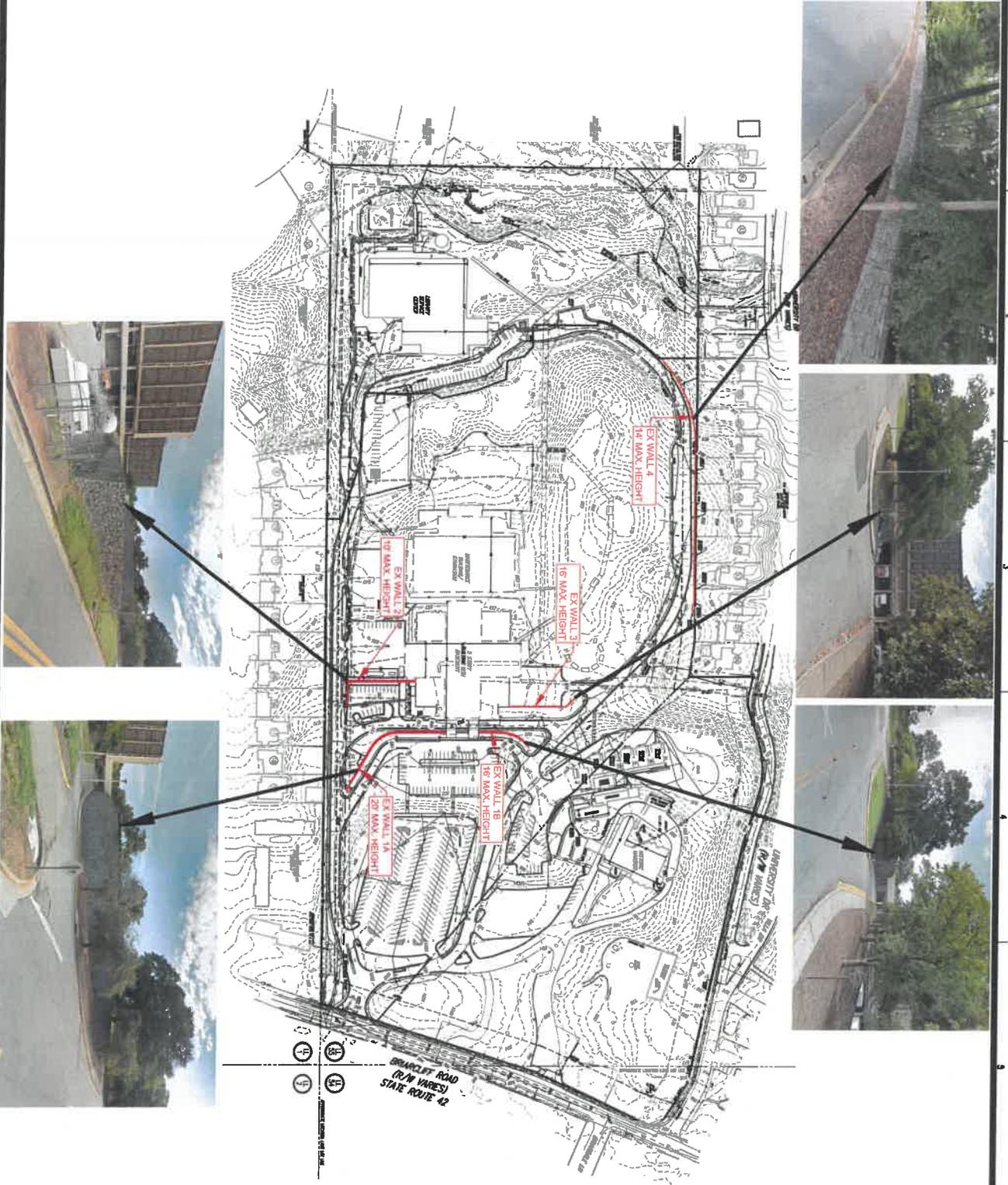
SCALE: 1" = 30'



RETAINING WALL EXHIBIT
SHEET 2 OF 4

BLUE LANDSCAPE ARCHITECTS
1000 PHENIX AVENUE, SUITE 100
ATLANTA, GA 30316
404.525.1100
www.bluelandscape.com

PREPARED FOR:
CORSO DRUID HILLS, LLC
2004 PROJECT NO. 04
DATE: 08/11/08
DRAWN BY: J. [unreadable]



RETAINING WALL EXHIBIT
SITE PHOTOGRAPHS

CORSO DRUID HILLS
 1260 BRARCLIFF ROAD ATLANTA, GA 30308
 DeKalb APN 5888905

NEW LAND SURVEY
 LANS 15/10/20
 COMPLETED 02/08/2020

DAKES COUNTY, GA
 02/08/2020

SCALE: 1" = 100'

0 100 200 300
 Feet

NO.	DATE	REVISIONS
1	3/6/20	SUBMIT FOR COMMENT REVIEW

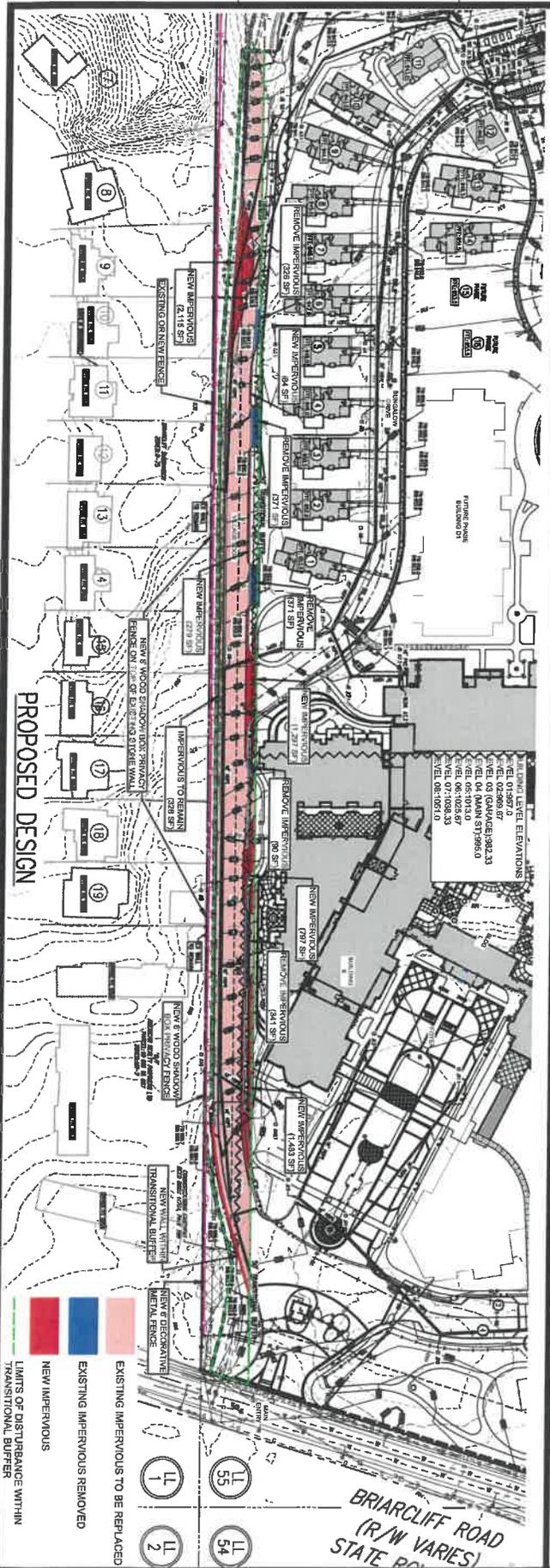
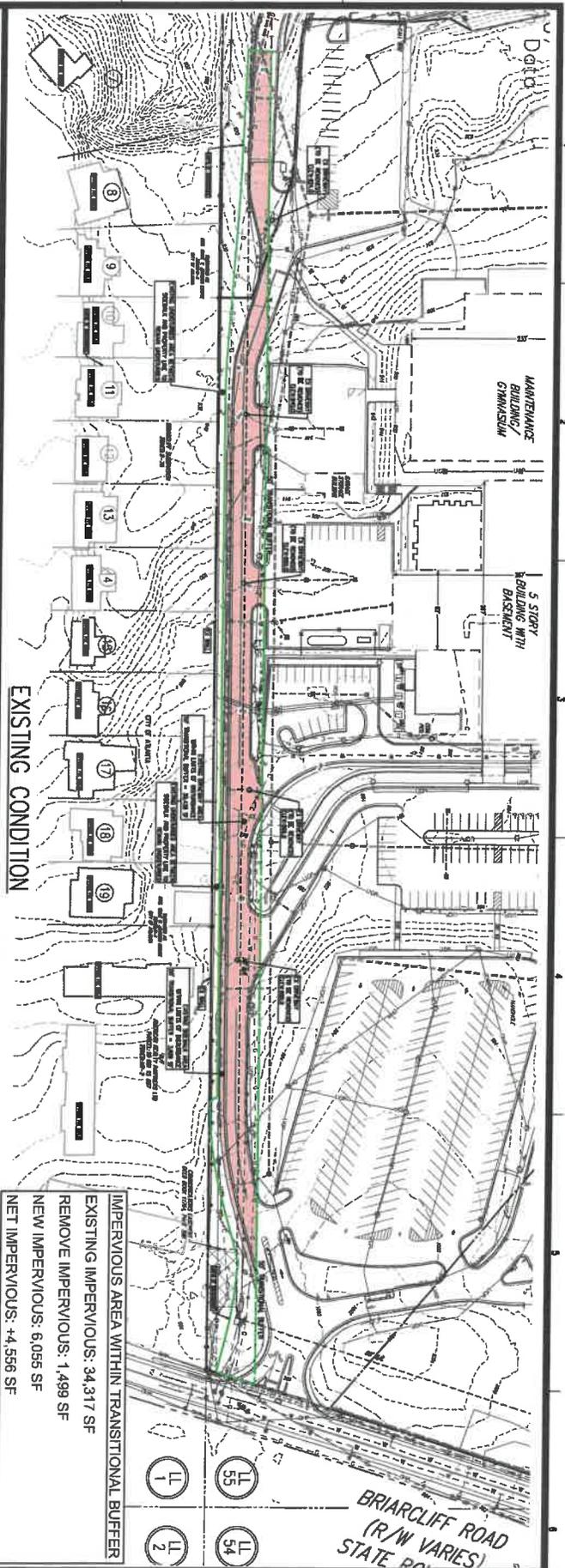
PREPARED FOR:
CORSO DRUID HILLS, LLC

3024 PRACHTER RD NE
 SUITE 1700
 ATLANTA, GA 30328
 404-571-8500

BLUE LANDWORKS
 LANDSCAPE ARCHITECTS
 1000 N. W. Peachtree Street
 Suite 1000
 Atlanta, GA 30309
 404-571-8500
 www.bluelandworks.com



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BLUETADWORKS

PREPARED FOR: CORSO DRUID HILLS, LLC
 1200 BRIARCLIFF ROAD ALABAMA, CA 30338
 DRAFT 05-14-2020

SCALE: 1" = 50'

DATE: 05-14-2020

PROJECT: CORSO DRUID HILLS, LLC

PROJECT NO: 2019-001

DATE: 05-14-2020

PROJECT: CORSO DRUID HILLS, LLC

PROJECT NO: 2019-001

DATE: 05-14-2020

TRANSITIONAL BUFFER EXHIBIT

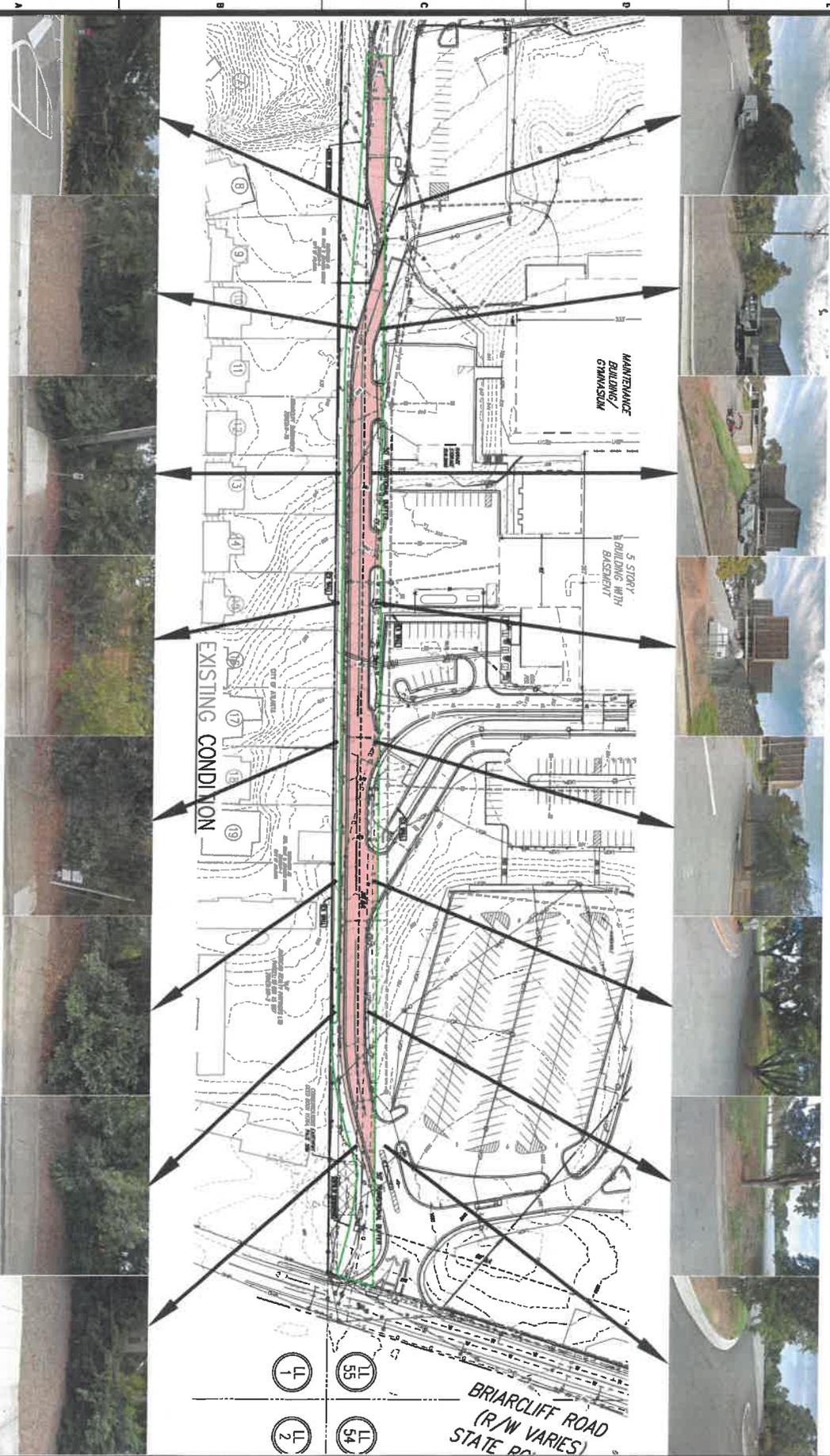
8-SHEET 2 OF 3

DATE: 05-14-2020

PROJECT: CORSO DRUID HILLS, LLC

PROJECT NO: 2019-001

DATE: 05-14-2020

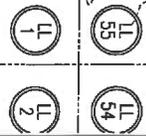


EXISTING CONDITION

MAINTENANCE BUILDING / GYMNASIUM

5 STORY BUILDING WITH BASEMENT

BRIARCLIFF ROAD
(R/W VARIES)
STATE RD



TRANSITIONAL BUFFER EXHIBIT SITE PHOTOGRAPHS SHEET 3 OF 3	CORSO DRUID HILLS 1250 BRIARCLIFF ROAD ATLANTA, GA 30308 DuCALB APN: 18-08808	SCALE: 1" = 50' 0 50 100 150 feet	PREPARED FOR: CORSO DRUID HILLS, LLC 305 PEACOCK RD NE SUITE 200 ATLANTA, GA 30328 404-471-1888	
	REVISED: 08/2019 DRAWN: J. SMITH CHECKED: J. SMITH DATE: 08/2019	DATE: 08/2019 DRAWN: J. SMITH CHECKED: J. SMITH DATE: 08/2019	PREPARED BY: J. SMITH DATE: 08/2019	

February 24, 2025

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

Re: Variance Request for Transitional Buffer Reduction and Retaining Wall Heights for 1260 Briarcliff Road – Section 27-5.4.5. - Transitional buffers and Section 5.4.7. - Walls, fences, and retaining walls

Dear Members of the Zoning Board of Appeals,

On behalf of Galerie Living and Emory University, I am writing to formally request a variance from Section 27-5.4.5 and Section 5.4.7 of the Dekalb County Zoning Ordinance. My name is Kelly Panter, the Vice President of Construction for Galerie Living. My request pertains to the reduction of the transitional buffer from 50ft. to 0ft. and a maximum retaining wall height of 28ft. The purpose of this variance is to facilitate the construction of a senior living community named Corso Druid Hills which is crucial to the safety and accessibility of our senior residents.

The property is located at 1260 Briarcliff Road and is presently zoned OI (Office-Institutional) containing multiple buildings/structures, parking lots, utilities and infrastructure. The buildings include the Briarcliff mansion on the National Register of Historic Places, the Emory and Georgia Tech Library Service Center building (LSC) and the vacant Georgia Mental Health Institute consisting of a multi-story tower and gymnasium/maintenance building. The lot complies with the OI district dimensional requirements however, non-conformities may be present which are consistent with the age of the buildings/structure. There exists on the site along the southern (side) property line a curbed asphalt driveway that provides access to multiple parking areas for the vacant buildings and the LSC, within the driveway there are numerous utilities including water, sewer, storm drainage, power, and gas. There also exists on site numerous retaining walls and decorative perimeter/boundary walls.

The proposed project Corso Druid Hills will consist of a phased senior living development consisting of 498 total units - 44 bungalow units, 21 memory care units and 433 one and two-bed independent and assisted living units. Buildings range in height from 1 to 8 stories with heights up to 101' in conformance with SLUP-22-1245880. To achieve this, the vacant multi-story tower and maintenance buildings as well as a significant amount of the existing driveways, surface parking and retaining walls will be demolished. The proposed development includes re-routing and upgrading utilities, retaining walls, sub-surface parking (parking garage), surface parking and reconfigured driveways to provide access to the new buildings and the buildings that will remain (Briarcliff mansion and LSC).

Upgrading and re-routing utilities include replacing the existing non-functioning storm drainage system serving the existing buildings, parking lots and driveways. A majority of the existing storm drainage structures and pipes are undersized and full of debris due to a lack of maintenance causing drainage and erosion problems around the site.

Section 27-5.4.5. - Transitional buffers – REDUCE FROM 50' TO 0'

1. Physical conditions of the site:

The physical conditions of the site along the southern property line where we are seeking relief from the 50' transitional buffer include the internal loop driveway for the property that connects Briarcliff Road with the abandoned Georgia Mental Health Institute buildings, the LSC looping back around to the Briarcliff Mansion and Briarcliff Road. The driveway has five (5) connection points to the abandoned buildings parking areas and the LSC. The project slopes front (Briarcliff Rd) to back (LSC) an average of 6% with an elevation drop of 83' from Briarcliff Rd at elevation 995 to the LSC at elevation 912. The driveway contains numerous utilities including a storm drainage system that is undersized and full of debris due to a lack of maintenance causing drainage and erosion issues around the site.

To develop the project as proposed will require demolishing the abandoned multi-story tower and maintenance buildings as well as a significant amount of the existing driveways, surface parking and retaining walls. The driveway and drainage system located along the southern property line will need to be removed and replaced to bring it into code compliance.

2. Minimum Variance Necessary

The requested variance is the minimum necessary as the existing driveway, utilities and decorative walls are located all the way up to the property line and SLUP-22-1245880 conditions 10 and 11 mitigate the impacts in the buffer by enhancing the buffers intended purpose and keeping the integrity of the transitional space.

10. Per the 9/1/2022 Height Study Diagram, Building "B2" (memory care), along the south property border, must maintain a building height of 1-story.

11. Walls, fencing, or vegetative barriers shall be installed to insulate neighbors from the taller buildings within view per 9/16/2022 Fencing Diagram.

3. Public Welfare

The proposed variances will be an improvement of the current site condition and will on the whole be unnoticeable to nearby properties. The transitional buffer currently contains pavement, driveways and utilities. In the proposed condition the driveway pavement will be removed and replaced to bring it in compliance with current code requirements, the number of driveway connection points will be reduced from five (5) to two (2) and the current non-functioning storm drainage system will be replaced with a system that meets current code requirements.

Additional impacts from the overall project include:

- Eliminating the vandalism and crime occurring at both the Georgia Mental Health Institute building and Briarcliff mansion, the overall project includes a complete renovation of the Briarcliff mansion.
- Sidewalk connectivity along Briarcliff Road.

4. Ordinance Hardship

The current condition of the driveway is deteriorating, unsafe and not in compliance with code. The project would not be possible with the existing driveway and connections if transitional buffer is enforced.

The proposed driveway will address safety issues as well as Fire Site accessibility issues.

5. Alignment with the Spirit of the Law

The subject land use is allowable under its present zoning; and said improvement consistent with the Comprehensive Plan of Dekalb County. The project has been reviewed and approved by the Historic Preservation Commission and the Druid Hills Civic Association.

Additionally the project is maintaining the historical integrity of the property though restoring the mansion, providing affordable senior housing (3% of units) and alleviating the housing crisis with dense development.

In addition to the criteria responses above the following are justifications for impacting the non-conforming transitional buffer for the proposed Senior Living Facility Corso Druid Hills at 1260 Briarcliff Rd:

1. **Improved Land Use Efficiency:** The transitional buffer where the impacts will occur is non-conforming and the proposed improvements within the buffer are necessary to optimize and efficiently use the available land for the senior living facility while continuing to serve the existing buildings/facilities, in this case the Library Service Center, on the property.
2. **Design Mitigation:** SLUP-22-1245880 conditions 10 and 11 mitigate the impacts in the buffer by enhancing the buffers intended purpose and keeping the integrity of the transitional space.

10. Per the 9/1/2022 Height Study Diagram, Building "B2" (memory care), along the south property border, must maintain a building height of 1-story.

11. Walls, fencing, or vegetative barriers shall be installed to insulate neighbors from the taller buildings within view per 9/16/2022 Fencing Diagram.

3. **Improved Accessibility and Connectivity:** As discussed previously the proposed impacts will provide efficient access for emergency vehicles, residents, or visitors to both the senior living facility and the remaining existing facilities/buildings.
4. **Environmental Considerations:** As discussed previously the current storm drainage system within the driveway and transitional buffer is undersized and in poor condition. The proposed improvements will improve stormwater management and erosion control.
5. **Community Benefit:** Senior living facilities provide critical services to a community, and we believe increasing the space available for the facility outweighs the minimal impact on the non-conforming buffer. The facility serves an important social purpose by offering housing and care for senior citizens, who might otherwise have to live farther away from family and community support.

Section 5.4.7. - Walls, fences, and retaining walls – MAXIMUM RETAINING WALL HEIGHT OF 28’

1. Physical Conditions of the site:

The physical condition of the site includes an average slope from front (Briarcliff Rd) to back (LSC) of 6% with an elevation drop of 83’ from Briarcliff Rd at elevation 995 to the LSC at elevation 912. The site also contains several retaining walls with maximum heights ranging from 10’ to 20’ at both the abandoned buildings and the perimeter of the site, see attached Retaining Wall Exhibit for locations and pictures of the existing walls.

The proposed retaining walls will minimize removal of existing trees and provide the required minimal slopes to facilitate walking for the senior residents of the facility ensuring safe even walkways. The proposed locations and configuration (length and height) of retaining walls are necessary to provide required access to the property off University Drive (wall 11) and to provide efficient access for emergency vehicles, residents, and visitors to both the senior living facility and the remaining existing facilities/buildings. The walls are also necessary to protect the existing mature tree canopies on the site that provides a significant visual barrier from adjoining properties and streets.

In addition the wall locations and vertical (ground topographic elevation) relationship to the properties immediately adjacent to them will have minimal impact and be an improvement to the current abandoned and unmaintained areas of the property.

2. Minimum Variance Necessary

The requested variance is limited to retaining walls and does not seek its application upon the entirety of the property and/or to larger or subsequent additions and/or other structures. The Ordinance provides for these limitations in seeking a variance.

3. Public Welfare

The proposed retaining walls will minimize removal of existing trees and the slopes to facilitate walking for the senior residents of the facility ensuring safe even walkways with minimal slopes. In addition the wall locations and vertical (ground topographic elevation) relationship to the properties immediately adjacent to them will have minimal impact and be an improvement to the current abandoned and unmaintained areas of the property.

4. Ordinance Hardship

A literal interpretation and strict application of the code section would create undue hardship as the senior residents would not be able to walk between the various buildings and facilities. All senior residents will need the ability to walk to the main building for meals, mail pick-up, recreational activities, medical treatments and general socializing. The development would not be able to be built as designed to provide a functional senior living facility.

5. Alignment with the Spirit of the Law

The subject land use is allowable under its present zoning; and said improvement consistent with the Comprehensive Plan of Dekalb County. The project has been reviewed and approved by the Historic Preservation Commission and the Druid Hills Civic Association.

Additionally the project is maintaining the historical integrity of the property though restoring the mansion, providing affordable senior housing (3% of units) and alleviating the housing crisis with dense development.

In addition to the criteria responses above the following are justifications for the retaining walls that will exceed the maximum height requirement for the proposed Senior Living Facility Corso Druid Hills at 1260 Briarcliff Rd, see attached Retaining Wall Exhibit:

OI (Office-Institutional) District Building Setback Requirements (Minimum, unless otherwise specified)

Front thoroughfares and arterials (feet):	60*
Front – all other streets (feet):	50*
Side – interior lot (feet):	20*
Side – corner lot on public streets (feet):	50*
Rear (feet):	30*

* If located next to single-family residential and the building will exceed 35 feet, the building setback from residential shall be increased 50%.

Wall 3 – located in the rear (SW) of the property is located more than 50’ from the southern (side) property line that abuts the Briarcliff subdivision and over 500’ from the western (rear) property line that abuts residential property. The western facing portion of wall 3 also has the Library Service Center building between the wall and the property line.

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The proposed locations and configuration (length and height) of retaining walls 3, 4, 5 and 11 are necessary to provide required access to the property off University Drive (wall 11) and to provide efficient access for emergency vehicles, residents, and visitors to both the senior living facility and the remaining existing facilities/buildings. The walls are also necessary to protect the existing mature tree canopies on the site that provide a significant visual barrier from adjoining properties and streets.

In conclusion, I appreciate your time and consideration of my variance requests. I am committed to working collaboratively to ensure that our proposed changes align with the broader goals and policies of Dekalb County. Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink that reads "Kelly Panter". The signature is written in a cursive, flowing style with a long horizontal stroke extending from the end of the name.

Kelly Panter
Vice President of Construction
Galerie Living

February 24, 2025

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

Re: Variance Request for Transitional Buffer Reduction and Retaining Wall Heights for 1260 Briarcliff Road – Section 27-5.4.5. - Transitional buffers and Section 5.4.7. - Walls, fences, and retaining walls

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The proposed project Corso Druid Hills will consist of a phased senior living development consisting of 498 total units - 44 bungalow units, 21 memory care units and 433 one and two-bed independent and assisted living units. Buildings range in height from 1 to 8 stories with heights up to 101' in conformance with SLUP-22-1245880. To achieve this, the vacant multi-story tower and maintenance buildings as well as a significant amount of the existing driveways, surface parking and retaining walls will be demolished. The proposed development includes re-routing and upgrading utilities, retaining walls, sub-surface parking (parking garage), surface parking and reconfigured driveways to provide access to the new buildings and the buildings that will remain (Briarcliff mansion and LSC).

Upgrading and re-routing utilities include replacing the existing non-functioning storm drainage system serving the existing buildings, parking lots and driveways. A majority of the existing storm drainage structures and pipes are undersized and full of debris due to a lack of maintenance causing drainage and erosion problems around the site.

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In addition to the criteria responses above the following are justifications for the retaining walls that will exceed the maximum height requirement for the proposed Senior Living Facility Corso Druid Hills at 1260 Briarcliff Rd, see attached Retaining Wall Exhibit:

OI (Office-Institutional) District Building Setback Requirements (Minimum, unless otherwise specified)

Front thoroughfares and arterials (feet):	60*
Front – all other streets (feet):	50*
Side – interior lot (feet):	20*
Side – corner lot on public streets (feet):	50*
Rear (feet):	30*

* If located next to single-family residential and the building will exceed 35 feet, the building setback from residential shall be increased 50%.

Wall 3 – located in the rear (SW) of the property is located more than 50’ from the southern (side) property line that abuts the Briarcliff subdivision and over 500’ from the western (rear) property line that abuts residential property. The western facing portion of wall 3 also has the Library Service Center building between the wall and the property line.

Wall 4 – located in the rear (NW) of the property is located more than 40’ from the northern (side) property line that abuts residential lots on University Drive and over 500’ from the western (rear) property line that abuts residential property.

Wall 5 – located in the middle of the property along the northern property line, the wall location varies from 10’ to 100’ from the northern (side) property line that abuts residential lots on University Drive.

Wall 11 – located at the front of the property along the northern property line, the wall location varies from 50’ to 100’ from the northern (side) property line that abuts the right-of-way of university Drive.

The proposed locations and configuration (length and height) of retaining walls 3, 4, 5 and 11 are necessary to provide required access to the property off University Drive (wall 11) and to provide efficient access for emergency vehicles, residents, and visitors to both the senior living facility and the remaining existing facilities/buildings. The walls are also necessary to protect the existing mature tree canopies on the site that provide a significant visual barrier from adjoining properties and streets.

In conclusion, I appreciate your time and consideration of my variance requests. I am committed to working collaboratively to ensure that our proposed changes align with the broader goals and policies of Dekalb County. Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink that reads "Kelly Panter". The signature is written in a cursive, flowing style with a long horizontal stroke extending from the end of the name.

Kelly Panter
Vice President of Construction
Galerie Living