

Agenda Item

File ID: 2024-0815

Substitute 7/22/2025

Public Hearing: YES ☒ NO ☐

Department: Planning and Sustainability

SUBJECT:

Commission District(s): All Commission Districts

A Resolution to amend Chapter 27 to allow administrative waivers to the minimum unit size requirements for Single-Family Dwelling units in the R-75 (Residential Medium Lot - 75) and R-85 (Residential Medium Lot - 85) zoning districts.

Petition No.: 2024-0815 TA-24-1247197

Proposed Use: To amend Chapter 27 to allow administrative waivers to the minimum unit size requirements for Single-Family Dwelling units in the R-75 (Residential Medium Lot - 75) and R-85 (Residential Medium Lot - 85) zoning districts.

Location: County-wide.

Parcel No.: N/A

Information Contact: Commissioner M. Long-Spears, DeKalb County District 2

Phone Number: 404-371-2155

PURPOSE:

Application of the Office of Commission District 2 to amend Chapter 27 of the Code of DeKalb County, Georgia, as revised 1988, to reduce the minimum unit size for single-family dwelling units in single-family R-75 (Residential Medium Lot-75) and R-85 (Residential Medium Lot –85) zoning districts.

RECOMMENDATION:

COMMUNITY COUNCIL: (July 2025) Approval 6-3-0. (October 2024) CC-1: Approval w/conditions; CC-2: Approval w/conditions; CC-3: Full cycle deferral; CC-4: Approval; CC-5: Approval.

PLANNING COMMISSION: (November 7, 2024) Approval.

STAFF RECOMMENDATION: Planning Staff Recommendation

PLANNING STAFF ANALYSIS: Planning Staff Analysis.

PLANNING COMMISSION VOTE: (November 7, 2024) Approval 6-0-0. Edward Patton moved, Jan Costello seconded for approval.

COMMUNITY COUNCIL VOTE/RECOMMENDATION: (June 2023) Approval 6-3-0. (October 2024) CC-1: Approval (3-0-0) with the conditions to 1) reduce the minimum house size to 1,400 square feet in R-75 zoning districts; 2) reduce the minimum house size to 1,600 square feet in R-85 zoning districts; and, 3) eliminate any variance requirements for an existing non-conforming house when increasing the house size to less than the required minimum square feet for the district. CC-2: Approval (6-2-0) with the following conditions: 1) Further reduce the R-75 house minimum from 1,400 to 1,200 square feet; and, 2) Include the R-100 zoning house minimum size from 2,000 to 1,400 square feet. CC-3: Full cycle deferral (7-0-0) to allow for the District 3 Commissioner to be seated on the Board of Commissioners after the November election; and, to allow time for

the new CEO to work co-operatively with the new BoC members on housing policies. **CC-4:** Approval 11-0-0.
CC-5: Approval 6-0-0.

AN ORDINANCE

**AN ORDINANCE TO AMEND CHAPTER 27 OF
THE CODE OF DEKALB COUNTY, GEORGIA, AS REVISED 1988, AND FOR OTHER
PURPOSES.**

WHEREAS, the Governing Authority of DeKalb County is tasked with the protection of the County's health, safety, and general welfare, and the Board of Commissioners is authorized to exercise zoning powers;

WHEREAS, the Board of Commissioners seeks to increase accessibility to DeKalb County's housing supply and diversify its housing options, by providing a wider variety of unit sizes;

WHEREAS, existing minimum unit size requirements in certain single-family R zoning districts unnecessarily require new homes sized larger than many potential owners want, need, or can afford;

WHEREAS, reducing the minimum unit size for single-family dwelling units in certain single-family R zoning districts will help increase accessibility to and diversify the County's housing supply, and provide a wider variety of unit sizes;

WHEREAS, the Board of Commissioners seeks to encourage home ownership, particularly for first-time buyers in DeKalb County;

WHEREAS, reducing the minimum unit size for single-family dwelling units in certain single-family R zoning districts will enable more compatible single-family infill development in DeKalb County's many mid-century neighborhoods;

NOW THEREFORE, BE IT ORDAINED by the DeKalb County Board of Commissioners that Chapter 27 of the Code of DeKalb County, as Revised in 1988, is hereby amended as follows:

PART I. ENACTMENT

By amending Chapter 27, Sections 7.6.5, 7.6.6, and 7.6.7 to read as follows:

Sec. 7.6.5. - Administrative variances, administrative waivers: authority.

- A. The director of planning is hereby authorized to consider and grant or deny, pursuant to the procedures and standards contained in this division, an administrative variance or an administrative waiver from the following regulations and subject to the standard limitations:
1. Reduce by variance any front, side or rear yard setback by an amount not to exceed ten (10) percent of the district requirement, but not including any transitional buffer zone or any setback which is a condition of zoning or special land use permit, pursuant to the standards specified in section 7.5.3.
 2. Reduce by variance the required spacing between buildings in districts where multiple buildings are authorized on a single lot in an amount not to exceed ten (10) percent of the requirement, pursuant to the standards specified in section 7.5.3.
 3. Reduce by variance the off-street parking or loading requirements imposed by this chapter in an amount not to exceed ten (10) percent of the district requirement, pursuant to the standards specified in section 7.5.4.
 4. Reduce by variance the off-street parking requirements imposed by this chapter for any lot which is located within one thousand (1,000) feet of the boundary of a MARTA Rapid Transit Station in an amount not to exceed twenty-five (25) percent of the district requirement, pursuant to the standards specified in section 7.5.4.

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5. Increase by variance the retaining wall height as set forth in article 5, division 4 by an amount not to exceed two (2) feet, but no such variance is allowed for property located in a historic district.
6. Increase by variance the distancing requirements for retaining walls set forth in article 5, division 4 by an amount not to exceed two (2) feet.
7. Increase by variance the elevation of residential thresholds as set forth in article 5, division 2 by two (2) feet.
8. Reduce by variance, as follows, if necessary to allow reasonable use following a public road right-of-way donation or acquisition:
 - a. To reduce required minimum lot size by up to fifty (50) percent only to maintain the pre-determined yield.
 - b. To reduce required setbacks for a permitted or existing structure on a lot in the event of public road right-of-way donations or acquisition that would otherwise cause the lot to be non-conforming with respect to the minimum setback standards.
 - c. To reduce the number of parking spaces for any existing or permitted structure below the minimum required parking spaces applicable to the use.
9. Waive architectural building standards and designs provided in article 5, building form standards. The planning director shall notify the board of commissioners in writing within ten (10) days of granting said waiver.

~~10. No administrative variance or waiver shall be authorized to delete, modify, or change in any manner any condition imposed by the board of commissioners or the zoning board of appeals.~~

10. Reduce the minimum unit size by up to 40% for new construction, renovation, or expansion of one (1) single-family dwelling unit on a parcel platted prior to December 31, 2024 in the R-75 (Residential Medium Lot-75) Zoning District and the R-85 (Residential Medium Lot-85) Zoning District pursuant to the standards specified in section 7.6.7. The Director shall notify the Board of Commissioners in writing within ten (10) days of granting said waiver.

11. No administrative variance or waiver shall be authorized to delete, modify, or change in any manner any condition imposed by the board of commissioners or the zoning board of appeals.

Sec. 7.6.6. - Procedures for applications for administrative variances and administrative waivers.

A. An application for administrative variance or administrative waiver shall be submitted to the director of planning on forms approved by the director of planning, along with any such fees as may be established by the board of commissioners.

1. The director of planning shall review and decide upon each complete application pursuant to the applicable standards referred to in [section 7.6.7](#). A written decision on each such application shall be issued no later than thirty (30) days from the date a complete application was filed, unless an extension is agreed to by the applicant and director of planning. If the director of planning does not render a decision on the application within thirty (30) days the application shall be deemed denied as of the thirty-first day after receipt of a complete application.
2. The application for an administrative variance or administrative waiver shall state the specific regulation from which exception is sought and the reasons the exception is needed. The application shall contain such information as the director of planning deems necessary to evaluate the request.
3. It shall be the applicant's burden to provide sufficient justification for granting the variance or waiver.
4. The director of planning and staff shall prepare an evaluation statement concerning each application showing the impact of the applicable criteria as set forth in this division.

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5. No later than ten (10) calendar days after making a decision, the director of planning shall post a sign on the subject property and on the county's website which reflects the decision of the director of planning and the deadline for taking an appeal of the decision to the zoning board of appeals.

6. An administrative waiver request related to Section 7.6.5.A.10 shall be subject to a pre-application meeting with the director of planning (or designee) prior to building permit application submittal.

Sec. 7.6.7. - Criteria used by the director of planning in deciding administrative variances and administrative waivers.

- A. The director of planning shall grant or deny applications for administrative variances from the strict application of the regulations identified in section 7.6.5.A., where the strict application of the associated regulations would result in exceptional and undue hardship upon the owner of such property. In determining whether or not to grant a variance, the director shall apply the criteria specified in sections 7.5.3 and 7.5.4 to the facts of each application.
- B. The director of planning shall consider administrative waivers to amend, reduce, or waive architectural, design, or building material standards found in article 5, building form standards using the following criteria:
 - 1. Whether the proposed change(s) in appearance will have a substantial adverse effect on the design standards set out in article 5.
 - 2. The extent to which the proposed project complies with the design standard in terms of architectural style, general design arrangement, texture and color (non-painted surfaces) material of architectural features, and other site features.
 - 3. The extent to which the proposal is compatible with other structures in the area.
- C. In addition to the subsection B (above), the director of planning shall consider administrative waivers to Section 7.6.5.A.10 using the following criteria:
 - 1. Whether the waiver contributes to the development or preservation of housing that is affordable to income-eligible households who earn greater than 60% and up to 120% of the Atlanta-Sandy Springs-Roswell, GA HUD area median household income.
 - 2. Whether the proposed unit size maintains basic standards of safety and compliance with applicable building codes.
 - 3. Whether the waiver facilitates a broader range of housing options to meet diverse household needs in the community.
- D. When issuing a written decision on an administrative waiver request, the director of planning may make a decision to approve the waiver, approve with conditions, or deny the waiver, and shall cite the grounds relied upon in reaching the decision.

PART II. EFFECTIVE DATE

This ordinance shall become effective immediately on the date of adoption by the board of commissioners and approval by the chief executive officer.

PART III. SEVERABILITY

Should any section or provision of this ordinance be declared by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity of the ordinance as a whole nor any part thereof other than the part so declared to be invalid or unconstitutional. All ordinances or resolutions, or parts thereof, in conflict with this ordinance are repealed.

ADOPTED by the DeKalb County Board of Commissioners, this ____ day of _____, 2025.

MICHELLE LONG SPEARS

Presiding Officer
Board of Commissioners
DeKalb County, Georgia

APPROVED by the Chief Executive Officer of DeKalb County, this ____ day of _____, 2025.

LORRAINE COCHRAN-JOHNSON

Chief Executive Officer
DeKalb County, Georgia

ATTEST:

BARBARA H. SANDERS, CCC

Clerk to the Board of Commissioners and
Chief Executive Officer
DeKalb County, Georgia

APPROVED AS TO SUBSTANCE:

APPROVED AS TO FORM:

JULIANA NJOKU

Director of Planning & Sustainability
DeKalb County, Georgia

MATTHEW C. WELCH

Interim County Attorney
DeKalb County, Georgia