



Lorraine Cochran-Johnson

Chief Executive Officer

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

**Wednesday, August 13, 2024**

**Planning Department Staff Analysis**



Juliana Njoku

Interim Director

**N3. Case No: A-24-1247648**

**Parcel ID(s): 16 006 02 007**

**Commission District 03 Super District 06**

**Applicant:** Daneil Kerr, PE  
1200 Peachtree Street  
Suite 800  
Atlanta, GA 30309

**Owner:** 5449 Covington LLC  
1190 NW 159<sup>th</sup> Drive  
Miami, FL 33169

**Project Name:** 5449 Covington – Hardware Store Construction

**Location:** 5449 Covington Highway, Decatur, GA 30035

**Zoning:** C-2 (General Commercial) zoning district and Hidden Hills Overlay District – Tier 1.

**Itemized Requests:**

1. **Building Orientation and Setback - 3.37.13 (A)(1)**
  - Setback and building orientation requirements adjacent to public right-of-way.
2. **Loading and Service Locations - 3.37.13 (A)(2)**
  - Relief from requirement to screen loading area.
3. **Building Color - 3.37.24 (F)**
  - Relief from paint color restrictions to match company branding.
4. **Sidewalk and Landscape Strip Widths - 3.37.27 (A)(1)**
  - Reduction of required ten-foot sidewalk and ten-foot planting strip to five feet each.
5. **Off-Street Parking - 3.37.32 (D)**
  - Relief from requirement that all off-street parking be located in side or rear yard.
6. **Off-Street Parking Screening - 3.37.32 (E)**
  - Relief from requirement that off-street parking be screened and not located between the street and the building front.
7. **Continuous Landscape Strip - 5.4.4 (C)**
  - Relief from requirement for a five-foot-wide continuous perimeter landscape strip.

## **Staff Recommendation: Approval with Conditions**

### **Conditions:**

1. Sidewalk and Planting Strip: A minimum six-foot sidewalk and four-foot planting strip shall be installed along Covington Highway. Planting strip shall be landscaped with street trees and shrubs consistent with County landscape requirements to the greatest extent feasible.
2. Loading Area Screening: The loading area shall be screened from adjacent properties to the maximum extent feasible using landscaping or decorative fencing while maintaining adequate truck turning movements in accordance with Section 27-6.1.14 (D)
3. The selected paint colors must complement adjacent commercial properties and shall be approved by the Director of Planning & Sustainability during the permitting process in accordance with Section 27-3.37.24 (F)

### **STAFF FINDINGS:**

The subject property is a 1.40-acre parcel zoned C-2 (General Commercial) within Tier 1 of the Hidden Hills Overlay District. The site was previously developed and operated as an auto-care facility under zoning conditions from case CZ-87086 but has remained vacant in recent years. In 2024, the Board of Commissioners approved a major modification of those conditions to allow redevelopment of the property as an Imeca Hardware Store, a permitted use in the overlay district.

The applicant now seeks seven variances from specific overlay and zoning standards related to building orientation and setbacks, loading area screening, building color restrictions, sidewalk and planting strip widths, off-street parking location and screening, and perimeter landscape strip requirements. These requests stem from the applicant's proposal to adaptively reuse the existing buildings and parking layout, which were constructed prior to adoption of the current regulation.

**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 subject property exhibits extraordinary and exceptional physical conditions due to its pre-existing development pattern and limited site depth. The existing buildings and associated pavement areas were constructed prior to adoption of the Hidden Hills Overlay District standards, creating multiple points of nonconformance with current development requirements. The shallow depth of the lot and placement of existing structures close to Covington Highway and along the side and rear property lines severely limit the ability to retrofit the site to meet current building orientation, setback, parking location, and landscaping standards without full demolition and redevelopment.

**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 requested variances are the minimum necessary to accommodate the adaptive reuse of the existing building and site layout. Each variance directly addresses specific physical constraints, such as existing building placement, limited lot depth, and the inability to reconfigure parking, loading, and landscaping areas without full site demolition.

The applicant is not seeking to exceed development intensities, height allowances, or other core standards of the C-2 district and Hidden Hills Overlay District. Instead, the requests narrowly focus on maintaining the current configuration where compliance may be infeasible.

As an aside, staff would prefer the variance reduction for sidewalk and landscape strip reductions to be six (6) feet wide and four (4) feet wide respectively, as opposed to the proposed even five-foot split by the applicant to allow better balance between pedestrian orientation and safety and will offer it as a condition for approval.

**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:**

Granting the requested variances will not be detrimental to public welfare or injurious to surrounding properties. The proposed adaptive reuse preserves the existing building footprint and site circulation, resulting in no additional encroachments or impacts beyond those already established.

The requested relief does not increase building height, intensity of use, or traffic volumes beyond what is typical for a hardware store permitted in the C-2 district and Hidden Hills Overlay District. Required buffering and landscaping will be installed where feasible, improving site aesthetics relative to its current vacant condition.

Surrounding properties are primarily commercial in nature, with similar building orientations and parking patterns. The requested variances will maintain compatibility with adjacent development and will not adversely affect property values or neighborhood character. Overall, the variances facilitate productive reuse of a vacant site, which is expected to improve safety, visual quality, and economic activity along Covington Highway.

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

Strict application of the current overlay and zoning requirements would create undue and unnecessary hardship for the property owner. The existing building and site layout were constructed prior to the adoption of current development standards and cannot be feasibly reconfigured to meet requirements such as building orientation, parking location, and landscape strip widths without complete demolition and reconstruction of the site.

**5. The requested variance would be consistent with the spirit and purpose of this Chapter and the DeKalb County Comprehensive Plan Text:**

The requested variances are consistent with the spirit and purpose of the Zoning Ordinance and the DeKalb County 2050 Comprehensive Plan. The variances enable adaptive reuse of an existing commercial building in a manner that supports the Neighborhood Center (NC) character area goals, which emphasize infill development, reinvestment in underutilized properties, and provision of neighborhood-serving commercial uses.

The proposal maintains the established development pattern along Covington Highway and avoids the unnecessary demolition of existing structures, which aligns with sustainability and economic revitalization objectives in the Comprehensive Plan. Required site improvements, including sidewalk installation and enhanced landscaping where feasible, further advance the public realm and corridor aesthetics.

**FINAL STAFF ANALYSIS:**

Staff finds that the requested variances are the minimum necessary to accommodate the adaptive reuse of the existing building and site layout. The property's pre-existing development pattern and limited lot depth create unique physical constraints that make strict compliance with current overlay and zoning standards infeasible without full demolition and reconstruction. The proposed variances will not be detrimental to the public welfare or surrounding properties and are consistent with the spirit and intent of the Zoning Ordinance and the DeKalb County 2050 Comprehensive Plan by facilitating reinvestment in a long-vacant commercial site. For these reasons, staff recommends Approval with Conditions.

**Staff Recommendation:** Approval with Conditions

**Conditions:**

4. Sidewalk and Planting Strip: A minimum six-foot sidewalk and four-foot planting strip shall be installed along Covington Highway. Planting strip shall be landscaped with street trees and shrubs consistent with County landscape requirements to the greatest extent feasible.
5. Loading Area Screening: The loading area shall be screened from adjacent properties to the maximum extent feasible using landscaping or decorative fencing while maintaining adequate truck turning movements in accordance with Section 27-6.1.14 (D)
6. The selected paint colors must complement adjacent commercial properties and shall be approved by the Director of Planning & Sustainability during the permitting process in accordance with Section 27-3.37.24 (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: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City/State/Zip Code: \_\_\_\_\_

Email: \_\_\_\_\_

Telephone Home: \_\_\_\_\_ Business: \_\_\_\_\_

#### OWNER OF RECORD OF SUBJECT PROPERTY

Owner: \_\_\_\_\_

Address (Mailing): \_\_\_\_\_

Email: \_\_\_\_\_ Telephone Home: \_\_\_\_\_ Business: \_\_\_\_\_

#### ADDRESS/LOCATION OF SUBJECT PROPERTY

Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

District(s): \_\_\_\_\_ Land Lot(s): \_\_\_\_\_ Block: \_\_\_\_\_ Parcel: \_\_\_\_\_

Zoning Classification: \_\_\_\_\_ Commission District & Super District: \_\_\_\_\_

#### CHECK TYPE OF HEARING REQUESTED:

\_\_\_\_\_ 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](mailto:plansustain@dekalbcountyga.gov) with any questions.

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DEPARTMENT OF PLANNING & SUSTAINABILITY

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**ZONING BOARD OF APPEALS APPLICATION**

**AUTHORIZATION OF THE PROPERTY OWNER**

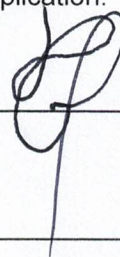
I hereby authorize the staff and members of the Zoning Board of Appeals to inspect the premises of the Subject Property.

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: 06/23/2025

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: 06/23/2025 Applicant/Agent Signature: 

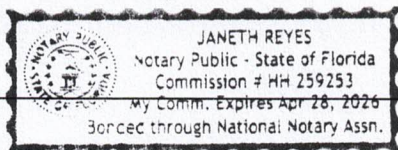
TO WHOM IT MAY CONCERN:

(I)/ (WE): Tony Cocchiola  
(Name of Owners)


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

 6/23/2025  
Notary Public

Notary Public



Notary Public

  
Owner Signature

Owner Signature

Owner Signature

## MEMORANDUM

To: DeKalb County Planning and Sustainability Department

From: Daniel Kerr, PE  
Kimley-Horn and Associates, Inc.

Date: June 25, 2025

Subject: Variance Requests - 5449 Covington Highway

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The intent of this memorandum is to formally request variances from specific sections of the zoning code for the property located at 5449 Covington Highway, Decatur, DeKalb County GA. The variances are necessary to accommodate the reuse of the existing building and site layout. Below are the specific variances being requested along with the reasons for each request:

### VARIANCE REQUEST #1: BUILDING ORIENTATION AND SETBACK (EXISTING NON-CONFORMANCE)

- **Pertaining Code Section:** Sec. 3.37.13 (A) (1)
- **Variance Request:** Relief from the setback and building orientation requirements adjacent to the public right-of-way.
- **Reason:** The existing building is not in conformance with this section. We propose to reuse the current building, which will not allow us to meet the specified code requirements.

### VARIANCE REQUEST #2: LOADING AND SERVICE LOCATIONS

- **Pertaining Code Section:** Sec. 3.37.13 (A) (2)
- **Variance Request:** Relief from the requirement to screen the loading area.
- **Reason:** Due to the existing conditions on-site, it is not feasible to locate the loading area behind the building because of the required truck turn movements. Furthermore, screening the loading area is impractical as it is situated in the parking lot. The number of loading bays has been reduced to what is only required for functionality.



### VARIANCE REQUEST #3: BUILDING COLOR

- **Pertaining Code Section:** Sec. 3.37.24 (F)
- **Variance Request:** Relief from paint color restrictions to be able to match the company's branding and colors.
- **Reason:** The proposed color is part of the Imeca brand and typical of what has been approved in other jurisdictions.

### VARIANCE REQUEST #4: SIDEWALK AND LANDSCAPE STRIP WIDTHS

- **Pertaining Code Section:** Sec. 3.37.27 (A) (1)
- **Variance Request:** Reduction of the required ten-foot sidewalk and ten-foot planting strip to five feet each.
- **Reason:** The proposed reuse of the existing parking fronting Covington Highway prevents us from meeting the required twenty-foot total width as specified in the code. Therefore, we propose a compromise of five feet each for the sidewalk and planting strip. The adjacent site to the east lacks a sidewalk, and the site to the west has an approximately four-foot sidewalk, making a ten-foot sidewalk non-proportional for the area.

### VARIANCE REQUEST #5: OFF STREET PARKING (EXISTING NON-CONFORMANCE)

- **Pertaining Code Section:** Sec. 3.37.32 (D)
- **Variance Request:** Relief from the requirement that all off-street parking be located in the side or rear yard.
- **Reason:** To reuse the existing site and building layout effectively, parking in the front of the building is required to meet the minimum parking requirements.

### **VARIANCE REQUEST #6: OFF STREET PARKING (EXISTING NON-CONFORMANCE)**

- **Pertaining Code Section:** Sec. 3.37.32 (E)
- **Variance Request:** Relief from the requirement that all off-street parking be screened and not located between the street and the building's front.
- **Reason:** For practical reuse of the existing site and building arrangement, front parking is necessary to meet minimum parking needs. Screening the front parking would result in screening the building itself, which is undesirable.

### **VARIANCE REQUEST #7: CONTINUOUS LANDSCAPE STRIP (EXISTING NON-CONFORMANCE)**

- **Pertaining Code Section:** Sec. 5.4.4 (C)
- **Variance Request:** Relief from the requirement to provide a five-foot-wide continuous perimeter landscape strip.
- **Reason:** The current site layout does not accommodate this requirement on the side and rear yards as the existing pavement is within five feet of the property line. Instead, we propose to utilize existing planting areas as landscape strips where feasible.

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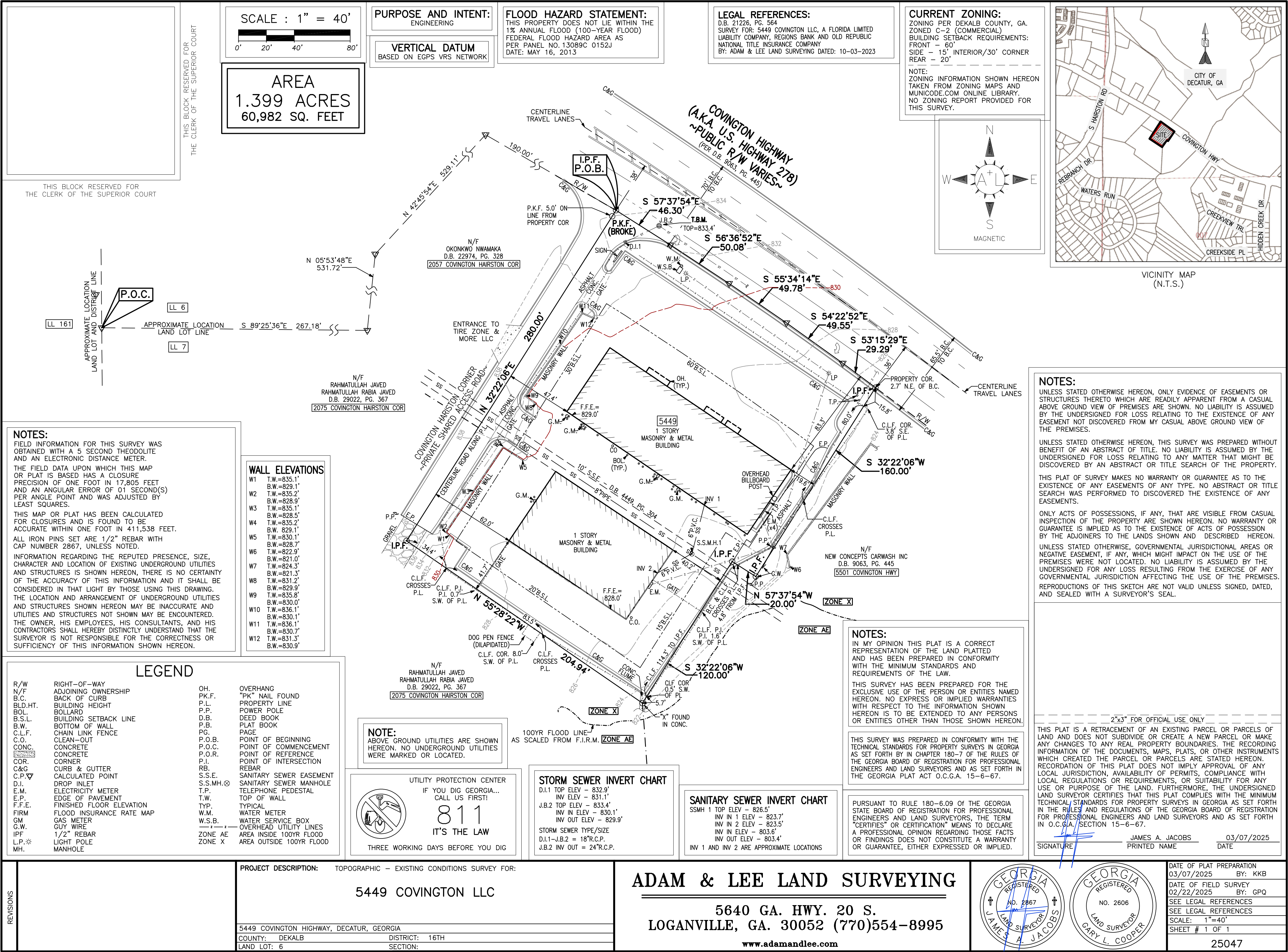
We believe these variances are necessary for the practical reuse of the existing structure while maintaining compliance with the spirit of the zoning code where practical. We appreciate your consideration of these requests and look forward to working with the Department of Planning and Sustainability and the Zoning Board of Appeals towards a successful resolution.

Thank you for your time and attention.

Sincerely,

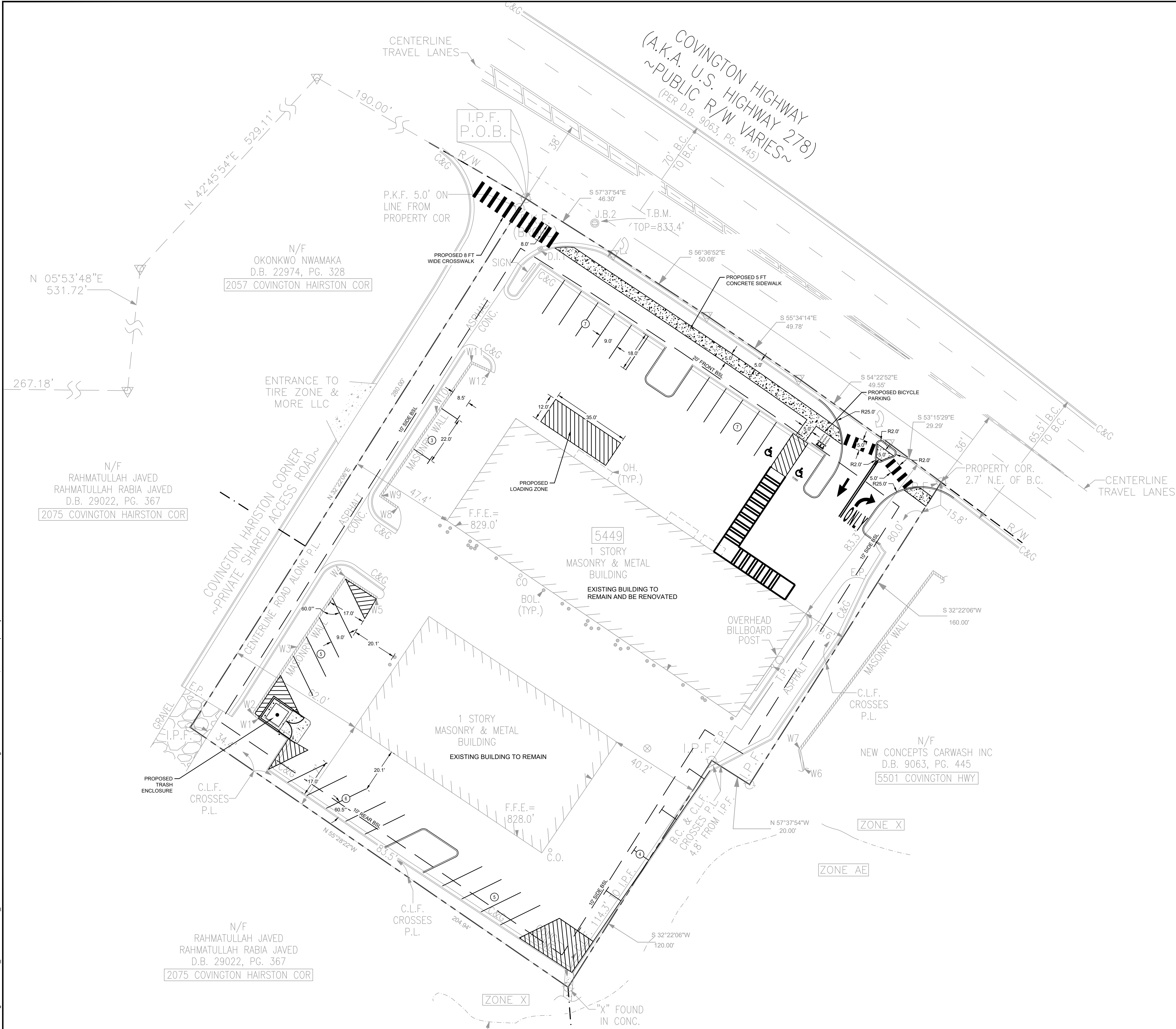
Daniel Kerr, PE







Drawing name: K:\A\T. CIVIL\015602001 - Imeca Dekalb\CAD\Plansheets\C2.00 - SITE PLAN.dwg C2.00 SITE PLAN Jun 23, 2025 2:57pm by: Daniel Kerr



SITE INFORMATION	
PROPERTY ADDRESS	5449 COVINGTON HIGHWAY, DEKALB COUNTY, GEORGIA, 30035
PARCEL NUMBER	16 006 02 007
DISTRICT	16TH
LAND LOT	6
CURRENT ZONING	C-2 HIDDEN HILLS OVERLAY
PROPERTY AREA	1.40 ACRES
DEKALB COUNTY CASE NO.	TBD

SITE DEVELOPMENT SUMMARY	
SITE SUMMARY	
CURRENT ZONING:	C-2 (COMMERCIAL)
PROPOSED ZONING:	HIDDEN HILLS OVERLAY DISTRICT
BUILDING SETBACK:	
FRONT:	0 - 20 FT
SIDE (INTERIOR):	0 - 20 FT
SIDE (INTERIOR):	10 FT (FOR BUILDINGS LESS THAN 3 STORIES)
SIDE (INTERIOR):	15 FT (ONE OF BUILDINGS HAS 3+ STORIES)
REAR:	10 FT
PROPOSED LAND USES & DENSITIES	
RETAIL	2 UNITS
BUILDING 1:	8,664 SF
BUILDING 2:	6,030 SF
PARKING SUMMARY	
PROPOSED PARKING:	37 SPACES (TOTAL)
STANDARD	35 SPACES
HANDICAP	2 SPACES
PROPOSED BICYCLE PARKING:	3 SPACES

SITE NOTES	
1. EXISTING CONDITIONS SHOWN HEREON ARE FROM A SURVEY FILE PROVIDED BY ADAM & LEE LAND SURVEYING, DATED 03/07/2025.	
2. ALL DIMENSIONS ARE FROM FACE OF CURB TO FACE OF CURB UNLESS OTHERWISE NOTED.	
3. SIDEWALK INSTALLED AGAINST BACK OF CURB SHALL BE INSTALLED PER THE PLAN AS MEASURED FROM THE BACK OF CURB.	
4. ALL SIGNAGE AND STRIPING MUST MEET THE LATEST REQUIREMENTS SET FORTH BY MUTCD, GDOT, AND GEORGIA STATE CODE.	
5. REFERENCE LANDSCAPE PLANS FOR ALL HARDSCAPE AND LANDSCAPE DETAILS AND SPECIFICATIONS.	

SITE LEGEND	
---	PROPERTY LINE
---	10 FT BUILDING SETBACK LINE
	CONCRETE SIDEWALK
(10)	PARKING COUNT

GRAPHIC SCALE IN FEET

0102040

Know what's below.  
Call before you dig.

PREPARED FOR

5449 COVINGTON LLC

PROJECT

IMECA HARDWARE - DEKALB

GSWCC NO. (LEVEL II)

0000077807

DRAWN BY

RTM

DESIGNED BY

IDK

REVIEWED BY

IDK

DATE

05.19.2025

PROJECT NO.

015602001.

TITLE

CONCEPT SITE PLAN

SHEET NUMBER

C2.00

1200 PEACHTREE STREET, NE  
SUITE 800  
ATLANTA, GEORGIA 30309

PHONE 404.416.8700  
WWW.KIMLEY-HORN.COM  
© 2025 KIMLEY-HORN AND ASSOCIATES, INC.

1190 NW 159TH DR  
MIAMI, FL 33169

DATE

ISSUANCE AND REVISION DESCRIPTIONS

BY

PRELIMINARY  
NOT FOR CONSTRUCTION

PRELIMINARY: NOT FOR CONSTRUCTION