



Lorraine Cochran-Johnson

Chief Executive Officer

DeKalb County Zoning Board of Appeals

Department of Planning & Sustainability

178 Sams Street,

Decatur, GA 30030

Wednesday, September 10, 2025

Planning Department Staff Analysis



Juliana Njoku

Interim Director

D1. Case No: A-25-1247394 Parcel ID(s): 15 019 05 015

Commission District 03 Super District 06

Applicant: RLF III East LLC c/o Ellen Smith, Parker Poe
1075 Peachtree Street NE, Suite 1500
Atlanta, GA 30309

Owner: RLF III East LLC
1679 Koppers Court
Conley, Georgia 30288

Project Name: 1679 Koppers Court- Eliminate External and Internal Sidewalks

Location: 1679 Koppers Court, Conley, Georgia 30288

Requests:

- 1) Variance from 3.39.6 (C).1 waive sidewalk requirements along Koppers Court and Koppers Road, and
- 2) Variance from Division 39 Design Guidelines Section 5(d) waive internal sidewalk requirements.
- 3) Amend resolution for application waiting period

Agenda: Application by RLF III East, LLC to request variance from Section 27-3.39.6 (C) 1 of the DeKalb County Zoning Ordinance to reduce sidewalk requirements and for request to amend resolution for application waiting period to facilitate expansion of light industrial facility in M (Light Industrial) zoning district.

Staff Recommendation: Approval of sidewalk waiver along Koppers Court and Koppers Road; Approval with conditions of waiver for internal sidewalk requirements, and board's discretion regarding amending the resolution for application waiting period.

Recommended Conditions of approval:

- a. Proposed painting of crosswalks and internal pedestrian areas subject to approval of the DeKalb County Transportation Department and/or the Land Development Division of the Planning & Sustainability Department.
- b. The following information about this variance shall be noted on any site plan prepared for the subject property: case number, approval date, type of variance and condition(s) of approval.

STAFF FINDINGS

The property at 1679 Koppers Court, zoned as Bouldercrest Overlay District (BOS) Tier 4a, currently has no sidewalks along Koppers Court and Koppers Road, no internal sidewalks from the existing building to the Koppers Court/Koppers Road right-of-way, and no pedestrian crosswalks which are required by Section 3.39.6 (C)(1) and Division 39 Design Guidelines Section 5(d) and 5(e) of the DeKalb County Zoning Ordinance. The application is to waive the public sidewalk requirements along the Koppers Court/Koppers Road frontage and waive the internal sidewalk requirement through the approval of two variances. The applicant has provided street trees along Koppers Court and Koppers Road, evergreen trees along the backyards of the Tecumseh Trail single-family lots to the east, and parking lot landscaping.

VARIANCE ANALYSIS

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.

Requiring sidewalks along most sections of the property frontage would necessitate major regrading and several retaining walls, the substantial relocation of existing utilities and stormwater structures, and the destruction of mature trees, which would not be consistent with the goals of the BOD to improve the visual appearance of the area. While the applicant's engineer has indicated that it would be feasible to construct narrower 5-foot wide sidewalks along some portions of the property frontage (see attached site plan and notes), doing so would not be practical as there would be not be a continuous sidewalk network along Koppers Road/Koppers Court to provide meaningful pedestrian connectivity.

Additionally, the dead-end configuration of Koppers Court and Koppers Road providing access to predominantly industrial uses discourages pedestrian connectivity and appears to be the only dead-end street configuration in Tier 4a. Based on the information from the applicant's engineer it appears that there are no feasible alternative sidewalk solutions along Koppers Court and Koppers Road. If no public sidewalks are to be provided along Koppers Court and Koppers Road, then it appears there is no need for internal sidewalks to the existing building or crosswalks across the driveways since there are no public sidewalks to tie into. However, to provide additional public safety to employees working within the existing building, the applicant is proposing painting/stripping of pedestrian areas around the building. The applicant is also proposing painted crosswalks across the driveways for additional safety measures.

Based on the combination of the unique hardships documented by the engineer and the dead-end configuration of Koppers Court and Koppers Road discouraging pedestrian connectivity, it appears that there are extraordinary and exceptional physical conditions pertaining to the property which were not created by the current owner, previous owner, or applicant that would deprive the property owner of rights enjoyed by other property owners in the same zoning district.

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:

Based on the combination of the unique hardships documented by the engineer and the dead-end configuration of Koppers Court and Koppers Road providing access to predominantly industrial uses which discourages pedestrian connectivity, it appears that the requested variances do 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:

Requiring sidewalks along most sections of the property frontage would necessitate major regrading and several retaining walls, the substantial relocation of existing utilities and stormwater structures, and the destruction of mature trees, which would not be consistent with the goals of the BOD to improve the visual appearance of the area. While the applicant's engineer has indicated that it would be feasible to construct narrower 5-foot wide sidewalks along some portions of the property frontage (see attached site plan and notes), doing so would not be practical as there would be not be a continuous sidewalk network along Koppers Road/Koppers Court to provide meaningful pedestrian connectivity.

Based on the combination of the unique hardships documented by the engineer and the dead-end configuration of Koppers Court and Koppers Road providing access to predominantly industrial uses which discourages pedestrian connectivity, it appears that the requested variances 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:

Based on the combination of the unique hardships documented by the engineer and the dead-end configuration of Koppers Court and Koppers Road discouraging pedestrian connectivity, it appears that the literal interpretation of the applicable provisions 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:

Requiring sidewalks along most sections of the property frontage would necessitate major regrading and several retaining walls, the substantial relocation of existing utilities and stormwater structures, and the destruction of mature trees, which would not be consistent with the goals of the BOD to improve the visual appearance of the area. Based on the combination of the unique hardships documented by the engineer, the dead-end configuration of Koppers Court and Koppers Road discouraging pedestrian connectivity, and the desire to preserve mature trees, it appears the requested variance would be consistent with Section 3.39.1.A.6 and 3.39.1.A.4 of the DeKalb County Zoning Ordinance to *"improve the visual appearance and increase property values within the Bouldercrest-Moreland community"* and *"to promote physically attractive, environmentally safe and economically sound residential and non-residential developments and communities"*.

CONCLUSION:

Based on the combination of the unique hardships documented by the engineer and the dead-end configuration of Koppers Court and Koppers Road discouraging pedestrian connectivity, it appears that there is extraordinary or exceptional physical conditions pertaining to the property which was not created by the current owner, previous owner, or applicant that would deprive the property owner of rights enjoyed by other property owners in the same zoning district. Furthermore, the mature trees that would be preserved by not constructing the sidewalks is consistent with Section 3.39.1.A.6 and 3.39.1.A.4 of the DeKalb County Zoning Ordinance to *"improve the visual appearance and increase property values within the Bouldercrest-Moreland community"* and *"to promote physically attractive, environmentally safe and economically sound residential and non-residential developments and communities"*.

Therefore, based on the analysis of the case and considering the criteria for variances, staff recommends the following:

2. Approval of the sidewalk variance along Koppers Court/Koppers Road, with the subsequent condition.
3. Approval of the internal sidewalk variance with the following conditions:
 - a. Proposed painting of crosswalks and internal pedestrian areas subject to approval of the DeKalb County Transportation Department and/or the Land Development Division of the Planning & Sustainability Department.
 - b. The following information about this variance shall be noted on any site plan prepared for the subject property: case number, approval date, type of variance and condition(s) of approval.
4. Board's discretion regarding amending the resolution for application waiting period



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

Chief Executive Officer
Michael Thurmond

DEPARTMENT OF PLANNING & SUSTAINABILITY

Interim Director
Cedric Hudson

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

Applicant and/or
Authorized Representative: RLF III East, LLC c/o Morris, Manning & Martin, LLP; Henry Bailey

Mailing Address: 3343 Peachtree Road, NE, Suite 1600

City/State/Zip Code: Atlanta, Georgia 30326

Email: hbailey@mmmlaw.com

Telephone Home: _____ Business: 404.364.3198

OWNER OF RECORD OF SUBJECT PROPERTY

Owner: RLF III East, LLC

Address (Mailing): 1679 Koppers Court, DeKalb County, Georgia

Email: klegue@realterm.com Telephone Home: _____ Business: 443.321.3590

ADDRESS/LOCATION OF SUBJECT PROPERTY

Address: 1679 Koppers Court City: N/A State: GA Zip: 30288

District(s): 15 Land Lot(s): 019, 020 Block: _____ Parcel: 15-019-05-015

Zoning Classification: M Commission District & Super District: District 3, Super 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: 12/19/24

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: 12/19/24

Applicant/Agent
Signature:



TO WHOM IT MAY CONCERN:

(I)/ (WE): RLF III East, LLC
(Name of Owners)

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


Notary Public

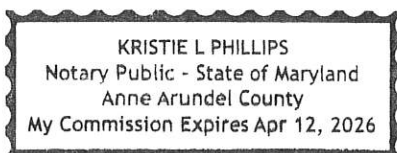

Owner Signature

Notary Public

Owner Signature

Notary Public

Owner Signature





Henry A. Bailey
404-364-3198
hbailey@mmmlaw.com
www.mmmlaw.com

January 21, 2025

VIA ELECTRONIC FILING

DeKalb County Office of Planning and Sustainability
1300 Commerce Drive
Decatur, Georgia 30030

RE: Letter of Intent - DeKalb County Zoning Board of Appeals application and resolution request (the “Application”) by RLF III East, LLC (the “Applicant”) for the property located at 1679 Koppers Court in unincorporated DeKalb County (the “Property”)

To Whom It May Concern:

The owner of the Property as the Applicant is submitting an application for a variance from Section 3.39.6(C)1 of the Unified Development Code (the “Code”) to bring the Property into compliance specifically as it relates to sidewalks. The Applicant previously filed an application to the DeKalb County Zoning Board of Appeals on this Property – Case No: A-23-1246576 – that was approved in part and denied in part on December 13, 2023 (the “Prior Application”). The part of the Prior Application that was denied is the basis of the current request, which is to reduce the current sidewalk requirement. Considering a year would have passed between the date the Prior Application was denied and when the Application was filed, the Applicant is also requesting the Zoning Board of Appeals issue a resolution to reduce the minimum twenty-four month waiting period to the time passed in accordance with Section 27-7.2(H)2 of the Code.

As a reminder and to provide background, the Property is designated as industrial and is located in the Bouldercrest Overlay District-Tier 4A. The Property is located in a largely industrial area dominated by vehicular and trucking activity. This Property has been used largely in the same manner as the current uses since 1983 with some alterations/expansions along the way. The lone issue standing between the Property and compliance with the Code is the sidewalk requirement of Section 3.39.6(C)1. The criteria considered for approval is enclosed herein.

Best Regards,

Henry A. Bailey, Jr.

**DeKalb County Zoning Board of Appeals
Criteria for Approval**

- 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.**

There are extraordinary and exceptional physical conditions pertaining to the Property. Specifically, much of the area of the Property along the northern portion on Koppers Road has significant and extreme elevation changes. Considerable engineering and earth moving would be required to install a sidewalk in this location where it is unclear whether there is demand for significant pedestrian activity given the industrial nature of the immediate area. These elevation changes were not created by the current or prior owner and by requiring strict compliance with the Code in this section would deprive the owner of rights and privileges enjoyed by other property owners in the same district. To be clear, on sites where there is not as significant change in elevation, the owner could simply install the sidewalks without the amount of engineering and earth moving that would be required here. Simply put, the sidewalk requirement in this particular area of the property is misaligned with the amount work required to install it and the subsequent demand for its use.

- 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.**

As shown on the site plan, the Applicant is not requesting to completely eliminate the sidewalks on the Property. Rather, the Applicant is requesting to install the sidewalks on a portion of the frontage while connecting to the existing sidewalk located along the frontage of property located across Koppers Road to create a more connected pedestrian network. This request does not go beyond the minimum necessary to afford relief.

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.

The grant of the variance will eliminate the requirement to construct a sidewalk in an area where there has been little known pedestrian demand. To the extent there is any pedestrian demand in the area the Applicant is proposing to further build out that network in accordance with the enclosed site plan. As such, there is nothing about the request that is materially detrimental to the public welfare or injurious to the Property or improvements in the zoning district.

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

As noted above, the strict application of the provisions of the Code are misaligned with amount of engineering and earth moving required to comply and with the existing pedestrian demand in this location. Requiring the Applicant to conduct such earth moving activity to install a sidewalk where there is little to no demand would cause an 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.

The requested variance is consistent with the spirit and purpose of this chapter. That is, the requested reduction in the sidewalk requirement is consistent with the stated intent of the Bouldercrest-Cedar Grove-Moreland Overlay District, where the property is located. One of the stated goals is to provide for the development of sidewalks and walkways in order to promote safe and convenient pedestrian access. The proposed variance request does just that as the site plan shows development of the sidewalk along Koppers Ct emanating from the cul-de-sac and connecting via a crosswalk with the existing sidewalk across Koppers Rd. This directly promotes safe and convenient pedestrian access to the area. Further, one other stated intent is to allow flexibility in development standards to encourage the design of innovative development. Considering this Property is already developed, the requested flexibility in the development standards as it relates to the sidewalks is directly aligned with this goal. Flexibility in the development standards in this case will allow for a creative and innovative approach to encouraging pedestrian activity in an area where there is not much of said activity presently.

As it relates to the Comprehensive Plan text, the Property is designated LIND – Light Industrial. One of the stated goals of this designation is to improve safety and community character by providing consistent lighting and landscaping, particularly street trees, along

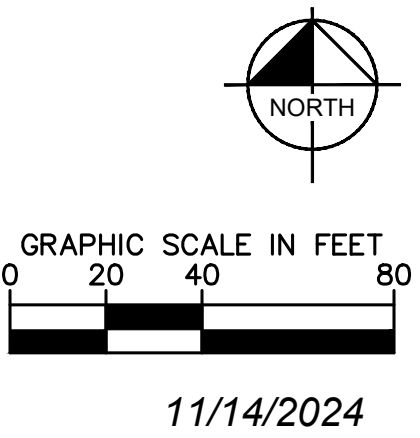
DeKalb County Office of Planning and Sustainability

January 21, 2025

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public rights of way. The Property has already met this goal and has installed significant landscaping and street trees along the public right of way. Additionally, by granting the requested variance, improving safety and community character will also be satisfied as the sidewalk connection to the existing sidewalk across Koppers Road will help enhance the pedestrian network in the area as described above.

C:\Users\KAYLEE-1\MyAppData\Local\Temp\Ap\Pub\shk_273952024-1-07_Site Plan.dwg Layout1 (2) Nov 14, 2024 8:11pm by kaylee.murphy

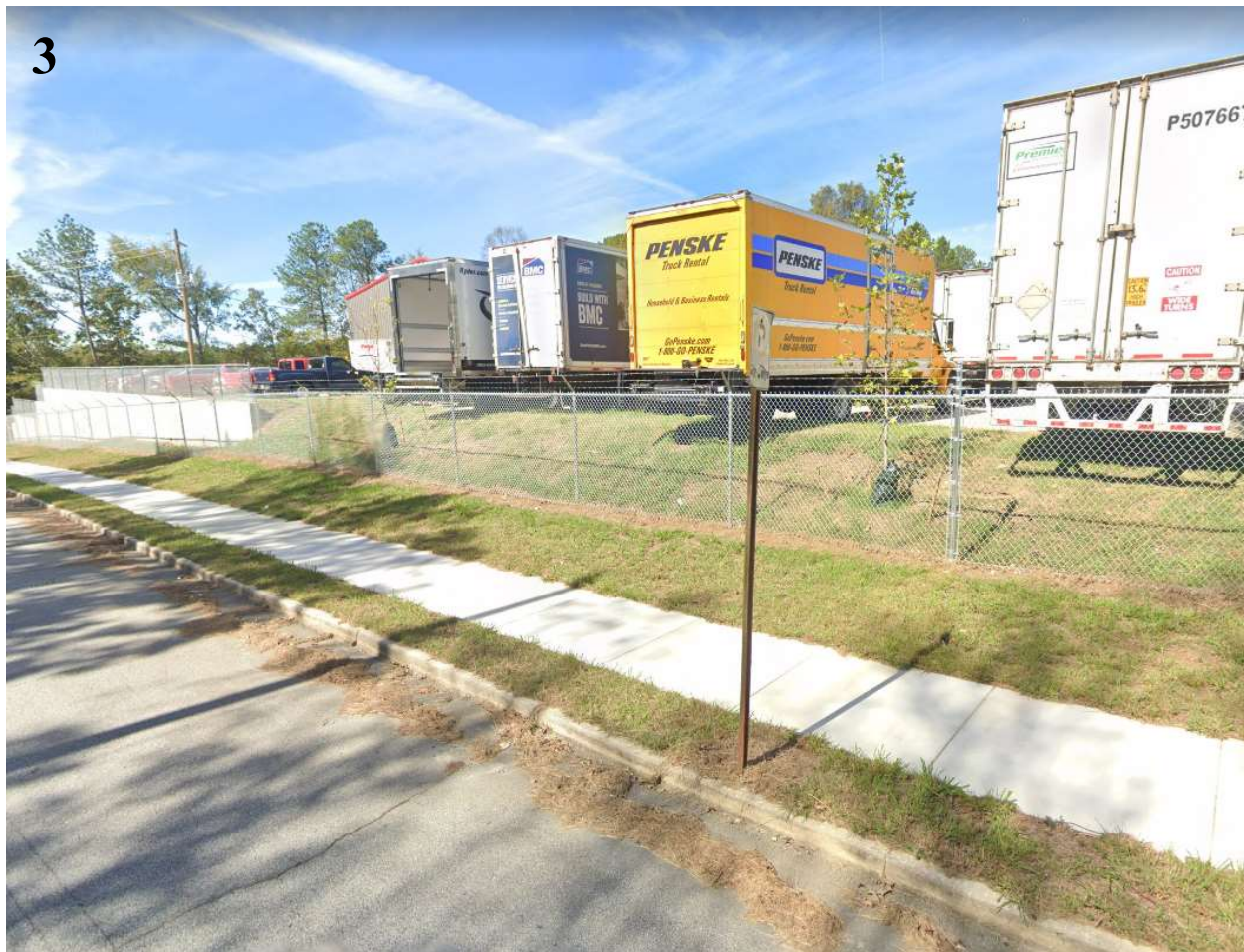


Site Photo Location Map





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Adjacent Property Sidewalk- 1678 Koppers Road

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Chief Executive Officer
Michael Thurmond

DEPARTMENT OF PLANNING & SUSTAINABILITY

Interim Director
Cedric Hudson

PRE-APPLICATION FORM ZONING BOARD OF APPEALS

Last updated: 12/07/23

Applicant Information

Applicant Name: _____ Phone: _____ Email: _____

Meeting Information

Date/Time: _____ Planner Name: _____

Planner Email: _____

Subject Property

Property Address: _____

Comm. District(s): _____ Tax Parcel ID: _____

Zoning: _____ Land Use: _____ Overlay: _____

Existing Use: _____ Supplemental Regs: _____

Proposed Project

Project Description:

Code sections/Titles needing a variance from: