



**DeKalb County Department of Planning & Sustainability**

330 Ponce De Leon Avenue, Suite 500

Decatur, GA 30030

(404) 371-2155 / plandev@dekalbcountyga.gov

**Planning Commission Hearing Date: January 9, 2018, 6:30 P.M.**

**Board of Commissioners Hearing Date: January 23, 2018, 6:30 P.M.**

**STAFF ANALYSIS**

**Case No.:** Z-18-21945 **Agenda #:** N. 7

**Location/Address:** 211 South Howard Street **Commission District:** 3 **Super District:** 6

**Parcel ID(s):** 15-179-06-062

**Request:** To rezone property from the R-75 (Single-Family Residential) district to the R-60 (Single-Family Residential) district, to allow a lot split and construction of a single-family house on the resulting new lot.

**Property Owner(s):** Benjamin Leininger

**Applicant/Agent:** Benjamin Leininger

**Acreage:** .4 acres

**Existing Land Use:** A single-family house.

**Surrounding Properties:** Single-family residential and multifamily residential.

**Adjacent Zoning:** **North:** City of Atlanta **South:** R-75 **East:** R-75 **West:** R-75 **Northeast:** City of Atlanta  
**Northwest:** City of Atlanta **Southeast:** R-75 **Southwest:** R-75

**Comprehensive Plan:** NC (Neighborhood Commercial)  **Consistent**  **Inconsistent**

<b>Proposed Density:</b> 5 units/acre	<b>Existing Density:</b> 2.5 units/acre
<b>Proposed Units:</b> One unit per lot; total 2 units	<b>Existing Units:</b> One unit on an undivided lot
<b>Proposed Lot Coverage:</b> maximum 35%	<b>Existing Lot Coverage:</b> (estimated) 20%

**Zoning History:**

Based on DeKalb County records, it appears that the property has been zoned R-75 since adoption of the original zoning map.

**PROJECT ANALYSIS**

The subject property is a .4-acre lot located on the southwest corner of Memorial Drive and South Howard Street, approximately 1.7 miles west of Candler Road. It is developed with a 1,175- square foot, one story house. The topography of the lot is approximately three feet above the grade of the street and is level. There is a mature tree in the south side yard, and two mature trees at the back of the house.

Mr. Leininger applied for the rezoning in order to split the property into two lots and construct a new house on the new lot. The front of the lot was proposed to be on Memorial Drive. However, after Mr. Leininger talked to a GDOT

staff person and discovered that no curb cut for vehicular access would be allowed on Memorial Drive, he requested a 60-day deferral to allow time to revise his proposal. He has discussed with staff the possibility of demolishing the existing home on the property and redeveloping the entire parcel.

**STAFF RECOMMENDATION: FULL CYCLE DEFERRAL**

Because no vehicular access can be provided to the proposed new lot, staff is unable to recommend approval of the proposal. However, staff agrees that a deferral is appropriate, to give Mr. Leininger an opportunity to revise his proposal.

**Attachments:**

1. Department and Division Comments
2. Application
3. Site Plan
4. Zoning Map
5. Land Use Plan Map
6. Aerial Photograph
7. Site Photographs

## NEXT STEPS

*Following an approval of this zoning action, one or several of the following may be required:*



- **Land Disturbance Permit** *(Required for of new building construction on non-residential properties, or land disturbance/improvement such as storm water detention, paving, digging, or landscaping.)*
- **Building Permit** *(New construction or renovation of a building (interior or exterior) may require full plan submittal or other documentation. Zoning, site development, watershed and health department standards will be checked for compliance.)*
- **Certificate of Occupancy** *(Required prior to occupation of a commercial or residential space and for use of property for a business. Floor plans may be required for certain types of occupants.)*
- **Plat Approval** *(Required if any parcel is being subdivided, re-parceled, or combined. Issued “administratively”; no public hearing required.)*
- **Sketch Plat Approval** *(Required for the subdivision of property into three lots or more. Requires a public hearing by the Planning Commission.)*
- **Overlay Review** *(Required review of development and building plans for all new construction or exterior modification of building(s) located within a designated overlay district.)*
- **Historic Preservation** *(A Certificate of Appropriateness is required for any proposed changes to building exteriors or improvements to land when located within the Druid Hills or the Soapstone Geological Historic Districts. Historic Preservation Committee public hearing may be required.)*
- **Variance** *(Required to seek relief from any development standards of the Zoning Ordinance. A public hearing and action by the Board of Appeals are required for most variances.)*
- **Minor Modification** *(Required if there are any proposed minor changes to zoning conditions that were approved by the Board of Commissioners. The review is administrative if the changes are determined to be minor as described by Zoning Code.)*
- **Major Modification** *(Required submittal of a complete zoning application for a public hearing if there are any proposed major changes to zoning conditions that were approved by the Board of Commissioner for a prior rezoning.)*
- **Business License** *(Required for any business or non-residential enterprise operating in Unincorporated DeKalb County, including in-home occupations).*
- **Alcohol License** *(Required permit to sell alcohol for consumption on-site or packaged for off-site consumption. Signed and sealed distance survey is required. Background checks will be performed.)*

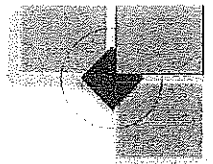
**Each of the approvals and permits listed above requires submittal of application and supporting documents, and payment of fees. Please consult with the appropriate department/division.**



# DeKalb County Department of Planning & Sustainability

Michael Thurmond  
Chief Executive Officer

Andrew A. Baker, AICP  
Director



## APPLICATION TO AMEND OFFICIAL ZONING MAP OF DEKALB COUNTY, GEORGIA

Z/CZ No. \_\_\_\_\_  
Filing Fee: \_\_\_\_\_

Date Received: \_\_\_\_\_ Application No.: \_\_\_\_\_

Applicant: Benjamin W Leininger E-Mail: benleining@yahoo.com

Applicant Mailing Address: 211 S. Howard St SE, Atlanta GA 30317

Applicant Phone: (901) 486-7565 Fax: \_\_\_\_\_

\*\*\*\*\*  
Owner(s): Benjamin W. Leininger E-Mail: benleining@yahoo.com  
(If more than one owner, attach as Exhibit "A")

Owner's Mailing Address: 211 S. Howard St SE, Atlanta GA 30317

Owner(s) Phone: (901) 486-7565 Fax: \_\_\_\_\_

Address/Location of Subject Property: 211 S. Howard St SE, Atlanta GA 30317

District(s): 15 Land Lot(s): 179 Block: 06 Parcel(s): 062

Acreage: 0.4 Commission District(s): \_\_\_\_\_

Present Zoning Category: R-75 Proposed Zoning Category: R-60

Present Land Use Category: 101-Residential 1 Family

### PLEASE READ THE FOLLOWING BEFORE SIGNING

This form must be completed in its entirety before the Planning Department accepts it. It must include the attachments and filing fees identified on the attachments. An application, which lacks any of the required attachments, shall be determined as incomplete and shall not be accepted.

### Disclosure of Campaign Contributions

In accordance with the Conflict of Interest in Zoning Act, O.C.G.A., Chapter 36-67A, the following questions must be answered:

Have you the applicant made \$250 or more in campaign contributions to a local government official within two years immediately preceding the filing of this application? \_\_\_\_\_ Yes  No

If the answer is yes, you must file a disclosure report with the governing authority of DeKalb County showing;

1. The name and official position of the local government official to whom the campaign contribution was made.
2. The dollar amount and description of each campaign contribution made during the two years immediately preceding the filing of this application and the date of each such contribution.

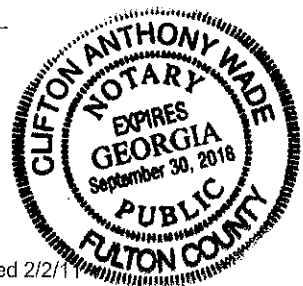
The disclosure must be filed within 10 days after the application is first filed and must be submitted to the C.E.O. and the Board of Commissioners, DeKalb County, 1300 Commerce Drive, Decatur, Ga. 30030.

[Signature]  
NOTARY

[Signature] 11/3/17  
SIGNATURE OF APPLICANT / DATE

9/30/2018  
EXPIRATION DATE / SEAL

Check One: Owner  Agent \_\_\_\_\_



## Letter of Application

To Whom it May Concern,

Please accept this application for rezoning of Parcel Number 15 179 06 062 located at 211 S. Howard St SE. Unincorporated DeKalb County 30317.

The Parcel is currently zoned as R-75. The purpose of the application is to rezone the property from R-75 to R-60, with the ultimate intention of subdividing the lot into two parcels along the "Proposed Boundary Line" defined in the attached Legal Boundary Survey. At the current R-75 zoning there is not enough area to create two lots under the zoning codes, however with the R-60 designation there would be the required area and street frontage to create two individual single family residential lots.

This Parcel currently has one single family home on the property. The intention is to leave this building intact, in its current state, and as the primary residence of the current land owner. There are also no immediate plans for development on the other lot created from the rezoning and subdivision.

Kind Regards,  
Ben Leininger

## **Detailed Analysis of Impact**

It is anticipated that the rezoning of the parcel in question will have no adverse impact on the surrounding properties and neighborhood. Currently the block and neighborhood where parcel 15 079 06 072 is located has a mix of both R-75 and R-60 zoning, therefore rezoning the proposed lot from R – 75 to R-60 will be in line with the current neighborhood mix.

Once the lot is rezoned to R- 60 the intended use of the property is to subdivide the Parcel into two single family lots. Once rezoned to R-60 both proposed lots will be in conformity with the policy, and consistent in size and use with the majority of lots surrounding properties.

Rezoning the Parcel to R-60 and the subsequent subdivision of the property will not adversely affect historic buildings, sites, districts or archaeological resources. The existing single family home located in the lot will remain intact and there is no current or imminent plans to develop the lot that would be created from the subdivision after rezoning, however rezoning and subdivision would create the opportunity for increased development and investment in the Memorial Corridor of DeKalb County through the possible future construction of a single family dwelling.

Rezoning and the subsequent subdivision of the property will not result in a use which will or could cause excessive burdensome use of existing streets, transportation facilities, utilities or schools.

ELEVATIONS BASED ON DEKALB COUNTY MONUMENT D60134 ELEVATION=1021.83

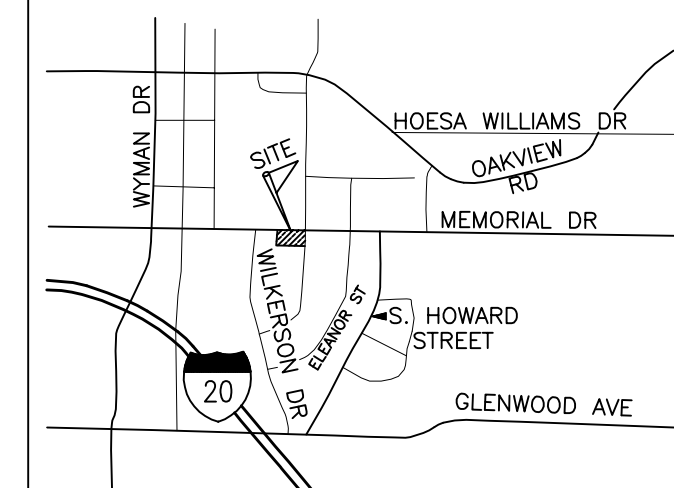
MEMORIAL DRIVE  
~60' R/W~  
PER D.B. 22032, PG. 768

SCALE : 1" = 30'  
0' 10' 20' 30' 40' 50' 60'

**OWNER INFORMATION**  
LEININGER BENJAMIN WEST  
211 S. HOWARD ST.  
ATLANTA, GEORGIA 30317  
901-486-7565

ELECTRIC SERVICE TO BE PROVIDED BY OVERHEAD POWER LINES TO BUILDING

WATER, ELECTRICITY AND SANITARY SEWER SERVICE TO BE PROVIDED BY DEKALB COUNTY, GEORGIA.



**LEGEND**

- A/C AIR CONDITIONING
- R/W RIGHT-OF-WAY
- N/F ADJOINING OWNERSHIP
- CLF CHAIN LINK FENCE
- BSL BUILDING SETBACK LINE
- CO CLEAN-OUT
- CONC CONCRETE
- C&G CURB & GUTTER
- CP CALCULATED POINT
- CTP CRIMP TOP PIPE
- EM ELECTRICITY METER
- GM GAS METER
- IPF 1/2" REBAR
- IPS 1/2" REBAR W/ CAP
- PLP POWER LIGHT POLE
- MHBS MANHOLE BELL SOUTH
- PL PROPERTY LINE
- PP POWER POLE
- D.B. DEED BOOK
- P.B. PLAT BOOK
- PG. PAGE
- P.O.B. POINT OF BEGINNING
- P.O.C. POINT OF COMMENCEMENT
- RB REBAR
- SSMH SANITARY SEWER MANHOLE
- WF WOOD FENCE
- TYP TYPICAL
- WM WATER METER
- WV WATER VALVE
- WWM WATER VALVE MARKER
- OVERHEAD UTILITY LINES

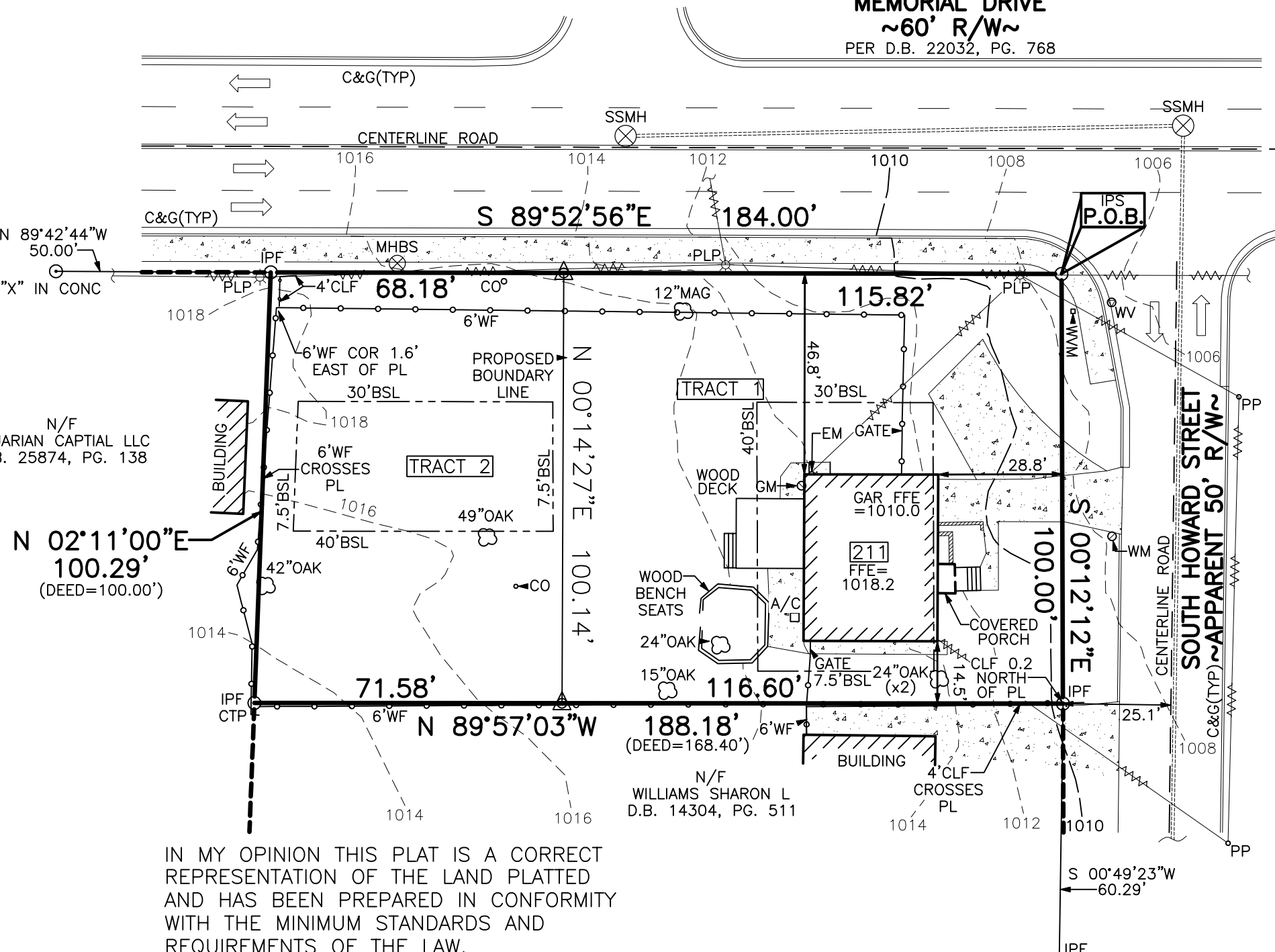
MAGNETIC

FOR OFFICIAL USE ONLY

FOR OFFICIAL USE ONLY

UTILITY PROTECTION CENTER  
IF YOU DIG GEORGIA...  
CALL US FIRST!  
**811**  
IT'S THE LAW  
THREE WORKING DAYS BEFORE YOU DIG

**AREA**  
**TRACT 1**  
0.267 ACRES  
11,629 SQ. FEET  
**TRACT 2**  
0.160 ACRES  
7,001 SQ. FEET  
**TOTAL AREA**  
0.427 ACRES  
18,629 SQ. FEET



**NOTES:**

**FLOOD HAZARD STATEMENT:**  
THIS PROPERTY DOES NOT LIE WITHIN THE 1% ANNUAL FLOOD (100-YEAR FLOOD) FEDERAL FLOOD HAZARD AREA AS PER PANEL NO. 13089C 0127J  
DATE: MAY 16, 2013

FIELD INFORMATION FOR THIS PLAT WAS OBTAINED WITH A 5 SECOND THEODOLITE AND AN ELECTRONIC DISTANCE METER.

THE FIELD DATA UPON WHICH THIS MAP OR PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 35,694 FEET AND AN ANGULAR ERROR OF 07 SECOND(S) PER ANGLE POINT AND WAS ADJUSTED BY LEAST SQUARES.

THIS MAP OR PLAT HAS BEEN CALCULATED FOR CLOSURES AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 119,353 FEET.

ALL IRON PINS LABELED AS SET OR FOUND (IPS OR IPF) ARE 1/2" REBAR RODS, UNLESS OTHERWISE NOTED.

INFORMATION REGARDING THE REPUTED PRESENCE, SIZE, CHARACTER AND LOCATION OF EXISTING UNDERGROUND UTILITIES AND STRUCTURES IS SHOWN HEREON, THERE IS NO CERTAINTY OF THE ACCURACY OF THIS INFORMATION AND IT SHALL BE CONSIDERED IN THAT LIGHT BY THOSE USING THIS DRAWING. THE LOCATION AND ARRANGEMENT OF UNDERGROUND UTILITIES AND STRUCTURES SHOWN HEREON MAY BE INACCURATE AND UTILITIES AND STRUCTURES NOT SHOWN MAY BE ENCOUNTERED. THE OWNER, HIS EMPLOYEES, HIS CONSULTANTS, AND HIS CONTRACTORS SHALL HEREBY DISTINCTLY UNDERSTAND THAT THE PLATOR IS NOT RESPONSIBLE FOR THE CORRECTNESS OR SUFFICIENCY OF THIS INFORMATION SHOWN HEREON.

IN MY OPINION THIS PLAT IS A CORRECT REPRESENTATION OF THE LAND PLATTED AND HAS BEEN PREPARED IN CONFORMITY WITH THE MINIMUM STANDARDS AND REQUIREMENTS OF THE LAW.

THIS PLAT HAS BEEN PREPARED FOR THE EXCLUSIVE USE OF THE PERSON OR ENTITIES NAMED HEREON. NO EXPRESS OR IMPLIED WARRANTIES WITH RESPECT TO THE INFORMATION SHOWN HEREON IS TO BE EXTENDED TO ANY PERSONS OR ENTITIES OTHER THAN THOSE SHOWN HEREON.

UNLESS STATED OTHERWISE HEREON, ONLY EVIDENCE OF EASEMENTS OR STRUCTURES THERETO WHICH ARE READILY APPARENT FROM A CASUAL ABOVE GROUND VIEW OF PREMISES ARE SHOWN. NO LIABILITY IS ASSUMED BY THE UNDERSIGNED FOR LOSS RELATING TO THE EXISTENCE OF ANY EASEMENT NOT DISCOVERED FROM MY CASUAL ABOVE GROUND VIEW OF THE PREMISES.

UNLESS STATED OTHERWISE HEREON, THIS PLAT WAS PREPARED WITHOUT BENEFIT OF AN ABSTRACT OF TITLE. NO LIABILITY IS ASSUMED BY THE UNDERSIGNED FOR LOSS RELATING TO ANY MATTER THAT MIGHT BE DISCOVERED BY AN ABSTRACT OR TITLE SEARCH OF THE PROPERTY.

THIS PLAT OF PLAT MAKES NO WARRANTY OR GUARANTEE AS TO THE EXISTENCE OF ANY EASEMENTS OF ANY TYPE. NO ABSTRACT OR TITLE SEARCH WAS PERFORMED TO DISCOVERED THE EXISTENCE OF ANY EASEMENTS.

ONLY ACTS OF POSSESSIONS, IF ANY, THAT ARE VISIBLE FROM CASUAL INSPECTION OF THE PROPERTY ARE SHOWN HEREON. NO WARRANTY OR GUARANTEE IS IMPLIED AS TO THE EXISTENCE OF ACTS OF POSSESSION BY THE ADJOINERS TO THE LANDS SHOWN AND DESCRIBED HEREON.

UNLESS STATED OTHERWISE, GOVERNMENTAL JURISDICTIONAL AREAS OR NEGATIVE EASEMENT, IF ANY, WHICH MIGHT IMPACT ON THE USE OF THE PREMISES WERE NOT LOCATED. NO LIABILITY IS ASSUMED BY THE UNDERSIGNED FOR ANY LOSS RESULTING FROM THE EXERCISE OF ANY GOVERNMENTAL JURISDICTION AFFECTING THE USE OF THE PREMISES.

REPRODUCTIONS OF THIS SKETCH ARE NOT VALID UNLESS SIGNED, DATED, AND SEALED WITH A PLATOR'S SEAL.

THE OWNER OF THE PROPERTY IS RESPONSIBLE FOR COMPLIANCE WITH THE CORPS OF ENGINEERS' REQUIREMENTS REGARDING WETLANDS.

**ZONING INFORMATION**  
ZONING PER DEKALB COUNTY, GEORGIA ZONED R-75 (RESIDENTIAL MEDIUM LOT-75) DISTRICT  
BUILDING SETBACK REQUIREMENTS:  
FRONT - 30'  
SIDE - 7.5' INTERIOR - 30' CORNER LOT REAR - 40'  
MINIMUM LOT AREA - 10,000 S.F.  
LOT WIDTH AT STREET FRONTAGE - 75'  
LOT WIDTH AT BUILDING LINE - 75'  
MAXIMUM LOT COVERAGE - 35%

**NOTE:**  
ZONING INFORMATION SHOWN HEREON TAKEN FROM ZONING MAPS AND MUNICODE.COM ONLINE LIBRARY. NO ZONING REPORT PROVIDED FOR THIS PLAT.

2"x3" FOR OFFICIAL USE ONLY

AS REQUIRED BY SUBSECTION (d) OF O.C.G.A. SECTION 15-6-67, THIS PLAT HAS BEEN PREPARED BY A LAND PLATOR AND APPROVED BY ALL APPLICABLE LOCAL JURISDICTIONS FOR RECORDING AS EVIDENCED BY APPROVAL CERTIFICATES, SIGNATURES, STAMPS OR STATEMENTS HEREON. SUCH APPROVALS OR AFFIRMATIONS SHOULD BE CONFIRMED WITH THE APPROPRIATE GOVERNMENTAL BODIES BY ANY PURCHASER OR USER OF THIS PLAT AS TO INTENDED USE OF ANY PARCEL. FURTHERMORE, THE UNDERSIGNED LAND PLATOR CERTIFIES THAT THIS PLAT COMPLIES WITH THE MINIMUM TECHNICAL STANDARDS FOR PROPERTY PLATS IN GEORGIA AS SET FORTH IN THE RULES AND REGULATIONS OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND PLATORS AND AS SET FORTH IN O.C.G.A. SECTION 15-6-67.

JAMES A. JACOBS      11/2/17  
SIGNATURE      PRINTED NAME      DATE

REVISIONS


**PROJECT DESCRIPTION:** LOT DIVISION AND TOPOGRAPHY PLAT FOR:

**BEN LEININGER**

211 SOUTH HOWARD STREET, ATLANTA, GEORGIA

PARCEL I.D. # 15 179 06 062  
COUNTY: DEKALB      DISTRICT: 15TH  
LAND LOT: 179      SECTION:

**ADAM & LEE LAND PLATING**

5640 GA. HWY. 20 S.  
LOGANVILLE, GA. 30052 (770)554-8995

www.adamandlee.com      FAX=(770)554-8134

DATE OF PLAT PREPARATION	10/31/17	BY: DWJ
DATE OF FIELD PLAT	10/26/17	BY: AMB
DEED:	PLAT: 24589, PG. 523	
SCALE:	1"=30'	
SHEET #	1 OF 1	
17279		

Notice Date: Tuesday, September 26, 2017

## **PUBLIC NOTICE**

To

### **Request for Rezoning**

Filed by: Ben Leininger

Located at: 211 S Howard St SE

Atlanta, GA 30317

Current Use – Single Family Dwelling

Proposed Use – Two Single Family Lots

**PRE-SUBMITTAL COMMUNITY MEETING TO TAKE PLACE AT:** Project Site

Location: 211 S Howard St SE Atlanta, GA 30317

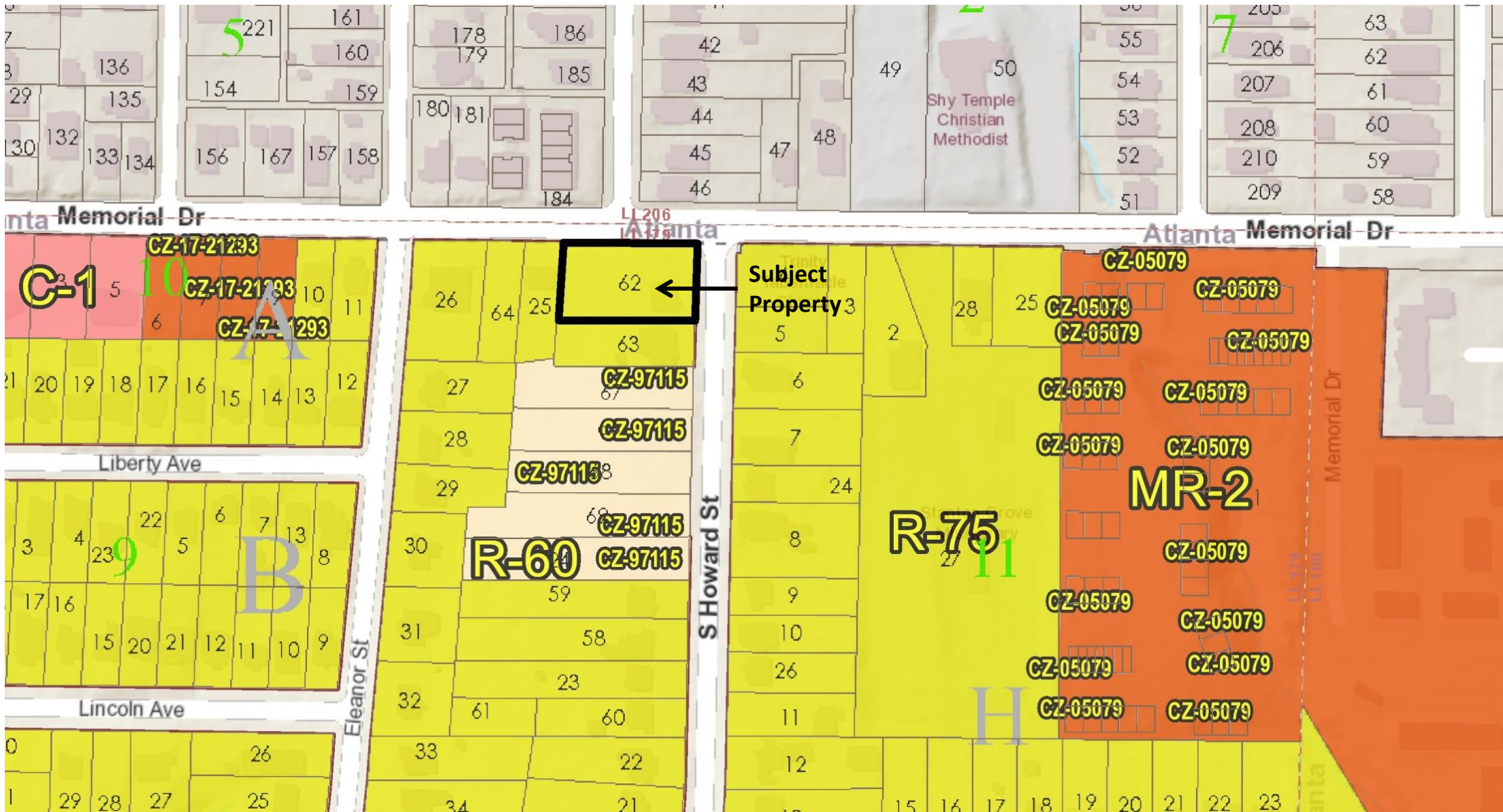
Date & Time: Thursday, October 12, 2017 at 7:00PM

Contact Info: 901.486.7565/benleining@yahoo.com















Front of subject property on South Howard Street.

Rear yard of subject property.

