



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: November 1, 2018, 6:30 P.M.

Board of Commissioners Hearing Date: November 13, 2018, 6:30 P.M.

STAFF ANALYSIS

Case No.: Z-18-1235224 **Agenda #:** N. 9

Location/Address: 2866 Belvedere Lane, Decatur **Commission District:** 3 **Super District:** 7

Parcel ID(s): 15-201-11-020

Request: To rezone property from the O-I district (with conditions pursuant to CZ-77-118) to RSM (Residential Small Lot Mix) to allow a room addition to the existing unoccupied house on the property and allow it to be used for residential purposes.

Property Owner(s): M.J. Business Solutions

Applicant/Agent: Tarick Miller

Acreage: .21 acre

Existing Land Use: Unoccupied single-family house

Surrounding Properties: To the east, southeast, south: single-family residential. To the southwest: multifamily residential. To the west, northwest, north, and northeast: commercial, including a laundromat, a clinic, a place of worship, a restaurant, an auto repair shop, a Budget Inn, and the Belvedere Plaza shopping center.

Adjacent Zoning: **North:** C-1 **South:** R-75 **East:** R-75 **West:** C-1 **Northeast:** C-1 **Northwest:** C-1
Southeast: R-75 **Southwest:** MR-2

Comprehensive Plan: CRC (Commercial Redevelopment Corridor) ☒ **Consistent** ☐ **Inconsistent**

Proposed Density: One s-f residential dwelling	Existing Density: One s-f residential dwelling
Proposed Units: One	Existing Units: One
Proposed Lot Coverage: (Estimate) 35%	Existing Lot Coverage: (Estimate) 30%

Zoning History: In 1977, the Board of Commissioners rezoned the subject property from R-75 to O-I with the conditions that the existing structure be used for business and professional offices (CZ-77118). DeKalb County records indicate that the property had been zoned R-75 since adoption of the first zoning ordinance in 1946.

SITE AND PROJECT ANALYSIS

The subject property is a 9,153 square foot lot located on the north side of Belvedere Lane, a two-way local street. It is developed with a one-story, 918-square foot brick house. The house is vacant.

The property is located approximately 500 feet from Memorial Drive at the western edge of the Belvedere Park single-family residential neighborhood. It was included in a Commercial Redevelopment Corridor (CRC) character area located on both sides of Memorial Drive. Adjoining land uses to the west include a laundromat, a clinic, a place of worship, and a restaurant. The Belvedere Plaza shopping center, located approximately 250 feet to the northeast, anchors the Town Center character area at the intersection of Memorial Drive and Columbia Drive.

The applicant requests that the property be rezoned to allow renovation and eventual occupancy of the vacant house. The property must be rezoned to a category that will allow residential occupancy. The only such zoning category that is also compatible with the current CRC land use designation is RSM (Residential Single Family Mix).

LAND USE AND ZONING ANALYSIS

Section 27-832 of the Zoning Ordinance, “Standards and factors governing review of proposed amendments to the official zoning map” states that the following standards and factors shall govern the review of all proposed amendments to the zoning maps.

A. Whether the zoning proposal is in conformity with the policy and intent of the comprehensive plan:

The proposal is consistent with 2035 Comprehensive Plan policies that support investment in existing residential neighborhoods.

B. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties:

Use of the property for residential purposes is suitable in relation to the single-family homes on adjoining and nearby properties in Belvedere Park. It would convert the house from its current condition as a vacant eyesore to an occupied, viable part of the neighborhood.

C. Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned:

It appears that the 1987 rezoning to the O-I classification did not result in viable use of the property for office or institutional purposes. Moreover, the property does not seem suitable for an office: the properties on the opposite side of the street are occupied single-family residential lots, and an office on the subject property might conflict with the use and enjoyment of these residential properties. For these reasons, the subject property does not appear to have economic use as an O-I property.

D. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property:

Instead of adversely affecting the use or usability of adjacent and nearby properties, the zoning proposal has the potential to increase their value and livability.

E. Whether there are other existing or changing conditions affecting the use and development of the property, which give supporting grounds for either approval or disapproval of the zoning proposal:

There don't appear to be any existing or changing conditions affecting the use and development of the property. Belvedere Park is an established single-family neighborhood, and the proposed zoning and investment in the property would add to its stability.

F. Whether the zoning proposal will adversely affect historic buildings, sites, districts, or archaeological resources:

No historic buildings, sites, districts, or archaeological resources are located on the property or in the surrounding area.

G. Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools:

A single-family house on a property served by all necessary utilities is not expected to place an excessive or burdensome demand on those utilities, nor on existing streets, transportation facilities, utilities, or schools. Traffic Engineering Division staff has commented that plan and field review revealed “no problem that would disrupt traffic.”

H. Whether the zoning proposal adversely impacts the environment or surrounding natural resources:

The zoning proposal will not adversely impact the environment or surrounding natural resources.

Compliance with Zoning Standards:

RSM STANDARD		REQUIRED/ALLOWED	PROVIDED/PROPOSED	COMPLIANCE
MAX. D.U.s/ACRE (BASE & W/BONUSES)		4 & 8 d.u.s/acre	Not applicable – project is one d.u. on .21 acre	N.A.
MIN. LOT AREA		5,000 sq. ft.	9,153 sq. ft.	Yes
MIN. LOT WIDTH		50 ft.	61 ft.	Yes
MAX. LOT COVERAGE		50%	(Estimate) 35%.	Yes
BUILDING SETBACKS	FRONT	15-20 ft.	46 feet	
	INTERIOR SIDE	3 ft. w/min. 10 ft. between bldgs.	6.5 ft.	Yes
	REAR W/O ALLEY	20 ft.	65 ft.	Yes
MINIMUM UNIT SIZE		1,200 sq. ft.	The existing house is 918 square feet and the proposed room addition would increase its size to 1,678 square feet.	Yes
PARKING		Min. 2 spaces; Max 4 spaces	3 spaces in driveway and carport.	Yes

STAFF RECOMMENDATION: APPROVAL WITH CONDITIONS.

The proposal is supported by 2035 Comprehensive Plan policies that encourage investment in existing residential neighborhoods. Use of the property for residential purposes would be consistent with the single-family residential use of nearby properties in the Belvedere Park neighborhood. It would convert the house from its current condition as a vacant eyesore to an occupied, viable part of the neighborhood. Renovation of the house has the potential to

increase the value and livability of other homes on the same block. Therefore, the Department of Planning and Sustainability recommends “Approval” with the following condition:

1. The property shall be used for a single-family dwelling.

Attachments:

1. Department and Division Comments
2. Board of Health Comments
3. Board of Education Comments
4. Application
5. Site Plan
6. Zoning Map
7. Land Use Plan Map
8. Aerial Photograph
9. 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 GOVERNMENT PLANNING DEPARTMENT DISTRIBUTION FORM

The following areas below may warrant comments from the Development Division. Please respond accordingly as the issues relate to the proposed request and the site plan enclosed as it relates to Chapter 14. You may address applicable disciplines.

DEVELOPMENT ANALYSIS:

- **Transportation/Access/Row**

Consult the DeKalb County Transportation Department prior to land development permit. Verify widths from the centerline of the roadways to the property line for possible right-of-way dedication. Improvements within the right-of-way may be required as a condition for land development application review approval. Safe vehicular circulation is required. Paved off-street parking is required.

- **Storm Water Management**

Compliance with the Georgia Stormwater Management Manual, DeKalb County Code of Ordinances 14-40 for Stormwater Management and 14-42 for Storm Water Quality Control, to include Runoff Reduction Volume where applicable is required as a condition of land development permit approval, if one becomes necessary. Use Volume Three of the G.S.M.M. for best maintenance practices. Use the NOAA Atlas 14 Point Precipitation Data set specific to the site. The site is a stormwater hotspot. Recommend Low Impact Development features and Green Infrastructure be included in the proposed site design to protect as much as practicable.

- **Flood Hazard Area/Wetlands**

The presence of FEMA Flood Hazard Area was not indicated in the County G.I.S. mapping records for the site; and should be noted in the plans at the time of any land development permit application. Encroachment of flood hazard areas require compliance with Article IV of Chapter 14 and FEMA floodplain regulations.



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- **Landscaping/Tree Preservation**

Landscaping and tree preservation plans for any building, or parking lot must comply with DeKalb County Code of Ordinances 14-39 as well as Chapter 27 Article 5 and are subject to approval from the County Arborist.

- **Tributary Buffer**

State water buffer was not reflected in the G.I.S. records for the site. Typical state waters buffer have a 75' undisturbed stream buffer and land development within the undisturbed creek buffer is prohibited without a variance per DeKalb County Code of Ordinances 14-44.1.

- **Fire Safety**

Plans for land development permit must comply with Chapter 12 DeKalb County Code for fire protection and prevention.

Furman, Melora L.

From: Furman, Melora L.
Sent: Thursday, October 18, 2018 5:51 PM
To: Furman, Melora L.

From: Keeter, Patrece
Sent: Monday, October 15, 2018 5:52 PM
To: Hill, LaSondra <lahill@dekalbcountyga.gov>
Cc: Eisenberg, Marian <meisenberg@dekalbcountyga.gov>; Furman, Melora L. <mlfurman@dekalbcountyga.gov>
Subject: RE: Request for Inter-Departmental Comments

N1. No Comment

N2 & N3- Dedicate 27.5 feet of right of way from the centerline of Pine Mountain Road. Bring road up to current county standards at time of any land disturbance permits from the intersection of Bruce Street to northern property line.

N4, N5 & N6- Lawrenceville Hwy is state route 8. All access points on Lawrenceville Hwy are require GDOT review and approval required prior to submitting any land development permits to DeKalb County. Extend sidewalks along Lawrenceville Hwy within the current right of way to the intersection of Harrington Dr (+/- 200 feet), including any necessary ADA ramps. Restripe Orion Drive from Lawrenceville Hwy to the bridge. Upgrade the traffic signal at the intersection of Orion Drive and Lawrenceville Hwy to include pedestrian features. Street Lights required.

N7- No Comment

N8- Flake Mill Road is a minor arterial. Requires right of way dedication of 40 feet from centerline of roadway, 6 foot sidewalks, 5 foot landscape strip, streetlights on back of sidewalk and bike lanes. Line up future access points with Boxwood Lane or the required offset of 245 feet centerline to centerline, as required in Section 14-200 (6) of the land development code. Build sidewalk from Catalpa Lane to River Road on west side of road.

 N9. No Comment

N10. Covington Hwy is State Route 10. GDOT review and approval is required prior to any land development permits by DeKalb County. Add sidewalks along the frontage. No parking vehicles within the state right of way.

N11. No Comment

COMMENTS FORM:

PUBLIC WORKS TRAFFIC ENGINEERING

Case No.: 7-18-1235224

Parcel I.D. #: 15-201-11-020

Address: 2866
Belvedere Ln
Decatur, GA

Adjacent Roadway (s):

_____	_____
(classification)	(classification)

Capacity (TPD) _____	Capacity (TPD) _____
Latest Count (TPD) _____	Latest Count (TPD) _____
Hourly Capacity (VPH) _____	Hourly Capacity (VPH) _____
Peak Hour. Volume (VPH) _____	Peak Hour. Volume (VPH) _____
Existing number of traffic lanes _____	Existing number of traffic lanes _____
Existing right of way width _____	Existing right of way width _____
Proposed number of traffic lanes _____	Proposed number of traffic lanes _____
Proposed right of way width _____	Proposed right of way width _____

Please provide additional information relating to the following statement.

According to studies conducted by the Institute of Traffic Engineers (ITE) 6TH Edition (whichever is applicable), churches generate an average of fifteen (15) vehicle trip end (VTE) per 1,000 square feet of floor area, with an eight (8%) percent peak hour factor. Based on the above formula, the _____ square foot place of worship building would generate _____ vehicle trip ends, with approximately _____ peak hour vehicle trip ends.

Single Family residence, on the other hand, would generate ten (10) VTE's per day per dwelling unit, with a ten (10%) percent peak hour factor. Based on the above referenced formula, the _____ (Single Family Residential) District designation which allows a maximum of _____ units per acres, and the given fact that the project site is approximately _____ acres in land area, _____ daily vehicle trip end, and _____ peak hour vehicle trip end would be generated with residential development of the parcel.

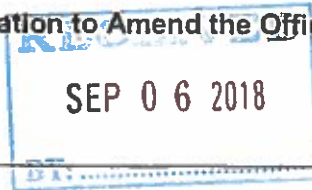
COMMENTS:

Plans and field reviews do no problem
that would disrupt traffic.

Signature: [Signature]

DEPARTMENT OF PLANNING & SUSTAINABILITY

Rezoning Application to Amend the Official Zoning Map of DeKalb County, Georgia



Date Received: _____

Application No: _____

Z-18-
1235224

Applicant Name: _____

Tarick M. Herz

Applicant E-Mail Address: _____

tarickmiller@gmail.com

Applicant Mailing Address: _____

9348 Deer Crossing Creek

Applicant Daytime Phone: _____

678 508 4627

Fax: _____

Owner Name: _____

MJ Business Solutions

If more than one owner, attach list of owners.

Owner Mailing Address: _____

910 Athens Hwy Suite K-293

Owner Daytime Phone: _____

864 426 5928

Logansville, GA 30052

Address of Subject Property: _____

2866 Belvedere Ln

Parcel ID#: _____

1520111020

Acreage: _____

Commission District: _____

3

Present Zoning District: _____

01, C2-77118

Proposed Zoning District: _____

RSM

Present Land Use Designation: _____

CRC

Proposed Land Use Designation: _____

+

(For Office Use) Filing Fee: _____

NOTICE: AUGUST 15,2018

PUBLIC NOTICE

REQUEST FOR a SPECIAL LAND USE PERMIT

FILED BY : TARICK MILLER IMC CONSTRUCTION

LOCATION: 2866 BELVEDER LN

DECATUR, GA 30032

CURRENT USE: ZONED OFFICE BUT IS RESIDENCE

PROPOSED USE: RESIDENTIAL *

CURRENTLY: 1100 SQ FEET 2 BED 1 BATH

CHANGE: ADD 900 SQ FEET WITH BATH, FAMILY ROOM, LAUNDRY ROOM

PRE SUBMITTAL MEETING TO TAKE PLACE: 2866 BELVEDERE LA NE

MONDAY SEPT 3,2018 AT 3:00 PM

MEETING SIGN-IN SHEET

Project: 28466 Belveder Ln

Meeting Date: Sept 3, 2018

Facilitator: Tiruk Miller

Location: 2566 Belvidere Lane

[illegible]

7491

7/5/2018
Tarick Miller
IMC Construction

To Whom It May Concern:

We are asking permission for 2866 Belvedere Lane to be rezoned as residential property. Currently 2866 Belvedere Lane is a 2 bedroom 1 bath house with a living room, dining room and kitchen. We are proposing to add on a 20x38 addition to the rear of property to add a master bedroom with full bath, a laundry room and family room. This addition will be in compliance with code 27-7.5.1 . The addition will not encroach on set back of rear or side boundaries. The addition will also not be detrimental to the public welfare or injurious to the property improvements in the zoning district in which it is located. 2866 Belvedere Ln is the only house in this area that has been zoned this way and has been being used for residential purposes . The Tax Record shows C1 Commercial but its use is listed as residential.

Thanks,

 7-5-2018



DeKalb County
GEORGIA

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: 7-5-2018

Applicant/Agent.
Signature

TO WHOM IT MAY CONCERN:

(I)/ (WE) James Carter / Monique Bachelor MD Business Solutions
(Name of Owners)

being (owner/owners) of the property described below or attached hereby delegate authority to:

Tarick Miller
(Name of Applicant or Representative)

To file an application on (my) / (our) behalf

Shanta Smith 7/5/18
Notary Public

James Carter
Owner

Raula Smith 7/5/18
Notary Public

Monique Bachelor
Owner

Notary Public

Owner



July 5th 2018
Commission Expires Jan. 07, 2020

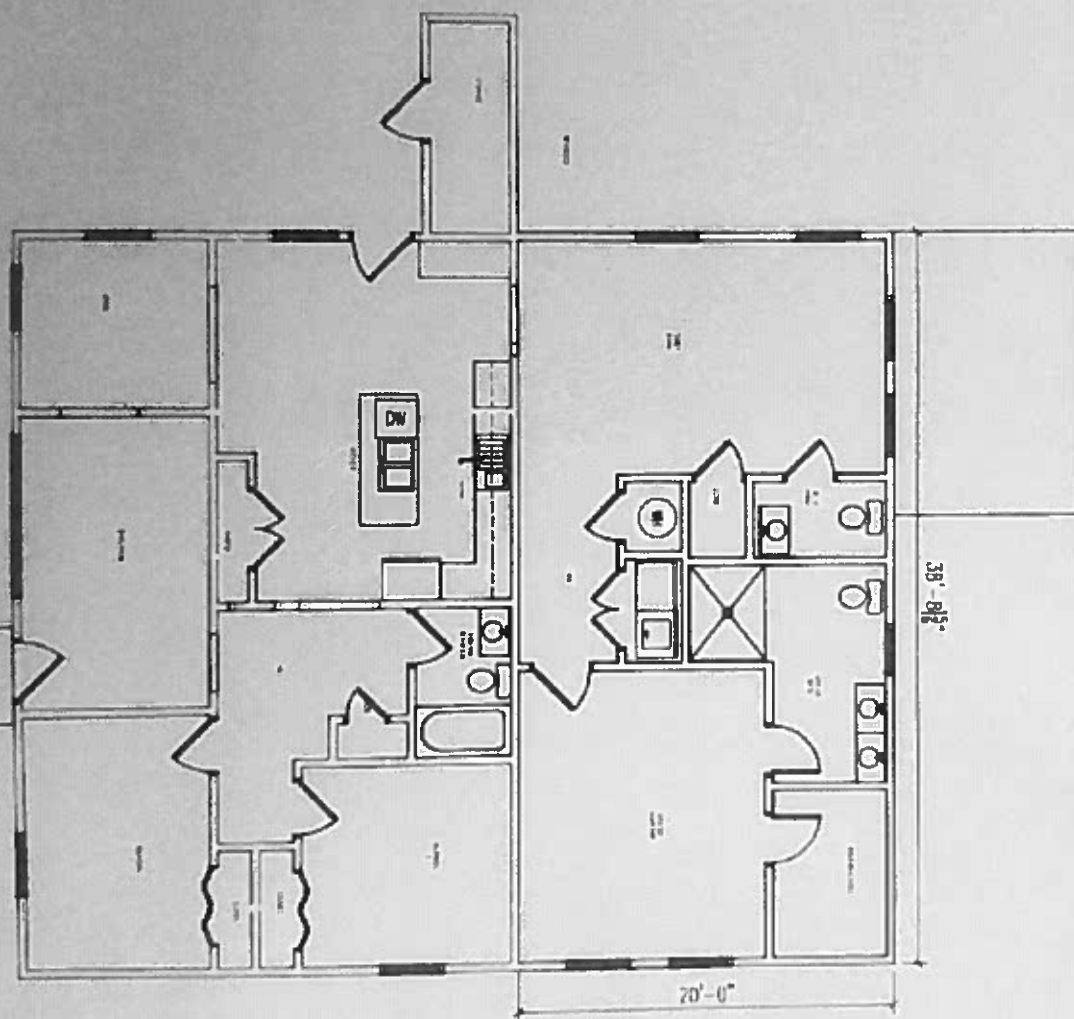
EXHIBIT A

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 20 OF THE 15TH DISTRICT OF DEKALB COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT AN IRON PIN FOUND ON THE NORTHERLY RIGHT OF WAY OF BELVEDERE LANE 1171.2 FEET, AS MEASURED ALONG THE NORTHERLY RIGHT OF WAY OF BELVEDERE LANE, FROM THE INTERSECTION OF THE NORTHERLY RIGHT OF WAY OF BELVEDERE LANE WITH THE RIGHT OF WAY OF SAN GABRIEL AVENUE (HAVING A 60 FOOT RIGHT OF WAY); THENCE RUNNING WESTERLY ALONG THE NORTHERLY RIGHT OF WAY OF BELVEDERE LANE 60.0 FEET TO AN IRON PIN FOUND; THENCE RUNNING NORTH 00 DEGREES 20 MINUTES WEST 150.0 FEET TO AN IRON PIN FOUND; THENCE RUNNING NORTH 89 DEGREES 45 MINUTES EAST 60.0 FEET TO AN IRON PIN FOUND; THENCE RUNNING SOUTH 00 DEGREES 20 MINUTES EAST 150.0 FEET TO AN IRON PIN FOUND AND THE POINT OF BEGINNING; BEING SHOWN ON THE SURVEY FOR SHIRLEY ANITA CALLOWAY AND RANDY HICKS BY JAMES H. CARTER, R.L.S. NO. 1999, DATED JANUARY 25, 1969

That property known as 2866 BELVEDERE LANE according to the present system of numbering homes and having tax parcel identification number 15 201 11 020.

TOGETHER WITH all right, title, and interest running with the above-described property; AND TOGETHER with all rights, members, privileges and easements appurtenant thereto.



Proposed Addition

No one appeared in opposition.

Planning Department Recommendation: Approval.

Planning Commission Recommendation: Approval as recommended by the Planning Department with added condition that the property be used for parking only.

MOTION was made by Commissioner Maloof, seconded by Commissioner Patterson, and unanimously passed, to approve the application as recommended by the Planning Department.

- A) 01-52-30
B) Zoning re:
D. T.
Bonner
C) Belvedere Lane
San Gabriel Ave.

12. CZ-77118

Commissioner District 4

Application of D. T. Bonner to conditionally rezone property located on the north side of Belvedere Lane 1,172' west of San Gabriel Avenue from R-75 to OI. The property has frontage of 60' and contains .24 acre. The application is conditioned for use of existing structure for business and professional offices.

No one appeared in opposition.

Planning Department Recommendation: Denial

Planning Commission Recommendation: Approval as conditioned.

MOTION was made by Commissioner Patterson, seconded by Commissioner Lanier, and unanimously passed, to approve the application as conditioned.

- A) 01-52-30
B) Zoning re:
AAA Used
Cars
C) Columbia Dr.
Glenwood Rd.

13. Z-77108

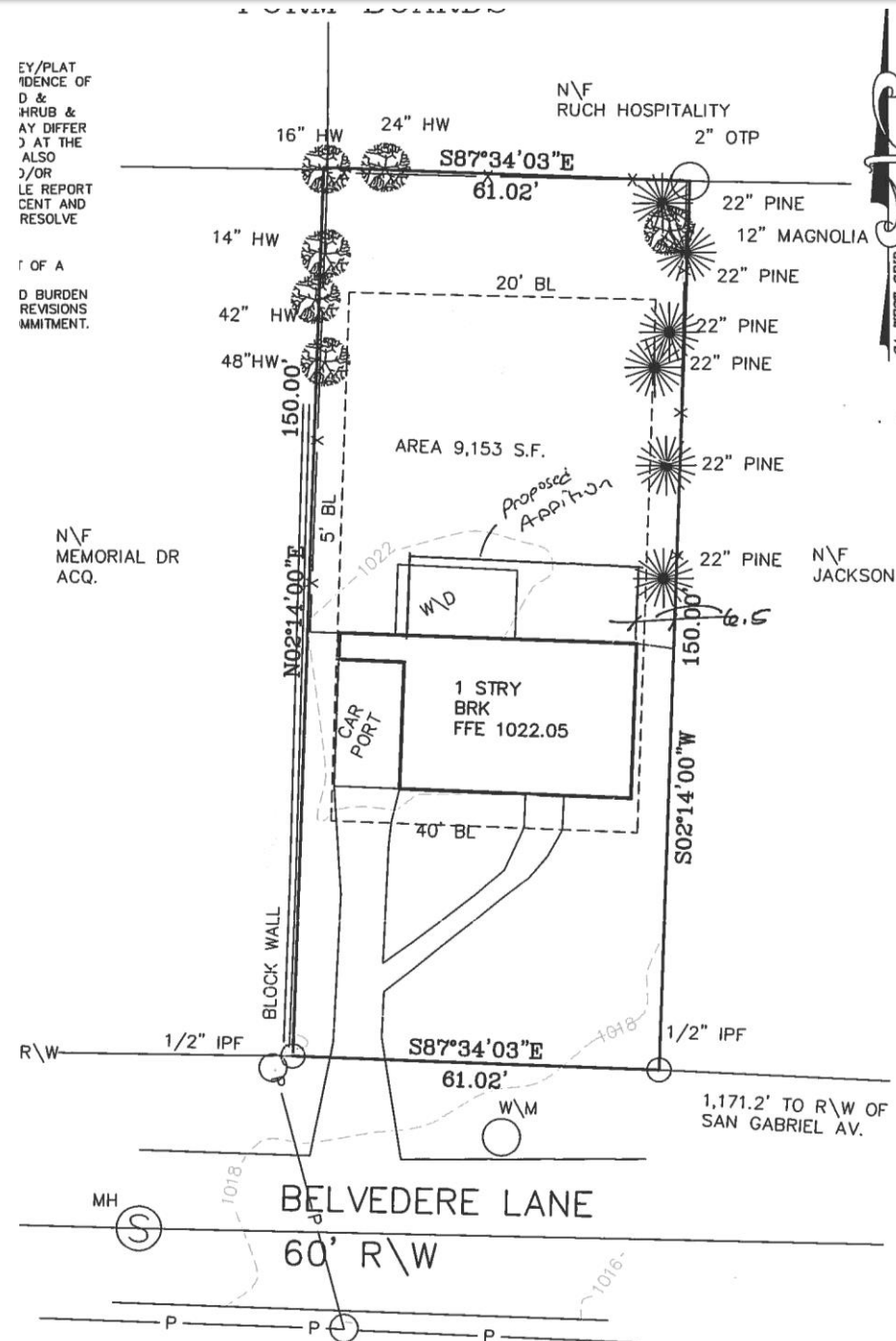
Commissioner District 4

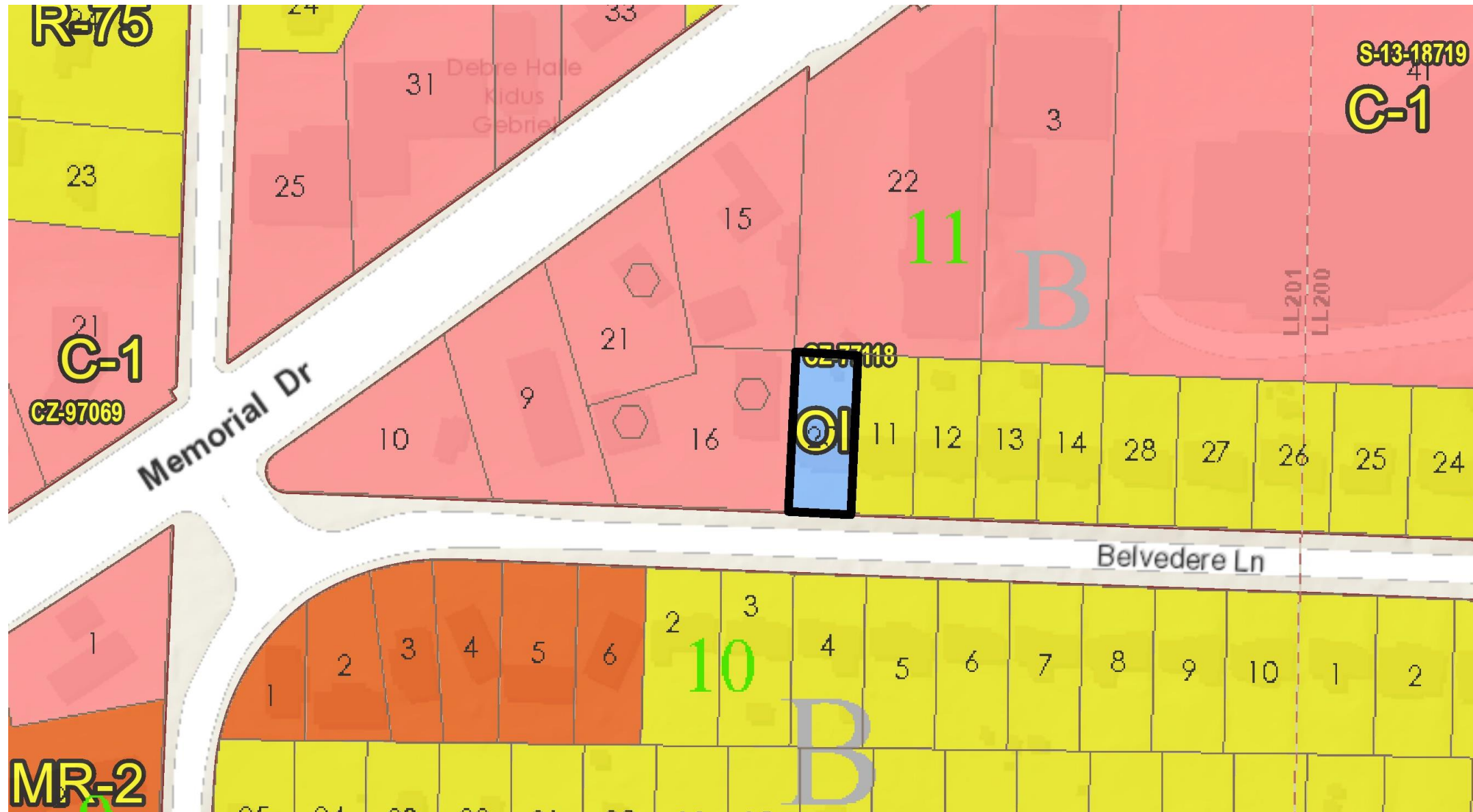
Application of AAA Used Cars to rezone property located at the southeast intersection of Columbia Drive and Glenwood Road from C-1 to C-2. The property has frontage of 150' on Columbia Drive, 150' on Glenwood Road and contains approximately .45 acre.

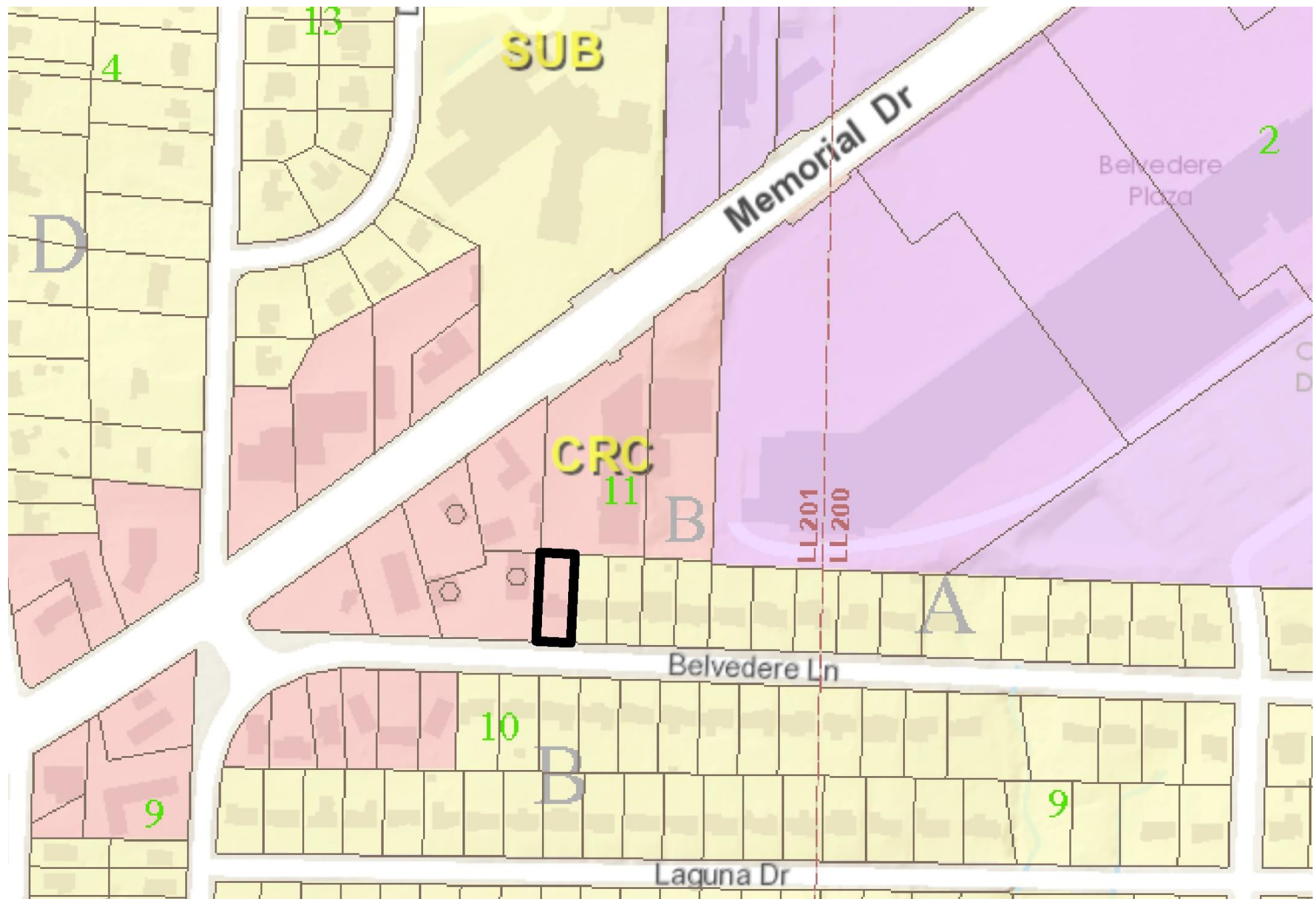
No one appeared to speak in opposition.

Planning Department Recommendation: Approval

Planning Commission Recommendation: Approval as recommended by the Planning Department with conditions.











(left) Subject Property

(right) View of Belvedere Lane, looking west towards the Memorial Drive commercial corridor.

