



Michael L. Thurmond
Chief Executive Officer

DeKalb County Zoning Board of Appeals
Department of Planning & Sustainability
330 Ponce De Leon Avenue, Suite 300
Decatur, GA 30030



Wednesday, June 10, 2020 at 1:00 PM
Planning Department Staff Analysis

D1 Case No: A-20-1243809 Parcel ID(s): 18-036-01-009

Commission District: 04 Super District 07

Applicant: CRN Development LLC.
704 Saddlebrook Drive
Killen, AL 35645

Owner: Douglas N. McCurdy Jr. and Raymond L. Viers Trust, Trustee Michael Smith
7 Lumpkin Street
Lawrenceville, GA 30046

Project Name: 5734 Rockbridge Road

Location: The property is located north of Rockbridge Road, approximately 327 feet east of North Stone Mountain Lithonia, at 5734 Rockbridge Road Stone Mountain, GA 30087.

REQUEST: Variances from Section 27-5.4.5 of the DeKalb County Zoning Ordinance to eliminate the required 30-foot transitional buffer along the south eastern portion of the property and to allow grading within the required 30-foot transitional buffer for a proposed senior living apartment complex, relating to the MR-1 zoning district

Staff Recommendation: **“APPROVAL” as shown on the submitted site plan received on February 24, 2020.**

STAFF FINDINGS:

Table 1: Surround Zoning and Land Use

	Adjacent Zoning	Adjacent Land Use
North	R-100	Detached single family homes
East	R-100	Place of Worship
South	C-1	Commercial
West	C-1	Commercial
Northeast	R-100	Place of Worship
Northwest	R-100	Undeveloped Lot
Southeast	C-1	Commercial
Southwest	C-1	Commercial
Street Type	Minor Arterial	

Site Location: The subject property is located north of Rockbridge Road, approximately 327 feet east of North Stone Mountain Lithonia Road, at 5734 Rockbridge Road, Stone Mountain, GA 30087. The site is zoned MR-1 and is surrounded by R-100 zoned properties to the north and east, and C-1 zoned properties to the south and west. The subject property currently fronts Rockbridge Road, which is classified as a minor arterial.

Variance request: The applicant has requested for the following variances from Section 27-5.4.5 of the DeKalb County Zoning Ordinance: (1) to eliminate the required 30-foot transitional buffer along the south eastern portion of the property, (2) and to allow grading within the required 30-foot transitional buffer for a proposed senior living apartment complex.

Variance Analysis: Based on the submitted materials, the applicant is proposing to develop a four-story 118-unit senior-only apartment building. The applicant is requesting to eliminate the required 30-foot transitional buffer along the southeastern portion of the property, adjacent to the R-100 zoned properties, owed by the Emmanuel AME Zion Church. The DeKalb County zoning ordinance requires a minimum 30-foot transitional buffer for MR-1 zoned properties adjacent to residentially zoned properties. Based on the submitted site plan, there is an existing driveway used by the adjacent church which currently encroaches into the subject property where the required 30-foot buffer would be located. Therefore, causing an undue hardship for the applicant to comply with the transitional buffer requirements.

Also, the applicant is requesting to allow grading within the required northern 30-foot transitional buffer. Based on the submitted site plan, there is an 80-foot vertical grade difference between the east and west property lines from the upper section of the subject property. The grade difference, along with the unusual shaped lot, makes it difficult for the applicant to comply with other zoning requirements. Therefore, it appears that the requested variances meets the criteria for approval based on the following findings

1. By reason of exceptional narrowness, shallowness or shape of a specific lot, or by reason of exceptional topographic conditions, which were not created by the owner or applicant, 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:

Based on the submitted site plan, by reason of exceptional topographic conditions as well as the placement of existing driveway used by the adjacent church which currently encroaches into the subject property, the strict application of the requirements of this chapter would deprive the property owner of rights and privileges enjoyed by other property owners.

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:

It appears that the requested variances does not go beyond that minimum necessary to afford relief since there is an existing driveway used by the adjacent church that currently encroaches into the subject property where the required 30-foot buffer is located. Also the grade difference, along with the unusual shaped lot, will make it difficult for the applicant to comply with other zoning requirements. Therefore, granting these variances 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:

Granting the two 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 submitted materials, it appears that the strict application of the applicable provisions and requirements of this chapter would cause an undue hardship due to the placement of existing driveway used by the adjacent church that currently encroaches into the subject property where the required 30-foot buffer would be located. Also, the grading difference, along with the unusual shaped lot, will make it difficult for the applicant to comply with other zoning requirements.

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

Based on the submitted materials, it appears that the requested variance would be consistent with the spirit and purpose of this chapter and the DeKalb County Comprehensive Plan text.

FINAL STAFF ANALYSIS:

Based on the submitted materials, it appears that the strict application of the applicable provisions and requirements of this chapter would cause an undue hardship since there is an existing driveway used by the adjacent church that currently encroaches into the subject property where the required 30-foot transitional buffer would be located. Also, the grading difference, along with the unusual shaped lot, will make it difficult for the applicant to comply with other zoning requirements. Therefore, the Department of Planning and Sustainability recommends that the application be “approved” as shown on the submitted site plan received on February 24, 2020.

STAFF RECOMMENDATION: “APPROVAL” as shown on the submitted site plan received on February 24, 2020.