



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, July 10, 2019 at 1:00 PM

Planning Department Staff Analysis

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**D.1 Case No: A-19-1243223 Parcel ID(s): 18-099-03-091**

**Commission District: 04 Super District 06**

**Applicant:** Eric Larsen for Benson Integrated Marketing Solutions, Inc.  
6195 Shiloh Road, Suite A  
Alpharetta, GA 30005

**Owner:** KRC Vista, LLC.  
111 Broadway Street, Suite 1703  
New York, NY 1006

**Project Name:** 3324 Valley Brook Place

**Location:** The property is located on the southeast corner of Valley Brook Place and Cedar Creek Drive, at 3324 Valley Brook Place Decatur, Georgia, 30033.

**REQUEST:** Variance from Section 21-2 of the DeKalb County Sign Ordinance to vary location of an entrance sign, relating to the MR-1 Zoning District pursuant to Zoning Conditions CZ-80092.

**Staff Recommendation:** **"Approval" Based on the site plan and graphics received April 5, 2019.**

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## **STAFF FINDINGS:**

**Table 1: Surround Zoning and Land Use**

	<b>Adjacent Zoning</b>	<b>Adjacent Land Use</b>
North	MR-2	Multi-Family
East	R-75	Detached single family homes
South	R-75	Detached single family homes
West	R-75	Detached single family homes
Northeast	MR-2	Multi-Family
Northwest	MR-2	Multi-Family
Southeast	R-75	Detached single family homes
Southwest	R-75	Detached single family homes
Street Type	Minor Arterial and Local Street	

**Variance request:** Variance from Section 21-2 of the DeKalb County Sign Ordinance to allow of an off-premise entrance sign, relating to the MR-1 Zoning District Pursuant to Zoning Conditions CZ-80092.

**Site Location:** The property is located on the southeast corner of Valley Brook Place and Cedar Creek Drive, at 3324 Valley Brook Place Decatur, Georgia, 30033. The site is zoned MR-1 and is surrounded by R-75 zoned property to the west, east, and south, and MR-2 to the north. The subject property also fronts Valley Brook Road which is currently classified as a minor arterial, and Cedar Creek Drive and Valley Brook Place which are both classified as a local streets.

**Staff Analysis:** Based on the submitted application and materials, the applicant is proposing to install an off-premise entrance sign on the site of the *Dexter at Decatur* apartment complex (subject property) to obtain more visibility from the main road (Valley Brook Road) as well as to direct persons to the *Domain Cedar Creek* apartment complex effectively. The *Domain Cedar Creek* apartment complex is located north of the *Dexter at Decatur* apartment complex and have related ownership interest. Currently, the *Domain Cedar Creek* apartment complex entrance is not visible due to topographic restrictions and location of the property. The *Domain Cedar Creek* apartment complex is accessed by a short entry road and a sharp left turn from Valley Brook Road.

Per Section 21-2 of the DeKalb County Sign Ordinance the definition of *Entrance signs means any ground sign placed at the intersection of a public street and a private entrance into an apartment, office, condominium, church or industrial complex or some other building with multiple residential or commercial units* but does not state if entrance signs can be off-premise.

Based on submitted site plan, the applicant is proposing to erect an 8' X 8' freestanding entrance sign on the southwest portion of the property. However, this site is located within the DeKalb County Stream Buffer. This requested was deferred on both May 8, 2019 and June 12, 2019 Zoning Board of Appeals meetings pending review the stream buffer variance. A stream buffer variance was granted for the proposed entrance sign on June 10, 2019.

Based on the submitted site plan, the proposed location of the entrance sign would be more visible to direct persons to the property in a more efficient manner. Therefore, this variance request meets the following criteria for approval:

**Exceptional conditions pertaining to the property where the sign is to be located as a result of its size, shape, or topography, which are not applicable to other lands or structures in the area;**

Based on the submitted site plan and materials, due to the exceptional conditions pertaining to the property, the proposed sign is to be relocated a result of the site's topography that prevents the Domain Cedar Creek apartment complex entrance to have visibility from the main road.

**Granting the variance would not confer on the applicant any significant privileges which are denied to others similarly situated;**

The Domain Cedar Creek apartment complex does not provide visibility for the entry of the complex, therefore, granting this variance would not confer on the applicant of any significant privileges which are denied to others similarly situated.

**The exceptional circumstances are not the result of action by the applicant;**

Based on the submitted site plan and materials, the exceptional circumstances of the site are not the result of action by the applicant due to the site being located at the end of Cedar Creek Drive, and having no front visibility to the main road.

**The requested variance is the minimum variance necessary to allow the applicant to enjoy the rights commonly enjoyed by others similarly situated;**

The requested variance is the minimum variance necessary to allow the applicant to enjoy the rights commonly enjoyed by others similarly situated since the proposed entrance sign will meet all the other requirements per DeKalb County Sign Ordinance.

**Granting of the variance would not violate more than one (1) standard of this article.**

Granting this variance would not violate more than one (1) standard of this article since all other requirements are satisfied per the DeKalb County Sign Ordinance.

**Granting the variance would not result in allowing a sign that interferes with road or highway visibility or obstruct or otherwise interfere with the safe and orderly movement of traffic.**

Granting this variance would not result in a sign that interferes with road or highway visibility but will direct persons to the Domain Cedar Creek apartment complex effectively.

**STAFF RECOMMENDATION: "Approval" Based on the site plan and graphics received April 5, 2019.**

Chief Executive Officer  
Michael Thurmond

DEPARTMENT OF PLANNING & SUSTAINABILITY

Director  
Andrew A. Baker, AICP

CD 04 SDO6 MR-1  
**Application for Administrative Variance of Development**  
**Standards Per Code 14-34 (C)**

ALP 1243347  
Fee: \$200.00 - Existing home and \$300.00 for new Development (non-refundable) payable when application is filed. Attach a scale site plan showing all property lines with dimensions; location, size and species of all significant and specimen trees; all existing and proposed buildings; storm drains; sanitary sewers; flood plains; state waters; buffers; easements and fences; north arrow; and land lot and district. The plan must depict the exact nature of the site conditions from which the variance is sought (grading, soil erosion and sedimentation control, storm water management, water quality control) per 14-34(C) 3.

\* See checklist for plan requirements.

PROPERTY OWNER: ACV XIV LLC

ADDRESS FOR WHICH THE VARIANCE IS REQUESTED: 3324 Valley Brook Place

PHONE: 678-894-3990 E-MAIL (required): tammy@acmapts.com

AGENT: Tammy Shields AGENT PHONE: 678-894-3990

AGENT ADDRESS: 6525 The Corners Pkwy AGENT E-MAIL: tammy@acmapts.com  
Peachtree Corners, GA 30092

DESCRIPTION OF REQUESTED VARIANCE: Allow a monument style ground sign within the 75' stream buffer.

TYPE OF CONSTRUCTION (CHECK ONE):

NEW RESIDENTIAL CONSTRUCTION: ☐ NEW COMMERCIAL CONSTRUCTION: ☐  
REDEVELOPMENT OF EXISTING MULTI-FAMILY RESIDENTIAL, COMMERCIAL OR INSTITUTIONAL: ☒  
REDEVELOPMENT OR ADDITION TO EXISTING SINGLE FAMILY RESIDENTIAL: ☐

14-44.4. Except as further limited herein, an applicant may request a variance from the terms of the requirements of sections 14-37, 14-38, 14-40, 14-42 AND 14-44 of Chapter 14. The director shall have no power to consider or to grant variances which are the responsibility of the director of the EPD pursuant to O.C.G.A. § 12-2-8 and other relevant state statutes and regulations. Where variances involving the same project are requested from both the director of the EPD and the director, the director shall take no action on any such request for variance until the director of the EPD grants the variance or otherwise approves the request pending before the EPD. Receiving a variance from the director of the

## DEPARTMENT OF PLANNING & SUSTAINABILITY

EPD does not obligate the director to permit the project to proceed if the project does not also meet all the other requirements of this article. No variance from the provisions of Chapter 14 shall be authorized except as specifically authorized in this section or specifically authorized in another section of Chapter 14.

14-44.4(i)(1). In considering any request for a variance to the terms of this Chapter authorized in subsection (1) above, the director shall apply all of the following criteria:

a. The request, while not strictly meeting the requirements of Chapter 14, will in the judgment of the director be at least as protective of natural resources and the environment as would a plan which met the strict application of these requirements. In making such a judgment, the director shall examine whether the request will be at least as protective of the natural resources and the environment with regard to the following factors:

1. Stream bank or soil stabilization.
2. Trapping of sediment in surface runoff.
3. Removal of nutrients, heavy metals, pesticides and other pollutants from surface runoff.
4. Terrestrial habitat, food chain, and migration corridor.
5. Buffering of flood flows.
6. Infiltration of surface runoff.
7. Noise and visual buffers.
8. Downstream water quality.
9. Impact on threatened and endangered species, as those species are designated by law or federal or state regulation. The shape, size, topography, slope, soils, vegetation and other physical characteristics of the property.
10. The locations of all streams on the property, including along property boundaries.
11. The location and extent of the proposed buffer or setback intrusion.
12. Whether alternative designs are possible which require less intrusion or no intrusion.
13. The long-term and construction water-quality impacts of the proposed variance.

RESPONSE \_\_\_\_\_

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b. By reason of exceptional topographic or other relevant physical conditions of the subject property that was not created by which were not created by the owner or applicant, there is no opportunity for any development under any design configuration unless a variance is granted.

RESPONSE \_\_\_\_\_

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DEPARTMENT OF PLANNING & SUSTAINABILITY

- c. The request does not go beyond the minimum necessary to afford relief and does not constitute a grant of special privileges inconsistent with the limitations upon other properties which are similarly situated.

RESPONSE THE REQUEST DOES NOT Go beyond the minimum  
necessary effort to afford relief.

- d. The grant of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the area in which the property is located.

RESPONSE The Request for variance is not materially  
detrimental to the public welfare or injurious to  
the property owner or any existing improvements in the  
area.

- e. Whether the applicant has provided a mitigation plan designed and stamped by Georgia licensed design professionals and whether that proposed mitigation plan is (a) non-structural; (b) designed to improve the quality of the stream and the associated buffer; and (c) includes a planting schedule and channel protection design.

RESPONSE no mitigation plan is available at this  
time

- f. Whether the literal interpretation and strict application of the applicable provisions or requirements of Chapter 14 would cause an extreme hardship, so long as the hardship is not created by the owner. The applicant is responsible for providing proof of hardship. The proof shall demonstrate the difficult site conditions and possible alternate designs. The director shall not grant any stream buffer variances if the actions of the property owner of a given property have created the conditions of hardship on the property.

DEPARTMENT OF PLANNING & SUSTAINABILITY

RESPONSE The label interpretation does provide a hardship  
as a sign in other proposed locations would not  
be effective in communicating the location of  
the Damsin Property

APPLICANT Eric Larsen DATE: 6/4/19

SIGNATURE 

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AMOUNT: \$200.00 MAP REFERENCE 18 099 03 091

RECEIPT \_\_\_\_\_ ZONING DISTRICT MR-1

DATE RECEIVED: 6-18-19 FILE # 1243347

TYPE OF VARIANCE Stream Buffer

Allow monument sign in Buffer  
Area on Existing Sign Area.

ACTION TAKEN:

Approved  
Replace sign in Buffer  
on Existing Area.

DATE: 6/10/19  CDO

DIRECTOR OF DEVELOPMENT