



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

**N13 Case No: A-20-1244004**      **Parcel ID(s):** 18-012-13-004; 18-012-13-005; 18-012-13-008; 18-012-13-011; 18-012-13-012 18-012-13-013; 18-012-13-015; 18-012-13-016; 18-012-13-017; 18-012-13-018; 18-012-13-019; and 18-012-13-020

**Commission District: 04 Super District 06**

**Applicant:** Battle Law, P.C.  
One West Court Square, Suite 750  
Decatur, GA 30030

**Owner:** Powell Property Consultants, Inc.  
P.O. Box 830155  
Stone Mountain, Georgia 30083

**Project Name:** 4731, 4731, 4759, 4763, 4767, 4773, 4785, 4787, 4791, 4799, and 4801 Memorial Drive

**Location:** The properties are located along the northeast corner of Memorial Drive and Collingwood Drive, at 4731, 4731, 4759, 4763, 4767, 4773, 4785, 4787, 4791, 4799, and 4801 Memorial Drive Decatur, Georgia 30032.

**REQUEST:** Variance from the DeKalb County Zoning Ordinance: Section 27- 5.4.7. to increase the maximum height from 6 feet to 16 feet of a proposed retaining wall for a proposed gas station.

**Staff Recommendation:** **“APPROVAL” as shown on the submitted site plan received on May 6, 2020.**

**STAFF FINDINGS:**

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

	<b>Adjacent Zoning</b>	<b>Adjacent Land Use</b>
North	C-1	Commercial
East	R-100	Detached single family homes
South	R-100	Detached single family homes
West	C-1	Commercial
Northeast	R-100	Detached single family homes
Northwest	C-1	Commercial
Southeast	R-100	Detached single family homes
Southwest	R-100	Detached single family homes
Street Type	Major Arterial & Local Street	

**Site Location:** The properties are located along the northeast corner of Memorial Drive and Collingwood Drive, at 4731, 4731, 4759, 4763, 4767, 4773, 4785, 4787, 4791, 4799, and 4801 Memorial Drive Decatur, Georgia 30032. The subject properties currently fronts Memorial Drive and Collingwood Drive, which are classified as a local street major arterial.

**Variance request:** Variance from the DeKalb County Zoning Ordinance: Section 27- 5.4.7. to increase the maximum height from 6 feet to 16 feet of a proposed retaining wall for a proposed gas station.

**Variance Analysis:** Based on the submitted materials, the applicant is proposing to build a 16-foot retaining wall for a proposed gas station. The DeKalb County zoning ordinance requires retaining walls for all development under a land disturbance permit adjacent to any residential district or use to be six feet. Due to the steep topography, it appears that the requested variance meets the criteria for approval based on the following criteria:

**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 exceptional topographic conditions, 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:**

Due to the steep topography, it appears that the requested variance does not go beyond that minimum necessary to afford relief. Therefore, granting this variance 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 this 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.

**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, due to the steep topography, the strict application of the applicable provisions and requirements of this chapter would cause an undue hardship for the applicant.

**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, due to the steep topography, the strict application of the applicable provisions and requirements of this chapter would cause an undue hardship for the applicant. Therefore, the Department of Planning and Sustainability recommends that the application be “approved” as shown on the submitted site plan received on May 6, 2020.

**STAFF RECOMMENDATION: “APPROVAL” as shown on the submitted site plan received on May 6, 2020.**