



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, February 20, 2020 at 1:00 PM

Planning Department Staff Analysis

N2 Case No: A-20-1243759 Parcel ID(s): 15-046-03-002

Commission District: 03 Super District 06

Applicant: Kenneth Johnson
1719 Cedar Grove Road
Conley, GA 30288

Owner: Georgia United Hauling, LLC
1610 Henrico Road
Conley, GA 30288

Project Name: 1610 Henrico Road

Location: The property is located north of the intersection of Henrico Road and Bonsal Road, at 1610 Henrico Road, Conley, Georgia 30288.

REQUEST: Variance from the DeKalb County Zoning Ordinance: Section 27-5.4.7 (Table 5.3—Fence and Wall Standards) to reduce building setbacks for a proposed six-foot retaining wall, relating to the M (Light Industrial) Zoning District.

Staff Recommendation: **“APPROVAL” to reduce building setbacks for a proposed six-foot retaining wall as shown on the submitted site plan received January 2, 2020.**

STAFF FINDINGS:

Table 1: Surround Zoning and Land Use

| | Adjacent Zoning | Adjacent Land Use |
|-------------|------------------------|--------------------------|
| North | M-2 | Industrial |
| East | M | Industrial |
| South | M-2 | Industrial |
| West | M-2 | Industrial |
| Northeast | M | Industrial |
| Northwest | M-2 | Industrial |
| Southeast | M-2 | Industrial |
| Southwest | M-2 | Industrial |
| Street Type | Collector | |

Site Location: The property is located north of the intersection of Henrico Road and Bonsal Road, at 1610 Henrico Road, Conley, Georgia 30288. The site is zoned M. The subject property currently fronts Hillmont Avenue and is classified as a Collector street.

Variance request: Variance from the DeKalb County Zoning Ordinance: Section 27-5.4.7 (Table 5.3—Fence and Wall Standards) to reduce building setbacks for a proposed six-foot retaining wall

Variance Analysis: Based on the submitted site plan, the site has a 169 feet of frontage along Hillmont Avenue and totals 1.797 acres. The M zoning district requires a minimum lot frontage of 100 feet and a minimum lot area of 30,000 square feet. The site complies with the M zoning requirements.

Based on the submitted site plan, the applicant is proposing to construct a six (6) foot retaining wall, with a second tier wall, and a five (5) foot landing in between. The DeKalb County zoning ordinance requires retaining walls for all development under a land disturbance permit adjacent to non-residential zoning district or use to be set ten (10) feet back from all property lines. The retaining wall will be install on both the eastern and western sides of the property and will be setback under ten (10) feet from both boundary lines.

Based on the submitted site plan, the subject property appears to be a triangular shape lot with steep topography causing an undue hardship for the applicant to comply with the requirements of the DeKalb County zoning ordinance. Therefore, the requested variance appears to meet 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 materials, by reason of the shape of lot and the exceptional topographic conditions of the subject property it appears that 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 due to its irregular shape and the existing site constraints.

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:

Based on the submitted materials, the requested variances does not go beyond the minimum necessary to afford relief. The request 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 since the site is surrounded by primarily industrial use areas and the proposed use is industrial.

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:

Based on the submitted materials, 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 since the proposed retaining wall will not create a visual impact to the property located east of the subject property.

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 of this chapter would cause an undue and unnecessary hardship due its irregular shape and the existing site constraints such as the steep topography as well as the existing stream buffer that runs east and west along the front of the property.

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 of this chapter would cause an undue and unnecessary hardship due its irregular shape and the existing site constraints such as the steep topography as well as the existing stream buffer that runs east and west along the front of the property. Therefore, the Department of Planning and Sustainability recommends that the application be “approved” based on the received on January 2, 2020.

STAFF RECOMMENDATION: “APPROVAL” to reduce building setbacks for a proposed six-foot retaining wall as shown on the submitted site plan received January 2, 2020.