



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

N.6 Case No: A-19-1243338 Parcel ID(s): 18-195-09-002

Commission District: 02 Super District 06

Applicant: Greg Ramsey
137 Ponce De Leon Ct
Decatur, GA 30030

Owner: Jeff Pendergrast
2505 Flair Knoll Court NE
Atlanta, GA 30045

Project Name: 3398 Briarcliff Road

Location: The property is located on Briarcliff Road, approximately 202 feet east of North Ridgeway Road, at 3398 Briarcliff Road, Northeast, Atlanta, Georgia 30345.

REQUEST: Variances from Section 5.7.6. of the DeKalb County Zoning Ordinance (1) to remove sidewalk at private drive for 5 dwelling units, (2) remove landscape strip at private drive, (3) remove tree requirements from private drive; (4) variance from Section 2.2 of the DeKalb County Zoning Ordinance to reduce the front building line setback at private drive from 20 feet to 12 feet; (5) variance from Section 5.4.5.(c)(4) of the DeKalb County Zoning Ordinance to remove fence at transitional buffer all for a proposed site-specific single family conservation development, relating to the RSM zoning district.

Staff Recommendation: **“Approval” based on the site plan received on June 6, 2019 and dated April 8, 2019 with conditions that the variance to remove sidewalks at private drives cover “all” dwelling units and that all zoning conditions are satisfied.**

STAFF FINDINGS:

Table 1: Surround Zoning and Land Use

	Adjacent Zoning	Adjacent Land Use
North	R-100	Detached Single Family Structure
East	R-100	Detached Single Family Structure
South	R-100	Detached Single Family Structure
West	R-100	Detached Single Family Structure
Northeast	R-100	Detached Single Family Structure
Northwest	R-100	Detached Single Family Structure
Southeast	R-100	Detached Single Family Structure
Southwest	R-100	Detached Single Family Structure
Street Type	Minor Arterial and Local	

Site Location: The property is located on Briarcliff Road, approximately 202 feet east of North Ridgeway Road, at 3398 Briarcliff Road, Northeast, Atlanta, Georgia 30345. The site is zoned RSM and surrounded by R-100 zoned properties to the north, south, east, and west. The site fronts Briarcliff Road which is classified as a minor arterial road, and Continental Drive, a local street.

Variance request: Variances from Section 5.7.6. of the DeKalb County Zoning Ordinance (1) to remove private drive for 5 dwelling units, (2) remove landscape strip at private drive, (3) remove tree requirements from private drive; (4) variance from Section 2.2 of the DeKalb County Zoning Ordinance to reduce the front building line setback at private drive from 20 feet to 12 feet; (5) variance from Section 5.4.5.(c)(4) of the DeKalb County Zoning Ordinance to remove fence at transitional buffer all for a proposed site-specific single family conservation development.

Variance Analysis: Based on the submitted site plan and materials, the property is an 8.7-acre tract of land that fronts Briarcliff Road and Continental Drive. This site was developed with a single-family detached house. Per the DeKalb County records, that house was constructed in 1946. The application describes the property as a remnant of a farm that has been owned by three generations of the Pendergrast family. The property has approximately 668 feet of street frontage on Briarcliff Road, and approximately 60 feet of frontage on Continental Drive. The center of the property has been cleared for lawns around the house, a swimming pool behind the house, and a tennis court to the south west side of the house. The remainder of the property is wooded with mature trees. The current topography of the property slopes in a northeast and southwest direction. Vehicular access to the property is currently provided by Briarcliff Road. A rezoning for this site was approved May 29, 2019 from R-100 (Residential Medium Lot-100) district to RSM (Small Lot Residential Mix) district, site plan specific, by the DeKalb County Board of Commissioners.

The applicant is proposing to develop the property as a “conservation community”. The proposed development will have 20 dwelling units (5 attached townhomes and 15 detached urban single-family homes). The applicant’s intent for this development is to preserve greenspace that will be used for gardens, and a village “green” facing a walking path while overlooking the gardens. The submitted site plan shows pedestrian connections between homes sites, open space area, and preserved natural areas. This development will include ½ mile of natural walking trails that connect gardens and woodlands. The zoning conditions require operation of an urban garden. The products of the garden be distributed to neighborhood residents who are sponsored by members of the HOA.

In order for the applicant to comply with the approved site plan (Approved May 29, 2019 by the DeKalb County Board of Commissioners) the applicant was required to apply for the variances under consideration in this staff report. Based on site visits and the submitted material, 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:

One of the key features of this proposed development is that 70% of the site used as open space, while the dwelling units are clustered into 40% of the site area. Vehicular and pedestrian access is provided by a “woonerf”, which is a type of pedestrian walkway combined with vehicular access and is designed as a “slow street”. The design creates a walkable compact village at the north end of the site. The exceptional conditions of this site are a result of the design of the development as a “conservation community”. Strict application of the regulations regarding sidewalks, landscape strips, street trees, setbacks, and fencing along the transitional buffer would diminish unique characteristics of the development concept.

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 do not go beyond the minimum necessary to afford relief, and do not constitute a grant of special privilege.

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:

The granting of the variances will not have a negative impact on the surrounding community or be detrimental to the public welfare, nor be injurious to the property. By preserving open space and allowing participation in the urban gardens, the proposed conservation community will contribute significant value to the neighborhood and foster interaction among neighbors. The applicant has received ample support from residents of the surrounding neighborhood, especially throughout the rezoning process.

4. The literal interpretation and strict application of the applicable provisions or requirements of this chapter would cause undue and unnecessary hardship:

The literal interpretation and strict application of the applicable provisions or requirements of this chapter would cause undue and unnecessary hardship. As stated above, if the regulations regarding sidewalks, landscape strips, street trees, setbacks, and fencing along the transitional buffer were strictly applied, the development would lose its’ unique characteristics a conservation community.

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

The requested variance would be consistent with housing policy No.9 of the 2035 Comprehensive Plan to “...“ . . . provide a variety of housing opportunities and choices to better accommodate the needs of residents.” It is consistent with the following natural resources policies: (No. 1) “Protect environmentally-sensitive areas including wetlands, floodplains, water supply watersheds, and stream corridors.” (No. 4) “Preserve trees and other natural resources to protect the environment and aesthetically enhance communities.” (No. 6) “Encourage the preservation of open space, farmland, and natural and critical environmental areas.”

FINAL STAFF ANALYSIS:

Based on the submitted materials, this design creates a walkable compact village that will provide 70% open space and 30% of buildable area. While the exceptional conditions of this site are a result of the design, the regulations regarding sidewalks, landscape strips, street trees, setbacks, and fencing at transitional buffer would contribute to the loss its’ unique appeal of the development concept. Therefore, the Department of Planning and Sustainability recommends that the application be “Approves”.

STAFF RECOMMENDATION: “Approval” based on the site plan received on June 6, 2019 and dated April 8, 2019 with conditions that the variance to remove sidewalks at private drives cover “all” dwelling units and that all zoning conditions are satisfied.