



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



Michael L. Thurmond
Chief Executive Officer

Wednesday, November 13, 2019 at 2:00 PM

Planning Department Staff Analysis

N6 Case No: A-19-1243570 Parcel ID(s): 18-051-09-003

Commission District: 02 Super District 06

Applicant: Tyler Deane-Krantz and Max Feidelson
372 Oakdale Road NE
Atlanta, GA 30307

Owner: North Decatur Plaza, LLC
5025 Winters Chapel Road, Suite M
Atlanta, GA 30360

Project Name: 2112 North Decatur Road

Location: The property is located on the northeast corner of Clairmont Road and North Decatur Road, at 2112 North Decatur Road, Decatur, Georgia 30033.

REQUEST: Variance from section 4.2.11(D) of the DeKalb County Zoning Ordinance to reduce the building separation distance and the separation distance from a residentially zoned property for a proposed dog kennel.

Staff Recommendation: "Denial".

STAFF FINDINGS:

Table 1: Surround Zoning and Land Use

	Adjacent Zoning	Adjacent Land Use
North	MR-2	Multifamily
East	MR-2	Multifamily
South	C-1	Retail
West	C-1	Retail
Northeast	MR-2	Multifamily
Northwest	MR-2	Multifamily
Southeast	C-1	Retail
Southwest	C-1	Retail
Street Type	Major & Minor Arterial	

Site Location: The property is located on the northeast corner of Clairmont Road and North Decatur Road, at 2112 North Decatur Road, Decatur, Georgia 30033. The site is zoned C-1 and is surrounded by various zoning districts and uses such as retail and multifamily.

Variance request: The applicant is requesting a Variance from section 4.2.11(D) of the DeKalb County Zoning Ordinance reduce the separation distance from a residentially zoned property from 200 feet to 21 feet and the building separation distance from 100 feet to 21 feet for a proposed dog kennel.

Variance Analysis: Based on the submitted site plan, the subject site is known as the *North Decatur Shopping Center*. The applicant is proposing to place a dog kennel in one of the building suites, located in the western portion of the shopping center. The site currently adjoins a lot to the north that contains garden style apartments. Currently, the site has a wooden fence along the rear boundary line that separates the site from the apartment complex.

Based on the submitted materials, the proposed dog kennel will only be occupied within the subject building suite of the shopping center. The applicant is not proposing an outdoor run area for the dog. In addition, the applicant has provided a noise/odor control plan to prevent any possible odors or noise coming from the dogs. However, based on staff's visit this requested variance appears to go beyond the minimum necessary to afford relief. Therefore, the requested variance does not 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, there were no exceptional qualities to the subject property. Therefore, the strict application of the requirements of this chapter would not deprive the property owner of rights and privileges enjoyed by other property owners in the same zoning district due.

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 and site visit, the requested variance does appear to go beyond the minimum necessary to afford relief since the applicant is requesting for a significant reduction in the separation distance. The reduction of the separation distance will 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:

Based on the submitted site plan, although the applicant has provided a noise/odor control plan to prevent any possible odors or noise coming from the dogs granting the variance will be materially detrimental to the public welfare or injurious to the adjoining properties due to the prior history of noise with the previous dog kennels.

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

The intent of the 200-foot separation distance is to reduce the excessive noise from the dogs. Therefore, the strict application of the applicable provisions and requirements of this chapter would not cause undue and unnecessary 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 not be inconsistent with the spirit and purpose of this chapter and the DeKalb County Comprehensive Plan text.

FINAL STAFF ANALYSIS:

Based on the submitted materials and site visit, the requested variance does appear to go beyond the minimum necessary to afford relief since the applicant is requesting for a significant reduction in the separation distance. The reduction of the separation distance will constitute a grant of special privilege inconsistent with the limitations upon other properties in the zoning district in which the subject property is located.

The intent of the 200-foot separation distance is to reduce the excessive noise from the dogs. Therefore, the strict application of the applicable provisions and requirements of this chapter would not cause undue and unnecessary hardship for the applicant. Therefore, the Department of Planning and Sustainability recommends that the application be “denied”.

STAFF RECOMMENDATION: “Denial”