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Chief Executive Officer

DeKalb County Zoning Board of Appeals

Department of Planning & Sustainability
330 Ponce De Leon Avenue, Suite 300
Decatur, GA 30030



Wednesday, March 13, 2019 at 1:00 PM

Planning Department Staff Analysis

N.9 Case No: A-19-1243132 Parcel ID(s): 15-046-03-002

Commission District: 04 Super District 06

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

Owner: Same as Above

Project Name: 1610 Henrico Road

Location: The property is located on the northside of Henrico Road, approximately 222 feet west of Intersate 675, at 1610 Henrico Road, Conley, Georgia.

REQUEST: Variances from Section 3.39 of the DeKalb County Zoning Ordinance: (1) to waive the building materials requirements for the street frontage of the site (Section 3.39.6.(A) (1)); (2) to waive Multimodal Access requirement for the frontage of the site (Section 3.39.6.(D) (1)); (3) waive the sidewalk requirement for the street frontage of the site (Section 3.39.7-Table 1 (9));(4)waive the requirement of having the building located within 85 feet of the property frontage at the site (Section 3.39.7-Table 2 (5)); (5) waive the requirement of having benches, trash bins, and bike racks at the street frontage for the site(Section 3.39.7 (C)(5.)(f)); (6) waive the landscape strip requirement along Right of Way of the site (Section 3.39.7 (C) (5.)(c)); and (7) waive the requirement of having a loading and service area on the site(Section 3.39.7-Table 1 (9)), all the relating to the M zoning and the Bouldercest Overlay District-Tier 4.

Staff Recommendation: **“APPROVAL” based on the submitted site plan and materials received on February 7, 2019 with the condition, as shown in the submitted materials, that the proposed building materials shall be log and stone siding.**

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 on the northside of Henrico Road, approximately 222 feet west of Intersate 675, at 1610 Henrico Road, Conley, Georgia. The site is zoned M. The subject property currently fronts Hillmont Avenue and is classified as a Collector street.

Variance request: Variances from Section 3.39 of the DeKalb County Zoning Ordinance: (1) to waive the building materials requirements for the street frontage of the site (Section 3.39.6.(A) (1)); (2) to waive Multimodal Access requirement for the frontage of the site (Section 3.39.6.(D) (1)); (3) waive the sidewalk requirement for the street frontage of the site (Section 3.39.7-Table 1 (9));(4)waive the requirement of having the building located within 85 feet of the property frontage at the site (Section 3.39.7-Table 2 (5)); (5) waive the requirement of having benches, trash bins, and bike racks at the street frontage for the site(Section 3.39.7 (C)(5.(f)); (6) waive the landscape strip requirement along Right of Way of the site (Section 3.39.7 (C) (5.) (c)); and (7) waive the requirement of having a loading and service area on the site(Section 3.39.7-Table 1 (9)), all to the relating to the M zoning and the Bouldercrest Overlay District-Tier 4. The applicant submitted some of the following comments: "The literal interpretation and strict application of the applicable provisions or requirements of this chapter would cause undue and unnecessary hardship. The application of the provision would require additional disturbance of the stream buffer."

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 2-story building with 2,800 square feet of heated space and 400 square of the garage space. The site will accommodate 8 parking spaces and means of ingress and egress from Henrico Road. The site is located in the Bouldercrest Overlay District-Tier 4. The applicant are requesting the following variances from the Bouldercrest Overlay (1) to waive the building materials requirements for the street frontage of the site; (2) to waive Multimodal Access requirement for the frontage of the site; (3) waive the sidewalk requirement for the street frontage of the site;(4)waive the requirement of having the building located within 85 feet of the property frontage at the site; (5) waive the requirement of having benches, trash bins, and bike racks at the street frontage for the site; (6) waive the landscape strip requirement along Right of Way of the site; and (7) waive the requirement of having a loading and service area on the site., Due to the shape of the lot and multiple stream buffer located along the frontage of the site, it appears the requested variances 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, 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 the irregular shape lot, topography, and the existing stream buffer.

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 2-story structure will no encroach into the DeKalb County Stream Buffer, and will not impact adjacent properties (M-2 and I-675).

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 literal interpretation and strict application of the applicable provisions or requirements of this chapter would cause an undue and unnecessary hardship due to the shape of the lot and since the majority of the front portion of the site is located within the stream buffer.

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 literal interpretation and strict application of the applicable provisions or requirements of this chapter would cause an undue and unnecessary hardship due the shape of the lot and since majority of the front portion of the site is located within the stream buffer. Therefore, the Department of Planning and Sustainability recommends that the application be "approved" based on the received on February 7, 2019.

STAFF RECOMMENDATION: "APPROVAL" based on the submitted site plan and materials received on February 7, 2019 with that condition, as shown in the submitted materials, that the proposed building materials shall be log and stone siding.