



DeKalb County Government

Manuel J. Maloof Center
1300 Commerce Drive
Decatur, Georgia 30030

Agenda Item

File #: 2019-4069
File Status: Preliminary Item

11/19/2019

Public Hearing: YES NO **Department:** Planning & Sustainability

SUBJECT:

COMMISSION DISTRICT(S): 2 & 6

Application of Elegant Homes, LLC to rezone property from R-85 (Residential Medium Lot-85) to RSM (Residential Small Lot Mix) to allow development of a 16-unit mixed residential development, at 1051, 1047 & 1043 Briarcliff Road.

PETITION NO: D1. Z-19-1243376

PROPOSED USE: Three-family and single-family residential development.

LOCATION: 1051, 1047, & 1043 Briarcliff Road, Atlanta

PARCEL NOS.: 18-001-05-021, -022, & -023

INFO. CONTACT: Marian Eisenberg

PHONE NUMBER: 404-371-4922

PURPOSE:

Application Z-19-1243376 of Elegant Homes, LLC to rezone property within the Druid Hills Historic District from R-85 (Residential Medium Lot-85) to RSM (Residential Small Lot Mix) to allow development of a 16-unit mixed residential development consisting of urban single-family detached and three-family homes at a density of 5.3 units per acre. The property is located on the east side of Briarcliff Road, approximately 311 feet south of The By Way, at 1051, 1047, & 1043 Briarcliff Road, Atlanta. The property has approximately 240 feet of frontage along the east side of Briarcliff Road and contains 3.02 acres.

RECOMMENDATIONS:

COMMUNITY COUNCIL: (10/15/19) FULL CYCLE DEFERRAL. (8/13/19) DENIAL.

PLANNING COMMISSION: (11/5/19) WITHDRAWAL WITHOUT PREJUDICE. (9/10/19) FULL CYCLE DEFERRAL.

PLANNING STAFF: (11/5/19) WITHDRAWAL WITHOUT PREJUDICE. (9/10/19) FULL CYCLE DEFERRAL.

STAFF ANALYSIS: On November 5, 2019, the applicant requested “Withdrawal Without Prejudice” Staff concurs with this request. Therefore, the Department of Planning & Sustainability recommends, “Withdrawal”

Without Prejudice".

PLANNING COMMISSION VOTE: (11/5/19) Withdrawal Without Prejudice, 7-0-0. A. Atkins moved and J. Johnson seconded for withdrawal without prejudice as per the applicant's request. **(9/10/19) Full Cycle Deferral, 9-0-0.** A. Atkins moved , E. Patton seconded for a full cycle deferral, as per the staff recommendation.

COMMUNITY COUNCIL VOTE/RECOMMENDATION: (10/15/19) Full Cycle Deferral, 4-1-1. The Community Council recommended full cycle deferral because they wanted feedback from the HPC before making a final vote. **(8/13/19) Denial, 6-0-0.** The Community Council thought that the proposal is not compatible with the surrounding area and the Druid Hills Historic District.



DeKalb County Department of Planning & Sustainability

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Decatur, GA 30030

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Planning Commission Hearing Date: November 5, 2019, 6:30 P.M.

Board of Commissioners Hearing Date: November 19, 2019, 6:30 P.M.

STAFF ANALYSIS

Case No.: Z-19-1243376 **Agenda #:** D1

Location/Address: 1051, 1047, and 1043 Briarcliff Road, Atlanta **Commission District:** 2 **Super District:** 6

Parcel ID(s): 18-001-05-021 through -023

Request: Rezone property within the Druid Hills Historic District from R-85 (Residential Medium Lot-85) to RSM (Residential Small Lot Mix) to allow development of a 16-unit mixed residential development consisting of two-family, three-family, and urban single-family detached homes at a density of 5.3 units per acre.

Property Owner(s): Elegant Homes, LLC

Applicant/Agent: Elegant Homes, LLC

Acreage: 3.02

Existing Land Use: Three single-family detached homes.

Surrounding Properties: To the northwest: single-family residential homes (zoned MR-2); to the north: the Stillwood Chase condominium development (zoned MR-2); to the northeast, east, and southeast: single-family residential homes (zoned R-85); to the south: Metro City Church/Morningside Elementary School Kindergarten Center (the former Metropolitan Cathedral site) (zoned R-85); to the southwest and west: Callanwolde Art Center and Pruitt Health nursing home (zoned O-I).

Comprehensive Plan: TN (Traditional Neighborhood) **Consistent** **Inconsistent**

Proposed Density: 5.3 units/acre	Existing Density: 1 unit/acre
Proposed Units: 16	Existing Units: 3
Proposed Lot Coverage: 40%	Existing Lot Coverage: (estimated) less than 10%

Zoning History: Based on DeKalb County records, it appears that the R-85 zoning of the property has not changed since adoption of the first zoning ordinance and map in 1956. The property is located within the boundaries of the Druid Hills Historic District and was listed on the National Register of Historic Places in 1979. In 1996, the County approved the Druid Hills Historic District as a local district, adopted the Druid Hills Design Guidelines, and instituted a public hearing process for review of changes to sites and buildings in the District.

SITE AND PROJECT ANALYSIS

The subject property is a 3.02-acre tract with approximately 240 feet of frontage on the east side of Briarcliff Road, a two-way, four-lane arterial. The property is comprised of three lots that were developed with single-family homes between 1947 and 1950. The topography of the site slopes declines gradually from Briarcliff Road, rises to a higher elevation in the center of the rear half of the property, then falls away again to the rear property line. Mature trees, including many with trunks over 20 feet in diameter, are located in the front yards of all three parcels, and are densely located in the rear yards of 1047 and 1051 Briarcliff Road.

The property is located just north of the City of Atlanta boundary, approximately .7 miles north of the intersection of Briarcliff Road with Ponce de Leon Avenue, a major arterial that connects with the City of Decatur on the east and Interstate 85 on the west. The subject property is located at the western edge of a single-family residential neighborhood that was platted with large, deep lots typical of the oldest parts of the Druid Hills Historic District. The adjoining lots to the rear of the site and lots to the south of the adjoining Metro City Church property show these characteristics. Lot sizes of properties to the north of the site, up to The By Way and along the By Way to Springdale Road, are smaller although the homes on these lots are set back a considerable distance from the street, allowing space for heavy landscaping and tree cover in their front yards.

The property, as well as almost the entirety of the surrounding Druid Hills historic district, is designated on the Future Land Use Map of the 2035 Comprehensive Plan as a Traditional Neighborhood (TN) character area. (Portions of the historic district in the City of Atlanta are not designated on the county Land Use Map.)

The Metro City Church/Morningside Elementary School Kindergarten Center (formerly, the Metropolitan Cathedral), constructed in 1960, adjoins the subject property to the south. The Pruitt Health-Virginia Park nursing home and rehabilitation center is located directly across Briarcliff Road from the subject property. The Callanwolde Art Center and the Laurel Heights Hospital are located on the adjoining properties to the south of the nursing home. The Stillwood Chase condominiums are located to the northwest, across Briarcliff Road at the corner of Stillwood Drive. These properties depart from the from the predominantly single-family residential character of the Historic District. A row of single-family homes on the east side of Briarcliff Road, south of the Metro Church property (975 – 921 Briarcliff Road), are typical of the larger estate-size historic homes found along Ponce de Leon Avenue and other parts of in the District: they are two or two and a half stories, brick, have 3,000 to 3,800 square feet of floor area, and are designed in the Tudor, Georgian, or Italianate style.

The proposal under consideration is for a 16-unit residential development comprised of two three-family buildings and ten urban single-family detached homes. As proposed, the three-family buildings are set back from the front of the property to be consistent with the average setback of the homes located between the subject property and The By Way. The three-family buildings, which would be the most visible component of the development from the street, are designed in the Italian Renaissance style. The urban single-family detached homes are located behind the three-family buildings, laid out around a central green space. The front of the site is proposed to be enhanced open space in the form of a Green with soft-surface pedestrian paths.

As proposed, vehicular access to the units is provided by a 20-foot wide private drive that circles around the detached homes. The garage entrances to the three-family buildings are at the rear of each building. Garage entrances to the urban single-family detached units are on the sides of the units that overlook the private drive. The applicant has explained that the front doors of the single-family units face the central green space. Visitor parking is provided at the rear of the three-family units and along the portion of the private drive located closest to the adjoining Metro Church site. In addition, two visitor parking spaces are located along the southeastern portion of the private drive. A pedestrian path links the units with the existing sidewalk located along Briarcliff Road.

The application states that the units “would range in size from 2,500 to 3,500 square feet and are estimated to market for \$750,000 to \$1 million apiece.”

Access and Transportation Considerations:

Briarcliff Road is a two-way, three-lane minor arterial. Travel lanes are approximately 8.5 feet wide; i.e., approximately 2.5 feet narrower than the current standard of 11 feet. The property is located approximately 80 feet south of the signalized intersection of Briarcliff Road and Stillwood Drive, a two-way local street that terminates on the west side of Briarcliff Road, and approximately 311 feet south of the intersection of Briarcliff with The By Way, a two-way local street that terminates on the east side of Briarcliff Road. A four- to five-foot sidewalk is located along Briarcliff Road. Briarcliff Road is served by the No. 6 MARTA bus route.

Compliance with District Standards:

RSM STANDARD		REQUIRED/ALLOWED	PROVIDED/PROPOSED	COMPLIANCE
MAX. D.U.s/ACRE		Base: 4; with bonuses: up to 8 units/acre	5.3 units/acre	Yes (allowed by density bonus)
DENSITY BONUSES		Enhanced open space $\geq 20\%$ of site for 50% bonus (+ 2 units/acre)	Enhanced open space (green at front of site and pocket park in interior) = 64% of site	Yes
MIN. OPEN SPACE /ENHANCED OPEN SPACE		Not required. (20% required if project is > 5 ac. or ≥ 36 d.u.s)	Open space = 64% of site Enhanced open space = $\frac{1}{2}$ open space = 32% of site	Not required.
MIN. LOT AREA		Not applicable; no individual lots proposed.	Not applicable.	Not applicable.
MIN. LOT WIDTH		Not applicable; no individual lots proposed.	Not applicable.	Not applicable.
MAX. LOT COVERAGE (of total parcel acreage)		Urban single-fam. detached: 70%; Two- and three-family: 50%	40%	Yes
BUILDING SETBACKS	FRONT (for overall site)	(Druid Hills Design Guidelines) Average setback – 141 feet	148 - 155 feet	Yes
	INTERIOR SIDE (for overall site)	Not applicable; superseded by required transitional buffer	Not applicable.	Not applicable.
	REAR W/O ALLEY (for overall site)	Not applicable; superseded by required transitional buffer	Not applicable.	Not applicable.
BUILDING SPACING		Min. 3 ft. with fire rating or min. 7 ft. w/out fire rating & no windows (ICC Code)	8 – 25 feet	Yes

RSM STANDARD	REQUIRED/ALLOWED	PROVIDED/PROPOSED	COMPLIANCE
MINIMUM UNIT SIZE	Urban single-fam. detached: 1,100 s.f.; Two- and three-family: 1,000 sq. ft.	Units will meet size minimums.	Yes
MAX. BLDG. HEIGHT	Urban single-fam. detached: 3 stories or 45 ft. ; Two-family: 35 ft.	Building heights will not exceed 35 ft.	Yes
MIN. STREETScape DIMENSIONS - PROPERTY FRONTAGE	(Arterials) 5-ft. landscape strip, 5-ft. sidewalk, street trees 50 ft. on center	Existing historic sidewalk with no street trees	Administrative variance is required.
MIN. STREETScape DIMENSIONS - PRIVATE DRIVES	5-ft. landscape strip and 5-ft. sidewalk on each side; street trees for every unit, or separation of peds & autos	Pedestrian paths separate pedestrians and automobiles.	Yes
TRANSITIONAL BUFFERS	20-ft. buffer & screening fence required next to R-85 property unless developed with a non-residential use.	North side: 30 feet Rear: 40 feet	Yes
PARKING	Urban s-f detached – min. 2, max. 4 spaces per unit = min. 20, max. 40 Two- and three family, not including garage – min. 1 space, max. 4 spaces = min. 6, max. 24	20 garage spaces (2 per unit) 7 visitor spaces 12 garage spaces 12 visitor spaces	Yes

QUALITY OF LIFE METRICS

Open Space: 42,396 square feet (64%)

Pedestrian Paths: 1,077 linear feet

LAND USE AND ZONING ANALYSIS

Section 27-832 of the Zoning Ordinance, “Standards and factors governing review of proposed amendments to the official zoning map” states that the following standards and factors shall govern the review of all proposed amendments to the zoning maps.

A. Whether the zoning proposal is in conformity with the policy and intent of the comprehensive plan:

The proposed development is not consistent with the policies contained in the 2035 Comprehensive Plan for the TN (Traditional Neighborhood) character area. The development does not introduce the kind of mixture of uses that is contemplated by TN Policies 2 and 3, which identify “pedestrian-accessible retail” and “small-scale convenience goods/services” at “qualifying intersections”. TN Policy No. 7 states, “Permit accessory housing units, or new well-designed, small-scale infill multifamily residences to increase neighborhood density and income diversity.” This policy must be balanced against TN Policy No. 1, which states, “Protect stable neighborhoods from incompatible development that could alter established residential development patterns

and density.” Historic district designation of the property reinforces the importance of maintaining the established density of the development. While Policy No. 7 might apply to other TN neighborhoods where population increases are desirable (for example, to supply potential riders for new public transit projects or to support nearby commercial redevelopment projects), no such conditions are found in the surrounding neighborhood. Moreover, based on the proposed home prices described by the applicant, it is unlikely that the development would result in income diversification in the manner intended by the policy. Policy No. 4, which addresses density increases, it does not directly encourage such increases but instead simply says that such increases “should be evaluated for their impact on county facilities and should not degrade the overall quality of service delivery and quality of life for the surrounding established neighborhood.” Policy No. 15, which also addresses density, states: “Promote moderate density, traditional neighborhood development style residential subdivisions, which may utilize alley ways and rear vehicular access.” The proposed development is not a traditional single-family residential subdivision contemplated by Policy No. 15, nor does it have the grid pattern of streets and alleys found in some traditional subdivisions in other TN character areas in the County. Moreover, it does not reflect the lot layout that is traditional in the Druid Hills Historic District. Policy No. 15 clearly does not apply to the development proposal under consideration.

B. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties:

The proposed development would not be suitable in view of the use and development of adjacent and nearby properties. The proposed development would be residential, like surrounding residential properties. However, inclusion of proposed and nearby land uses in the general land use category of “residential” may be necessary to determine suitability, but it is not sufficient to determine suitability for every proposal. The cluster of urban single-family detached homes located to the rear of the site would be dissimilar in density to the homes on adjacent and nearby properties. Even if the three-family buildings were hidden from view by the trees in the front of the site, and if the urban single-family homes were hidden by from view by the three-family buildings, the density of the proposed development is not suitable in the context of the property’s surroundings.

C. Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned:

The property to be affected by the zoning proposal has a reasonable economic use as currently zoned. The single-family/historic district zoning of properties on the east side of Briarcliff Road, and on other comparable properties, has not deterred redevelopment of these lots. Single-family detached homes are currently under construction on three historic district properties on the east side of Briarcliff Road: a 4,000 square foot home is under construction at 1250 Briardale Lane, (located at the northeast corner of Briarcliff and Briardale); a 4,652 square foot home is under construction at 1377 Briarcliff Road; and a 4,432 square foot home is under construction at 1287 Harvard Road (at the southeast corner of Briarcliff and Harvard Road). All three lots are smaller than those that comprise the subject property. They are .28 -.35 acres in size, whereas those of the subject property are 1 – 1.02 acres in size and 542 – 557 feet deep. The applicant has argued that high land costs in the area pose challenges to redevelopment of large lots such as those that comprise the subject property for single-family residential homes. However, the following other homes in the Historic District currently under construction or recently constructed have large, deep lots:

- 851 Oakdale Road (.99 acres, depth 428-430 feet)
- 956 Springdale Road (1.22 acres, depth 542-545 feet)
- 929 Springdale Road (1.11 acres, depth 217-310 feet)
- 879 (a.k.a. 913) Lullwater Parkway (1.22 acres, 303-323 feet)

In addition, a Certificate of Occupancy was issued in 2018 for construction of a new home at 627 Ridgecrest Road, a lot with 1.2 acres and 406-469 feet of depth.

D. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property:

Transitional buffers along the north and east property lines, at depths that exceed the required 20 feet, have been proposed to mitigate potential impacts of the proposed development on adjoining properties. In addition, the majority of the guest parking has been moved to the south property line where it adjoins the Metro Church site. The topographic section provided by the applicant shows that the urban single-family detached homes proposed to be located at the rear of the subject property would be separated from the existing homes on adjoining properties to the east by approximately 430 feet. The topographic section, and the County topographic map show that the proposed homes would be building on grades approximately 31 – 41 feet higher than those of the homes to the east. Screening of the proposed homes relies on preservation of the mature trees in the proposed rear transitional buffer and in the rear yards of the adjoining homes. Similarly, trees in the proposed transitional buffer along the north property line would need to be preserved in order to screen the subject property from view from adjoining properties to the north.

E. Whether there are other existing or changing conditions affecting the use and development of the property, which give supporting grounds for either approval or disapproval of the zoning proposal:

The zoning proposal would set a negative precedent for future rezoning of nearby properties, particularly the four residential properties to the north, between the subject property and The By Way (1057, 1065, 1067, and 1161 Briarcliff Road). These four properties have similar characteristics as the lots that comprise the subject property; that is, they are located on the east side of Briarcliff Road and they were developed with contributing structures on lots that were platted after 1946. There is no natural boundary between the subject property and the four lots to the north. If the proposed zoning classification of RSM were approved for the subject property, such a boundary could prevent future expansion of RSM district up to The By Way. In a similar manner, the zoning proposal could be used as a precedent to rezone the Metro Church site to a classification that would allow higher density residential development. There are already several higher-density residential and non-residential land uses in the immediate vicinity of the subject property. Rezoning of other properties on Briarcliff Road to higher residential densities would further compromise the historic character of the Briarcliff Road corridor and the residential character of the neighborhood on the east side of Briarcliff Road.

F. Whether the zoning proposal will adversely affect historic buildings, sites, districts, or archaeological resources:

The proposed development would adversely affect the Druid Hills Historic District. Development of the subject property as proposed would consolidate three lots that were platted in the characteristic pattern found on lots to the rear of the subject property, to the south of the adjoining Metro City Church property, and throughout the Druid Hills Historic District. The three lots were platted after 1946; i.e., after the period of significance defined for local historic district designation, and are thus considered “non-historic”. However, the size and shape of the three lots closely resemble that of lots that were platted in the Historic District as early as the period between 1924 and 1931, including the lots on the east side of Briarcliff Road, south of the Metropolitan Church property. The three lots have been deemed contributing properties to the National Register District, and are considered to have become part of the historic layout of the District. The Design Manual recommends, for National Register Character Area 1, in which the subject property is located: “Preserve the historic plat pattern through respect for existing site development patterns and rhythms. Subdivision of large lots should be strongly discouraged.”

Regarding the zoning proposal, Historic Preservation Commission commented: “We are required to preserve historic plat patterns. We can’t support this.”

G. Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools:

The Transportation Division does not typically comment on the capacity of the surrounding road system to absorb the number of cars that would be generated by a proposed development, but instead recommends road improvements that would enable the county to provide adequate infrastructure for new development. However, it should be noted that the DeKalb County 2014 Transportation Plan (Figure 5-21) indicates that the segment of Briarcliff Road between the Atlanta city line and North Decatur Road (a .90 mile length which includes the roadway directly in front of the subject property) is projected by 2040 to have Level of Service F during the PM peak traffic hours. Regarding traffic geometrics of the site, consolidation of the existing three driveways into one driveway would tend to improve the safety of turning movements in and out of the property, and the Public Works Division of Traffic Engineering has commented that there are no observable traffic engineering concerns at this time.

There has been no indication from reviewing departments and agencies that the proposed development would burden utilities or schools.

H. Whether the zoning proposal adversely impacts the environment or surrounding natural resources:

Existing trees at the front of the site would be preserved to a depth of 141 feet, and trees would be planted along the sides and rear of the site. After redevelopment, 64% of the site would be natural or enhanced open space, thereby exceeding the requirement for applicable development in the RSM district by 44%. Thus the redevelopment proposal would allow for preservation of a significant number of trees, and for provision of a relatively large amount of open space. However, it is likely that redevelopment of the subject property for three single-family homes under the existing zoning would preserve as much or more natural area.

STAFF RECOMMENDATION:

The proposed development is not consistent with the policies contained in the 2035 Comprehensive Plan for the TN (Traditional Neighborhood) character area. The development does not introduce the kind of mixture of uses that is contemplated by TN Policies 2 and 3. It is not consistent with TN Policy No. 1, which states, "Protect stable neighborhoods from incompatible development that could alter established residential development patterns and density." Historic district designation of the property reinforces the importance of maintaining the established density of the development. While the policy might apply to other TN neighborhoods where population increases are desirable (for example, to supply potential riders for new public transit projects or to support nearby commercial redevelopment projects), no such conditions are found in the surrounding neighborhood. Moreover, based on the proposed home prices described by the applicant, it is unlikely that the development would result in income diversification in the manner intended by the policy. Policy No. 15, which addresses density, states: "Promote moderate density, traditional neighborhood development style residential subdivisions, which may utilize alley ways and rear vehicular access."

The proposed development does not reflect the lot layout that is traditional in the Druid Hills Historic District, nor is it a traditional single-family residential subdivision with the grid pattern of streets and alleys found in other TN character areas in the County. It appears that the property to be affected by the zoning proposal has a reasonable economic use as currently zoned. Single-family detached homes are currently under construction on three historic district properties on the east side of Briarcliff Road and on large, deep lots throughout the Historic District.

The zoning proposal would set a negative precedent for future rezoning of nearby properties, (particularly the four residential properties to the north, between the subject property and The By Way, which have similar characteristics as the lots that comprise the subject property.

The proposed development would adversely affect the Druid Hills Historic District. Regarding the zoning proposal, Historic Preservation Commission commented: "We are required to preserve historic plat patterns. We can't support this."

Therefore, the Department of Planning & Sustainability recommends, "Denial".

Attachments:

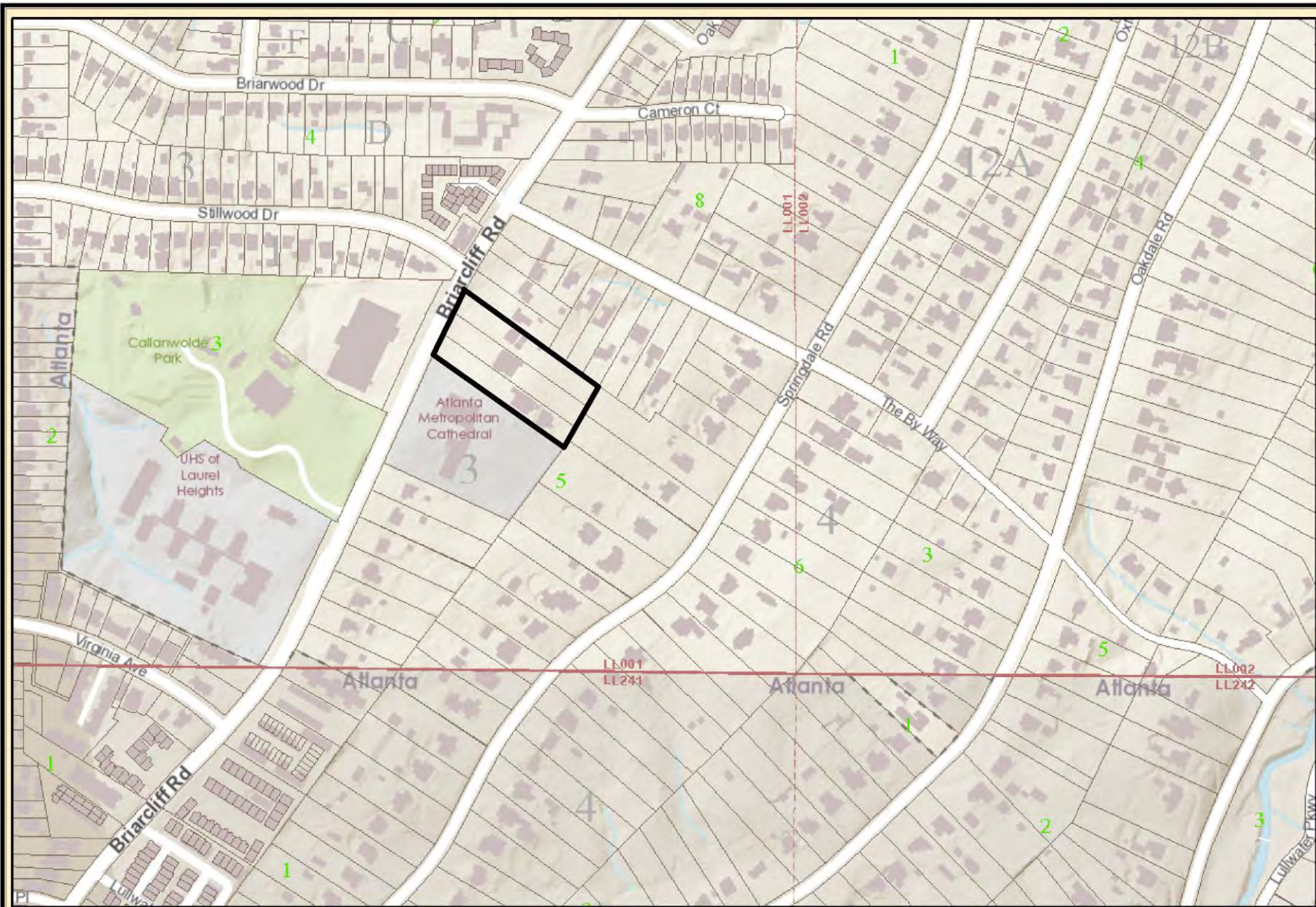
1. Department and Division Comments
2. Board of Health Comments
3. Board of Education Comments
4. Application
5. Survey (existing conditions)
6. Site Plan
7. Elevations
8. Zoning Map
9. Land Use Map/Druid Hills HD
10. Aerial View
11. Site Photos

NEXT STEPS

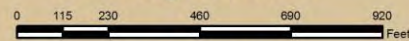
Following an approval of this zoning action, one or several of the following may be required:

- ✔ • **Land Disturbance Permit** *(Required for of new building construction on non-residential properties, or land disturbance/improvement such as storm water detention, paving, digging, or landscaping.)*
- ✔ • **Building Permit** *(New construction or renovation of a building (interior or exterior) may require full plan submittal or other documentation. Zoning, site development, watershed and health department standards will be checked for compliance.)*
- **Certificate of Occupancy** *(Required prior to occupation of a commercial or residential space and for use of property for a business. Floor plans may be required for certain types of occupants.)*
- ✔ • **Plat Approval** *(Required if any parcel is being subdivided, re-parceled, or combined. Issued “administratively”; no public hearing required.)*
- **Sketch Plat Approval** *(Required for the subdivision of property into three lots or more. Requires a public hearing by the Planning Commission.)*
- **Overlay Review** *(Required review of development and building plans for all new construction or exterior modification of building(s) located within a designated overlay district.)*
- ✔ • **Historic Preservation** *(A Certificate of Appropriateness is required for any proposed changes to building exteriors or improvements to land when located within the Druid Hills or the Soapstone Geological Historic Districts. Historic Preservation Committee public hearing may be required.)*
- **Variance** *(Required to seek relief from any development standards of the Zoning Ordinance. A public hearing and action by the Board of Appeals are required for most variances.)*
- **Minor Modification** *(Required if there are any proposed minor changes to zoning conditions that were approved by the Board of Commissioners. The review is administrative if the changes are determined to be minor as described by Zoning Code.)*
- **Major Modification** *(Required submittal of a complete zoning application for a public hearing if there are any proposed major changes to zoning conditions that were approved by the Board of Commissioner for a prior rezoning.)*
- **Business License** *(Required for any business or non-residential enterprise operating in Unincorporated DeKalb County, including in-home occupations).*
- **Alcohol License** *(Required permit to sell alcohol for consumption on-site or packaged for off-site consumption. Signed and sealed distance survey is required. Background checks will be performed.)*

Each of the approvals and permits listed above requires submittal of application and supporting documents, and payment of fees. Please consult with the appropriate department/division.



Platting Pattern



Date Printed: 10/24/2019




DeKalb County GIS Disclaimer

The maps and data, contained on DeKalb County's Geographic Information System (GIS) are subject to constant change. While DeKalb County strives to provide accurate and up-to-date information, the information is provided "as is" without warranty, representation or guarantee of any kind as to the content, sequence, accuracy, timeliness or completeness of any of the database information provided herein. DeKalb County explicitly disclaims all representations and warranties, including, without limitation, the implied warranties of merchantability and fitness for a particular purpose. In no event shall DeKalb County be liable for any special, indirect, or consequential damages whatsoever resulting from loss of use, data, or profits, whether in an action of contract, negligence, or other actions, arising out of or in connection with the use of the maps and/or data herein provided. The maps and data are for illustration purposes only and should not be relied upon for any reason. The maps and data are not suitable for site-specific decision-making nor should it be construed or used as a legal description. The areas depicted by maps and data are approximate, and are not necessarily accurate to surveying or engineering standards.

Comments – Transportation Division

N1. No customer parking on Tolbert Drive between the driveway and Frazier Rd. All parking must be on property or east of driveway on Tolbert Drive as to not interfere with the intersection of Frazier Rd at Frazier Ct/Tolbert Dr.

 N2. Briarcliff Road is SR 42. GDOT review and approval of access points and right of way improvements required prior to issuance of permits. Briarcliff Road is classified as a minor arterial. Right of way dedication of 40 feet from centerline required. 6-foot sidewalk, bike facilities and street lights required. Bring sidewalks and header curb up to current code requirements. Verify sight distance for access point prior within plan approval submittal.

N3. Owner needs to coordinate with the plans for the adjacent Kroger Shopping Center. Kroger has approval for proposed work in the right of way in front of this property to add a turn lane onto Henderson Mill Road (for the tapers). Chamblee Tucker Road and Henderson Mill Roads are both classified as minor arterials. Right of way dedication of 40 feet from centerline required. 6-foot sidewalk, bike facilities and street lights required. Bring sidewalks and header curb up to current code requirements. Only one access point allowed on each road as far away from traffic signal as possible. Provide ADA ramps for the crosswalks at signal (existing, but not shown on plan).

N4. Build sidewalks along entire frontage of Citadel Square on Memorial College Drive. Street lights required. Memorial Drive is classified as a collector. Right of way dedication required 35 feet from centerline. Bike lanes required- but if developer would install the 6' sidewalks along the entire shopping center property frontage on Memorial College Drive, I would support a variance for the bike lanes.

N5. Eastland Road is classified as a collector street. Right of way dedication of 35 from centerline required. 6 foot sidewalks, street lights and 5 foot landscape strip required. Bike lanes required. Lake Drive is classified as a local street. Must bring street up to standards- complete improvements of half the road along the frontage. Dedication 27.5 feet from centerline of right of way. 6 inch header curb, five foot sidewalks, five foot landscape strip, street lights.

N6. Flat Shoals Parkway is DR 155. GDOT review and approval of access points and right of way improvements required prior to issuance of permits. Flat Shoals Parkway is classified as a major arterial. 6-foot sidewalk, bike facilities, 50 right of way dedication, and street lights required. Only Right in/right out access point allowed. No acceleration lane. Local streets must have a 55 foot right of way, 12-foot travel lanes, 6-foot landscape strip, 5-foot sidewalk and street lights required. Verify sight distance for vehicles existing site within plan approval submittal.

N7. Coordination with GDOT's MMIP projects along I-20 required prior to permitting. Coordination with MARTA I-20 east line required prior to permitting. Bring Snapfinger Road along property frontage down to apartment driveway (Wesley Club Drive) up to current county standards (24 pavement, header curb, 5-foot sidewalk, landscape strip, and street lights). Please note that existing site plans appears to use a County owned ROW corridor (Kelly Chapel Road). Roundabout also appears to be on property owned by others. Streets beyond roundabout to be private.



DEKALB COUNTY GOVERNMENT
PLANNING DEPARTMENT
DISTRIBUTION FORM

NOTE: PLEASE RETURN ALL COMMENTS VIA EMAIL OR FAX TO EXPEDITE THE PROCESS TO
MICHELLE ALEXANDER mmalexander@dekalbcountyga.gov AND/OR LASONDRA HILL
lahill@dekalbcountyga.gov

COMMENTS FORM:
PUBLIC WORKS TRAFFIC ENGINEERING

Case No.: Z-19-1243376 Parcel I.D. #: 18-001, 05-021 thru 023
043, 1047 Address: 1051 Bjarcliff Road
Atlanta, Ga. 30306

Adjacent Roadway (s):

(classification) (classification)

Capacity (TPD) _____	Capacity (TPD) _____
Latest Count (TPD) _____	Latest Count (TPD) _____
Hourly Capacity (VPH) _____	Hourly Capacity (VPH) _____
Peak Hour. Volume (VPH) _____	Peak Hour. Volume (VPH) _____
Existing number of traffic lanes _____	Existing number of traffic lanes _____
Existing right of way width _____	Existing right of way width _____
Proposed number of traffic lanes _____	Proposed number of traffic lanes _____
Proposed right of way width _____	Proposed right of way width _____

Please provide additional information relating to the following statement.

According to studies conducted by the Institute of Traffic Engineers (ITE) 6/7TH Edition (whichever is applicable), churches generate an average of fifteen (15) vehicle trip end (VTE) per 1, 000 square feet of floor area, with an eight (8%) percent peak hour factor. Based on the above formula, the _____ square foot place of worship building would generate _____ vehicle trip ends, with approximately _____ peak hour vehicle trip ends.

Single Family residence, on the other hand, would generate ten (10) VTE's per day per dwelling unit, with a ten (10%) percent peak hour factor. Based on the above referenced formula, the _____ (Single Family Residential) District designation which allows a maximum of _____ units per acres, and the given fact that the project site is approximately _____ acres in land area, _____ daily vehicle trip end, and _____ peak hour vehicle trip end would be generated with residential development of the parcel.

COMMENTS:

Did not see any traffic engineering concerns at this time.

Signature: Janet Russell



**DEKALB COUNTY GOVERNMENT
PLANNING DEPARTMENT
DISTRIBUTION FORM**

NOTE: PLEASE RETURN ALL COMMENTS VIA EMAIL OR FAX TO EXPEDITE THE PROCESS TO MICHELLE M ALEXANDER mmalexander@dekalbcountyga.gov OR JOHN REID JREID@DEKALBCOUNTYGA.GOV

**COMMENTS FORM:
PUBLIC WORKS WATER AND SEWER**

Case No.: Z-19-1243376

Parcel I.D. #: 18-001-05-021, 18-001-05-022, & 18-001-05-023

Address: 1051, 1047, and 1043 Briarcliff Road

Atlanta, Georgia

WATER:

Size of existing water main: 6" CI Water Main (adequate/inadequate)

Distance from property to nearest main: Adjacent to Property

Size of line required, if inadequate: N/A

MAY NEED TO UPGRADE TO 8" FOR INCREASED WATER DEMAND FOR 19 UNITS. MFO

SEWER:

Outfall Servicing Project: Peavine Creek Basin

Is sewer adjacent to property: Yes (X) No () If no, distance to nearest line: _____

Water Treatment Facility: R. M. Clayton WTF () adequate () inadequate

Sewage Capacity: * (MGPD)

Current Flow: 127 (MGPD)

COMMENTS:

* Please note that the sewer capacity has not been reviewed or approved for this project. A Sewer Capacity Request (SCR) must be completed and submitted for review. This can be a lengthy process and should be addressed early in the process. *

Signature: [Handwritten Signature]

8/15/2019

To: Ms. Madolyn Spann, Planning Manager
Mr. John Reid, Senior Planner
From: Ryan Cira, Environmental Health Manager
Cc: Alan Gaines, Technical Services Manager
Re: Rezone Application Review

General Comments:

DeKalb County Health Regulations prohibit use of on-site sewage disposal systems for

- multiple dwellings
- food service establishments
- hotels and motels
- commercial laundries
- funeral homes
- schools
- nursing care facilities
- personal care homes with more than six (6) clients
- child or adult day care facilities with more than six (6) clients
- residential facilities containing food service establishments

If proposal will use on-site sewage disposal, please contact the Land Use Section (404) 508-7900.

Any proposal, which will alter wastewater flow to an on-site sewage disposal system, must be reviewed by this office prior to construction.

This office must approve any proposed food service operation or swimming pool prior to starting construction.

Public health recommends the inclusion of sidewalks to continue a preexisting sidewalk network or begin a new sidewalk network. Sidewalks can provide safe and convenient pedestrian access to a community-oriented facility and access to adjacent facilities and neighborhoods.

For a public transportation route, there shall be a 5ft. sidewalk with a buffer between the sidewalk and the road. There shall be enough space next to sidewalk for bus shelter's concrete pad installation.

Since DeKalb County is classified as a Zone 1 radon county, this office recommends the use of radon resistant construction.

DeKalb County Board of Health

404.508.7900 • www.dekalbhealth.net

8/15/2019

N.1

SLUP-19-1243346/18-145-05-015

1513 Frazier Road, Decatur, GA 30333

Amendment

- Please review comments.



N.2

Z-19-1243376 2019-4069 18-001-05-021, 18-001-5-022, 18-001-05-023

1051, 1047 & 1043 Brairciff Road, Atlanta, GA 30306

Amendment

- Please review comments

N.3

SLPU-19-1243377 2019-4070 19-285-02-009

3645 Chamblee Tucker Road, Chamblee, GA 30341

Amendment

- Please review comments

N.4

Z-19-1243380 2019-4071 18-043-01-026

5100 Memorial Drive, Decatur, GA

Amendment

- Please review comments

**DeKalb County School District
Development Review Comments**

Analysis Date: 8/16/2019

Submitted to: DeKalb County

Case #: Z-19-1243376
Parcel #: 18-001-05-021/-022/-023

Name of Development: 1051, 1047 & 1043 Briarcliff Road
Location: Briarcliff Road near the by-way

Description: Proposed 16-unit development with a mix of attached and detached units.

Impact of Development: When fully constructed, this development would be expected to house 3 students: 1 at Fernbank ES, and 2 in private school. All three neighborhood schools have capacity for additional students.

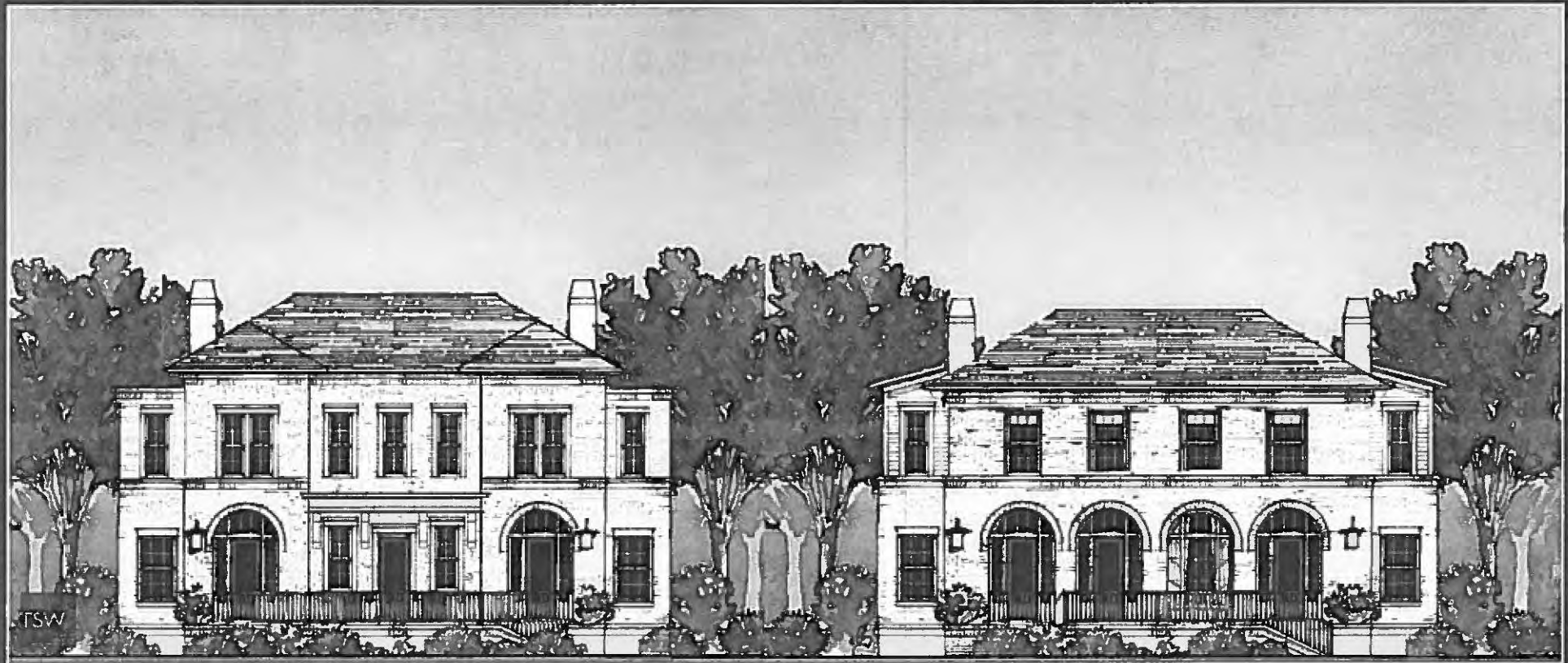
Current Condition of Schools	Druid Hills			Other DCSD Schools	Private Schools	Total
	Fernbank ES	MS	Druid Hills HS			
Capacity	950	1,182	1,405			
Portables	0	0	0			
Enrollment (Fcst. Oct. 2019)	790	949	1,388			
Seats Available	160	233	17			
Utilization (%)	83.2%	80.3%	98.8%			
New students from development	1	0	0	0	2	3
New Enrollment	791	949	1,388			
New Seats Available	159	233	17			
New Utilization	83.3%	80.3%	98.8%			

Yield Rates	Attend Home School	Attend other DCSD School	Private School	Total
Elementary	0.0608	0.0073	0.0853	0.1534
Middle	0.0146	0.0005	0.0325	0.0476
High	0.0276	0.0051	0.0390	0.0716
Total	0.1030	0.0129	0.1568	0.2726
Student Calculations				
Proposed Units	10			
Unit Type	SF/TH			
Cluster	Druid Hills HS			
Units x Yield	Attend Home School	Attend other DCSD School	Private School	Total
Elementary	0.61	0.07	0.85	1.53
Middle	0.15	0.00	0.32	0.47
High	0.28	0.05	0.39	0.72
Total	1.04	0.12	1.56	2.72
Anticipated Students	Attend Home School	Attend other DCSD School	Private School	Total
Fernbank ES	1	0	1	2
Druid Hills MS	0	0	0	0
Druid Hills HS	0	0	1	1
Total	1	0	2	3



Site Information	
Address	1043, 1047, 1051 Briarcliff Road
Total Site Area	3.02 Acres 131,377 SF
Total Units Proposed	16 units
Existing Zoning	
Zoning (DeKalb County)	R-4B
Adjacent Zoning Designation (DeKalb County)	North: R-4B; South: R-4B; West: OI (across Briarcliff Road); East: R-4B
Historic District	DeKalb Hills
Future Land Use (DeKalb County)	Traditional Neighborhood
Proposed Zoning	
Zoning	Small Lot Residential: RSM
Dimensional Requirements (27-2-11 Division 11)	
Base Density	4 units/acre
Base Density with Bonus*	6 units/acre
Density Provided	5.3 units/acre
Urban Single Family	
Building height will not exceed	35 ft (max allowed by code: 45 or three floors)
Two/Three-Family Lot Area	
Building height will not exceed	35 ft
Lot Coverage of Impervious Surfaces (of total parcel acreage)**	
	36 %
*With density bonus, 30% greater than base (additional enhanced open space)	
**Impervious surfaces include: sidewalk, driveway, and building footprints	
Residential Density Bonus Eligibility: 50% Greater Than Base: Additional Enhanced Open Space	
Enhanced Open Space Required	50% greater than base (of required base) 19,198 SF

Building Setbacks (overall site)	
Required Front	20 FT
Provided Front At Briarcliff Road*	141 FT
Required Side	20 FT
Provided Side	30 FT
Required Rear	15 FT
Provided Rear	60 FT
*Based on average front setback of units located at 1057 and 999 Briarcliff Road	
Parking	
TTF: 4 Units Total (units 1-4)	
Required Parking (1 min/4 max spaces per unit)	6 min / 24 max spaces
Provided Parking*	12 Spaces
Provided Guest Parking	12 Spaces (apron parking behind each unit)
U-SF: 10 Units Total (units 7-16)	
Required Parking (2 min/4 max spaces per unit)	20 min / 40 max spaces
Provided Parking*	20 Spaces
Provided Guest Parking	7 Spaces (parallel spaces off loop drive)



Elevation Study

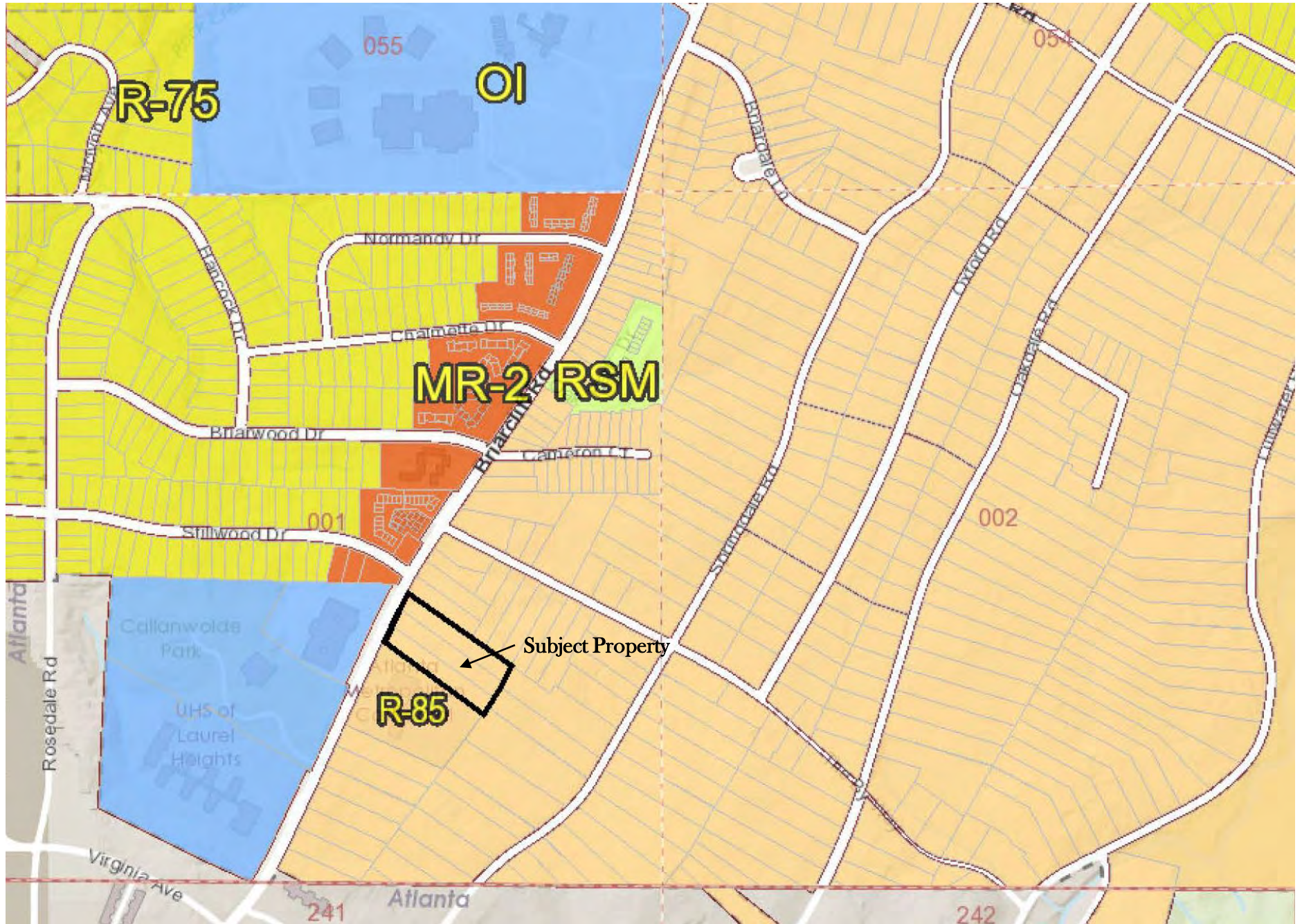
Looking at units 1-6 facing Briarcliff Road

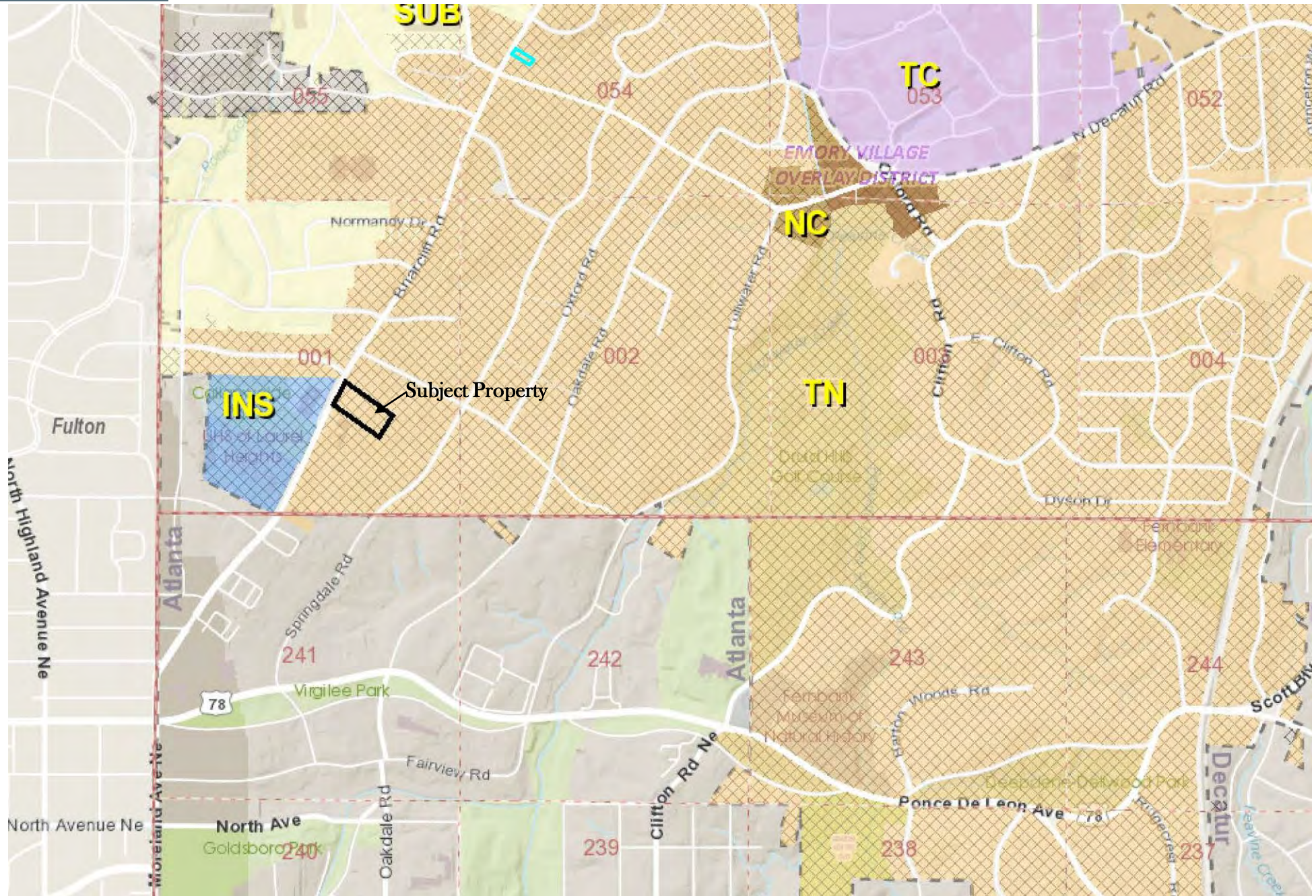
for: Elegant Homes, LLC

by: TSW

07/03/2019

TSW
PLANNING
ARCHITECTURE
LANDSCAPE ARCHITECTURE









Views of Briarcliff Road, looking northward from Metro Church site.





(left) 1043 Briarcliff Road and Metro Church/Kindergarten

(right) 1047 and 1051 Briarcliff Road



1051 Briarcliff

1047 Briarcliff

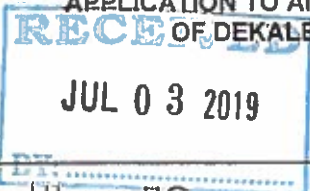


DeKalb County Department of Planning & Sustainability

Michael L. Thurmond
Chief Executive Officer

Andrew A. Baker, AICP
Director

APPLICATION TO AMEND OFFICIAL ZONING MAP
OF DEKALB COUNTY, GEORGIA



ZICZ No. 2-19-1243376
Filing Fee:

Date Received: Application No.:

Applicant: Elegant Homes, LLC E-Mail: amir@useliteestates.com

Applicant Mailing Address: 2870 Peachtree Road, No. 342 Atlanta GA 30305

Applicant Phone: 678.517.2799 Fax: N/A

Owner(s): Elegant Homes, LLC E-Mail: amir@useliteestates.com
(If more than one owner, attach as Exhibit "A")

Owner's Mailing Address: 2870 Peachtree Road, No. 342 Atlanta GA 30305

Owner(s) Phone: 678.517.2799 Fax: n/a

Address/Location of Subject Property: 1051, 1047, 1043 Briarcliff Road

District(s): 18th Land Lot(s): 001 Block: Parcel(s): 18-001-05-021;022;023

Acreage: 3.02 Commission District(s): 2.6

Present Zoning Category: R-85 Proposed Zoning Category: RSM

Present Land Use Category: TN

PLEASE READ THE FOLLOWING BEFORE SIGNING

This form must be completed in its entirety before the Planning Department accepts it. It must include the attachments and filing fees identified on the attachments. An application, which lacks any of the required attachments, shall be determined as incomplete and shall not be accepted.

Disclosure of Campaign Contributions

In accordance with the Conflict of Interest in Zoning Act, O.C.G.A., Chapter 36-67A, the following questions must be answered.

Have you the applicant made \$250 or more in campaign contributions to a local government official within two years immediately preceding the filing of this application? Yes X No

If the answer is yes, you must file a disclosure report with the governing authority of DeKalb County showing:

- 1. The name and official position of the local government official to whom the campaign contribution was made.
2. The dollar amount and description of each campaign contribution made during the two years immediately preceding the filing of this application and the date of each such contribution.

The disclosure must be filed within 10 days after the application is first filed and must be submitted to the C.E.O. and the Board of Commissioners, DeKalb County, 1300 Commerce Drive, Decatur, Ga. 30030.

NOTARY

SIGNATURE OF APPLICANT / DATE

Check One: Owner X Agent

EXPIRATION DATE / SEAL



Public Notice

To

Request for Rezoning

Filed by: Elegant Homes

Located at: 1051, 1047, 1043 Briarcliff Road NE
Atlanta, Georgia 30306

Current Zoning: R-85, Traditional Neighborhood

Proposed Zoning: RSM, Traditional Neighborhood

Overview: Applicant proposes to rezone three properties off Briarcliff Road for a single family development. The development will be comprised of single family attached and detached product designed to respect the Druid Hills historic district. Please join us at the community meeting to view the proposed plan. Project designers will be available to address any questions or concerns.

PRE-SUBMITTAL COMMUNITY MEETING TO TAKE PLACE AT: St. John's Lutheran Church

Location: 1410 Ponce de Leon Avenue, NE

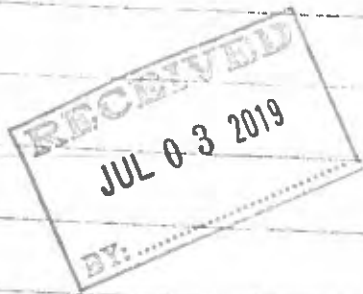
Atlanta, GA 30307

Date & Time: June 27, 2019 at 7pm

MEETING SIGN-IN SHEET

Project: 1051, 1047, 1043 Briarcliff Rd. Meeting Date: 6/27/2019
 Facilitator: Ryan S. (TSW) Location: St. John's Lutheran

Name	Address	Phone	E-Mail
HANNAH SHAW	1161 THE BY WAY NE	678 5122942	HSHAW17@GMAIL.COM
Kate David	1067 Briarcliff Road NE	404-729-4416	Katedavid@comcast.net
Allen Ballou	324 S. Edwards Ave	755/900@ix	alballou@ix.netcom.com
Kevin Sullivan	1065 Briarcliff Rd NE	908-246-3571	sullikts@gmail.com
Melanie Pinkerton	1193 The By Way NE	404-461-1443	pinkertonml@comcast.net
Malissa Peace	1066 Briarcliff Rd NE	404-512-4160	mpeace45@gmail.com
Briley Brisendine	956 SPRING-DALE	678-429-3460	bbrisendine@sitone.com brileybrisendine@gmail.com
Elena Parent	"	404-229-9596	elena.parent@gmail.com
→ Marshall Orson	970 Springdale	404-621-3205	morsone@mail.com
Peggy Orson	"	404-275-7654	peggy.orson@wellstar.com



Briarcliff Road Site – Letter of Application

June 28, 2019

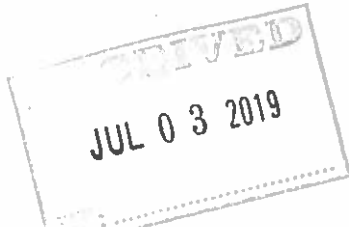
REZONING

Applicant proposes to rezone three properties off Briarcliff Road for a single family development. The development will enable a mix of single family attached and detached housing options designed to respect the Druid Hills historic district.

- a) **Proposed zoning classification:** RSW
- b) **Reason for the rezoning:** to enable a mix of single family attached and detached housing options.
- c) **Existing and proposed use of the property:** Currently the property is zoned R-85 with a Traditional Neighborhood future land use designation. The site consist of three existing single family detached units that are unoccupied. Upon successful rezoning to RSM, it is proposed a mix of attached and detached product will be developed as illustrated on the site plan; providing housing options not currently available in this area. The proposed units (as seen on the site plan) will be designed and constructed with quality materials respecting the Druid Hills Historic District.
- d) **Detailed characteristics of the proposed use** (e.g. floor area, height of building(s), number of units, mix of unit types):
 - a. **Floor Area:** each unit will be greater than 1,200sf
 - b. **Height of Buildings:** TTF will not exceed 35'; U-SF will not exceed 45'
 - c. **Number of Units:** 19
 - d. **Unit Mix:** urban single family attached/ detached; two/three family
- e) **Statement of conditions discussed with the neighborhood or community:** A Pre-Submittal Community Meeting was held on June 27, 2019 at St. John's Lutheran Church. Applicant is reviewing comments received at the meeting; no conditions have been presented at this time.

Attached as Exhibit A, please find a rendering of the proposed development.





Briarcliff Road Site – Impact Analysis

June 28, 2019

Section 27-7.3.5. The following standards and factors are found to be relevant to the exercise of the county's zoning powers and shall govern the review of all proposed amendments to the Official Zoning Map.

- A) Whether the zoning proposal is in conformity with the policy and intent of the Comprehensive Plan.
 - a. The DeKalb County Comprehensive Plan's 2035 Future Land Use Map currently list the property as Traditional Neighborhood (TN). All other properties on the block are also listed as TN. This rezoning request does not conflict with the 2035 Future Land Use Plan.
- B) Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties.
 - a. The zoning proposal will not adversely affect existing developments or reduce the usability of existing developments. This section of the Briarcliff corridor is a mix of single family detached, townhouse, multifamily (condo/rental), healthcare providers, and institutions (both cultural and religious). The proposed mix of attached and detached housing options does not conflict with the eclectic mix of uses currently found on adjacent and nearby properties.
- C) Whether the property to be affected by the zoning proposal has reasonable economic use as currently zoned.
 - a. The proposed plan provides optimal economic use for the property while keeping with the 2035 Future Land Use Map. The property is currently comprised of three vacant single family detached units that require costly lead and mold abatement. The units sit on 80' wide lots that vary in depth from approximately 525' to 550'. It would be impracticable to renovate the units to meet the expected standards of the Druid Hills homebuyer. Additionally, the depth of the lots are not conducive to the existing small midcentury units. It appears the existing units are "infill" housing; placed in an area originally intended for houses with greater frontage on Briarcliff Road. The existing long rectangular parcels are inefficient and prevent a reasonable economic use for the land.
- D) Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby properties.
 - a. No properties nearby will be affected by the rezoning of the property to RSM. The area currently has a mix of zoning designation including RSM, OI, R-85(existing), and MR-2 along this section of the Briarcliff corridor.
- E) Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.

- a. The property has always functioned as residential. The rezoning of the property would allow for greater flexibility in housing options along this corridor.
 - F) Where the zoning proposal will adversely affect historic building, sites, district, or archaeological resources.
 - a. The zoning proposal is within the Druid Hills Historic District. The proposed site plan has been organized so to respect the corridor by placing two structures at the front of the property. Each structure will be designed to appear as traditional single family detached house, in keeping with the historic district, containing three dwelling units each. Additional units are organized behind the two main structures so to not directly affect the view shed of the Briarcliff corridor. The property has three existing units that are not within the 1895-1941 period of significance for the historic district. The existing units appear to be infill houses developed on vacant lots around 1950.
 - G) Whether the zoning proposal will result in a use which will or could cause excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.
 - a. The proposed plan is expected to appeal to "empty nesters" who wish to downsize and stay within the Druid Hills neighborhood. This proposal is not expected to cause excessive burdensome on schools or transportation facilities. Due to the density increase an impact on existing streets will be created, but the impact should not be concentrated excessive of burdensome.
 - H) Whether the zoning proposal adversely impacts the environment or surrounding natural resources.
 - a. No streams or wetlands are on the property in question. As part of the proposed development, the landscaping and drainage on the property will be improved. The applicant understands stormwater runoff maybe be a concern of neighboring properties and will provide adequate engineering during the design process to avoid any unwarranted runoff.
-



6. If EM is successful, the EM Properties would transition from the least dense zoning designation in Druid Hills (R-85) to a designation (RSM) that would permit 12 units per acre.

7. Rezoning of single family residential lots to this level of density (including multi-family units) in the Druid Hills Historic District sets a terrible precedent, and is, in fact, unprecedented; it has never been done.

8. The Application is the very definition of "spot zoning," i.e., a markedly different zoning for a parcel of land within a larger zoned area, but where that different zone is at odds with a municipality's master plan and current zoning restrictions. See, e.g., *East Lands, Inc. v. Floyd County*, 244 Ga. 761 (1979).

9. The denser uses on the West Side of Briarcliff - on which the Application is based - is irrelevant to support EH's position.

10. When the Druid Hills Local Historic District was created, the uses on the West Side were already established, but the decision was made to preserve the historic character of the neighborhood by a R-85 designation beginning on the East Side of Briarcliff that continues further East.

11. A primary goal of the Historic District's zoning is to prevent further degradation of the neighborhood's historic character. Stated another way, the Historic District was created for a reason: to protect the character of Druid Hills as designed by Frederick Law Olmsted - a peaceful residential neighborhood set in harmony with the natural landscape. The zoning scheme's density and lot sizes were selected to further this aim. If developers such as EH are permitted to start chipping away at the configuration of the Historic District, the historic designation will serve no purpose.

12. The Design Manual specifically addresses, in several places, the issues raised by the Application. For example, with respect to why non-historic properties are included within the Historic District, the Design Manual states:

One of the primary reasons for designating historic districts is to protect the historic character and integrity of the **district as a whole**. Selectively deleting non historic properties from boundaries would create a "Swiss cheese" effect (emphasis in original).

Design Manual at Appendices, p. ix.

13. In addition, the Design Manual states:

Intrusions (that is, areas with a high concentration of nonhistoric development) within the core area are included **because of their potential to impact surrounding historic properties and the district as a whole** (emphasis added).

14. Section 9.1 of the Design Manual, "Original Subdivision Forms" also states:

The historic layout of the neighborhoods and subdivisions, located within the Druid Hills Local Historic District, has created the physical framework for the district. This layout, created originally by Frederick Law Olmsted, Sr., has definable characteristics that have been replicated in more recent development plats by later designers. These plans guided the configuration of streets, public open spaces, and private lots. **The original layout creates a historical context for the district. The cumulative effect of alterations to this layout would destroy this context.** (emphasis added).

15. There have been earlier attempts to rezone a residential stretch of Briarcliff to medium density. In 1997, the owner of the historic home at 957 Briarcliff Road, a Ms. Gloria Trencio, sought a zoning variance to permit apartments within the house. The DeKalb Board of Commissioners ruled against Mrs. Trencio, and she appealed that decision to the DeKalb County Superior Court. Mrs. Trencio's suit was eventually dismissed.

16. Contrary to EP's statements, there is more than sufficient housing stock available for people who want to remain in or near the neighborhood and yet live in a smaller footprint. Some examples including new multifamily units at Ponce and Briarcliff in the United Methodist Church, multifamily units Briarcliff north of Ponce to the Atlanta City Line, units presently under construction at Virginia Avenue and Briarcliff (City of Atlanta), and the historic apartments on the West Side of Briarcliff just north of the By-Way.

17. Traffic on Briarcliff Road is already very difficult. Local residents note the terrible late afternoon /evening traffic on Briarcliff, Springdale, Oakdale, and Lullwater heading south, making it impossible difficult to cross Ponce at that time of day. North Decatur East of Briarcliff on into Emory Village is also frequently "clogged."

WHEREFORE, and for all of the foregoing reasons, Timothy and Lynn Baxter respectfully request that the DeKalb County Historical Commission recommend denial of the Application of Elegant Homes, LLC To Amend The Official Zoning Map.

Respectfull submitted this 16th day of August, 2019



Timothy Baxter



Lynn Baxter

939 Briarcliff Rd., NE
Atlanta, GA 30306-4664



PROJECT NAME:
19035 Briarcliff Road

Date:
8/02/2019

TO:
DeKalb County and Elegant Homes

From:
TSW

Subject:
HP review of properties at 1043, 1047, 1051 Briarcliff Road

- National Register District (summary)
 - 1043 Briarcliff - Intrusion
 - Metro Church – Intrusion
 - “Intrusions and non-conforming properties in DH are generally brick ranch houses dating from 1950s-1960s”
 - County tax records indicate the following building dates:
 - 1043 Briarcliff: built 1947
 - 1047 Briarcliff: built 1950
 - 1051 Briarcliff: built 1949

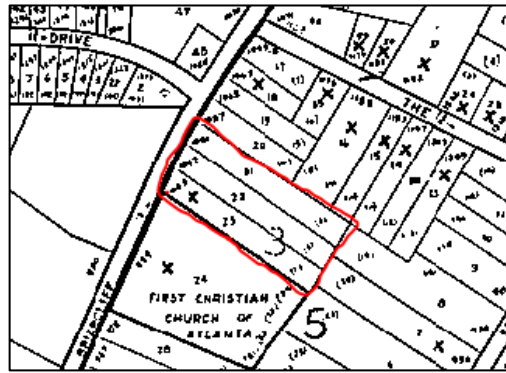


Figure 1: Subject property in red; "x" represents non-conforming structure

- Druid Hills Design Guidelines (summary)
 - All properties identified as nonhistoric
 - “These design guidelines have been established primarily for use by the Preservation Commission in evaluating proposed alterations to historic properties in the Druid Hills Local Historic District.”
 - “The guidelines are not rigid restrictions but rather should be viewed as standards which, if followed, will result in sound preservation practices.”



Figure 2: Subject property in red; triangle represents non-conforming structure

Sanborn Maps: 1924-1931



Sanborn Maps: 1924-1941



**Photographs on this page are of archived documents belonging to the Atlanta History Center*

Sanborn Maps: 1924-1965



**Photographs on this page are of archived documents belonging to the Atlanta History Center*

Adair Plats: 1908



*Photographs on this page are of archived documents belonging to the Atlanta History Center

Adair Plats: c1920



*Photographs on this page are of archived documents belonging to the Atlanta History Center

1928 Atlanta City Map



Figure 3 Image courtesy of Emory Libraries Digital Scholarship Commons

1949 Aerial Image



Figure 4 Image courtesy of Georgia State University Library

SUPPLEMENTAL WRITTEN JUSTIFICATION

And

Other Material Required by
DeKalb County Zoning Ordinance

Of

ELEGANT HOMES, LLC

For

REZONING (Z-19-1243376) OF THREE RESIDENTIAL LOTS (+/- 3.02 ACRES)
FROM R-85 TO RSM TO ALLOW FOR THE CONSTRUCTION OF A 16 UNIT
RESIDENTIAL COMMUNITY

Located in

Land Lot 1, 18th District, DeKalb County

1051 Briarcliff Road (18-001-021)

1047 Briarcliff Road (18-001-022)

1043 Briarcliff Road (18-001-023)

Submitted for Applicant by:

Linda I. Dunlavy

Dunlavy Law Group, LLC

1026 B Atlanta Avenue

Decatur, Georgia 30030

(404) 371-4101 Phone

(404) 371-8901 Facsimile

ldunlavy@dunlavyllawgroup.com

I. INTRODUCTION

This Application seeks to rezone three parcels of land on Briarcliff Road currently zoned R-85 for single family residential use to RSM (small lot residential mixed) to allow for the development of a high quality 16 unit residential community comprised of 10 single family homes and two buildings with three condominium units in each. With the retention of legal counsel, the Applicant is supplementing the original filing dated July 3, 2019.

A. SUBJECT PROPERTY

The Subject Property is comprised of +/- 3.02 acres and located south of the Stillwood Drive on the east side of Briarcliff directly across the road from Pruitt Health-Virginia Park (1000 Briarcliff Road) , a 125 bed skilled nursing home and rehabilitation center and Callanwolde Fine Arts Center (980 Briarcliff Road). Both of the foregoing uses are zoned O-I. Immediately to the south adjoining 1043 Briarcliff Road at 999 Briarcliff Road is the Morningside Elementary Kindergarten, a part of the APS school system with 165 enrolled students and 23 staff members operating from 7 a.m. to 2:30 five days per week.¹ Further to the southwest is UHS of Laurel Heights Hospital (934 Briarcliff Road-zoned O-I), a private residential child and adolescent behavioral health facility with eight treatment units, a school, gymnasium and outdoor play areas. There are only seven residential lots on Briarcliff Road within DeKalb County south of the Morningside Elementary Kindergarten before the City of Atlanta line. With the exception of the lot at 975 Briarcliff, these residential lots are smaller and shallower than the lots

¹ Although zoned R-85, the uses currently on this property are non-conforming insofar as they would require special use permits under the current code. *See Use Table 4.1 of zoning ordinance.*

forming the Subject Property. To the northwest are Stillwood Chase condominiums 9 (zoned MR-2), comprised of 35 attached homes at 1309 Stillwood Chase and the Briarwood Apartments (1078 Briarcliff Road). Further north on Briarcliff are other medium density residential uses such as Briar Hills zoned MR-2 with 52 condominium units and a density of 14 units per acre at 1100 Briarcliff Road and condominiums on Oak Park Drive (15 units)² 1135 Briarcliff Road, and the Briarcliff Normandy Condominiums (85 units at 28.6 upa) at 1144 Briarcliff Road. All of these higher density residential developments are within the Druid Hills Historic District like the Subject Property. Another medium density residential development is under construction at 1517 Briarcliff Road (20 units-zoned MR-1 with an effective density of 12.8 upa). Directly to the north of the Subject Property are four single family homes on significantly smaller lots before the ByWay. Single family homes on significantly smaller lots fronting Briarcliff predominate on the east side of Briarcliff from Cameron Court³ north to Emory Road.⁴

Currently the Subject Property is developed with three older homes built between 1947 and 1950. 1047 was designed and used as a duplex for most of its life, whereas the other two homes were uses as single-family residences. The duplex was a rental property and the other two were owned by aging owners who decided to sell because of their inability to keep up with the increasing demands of maintaining the homes and the large lots. Although the property is within the Druid Hills local historic district, the homes

² Oak Park condos were zoned in 1983 and bear a current zoning classification of RSM—the same as what is sought by the Applicant for the Subject Property.

³ A 21 lot subdivision zoned R-85 but not conforming to R-85 standards with lots averaging 7000 square feet in area and 48 foot frontages. An approximate density of 6.2 upa—1 upa more than what is being sought by the Applicant.

⁴ Single family lots north of North Decatur are zoned R-75 presumably to reflect the smaller lot sizes.

were built after the “period of significance” (pre-1946) and thus not considered “historic” per the Druid Hills Guidelines and the Historic Preservation Ordinance. *See definition of “nonhistoric” in Guidelines included herein.* The Subject Property and the homes on it are listed in the local historic district as “non-contributing”—in other words neither the Subject Property nor the structures on it are “essential to the full significance of the historic district”⁵. *See Guidelines for definition.* The ranch style homes on the Subject Property are considered “intrusions” within the District. *See National Registry documents filed herein.* Moreover, the 3 lots comprising the Subject Property were not part of the originally platted lots for Druid Hills. The Adair Plats show the Subject Property as part of a larger parcel of unplatted land/open space on the east side of Briarcliff Road. Sanborn maps and other historical resources show that the 3 lots were not platted until after the period of significance (they were post 1946).

After inspection by Christopher Schaeffer⁶ on September 6, 2019, it was found that two of the homes on the Subject Property (at 1047 and 1051 Briarcliff Road) contained evidence of significant roof leaks, damaged sheetrock, mold and mildew to the extent that Mr. Schaeffer concluded that “remediation of these structures to the proposed standards would require tearing the structures down to such an extent that demolishing and rebuilding new structures is the most efficient course of action.”

⁵ While it is acknowledged that the property at 1047 Briarcliff is identified as “contributing” in the National Register nomination packet of 1979, a comprehensive review of the SHPO documents by counsel for the Applicant and the Applicant’s design professional team make it clear that there was no substantiating evidence submitted as to the designation of this property as “contributing”—for that matter there was no substantiating evidence or description of the parameters of “contributing” in the NR packet. On the contrary, what appeared to be clear from the packet is that SHPO did not make any determination as to “contributing” status of this or any other properties within the nominated district because it was short staffed. It apparently left this determination to the DHCA and other individuals without historic preservation credentials. It appears that the designation of 1047 Briarcliff as “contributing” may have been a transcriptional error as field notes within the SHPO file do not identify it as “contributing”. As such, the NR designation of 1047 Briarcliff should be accorded any weight.

⁶ Mr. Schaeffer is a licensed structural engineer in the state of Georgia.

B. APPLICANT'S PROPOSAL

Elegant Homes proposes to demolish the substandard housing on the Subject Property and replace it with a high quality⁷ in fill community comprised of urban single family detached homes in the rear of the Subject Property and two buildings set back approximately 150 feet from Briarcliff Road in the front designed to look like historic Druid Hills single family homes but in fact each containing 3-three family units apiece. *See elevations included with this submittal.* The 10 units in the rear would be stand-alone urban single family homes clustered around a landscaped courtyard. The resulting community would have approximately 64% of open space and contain interconnected pedestrian pathways allowing residents to navigate through the site on foot and onto Briarcliff Road. Vehicular access would be via a shared driveway off Briarcliff. Residents of the units in the front would have rear loaded garages under the proposed buildings which, in conformity with residences in the Druid Hills District would be no more than 35 feet in height. The rear units would be accessed through the same entry drive which at the rear turns into a circular drive accessing every unit. All units would range in size from 2,500 to 3,500 square feet and are estimated to market for \$750, 000 to \$1 million apiece. Elevators would be an optional add on for all units and master on main designs would also be available. It is anticipated that this type of product would fill a largely unfilled need for current residents of Druid Hills looking to stay in the area but looking to downsize and reduce maintenance demands currently placed on them from living space they no longer need or desire and from the need to upkeep large expansive

⁷ Elegant Homes has more than 20 years of experience in the residential building community. Examples of its products are included herein.

grounds. It is expected that the diversity of product offered by the proposed project can help meet that need and allow residents to remain within the District. The homes would offer high quality amenities and finishes and will be designed in conformity with the Druid Hills Historic District Guidelines. It is not anticipated that any variances will be needed.

The Applicant and its design team have had several meetings with community members already and will continue to engage these residents throughout the zoning process. Meetings to date have already resulted in responsive design changes, namely reduction of the original number of units from 19 to 16 and increasing of the rear yard setback to create 40 feet of greenspace and a 70 foot rear yard building set back. This latter change assures building separation of the rear most units from the residence at 956 Springdale of approximately 430 feet. The front yard setback is 141 feet with the two front buildings set back approximately 150 feet behind a designed natural landscape which preserves many of the existing trees on the Subject Property. From the street the rear units will not be visible. The site will read from the street as two larger Druid Hills homes with natural landscaping at the front and rear. The density of the proposed development will be 5.2 units per acre and the proposed project exceeds all of the development standards pertaining to planted buffers and building setbacks. *See site plan included along with a PowerPoint Presentation made to the Planning Commission containing most of the referenced details.*

II. IMPACT ANALYSIS

Pursuant to Section 7.3.5 of the Zoning Ordinance, approval of requests such as that of the Applicant are governed by consideration of certain factors and standards by

the Board of Commissioners. These standards and factors for review along with their application to the Applicant's request are as follows:

Whether the zoning proposal is in conformity with the policy and intent of the comprehensive plan.

The Subject Property was designated on the most recent Future Land Use Map as TN (Traditional Neighborhood) in the 2035 Comprehensive Plan. Primary uses within the TN character Area are listed as single family homes and apartments. Permitted zoning with the TN Character area includes RSM. The current R-85 zoning classification is a non-conforming zoning classification within the TN Character Area.⁸ The TN Character area allows up to 12 units per acre. p. 57 of comprehensive Plan. *See Comprehensive Plan excerpts filed with this submittal.* The Applicant's proposal for urban single family homes and three family units at a density of 5.2 units per acre is clearly in conformity with the TN land use designation. The stated intent of the TN Character Area is "to preserve the style and appeal of older traditional neighborhood communities." p. 79 of Comprehensive Plan. Policies identified include: 1) Protecting stable neighborhoods from incompatible development; 2) Encouraging residential development that includes a higher mix of uses; 3) Allow density increases that do not degrade the overall quality of service delivery and quality of life for surrounding established neighborhoods; 4) Permit well designed, small-scale infill multifamily residences to increase neighborhood density and income diversity; 5) Promote moderate density, traditional neighborhood development style residential subdivisions; and 6) encourage compatible architecture styles that maintain regional and neighborhood

⁸ It became non-conforming when the land use designation was changed from Suburban to TN sometime after 2007.

character. Housing Policy No. 9 of the Comprehensive Plan is to "...provide a variety of housing opportunities and choices to better accommodate the needs of the residents."

The Applicant's proposed development furthers many of the stated policies within the TN Character Area: By reestablishing structures at the front of the property which appear to be estate style Druid Hills homes, it eliminates the intrusive attributes of the existing ranch style homes built after the period of significance and serves to provide a heretofore lacking visual anchor for the site as you move down Briarcliff Road. This promotes stability and compatible infill development while at the same time providing a mixture of uses grossly lacking within the District without sacrificing architectural integrity. It provides for high quality, small scale development while increasing density. The ten single-family homes are not visible from Briarcliff but remain connected to each other and the community through pedestrian walk ways. All of these design elements are in conformity with the policies and intent of the Comprehensive Plan.

Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property or properties.

The Briarcliff corridor, as noted above on pp. 2-3 above, contains a large mix of uses on both sides ranging from the kindergarten use next door to the rehabilitation hospital for youth to the Callanwolde Performing Arts Center to single family homes and apartment complexes to the northwest. Across the City of Atlanta line to the south denser development predominates with Briarcliff Court apartments, Virginia Place, Highland Hall condominiums, Lullwater Park, and Virginia Park Circle.

In reviewing the proposed MR-1 zoning for 20 townhomes on the property at 1551 Briarcliff (Z-16-20319), in response to this question, staff noted that, “Residential development is suitable at a location where most of the adjoining and nearby properties are developed for residential uses. The natural topography of the site...and screening provided by preservation of existing trees along the perimeter of the site, will hide the development from view.” The same statement can and should be made for the Subject Property. As can be seen by the site sections provided in the attached PowerPoint Presentation made to the Planning Commission, the Subject Property will be developed in such a way that there will be 141 feet of natural garden in the front of the first two buildings on the site, a 70 foot rear yard building setback, natural buffers on the north and south sides and a building separation of more than 430 feet from the rearmost unit to the closest structure at the rear of Springdale Road. This development will be “hidden from view” but for the first two buildings which will read as single-family homes compatible with the architectural style of homes to the south of the Metropolitan Cathedral property fronting on Briarcliff.

Staff made a similar comment when analyzing the zoning application of Minerva (Z-16-20784) on the Metropolitan Cathedral property for a 37 unit mix of single family detached homes and multi-family condominiums. Staff stated, “The residential component will allow single-family detached residences compatible with the adjacent and surrounding residences in the area.” The same is obviously true of the significantly less dense project proposed by this applicant.

Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned.

The deep lots comprising the Subject Property along with high land prices in this area, make it extremely difficult if not impossible to redevelop the lots for 3 new single-family homes. Two of the previous owners sold in order to avoid the ongoing high costs of upkeep on the aging homes and maintenance of the large lots. The Subject Property with its location next to a Kindergarten, on an extremely busy section of Briarcliff Road and across from many denser uses is challenged under the current zoning and these conditions may have a negative impact on the economics of attempting to redevelop the Subject Property as zoned.

Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property or properties.

The use and development of adjacent and nearby properties will not be negatively impacted by this high quality, sensitively designed in fill project. On the contrary, the project will restore (in part) the rhythm along Briarcliff by anchoring the site with two homes at the front of the property in place of the large gap that is there now and will stabilize this vulnerable section of Briarcliff Road. This will not have negative impacts on property values as feared by some. One need only look at property values along Springdale for those properties backing up to the rear of high density apartment and condominium developments to affirm this. *See Zillow Excerpts included herein.* One can see that such properties on Springdale have some of the highest property values in the District: ranging from \$1.1 M to \$2.5 M where adjoining multi-family and higher density housing fronting on Briarcliff.

The sensitive design elements found in the Applicant's project work to assure no adverse effect. The 64% open space, a front yard set back behind a natural garden of 141

feet, a 70 foot rear yard set back with a 40 foot planted buffer, interior side yard planted buffers, pedestrian connections throughout the site and the rear units nestled behind two estate style homes in the front all work together to assure no adverse effects on the use of usability of nearby properties.

Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.

The population of Druid Hills, and for that matter metro Atlanta has changed significantly over the course the past decade. More than 10,000 baby boomers turn 65 every day and Atlanta, according to Forbes Magazine in 2015 was “America’s No. 1 rapidly aging city.” *See included news articles on this phenomenon.* With aging, residents of Metro and Druid Hills are looking to down size either their homes, their lots or both. Within Druid Hills in unincorporated DeKalb, there are very few options which work to meet that need. Smaller homes on lots maintained by an association are in big demand in the District. The proposed development hopes, in part, to tap and serve that need by providing homes ranging in size from 2500 square feet to 3,500 square feet along with elevator options and self-contained green space maintained by an association but proximate to all the amenities that attract Druid Hills residents to its location. Providing the high quality looked for in Druid Hills on a smaller scale will enable current residents to remain in the district they love and reduce the burdens of large home and property ownership.

Whether the zoning proposal will adversely affect historic buildings, sites, districts, or archaeological resources.

The proposed development will be in full compliance with all relevant

Guidelines of the local Druid Hills Historic District. The architecture will be compatible with existing styles in the District. Any structure on the Subject Property must go through the certificate of appropriateness review process of the Historical Preservation Commission to assure that sufficient and appropriate attention to scale, massing, rhythm, architectural details and more is given. The HPC is required to review applications for new construction and consider historical and architectural value and significance; architectural style; scale; height; setback; landscaping; general design; arrangement; texture and materials of the architectural features involved and the relationship thereof to the exterior architectural style; and pertinent features of other properties in the immediate neighborhood. By law the HPC cannot approve any structure or site design that has a substantial adverse effect on the aesthetic, historic or architectural significance and value of the historic property or the historic district.

Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.

While it must be acknowledged that Briarcliff Road (a minor arterial) is a busy and often congested road, the additional cars generated by the proposed project will be de minimis when compared to number of cars already on this roadway (estimated at 30,000 per day). Nothing this project does or does not do will tip Briarcliff Road over the edge, nor save it from itself. GDOT is required to approve the access point prior to the issuance of permits and the DeKalb Public Works Engineering “did not see any traffic engineering concerns at this time.” All traffic generated from the site will enter from and exit onto Briarcliff without burdening local streets. The project is estimated to generate only 3 additional students in a

school district which has new seats available to meet the need. Utilities are available and adequate on site.

Whether the zoning proposal adversely impacts the environment or surrounding natural resources.

There are no environmentally sensitive features such as wetlands or streams. Every reasonable effort will be made to protect and preserve existing trees of any significance. A 141 foot wide natural garden will be created at the front of the Subject Property consisting of existing trees and additional new trees and shrubs. Planted buffers will run along the interior side and rear yards. After redevelopment there will be 64% open space comprised of these buffers, natural garden and a shared courtyard for the ten single family units at the rear. The Subject Property was developed almost 70 years ago and, as such, has grossly inadequate storm water infrastructure. With redevelopment of the Subject Property, modern infrastructure and systems will be installed to reduce any existing storm water runoff problems.

Based on the foregoing, the Applicant submits that the Application meets all of the relevant standards required for rezoning of the Subject Property and asks for Board approval of same.

III. PRESERVATION OF CONSTITUTIONAL RIGHTS

The Applicant respectfully submits that the current zoning classification, to the extent that it prohibits the use proposed, constitutes an arbitrary, irrational abuse of discretion and unreasonable use of the zoning power because it bears no substantial relationship to the public health, safety, morality or general welfare of the public and

substantially harm the Property owners in violation of the due process and equal protection rights of the property owner guaranteed by the Fifth Amendment and Fourteenth Amendment of the Constitution of the United States, and Article I, Section I, Paragraph I and Article I, Section III, Paragraph I of the Constitution of the State of Georgia. Further, the failure to allow this use would constitute a taking of the owner's private property without just compensation and without due process in violation of the Fifth Amendment and Fourteenth Amendment of the Constitution of the United States, and Article I, Section I, Paragraph I and Article I, Section III, Paragraph I of the Constitution of the State of Georgia.

Further, the Applicant respectfully submits that the Board's failure to approve the requested rezoning would be unconstitutional and would discriminate in an arbitrary, capricious and unreasonable manner between the Property owner and owners of similarly situated property in violation of Article I, Section III, Paragraph I of the Constitution of the State of Georgia and the Equal Protection Clause of the Fourteenth Amendment of the Constitution of the United States.

IV. CONCLUSION

For the foregoing reasons, the Applicant respectfully requests that the application for rezoning of the Subject Property from R-85 to RSM be approved. The Applicant also invites and welcomes any comments from Planning and Sustainability Staff or other officials of County and members of the community so that such recommendations or input might be incorporated as this application undergoes further review.

This 24th day of September, 2019.

Respectfully submitted,



Linda I. Dunlavy
Attorney for Applicant

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(404) 371-8901 Facsimile

STATE OF GEORGIA)
)
DEKALB COUNTY)

AFFIDAVIT OF AMIR RAHBAR

Personally appeared before the undersigned officer duly authorized by law to administer oaths, **AMIR RAHBAR**, who being first duly sworn, deposes and states as follows:

1.

I, AMIR RAHBAR, hereby certify that I am over the age of eighteen (18) and legally authorized and competent to testify to the facts and matters set forth herein. I am a principal of Elegant Homes, LLC.

2.

Elegant Homes is the current owner of the property at 1043, 1047 and 1051 Briarcliff Road (“Subject Property”). It purchased all three properties in early (February for 1047 and 1051) and mid-(May for 1043) 2016.

3.

Elegant Homes hopes to have the Subject Property rezoned from R-85 (a large lot single-family residential zoning designation) to RSM (a small lot residential mix designation) because building three single family detached homes on the current three lots of approximately 1 acre apiece is not economically viable.

4.

A total of \$2.85 million was paid for the three lots with older homes on them, comprising +/- 3.02 acres in the Druid Hills area of unincorporated DeKalb County, Georgia. At the time, because of prospective future development for higher density

residential projects and back up offers on the Subject Property, this appeared to be a reasonable price for the property. The opposition to the zoning application takes the position however that the **only** reason Elegant needs this property rezoned is that it overpaid for the Subject Property. The calculations contained below in this affidavit make it clear that the price paid for these lots is not the **only** reason development of them as zoned is not economically viable.

5.

As a principal with Elite Estates, LLC, I have nearly two decades of experience and knowledge in the high-end custom home construction business and am very familiar with the costs of construction and development reasonably incurred in the construction of in-fill homes.

6.

As a general rule, high-end custom home construction costs in the metro area (not counting the land, development and financing costs) will run approximately \$200 to \$250 per square foot. Attached as Exhibit 1 to this affidavit is a real-life sample accounting of the costs associated with high-end infill construction in 2019 for 1323 Battle View Drive in the Peachtree Battle area of Atlanta. I was the builder on this project and kept detailed records of the construction and other costs associated with this project. A copy of the itemized costs for this project is attached hereto as Exhibit 1 along with a photo of the completed house.

7.

In Exhibit 1, it can be seen that the lot was purchased for \$576,600 and direct building costs exceeded 1.3 million dollars. Direct building and construction costs plus

the cost of the lot, land development expenses and financing costs totaled more than \$2.1 million. As such, the resulting home must be sold for that price in order to just break-even—without any profit. A similar scenario can be expected with the three lots on Briarcliff.

8.

Even if it is assumed that the price Elegant Homes paid per lot was too high, as argued by opponents to the rezoning application, recent sales identified by the opposition of homes and lots fronting on Briarcliff show that the average sales price for a lot with a structure on it in 2018/2019 was \$ 573, 400. If Elegant had paid the average sales price identified by the opposition of \$573, 400 for each of the three lots and invested \$200-\$250 per square foot in direct construction costs for a 4250 square foot house (perhaps smaller than warranted on a 1 acre lot but the average square footage for homes south of the Metropolitan Cathedral) plus an approximate \$200,000 (on low end) for Land Development and Financing costs, Elegant would need to sell the resulting homes on the lots for no less than \$1.6 million (at the \$200 per square foot cost) or \$1.8 million (at the \$250 per square foot cost) just to break even. See Exhibit 2 attached with opposition sales information.

9.

Even using the most conservative of metrics ¹to determine the viability of demolishing the single-family homes on the Subject Property and constructing new residences thereon as zoned, it is clear that such an effort would not be economically

¹ I used the average land sales listed by the opposition. I did not add value to the land sale based on the fact that the three lots comprising the Subject Property are significantly larger than those listed. I used the lower square footage costs and reduced soft costs and did not include the legal fees that would be necessary to get the necessary Certificates of Appropriateness from the DeKalb County HPC for each home. I also did not include interest and carrying costs on the money invested in the Subject Property prior to any future sale.

viable. No home has ever sold fronting on Briarcliff in the general vicinity of the Subject Property for the price necessary to break even --\$1.62 million to \$1.84 million. The highest listing on Briarcliff is cited in the opposition materials for 1323 Briarcliff at \$1.235 million (\$385,000 less than the lowest break-even price for the Subject Property) and to date the highest recorded sale price has been for 1077 Briarcliff in 2009 for \$1.15 million, fully \$ 470,000 below the lowest break-even² price for a home on the Subject Property. See Exhibit 3 containing sales information on 1077 Briarcliff Road.

10.

A reasonable profit in the high-end single-family home construction business would be in the neighborhood of 10 to 15 % of the sales price. In order to see a reasonable profit at the lower percentage, houses on each of the three lots would need to sell for in excess of \$1.78 million. With that kind of selling price, buyers are more likely to buy homes on the interior of the District, which do not suffer from the negative elements of traffic on Briarcliff Road and proximity to the Metropolitan Cathedral. The availability of homes for \$1.78 million or significantly less that do not front on Briarcliff within the Druid Hills historic district coupled with the lack of sales on this section of Briarcliff at such prices make it abundantly clear that building three homes on the Subject Property is simply not viable economically and to require such would place Elegant Homes at a significant detriment when compared with similarly situated properties within the same zoning classification. As such the current zoning is not economically feasible/viable.

² It should be noted that even though I am calling this a “break even price”, it really isn’t because I would lose money on carrying costs on loans, legal fees and other unaccounted for unanticipated costs. At the “break even cost”, I would still lose money.

FURTHER AFFIANT SAYETH NAUGHT.



AMIR RAHBAR

Sworn and subscribed to before me
on this 29th day of October, 2019.



NOTARY PUBLIC

JENNIFER LLOYD

NOTARY PUBLIC

DEKALB COUNTY, GEORGIA

MY COMM. EXPIRES

03/25/2022

Elegant Homes Single Family Spec Home

Construction cost
(5258 Sq.Ft. w/unfinished basement)

	Act. Cost
1-1000 (LAND DEVELOPMENT & PRELIMINARIES)	
1-0103 (Engineering Fees)	8,550.00
1-0104 (Architectural Fees)	21,800.00
1-0105 (Interior Designer Fees)	6,500.00
1-0107 (Land Surveying)	4,500.00
1-0108 (Title Insurance)	1,863.00
1-0109 (Settlement Charges)	1,309.00
1-0112 (Permit and Fees)	7,734.00
1-0114 (Portable Toilet Rental)	1,007.00
1-0117 (Supervisors)	15,000.00
1-0118 (Inspections)	450.00
1-0119 (Builder's Risk Insurance)	1,800.00
1-0120 (City/County Taxes)	23,272.00
1-0122 (Sanitary Tax)	2,157.00
1-0123 (Utility Bills)	10,281.00
1-1102 (Lot acquisition Expense)	576,600.00
Total 1-1000 (LAND DEVELOPMENT & PRELIMINARIES)	682,823.00
2-1000 (FINANCING AND SALES)	
2-0102 (Sales Commissions)	145,000.00
2-0103 (Closing Fees to Company)	6,180.00
2-3102 (Staging)	6,125.00
Total 2-1000 (FINANCING AND SALES)	157,305.00
3-1000 (DIRECT BUILDING AND CONSTRUCTION)	
3-0100 (PREPARATION)	
3-0101 (Erosion Control)	4,483.24
3-0102 (Tree Removal)	7,550.00
3-0104 (Asbestos Abatement)	12,500.00
3-01041 (Demolition)	19,700.00
3-0105 (Clearing and Rough Grading)	6,164.38
3-0106 (Excavation and Hauling)	24,475.00
3-0107 (Water quality and storm drain system)	26,700.00
3-0108 (Dumpsters)	6,215.00
Total 3-0100 (PREPARATION)	107,787.62
3-1100 (FOUNDATION)	
3-1101 (Footings)	10,001.88
3-1102 (Foundation Walls)	35,796.25
3-1104 (Foundation Waterproofing)	2,140.00
3-1105 (Foundation Drainage System)	4,498.39



Elegant Homes Single Family Spec Home

**Construction cost
(5258 Sq.Ft. w/unfinished basement)**

	Act. Cost
3-1106 (Termite Treatment)	375.00
3-1108 (Slab)	29,801.99
3-1109 (Concrete Pump)	2,035.50
Total 3-1100 (FOUNDATION)	84,649.01
3-1200 (ROUGH STRUCTURE and DRY-IN)	
3-1202 (Framing)	159,893.05
3-1203 (House Wrap)	2,400.00
3-1204 (Stairs)	10,900.99
3-1205 (Roofing)	12,734.06
3-1206 (Metal Roofing and Flashing)	15,000.00
3-1207 (Windows)	29,945.22
3-1208 (Exterior Doors)	3,046.08
3-1209 (Iron/ Specialty Windows and Doors)	16,014.36
3-1210 (Windows and Exterior doors Installation)	2,200.00
3-1211 (Exterior Trim Work)	6,301.23
3-1212 (Exterior Siding)	3,779.50
3-1213 (Stucco work)	5,000.00
3-1214 (Stone Masonry Work)	20,750.00
3-1215 (Brick Masonry Work)	71,005.80
3-1216 (Exterior Painting)	17,000.00
Total 3-1200 (ROUGH STRUCTURE and DRY-IN)	375,970.29
3-1300 (MECHANICAL ROUGH)	
3-1302 (Plumbing Rough)	10,365.27
3-1303 (HVAC Rough)	13,820.45
3-1304 (Electrical Rough)	19,000.00
3-1305 (Security & Low Voltage)	4,473.89
3-1306 (Central Vacuum)	1,500.00
3-1307 (Fireplaces)	14,137.49
Total 3-1300 (MECHANICAL ROUGH)	63,297.10
3-1400 (INSULATION & DRYWALL)	
3-1401 (Wall Insulation - Batting)	6,723.82
3-1403 (Wall Insulation - Spray foam)	11,102.51
3-1406 (Drywall)	35,776.00
Total 3-1400 (INSULATION & DRYWALL)	53,602.33
3-1500 (INTERIOR FINISHES)	
3-1501 (Interior Tile/Marble/Stone work)	23,870.79
3-1502 (Hardwood Floors)	53,101.08
3-1504 (Interior Doors)	14,147.69
3-1506 (Trim / Finish Carpentry)	57,715.66

Elegant Homes Single Family Spec Home

**Construction cost
(5258 Sq.Ft. w/unfinished basement)**

	Act. Cost
3-1507 (Interior Paint)	46,347.23
3-1510 (Floor Covering/Protection)	231.55
Total 3-1500 (INTERIOR FINISHES)	195,414.00
3-1600 (CABINET & SPECIALTY WORK)	
3-1602 (Kitchen Cabinets)	76,925.37
3-1609 (Kitchen Countertop)	27,285.09
3-1611 (Back Splash)	2,597.31
3-1612 (Mirrors)	1,811.94
3-1613 (Shower Doors and Enclosures)	4,600.00
3-1615 (Secondary Closets and Shelving)	2,223.58
3-1616 (Wallpaper)	902.48
Total 3-1600 (CABINET & SPECIALTY WORK)	116,345.77
3-1700 (MECHANICAL TRIM OUT/ FINISH WORK)	
3-1701 (Plumbing fixtures)	11,348.95
3-1705 (Plumbing Trim out)	17,067.49
3-1706 (HVAC Trim out)	13,199.84
3-1709 (Electrical Fixtures)	17,226.47
3-1710 (Electrical Final / Trim out)	22,566.00
3-1713 (Appliances)	34,871.98
3-1715 (Appliances Installation)	1,000.00
3-1717 (Punchout Labor)	5,300.00
Total 3-1700 (MECHANICAL TRIM OUT/ FINISH WORK)	122,580.73
3-1800 (EXTERIOR AND SITEWORKS)	
3-1801 (Sewer Service Connection)	9,472.42
3-1804 (Electric Service Connection)	750.00
3-1805 (Driveway and Sidewalks)	28,377.32
3-1806 (Patios & Walks)	14,237.46
3-1807 (Irrigation System)	6,800.00
3-1810 (Landscaping)	56,939.95
3-1812 (Deck & Porch)	996.57
3-1814 (Fencing)	14,250.00
3-1815 (Gutters)	8,550.00
3-1816 (Garage Doors)	6,828.00
3-1817 (Iron Railings)	7,000.00
3-1818 (Mailbox)	375.71
Total 3-1800 (EXTERIOR AND SITEWORKS)	154,577.43
3-1900 (MISCELLANEOUS)	
3-1901 (Door Hardware)	5,360.27
3-1902 (Bathrooms Hardware)	502.95

**Elegant Homes
Single Family Spec Home**

**Construction cost
(5258 Sq.Ft. w/unfinished basement)**

	Act. Cost
3-1904 (Shutters)	850.00
3-1906 (Rough Clean up)	3,724.67
3-1907 (Final Clean up)	6,921.26
3-1908 (Elevator)	23,240.00
3-1909 (Cabinet Hardware)	1,637.10
Total 3-1900 (MISCELLANEOUS)	42,236.25
Total 3-1000 (DIRECT BUILDING AND CONSTRUCTION)	1,316,460.53
TOTAL	2,156,588.53



DHCA's Statement in Opposition to the Application

RE: Applications on 1043, 1047, 1051 Briarcliff Road- Request to Rezone from R-85 to RSM (Elegant Homes)

Viability of these lots as single-family home lots:

Relating to the applicant's claim that single family homes are not a viable alternative for developing on the existing 3 lots, market research and activity prove this is inaccurate statement. The majority of land use along the Druid Hill's stretch of Briarcliff is in fact single family homes, both newly built and existing historic/older properties.

Recent activity on the FMLS shows just one single family home is for sale asking \$1,249,000 for a 5 bedroom 3.5 bath home. Of the 8 homes sold in the past 12 months as of end of September, prices range from \$450k-\$875k for older stock (Pre-1970 built). This limited availability of supply of available homes for purchase furthers the case that demand exists for single family along this corridor at prices that greatly exceed the median home price.

Residential Detached

Active

#	FMLS #	Address	Subdivision	#Bd	#FB	#HB	Yr Built	Orig Price	List Price
1	5861487	1323 Briarcliff Road Ne	Druid Hills	5	3	1	1925	\$1,249,000	\$1,235,000
# LISTINGS:		1	AVG VALUES:	5	3	1	1925	\$1,249,000	\$1,235,000

Closed

#	FMLS #	Address	Subdivision	#Bd	#FB	#HB	Yr Built	Orig Price	List Price	CC	Sold Date	Sold Price	SP/OLP%	TDOM
1	5875298	1395 Ne Briarcliff Road	Druid Hills	5	3	0	1950	\$450,000	\$450,000	\$0	03-01-2018	\$480,000	106.67	30
2	6129204	1271 Briarcliff Road Ne	Druid Hills	3	2	0	1953	\$475,000	\$464,900	\$2,750	04-23-2019	\$460,000	96.84	32
3	6108018	1397 Briarcliff Road Ne	Druid Hills	3	2	0	1947	\$464,900	\$464,900	\$6,000	01-28-2019	\$450,000	96.80	111
4	5912433	1157 Briarcliff Road Ne	Druid Hills	3	2	0	1930	\$529,900	\$499,900	\$10,000	03-16-2018	\$500,000	94.36	143
5	5988636	1411 Briarcliff Road Ne	Druid Hills	4	2	1	1923	\$549,000	\$549,000	\$0	05-21-2018	\$565,000	102.91	5
6	5965586	1362 Briarcliff Road Ne	Druid Hills	3	2	0	1948	\$649,900	\$549,900	\$10,500	03-30-2018	\$542,200	98.60	16
7	6037159	1395 Briarcliff Road Ne	Druid Hills	6	3	1	1925	\$739,000	\$719,000	\$6,000	12-12-2018	\$715,000	96.75	114
8	6073310	1303 Briarcliff Road Ne	Druid Hills	5	4	2	1925	\$975,000	\$899,900	\$4,000	04-29-2019	\$875,000	89.74	163
# LISTINGS:		8	AVG VALUES:	4	3	1	1938	\$591,588	\$574,688	\$4,906		\$573,400	97.83	77



zillow.com/homedetails/1077-Bnardiff-Rd-NE-Atlanta-GA-30306/14507741_zpid/

CORRECT HOME FACTS SAVE SHARE MORE - CLOSE

ZESTIMATE RANGE **\$1.42M - \$1.72M** LAST 30 DAY CHANGE **+\$17,647 (+1.1%)** ONE YEAR FORECAST **\$1,543,325 (-1.1%)**

Zestimate history & details

Price / Tax History

Price History Tax History

DATE	EVENT	PRICE		AGENTS
7/24/2009	Sold	\$1,150,000	-45.2%	Peggy B Hibbert
3/10/2008	Listing removed	\$2,100,000		
10/10/2007	Listed for sale	\$2,100,000	+228.1%	
4/21/2006	Sold	\$640,000	+42.2%	
9/30/1998	Sold	\$450,000		

Report issue with price history

Neighborhood: 30306

Home Expenses

Nearby Schools in Druid Hills

Get no deposit + \$50 back Sponsored





michael quinn and associates, p.c.

6767 peachtree industrial blvd. • suite p
norcross, georgia 30092
770-452-0744

September 9, 2019

Mr. Amir Rahbar
Elite Estates, LLC
1043 Briarcliff Road NE
Atlanta, Georgia 30306

RE: 1047 & 1051 Briarcliff Road NE
MQ + A Project No. 19241

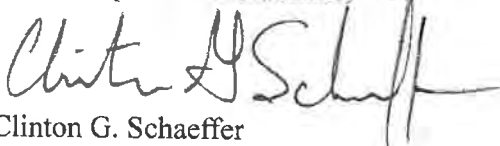
Dear Amir:

On September 6, 2019, the undersigned visited the referenced residences to evaluate the existing structures. Our observations were limited to the exposed portions of these structures, no soil or material tests were performed.

At the time of our visit, these structures were unoccupied. Evidence of roof leaks, including damaged sheetrock, mold and mildew was observed. Cracks in the exterior veneer indicating foundation settlement were observed. In our opinion, remediation of these structures to the proposed standards would require tearing the structures down to such an extent that demolishing and rebuilding new structures is the most efficient course of action.

Please do not hesitate to call if you have any questions, or if we can be of further assistance.

Sincerely,
Michael Quinn & Associates, P.C.


Clinton G. Schaeffer



consulting engineers

RECEIVED
OCT 15 2019
P/S

BRIARCLIFF ROAD

REZONING CASE –ELEGANT HOMES

Z-19-1243376

18-001-05-021 THROUGH -023

1043, 1047 AND 1051 BRIARCLIFF ROAD

Dunlavy Law Group, LLC



10/15

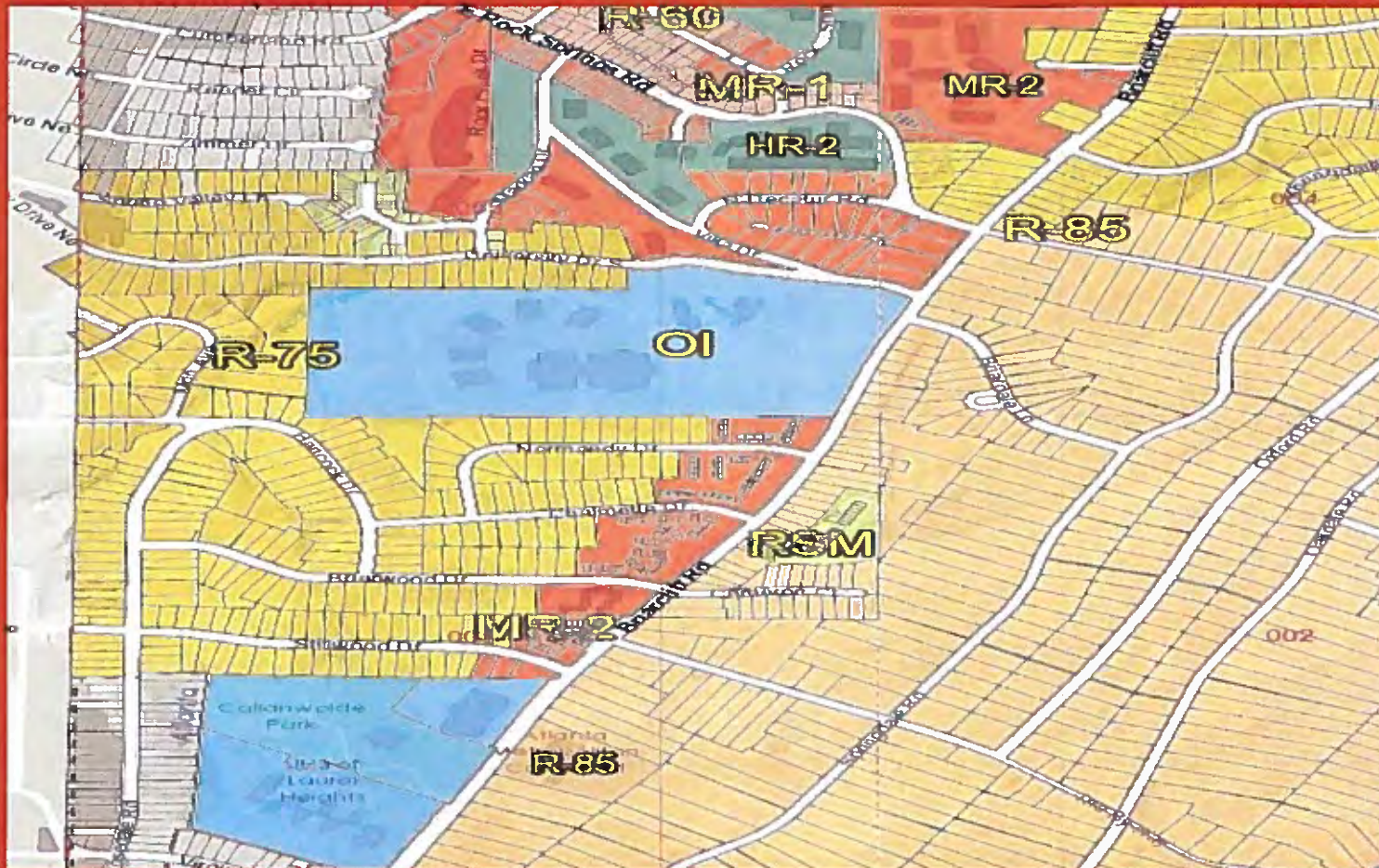


*Approximate
parcel lines



Dunlavy Law Group, LLC





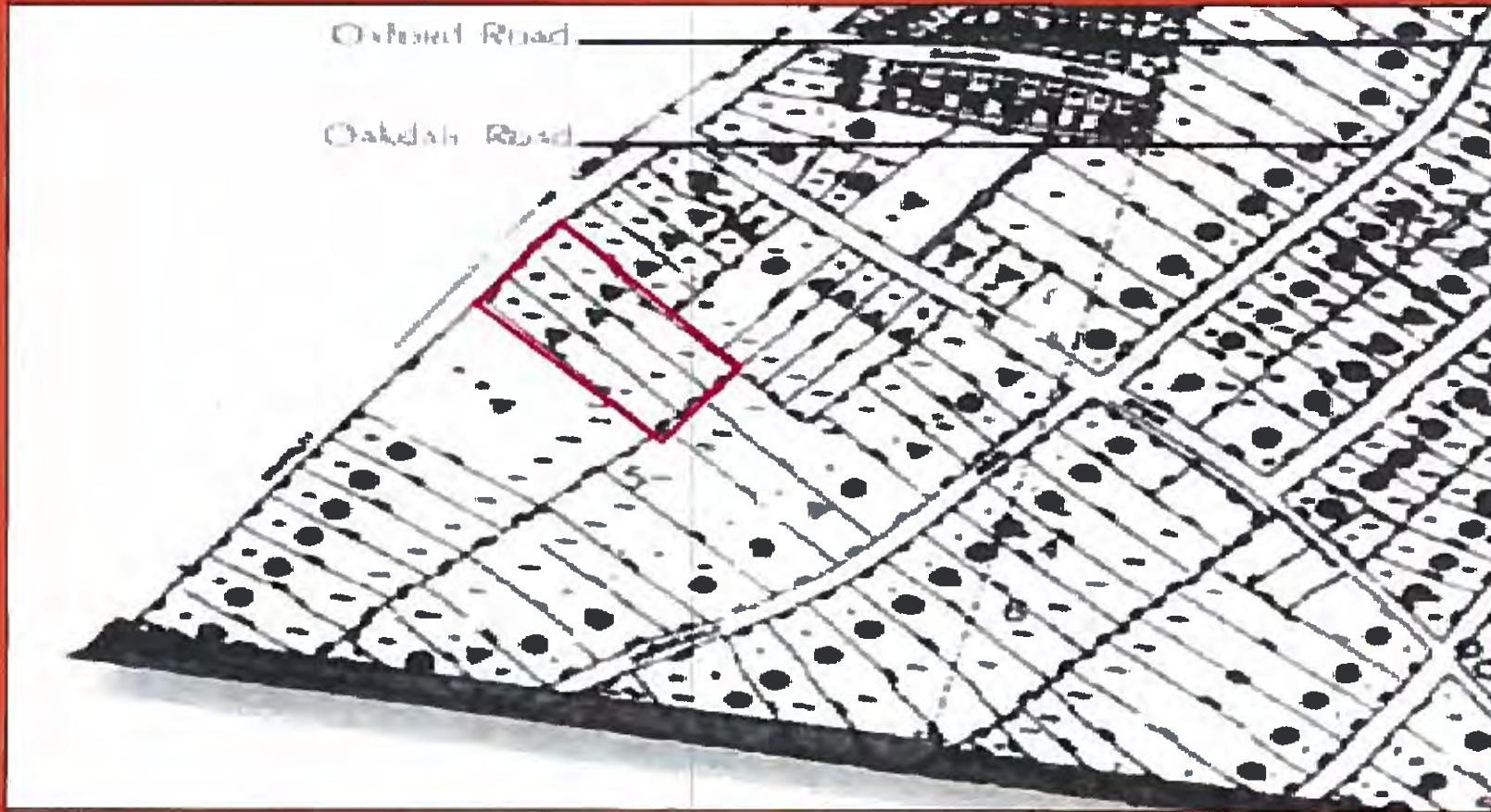
Dunlavy Law Group, LLC





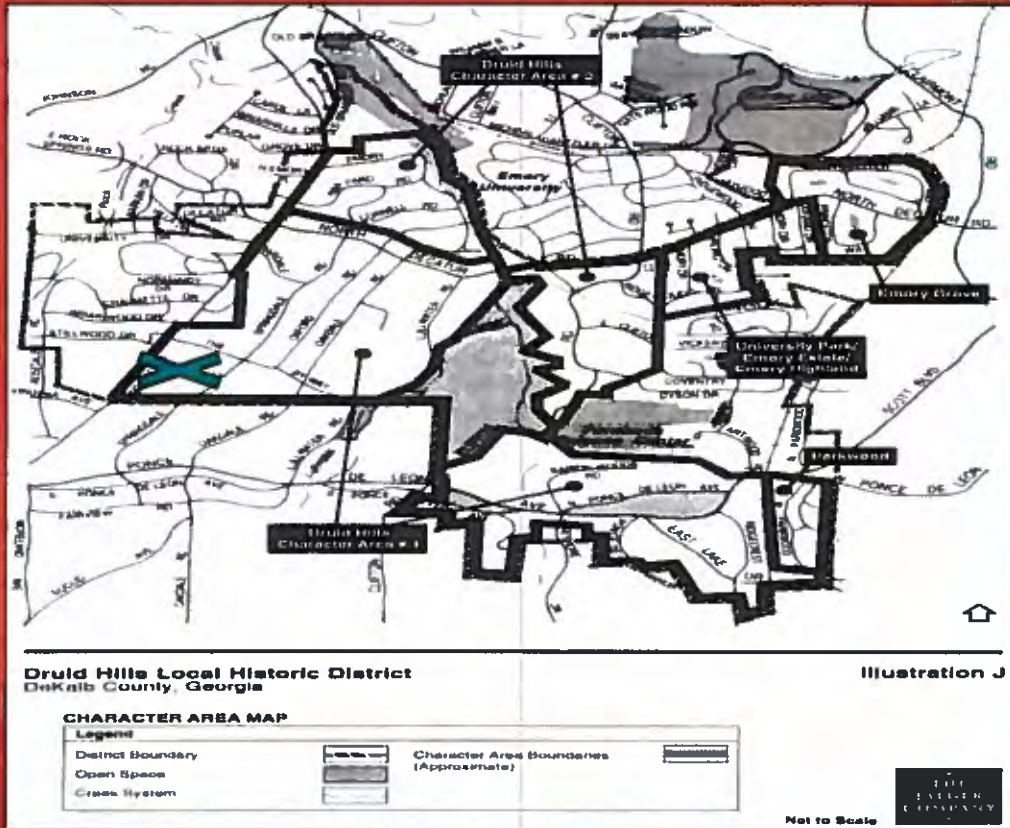
Dunlavy Law Group, LLC





Dunlavy Law Group, LLC





Dunlavy Law Group, LLC





Elevation Study

Looking at units 1-6 facing Briarcliff Road

for: Elegant Homes, LLC

by: ISW

07/03/2019

TSW

PLANNING
ARCHITECTURE
LANDSCAPE ARCHITECTURE



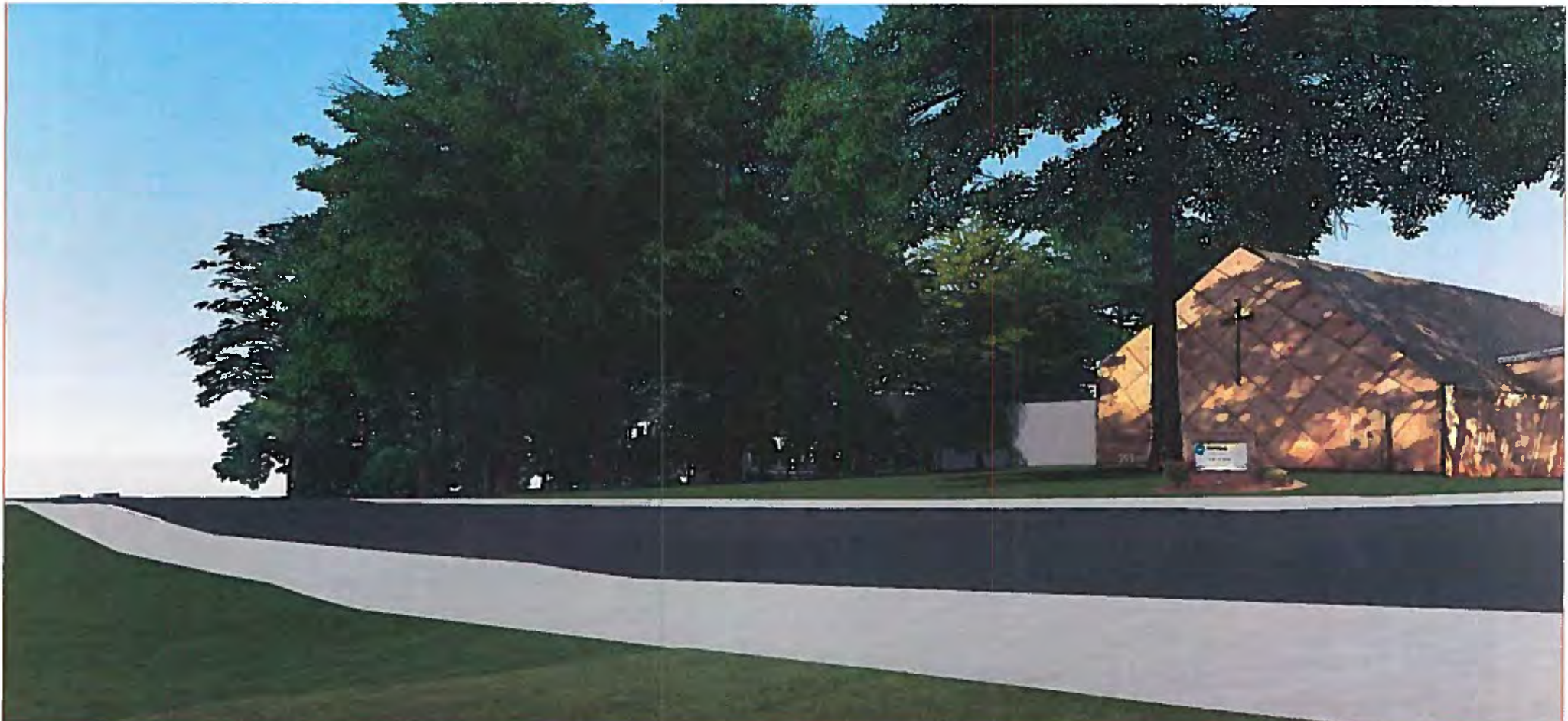
Dunlavy Law Group, LLC





Dunlavy Law Group, LLC





Dunlavy Law Group, LLC





Briarcliff Rd --

Dunlavy Law Group, LLC





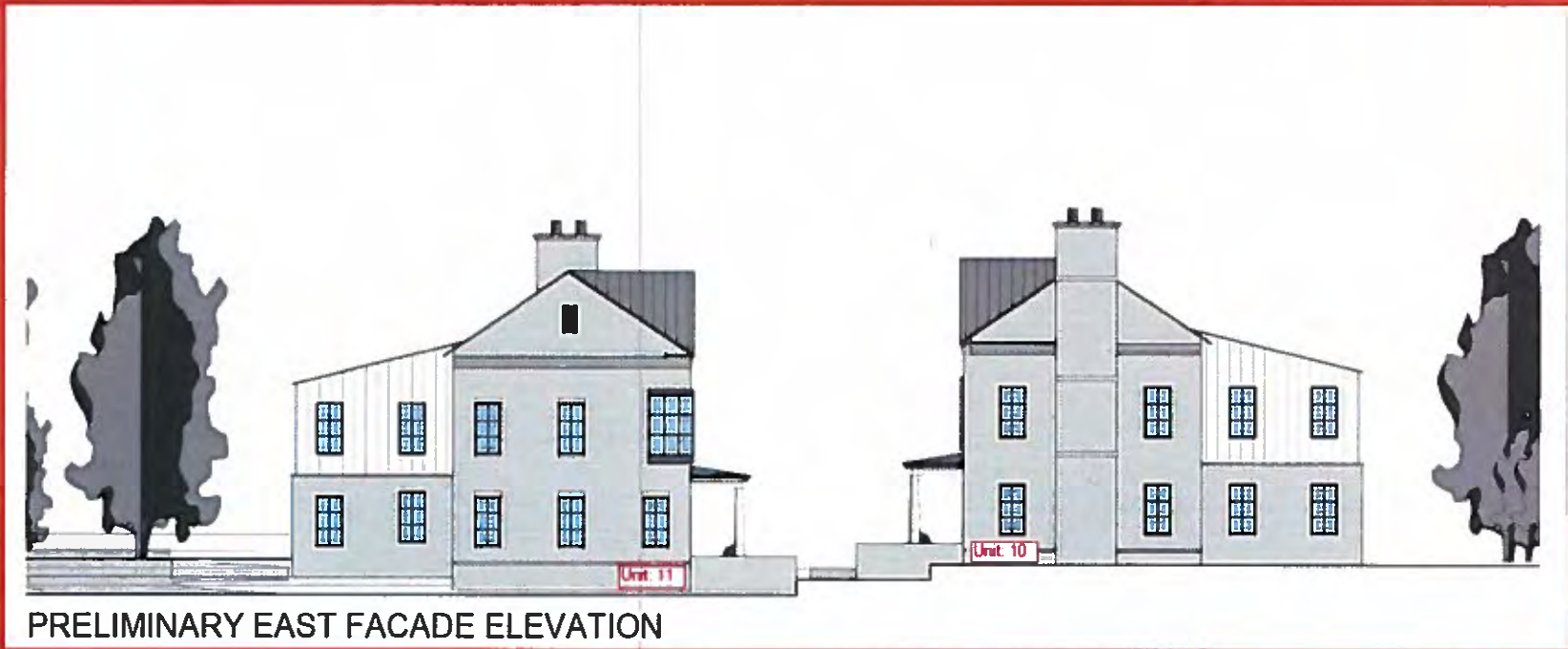
Dunlavy Law Group, LLC





Dunlavy Law Group, LLC





Dunlavy Law Group, LLC





Dunlavy Law Group, LLC



Feature	Specification
Lot size (3 lots combined)	3.02 acres
Density with 16 units	5.3 upa (max of 12 upa allowed)
Open space	64%
Zoning R 85 / TN	To RSM (small lot residential)/TN
Building height	35 feet
Front yard set back	141 feet
Rear yard set back	70 feet

Dunlavy Law Group, LLC

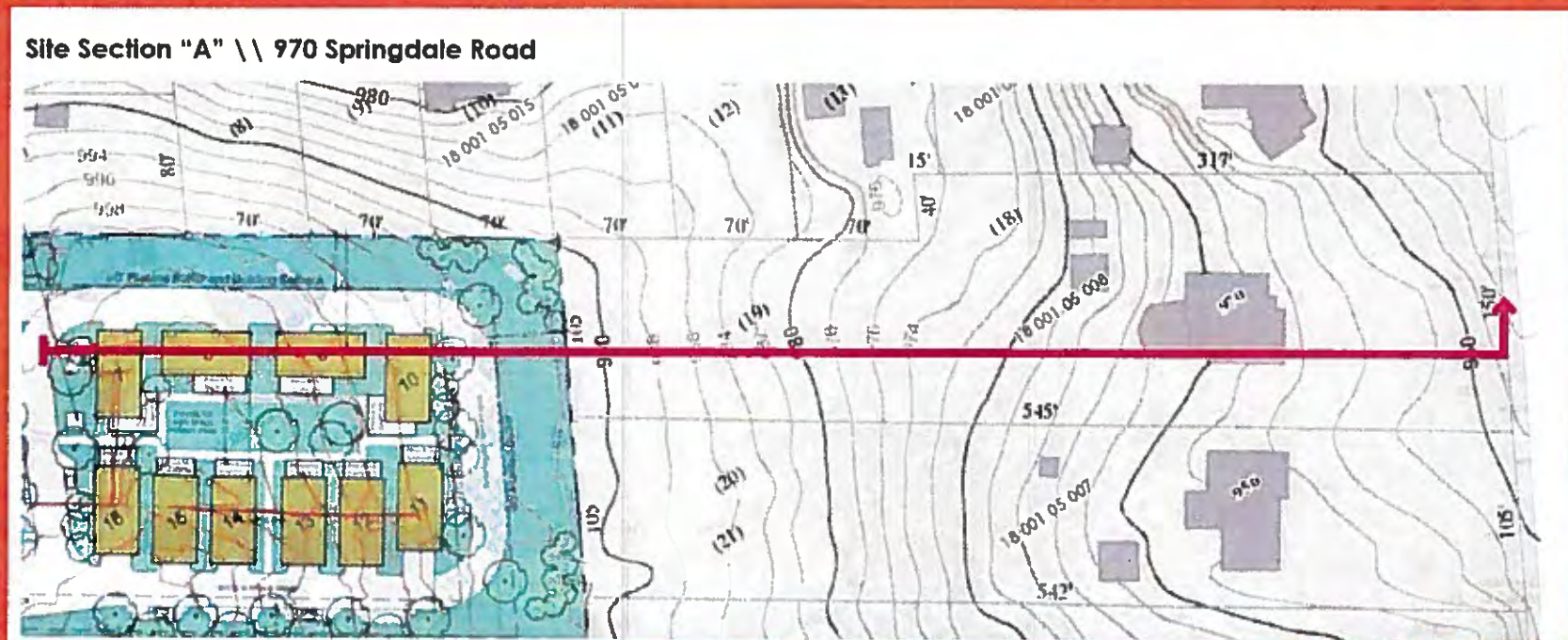


Feature	Specification
Interior side yard setbacks	30 feet
Planted buffers	40 feet at rear 30 foot north side 10 foot south side
Lot coverage	36%
Parking	64 total 19 for guests
Amenities	Courtyard open space Natural garden in front Interconnected pedestrian pathways
Druid Hills Architecture	Compliant with guidelines

Dunlavy Law Group, LLC

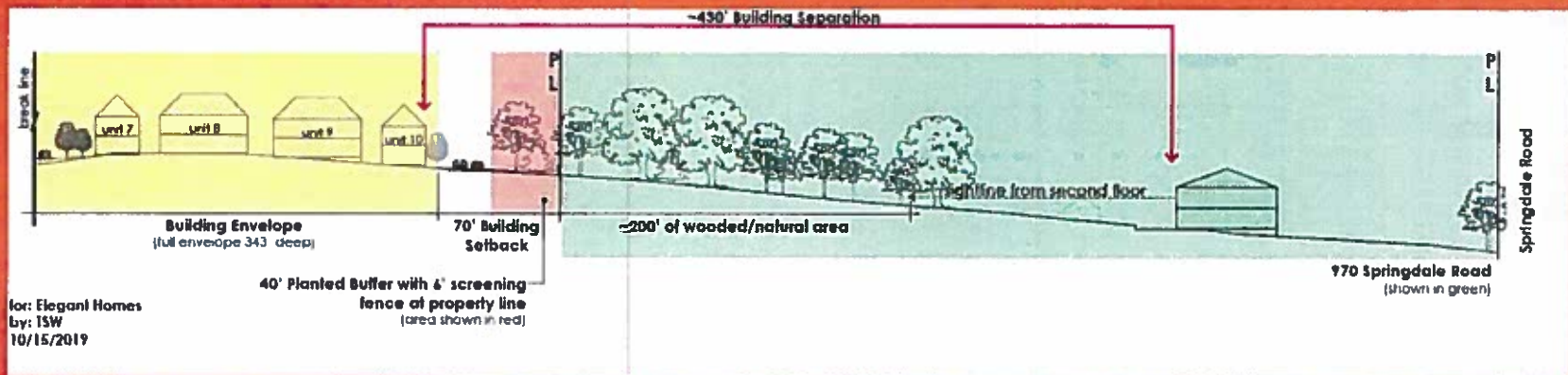


Site Section-970 Springdale



Dunlavy Law Group, LLC

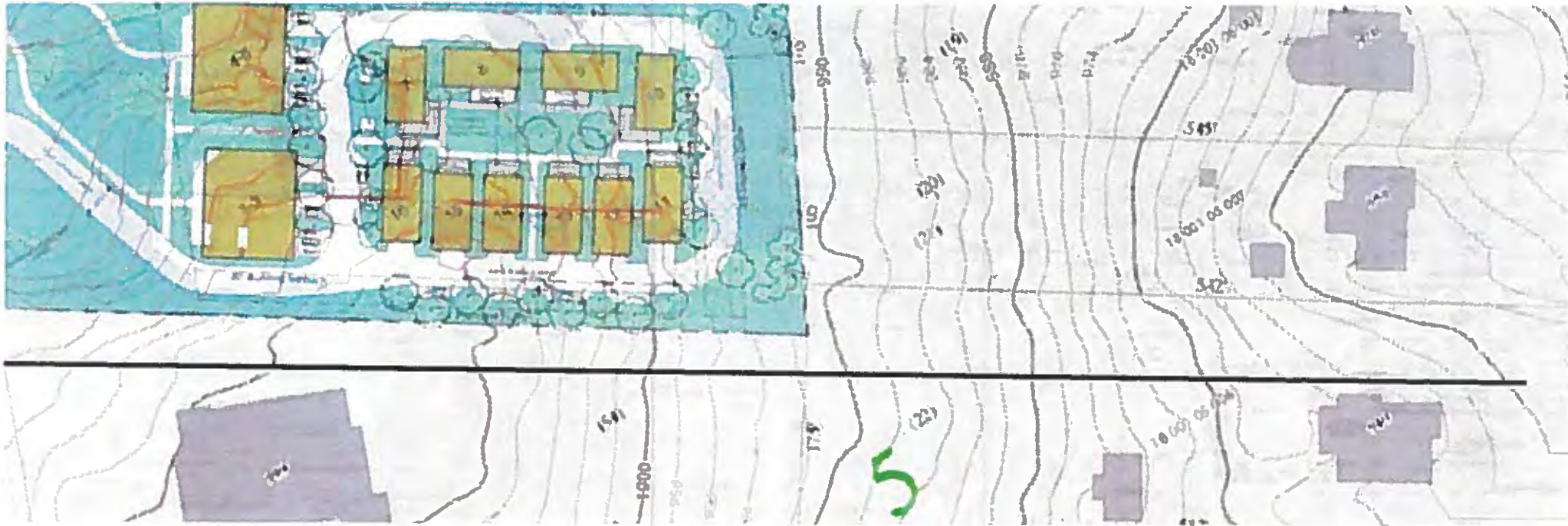




for: Elegant Homes
 by: ISW
 10/15/2019

Dunlavy Law Group, LLC





~430' Building Separation

