

March 14, 2017

Ms. Madolyn Spann
Planning Manager, DeKalb County
330 W. Ponce de Leon Ave., Third Floor
Decatur, Georgia 30030
mspann@dekalbcountyga.gov

RE: Waiver of Requirements for sidewalk improvements in conjunction with subdivision and development at 422 DeKalb Industrial Way, Decatur, GA 30030

Dear Ms. Spann:

I am writing today on behalf of MLS Kelly Lake, LLC who is the owner of that parcel of land located at 422 DeKalb Industrial Way, Decatur, GA 30030. In our application for sketch plat approval on this site, it was brought to our attention that current zoning codes would require the construction of sidewalk improvements in the Right of Way along DeKalb Industrial Way. However, as may be seen in the attached photos, Crockett Creek is currently abutting the roadway at DeKalb Industrial Way, and the bank of the creek is actually defined by a concrete wall that retains the ground beneath the roadway. As such, it would be physically and legally impossible to construct improvements above this large creek.

Due to these hardships, we are requesting that a waiver be granted by the Board of Commissioners from the ROW improvements along DeKalb Industrial way as would be required under Section 14-190 of the DeKalb County Code due to the following reasons:

- i. As referenced in Sec. 14-191-1a, the existing use of this portion of the property as stream buffer will not be altered or substantially changed.
- ii. As referenced in Sec. 14-191-2a, the existing use of the property will not be substantially changed, as there is no change as referenced with regard to ingress or egress.
- iii. As referenced in Sec. 14-191-2b, the allowable area for pavement width is below the minimum standard required for sidewalk construction along DeKalb Industrial Way
- iv. As referenced in Sec. 14-191-2e, the construction of improvements along this stretch of DeKalb Industrial Way would create a hazard for pedestrian, bicycle, and vehicular traffic along the thoroughfare.
- v. As referenced in Sec. 14-191-3b, the construction of improvements would require the removal of the existing vehicular guardrail in order to construct the improvements along DeKalb Industrial Way.
- vi. As referenced in Sec. 14-191-3c, the construction of improvements would cause unreasonable land development hardships because of topography and the proximity of Crockett Creek in order to construct the improvements along DeKalb Industrial Way
- vii. Construction of improvements would contradict Section 14-28-4 of the Code, and would directly endanger the county stream and floodplain of Crockett Creek.



We appreciate your consideration of this request for waivers, and look forward to addressing any additional comments or concerns.

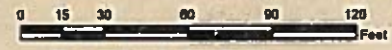
Sincerely,

Atticus LeBlanc
Manager
MLS Kelly Lake, LLC
1939 Hosea L Williams Dr NE
Atlanta, GA 30317
770.714.4617





422 Dekalb Industrial Way 18 048 02 002

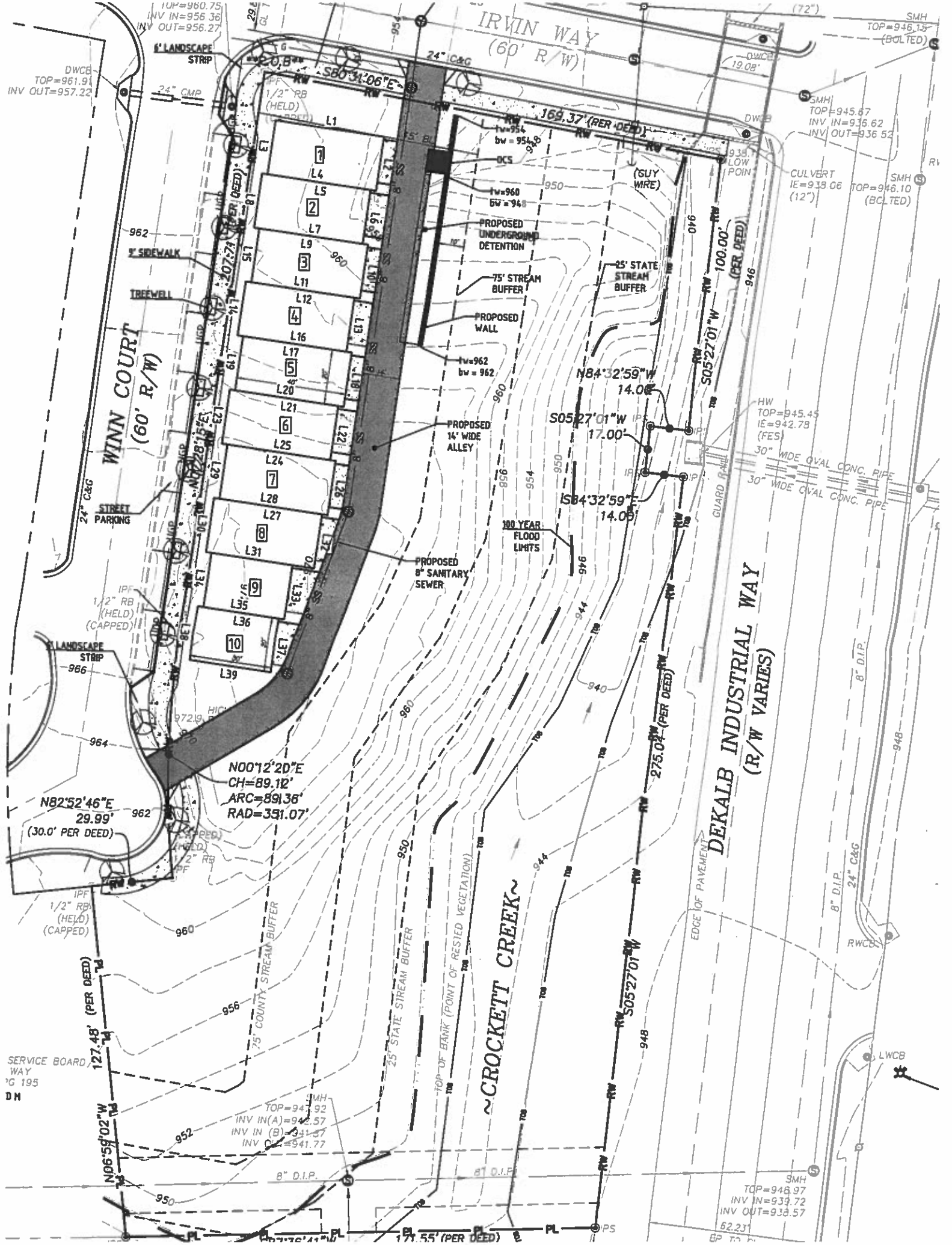


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TOP=960.75
INV IN=956.36
INV OUT=956.27

DWCE
TOP=961.91
INV OUT=957.22

1' LANDSCAPE STRIP

24" CMP

1/2" RB (HELD)

1' SIDEWALK

TREEWELL

24" C&G

STREET PARKING

IPF 1/2" RB (HELD) (CAPPED)

1' LANDSCAPE STRIP

IPF 1/2" RB (HELD) (CAPPED)

IPF 1/2" RB (HELD) (CAPPED)

IPF 1/2" RB (HELD) (CAPPED)

IPF 1/2" RB (HELD) (CAPPED)

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IPF 1/2" RB (HELD) (CAPPED)

IPF 1/2" RB (HELD) (CAPPED)

IPF 1/2" RB (HELD) (CAPPED)

IRVIN WAY
(60' R/W)

SMH
TOP=946.15
(BOLTED)

SMH
TOP=945.67
INV IN=936.62
INV OUT=936.52

SMH
TOP=946.10
(BOLTED)

CULVERT
IE=938.06
(12")

HW
TOP=945.45
IE=942.78
(FES)

30" WIDE OVAL CONC. PIPE

30" WIDE OVAL CONC. PIPE

8" D.I.P.

24" C&G

8" D.I.P.

8" D.I.P.

8" D.I.P.

8" D.I.P.

8" D.I.P.

SMH
TOP=948.97
INV IN=939.72
INV OUT=938.57

SMH
TOP=948.97
INV IN=939.72
INV OUT=938.57

SMH
TOP=948.97
INV IN=939.72
INV OUT=938.57

SERVICE BOARD WAY
'G 195
DH

127.48' (PER DEED)

N06°59'02"W

171.55' (PER DEED)

PL

PL

PL

~CROCKETT CREEK~

DEKALB INDUSTRIAL WAY
(R/W VARIES)

EDGE OF PAVEMENT

8" D.I.P.

24" C&G

8" D.I.P.

8" D.I.P.

8" D.I.P.

8" D.I.P.

8" D.I.P.

8" D.I.P.

8" D.I.P.

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8" D.I.P.

8" D.I.P.

8" D.I.P.

8" D.I.P.

LWCB

PL

PL

PL

PL

PL

PL

PL

PL

PL