

**Letter of Intent  
Variance Application – 1574 North Decatur Road  
DeKalb County, Georgia**

The Owner (JJOA Properties, LLC) and Applicant (Kimley-Horn and Associates, Inc.) request a variance from DeKalb County Code Section 14-191(b)(1) – Improvements, Right-of-way Dedication. The owner has recently converted the existing gas station at 1574 North Decatur Road into a Jimmy John's restaurant. There was not an expansion of the building for the change in use and there were only minor site modifications to repave the parking lot, adjust the driveway entrances, and add additional landscaping on the 0.23 acre site (10,076 sf). The Property is located entirely within DeKalb County parcel number 18 053 02 001, is within the Emory Village Overlay District, and is currently zoned C-1.

The Applicant requests a variance from the Board of Commissioners to waive the right-of-way dedication requirement of Code Section 14-191(b)(1) pursuant to Code Sections 14-191(e)(1)(a) & (b).

Section (a) states: "Existing use of the property is not to be substantially changed as a result of the proposed development or construction." Since there was not a building expansion and there were minimal site improvements it is held that the property has not substantially changed and this variance condition would apply.

Section (b) states: "Existing government construction plans for the roadway indicate lesser right-of-way would be required for dedication." Within the past 10 years, the North Decatur Road frontage underwent streetscape improvements in conjunction with the adjacent roundabout construction at the intersection of North Decatur Road and Oxford Road (reference roadway construction drawings for DeKalb County project number STP-0006-00(268)). Since the existing right-of-way with adjacent permanent easement was adequate for those improvements it is held that the lesser right-of-way is required and this variance condition would apply. The only way that a road widening that requires additional right-of-way would be necessary is if the roundabout was widened to a dual lane roundabout. At which point the entire property would be acquired.

In a compromise with the County, the Applicant is agreeable to convert the existing permanent sidewalk easement created as part of DeKalb County project number STP-0006-00(268) to permanent right-of-way. This meets the intent of Code Section 14-191(b)(1) while minimizing the impact to the parcel. It also allows the recently approved and constructed monument sign to remain in place and out of the right-of-way extents. The permanent easement to be converted to right-of-way is approximately 940 SF or 9.3% of the overall property area (10,076 sf).

For the above stated reasons, the Applicant respectfully request that the Board of Commissioners approves this variance request to reduce the amount of right-of-way to be dedicated. If there are any questions about this variance application, please do not hesitate to contact me at [casey.warfield@kimley-horn.com](mailto:casey.warfield@kimley-horn.com) or via telephone at 404-201-6151.

