

### **DeKalb County Department of Planning & Sustainability**

## 330 Ponce De Leon Avenue, Suite 300 Decatur, GA 30030

(404) 371-2155 / plandev@dekalbcountyga.gov

Planning Commission Hearing Date: January 08, 2019, 6:30 P.M. Board of Commissioners Hearing Date: January 22, 2019, 6:30 P.M.

**STAFF ANALYSIS** 

Case No.: 2018-3060/ Z-19-1235286 Agenda #: N.1

Location/Address: The southeast side of Henderson Commission District: 1 Super District: 7

Mill Road, approximately 453 feet

north of the intersection of Henderson Mill Road and Amblewood Court at 2405 Henderson Mill Road, Atlanta,

Georgia.

Parcel ID: 18-230-06-060

**Request:** To rezone property from R-100 (Residential Medium Lot) District to R-60

(Residential Small Lot) District to develop a single-family detached residence on

Z-19-1235286

a non-conforming R-100 lot.

**Property Owners:** Henry Zuver

**Applicant/Agent:** John T. Rosser

Acreage: .25 Acres

Existing Land Use: Undeveloped Lot

**Surrounding Properties:** Single-Family Residences

**Adjacent & Surrounding** 

Zoning:

North, West & East: R-100 (Residential Medium Lot) District

South, Further East, Further West & Northeast: R-60 (Residential Small Lot)

District

Comprehensive Plan: Suburban (SUB) Consistent X

Proposed Residential Units: 1	Existing Residential Units: N/A
Proposed Lot Coverage: <35%	Existing Lot Coverage: N/A

Prepared 1/10/2019 by: KFHILL Page 1

#### **SUBJECT SITE & ZONING HISTORY:**

The subject property is an undeveloped lot consisting of .25 acres on a two-lane minor arterial with a turn lane at 2405 Henderson Mill Road in unincorporated DeKalb County. The site is heavily wooded with mature trees and shrubbery. Henderson Commons Subdivision is south, east and west of the site with frontage on Henderson Mill Road and Amblewood Court. The site, a part of Cedar Hills Subdivision has been zoned R-100 (Residential Medium Lot) District since the adoption of the 1956 DeKalb County Ordinance. The parcel was not created or approved for platting by the County for the purpose of constructing a residential unit, but rather was platted for the purpose of serving as right-of-way (a County utility easement) to access the subdivision. The access easement was later closed. The site became a remnant lot owned by DeKalb County and was eventually sold to the applicant. The .25 acre lot size is not considered legal non-conforming. Therefore, the applicant is requesting to rezone to a more appropriate zoning district.

#### **PROJECT ANALYSIS:**

Per the submitted application, the applicant is requesting to rezone the site from the R-100 (Residential Medium Lot) District to R-60 (Residential Small Lot) District to develop one (1) single-family detached residence. Per information submitted by the applicant, the detached residence would range in house size from 3,000 to 3,400 square feet with a full, mostly buried basement.

#### **LAND USE**

The site is located within a Suburban Character Area designated by the 2035 Comprehensive Plan. The R-60 District is a permitted zoning within the Suburban Character Area and is consistent with the following Plan policies: Encourage residential development to conform with existing traditional neighborhood development principals; enforce residential infill development regulations in efforts to preserve and stabilize existing neighborhoods; and Encourage compatible architecture styles that maintain regional and neighborhood character.

#### **ZONING ANALYSIS**

The applicant is requesting to rezone one (1) vacant lot from R-100 (Residential Medium Lot) District to R-60 (Residential Small Lot) District to develop one (1) single-family residence. The intent of the R-100 District is to provide protection of neighborhoods within the county where lot sizes are a minimum of 15,000 square feet with 100 feet of frontage along a public street. The R-60 District allows residential developments on minimum 6,000 square foot lots with 60 feet of frontage along a public street. There are only four (4) single-family residential lots zoned R-100 along Henderson Mill Road in the area of the subject site. The zoning map depicts R-60 zoned properties further east and west of the site along Henderson Mill Road and south of the site pursuant to CZ-95069. These properties are developed with existing single-family detached residences. The subject site remains the only undeveloped residential lot in the immediate surrounding area. The minimum heated floor area for the R-100 district is 2,000 square feet. The applicant is proposing a minimum heated floor area of 3,000 square feet for the R-60 zoned district zoned lot. Per the submitted survey, the applicant is proposing side yard setbacks of 10 feet and a rear yard setback of 40 feet which is consistent with R-100 zoned lots. Given the compatibility of development standards (minimum heated floor area; side and rear yard setbacks) with other existing and approved single-family detached residences in the area, the Department of Planning and Sustainability recommends that the proposed R-60 zoning district is suitable for the subject site.

Section 27-7.3.4 of the DeKalb County Code states that the following standards and factors 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:

The zoning proposal is consistent with the following policies of the 2035 Comprehensive Plan: Enforce residential infill development regulations in efforts to preserve and stabilize existing neighborhoods; and Encourage compatible architecture styles that maintain regional and neighborhood character.

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 undeveloped lot is adjacent to and surrounded by established single-family detached residences. The rezoning request to the R-60 (Residential Small Lot) District for the one (1) lot with 60 feet of frontage will allow development of a single-family residence on the site. Adjacent and nearby lots are a mix of R-60 and R-100 along Henderson Mill Road and adjacent to the rear are R-60 lots (fronting Amblewood Court).

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

The undeveloped lot does not have a reasonable economic use because it fails to meet lot standards for construction of a single-family residence under the R-100 zoning district.

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

The zoning proposal to the R-60 District for one (1) lot will not adversely affect the usability of adjacent or nearby residential properties.

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 existing lot has only 60.20 feet of lot frontage on Henderson Mill Road. Although the site is zoned R-100, the lot doesn't meet the minimum 100 feet of frontage requirement for development within the R-100 zoning district. Approval of an R-60 zoning on the lot would allow development of a single-family residence.

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

There has been no indication that the proposed rezoning will adversely affect historic buildings, sites, districts or archaeological resources.

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:

There has been no indication from reviewing departments and agencies that the proposal will or could cause excessive use of existing streets, transportation facilities, utilities, or schools.

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

The rezoning proposal to the R-60 district should not adversely impact the environment or surrounding natural resources.

#### **COMPLIANCE WITH DISTRICT STANDARDS**

Per the chart below, the proposed R-60 single-family lot can comply with minimum development standards of the R-60 (Residential Small Lot) District per Table 2.2 of the DeKalb County Zoning Ordinance.

R-60 S	STANDARD	REQUIREMENT	PROPOSED	COMPLIANCE
MIN.	LOT WIDTH	60 feet	60.20 feet (Existing)	Yes.
MIN. LOT AREA		6,000 sq. ft.	10,187 sq. ft. (Existing)	Yes.
VIIN. YARD SETBACKS	FRONT	Min 20 ft. from arterial (Henderson Mill Road)	35 feet	Yes.
YARD SE	INTERIOR LOT - SIDE	7.5 feet	10 feet	Yes.
Ν̈́	REAR	30 feet	40 feet	Yes.
MAX.	HEIGHT	35 feet	Max 28 feet	Yes
MIN.	FLOOR AREA OF LING	1,200 sq. ft.	3,000 sq. ft.	Yes.
MAX.	LOT COVERAGE	35%	35%	Yes.
MIN.	PARKING e 6	Minimum 2 parking spaces	Minimum 2 parking spaces	Yes.
OPEN	SPACE PROVIDED	N/A – 1 Lot	N/A	N/A
LINEAR FT OF NEW SIDEWALK		Sidewalk currently exists	N/A	N/A

#### STAFF RECOMMENDATION: APPROVAL WITH CONDITIONS

The zoning proposal to the R-60 (Residential Medium Lot) District is consistent with the following policy of the 2035 Comprehensive Plan: Encourage compatible architecture styles that maintain regional and neighborhood character. The request is consistent and compatible with adjacent and nearby residential property zoned R-60 pursuant to CZ-95069 along Henderson Mill Road and Amblewood Court. The Department of Planning and Sustainability recommends "APPROVAL" of the rezoning request subject to the recommended conditions.

- 1. Site shall be rezoned to R-60 (Residential Small Lot) District to develop one (1) single-family residence.
- 2. The minimum heated floor area shall be 3,000 square feet.

#### **NEXT STEPS**

Following an approval of this modification 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 space and for use of property for any business type. The issuance follows the review of submitted plans if required based on the type occupancy.)
- Plat Approval (Required if any parcel is being subdivided, re-parceled, or combined. Issued "administratively"; no public hearing required.)
- **Sketch Plat & Final 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.



# DEKALB COUNTY GOVERNMENT PLANNING DEPARTMENT

The following areas below may warrant comments from the development Division. Please respond accordingly as the issues relate to the proposed request and the site plan enclosed as it relates to Chapter 14. You may address applicable disciplines.

#### **DEVELOPMENT ANALYSIS:**

#### Transportation/Access/Row

Consult the the DeKalb County Transportation Department prior to land development permit. Verify widths from the centerline of the roadways to the property line for possible right-of-way dedication. Improvements to include sidewalk within the right-of-way may be required as a condition for building permit application review approval. Safe vehicular circulation is required. Paved off-street parking is required.

#### • Storm Water Management

Compliance with the Georgia Stormwater Management Manual, DeKalb County Code of Ordinances 14-40 for Stormwater Management and 14-42 for Storm Water Quality Control, to include Runoff Reduction Volume where applicable is required as a condition of land development permit approval. Use Volume Three of the G.S.M.M. for best maintenance practices. Use the NOAA Atlas 14 Point Precipitation Data set specific to the site. Recommend Low Impact Development features/Green Infrastructure be included in the proposed site design as much as practicable.

#### Flood Hazard Area/Wetlands

The presence of FEMA Flood Hazard Area was not indicated in the County G.I.S. mapping records for the site; and should be noted in the plans at the time of any land development permit application. Encroachment of flood hazard areas require compliance with Article IV of Chapter 14 and FEMA floodplain regulations.

#### • Landscaping/Tree Preservation

Landscaping and tree preservation plans for any building lot must comply with DeKalb County

Code of Ordinances 14-39 as well as Chapter 27 Article 5 and are subject to approval from the

County Arborist.

#### • Tributary Buffer

State water buffer was not reflected in the G.I.S. records for the site. Typical state waters buffer have a 75' undisturbed stream buffer and land development within the undisturbed creek buffer is prohibited without a variance per DeKalb County Code of Ordinances 14-44.1.

#### Fire Safety

<u>Plans for land development permit must comply with Chapter 12 DeKalb County Code for fire protection and prevention.</u>

Zoning Comments (Jan 2019)

N1. No comment.

N2. Engineer must verify sight distance when placing driveways.

N3. No Comment.

N4 & N5. Rock Chapel Road is State Road 124. GDOT review and approval required prior to issuing any permits. GDOT Contact: Justin Hatch at <a href="mailto:juhatch@dot.ga.gov">juhatch@dot.ga.gov</a> Minor Arterial. Refer to Section 14-190 of the Land Development Code and Chapter 5.4.3 of the Zoning Code for infrastructure requirements. No acceleration lane. Prefer deceleration lane. Verify driveway placement to ensure required sight distance requirements are met based on the speed limit and curvature of roadway. 6 foot sidewalk. Street lights required.

N6. No Comment.

N7. Refer to Section 14-190 of the Land Development Code and Chapter 5.4.3 of the Zoning Code for infrastructure requirements. Tilson Road is classified as a collector street. Right of way dedication of 35 feet from centerline, 6-foot sidewalks, street lights, bike lanes required. Verify driveway placement to ensure required sight distance requirements are met based on the speed limit and curvature of roadway. Interior streets to be local- 55 foot right of way, five foot landscape strip, 5 foot sidewalk, street lights required.

N8. Refer to Section 14-190 of the Land Development Code and Chapter 5.4.3 of the Zoning Code for infrastructure requirements. River Road is classified as a minor arterial. Right of way dedication of 35 feet from centerline, 6-foot sidewalks, street lights, bike lanes required. Verify driveway/roadway placement to ensure required sight distance requirements are met based on the speed limit and curvature of roadway. Interior streets to be local- 55 foot right of way, five foot landscape strip, 5 foot sidewalk, street lights required.

N9. Cook Road is within the GDOT I-20 Right of Way. GDOT review and approval for access is required prior to issuing any permits. GDOT Contact: Justin Hatch at <a href="mailto:juhatch@dot.ga.gov">juhatch@dot.ga.gov</a>. Construct sidewalks up to Flat Shoals Road within the existing right of way.

N10. No comment.

N11. No comment.

N12. No comment.

N13. No comment.

N14. Candler Road is State Route 155. GDOT review and approval required prior to permitting. GDOT Contact: Justin Hatch at <a href="mailto:juhatch@dot.ga.gov">juhatch@dot.ga.gov</a> GDOT review and approval for access is required prior to issuing any permits.

N15. Covington Hwy is a State Route. GDOT review and approval for access is required prior to issuing any permits. GDOT Contact: Justin Hatch at <a href="mailto:juhatch@dot.ga.gov">juhatch@dot.ga.gov</a>. Refer to Section 14-190 of the Land Development Code and Chapter 5.4.3 of the Zoning Code for infrastructure requirements. Covington Hwy is classified as a major arterial. Right of way dedication of 50 feet from centerline, 6 foot sidewalks,

10 foot landscape strip, street lights, bike lanes required. Verify driveway/roadway placement to ensure required sight distance requirements are met based on the speed limit and curvature of roadway. Interior streets to be local- 55 foot right of way, five foot landscape strip, 5 foot sidewalk, street lights required. Porter Road is classified as a local street. Bring frontage of Porter up to local street standards, including right of way dedication, as needed, sidewalks and streetlights.

N16. Refer to Section 14-190 of the Land Development Code and Chapter 5.4.3 of the Zoning Code for infrastructure requirements. Pleasant Hill Trail is classified as a local road. Right of way of 27.5 feet from centerline, six foot landscape strip, 5 foot sidewalks, street lights requires. Pleasant Hill Road is classified as a minor arterial. Right of way 40 from centerline, 10 foot landscape strip, 6 foot sidewalks, street lights required. Right of way Verify driveway/roadway placement to ensure required sight distance requirements are met based on the speed limit and curvature of roadway. Interior streets to be local-55 foot right of way, five foot landscape strip, 5 foot sidewalk, street lights required. All public road right of ways must be brought up to current standards.





## 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 OR JOHN REID JREID@DEKALBCOUNTYGA.GOV

## COMMENTS FORM: PUBLIC WORKS TRAFFIC ENGINEERING

Case No.: 2-19-123 5286 Parcel I.D. #	: 18-230-06-060
Address: 2405 Arndrusch Mill Ed ATLANTA GA 30345	
Adias	cent Roadway (s):
(classification)	(classification)
Capacity (TPD)	
Latest Count (TPD) Hourly Capacity (VPH) Peak Hour. Volume (VPH) Existing number of traffic lanes Existing right of way width Proposed number of traffic lanes Proposed right of way width	Hourly Capacity (VPH) Peak Hour. Volume (VPH) Existing number of traffic lanes Existing right of way width Proposed number of traffic lanes
Please provide additional information relating to the following	ing statement.
generate an average of fifteen (15) vehicle trip end (VTE) pe	ngineers (ITE) <u>6/7<sup>TH</sup></u> Edition (whichever is applicable), churches or 1, 000 square feet of floor area, with an eight (8%) percent peak hou to place of worship building would generate
peak hour factor. Based on the above referenced formula, t	ten (10) VTE's per day per dwelling unit, with a ten (10%) percent he(Single Family Residential) District designation which allow he project site is approximatelyacres in land area,daily be generated with residential development of the parcel.
COMMENTS:	
Would disrupt Traffe	de Fourd Nothing that
	50

Signature: David Mass

#### DEKALB COUNTY



## 12/21/2018

To: Ms. Madolyn Spann, Planning Manager

Mr. John Reid, Senior Planner

From: Ryan Cira, Environmental Health Manager Cc: Alan Gaines, Technical Sevices 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 12/21/2018

N.1	Z-19-1235286 2018-3060 18-230-06-060
Amendment	SON MILL RD, ATLANTA, GA 30345 v general comments.
N.2	CZ-19-1235306 2018-3061 15-146-04-018
Amendment	JGH AVE, ATLANTA, GA 30316  general comments.
N.3	SLUP-19-1235300 2018-3062 15-141-02-063
Amendment	I RD, ATLANTA, GA 30316  general comments.
N.4	Z-19-1235308 2018-3063 16-154-04-008
Amendment	APEL RD, LITHONIA, GA 30058  genral commemts.



401,371,2155 (c) 404,371,4556 (t) DeKalistountytia gov Clark Harrison floiding

#### DEPARTMENT OF PLANNING & SUSTAINABILITY

OCT 1 6 2018

Rezoning Application to Amend the Official Zoning Map of DeKalb

County, Georgia

Date Received	Application No: 7-17-1235206
Applicant Name:	R
Applicant E-Mail Address. TOMROSSE	RSLEGMIL. CON
Applicant Mailing Address: 3 eakilub	ST COMMON DR. DECATUR GA 30000
Applicant Daytime Phone: 676 446 7	Fax
Owner Name Hexital Zuver If more th	an one owner, attach list of owners
	WIA CIRCLE DECATUR, GA 30033
Address of Subject Property 2405 H	ENDERSON MILLRO
Parcel ID# 18 230 6 6 060	
Acreage 25	Commission District.
Present Zoning District(s): R.100	
Proposed Zoning District: 72 - 60  Present Land Use Designation:	SEE ATTACHED PESIDENTIAN 12-100
Proposed Land Use Designation (if applicat	

Tom Rosser

3 Oakhurst Common Dr Decatur, GA 30030

9/25/2018

Neighbors of 2405 Henderson Mill

RE: Rezoning property at 2405 Henderson Mill Road

You are invited to a pre-submittal community meeting.

We have the property at 2405 Henderson Mill under contract and intend to build our home, plans pending. DeKalb County is requiring the property be rezoned due to the current R-100 zoning for the area. This zoning classification requires a minimum of 100' of road frontage. This property has 60' of road frontage. Many of the existing homes in the area do not meet R-100 zoning (see attached map)

Please join us at the Holiday Inn – Northlake, 2158 Ranchwood Dr. NE, Atlanta, GA 30345 on October 11<sup>th</sup>, 2018 at 7:00 PM to receive answers to any questions you may have.

Thank you,

Tom Rosser 678 446-7368

Project 2405 Ha	HOSKEON MILL NO.	6' stimp fates 10/	RECEIVED
Narm-	Address	Phino	
TOM ROSSEL	3 pokuluses Com	Man DR. 67844673	BY:
ELAINE DRA	STON 1516 KEEL L	NE DR - HO4 72712	sol elamedraylonewation
Margavet P. I	Trayton 1546 Reel	Lahe Dr 17701356.10	177 Pinkney Drantonegmail.com
	1		

0.7

## **Letter of Application**

Subject: Rezoning Application for 2405 Henderson M

	REC	HI	VEI	
ill	<sub>Rd.</sub> OCT	16	2018	
	BY:	***		

- a. The proposed Zoning classification is R-60
- b. The reason for rezoning is because current zoning is R-100, the lot is 60.2' wide, 180' deep and 10, 803 square feet. It does not meet Staff's interpretation for consideration for an Administrative Variance as a non-conforming lot.
- C. The existing use is "none". It is Zoned residential and taxed as residential property since 1997. The lot has never been improved. The proposed use is Single Family Detached (SFD), meeting all R-60 restrictions and setbacks.
- d The characteristics of the proposed structure are:

one (1) SFD residence between 3000 and 3400 square feet of heated space, drive under 2-car garage (rear) under 281 feet in height, on a full, mostly buried basement.

leaving the maximum number of existing trees and planting other trees

d Opt. No neighbors attended the Pre-Application Meeting and there have been no discussions with neighbors or anyone in the community

## **Impact Analysis Answers**

A Yes. Property is a residential tax parcel and will have a Single Family 0CT 1 6 2018

Detached residence built there if Rezoned.

By:

RECEIVED

- B Yes. Property is surrounded by Single Family Detached.
- C No. Property is Zoned R-100 and only has 60' of road frontage and 10,816 of square feet. Rezoning is required for any use.
- D No. Property will be used for Single Family Detached and is surrounded by same.
- E No. There are no supporting grounds for disapproval. There are many non-conforming properties abutting this property and in the immediate vicintity. It has been taxed as a residential property since 1997
- F No.
- G No.







