

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

330 Ponce De Leon Avenue, Suite 300 Decatur, GA 30030 (404) 371-2155 / plandev@dekalbcountyga.gov

Michael ThurmondPlanning Commission Hearing Date: September 1, 2020Chief Executive OfficerBoard of Commissioners Hearing Date: September 24, 2020

### **STAFF ANALYSIS**

Case No.:	Z-20-1244119	Agenda #: N.7
Location/Address:	Southeast corner of Scott Boulevard and Pensdale Road, at 1377 Scott Boulevard Decatur, Georgia.	Commission District: 02 Super District: 06
Parcel ID:	18-050-12-005	
Request:	To rezone property from R-75 (Single-Family Residential) District to R-60 (Single-Family Residential) District to create two lots.	
Property Owner/Agent:	Same As Applicant	
Applicant/Agent:	Daniel J Reuter	
Acreage:	.37 acres	
Existing Land Use:	Detached Single Family Structure	
Surrounding Properties/ Adjacent Zoning:	North: R-75(Residential Small Lot) District; Detached Single Family Residences. East: R- 75(Residential Small Lot) District; Detached Single Family Residences South: R- 75(Residential Small Lot) District; Detached Single Family Residences West: R- 75(Residential Small Lot) District; Detached Single Family Residences	
Comprehensive Plan:	Suburban (SUB)	X

Consistent

Inconsistent

Proposed Density: N/A	Existing Density: N/A
Proposed Square Ft.: N/A	Existing Units/Square Feet: N/A
Proposed Lot Coverage: N/A	Existing Lot Coverage: N/A

### **SITE ANALYSIS**

The subject property has approximately .37 acres and has approximately 80 feet of street frontage along Scott Boulevard and approximately 200 feet along Pensdale Road. The property is currently developed with a one-story stucco house along with mature trees. To the north of the subject property across Scott Boulevard road is a detached single family residence on an R-75 (Residential Small Lot) zoned property. Directly east and south are detached single-family residences on R-75 (Residential Small Lot) zoned properties. West of the subject property, across Pensdale Road are detached single family residences on R-75 (Residential Small Lot) zoned property.

### **ZONING HISTORY**

Based on DeKalb County records, it appears that the zoning of the property has not changed since adoption of the first zoning ordinance and map in 1956.

### ZONING ANALYSIS

The site is currently zoned R-75 (Residential Medium Lot). The proposed R-60 (Single-Family Residential) zoning district will be inappropriate for the site given its inconsistency with the surrounding zoning classifications and lot sizes.

Per section 27- 2.8.1. of the DeKalb County Zoning ordinance, the intent of the R-60 (Single-Family Residential) zoning district is to provide for the protection of neighborhoods within the County where lots have a minimum area of six thousand (6,000) square feet or three thousand five hundred (3,500) square feet. The proposed R-60 (Single-Family Residential) zoning district incompatible with adjacent and surrounding R-75 zoned properties. Per the County's GIS, majority of those lots that surround the subject property have lot sizes that ranged from approximately 14,000 to 16, 000 square feet. The R-75 zoning district requires a minimum lot size of 10,000 square feet, causing the proposal of R-60 to be inconsistent with the adjacent and surrounding lot sizes.

### PROJECT ANALYSIS

Per the submitted application and site plan, the applicant is requesting to rezone the subject property from R-75 (Residential Medium Lot -75) District to R-60 (Residential Medium Lot) District to subdivide the subject property into two individual lots. The existing structure currently has an old swimming pool in the rear yard. The applicant is proposing to remove the existing swimming pool and construct a new home on the second lot.

Per the applicant, all the existing trees on the site will be retained. The buffers and landscaped areas on the property will be retained and enhanced.

Per the letter of intent, parking for the proposed home would be accessed from Pensdale Road with a built drive-way in the side-yard adjacent to the existing home. The existing home will remain on the original lot.

### **IMPACT ANALYSIS**

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 2035 Comprehensive Plan designates the subject site within the Suburban (SUB) Character Area. The Suburban (SUB) Character Area is identified as areas with low pedestrian orientation, limited transit access, scattered civic buildings, and curvilinear street patterns. The proposed rezoning and development is compatible with the policy and intent of the 2035 Comprehensive 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:

The proposed rezoning to the R-60 (Residential Medium Lot) District will allow for the development of a single family detached structure which will be compatible with adjacent and surrounding uses of the subject properties.

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

The subject property has a reasonable economic use as currently zoned.

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

The rezoning request to the R-60 (Single-Family Residential) zoning district should not adversely affect the use or usability of adjacent and/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:

Per section 27- 2.8.1. of the DeKalb County Zoning ordinance, the intent of the R-60 (Single-Family Residential) zoning district is to provide for the protection of neighborhoods within the County where lots have a minimum area of six thousand (6,000) square feet or three thousand five hundred (3,500) square feet. The proposed R-60 (Single-Family Residential) zoning district incompatible with adjacent and surrounding R-75 zoned properties. Per the County's GIS, majority of those lots that surround the subject property have lot sizes that ranged from approximately 14,000 to 16,000 square feet. The R-75 zoning district requires a minimum lot size of 10,000 square feet, causing the proposal of R-60 to be inconsistent with the adjacent and surrounding lot sizes.

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

There are no known historic buildings, sites, districts or archeological resources that would be adversely affected by the rezoning request to the R-60 District.

# 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 zoning proposal will would not cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.

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

The request for R-60 zoning on the site should not adversely impact the environment or surrounding natural resources. The applicant will be required to go through the Land Disturbance Permitting (LDP) process to ensure the tree preservation standards and storm water management standards requirements are met.

### **COMPLIANCE WITH DISTRICT STANDARDS PER TABLE 2.2**

Property zoned for R-60 (Residential Medium Lot) must comply with minimum development standards per Article 2 – Table 2.2 Residential Zoning Districts Dimensional Requirements of the DeKalb County Zoning Ordinance.

RSM STANDARD	REQUIREMENT	PROPOSED	COMPLIANCE
LOT WIDTH (M)	60 FEET	75 feet	YES
LOT AREA (M)	6,000 SQUARE FEET/ 3,500 SQUARE	6,000 SQUARE FEET	YES
LOT COVERAGE	35% (MAXIMUM)	N/A	N/A
FRONT BUILDING SETBACK	20 FEET	20 FEET	YES
SIDE BUILDING SETBACK	7.5 FEET	0 FEET	YES
REAR SETBACK	30 FEET	30 FEET	YES
HEIGHT	35 FEET	Under 35 Feet	YES
PARKING – ARTICLE 6	TWO (2) SPACES PER DWELLING UNIT	2 SPACES	YES
OPEN SPACE	MINIMUM 20%	20%	YES

### **STAFF RECOMMENDATION: DENIAL**

The intent of the R-60 (Single-Family Residential) zoning district is to provide for the protection of neighborhoods within the County where lots have a minimum area of six thousand (6,000) square feet or three thousand five hundred (3,500) square feet. The proposed R-60 (Single-Family Residential) zoning district will be incompatible with adjacent and surrounding R-75 zoned properties. Per the County's GIS, majority of those lots that surround the subject property have lot sizes that ranged from approximately 14,000 to 16,000 square feet. The R-75 zoning district requires a minimum lot size of 10,000 square feet, causing the proposal of R-60 to be inconsistent with the adjacent and surrounding lot sizes. Therefore, it is the recommendation of Planning and Sustainability Department that the rezoning from R-75 (Residential Medium Lot) District to R-60 (Residential Medium Lot) District be **DENIED.** 

Attachments:

- 1. Department and Division Comments
- 2. Application
- 3. Site Plan
- 4. Zoning Map and Land Use Map
- 5. Aerial Photograph/Site Photographs



### DEKALB COUNTY GOVERNMENT PLANNING DEPARTMENT **DISTRIBUTION FORM**

**NOTE:** PLEASE RETURN ALL COMMENTS VIA EMAIL OR FAX TO EXPEDITE THE PROCESS TO MADOLYN SPANN MSPANN@DEKALBCOUNTYGA.GOV OR JOHN REID JREID@DEKALBCOUNTYGA.GOV

### **COMMENTS FORM: PUBLIC WORKS TRAFFIC ENGINEERING**

Capacity (TPD) Latest Count (TPD) Hourly Capacity (VPH)	_ Capacity (TPD) Latest Count (TPD) Hourly Capacity (VPH)
(classification)	(classification)
Adjacent	Roadway (s):
Address: 1377 Scott Blad Decather EA	
	8-050-12-005

	• • • • •
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) 6/7<sup>TH</sup> Edition (whichever is applicable), churches generate an average of fifteen (15) vehicle trip end (VTE) per I, 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:** 

1.2 UThin David M Liss Signature



### DEKALB COUNTY GOVERNMENT PLANNING DEPARTMENT **DISTRIBUTION FORM**

**NOTE:** PLEASE RETURN ALL COMMENTS VIA EMAIL OR FAX TO EXPEDITE THE PROCESS TO MICHELLE M ALEXANDER <u>mmalexander@dekalbcountyga.gov</u> OR JOHN REID <u>IREID@DEKALBCOUNTYGA.GOV</u>

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

Case No.: <u>Z-20-1244119</u>
Parcel I.D. #: <u>18-050-12-005</u>
Address: <u>1377 Scott Boulevard</u>
Decatur, Georgia
WATER:
Size of existing water main: <u>8" DI Water Main</u> (adequate inadequate)
Distance from property to nearest main: <u>Adjacent to Property</u>
Size of line required, if inadequate: <u>N/A</u>
SEWER:
Outfall Servicing Project: <u>South Fork Peachtree Creek Basin</u>
Is sewer adjacent to property: Yes (X) No ( ) If no, distance to nearest line:
Water Treatment Facility: <u>R M Clayton WTF</u> () adequate () inadequate
Sewage Capacity; <u>*</u> (MGPD) Current Flow: <u>127</u> (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:



### DEKALB COUNTY GOVERNMENT PLANNING DEPARTMENT DISTRIBUTION FORM

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 Georgia DOT as well as 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 within the right-of-way may be required as a condition for land development application review approval. Safe vehicular circulation is required. Paved off-street parking is required.

#### Storm Water Management

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

#### 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, or parking 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

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

### DEKALB COUNTY

## Board of Health

08/13/2020

- To: 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. Recommendation: Provide trash can with liner at each bus stop with bench and monitor for proper removal of waste.

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** 445 Winn Way – Box 987 Decatur, GA 30031 404.294.3700 • www.dekalbhealth.net

### DEKALB COUNTY

### Board of Health

### New Cases:

N.1 SLUP-20-12244105 2020-0833 / 18-111-03-018 2933 North Druid Hills Road, Atlanta, GA 30329

- Please review general comments.
- Septic system installed on location surrounding 2933 North Druid Hills. The location with septic system installed was 2814 North Druid Hills Road on 08/02/1963.

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- N.2 LP-20-1244107 / 2020-0834 /18-196-04,18-196-04-033, 18-196-04-034, 18-196-04-035, 18-196-04-037, 18-196-04-038, 18-196-04-039, 18-196-04-040, 18-196-04-041 2814 Clairemont Road, Atlanta, GA 30329
  - Please review general comments.
  - Septic installed on property 2920 Clairmont Road on 04/07/1974 within the vicinity of property 2814 Clairemont.
- N.3 Z-20-1244108 / 2020-0835 / 18-196004-029, 18-196-04-033, 18-196-04-034, 18-196-04-035, 18-196-04-037, 18-196-04-038, 18-196-04-039, 18-196-04-040, 18-196-04-041 2814 Clairmont Road, Atlanta, GA 30329
  - Please review general comments.
- N.4 SLUP-20-1244110 / 2020-0836 / 18-283-02-012, 18-283-02-007, 18-283-02-008 3214 Chamblee-Tucker Road, Chamblee, GA 30341
  - Please review general comments.
  - Septic system installed on property 04/13/1961
- N.5 LP-20-1244114 / 2020-0837 / 16-252-02-002 8400 Pleasant Hill Way, Lithonia, GA 30058
  - Please review general comments.
  - Septic system installed on property near vicinity at 8406 Pleasant Hill Way
- N.6 Z-20-1244113 / 2020-0838 / 16-254-02-002 8400 Pleasant Hill Way, Lithonia, GA 30058
  - Please review general comments.
- N.7 Z-20-1244119 / 2020-0839 / 18-050-12-005 1377 Scott Blvd., Decatur, GA 30030
  - Please review general comments.

DeKalb County Board of Health

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## Board of Health

N.8 Z-20-1244120 / 2020-0840 / 15-201-07-001, 15-201-07-003, 15-201-07-004, 15-201-07-005, 15-201-07-007

3229 Memorial Drive, Decatur, GA 30032

- Septic system installed on in same vicinity. The location is 3232 Memorial Drive on 04/21/1970.

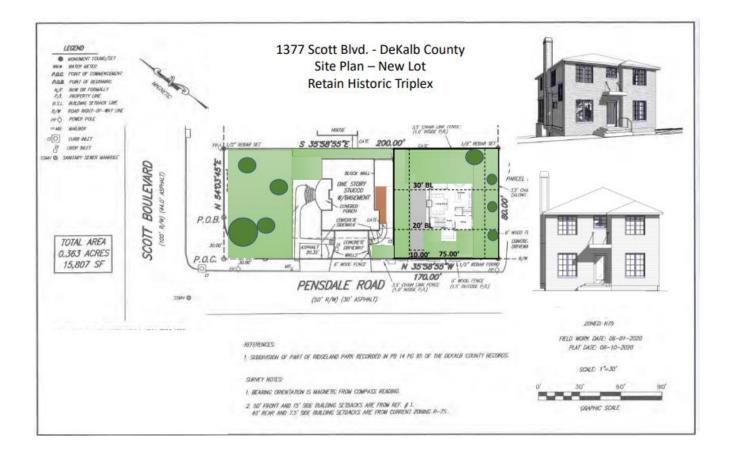
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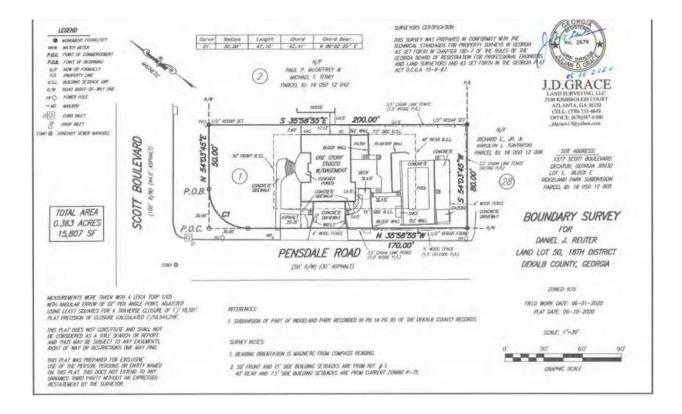
- Please review general comments.

### N.9 TA-20-1244141 / 2020-0841 / 18-043-01-004 4900 Memorial Drive, Stone Mountain, GA 30083

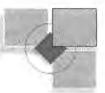
- Please review general comments.
- Septic System installed on 09/11/1964 at property 4947 Memorial Drive.

**DeKalb County Board of Health** 445 Winn Way – Box 987 Decatur, GA 30031 404.294.3700 • www.dekalbhealth.net





DeKalb County I	Department of Planning & Sustainability
Michael L. Thurmond	Andrew A. Baker, AICP



**Chief Executive Officer** 

Director

7/C7 No.

### APPLICATION TO AMEND OFFICIAL ZONING MAP OF DEKALB COUNTY, GEORGIA

	Filing Fee:
Date Received:	Application No.:
Applicant: Dan Reufer	E-Mail: Contact@ danreuter.com
Applicant Mailing Address: 1377 Sc	off Boulevard, Decatur, GA30030
Applicant Phone: 404-229-3734	
Owner(s): $Dan Reuter$ (If more than one owner, attach as Ext	E-Mail: <u>Same</u>
Owner's Mailing Address: Same	
Owner(s) Phone: Same	Fax:
Address/Location of Subject Property:	
District(s): 18 Land Lot(s): 50	Block: Parcel(s:
Acreage: .363 (15,807 54.ft) com	mission District(s): 2, 6
Present Zoning Category: R-75	Proposed Zoning Category: R - 60
Present Land Use Category: <u>SUB</u>	************

#### 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 filling of this application? \_\_\_\_\_ Yes \_\_\_\_ 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.
- The dollar amount and description of each campaign contribution made during the two years 2. 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 Commiss County, 1300 Opmmerce Drive, Decatur, Ca. 30030.

GNATURE OF APPLICANT / DATE NOTAL eck One: Owner Agent **EXPIRATION DATE / SEA** 330 West R 100-500 - Decatur, Georgia - 30030 71-4556 [Development Fax] (404) 371-3007 [voice] 404.371 dekalbcountyga.gov/planning Email Ad nddevelopment@dekalbcountyga.gov

Revised 1/1/17

