



Legislation Details (With Text)

File #: 2022-2536 **Version:** 1 **Name:**
Type: Ordinance **Status:** Preliminary Item
File created: 11/17/2022 **In control:** Board of Commissioners - Zoning Meeting
On agenda: 1/26/2023 **Final action:**
Title: COMMISSION DISTRICT(S): Commission District 01 Super District 07
Application of Atlanta Sanaton Associates c/o Battle Law, P.C. to rezone property from R-100 (Residential Medium Lot) zoning district to OIT (Office-Institutional Transitional) zoning district to allow for a place of worship, at 3964 Chamblee-Tucker Road.

Indexes:

Attachments: 1. Z-23-1246173 Jan BOC 2023 Staff Report 3964 Chamblee-Tucker Rd

Date	Ver.	Action By	Action	Result
1/26/2023	1	Board of Commissioners - Zoning Meeting	withdrawn with prejudice	Pass
1/5/2023	1	Planning Commission		

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

SUBJECT:

COMMISSION DISTRICT(S): Commission District 01 Super District 07
Application of Atlanta Sanaton Associates c/o Battle Law, P.C. to rezone property from R-100 (Residential Medium Lot) zoning district to OIT (Office-Institutional Transitional) zoning district to allow for a place of worship, at 3964 Chamblee-Tucker Road.

PETITION NO: N5-2022-2536 Z-23-1246173

PROPOSED USE: Place of worship.

LOCATION: 3964 Chamblee-Tucker Road, Doraville, Georgia 30340.

PARCEL NO. : 18-286-01-003

INFO. CONTACT: Adam Chappell, Sr. Planner

PHONE NUMBER: 404-371-2155

PURPOSE:

Application of Atlanta Sanaton Associates c/o Battle Law, P.C. to rezone property from R-100 (Residential Medium Lot) zoning district to OIT (Office-Institutional Transitional) zoning district to allow for a place of worship. The property is located on the northeast side of Chamblee Tucker Road, approximately 130 feet north of Bolissa Drive, at 3964 Chamblee Tucker Road in Doraville, Georgia. The property has approximately 92 feet of frontage along Chamblee Tucker Road and contains 1.48 acres.

RECOMMENDATION:

COMMUNITY COUNCIL: Full Cycle Deferral.

PLANNING COMMISSION: Full Cycle Deferral.

PLANNING STAFF: Denial.

STAFF ANALYSIS: The applicant, Atlanta Sanaton Association, Inc., proposes to establish the use of the property/structures as a place of worship. Places of worship are permitted in the R-100 (Residential Medium Lot-100) Zoning District only with a Special Land Use Permit (SLUP). An existing conditions survey dated 09/01/2022 shows two dwellings on the property. County tax assessor's records list only one of the dwellings, which was built circa 1981. Evidence suggests that a building permit to demolish one of the dwellings was applied for around this time, but it appears that the demolition was never carried-out. While the property would meet minimum lot area and width requirements in the OIT zoning district, there are a number of zoning deficiencies with the proposed site plan. A variance to reduce the eastern side yard setback would be required for the proposed addition to the easternmost principal building. A transitional buffer of at least 50 feet in width and a six-foot-tall fence is required along the rear and both side property lines per Sec. 5.4.5; no buffer is proposed. In addition, the proposed parking area is currently shown as being located within what would be the aforementioned transitional buffer. Although rezoning of the property to OIT eliminates the supplemental regulations for places of worship in residential zoning districts, Section. 2.30.1. of the *Zoning Ordinance* establishes the intent of the OIT zoning district: A) *To provide areas within the county for the location of office and institutional uses which are necessary for the residents, business practitioners, and professional practitioners in existing buildings no longer viable for residential uses;* B) *To limit said buildings' height to be compatible to those potential redevelopment parcels and structures;* and C) *To provide for the transition from residential to office and associated commercial uses which do not generate large volumes of traffic, noise or other harmful effects, and which are compatible with residential uses in locations so designated in the comprehensive plan along Commercial Redevelopment Corridor character areas and along the edge of the Office Park and Institutional character areas.* The property is located in the Suburban (SUB) future land use area, which includes OIT as a permissible zoning district. However, the proposal is not consistent with subsection A) or C). The property is not located along the edge or in the vicinity of any of the aforementioned character areas. While there are other institutional uses nearby, those uses operate within the parameters of the R-100 Zoning District. No evidence has been provided that this portion of the Chamblee-Tucker Road corridor is in transition from residential to nonresidential. Upon review of Section. 7.3.5. of the *Zoning Ordinance*, staff recommends "Denial of the applicant's proposal".

PLANNING COMMISSION VOTE: Full Cycle Deferral 8-1-0. Jon West moved, Jan Costello seconded for a Full Cycle Deferral to the March 2023 zoning agenda. Tess Snipes opposed.

COMMUNITY COUNCIL VOTE/RECOMMENDATION: Full Cycle Deferral 8-0-1. Per the applicant's request.