



Legislation Details (With Text)

**File #:** 2022-2066    **Version:** 2    **Name:**  
**Type:** Resolution    **Status:** Action  
**File created:** 8/17/2022    **In control:** Board of Commissioners  
**On agenda:** 10/25/2022    **Final action:**  
**Title:** COMMISSION DISTRICT(S): 5 & 7  
 Request for deviation from the Requirements of Section 14-191 (b) Improvements, Right-of-Way Dedication at 2700 Turner Hill Road, Lithonia, GA 30058

**Indexes:**

**Attachments:** 1. 2700 Tuner Hill Road V-1245926, 2. Land Development Comments - Variance Lithonia ISP (1)-merged

Date	Ver.	Action By	Action	Result
10/25/2022	2	Board of Commissioners		
10/11/2022	2	PECS-Planning, Economic Development & Community Services Committee	recommended for denial	Pass
10/11/2022	2	Board of Commissioners	deferred to the next meeting	Pass
10/4/2022	2	PECS-Planning, Economic Development & Community Services Committee	recommended holding in committee	
9/13/2022	2	Board of Commissioners	deferred for 30 days	Pass
9/6/2022	2	Committee of the Whole	Accepted to the BOC agenda and assigned	

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

**SUBJECT:**  
**COMMISSION DISTRICT(S): 5 & 7**

Request for deviation from the Requirements of Section 14-191 (b) Improvements, Right-of-Way Dedication at 2700 Turner Hill Road, Lithonia, GA 30058

**INFORMATION CONTACT:** Andrew Baker, Director of Planning & Sustainability

**PHONE NUMBER:** 404-371-2155

**STANDARD OF REVIEW:**

Section 14-191 (e) allows the Board of Commissioners to authorize deviations from Section 14-191 as follows:

- (1) Right-of-way dedication may be waived or modified if:
  - a. Existing use of property is not to be substantially changed as a result of proposed development or construction;

- b. Existing government construction plans for the roadway indicate lesser right-of-way would be required for dedication; or
  - c. The adjoining frontage is developed and the predominate existing right-of-way meets county standards.
- (2) Road improvements may be waived or modified if:
- a. Existing use of property not to be substantially changed (i.e., traffic generation and ingress/egress would remain the same);
  - b. Governmental construction plans for the road indicate a pavement width less than county standards (only the planned pavement width shall be required);
  - c. No more than five (5) percent of average daily traffic generation would occur between 7:00 a.m. and 9:00 a.m. and 4:00 p.m. and 6:00 p.m., on weekdays;
  - d. The existing road meets current county standards; or
  - e. Widening would create a hazard to traffic, pedestrians, or bicyclists along the thoroughfare.
- (3) The applicant may, with written concurrence of the development director and the county attorney, provide payment to the county in lieu of road improvements when:
- a. Road improvements by state or local action are scheduled within twenty-four (24) months;
  - b. Existing utility companies' improvements are situated so as to require their removal or relocation before road improvements should be accomplished;
  - c. Improvements would be economically unfeasible or would cause unreasonable land development hardships because of topography, soils, bridges, grades, etc., and delay of improvements would not adversely impact the county's road system; and
  - d. Payment for road improvements shall be in accordance with a schedule adopted by the board of commissioners in January of each year and based on current street construction costs for the required section

**PURPOSE:**

Pursuant to Section 14-191 (e) of the *Land Development Code*, the applicant has requested consideration of a deviation from the requirements of Section 14-191 (b) which states “the applicant shall:

- (1) Dedicate a minimum of fifty (50) percent of the required right-of-way width as measured from the centerline of the existing street right-of-way;
- (2) Install all required sidewalks, street trees, streetlights, and place utilities according to the standards in section 14-190; and
- (3) Provide a minimum of fifty (50) percent of the roadway pavement required in section 14-190 and install it to the right-of-way centerline.”

Any deviation from these requirements must be granted by the Board of Commissioners.

**SUMMARY:**

The applicant’s correspondence and documentation regarding the request are enclosed along with staff comments. Representatives from the following regulatory entities shall be available at the Board’s request: Fire Marshal, Roads & Drainage, Transportation, Watershed, Sanitation, Land Development, and Current Planning.