



## Legislation Details (With Text)

**File #:** 2017-0594    **Version:** 1    **Name:**  
**Type:** Ordinance    **Status:** Withdrawn  
**File created:** 6/29/2017    **In control:** Board of Commissioners - Zoning Meeting  
**On agenda:** 9/26/2017    **Final action:** 9/26/2017  
**Title:** Commission District(s): 2 & 6  
Rezone - Alfred Barnes Moore - Z-17-21590

**Indexes:**

**Attachments:** 1. N3 Alfred Barnes Moore Z 17 21590

Date	Ver.	Action By	Action	Result
9/26/2017	1	Board of Commissioners	withdrawn without prejudice	Pass
9/14/2017	1	Board of Commissioners	deferred 2 weeks	Pass
7/27/2017	1	Board of Commissioners - Zoning Meeting	deferred	Pass
7/6/2017	1	Planning Commission	approval with modified conditions to read as follows:	Pass

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

**SUBJECT:**

**Commission District(s):** 2 & 6

Rezone - Alfred Barnes Moore - Z-17-21590

**PETITION NO:** Z-17-21590

**PROPOSED USE:** To bring an existing non-conforming residential triplex into compliance with the zoning classification of the property.

**LOCATION:** 128 Scott Boulevard, Decatur (rear portion of property).

**PARCEL NO.:** 15-244-04-016, 15-244-05-014

**INFORMATION CONTACT:** Marian Eisenberg

**PHONE NUMBER:** 404-371-4922

**PURPOSE:**

**To rezone property from R-85 (Single-Family Residential) to RSM (Residential Small Lot Mix) to bring an existing non-conforming residential triplex into compliance with the zoning classification of the property.** The property is located on the northwest side of Scott Boulevard, approximately 525 feet north of North Parkwood Road, at 128 Scott Boulevard, Decatur (rear portion of property, located in unincorporated DeKalb County) and 126 Scott Boulevard (front portion of property, located in City of Decatur). The property has approximately 75 feet of frontage on Scott Boulevard and contains 0.5 acre.

**RECOMMENDATION:**

**COMMUNITY COUNCIL:** Approval 8-0-0.

**PLANNING COMMISSION:** Approval with Conditions 6-0-0.

**PLANNING STAFF:** Approval with Conditions.

**PLANNING COMMISSION MEETING:** Approval with Conditions 6-0-0.

**PLANNING STAFF ANALYSIS:** The proposal is consistent with Housing Policy No. 9 of the 2035 Comprehensive Plan, which states: “Utilize the zoning code to provide a variety of housing opportunities and choices to better accommodate the needs of residents.” Approval of the zoning proposal is supported by the use of several nearby properties as nonconforming two-family dwellings, as it indicates that RSM zoning is compatible with the current use of these properties. The property appears to have little economic value as zoned. Records provided by the applicant indicate that the property has been used as a three-family dwelling since at least 1999, and the fact that the current owner has made the application under consideration indicates that he intends to continue using it for the same purpose. Not only would the RSM classification bring the property into compliance, thereby releasing any cloud on the title, it would enable the owner to expand the square footage of the building if desired (subject to applicable zoning regulations), thus enabling the owner to increase its economic value. Therefore, the Department of Planning and Sustainability recommends “Approval with conditions”.

**PLANNING COMMISSION VOTE:** Approval Conditional J. West moved, M. Butts seconded for approval as recommended and conditioned by staff, with a modification to condition #3 to read as follows: “To allow for flexibility to downsize”.

**COMMUNITY COUNCIL VOTE/RECOMMENDATION:** The CC recommended the condition that the applicant commit to one of the density bonuses, if applicable. Allowed base density in RSM is 4 units/acre; existing density of property is 6 units/acre.

**PLANNING STAFF’S RECOMMENDED CONDITIONS ARE AS FOLLOWS:**

1. The property shall be used for a three-family dwelling in the existing structure. Reducing the number of units shall be allowed. Building additions shall be allowed, provided that they don’t increase the number of units.
2. The approval of this rezoning application by the Board of Commissioners has no bearing on other approvals by the Zoning Board of Appeals or other authority, whose decision should be based on the merits of the application before said authority.