



Legislation Details (With Text)

File #: 2023-0342 **Version:** 1 **Name:**

Type: Ordinance **Status:** Preliminary Item

File created: 3/15/2023 **In control:** Board of Commissioners - Zoning Meeting

On agenda: 5/25/2023 **Final action:**

Title: COMMISSION DISTRICT(S): Commission District 04 Super District 06
Application of Ivo Bakovic to rezone from R-75 (Residential Medium Lot-75) zoning district to R-60 (Residential Small Lot-60) zoning district to build single-family, detached houses, at 1439 Conway Road.

Indexes:

Attachments: 1. Z-23-1246379 May 2023 Staff Report 1439 Conway Rd

Date	Ver.	Action By	Action	Result
5/25/2023	1	Board of Commissioners - Zoning Meeting	denied	Pass
5/2/2023	1	Planning Commission		

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

SUBJECT:

COMMISSION DISTRICT(S): Commission District 04 Super District 06
Application of Ivo Bakovic to rezone from R-75 (Residential Medium Lot-75) zoning district to R-60 (Residential Small Lot-60) zoning district to build single-family, detached houses, at 1439 Conway Road.
PETITION NO: N9-2023-0342 Z-23-1246379

PROPOSED USE: Single-family, detached houses.

LOCATION: 1439 Conway Road, Decatur, Georgia 30030.

PARCEL NO. : 15-201-01-010

INFO. CONTACT: Lucas Carter, Planner

PHONE NUMBER: 404-371-2155

PURPOSE:

Application of Ivo Bakovic to rezone from R-75 (Residential Medium Lot-75) zoning district to R-60 (Residential Small Lot-60) zoning district to build single-family, detached houses. The property is located approximately 930 feet north of the intersection Memorial Drive and Conway Road, at 1439 Conway Road in Decatur, Georgia. The property has 121 feet of frontage along Conway Road and contains approximately 0.8 acre.

RECOMMENDATION:

COMMUNITY COUNCIL: Denial.

PLANNING COMMISSION: Denial.

PLANNING STAFF: Denial.

STAFF ANALYSIS: The applicant, Ivo Bakovic, on behalf of the property owner Samadi Daoud, has submitted a rezoning request for the property located on the south side of Conway Dr, approximately 900 feet north of the intersection of Memorial Drive and Conway Road. The rezoning request, filed under Case No. Z-23-1246379, seeks to change the zoning designation from R-75 (Residential Medium Lot-75) to R-60 (Residential Small Lot -60) to allow a lot split to construct two single-family detached homes on an undeveloped 0.756-acre parcel. The proposed rezoning request to R-60 (Residential Small Lot-60) would be inconsistent with the surrounding community. The current zoning character of the area is predominantly R-75 and allowing a conversion to R-60 could disrupt the established harmony and cohesion of the neighborhood and may not be compatible with *DeKalb County's 2050 Comprehensive Plan* which encourages small-scale infill and diverse housing options that do not disrupt neighborhood patterns. (Page 41) Rezoning to R-60 could significantly disrupt established development patterns, deviating from the Plan's objectives and undermining the community's vision for harmonious land use. Pursuant to Sec. 7.3.5 of the Zoning Ordinance, the following analysis has been conducted to evaluate the proposed rezoning request: **A.** The proposed rezoning to R-60 does not conform to the policy and intent of the DeKalb County's 2050 Comprehensive Plan, which encourages small-scale infill and diverse housing options without disrupting existing neighborhood patterns. **B.** Allowing a conversion to R-60 may not be suitable in view of the use and development of adjacent and nearby properties, which are predominantly zoned R-75, and may disrupt the established harmony and cohesion of the neighborhood. **C.** The property currently has a reasonable economic use as zoned R-75, and the applicant has not provided evidence to the contrary. **D.** Rezoning to R-60 could significantly disrupt established development patterns, potentially adversely affecting the existing use or usability of adjacent or nearby properties. **E.** No other existing or changing conditions have been identified that would support either approval or disapproval of the zoning proposal. **F.** The zoning proposal does not involve any known historic buildings, sites, districts, or archaeological resources. **G.** The applicant has not provided sufficient information to determine whether the proposed rezoning to R-60 will result in an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools. **H.** The applicant has not provided sufficient information to assess whether the proposed rezoning to R-60 would adversely impact the environment or surrounding natural resources. The applicant failed to properly host a community meeting before submitting the rezoning application and were required to host a second community meeting. However, the invitations to the second meeting appear to have been sent out incorrectly. A resident has reported receiving an invitation letter for the virtual community meeting that failed to provide a link and instructions on how to access the meeting. Therefore, this application has not complied with the community engagement process of the *Zoning Ordinance*. Therefore, upon review of Section 7.3.5 A & B, the Planning & Sustainability Department recommends “Denial of this rezoning request”.

PLANNING COMMISSION VOTE: Denial 7-0-0. LaSonya Osler moved, Jana Johnson seconded for Denial, per Staff recommendation. Vivian Moore was not present for this vote.

COMMUNITY COUNCIL VOTE/RECOMMENDATION: Denial 9-0-0. Due to the applicant not being present.