



Legislation Details (With Text)

File #: 2023-1153 **Version:** 1 **Name:**
Type: Ordinance **Status:** Preliminary Item
File created: 9/12/2023 **In control:** Board of Commissioners - Zoning Meeting
On agenda: 11/16/2023 **Final action:** 11/16/2023
Title: COMMISSION DISTRICT(S): COMMISSION DISTRICT 03 SUPER DISTRICT 07
Application of Marc Pilgrim to rezone from R-75 (Residential Medium Lot) zoning district to RSM (Small Lot Residential Mix) zoning district to convert two existing duplexes into triplexes, at 2569 and 2573 Dusty Lane.

Indexes:

Attachments: 1. Z-23-1246660 Recommended Conditions, 2. Z-23-1246660 Nov 2023 BOC Staff Report 2569 & 2573 Dusty Lane

Date	Ver.	Action By	Action	Result
11/16/2023	1	Board of Commissioners - Zoning Meeting	withdrawn without prejudice	Pass
11/2/2023	1	Planning Commission	denial per staff recommendation	Pass

Public Hearing: YES ☒ NO ☐

Department: Planning & Sustainability

SUBJECT:

COMMISSION DISTRICT(S): COMMISSION DISTRICT 03 SUPER DISTRICT 07

Application of Marc Pilgrim to rezone from R-75 (Residential Medium Lot) zoning district to RSM (Small Lot Residential Mix) zoning district to convert two existing duplexes into triplexes, at 2569 and 2573 Dusty Lane.

PETITION NO: N10-2023-1153 Z-23-1246660

PROPOSED USE: Conversion of two existing duplexes into triplexes.

LOCATION: 2569 and 2573 Dusty Lane, Decatur, Georgia 30032

PARCEL NO. : 15-183-22-007; 15-183-22-035

INFO. CONTACT: Andrea Folgherait, Planner

PHONE NUMBER: 404-371-2155

PURPOSE:

Application of Marc Pilgrim to rezone from R-75 (Residential Medium Lot) zoning district to RSM (Small Lot Residential Mix) zoning district to convert two existing duplexes into triplexes.

RECOMMENDATION:

COMMUNITY COUNCIL: Denial.

PLANNING COMMISSION: Denial.

PLANNING STAFF: Denial.

STAFF ANALYSIS: The applicant, Dusty Lane Properties, LLC. c/o Marc Pilgrim, is seeking to rezone two (2) sites from R-75 (Residential Medium Lot-75) to the RSM (Small Lot Residential Mix) Zoning District. The two (2) existing duplexes were established in 1968. The proposal is to convert both duplexes into triplexes. Each address has one (1) structure consisting of two, three (3) bedroom units located on the main floor. The applicant constructed an unpermitted third basement unit. Approval of this rezoning would allow for the operation of two triplexes on the subject properties. The subject property is located in a Traditional Neighborhood (TN) character area. According to the 2050 Unified Plan, traditional neighborhoods should preserve style and appeal of older communities. These communities specifically call for permitting small-scale, infill, multi-family housing, accessory housing units, and other innovative housing types such as cottage courts developments (pg.39). The proposal appears consistent with this intent by preserving the architectural style of the two (2) existing duplexes while providing six (6) units/.80 acre. Additionally, RSM zoning districts are permitted up to 8 units/acre maximum (with density bonuses) within traditional neighborhoods. Locating new developments at suitable locations within walking distance of residences with nearby existing commercial areas and public parks is encouraged within traditional neighborhoods (pg. 39). The subject sites are consistent with these TN goals as both are located within walking distance (.50/mi) from the intersection of Memorial Drive and Candler Road, a part of the Livable Centers Initiative - Memorial Drive, and directly across from Memorial Delano Line Street Park. Initially, the rezoning of these two parcels to RSM would appear to be a “spot zoning” that would be inconsistent with the surrounding R-75 zoning and may affect the stability of the existing community. However, the proposal presents an opportunity to provide small scale density in a community with existing infrastructure. Staff can support the need for responsible transition between the commercial corridor at the intersection of Memorial Drive/Candler Road and the surrounding community. Incorporating zoning districts like R-60 and RSM on several properties may offer more diverse and denser housing while providing an appropriate transition in a planned, comprehensive manner; simultaneously still protecting surrounding “intown suburban” single-family residential neighborhoods while providing appropriate opportunities for infill developments allowed by the TN Character Area. The site plan does not present any deficiencies pertaining to the dimensional requirements, density, or open space of either R-75 and/or RSM. However, if approved, a fire plan review would be necessary to determine protection between the main floor units and the basement level unit. In effort to address “missing middle” housing in DeKalb County, Staff is currently working toward a Zoning Ordinance update and the need to revisit and re-evaluate zoning designations in communities such as traditional neighborhoods. The zoning reform should accommodate housing diversity, housing size, and affordability that can be addressed through smaller scale developments such as duplexes and triplexes in already established communities. The proposed triplex conversion may advance the policies of the 2050 Unified Plan, but ultimately may be classified as spot zoning. Therefore, upon review of Section 7.3.5.B (Compatibility with surrounding uses) of the Zoning Ordinance, Staff recommends “Denial”. Should the rezoning be approved, Staff offers the attached conditions.

PLANNING COMMISSION VOTE: Denial 8-0-0. Vivian Moore moved, Jan Costello seconded for denial, per Staff recommendation.

COMMUNITY COUNCIL VOTE/RECOMMENDATION: Denial. Community Council District 3 recommended denial, considering this as “spot zoning” of RSM in the middle of a R-75 zoned neighborhood. Additional discussion centered around whether there was adequate sewer capacity and fire safety protection to accommodate triplexes proposed by applicant.