



## Legislation Text

---

File #: 2017-0530, Version: 1

---

**Public Hearing:** YES  NO

**Department:** Planning & Sustainability

**SUBJECT:**

**COMMISSION DISTRICT(S):** 2 & 6

Rezoning -- CZ-17-21421 -- Brock Built Homes, LLC

**Deferred from 6/27/17 for a public hearing.**

**PETITION NO:** CZ-17-21421

**PROPOSED USE:** One single-family house.

**LOCATION:** 1158 McConnell Drive, Decatur.

**PARCEL NO.:** 18-104-05-060

**INFORMATION CONTACT:** Marian Eisenberg

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

**PURPOSE:** To rezone from R-100 (Single-Family Residential) to R-100 (Single-Family Residential) - Conditional, to remove conditions of a 1993 Board of Commissioners decision and allow a seventh lot within the Waldorf's Gale subdivision. The property is located on northeast corner of Waldorf's Court and McConnell Drive at 1158 McConnell Drive, Decatur. The property has approximately 114 feet of frontage along McConnell Drive, 187 feet of frontage along Waldorf Court, and contains 0.46 acre.

**RECOMMENDATIONS:**

**COMMUNITY COUNCIL:** DENIAL.

**PLANNING COMMISSION:** DENIAL.

**PLANNING STAFF:** APPROVAL WITH CONDITIONS.

**PLANNING COMMISSION MEETING:** On May 2, 2017, the Planning Commission recommended "Denial" based on concerns expressed by neighbors, primarily about the effect of development of the property on storm water run-off in the neighborhood.

**PLANNING STAFF ANALYSIS:** The development of the subject property for a single-family house is consistent with 2035 Comprehensive Plan policies for the Suburban character area that encourage development in single-family residential neighborhoods in a manner that is compatible with the established development patterns, density, and architectural styles of the neighborhood. The proposed single-family home, at a size, scale, and architectural design that is similar to other homes on adjoining properties and in the surrounding neighborhood, is suitable at the subject location. Compliance of the lot with R-100 district standards and with

the current and proposed zoning classification with the Suburban land use designation supports approval of the zoning proposal. Staff has developed conditions to improve the proposed home's compatibility with adjoining and nearby properties. Therefore, the Department of Planning & Sustainability recommends, "Approval with Conditions".

**PLANNING COMMISSION VOTE: Denial 4-1-0.** M. Butts moved and J. Johnson seconded for denial. T. Snipes opposed.

**COMMUNITY COUNCIL VOTE/RECOMMENDATION: Denial, 2-5-0.** Neighbors were concerned about tree loss and were concerned that existing storm water runoff problems would be worsened.

### RECOMMENDED CONDITIONS

#### CZ-17-21421

1. Development of the property shall be consistent with the revised conceptual site plan titled, "Residential Site Plan for Brockbuilt Homes", prepared by GA Land Surveyor, LLC, dated July 12, 2017.
2. The proposed deck on the rear of the house shall be screened from view from the adjoining property to the southeast by replacing any trees removed during construction with evergreen trees planted 8 feet on center, subject to approval by the County Arborist.
3. 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.
4. Any retaining wall located next to a property used for or zoned for residential purposes, when said retaining wall exceeds 12 feet in height, must be approved by variance to the Zoning Board of Appeals.
5. The restriction imposed in 1933 by the Board of Commissioners to reduce the number of lots from 7 to 6 in this subdivision is deleted so as to recognize the existence of Lot 7 (1158 McConnell Drive), allow the formal platting of Lot 7, and allow the construction of a single-family residential building on Lot 7.
6. Builder shall construct the underground detention system as depicted on the revised site plan dated July 12, 2017 in association with the construction of the single family residential building.
7. Impervious surfaces on this site shall be substantially similar to those shown on the revised site plan dated July 12, 2017 (total = 4,396 SF) but shall not under any circumstances equal or exceed 5,000 square feet, excluding the existing road.
8. The exterior façade materials of the single family residential building will be comparable to those depicted on the sample elevations in the rezoning application.
9. Builder shall adhere to or exceed the current DeKalb County storm water and green infrastructure ordinances related to the issuance of a building permit for the construction of a single residence. This condition applies to the construction of the single family residential building and its building permit, not development or land disturbance plans.

