



## Legislation Text

File #: 2022-2068, Version: 1

Public Hearing: YES  NO  Department: Planning & Sustainability

**SUBJECT:**

**COMMISSION DISTRICT(S): 3 & 7**

Request for deviation from the Requirements of Section 14-190 (Street Classification and Right-of-Way Width) at/near 2425 Mellville Avenue, Decatur, GA 30032

**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 as listed below:

- (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 14-190. Any deviation from these requirements must be granted by the Board of Commissioners.

**SUMMARY:**

The subject property, 2425 Mellville Avenue, is located along an unimproved portion of the Mellville Avenue right-of-way. Direct access to the residential property is not available at this time. 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.