



# DeKalb County Government

Manuel J. Maloof Center  
1300 Commerce Drive  
Decatur, Georgia 30030

## Legislation Details (With Text)

**File #:** 2022-2259    **Version:** 1    **Name:**  
**Type:** Ordinance    **Status:** Preliminary Item  
**File created:** 9/27/2022    **In control:** Board of Commissioners - Zoning Meeting  
**On agenda:** 3/30/2023    **Final action:**  
**Title:** COMMISSION DISTRICT(S): Commission District 03 Super District 06  
Application of Chad Mercer for a Major Modification to zoning conditions pursuant to CZ-18-21945 to increase the number of residential units from 6 to 8 units per acre in the MR-2 (Medium Density Residential-2) zoning district, at 211 South Howard Street.

### Indexes:

**Attachments:** 1. CZ-22-1246089 March BOC 2023 Staff Report 211 S. Howard St, 2. CZ-22-1246089 Nov 2022 Staff Report 211 S Howard St

Date	Ver.	Action By	Action	Result
3/30/2023	1	Board of Commissioners - Zoning Meeting	denied	Pass
3/7/2023	1	Planning Commission	denial per staff recommendation	Pass
11/17/2022	1	Board of Commissioners - Zoning Meeting	deferred for a full cycle	Pass
11/1/2022	1	Planning Commission	deferred for two full cycles	Pass

**Public Hearing:** YES ☒ NO ☐

**Department:** Planning & Sustainability

### SUBJECT:

**COMMISSION DISTRICT(S):** Commission District 03 Super District 06

**Application of Chad Mercer for a Major Modification to zoning conditions pursuant to CZ-18-21945 to increase the number of residential units from 6 to 8 units per acre in the MR-2 (Medium Density Residential-2) zoning district, at 211 South Howard Street.**

**PETITION NO:** D2-2022-2259 CZ-22-1246089

**PROPOSED USE:** Modify zoning conditions to increase residential units from 6 to 8, per acre.

**LOCATION:** 211 South Howard Street, Atlanta, Georgia 30317

**PARCEL NO. :** 15-179-06-062

**INFO. CONTACT:** Planning & Sustainability

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

### PURPOSE:

Application of Chad Mercer for a Major Modification to zoning conditions pursuant to CZ-18-21945 to increase the number of residential units from 6 to 8 units per acre in the MR-2 (Medium Density Residential-2) zoning district. The property is located on the southwest corner of Memorial Drive and South Howard Street at 211 South Howard Street in Atlanta, Georgia. The property has approximately 185 feet of frontage along Memorial Drive and 100 feet of frontage along South Howard Street and contains 0.43 acre.

**RECOMMENDATION:**

**COMMUNITY COUNCIL:** (Feb. 8, 2023) Full Cycle Deferral. (Oct. 12, 2022) Deferral.

**PLANNING COMMISSION:** (March 7, 2022) Denial. (Nov. 1, 2022) Two-Cycle Deferral.

**PLANNING STAFF:** Denial.

**STAFF ANALYSIS:** The Board of Commissioners approved (with conditions) a rezoning of the subject property from R-75 (Residential Medium Lot-75) to MR-2 (Medium Density Residential-2) in 2018 for the development of no more than six (6) single-family attached (townhome) dwellings (CZ-18-21945). The applicant proposes a major modification to eliminate all ten (10) conditions from the original rezoning case. As shown originally on a site plan submitted on September 16, 2022 and on a revised site plan submitted prior to the Planning Commission meeting held on March 07, 2023, the applicant proposes to increase number of dwelling units on the site from six (6) to eight (8). Several townhome developments currently exist or are under construction along Memorial Drive within a 1000-foot radius that appear to match the density of the proposal. The proposed use is consistent with the Neighborhood Center (NC) character area. The original site plan submitted with the modification request on September 16, 2022, had multiple deficiencies. The proposal showed unit widths of 18 feet; a minimum lot width of 20 feet is required for single-family, attached dwellings in the MR-2 Zoning District. No other information was provided that confirmed compliance to MR-2 requirements for lot area, setbacks, or density. The MR-2 Zoning District has a maximum base density of 12 dwelling units per acre. At 0.43 acres in size, the property has a maximum base density of approximately five (5) units. In the rezoning case that was approved by the Board of Commissioners in 2018, a MARTA bus shelter was proposed as a bonus density qualifying standard, which increased the maximum density of the proposal to six (6) units. However, no additional qualifying standards were shown on the September site plan submitted with the modification request; thus, the maximum density was exceeded. While the new plan submitted on March 07, 2023 provides some details that were missing from the original, some, such as setbacks, are incorrectly shown. Lot widths have only been increased to 19 feet, still short of the required MR-2 width. The site plan still does not include any information regarding bonus density qualifying standards. Furthermore, the subject property abuts properties that are zoned R-75. Per Section 5.4.5. of the *Zoning Ordinance*, a 50-foot transitional buffer is required along the western and southern property lines; a variance from the Zoning Board of Appeals would be required for the proposal in its current configuration. The conditions approved with the original rezoning provided several landscaping and screening mechanisms as well as limitations on building form in order for the proposed development to more harmoniously fit with the surrounding properties and their uses. Additionally, the existing conditions were negotiated with the neighborhood. Staff does not support complete removal of these conditions. Signs advertising this proposal for public hearings were confirmed to have been placed on the subject property by the applicant for this cycle; however, the applicant did not attend either of the two District 3 Community Council meetings where this proposal was on the agenda. At its meeting on March 07, 2023, the DeKalb County Planning Commission voted unanimously to recommend denial of this proposal. Considering deficient information provided for this request and the lack of adherence to the public hearing process, Staff recommends “Denial”.

**PLANNING COMMISSION VOTE:** (March 7, 2023) Denial 9-0-0. Jon West moved, Vivian Moore seconded for Denial, per Staff recommendation. (November 1, 2022) 2-Cycle Deferral 8-0-0. Jana Johnson moved, Vivian Moore seconded for a 2-cycle deferral to the March 2023 zoning agenda, per Staff recommendation.

**COMMUNITY COUNCIL VOTE/RECOMMENDATION:** (February 8, 2023) Full Cycle Deferral 7-0-

**0.** Due to the applicant not being present. **(October 12, 2022) Deferral 6-0-0.** The applicant was not present at the meeting. The Council recommended full cycle deferral to allow the applicant the opportunity to attend the next community council meeting to present their proposal.