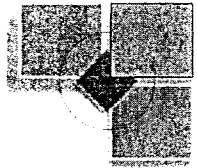




DeKalb County Department of Planning & Sustainability

Burrell Ellis
Chief Executive Officer



ZONING BOARD OF APPEALS APPLICATION FOR PUBLIC HEARING

BOA No. _____

Applicant: Boos Development Group, Inc.

Mailing Address:
2651 McCormick Dr.

City/State/Zip Code: Clearwater, Florida 33759 Email: jschneider@boosdevelopment.com

Telephone
Home: _____ Business: 205-243-3562 Fax No.: _____

OWNER OF RECORD OF PROPERTY FOR WHICH APPLICATION IS MADE:

Owner:
SDS Real Property Holdings, Ltd.

Address (Mailing):
700 N.E. 23rd Street. Apt. #103

City/State/Zip Code: Miami, Florida 33137 Email: drewleeman@gmail.com

Telephone
Home: 518-867-6771 Business: _____ Fax No.: _____

Authorized Agent: Carl E. Westmoreland, Jr., Esq.

Address
(Mailing): 1075 Peachtree Street, Suite 2500 City: Atlanta State: GA Zip: 30309

Telephone
Home: _____ Business: 404-885-1500

ADDRESS/LOCATION OF PROPERTY FOR WHICH APPLICATION IS MADE

Address: 3920 Peachtree Road City: _____ State: Georgia Zip: 30319

District(s): 18 Land Lot(s): 239 Block: _____ Parcel: _____

Zoning: C-1 Commission District(s): 2/6

CIRCLE TYPE OF HEARING REQUESTED

- VARIANCE (From Development Standards causing undue hardship upon owners of property.)
- SPECIAL EXCEPTIONS (To reduce or waive off-street parking or loading space requirements.)
- OFFICIALS APPEALS OF ADMINISTRATIVE DECISIONS.

TO BE COMPLETED BY PLANNING AND SUSTAINABILITY DEPARTMENT

Date Received: _____ Fee Paid: _____ Receipt No.: _____

A-12-17714
MAR - 8 2012

330 West Ponce de Leon Avenue – Suites 100-500 – Decatur, Georgia – 30030
[Phone] 404.371.2155 – [Planning Fax] (404) 371-4556 [Development Fax] (404) 371-3007
Web Address <http://www.co.dekalb.ga.us/planning>
Email Address: planninganddevelopment@co.dekalb.ga.us

JUSTIFICATION

The subject property is part of a larger tract, the balance of which is improved with a Kauffman Tire facility and a vacant building previously used as a nursery operation. The application proposes construction of a Chase Bank building containing 7,143 sq. ft. on two floors. Kauffman Tire has an easement across the front of the entire site parallel to Peachtree Road to provide access to the private drive located at the signalized intersection of Peachtree and Colonial Drive.

This application requests variances from the following sections:

Section 27-728.15.10(2) - Establishes a minimum and maximum parking ratio of one space for every 400 sq. ft. of gross building area. The applicant requests an increase above such requirement from 18 spaces to 39 spaces.

Section 27-238.15.12(d)(7) - Establishes a maximum distance of 20 feet from the public sidewalk. The applicant requests an increase in this dimension to 54 feet.

Section 27-28.15.12(d)(10) - Establishes a maximum space between buildings along a primary street of 20 feet. The applicant requests an increase to 46 feet which will be the distance between the proposed bank and the existing vacant nursery building.

The proposed bank will have a retail operation on its first floor and bank offices on the second floor. Each use is designed to attract clients of the bank to enter the building. The increase in parking requested is the minimum needed to accommodate the expected number of employees and visitors to the building and is consistent with the parking needs experienced by the applicant at its other locations and also with those of similar institutions. Parking is provided to the rear of the building to make it less visible from the public street.

The increase in the minimum setback from the public sidewalk is required because of the aforementioned easement across the front of the property. As noted, the easement provides access to the signalized intersection from the Kauffman Tire property and obviously cannot be relocated or impeded. The building is set as close as possible to the edge of the easement, consistent with pedestrian safety.

The increase in separation between buildings is requested because of the attempt to fit the proposed bank into a partially developed site. At this point, it is not known whether the vacant nursery building will be renovated or demolished and, at such time as development moves forward on that portion of the site, it may be possible to construct any new improvement within 20 feet of the proposed bank building. At the present time, however, absent a subdivision of the lot immediately adjacent to the proposed bank building, this variance is needed as the bank cannot be located closer to the existing building without unreasonably impeding the ability to redevelop that portion of the site.

The increase in parking is requested to provide the amount of parking which the applicant has traditionally found to be necessary for the proposed use. It is the minimum required,

consistent with similar uses in DeKalb County and elsewhere and will not have any adverse impact on the public. The other two variances are required because of the peculiar situations that applies to the subject property. The greater setback from the public sidewalk along Peachtree is required because of the existence of the access easement. The greater distance from the existing building is required because of that building's unusual shape and a need to preserve reasonable redevelopment options on that portion of the site. Neither requested variance will constitute a special privilege to the owner, nor will it be detrimental to the public interest. As this use is appropriate for the site, the applicant believes that the variances requested are justified and appropriate.

PROPERTY DESCRIPTION

All that tract or parcel of land lying and being in Land Lot 239 of the 18th District, DeKalb County, Georgia, and being more particularly described as follows:

Beginning at a point located at the intersection of the eastern right-of-way of Brockhaven Drive (60 foot right-of-way) with the northern right-of-way of Peachtree Road (variable right-of-way), Thence easterly along the northern right-of-way of Peachtree Road a distance of 532.04 feet to a point; Thence North 06 degrees 06 minutes 09 seconds West a distance of 12.02 feet to a nail set at 63 feet off the centerline of Peachtree Road, said nail set being the True Point of Beginning; Thence, departing said right-of-way, North 06 degrees 06 minutes 09 seconds West, a distance of 390.69 feet to an iron pin set (5/8" rebar with cap); Thence North 77 degrees 45 minutes 44 seconds East, a distance of 249.03 feet to an iron pin set (5/8" rebar with cap); Thence South 14 degrees 58 minutes 59 seconds East, a distance of 371.50 feet to an iron pin set (5/8" rebar with cap) located on the northern right-of-way of Peachtree Road, said iron pin set being 63 feet off the centerline of Peachtree Road; Thence along said right-of-way and following a curve to the right having an arc length of 309.65 feet, with a radius of 1455.23 feet, at a chord bearing of South 74 degrees 32 minutes 20 seconds West, for a chord length of 309.07 feet, to a nail set and the True Point of Beginning.

Said tract of land contains 2.467 Acres.