



The Honorable Burrell Ellis  
Chief Executive Officer

**DeKalb County Zoning Board of Appeals**  
Department of Planning & Sustainability  
330 Ponce De Leon Avenue, Suite 500  
Decatur, GA 30030



**WEDNESDAY, April 11, 2012 AT 1:00 P.M.**  
**Planning Department Staff Analysis**

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**N-13 Case No: A-12-17720 Parcel ID(s):** 18-238-14-001, 18-238-14-002, 18-238-14-003, 18-238-14-004, 18-238-14-005, 18-238-14-041, 18-238-14-044

**Commission District: 2 Super District: 6**

**Applicant:** Alan Kennedy  
Five Ravinia Drive  
Atlanta, GEORGIA 30346

**Owner:** D C Woodley & Associates Inc; Ashford At Brookhaven Llc  
1407 Dresden Dr Ne 100  
Atlanta, GA 30319

**Project Name:** Ashford At Brookhaven Llc

**Location:** The property is located on the south side of Dresden Drive, between Ellijay Drive and Fernwood Circle

**REQUEST:** Variance request from Section 27-728.15.8(c)(2) of the DeKalb County Zoning Ordinance, to reduce the sidewalk width from ten (10) feet to eight (8) feet, relating to the Brookhaven Zoning Overlay District.

**STAFF RECOMMENDATIO "APPROVAL" BASED ON THE SITE PLAN RECEIVED ON MARCH 8, 2012.**

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**STAFF FINDING:**

**Table 1: Surrounding Zoning and Land Use**

	<b>Adjacent Zoning</b>	<b>Adjacent Land Use</b>
North:	PC-2	Undeveloped
South:	R-75	SFR
East:	RM-100	SFR
West:	R-75	Place of Worship
Northeast:	NS	Neighborhood commercial
Northwest:	O-I	
Southeast:	R-75	SFR
Southwest:	R-A8	SFR
Street Type:	Minor Thoroughfare	

Site Location: The property is located on the south side of Dresden Drive, between Ellijay Drive and Fernwood Circle. Currently, the site includes seven parcels. The underlying zoning is C-1 and O-I but the location is within the boundaries of the Brookhaven Zoning Overlay District. The site is surrounded by properties zoned PC-2 to the north, RM-100 to the east; and R-75 to the west and south. Dresden Drive is classified as a minor thoroughfare.

Variance Request: The applicant is requesting a variance from Section 27-728.15.8(c) (2) of the DeKalb County Zoning Ordinance, to reduce the sidewalk width from ten (10) feet to eight (8) feet. The applicant submitted some of the following comments: "At the request of the Brookhaven-Peachtree Community Alliance, the applicant wishes to place parallel on-street parking along Dresden Drive. On-street parking is encouraged but not required by the overlay district. Including on-street parking would result in a decrease in the width of the sidewalk from ten (10) feet to eight (8) feet".

Site Description: The site is developed with detached single family homes and vegetation which will be removed to allow construction of multi-family housing in accordance with the standards of the Brookhaven Overlay District.

Variance Analysis: The site is an irregularly shaped lot which is bounded by three streets and a stream along the southwest portion of the property. The overlay district requires a thirty (30) foot undisturbed transitional buffer along the edges of sites between properties within and outside the overlay district. The proposed building includes parking and is brought to the front property lines of all three street frontages.

The overlay district requires a five (5) foot landscape strip, a ten (10) foot wide sidewalk and an additional ten (10) foot wide pedestrian zone, totaling twenty-five (25) feet between the curb and the buildings. In order to provide on-street parallel parking spaces along the northeast portion of the lot along Dresden Drive, one standard needs to be reduced to accommodate the on-street parking. Based on the extensive standards required by the overlay district, the request to reduce the sidewalk width by two feet appears to meet the criteria for approval, based on the following findings:

**1. By reason of exceptional narrowness, shallowness or shape of a specific lot, or by reason of exceptional topographic conditions, which were not created by the owner or applicant, the strict application of the requirements of this chapter would deprive the property owner of rights and privileges enjoyed by other property owners in the same zoning district:**

Based on the submitted materials, by reason of exceptional narrowness, shallowness, or shape of a specific lot, or by reason of exceptional topographic conditions, which were not created by the owner or applicant, the strict application of the requirements of this chapter would deprive the property owner of rights and privileges enjoyed by other property owners in the same zoning district, due to the irregular shape of the lot, exceptional topography, presence of a stream buffer, and three street frontages.

**2. The requested variance does not go beyond the minimum necessary to afford relief, and does not constitute a grant of special privilege inconsistent with the limitations upon other properties in the zoning district in which the subject property is located:**

Based on the submitted materials, it appears that the requested variance does not go beyond the minimum necessary to afford relief since all the other extensive standards of the Brookhaven-Peachtree Overlay district will be met. Based on County records, the request does not appear to constitute a grant of special privilege inconsistent with the limitations upon other properties in the zoning district in which the subject property is located since other variances have been approved in the Brookhaven Overlay District in recent years.

**3. The grant of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the zoning district in which the subject property is located:**

Based on the submitted materials, it appears that granting the variance would not be materially detrimental to the public welfare or injurious to the property or improvements in the zoning district in which the subject property is located since the elements of a landscape, sidewalk and pedestrian zone will be constructed along all street frontages.

**4. The literal interpretation and strict application of the applicable provisions or requirements of this chapter would cause undue and unnecessary hardship:**

Based on the submitted materials, it appears that the literal interpretation and strict application of the applicable provisions or requirements of this chapter would cause an undue and unnecessary hardship if the development cannot be modified.

**5. The requested variance would be consistent with the spirit and purpose of this Chapter and the DeKalb County Comprehensive Plan Text:**

Based on the submitted materials, it appears that the requested variance would be consistent with the spirit and purpose of this chapter and the DeKalb County Comprehensive Plan text.

**FINAL STAFF ANALYSIS:**

Based on the submitted materials, the requested variance is to reduce the width of the sidewalk from ten (10) feet to eight (8) feet to accommodate on-street parallel parking along a portion of Dresden Drive. Since the property abuts lots outside the overlay district, a thirty (30) foot wide transitional buffer is needed. In addition, the topography drops from front to rear, and there is a stream buffer along the southwest corner of the site. In accordance with the overlay district, the building is pushed to the front of all three street frontages; however, there is insufficient space to accommodate some on-street parking which is encouraged but not required. Therefore, the request to slightly reduce the width of the proposed sidewalk appears to be the minimum to provide relief while retaining the spirit of the overlay district. The Department of Planning and Sustainability recommends the application be "approved", based on the site plan received on March 8, 2012.

**STAFF RECOMMENDATION      "APPROVAL" BASED ON THE SITE PLAN RECEIVED ON MARCH 8, 2012.**

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