



DeKalb County Zoning Board of Appeals

330 Ponce De Leon Avenue, Suite 500

Decatur, GA 30030

(404) 371-2155 / plandev@dekalbcountyga.gov

Wednesday, January 13, 2021

Planning Department Staff Analysis

Case No.: A-20-1244493

Parcel ID(s): 18-285-01-010

Commission District: 01 Super District: 07

Applicant: Jorge Bazen

Owner: QCM Enterprises

Project Name: 3730 Chamblee Tucker Road

Location/Address: The north side of Chamblee Tucker Road, approximately 200 feet west of the intersection of Chamblee Tucker Road and Old Chamblee Tucker Road, at 3730 Chamblee Tucker Road, Chamblee, GA.

Request: Reduce the required 50-foot transitional buffer to allow construction of a building addition and emergency lane.

Staff Recommendation: Approval.

STAFF FINDINGS

Site Location and Property Description:

The subject property is a 3.196-acre tract located at the corner of Chamblee Tucker Road, a minor arterial, and Old Chamblee Tucker Road, a local street. The property has two points of access, one on Chamblee Tucker Road, and one on Old Chamblee Tucker Road. It is zoned OI (Office Institutional) and is developed with an office building. Surface parking is located to the front, sides and rear of the building. A wooden wall is located on top of an embankment that borders the north and northwest edges of the parking areas. The wooden wall appears to screen a retaining wall and an open area in which trash has been thrown. At the northwest corner of the subject property, the grade of the property is approximately ten feet higher than that of the surface parking located at the northwest side of the building.

The applicant requests the variance to allow construction of a building addition on the northwest side of the building and to construct the required fire access lane to current specifications of the life safety code.

Surrounding Zoning and Land Use:

Direction	Adjacent Zoning	Adjacent Land Use
North	MR-2	The Alturas Embury Hills multifamily residential development (across Old Chamblee Tucker Road).

Direction	Adjacent Zoning	Adjacent Land Use
Northeast	MR-2	The Alturas Embry Hills multifamily residential development (across Old Chamblee Tucker Road).
East	O-I	A multitenant office building.
Southeast	R-100	Holy Cross Church
South	R-100	A library (across Chamblee Tucker Road).
Southwest	R-100	A cemetery
West	R-100, MR-1	A cemetery and the Embry Crossing multifamily residential development.
Northwest	MR-1	The Embry Crossing multifamily residential development

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:

The topography of the subject property is exceptional. The grade of the property at its northwest corner is approximately ten feet above the grade of the parking spaces located on the northwest of the building. The difference in topography limits the amount of space available for installation of a required fire lane. Strict application of the requirements of this chapter would deprive the property owner of rights and privileges enjoyed by owners of other properties that have the same zoning classification and a requirement for a transitional buffer, but which have no exceptional topography.

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:

The requested variance does not appear to go beyond the minimum necessary to afford relief. It would allow the building addition as proposed, and the required fire lane, without negatively impacting the adjoining property. Despite the buffer encroachment, a 15-20-foot buffer will be retained adjacent to residential uses.

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:

Granting 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. It would allow for construction of a building addition that would make the existing building more attractive to a wider range of tenants, thereby allowing it to better contribute to the commercial corridor in which the property is located.

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

The strict application of the applicable provisions and requirements of this chapter would cause undue and unnecessary hardship for the applicant.

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

The proposed development is consistent with the spirit and purpose of the Zoning Ordinance, and with policies contained in the 2035 Comprehensive Plan that speak to revitalization of commercial corridors and protection of residential properties.

STAFF RECOMMENDATION: APPROVAL WITH CONDITIONS.

The requested variance does not appear to go beyond the minimum necessary to afford relief. Moreover, the strict application of the applicable provisions and requirements of this chapter would cause undue and unnecessary hardship for the applicant. Approval of the variance would allow the building addition as proposed, and the required fire lane, without negatively impacting the adjoining property, impairing the purposes and intent of the Zoning Ordinance, or conflicting with the policies of the Comprehensive Plan. Therefore, the Department of Planning and Sustainability recommends "Approval".

**ZONING BOARD OF APPEALS APPLICATION FOR PUBLIC HEARING
(VARIANCES, SPECIAL EXCEPTIONS, APPEALS OF ADMINISTRATIVE DECISIONS)**

BOA No. _____

Applicant and/or
Authorized Representative Jorge Bazan

Mailing Address: 2909 Langford Road A-600

City/State/Zip Code: Norcross, GA 30071

Email: jbazan@fluxmodern.com

Telephone Home: 404-895-2861 Business: 404-890-5530 Fax No.: _____

OWNER OF RECORD OF SUBJECT PROPERTY

Owner: QCM Enterprises LLC

Address (Mailing): 1454 Northside Drive NW

City/State/Zip Code: Atlanta, GA 30318

Email: _____

Telephone Home: 917-324-2569 Business: _____ Fax No.: _____

ADDRESS/LOCATION OF SUBJECT PROPERTY

Address: 3730 Chamblee Tucker Road City: Chamblee State: GA Zip: 30341

District(s): 18 Land Lot(s): 285 Block: 01 Parcel: 010

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

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

Zoning Classification: OI Commission District & Super District: 1 & 7

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: _____



DeKalb County
GEORGIA

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ZONING BOARD OF APPEALS APPLICATION AUTHORIZATION OF THE PROPERTY OWNER

I hereby authorize the staff and members of the Zoning Board of Appeals
To inspect the premises of the Subject Property

I hereby certify that the information provided in the application is true and correct.

I hereby certify that I am the owner of the property subject to the application.

DATE: 12.02.2020

Applicant:
Signature

Pierre Thomas

DATE: _____

Applicant:
Signature



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ZONING BOARD OF APPEALS APPLICATION

AUTHORIZATION TO REPRESENT THE PROPERTY OWNER

I hereby authorize the staff and members of the Zoning Board of Appeals to inspect the premises of the Subject Property

I hereby certify that the information provided in the application is true and correct.

I hereby certify that I am the owner of the property and that I authorize the applicant/agent to apply for a hearing to the Zoning Board of Appeals for the requests as shown in this application

DATE: 12/2/2020

Applicant/Agent:
Signature

Jorge Bazan

TO WHOM IT MAY CONCERN:

(I)/ (WE) QCM Enterprises LLC

(Name of Owners)

being (owner/owners) of the property described below or attached hereby delegate authority to:

Jorge Bazan

(Name of Applicant or Representative)

To file an application on (my) / (our) behalf

[Signature]
Notary Public

Notary Public

Notary Public

[Signature]
Owner

Owner

Owner





Letter of Intent

Property Address:

3730 Chamblee Tucker Rd.
Chamblee, GA 30341

Owner:

QCM Enterprises, LLC
1454 Northside Drive, NW
Atlanta, GA 30318

Authorized Representative (Architect):

Jorge Bazan
FLUX architecture + design LLC
2909 Langford Rd. A600
Norcross, GA 30071

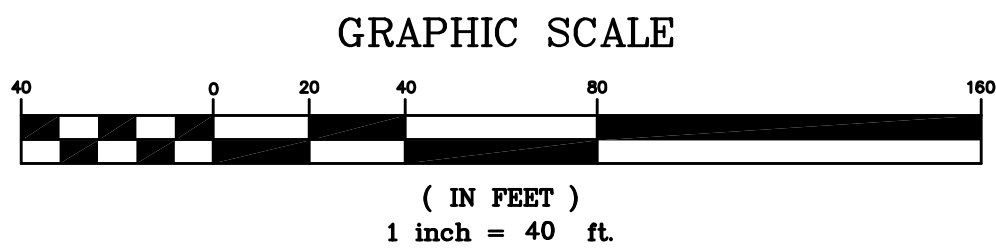
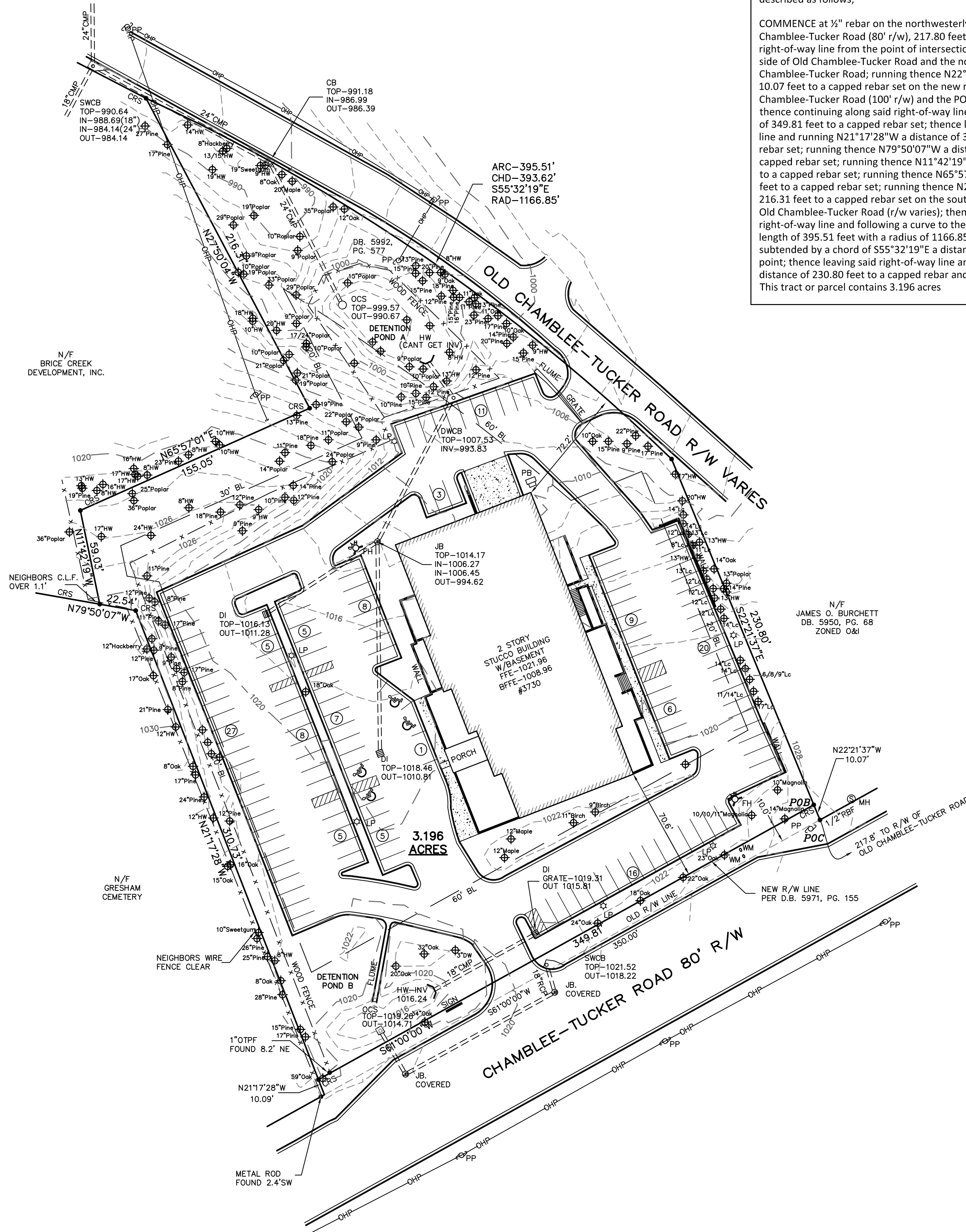
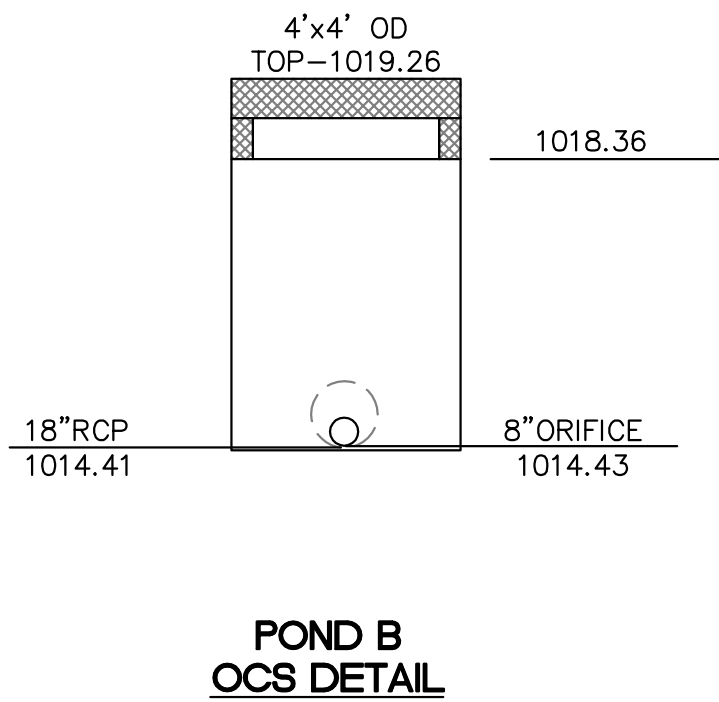
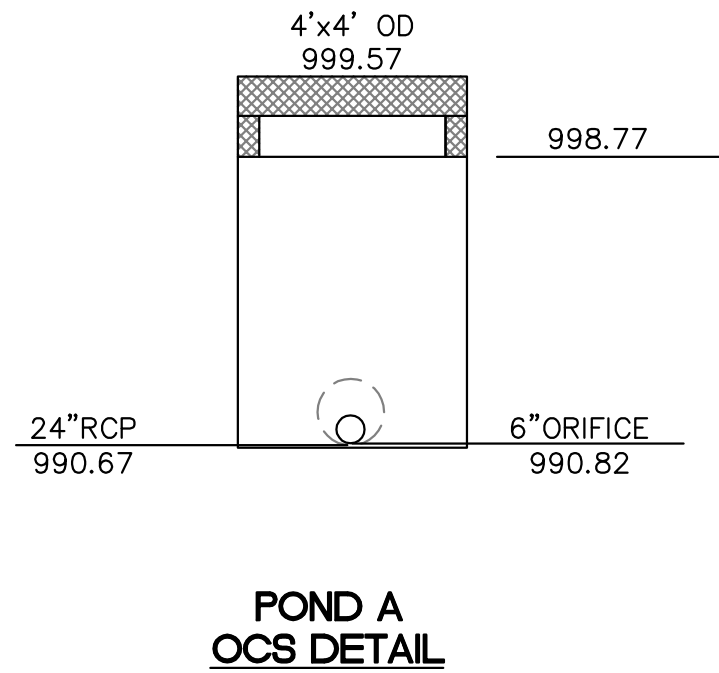
- a. The property is bounded by Chamblee-Tucker road to the South and Old Chamblee-Tucker Road to the East. To the North and West the property is bound by a 50' Transitional Buffer. We are proposing an addition to the building to the northern and western portion of the existing building. To maintain Fire Access to the building and to adhere to the fire code, a 20' access drive will be required, which results in an encroachment into the transitional buffer by approximately 1443 s.f. of pavement and 5262 s.f. of grading to the north. The transitional buffer to the west has already been developed and currently houses a parking lot area. We are also seeking to encroach in western buffer by placing the required Dumpster pad area, see site plan for reference. In accordance with Section 7.5.3, Application for variances, undue hardship is a result of:
 1. By reason of exceptional narrowness, shallowness, or shape of a specific lot, or by reason of exceptional topographic and other site conditions (such as, but not limited to, floodplain, major stand of trees, steep slope), 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.
 - a. There are steep slopes along the North and West sides of the lot that limit vehicular access. To provide a 20' access drive around the building, necessary grading would encroach upon the 50' transitional buffer. In addition to the Fire access drive, the dumpster enclosure requires access by a Dekalb Sanitation front loader truck. The most suitable location for this access is in the western corner of the lot. This is the only location that allows for proper maneuvering clearances.
 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.



- a. We request to do the minimum amount of disturbance in this transitional buffer and to replant/landscape the buffer to a condition that is better than its current state.
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.
 - a. Grant of the variance will improve site conditions to the neighboring properties and will not have a visual impact. The dumpster enclosure, parking, and access drive have limited visual impact on the adjacent properties due to the topography of the site. The dumpster pad will be enclosed by a stucco finish concrete wall to match the main building's façade.
 - b. Currently these transitional buffers are littered and overgrown. Grant of the variance will allow regular maintenance and landscape of these transitional buffers.
4. The literal interpretation and strict application of the applicable provisions or requirements of this chapter would cause undue and unnecessary hardship.
 - a. Strict application of the 50' transitional buffer would cause undue hardship by limiting access around the property and building for fire and sanitation.
 - b. A 50' transitional buffer is required adjacent to R zoning according to table 5.2 of Sec. 5.4.5. The R100 zoned property to the West is used as a cemetery. This use is labeled as SP, Special land use permit from BoC (SLUP) according to table 4.1 of Sec. 4.1.3
5. The requested variance would be consistent with the spirit and purpose of this chapter and the DeKalb County Comprehensive Plan text.
 - a. 5.4.5.A "*Intent*. Transitional buffers are intended to create a visual screen in order to diminish the potential negative impacts of non-residential and mixed land uses on adjacent residential land uses. Similarly, transitional buffers diminish the potential negative impacts of higher intensity residential development on adjacent single-family residential land uses."
 - b. The variance keeps with the intent of the code by maintaining a visual screen and buffer between adjacent properties.
- b. Our development is seeking to provide a minimum 20 feet Fire Access road around the building and a dumpster pad away from street view. However, to provide the Fire Access and dumpster pad, our site will encroach into the 50 feet Transitional Buffer. This will be in violation of DeKalb Code of Ordinance under Sec 5.4.5. We would like to request for a variance to encroach approximately an additional 6,705 sq. ft. to the existing encroachment to provide the Fire Access and dumpster pad.

LEGEND

RBF REBAR FOUND
(1/2" REBAR)
CRS CAPPED REBAR SET
(1/2" REBAR)
OTF OPEN TOP FOUND
CTF CRIMP TOP FOUND
LLL LAND LOT LINE
MH MANHOLE
BL BUILDING LINE
C.L.F. CHAIN LINK FENCE
C/O SEWER CLEAN OUT
R/W RIGHT-OF-WAY
SE SANITARY SEWER EASEMENT
CRZ CRITICAL ROOT ZONE
UE UTILITY EASEMENT
FH FIRE HYDRANT
SWCB SINGLE WING CATCHBASIN
DWCB DOUBLE WING CATCHBASIN
HW HEADWALL
OCS OUTLET CONTROL STRUCTURE
DI DROP INLET
JB JUNCTION BOX
DE DRAINAGE EASEMENT
CMP CORRUGATED METAL PIPE
RCP REINFORCED CONCRETE PIPE
LP LIGHT POLE
PP POWER POLE
WV WATER VALVE
GV GAS VALVE
P=PINE TREE
Lc=LEYLAND CYPRESS



SURVEYED LEGAL DESCRIPTION

ALL THAT TRACT or parcel of land lying and being in Land Lot 285 of the 18th District of DeKalb County, Georgia, being more particularly described as follows;

COMMENCE at 1/2" rebar on the northwesterly right-of-way line of Chamblee-Tucker Road (80' r/w), 217.80 feet southwesterly along said right-of-way line from the point of intersection of the southwesterly side of Old Chamblee-Tucker Road and the northwesterly side of Chamblee-Tucker Road; running thence N22°21'37"W a distance of 10.07 feet to a capped rebar set on the new right-of-way line of Chamblee-Tucker Road (100' r/w) and the POINT OF BEGINNING; thence continuing along said right-of-way line S61°00'00"W a distance of 349.81 feet to a capped rebar set; thence leaving said right-of-way line and running N21°17'28"W a distance of 310.73 feet to a capped rebar set; running thence N79°50'07"W a distance of 22.54 feet to a capped rebar set; running thence N11°42'19"W a distance of 59.03 feet to a capped rebar set; running thence N65°57'01"E a distance of 155.05 feet to a capped rebar set; running thence N27°50'04"W a distance of 216.31 feet to a capped rebar set on the southerly right-of-way line of Old Chamblee-Tucker Road (r/w varies); thence continuing along said right-of-way line and following a curve to the right, said curve having a length of 395.51 feet with a radius of 1166.85 feet, and being subtended by a chord of S55°32'19"E a distance of 393.62 feet to a point; thence leaving said right-of-way line and running S22°21'37"E a distance of 230.80 feet to a capped rebar and the POINT OF BEGINNING. This tract or parcel contains 3.196 acres

GENERAL NOTES

THIS PLAT HAS BEEN CALCULATED FOR CLOSURE BY LATITUDES AND DEPARTURES AND IS FOUND ACCURATE TO WITHIN ONE FOOT IN 225,105 FEET.

THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 10,000 FEET AND AN ANGULAR ERROR OF 02" PER ANGLE POINT AND WAS ADJUSTED USING COMPASS RULE.

A NIKON - TOTAL STATION WAS USED TO OBTAIN THE LINEAR AND ANGULAR MEASUREMENTS USED IN THE PREPARATION OF THIS PLAT.

FENCES SHOULD NOT BE PLACED USING SIDE DIMENSIONS FROM HOUSE OR STRUCTURE.

CERTIFICATION IS MADE TO PERSON(S) NAMED ON THIS PLAT AND IS NOT TRANSFERABLE TO OTHERS.

UTILITIES SHOWN ARE LOCATIONS OF GROUND IDENTIFIABLE ITEMS. ADDITIONAL UTILITIES MAY EXIST ABOVE OR BELOW GROUND. THE SURVEYOR ACCEPTS NO RESPONSIBILITY FOR THE COMPLETENESS OF THIS DATA.

THIS PROPERTY IS SUBJECT TO ALL RIGHT OF WAYS AND EASEMENTS SHOWN OR NOT SHOWN, RECORDED OR UNRECORDED.

FLOOD NOTE:

BASED ON GRAPHIC DETERMINATION, THIS PROPERTY DOES NOT LIE WITHIN A FEMA/FIRM SPECIAL FLOOD HAZARD AREA PER COMMUNITY PANEL NO. 13089C0038J DATED 5/16/13

REVISIONS

NO.	DESCRIPTION
1.	
2.	
3.	
4.	
5.	

SCI Development Services
ENGINEERS - SURVEYORS - PLANNERS
2020 WESTSIDE COURT - SUITE E - SNELLVILLE, GEORGIA 30078
(770) 736-7666 FAX (770) 736-4823
MAIL@SURVEYCONCEPTS.NET

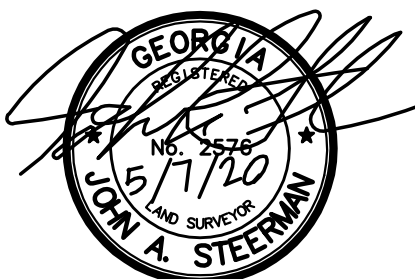
3730 Chamblee Tucker Road, LLC., a Georgia limited liability company, First American Title Insurance Company and Callaway Title and Escrow, LLC

LAND LOT 285 18th DISTRICT
DEKALB COUNTY, GEORGIA

DATE 2/20/19
DRAWN DCP
CHECKED JAS
SCALE 1"=40'
SHEET TITLE

SURVEY

PROJECT NUMBER
54099



IN MY OPINION, THIS PLAT IS A CORRECT REPRESENTATION OF THE LAND PLATTED AND HAS BEEN PREPARED IN CONFORMITY WITH THE MINIMUM STANDARDS AND REQUIREMENTS OF LAW.