

Chief Executive Officer
Michael Thurmond

DEPARTMENT OF PLANNING & SUSTAINABILITY

Interim Director
Cedric Hudson

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

Applicant and/or
Authorized Representative: _____

Mailing Address: _____

City/State/Zip Code: _____

Email: _____

Telephone Home: _____ Business: _____

OWNER OF RECORD OF SUBJECT PROPERTY

Owner: _____

Address (Mailing): _____

Email: _____ Telephone Home: _____ Business: _____

ADDRESS/LOCATION OF SUBJECT PROPERTY

Address: _____ City: _____ State: _____ Zip: _____

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

Zoning Classification: _____ Commission District & Super District: _____

CHECK 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.)

_____ OFFICIAL APPEAL OF ADMINISTRATIVE DECISIONS.

PLEASE REVIEW THE FILING GUIDELINES ON PAGE 4. FAILURE TO FOLLOW GUIDELINES MAY RESULT IN SCHEDULING DELAYS.

Email plansustain@dekalbcountyga.gov with any questions.

DEPARTMENT OF PLANNING & SUSTAINABILITY

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: _____

Applicant
Signature:



DATE: _____

Applicant
Signature: _____

LETTER OF INTENT

**2961 Alston Drive
Atlanta, GA 30317**

Dear Members of the Zoning Board of Appeals,

My name is Ihsan Saleem, representing Saleem and Company, and I am writing to formally request variances from code section 3.33.9; 3.33.11; 3.33.13; 5.4.4; and 6.1.4 of the Dekalb County Zoning Ordinance. The purpose of this variance is to facilitate significant improvements on the property and the conversion of use from the existing legal non-conforming warehouse storage into creative office and/or retail space, which is crucial to bringing the subject property back into function and bringing economic vibrancy to the neighborhood in line with the vision and goals of the Commercial Redevelopment Corridor (CRC) land use and the I-20 Tier 2. Details of the requested variances are below.

VARIANCE REQUESTS:

- 1) TO REDUCE THE MINIMUM INTERIOR / REAR YARD FROM 10' TO 0.4' ON THE WEST LOT LINE AND 1.7' ON THE SOUTH LINE
- 2) TO ELIMINATE THE REQUIRED MINIMUM 30' BUFFER TRANSITIONAL ZONE ON THE SOUTH LOT LINE
- 3) TO ELIMINATE THE REQUIRED MINIMUM 10' FRONT LANDSCAPE STRIPS ON THE NORTH LOT LINE
- 4) TO ELIMINATE THE REQUIRED MINIMUM 5' REAR LANDSCAPE STRIPS ON THE SOUTH LOT LINE
- 5) TO ELIMINATE THE MINIMUM 10% LANDSCAPED PARKING AREA REQUIREMENT
- 6) TO REDUCE THE PARKING REQUIREMENTS TO FIT THE PROPOSED USE ALONG WITH EXISTING IMPROVEMENTS

1) PHYSICAL CONDITION OF SITE:

The property was constructed in 1964 as a warehouse, prior to the adoption of the current zoning ordinance of 1982. The original construction of the building does not conform to current zoning laws, which is a special case necessitating these variances. The legal non-conforming structure encroaches into the setbacks on the front, rear, and side. The subject property's side setback along the west lot line is deficient by 9.6 feet and the rear setback along the south lot line is deficient by 8.3 feet. The front and rear landscape strips are deficient by 10 feet and 3.3 feet, respectively. The subject site is parallelogram-shaped and a corner lot. The subject property has not been used in over 4 years and is of poor quality. The necessary improvements to bring the property back to proper function will most likely surpass the 60% limit of the property's fair market value.

2) MINIMUM VARIANCE NECESSARY:

The proposed variances are to significantly renovate the existing structure. As mentioned before, the building was constructed prior to the 1982 zoning ordinance. Under the current zoning laws, we estimate the significant improvements required to make the building usable will exceed 60 percent of its fair market value. This would trigger setback requirements which would require destruction of significant areas of the building to meet the zoning code, drastically reducing the potential use of the building and causing undue hardship.

3) PUBLIC WELFARE:

The proposed improvements will provide a positive impact on the neighborhood and community. Though the property will be for commercial use (office and retail) and is surrounded by residential homes on the east, the

residential parcels will not be negatively impacted. There is no car access directly from Alston Dr to Richard Allen Dr; therefore, residential neighbors in Richard Allen Dr would not be impacted by increased traffic. Traffic will be coming from the west onto the property along Alston Dr, which is a short drive from Candler Rd and reaches a dead end at the subject property. Additionally, the properties west of the subject property have commercial or retail use as well as a church abutting the subject property. Therefore, improvements to this parcel would only enhance the aesthetic appeal and desirability of this commercial corridor. The intended improvements are to convert the warehouse into office space with some retail and event space. This use type would not disturb neighbors, and we plan to soundproof the building to ensure noise screening for surrounding neighbors.

4) ORDINANCE HARDSHIP:

The legal non-conforming and enforcement of code would prevent any meaningful improvements to the property. The current zoning laws would require a significant reduction in the overall square footage of the property if improvements surpassed 60% of the property's market value. For example, the required 30-foot transitional buffer zone would require the destruction of significant parts of the property that could have been used for office or retail uses that would improve the value of the neighborhood. A strict application of the current zoning ordinances to this pre-1982 building is impractical. Strict adherence to the zoning ordinance would cause undue hardship and would unfortunately impede any meaningful improvements to the property.

5) ALIGNMENT WITH THE SPIRIT OF THE LAW:

The conversion of this warehouse into a creative office and retail space would improve the function and aesthetic appeal of the neighborhood and overall county's commercial corridors. The current building has been historically under-maintained for several years, and it is currently an eyesore. The current zoning ordinance would ensure the status quo and would make it impractical to make meaningful improvements to the property. These variances would allow us to unlock the potential of this property and are in line with the goals and intentions of CRC and I-20 Tier 2 overlay.

In conclusion, we deeply appreciate your time and consideration of these variance requests as it would be impossible for us to beautify this property without them. We are committed to working collaboratively to ensure that the proposed changes align with the broader goals and policies of DeKalb County. Thank you so much.

