



Michael L. Thurmond

Chief Executive Officer

DeKalb County Zoning Board of Appeals
Department of Planning & Sustainability
178 Sams Street,
Decatur, GA 30030

Wednesday, December 11, 2024

Planning Department Staff Analysis



Cedric Hudson

Interim Director

D4. Case No: A-24-1247106

Parcel ID(s): 15 183 02 001

Commission District 03 Super District 07

Applicant: Ihsan Saleem
430 Allendale Drive SE
Atlanta, GA, 30317

Owner: Saleem and Company LLC
430 Allendale Drive SE
Atlanta, GA 30317

Project Name: 2961 Alston – Warehouse into Work/Retail Space

Location: 2961 Alston Drive, Atlanta, GA, 30317

Requests:

- Variances from Section 27-3.33.9 – Development Standards to reduce the minimum rear yard setback from 10' to 0.4' on the West lot line and 10' to 1.7' on the South lot line.
• Section 27-3.33.11 – Transitional Buffer Zone. To eliminate the required 30' buffer transitional zone on the South lot line.
• Section 27-3.33.13 – Landscaping Requirements. To eliminate the required 10' front landscape strips on the North lot line. To eliminate the 5' rear landscape strips on the South lot line.
• Section 27-5.4.4 – Site and Parking Area Landscaping. To eliminate the 10% landscaped parking area requirement.

Staff Recommendation: Deferral

STAFF FINDINGS:

The applicant and staff are requesting deferral of the application. The project's scope and cost may not meet the threshold to justify a variance.

The proposal involves converting a former warehouse, built in 1964 and later used as a taxi depot, into a mixed-use office and retail space within the I-20 Overlay district and C-2 (General Commercial) zoning district. The building is currently legally non-conforming, and the applicant had sought variances to reduce side and rear setbacks, eliminate transitional buffers and landscape strips, exclude landscaped parking areas, and reduce parking requirements to facilitate redevelopment. However, given the project's limited scope and cost, it has been determined that pursuing the requested variances may not be warranted, leading to the applicant decision to defer the application.

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.

SURVEYOR'S CERTIFICATION

This plat is a retracement of an existing parcel or parcels of land and does not subdivide or create a new parcel or make any changes to any real property boundaries. The recording information of the documents, maps, plats, or other instruments which created the parcel or parcels are stated hereon. RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. Furthermore, the undersigned land surveyor certifies that this plat complies with the minimum technical standards for property surveys in Georgia as set forth in the rules and regulations of the Georgia Board of Registration for Professional Engineers and Land Surveyors and as set forth in O.C.G.A. Section 15-6-67.



Brandon T. Miller

6-19-2024

TO: SALEEM AND COMPANY, LLC, A GEORGIA LIMITED LIABILITY COMPANY & WESTCOR LAND TITLE INSURANCE COMPANY

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2011 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1, 2, 3, 4, 5, 6(b), 8, 9, 11(c), 13, 14, 16, 17 AND 19 OF TABLE A THEREOF. THE FIELD WORK WAS COMPLETED ON JUNE 14, 2024.

DATE: 6-19-2024

BRANDON T. MILLER
REGISTRATION NUMBER: 2945

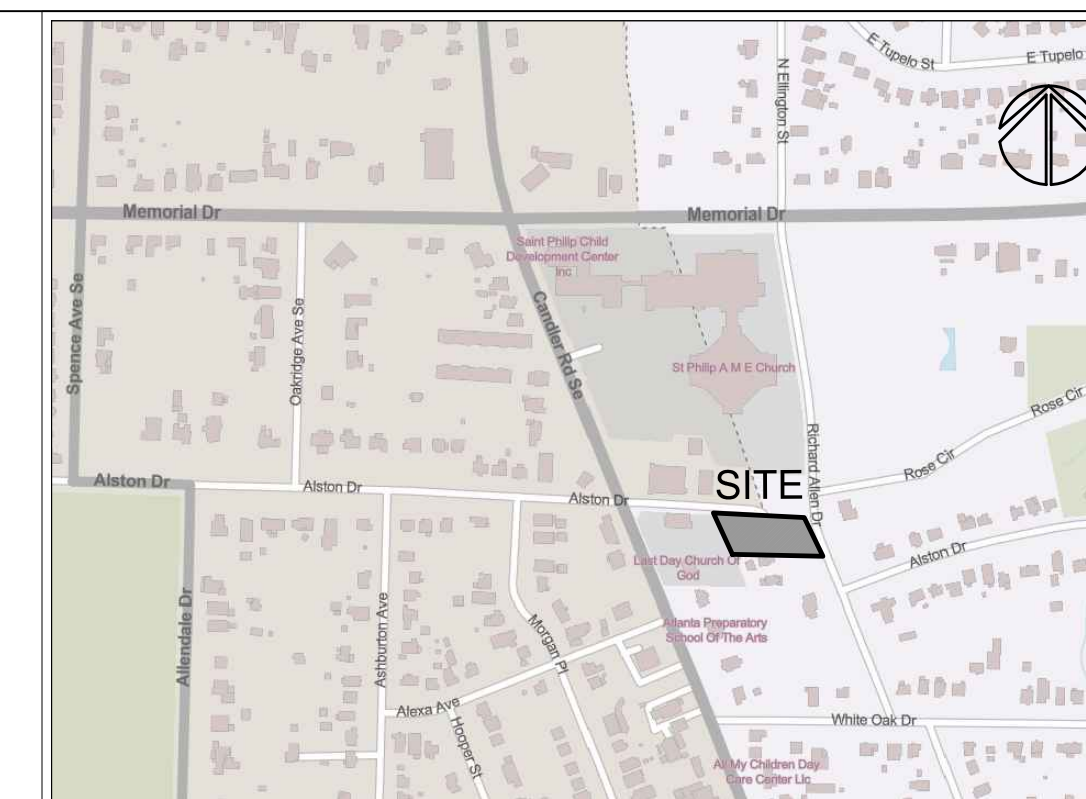
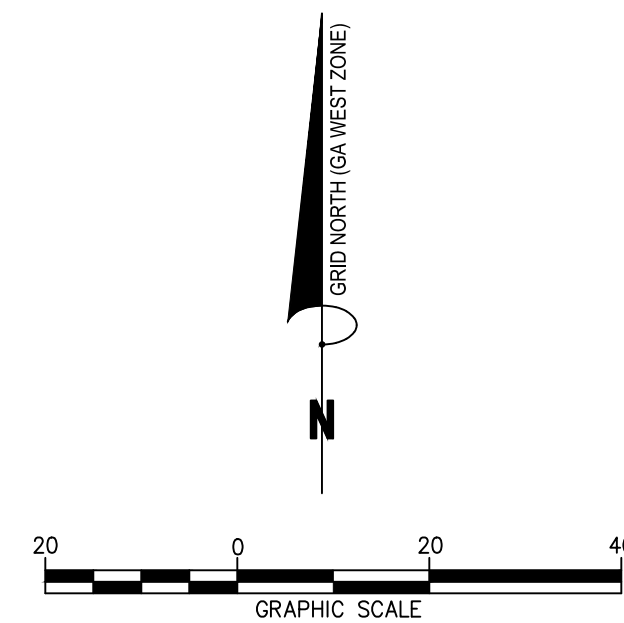


FLOOD HAZARD NOTE:

FIRM MAP NUMBER 13089C01311, EFFECTIVE 05/16/2013, INDICATES THAT THIS TRACT IS LOCATED IN ZONE X AND DOES NOT LIE IN AN AREA DESIGNATED AS HAVING FLOOD HAZARD.

NOTES:

- THERE ARE NO STRIPED PARKING SPACES ON SUBJECT PROPERTY.
- THERE IS NO EVIDENCE OF RECENT EARTH MOVING WORK, BUILDING CONSTRUCTION, OR BUILDING ADDITIONS OBSERVED IN THE PROCESS OF CONDUCTING THE FIELDWORK.
- THERE IS NO EVIDENCE OF ANY PROPOSED CHANGES IN STREET RIGHT OF WAY LINES OR RECENT STREET OR SIDEWALK CONSTRUCTION.

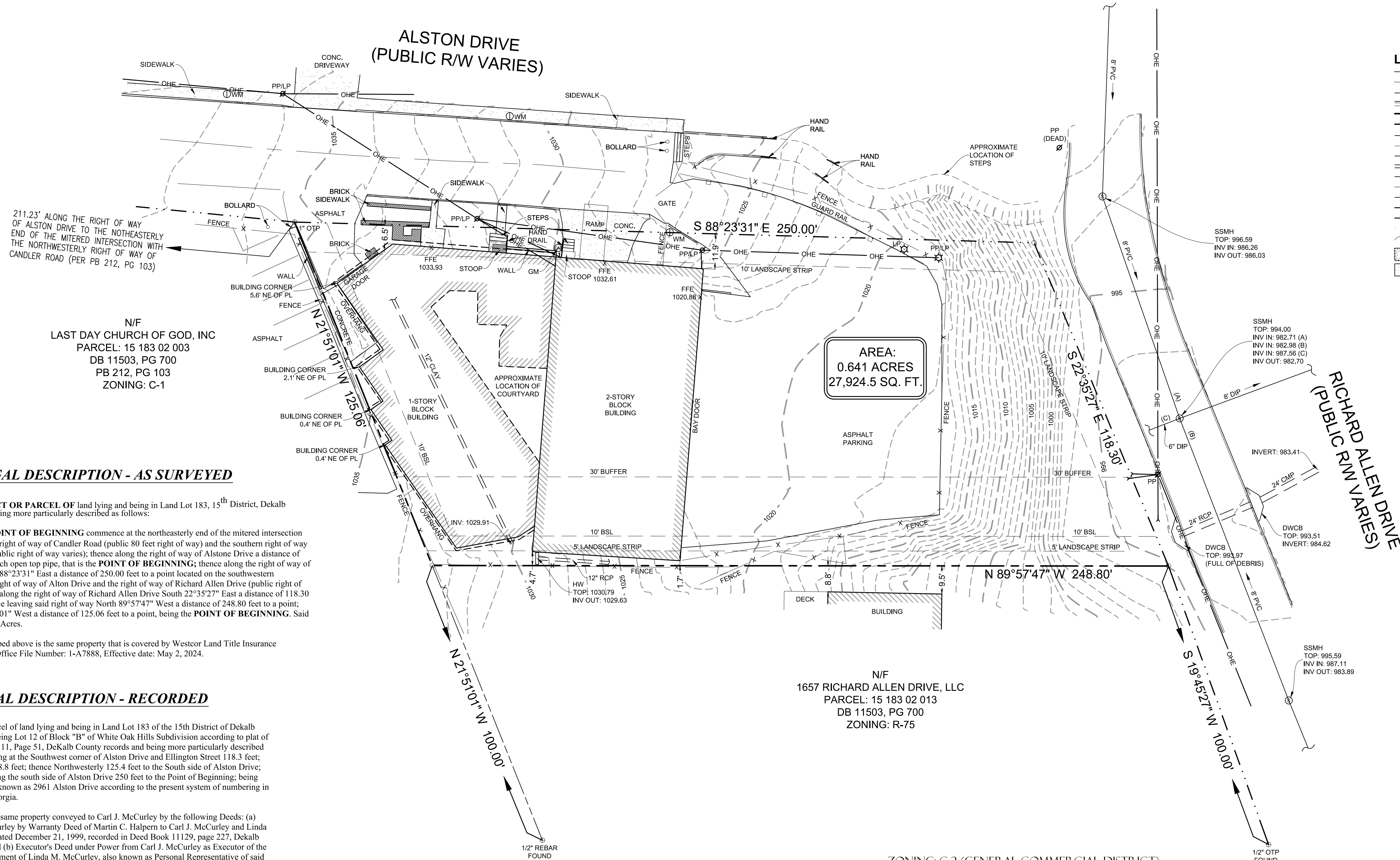


LOCATION MAP
N.T.S.

SUPERIOR COURT RECORD INFORMATION

REFERENCES:

- 1. DEED BOOK 30255, PAGE 7586
- 2. PLAT 11, PAGE 51



AREA:
0.641 ACRES
27,924.5 SQ. FT.

LEGEND

- INDEX CONTOUR
- INTERMEDIATE CONTOUR
- EDGE OF PAVEMENT
- CURB AND GUTTER
- PROPERTY LINE
- ROAD RIGHT OF WAY
- ADJOINER PROPERTY LINE (NOT SURVEYED)
- FENCE LINE
- SANITARY SEWER
- STORM SEWER
- UNDERGROUND WATER LINE
- UNDERGROUND COMMUNICATION SERVICE
- UNDERGROUND GAS SERVICE
- UNDERGROUND ELECTRIC SERVICE
- OVERHEAD ELECTRIC
- GUARD RAIL
- TREE LINE
- BUILDING
- CONCRETE
- IRON PIN FOUND (SIZE/TYPE NOTED)
- CONCRETE MONUMENT FOUND (CMF)
- CALCULATED POINT (NO MONUMENT SET)
- BENCHMARK
- BOLLARD / POST
- FLAG POLE (FP)
- ROOF DRAIN (RD)
- SIGN
- HANDICAP SYMBOL
- GAS METER (GM)
- GAS REGULATOR (GR)
- GAS VALVE (GV)
- POWER / UTILITY POLE (PP/UP)
- GUY ANCHOR WIRE
- LIGHT POLE (LP)
- GROUND LIGHT (GL)
- DRAIN INLET (DI)
- CURB DRAIN INLET (CDI)
- STORM DRAIN MANHOLE (J)
- SINGLE WING CATCH BASIN (SWCB)
- DOUBLE WING CATCH BASIN (DWCB)
- HEADWALL (HW)
- FLARED END SECTION (FES)
- SANITARY SEWER MANHOLE (SSMH)
- SANITARY SEWER CLEAN-OUT (CO)
- WATER VALVE (WV)
- WATER METER (WM)
- FIRE HYDRANT (FH)
- FIRE DEPARTMENT CONNECTION (FDC)
- WATER MANHOLE (WMH)
- TREE (NUMBER/SIZE/TYPE)

ABBREVIATIONS

| | |
|--------|---------------------------|
| INV | INVERT ELEVATION |
| CMP | CORRUGATED METAL PIPE |
| RCP | REINFORCED CONCRETE PIPE |
| HDPE | HIGH DENSITY POLYETHYLENE |
| DIP | DUCTILE IRON PIPE |
| FFE | FINISHED FLOOR ELEVATION |
| TBM | TEMPORARY BENCHMARK |
| UGCM | UNDERGROUND CABLE MARKER |
| GLM | GAS LINE MARKER |
| PIV | POST INDICATOR VALVE |
| ICV | IRRIGATION CONTROL VALVE |
| WLM | WATER LINE MARKER |
| CT | COOLING TOWER |
| CB | COMMUNICATIONS BOX |
| EJB | ELECTRICAL JUNCTION BOX |
| UB | UTILITY BOX |
| PB | PLAT BOOK |
| DB | DEED BOOK |
| N/F | NOW OR FORMERLY |
| LL | LAND LOT |
| LLL | LAND LOT LINE |
| G.M.D. | GEORGIA MILITIA DISTRICT |
| GTMH | GREASE TRAP MANHOLE |
| PI | PEDESTAL INLET |
| TP | TELEPHONE PEDESTAL |
| CWP | CROSSWALK POLE |
| SB | SWITCH BOX |
| TSB | TRAFFIC SIGNAL BOX |
| TSP | TRAFFIC SIGNAL POLE |
| B.S.L. | BUILDING SETBACK LINE |
| D.E. | DRAINAGE EASEMENT |
| S.S.E. | SANITARY SEWER EASEMENT |
| CTP | CRIMP TOP PIPE |
| OTP | OPEN TOP PIPE |
| P.O.B. | POINT OF BEGINNING |
| P.O.C. | POINT OF COMMENCEMENT |

CLOSURE

- THE SURVEY SHOWN HEREON WAS PERFORMED WITH A COMBINATION OF GLOBAL NAVIGATION SATELLITE SYSTEMS (GNSS) UTILIZING TRIMBLE R12 MULTI-FREQUENCY GNSS RECEIVERS UTILIZING REAL-TIME KINEMATIC (RTK) METHODOLOGY AN NETWORK ADJUSTED RTK DATA SUPPLEMENTED WITH CONVENTIONAL SURVEY METHODS USING A TRIMBLE S-SERIES ROBOTIC TOTAL STATION. THE RELATIVE ACCURACY OF THE GNSS AND CONVENTIONAL SURVEY WORK COMPLETED IS 0.042 FOOT OR BETTER AT THE 95% CONFIDENCE INTERVAL BASED UPON THE RESULTS OF A LEAST SQUARES ADJUSTMENT AND ANALYSIS OF THE MEASURED SURVEY DATA.

- THIS MAP OR PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 268,988 FEET.

- ELEVATIONS DETERMINED BY A TRIMBLE MODEL R12) GPS.

- THE HORIZONTAL DATUM SHOWN HERE IS BASED UPON NAD 83 (2011), GEORGIA WEST 1002 STATE PLANE COORDINATE SYSTEM. THE DISTANCES SHOWN HEREON ARE ON GRID DISTANCES.

- THE VERTICAL DATUM SHOWN HEREON IS BASED UPON NAVD 88 (GEOID 18). THE COMBINED SCALE FACTOR FOR THIS DATA IS 0.999988.

- FIELD DATA WAS COMPLETED ON 06-14-2024.

LEGAL DESCRIPTION - AS SURVEYED

ALL THAT TRACT OR PARCEL OF land lying and being in Land Lot 183, 15th District, DeKalb County, Georgia, being more particularly described as follows:

TO FIND THE POINT OF BEGINNING commence at the northeasterly end of the mitered intersection of the northeasterly right of way of Candler Road (public right of way) and the southern right of way of Alston Drive (public right of way varies); thence along the right of way of Alston Drive a distance of 211.23 feet to a 1-inch open top pipe, that is the POINT OF BEGINNING; thence along the right of way of Alston Drive South 88°23'31" East a distance of 250.00 feet to a point located on the southwestern intersection of the right of way of Alston Drive and the right of way of Richard Allen Drive (public right of way varies); thence along the right of way of Richard Allen Drive South 22°35'27" East a distance of 118.30 feet to a point; thence leaving said right of way North 89°57'47" West a distance of 248.80 feet to a point; thence North 21°51'01" West a distance of 125.06 feet to a point, being the POINT OF BEGINNING. Said tract contains 0.641 Acres.

The property described above is the same property that is covered by Westcor Land Title Insurance Company, Issuing Office File Number: 1-A7888, Effective date: May 2, 2024.

LEGAL DESCRIPTION - RECORDED

All that tract or parcel of land lying and being in Land Lot 183 of the 15th District of DeKalb County, Georgia, being Lot 12 of Block "B" of White Oak Hills Subdivision according to plat of record in Plat Book 11, Page 51, DeKalb County records and being more particularly described as follows: Beginning at the Southwest corner of Alston Drive and Ellington Street 118.3 feet; thence Westerly 248.8 feet; thence Northwesterly 125.4 feet to the South side of Alston Drive; thence Easterly along the south side of Alston Drive 250 feet to the Point of Beginning; being improved property known as 2961 Alston Drive according to the present system of numbering in DeKalb County, Georgia.

Said property is the same property conveyed to Carl J. McCurley by the following Deeds: (a) and Linda M. McCurley by Warranty Deed of Martin C. Halpern to Carl J. McCurley and Linda M. McCurley, dated December 21, 1999, recorded in Deed Book 11129, page 227, DeKalb County records; and (b) Executor's Deed under Power from Carl J. McCurley as Executor of the Last Will and Testament of Linda M. McCurley, also known as Personal Representative of said Estate to Carl J. McCurley, dated November 13, 2014, recorded in Deed Book 24673, pages 192, said records.

Said property is conveyed subject to and with notice of the following matters: (a) Matters shown on the aforesaid plat of said property; (c) General utility grants and easements, including utility easement granted to Lakeview Services Co; and, (b) road right of way grants and easements of record.

ZONING: C-2 (GENERAL COMMERCIAL DISTRICT)

ZONING REQUIREMENTS PER ZONING REPORT 24-449375.3, DATED MAY 30, 2024:

- MINIMUM FRONT YARD SETBACK: 0 FEET
- MINIMUM INTERIOR SIDE/REAR YARD: 10 FEET
- MINIMUM BUFFER ZONE: 30 FEET
- MINIMUM FRONT LANDSCAPE STRIPS: 10 FEET
- MINIMUM REAR LANDSCAPE STRIPS: 5 FEET
- MINIMUM LANDSCAPE PARKING AREA: 10%
- MINIMUM OPEN SPACE: 20%
- MAXIMUM BUILDING HEIGHT: 8 STORIES

IMPERVIOUS AREA: 18,529.9 SQ. FT. (INCLUDING BUILDING, DRIVES, WALKS, STEPS, PORCHES & PARKING AREA)

LOT COVERAGE:

NET IMPERVIOUS AREA/LOT AREA
18,529.9/27,924.5 X 100 = 66.4%

THIS SURVEY WAS PREPARED IN CONFORMITY WITH THE TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN CHAPTER 190-7 OF THE RULES OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN THE GEORGIA PLAT ACT O.C.G.A. 15-6-67, AUTHORITY O.C.G.A. SECS. 15-6-67, 43-15-4, 43-15-6, 43-15-19, 43-15-22.

This plat and permitted reproductions, in whole or in part, are instruments of service and are the sole property of Bowman Consulting Group, Ltd. unless otherwise agreed to, they shall not be reproduced or conveyed in any manner nor are they to be used for any projects other than specifically indicated hereon without written authorization from and due compensation to Bowman Consulting Group Ltd.

This plat was prepared for the exclusive use of the person, persons, or entity named herein. This plat does not extend to any unnamed person, persons, or entity without the express reconfirmation of the surveyor naming such person, persons, or entity.

TITLE EXCEPTIONS FROM WESTCOR LAND TITLE INSURANCE COMPANY, ISSUING OFFICE FILE NUMBER: 1-A7888, EFFECTIVE DATE: MAY 2, 2024

6. ALL MATTERS AND EXCEPTIONS APPEARING AT PLAT BOOK 11, PAGE 51, DEKALB COUNTY, GEORGIA RECORDS. (USED AS A REFERENCE)

7. RIGHT OF WAY EASEMENT RECORDED IN DEED BOOK 2464, PAGE 752, DEKALB COUNTY, GEORGIA RECORDS. (AFFECTS SUBJECT PROPERTY, CANNOT BE PLOTTED DUE TO VAGUE DESCRIPTION; BLANKET IN NATURE)

SCALE: 1" = 20'

REVISION

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Bowman
Bowman Consulting Group, Ltd.
4074 Silver Peak Parkway
Suwanee, Ga 30024

Phone (770) 922-6550
Fax: (770) 932-6501
www.bowmanconsulting.com

LOCATED IN:
LAND LOT 183 - 15th DISTRICT
DEKALB COUNTY, GEORGIA

DATE: JUNE 19, 2024

DWG: P:202424-0504 Saleem & Co 2961 Alston Drive/SURVEY/SURVEY (CADD)/24-0504-ALTA-06-19-24 BY: MP CHK: BTM QC: BCG PROJECT NO: 200569-01-001 TASK: 00001 SURVEY DATE: MAY 14, 2024 SHEET 1 OF 1