

PLANNING AND DEVELOPMENT DEPARTMENT STAFF REPORT

Public Hearing Date: May 16, 2024

Item #: PZ2024-1242

5075 PEACHTREE BOULEVARD – DUMPSTER ENCLOSURE VARIANCE

Project Name: Waffle House – 5075 Peachtree Ind Blvd
Applicant: Waffle House Inc c/o Stephen Hinnerichs
Owner: Waffle House Inc c/o Jeff Wright
Zoning District: CC (Corridor Commercial)
Address: 5075 Peachtree Boulevard
Parcel ID: 18 300 09 008

EXECUTIVE SUMMARY WITH STAFF RECOMMENDATION:

Proposed Project: Construction of a commercial dumpster enclosure in the side yard of a commercial property less than five feet from the property line.

Requests: One (1) variance

Summary Analysis:

- Installation of a six-foot-tall brick dumpster enclosure in the side yard of the property.
- The enclosure will be set back from the front façade on the left side of the building.
- The property does not have a rear yard as it is a sub-parcel within an existing parcel.

Recommendation:

Staff recommends **APPROVAL WITH CONDITIONS** of the following variance requests:

1. Variance from Section 240-7(b)(8)(e), to install a commercial dumpster enclosure in the side yard less than five feet from the property line.

Site Aerial:



Current Zoning: The property is located in CC (Corridor Commercial)

This zoning district is intended primarily for commercial and mixed-use development and related accessory uses at a medium density.

Current Use: Corridor Commercial

Surrounding Land Uses:

- North – VC: Multifamily Residential (Windsor Parkview Apartments)
- South – CC: Georgia Power
- East – CC: Commercial
- West – CC: General Electric

Site Description of Property:

The subject property is a 0.59-acre lot located along Peachtree Boulevard, south of Windsor Parkview Apartments and west of Chamblee Rail Trail where it runs under Clairmont Road. According to DeKalb County property information, the property was developed in 1991. Currently the subject property has a one-story 1,677 square foot commercial building with shared parking to the Peachtree DeKalb Plaza. The property has no accessible rear yard. The property is a suite within a commercial strip mall that is built up to the rear property line. The

property was issued a code enforcement violation in August 2023 for an unenclosed dumpster. The property is currently being used for fast casual dining.

Project Description:

The applicant proposed to install a six-foot-tall brick dumpster enclosure in the side yard of a commercial property. The enclosure would be placed in the side yard and setback 2.5 feet from the property line.

Applicant's Variance Request:

The applicant requests variances from Title 2 of the UDO:

1. Variance from Section 240-7(b)(8)(e), to install a commercial dumpster enclosure in the side yard less than 5 feet from the property line.

Per the review and approval criteria found in Section 280-32(a), the Mayor and City Council may authorize variances from the provisions of the UDO only after making the following findings:

a. There are extraordinary and exceptional conditions pertaining to the particular property in question because of its size, shape or topography;

The property has exceptional conditions as it is within a shopping center that is built up to the rear lot line.

b. The application of this zoning ordinance to the particular piece of property would create an unnecessary hardship;

The application of this zoning ordinance would cause unnecessary hardship as the property does not contain a rear yard. Application of the zoning ordinance is impossible as the building footprint would be changed to accommodate a dumpster enclosure.

c. Such conditions are peculiar to the particular piece of property involved;

The conditions are peculiar to the piece of property involved as the property is within another parcel with no rear yard access.

d. Such conditions are not the result of any actions of the property owner; or

The conditions of the lot are not the result of the applicant's actions.

e. Relief if granted, would not cause substantial detriment to the public good nor impair the purposes or intent of this zoning ordinance.

Relief if granted, would not cause substantial detriment to the public good. The purpose and intent of the zoning ordinance would not be impaired as the enclosure will provide screening of the dumpster if placed in the side yard.

Staff Recommendation:

Based on the analysis of this application, using the standards and criteria found in Section 280-32(a), of the UDO, Staff recommends **APPROVAL WITH CONDITIONS** of the following variance request, in case PZ2024-1242:

1. Variance from Section 240-7(b)(8)(e), to install a commercial dumpster enclosure in the side yard less than five feet from the property line.

Should City Council approve the variance requests, staff recommends the following conditions of approval:

1. The development shall be constructed in substantial conformity with the Site Plan received by the Planning and Development Department dated received on March 8, 2024, with revisions required by conditions of approval as reviewed and approved by the Planning & Development Director.
2. The enclosure shall be constructed with a design and materials similar to and or complimentary with the existing primary structure on site.

Attachments:

Attachment 1 – Application

Attachment 2 – Site Plan + Elevations

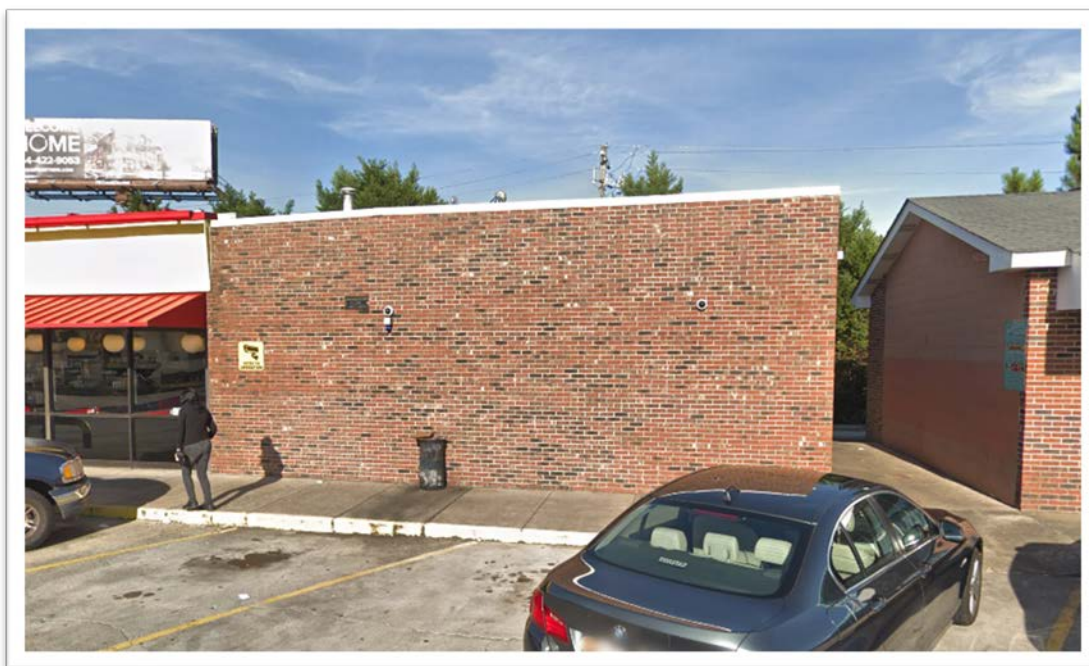
Attachment 3 – Maps

Site Visit:

Frontage along Peachtree Boulevard



Proposed enclosure location to the left of building



Rear property line ending at the rear of structure