

PLANNING AND DEVELOPMENT DEPARTMENT STAFF REPORT

Public Hearing Date: April 11, 2024

Item #: PZ2024-1261

5588 NEW PEACHTREE ROAD – DUMPSTER ENCLOSURE VARIANCE

Project Name: Dumpster Enclosure
Applicant/Owner: Adair Group LLC / Adair Management LLC
Zoning District: I (Light Industrial)
Address: 5588 New Peachtree Road
Parcel ID: 18 309 04 007

EXECUTIVE SUMMARY WITH STAFF RECOMMENDATION:

Proposed Project: Placement of a commercial dumpster enclosure in the side yard of a commercial property.

Requests: One (1) variance

Summary Analysis:

- Installation of a wooden eight-foot-tall dumpster enclosure in the side yard of the property.
- The enclosure will be placed adjacent to the right side of the building.
- The building was constructed up to the rear lot line, creating a property with no rear yard.

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.

Site Aerial:



Current Zoning: The property is located in I (Light Industrial)

This zoning district is intended for properties that are located on or have ready access to a major street or state highway and are well adapted to light industrial development.

Current Use: Light Industrial

Surrounding Land Uses:

- North – Southern Railroad
- South – I: Landscaping/Retail
- East – I: Wholesaler/Event Space/Manufacturing
- West – I: Auto Repair

Site Description of Property:

The subject property is a 0.51-acre lot located on the north side of New Peachtree Road, south of the Railroad. According to DeKalb County property information, the property was developed in 1961. Currently the subject property has a one-story 10,480 square foot commercial building. The property abuts the Southern Railroad right-of-way and the rear of the building rests on the

rear property line. The property is used for wholesale of clothing and accessories. The property has an open code enforcement violation that issued on August 2023 for an unenclosed dumpster.

Project Description:

The applicant proposes to install a wooden eight-foot-tall dumpster enclosure in the side yard of a commercial property. The enclosure will be placed adjacent to the right side of the building.

Applicant's Variance Request:

The applicant requests variances from Title 2 of the UDO:

1. Variance from 240-7(b)(8)(e), to install a commercial dumpster enclosure in the side yard.

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 the rear of the property abuts to Southern Railroad company railway tracks.

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 building rests on the majority of the rear property line, with no physical space to place the enclosure in the rear yard.

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

The conditions are peculiar to the particular piece of property involved. Many of the businesses along New Peachtree Road have limited rear yard access due to the proximity of Southern Railroad's railway tracks and limited rear yard space.

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. Meeting the intent of the ordinance to minimize the prevalence of unenclosed dumpsters.

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** of the following variance request, in case PZ2024-1261:

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

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 February 12, 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

Attachment 3 – Enclosure Elevation + Setbacks

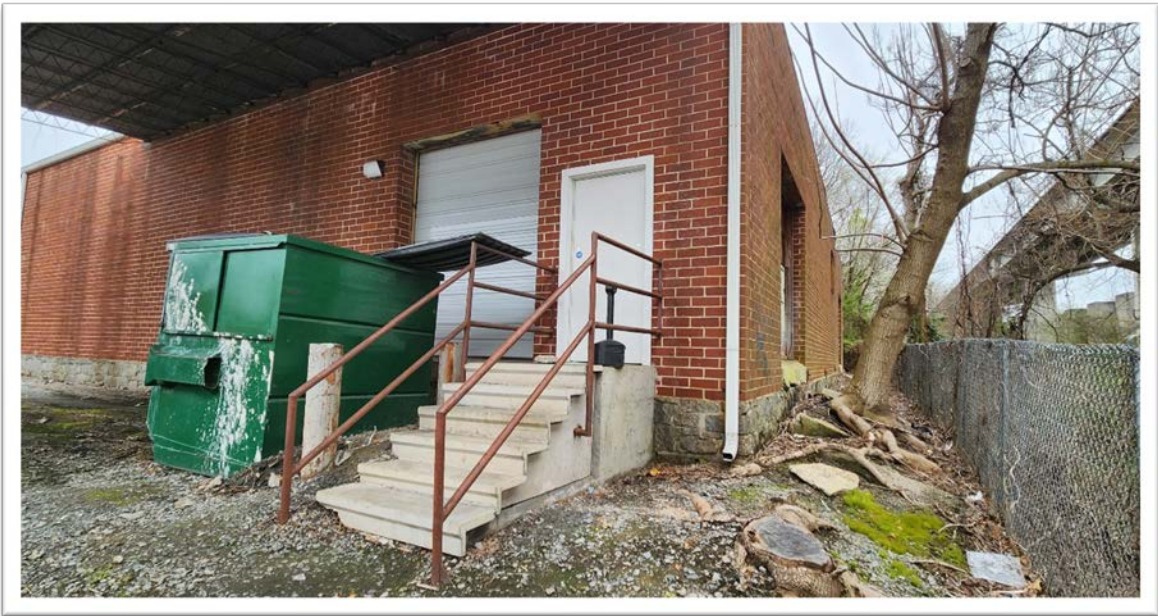
Attachment 4 – Maps

Site Visit:

Frontage along New Peachtree Road



Proposed enclosure location in the right-side yard



Rear yard abutting the Southern Railroad Tracks