

PLANNING AND DEVELOPMENT DEPARTMENT STAFF REPORT

Public Hearing Date: May 16, 2024

Item #: PZ2024-1275

5410 NEW PEACHTREE RD– DUMPSTER ENCLOSURE VARIANCE

Project Name: Dumpster Enclosure
Applicant/Owner: Selig Enterprises c/o Chris Douglas
Zoning District: Village Commercial (VC)
Address: 5410 New Peachtree Rd
Parcel ID: 18 229 10 003

EXECUTIVE SUMMARY WITH STAFF RECOMMENDATION:

Proposed Project: Placement of three commercial dumpster enclosures in the front yard of a commercial property.

Requests: One (1) variance

Summary Analysis:

- Installation of three wooden eight-foot-tall dumpster enclosures in the front yard of the property.
- The enclosures will adjoin the front façade of the building in an existing parking lot.
- 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 three commercial dumpster enclosures in the front yard.

Site Aerial:



Current Zoning:

The property is located in VC (Village Commercial)

This zoning district is intended primarily for mixed-use development and related uses at a higher density. This district provides a location for residences, retail, goods, services and offices to satisfy the common and frequent needs of the city's commercial core and greater Chamblee area.

Current Use:

Warehousing/Wholesale/Used Car Dealership

Surrounding Land Uses:

North – VC: Southern Railroad/Vacant Commercial Building
South – VC: Atlanta Chinatown Shopping Mall
East – I: Chamblee International Logistics Center
West – VC: Downtown Chamblee/Lumen Chamblee

Site Description of Property:

The subject property is a 1.4-acre lot located along New Peachtree Road, west of Chamblee International Logistics Center and southeast of the Southern Railroad. According to DeKalb County property information, the property was developed in 1971. The property contains a one-story 43,304 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 surface parking lot is located between the building and New Peachtree Road. There is little to no tree canopy or landscaping on the site. The property was issued a code enforcement violation in December 2023 for an unenclosed dumpster. The property has three suites currently being used for warehousing, wholesale, and a used car dealership.

Project Description:

The applicant proposes to install three eight-foot-tall wooden dumpster enclosures along the front building façade.

Applicant's Variance Request:

The applicant requests variances from Title 2 of the UDO:

1. Variance from 240-7(b)(8)(e), to install three commercial dumpster enclosures in the front 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 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 front 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 WITH CONDITIONS** of the following variance request, in case PZ2024-1275:

1. Variance from Section 240-7(b)(8)(e), to install three commercial dumpster enclosures in the front 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 March 4, 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 + Elevation

Attachment 3 – Maps

Site Visit:



Frontage along New Peachtree Road



Enclosure location to the front left of building façade



Enclosure location to the front right of building façade