

PLANNING AND DEVELOPMENT DEPARTMENT STAFF REPORT

Public Hearing Date: May 16, 2024

Item #: PZ2024-1267

2800 NE EXPRESSWAY – DUMPSTER ENCLOSURE VARIANCE

Project Name: Dumpster Enclosure
Applicant/Owner: 2800 Chamblee Diamond LLC c/o Jasmine Budhwani
Zoning District: NC-1 (Neighborhood Commercial 1)
Address: 2800 NE Expressway
Parcel ID: 18 234 01 005

EXECUTIVE SUMMARY WITH STAFF RECOMMENDATION:

Proposed Project: Install two (2) commercial dumpster enclosures in the front and side yard of a commercial property.

Requests: One (1) variance

Summary Analysis:

- Installation of two wooden eight-foot-tall dumpster enclosures along the front yards of the property.
- One of the enclosures is proposed along the front corner of an existing parking lot, near the intersection of Johnson Road and Plaster Road.
- The second enclosure is proposed next to a landscape island within the existing parking lot near the NE Expressway entrance.
- The property does not have a rear yard as it is a through lot with frontages along both Johnson Road NE and Northeast Expressway.

Recommendation:

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

1. Variance from Section 240-7(b)(8)(e), to install two commercial dumpster enclosures within the front and side yards.

Site Aerial:



Current Zoning:

The property is located in NC-1 (Neighborhood Commercial 1)

This zoning district is intended primarily for a mixture of residential and nonresidential development and related accessory uses at a low density and neighborhood scale. This district provides a location for residences and convenient goods and services directly adjacent to single-family neighborhoods that will satisfy the common and frequent needs of the residents of nearby residential neighborhoods.

Current Use:

Convenience stores/Coin Laundry/Grocery Store

Surrounding Land Uses:

North – VR: St. Pius X/Coin Laundry/Convenience Store/Barbershop
South – I: Convenience/Interstate 85
East – Interstate 85/Unincorporated DeKalb County
West – VR: Multifamily Residential (Huntington Station)

Site Description of Property:

The subject property is a 1.6-acre through lot located along Johnson Road and Northeast Expressway, west of Interstate 85 and south of St. Pius X High School. The property contains

two commercial buildings. According to DeKalb County property information, the larger two-story shopping center located on the northern end of the property was redeveloped in 2006 and the other smaller single-story commercial building was constructed in 2004. Currently the two-story 8,840 square foot commercial building and the single-story 5,760 square foot commercial buildings have two separate parking lots to the north and south respectively. The property was issued a code enforcement violation in December 2023 for unenclosed dumpsters. The property has multiple suites between both buildings currently being used as laundromat, two separate convenience stores, and a grocery store.

Project Description:

The applicant proposes to install two (2) wooden eight-foot-tall dumpster enclosures in the front and side yard of the commercial property. One of the enclosures would be placed in the northwestern corner of the parking lot, near the intersection of Plaster Road and Johnson Road. The second would be placed at the southeast area of the site, near the NE Expressway entrance.

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 two commercial dumpster enclosures in the front and 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 it is a through lot with no rear yard. The rear of the property abuts the the Interstate 85 Frontage Road.

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. In order to place and screen the dumpster, the applicant would need to completely redevelop the property.

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

The conditions are not peculiar to the particular piece of property involved. All of the properties along Johnson Road and Northeast Expressway are through lots and have no rear yard.

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 PZ2024-1267:

1. Variance from Section 240-7(b)(8)(e), to install two commercial dumpster enclosures in the front and side yard.

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

1. Dumpster enclosures shall not be placed along Johnson Road NE.
2. The site shall be limited to two enclosures.
3. To minimize the enclosures visibility from Johnson Road NE, the enclosures shall be located between the buildings, adjacent to the southern NE Expressway entrance, within the existing parking lot.
4. The enclosure shall be constructed with a design and materials similar to and or complimentary with the existing primary structure on site.

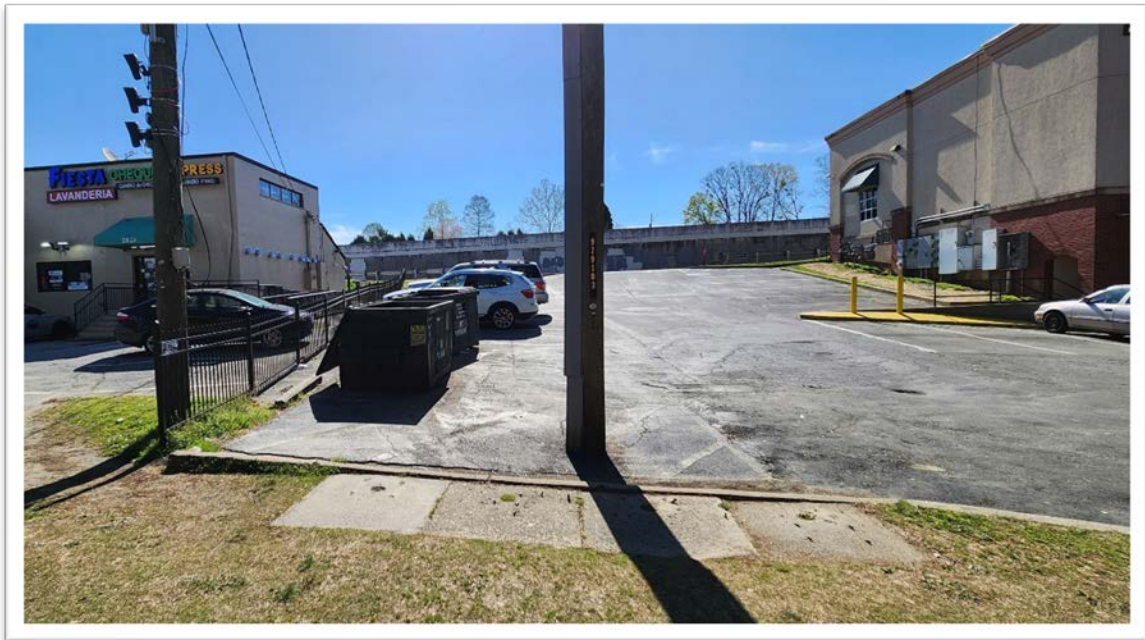
Attachments:

Attachment 1 – Application

Attachment 2 – Site Plan + Elevations

Attachment 3 – Maps

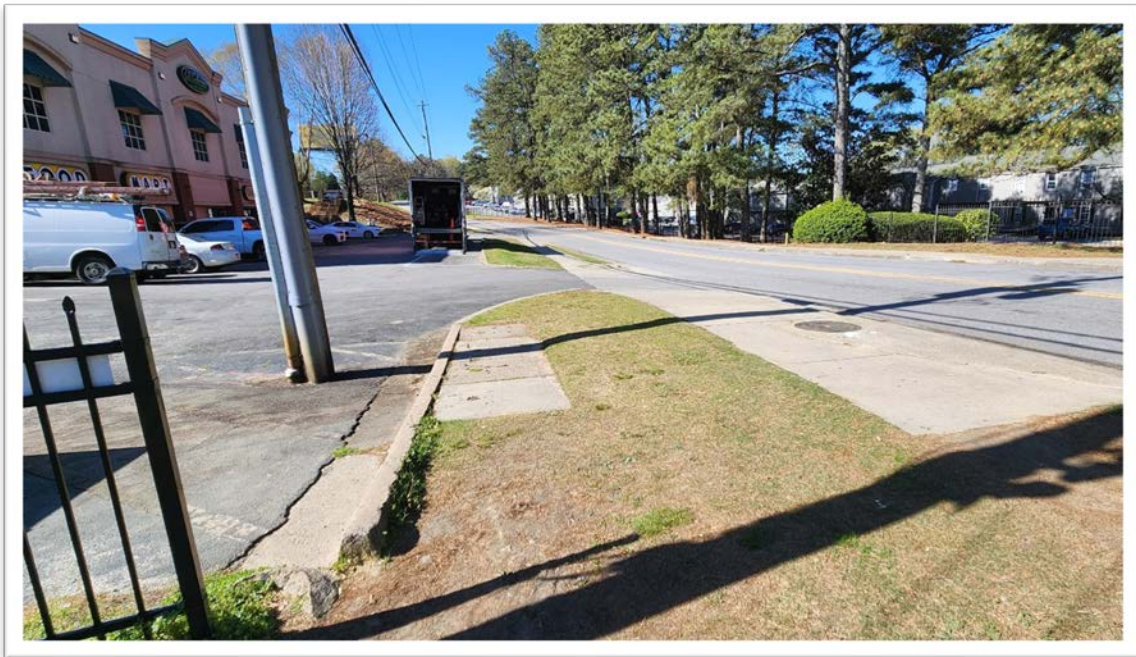
Site Visit:



Proposed enclosure location to the front left of 2800 NE Expy



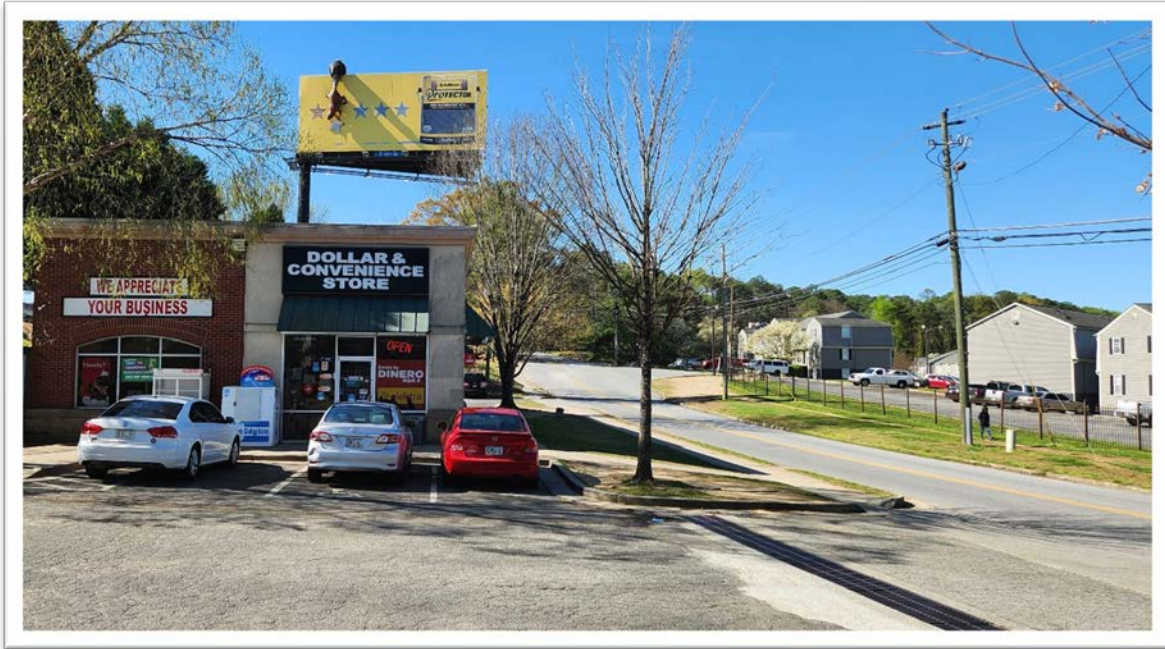
Staff Recommended Location of Dumpster Enclosures



2800 NE Expy Frontage along Johnson Road NE



Proposed enclosure for 2790 NE Expy near the rear of property



2790 NE Expy Frontage along Johnson Road NE



Rear yard along I-85 Frontage Road