



**PLANNING AND DEVELOPMENT DEPARTMENT
STAFF REPORT**

Public Hearing: May 15, 2025

Item #: PZ2025-1446

3477 CHAMBLEE DUNWOODY WAY – RAILWAY 3477

Project Name: Railway 3477
Applicant & Owner: Station 777 LLC c/o Vladimir Onysko
Zoning District: VC (Village Commercial)
Site Address: 3477 Chamblee Dunwoody Way
Parcel Numbers: 18 299 12 002

EXECUTIVE SUMMARY WITH STAFF RECOMMENDATION:

Proposed Project: Renovation of an existing office building into a restaurant with outdoor seating.

Requests: Two (2) concurrent variances and three (3) waiver requests

Summary Analysis:

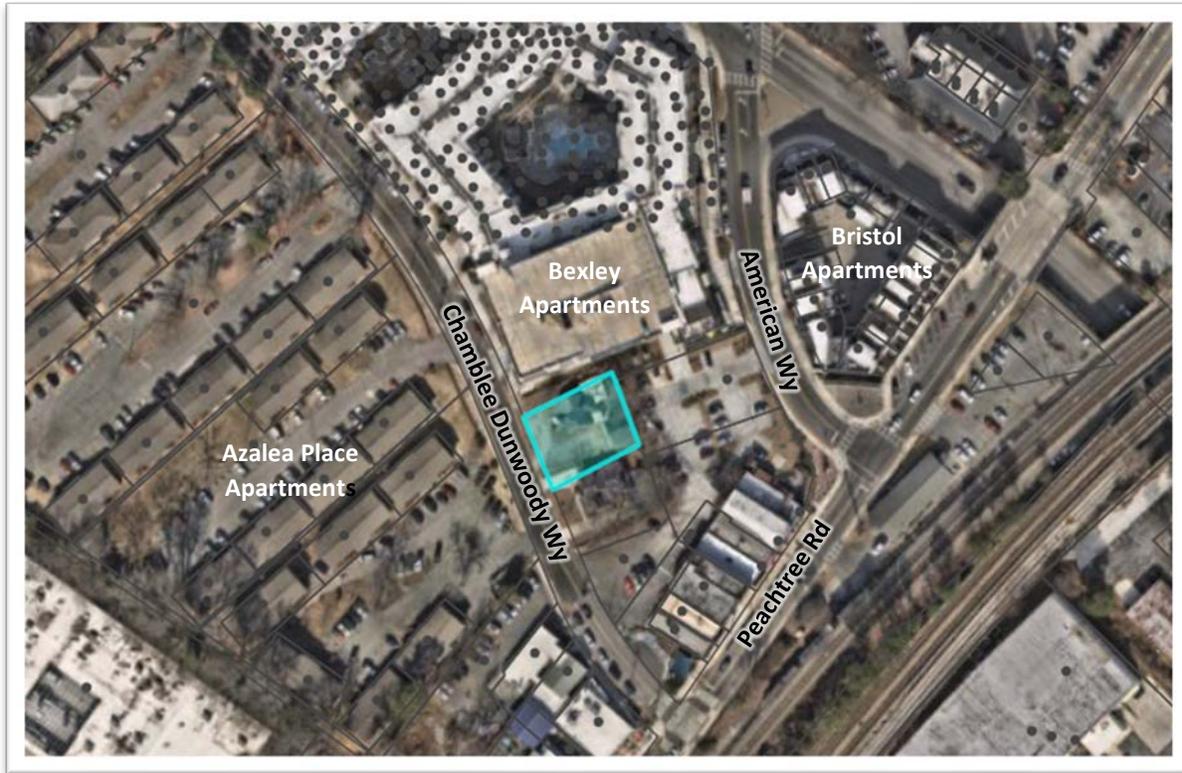
- Interior renovation of the existing primary structure. Due to the extent of the interior renovation, the applicant is required to make exterior improvements subject to the Adaptive Reuse Regulations.
- The project includes complete renovation of the existing building, construction of streetscape along Chamblee Dunwoody Way, outdoor dining, and removal of the existing curb cut along Chamblee Dunwoody Way.
- The applicant proposes to remove the surface parking lot from the site and add two on street parking spaces along Chamblee Dunwoody Way.

Recommendation:

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

1. Variance from Section 240-7(b)(8)(e)(e), to place a commercial dumpster in the side yard less than 5-feet from the side property line.
2. Variance from Section 250-2(a), to reduce the required minimum parking from 18 to 0 spaces.
 1. Waiver from Section 230-26(a), to reduce the landscape zone from 5-feet to 0-feet.
 2. Waiver from Section 230-26(e)(3), to not locate trees in the landscape zone 40-feet on center.
 3. Waiver from Section 230-26(e)(4), to not locate pedestrian lights between every other street tree in the landscape zone 80-feet on center.

Site Aerial:



Zoning: Village Commercial (VC) - 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. Design standards and design parameters encourage a pedestrian-friendly traditional urban form, oriented to pedestrians, which limits the conflicts between vehicles and pedestrians.

Current Use: The subject property is currently a vacant structure

Surrounding Land

Uses:

North:	VC: Bexley Chamblee Apartments
South:	VC: Office
East:	VC: Surface parking lot / The Bristol Townhomes
West:	VC: Azalea Place Apartments / Restaurant/ Bookstore

Site Description and History of the Property:

The approximately 0.184-acre site is located north of Peachtree Road, south of Bexley Apartments and west of American Way. The property was a single-family residence constructed some time before 1974 and was later converted to commercial use. An accessory dwelling structure is located in the side and rear yard of the property and was added after the primary structure was constructed in the late 1990's to early 2000's. Much of the topography is flat with the exception of a two-foot height increase to the rear that abuts to a surface parking lot. The site has an existing gravel driveway with two curb cuts. There are currently 62-inches of tree canopy on site with shrubbery in the front yard.

Description of the Proposed Project:

A summary of the project is as follows:

- Interior renovation of the existing primary structure. The applicant proposes to convert the existing building into a restaurant with outdoor seating. Due to the extent of the interior renovation, the applicant is required to make exterior improvements subject to the Adaptive Reuse Regulations.
- Installation of a 10-foot sidewalk and 10-foot supplemental zone with two on-street parking spaces. The supplemental zone will include a bench and trash receptacles.
- Close an existing secondary curb cut. Replace the remaining existing curb with a new curb and 9-foot-wide concrete driveway to provide access for a commercial dumpster and provide off-street loading for the restaurant.
- Rebuild rear walls of the structure where ceiling heights are deficient, the existing footprint is to remain as is.
- Expansion of the front entryway and roofing structure to meet the architectural adaptive reuse standards.
- Addition of a 1,536 square foot outdoor patio seating area for patrons.
- Installation of a 6-foot brick commercial dumpster in the side yard.
- Removal and replacement of one 12-inch tree bringing the overall site tree canopy to 62-inches DBH.
- Provide 1,021 square feet of open space.
- The accessory structure in the rear yard is to remain as is.

Variations:

The applicant requests the following concurrent variations from Title 2 of the UDO:

1. Variance from Section 240-7(b)(8)(e)(e), to place a commercial dumpster in the side yard less than 5-feet from the side property line.
2. Variance from Section 250-2(a), to reduce the required minimum parking from 18 to 0 spaces.

Per the review and approval criteria found in Sec. 280-32(a), the Mayor and City Council may authorize a Variance 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 extraordinary and exceptional conditions relating to its size as it is a small 0.185-acre lot that was previously a single-family structure and would be renovated to accommodate commercial use as a restaurant. The shape of the property is not extraordinary or exceptional as it is a typical rectangular lot. There are some exceptional topographical conditions to the rear of the property as the site slopes up to an existing surface parking lot.

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

The application of the zoning ordinance would create an unnecessary hardship as it relates to the reduction of parking spaces. The size of the property is limited and the existing driveway and side yard do not have the capacity to accommodate the required 18 parking spaces, the applicant proposes to install two on-street parking spaces which are credited to reducing the reduction from 20 spaces to 18 spaces.

Requiring the applicant to locate the commercial dumpster in the rear yard would create an unnecessary hardship as the rear yard is not physically accessible due to the primary structure occupying much of the left-side yard and the accessory dwelling structure occupying the right-side yard. Additionally, the dumpster would be unable to meet the minimum five-foot setback from the side yard property line due to the limited side yard width to accommodate an access drive to service the dumpster.

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

The conditions peculiar to the site is a vegetated embankment approximately two feet in height over a distance of five feet to the northeastern rear property line. The top of the slope is fenced off from an existing surface parking lot serving adjacent commercial properties. The property is otherwise similar to the adjacent commercial office space south of the property.

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

The current conditions of the site are not the result of actions of the property owner. The need for the requested variances and waivers are the result of the actions of the property owner.

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

Relief from the minimum parking requirements would not be detrimental to the public good nor impair the purposes of the UDO. This request would support the intent for Village Commercial intent to provide pedestrian-friendly urban form. The site is zoned Village Commercial (VC) and located between the Transportation Oriented Development (TOD) zoning district and the Downtown Chamblee Town Center Planned Unit Development (PUD) zoning district. Properties within the TOD a quarter mile from Chamblee MARTA have no minimum parking requirements and properties within the Downtown PUD also have no minimum parking requirements, whereas the VC zoning district has minimum parking requirements. It should be noted that the site is approximately 0.40 miles from the Chamblee MARTA station which would be within a 10-minute walking radius, which is about a half mile.

Allowing the applicant to install a commercial dumpster enclosure in the side yard would not impair the purpose or intent of the zoning ordinance as a six-foot enclosure with brick veneering and a steel gate with wooden cladding is proposed to screen the dumpster from the right-of-way. Which meets the intent of the ordinance to screen the dumpster enclosure.

Waivers:

The applicant requests the following concurrent waivers from Title 2 and Title 3 of the UDO:

1. Waiver from Section 230-26(a), to reduce the landscape zone from 5-feet to 0-feet.
2. Waiver from Section 230-26(e)(3), to not locate trees in the landscape zone 40-feet on center.
3. Waiver from Section 230-26(e)(4), to not locate pedestrian lights between every other street tree in the landscape zone or 80-feet on center.

Per Sec. 300-8, waivers permit specified minor deviations from Title 3 and other authorized portions of the Unified Development Ordinance. Waivers are intended to relieve practical difficulties in complying with the strict requirements of this Code. Waivers are not intended to relieve specific cases of financial hardship, nor to allow circumventing of the intent of this Code. The following criteria shall be considered when authorizing waivers:

The applicant requests the following concurrent Waivers from Title 2 and 3 of the UDO:

- 1. Waiver from Section 230-26(a), to reduce the landscape zone from 5-feet to 0-feet.**
The applicant proposes to reduce the required landscape strip from 5 feet to 0 feet along the majority of the site in order to accommodate a curb cut to service the proposed dumpster and provide off-street loading for the restaurant enclosure and two on-street parking spaces. While a full landscape zone is not provided, the bump outs from the on-street parking will include elements of the landscape zone. In addition, the proposed on-street parking spaces would act as a buffer between pedestrians and the street. In July 2020, the adjacent property Bexley Apartments (FKA Lumen Apartments) requested and were approved for a waiver to reduce the landscape zone from 5-feet to 0-feet. Approval of the waiver would maintain the streetscape continuity.
- 2. Waiver from Section 230-26(e)(3), to not locate trees in the landscape zone 40-feet on center.**
Requiring the applicant to locate a landscape tree in the landscape zone 40-feet on center would be difficult to meet as the applicant intends to meet the intent of the ordinance by planting a tree in a bump out from the on-street parking landscape zone 42 feet on-center. Shifting the tree would accommodate the installation of a curb cut to service a proposed commercial dumpster enclosure and provide off-street loading for the restaurant. The applicant is unable to locate the curb and dumpster enclosure to the other side yard as there is an existing accessory structure that will be used as a future expansion of the restaurant and placement of the dumpster would impact access and use to the accessory structure.
- 3. Waiver from Section 230-26(e)(4), to not locate pedestrian lights between every other street tree in the landscape zone 80-feet on center.**
Similar to the previous waiver request, requiring the applicant to locate a pedestrian light between every other street tree or 80-feet on-center would be possible with the proposal of on street parking. The applicant intends to meet the intent of the ordinance by installing a pedestrian light 92 feet from the adjacent pedestrian light in front of Bexley Apartments and 55 feet from the proposed street tree in the on-street parking planting area. Shifting the pedestrian light allows for the installation of the two on-street parking spaces that contribute to the parking reduction from 20 parking spaces to 18 spaces.

Staff Recommendation:

Based on the analysis of this application, using the standards and criteria found in Chapter 280 of the UDO, Staff recommends **APPROVAL WITH CONDITIONS** of the following variance and waiver requests in case PZ2025-1446:

1. Variance from Section 240-7(b)(8)(e)(e), to place a commercial dumpster in the side yard less than 5-feet from the side property line.
2. Variance from Section 250-2(a), to reduce the required minimum parking from 18 to 0 spaces.
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Should Council desire to approve the Variance and Waiver requests, then staff recommends the following exhibits and conditions:

- 1) The development shall be constructed in substantial conformity with the Site Plan and Elevations received by the Planning and Development Department on April 14, 2025, with revisions required by conditions of approval as reviewed and approved by the Planning & Development Director.
- ~~2) The applicant shall negotiate and acquire two shared parking agreements with adjacent property owners to supplement the required 20 parking spaces. The parking agreements shall be provided to the Planning and Development Director prior to the issuance of the Building Permit.~~
2) The applicant shall seek a shared parking agreement or shared parking agreements for the provision of two (2) parking spaces as a condition of approval. Any and all parking agreements shall be fully executed and submitted to the Planning and Development Department for review prior to receiving a Certificate of Occupancy or Completion. Parking agreements shall meet the requirements of UDO Section 250-3.
- 3) The applicant shall install a minimum of three bicycle parking spaces.
- 4) The dumpster enclosure shall be constructed with a design and materials similar to and or complimentary with the existing primary structure on the site as approved by the Planning and Development Director.
- 5) The supplemental zone shall not include outdoor seating for diners. The space within the supplemental may be programmed to include lounging space, lawn games, fire pit(s), and/or any other design as approved by the Planning and Development Director.

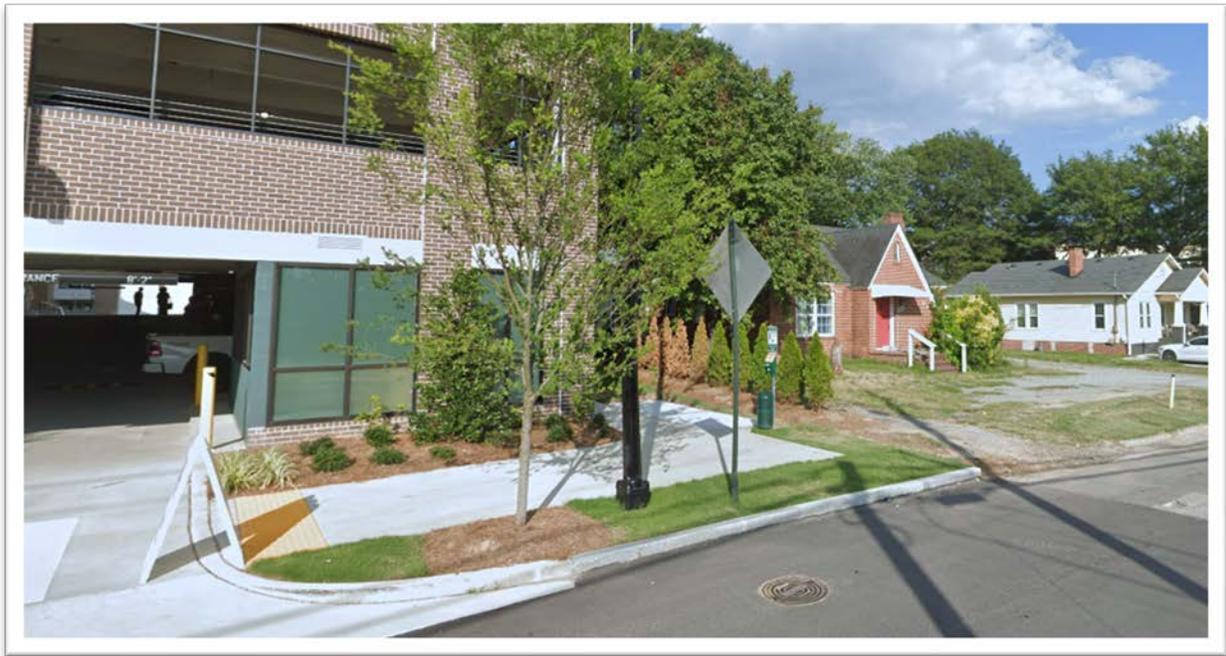
Attachments:

- Attachment 1 – Site Plans + Architectural Elevations
- Attachment 2 – Application + Letter of Intent
- Attachment 3 – Maps

Site Visit:



Frontage along Chamblee Dunwoody Way



View of adjacent sidewalk from Bexley Apartments



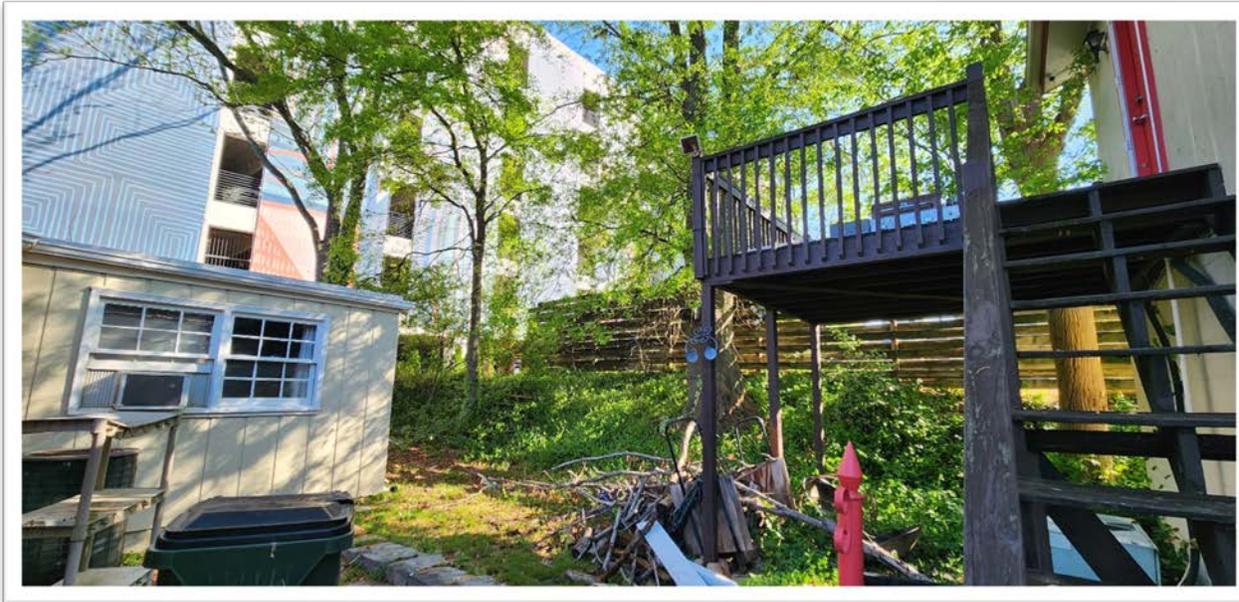
Left side yard adjacent to the Bexley Apartments



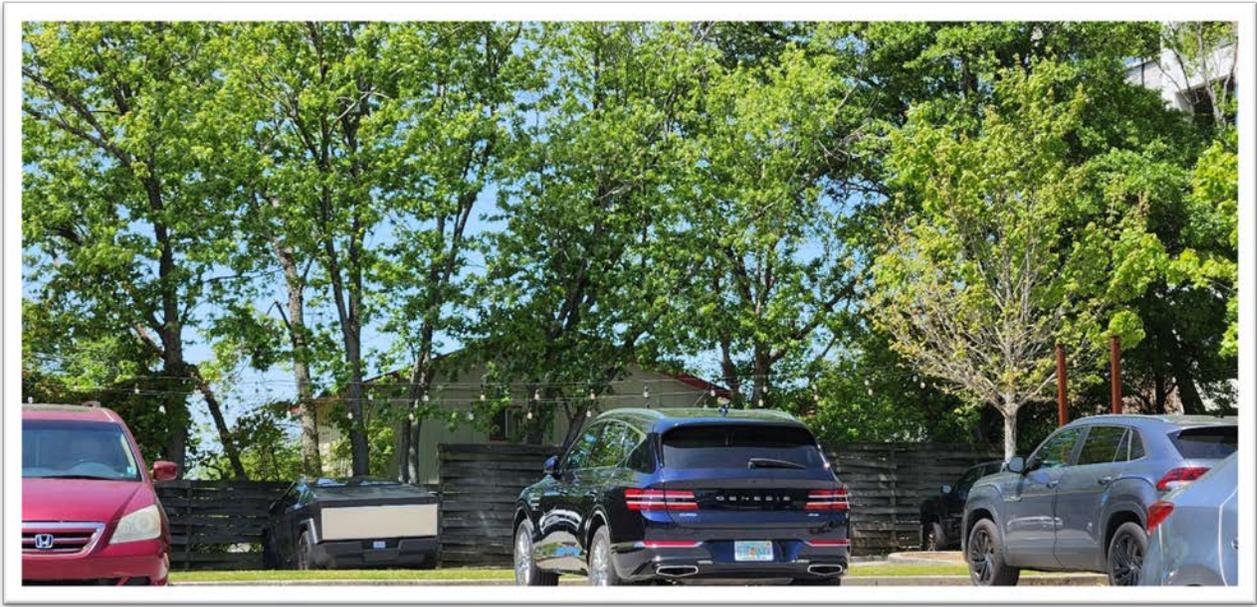
Rear room to be renovated to increase ceiling height



Right side yard with accessory structure and existing gravel driveway



View of rear yard and adjacent fenced off surface parking



View of accessory structure from surface parking lot



View of existing front yard and driveway curb cuts