

PLANNING AND DEVELOPMENT DEPARTMENT

STAFF REPORT

Public Hearing: May 15, 2025

Item #: PZ2025-1297

DUMPSTER ENCLOSURE 3473 CLAIMONT ROAD

Project Name: Taqueria Los Rayos Inc.
Applicant: Taqueria Los Rayos Inc. c/o Maria Perez Rocano
Owner: Twowops LLC c/o Richard Cochrane
Zoning District: CC (Corridor Commercial)
Site Addresses: 3473 Clairmont Road
Parcel Numbers: 18 236 06 005

APPLICATION UPDATE

At the May 20th Regular City Council Meeting, City Council voted to defer the application to the June City Council Agenda. Staff met with the applicant on May 28th to conduct a site visit to reevaluate feasible enclosure locations. Revised plans and supporting documents were submitted on June 3rd. The applicant now proposes to enclose the dumpster in its current location, at the northeast property line, which will remove the need for a variance request for a parking reduction and the associated conditions of approval. Based on the meeting and revised plans, staff maintains the recommendation of approval with revisions to the conditions of approval. The revised plans and supporting documents can be found in Attachments 4 and 5.

EXECUTIVE SUMMARY WITH STAFF RECOMMENDATION:

Proposed Project: Construction of a commercial dumpster enclosure in the street side yard of a commercial property

Requests: One (1) variance request:

1. Variance from Section 240-7(b)(8)(e), to not be required to place a commercial dumpster in the rear yard.

Summary Analysis:

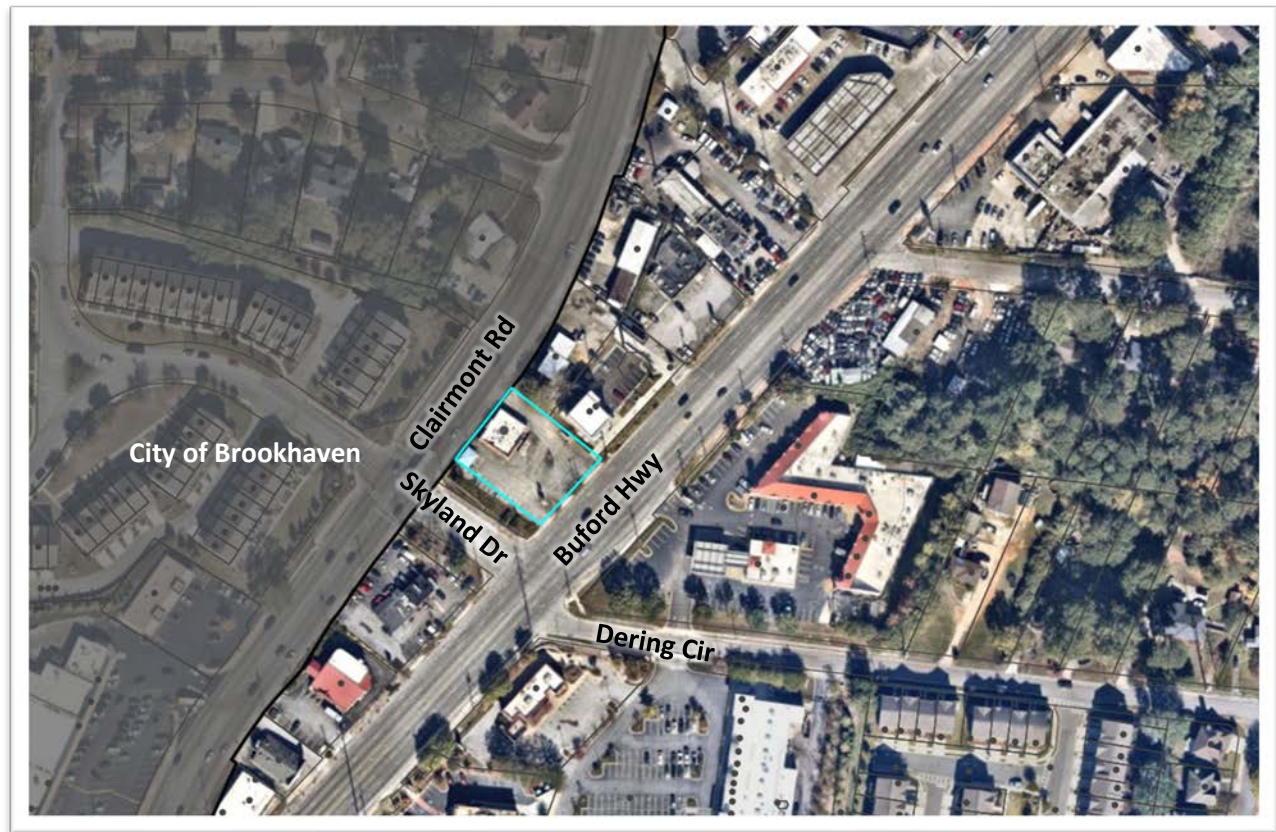
- The property does not have a rear yard as it is a through lot with frontage on two sides, Clairmont Road and Buford Highway.
- The applicant proposes to construct a 10 foot tall wooden dumpster enclosure around the existing dumpster which is located in the side yard of the property. The applicant also proposes to install vegetation around the wooden enclosure for further screening.

Recommendation:

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

1. Variance from Section 240-7(b)(8)(e), to not be required to place a commercial dumpster in the rear yard.

Site Aerial:



Zoning: Corridor Commercial (CC) - This zoning district is intended primarily for commercial and mixed-use development and related accessory uses at a medium density. This district provides a location for residences, retail, goods and services and offices to satisfy the common and frequent needs of the city's businesses and residents. 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: Restaurant

**Surrounding Land
Uses:**

North: City of Brookhaven
South: CC: Commercial/ Buford Highway Plaza
East: CC: Restaurants and Automobile repair shops
West: CC: Auto Repair and Package store

Site Description and History of Property:

The subject property is a 0.432-acre lot located along Clairmont Road and Buford Highway. The property is north of the Buford Highway Plaza and southeast of the City of Brookhaven at the intersection of Clairmont Road and Skyland Drive. According to DeKalb County property information, the one-story commercial building is 2,294 square feet and was constructed in 1958. The site has four curb cuts, three of which front Buford Highway and one on Clairmont Road. The property frontage facing Buford Highway contains the drive-through and associated drive-through signage, a pole sign, and grease traps and other equipment located within the drive aisles adjacent to the primary structure. An outdoor patio is located

southwest of the primary structure along the Skyland Drive frontage. The rest of the site consists of surface parking. The property was issued a code enforcement violation in March 2023 for an unenclosed dumpster.

Description of the Proposed Project:

The applicant proposes to install a ten-foot-tall wooden dumpster enclosure in the street side yard of the commercial property. The enclosure would be set back approximately 43-feet from the property line fronting Buford Highway on an existing concrete pad.

Variances:

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

1. Variance from Section 240-7(b)(8)(e), to not be required to place a commercial dumpster in the rear yard.

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 exceptional conditions as it is both a through lot and a corner lot bounded on three sides by streets, with no rear yard. There are no extraordinary conditions pertaining to the size of the site. There is a short retaining wall elevating the sidewalk from an existing recessed outdoor seating area fronting Clairmont Road, otherwise there are no significant topographical changes on the property.

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 unnecessary hardship as there is no existing rear yard within the property due to the location of Clairmont Road and Buford Highway bounding the property on two sides.

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

The conditions are peculiar to the property involved as only one other property's abutting Clairmont Road and Buford Highway has a similar through-lot configuration. Outside of this property there are no other properties with similar conditions.

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

The conditions of the site are not the result of the actions of the property. The need to accommodate the installation of a commercial dumpster in the street side yard is due to 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 ordinance to allow the installation of the dumpster in the street side yard would not impair the purpose or intent of the zoning ordinance as a ten-foot enclosure is proposed to screen the dumpster from the right-of-way.

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 requests in case PZ2025-1297:

1. Variance from Section 240-7(b)(8)(e), to not be required to place a commercial dumpster in the rear yard.

Should Council desire to approve the variance requests, then staff recommends the following conditions:

1. The development shall be constructed in substantial conformity with the Site Plan and Elevations dated received by the Planning and Development Department June 3, 2025, with revisions required by conditions of approval as reviewed and approved by the Planning & Development Director.
2. The enclosure shall also provide screening for the existing oil waste tank on site.
3. The applicant shall ensure a 22-foot interior drive aisle for the movement of traffic is maintained.

Attachments:

Attachment 1 – Application

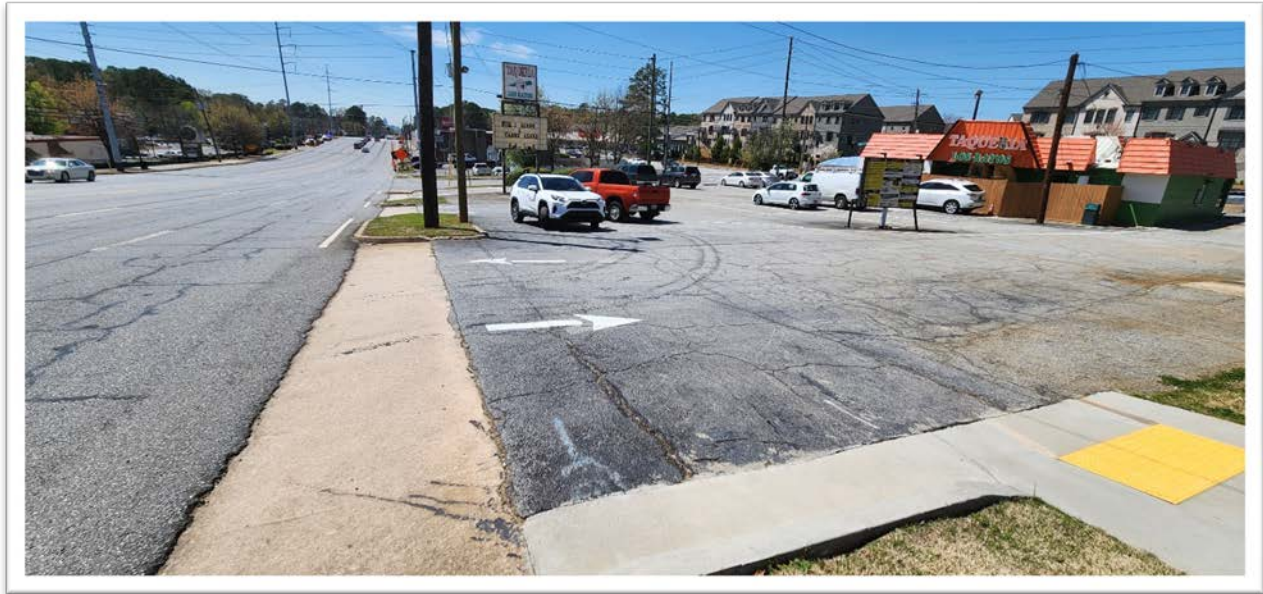
Attachment 2 – Site Plan + Elevations

Attachment 3 – Maps

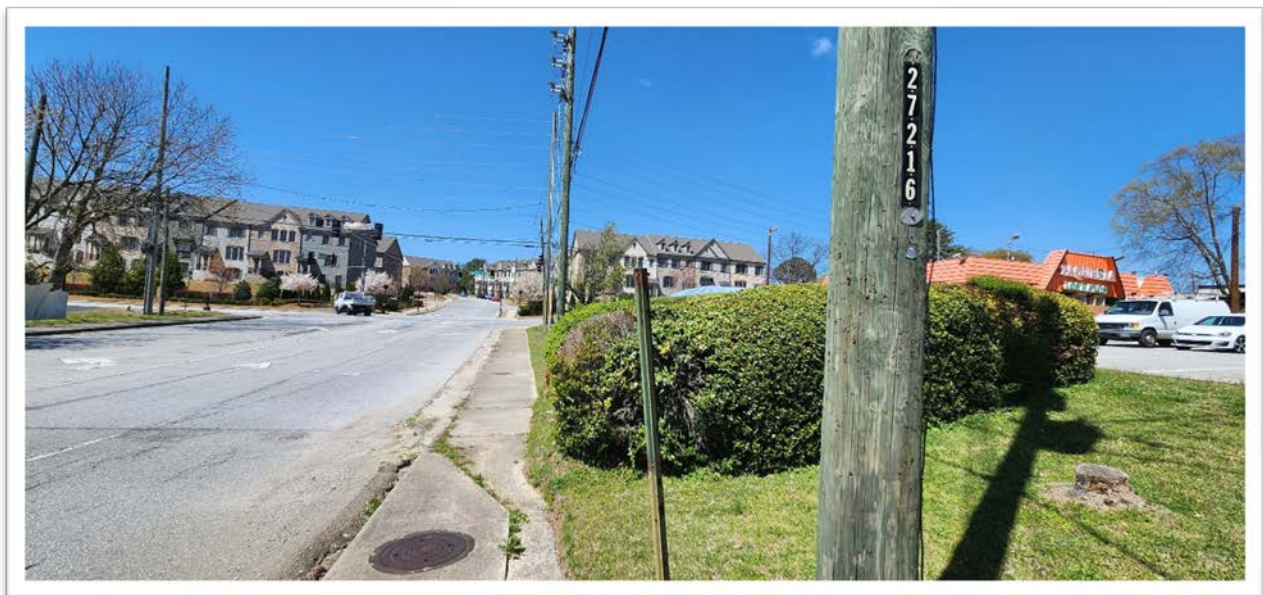
Attachment 4 – Revised Site Plan Received 6.3.25

Attachment 5 – Enclosure Quote

Site Visit:



Frontage along Buford Highway



View from Skyland Drive



Frontage along Clairmont Road



Location of the proposed dumpster enclosure looking to Clairmont Road



Existing parking on site