



PLANNING AND DEVELOPMENT DEPARTMENT STAFF REPORT

Meeting Date: March 12, 2020

Item #: PZ2020-596

VARIANCES - 5368 PEACHTREE ROAD

Site Address:	5368 Peachtree Road
Parcel Number:	18-299-16-011
Applicant and Owner:	Taylor Smith, Eugenia's LLC
Proposed Development:	Installation of a mobile trailer as a permanent accessory structure for the sale of food and alcohol
Current Zoning:	Village Commercial (VC) – This district is primarily intended: <ul style="list-style-type: none">• For mixed-use development and related uses at a higher density.• To provide 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.• To include design standards and parameters that encourage a pedestrian-friendly traditional urban form, oriented to pedestrians, which limits the conflicts between vehicles and pedestrians
Request:	Variations to allow a metal trailer as an accessory structure not subordinate in all dimensional aspects to the primary structure, and within five feet of a property line
Staff Recommendation:	APPROVAL with conditions



Case Number: PZ2020-596
City Council Work Session: 3/12/2020 (Work Session)
Regular City Council Meeting: 3/17/2020

Applicable UDO Standards:

	Required	Proposed
Building Dimensions	N/A - Accessory	31' L x 8' W x 8' H
Distance to Lot Line	5 feet - Accessory	0 feet

Current Use: Vacant lot

Surrounding Land Uses: West – VR: BlueTop restaurant
East – VR: Commercial businesses
North – VR: Commercial businesses
South – VR: Peachtree Rd, Norfolk Southern Railroad right-of-way

Site Description:

The subject property is a 0.064-acre vacant lot located at 5368 Peachtree Rd, located between BlueTop restaurant and the former Eugenia’s Hardware store. The property previously received variances to allow for redevelopment in July and November of 2018, in cases PZ2018-295 and PZ2018-357, respectively. The property currently has a concrete pad where a recently demolished building once stood. There is a small area of grass in front of the concrete pad that abuts a larger concrete area beside the street. There is an active minor Land Disturbance Permit (LDP) issued for the property. The site is located along Segment 5 of the Peachtree Road Streetscape & Rail Trail Concept Plan, which is currently under construction.

Site History:

In July 2018, the site received variances including those for streetscape requirements, minimum required façade height, roofing materials, minimum floor-to-ceiling height, parking requirements, and open space requirements for the redevelopment of the building that was on the property, in case PZ2018-295. In November 2018, the site received variances to allow a building constructed of metal, an accessory structure to be located in the front yard, and to allow the accessory structure to be located within two feet from a lot line in case PZ2018-357 to allow a trailer that would be used to serve food at the front of the site. The applicant later decided to demolish the existing building on the site and move forward with an alternative plan. Consequently, in July 2019 the site received variances to allow a trailer as the principal building constructed fully of metal, to be less than 18 feet in height, to have less than 65% fenestration on the front façade, and to allow a service entrance door to face the public street as part of PZ2019-493.

Description of Proposed Project:

The applicant proposes to install a roughly 248-square-foot metal mobile trailer as an accessory structure behind the previously approved 138-square-foot principal structure, which is also a metal mobile trailer. As previously approved in PZ2019-493, an overhanging canopy is also proposed to be installed at the back corner of the property. With this request, the proposed trailer would be considered the principal building on the lot and the newly proposed trailer would be considered an accessory structure.

Applicant's Request:

The applicant requests three **VARIANCES** from the following regulations of the UDO, to allow for the construction of a canopy and use of a metal building as an accessory structure:

1. Section 230-27(a)(5) to allow a metal building.
2. Section 230-8(a)(1) to allow the proposed accessory structure not to be subordinate to the primary structure in all dimensional aspects.
3. Section 230-8(a)(3) to allow an accessory structure to be placed zero feet from the lot line instead of the required five feet.

Staff Analysis:

The UDO in Section 280-32(a), provides the following factors for granting a variance to allow a metal accessory structure. The analysis of these factors is included below:

- a. There are extraordinary and exceptional conditions pertaining to the particular property in question because of its size, shape or topography; and**

There are not extraordinary and exceptional conditions peculiar to the particular property in question because of its size, shape or topography. While the lot is narrow at approximately 23 feet in width, a building that was proposed to be renovated previously existed on the property and was demolished.

- b. The application of this UDO to the particular piece of property would create an unnecessary hardship; and**

The application of the zoning ordinance would not create an unnecessary hardship. Variances for the principal trailer were approved as part of case PZ2019-493. The proposed trailer is an accessory structure that could be constructed of nonmetal building materials, located at least five feet from the property line and dimensionally smaller than the principal structure to meet UDO requirements.

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

Other than being relatively narrow, there are no extraordinary conditions on the property.

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

The conditions of the property are the result of actions of the owner. The property owner demolished the previously existing building, creating the initial need for the trailer as the principal structure of the property. According to the property owner, the DeKalb County Board of Health required the initial bar-like structure to be fully enclosed from the outside environment. The proposed accessory structure would serve as the enclosed structure, meeting the requirements of the Board of Health. The property owner could install a non-metal building that is dimensionally smaller than the principal structure and at least five feet from the property line.

- 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 aforementioned regulations, if granted, would not cause substantial detriment to the public good nor impair the purposes or intent of the zoning ordinance. The previously appr

oved trailer in the front yard would help activate the streetscape that will be constructed as well as make use of an underutilized concrete area. The accessory structure will allow the property owner to obtain permits that will utilize the site as intended for an outdoor expansion of BlueTop Restaurant. This type of dining experience can be seen in other areas nearby, including at the Frosty Caboose, which is also a metal building. There is also opportunity for the project associated with the new proposed trailer to decrease the impervious surface area from 59.9% to 44.2%.

Staff Recommendation:

Staff recommends **APPROVAL** of the variances in application PZ2020-596 with the following conditions:

1. The placement and appearance of the accessory structure shall be in substantial conformity with EXHIBIT A: Site Plan, stamped January 29, 2020 Received by Staff.
2. Any trailer placed on the property shall be converted into a permanent building within 90 days.

Attachments:

Attachment 1 – Exhibit A: Site Plan labeled Received January 29, 2020.

Attachment 2 – Application

Attachment 3 – Maps

Existing conditions

