



TO: Zoning Board of Appeals

FROM: Planning and Zoning Department

SUBJECT: V23-006

ADDRESS: 2799 Evans Mill Road Stonecrest GA 30058

DISTRICT: 5 – Councilwoman Tammy Grimes

CYCLE MEETING DATES: November 9, 2023 (**CPIM**) | December 19, 2023 (**ZBA-Deferred**) | January 16, 2024 (**ZBA**) | Marc 19, 2024 (**ZBA**)

Summary: Applicant is seeking a second variance to encroach into a stream buffer for the construction of a new gas station and convenience store.

STAFF RECOMMENDATION: DENIAL



V23-006

Planning and Zoning Department

PROPERTY INFORMATION	
Location of Subject Property: 2799 Evans Mill Road Stonecrest GA 30058	
Parcel Number: 16 137 04 009	
Road Frontage: Evans Mill Road & Hillandale Drive	Total Acreage: 1.10
Current Zoning: C-1 - Local Commercial	Overlay District: Stonecrest Overlay Tier 2
Future Land Use Map/ Comprehensive Plan: RC - Regional Center	
Zoning Request: A variance request to encroach into a stream buffer for the construction of a new gas station and convenience store.	
Zoning History: Petitioner requested Variance #1 on November 16, 2022, to encroach 902 sq ft (3%) into the stream buffer for the construction of a new gas station and convenience store. A condition of the first variance request is to not encroach no more than 902 square feet or 3% into the steam buffer.	

APPLICANT / PROPERTY OWNER INFORMATION
Applicant Name: Atai Construction - Naureen Lalani
Applicant Address: 6331 Crestgate Lane Tucker GA 30084
Property Owner Name: SRN PROPERTIES LLC
Property Owner Address: 2275 Summit Oaks Ct, Lawrenceville, GA

DETAILS OF ZONING REQUEST

Atai Construction - Naureen Lalani (the “Applicant”) is requesting a second variance to encroach into the stream buffer for the construction of a new gas station and convenience store on +/- 1.10 acres of land being Tax Parcel No. 16 137 04 009 having frontage on 2799 Evans Mill Road (the “Subject Property”).

The current use of the subject property is a gas station known as Chevron. The property is closely located at Hillandale Drive and Evans Mill Road intersection. There is a storm drain through the Northern, Northwestern boundaries and inside the Western portion of the property and stream buffer requirements of 75 feet that has limited buildable area (See image 1 & 2). Additionally, staff believes that the Applicant will be able to operation proposed business if the variance is not granted.

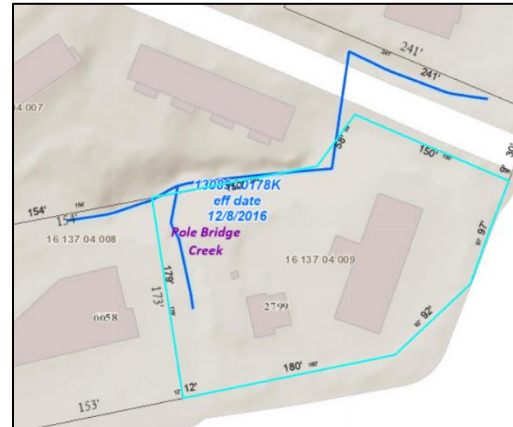
Stream Buffers

The state of Georgia requires that a 25-foot buffer be maintained between the edge of a stream and any new development. DeKalb County requires an additional 50 feet of buffer (for a total of 75 feet). Vegetated buffers near streams provide for filtration of storm water runoff, shade water in streams, and allow wildlife a critical corridor for moving throughout an ecosystem. Any proposed development in the state or county buffer requires a variance from the appropriate agency. (Source: [Water | DeKalb County GA](#))

Image 1



Image 2



ADJACENT ZONING & LAND USE

NORTH	Zoning: MR-2 - Med Density Residential	Land Use: Dwelling Apartments
SOUTH	Zoning: C-1 (Local Commercial)	Land Use: Commercial Developments
EAST	Zoning: C-1 (Local Commercial)	Land Use: Commercial Developments
WEST	Zoning: C-1 (Local Commercial)	Land Use: Commercial Developments



PHYSICAL CHARACTERISTICS & INFRASTRUCTURE

This site is currently developed with three (3) road frontages (Evans Mill Road, Hillandale Drive and Lancaster Drive). There is a stream located through the Northern & Northwestern boundaries and inside the Western portion of the property. Stream buffer requirement had limited the buildable area of the property.

MODIFICATIONS AND CHANGES TO APPROVED CONDITIONS OF ZONING CRITERIA

- 1. By reason of exceptional narrowness, shallowness, or shape of a specific lot, or by reason of exceptional topographic and other site conditions (such as, but not limited to, floodplain, major stand of trees, steep slope), which were not created by the owner or applicant, the strict application of the requirements of this chapter would deprive the property owner of rights and privileges enjoyed by other property owners in the same zoning district;**
- 2. The requested variance does not go beyond the minimum necessary to afford relief and does not constitute a grant of special privilege inconsistent with the limitations upon other properties in the zoning district in which the subject property is located.**
- 3. The grant of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the zoning district in which the subject property is located.**
- 4. The literal interpretation and strict application of the applicable provisions or requirements of this chapter would cause undue and unnecessary hardship;**
- 5. The requested variance would be consistent with the spirit and purpose of this chapter and the Comprehensive Plan text.**

RECOMMENDATION

Staff recommends the following:

- DENIAL due to the hardship being created by the applicant.



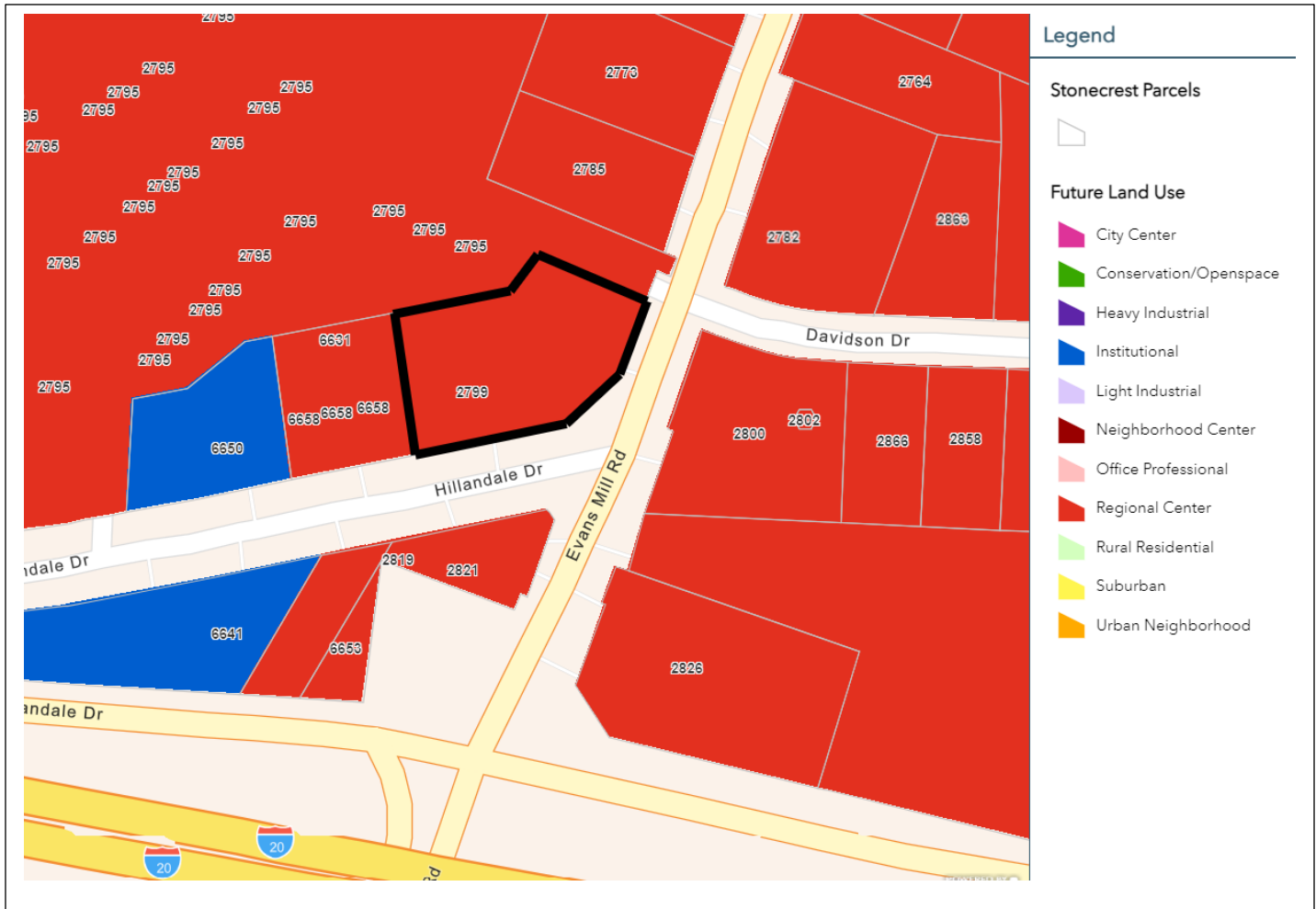
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Attachments Included:

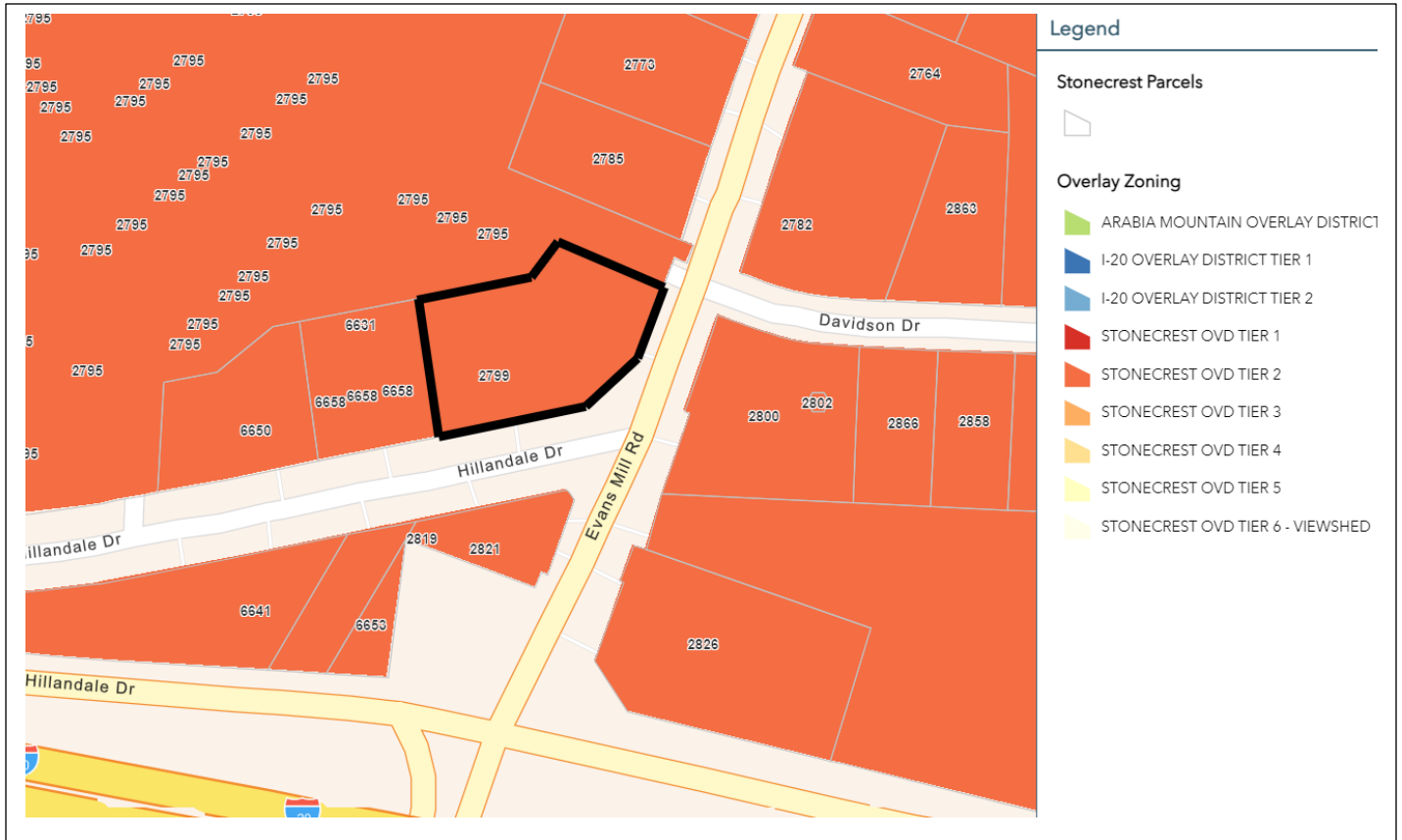
- **Code of Ordinance(s)**
- **Future Land Use Map**
- **Overlay Zoning Map**
- **Zoning Map**
- **Aerial Map**
- **Site Plan/Survey**
- **Letter of Intent**

FUTURE LAND USE MAP



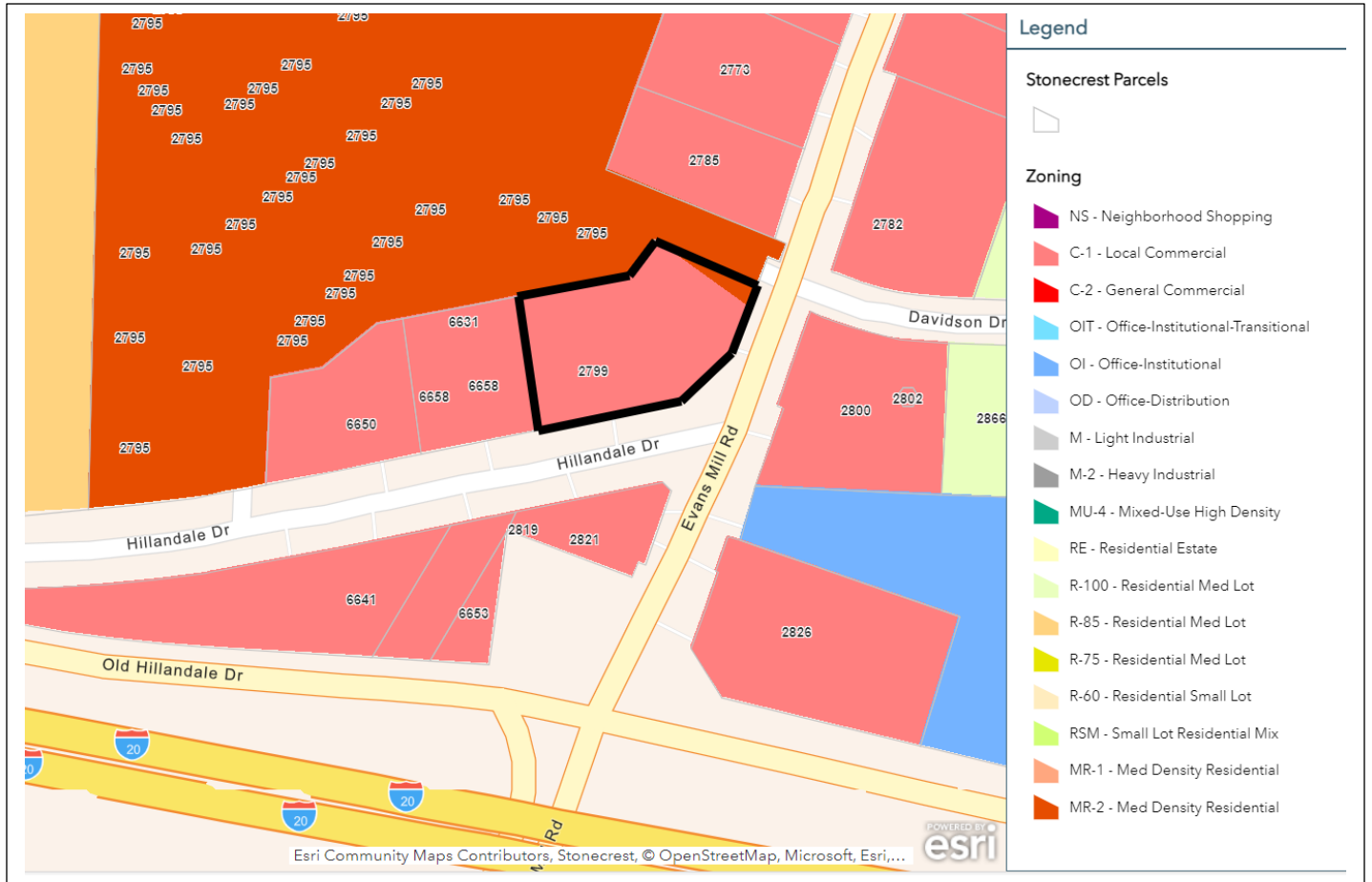
Source: Stonecrest GIS map

OVERLAY ZONING MAP



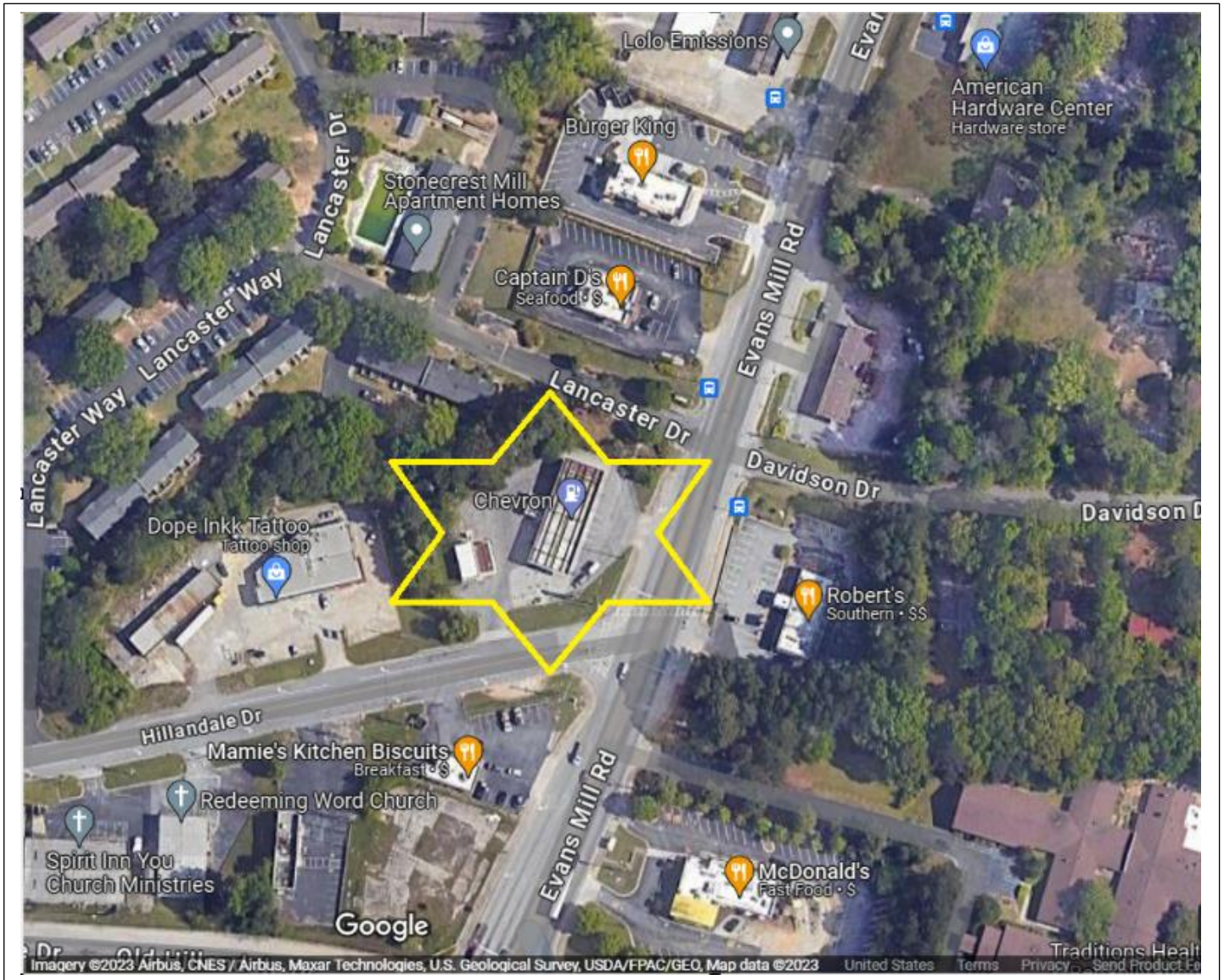
Source: Stonecrest GIS map

ZONING MAP



Source: Stonecrest GIS map

AERIAL MAP



Source: Google Map



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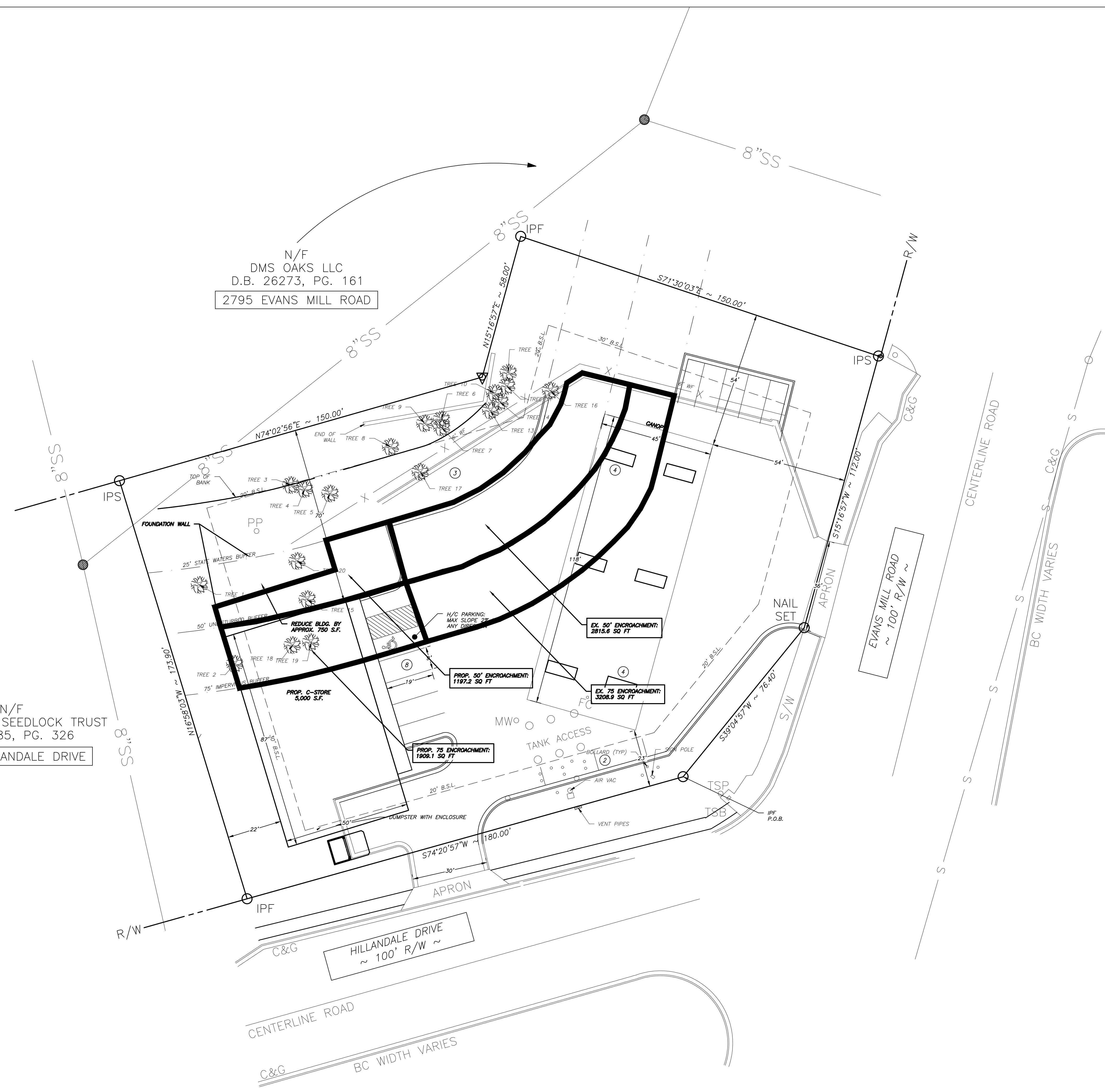
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SUBMITTED SITE PLAN

Magnetic North

N/F
HORTENSE N SEEDLOCK TRUST
D.B. 6985, PG. 326
6658 HILLDALE DRIVE

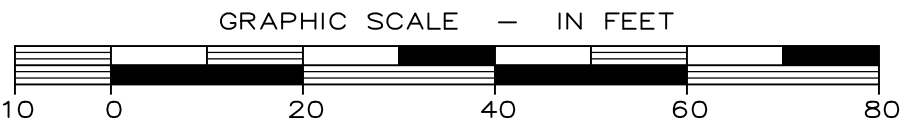
N/F
DMS OAKS LLC
D.B. 26273, PG. 161
2795 EVANS MILL ROAD



- PROJECT NOTES:**
- | | |
|--|---|
| Owner: ---
5m Properties LLC
--- | Developer: ---
Atci Construction
--- |
| CONTACT: ---
PHONE: --- | CONTACT: Rohail Hada
PHONE: 404-610-6630 |
- ENGINEER:**
WOODRUFF DESIGN ASSOCIATES
3301 STEWART LAKE ROAD
MONTROSE, GA 30655
PHONE: (404) 530-9218
CONTACT: AMANDA KATHLEEN WOODRUFF, PE
E-MAIL ADDRESS: kathleen@woodruffda.com
- Property located in L.L. 137, 16th Dist. DeKalb Co. Parcel No. 16 137 04 009.
 - Zoning: C-1 & Stonecrest Overlay Tier 2.
 - Building Setbacks:
Front- 20 feet
Side- 15 feet / 30 feet
Rear- 20 feet
 - Proposed Bldg use is Commercial.
 - Total tract contains 1.1 acres/disturbed area---- acres ± including R-O-W.
 - Boundary information obtained from survey by Dawson Engineering Consultant dated 1/28/2020.
 - Topographical information obtained from None dated None.
 - Vertical datum for topography is based on None.
 - Contour interval is None feet.
 - This property is shown on F.L.R.M. panel number 13089C0178K, dated 12/8/2016 and is not located within a special flood hazard zone.
 - Utilities: ---
Water - DeKalb County
Sanitary Sewer - DeKalb County
 - The location of underground utilities shown is approximate based on surface field evidence and information supplied by utility agencies. The survey makes no certification as to the completeness of the locations shown hereon. Appropriate utility companies should be contacted for verification of locations prior to any construction activity.
 - The contractor shall verify the invert elevations of all existing storm and sanitary sewer structures prior to commencement of storm and sanitary sewer construction.
 - Contractor shall notify the engineer and owner/developer of any information found in the field that is different from what is shown on these design plans.
 - No outside storage proposed, this includes supplies equipment, vehicles, products, etc.
 - All new utility lines shall be located underground.

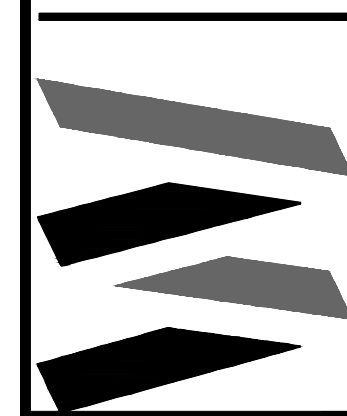


24-HOUR EMERGENCY CONTACT:
Rohail Hada
PH: 404-610-6630

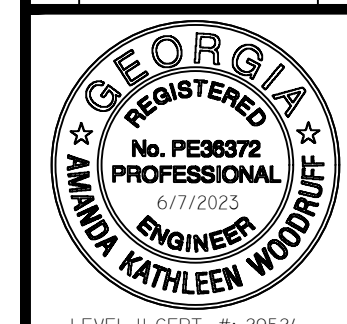


REV	DATE	DESCRIPTION
1	7/5/2022	BASED TO CL.BM
2	8/7/2022	BASED TO CL.BM

WOODRUFF
Design Associates
3301 Stewart Lake Road
Montrose, GA 30655



LAND LOT 137, 16TH DISTRICT, DEKALB COUNTY, GA
SITE PLAN FOR
EVANS MILL C-STORE



SITE PLAN
12/14/2023
SCALE: 1" = 20'
Job: 2022-ACI-05
ISSUE: B.1
SHEET 4 OF 8

Letter of Intent

Letter of Intent

To whom it may concern

As per the previously approved variance, the existing encroachment into the 50-foot buffer was 1,445 square-feet and the proposed (approved encroachment) was 902 square-feet (per the previously proposed plan we had aimed to reduce this encroachment). According to the recent survey the existing encroachment in the 50-foot buffer is 2815.6 square-foot, and proposed to encroach 1197.2 square-foot.

As per the previously approved variance, the existing encroachment into the 75-foot buffer was 3,314 square-feet and the proposed encroachment was 3,996 square-feet (this calculates to an increase of encroachment of only 3% and was limited to the 75-foot buffer.). According to the recent survey the existing encroachment in the 75-foot buffer is 3448.7 square-foot, and proposed to encroach 1909.1 square-foot.

There are no water quality measures on-site currently. If the requested variance is granted, improved landscaping and stormwater management can be achieved with improvements via an underground water quality system and by providing enhanced landscaping strips and buffer areas.

The proposed improvements to the site have the potential to greatly improve the site and its character for the surrounding area. In addition to mitigating water quality and landscaping, which do not currently exist on the site, the proposed improvements will design for stream bank protection that does not currently exist either and will allow for discharge mitigation that is not in place currently.

If granted, the proposed variance will not create or cause excessive or burdensome use of existing infrastructure, transportation facilities, or schools, and will have no adverse effects on the environment or surrounding natural resources.

We appreciate your consideration of our request.

Please contact me anytime with questions or thoughts you may have and thank you.

Sincerely,
Atai Construction
