



City of Chamblee
City Council Agenda Item

Department: Development
Prepared By: Taylor Baxter
Initiator: Taylor Baxter

ZONING (ID # 2370)

SUBJECT: PZ2018-358: 2089 SAVOY DRIVE - THE MAD ITALIAN

Meeting Date: November 15, 2018, 6:00 PM

REQUESTED ACTION:

DENIAL

REQUEST SUMMARY:

The applicant proposes to keep in place the non-conforming streetscape and non-conforming front-yard fencing that surrounds the front porch, both of which were installed by the applicant without permits.

The applicant requests a **VARIANCES** from the following regulation of Title 2 of the UDO:

1. Section 230-6(c)(1)(a) to allow a front yard fence measuring up to 5 feet 4 inches in the front yard exceeding the maximum allowable height of four feet.
2. Section 230-6(c)(1)(b) to allow a front yard fence to be less than 50 percent transparent.
3. Section 230-26(e) to reduce the landscape zone from five feet to two feet and to not install street lights, street tress, and pedestrian lights.

STAFF RECOMMENDATION:

Staff recommends **DENIAL** of the variance in application PZ2018-358 since there does not appear to be a hardship.

If City Council approves this request, Staff recommends the following conditions of approval:

1. Location of the sidewalk and fence shall be in substantial compliance with the Site Plan dated October 11, 2018.
2. Four 3" caliper Crepe Myrtle trees as shown on the Site Plan reviewed and approved by staff dated July 19, 2017 shall be planted in the 5' supplemental zone, directly across the sidewalk from what is shown on the Site Plan reviewed and approved by Staff dated July 19, 2017.

3. Pedestrian lights shall be located between every other street tree in the 5' supplemental zone, directly across the sidewalk from what is shown on the Site Plan reviewed and approved by Staff dated July 19, 2017.
4. At a minimum, at least one bench, one trash, one recycling receptacle, and one pedestrian amenity shall be provided in the 5' supplemental zone.

Attachment List:

PZ2018-358- 2089 Savoy Drive - Staff Report (DOCX)

Attachment 1 - Exhibit A Site Plan dated October 11 2018 (PDF)

Attachment 2 - Exhibit B Site Plan Approved by Staff Dated July 19 2017 (PDF)

Attachment 3 - Application (PDF)

Attachment 4 - Location Maps (PDF)

Review:

Taylor Baxter	Completed	11/02/2018 1:03 PM
Jon Walker	Completed	11/07/2018 3:54 PM
City Council	Pending	11/15/2018 6:00 PM



PLANNING AND DEVELOPMENT DEPARTMENT

Meeting Date: November 15, 2018

Item #: PZ2018-358

STAFF REPORT – MAD ITALIAN – VARIANCE

Request: Variances to exceed the maximum height of a fence in the front yard, to allow a front yard fence to be less than 50 percent transparent, and to not provide required streetscape.

Project Name: The Mad Italian

Site Address: 2089 Savoy Drive

Parcel Number: 18-344-05-010

Applicant & Owner: Thomas Brown

Proposed Development: Keep non-conforming front yard fence and non-conforming streetscape in place at a restaurant

Current 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.

Staff Recommendation: **DENIAL**

District Standards:

VC Zoning District Standards (Local Streets)			
Supplemental Zone	5'	Landscape Zone (min.)	5'
Max. front yard fence height	4'	Sidewalk Clear Zone (min.)	5'

Current Use: Restaurant

Surrounding Land Uses:

- North – Dunwoody City Limits, I-285
- West – Village Commercial (VC), Taco Bell Restaurant
- South – Village Commercial (VC), Vacant Parcel owned by the City
- East – Village Commercial (VC), The Winery II Package Store

Case Number: PZ2018-358

City Council Work Session: 11/15/2018 (Public Hearing)

Regular City Council Meeting: 11/20/2018

1 of 4

Site Description:

The subject property is an approximately 1.06-acre lot on Savoy Drive with a recently renovated single-story, 5,588-square-foot building with an approximately 2,000-square-foot front porch, currently operating as a restaurant.

Description of Proposed Project:

The applicant proposes to keep in place the non-conforming streetscape and non-conforming front-yard fencing that surrounds the front porch, both of which were installed by the applicant without permits.

A building permit was applied for in June 2017 for interior and exterior renovations, which triggered mandatory compliance with the streetscape design standards, including a five-foot-wide landscape zone, five-foot-wide sidewalk, and five-foot-wide supplementary zone. The building permit was issued in January 2018 and the Certificate of Occupancy was issued in October 2018.

A land disturbance permit was applied for in June 2017 to install the required streetscape, which was approved in July 2018. However, the LDP was never issued, as the applicant did not submit approved GDOT plans and an Erosion Control Bond. Typically, an LDP is required prior to issuance of a building permit. However, in this case the building permit-related work was not dependent upon the LDP-related work.

The streetscape that was installed includes an approximately two-foot-wide landscape strip without street trees or pedestrian lights, and a five-foot-wide sidewalk. The UDO requires a five-foot-wide landscape zone with street trees spaced 40 feet on center and pedestrian lights spaced 80 feet on center, and a five-foot-wide sidewalk.

The plans submitted for the LDP had a statement that the existing fence would be replaced. The existing fence appeared to clearly meet the height and transparency required by code, however, fences require separate permits prior to installation. No fence permit has been applied for. The UDO requires front-yard fences on commercial property to be no higher than four feet and at least 50% transparent to reduce the appearance of an opaque structure along a sidewalk. The current fence is approximately 25% transparent. On June 29, 2018, a code enforcement officer went to the site to provide a courtesy notice that a permit was required to install the fence, and informed the applicant that fence did not appear to meet the requirements of a UDO.

Applicant's Request:

The applicant requests **VARIANCES** from the following regulations of Title 2 of the UDO:

1. Section 230-6(c)(1)(a) to allow a front yard fence measuring up to 5 feet 4 inches in the front yard exceeding the maximum allowable height of four feet.
2. Section 230-6(c)(1)(b) to allow a front yard fence to be less than 50 percent transparent.

Case Number: PZ2018-358

City Council Work Session: 11/15/2018 (Public Hearing)

Regular City Council Meeting: 11/20/2018

2 of 4

3. Section 230-26(e) to reduce the landscape zone from five feet to two feet and to not install street lights, street trees, and pedestrian lights.

Staff Analysis:

The UDO, in Section 280-31 (a) provides the following factors for granting a variance from UDO requirements. 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;**

There are no extraordinary and exceptional size, shape or topographical conditions pertaining to this lot that affect the front yard fence height, transparency, or installation of streetscape required by code for this property.

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

The application of this zoning ordinance does not create an unnecessary hardship to the particular piece of property. The applicant was aware of the redevelopment threshold triggering compliance with the streetscape requirements for this project prior to the building permit being issued.

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

There are no extraordinary conditions peculiar to the particular piece of property involved.

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

Both the fence and streetscape were installed without a permit. The streetscape shown on the LDP plans that were reviewed and approved by staff show the streetscape being installed correctly. However, the streetscape was installed without a permit being issued, and does not match what was on the LDP plans.

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

The visual impact caused by the grant of the requested fence variances may be considered detrimental to the public good and impair the purposes and intent of the zoning ordinance by providing the appearance of an opaque structure along Savoy Drive. Additionally, grant of the requested variance for streetscape would cause detriment to the public good and impair the purposes and intent of the zoning ordinance by creating an unsafe and unpleasant experience for pedestrians due to the lack of street trees and streetlights between the sidewalk and the street. Future redevelopment of streetscape on adjacent properties would not line up with the sidewalk

along this property, creating a detriment to the look and functionality of the streetscape along Savoy Drive.

Staff Recommendation:

Staff recommends **DENIAL** of the variances in application PZ2018-358 since there does not appear to be a hardship.

However, if City Council approves this request, Staff recommends the following conditions of approval:

1. Location of the sidewalk and fence shall be in substantial compliance with the Site Plan dated October 11, 2018.
2. Four 3" caliper Crepe Myrtle trees as shown on the Site Plan reviewed and approved by staff dated July 19, 2017 shall be planted in the 5' supplemental zone, directly across the sidewalk from what is shown on the Site Plan reviewed and approved by Staff dated July 19, 2017.
3. Pedestrian lights shall be located between every other street tree in the 5' supplemental zone, directly across the sidewalk from what is shown on the Site Plan reviewed and approved by Staff dated July 19, 2017.
4. At a minimum, at least one bench, one trash, one recycling receptacle, and one pedestrian amenity shall be provided in the 5' supplemental zone.

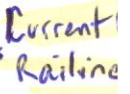
Attachments:

Attachment 1 – Exhibit A: Site Plan dated October 11, 2018.

Attachment 2 – Exhibit B: Site Plan Reviewed and Approved by Staff dated July 19, 2017

Attachment 3 – Application

Attachment 4 – Location Maps





A-0.3



VARIANCE AND WAIVER APPLICATION

CHECK ALL THAT APPLY:

☒ Zoning Variance☐ Sign Variance☐ Stream Buffer Variance☐ Waiver

THE MAD ITALIAN

Name of Project

2089 Savoy Dr. Chamblee GA 30341

Property Address

patio railing - sidewalk - street scapes -

Brief Description of Project

Zoning District

1.10 est.15600

Total # of Properties Involved

Total Project Acreage

Total Number of Buildings

Total sq. ft. of buildings

OWNER:

Thomas Brown - THE MAD ITALIAN

Name and Company

2197 Savoy Dr. Chamblee GA 30341

Mailing Address

City, State

Zip Code

Phone #

E-mail

cell 770 617 4347 tom@maditalian.com

APPLICANT:

☒ Check here if Applicant is also the Property Owner

Name and Company

Mailing Address

City, State

Zip Code

Phone #

E-mail

Applicant Signature

Date

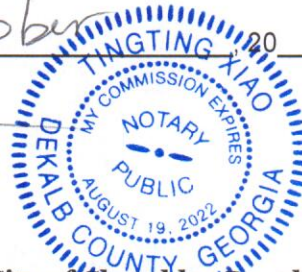
10.4.18

☒ I hereby certify that all information provided herein is true and correct.

NOTARY:

Sworn to and subscribed before me this 5 day of October 2018

Notary Public:



City of Chamblee Development Department

3506 Broad St. • Chamblee, GA 30341 • 770-986-5044 • chamblee.org

Packet Pg. 204

Attachment: Attachment 3 - Application (2370 : PZ2018-358: 2089 Savoy Drive - The Mad Italian)



RE: Patio Railing and Street Scape Variance The Mad Italian 2089 Savoy Drive Chamblee GA 30341.

To whom it may concern,

Patio Railing: See attached photos

The Mad Italian is seeking a variance for the updated patio railing code height and the 50% code of transparency. The street side of the railing is 64 inches. This is to give the guests some buffer of sight and sound from Savoy drive and Interstate 285. The patio is 47 feet from Savoy drive. Being that Savoy is an extremely busy access road, the extra height on that side is needed to create privacy and comfort while dining. The railing was designed to complement the current architecture of the building with an updated, industrial appearance, without making the guest feel completely closed in. It is designed to hide, (but not completely), the viewing of passing cars. We have received quite a bit of positive, complimentary feed- back on the railing from our surrounding business and residential neighbors.

The design of this railing is not obstructing any view of entering or exiting vehicles, The aesthetic appeal of this railing are designed to give a pleasant and inviting look to the restaurant, the community and surrounding businesses.

Streetscape: See attached photos

The Mad Italian is seeking a variance of the street scape code. The contractor took into consideration of the 5- foot rule from the curb to the starting edge of the sidewalk. This would not be able to be continued in either direction from The Mad Italian because of current fire hydrants, water markers, back flow preventers, utilities poles, and directional sign poles. These are all in the path of the 5-foot rule. The side walk was installed with a 2 -foot grass area between the curb and sidewalk. We are also asking that the current 5 Crape Myrtles to be considered sufficient, and that no more planting is necessary. We ask that no additional pedestrian lighting is added. There is currently one street light on each side of our property. It is well lit, as you can see from attached photos. Thank you for your prompt consideration of our variances. We look forward to hearing from you soon.

Thomas Brown
The Mad Italian

PHOTOS PROVIDED BY APPLICANT



















Owner Permission Affidavit

Subject Property Street Address: 2089 SAVAY DR Chamblee GA 30341Subject Property Tax ID number: 18 - 344 - 05 - 010

Owner:

Name (Person, Firm, Corporation, or Agency): Thomas Brown / The MAD ITAMailing Address: 2197 SAVAY DR Chamblee GA 30341Phone: 770 6174347 CellEmail: tom @ maditalian.com

Property Owner's Agent (If applicable)

Name (Person, Firm, Corporation, or Agency): _____

Mailing Address: _____

Phone: _____

Email: _____

I am applying for, or I hereby give authority to the applicant to file an application for: _____

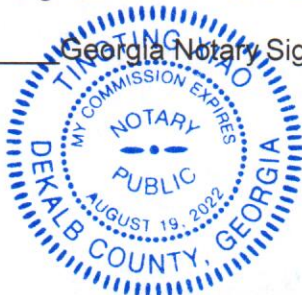
Owner/Agent signature

Owner/Agent printed name

This instrument was signed before me on this date

County DeKalb Georgia Notary Signature: _____

Affix seal/stamp as close to signature as possible





Redevelopment Assessment Form

(Applied to all existing structures except for Single-Family Detached Residential structures, as per Chamblee UDO Section 270-9)

PROPERTY ADDRESS: 2089 SAVOY OLIVE

Assessment Conducted on: 10-10-18 (Date) By: Thomas Brown.

PROJECT TYPE: (Check all that apply)

- ☒ Renovation
☐ Alteration
☐ Addition
☐ Repair
☐ Other _____

THRESHOLD ASSESSMENT:

Total construction cost post renovation/improvement, cumulative: TCC = 275,000
 (Attach documentation for all improvements made over the last 3 years, see UDO Section 270-9.)

Fair Market Value of existing structure: FMV = 550,000
 (Attach DeKalb County Tax Assessor documentation for both entire site and individual building, or an appraisal from a certified appraiser.)

Percent calculation: $X = TCC/FMV =$ 50%

See Page 2 of this form for Redevelopment Thresholds Summary Table.

Mandatory compliance is not intended to result in total improvement costs greater than or equal to 125% of FMV value but applicant shall meet items in order of priority listed in Section 270-9 of the UDO until the 125% cap is met.

Assessment: (Check one)

- ☐ Improvements not required because less than 40% improvement
☒ > 40% ☐ > 60% ☐ > 70%

Revised 5/15/18

City of Chamblee Development Department
 3506 Broad St. • Chamblee, GA 30341 • 770-986-5024 • chambleega.gc

THE MAD ITALIAN
2089 SAVOY DR.
CHAMBLEE GA 30341
EXHIBIT "A"

Description of Property

All that tract or parcel of land lying and being in Land Lot 344 of the 18th District of DeKalb County, Georgia, being more particularly described as follows:

Beginning at the intersection of the Southern right-of-way line of Savoy Drive with the Eastern right-of-way line of North Shallowford Road and thence proceeding Easterly along the Southern right-of-way line of Savoy Drive 300.00 feet to a railroad spike in pole and the True Point of Beginning; thence proceeding North 89 degrees 31 minutes 00 seconds East along the Southern right-of-way of Savoy Drive a distance of 150.0 feet to an iron pin found; thence proceeding South 00 degrees 29 minutes 00 seconds East a distance of 308.15 feet to an iron pin found; thence proceeding South 89 degrees 53 minutes 00 seconds West, a distance of 150.00 feet to an iron pin found; thence North 00 degrees 29 minutes 02 seconds West a distance of 307.19 feet to a railroad spike in pole and the True Point of Beginning; being an improved property and containing 1.059 acres, more or less, all as shown on that Survey for The Mad Italian, Inc., Ameris Bank, Small Business Access Partners, Inc. and U.S. Small Business Administration, dated May 3, 2016, by James H. Rader, G.R.L.S. No. 3033 of LandPro Surveying and Mapping.

76149 Description

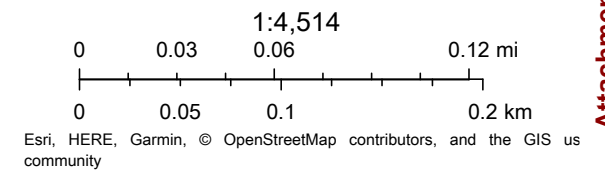
2089 Savoy Dr - Aerial

3.C.4.e



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 DeKalb County Tax Parcels

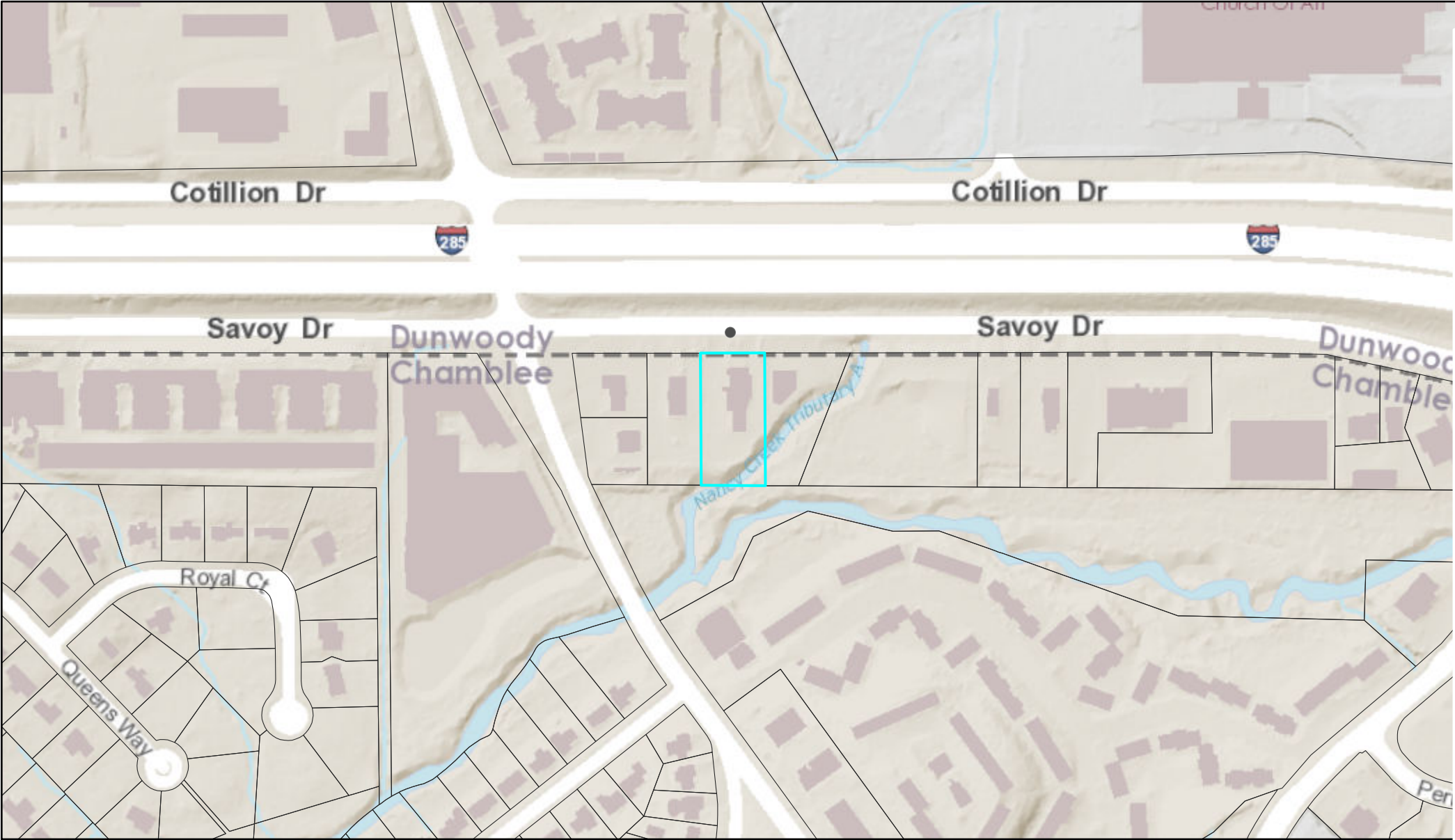


Attachment: Attachment 4 - Location Maps (2370 : PZ2018-358: 2089 Savoy Drive - The Mad Italian)

Packet Pg. 218

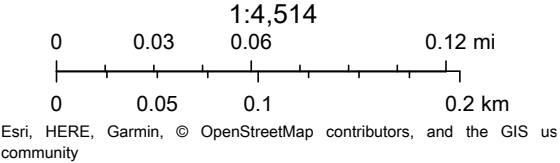
2089 Savoy Dr - Location

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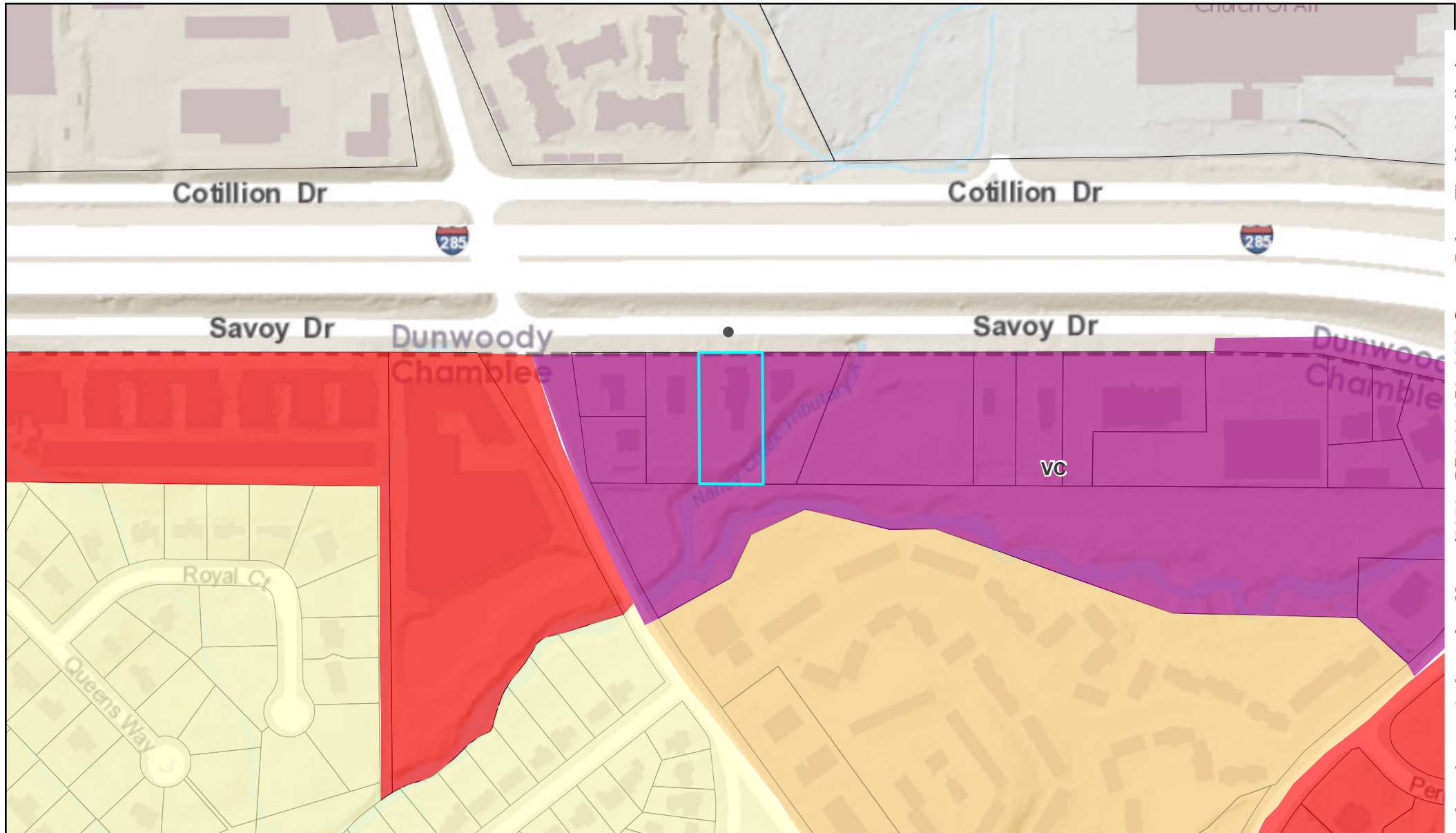
DeKalb County Tax Parcels



Attachment: Attachment 4 - Location Maps (2370 : PZ2018-358: 2089 Savoy Drive - The Mad Italian)

2089 Savoy Dr - Zoning

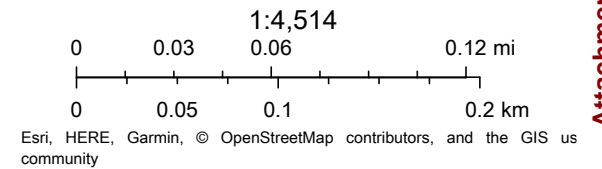
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Zoning Districts NR-1 VR

CC VC DeKalb County Tax Parcels



Attachment: Attachment 4 - Location Maps (2370 : PZ2018-358: 2089 Savoy Drive - The Mad Italian)

Packet Pg. 220