



TO: Zoning Board of Appeals

FROM: Planning and Zoning Department

SUBJECT: V23-008

ADDRESS: 2985 Turner Hill Road

DISTRICT: 1 – Councilwoman Tara Graves

CYCLE MEETING DATES: December 14, 2023 (CPIM) | | January 16, 2024 (ZBA)

Summary: Applicant is seeking a variance for the drive-thru of the proposed reconstruction of the Chick-fil-A.

STAFF RECOMMENDATION: **Approval**



V23-008

Planning and Zoning Department

PROPERTY INFORMATION	
Location of Subject Property: 2985 Turner Hill Road Lithonia, GA 30038	
Parcel Number: 16 170 04 003	
Road Frontage: Turner Hill	Total Acreage: 1.09
Current Zoning: C-1 – Local Commercial	Overlay District: Stonecrest Tier 1
Future Land Use Map/ Comprehensive Plan: RC – Regional Center	
Zoning Request: Applicant is seeking a variance for the drive-thru of the proposed reconstruction of the Chick-fil-A.	
Zoning History: N/A	

APPLICANT / PROPERTY OWNER INFORMATION
Applicant Name: Danielle Sheridan of Interplan, LLC
Applicant Address: 220 E Central Parkway, Suite 4000, Altamonte Springs, FL 32701
Property Owner Name: Chick-Fil-A Inc
Property Owner Address: 5200 BUFFINGTON RD ATLANTA, GA

**DETAILS OF ZONING REQUEST**

Danielle Sheridan (the “Applicant”) requesting a variance to reconstruct the existing Chick-Fil-A on +/- 1.06 acres of land being Tax Parcel No. 16 170 04 003 having frontage on Turner Hill Road (the “Subject Property”).

The current use of the subject property is a drive-thru restaurant (Chick-Fil-A). The current use has been operating since the incorporation of the city. The attached letter of intent and applicant’s presentation provides more information on the reasons for the requests of relief. The Applicant is seeking four (4) variances request:

1. Relief from Article 4 (Use Regulations), Section 4.2.23., (C), which is entitled Drive-through facility, restaurant.
 - a. “Drive-through lanes and service window serving drive-through lanes shall only be located to the side or rear of buildings.”
2. Relief from Article 4 (Use Regulations), Section 4.2.23., (I.c.), which is entitled Drive-through facility, restaurant.
 - a. “All drive-through facilities shall include a bypass lane with a minimum width of ten feet, by which traffic may navigate around the drive-through facility without traveling in the drive-through lane. The bypass lane may share space with a parking access aisle.”
3. Relief from Article 4 (Use Regulations), Section 4.2.2., (C.1), which is entitled Accessory buildings, structures and uses; location, yard and building restrictions.
 - a. “All accessory buildings or structures shall be located in the rear yard of the lot, with the exception of ATM bank machines which are also allowed in the front or Side yard.”
4. Relief from the Stonecrest Overlay Design Guidelines dated May 2008.
 - a. “A minimum percentage of fenestration of 50% shall be provided for the length of the building frontage.”



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ADJACENT ZONING & LAND USE		
NORTH	Zoning: C-1 (Local Commercial)	Land Use: Existing Restaurant
SOUTH	Zoning: C-1 (Local Commercial)	Land Use: Single-Family Dwelling
EAST	Zoning: C-2 (General Commercial)	Land Use: Single-Family Dwelling
WEST	Zoning: C-1 (Local Commercial)	Land Use: Single-Family Dwelling



PHYSICAL CHARACTERISTICS & INFRASTRUCTURE

This site is currently developed with one road frontage (Turner Hill). There is an existing structure on the subject 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:

- Approval



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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**
- **Applicant's Presentation**

Sec. 4.2.2. Accessory buildings, structures and uses; location, yard and building restrictions.

The following provisions apply to accessory buildings, structures, and uses of land that are incidental to authorized and permitted uses:

- A. All accessory buildings, accessory structures, and accessory uses of land, including off-street parking, shall be located on the same lot as the principal buildings to which they are accessory.
- B. All accessory structures in which effluent is produced shall be connected to water and sewer if the primary structure is connected to water and sewer.
- C. Yard and setbacks.
 - 1. All accessory buildings or structures shall be located in the rear yard of the lot, with the exception of ATM bank machines which are also allowed in the front or Side yard:
 - 2. Accessory structures must not encroach in the minimum yard setbacks for the district in which they are located.
 - 3. Accessory buildings or structures shall meet the minimum side yard setback for the district or ten feet, whichever is less, and shall not be located closer than ten feet to a rear lot line in any district.
 - 4. Basketball goals attached to the principal residential structure or erected adjacent to and abutting the driveway of the principal residential structure shall be allowed in the front yard but not within the right-of-way of a public street. No basketball goal shall be erected in such a manner that the play area for the basketball goal is located within any portion of a public right-of-way.
 - 5. Additional supplemental regulations in this article regarding minimum yards and setbacks for specific accessory buildings, structures, or uses of land may also apply.
- D. Corner lot, rear yards. Where the rear yard of a corner lot adjoins the side yard of a lot in a residential district, no accessory building or structure shall be located closer than 15 feet to the rear property line and no closer to the side street right-of-way line than the principal building.
- E. Materials. Accessory structures that are buildings or sheds shall be constructed out of a material similar to the principal structure.
- F. No accessory building or structure in a nonresidential district shall be used by anyone other than employees of the owner, lessee or tenant of the premises, unless otherwise allowed by provisions of this chapter.
- G. Where an accessory building or structure is attached to the principal building by a breezeway, passageway or similar means, the accessory building or structure shall comply with the yard setback requirements of the principal building to which it is accessory.
- H. Setbacks for swimming pools, as accessory structures in a residential district, shall be measured from the edge of the decking to the applicable property line. No part of the decking for an accessory swimming pool shall be within five feet of a side or rear property line.
- I. Except as expressly provided elsewhere in this chapter, an accessory structure shall be limited to the lesser of 24 feet in height or the height of the principal structure, whichever is less.
- J. The floor area of an accessory buildings that is accessory to a single-family, two-family, or three-family residential structure shall not exceed the maximum floor areas set forth in Table 4.2, below.

Table 4.2. Maximum Accessory Building Floor Area - Select Residential Structures

Maximum Accessory Building Floor Area	
Property Size	Maximum Floor Area
0 to 0.999 acres	900 square feet
1 to 4.999 acres	1,200 square feet
5 to 9.999 acres	2,000 square feet
10 or more acres	No size limit

(Ord. of 8-2-2017, § 1(4.2.2))

Sec. 4.2.23. Drive-through facility, restaurant.

All drive-through facilities must comply with the following:

- A. Drive-through facilities shall not be located within 60 feet of a residentially zoned property, as measured from any menu or speaker box to the property line of adjacent residential property, unless part of a mixed use development.
- B. No drive-through facility shall be located on a property less than 10,000 square feet in area, unless part of a mixed use development. Stacking spaces for queuing of cars shall be provided for the drive-through area as required in article 6 of this chapter.
- C. Drive-through lanes and service window serving drive-through lanes shall only be located to the side or rear of buildings.
- D. Drive-through canopies and other structures, where present, shall be constructed from the same materials as the primary building and with a similar level of architectural quality and detailing.
- E. Speaker boxes shall be directed away from any adjacent residential properties and shall require masonry sound attenuation walls with landscaping or other speaker volume mitigation measures. Speaker boxes shall not play music but shall only be used for communication for placing orders.
- F. All lighting from drive-through facilities shall be shaded and screened so as to be directed away from any adjacent residential properties.
- G. Stacking spaces shall be provided for any use having a drive-through facility or areas having drop-off and pick-up areas in accordance with the following requirements. Stacking spaces shall be a minimum of ten feet wide and 25 feet long. Stacking spaces shall begin at the last service window for the drive-through lane (typically the pick-up window).
- H. All drive-through facilities with the exception of drive-through restaurants shall provide at least three stacking spaces for each window or drive-through service facility.
- I. The following general standards shall apply to all stacking spaces and drive-through facilities:
 - a. Drive-through lanes shall not impede on- and off-site traffic movements, shall not cross or pass through off-street parking areas, and shall not create a potentially unsafe condition where crossed by pedestrian access to a public entrance of a building.
 - b. Drive-through lanes shall be separated by striping or curbing from off-street parking areas. Individual lanes shall be striped, marked or otherwise distinctly delineated.
 - c. All drive-through facilities shall include a bypass lane with a minimum width of ten feet, by which traffic may navigate around the drive-through facility without traveling in the drive-through lane. The bypass lane may share space with a parking access aisle.
 - d. Drive-through lanes must be set back five feet from all lot lines and roadway right-of-way lines.
 - e. Owner and operator are responsible for daily litter clean-up to ensure the property remains free of trash, litter, and debris.
 - f. Drive-through restaurants shall not be located within 500 feet of an elementary, middle, or high school.
 - g. Drive-through restaurants located in activity centers require a special land use permit. In all other character areas a special land use permit is required unless the facility can meet at least two of the following criteria:

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- i. Facility is located within 400 feet of an intersection of a major arterial street and a major or minor arterial street, or within 1,000 feet of an interstate highway interchange do not require a special land use permit.
 - ii. Facility is accessible only through interparcel access or through a shared driveway.
 - iii. Facility is part of a major redevelopment, as defined in section 27-8.1.16.
 - h. Distance shall be measured from the right-of-way of the exit or entrance ramp, or street corner (middle of the radius), along the intersecting street right-of-way, to the nearest property line.

(Ord. of 8-2-2017, § 1(4.2.23))

Design Guidelines for the Stonecrest Overlay District

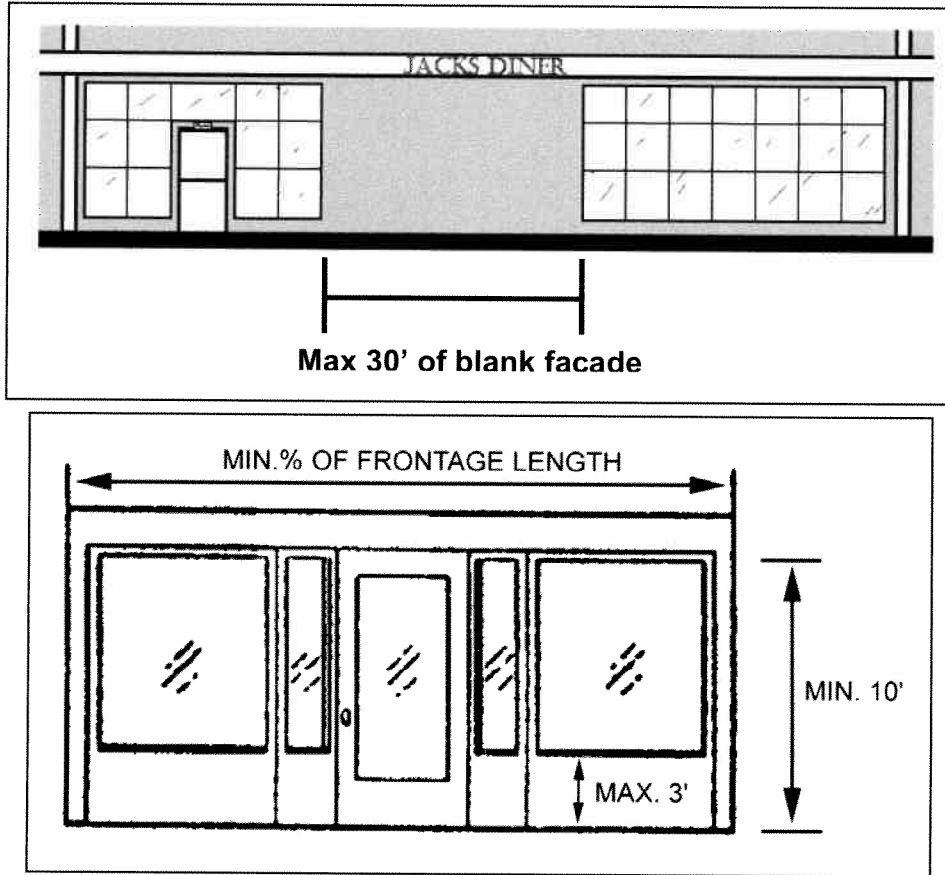


*Prepared for
The DeKalb County Board of Commissioners
By
The Planning & Development Department*

MAY 2008

- iv. Fenestration shall not utilize painted glass, reflective glass or other similarly treated or opaque windows. Entrances may be counted towards fenestration requirements.

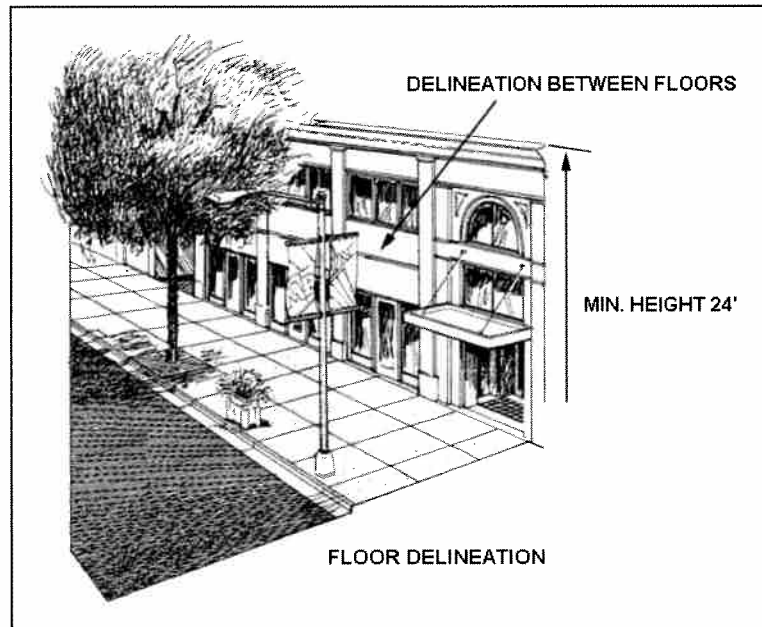
Exhibit 17- Building Facades and Fenestration



4. Roof design

- a. Gable roof designs are encouraged and shall be required for all multi-family residential and hotel buildings less than six stories in height.
- b. Roof mounted mechanical equipment and appurtenances shall be located or screened so that they are not visible from the ground level. Screening shall be of a material and design that is compatible with the surrounding building materials and architectural design. Rooftop appurtenances shall be painted to be compatible with the colors of the roof.
- c. Roof mounted radio, TV, and telecommunication towers and antennae are prohibited. Satellite dishes 24 inches or less in

Exhibit 16: Architectural Delineation



3. Building facades and fenestration
 - a. For the purposes of this document, fenestration includes all glazed areas including, but not limited to storefront windows, display windows and doors containing glazed panels at least four feet in height.
 - b. Street-fronting non-residential building facades shall meet the following sidewalk level requirements:
 - i. The length of façade without intervening fenestration or entryway shall not exceed 30 feet. See Exhibit 17.
 - ii. A minimum percentage of fenestration of 50% shall be provided for the length of the building frontage. For buildings that front two or more streets, said minimum percentage is only required along one such street frontage. See Exhibit 17.
 - iii. All fenestration shall:
 - a.) Begin at a point not more than three (3) feet above the sidewalk, to a height no less than ten (10) feet above the sidewalk, or
 - b.) Begin at the finished floor elevation to a height no less than ten (10) feet above the finished floor elevation when the finished floor elevation is three (3) or more feet above the sidewalk or
 - c.) Begin at a point not more than sidewalk level, to a height no less than ten (10) feet above the finished floor elevation when the finished floor elevation is below the sidewalk. See Exhibit 17.



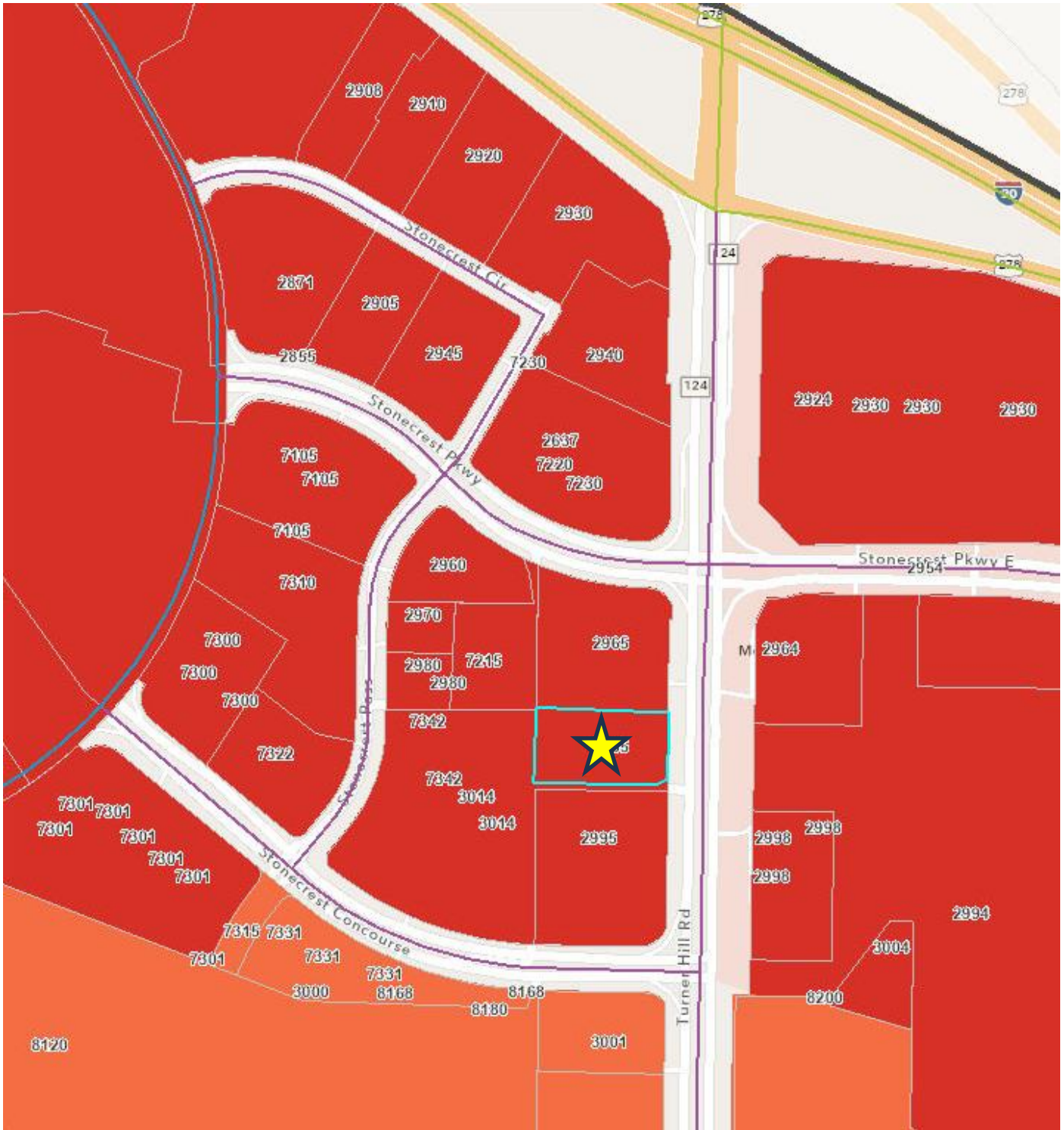
Regional Center (RC)

The intent of the Regional Center is to promote the concentration of regional service activities to a centralized location that allow for a variety of uses while reducing automobile travel, promoting walkability and increased transit usage. These areas consist of a high intensity of regional commercial, office, employment areas, high density residential and higher-education facilities.

These areas are characterized by high vehicular traffic, and high transit use, including stops, shelters and transfer points. The proposed density for areas of this type allows up to 120 dwelling units per acre. The Regional Center will allow certain permitted zoning districts to help shape the character.



OVERLAY DISTRICT MAP | Stonecrest Tier
1





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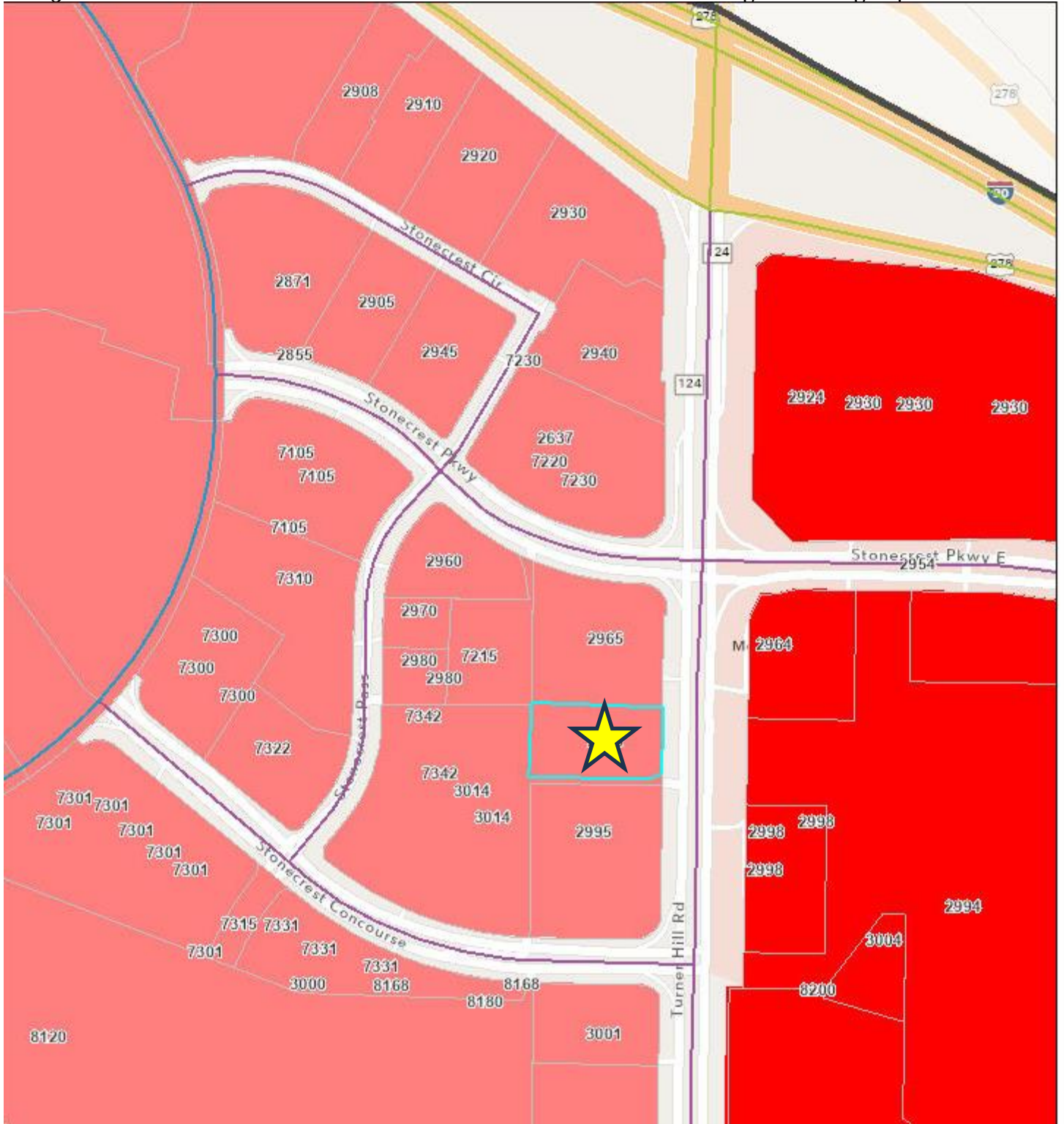
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ZONING MAP | C-1 (Local Commercial)



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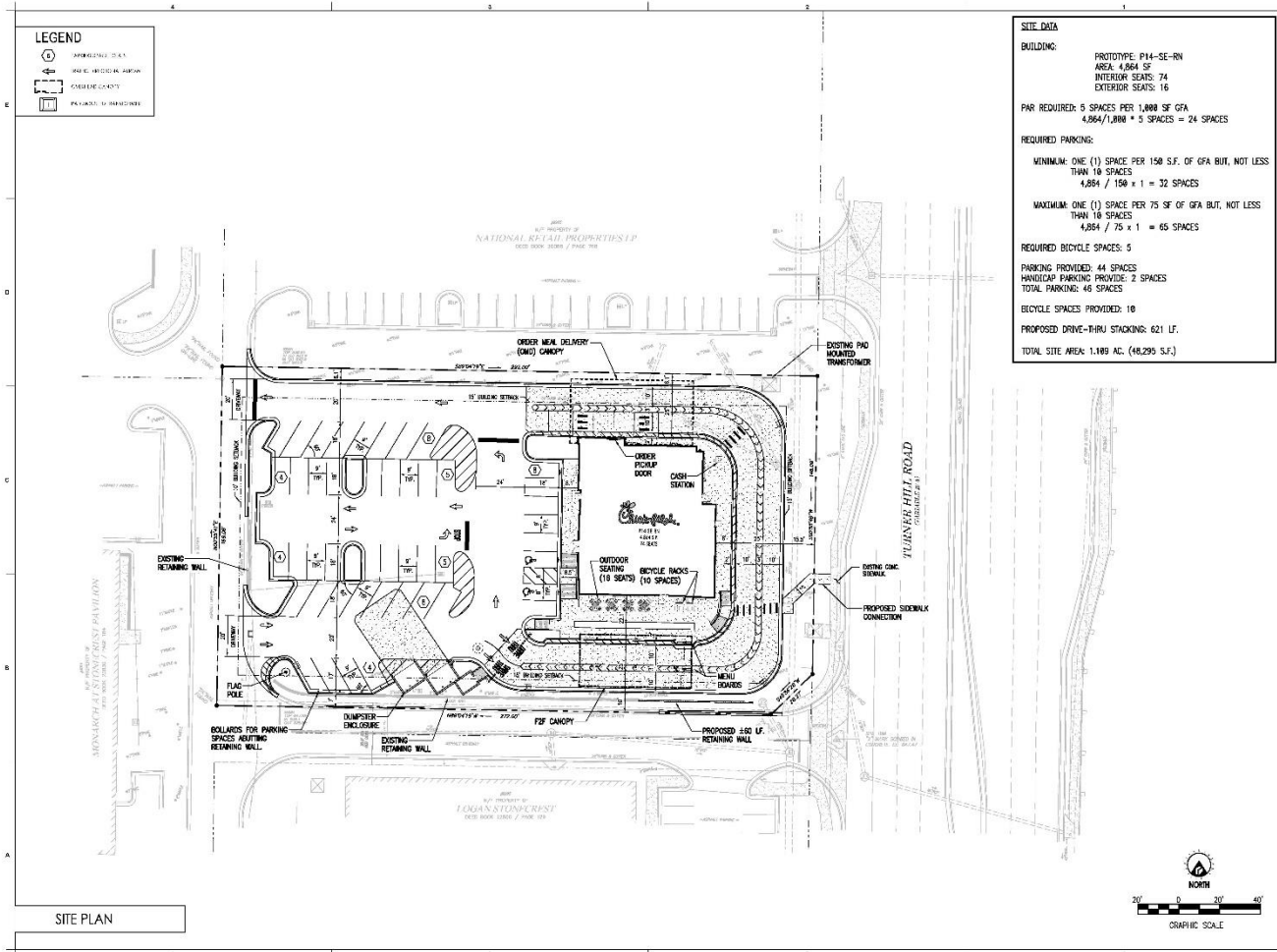
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AERIAL MAP



SUBMITTED SITE PLAN



SITE DATA

BUILDING:
 PROTOTYPE: P14-SE-RN
 AREA: 4,864 SF
 INTERIOR SEATS: 74
 EXTERIOR SEATS: 16

PAR REQUIRED: 5 SPACES PER 1,000 SF OFA
 4,864 / 1,000 * 5 SPACES = 24 SPACES

REQUIRED PARKING:
 MINIMUM: ONE (1) SPACE PER 150 S.F. OF OFA BUT, NOT LESS THAN 10 SPACES
 4,864 / 150 * 1 = 32 SPACES
 MAXIMUM: ONE (1) SPACE PER 75 SF OF OFA BUT, NOT LESS THAN 10 SPACES
 4,864 / 75 * 1 = 65 SPACES


REQUIRED BICYCLE SPACES: 5

PARKING PROVIDED: 44 SPACES
HANDICAP PARKING PROVIDED: 2 SPACES
TOTAL PARKING: 46 SPACES

BICYCLE SPACES PROVIDED: 10

PROPOSED DRIVE-THRU STACKINGS: 621 LF.

TOTAL SITE AREA: 1,189 AC. (48,295 S.F.)



Chick-fil-A
 5200 Bufington Road
 Atlanta, Georgia
 30345-2998

INTERPLAN
 ARCHITECTS
 1111 W. Peachtree Street, N.W.
 Atlanta, GA 30309
 (404) 525-1111

THIS DOCUMENT IS NOT FOR REGULATORY APPROVAL, PERMITTING, OR CONSTRUCTION.

CHICK-FIL-A
TURNER HILL
 2985 Turner Hill Road
 Lithonia, GA 30038

FSR#01217

Project Status: **APPROVED**

DATE: 01/16/2024

PREPARED BY: Tre'Jon Singletary

C-2.0

LETTER OF INTENT

APPLICANT'S PRESENTATION