



Michael L. Thurmond  
Chief Executive Officer

**DeKalb County Zoning Board of Appeals**  
Department of Planning & Sustainability  
330 Ponce De Leon Avenue, Suite 300  
Decatur, GA 30030



**Wednesday, January 9, 2019 at 1:00 PM**

**Planning Department Staff Analysis**

**N.2 Case No: A-18-1242991 Parcel ID(s): 15-169-01-001**

**Commission District: 03 Super District 07**

**Applicant:** Bridget Ellgass  
1088 Longley Ave  
Atlanta, GA 30318

**Owner:** Frank Iglesias/ W.H. Ventures, LLC.  
6175 Hickory Flat Highway  
Canton, Georgia 30315

**Project Name:** 3585 Glenwood Road

**Location:** The property is located south of Glenwood Road and north of Long Drive, at 3585 Glenwood Road, Decatur, Georgia.

**REQUEST:** Variance from Section 27-5.2.1 of the DeKalb County Zoning Ordinance to reduce the average front yard setback from 45 feet to 37 feet and side yard setback from 7.5 feet to 5.5 feet for a proposed residential structure, relating to the R-75 zoning district.

**Staff Recommendation:** **“APPROVAL” based on the submitted site plan received on December 6, 2018**

**STAFF FINDINGS:**

**Table 1: Surround Zoning and Land Use**

	<b>Adjacent Zoning</b>	<b>Adjacent Land Use</b>
North	R-75	Detached single family homes
East	R-75	Undeveloped
South	R-75	Detached single family homes
West	R-75	Detached single family homes
Northeast	R-75	Detached single family homes
Northwest	R-75	Detached single family homes
Southeast	R-75	Detached single family homes
Southwest	R-75	Detached single family homes
Street Type		Minor Arterial

Site Location: The property is located south of Glenwood Road and north of Long Drive, 3585 Glenwood Road, Decatur, Georgia. The site is zoned R-75 and is currently undeveloped.

Variance request: The applicant is requesting variances from Section 27-5.2.1 of the DeKalb County Zoning Ordinance to reduce the average front yard setback from 45 feet to 37 feet and the side yard setback from 7.5 feet to 5.5 feet for a proposed residential structure, relating to the R-75 zoning district.

Variance Analysis: Based on the submitted survey, the site has 99.85-feet of street frontage along Glenwood Road. The total lot area is 39,561 square feet. The R-75 zoning district requires 75-feet of frontage along a public street and a minimum lot area of 10,000 square feet which meets the requirements. However, 12.2% (4,819 square feet) is located in the 100 Year Flood Plain and 87.8% (34,742 square feet) is in the non-flood area. In addition, this site has the 75-foot DeKalb County Stream Buffer running east and west along the property. Per the survey, the stream buffer sits approximately 70 feet from the front boundary line which cause design constraints for the applicant.

Based on the submitted site plan, the applicant seeks to build a two story (32 feet and 10 ½ inches) single-family home. The proposed two story single family structure will not increase the maximum lot coverage of 35%. Per the site plan, the driveway will be 1,221 square feet; heated floor area will be 2,212 square feet; front porch is 99 square feet; and the rear porch is 344 square feet which will cover 6.83% (2,702 square feet) of the site. Also the site plans shows the proposed 2 story single family home encroaching 8 feet into the average front yard setback and 5.5 feet into the eastern side yard setback.

Per the applicant, “The majority of the property is encompassed by a stream buffer and the owner does not wish to disturb. The proposal is to adjust the front setback to 37 feet with a front porch being closest to the street in order to allow for a home to be situated on the North end of the lot.”

Base on the submitted materials and site visit, it appears due to the severe restrictions and limited buildable area, the applicant’s requests pose a significant hardship therefore meeting the criteria for approval, based on the following findings:

**1. By reason of exceptional narrowness, shallowness or shape of a specific lot, or by reason of exceptional topographic conditions, 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:**

Based on the submitted materials, it appears that 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 since this site has the 75 foot DeKalb County Stream Buffer running east and west along the property, resulting the uniqueness of design constraints.

**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:**

Based on the submitted materials, it appears that 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 since the stream buffer sits approximately 70 feet from the front boundary line which causes design constraints for the applicant.

**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:**

Based on the submitted materials, 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:**

Based on the submitted materials, it appears that the literal interpretation and strict application of the applicable provisions or requirements of this chapter would cause an undue and unnecessary hardship since majority of the property is encompassed by a stream buffer and the owner does not wish to disturb it.

**5. The requested variance would be consistent with the spirit and purpose of this Chapter and the DeKalb County Comprehensive Plan Text:**

Based on the submitted materials, it appears that the requested variance would be consistent with the spirit and purpose of this chapter and the DeKalb County Comprehensive Plan text.

**FINAL STAFF ANALYSIS:**

Based on the submitted materials, it appears that the literal interpretation and strict application of the applicable provisions or requirements of this chapter would cause an undue and unnecessary hardship since majority of the property is encompassed by a stream buffer and the owner does not wish to disturb. Therefore, the Department of Planning and Sustainability recommends that the application be "Approved".

**STAFF RECOMMENDATION: "APPROVAL" based on the submitted site plan received on December 6, 2018**