



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.3 Case No: A-19-1243009

Parcel ID(s): 18-162-06-040

Commission District: 02 Super District 06

Applicant: Colin Oliver
2777 Ponderosa Circle
Decatur, Georgia 30033

Owner: Same as above

Project Name: 2777 Ponderosa Circle

Location: The property is located on the west side of Ponderosa Circle, approximately 133 feet from La Vista Road, at 2777 Ponderosa Circle, Decatur, Georgia.

REQUEST: Variances from Section 27-2.2.1 of the DeKalb County Zoning Ordinance to reduce the front yard setback from 35 feet to 28 feet and side yard setback from 8.5 feet to 7 feet for a proposed garage, relating to the R-85 zoning district and the Ponderosa-II Overlay District.

Staff Recommendation: **“APPROVAL” based on the submitted site plan received on December 6, 2018 with condition that the requirements of the Ponderosa-II Overlay District are satisfied.**

STAFF FINDINGS:

Table 1: Surround Zoning and Land Use

	Adjacent Zoning	Adjacent Land Use
North	R-85 & Ponderosa-II Overlay District	Detached single family homes
East	R-85 & Ponderosa-II Overlay District	Detached single family homes
South	R-85 & Ponderosa-II Overlay District	Detached single family homes
West	R-85	Detached single family homes
Northeast	R-85 & Ponderosa-II Overlay District	Detached single family homes
Northwest	R-85	Detached single family homes
Southeast	R-85 & Ponderosa-II Overlay District	Detached single family homes
Southwest	R-85	Detached single family homes
Street Type		Local Street

Site Location: The property is located on the west side of Ponderosa Circle, approximately 133 feet from La Vista Road, at 2777 Ponderosa Circle, Decatur, Georgia. The site is zoned R-85 and is currently developed. The property Ponderosa Circle is classified as a local street.

Variance request: The applicant is requesting variances from Section 27-2.2.1 of the DeKalb County Zoning Ordinance to reduce the front yard setback from 35 feet to 28 feet and side yard setback from 8.5 feet to 7 feet for a proposed garage, relating to the R-85 zoning district and the Ponderosa-II Overlay District.

Variance Analysis: Based on the submitted survey, the site has 67.92-feet of street frontage along a cul-de-sac fronting Ponderosa Circle. The total lot area is 15,470 square feet. The R-85 zoning district requires 35-feet of frontage along a cul-de-sac public street and a minimum lot area of 12,000 square feet, which does meet the requirements.

Based on the submitted site plan, the applicant seeks to enclose the carport. Per the applicant, “the reasons to create the garage are as follows: we are in the design phase of remodeling our home, an early 1960’s ranch and give it a more modern look and also for security reasons.” The existing carport currently sits approximately 5 feet outside of the front building setback, however the applicant would like to encroach an additional 2 feet.

Base on the submitted materials and site visit, it appears due to the severe restrictions and limited buildable area, the applicant requests pose a significant hardship and therefore meets 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 lot is located on a cul-de-sac and the existing carport is 5 feet inside of the front building setback, 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 due to the irregular shaped lot.

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 this lot is located on a cul-de-sac and the existing carport is 5 feet inside of the front building setback, resulting the uniqueness of design constraints.

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 this lot is located on a cul-de-sac and the existing carport is 5 feet inside of the front building setback, resulting the uniqueness of design constraints. 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 with condition that the requirements of the Ponderosa-II Overlay District are satisfied.