



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.5 Case No: A-19-1243012 Parcel ID(s): 18-002-04-033**

**Commission District: 02 Super District 07**

**Applicant:** Alice Johnson  
1403 Emory Road Northeast  
Atlanta, GA 30307

**Owner:** Todd Andrew Cano and Gregory Shawn Morgan  
1032 Oakdale Road, Northeast  
Atlanta, Georgia 30307

**Project Name:** 1032 Oakdale Road

**Location:** The property is located on the west side of Oakdale Road, approximately 154 east of Oxford Road, at 1032 Oakdale Road, Atlanta, Georgia.

**REQUEST:** Variances from Section 27-4.2.3 of the DeKalb County Zoning Ordinance to reduce rear yard setback from 10' to 5.5'; increase lot coverage from 35% to 39% and reduce the north side yard setback from 8.5' to 7.3' for an existing legal non-conforming detached accessory dwelling unit, relating to the R-85 zoning district and the Druid Hills Historic District.

**Staff Recommendation:** **"APPROVAL"** based on the submitted site plan received on December 6, 2018 pending approval of Certificate of Appropriateness.

**STAFF FINDINGS:**

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

	<b>Adjacent Zoning</b>	<b>Adjacent Land Use</b>
North	R-85	Detached single family homes
East	R-85	Detached single family homes
South	R-85	Detached single family homes
West	R-85	Detached single family homes
Northeast	R-85	Detached single family homes
Northwest	R-85	Detached single family homes
Southeast	R-85	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 Oakdale Road, approximately 154 east of Oxford Road, at 1032 Oakdale Road, Atlanta, Georgia. The property fronts Oakdale Road which is classified as a local street.

Variance request: The applicant is requesting variances from Section 27-4.2.3 of the DeKalb County Zoning Ordinance to reduce rear yard setback from 10' to 5.5'; increase lot coverage from 35% to 39% and reduce the north side yard setback from 8.5' to 7.3' for an existing legal non-conforming detached accessory dwelling unit, R-85 zoning district and the Druid Hills Historic District.

Based on the submitted materials, there is an existing, non-conforming detached accessory dwelling unit (556 s.f.) above a 3-car garage in the rear yard that appears to be constructed around 1940's. The existing clearance at the garage level is 6 feet and 5 inches from slab to the bottom of the floor joists, which does not provide enough clearance to park their cars. The existing deck sits 1.3 feet over the side yard setback (within the 5 feet allowance). The applicant is proposing to raise the existing second level up 2.5 feet to allow for 8-foot garage doors, possible, increase in floor structure depth, and clearance to park their cars in the garage. The proposed footprint will not change. This request will increase the overall height to the ridge to 22.5 feet.

In addition, the owners plans to renovate the existing house within the year, and would like to bring the current house into compliance regarding the encroachment of the north side yard.

Variance Analysis: Based on the submitted survey, the site has a street frontage of 100 feet and a lot size of 16,422 square feet which meets the R-85 zoning district. The existing detached accessory dwelling unit/garage sits approximately 5.5 feet from the rear of the property which is consider as legal non-conforming. The existing lot coverage is 39% which includes the house (2,555 S.F.), driveway (1,922 S.F.), walls (100 S.F.), porch (294 S.F.), decks (624 S.F.), concrete pads (371 S.F.), and accessory dwelling unit/garage (556 S.F.).

Base on the submitted materials and site visit, it appears the applicant requests pose a significant hardship 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 the existing detached accessory dwelling unit, 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.

**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 the existing detached accessory dwelling unit, 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 the existing detached accessory dwelling unit exists which, results 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 pending approval of Certificate of Appropriateness.**