



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.6 Case No: A-19-1243018**

**Parcel ID(s): 18-009-29-007**

**Commission District: 02 Super District 06**

**Applicant:** Stephen Schneider  
203 Rio Circle  
Decatur, Georgia 30030

**Owner:** J & S Property Management LLC  
203 Rio Circle  
Decatur, Georgia 30030

**Project Name:** 203 Rio Circle

**Location:** The property is located on the east side of Rio Circle, approximately 283 feet west of Laredo Drive, at 203 Rio Circle, Decatur, Georgia.

**REQUEST:** Variances from Section 27-2.24 of the DeKalb Zoning Ordinance to reduce the front yard setback from 60 feet to 29.35 feet; the side yard setback from 20 feet to 10 feet; and the rear yard setback from 30 feet to 10 feet for a proposed metal building, all relating to the M Zoning District.

**Staff Recommendation:** **“APPROVAL” based on the submitted site plan received on December 6, 2018 with condition that at least thirty (30) percent of total façade area facing Rio Circle shall be brick or stone masonry.**

**STAFF FINDINGS:**

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

	<b>Adjacent Zoning</b>	<b>Adjacent Land Use</b>
North	M	Commercial
East	M	Commercial
South	M	Commercial
West	M	Commercial
Northeast	M	Commercial
Northwest	M	Commercial
Southeast	M	Commercial
Southwest	M	Commercial
Street Type	Local Street	

Site Location: The property is located on the east side of Rio Circle, approximately 283 feet west of Laredo Drive, at 203 Rio Circle, Decatur, Georgia.

Variance request: The applicant is requesting variances from Section 27-2.24 of the DeKalb Zoning to reduce the front yard setback from 60 feet to 29.35 feet; the side yard setback from 20 feet to 10 feet; and the rear yard setback from 30 feet to 10 feet for a proposed metal building, all relating to the M Zoning District

Per the applicant, the purpose and need of the building is for an additional material warehouse. The unusual shape of the lot requires modifications to a standard rectangular building in an effort to maximize the use of the space while not imposing on adjoining properties.

Variance Analysis: Based on the submitted site plan, the site has a street frontage of 365 feet and a lot size of 32,900 square feet which meets the M zoning. The proposed metal building will be located behind the existing building and will sit 29.35 feet from the front; 10 feet from the side; and 10 feet from the rear. The applicant proposing to add 7 additional parking spaces to the site and has agreed to comply with Section 5.7.4 of the DeKalb County Zoning Ordinance that at least thirty (30) percent of total façade area facing Rio Circle shall be brick or stone masonry.

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 lot is an irregular shape which results in 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 all adjacent lots are legal non-conforming.

**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 lot is an irregular shape which results in 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 lot is an irregular shape which results in 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 at least thirty (30) percent of total façade area facing Rio Circle shall be brick or stone masonry..**