



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.7 Case No: A-19-1243034 Parcel ID(s): 18 050 08 004**

**Commission District: 02 Super District 06**

**Applicant:** Director of Planning and Sustainability  
330 Ponce De Leon Avenue, Suite 300  
Decatur, Georgia 30030

**Owner:** Intown Development  
2107 N Decatur Road  
Decatur, Georgia 30033

**Project Name:** 2465 N Decatur Road

**Location:** The property is located on the south side of North Decatur Rd, approx. 515 feet west of Scott Blvd, at 2465 N Decatur Road, Decatur, GA.

**REQUEST:** Variance from Sect. 27-2.25 of the DeKalb Zoning Ordinance to reduce the side yard setback from 20 feet to 12 feet for an addition to an existing legal non-conforming structure, related to the OI 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	Office
East	OI	Commercial
South	C-1	Commercial
West	NS	Office
Northeast	R-75	Office
Northwest	R-75	Office
Southeast	C-1	Commercial
Southwest	C-1	Commercial
Street Type	Local Street	

Site Location: The property is located on the south side of North Decatur Rd, approx. 515 feet west of Scott Blvd, at 2465 N Decatur Road, Decatur, GA.

Variance request: The applicant is requesting a variance from Sect. 27-2.25 of the DeKalb Zoning Ordinance to reduce the side yard setback from 20 feet to 12 feet for an addition to an existing legal non-conforming structure, related to the OI Zoning District.

Variance Analysis: The purpose of this request is to reduce the eastern and western side yard setback from 20 feet to 12 feet for a proposed addition at 2465 N Decatur Road, Decatur, Georgia. This site is currently situated in an OI (Office-Institutional) Zoning District which requires a minimum street frontage of 100 feet and a minimum lot area of 20,000 square feet. This site has a street frontage of 50 feet and a lot size of approximately 6,323 square feet and is a legal non-conforming lot. Per the DeKalb County tax records, the existing was structure was constructed in 1950.

Based on the submitted materials and site visit, the unusual narrowness of the lot creates a hardship, which 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 structure is legal non-conforming and the lot is exceptionally narrow.

**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 requested variances do not go beyond the minimum necessary to afford relief as the base footprint is not further expanding. Based on the submitted materials, it appears that the request does not constitute a grant of special privilege inconsistent with the limitations upon other properties in the zoning district since the proposed addition will meet all other applicable setbacks.

**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, it appears that granting the variances would not be materially detrimental to the public welfare or injurious to the property or improvements in the zoning district since the subject property is surrounded by other legal non-conforming lots and residential structures.

**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 proposed second story addition is being built on a legal non-conforming structure that does not meet the side yard setback requirements per the OI zoning district.

**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 proposed second story addition is being built on a legal non-conforming structure that does not meet the side yard setback requirements per the OI zoning district. 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.**