



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



Michael L. Thurmond
Chief Executive Officer

Wednesday, October 14, 2020 at 1:00 PM
Planning Department Staff Analysis

D1 Case No: A-20-12442014 Parcel ID(s): 18-249-04-016

Commission District: 01 Super District 06

Applicant: Marc Rosefort
251 Rosser Street
Atlanta, GA 30314

Owner: Clear Sky Homes

Project Name: 2736 Henderson Mill Road

Location: The property is located on the west side of Henderson Mill Road at 2736 Henderson Mill Road, Atlanta, GA 30341.

REQUEST: Variances from Chapter 27 of the DeKalb County zoning ordinance to reduce the rear yard setback from 40 feet to 15 feet for a proposed two-story detached single family home.

Staff Recommendation: **“Approval” as shown on the submitted site plan received September 15, 2020.**

STAFF FINDINGS:

Site Location: The property is located on the west side of Henderson Mill Road at 2736 Henderson Mill Road, Atlanta, GA 30341. The site is zoned R-100 and is surrounded by R-100 zoned properties to the north, east, south and west.

Variance request: Variance from the DeKalb County Zoning Ordinance: (1) Section 27- 2.24.1. (Table 2.2—Residential Zoning Districts Dimensional Requirements) to reduce the rear yard setback from 40 feet to 15 feet for a proposed two-story detached single family structure, relating to the R-100 zoning district.

Variance Analysis: Based on the submitted materials, the applicant is proposing to construct a two-story detached single family structure. The DeKalb County zoning ordinance requires a minimum 40-foot rear yard setback for lots within the R-100 zoning district. Based on the submitted site plan, the proposed addition encroaches into the rear setback. Due to the shape and legal non-conformity of the subject property it appears that the requested variance meets the criteria for approval based on the following criteria:

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 site plan, by reason of shape and legal non-conformity of the subject property, the strict application of the requirements of this chapter would deprive the property owner of rights and privileges enjoyed by other property owners.

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:

Due to the shape of lot, it appears that the requested variance does not go beyond that minimum necessary to afford relief. Therefore, granting this variance 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:

Granting this 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, due to the shape and legal non-conformity of the subject property, the strict application of the applicable provisions and requirements of this chapter would cause an undue hardship for the applicant.

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, due to the shape and legal non-conformity of the subject property, the strict application of the applicable provisions and requirements of this chapter would cause an undue hardship for the applicant. Therefore, the Department of Planning and Sustainability recommends that the application be “approved” as shown on the submitted site plan received on September 15, 2020.

STAFF RECOMMENDATION: "Approval" as shown on the submitted site plan received September 15, 2020.

ALL MATTERS OF TITLE ARE EXCEPTED. THIS PLAT IS SUBJECT TO ALL LEGAL EASEMENTS AND RIGHTS-OF-WAY PUBLIC OR PRIVATE.
 NOTE: PROPERTY LINES SHOWN ON THIS MAP/PLAT REPRESENT PHYSICAL FIELD CONDITIONS BY EVIDENCE OF APPARENT POSSESSION (IRON PINS FOUND, OLD & ESTABLISHED FENCE LINES, OLD WALL LINES, SHRUB & HEDGE LINE, HOUSE LOCATIONS, ETC.) THEY MAY DIFFER AND BE IN CONTENTION FROM EVIDENCE FOUND AT THE APPLICABLE COUNTY COURTHOUSE. THEY MAY ALSO DIFFER FROM OTHER SURVEYOR OPINIONS AND/OR NEIGHBORS SURVEYS/PLATS. A FULL LAND TITLE REPORT OPINION ON ALL PROPERTIES, INCLUDING ADJACENT AND CONTIGUOUS PROPERTIES MAY BE NEEDED TO RESOLVE ALL POSSIBLE PROPERTY LINE DISPUTES OR DISCREPANCIES.
 THIS MAP/PLAT WAS MADE WITHOUT THE BENEFIT OF A CURRENT TITLE COMMITMENT. EASEMENTS AND ENCUMBRANCES MAY EXIST WHICH BENEFIT AND BURDEN THIS PROPERTY. THIS MAP/PLAT IS SUBJECT TO REVISIONS AND UPDATE UPON RECEIPT OF SAID TITLE COMMITMENT.

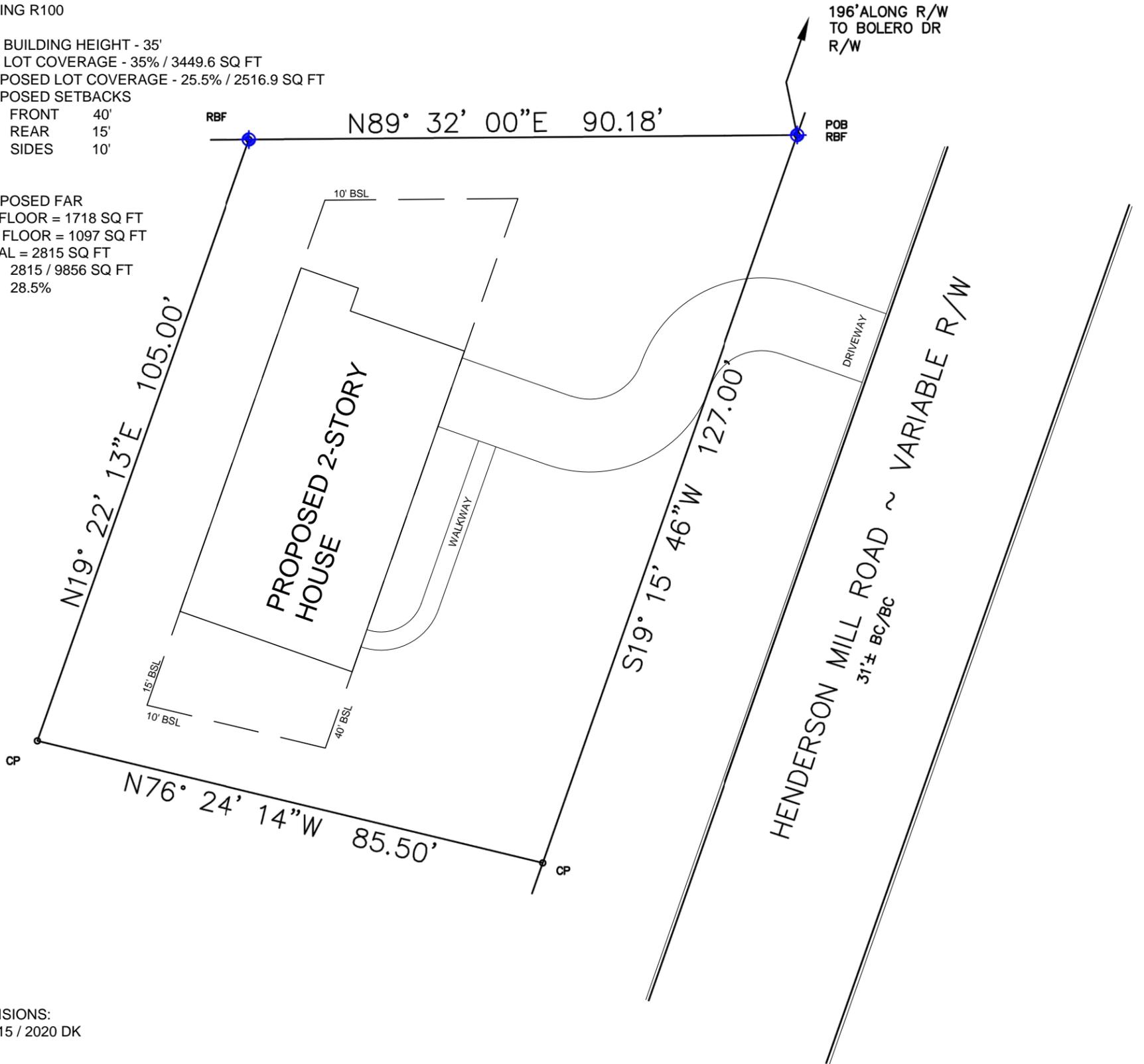


NO DETERMINATION OF FLOOD HAZARD HAS BEEN MADE FOR THIS PROPERTY BY THIS SURVEYOR.
 * L E G E N D *
 NOTE: ALL ITEMS IN THIS LEGEND MAY NOT APPEAR ON THIS PLAT.
 AKA ALSO KNOWN AS N NEIGHBOR'S
 APD AS PER DEED N/F NOW OR FORMERLY
 APP AS PER PLAT NAIL NAIL FOUND
 BSL BUILDING (SETBACK) LINE P PLAT (BOOK/PAGE)
 CP COMPUTED POINT POB POINT OF BEGINNING
 CTP CRIMP TOP PIPE FOUND POC POINT OF COMMENCEMENT
 D DEED (BOOK/PAGE) R RADIUS LENGTH
 DW DRIVEWAY R/W RIGHT-OF-WAY
 EP EDGE OF PAVEMENT RBF REINFORCING BAR FOUND
 FFE FINISH FLOOR ELEVATION (1/2" UNO)
 FKA FORMERLY KNOWN AS RBS 1/2" REINFORCING BAR SET
 IPF IRON PIN FOUND SW SIDEWALK
 L ARC LENGTH SSE SANITARY SEWER EASEMENT
 LL LAND LOT SSCO SANITARY SEWER CLEANOUT
 LLL LAND LOT LINE -X- FENCE LINE

ZONING R100

MAX BUILDING HEIGHT - 35'
 MAX LOT COVERAGE - 35% / 3449.6 SQ FT
 PROPOSED LOT COVERAGE - 25.5% / 2516.9 SQ FT
 PROPOSED SETBACKS
 FRONT 40'
 REAR 15'
 SIDES 10'

PROPOSED FAR
 1ST FLOOR = 1718 SQ FT
 2ND FLOOR = 1097 SQ FT
 TOTAL = 2815 SQ FT
 = 2815 / 9856 SQ FT
 = 28.5%



REVISIONS:
 09 / 15 / 2020 DK

PROPERTY ADDRESS:
 2736 Henderson Mill Rd
 Atlanta, GA 30341

LAND AREA:
 9856 SF
 0.226 AC

PLAT PREPARED FOR:
 2736 HENDERSON
 MILL RD

18 249 04 016

LAND LOT 249 18th DISTRICT

DeKALB COUNTY, GEORGIA

FIELD DATE: 10-15-2019 TH

LOCATED IN UNINCORP

DRAWN DATE: 10-16-2019 TW

REFERENCE: PLAT BOOK , PAGE

REFERENCE: DEED BOOK 23404, PAGE 58

ALL MATTERS OF TITLE ARE

EXCEPTED ~ NOT FOR RECORDING

THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE OF 1 FOOT IN 30,000+ FEET, AN ANGULAR ERROR OF 05 SECONDS PER ANGLE POINT AND WAS ADJUSTED USING THE LEAST SQUARES METHOD. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND FOUND TO BE ACCURATE TO 1 FOOT IN 40,000+ FEET. AN ELECTRONIC TOTAL STATION WAS USED IN THE PREPARATION OF THIS PLAT. NO STATE PLANE MONUMENT FOUND WITHIN 500' OF THIS PROPERTY.

THIS SURVEY WAS PREPARED IN CONFORMITY WITH THE TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN CHAPTER 180-7 OF THE RULES OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN THE GEORGIA PLAT ACT O.C.G.A. 15-6-67.



SURVEY SYSTEMS ATLANTA
 2156 W Park Ct, Ste D, Stone Mtn, GA 30087
 COA #LSF000867, info@SurveySystemsAtlanta.com
 Cell 678-591-6064 ~ Office 404-760-0010



COMP PROPERTY	Front Setback (Feet)
2657 Apple Orchard Rd	37.8
2667 Apple Orchard Rd	51.1
2675 Apple Orchard Rd	48.6
2722 Henderson Mill Rd	54.6
3339 Bolero Dr	53.5
3331 Bolero Dr	51.9
3321 Bolero Dr	51.9
3295 Bolero Dr	40.6
3287 Bolero Dr	37.3
3277 Bolero Dr	32.5
3269 Bolero Dr	33.2
Average Front Setback	44.8