



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, February 10, 2021 at 1:00 PM

Planning Department Staff Analysis

N7 Case No: A-21-1244470 Parcel ID(s): 15-171-06-012

Commission District: 03 Super District 07

Applicant: Daniel Goodwin
2306 Benji Blvd, SE
Conyers, GA 30013

Owner: KP Duty, LLC/ Pamela Marlowe
P.O. Box 211
Jonesboro, GA 30237

Project Name: 623 Quillian Avenue

Location: The property is located at the western intersection of Quillian Avenue and Marion Circle in Decatur, at 623 Quillian Avenue.

REQUEST: Variance from Chapter 27-2.2 Division 2- Residential Zoning Districts: Dimensional Requirements of the DeKalb County Zoning Ordinance to reduce the southern side yard setback from 7.5 feet to 4.71 feet for a proposed rear addition, relating the R-75 zoning district.

Staff Recommendation: Denial.

STAFF FINDINGS:

Variance Analysis:

The subject property is located within the R-75 zoning district. Per Chapter 27-2.2 Division 2- Residential Zoning Districts: Dimensional Requirements of the DeKalb County Zoning Ordinance states the minimum lot area for R-75 zoned properties is 10,000 square feet, and the minimum lot width is 75 feet. Based on the submitted site plan, the subject property has a lot size of 7,500 square feet and a lot width of 50.55 feet causing to subject property to be legally, non-conforming.

Based on the submitted materials, the applicant is requesting a variance to reduce the southern side yard building setback from 7.5 feet to 4.71 feet for a proposed rear addition to the existing single-family, detached structure. Per County records, the existing single-family detached structure was constructed in 1949, approximately seven years before the adoption of the *1956 DeKalb County Zoning Ordinance*. Based on the submitted site plan, the proposed addition will encroach approximately 2.79 feet into the southern side yard setback and will encroach no further than the existing structure.

Although the subject lot and house are nonconforming, based on the submitted materials the requested variance goes beyond the minimum necessary to afford relief. The requested variance may constitute a grant of special privilege inconsistent with the limitations upon other properties in the zoning district in which the property is located.

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, by reason of exceptional narrowness, the strict application of the requirements of this chapter may deprive the property owner of rights and privileges enjoyed by other property owners in the same zoning district. Based on the site plan, the subject lot is 50 feet wide by 150 feet long, 25-feet narrower than the 75-foot width requirement per the R-75 zoning. The missing 25 feet would likely permit the residential expansion without the need for a variance.

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 variance goes beyond the minimum necessary to afford relief and may constitute a grant of special privilege inconsistent with the limitations upon other properties in the zoning district in which the subject property is located. The home addition could be constructed within the current 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 variance may not be materially detrimental to the public welfare or injurious to the property or improvements in the zoning district. The proposed addition would not be visible from the public right-of-way. The approximate 19.5-foot difference between the house at the subject property and the southern neighbor, 627 Quillian Avenue, would remain the same after the construction of the proposed addition.

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 strict application of the applicable provisions and requirements of this chapter may not cause an undue and unnecessary hardship, as the proposed addition may be constructed within the current setback.

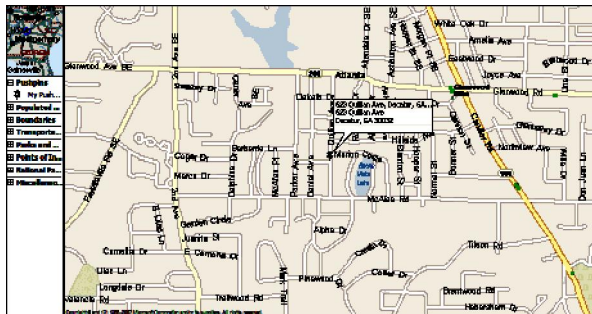
5. The requested variance would be consistent with the spirit and purpose of this Chapter and the DeKalb County Comprehensive Plan Text:

Based on the submitted materials, it appears that the requested variance would be consistent with the spirit and purpose of this chapter. The future land use for the subject property described in the *DeKalb County Comprehensive Plan* text is Traditional Neighborhood. The plan states that the intent of the character area is to preserve the style and appeal of older traditional neighborhood communities, particularly those developed prior to World War II (WWII) such as the neighborhood of the subject property. The proposed rear addition may be consistent with the character of the WWII era neighborhood in location and massing.

FINAL STAFF ANALYSIS:

Based on the submitted materials, it appears that the requested variance may go beyond the minimum necessary to afford relief and constitute a grant of special privilege inconsistent with the limitations upon other properties in the zoning district in which the subject property is located as the home addition could be constructed within the current setback. Therefore, the Department of Planning and Sustainability recommends denial of the request based on the submitted site plan received on January 7, 2021.

SITE LOCATION
N 33°44'05.172", W 84°17'53.7036"



GEORGIA

UNIFORM CODING SYSTEM

STATE SOIL AND WATER CONSERVATION COMMISSION OF GEORGIA

EROSION CONTROL MEASURES WILL BE MAINTAINED AT ALL TIMES. IF FULL IMPLEMENTATION OF THE APPROVED PLANS DOES NOT PROVIDE FOR EFFECTIVE EROSION CONTROL, ADDITIONAL MEASURES SHALL BE ADDED TO TREAT THE SEDIMENT SOURCE.

UTILITIES PROTECTION CENTER

IN GEORGIA

IT'S THE LAW

BEFORE YOU DIG

811

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.

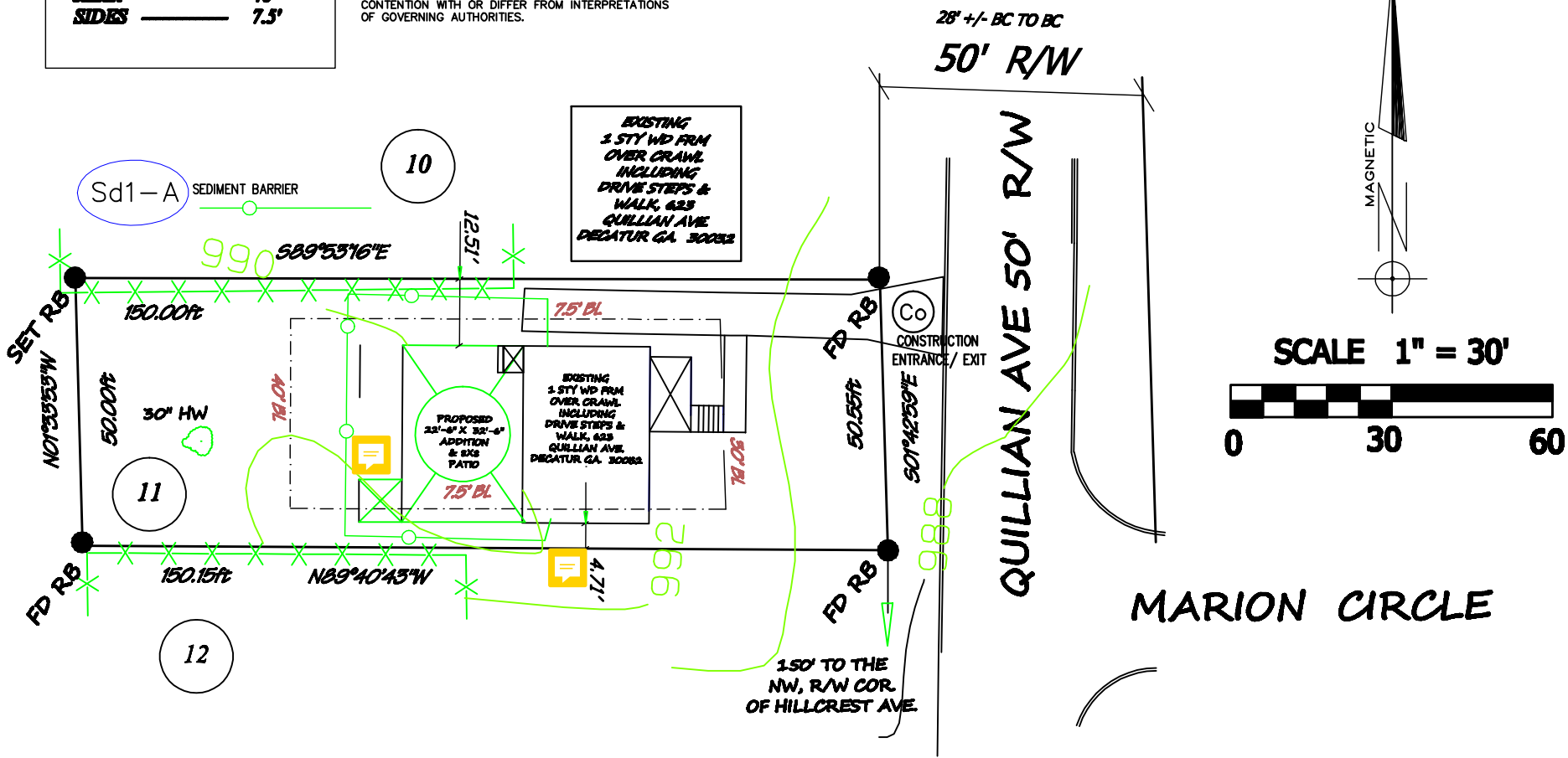
THIS MAP/PLAT WAS MADE WITHOUT THE BENEFIT OF A CURRENT TITLE COMMITMENT. EASEMENTS AND ENCUMBRANCES MAY EXIST WHICH BENEFIT AND BURDEN THIS PROPERTY. THIS MAP/PLAT IS SUBJECT TO REVISIONS AND UPDATE UPON RECEIPT OF SAID TITLE COMMITMENT.

BUILDING LINES SHOWN HEREON DERIVED FROM VARIOUS ONLINE SOURCES. THEY MAY BE IN CONTENTION WITH OR DIFFER FROM INTERPRETATIONS OF GOVERNING AUTHORITIES.

BUILDING SET BACK LINE

FRONT ——— **30'**
REAR ——— **40'**
SIDES ——— **7.5'**

Co	CONSTRUCTION EXIT		A crushed stone pad located at the construction site exit to provide a place for removing mud from tires thereby protecting public streets.
Cr	CONSTRUCTION ROAD STABILIZATION		A travelway constructed as part of a construction plan including access roads, subdivision roads, parking areas, and other on-site vehicle transportation routes.
Ds1	DISTURBED AREA STABILIZATION (WITH MULCHING ONLY)		Establishing temporary protection for disturbed areas where seedings may not have a suitable growing season to produce an erosion retarding cover.
Ds2	DISTURBED AREA STABILIZATION (WITH TEMPORARY SEEDING)		Establishing a temporary vegetative cover with fast growing seedings on disturbed areas.
Ds3	DISTURBED AREA STABILIZATION (WITH PERMANENT VEGETATION)		Establishing a permanent vegetative cover such as trees, shrubs, vines, grasses, sod, or legumes on disturbed areas.
Ds4	DISTURBED AREA STABILIZATION (WITH SOODING)		A permanent vegetative cover using sods on highly erodible or critically eroded lands.
Du	DUST CONTROL ON DISTURBED AREAS		Controlling surface and air movement of dust on construction site, roadways and similar sites.



<p>LAND AREA 0.173 ACRES 7541 SF</p> <p>ZONING R-75 RESIDENTIAL FLOOD AREA OF MINIMAL FLOOD HAZARD (ZONE X) DEKALB COUNTY UNINCORPORATED AREAS # 130065 FEMA MAP # 13089C0131 EFF DATE 5-16-2013</p>	<p>IMPERVIOUS AREA: EXIST= 1009 SF~13.3% PROP= 1804 SF~23.1% MAX=25.5%</p>	<p>623 QUILLIAN PROPOSED REAR ADDITION PROPERTY OWNERS DAVID & PAMELA MARLOWE K P DUTY, LLC 770-595-5126</p>	<p>LOT AREA: 7541 SF 0.173 ACRES</p>	
<p>LAND LOT 171 DISTRICT 15 DEKALB COUNTY, GEORGIA</p> <p>LOCATED IN LOTS 11 BLOCK " A " SUBDIVISION BUENA VISTA PARK</p> <p>DEKALB PARCEL # 15 1710612 , DEED BOOK</p>		<p>CREW GJN DRAWN GJN CHKD CN</p> <p>FIELD DATE 8-06-2020 DWN DATE 8-7-2020</p> <p>ALL MATTERS PERTAINING TO TITLE ARE EXCEPTED</p>	<p>SHT ONE</p>	
<p>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. AUTHORITY O.C.G.A. SECS. 15-6-67, 43-15-4, 43-15-6, 43-15-19, 43-15-22.</p> <p>THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE OF 1:30,000+ FEET, AN ANGULAR ERROR OF 05 SECONDS PER ANGLE POINT AND WAS ADJUSTED USING THE COMPASS RULE. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND FOUND TO BE ACCURATE TO 1:_____ FEET. AN TOPCON 8003 ROBOTIC INSTRUMENT WAS USED IN THE PREPARATION OF THIS PLAT. NO NATIONAL GEODETIC SURVEY MONUMENT FOUND WITHIN 500' OF THIS PROPERTY.</p>				
<p>PROPERTY ADDRESS: 623 QUILLIAN AVE. DECATUR, Ga. 30032</p>	<p>THE JAMES LYNNE GROUP 201 JESSIE CT McDonough, Georgia 30252</p>	<p>Georgia Land Surveying Firm LSF001284</p>	<p>CELL 404-831-0224 OFFICE/fax 770-471-5738 nunn.gerald@gmail.com</p>	