



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, May 12, 2021 at 1:00 PM

Planning Department Staff Analysis



D3 Case No: A-21-1244706 Parcel ID(s): 18-046-04-063

Commission District: 04 Super District 06

Applicant: Ken Figueroa
2 Coventry Close
Avondale Estate, GA 30002

Owner: Same as the Applicant

Project Name: 3366 Lawrence Street

Location: The property is located north of Lawrence Street, at 3366 Lawrence Street Scottdale, Georgia 30079.

REQUEST: Variance from Chapter 27- 3.36.10. - Building standards of the *DeKalb County Zoning Ordinance* to reduce the rear yard setback from 30 feet to 15 feet for a proposed detached single-family structure, relating to the *Scottdale Overlay District*.

Staff Recommendation: "Approval " as shown on the submitted site plan received March 4, 2021 to reduce the rear yard setback from 30 feet to 15 feet for a proposed detached single-family structure subject to the following conditions:

1. That the following information about this variance shall be noted on any site plan prepared for the subject property: case number, approval date, type of variance, and condition(s) of approval.
 2. Removal of any trees shall be subject to approval by the County Arborist.
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STAFF FINDINGS:

Variance Analysis:

The subject property is located in Tier II of the *Scottdale Overlay District*. Per Chapter 27- 3.36.10. - Building standards of the *DeKalb County Zoning Ordinance*, the minimum lot area for properties located in Tier II of the *Scottdale Overlay* is 5,000 square feet, and the minimum lot width is 50 feet. Based on the provided survey, the subject property has a lot size of approximately 7,500 square feet and a lot width of approximately 50 feet, which conforms to the *Scottdale Overlay* building standard requirements.

The applicant is requesting a variance to reduce the rear yard setback from 30 feet to 15 feet for a proposed detached single-family structure. Per Chapter 27-3.36.10. - Building standards of the DeKalb County Zoning Ordinance requires a minimum rear yard setback of 30 feet for properties located in Tier II of the *Scottdale Overlay District*.

Based on the submitted materials, the applicant is proposing to construct a 2,100 square foot detached single-family structure. Per the letter of intent, the applicant would like to preserve an existing 48-inch DBH American Beech tree located approximately 60 feet from the front boundary line causing the proposed structure to be setback approximately 75 feet from the front building setback.

This application was deferred from the April 7, 2021 Zoning Board of Appeals meeting. At the request of the board, the applicant was required to provide a floor plan of the proposed detached single-family structure. The applicant has provided a detailed floor plan of both first and second levels of the proposed structure as well as elevations.

Based on the submitted materials, considering the placement of the existing mature tree the requested variance does not go beyond the minimum necessary to afford relief and therefore satisfying the criteria below.

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, considering the location of the existing 48-inch DBH American Beech tree, 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

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, the requested variance does not go beyond the minimum necessary to afford relief since the intent of the variance request is to preserve the existing 48-inch DBH American Beech tree. Therefore, this request will not grant a special privilege that is 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 requested variance may 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 considering there are no other site constraints and that the proposed detached single-family structure will conform to the other development standards per the *Scottdale Overlay* district.

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, considering the placement of the existing 48-inch DBH American Beech tree it appears that the strict application of the applicable provisions and requirements of this chapter may cause an undue and unnecessary hardship since the applicant would like to preserve an existing 48-inch DBH American Beech tree that is located approximately 60 feet from the front property line causing the proposed structure to be setback approximately 75 feet from the front building 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 and intent of the DeKalb County Comprehensive Plan as well as the purpose and intent of the Scottdale Overlay district to preserve, protect and enhance the existing character of the Scottdale Community.

FINAL STAFF ANALYSIS:

Based on the submitted materials, considering the placement of the existing mature tree it appears that the strict application of the applicable provisions and requirements of this chapter will cause an undue and unnecessary hardship. This request will not grant a special privilege that is inconsistent with the limitations upon other properties in the zoning district in which the subject property is located. Therefore, the Department of Planning and Sustainability recommends "Approval" as shown on the submitted site plan received March 4, 2021 to reduce the rear yard setback from 30 feet to 15 feet for a proposed detached single-family structure subject to the following conditions:

1. That the following information is show about this variance shall be noted on any site plan prepared for the subject property: case number, approval date, type of variance, and condition(s) of approval.
2. Removal of any trees shall be subject to approval by the County Arborist.



DeKalb County Department of Planning & Sustainability

Hon. Michael Thurmond
Chief Executive Officer

Andrew Baker, AICP,
Director

**ZONING BOARD OF APPEALS APPLICATION FOR PUBLIC HEARING
(VARIANCES, SPECIAL EXCEPTIONS, APPEALS OF ADMINISTRATIVE DECISIONS)**

BOA No. _____

Applicant and/or
Authorized Representative Ken Figueroa

Mailing Address: 2 Coventry Close

City/State/Zip Code: Avondale Estates, GA 30002

Email: urbanfighomes@gmail.com

Telephone Home: 404-245-3711 Business: 404-245-3711 Fax No.: _____

OWNER OF RECORD OF SUBJECT PROPERTY

Owner: Urban Fig Homes LLC

Address (Mailing): 2 Coventry Close

City/State/Zip Code: Avondale Estates, GA 30002

Email: urbanfighomes@gmail.com

Telephone Home: 404-245-3711 Business: 404-245-3711 Fax No.: _____

ADDRESS/LOCATION OF SUBJECT PROPERTY

Address: 3366 Lawrence Street City: Scottdale State: GA Zip: 30079

District(s): 18 Land Lot(s): 46 Block: 23 Parcel: 10

District(s): _____ Land Lot(s): _____ Block: _____ Parcel: _____

District(s): _____ Land Lot(s): _____ Block: _____ Parcel: _____

Zoning Classification: R75 Scottdale Overlay District Tier2 Commission District & Super District: _____

CIRCLE TYPE OF HEARING REQUESTED

- ☒ **VARIANCE** (From Development Standards causing undue hardship upon owners of property.)
- ☐ **SPECIAL EXCEPTIONS** (To reduce or waive off-street parking or loading space requirements.)
- ☐ **OFFICIALS APPEALS OF ADMINISTRATIVE DECISIONS.**

TO BE COMPLETED BY PLANNING AND SUSTAINABILITY DEPARTMENT

Date Received: _____

Fee Paid: _____



ZONING BOARD OF APPEALS APPLICATION AUTHORIZATION OF THE PROPERTY OWNER

I hereby authorize the staff and members of the Zoning Board of Appeals
To inspect the premises of the Subject Property

I hereby certify that the information provided in the application is true and correct.

I hereby certify that I am the owner of the property subject to the application.

DATE: 01/20/2021

Applicant:
Signature

Kest Figueroa

DATE: _____

Applicant:
Signature



DeKalb County
GEORGIA

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ZONING BOARD OF APPEALS APPLICATION

AUTHORIZATION TO REPRESENT THE PROPERTY OWNER

I hereby authorize the staff and members of the Zoning Board of Appeals
to inspect the premises of the Subject Property

I hereby certify that the information provided in the application is true and correct.

I hereby certify that I am the owner of the property and that I authorize the applicant/agent to apply for a hearing to the Zoning
Board of Appeals for the requests as shown in this application

DATE: 01/20/2021

Applicant/Agent:
Signature

Ken Figueroa

TO WHOM IT MAY CONCERN:

(I)/ (WE) Urban Fig Homes LLC

(Name of Owners)

being (owner/owners) of the property described below or attached hereby delegate authority to:

Ken Figueroa

(Name of Applicant or Representative)

To file an application on (my) / (our) behalf

Amanda Eugenia Walker
Notary Public

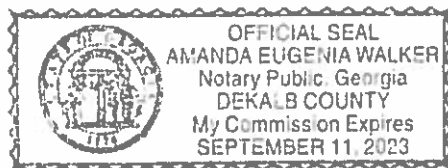
Ken Figueroa (agent)
Owner + owner of Urban Fig Homes LLC

Notary Public

Owner

Notary Public

Owner



Request for a zoning variance for 3366 Lawrence St, Scottdale, GA to reduce the rear yard setback from 30 feet to 15 feet.

I am requesting a reduction in the rear yard setback for 3366 Lawrence St., Scottdale, GA from 30 feet to 15 feet so that I may build a 60 foot deep home while preserving a large healthy 48" DBH American beech tree located in the middle of the front half of the lot.

Currently the lot is vacant with no structures on it. It is 50 feet wide and 150 feet deep. It is surrounded on all sides by vacant lots (3362 and 3370 Lawrence St.). The lot abutting the rear property line (3418 Lawrence St.) is vacant and landlocked with no road access as well.

The current zoning ordinance for the Scottdale Overlay District Tier II in which the property is located allows for a buildable area that is set back 30 feet from the rear property boundary and set back 30 feet from the front property boundary as outlined in Section 27-3.36.10 .

However there is a large healthy 48" DBH American beech tree located 60 feet from the front property line. This tree has been examined by a licensed arborist who states the tree is healthy and viable and must be preserved. The structural root zone, an ABSOLUTE no construction zone, has been determined to be a 30 foot diameter circle around the tree. This means that at a minimum the set back from the front property line for new home construction must be 75 feet. This leaves only a 45 foot deep buildable area given the current zoning ordinance of a 30 feet set back from the rear property line.

Therefore, I am requesting a variance to allow me to build a home that is set back 15 feet from the rear property line (and will be set back at least 75 feet from the front property line). This will allow me to build a 60 foot deep and 30 foot wide house which is comparable to homes in the area. Without the variance I will be restricted to build a 40-45 foot deep house which is much smaller than recently built homes on the same block and is not a financially viable option.

Below are a list of homes built on the same block of 3366 Lawrence St. that have approximate footprints of 60 feet deep by 30 feet wide:

3395 Lawrence St., 3342 Lawrence St., and 3338 Lawrence St.
413 Glendale Rd., 417 Glendale Rd., and 421 Glendale Rd.

Please allow this variance request as without it the large tree that must be preserved will prevent me from building a home that is similar in size to homes recently built on the same block. In fact, without this variance I will not be able to build a house at all given the financial constraints of building such a small house.

Legal Description of 3366 Lawrence St, Scottdale, GA 30079:

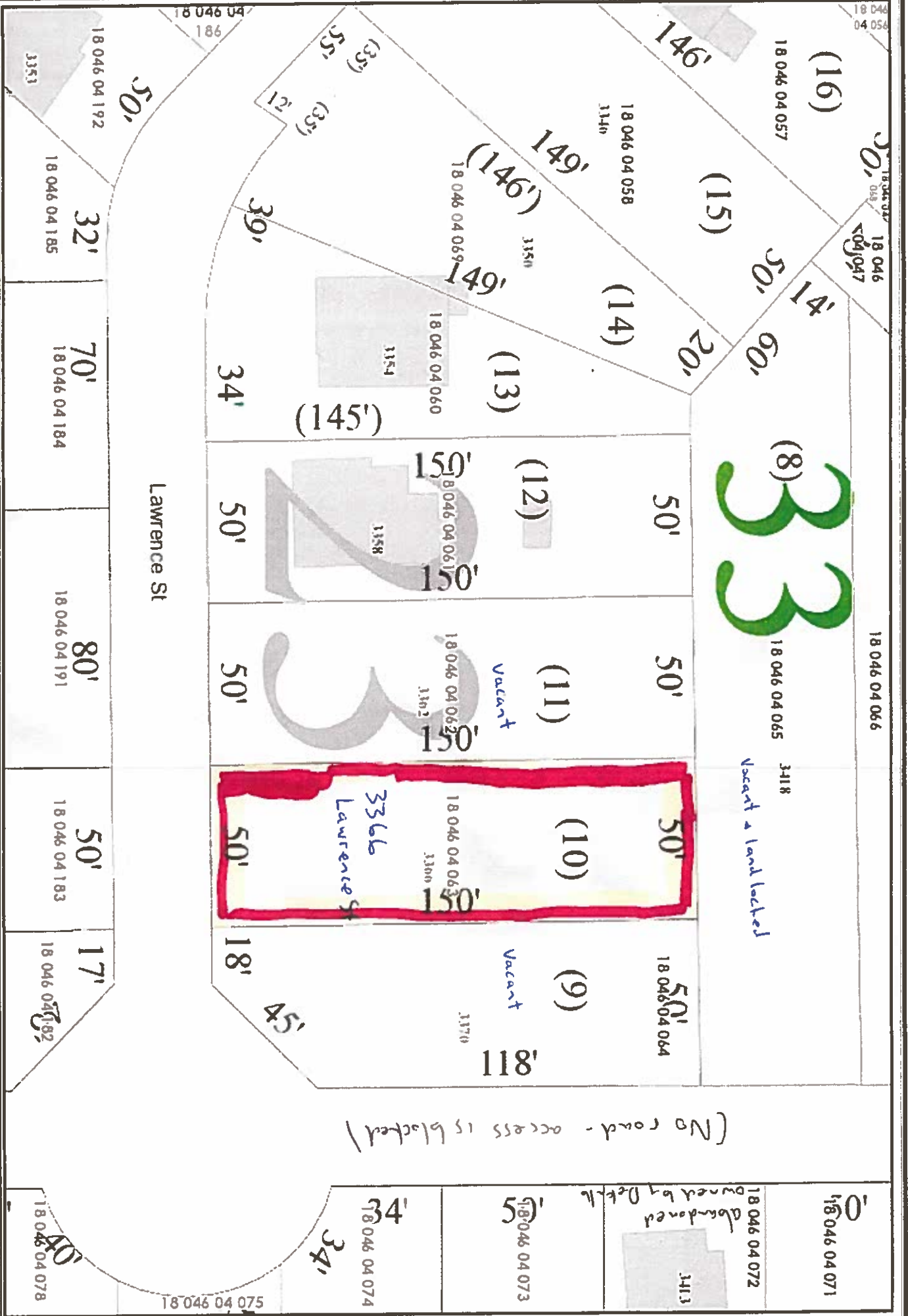
All that tract or parcel of land lying and being in land lot 46 of the 18th district of Dekalb County, Georgia, being lot 10 in block 23 of the Eskimo Heights subdivision as per plat record in plat book 8 page 64, which plat is incorporated herein by reference and made a part hereof; being known as 3366 Lawrence Street according to the present system of numbering in Dekalb County, Georgia.

Large American beech tree at 3366 Lawrence St, Scottdale, GA (48" DBH)





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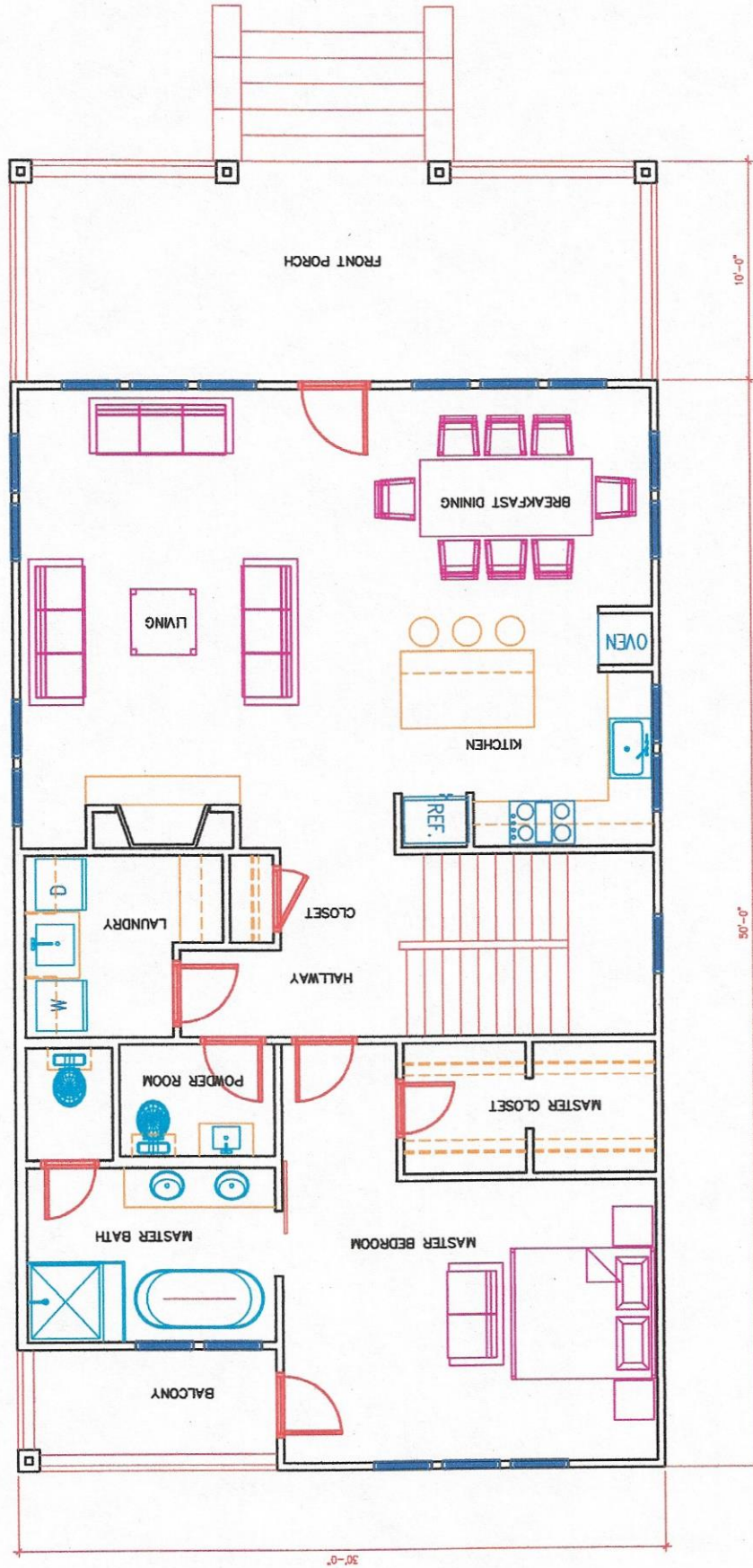




Date Printed: 1/21/2021

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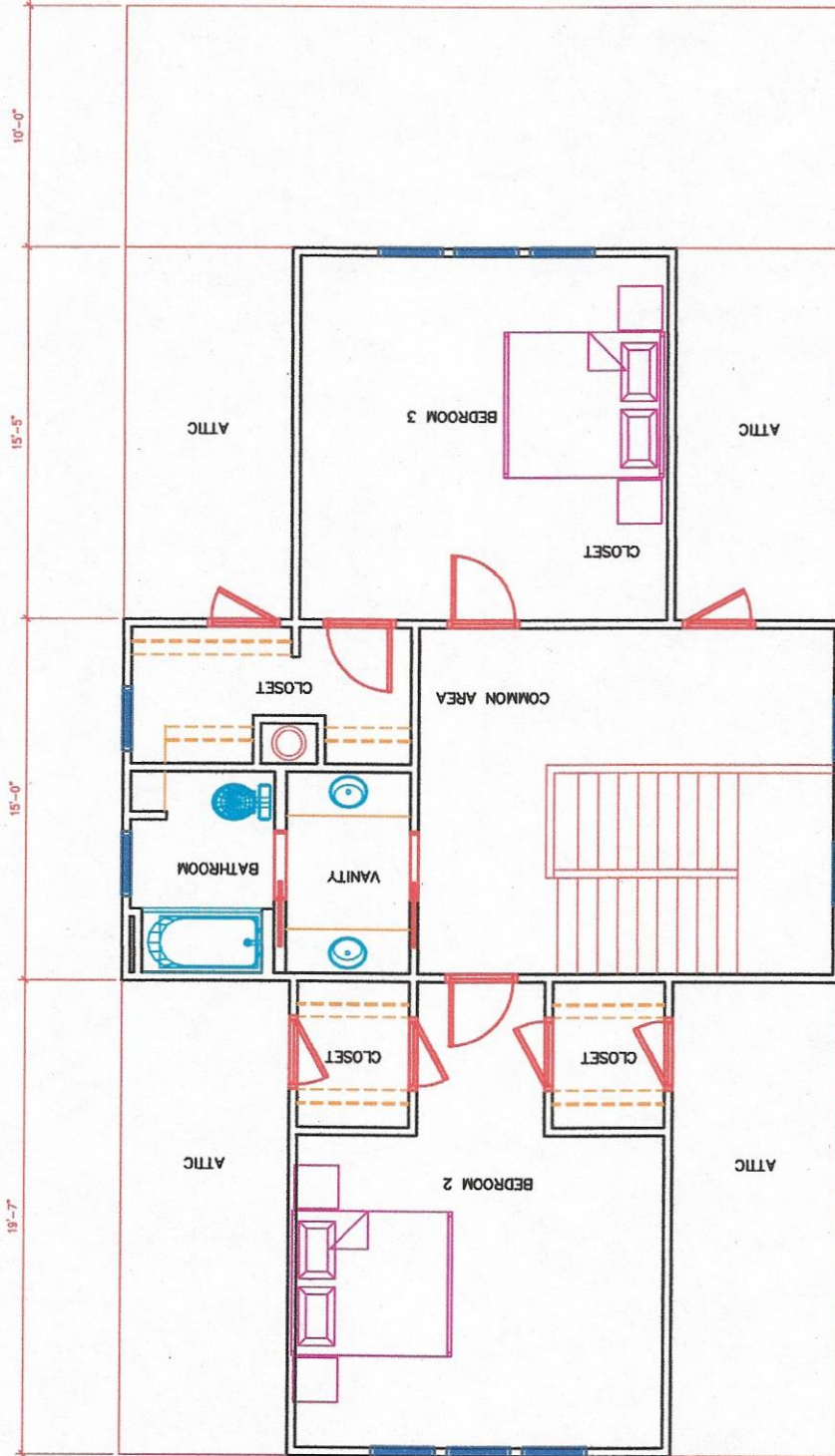
[illegible]



2A FIRST FLOOR PLAN
1/8" = 1'-0" 1,433 GSF

SINGLE FAMILY RESIDENCE
3366 LAWRENCE STREET RESIDENCE
SCOTSDALE, GEORGIA
URBAN FIG HOMES LLC

GTA
GEORGE THOMPSON ARCHITECT 501.519.3056



2B SECOND FLOOR PLAN
1/8" = 1'-0" 1,010 GSF

SINGLE FAMILY RESIDENCE
3366 LAWRENCE STREET RESIDENCE
SCOTSDALE, GEORGIA
URBAN FIG HOMES LLC

GTA

GEORGE THOMPSON ARCHITECT 501.519.3056