



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

D4 Case No: A-21-1244708 Parcel ID(s): 15-216-15-008

Commission District: 04 Super District 06

Applicant: Aisling Bell
3040 Amwiler Road
Suite B
Atlanta, GA 30360

Owner: Brandon & Amy Pelissero
1184 North Carter Road
Decatur, GA 30030

Project Name: 1184 North Carter Road

Location: The property is located approximately 470 feet north of Columbia Drive, on the east side of North Carter Road, at 1184 North Carter Road, Decatur, GA 30030.

REQUEST: Variance from Chapter 27-2.2 Division 2- Residential Zoning Districts: Dimensional Requirements of the *DeKalb County Zoning Ordinance* to increase the maximum lot coverage from 35% to 45.8%, relating to the R-75 zoning district.

Staff Recommendation: **Approval with condition.**

STAFF FINDINGS:

Variance Analysis:

Based on the submitted materials, the applicant is requesting a variance to increase the impervious lot coverage from 35% to 48.8% in order to replace a deteriorating driveway.

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 street frontage is 75 feet. Based on the submitted site plan, the subject property has a lot size of 10,177 square feet and a street frontage of 65 feet. Although the lot is narrower than the prescribed width, the total lot size meets the requirement of the R-75 zoning district.

Per submitted materials, the current owners purchased this property in 1996 at which time the impervious lot coverage was 19.57%. Since that time, they have completed several projects after having applied for and received building permits. In 2003, they applied for and received a permit for additions (HB49778) to enclose rear porches, increasing the impervious area to 49.7%. The applicants claim to be unaware that this exceeded the maximum lot coverage. The building permit was approved, and the porch covered including screened sidewalls.

The applicant proposes to replace their driveway for which they need a variance to bring their current lot coverage into compliance. The applicant has agreed to replace the solid-concrete driveway with a driveway with a center strip of grass. This would allow for the replacement of the driveway while decreasing the lot coverage from its current (as of 2003) coverage of 49.7% to 48.8%.

Updates

This application was deferred at the April 7, 2021 ZBOA meeting to allow the applicant additional time to identify potential lot coverage offsets. Applicants are proposing to remove an area of concrete measuring approximately 12 feet by 26 feet located at the rear of the driveway, in front of the shed. They propose to replace the concrete with slate chips or pea gravel in order to further decrease the impervious lot coverage to 45.8%.

Based on the submitted materials the requested variance may not go beyond the minimum necessary to afford relief. The requested variance may not constitute a grant of special privilege inconsistent with the limitations upon other properties in the zoning district in R-75, which the property is located. The replacement of the driveway will decrease the non-conforming lot coverage.

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:

The application does not show by reason of exceptional narrowness, shallowness, or shape 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. Based on the site plan, the subject lot exceeds the minimum lot size for the R-75 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, it appears that the requested variance may not go beyond the minimum necessary to afford relief and may not constitute a grant of special privilege inconsistent with the limitations upon other properties in the R-75 zoning district in which the subject property is located. By replacing the solidly concrete driveway with a new drive that includes a grass center strip, the applicant proposes to decrease the current (as of 2017) lot coverage.

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. Staff conducted a site visit and observed other driveways along North Carter

Road. Several driveways have been recently replaced, suggesting the upkeep of the front drive and associated yard is valued by the neighborhood. The inclusion of two letters of support from the two adjoining neighbors also suggest the granting of the variance would not be injurious to their properties.

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 cause an undue and unnecessary hardship, as the deteriorating driveway would be unable to be replaced potentially impacting this property and those of their adjacent neighbors.

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 may be consistent with the spirit and purpose of this chapter. Replacing the driveway will decrease the impervious lot coverage by approximately 1%, bringing it closer to the Dimensional Requirements of the *DeKalb County Zoning Ordinance* and the *DeKalb County Comprehensive Plan*.

FINAL STAFF ANALYSIS:

Based on the submitted materials, it appears that the requested variance may not go beyond the minimum necessary to afford relief and may not constitute a grant of special privilege inconsistent with the limitations upon other properties in the R-75 zoning as the applicant is unable to replace their deteriorating driveway without a grant of this variance and the replacement of the driveway will decrease the non-conforming lot coverage. Therefore, the Department of Planning and Sustainability recommends approval of the request based on the submitted site plan dated 11/21/2016.

If this application is approved, it should be subjected to the following condition:

1. 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.



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 Aisling Bell

Mailing Address: 3040 Amwiler Rd, Suite B

City/State/Zip Code: Atlanta, GA 30360

Email: abell@innovateatlanta.com

Telephone Home: _____ Business: 770-480-3524

OWNER OF RECORD OF SUBJECT PROPERTY

Owner: Brandon & Amy Pelissero

Address (Mailing): 1184 North Carter Rd, Decatur, GA 30030

Email: (Brandon) bpelissero3@gmail.com (Amy) a_pelissero@yahoo.com

Telephone Home: 404-229-2406 (Brandon) Business: 404-931-3223 (Amy)

ADDRESS/LOCATION OF SUBJECT PROPERTY

Address: 1184 North Carter Rd City: Decatur State: GA Zip: 30030

District(s): 04-Unincorp Land Lot(s): 216 Block: _____ Parcel: 15-216-15-008

Zoning Classification: R75 / R3 Commission District & Super District: _____

CIRCLE TYPE OF HEARING REQUESTED:

- X • VARIANCE (From Development Standards causing undue hardship upon owners of property.)
• SPECIAL EXCEPTIONS (To reduce or waive off-street parking or loading space requirements.)
• OFFICIAL APPEAL OF ADMINISTRATIVE DECISIONS.

* PLEASE REVIEW THE FILING GUIDELINES ON PAGE 4. FAILURE TO FOLLOW GUIDELINES MAY RESULT IN SCHEDULING DELAYS. *

TO BE COMPLETED BY PLANNING AND SUSTAINABILITY DEPARTMENT:

Date Received: _____ Fee Paid: _____



DeKalb County
GEORGIA

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: 3.3.21

Applicant/Agent: *Christy Bell*
Signature

TO WHOM IT MAY CONCERN:

(I)/ (WE) Brandon & Amy Pelissero
(Name of Owners)

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

Eric Bain
Notary Public

Brandon Pelissero
Owner

Eric Bain
Notary Public

Amy Pelissero
Owner

Notary Public

Owner



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: 3.3.21

Applicant: *Brandon Pelissier*
Signature

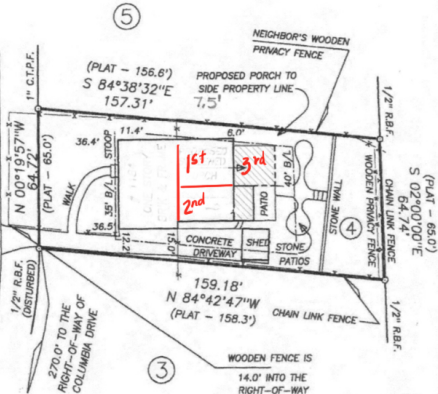
DATE: 3.3.21

Applicant: *Amy G. Pelissier*
Signature

PROPERTY SURVEY 2016

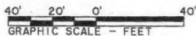


NORTH CARTER ROAD – 60' R/W
(formerly CARTER ROAD)



ZONING:

R-75 RESIDENTIAL
FRONT SETBACK – 35 FEET
SIDE SETBACK – 7.5 FEET
REAR SETBACK – 40 FEET
MAXIMUM LOT COVERAGE – 35%



LEGEND

RBS	REBAR SET	SSE	SANITARY ESMT.
RBF	REBAR FOUND	R-W	RIGHT-OF-WAY
OTPF	OPEN TOP PIPE FND.	CONC	CONCRETE
CTPF	CRIMPED TOP PIPE FND.	DK	DECK
BL	BUILDING LINE	PAT	PATIO
DE	DRAINAGE EASEMENT	S	STOOP
UE	UTILITY EASEMENT	-X-	FENCE

IMPERVIOUS AREA:

EXISTING – 5063 SQ FT
49.7 PERCENT COVERAGE

AREA: 10,177 S.F.

0.234 ACRES

PLAT BOOK 19, PAGE 128

16120005 B PELISSERO

JAMES H CARTER LAND SURVEYING COMPANY
620 SEA ISLAND ROAD #138
SAINT SIMONS ISLAND, GA 31522
(404) 213-5706

SURVEY FOR: **BRANDON K. PELISSERO & AMY E. PELISSERO**

SUBDIVISION: O.C. BONNER SUBDIVISION
LOT: 4 BLOCK: "B" UNIT:

LAND LOT: 216

DISTRICT: 15TH

COUNTY: DEKALB

SCALE: 1" = 40'

ORDER DATE: 11/21/2016

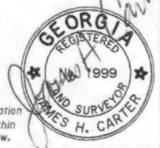
FIELD WORK DATE: 12/03/2016

In my opinion, this plat is a correct representation of the land platted and has been prepared within the minimum standards and requirements of law.

THIS PLAT IS FOR EXCLUSIVE USE BY CLIENT. USE BY THIRD PARTIES IS AT THEIR OWN RISK.

Equipment Used: Topcon APL Robotic

The field data upon which this plat is based has a closure precision of one foot in +10,000 feet and an angular error of less than 7 seconds per angle point and was adjusted using the Compass Rule. This plat has been calculated for closure and is found to be accurate within one foot in +10,000 feet.





LETTER OF INTENT FOR ADJUSTMENT TO ZONING REGULATIONS

3.4.21

We are seeking a variance regarding Section 27 of the Dekalb County Zoning Ordinance at the residence 1184 North Carter Rd, Decatur GA 30030. which is zoned R-75 for the following item:

- 1) To increase the required maximum lot coverage from 35% to 49.7% for this property as we would like to remove and replace the existing driveway with no other changes to the current lot coverage.

Previous improvements on our property were made on existing deck footings and patio slab in 2017 and were revised to stay within the required setbacks. We were not required to apply for a variance at that time and were granted a building permit for that work. This addition was an unconditioned screened porch and a covered porch. The lot coverage has been 49.7% since a 2003 addition to our home.

Since we purchased our home in 1996, we have made improvements with room additions and all of this work was permitted and inspected without variances. We are now faced with not being able to replace our damaged, worn driveway due to our lot coverage. We understand that we are asking for this variance in order to make more improvements to our property, but the existing lot coverage has been in place for many years without question and the footprint of the driveway will not be altered. Our lot improvements have been permitted and approved by Dekalb County in the past.

There will be no injurious or negative impact to public welfare or the property.

We are submitting a copy of our property surveys dated 2003 and 2016 for your review and consideration.

Mr. Brandon Pelissero
(Homeowner)

Amy Pelissero
(Homeowner)

3.29.21 Amendment: Due to the design of the replacement driveway the proposed impervious lot coverage would be 48.8% and not 49.7% as existing survey shows - AB

Brandon & Amy Pelissero
1184 North Carter Rd
Decatur, GA 30030

Driveway Replacement

This property has a 49.75 lot coverage which is 14.75% over the 35% allowable. The scope of work is a driveway replacement. Our clients have agreed to redesign the driveway so that 312 sq ft will be replaced with pea gravel or slate chips. They also plan to keep the grass aisle in the middle of the driveway 88 sq ft, for a total of 400 sq ft, reducing the lot coverage to 45.8%.

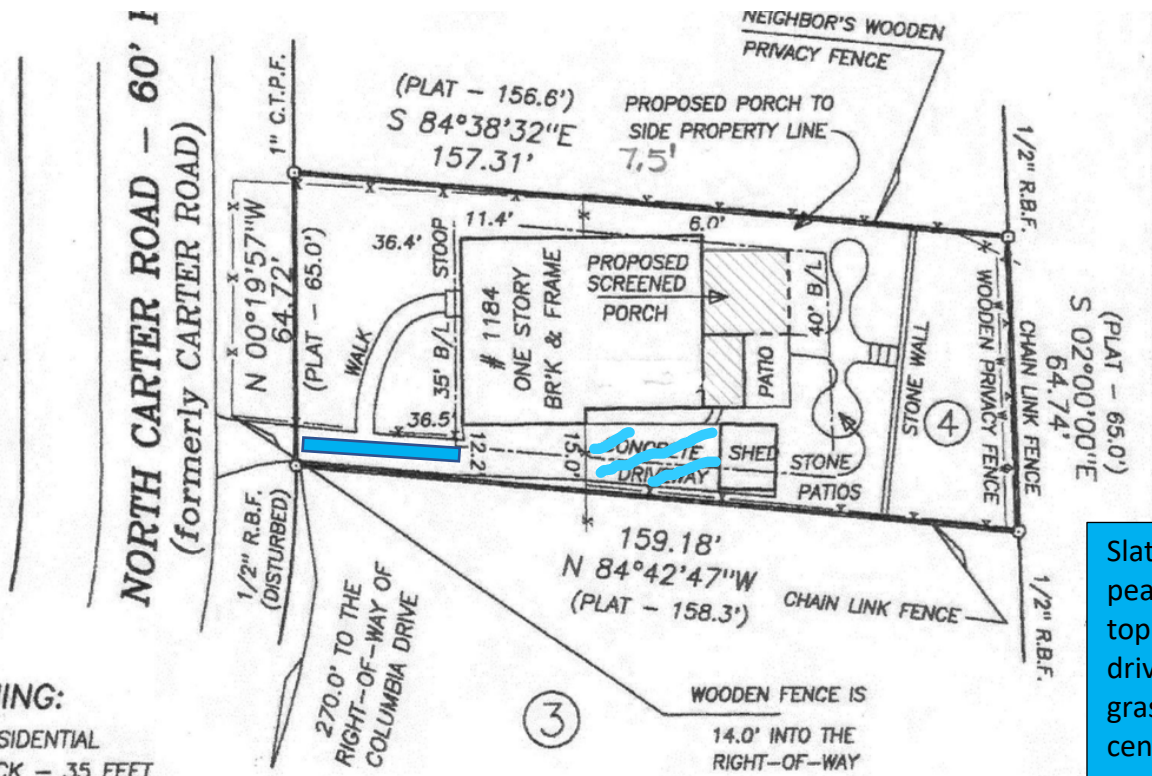
It was suggested to us at the previous hearing that we could reduce the lot coverage by removing the walkway to the front of the house from the driveway and remove the 2 patio areas in the back yard. Our homeowners are opposed to those suggestions due to the topography of the property and previous drainage issues. The Pelissero's have invested a lot of money over the past few years in order to prevent water run-off and erosion on the property. A retaining wall was installed with a built-in drainage system to direct water run off to the middle-front of property. A drain system has been installed along the right side of the home, again to catch and direct runoff.











Slate chips or pea gravel at top of driveway and grass verge in center section

IMPERVIOUS AREA:
EXISTING - 5063 SQ FT
49.7 PERCENT COVERAGE

45.8% new proposed coverage

EXISTING IMPERVIOUS AREA AND PROPOSED IMPERVIOUS AREA WILL BE THE SAME - THE PROPOSED PORCH WILL BE PLACED OVER THE EXISTING DECK.

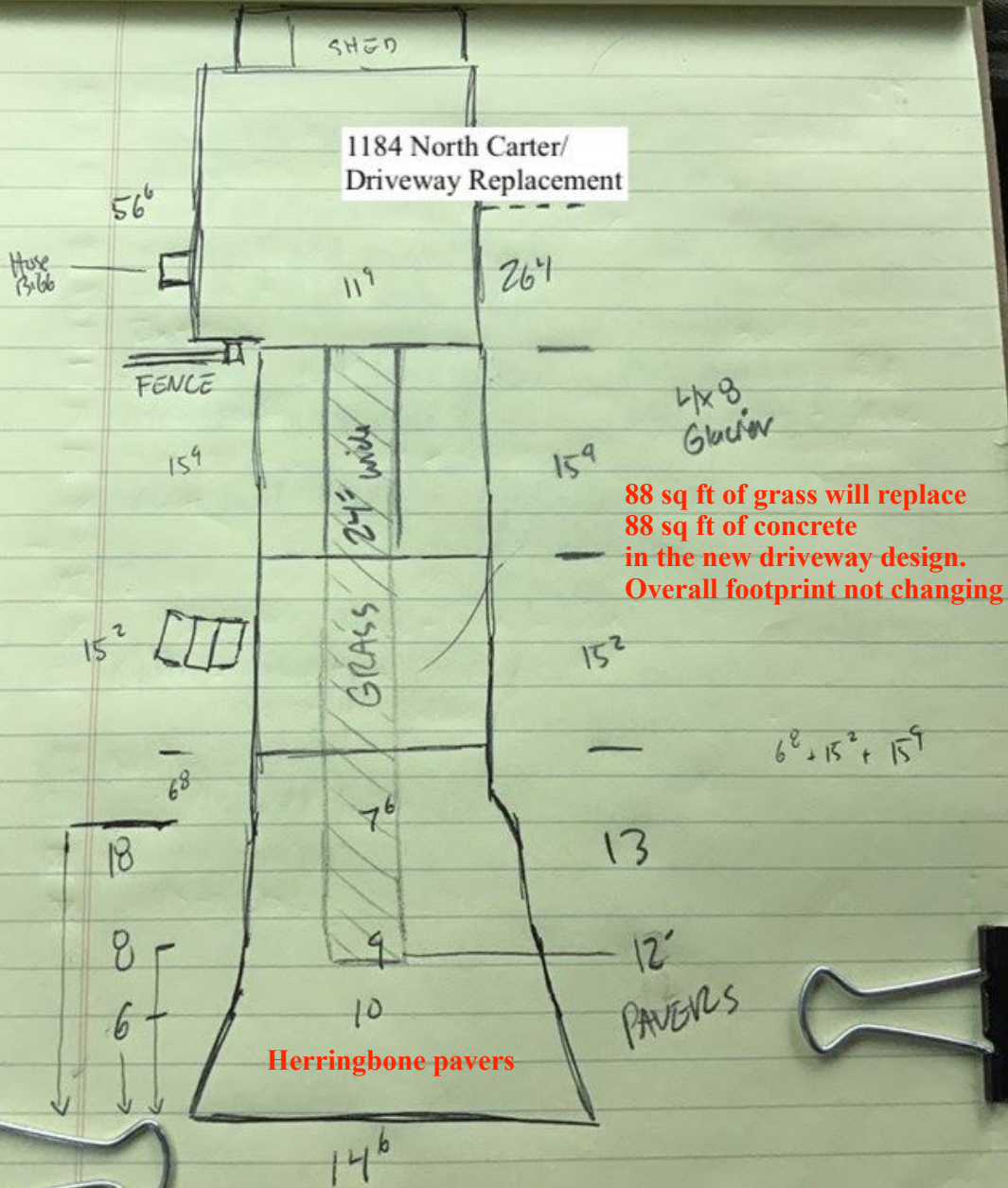
SCOPE OF WORK FOR PROPOSED DRIVEWAY REPLACEMENT

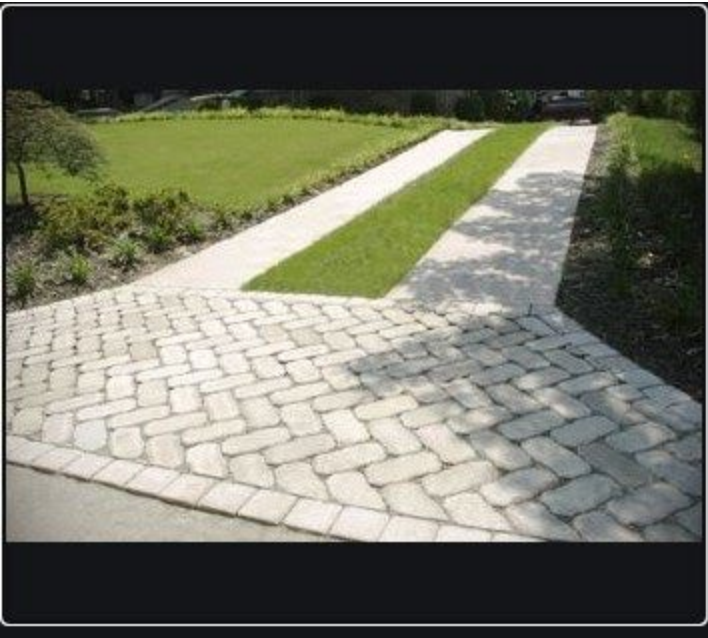
1184 North Carter Rd, Decatur, GA 30030

Photos of existing driveway that we would like to replace without changing the footprint. We are planning on removing the existing concrete and pouring new concrete on the majority of the new driveway but would like to install pavers in a herringbone pattern similar to the photo below and a grass section in the middle. Our driveway goes all the way to the street and our street does not have a sidewalk or apron.



1184 North Carter/
Driveway Replacement







1184





SUPPORT LETTER 3.4.21

Hello Neighbor,

We are Brandon and Amy Pelissero, 1184 North Carter Rd, Decatur, GA 30030, your nextdoor neighbor. We are in the process of making improvements to our driveway, as there is a lot of wear and tear. We would like to remove the existing driveway and replace it with new concrete and pavers. We are not planning to change the existing footprint of the driveway. In order for us to do that, we need a Variance from Dekalb County Zoning to move forward with the project.

We will be asking for a variance regarding our lot coverage. The maximum allowance of lot coverage in our neighborhood is 35%. Right now with the improvements from the previous owners and improvements we made ourselves, our lot coverage is 49.7%. We have been notified that we need this variance to approve the existing lot coverage in order to apply for a permit to replace the driveway. We are not planning on increasing the lot coverage with this driveway replacement.

Although our previous permitted and inspected improvements (Screened Porch and Covered porch) were built on existing footings, we have been informed that a variance is needed for this project.

If you are in agreement that our driveway replacement and our screened porch and covered porches do not in any way impact you or your property, and that you support our proposed driveway project, we ask that you sign this support request.

Thank you, and please do not hesitate to contact us with any questions.

Brandon and Amy Pelissero

Brandon & Amy

Signature: _____

Printed Name: _____

Address: _____

Date: _____

Gary R. Cavani

GARY R. CAVANI

1178 N. CARTER ROAD, DECATUR, GA. 30030

3/21/2021

SUPPORT LETTER 3.4.21

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Thank you, and please do not hesitate to contact us with any questions.

Brandon and Amy Pelissero

Brandon & Amy

Signature: *Meghan Farley*

Printed Name: Meghan Farley

Address: 1188 N. Carter Rd, Decatur, GA 30030

Date: 21 Mar 2021