



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



N5 Case No: A-21- 1244828 Parcel ID(s): 16-160-06-181

Commission District 04 Super District 07

Applicant: Autherine Hart
1310 Stephenson Road
Atlanta, GA 30058

Owner: Autherine Hart
1310 Stephenson Road
Atlanta, GA 30058

Project Name: 1310 Stephenson Road

Location: Property is located immediately east of the intersection of Stephenson Road and S. Deshon Road Lithonia, Georgia 30058.

REQUEST: Variance from Chapter 27-2.2 Division 2- Residential Zoning Districts: Dimensional Requirements of the DeKalb County Zoning Ordinance to reduce the side yard setback from 10-feet to 2 -feet, relating to the R-100 zoning district.

Staff Recommendation: Approval.

STAFF FINDINGS:

Variance Analysis:

Based on the submitted materials, the applicant is requesting a variance to reduce the side-yard 10 feet to 2 feet to build a shed to behind the front elevation of the house.

The subject property is located within the R-100 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-100 zoned properties is 15,000 square feet, and the street frontage is 100 feet. Based on County records, the subject property has a lot size of approximately 26,136 square feet and a street frontage of more than 229 feet, conforming to the requirements of the R-100 zoning district. However, the property is a five-sided pie-shape. Per County records, the existing single-family detached structure was constructed in 2006, and fits inside the current R-100 zoning district setbacks. Both the property and the house are conforming.

The applicant proposes to demolish the existing shed, which was constructed prior to the current owner's occupation. The existing shed is in the west side-yard and projects in front of the front elevation of the house. The application proposes to build a new shed in the west-side yard but shift it toward the back so it would be behind the front elevation, more closely conforming to Chapter 27-2.2 Division 2- Residential Zoning Districts: Dimensional Requirements of the DeKalb County Zoning Ordinance. However, in order to construct a shed behind the front elevation and of the proposed size, the applicant is requesting a variance to decrease the side yard setback.

Although the house and lot conform to the zoning requirements of R-100, the property has an unusual shape consisting of at least five-sides in a pie-shape. 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 R-100 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:

The application shows that by reason of does not show by reason unusual shape consisting of at least five-sides in a pie-shape 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 pie-shape created by the setbacks has limited square footage and location to construct a shed.

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 zoning district in which the subject property is located. Constructing a shed in the proposed location would decrease the non-conformity of the lot as the current shed is located in front of the house's front elevation.

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. Accessory structures are to be located in the rear yard, and not located closer than 10 feet to the property line. Because of the shape of the lot, the proposed location for the shed may be the most conforming to the requirements of *Chapter 27-4.2.2: Accessory buildings, structures, and uses.*

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 lot shape limits the potential locations for a shed.

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. The future land use for the subject property described in the *DeKalb County Comprehensive Plan* text is Suburban. The plan states that the intent of the character area is to recognize those areas of the county that have developed in traditional suburban land use patterns while encouraging new development to have increased connectivity and accessibility.

FINAL STAFF ANALYSIS:

Based on the submitted materials, it appears that due to the property's unusual lot shape 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-100 zoning district in which the subject property is located, therefore the Department of Planning and Sustainability recommends approval based on the site plan submitted with the application dated 03/31/2021.

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 Autherine Hart

Mailing Address: 1310 Stephenson Rd

City/State/Zip Code: Lithonia, GA 30058

Email: John2825@bellsouth.net

Telephone Home: 770 377 7655 Business: _____ Fax No.: _____

OWNER OF RECORD OF SUBJECT PROPERTY

Owner: Autherine Hart

Address (Mailing): 1310 Stephenson Rd

City/State/Zip Code: Lithonia, GA 30058

Email: John2825@bellsouth.net

Telephone Home: 770 377 7655 Business: _____ Fax No.: _____

ADDRESS/LOCATION OF SUBJECT PROPERTY

Address: 1310 Stehenson Rd City: Lithonia State: GA Zip: 30058

District(s): 4 Land Lot(s): 75 Block: _____ Parcel: _____

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

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

Zoning Classification: R-100 Commission District & Super District: 4 - 7

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: _____



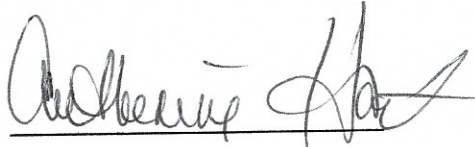
ZONING BOARD OF APPEALS APPLICATION AUTHORIZATION OF THE PROPERTY OWNER

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: 3/31/21

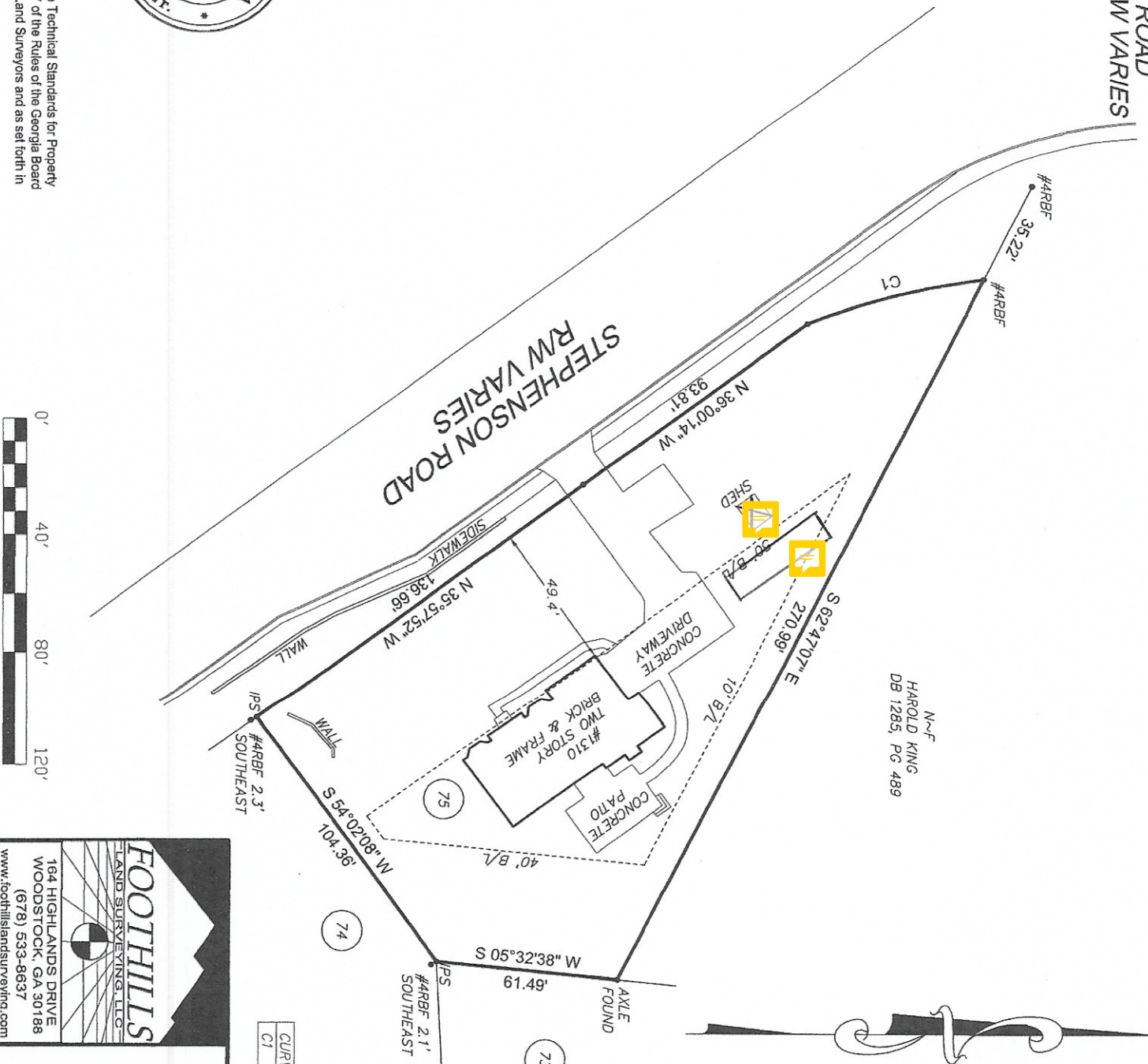
Applicant: 
Signature

DATE: _____

Applicant: _____
Signature

- IPF - Iron Pin Found
- IPS - Iron Pin Set (1/2" Capped Rebar)
- RB - Rebar Found
- OTF - Open Top Pipe Found
- CTF - Chipped Top Pipe Found
- MON - Monument Found
- CMF - Concrete Monument Found
- L.L.L. - Land Lot Line
- CP - Calculated Point
- PP - Power Pole
- LP - Light Pole
- TP - Telephone Pole
- PED - Utility Pedestal
- FH - Fire Hydrant
- CMP - Corrugated Metal Pipe
- RCP - Reinforced Concrete Pipe
- WM - Water Meter
- WV - Water Valve
- GV - Gas Valve
- SMH - Sewer Manhole
- CB - Catch Basin
- DI - Drop Inlet
- C/O - Cleanout
- R/W - Right of Way
- N/F - Now or Formerly
- DB, PG - Deed Book and Page
- PB, PG - Plat Book and Page
- POB - Point of Beginning

**ROAD
RW VARIES**



N~F
HAROLD KING
DB 1285, PG 489



1. The field data upon which the error of 2" per point, and was:
2. This plat has been calculated
3. Field angles and measured 4-27-2016 using a Leica TCRI
4. The bearings shown hereof
5. This plat was prepared with encumbrances may exist which
6. No provisions have been in cultural features that may exist
7. Information regarding the re underground utilities and struc of this information and it shall location and arrangement of u inaccurate and utilities and str employees, his consultants, hi understand that the surveyor! information shown hereon as!

CURVE	RADIUS	ARC LEN
C1	248.41'	61.98'



SURVEYORS CERTIFICATION

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. 15-6-87



FOOTHILLS
LAND SURVEYING, LLC

164 HIGHLANDS DRIVE
WOODSTOCK, GA 30188
(678) 533-8637
www.foothillslandsurveying.com
GA LSR #1152

**BOUNDARY SURV
JAMES**

LC
DESHC
LOCATED IN
16TH L
DEKALB COL

March 31, 2021

DeKalb County Department of Planning & Sustainability,

Please accept this letter as a request of a variance at 1310 Stephenson Road, Lithonia, Georgia 30058. We are requesting to place a shed on the property and asking for a variance to reduce the set back from 10 feet to 2 feet. This is due to the irregular shape of the yard. The shed will be placed on the right side of the house. Should you have any questions regarding this request, please call James Riddick at 770-312-3749 or Aurtherine Hart at 770-377-7655.

Sincerely,

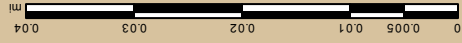
James Riddick & Aurtherine Hart

Location of existing shed and front elevation at 1310 Stepheson Road





Date Printed: 4/23/2021



1310 Stephenson Road Zoning

DeKalb County GIS Disclaimer

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