

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

October 13, 2021 at 1:00 PM

Planning Department Staff Analysis

D2 Case No: A-21- 1245149 Parcel ID(s): 18-107-07-044

Commission District 02 Super District 06

Applicant: JBMW, LLC

1057 Vista Trail, NE Atlanta, GA 30324

Owner: JBMW, LLC

1057 Vista Trail, NE Atlanta, GA 30324

Project Name: 1124 Vista Trail

Location: Property is located approximately 300-feet east of the intersection of Woodland Hills Drive and Vista Trail in

Atlanta, GA 30324.

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 7.5-feet to 5.5-feet to build a

garage, relating to the R-75 zoning district.

Staff Recommendation: Approval with conditions.

- 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.
- 2. The side-yard setback reduction only applies to the northern yard boundary, as seen on the site plan submitted August 02, 2021.
- 3. The site plan shall be revised to illustrate the required, 30-foot minimum front yard setback.

STAFF FINDINGS:

Update:

ZBOA deferred the application from the September 9, 2021 meeting to allow the applicant more time to revise the application. Staff met with the applicant on 09/21/2021. They have submitted an updated letter of intent and supporting documentation, included in this packet. The staff recommendation has not changed.

Variance Analysis:

Based on the submitted materials, the applicant is requesting a variance to reduce the northern, side yard setback to build a new house and garage. The site plan and elevations show the garage of the new construction encroaching 2-feet into the 7.5-foot side yard setback.

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 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*, the minimum lot area for R-75 zoned properties is 10,000 square feet, and the lot width/street frontage is 75-feet. Based on County records, the subject property has a lot size of approximately 0.21 aces or 9,145.53 square feet and a street frontage of 80-feet. The width conforms to the requirements of the R-75 zoning district; however, the acreage is slightly less than prescribed. The lot has a unique shape, tapering from 80 feet to 31.2 feet over the 160 feet of its length.

The applicant is limited by the lot's shape and Chapter 27, Article 5, Section 5.7.5 (N) Garages. Street facing garage facades shall not compromise more than forty-five percent of the total width of the house. The site plan shows that the strict application of the zoning requirements may deprive the property owner of rights enjoyed by other property owners due to the exceptional shape of the specific lot.

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:

The extant building was constructed in 1951, based on county records, and sits within the setbacks. However, the average size of home has grown significantly since that time. The existing house is 1,239 square feet. <u>Based on US Census Records</u>, the average house completed in the South in 1973 (the earliest data available) was 1,555 square feet and the average house completed in 2015 was 2,517 square feet.

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. Other typical rectangular lots of similar size may be able to construct a new house with a two-car garage on their lots without a variance.

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. Approving the variance would allow this long-time resident to build a new house in the neighborhood. Thus, supporting neighborhood stability and community.

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 space for the construction of a modern house because it progressively narrows from front to rear. Typical rectangular lots of similar size with right angles and lot widths that do not narrow to less than the minimum lot width may permit construction of a new house with a two-car garage on their lots without a variance.

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:

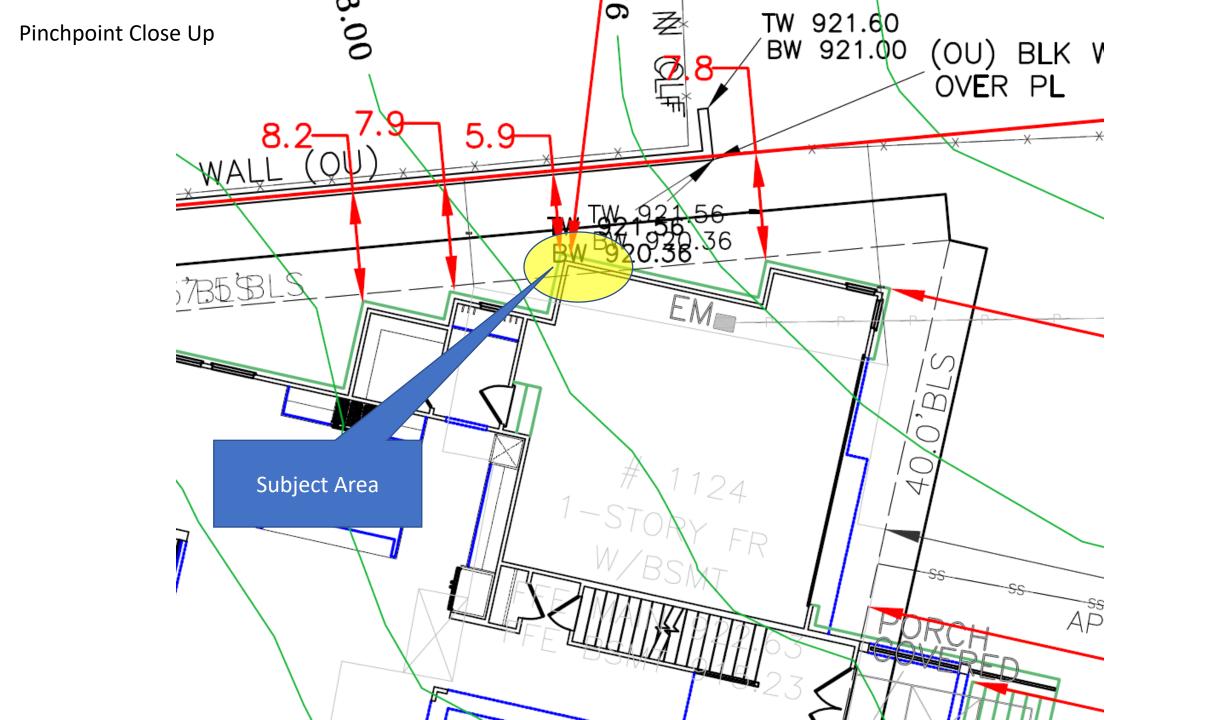
Based on the submitted materials, it appears that due to the property's unusual lot shape the requested variance may not go beyond the minimum necessary to afford relief and may not constitute a grant of special privilege inconsistent with the limitations upon other properties in the R-75 zoning district in which the subject property is located. Therefore, the Department of Planning and Sustainability recommends approval based on the site plan submitted 08/02/2021.

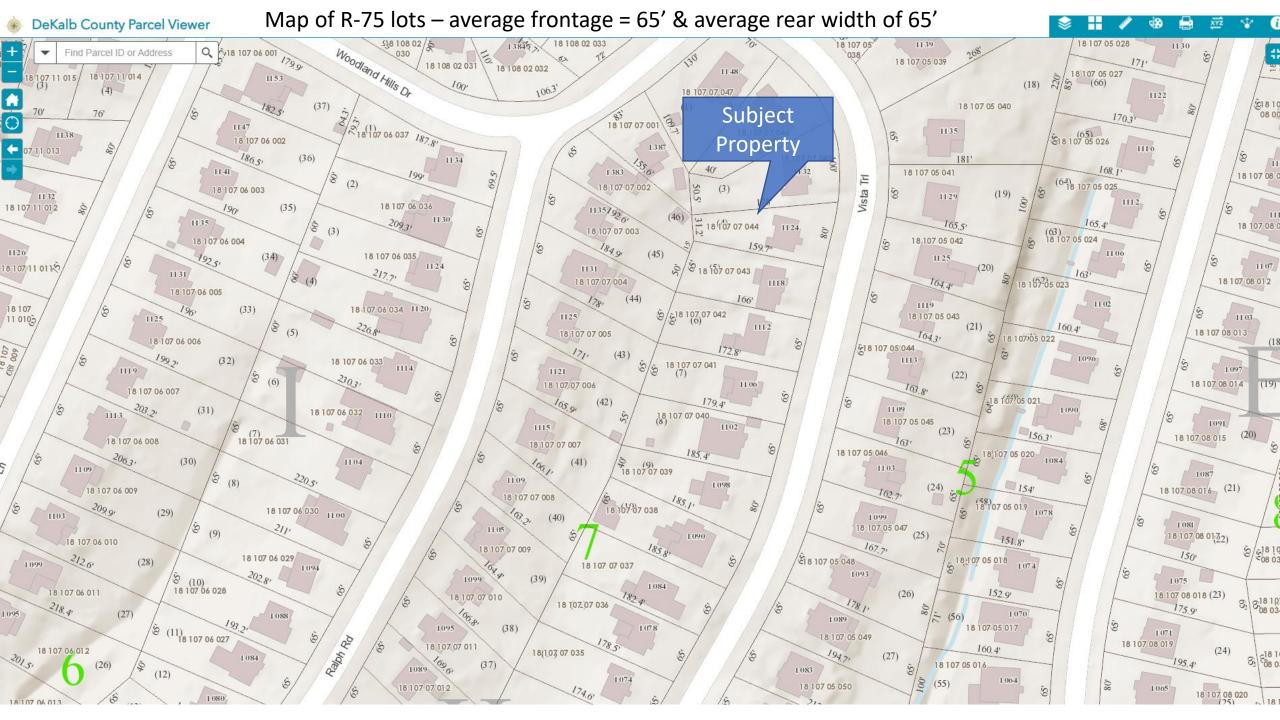
If this application is approved, Staff recommends the following conditions:

- 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.
- 2. The side-yard reduction only applies to the northern yard boundary, as seen in the site plan submitted August 02, 2021.
- 3. The site plan shall be revised to illustrate the required, 30-foot minimum front yard setback.

Floorplan Overlay













1124 Photos

Case Study



1119 Vista Trl NE – directly across the street from subject property

Examples of New Builds – all within 0.25 radius all with standard garages











Neighbor Letters of Support – adjacent and nearby home owners written letters showing 100% support.

RE: 1124 Vista Trl NE, Atl, GA 30324

Dear Dekalb County Zoning Board of Appeals,

We are writing this letter in support of Josh Videlefsky's request for a variance.

As the neighbors adjacent to the requested setback variance area, we are writing to attest and confirm the following:

The requested setback variance...

- Does not affect our property adversely
- Does not detriment public welfare
- Does not go beyond in the minimum necessary to afford relief in this case
- Does not grant special privilege inconsistent with the limitations upon other properties in the zoning district in which the subject property is located
- Is necessary to allow a standard width garage within reason given the exceptional narrowness of this specific lot

As a matter of fact, by granting this variance, it would allow the property owner to move forward with their plans and improve the aesthetic of the street and neighborhood.

We recommend that the Board approves the setback variance request in order to accommodate our neighbor's goals.

Sincerely,

brog Hervie Knila Stem

9/30/21

Signed and Dated By:

Greg and Kristy Sherwin

1132 Vista Trl – directly north/adjacent to subject area

I live @ 1135 Relph Rd.

I'm in favor of granking the variance.

I believe this new boild house will be good for our neighborner

Tyler Dillerd

We gr 1387 wownimp their print pelly Support the Bills Pigns + Ness For the varience.

Joseph Szam + Erich Puntamis

To Whom It May Concern,

I am writing this letter to support the setback variance at 1124 Vista Trail NE.

I have gone over the plans with the owner, understand the request, and believe it should be passed. I, and the other surrounding neighbors, look forward to seeing the house and street improved!

Sincerely,

have reviewed

Joseph Maxwell

applicant's variance

1383 woodland Hills Dr WE

Joey Maxwell 1113 Vista Trail NE Atlanta, GA 30324 To whom it may concern,

I am writing this letter to support the setback variance at 1124 Vista Trl NE.

support

Josh,

I have gone over the plans with the owner, understand the request, and believe it should be passed. I, and the other surrounding neighbors, look forward to seeing the house and street improved!

Full support.

Brin Austri

By atr

Thonks

Sincerely,

Chris McCaleb 1118 Vista Trail NE

1118 Vista Trail NE Atlanta, GA 30324

404-695-0156

iles au

The development of this house and garage util buliance our street neighborhood and value of our property.

I reviewed the proposed plans and as long as the neighbor on the side where garage will be is good with the plans I give my

1148 Vista Trl – letter refers to 1132 Vista Trl. who is in full

Suitaf Coher Polist Coher 1119 Vista Trail, NE Atlanta

Alternative Architectural Considerations:

- 1. Drive under we explored a drive under options, and the turning radius was too limited given the taper shape of the lot
- 2. Front Left of home we explored a garage on the front left of the home. This concept did not make sense because of the topography of the land. A garage on the front left would require heavy foundation work and retaining walls. This concept would require major additional cost, it would be unappealing aesthetically to the neighborhood, and it would not allow any natural light to the basement when this is clearly a "basement lot".
- 3. Wider face of garage this would not resolve the issue, which is a pinchpoint at the back of the garage
- 4. Moving Garage forward and requesting front setback variance as oppose to side setback variance we tested this and it didn't make as much sense. It would require about a 5.5 foot front setback.

Consulting Sources:

Property owner has consulted with the following non-bias architectural and build companies:

- 1. CADD Draft Services architect with whom we submitted these plans architect
- 2. Adam Stillman Residential Design http://adamstillman.net/5727.html architect
- 3. Chip Murrah Architect https://www.chipmurraharchitect.com/ architect
- 4. Southhaven homes https://southhavenbuilders.com/ design/build firm
- 5. Homebilt https://www.homebiltga.com/ home builder
- 6. ARC https://atlantarc.net/ home builder

Conclusion:

All architects and builders concluded that the most efficient, desirable, and sensible location for the garage, taking into consideration the challenge of the unique shape of this lot, is in the front right, high-point, location as presented herein.

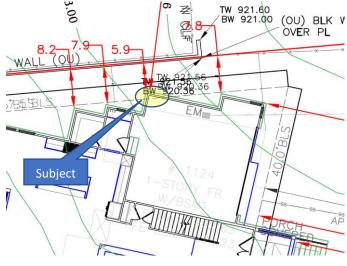
RE: 1124 Vista Trl NE, ATL, GA 30324

September 29, 2021

Dear Dekalb Department of Planning and Zoning,

I am writing this Revised Letter of Intent to request a side setback variance of two feet for the property located at 1124 Vista Trl NE, Atlanta, GA. Our family intends to build our "forever home" on this property. We believe that the unique characteristics of the shape of the lot validates the criteria set forth in Zoning Board of Appeals Application Section 7.5.1 (A) 1 to grant a variance for a side setback.

More specifically, we are requesting a side setback variance because the unique wedge shape of the lot does not provide sufficient space to construct a standard width garage – the wedge shape/narrowness causes a pinch-point in the back right corner of the garage, and a two foot variance in that particular spot would enable us to construct the same type of garage that other property owners are able to in this district. This request is illustrated in detail in the Exhibit attached, and a snapshot of the subject area is shown below:



As you can see in the exhibits attached, the curvature of Vista Trl creates an exceptionally tapered lot for the subject property. In fact, it is one of the most tapered lots in the neighborhood with a rear width of only 31.2 feet compared to the typical rear width of 60 to 65 feet. Given the tapered shape, the design and footprint of the home is a challenge. The wedge shape prevents the ability input a standard width garage due to a pinchpoint in the back right of the garage.

Below I will address and validate each criteria of the variance requirements:

- 1. It is due to the 'exceptional narrowness' and 'shape of [this] specific lot', which was not created by the owner or applicant, which would deprive the property owner of rights and privileges enjoyed by other property owners in the same zoning district.
 - a. This provision is undeniably true. While the current structure does fit within the setback limitation, it is because of the unique tapering shape of this specific lot that owner is

unable to design a standard garage, which other immediate property owners have the ability to do.

- 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.
 - a. The request ONLY takes into consideration the two feet needed at one particular pinch-point to be able to build a standard width garage. This is a minimal amount of space that does not affect any surrounding neighbors, and it does not go beyond the minimum necessary to afford relief.
 - b. With the exception of this one small particular subject area, the entire footprint of the home would remain within the current zoning allowable footprint. In fact, the front right of the residential structure is the farthest structural protrusion and that point has an ~8.5 foot side setback. So, there would actually be about a foot of *excess* space beyond side setback required at the most extended point of the structure.
- 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.
 - a. This is the case. There are 8 letters of support from surrounding neighbors to prove this point.
- 4. The literal interpretation and strict application of the applicable provisions or requirements of this chapter would cause undue and unnecessary hardship.
 - a. This is true in this case.
- 5. The requested variance would be consistent with the spirit and purpose of this chapter and the DeKalb County Comprehensive Plan text.
 - a. Confirmed.

Thank you for your consideration.

If granted, this variance would allow us to build a home that meets the market, provides us with the same benefits as other neighbors, and is totally harmless to surrounding neighbors. After all, we are talking about a very minimal protrusion at one particular point. Furthermore, this proposal would improve the aesthetic of the street and neighborhood, generate additional tax revenue to the County rather than an un-usable home sitting dormant, and allow a family to invest in and remain in Dekalb County.

Joshua Videlefsky		
Joshua Videlefsky	10/1/2021	



DeKalb County Department of Planning & Sustainability

Andrew Baker, AICP Director



RECEIVED tive Officer

By Rachel Bragg at 10:23 am, Aug 02, 2021

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

			BUA NO	
Applicant and/or Authorized Represer	stative	LC	7	===:
Mailing Address:	057 Vista Ti	INE		
City/State/Zip Code:	ATL, GA	30324		
Email:	fory @ jus	mil.com		
	404) 906 - 0807			
	OWNER OF	RECORD OF SUBJECT	PROPERTY	
Owner: Sau	ne as above	·		
Address (Mailing):				
City/State/Zip Code:_				
Email:				
Telephone Home:		Business:	Fax No.:	
	ADDDESS/I	OCATION OF SUBJECT	PROPERTY	
Address: 1124	Vista Tul	528		n. 30324
	Land Lot(s):			
	Land Lot(s):			
	Land Lot(s):			
Zoning Classification	Ē	Commission Di	strict & Super District	
CIRCLE TYPE OF H	EARING REQUESTED			
• VARIANCE (From I	Development Standards ca	using undue hardship up	on owners of property.)	
• SPECIAL EXCEPT	IONS (To reduce or waive	off-street parking or loadi	ng space requirements.)	
• OFFICIALS APPEA	LS OF ADMINISTRATIVE	DECISIONS.		
TO BE COMPLETED BY Date Received:	PLANNING AND SUSTAINABIL	ITY DEPARTMENT	Fee Paid:	- ::



DeKalb County Department of Planning & Sustainability

Lee May Interim Chief Executive Officer Andrew Baker, AICP Director



2

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: 7/26/2021	Applicant: Signature
DATE:	Applicant:Signature



3

ZONING BOARD OF APPEALS APPLICATION

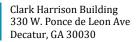
AUTHORIZATION TO REPRESENT THE PROPERTY OWNER

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:	Applicant/Agent:
· · · · · · · · · · · · · · · · · · ·	Signature
TO WHOM IT MAY CONCERN:	
	(Name of Owners)
being (owner/owners) of the property describ	ped below or attached hereby delegate authority to:
(Nar	me of Applicant or Representative)
(real	The of Applicative of Propressionalive)
To file an application on (my) / (our) behalf	
Notary Public	Owner
Notary Public	Owner
Notary Public	Owner





Chief Executive Officer
Michael Thurmond

DEPARTMENT OF PLANNING & SUSTAINABILITY

Director

Andrew A. Baker, AICP

PRE-APPLICATION FORM ZONING BOARD OF APPEALS APPLICATIONS FOR PUBLIC HEARING (VARIANCES, SPEACIAL EXCEPTIONS, APPEALS OF ADMINISTRATIVE DECISIONS) (Required prior to filing application: signed copy of this form must be submitted at filing)

Applicant Name:Josh Videlefsky Phon	ne:404-906-080	07 Email: <u>jvidele</u>	fsky@gmail.com
Property Address:1124 Vista Trail			
Tax Parcel ID: <u>18 107 07 044</u> Comm. D	istrict(s):2,6	Acreage:	0.21 acres
Existing Use:Single Family Residential Supplemental Regs:NAE	al Proposed Use_ Existing Zoning:	Single Family Agranged Single Samily Agranged Single Samily Agranged Single Samily Agranged Single Single Samily Agranged Single	Residential NA
Variance (From Development Standards caus	ing undue hardship	upon owners of pro	perty): Yes _X No
Variance Request:Decrease the north sid house.	le yard setback from	7.5 feet to 5.6 feet to	build a garage on a new
WHAT TO KNOW BEFO	ORE YOU FILI	E YOUR APPLI	CATION
Review Meeting Dates: Letter of Inte	ent:Owner A	uthorization(s):	
Campaign Disclosure: Zoning Condition	ns:Publi	c Notice, Signs:	
Site Plan Layout Floor Plan Layout	Letters of Support	from Neighborhood	d
Payment Submittal Submittal Format: NO	STAPLES, NO B	NDERS PLEASE	
Anticipated Meeting Date: If submitted by Aug	gust 5, application	would be on the Sep	otember 9 meeting agenda
Comments: Suggested updating LOI to include	e information about	the current house la	acking a a garage and
address the criteria requiring the "minimum ne	ecessary to afford re	elief".	
Planner:Rachel Bragg	Date	_07/29/2021	_
	Filing Fees		
APPLICATION FEE:			\$300.00

Dear Dekalb Department of Planning and Zoning,

I am writing to provide formal Letter of Intent to appeal the side setbacks at the property located at 1124 Vista TrI NE, Atlanta, GA. Our family intends to build our "forever home" on this property and believe that the unique characteristics of the lot validates the criteria set forth in Zoning Board of Appeals Application Section 7.5.1 (A) 1-5 to grant a variance for side setbacks. Below I will address each criteria point

- 1. It is due to the 'exceptional narrowness' and 'shape of [this] specific lot', which was not created by the owner or applicant, which would deprive the property owner of rights and privileges enjoyed by other property owners in the same zoning district. While the current structure does fit within the setback limitation, it is because of the unique tapering shape that owner is unable to design a standard garage which other property owners have the ability to do.
- 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. The request ONLY takes into
 consideration the two feet needed at the tapered pinch-point to be able to build a standard
 width garage.
- 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. This is the case. Considering the wedge shape, the frontage of the lot is outsized, and therefore, if granted, this variance would not affect the neighboring property or curb appeal. The front footprint of the home would remain within the current zoning allowable footprint with an 8.4 foot setback (0.9 foot excess from current zoning requirement) from the front point of the home (again proving minimum necessary to afford relief).
- 4. The literal interpretation and strict application of the applicable provisions or requirements of this chapter would cause undue and unnecessary hardship. This is true in this case.
- 5. The requested variance would be consistent with the spirit and purpose of this chapter and the DeKalb County Comprehensive Plan text. Confirmed.

As you can see in the exhibit attached, the curvature of Vista Trl creates an exceptionally tapered lot for the subject property. In fact, it is the most tapered lot in the neighborhood with a rear width of only 31.2 feet compared to the typical rear width of 60 to 65 feet. Given the tapered shape, the architecture and footprint of the home is a challenge, and the wedge shape prevents the ability input a standard width garage.

A side setback variance of 2 feet, we enable us to build the home of our dreams with the rights and privileges that *all other property owners in the same district enjoy* for which we are currently deprived.

Date

Thank you for your consideration,

JBMW, LLC

Joshua Vidslefsky 7/30/2021

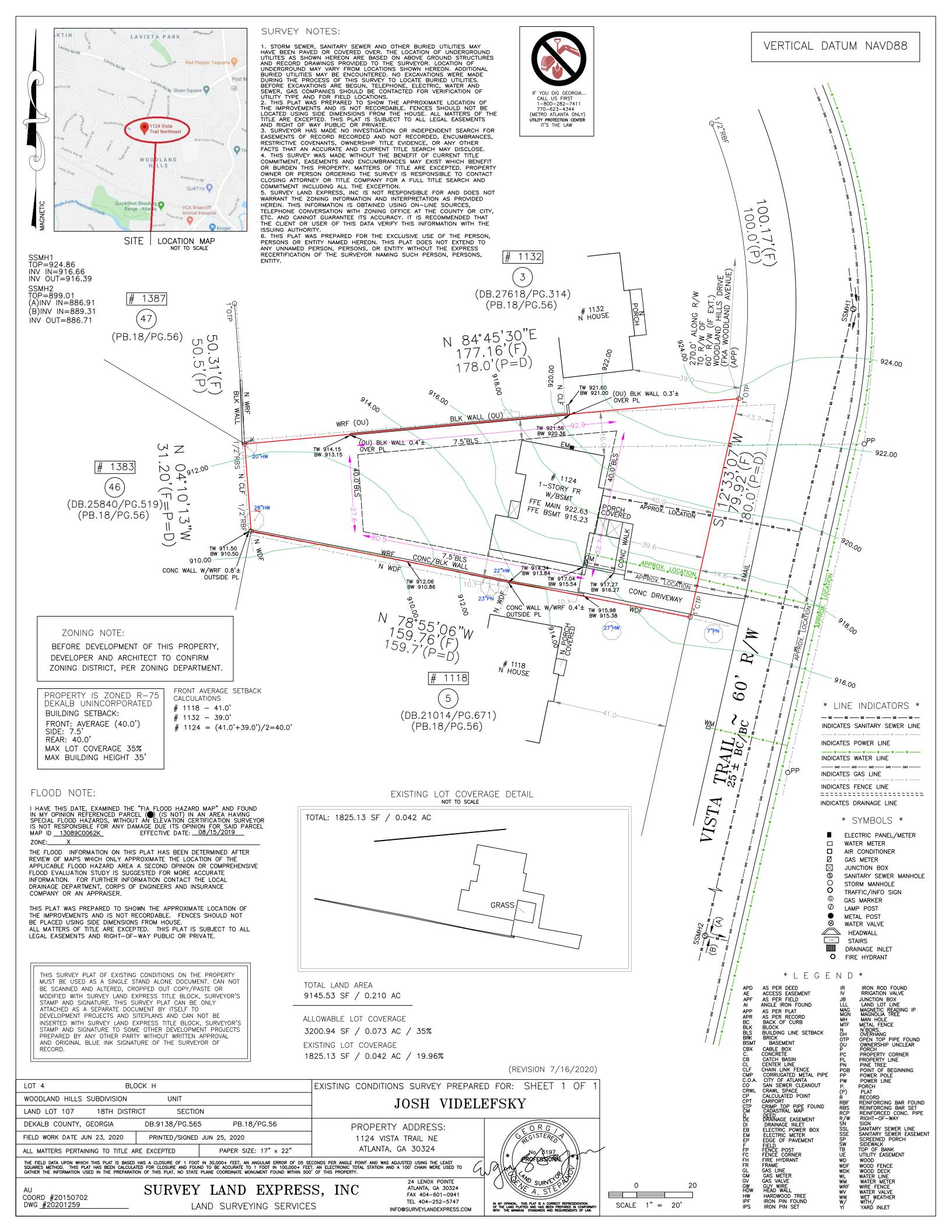
Managing Member

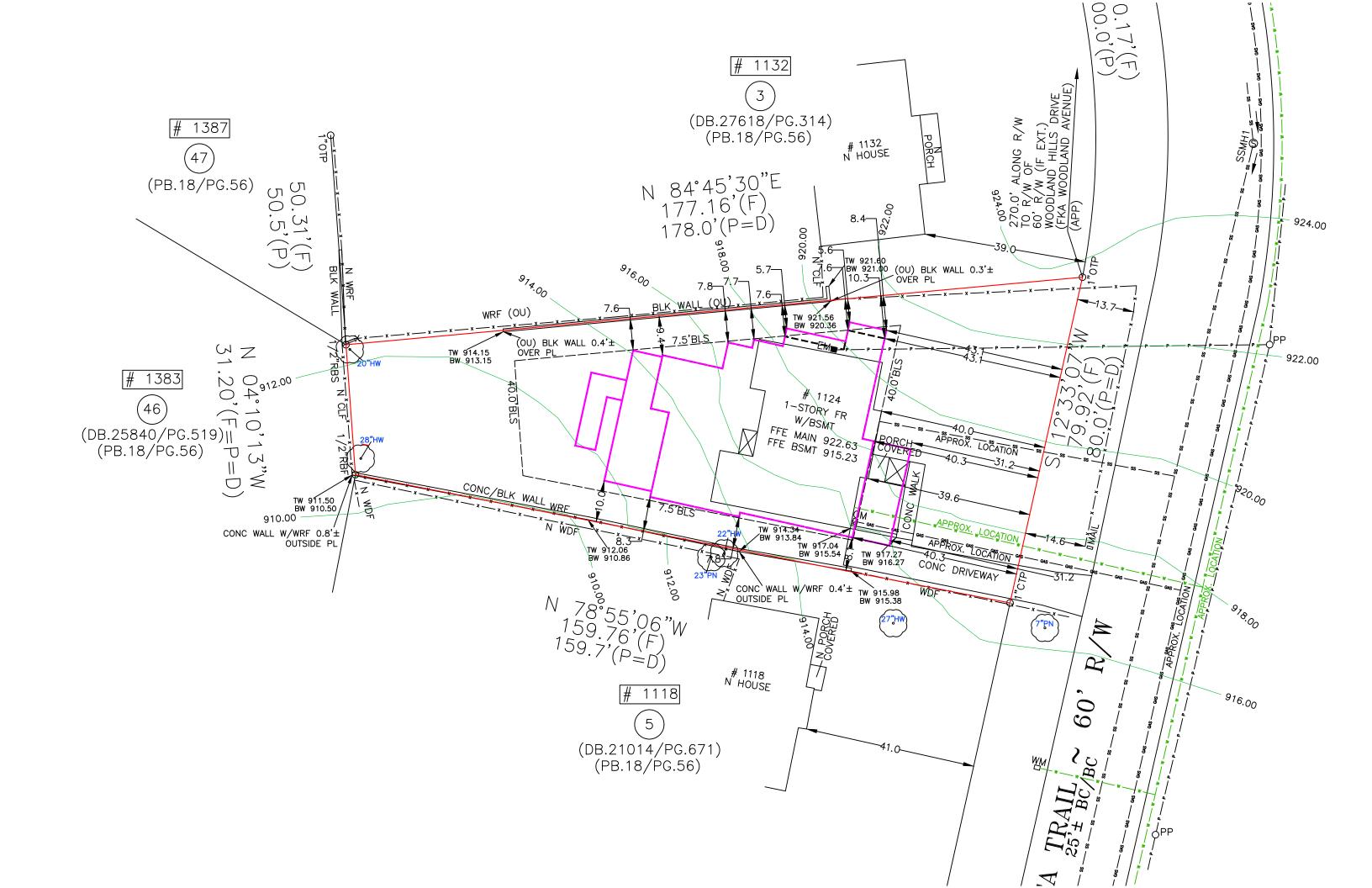
Joshua Videlefsky

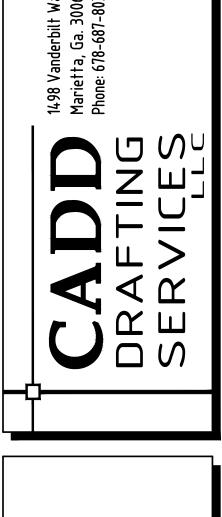
Exhibit:

GIS Map showing unique lot shape and tapering affect



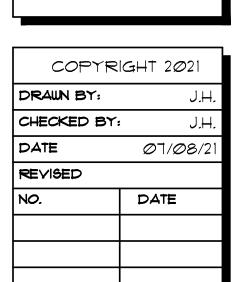


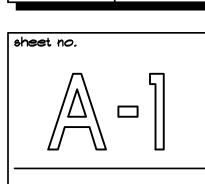




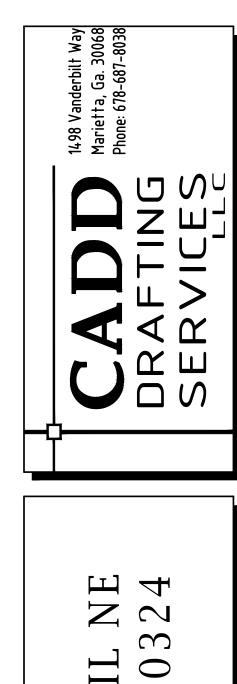
1124 VISTA TRAIL N ATLANTA, GA. 3032

ESIDENCE ESIDENCE









ATLANTA, GA. 30324

/IDELEFSKY Residence

COPYRIGHT 2021

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CHECKED BY: J.H.

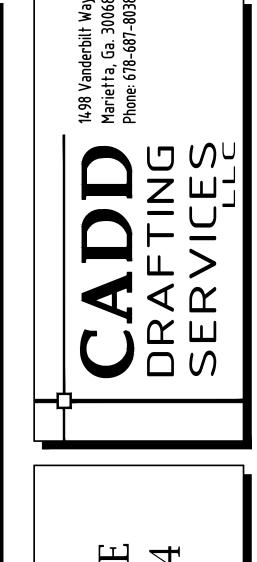
DATE 07/08/21

REVISED

NO. DATE

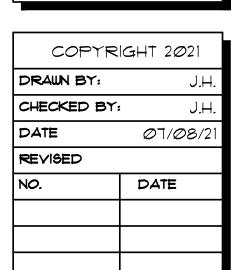
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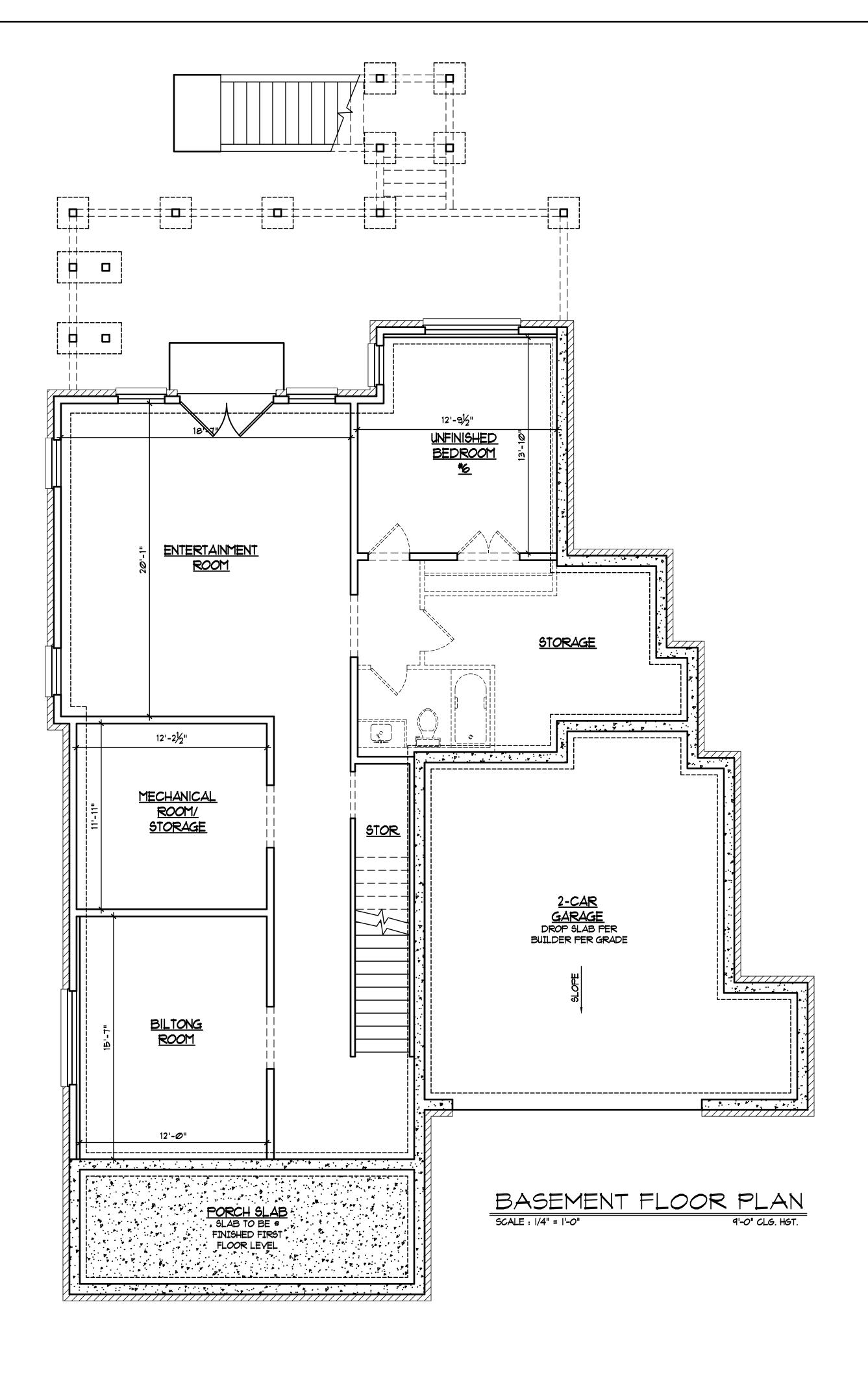


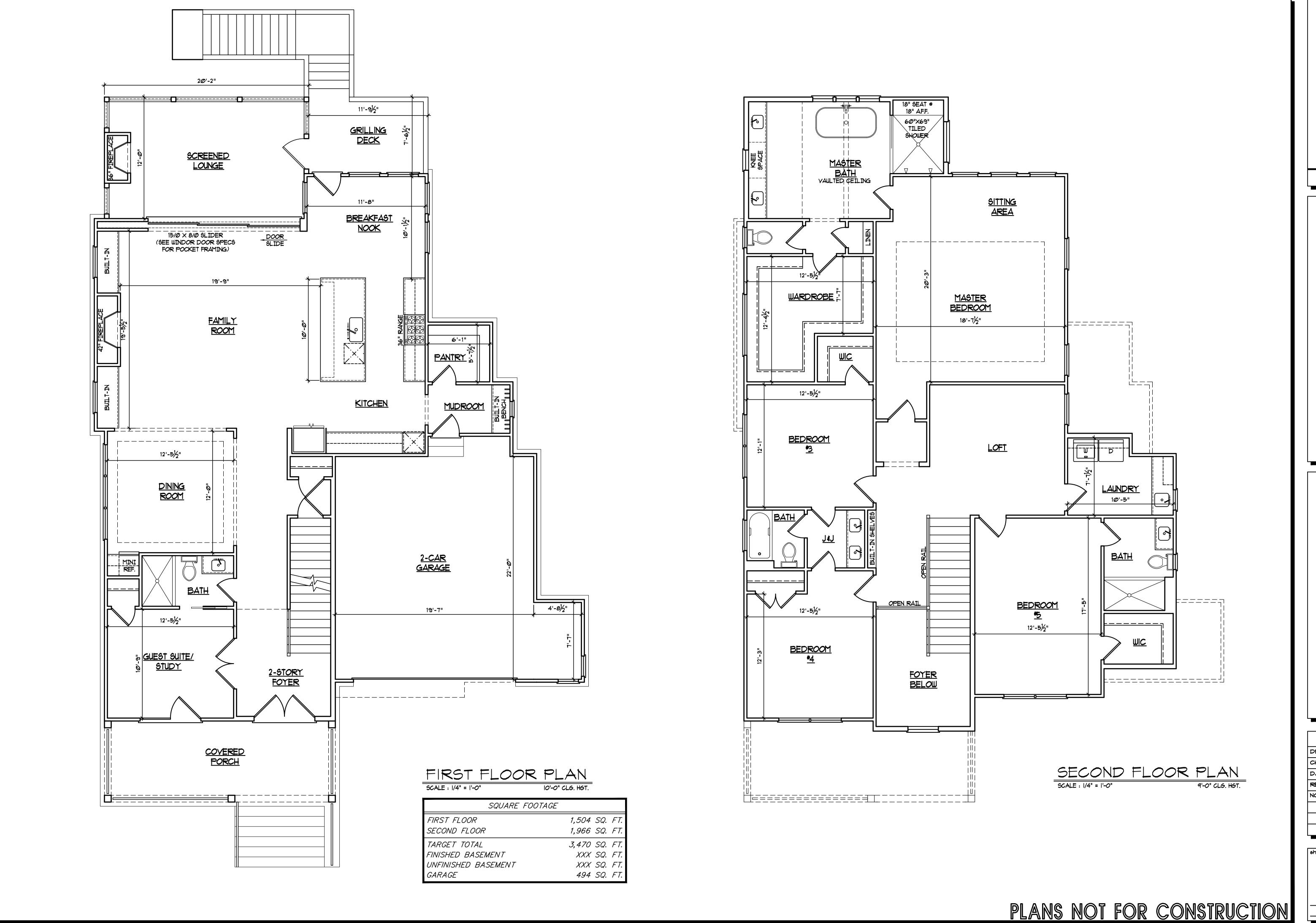
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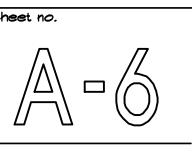


CADD Marietta, Ga. 30
DRAFTING
SERVICES

124 VISTA TRAIL N

/IDELEFSKY RESIDENCE

_		
COPYRIGHT 2021		
DRAWN BY:	J.H.	
CHECKED BY:	: J.H.	
DATE	Ø7/Ø8/21	
REVISED		
NO.	DATE	



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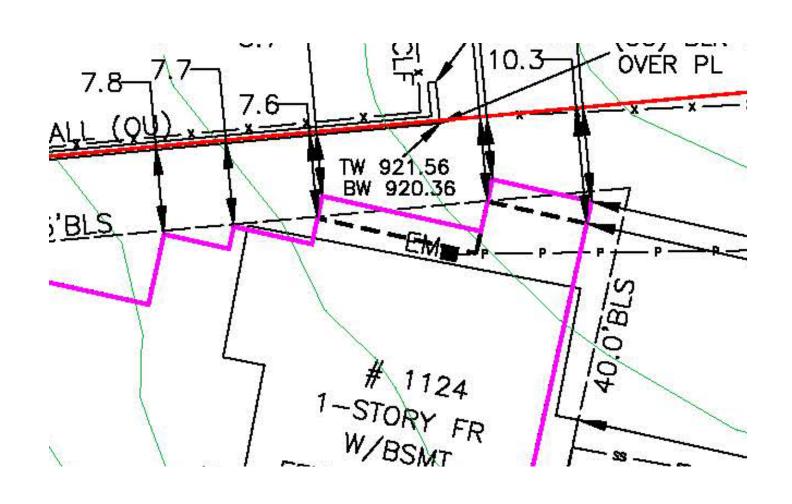
1124 Vista Trail

Site Plan



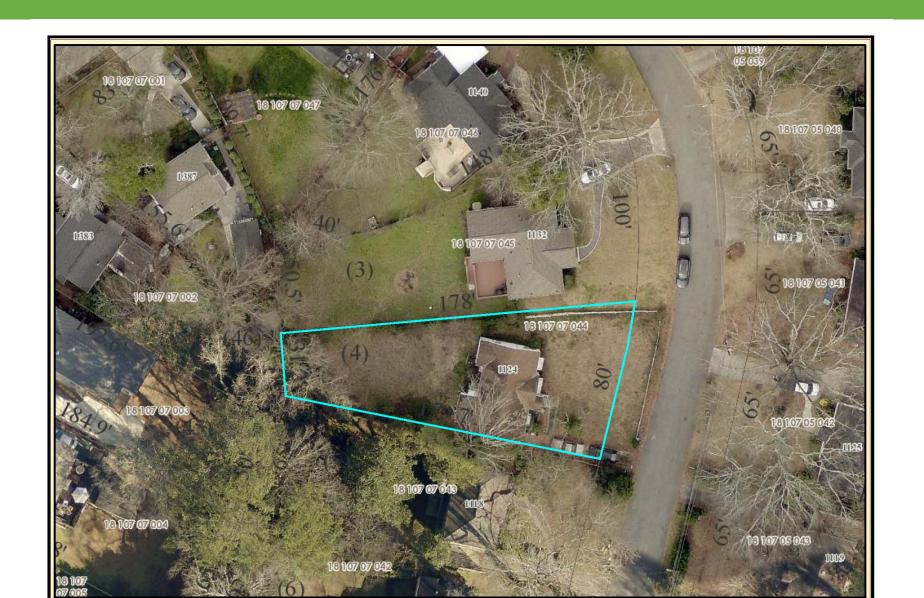
1124 Vista Trail

Setback



1124 Vista Trail

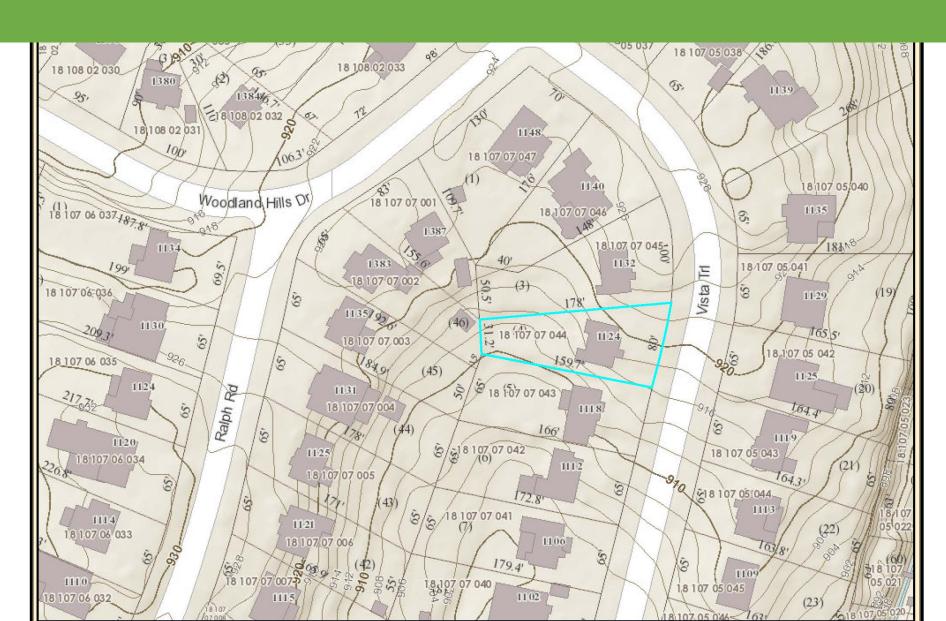
Aerial



N1.

1124 Vista Trail

Topo Map



N1.

1124 Vista Trail

Site Photo



