

Michael L. Thurmond

Chief Executive Officer

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DeKalb County Zoning Board of Appeals

Department of Planning & Sustainability 330 Ponce De Leon Avenue, Suite 300 Decatur, GA 30030

Wednesday, October 13, 2021 at 1:00 PM

Planning Department Staff Analysis

Parcel ID(s): 15-183-24-042



Commission District 03 Super District 07

Case No: A-21- 1245152

Applicant: FERRARD SANFORD

3004 ALSTON DRIVE DECATUR, GA 30032

Owner: FERRARD SANFORD

3004 ALSTON DRIVE DECATUR, GA 30032

Project Name: 3004 ALSTON DRIVE

Location: Property is located approximately 270-feet east of the intersection of Richard Allen Drive and Alston Drive

in Decatur, GA 30032.

REQUEST: Variance from Chapter 27-2.2 Division 2- Residential Zoning Districts: Dimensional Requirements of the

DeKalb County Zoning Ordinance to reduce the front yard setback from 30-feet to 23-feet to build a second

story addition within 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 reduction to the setback should only apply to the foundation of the original house.

STAFF FINDINGS:

Variance Analysis:

Based on the submitted materials, the applicant is requesting a variance to the front yard setback from 30-feet to 23-feet to build a second story addition.

The house does not have a constructed second floor addition (see attached site photos). No variance was granted for the construction of this home exceeding the front yard setback. Therefore, the applicant is requesting a variance to construct the second-story addition with a front yard setback reduction.

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 states the minimum lot area for R-75 zoned properties is 10,000 square feet, and the street frontage is 75-feet, the lot complies with both of these requirements.

Per County records, the existing single-family detached structure was constructed in 1946, approximately ten years before the first *DeKalb County Zoning Ordinance* was adopted. The existing house extends into the southern front yard setback by 7-feet; it was constructed 23-feet from the property line. The house is legally non-conforming.

Due to the legally non-conforming footprint of the house, 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. The owners are unable to complete the second-story addition within the footprint of the existing house without encroaching into the front-yard setback. Other houses in the district that were built at the same time, have now enlarged their footprint with construction of second-story addition within their existing footprint.

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.

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. Other houses of the same age in the neighborhood often have one-and-one-half stories and newer construction to the north of the subject property was built with two-story homes. Permitting the second-story construction facilitates the trending redevelopment of the area.

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 existing single-family home encroaches seven feet into the front-yard setback and the second story would maintain the same footprint.

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 of the subject property described in the *DeKalb County Comprehensive Plan 2035* text as 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 by protecting stable neighborhoods from incompatible development that could alter established residential development patterns and density. The proposed addition is compatible and respects the established patterns of development.

FINAL STAFF ANALYSIS:

Based on the submitted materials, it appears that due to the non-conformity of the existing house, 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 dated 03/21/2018.

If this application is approved, Staff recommends 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.
- 2. The reduction to the setback should only apply to the foundation the original house.

Rachel Braggs Dekalb County Board of Appeals July 13, 2021

RE: Setback Variance for 3004 Alston Drive, Decatur, GA 30032

To Whom It May Concern:

This letter lays out my position as the property owner concerning the setbacks requirements.

The existing 1-story with crawl space foundation is 6.3 ft beyond the new 30' front setback. I plan to build a second story addition and want to utilize the existing foundation and first floor wall framing. In order to conform the new 30' front setback, we would have to demolish the first-floor wall, foundation wall and footing and then rebuild them. This setback requirement presents unnecessary expenses and hardship to myself, the owner.

Therefore, I'm requesting that the front setback be reduced from 30ft to 23ft.

With the grant of this variance, the house will stay at it's original location, the majority of the houses on this street have the similar offset distances from the street, so it will be consistent with the rest of houses on the street, and maintain uniformity of the community.

If you have any additional questions or concerns, please contact me at 404-345-8278.

Sincerely,

Ferrard Sanford

Property Owner



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		
Mailing Address:		
City/State/Zip Code:		
Email:		
Telephone Home: Business:		
OWNER OF RECORD OF SUBJECT PROPERTY		
Owner: Ferrard Sanford		
Address (Mailing): 3211 Glenwood Ad Dec GA 36032		
Email: rsanford107@gmail.com		
Telephone Home: 404-345-8278 Business: 404-632-7571		
ADDRESS/LOCATION OF SUBJECT PROPERTY		
Address: 3004 Alston Dr City: Dec State: GA Zip: 30032		
District(s):		
Zoning Classification: 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.)		
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:		



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 ZoningBoard of Appeals for the requests as shown in this application.

DATE: July 13, 2021	Applicant/Agent:Signature
TO WHOM IT MAY CONCERN: (I)/ (WE) Ferrard Santo (Name of Owners)	<u>cd</u>
being (owner/owners) of the property describe	d below or attached hereby delegate authority to:
Notary Public HELEN OLIVER Notary Public, Georgia Dekalb County My Commission Expires Notary Public	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.

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DATE: 7-13-21	Applicant: Signature
DATE:	Applicant:

THE SHOWN SITE CONTAINS: 21158.44 SQUARE FEET (0.485 ACRES) 1 LOT SITE ADDRESS: 3004 ALSTON DRIVE DECATUR, GA 30032 TAX PARCEL ID NUMBER: LOT 1_

SITE INFORMATION

FRONT: 35' REAR: 40 FEET SIDE: 7.5 FEET CURRENT ZONING: R-75 RESIDENTIAL REQUIRED SETBACK COONT. 18:

MAXIMUM ALLOWABLE LOT COVERAGE: 35% MIN LOT SIZE 10,000 SF DENSITY 2.06 LOTS/ACRE MAXIMUM BUSLDING HEIGHT = 28 FEET

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OWNER'S ACKNOWLEDGMENT

GENERAL NOTES:

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SURVEYOR'S ACKNOWLEDGMENT

03/21/2018

Eugene A. Stepanov 3197 Registered Georgia Land Surveyor

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I certify that the developer has compiled with the potable water requirements and the sanitary sewer requirements of the County.

BY: (BY DRECTOR) PLANNING COMMISSION CHAIRMAN DEKALB COUNTY, GEORGIA

SHEET 1 OF KIDDER ESTATES PROPERTY ADDRESS: 3004 ALSTON DRIVE DECATUR, GA 30032

DEPARTMENT OF PLANNING & SUSTAIN ABILITY NOTES:

1. SKETCH PLAT APPROVAL DOES NOT CONSTITUTE APPROVAL OF THE STORM PRAINAGE OR SANITARY SEWER SYSTEMS. NO CONSTRUCTION SHALL BEGIN UNTIL CONSTRUCTION PLANS ARE APPROVED AND A DEVELOPMENT PERMIT IS OBTANED.

THE OWNER OF THE PROPERTY IS RESPONSIBLE FOR COMPLIANCE WITH CORPS OF ENGINEERS REQUIREMENTS REGARDING WETLANDS.

SITE

DEKYFB FDB VB

SITE MAP N.T.S.

2020 HOWELL MILL RD NW # C-285

ATLANTA GA 30318

KIDDER PROPERTIES LLC CURRENT OWNERSHIP:

INDEX SHEET

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Date:

DEPARTMENT OF WATERSHED MANAGEMENT

day of

OWNER (PRINT NAME)

WITNESS (PRINT NAME)

SIGNATURE

SIGNATURE

Director, Department of Watershed Management

SKETCH PLAT

NAME OR CORP. SEC.

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NOTARY PUBLIC

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2020 HOWELL MILL RD NW # C-285 KIDDER PROPERTIES LLC OWNER / DEVELOPER ATLANTA GA 30318 TEL: 404-343-9168 THE CASE AND THE SECOND SECOND

3004 ALSTON DRIVE DECATUR, GA 30032 COVER SHEET PARCEL 15-183-24-042 SUBDIVISION PLAT STANDARD ESTATES

/ DEVELOPER: KIDDER PROPERTIES, LLC LAND LOT 183 - 15TH DISTRICT PROPERTY IS ZONED R-75 DEKALB COUNTY, GEORGIA AP #22259

OWNER

LOCATION MAP ON COUNTY MAP

FEMA

National Flood Hazard Layer FIRMette

PAGE 1 = COVER SHEET, NOTES
PAGE 2 = VICINITY MAP, LOCATION MAP, NOTES
PAGE 3 = EXISTING CONDITIONS
PAGE 4 = PROPOSED CONDITIONS

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SURVEY LAND EXPRESS, INC LAND SURVEYING SERVICES

AS COORD #20180358 DWG #20180358

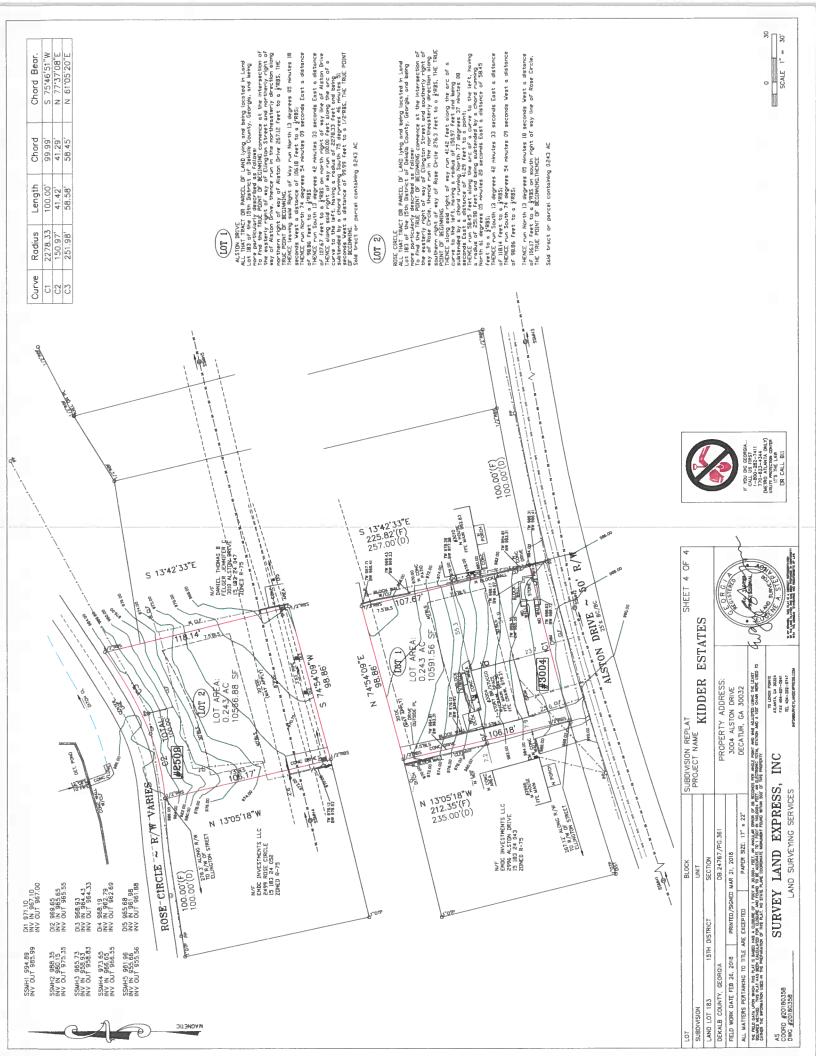
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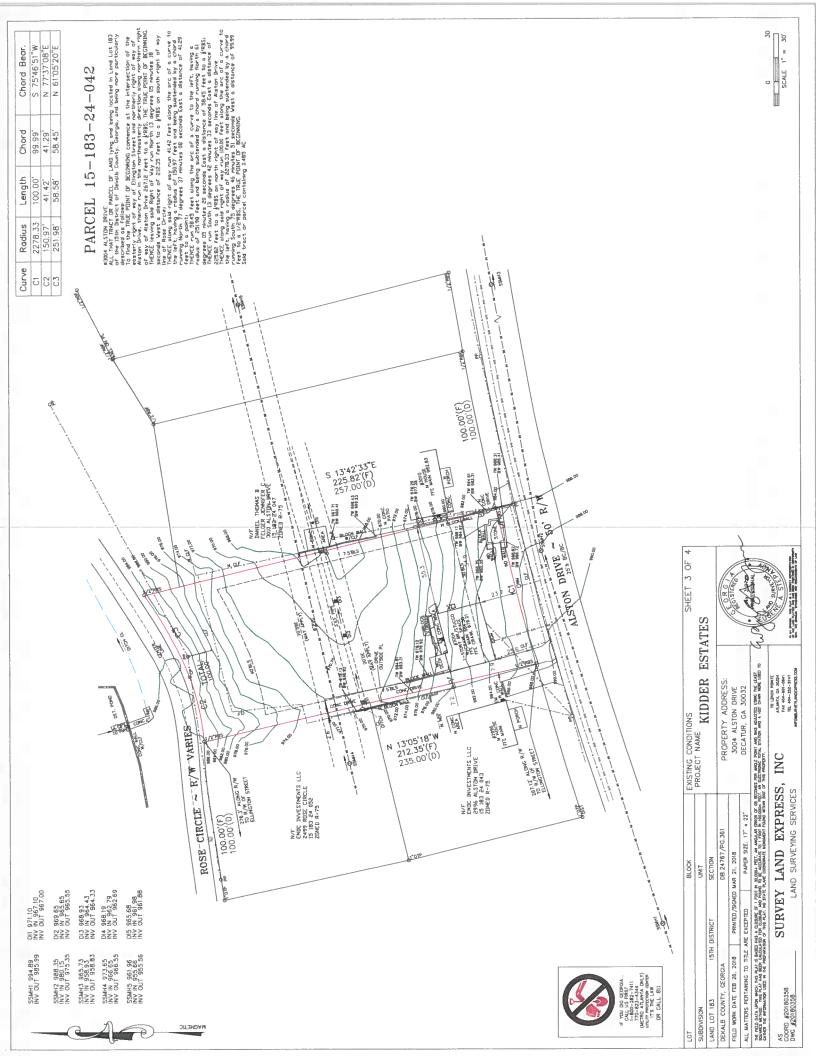
15TH DISTRICT

DEKALB COUNTY, GEORGIA

LAND LOT 183 SUBDIVISION

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2020 HOWELL MILL RD NW # C-285 KIDDER PROPERTIES LLC OWNER / DEVELOPER ATLANTA GA 30318

TEL: 404-343-9168

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CERTIFICATE OF CONFORMITY

DEKALB LDP AP #22259

the engineer/surveyor

ESTATES KIDDER for the Subdivision known as

District, hereby certify 15th Jocaked in Land Lot

that no fots platted within the subdivision are non-runforming or will result in any non-

conforming lots.

EUGENE STEPANOV

30324 Pointe VV 24 Lewox ATLANTA CITY, STATE, 21P

SPECIAL NOTES

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16. THE OWNER/DEVELORER IS RESPONSIBLE FOR PROVIDING LONG STREAM MICHAEL STREETS.

17. DEFALLS COUNTY SANITATION DEPARTMENT IS NOT RESPONSIBLE FOR TRASH PICK-UP ON PRIVATE STREETS.

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EUCENE STEPANOV, RLS

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DEKALB COUNTY, LAND LOT 183 NOISMIGENS

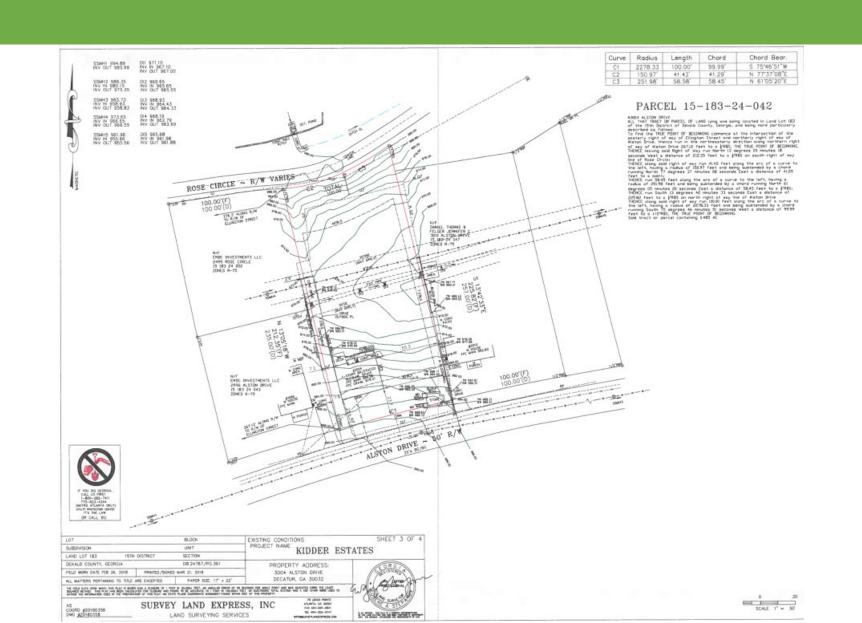
LAND SURVEYING SERVICES

AS COORD #20180358 DWC #20180358

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N4.

3004 Alston Drive Site Plan



N4.

3004 Alston Drive

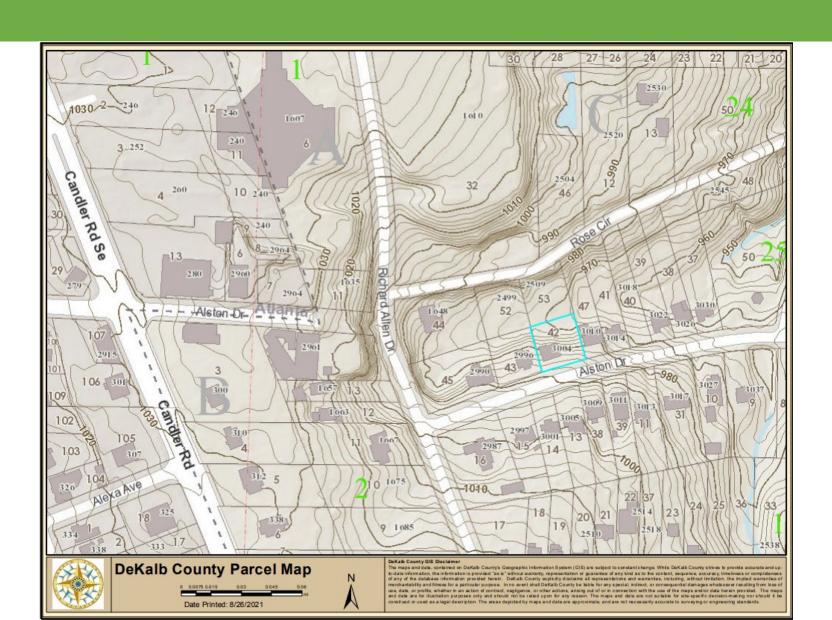
Aerial



N4.

3004 Alston Drive

Topo Map



N4. 3004 Alston Drive

Site Photo

