



Michael L. Thurmond
Chief Executive Officer

DeKalb County Zoning Board of Appeals
Department of Planning & Sustainability
178 Sams Street,
Decatur, GA 30030

Wednesday, July 13, 2022, at 1:00 PM

Planning Department Staff Analysis



Andrew Baker, AICP
Director

N1. Case No: A-22-1245836 Parcel ID(s): 18-002-06-049

Commission District 02 Super District 06

Applicant: M. Scott Ball
426 Sinclair Avenue
Atlanta, GA 30307

Owner: Roseanne McGuinness
934 Lullwater Road
Atlanta, GA 30307

Project Name: 934 Lullwater Road -Garage

Location: The property has approximately 100 feet of street frontage and is located on the north side of Lullwater Road, approx. 600 feet north of the intersection with The By Way at 934 Lullwater Road, Atlanta, GA 30307.

Request: Variance from Section 27-2.2 to reduce the side yard setback from 8.5- feet to 1.5-feet to allow the construction of new two-story, three car garage within an R-85 (Residential Medium Lot-85) zoning district and within the Druid Hills Historic District.

Staff Recommendation: Denial.

STAFF FINDINGS:

Variance Analysis:

The applicant proposes to construct a new detached garage. The existing accessory structure is one story tall and approximately the width of a one-car garage. It is set 1.4 feet from the eastern property line. The new garage will be 22-feet tall and have space for three cars. The Historic Preservation Commission approved the plans for the new construction on May 16, 2022, with the modification that the garage may be up to 8.5-feet from the property line, based on this application and the resulting decision of the Zoning Board of Appeals.

1. There is an extraordinary or exceptional physical condition(s) pertaining to the particular piece of property (such as, but not limited to, lot size, lot shape, specimen tree(s), steep slope(s), or preservation of historic characteristics of the property), which was not created by the current owner, previous owner, or applicant; by reason of a clearly demonstrable condition(s), 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, as distinguished from a special privilege or convenience sought by the property owner.

The strict application of the requirements of this chapter may not deprive the property owner of rights and privileges enjoyed by other property owners. Although the lot angles to the west approximately 300-feet from Lullwater Road, it does not appear that this is an exceptional physical condition. The site plan does not appear to show exceptional specimen trees or other extraordinary physical conditions occurring on the subject property.

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 requested variance may go beyond the minimum necessary to afford relief. There appears to be room on the property within the setbacks to construct a garage. Although the existing accessory structure has a similar setback (1.4-feet), it was constructed prior to the adoption of the DeKalb County Zoning code and the new structure will be much larger.

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:

Granting the variance may be materially detrimental to the public welfare or injurious to the property or improvements in the zoning district. Approval of the variance will allow the construction of a large structure very close to the eastern property line, potentially adversely impacting the neighboring property.

4. The literal interpretation and strict application of the applicable provisions or requirements of this chapter would cause undue and unnecessary hardship:

Strict application of the provisions and requirements of this chapter may not cause an undue and unnecessary hardship. There appears to be room within the property setbacks to construct a new accessory structure.

5. The requested variance would be consistent with the spirit and purpose of this Chapter and the DeKalb County Comprehensive Plan Text:

The future land use designation of this property is Traditional Neighborhood (TN). The intent of the TN character area is to "to preserve the style and appeal of older traditional neighborhood communities." Granting the request variance may undermine this intent, by allowing the replacement of a small accessory structure with a large accessory structure so close to the eastern property line.

FINAL STAFF ANALYSIS:

While the lot does angle toward the west, approximately 300-feet into the property, there do not appear to be exceptional, site-specific conditions that would support the granting of this variance. In addition, there appears to be room within the setbacks of the property to construct an accessory structure and this request may go beyond the minimum necessary to afford relief and therefore, Staff recommends denial of this application.

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

BOA No. _____

Applicant and/or Authorized Representative: M. Scott Ball

Mailing Address: 426 Sinclair Ave

City/State/Zip Code: Atlanta, GA 30307

Email: perch@perchbuilt.com

Telephone Home: 678) 593 - 0212 Business: _____

OWNER OF RECORD OF SUBJECT PROPERTY

Owner: Roseanne McGuinness

Address (Mailing): 934 Lullwater Road, Atlanta, GA 30307

Email: Roseanne.mcguinness@gmail.com

Telephone Home: 404.403.1508 Business: _____

ADDRESS/LOCATION OF SUBJECT PROPERTY

Address: 934 Lullwater Road City: Atlanta State: GA Zip: 30307

District(s): 18 Land Lot(s): 002 Block: 06 Parcel: 18-002-06-049

Zoning Classification: R85- SF, Druid Hills Commission District & Super District: 2,6
Historic District

CIRCLE TYPE OF HEARING REQUESTED:

Not sure ???

- ~~VARIANCE (From Development Standards causing undue hardship upon owners of property.)~~
XXXXXXXXXXXX
- 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 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: 05/08/22

Applicant:
Signature

Rose Anne McGuinness

DATE: _____

Applicant:
Signature

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: 05/08/22

Applicant/Agent:
Signature

Roseanne Mc Guinness

TO WHOM IT MAY CONCERN:

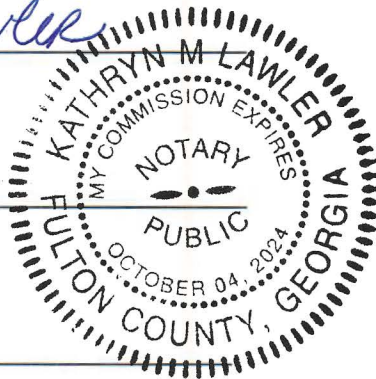
(I)/ (WE) ROSEANNE MC GUINNESS
(Name of Owners)

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

Kathryn M Lawler
Notary Public

Notary Public

Notary Public



Roseanne Mc Guinness
Owner

Owner

Owner

The new garage will encroach into the 8.5' side yard setback less than the existing structure (7.0' instead of the existing 7.1'.

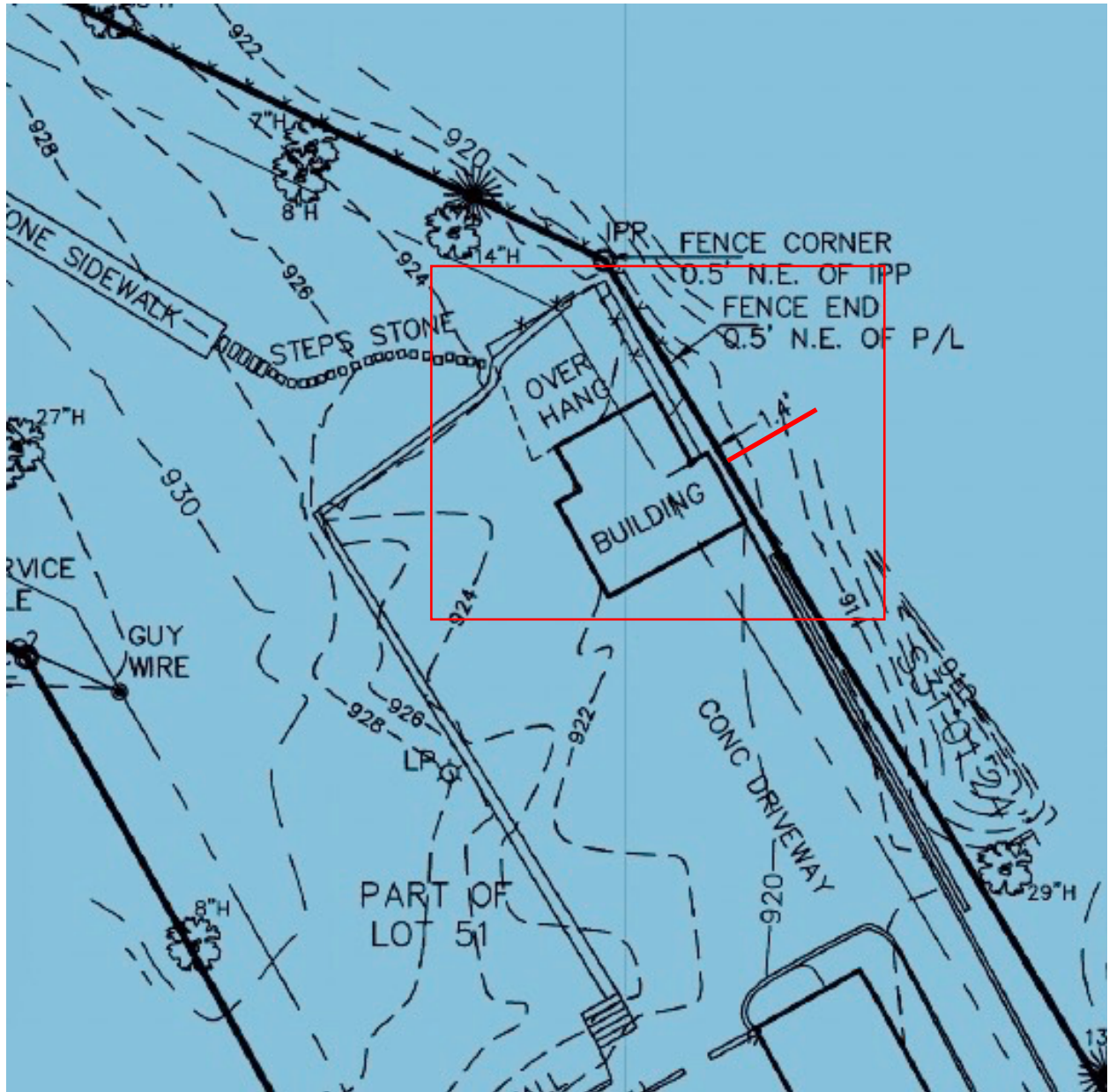
Rationale:

1. The property is an unusual shape- rather than running straight back, the side property lines angle sharply at the back of the garage. As a result, would be difficult and very inconvenient for daily use to push back further into the lot. The lot is also unusually verdant and pushing the garage back would require cutting 19 trees and would intrude on the wildlife sanctuary currently in place.
2. The proposed garage is the minimum size to accommodate three cars and is careful to stay with in the existing degree of non-conformity of the current garage.
3. The requested variance will prevent injury to the woods at the property's rear. The close proximity to the side property line is very common in Druid hills and the proposed setback would preserve the existing, historic spatial relationships.
4. The strict enforcement of zoning code would create hardships. It would be very expensive, make the garage extremely inconvenient, and would damage significant amount of trees and plants.
5. The proposed garage is consistent with the Druid hills charter to preserve the overall look of Druid hills and limit the damage to the existing Environment.

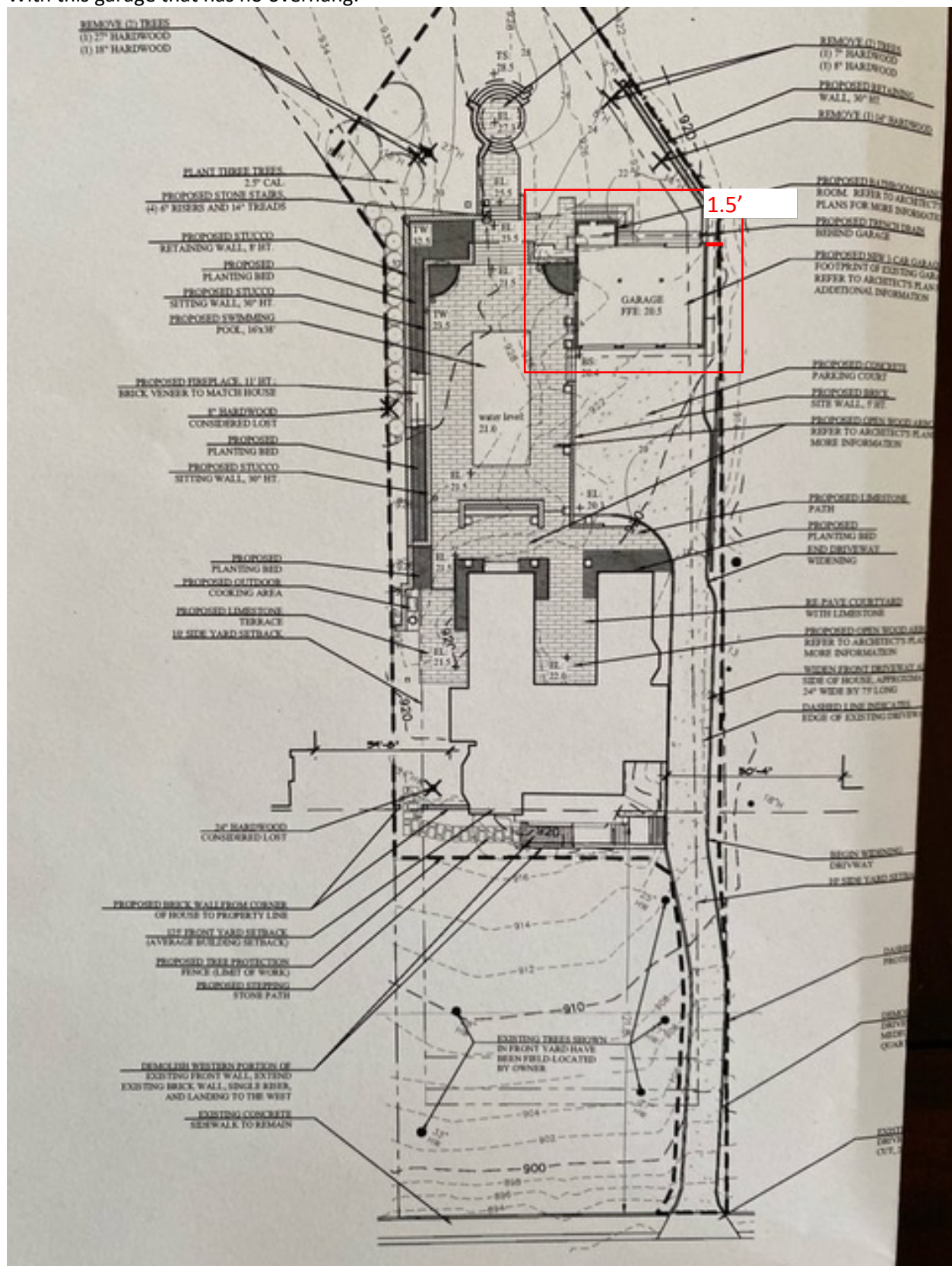
Letter of Intent

Request

To replace an existing garage and overhang shown on this site plan:

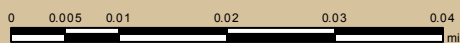


With this garage that has no overhang:





DeKalb County Parcel Map

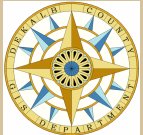
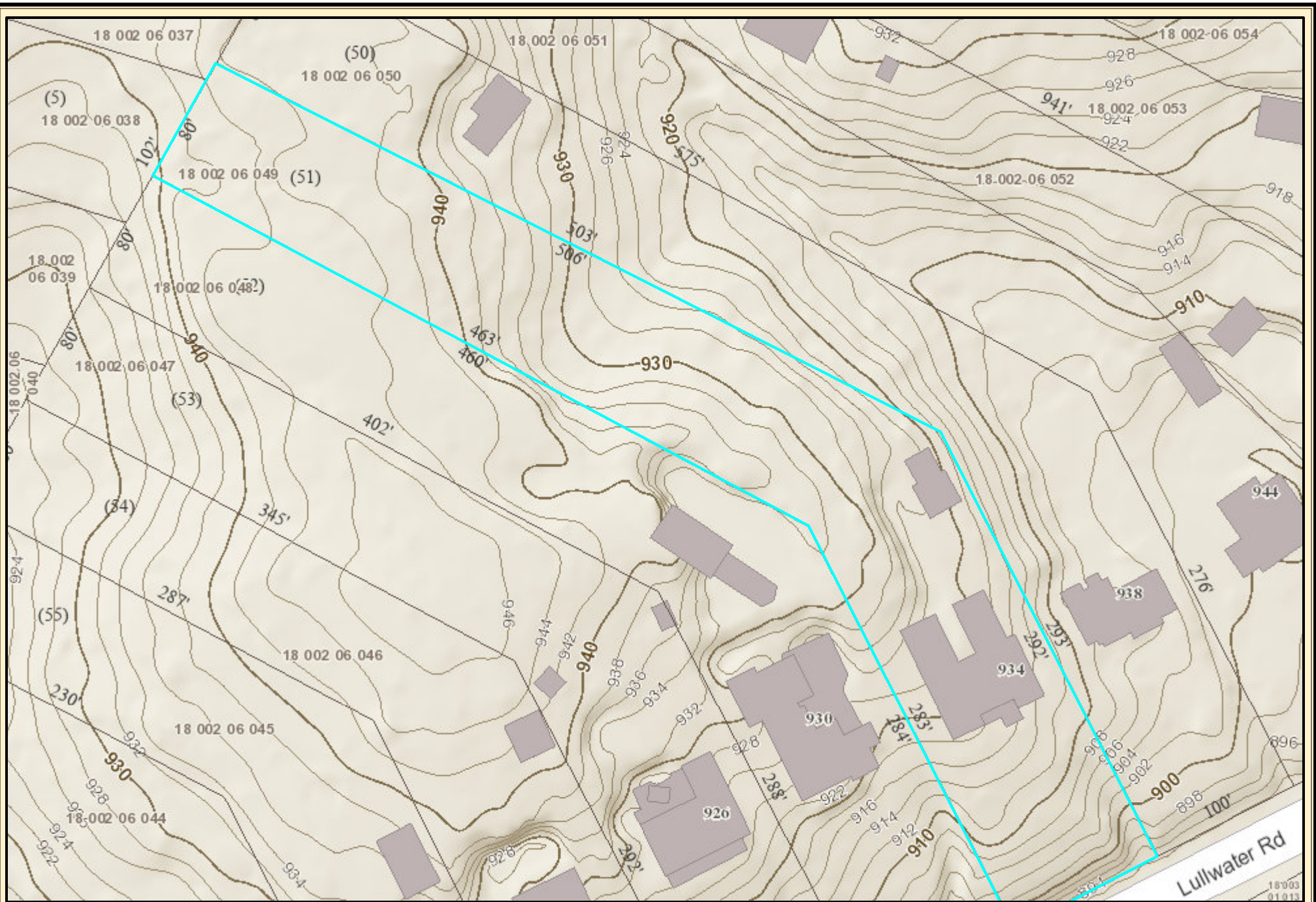


Date Printed: 6/7/2022



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DeKalb County Parcel Map

0 0.005 0.01 0.02 0.03 0.04 mi

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