

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

N5. Case No: A-22-1245840 Parcel ID(s): 15-157-21-009

#### Commission District 03 Super District 07

- Applicant: Create Homes, LLC 275 Washington Avenue, NE Marietta, GA 30060
- Owner: Create Homes, LLC 275 Washington Avenue, NE Marietta, GA 30060
- Project Name: 2099 Easterwood Terrace- Development
- Location: The property is located on the west side of Easterwood Terrace, approximately 430 feet south of the intersection with Easterwood Court, at 2099 Easterwood Terrace, Decatur, GA 30032.
- **Request**: Section 2.2.1 to reduce the rear yard setback from 40 feet to 30 feet to construct a new, single-family, detached home within the R-75 (Residential Medium Lot-75) Zoning District.

Staff Recommendation: Approval with condition

#### **STAFF FINDINGS:**

Variances from the provisions or requirements of this chapter other than variances described in <u>section 7.5.4</u> shall be authorized only upon making all of the following findings in writing:

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 Easterwood Park subdivision plat was approved and recorded in 2007. Although the lot meets the minimum lot requirements (area, width, setbacks) of the R-75 Zoning District, the odd shaped lot does limit the buildable area and may represent an exceptional physical condition.

## 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. A smaller or more custom designed home may eliminate the need for encroachment into the rear setback. Alternatively, the applicant has mitigated the need for a front setback variance, which may leave the rear setback encroachment as the minimum relief necessary.

## 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:

The variance requests for 2072 and 2084 reference a desire for setback consistency along the street, however, that consistency varies when it comes to cul-de-sac lots. Cul-de-sac lots typically fan out from the right-of-way and are frequently known for unique lot configurations. There are three lots on this cul-de-sac with three starkly different configurations. Thus, home placement and setback consistency may not be as important in this context and may not be injurious or detrimental to the public welfare.

## 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 cause an undue and unnecessary hardship. The existing buildable area is limited. Alternatively, a unique, custom design may be required to work within the buildable area.

## 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 Suburban (SUB). The Suburban character area recognizes single-family, detached homes as a preferred land use. Additionally, guidelines recommend compatible design and conformance to traditional neighborhood development patterns, when appropriate. The proposed home may be consistent with the goals of the *Comprehensive Plan*.

#### FINAL STAFF ANALYSIS:

The lot shape represents an exceptional condition for residential development of the subject property. Although this lot configuration is a known hindrance, it nonetheless creates an unusual buildable area. Moreover, unlike lots 11 and 13, which are along the linear portion of the right-of-way and subject to greater scrutiny of home placement and setback consistency, this cul-de-sac lot may be worthy of more flexibility as one of the lots in the rear of the subdivision. Relief from the zoning regulations would not be detrimental to the public welfare. Therefore, staff recommends approval with a 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 Create Homes LLC					
Mailing Address: 275 Washington Avenue NE					
City/State/Zip Code: Marietta, GA 30060					
Email: Zach@createyourhome.com					
Telephone Home:         678-978-2568         Business:         678-978-2568					
OWNER OF RECORD OF SUBJECT PROPERTY					
Owner: Create Homes LLC					
Address (Mailing): 275 Washington Avenue NE					
Email: Zach@createyourhome.com					
Telephone Home:         678-978-2568         Business:         678-978-2568					
ADDRESS/LOCATION OF SUBJECT PROPERTY					
Address:       2099 Easterwood Terrace       City:       Decatur       State:       GA       Zip:       30032					
District(s):         15         Land Lot(s):         20         Block:         Parcel:         009					
Zoning Classification: <u>R-75</u> Commission District & Super District: <u>3 &amp; 7</u>					
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 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: 05/24/2022

Applicant:

DATE: \_\_\_\_\_

Applicant: \_ Signature

## Create Homes

A LIMITED LIABILITY COMPANY

5/24/2022

DeKalb County Dept. of Planning and Sustainability Zoning Boards of Appeals 330 Ponce De Leon Ave Suite #300 Decatur, GA 30030

> RE: Letter of Intent for Zoning Variance Easterwood Park Subdivision 2099 Easterwood Terrace Decatur, GA 30032 Parcel ID # 15 157 20 009

Dear Board Members,

This correspondence is intended to serve as the Letter of Intent for requesting relief by variance under section 7.5.1 of the DeKalb County Zoning Board of Appeals, on behalf of Create Homes LLC (applicant) in regard to the above referenced property. Applicant is requesting a variance from the standards of 27-2.2 – Residential Zoning Districts: Dimensional Requirements; Sec. 2.2.1 – Dimensional Requirements; found in Table 2.2, Residential Zoning Districts Dimension Requirements.

The subject property is zoned R-75 and located in the Easterwood Park subdivision. Easterwood Park was developed and platted in 2007 but no new homes were built, the applicant purchased all lots in the subdivision in 2020. The subject property is currently vacant and owned by the Applicant.

For R-75 zoned lots, the required rear setback is 40 feet. The Applicant is requesting a reduction from the required 40 feet rear setback to 30 feet to allow for construction of a home that is consistent in size, shape and character of the other homes in the neighborhood, which have also been constructed by applicant.

- (1) The subject lot has an extraordinary and exceptional physical condition created by the odd lot shape, which was not created by the Applicant or previous Owner. The lot shape of the subject lot is preventing the placement of a home that is of similar size and shape that is architecturally consistent with the other homes in the neighborhood. The strict application of the requirements of this chapter would deprive the Applicant from being able to build a home on the subject lot due to the area within the required setbacks not being sufficient for a house footprint to be of consistent architectural style and meet the minimum square footage requirements.
- (2) The requested variance is the minimum necessary to afford relief and allow for the placement of the proposed home. Applicant is proposing a house plan with the smallest footprint while remaining consistent with the size, shape, and architectural style of other homes in the neighborhood.

## Create Homes

A LIMITED LIABILITY COMPANY

- (3) It is the opinion of applicant that granting of the requested 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. Rather, it will allow for a home to be constructed with similar characteristics of the other homes in the neighborhood.
- (4) The literal interpretation and strict application of the applicable provisions or requirements of this chapter would cause undue and unnecessary hardship by preventing the construction of a home that is compatible with other homes in the neighborhood.
- (5) The DeKalb County Comprehensive Plan classifies this property as Suburban, a singlefamily detached home is a compatible use under this classification. If granted, the variance would allow for the construction of a single-family detached home consistent with the size, shape and character of the neighborhood, and the DeKalb County Comprehensive Plan.

Sincerely,

Zach Brooks

Create Homes LLC 275 Washington Avenue NE Marietta, GA 30060 Zach@createyourhome.com (678) 978-2568

# THE ASHLEY (A)



## **BUILDING CODE ANALYSIS**

USE GROUP: SMALL ASSEMBLY (GROUP "A")

CONSTRUCTION CLASS: UNPROTECTED

EMERGENCY ESCAPE: EGRESS OR RESCUE WINDOW SHALL HAVE A MINIMUM OF 5.7 SQ. FT.

DESIGN LOADS:

 $\frac{FLOOR LIVE LOAD:}{DECKS} = 40 \text{ PSF}$  $\frac{FLOOR DEAD LOAD}{FLOOR DEAD LOAD} = 10 \text{ PSF}$ 

BASIC WIND SPEED = 90 MPH

STAIR LOADS = 40 PSF

ROOF LIVE LOAD = 20 PSF LATERAL SOIL PRESSURE = 20 PCF (ASSUMED)

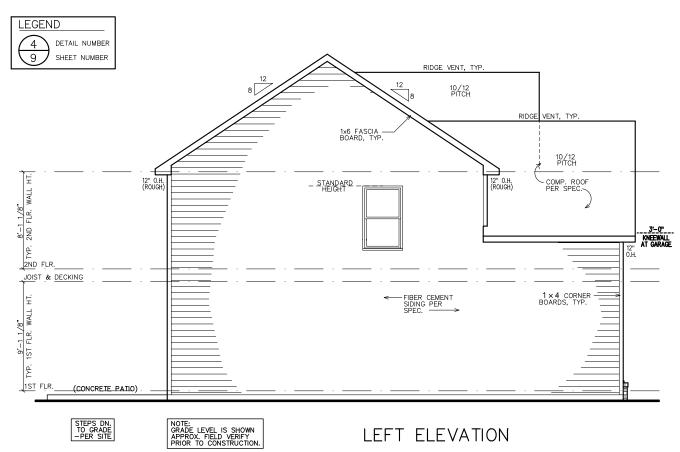
SQUARE	E FO
1ST FLOOR	890
2ND FLOOR	1,205
TOTAL HEATED	2,095 :
FRONT PORCH	34 :
GARAGE	425 (
OTHER PORCHES	n/a s
TOTAL UNHEATED	459
OVERALL WIDTH	38' - 0"
OVERALL DEPTH	38' - 0"

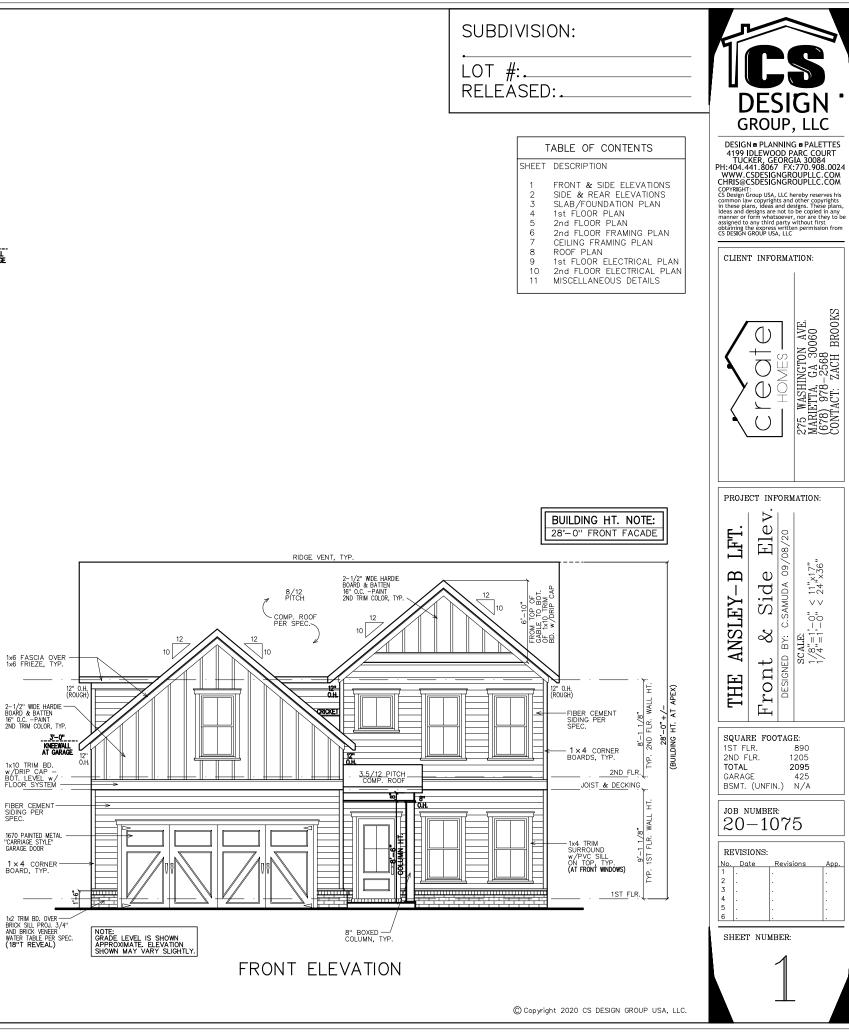
LOT #:.\_\_\_\_\_ RELEASED:.



## OTAGES

- SQ.FT.
- SQ. FT.



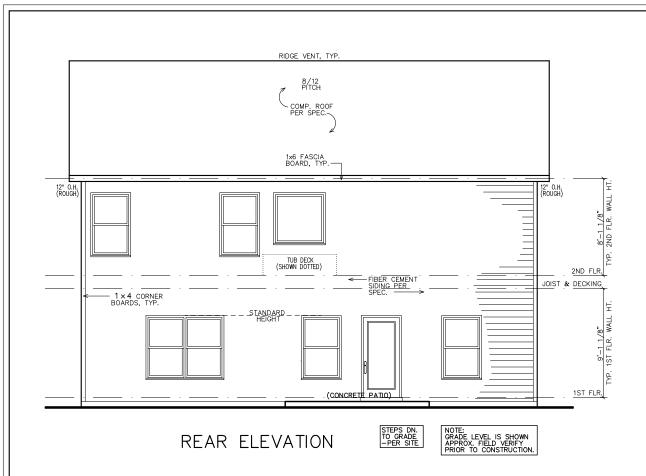


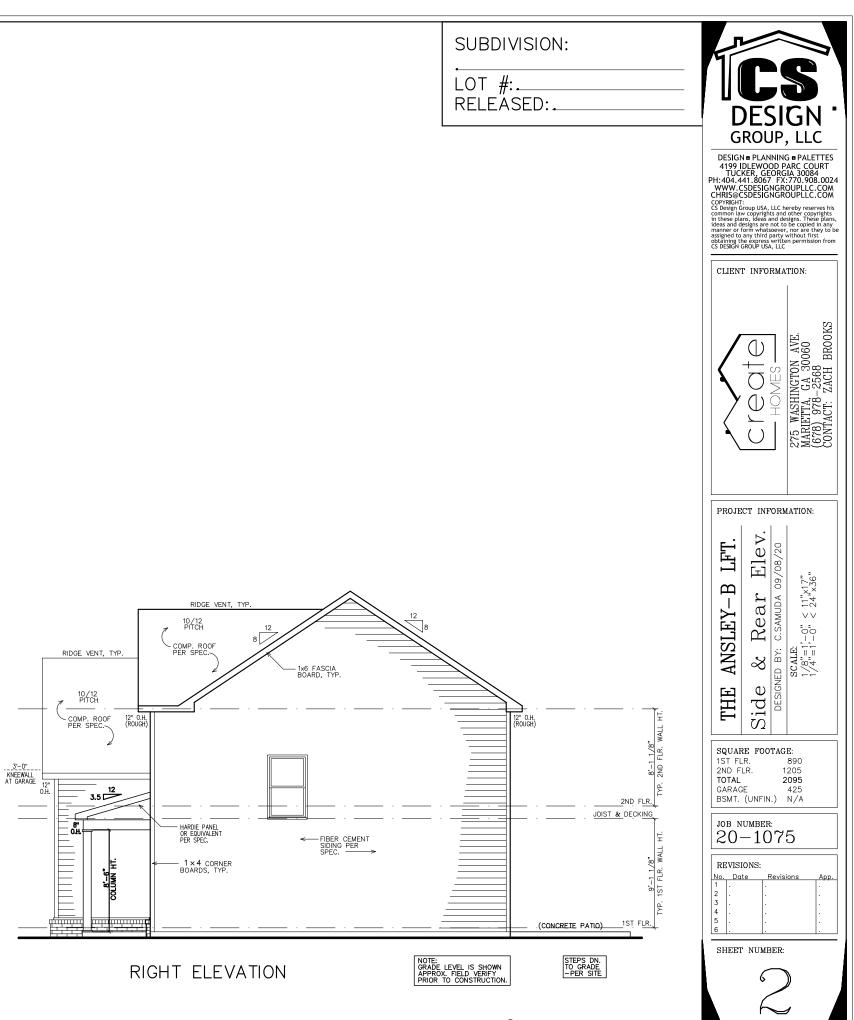
1. 2018 INTERNATIONAL RESIDENTIAL CODE, WITH GEORGIA AMENDMENTS. 2. 2018 INTERNATIONAL BUILDING CODE, WITH GEORGIA AMENDMENTS. 3. 2018 INTERNATIONAL FILE CODE, WITH GEORGIA AMENDMENTS. 4. 2018 INTERNATIONAL PLUMBING CODE, WITH GEORGIA AMENDMENTS. 5. 2019 INTERNATIONAL PLUMBING CODE, 4. 2013 INTERNATIONAL PLOMBING CODE, WITH GEORGIA AMENDMENTS.
5. 2018 INTERNATIONAL MECHANICAL CODE, WITH GEORGIA AMENDMENTS.
6. 2018 INTERNATIONAL FUEL GAS CODE, WITH GEORGIA AMENDMENTS.
7. 2018 INTERNATIONAL PUEL GAS CODE, WITH GEORGIA AMENDMENTS.
8. 2020 NATIONAL ELECTRICAL CODE, WITH GEORGIA AMENDMENTS.
9. 2015 INTERNATIONAL ENERGY CONSERVATION CODE w/GA AMENDMENTS.
10. NFPA 101 LIFE SAFETY CODE AND T.P.I. SPECIFICATIONE FOR THE DESIGN, MANUFACTURE AND HANDLING OF WOOD TRUSSES.

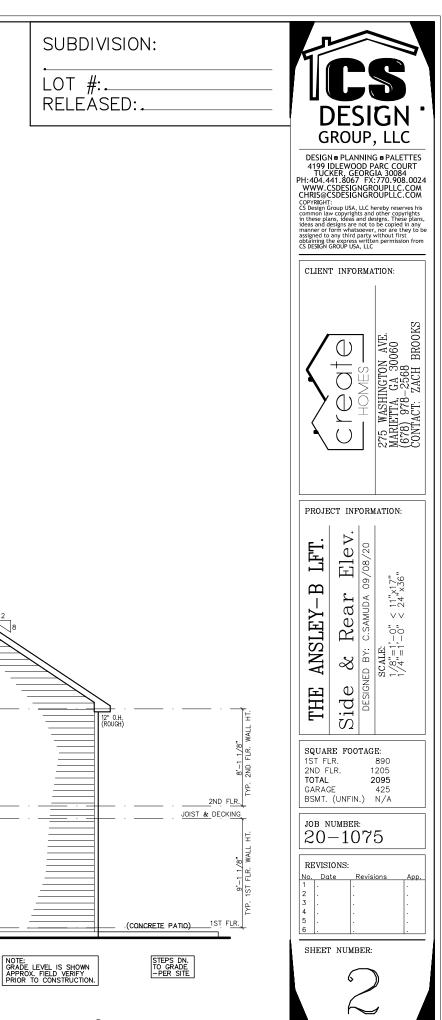
GOVERNING CODES & STANDARDS

DESIGN CRITERIA ROOF LIVE LOAD: 20 PSF. FLOOR LIVE LOAD: 40 PSF. (INCLUDES DECKS, PATIOS, AND PORCHES) BASIC WIND VELOCITY: 90 MPH SEISMIC DESIGN CATEGORY: B BEARING WALLS WITH LIGHT FRAME WALLS AND WOOD STRUCTURAL PANELS. VEW HOME SITE ADDRESS:

BROOKS

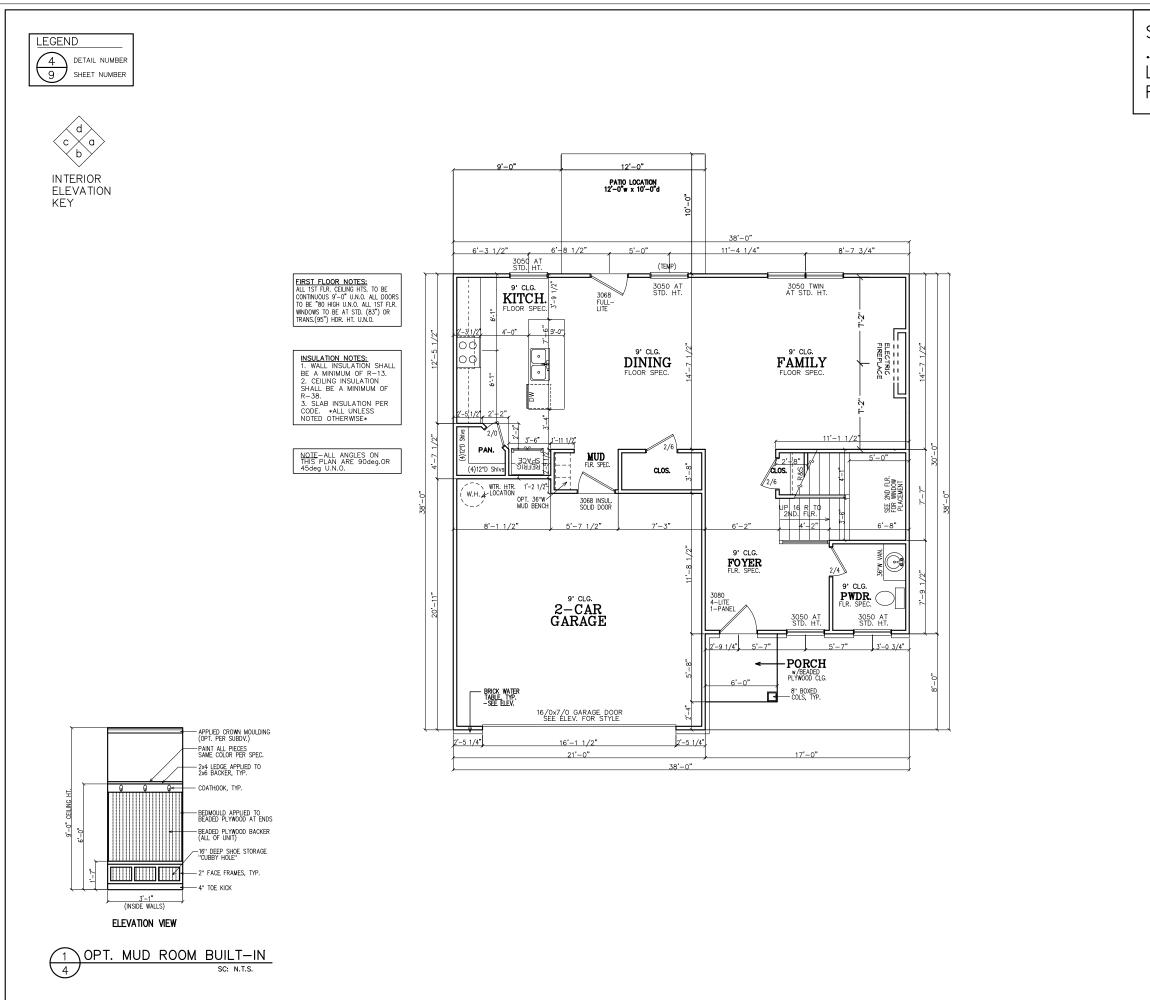






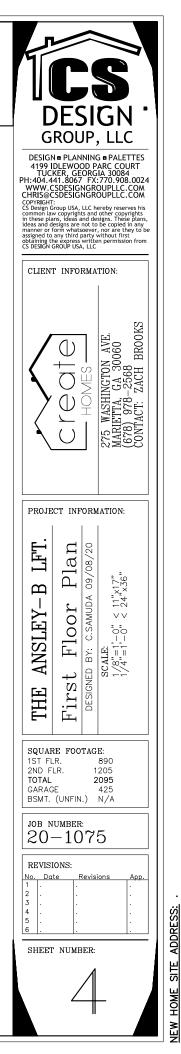
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NEW HOME SITE ADDRESS:

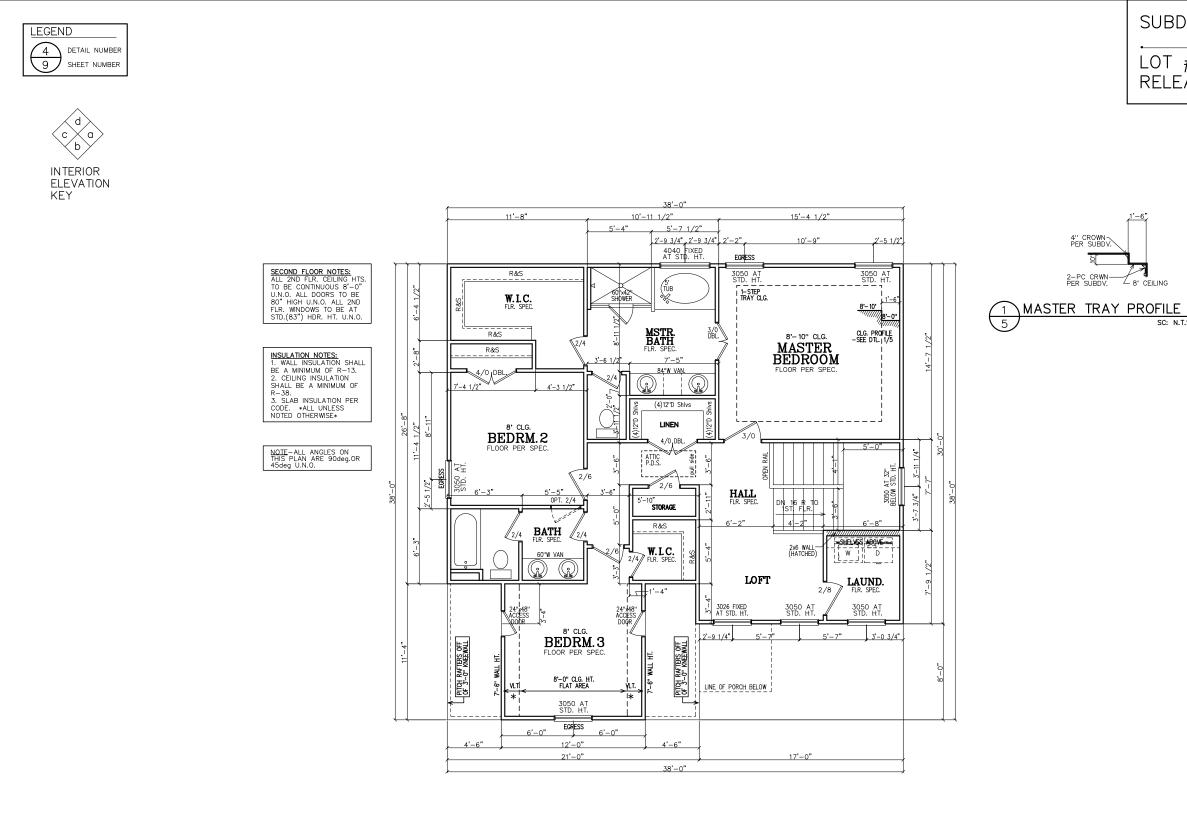


### SUBDIVISION:

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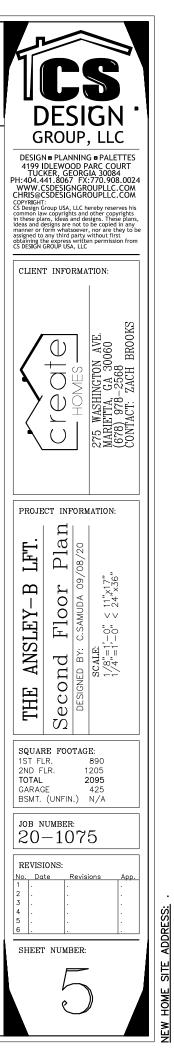
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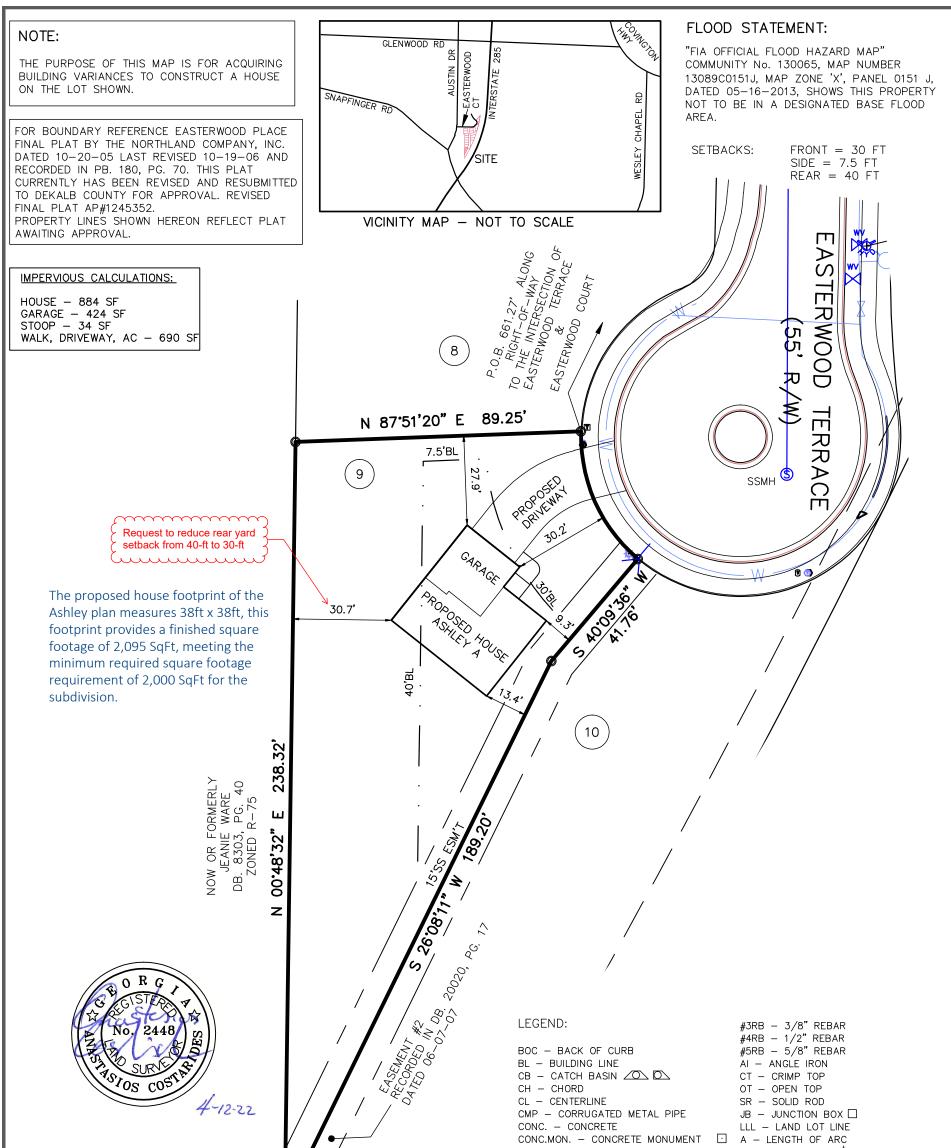
## SUBDIVISION:

#### LOT #:. RELEÄSED:.

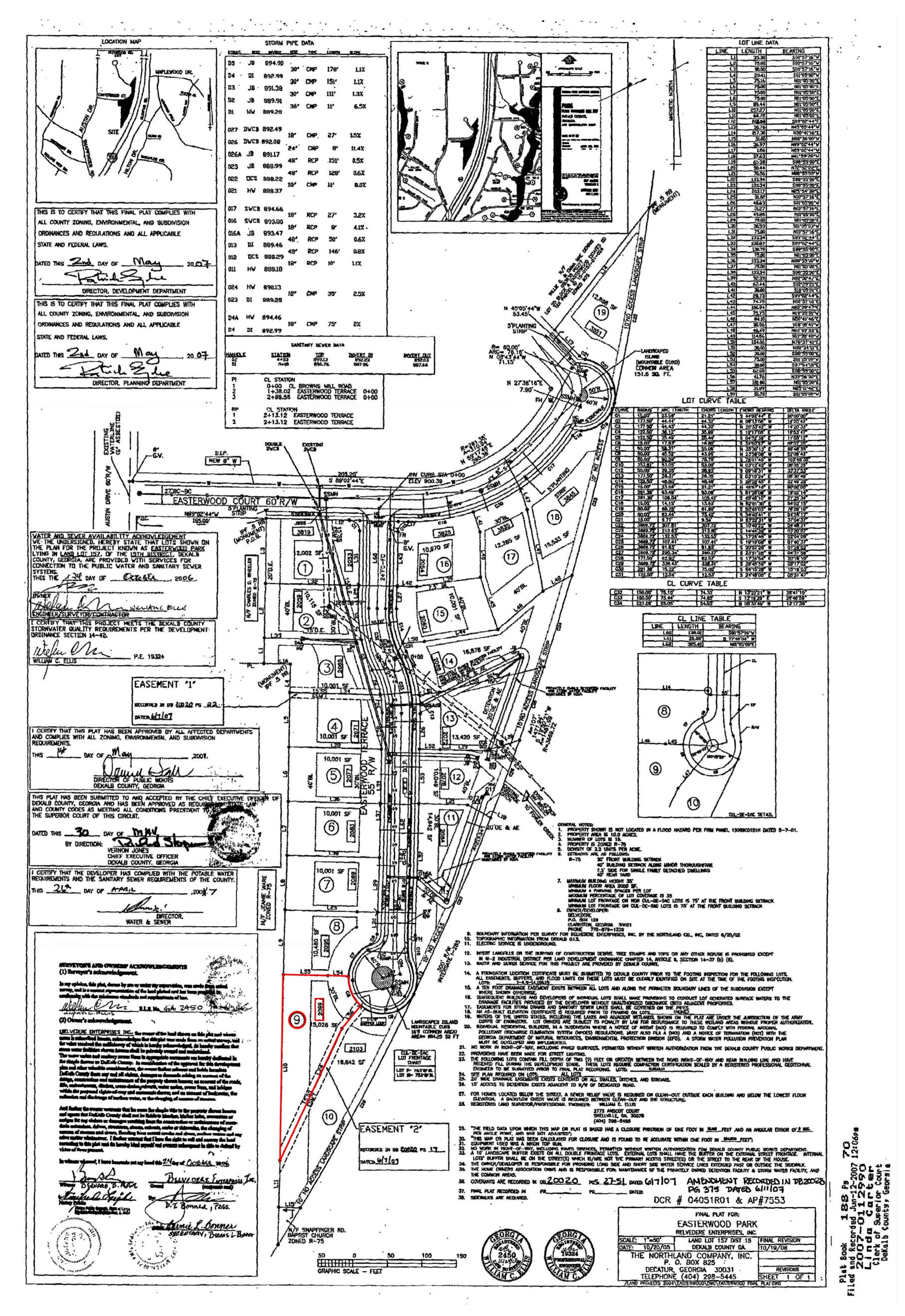
SC: N.T.S.



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GRAPHIC SCALE 0' 15' 30' 60' (IN FEET) 1" = 30'	DE – DRAINAGE EA DS – DOWNSPOUT DI – DROP INLET I EOP – EDGE OF P EX – EXISTING FH – FIRE HYDRAN FLOW LINES GM – GAS METER GV – GAS VALVE GW – GUY WIRE ( HW – HEADWALL HD – HOUSE DRAII IPF – IRON PIN FO	Image: Noise of the second
TASO & ASSOCIATES, LLC LAND SURVEYORS		VARIANCE MAP FOR: LOT: 9 BLOCK: PHASE: UNIT: SUBDIVISION: EASTERWOOD PLACE
3330 Cobb Parkway Suite 324 – PMB 355 Acworth, Georgia 30101 678–581–0102 tasosurvey@yahoo.com	ADDRESS: 2099 EASTERWOOD TERRACE	LAND LOT: 157 DISTRICT: 15th SECTION: DEKALB COUNTY, GEORGIA SCALE: 1" = 30' DATE: 03-20-2022 REVISED: JOB NO. 20-0059 LOT 09 VA





	2099	Easterv	vood	Terra	ace
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THE		Date Pri	inted: 5/24/2	2022	n

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