



Michael L. Thurmond

Chief Executive Officer

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



Cedric Hudson

Interim Director

Planning Department Staff Analysis

N1. Case No: A-24-246948

Parcel ID(s): 18 105 05 011

Commission District 02 Super District 06

Applicant: **Wright Gardner**
154 Krog Street NE, Suite 125
Atlanta, GA, 30307

Owner: **Leslie H. Crawford**
1678 Mason Mill Road
Atlanta, GA 30329

Project Name: 1678 Mason Mill Road – Accessory Dwelling

Location: 1678 Mason Mill Road, Atlanta, GA 30329

Request: Variance from Section 27-4.2.2 of the DeKalb County Zoning Ordinance to reduce the rear yard setback for an accessory structure from 10' to 3.6' to construct an accessory dwelling unit within the footprint of an existing garage structure for a legal non-conforming building within the R-85 (Residential Medium Lot) zoning district.

Staff Recommendation: Approval with condition.

Condition: 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.

STAFF FINDINGS:

Section 27-4.2.2 states accessory dwelling structures shall meet the minimum side yard setback for the district or ten (10) feet, whichever is less, and shall not be located closer than ten (10) feet to a rear lot line in any district. The existing structure encroaches into the rear yard setback by 6.4 feet. The applicant has requested a reduction to the southwest rear yard setback from 10 feet to 3.6 feet to convert an existing structure to an accessory dwelling unit.

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 property does not possess extraordinary or exceptional physical conditions necessitating a setback reduction. The existing structure, while legally non-conforming, does not present unique challenges beyond what is typically encountered in the R-85 zoning district.

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 proposed reduction in setback from 10' to 3.6' may be deemed necessary relief to accommodate the construction of an accessory dwelling within the existing footprint. This reduction may present a balanced approach that allows for the reasonable use of the property without causing undue hardship.

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:

There are no anticipated adverse impacts if the requested variance is granted. The proposed addition maintains the overall integrity and character of the neighborhood.

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

The applicant has demonstrated that strict adherence to the setback requirement may cause undue and unnecessary hardship. The existing structure can still be utilized without the requested setback reduction, but the reduction allows for a more efficient and practical use of the property.

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

The variance request aligns with the spirit and purpose of the DeKalb County Comprehensive Plan, which promotes responsible development while accommodating the needs of property owners within residential neighborhoods.

FINAL STAFF ANALYSIS:

The application meets the criteria for a setback variance as outlined in the DeKalb County Zoning Ordinance Section 27.4.2.2. The proposed reduction in setback is justified by the intent to utilize the existing structure for an accessory dwelling addition. Approval of the variance request to reduce the setback from 10' to 3.6'. The proposed conversion of the existing garage into an accessory dwelling within the existing footprint justifies the requested reduction in setback.

Chief Executive Officer
Michael Thurmond

DEPARTMENT OF PLANNING & SUSTAINABILITY

Interim Director
Cedric Hudson

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

Applicant and/or
Authorized Representative: Wright Gardner (per attached notarized affidavit by owner)
Mailing Address: 154 Krog Street NE, Suite 125
City/State/Zip Code: Atlanta, GA 30307
Email: wright@wrightgardnerarchitect.com
Telephone Home: 404-218-8460 Business: _____

OWNER OF RECORD OF SUBJECT PROPERTY

Owner: Leslie H. Crawford
Address (Mailing): 1678 Mason Mill Road, Atlanta, GA 30329
Email: _____ Telephone Home: _____ Business: _____

ADDRESS/LOCATION OF SUBJECT PROPERTY

Address: 1678 Mason Mill Road City: Atlanta State: GA Zip: 30329
District(s): 18 Land Lot(s): 105 Block: _____ Parcel: 1810505017
Zoning Classification: _____ Commission District & Super District: _____

CHECK 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.

Email plansustain@dekalbcountyga.gov with any questions.

DEPARTMENT OF PLANNING & SUSTAINABILITY

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: March 21, 2024 Applicant Signature: Leslie H Crawford

DATE: _____ Applicant Signature: _____

DEPARTMENT OF PLANNING & SUSTAINABILITY

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.

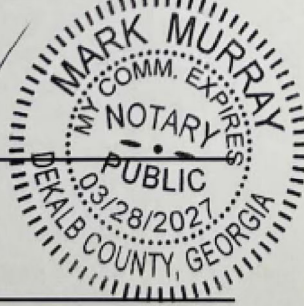
I hereby certify that I am the owner of the property and that I authorize the applicant/agent to apply for a hearing to the Zoning Board of Appeals for the requests as shown in this application.

DATE: March 21, 2024 Applicant/Agent Wright Gardner
Signature: _____

TO WHOM IT MAY CONCERN: Leslie H. Crawford

(I)/ (WE): _____
(Name of Owners)

being (owner/owners) of the property described below or attached hereby delegate authority to the above signed agent/applicant.

<u>Mark Murray</u> Notary Public		<u>Leslie H. Crawford</u> Owner Signature
_____ Notary Public		_____ Owner Signature
_____ Notary Public		_____ Owner Signature



1678 Mason Mill Road, Letter of Intent

Permit Review Comments and Answers

Mar 21, 2024

To Whom it may concern:

Zoning: R-85

The existing house at 1678 Mason Mill Road has an existing garage in the backyard that is located in the rear yard setback at 3.6' from the rear property line (see survey). The garage is in disrepair. The Owner proposes to build a new Accessory Dwelling location and exact footprint as the existing garage. There will be no changes to the existing footprint, though foundations and other items may need to be improved depending on further investigation by the structural engineer. There will also likely be paths or other on grade impervious improvements to access the structure, but none of these proposed improvements would be in contradiction to the zoning ordinance.

R-85 allows for an Accessory Dwelling to be built on the property per use table 4.1 in the Dekalb Zoning ordinance. The proposed dwelling will conform in all aspects of the Dekalb Zoning Ordinance with the exception of 4.2.2.C.2 and 4.2.2.C.3 that disallows Accessory Structures to be built inside of the rear yard setback or within 10' of the rear property line. It is unclear if this applies to the Accessory Dwelling location as opposed to the requirements of an Accessory Structure.

As such, the Owner would like to request a zoning variance to reduce the mandated 40' rear yard setback from 40' (as indicated in table 2.2) to 3.6' for the exclusive purpose of constructing an Accessory Dwelling that conforms with all other zoning conditions in the same footprint as the existing Garage on the property. Allowing the variance will allow for minimal site and existing tree canopy disturbance on the site.

Sincerely,

Wright Gardner
Wright Gardner Architect, LLC

The field data upon which this plat is based has a closure precision of one foot in 15,000 feet and an angular error of 03" seconds per angle point and was adjusted using the Compass Rule. This plat has been calculated for closure and is found to be accurate within one foot in 100,000 feet.

Equipment used: Topcon GTS-213 Total Station.

FLOOD HAZARD STATEMENT

THIS PROPERTY IS NOT IN A FLOOD HAZARD AREA AS PER THE FIRM FLOOD HAZARD MAP OF DEKALB COUNTY, GEORGIA, COMMUNITY PANEL NUMBER 13089C 0062K, DATED 08/15/19

ZONING INFORMATION

CLASSIFICATION: R-85
 MINIMUM LOT WIDTH - 85 FEET
 MINIMUM LOT AREA - 12,000 sf.
 SETBACKS: FRONT - 35 FEET
 SIDE - 8.5 FEET
 REAR - 40 FEET
 MAXIMUM LOT COVERAGE - 35%
 MINIMUM FLOOR AREA - 2000 sf.
 MAXIMUM BUILDING HEIGHT - 35 FEET

TOTAL AREA:

61,466 sf.
 1.411 ACRES
 #1668 MASON MILL RD
 24,255 sf.
 0.557 ACRES
 #1678 MASON MILL RD
 37,211 sf.
 0.854 ACRES



LOCATION OF THE PROPOSED ACCESSORY DWELLING UNIT IN THE SAME LOCATION /FOOTPRINT AS THE EXISTING GARAGE

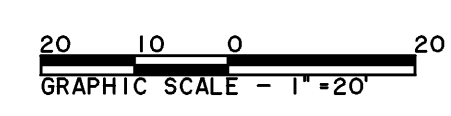
- LEGEND**
- 1/2" REBAR FOUND
 - 1/2" REBAR PIN SET
 - LL = LAND LOT
 - P.L. = PROPERTY LINE
 - CL = CENTERLINE
 - B.L. = BUILDING LINE
 - R/W = RIGHT-OF-WAY
 - S.S.E. = SANITARY SEWER EASEMENT
 - D.E. = DRAINAGE EASEMENT
 - MH = MANHOLE
 - C.B. = CATCH BASIN
 - J.B. = JUNCTION BOX
 - HW = HEADWALL
 - D.I. = DROP INLET
 - PP = POWER/UTILITY POLE
 - F.H. = FIRE HYDRANT
 - I.E. = INVERT ELEVATION
 - F.F.E. = FINISHED FLOOR ELEVATION
 - F.F.B. = FINISHED FLOOR BASEMENT
 - F.F.G. = FINISHED FLOOR GARAGE
 - BOC = BACK OF CURB
 - EP = EDGE OF PAVEMENT
 - N/F = NOW OR FORMERLY
 - P.O.B. = POINT OF BEGINNING
 - SS = SANITARY SEWER LINE/PIPE
 - X-X-X = FENCE LINE
 - - - = FLOOD HAZARD ZONE LINE
 - S--- = STORM SEWER LINE/PIPE
 - W--- = WATER LINE
 - G- = GAS LINE
 - CM = CONCRETE MONUMENT
 - C.E. = CONSTRUCTION EASEMENT
 - C&G = CURB AND GUTTER
 - LS = LIGHT STANDARD
 - OTF = OPEN TOP PIPE FOUND
 - CTP = CRIMP TOP PIPE FOUND

AS REQUIRED BY SUBSECTION (d) OF O.C.G.A. SECTION 15-6-67, THIS PLAT HAS BEEN PREPARED BY A LAND SURVEYOR AND APPROVED BY ALL APPLICABLE LOCAL JURISDICTIONS FOR RECORDING AS EVIDENCED BY APPROVAL CERTIFICATES, SIGNATURES, STAMPS, OR STATEMENTS HEREON. SUCH APPROVALS OR AFFIRMATIONS SHOULD BE CONFIRMED WITH THE APPROPRIATE GOVERNMENTAL BODIES BY ANY PURCHASER OR USER OF THIS PLAT AS TO INTENDED USE OF ANY PARCEL. FURTHERMORE, THE UNDERSIGNED LAND SURVEYOR CERTIFIES THAT THIS PLAT COMPLIES WITH THE MINIMUM TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN THE RULES AND REGULATIONS OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN O.C.G.A. SECTION 15-6-67.

ROBERT W. RICHARDSON, GA RLS #3419

02/15/22

DATE



ALPHA LAND SERVICES P.O. BOX 1651 LOGANVILLE, GA 30052 ENGINEERING & LAND SURVEYING OFF: 770.696.4054 EMAIL: ROBERT@ALPHALANDSURVEYOR.COM		SURVEY FOR: 1668 & 1678 MASON MILL ROAD TAX PARCEL: 1668 - 18 105 05 017 1678 - 18 105 05 011	
REVISION:	LAND LOT: 105	LOT: BLOCK:	
	DISTRICT: 18TH	SUB: SUB:	
	DEKALB COUNTY		
	GEORGIA		
REF. PLAT: PB. _____ P. _____	FIELD DATE: 02/03/22	AREA = 1.411 ACRES	
	PLAT DATE: 02/15/22	JOB No. 22-01-010	