



Michael L. Thurmond  
Chief Executive Officer

**DeKalb County Zoning Board of Appeals**  
Department of Planning & Sustainability  
330 Ponce De Leon Avenue, Suite 300  
Decatur, GA 30030



**Wednesday, August 8, 2018 at 12:00 AM**

**Planning Department Staff Analysis**

**N.1 Case No: A-18-1235149 Parcel ID(s): 15-153-01-085**

**Commission District: 03 Super District 07**

**Applicant:** ANDY BURTON  
3700 DEKALB TECH PKWY  
ATLANTA GA 30340

**Owner:** DANIEL HENRY  
1994 YUCCA DR  
DECATUR GA 30032

**Project Name:** 1994 YUCCA DRIVE

**Location:** The property is located on the north side of Yucca Drive, about 150 feet east of Nichols Lane at 1994 Yucca Drive

**REQUEST:** Variance request from Section 27-5.2.1.C. of the Dekalb County Zoning Ordinance to build a sunroom in the front of the house, relating to the R-75 zoning district.

**Staff Recommendation:** "DENIAL"

**STAFF FINDINGS:**

**Table 1: Surround Zoning and Land Use**

|             | <b>Adjacent Zoning</b> | <b>Adjacent Land Use</b>     |
|-------------|------------------------|------------------------------|
| North       | R-75                   | Detached single family homes |
| East        | R-75                   | Detached single family homes |
| South       | R-75                   | Detached single family homes |
| West        | R-75                   | Detached single family homes |
| Northeast   | R-75                   | Detached single family homes |
| Northwest   | R-75                   | Detached single family homes |
| Southeast   | R-75                   | Detached single family homes |
| Southwest   | R-75                   | Detached single family homes |
| Street Type |                        | Local Street                 |

Site Location: The subject property is located on the north side of Yucca Drive, about 150 feet east of Nichols Lane at 1994 Yucca Drive. The site and neighborhood are zoned R-75 and are developed with detached single family homes. Yucca Drive is classified as a local street.

Variance request: The applicant is requesting a variance from Section 27-5.2.1.C. of the DeKalb County Zoning Ordinance to reduce the average front yard setback from 48.9 feet to 34.2 feet to build a sunroom in the front of the house. The applicant submitted some of the following comments: "We are requesting a variance to encroach 15 feet into the front setback in order to construct a sunroom on the front of the home. Mr. Henry would like to be able to enjoy use of his property all year round and a sunroom would allow him that benefit".

Variance Analysis: Based on the submitted survey, the site has 75 feet of frontage along Yucca Drive and totals 11,250 square feet. The R-75 zoning district requires 75 feet of frontage along a public street and a minimum lot area of 10,000 square feet. The site appears to comply with these standards.

Based on the submitted site plan, the house appears to be setback 48.2 feet from the front property line and about 46 feet from the back property line. The survey indicates that there is a paved area adjacent to the east side of the house. The survey and a site visit indicate that a covered patio and an enclosed storage area occupy this paved area. It cannot be determined why the home cannot be extended over the existing patio, within the allowed setbacks of the zoning code. Based on the submitted materials and a site visit it appears that the requested variance does not comply with the criteria for approval, based on the following findings:

**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:**

Based on the submitted materials, it appears that the strict application of the requirements of this chapter would not deprive the property owner of rights and privileges enjoyed by other property owners in the same zoning district since the property complies with the minimum standards of the R-75 zoning district and the lot appears relatively flat.

**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 goes beyond the minimum necessary to afford relief since there appears to be space on the paved patio to build a sunroom. It appears that the request would constitute a grant of special privilege inconsistent with the limitations upon other properties in the zoning district in which the subject property is located since the adjacent homes are setback 48 and 49 feet from their front property lines.

**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 would 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 since it would not be consistent with the character of the neighborhood and would encroach into the root zones of established trees in the front yard.

**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 literal interpretation and strict application of the applicable provisions or requirements of this chapter would not cause an undue and unnecessary hardship since it appears that a smaller sunroom can be constructed on the site which complies with setbacks.

**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 would not be consistent with the spirit and purpose of this chapter and the DeKalb County Comprehensive Plan text.

**FINAL STAFF ANALYSIS:**

Based on the submitted materials, it appears that the requested variance goes beyond the minimum to provide relief since there appears to be space on the site to expand the home over an already paved area that lies within the required setbacks. The addition would not be in keeping with the character of the neighborhood and would encroach on the root zones of established trees within the front yard. Therefore, the Department of Planning and Sustainability recommends that the application be "denied".

**STAFF RECOMMENDATION: "DENIAL"**