



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, September 12, 2018 at 1:00 PM

Planning Department Staff Analysis

N.1 Case No: A-18-1235149 Parcel ID(s): 18-208-03-038

Commission District: 01 Super District 07

Applicant: Jennifer VanDeventer/Metro Atlanta Permits
3094 Brook Drive
Decatur, GA 30033

Owner: Curtis Strawn/ Lake Flip HVAC Services, LLC
3620 Beaver Cove Road
Cumming, GA 30041

Project Name: 3140 Payton Road

Location: The property is located on northwest corner of Briarcliff Road and Payton Road at 3140 Payton Road.

REQUEST: Variance request from Section 27-2.2.1. of the DeKalb County Zoning Ordinance to reduce the front yard setback from 40-feet to 25-feet fronting a minor arterial road, front yard setback from 35-feet to 25-feet fronting a collector street, and the side yard setback from 10-feet to 9.1-feet all on a corner lot, relating to the R-100 zoning district.

Staff Recommendation: "Deferral" pending additional information regarding creation of lot

STAFF FINDINGS:

Table 1: Surround Zoning and Land Use

	Adjacent Zoning	Adjacent Land Use
North	R-100 & R-75	Detached single family homes
East	R-100	Detached single family homes
South	R-100	Detached single family homes
West	R-60	Detached single family homes
Northeast	R-60	Detached single family homes
Northwest	R-100	Detached single family homes
Southeast	R-100	Detached single family homes
Southwest	R-100	Detached single family homes
Street Type	Local Street & Minor Arterial	

Site Location: The property is located on northwest corner of Briarcliff Road and Payton Road at 3140 Payton Road. The site and neighborhood are zoned R-100 and is currently developed. The property fronts Payton Road and Briarcliff Road. Payton Road is classified as a local street and Briarcliff Road is classified as a minor arterial street.

Variance request: The applicant is requesting a variance from Section 27-2.2.1. of the DeKalb County Zoning Ordinance to reduce the front yard setback from 40-feet to 25-feet fronting a minor arterial road (a 15-foot reduction from the required 40-foot front yard setback), front yard setback from 35-feet to 25-feet fronting a collector street (a 10-foot reduction from the required 35-foot front yard setback), and the side yard setback from 10-feet to 9.1-feet (an 1-foot reduction from the required side yard setback) all on a corner lot. The applicant is proposing to construct a 3-story home with a drive under garage. He is requesting only for the minimal reductions that would allow for a home comparable to surrounding structures to be built.

Variance Analysis: Based on the submitted survey, the site has 225- feet of frontage along Payton Road and 220-feet along Briarcliff Road. The total lot area is 10,880 square feet (0.250 acres). The R-100 zoning district requires 100 feet of frontage along a public street and a minimum lot area of 15,000 square feet.

Based on the submitted site plan, the proposed 3-story house will be 25-feet the from property line fronting Payton Road and 25-feet fronting Briarcliff Road. The square footage of the proposed 3-story house will be 920 square feet which does not meet the 2,000 square feet minimum requirement, per the R-100 zoning district. The proposed overall buildable lot coverage will be 13.32% which consists of 920 square feet for the house, 445 square feet for the driveway, and 84 square feet for the stair and walkway. The applicant is also proposing to only access the property from Payton Road and not Briarcliff Road. Based on the submitted materials and available tax and plat records, the status on the lot as legal non-conforming has not been sufficiently documented. More research is required.

FINAL STAFF ANALYSIS:

Based on the submitted materials, the status of the lot as legal non-conforming could not be sufficiently documented. More research is required before staff can provide a recommended determination. Therefore, the Department of Planning and Sustainability recommends that the application be "Deferred".

STAFF RECOMMENDATION: "Deferral" pending additional information regarding creation of lot