



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



Michael L. Thurmond
Chief Executive Officer

Wednesday, December 12, 2018 at 1:00 PM

Planning Department Staff Analysis

N.2 Case No: A-18-1242966 Parcel ID(s): 18-113-09-001

Commission District: 02 Super District 06

Applicant: Nan E. Payne
1818 Windemere Drive, Northeast
Atlanta, Georgia 30324

Owner: William Buford Richardson Living Trust/Anne Richardson Hodges
1499 Sylvan Circle
Brookhaven, Georgia 30319

Project Name: 1261 Oak Grove Drive

Location: The property is at the southeast corner of Oak Grove Drive and Heather Drive, at 1261 Oak Grove Drive, Decatur, Georgia.

REQUEST: Variance from Section 27-2.2.1 of the DeKalb County Zoning Ordinance to reduce the front side corner setback from 35 feet to 15.8 feet for a proposed two story residential structure, relating to the R-100 zoning district and the Leafmore Creek Park Hills Overlay district.

Staff Recommendation: **“APPROVAL” based on the submitted site plan received on November 7, 2018 and condition that all requirements as satisfied per the Leafmore Creek Park Hills Overlay district**

STAFF FINDINGS:

Table 1: Surround Zoning and Land Use

	Adjacent Zoning	Adjacent Land Use
North	R-100	Detached single family homes
East	R-100	Detached single family homes
South	R-100	Detached single family homes
West	R-100	Detached single family homes
Northeast	R-100	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

Site Location: The property is at the southeast corner of Oak Grove Drive and Heather Drive, at 1261 Oak Grove Drive, Decatur, Georgia. The site is zoned R-100 and is situated in the Leafmore Creek Park Hills Overlay district. The site currently developed. The property is on a corner lot and fronts Oak Grove Drive and Heather Drive, which are both classified as a local street.

Variance request: The applicant is requesting a variance request from Section 27-2.2.1 of the DeKalb County Zoning Ordinance to reduce the side corner setback from 35 feet to 15.8 feet for a proposed two story residence structure, relating to the R-100 zoning district and the Leafmore Creek Park Hills Overlay district.

Variance Analysis: Based on the submitted survey, the site has 89.80-feet of street frontage along Oak Grove Drive and 159.63 along Heather Drive. The total lot area is 14,365.50 square feet. The R-10 zoning district requires 100-feet of frontage along a public street and a minimum lot area of 15,000 square feet which does not meet the requirements but appears to be legal non-conforming.

Based on the submitted site plan, the existing house was built in 1955. The exiting condition of the subject property consists of a one-story single-family residential structure that has suffered extensive fire damage. This structure will be demolished to allow for a new single residential home. Base on the submitted materials and site visit it appears that the requested variances do 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 deprive the property owner of rights and privileges enjoyed by other property owners in the same zoning district since the subject lot is legal non-conforming which created design constraints on the 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:

Based on the submitted materials, it appears that 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 since most homes along Oak Grove Drive and Heather Drive are legal non-conforming.

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, 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.

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 cause an undue and unnecessary hardship due to the uniqueness of the existing structure which created design constraints on the property.

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 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 literal interpretation and strict application of the applicable provisions or requirements of this chapter would cause an undue and unnecessary hardship due to the uniqueness of the existing structure which created design constraints on the property. Therefore, the Department of Planning and Sustainability recommends that the application be "Approved".

STAFF RECOMMENDATION: "APPROVAL" based on the submitted site plan received on November 7, 2018 and condition that all requirements as satisfied per the Leafmore Creek Park Hills Overlay district