



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, December 12, 2018 at 1:00 PM**

**Planning Department Staff Analysis**

**N.4 Case No: A-18-1242973 Parcel ID(s): 18-205-12-013**

**Commission District: 02 Super District 06**

**Applicant:** Home Team Trust CACG Inc. C/O Kyle Drake  
3185 River Simmit Trail  
Duluth, Georgia

**Owner:** Same as above

**Project Name:** 2163 Oakawana Road

**Location:** The property is located on the eastside of Oakawana Road, approximately 200 feet west of Briarwillow Drive, at 2163 Oakawana Road.

**REQUEST:** Variance from Section 27-2.2.1 of the DeKalb County Zoning Ordinance to reduce the side yard setback from 10 feet to 4.9 feet for a proposed enclosed carport, relating to the R-100 zoning district and the Meadowcliff Subdivision Overlay District.

**Staff Recommendation:** **“APPROVAL” based on the submitted site plan received on November 8, 2018 with condition that all requirements of the Meadowcliff Subdivision Overlay District are satisfied.**

**STAFF FINDINGS:**

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

	<b>Adjacent Zoning</b>	<b>Adjacent Land Use</b>
North	R-100 & Meadowcliff Subdivision Overlay District	Detached single family homes
East	R-100	Detached single family homes
South	R-100 & Meadowcliff Subdivision Overlay District	Detached single family homes
West	R-100 & Meadowcliff Subdivision Overlay District	Detached single family homes
Northeast	R-100	Detached single family homes
Northwest	R-100 & Meadowcliff Subdivision Overlay District	Detached single family homes
Southeast	R-100	Detached single family homes
Southwest	R-100 & Meadowcliff Subdivision Overlay District	Detached single family homes
Street Type	Local Street	

Site Location: The property is located on the eastside of Oakawana Road, approximately 200 feet west of Briarwillow Drive, at 2163 Oakawana Road. The site is zoned R-100 and is located in the currently Meadowcliff Subdivision Overlay District. The site is currently developed. The property Oakawana Road and is 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 yard setback from 10 feet to 4.9 feet for a proposed enclosed carport, relating to the R-100 zoning district and the Meadowcliff Subdivision Overlay District.

Variance Analysis: Based on the submitted survey, the site has 97.90-feet of street frontage along Oakawana Road. The total lot area is 11,959 square feet. The R-100 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 minimum requirements and appears to be legal non-conforming.

Based on the submitted site plan, the applicant would like to enclose the existing covered carport to make it an enclosed garage with garage door for security purposes. The house was built in 1958. The existing carport sites within the side yard setback. The applicant is proposing not to expand the size of the footprint, but would simply enclose the carport with walls between the existing support columns.

Base on the submitted materials and site visit, it appears due to the severe restrictions and limited buildable area, the applicant requests pose a hardship, and therefore meets 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 lot along Oakanawa Road are legal non-conforming and has enclosed carports built within the side yard setback.

**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.

**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 since the existing carport sites within the side yard setback would create design constraints.

**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 since the existing carport sites within the side yard setback would create design constraints. 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 8, 2018 with condition that all requirements of the Meadowcliff Subdivision Overlay District are satisfied.**