



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

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**N.4 Case No: A-18-1235130 Parcel ID(s): 15-215-03-065**

**Commission District: 03 Super District 06**

**Applicant:** Gerard and Mindy Carty  
1293 Fenway Circle  
Decatur, GA 30030

**Owner:** Gerard and Mindy Carty  
1293 Fenway Circle  
Decatur, GA 30030

**Project Name:** 1293 Fenway Circle

**Location:** The property is bounded between Midway Road and Fenway Circle at 1293 Fenway Circle.

**REQUEST:** Variance request from Section 27-4.2.2 of the DeKalb County Zoning Ordinance for the location of a proposed 2-story garage to be located on the front of the existing residential structure, relating to the R-75 zoning district.

**Staff Recommendation:** **“APPROVAL” based on the submitted site plan received on July 27, 2018**

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## **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 property is bounded between Midway Road and Fenway Circle at 1293 Fenway Circle. The site is zoned R-75 and is currently developed. The property is a “flag lot” with a narrow gravel driveway accessing Fenway Circle and is classified as a local street.

Variance request: The applicant is requesting a variance request from Section 27-4.2.2 of the DeKalb County Zoning Ordinance for the location a proposed 2-story garage to be located on the front of the existing resident structure, relating to the R-75 zoning district.

Variance Analysis: Based on the submitted survey, the site has of 11- feet of frontage along Fenway. The total lot area is 24,610 square feet. The R-75 zoning district requires 15 feet of frontage along a public street and a minimum lot area of 10,000 square feet which meets the does not meet the requirements but appears to be a flag lot and legal non-conforming.

Based on the submitted site plan and materials, the existing house sits back approximately 260-feet from the front of the subject property. The front façade of the existing house faces the eastern portion of property. The proposed 2-story garage will sit approximately 12-feet in the front of the house was will not be visible from the street. Based on the submitted materials and a site visit it appears that the requested variance does 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 front of house was oriented to the side of 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 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 home along Fenway Circle 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 since the proposed 2-story garage will not be visible from the street.

**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 lot size 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 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 literal interpretation and strict application of the applicable provisions or requirements of this chapter would cause an undue and unnecessary hardship due its' legal non-conformity and uniqueness of the lot size which created design constraints on the property. Therefore, the Department of Planning and Sustainability recommends that the application be "Approve".

**STAFF RECOMMENDATION: "APPROVAL" based on the submitted site plan received on July 27, 2018"**