



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, September 12, 2018 at 1:00 PM

Planning Department Staff Analysis

N.5 Case No: A-18-1235132 Parcel ID(s): 16-016-05-005

Commission District: 05 Super District 07

Applicant: Robert W. Markham Jr. & Patricia A. Markham
4562 River Vista Road
Ellenwood, GA 30294

Owner: Robert W. Markham Jr. & Patricia A. Markham
4562 River Vista Road
Ellenwood, GA 30294

Project Name: 4562 River Vista Road

Location: The property is located on the north side of River Vista Road, approximately 215-feet west of Park Place Circle at 4562 River Vista Road.

REQUEST: Variance request from Section 27-2.2.1 of the DeKalb County Zoning Ordinance to reduce the rear yard setback from 40-feet to 30-feet and side yard setback from 10-feet to 8-feet for a proposed sunroom, relating to the R-100 zoning district.

Staff Recommendation: "APPROVAL" based on the submitted site plan received on August 2, 2018

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 located on the north side of River Vista Road, approximately 215-feet west of Park Place Circle at 4562 River Vista Road. The property fronts River Vista 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 rear yard setback from 40-feet to 30-feet and side yard setback from 10-feet to 8-feet for a proposed sunroom, relating to the R-100 zoning district.

Variance Analysis: Based on the submitted survey, the site has 116- feet of frontage along River Vista Road. The total lot area is 15,291.60- 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 meets requirements.

Based on the submitted site plan and materials, the existing house sits back approximately 35-feet from the front boundary line, 10-feet from the side boundary line, and 40-feet from the rear boundary line. The applicant is proposing to enclose the existing 16'X16' wooden deck (which currently encroaches into the rear and side yard setback) for a proposed sunroom. 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 due to the existing topography, the orientation of the existing house and wooden deck, and the odd shape of the lot which is located on a cul de sac.

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 the existing 16" X 16' wooden deck, currently encroaches into the rear and side yard setback. .

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 scale of the improvement does not create a visible impact in relation to the rest of the site given the rest of the side yard setback which exceeds the minimum yard up to 18-feet at its' widest.

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 shape 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 to the uniqueness of the lot shape 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 August 2, 2018"