



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.8 Case No: A-18-1235148 Parcel ID(s): 18-146-16-004

Commission District: 02 Super District 07

Applicant: Geraldine S. Perry
3135 Windfield Circle
Tucker, GA 30084

Owner: Geraldine S. Perry
3135 Windfield Circle
Tucker, GA 30084

Project Name: 3135 Windfield Circle

Location: The property is located on the south side of Windfield Circle, about 471-feet west of Montreal Road at 3135 Windfield Circle.

REQUEST: Variance request from Section 27-4.2.2 of the DeKalb County Zoning Ordinance to reduce the rear yard setback from 40-feet to 32.7-feet for an attached accessory structure, relating to the R-75 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-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 located on the south side of Windfield Circle, about 471-feet west of Montreal Road at 3135 Windfield Circle. The property fronts Windfield 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 to reduce the rear yard setback from 40-feet to 32.7-feet for an attached accessory structure, relating to the R-75 zoning district.

Variance Analysis: Based on the submitted materials, the site has a 70-foot street frontage along Windfield Circle. The total lot area is 10,309-square feet. The R-75 zoning district requires 75-feet of frontage along a public street and a minimum lot area of 10,000 square feet which does not meet the requirements.

Based on the submitted site and material, the existing house sits back approximately 39.5-feet from the front boundary line, and approximately 40-feet from the rear boundary line. The applicant is requesting to reduce the rear yard setback from 40-feet to 32.7-feet to build a one story 20' X 14.5' enclosed sunroom addition in the western rear of the home. 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, by reason of exceptional narrowness, shallowness, or shape of a specific lot, or by reason of exceptional topographic and other site conditions, which were not created by the owner or applicant, 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 structure complies with average front yard setback, which creates encroachment for the rear when even modest improvements proposed in the rear. Also, the site has an irregular shape with structures oriented at an angle in relations to other lots. .

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 requested variances do not go beyond the minimum necessary to afford relief as the base footprint is not further expanding. Based on the submitted materials, it appears that the request does not constitute a grant of special privilege inconsistent with the limitations upon other properties in the zoning district since proposed sunroom will meet all other applicable setbacks.

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, it appears that granting the variances would not be materially detrimental to the public welfare or injurious to the property or improvements in the zoning district since the proposed sunroom is not 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 since the lot has an irregular shape.

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 property is legal non-conforming. 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