



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, November 13, 2019 at 2:00 PM**

**Planning Department Staff Analysis**

**D1 Case No: A-19-1243469 Parcel ID(s): 18-010-09-017**

**Commission District: 04 Super District 06**

**Applicant:** David Allen  
584 Martin Street  
Atlanta, Georgia 30315

**Owner:** Same as Applicant

**Project Name:** 353 Marigna Avenue

**Location:** The property is located on the east side of Marigna Avenue, approximately 100 feet north of Cedar Street, at 353 Marigna Avenue, Scottdale, Georgia 30079.

**REQUEST:** Variance from section 27-3.36.10.(5)(c)(1) of the Scottdale Overlay to increase the maximum allowed lot coverage from 35% to 45% for a proposed walkway.

**Staff Recommendation:** "Approval" of the requested variance of 45% lot coverage for construction of a walkway as shown on the submitted site plan received August 28, 2019.

**STAFF FINDINGS:**

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

	<b>Adjacent Zoning</b>	<b>Adjacent Land Use</b>
North	R-75 & The Scottdale Overlay District	Detached single family homes
East	R-75 & The Scottdale Overlay District	Detached single family homes
South	R-75 & The Scottdale Overlay District	Detached single family homes
West	R-75 & The Scottdale Overlay District	Detached single family homes
Northeast	R-75 & The Scottdale Overlay District	Detached single family homes
Northwest	R-75 & The Scottdale Overlay District	Detached single family homes
Southeast	R-75 & The Scottdale Overlay District	Detached single family homes
Southwest	R-75 & The Scottdale Overlay District	Detached single family homes
Street Type	Local Street	

**Site Location:** The property is located on the east side of Marigna Avenue, approximately 100 feet north of Cedar Street, at 353 Marigna Avenue, Scottdale, Georgia 30079. The site is zoned R-75 is within the Tier IV of Scottdale Overlay district, and which is surrounded by R-75 zoned properties to the north, east, south, and west. The subject property fronts Marigna Avenue is classified as a local street.

**Variance request:** The applicant is requesting a variance from section 27-3.36.10.(5)(c)(1) of the Scottdale Overlay district to increase the maximum allowed lot coverage from 35% to 45% for a proposed walkway.

**Variance Analysis:** Based on the submitted survey, the subject lot has approximately 50 feet of street frontage along Marigna Avenue and approximately 6,500 square feet of lot area. Tier IV of the Scottsdale Overlay district requires a minimum lot frontage of 50 feet and a minimum lot area of 6,000 square feet. This lot meets the minimum width and lot area requirements. In addition, the site lot also abuts a 10-foot alley right-of-way at the rear of the site.

Per on the County records, the applicant received a build permit on June 6, 2019 to build a two-story detached home, which is currently under construction. The building permit was approved at a 34% lot coverage. The applicant later decided to add a 104 square foot concrete walkway from the back of curb of the right-of-way fronting Marigna Ave to the front porch of the proposed two-story house, increasing the maximum allowed lot coverage from 35% to 45%. Based on the submitted letter of intent, the applicant would like to provide front access to the home through the front porch for the homeowner/guests, since parking in the alley is prohibited

Based on the submitted site plan, the footprint of the proposed two-story single family detached home, including the garage, is 2,281 square feet. The proposed rear paved driveway that abuts the alley will be 539.99 square feet. The proposed walkway will be use for foot traffic only.

Based on staff's site visit and submitted materials, the requested variance 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:**

Since parking in the alley is prohibited and the proposed rear driveway is solely use to access the rear garage 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. In addition, several of the lots along Marigna Avenue have some sort of front access to the homes.

**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 and site visit, the requested variance does not appear to go beyond the minimum necessary to afford relief since majority of the homes along Marigna Avenue have front access and this site was only granted rear access. The proposed walkway 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:**

Since the property is located on a steep slope, the proposed walkway will not cause any concerns regarding storm water run-off. Therefore, granting 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.

**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, there are several lots along Marigna Avenue that have some sort of front access to the homes and since parking in the alley is prohibited the strict application of the applicable provisions and requirements of this chapter would cause undue and unnecessary hardship for the applicant.

**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:**

Since the property is located on a steep slope, the proposed walkway will not cause any concerns regarding storm water run-off. Therefore, granting 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.

Based on the submitted materials, there are several lots along Marigna Avenue that have some sort of front access to the homes and since parking in the alley is prohibited the strict application of the applicable provisions and requirements of this chapter would cause undue and unnecessary hardship for the applicant. Therefore, the Department of Planning and Sustainability recommends that the application be “approved” based on the materials received on August 28, 2019.

**STAFF RECOMMENDATION: “Approval” of the requested variance of 45% lot coverage for construction of a walkway as shown on the submitted site plan received August 28, 2019.**