



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, February 12, 2020 at 1:00 PM

Planning Department Staff Analysis

D1 Case No: A-19-1243591 Parcel ID(s): 15-171-08-004

Commission District: 03 Super District 07

Applicant: Suceli Baptist
 572 Daniel Avenue
 Stone Mountain, GA 30087

Owner: Same as Applicant

Project Name: 572 Daniel Ave

Location: The property is located on the east side of Daniel Avenue, approximately 100 feet north of Brunswick Avenue at 572 Daniel Avenue, Decatur, Georgia 30032.

REQUEST: Variances from section 27-2.2.1 of the DeKalb County Zoning Ordinance to reduce the side yard setbacks and increase the maximum allowed lot coverage for a proposed rear addition, relating to the R-85 zoning district.

Staff Recommendation: “Approval” to reduce the northern side yard setback from 7.5 feet to 6 feet, southern side yard setback from 7.5 feet to 2 feet, and to increase the maximum allowed lot coverage from 35% to 40% all for a proposed 907 square foot rear addition as shown on the submitted site plan dated August 27, 2019 and received October 22, 2019.

STAFF FINDINGS:

Table 1: Surround Zoning and Land Use

	Adjacent Zoning	Adjacent Land Use
North	R-75	Detached Single Family Structure
East	R-75	Detached Single Family Structure
South	R-75	Detached Single Family Structure
West	R-75	Detached Single Family Structure
Northeast	R-75	Detached Single Family Structure
Northwest	R-75	Detached Single Family Structure
Southeast	R-75	Detached Single Family Structure
Southwest	R-75	Detached Single Family Structure
Street Type	Local Street	

Site Location: The property is located on the east side of Daniel Avenue, approximately 100 feet north of Brunswick Avenue at 572 Daniel Avenue, Decatur, Georgia 30032. The site is zoned R-75 and is surrounded by R-75 zoned properties to the north, south, east, and west. The property currently fronts Daniel Avenue which is classified as a local street.

Variance request: The applicant is requesting variances from section 27-2.2.1 of the DeKalb County Zoning Ordinance to reduce the northern side yard setback from 7.5 feet to 6 feet, southern side yard setback from 7.5 feet to 2 feet, and to increase the maximum allowed lot coverage from 35% to 40% all for a proposed 907 square foot rear addition.

Variance Analysis: Based on the submitted site plan, the applicant is proposing to construct a 907 square foot rear addition to the existing detached one story brick house. As shown on the submitted site plan, the existing structure is placed on a 7,469 square foot lot with a street frontage of 50 feet. The R-75 zoning requires a minimum lot size of 10,000 square feet and a minimum street frontage of 75 feet making the subject lot legal non-conforming.

Currently, the existing lot coverage of the site is approximately 21%. The R-75 zoning district requires a maximum of 35%, with the addition of the proposed rear addition, wooden deck, and covered porch the existing lot coverage will increase from 21% to 40%. Per County records, the existing structure was built in 1953, three years prior to the adoption of the 1956 zoning ordinance. The existing detached single family structure currently encroaches one-foot into the northern side yard setback. The proposed rear addition will follow the existing building footprint to the north however the proposed rear addition will wrap around the existing structure on the southern portion which will encroach 3.75 feet into the side yard setback.

Based on the submitted materials and staff's site visit, due to the legal non-conformity of the lot and existing structure it appears the applicant has demonstrated an undue hardship. Therefore, the requested variance does meet 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:

Due to the shape of the lot, the strict application of the requirements of the code would deprive the property owner of rights and privileges enjoyed by other property owners within the same zoning district.

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 staff's site visit, the requested variance does not appear to go beyond the minimum necessary to afford relief since the subject lot and existing structure are both legal non-conforming. Granting this variance will not constitute a grant of special privilege inconsistent with the limitations upon other properties in the zoning district since vast majority of the lots and structures surrounding the subject property are legally 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:

Granting this variance will not be materially detrimental to the public welfare to the property or improvements in the zoning district.

4. The literal interpretation and strict application of the applicable provisions or requirements of this chapter would cause undue and unnecessary hardship:

Due to the legal non-conformity of the lot and the existing structure, 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 inconsistent with the spirit and purpose of this chapter and the DeKalb County Comprehensive Plan text.

FINAL STAFF ANALYSIS:

Based on the submitted materials and staff's site visit, the requested variance does not appear to go beyond the minimum necessary to afford relief since the subject lot and existing structure are both legal non-conforming. Granting this variance will not constitute a grant of special privilege inconsistent with the limitations upon other properties in the zoning district since vast majority of the lots and structures surrounding the subject property are legally non-conforming.

Due to the legal non-conformity of the lot and the existing structure 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".

STAFF RECOMMENDATION: "Approval" to reduce the northern side yard setback from 7.5 feet to 6 feet, southern side yard setback from 7.5 feet to 2 feet, and to increase the maximum allowed lot coverage from 35% to 40% all for a proposed 907 square foot rear addition as shown on the submitted site plan dated August 27, 2019 and received October 22, 2019.