



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, May 8, 2019 at 1:00 PM

Planning Department Staff Analysis

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**N.5 Case No: A-19-1243174 Parcel ID(s): 15 171 04 006**

**Commission District: 03 Super District 06**

**Applicant:** Jennifer VanDeventer/Metro Atlanta Permits  
3094 Brook Drive  
Decatur, GA 30033

**Owner:** Yosoye Adesoye/ YSB Properties LLC  
3340 Peachtree Street, Suite 1800  
Atlanta, GA 30326

**Project Name:** 660 Parker Ave  
Decatur, GA 30032

**Location:** The property is located on the east side of Parker Ave and 300 feet south of Hillcrest Ave at 660 Parker Ave Decatur, Georgia.

**REQUEST:** Variance from Section 27-5.7.5 of the DeKalb Zoning Ordinance for a front facing garage that is not set back 2 feet from the front façade of the main structure.

**Staff Recommendation:** "DENIAL" based on the submitted site plan and materials received on March 5, 2019 on the basis that the design does not match the character of the neighborhood.

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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 located on the east side of Parker Ave and 300 feet south of Hillcrest Ave at 660 Parker Ave Decatur, Georgia. The site is zoned R-75 and is surrounded by R-75 zoned property to the north, east, west and south. The subject property current fronts Parker Ave and is classified as a local street.

Variance request: Variance from Section 27-5.7.5 of the DeKalb Zoning Ordinance for a front facing garage that is not set back 2 feet from the front façade of the main structure, all relating to the R-75 zoning district. The applicant submitted some of the following comments: "the intent of the standard set out in Article 5, where front facing garages should be set back 2' from the front façade, is to prohibit garages to protrude out in front of the front façade. This is most applicable for one-story ranch designs. The proposed home is not of this design, and therefore the application of Article 5 Section 5.7.5 is not relevant as intended."

Variance Analysis: Based on the submitted materials, the site has approximately 50 feet of street frontage along Parker Ave, and approximately 9,851 square feet of lot area. The R-75 zoning district requires a minimum lot frontage of 75 feet and a minimum lot area of 10,000 square feet. The site does not comply with these minimum standards. Based on the submitted site plan the design of the home does meet the R-75 setbacks and building design standards other than the garage. However, the front facing, protruding garage design is not compatible with other structures in the area and design alternatives appear to be available. Due to the current character of the neighborhood, the requested variance does not appear to 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:**

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 (such as , but not limited to, floodplain, major stand of trees, steep slope), which were not created by the owner or applicant, it appears that the strict application of the requirements of this chapter would not deprive the property owner or rights and privileges enjoyed by other property owners in the same zoning because the site plan appears to meet all setbacks and other homes in the area do not have the protruding garage design.

**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 appear to go beyond the minimum necessary to afford relief, and does constitute a grant of special privilege inconsistent with the limitations upon other properties in the zoning district in which the subject property is located. There are no other properties on the street with attached garages. There is one home that has a detached garage in the rear of the property. The homes that would be considered new construction also do not have garages.

**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 grant of the variance will 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 due to being the only home on the street with a garage projecting in the front.

**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 and site plan, it appears that the literal interpretation and strict application of the applicable provisions or requirements of this chapter would not cause an undue and unnecessary hardship considering that no other homes in the area appear to have front façade garages. Further, design alternatives appear to be available.

**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 and site visit, it appears that the literal interpretation and strict application of the applicable provisions or requirements of this chapter would not cause an undue and unnecessary hardship considering the proposal is not compatible with other structures in the area. Therefore, the Department of Planning and Sustainability recommends that the application be “denied” based on the materials received on March 6, 2019 as well as the site visit on March 26, 2019.

**STAFF RECOMMENDATION:** “DENIAL” based on the submitted site plan and materials received on March 5, 2019 on the basis that no unique features of the lot create a design constraint; further the regulation exists to improve aesthetics along neighborhood streets and granting this variance would create a visual impact given that it is inconsistent with the spirit and purpose of this section of the code.