



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 11, 2019 at 1:00 PM

Planning Department Staff Analysis

D2 Case No: A-19-1243360 Parcel ID(s): 18-191-04-010

Commission District: 02 Super District 06

Applicant: Frances Taylor
6621 Bay Circle, Suite 170
Peachtree Corners, GA 30071

Owner: Land Holding Group SE LLC
6621 Bay Circle
Peachtree Corners, GA 30071

Project Name: 3595 LaVista Road

Location: The property is located on the southeast corner of LaVista Road and Briarlake Circle, at 3595 LaVista Road, Decatur, Georgia 30033.

REQUEST: Variance from Section 27-2.2 of the DeKalb County Zoning Ordinance to reduce the rear yard setback from 40 feet to 24 feet for construction of a new single family home, relating to the R-85 zoning district.

Staff Recommendation: **“Approval” based on the submitted site plan received June 28, 2019.**

STAFF FINDINGS:

Table 1: Surround Zoning and Land Use

	Adjacent Zoning	Adjacent Land Use
North	R-100	Detached single family homes
East	R-85	Detached single family homes
South	R-85	Detached single family homes
West	R-85	Detached single family homes
Northeast	R-85	Detached single family homes
Northwest	R-100	Briarlake Elementary
Southeast	R-85	Detached single family homes
Southwest	R-85	Detached single family homes
Street Type	Minor Arterial & Local Street	

Site Location: The property is located on the southeast corner of LaVista Road and Briarlake Circle, at 3595 LaVista Road, Decatur, Georgia 30033. The site is zoned R-85 and is surrounded by R-85 zoned properties to the east, west and south, and R-100 to the north. The subject property fronts LaVista Road and Briarlake Circle. Briarlake Circle is classified as a local street and LaVista Road is classified as a minor arterial road.

Variance request: Variance from Section 27-2.2 of the DeKalb County Zoning Ordinance to reduce the rear yard setback from 40 feet to 24 feet for the construction of a new single family home with a detached garage, relating to the R-85 zoning district.

Variance Analysis: The subject lot was platted on December 12 1951 as Block A, Lot 15 of the Colie Wilson Property subdivision and is currently undeveloped. Based on the submitted materials, the lot has approximately 150 feet of street frontage along Briarlake Circle (Briarlake Circle is designated as the front yard per Section 27-5.1.4 (A)) and 188 feet of street frontage along LaVista Road. This lot has approximately 27,674 square feet of lot area. The R-85 zoning district requires a minimum lot frontage of 85 feet and a minimum lot area of 12,000 square feet. This lot meets the minimum width and lot area requirements per the R-85 zoning district. Based on the proposed site plan, the applicant is building a one story single-family home that will encroach 16 feet into the rear yard setback. Per the DeKalb County Zoning Ordinance the rear yard setback requirement for the R-85 zoning district is 40 feet. The proposed single-family home will face LaVista Road but will have vehicular access from Briarlake Circle. The proposed single family home will meet all setback requirements for the average front and side.

Based on staff's site visit and submitted materials, 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:

The submitted site plans show that the lot meets the requirements of the R-85 zoning district, however, the strict application requirements of this chapter would deprive the property owner of rights and privileges enjoyed by other property owners due to the site constraints typical with corner lots and topographical features.

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. The proposed addition would not constitute a grant of special privilege inconsistent with the limitations upon other properties in the zoning district. The proposed single-family house will be placed on a corner lot and will not encroach further into the adjacent property.

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:

Considering the placement of the proposed single-family home in relation to the other lots on the block, the granting of the variance will not be materially detrimental to the public welfare or possibly injurious to the other properties 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:

It appears that the literal interpretation and strict application of the applicable provisions regarding corner lots and topographical features caused hardship on this lot.

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 or the DeKalb County Comprehensive Plan text as it would grant a special privilege to this specific property owner.

FINAL STAFF ANALYSIS:

Per the County's records, there were no variances granted to this lot and based on the submitted application It appears that the literal interpretation and strict application of the applicable provisions regarding corner lots and topographical features caused hardship on this lot. Therefore, the Department of Planning and Sustainability recommends that the application be "approve" based on the materials received on June 28, 2019.

STAFF RECOMMENDATION: "Approval" based on the submitted site plan received June 28, 2019.