



DeKalb County Zoning Board of Appeals

Department of Planning & Sustainability
330 Ponce De Leon Avenue, Suite 300
Decatur, GA 30030



Michael L. Thurmond
Chief Executive Officer

Wednesday, September 9, 2020 at 1:00 PM

Planning Department Staff Analysis

N1 Case No: A-20-1244198 **Parcel ID(s):** 15-179-03-019

Commission District: 03 Super District 07

Applicant: Linda Dunlavy
1026 B Atlanta Ave
Decatur, GA 30030

Owner: Jennifer G. Pendergraph

Project Name: 1728 Fairway Hill Dive, SE

Location: The property is located on the east side of Fairway Hill Drive, at 1728 Fairway Hill Drive Atlanta, GA 30317.

REQUEST: Variance from the DeKalb County Zoning Ordinance Section 27-2.2.1 to reduce the side yard setback from 7.5 feet to 2.7 feet for an existing detached accessory dwelling unit, relating the R-75 zoning district.

Staff Recommendation: "Approval" as shown on the submitted site plan received August 6, 2020.

STAFF FINDINGS:

Site Location: The property is located on the east side of Fairway Hill Drive, at 1728 Fairway Hill Drive Atlanta, GA 30317. The site is zoned R-75 and is surrounded by R-75 zoned properties to the north, east, south and west. The subject property currently fronts Fairway Hill Drive, which is classified as a local street.

Variance request: Variance from the DeKalb County Zoning Ordinance Section 27-2.2.1 to reduce the side yard setback from 7.5 feet to 2.7 feet for an existing detached accessory dwelling unit, relating the R-75 zoning district.

Variance Analysis: Based on the submitted materials, the applicant is requesting to allow an existing detached accessory dwelling unit on to remain on subject property. The DeKalb County zoning ordinance requires a 7.5 foot side yard setback for all structures within the R-75 zoning district. Based on the submitted site plan, the existing detached accessory structure was built over the eastern side yard setback, however, based on the submit survey it appears the structure is placed on an irregular shape lot causing an undue hardship for the applicant.

Based on the submittal materials, due to the site constraints of the subject property, it appears that the requested variance meets the criteria for approval based on the following criteria:

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 site plan, by reason of the shape of the lot, the strict application of the requirements of this chapter would deprive the property owner of rights and privileges enjoyed by other property owners.

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:

Due to the existing site constraints, it appears that the requested variance does not go beyond that minimum necessary to afford relief. Therefore, granting this variance 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:

Granting this 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.

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, due to the irregular shape of the subject lot, the strict application of the applicable provisions and requirements of this chapter would cause an undue 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:

Based on the submitted materials, due to the irregular shape of the subject lot, the strict application of the applicable provisions and requirements of this chapter would cause an undue hardship for the applicant. Therefore, the Department of Planning and Sustainability recommends that the application be “approved” as shown on the submitted site plan received on August 6, 2020.

STAFF RECOMMENDATION: “APPROVAL” as shown on the submitted site plan received on August 6, 2020.