DeKalb County Zoning Board of Appeals
Department of Planning & Sustainability
330 Ponce De Leon Avenue, Suite 300
Decatur, GA 30030

Wednesday, June 10, 2020 at 1:00 PM
Planning Department Staff Analysis

N1 Case No: A-20-1243854 Parcel ID(s): 18-248-02-003

Commission District: 01 Super District 07

Applicant: Jon Cauthen
2631 Smoketree Way
Atlanta, GA 30345

Owner: Same as the applicant

Project Name: 2650 Havermill Way

Location: The property is located on the west side of Havermill Way, approximately 161 feet south of Danbyshire Court, at 2650 Havermill Way, Atlanta, GA 30345.

REQUEST: Variance from the DeKalb County Zoning Ordinance: Section 27-5.2.1(C) to reduce the average front yard setback from 60.9 feet to 40 feet for a proposed detached single family structure.

Staff Recommendation: “APPROVAL” as shown on the submitted site plan received on February 27, 2020.
STAFF FINDINGS:

Table 1: Surround Zoning and Land Use

<table>
<thead>
<tr>
<th>Adjacent Zoning</th>
<th>Adjacent Land Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>R-100</td>
</tr>
<tr>
<td>East</td>
<td>R-100</td>
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<tr>
<td>South</td>
<td>R-100</td>
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<tr>
<td>West</td>
<td>R-100</td>
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<tr>
<td>Northeast</td>
<td>R-100</td>
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<tr>
<td>Northwest</td>
<td>R-100</td>
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<tr>
<td>Southeast</td>
<td>R-100</td>
</tr>
<tr>
<td>Southwest</td>
<td>R-100</td>
</tr>
<tr>
<td>Street Type</td>
<td>Local Street</td>
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</tbody>
</table>

**Site Location:** The property is located on the west side of Havermill Way, approximately 161 feet south of Danbyshire Court, at 2650 Havermill Way, Atlanta, GA 30345. The site is zoned R-100 and is surrounded by R-100 zoned properties to the north, east, south, and west. The subject property currently fronts Havermill Way, which is classified as a local street.

**Variance request:** Variance from the DeKalb County Zoning Ordinance: Section 27-5.2.1(C) to reduce the average front yard setback from 60.9 feet to 40 feet for a proposed detached single family structure.

**Variance Analysis:** Based on the submitted materials, the applicant is proposing to rebuild a new detached single family structure over a partial existing foundation. Per the applicant, the previous structure was destroyed due to a fire causing the applicant to adhere to the average front yard requirements.

The DeKalb County zoning ordinance requires vacant lots that are located in a zoning district authorized for single-family detached dwellings, and are located where at least sixty (60) percent of the other lots on the same block face are occupied by single family detached dwellings must adhere to the average setback requirement.

Based on the site submitted site plan, the proposed detached single family structure will encroach approximately 20.9 feet into the average front yard setback. Per the letter of intent, the previous structure was constructed to the 50-foot front yard setback requirement, per the recorded plat. Due to the shape of the lot, it appears that 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:**

   Based on the submitted site plan, by reason shape of 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 shape of the lot, 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 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 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 February 27, 2020.

STAFF RECOMMENDATION: “APPROVAL” as shown on the submitted site plan received on February 27, 2020.