



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

N.1 Case No: A-19-1243421 Parcel ID(s): 18-050-08-033

Commission District: 02 Super District 06

Applicant: Dave Jones/ Intown Ace Hardware
1404 Scott Boulevard
Decatur, GA 30030

Owner: Same as Applicant

Project Name: 1404 Scott Boulevard

Location: The property is located on the north side of Scott Boulevard, approximately 133 feet south of Ferndale Drive, at 1404 Scott Boulevard, Decatur, Georgia 30030.

REQUEST: A variance from Section 27.2.24.1 of the DeKalb County Zoning Ordinance to reduce side yard setback from 15 feet to 10 feet for a proposed rear addition, relating to the C-1 zoning district.

Staff Recommendation: "Approval" based on the submitted site plan received August 5, 2019.

STAFF FINDINGS:

Table 1: Surround Zoning and Land Use

| | Adjacent Zoning | Adjacent Land Use |
|-------------|------------------------|------------------------------|
| North | R-75 | Detached single family homes |
| East | C-1 | Commercial |
| South | RSM | Detached single family homes |
| West | C-1 | Commercial |
| Northeast | R-75 | Detached single family homes |
| Northwest | R-75 | Detached single family homes |
| Southeast | C-1 | Retail |
| Southwest | R-75 | Detached single family homes |
| Street Type | Major Arterial | |

Site Location: The property is located on the north side of Scott Boulevard, approximately 133 feet south of Ferndale Drive, at 1404 Scott Boulevard, Decatur, Georgia 30030. The site is zoned C-1 and is surrounded by R-75 zoned properties to the north, C-1 zoning to the east and west, and RSM to the south. The subject property fronts Scott Boulevard which is classified as a major arterial.

Variance request: A variance from Section 27.2.24.1 of the DeKalb County Zoning Ordinance to reduce side yard setback from 15 feet to 10 feet for a proposed rear addition.

Variance Analysis: Based on the submitted survey, the lot has approximately 123 feet of street frontage along Scott Boulevard and approximately 62,215 square feet of lot area. The C-1 zoning district requires a minimum lot frontage of 100 feet and a minimum lot area of 30,000 square feet. This lot does meet the minimum width and lot area requirements per the C-1 zoning district. Based on the County records, the existing structure was constructed in 1985, 29 years after the adoption of the 1956 zoning ordinance.

Based on the submitted site plan, the existing structure consists of one level which currently encroaches five feet into the eastern side yard setback. Based on County's records, this site was never granted any variances. The applicant is proposing to construct a 4,900 square foot addition to the rear of the existing structure. This proposed rear addition will follow the footprint of the existing structure, which will encroach five feet into the eastern side yard setback. The addition will meet the required front and rear yard setbacks, and will encroach not further into the side yard setback than the current structure.

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

Due to the irregular 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 in 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 site visit, the requested variance does not appear to go beyond the minimum necessary to afford relief. The proposed addition 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. The proposed addition will not encroach further into the eastern side yard than the existing structure and not be closer to the adjacent property owner.

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 existing structure, the granting 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.

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

Considering the placement of the existing structure encroaching into the eastern side yard and the rear of the property being bounded by an irregular property line it appears that the strict application of the applicable provisions and requirements of this chapter would cause design constraints as well as an 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 consistent with the spirit and purpose of this chapter and the DeKalb County Comprehensive Plan text.

FINAL STAFF ANALYSIS:

The requested variance does not appear to go beyond the minimum necessary to afford relief. The proposed addition 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. The proposed addition will not encroach further into the side yard than the existing structure and not be closer to the adjacent property owner.

Considering the placement of the existing structure encroaching into the eastern side yard and the rear of the property being bounded by an irregular property line it appears that the strict application of the applicable provisions and requirements of this chapter would cause an undue and unnecessary hardship. Therefore, the Department of Planning and Sustainability recommends that the application be "approved" based on the materials received on August 5, 2019.

STAFF RECOMMENDATION: "Approval" based on the submitted site plan received August 5, 2019.