



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, July 10, 2019 at 1:00 PM

Planning Department Staff Analysis

N.1 Case No: A-19-1243314 Parcel ID(s): 15 152 05 019

Commission District: 03 Super District 07

Applicant: Charles Williams
PO Box 1337
Snellville, GA 30078

Owner: Charles Williams
PO Box 1337
Snellville, GA 30078

Project Name: 2096 Miriam Lane

Location: The property is located on the east side of Miriam Lane at the intersection with Wedgewood Terrace, at 2096 Miriam Lane, Decatur, Georgia 30034.

REQUEST: Variance from Section 27-2.2.1 of the DeKalb County Zoning Ordinance to reduce the side yard setback from 7.5 feet to 5.1 feet in order to enclose an existing carport, relating to the R-75 zoning district.

Staff

Recommendation: "Approval" based on the submitted site plan received May 20, 2019.

STAFF FINDINGS:

Table 1: Surround Zoning and Land Use

	Adjacent Zoning	Adjacent Land Use
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 Miriam Lane at the intersection with Wedgewood Terrace, at 2096 Miriam Lane, Decatur, Georgia 30034. The site is zoned R-75 and is surrounded by R-75 zoned property to the north, east, west and south. The subject property fronts Miriam Lane which is classified as a local street.

Variance request: Variance from Section 27-2.2.1 of the DeKalb County Zoning Ordinance to reduce the side yard setback from 7.5 feet to 5.1 feet in order to enclose an existing carport.

Variance Analysis: Based on the submitted survey, the lot has approximately 65 feet of street frontage along Miriam Lane and 168 feet in depth. The site has approximately 11,000 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. This lot does not meet the minimum width requirements per the R-75 zoning district which makes the lot legally non-conforming. Based on the County records, the lot was platted on May 27, 1952 as part of the Woodland Acres Subdivision. The existing house was constructed in 1952, five years before the adoption of the 1956 zoning ordinance.

Based on the submitted site plan, the existing residential structure consists of one level and has a carport that encroaches 2.4 feet into the required side yard setback of 7.5 feet per the R-75 zoning district. The applicant is proposing to enclose the existing carport for a 200 square foot addition to the home. This extension will follow the footprint of the existing carport, which will encroach 2.4 feet into the southern side yard setback. The addition will meet the required front and rear yard setbacks, and will encroach no further into the side yard 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:

The existing single-family structure is on a lot that is narrower along with other narrower lots within the Woodland Acres Subdivision. The plans show that the lot is only 65 feet wide, thus constraining the buildable area on the sides of the house.

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 side yard than the existing carport and not be any 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 current carport, 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.

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 or requirements of this chapter would cause an undue and unnecessary hardship considering that the existing structure is legally non-conforming.

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 as it adheres all other requirements of the R-75 zoning district.

FINAL STAFF ANALYSIS:

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 cause an undue and unnecessary hardship considering that the existing carport is legally non-conforming and the proposed addition would not further encroach into the side yard. Therefore, the Department of Planning and Sustainability recommends that the application be "approved" based on the materials received on May 20, 2019.

STAFF RECOMMENDATION: "Approval" based on the submitted site plan received May 20, 2019.