



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, March 13, 2019 at 1:00 PM

Planning Department Staff Analysis

N.1 Case No: A-19-1243101 Parcel ID(s): 18-063-09-053

Commission District: 04 Super District 06

Applicant: Linda I. Dunlavy, Dunlavy Law Group, LLC
1026 B Atlanta Avenue
Decatur, GA 30030

Owner: Sam Philip
3846 Gladney Drive
Atlanta, GA 30341

Project Name: 2812 Lincoln Drive

Location: The property is located on the northside of Lincoln Drive, approximately 220 feet east of Reverend D L Edwards Drive, at 2812 Lincoln Drive, Decatur, Georgia.

REQUEST: Variances from Section 27-2.7.3 of the DeKalb County Zoning Ordinance to reduce the lot width requirement from 75 feet to 40 feet; Section 27-2.7.3 of the DeKalb County Zoning Ordinance to reduce the lot area requirement from 10,000 square feet to 5,590 square feet; and Section 27-8.1.4 of the DeKalb County Zoning to waive the lot merger requirement to restore three legal lots of record per the historic plat for the Subdivision of Washington Park, all relating to the R-75 zoning district.

Staff Recommendation: **“APPROVAL” based on the submitted site plan and materials received on February 4, 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 north side of Lincoln Drive, approximately 220 feet east of Reverend D L Edwards Drive, at 2812 Lincoln Drive, Decatur, Georgia. The site is zoned R-75 and is surrounded by R-75 zoned property to the north, east, west and south. The subject property currently fronts Lincoln Drive and is classified as a local street.

Variance request: Variances from Section 27-2.7.3 of the DeKalb County Zoning Ordinance to reduce the lot width requirement from 75 feet to 40 feet; Section 27-2.7.3 of the DeKalb County Zoning Ordinance to reduce the lot area requirement from 10,000 square feet to 5,590 square feet; and Section 27-8.1.4 of the DeKalb County Zoning to waive the lot merger requirement to restore three legal lots of record per the historic plat of the Subdivision of Washington Park. The applicant submitted some of the following comments: "All lots within Washington Park were platted with 40-foot frontages with the exception of 4 or 5 lots. Today 13 of the 20 lots (65%) on Lincoln are 40-foot lots. Similarly, the south side of Arborcrest Drive immediately to the north of Lincoln Drive is comprised today of mainly 40-foot lots—70%. With the deterioration and aging of housing stock in the Washington Park subdivision the area has seen a lot of new infill building".

Variance Analysis: Based on the submitted materials, the subject property was initially platted as lots 31, 30, and, 29 in March of 1934 in the Alexander Estates Subdivision but was later combined into one individual lot. Per the proposed survey, lots 31, 30, and 29 will return the original dimensions of 40 feet of street frontage and 5,600 square feet of lot area. The proposed lots do not comply with the minimum lot area of 10,000 square feet or the minimum lot width of 75 feet per the R-75 zoning district zoning district. However, per the DeKalb County's GIS database, several lots along Lincoln Drive were platted with 40 feet of street frontage and approximately 5,600 square feet of lot area, which are currently existing.

Tax records indicate that the existing single-family house was constructed in 1960. The structure, a one story brick home, straddles all three lots and will be torn down to accommodate three new homes. Staff calculates that 19 lots within the Washington Park subdivision are currently platted with 40 feet of street frontage. The remaining are currently platted with widths ranging from 20 feet to 187 feet of frontage.

The Zoning Board of Appeals has approved waiving the lot merger requirements within in the Washington Park Subdivision and in other neighborhoods. Thence, the Zoning Board of Appeals is permitted to authorize this division if it reverts back to the original subdivision plat. Therefore, 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 County records and maps, by reason of exceptional narrowness, shallowness, or shape of a specific lot, or by reason of exceptional topographic and other site conditions (such as , but not limited to, floodplain, major stand of trees, steep slope), which were not created by the owner or applicant, it appears that the strict application of the requirements of this chapter would deprive the property owner or rights and privileges enjoyed by other property owners in the same zoning since lots 31, 30, and, 29 were initially platted in 1934, and only 1/3 of the lots within the Washington Park subdivision today meet the 75 foot lot width of street frontage requirements in an R-75 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 County records and maps, it appears that the requested variance does not go beyond that minimum necessary to afford relief since the three lots will revert to their 1934 configuration which is consistent throughout the Washington Park Subdivision. Based on the lot pattern in the block, it appears that the requested 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:

Based on County records maps, it appears that the requested variance does not go beyond the minimum necessary of afford relief since the three lots will be revert to their 1934 configuration which is consistent with over half of the subdivision. Based on the lot pattern in the subdivision, it appears that the requested variance does not constitute a grant of special privilege inconsistent with the limitations upon other properties in the zoning district 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, 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 if new homes could not be built on these lots.

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 (HP3. Enhance the County's existing supply of housing).

FINAL STAFF ANALYSIS:

Based on the submitted materials, it appears that the requested variance does not go beyond the minimum necessary to provide relief. Based on tax maps and the approved 1934 subdivision plat, the requested variance appears to be consistent with the character of the neighborhood. Therefore, the Department of Planning and Sustainability recommends that the application be "approved" based on the received on February 4, 2019.

STAFF RECOMMENDATION: "APPROVAL" based on the submitted site plan and materials received on February 4, 2019.