



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, June 10, 2020 at 1:00 PM

Planning Department Staff Analysis

N12 Case No: A-20-1242003 **Parcel ID(s): 15-216-15-001**

Commission District: 04 Super District 06

Applicant: Aisling Bell (Innovative Construction Inc)
3040 Amwiler Road, Suite B
Peachtree Corners, GA 30360

Owner: Megan Sinnott & Kallayanee Techapatikul
1142 North Carter Road
Decatur, GA 30030

Project Name: 1142 North Carter Road

Location: The property is located on the southeast corner of Chester Way and North Carter Road, at 1142 North Carter Road Decatur, Georgia 30030.

REQUEST: Variances from the DeKalb County Zoning Ordinance: (1) Section 27- 4.2.2. to allow a detached accessory structure to be located on the side of the principle structure, and (2) Section 27-2.2.1 (Table 2.2—Residential Zoning Districts Dimensional Requirements)) to reduce the side corner setback from 30 feet to 24 feet for a proposed detached garage

Staff Recommendation: **“APPROVAL” as shown on the submitted site plan received on May 1, 2020.**

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 southeast corner of Chester Way and North Carter Road, at 1142 North Carter Road Decatur, Georgia 30030. 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 both Chester Way and North Carter Road, both streets are classified as a local streets.

Variance request: Variances from the DeKalb County Zoning Ordinance: (1) Section 27- 4.2.2. to allow a detached accessory structure to be located on the side of the principle structure, and (2) Section 27-2.2.1 (Table 2.2—Residential Zoning Districts Dimensional Requirements)) to reduce the side corner setback from 30 feet to 24 feet for a proposed detached garage.

Variance Analysis: Based on the submitted materials, the applicant is proposing to construct a detached garage on the side of the existing single family structure. The DeKalb County zoning ordinance requires detached accessory structures to only be located behind principle structures. Based on the submitted site plan, the proposed detached garage will encroach six feet into the side corner setback. The DeKalb County zoning ordinance requires a minimum side yard setback of 30 feet.

Based on the submitted materials, due to the steep topography, the strict application of the applicable provisions and requirements of this chapter would cause an undue hardship for the applicant, therefore 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, reason of exceptional topographic condition, 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:

It appears that the requested variance does not go beyond the 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 steep topography, 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 steep topography, 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 May 1, 2020.

STAFF RECOMMENDATION: “APPROVAL” as shown on the submitted site plan received on May 1, 2020.