



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

N15 Case No: A-20-1244006 Parcel ID(s): 18-150-05-005

Commission District: 02 Super District 06

Applicant: Mark F Arnold
1126 N Highland Avenue, NE
Atlanta, GA 30306

Owner: Valerie & Hugh Gallagher
1602 Emory Road, NE
Atlanta, GA 30306

Project Name: 1602 Emory Road

Location: The property is located east of Emory Road, approximately 276 feet south of Oxford Road, at 1602 Emory Road Atlanta, GA 30306.

REQUEST: Variance from the DeKalb County Zoning Ordinance: Section 27-2.2.1 (Table 2.2—Residential Zoning Districts Dimensional Requirements)) to reduce the side yard from 7.5 feet to 3 feet setback for a proposed second story addition, relating the R-75 zoning district and the North Druid Hills Historic District.

Staff Recommendation: **“APPROVAL” as shown on the submitted site plan received on April 2, 2020.**

STAFF FINDINGS:

Table 1: Surround Zoning and Land Use

	Adjacent Zoning	Adjacent Land Use
North	R-75	Detached single family homes
East	OI	Detached single family homes
South	R-75	Detached single family homes
West	R-75	Detached single family homes
Northeast	OI	Detached single family homes
Northwest	R-75	Detached single family homes
Southeast	OI	Detached single family homes
Southwest	R-75	Detached single family homes
Street Type		Local Street

Site Location: The property is located east of Emory Road, approximately 276 feet south of Oxford Road, at 1602 Emory Road Atlanta, GA 30306. The subject property currently fronts Emory Road, which is classified as a local street.

Variance request: Variance from the DeKalb County Zoning Ordinance: Section 27-2.2.1 (Table 2.2—Residential Zoning Districts Dimensional Requirements)) to reduce the side yard from 7.5 feet to 3 feet setback for a proposed second story addition, relating the R-75 zoning district and the North Druid Hills Historic District.

Variance Analysis: Based on the submitted materials, the applicant is proposing to build a second story addition. The DeKalb County zoning ordinance requires a minimum 7.5-foot side yard setback for lots within the R-75 zoning district. Based on the submitted survey, the existing structure encroaches approximately 4.5 feet into the side yard setback causing the existing structure to become non-conforming. Therefore, due to placement of the existing single-family structure, it appears that 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, the non-conformity of the existing single family detached structure, 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 lot and the non-conformity of the existing single family detached structure, 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. This proposal have been reviewed and approved by the Historic Preservation Commission.

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 placement of the existing single family detached structure, 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 placement of the existing single family detached structure, 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 April 2, 2020.

STAFF RECOMMENDATION: “APPROVAL” as shown on the submitted site plan received on April 2, 2020.