



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

N2 Case No: A-19-1243421 Parcel ID(s): 18-050-08-033

Commission District: 02 Super District 06

Applicant: Erma Brown
4200 Riverlake Way
Snellville, GA 30039

Owner: Kelvin B. Henderson
4328 Riverlake Way
Snellville, GA 30039

Project Name: 4328 Riverlake Way

Location: The property is located on the east side of Riverlake Way, approximately 30 feet west of Dennis Spring Road, at 4328 Riverlake Way, Snellville, Georgia 30039.

REQUEST: Variances from Section 4.2.2 of the DeKalb County Zoning Ordinance to reduce the side yard setback from 8.5 feet to 4 feet and the rear yard setback yard setback for an existing accessory dwelling unit.

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-85	Detached single family homes
East	R-85	Detached single family homes
South	R-85	Detached single family homes
West	R-85	Detached single family homes
Northeast	R-85	Detached single family homes
Northwest	R-85	Detached single family homes
Southeast	R-85	Detached single family homes
Southwest	R-85	Detached single family homes
Street Type	Local Street	

Site Location: The property is located on the east side of Riverlake Way, approximately 30 feet west of Dennis Spring Road, at 4328 Riverlake Way, Snellville, Georgia 30039. The site is zoned R-85 and is surrounded by R-85 zoned properties to the north, south, east, and west. The subject property fronts Riverlake which is classified as a local street.

Variance request: Variances from Section 4.2.2 of the DeKalb County Zoning Ordinance to reduce the side yard setback from 8.5 feet to 4 feet and the rear yard setback for an existing accessory dwelling unit.

Variance Analysis: Based on the submitted survey, the lot has approximately 153 feet of street frontage along Scott Boulevard and approximately 23,606 square feet of lot area. The R-85 zoning district requires a minimum lot frontage of 85 feet and a minimum lot area of 12,000 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 1997. This site was platted April 1, 1987 as part of the Riverside Landing, Unit I subdivision.

Based on the submitted application and materials, on March 26, 2019 the applicant received a warning notice from the DeKalb County Code Enforcement Division for constructing a 2 story accessory dwelling unit on the rear of the subject property. The existing accessory dwelling unit currently encroaches approximately 4 feet into the rear and western side yard setback. The DeKalb County zoning ordinance requires all accessory dwelling units to be 10 feet from the rear property line and 8.5 feet from the side property line. Per the applicant, the existing accessory dwelling unit was previously a 2-story garage and was converted last year. Per County records, there were no permits issued for the garage. Currently, the existing accessory dwelling unit sits over a 20-foot drainage easement that was established in 1987 per the recorded plat. However, based on staff's site visit, the existing accessory dwelling unit does not appear to cause any significant impact based on its placement on the site. Therefore, 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, topographic features, and other site constraints on the site 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 applicant has maintained the existing footprint of the previous two-story garage. In addition, this request 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:

Due to the irregular shape, topographic features, and other site constraints, 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:

Due to the irregular shape, topographic features, and other site constraints 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 applicant has maintained the existing footprint of the previous two-story garage. In addition, this request 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 irregular shape, topographic features, and other site constraints 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. 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.