



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.3 Case No: A-19-1243115 Parcel ID(s): 18 110 09 084

Commission District: 02 Super District 06

Applicant: Caren Ann Nunnally
107 Spencer Way
Athens, GA 30607

Owner: Zipora and Zvi Aviner
1383 Biltmore Dr.
Atlanta, GA 30329

Project Name: 1383 Biltmore Dr.

Location: The property is located toward the north end of Biltmore Drive, approximately 700 feet from Lavista Road at 1383 Biltmore Drive.

REQUEST: Variance request from Section 27-2.2 of the DeKalb County Zoning Ordinance to the reduce the rear yard setback from 40 to 36 feet and increase the lot coverage from 35.5% to 36% for an addition, all relating to the R-85 zoning district.

Staff Recommendation: **"APPROVAL"** based on the submitted site plan received on February 6th, 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 toward the north end of Biltmore Drive, approximately 700-feet from Lavista Road at 1383 Biltmore Drive. The site is zoned R-85 and is currently developed. The property fronts Biltmore Drive and is classified as a local street.

Variance request: The applicant is requesting a variance request from Section 27-2.2 of the DeKalb County Zoning Ordinance to reduce the rear yard setback from 40 feet to 36 feet and to increase the lot coverage from 35.5% to 36% for a rear addition, relating to the R-85 zoning district.

Variance Analysis: Based on the submitted survey, the rear of the existing structure is constructed up to the 40 foot rear setback. However, the front of structure sits 15 feet beyond the 35 foot front setback, likely due to the definitive slope of the front yard. Additionally, the survey indicates the lot coverage is 35.5%. Based on the site visit and submitted plat, there is a long driveway on the property up to the garage on the south of the single family home, which significantly impacts the lot coverage. The driveway is necessary due to the increased front setback forced by the topography of the lot.

Based on the submitted site plan, the house was built in 1964. The applicant is proposing to build a rear addition for a master bathroom and closet. The rear addition would encroach 4 feet into the rear setback and increase the lot coverage by 0.5%. Based on the submitted materials and site visit it appears that the requested variances do comply with the criteria for approval, grounded 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 the submitted materials and site visit, it appears that 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 since the subject lot has unique topography and a significant front slope.

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, it appears that the request is 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 considering that other properties in the neighborhood also have lots with varying topography.

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 the submitted materials, 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 addition being only in the rear of the house.

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 and site visit, 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 due to the uniqueness of the topography of the lot which created design constraints on the property.

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 and site visit, 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 due to the uniqueness of the topography of the lot which created design constraints on the property. Therefore, the Department of Planning and Sustainability recommends that the application be "Approve".

STAFF RECOMMENDATION: "APPROVAL" based on the submitted site plan received on February 6th, 2019"