



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

N3 Case No: A-19-1243439 Parcel ID(s): 18-205-09-009

Commission District: 02 Super District 06

Applicant: Darrell Johnson/ Atwell, LLC
1800 Parkway Place, Suite 700
Marietta, Georgia 30067

Owner: Decatur Christian Towers, LLC
1438 Church Street
Decatur, Georgia 30030

Project Name: 1438 Church Street

Location: The property is located on the west side of Church Street, approximately 900 feet south of North Decatur Road, at 1438 Church Street, Decatur, Georgia 30030.

REQUEST: Variance from Section 27-5.4.5 of the DeKalb County Zoning Ordinance to reduce the required transitional buffer from 50 feet to 33.5 for a proposed parking addition.

Staff Recommendation: **“Approval” based on the submitted site plan received August 8, 2019 with condition that all storm water requirements are satisfied per the Land Development Division.**

STAFF FINDINGS:

Table 1: Surround Zoning and Land Use

	Adjacent Zoning	Adjacent Land Use
North	R-100	Detached single family homes
East	R-100	Detached single family homes
South	R-100	Detached single family homes
West	R-100	Detached single family homes
Northeast	R-100	Detached single family homes
Northwest	R-100	Detached single family homes
Southeast	R-100	Detached single family homes
Southwest	R-100	Detached single family homes
Street Type		Local Street

Site Location: The property is located on the eastside of Marann Drive, approximately 665 feet south of Sundown Drive, at 2143 Marann Drive, Atlanta, Georgia 30345. The site is R-100 and is surrounded by R-100 zoned properties to the north, south, east, and west. The subject property fronts Marann Drive which is classified as a local street.

Variance request: A variance from Section 27-2.2.1 of the DeKalb Zoning Ordinance to increase the existing lot coverage from 35% to 47.54% to construct a new single-family detached structure as well as an in ground pool.

Variance Analysis: Per County records, the subject lot has a street frontage of approximately 90 feet and a lot size of 13,461 square feet and appears to be legal non-conforming per the R-100 zoning district. Based on the submitted site plan, the applicant is proposing to demolish the existing structure and build a 3,120 square foot single family home with a 18' X 32' in ground pool that will increase the lot coverage from 35% to 47.54%.

Based on staff's site visit and submitted materials, 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 shape of the lot, 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 since the subject lot is surrounded by other legal non-conforming lots. Therefore, 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:

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. The proposed single family home will be compatible the neighborhood and surrounding areas.

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 legal non-conformity of the lot the strict application of the applicable provisions and requirements of this chapter would cause an undue and unnecessary hardship considering that the existing structure is legally non-conforming.

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 since the subject lot is surrounded by other legal non-conforming lots. Therefore, 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.

Due to the legal non-conformity of the lot the strict application of the applicable provisions and requirements of this chapter would cause an undue and unnecessary hardship considering that the existing structure is legally non-conforming. Therefore, the Department of Planning and Sustainability recommends that the application be "approved" based on the materials received on August 8, 2019.

STAFF RECOMMENDATION: "Approval" based on the submitted site plan received August 8, 2019 with condition that all storm water requirements are satisfied per the Land Development Division..