



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, July 10, 2019 at 1:00 PM

Planning Department Staff Analysis

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**N.3 Case No: A-19-1243334 Parcel ID(s): 15 169 01 186**

**Commission District: 03 Super District 07**

**Applicant:** Godofredo Perdomo  
145 Saint Ignatius Close  
Alpharetta, GA 30022

**Owner:** S and J Club LLC  
145 Saint Ignatius Close  
Alpharetta, GA 30022

**Project Name:** 2808 Mitchell Place

**Location:** The property is located on the north side of Mitchell Place approximately 320 feet from McAfee Road, at 2808 Mitchell Place, Decatur, Georgia 30032.

**REQUEST:** Variance from Section 27-2.2.1 of the DeKalb County Zoning Ordinance to reduce the side yard setback from 7.5 feet to 3.6 feet to enclose an existing carport and add a rear addition, relating to the R-75 zoning district.

**Staff**

**Recommendation: "Approval" based on the submitted site plan received June 5, 2019.**

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**STAFF FINDINGS:**

**Table 1: Surround Zoning and Land Use**

	<b>Adjacent Zoning</b>	<b>Adjacent Land Use</b>
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 north side of Mitchell Place, approximately 320 feet from McAfee Road at 2808 Mitchell Place, Decatur, Georgia 30032. The site is zoned R-75 and is surrounded by R-75 zoned property to the north, east, west and south. The subject property fronts Mitchell Place which is classified as a local street.

**Variance request:** Variance from Section 27-2.2.1 of the DeKalb County Zoning Ordinance to reduce the side yard setback from 7.5 feet to 3.6 feet to enclose an existing covered carport and add a rear addition.

**Variance Analysis:** Based on the submitted materials, the site has approximately 67.5 feet of street frontage along Mitchell Place and approximately 154 feet in depth. The site has approximately 10,445 square feet of lot area. The R-75 zoning district requires a minimum lot frontage of 75 feet and a minimum lot area of 10,000 square feet. The site does not meet the minimum building width requirements per the R-75 zoning district which makes the lot legally non-conforming. Based on the county records, the lot was platted on September 22, 1954 as part of the Thomas H. Long Subdivision. The existing house was constructed in 1954, two years before the adoption of the 1956 zoning ordinance.

Based on the submitted site plan, the existing residential structure consists of one level and has a carport that encroaches approximately 3.9 feet into the required side yard setback of 7.5 feet per the R-75 zoning district. The applicant is proposing to enclose the existing carport for a side addition and for a rear addition behind the carport. This extension will follow the footprint of the existing carport, and will encroach 3.9 feet into the side yard setback. The addition will meet the required front and rear yard setbacks, and will encroach no further into the side yard than the current structure.

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:**

The existing residential structure is on a lot that is narrower and is part of a subdivision that has several narrower lots with an average width of 67.5 feet. The plans show that the lot is only 67.5 feet wide, thus constraining the buildable area on the sides of the house.

**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 proposed addition does not constitute a grant of special privilege inconsistent with the limitations upon other properties in the zoning district since majority of the lots within this subdivision are legally non-conforming and have residential structures with enclosed carports that were built close the side boundary line. The proposed addition will not encroach further into the side yard than the existing carport and not closer to the adjacent property owner.

**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:**

Considering the placement of the current carport, 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.

**4. The literal interpretation and strict application of the applicable provisions or requirements of this chapter would cause undue and unnecessary hardship:**

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 considering that the lot and the existing structure are 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 as it adheres all other requirements of the R-75 zoning district.

**FINAL STAFF ANALYSIS:**

Based on the submitted materials and site plan, 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 considering that the existing lot and carport are legally non-conforming and the proposed addition would not further encroach into the side yard. Therefore, the Department of Planning and Sustainability recommends that the application be "approved" based on the materials received on June 5, 2019.

**STAFF RECOMMENDATION: "Approval" based on the submitted site plan received June 5, 2019.**