



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, November 13, 2019 at 2:00 PM

Planning Department Staff Analysis

N4 Case No: A-19-1243569 Parcel ID(s): 15-219-04-003

Commission District: 03 Super District 07

Applicant: Willie J. Hope Sr.
3605 Revere Road SW
Atlanta, GA 30331

Owner: Same as Applicant

Project Name: 1319 Peachcrest Road

Location: The property is located on the west side of Peachcrest Road, approximately 1,576 feet north of Maplehurst Drive, at 1319 Peachcrest Road, Decatur, Georgia 30032.

REQUEST: Variance from section 27-2.2.1 of the DeKalb County Zoning Ordinance to reduce the rear yard setback for a proposed second story addition as well as a wooden deck.

Staff Recommendation: **“Approval” as shown on the submitted site plan received October 3, 2019.**

STAFF FINDINGS:

Table 1: Surround Zoning and Land Use

| | Adjacent Zoning | Adjacent Land Use |
|-------------|------------------------|------------------------------|
| North | R-75 | Detached single family homes |
| East | R-75 | Detached single family homes |
| South | R-75 | Detached single family homes |
| West | R-75 | Place of Worship |
| 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 | Collector Street | |

Site Location: The property is located on the west side of Peachcrest Road, approximately 1,576 feet north of Maplehurst Drive, at 1319 Peachcrest Road, Decatur, Georgia 30032. The site is zoned R-75 and surrounded by R-75 zoned properties to the north, east, west and south. The subject property fronts Peachcrest Road which is classified as a collector street.

Variance request: The applicant is requesting for a variance from section 27-2.2.1 of the DeKalb County Zoning Ordinance to reduce the rear yard setback for a proposed second story addition as well as adding a wooden deck.

Variance Analysis: Per County records, the existing house was constructed in 1950, six years before the adoption of the 1956 zoning ordinance and is considered as a legal non-conforming structure.

Based on the submitted site plan, the existing residential structure consists of one level with driveway access from Peachcrest Road. The existing house currently encroaches into the required rear yard setback of 40 feet, per the R-75 zoning district. The applicant is proposing to add a second story to the existing structure. The applicant has no aspirations of expanding the footprint of the existing 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:

Due to the legal non-conformity of the existing structure, 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 structure is legally non-conforming, the proposed second story addition 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:

Considering the placement of existing structure the proposed second story addition 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 legal non-conformity of the existing structure 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:

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 structure is legally non-conforming, the proposed second story addition 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. Therefore, the Department of Planning and Sustainability recommends that the application be “approved” based on the materials received on October 3, 2019.

STAFF RECOMMENDATION: ““Approval” as shown on the submitted site plan received October 3, 2019.