



DeKalb County Zoning Board of Appeals
Department of Planning & Sustainability
330 Ponce De Leon Avenue, Suite 300
Decatur, GA 30030



Michael L. Thurmond
Chief Executive Officer

Wednesday, September 11, 2019 at 1:00 PM

Planning Department Staff Analysis

N4 Case No: A-19-1243440 Parcel ID(s): 15-215-05-009

Commission District: 03 Super District 06

Applicant: Darien Arikoski-Johnson
1342 Deerwood Drive
Decatur, GA 30030

Owner: Same as the Applicant

Project Name: 1342 Deerwood Drive

Location: The property is located on the east side of Deerwood Drive, approximately 648 feet south of Creekwood Terrace, at 1342 Deerwood Drive, Decatur, Georgia 30030.

REQUEST: Variances from Section 27-4.2.2 of the DeKalb County Zoning Ordinance (1) to increase the maximum square footage of a proposed accessory building from 900 square feet to 1,218.292 square feet, and (2) to increase the height of a proposed accessory building from 22.3 feet to 24 feet; and from Section 27-2.2 of the DeKalb County Zoning Ordinance (3) to increase the existing lot coverage from 35% to 37%.

Staff Recommendation: **“Approval” based on the submitted site plan received August 8, 2019 with condition that a water quality treatment plan is in place per the Land Development Division.**

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	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 east side of Deerwood Drive, approximately 648 feet south of Creekwood Terrace, at 1342 Deerwood Drive, Decatur, Georgia 30030. The site is zoned R-75 and is surrounded by R-75 zoned properties to the north, south, east, and west. The subject property fronts Deerwood Drive which is classified as a local street.

Variance request Variances from Section 27-4.2.2 of the DeKalb County Zoning Ordinance (1) to increase the maximum square footage of a proposed accessory building from 900 square feet to 1,218.292 square feet, and (2) to increase the height of a proposed accessory building from 22.3 feet to 24 feet; and from Section 27-2.2 of the DeKalb County Zoning Ordinance (3) to increase the existing lot coverage from 35% to 37% for a proposed accessory building.

Variance Analysis: Based on the submitted survey, the lot has approximately 59 feet of street frontage along Deerwood Boulevard and approximately 12,597 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. This lot does not meet the minimum width requirements per the R-75 zoning district and appears to be a legally non-conforming lot. Based on the County records, The existing structure was constructed in 1951, 5 years before the adoption of the 1956 zoning ordinance. This site was platted February 25, 1941 as part of the Dearborn Park subdivision.

Based on the submitted the application and proposed site plan, the applicant is proposing to build a 1,218 square foot accessory building in the back of existing residence. The proposed accessory building will function as an art studio/workshop. The proposed accessory building will be taller than the existing principle structure and will increase the lot coverage additional 2%. The DeKalb County Zoning Ordinance requires all detached accessory buildings to not exceed the height of the principle structure, and exceed the maximum floor area of 900 square feet.

Based on staff's site visit, this requested variance appears to meet 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 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. In addition, this request does not constitute a grant of special privilege that is inconsistent with the limitations upon other properties in the zoning district in which the subject property is located. The subject property is located within a subdivision that has lots with minimum widths of 60 feet. This subdivision was recorded 10 years before the adoption of the DeKalb County zoning ordinance. In addition, there are other lot that have detached accessory buildings located in the rear.

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 staff's visit, considering the location in the rear yard 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 applicant has provided letters of support from adjacent property owners to the north, east, and south.

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 subject lot the strict application of the applicable provisions and requirements of this chapter would cause an undue and unnecessary hardship for the applicant causing design constraints.

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. In addition, this request does not constitute a grant of special privilege that is inconsistent with the limitations upon other properties in the zoning district in which the subject property is located. The subject property is located within a subdivision that has lots with maximum widths of 60 feet. This subdivision was recorded 10 years before the adoption of the DeKalb County zoning ordinance.

Due to the legal non-conformity of the subject lot the strict application of the applicable provisions and requirements of this chapter would cause an undue and unnecessary hardship for the applicant causing design constraints. 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 a water quality treatment plan is in place per the Land Development Division.