



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, May 8, 2019 at 1:00 PM

Planning Department Staff Analysis

N.4 Case No: A-19-1243221 Parcel ID(s): 18-050-07-001

Commission District: 02 Super District 06

Applicant: Mo Heidari
2395 N. Decatur Road
Decatur, GA 30033

Owner: Krista Jo Kerber
2395 N. Decatur Road
Decatur, GA 30033

Project Name: 2395 N. Decatur Road

Location: The property is located on the southwest corner of North Decatur Road and Ferndale Drive, at 2395 North Decatur Road, Decatur, Georgia 30033.

REQUEST: Variances from Section 27-2.2.1 of the DeKalb County Zoning Ordinance to reduce the side corner setback from 30 feet to 9 and to increase the maximum allowable lot coverage from 35% to 36.5% for an addition over an existing garage.

Staff Recommendation: "Approval" based on the submitted site plan received April 4, 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	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 southwest corner of North Decatur Road and Ferndale Drive, at 2395 North Decatur Road, Decatur, Georgia 30033. 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 North Decatur Road which is classified as a minor arterial road and Ferndale which is classified as a local street.

Variance request: Variances from Section 27-2.2.1 of the DeKalb County Zoning Ordinance to reduce the side corner setback from 30 feet to 9 and to increase the maximum allowable lot coverage from 35% to 36.5% for an addition over an existing garage. The applicant submitted some of the following comments: "During the last 20 years I've enjoyed the balcony but due to bad installation of flashing and roofing there was always been leaks and water penetration which caused a lot a damage and mold growth."

Variance Analysis: Based on the submitted materials, the site has approximately 82.60 feet of street frontage along North Decatur Road and 150 feet to street frontage along Ferndale Drive. The site has approximately 10,616 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 comply with these minimum standards. Based on the county records, the property was platted in 1950 and the house was constructed in 1949. A variance was granted to the property owner on December 8, 1999 to reduce the side (street) yard setback from 15 feet to 9 feet to allow for the construction of an attached garage within the rear of the existing residence.

Based on the submitted site plan, the existing residential structure consist of three levels. First level is the garage, second level is the office, and third level is the bedroom along with a balcony that is currently above the office as well as the garage. The applicant is proposing to enclose the existing balcony to extend the existing third level bedroom. However, since the existing garage is currently 9 feet from the side corner lot line, a variance is required since the minimum side corner yard setback requirement is 30 feet per the R-75 zoning district. The applicant has no plans to increase the height no extend the building footprint.

Based on staff's site visit and submitted materials, the requested variance does 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:

Based on the submitted materials, by reason of exceptional narrowness, shallowness, shape of lot, and 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 since the existing residence is on an irregular-shaped parcel. The plan reveals the frontage of the parcel along North Decatur Road is approximately 82 feet in width, and approximately 59.3 feet at the rear, thus creating an irregular shaped parcel.

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, and does constitute a grant of special privilege inconsistent with the limitations upon other properties in the zoning district in which the subject property is located since to applicant has no plans to increase the height of the structure nor extend the building footprint.

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 grant of the variance will be materially detrimental to the public welfare or injurious to the property or improvements in the zoning district in which the subject property contains mature growth trees and shrub within the front and rear of the residence which would mitigate any potential visual impact.

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 plan, it appears that the literal interpretation and strict application of the applicable provisions or requirements of this chapter would not cause an undue and unnecessary hardship considering that the existing building footprint of the existing garage does not meet the side corner yard setbacks requirement for the R-75 zoning district.

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 plan, it appears that the literal interpretation and strict application of the applicable provisions or requirements of this chapter would not cause an undue and unnecessary hardship considering that the existing building footprint of the existing garage does not meet the side corner yard setbacks requirement for the R-75 zoning district. Therefore, the Department of Planning and Sustainability recommends that the application be “approved” based on the materials received on April 4, 2019.

STAFF RECOMMENDATION: “Approval” based on the submitted site plan received April 4, 2019.