



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, June 10, 2020 at 1:00 PM

Planning Department Staff Analysis

N5 Case No: A-20-1243869 Parcel ID(s): 18-101-02-008

Commission District: 02 Super District 06

Applicant: Kyle Williams
309 Sycamore Street
Decatur, GA 30030

Owner: Victor Ing
757 Briarpark Court
Atlanta, Georgia 30306

Project Name: 757 Briarpark Court

Location: The property is bounded between Briarpark Court and Old Briarcliff Road, at 757 Briarpark Court Atlanta, GA 30306.

REQUEST: Variances from the DeKalb County Zoning Ordinance: Section 27-2.2.1(Table 2.2—Residential Zoning Districts Dimensional Requirements)(1) to increase the maximum lot coverage from 35% to 38%, relating to the R-75 zoning district;(2) Section 27- 4.2.2. (C) to reduce the southern side yard setback from 7.5 feet to 1.5 feet for a proposed detached garage;(3) and Section 27- 5.1.5. (C) to allow a second entrance on a double frontage lot, relating to the R-75 zoning district.

Staff Recommendation: **“APPROVAL” as shown on the submitted site plan received on February 27, 2020.**

STAFF FINDINGS:

Table 1: Surround Zoning and Land Use

	Adjacent Zoning	Adjacent Land Use
North	R-75	Detached single family homes
East	OI	Undeveloped
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 bounded between Briarpark Court and Old Briarcliff Road, at 757 Briarpark Court Atlanta, GA 30306. The site is zoned R-75 and is surrounded by R-75 zoned properties to the north, south, and west as well as OI zoned properties to the east. The subject property currently fronts Briarpark Court and Old Briarcliff Road, both street are classified as local streets.

Variance request: Variances from the DeKalb County Zoning Ordinance: Section 27-2.2.1 (Table 2.2—Residential Zoning Districts Dimensional Requirements)(1) to increase the maximum lot coverage from 35% to 38%, relating to the R-75 zoning district;(2) Section 27- 4.2.2. (C) to reduce the southern side yard setback from 7.5 feet to 1.5 feet for a proposed detached garage;(3) and Section 27- 5.1.5. (C) to allow a second entrance on a double frontage lot, relating to the R-75 zoning district.

Variance Analysis: Based on the submitted materials, the applicant is proposing to build a detached accessory structure consisting of a small garage that will utilize the existing driveway. Due to the as-built condition of the existing driveway, the proposed accessory structure will encroach into the minimum side yard setback and increase the maximum allowed lot coverage from 35% to 38.6%. Per County records the existing single-family home was constructed 1953, three years prior to the adoption of the 1956 zoning ordinance. Therefore, causing the existing single-family home to be legal non-conforming.

Also, the applicant seeks a variance to allow a second access from Old Briarcliff road. Based on the submitted materials, it appears that there is an existing curb cut at the rear of the subject property fronting Old Briarcliff road. The DeKalb County zoning ordinance prohibits second accesses on double frontage lots. However, granting this variance will not go beyond the minimum necessary afford relief since this is an existing curb cut.

Based on the submittal materials, it appears that the requested variance meets the criteria for approval based on the following criteria:

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 site plan, due to the current as-built conditions of the site, the strict application of the requirements of this chapter would deprive the property owner of rights and privileges enjoyed by other property owners.

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:

It appears that the requested variances does not go beyond that minimum necessary to afford relief. Therefore, granting these variances 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 these variances 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.

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, due as-built conditions on the site, the strict application of the applicable provisions and requirements of this chapter would cause an undue hardship for the applicant.

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, due to the as-built conditions on the site, the strict application of the applicable provisions and requirements of this chapter would cause an undue hardship for the applicant. Therefore, the Department of Planning and Sustainability recommends that the application be “approved” as shown on the submitted site plan received on February 27, 2020.

STAFF RECOMMENDATION: “APPROVAL” as shown on the submitted site plan received on February 27, 2020.