



**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**

**N5 Case No: A-19-1243441 Parcel ID(s): 18-050-17-015**

**Commission District: 02 Super District 06**

**Applicant:** Beth Cooper  
 2750 Shady Valley Drive  
 Atlanta, GA 30324

**Owner:** Big Door Properties  
 2750 Shady Valley Drive  
 Atlanta, Georgia 30324

**Project Name:** 2322 Sanford Road

**Location:** The property is located on the northeast corner of Suzanne Drive and Sanford Road, at 2322 Sanford Road, Decatur, Georgia 30033.

**REQUEST:** Variance from Section 27-2.2.1 of the DeKalb County Zoning Ordinance to reduce the side corner setback from 30 feet to 11.29 feet for a proposed second story addition.

**Staff Recommendation:** **“Approval” based on the submitted site plan received August 8, 2019.**

**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 northeast corner of Suzanne Drive and Sanford Road, 2322 Sanford Road, Decatur, Georgia 30033. The site is zoned R-75 and is surrounded by R-75 zoned properties to the north, east, west and south. The subject property fronts Suzanne Drive and Sanford Road which are classified as local streets.

**Variance request:** Variance from Section 27-2.2.1 of the DeKalb County Zoning Ordinance to reduce the side corner setback from 30 feet to 11.29 feet for a proposed second story addition.

**Variance Analysis:** Per County records, the existing house was constructed in 1949, seven years before the adoption of the 1956 zoning ordinance and is consider as a legal non-conforming structure.

Based on the submitted site plan, the existing residential structure consists of one level with driveway access from Sanford Road. The existing house currently encroaches 18 feet into the required side corner setback of 30 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 existing legal non-conforming structure is located on a corner lot, 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 the proposed second story addition, 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.

**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:**

The requested variance does not appear to go beyond the minimum necessary to afford relief. Since the existing legal non-conforming structure is located on a corner lot, 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.

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. 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.**