



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, July 10, 2019 at 1:00 PM

Planning Department Staff Analysis

N.5 Case No: A-19-1243337 Parcel ID(s): 18 049 10 003

Commission District: 04 Super District 06

Applicant: Gail Mooney
2156 W Park Ct Ste D
Stone Mountain, GA 30087

Owner: Christie Robson
2586 Pineview Drive
Decatur, GA 30030

Project Name: 2568 Pineview Drive

Location: The property is located at the corner of Pineview Drive and Sycamore Drive, at 2568 Pineview Drive, Decatur, Georgia 30030.

REQUEST: Variance from Section 27-2.2.1 of the DeKalb County Zoning Ordinance to reduce the rear yard setback from 40 feet to 23 feet for an addition onto the rear of the existing house, relating to the R-75 zoning district.

Staff Recommendation: "Approval" based on the submitted site plan received June 6, 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 at the corner of Pineview Drive and Sycamore Drive, at 2568 Pineview Drive, Decatur, Georgia 30030. 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 Sycamore Drive, but the house faces Pineview Drive. Both are classified as a local streets.

Variance request: Variance from Section 27-2.2.1 of the DeKalb County Zoning Ordinance to reduce the rear yard setback from 40 feet to 23 feet to add a large rear and side addition.

Variance Analysis: Based on the submitted materials, the site has approximately 100 feet of street frontage along Sycamore Drive and 145 feet of street frontage on Pineview Drive. The site has approximately 14,500 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 meets the minimum building width and lot area for its zoning. Additionally, the current structure sits within the required setbacks for the R-75 zoning district. The proposed site plan for the addition shows an encroachment of 17 feet into the rear setback and 1.5 feet into the interior side setback. The later encroachment was not acknowledged as part of the request by the applicant.

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:

The existing residence is on a lot that is appropriate for the zoning district. The submitted site plans show that the lot meets the requirements of the R-75 zoning district and the current structure conforms to the code. However, the strict application requirements of this chapter would deprive the property owner of rights and privileges enjoyed by other property owners due to the existing house being diagonally with the buildable area.

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. The proposed addition would not constitute a grant of special privilege inconsistent with the limitations upon other properties in the zoning district. The proposed addition will encroach no further into the rear yard than the current structure and not closer to the adjacent property owner.

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 current house and other houses on the block, the granting of the variance will not be materially detrimental to the public welfare or possibly injurious to the other properties 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:

It appears that the literal interpretation and strict application of the applicable provisions or requirements of this chapter are appropriate considering that the hardship is the existing house being diagonally with the buildable area causing design constraints 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 or the DeKalb County Comprehensive Plan text as it would grant a special privilege to this specific property owner.

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 cause an undue and unnecessary hardship considering the orientation of the existing house being diagonally with the buildable area causing design constraints for the applicant. Therefore, the Department of Planning and Sustainability recommends that the application be "approve" based on the materials received on June 6, 2019.

STAFF RECOMMENDATION: "Approval" based on the submitted site plan received June 6, 2019.