



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, March 13, 2019 at 1:00 PM

Planning Department Staff Analysis

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**N.5 Case No: A-19-1243118 Parcel ID(s): 15-254-01-193**

**Commission District: 04 Super District 07**

**Applicant:** Myra Cockerham  
775 Queen Ann Court  
Stone Mountain, GA 30083

**Owner:** Same as Above

**Project Name:** 775 Queen Ann Court

**Location:** The property is located at the northwest corner of John Alden Road and Queen Ann Court, at 775 Queen Ann Court, Stone Mountain, Georgia.

**REQUEST:** Variances from Section 27-2.2 of the DeKalb Zoning Ordinance to reduce the interior side yard setback from 10 feet to 5 feet, and rear yard setback from 40 feet to 35 feet for a proposed two car detached garage, all relating to the R-100 zoning district.

**Staff Recommendation:** **“APPROVAL” based on the submitted site plan and materials received on February 7, 2019 with condition that of the color and all building materials of the proposed two car detached garage matches the existing residence single family structure.**

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## **STAFF FINDINGS:**

**Table 1: Surround Zoning and Land Use**

	<b>Adjacent Zoning</b>	<b>Adjacent Land Use</b>
North	R-100	Detached single family homes
East	R-100	Detached single family homes
South	R-100	Detached single family homes
West	R-100	Detached single family homes
Northeast	R-100	Detached single family homes
Northwest	R-100	Detached single family homes
Southeast	R-100	Detached single family homes
Southwest	R-100	Detached single family homes
Street Type	Local Street	

Site Location: The property is located at the northwest corner of John Alden Road and Queen Ann Court, at 775 Queen Ann Court, Stone Mountain, Georgia. The site is zoned R-100 and is surrounded by R-100 zoned property to the north, east, west and south. The subject property current fronts Lincoln Drive and is classified as a local street.

Variance request: Variances from Section 27-2.2 of the DeKalb Zoning Ordinance to reduce the interior side yard setback from 10 feet to 5 feet, and rear yard setback from 40 feet to 35 feet for a proposed two car detached garage, all relating to the R-100 zoning district. The applicant submitted some of the following comments: "As a carpenter my tools are my life. I have to leave them in the vehicle and it is parked outside. Our motorcycle is parked in one of our neighbor's garage more often than ours. We need this garage".

Variance Analysis: Based on the submitted materials, the site has approximately 208.24 feet of street frontage along John Alden Road and approximately 190.48 feet of street frontage along Queen Ann Court, and approximately 25,669 square feet of lot area. The R-100 zoning district requires a minimum lot frontage of 100 feet and a minimum lot area of 15,000 square feet. The site complies with these minimum standards. Based on the submitted site plan the existing house is setback approximately 40 feet from the interior side yard and 62 from the rear yard. Tax records indicate that the home was constructed in 1973. The proposed two car detached garage. Due to the existing conditions such the shape of the lot and topography of the site, the 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:**

Based on the submitted materials, by reason of exceptional narrowness, shallowness, or shape of a specific lot, or by reason of exceptional topographic and other site conditions (such as , but not limited to, floodplain, major stand of trees, steep slope), which were not created by the owner or applicant, it appears that the strict application of the requirements of this chapter would deprive the property owner or rights and privileges enjoyed by other property owners in the same zoning since due to the topography and shape of lot that created design constraints for the applicant.

**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, 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.

**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 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, 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 due to the topography and shape of lot.

**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, 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 since due to the topography and shape of lot. Therefore, the Department of Planning and Sustainability recommends that the application be “approved” based on the received on February 7, 2019.

**STAFF RECOMMENDATION:** “APPROVAL” based on the submitted site plan and materials received on February 7, 2019 with condition that of the color and all building materials of the proposed two car detached garage matches the existing residence single family structure.