



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, June 10, 2020 at 1:00 PM

Planning Department Staff Analysis

N6 Case No: A-20-1243991 Parcel ID(s): 18-052-03-15

Commission District: 02 Super District 06

Applicant: David Kirk, on behalf of Salomon Knafo (KFG 440 Burlington LLC)
600 Peachtree Street, Suite 3000
Atlanta, GA 30306

Owner: KFG 440 Burlington LLC
1535 Mason Mill Road
Atlanta, Georgia 30329

Project Name: 440 Burlington Road

Location: The property is located on west side of Burlington Road, approximately 323 feet east of Ridgewood Drive, at 440 Burlington Road Atlanta, GA 30307.

REQUEST: Variance from the DeKalb County Zoning Ordinance: (Section 27-2.2.1 (Table 2.2—Residential Zoning Districts Dimensional Requirements)) to reduce the rear yard setback from 40 feet to 7.5 feet for a proposed single family detached home, relating to the R-75 zoning district and the North Druid Hills Historic District.

Staff Recommendation: **“APPROVAL” as shown on the submitted site plan received on April 2, 2020.**

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 west side of Burlington Road, approximately 323 feet east of Ridgewood Drive, at 440 Burlington Road Atlanta, GA 30307. The site is zoned R-75 and is surrounded by R-75 zoned properties to the north, south, west, and east. The subject property is also located in the North Druid Hills historic district. The subject property currently fronts Burlington Road, and is classified as a local street.

Variance request: Variance from the DeKalb County Zoning Ordinance: (Section 27-2.2.1 (Table 2.2—Residential Zoning Districts Dimensional Requirements)) to reduce the rear yard setback from 40 feet to 7.5 feet for a proposed single-family detached home, relating to the R-75 zoning district and the North Druid Hill Historic District.

Variance Analysis: Based on the submitted materials, a variance was granted by the Zoning Board of Appeals to the applicant on January 10, 2018. The prior 2018 approval granted a reduction in the minimum rear yard setback from 40 feet to 7.5 feet for a proposed addition. The applicant decided to make modifications to the site, therefore requesting an amendment to the previously approved variance.

Based on the submitted materials, The property is currently is occupied with a dilapidated residential structure, which will be demolished during the construction of the proposed new residence, per the applicant. The R-75 zoning district requires a minimum rear yard setback of 40 feet. The applicant was granted a rear setback reduction to 7.5 feet in 2018. The submitted site plan shows the proposed residence to conform to the approved 7.5 rear setback and all other R-75 requirements, including maximum Floor Area Ratio, minimum unit size, height, and impervious surface. As shown on the submitted survey, there is a stream that flows through the property from the northeast to the southwest which significantly reduces the buildable area of the property. An administrative streambank buffer variance was granted on October 23, 2017 (variance #21889) allowing the proposed residential structure to encroach within the County's 75-foot stream buffer by 10 feet.

The applicant recently submitted an application for consideration of the proposed single-family detached structure to the Historic Preservation Commission and determined the requested amendment to the previously approved variance and site plan would be beneficial to the Historic Preservation Commission review process. The previously approved site plan showed only a residential footprint of approximately 2,400 square feet. The applicant proposes a single-family residence with a building footprint of 2,659 square feet utilizing the same 7.5 rear setback as previously approved.

Due to the strict application of the applicable provisions and requirements of the R-75 zoning district and the placement of the 75-foot stream buffer, 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, by reason of the exceptional topographic conditions and placement of the 75-foot stream buffer, 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 variance does not go beyond that minimum necessary to afford relief. Therefore, granting this variance 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 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 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, the placement of the 75-foot stream buffer and the strict application requirements of the R-75 zoning district 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, the placement of the 75-foot stream buffer and the strict application of requirements of the R-75 zoning district 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.