



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, September 11, 2019 at 1:00 PM

Planning Department Staff Analysis

N6 Case No: A-19-1243442 Parcel ID(s): 18-108-12-001

Commission District: 02 Super District 06

Applicant: John & Lindsey Petrini
1385 Brook Forest Drive, NE
Atlanta, GA 30324

Owner: Same as the Applicant

Project Name: 1385 Brook Forest Drive, NE

Location: The property is located on the southeast corner of Brook Forest Drive and Citadel Drive at 1385 Brook Forest Drive, Atlanta, Georgia 30324.

REQUEST: Variances from Section 27-2.2.1 of the DeKalb County Zoning Ordinance to reduce the interior side yard setback from 8.5 feet to 4.2 feet, reduce the side corner setback from the 35 feet to 20.9 feet, and to reduce the rear yard setback from the required 40 feet to 19.5 feet all to build an addition of an enclosed breezeway and second story garage.

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

STAFF FINDINGS:

Table 1: Surround Zoning and Land Use

	Adjacent Zoning	Adjacent Land Use
North	R-85	Detached single family homes
East	R-85	Detached single family homes
South	R-85	Detached single family homes
West	R-85	Detached single family homes
Northeast	R-85	Detached single family homes
Northwest	R-85	Detached single family homes
Southeast	R-85	Detached single family homes
Southwest	R-85	Detached single family homes
Street Type	Local Street	

Site Location: The property is located on the southeast corner of Brook Forest Drive and Citadel Drive at 1385 Brook Forest Drive, Atlanta, Georgia 30324. The site is zoned R-85 and is surrounded by R-85 zoned properties to the north, east, west and south. The subject property front Brook Forest Drive and Citadel Drive which is classified as local streets.

Variance request: Variances from Section 27-2.2.1 of the DeKalb County Zoning Ordinance to reduce the interior side yard setback from 8.5 feet to 4.2 feet, reduce the side corner setback from the 35 feet to 20.9 feet, and to reduce the rear yard setback from the required 40 feet to 19.5 feet all to build an addition of an enclosed breezeway and second story garage.

Variance Analysis: Per County records, the existing house was constructed in 1952, four 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 house encroaches in the interior side, side corner, and rear yard setbacks. The existing house is 4.2 feet from interior side setback line. The house is situated 26.3 feet from the side corner setback line. The existing carport is 25 feet from the side corner setback and 22 feet from the rear property line.

The proposed two-story garage will be located in the same vicinity as the existing carport and driveway. Per the applicant, "this position was selected for the new addition to: limit increase in impervious surface coverage, maintain more green space in the rear yard, and to connect to the main house to provide covered access to both levels of the garage."

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, the proposed two-story garage 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:

Due to the placement of the proposed two-story garage, 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, the proposed two-story garage 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.