



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

N.7 Case No: A-19-1243121 Parcel ID(s): 18-151-04-022

Commission District: 02 Super District 06

Applicant: Michael W. Martin
1469 Fama Drive
Atlanta, GA 30329

Owner: Same as Above

Project Name: 1469 Fama Drive

Location: The property is located on the east side of Fama Drive, approximately 227 feet west of North Amanda Circle, at 1469 Fame Drive, Atlanta, Georgia.

REQUEST: Variance from Section 27-2.2.1 of the DeKalb County Zoning Ordinance to reduce the side yard setback from the required 10 feet to 7 feet for construction of a drive-under garage and first floor addition, relating to the R-100 zoning District and the Fama Pines Community Overlay District.

Staff Recommendation: **“APPROVAL” based on the submitted site plan and materials received on February 7, 2019.**

STAFF FINDINGS:

Table 1: Surround Zoning and Land Use

	Adjacent Zoning	Adjacent Land Use
North	R-100 & The Fama Overlay District	Detached single family homes
East	R-100	Detached single family homes
South	R-100 & Fama Overlay District	Detached single family homes
West	R-100 & Fama Overlay District	Detached single family homes
Northeast	R-100	Detached single family homes
Northwest	R-100 & Fama Overlay District	Detached single family homes
Southeast	R-100	Detached single family homes
Southwest	R-100 & Fama Overlay District	Detached single family homes
Street Type		Local

Site Location: The property is located on the east side of Fama Drive, approximately 227 feet west of North Amanda Circle, at 1469 Fame Drive, Atlanta, Georgia. The site is zoned R-100 and is located within the Fama Overlay District. The site is surrounded by R-100 zoned property to the north, east, west and south. The subject property currently fronts Fama and is classified as a Local street.

Variance request: Variance from Section 27-2.2.1 of the DeKalb County Zoning Ordinance to reduce the side yard setback from the required 10 feet to 7 feet for construction of a new attached garage, relating to the R-100 zoning District and the Fama Pines Community Overlay District. The applicant submitted some of the following comments: " Having lived in this house for twenty (20) years and having been an active member of the neighborhood including the creation of the Fama Drive Overlay, we are now seeking to make a renovation to the house that involves transforming the 11' 3" tall carport into a basement garage with a main-floor level space above it."

Variance Analysis: Based on the submitted materials, the site has approximately 100.11 feet of street frontage, is located within the Fama Overlay District and consists of 20,382 square feet. The R-100 zoning district requires a minimum lot frontage of 100 feet and a minimum lot area of 15,000 square feet. Based on County records, the subdivision was platted on May 11, 1951 and the house was constructed in 1953 3 years before approval of the 1956 zoning ordinance. Therefore, the property appears to be a legal non-conforming. Based on the submitted site plan, the existing carport is proposed to be excavated to create drive-under garage and first floor addition and result in a setback 7 feet from the south boundary line.

Based on the submitted materials, county records, and a site visit, the request 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 existing location of the carport which currently encroaches in the side yard setback approximately 3 feet, it appears that 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, 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 since the existing carport already encroaches in the side yard setback. Based on County records, the request 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 since the property is legal non-conforming.

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 property's legal non-conformity.

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 property's legal non-conformity. 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.