



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.8 Case No: A-19-1243123 Parcel ID(s): 15-248-07-013**

**Commission District: 04 Super District 06**

**Applicant:** Melanie Hill and Deborah Stephenson  
733 Hillmont Ave  
Decatur, GA 30030

**Owner:** Same as Above

**Project Name:** 733 Hillmont Ave

**Location:** The property is located on the west side of Hillmont Avenue, approximately 190 feet north of Hillyer Avenue, at 733 Hillmont Ave, Decatur, Georgia.

**REQUEST:** Variances from Section 37-2.2.1 to reduce the required front yard setback from 30 feet to 14 feet; reduce the required right side yard setback from 7.5 feet to 4 feet; reduce the required left side yard setback from 7.5 feet to 6 feet; reduce rear yard setback from 40 feet to 24 feet; and increase the maximum allowed lot coverage from 35% to 57.1%, for the purpose of constructing a home addition, relating to the R-75 zoning 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**

	<b>Adjacent Zoning</b>	<b>Adjacent Land Use</b>
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

Site Location: The property is located on the west side of Hillmont Avenue, approximately 190 feet north of Hillyer Avenue, at 733 Hillmont Ave, Decatur, Georgia. The site is zoned R-75 and is surrounded by R-75 zoned property to the north, east, west and south. The subject property current fronts Hillmont Avenue and is classified as a Local street.

Variance request: Variances from Section 37-2.2.1 to reduce the required front yard setback from 30 feet to 14 feet; reduce the required right side yard setback from 7.5 feet to 4 feet; reduce the required left side yard setback from 7.5 feet to 6 feet; reduce rear yard setback from 40 feet to 24 feet; and increase the maximum allowed lot coverage from 35% to 57.1%, for the purpose of constructing a home addition to the rear of the existing structure, relating to the R-75 zoning district. The applicant submitted some of the following comments: "To impose the current requirements and provisions of the R-75 zoning designation on the homeowner would create a substantial hardship and deprive the property owners of rights and privileges enjoyed by other property owners in the same zoning district to improve their property. The application of the R-75 zoning designation requirements to this lot would potentially cause the owners to consider moving out of a neighborhood and home that they simply adore. The proposed improvements will allow for a more open floor plan and slightly larger rooms to accommodate the needs of the property owners."

Variance Analysis: Based on the submitted site plan, the site has a 48 feet of frontage along Hillmont Avenue and totals 4,442 square feet. The R-75 zoning district requires a minimum lot frontage of 75 feet and a minimum lot area of 10,000 square feet. Tax records reveal that the house was constructed in 1925, 31 years before DeKalb County adopted its first zoning ordinance (in 1956). Therefore the lot area and lot frontage, as well as the north and south side yard setback, and lot coverage, are legal, non-conforming aspects of the site.

Based on the submitted materials, the house is set at the 40 foot rear yard setback line and is 6.73 feet from the south property line and 4 feet from the north property line. Due to the small size of the lot, construction of the rear addition would raise the existing lot coverage from 45% to 57.1%. 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 submitted materials, 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 due to the exceptional narrowness and small size of the lot, which is a legal, non-conforming lot of record.

**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 variances does not go beyond the minimum necessary to afford relief since the addition is will be located entirely to the rear of the property and maintain a rear yard. 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 similar dimension exist within of rear yards of this older neighborhood, which demonstrates a variety of non-conforming situations.

**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, as the rear addition creates no impact on a residential properly given the "Lanier Gardens" open space to the rear.

**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 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 exceptional narrowness and small size of the lot, which is a legal, non-conforming lot of record. The requests appear to be the minimum to provide relief and would not be materially detrimental to adjacent properties. 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.**