



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, June 10, 2020 at 1:00 PM

Planning Department Staff Analysis

N8 Case No: A-20-1243862 Parcel ID(s): 15-047-02-001

Commission District: 03 Super District 06

Applicant: Phillip Venson
858 Carwright Pass
Fayetteville, GA 30214

Owner: KLM Transport, LLC
1389 Henrico Road
Conley, GA 30288

Project Name: 1389 Henrico Road

Location: The property is located on the south side of Henrico Road, approximately 468 feet west of the intersection of Henrico Road and Interstate 285, at 1389 Henrico Road Conley, GA 30288.

REQUEST: Variance from the DeKalb County Zoning Ordinance: Section 27-2.24.1. (Table 2.2—Residential Zoning Districts Dimensional Requirements) to reduce the rear yard setback from 60 feet to 30 feet for a rear proposed addition, relating to the M zoning district.

Staff Recommendation: “APPROVAL” as shown on the submitted site plan received on March 3, 2020.

STAFF FINDINGS:

Table 1: Surround Zoning and Land Use

	Adjacent Zoning	Adjacent Land Use
North	M	Undeveloped
East	M-2	Undeveloped
South	M	Undeveloped
West	M	Undeveloped
Northeast	M	Undeveloped
Northwest	M	Undeveloped
Southeast	M	Undeveloped
Southwest	M	Undeveloped
Street Type	Collector Street	

Site Location: property is located on the south side of Henrico Road, approximately 468 feet west of the intersection of Henrico Road and Interstate 285, at 1389 Henrico Road Conley, GA 30288..The site is zoned M and is surrounded by M zoned properties to the north, east, south and west. The subject property currently fronts Henrico Road, which is classified as a collector street.

Variance request: Variance from the DeKalb County Zoning Ordinance: Section 27-2.24.1. (Table 2.2—Residential Zoning Districts Dimensional Requirements) to reduce the rear yard setback from 60 feet to 30 feet for a rear proposed addition, relating to the M zoning district.

Variance Analysis: Based on the submitted materials, the applicant is proposing to construct an addition over an existing concrete. The DeKalb County zoning ordinance requires a minimum 60-foot rear yard setback for lots within the M zoning district. Based on the submitted site plan, the proposed addition encroaches into the rear setback. Due to the irregular shape lot 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 shape of lot, 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:

Due to the shape of lot, 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, due to the irregular shape lot, the strict application of the applicable provisions and requirements of this chapter 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, due to the irregular shape lot, the strict application of the applicable provisions and requirements of this chapter 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 March 3, 2020.

STAFF RECOMMENDATION: “APPROVAL” as shown on the submitted site plan received on March 3, 2020.