



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

N8 Case No: A-19-1243450 Parcel ID(s): 18-107-05-025

Commission District: 02 Super District 06

Applicant: Dana Farooa
1052 Traymore Drive
Norcross, Georgia 30093

Owner: Hawleri Homes, LLC
1052 Traymore Drive
Norcross, Georgia 30093

Project Name: 1112 Shepherds Lane

Location: The property is located on the west side of Shepherds Lane, approximately 1,311 feet south of LaVista Road, at 1112 Shepherds Lane, Atlanta, Georgia 30324.

REQUEST: Variance from Section 5.2.1 of the DeKalb County Zoning Ordinance to reduce the average front yard setback from 30 feet to 4 feet for a proposed 2 story single family detached structure.

Staff Recommendation: Denial

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-100	Detached single family homes
Northeast	R-100	Detached single family homes
Northwest	R-100	Detached single family homes
Southeast	R-100	Detached single family homes
Southwest	R-100	Detached single family homes
Street Type	Local Street	

Site Location: The property is located on the west side of Shepherds Lane, approximately 1,311 feet south of LaVista Road, at 1112 Shepherds Lane, Atlanta, Georgia 30324. The site is R-75 and is surrounded by R-75 zoned properties to the north, south, east, and west. The subject property fronts Shepherds Lane which is classified as a local street.

Variance request: A Variance from Section 5.2.1 of the DeKalb County Zoning Ordinance to reduce the average front yard setback from 30 feet to 4 feet for a proposed 2 story single family detached structure.

Variance Analysis: Per County records, the subject lot has a street frontage of approximately 65 feet and a lot size of 10,740 square feet and appears to be legal non-conforming per the R-75 zoning district. Based on the submitted site plan, the applicant is proposing to demolish the existing structure and build a two-story single family home that will encroach into the front yard setback 25 feet.

Based on staff's site visit and submitted materials, the requested variance does not 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:

The strict application of the requirements of this chapter would not deprive the property owner of rights and privileges enjoyed by other property owners in the same zoning district. The applicant is proposing to build an attached garage that will encroach approximately 20 feet into the average front yard setback.

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 appear to go beyond the minimum necessary to afford relief since there are no homes along Shepherd Lane that extend beyond the average front yard setback. Therefore, the requested variance does 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 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:

The strict application of the applicable provisions and requirements of this chapter would not cause an undue and unnecessary hardship.

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 not be consistent with the spirit and purpose of this chapter and the DeKalb County Comprehensive Plan text.

FINAL STAFF ANALYSIS:

the requested variance does appear to go beyond the minimum necessary to afford relief since there are no homes along Shepherd Lane that extend beyond the average front yard setback. Therefore, the requested variance does constitute a grant of special privilege inconsistent with the limitations upon other properties in the zoning district in which the subject property is located.

The strict application of the applicable provisions and requirements of this chapter would not cause an undue and unnecessary hardship. Therefore, the Department of Planning and Sustainability recommends that the application be “denied”.

STAFF RECOMMENDATION: “Denial”