



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**

**N9 Case No: A-20-1243862 Parcel ID(s): 18-060-10-008**

**Commission District: 02 Super District 06**

**Applicant:** MPZ Architects  
625 Tatum Court  
Alpharetta, GA 30022

**Owner:** Karen Debrot  
698 North Superior Avenue, SW  
Decatur, GA 30022

**Project Name:** 698 North Superior Avenue

**Location:** The property is located on the west site of North Superior Avenue, approximately 330 feet north of Superior Place, at 698 North Superior Avenue Decatur, GA 30033.

**REQUEST:** Variance from the DeKalb County Zoning Ordinance: Section 27-2.2.1 (Table 2.2—Residential Zoning Districts Dimensional Requirements) to reduce the side yard setback from 7.5 feet to 3.75 feet for a proposed carport, relating to the R-75 zoning district.

**Staff Recommendation:** **“APPROVAL” as shown on the submitted site plan received on March 11, 2020.**

**STAFF FINDINGS:**

**Table 1: Surround Zoning and Land Use**

	<b>Adjacent Zoning</b>	<b>Adjacent Land Use</b>
North	R-75	Detached Single Family
East	R-75	Detached Single Family
South	R-75	Detached Single Family
West	R-75	Detached Single Family
Northeast	R-75	Detached Single Family
Northwest	R-75	Detached Single Family
Southeast	R-75	Detached Single Family
Southwest	R-75	Detached Single Family
Street Type	Local Street	

**Site Location:** The property is located on the west site of North Superior Avenue, approximately 330 feet north of Superior Place, at 698 North Superior Avenue Decatur, GA 30033. The site is zoned R-75 and is surrounded by R-75 zoned properties to the north, east, south and west. The subject property currently fronts North Superior Avenue which is classified as a local street.

**Variance request:** Variance from the DeKalb County Zoning Ordinance: Section 27-2.2.1 (Table 2.2—Residential Zoning Districts Dimensional Requirements) to reduce the side yard setback from 7.5 feet to 3.75 feet for a proposed carport, relating to the R-75 zoning district.

**Variance Analysis:** Based on the submitted site plan, the applicant is proposing to construct a carport over an existing driveway, which currently encroaches into the side yard setback. The DeKalb County zoning ordinance requires a minimum 7.5-foot side yard setback for lots within the R-75 zoning district. Based on the submitted site plan, the proposed addition encroaches into the side setback. Due to the placement of the driveway 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, 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 placement of the existing driveway, 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 placement of the existing driveway, 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 placement of the existing driveway, 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 11, 2020.

**STAFF RECOMMENDATION: “APPROVAL” as shown on the submitted site plan received on March 11, 2020.**