



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, May 8, 2019 at 1:00 PM
Planning Department Staff Analysis

N.7 Case No: A-19-1243247 Parcel ID(s): 15-244-01-029

Commission District: 02 Super District 06

Applicant: William N. Robinson
957 Artwood Road Northwest
Atlanta, GA 30307

Owner: Same as Above

Project Name: 957 Artwood Road

Location: The property is located on the north side of Artwood Road, approximately 235 feet west of Heaton Park Drive, 957 Artwood Road Northeast, Atlanta, Georgia 30307.

REQUEST: Variance from Section 5.4.7 of the DeKalb County Zoning Ordinance to increase height of a retaining wall from 4 feet to 8 feet.

Staff Recommendation: **“Approval” based on the submitted site plan received April 5, 2019**

STAFF FINDINGS:

Table 1: Surround Zoning and Land Use

	Adjacent Zoning	Adjacent Land Use
North	R-85/ Druid Hills Historic District	Detached single family homes
East	R-85/ Druid Hills Historic District	Detached single family homes
South	R-85/ Druid Hills Historic District	Detached single family homes
West	R-85/ Druid Hills Historic District	Detached single family homes
Northeast	R-85/ Druid Hills Historic District	Detached single family homes
Northwest	R-85/ Druid Hills Historic District	Detached single family homes
Southeast	R-85/ Druid Hills Historic District	Detached single family homes
Southwest	R-85/ Druid Hills Historic District	Detached single family homes
Street Type	Local Street	

Site Location: The property is located on the north side of Artwood Road, approximately 235 feet west of Heaton Park Drive, 957 Artwood Road Northeast, Atlanta, Georgia 30307. The site is zoned R-85 and is surrounded by R-85 zoned property to the north, east, west and south, and is located within the Druid Hills Historic District. The subject property current fronts Artwood Road and is classified as a local street.

Variance request: Variance from Section 5.4.7 of the DeKalb County Zoning Ordinance to increase height of a retaining wall from 4 feet to 8 feet.

Variance Analysis: Based on the submitted materials, the applicant is proposing to repair the existing retaining wall. The existing granite wall was built in 1957 along with the existing house. The wall is located to the rear of the house about 150 feet from the rear property line, which abuts the Fernbank Forest. Based on the submitted site plan, the existing wall is approximately 125 feet long and varies in height from 1-foot to 8.5 feet. If kept at existing grade the new wall would measure 9.4 feet. However, the applicant proposes re-grading the area to ensure the new wall will be 8 feet or less in order to comply with the maximum height requirements of 8 feet.

This request was reviewed and approved by the Historic Preservation Board on March 18, 2019.

Based on staff's site visit and the submitted documents, this request appears to meeting 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 materials, by reason of exceptional topographic and other site conditions, which were not created by the owner or applicant, it appears that the strict application of the requirements of this chapter would deprive the property owner rights and privileges enjoyed by other property owners in the same zoning since the owner replacing an existing wall needed to support a home built prior to the current code.

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 not appear to 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. The applicant proposes re-grading the yard to minimize the overall exposed height.

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 since the new wall will not be visible from any of the adjacent properties.

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 and site plan, 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 considering that the existing wall was constructed in 1957 and now needs repair.

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 and site plan, 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 considering that the existing wall was constructed in 1957 and now needs repair. Further, the applicant's design minimizes the visual impact of the new wall by re-grading the area at the base of the wall. Therefore, the Department of Planning and Sustainability recommends that the application be "approved" based on the materials received on April 4, 2019.

STAFF RECOMMENDATION: "Approval" based on the submitted site plan received April 4, 2019