



Michael L. Thurmond

Chief Executive Officer

DeKalb County Zoning Board of Appeals
Department of Planning & Sustainability
178 Sams Street,
Decatur, GA 30030

Wednesday, June 12th, 2024

Planning Department Staff Analysis



Cedric Hudson

Interim Director

N4. Case No: A-24-247002

Parcel ID(s): 18 106 09 014

Commission District 02 Super District 06

Applicant: **Jordan and Tray Alley**
1150 Briar Vista Terrace NE
Atlanta, GA, 30324

Owner: **Jordan and Tray Alley**
1150 Briar Vista Terrace NE
Atlanta, GA 30324

Project Name: 1150 Briar Vista Ter – Carport Enclosure

Location: 1150 Briar Vista Terrace NE, Atlanta, GA, 30324

Request: Variance from Section 27-2.2.1 of the DeKalb County Zoning Ordinance to reduce the rear yard setback from 40' to 30'; and the side yard setback from 7.5' to 4' to enclose an existing carport in the R-75 (Residential Medium Lot) zoning district.

Staff Recommendation: Approval with conditions.

Conditions:

1. The following information about this variance shall be noted on any site plan prepared for the subject property: case number, approval date, type of variance and condition(s) of approval.
2. Implement a landscaping buffer on the sides where the setback is reduced to mitigate any potential visual impact on neighbors.

STAFF FINDINGS:

The applicant has requested a reduction in the rear-yard setback from 40' to 30'; and a reduction in the side-yard setback from 7.5' to 4' to enclose a carport and construct a home extension. The existing structure was built in 1955 and is legal non-conforming. The proposed project will increase the non-conformity of the property.

1. There is an extraordinary or exceptional physical condition(s) pertaining to the particular piece of property (such as, but not limited to, lot size, lot shape, specimen tree(s), steep slope(s), or preservation of historic characteristics of the property), which was not created by the current owner, previous owner, or applicant; by reason of a clearly demonstrable condition(s), 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, as distinguished from a special privilege or convenience sought by the property owner.

The property in question is characterized by its irregular shape, which presents unique challenges in complying with the standard setback requirements. This creates setbacks that pose a challenge to construct in. These conditions are inherent to the property and not a result of any actions taken by the applicant or previous owners. This may support the justification for a variance due to the distinctive physical constraints of the site.

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:

The proposed enclosure of the carport does not alter the existing footprint of the structure and a variance would be required to enclose it. However, the addition behind the carport does not represent the minimum necessary to justify a reduction in the rear setback as the site plan shows ample space provided on the middle-left side of the rear of the home.

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:

The variance may not be materially detrimental to the public welfare or injurious to the property. It may enhance the property aesthetically and improve safety by creating a more secure environment, reducing exposure to the elements, and decreasing the potential for unauthorized access or use of the open carport area. Two neighbors have expressed their support for the project, indicating the enclosure would not intrude on their privacy nor negatively impact the neighborhood.

4. The literal interpretation and strict application of the applicable provisions or requirements of this chapter would cause undue and unnecessary hardship:

A strict interpretation of the zoning ordinance may result in an undue hardship for the applicant by limiting the effective use of their property as it pertains to the enclosure of the carport. Given the property's legal non-conforming status built in 1955, the requested variance may be necessary to allow for meaningful upgrades and prevent unnecessary hardship.

5. The requested variance would be consistent with the spirit and purpose of this Chapter and the DeKalb County Comprehensive Plan Text:

The variance request aligns with the spirit and purpose of the DeKalb County Comprehensive Plan, which promotes responsible development while accommodating the needs of property owners within residential neighborhoods. Supplying more livable square footage contributes to the goal of increasing housing supply within the Land Use chapter of the Comprehensive Plan.

FINAL STAFF ANALYSIS:

The application meets the majority of the criteria for a setback variance as outlined in the DeKalb County Zoning Ordinance Section 27.2.2.1. While the proposed reduction in setback constitutes a minimal encroachment and would not significantly alter the physical infrastructure or built environment, it would also allow the structure to be closer to their neighbors than would typically be allowed under current regulations. The intent to utilize the existing structure for an addition may be a valid rationale for the setback reduction request. Therefore, staff recommends approval with conditions for the variance request.

Staff Recommendation: Approval with condition.

Condition:

1. The following information about this variance shall be noted on any site plan prepared for the subject property: case number, approval date, type of variance and condition(s) of approval.
2. Implement a landscaping buffer on the sides where the setback is reduced to mitigate any potential visual impact on neighbors.

Chief Executive Officer
Michael Thurmond

DEPARTMENT OF PLANNING & SUSTAINABILITY

Interim Director
Cedric Hudson

ZONING BOARD OF APPEALS APPLICATION FOR PUBLIC HEARING (VARIANCES, SPECIAL EXCEPTIONS, APPEALS OF ADMINISTRATIVE DECISIONS)

Applicant and/or
Authorized Representative: Jordan Alley and Tray Alley
Mailing Address: 1150 Briar Vista Ter NE
City/State/Zip Code: Atlanta, GA 30324
Email: jhaynes5493@gmail.com
Telephone Home: 864-221-9596 Business: _____

OWNER OF RECORD OF SUBJECT PROPERTY

Owner: Jordan Alley and Tray Alley
Address (Mailing): 1150 Briar Vista Ter NE Atlanta, GA 30324
Email: jhaynes5493@gmail.com Telephone Home: 864-221-9596 Business: _____

ADDRESS/LOCATION OF SUBJECT PROPERTY

Address: 1150 Briar Vista Ter NE City: Atlanta State: GA Zip: 30324
District(s): _____ Land Lot(s): _____ Block: _____ Parcel: 18 106 09 014
Zoning Classification: R-75 Commission District & Super District: 2/6

CHECK TYPE OF HEARING REQUESTED:

- VARIANCE (From Development Standards causing undue hardship upon owners of property.)
 SPECIAL EXCEPTIONS (To reduce or waive off-street parking or loading space requirements.)
 OFFICIAL APPEAL OF ADMINISTRATIVE DECISIONS.

PLEASE REVIEW THE FILING GUIDELINES ON PAGE 4. FAILURE TO FOLLOW GUIDELINES MAY RESULT IN SCHEDULING DELAYS.

Email plansustain@dekalbcountyga.gov with any questions.

DEPARTMENT OF PLANNING & SUSTAINABILITY

ZONING BOARD OF APPEALS APPLICATION

AUTHORIZATION OF THE PROPERTY OWNER

I hereby authorize the staff and members of the Zoning Board of Appeals to inspect the premises of the Subject Property.

I hereby certify that the information provided in the application is true and correct.

I hereby certify that I am the owner of the property subject to the application.

DATE: 4/25/24

Applicant Signature: Jordan Alley

DATE: 4/25/24

Applicant Signature: Tray Alley

Subject: Variance Request for Rear and Side Yard Setback Reduction - Section 27-2.2.1 – Carport Enclosure

Dear Members of the Zoning Board of Appeals,

My name is Jordan Alley and along with my husband, Tray Alley, we are writing to formally request a variance from Section 27-2.2.1 of the DeKalb County Zoning Ordinance. Our request pertains to the reduction of the rear yard setback requirement from 40 feet to 30 feet and the side yard setback from 7.5 feet to 4 feet for our property located at 1150 Briar Vista Ter NE. The purpose of this variance is to facilitate the enclosure of our existing carport which is crucial for the improvement and effective use of our property.

1. Physical Conditions of the Site:

The unique physical conditions of my property constitute a special case necessitating this variance. The parcel is characterized by a narrow and irregular shape, making compliance with the 40-foot rear yard setback particularly challenging. These conditions are inherent and not a result of any actions taken by me or previous property owners. This property is a legal-nonconforming residence that was built in 1955.

2. Minimum Variance Necessary:

I assure you that our request is solely for the minimum variance necessary to render our property usable, the enclosure of the carport does not change the footprint of the existing structure. The 30-foot rear setback and 4-foot side setback are essential for the practical and reasonable enclosure of our carport, ensuring that we can enjoy full use of our property without seeking advantages beyond those available to other property owners in the same zoning district.

3. Public Welfare:

The proposed addition will provide a positive impact on the neighborhood and community. The reduced setback will not pose any harm to public welfare, neighboring properties, or the overall improvements in the R-75 zoning district. The enclosure will be a modest and tasteful addition, enhancing the property without imposing adverse effects on the surrounding area. This enclosure will provide aesthetic improvement to the property as well as provide enhanced safety and blend in with similar projects completed in the neighborhood. We have received two signatures on a letter of support from our neighbors at 1144 Briar Vista Ter NE and 1283 Franklin Cir NE. These neighbors do not feel the enclosure would intrude on their privacy or negatively affect the neighborhood.

4. Ordinance Hardship:

A strict interpretation of the zoning laws, in this case, would cause undue hardship for us. The impracticality of adhering strictly to the 40-foot rear setback and 7.5-foot side setback would limit our ability to use the property effectively and create more living space for our family. Our property is a legal non-conforming structure built in 1955 which requires these setback variances for meaningful upgrades. The variance is, therefore, essential to prevent unnecessary hardship and allow for a reasonable use of our land.

5. Alignment with the Spirit of the Law:

We firmly believe that our variance request aligns with the intent of the Suburban Character Area, as outlined in the DeKalb County Comprehensive Plan. The proposed enclosure of the carport is in line with the goals of recognizing traditional suburban land use patterns while encouraging increased connectivity and accessibility. The development aims to enhance community connectivity, preserve and improve existing greenspace, and align with the proposed density of up to 8 dwelling units per acre for areas of this type.

In conclusion, we appreciate your time and consideration of our variance request. We are committed to working collaboratively to ensure that our proposed changes align with the broader goals and policies of DeKalb County.

Thank you for your attention to this matter.

Jordan and Tray Alley



GRID NORTH
GA WEST NAD 83
DATUM NAVD 88
SCALE: 1" = 30'

THIS PLAT IS A RETRACEMENT OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT SUBDIVIDE, CREATE A NEW PARCEL OR MAKE CHANGES TO ANY REAL PROPERTY BOUNDARIES, THE RECORDING INFORMATION OF THE DOCUMENTS, MAPS, PLATS, OR OTHER INSTRUMENTS WHICH CREATED THE PARCEL OR PARCELS ARE STATED HEREON. RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, NOR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. FURTHERMORE, THE UNDERSIGNED LAND SURVEYOR CERTIFIES THAT THIS PLAT COMPLIES WITH THE MINIMUM TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN THE RULES AND REGULATIONS OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN O.C.G.A. SECTION 15-6-67.



FOR THE FIRM
BOUNDARY ZONE, INC.
LSF #839

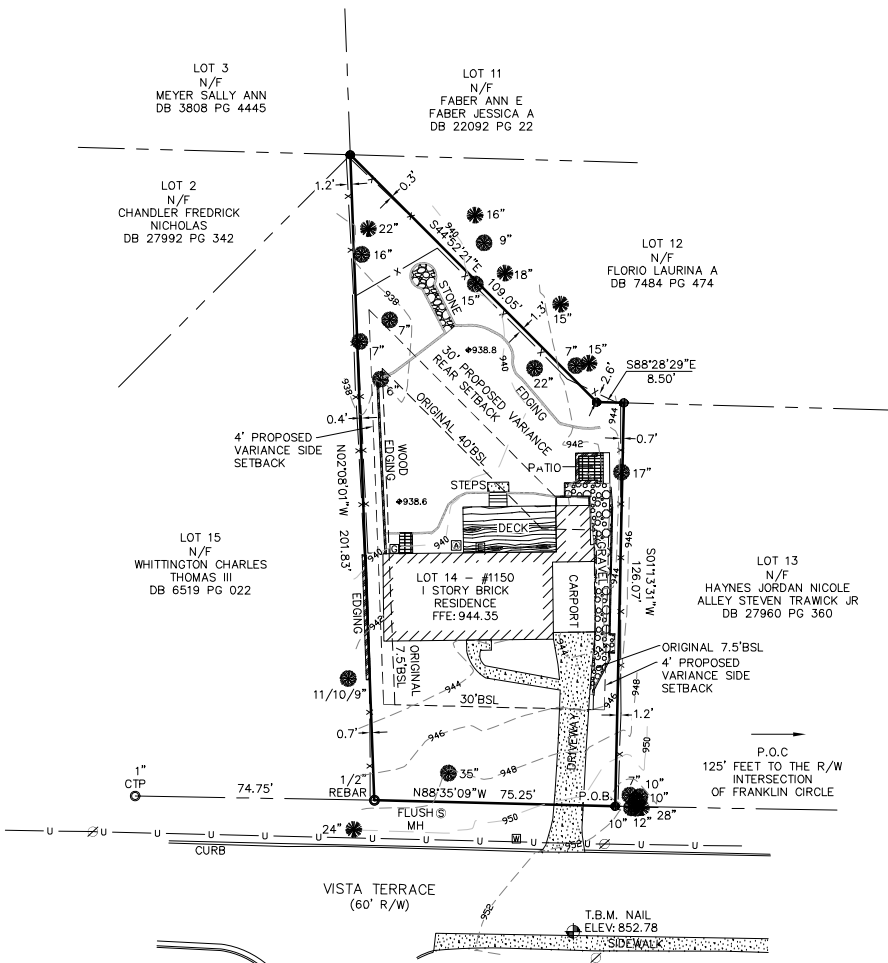
Ben E. Butterworth
BEN E. BUTTERWORTH RLS #2294

04/24/2024
DATE

ZONING INFORMATION:
R-75
SINGLE FAMILY
RESIDENTIAL DISTRICT

BUILDING SETBACKS:
FRONT: 30'
SIDE: 7.5'
REAR: 40'

THE SURVEYOR IN NO WAY INTENDS TO INTERPRET OR MAKE CONCLUSION REGARDING THE ZONING AND SETBACK DESIGNATION SHOWN HEREON. THIS INFORMATION IS REPORTED FROM PUBLIC INFORMATION OBTAINED FROM THE DEKALB COUNTY, GEORGIA PLANNING AND ZONING DEPARTMENT.



IMPERVIOUS SURFACE AREA SUMMARY	
AREA	SQ FT
TOTAL LOT	12748
HOME	1959
CONC./ASPHALT DRIVEWAY	556
MISC. CONCRETE	180
WOOD/STONE EDGING	162
STONE CONCRETE PATIO	50
WOOD STEPS	25
STONE/CONCRETE STEPS	0
CONC./WOOD PORCH/DECK	416
GRAVEL/RIP-RAP	349
BEDDING STONE	94
TOTAL IMPERVIOUS COVERAGE	3791
TOTAL % OF COVERAGE	29.8%

NO.	REVISION	DATE
1	ADD PROPOSED SETBACKS	04/24/2024
2		
3		
4		
5		

BOUNDARY, TOPOGRAPHIC & TREE SURVEY
PREPARED FOR: JORDAN ALLEY
1150 BRIAR VISTA TERRACE NE, ATLANTA, GA 30324
LOT 14 & PART OF LOT 13, BLOCK "A", BRIAR VISTA TERRACE S/D
LAND LOT 106 - 18TH DISTRICT
DEKALB COUNTY, GEORGIA - 01/26/2024

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BOUNDARY ZONE, INC.
ALL RIGHTS RESERVED.
THIS PLAT WAS PREPARED FOR THE USE OF THE PERSON, PERSONS OR ENTITY NAMED HEREON.

LEGEND :	
○ PROPERTY CORNER FOUND (AS NOTED)	⊗ POWER/LIGHT POLE
● 1/2" REBAR WITH CAP SET LSF# 839	⊖ GUY WIRE
■ R/W MONUMENT	⊞ POWER METER
⊞ FIRE HYDRANT	⊞ POWER BOX
⊞ WATER METER	⊞ TELEPHONE BOX
⊞ WATER VALVE	⊞ SIGN
⊞ POWER POLE	—W— WATER LINE
⊞ LIGHT POLE	—U— OVERHEAD UTILITY LINE
⊞ GAS METER	—S— SEWER LINE
⊞ GAS VALVE	—G— GAS LINE
⊞ CABLE BOX	—C— CABLE LINE
⊞ TELEPHONE BOX	—T— TELEPHONE LINE
⊞ SIGN	—X— FENCE LINE
—W— WATER LINE	—920— CONTOUR LINE
—U— OVERHEAD UTILITY LINE	—BSL— BUILDING SETBACK LINE
—S— SEWER LINE	CONC. CONCRETE
—G— GAS LINE	EOP EDGE OF PAVEMENT
—C— CABLE LINE	L.L. LAND LOT
	N/F NOW OR FORMERLY
	R/W RIGHT-OF-WAY
	P/L PROPERTY LINE
	OH OVERHANG
	C.B. CATCH BASIN
	CNT CANTILEVER
	H/C HANDICAP
	FFE FINISHED FLOOR ELEVATION
	BFE BASEMENT FLOOR ELEVATION
	GFE GARAGE FLOOR ELEVATION
	DB DEED BOOK
	PB PLAT BOOK
	PG PAGE

TOTAL AREA: 0.293 ACRES / 12,748 SQUARE FEET
BOUNDARY REFERENCE: DB 27960, PG 360; PB 22, PG 005
FIELDWORK PERFORMED ON 01/18/2024
THIS MAP OR PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 212,280 FEET.
THIS PLAT HAS BEEN PREPARED USING A ROBOTIC TOTAL STATION.
THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A RELATIVE POSITIONAL ACCURACY OF 0.02 FEET.

BOUNDARY zone, inc.
SURVEYORS, ENGINEERS AND LAND PLANNERS
800 SATELLITE BLVD., SUWANEE, GA 30024
WWW.BOUNDARYZONE.COM (770) 271-3772

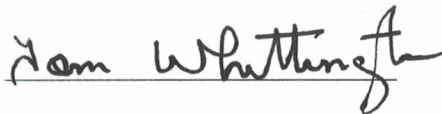
PROVIDING SERVICES FOR METRO ATLANTA, RALEIGH-DURHAM & CENTRAL FLORIDA.

PROJECT
2635601
SHEET
1 OF 1

To the Members of the Zoning Board of Appeals,

We are neighbors of the Alley family and fully support the project at 1150 Briar Vista Terrace. The enclosure of their carport is an aesthetic upgrade to their home and neighborhood. It also brings their home's architectural style into union with other homes in our neighborhood that have made this same adjustment. In allowing this project to move forward, you are ensuring investment in our area and a continued increase in property value. Thank you for your consideration.

Best,

A handwritten signature in black ink that reads "Tom Whittington". The signature is written in a cursive style with a horizontal line underneath the name.

Tom Whittington

1144 Briar Vista Terrace

Atlanta, GA, 3024

To the Members of the Zoning Board of Appeals,

We are neighbors of the Alley family and fully support the project at 1150 Briar Vista Terrace. The enclosure of their carport is an aesthetic upgrade to their home and neighborhood. It also brings their home's architectural style into union with other homes in our neighborhood that have made this same adjustment. In allowing this project to move forward, you are ensuring investment in our area and a continued increase in property value. Thank you for your consideration.

Best,

 4/14/24

Daniel and Barbara Royal

1283 Franklin Circle NE

Atlanta, GA, 3024



