

VARIANCE APPLICATION

Planning & Zoning

2635 Talley Street
Decatur, GA 30030
Phone 404-377-6198
Fax 404-378-5054



Attach a survey of the property drawn to scale and showing the following information. Please provide one full-size copy of all plans, as well as one copy of all plans in an 8½" x 11" format. It is helpful to show floor plans and elevations of proposed building improvements, as well as a letter of support from adjacent property owners. If the applicant is not the current property owner, provide a notarized authorization for this application from the current property owner. See the stream variance submittal checklist for additional requirements for stream variances.

1. all property lines with dimensions
2. location of buildings and other structures, creeks and easements referenced to property lines
3. north arrow, scale, lot and block numbers and land lot
4. topographic and drainage information if pertinent

Address of property _____ Decatur, GA 30030

Name of applicant _____ Phone _____

Address _____ City/state/ZIP _____

Email _____

Name of property owner _____ Phone _____

Address _____ City/state/ZIP _____

Current zoning of property _____

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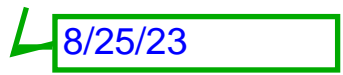
Please answer all of the following questions on a separate sheet.

1. What is the variance requested? What code requirement do you wish to vary from?
2. What are the special conditions relating to the specific piece of property in question (narrowness, shallowness, shape, topography, or other extraordinary and exceptional situation)?
3. Explain how the application of the zoning ordinance to this specific piece of property results in peculiar, extraordinary and practical difficulties?
4. Are the circumstances or conditions applying to the building or land in question peculiar to the premises? Do they apply generally to other land or buildings in the vicinity?
5. Explain why the granting of this variance is necessary for the preservation and enjoyment of a property right and does not merely serve as a convenience to the applicant.
6. Did the condition for which the variance is sought result from an action by the applicant?
7. Explain how the variance will affect the supply of light and air to adjacent property, the traffic on public streets, the danger of fire, the public safety and established property values.
8. Explain how the granting of the variance will be in harmony with the general purpose and intent of the Decatur land use plan.
9. Will the granting of the variance allow a structure or use in a district restricted against such structure or use?

.....

I hereby certify that the above and attached statements and documents are true to the best of my knowledge and belief.

Applicant signature  _____

Date  _____

August 25, 2023

To: City of Decatur

Re: Variance request for 372 West Benson – For building outside of the rear & side setbacks.

Mr. Augustine's home near Oakhurst Village suffered a sudden fire in February 2023 and as you can imagine he was devastated. Thankfully no one was hurt but all his belongings were destroyed as was most of the interior and some exterior portions of the home. The lot area is approximately 4,990 sf which is almost half of the R-60 minimum and half the average nearby residential lots, therefore a large portion of the existing home already stands outside of the small buildable footprint.

Below we have tried to answer the questions listed on the variance application to the best of our ability; we have also attached several existing vs proposed work drawings to help visualize the existing & proposed conditions.

1. What is the variance requested? What code requirement do you wish to vary from?

We are requesting 2 variances for building inside the rear & side setbacks; we wish to vary from UDO Sections 3.2.4 (Building Placement) via Sections 2.1.5.D.2 & Section 2.1.5.D.3 – Please note both sides of the house are located along alleys - the rear setback variance is to be able to build an unenclosed stair / fire escape from the 2nd floor and the side setback is to be able to build a small 1-story accessory structure, 1-car garage with a fire-rated wall between it and Mr. Augustine's home. These 2 structures will allow Mr. Augustine to continue living in the home for years to come, with peace of mind.

2. What are the special conditions relating to the specific piece of property in question (narrowness, shallowness, shape, topography, or other extraordinary and exceptional situation)?

There are several special conditions that constrict the use of this property:

- i. The existing lot area is just under 5,000 sf; (an average residential lot in the area is 10,000 sf or more in comparison).*
- ii. When taking into account the extraordinarily small footprint, adjacency to 2 alleys and the setbacks the buildable area left over is quite small and too close to commercial car traffic & noise as well as views of concrete paving, unlike most other homes nearby.*

3. Explain how the application of the zoning ordinance to this specific piece of property results in peculiar, extraordinary and practical difficulties?

The application of the setbacks in the UDO to this property results in difficulties of having a 'postage stamp' size buildable area; not being able to have a safe place for charging electronic equipment and not having a 2nd way out from the upstairs.

- 4. Are the circumstances or conditions applying to the building or land in question peculiar to the premises? Do they apply generally to other land or buildings in the vicinity?**

The zoning conditions if applied to this property create peculiar and problematic conditions that don't exist with the majority of the neighboring properties; due its small size and location; compared to the average surrounding residential property it has a disadvantage in that the existing home is already constructed outside of the setbacks / buildable area. In fact, there is an existing deck with a trellis structure in the area where we would like to build a small garage structure (after demolishing the deck).

- 5. Explain why the granting of this variance is necessary for the preservation and enjoyment of a property right and does not merely serve as a convenience to the applicant.**

Granting of the variances is necessary for the continued enjoyment of Mr. Augustine's property rights in the following ways:

- i. Having another way out of the upstairs level is prudent and necessary if he is to continue living there in peace after witnessing his house fire and the trauma that has resulted from the event.*
- ii. Having a separate area with a fire-rated wall to be able charge his electronic equipment is prudent and would add peace of mind, after living through a house fire.*

- 6. Did the condition for which the variance is sought result from an action by the applicant?**

No, the condition for which the variance is sought did not result from an action of the applicant or homeowner; it is an existing non-conforming condition.

- 7. Explain how the variance will affect the supply of light and air to adjacent property, the traffic on public streets, the danger of fire, the public safety and established property values.**

The variances, if granted:

- i. will not impact the supply of light and air to any adjacent property.*
- ii. will not add traffic to public streets.*
- iii. will reduce the danger of fire, thereby enhancing the occupants' and the public's safety.*
- iv. will potentially raise surrounding property values (in adding a small garage it helps to screen some of the concrete alley from the public view as seen from West Benson Street).*

- 8. Explain how the granting of the variance will be in harmony with the general purpose and intent of the Decatur land use plan.**

Granting of the variance will be in harmony with the general purpose and intent of the Decatur land use plan in that the home is one of 3 homes flanking a small urban commercial neighborhood surrounded by alleys; the proposed small garage structure does not detract from the landscape; on the contrary it will help screen some of the concrete alley from the public view as seen from West Benson Street.

9. Will the granting of the variance allow a structure or use in a district restricted against such structure or use?

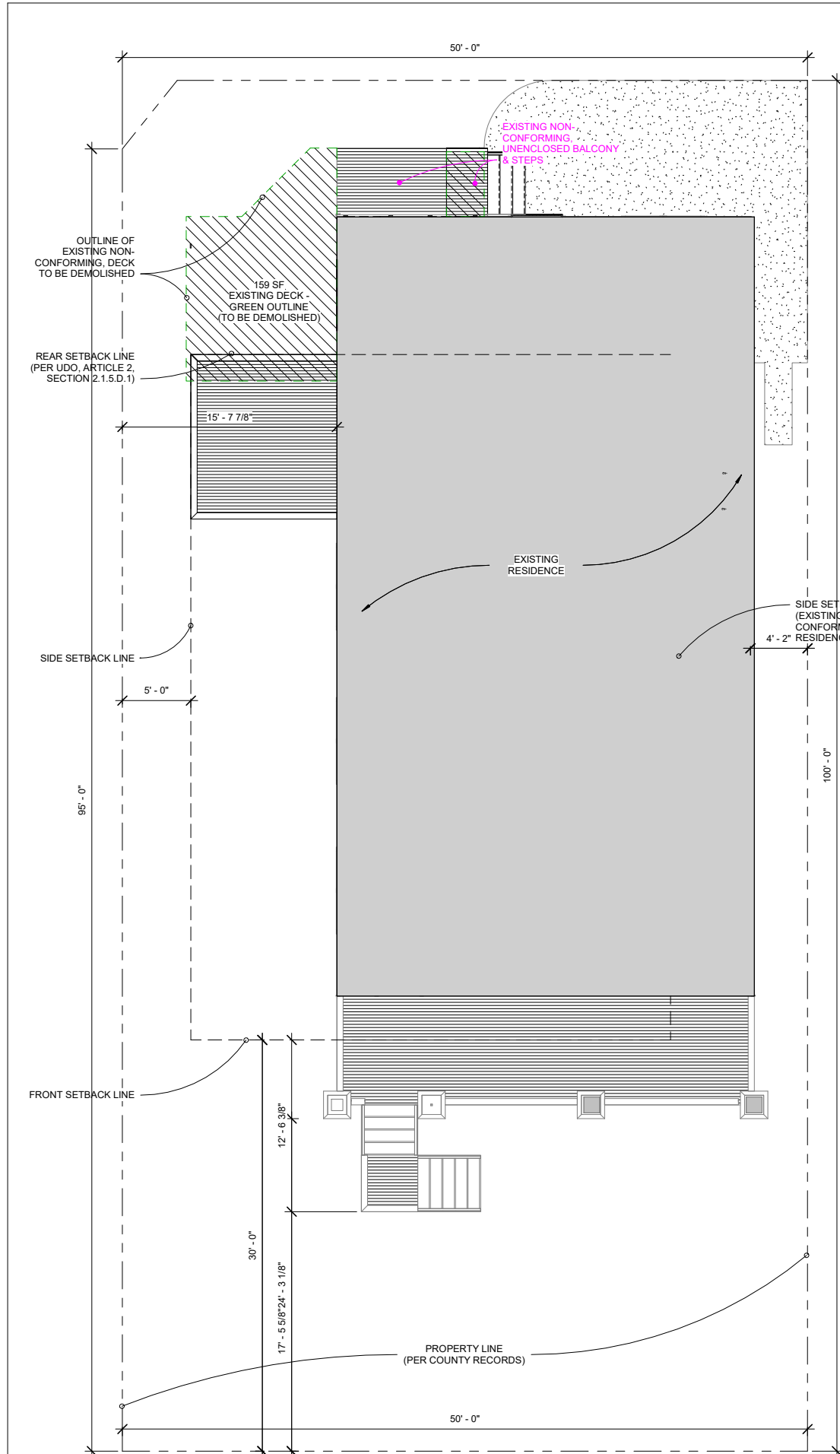
Granting of the variance will not allow a restricted use; it will allow better, more long-term use of Mr. Augustine's home of almost 20 years.

Thank you for your thoughtful consideration of our request. Please feel free to contact me if you have any additional questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Stella K. Osborn', with a long horizontal flourish extending to the right.

Stella K. Osborn, Architect
404-556-0654
Architecture Etc LLC



① Architectural Site Plan - Existing
3/16" = 1'-0"

PROPERTY ADDRESS: 372 WEST BENSON STREET, DECATUR, GA 30030
 ZONING: R-60

SETBACKS: 30'-0" FRONT SETBACK
 10'-0" SIDE SETBACKS
 (LEFT SIDE REDUCED TO 5' PER UDO, ARTICLE 2, SEC. 2.1.5.A.6)
 30'-0" REAR SETBACK

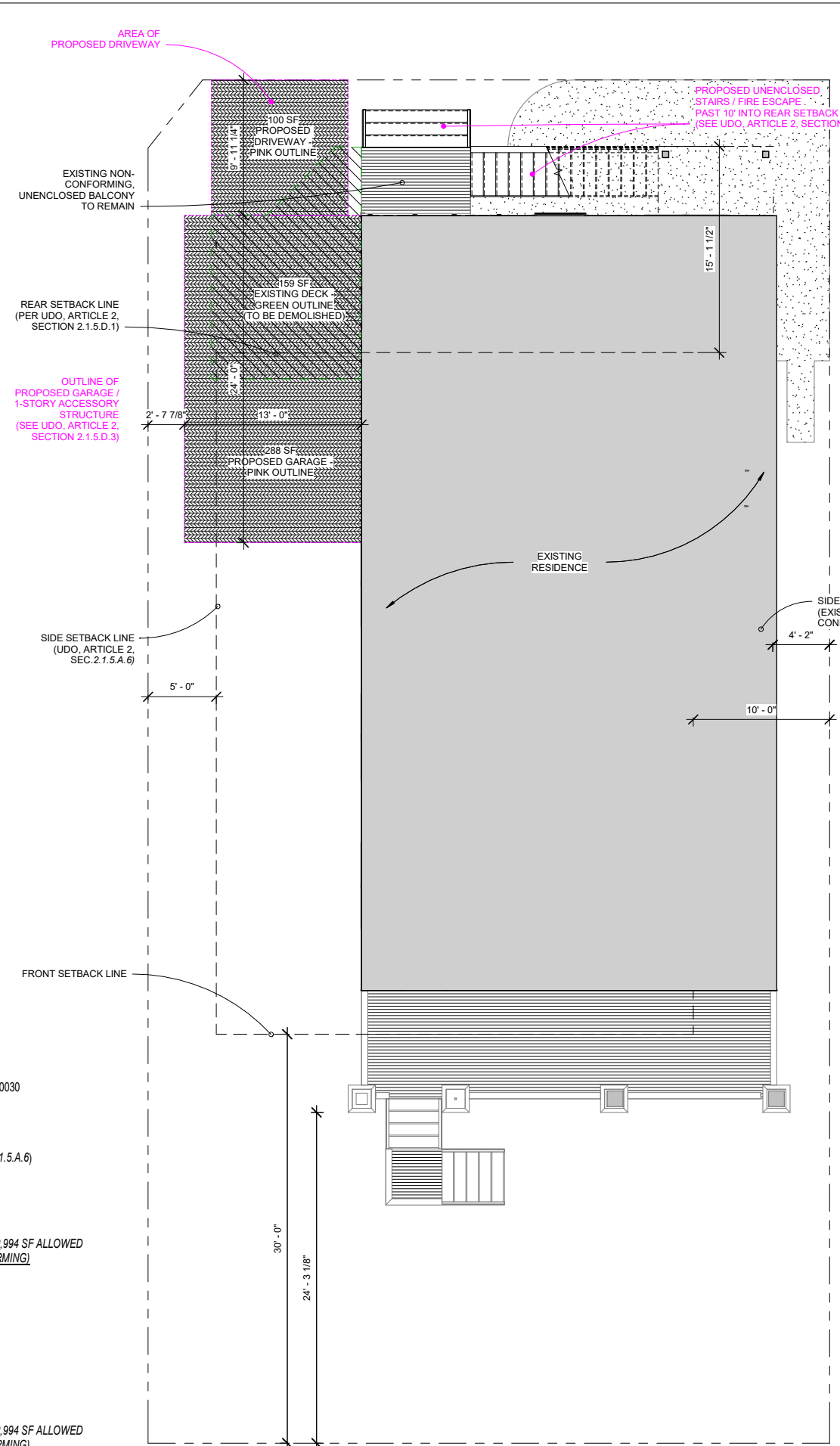
EXISTING LOT SIZE: APPROX. 4,990 SF

LOT COVERAGE ALLOWED (PER UDO, ARTICLE 2, SEC. 2.1.4): 60% → 2,994 SF ALLOWED
 ACTUAL LOT COVERAGE: APPROX. 2,639 SF / 4,990 SF = 53% (CONFORMING)

FLOOR AREA RATIO (F.A.R.): 40% MAX → 1,996 SF ALLOWED
 TOTAL EXISTING CONDITIONED SPACE: 3,340 SF
 ACTUAL F.A.R.: 67% (EXISTING NON-CONFORMING)

MAXIMUM ALLOWABLE HEIGHT: 30' / 2 STORIES
 (LOT UNDER 9,000 SF, PER UDO, ARTICLE 2, SECTION 2.1.6.B.4)
 ACTUAL HEIGHT: 29'-6" / 2 STORIES (CONFORMING)

LOT COVERAGE ALLOWED (PER UDO, ARTICLE 3, SEC. 2.1.4): 60% → 2,994 SF ALLOWED
 ACTUAL LOT COVERAGE: APPROX. 2,639 SF / 4,990 SF = 53% (CONFORMING)
 - IF GRANTED VARIANCES LOT COVERAGE WOULD BE 2,801 SF = 56% (CONFORMING)



② Architectural Site Plan - Proposed
3/16" = 1'-0"

ARCHITECTURE ETC LLC
 Stilian Stelal, K. Osborn
 stelalarchitect@gmail.com
 404-556-0654

CONSULTANT

PROJECT INFORMATION
 Augustine Residence
 372 W Benson
 Decatur, GA 30030

■ VARIANCE SUBMISSION: 8/25/2023

REVISIONS		
DATE	NO.	DESCRIPTION

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SHEET NAME
 Variance Site Plans
 A-100-V

CONSULTANT

PROJECT INFORMATION

Augustine Residence
372 W Benson
Decatur, GA 30030

■ VARIANCE SUBMISSION: 8/25/2023

REVISIONS

DATE	NO.	DESCRIPTION

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SHEET NAME

3D Views

A-900



② Front View - Existing



① Front View - Proposed