



Zoning Board of Appeals Staff Report

This staff report was prepared for the Zoning Board of Appeals meeting on December 11, 2023.

Applicant(s): Allison Phalen
Property Address: 913 3rd Avenue
Parcel ID: 15 204 02 066
Land Use/Zoning: Low Density Residential / R-60 Single Family
Variance Request: Setback and Floor Area Ratio

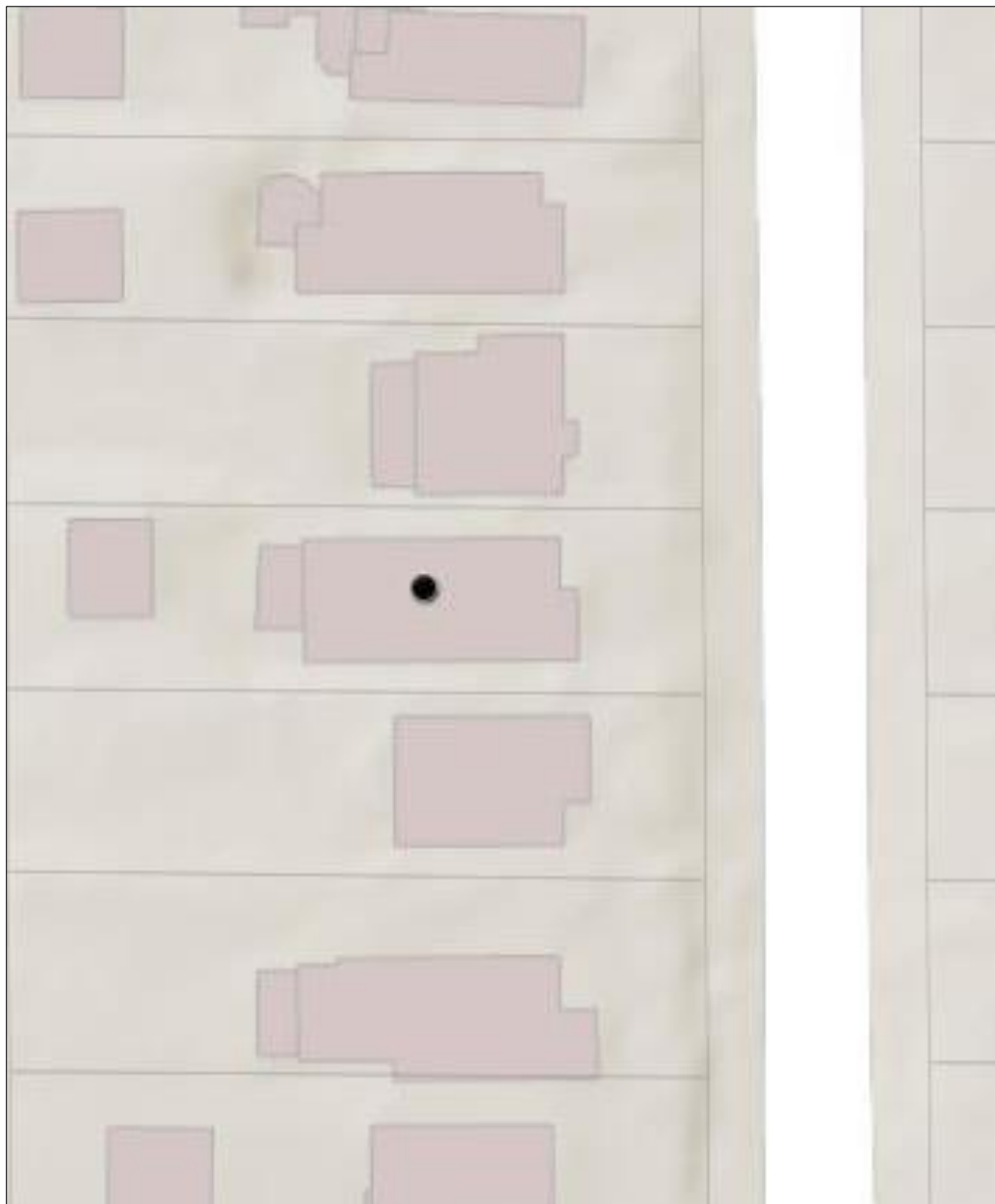
| Existing Conditions | Proposed Application |
|---|---|
| <ul style="list-style-type: none"> • The residence has a partial-width front porch on the south side that extends from the front façade by several feet. • The residence is a one-story, 1983-square-foot Craftsman cottage with an existing 484 square foot garage facing a rear alley. • Current FAR is 26.07% (2467 / 9463 = .2607) | <ul style="list-style-type: none"> • Enlarge the front porch to full width, encroaching into the front setback by approximately 3.5 feet to the south and 5.5 feet to the north. • Add a 1660-square-foot second story, increasing the total square footage to 3643 square feet plus the existing 484 square foot garage. • Proposed FAR is 43.61% (4127 / 9463 = .4361) |

1. The property is a .22 acre lot located on the west side of 3rd Avenue between Gordon and Northern Streets at the curve of the street half in the City of Decatur and half in unincorporated DeKalb County. Most properties along this block have 50’ wide frontage (see locational map and aerial view).
2. Per UDO Section 3.2.4—Building Placement, lots zoned R-60 have 30-foot or average front setbacks, 30-foot rear setbacks, and 10-foot side setbacks.
3. Per UDO Section 3.2.5—Bulk and Mass, lots zoned R-60 have a maximum 40% floor area ratio. This includes all floors of the main building, all floors of accessory structures, attic spaces over 7’ in height if accessed by a permanent stair, basements if over 50% above grade or contain an independent unit, and both freestanding and integrated garages.
4. City staff finds the reasons set forth by the applicant for the front setback may justify peculiar, extraordinary, and practical difficulties. The front setback for properties along this block vary greatly, and although the two lots adjacent to this one sit further back, there are several others with porches are much closer to the street. It is possible that if the average front setback is measured against all the residences between Gordon and Northern the proposed porch would fall within that range.
5. City staff finds the reasons set forth by the applicant for the floor area ratio do not justify peculiar, extraordinary, and practical difficulties. This project proposes a total of 4127 square feet of floor area and alternate designs have not been explored. Historically, the Board has not approved increased FAR.
6. Per UDO Section 12.2.9.D—Criteria for Approval, no variance shall be authorized unless the Board finds that all of the following conditions exist:

- a) The special circumstances or conditions applying to the building or land in question are peculiar to such premises and do not apply generally to other land or buildings in the vicinity.
 - b) The granting of the application is necessary for the preservation and enjoyment of a property right and not merely to serve as a convenience to the applicant.
 - c) The condition from which relief or a variance is sought did not result from action by the applicant.
 - d) The authorizing of the variance will not impair an adequate supply of light and air to adjacent properties, unreasonably increase the congestion in public streets, increase the danger of fire, imperil the public safety, unreasonably diminish or impair established property values within the surrounding areas, or in any other respect impair the health, safety, comfort, morals, or general welfare of the inhabitants of the City.
 - e) The granting of the variance will be in harmony with the general purpose and intent of the Decatur Land Use Plan.
 - f) The granting of the variance will not allow a structure or use in a district restricted against such structure or use.
7. Per UDO Section 11.2.9.F—Conditions to Approval, special conditions may be deemed necessary in order to mitigate negative impacts upon surrounding properties which shall be required of the property owner and all subsequent owners as a condition of the use of the property and interpreted and continuously enforced by the Zoning Administrator. Conditions include, but are not limited to:
- a) Setbacks from any lot line if such setback is a proper part of the application under review;
 - b) Specified or prohibited locations for buildings, parking, loading or storage, or other structures;
 - c) Restrictions in the location of driveways and curb cuts;
 - d) Maximum building heights and other dimensions;
 - e) Landscaping requirements which may include location, type, and maintenance of plant materials, fences, walls, earth berms or other buffers; screening or other protective measures;
 - f) Preservation of existing trees and other vegetation;
 - g) Special measures to alleviate undesirable views, light, glare, noise, dust, or odor;
 - h) Permitted hours of operation;
 - i) Requiring that an existing building be retained;
 - j) Requiring development take place according to a site plan, development plan, and/or building plan;
 - k) Limitation on exterior modifications to existing buildings;
 - l) Public facility improvements by the owner;
 - m) A time limit within which the property must either be used as allowed by the variance, special exception, or other appeal; or
 - n) Any other requirement deemed appropriate and necessary as a condition of approval.
8. In addition to the criteria for approval above, the following factors will be considered in determining whether to issue a variance from buffer requirements per UDO Section 9.2.5.B.6:
- a) The shape, size, topography, slope, soils, vegetation, and other characteristics of the property;
 - b) The locations of all streams on the property, including along property boundaries;

- c) The location and extent of the proposed buffer or setback intrusion;
 - d) Whether alternative designs are possible which require less intrusion or no intrusion;
 - e) The long-term and construction water-quality impacts of the proposed variance; and
 - f) Whether the variance is at least as protective of natural resources and the environment.
9. If approved, development is subject to applicable permit and compliance procedures, current local life safety and fire codes, local soil erosion, drainage, tree preservation, and other requirements of the stream buffer protection ordinance not subject to this variance.

Locational Map



Aerial View

