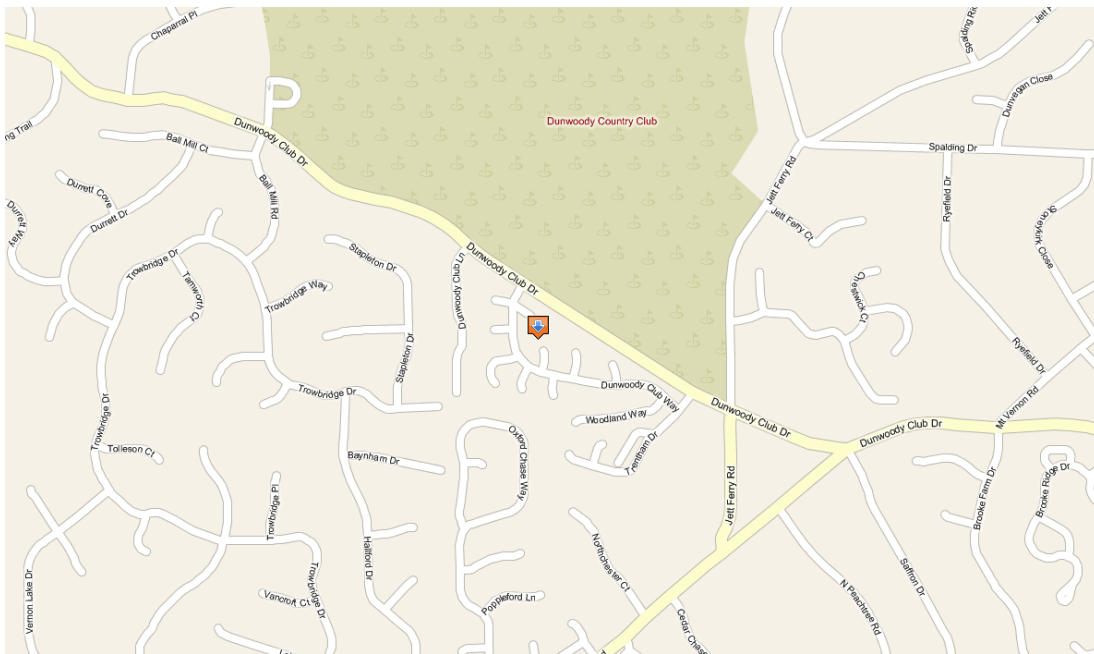


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<b>Property Location</b>	<b>1984 Dellfield Court (LL 341)</b>
<b>Owner/Petitioner</b>	<b>Jack D Hudson, Owner; 1984 Dellfield Court Dunwoody, Georgia 30338</b>
<b>Variance Request</b>	<b>Decrease a minimum rear yard building setback from thirty (30) feet to one (1) foot.</b>

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### Vicinity Map



The site, a single family home lot in Unit Two of the Woodlands subdivision, is located approximately at the northwest terminus of Dellfield Court, north of its intersection with Dunwoody Club Way. The property is currently zoned RM-100 (Multi family residence district). The applicant's request is to construct an addition and remodel onto the rear of an existing single family home into the required rear yard building setback.

### Site Plan Analysis

The lot on which the home sits totals 0.125 acres +/- . The area is zoned RM-100, and the lot in question has 69 feet of street frontage on Dellfield Court. The lot is generally flat, with a few old growth trees on the subject and surrounding lots. There exists today a two and one-half story brick and frame home in the middle of the lot. The property abuts single-family home development, zoned RM-100, along all of its property lines.

The proposed building addition is indicated to be built approximately one (1) foot from the rear property line of the interior lot. This is a reduction of 97% to the city's 30-foot required rear yard setback in the RM-100 zoning district.

## Conditions of the Zoning Ordinance

Article 5, Section 5D-15 of the City of Dunwoody Zoning Ordinance identifies the following criteria for evaluation that should be examined when determining the appropriateness of a variance:

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; *The lot on which Mr. Hudson's home is built is already non-conforming for lot area (5,461 square feet where 6,000 square feet is required), and the home itself is non-conforming as it currently violates the city's interior side yard setback and rear yard setback. Enforcing the restriction on expanding an existing enclosed deck does not deprive Mr. Hudson of his use and enjoyment of the home or preclude the continued existence of the elevated portion of the home already built and enclosed on the rear of the structure.*
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 applicant seeks the maximum amount of variance required to successfully complete the construction of his specific home renovation/remodel, keeping the project on his private property but essentially building the rear of the home to the rear lot line.*
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 home when completed would resemble most every other home in the neighborhood, many of which appear to share the same non-conformities as the Hudson house.*
4. The literal interpretation and strict application of the applicable provisions or requirements of this Chapter would cause undue and unnecessary hardship; and... *Requiring strict adherence to the Dunwoody rear yard setback requirements not apply any undue hardship to the applicant, nor does the application of the setback requirement preclude the home from being used as it is built today.*
5. The requested variance would be consistent with the spirit and purpose of this Chapter and the City of Dunwoody Comprehensive Plan text. *The requested variance has been applied for to facilitate a residential use in a residential district. Granting the variance could conceivably compromise the spirit and purpose of the zoning ordinance, especially with regard to rear yard setbacks as spelled out in §2L-6(b)(2). Staff, however, does not see any compromise to the spirit and purpose of the city's comprehensive plan.*

## Recommendation

Staff **recommends the application be denied** as discretionary and not predicated on any natural hardship. If the variance were to be granted, staff recommends the approval be subject to the following condition:

1. Approval of the variance is not permission to initiate construction. Building and site plan review and approval is required prior to securing building permits.

### **Attachments**

- Application including photographs taken by the applicant and boundary survey.
- Staff photographs of the site, taken June 16, 2009.



































# Variance Application Checklist



City of Dunwoody  
400 Northridge Road, Suite 1250  
Atlanta, GA 30350  
Phone: (678) 382-6800  
Fax: (678) 382-6701

☐ Pre-Application conference: Thursday, \_\_\_\_\_, 20\_\_\_\_\_.

## Variance Application Requirements:

☒ Survey Plat of the subject property in accordance with the attached site plan checklist.

☒ Name, mailing address and phone number of all owners of the property.

☒ Signed & notarized affidavits of all owners.

NA ☐ Signed & notarized affidavits for Authorization to Act as Applicant (AAA) *(not as applicant)*

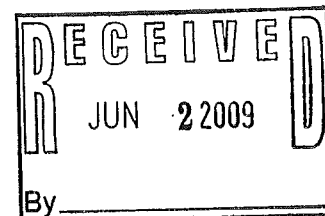
NA ☐ Address & phone contact number for the owner's authorized agent.

? ☐ Written legal description of the property.

☐ Statement of current zoning classification and land use of the property, and proposed land use of the property. *RMA/100 R. 10.1.1.1*

☐ Letter of Intent: Please describe your situation and how your variance request is a result of one or more of the following conditions:

- 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; *Other than the intended or existing use of the property.*
- 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; *Does not constitute a hardship.*
- NA 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; *Yes*
- 4) The literal interpretation and strict application of the applicable provisions or requirements of this Chapter would cause undue and unnecessary hardship; *not a hardship to the applicant, but a hardship to the community.*
- NA 5) The requested variance would be consistent with the spirit and purpose of this Chapter and the City of Dunwoody Comprehensive Plan text; and
- 6) How although economic considerations may be taken into consideration as a hardship, they are not, of themselves, be the sole criteria upon which the applicant seeks this variance. *Voluntary for the applicant's convenience.*





CITY OF DUNWOODY  
PO BOX 888074  
ATLANTA, GA 3035600000  
6783826700

Store #1001202750

06/02/09 02:21:00 PM

MO/TO Sale

**Billing Address**

Jack D Hudson  
1984 Dell Field Court  
Dunwoody, GA 30338

**Shipping Address**

Jack D Hudson  
1984 Dell Field Court  
Dunwoody, GA 30338

**Credit Card Information**

CREDIT CARD NUMBER: Visa ....9216

SWIPE CARD: No

STATUS: APPROVED - 01751C

ORDER NUMBER: VP 9131

PO NUMBER: VP 9131

Qty	Unit Cost	Extended Cost
1	250.00	250.00
SUBTOTAL:		\$250.00
TOTAL:		\$250.00

I AGREE TO PAY ABOVE AMOUNT ACCORDING TO CARD ISSUER.

SIGNATURE X \_\_\_\_\_

Jack D Hudson



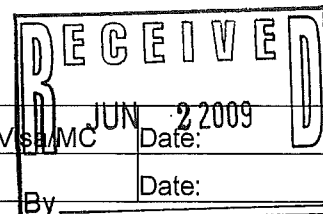
# Variance Application



City of Dunwoody  
400 Northridge Road, Suite 1250  
Atlanta, GA 30350  
Phone: (678) 382-6800  
Fax: (678) 382-6701

ZBA09-065

Type	Type of Request: <input type="checkbox"/> Variance (BZA) <input type="checkbox"/> Variance (Administrative)				
	Concurrent Variance(s)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, please provide rezoning case #:				
	Square Feet		Acre	Minimum Setback Requirements	Proposed Setback Requirements
	Total Area of Lot	5461	0.125	Front 30 Ft.	Front
	Building Footprint	3200		Side 15 ft	Front
Project	Name of Project/Subdivision: The woodlands				
	Property Address/Location: 1984 Dellfield Ct Dunwoody, GA 30338				
	Land Lot: 341	District: 6th	Section:	Property ID: Plat Book 78 p 7	
	Lot Number: 41	Block: A	Present Zoning: RM100	Proposed Zoning:	
Applicant Information	Name: JACK D. + Juanita G. Hudson				
	Company:				
	Address: 1984 Dellfield Ct Dunwoody, GA 30338				
Representative	Phone: 770-394-2284		Fax: 770-352-9644		
	Cell: Jack 770 310 3258 / Juanita 770 310 3458		Email: MollyBenji@aol.com		
	Name:				
	Company:				
	Address:				
Affidavit	To the best of my knowledge, this variance application form is correct and complete. If additional materials are determined to be necessary, I understand that I am responsible for filing additional materials as specified by the City of Dunwoody Zoning Ordinance. I understand that failure to supply all required information (per the relevant Applicant Checklists and Requirements of the Dunwoody Zoning Ordinance) will result in the rejection of this application. I have read the provisions of the Georgia Code Section 36-67A-3 as required regarding Campaign Disclosures. My Signed Campaign Disclosure Statement is included with the Application.				
	Applicant's Signature: Jack D. Hudson				Date: 6-2-09
	Representative's Signature:				Date:
Notary	Sworn to and subscribed before me this 2ND Day of JUNE 2009				
	Notary Public: W.K. ANDERSON, NOTARY PUBLIC DEKALB COUNTY, GEORGIA MY COMMISSION EXPIRES APRIL 24, 2011				
	Signature: W.K.A. Date: 06/02/09				
Office Use	Fee: \$		Payment: <input type="checkbox"/> Cash <input type="checkbox"/> Check <input type="checkbox"/> CC - Visa/MC		Date:
	<input type="checkbox"/> Approved <input type="checkbox"/> Denied By:		By:		Date:



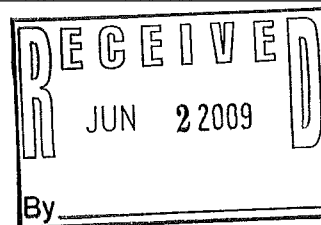


## Variance Application



City of Dunwoody  
400 Northridge Road, Suite 1250  
Atlanta, GA 30350  
Phone: (678) 382-6800  
Fax: (678) 382-6701

<b>Request</b>	<p>Please explain the reason for the request and attach additional information as necessary.</p> <p>We would like to enclose the screen porch and extend it another 8 feet to the end of our house. We need the room finished for health reasons. Juanita has asthma and allergies that are so bad she cannot use the screen porch. Altho we are told there has to be a 30 ft. set back, very few houses in our neighborhood would meet this requirement. All homes that have extended their living area were approved by DeKalb County. All houses in our neighborhood are considered "cluster houses."</p>
<b>Orientation</b>	<p>Prior to the submission of a variance application, the applicant is required to schedule an orientation meeting with the appropriate planner in the Planning and Zoning Division of the Community Development Department. The purpose of this meeting is to determine the number and nature of the variances requested, become familiar with the appeals process and obtain preliminary input from staff. A meeting date before the Board of Zoning Appeals will be scheduled upon a determination of completeness and compliance of the application. The applicant or representative must attend the meeting and make the presentation. An Orientation Meeting is NOT required for an Administrative Variance.</p> <p>Orientation Meeting Date:</p> <p>Board Meeting Date:</p> <p>Zoning Director Comments:</p>
<b>Remarks</b>	<p>Planning &amp; Zoning Director:</p> <p>Date:</p>





## **LETTER OF INTENT**

**Jack and Juanita Hudson, 1984 Dellfield Ct., Dunwoody, Ga. 30338 are seeking approval to get the right to construct an addition onto the rear of their home. By reason of exceptional topographic conditions, which were not created by the owners or applicants, 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. Many of the other 99 homeowners have the same encroachment on the 30 foot setback from the street. DeKalb County, over a 30 year period, had okayed the construction of rooms, porches, decks, etc. with these same conditions in effect.**

**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. This structure will not harm or hurt anyone, Several of our neighbors have agreed it would look appealing and add value to our property. The Woodlands Home Owners Association Board has approved our construction by a 5 -0 vote.**

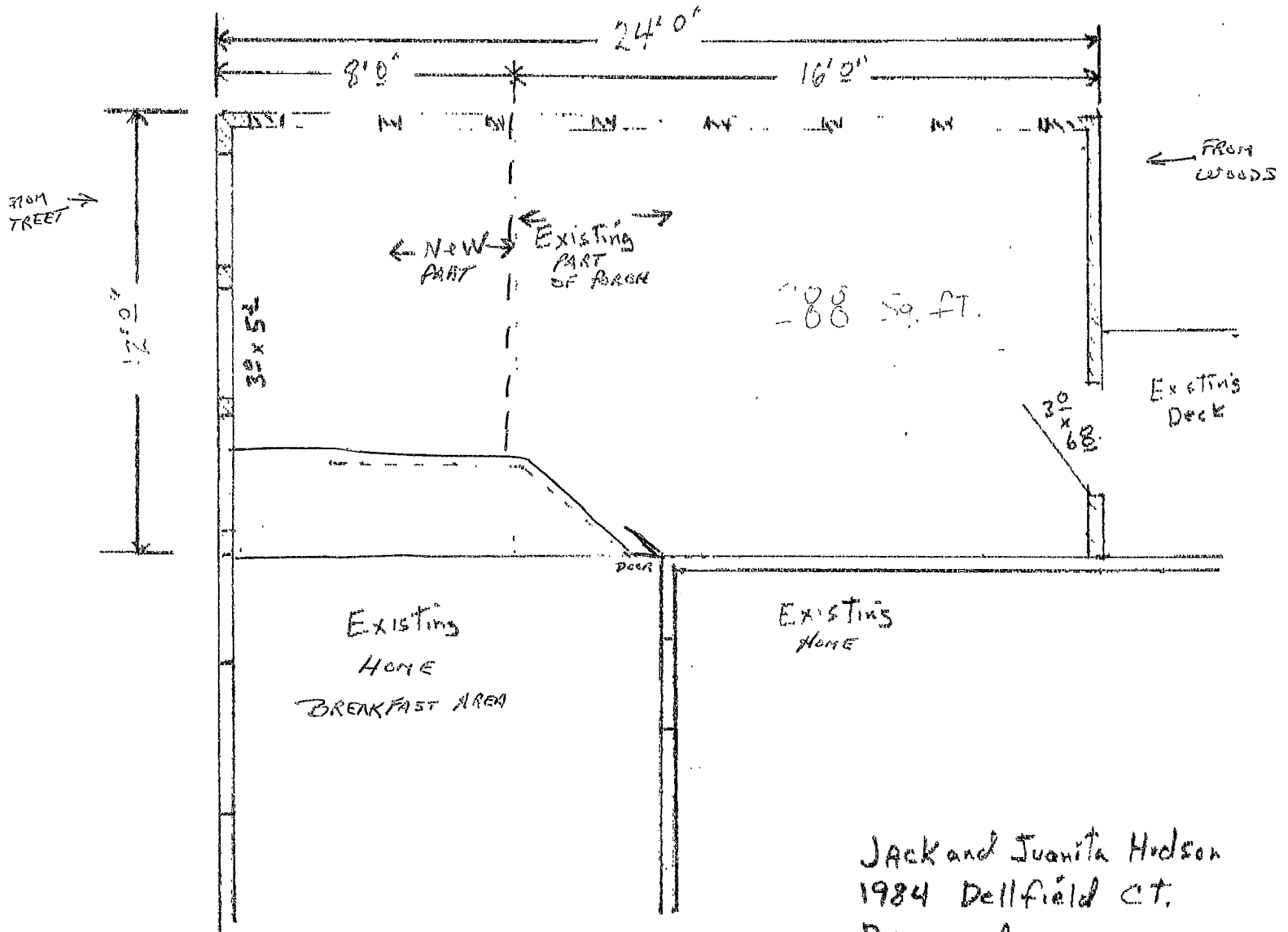
**The grant of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the zoning district in which the subject property is located. The present screened porch is detrimental to Juanita Hudson's health. She cannot utilize the open screened porch because of a serious sinus condition and asthma. She has gotten violently ill after being on the porch for any length of time.**

**The literal interpretation and strict application of the applicable provisions or requirements of this chapter would and has caused undue and unnecessary hardships. The requested variance would be consistent with the spirit and purpose of this chapter and the City of Dunwoody Comprehensive Plan Text; it should be granted based on the fact that so many properties in the Woodlands subdivision have the same situation in that they are not even close to the 30 foot setback rule.**

**Economic considerations may be taken into consideration as a hardship; they are NOT, of themselves, the sole criteria upon which Jack and Juanita Hudson, the applicants, seek this variance. They volunteer to pay for the said improvement once permission is granted.**

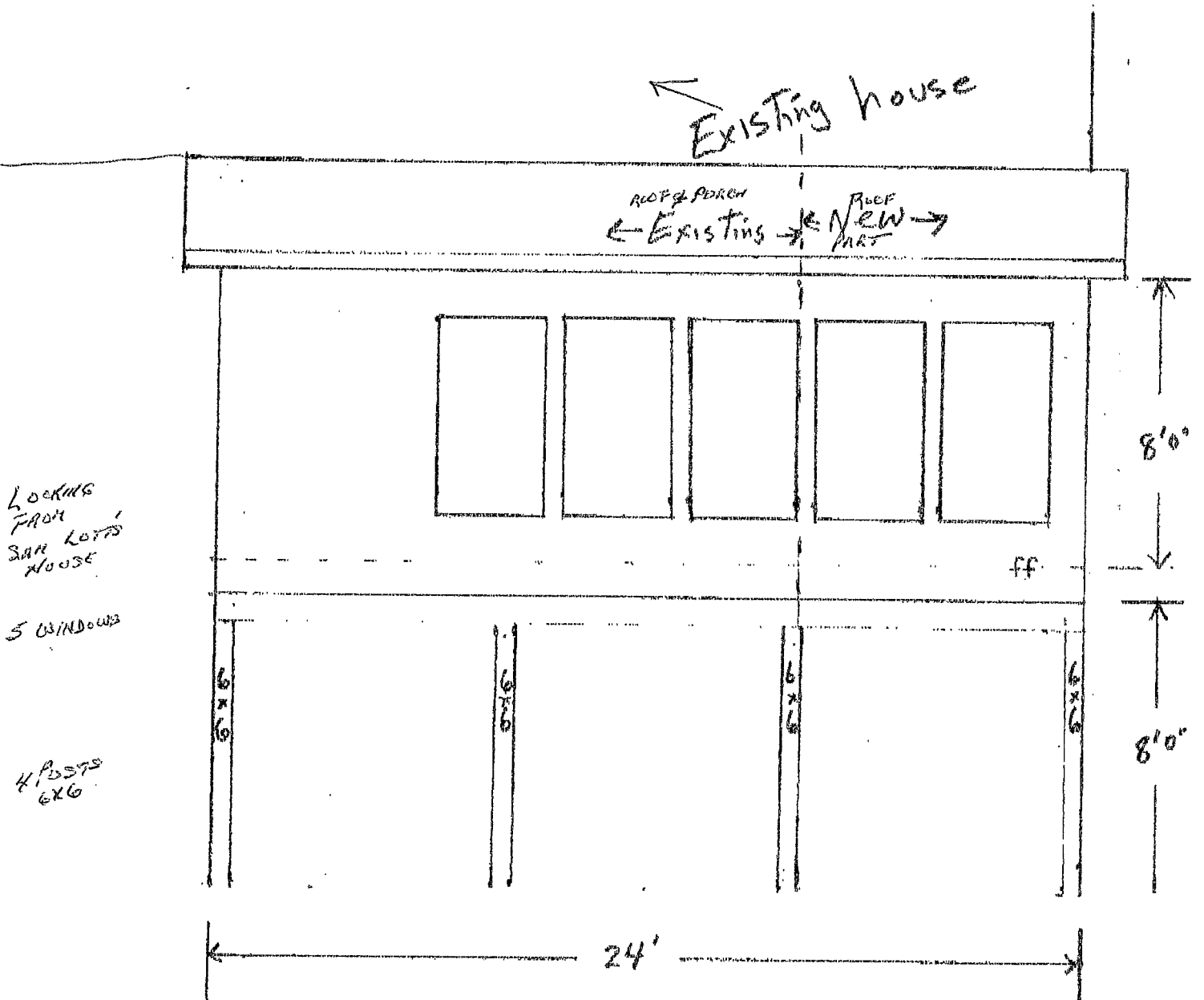


TOP VIEW  
SAM LOTT'S HOME



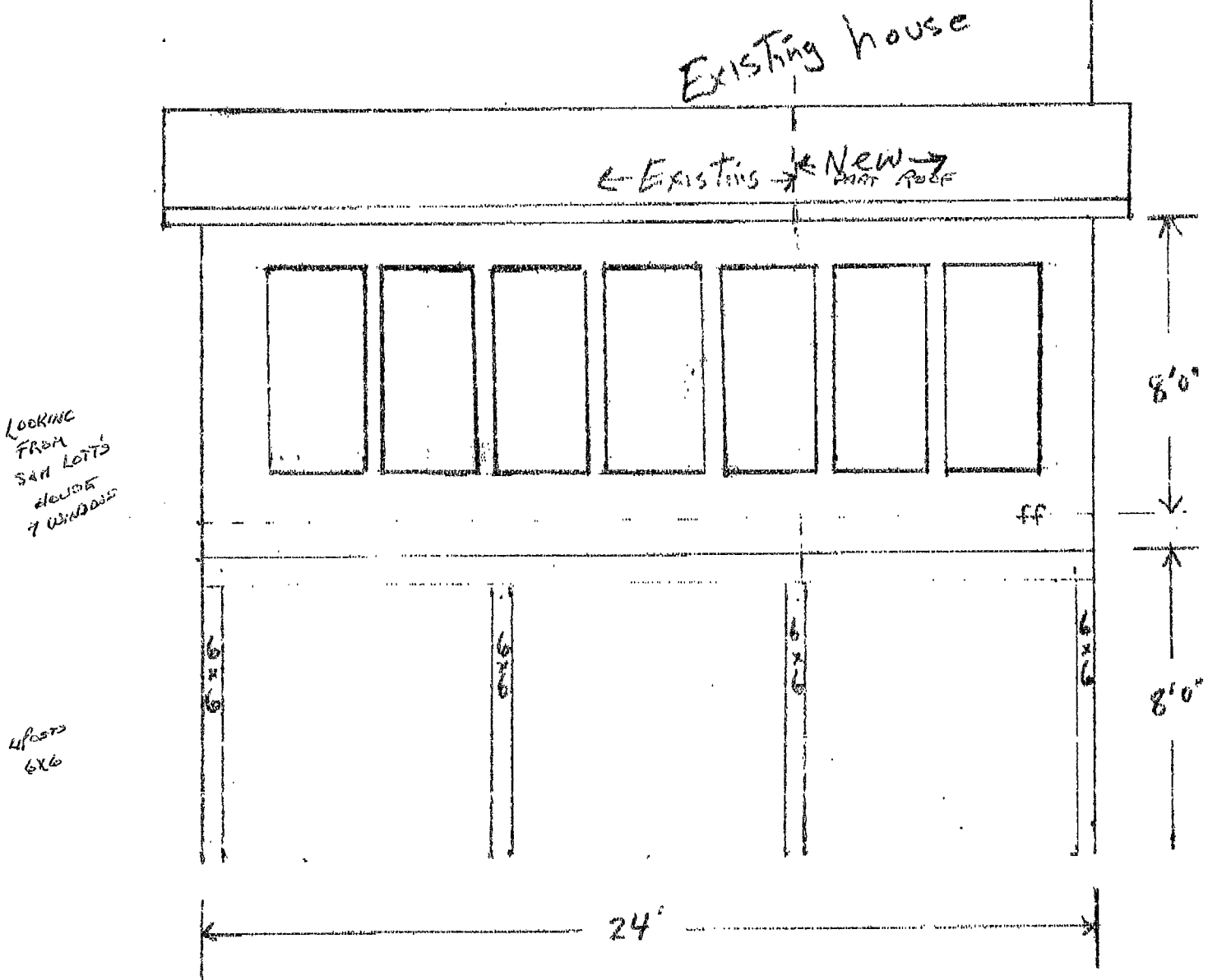
Jack and Juanita Hudson  
1984 Dellfield Ct.  
Dunwoody, GA.  
30338

Scale  
1/4" = 1'



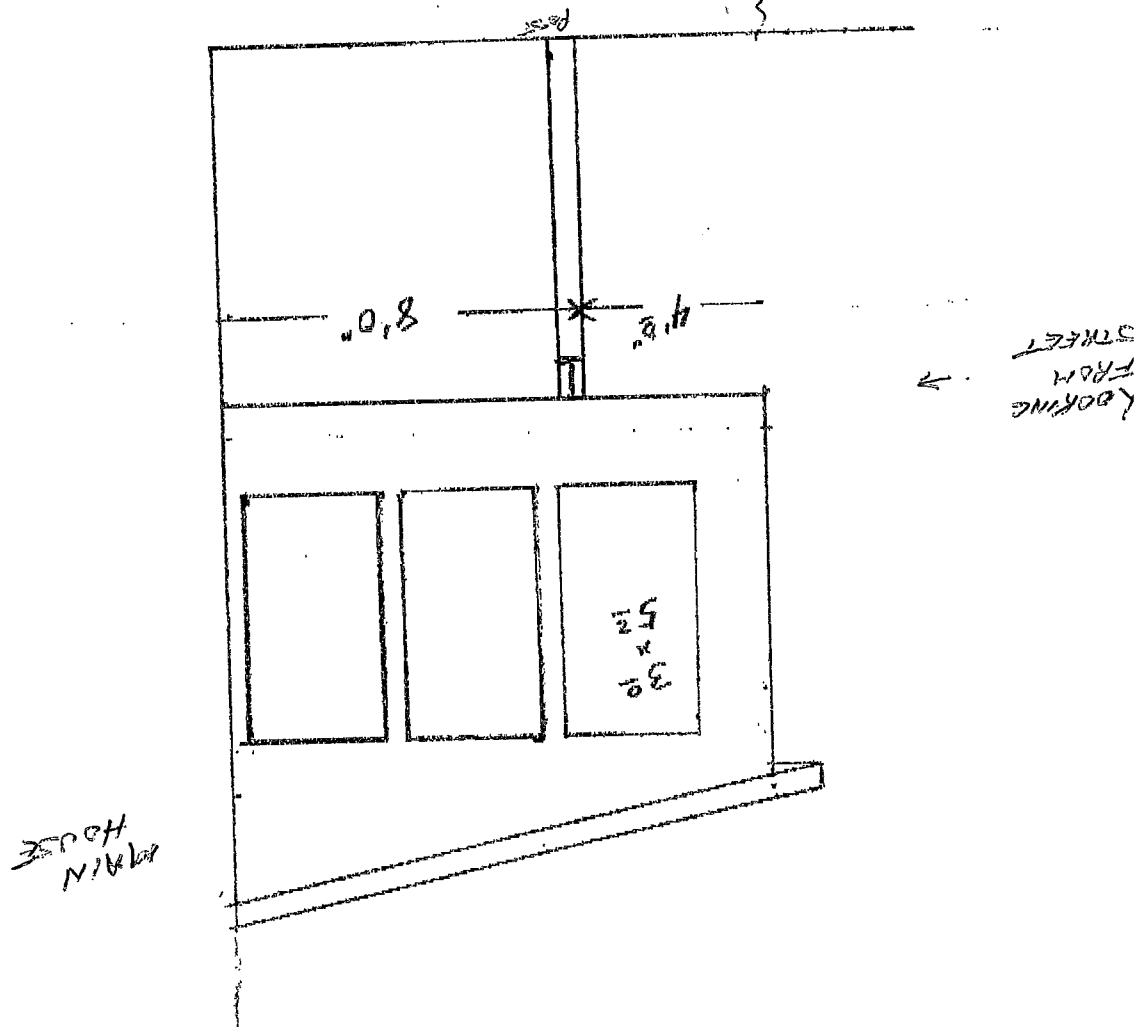
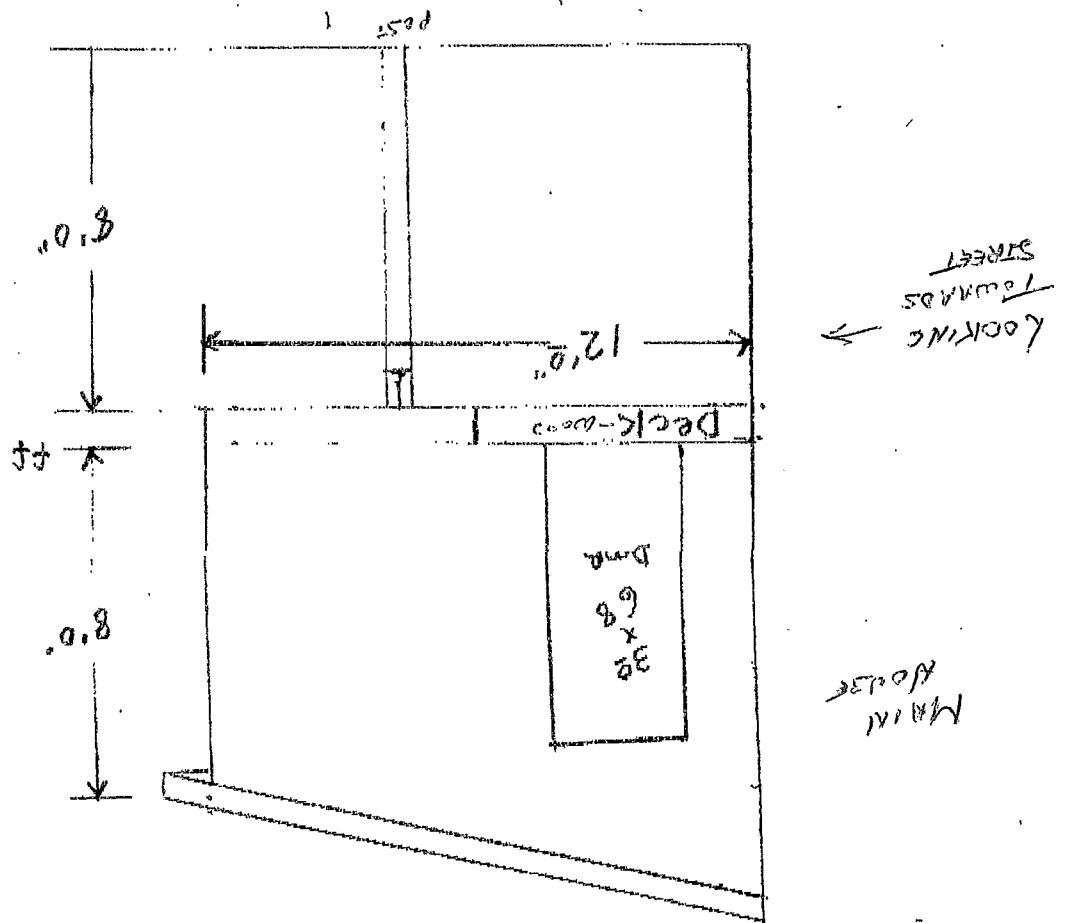
Scale  
 $\frac{1}{4}" = 1'$





Scale  
1/4" = 1'

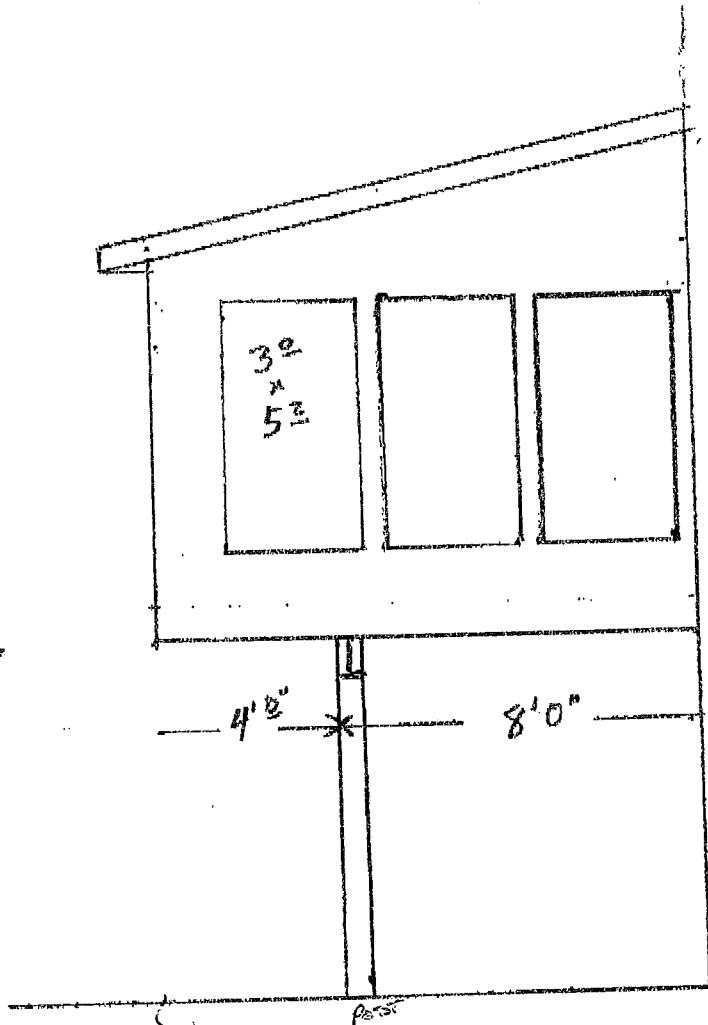
Scale  
1/4" = 1'





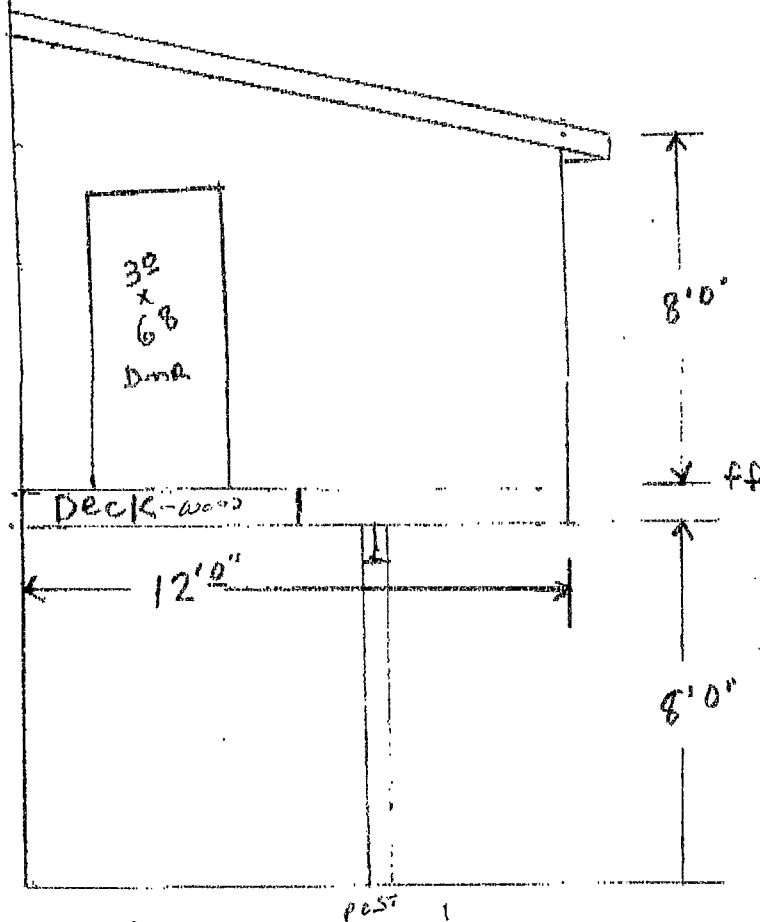
LOOKING FROM STREET →

MAIN HOUSE



MAIN HOUSE

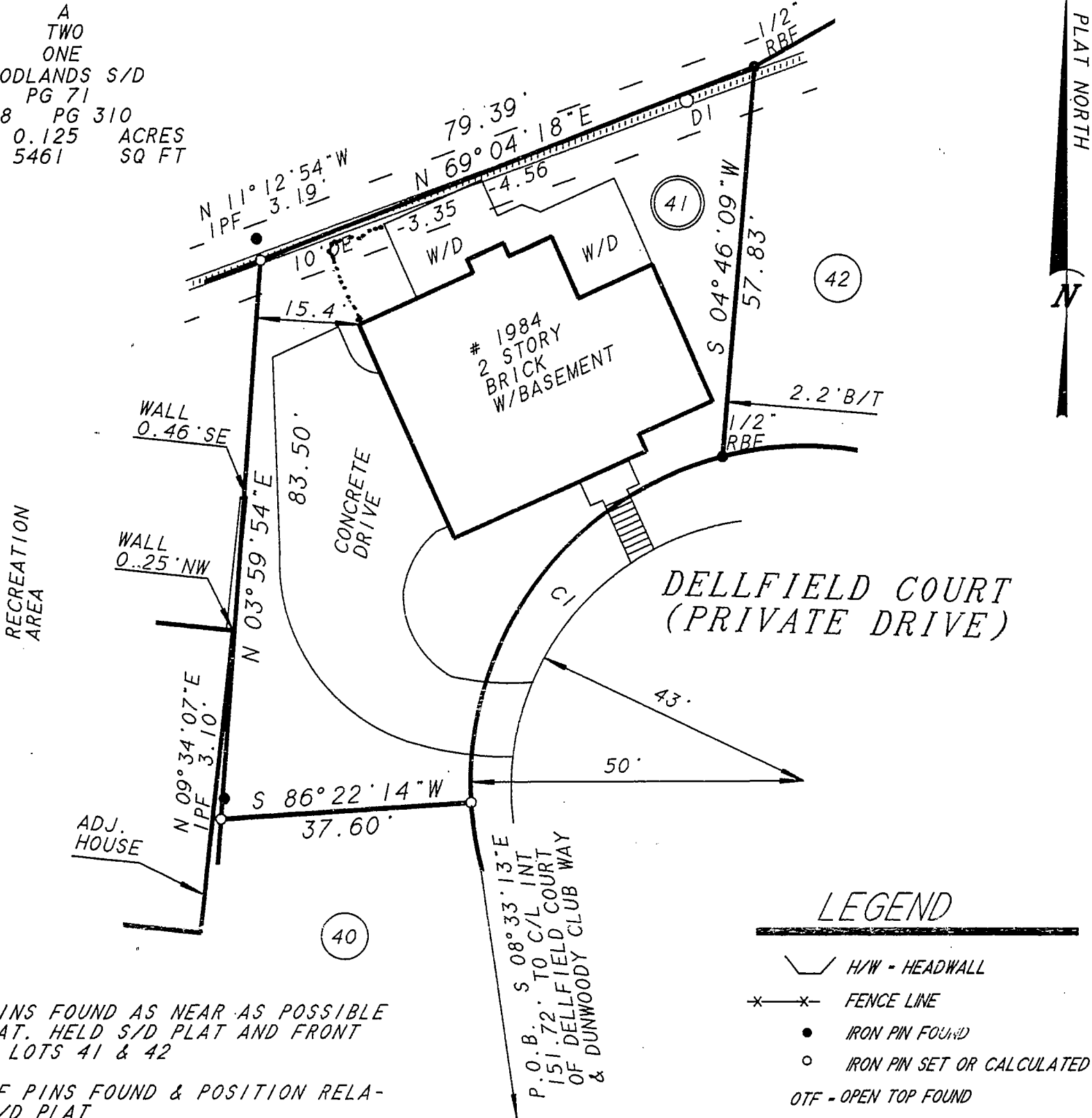
LOOKING TOWARDS STREET →



Scale  
1/4" = 1'

CURVE	DELTA ANGLE	RADIUS	ARC	TANGENT	CHORD	CHORD BEARING
C 1	79°26'38"	50.00'	69.33'	41.54'	63.91'	S 36°05'15"W

LOT 41  
 BLOCK A  
 UNIT TWO  
 PHASE ONE  
 THE WOODLANDS S/D  
 PB 78 PG 71  
 DB 5218 PG 310  
 AREA - 0.125 ACRES  
 5461 SQ FT



NOTE:  
 ALIGNED PINS FOUND AS NEAR AS POSSIBLE  
 TO S/D PLAT. HELD S/D PLAT AND FRONT  
 CORNER OF LOTS 41 & 42

SUMMARY OF PINS FOUND & POSITION RELATIVE TO S/D PLAT

FRONT 40/RA	(5.07'NW)	REAR 40/41	(3.10'NE)
FRONT 41/42	(0.00' )	REAR 41/RA	(3.19'NW)
FRONT 42/43	(0.31'NE)	REAR 41/42	(0.15'SW)
FRONT 31/32	(0.27'NE)	REAR 21/22	(0.26'NE)
FRONT 39/UNIT 3	(0.60'NW)	REAR 31/32	(0.17'NE)

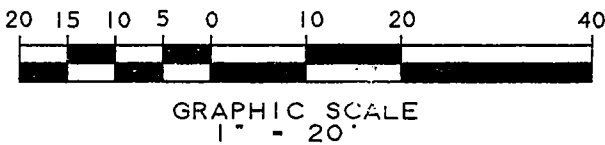
THIS PARCEL IS NOT IN A SPECIAL FLOOD HAZARD  
 AREA AS PER FEMA FLOOD INSURANCE RATE MAP  
 NUMBER 13089 C 0005 H PANEL 5 OF 201  
 COVERING DEKALB COUNTY, GEORGIA  
 DATED MAY 7, 2001

EQUIPMENT USED:  
 THEODOLITE READING DIRECTLY TO 03 SECONDS.  
 ELECTRONIC DISTANCE METER READINGS DIRECTLY  
 TO .005 FEET.

THE FIELD DATA UPON WHICH THIS PLAT IS BASED  
 HAS A HORIZONTAL CLOSURE OF 1 FOOT IN 10,000+ FEET.  
 THIS SURVEY HAS BEEN CALCULATED FOR CLOSURE  
 BY LATITUDE AND DEPARTURE AND IS FOUND TO BE  
 ACCURATE WITHIN 1 FOOT IN 20,000+ FEET.

THIS MAP OR PLAT IS CERTIFIED TO THE NAME  
 BELOW AND/OR INSURER OR MORTGIGOR.  
 NO LIABILITY IS ASSUMED TO THIRD PARTIES.  
 NO ABSTRACT OF TITLE WAS PERFORMED.  
 © COPYRIGHT ADVANCE SURVEY, INC. 2002

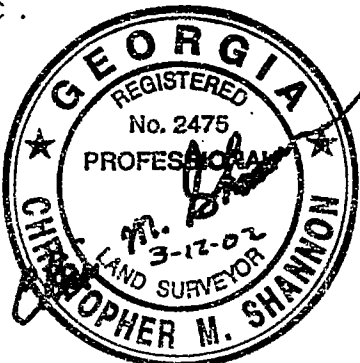
MATTERS OF TITLE ARE EXCEPTED



Advance Survey, Inc.  
 634 N. CLAYTON STREET  
 LAWRENCEVILLE, GA. 30045  
 OFFICE: (770) 995-0938  
 FAX: (770) 995-8421

IN MY OPINION, THIS PLAT IS A CORRECT  
 REPRESENTATION OF THE LAND PLATTED AND  
 HAS BEEN PREPARED IN CONFORMITY WITH  
 THE MINIMUM STANDARDS AND REQUIREMENTS  
 OF LAW.

*Chris M. Shannon*



SURVEY FOR:

JACK D. HUDSON  
 JUANITA G. HUDSON

LAND LOT:	341	SCALE:	1" = 20'
DISTRICT:	6th	DATE:	MARCH 13, 2002
SECTION:	---	DRAWN BY:	CWM
COUNTY:	DEKALB	CHK BY:	CMS PC: RG
STATE:	GEORGIA	JOB NO:	0 - 020107