



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



Michael L. Thurmond  
 Chief Executive Officer

**Wednesday, June 12<sup>th</sup>, 2024**

Cedric Hudson  
 Interim Director

**Planning Department Staff Analysis**

**D4. Case No: A-24-1246907**

**Parcel ID(s): 18 105 06 030**

**Commission District 02 Super District 06**

**Applicant:** Bill Caldwell – BCLA Design  
 85 Wing Mill Road  
 Sandy Springs, GA 30350

**Owner:** Rya Zalik  
 1141 Empire Road  
 Atlanta, GA 30329

**Project Name:** 1141 Empire Road

**Location:** 1141 Empire Road, Atlanta, GA 30329

**Request:** Variance from Section 27-2.2.1 of the DeKalb County Zoning Ordinance to increase the lot coverage from 35% to 39.5% to construct an elevator addition to a single-family residence within the R-85 (Residential Medium Lot) Zoning District.

**Staff Determination:** Approval with 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.

## **STAFF FINDINGS:**

**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 applicant has revised plans to eliminate the request to construct the elevator outside of the western side yard setback. Additionally, the applicant reduced the lot coverage request from the original proposed 42.9% to 39.5%, therefore, the variance request is now to increase lot coverage from 35% to 39.5% rather than the aforementioned setback reduction.

The subject property does not appear to possess any extraordinary or exceptional physical conditions that would limit the applicant to eliminate additional concrete/pavement, construct the elevator. However, the site plan dated 5/28/2024 *Proposed Conditions Plan* details over 800 square feet of driveway being replaced with permeable surface as well as the elevator built on an existing patio in the rear southwest corner of the structure, no longer adding to the existing lot coverage. The elevator requires safe and proper internal functionality of the house. The request appears to demonstrate an accommodation that would otherwise deprive the property owner to remain in their current housing situation.

**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 elevator may be the minimum necessary to afford relief. The applicant has explored alternative locations and options (stairlift) which were not viable options. Additionally, the applicant has revised plans to eliminate the request to construct the elevator outside the side setback and reduce the lot coverage from the original request. The applicant is seeking to construct the minimum necessary size structure required (36 square feet) to the pre-existing primary structure and rear patio.

**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 proposed elevator will not be visible from the street and will no longer encroach into the western side setback. While the applicant did not include letters of support in their application, it has been stated that the applicant has received letters of support for the proposal. Therefore, the renovation may not be materially detrimental to the public welfare or injurious to the property or the zoning district. A letter of deferral has been submitted by the neighbor located at 1135 Empire Road (bordering the subject property to the west) due to a conflict with the June 12 ZBA meeting and Shavout.

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

The literal interpretation and strict application of the applicable provisions or requirements of the zoning regulations may cause an undue and unnecessary hardship as it pertains to the construction of the elevator. The applicant has revised plans to eliminate the request to construct the elevator outside the side setback and reduce the lot coverage. The applicant desires to age in place and is wheelchair bound.

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

The requested variance may not align with the spirit and purpose of the *2050 Unified Plan*. The Comprehensive Plan's goal for suburban lots to maintain existing neighborhood characteristics and enhance pedestrian accessibility. The requested variance to construct an

elevator may not be considered as maintaining the existing character of the neighborhood, as elevators in single-family residences are niche and not well found in these areas. However, the request appears to be the minimum necessary to afford relief and would allow an existing resident to remain in their current housing situation.

**FINAL STAFF ANALYSIS:**

Under the strict application of the current requirements, the homeowner may be limited in their ability to continue to age in place without the construction of an elevator. While the request would increase the lot coverage 4.5%, it may be the minimum necessary to afford relief and no longer encroaches into the side setback. Therefore, staff recommends approval with conditions.

**Staff Determination:** Approval with 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.

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: Bill Caldwell - BCLA Design  
Mailing Address: 85 Wing Mill Road  
City/State/Zip Code: Sandy Springs, GA 30350  
Email: bill@bcladesign.com  
Telephone Home: 678-358-8055 Business: 678-358-8055

**OWNER OF RECORD OF SUBJECT PROPERTY**

Owner: Rya Zalik  
Address (Mailing): 1141 Empire Road Atlanta, GA 30329  
Email: \_\_\_\_\_ Telephone Home: \_\_\_\_\_ Business: \_\_\_\_\_

**ADDRESS/LOCATION OF SUBJECT PROPERTY**

Address: 1141 Empire Road City: Atlanta State: GA Zip: 30329  
District(s): 18 Land Lot(s): 105 Block: \_\_\_\_\_ Parcel: 1810506030  
Zoning Classification: R85 Commission District & Super District: D 2 / SD 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](mailto:plansustain@dekalbcountyga.gov) with any questions.

DEPARTMENT OF PLANNING & SUSTAINABILITY

**ZONING BOARD OF APPEALS APPLICATION**

**AUTHORIZATION TO REPRESENT 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 and that I authorize the applicant/agent to apply for a hearing to the Zoning Board of Appeals for the requests as shown in this application.

DATE: Feb. 22, 2024      Applicant/Agent Signature: Bill Caldwell

TO WHOM IT MAY CONCERN:

(I)/ (WE): Raya Zalik  
(Name of Owners)

being (owner/owners) of the property described below or attached hereby delegate authority to the above signed agent/applicant.

Michael Layan  
Notary Public



RZalik  
Owner Signature

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
Owner Signature

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
Owner Signature

**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: 02/22/24

Applicant Signature: *R. Zalek*

DATE: \_\_\_\_\_

Applicant Signature: \_\_\_\_\_

## **Letter of Intent 1141 Empire Road**

### **Introduction**

My name is Bill Caldwell, owner of BCLA Design – Landscape Architecture, and I am representing the owners of 1141 Empire Road as their agent for their zoning variance application.

### **Context of Zoning Variance Application**

1141 Empire Road was constructed in 1994 according to tax records. The configuration of the property, with the house, driveway, pool, and hardscapes has existed since the original house was constructed, meaning that the lot coverage of the property has been this way since the house was originally built by the developer. The owner of the property is an elderly widow who wishes to age in place in her home. To achieve this, a means to get from the living spaces on the first floor to the bedrooms on the second floor is necessary, as there are no bedrooms on the first floor of this residence. The owner wishes to age in place in this home because her ties to her personal network and community are convenient to her home.

To achieve the goal of the owner being able to age in place her current home requires the construction of an elevator on the outside of the home's existing footprint, specifically, at the southwest corner of the home. This in turn requires a zoning variance to construct the elevator in a way that encroaches over the 8.5-foot side yard setback. Additionally, the property in its current state exceeds the maximum allowable lot coverage of 35%.

Given these two criteria, two zoning variances are being sought from the same section of the zoning code being Sec. 2.2.1.

The first variance request is to reduce the side yard setback from 8-feet to 6-feet to allow for the construction of an exterior elevator attached to the home.

The second variance request is to allow for the increase of lot coverage ratio from 35% to 42.9% to allow for the addition of the proposed elevator. Please note that the current lot coverage of the property is 45.8%, so the variance requested from Sec. 2.2.1 for lot coverage is less than what currently exists. This is to be achieved by replacing 442 square feet of existing impervious concrete with permeable paving. Please refer to Exhibit B for the specific Pre and Post Development Lot Coverage Analysis Tables for more specific information.

Below are responses to the five zoning variance application criteria.

### **Physical Conditions Of The Site**

1141 Empire Road was constructed in 1994 in conjunction with the development of the subdivision that it resides within. The floor plan layout of the house did not take into consideration the possibility of a future elevator being a necessity as there is not an elevator shaft or even stacking closets between the main and second floors where an internal elevator could be constructed.

Additionally, there are no bedrooms on the main floor of the house that could be used for one-story living.

A builder and elevator company were consulted to assess the house and determine whether an elevator could be installed somewhere within the existing footprint of the house and no such viable option could be found other than constructing an elevator outside the footprint of the southwest corner of the house. The elevator is proposed in a location that would connect the family room directly to the owner's bedroom on the second floor.

It was determined that an elevator could not be retrofitted on the east side of the house due to the floor plan configuration of the kitchen, garage and dining room that has a fireplace on the eastern wall. A stair lift was also considered, but this not a practical solution for someone who is wheelchair bound.

### **Minimum Variance Necessary**

The proposed variance for the elevator is the minimum size structure required as conveyed by the elevator company that was consulted. The existing impervious lot coverage of the property is 6,445 sq. ft. which constitutes a lot coverage ratio of 45.3%. In effort to mitigate the impact of the proposed elevator addition, the front walkway and a portion of the driveway are proposed to be replaced with permeable pavers. These two elements constitute a 442 sq. ft. reduction of impervious on the site. The resulting lot coverage, factoring in the elevator and permeable pavers is 6,038 sq. ft. which is a reduction of 407 sq. ft. equating to a 6.3% reduction of impervious on the site.

### **Public Welfare**

The proposed elevator addition to the house is not anticipated to have a negative impact to the community for the following reasons.

1. The proposed location of the elevator will not be readily visible from the street.
2. The area of the side yard where the elevator is proposed will not require the removal of any shade trees or screening trees. To that end, new screen trees would be planted in conjunction with the construction of the elevator to mitigate its visual impact to the neighbors.
3. Letters of support have been obtained from adjacent neighbors for this proposed addition.
4. To offset the environmental / stormwater impact of this addition, 442 square feet of impervious surface is proposed to be replaced with permeable paving. This will result in a net reduction of impervious on the site, equaling 407 square feet.
5. No trees will be removed in the addition of the elevator. Furthermore, additional trees will be planted to screen the elevator from the neighboring property.

### **Ordinance Hardship**

The current owner is elderly, and desires to age in place in her home because of her community ties within the immediate area, but to accomplish this, a means to get between the main and second floor for someone with impaired mobility is a necessity. To make this house functional for her lifestyle as she ages will require an elevator or stair lift, as there are no bedrooms on the first floor of



this house. The owner does not wish to move from this house due to her ties to this community and proximity to her long-standing place of worship that is nearby. As previously mentioned, a builder and elevator company assessed the house and determined that the proposed location is the only viable location for an elevator based on the configuration of the house. A stair lift system was considered, but a stair lift does not accommodate a person who is wheelchair bound which makes an option of limited benefit.

### **Alignment With The Spirit Of The Law**

The intent of the Suburban Character Area is to recognize those areas of the county that have developed in traditional suburban land use patterns while encouraging new development to have increased connectivity and accessibility. These areas include those developed (built out) and those under development pressures. These areas are characterized by low pedestrian orientation, limited transit access, scattered civic buildings and curvilinear street patterns. Future development should provide better pedestrian and community connectivity and be designed in a way that preserves and enhances existing greenspace. The proposed density for areas of this type is up to 8 dwelling units per acre.

### **Conclusion**

Summarily, the owner of 1141 Empire Road wishes to age in place in the home she's lived in since 2006. To accomplish this, an elevator to accommodate limited mobility is a necessity based on the configuration of the house. Based on the input of a builder and elevator company, the proposed location of the elevator on the exterior southwest corner of the house is the only viable option for this house. The proposed elevator addition is proposed in conjunction with mitigative measures that include evergreen screening plants and replacing 442 square feet of impervious surface with permeable pavers, resulting in an overall reduction of 407 square feet of impervious surface on the site and will reduce the impervious lot cover from 45.3% to 42.4%.

Thank you for the board's thorough consideration of this matter and zoning variance petition.

Sincerely,

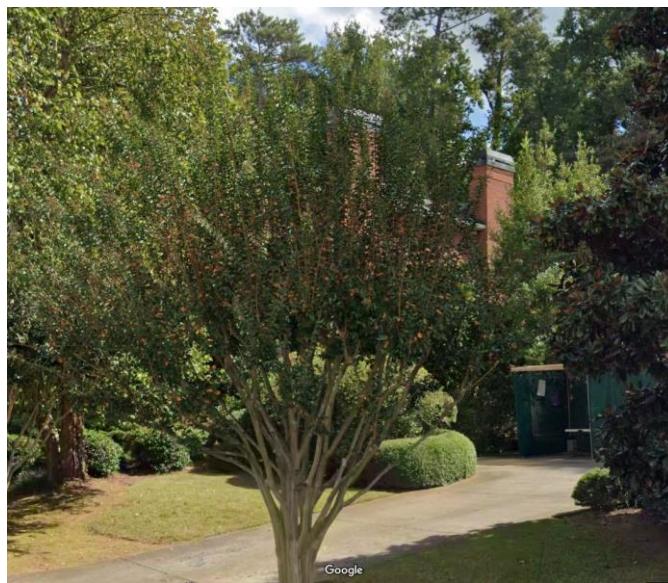


Bill Caldwell  
BCLA Design  
Applicant for 1141 Empire Road

**Exhibit A**  
**Site Photos Of Existing Conditions**



**Photo 1 – Front of Residence from Empire Road**

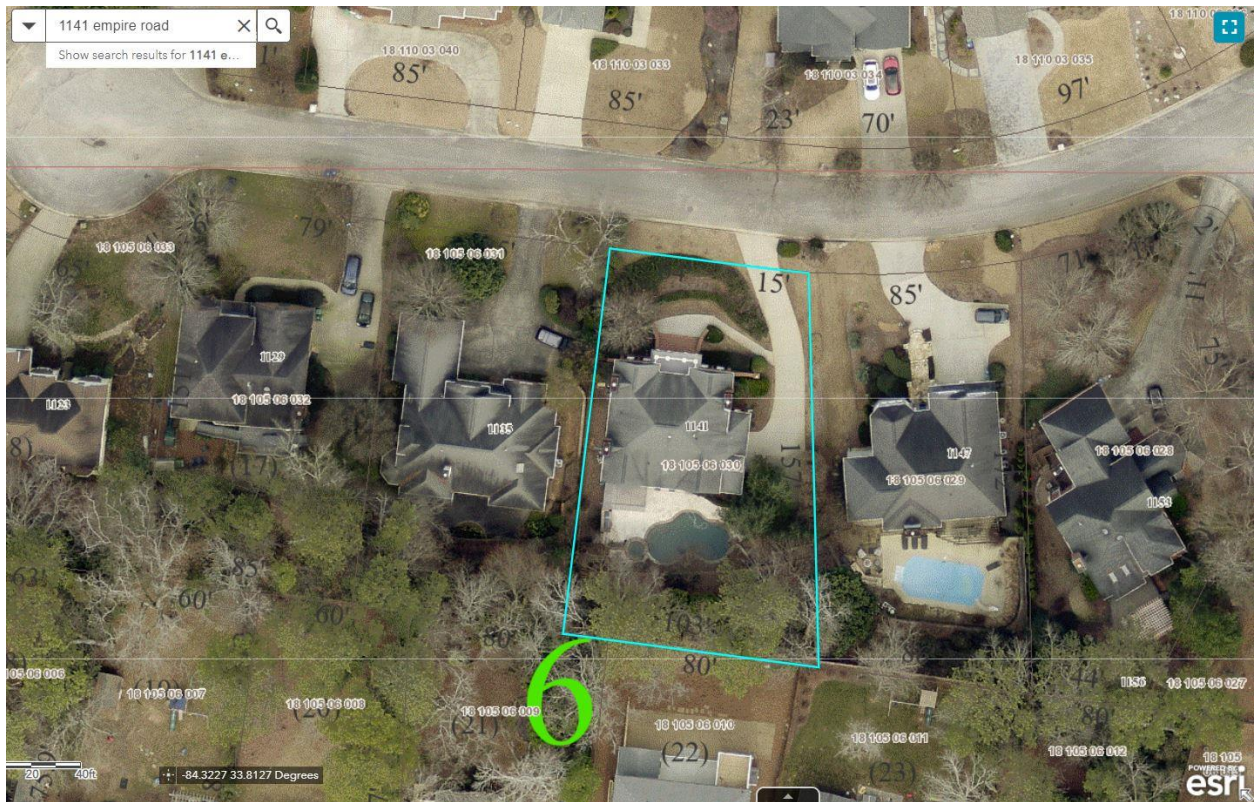


**Photo 2 – View of West Side of 1141 Empire  
As Seen From Google Maps Street View**

**Exhibit A**  
**Site Photos Of Existing Conditions**



**Photo 3 – View of West Side of 1141 Empire  
As Seen From Rear Yard of Property**



**Photo 4 – Aerial View of 1141 Empire From DeKalb Co. GIS**

**Exhibit B**  
**Pre and Post Development Lot Coverage Analysis Tables**

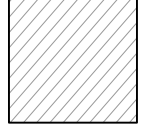
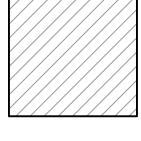
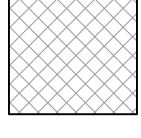

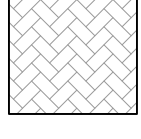
<b>Existing Conditions Lot Coverage Analysis</b>	
<b>Existing Conditions Description</b>	<b>Impervious S.F. Area</b>
Residence	2,287
Front Porch	126
Rear Porch	205
Swimming Pool	654
Pool Deck	766
Pool Equip Pad	32
Front Walkway	262
Stoops/Steps/Walkways	194
Grill Station	45
Site Walls	293
Driveway	1,580
Shed	67
<b>Total Existing</b>	<b>6,511</b>
Lot Area	14,227
Max Lot Coverage %	35%
Max Lot Coverage S.F.	4,979
Existing Lot Coverage	45.8%

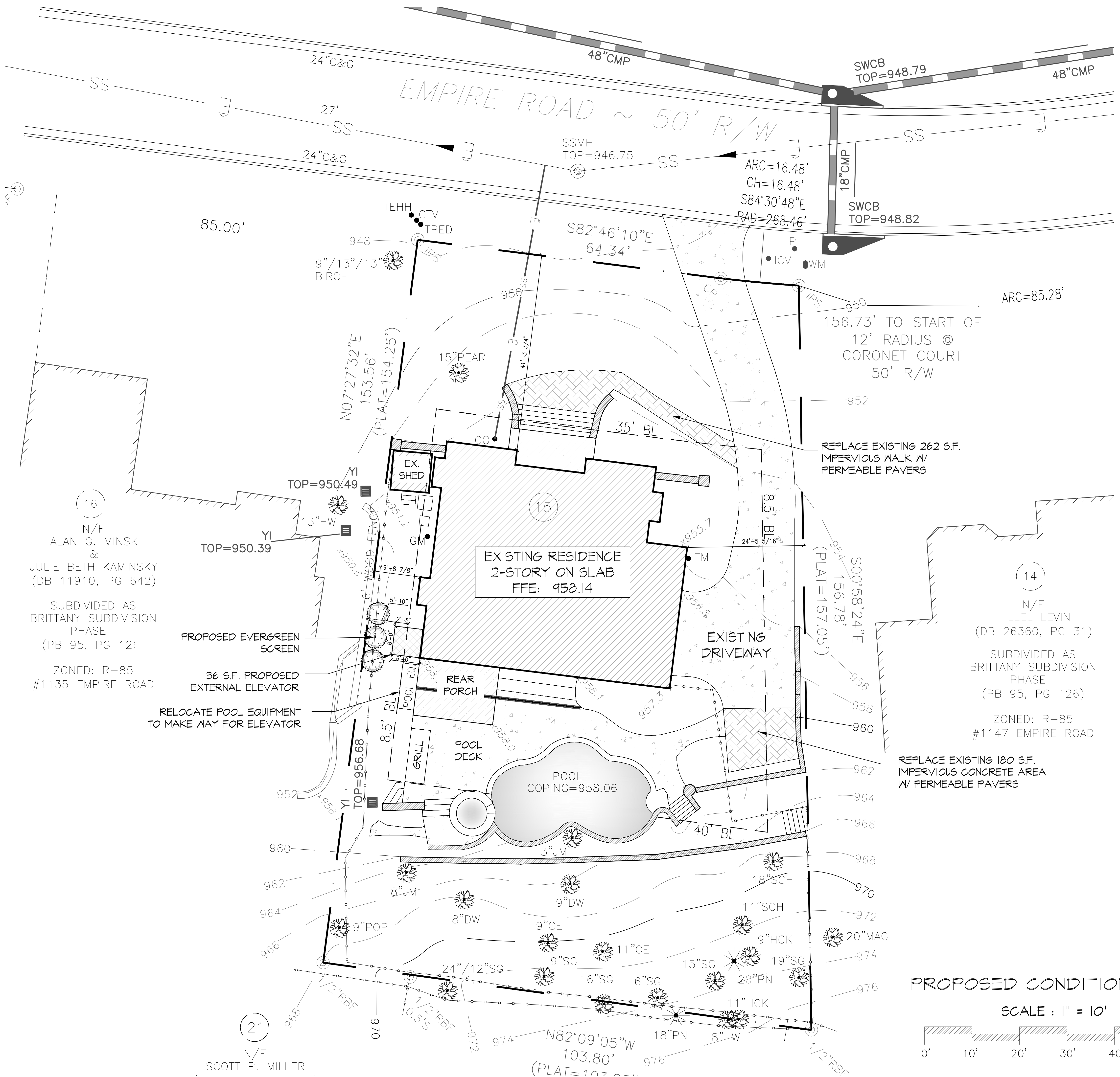
**Exhibit B**  
**Pre and Post Development Lot Coverage Analysis Tables**

<b>Proposed Conditions Lot Coverage Analysis</b>		
<b>Proposed Conditions Description</b>	<b>Impervious S.F. Area</b>	<b>Permeable S.F. Area</b>
Residence	2,287	
Front Porch	126	
Rear Porch	205	
Swimming Pool	654	
Pool Deck	766	
Pool Equip Pad	32	
Permeable Front Walkway	0	262
Stoops/Steps/Walkways	194	
Grill Station	45	
Site Walls	293	
Impervious Driveway	1,400	180
Shed	67	
Prop. Elevator	36	
<b>Total Proposed Impervious</b>	<b>6,105</b>	
<b>Total Proposed Permeable</b>		<b>442</b>
Lot Area	14,227	
Max Lot Coverage %	35%	
Max Lot Coverage S.F.	4,979	
Proposed Lot Coverage	42.9%	
<b>Notes</b>		
Proposed conditions is reduction of 406 S.F. (2.9%) of impervious surface on the property		



**SITE PLAN DEVELOPMENT LEGEND**

-  EXISTING RESIDENCE TO REMAIN
-  EXISTING PORCHES TO REMAIN
-  PROPOSED ELEVATOR ADDITION
-  EXISTING IMPERVIOUS PAVING TO REMAIN
-  PROPOSED PERMEABLE PAVING



(16)  
N/F  
ALAN G. MINSK  
&  
JULIE BETH KAMINSKY  
(DB 11910, PG 642)  
  
SUBDIVIDED AS  
BRITTANY SUBDIVISION  
PHASE I  
(PB 95, PG 124)  
  
ZONED: R-85  
#1135 EMPIRE ROAD

(14)  
N/F  
HILLEL LEVIN  
(DB 26360, PG 31)  
  
SUBDIVIDED AS  
BRITTANY SUBDIVISION  
PHASE I  
(PB 95, PG 126)  
  
ZONED: R-85  
#1147 EMPIRE ROAD

(21)  
N/F  
SCOTT P. MILLER

Proposed Conditions Lot Coverage Analysis		
Proposed Conditions Description	Impervious S.F. Area	Permeable S.F. Area
Residence	2,287	
Front Porch	126	
Rear Porch	205	
Swimming Pool	654	
Pool Deck	766	
Pool Equip Pad	32	
Permeable Front Walkway	0	262
Stoops/Steps/Walkways	194	
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Proposed Lot Coverage	42.9%	

**Notes**  
Proposed conditions is reduction of 406 S.F. (2.9%) of impervious surface on the property

**PROPOSED CONDITIONS PLAN**

SCALE: 1" = 10'

NORTH

BCLA DESIGN, LLC  
BILL CALDWELL LANDSCAPE ARCHITECTURE  
WWW.BCLADDESIGN.COM

1141 EMPIRE ROAD NE  
ATLANTA GA, 30329  
PARCEL #1810506030 / LL 105 / DIST. 18  
DEKALB COUNTY, GEORGIA

THE DESIGN PROFESSIONAL WHOSE SIGNED AND DATED SEAL APPEARS HEREON, AFFIRMS THAT THE SITE WAS VISITED PRIOR TO THE PREPARATION OF THIS SITE PLAN BY HIMSELF OR HIS AUTHORIZED AGENT UNDER HIS SUPERVISION.  
GSACC # 2474

GEORGIA REGISTERED PROFESSIONAL LANDSCAPE ARCHITECT  
WILLIAM H. CALDWELL  
02/22/2024

REVISIONS	DESCRIPTION
	ZONING VARIANCE SUBMITTAL
DATE	02/22/2024

EXISTING CONDITIONS SITE PLAN

NOT RELEASED FOR CONSTRUCTION

THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 13,201 FEET AND AN ANGULAR ERROR OF 01" PER ANGLE POINT AND WAS ADJUSTED USING THE COMPASS RULE.

THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 100,397 FEET.

A LEICA TS13 03" R500 TOTAL STATION WAS USED TO OBTAIN ANGULAR AND LINEAR MEASUREMENTS.

GRID LOCATION & TOPOGRAPHIC DATUM OBTAINED USING A DUAL FREQUENCY LEICA GS14 RECEIVER AND GEORGIA LEICA RTK NETWORK. DATUM = NAVD'88.

THIS PROPERTY IS NOT LOCATED INSIDE A DESIGNATED F.I.A. SPECIAL FLOOD HAZARD AREA AS PER DEKALB COUNTY FLOOD INSURANCE RATE MAP #13089C0054K, EFFECTIVE DATE: 08/15/2019

AREA = 0.33 ACRE

PROPERTY ZONED: R-85

SETBACKS SHOWN HEREON ARE BASED DEKALB COUNTY ZONING REQUIREMENTS AND ARE SUBJECT TO APPROVAL BY THE DEKALB COUNTY PLANNING & ZONING DEPARTMENT OF PLANNING.

THIS BLOCK RESERVED FOR THE CLERK OF THE SUPERIOR COURT

SURVEYOR'S CERTIFICATION

This plat is a retracement of an existing parcel or parcels of land and does not subdivide or create a new parcel or make any 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, OR 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.



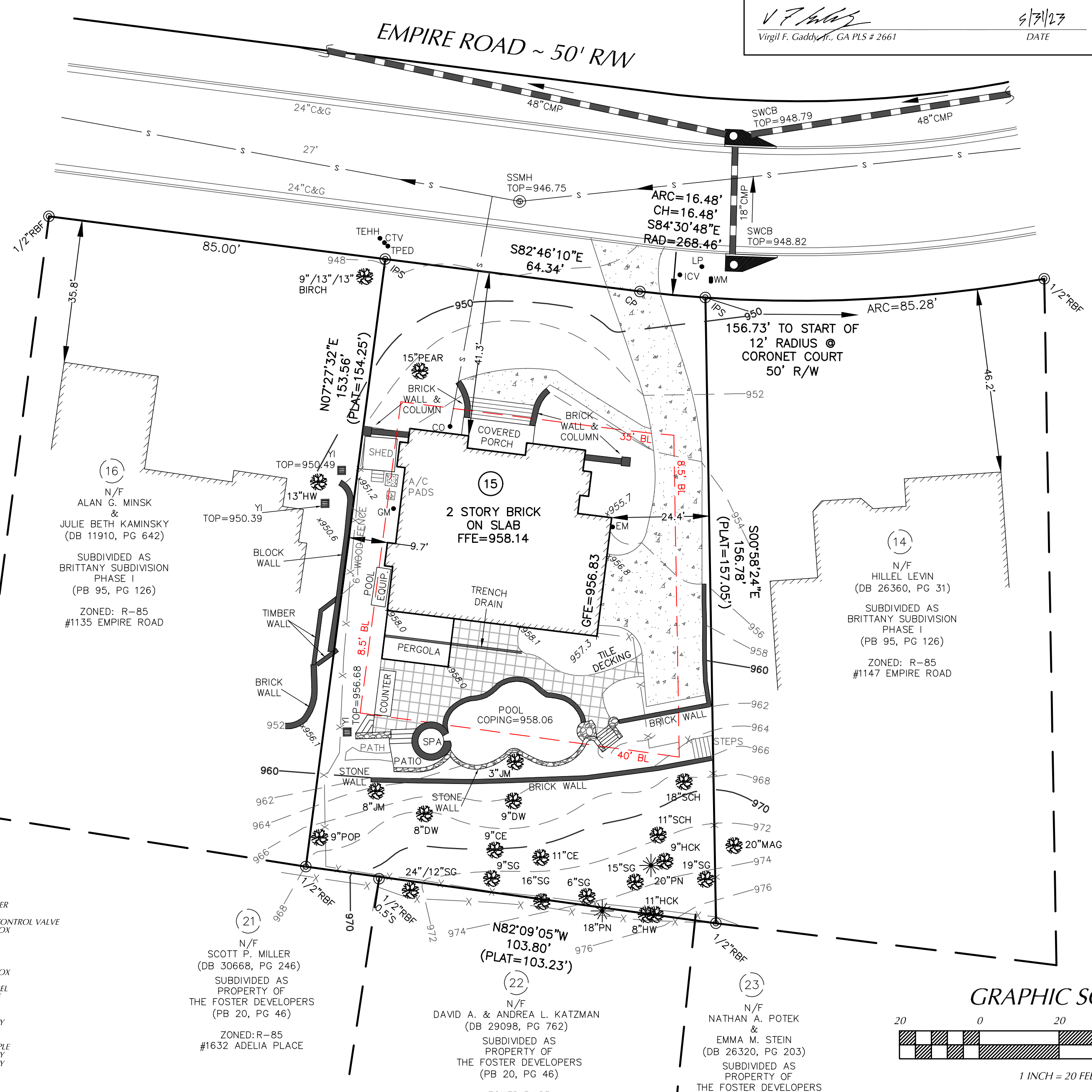
Virgil F. Gaddy, Jr., GA PLS # 2661

5/7/23 DATE

PROJECT NUMBER  
CDI-23-001  
BY FIELD DRAWING  
TDC 05-31-23 06-06-23

LOT COVERAGE CALCULATIONS (IN Sq.Ft.):

- LOT AREA = 14,227
- DWELLING AREA = 2,287.7
- PORCH & STEPS = 206.3
- DRIVE & WALKWAY = 2,014.9
- TILE DECKING = 953.9
- POOL = 514.8
- SPA = 33.0
- COPING = 89.8
- SPA PATIO & STEPS = 67.3
- ROCK STEPS = 12.7
- WALLS = 351.7
- COUNTER = 45.7
- SHED & STEPS = 75.6
- A/C PADS = 16.0
- TOTAL IMPERVIOUS AREA = 6,369.4
- LOT COVERAGE = 44.8%

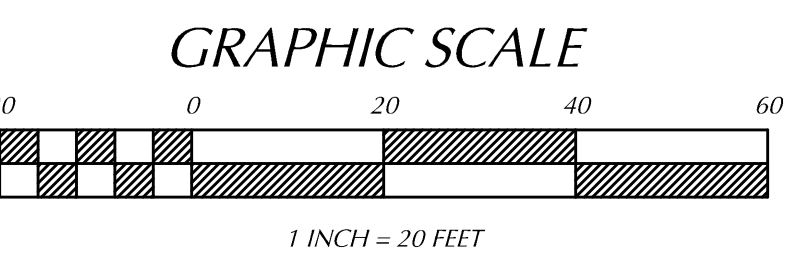


TOPOGRAPHIC SURVEY FOR:  
**DAVID & RAYA ZALIK**  
#1141 EMPIRE ROAD  
LOT 15  
NEW BRITANNY SUBDIVISION ~ PHASE I  
(PLAT BOOK 97, PAGE 69)  
LAND LOT 105 ~ 18TH DISTRICT  
DEKALB COUNTY, GEORGIA

**GADDY SURVEYING & DESIGN, INC.**  
1215 PLEASANT HILL ROAD  
LAWRENCEVILLE, GEORGIA 30044  
PHONE - (770) 931-5920  
FAX - (770) 931-5903  
L.S. CERTIFICATE OF AUTHORIZATION #LS001014  
P.E. CERTIFICATE OF AUTHORIZATION #PEF0005450

LEGEND

IPS	IRON PIN SET (1/2" REBAR)	MA	MAPLE
RBF	REBAR FOUND	PN	PINE
CTF	CRIMP TOP FOUND	CY	CYPRESS
OTF	OPEN TOP FOUND	PV	PRIVET
JB	JUNCTION BOX	POP	POPLAR
R/W	RIGHT-OF-WAY	MAG	MAGNOLIA
B.L.	BUILDING LINE	DW	DOGWOOD
P	PROPERTY LINE	EM	ELECTRIC METER
CB	CATCH BASIN	GM	GAS METER
HW	HEADWALL	ICV	IRRIGATION CONTROL VALVE
SSMH	SEWER MANHOLE	TB	TELEPHONE BOX
-X-	FENCE	PC	PECAN
L.L.L.	LAND LOT LINE	DW	DOGWOOD
O.L.L.	ORIGINAL LOT LINE	WN	WALNUT
D.E.	DRAINAGE EASMT.	RB	REDBUD
S.E.	SEWER EASMT.	TB	TELEPHONE BOX
U.E.	UTILITY EASMT.	HW	HARDWOOD
CLF	CHAIN LINK FENCE	CL	CHERRY LAUREL
PP	POWER POLE	WF	WOOD FENCE
DI	DROP INLET	SG	SWEETGUM
LP	LIGHT POLE	EB	ELDERBERRY
EP	EDGE OF PAVEMENT	BC	BLACK CHERRY
C	CENTERLINE	HCK	HICKORY
CE	CEDAR	HB	HACKBERRY
CM	CREPE MYRTLE	JM	JAPANESE MAPLE
HW	HARDWOOD	SCH	SWEET CHERRY
BIR	BIRCH	BC	BLACK CHERRY





1st Floor

153.56'  
(PLAT=154.25')

15" PEAR

41'-3 3/4"

35' BL

6' WOOD FENCE

EX. SHED

13.3 ft

Formal living

15.3 ft

Foyer

Dining

GM

Bar

Bath

closet

Cabinets

Fireplace

13.3 ft

Laundry

closet

EM

8' 7/8"

Fireplace

Living

Kitchen

Cabinets

7 ft

Garage

956.8

EXISTING DRIVE

POOL EQ.

958.0

Breakfast

9 ft

21.6 ft

957.3

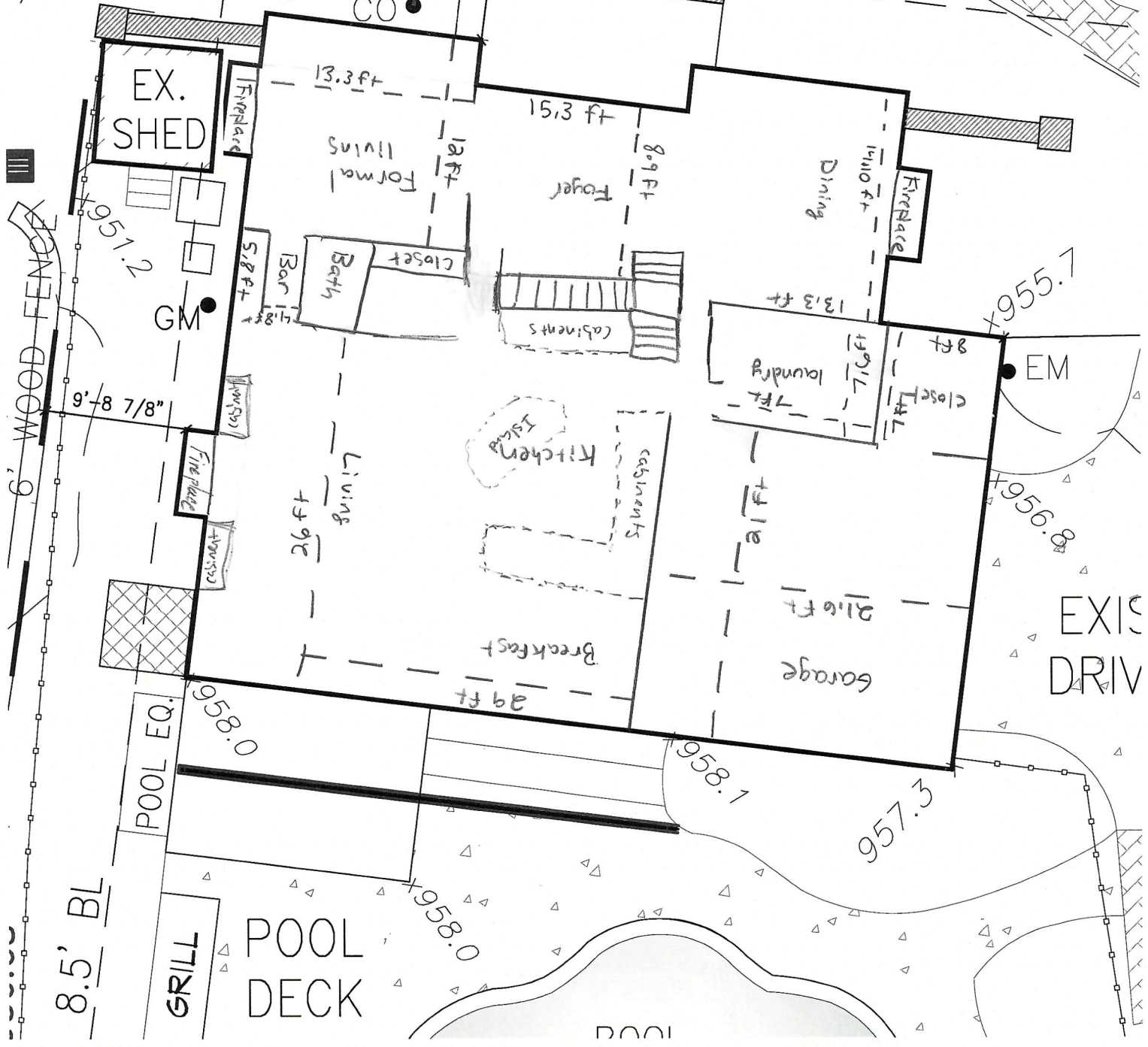
8.5' BL

GRILL

POOL DECK

958.0

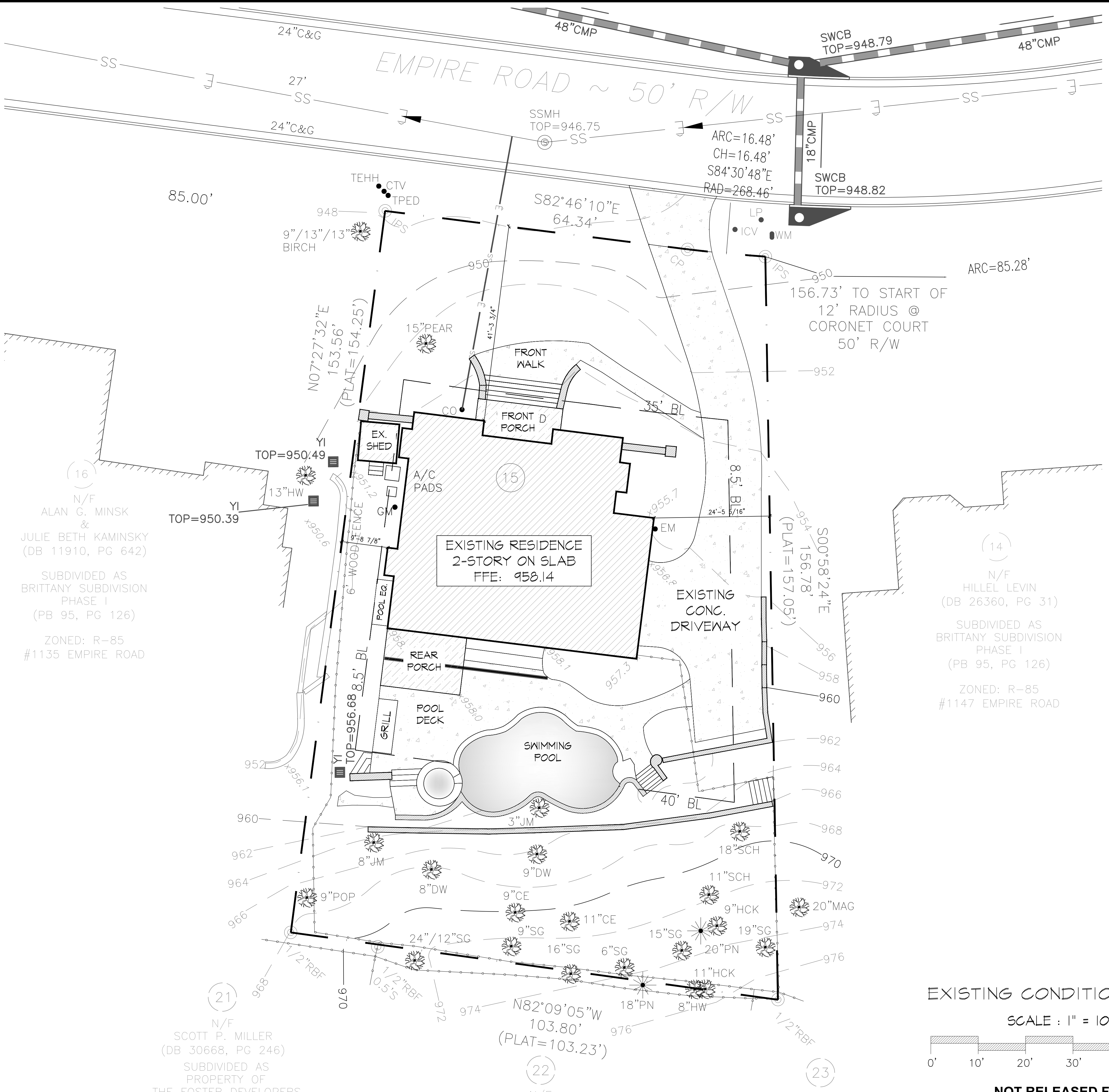
POOL





**SITE PLAN DEVELOPMENT LEGEND**

- EXISTING RESIDENCE TO REMAIN
- EXISTING PORCHES TO REMAIN
- EXISTING IMPERVIOUS PAVING



16  
N/F  
ALAN G. MINSK  
&  
JULIE BETH KAMINSKY  
(DB 11910, PG 642)  
SUBDIVIDED AS  
BRITTANY SUBDIVISION  
PHASE I  
(PB 95, PG 126)  
ZONED: R-85  
#1135 EMPIRE ROAD

14  
N/F  
HILLEL LEVIN  
(DB 26360, PG 31)  
SUBDIVIDED AS  
BRITTANY SUBDIVISION  
PHASE I  
(PB 95, PG 126)  
ZONED: R-85  
#1147 EMPIRE ROAD

21  
N/F  
SCOTT P. MILLER  
(DB 30668, PG 246)  
SUBDIVIDED AS  
PROPERTY OF  
THE FOSTER DEVELOPERS

22  
N82°09'05"W  
103.80'  
(PLAT=103.23')

Existing Conditions Description	Impervious S.F. Area
Residence	2,287
Front Porch	126
Rear Porch	205
Swimming Pool	654
Pool Deck	766
Pool Equip Pad	32
Front Walkway	262
Stoops/Steps/Walkways	194
Grill Station	45
Site Walls	293
Driveway	1,580
Shed	67
<b>Total Existing</b>	<b>6,511</b>
Lot Area	14,227
Max Lot Coverage %	35%
Max Lot Coverage S.F.	4,979
Existing Lot Coverage	45.8%

EXISTING CONDITIONS PLAN

SCALE: 1" = 10'

NORTH

BCLA DESIGN, LLC  
BILL CALDWELL LANDSCAPE ARCHITECTURE  
WWW.BCLADDESIGN.COM

1141 EMPIRE ROAD NE  
ATLANTA GA, 30329  
PARCEL #1810506030 / LL 105 / DIST. 18  
DEKALB COUNTY, GEORGIA

THE DESIGN PROFESSIONAL WHOSE SIGNED AND DATED SEAL APPEARS HEREON, AFFIRMS THAT THE SITE WAS VISITED PRIOR TO THE PREPARATION OF THIS SITE PLAN BY HIMSELF OR HIS AUTHORIZED AGENT UNDER HIS SUPERVISION.

GSACC # 2479

GEORGIA REGISTERED LANDSCAPE ARCHITECT  
BILL CALDWELL  
07/28/2024

REVISIONS	DESCRIPTION	DATE
1	ZONING VARIANCE SUBMITTAL	03/22/2024
2	ZONING VARIANCE SUBMITTAL REVISION 1	05/28/2024

EXISTING CONDITIONS SITE PLAN

V-1.0

NOT RELEASED FOR CONSTRUCTION



THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 13,201 FEET AND AN ANGULAR ERROR OF 01" PER ANGLE POINT AND WAS ADJUSTED USING THE COMPASS RULE.

THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 100,397 FEET.

A LEICA TS13 03" R500 TOTAL STATION WAS USED TO OBTAIN ANGULAR AND LINEAR MEASUREMENTS.

GRID LOCATION & TOPOGRAPHIC DATUM OBTAINED USING A DUAL FREQUENCY LEICA GS14 RECEIVER AND GEORGIA LEICA RTK NETWORK. DATUM = NAVD'88.

THIS PROPERTY IS NOT LOCATED INSIDE A DESIGNATED F.I.A. SPECIAL FLOOD HAZARD AREA AS PER DEKALB COUNTY FLOOD INSURANCE RATE MAP #13089C0054K, EFFECTIVE DATE: 08/15/2019

AREA = 0.33 ACRE

PROPERTY ZONED: R-85

SETBACKS SHOWN HEREON ARE BASED DEKALB COUNTY ZONING REQUIREMENTS AND ARE SUBJECT TO APPROVAL BY THE DEKALB COUNTY PLANNING & ZONING DEPARTMENT OF PLANNING.

THIS BLOCK RESERVED FOR THE CLERK OF THE SUPERIOR COURT

SURVEYOR'S CERTIFICATION

This plat is a retracement of an existing parcel or parcels of land and does not subdivide or create a new parcel or make any 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, OR 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.



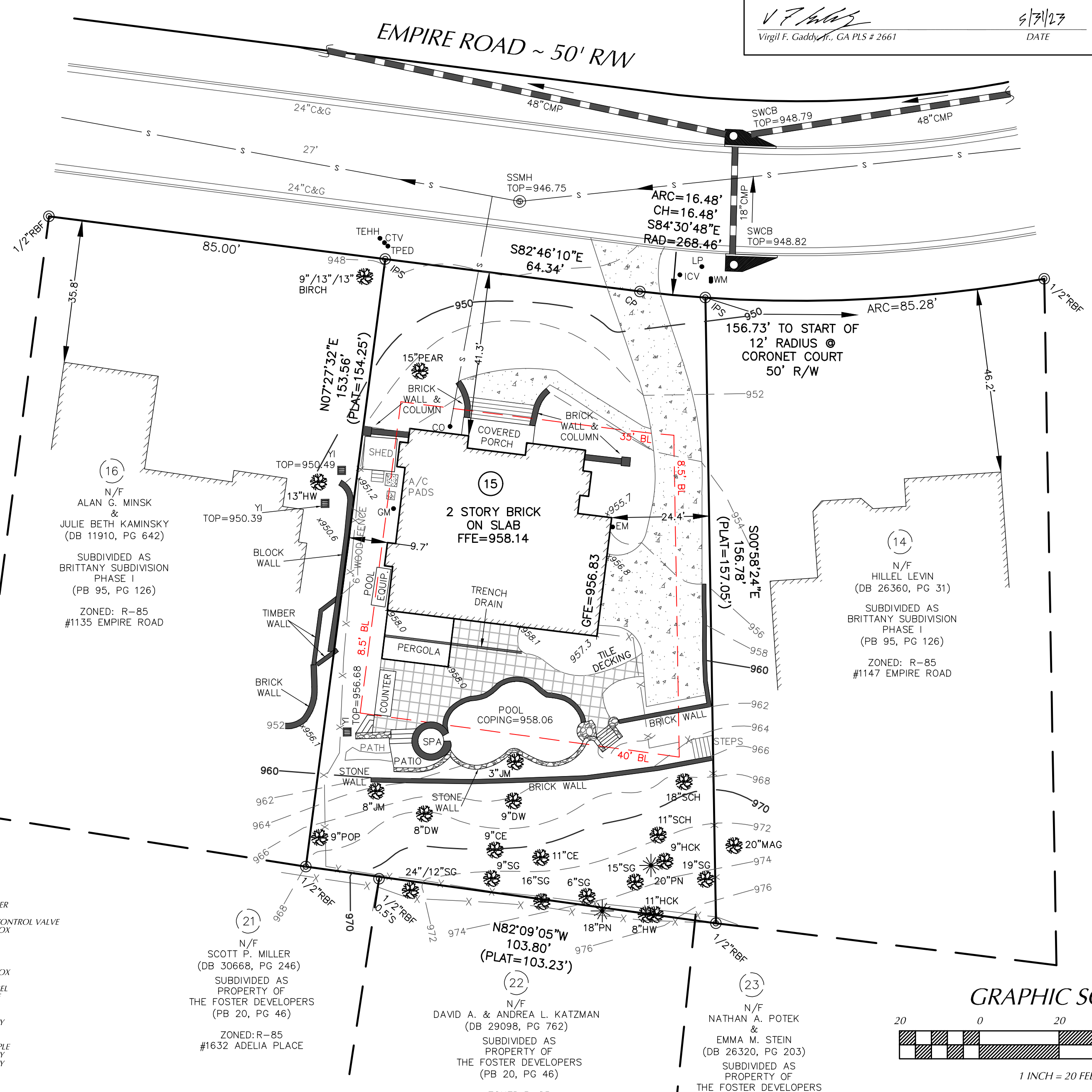
Virgil F. Gaddy, Jr., GA PLS # 2661

5/7/23 DATE

PROJECT NUMBER  
CDI-23-001  
BY FIELD DRAWING  
TDC 05-31-23 06-06-23

LOT COVERAGE CALCULATIONS (IN Sq.Ft.):

- LOT AREA = 14,227
- DWELLING AREA = 2,287.7
- PORCH & STEPS = 206.3
- DRIVE & WALKWAY = 2,014.9
- TILE DECKING = 953.9
- POOL = 514.8
- SPA = 33.0
- COPING = 89.8
- SPA PATIO & STEPS = 67.3
- ROCK STEPS = 12.7
- WALLS = 351.7
- COUNTER = 45.7
- SHED & STEPS = 75.6
- A/C PADS = 16.0
- TOTAL IMPERVIOUS AREA = 6,369.4
- LOT COVERAGE = 44.8%



TOPOGRAPHIC SURVEY FOR:  
**DAVID & RAYA ZALIK**  
#1141 EMPIRE ROAD  
LOT 15  
NEW BRITANNY SUBDIVISION ~ PHASE I  
(PLAT BOOK 97, PAGE 69)  
LAND LOT 105 ~ 18TH DISTRICT  
DEKALB COUNTY, GEORGIA

**GADDY SURVEYING & DESIGN, INC.**  
1215 PLEASANT HILL ROAD  
LAWRENCEVILLE, GEORGIA 30044  
PHONE - (770) 931-5920  
FAX - (770) 931-5903

L.S. CERTIFICATE OF AUTHORIZATION #LS001014  
P.E. CERTIFICATE OF AUTHORIZATION #PEF0005450

LEGEND

IPS	IRON PIN SET (1/2" REBAR)	MA	MAPLE
RBF	REBAR FOUND	PN	PINE
CTF	CRIMP TOP FOUND	CY	CYPRESS
OTF	OPEN TOP FOUND	PV	PRIVET
JB	JUNCTION BOX	POP	POPLAR
R/W	RIGHT-OF-WAY	MAG	MAGNOLIA
B.L.	BUILDING LINE	DW	DOGWOOD
P	PROPERTY LINE	EM	ELECTRIC METER
CB	CATCH BASIN	GM	GAS METER
HW	HEADWALL	ICV	IRRIGATION CONTROL VALVE
SSMH	SEWER MANHOLE	TB	TELEPHONE BOX
-X-	FENCE	PC	PECAN
L.L.L.	LAND LOT LINE	DW	DOGWOOD
O.L.L.	ORIGINAL LOT LINE	WN	WALNUT
D.E.	DRAINAGE EASMT.	RB	REDBUD
S.E.	SEWER EASMT.	TB	TELEPHONE BOX
U.E.	UTILITY EASMT.	HW	HARDWOOD
CLF	CHAIN LINK FENCE	CL	CHERRY LAUREL
PP	POWER POLE	WF	WOOD FENCE
DI	DROP INLET	SG	SWEETGUM
LP	LIGHT POLE	EB	ELDERBERRY
EP	EDGE OF PAVEMENT	BC	BLACK CHERRY
C	CENTERLINE	HCK	HICKORY
CE	CEDAR	HB	HACKBERRY
CM	CREPE MYRTLE	JM	JAPANESE MAPLE
HW	HARDWOOD	SCH	SWEET CHERRY
BIR	BIRCH	BC	BLACK CHERRY



Minsk, Alan G. <alan.minsk@agg.com>

To ● Carter, Lucas J

Cc ● Julie Kaminsky (jbkaminsky@hotmail.com)

Reply
 Reply All
 Forward

Mon 5/13/2024 4:59 PM

Follow up. Start by Tuesday, May 14, 2024. Due by Tuesday, May 14, 2024.

Dear Mr. Carter,

Thank you for taking time to explain rescheduling requests. As my wife and I have explained to you, through email, we are requesting that the ZBA meeting on June 12 be rescheduled. It conflicts with a Jewish holiday called Shavuot, which is considered one of the 3 High Holidays (Shavuot, Passover and Sukkot). While many in the non-Jewish world know of Rosh Hashana and Yom Kippur, these three holidays are major in our religion, requiring no work, attendance at synagogue, no use of phone or other electronic devices, and many other prohibitions. While we appreciate that there are supposed to be no exceptions to rescheduling, you informed us that the ZBA would review on a case by case. You encouraged us to write a request for rescheduling, and you would forward it to the ZBA, for which we are grateful.

As background, this past Friday, we received a notice that the ZBA intends to hold a hearing on June 12, reviewing the aforementioned matter, that potentially affects our property. A neighbor has requested a variance in lot size to build an elevator. We would normally attend such a Zoom meeting, but this conflicts with our religious observance. When we inquired this Monday, through the general ZBA mailbox, we were told that rescheduling is not allowed because dates are set in December and there are no exceptions (what setting a calendar in December has to do with anything is unclear). We understand the ZBA doesn't meet on Good Friday or other Christian holidays, even if not Federal holidays, because they do not conflict with the standard Wednesday monthly dates. That's convenient for Christians.

We were told that we could write in letters of support or opposition of the variance request but, if we cannot attend a zoom call, in real time, we cannot hear the discussion or know whether we want to add anything that is said. This is not the same or equal "access" that would be afforded for non-Jews. We were also told that, if there is an exception made in our case, it will need to be done for everyone. I'm not sure it's such a bad idea to consider non-Christian religious holidays when setting a calendar. We can get a postponement for jury duty when there is a conflict, but not here.

The county's response seems to be "this is the way it is, we cannot be bothered, and we will not reconsider." Not a very accommodating position for religious observance.

If the ZBA can review such requests on a case-by-case matter, we respectfully request this be done here. We see no reason why we cannot reschedule the meeting for the next month; there is no time-sensitive nature to this matter and a one-month delay will not unjustly affect our neighbor (who happens to observe the same holiday). We happen to be very friendly with our neighbor, who has requested the variance.

Thank you for sharing our concerns with the ZBA. We hope the ZBA will grant a one-month extension.

Alan

**Alan G. Minsk**  
**PARTNER, HEAD OF FOOD & DRUG TEAM**  
 d 404.873.8690 | f 404.873.8691

**ARNALL GOLDEN GREGORY LLP**  
*Celebrating 75 Years*

**ATLANTA**  
 171 17th Street NW | Suite 2100 | Atlanta, GA 30363  
**WASHINGTON, D.C.**  
 2100 Pennsylvania Avenue NW | Suite 350S | Washington, D.C. 20037

alan.minsk@agg.com | bio | linkedin | www.agg.com