



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



Michael L. Thurmond
Chief Executive Officer

Cedric Hudson
Interim Director

Wednesday, June 12th, 2024

Planning Department Staff Analysis

D5. Case No: A-24-1246909

Parcel ID(s): 18 046 01 148

Commission District 04 Super District 06

Applicant: **Monica Woods**
67 A Boulevard NE
Atlanta, GA 30312

Owner: **Dallas Street Lofts, LLC**
2255 Cumberland Parkway, Bldg. 700
Atlanta, GA 30339

Project Name: 584 Glendale Road

Location: 584 Glendale Road, Scottdale, GA 30079

Request: Variance from Sections 27-3.36.10 and 27-2.2.1 of the DeKalb County Zoning Ordinance to reduce rear yard setback, eliminate landscape strip, reduce side yard setbacks, and increase lot coverage to construct single-family residence within the R-75 (Residential Medium Lot-75) and Scottdale Tier II Overlay zoning district.

Requests Itemized:

- 1) To reduce the rear (west) yard setback from the required 30 feet to 6 feet.
- 2) To eliminate the 5' landscape strip adjacent to the proposed required 5' sidewalk.
- 3) To reduce the side yard (south) setback from the required 7.5 feet to 2.4 feet.
- 4) To reduce front (east) setback from the required 15 feet to 6.9 feet.
- 5) Increase the impervious surface coverage from the maximum 35% to 40%.

Staff Determination: Withdrawal

STAFF ANALYSIS

Staff has determined that Chapter 27-8.1.4. (A) applies to the proposed development.

Sec. 8.1.4. - Legal nonconforming single-family lots; lot merger requirements.

- A. In any zoning district in which single-family dwelling units are allowed, a single-family dwelling unit and allowed accessory structures may be erected on any single nonconforming lot of record so long as such single nonconforming lot of record is not in common ownership with any other contiguous lot or lots. A property owner shall not be permitted to erect a structure on a nonconforming lot of record if he could have used his contiguous land to avoid the nonconformity.

The applicant is representing Dallas Street Lofts, LLC, who owns both subject parcels, 584 and 580 Glendale Road. Therefore, it may be possible to combine both lots and receive relief from hardships posed by estranged lot shapes. The possibility should be explored by the applicant prior to seeking further variance requests. Therefore, staff recommends withdrawal of the application.

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: _____

Mailing Address: _____

City/State/Zip Code: _____

Email: _____

Telephone Home: _____ Business: _____

OWNER OF RECORD OF SUBJECT PROPERTY

Owner: _____

Address (Mailing): _____

Email: _____ Telephone Home: _____ Business: _____

ADDRESS/LOCATION OF SUBJECT PROPERTY

Address: _____ City: _____ State: _____ Zip: _____

District(s): _____ Land Lot(s): _____ Block: _____ Parcel: _____

Zoning Classification: _____ Commission District & Super District: _____

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: 2/20/2024

DocuSigned by: Robert Ullmann
Applicant Signature: 03860B3006BB4F3

DATE:

Applicant Signature:

DEPARTMENT OF PLANNING & SUSTAINABILITY

ZONING BOARD OF APPEALS APPLICATION

AUTHORIZATION TO REPRESENT THE PROPERTY OWNER

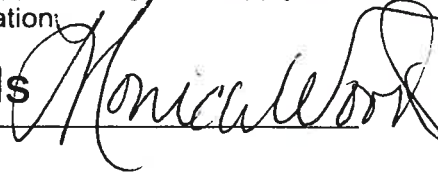
I hereby authorize the staff and members of the Zoning Board of Appeals to inspect the premises of the Subject Property.

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: 2/20/2024


Applicant/Agent
Signature:

Monica Woods


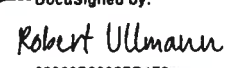
TO WHOM IT MAY CONCERN:

(I)/ (WE): Dallas Street Lofts, LLC
(Name of Owners)

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


Notary Public

Demetra A Tucker
NOTARY PUBLIC
Fulton County
State of Georgia
My Comm. Expires December 20, 2024

DocuSigned by:

Owner Signature

Notary Public

Owner Signature

Notary Public

Owner Signature

LETTER OF INTENT

584 Glendale Road
Scottsdale, GA 30079

Greetings:

Members of the Zoning Board of Appeals,

This letter is to request variances from section 27-2.2.1 and 27-3.36.10 of the Dekalb County Zoning Ordinance.

VARIANCE REQUESTS:

- 1) TO REDUCE THE REAR (WEST) YARD SETBACK FROM THE REQUIRED 30 FEET TO 6 FEET
- 2) TO ELIMINATE THE 5' LANDSCAPE STRIP ADJACENT TO THE PROPOSED REQUIRED 5' SIDEWALK,
- 3) TO REDUCE THE LEFT (SOUTH) SIDE YARD SETBACK FROM THE REQUIRED 7.5 FEET TO 2.4 FEET,
- 4) TO REDUCE THE 1/2 DEPTH OR CORNER (RIGHT SIDE) SETBACK FROM THE REQUIRED 15 FEET TO 6.9 FEET AND,
- 5) INCREASE THE IMPERVIOUS SURFACE COVERAGE FROM THE MAXIMUM 35% TO 40% ALL TO ERECT A NEW 2 STORY SINGLE FAMILY DWELLING

1) PHYSICAL CONDITION OF SITE;

The unique physical conditions of this property constitute a special case necessitating this variance. The lot is narrow, an irregular shape, and is a corner lot. All of those conditions make compliance with the front, rear and side yard setbacks, adding a 5-foot landscaping strip, and staying in compliance with impervious lot coverage challenging. The lot is a parallelogram-shaped (a feature that was created by how the right-of-way angles) which is not like a majority of the lots in the district, as they tend to be more rectangular shaped. Additionally, the lot only has a frontage of 65.44 feet and a lot area of 5,360 feet. Because this is a corner lot, which is a characteristic not shared by all lots in the district and neighborhood, the 1/2 depth corner setback is 15 feet instead of 7.5 feet. All of these characteristics are less than the minimum required lot frontage and lot area for lots within the R-75 (underlying zoning of the property) zoning designation. These conditions are inherent and not caused by the current or previous owners of the property.

2) MINIMUM VARIANCE NECESSARY:

The variance requests are the minimal necessary to make the property usable and does not provide any special advantages that are not available to other property owners in the R-75/Scottsdale Tier II Overlay district. The various setback reductions and lot coverage increase allows for a new proposed structure that will attempt to be in keeping with the character of the neighborhood and the district. Again the weird shape of the lot, which creates a none traditional shaped building enveloped necessitates this variance request. The elimination of the 5' landscape strip is for safety reasons. As a result of this being a corner lot and the angle of the right of way, and that 2 other streets feed into Glendale (creating a fork like shape of the road) at this particular intersection, adding landscape strip adjacent to the right of way along with trees, could create a visibility restriction which could potentially begin to cause increased traffic accidents,

3) PUBLIC WELFARE:

The proposed construction of a new single family dwelling will provide a positive impact on the neighborhood and community. The design and positioning of the proposed home will be consistent with the aesthetics of the neighborhood. The request for the elimination of the 5' landscape strip will enhance the safety conditions along that portion of the street. It is the thought that if you add the landscape strip along with trees, that it will eventually impede the view of persons traveling along Glendale and the other 2 streets that collect to the right of way near the property and the intersection. New housing is welcoming to the neighbors and a desire for new potential home owners, as this is a sought after neighborhood to reside in.

4) ORDINANCE HARDSHIP:

Adherence to the strict interpretation of the zoning laws would cause undue hardship relative to the impracticability and inability to use the property effectively. Without the variance request, adequate development of this lot will not be conducive to already established patterns in this neighborhood and the district. The adverse lot conditions (size, shape, and a corner lot) that are inherent, and not created by previous or the current owner are in conflict with some of the rules and regulations of the ordinance for R-75 /Scottdale Tier II Overlay district because a great bit of the standards are based on lots that are a standard shape and size and that are interior lots. We would like to be afforded the same type of relief granted to other lot/stakeholders in the district, neighborhood and similar zoning designations for the orderly and safe development of their land.

5)Alignment with the Spirit of the Law

The land use of the property TN which stands for traditional neighborhood. The proposed new single family home development with the variance requests are in keeping with the intent of the overall purpose of the zoning laws and the Dekalb County Comprehensive Plan. The variance requests are so that the development can get as close to as possible to the development standards that are already established in light of the unique features of the property to enhance the charm and beauty of the existing amazing neighborhood and community.

Thanks for your time and consideration of the variance requests. We are committed to aligning with Dekalb County to create sustainable development that align with the goals purpose of the County and Neighborhood Community.

FLOOD STATEMENT

I HAVE EXAMINED THE OFFICIAL FLOOD HAZARD MAP AND FOUND THAT BY GRAPHIC PLOTTING ONLY, NO PORTION OF THIS PROPERTY LIES IN A FLOOD HAZARD AREA ACCORDING TO FEMA FIRM MAP 13089C0067 J, DATED 5/16/2013

STATE WATERS NOTE:

NO STATE WATERS PRESENT WITHIN 200 FEET OF PROJECT SITE.

**ZONED: R-75
SCOTTDALE
OVERLAY TIER 2**

MAX. LOT % = 35%
MAX. HEIGHT = 35'
FRONT: 30'
CORNER: 15'
SIDE: 7.5'
REAR: 30'

SURVEY CLOSURE:

The field data upon which this plat is based has a closure of 1 foot in $\pm 10,000\pm$ feet, an angular error of ± 0.3 seconds per angle and was adjusted using the Least Squares Method. This plat has been calculated for closure and found to be accurate to 1 foot in $\pm 100,000\pm$ feet. An electronic total station and a 100' chain were used to gather the information used in the preparation of this plat. All matters pertaining to title are excepted.

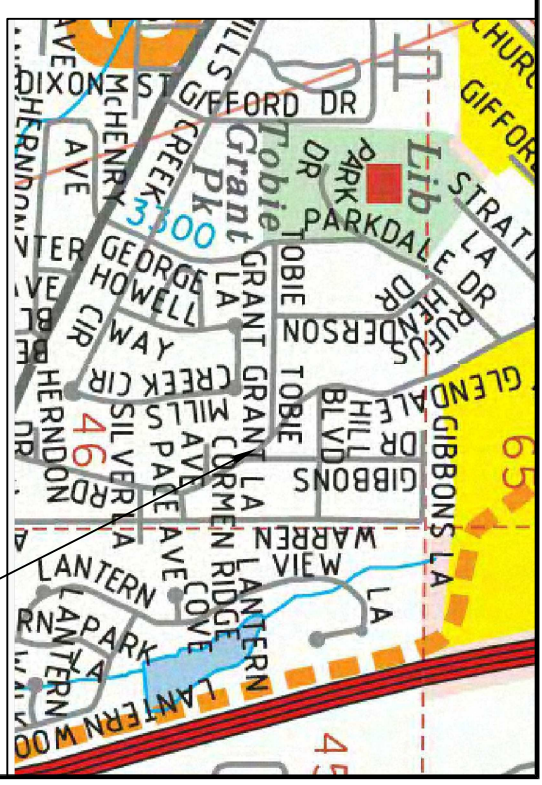
REFERENCE DEEDS / PLATS

ALTA/NPS LAND TITLE SURVEY FOR
LENNAR GEORGIA BY
PLANNERS & ENGINEERS DATED 5/28/2018
LAST REVISED 1/09/2020, PB 308, PG. 97

SURVEY FOR ELGIN PRITCHETT FOR 584
GLENDALE ROAD, DATED 12/10/2015 BY
DEKALB SURVEY INC.

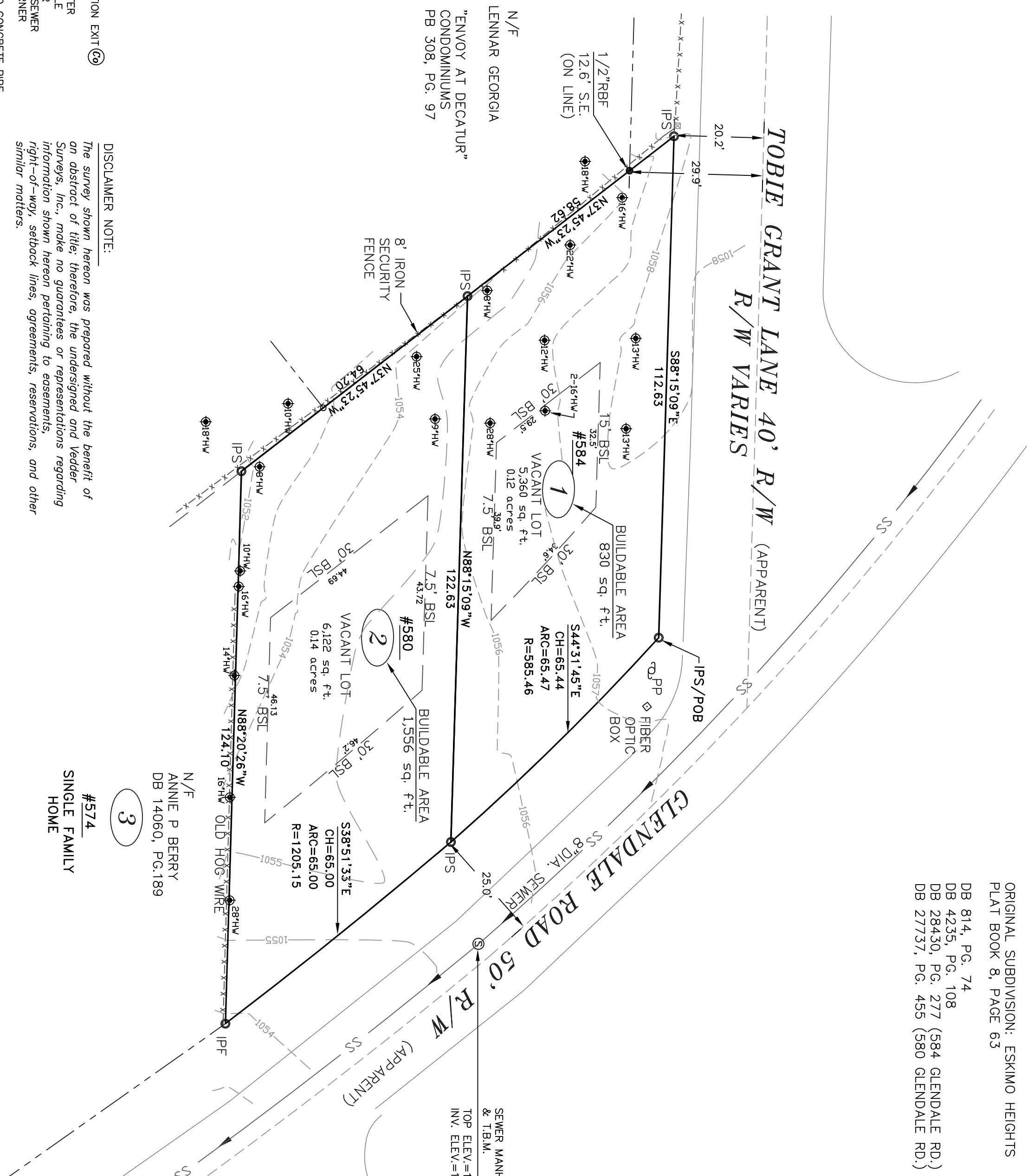
ORIGINAL SUBDIVISION: ESKIMO HEIGHTS
PLAT BOOK 8, PAGE 63

DB 814, PG. 74
DB 4235, PG. 108
DB 28430, PG. 277 (584 GLENDALE RD.)
DB 27737, PG. 455 (580 GLENDALE RD.)



SURVEY NOTES:

1. STORM SEWER, SANITARY SEWER AND OTHER BURIED UTILITIES MAY HAVE BEEN PAVED OR COVERED OVER. THE LOCATION OF UNDERGROUND UTILITIES AS SHOWN HEREON ARE BASED ON ABOVE GROUND STRUCTURES AND RECORD DRAWINGS PROVIDED TO SURVEYOR. LOCATIONS OF UNDERGROUND UTILITIES MAY VARY FROM LOCATIONS SHOWN HEREON. ADDITIONAL BURIED UTILITIES MAY BE ENCOUNTERED. NO SURVEYOR LOCATE BURIED UTILITIES. BEFORE EXCAVATIONS ARE MADE FOR REPRODUCTION OF UTILITY TRENCH AND FIELD LOCATIONS, EASEMENTS AS SHOWN ARE APPROXIMATE.
2. SURVEYOR HAS MADE NO INVESTIGATION OR INDEPENDENT SEARCH FOR EASEMENTS, OWNERSHIP, TITLE ENCUMBRANCES, RESTRICTIVE COVENANTS, OR OTHER FACTS THAT A CURRENT TITLE SEARCH MAY DISCLOSE. THIS PLAT WAS PREPARED FOR THE EXCLUSIVE USE OF THE PERSON, PERSONS OR ENTITY NAMED HEREON. THIS PLAT DOES NOT INTEND TO REPRESENT PERSON, PERSONS, OR ENTITY WHOSE NAME IS EXPRESSED HEREON. SURVEYOR MAKING SUCH PERSON, PERSONS OR ENTITY.



LEGEND

- | | | | |
|-----|-----------------------|-------|--------------------------|
| IPS | IRON PIN SET | CO | CONCRETE |
| IPF | IRON PIN FOUND | WM | WATER METER |
| SMH | SEWER MAN HOLE | PP | POWER POLE |
| DI | DROP INLET | GM | GAS METER |
| RB | REINFORCING BAR | SS | SANITARY SEWER |
| CL | CENTERLINE | FC | FENCE CORNER |
| R/W | RIGHT-OF-WAY | -X-X- | REINFORCED CONCRETE PIPE |
| LL | LAND LOT | RCP | SANITARY SEWER EASEMENT |
| SI | SP1-C | SSE | AREA UNDER HOME |
| TI | IMPACT AREA | NTA | NET TOTAL AREA |
| IA | NET IMPACT AREA | | |
| NIA | POINT OF BEGINNING | | |
| POB | POINT OF COMMENCEMENT | | |
| POC | | | |

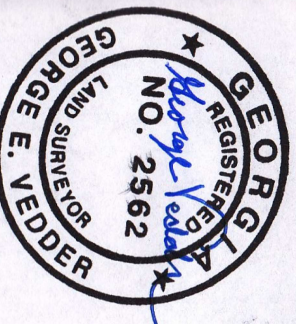
DISCLAIMER NOTE:

The survey shown hereon was prepared without the benefit of an abstract of title; therefore, the undersigned and Vedder Surveys, Inc., make no guarantees or representations regarding information shown hereon pertaining to easements, right-of-way, setback lines, agreements, reservations, and other similar matters.

UTILITY NOTE:
THE APPROXIMATE LOCATIONS OF UNDERGROUND UTILITIES, AS SHOWN BY THIS SURVEY ARE BASED UPON ABOVE GROUND, FIELD OBSERVATION ONLY. VEDDER SURVEYS & ASSOC. IS UNABLE TO CERTIFY TO THE ACCURACY. PLEASE CALL THE 811 UTILITY PROTECTION CENTER IN GA. BEFORE CONSTRUCTION.

SURVEY 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 red 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

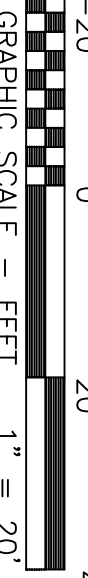


N/F
ANNIE P BERRY
DB 14060, PG.189

#574
SINGLE FAMILY HOME

VEDDER SURVEYS & ASSOCIATES, LLC

39 Forsyth Landing Blvd.,
Forsyth, Ga 31029
TELEPHONE (678) 544-2585
EMAIL: GEORGE@VEDDERSURVEY.COM



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DECLARATION IS MADE TO ORIGINAL PURCHASER OF THE SURVEY. IT IS NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS.

SURVEY FOR:

GREG EVANS
ADDRESS: 580-584 GLENDALE ROAD
LAND LOT 46 OF THE 18 TH DISTRICT DEKALB CO. GA.

LOTS 1 & 2 BLOCK 7 UNIT:
ESKIMO HEIGHTS S/D, PB 8, PG. 63
SURVEY DATE: 6/05/2023 CITY OF SCOTTDALE, GA

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**ZONED: R-75
SCOTTDALE
OVERLAY TIER 2**

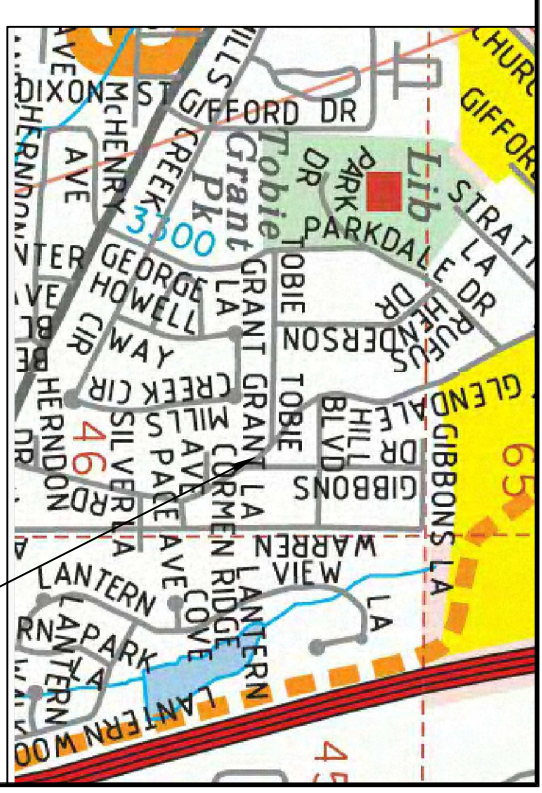
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FRONT: 30'
CORNER: 15'
SIDE: 7.5'
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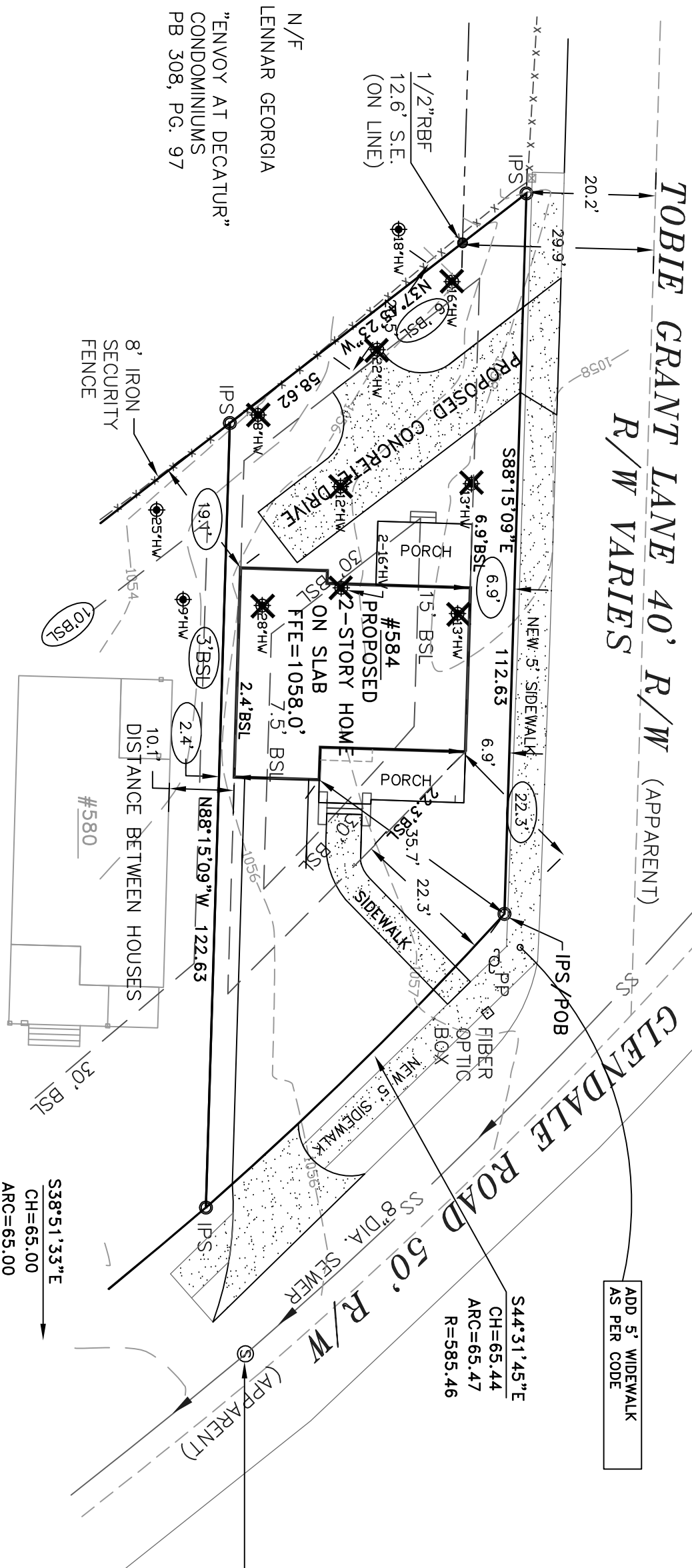
OUR TEAM

GREG EVANS
INTOWN BUILDERS, LLC
EMAIL: GEVANS@DEKALBSURVEY.COM
PHONE: 404-569-4454
MONICA PERMITS
EMAIL: CANVAAN825@GELLSOUTH.NET
PHONE: 678-449-7664
SURVEYOR: SITE PLAN DESIGNER
GEORGE E. VEDDER
39 FORSYTH LANDING BLVD.
FORSYTH, GA, 31029
678-544-2585
EMAIL: GEORGE@DEKALBSURVEY.COM
ARCHITECT DESIGN CO.
CRYSTAL CLEAR CAD
6995 MAGNOLIA PARK LANE
NORCROSS, GA, 30093
770-416-6114
EMAIL: MDA@CRYSTALCLEARCAD.COM
BUILDING DEPT.
CITY OF ATLANTA B/P DEPARTMENT
55 TRINITY AVE.,
ATLANTA, GA.
PHONE: 404-330-6150
SITE DEVELOPMENT
PHONE: 404-330-6249

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VARIANCE REQUEST PLAN FOR:

GREG EVANS
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LAND LOT 46 OF THE 18 TH DISTRICT DEKALB CO. GA.
LOTS 1 BLOCK 7 UNIT:
ESKIMO HEIGHTS S/D, PB 8, PG. 63
SURVEY DATE: 6/05/2023 CITY OF SCOTTDALE, GA



IMPERVIOUS

AREA	SQ.FT.
HOUSE	1019
DRIVE	587
WALK	160
STEPS	20
F.PORCH	186
B.PORCH	147
TOTAL	2,119

#584 AREA STATEMENT
TOTAL AREA = 5,360 sq.ft. (0.120 ac.)
DISTURBED AREA = 5,079 sq. ft. (0.120 ac.)

NEW LOT COVERAGE
NET IMP. AREA / LOT AREA
2,119 X 100 = 39.53% (REQUEST FOR 40%)
5,360

NEW FLOOR AREA RATIO
(1ST + 2ND) FLOOR / LOT AREA
1019 + 1035 SF = 0.383 OR 38.3 %
5,360

VARIANCE REQUEST - 584 GLENDALE RD.
TO CHANGE THE LOT COVERAGE TO 40% INSTEAD OF 35%
TO CHANGE THE SOUTH SETBACK TO 2.4' INSTEAD OF 7.5'
TO CHANGE THE REAR SET BACK TO 6' INSTEAD OF 30'
TO CHANGE THE CORNER SET BACK TO 6.9' INSTEAD OF 15'
TO CHANGE THE FRONT SET BACK TO 22.3' INSTEAD OF 30'
ELIMINATE THE 5' PLANTING STRIP

**ZONED: R-75
SCOTTDALE
OVERLAY TIER 2**
MAX. LOT % = 35% (REQUEST FOR 40%)
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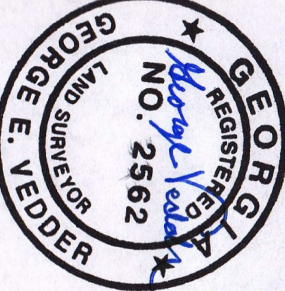
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LEGEND

IPS	IRON PIN SET	CO	CONSTRUCTION EXIT (C)
IPF	IRON PIN FOUND	CONC	CONCRETE
SMH	SEWER MAN HOLE	WM	WATER METER
DI	DROP INLET	PP	POWER POLE
RB	REINFORCING BAR	GM	GAS METER
CL	CENTERLINE	SS	SANITARY SEWER
R/W	RIGHT-OF-WAY	FC	FENCE CORNER
LL	LAND LOT	-X-X-	FENCE
ST	STAKE	RCP	REINFORCED CONCRETE PIPE
TI	TRIP	SSE	SANITARY SEWER EASEMENT
IA	IMPACT AREA	AUH	AREA UNDER HOME
NIA	NET IMPACT AREA	NTA	NET TOTAL AREA
POB	POINT OF BEGINNING		
POC	POINT OF COMMENCEMENT		

SURVEY CERTIFICATION

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VEDDER SURVEYS & ASSOCIATES, LLC

39 Forsyth Landing Blvd.,
Forsyth, Ga 31029
TELEPHONE (678) 544-2585
EMAIL: GEORGE@VEDDERSURVEY.COM

