



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



Wednesday, April 10, 2024

Michael L. Thurmond
Chief Executive Officer

Cedric Hudson
Interim Director

Planning Department Staff Analysis

D6. Case No: A-24-1246910

Parcel ID(s): 18 046 01 149

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: 580 Glendale Road

Location: 580 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 and eliminate 5' landscape strip 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' to 10'.
- 2) To eliminate the 5' landscape strip adjacent to the proposed required 5' sidewalk.

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.

LETTER OF INTENT

**580 Glendale Road
Scottdale, 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' TO 10' AND
- 2) TO ELIMINATE THE 5' LANDSCAPE STRIP ADJACENT TO THE PROPOSED REQUIRED 5' SIDEWALK 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 parcel is characterized by a narrow and irregular shape, making compliance with the 30-foot rear yard setback, and adding a 5-foot landscaping strip 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 feet and a lot area of 6,122 feet. Both 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/Scottdale Tier II Overlay district. The rear setback reduction from 30 feet to 10 feet allows for a new proposed structure that would normally fit a traditional rectangular lot and not have to encroach in the front yard setback. 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. Due to 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 more adjacent to the right of way along with trees, could created a visibility restriction which could began 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 safty 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, location) 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. 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 minor 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 10,000+ feet, an angular error of .03 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 100,000+ 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/NSPS 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.

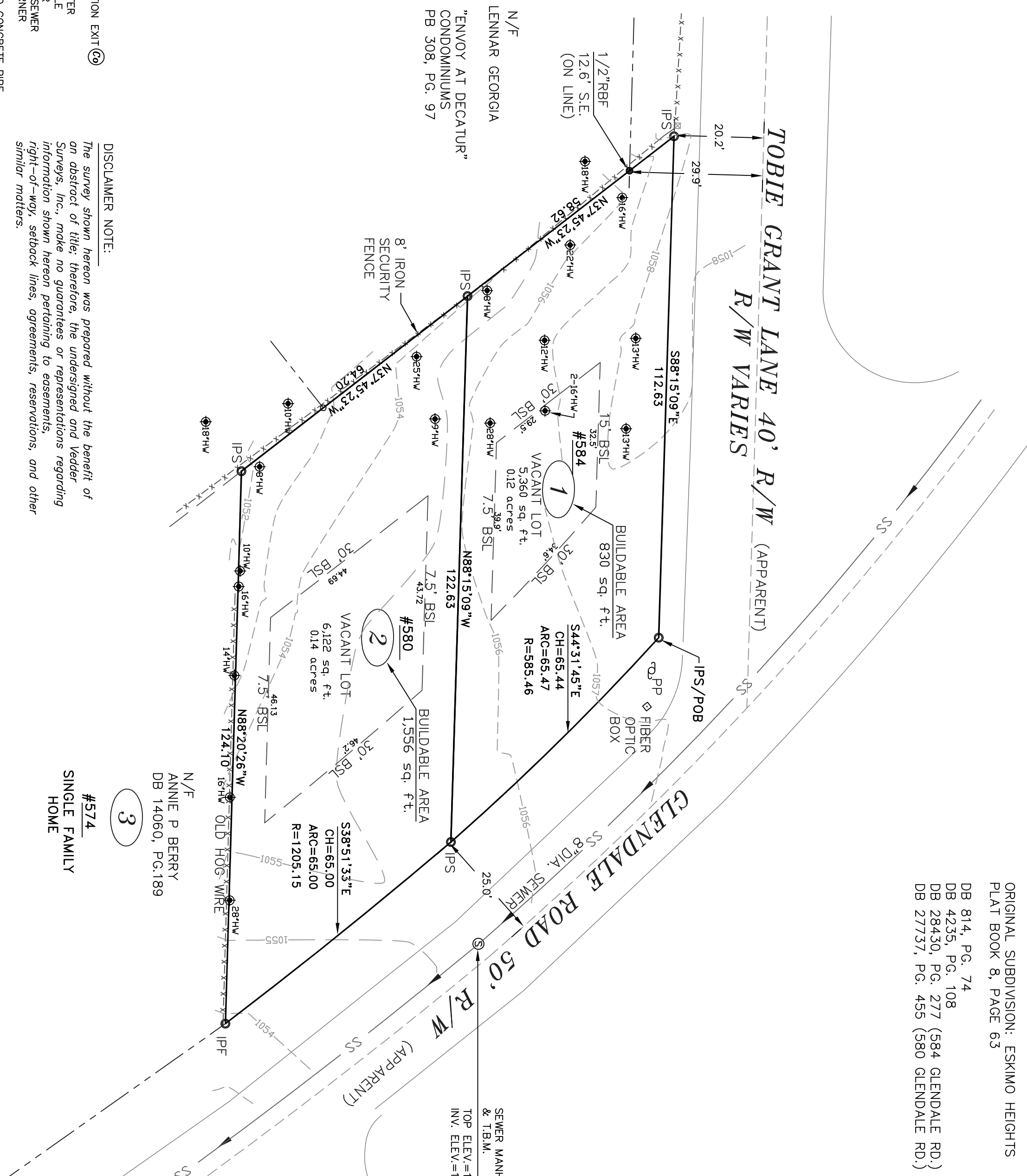
ORIGINAL SUBDIVISION: ESKIMO HEIGHTS
PLAT BOOK 8, PAGE 63

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 BEGUN, THE SURVEYOR SHALL BE CONTACTED FOR VERIFICATION OF UTILITY TYPE 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 THE PERSON, PERSONS, OR ENTITY WHOSE NAME IS EXPRESSED HEREON. SURVEYOR'S SURVEYOR NAMING SUCH PERSON, PERSONS OR ENTITY.



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.

LEGEND

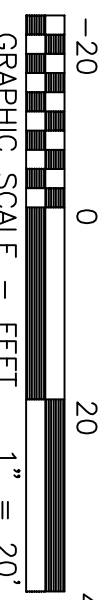
IPS	IRON PIN SET	CO	CONCRETE
IPF	IRON PIN FOUND	WM	WATER METER
SMH	SEWER MAN HOLE	PP	POWER POLE
DI	DROP INLET	GM	GAS METER
RB	REINFORCING BAR	SS	SANITARY SEWER
CL	CENTERLINE	FC	FENCE CORNER
R/W	RIGHT-OF-WAY	-X-X-	REINFORCED CONCRETE PIPE
LL	LAND LOT	RCP	SANITARY SEWER EASEMENT
SI	SP1-C	SSE	AREA UNDER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

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

VEDDER SURVEYS & ASSOCIATES, LLC

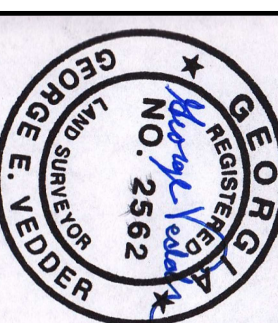
39 Forsyth Landing Blvd.,
Forsyth, Ga 31029
TELEPHONE (678) 544-2585
EMAIL: GEORGE@VEDDERSURVEY.COM



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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



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 plot is based has a closure of 1 foot in ± 0.0004 feet, an angular error of ± 0.3 seconds per angle and was adjusted using the Least Squares Method. This plot has been calculated for closure and found to be accurate to 1 foot in ± 0.0004 feet. An electronic total station and a 100' chain were used to gather the information used in the preparation of this plot. All matters pertaining to title are excepted.

TREE STATEMENT

THERE WILL BE 3 LOST TREES WITH TOTAL INCHES LOST = 66" CONTRACTOR SHALL PLANT 2 REPLACEMENT TREE @ FRONT YD. A TREE PRESCRIPTION IS NEEDED FOR TREE E

TREE NOTES:

1. CONTRACTOR MUST USE HAND MECHANICAL TOOLS SUCH AS A JACK HAMMER TO REMOVE THE CONCRETE IN THE CRITICAL ROOT ZONE AREA.
2. BACK FILL WITH CRUSHER RUN OR 57 STONE.
3. USE 6 MIL PLASTIC UNDER CONCRETE.
4. NO CUTS, NO FILLS, NO GRADING OF EARTH
5. WHEN PLACING TREE FENCE, NO TREEMING ALLOWED IN THE CRITICAL ROOT ZONE AREA. ALSO, NO POST HOLES ALLOWED MORE THAN 9 FEET TO THE IMPACTED TREES.
6. NO TREES LOST OR DESTROYED DURING CONSTRUCTION IN THIS AREA
7. SEE ROOT PROTECTION DETAIL WHEN WORKING IN THE CRZ AREA

REFERENCE DEEDS / PLATS

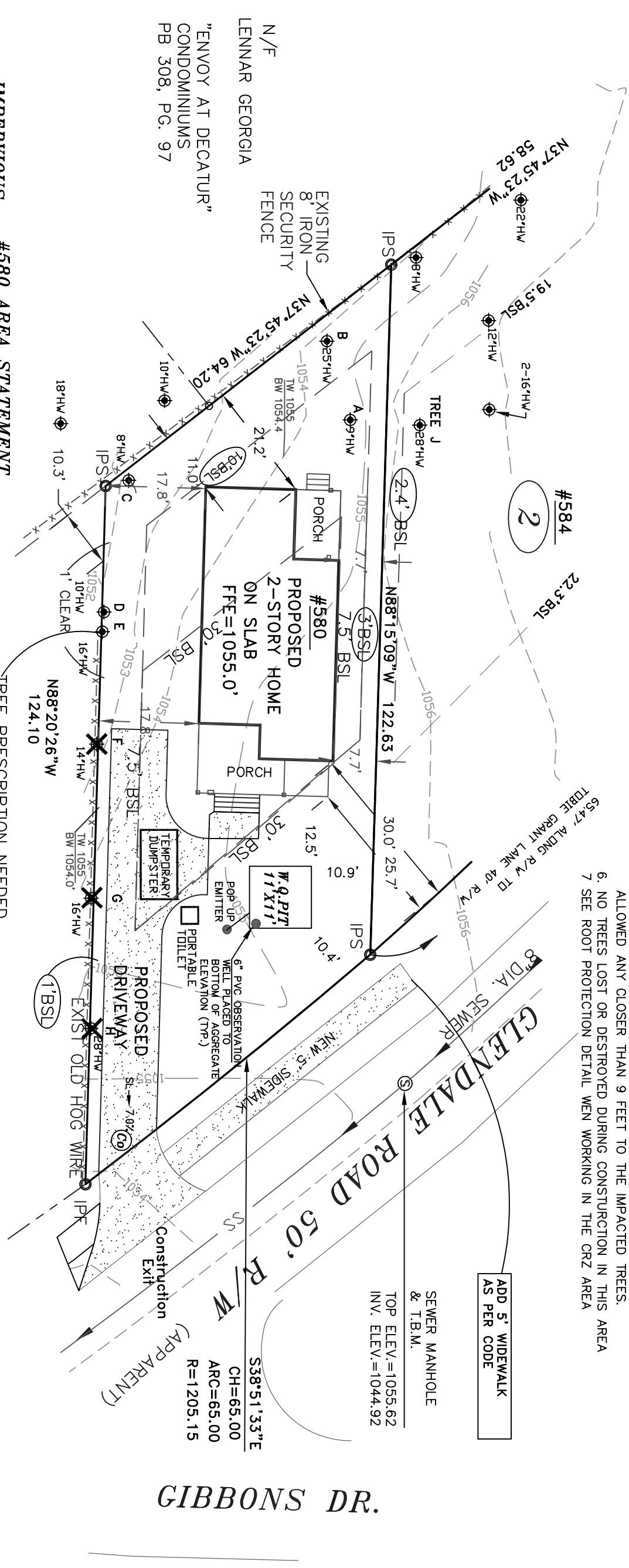
ALTA/NPS LAND TITLE SURVEY FOR LENNAR GEORGIA BY PLANNERS & ENGINEERS DATED 5/28/2018 LAST REVISED 1/09/2020, PB 308, PG. 97

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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.)

TREE	INCHES TOTAL	AREA SF	UNDER AREA SF	NET AREA SF	CRZ	RESULTS	LOST TREES
J	28	2463	246	2217	330	14.9	SAVE
A	9	254	124	130	16	12.3	SAVE
B	25	1963	0	1963	145	7.4	SAVE
C	8	201	0	201	1	0.5	SAVE
D	10	314	0	314	10	3.2	SAVE
E	16	804	0	804	189	23.5	SAVE
F	14	616	0	616	219	35.6	LOST
G	16	804	0	804	313	38.9	LOST
H	28	2463	0	2463	1131	45.9	LOST

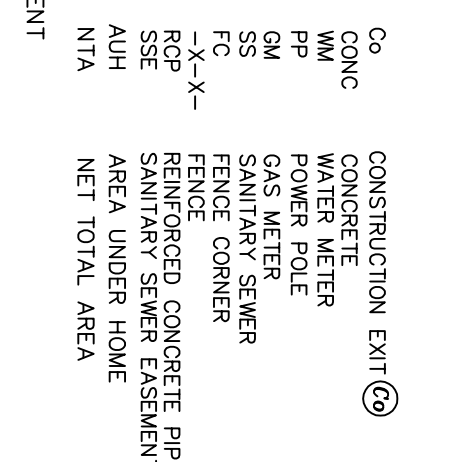
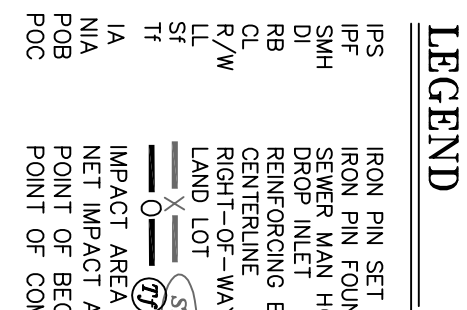


VARIANCE REQUEST - 580 GLENDALE RD.

TO CHANGE THE WEST (REAR) SET BACK TO 10' INSTEAD OF 30'
TO CHANGE THE NORTH SET BACK TO 3' INSTEAD OF 7.5'
ELIMINATE THE 5' PLANTING STRIP

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

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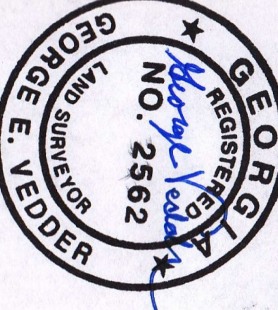
LEGEND

IPF IRON PIN SET
IPF SEWER MAN HOLE
DI DROP INLET
RB REINFORCING BAR
CL CENTERLINE
R/W RIGHT-OF-WAY
LL LAND LOT
SF FENCE CORNER
TF FENCE
X-X- REINFORCED CONCRETE PIPE
O IMPACT AREA
O NET IMPACT AREA
N/A POINT OF COMMENCEMENT

CO CONSTRUCTION EXIT
WM WATER METER
PP POWER POLE
GM GAS METER
SS SANITARY SEWER
FC FENCE CORNER
X-X- FENCE
RCP REINFORCED CONCRETE PIPE
SSE SANITARY SEWER EASEMENT
AUH AREA UNDER HOME
NTA NET TOTAL AREA

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

VARIANCE REQUEST PLAN FOR:
GREG EVANS
ADDRESS: 580 GLENDALE ROAD
LAND LOT 46 OF THE 18 TH DISTRICT DEKALB CO. GA.
LOTS 2 BLOCK 7 UNIT:
ESKIMO HEIGHTS S/D, PB 8, PG. 63
SURVEY DATE: 6/05/2023 CITY OF SCOTTDALE, GA

OUR TEAM

GREG EVANS
INTOWN BUILDERS, LLC
EMAIL: GEVANS@DEKALBSURVEYS.COM
PHONE: 404-569-4454

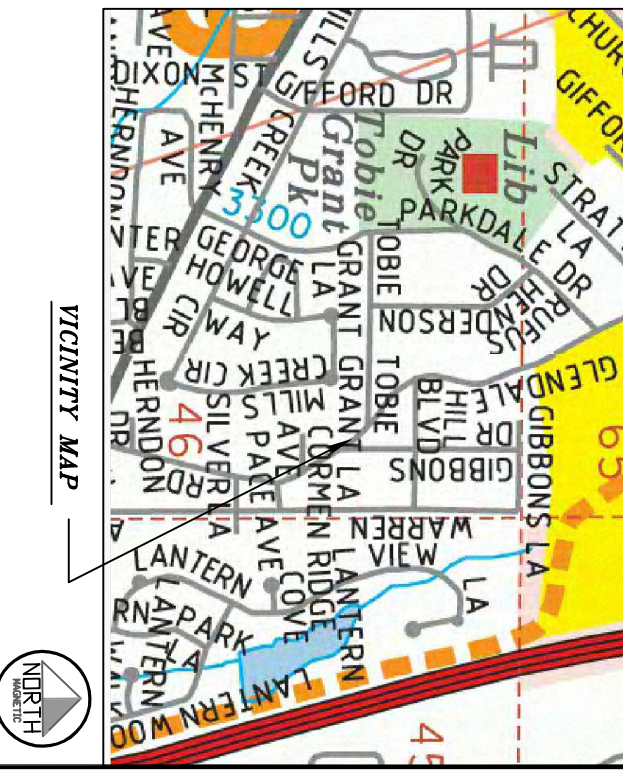
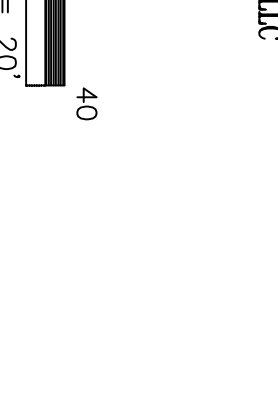
MONICA PERMITS
EMAIL: CANAAN825@GELL.SOUTH.NET
PHONE: 678-449-7664

SURVEYOR: SITE PLAN DESIGNER
GEORGE E. VEDDER
39 FORSYTH LANDING BLVD.
FORSYTH, GA. 31029
678-544-2585
EMAIL: GEORGE@VEDDERSURVEY.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



SURVEY NOTES:

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