

Development Services Center 178 Sams Street Decatur, GA 30030 www.dekalbcountyga.gov/planning 404-371-2155 (o); 404-371-4556 (f)

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:					
OWNE	ER OF RECORD OF SUBJECT F	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 Distric	ct & Super District:				
CHECK TYPE OF HEARING REQUES	TED:					
VARIANCE (From Developmen	it Standards causing undue hards	hip upon owners of propert	y.)			
SPECIAL EXCEPTIONS (To reduce or waive off-street parking or loading space requirements.)						
OFFICIAL APPEAL OF ADMIN	ISTRATIVE 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

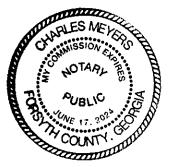
#### AUTHORIZATION TO REPRESENT THE PROPERTY OWNER

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 ZoningBoard of Appeals for the requests as shown in this application.

2024-May-16   11:11 DATE:		DocuSigned by:  2F995DFD6067433  Andy Sloan	
TO WHOM IT MAY CONCERN:  (I)/ (WE):  (Name of Owners)			
being (owner/owners) of the propsigned agent/applicant.	perty described below o	or attached hereby delegate a	uthority to the above
Notary Public Charles Mag	ers	Owner Signature Micha	5/16/24 el Bushere
Notary Public	<u>, , , , , , , , , , , , , , , , , , , </u>	Owner Signature	
Notary Public		Owner Signature	





## DEPARTMENT OF PLANNING & SUSTAINABILITY

### **ZONING BOARD OF APPEALS APPLICATION**

#### **AUTHORIZATION OF THE PROPERTY OWNER**

I hereby authorize the staff and mer Subject Property.	mbers of the Zoning	Board of Appeals to inspect the premises of the
I hereby certify that the information pr	rovided in the applica	ation is true and correct.
I hereby certify that I am the owner of	f the property subjec	t to the application.  Docusigned by:
DATE:	EDT Applicant Signature:	Andy Sloan
DATE:	Applicant Signature:	



May 15, 2024

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

RE: Letter of Intent for Zoning Variance
4215 Cedar Commons Way (Lot #17)
Conley, GA 30288

Parcel ID # 15 021 04 062

Dear Board Members,

This correspondence is intended to serve as the Letter of Intent for requesting relief by variance from the DeKalb County Zoning Board of Appeals, on behalf of our client **DRB Group Georgia**, **LLC** in regards to the above referenced property.

**DRB Group Georgia LLC** is requesting a variance for the front corner of the home to encroach into the Side Yard Setback for Lot #17 of the Cedar Grove Commons Sub-Division by 1.27 feet. The side yard Setbacks for this sub-division is set at 7.5 feet.

During the pouring of the foundation for this home, the house location got shifted to the left (East) by 0.53 feet and forward (North) by about 2.5 feet. This shift caused the encroachments into the Setbacks. This was not caught at any point during the vertical construction of the home, but was discovered during the Final As-Built Survey completed the week of 5/6/24. This home is completed and pending issuance of Certificate of Occupancy in order for the current prospective buyer to close and move into this new home.

This is not a simple rectangular lot as it is located on a cul-de-sac which has a front property line & subsequent build line on a radius condition making it difficult to locate the build line. Additionally, the property line on the East side has a significant jog that pinches the width immediately behind the front yard setback. Both conditions create a unique angle in the Side Yard Setback line resulting in a narrow buildable area on the front 1/3 of the lot from these set back lines at this North East front corner.

This request for encroachment into the side yard setback does not go beyond the minimum necessary to afford relief.



The granting 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 encroachment does not create any issue of "proximity to another structure" as there is a 20' Sanitary Sewer Easement between this lot and the lot to the East. Additionally, the radius front property shape makes it impossible to see the proposed encroachment in relation to other lots again making no visual impact.

The literal interpretation and strict application of the applicable provisions or requirements of this chapter would cause undue and unnecessary hardship. This home is completed and ready for Certificate of Occupancy. The cost to tear down and rebuild the home at this stage would be cost prohibitive and require the home buyer to obtain temporary housing beyond their current arrangement while the home is re-built.

The front encroachment over the Setback by the front porch/stoop and stairs, by 1.5 feet does not pose an issue and is allowed by right per Zoning Code

27-5.2.1 - Minimum required yards and building setbacks, Sub Section A - Projections into yards, # 2 reads: An open, unenclosed porch, balcony or hard-surfaced terrace, steps, stoops and similar fixtures of a building may project into a required front yard or rear yard for a distance not to exceed ten (10) feet, and into a side yard to a point not closer than five (5) feet from any lot line.

We appreciate the boards consideration of this request.

Sincerely,

**Elliott Fried** 

Complete Permitting Services LLC 11660 Alpharetta Hwy Suite 145 Roswell, GA 30076

#### **DEVELOPMENT INFORMATION** ZONING R-100 PARCEL NUMBER 15 021 04 062 FRONT: 20 FT **BUILDING SETBACKS** SIDE: 7.5 FT REAR: 20 FT **BUILDING HEIGHT** 29'-11 3/4"

THIS BOX IS RESERVED FOR THE CLERK OF SUPERIOR COURT RECORDING INFORMATION.

# **LEGEND**

DEED BOOK DB PB PG PLAT BOOK PAGE LAND LOT LL OTP RB OPEN TOP PIPE RFBAR IRON PIN FOUND IPF IPS CTP 1/2" REBAR W/C LSF 001179 CRIMP TOP PIPE C&G **CURB & GUTTER** R/W RIGHT OF WAY N/F NOW OR FORMERLY OVERHEAD POWER LINE CORRUGATED METAL PIPE CMP STORMWATER MANAGEMENT FACILITY SWMF TEMPORARY BENCHMARK TBM POB POINT OF BEGINNING POC RCP POINT OF COMMENCEMENT REINFORCED CONCRETE PIPE DUCTILE IRON PIPE PVC POLYVINYL CHLORIDE PIPE HDPE HIGH DENSITY POLYETHYLENE PIPE PROPERTY LINE CENTERLINE IDENTIFICATION B.S.L. BUILDING SETBACK LINE BOC BACK OF CURB CURVE LABEL **CURB INLET** DE DRAINAGE EASEMENT EOP EDGE OF PAVEMENT FH FIRE HYDRANT LINE LABEL N/F NOW OR FORMERLY PKS SSE UE REF PK NAIL SET SANITARY SEWER EASEMENT UTILITY EASEMENT REFERENCE C/O SEWER CLEAN OUT SQUARE FOOT IRON PIN FOUND IRON PIN SET CALCULATED POINT POWER POLE (PP) FIRE HYDRANT (FH) WATER VALVE (WV) WATER METER (WM) JUNCTION BOX (JB) SANITARY SEWER MANHOLE (SSMH) DROP INLET (DI) R/W MONUMENT SINGLE WING CATCH BASIN DOUBLE WING CATCH BASIN CURB INLET HEADWALL (HW)

FLARED END SECTION

LIGHT POST (LP)

YARD INLET SEWER CLEAN OUT

#### **IMPERVIOUS AREA:**

HOUSE W/GARAGE/FRONT PORCH - 1,502.04 SF REAR PATIO - 117.17 SF **DRIVEWAY - 570.31 SF** WALKWAY - 34.49 SF

TOTAL - 2,224.01 SF / 27.55%

NOTE: POST FLOWS OF SUBJECT PROPERTY IS ACCOUNTED FOR IN SUBDIVISION STORMWATER CONTROL FACILITY AS PART OF THE APPROVED DEVELOPMENT DOCUMENTS FOR THIS DEVELOPMENT.

#### WQv REQUIREMENTS

SITE AREA (A): 8,072 SQ.FT. IMPERVIOUS AREA: 2,224.01 SQ.FT.

PERCENT IMPERVIOUS: 2,224.01 / 8,072 = 0.2755 X 100 = 27.55%

0.05 + 0.009(27.55) = 0.298

REQUIRED STORAGE: (1.2) X (0.298) X (8,072) / 12 = 240.55 CU.FT. PROVIDED STORAGE (RAIN GARDEN): 32.36' X 16.56' X 1' = 535.88 CU.FT.

FINAL SUBDIVISION PLAT FOR CEDAR GROVE COMMONS, RECORDED IN , DEKALB COUNTY RECORDS - PB 190, PG 04 BOUNDARY AND OTHER PERTINENT INFORMATION WAS TAKEN FROM FINAL PLAT - PB 190, PG 04

# **GRAPHIC SCALE** (IN FEET) 1 inch = 20 ft.



# **SURVEY NOTES**

POINT OF

BEGINNING

LOT 18

S09°50'13"W

HOUSE LOCATION

S01°09'55"E

84.35'

23.84'

12.17'

PROPOSED

TREE

THIS SURVEY IS REFERENCED TO THE NORTH AMERICAN DATUM (N.A.D.) OF 1983(1994 ADJUSTMENT) FOR HORIZONTAL DATUM AND THE NORTH AMERICAN VERTICAL DATUM (N.A.V.D.) 1988 FOR THE VERTICAL DATUM. THÉ USE OF G.P.S. SURVEY MEASURING TECHNIQUES WERE USED FOR THESE DATUMS AND BASED ON THE POSITIONAL VALUES FOR THE VIRTUAL REFERENCE STATION NETWORK DEVELOPED BY EGPS SOLUTIONS. THE ORTHIMETRIC HEIGHTS WERE DERIVED USING THE GEOID A12.

LINEAR AND ANGULAR MEASUREMENTS WERE OBTAINED USING A TRIMBLE S6 ROBOTIC TOTAL STATION & CHAMPION TKO ROVER GPS UNIT. THE FIELDWORK WAS COMPLETED JANUARY 14, 2018 ON THIS PROJECT.

THIS SURVEY IS SPECIFIC PURPOSE SURVEY FOR FINAL SURVEYS. THIS IS NOT TO BE CONSIDERED A BOUNDARY SURVEY OR TO BE USED TO TRANSFER TITLE.

THIS SURVEY MAY NOT CONFORM TO THE BEARINGS AND DISTANCES RECORDED ON THE DEED AND/OR PLAT OF RECORD DUE TO SEVERAL FACTORS INCLUDING, BUT NOT LIMITED TO, THE NATURE OF THE ADVANCES IN SURVEYING TECHNOLOGY SUCH AS ELECTRONIC DISTANCE MEASURING DEVICES AND THE ADVENT OF SURVEY GRADE G.P.S.

THERE ARE NO LIVE STREAMS, STATE WATERS OR WETLANDS ON THIS LOT.

# **SURVEYOR'S CERTIFICATE**

N39°05'03"E

12.57'

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.

ROBERT J. DEBIEN

REGISTERED LAND SURVEYOR #2964 (rdebien@moorebass.com

05/16/24 DATE:

DATE	05/16/2024	Се	REVISIONS	
DATE		dar Grove box B		The Drawings, Specifications and other
FILE#				documents prepared by Moore Bass Consulting, Inc. (MB) for this Project are
CONTRACT #				instruments of MB for use solely with respect to this Project and, unless otherwise
DRAWN BY	GM			provided, MB shall be deemed the author of these documents and shall retain all
CHECKED BY	LC			common law, statutory and other reserved rights, including the copyright.
© Moore Bass Consulting	1	ase		ngho, moldding the copyright.

**LOT 17 AS-BUILT** 

LL 21 ~ 15TH DISTRICT **DEKALB COUNTY, GEORGIA** 

SHEET TITLE

**PROJECT CEDAR GROVE** LOT 17

L=53.85'

R=50.00' CL=51.28'

CD=N71°14'34"W

CEDAR COMMONS WAY

(55' R/W)

PORCH

LOT 17

0.19 ACRES

8,072 SF

F.F.E. 830.13'

G.F.E. 829.63'

FINAL AS-BUILT

PATIO

20' SB

RAIN GARDEN

S89°33'30"E

118.91'

SIDEWALK

FRONT PORCH /

WALKWAY

5.68% SLOPE

N12°05'42"W

19.97'

LOT 16

HOUSE LOCATION

N48°43'13"W

95.45'

4215 CEDAR COMMONS WAY

CLIENT NAME

DRB HOMES, LLC. 55 IVAN ALLEN JR BLVD NW ATLANTA, GA 30208



 Civil Engineering Land Surveying • Environmental Permitting

• Development Consulting • Landscape Architecture

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1350 Keys Ferry Court McDonough, GA 30253 770.914.9394

SHEET

OF

SEAL

**Moore Bass** Consulting, Inc.



**Entrance to Cedar Grove Commons** 



Cedar Grove Commons Lot #17 4215 Cedar Grove Commons Way (1st house on the right)



Cedar Grove Commons Lot #17 4215 Cedar Grove Commons Way (Center)



Cedar Grove Commons Lot #17 4215 Cedar Grove Commons Way (Right)



Cedar Grove Commons Lot #17 4215 Cedar Grove Commons Way (Right)



Cedar Grove Commons Lot #17 4215 Cedar Grove Commons Way (Left)