



Michael L. Thurmond  
Chief Executive Officer

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

**Wednesday, September 11, 2024**

**Planning Department Staff Analysis**



Cedric Hudson  
Interim Director

**D1. Case No: A-24-1247109**

**Parcel ID(s): 18 047 04 010**

**Commission District 04 Super District 06**

**Applicant:** **Zelalem Assfaw**  
4698 Hearthstone Trace  
Stone Mountain, GA 30083

**Owner:** **Zelalem Assfaw**  
4698 Hearthstone Trace  
Stone Mountain, GA 30083

**Project Name:** **3040 N Decatur Road** – Retail Construction

**Location:** 3040 N Decatur Road, Scottdale, GA 30079

**Request:** Variances from Section 27 of the DeKalb County Zoning Ordinance to reduce open space requirement to 15%, reduce side yard setback, reduce off-street loading space requirement within the C-1 (Local Commercial) zoning district and Scottdale Tier I Overlay District.

**Staff Recommendation:** Deferral

## **STAFF FINDINGS:**

The applicant for the property located at 3040 North Decatur Road is seeking approval for three variances to facilitate the development of a mixed-use commercial property within the C-1 (Local Commercial) zoning district and Scottdale Tier I Overlay District.

Specifically, the variances being requested are:

- Landscape Strip Reduction (27-6.1.14): A reduction of the required landscape buffer along the western property line from 5 feet to 0 feet. This request aligns with the standards of the Scottdale Overlay District, which permits such reductions under specific conditions.
- Drive Aisle Width Reduction (27-6.1.3): A reduction in the drive aisle width from the standard 24 feet to 17 feet for the above-ground parking area and from 22 feet to 15 feet for the lower-level parking area. This adjustment is necessitated by site geometry and spatial limitations within the property.
- Off-Property Loading/Unloading (27-6.1.14): Permission to use an off-site location for loading and unloading activities through a shared-use agreement with an adjacent property owner to the west. The applicant has secured an agreement that allows for a functional off-site solution due to limited space on the subject property.

**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 property at 3040 North Decatur Road does present some spatial limitations due to its narrow lot and adjacent businesses, these conditions do not rise to the level of extraordinary or exceptional physical conditions. The challenges posed by the site's configuration, such as its shape and development constraints, are common in urban settings and were foreseeable at the time of acquisition. These conditions were not created by an extraordinary circumstance or natural feature unique to the property but are instead related to the planned density and development approach. The strict application of zoning requirements would not deprive the property owner of rights or privileges enjoyed by other property owners in the same zoning district; instead, it appears the variances are sought primarily for the applicant's convenience and to accommodate the specific design preferences of the project.

**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 request to reduce the landscape strip from 5 feet to 0 feet along the western property line may not align with the allowances provided in the Scottdale Overlay District. While this adjustment aims to maintain the project's functionality, it may exceed what would typically be considered the minimum necessary to accommodate site constraints.

The request to reduce the drive aisle widths to 17 feet above ground and 15 feet below ground exceeds what could be considered the minimum necessary to afford relief. While the site does have space constraints, these reductions could pose potential safety and operational concerns that are not typical of other properties within the same zoning district.

The applicant's approach to utilizing shared off-property loading/unloading spaces through an agreement with the adjacent property at 3032 North Decatur (Initiative for Affordable Housing, Inc.) is an appropriate measure to address space limitations. However, the supplied agreement should address the requirements set forth related to loading spaces as outlined in Section 27- 6.1.14 even if it is technically on another lot.

**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 requested variances may negatively impact public welfare or surrounding properties. The proposed density and use of underground parking raise concerns about whether the site can adequately accommodate the project without adverse effects. While reducing the drive aisle width and using shared off-property loading/unloading spaces may help manage space limitations, there is still uncertainty about the broader impact on surrounding properties, particularly 3048 North Decatur. It remains unclear whether the intensity of the development and the underground parking configuration could lead to unintended consequences for adjacent properties or the local infrastructure.

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

While the property does face certain limitations due to its narrowness and dense urban surroundings, a strict interpretation of the zoning ordinance would not necessarily impose undue or unnecessary hardship on the applicant. The site was acquired with full knowledge of its constraints, and the need for variances arises largely from the specific design and density choices made for the development rather than unavoidable physical hardships tied to the property itself.

The required 5-foot landscape strip could be accommodated with a modified site plan that prioritizes compliance over the current density and design preferences. Similarly, while on-site loading and unloading may present challenges, alternative configurations or reduced project scale could mitigate the need for variances without compromising the property's functionality for office and retail use.

Although the shared parking and loading/unloading agreement with the adjacent property does offer some relief, it is not sufficient to justify the variances requested, especially in light of the potential safety and operational concerns posed by the reduced drive aisle widths.

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

The requested variances are not fully consistent with the spirit and purpose of the zoning ordinance or the DeKalb County Comprehensive Plan. While the applicant's intent is to promote economic development within a commercial district, the variances requested could undermine key objectives of the ordinance and plan, particularly those related to public safety and neighborhood functionality.

The Light Industrial Character Area (LIND) emphasizes the preservation of residential and commercial areas from potential impacts caused by light industrial land uses. While the proposed project is not industrial in nature, the plan encourages maintaining safety, accessibility, and the overall appeal of these areas, which could be compromised by excessive variance approvals that deviate too far from zoning standards.

The proposed reduction in drive aisle widths and the reliance on a shared off-property loading/unloading area introduce potential concerns regarding traffic circulation, safety, and operational feasibility. These elements may conflict with the comprehensive plan's goal of promoting well-balanced development that enhances neighborhood integrity and prevents the encroachment of incompatible land uses.

**FINAL STAFF ANALYSIS:**

The applicant for 3040 North Decatur Road is requesting multiple variances to accommodate a commercial development within the C-1 zoning district and Scottdale Tier I Overlay. The requested reductions in drive aisle widths and reliance on off-property loading/unloading raise concerns about public safety, site functionality, and alignment with the DeKalb County Comprehensive Plan. The requested variances exceed what is minimally necessary to alleviate site constraints and could set a precedent for inconsistent applications of the zoning ordinance in similarly constrained urban settings. Therefore, staff recommends denial of the application.

**Staff Recommendation:** Denial

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: Zelalem Assfaw  
Mailing Address: 4698 Hearthstone Trce  
Stone Mountain, GA 30083  
City/State/Zip Code: \_\_\_\_\_  
Email: zassfaw@yahoo.com  
Telephone Home: (678) 860 0403 Business: Emmanuel 1 Trucking Inc.

#### OWNER OF RECORD OF SUBJECT PROPERTY

Owner: Zelalem Assfaw  
Address (Mailing): 4698 Hearthstone Trce Stone Mountain, GA 30083  
Email: zassfaw@yahoo.com Telephone Home: (678) 860 0403 Business: Emmanuel 1 Trucking Inc.

#### ADDRESS/LOCATION OF SUBJECT PROPERTY

Address: 3040 N Decatur Rd. City: Scottsdale State: GA Zip: 30079  
District(s): 4 and 6 Land Lot(s): Suburban Block: \_\_\_\_\_ Parcel: 18 047 04 010  
Zoning Classification: C-1 Commission District & Super District: 4 and 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.



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**ZONING BOARD OF APPEALS APPLICATION**

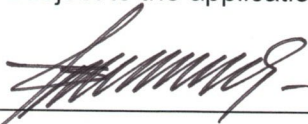
**AUTHORIZATION OF THE PROPERTY OWNER**

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

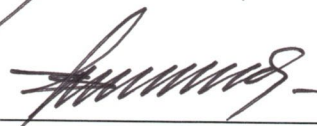
I hereby certify that the information provided in the application is true and correct.

I hereby certify that I am the owner of the property subject to the application.

07/25/2024  
DATE: \_\_\_\_\_

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

07/25/2024  
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.

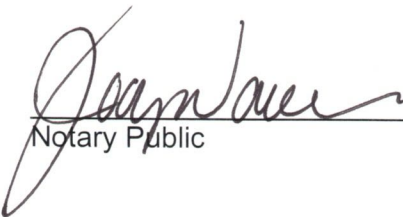
I hereby certify that I am the owner of the property and that I authorize the applicant/agent to apply for a hearing to the ZoningBoard of Appeals for the requests as shown in this application.

DATE: 07/25/2024 Applicant/Agent Signature: 

TO WHOM IT MAY CONCERN:  
ZELALEM ASSFAW  
(I)/ (WE): \_\_\_\_\_  
(Name of Owners)

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

**JODY WALKER**  
NOTARY PUBLIC  
Gwinnett County  
State of Georgia  
My Comm. Expires June 23, 2026

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

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

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

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

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

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

## Filing Guidelines for Applications to the Zoning Board of Appeals

### 1. Submit Application Materials:

- a. To ensure proper processing and payment, please create a profile and upload at least page 1 of your application to: <https://epermits.dekalbcountyga.gov/> (no more than 10mb permitted).
  - If you have an existing account, you may use that account and create a *new application number* by selecting the proper application type.
  - Fill out *all* Account Portal Questions
  - Put your **email address under “WEB ACCOUNT”**
  - **SAVE APPLICATION NUMBER (1246XXX)** – send to staff when you email your complete application.
- b. After portal submittal, email one (1) combined PDF document of the completed application and materials to [plansustain@dekalbcountyga.gov](mailto:plansustain@dekalbcountyga.gov) and [licarter@dekalbcountyga.gov](mailto:licarter@dekalbcountyga.gov) along with application number.
- c. Please confirm we have received your application.
- d. For any questions, please contact [plansustain@dekalbcountyga.gov](mailto:plansustain@dekalbcountyga.gov)

### 2. Order of Submitted Materials:

- a. Application Form
- b. Signatures and authorization (including permission to go on property)
- c. Letter of Intent
- d. Surveys, site plans.
- e. Other relevant materials (e.g., photographs, letters of support, citation, etc.)

### 3. Authorization:

- a. If property owner is different from the applicant, the form to authorize the application must be signed by the owner and stamped by a notary.
- b. If property is owned by more than one property owner, all property owners must authorize the request.

### 4. Letter of Intent:

- a. **Explain what you are asking for and why.**
- b. A typed statement indicating the request and clarifying justification for the proposal based on the criteria as indicated in Section 27-7.5.3 or 7.5.4 of the DeKalb County Zoning Ordinance (see attached information).
- c. Reference the section of the code you are requesting to vary and the amount of requested change, (such as to reduce the rear yard setback from forty (40) feet to twenty (20) feet to construct an addition).

### 5. Surveys and site plans of the Subject Property:

- a. Must be stamped by a professional engineer or surveyor, registered in the State of Georgia.
- b. All plans and surveys must include the following information:
  1. Must show all property lines with dimensions.
  2. Must show the location of all existing and proposed buildings, structures, parking and setbacks (their relationship to the property boundaries).
  3. Must show any other features related to the request such as trees, fences, topography, streams, etc.
  4. Must be to-scale
  5. Must show lot area and lot coverage (impervious materials, including paving and structures).

6. **Application Fee is \$300.** You will be able to pay by credit card on the epermitting portal. A receipt will be provided.



## Writing the Letter of Intent

Please address the following criteria as appropriate:

### 7.5.1 Applications for variances; and criteria to be used by the zoning board of appeals in deciding applications for variances.

The zoning board of appeals shall hear and decide applications for variances from the strict application of the regulations of this chapter and chapter 21 where the strict application of any regulation enacted under said chapters would result in exceptional and undue hardship upon the owner of such property. In determining whether or not to grant a variance, the board shall apply the criteria specified in this section to the facts of each case. The board may attach reasonable conditions to any approved variance in accordance with section 7.3.9. Once imposed, conditions shall become an integral part of the approved variance and shall be enforced as such. No changes to an approved condition attached to a variance shall be authorized except by re-application to the zoning board of appeals in full compliance with the applicable provisions of this division. No relief may be granted or action taken under the terms of this division unless such relief can be granted without substantial detriment to the public good and without substantial impairment of the intent and purpose of this chapter and the comprehensive plan. The zoning board of appeals shall apply the following criteria to the types of applications specified below as follows:

- A. Variances from the provisions or requirements of this chapter other than variances described in section 7.5.4 shall be authorized only upon making all of the following findings in writing:
  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.
  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.
  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.
  4. The literal interpretation and strict application of the applicable provisions or requirements of this chapter would cause undue and unnecessary hardship.
  5. The requested variance would be consistent with the spirit and purpose of this chapter and the DeKalb County Comprehensive Plan text.
- B. Appeals of decisions regarding building architectural design standards shall be evaluated using the same criteria as section 7.6.7(B).

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- C. Appeals to the height standards, but not to add stories, shall be evaluated using the criteria as follows:
1. Adequacy of the size of the site for the use contemplated and whether or not adequate land area is available for the proposed use including provision of all required yards, open space, off-street parking, and all other applicable requirements of the zoning district in which the use is proposed to be located.
  2. Compatibility of the proposed use with adjacent properties and land uses and with other properties and land uses in the district.
  3. Adequacy of public services, public facilities, and utilities to serve the proposed use.
  4. Whether or not the proposed use provides for all required buffer zones and transitional buffer zones where required by the regulations of the zoning district in which the use is proposed to be located.
  5. Whether or not the size, scale and massing of proposed buildings are appropriate in relation to the size of the subject property and in relation to the size, scale and massing of adjacent and nearby lots and buildings.
  6. Whether or not the proposed use will create a negative shadow impact on any adjoining lot or building as a result of the proposed building height.

**7.5.2** Applications for variances to reduce or waive off-street parking or loading space requirements.

The zoning board of appeals shall hear and decide applications for variances to reduce or waive required off-street parking or loading spaces in accordance with the provisions and standards of this section. All such applications shall be heard and decided based on the notice requirements of section 7.2.4. The zoning board of appeals may waive or reduce the required number of parking or loading spaces in any district only upon an expressed finding that:

- A. The character of the use of the building(s) is such as to make unnecessary the full provision of parking or loading spaces;
- B. The lot upon which the building(s) is located is within one thousand (1,000) feet of the boundary of a MARTA RapidTransit Station;
- C. The provision of the full number of parking spaces would have a deleterious effect on a historic building, site, district or archaeological resource;
- D. The use has a characteristic that differentiates it from the typical use example used in the formulation of this Zoning Ordinance;
- E. The location of the proposed development is relatively isolated where the opportunity for diversity of use, pedestrian access, and alternative modes is not available; or
- F. The developer is providing the additional spaces for general public parking (for hourly or daily parking charges) to serve surrounding development.



**Section 21-27. Sign Variances.**

- (a) Where a literal application of this article, due to special circumstances, would result in an unusual hardship in an individual case, a variance may be granted by the zoning board of appeals after receiving evidence that the applicant meets all of the following criteria:
1. Exceptional conditions pertaining to the property where the sign is to be located as a result of its size, shape, or topography, which are not applicable to other lands or structures in the area;
  2. Granting the variance would not confer on the applicant any significant privileges which are denied to others similarly situated;
  3. The exceptional circumstances are not the result of action by the applicant;
  4. The requested variance is the minimum variance necessary to allow the applicant to enjoy the rights commonly enjoyed by others similarly situated;
  5. Granting of the variance would not violate more than one (1) standard of this article; and
  6. Granting the variance would not result in allowing a sign that interferes with road or highway visibility or obstruct or otherwise interfere with the safe and orderly movement of traffic.
- (b) No variance shall be granted to the height of a sign or the aggregate area of signs permitted on a lot.
- (c) No variance shall be granted which increases the size of a sign more than twenty (20) percent of that allowed by this chapter. (Ord. No. 13-03, Pt. I, 6-10-03)

**7.5.3 Appeals of decisions of administrative officials.**

- A. *General Power.* The zoning board of appeals shall have the power and duty to hear and decide appeals where it is alleged by the appellant that there is error in any final order, requirement, or decision made by an administrative official based on or made in the enforcement of this Zoning Ordinance or as otherwise authorized by local law or the Code of DeKalb County as Revised 1988. Administrative officials must make final decisions covered by this section within one hundred and eighty (180) days of receipt of all necessary information to make such decision. A failure to act prior to the passage of one hundred and eighty (180) days shall not be construed to be a final order, requirement or decision within the meaning of this division. If a decision is not made by the 181<sup>st</sup> day, the requested decision is deemed denied, and becomes appealable. All such appeals shall be heard and decided following the notice requirements of section 7.2.4, and pursuant to the following criteria and procedural requirements.
- B. *Appeals of decisions of administrative officials.* Appeals of decisions of administrative officials may be filed by (1) any person aggrieved by; (2) any elected member of the DeKalb County Governing Authority affected by; or (3) an owner of property within two hundred and fifty (250) feet of the nearest property line of the property that is the subject of any final order, requirement, or decision of an administrative official, based on or made in the enforcement of this Zoning Ordinance, or as otherwise authorized by local law or the Code of DeKalb County as Revised 1988. by filing with the secretary of the zoning board of appeals an application for appeal, specifying the grounds thereof, within fifteen (15) days after the action was taken by the official that is the subject of the appeal.
- C. *Appeal stays all legal proceedings.* An appeal of a decision of an administrative official stays all legal proceedings in furtherance of the action or decision appealed from unless the official from whom the appeal is taken certifies to the zoning board of appeals, after notice of appeal has been filed, that by reason of facts stated in the certificate, a stay would, in that official's opinion, cause imminent peril to life or property. In such a case, legal proceedings shall be stayed only pursuant to a restraining order granted by a court of competent jurisdiction directed to the officer from whom the appeal is taken and

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- D. *Appeal stays land disturbance or construction activity in certain situations.* If the action or decision appealed from permits land disturbance or construction activity to commence or continue on residentially zoned property, the appeal stays the land disturbance or construction activity until the zoning board of appeals issues a decision on the appeal. Thereafter, land disturbance or construction activity in such cases shall only be stayed by an order from a court of competent jurisdiction. In all cases involving non-residentially zoned property, the appeal to the zoning board of appeals does not stay land disturbance or construction activity; such activity shall only be stayed by an order from a court of competent jurisdiction.
- E. Thereafter, in such situations land disturbance or construction activity shall only be stayed by an order granted by a court of competent jurisdiction.
- F. *Time of hearing.* The zoning board of appeals shall fix a reasonable time for the hearing of the appeal and give notice thereof pursuant to the requirements of section 7.2.4 as well as written notice to the appellant. Any party may appear at the hearing in person, by an agent, by an attorney, or by the submission of written documentation.
- G. *Decision of the zoning board of appeals.* Following the consideration of all testimony, documentary evidence, and matters of record, the zoning board of appeals shall make a determination on each appeal and shall issue a written decision explaining the reasons for its decision. The zoning board of appeals shall decide the appeal within a reasonable time, but in no event more than sixty (60) days from the date of the hearing. An appeal shall be sustained only upon an expressed finding by the zoning board of appeals that the administrative official's action was based on an erroneous finding of a material fact, erroneously applied the Zoning Ordinance to the facts, or that the administrative official acted in an arbitrary manner. In exercising its powers, the zoning board of appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from, and to that end shall have all the powers of the administrative official from whom the appeal was taken and may issue or direct the issuance of a permit, provided all requirements imposed by any applicable laws are met.



**7.5.4** Limitations of authority of the zoning board of appeals.

No variance shall be granted by the zoning board of appeals to:

- A. Allow a structure or use not listed as a permitted use or a special use in the applicable zoning district or a density of development that is not authorized within such district. This prohibition does not apply to any variance from the supplemental regulations of Article 4 of this Zoning Ordinance or from any other accessory feature or characteristic of a permitted or special use, unless said variance is otherwise prohibited by the regulations of this chapter.
- B. Allow any variance which conflicts with or changes any requirement enacted as a condition of zoning or of a special land use permit by the board of commissioners.
- C. Reduce, waive or modify in any manner the minimum lot width unless the purpose is to reverse a lot merger.
- D. Reduce, waive or modify in any manner the minimum lot area established by this chapter.
- E. Extend the time period for a temporary outdoor social, religious, entertainment or recreation activity approved by the director of planning.
- F. Permit the expansion or enlargement of any nonconforming use of land, nonconforming use of land and buildings in combination, nonconforming use of land and structures in combination, or nonconforming use requiring special land use permit.
- G. Permit the reestablishment of any nonconforming use of land, nonconforming use of land and buildings in combination, nonconforming use of land and structures in combination, or nonconforming use requiring special land use permit where such use has lapsed pursuant to the requirements and limitations of Article 8 of this chapter.
- H. Permit customer contact for a home occupation authorized by this chapter.
- I. Allow any variance to increase the height of a building which will result in adding a story.

## Summary of Zoning Board of Appeals Application Process:

1. **Timeline.** It takes ~45-60 days to submit your application and receive an initial decision from the Zoning Board of Appeals regarding your request.
2. **Pre-application Meetings.** DeKalb County now mandates pre-application meetings. Please email [plansustain@dekalbcountyga.gov](mailto:plansustain@dekalbcountyga.gov) to schedule a virtual appointment to meet with a Planner assigned to the Zoning Board of Appeals. During the virtual meeting, we will review and provide feedback regarding your request, review the application process, and answer any questions.
3. **Application Submittals.** Create a profile and upload at least page 1 of your application to: <https://epermits.dekalbcountyga.gov/> (no more than 10mb permitted). Email a combined PDF document of the completed application and materials to [plansustain@dekalbcountyga.gov](mailto:plansustain@dekalbcountyga.gov) and [ljcarter@dekalbcountyga.gov](mailto:ljcarter@dekalbcountyga.gov) along with the application number.
4. **Public Hearing Signs.** You will need to post at least one sign per street frontage of the property. Staff will prepare a sign template. You will need to coordinate sign printing and posting with a sign company of your choice, at least 30 days prior to the ZBA hearing. Sign(s) must remain posted until final Board of Appeals action regarding the request. If the application is deferred, you may update the sign(s).
5. **Revisions or amendments.** An application must be submitted in writing and must be received a least 14-days before the scheduled meeting to be addressed by the staff report.
6. **Staff Report.** Staff prepares reports and recommendations for each application. These recommendations are based on the attached criteria established by the [DeKalb County Zoning Code](#). Final staff reports are available to the applicant and the public prior to the scheduled Board of Appeals meeting. Find current reports on our website, here: <https://www.dekalbcountyga.gov/planning-and-sustainability/public-hearing-agendas-info>
7. **Monthly Meetings.** The Zoning Board of Appeals meets once a month, generally on the second Tuesday of each month at 1:00 P.M., via Zoom. Find agendas on our website, [HERE](#).
8. **Applicant and/or Representative must be Present.** Applicants or their representatives must be present at the public hearing to present the request to the Zoning Board of Appeals.
9. **Public Hearing portion of Meeting.** Applicants and others in favor of an application are given a total of five (5) minutes to present to the Board. That is five minutes combined, no matter how many people wish to speak. Applicants should be prepared to explain their variance, why they are requesting it and answer questions from the board. Anyone speaking in opposition also has a total of five (5) minutes to address the application in front of the board. Be prepared to raise your hand or announce yourself when the chair asks for those in support or opposition to the application.
10. **Applicant and/or Representative must be Present.** Applicants or their representative must be present at the public hearing to present the request to the Zoning Board of Appeals.
11. **Executive Session.** After the public hearing, the Board of Appeals will close the public hearing, go into executive session for discussion, and will then take an action on an application. Applicants are not allowed to address the Board of Appeals during Executive Session unless they are asked questions by members of the Board of Appeals.



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12. **Zoning Board of Appeals Actions.** The Board of Appeals is authorized to:
  - a. Approve the application as submitted;
  - b. Approve a revised application;
  - c. Approve an application with conditions;
  - d. Deny an application (if an application is denied, no variance can be considered on the same site within 24 months);
  - e. Allow an application to be “Withdrawn without Prejudice” at the request of the applicant.
  
13. **Compliance with standards upon denial.** In such case that a variance request is initiated due to an existing code violation and such application is denied, the violation shall be required to be brought into compliance within thirty (30) days of such denial or as specified by the board if a greater time period is approved.
  
14. **Successive applications.** Section 27-920 of the DeKalb County Zoning Ordinance states: An application for a variance or special exception affecting all or a portion of the same property which was denied by the Zoning Board of Appeals shall not be submitted more than once every twenty-four (24) months measured from the date of final decision by the zoning board of appeals. The Zoning Board of Appeals may waive or reduce this twenty-four-month time interval by resolution provided that if the application for a variance or special exception was denied by the Zoning Board of Appeals, the time interval between the date of said denial and any subsequent application or amendment affecting the same property shall be no less than six (6) months.
  
15. **Appeals of Decisions.** Any person aggrieved by a final decision of the board, or any officer, department, board or agency affected by such decision, may seek review of such decision by petitioning the Superior Court of DeKalb County. Such petition shall be filed within 30 days after the final decision of the board is rendered.

Zelalem Assfaw  
4698 Hearthstone Trace  
Stone Mountain, GA 30083  
678-860-0403

July 25, 2024

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

Subject: Project at 3040 North Decatur Road  
Case # 1246317

Dear Members of the Zoning Board,

I am writing to request approval for reducing the landscape strip from 5 feet to 0 feet for my building project, "The Plaza," located at 3040 North Decatur Road. This modification is crucial to the success of the project for several reasons:

- 1. Drive Aisle Preservation:** Reducing the landscape strip to 0 feet will allow us to maintain the originally planned width of the drive aisle.
- 2. Safe Parking Area:** The reduction will provide a more safe parking space and in and out line for "The Plaza."
- 3. Enhanced Accessibility:** Most importantly, it will facilitate easier access for my neighboring properties and customers.

I hope you understand the significant impact this adjustment will have on the project. Should you require any further clarification, please feel free to reach out, and I would be happy to provide

additional information. Additionally, I have included a letter of support from my neighbor,  
Initiative for Affordable Housing.

Thank you for considering my request. I look forward to your favorable decision.

Sincerely,

A handwritten signature in black ink, appearing to read 'Zelalem Assfaw', written over a horizontal line.

Zelalem Assfaw

**From:** [Anthony Cochran](#)  
**To:** [Carter, Lucas J](#); [Tsegaab Befekadu](#); [Zelalem Assfaw](#); [Sint Areda](#); [zassfaw@yahoo.com](mailto:zassfaw@yahoo.com); [jcrooms@sergallc.com](mailto:jcrooms@sergallc.com); [rcrayton@sergallc.com](mailto:rcrayton@sergallc.com); [Michael Tchouaffé, architect](#); [Anthony Cochran](#)  
**Cc:** [Chappell, Adam W](#); [Bragg, Rachel L](#)  
**Subject:** Re: Site Plan for 3040 North Decatur  
**Date:** Friday, August 30, 2024 4:43:55 PM  
**Attachments:** [image001.png](#)  
[image.png](#)  
[image.png](#)  
[Outlook-aavs2rcc.png](#)  
[sheet C-6.pdf](#)  
[sheet C-5.pdf](#)

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Mr. Carter,

Thank you for reaching out to our office. SER Engineering provides the following response to address the below questions from your staff:

1. **Question:** Staff is confused as to exactly what you all are requesting in terms of a variance request.

**Response :** Based on the last comments from Zoning, the owner will need to seek 3 variances for the following items:

A. Reduction of the landscape requirement from 5 ft to 0 ft along the western property line. The Scottsdale Overly District regulations which allow a zero setback for side setback. See sheet C.5 (attached).

B. Reduction of the parking aisle width requirement of 24ft to 17ft for the above ground parking area and a reduction of parking aisle width requirement of 22ft to 15ft for the lower parking area. See sheets C.5 & C-6 (attached).

C. Permission to use an off-property Loading/Unloading area in lieu of an on-property area. Property is constrained and will not support a Loading/Unloading area.

However, the owner has obtained a written agreement with the adjacent property owner (western side) to allow shared parking and loading/unloading use.

2. **Question:** You all are requesting a reduction of the landscape from five feet to zero feet... is this along the western property line?

**Response :** Yes.

3. **Question:** Missing from the site plan is the open space calculation as well as the drive aisle widths for the parking above ground and the parking below the building itself.

**Response :** Open space calculations are provided on Sheet C.5 (attached) in note 14 (and below). Drive aisle widths for above ground and parking below are provided on sheets C.5 & C-6 (attached).

14. OPEN SPACE CALCULATIONS:

REAR = 2,170 S.F.

FRONTAGE (RIGHT) = 265 S.F.

FRONTAGE (LEFT) = 705 S.F.

TOTAL OPEN GREEN SPACE = 3,140 S.F.

TOTAL PEDESTRIAN WALK = 1,400 S,F,

OPEN GREEN SPACE PERCENTAGE =  $3,140 / 18,129 = 17.3\%$

TOTAL OPEN SPACE W/ WALK PERCENTAGE =  $4,540 / 18,129 = 25\%$

4. **Question:** The required parking calculation needs to be more specific – HOW did you get the figure of 22 spaces required? The site plan does not show all of these spaces.

**Response:** Parking lot calculations provided on Sheet C.5 (attached) in note 12 (and below) in accordance with Section 3.37.32 of the code for office and retail. Removing on-property loading and unloading requirement will allow for an additional 2 compact spaces for a total proposed spaces of 24 plus optional shared parking with adjacent property owner.

12. PROPOSED PARKING FOR OFFICE (SCOTSDALE OVERLAY DISTRICT):

REQUIRED - (PER SEC 3.37.32) MIN OF 3 SPACES PER 1,000SF = 22 SPACES

PROPOSED - 22 SPACES (13 REGULAR SPACES & 9 COMPACT SPACES)

REGULAR SPACES ARE 8.5'X18' AND COMPACT SPACES ARE 8.5' X 15'

PER CODE 6.1.3:

DRIVE AISLE WIDTH REGULAR = 24'

DRIVE AISLE WIDTH COMPACT = 22'

5. **Question:** The lack of information provided in the letter of intent and the site plan may result in another recommendation of deferral or denial at for the next Zoning cycle.

**Response:** SER Engineering did not prepare the Letter of Intent. It was provided by the owner and others, and we have explained to the owner several times the Letter of Intent in not included in our scope of work. The owner will need to correct the document accordingly and resubmit to it the County.

Please let us know if you or your staff have any questions or concerns about the proposed civil design documents. Thank you.

Regards,

**Anthony Cochran, PE**  
**CIVIL ENGINEER**



**ph. 404-307-6815**



**Sent:** Friday, August 30, 2024 1:49 PM

**To:** Tsegaab Befekadu <tbefekaduaddis@yahoo.com>; Zelalem Assfaw <zassfaw@gmail.com>; Sint Arede <sint@brtuconstruction.com>; zassfaw@yahoo.com <zassfaw@yahoo.com>; jcrooms@sergallc.com <jcrooms@sergallc.com>; rcrayton@sergallc.com <rcrayton@sergallc.com>; Michael Tchouaffé, architect <michael@tchouaffe.com>; Anthony Cochran <acochran@sergallc.com>

**Cc:** Chappell, Adam W <awchappell@dekalbcountyga.gov>; Bragg, Rachel L. <RLBragg@dekalbcountyga.gov>

**Subject:** FW: Site Plan for 3040 North Decatur

Please see below email, we need items to be addressed ahead of the ZBA meeting.

Let me know if you have any questions,

**LJCarter@DeKalbCountyGA.gov**  
**(470) 561-3570** Call or Text  
DeKalb County Government  
Planning & Sustainability  
Current Planning

**LUCAS CARTER**  
**PLANNER**  
PUBLIC HEARINGS - ZONING BOARD OF APPEALS (ZBA)

MR. VARIANCE

DEKALBCOUNTYGA.GOV/PLANNING  
GOVERNMENT SERVICES CENTER  
178 SAMS STREET  
DECATUR, GA 30030

DC

Guitar, Bicycle, Cats

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**From:** Chappell, Adam W <awchappell@dekalbcountyga.gov>

**Sent:** Thursday, August 29, 2024 9:37 AM

**To:** tbefekaduaddis@yahoo.com

**Cc:** Carter, Lucas J <ljcarter@dekalbcountyga.gov>

**Subject:** Site Plan for 3040 North Decatur

Good Morning/Afternoon,

After consulting with Lucas Carter who handles ZBA variances and looking at the site plan, Staff is confused as to exactly what you all are requesting in terms of a variance request. The site plan submitted appears to be more or less the same since the initial submittal.

You all are requesting a reduction of the landscape from five feet to zero feet... is this along the western property line?

Missing from the site plan is the open space calculation as well as the drive aisle widths for the parking above ground and the parking below the building itself.

The required parking calculation needs to be more specific – HOW did you get the figure of 22 spaces required? The site plan does not show all of these spaces.

The lack of information provided in the letter of intent and the site plan may result in another recommendation of deferral or denial at for the next Zoning cycle.



Government Services Center  
178 Sams Street  
Decatur, GA 30030

## Adam W. Chappell, AICP

Senior Planner  
Zoning Review & Public Meetings  
Planning & Sustainability Department  
Current Planning Division

- [awchappell@dekalbcountyga.gov](mailto:awchappell@dekalbcountyga.gov)
- 470.618.2642 County Cell



[DeKalbCountyGa.gov/planning](http://DeKalbCountyGa.gov/planning)



Initiative for Affordable Housing, Inc.  
PO Box 885 | Scottdale, Georgia 30079  
404-299-9979 | [affordablehousingatl.org](http://affordablehousingatl.org)

July 26, 2024

RE: Case #: N1. A-24-1246317  
Site: 3040 North Decatur Road, Scottdale, GA 30079

Dear Board of Appeals:

As owner of the 3032 North Decatur Road, Initiative for Affordable Housing, Inc. hereby agrees to shared parking with Zelalem Assfaw.

Sincerely,

A handwritten signature in black ink that reads "Len Al Haas". The signature is written in a cursive, flowing style.

Len Al Haas  
Interim Executive Director

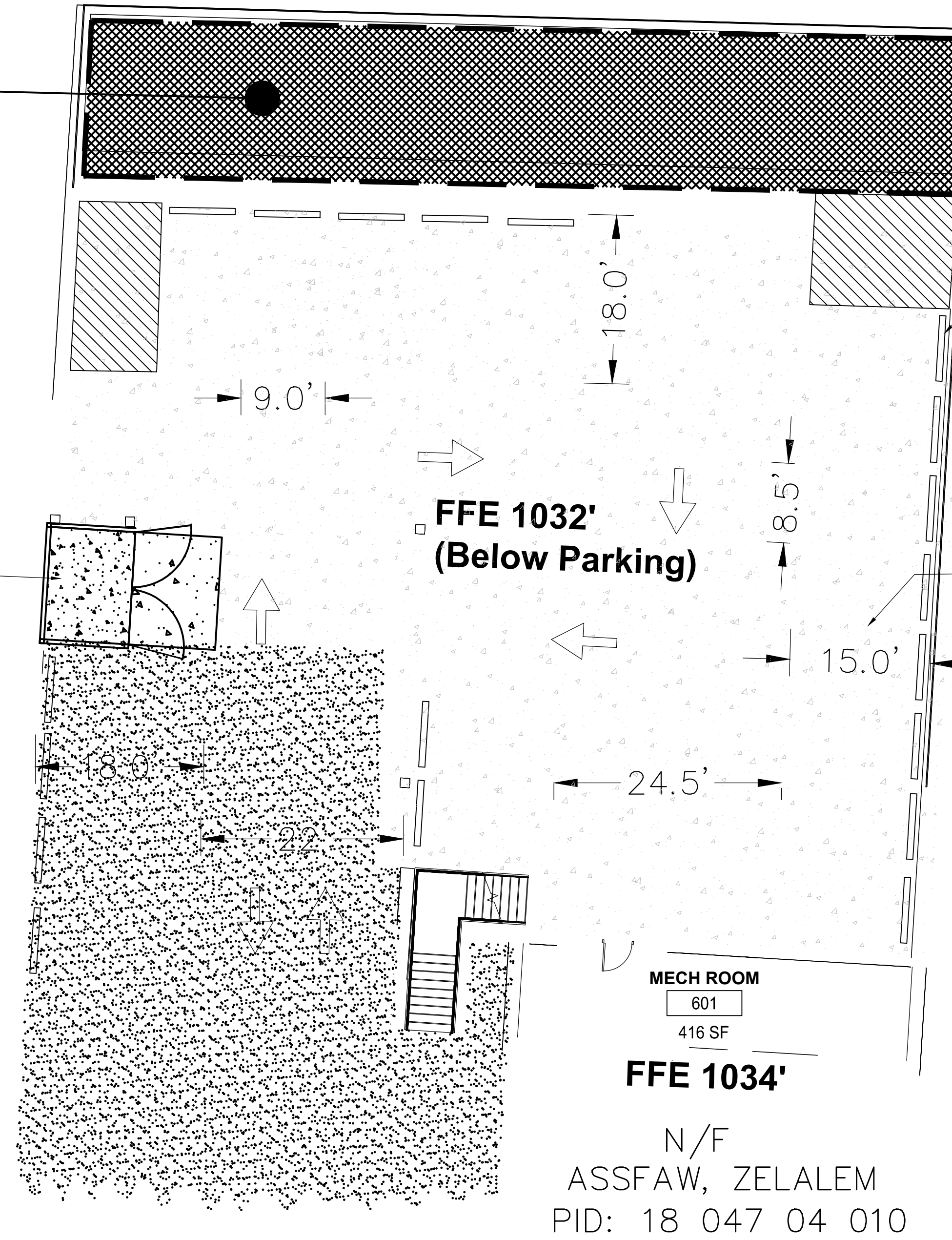




1

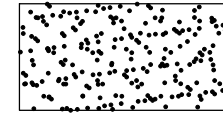


STORMWATER PLANTER BOX  
(9' W X 91'L X 3'D)  
SEE DETAILS ON STORMWATER  
DETAILS SHEET

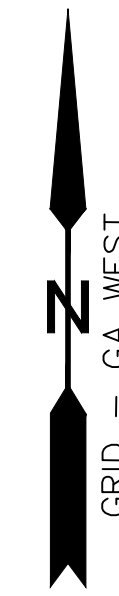
SEE SHEET C-11  
FOR DUMPSTER DETAILS



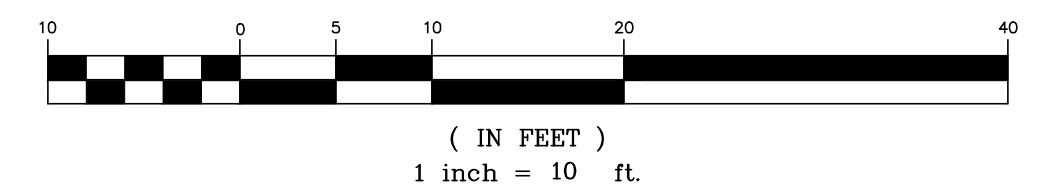
WHEEL STOP SEE SHEET  
C-10 FOR DETAILS TYP

SEE SHEET  
C-10 FOR  
MARKING  
DETAILS TYP

- PROPOSED PAVEMENT ASPHALT 
- PROPOSED PAVEMENT PCC 
- GRASS TURF PROPOSED 



GRAPHIC SCALE

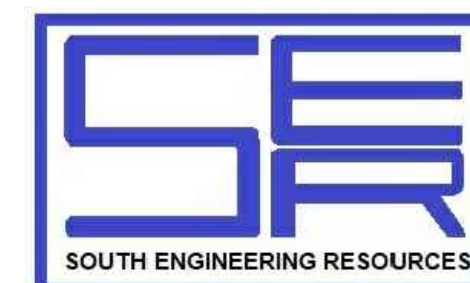


"I, ANTHONY COCHRAN, P.E., CERTIFY UNDER PENALTY OF LAW THAT THIS PLAN WAS PREPARED AFTER A SITE VISIT TO THE LOCATIONS DESCRIBED HEREIN BY MYSELF OR MY AUTHORIZED AGENT, UNDER MY DIRECT SUPERVISION."

|                     |              |                     |               |              |
|---------------------|--------------|---------------------|---------------|--------------|
| <b>DRAWN BY:</b>    | <b>DATE:</b> | <b>APPROVED BY:</b> | <b>TITLE:</b> | <b>DATE:</b> |
|                     |              |                     |               |              |
| <b>REVIEWED BY:</b> | <b>DATE:</b> |                     |               | <b>DATE:</b> |
|                     |              |                     |               |              |
|                     | <b>DATE:</b> |                     |               | <b>DATE:</b> |
|                     |              |                     |               |              |
|                     | <b>DATE:</b> |                     |               | <b>DATE:</b> |
|                     |              |                     |               |              |



SITE PLAN 2



**SOUTH ENGINEERING  
RESOURCES, L.L.C.**  
3470 PRAIRIE DRIVE  
SNELLVILLE, GA 30039

SCALE: 1" = 10'

DATE: 10/13/2023

SHEET NO.  
**C.6**

**3040 NORTH DECATUR RD  
SCOTTSDALE, GA 30079**