



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

D2. Case No: A-24-1246863 Parcel ID(s): 18 047 22 005

Commission District 04 Super District 06

Applicant: Tracy Swearingen
PO Box 871183
Stone Mountain, GA 30087

Owner: Winwood Capital Partners
3777 Peachtree Road #1615
Brookhaven, GA 30319

Project Name: 449 Booker Avenue – Single-Family Residential Construction

Location: 449 Booker Avenue, Scottdale, GA 30079

Request: Variances from section 27-3.36.10 to construct single family residence in an R-75 (Residential Medium Lot) zoning district and Scottdale Tier II Overlay.

1. Reduce rear yard setback from 30' to 20'
2. Reduce both side yard setbacks from 7.5' to 5'

Staff Recommendation:

1. Denial of variance request to reduce rear yard setback.
2. Approval with conditions of variance request to reduce side yard setbacks from 7.5' to 5'.

Condition: Applicant must list the case number, approval date, type of variance and all conditions on any site plans submitted for this property.

STAFF FINDINGS:

1. There is an extraordinary or exceptional physical condition(s) pertaining to the particular piece of property (such as, but not limited to, lot size, lot shape, specimen tree(s), steep slope(s), or preservation of historic characteristics of the property), which was not created by the current owner, previous owner, or applicant; by reason of a clearly demonstrable condition(s), the strict application of the requirements of this chapter would deprive the property owner of rights and privileges enjoyed by other property owners in the same zoning district, as distinguished from a special privilege or convenience sought by the property owner.

The property features exceptional physical conditions as its small lot size of 2,178 square feet is below the required minimum of 5,000 square feet, and its narrow width of 25 feet is half of the minimum 50-foot lot width requirement for Scottsdale Tier II overlay. These physical conditions present challenges that were not created by the current or previous owner. Granting the side yard variance would be necessary to address the unique physical conditions of the property. However, the proposed rear yard setback reduction request may go beyond addressing the physical conditions.

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:

Regarding the side yard setback variance request, the proposed variance aligns with the criteria as it appears to be the minimum necessary to afford relief. The narrow lot width and restrictive dimensions present a need to reduce side yard setbacks to accommodate the construction of a viable dwelling while maintaining a reasonable distance from neighboring properties.

The rear yard setback variance request fails to meet the criteria as it may not be the minimum necessary to afford relief. Given that the proposed house size of 1,391 square feet exceeds the minimum requirement for the Scottsdale Overlay Tier II district of 1,000 square feet and reaches three stories, there is room to reduce or eliminate the rear yard setback request while still meeting the minimum house size requirement.

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:

Granting the variance request for the rear yard setback may be materially detrimental to the public welfare or injurious to the property or improvements in the zoning district. The proposed house size, larger than the minimum requirement for the Scottsdale Overlay Tier II district, raises concerns about the potential impact on future developments in the area. The reduction in the rear yard setback could limit functional rear yard space, potentially affecting the livability of neighboring properties.

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

The literal interpretation and strict application of the enforced side and rear setbacks may cause undue and unnecessary hardship. With the lot's exceptionally small size and narrow width, adhering strictly to the ordinance setbacks may render it impossible to construct the minimum required 1,000 square foot house.

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

The variance request meets the criteria as it aligns with the spirit and purpose of the Chapter and the DeKalb County Comprehensive Plan Text. The property falls within the TN (Traditional Neighborhood) Land Use designation, which aims to preserve the style and appeal of older traditional neighborhood communities. Granting the variance to accommodate the construction of a dwelling that conforms to the lot's size and layout is consistent with the intent of preserving the traditional neighborhood character, facilitating infill development within existing urban areas, and maintaining the scale and density of the neighborhood.

FINAL STAFF ANALYSIS:

While the applicant's request meets several criteria, there are concerns regarding the rear yard setback variance request. The property's physical conditions support the need for relief but potential adverse impacts on public welfare and requesting more than the minimum necessary to afford relief warrant further consideration. Therefore, staff recommends denial of variance request #1 to reduce rear yard setback and approval with condition of variance request #2 to reduce both side yard setbacks.

Staff Recommendation:

1. Denial of variance request to reduce rear yard setback.
2. Approval with condition of variance request to reduce both side yard setbacks.

Condition: Applicant must list the case number, approval date, type of variance and all conditions on any site plans submitted for this property.

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: Tracy T. Swearingen, Sr. President / Eisenhower Svcs, Inc.
Mailing Address: P.O. Box 871183
City/State/Zip Code: Stone Mountain, GA 30087
Email: eisenhowersvcs@gmail.com
Telephone Home: _____ Business: 678-357-6238

OWNER OF RECORD OF SUBJECT PROPERTY

Owner: Winwood Capital Partners LLC (C/O Ben Winwood)
Address (Mailing): 3777 Peachtree Rd # 1615 Brookhaven, GA 30319
Email: benwinwood@1stdoor.com Telephone Home: 770-312-1065 Business: _____

ADDRESS/LOCATION OF SUBJECT PROPERTY

Address: 449 Booker Avenue City: Scottsdale State: GA Zip: 30079
District(s): _____ Land Lot(s): _____ Block: _____ Parcel: _____
Zoning Classification: R-75 Commission District & Super District: 416

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.

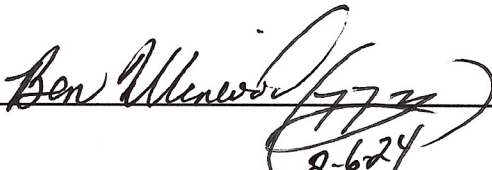
I hereby certify that the information provided in the application is true and correct.

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

DATE: 2-6-2024

Applicant Signature: 

DATE: 2-6-2024

Applicant Signature: Ben Allenwood (777)  2-6-24



DeKalb County
GEORGIA

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.

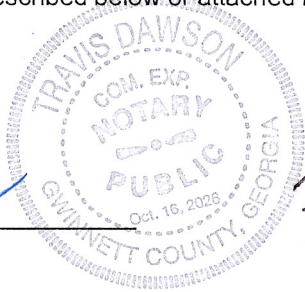
DATE: 8-29-2023

Applicant/Agent: [Signature]
Signature Tracy Swearingen

TO WHOM IT MAY CONCERN:

(I)/ (WE) Winwood Capital Partners, LLC. (C/O Ber Winwood)
(Name of Owners)

being (owner/owners) of the property described below or attached hereby delegate authority to:



[Signature]
Notary Public

[Signature]
Owner Ber Winwood

Notary Public

Owner

Notary Public

Owner

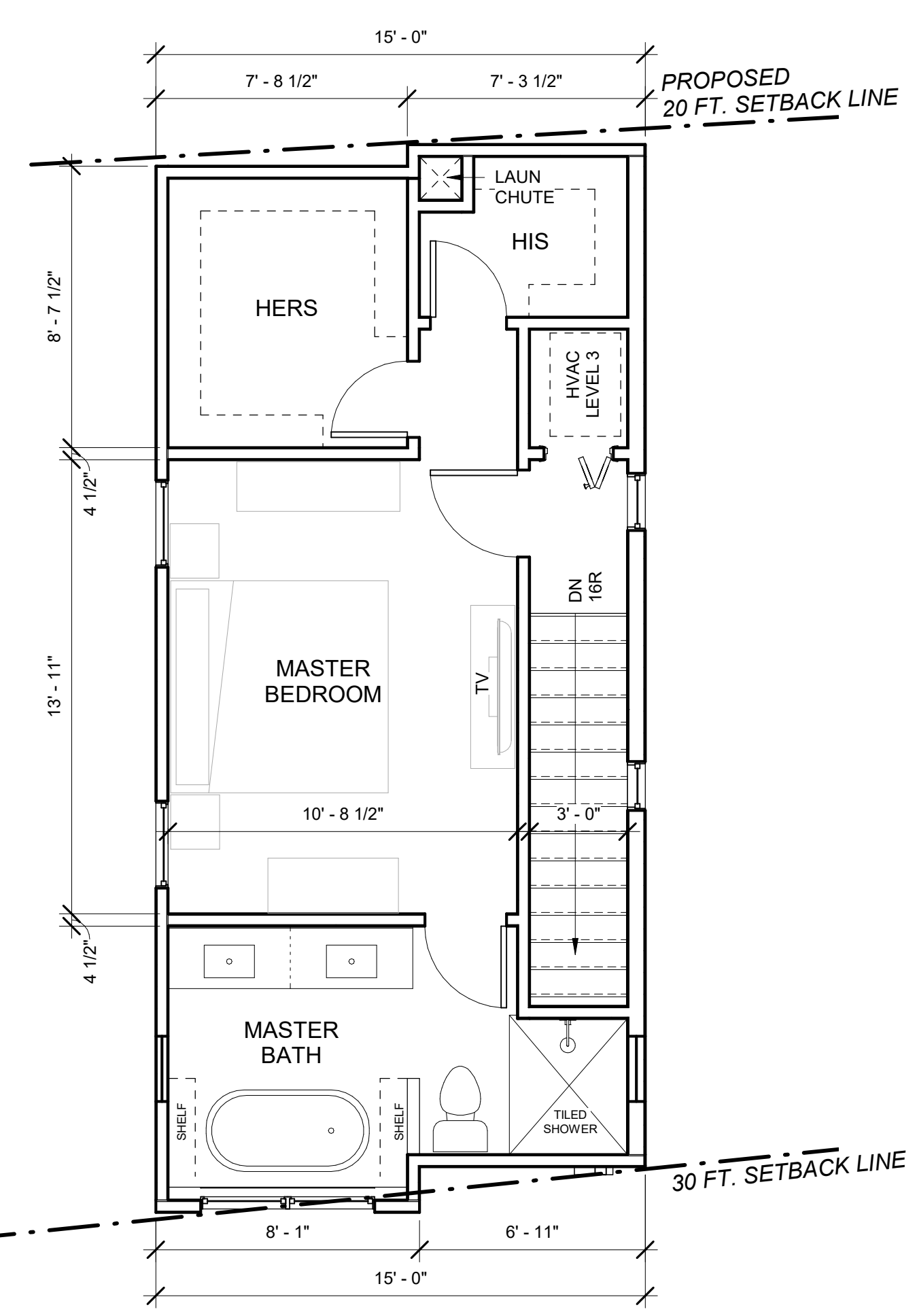


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Rev	Date	Comments
1	03/13/24	VARIANCE REVIEW

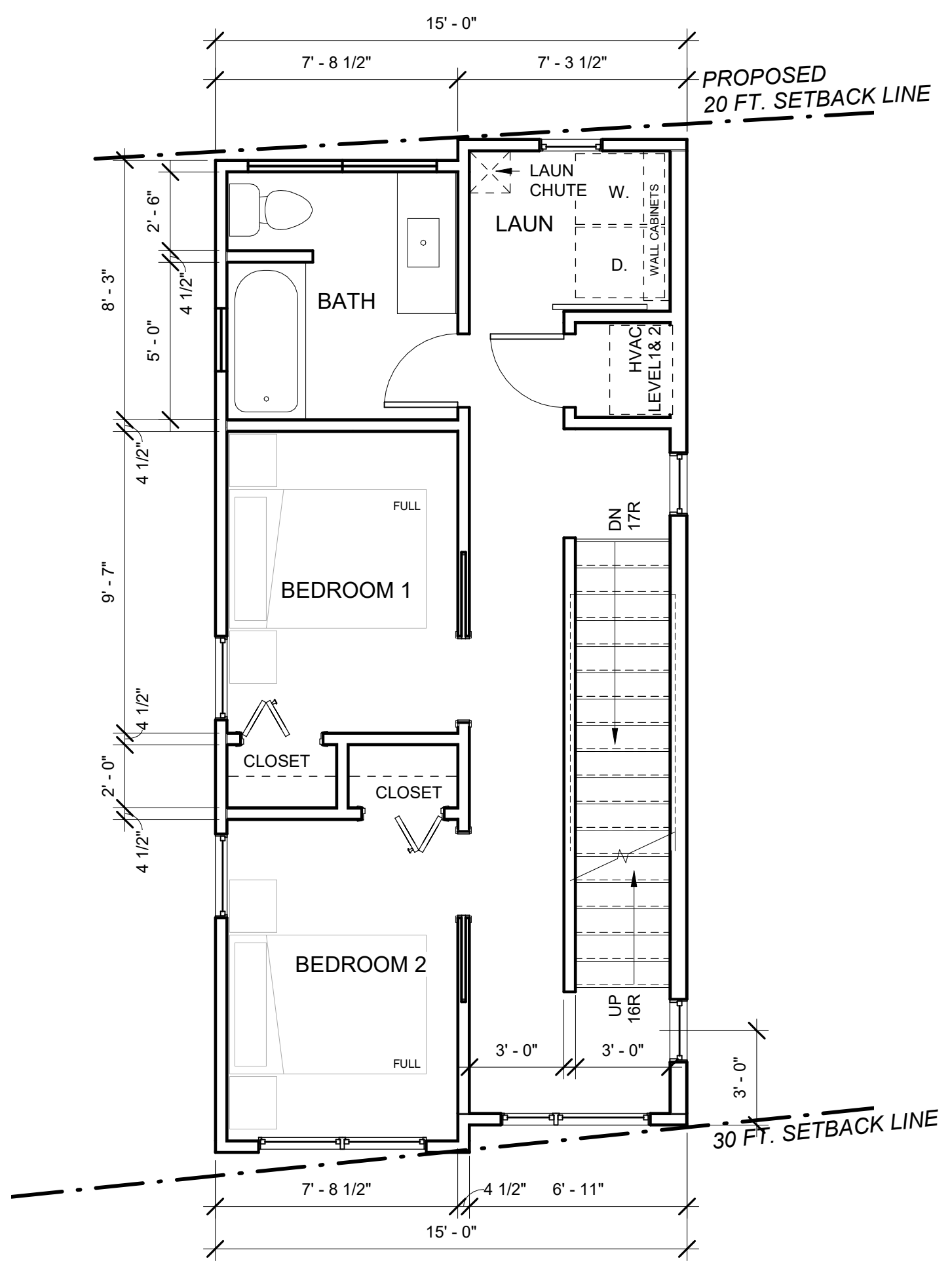


5 3D View 2



470 SF HEATED

3 MASTER LOFT LEVEL
 1/4" = 1'-0"



470 SF HEATED

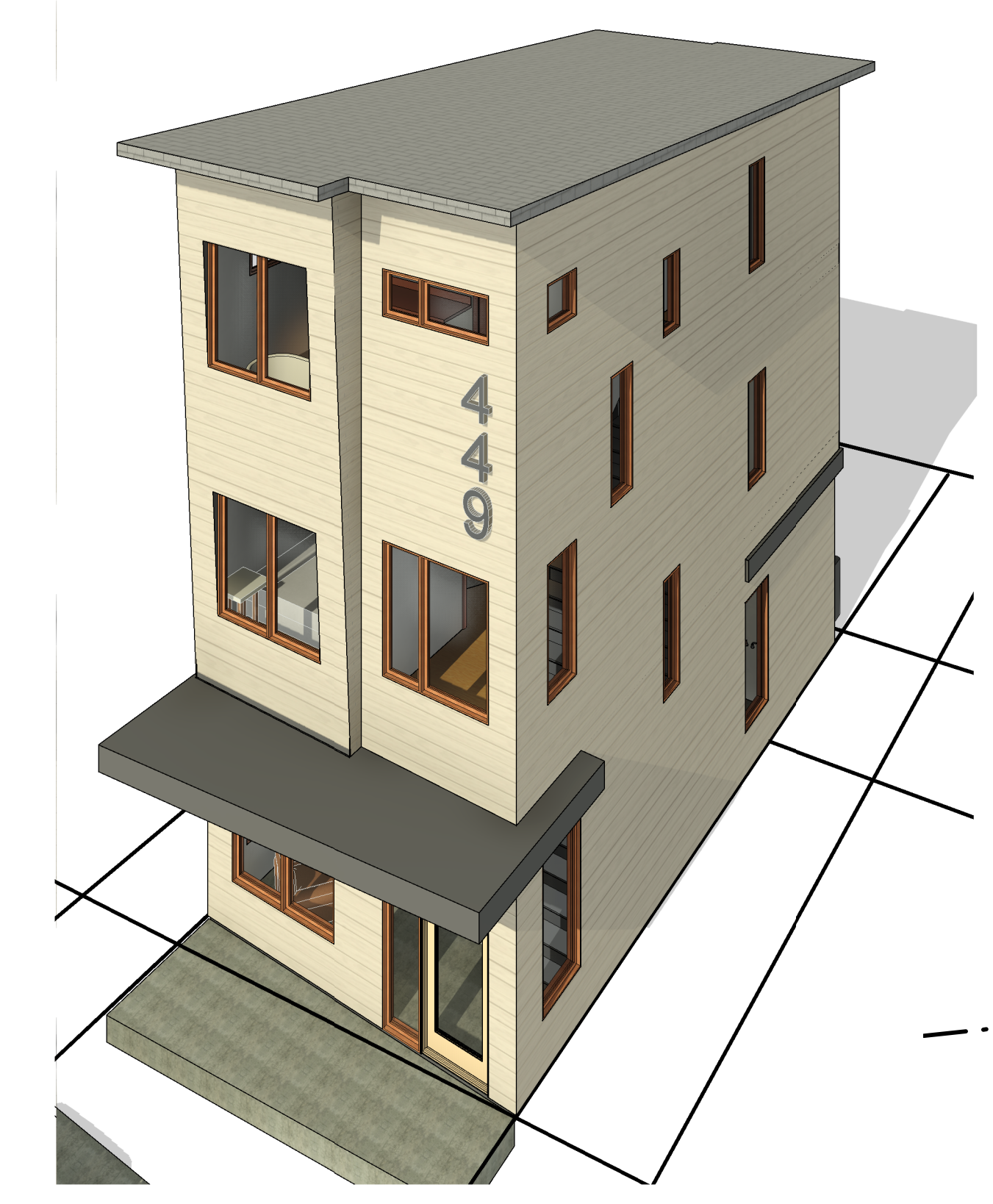
2 FLOOR PLAN - LEVEL TWO
 1/4" = 1'-0"



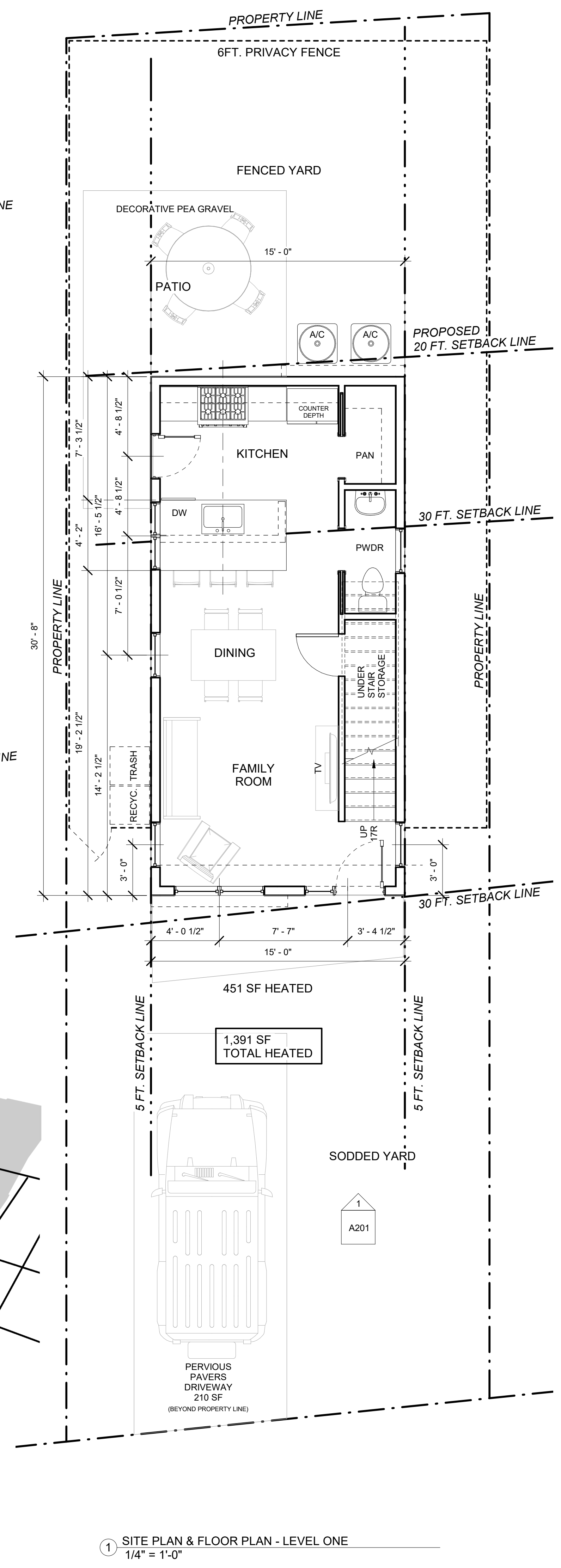
4 3D View 1



6 3D View 3



7 3D View 4



1 SITE PLAN & FLOOR PLAN - LEVEL ONE
 1/4" = 1'-0"

Owner Contact:
Mr. Ben Winwood
 770-312-1065

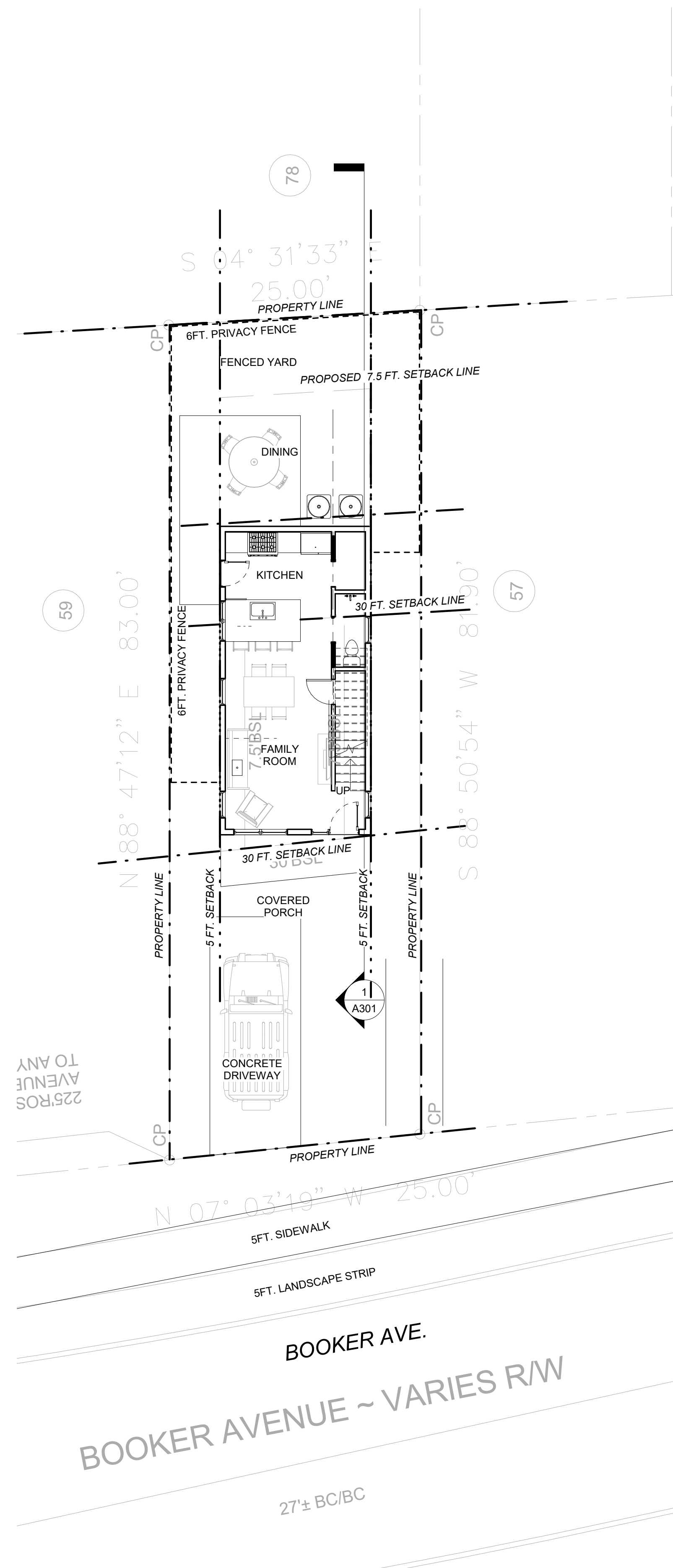
Project:
CUSTOM RESIDENCE

449 Booker Ave
 Scottdale, GA 30079

Project Number: 23-004

Sheet Title:
FLOOR PLANS

Sheet Number:
A101



1 ARCHITECTURAL SITE PLAN (REFERENCE ONLY)
1/8" = 1'-0"



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Rev	Date	Comments
1	03/13/24	VARIANCE REVIEW

Owner Contact:
Mr. Ben Winwood
770-312-1065

Project:
CUSTOM RESIDENCE
449 Booker Ave
Scottdale, GA 30079

Project Number: 23-004

Sheet Title:
ARCHITECTURAL SITE PLAN

Sheet Number:
C101

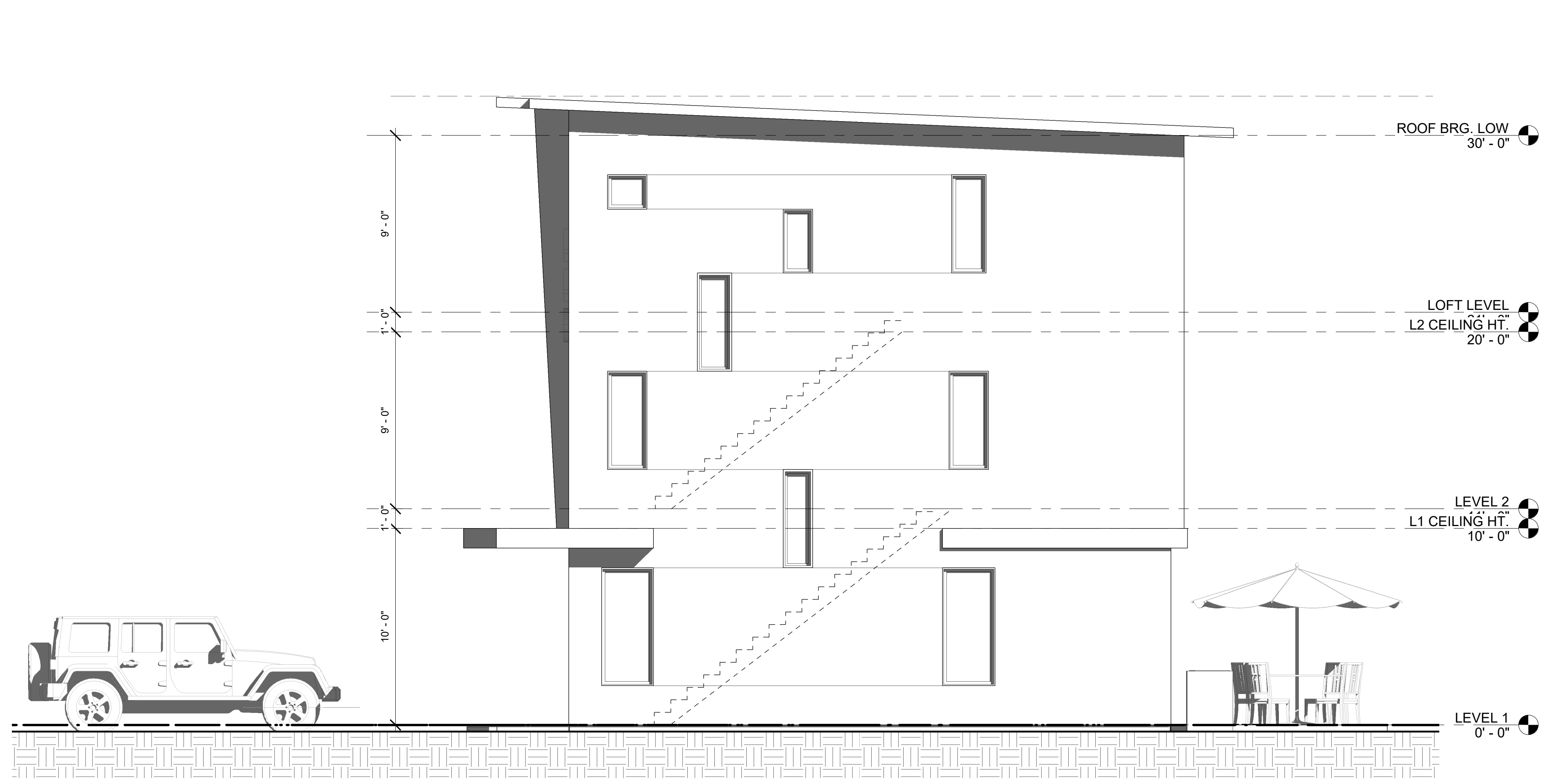
NOT RELEASED FOR CONSTRUCTION



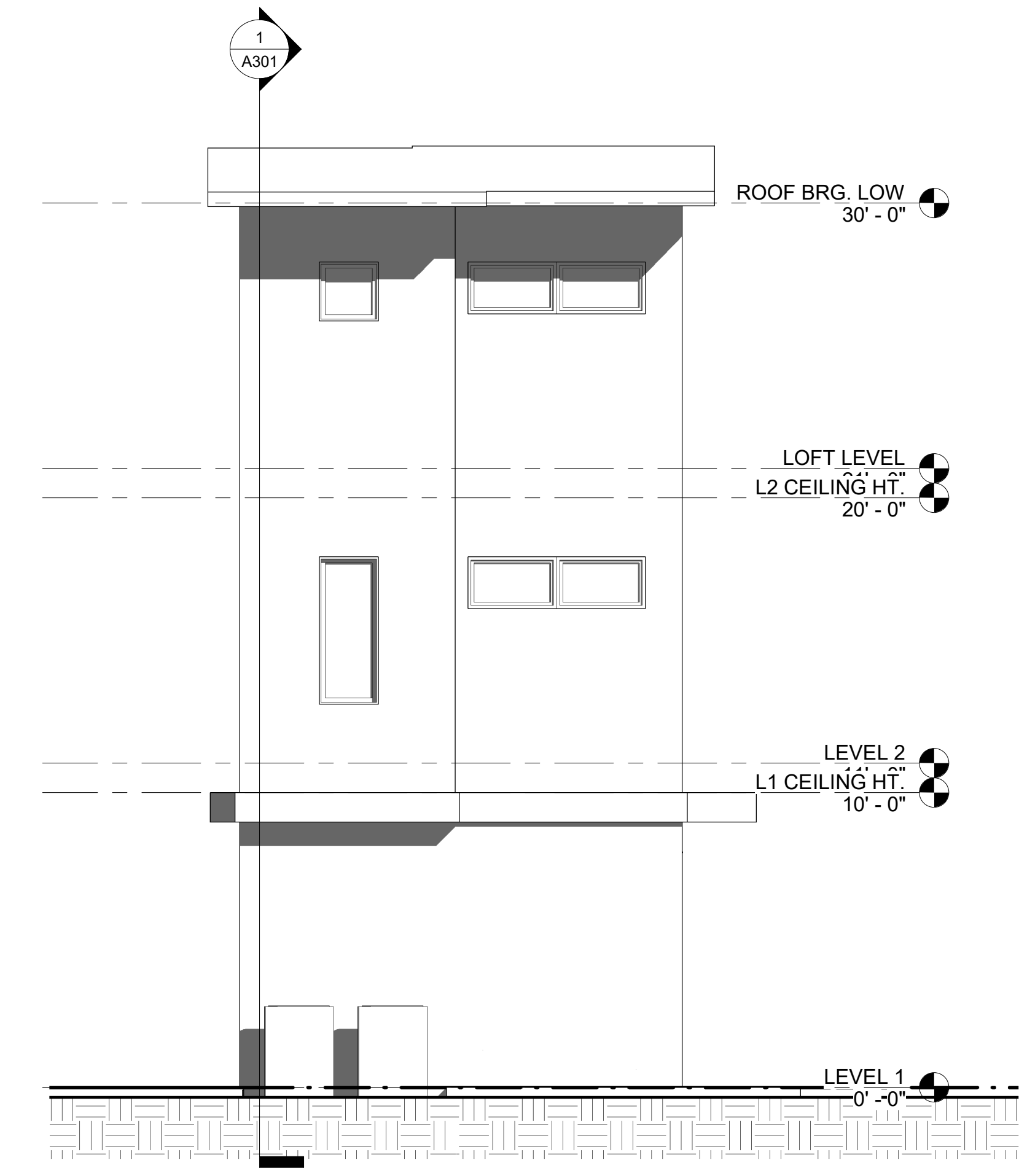
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Rev	Date	Comments
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1	03/13/24	VARIANCE REVIEW
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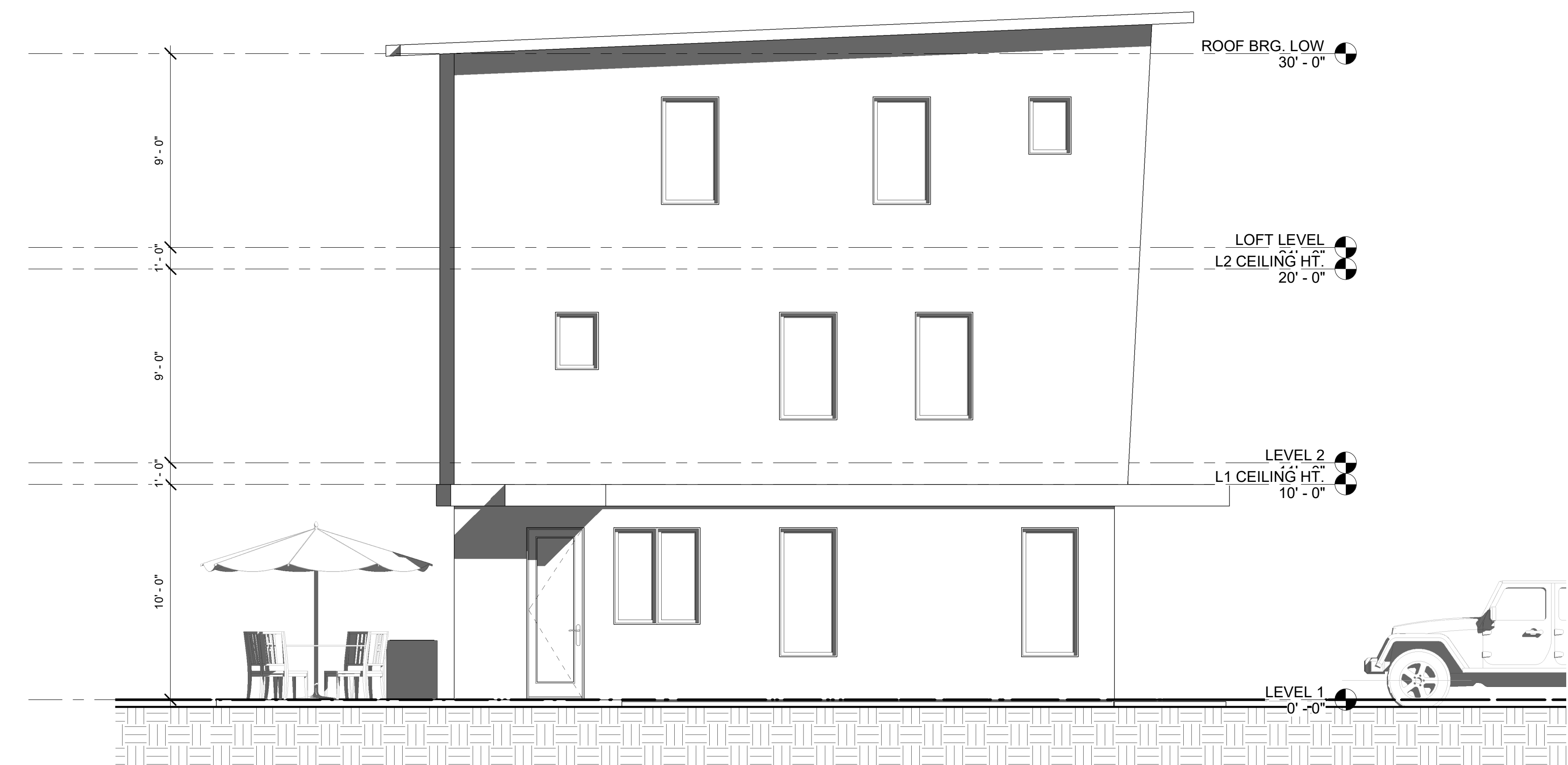


④ RIGHT SIDE ELEVATION
 1/4" = 1'-0"



③ REAR ELEVATION
 1/4" = 1'-0"

SCHEMATIC DESIGN FOR PRELIMINARY REFERENCE ONLY



② LEFT SIDE ELEVATION
 1/4" = 1'-0"



① FRONT ELEVATION
 1/4" = 1'-0"

Owner Contact:
Mr. Ben Winwood
 770-312-1065

Project:
CUSTOM RESIDENCE
 449 Booker Ave
 Scottdale, GA 30079

Project Number: 23-004

Sheet Title:
EXTERIOR ELEVATIONS

Sheet Number:
A201

3/8/2024 4:49:46 PM



1 BUILDING SECTION
1/2" = 1'-0"



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Rev	Date	Comments
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1	03/13/24	VARIANCE REVIEW
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Owner Contact:
Mr. Ben Winwood

770-312-1065

Project:
CUSTOM RESIDENCE

449 Booker Ave
Scottsdale, GA 30079

Project Number: 23-004

Sheet Title:
SECTIONS

Sheet Number:
A301

NOT RELEASED FOR CONSTRUCTION