



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: 11/18/2024 Applicant Damion Palmer Signature:

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: 11/18/2024 Applicant/Agent Damion Palmer Signature:

TO WHOM IT MAY CONCERN:

(I)/ (WE): \_\_\_\_\_ L&P Property Partners LLC \_\_\_\_\_ (Name of Owners)

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

DeKalb meeting member 11-21-2021  
Public Owner Signature

Carrie D. Peek



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

Notary

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

Notary



DEPARTMENT OF PLANNING & SUSTAINABILITY

## 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 [ljcarter@dekalbcountyga.gov](mailto:ljcarter@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



## Letter of Intent

Subject: Variance Request for Section 27-5.6.2 of the DeKalb County Ordinance to construct single-family residential home on the same lot as a detention water facility.

Construction Dear Members of the Zoning Board of Appeals,

I am formally requesting a variance from Section 27-5.6.2 of the DeKalb County Zoning Ordinance. My request pertains to the allowance of the construction of a single-family home on a lot with a detention pond, 2178 Cavanaugh Avenue Atlanta Ga, which is crucial for the improvement and effective use of my property.

### 1. Physical Conditions of the Site:

The unique physical condition of the property necessitates the need for a variance. There is a 75-foot stream buffer northside of property. The property has a detention pond that is shared between four properties, some of which are in the City of Atlanta and is bordered by a 4' foot retaining wall. These conditions are inherent and are not a result of any actions taken by me or previous property owners.

### 2. Minimum Variance Necessary:

A variance is required for any meaningful residential development on the property. My request is solely for the minimum variance necessary to render my property usable and does not seek advantages beyond those available to other property owners in the same zoning district. Previously, a permit was approved for construction on the property, my proposed building is within dimensional requirements for R-60 zoning and is conforming to the conditions set forth in the previously obtained approval.

### 3. Public Welfare:

Current zoning allows for the proposed residential development. The proposed variance will provide a positive impact on the neighborhood and community and will not pose any harm to public welfare, neighboring properties, or the overall improvements in the R-60 zoning district. Presently, there is stormwater run-off and a 10' drop towards nearby stream for which stormwaters can be collected and two catch basins near the property. The erection of the dwelling will be a modest and tasteful addition, enhancing the property without imposing adverse effects on the surrounding area.

### 4. Ordinance Hardship:

The previous owner was able to obtain a building permit adhering to the conditions of a Planning approval obtained February 2019 and was able to establish utilities on the property. Prior to purchasing the lot, I contacted the Floodplain Coordinator, of the Land Development Division, to verify if the detention pond would prevent the construction of a home on the lot. I was advised that it would not, it is based on this information, that I proceeded to purchase the lot. With a strict interpretation of the zoning laws, in this case, would cause undue hardship for me and would significantly impact my ability to use the property effectively. The variance

is, therefore, essential and is required for any meaningful residential development on the property to allow for a reasonable use of my land.

5. Alignment with the Spirit of the Law:

I firmly believe that my variance request aligns with the intent of the Suburban Character Area, as outlined in the DeKalb County Comprehensive Plan. The proposed construction of this residential single-family home is in line with the goals of the Infill developments to increase housing density and contribute to community economic growth. It will also enhance the beautification of the street while keeping the tradition and historic integrity of the neighborhood.

In conclusion, I appreciate your time and consideration of my variance request. I am committed to working collaboratively to ensure that my proposed change aligns with the broader goals and policies of DeKalb County. Thank you for your attention to this matter.

Sincerely,

***Damion Palmer***

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.



**DEPARTMENT OF PLANNING & SUSTAINABILITY**

**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 ZoningOrdinance;
- 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.



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#### **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



on due cause shown.

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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 [lrcarter@dekalbcountyga.gov](mailto:lrcarter@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.

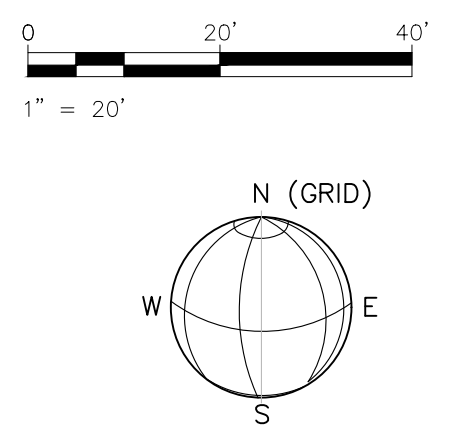
15. **Appeals of Decisions.** Any person aggrieved by a final decision of the board, or any officer, department, board or agency affected by such decision, may seek review of such decision by petitioning the Superior Court of DeKalb County. Such petition shall be filed within 30 days after the final decision of the board is rendered.



**GENERAL NOTES:**  
 1: This Plat has been prepared without the benefit of a current title report. Easements or encumbrances may exist that are not shown on this plat.  
 2: This plat is subject to any restrictions, easements, covenants or restrictions that may exist either written or unwritten.  
 3: Underground utilities not shown hereon may exist. The Surveyor does not take responsibility for absence or presence of any such utilities.  
 4: No Geodetic monuments were found within 500 feet of this site  
 5: This Plat has been prepared for the exclusive use of the person(s) or entities named hereon.

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.

THIS PLAT WAS PREPARED TO SHOW THE APPROXIMATE LOCATION OF THE IMPROVEMENTS AND IS NOT RECORDABLE. FENCES SHOULD NOT BE PLACED USING SIDE DIMENSIONS FROM HOUSE. ALL MATTERS OF TITLE ARE EXEMPTED. THIS PLAT IS SUBJECT TO ALL LEGAL EASEMENTS AND RIGHT-OF-WAY PUBLIC OR PRIVATE.  
**ZONING NOTE:**  
 BEFORE DEVELOPMENT OF THIS PROPERTY, DEVELOPER AND ARCHITECT TO CONFIRM ZONING, PER CITY OR COUNTY ZONING DEPARTMENT.  
**NOTE:** BUILDING TIES SHOULD NOT BE USED FOR DESIGN OR CONSTRUCTION WITHOUT VERIFICATION



REFERENCE: DEED BOOK 31015 PG 634  
 PLAT BOOK 276 PG(S) 66-69  
 PLAT BOOK 236 PG 27

FLOOD HAZARD NOTE: THIS PROPERTY IS NOT LOCATED IN A FLOOD HAZARD AREA AS DEFINED BY FIRM MAP OF DEKALB COUNTY, GEORGIA 13089C0127J EFFECTIVE DATE MAY 16, 2013

**SURVEY DATA:**  
 TYPE OF SURVEY: RETRACEMENT  
 SOURCE OF TITLE DESCRIPTION FOR SUBJECT PROPERTY: DB 31015 PG 634  
 PROPERTY OWNER AT TIME OF SURVEY: L&P PROPERTY PARTNERS, LLC  
 PARCEL NUMBER: 15-146-04-018

THE HORIZONTAL DATUM IS THE NORTH AMERICAN DATUM OF 1983 READJUSTED IN 2011 (NAD83(2011)). THE VERTICAL DATUM IS THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88)  
 THE SOURCE OF VERTICAL DATUM IS THE TRIMBLE CORS NETWORK

TOTAL AREA: 15,959 SQ FT, 0.366 AC  
 CALCULATED PLAT CLOSURE: 1:225,499

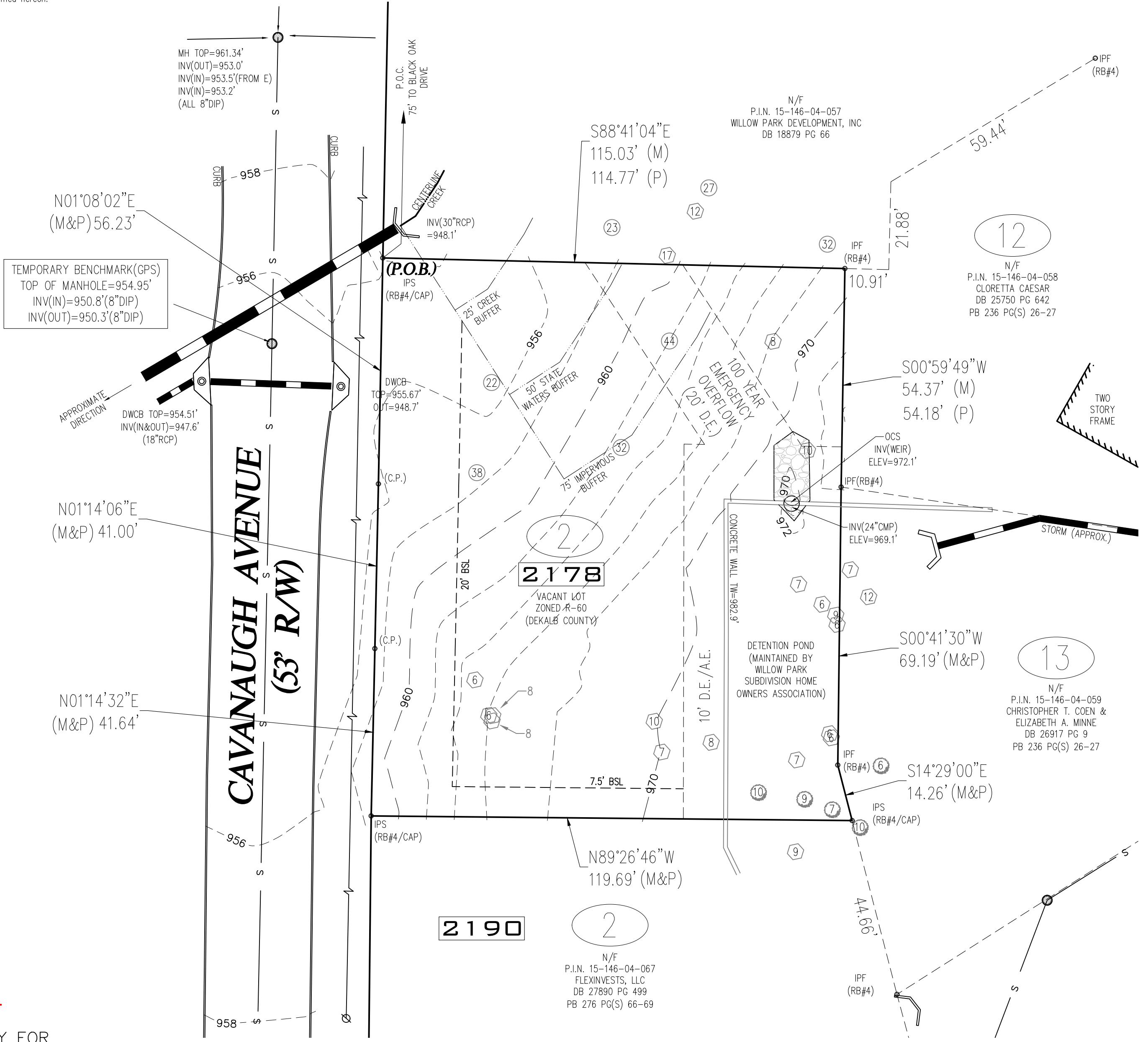
**FIELD DATA:**  
 DATE OF FIELD SURVEY 2-23-2024  
 THE CALCULATED POSITIONAL TOLERANCE BASED ON REDUNDANT LINEAR MEASUREMENTS OF OBSERVED POSITIONS WAS FOUND TO BE 0.015 FEET.

**EQUIPMENT USED:**  
 TRIMBLE S5 ROBOTIC TOTAL STATION  
 TRIMBLE R2 GPS RECEIVER

**EXISTING CONDITIONS**

BOUNDARY & TOPOGRAPHIC SURVEY FOR  
 DAMIAN PALMER  
 LOT 1, 2184 CAVANAUGH AVENUE PROPERTY SUBDIVISION

2178 CAVANAUGH AVENUE  
 DEKALB COUNTY, GEORGIA  
 LAND LOT 146, DIST 15  
 DATE: MARCH 11, 2024



**LEGEND**

---	EOP	EDGE OF PAVEMENT
---	CURB	BACK OF CURB
---	BSL	BUILDING SETBACK LINE (PRIMARY)
---	FFE	FINISHED FLOOR ELEVATION
---	LLL	LAND LOT LINE
○	PP	POWER POLE
---	GW	GUIDE WIRE
---	R/W	RIGHT OF WAY
○	C.P.	CALCULATED POINT
○	IPF	IRON PIN FOUND
○	IPS	1/2" REBAR SET
○	SW	SIDE WALK
○	BOLLARD	
---	OHP	OVERHEAD POWER
-P-	UP	UNDERGROUND POWER
-GAS-	UG	UNDERGROUND GAS
-W-	UW	UNDERGROUND WATER
-UT-	UT	UNDERGROUND TELEPHONE
-S-		UNDERGROUND SEWER
⊙	FH	FIRE HYDRANT
⊙	FDC	FIRE DEPT. CONNECTION
⊙	CB	CATCH BASIN
⊙	DWCB	DOUBLE WING CATCH BASIN
⊙	SWCB	SINGLE WING CATCH BASIN
⊙	MH	MANHOLE
⊙	JB	JUNCTION BOX
⊙	WM	WATER METER
⊙	WV	WATER VALVE
⊙	GV	GAS VALVE
⊙	GM	GAS METER
⊙	CO	CLEANOUT
⊙	EM	ELECTRIC METER
⊙	AC	AIR CONDITIONING UNIT
⊙	TELEPHONE BOX	
⊙	ICB	IRRIGATION CONTROL BOX
⊙	ICV	IRRIGATION CONTROL VALVE
⊙	LP	LIGHT POLE
⊙	CONCRETE PAD	
⊙	HARDWOOD	
⊙	PINE	
⊙	POPLAR	

(M) MEASURED  
 (D) DEED  
 (P) PLAT

STREAM BUFFER & ACCOMPANYING LIMITATIONS/RESTRICTIONS SHOULD BE CONFIRMED THROUGH GOVERNING BODIES

MINIMUM FINISH FLOOR 982.63'  
 PER PB 276 PG 66



FOR  
 DEKALB SURVEYS, INC.  
 407 WEST PONCE DE LEON AVENUE  
 SUITE B  
 DECATUR, GEORGIA 30030  
 404.373.9003



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## Legislation Details (With Text)

**File #:** 2018-3061    **Version:** 2    **Name:**  
**Type:** Ordinance    **Status:** Public Hearing  
**File created:** 11/30/2018    **In control:** Board of Commissioners  
**On agenda:** 2/12/2019    **Final action:** 2/12/2019  
**Title:** COMMISSION DISTRICT(S): 3 & 6  
Application of Langford and Company Strategic Investments, LLC for a Major Modification of zoning conditions, approved pursuant to CZ-04068, to allow the property to be subdivided into two single-family lots in the R-60 (Residential Small Lot) District, at 2184 Cavanaugh Avenue.

**Indexes:**

**Attachments:** 1. Staff Report and Attachments, 2. Staff-Recommendations Conditions 1-8-19, 3. Comments by Land Development, Transportation, 4. Staff-Recommendations Conditions 1-14-19, 5. 2019 02.12 Item 2018-3061 Substitute, 6. 2019 02.12 Item 2018-3061- Conditions & Site plan

Date	Ver.	Action By	Action	Result
2/12/2019	2	Board of Commissioners		
1/22/2019	2	Board of Commissioners - Zoning Meeting	deferred to the next meeting	Pass
1/8/2019	2	Planning Commission	approved with conditions per staff recommendation	Pass

**Public Hearing:** YES  NO

**Department:** Planning & Sustainability

**SUBJECT:**

**COMMISSION DISTRICT(S):** 3 & 6

Application of Langford and Company Strategic Investments, LLC for a Major Modification of zoning conditions, approved pursuant to CZ-04068, to allow the property to be subdivided into two single-family lots in the R-60 (Residential Small Lot) District, at 2184 Cavanaugh Avenue.

**PETITION NO:** N2. CZ-19-1235306

**PROPOSED USE:** Two single-family lots.

**LOCATION:** 2184 Cavanaugh Avenue, Decatur

**PARCEL NO.:** 15-146-04-018

**INFO. CONTACT:** Marian Eisenberg

**PHONE NUMBER:** 404-371-4922

**PURPOSE:**

Application of Langford and Company Strategic Investments, LLC for a Major Modification of zoning conditions approved pursuant to CZ-04068, to allow the property to be subdivided into two single-family lots. The property is located on the east side of Cavanaugh Avenue, approximately 200 feet north of Lochland Road, at 2184 Cavanaugh Avenue, Decatur. The property has approximately 257 feet of frontage on Cavanaugh

Avenue and contains 0.73 acre.

**RECOMMENDATION:**

**COMMUNITY COUNCIL: APPROVAL.**

**PLANNING COMMISSION: APPROVAL WITH CONDITIONS.**

**PLANNING STAFF: APPROVAL WITH CONDITIONS.**

**STAFF ANALYSIS:** The proposal to create two conforming single-family residential lots in a single-family residential neighborhood is consistent with the Traditional Neighborhood Character Area policy of the 2035 Comprehensive Plan to “Protect stable neighborhoods from incompatible development that could alter established residential development patterns and density.” (Traditional Neighborhood Character Area Policy No. 1) The zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties. The proposed lot sizes are similar to those of adjoining and nearby R-75 lots and would be more than double the minimum R-60 lot size of 6,000 square feet. The proposal has the potential to benefit adjacent and nearby property by allowing the development of occupiable homes on Cavanaugh Avenue, thus contributing to the safety and vitality of the neighborhood. Finally, the relatively large lot sizes (compared to the minimum size required in an R-60 district) provide an opportunity to preserve trees and green space. Therefore, the Department of Planning and Sustainability recommends “Approval with conditions”.

**PLANNING COMMISSION VOTE: Approval with Conditions, 8-0-0.** V. Moore moved, J. Johnson seconded for approval with conditions as recommended by Staff.

**COMMUNITY COUNCIL VOTE/RECOMMENDATION: Approval, 6-2-1.** The Community Council Board members asked about impact on the nearby creek and were satisfied with the applicant’s response, which referred to the need to comply with State and County water quality standards.



Comm. H41

Item No. 2018-381 Date 2/12/19

Clerk's Office

**CONDITIONS RECOMMENDED BY THE APPLICANT**

**CZ-19-1235306**

Major Modification of Zoning Conditions of CZ-04068

- 1) Property Owner affirms that it does not intend and shall not initiate or seek for property (Tax Parcel Id No. 15-146-04-018) to be annexed into City of Atlanta.
- 2) Property Owner will seek to remove property from Willow Place Park Declaration of Protective Covenants, Conditions, Restrictions and Easements, established per Zoning Condition of Case CZ 04068. Said removal shall be filed in the Real Estate Records of DeKalb County, Georgia, if necessary.
- 3) The developer(s) of the property shall install 225 linear feet of sidewalks along Cavanaugh Avenue.
- 4) Restrictions imposed by DeKalb County in CZ-04068 shall remain in place until such time as conditions 2 and 3 are fulfilled.
- 5) Upon completion of conditions 2 and 3, the restrictions imposed by DeKalb County in CZ-04068 shall no longer apply or encumber the property and the following conditions will apply and encumber the Property:
  - a. All Utilities shall be underground.
  - b. There shall be no vinyl or aluminum siding used in the development of the Property.
  - c. All houses to be developed in the Property shall have exteriors of brick, stone stucco or other masonry; hardi-board or Hardi-Plank siding (or some other cement siding); clapboards; shakes or shingles; or some combination of these materials.
  - d. The approval of this rezoning application by the Board of Commissioners has no bearing on other approvals by the Zoning Board of Appeals or other authority, whose decision shall be based on the merits of the application before said authority.
  - e. All front lawns shall be sodded.
  - f. Each house shall have a minimum of 1,600 sq. ft.
  - g. The Developer(s) shall build no more than two single family homes.

CROSS REFERENCES: Deed Book 20558, Page 170  
Deed Book 24529, Page 15  
Deed Book 25586, Page 370

Return Recorded Document to:

Langford and Company Strategic Investments, LLC  
219 Shoemaker Court  
Ellenwood, Georgia 30294

STATE OF GEORGIA  
COUNTY OF DEKALB

**SECOND AMENDMENT TO THE DECLARATION OF PROTECTIVE COVENANTS,  
CONDITIONS, RESTRICTIONS AND EASEMENTS FOR WILLOW PLACE PARK**

THIS SECOND AMENDMENT TO THE DECLARATION OF PROTECTIVE COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS FOR WILLOW PLACE PARK (the "Second Amendment") is executed as of the 10 day of March, 2019, by JAMES MACDOWELL as Declarant ("Declarant").

WITNESSETH

WHEREAS, Willow Park Development, Inc., a Georgia corporation, executed that certain *Declaration of Protective Covenants, Conditions, Restrictions and Easements for Willow Place* recorded in the Real Estate Records of DeKalb County, Georgia in Deed Book 20558, Page 170, as amended (collectively, the "Declaration");

WHEREAS, Declarant is entitled to all obligations, rights, title, interest, powers, privileges, and immunities as Declarant under the Declaration;

WHEREAS, LANGFORD AND COMPANY STRATEGIC INVESTMENTS, LLC, a Georgia limited liability company ("Langford") is the current owner in fee simple of that certain real property located at and known as 2184 Cavanaugh Avenue SE, Atlanta, DeKalb County, Georgia 30316 (Tax Parcel Id No. 15 146 04 018) (the "Langford Property"), and more fully described as follows:



All that tract or parcel of land lying and being in Land Lot 146 of the 15th District, DeKalb County, Georgia and being more particularly described as follows:

Beginning at an iron pin located on the easterly right-of-way line of Cavanaugh Avenue (having a 53-foot right-of-way) 75 feet southerly of the intersection of Cavanaugh Avenue and Black Oak Drive, said pin being the TRUE POINT OF BEGINNING, and proceeding the following course and distances: Leaving said right-of-way and proceeding north 89 degrees 40 minutes 49 seconds east a distance of 114.77 feet to an iron pin; Thence south 01 degree 00 minutes 48 seconds east a distance of 54.18 feet to a #4 rebar; Thence south 01 degree 02 minutes 28 seconds east a distance of 69.19 feet to a #4 rebar; Thence south 16 degrees 12 minutes 58 seconds east a distance of 58.92 feet to a #4 rebar; Thence south 16 degrees 52 minutes 56 seconds east a distance of 61.52 feet to a #4 rebar; Thence south 00 degrees 57 minutes 10 seconds east a distance of 14.95 feet to a #4 rebar; Thence south 88 degrees 43 minutes 45 seconds west a distance of 147.95 feet to a #2 rebar located on the easterly right-of-way line of Cavanaugh Avenue; Thence along a curve to the right 159.18 feet with a radius of 7040.40 feet and being subtended by a chord north 00 degrees 58 minutes 08 seconds west a distance of 159.18 feet to a point; Continuing along the right-of-way north 00 degrees 29 minutes 52 seconds west a distance of 41.00 feet to a point; Thence north 00 degrees 35 minutes 56 seconds west a distance of 56.23 feet to an iron pin; said pin being the TRUE POINT OF BEGINNING, as shown on survey for Eileen Marot, dated November 30, 2016, by DeKalb Surveys, Inc., Patrick F. Carey, Registered Land Surveyor No. 3077.

This is the same property referred to in Limited Warranty Deed dated 09/21/2011 by and between David Joseph Marot and DeKalb Holdings One, LLC filed for record 10/21/2011, recorded in Deed Book 22689, Page 428, DeKalb County, Georgia records and previously described as:

All that tract or parcel of land lying and being in Land Lot 146 of the 15th District, DeKalb County, Georgia, being Common Area/Open Space of Willow Walk Subdivision, Phase Two, per plat thereof recorded in Plat Book 236, Page 26, DeKalb County, Georgia Records, which recorded plat is incorporated herein by reference and made a part of this description.

Said tract contains 31,874 square feet or .73 acre.

WHEREAS, Declarant and Langford desire to withdraw and remove the Langford Property from coverage of the Declaration and membership in the Willow Place Park Homeowners Association, Inc., a Georgia nonprofit corporation (the "Association");

WHEREAS, the Association desires to consent to the withdrawal and removal of the Langford Property from coverage of the Declaration and membership in the Association;

WHEREAS, Section 11.6 of the Declaration sets for the requirements to amend the Declaration; and,

WHEREAS, Declarant, acting pursuant to the terms of the Declaration, desires to amend the Declaration.

NOW THEREFORE, Declarant, pursuant to the terms of the Declaration, including, but not limited to, the terms of Article 11, hereby amends the Declaration to withdraw and remove the Langford Property from coverage of the Declaration as follows:

1. Recitals. The foregoing recitals of fact are agreed to be true and correct and are incorporated herein by reference.

2. Withdrawal and Removal of the Langford Property. The Declaration is hereby amended to withdraw and remove the Langford Property from coverage of the Declaration and membership in the Association.
3. Effective Date. This Second Amendment shall be effective upon the filing in the Real Estate Records of DeKalb County, Georgia and membership in the Association.
4. Successors and Assigns. This Second Amendment and the withdrawal and removal of the Langford Property as set forth herein shall run with the title of the Langford Property and shall further be binding upon and inure to the benefit of the parties and their respective successors and assigns.
5. Definitions. Unless otherwise defined herein, the capitalized words use in this Second Amendment shall have the same meanings ascribed to them in the Declaration.
6. Counterparts. This Second Amendment may be executed in several counterparts, each of which shall be deemed an original, and all of such counterparts together shall constitute one and the same instrument.

IN WITNESS WHEREOF, Declarant has signed and executed this Second Amendment under seal as of the date and year first above written.

Signed, sealed and delivered  
in the presence of:

DECLARANT:

Michael Walker

James MacDowell

(SEAL)

UNOFFICIAL WITNESS

Shawn M. Stewart

NOTARY PUBLIC

My Commission Expires 02-18, 2022





ZONING: R-60

IMPERVIOUS SURFACES:  
PROPOSED HOUSE = 1,121  
PROPOSED DRIVE = 766 SQ  
PROPOSED STR/WALK = 21  
PROPOSED PLANTER = 97

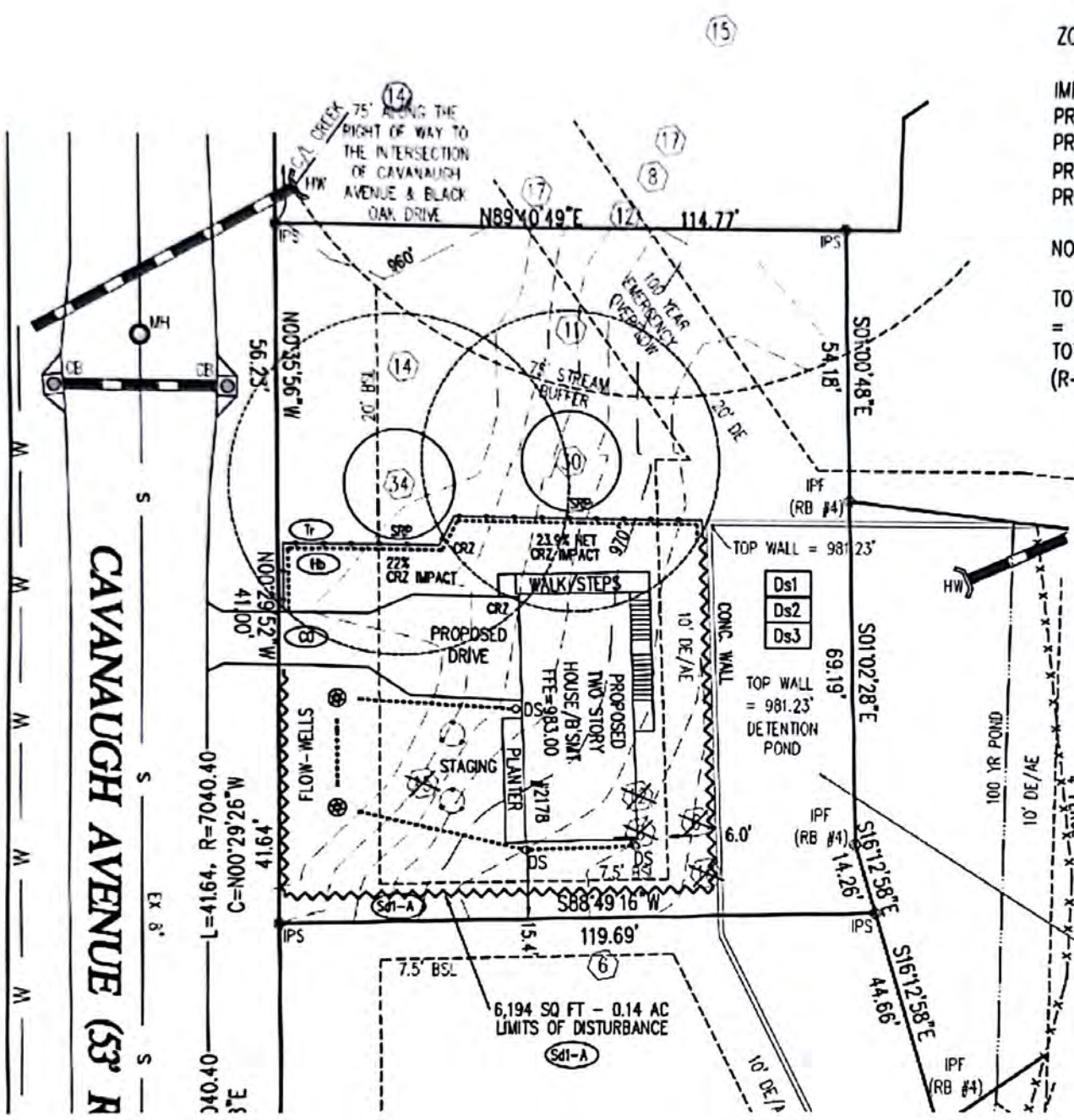
NO FRONT WALK SPECIFIED

TOTAL IMPERVIOUS  
= 2,201 SQ. FT. (13.8%)  
TOTAL LOT = 15,941 SQ. F  
(R-60: 35% MAX COVERAGE)

PROPOSED HOUSE  
FINISHED FLOOR,  
2,242 SQ. FT.

PROPOSED HOUSE  
FFE-1ST FLOOR = !  
MFE = 982.63  
FFE-BSMT = 967.01

DETENTION POND MA  
BY WILLOW PARK SUB  
HOME OWNERS ASSOC



CAVANAUGH AVENUE (53' R)

W ——— W ——— W ——— W ——— W ——— W ———  
 S ——— S ——— S ——— S ——— S ——— S ———  
 EX 8'

$L=4164, R=7040.40$   
 $C=N00^{\circ}29'26''W$   
 $41.64'$   
 $119.69'$   
 $140.40'$   
 $3.3'$

6,194 SQ FT - 0.14 AC  
LIMITS OF DISTURBANCE

OLD AP  
#3068922

**CONDITIONS RECOMMENDED BY THE APPLICANT****CZ-19-1235306****Major Modification of Zoning Conditions of CZ-04068**

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