

Chief Executive Officer  
Michael Thurmond

## DEPARTMENT OF PLANNING & SUSTAINABILITY

Interim Director  
Cedric Hudson

### ZONING BOARD OF APPEALS APPLICATION FOR PUBLIC HEARING (VARIANCES, SPECIAL EXCEPTIONS, APPEALS OF ADMINISTRATIVE DECISIONS)

Applicant and/or  
Authorized Representative: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City/State/Zip Code: \_\_\_\_\_

Email: \_\_\_\_\_

Telephone Home: \_\_\_\_\_ Business: \_\_\_\_\_

#### OWNER OF RECORD OF SUBJECT PROPERTY

Owner: \_\_\_\_\_

Address (Mailing): \_\_\_\_\_

Email: \_\_\_\_\_ Telephone Home: \_\_\_\_\_ Business: \_\_\_\_\_

#### ADDRESS/LOCATION OF SUBJECT PROPERTY

Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

District(s): \_\_\_\_\_ Land Lot(s): \_\_\_\_\_ Block: \_\_\_\_\_ Parcel: \_\_\_\_\_

Zoning Classification: \_\_\_\_\_ Commission District & Super District: \_\_\_\_\_

#### CHECK TYPE OF HEARING REQUESTED:

\_\_\_\_\_ VARIANCE (From Development Standards causing undue hardship upon owners of property.)

\_\_\_\_\_ SPECIAL EXCEPTIONS (To reduce or waive off-street parking or loading space requirements.)

\_\_\_\_\_ OFFICIAL APPEAL OF ADMINISTRATIVE DECISIONS.

**\*PLEASE REVIEW THE FILING GUIDELINES ON PAGE 4. FAILURE TO FOLLOW GUIDELINES MAY RESULT IN SCHEDULING DELAYS.\***

Email [plansustain@dekalbcountyga.gov](mailto:plansustain@dekalbcountyga.gov) with any questions.

DEPARTMENT OF PLANNING & SUSTAINABILITY

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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.

DATE: \_\_\_\_\_ Applicant 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: 11-17-2024 Applicant/Agent April Ingraham

Signature:

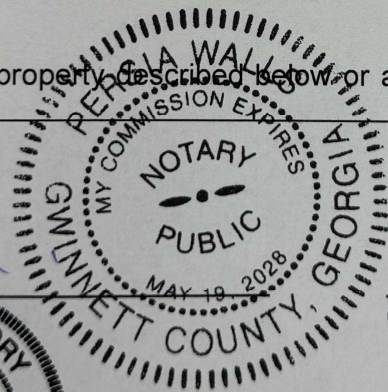
APRIL INGRAHAM AKA THE PERMIT SPECIALIST; LLC CONSULTANT@THEPERMITSPECIALIST.COM

TO WHOM IT MAY CONCERN:

(I)/ (WE): Casey and Daniel Moriarty  
(Name of Owners)

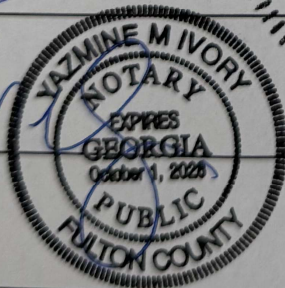
being (owner/owners) of the property described below or attached hereby delegate authority to the above signed agent/applicant.

[Signature]  
Notary Public



[Signature]  
Owner Signature

[Signature]  
Notary Public



[Signature]  
Owner Signature

Notary Public

Owner Signature

Variance Letter of Intent  
1000 CLIFTON RD

November 19, 2024

DEKALB COUNTY  
DEPARTMENT OF PLANNING  
& SUSTAINABILITY

Development Services Center  
178 Sams Street  
Decatur, GA 30030

Variance Letter of Intent

**1000 CLIFTON RD**

ZONING: R-75

PARCEL ID#:18 003 01 025

To Whom It May Concern:

**INTRO:**

On behalf of the owners' THE MORIARTY FAMILY LIVING TRUST, (c/o Dan & Casey Moriarty), this letter is to request a variance **to allow the construction new 2 story Detached Accessory Dwelling Unit and 2-Car Garage located in the side yard of a residential lot** per Variance code section 27-4.2.2 (C) (1) which states *all accessory buildings or structures shall be located in the rear yard of the lot...* The detached garage/accessory dwelling unit will be to the left of the main Home and will measure approximately 1300 square feet. It will have vertical wood siding and a slate roof to match the main home. It will sit about 8' off the south side property line and 42' 1" off of the west rear property line.

**PHYSICAL CONDITION**

**a. 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 lot Slopes severely towards the rear; having an approximate 8' to 10' drop in the rear of the lot.
- There is also extremely limited buildable area in the front of the lot due to state and county-imposed stream buffers that push the viable buildable area towards the rear of the lot.
- Given these conditions, placing a garage or detached accessory structure in the rear of the lot is improbable and impractical. This would further require an additional variance for rear yard setback reduction and cause an accessibility burden considering the overall design of the home.

Variance Letter of Intent  
1000 CLIFTON RD

- The side yard is the most practical area to place the accessory structure based on the ability to create a level area, stay within the buildable area and out of the both the rear and side yard setbacks, and on the historic nature of development where most homes in the community have front facing detached accessory units.
- The proposed lot coverage is maintained at 24% lot coverage out of 35% max.

**MINIMUM VARIANCE NECESSARY**

**b. 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 variance requested is within the minimum needed for relief, given the unique environmental factors with the imposed stream buffers and the required R-75 setbacks. The proposed structure will fit within the designated buildable area, which means it doesn't exceed the variance requirements for its location. Additionally, this proposed location is ideal due to the location of the proposed driveway, it allows for vehicular turnaround, and it maximizes natural sunlight. These factors do not constitute special privileges or advantages that would be inconsistent with the limitations placed on other properties.

**PUBLIC WELFARE**

**c. The grant of the variance will not be materially detrimental to public welfare or injurious to the property or improvements in the zoning district in which the subject property is located.**

- If granted, this variance shall not be materially detrimental to the public welfare or injurious to the zoning district as it aligns with the approval granted by Druid Hills Historic Preservation District; February 2024.
- We have obtained neighboring property owner's support; there is minimal impact on the adjacent golf course; and the location of the accessory structure is approximately 500' back from the street from the front yard and virtually not visible from the street.

**ORDINANCE HARDSHIP**

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

- A strict application of the zoning ordinance would cause an undue hardship on the owners, in part, because adhering to the code requirement "*...all accessory buildings or structures shall be located in the rear yard of the lot...*", would inhibit construction and render it impossible to enhance the property with a detached accessory structure.

**SPIRIT OF THE LAW**

**e. The requested variance would be consistent with the spirit and purpose of this chapter and the DeKalb County Comprehensive Plan text.**

- This request is consistent with Chapter 27 & **DeKalb County Comprehensive Plan text** in the spirit of promoting passive use in greenspace area adjacent to recreation destinations.
- **Druid Hills Historic District - CoA has been approved for the proposed work.**

## Variance Letter of Intent

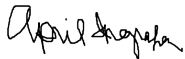
1000 CLIFTON RD

- While this lot is intended to represent the Traditional Neighborhoods Character & to preserve the style and appeal of older traditional neighborhood communities, **Druid Hills Historic District finds that** the proposed change(s) will not have a substantial adverse effect on the aesthetic, historic, or architectural significance and value of the historic district.

### CONCLUSION:

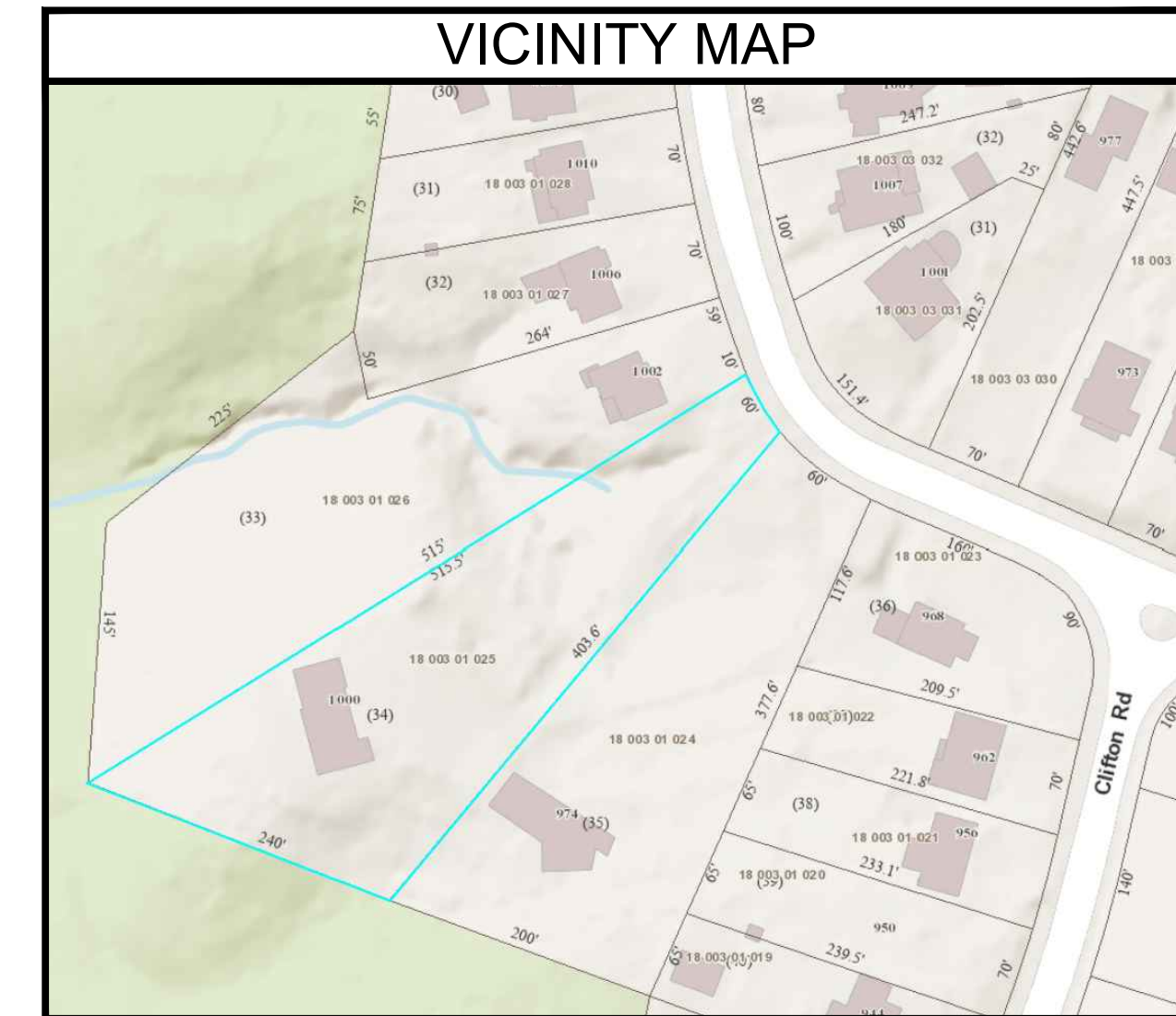
- Thank you for taking the time to consider the merits of our request. We hope you recognize the justification for the hardship presented. Our goal is always to comply with the code, and when that's not feasible, we aim to work collaboratively with members to find compromises that respect the spirit of the law without unfairly imposing hardship on others. In conclusion, we respectfully request your approval of the variance based on the materials provided.

Respectfully,



April Ingraham,  
Consultant/Applicant/Agent for Dan and Casey Moriarty, THE MORIARY FAMILY TRUST, owners  
404-421-1520  
[consultant@thepermitspecialist.com](mailto:consultant@thepermitspecialist.com)





**24 - HOUR CONTACT**

OWNER: CASEY and DAN MORIARTY  
1000 Clifton Road NE, Atlanta, GA 30307  
770.546.9493

CONTRACTOR: CRAIG BASS, AVALON CUSTOM HOMES  
1891 McLynn Avenue NE, Atlanta, GA 30306  
404.401.1433

**SITE INFORMATION**

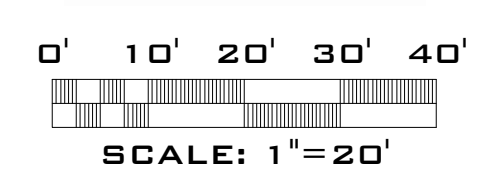
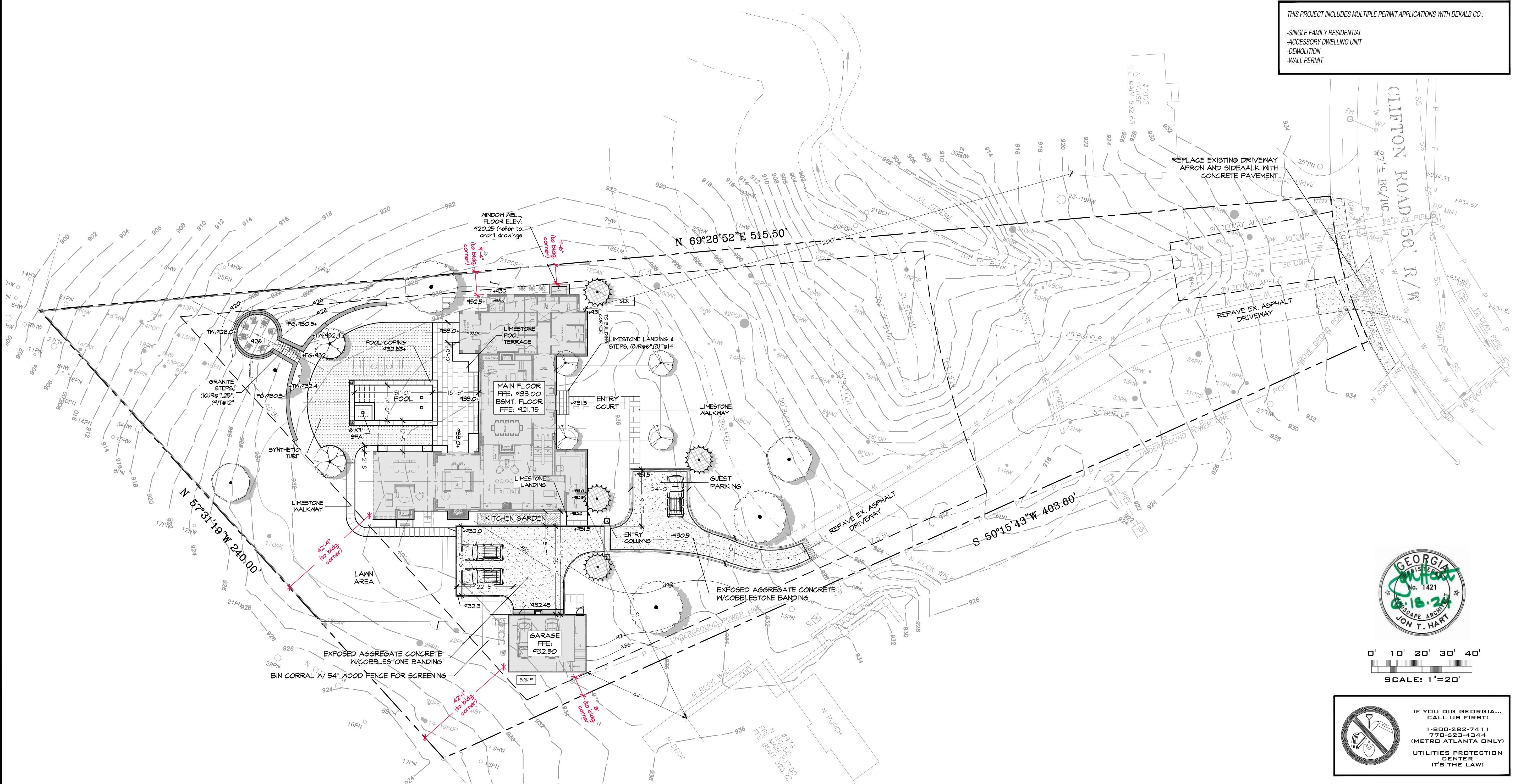
ZONING: R-75  
TOTAL SITE AREA: 61165 SF (1.4 ACRES)  
EXISTING IMPERVIOUS: 7383 SF (12%)  
PROPOSED IMPERVIOUS: 14876 SF (24%)  
TOTAL DISTURBED AREA: 27391 SF (0.6 ACRES)

SCOPE OF WORK: CONSTRUCTION OF NEW POOL AND POOL SPA, INCLUDING CODE COMPLIANT GATES AND FENCE BARRIER ENCLOSURE.

PROJECT TO COMPLY WITH ALL CURRENT AND APPLICABLE CODES.  
-2018 INTERNATIONAL RESIDENTIAL CODE WITH GEORGIA AMENDMENTS 2020.  
-2018 INTERNATIONAL SWIMMING POOL & SPA CODE WITH GA AMENDMENTS 2020.  
-2018 INTERNATIONAL BUILDING CODE WITH GEORGIA AMENDMENTS 2020

THIS PROJECT INCLUDES MULTIPLE PERMIT APPLICATIONS WITH DEKALB CO.:

- SINGLE FAMILY RESIDENTIAL
- ACCESSORY DWELLING UNIT
- DEMOLITION
- WALL PERMIT



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ATLANTA, GA 30324  
TEL: 404 261 6002

**HIGHLANDS OFFICE:**  
930 HALE RIDGE ROAD  
SEALY MOUNTAIN, NC 28775  
TEL: 828 526 2140

**CLIENT:**  
**MORIARTY RESIDENCE**

**ADDRESS:**  
1000 CLIFTON ROAD  
ATLANTA, GEORGIA

**TITLE:**  
**VARIANCE EXHIBIT (SITE/GRADING PLAN)**

**DATE:** 11.07.24  
**DRAFTED BY:** JTH

**SCALE:** 1"=20'  
**NORTH:** [North Arrow]

**NOTES:**

NOT RELEASED FOR CONSTRUCTION  
 RELEASED FOR CONSTRUCTION

**REVISIONS:**

NO.	DESCRIPTION

**SHEET NUMBER:**  
**C5.1**

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CONTRACTOR TO BE RESPONSIBLE FOR VERIFYING ALL FIELD MEASUREMENTS AND DIMENSIONS. ALL DISCREPANCIES SHALL BE REPORTED TO PLANTERS IMMEDIATELY.



