



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



Lorraine Cochran-Johnson

**Wednesday, May 13, 2026**

Juliana  
Njoku

**Planning Department Staff Analysis**

Chief Executive Officer

Director

**N6. Case No: A-26-1248053**

**Parcel ID(s): 18 147 02 130**

**Commission District 02 Super District 06**

**Applicant:** **Bill Aguilar**  
70 Mansell Court, Suite 200  
Roswell, GA 30076

**Owner:** **Christopher Aaron Swope**  
2780 Delcourt Drive  
Decatur, GA 30033

**Project Name:** **2780 Delcourt Drive – New Single-Family Residence**

**Location:** 2780 Delcourt Drive, Decatur, GA 30033

**Requests:** Variance from Section 27-2.2.1 of the DeKalb County Zoning Ordinance to reduce the required front yard setback to facilitate construction of a single-family residence in the R-75 (Residential Medium Lot) zoning district.

**Staff Recommendation:** Approval with conditions

**Conditions:**

1. The following information about this variance shall be noted on any site plan prepared for the subject property: case number, approval date, type of variance, and condition(s) of approval.
2. Any permit drawings submitted for review shall be substantially consistent with the site layout and improvements presented with this application, including the proposed single-family residence and the reduced front yard setback reflected on the submitted site plan.
3. Approval of this variance does not waive compliance with any other applicable county requirements, including any necessary floodplain, buffer, stormwater, tree, or Land Development Division approvals.
4. The residence shall be sited and constructed to avoid encroachment into any required stream buffer, floodplain, or environmental protection area, except as may be separately authorized by applicable county or state regulations

## **STAFF FINDINGS:**

The subject property is an existing residential lot located at 2780 Delcourt Drive in the R-75 zoning district. The applicant proposes to demolish the existing house and construct a new single-family residence. The submitted application materials request relief from the required front yard setback from 30 feet to 15 feet. The site plan identifies the parcel as approximately 0.86 acres, or 37,309 square feet. It shows the proposed residence containing approximately 3,120 square feet, with side setbacks of approximately 27 feet and 89 feet, and a rear setback of approximately 119 feet

**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 subject property presents unusual physical site conditions in the form of a creek corridor, associated floodplain, top-of-bank area, and required stream buffer crossing a significant portion of the lot. The submitted plat and site plan depict these environmental constraints and show that they substantially limit the practical buildable area of the parcel. The application materials also indicate that the existing driveway is already established in relation to these site conditions, leaving a constrained and irregularly shaped building area in which a replacement house can feasibly be sited.

**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 variance functions primarily to shift the house footprint away from the more constrained portion of the lot affected by the creek and floodplain conditions. The requested zoning relief is narrow in scope and limited to the front yard setback tied to the physical buildable area remaining on the site rather than to a broader effort to intensify the property. The setback reduction functions to shift the proposed residence outside of the floodplain and associated buffer areas rather than to increase development intensity.

**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 proposed development remains a single-family residential use consistent with the surrounding zoning classification. The request does not introduce a new use and remains consistent with surrounding single-family residential development. The site plan indicates that the house will remain well separated from side and rear property lines despite the requested front reduction. The photographs submitted with the case file also reflect a heavily wooded site and a streetscape where the subject property is visually buffered. The site's environmental features, including the stream corridor and associated buffers, provide natural separation between the subject property and adjacent properties. In addition, the applicant asserts that the proposed siting avoids additional encroachment into the floodplain area, which supports the conclusion that the relief may be granted without material harm to the public welfare, subject to compliance with all other applicable development requirements.

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

Strict application of the required 30-foot front yard setback would create practical difficulty because the rear and interior portions of the lot are constrained by environmental features that reduce the feasible building envelope. Shifting the house toward the front is necessary to place the new residence outside the sensitive area associated with the creek and floodplain. Denial of the variance would materially limit the ability to site a replacement residence outside the environmentally constrained areas.

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

The requested relief is consistent with the spirit and purpose of the zoning ordinance because it allows continued single-family residential use of an existing lot while respecting the site's environmental constraints. The future land use is Suburban, and the proposal maintains that general residential character rather than introducing a more intensive use. In this case, the variance supports reasonable infill development of the property while respecting environmental constraints, which is generally consistent with both the intent of setback regulations and the broader goals of the Comprehensive Plan.

**FINAL STAFF ANALYSIS:**

The subject property is affected by unusual physical site constraints, including a creek, floodplain, and related buffer areas that substantially narrow the feasible building area. The applicant seeks setback relief to facilitate construction of a new single-family residence, and the submitted plans indicate that the requested variance is limited to the front yard setback, from 30 feet to 15 feet, while the side and rear setbacks remain substantially greater than the minimum required. The subject property is affected by significant environmental constraints, including a creek, floodplain, and required buffer areas, which substantially reduce the buildable area of the lot. The requested variance allows the proposed residence to be shifted toward the front of the property to avoid encroachment into these constrained areas. Staff finds that the application presents sufficient grounds for approval of the requested variance relief, subject to conditions ensuring consistency with the submitted plans and all other applicable approvals. The requested relief is limited to a single setback variance and does not establish a precedent for similar reductions on unconstrained residential lots.

**Staff Recommendation:** Approval with conditions

**Conditions:**

1. The following information about this variance shall be noted on any site plan prepared for the subject property: case number, approval date, type of variance, and condition(s) of approval.
2. Any permit drawings submitted for review shall be substantially consistent with the site layout and improvements presented with this application, including the proposed single-family residence and the reduced front yard setback reflected on the submitted site plan.
3. Approval of this variance does not waive compliance with any other applicable county requirements, including any necessary floodplain, buffer, stormwater, tree, or Land Development Division approvals.
4. The residence shall be sited and constructed to avoid encroachment into any required stream buffer, floodplain, or environmental protection area, except as may be separately authorized by applicable county or state regulations.

## DEPARTMENT OF PLANNING & SUSTAINABILITY

**Chief of Executive Officer**  
Lorraine Cochran-Johnson

**Director**  
Juliana A. Njoku

### 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**

---

**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: \_\_\_\_\_

Owner

Signature:  \_\_\_\_\_  
CHRISTOPHER AARON SWOPE OWNER

DATE: \_\_\_\_\_

Applicant

Signature:  \_\_\_\_\_  
BILL AGUILAR, P.E.

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: \_\_\_\_\_ Applicant/Agent Signature:  \_\_\_\_\_  
BILL AGUILAR, P.E.

TO WHOM IT MAY CONCERN:

(I)/ (WE): \_\_\_\_\_  
(Name of Owners)

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

Notary Public	 	 Owner Signature CHRISTOPHER AARON SWOPE
Notary Public	_____	Owner Signature _____
Notary Public	_____	Owner Signature _____



March 16, 2026

DeKalb County Board of Zoning Appeals  
1300 Commerce Drive  
Decatur, GA 30030

RE: Variance Application for 2780 Delcourt Drive, Decatur, GA

To the Members of the Board of Zoning Appeals,

Please accept this letter of intent as I am the civil engineer and authorized representative for the property owner of 2780 Delcourt Drive. We are respectfully requesting a variance from Section 27-2.2.1 to reduce the required front yard setback from 30 feet to 15 feet. This adjustment is necessary to allow for the demolition of the existing structure and the construction of a new single-family residence.

The request is supported by the following hardship criteria:

**Site Conditions:** The lot is significantly constrained by an existing creek and associated floodplain. The existing driveway is grandfathered into this area, leaving a very limited buildable footprint. Shifting the house toward the front is the only way to build outside the sensitive environmental zone.

**Functionality and Compatibility:** The proposed 3,120 sq. ft. home is designed to meet modern housing trends and functional needs. This size is consistent with neighborhood compatibility and current planning standards for new construction in the area.

**Public Welfare:** The variance will not negatively impact the community. The street features diverse lot sizes, and the property sits across from a public school, meaning the reduced setback won't infringe on residential privacy. Furthermore, the placement of the new house ensures the floodplain remains protected, preventing any additional flooding risks.

**Ordinance Hardship:** Strict adherence to current ordinances prevents any meaningful improvement to the property. Given the topography and floodplain, any feasible redevelopment of this site would require a variance.

**Intent of Setbacks:** While setbacks typically ensure buffers between structures, the immediate neighbors are situated at a significant distance. The 15-foot setback will not create crowding. Additionally, this project supports suburban land use goals by encouraging infill development to help alleviate the local housing crisis.

Thank you for your time and consideration of this application. We look forward to discussing this project with you further.

Sincerely,

A handwritten signature in black ink, appearing to read 'Bill Aguilar'.

Bill Aguilar, PE  
Director of Civil Engineering



70 Mansell Ct. | Suite 200 | Roswell, GA 30076  
(C) 470-328-3870  
billaguilar@axiscompanies.com

**SURVEYOR'S CERTIFICATE**

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 STATES HEREON. RECORDATION OF THIS PLAT DOES NOT APPLY 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 REGULATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN O.C.G.A. SECTION 15-6-67

*Gerald H. Bernhard*

GERALD H. BERNHARD GEORGIA RLS NO. 2688

**FLOOD HAZARD STATEMENT**

I HAVE THIS DATE, EXAMINED THE "FIA FLOOD HAZARD MAP" AND FOUND IN MY OPINION A PORTION OF THE REFERENCED PARCEL IS IN AN AREA HAVING SPECIAL FLOOD HAZARDS.

PANEL 13089C0059K EFFECTIVE DATE: 08/15/2019  
 ZONE 'X', X-SHADED, AE & AE-HIGHRISK

- LEGEND •  
 NOTE: ALL ITEMS IN THIS LEGEND MAY NOT APPEAR ON THIS PLAT.  
 AKA ALSO KNOWN AS N/F NOW OR FORMERLY  
 APD AS PER DEED NAIL NAIL FOUND  
 APP AS PER PLAT P PLAT (BOOK/PAGE)  
 BSL BUILDING (SETBACK) LINE POC POINT OF BEGINNING  
 CP COMPUTED POINT POB POINT OF COMMENCEMENT  
 CTP CRIMP TOP PIPE FOUND R RADIUS LENGTH  
 OTP OPEN TOP PIPE FOUND R/W RIGHT-OF-WAY  
 D DEED (BOOK/PAGE) RBF REINFORCING BAR FOUND  
 DW DRIVEWAY (1/2" UNO)  
 EP EDGE OF PAVEMENT RBS 1/2" REINFORCING BAR SET  
 FFE FINISH FLOOR ELEVATION SW SIDEWALK  
 FKA FORMERLY KNOWN AS SSE SANITARY SEWER EASEMENT  
 IPF IRON PIN FOUND SSCO SANITARY SEWER CLEANOUT  
 L ARC LENGTH SSMH SANITARY SEWER MANHOLE  
 LL LAND LOT -X- FENCE LINE  
 LLL LAND LOT LINE CB CATCH BASIN  
 N NEIGHBOR'S SWCB STORM WATER CATCH BASIN  
 WALL

CURVE RADIUS LENGTH CHORD CH.BEARING  
 C1 367.51' 169.40' 167.90' S 68°09'39"W

ALL MATTERS OF TITLE ARE EXCEPTED. THIS PLAT IS SUBJECT TO ALL LEGAL EASEMENTS AND RIGHTS-OF-WAY PUBLIC OR PRIVATE. NOTE: PROPERTY LINES SHOWN ON THIS MAP/PLAT REPRESENT PHYSICAL FIELD CONDITIONS BY EVIDENCE OF APPARENT POSSESSION (IRON PINS FOUND, OLD & ESTABLISHED FENCE LINES, OLD WALL LINES, SHRUB & HEDGE LINE, HOUSE LOCATIONS, ETC.) THEY MAY DIFFER AND BE IN CONTENTION FROM EVIDENCE FOUND AT THE APPLICABLE COUNTY COURTHOUSE. THEY MAY ALSO DIFFER FROM OTHER SURVEYOR OPINIONS AND/OR NEIGHBORS SURVEYS/PLATS. A FULL LAND TITLE REPORT OPINION ON ALL PROPERTIES, INCLUDING ADJACENT AND CONTIGUOUS PROPERTIES MAY BE NEEDED TO RESOLVE ALL POSSIBLE PROPERTY LINE DISPUTES OR DISCREPANCIES.

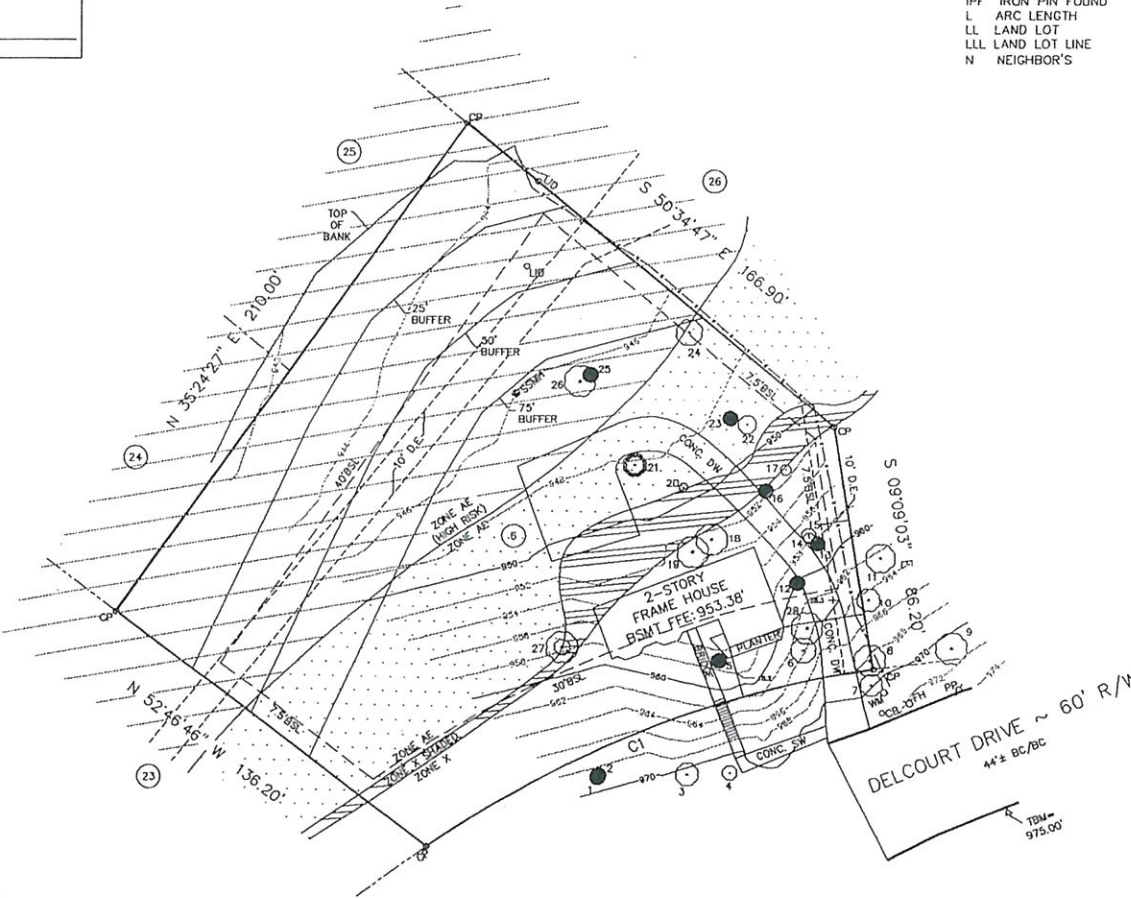
THIS MAP/PLAT WAS MADE WITHOUT THE BENEFIT OF A CURRENT TITLE COMMITMENT. EASEMENTS AND ENCUMBRANCES MAY EXIST WHICH BENEFIT AND BURDEN THIS PROPERTY. THIS MAP/PLAT IS SUBJECT TO REVISIONS AND UPDATE UPON RECEIPT OF SAID TITLE COMMITMENT.

BUILDING LINES SHOWN HEREON DERIVED FROM VARIOUS ONLINE SOURCES. THEY MAY BE IN CONTENTION WITH OR DIFFER FROM INTERPRETATIONS OF GOVERNING AUTHORITIES. IT IS THE CLIENT'S OBLIGATION TO CONFIRM WITH PERMITTING AGENCIES BASED ON THEIR SPECIFIC CONSTRUCTION PROJECTS.

~ THIS MAP/PLAT HAS BEEN FIELD RUN WITH ASSUMED ELEVATIONS, THEN ADJUSTED TO NAVD 88 BASED ON MULTIPLE OBSERVATIONS FROM GOOGLE EARTH SATELLITE IMAGERY OR OTHER ONLINE SOURCES. THE ELEVATIONS SHOWN HEREON ARE +/- 1' (± ONE FOOT).

TREE SYMBOLS ARE NOT TO SCALE. TREE SYMBOLS REPRESENT POSITION OF TREE & ARE NOT THE CRITICAL ROOT ZONE (NOT DRIFLINE).

NOTE: ANY & ALL UNDERGROUND UTILITIES, I.E. SEWER, STORM, GAS, WATER, ETC., HAVE NOT BEEN FIELD LOCATED BY CONVENTIONAL SURVEY METHODS.



TREE TABLE		
TR.NO.	DIAMETER	TYPE
1	25	PINE
2	22	PINE
3	18	OAK
4	10	OAK
5	21	PINE
6	15	OAK
7	17	OAK
8	25	OAK
9	28	OAK
10	18	OAK
11	22	OAK
12	22	PINE
13	33	PINE
14	9	OAK
15	11	OAK
16	21	PINE
17	8	OAK
18	42	OAK
19	32	OAK
20	6	OAK
21	18x15x13	OAK
22	14	OAK
23	16	PINE
24	20	OAK
25	50	PINE
26	32	OAK
27	28x12	OAK
28	29	OAK

PROPERTY ADDRESS: 2780 DELCOURT DR, DECATUR, GA 30033

LAND AREA: 27,208 SQ. 0.608 AC.

APPROXIMATE AREA: 4,186 SQ. FT. ±

2024-08-15

PLAT PREPARED FOR: 2780 DELCOURT DRIVE

LOT 6 BLOCK 7 UNIT 7 COUNTY BOULDER ADJRS SUBDIVISION  
 LAND LOT 147 18th DISTRICT PARCEL 83 18 147 02 130 071

DECATUR COUNTY, GEORGIA FILED DATE: 03-01-2025 AM

CITY OF DECATUR

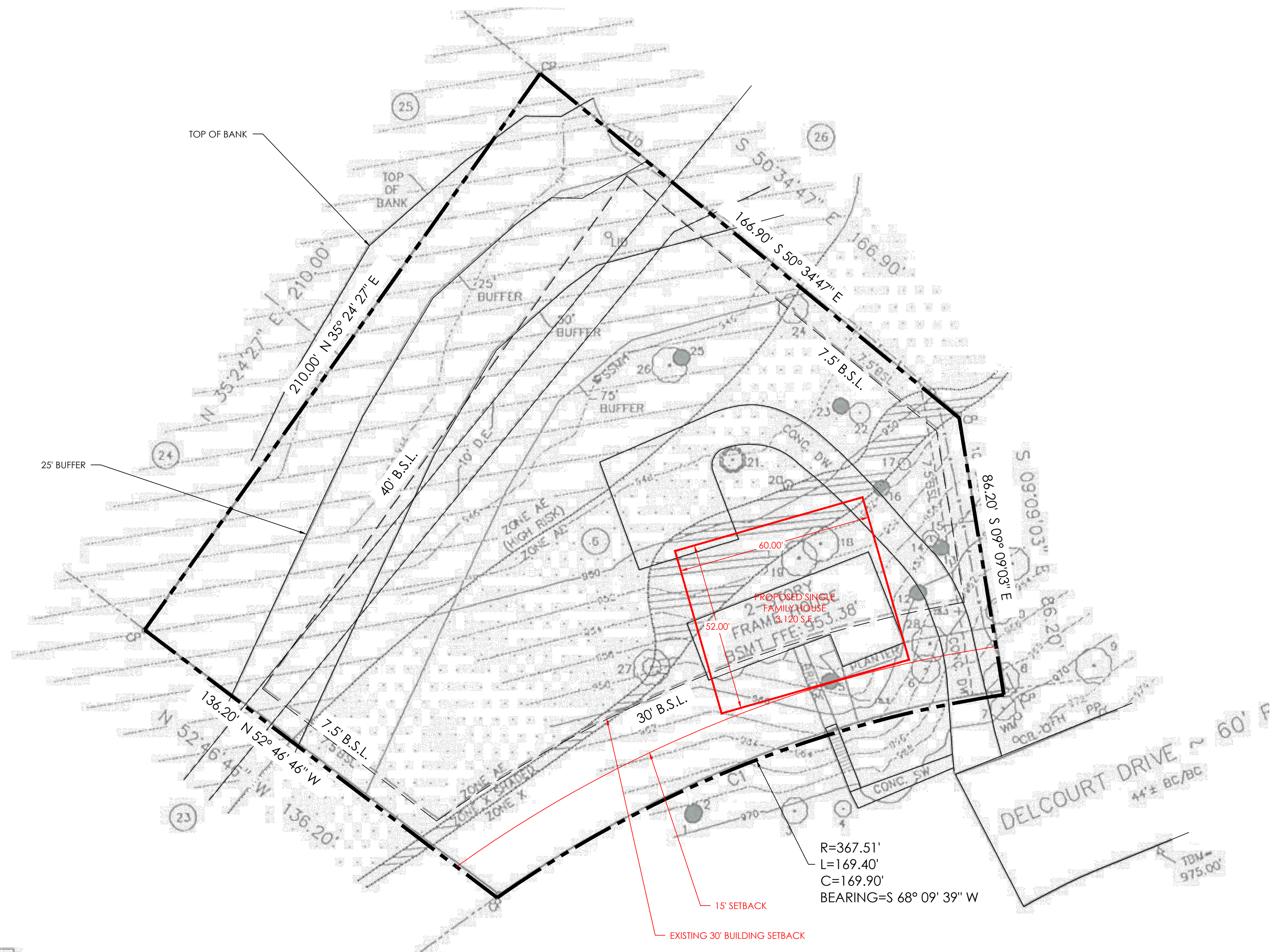
SURVEY BY: GERALD H. BERNHARD, RLS NO. 2688, 180 LAKE DR SW, DUBLIN, GA 30108 (GA. REG. NO. 13089-C-0059K) (ISSUED 08-15-2019)

REFERENCE: PLAT BOOK 82, PAGE 83 (DECATUR COUNTY, GEORGIA)  
 REFERENCE: DEED BOOK 1034, PAGE 4 (DECATUR COUNTY, GEORGIA)

THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE OF 1 FOOT IN 10,000 FEET. AN IRON PILE CORNER OF 1/4" SECTION PER ANGLE POINT WAS ADJUSTED USING THE LEAST SQUARES METHOD. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND FOUND TO BE ACCURATE TO 1 FOOT IN 10,000 FEET. AN ELECTRONIC TOTAL STATION WAS USED IN THE PREPARATION OF THIS PLAT. NO STATE PLATE MONUMENTS WERE FOUND OUT OF THIS PROPERTY.

THIS SURVEY WAS PREPARED IN CONFORMITY WITH THE TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN CHAPTER 150-7 OF THE RULES OF THE GEORGIA BOARD OF REGULATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN THE GEORGIA PLAT ACT O.C.G.A. 15-6-67.

IMPERVIOUS (IN SQUARE FEET)	
HOUSE	1397
PLANTER	98
CONC. DW	2574
BRIDGE	95
STEPS	5
TOTAL IMPERVIOUS	4169



SITE DATA TABLE		
SITE ADDRESS: 2780 DELCOURT DRIVE, DECATUR, GA 30033		
CURRENT SITE AREA: ±0.86 ACRES (37,309 S.F.)		
CURRENT ZONING: R-75 (DeKALB COUNTY)		
ZONING REQUIREMENTS	EXISTING	PROPOSED
BUILDING SETBACKS		
FRONT SETBACK	30'	15'
SIDE SETBACK (EAST)	7.5'	±27'
SIDE SETBACK (WEST)	7.5'	±89'
REAR SETBACK	40'	±119'
IMPERVIOUS LOT COVERAGE	3,975 S.F.	5,698 S.F.

2780 DELCOURT DRIVE - VARIANCE

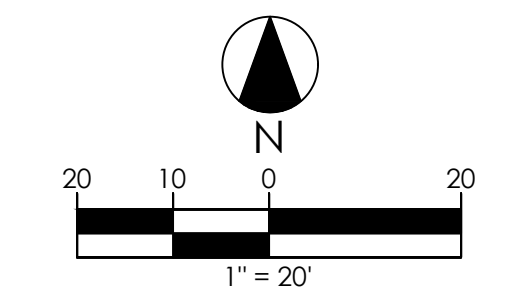
PROJECT ADDRESS:  
2780 DELCOURT DRIVE  
DECATUR, GA 30033  
DeKALB COUNTY, GEORGIA

PREPARED FOR:



PROJECT REVISIONS

NO.	DATE	DESCRIPTION



3-16-2026  
DATE

**AXIS**  
INFRASTRUCTURE  
70 MANSSELL CT., STE. 200  
ROSWELL, GEORGIA 30076  
PHONE: 678.395.4920

P.L.	BA	REV.	0
DRAWN	MA	REV. DATE	-
CHECKED	BA	ISSUE DATE	03.13.26

SHEET TITLE  
SITE PLAN

SHEET NO.  
C-1.0

