

ZONING BOARD OF APPEALS (ZBA) APPLICATION

to Amend the Official Zoning Map of DeKalb County, Georgia

Subject Property Address: 4873 COVINGTON HWY

City: DECATUR State: GA Zip: 30030035

Parcel ID Number(s): 15 163 05 025 Acreage:

District: 15TH Land Lot: 163 Block: Parcel:

Commission District(s): 3 Super District: 6

Type of Hearing Requested (check one):

- [x] 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.\*

I hereby authorize the staff of the Planning and Sustainable Department to inspect the property that is the subject of this application.

[ ] Owner [x] Agent

Gail Mooney
Signature

3/12/2026
Date

ZONING BOARD OF APPEALS (ZBA) APPLICATION FEE:
\$300.00

DeKalb County does not require payment by wire transfer.
Be aware of scammers and fraudulent emails.

Email plansustain@dekalbcountyga.gov with any questions

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: 3-4-2026

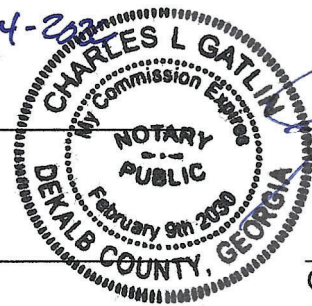
Applicant/Agent  
Signature: 

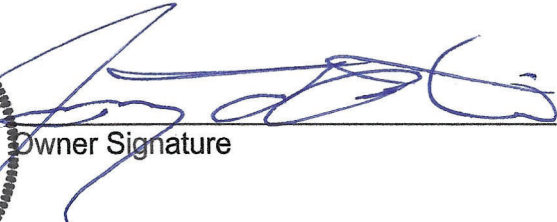
TO WHOM IT MAY CONCERN:

(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

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

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

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

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

DEPARTMENT OF PLANNING & SUSTAINABILITY

ZONING BOARD OF APPEALS APPLICATION

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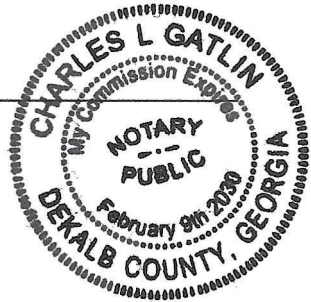
I hereby certify that I am the owner of the property subject to the application.

DATE: 3-4-23

Applicant  
Signature: 

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

Applicant  
Signature:  3-4-2026



## ZONING BOARD OF APPEALS

### LETTER OF INTENT

#### **Variance Application – AP# 1248005**

**Property Address:** 4873 Covington Hwy, Decatur, GA 30035

**Zoning:** C-1 (Local Commercial) Owner: Jim Austin

This request is submitted for the property at **4873 Covington Highway**, a vacant C-1 zoned commercial parcel with frontage along a major arterial roadway. Due to site-specific conditions, the applicant respectfully requests approval of **one of the following alternative variance options**:

1. Allow the proposed building to **face Covington Highway, or**
2. Allow a **rear setback reduction to 30 feet** if the building is oriented to face **Haynes Street**.

#### **Extraordinary Physical Conditions:**

The property is uniquely affected by its location along Covington Highway, combined with secondary access and adjacent properties along Haynes Street. These conditions were not created by the applicant and limit reasonable building orientation and site layout if strictly applied.

#### **Minimum Variance Necessary:**

The request represents the **least relief necessary** to allow reasonable development. No increase in use, intensity, or density is proposed. Either option provides a limited adjustment to address the site's constraints.

#### **No Detriment to Public Welfare:**

Approval will not negatively impact surrounding properties or the public welfare. The development will comply with all other zoning, buffering, parking, and site development requirements and will remain consistent with the existing commercial character of the area.

#### **Undue Hardship:**

Strict application of the ordinance would create an **undue and unnecessary hardship** by preventing reasonable use of the property due to its physical and locational constraints.

#### **Consistency with Ordinance and Comprehensive Plan:**

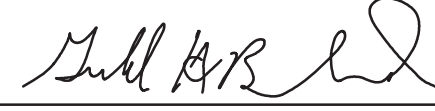
The requested variance is consistent with the **intent of the zoning ordinance** and the **DeKalb County Comprehensive Plan**, supporting appropriate commercial development along a major corridor.

#### **Conclusion:**

For these reasons, the applicant respectfully requests approval of **one of the two options** to allow reasonable and compliant development of the property. Thank you for your time and consideration.

**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      GEORGIA RLS NO. 2688

**FLOOD HAZARD STATEMENT**

I HAVE THIS DATE, EXAMINED THE "FIA FLOOD HAZARD MAP" AND FOUND IN MY OPINION REFERENCED PARCEL IS NOT IN AN AREA HAVING SPECIAL FLOOD HAZARDS.

PANEL 13089C0152J      EFFECTIVE DATE: 05/16/2013  
 ZONE 'X'

LINE	LENGTH	BEARING
L1	34.00'	S 08°53'35"E
L2	20.00'	N 42°48'10"E
L3	25.00'	S 50°04'10"E
L4	20.00'	S 42°38'50"W
L5	11.00'	S 50°11'36"E

**\* L E G E N D \***

NOTE: ALL ITEMS IN THIS LEGEND MAY NOT APPEAR ON THIS PLAT.  
 AKA ALSO KNOWN AS  
 APD AS PER DEED  
 APP AS PER PLAT  
 BSL BUILDING (SETBACK) LINE  
 CP COMPUTED POINT  
 CTP CRIMP TOP PIPE FOUND  
 OTP OPEN TOP PIPE FOUND  
 D DEED (BOOK/PAGE)  
 DW DRIVEWAY  
 EP EDGE OF PAVEMENT  
 FFE FINISH FLOOR ELEVATION  
 FKA FORMERLY KNOWN AS  
 IPF IRON PIN FOUND  
 L ARC LENGTH  
 LL LAND LOT  
 LLL LAND LOT LINE  
 N NEIGHBOR'S

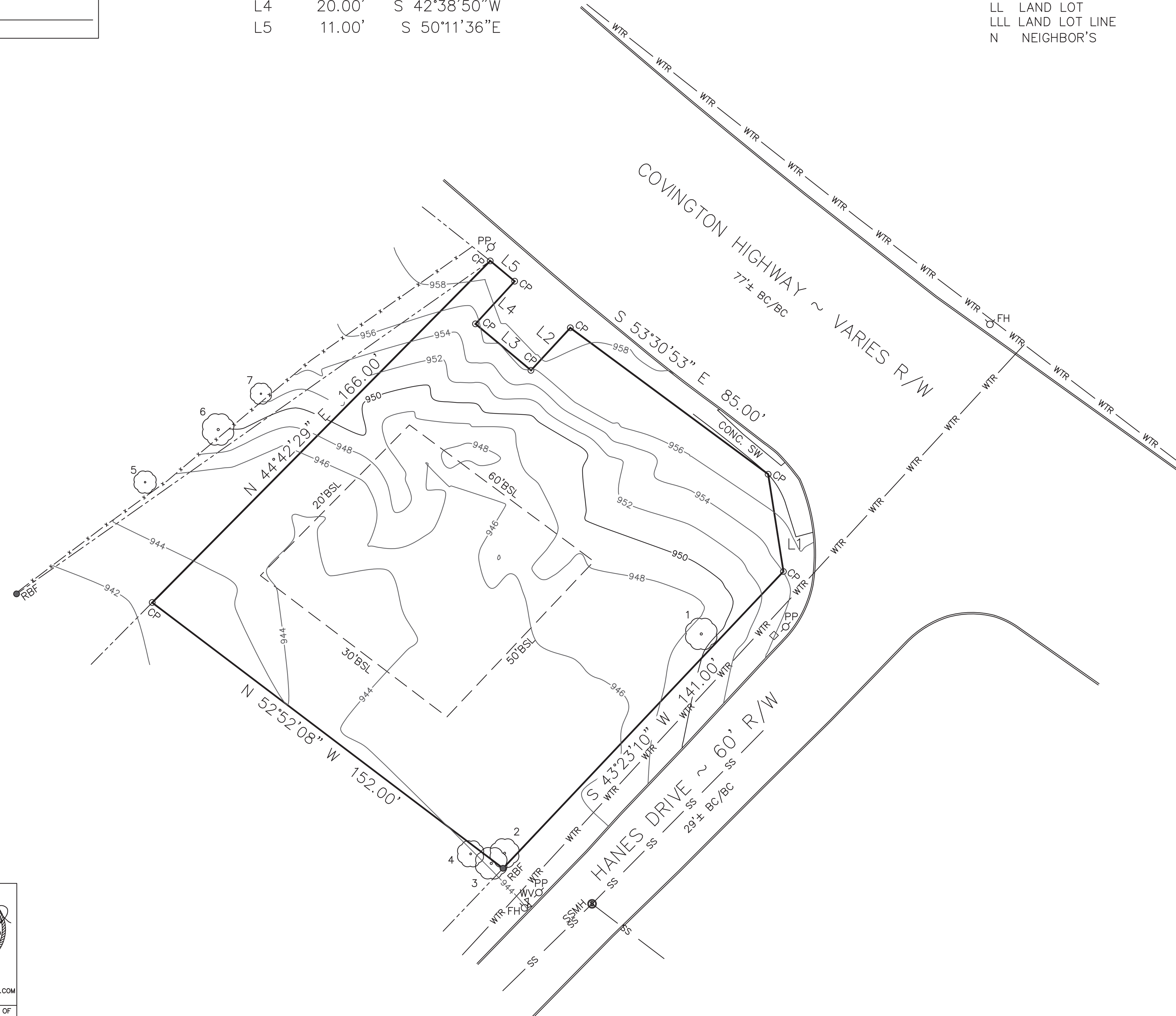
N/F NOW OR FORMERLY  
 NAIL NAIL FOUND  
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 R RADIUS LENGTH  
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 RBF REINFORCING BAR FOUND  
 (1/2" UNO)  
 RBS 1/2" REINFORCING BAR SET  
 SW SIDEWALK  
 SSE SANITARY SEWER EASEMENT  
 SSCO SANITARY SEWER CLEANOUT  
 -X- FENCE LINE  
 CB CATCH BASIN  
 SWCB STORM WATER CATCH BASIN  
 WALL



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



PROPERTY ADDRESS: 4873 COVINGTON HWY, DECATUR, GA 30035	PLAT PREPARED FOR: 4873 COVINGTON HIGHWAY	 
LAND AREA: 23,716 SF 0.54 AC	LOT XX    BLOCK XXX    SUBDIVISION LAND LOT 163    15th DISTRICT    PARCEL ID: 15 163 05 025    BY: DeKALB COUNTY, GEORGIA    FIELD DATE: 07-08-2024    JT	SURVEY SYSTEMS ATLANTA 660 LAKE DR, SW, SNELLVILLE, GA 30039 COA #LS000867, JOBORDERS@SURVEYSATLANTA.COM CELL 678-591-0064 ~ OFFICE 404-760-0010
ZONING: C-1	CITY OF    DRAWN DATE: 07-09-2024    AE REFERENCE: PLAT BOOK XXXX, PAGE XXX    ALL MATTERS OF TITLE ARE EXCEPTED, NOT TO BE RECORDED UNLESS USED TO CORRECT PROPERTY. REFERENCE: DEED BOOK 30743, PAGE 82	THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE OF 1 FOOT IN 10,000+ FEET, AN ANGULAR ERROR OF +/-1 SECOND PER ANGLE POINT AND WAS ADJUSTED USING THE LEAST SQUARES METHOD. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND FOUND TO BE ACCURATE TO 1 FOOT IN 30,000+ FEET. AN ELECTRONIC TOTAL STATION WAS USED IN THE PREPARATION OF THIS PLAT. NO STATE PLANE MONUMENT FOUND WITHIN 500' OF THIS PROPERTY.
0    20 SCALE 1" = 20'	THIS SURVEY WAS PREPARED IN CONFORMITY WITH THE TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN CHAPTER 180-7 OF THE RULES OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN THE GEORGIA PLAT ACT O.C.G.A. 15-6-67.	

TREE TABLE		
TR.NO.	DIAMETER	TYPE
1	30	OAK
2	22	OAK
3	24	OAK
4	20	OAK
5	17	OAK
6	24	OAK
7	16	OAK

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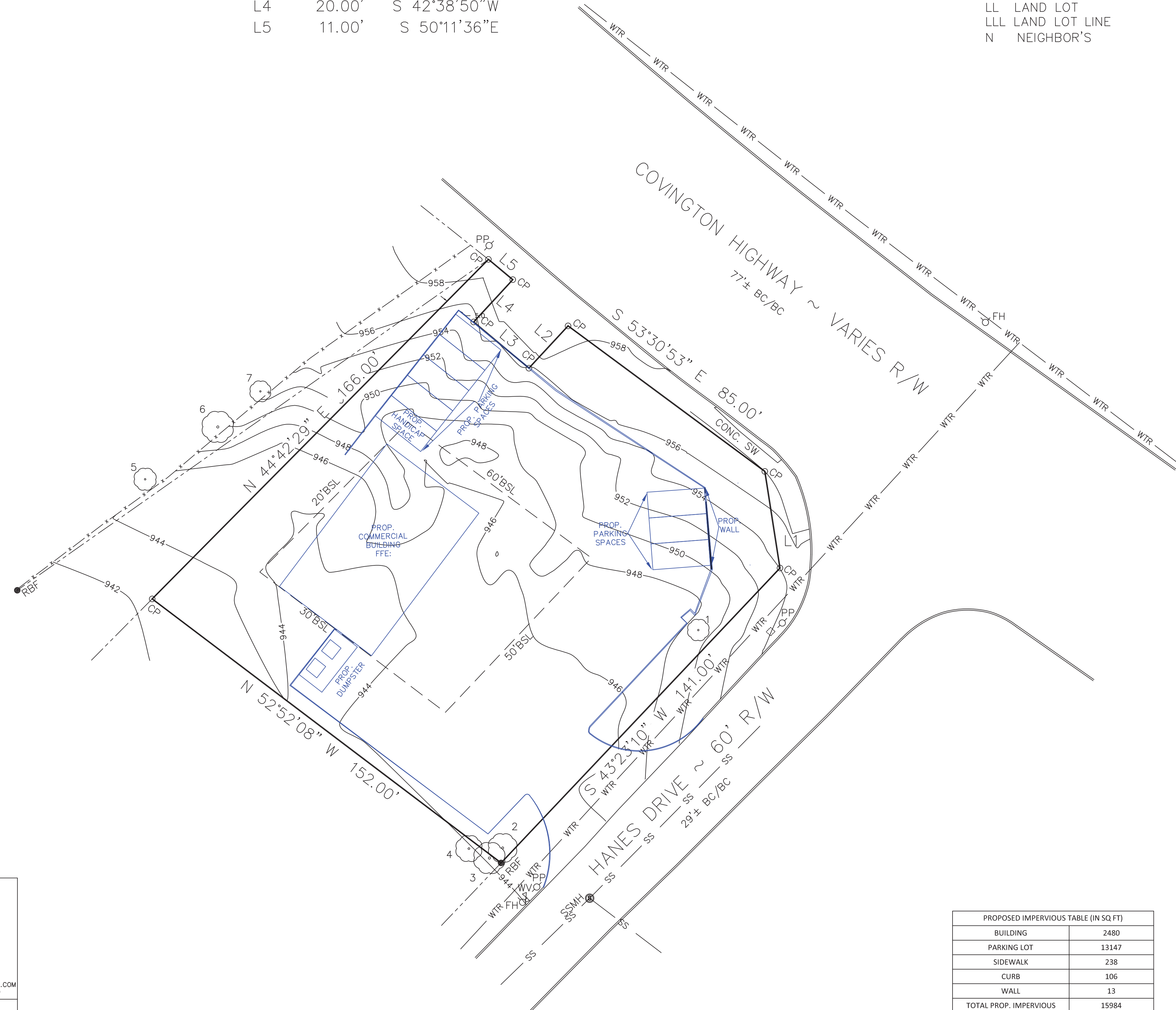
EFFECTIVE DATE: 05/16/2013

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PROPERTY ADDRESS:  
4873 COVINGTON HWY,  
DECATUR, GA 30035

LAND AREA:  
23,716 SF  
0.54 AC

ZONING: C-1

PRELIMINARY SITE PLAN PREPARED FOR:  
4873 COVINGTON HIGHWAY

LOT XX	BLOCK XXX	SUBDIVISION
LAND LOT 163	15th DISTRICT	PARCEL ID: 15 163 05 025
DeKALB COUNTY, GEORGIA	FIELD DATE: 07-08-2024	BY: JT
	DRAWN DATE: 07-09-2024	AE



SURVEY SYSTEMS ATLANTA  
860 LAKE DR. SW, SNELLVILLE, GA 30039  
COA #SF000867, JOBORDERS@SURVEYSATLANTA.COM  
CELL 678-591-6064 ~ OFFICE 404-760-0010

ALL MATTERS OF TITLE ARE  
EXCEPTED, NOT TO BE RECORDED  
NOR USED TO CONVEY PROPERTY.

0 20  
SCALE 1" = 20'

PROPOSED IMPERVIOUS TABLE (IN SQ. FT)	
BUILDING	2480
PARKING LOT	13147
SIDEWALK	238
CURB	106
WALL	13
TOTAL PROP. IMPERVIOUS	15984
IMPERVIOUS %	0.673975375

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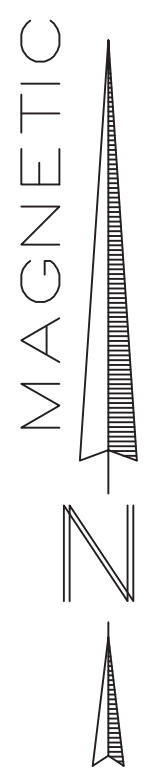
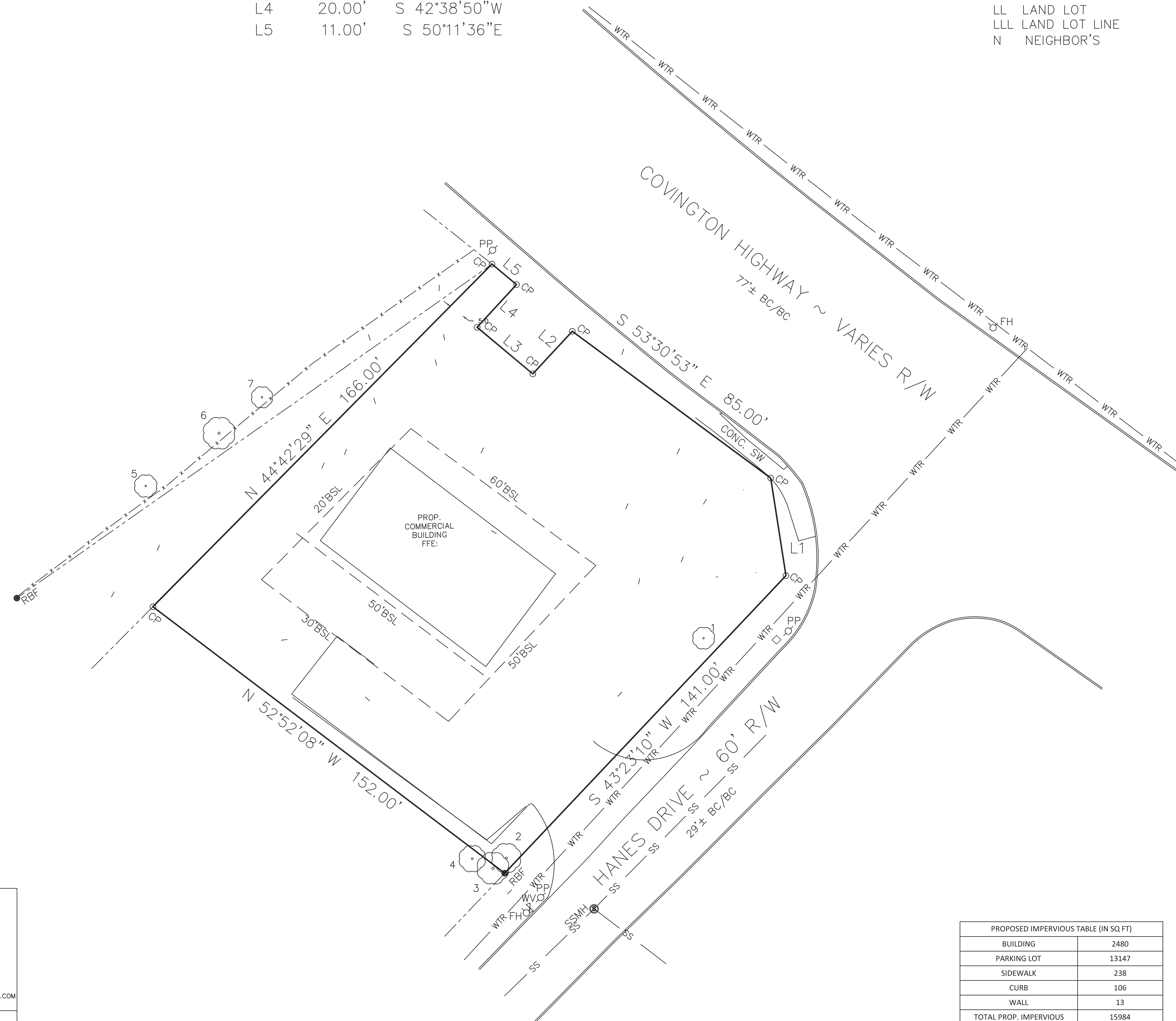
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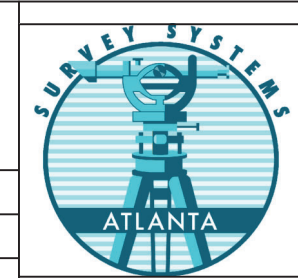
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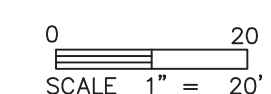
ZONING: C-1

PRELIMINARY SITE PLAN PREPARED FOR:  
4873 COVINGTON HIGHWAY

LOT XX	BLOCK XXX	SUBDIVISION
LAND LOT 163	15th DISTRICT	PARCEL ID: 15 163 05 025
DeKALB COUNTY, GEORGIA		FIELD DATE: 07-08-2024
DRAWN DATE: 07-09-2024		AE
REFERENCE: PLAT BOOK XXXXX, PAGE XXX		ALL MATTERS OF TITLE ARE
REFERENCE: DEED BOOK 30743, PAGE 82		EXCEPTED. NOT TO BE RECORDED
		NOR USED TO CONVEY PROPERTY.



SURVEY SYSTEMS ATLANTA  
660 LAKE DR. SW, SNELLVILLE, GA 30039  
COA #LSF00867, JOBS@SURVEYSYSTEMSATLANTA.COM  
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PARID: 15 163 05 025

Tax Dist: 04-UNINCORPORATED

BAJUNAID AISHAH

4873 COVINGTON HWY

**Parcel**

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Status	ACTIVE
Parcel ID	15 163 05 025
Alt ID	270822
Address	4873 COVINGTON HWY
Unit	
City	DECATUR
Zip Code	30035-
Neighborhood	9130
Super NBHD	
Class	C3 - COMMERCIAL LOT
Land Use Code	300-Vacant Commercial Land **
Living Units	
Zoning	C1 - LOCAL COMM DIST
Appraiser	EAS - E.A. STANFIELD (404) 371-2774

**Mailing Address**

---

BAJUNAID AISHAH  
 NABAVI ALAEDDIN  
 4873 COVINGTON HWY  
 DECATUR GA 30035

**Current Ownership**

---

Owner	Co-Owner
BAJUNAID AISHAH	NABAVI ALAEDDIN

**Ownership on January 1st**

---

Owner	Co-Owner
BAJUNAID AISHAH	NABAVI ALAEDDIN

**Notices of Assessment**

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Tax Year	Notice Type	Download
2024	Annual Notice\Real	<a href="#">Click Here</a>
2023	Annual Notice\Real	<a href="#">Click Here</a>
2022	Annual Notice\Real	<a href="#">Click Here</a>

**File an Appeal to Board of Equalization**

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**Click Here** To File an Appeal Online

4873 COVINGTON HWY X Q  
Show search results for 4873 C...



20 40ft

15 163  
-84.2165 33.7346 Degrees

POWERED BY  
esri









**Delores J .Poole**  
**3675 Hershel Place, College Park, GA. 30349**  
**404-617-1970**  
**pool7699@bellsouth.net**  
**May 7, 2026**

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

**RE: NOTICE OF OPPOSITION**  
**Variance Application: AP# 1248005**  
**Property Address: 4873 Covington Highway, Decatur, GA 30035**  
**Applicant: Jim Austin (Gail Mooney)**

Dear Members of the Zoning Board of Appeals,

I am writing as a concerned **neighbor, resident, property owner of 4250 Hanes Drive, Decatur GA. 30035**, to formally contest the variance application for 4873 Covington Highway. My property is situated directly adjacent the subject property being addressed by the applicant. After reviewing the Letter of Intent, I believe the applicant has failed to meet the strict legal standards required for a variance under the DeKalb County Zoning Ordinance.

I respectfully request that the Board deny this application based on the following points:

**1. Failure to Demonstrate Extraordinary Physical Hardship**

The applicant claims "site-specific conditions" limit development, yet the parcel is a standard, level corner lot. DeKalb County law requires that a variance be based on "exceptional narrowness, shallowness, or shape". The applicant has not identified any unique topographical or physical traits that do not apply to other properties in the C-1 district. A desire for better "building orientation" is a matter of commercial preference, not a legal hardship.

**2. The Hardship is Self-Created**

The constraints mentioned by the applicant are a direct result of their specific building design and desired site layout. Zoning relief should not be granted to accommodate a developer's preferred business model when a compliant building could be designed within the existing setbacks.

No Physical Hardship: The subject property is a standard corner lot with no unique topographical constraints. The request is based on architectural preference and commercial convenience, not an inherent hardship of the land.

### **3. Negative Impact on Public Welfare (Hanes Drive)**

**NO PROTECTION FOR NEIGHBORS:** The 30-foot reduction (Option 2) directly harms the residential transitional buffer for 4250 Hanes Drive. Reducing the setback will cause irreparable harm to the privacy, quiet enjoyment, and property value of my home at 4250 Hanes Drive.

The second option—a rear setback reduction to 30 feet—would place a commercial structure significantly closer to the immediate residence and residences along Hanes Drive. This reduction would impair the intent of the zoning ordinance to provide a sufficient buffer between commercial uses and established residential neighborhoods.

The applicant fails to meet the criteria for a variance under DeKalb County Code for the following reasons:

**Violation of Section 27-5.4.5 (Transitional Buffers):** The code requires a **50-foot undisturbed transitional buffer** between C-1 and residential districts. The applicant's "Option 2" for a 30-foot setback represents a significant encroachment into this legally mandated protection zone.

### **4. Not the Minimum Variance Necessary**

By offering two different options, the applicant proves they are "shopping" for a preference, not the absolute minimum needed to use the land.

The request for "either" option suggests that the applicant is seeking the most profitable or convenient layout rather than the "least relief necessary" to allow for reasonable use of the land.

### **5. Additional Photo Evidence**

These photos are to provide a view from the residents' side not evident in the applicant's photo submissions. Please find the attached photos documenting the specific impact of this request:

Views from the backyard of the invasive unkept overgrowth on the applicant's property presently encroaching the boundaries of 4250 Hanes Drive. An encroachment that should disqualify the plant species as an appropriate buffer.

View from the rear of 4250 Hanes Drive showing the direct proximity and lack of natural screening that would occur with a 30-foot setback.

Street-view of Hanes Drive illustrating the strictly residential character that would be disrupted by the proposed building orientation.

The property line context, demonstrating that a 50-foot buffer is both necessary and achievable if the applicant follows standard zoning requirements.

**Conclusion**

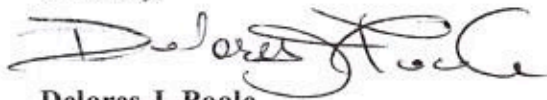
The applicant's request appears to serve as a **convenience** rather than a necessity. Granting this variance would create a special privilege not enjoyed by other properties in the vicinity and would undermine the integrity of the DeKalb County Comprehensive Plan.

For these reasons, I respectfully urge the Planning Staff and the Board to recommend denial of Variance Application AP# 1248005.

**Request for Confirmation**

Please confirm receipt of these materials and verify they will be part of the record for the upcoming hearing.

Sincerely,



**Delores J. Poole**

Ref: 4250 Hanes Drive, Decatur, GA 30035  
404-617-1970