



Lorraine Cochran-Johnson

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

Wednesday, July 8th, 2026

Planning Department Staff Analysis

Chief Executive Officer



Juliana
Njoku

Director

N4. Case No: A-26-1248148

Parcel ID(s): 18 046 03 018

Commission District 04 Super District 06

Applicant: **Shauna Edwards**
1300 Ridenour Blvd NW
Kennesaw, GA 30152

Owner: **Chase MGMT & Consulting LLC / Michael Brown**
55 Fulton Street SE
Atlanta, GA 30312

Project Name: **3177 Robinson Avenue Residence**

Location: 3177 Robinson Avenue, Scottdale, GA 30079

Requests: Request variances from Section 27-3.36 of the DeKalb County Zoning Ordinance to reduce required setbacks to facilitate construction of a detached single-family residence in the R-75 (Residential Medium Lot-75) zoning district and Scottdale Overlay District, Tier 2.

The application presents two alternatives:

- (1) Site Plan A, without sidewalk/right-of-way dedication, requesting a rear setback reduction from 30 feet to 15 feet; or
- (2) Site Plan B, with sidewalk/right-of-way dedication, requesting a front setback reduction from 30 feet to 20 feet and a rear setback reduction from 30 feet to 15 feet.

Staff Recommendation: Approval with conditions, with preference for Site Plan B

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 material deviation from the approved site layout, setbacks, sidewalk/frontage configuration, or building footprint shall require review and approval by the Zoning Board of Appeals.

STAFF FINDINGS:

The subject property is located at 3177 Robinson Avenue in the R-75 zoning district and Scottsdale Overlay District, Tier 2. The application proposes construction of a detached three-story single-family residence with an attached garage and related site improvements.

The applicant presents two alternative site plans. Site Plan A maintains the existing lot area of approximately 4,341 square feet and requests only a rear setback variance from 30 feet to 15 feet. Site Plan B accounts for a sidewalk/right-of-way dedication that reduces the lot area to approximately 3,804 square feet, and requests both a front setback variance from 30 feet to 20 feet and a rear setback variance from 30 feet to 15 feet. The applicant states that the required 30-foot front and rear setbacks would leave only approximately 27 feet of buildable depth under Site Plan A and approximately 17 feet of buildable depth under Site Plan B.

Staff acknowledges that Site Plan B requires additional dimensional relief because of the frontage improvement/right-of-way condition. However, staff has a preference for Site Plan B as it preserves the proposed sidewalk condition and better supports the pedestrian-oriented character of the Scottsdale Overlay District and the Traditional Neighborhood character area. The additional front setback relief under Site Plan B appears tied to a public frontage improvement rather than to an attempt to intensify the residential use beyond the proposed single-family residence.

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 contains physical conditions associated with its small lot area, shallow lot depth, and existing subdivision pattern. The property is below the current 5,000-square-foot minimum lot size described by the applicant for the Scottsdale Overlay District, Tier 2. In addition, the parcel is only approximately 87.87 feet deep before any sidewalk/right-of-way dedication and approximately 77.87 feet deep under Site Plan B. Applying a 30-foot front setback and 30-foot rear setback to a lot of this depth significantly limits the usable building envelope.

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 requested relief appears to be tied to allowing reasonable single-family residential development on a substandard residential lot. Site Plan A would reduce only the rear setback to 15 feet while maintaining the standard front setback. Site Plan B would reduce both the front and rear setbacks, but the added front setback relief is related to the proposed sidewalk/right-of-way dedication and the resulting reduction in available lot depth.

Staff finds that Site Plan B better advances the pedestrian-oriented purpose of the Traditional Neighborhood character area and the Scottsdale Overlay context as it includes the sidewalk/frontage condition. Although Site Plan B requires more dimensional relief than Site Plan A, the additional relief appears to be a reasonable tradeoff for preserving the sidewalk/right-of-way improvement. The proposed use remains a detached single-family residence, which is consistent with the residential zoning and surrounding neighborhood pattern. Subject to conditions limiting approval to the submitted site configuration and requiring compliance with all other applicable standards, the request does not appear to constitute a special privilege.

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 is a single-family residence within an established residential neighborhood. The request does not introduce a new nonresidential use or a use inconsistent with the R-75 zoning district. The proposed setbacks would allow a house to be constructed on a small lot while maintaining side yard setbacks and a residential building form. Site Plan B would also support pedestrian conditions by incorporating the sidewalk/right-of-way condition along Robinson Avenue.

The grant of the variance is not expected to be materially detrimental to public welfare or injurious to nearby properties, provided the development remains substantially consistent with the approved site plan and complies with all other applicable stormwater, tree, transportation, land development, building, and fire requirements.

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

The hardship is tied to the lot depth and substandard lot area, not solely to a preferred architectural layout. In particular, Site Plan B demonstrates that providing pedestrian-oriented frontage improvements further reduces the available private lot depth, creating a direct relationship between the requested front setback relief and a public improvement along Robinson Avenue. Strict application of the 30-foot front and rear setbacks would create a practical hardship for reasonable residential development of this lot.

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

The requested variance would be generally consistent with the spirit and purpose of the zoning ordinance and the DeKalb County Comprehensive Plan. The subject property is located within the Traditional Neighborhood character area, which emphasizes the preservation of older residential neighborhood patterns, pedestrian orientation, sidewalks, grid-like streets, small regular lots, and buildings located closer to the front property line. The proposed single-family residence is consistent with the residential use of the area and would place an active residential structure on a small existing lot.

Staff finds Site Plan B to be the more appropriate option from a planning standpoint because it accommodates the sidewalk/right-of-way condition and supports the pedestrian-oriented goals of the Traditional Neighborhood character area. The reduced front setback under Site Plan B is also consistent with the character area guidance recognizing traditional neighborhood buildings located closer to the front property line. Subject to conditions, the variance would allow compatible residential infill while maintaining consistency with the overall purpose of the district and Comprehensive Plan.

FINAL STAFF ANALYSIS:

The subject property is a small residential lot in the R-75 zoning district and Scottsdale Overlay District, Tier 2. The strict application of the required 30-foot front and rear setbacks would significantly constrain the buildable area of the property and limit the ability to construct a functional detached single-family residence. The lot's substandard area, shallow depth, and surrounding development pattern provide sufficient basis for setback relief.

Staff recommends approval with conditions and has a preference for Site Plan B. While Site Plan B requires both front and rear setback relief, the additional front setback variance is tied to the proposed sidewalk/right-of-way dedication and better supports the pedestrian-oriented intent of the Traditional Neighborhood character area. The approval should be limited to the specific site layout selected by the Board and should not be construed to approve any lot coverage, height, or other variance not specifically requested and granted.

Staff Recommendation: Approval with conditions, with preference for Site Plan B

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 material deviation from the approved site layout, setbacks, sidewalk/frontage configuration, or building footprint shall require review and approval by the Zoning Board of Appeals.

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)

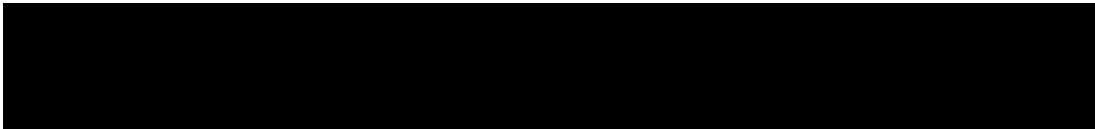
Applicant and/or
Authorized Representative: _____



Business: NEXTGEN PERMITTING

OWNER OF RECORD OF SUBJECT PROPERTY

Owner: _____



Business: _____

ADDRESS/LOCATION OF SUBJECT PROPERTY

Address: 3177 ROBINSON AVENUE City: SCOTTDALE State: GA Zip: 30079

District(s): 18 Land Lot(s): 046 Block: 03 Parcel: 018

Zoning Classification: R-75 Commission District & Super District: SCOTTDALE - TIER 2

CHECK TYPE OF HEARING REQUESTED:

- ☐ VARIANCE (From Development Standards causing undue hardship upon owners of property.)
- ☐ SPECIAL EXCEPTIONS (To reduce or waive off-street parking or loading space requirements.)
- ☐ OFFICIAL APPEAL OF ADMINISTRATIVE DECISIONS.

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

Email plansustain@dekalbcountyga.gov with any questions.

DEPARTMENT OF PLANNING & SUSTAINABILITY

ZONING BOARD OF APPEALS APPLICATION

AUTHORIZATION OF THE PROPERTY OWNER

I hereby authorize the staff and members of the Zoning Board of Appeals to inspect the premises of the Subject Property.

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

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

DATE: _____

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: 5/24/2026 Applicant/Agent Shauna Edwards
Signature: _____

TO WHOM IT MAY CONCERN:

(I)/ (WE): Michael Brown
(Name of Owners) _____

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

Mona Leah Harris 05/24/2026
Notary Public



[Signature]
Owner Signature

Notary Public

Owner Signature

Notary Public

Owner Signature

Return Recorded Document to:
The Andrews Law Firm, LLC
P. O. Box 312233
Atlanta, GA 31131
File No: 25-1009-B
File Name: Chase MGMT
Parcel #: 18-046-03-018

LIMITED WARRANTY DEED

STATE OF GEORGIA

COUNTY OF FULTON

THIS INDENTURE, made the 23rd day of September, 2025, between Ahmad Rashid, Trustee of CAV Revocable Living Trust dated August 21, 2025, party of the first part, and Chase MGMT. & Consulting L.L.C., party of the second part,

WITNESSETH That: the said party of the first part, for and in consideration of the sum of **TEN AND 00/100 DOLLARS (\$10.00)** and other goods and valuable considerations in hand paid, at and before the sealing and delivery of these presents, the receipt of which is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell and convey unto the said party of the second part, his heirs and assigns, all that tract or parcel of land

See attached Exhibit "A"

Tax Map or Parcel ID No.: 18-046-03-018
3177 Robinson Avenue, Scottdale, GA 30079

TO HAVE AND TO HOLD the said tract or parcel of land, with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit and behoof of the said party of the second part, his heirs and assigns, forever, in **FEE SIMPLE**.

AND THE SAID party of the first part, for his heirs, executors and administrators, will warrant and forever defend the right and title to the above described property, unto the said party of the second part, his heirs and assigns, against claims of all persons owning, holding or claiming by, through or under the said party of the first part.

IN WITNESS WHEREOF, the said party of the first part has hereunto set his hand and seal, the day and year above written.

Signed, sealed and delivered in the presence of:

CAV Revocable Living Trust dated August 21, 2025

By:


Ahmad Rashid, Trustee


Unofficial Witness


Notary Public

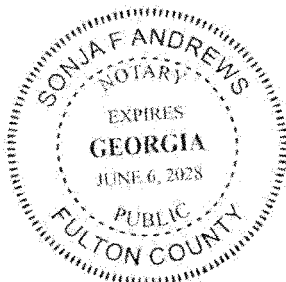


Exhibit "A"

All that tract or parcel of land lying and being in Land Lot 46 of the 18th District, Dekalb County, Georgia, being Lots 36 and 37, Block H, Meadow Brook Subdivision, as per plat recorded in Plat Book 4, Page 68, Dekalb county, Georgia records and being more particularly described as follows:

Beginning at a point 250 feet west of the southwest corner of Robinson Ave. and Reed St.; running thence south 100 feet to property line; thence west along property line a distance of 50 feet and thence 100 feet north to Robinson Ave. and thence east along the south side of Robinson Ave., a distance of 50 feet to the point of beginning. Being the same property as described in that Tax Deed at Deed Book 17989, Page 573, Dekalb County Records and Final Order recorded in Deed Book 22371, Page 690, aforesaid records.

Subject to easements and restrictions of record

Parcel ID Number: 18 046 03 018

LETTER OF INTENT

ADDRESS: 3177 Robinson Avenue Scottdale, GA 30079

Zoning: R-75

Overlay District: Scottdale Overlay District Tier 2

REQUEST:

Request to vary Sec. 27-3.36 Scottdale Overlay District Building Standards to construct a single-family home

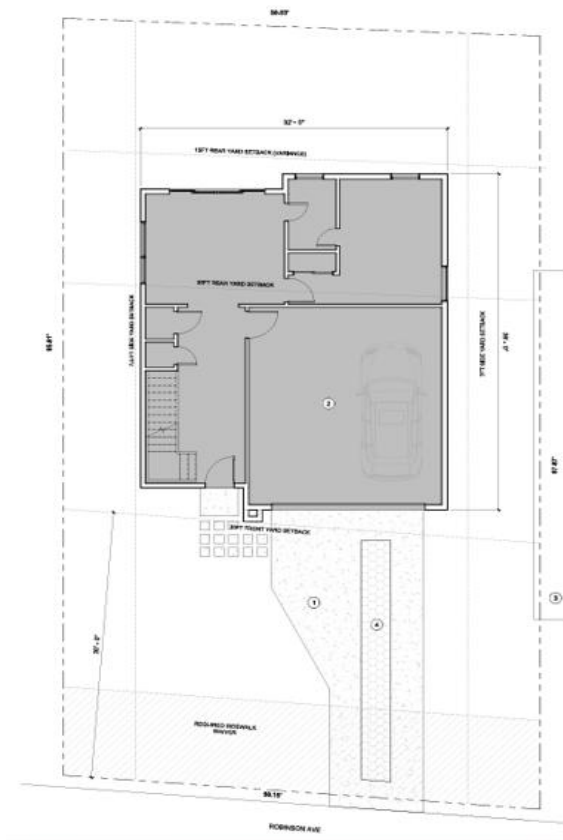
Requesting the following:

REQUEST 1 - Site Plan A (Without Sidewalk) - Requesting to vary the rear setback from 30 feet to 15 feet

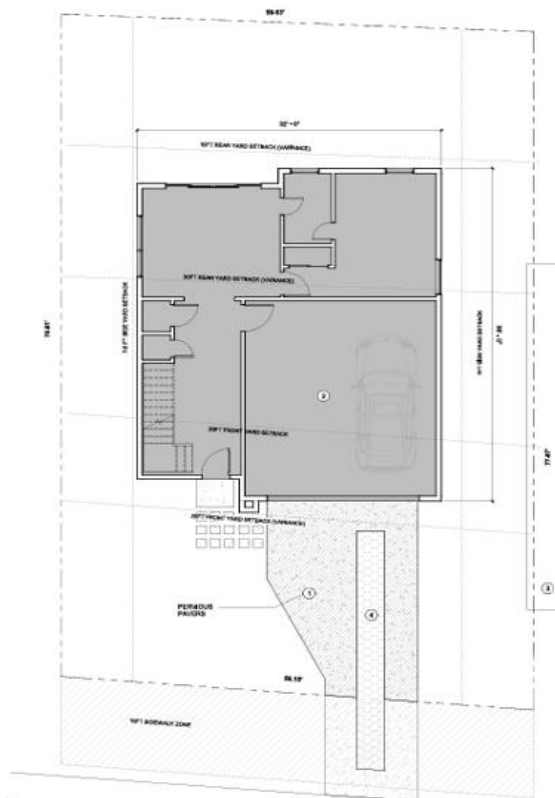
OR

REQUEST 2 - Site Plan B (With Sidewalk) - Requesting to vary front property lines from 30 feet to 20 feet **AND** Requesting to vary the rear setback from 30 feet to 15 feet.

SITE PLAN A - NO SIDEWALK

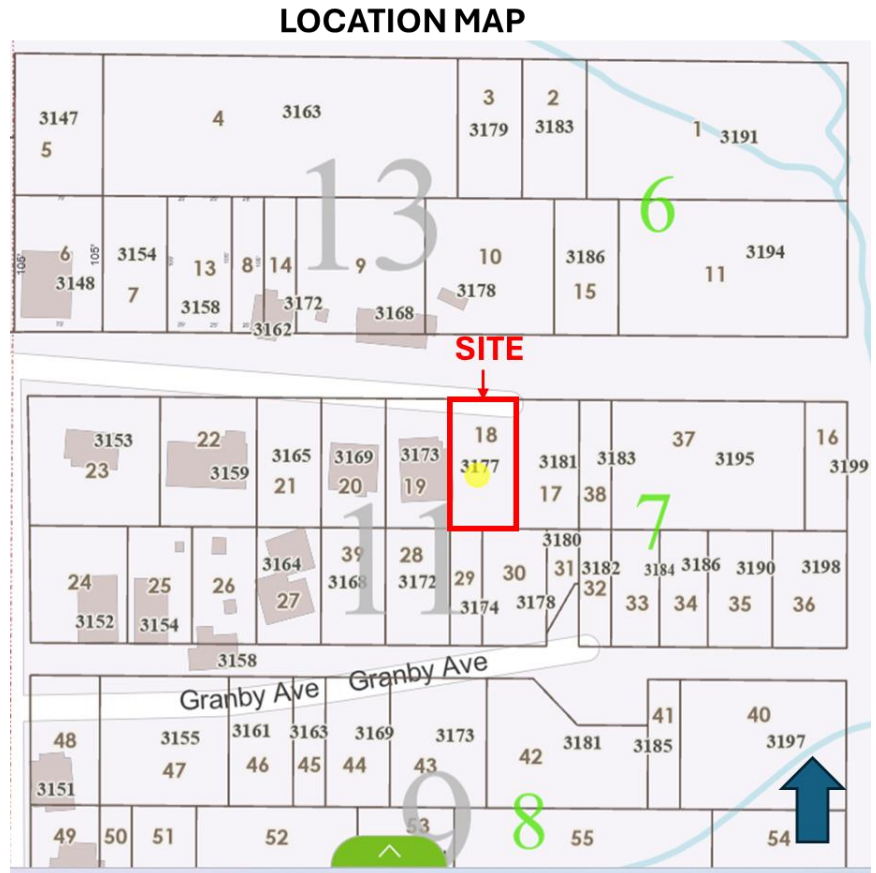


SITE PLAN B - WITH SIDEWALK



WITHOUT SIDEWALKS (SITE PLAN A) - This lot is relatively small, with a total area of 4,341 square feet, measuring approximately 50.03 feet in width and 87.87 feet in depth. The current owners intend to construct a detached three (3) story single-family residence of approximately 3,165 sq ft (heated plus unheated) on the property.

The required sidewalk will trigger a right of way dedication leading to reduced lot size with a total area of 3,804 square feet, measuring approximately 50.03 feet in width and 77.87 feet in depth. The current owners intend to construct a detached three (3) story single-family residence of approximately 3,165 sq ft (heated plus unheated) on the property. The reduction in lot size will result in a front, and rear setback variance request.



Due to the limited lot size, a variance is necessary to accommodate the proposed construction, as outlined in the variance request. The surrounding area consists primarily of residential properties, and the proposed single-family use is consistent and compatible with the existing neighborhood. The variance being requested pertains only to the front and rear setbacks, as detailed above.

Previous Submissions: This variance request was first heard by the BZA Board on Dec 10, 2025, which was then differed to Feb 11, 2026. Case was withdrawn without prejudice in February 2026 as additional time was needed to make amendments favoring the board requests. We have provided two site plans as follows:

1. **Site Plan A – No sidewalk**
2. **Site Plan B – With sidewalks**

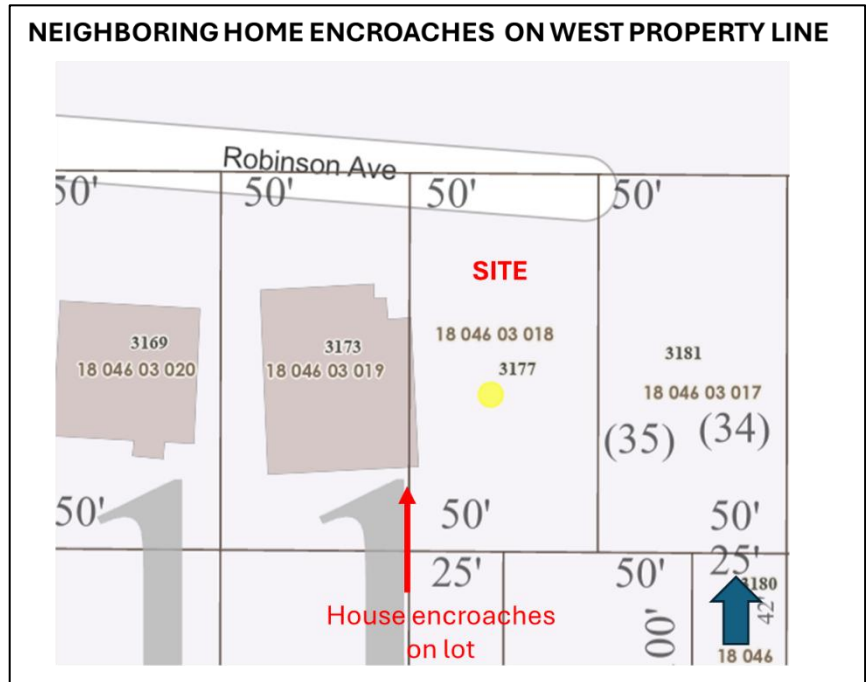
Physical Conditions (Without Sidewalks) Site Plan A:

The subject site has an approximate depth of 87.87 feet, with required front and rear setbacks of 30 feet each. These setback requirements collectively leave only 27 feet of buildable depth, which is insufficient to construct a functional single-family home. As a result, the proposed residence encroaches into the rear setback area, necessitating a variance request.

Under the Scottsdale Overlay District, Tier 2, the minimum required lot size is 5,000 square feet. The subject property, however, has a total area of 4,341 square feet, making it smaller than the current standard. Strictly applying the required setbacks to an undersized lot further reduces the usable building area, creating a significant hardship.

Physical Conditions (With Sidewalks) Site Plan B:

The subject site has an approximate depth of 77.87 feet, with required front and rear setbacks of 30 feet each. These setback requirements collectively leave only 17 feet of buildable depth, which is insufficient to construct a functional single-family home. As a result, the proposed residence encroaches into the front and rear setback area, necessitating a variance request.



Under the Scottsdale Overlay District, Tier 2, the minimum required lot size is 5,000 square feet. The subject property, however, has a total area of 3,804/4,341 square feet, making it smaller than the current standard. Strictly applying the required setbacks to an undersized lot further reduces the usable building area, creating a significant hardship.

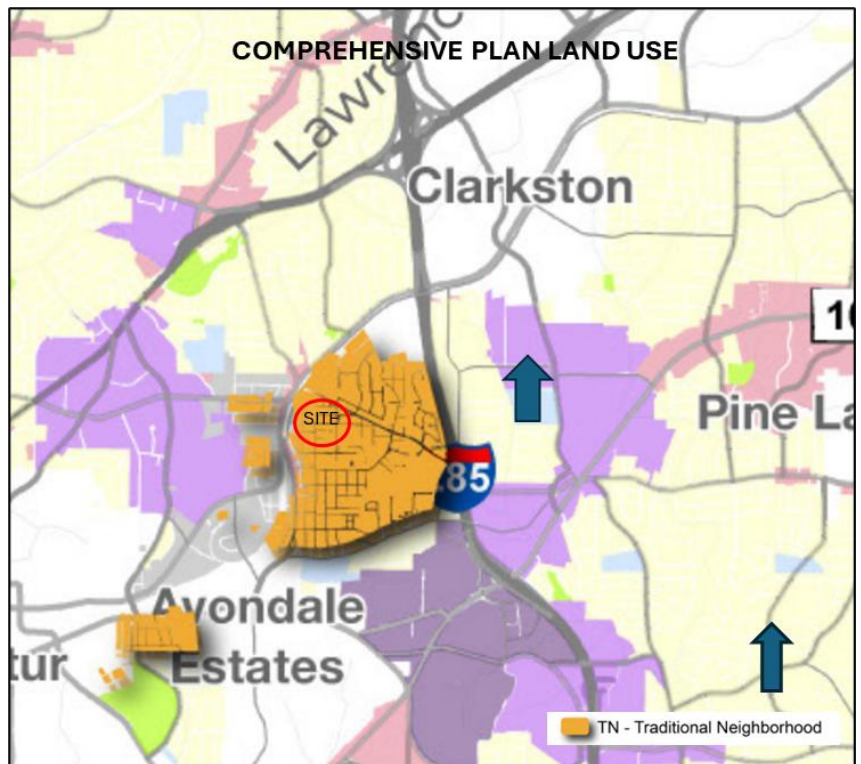
Additionally, the adjacent home to the west encroaches into its side property line by several feet (as shown in the attached diagram). Consequently, the placement of the proposed house must be adjusted further away from the west property line to preserve privacy and comply with fire safety standards.

Minimum Necessary: This request represents the minimum variance necessary to allow for the construction of a reasonably sized single-family home. Variances of this nature are common within the Scottdale area, given the smaller lot sizes and existing development patterns. The applicant is not seeking any special privilege but rather requesting only what is essential to build a functional and appropriately scaled home consistent with the surrounding neighborhood.

Public Welfare: The requested variance will not negatively impact public welfare or the surrounding community. The subject property is located within a residential neighborhood, and the proposed construction of a single-family home is fully consistent with the character and use of the area.

Ordinance Hardship: Yes, the ordinance requirements significantly limit the buildable area due to the lot being smaller than the minimum size required. When the setback regulations are applied, the available building area is further reduced. As a result, it would be impractical to construct a functional single-family home without requesting a variance, particularly for the front and rear setbacks, given the shallow depth of the lot.

Alignment with Spirit of the Law: The subject site is located within the Traditional Neighborhood Character areas (see diagram – subject site located within red circle). The Comprehensive Plan states “Traditional Neighborhoods Character Area is to preserve the style and appeal of older traditional neighborhood communities. These areas primarily consist of residential areas in older parts of the community that were typically developed prior to WWII. The characteristics include higher pedestrian orientation, sidewalks and more grid-like street patterns. They have on-street parking, small, regular lots, and buildings closer to the front property line.” The proposed single-family development will be compatible with surrounding residential land use. The request for a front variance also falls with the intent of the Comprehensive Plan allowing for buildings closer to the property line. The proposed request to build a house will be consistent with the goals of the Comprehensive Plan.



VARIANCE CRITERIA

- 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, a**

Yes, the property presents unique physical conditions that were not created by the owner. The subject lot has a total depth of approximately 77/ 87 feet, while the zoning code requires both front and rear setbacks of 30 feet. This leaves approximately 17 or 27 feet of buildable depth, effectively rendering the lot unbuildable under the current standards. Strict application of the requirements outlined in Sec. 27-3.36_would therefore deprive the owner of the ability to construct a functional residence on the property.

Additionally, the neighboring house along the west property line encroaches onto the subject property by a few inches. For reasons of privacy and fire safety, the proposed home must be situated further away from that property line. This encroachment also reduces the available width for construction, leaving elongating the structure as the only feasible design solution.

- 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.**

Requesting a reduction of the front and rear setbacks due to smaller lot size is a common practice within the Scottsdale area. Numerous lots throughout the County have similar dimensions, and variances are routinely sought to make these lots buildable. Therefore, granting this request would not confer any special privilege, as it is consistent with other approvals in the area. The proposed reduction of the front and rear setbacks is the minimum necessary to allow reasonable and functional development of the property.

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

Granting the variance will not be detrimental to the public welfare or injurious to adjacent properties. The request does not involve a zoning change, and the proposed development a single-

family residence is consistent with the existing residential character of the surrounding neighborhood.

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

The interpretation and application of the code create an undue hardship for this property. With the required 30-foot front and rear setbacks, only 17/27 feet of buildable depth remains, making it extremely difficult to construct a functional residence. Additionally, the neighboring house encroaches onto the side property line, which necessitates designing a longer, narrower home to maintain privacy and comply with fire safety standards. Without the requested variance, the strict enforcement of this code would impose an unreasonable and unnecessary hardship on the property owner.

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

The Dekalb County Comprehensive Plan promotes land use consistency. The area is zoned for residential use; this lot will be used for a single-family home and meets the intent of the Comprehensive which is to ensure uses are compatible.

