



Lorraine Cochran-Johnson

Chief Executive Officer

## DeKalb County Zoning Board of Appeals

Department of Planning & Sustainability

178 Sams Street,

Decatur, GA 30030

Wednesday, August 12, 2026

### Planning Department Staff Analysis



Juliana Njoku

Director

**N1. Case No: A-26-1248167**

**Parcel ID(s): 15-171-08-004**

#### **Commission District 03 Super District 07**

**Applicant** Linda Baptist  
485 Heathrow Way  
Stone Mountain, GA 30087

**Owner:** Linda Baptist  
6513 Rebecca Way  
Lithonia, GA 30058

**Project Name:** 572 Daniel Avenue – Residential Addition

**Location:** 572 Daniel Avenue, Decatur, Georgia 30032

**Requests:** Variance request from Section 27-2.2.1 of the DeKalb County Zoning Ordinance to:

- Reduce rear yard setback from 7.5 feet to 6 feet
- Increase maximum lot coverage from 35 percent to 38 percent

**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 conditions of approval.

## **STAFF FINDINGS:**

The subject property is an interior residential lot on the east side of Daniel Avenue, approximately 100 feet north of Brunswick Avenue. The 2022 plan identifies a 7,469-square-foot parcel with approximately 50 feet of street frontage and approximately 149.30 feet of depth. County records reviewed for the prior variance case state that the house was built in 1953.

**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 parcel is substantially smaller and narrower than the R-75 minimums: 7,469 square feet rather than 10,000 square feet, and approximately 50 feet of frontage rather than 75 feet. The house was reportedly built in 1953. Those physical conditions were not created by the current application and materially compress the buildable width. The prior 2019 staff analysis also found that many nearby lots and structures share a nonconforming development pattern. However, the record should verify current ownership, the legally established lot, and the actual as-built setback.

**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 present request appears narrower than the 2019 proposal: one side-yard reduction to 6 feet rather than reductions on both sides, and 38 percent rather than 40 percent coverage. The plan also appears to continue the north wall plane of the existing house. These facts support a minimum-relief finding. Nevertheless, the plan is four years old, labels the improvements as proposed, and does not document the completed condition.

**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 use remains a detached single-family residence in an R-75 neighborhood. The magnitude of relief is limited to a 1.5-foot side-yard reduction and three percentage points of lot coverage. The applicant states that the addition has existed for approximately three years without reported harm and identifies a fence at 568 Daniel Avenue as a privacy screen. The packet contains no documented opposition or evidence of injury. Because the completed work is close to a property line and increases impervious area, an as-built survey, permit inspections, and on-site roof-drainage controls are appropriate conditions.

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

The undersized, narrow lot and preexisting nonconforming structure create a legitimate site constraint, consistent with the County's 2019 analysis. Strict application could prevent an addition from following the established north wall plane and could limit customary residential expansion on a lot that predates the ordinance. By contrast, the expense of removing work already constructed, the expiration of a permit, or an earlier zoning-review error does not itself establish ordinance hardship; those consequences arise from project execution and cannot substitute for a property-based finding. The Board should base any approval on the preexisting lot and structure, not on demolition cost.

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

A residential addition is consistent with the property's R-75 use and Traditional Neighborhood character area. The reduced current request preserves the single-family development pattern and remains below the 40-percent coverage previously analyzed by Staff. Conditions limiting the relief to the verified as-built footprint, capping coverage, and requiring drainage and permit compliance would protect the ordinance's spacing and stormwater purposes.

**FINAL STAFF ANALYSIS:**

The record identifies genuine site constraints: a 7,469-square-foot, approximately 50-foot-wide legal nonconforming lot developed with a 1953 residence. The current plan seeks less relief than the withdrawn 2019 case, and the proposed use remains residential. Those facts could support approval of a 6-foot northern side setback and 38-percent lot coverage with conditions.

**Staff Recommendation:** Approval with Conditions

**Recommended 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 conditions of approval.

Development Services Center  
178 Sams Street  
Decatur, GA 30030

404-371-2155 (o); 404-371-4556 (f)

DeKalb County

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: Lindval Baptist  
Mailing Address: 485 Heathrow Way  
City/State/Zip Code: Stone mountain GA 30087  
Email: [REDACTED]  
Telephone Home: [REDACTED] Business: \_\_\_\_\_

**OWNER OF RECORD OF SUBJECT PROPERTY**

Owner: Linda Baptist  
Address (Mailing): 6513 Rebecca Way Lithonia GA 30058  
Email: Ladybel1965@gmail.com Telephone Home: 4049346458 Business: \_\_\_\_\_

**ADDRESS/LOCATION OF SUBJECT PROPERTY**

Address: 572 Daniel Ave City: Decatur State: GA Zip: 30  
District(s): 15 Land Lot(s): 163 Block: \_\_\_\_\_ Parcel: 1517108004  
Zoning Classification: R-75 Commission District & Super District: 3 & 7

**CHECK TYPE OF HEARING REQUESTED:**

- ☒ 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.

Email

with any questions.

## ZONING BOARD OF APPEALS APPLICATION

### AUTHORIZATION OF THE PROPERTY OWNER

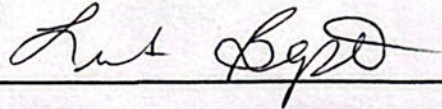
I hereby authorize the staff and members of the Zoning Board of Appeals to inspect the premises of the Subject Property.

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: 04-03-2026

Applicant  
Signature:



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

Applicant  
Signature:

\_\_\_\_\_

## 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: 4/18/20 Applicant/Agent Signature: [Signature]

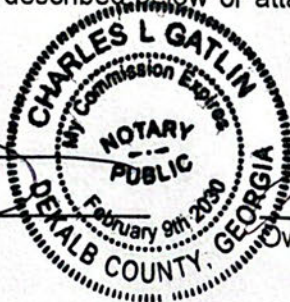
TO WHOM IT MAY CONCERN:

(I)/ (WE): Linda Baptista  
(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

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

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

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

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

Subject: Variance requests for Rear yard setback reduction section. 27- 2.2.1.

They are members of the Zoning Board of Appeals,

My name is Linda Baptist and I am writing to formally request a variance from section 27-2.2.1 of the Cab County zoning coordinates. My request pertains to the reduction of the rear yard setback reducing from 7'5" to 6 feet for my property located at 572 Daniel Ave., Decatur, GA 30032. The purpose of this variance is to facilitate the construction of a master bedroom.

**1. Physical condition of the site**

The unique physical condition of my property constitutes a special case necessitating this variance. The parcel is characterized by a narrow 50-foot-wide lot in zone R – 75 the house was built in 1953; the zoning code was last updated in 2015. The previous floor plan was scrapped because we could not get a variance due to the addition being on the south-side. We could not get variance because of the fire department accessibility. We obtained a new floor plan that was passed by the city.

**2. Minimum variance necessary**

I assure you that my request is solely for the minimum variance necessary to render my property usable. The setback to 6 feet is necessary so wall plane could continue as is-aids to the house functionality. A prior approval was granted Permit #3088915 which was issued in 2022 and expired in 2023. This was approved in zoning review by Robert Satterwhite.

**3. Public welfare**

The proposed addition would provide a positive impact on the neighborhood and community. The addition has been existing for three years without any harm on the neighborhood. The process of removing and rebuilding the addition would cause more harm. The neighbor 's fence at 568 addresses any privacy concerns. The reduced setback will not pose any harm to the public welfare, neighborhood properties, or overall improvements on the R-75 zoning district. The master bedroom will be a tasteful addition enhancing the property without imposing adverse effects to the surrounding areas.

**4. Ordinance Hardship**

A strict interpretation of the zoning laws in this case would cause undue harm for me. If denied, I would be forced to tear down an already built addition which was previously approved by the prior zoning review. The variance is therefore essential to prevent unnecessary hardship and allow for a reasonable use of my land.

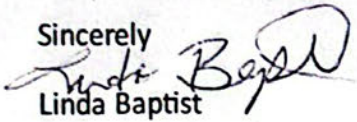
**5. Alignment with the Spirit of the Law.**

I firmly believe that my variance request aligns with the intent of the traditional Neighborhood areas as outlined in the DeKalb County Comprehensive Plan. The Lot coverage 3% increase is negligible when it comes to storm water runoff. The setback neighborhood overall appears to be consistent with spacing pattern between houses; existing wall plan is intact Traditional neighborhood land use is appropriate for character area aesthetically.

In conclusion, I appreciate your time and consideration of my variance request. I am Committed to working collaboratively to ensure my proposed changes align with the broader goals and policies of the Dekalb county.

Thank you for your attention in this matter.

Sincerely

A handwritten signature in black ink, appearing to read 'Linda Baptist', is written over the printed name. The signature is fluid and cursive.

Linda Baptist

EROSION CONTROL NOTES:

1. The installation of erosion and sedimentation control measures and practices shall occur prior to or concurrent with land-disturbing activities.
2. Erosion and sedimentation control measures will be maintained at all times. If full implementation of the approved plan does not provide for effective erosion and sediment control, additional erosion and sediment control measures shall be implemented to control or treat the sediment source.
3. Additional erosion controls shall be installed as deemed necessary by the on-site inspector.
4. All lots/sites with 2" of fill or greater will require a compaction certificate by a professional registered engineer prior to a building permit and or prior to footers being poured.
5. Locate and field stake all utilities, easements, pipes, flood limits, stream buffers, and tree save areas prior to any land disturbing activities.
6. All tree protection areas to be protected from sedimentation.
7. All tree protection devices to be installed prior to land disturbance and maintained until final landscaping.
8. All tree protection fencing to be inspected daily and repaired or replaced as needed.
9. A final as-built lot survey required prior to issuance of Certificate of Occupancy.
10. A final as-built water quality certificate required prior to Certificate of Occupancy.
11. Dumpsters and/or temporary sanitary facilities shall not be located in street or tree protection area or right of way.
12. Water quality BMP(s) to be installed at the time of final landscaping.
13. All collected water shall be directed to the water quality BMP(s).
14. No water quality BMP(s) allowed in undisturbed stream buffers or tree save/critical root zone.
15. Work hours and construction deliveries are:
  - Monday - Friday 7:00am - 7:00pm
  - Saturday 8:00am - 5:00pm

I, Walter Prince, certify under penalty of law that this plan was prepared after a site visit to the locations described herein by myself or my authorized agent, under my direct supervision.

LEGEND

- PROPOSED BUILDING 
- EXISTING TOPOGRAPHIC CONTOURS  100
- PROPOSED TOPOGRAPHIC CONTOURS  100
- EXISTING SPOT ELEVATIONS  100.00
- PROPOSED SPOT ELEVATIONS  101.91

Sd1-S SILT FENCE BARRIER.

Co CONST. EXIT/ ENTRANCE.

Ds1 DISTURBED AREA STABILIZATION (WITH MULCH)

Ds2 DISTURBED AREA STABILIZATION (W/ TEMPORARY VEGETATION)

Ds3 DISTURBED AREA STABILIZATION (W/PERMANENT VEGETATION)

Ds4 DISTURBED AREA STABILIZATION (WITH SODDING)

P.O.B. POINT OF BEGINNING

P.O.R. POINT OF REFERENCE

I.P.S. 1/2" IRON PIN SET

O.H.P. OVERHEAD POWER LINE

P.P. POWER POLE

L.L.L. LAND LOT LINE

I.P.F. 1/2" IRON PIN FOUND

C.L. CENTER LINE

X LOT NUMBER

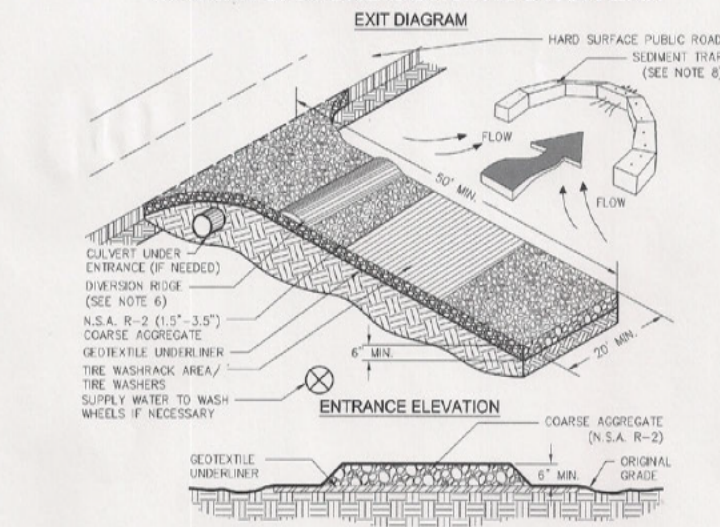
WM WATER METER

G.M GAS METER

GUY WIRE

**MAINTENANCE**  
The exit shall be maintained in a condition that will prevent tracking or flow of mud onto public rights-of-way. This may require periodic top dressing with 1.5-3.5 inch stone, as conditions demand, and repair and/or cleanout of any structures to trap sediment. All materials spilled, dropped, washed, or tracked from vehicles or site onto roadways or into storm drains must be removed immediately.

CRUSHED STONE CONSTRUCTION EXIT



- NOTES:
1. AVOID LOCATING ON STEEP SLOPES OR AT CURVES ON PUBLIC ROADS.
  2. REMOVE ALL VEGETATION AND OTHER UNSUITABLE MATERIAL FROM THE FOUNDATION AREA, GRADE, AND CROWN FOR POSITIVE DRAINAGE.
  3. AGGREGATE SIZE SHALL BE IN ACCORDANCE WITH NATIONAL STONE ASSOCIATION R-2 (1.5"-3.5" STONE).
  4. GRAVEL PAD SHALL HAVE A MINIMUM THICKNESS OF 6".
  5. PAD WIDTH SHALL BE EQUAL TO THE WIDTH OF ALL POINTS OF VEHICULAR EGRESS, BUT NO LESS THAN 20'.
  6. A DIVERSION RIDGE SHOULD BE CONSTRUCTED WHEN GRADE TOWARD PAVED AREA IS GREATER THAN 2%.
  7. INSTALL PIPE UNDER THE ENTRANCE IF NEEDED TO MAINTAIN DRAINAGE DITCHES.
  8. WHEN WASHING IS REQUIRED, IT SHOULD BE DONE ON AN AREA STABILIZED WITH CRUSHED STONE THAT DRAINS INTO AN APPROVED SEDIMENT TRAP OR SEDIMENT BASIN (ORIENT ALL SURFACE RUNOFF AND DRAINAGE FROM THE ENTRANCE TO A SEDIMENT CONTROL DEVICE).
  9. WASHRACKS AND/OR THE WASHERS MAY BE REQUIRED DEPENDING ON SCALE AND CIRCUMSTANCE. IF NECESSARY, WASHRACK DESIGN MAY CONSIST OF ANY MATERIAL SUITABLE FOR TRUCK TONNAGE THAT REMOVE MUD AND DIRT.
  10. MAINTENANCE AREA IS A WAY THAT PREVENTS TRACKING AND/OR FLOW OF MUD ONTO PUBLIC RIGHTS-OF-WAYS. THIS MAY REQUIRE TOP DRESSING, REPAIR AND/OR CLEANOUT OF ANY MEASURES USED TO TRAP SEDIMENT.

TREE SURVEY

120" DBH REQUIRES PER ACRES = 7,469 sq.ft. = 0.171 AC.  
(0.171 acres ) (120" DBH) = 21" DBH REQUIRES

TREE COUNT

EX. 6 HW FOR 130" DBH

TOTAL DBH EX. 130" DBH

TREE LOST 2 FOR 56" DBH

TOTAL TREE DBH REMAIN 74" DBH

TOTAL DBH REQUIRED 21"

NO REPLACEMENT TREE REQUIRED

TREE PROTECTION FENCE NOTES (TPP)

1. No one SHALL encroach, place solvents, building, machinery, building debris or any other material within 6' outside the periphery of the CRZ or within any Trees Save Area, transitional buffer zone, stream buffer, or state buffer zone.
2. All Tree Fence and other tree protection devices must remain in functioning condition until completion of project or until the CO is issued.
3. A tree that is designated to be saved, but is damaged during construction, SHALL be replaced with 4" caliper trees equal to the unit value of the tree removed. Any specimen tree damaged SHALL be replaced with 4" caliper trees equal to 1.5 times the DBH of the damaged specimen tree.

1. ALL TREE PROTECTION AREA TO BE PROTECTED FROM SEDIMENTATION.
2. ALL TREE PROTECTION DEVICES, INCLUDING CRITICAL ROOT ZONE (CRZ) PROTECTION, TO BE INSTALLED PRIOR TO THE START OF LAND DISTURBANCE, AND MAINTAINED UNTIL FINAL LANDSCAPING.
3. ALL TREE PROTECTION FENCING TO BE INSPECTED DAILY, AND REPAIRED OR REPLACED AS NEEDED.
4. NO PARKING, STORAGE OR OTHER CONSTRUCTION ACTIVITIES ARE TO OCCUR WITHIN TREE PROTECTION AREAS (CRZ).
5. ALL REQUIRED VEGETATION MUST BE MAINTAINED FOR TWO GROWING SEASONS AFTER THE DATE OF FINAL INSPECTION.

SITE DATA

LOT AREA  
7,469. sq.ft.  
0.171 acres

TOTAL DISTURBED AREA

3,588 SQ/FT FOR 0.08 AC

LOT COVERAGE AREA OF IMPERVIOUS SURFACE:

EXIST HOUSE ----- 955 SQ.FT.  
EXIST. DRIVEWAY ----- 634 SQ.FT.  
NEW ADDITION ----- 757 SQ.FT.  
NEW PORCH ----- 263 SQ.FT.  
NEW DECK ----- 194 SQ.FT.

TOTAL IMPERVIOUS AREA ----- 2,803 SQ.FT.

LOT COVERAGE ----- 38%

CONTRACTOR/DEVELOPER

JUSTIN KHAN  
CELL 404-819-5500

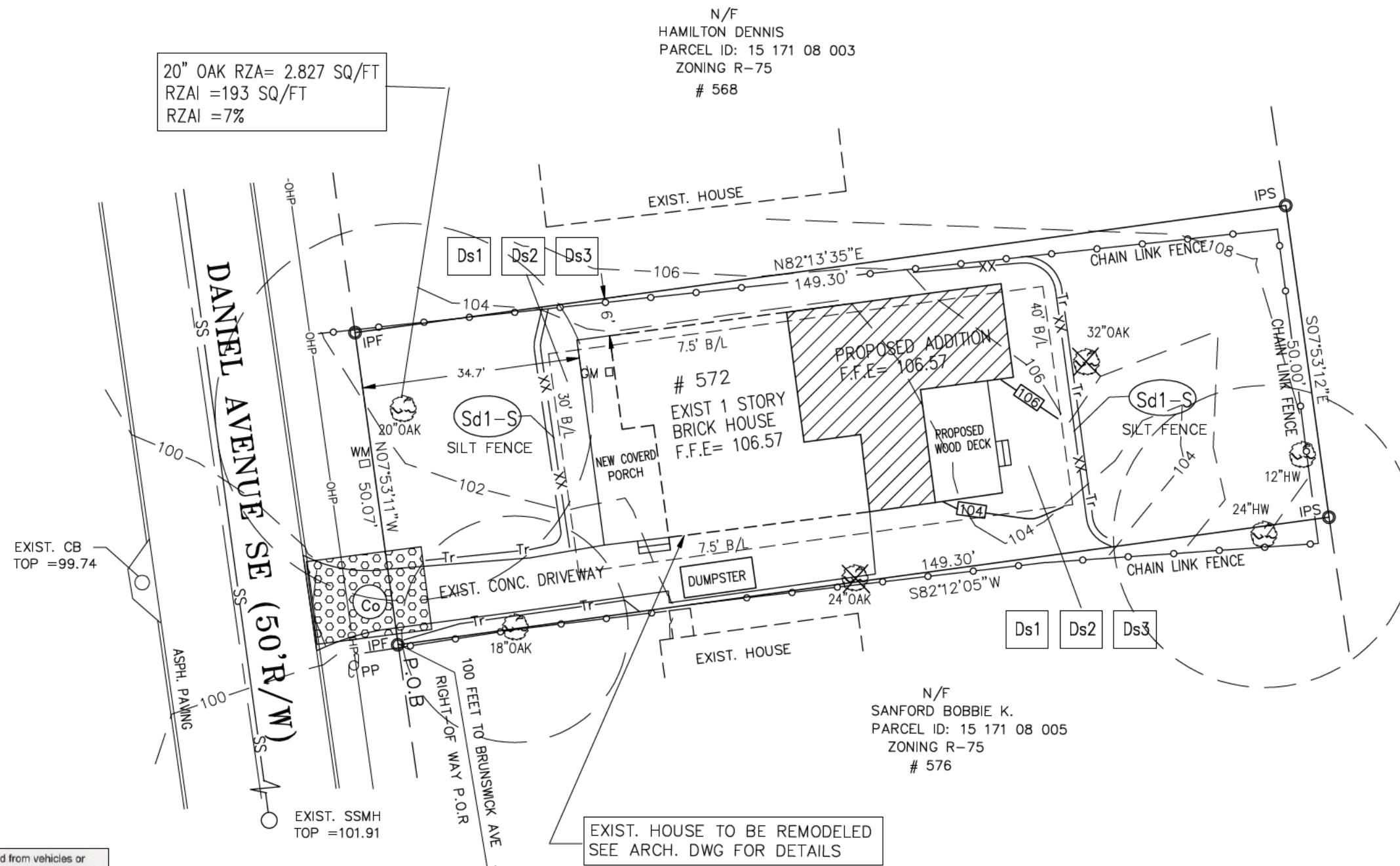
FLOOD STATEMENT

NO PORTION OF THIS PROPERTY IS LOCATED IN A FEDERAL FLOOD AREA AS INDICATED BY "F.I.A. OFFICIAL FLOOD HAZARD MAP PANEL # 13089C131J DATE 05/16/2013

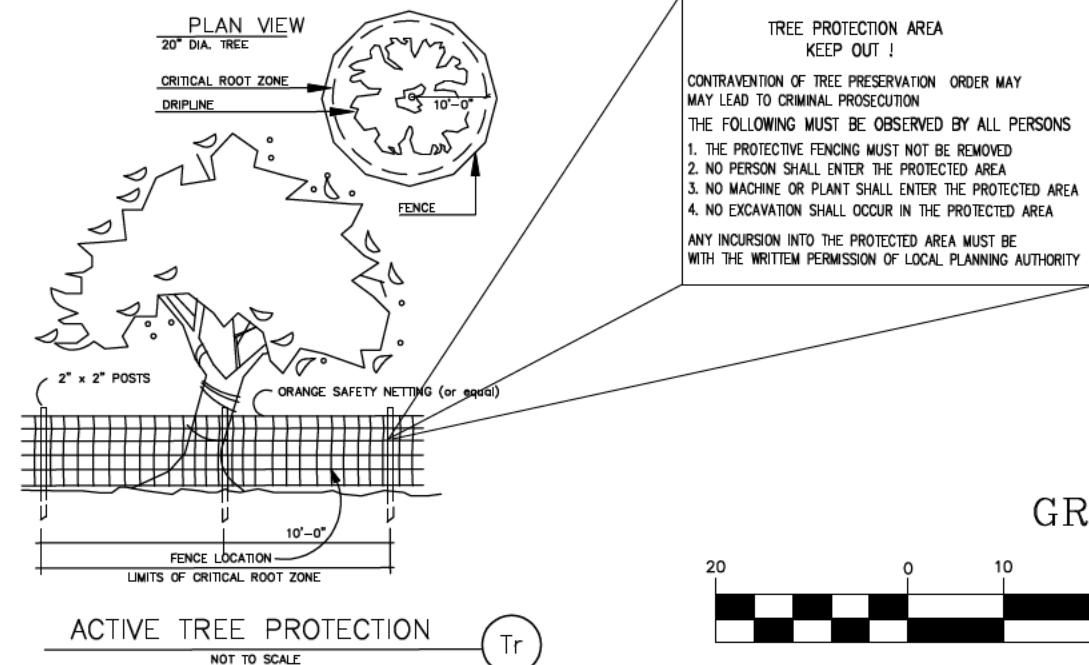
INSTRUMENT USED:

NIKON DTM-520 TOTAL STATION

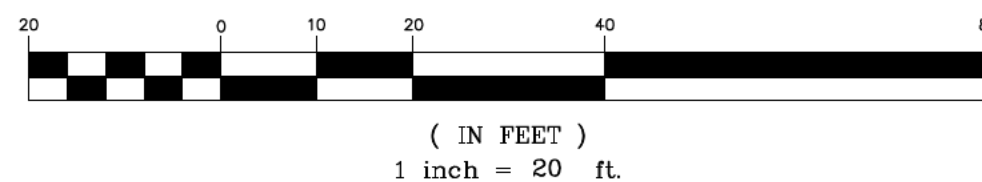
20" OAK RZA= 2.827 SQ/FT  
RZAI =193 SQ/FT  
RZAI =7%



TREE PROTECTION SIGNS TO PLACE ON SITE

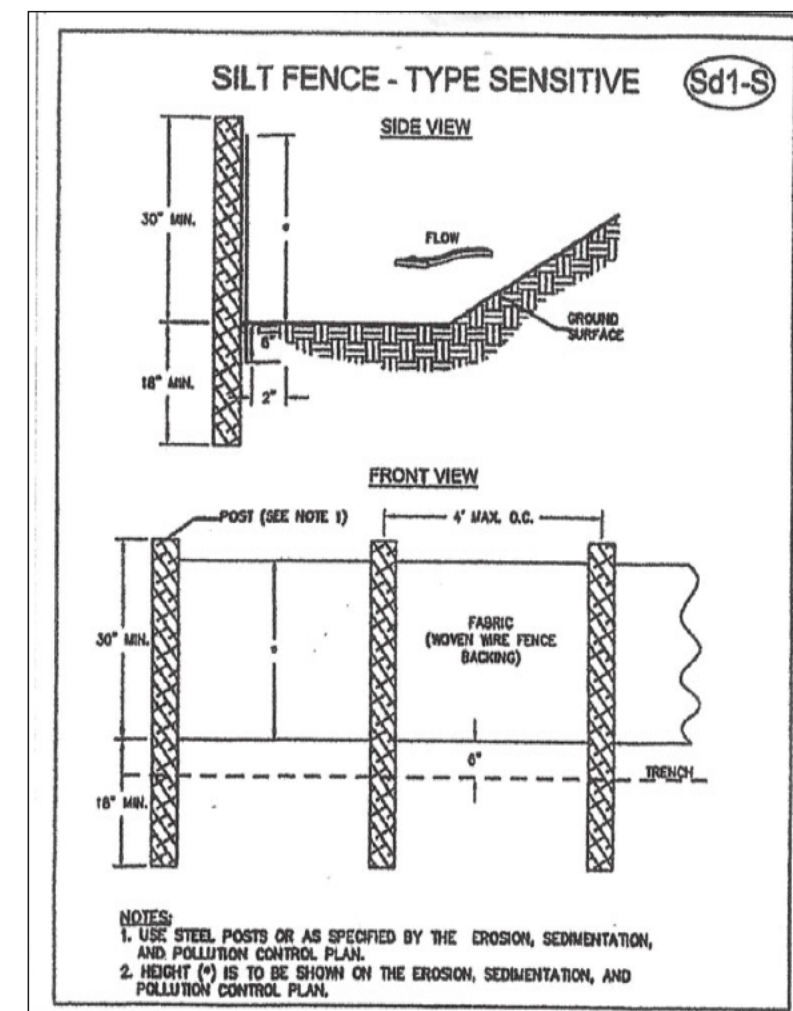


GRAPHIC SCALE



Know what's  
Call

below.



REVISIONS

|      |              |
|------|--------------|
| 4/20 | REDUCTION OF |
|      | ADDITION     |
| 5/18 | ADD NOTES    |

IT IS HEREBY CERTIFIED THAT THIS PLAN IS TRUE AND CORRECT AND WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE BY ME OR UNDER MY SUPERVISION: THAT ALL MONUMENTS SHOWN HEREON ACTUALLY EXIST OR ARE MARKED AS "FUTURE" THEIR LOCATION, SIZE, TYPE AND MATERIAL ARE CORRECTLY SHOWN:



SEAL:

24 HOUR CONTACT/DEVELOPER

JUSTIN KHAN  
CELL 404-819-5500

**HURD PRINCE & ASSOCIATES, INC.**  
\*Consulting Planners & Surveyors\*  
110 MLK SR HERITAGE TRAIL  
STOCKBRIDGE, GEORGIA 30281-3424  
Phone (404)-372-7304

PROJECT ADDRESS  
572 DANIEL AVE 30032  
ATLANTA GA. 30317  
PARCEL ID: 15 171 08 004

LAND LOT: 171  
DISTRICT: 15TH DISTRICT  
COUNTY: DEKALB  
STATE: GEORGIA

ZONING: R-75

FRONT YARD SETBACK = 30 FEET  
SIDE YARD SETBACK = 7.5 FEET  
REAR YARD SETBACK = 40 FEET

SHEET TITLE:

**SITE PLAN FOR:  
JUSTIN KHAN**

DATE: MAY 18, 2022

JOB: 26756

DRAWN: W.A

CHECKED: F.P.

SHEET NUMBER: