



Lorraine Cochran-Johnson

Chief Executive Officer

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

Wednesday, July 8, 2026

Planning Department Staff Analysis



Juliana
Njoku

Director

N4. Case No: A-26-1248221

Parcel ID(s): 18 047 23 009

Commission District 04 | Super District 06

Applicant: Caren Ann Nunnally and Neal Hightower

Owner: H&O Properties, LLC;

Project Name: 445 Proctor Avenue Infill Residence

Location: 445 Proctor Avenue, Scottdale, GA 30079

Requests:

1. Reduce the required front setback from 30 feet to 10 feet and the required rear setback from 30 feet to 13 feet pursuant to Section 27-3.36.10 for construction of a detached single-family residence in the R-75 district and Scottdale Tier Two Overlay 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.

STAFF FINDINGS:

The subject property is an undeveloped or underdeveloped lot of record in the R-75 zoning district and Scottsdale Tier Two Overlay District.

The applicant proposes a small two-bedroom detached single-family residence. Because the combined required front and rear setbacks exceed the practical depth available for a dwelling, the application requests reductions to 10 feet in front and 13 feet in the rear.

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 lot's exceptionally shallow depth and small area are extraordinary physical conditions that appear to predate the current owner and overlay standards. Applying full front and rear setbacks would leave little or no buildable depth. Submitted materials describe a lot of approximately 2,525 square feet, or 0.058 acre, with an unusually shallow depth of approximately 45.43 feet. under the Scottsdale Tier 2 Overlay and R-75 development standards.

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 applicant has selected a small residential footprint and requests only the front and rear reductions identified on the plan. Proposal may be theoretically reduced as the proposed house exceeds that 1,000 square foot minimum by roughly 500 square feet, but this may be considered in lieu of its impact on the public welfare and in conjunction of goals regarding the comprehensive land use plan to increase housing stock. The building also takes a minimal footprint as it spreads the dimensions between two stories.

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.

A modest detached residence is consistent with the residential use of the surrounding area. The immediate block is largely undeveloped and adjacent to C-2 zoning which implies higher-intensity uses. The proposal may serve as an appropriate transitional use for the inner-Scottsdale Tier 2 overlay neighbourhood.

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

Literal application of 30-foot front and rear setbacks to a lot approximately 45 feet deep would effectively preclude reasonable residential development and create an undue hardship tied to the parcel's longstanding dimensions.

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

Development of a small lot of record with a modest detached dwelling can support compatible infill and neighborhood housing choice which are compatible with the goals of SUB (Suburban) land use goals under the DeKalb County Comprehensive Plan and the Scottdale Tier 2 Overlay district.

FINAL STAFF ANALYSIS:

The parcel's shallow depth and small area appear to be pre-existing physical constraints that make literal application of the front and rear setbacks impracticable. The submitted dwelling is modest in scale and the requested relief is limited to the setbacks needed for the shown footprint.

The recommended conditions preserve the submitted layout, require drainage and permitting review, and retain all unvaried R-75 and Scottdale Overlay standards.

Therefore, staff recommends approval with conditions.

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.

ZONING BOARD OF APPEALS (ZBA) APPLICATION

to Amend the Official Zoning Map of DeKalb County, Georgia

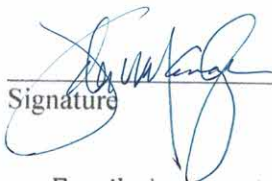
APPLICANT/OWNER: Caren Ann Nunnally / Neal Hightower / owner: 480 Properties LLCSubject Property Address: 445 Proctor AveCity: Scottdale State: GA Zip: 30079Parcel ID Number(s): 18-047-23-009Commission District(s): 4 Super District(s): 6 Acreage: .06**TYPE OF HEARING REQUESTED (check one)**

- ☒ 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 5.
FAILURE TO FOLLOW GUIDELINES MAY RESULT IN SCHEDULING DELAYS.*

NOTE: PLEASE BE MINDFUL THAT THE APPLICATION AND ALL OF ITS CONTENTS IS A
PUBLIC RECORD ONCE SUBMITTED AND ACCEPTED FOR A ZONING CYCLE

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

Owner ☒ Agent ☐

Signature

6/30/26
DateEmail plansustain@dekalbcountyga.gov with any questions**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.

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED.



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: 4/30/26

Applicant
Signature:

[Signature]
480 Properties LLC

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 6/30/26

Applicant/Owner Signature: [Signature] 480 Properties LLC

TO WHOM IT MAY CONCERN:

(I)/ (WE): John Mangham
(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/Applicant Signature

Date: 6/30/26



LETTER OF INTENT

Dear Members of the Zoning Board of Appeals,

I am writing to request variances for property located at 445 Proctor Ave, Scottdale GA 30079, from **Section 27-3.36.10 of the DeKalb County Zoning Ordinance** as it applies to the Scottdale Tier Two Overlay District. The subject property is a **confirmed legal lot of record**. It is unusually small compared to most of the other small lots in the neighborhood. We seek relief from the code to construct a small 2 bedroom, 1 bath house that is similar in nature to the original homes in the neighborhood 100 years ago.

Specifically, we seek relief from requirements related to:

- Reduce front setback from 30 feet to 10 feet
- Reduce rear setback from 30 feet 13 feet

Due to the lots' size, configuration, and overlay restrictions, strict compliance with these requirements would make development impossible.

1. Physical Conditions of the Site

The lot is exceptionally small, only 45.43 feet deep compared to standard R-75 parcels that are over 200 feet deep. Its dimensions were established long before the adoption of the Scottdale Tier Two overlay requirements. These conditions are inherent to the properties and were not created by the applicant. Strict compliance with current standards for setbacks is physically impossible due to these unique lot conditions. We have already shrunk the house below standards just to achieve these reduced requests.

2. Minimum Variance Necessary

The relief requested is the minimum necessary to allow reasonable use of the property. Even with reducing the house size we still require setback variances. Relief is necessary but we have managed to follow all of the remaining hundreds of requirements of R-75 and Tier Two. Each variance request has been tailored to achieve only what is essential for development, without granting any special advantage inconsistent with other properties.

3. Public Welfare

The proposed home will not be detrimental to public welfare or injurious to neighboring properties. On the contrary, it will provide high-quality, affordable housing in an area where housing diversity is ***desperately*** needed. We anticipate offering this home at less than 1/3 the cost of new construction in the neighborhood. The smaller scale is consistent with the Traditional Neighborhoods Character Area in the Comprehensive Plan, which encourages walkability with very close proximity to The Path and public transportation. This will in no way diminish the neighborhood character but will instead make development feasible and weave into the fabric of the community unlike anything Scottdale has seen in over 100 years. Our mission is to provide the people with new housing options they can actually afford, a welcomed alternative from the million dollar new construction options which are currently being built in Scottdale. This is only possible with your help and the requested relief..

4. Ordinance Hardship

A literal interpretation of Section 27-3.36.10 would prohibit any reasonable development of these lots, effectively rendering them unusable as they have sat from the time they were platted until present day. Codes and requirements have only become more constrictive to smaller homes over the years. Without relief, the lot would remain vacant and unproductive. This constitutes an undue and unnecessary hardship that was not self-created, as the lot sizes, shapes, and separation predate the current ordinance.

5. Alignment with the Spirit of the Law & Comprehensive Plan Findings

The requested variances are consistent with the spirit and intent of the DeKalb County Zoning Ordinance and the **DeKalb 2050 Comprehensive Land Use Plan**. Specifically:

- **Housing Diversity and Affordability:** The Plan identifies the need for smaller, more affordable housing options to meet the needs of a broad range of residents. These homes directly advance that goal.
- **Traditional Neighborhood Character:** The Plan highlights the importance of walkable, traditional neighborhoods with smaller lots and houses closer to the street. The proposed variances allow us to maintain this character while adapting older lots for modern use.
- **Infill Development:** The Plan encourages efficient use of land through infill development on existing lots of record. Our proposal reactivates underutilized parcels without requiring new infrastructure.

- **Sustainability and Transportation:** By providing a modest-sized home, the project supports compact development patterns and aligns with County goals to reduce sprawl and encourage transit and pedestrian use.

Conclusion

We believe that people should not be forced to live outside of our community due to unaffordability and they should be given the opportunity to own their little slice of the American Dream. For the reasons stated above, we respectfully request that the Board grant the requested variances from Section 27-3.36.10. We have met with DeKalb County planning officials on multiple occasions to thoughtfully craft the most ideal scenario that would most adhere to codes and achieve feasibility. The proposed relief represents the minimum deviation necessary to enable development of this unusually small lot, while protecting public welfare, furthering the goals of the Comprehensive Plan, and providing much-needed affordable housing in Scottdale. Approvals such as these by this Commission would free up many un-buildable lots in Scottdale and allow the County to fully utilize the land we have available.

Thank you for your time and thoughtful consideration.

Respectfully,

A handwritten signature in blue ink, appearing to read 'Neal Hightower', with a stylized, cursive script.

Neal Hightower

The field data upon which this plat is based has a closure precision of one foot in 15,000+ feet and an angular error of 03" seconds per angle point and was adjusted using the Compass Rule. This plat has been calculated for closure and is found to be accurate within one foot in 100,000+ feet.

Equipment used: Topcon GTS-213 Total Station.

FLOOD HAZARD STATEMENT:

THIS PROPERTY IS NOT IN A FLOOD HAZARD AREA AS PER THE FIRM FLOOD HAZARD MAP OF DEKALB COUNTY, GEORGIA, COMMUNITY PANEL NUMBER 13089C 0067 K, DATED 08/15/19

ZONING INFORMATION:

CLASSIFICATION: SCOTSDALE OVERLAY TIER II

SETBACKS: FRONT - 30 FEET
SIDE - 7.5 FEET
REAR - 30 FEET

MIN. OFFSTREET PARKING - 2 SPACES

MIN. LOT SIZE - 5000 SF

MINIMUM LOT WIDTH - 50 FEET

MIN. HOUSE SIZE - 1000 SF

MAX. BUILDING HEIGHT - 32 FEET

MAX. LOT COVERAGE - 35%

LANDSCAPE STRIP - 5 FEET MIN.

SIDEWALK - 4 FEET FROM CURB MIN.

FRONT YARD TREES - 3.5" TREE EVERY 30 FEET

LOT AREA:

2525 sf.

0.058 ACRES

AREA DOES NOT INCLUDE
AREA TO BE DEDICATED FOR
SIDEWALK INSTALLATION.

NO GRADED SLOPE SHALL EXCEED 3H:1V
ON ALL DISTURBED AREAS

Ds1 Ds2 Ds3 Ds4

DISTURBED AREA = 2520 sf.
0.058 ACRES

ALL RUNOFF FROM ROOF DRAINS SHALL BE DIRECTED
TO WATER QUALITY BMPS

OVER FLOW FROM WATER QUALITY BMPS SHALL NOT
ADVERSELY AFFECT ADJACENT PROPERTIES

LEGEND

IPF = 1/2" REBAR FOUND
IPS = 1/2" REBAR PIN SET
L.L. = LAND LOT
L.L.L. = LAND LOT LINE
P.L. = PROPERTY LINE
CL = CENTERLINE
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WM = WATER METER
GW = GUY WIRE
W.M. = WATER METER

PROPOSED LOT COVERAGE:

HOUSE = 753 sf.
DRIVE STRIPS = 62 sf.
FRONT WALK/STOOP = 40 sf.
REAR DECK = 119 sf.(PERVIOUS)

TOTAL = 855 sf.

LOT COVERAGE = 33.9%

PERVIOUS MATERIAL=4.7%

FRONT YARD COVERAGE:

FRONT YARD AREA = 731 sf.

PAVED AREA = 102 sf.

FRONT YARD COVERAGE = 14.0%

TREE INVENTORY:

SAVED:

NONE

REMOVED:

55" OAK

LANDSCAPE REQUIREMENTS:

120 x 0.058 = 7" DBH REQUIRED

PRESERVED = 0" DBH

MINIMUM 7" DBH TO BE PLANTED

15 x 0.058 = 0.9 UNITS REQUIRED

PRESERVED = 0.0

MINIMUM 0.9 UNITS TO BE PLANTED

FRONT YARD TREES

MINIMUM 2 TREES SHALL BE PLANTED
IN FRONT YARD

WATER QUALITY CALCULATIONS:

$R_v = 0.05 + 0.009(33.9) = 0.3551$

$WQ_v = \frac{(1.2)(0.3551)(2525)}{12} = 89.7$

STORAGE REQUIRED = 90 CF

FLO-WELLS TO BE UTILIZED

30x24 WELL WITH 1.0' GRAVEL ON

ALL SIDES TO BE INSTALLED

31.6 CU FT TREATED PER WELL

$90/31.6 = 2.85 = 3$ WELLS REQUIRED

⊗ - FLO-WELL (3)
GRAVEL

TREE PLANTINGS:

THREE 2.5" TREES TO BE PLANTED

Qa - 2.5" WHITE OAK (2)

Cf - 2.5" FLOWERING DOGWOOD (1)

Tr - 4' ORANGE MESH TREE-SAVE

Sd1-S - TYPE "S" SILT-FENCING

Co - CONSTRUCTION EXIT

SdHb - STAKED HAY BALES AS EROSION CONTROL

CUT/FILL VOLUMES:

FILL VOLUMES = 10 CU YRDS

CUT VOLUMES = 10 CU YRDS

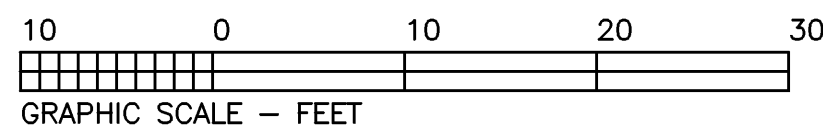
- SITE TO BE BALANCED

- QUANTITIES ARE APPROXIMATE

VARIANCE REQUESTS:

- 1) REDUCE FRONT SETBACK FROM 30' TO 10'
- 2) REDUCE REAR SETBACK FROM 30' TO 13'

PROCTOR AVENUE (APPARENT 30' R/W)

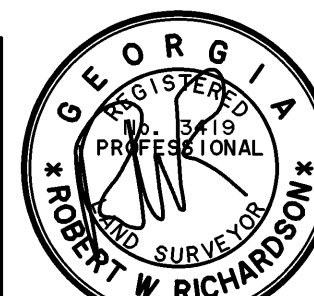
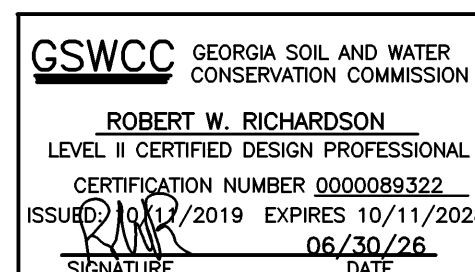


GENERAL NOTES:

- 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 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

- 16) I ROBERT W. RICHARDSON 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.



ALPHA LAND SERVICES	
P.O. BOX 1651 LOGANVILLE, GA. 30052	
CONTACT: ROBERT RICHARDSON	
OFF: 770.696.4054 EMAIL: ROBERT@ALPHASURVEYOR.COM	
REVISION: 06/30/26	
REF. PLAT: PB. 15	P. 85

PAGE 2 OF 4	
SITE PLAN FOR:	
445 PROCTOR AVENUE	
TAX PARCEL #18-047-23-009	
LAND LOT: 47	LOT: 8/9 BLOCK:
DISTRICT: 18TH	SUB: MEADOW BROOK
DEKALB COUNTY	
GEORGIA	
FIELD DATE: 12/24/24	AREA = 0.058 ACRES
PLAT DATE: 06/09/26	JOB No. 2630751

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Equipment used: Topcon GTS-213 Total Station.

FLOOD HAZARD STATEMENT:

THIS PROPERTY IS NOT IN A FLOOD HAZARD AREA AS PER THE FIRM FLOOD HAZARD MAP OF DEKALB COUNTY, GEORGIA, COMMUNITY PANEL NUMBER 13089C 0067 K, DATED 08/15/19

ZONING INFORMATION:

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SETBACKS: FRONT - 30 FEET
SIDE - 7.5 FEET
REAR - 30 FEET

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MIN. LOT SIZE - 5000 SF

MINIMUM LOT WIDTH - 50 FEET

MIN. HOUSE SIZE - 1000 SF

MAX. BUILDING HEIGHT - 32 FEET

MAX. LOT COVERAGE - 35%

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SIDEWALK - 4 FEET FROM CURB MIN.

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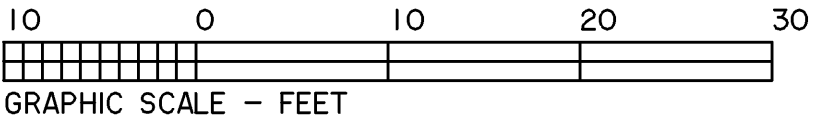
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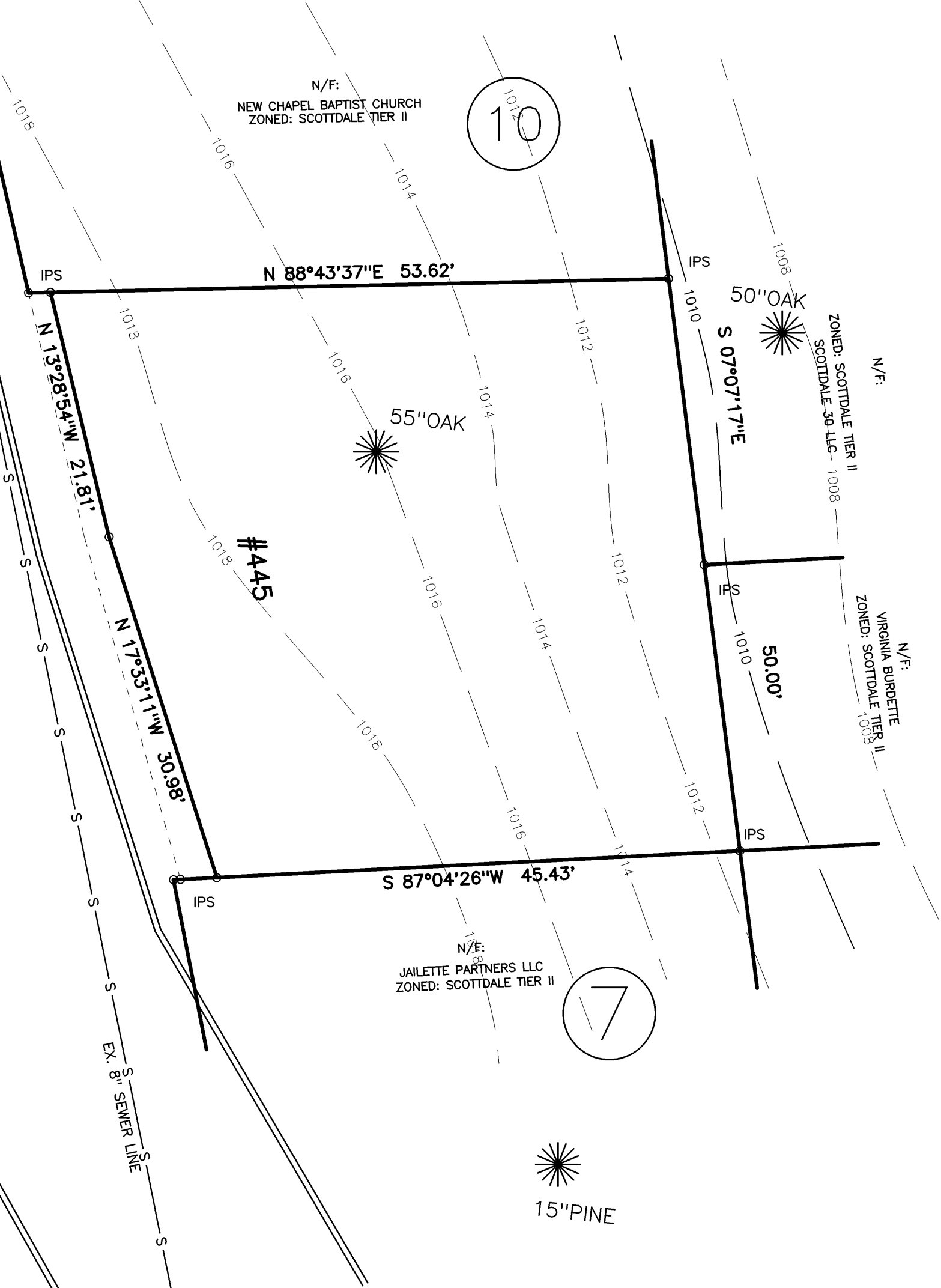
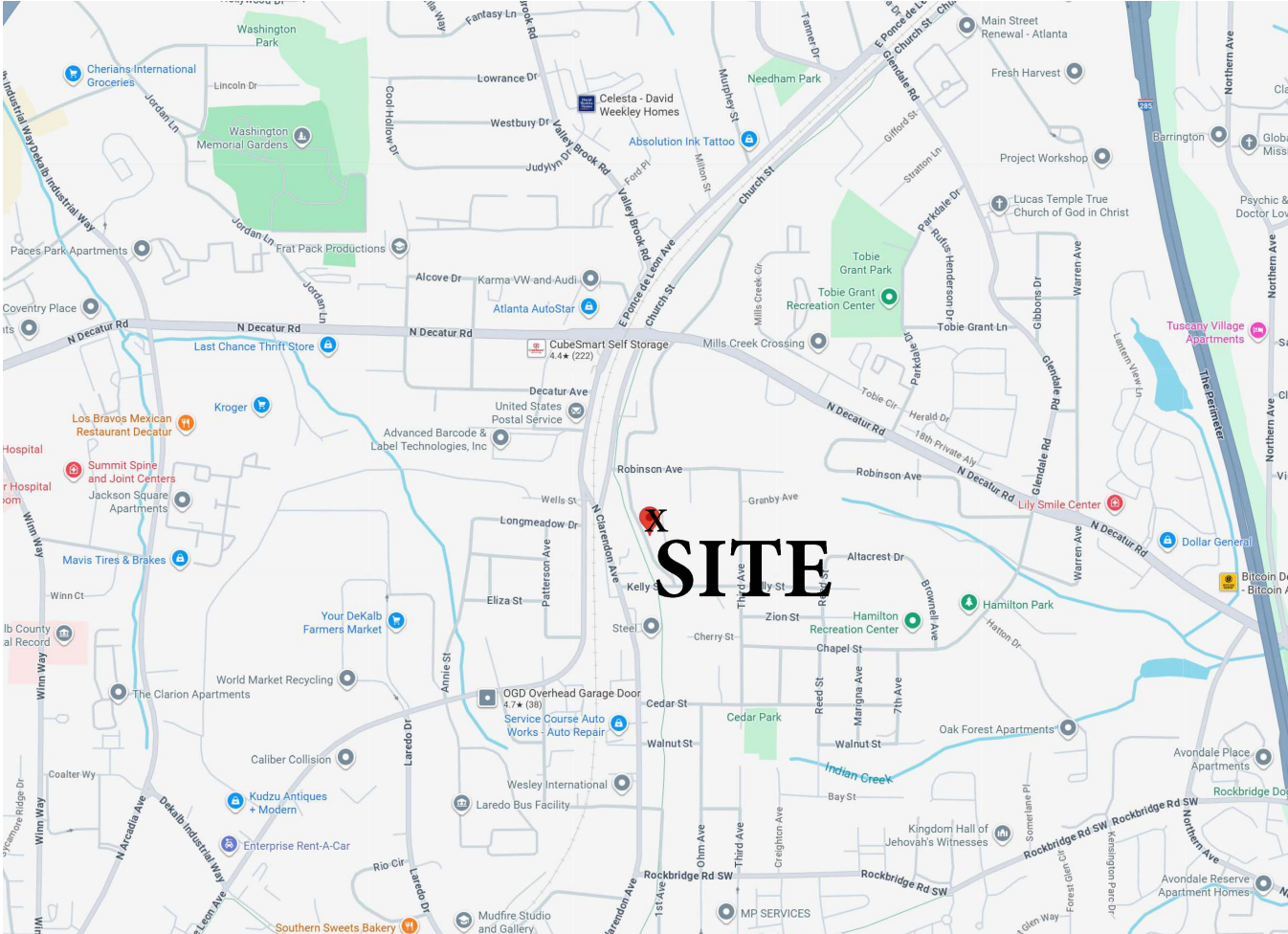
2525 sf.

0.058 ACRES

AREA DOES NOT INCLUDE
AREA TO BE DEDICATED FOR
SIDEWALK INSTALLATION.



PROCTOR AVENUE (APPARENT 30' R/W)



24 HR CONTACT:

NEAL HIGHTOWER
614 VALLEY BROOK DRIVE
SCOTSDALE, GA. 30079
(404)985-6454
NEALHIGHTOWER@GMAIL.COM

OWNER:

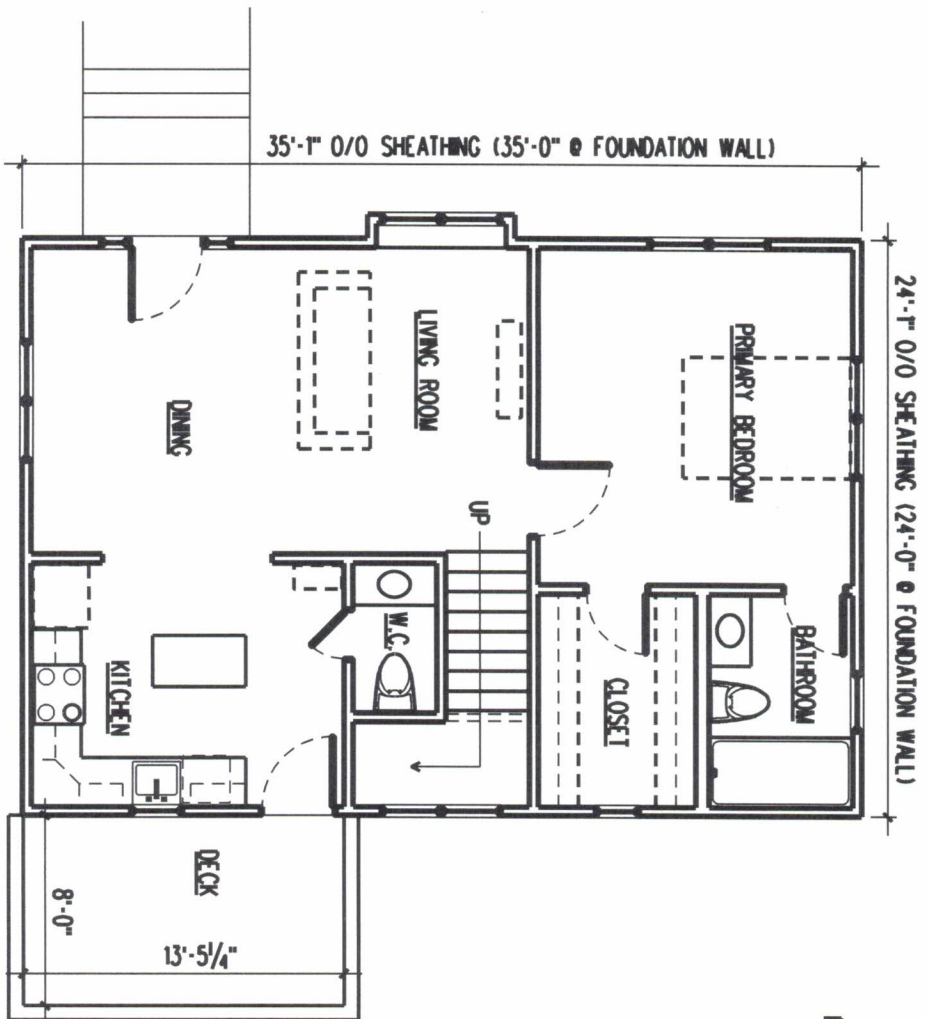
480 PROPERTIES LLC
2221D PEACHTREE ROAD
SUITE 220
ATLANTA, GA. 30309
(404)872-1031
JWMANGHAM@GMAIL.COM

GSWCC GEORGIA SOIL AND WATER
CONSERVATION COMMISSION
ROBERT W. RICHARDSON
LEVEL II CERTIFIED DESIGN PROFESSIONAL
CERTIFICATION NUMBER 0000089322
ISSUED 10/12/2019 EXPIRES 10/11/2028
SIGNATURE DATE 06/09/26



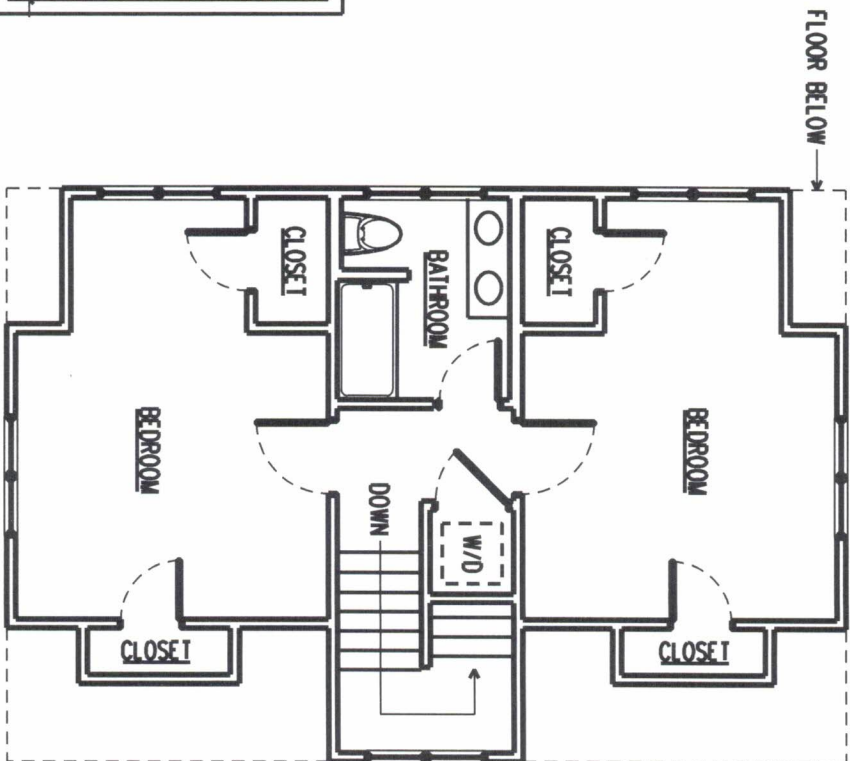
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REF. PLAT: PB. 15 P. 85

PAGE 1 OF 4			
EXISTING CONDITIONS SURVEY FOR:			
445 PROCTOR AVENUE			
TAX PARCEL #18-047-23-009			
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DISTRICT: DEKALB	COUNTY: DEKALB	GEORGIA	
FIELD DATE: 12/24/24	AREA = 0.058 ACRES		
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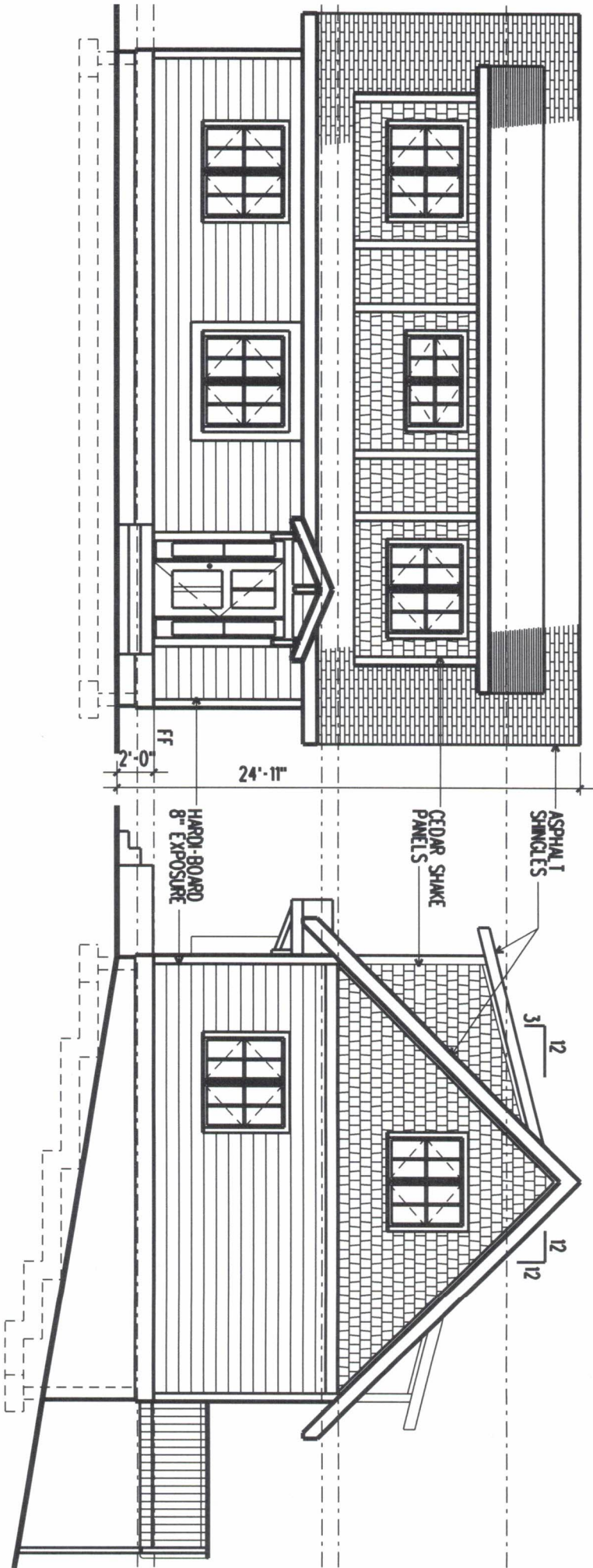
445 PROCTOR AVENUE - MAIN FLOOR - 845 SF

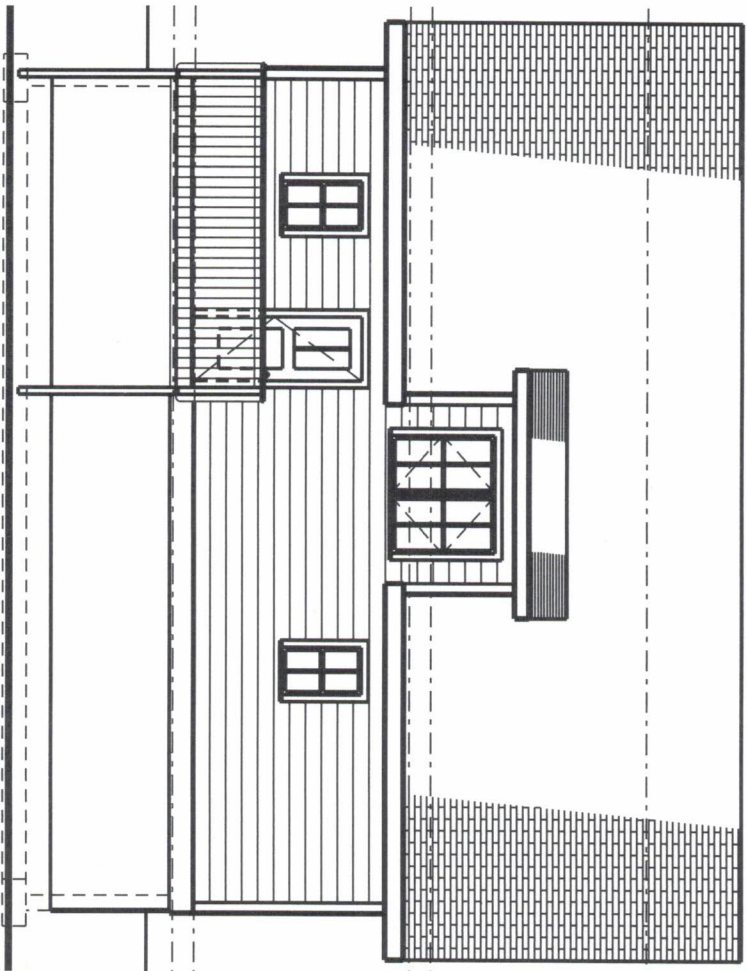
1" = 8'-0"



445 PROCTOR AVENUE - ATTIC FLOOR - 698 SF

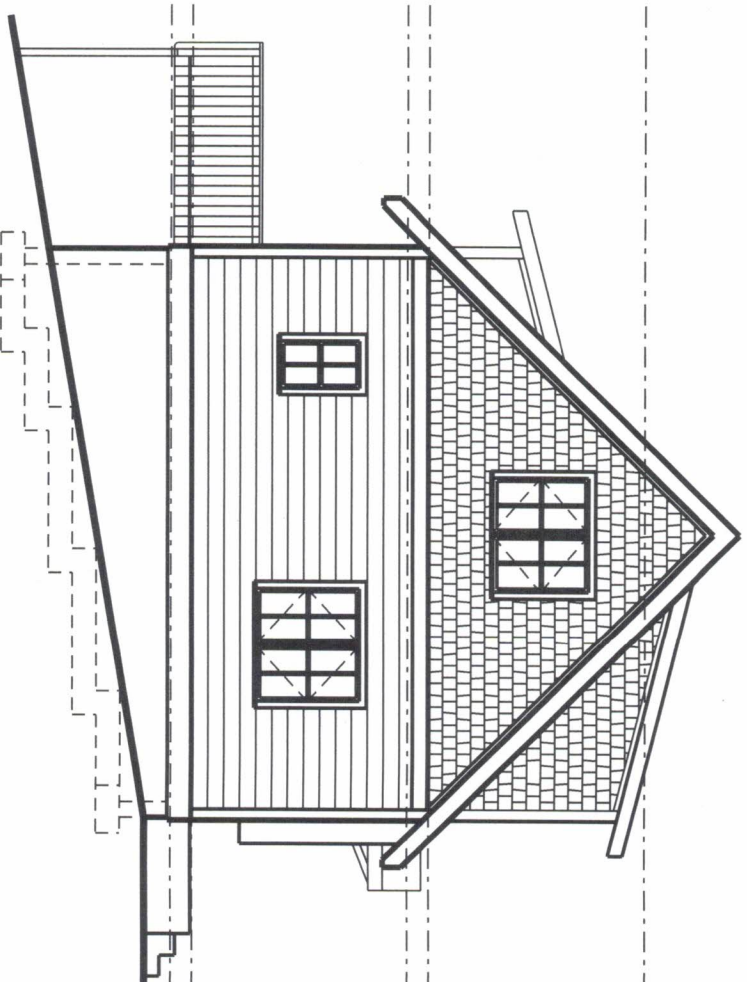
1" = 8'-0"





445 PROCTOR AVENUE - EAST ELEVATION

1" = 8'-0"



445 PROCTOR AVENUE - NORTH ELEVATION

1" = 8'-0"