

RECEIVED

By dmwells at 9:30 am, Aug 27, 2026

ZONING BOARD OF APPEALS (ZBA) APPLICATION
to Amend the Official Zoning Map of DeKalb County, Georgia

Subject Property Address: _____

City: _____ State: _____ Zip: _____

Parcel ID Number(s): _____ Acreage: _____

District: _____ Land Lot: _____ Block: _____ Parcel: _____

Commission District(s): _____ Super District: _____

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 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 ☐ Agent

Signature

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



Lorraine Cochran-Johnson
Chief Executive Officer

Planning & Sustainability Department Current Planning / Zoning Division

178 Sams Street
Decatur, GA 30030

Juliana A. Njoku
Director

APPLICANT PERSONAL CONTACT INFORMATION PAGE

Applicant Name: _____

Address: _____ City: _____ State: _____ Zip: _____

Telephone: _____ Email: _____

Owner Name: _____

Address: _____ City: _____ State: _____ Zip: _____

Telephone: _____ Email: _____

Subject Property Address: _____

City: _____ State: _____ Zip: _____

District(s): _____ Land Lot(s): _____ Block: _____ Parcel(s): _____

Zoning Designation: _____ Zoning District(s): _____

I hereby authorize the staff of the Planning and Sustainability Department, Current Planning/Zoning Division, to inspect the property that is the subject of this application.

☐ Owner ☐ Agent

Signature of Applicant: _____ 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.**

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: _____ 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

August 12, 2026

James and Shiraz Demer
2952 Braithwood Court NE
Atlanta, GA 30345

re: Letter of Intent for Variance

Dear DeKalb County Zoning Board of Appeals Officers,

We are James and Shiraz Demer, a schoolteacher and nurse, respectively. Both of us have lived in DeKalb for over thirty years, and both of us work in DeKalb – James at Chamblee High School, and Shiraz at Emory Decatur Hospital. We are kindly requesting a variance for a project at our home. Specifically, we are requesting a variance from Section 27-2.2.1 of the DeKalb County Ordinance to decrease lot coverage from 43.3% to under 40% by removing 600 to 900 square feet of concrete and to build a kitchen addition. The scope of our project is a small addition off the back of our home for a new kitchen for our family – the two of us, our five-year old daughter, and Shiraz's mother. As part of that project, we propose to remove much of the concrete currently covering our back yard. Our addition would be built where there is currently a large concrete pad, and thus would not expand current lot coverage even if we did not remove any of the existing concrete. We should also note that the current state of legal non-compliance is due to expansions to lot coverage by prior owners and not by us.

Physical Conditions. Our lot is on a steep slope that dips 20 feet toward the street. More than 1,000 square feet of concrete blankets the side and back of our property, which causes our property to be legally non-compliant. These conditions have caused our basement to flood twice since 2023, when we purchased and moved into the home. (We have since installed a sump pump in case of flooding.) In addition to our need for a kitchen that works for our family, rectifying the poor drainage of our site is a priority of our request today. We believe that by removing hundreds of square feet of concrete and by addressing drainage issues in our site plan, we can improve the aesthetic conditions of our home, provide more and larger planted areas that naturally absorb rainwater, and install drains to properly move remaining water away from the structure.

Minimum Necessary. The structure we intend to add to our home will not add to lot coverage as it will be built on land currently occupied by a concrete pad. While legal compliance would require that we diminish lot coverage by approximately 1,600 square feet, we feel that we can confidently remove about 600 to 900 square feet. It would be difficult to remove more concrete because we do need a path around the home so we do not have to walk on bare ground in rainy conditions (Shiraz's mother often hosts religious meetings in our lower level, which is accessed by walking around the back of the home; these guests are often seniors and we want to maintain safe travel around the site). A great deal of the lot coverage is due to our long and steep driveway, since our home sits well back from the street.

Public Welfare. Our neighbors will not be able to see our proposed addition because it sits behind the house and tall shrubs and trees create a visual barrier between lots on both sides. However, in our property's current state, the water run-off from our concrete pad may have adverse effects on our neighbors' properties. Our lot sits slightly higher than those of our neighbors on both sides. We can not confidently say that water runoff from our property has caused problems to theirs, but our proposal is likely to greatly diminish water runoff from our property to theirs, as our plan provides for more natural absorption of rainwater and for installing drains to move water from the higher area behind our house to a lower area in front of our home and those of our neighbors.

Ordinance Hardship. Because we are a multi-generational family, our kitchen seems to be in use at all times. It is strangely L-shaped and situated as both an entry way and a pass-through. Although the kitchen's cabinetry and appliances are not original to the home's 1965 construction, they were last updated in the 1980s. The narrowness of the space and its necessity as a pass-through to a laundry/bath room complicates the possibility of simply renovating the existing space, and makes an expansion into the back yard the best option for an organized, contemporary, and utilitarian kitchen.

Alignment with Spirit of the Law. Our proposal intends to bring our lot as close as is reasonably possible to DeKalb County compliance, as well as making our property more attractive and environmentally-friendly. Without this variance, our project will not happen as proposed. We believe that our project will be beneficial to our neighborhood and to DeKalb County more generally. Our project aligns with the character of our suburban neighborhood and may have a beneficial impact on our closest neighbors.

We make this proposal in good will, and with the intention of being good neighbors and residents of DeKalb County. The variance requested here will help us to happily remain in our home for many years to come. We are greatly appreciative of your time in considering our proposal.

Cordially,

The image shows two handwritten signatures in black ink. The first signature on the left is 'James' and the second signature on the right is 'Shiraz'. Both are written in a cursive, flowing style.

James & Shiraz Demer

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 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 0057K, DATED 08/15/19

ZONING INFORMATION:

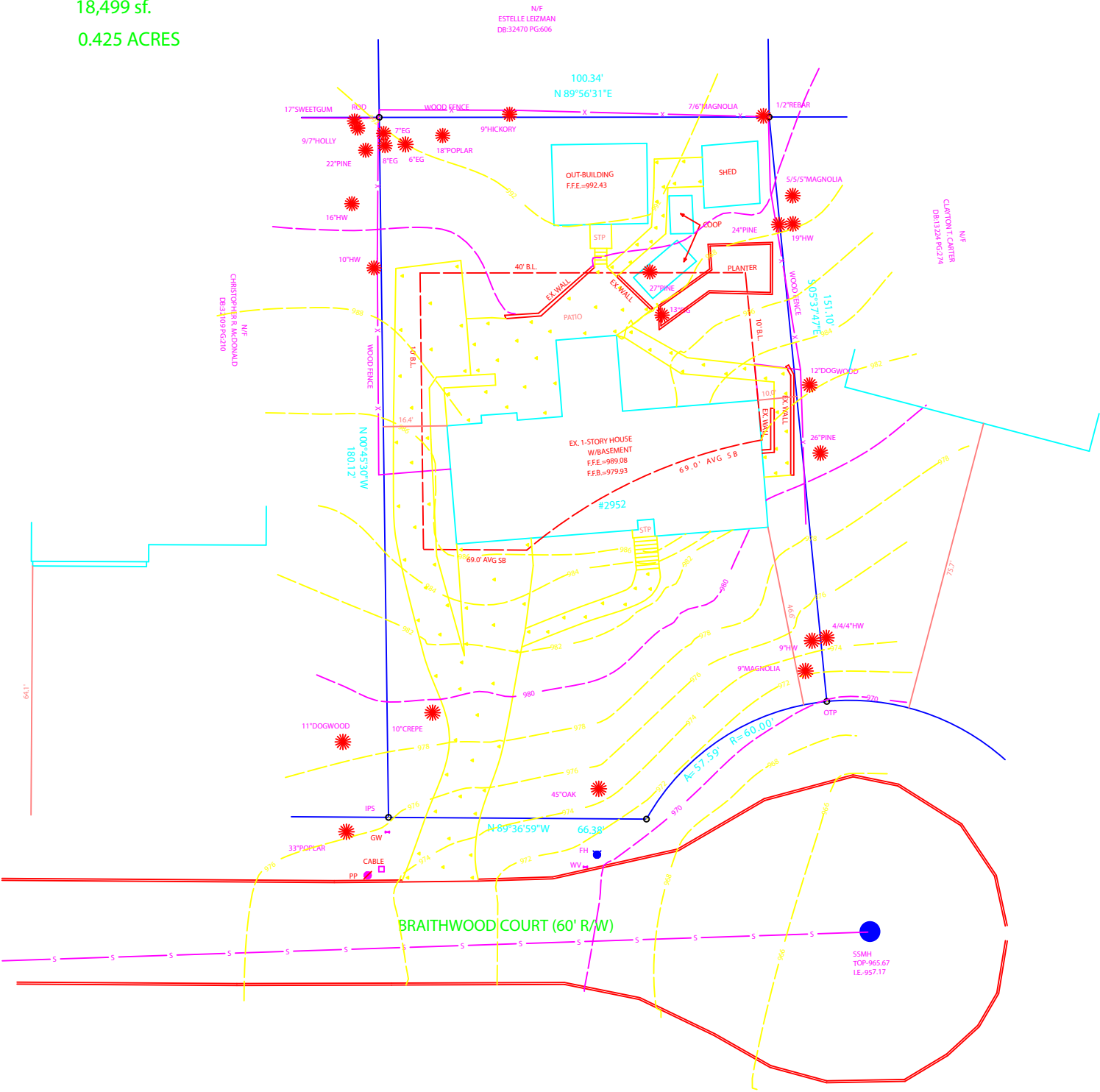
CLASSIFICATION: R-100
MINIMUM LOT WIDTH - 100 FEET
MINIMUM LOT AREA - 15,000 sf.
SETBACKS: FRONT - 35 FEET
SIDE - 10 FEET
REAR - 40 FEET
MAXIMUM LOT COVERAGE - 35%
MINIMUM FLOOR AREA - 2000 sf.
MAXIMUM BUILDING HEIGHT - 35 FEET

EXISTING LOT COVERAGE:

HOUSE = 2833 sf.
DRIVE = 2437 sf.
PATIO = 943 sf.
OUT-BUILDING = 552 sf.
REAR WALKS = 496 sf.
SHED = 231 sf.
FRONT WALK = 176 sf.
COOPS = 166 sf.
WALLS = 115 sf.
FRONT STOOP = 70 sf.
TOTAL = 8019 sf.

LOT COVERAGE = 43.3%

LOT AREA:
18,499 sf.
0.425 ACRES



- LEGEND
- IPF = 1/2" REBAR FOUND
 - IPS = 1/2" REBAR PIN SET
 - LL = LAND LOT
 - LL.L = LAND LOT LINE
 - PL = PROPERTY LINE
 - CL = CENTERLINE
 - B.L = BUILDING LINE
 - R.W = RIGHT-OF-WAY
 - S.S.E. = SANITARY SEWER EASEMENT
 - D.E = DRAINAGE EASEMENT
 - MH = MANHOLE
 - C.B. = CATCH BASIN
 - J.B. = JUNCTION BOX
 - HW = HEADWALL
 - D.I. = DROP INLET
 - PP = POWER/UTILITY POLE
 - FH = FIRE HYDRANT
 - I.E. = INVERT ELEVATION
 - F.F.E. = FINISHED FLOOR ELEVATION
 - F.F.B. = FINISHED FLOOR BASEMENT
 - E.F.G. = FINISHED FLOOR GARAGE
 - B.O.C. = BACK OF CURB
 - EP = EDGE OF PAVEMENT
 - N/F = NOW OR FORMERLY
 - P.O.B. = POINT OF BEGINNING
 - S- = SANITARY SEWER LINE/PIPE
 - X-X-X- = FENCE LINE
 - = FLOOD HAZARD ZONE LINE
 - - - = STORM SEWER LINE/PIPE
 - W- = WATER LINE
 - G- = GAS LINE
 - CM = CONCRETE MONUMENT
 - C.E. = CONSTRUCTION EASEMENT
 - C&G = CURB AND GUTTER
 - LS = LIGHT STANDARD
 - OTP = OPEN TOP PIPE FOUND
 - CTP = CRIMP TOP PIPE FOUND



ALPHA LAND SERVICES P.O. BOX 1651 LOGANVILLE, GA. 30052 ENGINEERING * LAND SURVEYING OFF: 770.696.4054 EMAIL: ROBERT@ALPHASURVEYOR.COM		SURVEY FOR: 2952 BRAITWOOD COURT TAX PARCEL# 18 248 01 067	
REVISION: _____	LAND LOT: 248	LOT: 18	BLOCK: B
_____	DISTRICT: 18TH	SUB: NORTH SHENANDOAH	
_____	DEKALB COUNTY		
_____	GEORGIA		
REF. PLAT: PB. 37 P. 122	FIELD DATE: 04/30/26	AREA: 0.425 ACRES	
	PLAT DATE: 05/08/26	JOB No. 26-04-224	

A HOME RENOVATION FOR THE DEMER'S

2952 BRAITHWOOD COURT
ATLANTA, GA 30345

ISSUED FOR CONSTRUCTION
JULY 3, 2026

PROJECT SUMMARY

PROJECT IS A RENOVATION AND ADDITION TO THE HOME AT 2952 BRAITHWOOD COURT INCLUDING DEMOLITING THE EXISTING KITCHEN, RENOVATIONS TO THE EXISTING LAUNDRY/POWDER ROOM AND A SINGLE STORY ADDITION TO THE REAR OF THE HOME TO ACCOMMODATE A NEW KITCHEN AND BREAKFAST ROOM. ADDITION IS OVER AN EXISTING PATIO SPACE, NO NEW LOT COVERAGE IS PROPOSED

ZONING: DEKALB COUNTY - DEKALB COUNTY R-100 SINGLE FAMILY RESIDENTIAL

SETBACKS:
FRONT - 35 FEET
SIDE - 10 FEET
REAR - 40 FEET

LOT AREA MINIMUM - 15,000 SQ FT
LOT AREA ACTUAL - .425 ACRES, 18,499 SQ FT

SEE SITE PLAN FOR LOT COVERAGE CALCULATIONS

APPLICABLE CODES

- International Residential Code 2024 with 2026 Georgia Amendments
- International Fire Code 2024 with all Georgia State Fire Marshall Amendments
- International Plumbing Code 2024, with 2026 Georgia Amendments
- International Mechanical Code 2024, with 2026 Georgia Amendments
- International Fuel and Gas Code 2024, with 2026 GA Amendments
- National Electrical Code 2023, with 2026 Georgia Amendments
- International Energy Conservation Code 2015, with 2020, 2022 and 2023 GA Amendments
- International Swimming Pool and Spa Code 20234, with 2026 GA Amendments
- NFPA 101 (Life Safety) 2024
- 120-3-3 2007 Rules and Regulations of the Office of the Safety Fire Commissioner
- 2010 GA Accessibility Code
- 2010 ADA Design Standards

ARCHITECT
Wright Gardner
Wright Gardner Architect LLC
659 Auburn Avenue, Suite G9
Atlanta, GA 30312
wright@wrightgardnerarchitect.com
404-218-8460

CONTRACTOR
TBD

OWNER
James Demer
2952 Braithwood Court
Atlanta, Georgia 30345
demer.james@gmail.com
404-403-2330

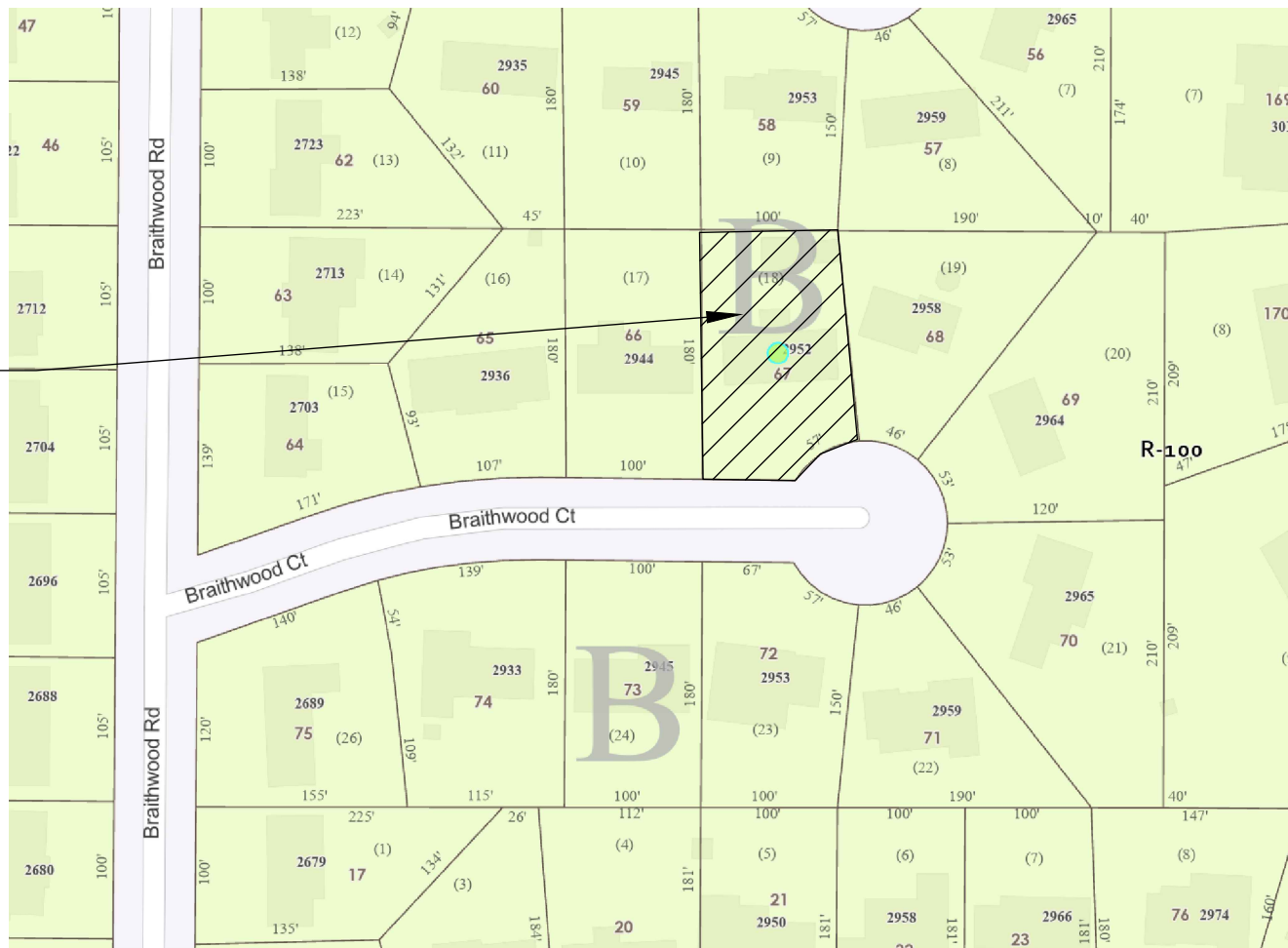


PROJECT LOCATION MAP

SHEET INDEX

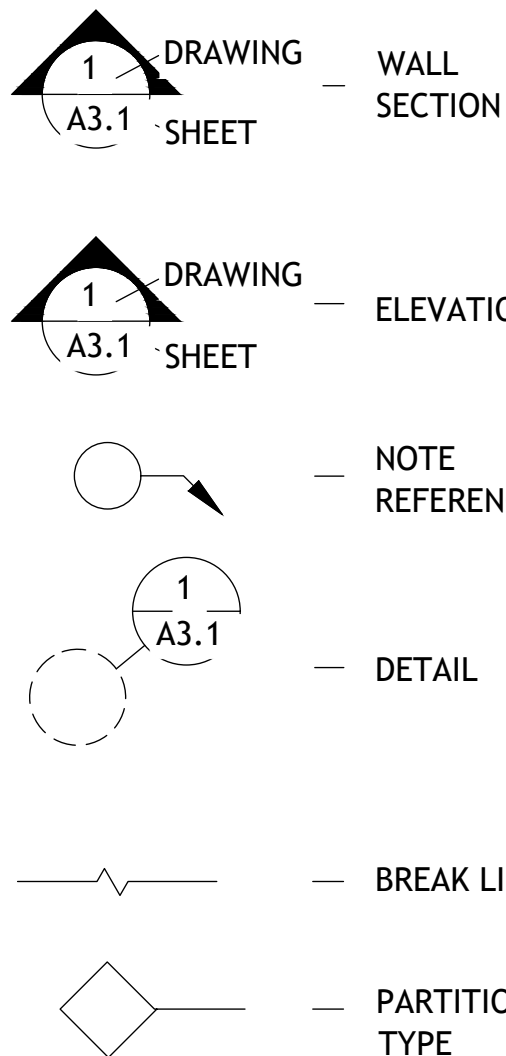
A0-01	COVER SHEET- PROJECT INFORMATION
A1-00	EXISTING DEMOLITION PLAN AND PROPOSED FLOOR PLAN
A1-10	EXISTING DEMOLITION ELEVATION AND PROPOSED ELEVATIONS

PROJECT IS LOCATED IN THE REAR YARD OF THE EXISTING STRUCTURE ON THE NORTHWEST CORNER OVER AN EXISTING PATIO



SITE LOCATION DIAGRAM

ANNOTATION LEGEND



ROOM NAME	ROOM NAME AND NUMBER
RM#	
0' - 0"	REQUIRED CLEAR DIMENSION
0' - 0"	DIMENSION TO FACE FINISH
0' - 0" A.F.F.	ELEVATION DATUM
	EXISTING WALL TO REMAIN
	NEW WALL
D-01	DOOR NUMBER
W-01	WINDOW NUMBER

wright
gardner
architect

154 Krog Street, #125
Atlanta, GA 30307
404-218-8460

A HOME RENOVATION

FOR THE DEMER'S

2952 BRAITHWOOD COURT
ATLANTA, GA 30345



revisions		
No.	Description	Date

sheet title:

COVER

project number: 26-012
drawing date: 07.03.2026
scale: as noted

sheet number:
A0-01
☐ NOT ISSUED FOR CONSTRUCTION
☒ ISSUED FOR CONSTRUCTION

A HOME RENOVATION
FOR THE DEMER'S
2952 BRAITHWOOD COURT
ATLANTA, GA 30345



This drawing is the property of WRIGHT GARDNER ARCHITECT, LLC and is not to be reproduced or copied in whole or in part. It is to be used for the project and site specifically identified herein and is to be used on any other project. It is to be returned upon request. ©2022 WRIGHT GARDNER ARCHITECT, LLC.

revisions		
No.	Description	Date

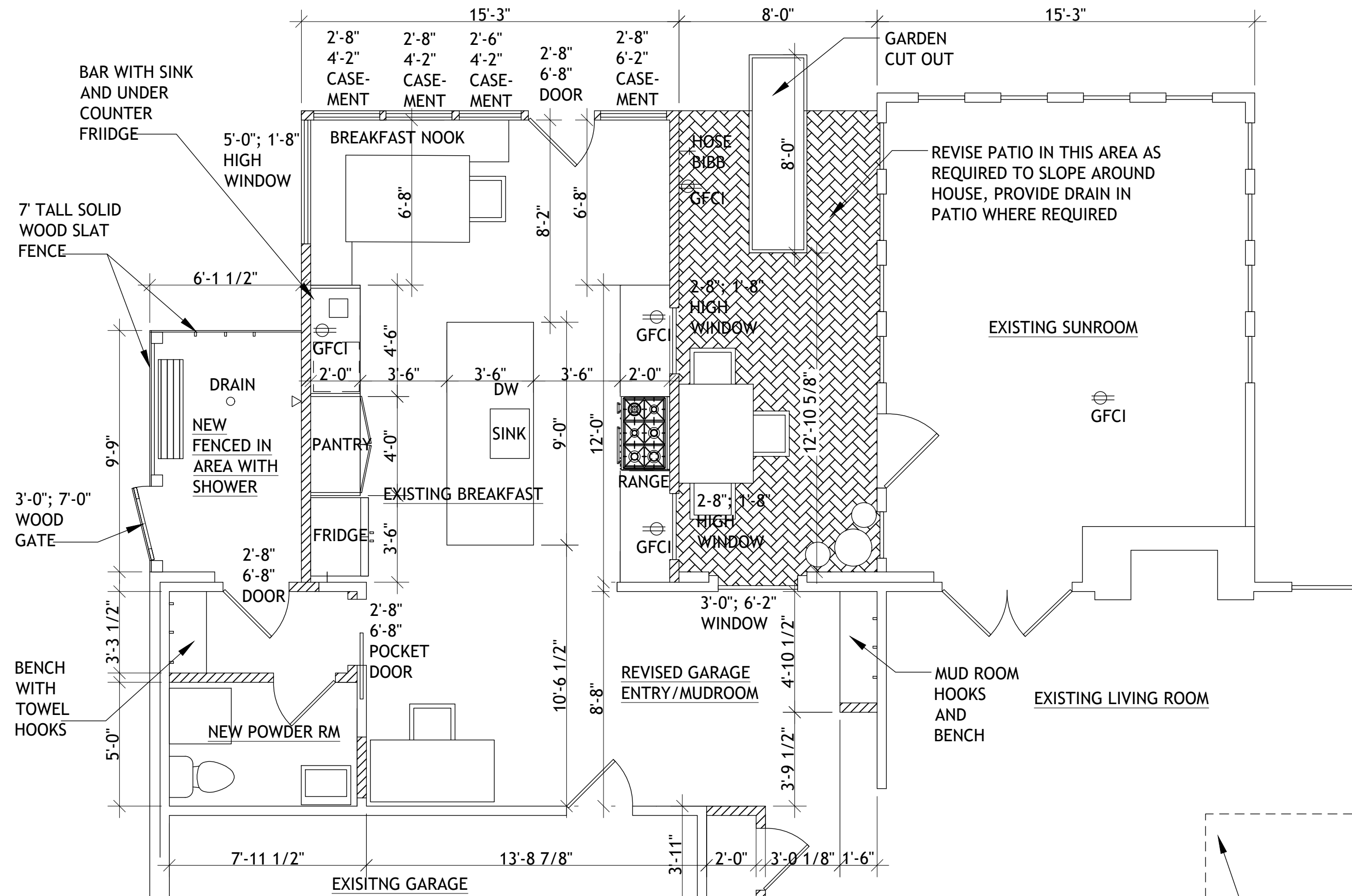
sheet title:
**EXISTING/ DEM
AND PROPOSED
FLOOR PLAN**

project number: 25-060
drawing date: 12.19.2025
scale: as noted

sheet number:

A1-00

☐ NOT ISSUED FOR CONSTRUCTION
☒ ISSUED FOR CONSTRUCTION



2 PROPOSED FLOOR PLAN
A1-00 1/4" = 1'-0"

GENERAL NOTES:

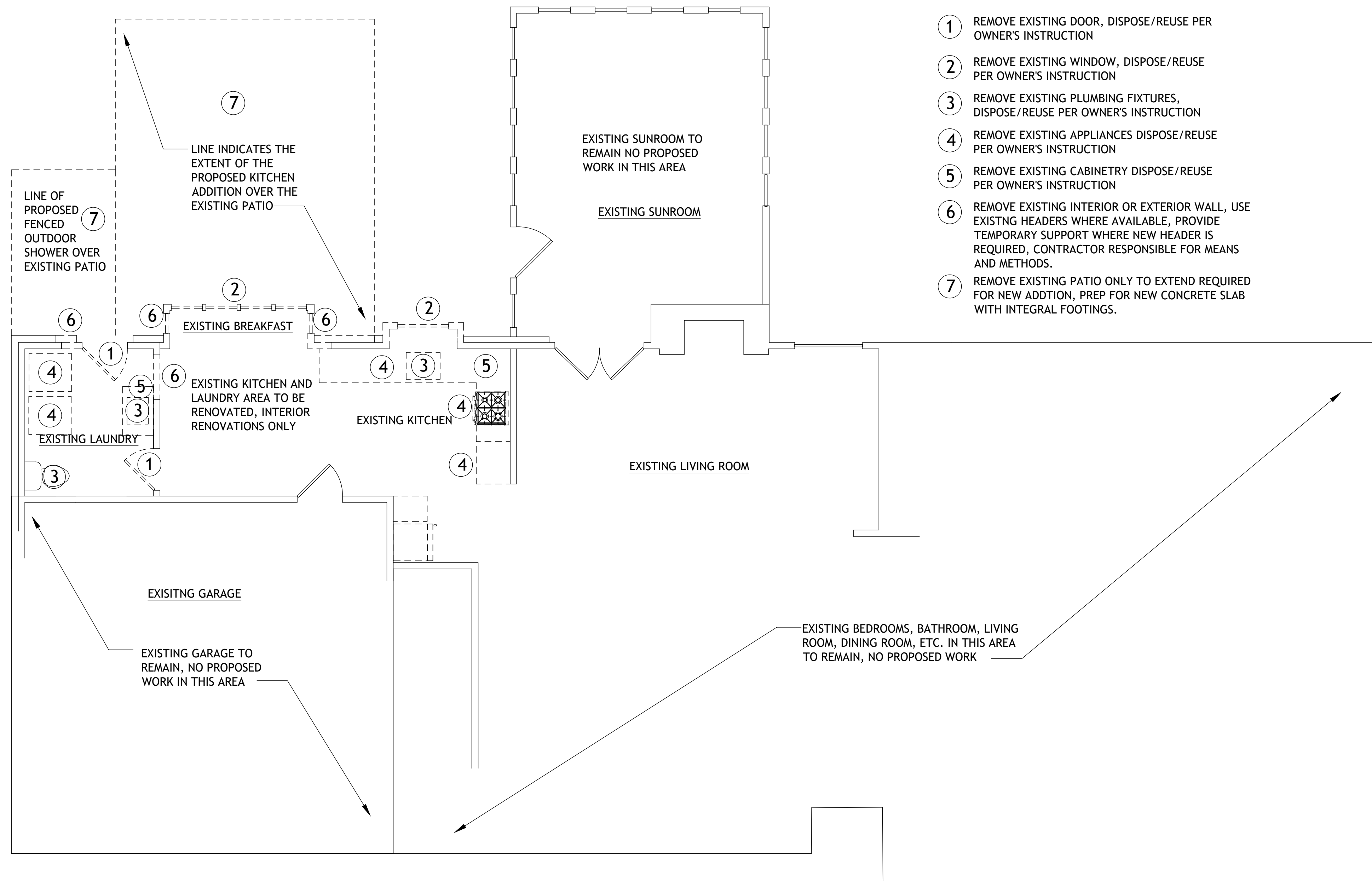
1. CONTRACTOR TO VERIFY ALL DIMENSIONS AND ALERT ARCHITECT OF ANY MAJOR DISCREPANCIES THAT WILL AFFECT THE DESIGN.
2. WINDOWS AND DOORS ARE NOMINAL DIMENSIONS AND MAY CHANGE SLIGHTLY DEPENDING ON BRAND OF WINDOW CHOSEN.
3. WHERE NEW CONSTRUCTION MEETS EXISTING CONSTRUCTION, FINISH ALL SURFACES SMOOTH WITH ADJACENT WALLS, CEILING AND FLOORS SO THAT NO TRANSITION IS APPARENT.
4. WHERE PLUMBING ELECTRICAL AND OTHER UTILITIES ARE ABANDONED, REMOVE ALL WIRING, PIPES AND OTHER EXISTING EQUIPMENT BACK TO SOURCE WHERE POSSIBLE, TERMINATE PER CODE CODE REQUIREMENTS WHERE THAT IS NOT FEASIBLE.

LEGEND

- EXISTING WALL TO REMAIN
- NEW WALL
- EXISTING WALL TO BE REMOVED

WORK NOTES

- 1 REMOVE EXISTING DOOR, DISPOSE/REUSE PER OWNER'S INSTRUCTION
- 2 REMOVE EXISTING WINDOW, DISPOSE/REUSE PER OWNER'S INSTRUCTION
- 3 REMOVE EXISTING PLUMBING FIXTURES, DISPOSE/REUSE PER OWNER'S INSTRUCTION
- 4 REMOVE EXISTING APPLIANCES DISPOSE/REUSE PER OWNER'S INSTRUCTION
- 5 REMOVE EXISTING CABINETY DISPOSE/REUSE PER OWNER'S INSTRUCTION
- 6 REMOVE EXISTING INTERIOR OR EXTERIOR WALL, USE EXISTNG HEADERS WHERE AVAILABLE, PROVIDE TEMPORARY SUPPORT WHERE NEW HEADER IS REQUIRED, CONTRACTOR RESPONSIBLE FOR MEANS AND METHODS.
- 7 REMOVE EXISTING PATIO ONLY TO EXTEND REQUIRED FOR NEW ADDITION, PREP FOR NEW CONCRETE SLAB WITH INTEGRAL FOOTINGS.



1 EXISTING/DEMOLITION FLOOR PLAN
A1-00 1/4" = 1'-0"

Filing Guidelines for Applications to the Zoning Board of Appeals

1. Submit Application Materials:

- a. To ensure proper processing and payment, please create a profile and upload at least page 1 of your application to: <https://epermits.dekalbcountyga.gov/> (no more than 10mb permitted).
 - If you have an existing account, you may use that account and create a *new application number* by selecting the proper application type.
 - Fill out *all* Account Portal Questions
 - Put your **email address under “WEB ACCOUNT”**
 - **SAVE APPLICATION NUMBER (1246XXX)** – send to staff when you email your complete application.
- b. After portal submittal, email one (1) combined PDF document of the completed application and materials to plansustain@dekalbcountyga.gov and ljcarter@dekalbcountyga.gov along with application number.
- c. Please confirm we have received your application.
- d. For any questions, please contact plansustain@dekalbcountyga.gov

2. Order of Submitted Materials:

- a. Application Form
- b. Signatures and authorization (including permission to go on property)
- c. Letter of Intent
- d. Surveys, site plans.
- e. Other relevant materials (e.g., photographs, letters of support, citation, etc.)

3. Authorization:

- a. If property owner is different from the applicant, the form to authorize the application must be signed by the owner and stamped by a notary.
- b. If property is owned by more than one property owner, all property owners must authorize the request.

4. Letter of Intent:

- a. **Explain what you are asking for and why.**
- b. A typed statement indicating the request and clarifying justification for the proposal based on the criteria as indicated in Section 27-7.5.3 or 7.5.4 of the DeKalb County Zoning Ordinance (see attached information).
- c. Reference the section of the code you are requesting to vary and the amount of requested change, (such as to reduce the rear yard setback from forty (40) feet to twenty (20) feet to construct an addition).

5. Surveys and site plans of the Subject Property:

- a. Must be stamped by a professional engineer or surveyor, registered in the State of Georgia.
- b. All plans and surveys must include the following information:
 1. Must show all property lines with dimensions.
 2. Must show the location of all existing and proposed buildings, structures, parking and setbacks (their relationship to the property boundaries).
 3. Must show any other features related to the request such as trees, fences, topography, streams, etc.
 4. Must be to-scale
 5. Must show lot area and lot coverage (impervious materials, including paving and structures).

6. **Application Fee is \$300.** You will be able to pay by credit card on the epermitting portal. A receipt will be provided.

Writing the Letter of Intent

Please address the following criteria as appropriate:

7.5.1 Applications for variances; and criteria to be used by the zoning board of appeals in deciding applications for variances.

The zoning board of appeals shall hear and decide applications for variances from the strict application of the regulations of this chapter and chapter 21 where the strict application of any regulation enacted under said chapters would result in exceptional and undue hardship upon the owner of such property. In determining whether or not to grant a variance, the board shall apply the criteria specified in this section to the facts of each case. The board may attach reasonable conditions to any approved variance in accordance with section 7.3.9. Once imposed, conditions shall become an integral part of the approved variance and shall be enforced as such. No changes to an approved condition attached to a variance shall be authorized except by re- application to the zoning board of appeals in full compliance with the applicable provisions of this division. No relief may be granted or action taken under the terms of this division unless such relief can be granted without substantial detriment to the public good and without substantial impairment of the intent and purpose of this chapter and the comprehensive plan. The zoning board of appeals shall apply the following criteria to the types of applications specified below as follows:

- A. Variances from the provisions or requirements of this chapter other than variances described in section 7.5.4 shall be authorized only upon making all of the following findings in writing:
 - 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.
 - 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.
 - 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.
 - 4. The literal interpretation and strict application of the applicable provisions or requirements of this chapter would cause undue and unnecessary hardship.
 - 5. The requested variance would be consistent with the spirit and purpose of this chapter and the DeKalb County Comprehensive Plan text.
- B. Appeals of decisions regarding building architectural design standards shall be evaluated using the same criteria as section 7.6.7(B).

DEPARTMENT OF PLANNING & SUSTAINABILITY

- C. Appeals to the height standards, but not to add stories, shall be evaluated using the criteria as follows:
1. Adequacy of the size of the site for the use contemplated and whether or not adequate land area is available for the proposed use including provision of all required yards, open space, off-street parking, and all other applicable requirements of the zoning district in which the use is proposed to be located.
 2. Compatibility of the proposed use with adjacent properties and land uses and with other properties and land uses in the district.
 3. Adequacy of public services, public facilities, and utilities to serve the proposed use.
 4. Whether or not the proposed use provides for all required buffer zones and transitional buffer zones where required by the regulations of the zoning district in which the use is proposed to be located.
 5. Whether or not the size, scale and massing of proposed buildings are appropriate in relation to the size of the subject property and in relation to the size, scale and massing of adjacent and nearby lots and buildings.
 6. Whether or not the proposed use will create a negative shadow impact on any adjoining lot or building as a result of the proposed building height.

7.5.2 Applications for variances to reduce or waive off-street parking or loading space requirements.

The zoning board of appeals shall hear and decide applications for variances to reduce or waive required off-street parking or loading spaces in accordance with the provisions and standards of this section. All such applications shall be heard and decided based on the notice requirements of section 7.2.4. The zoning board of appeals may waive or reduce the required number of parking or loading spaces in any district only upon an expressed finding that:

- A. The character of the use of the building(s) is such as to make unnecessary the full provision of parking or loading spaces;
- B. The lot upon which the building(s) is located is within one thousand (1,000) feet of the boundary of a MARTA RapidTransit Station;
- C. The provision of the full number of parking spaces would have a deleterious effect on a historic building, site, district or archaeological resource;
- D. The use has a characteristic that differentiates it from the typical use example used in the formulation of this Zoning Ordinance;
- E. The location of the proposed development is relatively isolated where the opportunity for diversity of use, pedestrian access, and alternative modes is not available; or
- F. The developer is providing the additional spaces for general public parking (for hourly or daily parking charges) to serve surrounding development.

Section 21-27. Sign Variances.

- (a) Where a literal application of this article, due to special circumstances, would result in an unusual hardship in an individual case, a variance may be granted by the zoning board of appeals after receiving evidence that the applicant meets all of the following criteria:
 - 1. Exceptional conditions pertaining to the property where the sign is to be located as a result of its size, shape, or topography, which are not applicable to other lands or structures in the area;
 - 2. Granting the variance would not confer on the applicant any significant privileges which are denied to others similarly situated;
 - 3. The exceptional circumstances are not the result of action by the applicant;
 - 4. The requested variance is the minimum variance necessary to allow the applicant to enjoy the rights commonly enjoyed by others similarly situated;
 - 5. Granting of the variance would not violate more than one (1) standard of this article; and
 - 6. Granting the variance would not result in allowing a sign that interferes with road or highway visibility or obstruct or otherwise interfere with the safe and orderly movement of traffic.
- (b) No variance shall be granted to the height of a sign or the aggregate area of signs permitted on a lot.
- (c) No variance shall be granted which increases the size of a sign more than twenty (20) percent of that allowed by this chapter. (Ord. No. 13-03, Pt. I, 6-10-03)

7.5.3 Appeals of decisions of administrative officials.

- A. *General Power.* The zoning board of appeals shall have the power and duty to hear and decide appeals where it is alleged by the appellant that there is error in any final order, requirement, or decision made by an administrative official based on or made in the enforcement of this Zoning Ordinance or as otherwise authorized by local law or the Code of DeKalb County as Revised 1988. Administrative officials must make final decisions covered by this section within one hundred and eighty (180) days of receipt of all necessary information to make such decision. A failure to act prior to the passage of one hundred and eighty (180) days shall not be construed to be a final order, requirement or decision within the meaning of this division. If a decision is not made by the 181st day, the requested decision is deemed denied, and becomes appealable. All such appeals shall be heard and decided following the notice requirements of section 7.2.4, and pursuant to the following criteria and procedural requirements.
- B. *Appeals of decisions of administrative officials.* Appeals of decisions of administrative officials may be filed by (1) any person aggrieved by; (2) any elected member of the DeKalb County Governing Authority affected by; or (3) an owner of property within two hundred and fifty (250) feet of the nearest property line of the property that is the subject of any final order, requirement, or decision of an administrative official, based on or made in the enforcement of this Zoning Ordinance, or as otherwise authorized by local law or the Code of DeKalb County as Revised 1988. by filing with the secretary of the zoning board of appeals an application for appeal, specifying the grounds thereof, within fifteen (15) days after the action was taken by the official that is the subject of the appeal.
- C. *Appeal stays all legal proceedings.* An appeal of a decision of an administrative official stays all legal proceedings in furtherance of the action or decision appealed from unless the official from whom the appeal is taken certifies to the zoning board of appeals, after notice of appeal has been filed, that by reason of facts stated in the certificate, a stay would, in that official's opinion, cause imminent peril to life or property. In such a case, legal proceedings shall be stayed only pursuant to a restraining order granted by a court of competent jurisdiction directed to the officer from whom the appeal is taken and

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- D. *Appeal stays land disturbance or construction activity in certain situations.* If the action or decision appealed from permits land disturbance or construction activity to commence or continue on residentially zoned property, the appeal stays the land disturbance or construction activity until the zoning board of appeals issues a decision on the appeal. Thereafter, land disturbance or construction activity in such cases shall only be stayed by an order from a court of competent jurisdiction. In all cases involving non-residentially zoned property, the appeal to the zoning board of appeals does not stay land disturbance or construction activity; such activity shall only be stayed by an order from a court of competent jurisdiction.
- E. Thereafter, in such situations land disturbance or construction activity shall only be stayed by an order granted by a court of competent jurisdiction.
- F. *Time of hearing.* The zoning board of appeals shall fix a reasonable time for the hearing of the appeal and give notice thereof pursuant to the requirements of section 7.2.4 as well as written notice to the appellant. Any party may appear at the hearing in person, by an agent, by an attorney, or by the submission of written documentation.
- G. *Decision of the zoning board of appeals.* Following the consideration of all testimony, documentary evidence, and matters of record, the zoning board of appeals shall make a determination on each appeal and shall issue a written decision explaining the reasons for its decision. The zoning board of appeals shall decide the appeal within a reasonable time, but in no event more than sixty (60) days from the date of the hearing. An appeal shall be sustained only upon an expressed finding by the zoning board of appeals that the administrative official's action was based on an erroneous finding of a material fact, erroneously applied the Zoning Ordinance to the facts, or that the administrative official acted in an arbitrary manner. In exercising its powers, the zoning board of appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from, and to that end shall have all the powers of the administrative official from whom the appeal was taken and may issue or direct the issuance of a permit, provided all requirements imposed by any applicable laws are met.

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7.5.4 Limitations of authority of the zoning board of appeals.

No variance shall be granted by the zoning board of appeals to:

- A. Allow a structure or use not listed as a permitted use or a special use in the applicable zoning district or a density of development that is not authorized within such district. This prohibition does not apply to any variance from the supplemental regulations of Article 4 of this Zoning Ordinance or from any other accessory feature or characteristic of a permitted or special use, unless said variance is otherwise prohibited by the regulations of this chapter.
- B. Allow any variance which conflicts with or changes any requirement enacted as a condition of zoning or of a special land use permit by the board of commissioners.
- C. Reduce, waive or modify in any manner the minimum lot width unless the purpose is to reverse a lot merger.
- D. Reduce, waive or modify in any manner the minimum lot area established by this chapter.
- E. Extend the time period for a temporary outdoor social, religious, entertainment or recreation activity approved by the director of planning.
- F. Permit the expansion or enlargement of any nonconforming use of land, nonconforming use of land and buildings in combination, nonconforming use of land and structures in combination, or nonconforming use requiring special land use permit.
- G. Permit the reestablishment of any nonconforming use of land, nonconforming use of land and buildings in combination, nonconforming use of land and structures in combination, or nonconforming use requiring special land use permit where such use has lapsed pursuant to the requirements and limitations of Article 8 of this chapter.
- H. Permit customer contact for a home occupation authorized by this chapter.
- I. Allow any variance to increase the height of a building which will result in adding a story.

Summary of Zoning Board of Appeals Application Process:

1. **Timeline.** It takes ~45-60 days to submit your application and receive an initial decision from the Zoning Board of Appeals regarding your request.
2. **Pre-application Meetings.** DeKalb County now mandates pre-application meetings. Please email plansustain@dekalbcountyga.gov to schedule a virtual appointment to meet with a Planner assigned to the Zoning Board of Appeals. During the virtual meeting, we will review and provide feedback regarding your request, review the application process, and answer any questions.
3. **Application Submittals.** Create a profile and upload at least page 1 of your application to: <https://epermits.dekalbcountyga.gov/> (no more than 10mb permitted). Email a combined PDF document of the completed application and materials to plansustain@dekalbcountyga.gov and ljcarter@dekalbcountyga.gov along with the application number.
4. **Public Hearing Signs.** You will need to post at least one sign per street frontage of the property. Staff will prepare a sign template. You will need to coordinate sign printing and posting with a sign company of your choice, at least 30 days prior to the ZBA hearing. Sign(s) must remain posted until final Board of Appeals action regarding the request. If the application is deferred, you may update the sign(s).
5. **Revisions or amendments.** An application must be submitted in writing and must be received a least 14-days before the scheduled meeting to be addressed by the staff report.
6. **Staff Report.** Staff prepares reports and recommendations for each application. These recommendations are based on the attached criteria established by the [DeKalb County Zoning Code](#). Final staff reports are available to the applicant and the public prior to the scheduled Board of Appeals meeting. Find current reports on our website, here: <https://www.dekalbcountyga.gov/planning-and-sustainability/public-hearing-agendas-info>
7. **Monthly Meetings.** The Zoning Board of Appeals meets once a month, generally on the second Tuesday of each month at 1:00 P.M., via Zoom. Find agendas on our website, [HERE](#).
8. **Applicant and/or Representative must be Present.** Applicants or their representatives must be present at the public hearing to present the request to the Zoning Board of Appeals.
9. **Public Hearing portion of Meeting.** Applicants and others in favor of an application are given a total of five (5) minutes to present to the Board. That is five minutes combined, no matter how many people wish to speak. Applicants should be prepared to explain their variance, why they are requesting it and answer questions from the board. Anyone speaking in opposition also has a total of five (5) minutes to address the application in front of the board. Be prepared to raise your hand or announce yourself when the chair asks for those in support or opposition to the application.
10. **Applicant and/or Representative must be Present.** Applicants or their representative must be present at the public hearing to present the request to the Zoning Board of Appeals.
11. **Executive Session.** After the public hearing, the Board of Appeals will close the public hearing, go into executive session for discussion, and will then take an action on an application. Applicants are not allowed to address the Board of Appeals during Executive Session unless they are asked questions by members of the Board of Appeals.

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12. **Zoning Board of Appeals Actions.** The Board of Appeals is authorized to:
 - a. Approve the application as submitted;
 - b. Approve a revised application;
 - c. Approve an application with conditions;
 - d. Deny an application (if an application is denied, no variance can be considered on the same site within 24 months);
 - e. Allow an application to be “Withdrawn without Prejudice” at the request of the applicant.
13. **Compliance with standards upon denial.** In such case that a variance request is initiated due to an existing code violation and such application is denied, the violation shall be required to be brought into compliance within thirty (30) days of such denial or as specified by the board if a greater time period is approved.
14. **Successive applications.** Section 27-920 of the DeKalb County Zoning Ordinance states: An application for a variance or special exception affecting all or a portion of the same property which was denied by the Zoning Board of Appeals shall not be submitted more than once every twenty-four (24) months measured from the date of final decision by the zoning board of appeals. The Zoning Board of Appeals may waive or reduce this twenty-four-month time interval by resolution provided that if the application for a variance or special exception was denied by the Zoning Board of Appeals, the time interval between the date of said denial and any subsequent application or amendment affecting the same property shall be no less than six (6) months.
15. **Appeals of Decisions.** Any person aggrieved by a final decision of the board, or any officer, department, board or agency affected by such decision, may seek review of such decision by petitioning the Superior Court of DeKalb County. Such petition shall be filed within 30 days after the final decision of the board is rendered.