



Lorraine Cochran-Johnson

Chief Executive Officer

DeKalb County Zoning Board of Appeals

Department of Planning & Sustainability

178 Sams Street,

Decatur, GA 30030

Wednesday, October 14, 2026

Planning Department Staff Analysis



Juliana Njoku

Director

D2. Case No: A-26-1248174

Parcel ID(s): 15 199 04 146

Commission District 03 Super District 07

Applicant: Rasool Malik
520 Wabash Avenue NE
Atlanta, GA 30312

Owner: Rasool Malik
520 Wabash Avenue NE
Atlanta, GA 30312

Project Name: 3279 Pinehill Drive — Residential Addition and Renovation

Location: 3279 Pinehill Drive, Decatur, GA 30032

Requests: Variance from Section 27-2.2.1 of the DeKalb County Zoning Ordinance to reduce the required 7.5-foot side-yard setback to approximately 3 feet to facilitate a residential addition and renovation in the R-75 (Residential Medium Lot-75) zoning district.

Staff Recommendation: Approval with Conditions

Condition:

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 applicant requests variance relief to facilitate an addition and renovation to an existing single-family residence at 3279 Pinehill Drive. The residence was constructed in 1955 and is located approximately 3 feet from one side property line, within the current 7.5-foot side-yard setback. The applicant proposes to align the addition with the existing exterior side wall rather than introduce a setback offset in the building plan.

The submitted boundary and topographic survey identifies a long, narrow parcel containing approximately 20,086 square feet to the creek traverse line and approximately 20,549 square feet to the centerline of the creek. The Pinehill Drive frontage is approximately 74.32 feet, slightly less than the 75-foot minimum lot width identified for the R-75 district. A creek, floodplain, and County stream buffers affect the rear portion of the property.

The submitted site plan identifies an existing residence footprint of approximately 1,671 square feet and a proposed addition footprint of approximately 1,854 square feet. The application states that the addition will not project closer to the affected side property line than the existing 1955 wall line. The site plan also identifies proposed total impervious area of approximately 5,794 square feet, or 29.1 percent of the approximately 19,926-square-foot plan area.

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 long and narrow, has approximately 74.32 feet of frontage where the submitted zoning information identifies a 75-foot minimum lot width, and is affected by a creek, floodplain, and stream buffers at the rear. The existing residence was constructed in 1955 and has maintained an approximately 3-foot side-wall condition for more than seventy years.

These characteristics predate the current proposal and constrain practical placement of an addition that connects to the existing residence. The combination of slightly substandard frontage, elongated lot configuration, rear environmental constraints, and the established lawful building line constitutes an exceptional physical condition.

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 reduction is limited to approximately 3 feet, matching the existing side-wall condition. The proposed addition would continue that building line and would not extend closer to the side property line than the existing residence. The request therefore preserves an established condition rather than creating a new or more severe encroachment. Requiring the addition to shift abruptly to the 7.5-foot setback would create a jagged wall and reduce the functional connection between the existing house and proposed addition.

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 property will remain in single-family residential use, and the proposal does not increase density or introduce a new activity. Because the addition follows the existing side-wall line, it should not create a new reduction in separation beyond the condition that has existed since the house was constructed.

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

Strict application of the 7.5-foot side setback would require the addition to step inward from the existing wall, complicating the building layout and reducing the ability to make a functional connection to the established residence. The hardship arises from the original siting of the 1955 home and the lot's dimensions, not merely from a preference for additional floor area.

The rear portion of the lot is also affected by a creek and associated environmental constraints, reducing the practical flexibility to relocate the overall development program.

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

The Suburban character-area policies cited by the applicant support reinvestment in established residential neighborhoods and modernization of the existing housing stock while retaining residential character. The proposal preserves the single-family use and aligns the addition with the existing residence rather than creating a more intrusive building line.

The purpose of side-yard setbacks is to provide separation, access, light, air, and compatibility between neighboring properties. The request maintains the separation that has existed since 1955 and does not authorize construction closer to the property line than the existing wall. With conditions limiting relief to the submitted plan and maintaining all other applicable requirements, staff finds the request consistent with the spirit and purpose of the zoning ordinance and Comprehensive Plan.

FINAL STAFF ANALYSIS:

The applicant requests a reduction of the required 7.5-foot side-yard setback to approximately 3 feet to allow a residential addition to follow the existing side-wall line of a house constructed in 1955. The submitted materials state that the addition will not extend closer to the side property line than the existing residence.

Staff finds that the variance is limited to the minimum relief necessary, preserves rather than intensifies the existing side-yard condition, and should not materially affect adjacent property if construction remains substantially consistent with the submitted plan. Therefore, staff recommends approval with conditions.

Staff Recommendation: Approval with Conditions

Condition:

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.

DEPARTMENT OF PLANNING & SUSTAINABILITY

Chief of Executive Officer
Lorraine Cochran-Johnson

Director
Juliana A. Njoku

ZONING BOARD OF APPEALS (ZBA) APPLICATION

to Amend the Official Zoning Map of DeKalb County, Georgia

Subject Property Address: 3279 Pinehill Drive

City: Decatur State: GA Zip: 30312

Parcel ID Number(s): 15 199 04 146 Acreage: _____

District: 15 Land Lot: 199 Block: 04 Parcel: 146

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

Roscoe P. Mah II
Signature

6/10/2026
Date

ZONING BOARD OF APPEALS (ZBA) APPLICATION FEE:

\$300.00

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

Email plansustain@dekalbcountyga.gov with any questions

DEPARTMENT OF PLANNING & SUSTAINABILITY

ZONING BOARD OF APPEALS APPLICATION

AUTHORIZATION 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: 6/10/2026

Applicant
Signature: Rosool P. Malik II

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: 6/10/2026

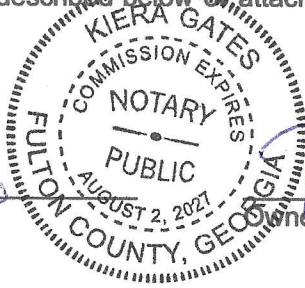
Applicant/Agent Signature: Rasool P. Malik II

TO WHOM IT MAY CONCERN:

(I)/ (WE): Rasool D. Malik
(Name of Owners)

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

Kiera Gates
Notary Public



Rasool P. Malik II
Owner Signature

Notary Public

Owner Signature

Notary Public

Owner Signature

Rasool Malik

3279 Pinehill Drive, Decatur, Georgia 30032

Phone: 404-271-9432

Email: dawan.malik@gmail.com

Date: 6/10/2026

DeKalb County Zoning Board of Appeals
c/o Department of Planning & Sustainability
178 Sams Street
Decatur, Georgia 30030

Subject: Variance Request for Side Yard Setback Reduction — DeKalb County Zoning Ordinance, Chapter 27 (R-75 Single-Family Residential District)

Dear Members of the Zoning Board of Appeals,

My name is Rasool Malik, and I am the owner of the single-family residential property located at 3279 Pinehill Drive, Decatur, Georgia 30032. I am writing to respectfully request a variance from the side yard setback requirement of Chapter 27 of the DeKalb County Zoning Ordinance applicable to the R-75 single-family residential district.

Specifically, I am requesting that the required 7.5-foot side yard setback be reduced to approximately 3 feet — a distance that matches the existing condition of my home. The purpose of this variance is to allow a planned addition and renovation to be aligned with the existing exterior side wall of the home, which currently sits within the present-day setback as a legal non-conforming structure. Floor plans illustrating the proposed addition and its relationship to the existing wall are included with this application for the Board's review.

The home at 3279 Pinehill was originally built in 1955, well before the current 7.5-foot side yard setback was adopted under the modern Zoning Ordinance. Its existing exterior side wall has stood in its present location for over seventy years. The proposed addition will continue this existing wall line. It will not extend any further toward the side property line than the original 1955 structure already does.

1. Physical Conditions of the Site

The exceptional physical condition warranting this variance is the placement of the existing 1955 home itself. The original structure was lawfully built under the zoning standards then in effect, and it has been maintained continuously as a legal non-conforming (grandfathered) structure under the current ordinance. This condition was not created by me or by any recent prior owner — it is inherent to the property as originally constructed. Any meaningful addition that ties into the existing footprint must contend with this pre-existing condition: the existing exterior side wall already sits approximately three feet from the side property line.

2. Minimum Variance Necessary

The setback being requested — approximately three feet — is precisely the existing condition of the home. I am not asking the Board to permit any new encroachment beyond what has stood in place since 1955; I am asking only that the addition be allowed to follow the building line that is already there. Requiring the new construction to step in to 7.5 feet at the point where the addition begins would force a jogged exterior wall that compromises the functionality and flow of the interior floor plan, creates ongoing maintenance and weatherproofing concerns at the offset joint, and produces a visually awkward exterior inconsistent with the architectural character of both the home and the block. The accompanying floor plans illustrate these concerns. The requested variance is therefore the minimum necessary to afford reasonable relief — it does not extend the encroachment beyond what already exists, and it does not provide any privilege beyond what the existing legal non-conforming structure already enjoys.

3. Public Welfare

Granting this variance will not be materially detrimental to the public welfare or to neighboring properties. I have a long and continuing commitment to this block: I previously owned and rehabilitated the immediately adjacent property at 3285 Pinehill Drive, and I remain invested in maintaining and improving the character of this stretch of the street. Because the addition continues the existing wall line rather than extending further toward any neighbor, no adjacent property experiences any new impact on sight lines, light, air, or privacy beyond what has been in place for more than seventy years. The proposed work is consistent with the established residential character of the block and introduces no new noise, traffic, drainage, or nuisance concerns.

4. Ordinance Hardship

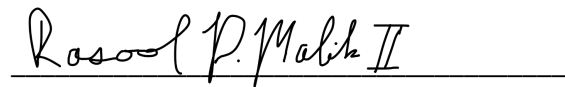
A strict and literal application of the 7.5-foot side yard setback would impose undue and unnecessary hardship on this property. Because the existing 1955 home already sits within the modern setback, this property is uniquely constrained: any meaningful addition that ties into the existing structure will, by physical necessity, fall within the setback. Strict enforcement would either require the demolition of significant portions of an otherwise sound seventy-year-old structure in order to bring it into conformance — an outcome wasteful to both the property and the neighborhood — or effectively prevent reasonable reinvestment in the home's modernization. Neither result serves the underlying purposes of the ordinance, and both would deprive me of rights and privileges enjoyed by other property owners in the R-75 district whose homes do not present the same inherited constraint.

5. Alignment with the Spirit of the Law

This request is fully consistent with the spirit and purpose of Chapter 27 and the DeKalb County Comprehensive Plan. The Comprehensive Plan designates this property within the Suburban land use category, which expressly supports thoughtful infill development, the modernization of existing housing stock, and continued reinvestment in established residential neighborhoods. Approving this variance allows for exactly that outcome: a long-tenured homeowner reinvesting in a seventy-year-old single-family home in a manner that respects the property's existing footprint and the character of the block. The variance does not change the use, the density, or the overall scale of the property — it preserves a building line that has existed since 1955 and supports the Comprehensive Plan's goals for this area.

In conclusion, I respectfully request that the Zoning Board of Appeals grant this variance to allow the proposed addition at 3279 Pinehill Drive to be aligned with the existing side wall of the home at approximately 3 feet from the side property line. I appreciate the time and careful consideration of the Board and of the planning staff, and I will be present at the public hearing to answer any questions the Board may have.

Respectfully,

A handwritten signature in black ink, reading "Rasool P. Malik II", is written over a horizontal line.

Rasool Malik

Owner, 3279 Pinehill Drive, Decatur, Georgia 30032

Phone: 404-271-9432 | Email: dawan.malik@gmail.com

ZONING: R-75

SETBACKS

FRONT = 30'
REAR = 40'
SIDE = 7.5'
MIN. LOT AREA = 10,000 SQ. FT.
MIN. STREET FRONTAGE = 75'
MIN. LOT WIDTH @ BUILDING LINE = 75'
MAX. LOT COVERAGE = 35%

BOUNDARY REFERENCES:

- SUBJECT DEED BOOK 28019, PAGE 197
- PLAT BOOK 24, PAGE 7
- SEE ADJOINERS

ADDRESS

3279 PINEHILL DRIVE
DECATUR, GEORGIA, 30032

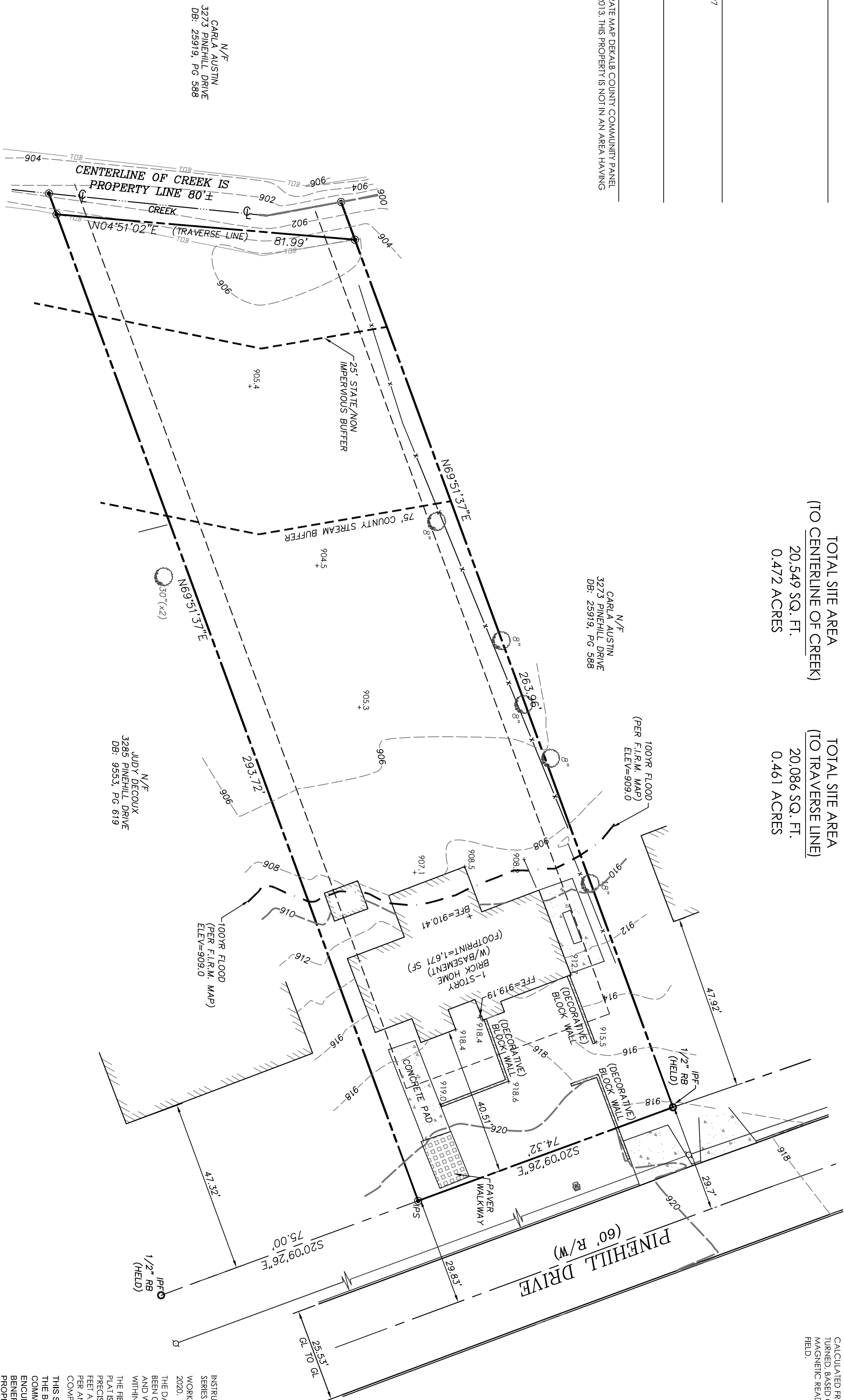
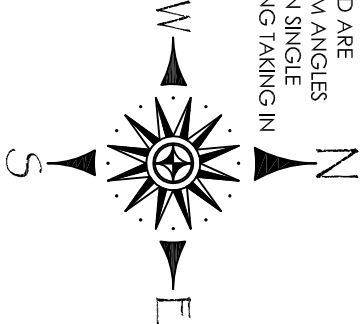
FLOOD NOTE

AS PER THE F.I.R.M., FLOOD INSURANCE RATE MAP DEKALB COUNTY COMMUNITY PANEL NO. 13097 C.O.159 D DATED MARCH 04, 2013, THIS PROPERTY IS NOT IN AN AREA HAVING SPECIAL FLOOD HAZARDS.

TOTAL SITE AREA
(TO CENTERLINE OF CREEK)
20,549 SQ. FT.
0.472 ACRES

TOTAL SITE AREA
(TO TRAVERSE LINE)
20,086 SQ. FT.
0.461 ACRES

ALL BEARINGS HELD ARE
CALCULATED FROM ANGLE
TURNED BASED ON SINGLE
MAGNETIC READING TAKING IN
FIELD.



LEGEND

IPF	IRON PIN FOUND	PROPERTY LINE
IPS	1/2" REBAR SET	FENCE
CMP	CORRUGATED METAL PIPE	TELEPHONE LINE
R/W	RIGHT OF WAY	GAS LINE
R	CENTER LINE	WATER LINE
G	PROPERTY LINE	SEWATER LINE
H	FLARED END SECTION	POWER LINE
FES	LAND LOT LINE	OPEN TOP PIPE
L.L.L.	TEMPORARY BENCHMARK	CRIMP TOP PIPE
T.B.M.	INVERT ELEVATION	REBAR
INV.	SANITARY SEWER MANHOLE	YARD INLET
SMH	POWER POLE	DRAIN INLET
DO	FIRE HYDRANT	SAN. SEWER MANHOLE
GL	GLANDOUT	WATER METER
W.M.	WATER METER	WATER VALVE
AC	WATER VALVE	AIR CONDITIONER
N/F	NOW OR FORMERLY	PERC. TEST (BOREHOLE)
PI	BENCHMARK	4x4 TRANSFORMER
RRT	IRON PIN FOUND	RAIL ROAD TIE WALL

REVISIONS:



GRAPHIC SCALE

BOUNDARY, TOPOGRAPHIC, TREE & UTILITY SURVEY for

JEWEL BOX DEVELOPMENT PARTNERS, LLC

(PERMITTING MUNICIPALITY: DEKALB COUNTY)

LOT 5, BLOCK F, ALTOLOMA HOMES, UNIT 2

LAND LOT 199 of the 15th DISTRICT

DEKALB COUNTY, GEORGIA

DATE: 05/28/2020

SCALE: 1" = 20'

MERIDIAN GEOMATICS, LLC

Land Surveying ~ Residential, Commercial & Municipal

216 Powers Ferry Road
Marietta, Georgia 30067
phone: (770) 675-6197
surveyingatlanta@gmail.com

DRAWN BY
S.C.D.
JOB. #
2020-102



INSTRUMENT USED: TOPCON 8000
SERIES PULSE LASER (ROBOTIC)
WORK PERFORMED ON MAY 26,
2020.

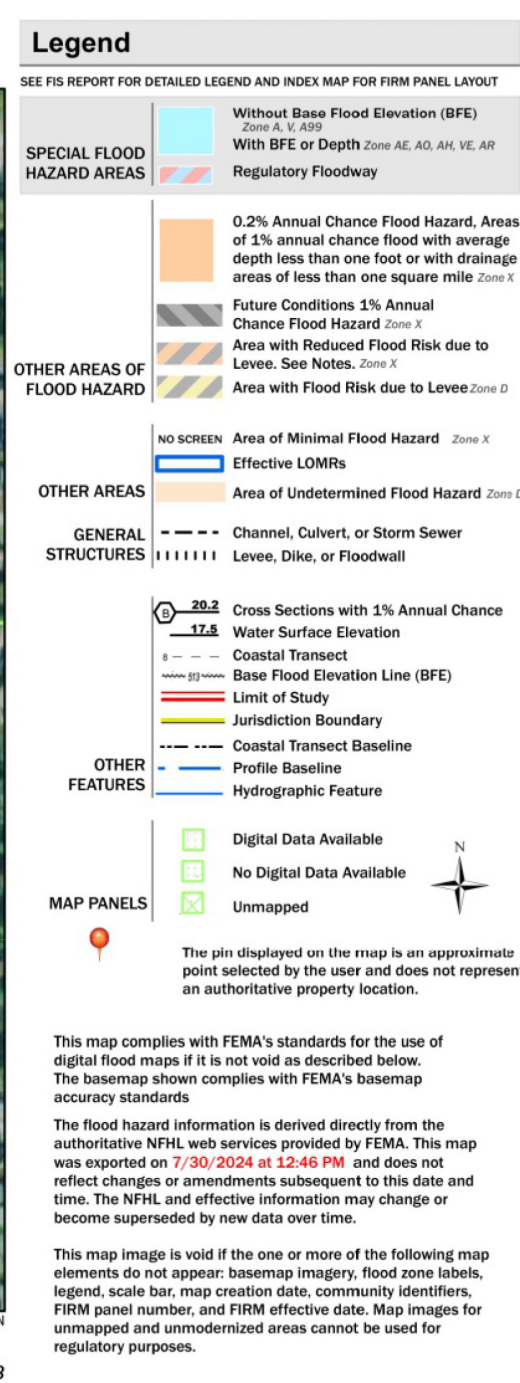
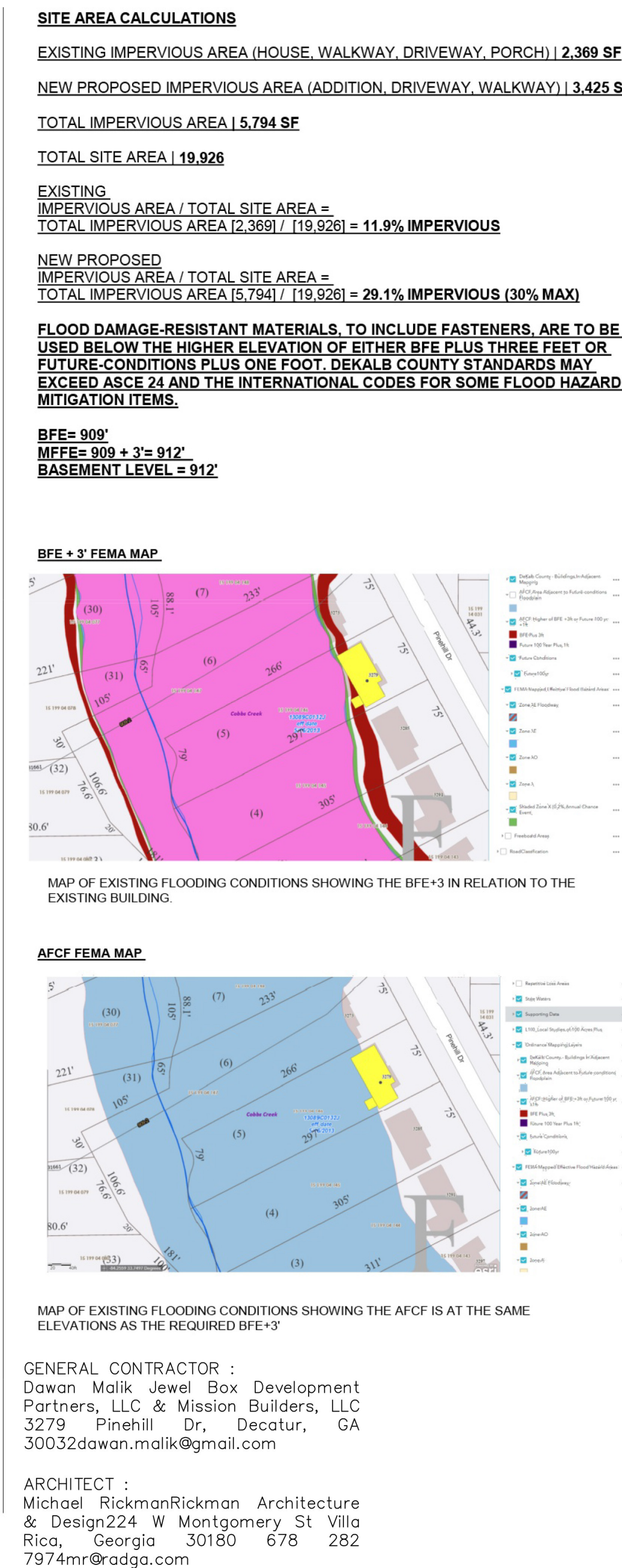
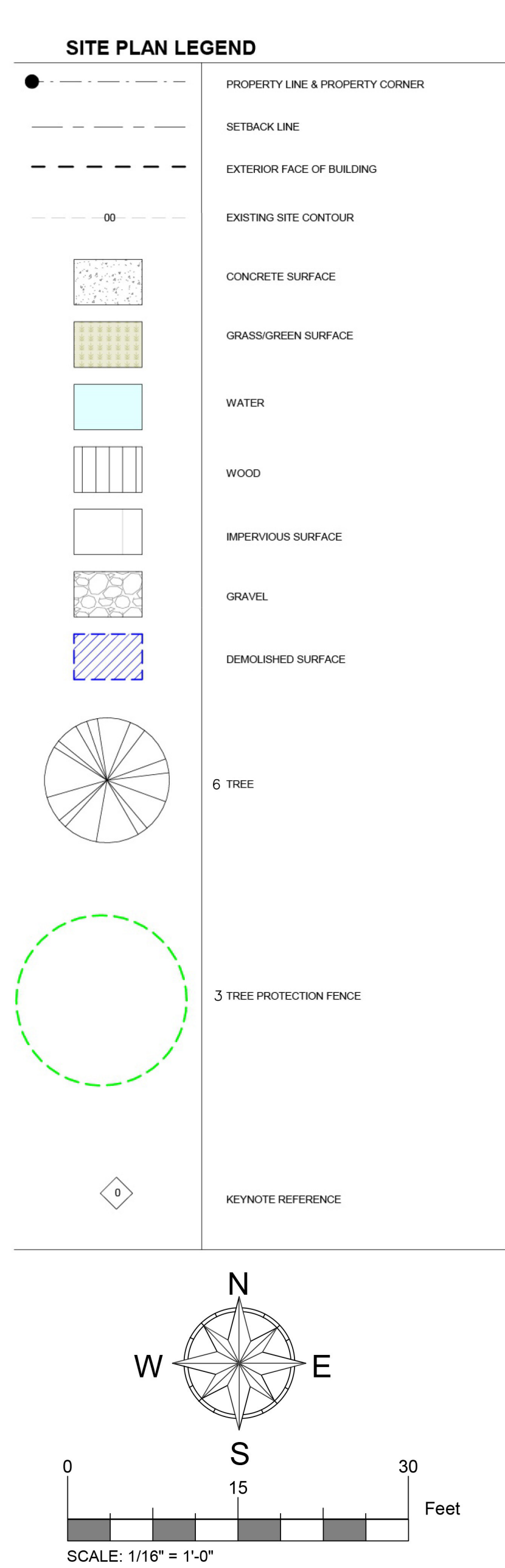
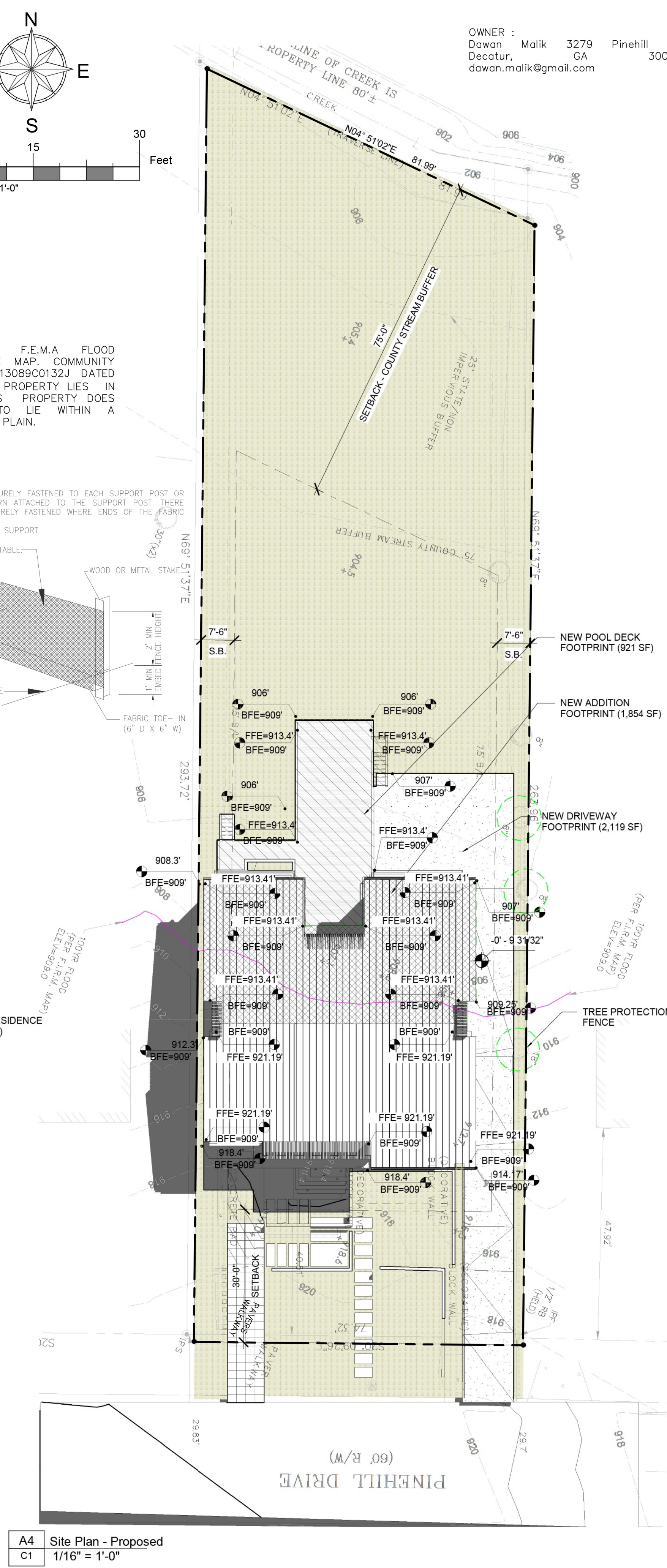
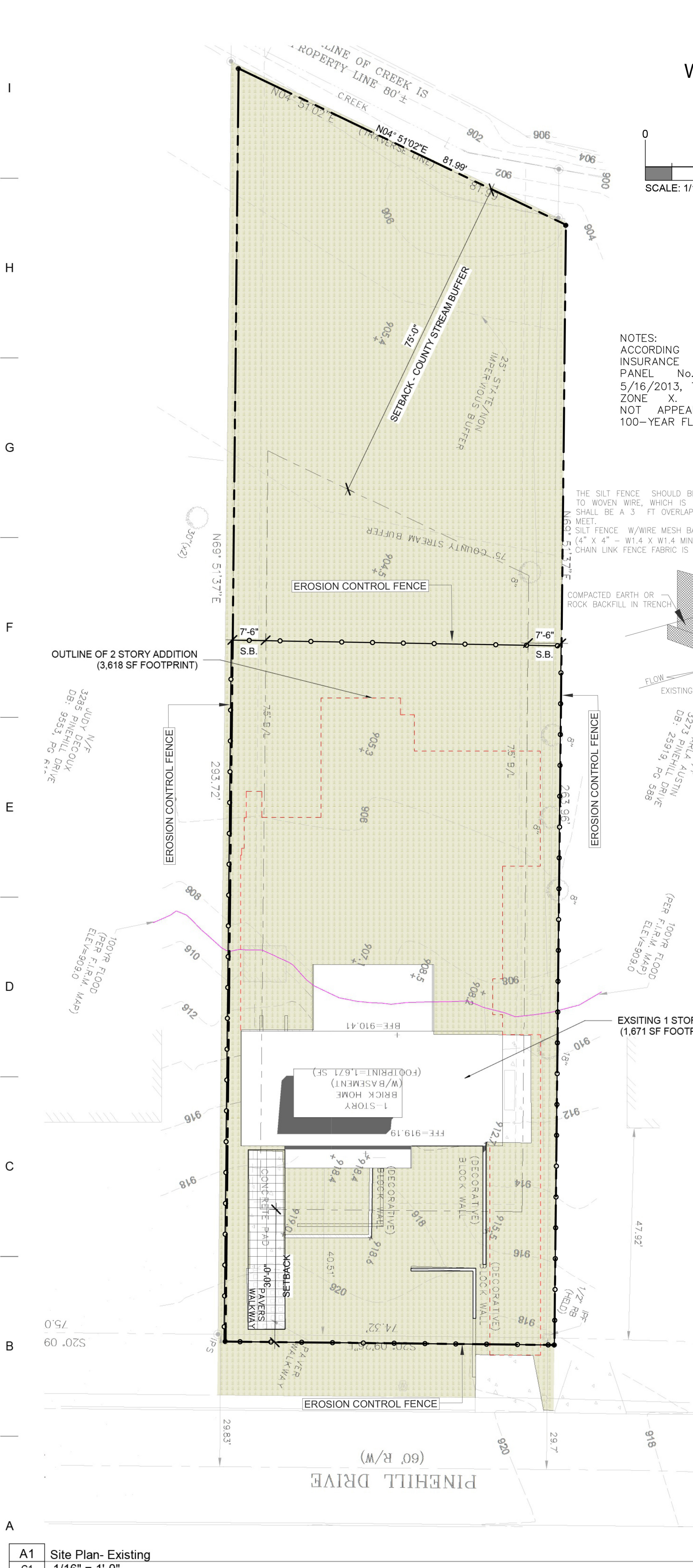
THE DATA SHOWN ON THIS PLAT HAS
BEEN CALCULATED FOR CLOSURE
AND WAS FOUND TO BE ACCURATE
WITHIN ONE FOOT IN 100,000+ FEET.

THE FIELD DATA UPON WHICH THIS
PLAT IS BASED HAS A CLOSURE
PRECISION OF ONE FOOT IN 10,000+
FEET AND AN ANGULAR ERROR OF 5"
PER ANGLE AND WAS ADJUSTED BY
COMPASS RULE.

THIS SURVEY WAS MADE WITHOUT
THE BENEFIT OF A CURRENT TITLE
COMMITMENT, EASEMENTS AND
ENCUMBRANCES MAY EXIST WHICH
BENEFIT AND BURDEN THIS
PROPERTY.

THIS SURVEY ONLY INCLUDES OBJECTS
THAT ARE VISIBLE AND IS NOT
RESPONSIBLE FOR UNDERGROUND
UTILITIES OR OTHER OBJECTS THAT ARE
NOT APPARENT BY VISUAL
OBSERVATION, I.E. UNDERGROUND
GAS LINES, WATER LINES,
SEWER LINES, ETC.

IN MY OPINION THIS PLAT IS A
CORRECT REPRESENTATION OF THE
LAND PLATTED AND HAS BEEN
PREPARED IN CONFORMITY WITH THE
MINIMUM STANDARDS AND
REQUIREMENTS OF THE LAW.



**RICKMAN
ARCHITECTURE +
DESIGN**

224 W MONTGOMERY ST
VILLA RICA, GA 30180
radga.com
678 282 7974

PROJECT

PINEHILL RESIDENCE

3279 PINEHILL DRIVE DECATUR, GA
30032

CLIENT

Dawan Malik

30032

[illegible]

DRAWN BY:	Author
REVIEWED BY:	Checker

This drawing is the property of Rickman A & D, LLC, and is not to be reproduced or copied in whole or in part. It is only to be used for the project and site specifically identified herein. Scales as stated hereon are valid on the original drawing only. These plans were prepared in this office under our personal supervision, and to the best of our knowledge comply with state and local codes. We will generally administer construction.

PROFESSIONAL STAMP



JOB #

24040

Permit & Construction

DATE _____

08/05/24

SHEET TITLE

Site Plan



ZONING BOARD OF APPEALS HEARING		
	Case #: N4: A-26-1248174	
	Site: 3279 Pinehill Drive	
	Request: Variance from Section 27-2-2.1 of the DeKalb County Zoning Ordinance to reduce the side yard setback to facilitate construction of a residential addition and renovation in the R-75 (Residential Medium Density) Zoning District.	
Conflict Review Meeting DeKalbCountyGA.gov Hearing@DeKalbCountyGA.gov (404) 321-2200	Updated Meeting October 14, 2026 1:00 PM Held virtually via Zoom 	Meeting Attendees & Links 

