ZONING BOARD OF APPEALS (ZBA) APPLICATION

to Amend the Official Zoning Map of DeKalb County, Georgia

RECEIVED
By dmwells at 3:34 pm, Sep 22, 2026

Subject Property Address: 1194 Clifton Rd NE

City: Atlanta State: GA Zip: 30307

Parcel ID Number(s): 18 003 06 019 Acreage: approx. .37 acres (16,117 sq. feet)

District: 18 Land Lot: 3 Block: 42 Parcel: 19

Commission District(s): 02 Super District: 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 REVIEWTHE 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

X _____ Signature

Sept. 9, 2026 Date

ZONING BOARD OF APPEALS (ZBA) PPLICATION 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

DeKalb County
GEORGIA

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: Sept 9, 2026 Applicant Signature: X _____

DATE: _____ Applicant Signature: _____

DeKalb County
GEORGIA

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 ZoningBoard of Appeals for the requests as shown in this application.

DATE: Sept. 9, 2026 Applicant/Agent Signature: X

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



Prepared for: Department of Planning and Sustainability
Prepared by: Bryan Fuller
August 17, 2026 | Historic Preservation Committee Hearing
Parcel # 18 003 06 019
Case # F. HPC-26-1248207

Request for approval of an existing covered rear deck located behind the principal residence.

After-the-Fact Certificate of Appropriateness Existing Covered Deck

1194 Clifton Road NE
Atlanta, GA 30307

Request for After-the-Fact Certificate of Appropriateness

1194 CLIFTON ROAD

Key Facts

✔️ Existing deck predates our purchase of the property.
✔️ Roof added in 2020 over an existing deck.
✔️ Located entirely in the rear yard.
✔️ Not visible from Clifton Road.
✔️ The covered deck is substantially screened by the house, garage, fencing, and existing landscaping.
✔️ Constructed using durable natural materials that complement the residence.

Compatibility with the Historic District

✔️ The covered deck is subordinate to the principal residence.
✔️ It maintains the property's use as a single-family residence.
✔️ The structure is substantially screened from public view by the house, garage, fencing, and existing landscaping.
✔️ Rear-yard improvements are common within the surrounding residential neighborhood.

Commitment

✔️ We are committed to maintaining the property in a manner consistent with the character of the Druid Hills Historic District.
✔️ We obtained a professional boundary survey to support the application and ensure accurate documentation.
✔️ We are willing to enhance landscaping and screening if requested by the Commission.
✔️ We will continue working through any remaining permitting and zoning requirements.
✔️ We respectfully request approval of the Certificate of Appropriateness.



View from Clifton Road



Compatibility with Garage Structure



Rear View of Deck

EXISTING DECK AT PURCHASE

JUNE 2012









The Fuller Family

IMPROVEMENTS PRIOR TO COVERED ROOF

2019





The Fuller Family

COVERED ROOF ADDED (2020)

2020 - 2022









EXISTING GARAGE AND DECK



Located behind the detached garage and screened from Clifton Road.

PROPOSED PRIVACY FENCE

- Rear-yard privacy fence designed to screen the adjacent structure and reduce its visual impact.
- Stained wood construction and simple vertical-board detailing are intended to complement the character of the Druid Hills Historic District.
- Fence height steps with the existing grade to provide effective screening while maintaining a clean, consistent top line.
- Existing stone retaining wall remains untouched and is not part of the proposed work.
- Structure remains behind the fence; no additional enclosure of the structure is proposed.



Conceptual rendering



Thank You

The Fuller Family

EXISTING SITE CONDITIONS & SCALE

1194 CLIFTON ROAD

The existing deck, changing grade and limited space along the property line create significant screening constraints. These conditions informed our proposed privacy fence and supplemental landscape concepts.

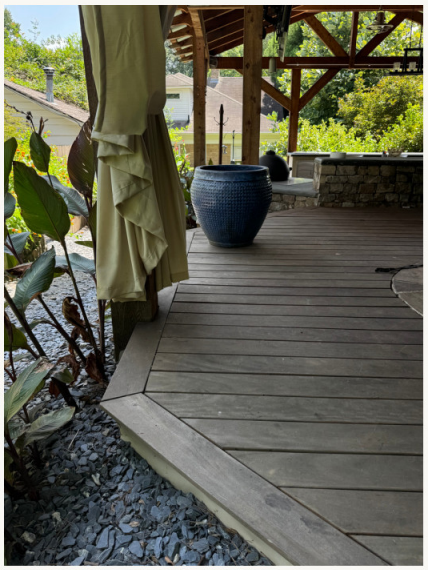
ELEVATED EXISTING DECK
Existing grade creates significant elevation

EXISTING PRIVACY SCREENING
Existing fence reaches approximately 9' at highest point

LIMITED AREA FOR ADDITIONAL SCREENING
Property configuration limits conventional planting









The elevation of the existing deck places normal standing eye level above portions of the existing fence.







1194 CLIFTON ROAD IMAGES

October 26, 2026

Dear Planning and Sustainability Staff and Administrators and Members of the Zoning Board of Appeals,

Re: **Opposition to 1194 Clifton Road's Request for Extreme Setback and Fence Height Variances**

In the early 2020's, 1194 Clifton's owners erected a massive accessory structure designed for entertainment in their back yard. They built this 880 SF building without seeking a Certificate of Appropriateness (COA), without obtaining a zoning variance, and without pursuing or securing a building permit or required inspections.

In October 2025, we began the purchase of 1190 Clifton, the house next door to 1194 Clifton. Around the same time, another neighbor notified Code Compliance of 1194's violations. *A major code violation is that it's 40 foot length, depicted in the photo below, is within a foot of 1190 Clifton's property line, rather than 7.5 feet away as stipulated by code.*



View of 1194's structure from 1190 Clifton Road's backyard

Over the past year, 1194's violations have resulted in four Magistrate Court appearances and also four Historic Preservation Commission hearings. Magistrate Court eventually fined the owners, and the HPC deferred the case each time, eventually deciding that it needed to be heard by ZBA before returning to the HPC.

Criteria. As you know, per DeKalb County Code 27-7.5, P&S staff and ZBA board members are charged with evaluating zoning variance requests against five specific criteria. Code 27.7.5.3.A states that to be approved variance requests must satisfy all five criteria.

What follows is our analysis of 1194 Clifton's request measured against the five criteria.

Criteria 1, Physical Conditions

Requirement: Do the site's physical conditions – narrowness, shape, floodplains, slope , etc. – make it infeasible to comply with zoning codes?

Analysis: No, it does not meet the physical conditions criteria. 1194 Clifton's backyard is large and flat. A spacious party house adhering to the 7.5 foot setback requirement could have been properly placed on this yard, complying with the setback code. And if the structure were 7.5 or more feet from the property line, following the code, a very tall fence, as requested by the applicant, would not be needed.

Criteria 2, Minimum Necessary

Requirement: Is the request the minimum necessary to afford relief, or are there options that would enable the structure to be compliant or less non-compliant? And would granting the requested variance be consistent with variances given in the area, rather than a "special privilege"?

Analysis: No, it does not meet the "minimum necessary" criteria. The request to keep a non-permitted, non-compliant accessory structure within a foot of the property line is far from the minimum necessary to afford relief. Rather, the minimum necessary to afford relief would be to allow the applicant to keep most of the 880 square foot party house, removing 7.5' of its western side. This would result in the structure complying with setback requirements. Instead of 40' by 22', it would be 40' by 15', containing 600 square feet, spacious enough to accommodate 30 or more people.

Again, if the structure were 7.5' from the property line, there would be no need for the requested fence that greatly exceeds the code's height limits.

While removing a portion of the structure could put a financial burden on the applicant, P&S administrators and staff have pointed out countless times that cost is not a factor for P&S or ZBA to consider. Plus, since the owners had the skills to build the structure themselves, it appears that they have the skills to reduce its massive size.

As ZBA does not allow accessory structures to be built on or right next to a property line, allowing the entire structure to stay as is would constitute a "special privilege." Hence, the variance request does not meet either part of Criteria 2.

Criteria 3, Public Welfare

Requirement: By giving a variance for this structure, might 1190's neighbors be harmed? Would granting the variance be detrimental to public welfare, or injurious to the property or improvements to the area?

Analysis: The requested variance does not meet this criteria. This large mostly wooden structure containing a fire pit is inches away from a long wood fence that is close to the house we are currently renovating. It is a potential fire hazard to our property and to human life.

Secondly, with as many as 50 guests who could fit comfortably in the 880 SF structure on our property line, DeKalb County's Noise Ordinance is likely to be violated.

Thirdly, from our view, the structure is an eyesore, severely reducing our property value, according to our realtor.

Criteria 4, Hardship

Requirement: Would NOT granting the requested variances cause unnecessary hardship?

Analysis: No, denying this request would not cause hardship. If the non-compliant portion of the party house were removed, complying with the setback code, 1194 Clifton owners would still have lots of space to entertain family and friends. The party house would then contain approximately 600 square feet, large enough for 30 or more people.

As noted previously, costs are not a criteria for ZBA to consider. Besides, if they could afford to build it, which they did, they should be able to afford to remove a portion of it.

Criteria 5, Purpose of Zoning Laws and the Comprehensive Plan

Requirement: Would granting the variance align with the overall purpose of the county's zoning laws and the DeKalb County Comprehensive Plan?

Analysis: No. The aim of DeKalb County, Georgia's zoning laws is to guide and regulate the orderly growth, development, redevelopment, and preservation of the county in line with its comprehensive plan. Among the stated goals of DeKalb County's Comprehensive Plan is to follow building standards and comply with codes. 1194's structure was not developed in an "orderly" or proper manner. It was built in disregard of zoning and building codes as well as Druid Hills Historic Preservation Standards.

Summary and Conclusion. Clearly, 1194 Clifton's variance requests do not meet any of the five criteria that P&S and ZBA are charged with using to evaluate every request for variances. Even if P&S and ZBA disagree with some of our analyses and find that

1194's request meets one or even several of the criteria, Code 27.7.5.3.A stipulates that all five criteria must be met for variances to be approved.

We, the owners of the immediately adjacent property, 1190 Clifton, respectfully request that 1194's variance requests be denied.

We also request that 1194's owners be given a deadline of no more than two months from this hearing to remove, at a minimum, the portion of the structure that is outside of the setbacks as stipulated by the county code. A deadline is important given 1194's history of non-compliance, inaction, and repeated delays over the past 12 months.

Sincerely and Respectfully,

Marlene Goldman, M.S.
1179 and 1190 Clifton Road

Mark H. Goldman, M.S., M.Arch.
1179 and 1190 Clifton Road