



Michael L. Thurmond

Chief Executive Officer

DeKalb County Zoning Board of Appeals

Department of Planning & Sustainability
330 Ponce De Leon Avenue, Suite 300
Decatur, GA 30030

Wednesday, December 12, 2020 at 1:00 PM



Planning Department Staff Analysis

D2 Case No: A-20-1244329 Parcel ID(s): 18-073-02-005

Commission District: 04 Super District 07

Applicant: Tracy T. Swearingen
P.O. Box 871183
Stone Mountain, GA 30030

Owner: Hoten Group, LLC

Project Name: 811 Sheppard Road

Location: The property is located east of Sheppard Road, at 811 Sheppard Road Stone Mountain, GA 30083.

REQUEST: Variance from the DeKalb County Zoning Ordinance: Section 27-2.2.1 (Table 2.2—Residential Zoning Districts Dimensional Requirements) to reduce the front yard setback from 35 feet to 15 feet relating to the R-100 zoning district.

Staff Recommendation: “DEFFERAL” pending civil litigation.

STAFF FINDINGS:

Site Location: The property is located east of Sheppard Road, at 811 Sheppard Road Stone Mountain, GA 30083 and is located within R-100 zoning district.

Variance request: Variance from the DeKalb County Zoning Ordinance: Section 27-2.2.1 (Table 2.2—Residential Zoning Districts Dimensional Requirements) to reduce the front yard setback from 35 feet to 15 feet relating to the R-100 zoning district.

Variance Analysis: Based on the submitted materials, the applicant is requesting to reduce the front yard setback from 35 feet to 15 feet for a proposed detached single family structure. This request was brought before the Zoning Board of Appeals on December 11, 2019 and was condition per the submitted site plan. The approved site plan showed the proposed structure to be built over the same foundation as the previous structure. However, The applicant discovered that there was not foundation, causing the applicant to apply for a new variance.

Based on the submittal materials, it appears that the requested variance meets the criteria for approval based on the following criteria:

1. By reason of exceptional narrowness, shallowness or shape of a specific lot, or by reason of exceptional topographic conditions, which were not created by the owner or applicant, 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:

Based on the submitted site plan, due to the shape of the lot, the strict application of the requirements of this chapter would deprive the property owner of rights and privileges enjoyed by other property owners.

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:

It appears that the requested variances does not go beyond that minimum necessary to afford relief.

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:

Granting these variances will not be materially detrimental to the public welfare or injurious to the property or improvements in the zoning district.

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

Based on the submitted materials, due to the shape of the lot the strict application of the applicable provisions and requirements of this chapter would cause an undue hardship for the applicant.

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

Based on the submitted materials, it appears that the requested variance would be consistent with the spirit and purpose of this chapter and the DeKalb County Comprehensive Plan text.

FINAL STAFF ANALYSIS:

Based on the submitted materials, due to the shape of the lot, the strict application of the applicable provisions and requirements of this chapter would cause an undue hardship for the applicant. However due to pending litigation amongst the adjacent property owners the Department of Planning and Sustainability recommends that the application be “deferred” until all civil matters are address.



DeKalb County
GEORGIA

DeKalb County Department of Planning & Sustainability

Hon. Michael Thurmond
Chief Executive Officer

Andrew Baker, AICP,
Director

**ZONING BOARD OF APPEALS APPLICATION FOR PUBLIC HEARING
(VARIANCES, SPECIAL EXCEPTIONS, APPEALS OF ADMINISTRATIVE DECISIONS)**

BOA No. _____

Applicant and/or
Authorized Representative Tracy T. Swearengen

Mailing Address: P.O. Box 871183

City/State/Zip Code: Stone Mountain, GA 30087

Email: eisenhowerSVCS@gmail.com

Telephone Home: 678-357-6238 Business: _____

OWNER OF RECORD OF SUBJECT PROPERTY

Owner: Hoten Group, LLC (Babatunde Oshodi, Mbr.)

Address (Mailing): 811 Sheppard Rd. Stone Mountain, GA 30083

Email: tundeosh4u@outlook.com

Telephone Home: _____ Business: 678-462-7327

ADDRESS/LOCATION OF SUBJECT PROPERTY

Address: 811 Sheppard Rd. City: Stone Mountain State: GA Zip: 30083

District(s): _____ Land Lot(s): _____ Block: _____ Parcel: 18-073-02-005

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

Zoning Classification: R100-SE-Res Dist. Commission District & Super District: _____

CIRCLE TYPE OF HEARING REQUESTED:

- 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.

TO BE COMPLETED BY PLANNING AND SUSTAINABILITY DEPARTMENT:

Date Received: _____

Fee Paid: _____

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: 9-30-2020

Applicant: X
Signature

DATE: N/A

Applicant: N/A
Signature



DeKalb County
G E O R G I A

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: 9-30-2020

Applicant/Agent:
Signature

[Signature]

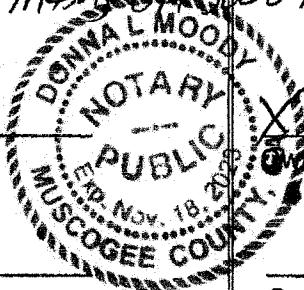
TO WHOM IT MAY CONCERN:

(I)/ (WE) Babatunde Oshodi
(Name of Owners)

being (owner/owners) of the property described below or attached hereby delegate authority to:

Tracy T. Swearingen, Sr. of Eisenhower Services, Inc.
P.O. Box 871183 Stone Mountain, GA 30087 (678) 357-6238

X *[Signature]*
Notary Public



[Signature]
Owner

Notary Public

Owner

Notary Public

Owner

Eisenhower Services, Inc.
P.O. Box 871183
Stone Mountain, GA 30087
678-357-6238
eisenhowersvcs@gmail.com
Tracy T. Swearingen, Sr., J.D., President

September 30, 2020

To: Dekalb County, Georgia Zoning Board of Appeals

Ref.: Variance request for - 811 Sheppard Road, Stone Mountain, GA 30087.

Dear Zoning Board of Appeals Member(s),

I on behalf of the owner of the above referenced property hereby request a variance from your Board in order to demolish the existing home structure and to rebuild a new 2 story home on the same footprint.

Prior Information:

The Board previously **approved** a variance on this same property on December 11, 2019 (**Case # A-19-1243645**); however, that variance application specified due to our knowledge of the existing structure at that time, that the existing building foundation would be remaining in place and the new home would be built back on that foundation along with the new approved front setback of 15ft. from the prior 35ft.; post approval of that variance the existing home was demolished and we discovered at that time that the home that was built in 1940 (and was legally non-conforming) had no cement foundation to it in-fact the home had been built on the soil.

New Request:

Due to zoning restriction as applied to this property upon demolition of the existing structure the owner would be restricted from building back the new proposed 2 story home, as the "old foundation" is no longer there as previously thought and as was disclosed on the prior ZRB application of 2019. We respectfully pray that the Board will grant us a variance to: 1. Conduct this demolition (including taking out the existing front and rear stoop/steps (which were the only concrete attached or present with the old home structure); 2. Install a foundation and new stoop/steps; AND 3. Construct the new 2 story home as outlined in the attached sets of plans and per the attached survey; as outlined below.

In accordance with the Board's section 7.5.1 A 1 – 5 (Application for variances) we submit the following in order:

1. The property as issue is exceptionally narrow and shallow and based on the buildable area once demolition would occur the owner would lose the existing non-conforming status due in most part to the buildable line that crosses the front middle to far right side of the existing structure. This condition was apparently set in place post construction of the existing structure; the existing 35 ft. front setback line was presumably placed into zoning law post construction of the existing structure. **Additionally, the Board's approval is sought to demolish the existing front and rear stoop/steps and to create a "new foundation" with front and rear stoop/steps.**

We request that the Board grant the continued (per Case # A-19-1243645), prior approved variance for a front yard setback of 15 ft. versus the existing 35 ft. setback.

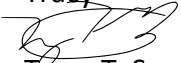
2. The requested variance does not go beyond the minimum necessary to afford relief (as we are needing to create a foundation because the prior thought foundation "**did not**" exist), it does not constitute a grant of special privilege that would be inconsistent with limitations upon other properties in the zoning district.
3. The Board's granting of this variance request would not be materially detrimental to the public welfare or injurious to the property improvements within the zoning district in which this property is located.
4. The literal interpretation and strict application of the applicable provisions or requirements of this chapter would cause the current owner of this property undue and unnecessary hardship without the grant of this variance request for the reasons as outlined in item # 1 above.
5. The granting of this variance would be consistent with the spirit and purpose of this chapter and the Dekalb County Comprehensive Plan text.

We respectfully pray the approval of the Board in granting us: 1. The **continued** variance of a 15 ft. vs. 35 ft. front setback; 2. The right to remove the existing front and rear stoop/steps and the ability to construct a "new" foundation with front and rear steps/stoops so as to accomplish our plans to make this property a habitable and acceptable property for this community without negatively impacting the zoning of this area as outlines above.

Please advise us of any information that we may provide other than that submitted with this request that would assist the Board in its decision. Thank you in advance for all of your consideration in this matter.

Respectfully,

Tracy



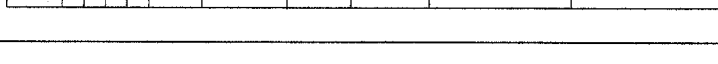
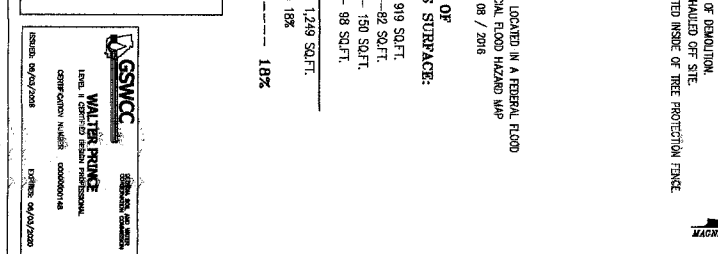
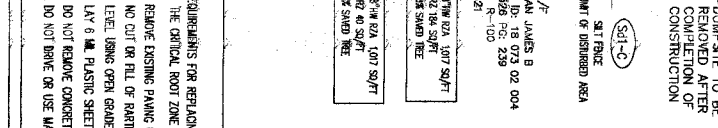
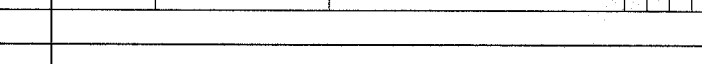
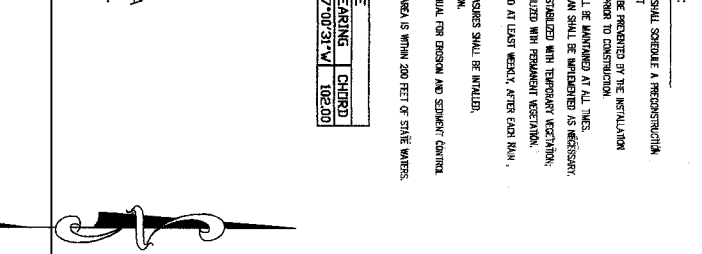
Tracy T. Swearingen, Sr., J.D.

President, Eisenhower Services, Inc.

Licensed Georgia Residential Contractor

(678) 357-6238

eisenhowersvcs@gmail.com



Scope of work:

This project is for the design and construction of a two story single family residence with Living space in the attic.
The work shall provide for the masonry foundation, framing, exterior and interior finish materials and roof assemblies. The electrical, mechanical and plumbing work shall be provided by qualified technicians. All construction roof loads shall be accounted for from roof to foundation.

Proposed Floor Area

Main Level 865 Sq. ft.
Second 865 Sq. Ft.
Third Level 450 Sq. Ft.

Total Floor Area 2180 Sq. Ft.

Contractor Eisenhower Services, Inc.
PO Box 871183
Stone Mountain, Georgia 30087
678-357-6238

Architect
Robert Jay
6934 Clear Lake court
Atlanta, Georgia 30360
7070-241-5956

The General Contractor shall provide wiring, receptacles, fixtures and switches as directed by the owner.

The General Contractor shall provide a necessary furnace and cooling system and duct work and all necessary diffusers as needed.

The General Contractor shall provide necessary water piping and new sanitary piping and necessary fixtures for the baths and kitchen.

Architect
Robert Jay
6934 Clear Lake court
Atlanta, Georgia 30360
7070-241-5956



October 17, 2019

Current Mandatory Codes as Adopted by DCA:

- International Building Code, 2018 Edition, with Georgia Amendments (2020)
- International Residential Code, 2018 Edition, with Georgia Amendments (2020)
- International Fire Code, 2018 Edition (No Georgia Amendments)
- International Plumbing Code, 2018 Edition, with Georgia Amendments (2020)
- International Mechanical Code, 2018 Edition, with Georgia Amendments (2020)
- International Fuel Gas Code, 2018 Edition, with Georgia Amendments (2020)
- National Electrical Code, 2017 Edition (No Georgia Amendments)
- International Energy Conservation Code, 2015 Edition, with Georgia Supplements and Amendments (2020)
- International Swimming Pool and Spa Code, 2018 Edition, with Georgia Amendments (2020)
- the Life Safety Code (NFPA 101) 2018 Edition with 2020 Georgia Amendments
- Georgia Accessibility Code 2010

Current Permissive Codes as Adopted by DCA:

- Disaster Resilient Building Code IBC Appendix(2013)
- Disaster Resilient Building Code IRC Appendix (2013)
- International Property Maintenance Code, 2012 Edition, with Georgia Amendments (2015)
- International Existing Building Code, 2012 Edition, with Georgia Amendments (2015)
- National Green Building Standard, 2008 Edition, with Georgia Amendments (2011)

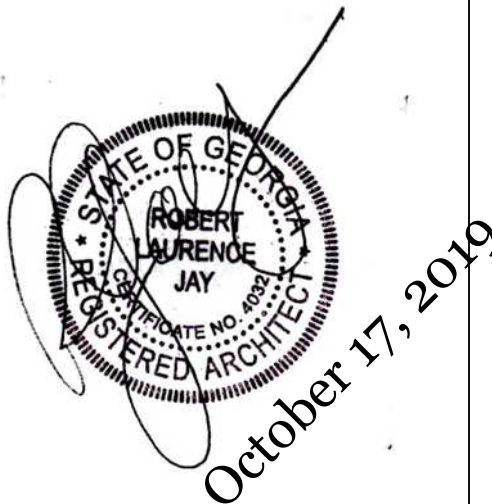
Project Location



Drawing Legend

- Page A 01 Cover Sheet
- Page A 02 Proposed Main Level and Second Level Floor Plans
- Page A 03 Proposed Ceiling Plans and Typical Wall Section
- Page A 04 Proposed Elevations
- Page A 05 Foundation, Roof , Framing Plans and Stair Section

These Drawings Provided For Architectural Design Only.
Verify Framing and Foundations with Structural Engineer
Field Verify all Dimensions
Released For Construction

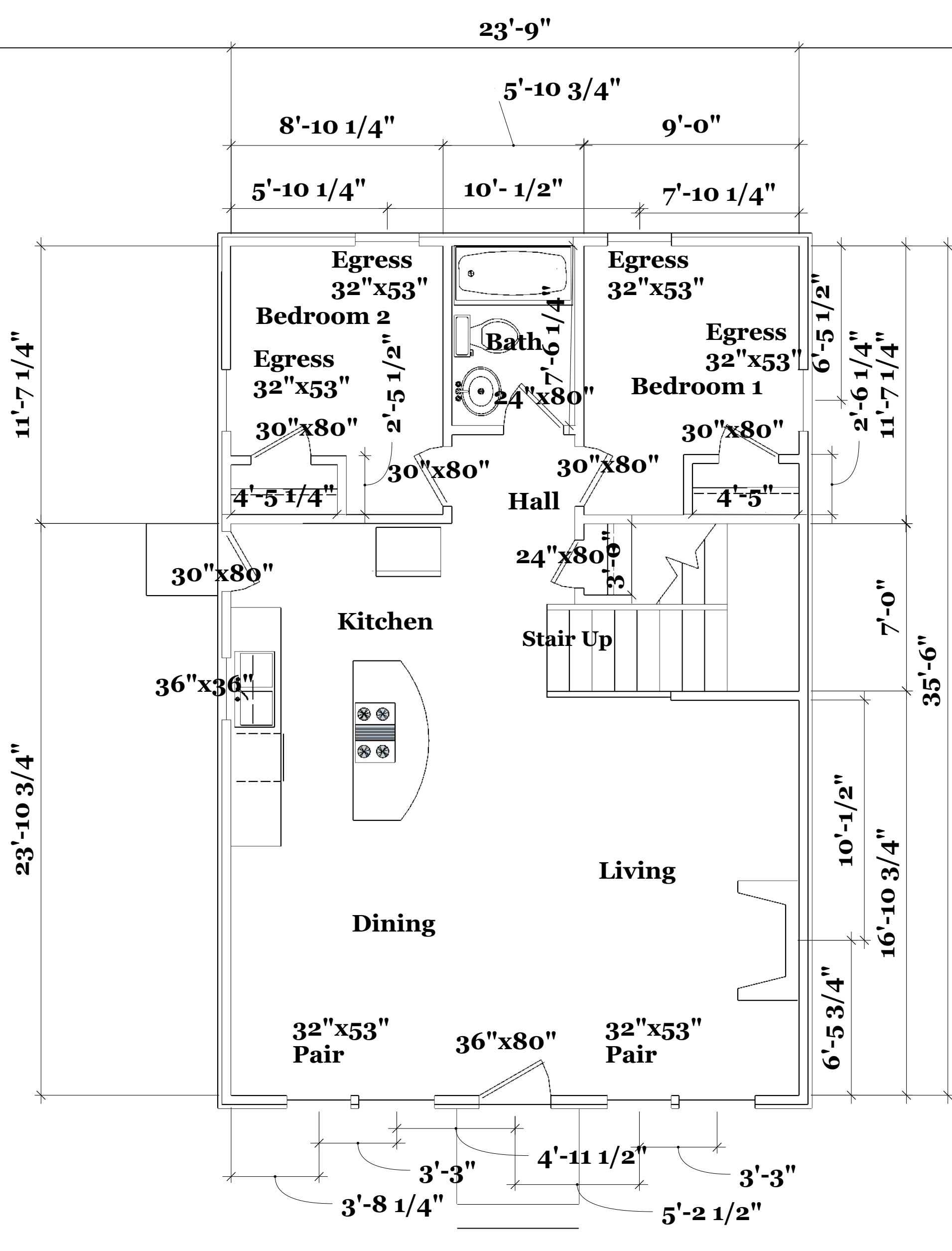


REVISIONS				
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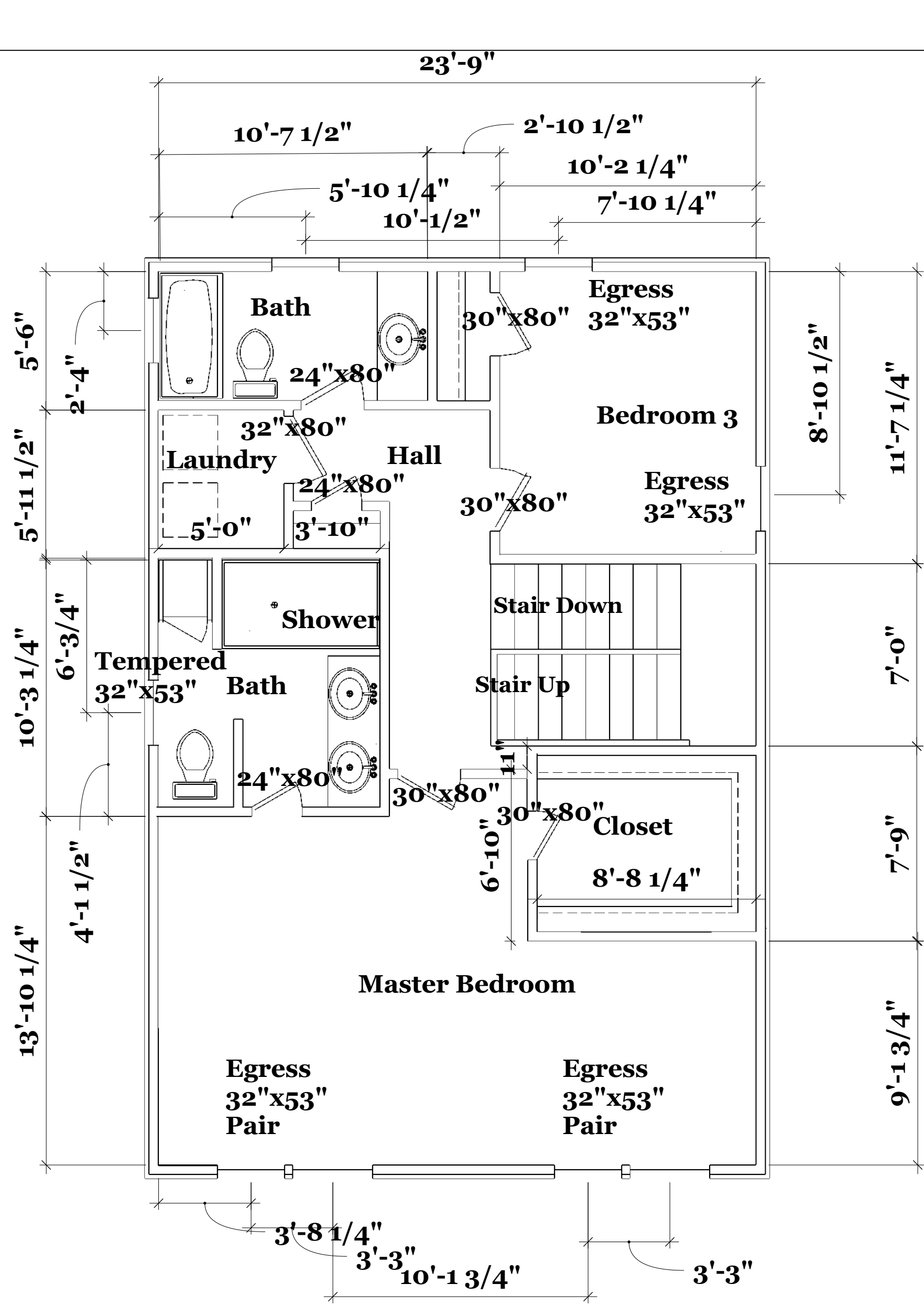
Robert Jay Architect 6934 Clear Lake Court Atlanta, Georgia 30360	
770-241-5956 rjtrain312@yahoo.com	

Residential Renovation	
811 Sheppard Road	
Stone Mountain, Georgia 30083	

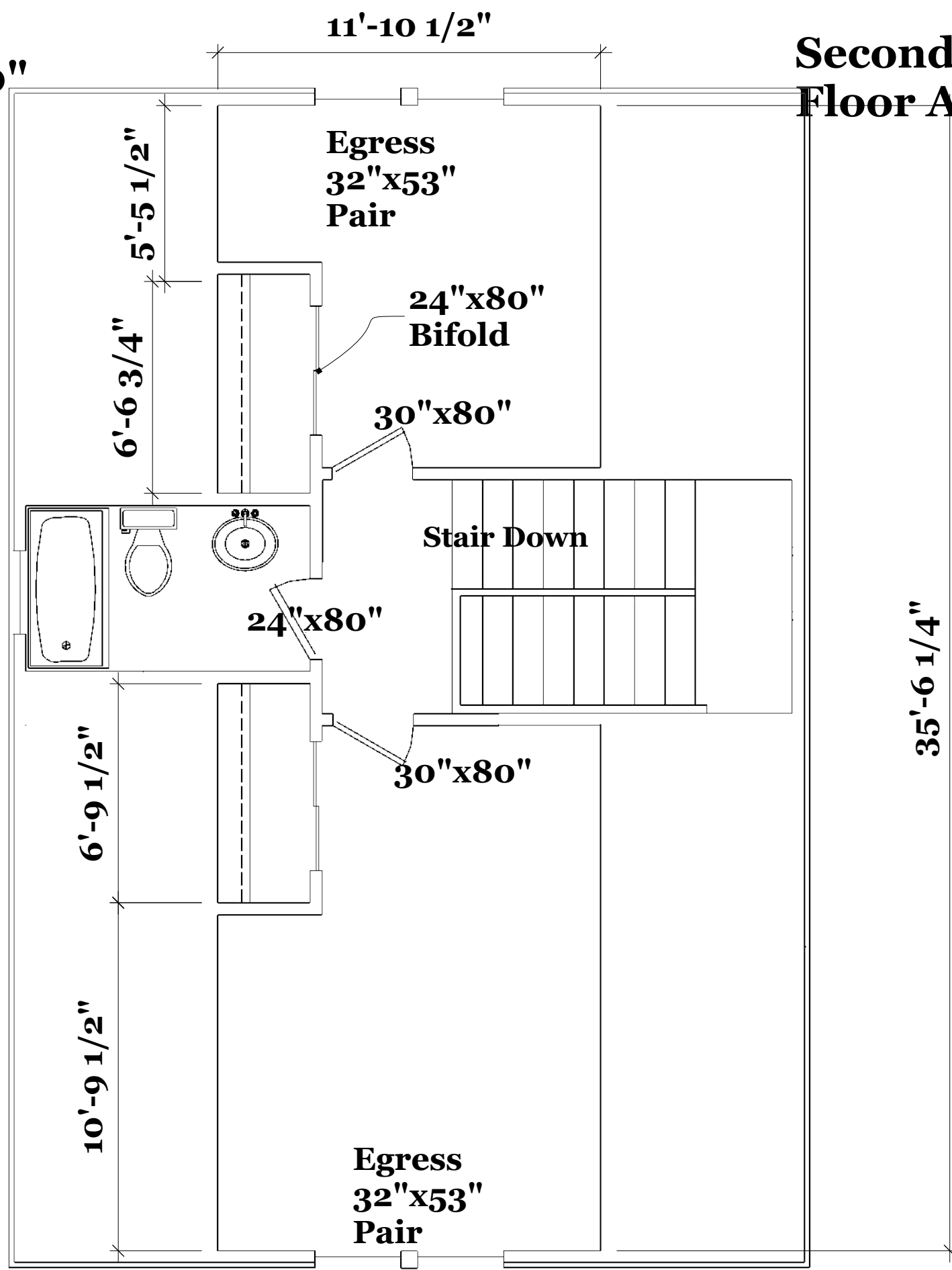
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Main Level Floor Plan 1/4" = 1'-0"
Floor Area 865 Sq. Ft.



Second Level Floor Plan 1/4" = 1'-0"
Floor Area 865 Sq. Ft.



Third Level Floor Plan 1/4" = 1'-0"
Floor Area 450 Sq. Ft.

Ventless Gas Fireplace
product Details

The Superior VRT3100 Ventless Firebox is simple, yet exudes an elegant beauty. This unit is a universal heat-circulating firebox that is offered in 32 inch, 36 inch and 42 inch models. All sizes have a 24 inches tall and are designed to accept vent-free log sets.

You can customize the style by choosing between two high definition liners options. The Superior VRT3100 Ventless Firebox also has optional decorative twin-pane mesh screen doors and a blower to complete the look you have always wanted for your hearth.

Features:

- Available in 32", 36" and 42"
- 24 inch tall opening
- Heat deflection hood
- Mesh Fire Screens
- Heat-circulating with a clean face

Specifications

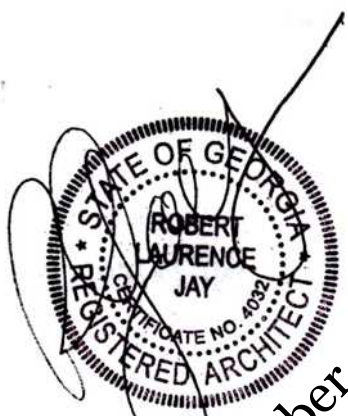
Certifications:ANSI Z21.91
Type:Vent Free
Style:Firebox | Traditional
Fuel Type:Natural Gas | Propane
Venting Type:Vent Free
Material:Steel
Color Family:Black
Overall Width:37 3/4" | 41 3/4" | 47 3/4"
Overall Depth:20"
Overall Height:37 1/4"
Viewing Width:32" | 36" | 42"
Viewing Height:24"
Finish:Powder Coat
Color:Black
Assembly Required:Required
Item Weight:140 lbs. | 150 lbs. | 160 lbs.
Warranty
Manual
Sizing
Learn More

October 17, 2019

These Drawings Provided For Architectural Design Only.
Verify Framing and Foundations with Structural Engineer

Field Verify all Dimensions

Released For Construction



REVISIONS		3/20/2020	Third Level
MM/DD/YY		1	2
1	2	3	4
5			

Residential Renovation		30083
811 Sheppard Road		
Stone Mountain, Georgia		
Robert Jay Architect		
6934 Clear Lake Court		
Atlanta, Georgia 30360		
770-241-5956		
rjtrain312@yahoo.com		

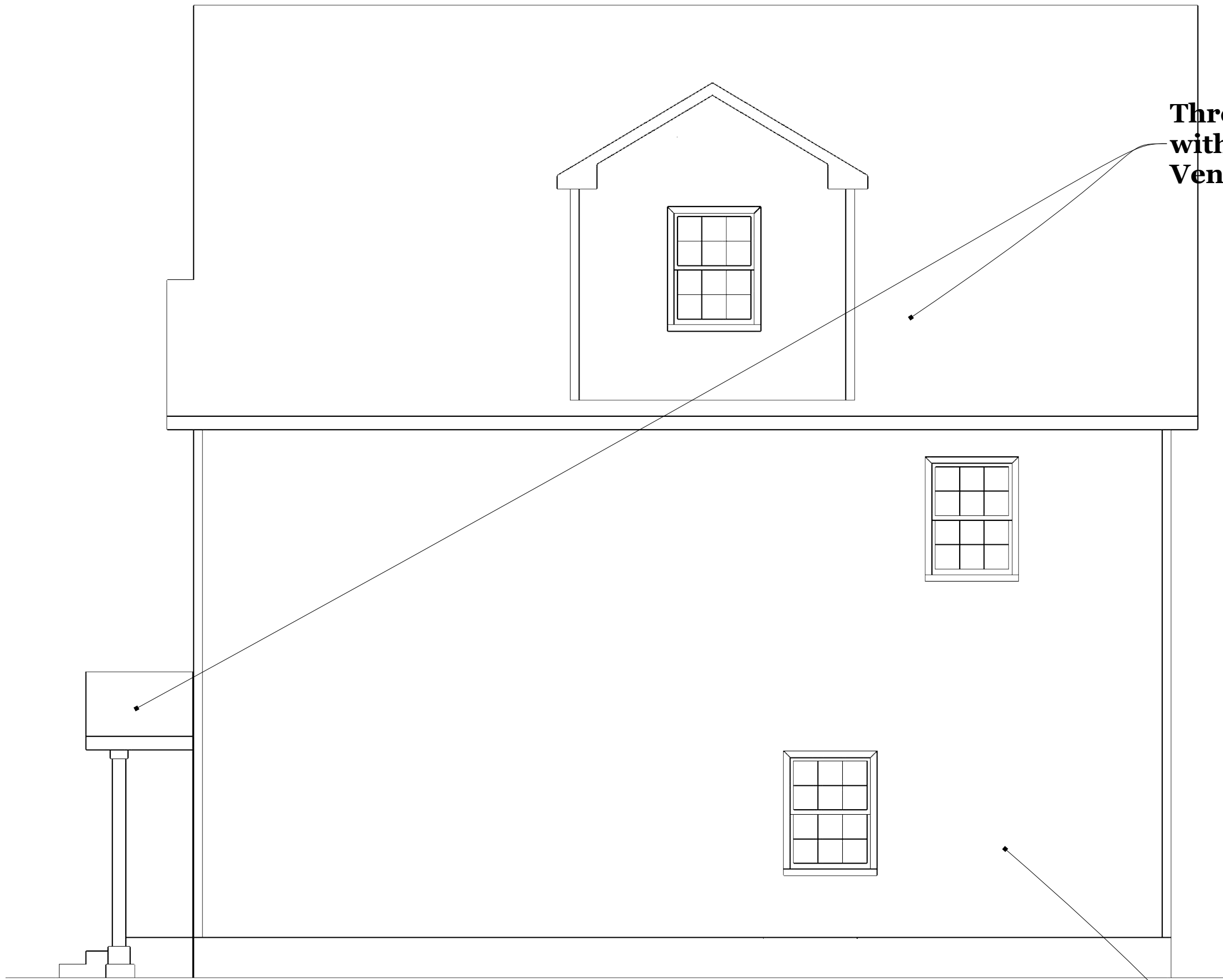
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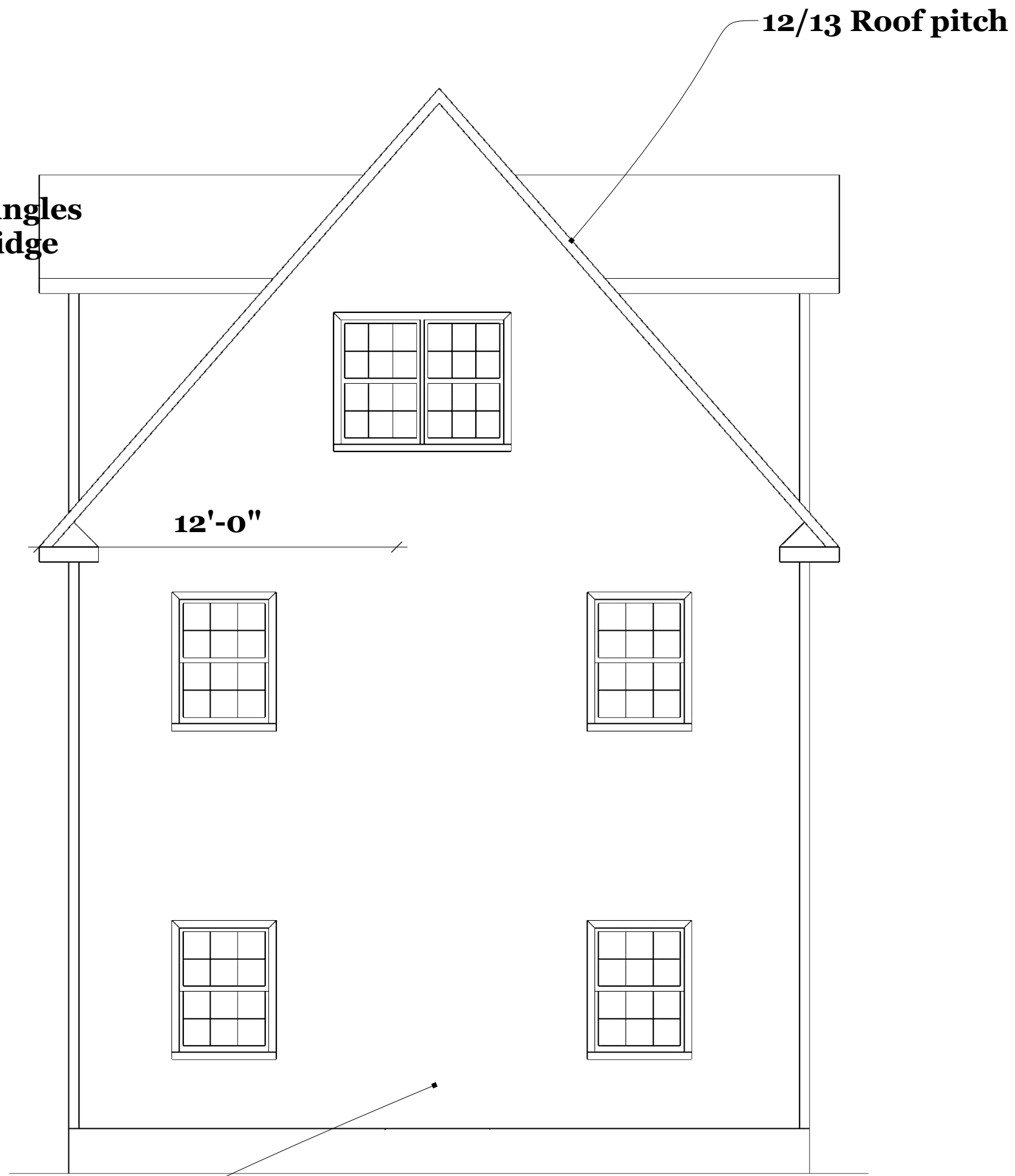
Left Side Elevation 1/4" = 1'-0"



Front Side Elevation 1/4" = 1'-0"



Right side Elevation 1/4" = 1'-0"



Rear Side Elevation 1/4" = 1'-0"

Three Tab Roof Shingles
with Continuous Ridge
Vent

12/13 Roof pitch

34'-10 1/2"

7 1/2"Siding and
Wood Trim

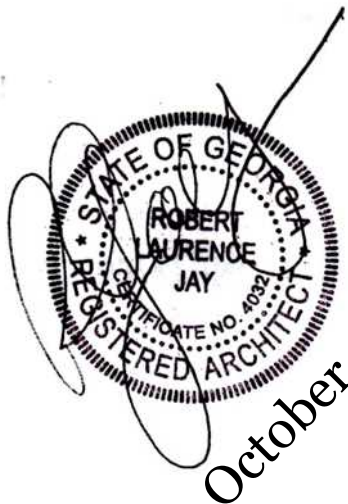
12/13 Roof pitch

Three Tab Roof Shingles
with Continuous Ridge
Vent

12'-0"

7 1/2"Siding and
Wood Trim

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Verify Framing and Foundations with Structural Engineer
Field Verify all Dimensions
Released For Construction

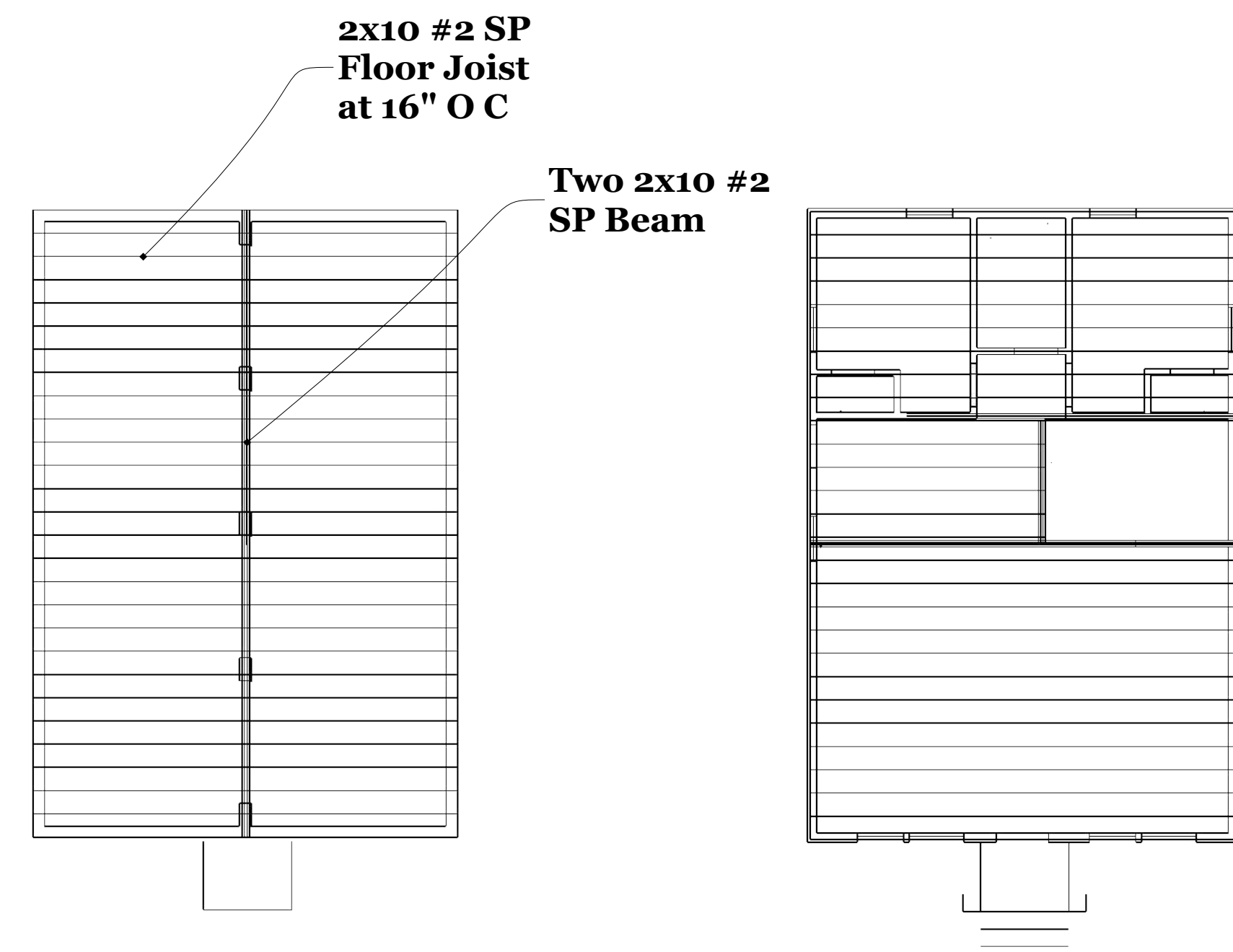


October 17, 2019

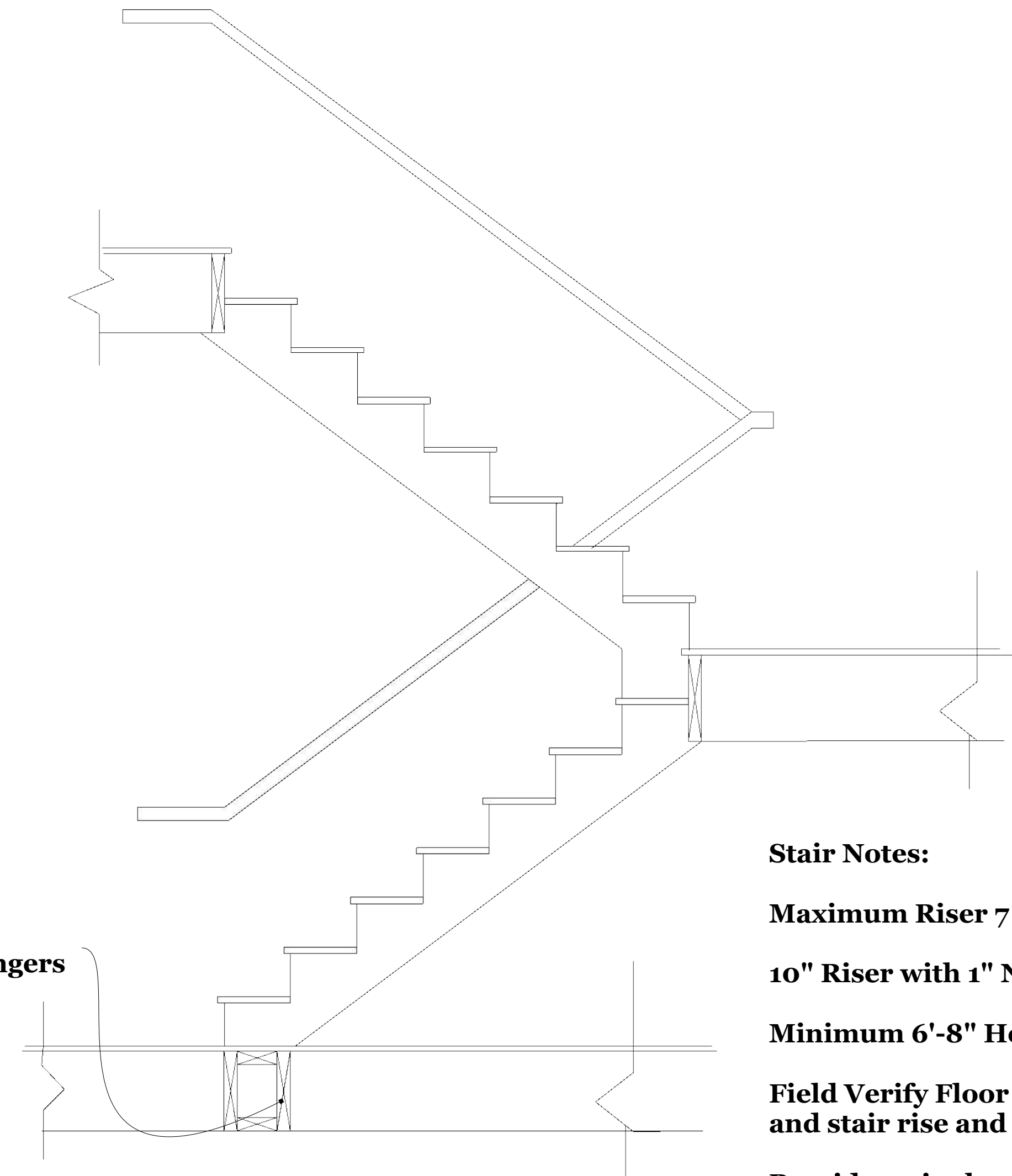
October 17, 2019

REVISIONS		3/20/2020 Third Level	
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1	--/--/----
2	--/--/----
3	--/--/----
4	--/--/----
5	--/--/----

Robert Jay Architect 6934 Clear Lake Court Atlanta, Georgia 30360		770-241-5956 rjtrain312@yahoo.com	
Residential Renovation		811 Sheppard Road Stone Mountain, Georgia 30083	
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Second Level Floor Framing Plan
1/8"=1'-0"



Stair Notes:

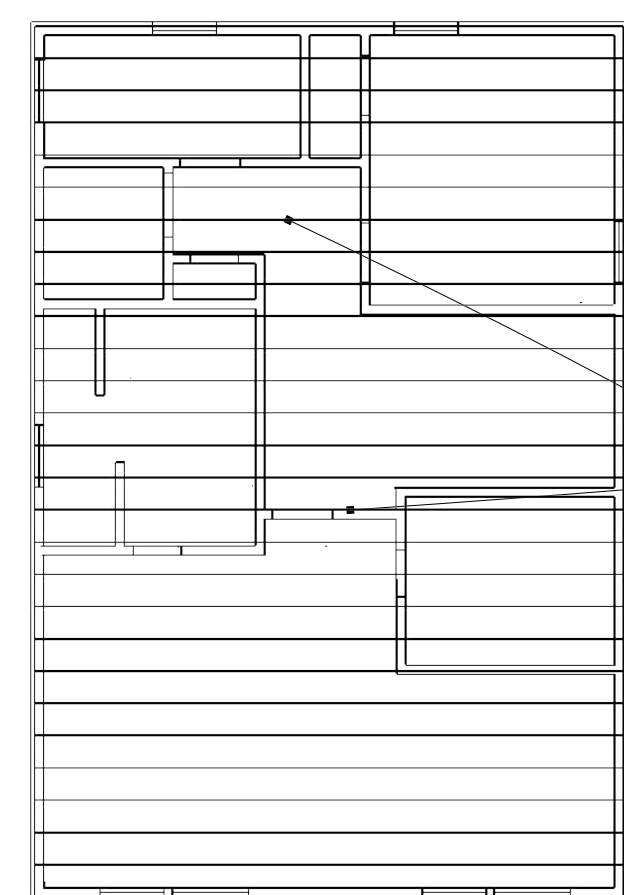
Maximum Riser 7 1/2"

10" Riser with 1" Nosing

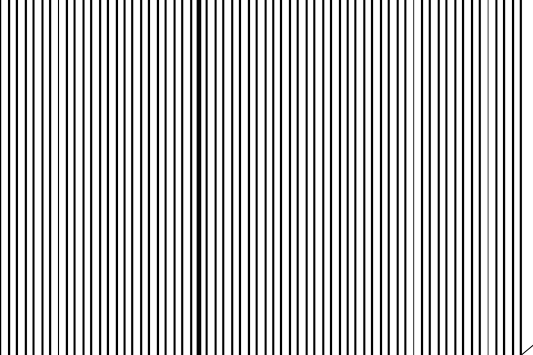
Minimum 6'-8" Head Clearance

**Field Verify Floor to Floor Heights
and stair rise and run**

**Provide stair shop drawing
to architect and owner**



The diagram illustrates a roof truss structure. A horizontal line at the top represents the ridge beam, labeled "2x10 Ridge Beam". Below it, a series of diagonal lines represent the rafters, labeled "2x6 #2 SP Rafter at 16\" O C". The rafters are shown on both sides of the ridge beam, sloping downwards to the eaves. The spacing between the rafters is indicated as 16 inches on center.



Three Tab Roof Shingles with Continuous Ridge Vent

This diagram illustrates a roof shingle layout for a three-tab shingle system. It shows a series of vertical lines representing the shingles, with a central vertical line indicating the continuous ridge vent. A leader line points from the text label to the ridge vent line.

Roof Plan
1/8" = 1'-0"

Proposed Stair Section 3/4"=1'-0"

Released For Construction

October 17, 2019

REVISIONS		REMARKS
	MM/DD/YY	
1	--/--/--	...
2	--/--/--	...
3	--/--/--	...
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5	--/--/--	...

Robert Jay Architect
6934 Clear Lake Court
Atlanta, Georgia 30360
770-241-5956 rjtrain312@yahoo.com

Residential Renovation

811 Sheppard Road

Stone Mountain, Georgia 30083