

DeKalb County Zoning Board of Appeals

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



Michael L. Thurmond

Chief Executive Officer

Wednesday, December 9, 2020 at 1:00 PM

Planning Department Staff Analysis

N4 Case No: A-20- 1244432 Parcel ID(s): 18-205-05-005

Commission District: 02 Super District 06

Applicant: David E. Jervis and Susan W. Jervis

2223 Abby Lane NE Atlanta, GA 30345

Owner: Same as the Applicant

Project Name: 2223 Abby Lane NE

Location: The property is located east of Abby Lane, at 2223 Abby Lane, Atlanta, GA 30345.

REQUEST: Variance from Chapter 27 of the DeKalb County Zoning Ordinance to increase the maximum allow lot

coverage for a proposed deck, relating to the R-100 zoning district.

Staff "Approval" based on the submitted site plan received November 5, 2020.

Recommendation:

STAFF FINDINGS:

Site Location: The property is located east of Abby Lane, at 2223 Abby Lane, Atlanta, GA 30345.

Variance request: Variance from Chapter 27 of the DeKalb County Zoning Ordinance to increase the maximum allow lot coverage for a proposed addition, relating to the R-75 zoning district.

Variance Analysis: Based on the submitted materials, the applicant is requesting to increase maximum allowed lot coverage from 35% to 43.8% for proposed deck. The DeKalb County zoning ordinance requires a maximum allowed lot coverage of 35% feet all structures within the R-100 zoning district. Based on the submitted site plan, the existing lot coverage is non-conforming at approximately 41%. The proposed deck will increase the existing lot coverage by 3% to a new total of 44%. Based on the submitted materials, this variance does not go beyond that minimum necessary to afford relief.

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, by reason of 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:

Due to the existing site constraints, it appears that the requested variance does not go beyond that minimum necessary to afford relief. Therefore, granting this variance 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:

Granting this 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:

Based on the submitted materials, , 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, this variance does not go beyond that minimum necessary to afford relief. Therefore, the Department of Planning and Sustainability recommends that the application be "approved" as shown on the submitted site plan received on November 5, 2020.

STAFF RECOMMENDATION: "Approval" based on the submitted site plan received November 5, 2020.



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 David E. Je	ervis and Susan W. Jervis		
Mailing Address: 2223 Abby Lane N	E		
City/State/Zip Code: Atlanta, GA 303	45		
Email: jervisd@dsptools.com			
Telephone Home: 240-505-7801	Business:	Fax No.:	
OWN	ER OF RECORD OF SUBJEC	TPROPERTY	
Owner: David E. Jervis and Susan	W. Jervis		
Address (Mailing): 2223 Abby Lane	NE		
City/State/Zip Code: Atlanta, GA 3034	45		
Email: jervisd@dsptools.com			
Telephone Home: 240-505-7801	Business:	Fax No.:	
Address: 2223 Abby Lane NE	RESS/LOCATION OF SUBJEC		345
	City: Atlanta	State: <u>GA</u> Zip: <u>30</u> ;	
District(s): Land Lot(s):			
District(s): Land Lot(s):	Block:	Parcel:	
District(s): Land Lot(s):	Block:	Parcel:	
Zoning Classification:	Commission	District & Super District:	
CIRCLE TYPE OF HEARING REQUES	TED		
XVARIANCE (From Development Standa	ards causing undue hardship ι	ipon owners of property.)	
SPECIAL EXCEPTIONS (To reduce or	waive off-street parking or loa	ding space requirements.)	
• OFFICIALS APPEALS OF ADMINISTF	RATIVE DECISIONS.		
TO BE COMPLETED BY PLANNING AND SUST. Date Received:	AINABILITY DEPARTMENT	Fee Paid:	

330 West Ponce de Leon Avenue – Suites 100-500 – Decatur, Georgia – 30030 [voice] 404.371.2155 – [Planning Fax] (404) 371-4556 [Development Fax] (404) 371-3007 Web Address http://www.dekalbcountyga.gov/planning Email Address: planninganddevelopment@dekalbcountyga.gov



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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: 11/4/2020	Applicant: Dans Merrin Signature
DATE: 11/4/2020	Applicant: Signature



3

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:	11/04/2020	Applicant/Agent: Diago Fracasso Signature
TO WHOM I	T MAY CONCERN:	
(I)/ (WE) Da	vid E. Jervis and S	usan W. Jervis
		(Name of Owners)
being (owner	owners) of the propert	y described below or attached hereby delegate authority to:
Diego Frac	casso of Bassett Co	
To file an app	dication on (my) / (ou	Tehali
Notary Public		Susan Whus
Notary Public		Owner Owner
Notary Public		PUBLOS S

David and Susan Jervis 2223 Abby Lane NE Atlanta, GA 30345 240-505-7801

Letter of Intent:

We would like to have Bassett Construction replace our old deck with a new deck and screened in porch similar to the one on our neighbor's house. The issue is that the deck would exceed the Impervious Surface regulation. The proposed new deck and screened in porch would be about three feet above the ground. The ground under the deck would remain dirt. It would have Trex composite flooring so water would be able to pass between the boards to the ground below. The screened in porch would have a roof with gutters and downspouts. To mitigate the impervious surface problem, we would route the downspout water to one or more flow wells.

As explained in the Hardship Letter, my wife and I are in our 70's. She has had melanomas surgically removed that were caused by sun exposure. That is why we would like the roofed, screened in part.

Please grant us a variance to the Imperious Surface requirement.

David E. Jervis

Susan W. Jervis

David and Susan Jervis 2223 Abby Lane NE Atlanta, GA 30345 240-505-7801

November 4, 2020

Hardship Letter to request a variance to Impervious Surface

About two years ago my wife, Susan and I moved to Dekalb County to be near our grandchildren. We love it here. We are both in our 70s and we enjoy sitting outside on our small deck. Our present deck was built with the house in 2005. We would like to replace it with a better looking, better built deck, and we would like to add a screened-in covered part.

My wife has had several skin melanomas surgically removed. They were caused by sunexposure. As you know, melanoma is the deadliest form of skin cancer because it is more likely to spread to other parts of the body if it is not caught and treated early.

We want to have Bassett Construction replace our existing old deck with a new deck and screened-in covered porch. That would let us sit, protected from the sun, and mosquitoes and enjoy the beautiful outdoors.

Please consider granting us a variance to the impervious surface requirement.

Thank you,
David and Susan Jervis

David E. Jervis

Susan W. Jervis

David and Susan Jervis 2223 Abby Lane NE Atlanta, GA 30345 240-505-7801

November 1, 2020

Re: Jervis Hardship Letter to request a variance to Impervious Surface

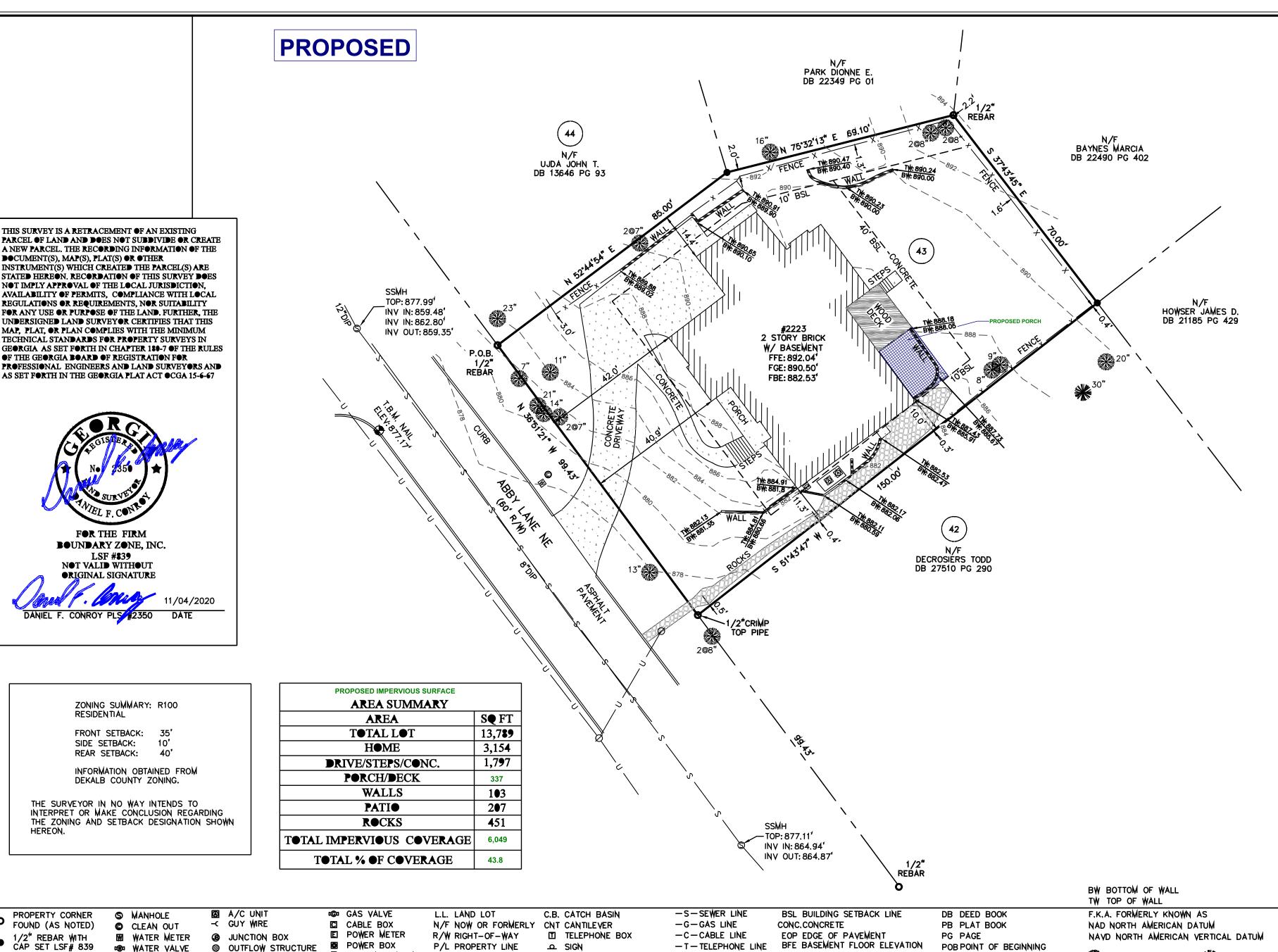
About two years ago my wife, Susan and I moved to Dekalb County to be near our grandchildren. We love it here. We are both in our 70s and we enjoy sitting outside on our small deck. Our present deck was built with the house in 2005. We would like to replace it with a better looking, better built deck, and we would like to add a screened-in covered part.

My wife has had several skin melanomas removed. They were caused by sun-exposure. As you know, melanoma is the deadliest form of skin cancer because it is more likely to spread to other parts of the body if it is not caught and treated early.

We want to have Bassett Construction replace our existing old deck with a new deck and screened-in covered porch. That would let us sit, protected from the sun, and mosquitoes and enjoy the beautiful outdoors.

Please consider granting us a variance to the impervious surface requirement.

Thank you,
David and Susan Jervis



PROPERTY CORNER

R/W MONUMENT

FIRE HYDRANT

FOUND (AS NOTED) 1/2" REBAR WITH CAP SET LSF# 839

D●CUMENT(S), MAP(S), PLAT(S) ●R ●THER

FOR THE FIRM **BOUNDARY ZONE, INC.**

LSF #839 **NOT VALID WITHOUT**

ORIGINAL SIGNATURE

ZONING SUMMARY: R100

DEKALB COUNTY ZONING.

FRONT SETBACK:

SIDE SETBACK:

REAR SETBACK:

DANIEL F. CONROY PLS #2350

S MANHOLE

C CLEAN OUT WI WATER METER WATER VALVE O POWER POLE

-☆- LIGHT POLE

10'

40'

DRAINAGE INLET

REGULAR PARKING OH OVERHANG & HANDICAP G GAS METER

-W-WATER LINE

-X-FENCE LINE -U-OVERHEAD UTILITY LINE -920-CONTOUR LINE

GFE GARAGE FLOOR ELEVATION FFE FINISHED FLOOR ELEVATION

POC POINT OF COMMENCEMENT A.K.A. ALSO KNOWN AS

PINE TREE

HARDWOOD TREE



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

THIS PLAT WAS PREPARED FOR THE EXCLUSIVE USE OF THE PERSON, PERSONS OR ENTITY NAMED HEREON AND DOES NOT EXTEND TO ANY UNNAMED PERSON WITHOUT A RECERTIFICATION BY THE SURVEYOR NAMING SAID

● C●PYRIGHT 2020 - B●UNDARY Z●NE, INC. THIS DRAWING AND IT'S REPRODUCTIONS ARE THE PROPERTY OF THE SURVEYOR AND MAY NOT BE REPRODUCED, PUBLISHED OR USED IN ANY WAY WITHOUT THE WRITTEN PERMISSION OF THIS SURVEYOR.

TOTAL AREA: 0.317 ACRES / 13,789 SQUARE FEET

BOUNDARY REFERENCE: DEED BOOK 27068, PAGE 426, PLAT BOOK 24, PAGE 146 FIELDWORK PERFORMED ON 11/03/2020

THIS MAP OR PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 399,657 FEET.

THIS PLAT HAS BEEN PREPARED USING A TRIMBLE ROBOTIC TOTAL STATION.

THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A RELATIVE POSITIONAL ACCURACY ●F 0.02 FEET.



Call before you dig.



SURVEYING LANDSCAPE ARCHITECTURE LAND PLANNING **WWW.BOUNDARYZONE.COM** (770) 271-5772

SUWANEE (770) 271-5772 454 SATELLITE BLVD, SUITE 200 SUWANEE, GA 30024

ATLANTA (404) 446-8180 1100 PEACHTREE STREET, SUITE 200 ATLANTA, GA 30309

125 TOWN PARK DRIVE, SUITE 300

22788.01

KENNESAW (678) 730-4393

DWN:AR

SHEET 1 **●**F 1

PROJECT

GRID NORTH GA. WEST ZONE NAD 1983

DATUM: NAVD 1988

SCALE: 1"=2**0**'

SURVE

REE

NEW DECK AND PORCH 2223 ABBY LANE NE, ATLANTA, GA 30345	BUILDER LICENSE BCS, LLC RBQA 005651	PROJECT CONTACT DIEGO FRACASSO 678-358-1900	RVIS NE NE	PAGE:	
APPLICABLE CODES: INTERNATIONAL RESIDENTIAL CODE 2018 EDITION WITH GA AMENDMENTS NATIONAL ELECTRICAL CODE, 2017 EDITION ANY CHANGES TO PROJECT MUST BE APPROVED BY DEKALB COUNTY BUILDING DEPARTMENT GENERAL NOTES:	COVER1 PLAN2 ELEVATION_3 DETAILS4	Peachtree Colf Club DeKalb-Peachtree Alriport Brookhaven 2223 Abby Lane Northeast	DAVID JER 2223 ABBY LANE ATLANTA 30345	DRAWN BY: BCS, LLC SCALE: As Noted DATE: 10/19/2020	
1. ALL WORK SHALL BE ACCOMPLISHED WITH THE SPECIFIED BUILDING CODES, BY COMPANIES AND/OR INDIVIDUALS PROPERLY LICENSED TO PERFORM SUCH WORK. IT IS THE RESPONSIBILITY OF THE CONTRACTOR AND SUB CONTRACTORS TO BUILD A STRUCTURALLY SOUND WATERPROOF STRUCTURE, FREE FROM MATERIAL DEFECTS, THAT CONFORMS TO THE LOCAL BUILDING CODES AND AREA RESTRICTIONS. 2. IT IS UNDERSTOOD THAT THE CONTRACTOR(S) HAVE READ AND UNDERSTAND ALL DRAWINGS, SPECIFICATIONS, AND APPLICABLE CODES UNDER WHICH THE BUILDING IS TO BE CONSTRUCTED. THE DESIGNER WAIVES ANY AND ALL RESPONSIBILITY AND LIABILITY FOR PROBLEMS WHICH ARISE FROM THE FAILURE TO FOLLOW THE CONSTRUCTION DOCUMENTS OR THE DESIGN INTENT THEY CONVEY. 3. THE CONTRACTOR(S) SHALL FAMILIARIZE THEMSELVES WITH THE EXISTING CONDITIONS AND NOTIFY THE DESIGNER AND/OR ENGINEERS IN				COVER	
3. THE CONTRACTOR(S) SHALL FAMILLIARIZE THEMSELVES WITH THE EXISTING CONDITIONS AND NOTIFY THE DESIGNER AND/OR ENGINEERS IN WRITING IF ANY ADISCREPANCIES OR INCONSISTENCIES BETWEEN THE CONTRACT DOCUMENTS AND EXISTING CONDITIONS ARE DISCOVERED, PRIOR TO SUBMITTING A BID AND BEGINNING CONSTRUCTION. 4. IN CASES OF A CONFLICT BETWEEN DRAWINGS AND SPECIFICATIONS, THE MORE RIGID REQUIREMENTS SHALL BE ASSUMED UNTIL A RULING IS MADE BY THE DESIGNER AND/OR ENGINEERS. 5. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE COORDINATION OF ALL MECHANICAL, ELECTRICAL, AND PLUMBING SYSTEMS. ALL WORK TO BE IN COMPLIANCE WITH CURENTLY ADOPTED CODES. 6. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL REQUIRED PERMITS AND INSPECTIONS TO INSURE THE SAFETY, INTEGRITY, AND COMPLETION OF THIS PROJECT. 7. THE CONTRACTOR SHALL BE RESPONSIBLE FOR SCHEDULING REQUIRED INSPECTIONS AND TESTS. 8. THE CONTRACTOR SHALL PROVIDE ALL NECESSARY BLOCKING, BACKING, FRAMING, STRUCTURAL STEEL SUPPORT, HANGERS, AND OTHER SUPPORT FOR ALL FIXTURES, EQUIPMENT, MILLWORK, CABINETRY, STONE, HANDRAILS, FURNISHINGS, DECORATIVE LIGHTING, AND ALL OTHER ITEMS REQUIRING SAME. 9. ALL WORK AND/OR MATERIALS, ASSEMBLIES, PRODUCTS, AND FINISHES SHALL BE PERFORMED AND ISNTALLED PER MANUFACTURER'S RECOMMENDATIONS. 10. DIMENSIONS SHALL TAKE PRECEDENCE OVER SCALE. IN ORDER TO IDENTIFY CONFLICTS WITH EXISTING CONSTRUCTION AND DIMENSIONAL ERROR, DIMENSIONAL LAYOUT SHALL BE VERIFIED IN FIELD PRIOR TO PROCEEDING WITH WORK. THE DESIGNER SHALL BE NOTIFIED OF ANY DIMENSIONS REQUIRING CORRECTION. DIMENSIONS ARE TO FACE OF WALL FINISH UNLESS OTHERWISE NOTED. 11. CONTRACTOR IS TO TAKE ALL NECESSARY MEASURES TO ENSURE THAT ANY ADJACENT FINISHES OR OCCUPIED SPACE IS PROTECTED FROM SOILING OR DAMAGE DURING CONSTRUCTION AND DEMOLITION.		ARCHITECT	Construction Services 404-862-0988 www.BCSAtlanta.com		

32' X 14' DECK PLATFORM (3) 2X12 OUTSIDE BAND (2) 2X12 SIDE BAND AND LEDGER 2X10 JOISTS @ 12" OC **JOIST HANGERS**

BUILT TO BE FREESTANDING - ADD FOOTING AND POSTS AGAINST HOUSE TREX DECKING

14' X 16' OF PLATFORM WILL HAVE A CEDAR PORCH **6X6 POSTS** 6X6 BEAM/HEADER **4X8 RAFTERS** CYPRESS T&G ROOF SHEATHING (EXPOSED INSIDE PORCH) SYNTHETIC FELT WITH ARCHITECTUAL SHINGLES ALL CEDAR RAILING WITH BLACK ALUMINUM BALUSTERS MATCH SOFFIT/FASICA/GUTTERS TO EXISTING HOUSE SITE BUILT CEDAR 36" SCREEN DOOR REMOVABLE SCREEN PANELS

DECK RAILING WILL HAVE 4X4 PT POSTS AND HORIZONTAL MEMBERS 2X6 CEDAR TOP PLATE THRU BOLTED TO BAND

ONE SET OF 42" STAIRS TO YARD POUR APPROX 36"X36" CONCRETE LANDING AT BOTTOM

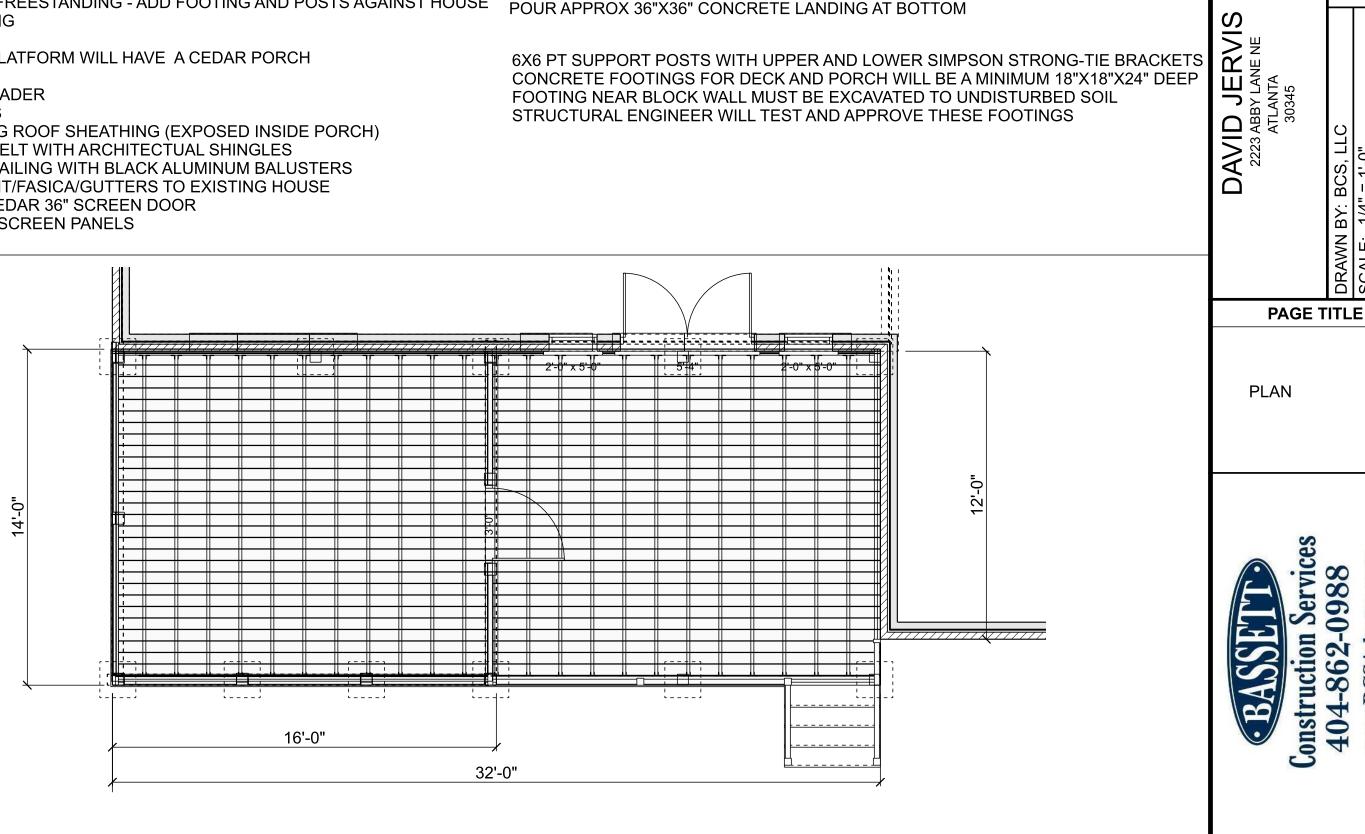
6X6 PT SUPPORT POSTS WITH UPPER AND LOWER SIMPSON STRONG-TIE BRACKETS CONCRETE FOOTINGS FOR DECK AND PORCH WILL BE A MINIMUM 18"X18"X24" DEEP FOOTING NEAR BLOCK WALL MUST BE EXCAVATED TO UNDISTURBED SOIL STRUCTURAL ENGINEER WILL TEST AND APPROVE THESE FOOTINGS

PAGE: 2/4

DRAWN BY: BCS, LLC SCALE: 1/4" = 1'-0"

www.BCSAtlanta.com

404-862-0988







DAVID JERVIS
2223 ABBY LANE NE
ATLANTA
30345

DRAWN BY: BCS, LLC SCALE: 1/8" = 1'-0" 10/19/2020 **PAGE TITLE**

PAGE: 3 / 4

ELEVATION







