



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, March 10, 2021 at 1:00 PM**

**Planning Department Staff Analysis**

D4 **Case No: A-21-1244470** Parcel ID(s): 15-171-06-012

**Commission District: 03 Super District 07**

**Applicant:** Daniel Goodwin  
2306 Benji Blvd, SE  
Conyers, GA 30013

**Owner:** KP Duty, LLC/ Pamela Marlowe  
P.O. Box 211  
Jonesboro, GA 30237

**Project Name:** 623 Quillian Avenue

**Location:** The property is located at the western intersection of Quillian Avenue and Marion Circle in Decatur, at 623 Quillian Avenue.

**REQUEST:** Variance from Chapter 27-2.2 Division 2- Residential Zoning Districts: Dimensional Requirements of the DeKalb County Zoning Ordinance to reduce the southern side yard setback from 7.5 feet to 4.71 feet for a proposed rear addition, relating the R-75 zoning district.

**Staff Recommendation:** **Withdrawal without prejudice.**

## **STAFF FINDINGS:**

### **Variance Analysis:**

The subject property is located within the R-75 zoning district. Per Chapter 27-2.2 Division 2- Residential Zoning Districts: Dimensional Requirements of the DeKalb County Zoning Ordinance states the minimum lot area for R-75 zoned properties is 10,000 square feet, and the minimum lot width is 75 feet. Based on the submitted site plan, the subject property has a lot size of 7,500 square feet and a lot width of 50.55 feet causing to subject property to be legally, non-conforming.

Based on the submitted materials, the applicant is requesting a variance to reduce the southern side yard building setback from 7.5 feet to 4.71 feet for a proposed rear addition to the existing single-family, detached structure. Per County records, the existing single-family detached structure was constructed in 1949, approximately seven years before the adoption of the *1956 DeKalb County Zoning Ordinance*. Based on the submitted site plan, the proposed addition will encroach approximately 2.79 feet into the southern side yard setback and will encroach no further than the existing structure.

Although the subject lot and house are nonconforming, based on the submitted materials the requested variance goes beyond the minimum necessary to afford relief. The requested variance may constitute a grant of special privilege inconsistent with the limitations upon other properties in the zoning district in which the property is located.

**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 materials, by reason of exceptional narrowness, the strict application of the requirements of this chapter may deprive the property owner of rights and privileges enjoyed by other property owners in the same zoning district. Based on the site plan, the subject lot is 50 feet wide by 150 feet long, 25-feet narrower than the 75-foot width requirement per the R-75 zoning. The missing 25 feet would likely permit the residential expansion without the need for a variance.

**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:**

Based on the submitted materials, it appears that the requested variance goes beyond the minimum necessary to afford relief and may 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 home addition could be constructed within the current setbacks.

**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:**

Based on the submitted materials, it appears that granting the variance may not be materially detrimental to the public welfare or injurious to the property or improvements in the zoning district. The proposed addition would not be visible from the public right-of-way. The approximate 19.5-foot difference between the house at the subject property and the southern neighbor, 627 Quillian Avenue, would remain the same after the construction of the proposed addition.

**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, it appears that the strict application of the applicable provisions and requirements of this chapter may not cause an undue and unnecessary hardship, as the proposed addition may be constructed within the current setback.

**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. The future land use for the subject property described in the *DeKalb County Comprehensive Plan* text is Traditional Neighborhood. The plan states that the intent of the character area is to preserve the style and appeal of older traditional neighborhood communities, particularly those developed prior to World War II (WWII) such as the neighborhood of the subject property. The proposed rear addition may be consistent with the character of the WWII era neighborhood in location and massing.

**FINAL STAFF ANALYSIS:**

Based on the submitted materials, it appears that the requested variance may go beyond the minimum necessary to afford relief and constitute a grant of special privilege inconsistent with the limitations upon other properties in the zoning district in which the subject property is located as the home addition could be constructed within the current setback. Therefore, the Department of Planning and Sustainability recommended denial of the request based on the submitted site plan received on January 7, 2021.

The applicant met with Staff after the February 10 meeting to discuss the proposed addition. The applicant proposed to construct the addition within the current setback and requested the withdrawal of the application.



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 Daniel Goodwin

Mailing Address: 2306 Benji Blvd. SE

City/State/Zip Code: Conyers, Ga. 30013

Email: raenad1@gmail.com

Telephone Home: 817-721-1226 Business: 817-721-1226 Fax No.: N/A

OWNER OF RECORD OF SUBJECT PROPERTY

Owner: KP Duty LLC / Pamela Marlowe

Address (Mailing): P.O. Box 211

City/State/Zip Code: Jonesboro, Ga. 30237

Email: pam@kpdutyllc.com

Telephone Home: 770-315-1874 Business: 770-315-1874 Fax No.: N/A

ADDRESS/LOCATION OF SUBJECT PROPERTY

Address: 623 Quillian Ave City: Decatur State: Ga. Zip: 30032

District(s): \_\_\_\_\_ Land Lot(s): \_\_\_\_\_ Block: \_\_\_\_\_ Parcel: \_\_\_\_\_

District(s): \_\_\_\_\_ Land Lot(s): \_\_\_\_\_ Block: \_\_\_\_\_ Parcel: \_\_\_\_\_

District(s): \_\_\_\_\_ Land Lot(s): \_\_\_\_\_ Block: \_\_\_\_\_ Parcel: \_\_\_\_\_

Zoning Classification: \_\_\_\_\_ 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.)
- OFFICIALS APPEALS OF ADMINISTRATIVE DECISIONS.

TO BE COMPLETED BY PLANNING AND SUSTAINABILITY DEPARTMENT

Date Received: \_\_\_\_\_

Fee Paid: \_\_\_\_\_

JAN13 21 RCVD



# 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: 1-9-21

Applicant: Camela Macklowe  
Signature

DATE: \_\_\_\_\_

Applicant: \_\_\_\_\_  
Signature



DeKalb County  
GEORGIA

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: 1-12-21

Applicant/Agent Signature [Signature]

TO WHOM IT MAY CONCERN:

(I) / (WE) KP Duty LLC | Pamela Marlowe  
(Name of Owners)

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

Daniel Goodwin  
(Name of Applicant or Representative)

To file an application on (my) / (our) behalf

[Signature]  
Notary Public

[Signature]  
Owner

Notary Public

Owner

Notary Public

Owner





## Filing Guidelines for Applications to the DeKalb County, Ga. Board of Appeals

1. **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.)
  - f. Filing Fee (\$300 payable to "DeKalb County")
2. **Application Materials:**
  - a. Applications must be submitted in complete, collated packets.
  - b. All materials must be folded in stacks of 8½ x 11.
  - c. Ten copies of all materials are required.
  - d. Applicant may want to bring an 11<sup>th</sup> copy for their records.
3. **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. Larger and small scale plans (8½ x 11) are generally required.
4. If property is not located in a platted subdivision, a legal description must be included.
5. **Letter of Intent:**
  - a. 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).
  - b. 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).
6. **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.
  - c. Authorize staff and members of the Board of Appeals to go on the property for site analysis and to post signs.
7. Application Fee is **\$300**. All checks must be payable to "DeKalb County". **There are no refunds after notice has been sent to the newspaper for advertisement.**
8. For all applications longer than 15 pages, a pdf or word document on a cd or thumb drive must be submitted with the application.

# Pamela Marlowe

KP Duty, LLC  
PO Box 211  
Jonesboro, GA 30237  
(770) 315-1874  
pam kp dutyllc.com

January 29, 2021

Rachel L. Bragg  
Board of Appeals  
DeKalb County, Georgia

To Whom It May Concern:

I recently submitted a request for a variance at 623 Quillian Avenue in Decatur. Please note this request is made so that I may increase the square footage of the dwelling to incorporate a master bedroom and en suite. In doing so, it is my hope that the home will accommodate a family with multiple children.

Should you have any question, please do not hesitate to let me know.

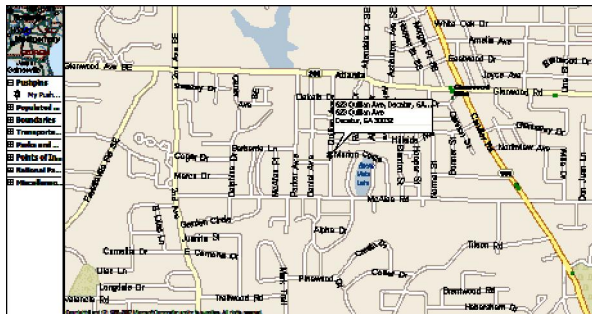
Sincerely yours,



Pamela Marlowe  
Owner



**SITE LOCATION**  
**N 33°44'05.172", W 84°17'53.7036"**



# GEORGIA

## UNIFORM CODING SYSTEM

STATE SOIL AND WATER CONSERVATION COMMISSION OF GEORGIA

**EROSION CONTROL MEASURES WILL BE MAINTAINED AT ALL TIMES. IF FULL IMPLEMENTATION OF THE APPROVED PLANS DOES NOT PROVIDE FOR EFFECTIVE EROSION CONTROL, ADDITIONAL MEASURES SHALL BE ADDED TO TREAT THE SEDIMENT SOURCE.**

**UTILITIES PROTECTION CENTER**

**IN GEORGIA**

**IT'S THE LAW**

**BEFORE YOU DIG**

**811**

ALL MATTERS OF TITLE ARE EXCEPTED. THIS PLAT IS SUBJECT TO ALL LEGAL EASEMENTS AND RIGHTS-OF-WAY PUBLIC OR PRIVATE.

NOTE: PROPERTY LINES SHOWN ON THIS MAP/PLAT REPRESENT PHYSICAL FIELD CONDITIONS BY EVIDENCE OF APPARENT POSSESSION (IRON PINS FOUND, OLD & ESTABLISHED FENCE LINES, OLD WALL LINES, SHRUB & HEDGE LINE, HOUSE LOCATIONS, ETC.) THEY MAY DIFFER AND BE IN CONTENTION FROM EVIDENCE FOUND AT THE APPLICABLE COUNTY COURTHOUSE. THEY MAY ALSO DIFFER FROM OTHER SURVEYOR OPINIONS AND/OR NEIGHBORS SURVEYS/PLATS. A FULL LAND TITLE REPORT OPINION ON ALL PROPERTIES, INCLUDING ADJACENT AND CONTIGUOUS PROPERTIES MAY BE NEEDED TO RESOLVE ALL POSSIBLE PROPERTY LINE DISPUTES OR DISCREPANCIES.

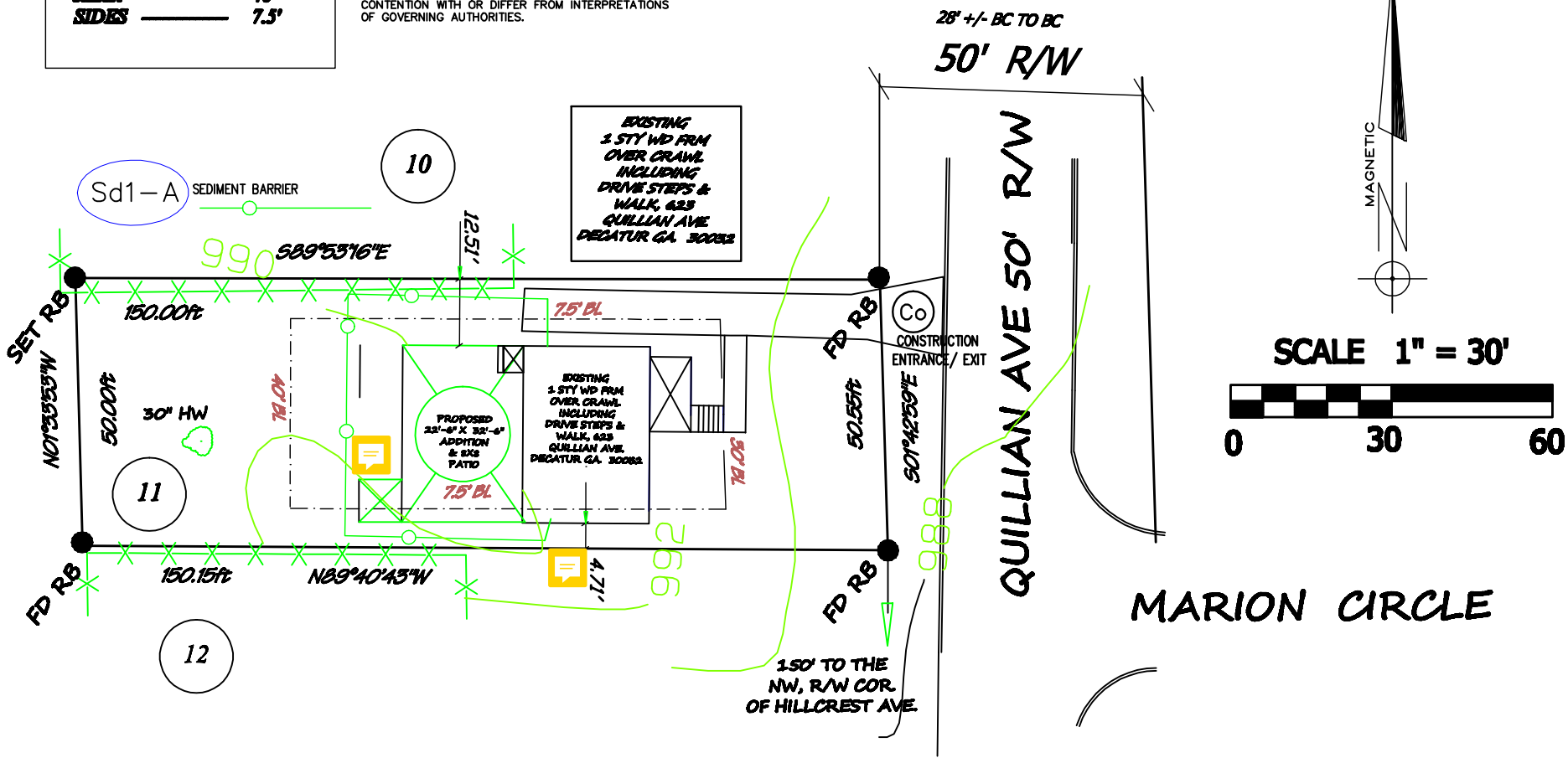
THIS MAP/PLAT WAS MADE WITHOUT THE BENEFIT OF A CURRENT TITLE COMMITMENT. EASEMENTS AND ENCUMBRANCES MAY EXIST WHICH BENEFIT AND BURDEN THIS PROPERTY. THIS MAP/PLAT IS SUBJECT TO REVISIONS AND UPDATE UPON RECEIPT OF SAID TITLE COMMITMENT.

BUILDING LINES SHOWN HEREON DERIVED FROM VARIOUS ONLINE SOURCES. THEY MAY BE IN CONTENTION WITH OR DIFFER FROM INTERPRETATIONS OF GOVERNING AUTHORITIES.

**BUILDING SET BACK LINE**

**FRONT** ——— 30'  
**REAR** ——— 40'  
**SIDES** ——— 7.5'

Co	CONSTRUCTION EXIT		A crushed stone pad located at the construction site exit to provide a place for removing mud from tires thereby protecting public streets.
Cr	CONSTRUCTION ROAD STABILIZATION		A travelway constructed as part of a construction plan including access roads, subdivision roads, parking areas, and other on-site vehicle transportation routes.
Ds1	DISTURBED AREA STABILIZATION (WITH MULCHING ONLY)		Establishing temporary protection for disturbed areas where seedings may not have a suitable growing season to produce an erosion retarding cover.
Ds2	DISTURBED AREA STABILIZATION (WITH TEMPORARY SEEDING)		Establishing a temporary vegetative cover with fast growing seedings on disturbed areas.
Ds3	DISTURBED AREA STABILIZATION (WITH PERMANENT VEGETATION)		Establishing a permanent vegetative cover such as trees, shrubs, vines, grasses, sod, or legumes on disturbed areas.
Ds4	DISTURBED AREA STABILIZATION (WITH SOODING)		A permanent vegetative cover using sods on highly erodible or critically eroded lands.
Du	DUST CONTROL ON DISTURBED AREAS		Controlling surface and air movement of dust on construction site, roadways and similar sites.



MAGNETIC

SCALE 1" = 30'

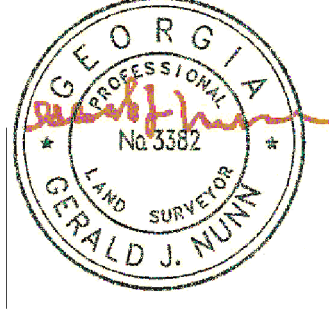
**LAND AREA**  
 0.173 ACRES  
 7541 SF

**ZONING** R-75 RESIDENTIAL  
 FLOOD AREA OF MINIMAL  
 FLOOD HAZARD (ZONE X)  
 DEKALB COUNTY UNINCORPORATED  
 AREAS # 130065  
 FEMA MAP # 13089C0131  
 EFF DATE 5-16-2013

IMPERVIOUS AREA:  
 EXIST= 1009 SF~13.3%  
 PROP= 1804 SF~23.1%  
 MAX=25.5%

**623 QUILLIAN  
 PROPOSED REAR ADDITION  
 PROPERTY OWNERS  
 DAVID & PAMELA MARLOWE  
 K P DUTY, LLC  
 770-595-5126**

**LOT AREA:  
 7541 SF  
 0.173 ACRES**



LAND LOT 171 DISTRICT 15 DEKALB COUNTY, GEORGIA  
 LOCATED IN LOTS 11 BLOCK " A " SUBDIVISION BUENA VISTA PARK  
 DEKALB PARCEL # 15 1710612 , DEED BOOK

CREW GJN DRAWN GJN CHKD CN  
 FIELD DATE 8-06-2020 DWN DATE 8-7-2020  
 ALL MATTERS PERTAINING TO TITLE ARE EXCEPTED

**SHT ONE**

THIS SURVEY WAS PREPARED IN CONFORMITY WITH THE TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN CHAPTER 180-7 OF THE RULES OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN THE GEORGIA PLAT ACT O.C.G.A. 15-6-67. AUTHORITY O.C.G.A. SECS. 15-6-67, 43-15-4, 43-15-6, 43-15-19, 43-15-22.

THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE OF 1:30,000+ FEET, AN ANGULAR ERROR OF 05 SECONDS PER ANGLE POINT AND WAS ADJUSTED USING THE COMPASS RULE. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND FOUND TO BE ACCURATE TO 1:\_\_\_\_\_ FEET. AN TOPCON 8003 ROBOTIC INSTRUMENT WAS USED IN THE PREPARATION OF THIS PLAT. NO NATIONAL GEODETIC SURVEY MONUMENT FOUND WITHIN 500' OF THIS PROPERTY.

**PROPERTY ADDRESS:  
 623 QUILLIAN AVE.  
 DECATUR, Ga. 30032**

THE JAMES LYNNE GROUP  
 201 JESSIE CT  
 McDonough, Georgia 30252

Georgia Land  
 Surveying Firm  
 LSF001284

CELL 404-831-0224  
 OFFICE/fax 770-471-5738  
 nunn.gerald@gmail.com