



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, May 12, 2021 at 1:00 PM

Planning Department Staff Analysis



N4 Case No: A-21-1244826 Parcel ID(s): 18-249-01-124

Commission District: 01 Super District 07

Applicant: April Ingraham
3688 Clearview Ave STE 101
Atlanta, GA 30340

Owner: Glenn T. Cambre Jr.
3134 Smokestone CT
Atlanta, GA 30345

Project Name: 3134 SMOKESTONE CT NE

Location: The property is located north of Smokestone Court, at 3134 Smokestone Court, Atlanta, GA 30345

REQUEST: Variance from Chapter 27- 5.4.7. (D) - Walls, fences, and retaining walls of the *DeKalb County Zoning Ordinance* to increase of the allowable height for a proposed retaining wall from 4 feet to 8 feet in order to build a modular block wall.

Staff Recommendation: “Approval ” as shown on the submitted site plan received April 5, 2021 to reverse a lot merger and restore two platted lots subject to the following condition:

1. That 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 condition(s) of approval.
-

STAFF FINDINGS:

Variance Analysis:

The property is approximately 15,196 square feet and is currently developed with a one-story vacant frame house. The subject lot has approximately 105 feet of frontage along Tanner Drive and is approximately 150 feet deep. The subject lot was originally platted as lot H and Lot 115 per the original J.F. McLendon Subdivision Plat. Lot H was originally platted with a street frontage of 55 feet and 135 feet deep, Lot 115 was originally platted with a street frontage of 50 feet and 150 feet deep. The applicant would like to restore both lots.

Per section 27- 8.1.4 of the DeKalb County Zoning Ordinance, if any contiguous lots of record held in common ownership do not meet the requirements established in this Code for street frontage, access requirements, lot width or lot size, then all of the contiguous lots of record held in common ownership shall be considered to be an undivided lot for the purpose of compliance with the provisions of this Code.

Per the County's GIS, the lots located north and south of the subject lot are platted with frontages range from 50 to 65 feet. Lots along North Avenue were platted with 50 foot frontages. Vast majority of lots within the J.F. McLendon Subdivision do not comply with current street frontage and lot area requirements, per the R-75 zoning district.

Based on the submitted materials, this request may not go beyond the minimum necessary to afford relief and therefore satisfying the criteria below.

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:

As mentioned, vast majority of lots within the J.F. McLendon Subdivision do not comply with the current street frontage and lot area requirements, per the R-75 zoning district. The adjacent property owners will enjoy privilege of building on non-conforming lots that were originally created by the J.F. McLendon Subdivision plat. Therefore, the strict application of the requirements of this chapter would deprive the property owner of rights and privileges enjoyed by other property owner in the same zoning district.

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 variance does not appear to go beyond the minimum necessary to afford relief since the applicant is seeking to restore the lots to their historic platted dimensions.

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 of the variance may not be materially detrimental to the public welfare or injurious to the property or improvements in the zoning district in which the subject property.

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 undue and unnecessary 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.

FINAL STAFF ANALYSIS:

Based on the submitted materials, The requested variance does not appear to go beyond the minimum necessary to afford relief since the applicant is seeking to restore the lots to their historic platted dimensions. Therefore, the Department of Planning and Sustainability recommends "Approval" as shown on the submitted material received April 5, 2021 subject to the following condition:

1. That 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 condition(s) of approval.



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 Elizabeth Hall

Mailing Address: 233 Chelsea Circle

City/State/Zip Code: Decatur, GA 30030

Email: libby53@bellsouth.net

Telephone Home: 404-377-9396 Cell: 404-
Business: 271-4045 Fax No.: N.A.

OWNER OF RECORD OF SUBJECT PROPERTY

Owner: _____

Address (Mailing): _____

City/State/Zip Code: — SAME —

Email: as ABOVE —

Telephone Home: _____ Business: _____ Fax No.: _____

ADDRESS/LOCATION OF SUBJECT PROPERTY

Address: 890 Tanner Dr. City: Scottdale State: GA Zip: 30079

District(s): 18th Land Lot(s): 65 + 98 Block: _____ Parcel: 18-065-11-061

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

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

Zoning Classification: R3/R-75 Commission District & Super District: 4 + 6

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: _____



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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: 3/29/2021

Applicant: Egbert H. Hall
Signature

DATE: _____

Applicant: _____
Signature

Elizabeth Hall
DeKalb County Zoning Board of Appeals
Application for a Variance for 890 Tanner Drive, Scottdale, GA 30079

Letter of Intent

1. Tanner Drive is zoned R75. 890 Tanner Drive has a road frontage of 105.6 feet. It was originally two legal lots that were merged into one property. This application is for a variance to reverse that lot merger, restore the original property line dividing the property, and return 890 Tanner Drive to its original two residential lots. As shown in the submitted McClung Surveying survey of 890 Tanner Drive this property was originally:

- Lot 115, J.F. McLendon Subdivision
- Lot H, Tract No.161 Of The McLendon Subdivision
- Land Lots 65 and 98, 18th District, DeKalb County Georgia

The survey shows this property as having a total road frontage of 105.6 feet with an original property line dividing the parcel into two lots with road frontages of 50 feet and 55.6 feet. As seen on the GIS map, DeKalb County once identified these lots as 890 Tanner Drive and 898 Tanner Drive.

As the owner of this property, the current zoning of these two original lots as one parcel places undo and unnecessary hardship by eliminating options for how I can use this property in the future. Reversing the lot merger and restoring the original property line dividing the parcel would allow me the option of keeping both lots, renovating and/or building on either lot, or selling one or both properties.

2. The requested variance does not go beyond the minimum necessary to afford relief, and does not grant special privilege inconsistent with the limitations upon other properties on Tanner Drive. Reversing the lot merger would restore two lots consistent with the character and size of the majority of other properties on Tanner Drive. There are 54 residential properties on Tanner Drive. Of those 54 properties, 65% have between 46 and 60 feet of road frontage. 46% have 50 feet or less road frontage. Reversing the lot merger would return the property to two lots with road frontage of 50 and 55.6 feet. The restored lots would be consistent with the size and character of the majority of other properties on the street.

As shown in the survey, the house located on the property, at its closest point to the original lot line, is 8.4 feet from the original lot line and well within the required setback. As noted in the survey, the barn/garage and small metal shed would be removed if required to comply with property line setback requirements when/if selling one or both lots.

3. The requested variance would restore the two original historic lots and would have no detrimental effect to public welfare nor would it be injurious to the property or improvements on Tanner Drive. The variance would reverse a lot merger, recognize the original lot line, and restore the original historic legal description of the two lots currently making up 890 Tanner Drive. Recognizing the historic legal description of this property supports the established character of the neighborhood by returning the property back to lots which resemble the character and size of other original historic properties on Tanner Drive.
4. The R75 zoning of these two original historic lots as one parcel places undo and unnecessary hardship on me by reducing and eliminating options for how I can use this property in the future.
5. My requested variance is consistent with the spirit, purpose, and intent of the DeKalb County Comprehensive Plan. When seeking advise of DeKalb County's Department of Zoning and Planning, David Cullison, Senior Planner, DeKalb County Department of Planning & Sustainability, recommended I apply for a variance to reverse a lot merger. He sited Zoning Code 8.1.4.C as the appropriate zoning code to support my application. Mr. Cullison wrote that "A variance is allowed to return to original boundary lines of two nonconforming lots of record based on 8.1.4.C. It's not considered a decrease in lot width, but rather a return to original lots, even though those lots are nonconforming". Melora Furman, Senior Planner, DeKalb County Dept of Planning & Sustainability, wrote that Mr. Cullison clarified the lot merger regulations and that "In accordance with Section 8.1.4(C), the Zoning Board of Appeals may approve a variance to reverse a lot merger to restore the lot boundaries for the previous two lots."

REFERENCE MATERIAL

1. LIMITED WARRANTY DEED IN FAVOR OF
ELIZABETH HALL
DEED BOOK 27455 PAGE 786-787
DEKALB COUNTY, GEORGIA RECORDS

FLOOD NOTE

THIS PROPERTY IS NOT LOCATED IN A FEDERAL FLOOD AREA
AS INDICATED BY F.I.R.M. OFFICIAL FLOOD HAZARD MAPS.

#897
N/F
MARY KATHERINE THOMPSON-MAC/AS
RICHARD ALONSO MACIAS
DB 18515 PG 282

#893
N/F
EDWARD LEE JUTEN
DB 22087 PG 190-192

#885
N/F
JULIE LYNN RODRIQUEZ-VINCES
PAUL VINCES
DB 27456 PG 186

OG
N/F
RSHALL HALL, III
HUGH MA ETH HALL
ELIZABETH HALL
DB 22548
N88°55'25"E - 141.29' (ACTUAL)
(141' BY DEED)

#886
N/F
WILLIAM JASON RICHBOURG
DB 25545 PG 204 - 205

- EGEND
- DENOTES BUILDING LINE
 - DENOTES PROPERTY LINE
 - DENOTES RIGHT-OF-WAY
 - DENOTES CENTERLINE
 - DENOTES BACK OF CURB
 - DENOTES EDGE OF PAVING
 - DENOTES TOP OF WALL
 - DENOTES BOTTOM OF WALL
 - DENOTES FENCE
 - DENOTES REINFORCED CONCRETE PIPE

- DENOTES CORRUGATED METAL PIPE
- DENOTES POWER POLE
- DENOTES GUY WIRE
- DENOTES POWER LINE
- DENOTES POWER METER
- DENOTES POWER BOX
- DENOTES FIBER OPTIC
- DENOTES AIR CONDITION
- DENOTES TELEPHONE BOX
- DENOTES GAS METER
- DENOTES GAS VALVE

- DENOTES GAS LINE MARKER
- DENOTES WATER VALVE
- DENOTES FIRE HYDRANT
- DENOTES MONITORING WELL
- DENOTES HEADWALL
- DENOTES JUNCTION BOX

- DENOTES DROP INLET
- DENOTES SANITARY SEWER LINE
- DENOTES SANITARY SEWER MANHOLE
- DENOTES CLEAN OUT
- DENOTES POINT OF BEGINNING
- DENOTES POINT OF COMMENCEMENT

SURVEY NOTES

1. STORM SEWER, SANITARY SEWER AND OTHER BURIED UTILITIES MAY HAVE BEEN PLACED UNDER THE SURFACE. THE LOCATION OF UNDERGROUND UTILITIES IS SHOWN HEREON ARE BASED ON ABOVE GROUND STRUCTURES. UNDERGROUND UTILITIES MAY VARY FROM LOCATIONS SHOWN HEREON. ADDITIONAL BURIED UTILITIES MAY BE ENCOUNTERED. PLEASE CALL ALL LOCAL UTILITY PROVIDERS AND OR 811 FOR FURTHER INFORMATION.

2. SURVEYOR HAS MADE NO INVESTIGATION OR INDEPENDENT SEARCH FOR EASEMENTS OF RECORD, ENCUMBRANCES, RESTRICTIVE COVENANTS, OWNERSHIP TITLE EVIDENCE, OR ANY OTHER FACTS THAT A CURRENT TITLE SEARCH MAY DISCLOSE.

3. THIS PLAT WAS PREPARED FOR THE EXCLUSIVE USE OF THE PERSON, PERSONS OR ENTITY NAMED HEREON. THIS PLAT DOES NOT EXTEND TO ANY UNNAMED PERSON, PERSONS, OR ENTITY WITHOUT THE EXPRESS RECERTIFICATION OF THE SURVEYOR NAMING SUCH PERSON, PERSONS OR ENTITY.



DATE

11-12-20

4. THE FIELD DATA UPON WHICH THIS PLAT IS BASED WAS GATHERED BY AN OPEN TRAVERSE AND HAS A CALCULATED POSITIONAL TOLERANCE OF 0.03 FEET. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 62,746 FEET. A GEOMAX ZOOM 90 SERIES ROBOTIC TOTAL STATION WITH CARLSON SURVEY 2 DATA COLLECTOR WERE USED IN THE COLLECTION OF FIELD DATA.

5. BEARINGS SHOWN WERE COMPUTED FROM ANGLES TURNED FROM A SINGLE MAGNETIC OBSERVATION.

6. THIS PROPERTY IS SUBJECT TO CURRENT ZONING REGULATIONS AND RESTRICTIONS.

7. ALL REBARS SET ARE 1/2" REBARS UNLESS OTHERWISE NOTED.

8. THE EXISTENCE, SIZE, AND LOCATION OF IMPERVIOUS BUFFERS ARE SUBJECT TO FINAL DETERMINATION BY THE LOCAL ISSUING AUTHORITY, CITY, OR COUNTY.

1. CURRENT ZONING PER DEKALB COUNTY, GEORGIA R-75
- MINIMUM LOT AREA= 10,000 SQ. FT.
 - MINIMUM LOT WIDTH, STREET FRONTAGE= 75 FEET
 - MINIMUM LOT WIDTH AT BUILDING LINE= 75 FEET
 - MAXIMUM LOT COVERAGE= 35%
 - MINIMUM FRONT BUILDING SETBACK= 30 FEET (FRONT COLLECTOR)
 - MINIMUM SIDE BUILDING SETBACK= 7.5 FEET
 - MINIMUM REAR BUILDING SETBACK= 40 FEET
 - MINIMUM UNIT AREA= 1,600 SQ. FT.
 - MAXIMUM HEIGHT= 35 FEET
 - MINIMUM OPEN SPACE= 20%
 - MUST BE VERIFIED BY DEKALB COUNTY BEFORE CONSTRUCTION.



SURVEYOR'S CERTIFICATE

This plot is a retrocement of an existing parcel or parcels of land and does not subdivide or create a new parcel or make any changes to any real property boundaries. The recording information of the documents, maps, plots, or other instruments which created the parcel or parcels are stated hereon. RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. Furthermore, the undersigned land surveyor certifies that this plot complies with the minimum technical standards for the Georgia Board of Regulation for Professional Engineers and Land Surveyors and as set forth in O.C.G.A. Section 15-6-67.

Michael R. Noles
Georgia RLS #2646
Member SAMSOG

Michael R. Noles

Georgia RLS No. 2646

10-26-20
Date

<div>Mcc lung Surveying Services, Inc. 4833 South Cobb Drive Suite 200 Smyrna, Georgia 30080 (770) 434-3383 www.mcc lungsurveying.com Certificate of Authorization #LSF000752</div>	<div>SURVEY FOR ELIZABETH HALL</div>	<div>890 TANNER DRIVE SCOTTDALE, GEORGIA</div>	<div>LOT 115 J.F. McLENDON SUBDIVISION 2 LOTH TRACT NO. 161 OF THE McLENDON SUBDIVISION</div>	
	<div>TOTAL AREA= 0.349± ACRES OR 15,196± SQ. FT.</div>		<div>LAND LOTS 65 AND 98 18TH DISTRICT DEKALB COUNIY, GEORGIA PLAT PREPARED: 10- 26- 20 FIELD: 10 - 22 - 20 SCALE: 1"=20' JOB#254229</div>	
	<div>20' 10' 0' 20' 40' SCALE IN FEET</div>		<div>PB 12 PG 18 PB PG C&B- A</div>	

DeKalb County Parcel Viewer

18 065 11 061 X Q

Show search results for 18 065

18 065 02 002

135'



(H)

55'

50'

18 065 02 007

18 065 11 061

50'

100'

(115)

50'

150'

0 10 20ft

18 065

18 065 11 061

