



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, July 11, 2021 at 1:00 PM

Planning Department Staff Analysis

N5 Case No: A-21-1245008 Parcel ID(s): 18-105-01-008

Commission District: 02 Super District 06

Applicant: Arkadiy Matator
1186 Biltmore Drive
Atlanta, GA 30329

Owner: Same as the applicant

Project Name: 1186 Biltmore Drive

Location: The property is located at the southwest corner of Biltmore Drive and Arborvista Drive, at 1186 Biltmore Drive Atlanta, GA 30329.

REQUEST: To request the following variances: (1) Variance from Chapter 27- 2.2.1. - Dimensional requirements of the DeKalb County Zoning Ordinance to reduce the side corner side back from 35 feet to 8.6 feet; (2) variance from Chapter 27-5.2.5. - Height measurement requirements and thresholds of the DeKalb County zoning ordinance to increase maximum front door threshold elevation from 2 feet to 5feet for a proposed single family detached structure, relating the R-85 zoning district.

Staff Recommendation: "Denial"

STAFF FINDINGS:

Variance Analysis:

The subject property is currently developed with a detached, one-story, single-family structure. The property is located within the R-85 Zoning District. Chapter 27-2.2 Division 2- Residential Zoning Districts: Dimensional Requirements of the DeKalb County Zoning Ordinance states that the minimum lot area for R-85 zoned properties is 12,000 square feet, and the minimum lot width is 85 feet. Based on the submitted site plan, the subject property has a lot size of approximately 12,640 square feet, a lot width of approximately 80 feet along Biltmore Drive and 158 feet along Arborvista Drive. Per the R-85 zoning requirements, the subject lot appears to be legal non-conforming. Based on the submitted materials, the applicant is proposing to demolish the existing structure to construct a 940 square foot two-story with basement detached single-family structure.

The applicant is requesting the following variances : (1) reduce the side corner setback from 35 feet to 8.6 feet, and (2) to increase maximum front door threshold elevation from 2 feet to 5 feet for a proposed single family detached structure. Per Chapter 27- 2.2.1. - Dimensional requirements of the *DeKalb County Zoning Ordinance* the minimum corner side building setback for lots with the R-85 zoning district is 35 feet. The proposed structure will encroach approximately 26.4 feet into the side corner setback. Per Chapter 27- 5.2.5. - Height measurement requirements and thresholds of the *DeKalb County Zoning Ordinance* to maximum front door threshold elevation from 2 feet. The applicant is requesting additional 3 feet. Based on the submitted materials, it appears that the requested variances may go beyond the minimum necessary to afford relief. Therefore, the requested variances may not meet the criteria below to grant approval:

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:

The strict application of the requirements of this chapter may not deprive the property owner of rights and privileges enjoyed by other property owners in the same zoning district since there appear to be no physical site constraint on the property.

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:

Granting these variances may go 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.

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:

The requested variances 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 is located.

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

The strict application of the applicable provisions and requirements of this chapter may not cause undue and unnecessary hardship. The zoning ordinance gives flexibly for non-conforming lots that are located on corner lots to reduce the front building setbacks by 60%, which allows the applicant to build the proposed structure approximately 21 feet from the side corner boundary line.

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

It appears that the requested variance maybe consistent with the spirit and purpose of this chapter and the DeKalb County Comprehensive Plan.

FINAL STAFF ANALYSIS:

Based on the submitted materials, Granting these variances may go 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.. Therefore, the Department of Planning and Sustainability recommends that both variances shall be denied.



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 Arkadiy Matatov

Mailing Address: 1186 Biltmore Drive

City/State/Zip Code: Atlanta, GA 30329

Email: matatov@yahoo.com

Telephone Home: (678)-467-7975 Business: N/A Fax No.: N/A

OWNER OF RECORD OF SUBJECT PROPERTY

Owner: Arkadiy Matatov

Address (Mailing): 1186 Biltmore Drive

City/State/Zip Code: Atlanta, GA 30329

Email: matatov@yahoo.com

Telephone Home: (678)-467-7975 Business: N/A Fax No.: N/A

ADDRESS/LOCATION OF SUBJECT PROPERTY

Address: 1186 Biltmore Drive City: Atlanta State: GA Zip: 30329

District(s): _____ Land Lot(s): _____ Block: _____ Parcel: 18-105-01-008

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

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

Zoning Classification: R85 Commission District & Super District: 2 + C

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: _____



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: 5/19/21

Applicant: 
Signature

DATE: _____

Applicant: _____
Signature

May 19, 2021

Arkadiy Matatov
1186 Biltmore Drive NE
Atlanta, GA 30329
(678)-467-7975

Variance for Side Setback

This letter is concerning the property at the above address. We are requesting a variance in order to build our new home. Our existing home is located on the corner of Biltmore Drive NE and Aborvista Drive. The first variance we are requesting is for the side setback. Based on the current setback of 35 feet, we are unable to build the home that will fit on this lot. Our hardship is that this lot is legally nonconforming to this build. This new home will blend with the character of the neighborhood.

Variance for the Increase Threshold Elevation

The second variance that we are requesting is for the threshold elevation. We understand that the allowed threshold elevation is 2 feet. We are requesting the threshold elevation to be increased to a total of 5 feet. The reason for this is that we are building a home with a basement. For water drainage purposes we will need to increase elevation an additional 3 feet to prevent water getting into basement.

- Our lot does not fall into any of the described issues.
- The requested variance won't go beyond what is necessary to build our home.
- The granting of this variance will not be detrimental to the public.
- It wouldn't cause unnecessary hardship.
- It will be consistent with Dekalb County Comprehensive Plan.

Thank You,



Arkadiy Matatov

The field data upon which this plat is based has a closure precision of one foot in 15,000+ feet and an angular error of 03" seconds per angle point and was adjusted using the Compass Rule. This plat has been calculated for closure and is found to be accurate within one foot in 100,000+ feet.

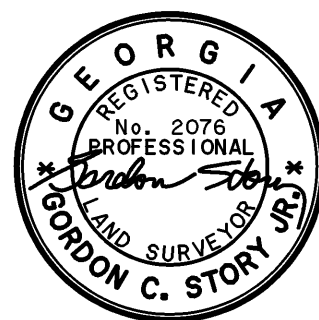
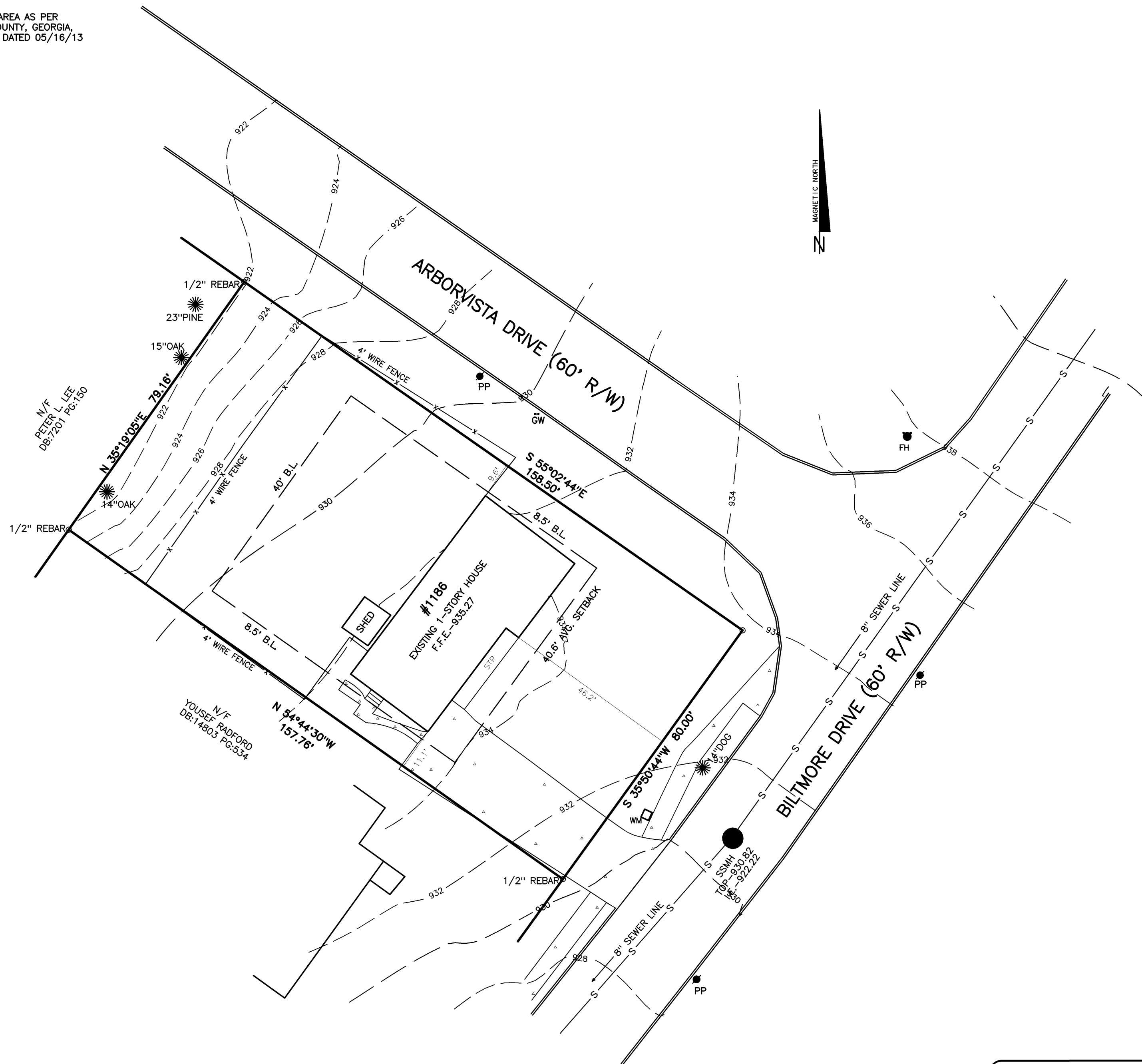
Equipment used: Topcon GTS-213 Total Station.

FLOOD HAZARD STATEMENT:

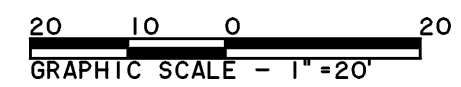
THIS PROPERTY IS NOT IN A FLOOD HAZARD AREA AS PER THE FIRM FLOOD HAZARD MAP OF DEKALB COUNTY, GEORGIA, COMMUNITY PANEL NUMBER 13089C 0062 J, DATED 05/16/13

LEGEND

- IPF = 1/2" REBAR FOUND
- IPS = 1/2" REBAR PIN SET
- L.L. = LAND LOT
- L.L.L. = LAND LOT LINE
- P.L. = PROPERTY LINE
- CL = CENTERLINE
- B.L. = BUILDING LINE
- R/W = RIGHT-OF-WAY
- S.S.E. = SANITARY SEWER EASEMENT
- D.E. = DRAINAGE EASEMENT
- MH = MANHOLE
- C.B. = CATCH BASIN
- J.B. = JUNCTION BOX
- HW = HEADWALL
- D.I. = DROP INLET
- PP = POWER/UTILITY POLE
- F.H. = FIRE HYDRANT
- I.E. = INVERT ELEVATION
- F.F.E. = FINISHED FLOOR ELEVATION
- F.F.B. = FINISHED FLOOR BASEMENT
- F.F.G. = FINISHED FLOOR GARAGE
- BOC = BACK OF CURB
- EP = EDGE OF PAVEMENT
- N/F = NOW OR FORMERLY
- P.O.B. = POINT OF BEGINNING
- SS = SANITARY SEWER LINE/PIPE
- X-X- = FENCE LINE
- O- = FLOOD HAZARD ZONE LINE
- S- = STORM SEWER LINE/PIPE
- W- = WATER LINE
- G- = GAS LINE
- FW = FLOW WELL
- C.E. = CONSTRUCTION EASEMENT
- C&G = CURB AND GUTTER
- LS = LIGHT STANDARD
- OTP = OPEN TOP PIPE FOUND
- CTP = CRIMP TOP PIPE FOUND
- WD = WOOD DECK
- CO = CLEAN OUT



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



ALPHA LAND SERVICES P.O. BOX 1651 LOGANVILLE, GA. 30052 ENGINEERING * LAND SURVEYING <small>OFF: 770.696.4054 EMAIL: ROBERT@ALPHASURVEYOR.COM</small>		SURVEY FOR: 1186 BILTMORE DRIVE TAX PARCEL #18-105-01-008	
REVISION: _____ REF. PLAT: PB. 22 P. 14	LAND LOT: 105 DISTRICT: 18TH DEKALB COUNTY GEORGIA FIELD DATE: 12/04/17 PLAT DATE: 12/07/17	LOT: 1 BLOCK: C SUB: BILTMORE ACRES AREA = 0.289 ACRES JOB No. 17-11-423	

The field data upon which this plot is based has a closure precision of one foot in 15,000+ feet and an angular error of 3" seconds per angle point and was adjusted using the Compass Rule. This plot has been calculated for closure and is found to be accurate within one foot in 100,000+ feet.

Equipment used: Topcon GTS-213 Total Station.

FLOOD HAZARD STATEMENT:

THIS PROPERTY IS NOT IN A FLOOD HAZARD AREA AS PER THE FIRM FLOOD HAZARD MAP OF DEKALB COUNTY, GEORGIA, COMMUNITY PANEL NUMBER 13089C 0062 J, DATED 05/16/13

24 HR CONTACT:
ARKADIY MATATOV
 (678)467-7975
 MATATOVARKADIY@GMAIL.COM

LOT AREA:
 12,584 sf.
 0.289 ACRES

PROPOSED LOT COVERAGE:
 HOUSE = 2451 sf.
 DRIVEWAY = 908 sf.
 FRONT WALK = 90 sf.
 FRONT PORCH = 130 sf.
 BASEMENT = 18 sf.
 TOTAL = 3597 sf.
 LOT COVERAGE = 28.58%

WATER QUALITY CALCULATIONS:
 LOT COVERAGE = 28.77%
 $R_v = 0.05 + 0.009(28.77) = 0.3089$
 $WQ_v = (1.2)(0.3089)(12584) = 389 \text{ CF REQUIRED}$
 GRAVEL TRENCH TO BE UTILIZED
 GRAVEL VOIDS: $389/0.40 = 973 \text{ CF}$
 TRENCH DIMENSIONS: 6'd x 8'w x 20'6"
 GRAVEL VOLUME = 984 CF
 STORAGE PROVIDED = 393 CF

LEGEND

- IPF = 1/2" REBAR FOUND
- IPS = 1/2" REBAR PIN SET
- L.L. = LAND LOT
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- P.L. = PROPERTY LINE
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- C&G = CURB AND GUTTER
- LS = LIGHT STANDARD
- OTP = OPEN TOP PIPE FOUND
- CTP = CRIMP TOP PIPE FOUND
- WD = WOOD DECK
- CO = CLEAN OUT

NO GRADED SLOPE SHALL EXCEED 3H:1V
 ON ALL DISTURBED AREAS

Ds1 Ds2 Ds3 Ds4

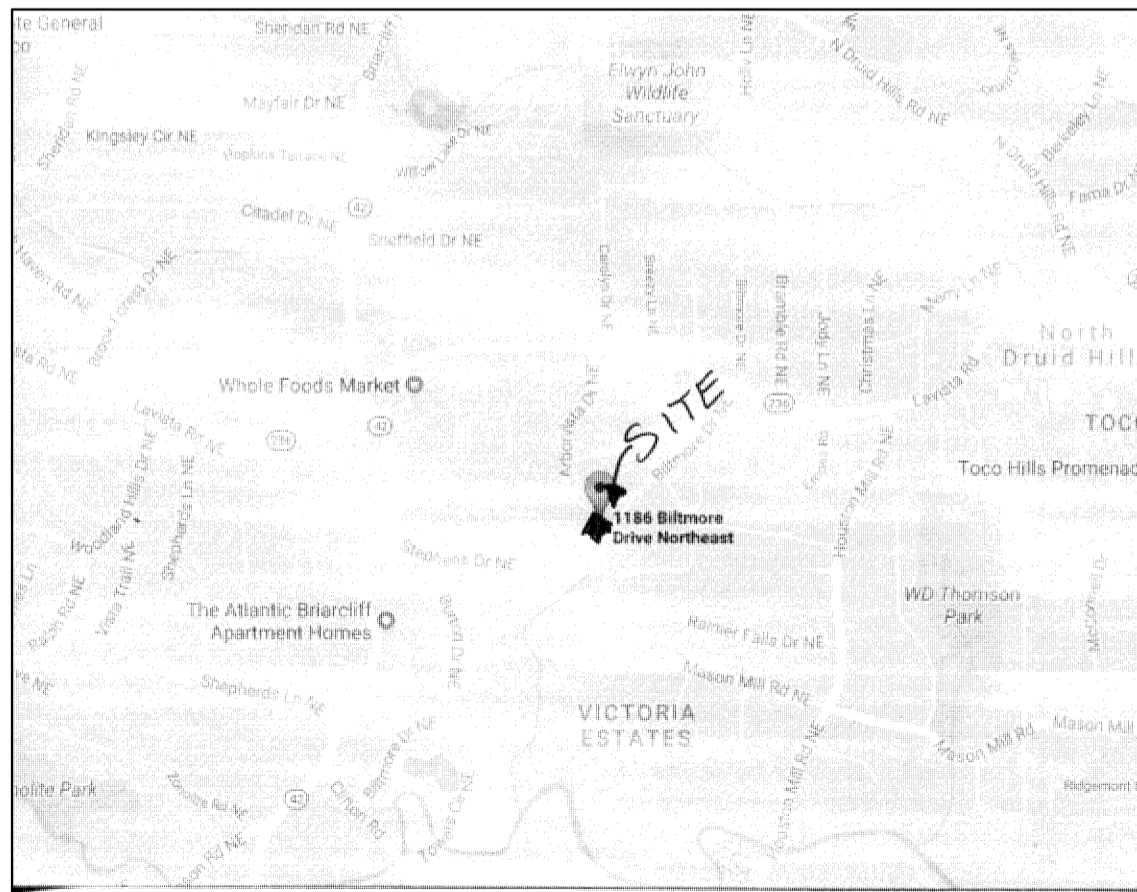
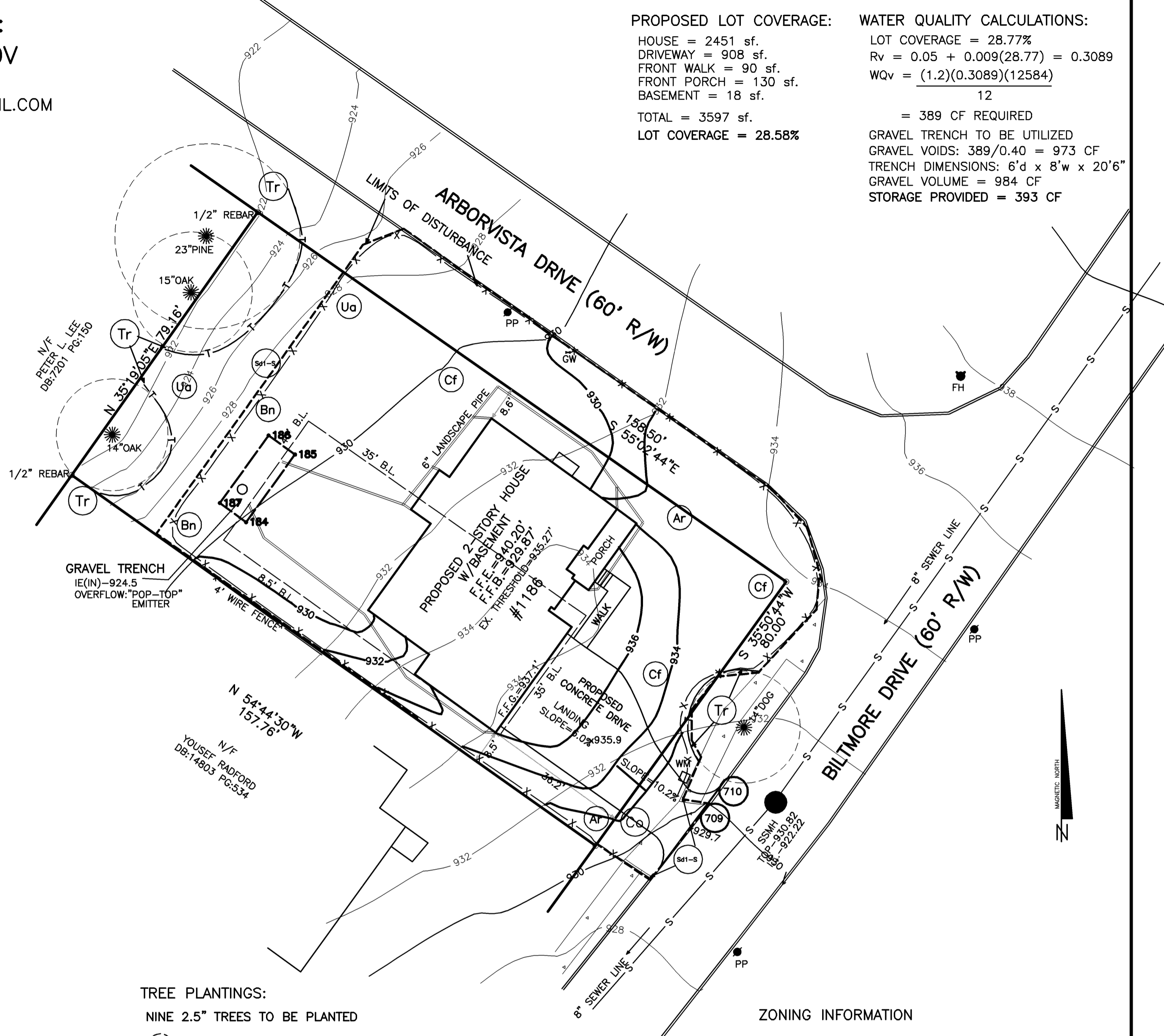
DISTURBED AREA = 13,200 sf.
 0.303 ACRES

TREE INVENTORY:

SAVED: 14" OAK - 4.0
 REMOVED: NONE

LANDSCAPE REQUIREMENTS:

- 1) 25% OF 1 = 1 MUST REMAIN
 1 REMAINING; REQUIREMENT MET
 OR
 120 x 0.289 = 35" DBH REQUIRED
 14" PRESERVED; 21" TO BE PLANTED
- 2) 15 x 0.289 = 4.4 UNITS REQUIRED
 4.0 UNITS PRESERVED; 3.6 UNITS TO BE PLANTED
- 3) TWO FRONT YARD TREES REQUIRED
 FOUR TO BE PLANTED



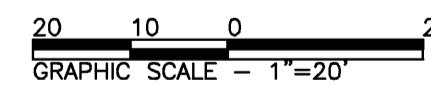
GENERAL NOTES:

- 1) THE INSTALLATION OF EROSION AND SEDIMENTATION CONTROL MEASURES AND PRACTICES SHALL OCCUR PRIOR TO OR CONCURRENT WITH LAND-DISTURBING ACTIVITIES.
- 2) EROSION AND SEDIMENTATION CONTROL MEASURES WILL BE MAINTAINED AT ALL TIMES. IF FULL IMPLEMENTATION OF THE APPROVED PLAN DOES NOT PROVIDE FOR EFFECTIVE EROSION AND SEDIMENT CONTROL, ADDITIONAL EROSION AND SEDIMENT CONTROL MEASURES SHALL BE IMPLEMENTED TO CONTROL OR TREAT THE SEDIMENT SOURCE.
- 3) ADDITIONAL EROSION CONTROLS SHALL BE INSTALLED AS DEEMED NECESSARY BY THE ON-SITE INSPECTOR.
- 4) ALL LOTS/SITES WITH 2' OF FILL OR GREATER WILL REQUIRE A COMPACTION CERTIFICATE BY A PROFESSIONAL REGISTERED ENGINEER PRIOR TO A BUILDING PERMIT AND/OR PRIOR TO FOOTERS BEING POURED.
- 5) LOCATE AND FIELD STAKE ALL UTILITIES, EASEMENTS, PIPES, FLOOD LIMITS, STREAM BUFFERS, AND TREE SAVE AREAS PRIOR TO ANY LAND DISTURBING ACTIVITIES.
- 6) ALL TREE PROTECTION AREAS TO BE PROTECTED FROM SEDIMENTATION.
- 7) ALL TREE PROTECTION DEVICES TO BE INSTALLED PRIOR TO LAND DISTURBANCE AND MAINTAINED UNTIL FINAL LANDSCAPING.
- 8) ALL TREE PROTECTION FENCING TO BE INSPECTED DAILY AND REPAIRED OR REPLACED AS NEEDED.
- 9) A FINAL AS-BUILT LOT SURVEY REQUIRED PRIOR TO CERTIFICATE OF OCCUPANCY.
- 10) A FINAL AS-BUILT WATER QUALITY CERTIFICATE REQUIRED PRIOR TO CERTIFICATE OF OCCUPANCY.
- 11) DUMPSTERS AND/OR TEMPORARY SANITARY FACILITIES SHALL NOT BE LOCATED IN STREET OR TREE PROTECTION AREA OR RIGHT OF WAY.
- 12) WATER QUALITY BMP(S) TO BE INSTALLED AT THE TIME OF FINAL LANDSCAPING.
- 13) ALL COLLECTED WATER SHALL BE DIRECTED TO THE WATER QUALITY BMP(S)
- 14) NO WATER QUALITY BMP(S) ALLOWED IN UNDISTURBED STREAM BUFFERS OR TREE SAVE CRITICAL ROOT ZONE.
- 15) WORK HOURS AND CONSTRUCTION DELIVERIES ARE:
 MONDAY-FRIDAY 7:00am-7:00pm
 SATURDAY 8:00am-5:00pm
- 16) I ROBERT W. RICHARDSON CERTIFY UNDER PENALTY OF LAW THAT THIS PLAN WAS PREPARED AFTER A SITE VISIT TO THE LOCATIONS DESCRIBED HEREIN BY MYSELF OR MY AUTHORIZED AGENT, UNDER MY DIRECT SUPERVISION.

TREE PLANTINGS:

NINE 2.5" TREES TO BE PLANTED

- (Bn) - 2.5" RIVER BIRCH (2)
- (Ua) - 2.5" AMERICAN ELM (2)
- (Cf) - 2.5" FLOWERING DOGWOOD (3)
- (Ar) - 2.5" RED MAPLE (2)



ZONING INFORMATION

CLASSIFICATION: R-85
 MINIMUM LOT WIDTH - 85 FEET
 MINIMUM LOT AREA - 12,000 sf.
 SETBACKS: FRONT - 35 FEET
 SIDE - 8.5 FEET
 REAR - 40 FEET
 MAXIMUM LOT COVERAGE - 35%
 MINIMUM FLOOR AREA - 2000 sf.
 MAXIMUM BUILDING HEIGHT - 35 FEET

PAGE 1 OF 3
 SITE PLAN FOR:



GSWCC GEORGIA SOIL AND WATER CONSERVATION COMMISSION
 ROBERT W. RICHARDSON
 LEVEL II CERTIFIED DESIGN PROFESSIONAL
 CERTIFICATION NUMBER 0000089322
 ISSUED 10/11/2019 EXPIRES 10/11/2022
 SIGNATURE DATE

ALPHA LAND SERVICES
 P.O. BOX 1651
 LOGANVILLE, GA. 30052
 ENGINEERING * LAND SURVEYING
 REVISION:
 REF. PLAT: PB. 22 P. 14

1186 BILTMORE DRIVE
 TAX PARCEL #18-105-01-008
 LAND LOT: 105
 DISTRICT: 18TH
 DEKALB COUNTY
 GEORGIA
 FIELD DATE: 12/04/20
 PLAT DATE: 05/13/21
 LOT: 1 BLOCK: C
 SUB: BILTMORE ACRES
 AREA = 0.289 ACRES
 JOB No. 17423S1