



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, October 13, 2021 at 1:00 PM

Planning Department Staff Analysis



N2 Case No: A-21- 1245152 Parcel ID(s): 15-183-24-042

Commission District 03 Super District 07

Applicant: FERRARD SANFORD
3004 ALSTON DRIVE
DECATUR, GA 30032

Owner: FERRARD SANFORD
3004 ALSTON DRIVE
DECATUR, GA 30032

Project Name: 3004 ALSTON DRIVE

Location: Property is located approximately 270-feet east of the intersection of Richard Allen Drive and Alston Drive in Decatur, GA 30032.

REQUEST: Variance from Chapter 27-2.2 Division 2- Residential Zoning Districts: Dimensional Requirements of the DeKalb County Zoning Ordinance to reduce the front yard setback from 30-feet to 23-feet to build a second story addition within the R-75 zoning district.

Staff Recommendation: Approval with conditions.

1. 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.
2. The reduction to the setback should only apply to the foundation of the original house.

STAFF FINDINGS:

Variance Analysis:

Based on the submitted materials, the applicant is requesting a variance to the front yard setback from 30-feet to 23-feet to build a second story addition.

The house does not have a constructed second floor addition (see attached site photos). No variance was granted for the construction of this home exceeding the front yard setback. Therefore, the applicant is requesting a variance to construct the second-story addition with a front yard setback reduction.

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 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 street frontage is 75-feet, the lot complies with both of these requirements.

Per County records, the existing single-family detached structure was constructed in 1946, approximately ten years before the first *DeKalb County Zoning Ordinance* was adopted. The existing house extends into the southern front yard setback by 7-feet; it was constructed 23-feet from the property line. The house is legally non-conforming.

Due to the legally non-conforming footprint of the house, 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. The owners are unable to complete the second-story addition within the footprint of the existing house without encroaching into the front-yard setback. Other houses in the district that were built at the same time, have now enlarged their footprint with construction of second-story addition within their existing footprint.

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 may not go beyond the minimum necessary to afford relief and may 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:

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. Other houses of the same age in the neighborhood often have one-and-one-half stories and newer construction to the north of the subject property was built with two-story homes. Permitting the second-story construction facilitates the trending redevelopment of the area.

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 cause an undue and unnecessary hardship as the existing single-family home encroaches seven feet into the front-yard setback and the second story would maintain the same footprint.

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 may be consistent with the spirit and purpose of this chapter. The future land use of the subject property described in the *DeKalb County Comprehensive Plan 2035* text as 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 by protecting stable neighborhoods from incompatible development that could alter established residential development patterns and density. The proposed addition is compatible and respects the established patterns of development.

FINAL STAFF ANALYSIS:

Based on the submitted materials, it appears that due to the non-conformity of the existing house, the requested variance may not go beyond the minimum necessary to afford relief and may not constitute a grant of special privilege inconsistent with the limitations upon other properties in the R-75 zoning district in which the subject property is located. Therefore, the Department of Planning and Sustainability recommends approval based on the site plan dated 03/21/2018.

If this application is approved, Staff recommends the following condition:

1. 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.
2. The reduction to the setback should only apply to the foundation the original house.

Rachel Braggs
DeKalb County Board of Appeals
July 13, 2021

RE: Setback Variance for 3004 Alston Drive, Decatur, GA 30032

To Whom It May Concern:

This letter lays out my position as the property owner concerning the setbacks requirements.

The existing 1-story with crawl space foundation is 6.3 ft beyond the new 30' front setback. I plan to build a second story addition and want to utilize the existing foundation and first floor wall framing. In order to conform the new 30' front setback, we would have to demolish the first-floor wall, foundation wall and footing and then rebuild them. This setback requirement presents unnecessary expenses and hardship to myself, the owner.

Therefore, I'm requesting that the front setback be reduced from 30ft to 23ft.

With the grant of this variance, the house will stay at it's original location, the majority of the houses on this street have the similar offset distances from the street, so it will be consistent with the rest of houses on the street, and maintain uniformity of the community.

If you have any additional questions or concerns, please contact me at 404-345-8278.

Sincerely,

A handwritten signature in black ink, appearing to read 'FS' with a stylized flourish.

Ferrard Sanford

Property Owner



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 _____

Mailing Address: _____

City/State/Zip Code: _____

Email: _____

Telephone Home: _____ Business: _____

OWNER OF RECORD OF SUBJECT PROPERTY

Owner: Ferrard Sanford

Address (Mailing): 3211 Glenwood Rd Dec GA 30032

Email: rsanford107@gmail.com

Telephone Home: 404-345-8278 Business: 404-632-7571

ADDRESS/LOCATION OF SUBJECT PROPERTY

Address: 3004 Alston Dr City: Dec State: GA Zip: 30032

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.)
- OFFICIAL APPEAL OF ADMINISTRATIVE DECISIONS.

* PLEASE REVIEW THE FILING GUIDELINES ON PAGE 4. FAILURE TO FOLLOW GUIDELINES MAY RESULT IN SCHEDULING DELAYS. *

TO BE COMPLETED BY PLANNING AND SUSTAINABILITY DEPARTMENT:

Date Received: _____

Fee Paid: _____



DeKalb County
GEORGIA

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: July 13, 2021

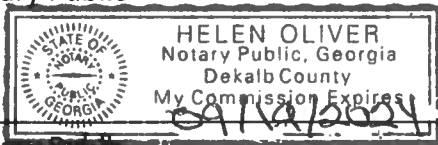
Applicant/Agent: _____
Signature

TO WHOM IT MAY CONCERN:

(I)/ (WE) Ferrard Sanford
(Name of Owners)

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

Notary Public



Notary Public

Notary Public

Owner

Owner

Owner

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: 7-13-21

Applicant: _____
Signature



DATE: _____

Applicant: _____
Signature

COVER SHEET

SUBDIVISION PLAT
STANDARD ESTATES

3004 ALSTON DRIVE DECATUR, GA 30032

PARCEL 15-183-24-042

OWNER / DEVELOPER: KIDDER PROPERTIES, LLC

LAND LOT 183 - 15TH DISTRICT

DEKALB COUNTY, GEORGIA

PROPERTY IS ZONED R-75

AP #22259

CURRENT OWNERSHIP:

KIDDER PROPERTIES LLC

2020 HOWELL MILL RD NW # C-285

ATLANTA GA 30318

INDEX SHEET

PAGE 1 = COVER SHEET, NOTES

PAGE 2 = VICINITY MAP, LOCATION MAP, NOTES

PAGE 3 = EXISTING CONDITIONS

PAGE 4 = PROPOSED CONDITIONS

LOCATION MAP ON COUNTY MAP
SITE MAP N.T.S.

DEKALB LDP AP #

National Flood Hazard Layer FIRMette



DEPARTMENT OF PLANNING & SUSTAINABILITY NOTES:

1. SKETCH PLAT APPROVAL DOES NOT CONSTITUTE APPROVAL OF THE STORM DRAINAGE OR SANITARY SEWER SYSTEMS. NO CONSTRUCTION SHALL BEGIN UNTIL CONSTRUCTION PLANS ARE APPROVED AND A DEVELOPMENT PERMIT IS OBTAINED.
2. THE OWNER OF THE PROPERTY IS RESPONSIBLE FOR COMPLIANCE WITH CORPS OF ENGINEERS REQUIREMENTS REGARDING WETLANDS.

OWNER/DEVELOPER
KIDDER PROPERTIES LLC
2020 HOWELL MILL RD NW # C-285
ATLANTA GA 30318
TEL: 404-343-9168

SITE INFORMATION

1. THE SHOW SITE CONTAINS: 21158.44 SQUARE FEET (0.485 ACRES) 1 LOT
2. SITE ADDRESS: 3004 ALSTON DRIVE DECATUR, GA 30032
3. TAX PARCEL ID NUMBER: LOT 1
LOT 2
4. CURRENT ZONING: R-75 RESIDENTIAL
5. REQUIRED SETBACK: FRONT: 35'
REAR: 40 FEET
SIDE: 7.5 FEET
6. MAXIMUM ALLOWABLE LOT COVERAGE: 35%
7. MIN LOT SIZE 10,000 SF DENSITY 2.06 LOTS/ACRE
8. MAXIMUM BUILDING HEIGHT = 28 FEET
9. FIRE ACCESS FROM STANDARD DRIVE
10. OPEN SPACE REQUIRED = 20%
11. SIDEWALKS ARE 5 FEET WIDE AS PER DEKALB COUNTY STANDARDS MAY BE REQUIRED
12. SURVEY INFORMATION TAKEN FROM SURVEY PERFORMED BY SURVEY LAND EXPRESS, INC. DATED AUGUST 01, 2017
13. THIS PROPERTY IS NOT INSIDE A DESIGNATED F.I.A. SPECIAL FLOOD HAZARD AREA AS PER THE FLOOD INSURANCE RATE
14. THERE ARE NO WATERS OF THE STATE OF GEORGIA WITHIN 200 FEET OF THE SITE. ALL APPROPRIATE STATE WATER
15. BUFFERS ARE SHOWN ON THE SITE PLANS. THERE ARE NO PROPOSED IMPACTS TO ANY STATE WATER LANDMARKS
16. TO THE BEST OF OUR KNOWLEDGE, THERE ARE NO CEMETRIES, ARCHITECTURAL OR ARCHEOLOGICAL LANDMARKS
17. MUST BE CONTACTED IMMEDIATELY FOR REVIEW AND APPROVING THE CONSTRUCTION PLANS.
18. UNDERGROUND UTILITIES ARE SHOWN ON THE SITE PLANS. THERE ARE NO PROPOSED IMPACTS TO ANY
19. WATER SERVICE BY DEKALB COUNTY
20. SEWER SERVICE BY DEKALB COUNTY
21. EACH LOT IS GOING TO HAVE A SEWER ACTION PLAN PREPARED FOR IT.
22. EXISTING STREET LIGHTS ON THE STREET PRIOR TO ISSUANCE OF CERTIFICATE OF OCCUPANCY
23. SEWER CAPACITY EVALUATION REQUIRED PRIOR TO ISSUANCE OF CERTIFICATE OF OCCUPANCY

OWNER'S ACKNOWLEDGMENT

I, WALTER NAME, THE OWNER OF THE LAND SHOWN ON THIS PLAT, HAVE READ AND UNDERSTAND THE CONTENTS OF THIS PLAT AND HAVE MADE THIS PLAT MY OWN ACT AND DEED, AND FOR MYSELF AND MY HEIRS, SUCCESSORS AND ASSIGNS, I HEREBY ACKNOWLEDGE, DO HEREBY CONFIRM THAT THE STREET AND STORM WATER FACILITIES SHOWN HEREON SHALL BE PRIVATELY OWNED AND MAINTAINED BY THE WATER MAINS AND SANITARY SEWER LINES IN APPROPRIATE EASEMENTS ARE HEREBY DEDICATED IN FEE SIMPLE TO THE DEKALB COUNTY AND OTHER APPLICABLE JURISDICTIONS. THE OWNER FURTHER RELEASES AND HOLDS HARMLESS DEKALB COUNTY FROM ANY AND ALL CLAIMS, DAMAGES OR DEMANDS ARISING ON ACCOUNT OF THE DESIGN, CONSTRUCTION AND MAINTENANCE OF THE PROPERTY SHOWN HEREON, ON ACCOUNT OF THE ROADS, PILLS, EMBANKMENTS, DITCHES, CROSS-DRAIN, CULVERTS, WATER MAINS, SEWER LINES AND BRIDGES WITHIN THE PROPERTY, THE COLLECTION AND DISCHARGE OF SURFACE WATER, OR THE CHANGING OF COURSES OF STREAM.

AND FURTHER THE OWNER WARRANTS THAT HE OWNS FEE SIMPLE TITLE TO THE PROPERTY SHOWN HEREON AND AGREES THAT DEKALB COUNTY SHALL NOT BE LIABLE FOR ANY DAMAGES RESULTING FROM CONSTRUCTION OR MAINTENANCE OF CROSS-DRAIN EXTENSIONS, DITCHES, STRUCTURES, STREETS, CULVERTS, CURBS OR SIDEWALKS, THE CHANGING OF COURSES OF STREAM AND RIVERS, FLOODING FROM NATURAL CREEKS AND RIVERS, SURFACE WATERS AND ANY OTHER MATTER WHATSOEVER. I FURTHER WARRANT THAT I HAVE THE RIGHT AND AUTHORITY TO MAKE THIS PLAT AND TO SIGN AND DO HEREBY MYSELF AND OWNERS SUBSEQUENT IN TITLE TO DEFEND BY VIRTUE OF THESE PRESENT.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND THIS 03/21 DAY OF MARCH, 2018

WITNESS (PRINT NAME) _____ OWNER (PRINT NAME) _____
SIGNATURE _____ SIGNATURE _____
NOTARY PUBLIC _____ ATTEST _____
SIGNATURE _____ NAME OR CORP. SEC. _____

DEPARTMENT OF WATERSHED MANAGEMENT

I certify that the developer has complied with the potable water requirements and the sanitary sewer requirements of the County

This _____ day of _____, 2018

Director, Department of Watershed Management

SKETCH PLAT

THIS SKETCH PLAT HAS BEEN SUBMITTED TO AND APPROVED BY THE PLANNING COMMISSION OF DEKALB COUNTY, ON THIS _____ DAY OF _____, 2018.

BY: _____
(BY DIRECTOR) PLANNING COMMISSION CHAIRMAN
DEKALB COUNTY, GEORGIA

EXISTING CONDITIONS SHEET 1 OF 4

KIDDER ESTATES

PROPERTY ADDRESS:

3004 ALSTON DRIVE
DECATUR, GA 30032

ALL MATTERS PERTAINING TO TITLE ARE EXCEPTED
IN THE INFORMATION USED IN THE PREPARATION OF THIS PLAT. NO STATE PLAT COORDINATE EMBLEM FOUND WITHIN BOP OF THIS PROPERTY.

THE LEXIPRINT PROPERTY
FAX 404-464-8914
TEL 404-252-2917
WWW.LEXIPRINT.COM

SURVEY LAND EXPRESS, INC
LAND SURVEYING SERVICES

AS 000 001801558
DWG 071801558

SSMH1	994.89
INV OUT	985.99
SSMH2	988.35
INV OUT	980.15
SSMH3	965.73
INV IN	958.93
INV OUT	958.83
SSMH4	973.65
INV IN	966.65
INV OUT	966.55
SSMH5	981.96
INV IN	955.66
INV OUT	955.56

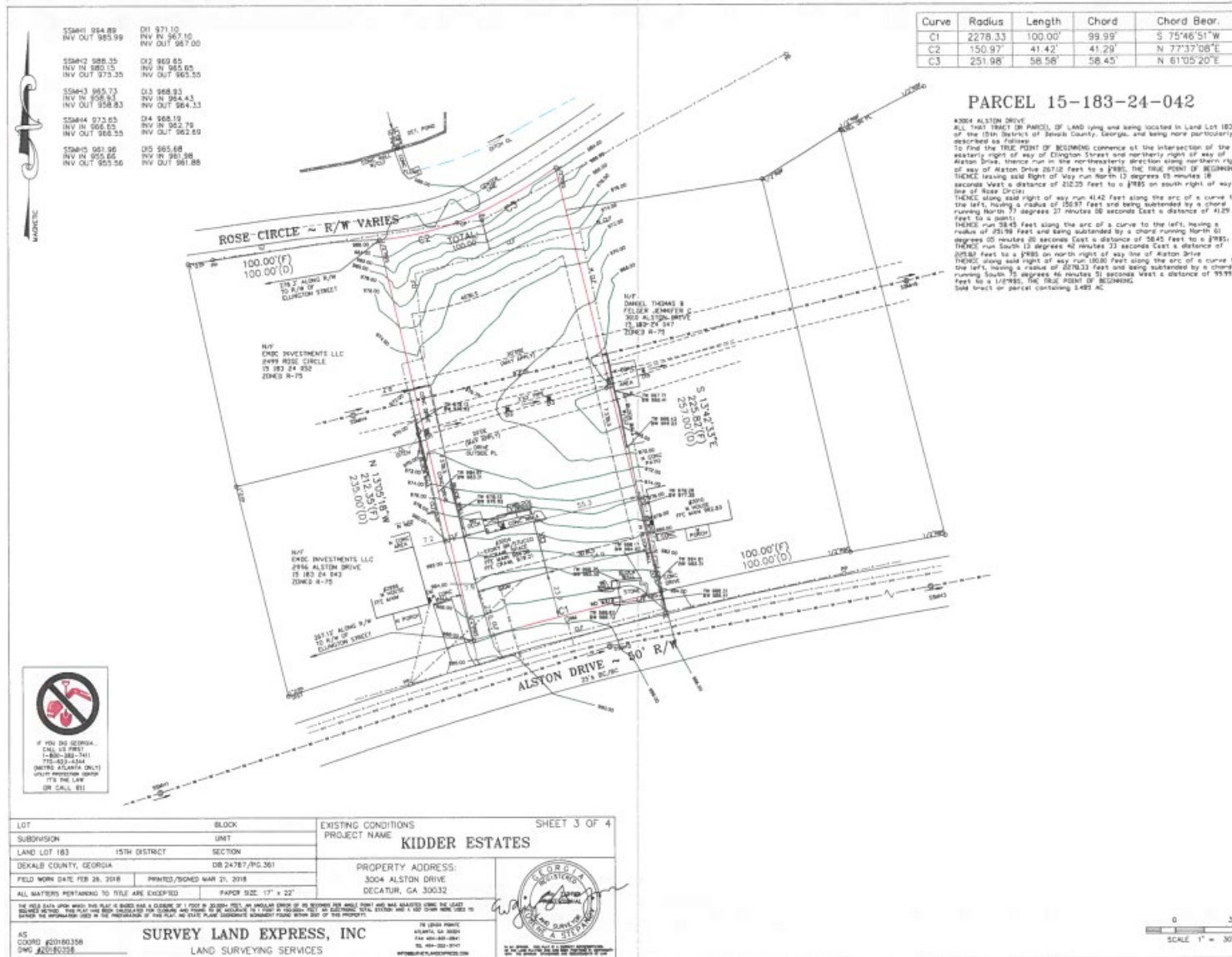
ALSTON DRIVE
ALL THAT TRACT OR PARCEL OF LAND lying and being located in Lot
102 of the 15th District of DeKalb County, Georgia, and being
located in the City of Atlanta, Georgia, more particularly
described as follows:
To find the TRUE POINT OF BEGINNING commence at the intersection of
the easterly right of way of Ellington Street and northerly right of
way of Alston Drive, thence run in the easterly direction along
the right of way of Alston Drive 267.12 feet to a 94S15, the
TRUE POINT OF BEGINNING.
THENCE leaving said Right of Way run North 13 degrees 05 minutes 18
seconds West a distance of 108.18 feet to a 94S15,
thence run North 13 degrees 05 minutes 07 seconds East a distance
of 98.86 feet to a 94S15,
THENCE run South 13 degrees 48 minutes 31 second East a distance
of 107.67 feet to a 94S15 on the right of way line of Alston Drive
THENCE along said right of way run North 13 degrees 48 minutes 31
second East a distance of 102.783 feet along the arc of a
subtended by a chord running South 75 degrees 46 minutes 51
seconds West a distance of 99.99 feet to a 1/2R35, the TRUE POINT
of BEGINNING.
Said tract or parcel containing 0.243 AC.

[illegible][illegible]

N4.

3004 Alston Drive

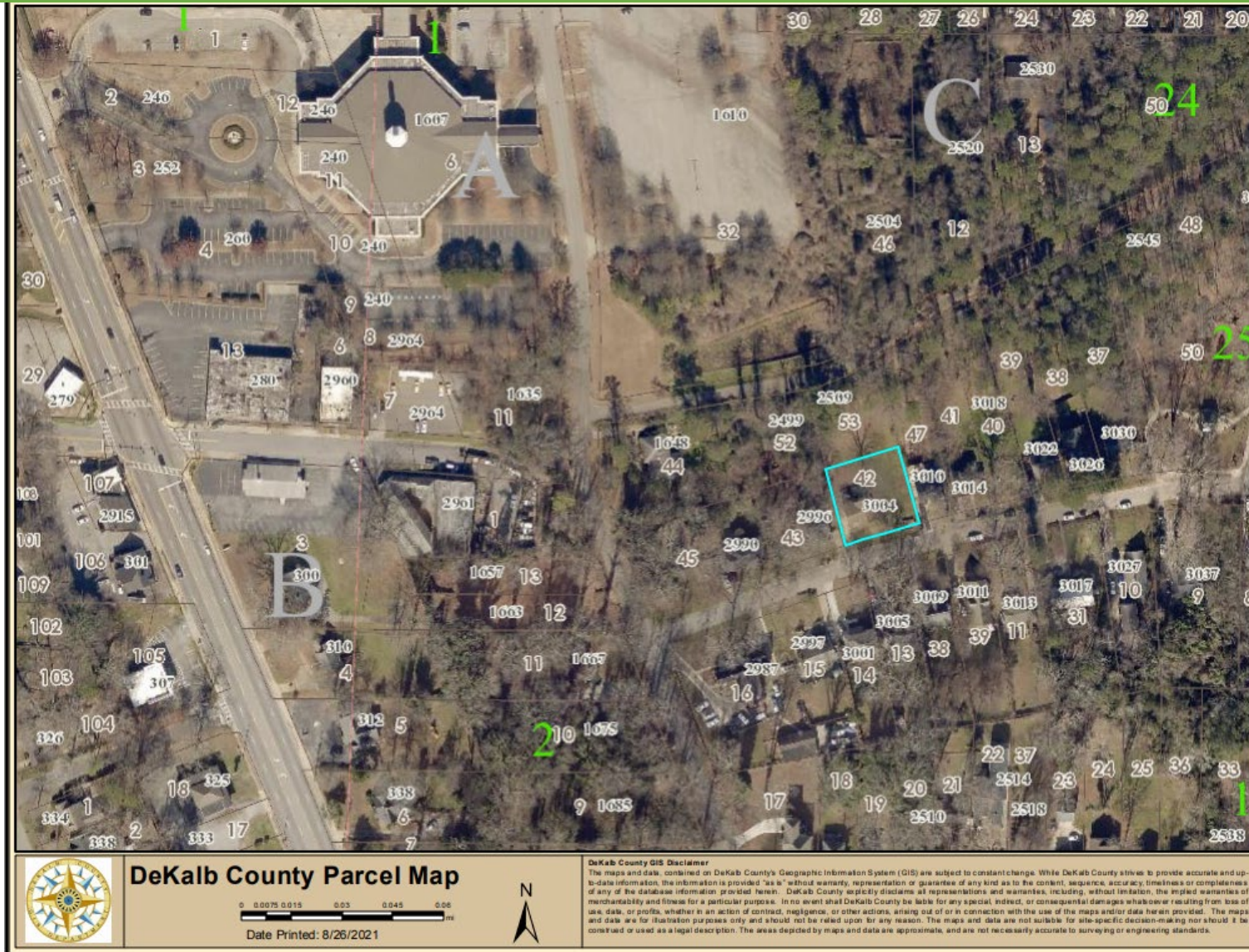
Site Plan



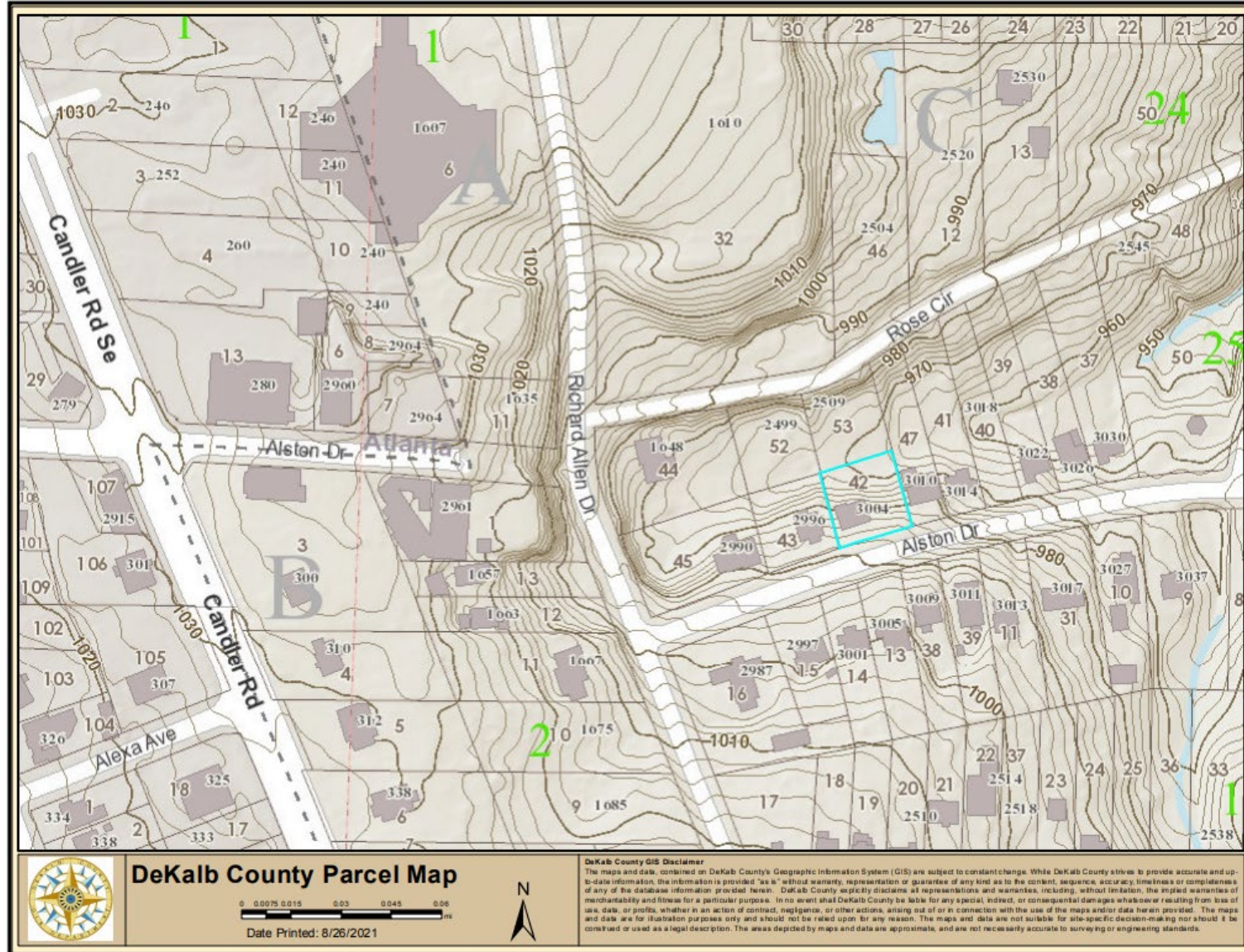
N4.

3004 Alston Drive

Aerial



N4. 3004 Alston Drive Topo Map



N4. 3004 Alston Drive Site Photo

