



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, July 13, 2022, at 1:00 PM

Planning Department Staff Analysis



Andrew Baker, AICP
Director

D2. Case No: A-22- 1245707 Parcel ID(s): 18-109-08-006

Commission District 02 Super District 06

Applicant: Tzvi Oratz & Temima Oratz
1439 LaChona Court
Atlanta GA 30329

Owner: Tzvi Oratz & Temima Oratz
1439 LaChona Court
Atlanta GA 30329

Project Name: 1439 LaChona Court

Location: The property is located on .29 acres approximately 400-feet east of the intersection of Declair Drive and LaChona Court.

Request: Variance from Section 27-2.2 to reduce the rear yard setback from 40 feet to 24 feet to allow for an addition to a single-family house within the R-85 (Residential Medium Lot-85) Zoning District.

Staff Recommendation: Board discretion, if approved the following conditions should be added to the approval:

1. The reduction applies to the addition show on the conceptual plan submitted 06.16.22.
2. The following information about these variances 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 applicant is seeking to construct a 790 square foot single-family addition to the rear single-family residential house. The applicant is requesting a variance to reduce the rear yard setback from 40 feet to 24 feet to allow for the construction of a house addition that would be in character of the surrounding homes.

This application has been deferred since the May ZBA meeting to allow the applicant time to better comply with Criteria 2. The applicant has reduced the requested variance from 20 feet to 24 feet and included floor plans.

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 has a single-family house located within the R-75 (Residential Medium Lot-75) Zoning District, it is a conforming lot and meets the size and shape requirements of the district. The front yard is steeply sloped, and the property flattens where the house is located and continues to be relatively flat to the rear of the property. There appear to be exceptional topographic conditions on the property, however there are large portions of the lot that are flat and because there are available areas for expansion, the strict application of the requirements of Chapter 27 may not deprive the property owner of rights and privileges enjoyed by other property owners within the R-75 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 applicant stated that their request to reduce the rear yard setback is the minimum necessary to afford relief from the hardship from current zoning setbacks. They stated that the proposed addition was reduced so that the proposed addition will not exceed the maximum lot coverage. The applicant stated that the proposed addition will encroach 20-feet into the rear yard setback, but it would not expand wider than the existing house towards the side yard. The existing home does not encroach into the required side setbacks. The proposed additions would be well within the setback for the side yards. The applicant noted that the approval of the setback variance will not constitute a special privilege, rather, the denial of the variance would prevent our ability to improve the property for our family in the same way that other owners have done in the neighborhood.

However, it appears that the existing carport can be converted to heated living space or there may be a second story addition constructed within the buildable envelope of the lot without seeking a variance. Therefore, the requested 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 R-75 Zoning District.

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:

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. There are several other nearby properties that have house additions. The proposed additions and garage expansion would maintain the setbacks established by this house in 1948.

Additionally, the owners noted that the property adjacent to their, as well as neighbors behind their property have all submitted letters of support. They noted that the proposed rear setback variance is requested to allow for improvement of our single-family home, which will also benefit the neighborhood by allowing the property to be improved in accordance with other homes in the surrounding area.

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

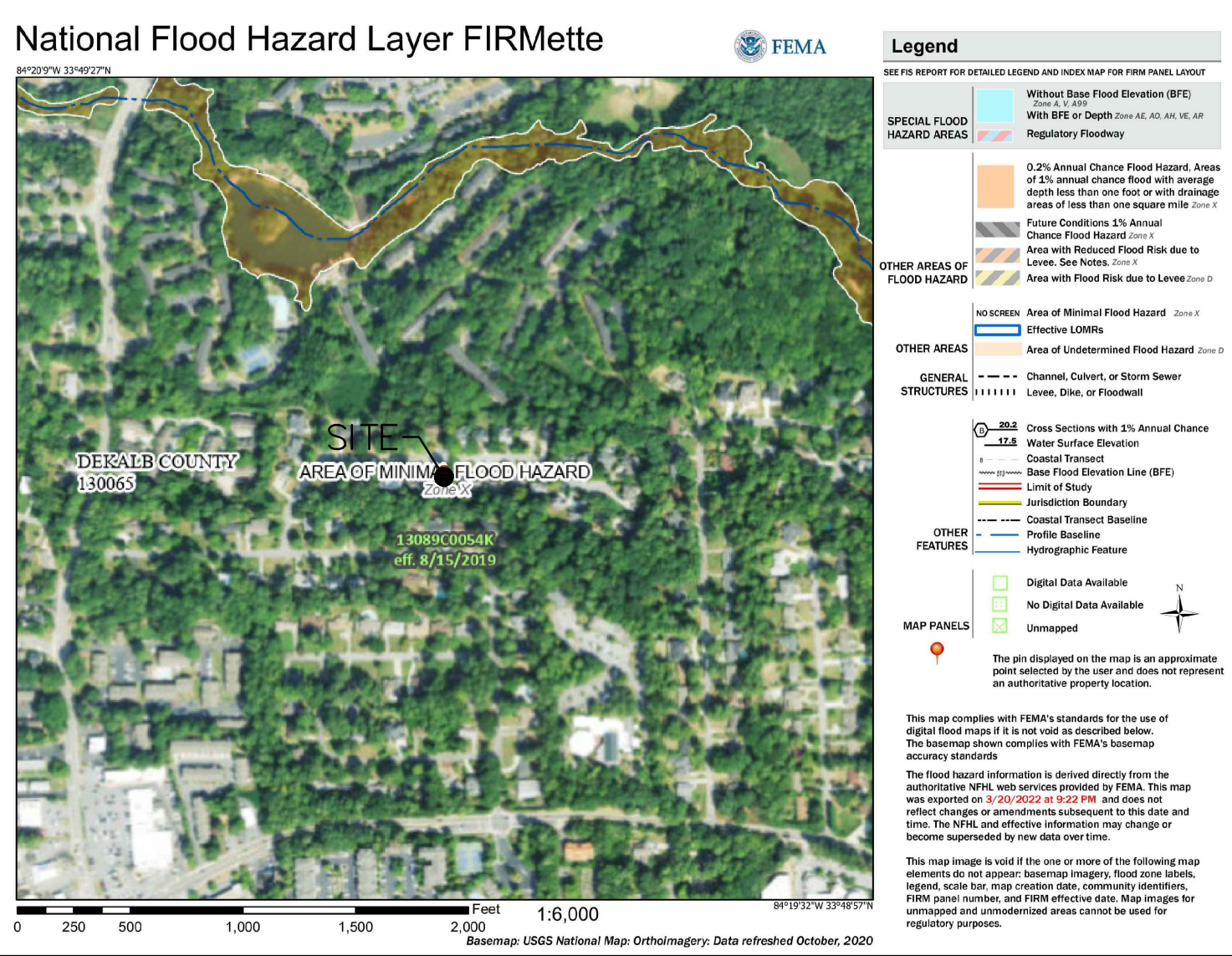
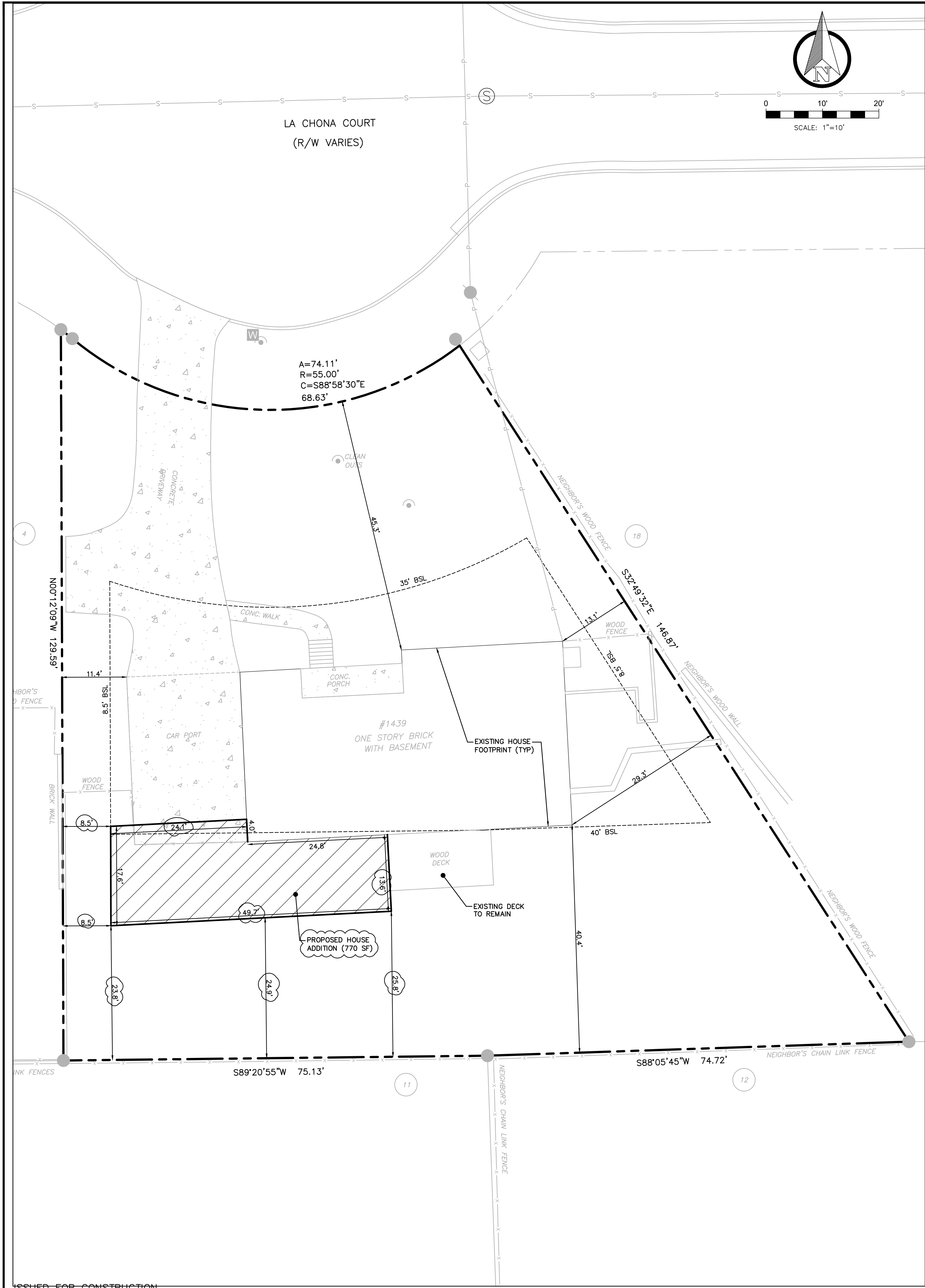
Strict application of the applicable provisions and requirements of this chapter may cause an undue and unnecessary hardship. The applicant is limited by the modern setback standards and converting the carport into living space will leave the applicant without a covered area to park their vehicle.

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

The future land use designation of this property is Suburban (SUB). The intent of the Suburban character area is to “recognize those areas of the county that have developed in traditional suburban land use patterns while encouraging new development to have increased connectivity and accessibility. These areas include those developed (built out) and those under development pressures. These areas are characterized by low pedestrian orientation, limited transit access, scattered civic buildings and curvilinear street patterns.” Approving the requested variances would support traditional suburban patterns of development.

FINAL STAFF ANALYSIS:

There appear to be exceptional topographic conditions on the property, however there are large portions of the lot that are flat and because there are available areas for expansion, the strict application of the requirements of Chapter 27 may not deprive the property owner of rights and privileges enjoyed by other property owners within the R-75 Zoning District. Staff recommends the application be decided based on the discretion of the board.



FEMA MAP
N.T.S.

SITE AREA SUMMARY

ZONING R-85
TOTAL SITE AREA = 13,399 SF

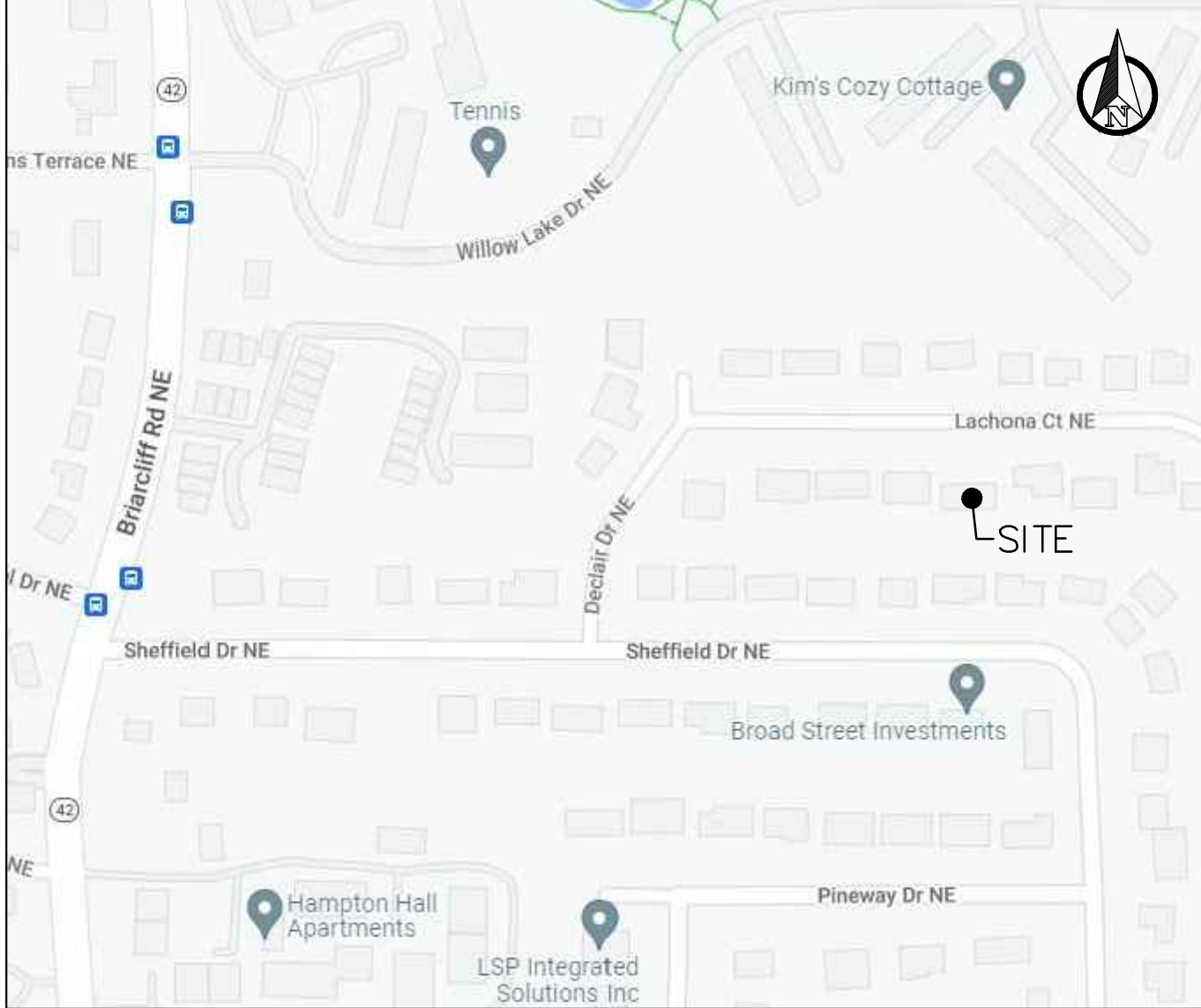
EXISTING IMPERVIOUS AREAS = 3,663 SF
EXISTING PERVIOUS AREAS = 9,736 SF

PROPOSED IMPERVIOUS AREAS = 4,453 SF (33%) Δ+790 SF
PROPOSED PERVIOUS AREAS = 8,946 SF (67%)

MAXIMUM LOT COVERAGE ALLOWED = 35% (4,689 SF)

EXISTING AREA BREAK DOWN (SF):	
HOUSE	1,708
DRIVEWAY	950
CONCRETE WALK	64
CONCRETE STAIRS	20
FRONT PORCH	93
CAR PORT	600
WOOD DECK	180
WALLS	48
TOTAL	3,663 SF

PROPOSED AREA BREAK DOWN (SF):	
HOUSE	2,478
DRIVEWAY	950
CONCRETE WALK	64
CONCRETE STAIRS	20
FRONT PORCH	93
CAR PORT	518
WOOD DECK	180
WALLS	48
TOTAL	4,351 SF



PROJECT NARRATIVE:
THE PROPOSED DEVELOPMENT CONSISTS IN THE EXPANSION OF THE EXISTING HOUSE TO THE REAR. THIS WILL REQUIRE A VARIANCE FOR THE ENCROACHMENT INTO THE REAR SETBACK.
EXISTING DRIVEWAY AND UTILITIES WILL REMAIN.

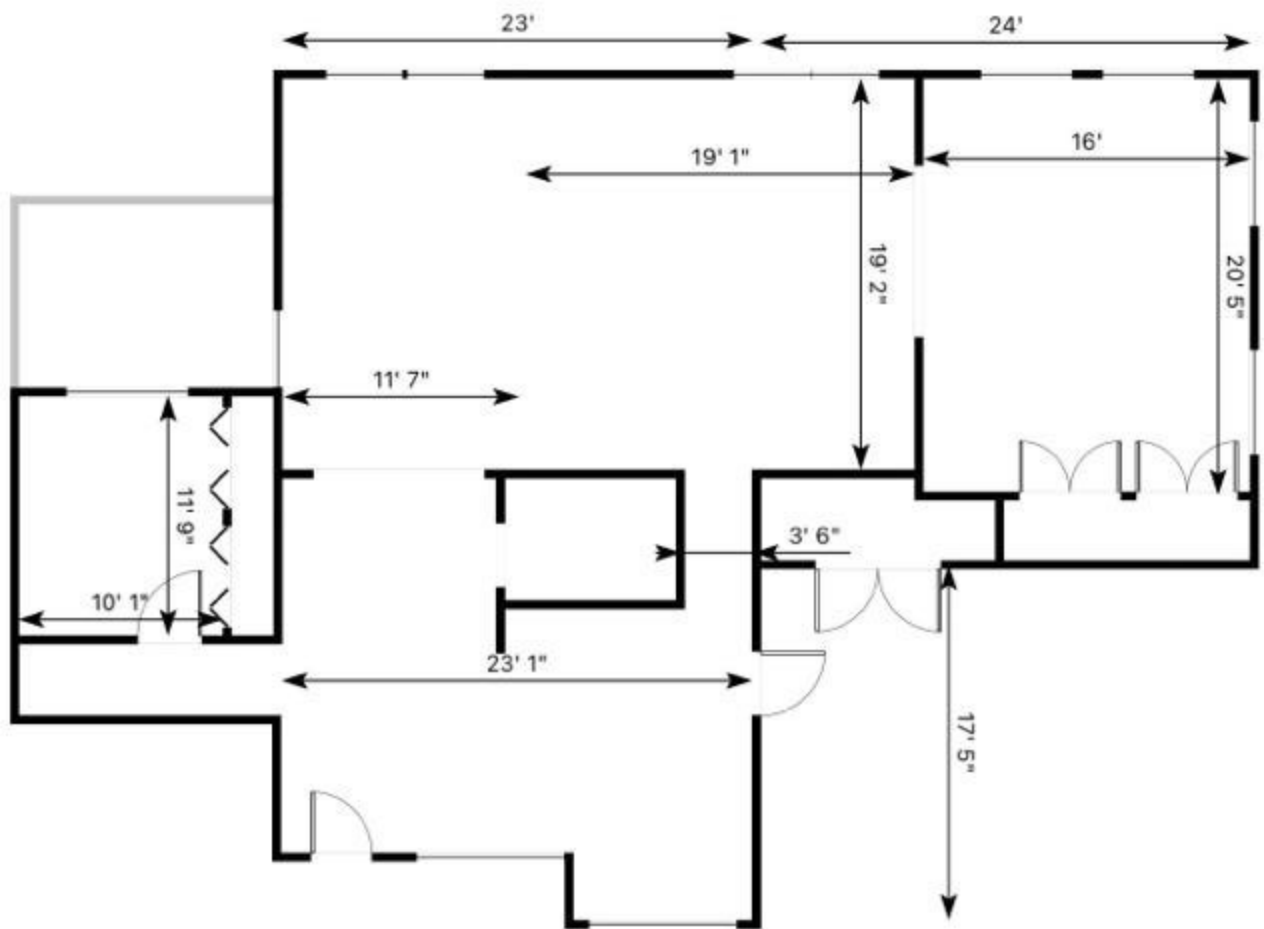


1439 LACHONA CT
RESIDENTIAL IMPROVEMENTS

JURISDICTION: DEKALB COUNTY
LOCATION: 1439 LACHONA CT NE
ATLANTA, GA 30329
LL 109, DISTRICT 18
DEKALB COUNTY



#	DATE	REVISIONS
1	05/31/22	ADDITION SF REDUCTION
2	06/16/22	ADDITION SF REDUCTION







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 Tzvi and Temima Oratz

Mailing Address: 1439 Lachona Ct NE

City/State/Zip Code: Atlanta, GA 30329

Email: temimaoratz@gmail.com

Telephone Home: 619-840-5530 Business: _____

OWNER OF RECORD OF SUBJECT PROPERTY

Owner: Tzvi and Temima Oratz

Address (Mailing): 1439 Lachona Ct NE, Atlanta GA 30329

Email: temimaoratz@gmail.com

Telephone Home: 619-840-5530 Business: _____

ADDRESS/LOCATION OF SUBJECT PROPERTY

Address: 1439 Lachona Ct NE City: Atlanta State: GA Zip: 30329

District(s): 18 Land Lot(s): 109 Block: 08 Parcel: 18 109 08 006

Zoning Classification: R-85 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:

RECEIVED

By Rachel Bragg at 10:03 am, Apr 07, 2022

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: 4/4/22

Applicant:
Signature: 

DATE: 4/4/2022

Applicant:
Signature: 



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: 4/4/2022

Applicant/Agent:
Signature

Femina Odeh

TO WHOM IT MAY CONCERN:

(I)/ (WE) _____
(Name of Owners)

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

Notary Public

Owner

Notary Public

Owner

Notary Public

Owner

DeKalb County Department of Planning and Sustainability
330 W. Ponce de Leon Avenue, 3rd Floor
Decatur, Georgia 30030

Letter of Intent for Zoning Variance For:

Tzvi and Temima Oratz

1439 LaChona Court Northeast

Atlanta, Georgia 30329

ZONING: R-85 PARCEL ID#: 18 109 08 006

Letter of Intent for Zoning Variances

Dear Planning & Zoning Members,

We are requesting a variance for the above address to seek relief of the required rear yard setback, for the reasons detailed below. The proposed reduction of the rear yard setback would allow the property owner to add family living space that would be in character with the surrounding homes along LaChona Court. After consulting with multiple construction specialists, namely an architect, contractor, site engineer, and real-estate professional, they all concluded that there was no other way to add living space to our home without the reduction of the rear yard set back due to the slope in the front and sides of the property.

1. Due to the shape and steep slope of this lot combined with the required rear setback of 40 feet the strict application of the requirements of this applicable zoning chapter would deprive the existing property owner of rights and privileges currently enjoyed by other property owners in the same zoning district. Making the addition in the front or sides of the house is not feasible due to the existing slope. Building a second story addition to any part of the house will not provide the homeowners with the necessary living space because it would not be easily accessible from the existing kitchen and other existing living space in the home, deeming a dining room and living room as impractical. Additionally, the contractor affirmed that a second story addition would require the family to move out of the home during the construction process and the displaced family would not have a home to live in for that duration. Lastly, using the existing carport is not an option because it is the only flat parking available to the homeowners. Building the addition into that space would require the homeowners to park on a slope that was deemed unsafe by the consulting construction

specialists. Therefore, we are requesting a reduction in the required rear setback to a maximum of 20 feet from the zoning code requirement of 40 feet.

2. The request to reduce the rear yard setback is the minimum necessary to afford relief from the hardship of current zoning setbacks. The consulted construction specialists recommended the requested square footage and lay out to provide room for basic furniture, such as a dining room table and couches. The proposed location of the addition would allow the living space to be joined with the current living space, and not interrupt the current bedroom space in the house. Also, the extension would not interrupt the existing porch and backyard space utilized by the family. Less of a reduction was accounted for when possible given property topography and the homeowners reduced the scope of the addition to what was absolutely necessary for the families daily living as not to exceed the maximum lot coverage. The approval of the setback variance will not constitute a special privilege. Rather, the denial of the variance would prevent our ability to improve the property for our family in the same way that other owners have done. After consulting a number of construction specialists, there would not be an alternative way to provide living space to the homeowners and existing living space does not support the needs of the family.
3. Granting 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. By adding family living space, no neighbors nor passersby will be detrimentally affected, as the space is located in our backyard and is mostly hidden from the public view. Additionally, we have a privacy fence and trees that separate our property from our neighbors. The proposed addition does not crowd or create separation issues with adjacent structures or properties. Furthermore, the owners of the property adjacent to ours, as well as neighbors behind our property have all submitted letters of support for the variance request. The proposed rear setback variance will also benefit the property by allowing the property to be improved in accordance with homes in the surrounding area. The rear yard setback variance is requested to allow improvement of a single-family home which will be beneficial to the public welfare.
4. The literal interpretation and strict application of the applicable provisions or requirements of this chapter would cause undue and unnecessary hardship because it would not enable us to increase our living space in a practical, economic manner, consistent with other property owners. The steep slope on the front yard and right-side yard, additionally the narrowing of the property, provides topographical hardships to making these additions without requiring the requested variance.
5. The requested variance would be consistent with the spirit and purpose of this Chapter and the Dekalb County Comprehensive Plan text as the addition of family living space being built will blend with the new homes in the neighborhood and will be well within the spirit of the street and community. The current front exterior of the home is consistent with the other

homes in the neighborhood and placing the addition of family living space in the rear yard will maintain that consistency. The proposed variance will allow the applicant to improve a single-family residence that conforms to the residential protection policies described in the comprehensive plan.

Thank you for your consideration,

Sincerely,

Tzvi and Temima Oratz

Owners of 1439 LaChona Court NE

Letter in support of request for variance for 1439 LaChona Ct NE, Atlanta, GA

Name Robert Oratz

Address 1431 LaChona Ct

Dear Planning & Zoning Members,

We neighbor the 1439 LaChona Ct NE, Atlanta, GA 30329 property and are in support of their plan to add additional living space to their property. Tzvi and Temima Oratz are looking to reduce their rear yard set back from 40 feet to 20 feet and, as their neighbor, we have no objection. We do not foresee this as being detrimental to our property.

Thank you,



Letter in support of request for variance for 1439 LaChona Ct NE, Atlanta, GA

Name Steven Lubel

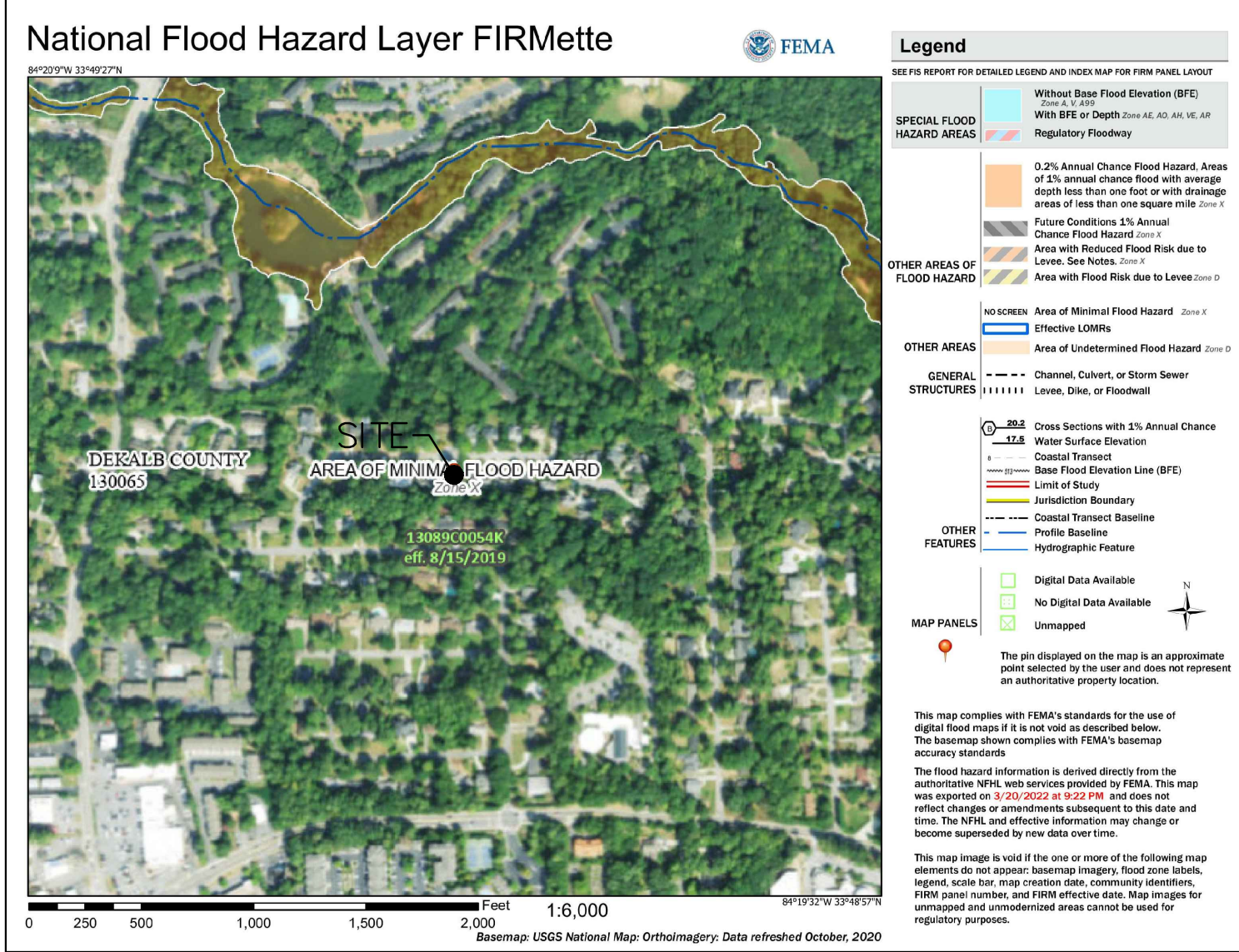
Address 1430 Sheffield Dr.
Atlanta, GA 30329

Dear Planning & Zoning Members,

We neighbor the 1439 LaChona Ct NE, Atlanta, GA 30329 property and are in support of their plan to add additional living space to their property. Tzvi and Temima Oratz are looking to reduce their rear yard set back from 40 feet to 20 feet and, as their neighbor, we have no objection. We do not foresee this as being detrimental to our property.

Thank you,

 4/5/2022



FEMA MAP
N.T.S.

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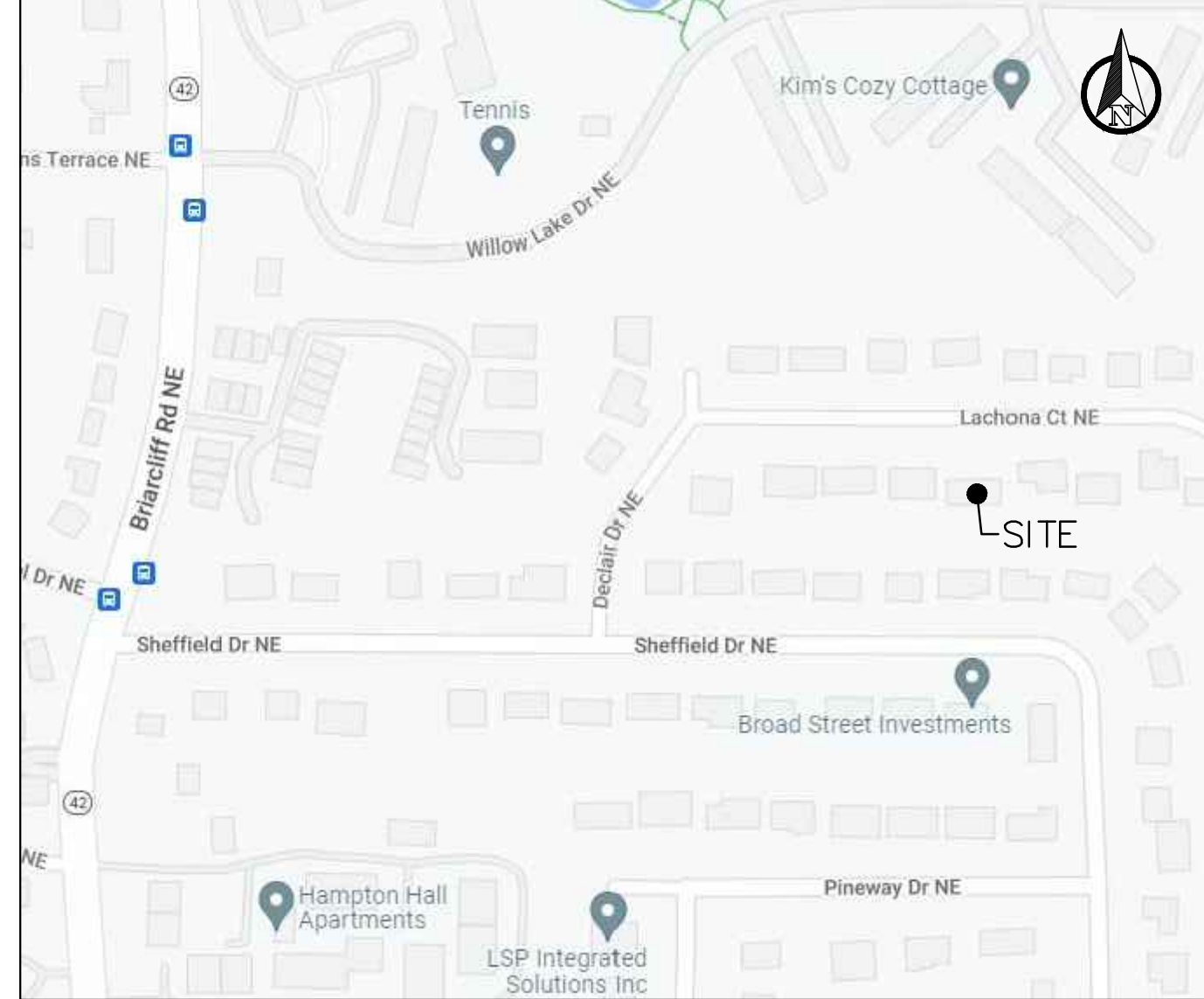
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MAXIMUM LOT COVERAGE ALLOWED = 35% (4,689 SF)

EXISTING AREA BREAK DOWN (SF):
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DRIVEWAY 950
CONCRETE WALK 64
CONCRETE STAIRS 20
FRONT PORCH 93
CAR PORT 600
WOOD DECK 180
WALLS 48
TOTAL 3,663 SF

PROPOSED AREA BREAK DOWN (SF):
HOUSE 2,498
DRIVEWAY 950
CONCRETE WALK 64
CONCRETE STAIRS 20
FRONT PORCH 93
CAR PORT 600
WOOD DECK 180
WALLS 48
TOTAL 4,453 SF



VICINITY MAP
N.T.S.

PROJECT NARRATIVE:

THE PROPOSED DEVELOPMENT CONSISTS IN THE EXPANSION OF THE EXISTING HOUSE TO THE REAR. THIS WILL REQUIRE A VARIANCE FOR THE ENCROACHMENT INTO THE REAR SETBACK.

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1439 LACHONA CT
RESIDENTIAL IMPROVEMENTS

JURISDICTION: DEKALB COUNTY
LOCATION: 1439 LACHONA CT NE
ATLANTA, GA 30329
LL 109, DISTRICT 18
DEKALB COUNTY



REVISIONS

DATE

#

SITE

SHEET

C01

DATE:

03/15/22

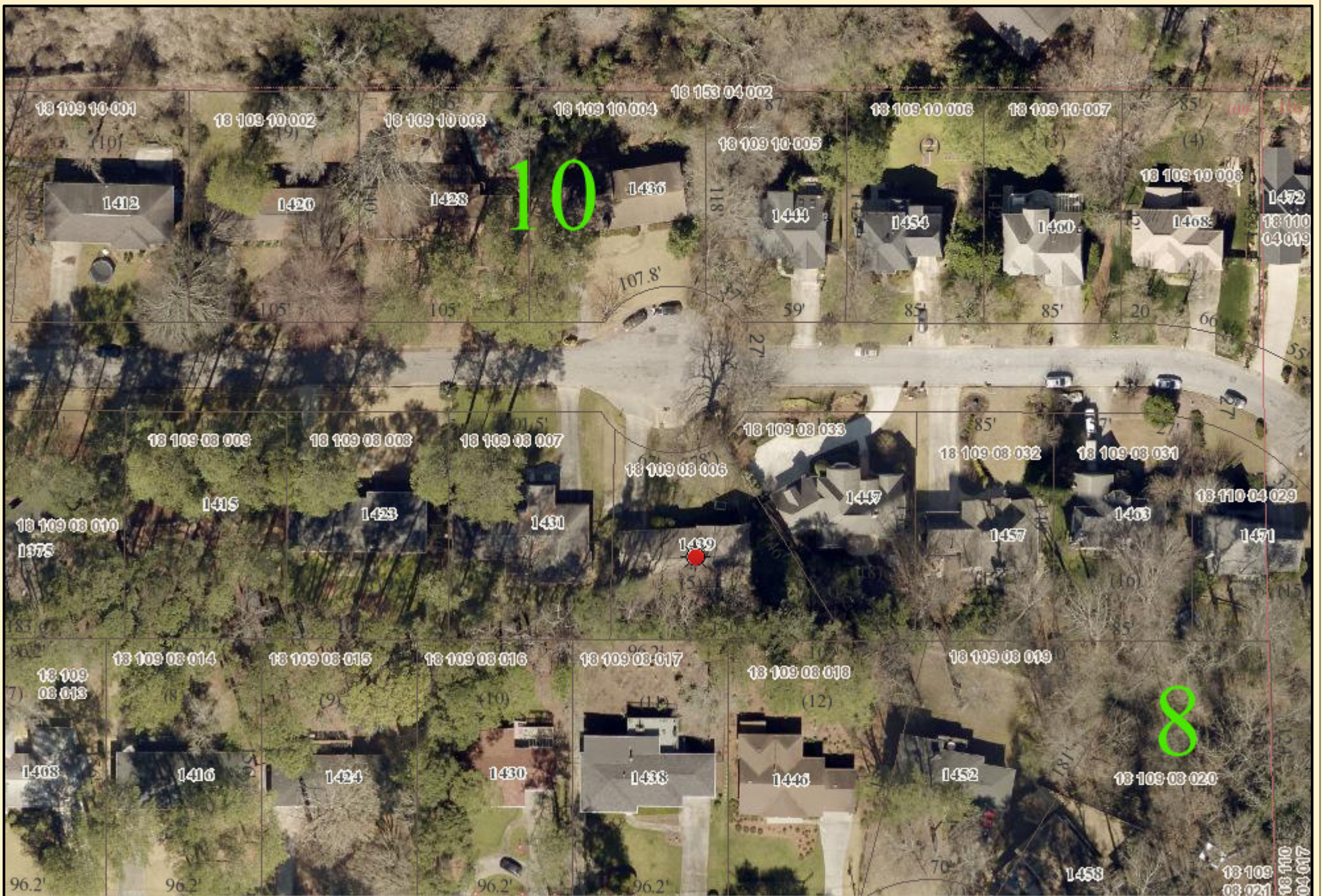
TEMIMA ORATZ

ONE POINT, LLC

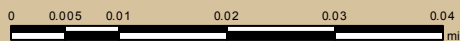


IVZTAR@GMAIL.COM
619-840-5550

770-648-3317
ONEPOINTLLC@GMAIL.COM



DeKalb County Parcel Map

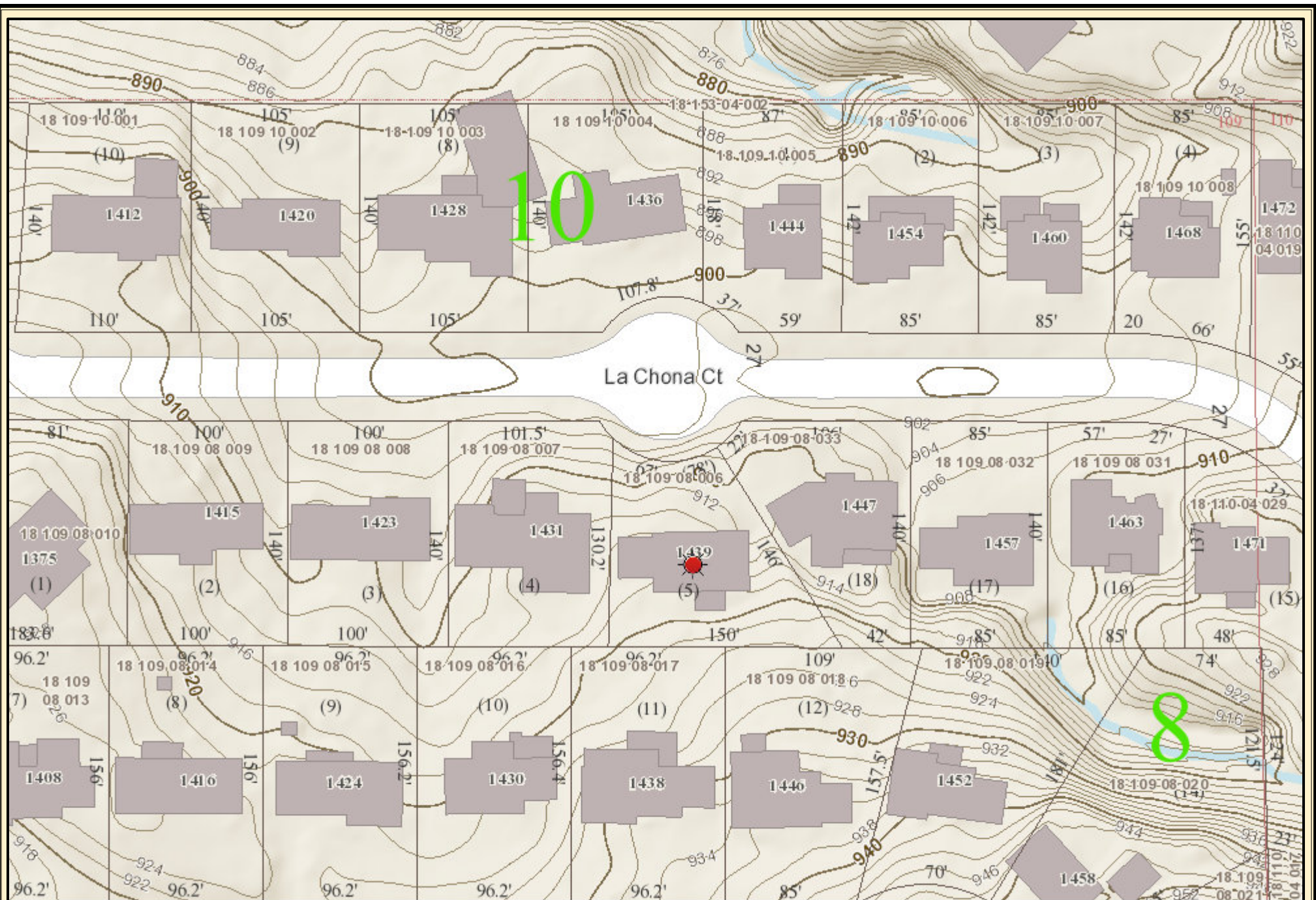


Date Printed: 4/27/2022



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DeKalb County Parcel Map

0 0.005 0.01 0.02 0.03 0.04 mi

Date Printed: 4/27/2022



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