



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 Riley and Kimberly Palmer

Mailing Address: 1880 Fern Creek LN NE

City/State/Zip Code: Atlanta, GA, 30329

Email: riley.palmer@choa.org

Telephone Home: 404-354-8945 Business: _____

OWNER OF RECORD OF SUBJECT PROPERTY

Owner: Riley and Kimberly Palmer

Address (Mailing): 1880 Fern Creek LN NE, Atlanta, GA, 30329

Email: riley.palmer@choa.org

Telephone Home: 404-354-8945 Business: _____

ADDRESS/LOCATION OF SUBJECT PROPERTY

Address: 1880 Fern Creek LN NE City: Atlanta State: GA Zip: 30329

District(s): 04 Unicorp Land Lot(s): Residential Block: _____ Parcel: 18 151 01 091

Zoning Classification: R-100 Commission District & Super District: 04 Unicorp

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: _____

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: 3/1/2023

Applicant: Derek Riley Palmer
Signature

DATE: 3/1/2023

Applicant: Kimberly Palmer
Signature



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
ZoningBoard of Appeals for the requests as shown in this application.

DATE: _____

Applicant/Agent: _____
Signature

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

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. Submit one (1) digital copy of the completed application and materials to plansustain@dekalbcountyga.gov and hjohnson@dekalbcountyga.gov. DO NOT USE E-permitting services (Project Dox).**
- b. One (1) hard copy of all materials is required along with the application fee. Contact the ZBA Senior Planner for delivery arrangements.**
- c.** Applications must be submitted in complete, collated packets.
- d.** All materials must be folded in stacks of 8½ x 11.

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.
 7. If property is not located in a platted subdivision, a legal description must be included.

4. 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).

5. 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.

6. 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.

LETTER OF INTENT

Please address the following criteria as appropriate:

7.5.1 Applications for variances; and criteria to be used by the zoning board of appeals in deciding applications for variances.

The zoning board of appeals shall hear and decide applications for variances from the strict application of the regulations of this chapter and chapter 21 where the strict application of any regulation enacted under said chapters would result in exceptional and undue hardship upon the owner of such property. In determining whether or not to grant a variance, the board shall apply the criteria specified in this section to the facts of each case. The board may attach reasonable conditions to any approved variance in accordance with section 7.3.9. Once imposed, conditions shall become an integral part of the approved variance and shall be enforced as such. No changes to an approved condition attached to a variance shall be authorized except by re-application to the zoning board of appeals in full compliance with the applicable provisions of this division. No relief may be granted or action taken under the terms of this division unless such relief can be granted without substantial detriment to the public good and without substantial impairment of the intent and purpose of this chapter and the comprehensive plan. The zoning board of appeals shall apply the following criteria to the types of applications specified below as follows:

- A. Variances from the provisions or requirements of this chapter other than variances described in section 7.5.4 shall be authorized only upon making all of the following findings in writing:
 - 1. There is an extraordinary or exceptional physical condition(s) pertaining to the particular piece of property (such as, but not limited to, lot size, lot shape, specimen tree(s), steep slope(s), or preservation of historic characteristics of the property), which was not created by the current owner, previous owner, or applicant; by reason of a clearly demonstrable condition(s), 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 distinguished from a special privilege or convenience sought by the property owner.
 - 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.
 - 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.
 - 4. The literal interpretation and strict application of the applicable provisions or requirements of this chapter would cause undue and unnecessary hardship.
 - 5. The requested variance would be consistent with the spirit and purpose of this chapter and the DeKalb County Comprehensive Plan text.
- B. Appeals of decisions regarding building architectural design standards shall be evaluated using the same criteria as section 7.6.7(B).

- C. Appeals to the height standards, but not to add stories, shall be evaluated using the criteria as follows:
1. Adequacy of the size of the site for the use contemplated and whether or not adequate land area is available for the proposed use including provision of all required yards, open space, off-street parking, and all other applicable requirements of the zoning district in which the use is proposed to be located.
 2. Compatibility of the proposed use with adjacent properties and land uses and with other properties and land uses in the district.
 3. Adequacy of public services, public facilities, and utilities to serve the proposed use.
 4. Whether or not the proposed use provides for all required buffer zones and transitional buffer zones where required by the regulations of the zoning district in which the use is proposed to be located.
 5. Whether or not the size, scale and massing of proposed buildings are appropriate in relation to the size of the subject property and in relation to the size, scale and massing of adjacent and nearby lots and buildings.
 6. Whether or not the proposed use will create a negative shadow impact on any adjoining lot or building as a result of the proposed building height.

7.5.2 Applications for variances to reduce or waive off-street parking or loading space requirements.

The zoning board of appeals shall hear and decide applications for variances to reduce or waive required off-street parking or loading spaces in accordance with the provisions and standards of this section. All such applications shall be heard and decided based on the notice requirements of section 7.2.4. The zoning board of appeals may waive or reduce the required number of parking or loading spaces in any district only upon an expressed finding that:

- A. The character of the use of the building(s) is such as to make unnecessary the full provision of parking or loading spaces;
- B. The lot upon which the building(s) is located is within one thousand (1,000) feet of the boundary of a MARTA RapidTransit Station;
- C. The provision of the full number of parking spaces would have a deleterious effect on a historic building, site, district or archaeological resource;
- D. The use has a characteristic that differentiates it from the typical use example used in the formulation of this Zoning Ordinance;
- E. The location of the proposed development is relatively isolated where the opportunity for diversity of use, pedestrian access, and alternative modes is not available; or
- F. The developer is providing the additional spaces for general public parking (for hourly or daily parking charges) to serve surrounding development.

Section 21-27. Sign Variances.

(a) Where a literal application of this article, due to special circumstances, would result in an unusual hardship in an individual case, a variance may be granted by the zoning board of appeals after receiving evidence that the applicant meets all of the following criteria:

- (1) Exceptional conditions pertaining to the property where the sign is to be located as a result of its size, shape, or topography, which are not applicable to other lands or structures in the area;
 - (2) Granting the variance would not confer on the applicant any significant privileges which are denied to others similarly situated;
 - (3) The exceptional circumstances are not the result of action by the applicant;
 - (4) The requested variance is the minimum variance necessary to allow the applicant to enjoy the rights commonly enjoyed by others similarly situated;
 - (5) Granting of the variance would not violate more than one (1) standard of this article; and
 - (6) Granting the variance would not result in allowing a sign that interferes with road or highway visibility or obstruct or otherwise interfere with the safe and orderly movement of traffic.
- (b) No variance shall be granted to the height of a sign or the aggregate area of signs permitted on a lot.
- (c) No variance shall be granted which increases the size of a sign more than twenty (20) percent of that allowed by this chapter. (Ord. No. 13-03, Pt. I, 6-10-03)

7.5.3 Appeals of decisions of administrative officials.

- A. *General Power.* The zoning board of appeals shall have the power and duty to hear and decide appeals where it is alleged by the appellant that there is error in any final order, requirement, or decision made by an administrative official based on or made in the enforcement of this Zoning Ordinance or as otherwise authorized by local law or the Code of DeKalb County as Revised 1988. Administrative officials must make final decisions covered by this section within one hundred and eighty (180) days of receipt of all necessary information to make such decision. A failure to act prior to the passage of one hundred and eighty (180) days shall not be construed to be a final order, requirement or decision within the meaning of this division. If a decision is not made by the 181st day, the requested decision is deemed denied, and becomes appealable. All such appeals shall be heard and decided following the notice requirements of section 7.2.4, and pursuant to the following criteria and procedural requirements.
- B. *Appeals of decisions of administrative officials.* Appeals of decisions of administrative officials may be filed by (1) any person aggrieved by; (2) any elected member of the DeKalb County Governing Authority affected by; or (3) an owner of property within two hundred and fifty (250) feet of the nearest property line of the property that is the subject of any final order, requirement, or decision of an administrative official, based on or made in the enforcement of this Zoning Ordinance, or as otherwise authorized by local law or the

Code of DeKalb County as Revised 1988. by filing with the secretary of the zoning board of appeals an application for appeal, specifying the grounds thereof, within fifteen (15) days after the action was taken by the official that is the subject of the appeal.

- C. *Appeal stays all legal proceedings.* An appeal of a decision of an administrative official stays all legal proceedings in furtherance of the action or decision appealed from unless the official from whom the appeal is taken certifies to the zoning board of appeals, after notice of appeal has been filed, that by reason of facts stated in the certificate, a stay would, in that official's opinion, cause imminent peril to life or property. In such a case, legal proceedings shall be stayed only pursuant to a restraining order granted by a court of competent jurisdiction directed to the officer from whom the appeal is taken and on due cause shown.
- D. *Appeal stays land disturbance or construction activity in certain situations.* If the action or decision appealed from permits land disturbance or construction activity to commence or continue on residentially zoned property, the appeal stays the land disturbance or construction activity until the zoning board of appeals issues a decision on the appeal. Thereafter, land disturbance or construction activity in such cases shall only be stayed by an order from a court of competent jurisdiction. In all cases involving non-residentially zoned property, the appeal to the zoning board of appeals does not stay land disturbance or construction activity; such activity shall only be stayed by an order from a court of competent jurisdiction.
- E. Thereafter, in such situations land disturbance or construction activity shall only be stayed by an order granted by a court of competent jurisdiction.
- F. *Time of hearing.* The zoning board of appeals shall fix a reasonable time for the hearing of the appeal and give notice thereof pursuant to the requirements of section 7.2.4 as well as written notice to the appellant. Any party may appear at the hearing in person, by an agent, by an attorney, or by the submission of written documentation.
- G. *Decision of the zoning board of appeals.* Following the consideration of all testimony, documentary evidence, and matters of record, the zoning board of appeals shall make a determination on each appeal and shall issue a written decision explaining the reasons for its decision. The zoning board of appeals shall decide the appeal within a reasonable time, but in no event more than sixty (60) days from the date of the hearing. An appeal shall be sustained only upon an expressed finding by the zoning board of appeals that the administrative official's action was based on an erroneous finding of a material fact, erroneously applied the Zoning Ordinance to the facts, or that the administrative official acted in an arbitrary manner. In exercising its powers, the zoning board of appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from, and to that end shall have all the powers of the administrative official from whom the appeal was taken and may issue or direct the issuance of a permit, provided all requirements imposed by any applicable laws are met.

7.5.4 Limitations of authority of the zoning board of appeals.

No variance shall be granted by the zoning board of appeals to:

- A. Allow a structure or use not listed as a permitted use or a special use in the applicable zoning district or a density of development that is not authorized within such district. This prohibition does not apply to any variance from the supplemental regulations of Article 4 of this Zoning Ordinance or from any other accessory feature or characteristic of a permitted or special use, unless said variance is otherwise prohibited by the regulations of this chapter.
- B. Allow any variance which conflicts with or changes any requirement enacted as a condition of zoning or of a special land use permit by the board of commissioners.
- C. Reduce, waive or modify in any manner the minimum lot width unless the purpose is to reverse a lot merger.
- D. Reduce, waive or modify in any manner the minimum lot area established by this chapter.
- E. Extend the time period for a temporary outdoor social, religious, entertainment or recreation activity approved by the director of planning.
- F. Permit the expansion or enlargement of any nonconforming use of land, nonconforming use of land and buildings in combination, nonconforming use of land and structures in combination, or nonconforming use requiring special land use permit.
- G. Permit the reestablishment of any nonconforming use of land, nonconforming use of land and buildings in combination, nonconforming use of land and structures in combination, or nonconforming use requiring special land use permit where such use has lapsed pursuant to the requirements and limitations of Article 8 of this chapter.
- H. Permit customer contact for a home occupation authorized by this chapter.
- I. Allow any variance to increase the height of a building which will result in adding a story.

**GENERAL INFORMATION REGARDING APPLICATIONS
TO THE DEKALB COUNTY ZONING BOARD OF APPEALS:**

1. **Monthly Meetings.** The Zoning Board of Appeals meets once a month, on the second Tuesday of each month at 1:00 P.M. via Zoom.
2. **Application Submittals.** Submit one (1) digital copy of the completed application and materials to plansustain@dekalbcountyga.gov and hjohnson@dekalbcountyga.gov. DO NOT USE E-permitting services (Project Dox). One (1) hard copy of all materials is required along with the application fee. Contact the ZBA Senior Planner for delivery arrangements.
3. **Pre-application Meetings.** DeKalb County now mandates pre-application meetings. Please call (404) 371-2155 to discuss your application and set up an appointment to meet with the Senior Planner assigned to the Board of Appeals.
4. **Blue Public Hearing Signs.** Public notice signs to advertise the application and date and time of the public hearing are required to be posted along the property frontage by the DeKalb County Zoning Ordinance. **Signs are posted by staff. Signs must remain posted until final Board of Appeals action regarding the request. If application is deferred, please do not remove signs.**
5. **Staff Report.** Staff prepares reports and recommendations for each application. These recommendations are based on the attached criteria established by the DeKalb County Code. Final staff reports are available to the applicant and the public the Monday prior to the scheduled Board of Appeals meeting.
6. **Zoning Board of Appeals Actions.** The Board of Appeals is authorized to:
 1. Approve the application as submitted
 2. Approve a revised application
 3. Approve an application with conditions
 4. Deny an application (if an application is denied, no variance can be considered on the same site within 24 months)
 5. Allow an application to be "Withdrawn without Prejudice" at the request of the applicant.
7. **Public Hearing portion of Meeting.** Applicants and others in favor of an application are given a total of five (5) minutes to present to the Board. Anyone speaking in opposition also has a total of five (5) minutes to address the application.
8. **Applicant and/or Representative must be Present.** Applicants or their representative must be present at the public hearing to present the request to the Zoning Board of Appeals.
9. **Executive Session.** After the public hearing, the Board of Appeals will close the public hearing, go into executive session for discussion, and will then take an action on an application. Applicants are not allowed to address the Board of Appeals during Executive Session unless they are asked questions by members of the Board of Appeals.

10. **Revisions or amendments.** An application must be submitted in writing and must be received ten (10) days before the scheduled meeting to be addressed in the staff report.
11. **Compliance with standards upon denial.** In such case that a variance request is initiated due to an existing code violation and such application is denied, the violation shall be required to be brought into compliance within thirty (30) days of such denial or as specified by the board if a greater time period is approved.
12. **Successive applications.** Section 27-920 of the DeKalb County Zoning Ordinance states: An application for a variance or special exception affecting all or a portion of the same property which was denied by the Zoning Board of Appeals shall not be submitted more than once every twenty-four (24) months measured from the date of final decision by the zoning board of appeals. The Zoning Board of Appeals may waive or reduce this twenty-four-month time interval by resolution provided that if the application for a variance or special exception was denied by the Zoning Board of Appeals, the time interval between the date of said denial and any subsequent application or amendment affecting the same property shall be no less than six (6) months.
13. **Appeals of Decisions.** Any person aggrieved by a final decision of the board, or any officer, department, board or agency affected by such decision, may seek review of such decision by petitioning the Superior Court of DeKalb County. Such petition shall be filed within 30 days after the final decision of the board is rendered.

Letter of Intent for Zoning Variance for:

Derek Riley Palmer and Kimberly Kathleen Palmer
1880 Fern Creek Lane NE
Atlanta, Georgia 30329
Parcel ID#: 18 151 01 0914

Dear Planning and Zoning Members of Dekalb County,

We are requesting a variance for the above address to seek relief of the proposed additions listed below from DeKalb County ordinance Sec. 14-44.1(b)(6) c.: No stream buffer variance shall be granted by the director for additions or redevelopment of existing single-family residential structures within the existing or year 2025 built-out condition flood plain.

1. WOODEN DECK – REPLACEMENT OF CURRENT DECK BOARDS:

Replace current rotten and unhealthy wooden deck boards while keeping existing 390 sq ft size, and the original footprint of wooden deck. Will not be adding any additional square footage or changing the original deck footprint. Current deck boards are considered a hazard to children, family, etc. and are compromising the structural integrity of the deck. Because we are replacing more than 50% of the existing deck boards, we were notified that this project is considered an “addition” which would require a variance due to its location within the stream buffer.

2. DRIVEWAY EXPANSION:

Driveway was repaved in September 2021 due to significantly damaged and cracked cement that presented a hazard to homeowner, family, and children. As a part of the driveway replacement, there were two sections of square footage added that we are seeking a variance be granted where work was already completed:

- i. Approval of the addition of 87.24 square feet of cement that is located within the 75ft stream buffer. This additional 87.24 sq ft of added concrete was added to connect driveway to already existing pavement/concrete pad located underneath current deck.
- ii. Approval of the addition of 97.6 sq ft of our driveway, of which 13 feet are within the state right of way.

We are seeking this variance retroactively, because unfortunately, as first-time homeowners, we were unaware of county ordinances and the permitting/variance process. We were also unaware of the Dekalb County Future-Conditions Floodplain that our property is located within, as it was not a FEMA-identified floodplain. Despite seeking this variance retroactively, we ask that you please take the details listed below into consideration for granting approval of this variance request:

1. There is an extraordinary or exceptional physical condition(s) pertaining to the particular piece of property (such as, but not limited to, lot size, lot shape, specimen tree(s), steep slope(s), or preservation of historic characteristics of the property), which was not created by the current owner, previous owner, or applicant; by reason of a clearly demonstrable condition(s), 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 distinguished from a special privilege or convenience sought by the property owner.

- Due to our house location and orientation on this lot combined with the overlapping 75-foot stream buffer and future-conditions flood plain, the strict application of Dekalb County ordinance would deprive the existing property owner of rights and privileges currently enjoyed on this site and by other property owners in the same zoning district.
 - Although our address is on Fern Creek Lane, our driveway is located on Berkeley Lane NE. The volume and speed of traffic on Berkeley Lane has steadily increased in the past few years, as our neighborhood is an increasingly popular cut-through between Clairmont Road, Briarcliff Road, and North Druid Hills Road. Our house is located at the bottom of a hill from both the north and south on Berkeley Lane, causing traffic to reach peak-speed well above the speed limit while passing our house and driveway. We have contacted Dekalb County several times regarding a traffic study, but have unfortunately been unable to begin the traffic study process, as we were told that our address was not in the Unincorporated Dekalb database and that we should contact City of Brookhaven (our address is not located within the City of Brookhaven).
 - With the details outlined above, backing out of our driveway has become increasingly difficult and dangerous. The additional square-footage allows for a safe space to turn vehicles around within the driveway and pull out forward, allowing for increased vantage of fast-moving vehicles. It also allows for additional off-street parking. This makes entering/exiting our vehicles safe as to avoid high-speed vehicles passing cars parked on the street and allows additional space and visibility for both drivers and pedestrians using Berkeley Lane. This proposed driveway layout is comparable to other homes in the surrounding area.
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.
 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, nor would the granting of the variance have any effect on any adjoining properties.
 - The replacement of deck boards and the expansion of our driveway does not impact any of our neighbors and/or the use or accessibility of their property. It also does not pose any harm to the public welfare. Although the driveway expansion falls within the public right of way, there is not any obstruction of the public's use of the space, and the design/layout is consistent with surrounding homes in the neighborhood.

4. The literal interpretation and strict application of the applicable provisions or requirements of this chapter would cause undue and unnecessary hardship.
 - Denial of this variance would cause undue and unnecessary hardship on the owner and deprive the property owner of rights and privileges enjoyed by other property owners in the neighborhood. This includes but not limited to the inability to make necessary structural repairs and/or updates to existing structures that present a hazard and are considered harmful to family and children due to orientation of home primarily being located within the 75 ft stream buffer and future condition flood plain condition (i.e. – replacing wooden deck boards and repaving driveway to create safe space and usable space).
5. The requested variance would be consistent with the spirit and purpose of this chapter and the DeKalb County Comprehensive Plan text as both the deck and driveway layout, design, and layout would be consistent with other homes in the neighborhood and within the spirit of the surrounding community.

Thank you for your time and consideration,

Riley and Kimberly Palmer
Property Owners

CURRENT ZONING = R-100
FRONT - 35 FEET
SIDE - 10 FEET
REAR - 40 FEET

NORTH DRUID HILLS MANOR SUBDIVISION
PB. 19, PG. 152
LOT 1

- IPF - Iron Pin Found
- IPS - Iron Pin Set (1/2" Capped Rebar)
- RBF - Rebar Found
- OTF - Open Top Pipe Found
- CTF - Crimped Top Pipe Found
- MON - Monument Found
- CMF - Concrete Monument Found
- CP - Calculated Point
- PP - Power Pole
- LP - Light Pole
- PED - Utility Pedestal
- FH - Fire Hydrant
- WM - Water Meter
- WV - Water Valve
- GM - Gas Meter
- SMH - Sewer Manhole
- CB - Catch Basin
- DI - Drop Inlet
- C/O - Cleanout
- PBX - Power Box
- Deciduous Tree
- Coniferous Tree
- CMP - Corrugated Metal Pipe
- RCP - Reinforced Concrete Pipe
- R/W - Right of Way
- N-F - Now or Formerly
- DB, PG - Dead Book and Page
- PB, PG - Plat Book and Page
- POB - Point of Beginning
- P - PLAT
- D - DEED
- M - MEASURED



CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING
C1	10571.09'	120.36'	120.36'	N 89°24'55" W



1. The field data upon which this plat is based has a relative positional accuracy of 0.02 feet.
2. This plat has been calculated for closure and has a mathematical error of 1: 300,000+.
3. Field angles and measurements acquired for the production of this plat were obtained using on 10/19/22 using a Leica TCPR 1203 Total Station.
4. This plat was prepared without benefit of a current title examination. Easements or other encumbrances may exist which are not shown hereon. All matters pertaining to title are excepted.
5. No provisions have been made to secure the delineation of any wetlands, historical, or cultural features that may exist on this property.
6. Information regarding the reputed presence, size, character, and location of existing underground utilities and structures is shown hereon. There is no certainty of the accuracy of this information and it shall be considered in that light by those using this drawing. The location and arrangement of underground utilities and structures shown hereon may be inaccurate and utilities and structures not shown may be encountered. The owner, his employees, his consultants, his contractors and/or his agents shall hereby distinctly understand that the surveyor is not responsible for the correctness or sufficiency of this information shown hereon as to such underground installations.
7. The certification, as shown hereon, is purely a statement of professional opinion based on knowledge, information and belief; and based on existing field evidence and documentary evidence available. The certification is not an expressed or implied warranty or guarantee.

By graphically plotting only, the subject property does not fall within a 100-year federally designated flood hazard area. The subject property falls within zone "X" of the Flood Insurance Rate Map, Community Panel No. 13089C0058K, effective date of 8/15/2019.

This plat is a retracement 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, plats, or other instruments which created the parcel or parcels are stated herein. **RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR ANY OTHER REQUIREMENTS OF ANY LOCAL JURISDICTION OR ANY STATE OR FEDERAL AGENCY.** Furthermore, the undersigned land surveyor certifies that this plat complies with the minimum technical standards for property surveys in Georgia as set forth in the rules and regulations of the Georgia Board of Registration for Professional Engineers and Land Surveyors and as set forth in O.C.G.A. Section 15-6-67.


John C. Groves, Jr. RLS 3237



AREA
23,512 SQ.FT.
0.54 ACRES



BOUNDARY SURVEY PREPARED FOR
DEREK RILEY PALMER & KIMERLY KATHLEEN PALMER

H.W. MAULDIN SUBDIVISION
LOCATED IN LAND LOT 151
18TH DISTRICT
DEKALB COUNTY, GEORGIA

DATE: 11/01/2022
SCALE: 1" = 40'
DRAWING: 22-364
COORD:
REVISIONS:
SHEET #: 1 of 1

**1880 Fern Creek Ln NE
Site Plan**

Site Address: 1880 Fern Creek Ln NE, Atlanta, GA, 30329

Site Plan 1 and 2 :

1. WOODED DECK – REPLACEMENT OF CURRENT DECK BOARDS:

- Scope of work is to replace current deck boards while keeping existing 390 sq ft size, and the original footprint of wood deck.
- Will not adding any additional square footage or changing original deck footprint.

2. DRIVEWAY EXPANSION: (work completed in Sept 2021)

- Scope of work -driveway was repaved in September 2021 due to significantly damaged and cracked cement that presented a hazard to homeowner, family, and children. As a part of the driveway replacement, there were two sections of square footage added that we are seeking a variance be granted, where work was already completed:
 - i. Approval of the addition of 87.24 square feet of cement that is located within the 75ft stream buffer. This additional 87.24 sq ft of added concrete was added to connect driveway to already existing pavement/concrete pad located underneath current deck. Addition of 87.24 sq ft area of concrete for driveway extension is outlined in **RED** on Proposed Changes drawing.
 - ii. Approval of the addition of 97.6 sq ft of our driveway, of which 13 feet are within the state right of way. Addition of 97.6 sq ft outlined in **BLUE** on Proposed Changes drawing.

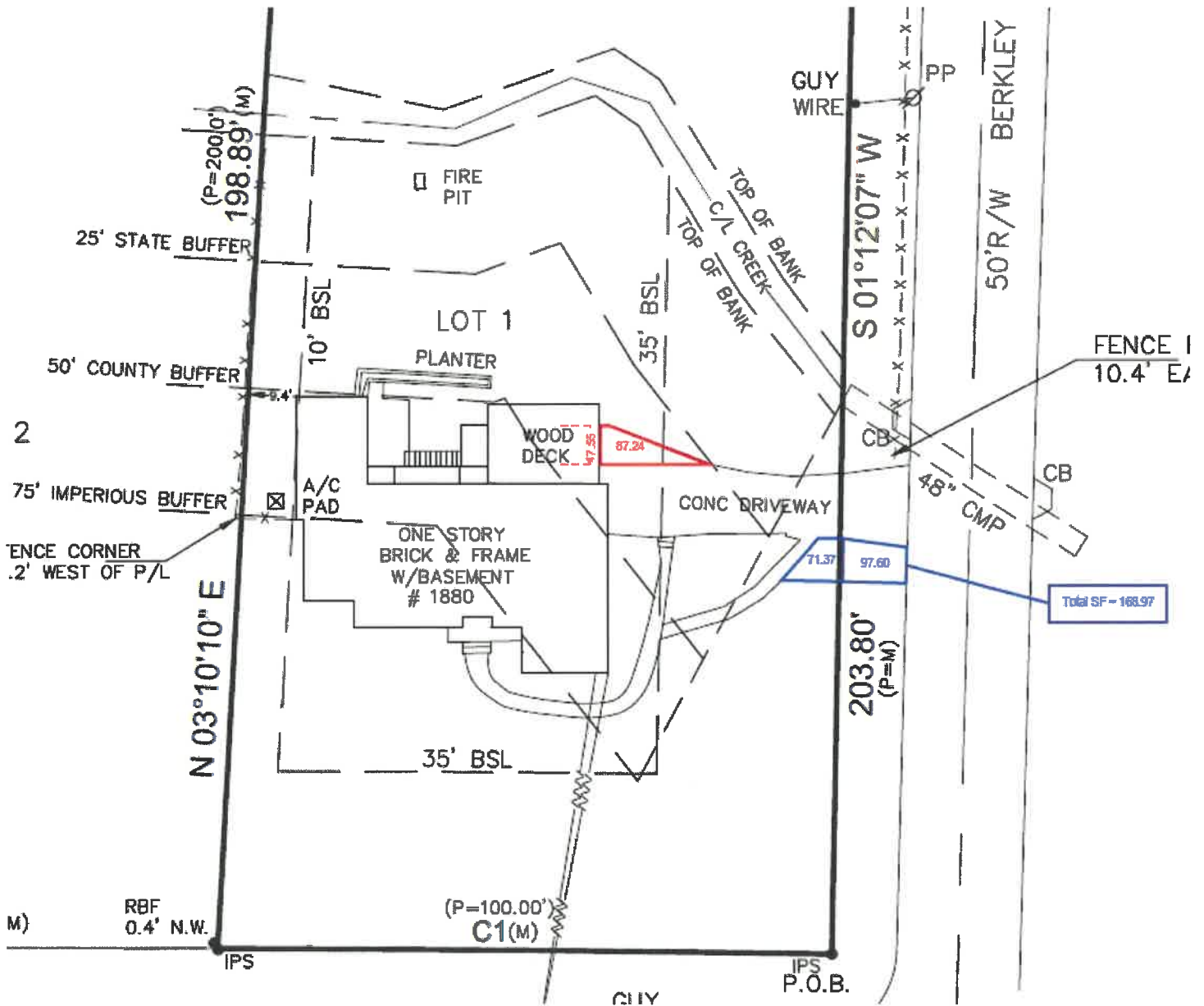
SITE EROSION CONTROL DETAILS:

- Basic erosion control will be practiced.
- The installation of erosion and sedimentation control measures and practices shall occur prior to or concurrent with land-disturbing activities. Erosion and sedimentation control measures will be maintained at all times.
- Will then re-vegetate any disturbed area with grass seed.

1880 Fern Creek Ln NE
PROPOSED CHANGES - Drawing

Driveway was repaved in September 2021 due to significantly damaged and cracked cement that presented a hazard to homeowner, family, and children. As a part of the driveway replacement, there were two sections of square footage added that we are seeking a variance be granted where work was already completed:

- Addition of 87.24 sq ft area of concrete for driveway extension that encroaches into 75ft Stream Buffer is outlined in **RED** on below on drawing.
- Addition of 97.6 sq ft area of driveway, of which 13 feet are within the state right of way outlined in **BLUE** on below drawing.



**1880 Fern Creek LN NE
Deck Photos Prior to Work**



The outer girder/ beam serving the deck lack protection against movement/ deflection and proper attachment between the support post and deck members. Rusting and damage was noted at the top of the supports.



Excessive openings were noted in railings at the deck area with low railing height present in areas and loose railings present.

1880 Fern Creek LN NE
Deck Photos Prior to Work

Deck Railing

32. **SAFETY / HEALTH:** The deck railing is configured in a manner that could be easily climbed and should be modified as this is an unsafe configuration for a guard rail system.



1880 Fern Creek LN NE Driveway Photos

Prior to Work:

Driveways / Walkways

- ☒ 2. **SERVICE / REPAIR:** Deterioration of the concrete surfaced areas observed. Recommend repair or replace to the extent found..



Inspection Date: 7/25/2019

Client(s): Solis

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**1880 Fern Creek LN NE
Driveway Photos**

Post Work:



1880 Fern Creek LN NE
Driveway Photos



Chief Executive Officer
Michael Thurmond

DEPARTMENT OF PLANNING & SUSTAINABILITY

Interim Director
Cedric Hudson

TO: Riley and Kimberly Palmer
1880 Fern Creek Lane NE
Atlanta, GA 30329

FROM: Mr. Marcus L. Robinson, Chief Building Official
DeKalb County Department of Planning & Sustainability
178 Sams Street, Suite A1500
Atlanta, Georgia 30030

DATE: February 16, 2023

SUBJECT: DeKalb County's SBV Response Letter under the Provisions of DeKalb County Ordinance, Chapter 14, Article II, Section 14-44(1-5).
1880 Fern Creek Lane NE
Atlanta, GA 30329

The DeKalb County Inspections Division of the Department of Planning & Sustainability has reviewed your stream buffer variance application for the '1880 Fern Creek Lane' project. The review was conducted to consider the potential impacts of the proposed project's encroachment on the buffers to State waters as factored within Georgia Erosion and Sedimentation Act (GESA) and Georgia's National Pollutant Discharge Elimination System (NPDES).

Thank you for your Stream Buffer application (AP# 1246303) received on 2/08/2023 for the proposed addition to the main dwelling at the subject address above. Your application for administrative variance was reviewed on 12/14/2022 and has been denied. The reason for the denial is that the proposed request violates DeKalb County ordinance Sec. 14-44.1(b)(6) c.:

c. No stream buffer variance shall be granted by the director for additions or redevelopment of existing single-family residential structures within the existing or year 2025 built-out condition flood plain.

You have the right to appeal this decision before DeKalb County Zoning Board of Appeals. Should you choose to appeal this decision, please go to the ZBOA website, and fill out the ZBOA application:

(<https://www.dekalbcountyga.gov/planning-and-sustainability/zoning-board-appeals-guidelines-checklists-and-calendars>)

You will also find the filing and meeting dates for ZBOA, as well as the contact email information.

If you have any questions, please contact Tschanner Ryder, Land Development Inspections Division, at 678-300-5259.

Marcus L. Robinson, C.B.O.
Chief Building Official