



Michael L. Thurmond
Chief Executive Officer

DeKalb County Zoning Board of Appeals
Department of Planning & Sustainability
178 Sams Street,
Decatur, GA 30030

Wednesday, January 10, 2024 at 1:00 PM

Planning Department Staff Analysis



Cedric Hudson
Interim Director

N3. Case No: A-23-1246728 Parcel ID(s): 15 171 05 002

Commission District 03 Super District 07

Applicant: Innocent Nwachukwu
2550 Sandy Plans Road
Suite 225-125
Marietta, GA 30066

Owner: Arnow & Thomas, Inc (John Thomas)
6935 Polo Drive
Cumming, GA 30040

Project Name: 646 Daniel Ave. - Garage Expansion

Location: 646 Daniel Avenue, Decatur, GA 30032

Request: Variance from Section 27-2.2.1 to reduce side yard setback from 7.5 feet to 4.5 feet to expand a legal non-conforming garage within the R-75 (Residential Medium Lot-75) zoning district.

Staff Recommendation: Approval with condition

Condition: The following information about this variance shall be noted on any site plan prepared for the subject property: case number, approval date, type of variance and condition(s) of approval.

STAFF FINDINGS:

Variance Analysis:

This application submitted by Innocent Nwachukwu is seeking a variance from Section 27-2.2.1 in order to reduce the side yard setback from 7.5 feet to 4.5 feet to expand a legal non-conforming garage in order to expand it inwards to accommodate two cars.

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.

The subject property exhibits an exceptionally narrow lot, measuring only 57 feet in width, while the minimum requirement in the zoning district is 75 feet. This characteristic, not created by the current or previous owners, represents an extraordinary physical condition. However, it is important to note that the lot size of 11,325 square feet exceeds the zoning district's minimum requirement of 10,000 square feet, providing more buildable area than required. The non-conforming house unit size, at 1,233 square feet, is smaller than the district's minimum requirement of 1,600 square feet.

To make the property usable for cars the garage will need to be maintained in its current position to allow a straight driveway in the alley. This will maximize utility and greenspace of the parcel.

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 request is the minimum necessary to afford relief. The applicant is not requesting to expand the non-conformity in regards to the setback from the garage's currently existing state. The proposal is to expand inwards into the buildable area.

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 request may not be materially detrimental to the public welfare or injurious to the zoning district. Increase in traffic and nuisance to neighbors from its current use is anticipated to be minimal.

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

The literal interpretation and strict application of the ordinance would cause undue and unnecessary hardship to the applicant. The ordinance would prevent the applicant from expanding the garage due to the non-conformity status as it sits three (3) feet into the side yard setback. No major renovations could be made without a variance.

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

By seeking a variance to expand a legal non-conforming structure, the applicant is working in harmony with the characteristics outlined in the comprehensive plan for Traditional Neighborhoods. The proposed extension aligns with the goal of preserving the historical and architectural features of older neighborhoods, contributing to a pedestrian-friendly environment with buildings closer to the front property line. Therefore, the variance request is consistent with the broader vision outlined in the county's Comprehensive Plan for the Traditional Neighborhoods Character Area.

FINAL STAFF ANALYSIS:

The property's exceptionally narrow lot, measuring 57 feet in width, and the need to maintain the garage's current position due to a straight driveway in the alley, present an extraordinary physical condition. The proposed variance, seeking to reduce the side yard setback from 7.5 feet to 4.5 feet for the expansion of a legal non-conforming garage inwards to accommodate two cars, is minimal and necessary for utility and greenspace optimization. Therefore, staff recommends approval with condition of the variance request.

Staff Recommendation: Approval with condition

Condition: 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.

**ZONING BOARD OF APPEALS APPLICATION FOR PUBLIC HEARING
(VARIANCES, SPECIAL EXCEPTIONS, APPEALS OF ADMINISTRATIVE DECISIONS)**

BOA No. _____

Applicant and/or
Authorized Representative INNOCENT NWACHUKWU

Mailing Address: 2550 SANDY PLAINS RD, SUITE 225-125

City/State/Zip Code: MARIETTA GA 30066

Email: imeconstruction@gmail.com

Telephone Home: 678 698 3816 Business: (678) 698.3816

OWNER OF RECORD OF SUBJECT PROPERTY

Owner: ARNOW & THOMAS, INC (JOHN THOMAS)

Address (Mailing): 6935 POLO DRIVE, CUMMING GA 30040

Email: JTHOMAS@ArnoldandThomas.com

Telephone Home: 770.316-5671 Business: _____

ADDRESS/LOCATION OF SUBJECT PROPERTY

Address: 646 Daniel Ave City: Decatur State: GA Zip: 30032

District(s): 64 Land Lot(s): 171 Block: 05 Parcel: 002

Zoning Classification: R-75 Commission District & Super District: 7

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

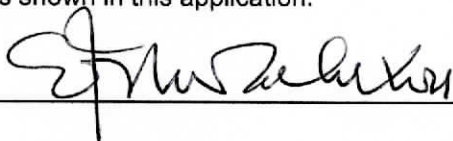
AUTHORIZATION TO REPRESENT THE PROPERTY OWNER

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: 10/25/23

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

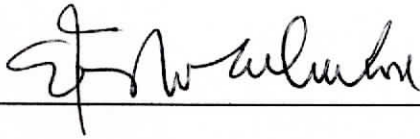
ZONING BOARD OF APPEALS APPLICATION AUTHORIZATION OF THE PROPERTY OWNER

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: 10/25/23

Applicant: 
Signature

DATE: _____

Applicant: X
Signature

October 25th, 2023

Dekalb County Zoning Board.

Re: 646 Daniel Avenue, Decatur GA 30032

To Whom It May Concern,

My name is Innocent Nwachukwu, and I am the General Contractor that was involved in the remodeling of the subject property and the detached garage.

Please consider this letter as a petition to Dekalb County Zoning Board for the reduction of left side, setback for small tract of land with tax identification number 1517105002 located in district 04 also known as 646 Daniel Avenue, Decatur Georgia 30032. The intent for this variance application is to bring a non-conforming detached garage into compliance and expand the garage into the buildable area.

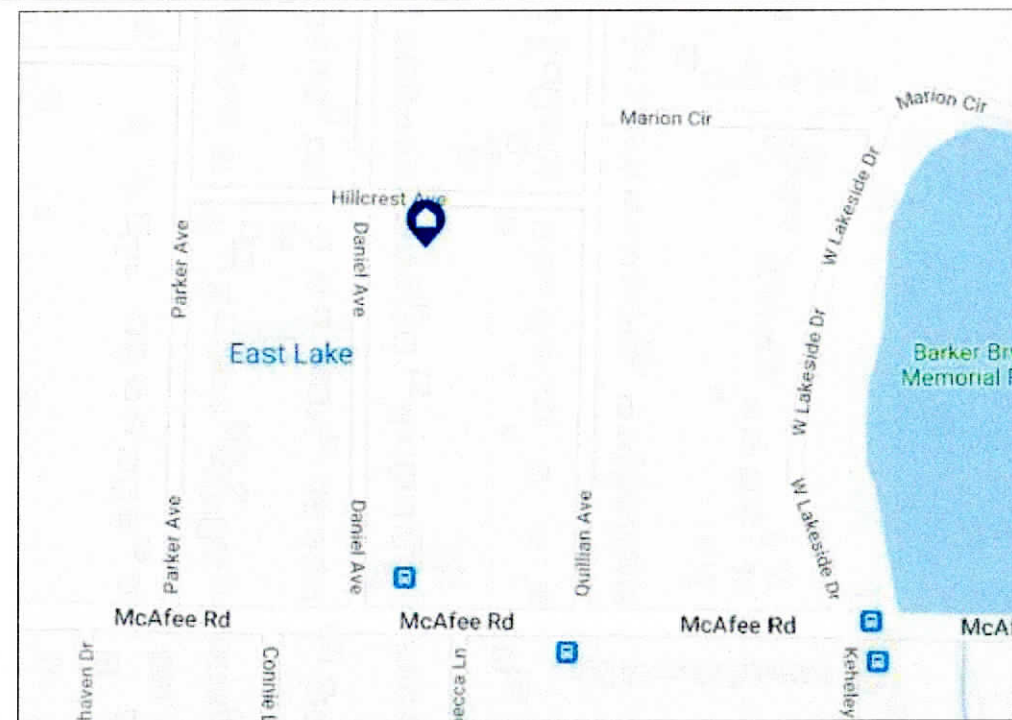
- a. The subject property located at 646 Daniel Avenue was a 1233 SF single story home built in 1955 and is considered a traditional neighborhood. The lot size measures 57x197 with a total area of 0.26 acres. It sits at the intersection of Hillcrest Avenue and Daniel Avenue; it is zoned R-75 with a front yard set back of 30 feet on Daniel Avenue and side setbacks of 7.5ft. This property has a detached garage which is non-conforming. Per the attached site plan the garage sits 4.5 ft instead of the allowable side setback of 7.5ft. The garage according to the next-door neighbor was constructed over 25 years ago.
- b. Per section 27-2.2.2, "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". There are at least three other properties in the area with similar setback issues.
- c. By requesting a variance, I am not asking to be treated differently, just for the bare minimal. We are not proposing to match the footprint of the existing concrete slab.
- d. Also, the approval of this variance will not adversely affect the property value or harm other property owners in the area. We are only requesting to be allowed to make maximum use of a non-conforming garage.
- e. Not approving this variance will cause undue hardship because we are looking to bring a non-conforming structure into compliance, and it is the only usable area for the garage regarding the setback and the existing concrete pad.

In the light of the above conditions, we are requesting that the left side setback be reduced to 4.5 feet. This will enable my client to carry out his proposed improvement of adding expanding the garage into the buildable area and bring the existing garage into compliance.

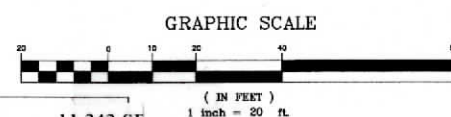
Best Regards,

 10/25/23

Innocent Nwachukwu (Arnow & Thomas, Inc)



VICINITY MAP



Total Lot Area	11,343 SF
Existing House	978 SF
Existing barn/garage	220 SF
Concrete D/W (existing)	1032 SF
Proposed Deck	145 SF
Proposed Addition	277 SF
Front Porch (New)	155 SF
Covered Porch	236 SF
Total Impervious area	3043 SF
Lot Coverage Ratio	26.8%

ENGINEER/SURVEYOR:
Acme American LLC 15776
J. WAYNE PROCTOR
319 ATLANTA STREET, SE
MARIETTA, GA 30060
(770) 425-5890

UTILITIES PROTECTION CENTER
Call FREE
IN METRO ATLANTA
325-5000
THROUGHOUT GEORGIA
1-800-282-7411
THREE WORKING DAYS BEFORE YOU DIG

EQUIPMENT USED FOR MEASUREMENTS:
ANGULAR - TOPCON GTS-300 TOTAL STATION
LINEAR - EDM

THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A
CLOSURE PRECISION OF ONE FOOT IN 11960 FEET.
AND AN ANGULAR ERROR OF 05 SECONDS PER ANGLE POINT.
THIS PLAT SUBJECT TO ALL EASEMENTS
AND RIGHTS OF WAY PUBLIC AND PRIVATE.

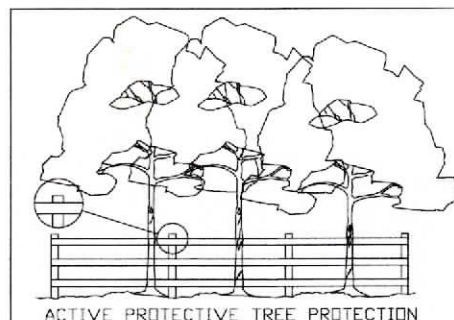
THIS PLAT HAS BEEN CALCULATED FOR CLOSURE
AND IS FOUND ACCURATE WITHIN ONE FOOT IN 966666 FEET.

IN MY OPINION THIS PLAT OR SURVEY IS A CORRECT REPRESENTATION
OF THE LAND PLATTED AND HAS BEEN PREPARED IN
CONFORMITY WITH THE MINIMUM technical STANDARDS for property surveys
in Georgia as set forth in Chapter 180-7 of the rules of the Georgia

set forth in the Georgia Plat Act O.C.G.A. 15-6-67. Authority
O.C.G.A. Secs 15-6-67, 43-15-4, 43-15-6, 43-15-19, 43-15-22.

BEARINGS SHOWN HEREON ARE BASED ON MAGNETIC OBSERVATIONS.

Field work completed 1-10-22
ALL PINS PLACED IPP 5' REBAR



ACTIVE PROTECTIVE TREE PROTECTION



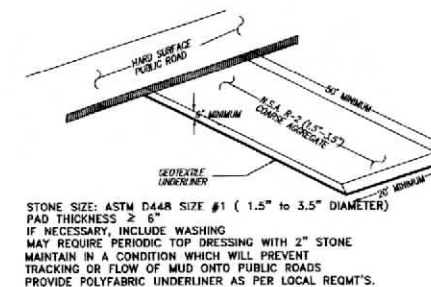
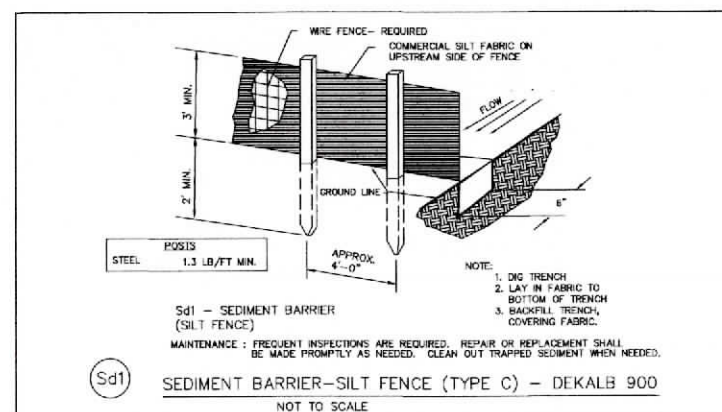
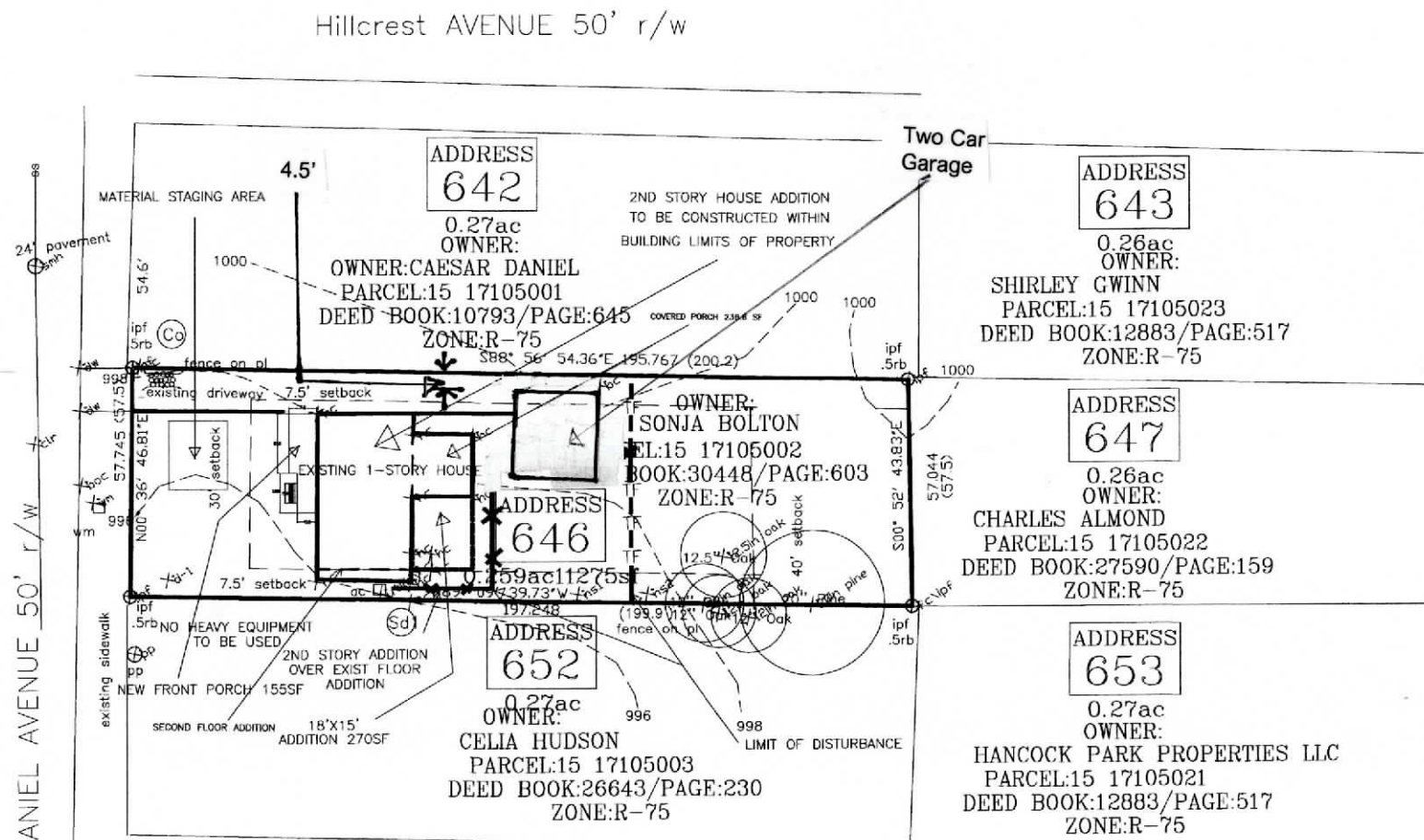
ALTERNATIVE TREE FENCING
4' HIGH, ORANGE,
POLYETHYLENE LAMINAR
SAFETY NETTING.

24 Hour Contact: Innocent Nwachukwu
678-698-3816

Owner Contact: John Thomas
770-316-5671

EROSION CONTROL NOTES
THE INSTALLATION OF EROSION AND SEDIMENTATION CONTROL MEASURES SHALL OCCUR PRIOR TO OR
CONCURRENT WITH LAND DISTURBING ACTIVITIES.
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.
ADDITIONAL EROSION CONTROLS SHALL BE INSTALLED AS DEEMED NECESSARY BY THE ON-SITE
INSPECTOR.
LOCATE AND FIELD STAKE ALL UTILITIES, EASEMENTS, PIPES, FLOOD LIMITS, STREAM BUFFERS, AND
TREE SAVE AREAS PRIOR TO ANY LAND DISTURBING ACTIVITIES.
ALL TREE PROTECTION AREAS TO BE PROTECTED FROM SEDIMENTATION.
ALL TREE PROTECTION DEVICES TO BE INSTALLED PRIOR TO LAND DISTURBANCE AND MAINTAINED
UNTIL FINAL LANDSCAPING.
ALL TREE PROTECTION FENCING TO BE INSPECTED DAILY AND REPAIRED OR REPLACED AS NEEDED.
A FINAL AS-BUILT LOT SURVEY REQUIRED PRIOR TO ISSUANCE OF CERTIFICATE OF OCCUPANCY.

LEGEND	
Existing Contour	990
Proposed Contour	990
Exist. Spot Elev.	992.0
Proposed Spot Elev.	992.0
Sanitary Sewer	SS
Fire Hydrant	HH
Silt Fence	X-X
Water Line	V
Traffic Flow	→
Power Pole	PP
Gas Line	G
Iron Pin Set	IPS
Iron Pin Found	IPF
Concrete Monument Found	CMF
Monument	MON
Nail & Cap	N&C
Fence Corner	FC
Fence	-x-x-
Open Top Pin	OTIP
Drill Top Pin	CT
Reinforcing Bar	Re-bar
Centerline	C
Right-of-Way	R/W
Deed Distance	(xxx)
Radius	CB
Chord Bearing	C
Chord	SP
Service Pole	LPL
Long Pole	CHUL
Overhead Utility Line	OH
Man Hole	CB
Catch Basin	JB
Junction Box	DI
Drain Inlet	HW
Headwall	CMF
Corrugated Metal Pipe	RCP
Reinforced Concrete	CD
Cross Drain	SE
Sewer Easement	DE
Drainage Easement	VV
Water Valve	VM
Gas Valve	GV
Gas Meter	GM
Arc	A
Underground Electricity	UE
Underground Telephone	UT
To Be Removed	TBR



Co TEMP. CONST. PAD

707 Whitlock Ave, S.W. Suite H-12, Marietta, Georgia 30064
ACME AMERICAN, L.L.C.
Architects, Construction Managers, Engineers
voice (770) 425-6890 - fax (770) 425-5777

PROJECT #20211002

title: Survey/Site Plan for Arnow and Thomas Inc.
project: 646 Daniel Avenue, Decatur GA 30032
DeKalb County L1171, 15th Dist.

seal: 10-26-22



seal: 11-21-22



revisions:

date: 10-26-22

dwg. by: CC

chkd. by: JWP

sheet:

S-1