



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<sup>th</sup>, 2023, at 1:00 PM

### Planning Department Staff Analysis



Cedric Hudson

Interim Director

**N4. Case No: A-23-1246725**

**Parcel ID(s): 15 183 09 005**

#### Commission District 03 Super District 07

**Applicant:** Ilesha Martin  
735 Longleaf Boulevard Suite A  
Lawrenceville, GA 30046

**Owner:** Tony Adibe  
6152 Windsong Way  
Stone Mountain, GA 30087

**Project Name:** 1778 Alexander Drive – Second story

**Location:** 1778 Alexander Drive, Decatur, GA 30032

**Request:** Variance from Section 27-2.2.1 to reduce the side yard setback from 7.5 feet to 5 feet to construct a second-story addition to an existing single-family residence within the R-75 (Residential Medium Lot-75) zoning district.

**Staff Recommendation:** Denial.

## **STAFF FINDINGS:**

Section 27-2.2.1 states R-75 (Residential Medium Lot-75) zoning districts require a minimum side yard setback of 7.5 feet. The existing structure encroaches into the southwest side yard setback by 2.4 feet. The applicant has requested a reduction to the southwest side yard setback from 7.5 feet to 5.1 feet to construct a second story.

**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 site does not present any extraordinary and/or exceptional physical conditions. The applicant has stated the existing one (1) story structure is nonconforming, thus the request to construct a second story would further the nonconformity of the existing structure. The variance request is rooted in the applicant's desire to expand living space into the second floor. However, there appears to be buildable area in the southwest rear yard for an addition within the 7.5 side yard setback and the 40-foot rear yard setback which would require no variance.

**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 does not intend to expand the footprint of the existing house or make any additional encroachments into the setback. Granting the variance may not set a precedent for extreme deviations from the zoning requirements but instead may demonstrate flexibility in accommodating reasonable improvements to a property. Therefore, the variance may be considered as the minimum necessary to afford relief, as it only pertains to the improvement of the existing structure by adding a second story addition and does not seek any additional variances.

**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 this variance may be materially detrimental to the public welfare or injurious to the property or improvements in the zoning district as the second story would be visible from the street and would enlarge the current non-conformance of the structure.

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

The strict application of the applicable provisions and requirements of this chapter may not cause an undue and unnecessary hardship. The site plan shows buildable area in the rear yard which would not require a variance and achieve the desire for more living space.

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

The *2050 Unified Plan* describes the future land use designation of this property as Traditional Neighborhood (TN). The intent of the Traditional Neighborhoods Character Area is to preserve the style and appeal of older traditional neighborhood communities. These areas primarily consist of residential areas in older parts of the community that were typically developed prior to WWII. The requested variance may undermine the intent of the character area.

## **FINAL STAFF ANALYSIS:**

Under the strict application of the current requirements, the homeowner may be limited in their ability to make modifications to the existing structure. However, the subject site does not demonstrate any major exceptional or extraordinary hardships and the request

would further the nonconformity of the structure. Furthermore, there appears to be space within the buildable envelope for an addition in the rear yard within the required setbacks. Therefore, Staff recommends denial.



DeKalb County  
GEORGIA

Development Services Center  
178 Sams Street  
Decatur, GA 30030  
[www.dekalbcountyga.gov/planning](http://www.dekalbcountyga.gov/planning)  
404-371-2155 (o); 404-371-4556 (f)

Chief Executive Officer  
Michael Thurmond

## DEPARTMENT OF PLANNING & SUSTAINABILITY

Interim Director  
Cedric Hudson

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

Applicant and/or  
Authorized Representative: Iesha Martin  
Mailing Address: 735 Longleaf Boulevard Suite A  
City/State/Zip Code Lawrenceville GA 30046  
Email: iesha@gsasurveying.com  
Telephone Home: 770-418-9823 Business: Grant Shepherd & Associates, Inc.

#### OWNER OF RECORD OF SUBJECT PROPERTY

Owner: Tony Adibe  
Address (Mailing): 6152 Windsong Way Stone Mountain GA 30087  
Email: tadibe@sdandcinc.com Telephone Home: 404-867-6432 Business: \_\_\_\_\_

#### ADDRESS/LOCATION OF SUBJECT PROPERTY

Address: 1778 Alexander Drive City: Decatur State: GA Zip: 30032  
District(s): 15 Land Lot(s): 183 Block: 09 Parcel: 005  
Zoning Classification: R-75 Commission District & Super District: 3 and 7

#### CHECK 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.\***

Email [plansustain@dekalbcountyga.gov](mailto:plansustain@dekalbcountyga.gov) with any questions.



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**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.

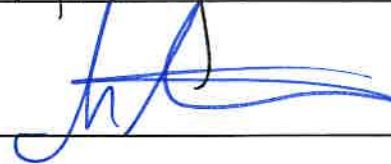
DATE: 10/25/23

Applicant  
Signature:



DATE: 10/25/23

Applicant  
Signature:





DeKalb County

DEPARTMENT OF PLANNING & SUSTAINABILITY

**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: Anthony Adibe

TO WHOM IT MAY CONCERN:

(I)/ (WE): Tony Adibe  
(Name of Owners)

being (owner/owners) of the property described below or attached hereby delegate authority to the above signed agent/applicant.

[Signature]  
Notary Public

Anthony Adibe  
Owner Signature

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
Owner Signature

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
Owner Signature

**Lynn Whitley**  
**NOTARY PUBLIC**  
**Gwinnett County, GEORGIA**  
**My Commission Expires**  
**07/08/2026**



## Filing Guidelines for Applications to the Zoning Board of Appeals

### 1. Submit Application Materials:

- a. To ensure proper processing and payment, please create a profile and upload at least page 1 of your application to <https://epermits.dekalbcountyga.gov/> (no more than 10mb permitted).
  - If you have an existing account, you may use that account and create a *new application number* by selecting the proper application type
  - Fill out *all* Account Portal Questions
  - Put your **email address** under “WEB ACCOUNT”
  - SAVE APPLICATION NUMBER (1246XXX) – send to staff when you email your complete application.
- b. After portal submittal, email one (1) combined PDF document of the completed application and materials to [plansustain@dekalbcountyga.gov](mailto:plansustain@dekalbcountyga.gov) and [licarter@dekalbcountyga.gov](mailto:licarter@dekalbcountyga.gov) along with application number.
- c. Please confirm we have received your application.
- d. For any questions, please contact [plansustain@dekalbcountyga.gov](mailto:plansustain@dekalbcountyga.gov)

### 2. 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.)

### 3. 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.

### 4. Letter of Intent:

- a. **Explain what you are asking for and why.**
- b. 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).
- c. 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. 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. **Application Fee is \$300.** You will be able to pay by credit card on the epermitting portal. A receipt will be provided.



## Writing the 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 181<sup>st</sup> 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



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DEPARTMENT OF PLANNING & SUSTAINABILITY

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- 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.



## Summary of Zoning Board of Appeals Application Process:

1. **Timeline.** It takes ~45-60 days to submit your application and receive an initial decision from the Zoning Board of Appeals regarding your request.
2. **Pre-application Meetings.** DeKalb County now mandates pre-application meetings. Please email [plansustain@dekalbcountyga.gov](mailto:plansustain@dekalbcountyga.gov) to schedule a virtual appointment to meet with a Planner assigned to the Zoning Board of Appeals. During the virtual meeting, we will review and provide feedback regarding your request, review the application process, and answer any questions.
3. **Application Submittals.** Create a profile and upload at least page 1 of your application to: <https://epermits.dekalbcountyga.gov/> (no more than 10mb permitted). Email a combined PDF document of the completed application and materials to [plansustain@dekalbcountyga.gov](mailto:plansustain@dekalbcountyga.gov) and [ljcarter@dekalbcountyga.gov](mailto:ljcarter@dekalbcountyga.gov) along with the application number.
4. **Public Hearing Signs.** You will need to post at least one sign per street frontage of the property. Staff will prepare a sign template. You will need to coordinate sign printing and posting with a sign company of your choice, at least 30 days prior to the ZBA hearing. Sign(s) must remain posted until final Board of Appeals action regarding the request. If the application is deferred, you may update the sign(s).
5. **Revisions or amendments.** An application must be submitted in writing and must be received a least 14-days before the scheduled meeting to be addressed by the staff report.
6. **Staff Report.** Staff prepares reports and recommendations for each application. These recommendations are based on the attached criteria established by the DeKalb County Zoning Code. Final staff reports are available to the applicant and the public prior to the scheduled Board of Appeals meeting. Find current reports on our website, here: <https://www.dekalbcountyga.gov/planning-and-sustainability/public-hearing-agendas-info>
7. **Monthly Meetings.** The Zoning Board of Appeals meets once a month, generally on the second Tuesday of each month at 1:00 P.M., via Zoom. Find agendas on our website, HERE.
8. **Applicant and/or Representative must be Present.** Applicants or their representatives must be present at the public hearing to present the request to the Zoning Board of Appeals.
9. **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. That is five minutes combined, no matter how many people wish to speak. Applicants should be prepared to explain their variance, why they are requesting it and answer questions from the board. Anyone speaking in opposition also has a total of five (5) minutes to address the application in front of the board. Be prepared to raise your hand or announce yourself when the chair asks for those in support or opposition to the application.
10. **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.
11. **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.



12. **Zoning Board of Appeals Actions.** The Board of Appeals is authorized to:
  - a. Approve the application as submitted;
  - b. Approve a revised application;
  - c. Approve an application with conditions;
  - d. Deny an application (if an application is denied, no variance can be considered on the same site within 24 months);
  - e. Allow an application to be "Withdrawn without Prejudice" at the request of the applicant.
13. **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.
14. **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.
15. **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.

Anthony Adibe  
6152 Windsong Way  
Stone Mountain Ga. 30076  
aadibe@bellsouth.net

404-867-6432

September 26, 2023

DeKalb County Zoning Board of Appeals  
178 Sams Street  
Decatur GA 30030

Subject: Letter of Intent for Zoning Variance - 1778 Alexander Drive, Decatur, Georgia 30032

To Whom it May Concern.

I am writing to formally express my intent to request a zoning variance for the property located at **1778 Alexander Drive, Decatur, Georgia 30032**. The purpose of this request is to reduce the southern boundary line side setback from 7.5 feet to 5.1 feet for the purpose of constructing a second-story addition on an existing structure that is nonconforming to current zoning regulations.

The rationale for seeking this variance is to accommodate the expansion of the existing structure in a manner that aligns with the property's unique characteristics and the broader goals of the community's development. The proposed second-story addition has been carefully designed to enhance the property's functionality and to provide additional living space while respecting the established aesthetic and architectural character of the neighborhood.

I would like to outline the key reasons for this variance request:

**Existing Nonconforming Structure:** The current structure on the property has a preexisting nonconformity to the zoning regulations. The existing structure was built prior to the zoning minimum zoning requirements being in place. The structure is 5.1 feet from the property line although the current zoning requires structures to be placed 7.5 feet from the property line. This variance request seeks to address the challenge of expanding a structure that does not fully meet the current setback requirements. The proposed second-story addition is an essential part of our plan to make the property more functional and efficient for our family's needs.

**Site Constraints:** The property's unique layout and size present challenges when attempting to adhere strictly to the 7.5-foot southern boundary line side setback. The requested reduction to 5.1 feet will enable us to construct the second-story addition while maintaining a harmonious relationship with the existing structure, optimizing the use of space without compromising neighboring properties.

**Architectural Compatibility:** The proposed addition has been thoughtfully designed to complement the existing architectural style of both the neighborhood and the current structure. It will blend seamlessly with the surroundings and enhance the overall appearance and value of the property. The existing structure has been inspected and is structurally sound and sufficient.

**No Detriment to Neighbors:** Granting this variance will not have any negative impact on neighboring properties. The reduced setback will not infringe upon the privacy or interests of neighboring homeowners. Instead, the addition will contribute positively to the neighborhood's aesthetic appeal and property values.

Enclosed with this letter, you will find detailed architectural plans, renderings, and any other relevant documents that provide a comprehensive understanding of the project's design and intent.

In light of the above reasons, I kindly request that the Zoning Board consider approving the variance to reduce the southern boundary line side setback from 7.5 feet to 5.1 feet for the property located at 1778 Alexander Drive. I am committed to adhering to any conditions or requirements set forth by the Board to ensure the successful implementation of the proposed second-story addition.

Thank you for your time and consideration. Should you require any additional information or wish for me to present this case in person, please feel free to contact me.

Sincerely,

Anthony Adibe P.E.



VARIANCE FOR:  
S.D & C, LLC  
1778 Alexander Drive, Decatur, Georgia 30032  
Lot 17, Block B, Subdivision of O.C. & D.T. Bonner Property,  
Plat Book 14, Page 78  
Land Lot 183 of the 15th Land District  
City of Decatur, Dekalb County, Georgia

Contacts

OWNER/DEVELOPER:  
S D & C, Inc  
809 Park North Blvd  
Clarkston, GA 30021 US  
PH: (404)508-2481  
FAX: (404)508-2483

DESIGNER:  
GRANT SHEPHERD & ASSOCIATES, INC.  
735 LONGLEAF BOULEVARD, ST A  
LAWRENCEVILLE, GA 30096  
770-418-9823  
frontdesk@gsasurveying.com

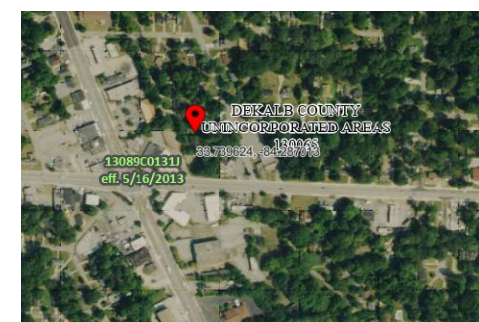
Property Details

GENERAL INFORMATION  
PARCEL NUMBER: 15 183 09 005  
LOCATION ADDRESS: 1778  
ALEXANDER DRIVE DECATUR, GA  
30032  
LOT AREA: 7000.09 SF (0.1607 ACRES)

LEGAL DESCRIPTION"  
LAND LOT: 183  
LAND DISTRICT: 15th  
CITY: ATLANTA  
COUNTY: DEKALB  
STATE: GEORGIA  
DEED BOOK: 28614 PAGE:697

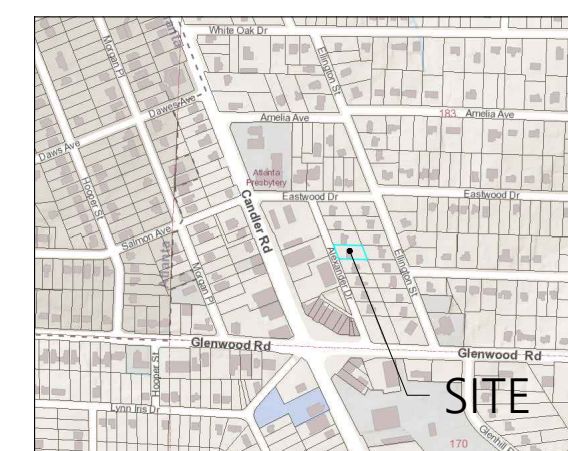
ZONING INFO:  
NEIGHBORHOOD:  
PROPERTY CLASS: R3-RESIDENTIAL  
LOTS  
TAX DISTRICT:  
ZONING:

Flood Determination

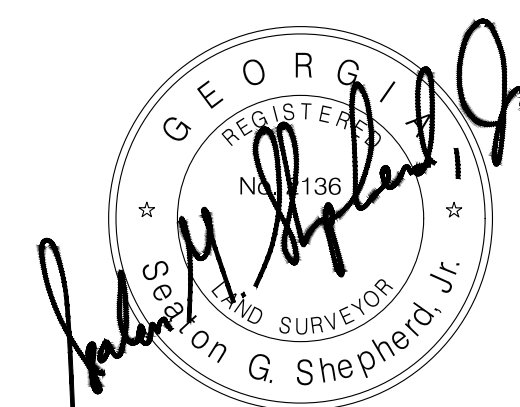


THIS PROPERTY IS NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA BASED ON THE FLOOD INSURANCE RATE MAP FOR THIS AREA. THE MAP NUMBER FOR THIS AREA IS 13121C0236F, CONTAINING A LATEST DATE OF 09/18/2013. THIS DETERMINATION WAS MADE BY GRAPHICALLY DETERMINING THE POSITION OF THE SITE ON SAID FIRM (FEDERAL INSURANCE RATE MAP) MAP UNLESS OTHERWISE NOTED.

Vicinity Map (NTS)



BASIS OF HORIZONTAL DATUM  
GEORGIA STATE PLANE -  
WEST ZONE (NAD83)



COVER  
FOR S.D. & C., INC

SITE ADDRESS: 1778 ALEXANDER DRIVE, DECATUR, GEORGIA 30032  
LOT 17, BLOCK B, SUBDIVISION OF O.C. & D.T. BONNER PROPERTY,  
PLAT BOOK 14, PAGE 78  
LAND LOT 183 OF THE 15TH LAND DISTRICT,  
CITY OF DECATUR, DEKALB COUNTY, GEORGIA

Sheet / Drawing Scale  
N/A

\*Unless Otherwise Noted\*

GSA Project No.  
21-01-120

Drawn By / Field Crew  
SH Crew No. 1

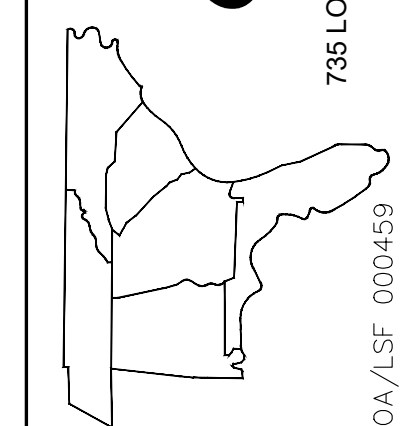
LD/NS 01/19/2021

Sheet No. 01  
OF 03

DATE OF PRINT/PDF: 08/16/2023

No. #	DATE / BY	DESCRIPTION
No. 1	08/16/2023	VARIANCE SUBMITTAL

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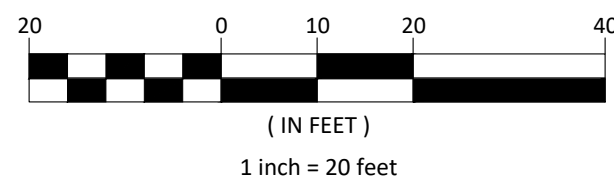
THIS BLOCK RESERVED FOR THE CLERK OF THE SUPERIOR COURT.



## Symbols & Abbreviations

PP	POWERPOLE	(R)	RECORD DATA
Y	GUY WIRE	(M)	MEASURED DATA
LP	LIGHT POLE	(C)	CALCULATED DATA
SLP	STREET LIGHT POLE	R/W	RIGHT OF WAY
ET	ELEC. TRANSFORMER	BSL	BLDG SETBACK LINE
OHE	OVERHEAD ELECTRIC	BC	BACK OF CURB
WV	WATER VALVE	EP	EDGE OF PAVEMENT
WM	WATER METER	EC	EDGE OF CONCRETE
FD	FIRE HYDRANT	P	PROPERTY LINE
SS	SANITARY SEWER PIPING	D.E.	DRAINAGE EASEMENT
SM	SEWER MANHOLE	L.E.	LANDSCAPE EASEMENT
CO	CLEAN OUT	S.S.E.	SANITARY SEWER ESMT
SD	STORM DRAIN PIPING	IPS	IRON PIN SET
DM	STORM DRAIN MANHOLE	RBF	REBAR FOUND
SI	STORM INLET	CTP	CRIMP TOP PIPE
CI	CURB INLET	OTP	OPEN TOP PIPE
DI	DROP INLET	P.O.C.	POINT OF COMMENCEMENT
FL	FENCE LINE	P.O.B.	POINT OF BEGINNING
SW	SIDEWALK	IF	IRON PIN FOUND
T	TREE	IS	IRON PIN SET
T.B.M.	TEMPORARY BENCH MARK	PK	P.K. NAIL FOUND
		PS	P.K. NAIL SET
		FND	FND X MARK / SCRIBE
		SET	SET X MARK / SCRIBE

## Graphic Scale



## Map or Plat Certification

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 hereon. RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND.

Furthermore, the undersigned surveyor certifies that: IN MY OPINION, THIS DRAWING WAS PREPARED IN CONFORMITY 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. 15-6-67.

PRESENTED BEFORE ME THIS 20TH DAY OF JANUARY IN THE YEAR OF 2021.

*Michael R. Shepherd*  
MICHAEL R. SHEPHERD, GA PLS No. 3349



## Map or Plat Closure Statement & Notes

- THIS MAP OR PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 143,208 FEET.
- ALL DISTANCES SHOWN HEREIN ARE HORIZONTAL, GROUND DISTANCES.
- UNLESS OTHERWISE NOTED ON THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED, ALL PROPERTY CORNERS IDENTIFIED AS SET, ARE SET WITH A 1/2" REBAR (#4-REBAR) BEARING A PLASTIC CAP STAMPED WITH THE SURVEYORS REGISTRATION / LICENSE NUMBER.
- THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED HAS A HORIZONTAL DATUM OF GEORGIA STATE PLANES, WEST ZONE NAD83.
- THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED HAS A VERTICAL DATUM OF NAVD88, FROM GPS OBSERVATIONS AND/OR GPS ESTABLISHED BENCHMARK. VERTICAL RELIEF SHOWN HEREIN BY 2 FOOT CONTOUR INTERVAL.
- THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED HAS BEEN PREPARED FOR THE EXCLUSIVE USE OF THE PERSON, PERSON(S) OR ENTITY NAMED WITHIN TITLE BLOCK AND/OR SURVEYORS CERTIFICATION. SURVEYOR MAKES NO WARRANTIES, EITHER EXPRESSED OR IMPLIED, WITH RESPECT TO THE INFORMATION SHOWN HEREIN, EXTENDED BEYOND THOSE NAMED DIRECTLY.
- THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED HAS BEEN PREPARED WITHOUT THE BENEFIT OF AN ABSTRACT OF TITLE. ITEMS PERTAINING TO TITLE SUCH AS EASEMENTS, ZONING, ZONING CONDITIONS AND OTHER ENCUMBRANCES MAY EXIST ON PUBLIC RECORD HOWEVER MAY NOT BE SHOWN OR DEPICTED HEREIN.

## Utility Notes

- THE UTILITIES SHOWN HEREIN ARE BASED ON VISIBLE OBSERVATIONS
- THE SURVEYOR DOES NOT WARRANT, GUARANTEE OR CERTIFY THAT THE UNDERGROUND OR ABOVE GROUND UTILITIES SHOWN COMPRISE ALL UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. UNDERGROUND UTILITIES OBSERVED OR LOCATED MAY EXIST ON THIS SITE THAT ARE NOT SHOWN OR DEPICTED, AND MAY BE FOUND UPON FURTHER EXAMINATION OR EXCAVATION. FURTHERMORE, THE SURVEYOR DOES NOT WARRANT, GUARANTEE OR CERTIFY THAT THE UNDERGROUND UTILITIES SHOWN OR DEPICTED ARE IN THE EXACT LOCATION AS INDICATED HOWEVER THE SURVEYOR DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE AND TO THE BEST OF THE SURVEYORS ABILITY.
- AT VARIOUS SANITARY OR STORM SEWER STRUCTURES SHOWN HEREIN, THERE MAY BE ADDITIONAL LINES (PUBLIC OR PRIVATE) ENTERING OR EXISTING THE STRUCTURE THAT MAY NOT BE IDENTIFIED.

## Map or Plat and Survey References

- REFERENCE DEED BOOK 28614, PAGE 697
- REFERENCE PLAT BOOK 14, PAGE 78

## Zoning

ZONED: R-75 RESIDENTIAL

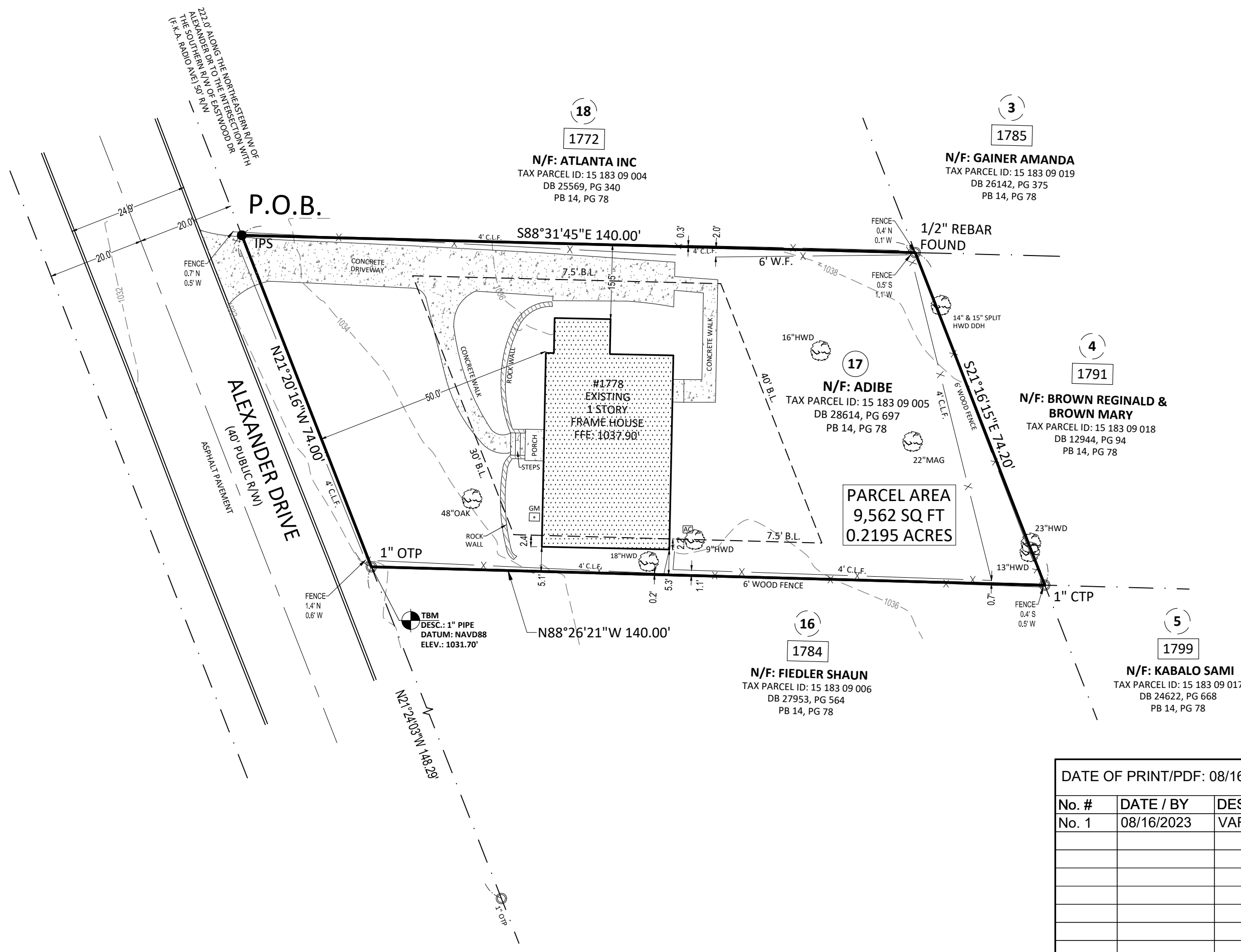
SETBACKS  
FRONT: 30 FEET  
SIDE: 7.5 FEET  
REAR: 40 FEET

## Field Observation Notes

- THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED IS CLASSIFIED AS A "RETRACEMENT BOUNDARY, TOPOGRAPHIC & TREE SURVEY". AND COMPLETED ON "01/19/2021 UTILIZING A GEOMAX ZOOM 90 ROBOTIC TOTAL STATION AND/OR A CHAMPION PRO GPS NETWORK RTK (REAL TIME KINEMATIC) ROVER, CORRECTED IN REAL-TIME VIA THE eGPS GPS NETWORK.
- THE FIELD DATA UPON WHICH THIS SURVEY, MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED EXCEEDS THE 95% CONFIDENCE LEVEL AND EXCEEDS THE MAXIMUM ALLOWABLE RELATIVE POSITIONAL ACCURACY, AS SET FORTH BY THE ALTA/NSPS STANDARDS, SPECIFICATION AND REQUIREMENTS OF 0.07+50 PPM.

## FEMA Note

THIS PROPERTY IS NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA BASED ON THE FLOOD INSURANCE RATE MAP FOR THIS AREA. THE MAP NUMBER FOR THIS AREA IS 13089C0131J, CONTAINING A LATEST DATE OF 05/16/2013. THIS DETERMINATION WAS MADE BY GRAPHICALLY DETERMINING THE POSITION OF THE SITE ON SAID FIRM (FEDERAL INSURANCE RATE MAP) MAP UNLESS OTHERWISE NOTED.



## BOUNDARY, TOPOGRAPHIC & TREE SURVEY FOR S.D. & C., INC

SITE ADDRESS: 1778 ALEXANDER DRIVE, DECATUR, GEORGIA 30032  
LOT 17, BLOCK B, SUBDIVISION OF O.C. & D.T. BONNER PROPERTY,  
PLAT BOOK 14, PAGE 78  
LAND LOT 183 OF THE 15TH LAND DISTRICT,  
CITY OF DECATUR, DEKALB COUNTY, GEORGIA

Sheet / Drawing Scale 1" = 20'	*Unless Otherwise Noted*
GSA Project No. 21-01-120	
Drawn By / Field Crew SH Crew No. 1 LD/NS 01/19/2021	
Sheet No. 02	OF 03

**GRANT SHEPHERD & ASSOCIATES, INC**  
Construction Layout • GPS Modeling  
Land Surveying • Site Development

735 LONGLEAF BOULEVARD, SUITE A LAWRENCEVILLE, GA 30046  
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Contacts

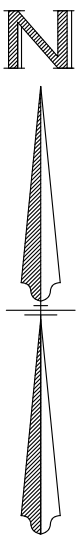
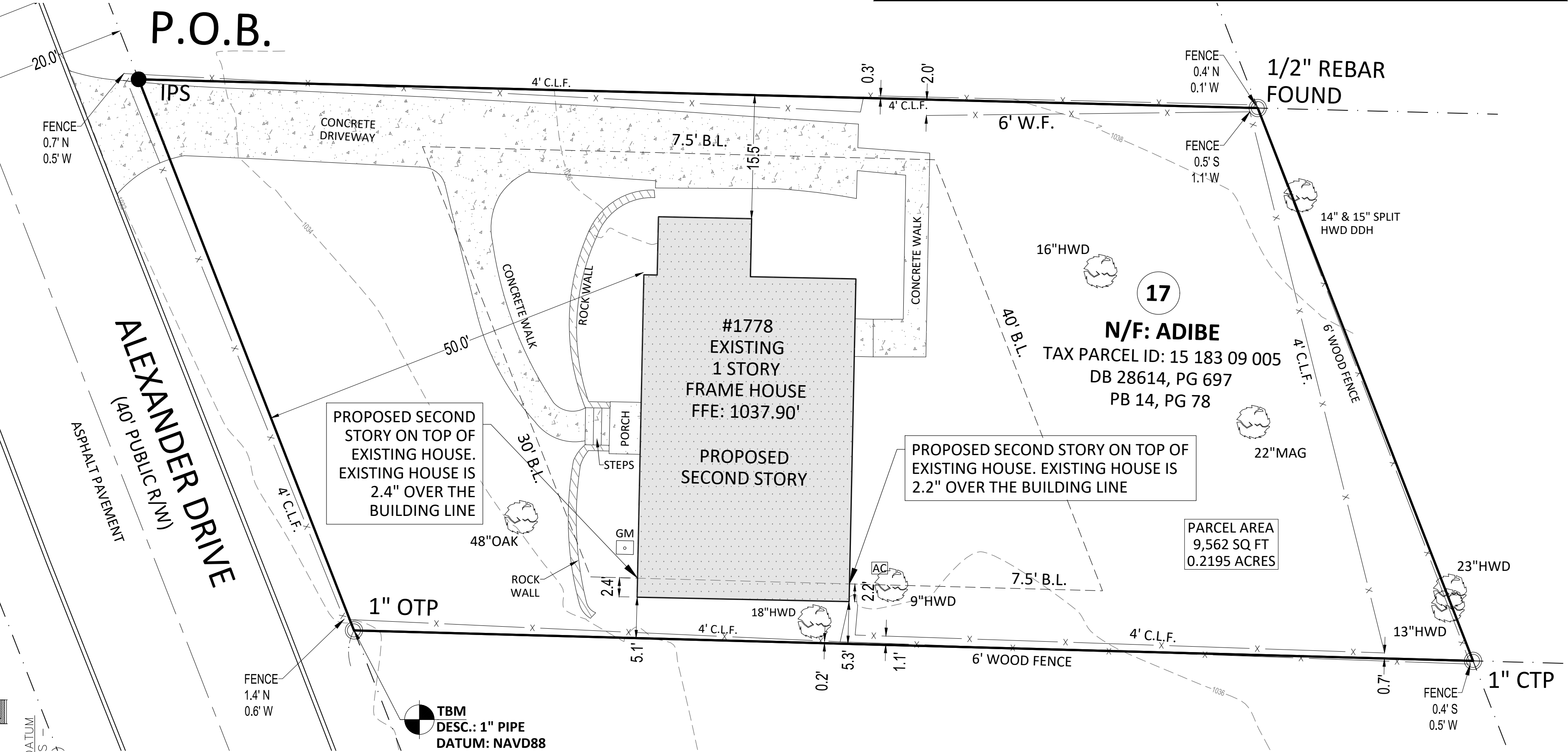
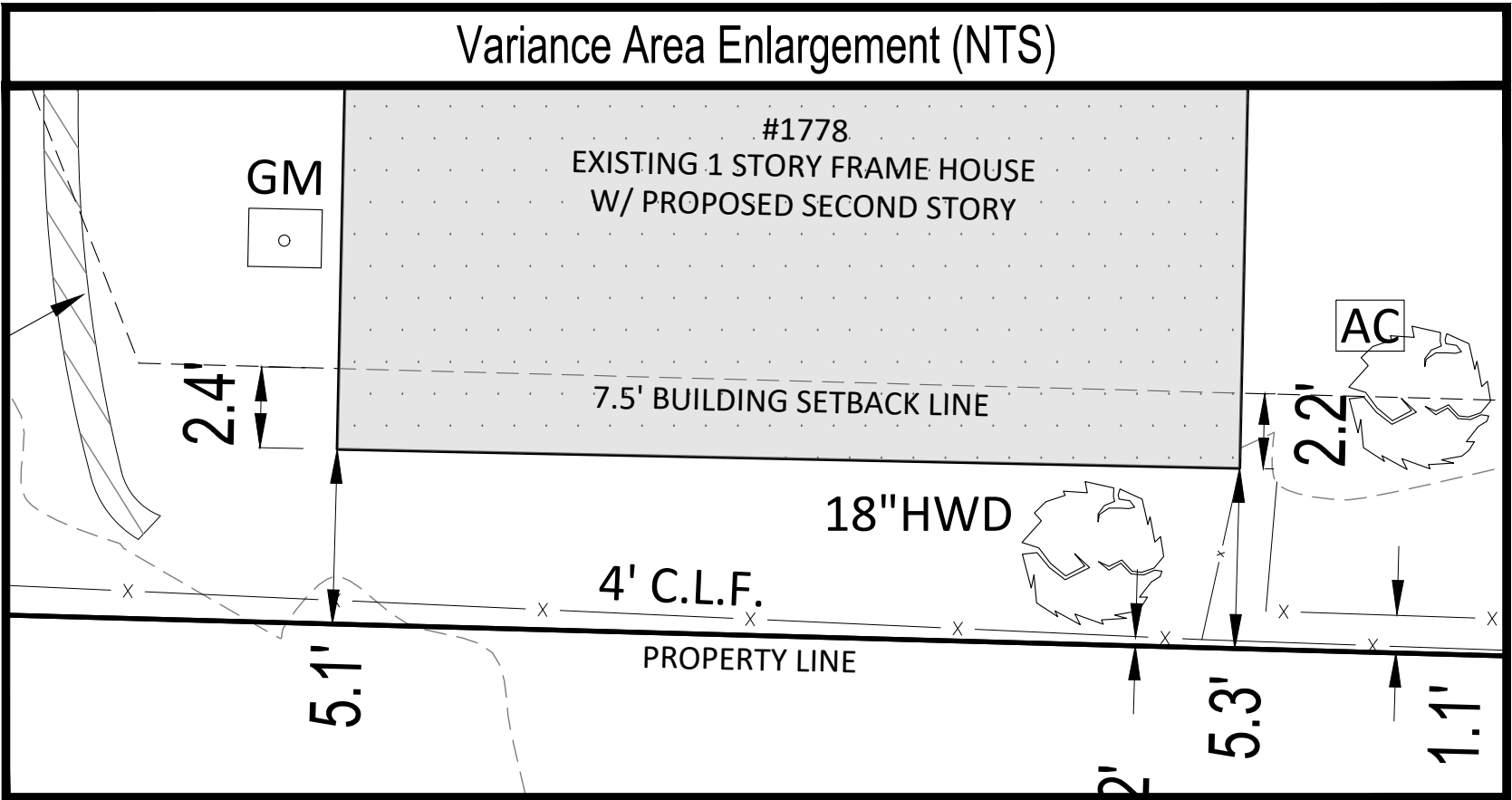
OWNER/DEVELOPER:  
S D & C, Inc  
809 Park North Blvd  
Clarkston, GA 30021 US  
PH: (404)508-2481  
FAX: (404)508-2483

DESIGNER:  
GRANT SHEPHERD & ASSOCIATES, INC.  
735 LONGLEAF BOULEVARD, ST A  
LAWRENCEVILLE, GA 30096  
770-418-9823  
frontdesk@gsasurveying.com

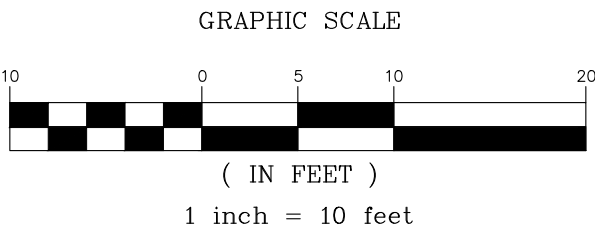
Project Scope

1. PROPOSED VARIANCE TO REDUCE THE SOUTHERN BOUNDARY SIDE SETBACK FROM 7.5' TO 5.1' IN ORDER TO ACCOMMODATE EXPANSION AND RENOVATION TO THE EXISTING STRUCTURE ON THE PROPERTY

Variance Area Enlargement (NTS)



BASIS OF HORIZONTAL DATUM  
GEORGIA STATE PLANES -  
WEST ZONE (NAD83)



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SH Crew No. 1  
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Sheet No. 03 OF 03

VARIANCE PLAN  
FOR S.D. & C., INC

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