

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: INNOCENT NWACHUKWU
Mailing Address: 2550 SANDY PLAINS RD
City/State/Zip Code: MARIETTA GA 30066
Email: imc.construction@gmail.com
Telephone Home: (678) 698-3816 Business: _____

OWNER OF RECORD OF SUBJECT PROPERTY

Owner: DEWALTON GLOBAL ENTERPRISE
Address (Mailing): 3340 CAMERON TRL NORCROSS GA 30092
Email: info@dewaltonglobalinc.com Telephone Home: (770)906-6918 Business: _____

ADDRESS/LOCATION OF SUBJECT PROPERTY

Address: 293 OHM AVE City: AVONDALE ESTATES State: GA Zip: 30002
District(s): 18 Land Lot(s): 009 Block: 26 Parcel: 009
Zoning Classification: R - 75 Commission District & Super District: SCOTTDAL TIER II

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 with any questions.

DEPARTMENT OF PLANNING & SUSTAINABILITY

ZONING BOARD OF APPEALS APPLICATION

AUTHORIZATION OF THE PROPERTY OWNER

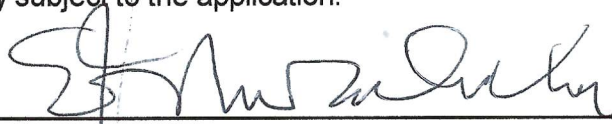
I hereby authorize the staff and members of the Zoning Board of Appeals to inspect the premises of the Subject Property.

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.

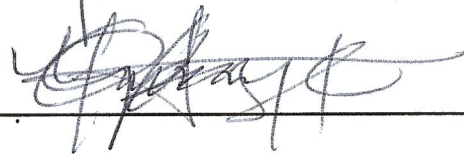
DATE: 3/13/24

Applicant
Signature:



DATE: 03/13/24

Applicant
Signature:



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: 3/13/24

Applicant/Agent Signature: [Signature]

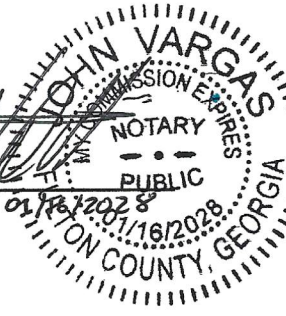
TO WHOM IT MAY CONCERN:

(I)/ (WE): ADELANWA OPADEYI
(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

[Signature]
Owner Signature



Notary Public

Owner Signature

Notary Public

Owner Signature

LETTER OF INTENT

Variance Request for 293 Ohm Ave Avondale Estates Ga

Dear Members of the Zoning Board of Appeals,
Please consider this letter as a petition to Dekalb County Zoning Board for a Variance that pertains to the Reduction the sidewalk

Section 3.36.12 of the DeKalb County Zoning Ordinance, on Sidewalk requirements.

There shall be a public sidewalk constructed along all public street frontages contiguous to all properties within all tiers of the Scottdale Overlay District. New sidewalks shall match the predominant pattern of existing sidewalks on contiguous properties. If there is no existing sidewalk contiguous to the property, sidewalks shall be located a minimum of four (4) feet from the curb. In places where sidewalks are not present, new sidewalks shall be established.

If matching predominant pattern of existing sidewalks on contiguous properties causes the area between the sidewalk and the curb to be less than four (4) feet in width, the street trees shall be planted between the sidewalk and the structure. For properties where there are overhead utility lines, the director of planning or their designee may authorize exceptions to allow for a landscape plan that will not interfere with such utilities. All such conditions will be subject to review and approval by the director of planning or they're designee in addition to the Dekalb County Arborist.

Sidewalk widths

Sidewalks are required to be installed in all Tiers, except for Tier III, pursuant to all land disturbance permits, new building permits or major changes or re-development of non-residential, multi-family residential, mixed use and individual detached single family homes, as defined by chapter 27.

On the subject property, there is a Very healthy Specimen tree that exist on the right side of Property (on Chestnut Street) installation of a full length sidewalk. This actual trees would have to be removed in order to install a full length sidewalk. The Location of this Tree affect the mandatory 5 feet required Landscape Strip. The Tree Size is about 64" and is about 65 years old. It is situated in between where the landscape/ sidewalk are supposed to be positioned. We want to preserve the Tree so we are asking to a reduction in the length

1. The physical condition of this Site- There is a big healthy Tree in the way! 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. This particular tree was not planted by us, the current owner, or the owner from whom we purchased the property.

We didn't create this situation by planting the Specimen tree. It is In the middle of the right of way and is preventing the installation of a full sidewalk. We are not requesting any privilege or convenience in this situation, rather we want to save this Big healthy specimen trees and to do that we need to do and not install a full length sidewalk in this right of way.

We are not in any way opposed to the installation of a sidewalk as a part of building a new single family home in the Scottdale Tier 2 district and would gladly install a sidewalk in this right of way where there is no healthy specimen trees located in the right of way.

2. Minimum Variance- 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.

We are asking for the side walk approval to be reduced to **65 feet in length.**

The requested variance requests that we are waived from the requirement to install a full length 5" sidewalk in order to save this rare beautiful 64" healthy specimen Tree and reduce the side walk length to **65 feet**

3. Public welfare- The idea of installing the sidewalks still promotes connectivity for the neighborhood And like wise tree preservation is very important. 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 granting of this variance will not be detrimental to the neighborhood in any way. In fact, the granting of the variance will be for a very good benefit to the neighborhood as the healthy specimen trees will be saved.

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

Yes, the literal interpretation and strict application of the applicable provisions or requirements of this chapter would cause significant undue and unnecessary hardship to us as the owners and developers as well as the neighborhood as the healthy specimen tree would have to be removed in order to comply with the installation of a sidewalk.

If the variance isn't approved, it would render the lot unbuildable. Not being able to build creates an unnecessary hardship due to the application of this ordinance.

5. Spirit of the law- The requested variance would be consistent with the spirit and purpose of this chapter and the Dekalb County Comprehensive Plan text.

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This part of the city of Scottdale is designated as Traditional Neighborhood land use in the 2050 Dekalb County Comprehensive Master Plan. We are proposing a new single family home which is consistent with the Comprehensive plan Traditional Neighborhood land use. This variance request, if granted to us has no adverse effect on the proposed house plan for the subject property and saves a big healthy specimen tree which is in the best interest of this neighborhood and the environment by retaining this particular tree and not replacing them with concrete thereby enhancing the beauty of the lovely neighborhood.

In conclusion, I appreciate your time and consideration of Our variance request. I am committed to working collaboratively to ensure that Our proposed changes align with the broader goals and policies of Dekalb County and the Scottdale District.

Thank you for your attention to this matter.

FLOOD HAZARD STATEMENT
 I HAVE THIS DATE EXAMINED THE "FHA FLOOD HAZARD MAP" AND FOUND IN MY OPINION REFERENCED PARCEL IS NOT IN AN AREA HAVING SPECIAL FLOOD HAZARDS:
 PANEL 13089C0067K
 EFFECTIVE DATE: 08/15/2019
 ZONE 'X'

DISBURBED AREA
 2949 SF =
 0.068 AC

FOOT IMPERVIOUS (IN SQUARE FEET)

PAVEMENT DW	288
HOUSE	1340
FRONT PORCH	84
DECK	118
TOTAL IMPERVIOUS	1805

IMPERVIOUS = 1805 SF 28.2%

PROPERTY ADDRESS:
 293 OHM AVENUE
 APPROXIMATE ESTIMATE ON SOURCE

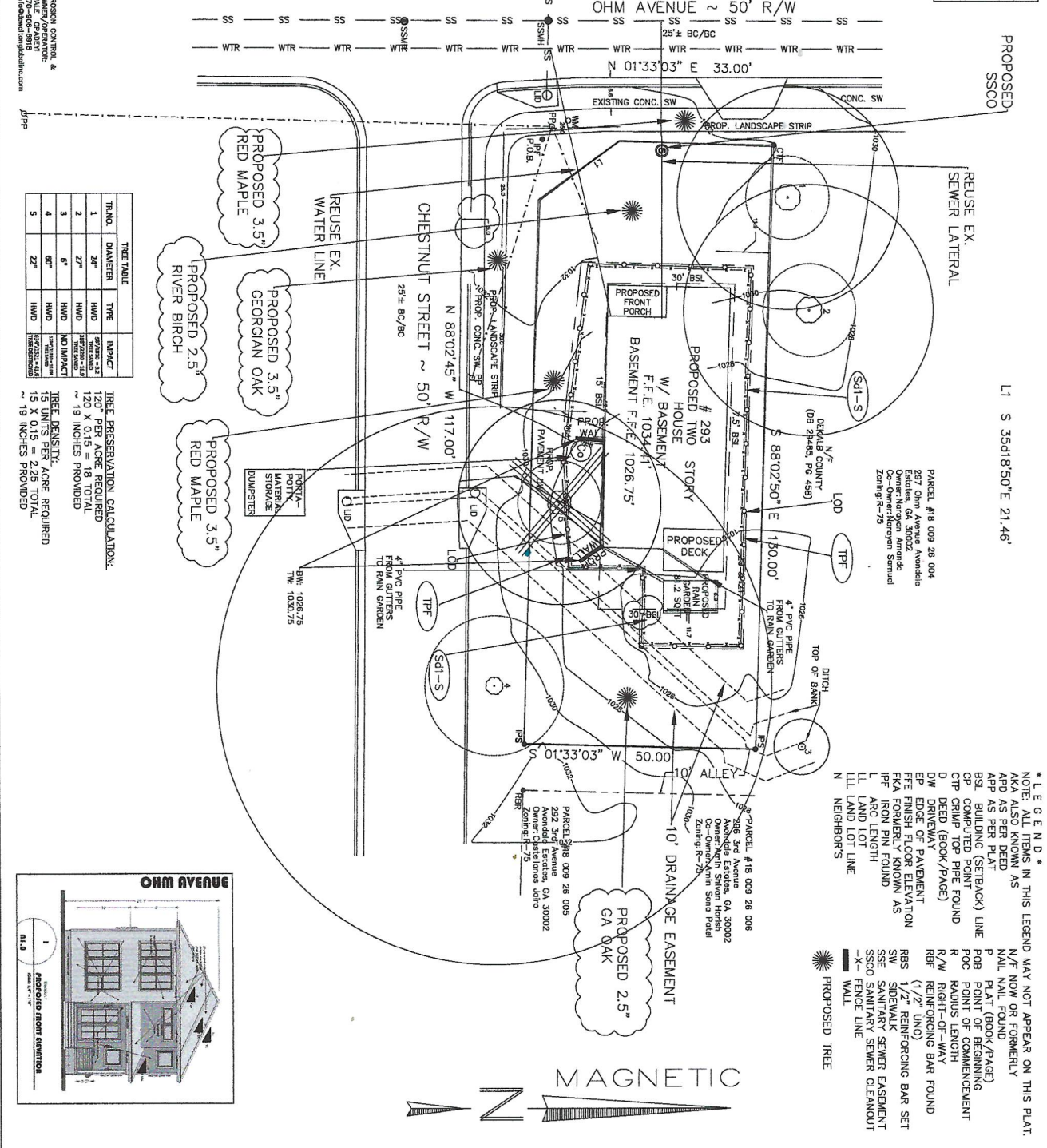
DATE: 08/15/2019

2009-1-19

STREET PLAN (PAGE 1 OF 2) PREPARED FOR:
 293 OHM AVENUE

DESIGNED BY: [Logo]
 CHECKED BY: [Logo]

PERMISSION CONTROL & OPERATOR: [Logo]

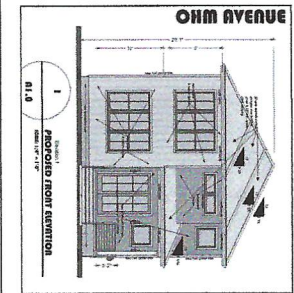


TRIE TABLE

TRNO.	DIAMETER	TYPE	IMPACT
1	24"	HWD	SP/2258-18
2	24"	HWD	SP/2258-18
3	6"	HWD	NO IMPACT
4	6"	HWD	NO IMPACT
5	24"	HWD	SP/2258-18

TREE PRESERVATION CALCULATION:
 120' PER ACRE REQUIRED
 120 X 0.15 = 18 TOTAL
 ~ 19 INCHES PROVIDED

TREE DENSITY:
 15 UNITS PER ACRE REQUIRED
 15 X 0.15 = 2.25 TOTAL
 ~ 19 INCHES PROVIDED



* L E G E N D *

ALL ITEMS IN THIS LEGEND MAY NOT APPEAR ON THIS PLAN.

AKN ALSO PROVIDED AS PER PLAT

APP AS PER PLAT

BSP BUILDING (SETBACK) LINE

CP COMPUTED POINT

CTP CRIMP TOP PIPE FOUND

D DEED (BOOK/PAGE)

DW DRIVEWAY

EP EDGE OF PAVEMENT

FEE FINISH FLOOR ELEVATION

FKA FORMERLY KNOWN AS

LP IRON PIN FOUND

L ARC LENGTH

LL LAND LOT LINE

LLL LAND LOT LINE

N NEIGHBORS'

N/E NOW OR FORMERLY

N/F NOT FOUND

NAIL NAIL FOUND

PLANT (BOOK/PAGE)

POB POINT OF BEGINNING

POC POINT OF COMMENCEMENT

R RADIUS OF CURVE

R/W RIGHT-OF-WAY

REF REINFORCING BAR FOUND

RFB (1/2" UNO)

RBS 1/2" REINFORCING BAR SET

RSW SIDEWALK

SSE SANITARY SEWER EASEMENT

SSC SANITARY SEWER CLEANOUT

-X- FENCE LINE

W WALL

PROPOSED TREE



Return to:
The Fryer Law Firm
70 Lenox Pointe, N.E.
Atlanta, GA 30324
LB

P.I.D. 18-009-26-009

DEED PREPARATION ONLY

LIMITED WARRANTY DEED

STATE OF Georgia
COUNTY OF Fayette

THIS INDENTURE, made this the 8 day of October, two thousand twenty-two, between EE&M, LLC, a Georgia limited liability company, as party or parties of the first part, hereinafter called "Grantor" and Dewalton Global Enterprises, Inc., as party or parties of the second part, hereinafter called "Grantee"; the words "grantor" and "grantee" to include their respective heirs, successors and assigns where the context requires or permits:

WITNESSETH that: Grantor, for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration in hand paid, at and before the sealing and delivery of these presents (the receipt of which is hereby acknowledged), has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell and convey and confirm unto the said Grantee,

All that tract or parcel of land lying and being in Land Lot 10, of the 18th District, Dekalb County, Georgia, being Lot 20 & 21, Ingleside Subdivision, Dekalb County, Georgia Records, which plat is incorporated herein by reference and made a part of this description.

BEGINNING at a point on the Northeast corner of the Second Avenue and Chestnut Street (not open) and running thence North along the East side of Second Avenue a distance of fifty (50) feet; running thence East a distance of (130) one hundred thirty to a ten foot alley; thence South along the West side of said 10 foot alley (50) fifty feet to Chestnut Street (not open); thence West one hundred thirty (130) feet along the North side of Chestnut Street to the point of beginning.

THIS DEED IS MADE SUBJECT TO that certain Security Deed from EE&M, LLC, and Dewalton Global Enterprises, Inc. to Groundfloor Real Estate I, LLC in the principal amount of \$313,640.00, being recorded in Deed Book 29561, Page 296, DeKalb County, Georgia records.

This deed was prepared with no title examination performed.

(Continued on Page 2)