



Lorraine Cochran Johnson

Chief Executive Officer

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

**Wednesday, March 12, 2025**

**Planning Department Staff Analysis**



Cedric Hudson

Interim Director

**D9. Case No: A-25-247371**

**Parcel ID(s): 18 064 02 084**

**Commission District 04 Super District 06**

**Applicant:** **Maksim Saitgazin**  
1957 Regency Cove Ct  
Atlanta GA, 30341

**Owner:** **Maksim Saitgazin**  
1957 Regency Cove Ct  
Atlanta GA, 30341

**Project Name:** **3526 E Ponce De Leon – Carport Enclosure**

**Location:** 3526 E Ponce De Leon Ave, Scottdale, GA, 30079

**Request:** Variance from Section 27-3.36.10 of the DeKalb County Zoning Ordinance to reduce the side-yard setback from **7.5' to 5'** to facilitate the enclosure of a carport of a single-family home in the R-75 (Residential Medium Lot) zoning district.

**Keynote(s):** Property is located in the Scottdale Overlay District – Tier 1.

**Staff Recommendation:** Withdrawal

**STAFF FINDINGS:**

The subject property is a single-family lot within the R-75 zoning district. The applicant is seeking a variance to reduce the required side-yard setback to accommodate the enclosure of an existing carport into a livable space. The property was developed in 1954, predating the current zoning code. Upon further review, staff has determined that the subject property is located within the Scottsdale Tier 1 Overlay District. According to the design standards of the overlay, the applicable side-yard setback for this property is 3' with a min of 10' between buildings. As such that has been provided by the new site plan, it has been determined that a variance is not required for the proposed improvement. The enclosure will not expand the existing footprint and is permissible under the overlay standards.

**Staff Recommendation:** Withdrawal

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: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City/State/Zip Code: \_\_\_\_\_

Email: \_\_\_\_\_

Telephone Home: \_\_\_\_\_ Business: \_\_\_\_\_

#### OWNER OF RECORD OF SUBJECT PROPERTY

Owner: \_\_\_\_\_

Address (Mailing): \_\_\_\_\_

Email: \_\_\_\_\_ Telephone Home: \_\_\_\_\_ Business: \_\_\_\_\_

#### ADDRESS/LOCATION OF SUBJECT PROPERTY

Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

District(s): \_\_\_\_\_ Land Lot(s): \_\_\_\_\_ Block: \_\_\_\_\_ Parcel: \_\_\_\_\_

Zoning Classification: \_\_\_\_\_ Commission District & Super District: \_\_\_\_\_

#### 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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**DEPARTMENT OF PLANNING & SUSTAINABILITY**

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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: \_\_\_\_\_ Applicant \_\_\_\_\_  
Signature: \_\_\_\_\_

DATE: \_\_\_\_\_ Applicant \_\_\_\_\_  
Signature: \_\_\_\_\_

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DEPARTMENT OF PLANNING & SUSTAINABILITY

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**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: \_\_\_\_\_ 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 the above signed agent/applicant.

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

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

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

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

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

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

Subject: Variance Request for Rear Yard Setback Reduction - Section 27-2.2.1 – Enclosure of Carport

Dear Members of the Zoning Board of Appeals,

My name is Maksim Saitgazin, and I am requesting a variance from Section 27-2.2.1 of the DeKalb County Zoning Ordinance. Specifically, I am requesting a reduction of the yard setback requirement from 7'5" feet to 5" feet for my property at 3526 E Ponce De Leon Ave, Scottdale, GA 30079. The purpose of this variance is to enclose carport to create heated floor space. This project will also increase the square footage of housing, thereby contributing to the overall availability of housing in the community.

### **1. Physical Conditions of the Site**

The unique physical conditions of my property present a special case that warrants this variance. The home, built in 1954, predates modern building codes. As a result, complying with the 7'5" foot side yard setback is particularly challenging. These conditions are inherent to the property and not the result of actions taken by me or previous owners.

### **2. Minimum Variance Necessary**

I assure you that this request is for the minimum variance necessary to allow for a reasonable use of my property. I plan to enclose the carport within the existing footprint, which will increase the livable space while preserving the functional aspects of the home. The 5" foot setback will allow for a practical and reasonable enclosure of the carport without seeking any advantages beyond those available to other property owners in the same zoning district. In addition, the enclosure of the carport matches the neighborhood's housing frontage.

### **3. Public Welfare**

The proposed addition will have a positive impact on the neighborhood and community. The reduced setback will not harm public welfare or neighboring properties. In fact, the enclosure of the carport will be a modest and tasteful improvement that enhances my property without imposing negative effects on the surrounding area. I have received a letter of support from my neighbor, Real Gustavo, who owns 3520 and 3530 E Ponce De Leon Ave, Scottdale, GA 30079. He has expressed that he does not feel the proposed addition will intrude on his privacy or disrupt the character of the neighborhood.

### **4. Ordinance Hardship**

A strict interpretation of the zoning laws in this case would create undue hardship. Adhering to the 7'5" foot setback would severely limit my ability to make meaningful improvements to the property. Without this variance, no further development would be feasible. This variance is essential to allow for the reasonable use of my property and prevent unnecessary hardship.

### **5. Alignment with the Spirit of the Law**

I believe my request is in alignment with the spirit of the law as outlined in the DeKalb County Comprehensive Plan. The proposed carport enclosure supports the goals of maintaining traditional suburban land use patterns while fostering increased connectivity and accessibility. In addition, this project increases the total livable area, alleviating housing shortage. Additionally, the project will enhance and blend seamlessly with the surrounding area, positively contributing to the overall quality of the neighborhood.

In conclusion, I appreciate your time and consideration of my variance request. I am committed to working collaboratively with the Zoning

Board to ensure that this project aligns with the broader goals and policies of DeKalb County.

Thank you for your attention to this matter.

Sincerely,  
Maksim Saitgazin



**Real Gustavo**

3520 and 3530 E Ponce De Leon Ave, Scottdale, GA 30079

1/13/2025

**Zoning Board or Planning Commission**

Dear Members of the Zoning Board,

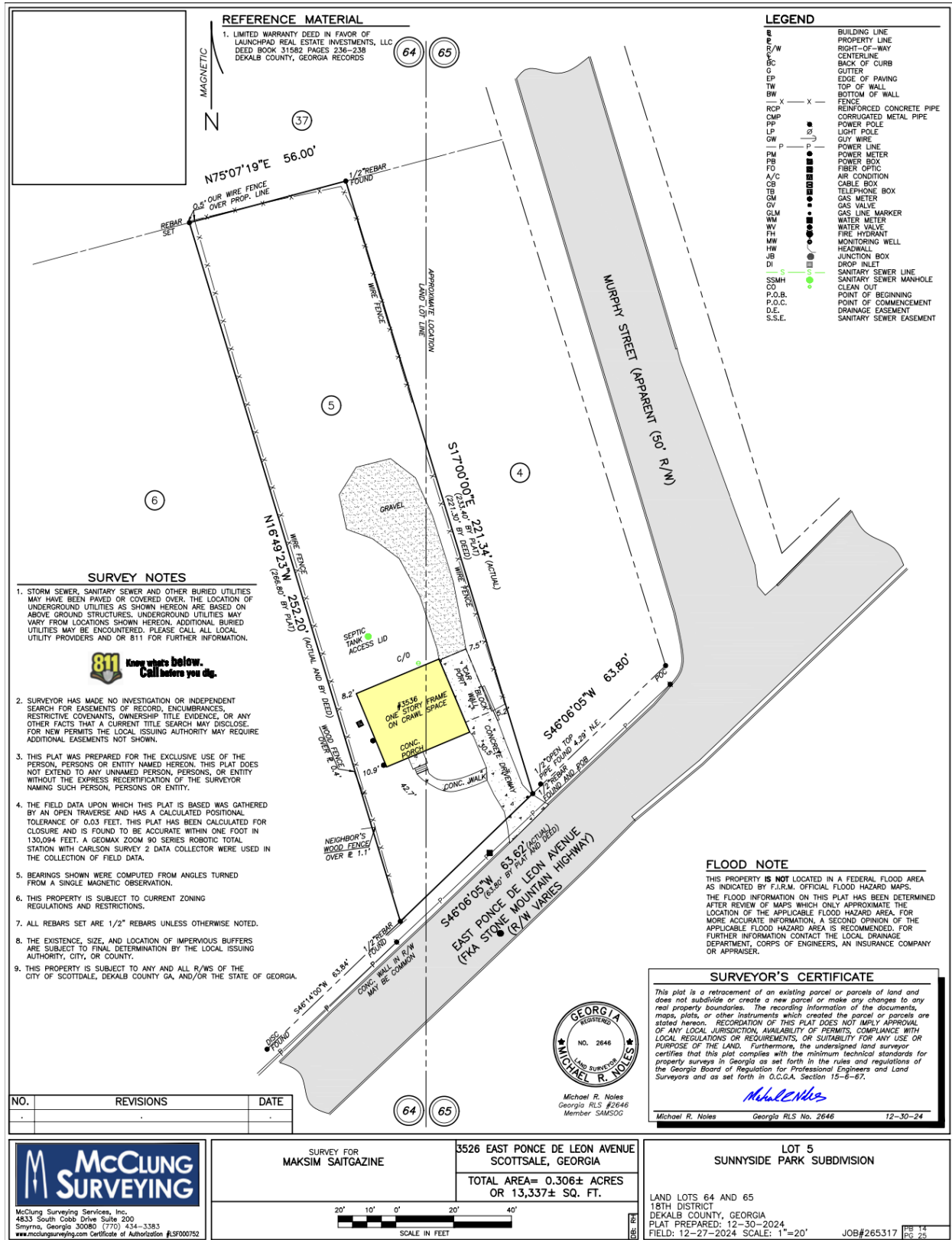
I, Real Gustavo, owner of the properties located at 3520 and 3530 E Ponce De Leon Ave, Scottdale, GA 30079, am writing to express my support for the variance request submitted by my neighbor, Maksim Saitgazin, for the property at 3526 E Ponce De Leon Ave, Scottdale, GA 30079.

I understand that the request involves enclosing the carport, and after discussing the matter with Mr. Saitgazin, I have no objections to the proposed change. I believe that this request will not have a negative impact on my properties or the surrounding neighborhood.

Thank you for considering this letter of support.

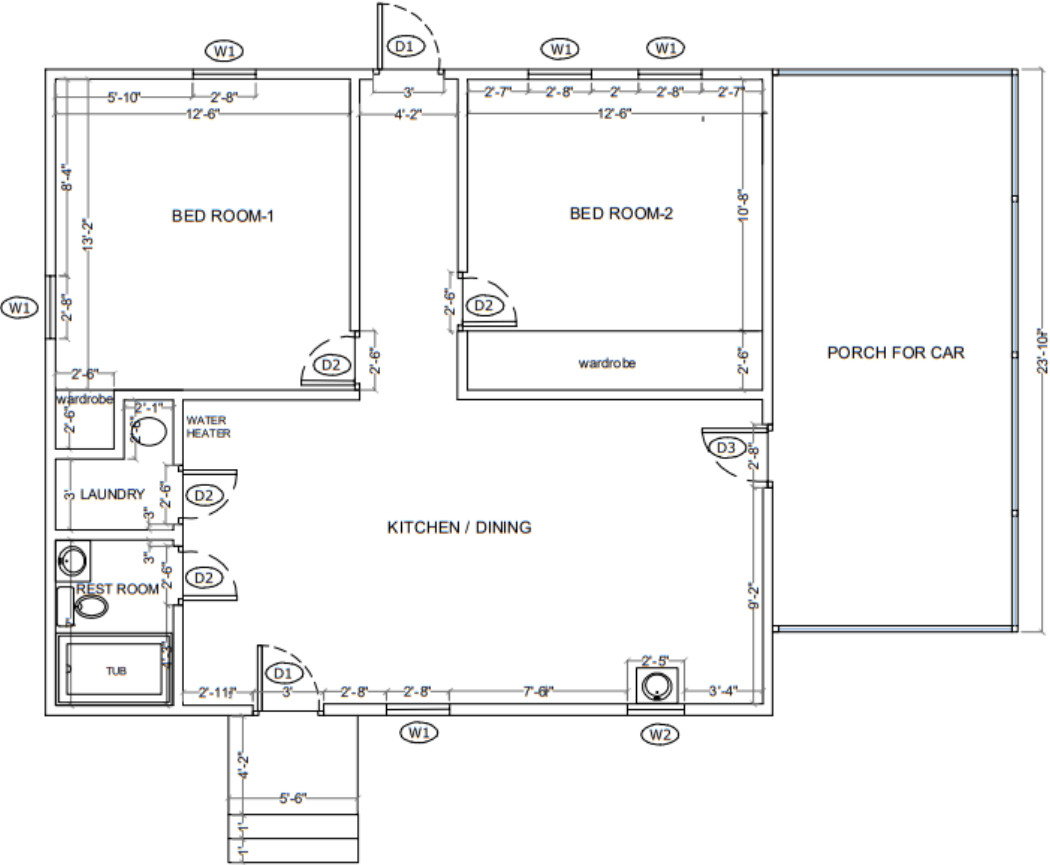
Sincerely,

*Real Gustavo*





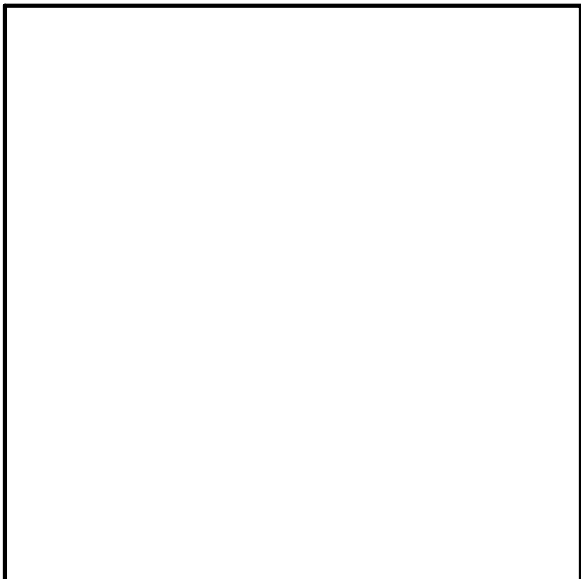
Current layout



This is a detailed floor plan of a 3-bedroom house. The layout includes the following rooms and features:

- BED ROOM-1:** Located at the top left, measuring 12'-6" by 13'-2". It includes a window (W1) and a door (D2).
- BED ROOM-2:** Located at the top right, measuring 12'-6" by 10'-8". It includes a window (W1), a door (D4), and a wardrobe.
- BED ROOM-3:** Located on the right side, measuring 11'-8" by 6'-5". It includes a window (W1), a door (D3), and a wardrobe.
- REST ROOM:** Located in the top right corner, measuring 3'-9" by 2'-1". It includes a toilet, a sink, and a tub.
- LAUNDRY:** Located in the bottom left, measuring 3' by 2'-6". It includes a sink and a door (D2).
- KITCHEN / DINING:** The central area, measuring 7'-6" by 9'-2". It includes a door (D1) and a window (W2).
- WATER HEATER:** Located near the laundry room, measuring 2'-5" by 1'-1".
- Wardrobe:** Located in the bottom left, measuring 2'-5" by 2'-6".
- Windows (W1, W2):** W1 is located on the top and right walls. W2 is located on the bottom wall.
- Doors (D1, D2, D3, D4):** D1 is located on the top wall. D2 is located on the bottom wall. D3 is located on the right wall. D4 is located on the top wall.





REFERENCE MATERIAL

1. LIMITED WARRANTY DEED IN FAVOR OF LAUNCHPAD REAL ESTATE INVESTMENTS, LLC DEED BOOK 31582 PAGES 236-238 DEKALB COUNTY, GEORGIA RECORDS

LEGEND

- B BUILDING LINE
- P PROPERTY LINE
- R/W RIGHT-OF-WAY
- C CENTERLINE
- BC BACK OF CURB
- G GUTTER
- EP EDGE OF PAVING
- TW TOP OF WALL
- BW BOTTOM OF WALL
- X X FENCE
- RCP REINFORCED CONCRETE PIPE
- CMP CORRUGATED METAL PIPE
- PP POWER POLE
- LP LIGHT POLE
- GW GUY WIRE
- P P POWER LINE
- PM POWER METER
- PB POWER BOX
- FO FIBER OPTIC
- A/C AIR CONDITION
- CB CABLE BOX
- TB TELEPHONE BOX
- GM GAS METER
- GV GAS VALVE
- GLM GAS LINE MARKER
- WM WATER METER
- WV WATER VALVE
- FH FIRE HYDRANT
- MW MONITORING WELL
- HW HEADWALL
- JB JUNCTION BOX
- DI DROP INLET
- S S SANITARY SEWER LINE
- SSMH SANITARY SEWER MANHOLE
- CO CLEAN OUT
- P.O.B. POINT OF BEGINNING
- P.O.C. POINT OF COMMENCEMENT
- D.E. DRAINAGE EASEMENT
- S.S.E. SANITARY SEWER EASEMENT

SURVEY NOTES

- STORM SEWER, SANITARY SEWER AND OTHER BURIED UTILITIES MAY HAVE BEEN PAVED OR COVERED OVER. THE LOCATION OF UNDERGROUND UTILITIES AS SHOWN HEREON ARE BASED ON ABOVE GROUND STRUCTURES. UNDERGROUND UTILITIES MAY VARY FROM LOCATIONS SHOWN HEREON. ADDITIONAL BURIED UTILITIES MAY BE ENCOUNTERED. PLEASE CALL ALL LOCAL UTILITY PROVIDERS AND OR 811 FOR FURTHER INFORMATION.
- SURVEYOR HAS MADE NO INVESTIGATION OR INDEPENDENT SEARCH FOR EASEMENTS OF RECORD, ENCUMBRANCES, RESTRICTIVE COVENANTS, OWNERSHIP TITLE EVIDENCE, OR ANY OTHER FACTS THAT A CURRENT TITLE SEARCH MAY DISCLOSE. FOR NEW PERMITS THE LOCAL ISSUING AUTHORITY MAY REQUIRE ADDITIONAL EASEMENTS NOT SHOWN.
- THIS PLAT WAS PREPARED FOR THE EXCLUSIVE USE OF THE PERSON, PERSONS OR ENTITY NAMED HEREON. THIS PLAT DOES NOT EXTEND TO ANY UNNAMED PERSON, PERSONS, OR ENTITY WITHOUT THE EXPRESS RECERTIFICATION OF THE SURVEYOR NAMING SUCH PERSON, PERSONS OR ENTITY.
- THE FIELD DATA UPON WHICH THIS PLAT IS BASED WAS GATHERED BY AN OPEN TRAVERSE AND HAS A CALCULATED POSITIONAL TOLERANCE OF 0.03 FEET. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 130,094 FEET. A GEOMAX ZOOM 90 SERIES ROBOTIC TOTAL STATION WITH CARLSON SURVEY 2 DATA COLLECTOR WERE USED IN THE COLLECTION OF FIELD DATA.
- BEARINGS SHOWN WERE COMPUTED FROM ANGLES TURNED FROM A SINGLE MAGNETIC OBSERVATION.
- THIS PROPERTY IS SUBJECT TO CURRENT ZONING REGULATIONS AND RESTRICTIONS.
- ALL REBARS SET ARE 1/2" REBARS UNLESS OTHERWISE NOTED.
- THE EXISTENCE, SIZE, AND LOCATION OF IMPERVIOUS BUFFERS ARE SUBJECT TO FINAL DETERMINATION BY THE LOCAL ISSUING AUTHORITY, CITY, OR COUNTY.
- THIS PROPERTY IS SUBJECT TO ANY AND ALL R/WS OF THE CITY OF SCOTSDALE, DEKALB COUNTY GA, AND/OR THE STATE OF GEORGIA.



| NO. | REVISIONS | DATE |
|-----|-----------|------|
| .   | .         | .    |



McClung Surveying Services, Inc.  
4833 South Cobb Drive Suite 200  
Smyrna, Georgia 30080 (770) 434-3383  
www.mcclungsurveying.com Certificate of Authorization #LSF000752

SURVEY FOR  
MAKSIM SAITGAZINE

3526 EAST PONCE DE LEON AVENUE  
SCOTSDALE, GEORGIA

TOTAL AREA= 0.306± ACRES  
OR 13,337± SQ. FT.



SCALE IN FEET



Michael R. Noles  
Georgia RLS #2646  
Member SAMSOG

FLOOD NOTE

THIS PROPERTY IS NOT LOCATED IN A FEDERAL FLOOD AREA AS INDICATED BY F.I.R.M. OFFICIAL FLOOD HAZARD MAPS. THE FLOOD INFORMATION ON THIS PLAT HAS BEEN DETERMINED AFTER REVIEW OF MAPS WHICH ONLY APPROXIMATE THE LOCATION OF THE APPLICABLE FLOOD HAZARD AREA. FOR MORE ACCURATE INFORMATION, A SECOND OPINION OF THE APPLICABLE FLOOD HAZARD AREA IS RECOMMENDED. FOR FURTHER INFORMATION CONTACT THE LOCAL DRAINAGE DEPARTMENT, CORPS OF ENGINEERS, AN INSURANCE COMPANY OR APPRAISER.

SURVEYOR'S CERTIFICATE

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 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 Regulation for Professional Engineers and Land Surveyors and as set forth in O.C.G.A. Section 15-6-67.

Michael R. Noles

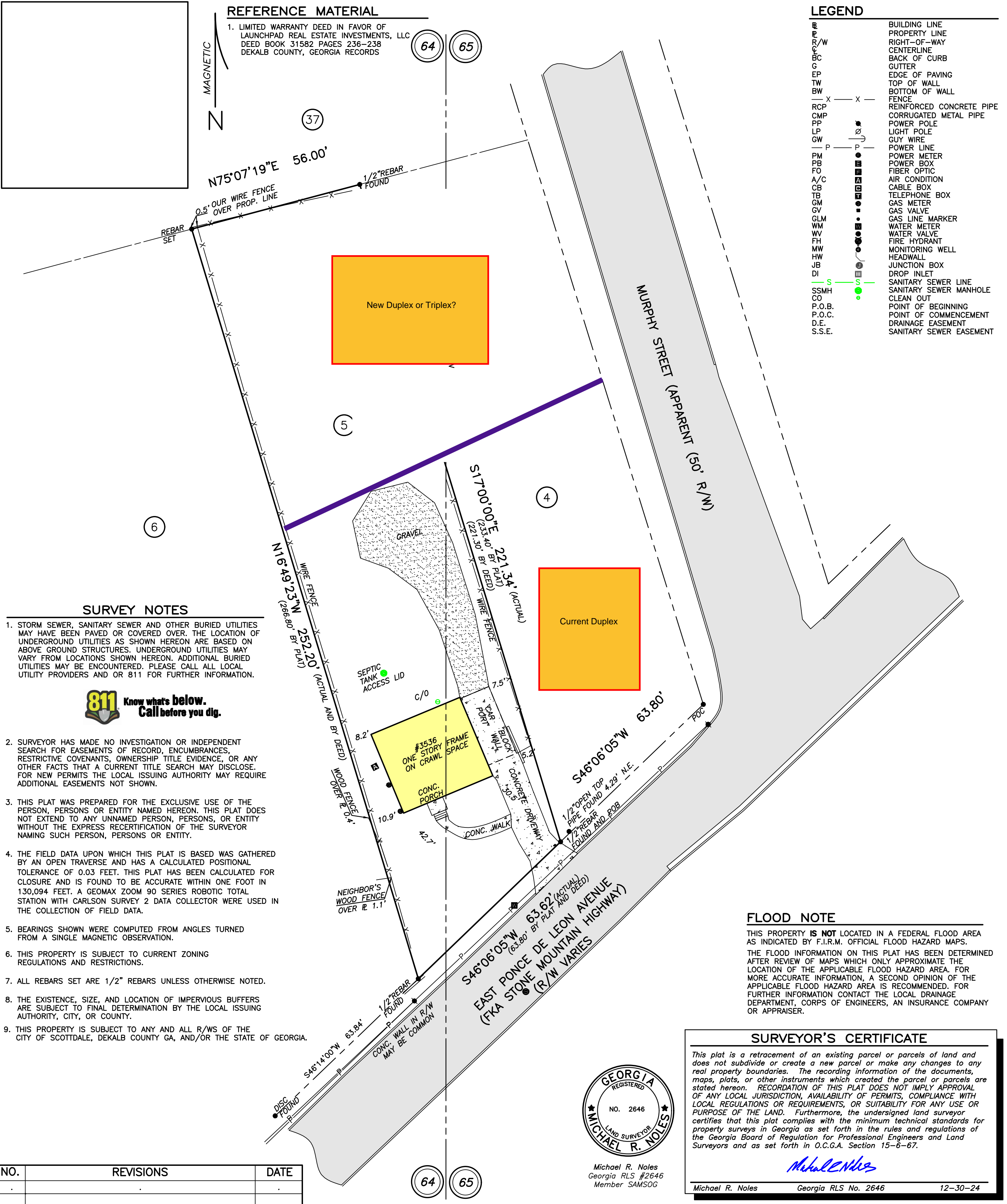
Michael R. Noles Georgia RLS No. 2646 12-30-24

LOT 5  
SUNNYSIDE PARK SUBDIVISION

LAND LOTS 64 AND 65  
18TH DISTRICT  
DEKALB COUNTY, GEORGIA  
PLAT PREPARED: 12-30-2024  
FIELD: 12-27-2024 SCALE: 1"=20'

JOB#265317 PG 25





**From:** John Salinas <[johnsalinas@hotmail.com](mailto:johnsalinas@hotmail.com)>

**Sent:** Tuesday, April 29, 2025 10:46 AM

**To:** Plansustain <[plansustain@dekalbcountyga.gov](mailto:plansustain@dekalbcountyga.gov)>

**Subject:** A25-1247371 Variance for 3526 E Ponce de Keon Scottdale GA

Dear Madam/Sir

There is fraud with this application. It has come to our attention within the past 24 hours that a forged unapproved letter was submitted on behalf of Gustavo Real . I , Gustavo Real have never submitted a letter to your office. The letter submitted was falsified and submitted with an electronic signature with my name without my knowledge or consent. Please contact me at 404-992-9130 or 7702563560. Thank you

Gustavo Real

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