



Lorraine Cochran Johnson

Chief Executive Officer

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

Wednesday, August 13, 2025

Planning Department Staff Analysis



Juliana Njoku

Interim Director

D1. Case No: A-24-247339

Parcel ID(s): 18 122 02 085

Commission District 04 Super District 07

Applicant: **Andre Johnson**
4408 Briers Place
Stone Mountain, GA, 30083

Owner: **Andre Johnson**
4408 Briers Place
Stone Mountain, GA 30083

Project Name: **4408 Briers Place – 2-story ADU and garage**

Location: 4408 Briers Place, Stone Mountain, GA, 30083

Request: Variance from 4.2.2.D to permit the construction of the accessory structure 7 feet instead of 15 feet from the rear property line.

Staff Recommendation: Denial

STAFF FINDINGS:

The applicant seeks a variance from Section 27-4.2.2.D of the DeKalb County Zoning Ordinance to permit a built accessory structure with a rear setback of 7 feet, reduced from the required 15 feet. The structure, initially proposed as a two-story accessory dwelling unit (ADU) above a detached garage, has been redefined as a detached garage intended solely for storage purposes. The applicant proposes to reduce the building height to 19 feet to better align with existing garages in the surrounding neighborhood and keep use solely to storage.

This request follows concerns raised at a previous hearing regarding the proximity of the structure to an adjacent property. Subsequent survey and site plan updates have clarified that the adjoining property owner constructed a deck and hot tub encroaching on the shared property line. The neighbor is actively collaborating with Code Enforcement to resolve this encroachment issue. The revised variance request seeks relief only for the reduced rear setback to accommodate the revised garage design while maintaining compliance with applicable zoning standards.

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 property is a corner lot with a unique rounded shape that limits the usable buildable area, creating practical constraints on accessory structure placement. These physical conditions predate the current ownership and were not created by the applicant. Strict adherence to the 15-foot rear setback requirement would significantly restrict reasonable development options for an accessory garage on this parcel, unlike typical rectangular lots in the district.

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 requested variance is limited solely to reducing the rear setback from 15 feet to 7 feet, representing the minimum relief necessary to allow construction of the detached garage in its current location. The applicant has eliminated all other variance requests and reduced the building height to conform with neighborhood standards, thereby minimizing the scope of deviation from the zoning requirements.

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 reduced rear setback will not be materially detrimental to the public welfare or injurious to neighboring properties. The lowered building height and use of the structure exclusively as a garage for storage limit potential adverse impacts such as overshadowing or privacy intrusion.

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

Strict enforcement of the 15-foot rear setback would impose a hardship in the sense that the applicant may have to de-construct the structure in its entirety. Although physical constraints and adjacent property encroachments limit feasible building locations without relief, the hardship may be self-imposed, as the applicant has constructed the building prior to seeking a permit and there may have been potential to avoid need for a variance.

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

The requested variance supports the spirit and purpose of the zoning ordinance by allowing reasonable accessory development while maintaining appropriate separation between properties. The reduced setback accommodates the site's physical constraints without undermining the intent to preserve neighborhood character and livability.

This request aligns with the DeKalb County Comprehensive Plan's goals to promote compatible residential development and accommodate property owners' needs within established neighborhoods. The variance facilitates responsible use of the property consistent with surrounding development patterns and the plan's land use objectives.

FINAL STAFF ANALYSIS:

The application, as revised, addresses several prior concerns by redefining the structure as a detached garage rather than an accessory dwelling unit, reducing the building height, and limiting the variance request to a single rear setback reduction. The property's unique shape and adjacent encroachments present physical constraints that justify some relief. The applicant has minimized the scope of the variance request, demonstrating it is the minimum necessary to afford relief. The proposed setback reduction is consistent with neighborhood conditions and has minimal material harm to public welfare or adjoining properties. However, the core hardship may be self-imposed, as the applicant has constructed the building prior to seeking a permit and there may have been potential to avoid need for a variance.

Therefore, staff recommends denial of the variance request.

Staff Recommendation: Denial



Development Services Center
178 Sams Street
Decatur, GA 30030
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: Cindra Johnson
Mailing Address: 4408 Briens Place
City/State/Zip Code: Stone Mountain, GA 30083
Email: welhome11c@gmail.com
Telephone Home: 404-707-7894 Business: _____

OWNER OF RECORD OF SUBJECT PROPERTY
Owner: Cindra Johnson
Address (Mailing): 4408 Briens Place Stone Mountain, GA 30083
Email: welhome11c@gmail.com Telephone Home: 404-707-7894 Business: _____

ADDRESS/LOCATION OF SUBJECT PROPERTY
Address: 4408 Briens Place City: Stone Mtn State: GA Zip: 30083
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 with any questions.



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: 11/25/24 Applicant/Agent Signature: [Signature]

TO WHOM IT MAY CONCERN:

(I) (WE): [Signature]
(Name of Owners)

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

[Signature] 11/25/24
Notary Public

N/A
Notary Public

N/A
Notary Public

[Signature]
Owner Signature

N/A
Owner Signature

N/A
Owner Signature





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: 11/25/24

Applicant
Signature:

Andrew John

DATE: N/A

Applicant
Signature:

N/A

Andra Johnson
4408 Briers Place
Stone Mountain, GA 30083
Welhomellc@gmail.com
404-707-7849
11/22/2024

Department of Planning & Sustainable Variance Board
Zoning and Variance Board members
1300 Commerce Drive
Decatur, GA, 30030

Subject: Letter Regarding the Safety, Storage, and Security Benefits of Our New Garage Addition

Dear Department of Planning & Sustainable Variance Board,

I am writing to inform you of the recent addition of a new garage to our property and to highlight the multiple benefits it brings not only to our household but also to the surrounding neighborhood. This new structure is designed to enhance safety, provide valuable storage space, and reduce the risk of property crimes such as break-ins, robberies and theft. In addition, the arrangements we have made regarding the safe storage and security of my father's assisted living equipment while he is staying with us in our home. The construction of our new garage addition also plays a key role in this process, ensuring that all necessary equipment is stored appropriately and securely.

Specifically, the new garage serves the following important purposes:

1. Increased Safety for Our Property

The addition of a secure, enclosed garage significantly improves the safety of our home. By providing a designated area for parking, we can ensure that our vehicles are kept off the street and away from potential hazards, such as traffic accidents or vandalism. The garage serves as a protective barrier between our home and the exterior, creating an additional layer of security for our family and property.

2. Enhanced Storage Space

In addition to providing security for our vehicles, the garage offers much-needed storage space for tools, equipment, and personal items. This not only helps us keep our home more organized and decluttered but also allows us to store valuable or seasonal items in a secure environment, further reducing the risk of theft or damage. The added storage space will help maintain my father's assisted living equipment, including mobility aids and other medical devices, which will

be safely stored in a designated area, reducing the risk of damage or tripping hazards within our home. This will ensure a tidy and safe environment both inside and outside our home.

3. Reduced Risk of Break-Ins and Theft

One of the primary benefits of the garage is its ability to protect our vehicles and belongings from potential theft or break-ins. With the garage securely locking our vehicles and items away from view, it reduces the temptation for criminals who might otherwise target our property if items were left unattended or visible in the driveway. This addition contributes to the overall safety of our neighborhood by minimizing opportunities for crime in the area. In our neighborhood, vehicles parked on the street and in drive-ways have been targeted by criminals checking doors, breaking into locked cars and going as far as brandishing a weapon and opening fire on a homeowner.

4. Improved Neighborhood Security

The new garage not only benefits our household but also contributes to the overall security of our neighborhood. By investing in this upgrade, we are helping to create a safer environment for everyone. The garage reduces clutter, discourages unauthorized access to our property, and sends a positive signal that our neighborhood is one where residents are proactive in safeguarding their homes and their belongings.

5. County and Government Vehicles

Street parking prevents Dekalb County Sanitation trucks from picking up the trash weekly, unless cars are moved off the street to allow the trucks to maneuver safely without incident around the cul de sac and neighborhood due to the narrow streets. This also allows road space for larger emergency vehicles (ambulance and fire trucks) access for emergency responders.

In summary, this addition has been carefully planned to meet my father's equipment storage and future needs, ensuring that his comfort, safety, and mobility are prioritized. Additionally, this new garage addition is a significant improvement that increases both the safety and security of our property while offering additional storage space. These enhancements will provide long-term benefits not only for us as homeowners but also for the community as a whole by fostering a safer, more organized living environment.

Thank you for your time and consideration. Please feel free to reach out if you have any questions or require additional information about the new garage or its benefits.

Sincerely,

Andra Johnson



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