

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: Big Blue Sky Landscaping  
Mailing Address: 1540 Van Epps St SE  
City/State/Zip Code: Atlanta, GA 30316  
Email: jeffrey@bigblueskylandscaping.com  
Telephone Home: \_\_\_\_\_ Business: 404.561.3456

#### OWNER OF RECORD OF SUBJECT PROPERTY

Owner: John Donahue & Courtney Donahue  
Address (Mailing): 1796 Ridgewood Drive NE  
Email: john.m.donahue@gmail.com Telephone Home: +1 (213) 447-8227 Business: \_\_\_\_\_

#### ADDRESS/LOCATION OF SUBJECT PROPERTY

Address: 1796 Ridgewood Drive NE City: Atlanta State: GA Zip: 30307  
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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### PRE-APPLICATION FORM ZONING BOARD OF APPEALS

#### **Applicant**

Applicant Name: \_\_\_\_\_ Phone: \_\_\_\_\_ Email: \_\_\_\_\_

#### **Meeting Information**

Date/Time: \_\_\_\_\_ Planner Name: \_\_\_\_\_

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

#### **Subject Property**

Property Address: \_\_\_\_\_

Comm. District(s): \_\_\_\_\_ Tax Parcel ID: \_\_\_\_\_

Zoning: \_\_\_\_\_ Land Use: \_\_\_\_\_ Overlay: \_\_\_\_\_

Existing Use: \_\_\_\_\_ Supplemental Regs: \_\_\_\_\_

#### **Proposed Project**

Code sections and Amounts seeking a variance from:

Case context and intended project:

## ***Ordinance Criteria for Variance Hardships***

*Derived from the ordinance and translated into Layman's Terms*

*(Chapter 27 Section 7.5.2)*

### **1. Physical Conditions of the site – *What did mother nature do?***

Address the specific issues of the ***physical condition*** of the property that make it a special case. This could be its narrowness, shallowness, unique shape, or other physical features such as floodplains, trees, or a steep slope. These conditions should be the result of natural order, not created by you or a prior owner.

### **2. Minimum Variance Necessary – *Are you asking for just the right amount?***

Demonstrate that your request is only for the ***minimum necessary*** to make your property usable and does not provide any special advantages that aren't available to other property owners in your zoning district.

### **3. Public Welfare – *Does this harm or benefit your neighbors?***

Discuss the ***potential impact*** of your proposed changes on your neighborhood and community. Show that the variance you're seeking won't harm public welfare, neighboring properties, or any improvements in the same zoning district.

### **4. Ordinance Hardship – *Does the ordinance prevent your project?***

Detail how a ***strict interpretation of the zoning laws*** would cause undue hardship for you. This could be in terms of impracticality or inability to use your property effectively. Think of this as, ***“if denied, what would happen?”***

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

Demonstrate how your variance request aligns with the overall purpose of the zoning laws and the DeKalb County Comprehensive Plan. Show that your proposal does not undermine these broader goals and policies, but rather seeks a reasonable adaptation to them. Ask your assigned planner for text regarding the parcel's assigned land use.

## THE ZBA PROCESS – “The Four Bus Stops”

### The Application Itself

- Application requirements
  - Application
    - Owner Authorization
    - Property Access Form
    - Application Authorization
  - Letter of Intent (LOI)
    - See Page 4, *Preparing your Letter of Intent*
  - Site Plan
    - Georgia-registered engineer/surveyor validation stamp
    - Property lines and dimensions; To-Scale
    - Locations of existing and proposed structures
    - Landmark features including trees and fences
    - Lot area and coverage breakdown
    - Legal description required if not within a platted subdivision
  - Other relevant materials (Photographs, Letters of Support, Citations, etc.)
- Things to know
  - Your application will be publicly available
  - Your application is what represents your case – Ensure your case is well represented! The onus is yours.
  - Staff maintains a “case file” of your application – You are welcome to continue adding documents to your case file by emailing staff. This case file will be forwarded to the ZBA ahead of the hearing

### Public Notice Requirements

- The State of Georgia requires a minimum 30-day public notice in the form of an on-property sign posting & legal ad displayed in a geographically relevant newspaper.
  - Newspaper Legal Ad/Online Posting
    - This is handled on planning staff’s end.
    - You may view all applications and the agenda here:
      - [Public Hearings Agendas & Minutes | DeKalb County GA](#)
  - Sign Posting
    - Planning staff will email you ahead of time with a PDF file of the sign itself and instructions on ordering & posting. (See page X)
    - Failure to post the sign the time will result in a 60-day deferral of the case.

### Staff Report & Agenda

- Planning staff will prepare a **staff report** ahead of the meeting in which they evaluate your case against ordinance criteria for variance hardships. This report will include a staff recommendation for ZBA’s action. (Approve, deny, defer, etc.)
  - Hot-tip: Staff’s recommendation isn’t based on how we feel, it is based on the variance hardship criteria from the previous page. Essentially, we are representing the ordinance itself. ZBA can still vote anyway they’d like as they are a board appointed by elected officials.
- Staff will email this report along with the **agenda for the ZBA Meeting** when the report is prepared, typically the week before the meeting.

**The Zoning Board of Appeals (ZBA) Meeting**

- The Zoning Board of Appeals (ZBA) is a quasi-judicial board of seven members appointed by the Board of Commissioners who meet once a month to determine actions on variance requests and appeals.
- When your case is called by the Chairperson:
  - The assigned **planner will present case context and the staff report** along with the staff recommendation. Typically this portion is quick – Five minutes at most.
  - Community is given opportunity to **state their oppositions and support**.
    - Chairperson grants five minutes *collectively* to each side.
  - ZBA will have guided **open discussion** in which **they will ask you questions**.
    - This means **you or a representative are required to attend the meeting**.
    - It is important to be prepared to answer any questions.
    - Staff recommends to best be prepared for any questions It is their job to “poke holes” at your proposal in conjunction with the five hardship criteria.
  - ZBA will then make a motion for an action regarding your case. (Approval, denial, defer, etc.)

## YOUR VARIANCE TIMELINE

Application Deadline: \_\_\_\_\_

Sign Posting Deadline: \_\_\_\_\_

ZBA Meeting: \_\_\_\_\_

## APPLICATION SUBMITTAL INSTRUCTIONS

- 1. Compile all completed materials into a single PDF file, preferably in the following order.**
  - a. ZBA Public Hearing Application
  - b. Owner Authorization
  - c. Property Access Form
  - d. Application Authorization (If Applicable)
  - e. Letter of Intent
  - f. Site Plan
  - g. Other relevant materials (Photographs, Letters of Support, Citation, etc.)
- 2. Head over to <https://epermits.dekalbcountyga.gov/> to create/update your account.**
  - a. Head to the above link and create/update your account
  - b. Start a “ZBA-Variance” application and follow instructions to fill in the prompted fields and submit your PDF file.
  - c. If done correctly, you should see your application number (**1247XXX**). This number is your case! You will need this for the next step.
  - d. You will be notified to pay the \$300 ZBA application fee.
- 3. Email [LJCarter@DeKalbCountyGA.gov](mailto:LJCarter@DeKalbCountyGA.gov) your application number (**1247XXX**) and application package/contents**
  - a. This alerts staff that you’ve submitted your application and acts as a failsafe should there be technical errors. Failure to do so may result in a deferral.

## PREPARING YOUR LETTER OF INTENT

Your Letter of Intent (LOI) serves a crucial role when seeking a zoning variance. It's your opportunity to clearly communicate your unique circumstances, address the specific zoning requirements of DeKalb County, and demonstrate how your proposal aligns with the broader goals of the community.

### Formatting your letter

- Intro – Setting context
  - *Kindly* introduce yourself to the Zoning Board of Appeals (ZBA)
  - Start by addressing the specific code and amount you're seeking a variance for
  - Describe the entire scope of work for your intended project and where the variance applies
  - Brownie Points – Things that may not fall under the hardship criteria
- Body – Addressing the hardship criteria
  - Address the five variance criteria (Page 2) individually, 1-2 paragraphs each
  - This is why we walked through them together!
    - Physical Conditions
    - Minimum Necessary
    - Public Welfare
    - Ordinance Hardship
    - Alignment with Spirit of the Law
- Conclusion
  - Summarize your request and thank the ZBA for their time and consideration

### Pro Tips

- Consider your audience! Keep it simple, but not too simple.
- Respect the process; Don't bite the hands that feed you.
- Cost & time of your project is not a hardship. Mentioning cost may even hurt your case.
- If using AI software, ensure that all information is correct as AI can "hallucinate"
- Reach out to a planner if you're unsure of anything
- Ensure your application represents your case to the best of your ability

*Variances aren't granted, they're earned.*

## **Example Letter of Intent**

Subject: Variance Request for Rear Yard Setback Reduction - Section 27-2.2.1 – Accessory Structure Construction

Dear Members of the Zoning Board of Appeals,

My name is Grover, and I am writing to formally request a variance from Section 27-2.2.1 of the DeKalb County Zoning Ordinance. My request pertains to the reduction of the rear yard setback requirement from 40 feet to 30 feet for my property located at 124 Sesame Street. The purpose of this variance is to facilitate the construction of an accessory dwelling unit, aptly named, “The Bird’s Nest.” The intended resident requires specific dimensions for his living quarters.

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

The unique physical conditions of my property constitute a special case necessitating this variance. The parcel is characterized by a narrow and irregular shape, making compliance with the 40-foot rear yard setback particularly challenging. Additionally, the presence of specimen trees, a natural feature of the land, further restricts the feasible location for constructing the accessory structure. These conditions are inherent and not a result of any actions taken by me or previous property owners.

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

I assure you that my request is solely for the minimum variance necessary to render my property usable, the Bird’s Nest must be constructed to a specific parameter and size to accommodate the resident that will be residing there. The 30-foot setback is essential for the practical and reasonable placement of the Bird's Nest, ensuring that I can enjoy full use of my property without seeking advantages beyond those available to other property owners in the same district.

### **3. Public Welfare:**

The proposed addition will provide a positive impact on the neighborhood and community. I have received a letter of support from my neighbor, Oscar, who resides at 125 Sesame Street and does not feel the addition would intrude on his privacy nor create additional noise or traffic in the area. The reduced setback will not pose any harm to public welfare, neighboring properties, or the overall improvements in the R-75 zoning district. The Bird's Nest will be a modest and tasteful addition, enhancing the property without imposing adverse effects on the surrounding area.

### **4. Ordinance Hardship:**

A strict interpretation of the zoning laws, in this case, would cause undue hardship for me. The impracticality of adhering strictly to the 40-foot setback would limit my ability to use the property effectively. The variance is, therefore, essential to prevent unnecessary hardship and allow for a reasonable use of my land.

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

I firmly believe that my variance request aligns with the intent of the Suburban Character Area, as outlined in the DeKalb County Comprehensive Plan. The proposed construction of the Bird's Nest is in line with the goals of recognizing traditional suburban land use patterns while encouraging increased connectivity and accessibility. The development aims to enhance community connectivity, preserve and improve existing greenspace, and align with the proposed density of up to 8 dwelling units per acre for areas of this type.

In conclusion, I appreciate your time and consideration of my variance request. I am committed to working collaboratively to ensure that my proposed changes align with the broader goals and policies of DeKalb County. Thank you for your attention to this matter.

Sincerely,

**Grover**



***Variance Criteria***

***In ordinance terms  
(Chapter 27 Section 7.5.2)***

1. By reason of exceptional narrowness, shallowness, or shape of a specific lot, or by reason of exceptional topographic and other site conditions (such as, but not limited to, floodplain, major stand of trees, steep slope), which were not created by the owner or applicant, 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.
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.

***Planner's Notes***

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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: 07/23/2025      Applicant John Donahue  
Signature: \_\_\_\_\_

DATE: 07/23/2025      Applicant Courtney Hatch Donahue  
Signature: \_\_\_\_\_

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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: 7/23 Applicant/Agent Signature: 


TO WHOM IT MAY CONCERN:

(I)/ (WE): John Donahue & Courtney Donahue  
(Name of Owners)

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

  
Notary Public

John Donahue  
Owner Signature

  
Notary Public

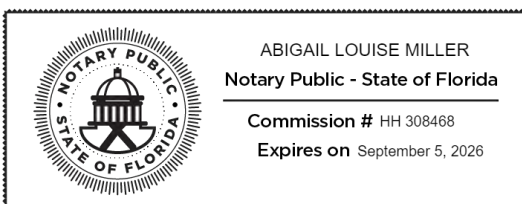
Courtney Hatch Donahue  
Owner Signature

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

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

07/23/2025

STATE OF FLORIDA, COUNTY OF BROWARD



Notarized remotely online using communication technology via Proof.

## 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 [ljcarter@dekalbcountyga.gov](mailto:ljcarter@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).

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- 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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- 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.

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**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.

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DEPARTMENT OF PLANNING & SUSTAINABILITY

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12. **Zoning Board of Appeals Actions.** The Board of Appeals is authorized to:
- Approve the application as submitted;
  - Approve a revised application;
  - Approve an application with conditions;
  - Deny an application (if an application is denied, no variance can be considered on the same site within 24 months);
  - 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.

John & Courtney Donahue  
1796 Ridgewood Drive NE  
Atlanta, GA 30307

July 23, 2025

**Subject:** Request for Lot Coverage Variance - Section 27-2.2.1 - Retaining Wall Construction

Dear Members of the Zoning Board of Appeals,

I am writing to respectfully request a variance from the lot coverage requirements under Section 27-2.2.1 of the DeKalb County Zoning Ordinance for my property at 1796 Ridgewood Drive NE, located in the Druid Hills Historic District. The property is zoned R-75 (Single-Family Residential) and is subject to a maximum impervious surface coverage of 35%. A recent survey revealed that the existing lot coverage is 38.5%, exceeding the limit due to renovations completed by the previous owner prior to our purchase in June 2024. Our proposed project, which includes the construction of a retaining wall and perimeter fence, would increase the lot coverage by an additional 170 square feet, or 1.5%, resulting in a total of 40%. This variance is necessary to address significant erosion and stormwater management issues while preserving the historic character and usability of the property.

My family acquired this property in July 2024, unaware of the pre-existing impervious surface exceedance. In December 2024, we engaged Big Blue Sky Landscaping to design solutions for severe soil erosion in the backyard and to install a perimeter fence for privacy and pet containment. The property was previously subdivided, and adjacent development created a substantial grade differential along the southern property line, worsened by stormwater runoff. The proposed retaining wall along this line is essential to stabilize the slope, prevent further erosion, and mitigate impacts on the neighboring property and adjacent public park. The perimeter fence will enhance safety and privacy without altering the historic aesthetic.

Our plan was approved by the Historic Preservation Commission on May 19, 2025 (Case #1247565), confirming its compatibility with the Druid Hills Historic District guidelines. However, the zoning department denied the permit due to the lot coverage discrepancy. We are committed to these improvements to enhance the property's functionality and environmental stability.

### **1. Extraordinary or Exceptional Physical Conditions**

The property and neighboring property feature a steep slope that funnels rainwater across the backyard toward the southern property line, resulting in significant erosion and runoff that collects on the neighboring property and the adjacent public park. This natural topography, combined with the grade differential from prior subdivision and development (not created by us or the previous owner in relation to the current exceedance), constitutes an exceptional physical condition. Strict application of the lot coverage limit would deprive us of the ability to mitigate these issues.

## **2. Minimum Variance Necessary**

The requested variance is limited to a 1.5% increase (170 square feet) solely for the top cap of the retaining wall, which is the minimum required to achieve effective erosion control and slope stabilization. This does not exceed what is necessary for relief.

## **3. No Material Detriment to Public Welfare**

Granting the variance will benefit neighboring properties and the public park by properly managing stormwater runoff, reducing erosion, and preventing potential damage to adjacent land and infrastructure. It will not injure surrounding properties or the district, as the improvements enhance environmental protection and maintain the historic neighborhood's integrity.

## **4. Undue and Unnecessary Hardship from Strict Application**

Literal enforcement of the ordinance would prevent us from constructing the retaining wall, leaving the erosion unaddressed. This has already increased the slope's severity, exposed the garage slab, and compromised the usability of our backyard, as well as impacting our neighbor's property. The hardship is undue, as it stems from pre-existing conditions and natural site features, not our actions.

## **5. Consistency with the Spirit and Purpose of the Ordinance and Comprehensive Plan**

Our proposal directly supports these goals by improving drainage, stabilizing the slope to mitigate erosion and runoff, and maintaining the historic integrity of the Druid Hills neighborhood, resulting in a net environmental and functional benefit over existing conditions since our purchase.

We hold a deep appreciation for the unique historic qualities that make Druid Hills special and are committed to being responsible stewards of this community. Approving this variance will allow us to proceed with these essential improvements, ensuring long-term benefits for the property, neighbors, and environment.

Thank you for your consideration of this request.

Sincerely,



John Donahue



Courtney Donahue

**LOT COVERAGE INFORMATION**

**ZONING - R-75 (DEKALB COUNTY)**

Existing Lot Area: 11,176 SF  
Existing Lot Coverage: 38.5%

**EXISTING LOT COVERAGE**

House: 1,332 SF  
Driveway: 1,651 SF  
Front Paver Walk: 376 SF  
Front Porch/Steps: 165 SF  
Rear Porch/Steps: 208 SF  
Frame Garage: 459 SF  
Side Concrete Steps= 14 SF  
Wall(s): 87 SF  
AC Pads: 14 SF

Impervious Total: 4,306 SF

**PROPOSED LOT COVERAGE**

House: 1,332 SF  
Driveway: 1,651 SF  
Front Paver Walk: 376 SF  
Front Porch/Steps: 165 SF  
Rear Porch/Steps: 208 SF  
Frame Garage: 459 SF  
Side Concrete Steps: 14 SF  
Wall(s): 87 SF  
Brick Wall/Fence: 170 SF  
AC Pads: 14 SF

Impervious Total: 4,476 SF

4,476 SF / 11,176 SF = 40 % <--Proposed Lot Coverage

**LN 01 - NOTES & CALCULATIONS**  
**L 01 - SURVEY**  
**L 02 - SITE PLAN**  
**L 03 - DETAILS**  
**L 04 - PHOTOS**

## L 02 - SITE PLAN

## L 04 - PHOTOS

**SCOPE OF WORK**

**INSTALL:**

Erect a new 6' wooden fence along the rear and north property line. Install new gate in fencing along the rear property line. Along south property line build a stepped brick retaining wall with fencing on top. Install 4' picket fencing between garage and house with a gate. Remove 265 SF of existing slate chips.

Erect a new 6' wooden fence along the rear and north property line. Install new gate in fencing along the rear property line. Along south property line build a stepped brick retaining wall with fencing on top. Install 4' picket fencing between garage and house with a gate. Remove 265 SF of existing slate chips.

Site work to be performed by Big Blue Sky Landscaping, INC.  
Scott E. Reinblatt, GSWCC level IA certified personnel  
certification number 0000014062

HPC Case # 1247565 - APPROVED 5/19

24-hr erosion and sediment control contact:  
Scott E. Reinblatt  
scott@bigblueskylandscaping.com  
404-798-4114

**Big Blue Sky Landscaping**  
1273 Metropolitan Ave SE  
Box #160189  
Atlanta, GA 30316

**ISSUE**  
July 24, 2025

#	DATE	DESCRIPTION
1	5/27/25	Original Submittal

LN

01





RESERVED FOR THE SUPERIOR COURT CLERK

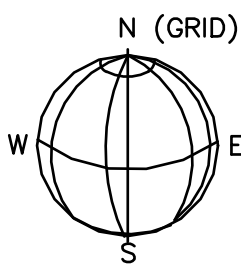
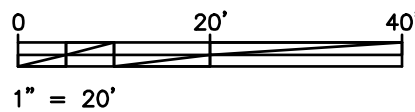
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2. This plat is subject to any restrictions, easements, covenants or restrictions that may exist either written or unwritten.  
3. Underground utilities not shown hereon may exist. The Surveyor does not take responsibility for absence or presence of any such utilities.  
4. No Geodetic monuments were found within 500 feet of this site  
5. This Plat has been prepared for the exclusive use of the person(s) or entities named hereon.

PLAT NOTES:  
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THIS PLAT WAS PREPARED TO SHOW THE APPROXIMATE LOCATION OF THE IMPROVEMENTS AND IS NOT RECORDABLE. FENCES SHOULD NOT BE PLACED USING SIDE DIMENSIONS FROM HOUSE. ALL MATTERS OF TITLE ARE EXEMPTED. THIS PLAT IS SUBJECT TO ALL LEGAL EASEMENTS AND RIGHT-OF-WAY PUBLIC OR PRIVATE.

ZONING NOTE:  
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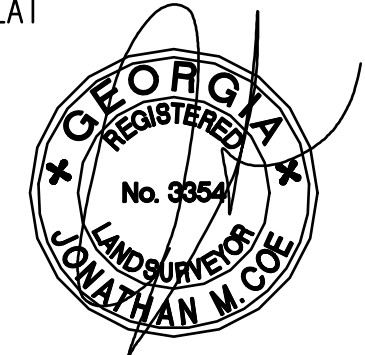
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LEGEND

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EOP EDGE OF PAVEMENT  
CURB BACK OF CURB  
BSL BUILDING SETBACK LINE (PRIMARY)  
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BOLLARD  
OHP OVERHEAD POWER  
UP UNDERGROUND POWER  
GAS UNDERGROUND GAS  
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UT UNDERGROUND TELEPHONE  
UNDERGROUND SEWER  
FH FIRE HYDRANT  
FDC FIRE DEPT. CONNECTION  
CB CATCH BASIN  
DWCB DOUBLE WING CATCH BASIN  
SWCB SINGLE WING CATCH BASIN  
MH MANHOLE  
JB JUNCTION BOX  
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WV WATER VALVE  
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GM GAS METER  
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OAK  
HARDWOOD  
POPLAR  
DOGWOOD

(M) MEASURED  
(D) DEED  
(P) PLAT



PREPARED BY:  
DEKALB SURVEYS, INC.  
407 WEST PONCE DE LEON AVENUE  
SUITE B  
DECATUR, GEORGIA 30030  
404.373.9003

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REFERENCE: DEED BOOK 31517 PG 606  
PLAT BOOK 7 PG 39

FLOOD HAZARD NOTE: THIS PROPERTY IS NOT LOCATED IN A FLOOD HAZARD AREA AS DEFINED BY FIRM MAP OF DEKALB COUNTY, GEORGIA 13089C0062K EFFECTIVE DATE AUGUST 15, 2019

SURVEY DATA:

TYPE OF SURVEY: RETRACEMENT  
SOURCE OF TITLE DESCRIPTION FOR SUBJECT PROPERTY: DB 31517 PG 606  
PROPERTY OWNER AT TIME OF SURVEY: JOHN DONAHUE & COURTNEY DONAHUE  
PARCEL NUMBER: 18-004-18-014

THE HORIZONTAL DATUM IS THE NORTH AMERICAN DATUM OF 1983 READJUSTED IN 2011 (NAD83(2011)). THE VERTICAL DATUM IS THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88)  
THE SOURCE OF VERTICAL DATUM IS THE TRIMBLE CORRS NETWORK

TOTAL AREA: 11,176 SQ FT, 0.257 AC  
CALCULATED PLAT CLOSURE: 1:90,317

FIELD DATA:

DATE OF FIELD SURVEY 2-19-2025

EQUIPMENT USED:

TRIMBLE S5 ROBOTIC TOTAL STATION  
TRIMBLE R2 GPS RECEIVER

LOT COVERAGE

House: 1,332 SF  
Driveway: 1,651 SF  
Front Paver Walk: 376 SF  
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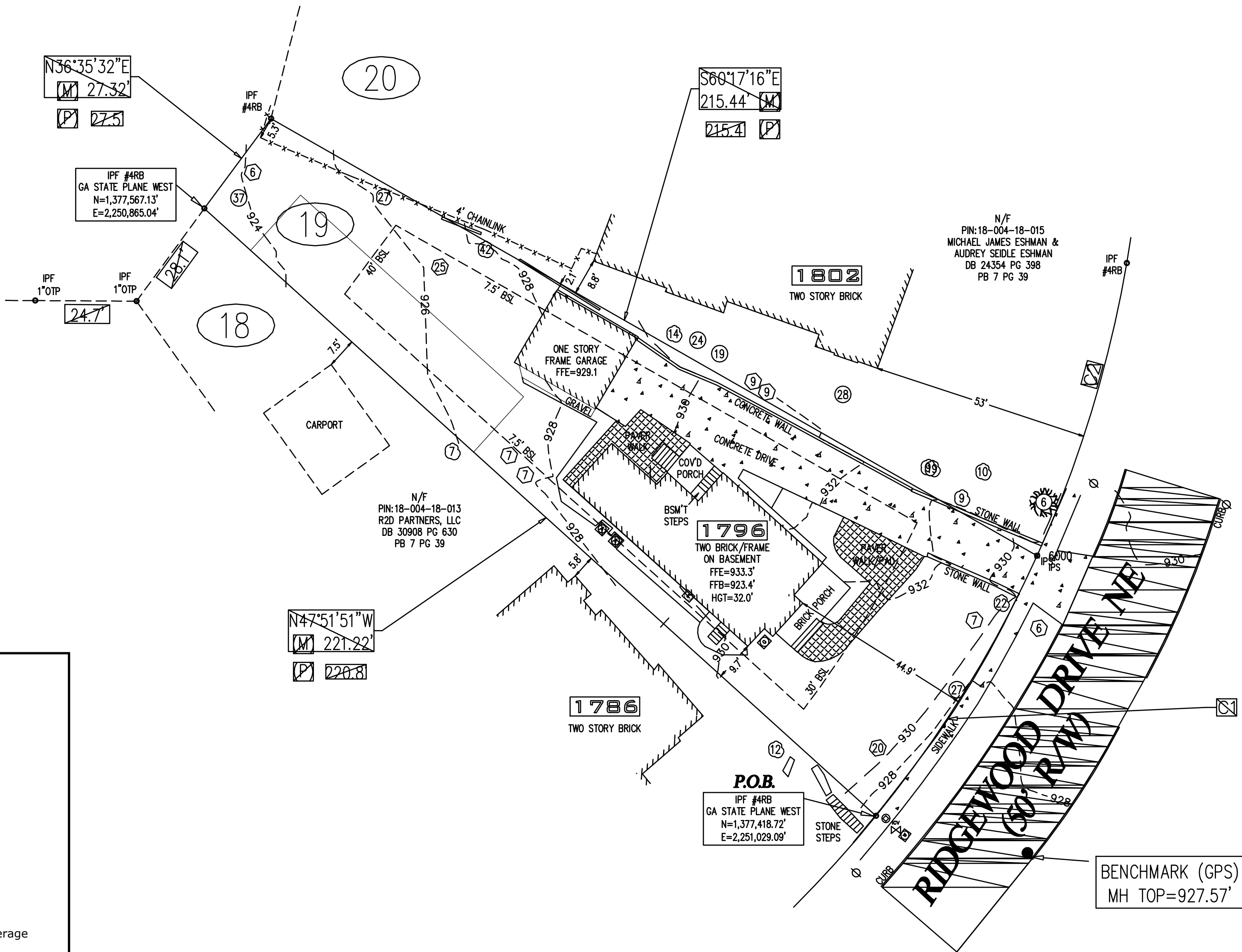
Impervious Total: 4,306 SF  
Lot Area: 11,176 SF

4,593SF / 11,17 SF = 38.5% <-- Lot Coverage

BOUNDARY & TOPOGRAPHIC SURVEY FOR  
JOHN DONAHUE  
LOT 19, BLOCK B, UNIVERSITY PARK SUBDIVISION

1796 RIDGEWOOD DRIVE NE

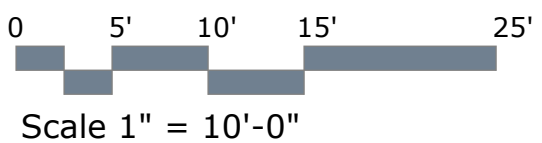
DEKALB COUNTY, GEORGIA  
LAND LOT 4, DIST 18  
DATE: MARCH 4, 2025



Curve Table				
Curve #	Length	Radius	Direction	Chord Length
C1	74.97	291.64	S31°45'27"W	74.76
C2	74.97	291.64	S17°01'47"W	74.76

BUILDING HEIGHT SHOWN IS MEASURED FROM THE MEAN FINISHED GROUND LEVEL AT THE FRONT OF THE BUILDING TO THE HIGHEST POINT OF THE ROOF

RELEASED FOR CONSTRUCTION



BIG BLUE SKY  
LANDSCAPING

Big Blue Sky Landscaping  
1273 Metropolitan Ave SE  
Box # 160189  
Atlanta, GA 30316

CLIENT  
Donahue  
1796 Ridgewood Drive  
Atlanta, GA 30307  
(213) 447-8227

ISSUE  
July 24, 2025

REVISIONS

#	DATE	DESCRIPTION
1	5/2/25	Original Submittal

DESCRIPTION  
Survey

L

01



RESERVED FOR THE SUPERIOR COURT CLERK

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Impervious Total: 4,476 SF

4,476 SF / 11,176 SF = 40% <--Proposed Lot Coverage

BOUNDARY & TOPOGRAPHIC SURVEY FOR  
JOHN DONAHUE  
LOT 19, BLOCK B, UNIVERSITY PARK SUBDIVISION

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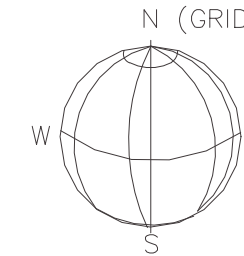
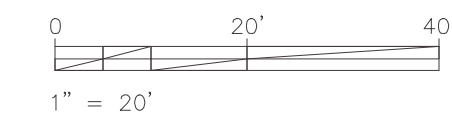
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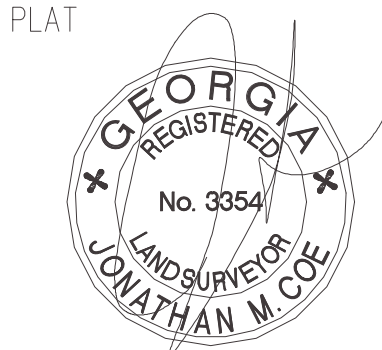
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-UT- UNDERGROUND TELEPHONE  
UNDERGROUND SEWER  
FH FIRE HYDRANT  
FDC FIRE DEPT. CONNECTION  
CB CATCH BASIN  
DWCB DOUBLE WING CATCH BASIN  
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JB JUNCTION BOX  
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(D) DEED  
(P) PLAT
- (X) OAK  
(X) HARDWOOD  
(X) POPLAR  
(X) DOGWOOD



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Pedestrian Gate to park (see L03 for detail)

SD1-HB - BMPs discussed with site inspector during pre-construction meeting

40 SF Impact - 1% of total CRZ

52 SF Impact 1% of total CRZ

All disturbed areas to be sodded with zeon zoysia

6" from PL to face of proposed wall  
Edge of footer to be on PL

Proposed Gate

Proposed fencing on top of wall ends at this point. Brick wall continues 8 LF at a max height of 30" to mitigate soil erosion prominent along this property line

Chain link fence to be removed

Solid Red Line indicates location of brick wall (see L03 for details)  
3' Max height tiered brick wall with 5' tall wooden privacy fence +/- 145 LF

Dashed Red Line indicates location of proposed wooden fencing (see L03 for details) - to be built on PL

TPF (Tree Protection Fencing) installed around SRP. All work in adjacent areas to be performed by hand

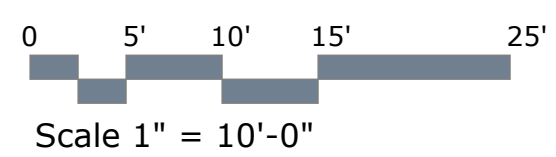
Limits of disturbance

Location of porta-potty

This section of proposed fencing to be standard 4' gapped picket fencing w/ gate (see L04 for picture)

Pedestrian Gate

Driveway to be used as construction entrance. No dumpster to be used on site debris to be removed via dump trailer



BIG BLUE SKY  
LANDSCAPING

Big Blue Sky Landscaping  
1273 Metropolitan Ave SE  
Box #160189  
Atlanta, GA 30316

CLIENT  
Donahue  
1796 Ridgewood Drive  
Atlanta, GA 30307  
(213) 447-8227

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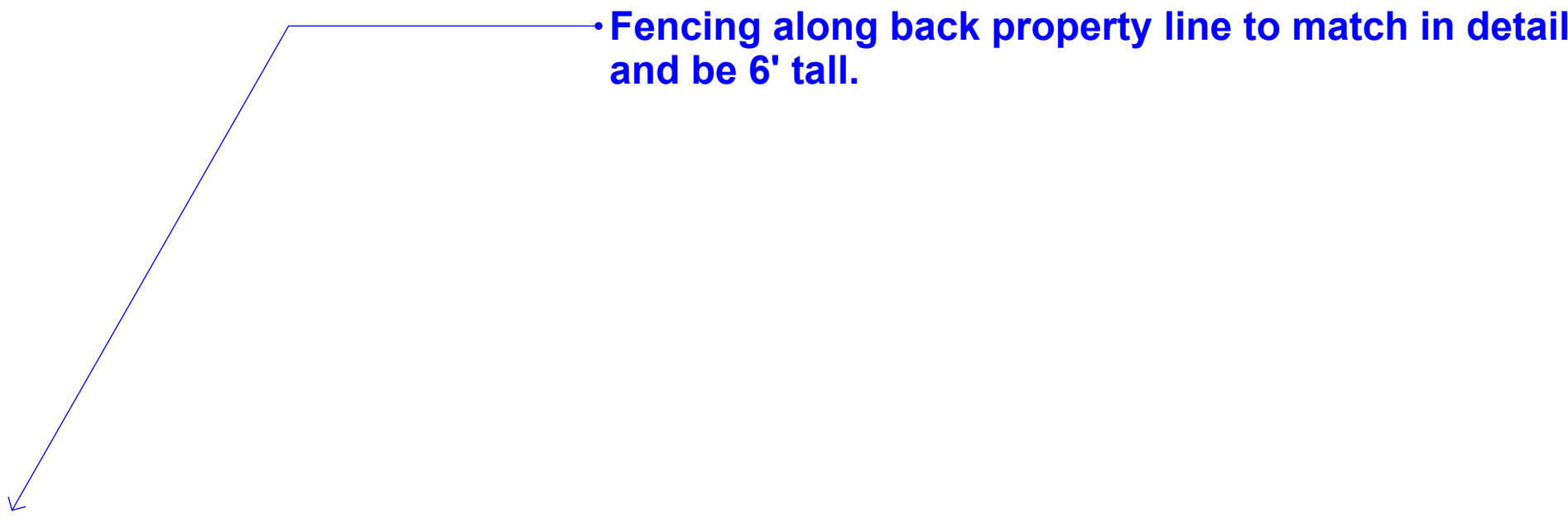
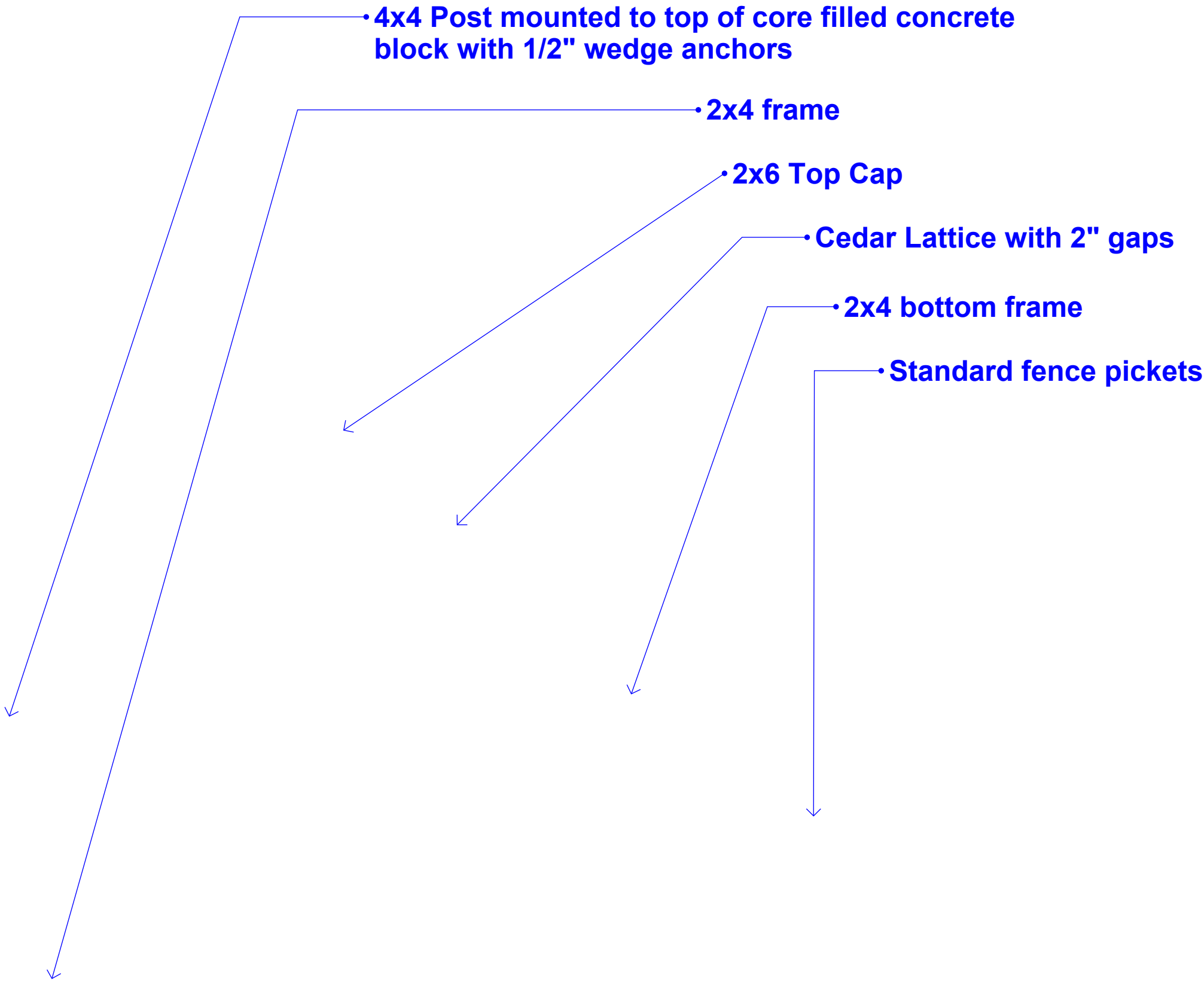
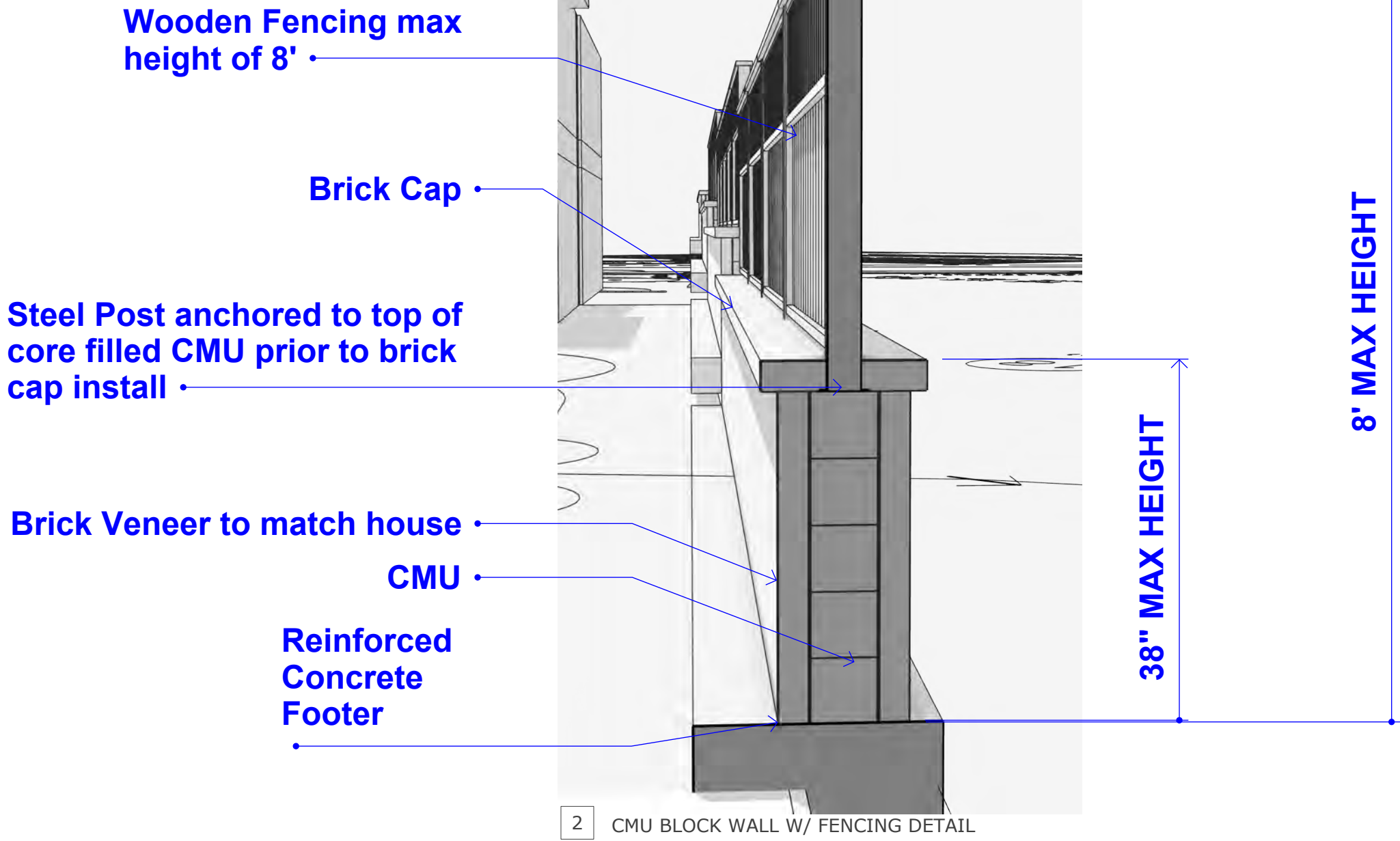
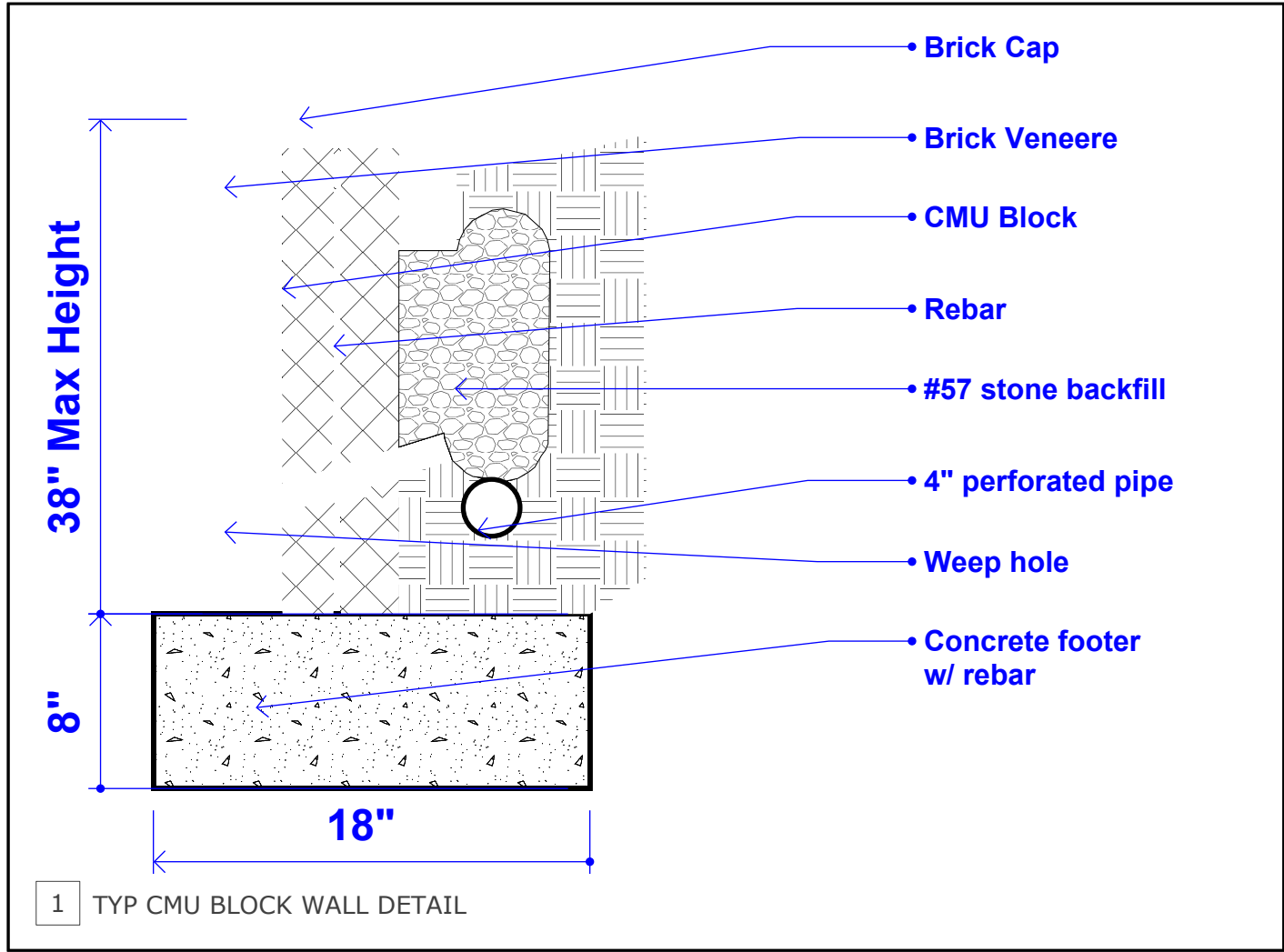
REVISIONS

#	DATE	DESCRIPTION
1	5/2/25	Original Submittal

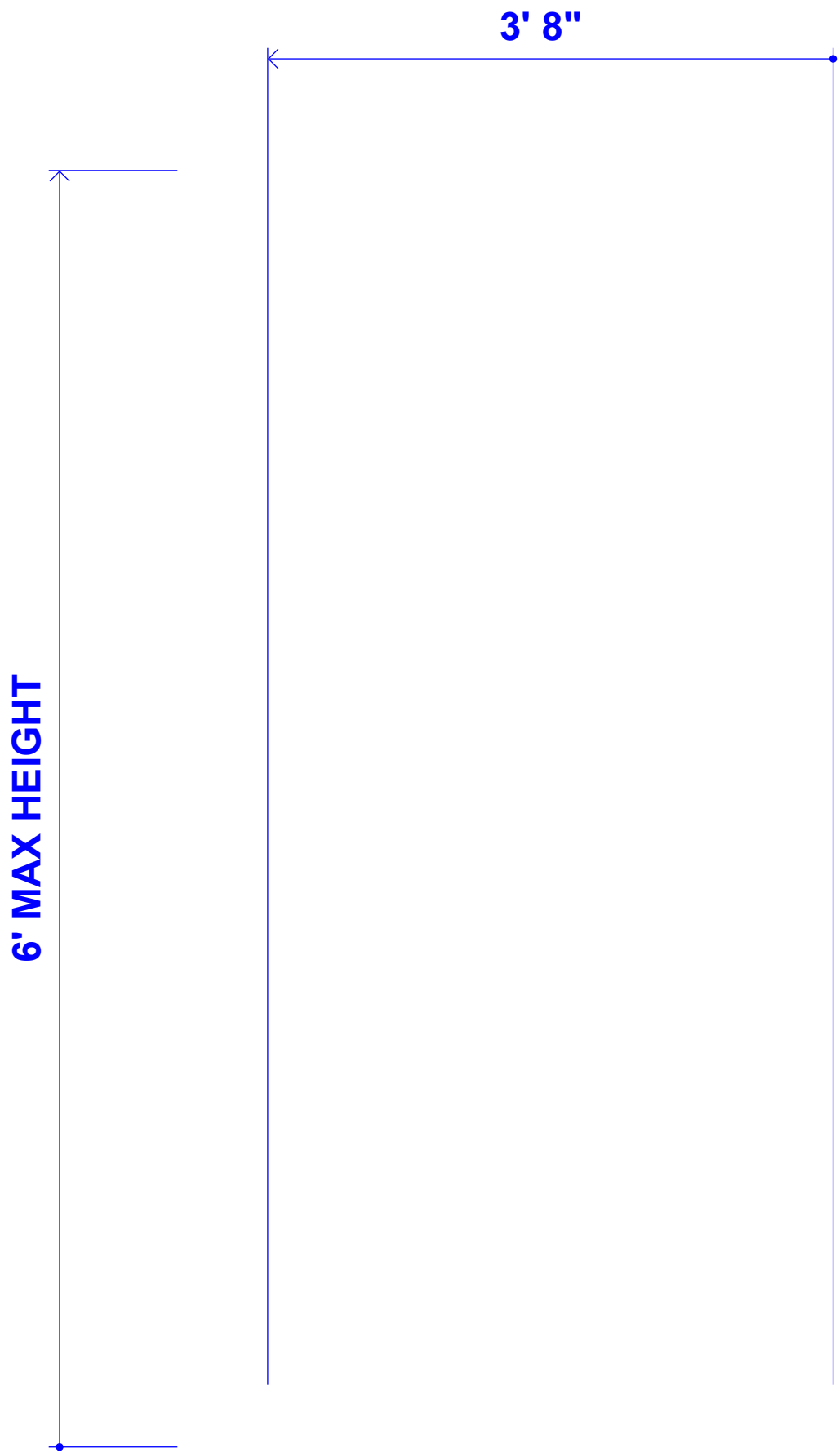
DESCRIPTION  
Proposed Site Plan  
w/ tree impact







FENCING DETAIL ON TOP OF BRICK WALL



4 WOODEN FENCING DETAIL

5 GATE DETAIL

RELEASED FOR CONSTRUCTION

#	DATE	DESCRIPTION
1	5/27/25	Original Submittal





BRICK WALL & FENCE ALONG THIS PROPERTY LINE



FENCING ON REAR PROPERTY LINE TO MATCH DETAIL 4  
MAX HEIGHT 6' ALONG REAR PROPERTY LINE AND BECOME  
STANDARD 6' DOG EARED PRIVACY FENCING  
ALONG THE N PROPERTY LINE.

STANDARD 6' DOG EAR PRIVACY FENCE  
ON THIS PROPERTY LINE. CHAINLINK FENCE  
TO BE REMOVED



4' GAPPED PICKET FENCE WITH GATE



RELEASED FOR CONSTRUCTION

#	DATE	DESCRIPTION
1	5/27/25	Original Submittal



May 11, 2025

To Whom It May Concern,

I am a neighbor of John and Courtney Donahue, residing at 1796 Ridgewood Dr NE, who are seeking a Certificate of Appropriateness (COA) to install a fence around their backyard.

I have been informed of the proposed plans for the fence installation, have had the opportunity to ask questions, and understand the scope and intent of the project. Based on the information shared with me, I support the proposed work and have no objections to the issuance of the COA.

*/s/Michael J. Eshman*

Michael Eshman  
1802 Ridgewood Drive, NE  
Atlanta, GA 30307

April 20, 2025

To Whom It May Concern,

I am a neighbor of John and Courtney Donahue, residing at 1796 Ridgewood Dr NE, who are seeking a Certificate of Appropriateness (COA) to install a fence around their backyard.

I have been informed of the proposed plans for the fence installation, have had the opportunity to ask questions, and understand the scope and intent of the project. Based on the information shared with me, I support the proposed work and have no objections to the issuance of the COA.

A handwritten signature in blue ink, appearing to read "Timothy Gehret". The signature is fluid and cursive, with a long horizontal line extending from the top of the first letter.

Timothy Gehret  
1786 Ridgewood Drive NE  
Atlanta, GA 30307