

DeKalb County Zoning Board of Appeals

Department of Planning & Sustainability 178 Sams Street, Decatur, GA 30030

Wednesday, September 10, 2025

Planning Department Staff Analysis



Juliana A. Njoku

Director

Chief Executive Officer

Lorraine Cochran-Johnson

N3. Case No: A-25-247653 Parcel ID(s): 15 216 17 020

Commission District 04 Super District 06

Applicant: Wilfredo Fernandez

13675 Cogburn Road Milton, GA, 30004

Owner: GAProServices, LLC

13675 Cogburn Road Milton, GA 30004

Project Name: 2711 Midway Road – Second Story Addition

Location: 2711 Midway Road, Decatur, GA, 30030

Request: Variance from Section 27-2.2.1 of the DeKalb County Zoning Ordinance to reduce the side-yard setback from 7.5' to 1' to facilitate a second story addition of the primary structure within the R-75 (Residential Medium Lot) zoning district.

Staff Recommendation: Approval with conditions.

Conditions:

- 1. The following information about this variance shall be noted on any site plan prepared for the subject property: case number, approval date, type of variance and condition(s) of approval.
- 2. The applicant shall install and maintain a 6' tall greenery fence along the impacted property line to screen views from adjacent properties.

STAFF FINDINGS:

The applicant is requesting a variance from the side-yard setback requirements to allow for the construction of a second story addition onto the existing structure. The primary structure was built in 1951 and underwent redevelopment in 2003, predating the current 2015 DeKalb County Zoning Ordinance. It is noted that the home is currently legal, non-confirming. Pursuant to Section 27-2.2.1 of the Zoning Ordinance, primary structures and additions within the R-75 zoning district are subject to a side-yard setback of 7.5'.

1. There is an extraordinary or exceptional physical condition(s) pertaining to the particular piece of property (such as, but not limited to, lot size, lot shape, specimen tree(s), steep slope(s), or preservation of historic characteristics of the property), which was not created by the current owner, previous owner, or applicant; by reason of a clearly demonstrable condition(s), the strict application of the requirements of this chapter would deprive the property owner of rights and privileges enjoyed by other property owners in the same zoning district, as distinguished from a special privilege or convenience sought by the property owner.

The subject property is approximately 14,810 square feet in size, which meets the 10,000 square foot minimum lot size required for the R-75 zoning district. However, the lot suffers from an irregular shape which may cause constricting setbacks. These restrictions may present inherent challenges in meeting current zoning standards. The nonconforming lot dimensions are longstanding and were not created by the current or previous owners. These unique physical constraints may support the justification for a variance under the criteria.

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 proposed addition will be reconstructed within the footprint of the existing structure, resulting in no increase in the footprint of the non-conformity. The applicant is not seeking any additional coverage beyond what currently exists. The request appears to represent the minimum variance necessary to afford relief and does not constitute a special privilege inconsistent with other properties in the district.

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 proposed improvements are not likely to negatively impact the public welfare or neighboring properties. The addition of the structure may be supported by other properties within the vicinity while allowing the applicant to address privacy concerns. The proposed addition has been supported by letters of encouragement by impacted neighbors. No evidence has been provided suggesting adverse effects to surrounding properties.

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

A strict interpretation of the zoning ordinance may result in an undue hardship for the applicant by limiting the effective use of their property as it pertains to the outdoor living space. Given the property's legal non-conforming status, the requested variance may be necessary to allow for meaningful upgrades and prevent unnecessary hardship.

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

The variance request aligns with the spirit and purpose of the DeKalb County Comprehensive Plan, which promotes responsible development while accommodating the needs of property owners within residential neighborhoods. The improvement aligns with the Comprehensive Plan's guidance for neighborhood stabilization and responsible infill development within the Suburban Character Area.

FINAL STAFF ANALYSIS:

The application meets all the criteria for a setback variance as outlined in the DeKalb County Zoning Ordinance Section 27.2.2.1. While the proposed improvement in the addition constitutes the minimum relief necessary and would not significantly alter the physical infrastructure or built environment. The intent to redevelop the existing structure for an addition may be a valid rationale for the side-yard setback request. Therefore, staff recommends approval with conditions for the variance request.

Staff Recommendation: Approval with condition.

Condition:

- 1. The following information about this variance shall be noted on any site plan prepared for the subject property: case number, approval date, type of variance and condition(s) of approval.
- 2. The applicant shall install and maintain a 6' tall greenery fence along the impacted property line to screen views from adjacent properties.



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: Wilfredo Fernan	ndez			
Mailing Address: 13675 Cogburn Rd.				
City/State/Zip Code: Milton, GA 30004				
Email: will@proservicesga.com				
Telephone Home:	Business:			
OWNER OF F	RECORD OF SUBJECT PROPERTY			
Owner: Gaproservices LLC				
Address (Mailing): 13675 Cogburn Rd. Milt	ton, GA 30004			
Email: will@proservicesga.com				
ADDRESS/LC	DCATION OF SUBJECT PROPERTY			
Address: 2711 Midway Rd.	City: Decatur State: GA Zip: 3003			
District(s): Land Lot(s):	03 Block: B Parcel: 15 216 17 (
Zoning Classification:	Commission District & Super District:			
CHECK TYPE OF HEARING REQUESTED:				
VARIANCE (From Development Standa	ards 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.



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 hearing to the ZoningBoard of Appear			
DATE:	Applicant/Agent Signature:	Wilfredo Fernandez	3
TO WHOM IT MAY CONCERN:			
(I)/ (WE): WIFredo Ferre (Name of Owners)	norder		
being (owner/owners) of the propert signed agent/applicant.	y described belo	w or attached hereby o	delegate authority to the above
Notary Public		Owner Signature	3
Notary Public		Owner Signature	
Notary Public		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:

Applicant

Signature:

Applicant

Applicant

Signature:

Dear Members of the Zoning Board of Appeals,

PERMIT#**1247653**

My name is Wilfredo Fernandez, and I am writing to formally request a variance from Section 27-7.5.3 of the DeKalb County Zoning Ordinance. My request pertains to the reduction of the yard setback requirement from 7.5' feet to 1' feet for my property located at 2711 Midway Rd Decatur Ga 30030. The purpose of this variance is to facilitate the construction to add a second story and a front porch to an existing nonconforming home. The existing structure already encroaches into the 7.5-foot side yard setback. After back and forth, it's been confirmed that a variance is required for the second-story expansion.

Intent: Full renovation; outside setback; No footprint change (other than front porch)

1. Physical Conditions of the Site:

Lot is oddly shaped Constricting setbacks House is legal no-conforming 1951

2. Minimum Variance Necessary:

I assure you that my request is solely for the minimum variance necessary to render my property usable, not expanding footprint from legal non-conforming structure (other than front porch which is in setbacks)

2nd story being built to encompass footprint (Functionality of house).

3. Public Welfare:

The proposed will have a positive impact on the neighborhood and community. I have received a letter of support from my neighbor, **Leslye Brooker**, who resides at 2717 Midway Rd, Decatur Ga 30030 and does not feel the addition would intrude on his privacy nor create additional noise or traffic in the area. I also Confirmed that there are other two-stories in the area including same Neighborhood as 2695 Midway Rd, Decatur Ga 30030. The reduced setback will not pose any harm to public welfare, neighboring properties, or the overall improvements in the zoning district.

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 7.5-foot setback would limit my ability to use it. That is why the reason for this request pertains to the reduction of the yard setback. The

house is legally non-conforming and strict enforcement of ordinance would prevent any meaningful upgrades.

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 is to add extra square footing 1,267 to a total of 2,534 to the house is to also addressing house shortage and enhancing character, aesthetic and appeal to the area.

Sincerely,

Will Fernandez



Macon E. Gooch III Building Consultants, Inc.

1383 Duncan Lane Auburn, GA 30011 678-442-1198 Fax: 678-975-7485

May 6, 2025

Ga Pro Services Llc 13675 Cogburn Rd Alpharetta, GA 30004

ATTN: Will Fernandez

RE: Residence at 2711 Midway Rd

Dekalb County

Dear Will Fernandez:

This letter is to certify that a technician under the supervision of the undersigned inspect-ed the above referenced site on April 24, 2025, to evaluate the structural stability of the existing foundation with respect to the proposed addition of a second story.

The existing structure is a single-story home constructed upon a combination crawlspace/basement foundation. The existing foundation incorporates brick pillars around the perimeter of the foundation, as well as throughout the interior of the footprint.

Upon inspection, it was found that the loads imposed by the existing structure bear upon and are adequately supported by the foundation elements described above. All accessible foundation components were examined visually, and no indication of structurally significant settlement was found. The soils around the perimeter of the foundation were probe-tested and found to consist of a silty clay with an estimated bearing capacity of 2,500 PSF.

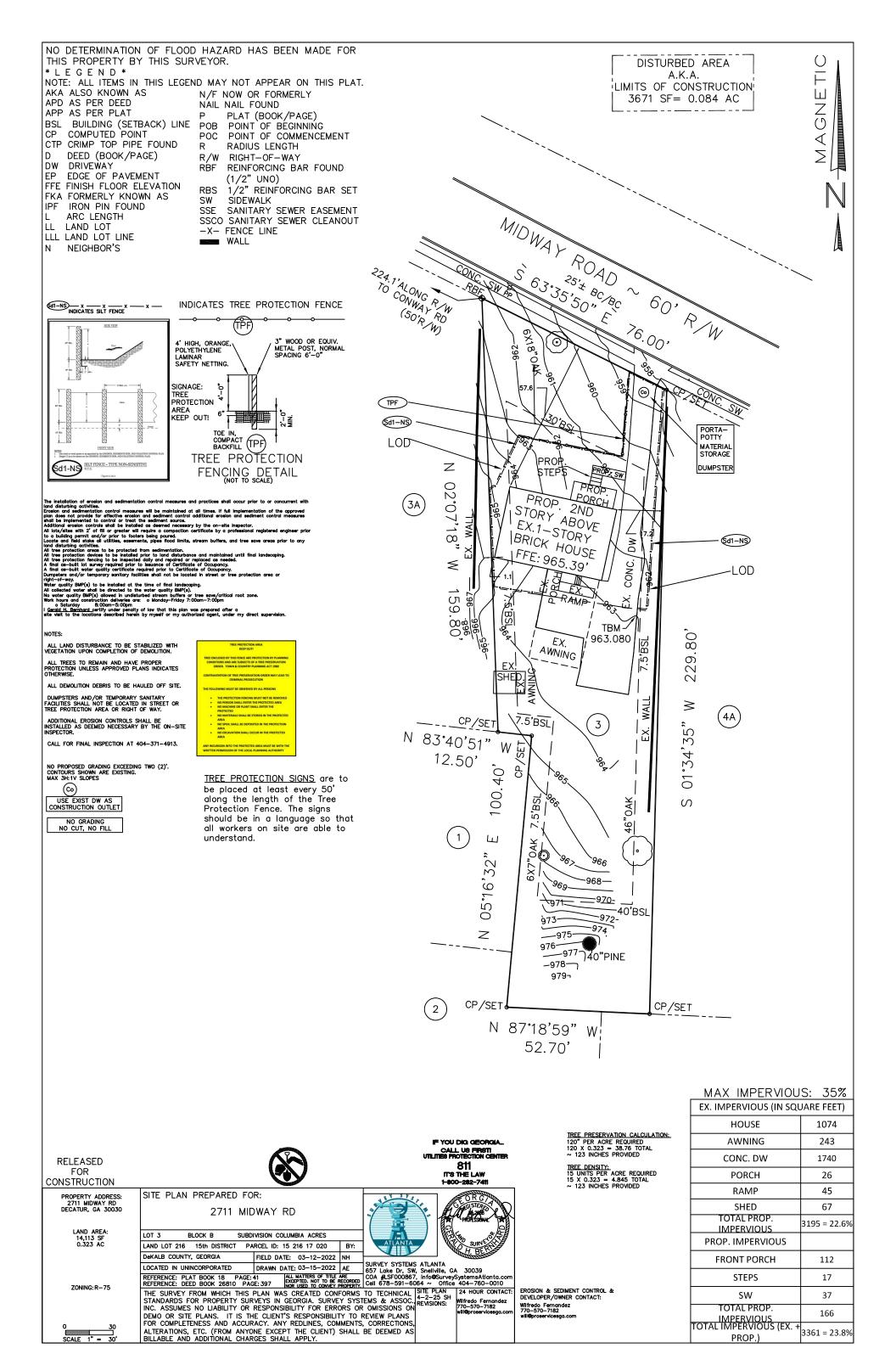
The proposed scope of work will incorporate the addition of a second story of light-frame construction, all of which overlays the existing/original footprint of the home. Operating within these parameters, any additional structural elements may bear directly onto the pre-existing foundation elements. Any deviation from the proposal may require further evaluation.

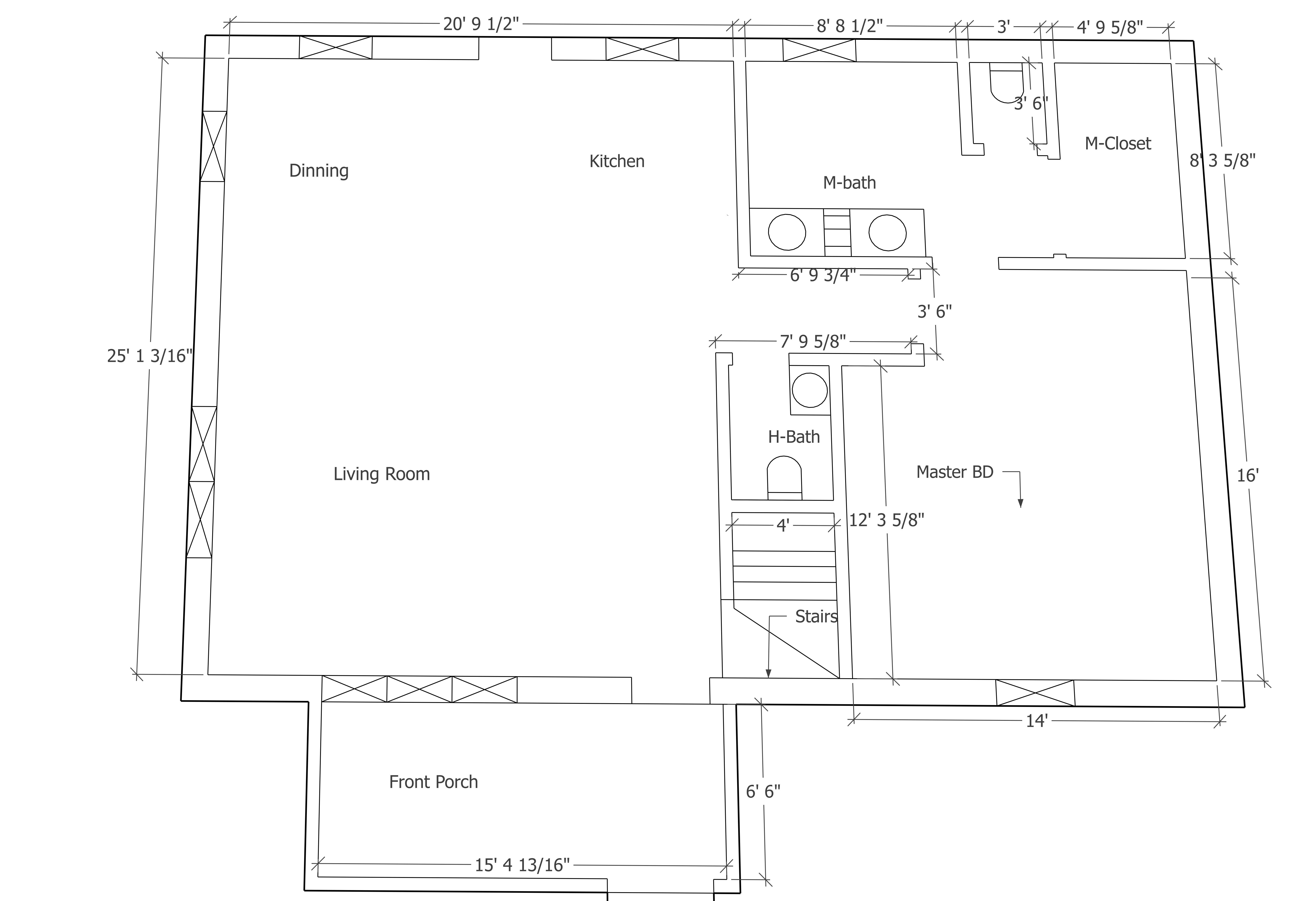
Based on the findings detailed above, it is my professional opinion that the original foundation system, is structurally stable and capable of supporting all expected design loads resulting from the proposed work.

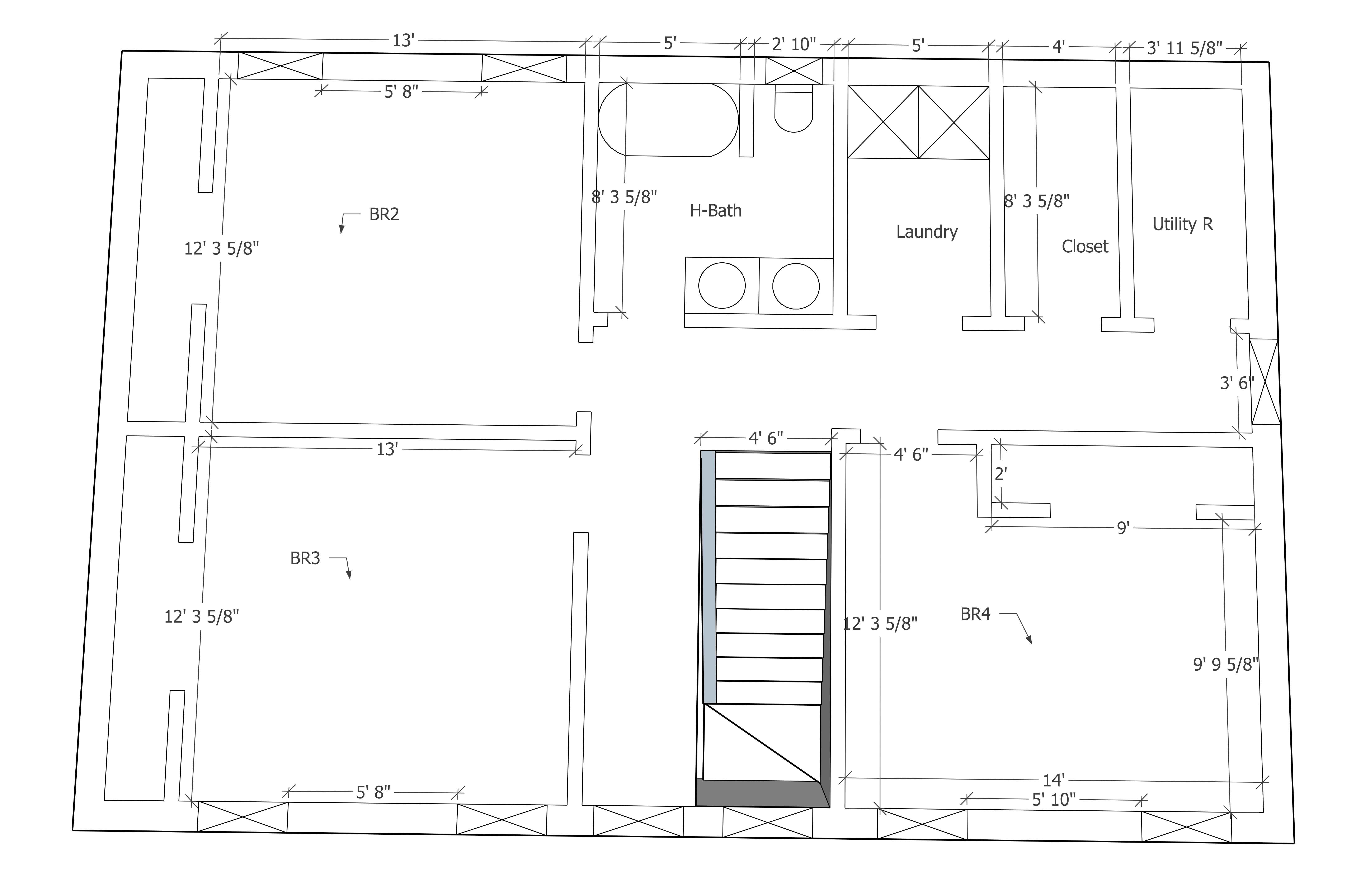
Should you have any questions regarding this inspection or report, or if I can be of further assistance, please call me at your convenience.

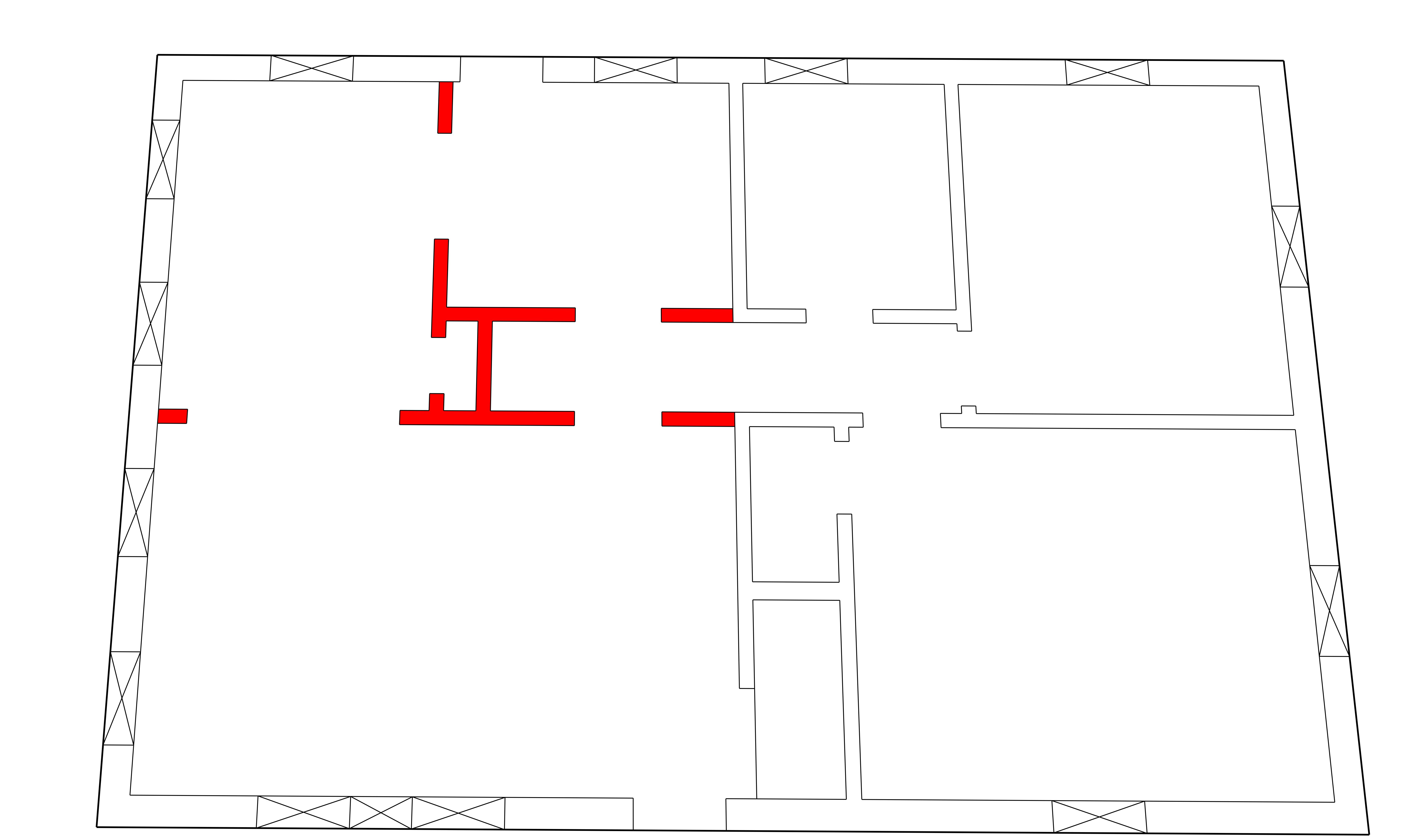
Ga. P.E. No. 29567

PEF002999









Wilfredo Fernandez

770.570.7182

06/26/2025 2711 Midway Rd. Subject: Letter of Intent

Dear Neighbor,

I hope this letter finds you well. I am writing to inform you of my intent to apply for permits to construct a second level addition to my home located at 2711 Midway Rd. Decatur, GA 30030. This addition is part of a planned home improvement project intended to enhance the properties placement within the neighborhood and overall value of said home.

I understand that construction can affect nearby residents, and I want to ensure you that we are working with licensed professionals and will take every possible measure to minimize disruption, noise and debris during the process. We will also fully comply with all local building/county codes and zoning requirements.

As part of the permit process, the city requires us to notify adjacent and neighboring property owners and obtain acknowledgment or support. I would greatly appreciate your review and signature below to confirm you have been informed of the proposed project.

Please feel free to reach out to me with any questions or concerns. I am happy to discuss the plans in more detail and share corresponding timelines of completion.

Thank you for your time and consideration.

Sincerely,



Neighbor Acknowledment

LLULYE 14,165-2311

I IFSINE PROKER, resid	ling at
2717 MIDWAY TO	, acknowledge
that I have been informed	ed of the intent to
construct a second stor	y and porch addition
at 2711 Midway Rd. Deca	atur, GA 30030.
✓ I do not objec	t
I object	