



Lorraine Cochran-Johnson

Chief Executive Officer

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

**Wednesday, December 10, 2025**

**Planning Department Staff Analysis**



Juliana  
Njoku

Interim  
Director

**N12. Case No: A-26-1247846**

**Parcel ID(s): 18 010 12 001**

**Commission District 04 Super District 06**

**Applicant:** Jennifer Wolfe, It's Permittable LLC  
4113 N. Swann Street  
Covington, GA 30014

**Owner:** Brian & Christine Lloyd-Newberry  
3191 Cedar Street  
Scottdale, GA 30079

**Project Name:** 3191 Cedar Street – Residential Rear Addition

**Location:** 3191 Cedar Street, Scottdale, GA 30079

**Requests:** Variance requests from §27-3.36.6 to increase maximum lot coverage from 35% to 41% and reduce setback from 40 feet to 25 feet to allow rear porch addition and outdoor improvements.

**Staff Recommendation:** Approval with Conditions.

**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.

## **STAFF FINDINGS:**

The subject parcel is a ±0.56-acre single-family lot within the Scottsdale Overlay Tier 2 district. The existing detached home is centrally located on the site. The applicant proposes to remove a 210 sq ft deck and replace it with a 302.4 sq ft covered porch, along with related amenities including a screened porch, deck, paver patio, outdoor kitchen, and firepit.

Existing lot coverage is 40.1%, already above the 35% maximum. The proposed modifications increase total lot coverage to approximately 40.7%. On a parcel of 24,400 sq ft, this equates to an increase of approximately 92 sq ft of new impervious area. The improvements remain wholly within the rear yard and located in a position dictated by the existing home footprint. No alternative placement exists that could meet the rear setback requirement without eliminating the project entirely.

**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 presents several conditions unique within the R-75 context. The lot is relatively shallow when measured from the rear of the house to the back property line, and the home's existing footprint occupies a central, forward position that leaves limited buildable depth in the backyard. This original subdivision layout predates the current owners and was established prior to today's setback and coverage standards. These physical constraints effectively reduce the usable rear yard area for any covered outdoor structure.

Because the home is positioned toward the center of the lot, the applicants have no reasonable location for a functional porch that can meet the 40-ft rear setback. The narrow depth available between the rear façade and the lot line is a condition created by earlier development patterns, not by any decision of the present owners. Strict enforcement of the setback and lot coverage standards would deprive the homeowners of improvements routinely found on comparable lots in Scottsdale and elsewhere in similar neighborhoods.

**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 porch requires only the minimum relief needed to achieve basic functionality. The reduction to a 25-ft rear setback aligns directly with the dimensions of the porch shown on the submitted plans, and staff notes that the structure is scaled to typical residential proportions. This is the result of a legal non-conformity and particularly aggressive setback lines caused by the shallowness of the lot. The existing footprint would be extended by five feet.

Similarly, the lot coverage variance is minimal. Increasing coverage from 40.1% to 41% on a half-acre parcel constitutes a negligible expansion for purposes of stormwater, usability, or neighborhood impact. The homeowners are not attempting to introduce large accessory structures, pools, or major additions but are instead replacing an existing deck footprint with a more durable covered porch. No evidence suggests the variance would confer special privilege inconsistent with nearby properties.

**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 covered porch and related improvements do not pose a detriment to public welfare or neighboring properties. The rear yard is enclosed by existing fencing and landscaping, and the new porch maintains an appropriate residential scale consistent with the site's single-family character. The setback reduction does not introduce visual hegemony, privacy concerns, or impacts on adjacent structures because the improvement remains low-profile and subordinate to the primary dwelling. Submitted plans demonstrate no encroachment into buffers or easements.

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

Strict interpretation of the zoning ordinance would prohibit any covered porch in the rear yard due to the lot's shallow buildable depth, despite the presence of an existing deck in the same general location. Preventing the homeowner from replacing an existing amenity with a modestly improved structure results in a hardship not typically encountered on deeper R-75 parcels. This hardship arises from inherited site conditions, not from any self-created action by the applicant.

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

Both variances are in harmony with the purpose of the zoning ordinance and the Traditional Neighborhood character area. Enhancing existing single-family housing stock with modest outdoor improvements supports the Comprehensive Plan's emphasis on residential reinvestment and neighborhood livability. The improvements do not alter density, change building mass in a visually intrusive way, or disrupt the established block structure.

**FINAL STAFF ANALYSIS:**

Both the lot coverage and rear setback variances stem from physical constraints inherent to the lot rather than from actions of the applicant. The project represents the minimum necessary relief to implement a modest, functional covered porch, and the incremental impervious area on a 24,400 sq ft lot is negligible for stormwater concerns. The reduction of the rear setback to 16 ft is directly tied to the footprint of the proposed porch and does not generate material impacts to neighboring properties. Staff finds all five variance criteria to be met. Therefore, staff recommends **approval with conditions**.

**Staff Recommendation:** Approval with Conditions

**Condition:**

2. 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.

**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: \_\_\_\_\_

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

Email: \_\_\_\_\_ Telephone: \_\_\_\_\_ 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.



**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.

08-06-2025

DATE:

  
SIGNATURE

**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.

08-06-2025


DATE:

  
APPLICANT/AGENT SIGNATURE

TO WHOM IT MAY CONCERN:

(I)/ (WE): CHRISTINE NEWBERRY LLOYD / BRIAN NEWBERRY LLOYD  
Name of Owner(s)

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

  
Notary Public

  
Owner Signature

  
Owner Signature



## 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 (124XXXX)** – 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.

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### 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.

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### 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 on due cause shown.



- 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.

#### **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.

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- 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 [lrcarter@dekalbcountyga.gov](mailto:lrcarter@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 at 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
12. **Zoning Board of Appeals Actions.** The Board of Appeals is authorized to:
  - a. Approve the application as submitted;
  - b. Approve a revised application;
  - c. Approve an application with conditions;
  - d. Deny an application (if an application is denied, no variance can be considered on the same site within 24 months);
  - e. Allow an application to be “Withdrawn without Prejudice” at the request of the applicant.

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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.

# Letter of Intent

Zoning Variance Application  
3191 Cedar Street,  
Scottsdale, Georgia 30079

Zoning District: R-75  
Commission District: 3  
Super District: 6

## **Applicant / Property Owner:**

**Brian Lloyd-Newberry & Christine Lloyd-Newberry**  
3191 Cedar Street, Scottsdale, GA 30079

## **Prepared by:**

**Jennifer L. Wolfe, Authorized Representative**  
IT'S PERMITTABLE, LLC  
itspermittablegeorgia@gmail.com

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## **Request Summary**

This Letter of Intent supports an application to the **DeKalb County Zoning Board of Appeals** for a **variance from the lot coverage limitation** applicable to properties zoned R-75. The request seeks relief to allow a **maximum lot coverage of approximately 40.7 %** where the ordinance limits lot coverage to **35 %** per the DeKalb County Zoning Code § 27-7.5.1 (A).

The variance is necessary to permit the **replacement of an existing 210 sq ft uncovered wood deck** with a **covered porch and steps totaling approximately 302.4 sq ft**, as illustrated on the *Site Landscape Plan* dated **September 12, 2025** (Sheets L-1 and L-2)

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## Justification and Hardship Criteria

In accordance with Section 27-7.5.1 (A) of the DeKalb County Zoning Ordinance Zoning Board of Appeals Application this request meets the following findings:

1. **Extraordinary or Exceptional Physical Condition**

The subject property, located in an established R-75 neighborhood of Scottdale, is constrained by its lot shape, limited depth, and existing home footprint. These factors, created through subdivision prior to the adoption of current lot coverage standards, limit the property owners' ability to add a small functional outdoor structure without exceeding the impervious threshold.

2. **Minimum Necessary Relief**

The proposed variance is the minimum required to accommodate a modest, functional covered porch at the rear of the home for safe access and weather protection. The increase of approximately 0.6 % in impervious area beyond the current 40.1 % condition represents only 92 sq ft of additional coverage, and does not constitute a special privilege inconsistent with other properties in the area.

3. **No Detriment to Public Welfare or Adjacent Property**

The porch addition will not encroach into any required setbacks, alter drainage patterns, or create negative externalities. All stormwaters will continue to be managed on-site as shown in the *Site Landscape Plan*

4. **Undue Hardship from Strict Application**

Strict adherence to the 35 % maximum would prevent any covered outdoor improvements despite the existing nonconforming condition. This would deprive the homeowners of reasonable use and enjoyment afforded to similar properties with comparable improvements.

5. **Consistency with the Comprehensive Plan**

The proposed improvement maintains the residential character of the neighborhood and complies with the intent of the Comprehensive Plan by preserving and enhancing the livability of existing housing stock without increasing density or altering community scale.

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## Conclusion

The proposed variance represents a minor, site-specific request necessitated by existing lot conditions, not self-created circumstances. The project will enhance the property's usability and maintain compatibility with surrounding residences while ensuring that the relief requested remains the minimum necessary to permit construction of the porch replacement.

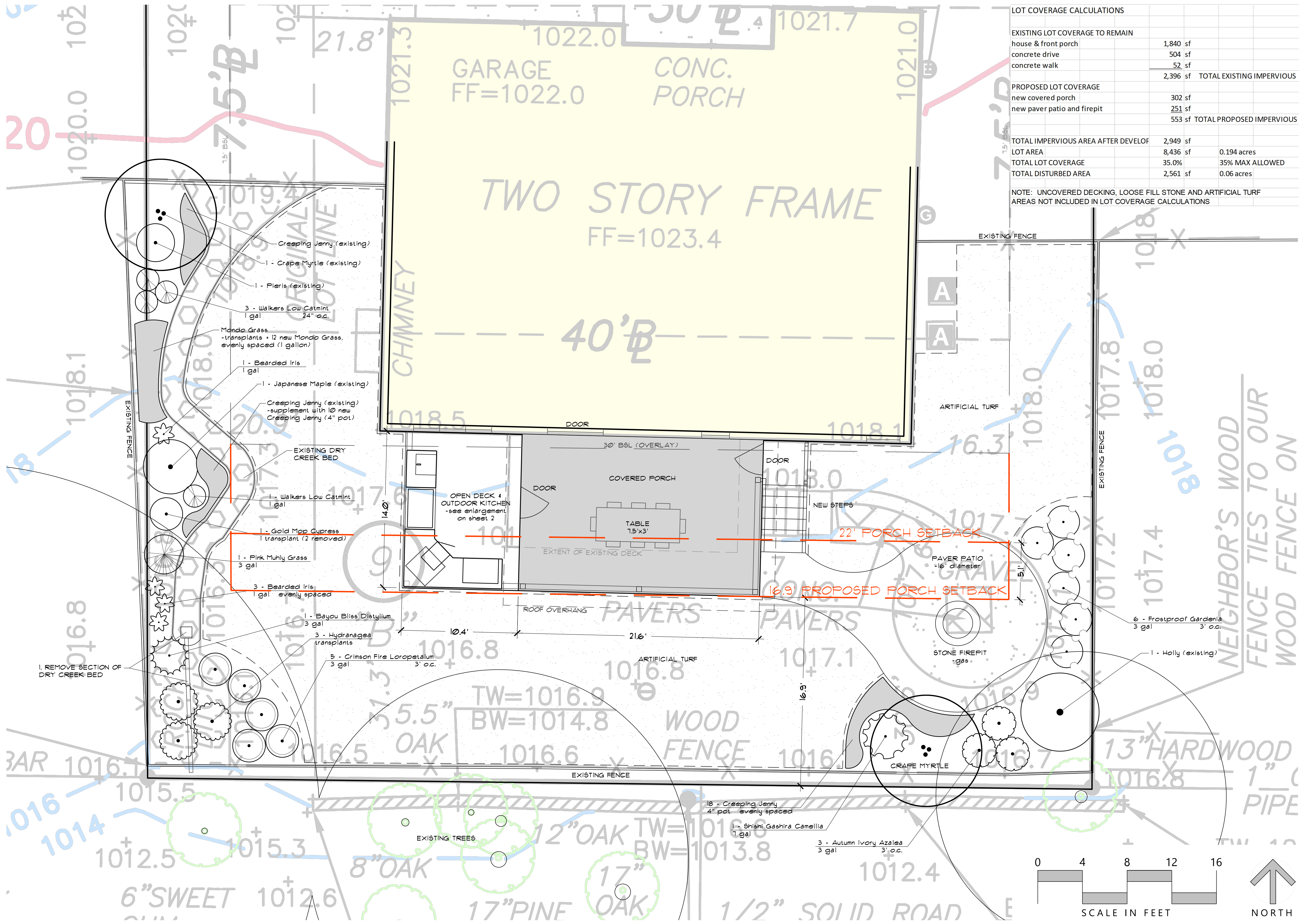
We respectfully request approval of this variance application.

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### Submitted by:

Jennifer L. Wolfe  
Authorized Representative  
IT'S PERMITTABLE, LLC  
itspermittablegeorgia@gmail.com  
Date: October 15, 2025





LOT COVERAGE CALCULATIONS			
EXISTING LOT COVERAGE TO REMAIN			
house & front porch	1,840	sf	
concrete drive	504	sf	
concrete walk	52	sf	
	2,396	sf	TOTAL EXISTING IMPERVIOUS
PROPOSED LOT COVERAGE			
new covered porch	302	sf	
new paver patio and firepit	251	sf	
	553	sf	TOTAL PROPOSED IMPERVIOUS
TOTAL IMPERVIOUS AREA AFTER DEVELOPMENT			
LOT AREA	2,949	sf	0.194 acres
TOTAL LOT COVERAGE	8,436	sf	35% MAX ALLOWED
TOTAL DISTURBED AREA	35.0%		
	2,561	sf	0.06 acres
NOTE: UNCOVERED DECKING, LOOSE FILL STONE AND ARTIFICIAL TURF AREAS NOT INCLUDED IN LOT COVERAGE CALCULATIONS			



Site Landscape Plan

Lloyd-Newberry Residence

3191 Cedar Street

Scottsdale, GA

March 10, 2025

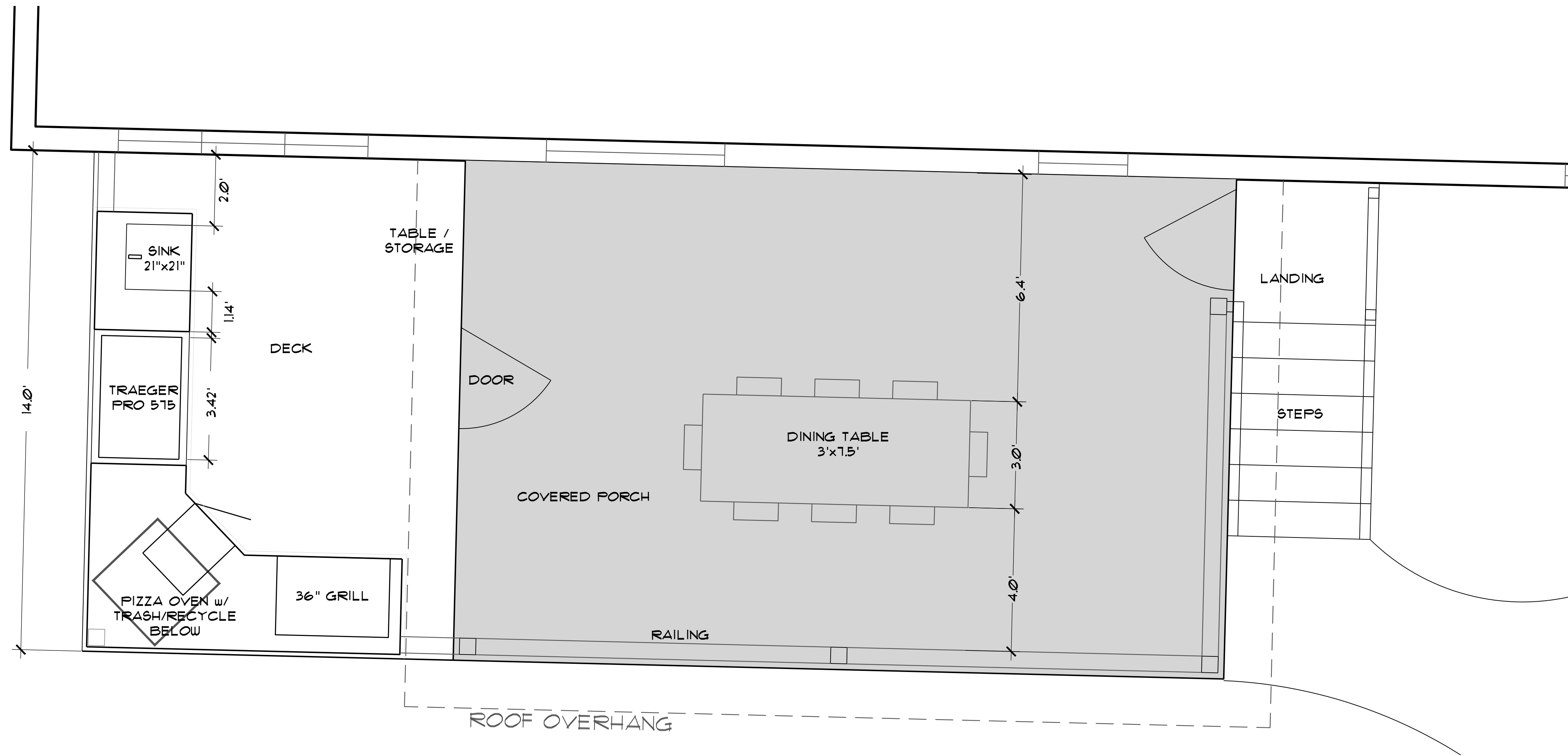
rev: Sept 12, 2025

rev: Oct 28, 2025









OUTDOOR KITCHEN & PORCH  
scale : 1/2" = 1'-0"



PORCH / DECK PLAN

Lloyd-Newberry Residence  
3191 Cedar Street  
Scottdale, GA

October 28, 2025

SHEET

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