



Lorraine Cochran-Johnson

Chief Executive Officer

## DeKalb County Zoning Board of Appeals

Department of Planning & Sustainability

178 Sams Street,  
Decatur, GA 30030



Wednesday, January 14, 2025

Juliana  
Njoku

### Planning Department Staff Analysis

Interim  
Director

N1. Case No: A-26-1247815

Parcel ID(s): 18 047 21 017

#### Commission District 04 Super District 06

Applicant: Alrick McIntyre



Owner: Alrick McIntyre



Project Name: 3140 Kelly Street – New Home Construction

Location: 3140 Kelly Street, Scottdale, GA 30079

Requests: Variance from §27-3.36.10 to reduce the rear yard setback from 30 feet to 12 feet to facilitate construction of a single-family residence.

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 site plan submitted for permit review shall be stamped by a Georgia-registered engineer or surveyor.

## STAFF FINDINGS:

The subject property is a vacant residential lot within the Scottdale Tier 2 Overlay District. The applicant proposes construction of a two-story single-family dwelling containing approximately 1,100 square feet of heated living area (approximately 1,358 square feet total including garage). The proposed front yard setback of 30 feet and side yard setbacks of 7.5 feet comply with the underlying zoning and overlay requirements. The request is limited to the rear yard setback reduction from 30 feet to 12 feet.

The property was previously heard by the Zoning Board of Appeals in December 2024 under Case No. 1247100, at which time the application was withdrawn without prejudice. That prior request sought relief from both the front and rear yard setbacks. The current application is materially revised and limited solely to a reduction of the rear yard setback, a narrower request than previously considered.

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 exhibits an unusual physical condition due to its shallow lot depth of approximately 50 feet. When combined with the required 30-foot front yard setback, the remaining buildable depth may be constrained. This physical condition limits the ability to site a principal structure while complying with the required rear yard setback, despite the lot otherwise being in a residential area intended for single-family development.

Shallow lots of this nature are atypical within the R-75 zoning district and Scottdale Overlay. The constraint is inherent to the lot's dimensions rather than the result of any recent action by the applicant. As such, the lot's depth constitutes a physical condition that may warrant consideration of variance relief if adequately documented and demonstrated.

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 applicant requests a reduction of the rear yard setback from 30 feet to 12 feet, an 18-foot reduction. The proposal does not seek relief from front or side yard setbacks, and the proposed dwelling size is modest and consistent with overlay requirements. On its face, the request appears tailored to address the limited buildable depth of the lot rather than to maximize building area.

However, staff is unable to determine whether the requested reduction represents the minimum relief necessary due to deficiencies in the submitted site documentation. The materials provided do not include a certified, sealed survey or site plan depicting property lines, required setback lines, and the precise placement of the proposed structure. Without this information, staff cannot verify whether the dwelling could be reasonably sited with a lesser rear setback reduction. However, compared to the previous request as case #1247100, it is a favorable reduction.

**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 development is residential in nature and generally compatible with surrounding land uses in the Scottdale area. No adverse impacts to public infrastructure, traffic, or neighborhood character are anticipated solely based on the proposed use.

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

Strict application of the rear yard setback requirement on a lot with approximately 50 feet of total depth may result in practical difficulty by limiting the reasonable use of the property for a single-family residence. The remaining buildable area is significantly reduced, creating a hardship related to the lot's physical characteristics.

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

The intent of the zoning ordinance and the Scottdale Tier 2 Overlay District is to promote compatible residential development. Variance relief may be consistent with this intent when it enables reasonable use of a constrained lot without undermining neighborhood character or zoning objectives. The proposed dwelling size and limited scope of the variance request suggest alignment with the spirit of the ordinance.

**FINAL STAFF ANALYSIS:**

The subject property's shallow depth constitutes a legitimate physical constraint that may justify consideration of rear yard setback relief. The applicant has reduced the scope of the request compared to the prior application and is proposing a modest single-family dwelling that otherwise complies with zoning and overlay standards.

**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 site plan submitted for permit review shall be prepared and stamped by a Georgia-registered engineer or land surveyor and shall include all required property dimensions.



Chief Executive Officer  
Michael Thurmond

## DEPARTMENT OF PLANNING & SUSTAINABILITY

Development Services Center  
178 Sams Street  
Decatur, GA 30030  
[www.dekalbcountyga.gov/planning](http://www.dekalbcountyga.gov/planning)  
404-371-2155 (o); 404-371-4556 (f)

Interim Director  
Cedric Hudson

### ZONING BOARD OF APPEALS APPLICATION FOR PUBLIC HEARING (VARIANCES, SPECIAL EXCEPTIONS, APPEALS OF ADMINISTRATIVE DECISIONS)

Applicant and/or  
Authorized Representative: Alrick McIntyre

Mailing Address: [REDACTED]

City/State/Zip Code: [REDACTED]

Email: [REDACTED]

Telephone Home: [REDACTED] Business: [REDACTED]

#### OWNER OF RECORD OF SUBJECT PROPERTY

Owner: Alrick McIntyre

Address: [REDACTED] City: [REDACTED] State: [REDACTED] Zip: [REDACTED]

Address: 3140 Kelly st City: Scottdale State: GA Zip: 30079

District(s): 04 Land Lot(s): 24 Block: 42 Parcel: 1804721017

Zoning Classification: R-75 Tier-2 Commission District & Super District: [REDACTED]

#### 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.



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: 07/05/24

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

DATE: 07/05/24

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

## **Letter of intent**

**Subject:** Variance request from Section 27-3.36.10 to reduce to reduce rear yard setback from 30' to 12'.

Dear Members of the Zoning Board of Appeals,

My name is Alrick McIntyre, and I am writing to formally request a variance from Section 27-3.36.10 of the DeKalb County Zoning Ordinance. My request pertains to the reduction of the reduce rear yard setback from 30' to 12'.

my property located at 3140 Kelly St. Scottdale Georgia. The purpose of this variance is to facilitate the construction of Single Family Residential House Minimally sized for the effective use of same lot.

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

The Unusual Small sized lot renders it impossible to construct a home with the current setbacks for DEKALB county Zone R75. The lot has a narrow dept of 50' with 10' buffer between the lot and the front street, combined to give a total of 60 feet from the front street to the back of the lot.

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

This request is solely for the minimum variance necessary to render my property usable for the construction of a single family home. My request is supported by requisite Site plan, House Plan and Survey which illustrates this unique request, to reduce rear yard setback from 30' to 10'. This request provides no special advantage that is not afforded to other members of this community.

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

The proposed addition will provide a positive impact on the neighborhood and community. The reduced setback will not pose any harm to public welfare or neighboring properties. This new construction will add to the development of the community zone in a traditional neighborhood, tier11 overlay.

- The setback reduction taken from rear to minimize impact on neighbors.
- This Construction will provide more housing facilities for the community.
- No variance is been requested for the sides, which have adequate vegetation for privacy of adjacent properties.

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

A strict interpretation of the zoning laws, in this case, would cause undue hardship for me.

A front yard setback of 30' combined with rear yard setback of 30', renders it impossible to build on lot that is 50' long. This request is therefore, essential to prevent unnecessary hardship and allow for a reasonable use of this lot.

### **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.

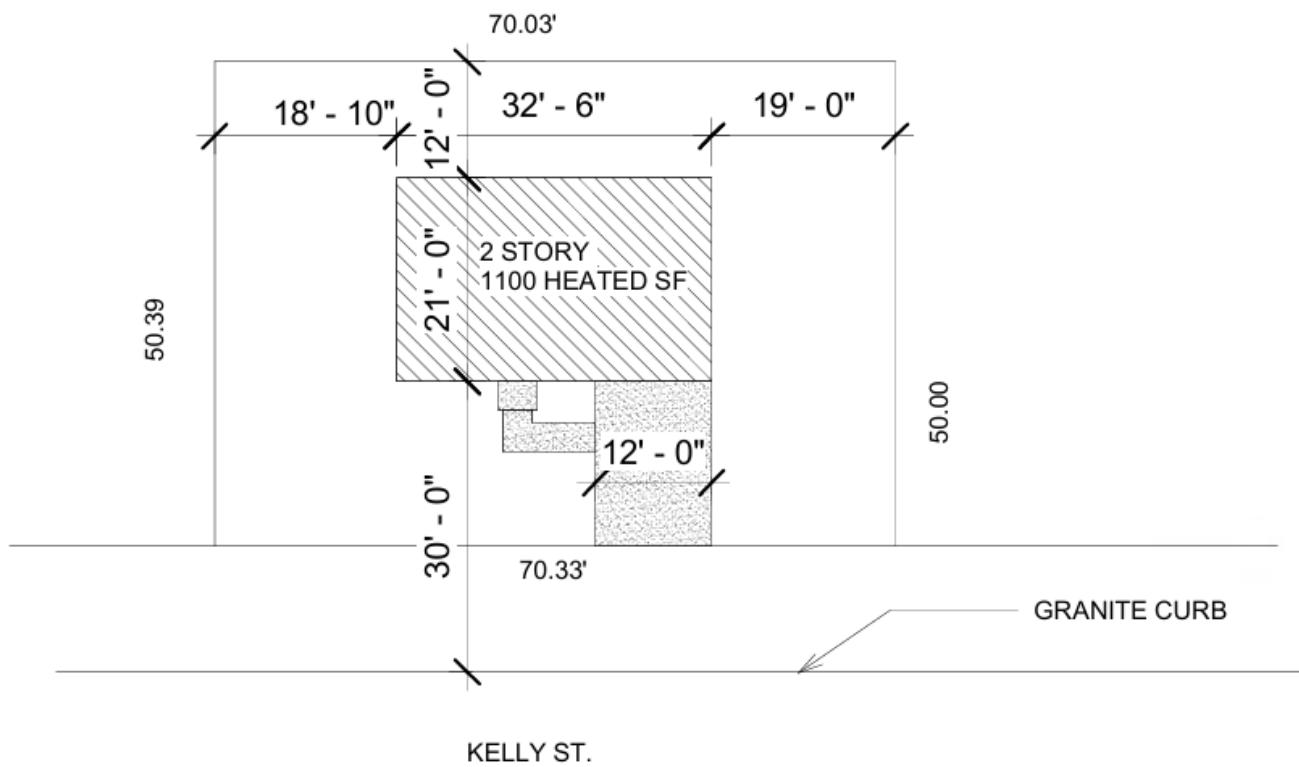
Thank you for your attention to this matter.

Sincerely,

Alrick McIntyre.

Site Plan

3140 KELLY ST







DeKalb County  
GEORGIA

Chief Executive Officer  
Michael Thurmond

## DEPARTMENT OF PLANNING & SUSTAINABILITY

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Address (Mailing): [REDACTED]

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#### ADDRESS/LOCATION OF SUBJECT PROPERTY

Address: 3140 Kelly St. City: Scottdale State: GA Zip: 30079

District(s): 04 Land Lot(s): 24 Block: 42 Parcel: 1804721017

Zoning Classification: R-75 tier-2 overlay Commission District & Super District: [REDACTED]

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

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

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**DEPARTMENT OF PLANNING & SUSTAINABILITY**

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**ZONING BOARD OF APPEALS APPLICATION**

**AUTHORIZATION TO REPRESENT THE PROPERTY OWNER**

I hereby authorize the staff and members of the Zoning Board of Appeals to inspect the premises of the Subject Property.

I hereby certify that the information provided in the application is true and correct.

I hereby certify that I am the owner of the property and that I authorize the applicant/agent to apply for a hearing to the ZoningBoard of Appeals for the requests as shown in this application.

DATE: \_\_\_\_\_ Applicant/Agent \_\_\_\_\_  
Signature: \_\_\_\_\_

TO WHOM IT MAY CONCERN:

(I)/ (WE): \_\_\_\_\_  
(Name of Owners)

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

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Notary Public

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Owner Signature

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Notary Public

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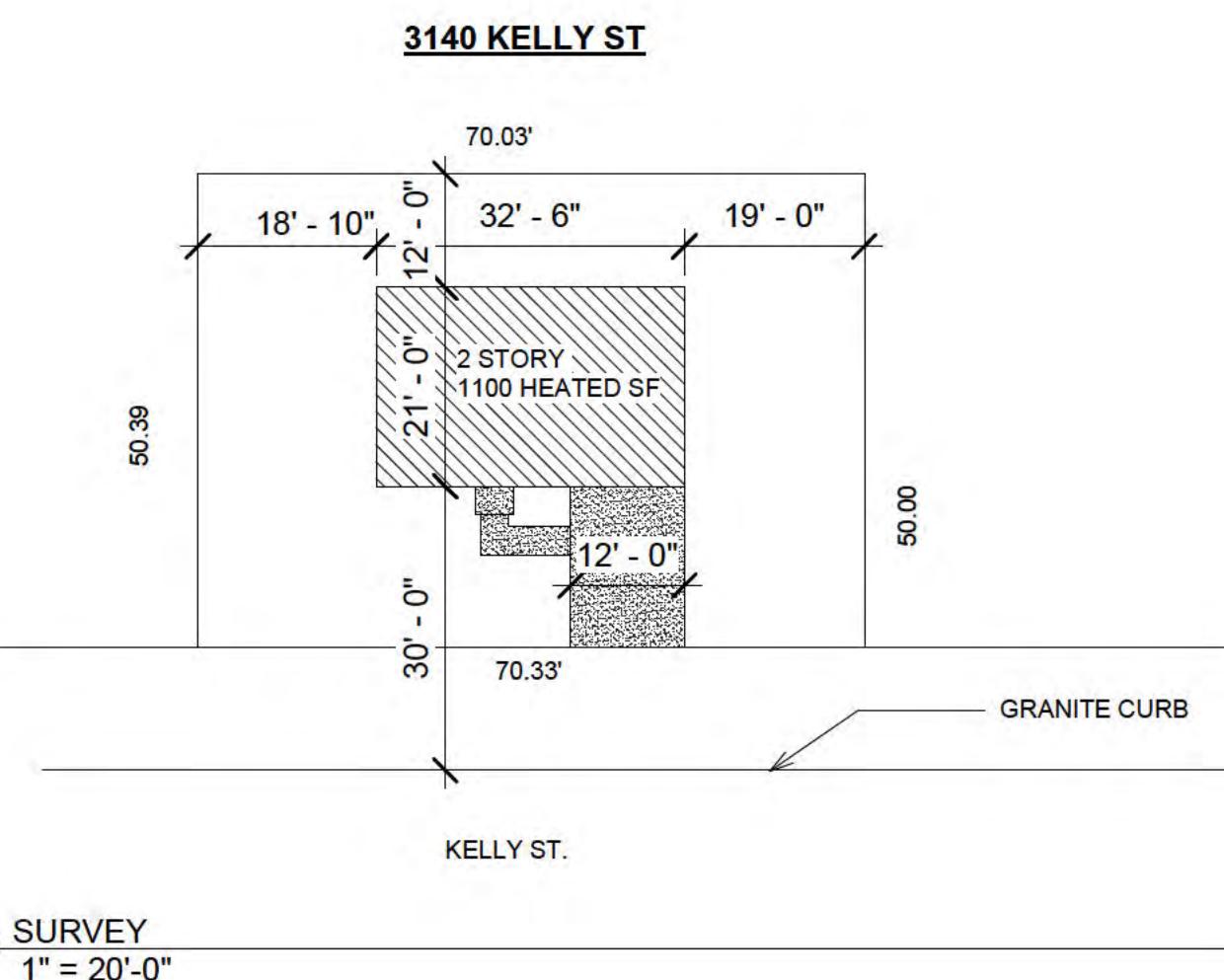
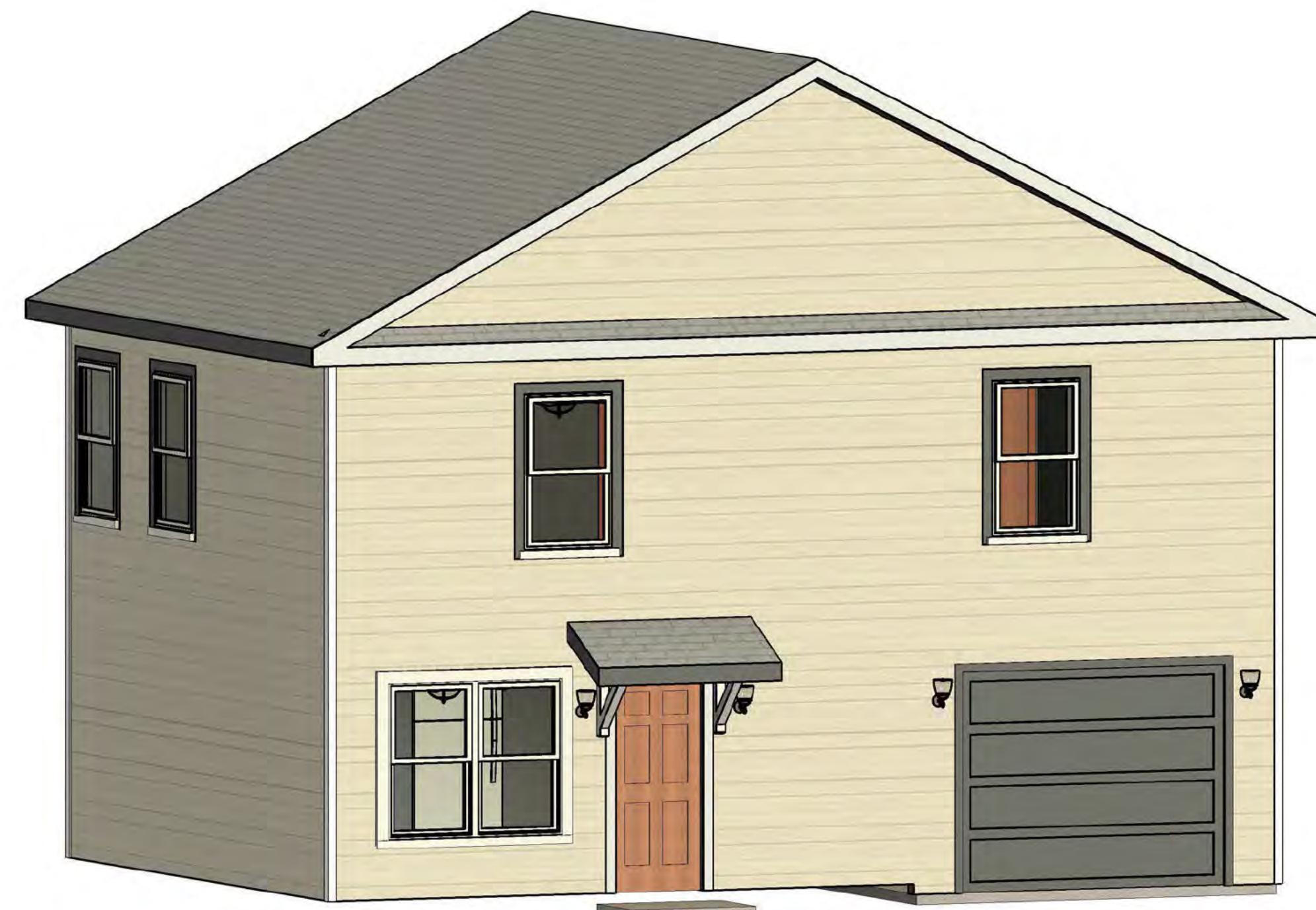
Owner Signature

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Notary Public

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Owner Signature



DRAWN BY: LANETTE GRACE  
LADIES TOUCH HOMES  
423-774-0677  
CLGRACE2015@GMAIL.COM

DRAWING/SHEET INDEX		
1 OF 4	A0	COVER SHEET
2 OF 4	A1	ELEVATIONS
3 OF 4	A2	FOUNDATION/FLOOR FRAMING
4 OF 4	A3	FIRST FLOOR/CEILING FRAMING

AREA SCHEDULE		
1ST FL:	421 SF	
2ND FL:	679 SF	
TOTAL HVAC:	1100 SF	
GARAGE:	258 SF	
TOTAL AREA UNDER ROOF:	1358 SF	

REVISIONS:	
LG	10/29/25
	11/04/25
	11/14/25
	11/21/25

#### CODE COMPLIANCE INFORMATION:

INTERNATIONAL RESIDENTIAL CODE, 2018 EDITION, WITH GEORGIA AMENDMENTS (2020)

INTERNATIONAL FIRE CODE, 2018 EDITION, WITH GEORGIA AMENDMENTS (2020)

INTERNATIONAL PLUMBING CODE, 2018 EDITION, WITH GEORGIA AMENDMENTS (2020), (2022), (2023)

INTERNATIONAL MECHANICAL CODE, 2018 EDITION, WITH GEORGIA AMENDMENTS (2020)

INTERNATIONAL FUEL GAS CODE, 2018 EDITION, WITH GEORGIA AMENDMENTS ((2020), (2022))

NATIONAL ELECTRICAL CODE, 2020 EDITION, WITH GEORGIA AMENDMENTS (2021)

INTERNATIONAL ENERGY CONSERVATION CODE, 2015 EDITION, WITH GEORGIA SUPPLEMENTS & AMENDMENTS (2020), (2022), (2023)

INTERNATIONAL SWIMMING POOL & SPA CODE, 2018 EDITION, WITH GEORGIA AMENDMENTS (2020),

LIFE SAFETY CODE (NFPA 101, 2018 EDITION), WITH STATE AMENDMENTS (2020)

BUILDER:

OWNER:

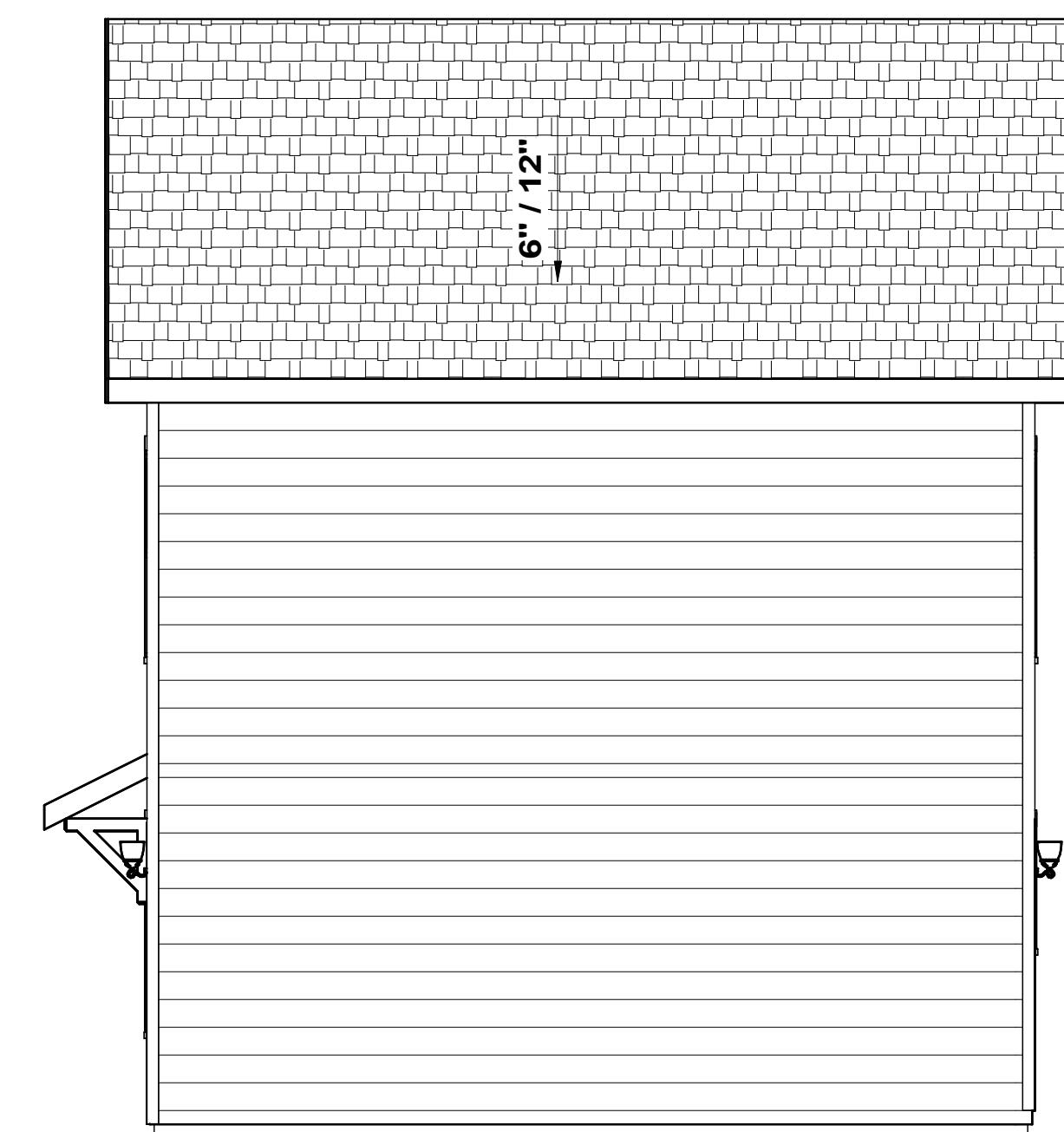
Cover Sheet

Date 11/2/2025 10:55:52 AM  
Issue Date  
Drawn by  
Author  
  
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**FRONT ELEVATION**

SCALE 1/4" = 1'-0"



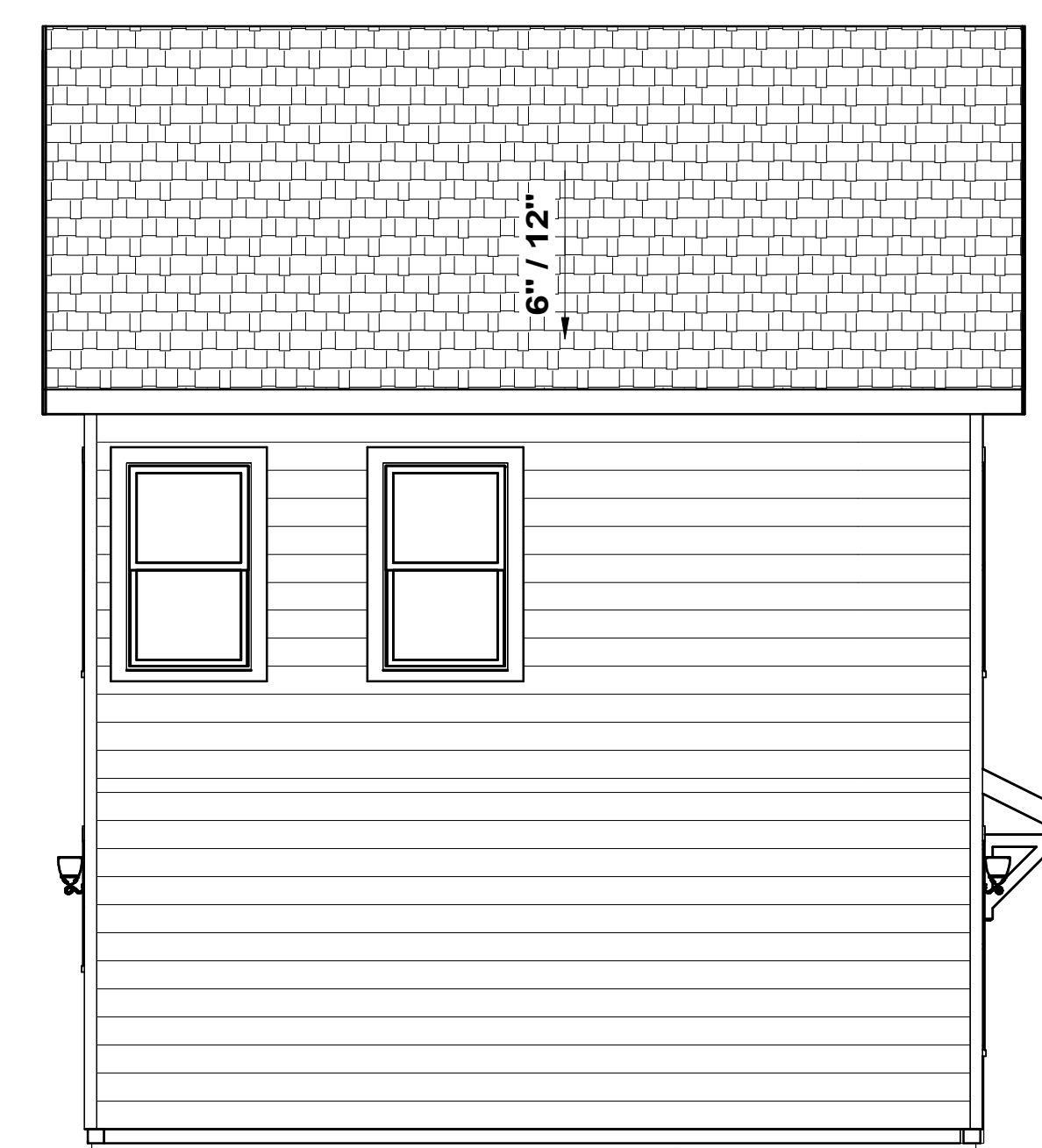
**RIGHT ELEVATION**

SCALE 1/4" = 1'-0"



**REAR ELEVATION**

SCALE 1/4" = 1'-0"



**LEFT ELEVATION**

SCALE 1/4" = 1'-0"

BUILDER:

OWNER:

Elevations

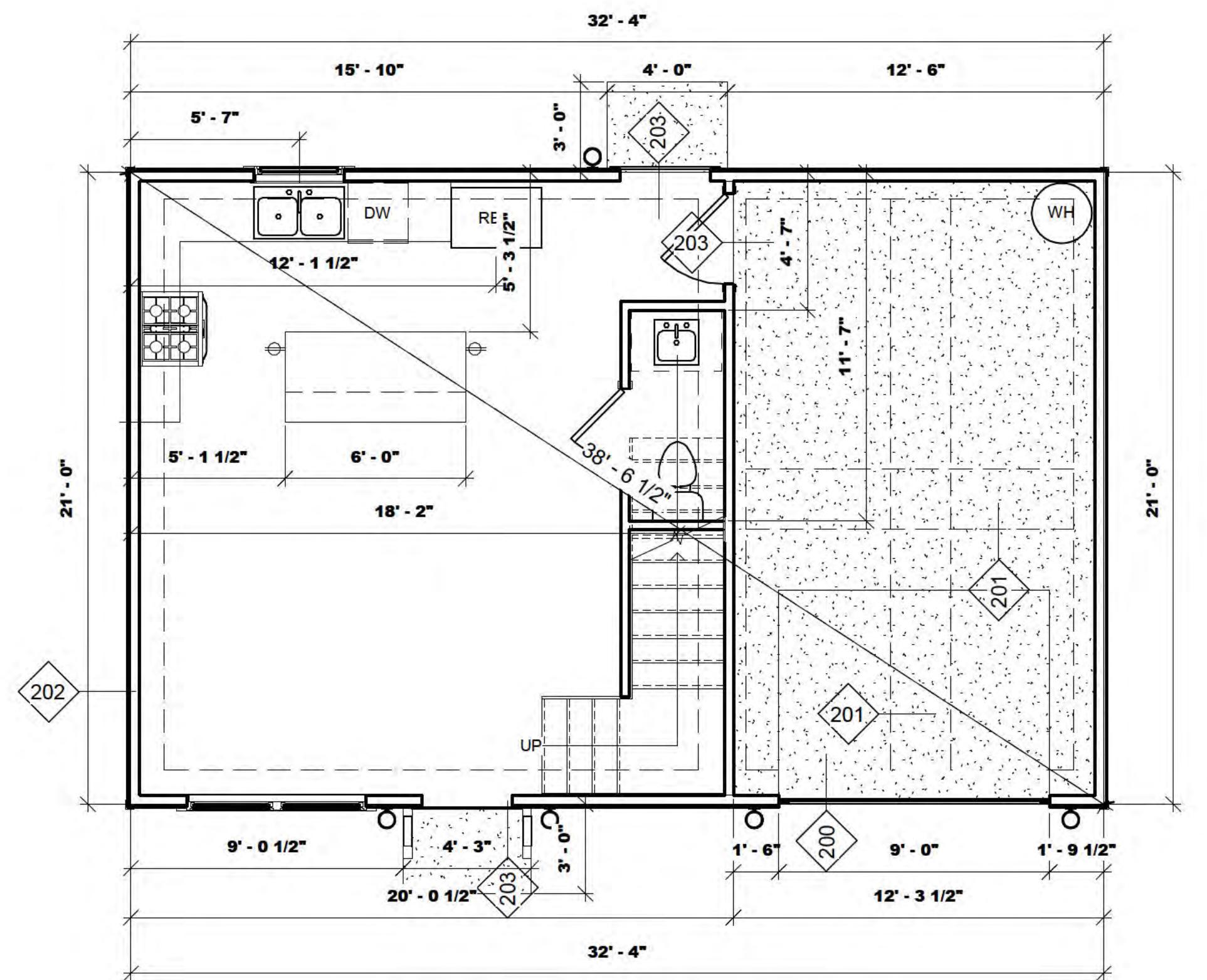
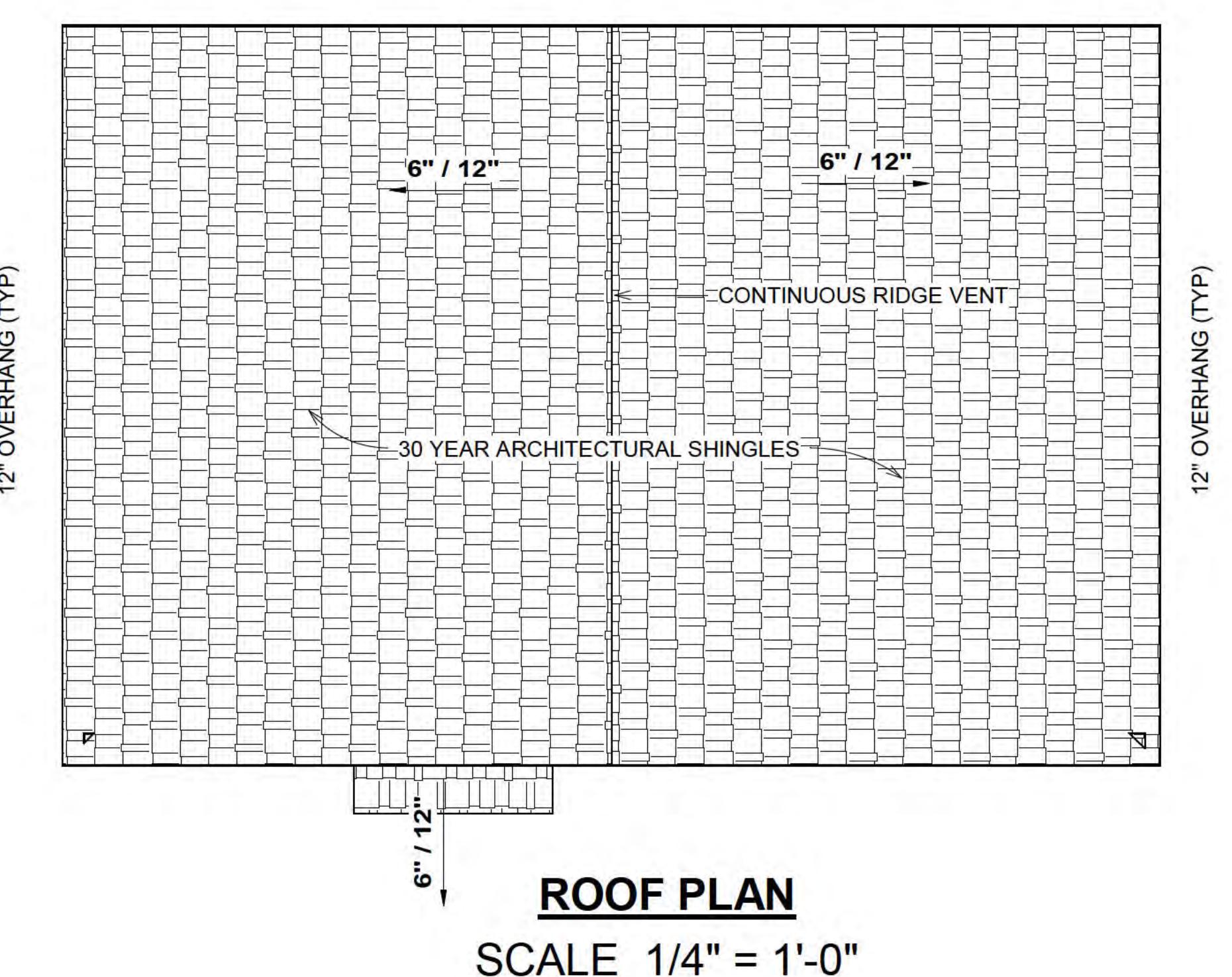
Date  Issue Date   
Drawn by  Author

A1

Scale 1/4" = 1'-0"

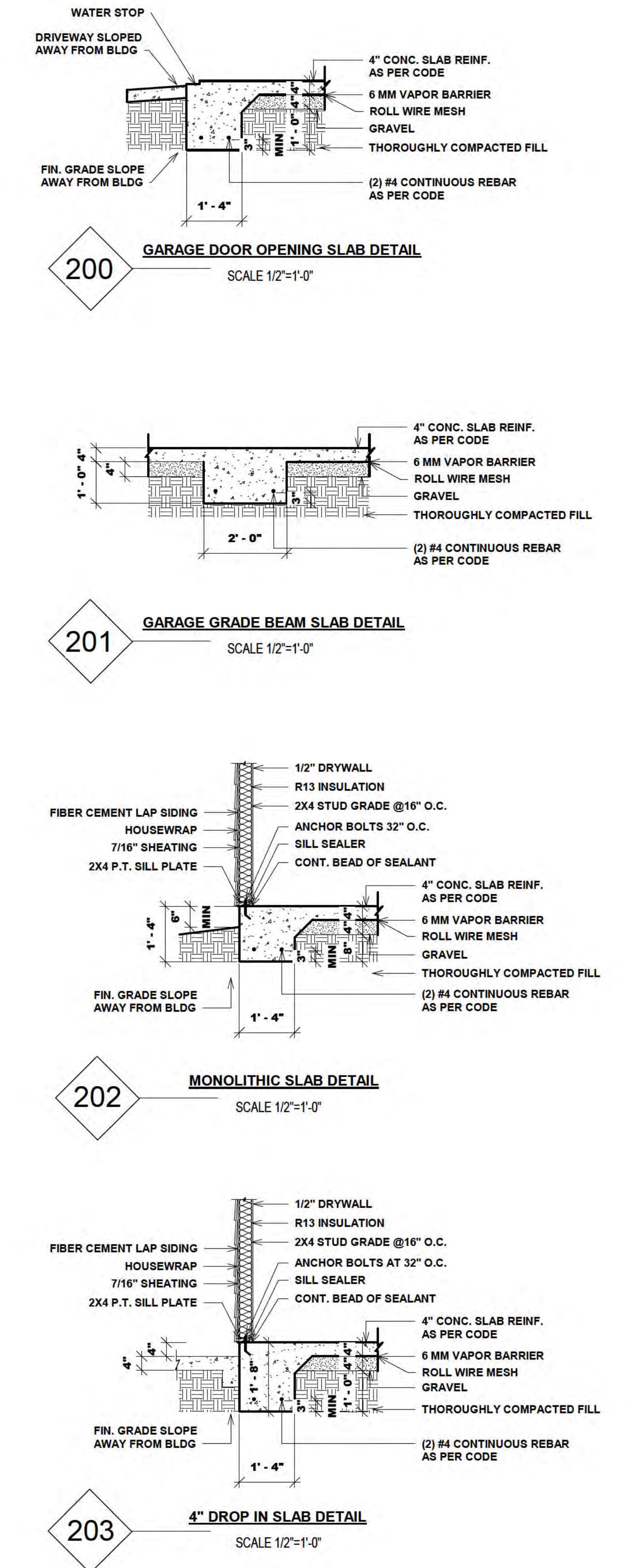
11/2/2025 10:55:52 AM

DRAWN BY: LANETTE GRACE  
LADIES TOUCH HOMES  
423-774-0677  
CLGRACE2015@GMAIL.COM



**SLAB FOUNDATION NOTES:**

1. CONCRETE SLABS TO BE 4" (3000 psi MIN), REINFORCED AS PER CODE.
2. CONTRACTOR TO ADAPT PLANS AS REQUIRED TO MEET ALL APPLICABLE CODES AT SITE.

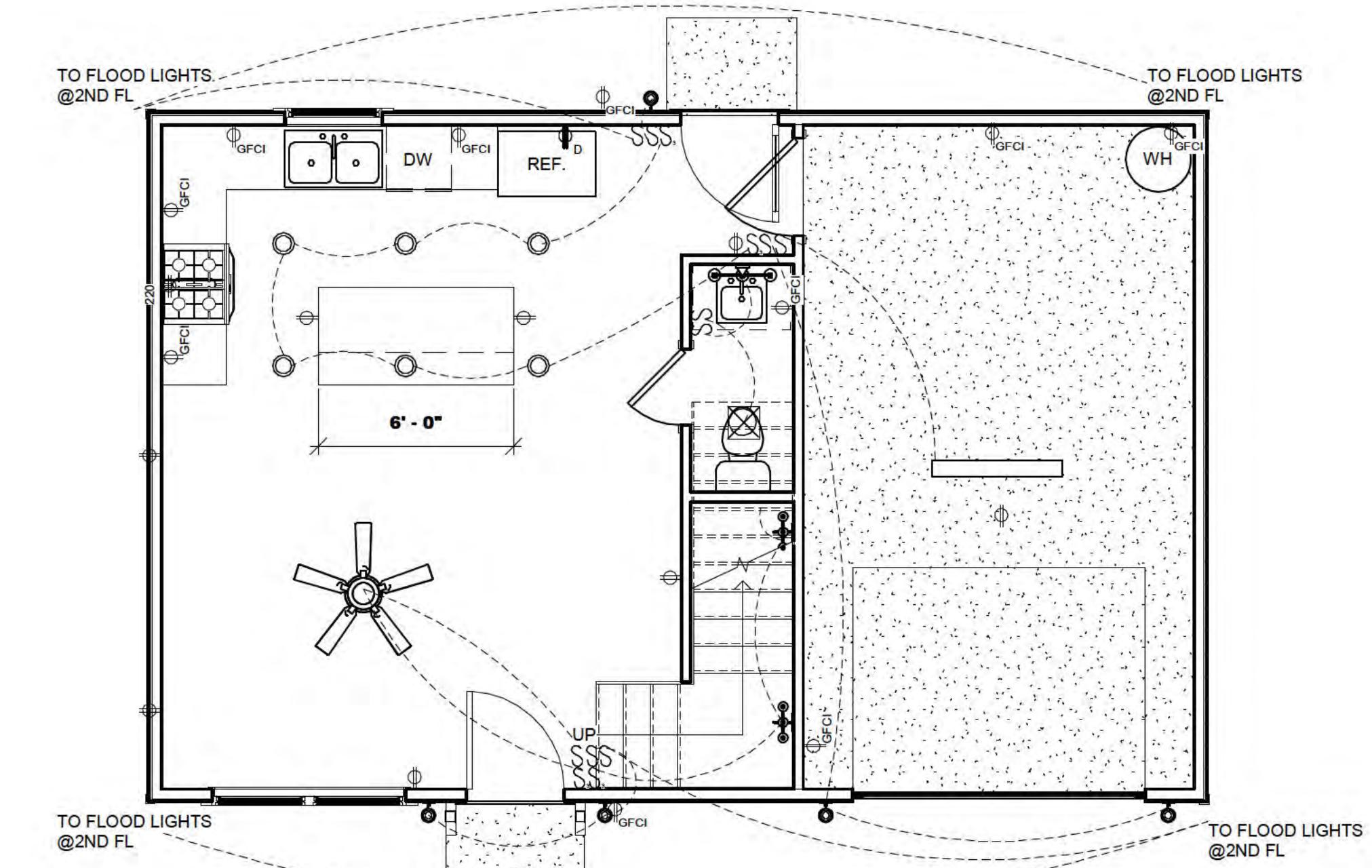
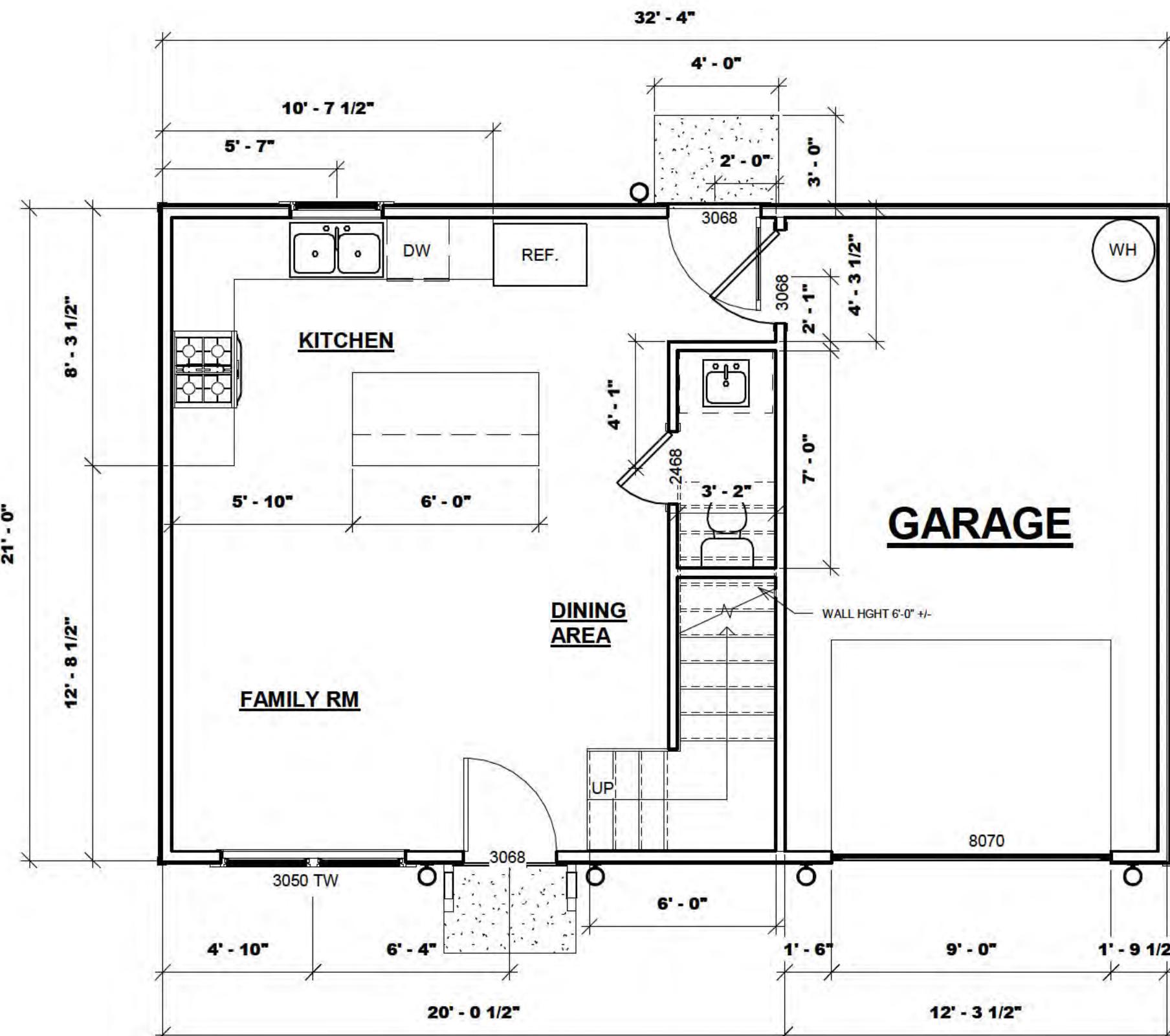


**Foundation & Roof Plan**

**BUILDER:**

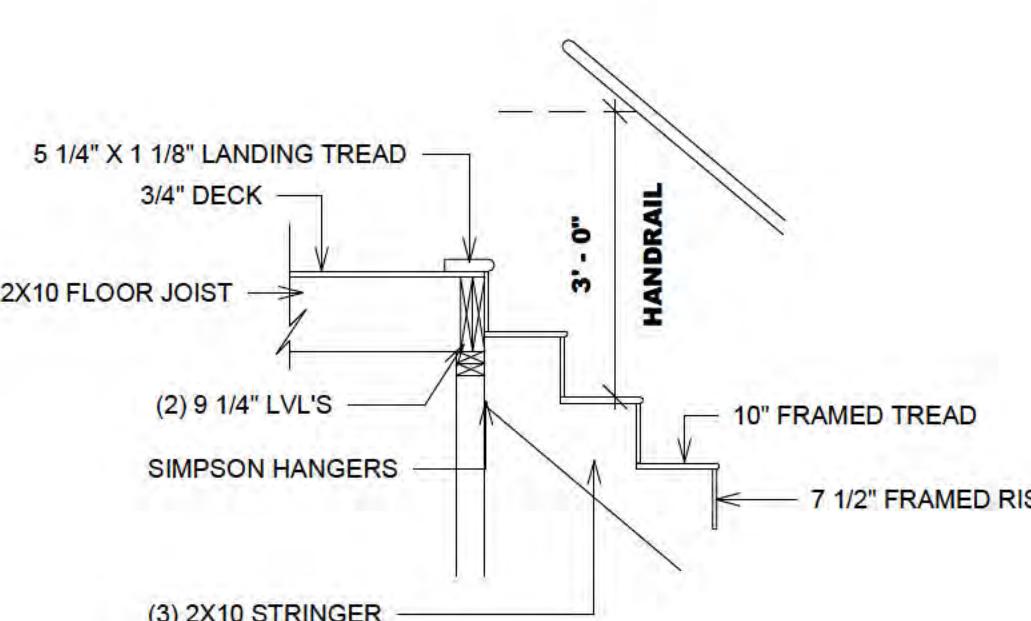
**DRAWN BY:** LANETTE GRACE  
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Date **Issue Date**  
Drawn by **Author**  
  
**A2**  
Scale **As indicated**  
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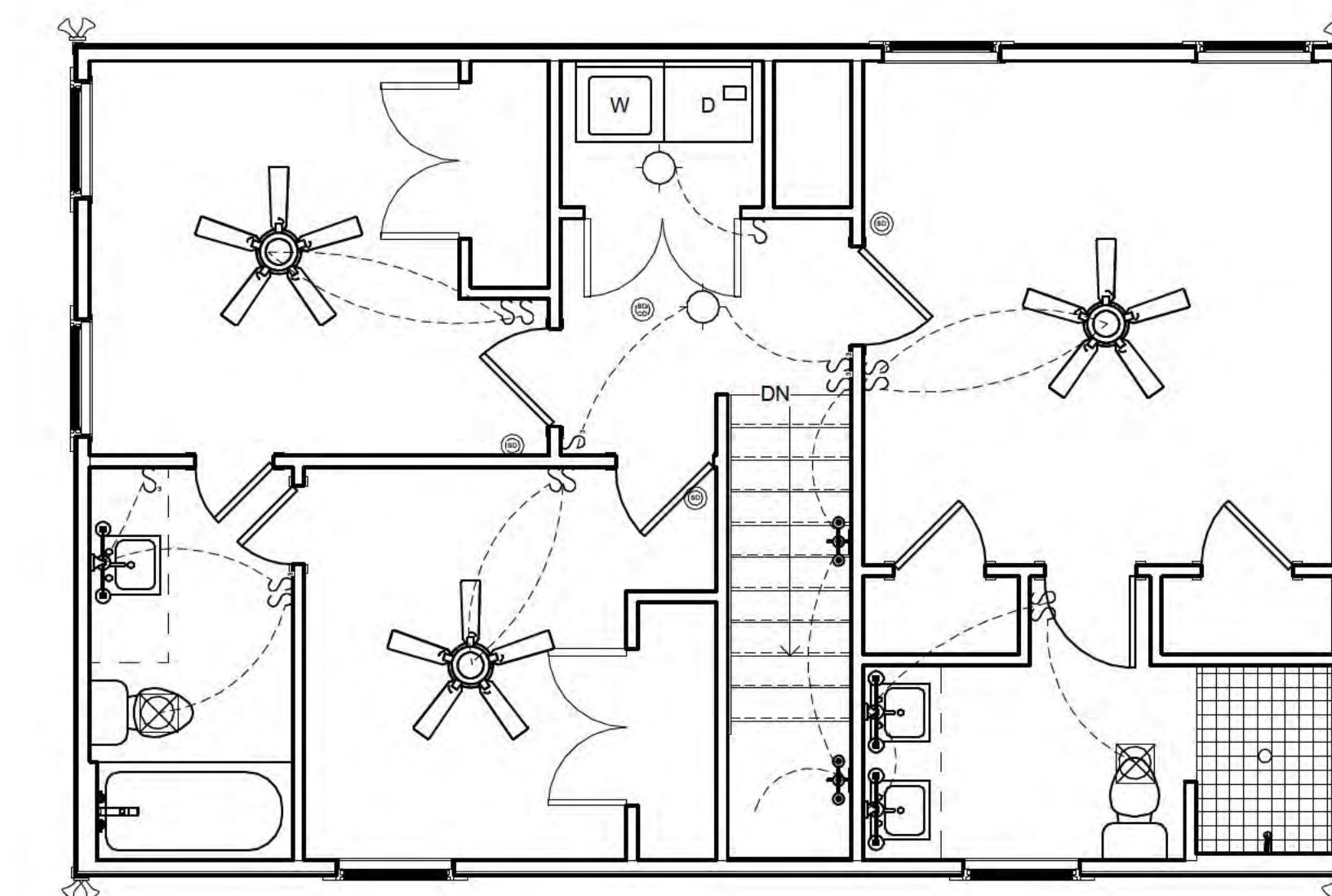
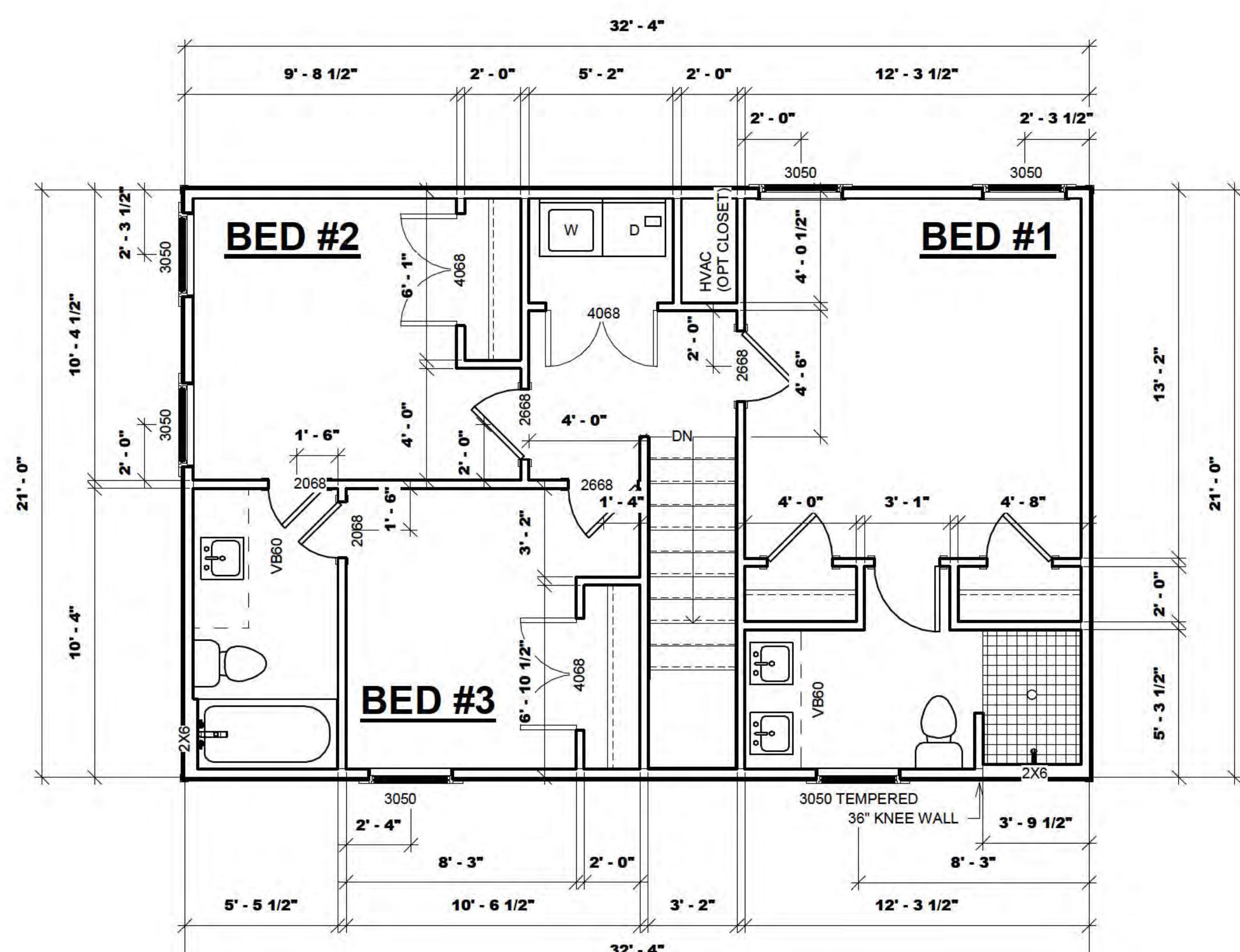
**1ST FLOOR ELECTRICAL PLAN**

SCALE 1/4" = 1'-0"



**STAIR DETAIL**

SCALE 1/2"=1'-0"



**2ND FLOOR ELECTRICAL PLAN**

SCALE 1/4" = 1'-0"

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LADIES TOUCH HOMES  
423-774-0677  
CLGRACE2015@GMAIL.COM

BUILDER:

OWNER:

1st Floor Plan

Date Issue Date  
Drawn by Author

A3

Scale As indicated

**3140 KELLY ST**

