



DeKalb County Zoning Board of Appeals

Department of Planning & Sustainability

178 Sams Street,
Decatur, GA 30030



Wednesday, January 14, 2026

Juliana A. Njoku

Planning Department Staff Analysis

Chief Executive Officer

Director

N4. Case No: A-26-247889

Parcel ID(s): 18 105 02 008

Commission District 02 Super District 06

Applicant/Owner: **Morris Cohen & Gabrielle Sirner-Cohen**

[REDACTED]

Project Name: **1112 Houston Mill Road – Garage Expansion**

Location: **1112 Houston Mill Road NE, Atlanta, GA, 30329**

Request: Variance from Section 27-2.2.1 of the DeKalb County Zoning Ordinance to reduce the rear-yard setback from 15' to 2.9'; and reduce the side-yard setback from 8.5' to 4.2' to construct an addition within the R-85 (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 expansion shall remain limited to the existing garage footprint. Any horizontal expansion or additional encroachment shall require separate review and approval.

STAFF FINDINGS:

The applicant requests variances to permit the addition of a second level to an existing detached garage located at 1112 Houston Mill Road. The property is zoned R-85 and contains a single-family residence constructed prior to the adoption of modern zoning regulations. The detached garage was constructed in 1998 and is legally nonconforming.

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 has a rectangular configuration and is characterized by significant topographic constraints, including a slope that rises from the street toward the residence and then descends sharply toward the rear yard. The lot also abuts a cul-de-sac along one side, resulting in limited adjacency to neighboring properties. The existing garage is located at the rear corner of the property due to these physical constraints and was previously approved in its current location. These site conditions were not created by the current owners and constitute an extraordinary circumstance that limits reasonable placement of accessory structures in compliance with current setback standards.

2. The requested variance does not go beyond the minimum necessary to afford relief, and does not constitute a grant of special privilege inconsistent with the limitations upon other properties in the zoning district in which the subject property is located:

The requested variances represent the minimum relief necessary to allow reasonable use of the property. The proposed expansion maintains the existing garage footprint and seeks only vertical expansion. No additional reductions to setbacks are requested, and no further encroachment beyond the current legally nonconforming location is proposed. The use of dormers and a modest roof height ensures that the structure remains subordinate to the primary residence

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 garage expansion will not be materially detrimental to public welfare or injurious to neighboring properties. Due to the property's topography, existing vegetation, and retaining walls, the expanded structure will have minimal visibility from adjacent residences and the public right-of-way. Both adjoining property owners submitted letters of support, indicating no objection to the proposed expansion. The cul-de-sac adjacent to the garage is lined with mature evergreen trees that screen the structure and preserve privacy for surrounding properties.

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

Strict enforcement of the ordinance would prevent reasonable improvement of an existing accessory structure that is already legally nonconforming. Given the lot's shape, slope, and the placement of the principal dwelling, relocating the garage to meet current setbacks would significantly reduce usable yard area and may not be feasible. Denial of the request may impose an unnecessary hardship not shared by similarly situated properties.

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 Suburban Character Area of the DeKalb County Comprehensive Plan. The design respects suburban land use patterns, enhances accessibility, and maintains compatibility with community aesthetics. The addition represents a responsible improvement that may support long-term neighborhood stability.

FINAL STAFF ANALYSIS:

The application satisfies the variance hardship criteria. The property's unique physical conditions and the existence of a legally nonconforming accessory structure justify limited relief. The requested variances are minimal, do not create adverse impacts, and are supported by adjacent property owners. Staff finds the request reasonable and appropriate.

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.
2. The expansion shall remain limited to the existing garage footprint. Any horizontal expansion or additional encroachment shall require separate review and approval.



DeKalb County
GEORGIA

Chief Executive Officer
Michael Thurmond

DEPARTMENT OF PLANNING & SUSTAINABILITY

Development Services Center
178 Sams Street
Decatur, GA 30030
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: Morris Cohen

Mailing Address: [REDACTED]

City/State/Zip Code: [REDACTED]

Email: [REDACTED]

Telephone Home: [REDACTED] Business: [REDACTED]

OWNER OF RECORD OF SUBJECT PROPERTY

Owner: Gabrielle Rose Sirner-Cohen and Morris Cohen

Address (Mailing): 1112 Houston Mill Rd NE

Email: [REDACTED] Telephone Home: [REDACTED] Business: [REDACTED]

ADDRESS/LOCATION OF SUBJECT PROPERTY

Address: 1112 Houston Mill Rd NE City: Atlanta State: GA Zip: 30329

District(s): 2 Land Lot(s): SUB Block: _____ Parcel: 18 105 02 008

Zoning Classification: R-85 Commission District & Super District: 2 / 6

CHECK TYPE OF HEARING REQUESTED:

VARIANCE (From Development Standards causing undue hardship upon owners of property.)
 SPECIAL EXCEPTIONS (To reduce or waive off-street parking or loading space requirements.)
 OFFICIAL APPEAL OF ADMINISTRATIVE DECISIONS.

***PLEASE REVIEW THE FILING GUIDELINES ON PAGE 4. FAILURE TO FOLLOW
GUIDELINES MAY RESULT IN SCHEDULING DELAYS.***

Email plansustain@dekalbcountyga.gov with any questions.

DEPARTMENT OF PLANNING & SUSTAINABILITY

ZONING BOARD OF APPEALS APPLICATION

AUTHORIZATION 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: 24-Nov-2025

Applicant _____
Signature: gcohen

*Gabrielle Rose
Sirner-Cohen*

DATE: 24-Nov-2025

Applicant _____
Signature: MBC

Morris Bernard Cohen

Morris Cohen and Gabrielle Sirner-Cohen
1112 Houston Mill Rd NE
Atlanta, GA 30329

November 24, 2025

Dear Colleagues,

We have been DeKalb County residents for 12 years and are grateful for the opportunity to make this request. Morris is a faculty member at Georgia Tech, and also serves as an election day poll worker at a DeKalb County precinct (Fernbank Elementary) since 2020. Gabby until recently worked in HR for an Atlanta-based technology company. We are raising two boys, currently in grade school, in our house at 1112 Houston Mill Rd, which is our primary/only residence.

We are requesting the following code variances from current R-85 zoning requirements:

Section 27-4.2.2(C)(3) - Reduce accessory structure side yard setback from 8.5 ft to 4.2 ft
Section 27-4.2.2(D) - Reduce accessory structure rear yard setback from 15 ft to 2.9 ft

The variance will allow the addition of a second level to our existing detached garage. The existing footprint will be maintained. The only expansion will be vertically. There will be no construction that would further reduce the setbacks of the current legally nonconforming garage, which was built in 1998. The main house was built in 1946, before the implementation of zoning codes in 1956.

The additional level will include office, storage, and play space. It may also be used as a guest suite for relatives who visit from time to time, since the main house does not have a guest room.

1. Physical Conditions of the site

Our lot abuts a cul-de-sac along the left side (As viewed from the street). The cul-de-sac has houses only on one side of it, so our property borders only the cul-de-sac street, not another house. There is a ~10.5' gap between the property line and the street curb of the cul-de-sac, which is lined with tall trees and a wood fence.

The property has a nonrectangular shape with a smaller width in the back than in the front. The property slopes upward from the street to the house, and then sharply downhill in the back yard. There is also a large old Oak tree in the front yard. As a result, the house is built far back from the street - 73 ft from the edge of the property to the front of the house. The available back yard space is thus relatively small given the lot size.

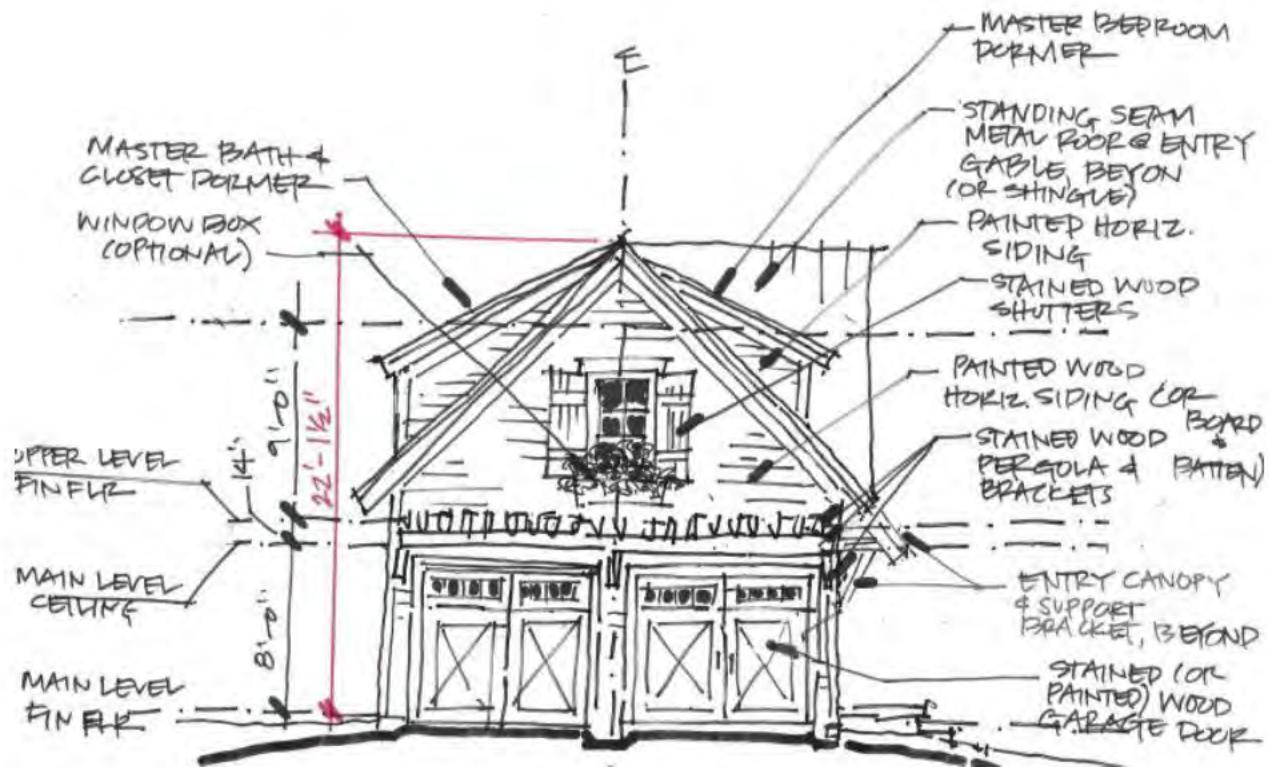


Photo 1: Architectural drawing of the expanded garage (Courtesy Dawn Bennett)

2. Minimum variance necessary

We are requesting only to maintain the existing footprint of the garage while adding a second floor. We are not requesting any additional variances. All other aspects of the design will conform with current building codes.

The expanded garage will use dormers to keep the level of the roof low, so it has a 1.5 story feel instead of 2 story. This also keeps the garage subordinate to the house. The conceptual drawing made by an architect, as shown in Photo 1, has a roof height of 22' 1.5".



Photo 2: The left of the house as viewed from the street. The corner of the garage can be seen behind the house.

3. Public welfare

The hilly shape of the property makes the garage difficult to see from the street. Photo 2 shows a view of the left side of the property from the sidewalk on the street. The garage can only barely be seen because of the slope.

The garage sits at the back corner of the property. The back edge borders the backyard of a neighbor who supports the variance, and a letter of support is included. Due to the structure of that neighbor's back yard, existing trees and retaining walls, the additional height of the garage would not noticeably affect the usability or privacy of that property. Photo 3 shows the existing garage as viewed from the back patio of that property, where only the edge the garage can be seen.

The side edge borders a cul-de-sac street, Hillshire Place, not another private property. The cul-de-sac is lined with very tall evergreen trees that are significantly higher than the garage, even after a second floor added. Photo 5 shows the existing garage from the main house.

Because of those tall evergreens, the garage is and would not be visible from the houses on the cul-de-sac, so there would be no impact to the privacy or usability of the properties on the cul-de-sac. Photo 4 shows the garage as viewed from the middle of the cul-de-sac.

4. Ordinance hardship

The existing garage is legally nonconforming, having received a variance in 1998. Denial of this request would make further improvements to the property very difficult.

As described in section 1, the shape and sloping of the property results in a smaller back yard compared to other properties in this neighborhood. Placement of the garage in the back yard but set back from the property line edges would greatly reduce the usable space in the back yard, as well as making access to the garage challenging, if not impossible, due to proximity to the existing house. Denying these variances would effectively deprive the property owners of a benefit available to most other similar lots in the neighborhood. The house was built before current building codes, which may otherwise had resulted in a different house placement on the property.



Photo 3: The garage as viewed from the back patio of the neighbor at 1669 Adelia Pl.



Photo 4: The garage and the tall trees on the edge of the Hillshire Place cul-de-sac

5. Alignment with the spirit of the law

Expansion of the garage allows improvement of the property while preserving the original house. At 2800 sq ft, the current house fills missing middle housing in a neighborhood where starter and midsize houses are gradually being replaced by much larger houses. Maintaining midsize housing is important to mitigate a housing crisis whereby starter or middle-size homes are increasingly hard to find.

The main house was built in 1946 and is one of the oldest houses in the neighborhood. The proposed plan would be a functional and aesthetic improvement to the property while still keeping this 80-year-old and well-maintained house in place.

The proposed second-level garage addition fits with typical suburban land use and other similar structures exist in the neighborhood.

The proposed project increases the density of housing space in the suburban neighborhood without detrimental impacts to the neighborhood feel or infrastructure.

Finally, we note that no significant trees on the property will be impacted or removed by the proposed expansion.

The second adjoining property owner to our house has also written a letter of support.

Conclusion

We close by again thanking you for your consideration. We hope we have shown that our proposed variance is reasonable, minimal, and not disruptive to our neighborhood. We are ready to answer questions.

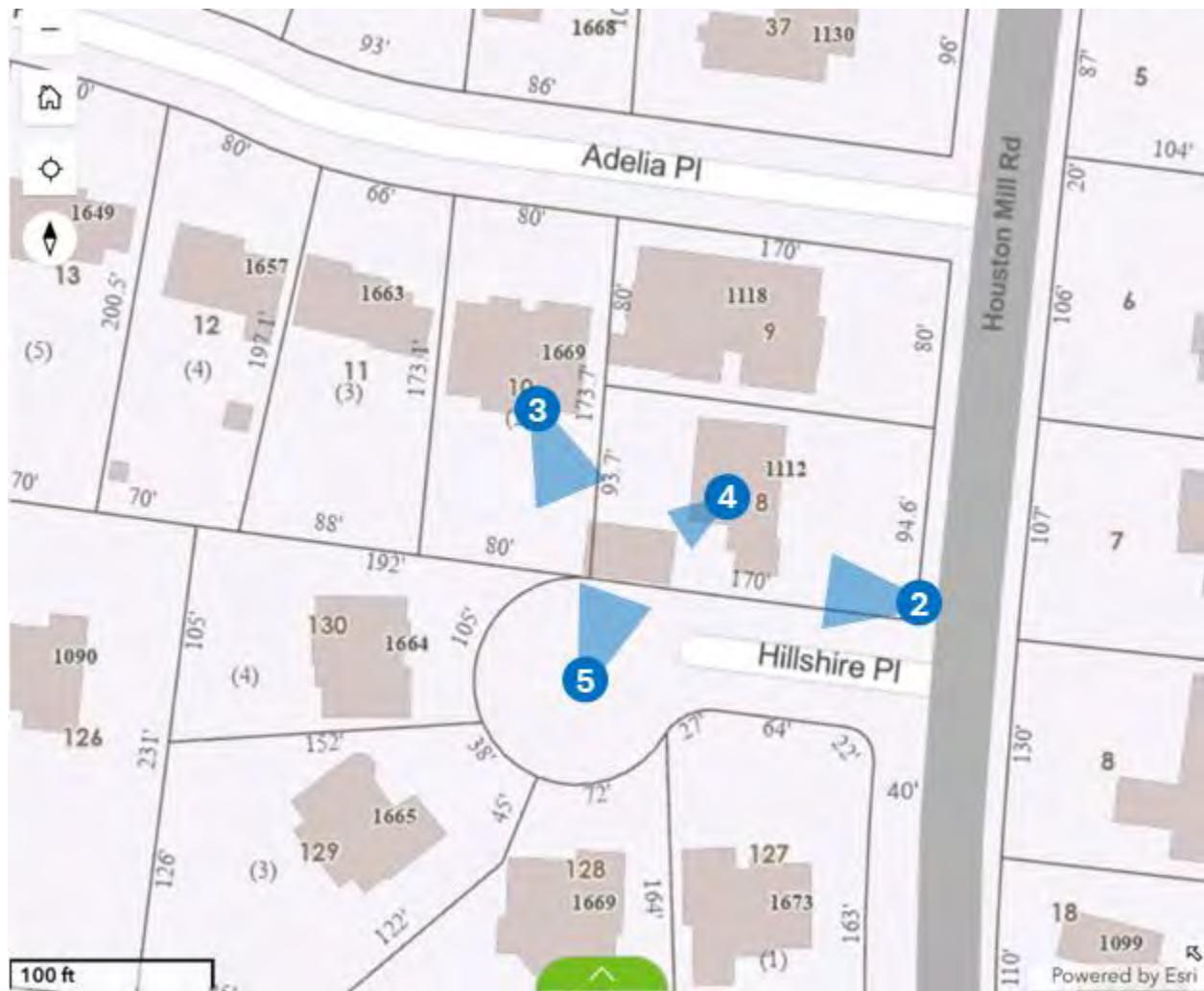
Sincerely,

Morris Cohen and Gabrielle Sirner-Cohen
morris.cohen@gmail.com



Photo 5: The view from the middle of the cul-de-sac facing the existing garage.

Appendix A: A map of the property areas, showing the location and direction of the photographs in this letter.



**TOTAL SITE AREA
16,127 SQ. FT.
0.370 ACRES**

THIS BLOCK RESERVED FOR COURT CLERK

ZONING: R-85

SETBACKS

FRONT = 35'
SIDE = 8.5'
REAR = 40'

MIN. LOT SIZE = 12,000 SQ.FT.

MIN. LOT WIDTH = 85'

MAX. LOT COVERAGE = 35%

BOUNDARY REFERENCES:

1. SUBJECT DEED BOOK 26704, PAGE 165
2. PLAT BOOK 20, PAGE 46
3. SEE ADJOINERS

ADDRESS(S)

1112 HOUSTON MILL ROAD
ATLANTA, GEORGIA, 30329

FLOOD NOTE

AS PER THE F.I.R.M. FLOOD INSURANCE RATE MAP DEKALBCOUNTY COMMUNITY PANEL NO. 13069 C 0062 K DATED AUGUST 15, 2019. THIS PROPERTY IS NOT IN AN AREA HAVING SPECIAL FLOOD HAZARDS.

BENCHMARK REFERENCE

ALL ELEVATIONS ARE GROUND RUN; ELEVATIONS ARE BASED OFF OF TRIMBLE NETWORK GPS MEAN SEA LEVEL MEASUREMENTS USING A TRIMBLE R12 LT BASE ROVER WITH VRS NOW RTK GNSS SERVICE.

ALLOWED IMPERVIOUS AREA

5,644.45 SQ. FT.

IMPERVIOUS SURFACE CALCULATIONS

EXISTING BUILDING FOOTPRINT	= 2,359 SQ.FT.
EXISTING CONCRETE DRIVEWAY	= 1,888 SQ.FT.
EXISTING FRONT PORCH/WALK	= 439 SQ.FT.
EXISTING DETACHED GARAGE	= 873 SQ.FT.
EXISTING DECKS (x2)	= 381 SQ.FT.
TOTAL	= 5,940 SQ.FT.

CALC = 5940/16127 = 0.368
= 36.8%

TREE LEGEND

- EX. HARDWOOD TREE
- PINE TREE
- PECAN TREE
- OAK TREE

LEGEND

IPF	IRON PIN FOUND	PROPERTY LINE
IPS	IRON PIN SET (1/2"RB)	FENCE
CTP	CRIMP TOP PIPE	TELEPHONE LINE
OTP	OPEN TOP PIPE	GAS LINE
R/W	RIGHT OF WAY	WATER LINE
RB	REBAR	SANITARY SEWER LINE
P	PROPERTY LINE	OVERHEAD POWER LINE
C	CENTER LINE	UNDERGROUND POWER
T.B.M.	TEMPORARY BENCHMARK	TELEPHONE PEDASTAL
BENCHMARK		TELE COMM. MANHOLE LID
L.L.L.	LAND LOT LINE	POWER POLE
N/F	NOW OR FORMERLY	LIGHT POLE
PT	PERC. TEST (BOREHOLE)	GA POWER MANHOLE LID
		GUY WIRE
		3x3 TRANSFORMER
		AIR CONDITIONER
		GAS VALVE
		I.E. INVERT ELEVATION
		SMH SANITARY SEWER MANHOLE
		D.I. CLEANOUT
		D.I. DRAIN INLET
		CMP CORRUGATED METAL PIPE
		FES FLARED END SECTION

REVISIONS:

GRAPHIC SCALE

0 15 30 60 90 120

BOUNDARY, TOPOGRAPHIC, TREE & UTILITY SURVEY FOR

MORRIS COHEN

(PERMITTING MUNICIPALITY: DEKALB COUNTY)

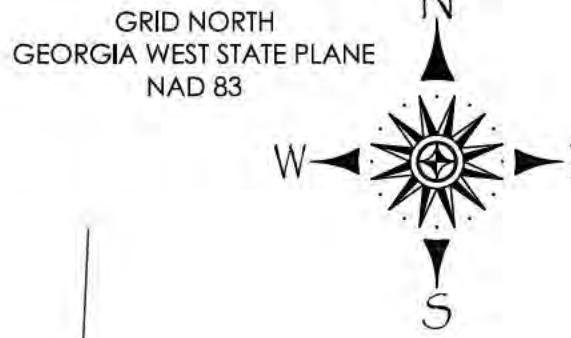
PLAT BOOK 20, PAGE 46
LAND LOT 105 of the 18th DISTRICT
DEKALB COUNTY, GEORGIA
DATE: 10/23/2025 SCALE: 1" = 20'



ALPHARETTA OFFICE
1875 LOCKWAY DRIVE - SUITE 702
Alpharetta, Georgia 30004
Office: (770) 675-6197

WEBSITE: MERIDIANGEOMATICS.NET
EMAIL: SURVEYINGATLANTA@GMAIL.COM

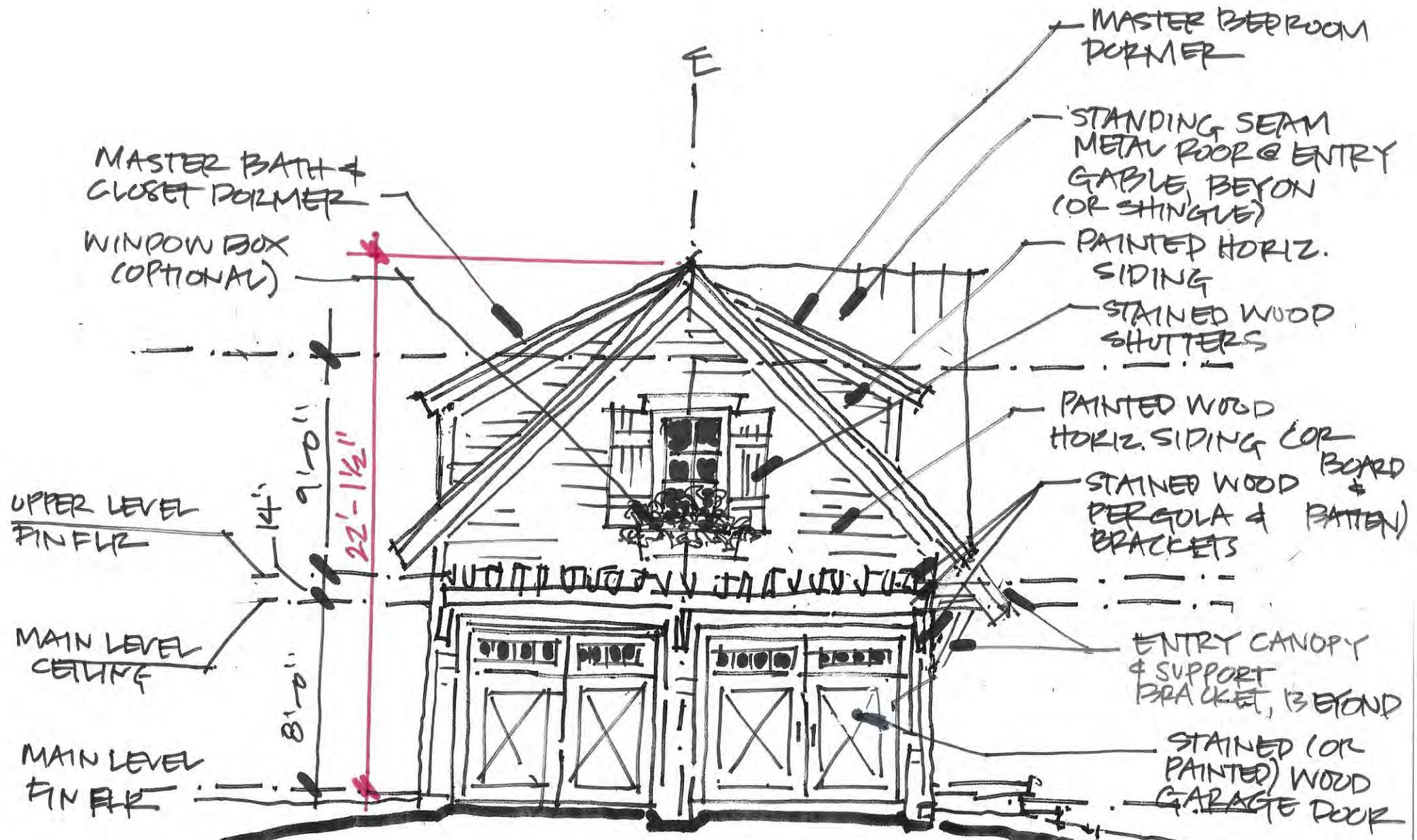
DRAWN BY
S.C.D.
JOB. #
2025-216



SURVEYOR'S CERTIFICATION

This plat is a reffacement of an existing parcel or parcels of land and does not subdivide or create a new parcel or make any changes to any real property boundaries. The recording information of the documents, maps, plats, or other instruments which created the parcel or parcels are stated herein. RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. FUTHERMORE, THE UNDERSIGNED LAND SURVEYOR CERTIFIES THAT THIS PLAT COMPLIES WITH THE MINIMUM TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN THE RULES AND REGULATIONS OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN THE O.C.G.A. SECTION 15-6-67.





1A SIRNER-COTTEN ADU-END ELEVATION 1
 $3/16'' = 16''$

7.31.2025

MASTER
BEDROOM
DORMER

STANDING-
SEAM
METAL ROOF

(1B) SIRNER-COHEN ADU: SIDE ELEVATION 1

$\frac{3}{16}'' = 1'0''$

db
7.31.25

E

STANDING SEAM (OR
ASPHALT SHINGEE)
ROOF

STAINED
WOOD
SHUTTER

STANDING
SEAM
ENTRY
CANOPY

WOOD BRACKET

SLIDING
DOOR
PAINTED
HORIZ.

SIDING (OR
STOCK
BOARD)

BATTEN)
STONE
STEPS, AS
REQ'D.

UPPER
CEILING

22'-1 1/2"

UPPER FLR.
MAIN
CEILING

MAIN
- FIN. FLR.

GARAGE
WINDOWS

POWDER
ROOM
WINPOW

**Support Letters from
Both Adjoining
Neighbors**

November 17, 2025

Dear DeKalb County Zoning Board of Appeals,

We write to express our support for the variance application of Morris Cohen and Gabrielle Sirner-Cohen, property owners of 1112 Houston Mill Rd NE, 30329.

We are the owner of [REDACTED], and our property line borders 1112 Houston Mill Rd NE.

I understand that the owners are interested in adding an additional level to the detached garage currently on the corner of their property. This garage is currently only a few feet from the boundary with our property, hence they are applying for a setback variance.

As viewed from the street looking toward our back yard, the location of the garage is along the left edge of the property, close to the back. However, due to the layout and grading of our back yard and its hill, including existing trees and a fenceline, the garage's expansion will not be detrimental to our property, including its usability and privacy. In fact it will barely be visible due to the layout.

Therefore, having discussed these plans with the owners, I support the construction of this garage expansion.

Please let me know if you have any questions.

Sincerely,

David and Eileen Price



A handwritten signature in black ink, appearing to read "David Price" and "Eileen Price" stacked vertically.

November 18, 2025

Dear DeKalb County Zoning Board of Appeals,

We write to express our support for the variance application of Morris Cohen and Gabrielle Sirner-Cohen, property owners of 1112 Houston Mill Rd NE, 30329.

We are the owner of [REDACTED] and our property line borders 1112 Houston Mill Rd NE.

I understand that the owners are interested in adding an additional level to the detached garage currently on the corner of their property. I understand that the owners are applying for a setback variance.

The garage sits on the opposite of the property, and the existing trees and shrubs will maintain privacy and usability for my property even with the second level. Therefore, having discussed these plans with the owners, I support the construction of this garage expansion.

Please let me know if you have any questions.

Sincerely,

Jeffrey and Kerri Snow

A handwritten signature in blue ink that reads "KERRI SNOW". The signature is fluid and cursive, with "KERRI" on the top line and "SNOW" on the bottom line.