



Lorraine Cochran-Johnson

Chief Executive Officer

## DeKalb County Zoning Board of Appeals

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

Wednesday, February 11, 2025

### Planning Department Staff Analysis



Juliana Njoku

Director

D1. Case No: A-25-1247541

Parcel ID(s): 18 068 04 006

#### Commission District 04 Super District 06

Applicant: Nebiyu Setegn  
[REDACTED]  
Stone Mountain, GA 30083

Owner: Bushera Abdella Mohammed  
[REDACTED]  
Stone Mountain, GA 30083

Project Name: 4084 Elmscourt – Single family home construction

Location: 4084 Elmscourt Drive, Stone Mountain, GA 30083

Requests: Application by Nebiyu Setegn to request variances from Section 27-2.2.1 of the DeKalb County Zoning Ordinance to reduce front yard setback 35 feet to 33 feet to facilitate construction of single-family home in the R-85 (Residential Medium Lot-85) zoning district.

**Staff Recommendation:** Approval with condition

**Condition:** 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 applicant requests a variance from Section 27-2.2.1 of the DeKalb County Zoning Ordinance to reduce the front yard setback from 35 feet to 33 feet on a residential parcel located at 4084 Elmscourt Drive. The site is zoned R-85 (Residential Medium Lot-85) and is currently vacant.

The subject case has had multiple deferrals due to earlier site plans that requested substantial reductions to both the front and rear yard setbacks. The applicant submitted a revised site plan that significantly reduced the scope of the request and eliminated the front yard setback variance entirely. The applicant proposes construction of a two-story single-family home totaling approximately 3,540 square feet, including approximately 2,920 square feet of heated space.

**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 contains physical constraints that limit the buildable area, including a storm drainage easement located within the front portion of the lot. In addition, the parcel appears to lack sufficient depth when considered in combination with required setbacks, further constraining feasible building placement.

These conditions are not self-created and are unique to the property. Strict application of the front yard setback requirement would limit reasonable residential development of the parcel compared to other properties in the R-85 zoning district.

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

The current request represents a substantial reduction from earlier proposals and reflects an effort by the applicant to minimize the amount of relief sought. The variance request is limited to approximately 2 feet from the required front yard setback and does not include any rear yard relief.

While the proposed home exceeds the minimum required unit size of 1,800 square feet for the R-85 district, the overall scale and form of the structure are consistent with surrounding residential development. The proposed house is 3,540 square feet (2,920 heated).

Although it may be possible to construct a home that is closer to the minimum that would not require any variances, it may be in the spirit of the intent of the DeKalb County Comprehensive Plan to allow further development of housing to meet the projected density needs of the county. The requested setback reduction is modest in scale and appears to be the minimum necessary to accommodate a reasonable residential layout given the site constraints.

**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 variance is not anticipated to be materially detrimental to the public welfare or injurious to surrounding properties. The reduction in front yard setback is minimal and unlikely to create adverse visual or functional impacts within the neighborhood. The development of a single-family residence on a vacant lot is expected to contribute positively to neighborhood stability and continuity. The

property sits between a corner lot and buffer bordering a higher-density apartment complex, suggesting the addition may not interfere with a residents' privacy.

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

The hardship results from the combination of limited lot depth and the presence of a storm drainage easement affecting the front portion of the property. These fixed conditions reduce the buildable envelope and create practical difficulty in meeting the full front yard setback requirement. Without relief, strict application of the ordinance would impose unnecessary hardship by constraining development of a legally platted residential lot.

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

The subject property is located within the Suburban (SUB) character area, which encourages compatible infill development and efficient use of existing residential land. The proposed development aligns with the Comprehensive Plan's goals of supporting housing availability and neighborhood stability.

**FINAL STAFF ANALYSIS:**

Staff finds that the applicant has substantially reduced the scope of the request and demonstrated an effort to achieve the minimum relief necessary. It may be possible to design a smaller-sized house to warrant no variances, however it may be in the interest of the county to approve housing that could further support a family while still maintaining neighborhood character. Although the submitted site plan will need to clearly depict setback lines and dimensional compliance during the permitting process, the requested variance is sufficiently minor to warrant approval.

**Staff Recommendation:** Approval with condition

**Condition:** 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.

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: Nebiyou Setegn

Mailing Address: 4109 Creek Court

City/State/Zip Code: Stone Mountain, GA 30083

Email: [REDACTED]

Telephone: [REDACTED] Business: \_\_\_\_\_

#### OWNER OF RECORD OF SUBJECT PROPERTY

Owner: Bushera Abdella Mohammed

Address (Mailing): [REDACTED]

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

#### ADDRESS/LOCATION OF SUBJECT PROPERTY

Address: 4084 Elmscourt Drive GA City: Stone mountain State: GA Zip: 30083

District(s): \_\_\_\_\_ Land Lot(s): \_\_\_\_\_ Block: \_\_\_\_\_ Parcel: \_\_\_\_\_

Zoning Classification: R-85 Commission District & Super District: NBHD

#### CHECK TYPE OF HEARING REQUESTED:

/ VARIANCE (From Development Standards causing undue hardship upon owners of property.)

\_\_\_\_\_ SPECIAL EXCEPTIONS (To reduce or waive off-street parking or loading space requirements.)

\_\_\_\_\_ OFFICIAL APPEAL OF ADMINISTRATIVE DECISIONS.

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

Email [plansustain@dekalbcountyga.gov](mailto:plansustain@dekalbcountyga.gov) with any questions.

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DEPARTMENT OF PLANNING & SUSTAINABILITY

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**ZONING BOARD OF APPEALS APPLICATION**

**AUTHORIZATION OF THE PROPERTY OWNER**

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

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

I hereby certify that I am the owner of the property subject to the application.

DATE: 4/20/2025      Applicant Nebiyou Setegn  
Signature: \_\_\_\_\_

DATE: 4/20/2025      Applicant Bushera Abdella Mohammed  
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 Zoning Board of Appeals for the requests as shown in this application.

DATE: 4/20/2025      Applicant/Agent Nebiyou Setegn  
Signature: \_\_\_\_\_

TO WHOM IT MAY CONCERN:

(I)/ (WE): Bushera Abdella Mohammed  
(Name of Owners) \_\_\_\_\_

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

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

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

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

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

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

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

## Ordinance Variance Hardships

Subject: Variance Request for Rear Yard Setback Reduction Section 27-2.2.1 – New single family because of Storm drainage easement

Dear Members of the Zoning Board of Appeals:

My name is Nebiyou Setegn, I am representing the owner of the property located at 4084 Elms court Drive Stone Mountain GA. I am requesting a variance from Section 27-2.2.1 of Dekalb County Zoning Ordinance reduction of the yard setback requirement from 35 feet to 33 feet and 2 inches due to the Storm drainage easement in the yard. The purpose of this variance is to build a single-family house at 4084 Elms court Drive Stone Mountain GA.

1. Physical Conditions of the Site

The Storm drainage easement is prohibiting the desired proposed single family from being built. The setback is affected by The Storm drainage easement. These conditions are inherent to the property and challenging.

2. Minimum Variance Necessary

The minimum variance is necessary to allow for reasonable use of the property. The owner is proposing a frontage setback of 33 feet and 2 inches will allow practical and reasonable use of the proposed new single-family residence. If the variance is not granted it affects the Functionality of home particularly with resident.

3. Public welfare

The proposed new single-family house will have a positive impact on the neighborhood and the community. The reduced setback will not harm public welfare or to the neighboring properties. The owner spoke to his neighbors, and they expressed the new single family will increase their property values and addressing housing shortage in Dekalb county. The property is also borders commercial property. It is unlikely to bother 807. There is also sufficient border between commercial and private property and located on dead end.

4. Ordinance Hardship

The strict interpretation of the Zoning laws in this case would create undue hardship. Adhering to the 35-foot setback and drainage easement limits buildable area on the property. It also prohibits the ability to make meaningful growth to the property and to the county. The variance is essential to allow for the reasonable use of vacant lot and unnecessary hardship.

#### 5. Alignment with the spirit of the Law

I believe my request is in alignment with the spirit of the law as outlined in the Dekalb County Comprehensive Plan. The proposed single family supports the goals of the county for affordable housing and the overall quality of the neighborhood. The new single-family development will address housing shortage as well as Increase infill development and accessibility.

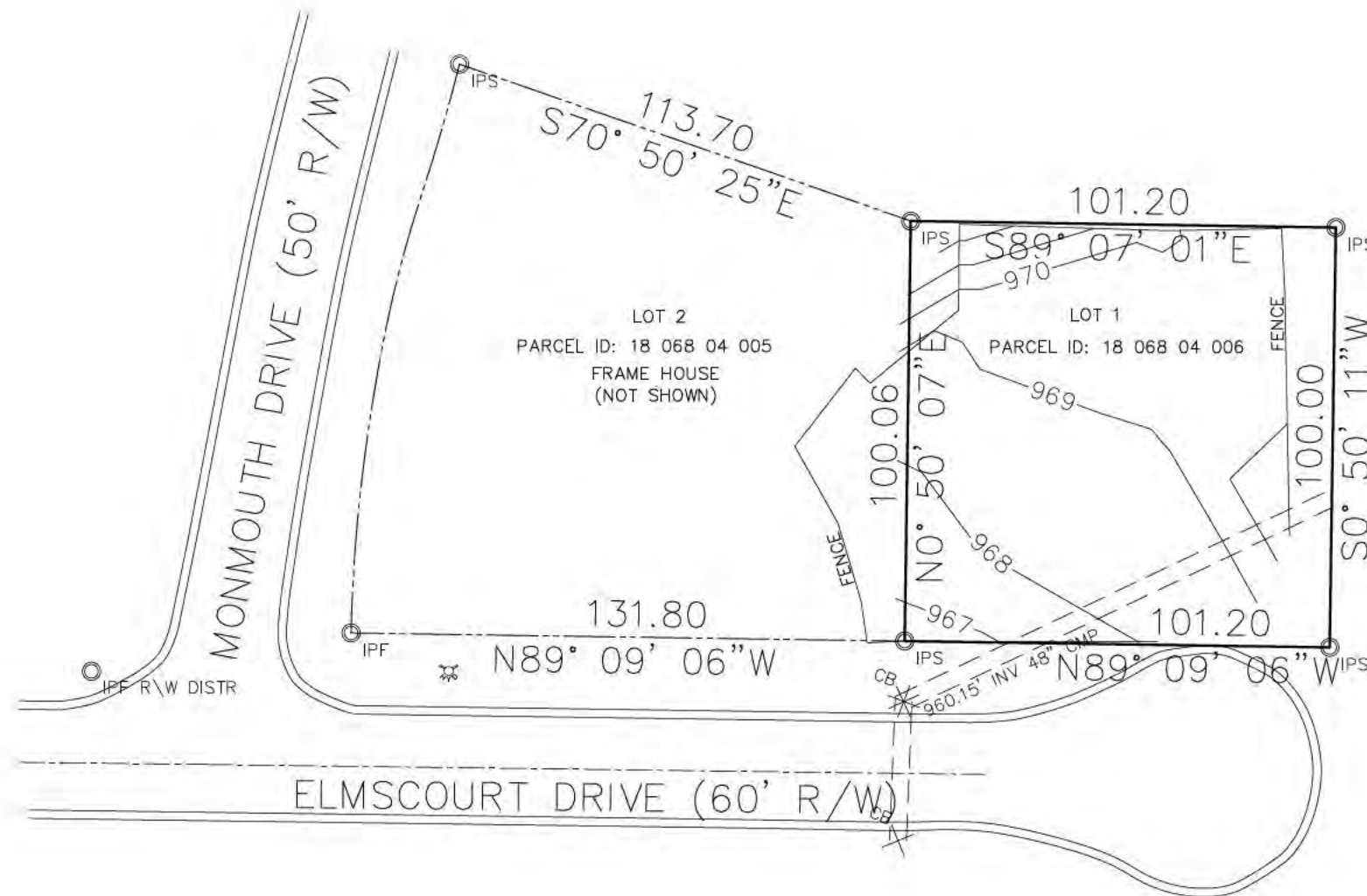
In conclusion, I appreciate your time and consideration of my variance request. I am committed to working collaboratively with the Zoning Board to ensure that this project aligns with the broader goals and policies of Dekalb County.

Thank you for your attention to this matter.





VACINITY MAP  
(NOT TO SCALE)



UTILITIES PROTECTION CENTER



Call FREE  
IN METRO ATLANTA  
325-5000  
THROUGHOUT GEORGIA  
1-800-282-7411

THREE WORKING DAYS BEFORE YOU DIG

FIELD CLOSURE=1'IN 20,000+  
ANGLE POINT ERROR=< 03"  
EQUIPMENT USED=GPS/TOTAL STATION  
ADJUSTMENT METHOD=COMPASS RULE  
PLAT CLOSURE=1'IN 100,000+

LEGEND

- IPF IRON PIN FOUND
- IPS IRON PIN SET
- R/W RIGHT OF WAY
- MAG MAGNETIC
- POB POINT OF BEGINNING
- B/L BUILDING LINE
- DE DRAINAGE EASEMENT
- N/F NOW OR FORMERLY
- P PREVIOUS
- E EXISTING
- PP POWER POLE
- DROP INLET
- ⊗ WATER VALVE
- ⊙ MANHOLE
- ⊗ FIRE HYDRANT
- △ ELEVATION POINT
- PROPERTY CORNER



NOTE: PROPERTY LINES SHOWN ON THIS SURVEY/PLAT REPRESENT PHYSICAL FIELD CONDITIONS BY EVIDENCE OF APPARENT POSSESSION (IRON PINS FOUND, OLD & ESTABLISHED FENCE LINES, OLD WALL LINES, SHRUB & HEDGE LINE, HOUSE LOCATIONS, ETC.) THEY MAY DIFFER AND BE IN CONTENTION FROM EVIDENCE FOUND AT THE APPLICABLE COUNTY COURTHOUSE. THEY MAY ALSO DIFFER FROM OTHER SURVEYOR OPINIONS AND/OR NEIGHBORS SURVEYS/PLATS. A FULL LAND TITLE REPORT OPINION ON ALL PROPERTIES, INCLUDING ADJACENT AND CONTIGUOUS PROPERTIES MAY BE NEEDED TO RESOLVE ALL POSSIBLE PROPERTY LINE DISPUTES OR DISCREPANCIES.

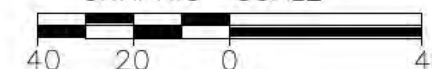
THIS SURVEY WAS MADE WITHOUT THE BENEFIT OF A CURRENT TITLE COMMITMENT. EASEMENTS AND ENCUMBRANCES MAY EXIST WHICH BENEFIT AND BURDEN THIS PROPERTY. THIS SURVEY IS SUBJECT TO REVISIONS AND UPDATE UPON RECEIPT OF SAID TITLE COMMITMENT.

TOPOGRAPHIC SURVEY

PREPARED FOR:

ABDELLA BUSERA

GRAPHIC SCALE



ALL MATTERS OF TITLE ARE EXCEPTED. THIS PLAT IS SUBJECT TO ALL LEGAL EASEMENTS AND RIGHTS-OF-WAY PUBLIC OR PRIVATE.

4084 ELMSCORT DR

0.23 ACRES

LAND LOT: 68

DATE: 01/09/24

REF DB 21061 PG 465

DISTRICT: 18TH

SCALE: GRAPHIC

COUNTY: DEKALB

JOB NO.: 2402

SAWHNEY & ASSOCIATES

523 HASTINGS WAY JONESBORO GA 30238

PH.# (678)478-6857

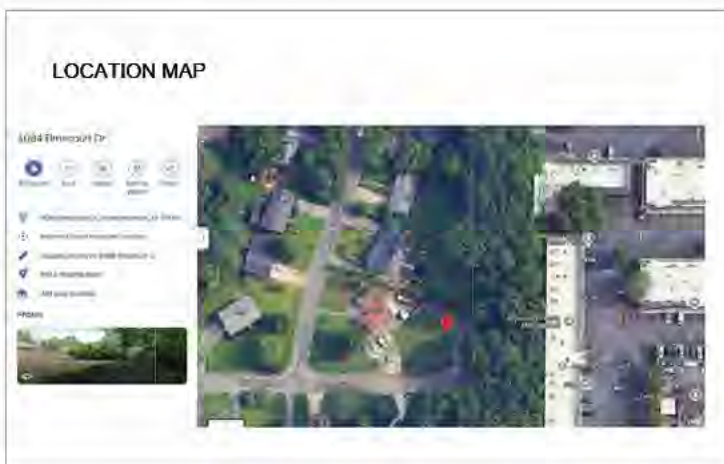




4084 ELMSCOURT DR STONE MOUNTAIN GA  
30083  
Neighborhood 0791  
Super NBHD  
ClassR3 - RESIDENTIAL LOT  
Land Use Code100-Residential vacant  
ZoningR85 - SF RES DIST

OWNER:  
ABDELLA BUSERA

ADDRESS:  
799 Monmouth Drive  
Stone Mountain Georgia  
30083



Area Schedule [ Gross Building ]		
AREA NAME	AREA	
<b>FINISHED / CONDITIONED</b>		
First Floor Foot Print	1730	ft.sq
Second Floor Foot Print	1720	ft.sq
<b>Total</b>	3450	ft.sq
<b>First Floor Heated</b>		
	1314	ft.sq
<b>Second Floor Heated</b>	1606	ft.sq
<b>Total</b>	2920	ft.sq
<b>UNFINISHED / UNCONDITIONED</b>		
Garage	470	ft.sq
Front Porch	70	ft.sq
<b>Total</b>	540	ft.sq
Total Lot Coverage = 10100 House Area = 1430 Garage = 320  (1800 sq.ft/ 10100sq.ft) x100% = Total Lot coverage 17.82%		

### BUILDING CODE INFORMATION

**APPLICABLE CODES**

BUILDING / DWELLING:	IRC 2018
PLUMBING:	IPC 2018
MECHANICAL:	IMC 2018
ELECTRICAL:	NEC 2023
ENERGY:	IECC 2015

ALL APPLICABLE GEORGIA AMENDMENTS TO  
CODES LISTED ABOVE

CURRENT MANDATORY CODES AS ADOPTED BY DCA:

International Building Code, 2018 Edition, with  
Georgia Amendments (2020), (2022), (2024)International Residential Code, 2018 Edition, with  
Georgia Amendments (2020), (2024)

International Fire Code, 2018 Edition (Contact State Fire Marshal Below)

International Plumbing Code, 2018 Edition, with  
Georgia Amendments (2020), (2022), (2023), (2024)

International Mechanical Code, 2018 Edition, with Georgia Amendments (2020), (2024)

International Fuel Gas Code, 2018 Edition, with  
Georgia Amendments (2020), (2022)  
National Electrical Code, 2023 Edition

International Energy Conservation Code, 2015  
Edition, with Georgia Supplements and Amendments  
(2020), (2022), (2023)

International Swimming Pool and Spa Code, 2018  
Edition, with Georgia Amendments (2020)

For information and questions regarding the Life Safety Code (NFPA 101), IFC Georgia Amendments or the Georgia Accessibility Code please contact the State Fire Marshal's Office.

## SCOPE OF WORK

SCOPE OF WORK IS A NEW CONSTRUCTION  
WOOD FRAMED SINGLE FAMILY RESIDENCE  
WITH POURED CONCRETE FOUNDATION.

## DRAWING INDEX

Sheet No.	Sheet Name	
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A1.03	SECOND FLOOR PLAN	
A1.04	ATTIC	
A1.05	ROOF PLAN	
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A2.02	LEFT ELEVATIONS	
A2.03	REAR ELEVATIONS	
A2.04	RIGHT ELEVATIONS	
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A3.05	GARAGE BRACED WALL DETAILS	
A3.06	DECK DETAILS	SEE S.07-S.10
S - STRUCTURAL		
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S.03	SECOND FLOOR FRAMING PLAN	
S.04	CEILING FRAMING PLAN	
S.05	ROOF FRAMING PLAN	
S.06	STRUCTURAL SPAN TABLES	
S.07	STRUCTURAL SPAN TABLES	
S.08	STRUCTURAL PORCH FRAMING	



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4084 Elmscourt  
Dr.Stone mountain  
GA 30083  
New Single Family

Job # R25001

Rev

Date \_\_\_\_\_

A0.01

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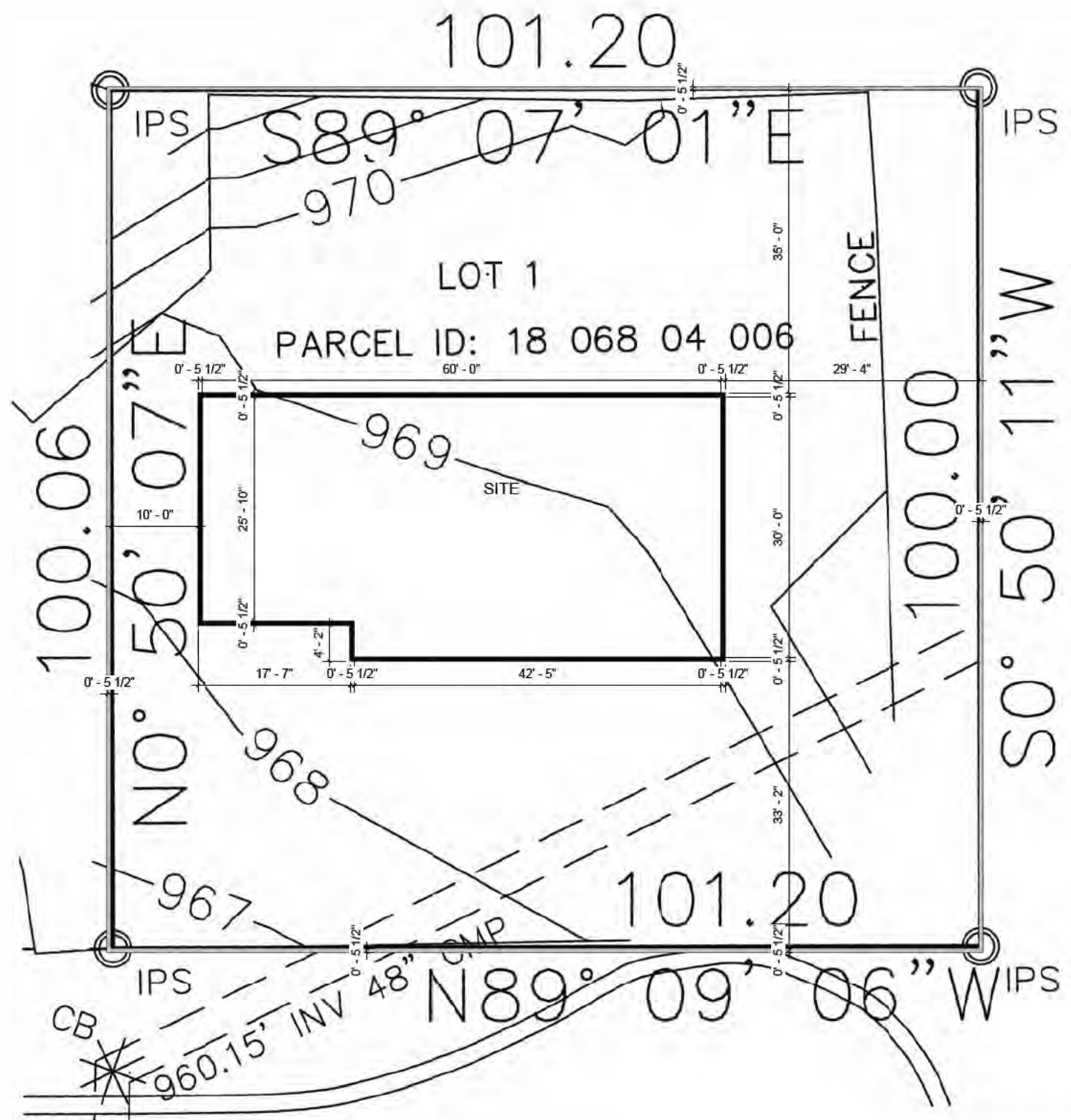
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4084 Elmscourt  
Dr. Stone mountain  
GA 30083  
New Single Family

Job # R25001

Rev
Date

A1.01

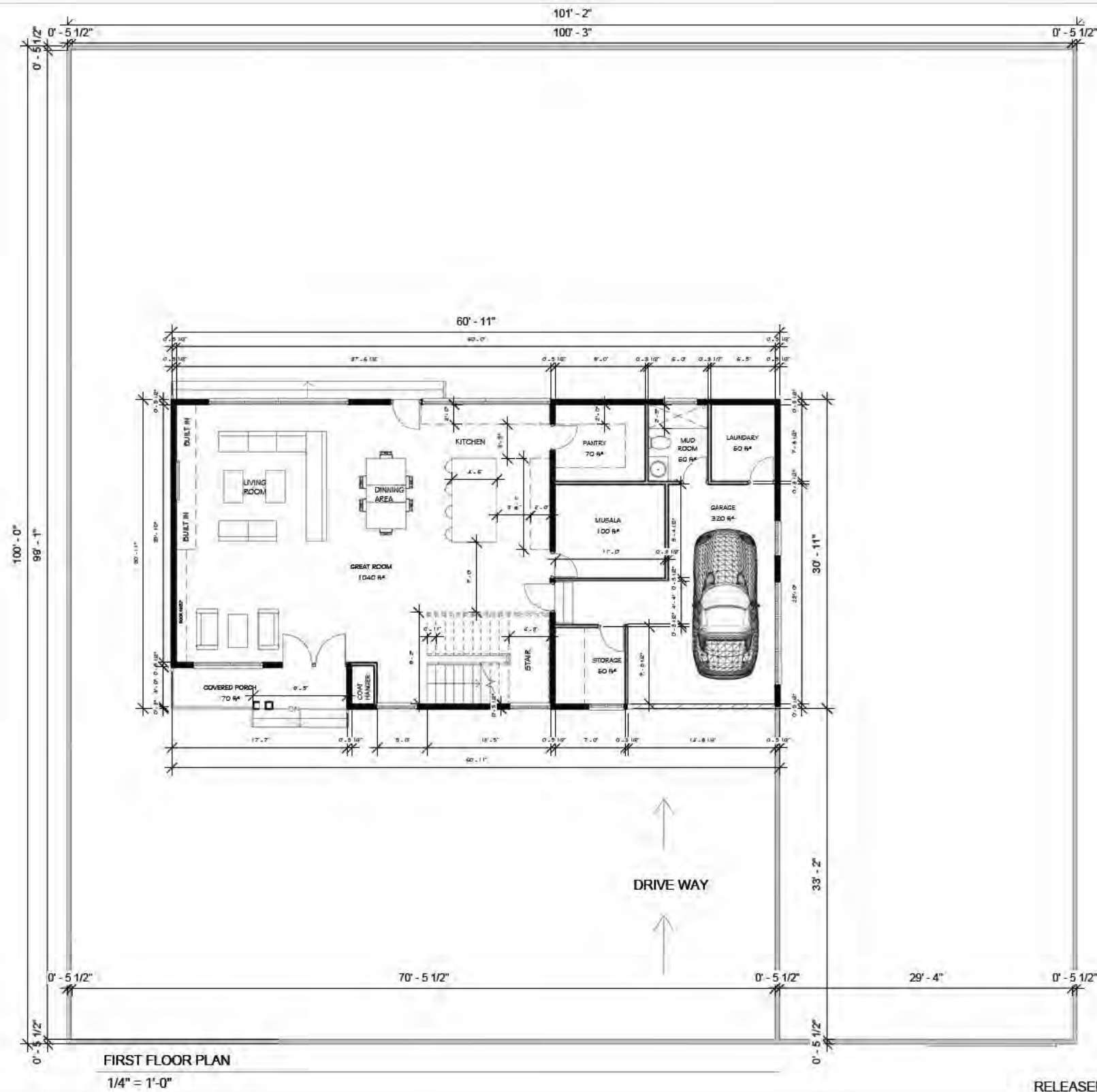


SITE PLAN  
1/4" = 1'-0"

RELEASED FOR CONSTRUCTION

Area Schedule [ Gross Building ]		
AREA NAME		AREA
FINISHED / CONVENTIONAL		
First Floor Encl. Foot.	1,034	Sq. Ft.
Second Floor Encl. Foot.	1,034	Sq. Ft.
Total	2,068	Sq. Ft.
UNFINISHED / UNCONVENTIONAL		
Garage	470	Sq. Ft.
Front Porch	20	Sq. Ft.
Total	490	Sq. Ft.
Total Lot Coverage ± 10100		
House Area ±	1,034	
Garage ±	470	
Total Lot Coverage ± 10100		





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4084 Elmscourt  
Dr.Stone mountain  
GA 30083  
New Single Family

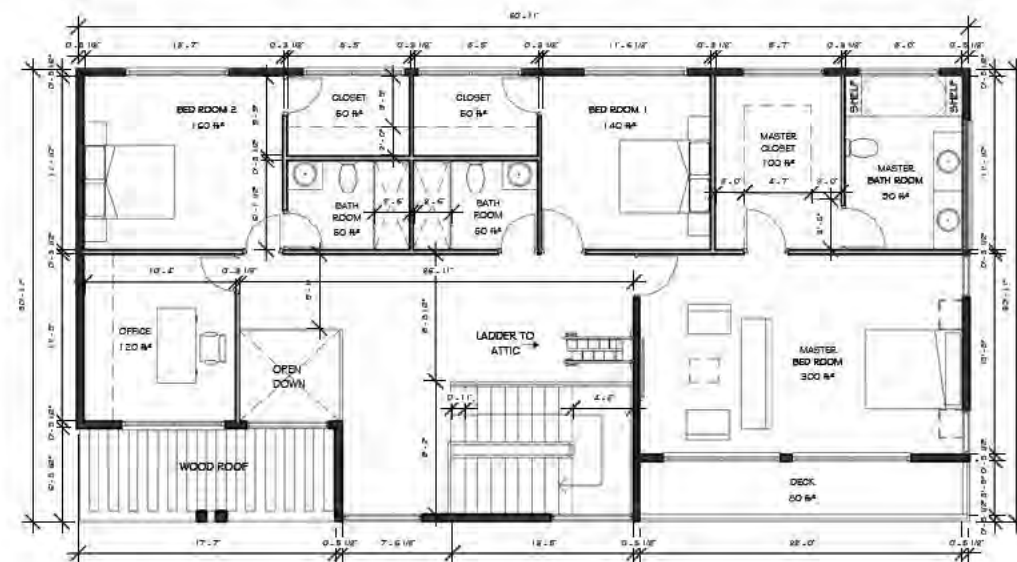
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Date \_\_\_\_\_

A1.02

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SECOND FLOOR PLAN

1/4" = 1'-0"

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