DeKalb County Zoning Board of Appeals

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

Wednesday, March 11, 2025

Planning Department Staff Analysis

DeKalb County
GEORGIA

Lorraine Cochran-Johnson
Chief Executive Officer

Juliana Njoku
Interim Director

D1. Case No: A-26-1247815 **Parcel ID(s): 18 047 21 017**

Commission District 04 Super District 06

Applicant: **Alrick McIntyre**
4650 S Hope Springs Road
Stone Mountain, GA 30083

Owner: **Alrick McIntyre**
4650 S Hope Springs Road
Stone Mountain, GA 30083

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heard by the Zoning Board of Appeals in December 2024 under Case No. 1247100, at which time the application was withdrawn without prejudice.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.

DeKalb County
GEORGIA

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

Chief Executive Officer
Michael Thurmond

DEPARTMENT OF PLANNING & SUSTAINABILITY

Interim Director
Cedric Hudson

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

Applicant and/or Authorized Representative [redacted]

Mailing Address: [redacted]

City/State/Zip Co[redacted]

Email: [redacted]

Teleph[redacted] Business: _____

OWNER OF RECORD OF SUBJECT PROPERTY

Owner: [redacted]

Addre[redacted]

Email[redacted]usiness: _____

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 Commission District & Super District: _____

CHECK TYPE OF HEARING REQUESTED:

X 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.

DeKalb County, Georgia

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 from 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

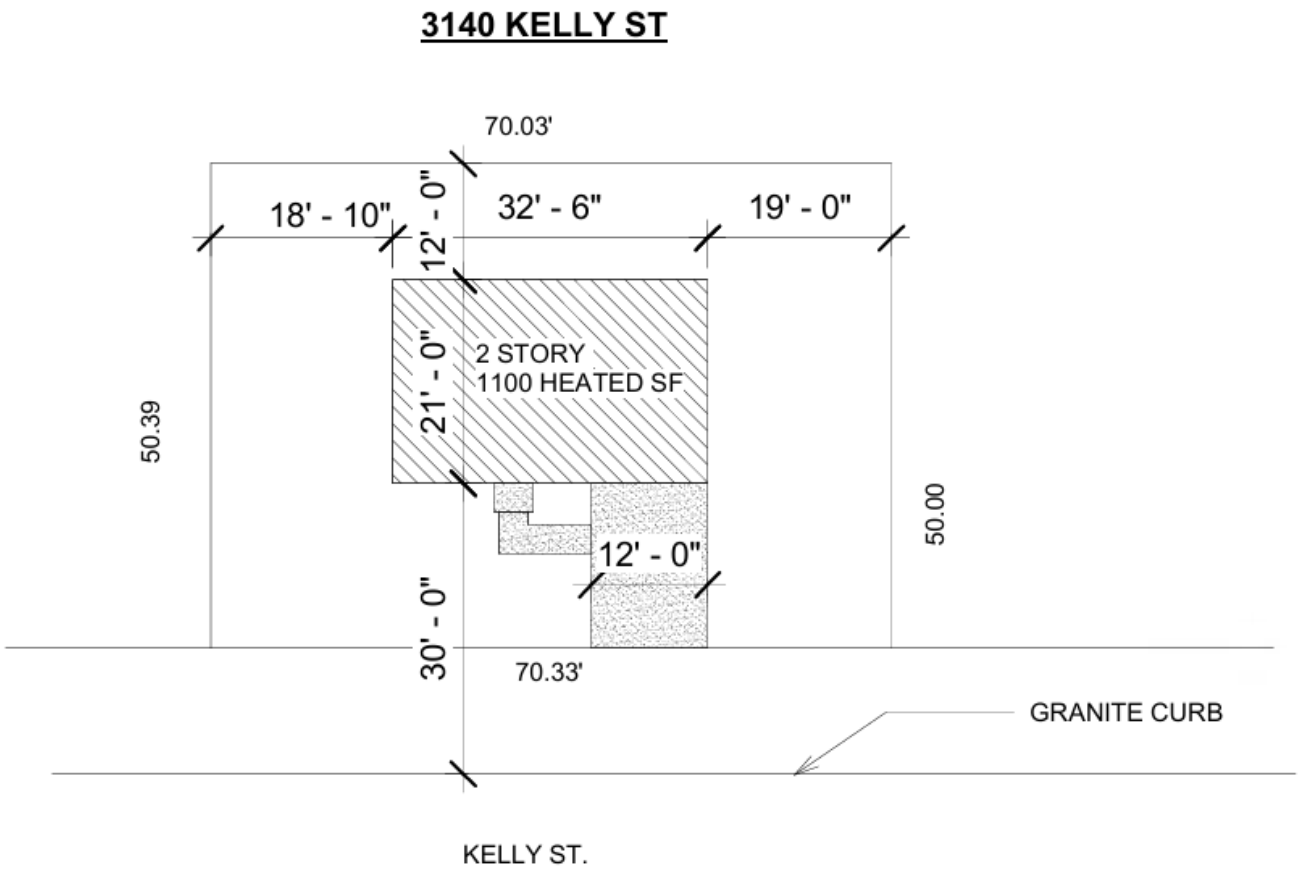
collaboratively to ensure that my proposed changes align with the broader goals and policies of DeKalb County.

Thank you for your attention to this matter.

Sincerely,

Alrick McIntyre.

Site Plan


3140 KELLY ST
70.03'
18' - 10"
12' - 0"
32' - 6"
19' - 0"
21' - 0"
2 STORY
1100 HEATED SF
50.39
50.00
12' - 0"
30' - 0"
70.33'
GRANITE CURB
KELLY ST.

Survey

THIS BOX RESERVED FOR
THE CLERK OF THE SUPERIOR COURT

GENERAL NOTES:
1: This Plat has been prepared without the benefit of a current title report. Easements or encumbrances may exist that are not shown on this plat.
2: This plat is subject to any restrictions, easements, covenants or restrictions that may exist either written or unwritten.
3: Underground utilities not shown hereon may exist. The Surveyor does not take responsibility for absence or presence of any such utilities.
4: No Geodetic monuments were found within 500 feet of this site.
5: This Plat has been prepared for the exclusive use of the person(s) or entities named hereon.

DEKALB COUNTY
ZONING: R-75
MINIMUM FRONT SETBACK - 45'
THOROUGHFARES, 35' ARTERIAL, 30' COLLECTOR AND ALL OTHER STREETS AND 25' W/ALLEY ACCESS
MINIMUM SIDE SETBACK - 7.5'
MINIMUM REAR SETBACK - 40'
FIELD DATA:

DATE OF FIELD SURVEY 9-13-23.

THE CALCULATED POSITIONAL TOLERANCE BASED ON REDUNDANT LINEAR MEASUREMENTS OF OBSERVED POSITIONS WAS FOUND TO BE 0.00 FEET.
EQUIPMENT:
ELECTRONIC TOTAL STATION AND NETWORK GPS
GPS RECEIVER: SP 85
SN: 6129500077
NETWORK: TRIMBLE VRS Now RTK GNSS

TOTAL AREA: 3,522 SQ FT, 0.081 AC

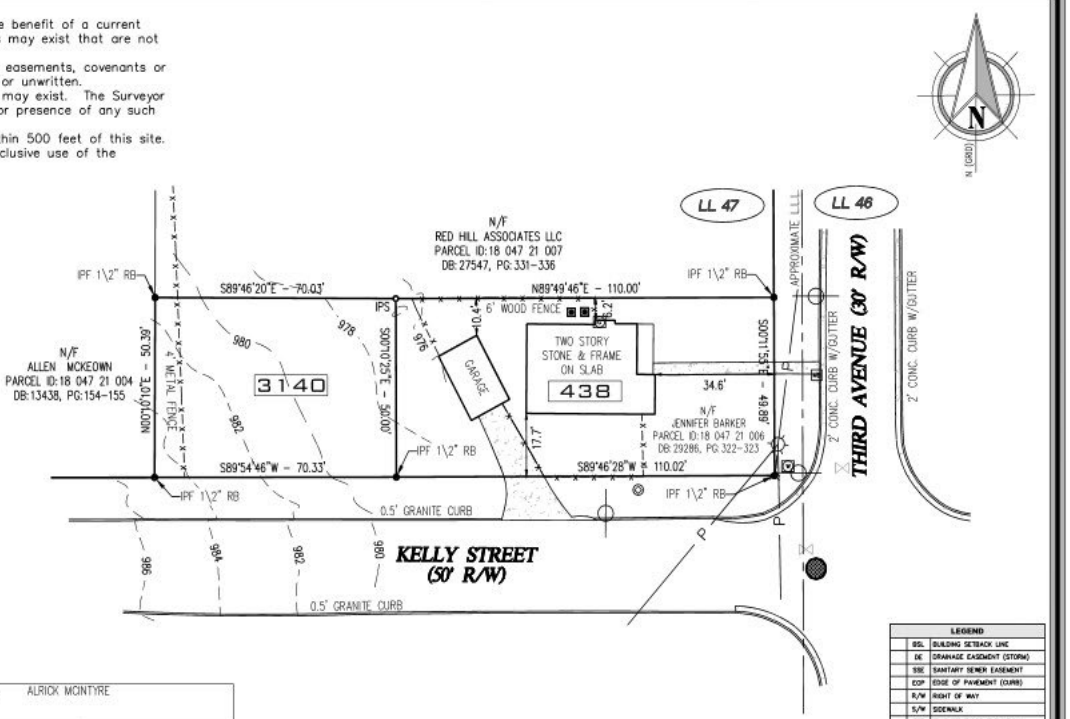
CALCULATED PLAT CLOSURE: 1 FOOT IN 52,987 FEET

SURVEY DATA:

TYPE OF SURVEY: RETRACEMENT
SOURCE OF TITLE DESCRIPTION FOR SUBJECT PROPERTY: DB 30891 PG 222-224
PROPERTY OWNER AT TIME OF SURVEY:
CAVALIER RECOVERY LLC
PARCEL NUMBER: 18 047 21 017

REFERENCE: DEED BOOK 30891 PG 222-224
DEED BOOK 29286 PG 322-323

FLOOD HAZARD NOTE: THIS PROPERTY IS NOT LOCATED IN A FLOOD HAZARD AREA AS DEFINED BY FIRM MAP OF DEKALB COUNTY, GEORGIA 13089C0067K EFFECTIVE DATE AUGUST 15, 2019



LEGEND	
BSL	BUILDING SETBACK LINE
DE	DRAINAGE EASEMENT (STORM)
SSE	SANITARY SEWER EASEMENT
EOP	EDGE OF PAVEMENT (CURB)
R/W	RIGHT OF WAY
S/W	SIDEWALK
FFE	FINISHED FLOOR ELEVATION
GFE	GARAGE FLOOR ELEVATION
MFFE	MIN. FINISHED FLOOR ELEVATION
	PROPOSED FLOW ARROW
	PROPOSED SILT FENCE
	POWER POLE
	5/8" IRON REBAR SET
	IRON PIN FOUND
	BOLLARD
	OVERHEAD POWER
	FIRE HYDRANT
	WATER METER
	WATER VALVE
	GAS VALVE
	GAS METER
	LIGHT POLE
	CONCRETE PAD
	TELEPHONE MARKER
	AIR CONDITIONER UNIT
	MAIL BOX
	CLEAN OUT
	SANITARY SEWER MANHOLE
	LEFT WING CATCH BASIN
	RIGHT WING CATCH BASIN
	DOUBLE WING CATCH BASIN
	DROP INLET
	HEADWALL

SCALE: 1"=30'
GRAPHIC SCALE - IN FEET
15' 0' 30' 60' 90'

CLIENT: ALRICK MCINTYRE

DESIGNED BY:	SHEET NUMBER:	FILE NAME:	DATE:	JOB NUMBER:
JTF	1 of 1	3140 KELLY STREET_LN	9-27-2023	SURV-1893

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BOUNDARY SURVEY FOR

THE ARTHUR GRESHAM SUBDIVISION
LOT 24, BLOCK 42
3140 KELLY STREET

LAND LOT 47, 18TH DISTRICT
DEKALB COUNTY, GEORGIA 30079

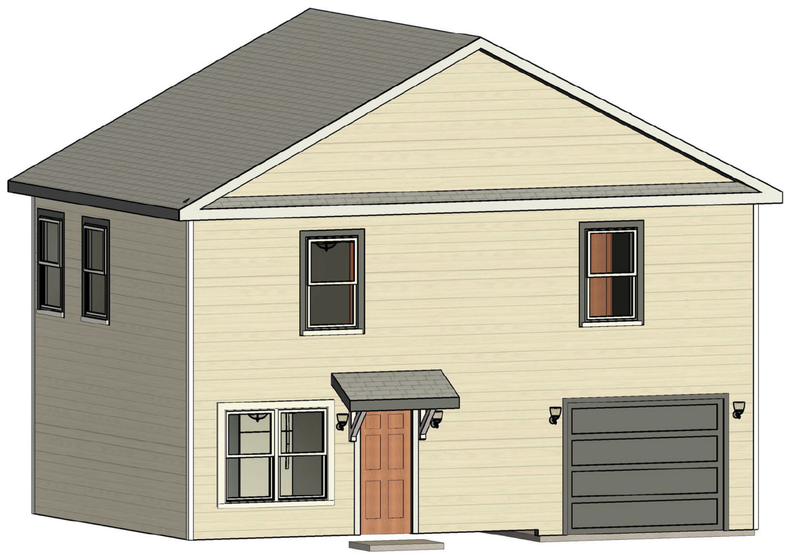
REVISIONS

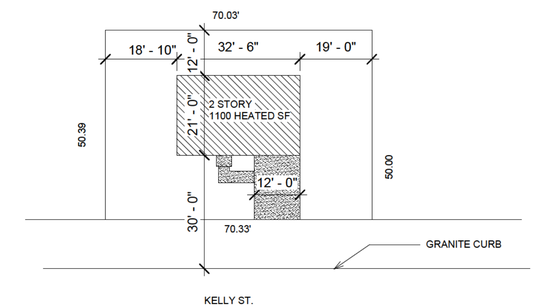
1		
2		
3		
4		
5		

KEYSTONE LAND SURVEYING, INC.
262 WEST CROGAN STREET
LAWRENCEVILLE, GEORGIA 30046
770.545.8700
www.keystonelandsurveying.com

9-27-2023
GEORGIA REGISTERED No. 3077 LAND SURVEYOR PATRICK F. CAREY

This plat is a retracement 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, plat, or other instruments which created the parcel or parcels are stated hereon. 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. Furthermore, the undersigned land surveyor certifies that this plat complies with the minimum technical standards for property surveys in Georgia as set for in the rules and regulations of the Georgia Board of Registration for Professional Engineers and Land Surveyors and as set forth in O.C.G.A Section 15-6-67





2 SURVEY
1" = 20'-0"

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

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

AREA SCHEDULE

1ST FL: 421 SF
2ND FL: 679 SF
TOTAL HVAC: 1100 SF

GARAGE: 258 SF
TOTAL AREA UNDER ROOF: 1358 SF

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)

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

BUILDER:

OWNER:

Cover Sheet

Date	Issue Date
Drawn by	Author

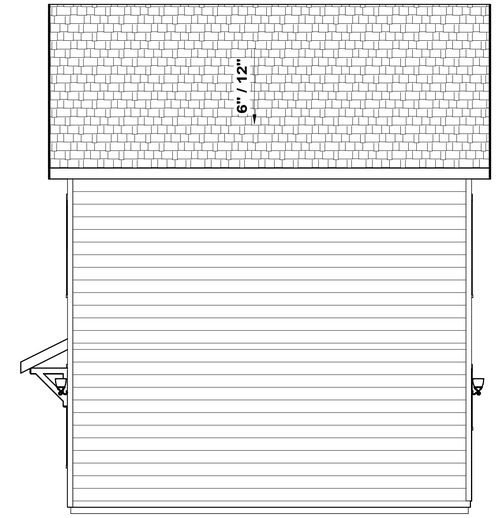
A0

Scale 1" = 20'-0"

11/21/2025 10:55:52 AM

FRONT ELEVATION

SCALE 1/4" = 1'-0"

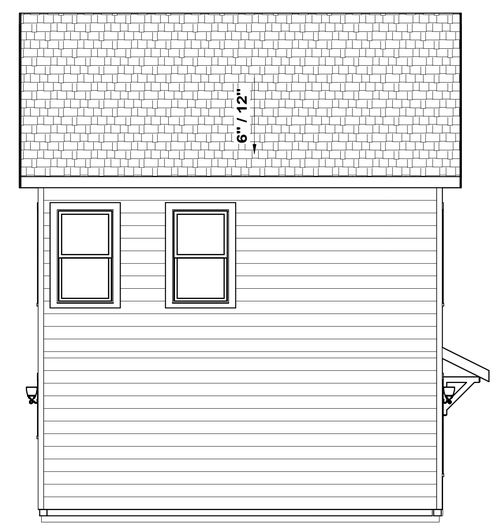


RIGHT ELEVATION

SCALE 1/4" = 1'-0"

REAR ELEVATION

SCALE 1/4" = 1'-0"



LEFT ELEVATION

SCALE 1/4" = 1'-0"

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423-774-0677
CLGRACE2015@GMAIL.COM

BUILDER:

OWNER:

Elevations

Date	Issue Date
Drawn by	Author
	A1
Scale	1/4" = 1'-0"

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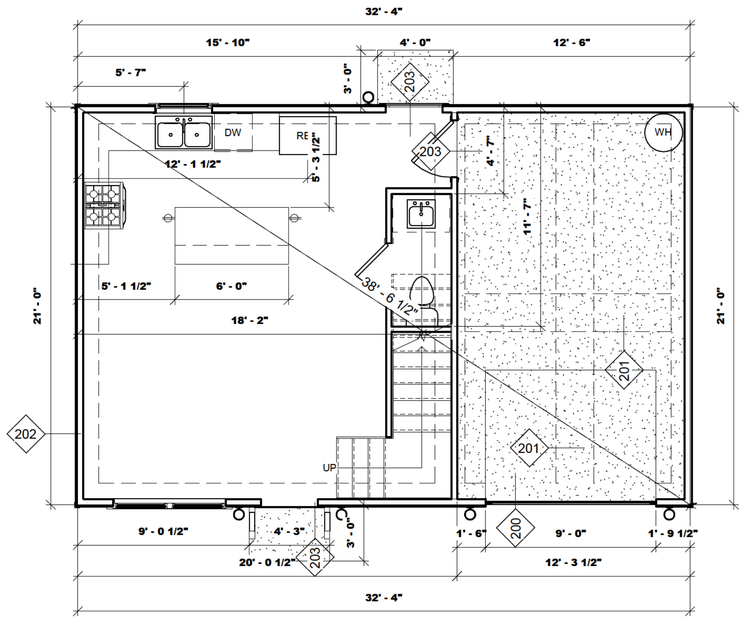
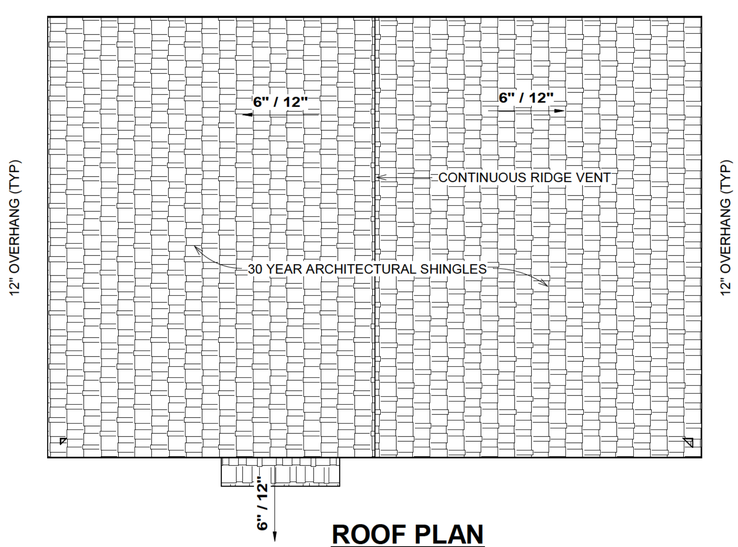


SLAB FOUNDATION PLAN

SCALE 1/4" = 1'-0"

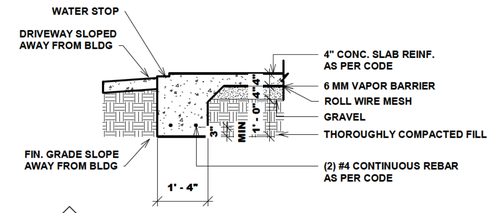


ROOF PLAN

SCALE 1/4" = 1'-0"

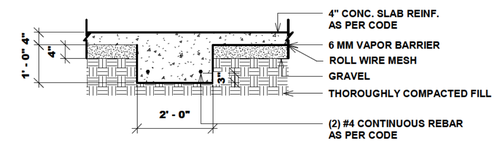
SLAB FOUNDATION NOTES:

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.



200 **GARAGE DOOR OPENING SLAB DETAIL**

SCALE 1/2"=1'-0"



201 **GARAGE GRADE BEAM SLAB DETAIL**

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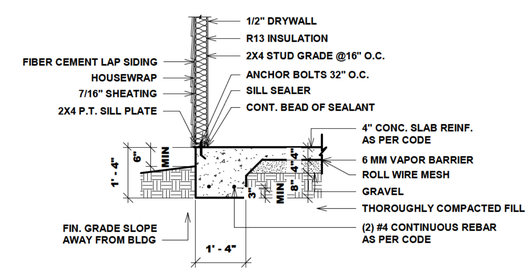

202 **MONOLITHIC SLAB DETAIL**

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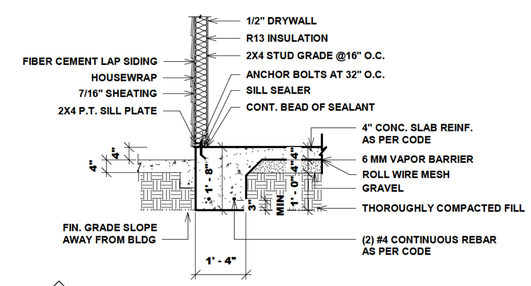

203 **4" DROP IN SLAB DETAIL**

SCALE 1/2"=1'-0"

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

BUILDER:

OWNER:

Foundation& Roof Plan

Date	Issue Date
Drawn by	Author
	A2
Scale	As indicated

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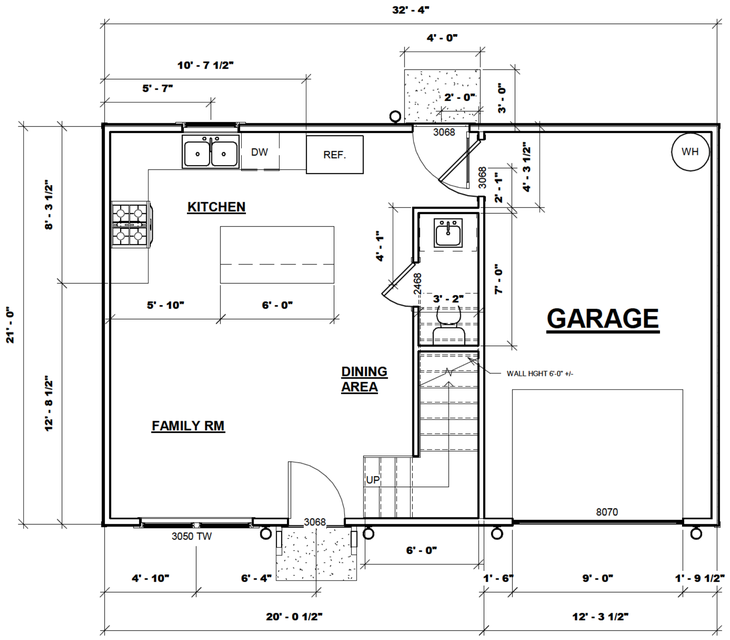
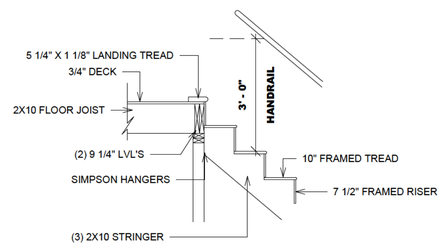


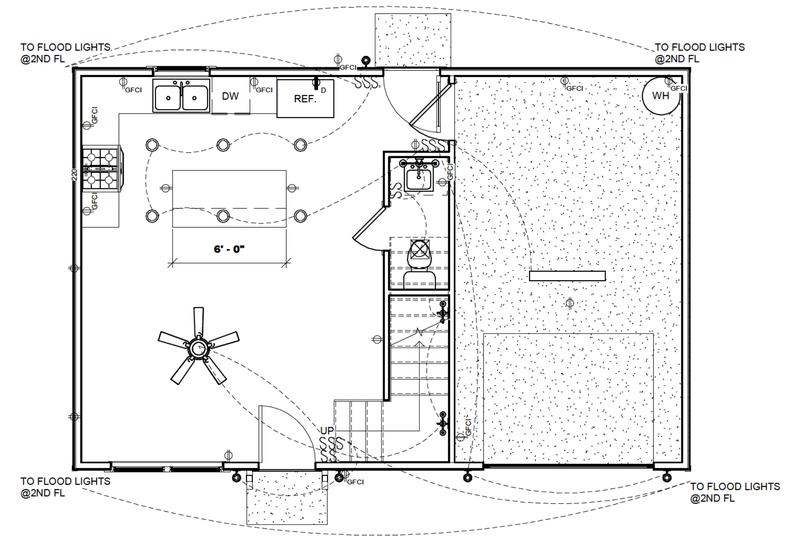
1ST FLOOR

SCALE 1/4" = 1'-0"



STAIR DETAIL

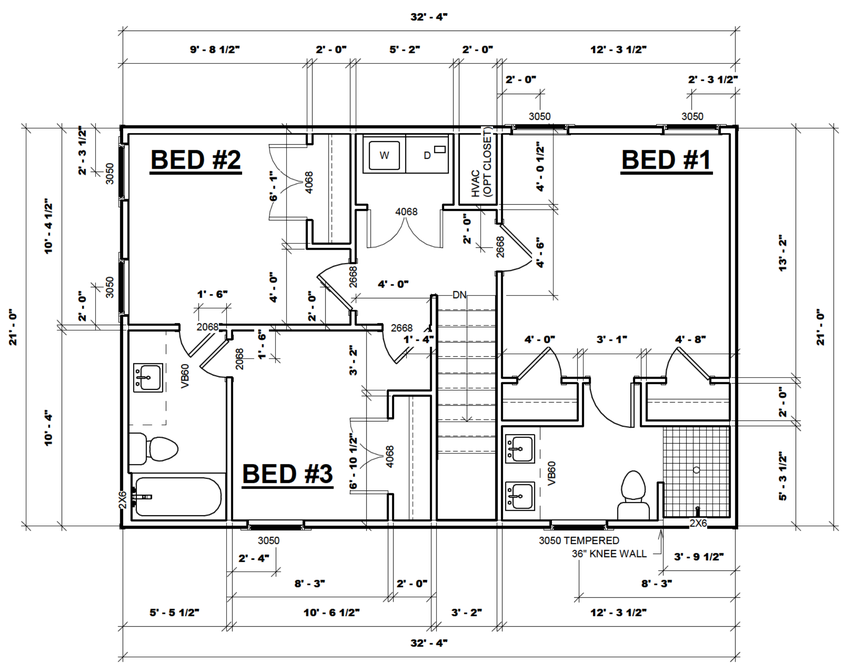
SCALE 1/2"=1'-0"



1ST FLOOR ELECTRICAL PLAN

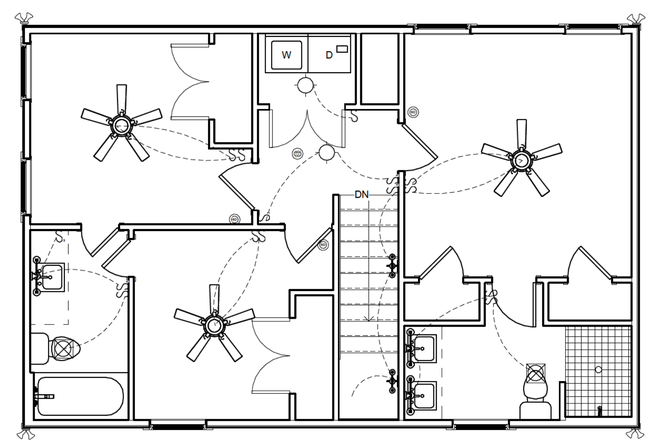
SCALE 1/4" = 1'-0"

- WATERPROOF CAN LIGHT
- CAN LIGHT
- SMOKE DETECTOR
- CARBON/SMOKE DETECTOR
- FLUSH MOUNT
- FAN
- FLOOD LIGHT



2ND FLOOR PLAN

SCALE 1/4" = 1'-0"



2ND FLOOR ELECTRICAL PLAN

SCALE 1/4" = 1'-0"

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423-774-0677
CLGRACE2015@GMAIL.COM

BUILDER:

OWNER:

1st Floor Plan

Date	Issue Date
Drawn by	Author
	A3
Scale	As indicated

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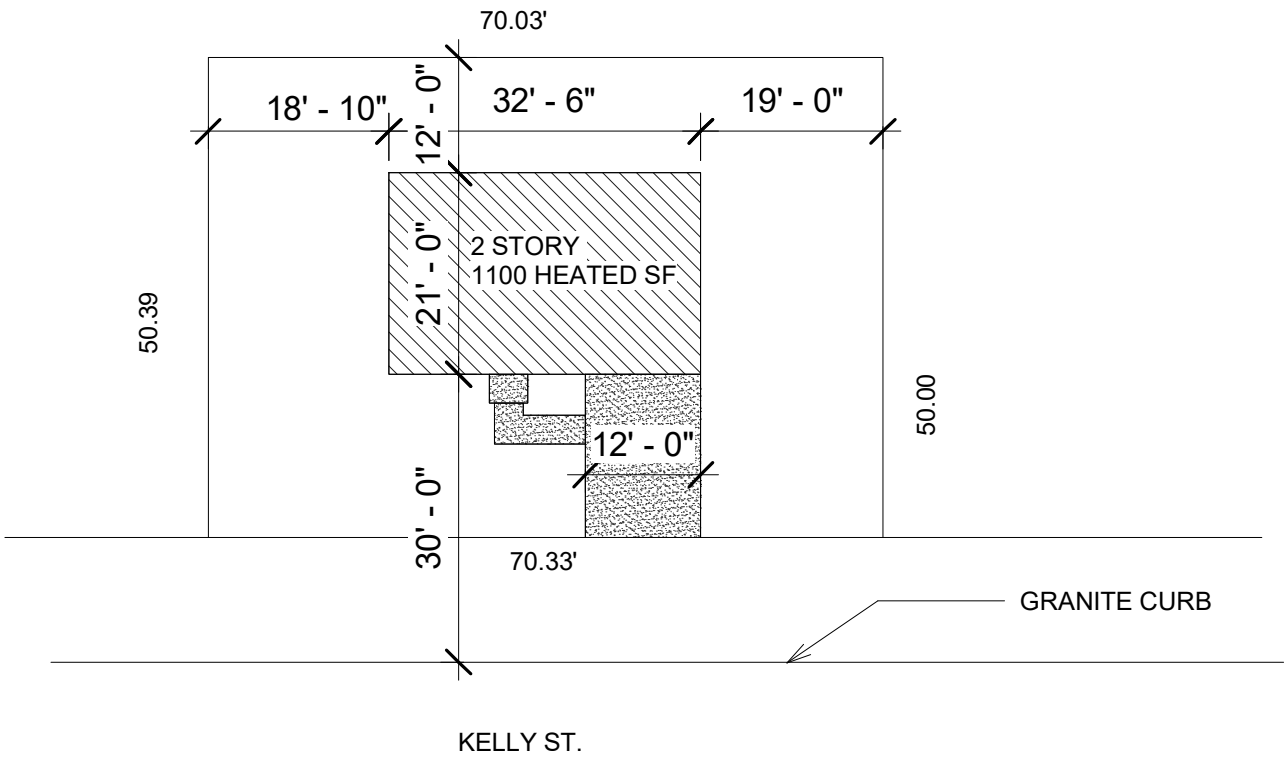
3140 KELLY ST