



Lorraine Cochran-Johnson

Chief Executive Officer

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

Wednesday, April 8, 2025

Planning Department Staff Analysis



Juliana Njoku

Director

N6. Case No: A-26-1247996

Parcel ID(s): 18 121 12 013

Commission District 04 Super District 06

Applicant: Tricycle Development Group, LLC c/o Battle Law, P.C.
3562 Habersham at Northlake, Building J, Suite 100
Tucker, GA 30084

Owner: Tricycle Development Group, LLC
3562 Habersham at Northlake, Building J, Suite 100
Tucker, GA 30084

Project Name: 1238 Rays Road, New Single-Family Residence

Location: 1238 Rays Road, Clarkston, GA 30084

Requests: Variance request from Section 27-2.2.1 of the DeKalb County Zoning Ordinance to reduce the required side yard setback from 8.5 feet to 5 feet and to reduce the minimum unit size from 1,800 square feet to 1,400 square feet, to facilitate construction of a single-family residence on property zoned R-85.

Staff Recommendation: Approval with Conditions

Recommended Conditions if Approved:

- 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 applicant seeks to develop a ranch-style single-family residence on the subject property at 1238 Rays Road. The application identifies the parcel as approximately 0.36 acres, zoned R-85, and located in Land Lot 121 of the 18th District. The requested relief is from the side yard setback requirement and the minimum unit size requirement.

According to the submitted materials, the subject property consists of a long, narrow parcel that was historically formed from portions of Lots 6 and 43 of the Oakmont Heights subdivision. The legal description and letter of intent state that the lot configuration changed over time, including a transfer of width to an adjacent parcel, resulting in a parcel that is now approximately 40 feet wide and about 400 feet deep. The submitted zoning plan depicts the site fronting Rays Road, with an abandoned Fifth Avenue right-of-way to the rear, and shows a proposed single-family residence with 5-foot side setbacks.

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 record provides support for an extraordinary physical condition as to the lot's width and overall shape. The application states that the property originated as platted lots within Oakmont Heights, was later combined, and was subsequently reduced in width through a conveyance to an adjoining parcel, leaving the subject site in a long, narrow configuration that was not created by the current applicant. On the submitted plan, that condition materially constrains the buildable envelope. With standard 8.5-foot side setbacks applied to a lot that the applicant states is now about 40 feet wide, the resulting buildable width would be substantially reduced.

Staff finds this criterion is met as to the requested side yard setback variance. The subject property's narrow width, as shown on the submitted plan and described in the record, materially constrains the buildable area when standard setbacks are applied. The current lot width reflects a legally nonconforming condition resulting from prior conveyances, which were not created by the current owner. The subject property is legally nonconforming in width due to prior conveyances that were not created by the current owner, resulting in an unusual lot configuration that limits development potential relative to other properties in the same zoning district. This criterion is less directly supported as to the minimum unit size variance, as the physical condition of the property does not independently necessitate a reduction in floor area.

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 side yard reduction appears reasonably tailored to the buildable width shown on the submitted plan. The application states that the variance would allow a house width of approximately 29 feet rather than approximately 23 feet, and the plan reflects 5-foot side setbacks on each side.

While the reduction in minimum unit size is not strictly required by the physical condition of the property, staff finds it reasonably related to the site constraints and surrounding development pattern. The submitted materials indicate that nearby homes are generally modest in scale, and a reduction from 1,800 square feet to 1,400 square feet would allow the proposed residence to remain more comparable in mass and form to surrounding houses. Requiring the full minimum unit size on this parcel could reasonably push the design toward

either a longer footprint extending further into the lot or a two-story structure, either of which could create greater visibility into adjacent rear yards and reduce privacy for neighboring 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:

Based on the materials submitted, the proposed development remains a single-family residential use within what appears to be an established residential area. The plan does not indicate unusual site disturbance or other feature that would suggest material detriment to the public welfare. The requested side yard reduction would still maintain separation between the proposed structure and adjacent properties. The variance to reduce minimum unit size may be interpreted as an effort to ensure neighborhood compatibility.

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

The submitted materials show that strict application of the side yard requirement would significantly narrow the buildable width on the subject property, which supports some hardship as to site design. The lot's narrow dimensions appear to create a real constraint that is different from a standard residential parcel. In that respect, strict application would make development more difficult and would significantly reduce the buildable width of the lot, limiting the ability to construct a functional single-family residence. The hardship is not self-imposed, as the lot configuration and reduction in width occurred prior to the current ownership.

The literal application of the minimum unit size requirement, in combination with the lot's narrow configuration, would create an unnecessary hardship by limiting the applicant's ability to place a reasonably sized one-story home on the property in a manner consistent with nearby development. The submitted materials indicate that surrounding homes are generally more modest in scale, and the requested reduction to 1,400 square feet would allow development of a one-story residence that is consistent with the prevailing pattern of development along Rays Road, rather than forcing a taller or more intrusive structure. By contrast, requiring a full 1,800-square-foot dwelling could force either a longer footprint or a two-story design to achieve the required floor area, which could increase overlook into adjacent rear yards and reduce privacy for neighboring properties. On this record, the requested relief helps avoid those impacts and allows development of the property in a form more compatible with the existing residential context.

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

The spirit and purpose of dimensional standards include maintaining orderly development, preserving adequate spacing, and protecting neighborhood character. The requested relief supports development of a legally existing parcel in a manner that is consistent with the scale and character of surrounding residential properties. On the present record, the proposed use remains residential and the requested relief appears intended to place one single-family home on a legally existing parcel with unusual dimensions. The application also states that many homes on the block are smaller than 1,800 square feet and that a one-story house would be more in keeping with the area.

FINAL STAFF ANALYSIS:

Based on the submitted materials, staff finds that the subject property presents an unusual physical condition in the form of a long, narrow lot with a constrained buildable width. That condition supports the request for reduced side yard setbacks more clearly than it supports the request for reduced minimum unit size. The public welfare and compatibility criteria generally weigh in favor of the request because the proposal remains a single-family residential use in an apparently residential setting and no specific detrimental impacts are identified in the current record.

The minimum unit size request is also supportable when considered with the lot's unusual dimensions, the surrounding development pattern, and privacy impacts on adjoining residential properties. Reducing the minimum unit size from 1,800 square feet to 1,400 square feet would allow the proposed residence to remain more consistent in scale and mass with nearby homes and reduce the likelihood of a longer footprint or two-story design that could increase visibility into adjacent rear yards. When considered together with the narrow lot configuration and submitted plan, the file supports approval of the request with conditions tied to the proposed development. When considered together, the requested variances allow for reasonable development of a legally existing lot that would otherwise be constrained by its unusual dimensions. The side yard setback reduction is directly supported by the lot's narrow configuration, while the reduction in minimum unit size, though less directly tied to the physical condition, helps ensure that the resulting structure remains compatible with the surrounding neighborhood pattern and avoids more intrusive design alternatives. Verification of the property's Comprehensive Plan designation and any overlay applicability should be completed prior to finalization.

Staff Recommendation: Approval with Conditions

Recommended Conditions if Approved:

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.

DEPARTMENT OF PLANNING & SUSTAINABILITY

Chief of Executive Officer
Lorraine Cochran-Johnson

Director
Juliana A. Njoku

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

Applicant and/or
Authorized Representative: Tricycle Development Group, LLC c/o Battle Law, P.C.

Mailing Address: 3562 Habersham At Northlake, Bldg J, Suite 100

City/State/Zip Code: Tucker, GA 30084

Email: [REDACTED]

Telephone Home: [REDACTED] Business: [REDACTED] 6

OWNER OF RECORD OF SUBJECT PROPERTY

Owner: Tricycle Development Group, LLC

Address (Mailing): 3562 Habersham At Northlake, Bldg J, Suite 100, Tucker, GA 30084

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

ADDRESS/LOCATION OF SUBJECT PROPERTY

Address: 1238 Rays Rd City: Clarkston State: GA Zip: 30084

District(s): 18 Land Lot(s): 121 Block: 12 Parcel: 013

Zoning Classification: R-85 Commission District & Super District: 4 & 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: 1/30/2026

Applicant Signature: 

DATE: _____

Applicant Signature: _____

All that tract or parcel of land lying and being in Land Lot 121 of the 18th District of originally Henry County, now DeKalb County, Georgia; being part of Lots 6 and 43 of the Subdivision known as Oakmont Heights, as per plat recorded in Plat Book 19, page 29, DeKalb County Records, and being more particularly described as follows:

BEGINNING on the west side of Rays Road 582 feet north from the northwest corner of Williams Road and Rays Road; running thence north along the west side of Rays Road forty (40) feet to the southeast corner of Lot 5, said plat; thence west along the south line of Lots 5 and 44, four hundred (400) feet to a point on the east side of Fifth Avenue; thence south along the east side of Fifth Avenue forty (40) feet to a point thence east four hundred (400) feet to the west side of Rays Road at the point of beginning.



Battle Law

STATEMENT OF INTENT

and

Other Material Required by
DeKalb County Zoning Ordinance

For

A Variance for/to

Reduce the Side Yard Setback from 8.5 ft to 5 ft

and

the Minimum unit Size from 1800 sq ft to 1400 sq ft

of

Tricycle Development Group, LLC
c/o Battle Law, P.C.

for

+/-0.36 Acres of Land

Being 1238 Rays Road

DeKalb County, Georgia and

Parcel Nos. 18 121 12 013

Submitted for Applicant by:

Michèle L. Battle, Esq.

Battle Law, P.C.

Habersham at Northlake, Building J, Suite 100

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]



Battle Law

IV. NOTICE OF CONSTITUTIONAL ALLEGATIONS AND PRESERVATION OF CONSTITUTIONAL RIGHTS

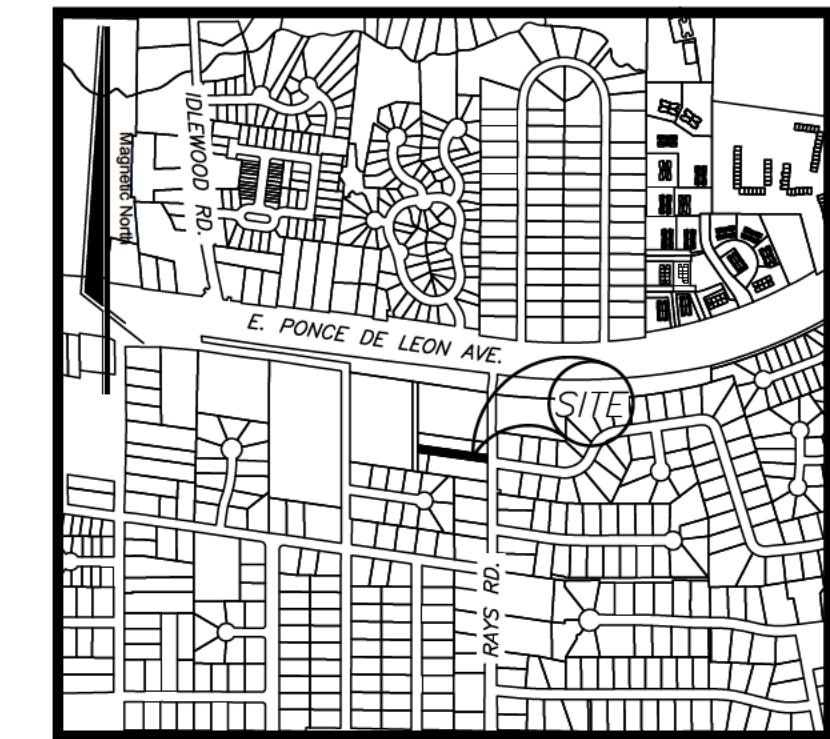
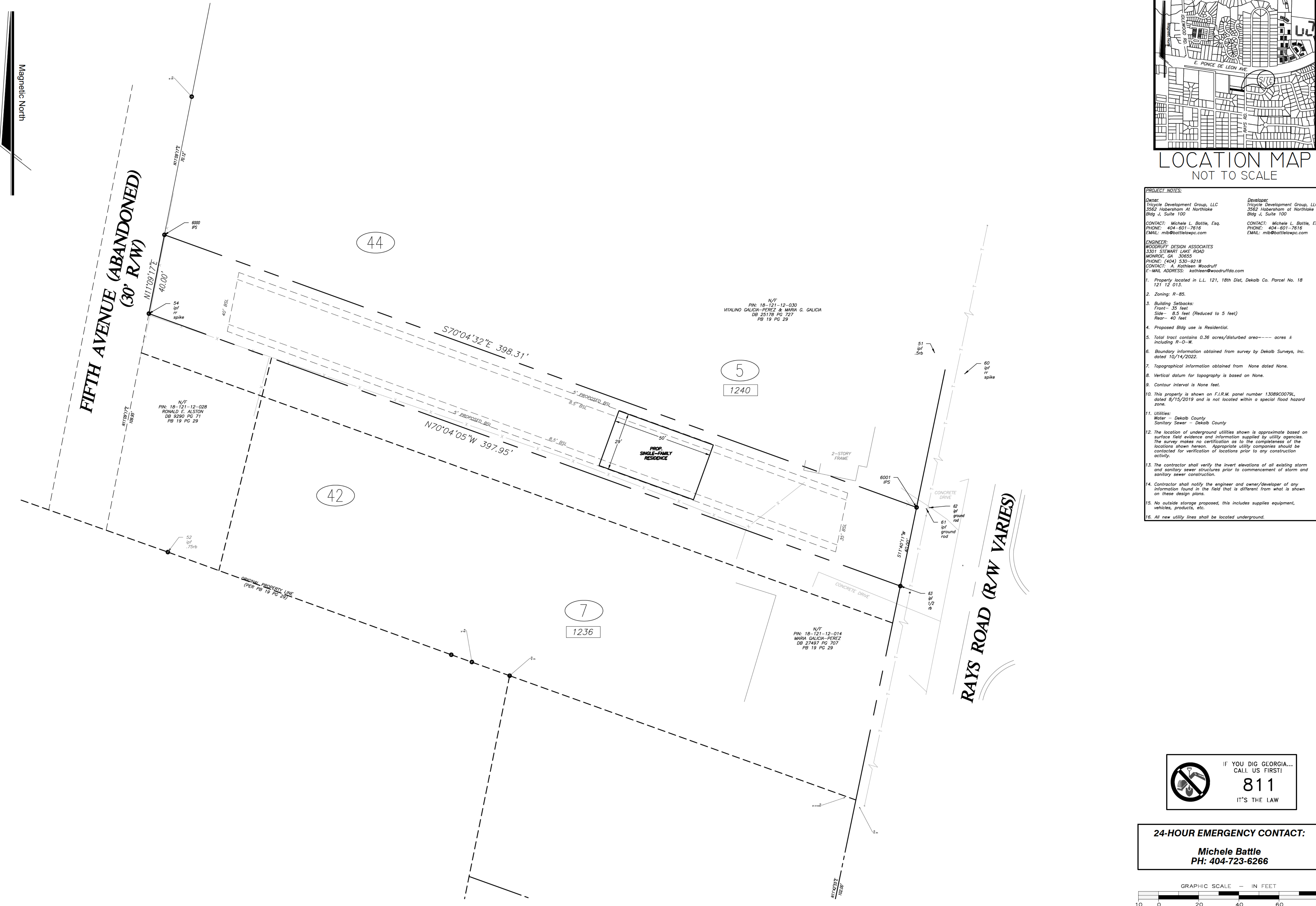
The portions of the DeKalb County Zoning Ordinance, facially and as applied to the Subject Property, which restrict or classify or may restrict or classify the Subject Property so as to prohibit its development as proposed by the Applicant are or would be unconstitutional in that they would destroy the Applicant's property rights without first paying fair, adequate and just compensation for such rights, in violation of the Fifth Amendment and Fourteenth Amendment of the Constitution of the United States and Article I, Section I, Paragraph I of the Constitution of the State of Georgia of 1983, Article I, Section III, Paragraph I of the Constitution of the State of Georgia of 1983, and would be in violation of the Commerce Clause, Article I, Section 8, Clause 3 of the Constitution of the United States.

The application of the DeKalb County Zoning Ordinance to the Subject Property which restricts its use to any classification other than that proposed by the Applicant is unconstitutional, illegal, null and void, constituting a taking of Applicant's Property in violation of the Just Compensation Clause of the Fifth Amendment to the Constitution of the United States, Article I, Section I, Paragraph I, and Article I, Section III, Paragraph I of the Constitution of the State of Georgia of 1983, and the Equal Protection and Due Process Clauses of the Fourteenth Amendment to the Constitution of the United States denying the Applicant an economically viable use of its land while not substantially advancing legitimate state interests.

A denial of this Application would constitute an arbitrary irrational abuse of discretion and unreasonable use of the zoning power because they bear no substantial relationship to the public health, safety, morality or general welfare of the public and substantially harm the Applicant in violation of the due process and equal protection rights guaranteed by the Fifth Amendment and Fourteenth Amendment of the Constitution of the United States, and Article I, Section I, Paragraph I and Article I, Section III, Paragraph 1 of the Constitution of the State of Georgia.



Michele L. Battle, Esq.
Attorney for the Applicant



LOCATION MAP
NOT TO SCALE

- PROJECT NOTES:**
- Owner:** Tricycle Development Group, LLC
3562 Habersham At Northlake
Blg J, Suite 100
CONTACT: Michele L. Battle, Esq.
PHONE: 404-601-7618
EMAIL: mlb@battlengpc.com
- Developer:** Tricycle Development Group, LLC
3562 Habersham At Northlake
Blg J, Suite 100
CONTACT: Michele L. Battle, Esq.
PHONE: 404-601-7618
EMAIL: mlb@battlengpc.com
- ENGINEER:**
WOODRUFF DESIGN ASSOCIATES
3301 STEWART LAKE ROAD
MONROE, GA 30655
PHONE: (404) 530-9218
CONTACT: A. Kathleen Woodruff
E-MAIL ADDRESS: kathleen@woodruffda.com
1. Property located in L.L. 121, 18th Dist, DeKalb Co. Parcel No. 18 121 12 013.
 2. Zoning: R-85.
 3. Building Setbacks:
Front - 35 feet
Side - 8.5 feet (Reduced to 5 feet)
Rear - 40 feet
 4. Proposed Bldg use is Residential.
 5. Total tract contains 0.36 acres/disturbed area----- acres ± including R-O-W.
 6. Boundary information obtained from survey by Dekalb Surveys, Inc. dated 10/14/2022.
 7. Topographical information obtained from None dated None.
 8. Vertical datum for topography is based on None.
 9. Contour interval is None feet.
 10. This property is shown on F.I.R.M. panel number 13089C0079L, dated 8/15/2019 and is not located within a special flood hazard zone.
 11. Utilities:
Water - Dekalb County
Sanitary Sewer - Dekalb County
 12. The location of underground utilities shown is approximate based on surface field evidence and information supplied by utility agencies. The survey makes no certification as to the completeness of the locations shown hereon. Appropriate utility companies should be contacted for verification of locations prior to any construction activity.
 13. The contractor shall verify the invert elevations of all existing storm and sanitary sewer structures prior to commencement of storm and sanitary sewer construction.
 14. Contractor shall notify the engineer and owner/developer of any information found in the field that is different from what is shown on these design plans.
 15. No outside storage proposed, this includes supplies equipment, vehicles, products, etc.
 16. All new utility lines shall be located underground.

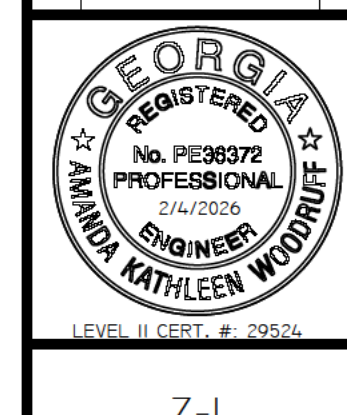
REV	DATE	DESCRIPTION
A.0	2/4/2026	ISSUED TO CLIENT

WOODRUFF
Design Associates
3301 Stewart Lake Road
Monroe, GA 30655



LAND LOT 121, 18TH DISTRICT, DEKALB COUNTY, GA

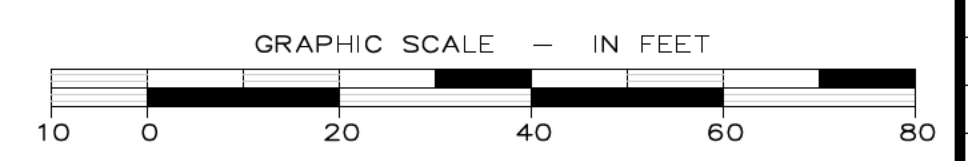
ZONING PLAN FOR
1238 RAYS RD.



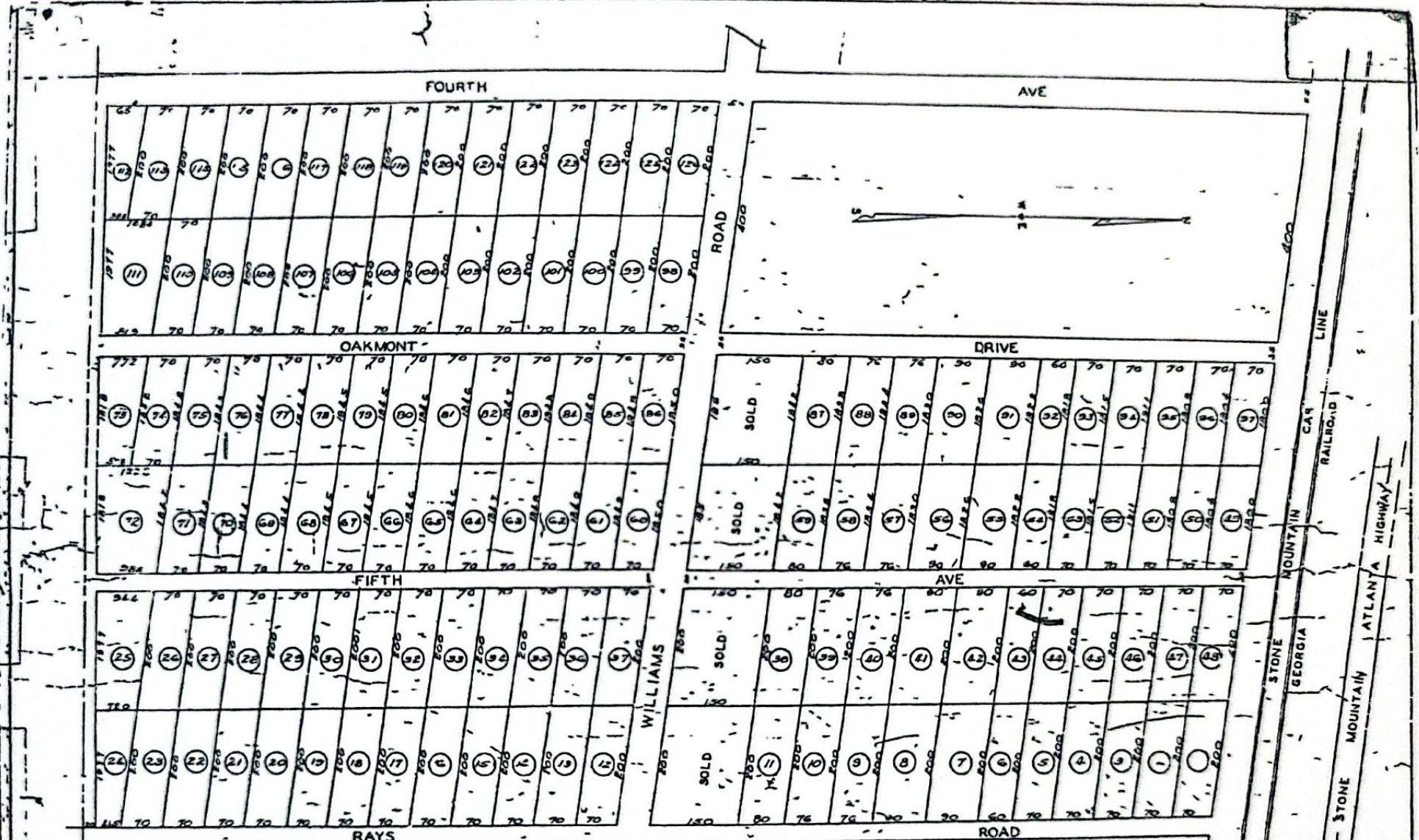
Z-1
ZONING PLAN
2/4/2026
SCALE: 1" = 20'
JOB: 2026-TDG-01
ISSUE: A.0
SHEET Z-1 OF 1



24-HOUR EMERGENCY CONTACT:
Michele Battle
PH: 404-723-6266



19/29



PLAT OF PROPERTY
 OF
OAKMONT HEIGHTS
 STONE MOUNTAIN HIGHWAY DEKALB COUNTY
 DEVELOPED BY DORTCH CONST CO 815 CANDLER BLDG, ATLANTA, GEORGIA
 LAND LOT 121 18TH DISTRICT
 DEKALB COUNTY, GEORGIA
 SCALE 1/8" = 100' OCT 1, 1936
 J.W. BURPITT, C.E.