



TO: Zoning Board of Appeals

FROM: Planning and Zoning Department

SUBJECT: V23-007

ADDRESS: 3654 Salem Drive

DISTRICT: 4 – Councilman George Turner, Jr.

CYCLE MEETING DATES: December 14, 2023 (CPIM) | | January 16, 2024 (ZBA) |
March 19, 2024 (ZBA)

Summary: Applicant is seeking a variance to encroach into a stream buffer for the construction of an attached garage for an existing home.

STAFF RECOMMENDATION: **Denial**



V23-007

Planning and Zoning Department

PROPERTY INFORMATION	
Location of Subject Property: 3654 Salem Drive Stonecrest, GA 30038	
Parcel Number: 16 052 05 016	
Road Frontage: Salem Drive	Total Acreage: 0.37
Current Zoning: R-100 – Residential Medium Lot	Overlay District: N/A
Future Land Use Map/ Comprehensive Plan: SN – Suburban Neighborhood	
Zoning Request: Applicant is seeking a variance to encroach into a stream buffer for the construction of an attached garage for an existing home.	
Zoning History: N/A	

APPLICANT / PROPERTY OWNER INFORMATION
Applicant Name: Diva Thomas
Applicant Address: 3654 Salem Drive Stonecrest, GA 30038
Property Owner Name: David Thomas
Property Owner Address: 3654 Salem Drive Stonecrest, GA 30038



DETAILS OF ZONING REQUEST

Diva Thomas (the “Applicant”) requesting a variance to encroach into a stream buffer for the construction of a driveway extension as well as an attached two-car garage on +/- 0.37 acres of land being Tax Parcel No. 16 052 05 016 having frontage on 3654 Salem Drive (the “Subject Property”).

The current use of the subject property is a single-family detached dwelling. The proposed attached two-car garage will not exceed 529 square feet. The proposed garage will replace the existing deck, which is shown in the site photos. The applicant calculated the current encroachment of the deck, which is 25% into the farthest buffer. Per Section 4.2.2. (Accessory buildings, structures and uses; location, yard and building restrictions) of the Zoning Ordinance, it states that accessory structures must not encroach in the minimum yard setbacks for the district in which they are located and accessory buildings or structures shall meet the minimum side yard setback for the district or ten feet, whichever is less, and shall not be located closer than ten feet to a rear lot line in any district.

Stream Buffers

The state of Georgia requires that a 25-foot buffer be maintained between the edge of a stream and any new development. DeKalb County requires an additional 50 feet of buffer (for a total of 75 feet). Vegetated buffers near streams provide for filtration of storm water runoff, shade water in streams, and allow wildlife a critical corridor for moving throughout an ecosystem. Any proposed development in the state or county buffer requires a variance from the appropriate agency.

ADJACENT ZONING & LAND USE

NORTH	Zoning: R-100 (Residential Medium Lot-100)	Land Use: Single-Family Dwelling
SOUTH	Zoning: R-100 (Residential Medium Lot-100)	Land Use: Single-Family Dwelling
EAST	Zoning: R-100 (Residential Medium Lot-100)	Land Use: Single-Family Dwelling
WEST	Zoning: R-100 (Residential Medium Lot-100)	Land Use: Single-Family Dwelling



PHYSICAL CHARACTERISTICS & INFRASTRUCTURE

This site is currently developed with one road frontage (Salem Drive). There is a stream driven through the rear boundaries of the property. Stream buffer requirement had limited the buildable area of the property.

MODIFICATIONS AND CHANGES TO APPROVED CONDITIONS OF ZONING CRITERIA

- 1. By reason of exceptional narrowness, shallowness, or shape of a specific lot, or by reason of exceptional topographic and other site conditions (such as, but not limited to, floodplain, major stand of trees, steep slope), which were not created by the owner or applicant, 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;**
- 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.**
- 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.**
- 4. The literal interpretation and strict application of the applicable provisions or requirements of this chapter would cause undue and unnecessary hardship;**
- 5. The requested variance would be consistent with the spirit and purpose of this chapter and the Comprehensive Plan text.**

RECOMMENDATION

Staff recommends the following:

- DENIAL due to the applicant creating their own hardship.



V23-007

Planning and Zoning Department

Attachments Included:

- **Code of Ordinance(s)**
- **Future Land Use Map**
- **Overlay Zoning Map**
- **Zoning Map**
- **Aerial Map**
- **Site Photos**
- **Site Plan/Survey**
- **Letter of Intent**

FUTURE LAND USE MAP





Suburban Neighborhood (SN)

The intent of the Suburban Neighborhood character area is to recognize those areas of the city that have developed in traditional suburban land use patterns while encouraging new development to have increased connectivity and accessibility. These areas include those developed (built out) and those under development pressures. Those areas are characterized by low pedestrian orientation, limited transit access, scattered civic buildings and curvilinear street patterns. The proposed density for areas of this type is up to 8 dwelling units per acre.

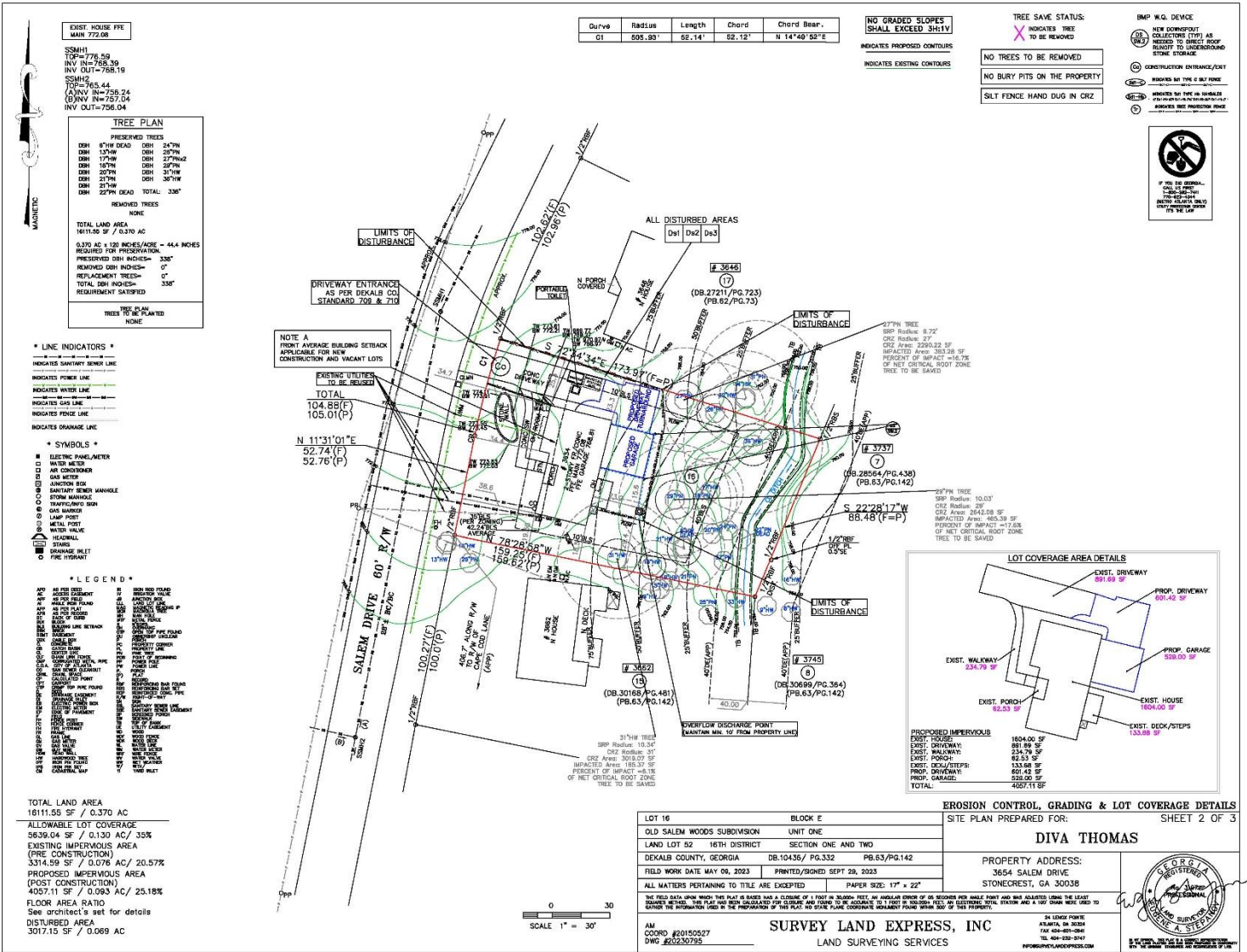
ZONING MAP | R-100



AERIAL MAP



SUBMITTED SITE PLAN





V23-007

Planning and Zoning Department

SUBMITTED SITE PHOTOS



H01



H02



H03



H04



H05



H06



H07



H08



H09



H10



H11



H12

Letter of Intent

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Letter of Intent

Diva Thomas
3654 Salem Drive
Stonecrest, GA 30038
10/22/2023

City of Stonecrest
3120 Stonecrest Blvd.
Stonecrest, Georgia 30038

To whom it may concern,

I am writing to formally request a Stream Buffer Variance as per Chapter 14 of the Stonecrest Zoning Ordinance to construct a proposed attached two-car garage (not exceeding 529 sq ft or 23ft by 23ft) within the farthest buffer zone where multiple neighboring residential buildings are also located, either in this zone or closer to the stream. The garage will replace the existing deck, which currently encroaches approximately 25% into the farthest buffer. The proposed attached garage will occupy no more than 397 sq ft than the current existing deck, originally built with the house. To preserve the integrity of the area, we have ensured that there will be no encroachment closer than 50 feet from the only stream channel on the property.

Since the construction of the residential house in 1988, the year the new house was acquired by the current property owner, over half of the existing attached house decks have always been situated within the 75' buffer (zone 3). Additionally, at least three houses on the same street have structures located within buffer zones 2 and 3 (please refer to the attached photo images for reference). For instance, the house on the left when viewed from the street has structural elements within zone 3 of the buffer (as shown in the attached photo image, "H08"), and the house on the right of the property from the street view also has existing structures within buffer zones 2 and 3 (as seen in the attached photo image, "H06"). Hence, the neighborhood, in existence since the 1970s, with no HOA fees, has historically seen no issues related to building within these buffer zones. Moreover, our property has remained stable for over 35 years, even when the ground becomes saturated after storms. We are only seeking permission to construct within zone 3, the farthest buffer from the stream, to enhance safety by reducing vehicle theft concerns and improving the neighborhood's aesthetic appeal by decreasing the number of vehicles in the driveway. This, in turn, will contribute to minimizing energy consumption and reducing the carbon footprint associated with defrosting and cooling vehicles parked in the driveway, thereby promoting the upkeep of vehicles and safety on the roads.

The proposed construction within the farthest buffer will have minimal impact on water quality. The stream behind the house is relatively small, with shallow depths of between 3-6 inches on average with ~3 feet across, and a natural reservoir (approximately 30 ft across) never fills more than 25% capacity with stream water and runoff. This reservoir also boasts plant growth that aids in water absorption. We plan to enhance this natural water quality measure by adding more

plants to further mitigate water quality issues. Furthermore, there is no historical evidence to suggest that water from the stream has ever impacted or flooded the property.

Should the proposed garage structure not be allowed within the buffer, it would necessitate construction below the high, slanted driveway, increasing the risk of accidents such as vehicles accidentally driving into the new attached garage, especially during hazardous conditions like icy roads, slippery surfaces, intoxicated driving, inexperienced driver accidents, or theft attempts using vehicles. Thus, the alignment of the new structure, directly below the slanted driveway, would lead to safety concerns and poor visual cohesion for visitors, potential buyers, and neighbors, which could have detrimental effects on property values in the neighborhood.

As mentioned earlier, there is an existing reservoir acting as a natural water quality measure on-site, which remains dry for most of the year and has never filled beyond one-fourth of its capacity. If the requested variance is granted, we intend to enhance the site with better landscaping, stormwater management, eco-friendly stream flow improvements, tree planting, and/or growing native plants, etc. These enhancements will not only beautify the area but also contribute to effective water quality control.

The proposed improvements to the site have the potential to substantially enhance the house's character and benefit the surrounding area by allowing for better discharge mitigation, further reducing the likelihood of any negative water impact. The variance, if granted, will not result in excessive use of existing infrastructure, transportation facilities, or schools, nor will it have any adverse effects on the environment or surrounding natural resources.

Additional Site Information:

Nature of Request: Stream Buffer Variance

Property Details:

Name of Project/Subdivision: Residential Attached Two-Car Garage Project / Old Salem Woods Subdivision

Property Address/Location: 3654 Salem Drive, Stonecrest, GA 30038

District: 4

Land Lot: R-100 – Residential Med Lot

Block: E

Property/Parcel ID: 16 052 05 016

Campaign Disclosure: No

Legal description including a narrative of the metes and bounds:

EXHIBIT "A"

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 52 OF THE 16TH DISTRICT, DEKALB COUNTY, GEORGIA, BEING LOT 16, BLOCK E, OLD SALEM WOODS, SECTION ONE AND TWO, UNIT ONE, AS SHOWN AT PLAT BOOK 63, PAGE 142 [See "H15" for attached map site document], DEKALB COUNTY RECORDS, WHICH PLAT IS REFERRED TO AND MADE A PART OF THIS DESCRIPTION, BEING IMPROVED PROPERTY WITH A RESIDENCE LOCATED THEREON KNOWN AS 3654 SALEM DRIVE, ACCORDING TO THE PRESENT SYSTEM OF NUMBERING HOUSES IN DEKALB COUNTY, GEORGIA AND BEING MORE PARTICULARLY SHOWN ON SURVEY PREPARED BY PATRICK AND ASSOCIATES, INC., DATED JANUARY 28, 1988.

We request that you consider our application and grant the necessary variance. We are committed to adhering to the requirements and ensuring that the proposed variance is consistent with the embodiment and purpose of Chapter 14 and the City of Stonecrest Comprehensive Plan.

Should you require additional information or have any questions regarding our application, please do not hesitate to contact at 770-617-7369 or divathomas@hotmail.com.

Please feel free to reach out at any time with your questions or thoughts, and we eagerly await your response.

Thank you for your attention to this matter. We sincerely appreciate your consideration of our request.

Sincerely,

Diva Thomas
3654 Salem Drive
Stonecrest, GA 30038
divathomas@hotmail.com
(770) 617-7369
