

Raymond White
Director
Planning and Zoning
Department



Matthew
Williams
Deputy Director
Planning and
Zoning
Department

TO: Zoning Board of Appeals

FROM: Planning and Zoning Department

SUBJECT: V23-003

ADDRESS: 6397 Leverett Drive

MEETING DATE: June 20, 2023

Summary: Requesting a variance to reduce heated square footage requirement in the R-85 zoning district from 1800 square feet to 1330 square feet

STAFF RECOMMENDATION:

Based on the findings and conclusions, it appears that the applicant meets the criteria for granting a variance. Therefore, staff recommends **APPROVAL** of V23-003.



V23-002

Planning and Zoning Department

District #5

PROPERTY INFORMATION	
Location of Subject Property: 6397 Leverett Drive	
Parcel Number: 11 250 02 018	
Road Frontage: Leverett Drive & Forester Way	Total Acreage: 0.33
Current Zoning: R-85 - Residential Med Lot	Overlay District: Arabia Mountain
Future Land Use Map/ Comprehensive Plan: Suburban (SUB)	
Zoning Request: Requesting a variance to reduce heated square footage requirement in the R-85 zoning district from 1800 square feet to 1330 square feet.	
Zoning History: Since the incorporation of the city, the subject property has not gone through any zoning entitlements.	

APPLICANT / PROPERTY OWNER INFORMATION
Applicant Name: Elliott Fried
Applicant Address: 11660 Alpharetta Hwy, Suite 145, Roswell GA 30076
Property Owner Name: Habitat for Humanity-DeKalb, Inc.
Property Owner Address: Po Box 403, Tucker GA 30085



DETAILS OF ZONING REQUEST

The applicant, Elliott Fried on behalf of the property owner’s Habitat for Humanity-DeKalb, Inc. program, is requesting a variance to reduce heated square footage requirement in the R-85 zoning district from 1800 square feet to 1330 square feet.

The applicant proposed Habitat house with 1330 sq.ft. of Heated space, 300 sq.ft. Garage, 210 sq.ft. of porch/patio space for a total of 1840 sq.ft. According to the applicant this size home is consistent with the existing homes in the neighborhood.

Additionally, Habitat for Humanity for DeKalb inc., is requesting relief from the 85’ lot width, street frontage as the existing lot width is 81’.

The home being proposed, a 3 bedroom - 2 bath home, is 130 sq. ft. (heated) larger than the Habitat for Humanity International – U.S construction standards maximum. Additionally, garages are not included in the guideline for new homes. This home is proposed with a garage (300 sq. ft.)

ADJACENT ZONING & LAND USE

NORTH	Zoning: R-75 (Residential Med Lot)	Land Use: Single Family Dwelling
SOUTH	Zoning: R-85 (Residential Med Lot)	Land Use: Single Family Dwelling
EAST	Zoning: R-85 (Residential Med Lot)	Land Use: Single Family Dwelling
WEST	Zoning: R-85 (Residential Med Lot)	Land Use: Single Family Dwelling



PHYSICAL CHARACTERISTICS & INFRASTRUCTURE

This site is currently developed with a single-family dwelling and is closely located to the road intersection of Leverett Drive & Forester Way. The subject site is not located in the flood plain.

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;

There are no exceptional site conditions.

- 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.

Granting this variance would not go beyond the minimum necessary to afford relief and does not constitute granting 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.

The granting of this 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.

The literal interpretation and strict application of the applicable provision or requirement of this chapter would not cause an undue and unnecessary hardship on the applicant's request.

- 5. The requested variance would be consistent with the spirit and purpose of this chapter and the Comprehensive Plan text;



V23-002

Planning and Zoning Department

The requested variance would be consistent with the spirit and purpose of this chapter and the comprehensive plan.

RECOMMENDATION

Staff recommends

Based on the findings and conclusions, it appears that the applicant meets the criteria for granting a variance. Therefore, staff recommends **APPROVAL** of V23-003.



V23-002

Planning and Zoning Department

Attachments Included:

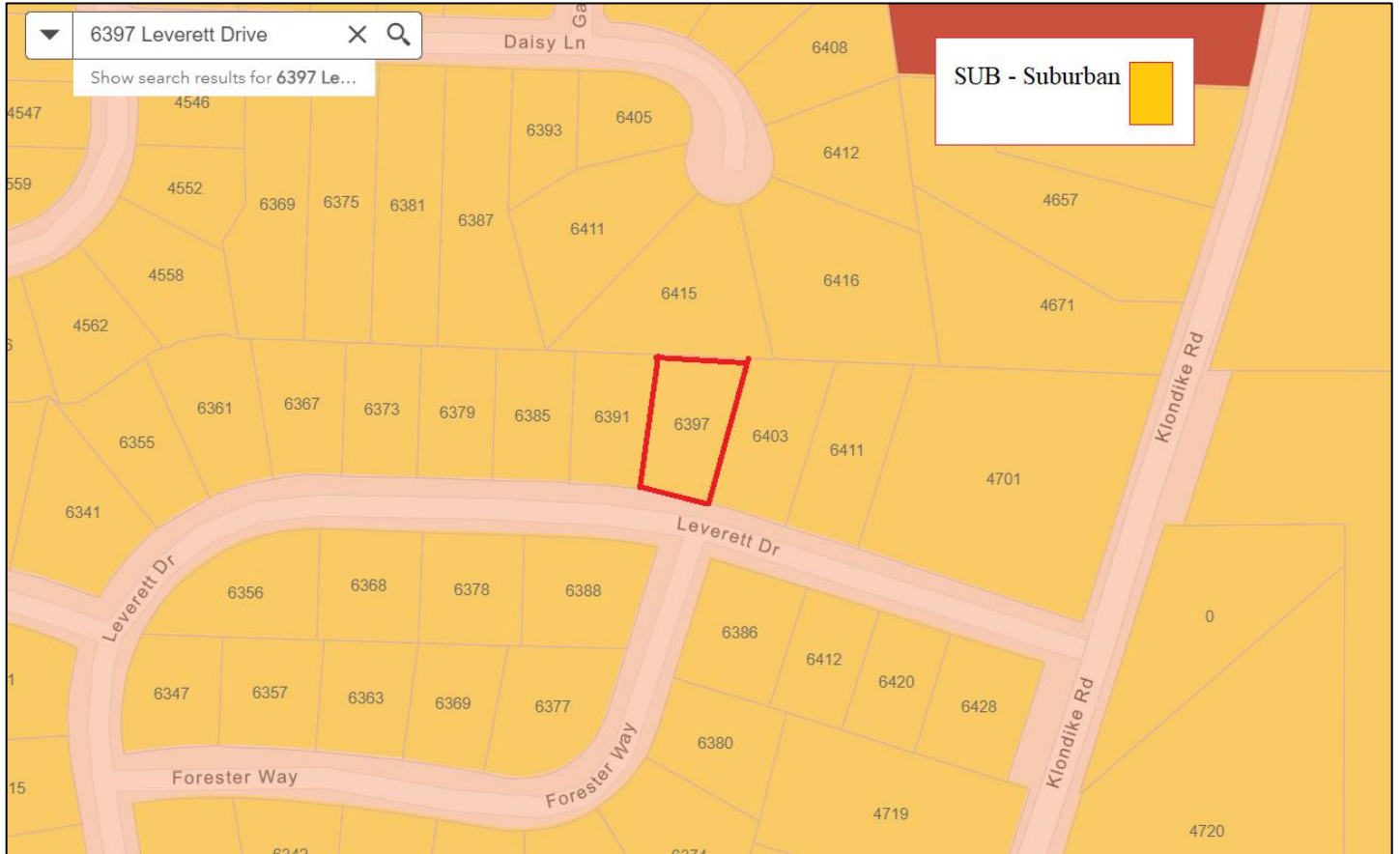
- **Future Land Use Map**
- **Zoning Map**
- **Aerial Map**
- **Site Plan/Survey**
- **Elevations**
- **Application**
- **Letter of Intent**



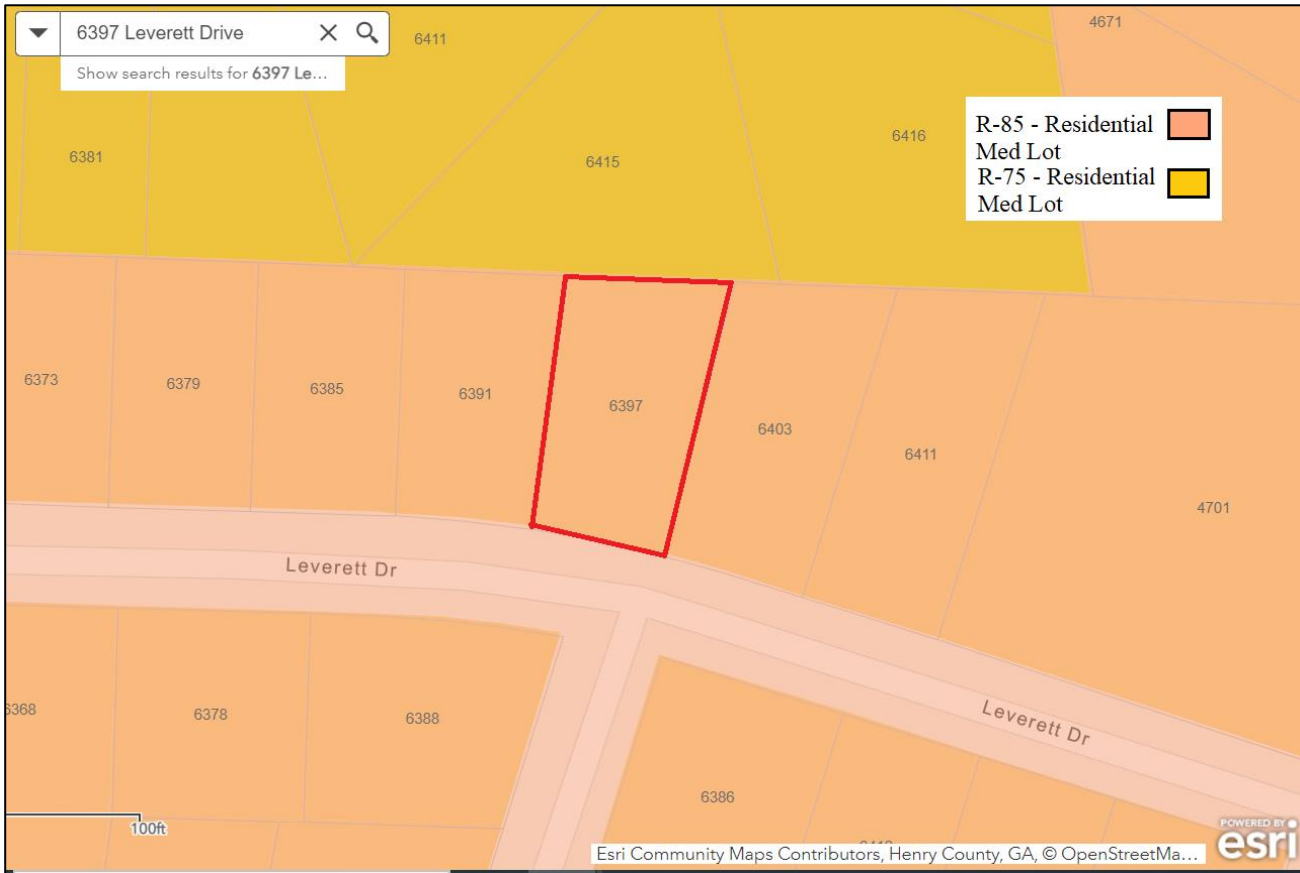
V23-002

Planning and Zoning Department

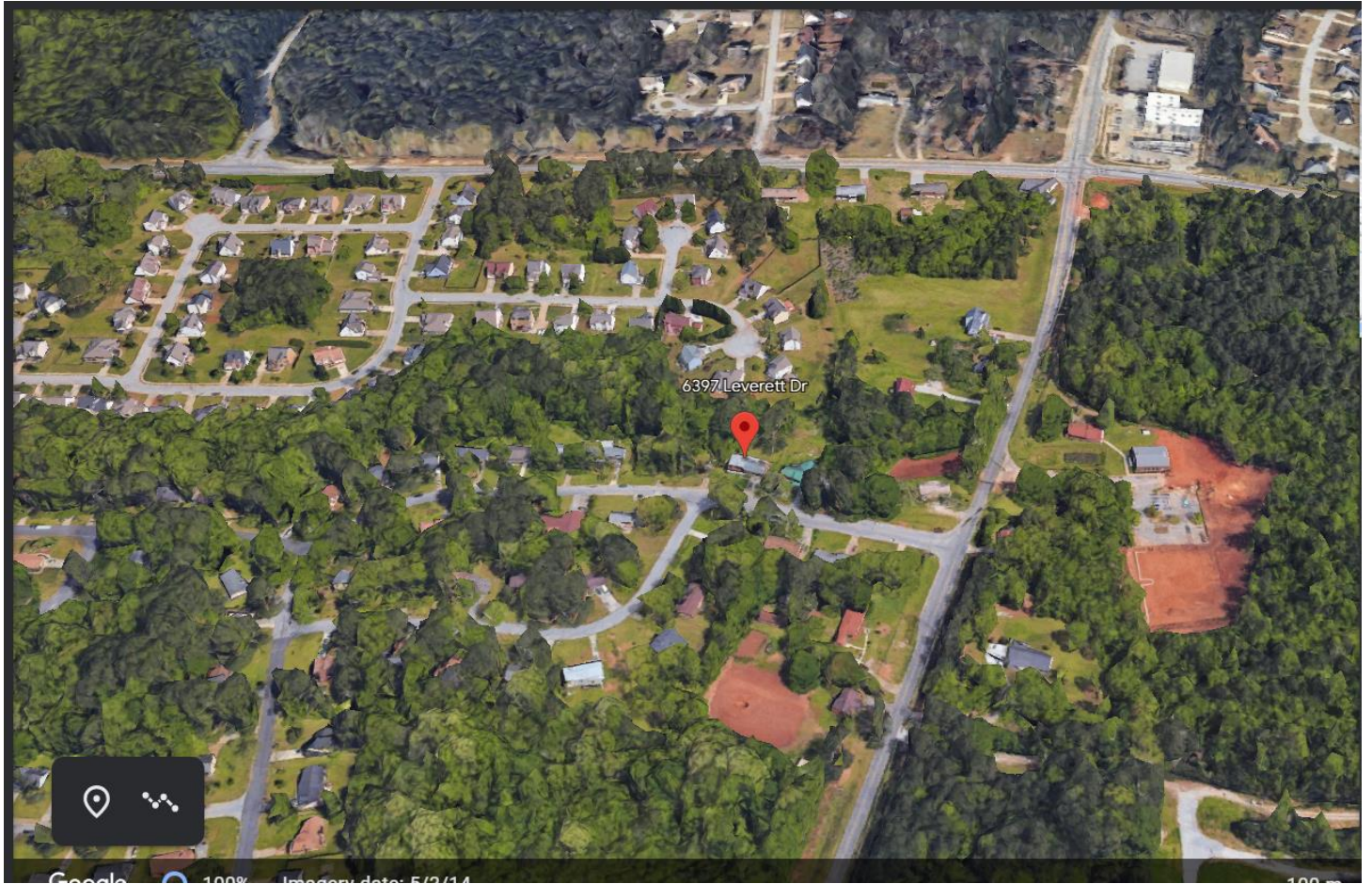
FUTURE LAND USE MAP



ZONING MAP



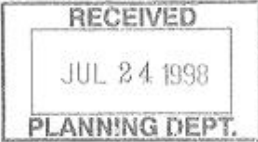
AERIAL MAP



Zoning Condition – CZ-98084

CONDITIONS OF ZONING CZ-98084

1. The property shall be developed for detached single family housing at no more than 4 units per acre. No ranch house to be developed shall contain less than 1,400 square feet. No two-story home shall contain less than 1,500 square feet. Each house shall have an attached two-car garage.
2. The subdivision shall have public streets. Sidewalks shall be constructed on one side of the public streets. No vehicular access will be allowed from Browns Mill Road to individual lots.
3. Front yards shall be sodded. Minimum front yard setbacks shall be twenty feet.
4. The front facades which face the new streets shall be of brick or stucco. This restriction shall not apply, however, to gables, dormers or bay windows.
5. Developer shall maintain a twenty foot tree save area around the entire perimeter of the property, as well as on each newly created lot insode the subdivision. Within this area, no trees may be removed unless dead or diseased or for utility, detention facilities, or street crossings. When building on a lot commences, this tree save area no longer shall exist for that lot. The flood plain area on this property also shall remain undisturbed except for utility or detention facilities.
6. Underground utilities shall be used.



APPLICATION TO AMEND ZONING MAP OF DEKALB COUNTY, GEORGIA

See reverse side for required attachments and filing fee.

Applicant:	* To Be Completed By Planning Dept.
MARTHA R. MANN	* Date Received <u>7/24/98</u>
Applicant's Mailing Address:	* Received By <u>[Signature]</u>
6575 BROWNS MILL ROAD	* Application No. <u>2-98084</u>
LITHONIA, GEORGIA 30038	* Map Reference <u>11-250-2-15</u>
ZIP CODE	* Filing Fee <u>\$250.⁰⁰</u>
Telephone No. 770-987-9645	*

Present Zoning R-85 District 11th

Requested Zoning R-A8 Land Lot(s) 250

Acreage 39.31 ±

PLEASE READ THE FOLLOWING BEFORE SIGNING

This form MUST be completed in its entirety before it is accepted by the Planning Department. It must include the attachments and filing fee identified on the reverse side. An application which lacks any one or more of the required attachments shall be determined as incomplete and shall not be accepted.

Disclosure of Campaign Contributions

In accordance with the Conflict of Interest in Zoning Act, O.C.G.A., Chapter 36-67A, the following questions MUST be answered:

Have you the applicant made \$250 or more in campaign contributions to a local government official within two years immediately preceding the filing of this application? YES X NO

If the answer is yes, you MUST file a disclosure report with the governing authority of DeKalb County showing:

- The name and official position of the local government official to whom the campaign contribution was made;
- The dollar amount and description of each campaign contribution made during the two years immediately preceding the filing of this application and the date of each such contribution.

The disclosure must be filed within 10 days after the application is first filed and must be submitted to the C.E.O. and Board of Commissioners, DeKalb County, 1300 Commerce Drive, Decatur, GA 30030.

NOTARY [Signature]

EXPIRATION DATE/SEAL

My Commission Expires Sept 7 2001

Notarial Date: 7/24/98

[Signature]

SIGNATURE OF APPLICANT

Date: JULY 24, 1998

Check One: Owner Agent

LAW OFFICES
MCCURDY & CANDLER, L.L.C.
SUITE 600
250 EAST PONCE DE LEON AVENUE
DECATUR, GEORGIA 30030

P.H. #9

JULIUS A. MCCURDY (1903-1993)
SCOTT CANDLER, JR. (1926-1994)
J. ROBIN HARRIS (1926-1989)

JOHN WALTER DRAKE
ALAN E. RAUBER
JOHN C. SANNON
ANTHONY DEMARLO
SCOTT CANDLER, III

CLARK E. CANDLER
EDNA E. HAWES
SIDNEY A. GELERNTER
DONALD C. SUESSMITH, JR.
REBECCA L. COLLINS

October 9, 1998

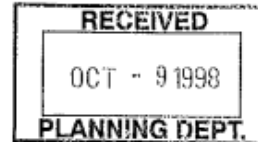
MAILING ADDRESS:
P. O. BOX 57
DECATUR, GEORGIA 30031

TELEPHONE (404) 373-1612
TELECOPIER (404) 378-3892

E-MAIL ADDRESSES:
bankruptcy@mccurdyandcandler.com
forcclosure@mccurdyandcandler.com

OF COUNSEL:
R. DOUGLAS LLOYD
R. THEODORE SMITH (RETIRED)
H. RAIFORD HODGES, JR. (RETIRED)

Commissioner Elaine Boyer
Commissioner William C. Brown
Commissioner Ken Davis
Commissioner Porter Sanford, III
Commissioner Jacqueline Scott
Commissioner Gale Walldorff
Commissioner Judy Yates



Dear Commissioners:

On behalf of my clients, Mr. and Mrs. Robert Mann, I would like to ask your support on a matter deferred from the September 22, 1998 zoning agenda, and set for "decision only" by you at the October 13, 1998 Commission Meeting.

You will recall that the Manns had requested a land use plan amendment from LDR to LMR and a rezoning from R-85 to R-A5 (modified from original request for R-A8). The primary basis for the requested changes was that the location of the property on a major road (Browns Mill), and the rezoning by DeKalb County of surrounding and adjacent properties to commercial, apartment and higher density uses created an unfair situation if this property were not similarly rezoned. The Planning Commission approved the requested changes by 8-1 and 9-0 votes, and the Planning Department recommended approval of the requests as modified.

However, after discussion, the Commission denied the land use plan amendment and rezoning by a 4-3 vote. The applicants then requested as an alternative and compromise that the property be rezoned R-A5 with a condition that no more than four units per acre be permitted. This would do away with the need for a land use plan amendment, but would allow the owners a little more flexibility with regard to the development of the property. The increase in density would be slight.

We respectfully request your support of this alternative. It addresses the concerns of the four commissioners who voted against the original request, and it also provides equity to the applicant based on surrounding uses and zonings of adjacent property.

Commissioner Elaine Boyer
Commissioner William C. Brown
Commissioner Ken Davis
Commissioner Porter Sanford, III
Commissioner Jacqueline Scott
Commissioner Gale Walldorff
Commissioner Judy Yates
October 9, 1998
Page 2

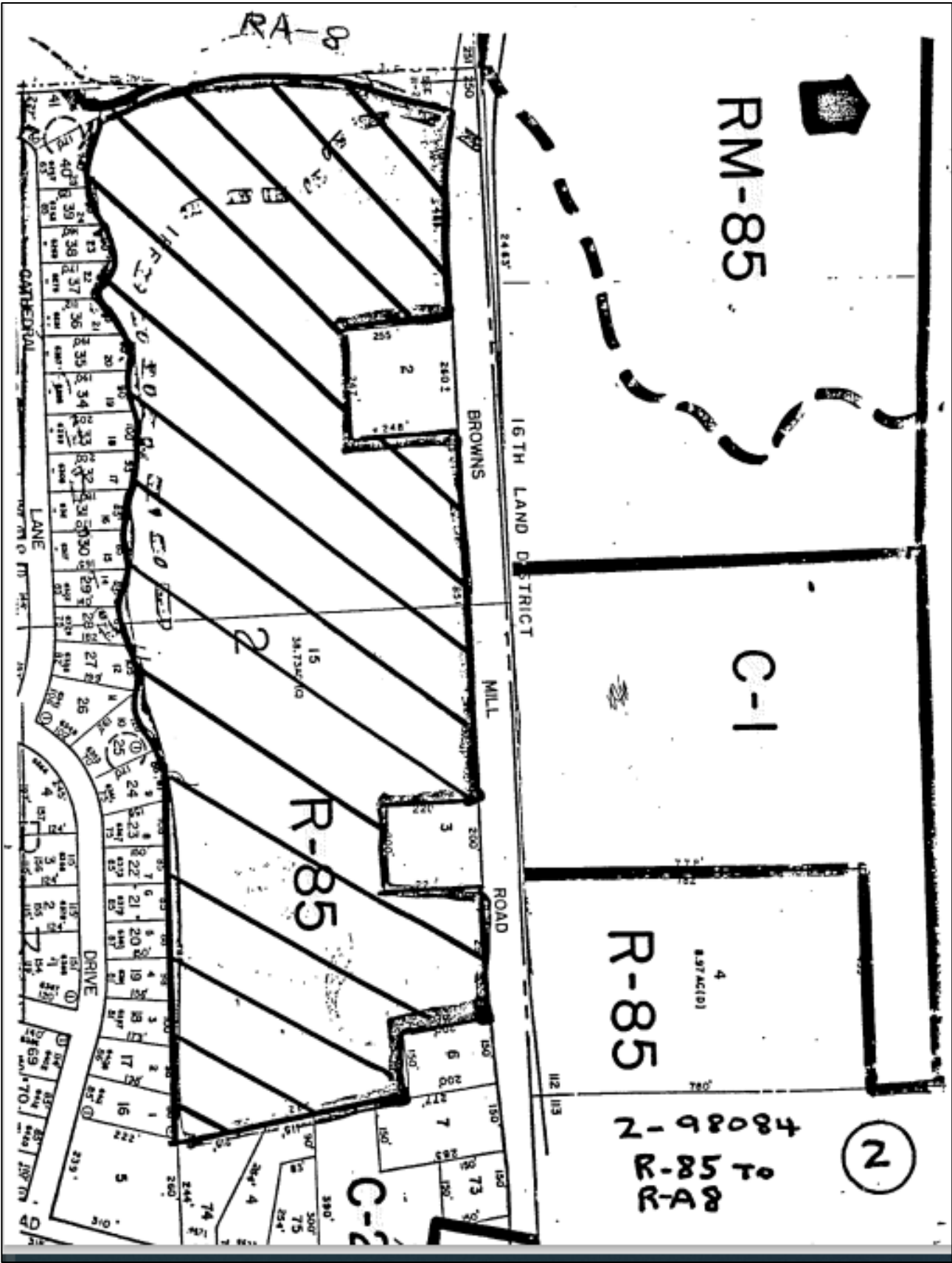
This appears to be a fair and reasonable compromise. The Planning Department supports this compromise. Your vote for this request will be most appreciated.

Yours very truly,

/s/

John Walter Drake
As Attorney for
Mr. and Mrs. Robert Mann

cc: Mr. Charles Coleman ✓



RM-85

C-1

R-85

2-98084
R-85 TO
RA-80

2

Application



3120 Stonecrest Blvd. • Stonecrest, Georgia 30038 • (770) 224-0200 • www.stonecrestga.gov

Application

Project Type	Type of Request: <input checked="" type="checkbox"/> Zoning <input type="checkbox"/> Administrative Variances <input type="checkbox"/> Stream Buffer <input type="checkbox"/> Sign <input type="checkbox"/> Other					
	Applicable Zoning/Sign Code Section: R-85					
	Nature of Request:		Required:	Proposed:	Minimum Setback Requirements	Proposed Setback Requirements
	<input type="checkbox"/> Setback		(See Chart to the Right)		Front 35'	Front 52.1'
	<input type="checkbox"/> Sign				Side 8.5'	Side 20'
	<input type="checkbox"/> # Parking Spaces				Rear 40'	Rear 51.2'
	<input checked="" type="checkbox"/> Other Property Width and Minimum Sqft				Other	Other
	Name of Project/Subdivision: Habitat - 6397 Leverett Dr. / Amherst Forest			Present Zoning: R-85		
	Property Address/Location: 6397 Leverett Dr.					
	District: 11	Land Lot: 250	Block: C	Property ID: 11 250 02 019		
Is this development and/or request seeking any incentives or tax abatement through the City of Stonecrest or any entity that can grant such waivers, incentives, and/or abatements? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No						
Owner Information	Name: Habitat for Humanity Dekalb, Inc., Sharon Steel (Executive Director)					
	Address: PO Box 403 Tucker GA 30085					
	Phone:		Fax:			
	Cell: 770-309-1626		Email: ssteel@dekalbhabitat.org			
Affidavit	Name:					
	Address:					
	Phone:		Fax:			
	Cell:		Email:			
To the best of my knowledge, this variance application form is correct and complete. If additional materials are determined to be necessary, I understand that I am responsible for filing additional materials as specified by the City of Stonecrest Zoning Ordinance. I understand that failure to supply all required information (per the relevant Applicant Checklists and Requirements of the Stonecrest Zoning Ordinance) will result in the rejection of this application. I have read the provisions of the Georgia Code Section 26-67A-3 as required regarding Campaign Disclosures. My Signed Campaign Disclosure Statement is included						
Notary	Applicant's Name: Elliott Fried					
	Applicant's Signature:					
	Sworn to and subscribed before me this 19th Day of January 2023					
	Notary Public: Ryan Hackman					
Office Use	Signature:					
	Date: 1/19/23		Project Title:			
	Application Received By:		Project Number:			
	<input type="checkbox"/> Application Fee <input type="checkbox"/> Sign Fee <input type="checkbox"/> Legal Fee					
Fee: \$		Payment: <input type="checkbox"/> Cash <input type="checkbox"/> Check <input type="checkbox"/> CC		Date:		
<input type="checkbox"/> Approved		<input type="checkbox"/> Approved with Conditions		<input type="checkbox"/> Denied		
				Date:		

LEGAL DESCRIPTION

LEGAL DESCRIPTION #6397 LEVERETT DRIVE

ALL THAT TRACT or parcel of land lying in Land Lot 250 of the 11th District, of DeKalb County, Georgia, being within the limits of the City of Stonecrest, being more particularly described as follows:

Beginning at a point 410.7' Westerly from the intersection formed between the Western Rights-of-Way of Klondike Road and the Northern Rights-of-Way of Leverett Drive (60' R/W); thence along the Northern Rights-of-Way of Leverett Drive (60' R/W) along an arc to the left having a radius of 734.55' (said arc being subtended by a chord bearing N 77°31'53" W a chord distance of 81.16') an arc distance of 81.20' to a rebar; thence leaving the Northern Rights-of-Way of Leverett Drive (60' R/W) N 08°32'50" E along the property line common with Lot 4 of Block "C" of Unit 1 of Amherst Forest Subdivision (Plat Book 64, Page 158) a distance of 156.20' to a 1/2" rebar; thence S 87°26'42" E along the property line common with Geraldine Burgess (Deed Book 11631, Page 444) a distance of 100.10' to a 1/2" rebar; thence S 14°42'25" W along the property line common with Lot 2 of Block "C" of Unit 1 of Amherst Forest Subdivision (Plat Book 64, Page 158) a distance of 173.20' to the Point of Beginning.

Said Tract of Land being known as Lot 3 of Block "C" of Unit 1 of Amherst Forest Subdivision (Plat Book 64, Page 158) and being more particularly described on: Topographic Survey for: Habitat for Humanity ~ DeKalb; prepared by: Gaddy Surveying & Design, Inc.; dated: September 9, 2021; containing 0.34 acre.

SUBMITTED PHOTOS

6397 Leverett Dr



Looking East



Looking South



Looking West



Google Streetview Jan 2023

LETTER OF INTENT



February 13, 2022

The City of Stonecrest Georgia
Zoning Board of Appeals
3120 Stonecrest Blvd.
Stonecrest, GA 30038

RE: **Letter of Intent for Zoning Variance**
6397 Leverett Dr
Stonecrest, GA 30038
Parcel ID # 11 250 02 018

Dear Board Members,

This correspondence is intended to serve as the Letter of Intent for requesting relief by variance from two requirements of the R-85 Residential Single-Family Zoning District, on behalf of our client [Habitat For Humanity DeKalb Inc.](#) in regards to the above referenced property.

Habitat For Humanity DeKalb Inc. is requesting a variance to the minimum heated square footage requirement in the R-85 zoning district. R-85 requires 1800 sqft Heated space. The proposed Habitat house is 1330 sqft of Heated Space, 300 sqft Garage, 210 sqft of porch/patio space for a total of 1840 sqft. This size home is consistent with the existing homes in the neighborhood.

Additionally, Habitat for Humanity DeKalb Inc., is requesting relief from the 85' Lot Width, street frontage as the existing lot width is 81'.

The home being proposed, a 3-bedroom 2-bath home, is 130 sqft (heated) larger than the Habitat For Humanity International - U.S. Construction Standards maximum. Additionally, garages are not included in the guideline for new homes. This home is being proposed with a garage (300 sqft).

From the Habitat For Humanity International - U.S. Construction Standards:

Our mission is to serve everyone who needs a decent, affordable place to call home. All of our housing solutions must be decent, affordable and built-in partnership, and all should prioritize health, safety and long-term affordability for residents. To meet these goals, all new homes built in the U.S. must comply with these U.S. Construction Standards.

1) *By reason of exceptional narrowness, shallowness, or shape of a specific lot, or by reason of exceptional topographic conditions, 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;

The lot is non-conforming and is of odd shape, with pre-existing single family detached residences on all three sides of similar size. The lot is currently vacant. The character of the home being proposed fits the existing character of the neighborhood.

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;

Granting of this Variance Request does not go beyond the minimum necessary to afford relief, and does not constitute granting special privileges which is 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;

Granting this Variance Request will not be materially detrimental to the neighborhood. In fact it would replace a vacant lot with a new single family residence of similar size to the existing homes, which would improve the neighborhood.

4) The literal interpretation and strict application of the applicable provisions or requirements of this Chapter would cause undue and unnecessary hardship; not merely impose a casual/discretionary inconvenience up the applicant or his assigns;

Applying the R-85 zoning restrictions to this Lot would place a hardship on the owner or future owners, as no home could be built on this non-conforming lot that has a Lot Width at the street frontage of only 81'.

5) The requested variance would be consistent with the spirit and purpose of this Chapter and the City of Stonecrest Comprehensive Plan Text;

The requested variance would be consistent with the spirit and purpose of this chapter and the Stonecrest Comprehensive Plan.

We are requesting this variance to allow Habitat For Humanity DeKalb Inc. to continue its mission.

Sincerely,



Elliott Fried

**Complete Permitting Services LLC
11660 Alpharetta Hwy
Suite 145
Roswell, GA 30076**