



DeKalb County Department of Planning & Sustainability

330 Ponce De Leon Avenue, Suite 500

Decatur, GA 30030

(404) 371-2155 / plandev@dekalbcountyga.gov

Planning Commission Hearing Date: July 6, 2017, 6:30 P.M.

Board of Commissioners Hearing Date: July 27, 2017, 6:30 P.M.

STAFF ANALYSIS

Case No.: Z-17-21590 **Agenda #:** N. 3

Location/Address: 128 Scott Boulevard, Decatur (rear portion of property, located in unincorporated DeKalb County) and 126 Scott Boulevard (front portion of property, located in City of Decatur). **Commission District:** 2 **Super District:** 6

Parcel IDs: 15-244-04-016 & 15-244-05-014

Request: To rezone property from R-85 (Single-Family Residential) to RSM (Residential Small Lot Mix) to bring a non-conforming triplex into compliance with the zoning classification of the property.

Property Owner(s): Barry Balint

Applicant/Agent: Alfred Barnes Moore

Acreage: .50 acres

Existing Land Use: A three-family building (triplex)

Surrounding Properties: To the north: duplexes and the Venetian Pools swim club (partially in the City of Decatur); to the northeast, east, and southeast, single-family residential (entirely in the City of Decatur); to the south, duplexes and a triplex; to the southwest, west, and northwest, single-family residential.

Adjacent Zoning: **North:** R-85 **South:** R-85 **East:** City of Decatur **West:** R-85 **Northeast:** City of Decatur **Northwest:** R-85 **Southeast:** City of Decatur **Southwest:** R-85

Comprehensive Plan: TN (Traditional Neighborhood) ☒ **Consistent** ☐ **Inconsistent**

Proposed Density: 6 units/acre (no change proposed)	Existing Density: 6 units/acre
Proposed Units: 3 (no change proposed)	Existing Units/Square Feet: 3
Proposed Lot Coverage: (estimated) approx. 25% (no change proposed)	Existing Lot Coverage: (estimated) approx. 25%

Zoning History: The property appears to have been zoned R-85 since adoption of the original zoning map of DeKalb County.

PROJECT ANALYSIS

The subject property is a .5-acre parcel that fronts on Scott Boulevard, a major arterial, and is developed with a 2,075 square foot building that contains three residential units. DeKalb County records indicate that the house was constructed in 1950 as a single-family residence. The applicant has provided a survey dated June 29, 1999 that labels the building as a “two story brick triplex”.

Two entrances are located at the front of the house. A patio is located behind the house; a third entrance is accessed from this patio. A 125-foot long driveway from Scott Boulevard leads to a 12 x 20 foot detached garage behind the house. A parking pad in front of the house provides parking space for four cars.

The property is located in Druid Hills Historic District. However, because no changes are being proposed to the lot or the structures on it, a Certificate of Appropriateness from the Historic Preservation Commission is not required.

The topography of the property slopes downward from Scott Boulevard. A stream is located in the rear of the lot; part of the garage and patio appear to encroach into the 75-foot stream buffer as a nonconforming condition. Mature trees are located throughout the lot.

Character of the Surrounding Area

The character of the surrounding area is residential; properties are zoned R-75 with the exception of an RSM property approximately 535 feet to the southwest of the subject property. The Venetian Pools recreation facility is located on Scott Boulevard approximately 300 feet to the northeast. Three of the four lots between the subject property and Venetian Pools, i.e. 134, 138, and 142 Scott Boulevard, are two-family dwellings. In addition, two adjoining properties to the south (120 and 122 Scott Boulevard) appear to be two- or three-family dwellings, although Staff has been unable to confirm the occupancy. The RSM property located approximately 525 feet to the southwest, at the intersection of Scott Boulevard and North Parkwood Road, is developed with a triplex.

The requested zoning classification is consistent with the actual use of the three adjoining properties to the northeast, and possibly with two adjoining properties to the southwest. It should be noted that RSM might be an appropriate classification for these properties as well.

Proposal

LAND USE AND ZONING ANALYSIS

Section 27-832 of the Zoning Ordinance, “Standards and factors governing review of proposed amendments to the official zoning map” states that the following standards and factors shall govern the review of all proposed amendments to the zoning maps.

A. Whether the zoning proposal is in conformity with the policy and intent of the comprehensive plan:

The proposal would secure the continued use of the property as a three-family dwelling and is thus consistent with Housing Policy No. 9 of the 2035 Comprehensive Plan, which states: “Utilize the zoning code to provide a variety of housing opportunities and choices to better accommodate the needs of residents. “

B. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties:

DeKalb County records do not indicate any complaints related to the use of the property for a three-family dwelling. Continuation of the current use appears to be suitable.

C. Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned:

The property appears to have little economic value as zoned. Records provided by the applicant indicate that the property has been used as a three-family dwelling since at least 1999, and the fact that the current owner has made the application under consideration indicates that he intends to continue using it for the same purpose. Not only would the RSM classification bring the property into compliance, thereby releasing any cloud on the title, it would enable the owner to expand the square footage of the building if desired (subject to applicable zoning regulations), thus enabling the owner to increase its economic value.

D. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property:

As no changes are proposed to the existing use, this consideration is not applicable.

E. Whether there are other existing or changing conditions affecting the use and development of the property, which give supporting grounds for either approval or disapproval of the zoning proposal:

Approval of the zoning proposal is supported by the use of several nearby properties as nonconforming two-family dwellings, as it indicates that RSM zoning may be suitable not only for the subject property but also for these properties. If these properties were also rezoned to RSM, the zoning pattern of the northeast side of Scott Boulevard between North Parkwood Road and Venetian Pools would be predominantly RSM.

F. Whether the zoning proposal will adversely affect historic buildings, sites, districts, or archaeological resources:

No historic buildings, sites, districts, or archaeological resources are located on the property or in the surrounding area.

G. Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools:

No change in the existing use is proposed; therefore, there would be no change in the demand placed on existing streets, transportation facilities, utilities, or schools.

H. Whether the zoning proposal adversely impacts the environment or surrounding natural resources:

Because no change would be made to the existing use or developed area of the property, there would be no adverse impacts on the environment or surrounding natural resources.

Compliance with District Standards:

RSM STANDARD	REQUIRED/ALLOWED	PROVIDED/PROPOSED	COMPLIANCE
MAX. D.U.s/ACRE (BASE & W/BONUSES)	4 & 8 d.u.s/acre	6 units/acre	Yes
MIN. OPEN SPACE	Applicable if project is > 5 ac. or \geq 36 d.u.s	Not applicable – project is three d.u.s on .50 acre	Not applicable
MIN. LOT AREA	4,000 sq. ft.	.50 acres (21,780 sq. ft.)	Yes
MIN. LOT WIDTH	60 feet	75 feet	Yes
MAX. LOT COVERAGE	50%	Approximately 30%	Yes

RSM STANDARD		REQUIRED/ALLOWED	PROVIDED/PROPOSED	COMPLIANCE
BUILDING SETBACKS	FRONT	20 ft.	50 feet	Yes
	INTERIOR SIDE	3 ft. w/min. 10 ft. between bldgs.	Northeast side: 2 ft. (garage); 13 ft. (house) Southwest side: 11.5 ft.	Garage encroachment is legally nonconforming.
	REAR W/O ALLEY	20 ft.	211 feet	Yes
MINIMUM UNIT SIZE		1,000 sq. ft.	Information not provided.	Information not provided.
MAX. BLDG. HEIGHT		35 feet	Average height is less than 35 feet.	Yes
MIN. PARKING		Min. 1 /d.u. = 3 spaces; Max 4/d.u. = 7 spaces	7 spaces	Yes

STAFF RECOMMENDATION:

The proposal is consistent with Housing Policy No. 9 of the 2035 Comprehensive Plan, which states: “Utilize the zoning code to provide a variety of housing opportunities and choices to better accommodate the needs of residents.” Approval of the zoning proposal is supported by the use of several nearby properties as nonconforming two-family dwellings, as it indicates that RSM zoning may be suitable not only for the subject property but also for these properties. The property appears to have little economic value as zoned. Records provided by the applicant indicate that the property has been used as a three-family dwelling since at least 1999, and the fact that the current owner has made the application under consideration indicates that he intends to continue using it for the same purpose. Not only would the RSM classification bring the property into compliance, thereby releasing any cloud on the title, it would enable the owner to expand the square footage of the building if desired (subject to applicable zoning regulations), thus enabling the owner to increase its economic value. Therefore, the Department of Planning and Sustainability recommends “Approval Conditional” with the following conditions:

1. The property shall be used for a three-family dwelling.
2. The approval of this rezoning application by the Board of Commissioners has no bearing on other approvals by the Zoning Board of Appeals or other authority, whose decision should be based on the merits of the application before said authority.

Attachments:

1. Department and Division Comments
2. Board of Health Comments
3. Application
4. Site Plan/Survey
5. Historic Survey
6. Zoning Map
7. Land Use Plan Map
8. Aerial Photograph
9. Site Photographs

NEXT STEPS



Following an approval of this zoning action, one or several of the following may be required:

- **Land Disturbance Permit** *(Required for of new building construction on non-residential properties, or land disturbance/improvement such as storm water detention, paving, digging, or landscaping.)*
- **Building Permit** *(New construction or renovation of a building (interior or exterior) may require full plan submittal or other documentation. Zoning, site development, watershed and health department standards will be checked for compliance.)*
- **Certificate of Occupancy** *(Required prior to occupation of a commercial or residential space and for use of property for a business. Floor plans may be required for certain types of occupants.)*
- **Plat Approval** *(Required if any parcel is being subdivided, re-parceled, or combined. Issued “administratively”; no public hearing required.)*
- **Sketch Plat Approval** *(Required for the subdivision of property into three lots or more. Requires a public hearing by the Planning Commission.)*
- **Overlay Review** *(Required review of development and building plans for all new construction or exterior modification of building(s) located within a designated overlay district.)*
- **Historic Preservation** *(A Certificate of Appropriateness is required for any proposed changes to building exteriors or improvements to land when located within the Druid Hills or the Soapstone Geological Historic Districts. Historic Preservation Committee public hearing may be required.)*
- **Variance** *(Required to seek relief from any development standards of the Zoning Ordinance. A public hearing and action by the Board of Appeals are required for most variances.)*
- **Minor Modification** *(Required if there are any proposed minor changes to zoning conditions that were approved by the Board of Commissioners. The review is administrative if the changes are determined to be minor as described by Zoning Code.)*
- **Major Modification** *(Required submittal of a complete zoning application for a public hearing if there are any proposed major changes to zoning conditions that were approved by the Board of Commissioner for a prior rezoning.)*
- **Business License** *(Required for any business or non-residential enterprise operating in Unincorporated DeKalb County, including in-home occupations).*
- **Alcohol License** *(Required permit to sell alcohol for consumption on-site or packaged for off-site consumption. Signed and sealed distance survey is required. Background checks will be performed.)*

Each of the approvals and permits listed above requires submittal of application and supporting documents, and payment of fees. Please consult with the appropriate department/division.



DEKALB COUNTY GOVERNMENT PLANNING DEPARTMENT DISTRIBUTION FORM

The following areas below may warrant comments from the Development Division. Please respond accordingly as the issues relate to the proposed request and the site plan enclosed as it relates to Chapter 14. You may address applicable disciplines.

DEVELOPMENT ANALYSIS:

- **Transportation/Access/Row**

Consult the Georgia DOT as well as the DeKalb County Transportation Department prior to land development permit. Verify widths from the centerline of the roadways to the property line for possible right-of-way dedication. Improvements within the right-of-way may be required as a condition for land development application review approval. Safe vehicular circulation is required. Paved off-street parking is required.

- **Storm Water Management**

Compliance with the Georgia Stormwater Management Manual, DeKalb County Code of Ordinances 14-40 for Stormwater Management and 14-42 for Storm Water Quality Control is required as a condition of land development permit approval.

- **Flood Hazard Area/Wetlands**

The presence of FEMA Flood Hazard Area AE was indicated in the County G.I.S. mapping records for the site; and should be noted in the plans at the time of any land development permit application. Compliance with the DeKalb County Code of Ordinances 14-431 and 14-432 is required as a condition of land development permit approval.

- **Landscaping/Tree Preservation**

Landscaping and tree preservation plans for any building, or parking lot must comply with DeKalb County Code of Ordinances 14-39 and are subject to approval from the County Arborist.

- **Tributary Buffer**

State water buffer was reflected in the G.I.S. records for the site. Typical state waters buffer have a 75' undisturbed stream buffer and land development within the undisturbed creek buffer is prohibited without a variance per DeKalb County Code of Ordinances 14-44.1.

- **Fire Safety**

Plans for land development permit must comply with Chapter 12 DeKalb County Code for fire protection and prevention.



DEKALB COUNTY GOVERNMENT
PLANNING DEPARTMENT
DISTRIBUTION FORM

NOTE: PLEASE RETURN ALL COMMENTS VIA EMAIL OR FAX TO EXPEDITE THE PROCESS TO
MADOLYN SPANN MSPANN@DEKALBCOUNTYGA.GOV OR JOHN REID JREID@DEKALBCOUNTYGA.GOV

COMMENTS FORM:

PUBLIC WORKS TRAFFIC ENGINEERING

Case No.: Z-17-21590
Address: 126 + 128 Scott Boulevard
Decatur, Georgia

Parcel I.D. #: 15-244 05-014
15-244 04-016

Adjacent Roadway (s):

(classification)

(classification)

Capacity (TPD) _____
Latest Count (TPD) _____
Hourly Capacity (VPH) _____
Peak Hour. Volume (VPH) _____
Existing number of traffic lanes _____
Existing right of way width _____
Proposed number of traffic lanes _____
Proposed right of way width _____

Capacity (TPD) _____
Latest Count (TPD) _____
Hourly Capacity (VPH) _____
Peak Hour. Volume (VPH) _____
Existing number of traffic lanes _____
Existing right of way width _____
Proposed number of traffic lanes _____
Proposed right of way width _____

Please provide additional information relating to the following statement.

According to studies conducted by the Institute of Traffic Engineers (ITE) 6/7TH Edition (whichever is applicable), churches generate an average of fifteen (15) vehicle trip end (VTE) per 1, 000 square feet of floor area, with an eight (8%) percent peak hour factor. Based on the above formula, the _____ square foot place of worship building would generate _____ vehicle trip ends, with approximately _____ peak hour vehicle trip ends.

Single Family residence, on the other hand, would generate ten (10) VTE's per day per dwelling unit, with a ten (10%) percent peak hour factor. Based on the above referenced formula, the _____ (Single Family Residential) District designation which allows a maximum of _____ units per acres, and the given fact that the project site is approximately _____ acres in land area, _____ daily vehicle trip end, and _____ peak hour vehicle trip end would be generated with residential development of the parcel.

COMMENTS:

Did not see any traffic engineering concerns at this time.

Signature: Jennifer R. [Signature]

Zoning Comments July 2017

N1. Text amendment- not reviewed

N2. Text amendment- not reviewed, but would like to review infrastructure requirements.

N3. No Comment- Frontage is within the City of Decatur. Any improvements will required GDOT permits.

N4. Fayetteville Road- Classified as a collector street (Speed Limit: 35mph). Required by land development code (Section 14-190): 4 foot bike lanes, 35 feet of right of way dedication from centerline. Required by Zoning Code (page 5-14): Street lights via developer petition process, 6 feet sidewalks, 10 foot landscape strip.

Pine Trail: Classified as local. Required by land development code (Section 14-190): 12 foot travel lanes from centerline, 27.5 feet of right of way dedication from centerline. Required by Zoning Code (page 5-14): Street lights via developer petition process, 5 feet sidewalks, 6 foot landscape strip.

Must be included in zoning conditions:

Sight distance concerns need to be addressed prior to land development permitting process. The proposed driveway and pedestrian crossing appear to be about 120 feet over a vertical curve. A sight distance report is required (based on AASHTO) for stopping sight distance for vehicles approaching the proposed pedestrian crosswalk (based on the measured 85th percentile speeds, not the speed limit) and for stopping for vehicles turning right into the facility. In addition, intersection sight distance is to be measured for vehicles exiting the driveway. This report must be prepared by a professional engineer and a stamped copy provided to the Transportation Division prior to the issuance of a land development permit. In addition based on the finding of the report, corrective safety countermeasures may be required.

If the crosswalk is permitted, the applicant will be required to stripe the crosswalk to GDOT Standards, provide both at crossing and advanced pedestrian crossing signage, furnish and install approved County pedestrian scale street lights on both sides of the road for safety and construction ADA ramps and landing pads to GDOT standards on both sides of the crosswalk.

N5. Pine Trail is classified local. Required by land development code (Section 14-190): 12 foot travel lanes from centerline, 27.5 feet of right of way dedication from centerline. Required by Zoning Code (page 5-14): Street lights via developer petition process, 5 feet sidewalks, 6 foot landscape strip. Based on GIS mapping, Pine Trail does not appear to be centered in the right of way. ROW dedication may impact setbacks. This should be investigated and considered as plans are developed.

N6. This project falls within the I-20 Overlay District Tier II: County Code 27-3.33 DIVISION 33.

- Sec. 3.33.14. - Sidewalks, street tree planting zone, landscaping and ground cover requirements, and curb cuts.

A.

Sidewalk requirement. There shall be a public sidewalk constructed along all public street frontages contiguous to all properties within the I-20 Corridor Overlay Districts. The sidewalk shall be located

DeKalb County Board of Health

404.508.7900 • www.dekalbhealth.net

6/13/2017

N.1

TA-17-21565 All Districts

All Districts

☒ Amendment

- See general comments.

N.2

TA-17-21605

Kensington - Memorial Drive

☐ Amendment

- See general comments.
- Before building or renovating a pool or spa, site plans must be submitted to the Board of Health Division of Environmental Health

 N.3

Z-17-21590/15-244-04-016,15-244-05-014

128 Scott Boulevard , Decatur, GA and 126 Scott Boulevard, Decatur, Ga

☐ Amendment

- See general comments.

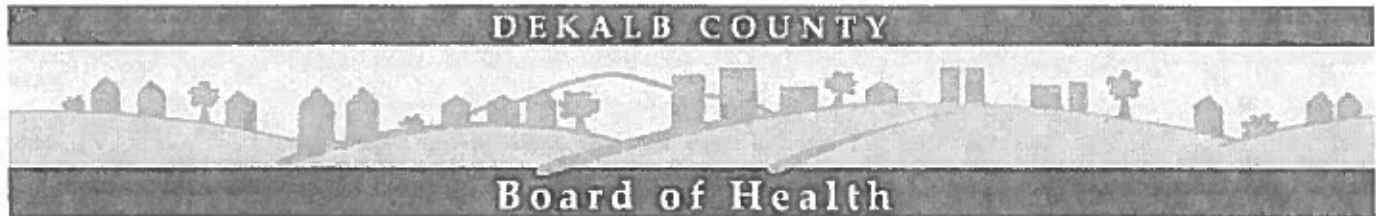
N.4

Z-17-21555

1030 Fayetteville Road and 1735 Pine Trail

☐ Amendment

- See general comments.



6/13/2017

To: Ms. Madolyn Spann, Planning Manager
Mr. John Reid, Senior Planner
From: Ryan Cira, Environmental Health Manager
Cc: Alan Gaines, Technical Services Manager
Re: Rezone Application Review

General Comments:

DeKalb County Health Regulations prohibit use of on-site sewage disposal systems for

- multiple dwellings
- food service establishments
- hotels and motels
- commercial laundries
- funeral homes
- schools
- nursing care facilities
- personal care homes with more than six (6) clients
- child or adult day care facilities with more than six (6) clients
- residential facilities containing food service establishments

If proposal will use on-site sewage disposal, please contact the Land Use Section (404) 508-7900.

Any proposal, which will alter wastewater flow to an on-site sewage disposal system, must be reviewed by this office prior to construction.

This office must approve any proposed food service operation or swimming pool prior to starting construction.

Public health recommends the inclusion of sidewalks to continue a preexisting sidewalk network or begin a new sidewalk network. Sidewalks can provide safe and convenient pedestrian access to a community-oriented facility and access to adjacent facilities and neighborhoods.

For a public transportation route, there shall be a 5ft. sidewalk with a buffer between the sidewalk and the road. There shall be enough space next to sidewalk for bus shelter's concrete pad installation.

Since DeKalb County is classified as a Zone 1 radon county, this office recommends the use of radon resistant construction.

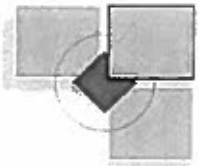
DeKalb County Board of Health



DeKalb County Department of Planning & Sustainability

Michael L. Thurmond
Chief Executive Officer

Andrew A. Baker, AICP
Director



APPLICATION TO AMEND OFFICIAL ZONING MAP OF DEKALB COUNTY, GEORGIA

Z/CZ No. 2-17-21590
Filing Fee: _____

Date Received: 5/4/17 Application No.: _____

Applicant: Alfred Barnes Moore E-Mail: barnesmoore@gmail.com

Applicant Mailing Address: 222 12th St NE Unit 1008, Atlanta, GA 30309

Applicant Phone: 404-345-1956 Fax: _____

Owner(s): Barry Balint E-Mail: barry.balint@yahoo.com
(If more than one owner, attach as Exhibit "A")

Owner's Mailing Address: 3581 Club Dr, Kennesaw, GA 30144

Owner(s) Phone: 678-592-7077 Fax: _____

Address/Location of Subject Property: 126 Scott Blvd (128 Scott Blvd in Dekalb Co)

District(s): 15th Land Lot(s): 244 Block: B 0405 Parcel(s): 001 014

Acreage: 0.50 Commission District(s): 2 & 6

Present Zoning Category: R-85 Proposed Zoning Category: RSM

Present Land Use Category: Residential

PLEASE READ THE FOLLOWING BEFORE SIGNING

This form must be completed in its entirety before the Planning Department accepts it. It must include the attachments and filing fees identified on the attachments. An application, which lacks any of the required attachments, shall be determined as incomplete and shall not be accepted.

Disclosure of Campaign Contributions

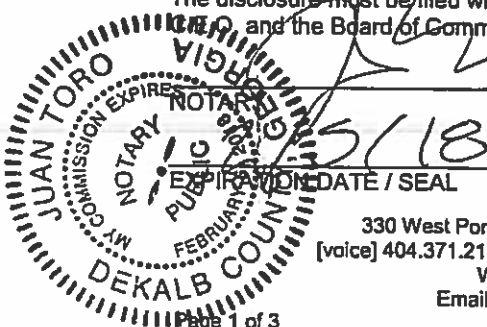
In accordance with the Conflict of Interest in Zoning Act, O.C.G.A., Chapter 36-67A, the following questions must be answered:

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 ☐ No ☒

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

1. The name and official position of the local government official to whom the campaign contribution was made.
2. 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 CEO and the Board of Commissioners, DeKalb County, 1300 Commerce Drive, Decatur, Ga. 30030.



[Signature] 5/4/17
SIGNATURE OF APPLICANT / DATE

Check One: Owner ☐ Agent ☒

330 West Ponce de Leon Avenue - Suites 100-500 - Decatur, Georgia - 30030
[voice] 404.371.2155 - [Planning Fax] (404) 371-4556 [Development Fax] (404) 371-3007
Web Address <http://www.dekalbcountyga.gov/planning>
Email Address: planninganddevelopment@dekalbcountyga.gov

Notice Date Monday, April 17, 2017

PUBLIC NOTICE
To
Request for Zoning Change
Filed by: Barry A. Balint;
Located at: 126 Scott Blvd
Decatur, GA 30030

Current Zoning - Single Family Residential

Proposed Zoning - Multi-Family Residential

PRE-SUBMITTAL COMMUNITY MEETING TO TAKE PLACE
AT: DEEPPDENE PARK

Location: 2199 N. Ponce De Leon Ave. NE Atlanta, GA 30307

Date & Time: Tuesday, May 2, 2017 at 7:00PM

Any questions can be sent to barry.balint@yahoo.com

Rezoning Request
126 and 128 Scott Boulevard

The owner proposes classifying 126 and 128 Scott Boulevard as RSM (small lot residential) which allows for neighborhoods that allow a mix of single-family attached and detached housing options. The property is currently an existing non-conforming triplex (three unit dwelling) with an R-85 (Single Family) zoning.

History of the property and reason for rezoning request:

- 126 Scott Blvd was purchased in 2001 by Barry Balint as an investment property.
- The property was a triplex at that time.
- A 1999 flood certification shows that the property was a triplex at that time.
- The current owner is selling due to retirement.
- During the sales process it was discovered that the property is zoned single family.
- A letter was obtained from Dekalb County (from Madolyn Spann, Planning Manager, Department of Planning and Sustainability) confirming the property's existing non-conforming use, and that the property may continue to be used as a triplex (attached to this application).
- Buyers of the property have been unable to obtain traditional financing due to the property being classified as non-conforming use.
- Therefore the owner is requesting the property to be re-zoned resulting in conforming use.

Proposed (i.e. current) use:

The property will continue indefinitely in it's current state with these characteristics:

Above ground - 2 units, each 1 bedroom, 1 bath - 1,297 square feet

Below ground (basement) - 1 unit, 2 bedrooms, 1 bath - 778 square feet

Detached garage - 228 square feet

Other notes:

Nearby RSM zoned property:

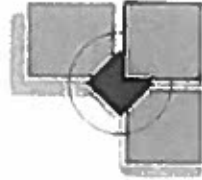
106 Scott Blvd (four lots away)

Community Meeting/notice:

A meeting was advertised to surrounding neighbors (flyer in mailboxes) for a meeting held on Tuesday May 2, 2017 at Deepdene Park. None of the residents attended.



DeKalb County Planning & Development Department



February 2, 2017

Barry Balint
3581 Club Drive NW
Kennesaw, GA. 30144

RE: 126 Scott Boulevard (P.I.D. 15-244-04-016)

Dear Mr. Balint,


The subject property is zoned R-85 Single Family Residential which currently prohibits triplex residences as a permitted use. The subject property appears to exist as a three unit dwelling (triplex) and is recognized as an existing nonconforming use.

Pursuant to DeKalb Code Section 27-937 Nonconforming Use of Land: a nonconforming use may continue to operate, but no such nonconformity may discontinue use for a continuous period of six (6) months shall be reestablished unless such cessation is a direct result of governmental action impeding access to the property. Such nonconforming use of land shall not be enlarged, expanded, moved, or otherwise altered in any manner that increases the degree of nonconformity. DeKalb County Zoning Code 27-942 further states that any building or structure constituting a nonconforming use of land and building(s) or nonconforming use of land and structure(s) which has been damaged by fire or other cause may be reconstructed and used as it was prior to damage so long as construction is completed within two (2) years of the date of the damage, except that if said building or structure has been declared by the director of public works to have been damaged to an extent exceeding sixty (60) percent of its fair market value at the time of destruction, then any repair, reconstruction or new construction shall conform to all of the requirements of the district in which said building or structure is located.

It should also be noted that this letter is to only support the non-conformity use as stated in the above paragraph; and does not attempt to remedy any other issues of compliance as it relates to the aforementioned property.

Should you require any further information, please feel free to call.

Sincerely,


Madolyn Spann,
Planning Manager,
Department of
Planning and Sustainability

Analysis of impact on surrounding properties
Rezoning request for 126 (128) Scott Blvd

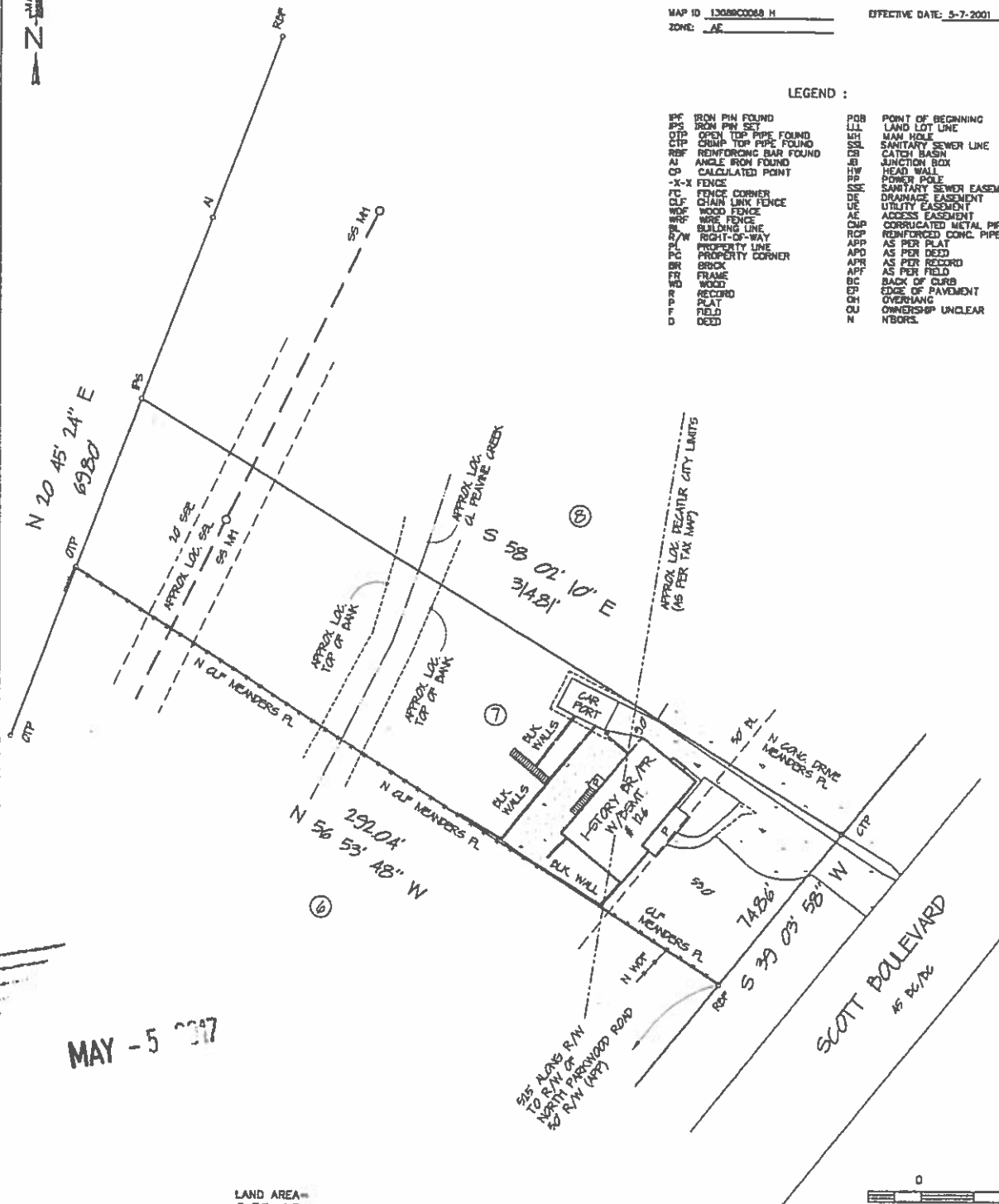
126 (128) Scott Boulevard will remain in current use with no alterations other than general maintenance.

No impact on surrounding properties is anticipated.

MAP ID: 1308000088 H EFFECTIVE DATE: 5-7-2001
ZONE: AE

LEGEND :

IPS	IRON PIN FOUND	PBB	POINT OF BEGINNING
IPF	IRON PIN SET	PLD	LAND LOT LINE
OTF	OPEN TOP PIPE FOUND	PLH	MAIN HOLE
OTD	CROWN TOP PIPE FOUND	SSL	SANITARY SEWER LINE
OTF	REINFORCING BAR FOUND	CSB	CATCH BASIN
AI	ANGLE IRON FOUND	JBI	JUNCTION BOX
CP	CALCULATED POINT	HW	HEAD WALL
-X-X-	FENCE	HP	POWER POLE
FC	FENCE CORNER	SE	SANITARY SEWER EASEMENT
CUF	CHAIN LINK FENCE	DSE	DRAINAGE EASEMENT
WDF	WOOD FENCE	UE	UTILITY EASEMENT
WDF	WIRE FENCE	AE	ACCESS EASEMENT
WDF	WIRE BUILDING LINE	CMP	CORRUGATED METAL PIPE
R/W	RIGHT-OF-WAY	RCP	REINFORCED CONC. PIPE
PL	PROPERTY LINE	APP	AS PER PLAT
PC	PROPERTY CORNER	APD	AS PER DEED
BRK	BROOK	APR	AS PER RECORD
FR	FRAME	APF	AS PER FIELD
WD	WOOD	BC	BED OF CURB
R	RECORD	EP	EDGE OF PAVEMENT
PL	PLAT	OV	OVERHANG
F	FIELD	OU	OWNERSHIP UNCLEAR
D	DEED	NU	NBORS.



LAND AREA=
0.50 AC

PLAT PREPARED FOR:

BARRY A. BALINT &
BALINT ENTERPRISES

LOT 7 BLOCK B UNIT

SUBDIVISION PROPERTY OF ROLLINS REALTY COMPANY

LAND LOT 244 15TH DISTRICT SECTION

DEKALB COUNTY, GEORGIA

DATE: DECEMBER 13, 2001

PLAT BOOK 16 PAGE 91
DEED BOOK PAGE

ALL MATTERS PERTAINING
TO TITLE ARE EXCEPTED

THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE OF 1 FOOT IN 100,000+ FEET, AN ANGULAR ERROR OF 0.3 SECONDS PER ANGLE POINT AND WAS ADJUSTED USING THE LEAST SQUARES METHOD. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND FOUND TO BE ACCURATE TO 1 FOOT IN 10,000+ FEET. AN ELECTRONIC TOTAL STATION AND A 100' CHAIN WERE USED TO GATHER THE INFORMATION USED IN THE PREPARATION OF THIS PLAT. NO STATE PLANE COORDINATE MONUMENT FOUND WITHIN 500' OF THIS PROPERTY.

IN MY OPINION, THIS PLAN IS A CORRECT REPRESENTATION
OF THE LAND PLATTED AND HAS BEEN PREPARED IN CONFORMITY
WITH THE MINIMUM STANDARDS AND REQUIREMENTS OF LAW.

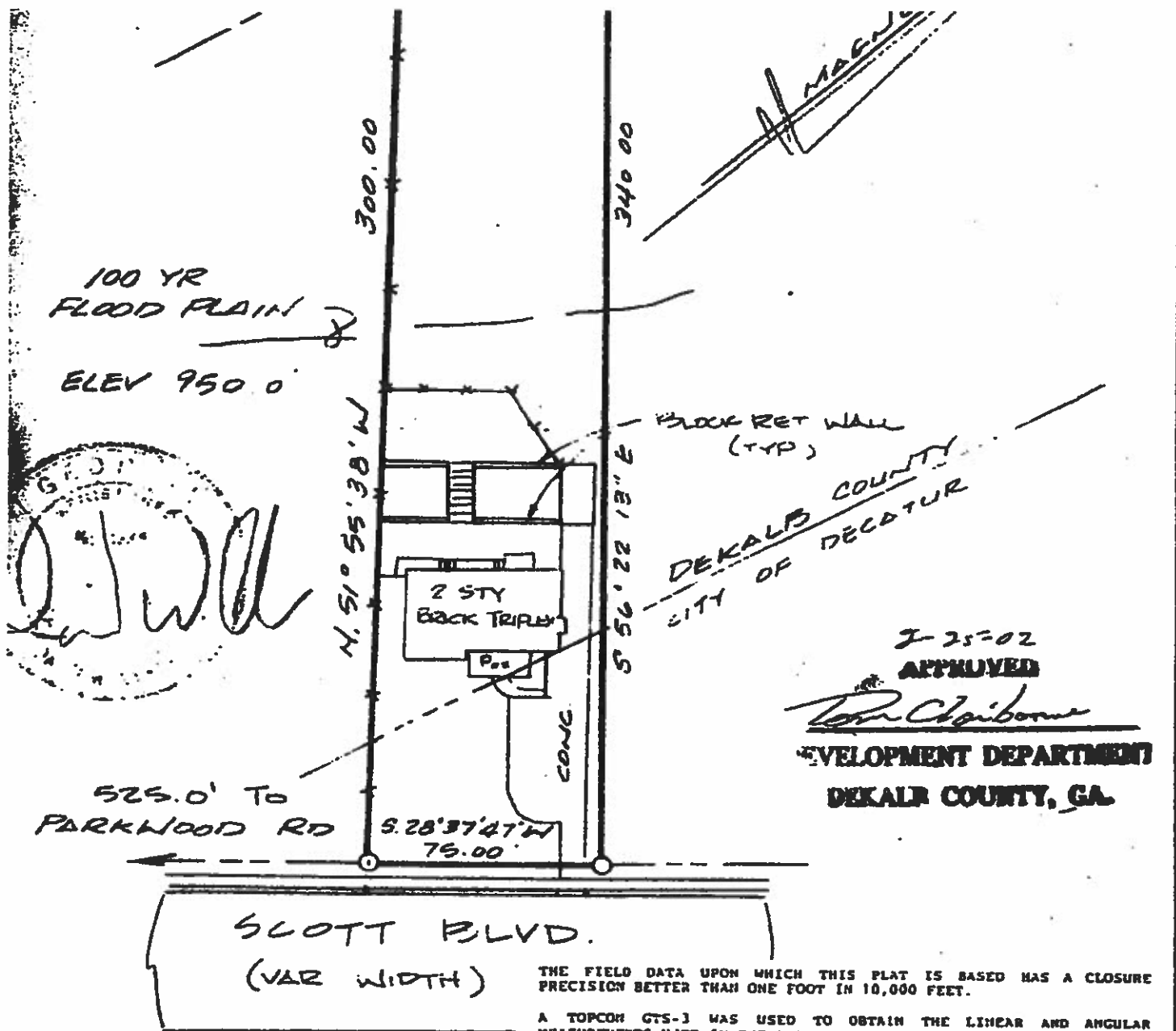
SURVEY SYSTEMS & ASSOC., INC.

P.O. BOX 8588

ATLANTA GA. 31106-0688

JOB NUMBER 33-25384 SJ

FAX (404) 760-0011
PHONE (404) 760-0010



AS THIS SURVEY EXAMINED THE FLOOD PLAIN
100 YR FLOOD PLAIN ELEV = 950.0
WEST FLOOR ELEV = 965.93
WEST FLOOR ELEV IS 15.93'
ABOVE THE 100 YR. FLOOD PLAIN
AND IS IN NO DANGER OF
FLOODING IN THE OPINION
OF THE SURVEYOR

2-25-02 135160
0008

10 YR FLOOD PLAIN ELEV = 950.0
WEST FLOOR ELEV = 965.93
WEST FLOOR ELEV IS 15.93'
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AND IS IN NO DANGER OF
FLOODING IN THE OPINION
OF THE SURVEYOR

GRAPHIC SCALE

Survey For:

ERNIE M EDEN

Lot Block Unit

Subdivision

Land Lot 244 District 15TH
CITY OF DECATUR DEKALB County, Georgia
Scale 1" = 50' Date 6.29.99

D. W. Lynah Surveyors

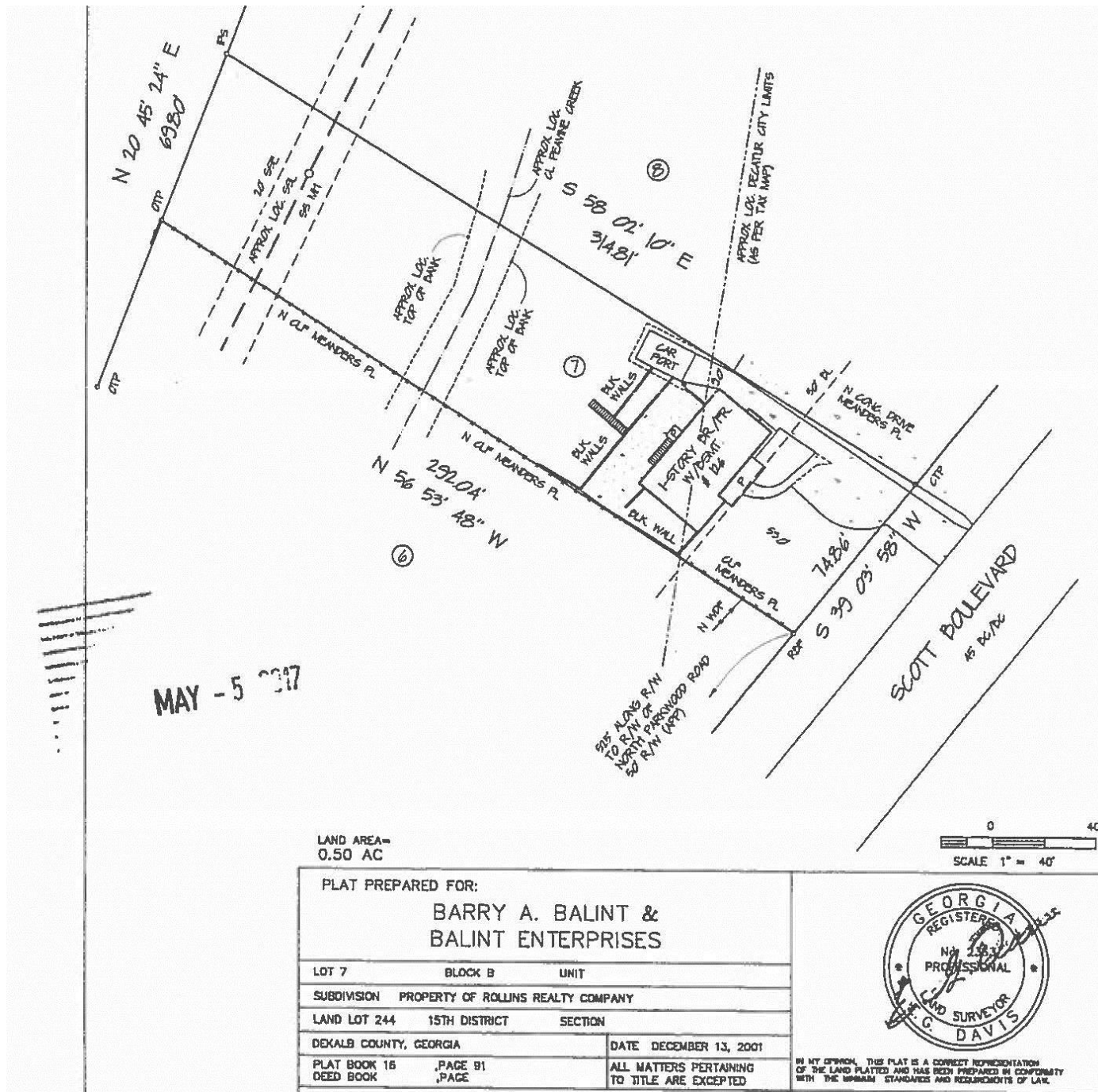
Smyrna, Georgia (770) 433-2660

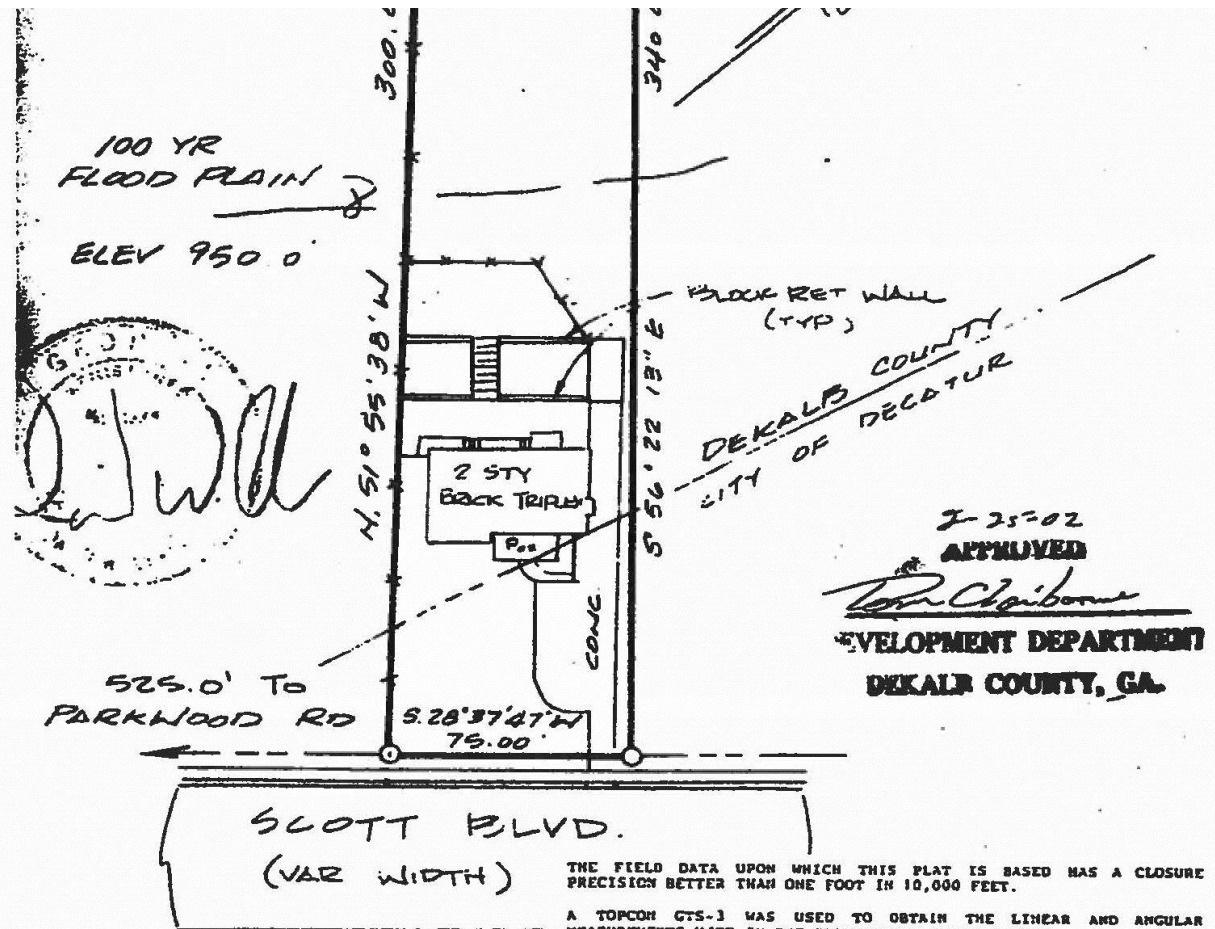
126 (128) Scott Blvd - elevations (photos)



126 (128) Scott Blvd - elevations (photos)







AS THIS SURVEY EXAMINED THE FLOOD
RISK FLOOD AND FOUND NO
FLOOD RISK IN THE AREA
OF THE FLOOD PLAIN.

EXAMINER 135160
0008

10 YR FLOOD PLAIN ELEV = 950.
WEST FLOOR ELEV = 965.93.
WEST FLOOR ELEV IS 15.93'
ABOVE THE 100 YR. FLOOD PLAIN
AND IS IN NO DANGER OF
FLOODING IN THE OPINION
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Survey For:

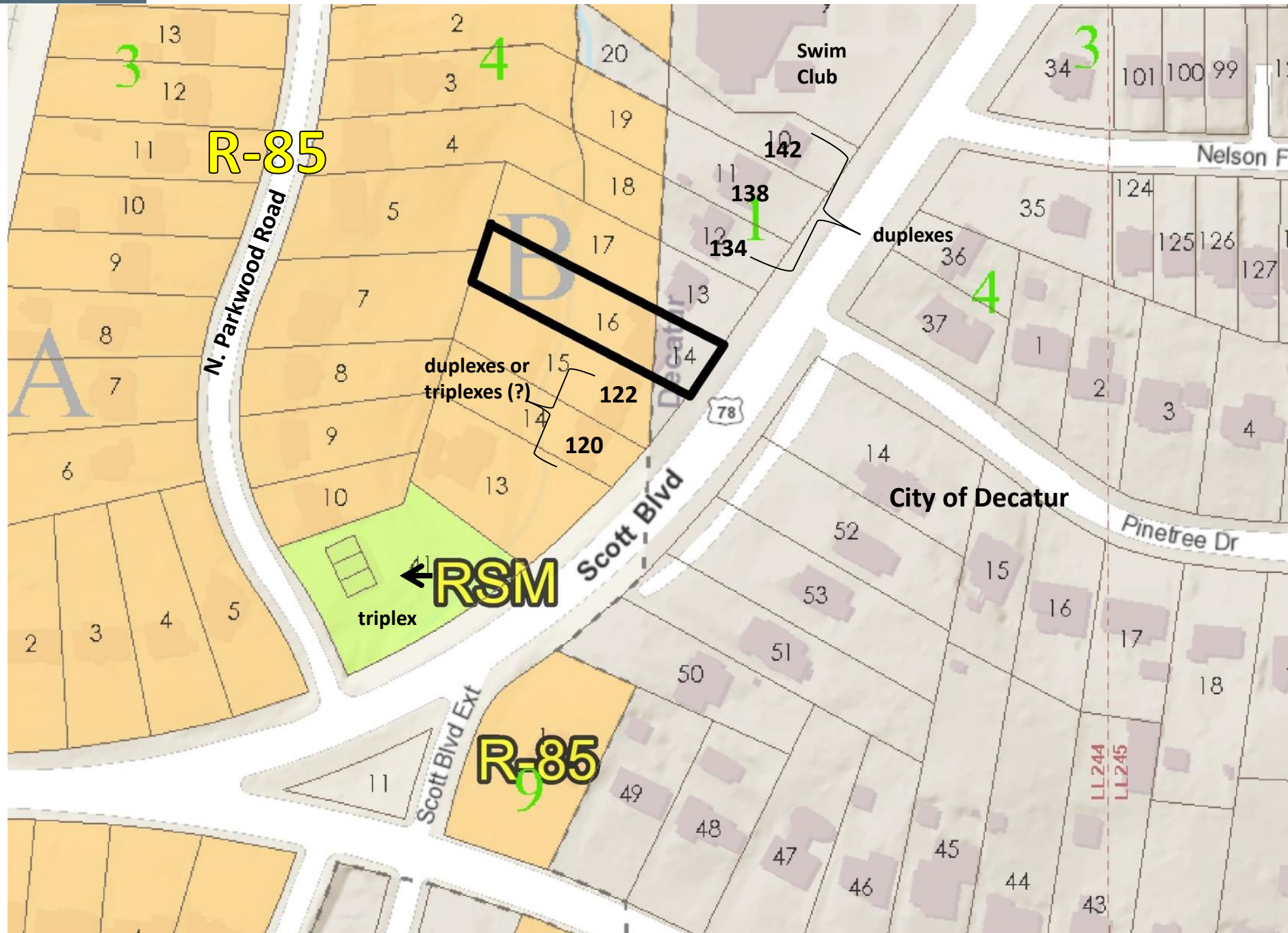
ERNIE M EDEN

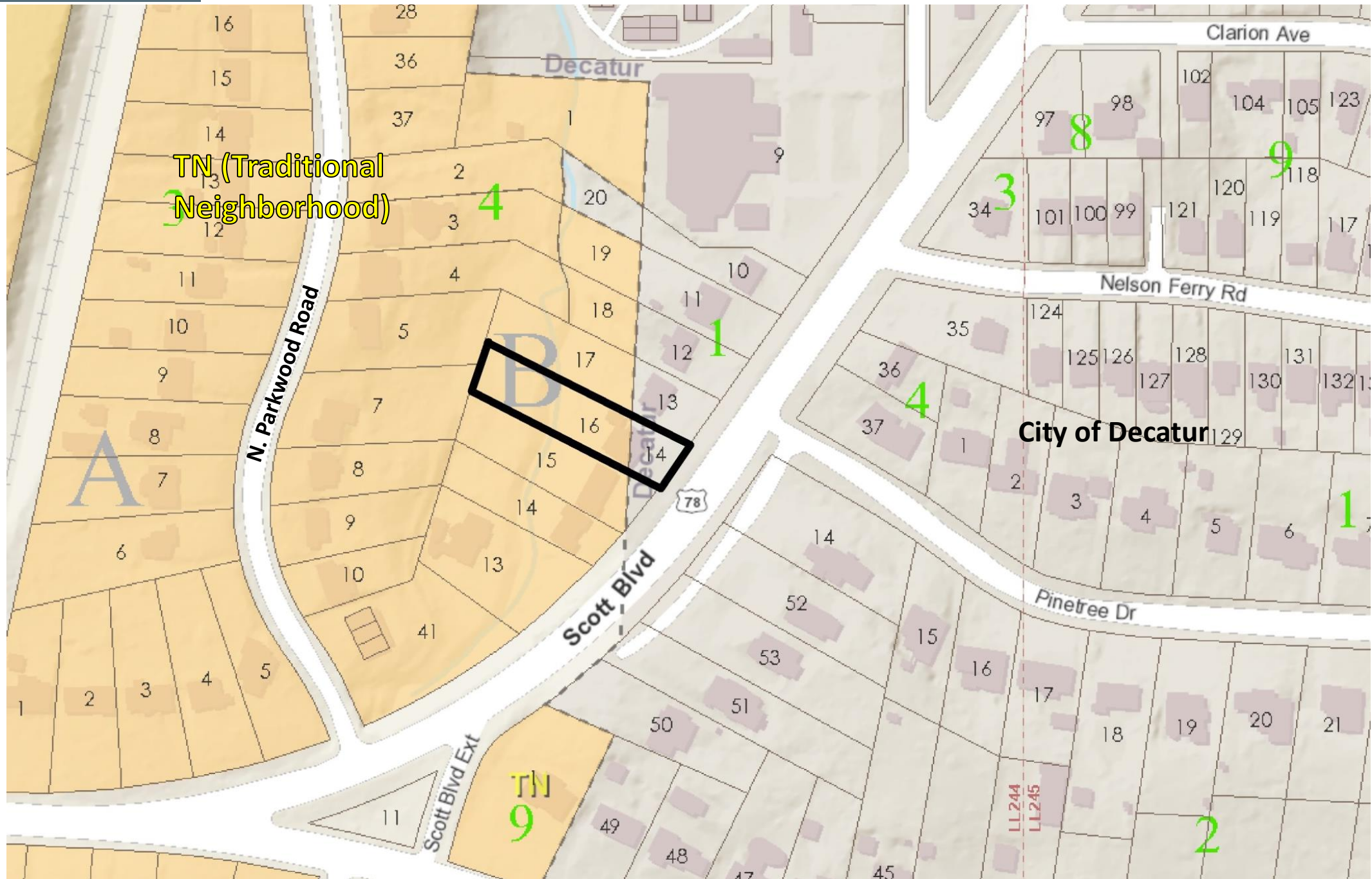
Lot Block Unit

Subdivision

Land Lot 244 District 15TH
CITY OF DECATUR DEKALB County, Georgia

Scale 1" = 50' Date 6.29.99









To the right, front of subject property.

To the left, rear of triplex on subject property, showing third entrance (red door).





To the left, 134 Scott Boulevard



To the right, 138 Scott Boulevard