



DeKalb County Zoning Board of Appeals

Department of Planning & Sustainability
330 Ponce De Leon Avenue, Suite 300
Decatur, GA 30030



Michael L. Thurmond
Chief Executive Officer

Wednesday, February 10, 2021 at 1:00 PM

Planning Department Staff Analysis

N6 Case No: A-21-1244569 Parcel ID(s): 18-150-05-002

Commission District: 02 Super District 06

Applicant: Mike Parmelee
2306 Benji Blvd, SE
Conyers, GA 30013

Owner: Yvette and Matt Roslto

Project Name: 1603 Deer Park Road

Location: The property is located at the southeast corner of Deer Park Road and Princess Circle, at 1603 Deer Park Road Atlanta, GA 30345.

REQUEST: Variances from (1) Chapter 27-4.2.2. - Accessory buildings, structures and uses: location, yard and building restrictions of the DeKalb County Zoning Ordinance to allow a proposed swimming pool to be located on the side of an existing single family structure, and (2) Chapter 27- 5.4.7.- Walls, fences, and retaining walls to increase the maximum height from 4 feet to 6 feet for a proposed retaining wall.

Staff Recommendation: **“Approval with conditions” as shown on the submitted site plan received on the January 7, 2021.**

STAFF FINDINGS:

Variance Analysis:

The subject property is located on the southeast corner of Deer Park Road and Princess Circle and is situated within the R-100 zoning district. Per Chapter 27-2.2 Division 2- Residential Zoning Districts: Dimensional Requirements of the *DeKalb County Zoning Ordinance*, the minimum lot area for R-100 zoned properties is 15,000 square feet, and the minimum lot width is 100 feet. Based on the submitted survey, the subject property has a lot size of approximately 29,174 square feet and a lot width of approximately 138.09 feet along Deer Park Road and 118.21 feet along Princess Circle, which conforms to the dimensional requirements per the R-100 zoning district. Section 5.1.4. (Lots, Corner) states, *lot frontages on corner lots with the shortest distance to a public right-of-way shall be designated as the front yard, and development shall comply with front yard building setback requirements of the zoning district in which the lot is located.* For zoning purposes, Princess Drive is the primary frontage and Deer Park Road is the side corner frontage. The driveway is located in the rear yard. The existing two-story brick and frame home faces Deer Park Road.

Based on the submitted materials, the applicant is requesting a variance to allow for a swimming pool and pool cabana in the front yard of the subject property (facing Princess Circle). Per Chapter 27- 4.2.2. - Accessory buildings, structures and uses: location, yard and building restrictions, all accessory buildings or structures must be constructed in the rear yard. A swimming pool is an accessory structure. In addition, the applicant is also requesting a second variance to increase the maximum height from 4 feet to 6 feet for a proposed retaining wall. Per Chapter 27- 5.4.7.- Walls, fences, and retaining walls of the DeKalb County zoning ordinance, retaining walls that are built for individual single family detached residences shall not exceed up to four (4) feet from finished or street grade.

Considering the orientation of the existing home, shape of lot, as well as the existing topographic conditions it appears the strict application of the applicable provisions or requirements of this chapter would cause undue and unnecessary hardship. Therefore, the requested variances meet the criteria of approval as listed below:

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:

Based on the submitted materials, by reason of shape of lot and exceptional topographic conditions 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 since the subject property is situated on a corner lot and slopes northeast.

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:

Based on the submitted materials, it appears that the requested variance may not go beyond the minimum necessary to afford relief and may 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 since the proposal will conform to the other requirements of the *DeKalb County Zoning Ordinance*.

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 submitted materials, it appears that granting the variance may not be materially detrimental to the public welfare or injurious to the property or improvements in the zoning district since the proposed swimming pool and 6-foot retaining wall will not be visible from the public street. The applicant proposes to plant a row of evergreen trees along Princess Drive. Additionally, Princess Drive dead ends just beyond the subject property, which significantly decreases the potential for vehicular conflicts in conjunction with the elevation of the subject property.

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

Based on the submitted materials, due to the orientation of the existing home, shape of lot, as well as the existing topographic conditions it appears that the strict application of the applicable provisions and requirements of this chapter may cause an undue and unnecessary hardship.

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

Based on the submitted materials, it appears that the requested variance may be consistent with the spirit and purpose of this chapter and the DeKalb County Comprehensive Plan text.

FINAL STAFF ANALYSIS:

Based on the submitted materials, due the orientation of the existing home, shape of lot, as well as the existing topographic conditions it appears that the strict application of the applicable provisions and requirements of this chapter may cause an undue and unnecessary hardship. Therefore, the Department of Planning and Sustainability recommends approval of the request based on the submitted site plan received on January 7, 2021 with the following conditions:

1. The applicant shall submit a revised site plan with the correct setbacks illustrated.
2. The applicant shall plant a row of evergreen trees along Princess Drive, as illustrated on the site plan dated, November 20, 2020, and as approved by the County Arborist.



DeKalb County Department of Planning & Sustainability

Hon. Michael Thurmond
Chief Executive Officer

Andrew Baker, AICP,
Director

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

BOA No. _____

Applicant and/or
Authorized Representative MICHAEL PARMELEE

Mailing Address: 241 WEST WIEVCA RD NE

City/State/Zip Code: ATLANTA, GA 30342 SUITE 150

Email: JAGFOLLY@GMAIL.COM

Telephone Home: 404 661 1217 Business: 404 252 6120 Fax No.: _____

OWNER OF RECORD OF SUBJECT PROPERTY

Owner: YVETTE ROSHTO MATT ROSHTO

Address (Mailing): 1603 DEER PARK ROAD

City/State/Zip Code: ATLANTA, GA 30345

Email: YROSHTO@HOTMAIL.COM

Telephone Home: _____ Business: 404-292-3281 Fax No.: _____

ADDRESS/LOCATION OF SUBJECT PROPERTY

Address: 1603 DEER PARK ROAD City: ATLANTA State: GA Zip: 30345

District(s): 18 Land Lot(s): 150 Block: D Parcel: _____

District(s): _____ Land Lot(s): _____ Block: _____ Parcel: _____

District(s): _____ Land Lot(s): _____ Block: _____ Parcel: _____

Zoning Classification: R-100 Commission District & Super District: 2

CIRCLE 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.)
- OFFICIALS APPEALS OF ADMINISTRATIVE DECISIONS.**

TO BE COMPLETED BY PLANNING AND SUSTAINABILITY DEPARTMENT

Date Received: _____

Fee Paid: _____



DeKalb County
GEORGIA

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: 11/25/20

Applicant:
Signature *Jutten*

DATE: 11/25/20

Applicant:
Signature *[Signature]*



DeKalb County
GEORGIA

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ZONING BOARD OF APPEALS APPLICATION

AUTHORIZATION TO REPRESENT 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 and that I authorize the applicant/agent to apply for a hearing to the Zoning Board of Appeals for the requests as shown in this application

DATE: 11/23/2020

Applicant/Agent: [Signature]
Signature

TO WHOM IT MAY CONCERN:

(I) (WE) Yvette Roshto and Matthew Corse
(Name of Owners)

being (owner/owners) of the property described below or attached hereby delegate authority to:

MICHAEL PARMELLO
(Name of Applicant or Representative)

To file an application on (my) / (our) behalf

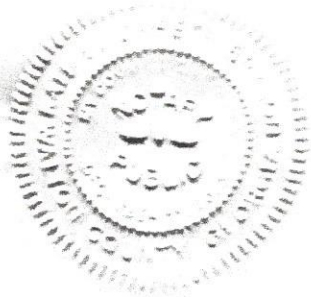
Kate Elizabeth Buzay
Notary Public

Kate Elizabeth Buzay
Notary Public

Notary Public

Yvette Roshto
Owner
[Signature]
Owner

Owner



Re: 1603 Deer Park Rd
Atlanta, Ga 30345

11/22/2020

Letter of Intent

This letter is to request a variance from the application of the zoning code to allow a swimming pool, pool cabana and 6' retaining wall to be constructed in the "front yard" of the lot on the corner of Deer Park Rd and Princess Circle.

Because of the orientation of the home, it being on a corner lot, and shape of the lot it is not possible to build a pool, retaining wall, or pool house anywhere else on the property. The requested location of the pool and pool house was chosen to be functional, aesthetically pleasing, and also to encroach into the front yard as little as possible. Due to the topography of the lot the pool will not be visible from the street, and only a portion of the roof of the pool house would be able to be seen. The retaining wall would face inward toward the pool house and main house, and would not be visible by any neighboring properties. If the provisions of the code were strictly enforced it would not allow for the homeowners to enjoy the same privileges as other homeowners within the same zoning district.

Regards,

A handwritten signature in black ink, appearing to read "Mike Parmelee". The signature is fluid and cursive, with the first name "Mike" being larger and more prominent than the last name "Parmelee".

Mike Parmelee
President
Joe A. Gayle & Associates

Cell: 404.661.1217
Email: jagfolly@gmail.com

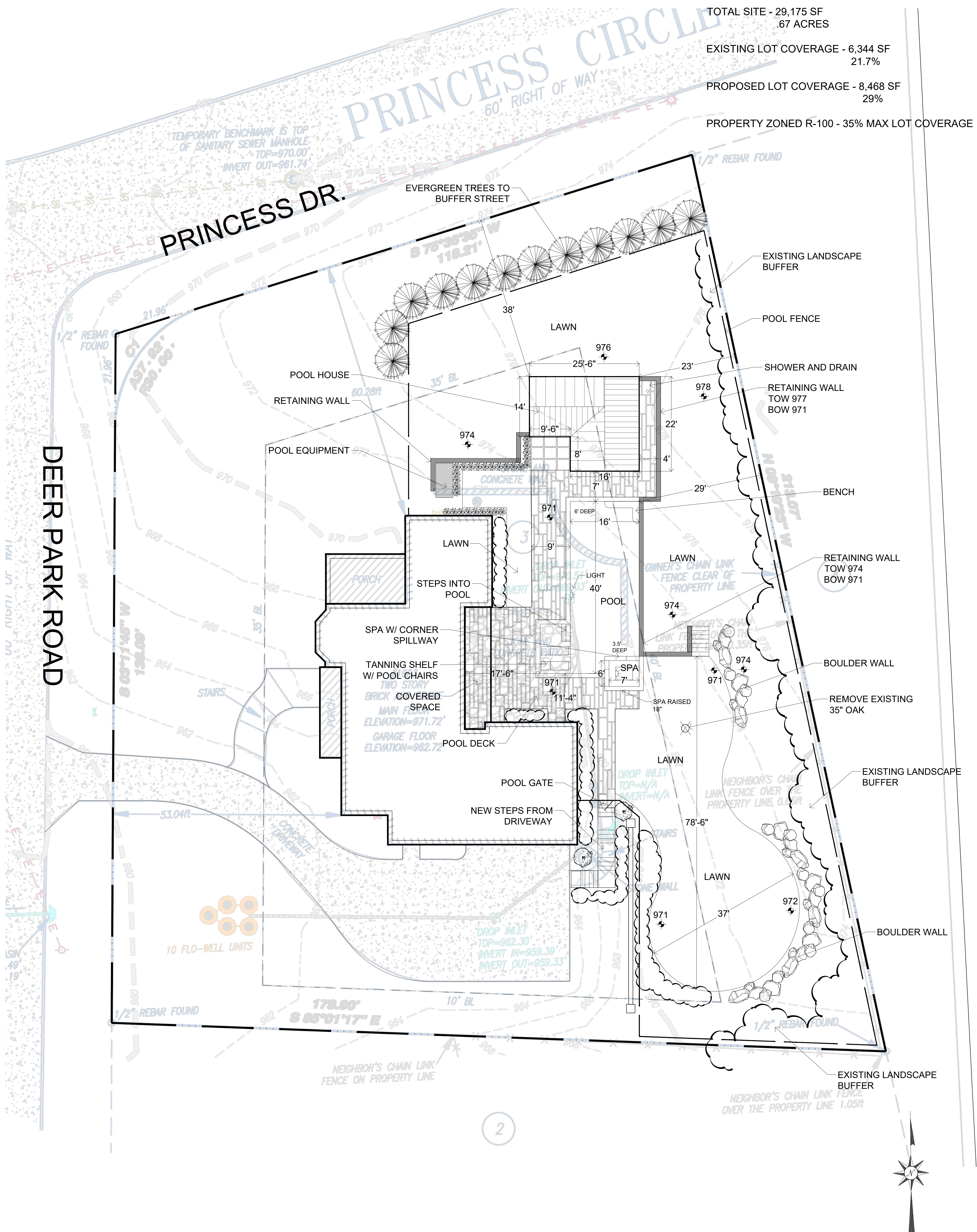
SITE DATA

TOTAL SITE - 29,175 SF
.67 ACRES

EXISTING LOT COVERAGE - 6,344 SF
21.7%

PROPOSED LOT COVERAGE - 8,468 SF
29%

PROPERTY ZONED R-100 - 35% MAX LOT COVERAGE



DEER PARK ROAD

PRINCESS CIRCLE
60' RIGHT OF WAY

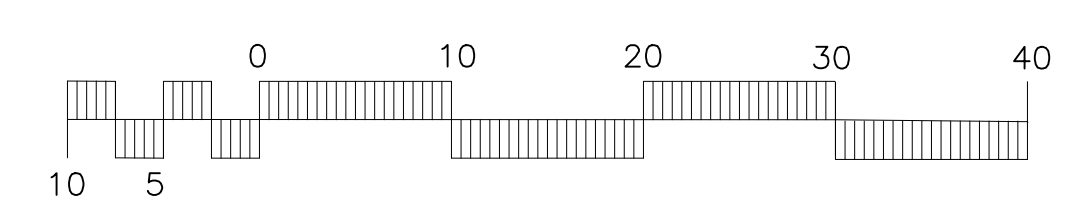
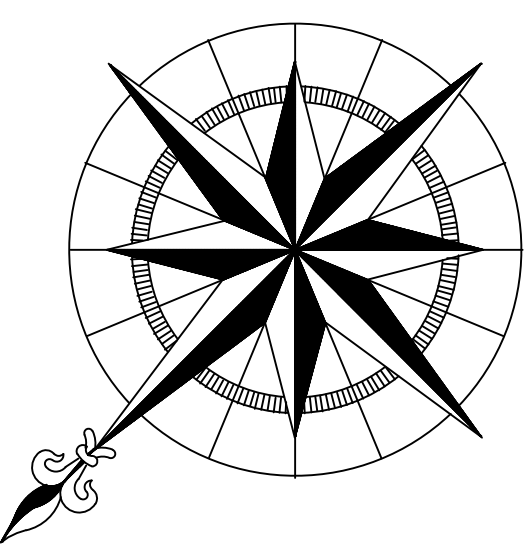
PRINCESS DR.

JOE A. GAYLE
& ASSOCIATES

241 West Wieuca Rd. NE
Atlanta, Georgia 30342
Suite 150
(404) 252-6120

Roshto Residence

1603 DEER PARK RD
NOVEMBER 20, 2020



2

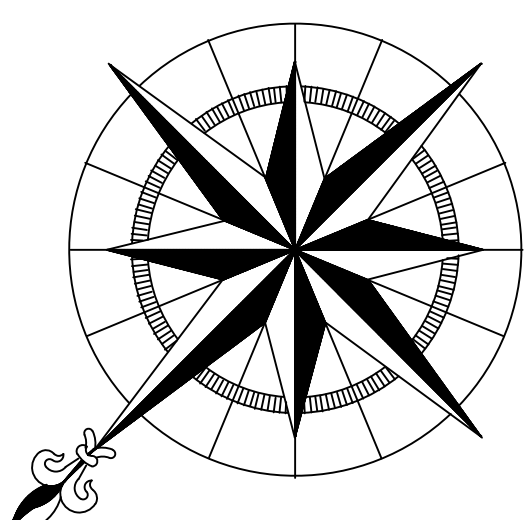
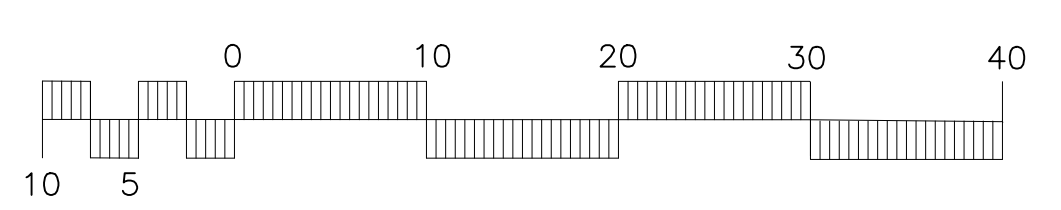
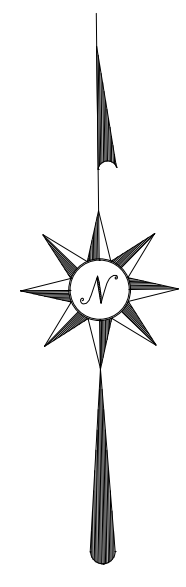
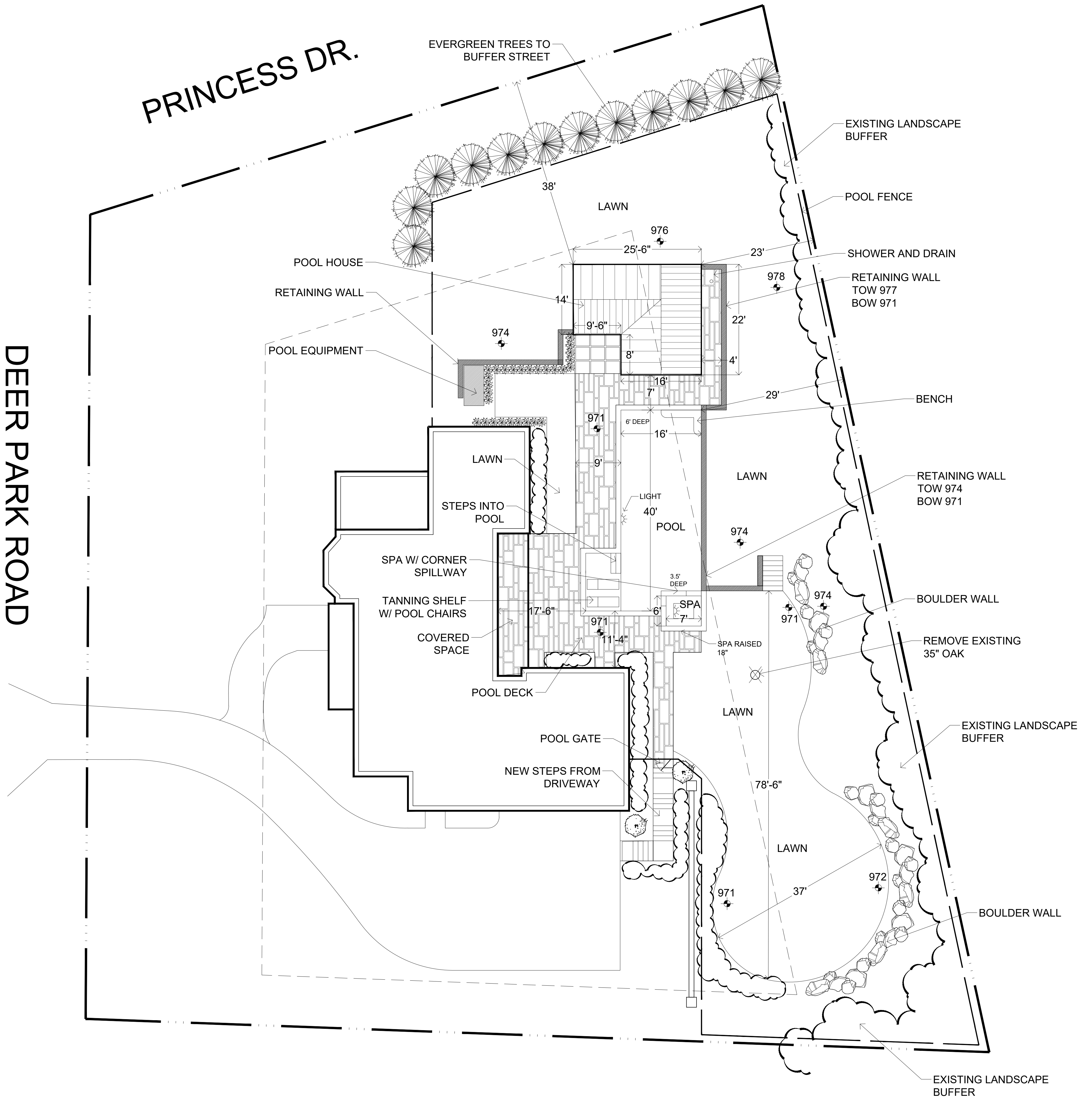
SITE DATA

TOTAL SITE - 29,175 SF
.67 ACRES

EXISTING LOT COVERAGE - 6,344 SF
21.7%

PROPOSED LOT COVERAGE - 8,468 SF
29%

PROPERTY ZONED R-100 - 35% MAX LOT COVERAGE



JOE A. GAYLE
& ASSOCIATES

241 West Wieuca Rd. NE
Atlanta, Georgia 30342
Suite 150
(404) 252-6120

Roshto Residence

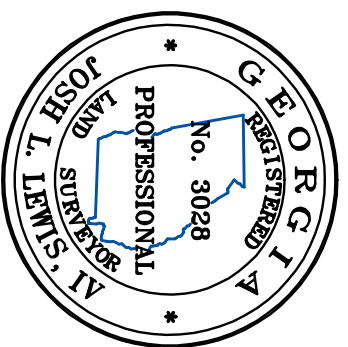
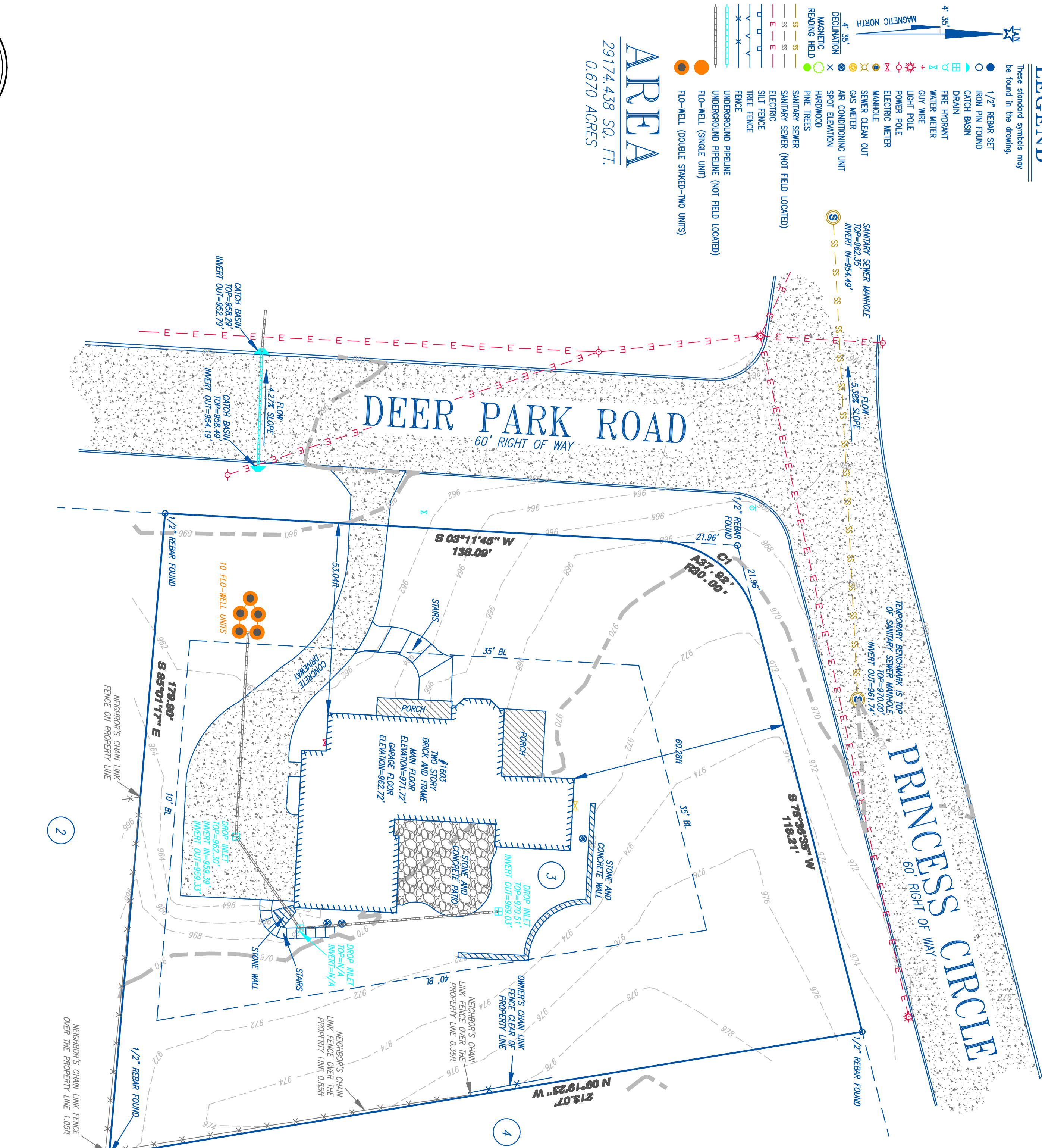
1603 DEER PARK RD
NOVEMBER 20, 2020

LEGEND

These standard symbols may be found in the drawing.

- 1/2" REBAR SET
- IRON PIN FOUND
- CATCH BASIN
- DRAIN
- FIRE HYDRANT
- WATER METER
- GUY WIRE
- LIGHT POLE
- POWER POLE
- ELECTRIC METER
- MANHOLE
- SEWER CLEAN OUT
- GAS METER
- AIR CONDITIONING UNIT
- SPOT ELEVATION
- HARDWOOD
- PINE TREES
- SANITARY SEWER (NOT FIELD LOCATED)
- ELECTRIC
- SILT FENCE
- TREE FENCE
- FENCE
- UNDERGROUND PIPELINE (NOT FIELD LOCATED)
- FLO-WELL (SINGLE UNIT)
- FLO-WELL (DOUBLE STACKED-TWO UNITS)

AREA
29174.438 SQ. FT.
0.670 ACRES



- NOTES**
- ELEVATIONS ARE SCALED FROM USGS QUADRANGLE 7.5 MINUTE SERIES MAP AND 27 DATUM, MEAN SEA LEVEL.
 - CONTOUR LINES ARE AT 2' INTERVALS.
 - EQUIPMENT LINES: TOPCON GTS 3/28 SERIES TOTAL STATION AND ALLEGRO CX DATA COLLECTOR.
 - SOFTWARE USED: CARLSON SURVEY 2007 AND CARLSON SURICE.

CURVE TABLE

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	30.00'	37.92'	35.44'	S 39°24'10" W	72°29'50"

CLOSURE STATEMENT
THE FIELD DATA UPON WHICH THIS PLAT IS BASED WAS GATHERED BY AN OPEN TRAVERSE. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND FOUND TO BE ACCURATE TO 1 FOOT IN 72,557 FEET.

155 CLIFTWOOD DRIVE - ATLANTA, GEORGIA 30328 - TELEPHONE: (404) 255-4671 - FAX: (404) 255-6607 - WWW.GEORGIALANDSURVEYING.COM

YVETTE ROSHTO

DEED BOOK 16267, PAGE 490
SUBDIVISION: SAGAMORE HILLS SUBDIVISION

DEED BOOK 20, PAGE 56
DRAWN: 190629

DATE: 2/18/11
SCALE: 20'

REVISION BY DATE

GEORGIA LAND SURVEYING CO.

FORMULA FOR NUMBER OF FLO-WELLS PER DRAINAGE AREA:
NUMBER OF FLO-WELLS TO USE PER DRAINAGE AREA:
[WATER RUNOFF VOLUME INTO FLO-WELL] X COEFFICIENT OF GROUND UNDER FLO-WELL
[VOLUME OF FLO-WELL (7.52773)] + VOLUME OF BACKFILL MATERIAL

WATER RUNOFF VOLUME:
(SQ. FT. AREA X COEFFICIENT OF RUNOFF)
12

VOLUME OF BACKFILL MATERIAL:
3/4 X (DIAMETER OF BACKFILL MATERIAL² - DIAMETER OF FLO-WELL²) X DEPTH OF FLO-WELL X (1-COEFFICIENT OF RUNOFF FOR BACKFILL MATERIAL)

STEP 1: SQUARE FOOTAGE OF DRAINAGE AREA (C) = 2754.439 SQ.FT.
STEP 2: COEFFICIENT OF RUNOFF FOR DRAINAGE AREA(SEE FIGURE B) = D) = 1.0
STEP 3: OF WATER FROM DRAINAGE AREA:
C) X D) = 2754.439 X 1.0 = 2754.439 CU.FT.
STEP 4: COEFFICIENT OF RUNOFF FOR BACKFILL MATERIAL(SEE FIGURE B) = F) = 0.85
(CONCRETE AND ASPHALT ARE NOT RECOMMENDED FOR BACKFILL MATERIALS)
STEP 5: DIAMETER OF BACKFILL MATERIAL: (G) = 4 FT. X (C) = 4 FT. X (H) = 16
(BOTH NUMBERS PLACED IN (G) SHOULD BE THE SAME AND GREATER THAN 2)
STEP 6: 1 - F) = 1 - 0.85 = 0.15
STEP 7: H) = 16 - 4 = 12
STEP 8: VOLUME OF BACKFILL MATERIAL:
1) 0.35 X (J) = 12 X 2.356194 = (K) 9.90 CU. FT.
STEP 9: COEFFICIENT OF RUNOFF FOR SOIL UNDER FLO-WELL = (L) = 0.75
STEP 10: (K) 9.90 + 7.527 = (M) 17.43
STEP 12: (N) 17.43 / (L) 0.75 = 23.24
10 FLO-WELLS NEEDED FOR DRAINAGE AREA

