



# DeKalb County Zoning Board of Appeals

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



Michael L. Thurmond

Wednesday, March 10, 2021 at 1:00 PM

Chief Executive Officer

## Planning Department Staff Analysis

**D2 Case No: A-21-1244565 Parcel ID(s): 18-001-09-004**

### Commission District: 02 Super District 06

**Applicant:** Michael Streger  
1800 Lake Park Drive, Suite 200  
Smyrna, GA 30080

**Owner:** Susan Clare  
1339 Chalmette Drive  
Atlanta, GA 30306

**Project Name:** 1339 Chalmette Drive

**Location:** The property is located south of Chalmette Drive, at 1339 Chalmette Drive Atlanta, GA 30306.

**REQUEST:** Variances from Chapter 27-2.2 Division 2- Residential Zoning Districts: Dimensional Requirements of the DeKalb County Zoning Ordinance to (1) increase the maximum allowed lot coverage from 35% to 39.97%, and (2) to reduce the eastern side yard setback from 7.5 feet to 5 feet for a proposed swimming pool and rear addition, relating to the R-75 zoning district.

**Staff Recommendation:** "Approval" of variance 1 to increase the maximum allowed lot coverage from 35% to 39.97% with condition that the applicant shall install a dry well system, rain garden, and/or other sustainable means of stormwater mitigation, as approved by the County Land Development Division and "Denial" of variance 2 to reduce the western side yard setback from 7.5 feet to 5 feet.

## **STAFF FINDINGS:**

### **Variance Analysis:**

The subject property is located within the R-75 (Residential Medium Lot-75) 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-75 zoned properties is 10,000 square feet, and the minimum lot width is 75 feet. Based on the submitted site plan, the subject property has a lot size of 13,697 square feet and a lot width of 70 feet, therefore, the subject property is legally, non-conforming.

Based on the submitted materials, the applicant is proposing to install a 336 square foot swimming pool in the rear of the existing two-story home, along with additional patio space, a fireplace, and grilling area. Based on the submitted site plan, the proposed additions will increase the impervious area approximately 4.97% over the maximum allowed lot coverage of 35%. The existing lot coverage on the subject property is 35.75%. The applicant is also requesting a second variance to reduce the western side yard setback from 7.5 to 5 feet.

Based on the submitted site plan, the requested variance to increase maximum lot coverage does not go beyond the minimum necessary to afford relief and may constitute a grant of special privilege inconsistent with the limitations upon other properties in the zoning district in which the subject property is located. Therefore, the requested variance is consistent with 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, the strict application of the requirements of this chapter may not deprive the property owner of rights and privileges enjoyed by other property owners

**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:**

It appears that the requested variance does not go beyond the minimum necessary to afford relief since the requested variance only exceeds 4.97% of the minimum allowed lot coverage. Therefore, granting this variance 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:**

Based on the submitted materials, it appears that granting the variance would not be materially detrimental to the public welfare or injurious to the property or improvements in the zoning district.

**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, the strict application of the applicable provisions and requirements of this chapter would not cause an undue hardship for the applicant.

**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 would be consistent with the spirit and purpose of this Chapter and the *DeKalb County Comprehensive Plan* text.

However, the requested variance to reduce the side yard setback does go beyond the minimum necessary to afford relief and may constitute a grant of special privilege inconsistent with the limitations upon other properties in the zoning district in which the subject property is located. Therefore, the requested variance may not be consistent with 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, the strict application of the requirements of this chapter may not deprive the property owner of rights and privileges enjoyed by other property owners.

**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:**

It appears that the requested variance may go beyond the minimum necessary to afford relief. Therefore, granting this variance may 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:**

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.

**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, the strict application of the applicable provisions and requirements of this chapter may not cause an undue hardship for the applicant. The applicant has failed to explain why the side setback requirement cannot be met.

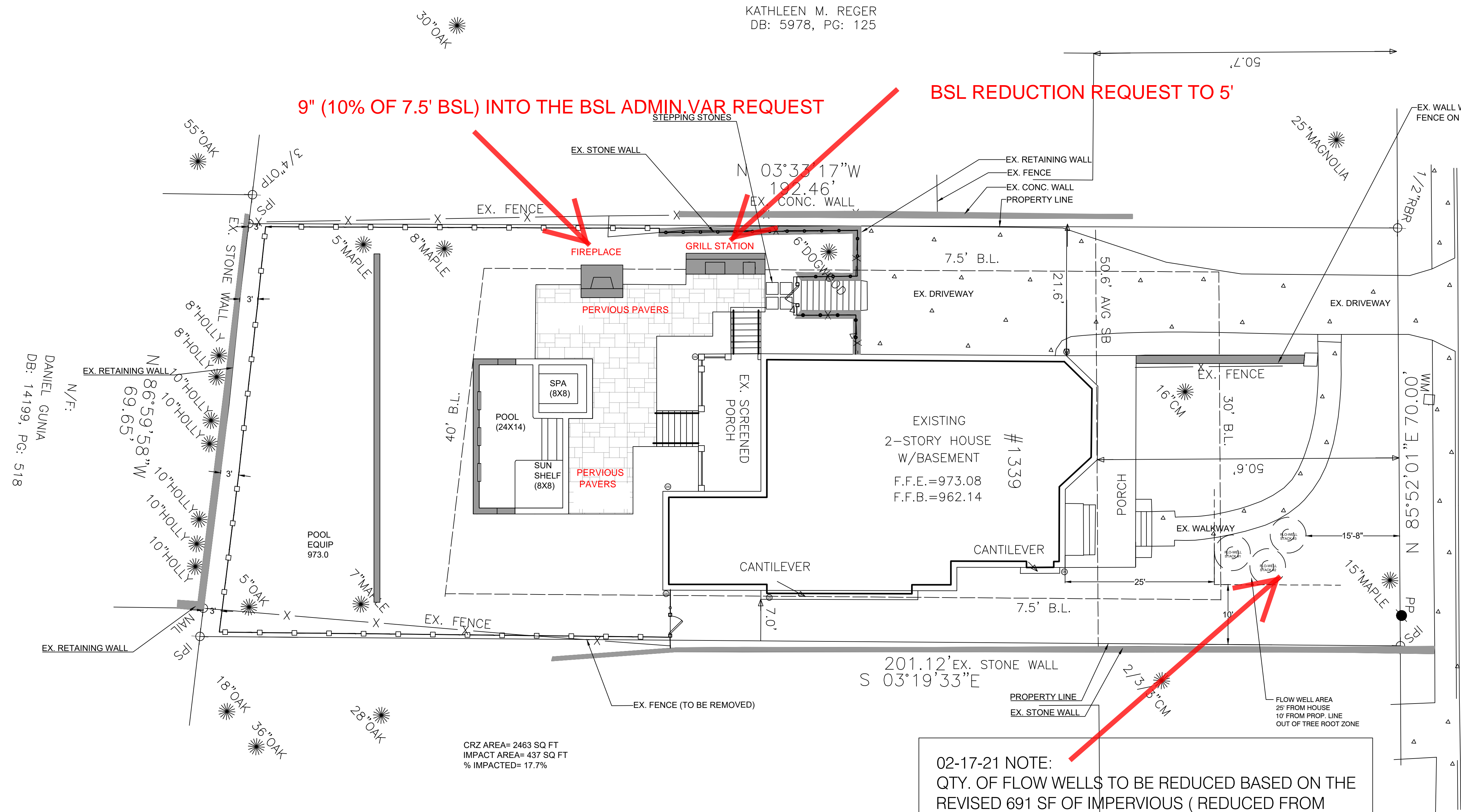
**5. The requested variance would be consistent with the spirit and purpose of this Chapter and the DeKalb County Comprehensive Plan Text:**

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:**

It appears that the requested variance does not go beyond the minimum necessary to afford relief since the requested variance only exceeds 4.97% of the minimum allowed lot coverage. Therefore, granting this variance 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. However, the requested variance to reduce the side yard setback may go beyond the minimum necessary to afford relief and may constitute a grant of special privilege inconsistent with the limitations upon other properties in the zoning district in which the subject property is located. Therefore, the Department of Planning and Sustainability recommends "Approval" of variance 1 to increase the maximum allowed lot coverage from 35% to 39.97% with condition that the applicant shall install a dry well system, rain garden, and/or other sustainable means of stormwater mitigation, as approved by the County Land Development Division, and "Denial" of variance 2 to reduce the western side yard setback from 7.5 feet to 5 feet.

KATHLEEN M. REGER  
DB: 5978, PG: 125



**IMPERVIOUS CALCULATIONS**

Lot Size (SQ FT)	13,697.00
35% Allowable Impervious (SQ FT)	4,793.95

**EX. IMPERVIOUS**

HOUSE	2,600.00
FRONT PORCH	325.30
FRONT STEPS AND WALKWAY	241.20
DRIVEWAY	1,373.70
FRONT WALL ALONG DRIVE	44.70
STONE WALL AND STEPS TO BACK YARD	153.00
STONE WALK BACK YARD	112.00
EX STEPS BACK PORCH	46.10
<b>TOTAL EXISTING IMPERVIOUS (SQ FT)</b>	<b>4,896.00</b>

**TOTAL EXISTING IMPERVIOUS (SQ FT) 4,896.00**  
**% EXISTING IMPERVIOUS 35.75%**

**IMPERVIOUS REDUCTION**

STONE WALK BACK YARD	112.00
	112.00

**PROPOSED IMPERVIOUS**

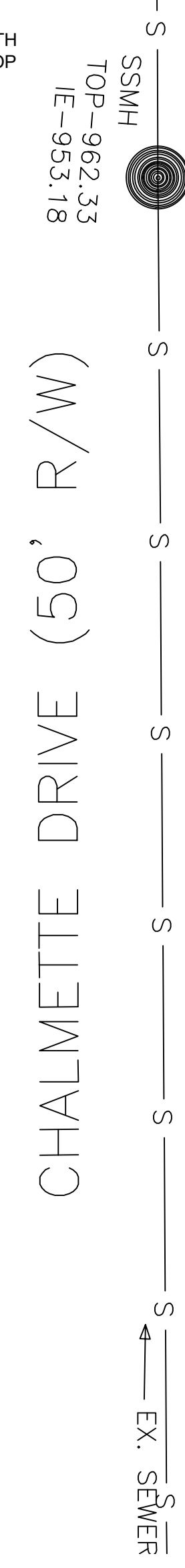
ADDITIONAL STAIRS OFF BACK PORCH	42.00
POOL	456.00
LOW RETAINING WALL	58.00
FIREPLACE + GRILL STATION	84.00
2X2 STEPPING STONES (4)	16.00
POOL EQUIPMENT AREA	35.00
	691.00

**TOTAL IMPERVIOUS (SQ. FT.) 5,475.00**  
**% IMPERVIOUS 39.97%**

**% PRECONSTRUCTION IMPERVIOUS 35.75%**  
**% POST CONSTRUCTION IMPERVIOUS 39.97%**  
**% MAX ALLOWABLE IMPERVIOUS 35.00%**

**% OVER MAX IMPERVIOUS 4.97%**  
**SQ. FEET OVER MAX IMPERVIOUS 681.05**

CHALMETTE DRIVE (50' R/W)



**ACREAGE INFORMATION**

- TOTAL LOT SIZE (SQ FT): 13,697
- TOTAL DISTURBED AREA (SQ FT): 6,000

**WATERS OF THE STATE NOTE:**

- NO WATERS OF THE STATE EXIST WITHIN 200 FEET OF THE PROJECT SITE.

**DIRT STATEMENT:**

- Cut: 18 Cubic Yards
- Fill: 9 Cubic Yards
- Total Removed From Site: 9 Cubic Yards

**SITE DATA:**

Tax Parcel ID:	18-001-09-004
Land Lot:	12
District:	18
Zoning:	R-75
Acreage:	0.314 ACRES
Address:	1339 Chalmette Drive ATLANTA 30306 DEKALB COUNTY
Owner:	SUSAN AND BEN CLARE
24 Hour contact:	Adam Ardoin 404-556-8691

**NOTE:**

- As-built water quality certification or lot as-built survey (including water quality devices) is required prior to certificate of occupancy.
- Water quality devices to be installed at the time of final landscaping.
- All collected water shall be directed to the water quality devices.

Specific Requirements for below ground infiltration measures:

- All stone / gravel washed (having no fines). Maximum allowable void ratio is 40%,
- Simple equation for determining total gravel volume -  $WQv \text{ (cuft)} \times 0.093 = \text{Gravel Volume (cubic yards)}$ .

- Distribute runoff within a linear gravel deice using a slotted / perforated flex pipe. For downspout connections to the device, use solid walled PVC (schedule 20 minimum)
- Provide a cleanout and an emergency bypass for excess flows installed on the piping system prior to piping reaching the infiltration device.
- Infiltration devices placed on a 0% grade.
- A non-woven filter fabric placed between the soil and the device or gravel.

**NOTE:**

- Lots and buildings shall be developed in a manner to ensure that stormwater exiting individual parcels or lots under post developed conditions does not adversely impact the adjacent parcels or lots as a result of concentrated flows, flooding, erosion, or deposits of silt or sediment.
- The stormwater discharge from a downspout, cistern, or any water collection device shall be located a distance of no less than ten feet from common property line and oriented so direction of concentrated flow is not toward the adjacent property line.
- Discharge from any downspout described above must be dissipated, infiltrated, or diverted such that flows will not be concentrated.
- No person shall erect, construct, or otherwise permit and obstruction that prevents the natural or contained flow of water to any component of the stormwater system of the City of Atlanta, unless such obstruction is allowed on part of an approved permit.

**NOTE:**

- LIMIT OF DISTURBANCE GRAPHIC LINES ARE TRUE.
- TREE SAVE FENCE AND SILT FENCE ARE GRAPHICALLY NOTED TO BE CLEARLY REPRESENTED ON DRAWING.
- TREE SAVE FENCE AND SILT FENCE SHOULD BE WITHIN 12" OF MARKED LIMIT OF DISTURBANCE.

**NOTES:**

- Before starting land disturbing activities, the contractor is required to schedule a preconstruction meeting with Erosion and Sediment Control.
- Failure to Schedule may result in STOP WORK ORDER or PERMIT REVOCATION.

**SILT FENCE**

- The escape of sediment from the site shall be prevented by the installation of erosion and sediment control measures and practices prior to, or concurrent with, land disturbing activities.
- Erosion control measures will be maintained at all times. If full implementation of the approved plan does not provide for effective erosion control, additional erosion and sediment control measures shall be implemented to control or treat the sediment source.

**MAINTENANCE STATEMENT**

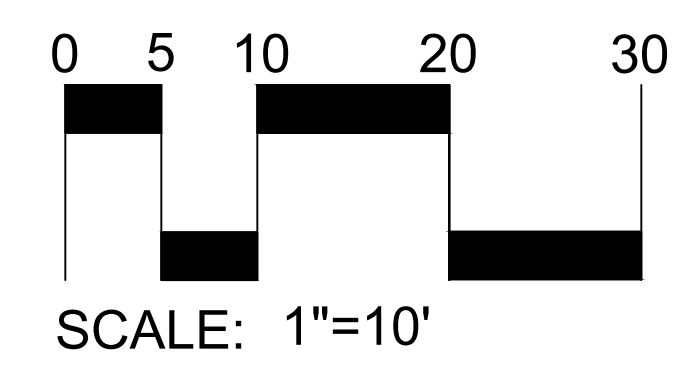
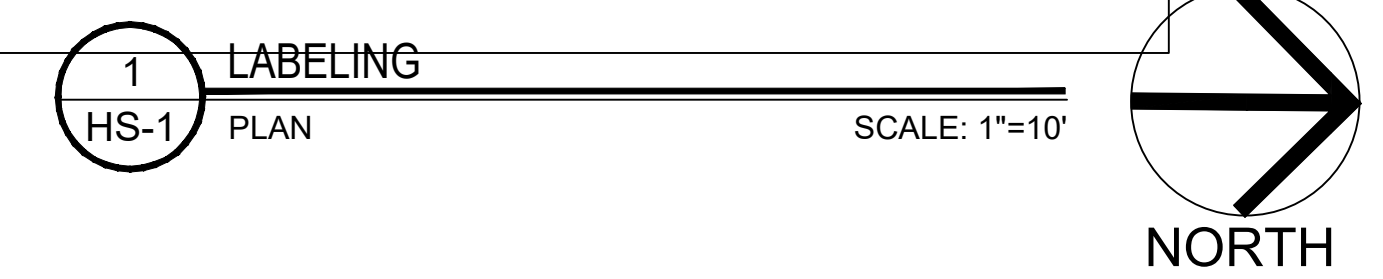
- Any disturbed area left idle for a period greater than 14 days shall be stabilized with temporary seeding; disturbed areas idle 30 days shall be stabilized with permanent vegetation.
- Erosion and sediment control measures shall be inspected at least weekly, after each rain, and repaired as necessary.

**STATEMENT**

- Additional erosion and sediment control measures shall be installed if determined necessary by on-site inspection.

**DIRT STATEMENT**

- No graded slope shall exceed 2h:1v
- Permanent vegetation shall be established after construction is complete.



DATE	DESCRIPTION
12-21-20	FOR REVIEW
12-22-20	FINAL
12-28-20	REVISE
01-11-21	REVISE
TBD	TBD

# CLARE RESIDENCE

HARDSCAPE PLANS  
1339 CHALMETTE DRIVE - ATLANTA, GEORGIA 30306 - DEKALB COUNTY  
SUSAN AND BEN CLARE

**LAND DESIGN**  
AND CONSULTING, LLC  
678.503.0390-O

LABELING PLAN

SCALE  
1"=10'

SHEET NUMBER  
HS-1.0



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 Streger

Mailing Address: 1800 Lake Park Dr, Suite 200, Smyrna, GA 30080

City/State/Zip Code: Smyrna, GA 30080

Email: Michael@LDCon.net

Telephone Home: \_\_\_\_\_ Business: 404-597-8839 Fax No.: \_\_\_\_\_

OWNER OF RECORD OF SUBJECT PROPERTY

Owner: Susan Clare

Address (Mailing): 1339 Chalmette Drive

City/State/Zip Code: Atlanta, GA 30306

Email: sclare06@gmail.com

Telephone Home: \_\_\_\_\_ Business: \_\_\_\_\_ Fax No.: \_\_\_\_\_

ADDRESS/LOCATION OF SUBJECT PROPERTY

Address: 1339 Chalmette Drive City: Atlanta State: GA Zip: 30306

District(s): 18 Land Lot(s): 12 Block: C Parcel: 18-001-09-004

District(s): \_\_\_\_\_ Land Lot(s): \_\_\_\_\_ Block: \_\_\_\_\_ Parcel: \_\_\_\_\_

District(s): \_\_\_\_\_ Land Lot(s): \_\_\_\_\_ Block: \_\_\_\_\_ Parcel: \_\_\_\_\_

Zoning Classification: R-75 Commission District & Super District: \_\_\_\_\_

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: \_\_\_\_\_



## 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: 1/4/2021

Applicant: *Susan M. Clau*  
Signature

DATE: \_\_\_\_\_

Applicant: \_\_\_\_\_  
Signature

DEPARTMENT OF PLANNING & SUSTAINABILITY

**ZBOA APPLICATION AUTHORIZATION**

Completion of this form is required if the individual making the request is not the owner of the property.

DATE 1-4-2021

CHECK TYPE OF APPLICATION:

- ADMINISTRATIVE APPEAL
- VARIANCE
- SPECIAL EXCEPTION

TO WHOM IT MAY CONCERN:

( I ) / ( WE ), Susan Clare

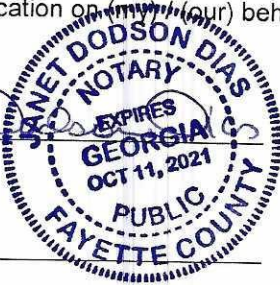
**[Name of owner(s)]**

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

**[Name of Applicant or Representative]**

to file an application on ~~my~~ (our) behalf.

Janet Dodson Dias  
Notary Public



Notary Public

Susan M. Clare

Owner

Owner

Notary Public

Owner

## LETTER OF INTENT FOR VARIANCE (SECTION 27)

January 5, 2021

Dear Zoning Board of Appeals,

We are requesting lot coverage and side-interior building setback variances (27-2.2 Division 2- Residential Zoning Districts: Dimensional Requirements, Section 2.2.1) for the residence located at 1339 Chalmette Drive. This is the home of the Clare family.

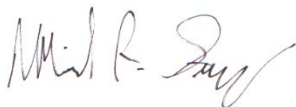
The property contains a house, driveway, and necessary sidewalks to the home. These existing components yield an impervious total areas of 35% of the total lot, being the maximum lot coverage allowed in this zoning. The Clare family is proposing to add a pool, some surrounding patio, fireplace, and grilling area. These additions would yield approx. 1,560 sq. feet of impervious surface. This is approx. 11.32% over the maximum lot coverage, therefore we understand variance is necessary.

In attempt to keep the design footprint efficient and small as possible ( while still successfully fulfilling the use intent) the grill area and fireplace have been “ nudged back” some toward the side property line, causing an encroachment into the side setback. Approx. 2.67 feet. We again understand this required a variance. Not reflected on the plan, but there will be full plantings to help soften / buffer the grill and fireplace located between those components and the property line / fence.

Several variations of the design were considered and worked through, but the current proposed design seemed to be the most efficient use of space with the least overall impact. As part of the proposed design, the additional impervious square footage mentioned will be mitigated by capturing stormwater from the residence’s downspouts into Flo-wells (dry wells). This system allows subsurface containment and slow release.

They Clare’s immensely enjoy this friendly neighborhood in Dekalb County but have grown more aware of the lack of usable outdoor space they have. A hardship that needed to be considered when conceptualizing this new space was making sure the selected surfaces offered safe passage. Mrs. Clare had an ankle injury a few years ago that has continued to cause significant issues with her with stability and navigating uneven surfaces. In addition to Mrs. Clare’s challenge, the Clare’s do have elderly parents that regularly visit . The intent to was to use a solid fairly smooth surface that again would be easier to navigate and give safe passage, vs. using an uneven paver or material that would have large gaps. Important to mention, and part of the introduction of this component is the therapeutic benefit of the pool for Mrs. Clare’s ankle injury.

Thank you for your consideration,



Michael Streger, PLA  
**Land Design and Consulting, LLC**