



Michael L. Thurmond

Chief Executive Officer

DeKalb County Zoning Board of Appeals

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

Wednesday, January 12, 2021

Planning Department Staff Analysis



D.2 Case No: A-21-1245339 Parcel ID(s): 15-201-06-013

Commission District 03 Super District 07

Applicant: JEREMY L. GRISHAM
1555 THOMAS ROAD
DECATUR, GA 30032

Owner: JEREMY L. GRISHAM
1555 THOMAS ROAD
DECATUR, GA 30032

Project Name: 1555 THOMAS ROAD

Location: The property is located approximately 160 feet south of the intersection of Memorial Drive and Thomas Road in Decatur, GA 30032

REQUEST: Variance from Chapter 27-2.2 Division 2- Residential Zoning Districts: Dimensional Requirements of the *DeKalb County Zoning Ordinance* within the R-75 (Residential Medium Lot-75) Zoning District for an increase in lot coverage from the maximum 35% to 38.9%.

Staff Recommendation: Approval with conditions.

1. The following information about this variance shall be noted on any site plan prepared for the subject property: case number, approval date, type of variance, and condition(s) of approval.
2. The applicant will install pervious pavers for the deck around the swimming pool perimeter.
3. The proposed addition will not exceed the proposed 38% in impervious surface lot coverage.
4. The following must be maintained and met according to Sec. 4.2.2.H - Accessory buildings, structures and uses: location, yard, and building restrictions:
 - H. Setbacks for swimming pools, as accessory structures in a residential district, shall be measured from the edge of the decking to the applicable property line. No part of the decking for an accessory swimming pool shall be within five (5) feet of a side or rear property line.

STAFF FINDINGS:

Variance Analysis:

The letter of intent includes an increase of the existing lot coverage from 35% to 38.9%% in construction additions that include a pool construction with decking and a spa.

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 subject property is located within the R-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 street frontage is 75-feet. The lot does not comply with either requirement. Based on the site plan provided by the applicant, the subject property is non-conforming due to 50-foot street frontage and 7,520 square feet lot size.

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 site plan, it appears that the requested variance may 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. The property was constructed at the max 35% designated for the R-75 zoning district. The applicant has reduced their original lot coverage from 43% to 38.9% by installing pervious pavers around the perimeter of the swimming pool.

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 applicant is requesting to construct a new swimming pool and install a pool decking to the rear of the property. 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. The construction would occur to the rear of the property, behind a pre-existing fence, not visible from the right of way or noticeable to the residents.

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

It appears that the strict application of the applicable provisions and requirements of this chapter may cause an undue and unnecessary hardship as the existing single-family home already exists on a non-conforming lot. The current property was constructed meeting the maximum 35% lot coverage. The home was built at the maximum lot coverage percentage allowed for the R-75 zoning district, leaving no room for enhancements to the property without acquiring a variance.

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

It appears that the requested variance may be consistent with the spirit and purpose of this chapter. The future land use of the subject property described in the *DeKalb County Comprehensive Plan 2035* text as Suburban. The plan states: in appropriate locations encourage new developments to have increased connectivity and accessibility. This application appears to conform to this development goal. The proposed addition is compatible and respects the established patterns of development.

FINAL STAFF ANALYSIS:

Based on the submitted materials, it appears that due to the existing house lot coverage, 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 R-85 zoning district in which the subject property is located. Therefore, the Department of Planning and Sustainability recommends approval based on the site plan dated 07/10/2021.

If this application is approved, Staff recommends the following condition:

Staff Recommendation: Approval with conditions.

1. The following information about this variance shall be noted on any site plan prepared for the subject property: case number, approval date, type of variance, and condition(s) of approval.
2. The applicant will install pervious pavers for the deck around the swimming pool perimeter.
3. The proposed addition will not exceed the proposed 38% in impervious surface lot coverage.
4. The following must be maintained and met according to Sec. 4.2.2.H - Accessory buildings, structures and uses: location, yard, and building restrictions:
 - H. Setbacks for swimming pools, as accessory structures in a residential district, shall be measured from the edge of the decking to the applicable property line. No part of the decking for an accessory swimming pool shall be within five (5) feet of a side or rear property line.



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 JEREMY L. GRISHAM

Mailing Address: 1555 THOMAS ROAD

City/State/Zip Code: DECATUR, GEORGIA 30032

Email: jgrisham@gmail.com

Telephone Home: _____ Business: _____

OWNER OF RECORD OF SUBJECT PROPERTY

Owner: SAME AS ABOVE

Address (Mailing): _____

Email: _____

Telephone Home: 757-560-5389 Business: _____

ADDRESS/LOCATION OF SUBJECT PROPERTY

Address: 1555 THOMAS ROAD City: DECATUR State: GA Zip: 30032

District(s): 15th Land Lot(s): 201 Block: 6 Parcel: 13

Zoning Classification: R-75 Commission District & Super District: 3 & 7

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.)
- OFFICIAL APPEAL OF ADMINISTRATIVE DECISIONS.

*** PLEASE REVIEW THE FILING GUIDELINES ON PAGE 4. FAILURE TO FOLLOW GUIDELINES MAY RESULT IN SCHEDULING DELAYS. ***

TO BE COMPLETED BY PLANNING AND SUSTAINABILITY DEPARTMENT:

Date Received: _____ Fee Paid: _____

ZONING BOARD OF APPEALS APPLICATION AUTHORIZATION OF THE PROPERTY OWNER

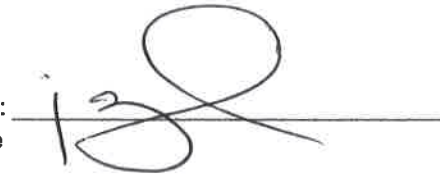
I hereby authorize the staff and members of the Zoning Board of Appeals
To inspect the premises of the Subject Property

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: 10/14/2021

Applicant:
Signature



DATE: _____

Applicant:
Signature



DeKalb County
GEORGIA

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: 10/4/2021

Applicant/Agent:
Signature

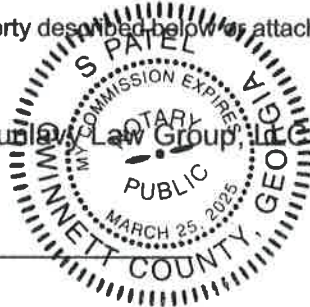
TO WHOM IT MAY CONCERN:

(I)/ (WE) JEREMY L. GRISHAM
(Name of Owners)

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

Linda Dunlavy and Dunlavy Law Group, LLC

Notary Public



Owner

Notary Public

Owner

Notary Public

Owner



Property Tax Information Results

Any errors or omissions should be reported for investigation. No warranties, expressed or implied, are provided for the data herein, its use, or its interpretation.
Attention:

Our records indicate that a mortgage company or tax service is scheduled to pay the taxes for 2021.
Would you like to continue with this payment?

[Pay Now](#)
[Back](#)

[Would you like to have future tax bills emailed to you?](#)

Parcel ID Pin Number Property Address Property Type Tax District	Property Identification 15 201 06 013 0400611 1555 THOMAS RD Real Estate 04 - UNINCORPORATED
Jan. 1 st Owner Co-Owner Current Owner Co-Owner	Owner Information Last Name, First Name GRISHAM JEREMY L GRISHAM JEREMY L
Owner Address	1555 THOMAS RD DECATUR GA 30032
Care of Information	
** CHANGE MAILING ADDRESS **	
Exemption Type Tax Exempt Amount	Homestead Exemption H1F - BASIC EXEMPTION WITH FREEZE \$1,511.78
Exemption Type Value Exemption Amount	Other Exemption Information \$0.00
Deed Type Deed Book/Page Plat Book/Page	Deed Information LIMITED WARRANTY DEED 24395 / 00663 0011 / 0088
Property Characteristics/	

Tax Information Summary

Taxable Year	2021
Millage Rate	0.04389
2 nd Installment Amount	\$2,138.23
DeKalb County Taxes Billed	\$4,276.46
DeKalb County Taxes Paid	\$2,138.23
DeKalb County Taxes Due	\$2,138.23
Total Taxes Billed	\$4,276.46
Total Taxes Paid	\$2,138.23
Total Taxes Due	\$2,138.23

DeKalb County Taxes

First Payment Date	9/24/2021
First Payment Amount	\$2,138.23
Last Payment Date	9/24/2021
Last Payment Amount	\$2,138.23

[Tax Paid Receipt](#)
[Tax Bill Details](#)

-- Choose a Tax Year -- ▼

[Get Tax Payoff Info.](#)

Property Tax Mailing Address

CURRENT YEAR PAYMENTS

DeKalb County Tax Commissioner
 Collections Division
 PO Box 117545
 Atlanta, GA 30368-7545

PRIOR YEAR PAYMENTS

DeKalb County Tax Commissioner
 Collections Division
 PO Box 100004
 Decatur, GA 30031-7004

*** Please note that payment posting information may be delayed due to batch processing***
 Prior Years Tax

DeKalb County Tax

Tax Year Total Owed

Total Paid Total Due

Adjusted Bill
Due Date

Sales Information

NBHD Code
Zoning Type
Improvement Type
Year Built
Condition Code
Quality Grade
Air Conditioning
Fireplaces
Stories
Square Footage
Basement Area
% Bsmt Finished
Bedrooms
Bathrooms
Last Deed Date
Last Deed Amount

Additional Property Information

Property Value/Billing Assessment

Taxable Year
Land Value
Building Value
Misc. Improvement Value
Total Value
40% Taxable Assessment

Information as of 10/26/2021

For additional information on the data above,
contact the Property Appraisal Department at 404-371-2471

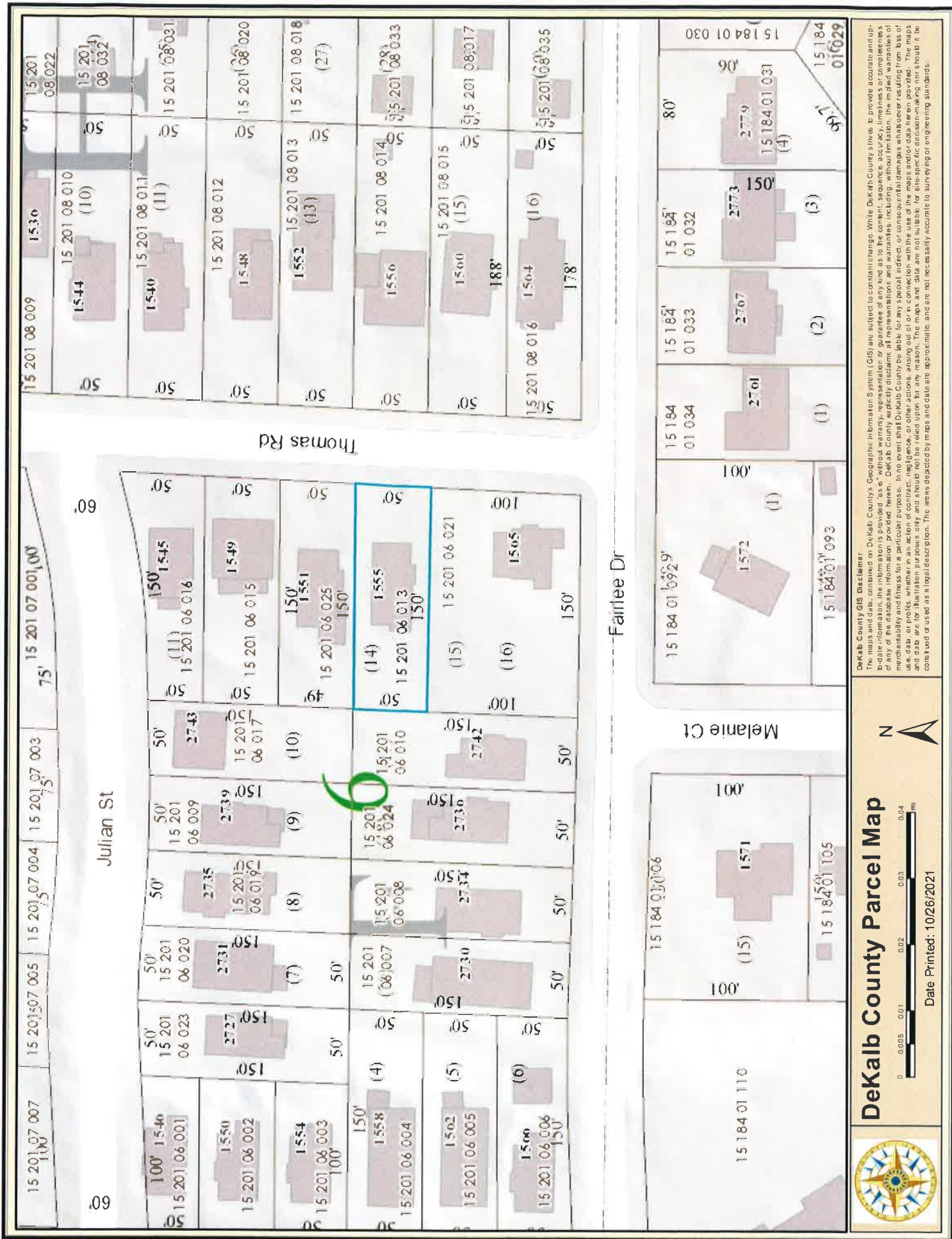
[Click here to view property map](#)

2021 \$4,276.46
 2020 \$4,282.28
 2019 \$5,867.10
 2018 \$5,571.28
 2017 \$4,065.84
 2016 \$4,073.66
 2015 \$4,252.90
 2014 \$2,027.68

Delinquent Taxes/
Tax Sale Information

Tax Sale File Number
Fifa-GED Book/Page
Levy Date
Sale Date
Delinquent Amount Due

\$2,138.23 \$2,138.23
 \$4,282.28 \$0.00
 \$5,867.10 \$0.00
 \$5,571.28 \$0.00
 \$4,065.84 \$0.00
 \$4,073.66 \$0.00
 \$4,252.90 \$0.00
 \$2,027.68 \$0.00



DeKalb County GIS Disclaimer:
The maps and data contained on DeKalb County's Geographic Information System (GIS) are subject to constant change. While DeKalb County strives to provide accurate and up-to-date information, the information is provided "as is" without warranty, representation or guarantee of any kind as to the content, sequence, accuracy, timeliness or completeness of any of the database information provided herein. DeKalb County explicitly disclaims all representations and warranties, including, without limitation, the implied warranties of merchantability and fitness for a particular purpose. In no event shall DeKalb County be liable for any special, indirect, or consequential damages whatsoever resulting from loss of use, data, or profits, whether in an action of contract, negligence, or other actions, arising out of or in connection with the use of the maps and/or data herein provided. The maps and data are for illustration purposes only and should not be relied upon for any reason. The maps and data are not suitable for site-specific decision-making nor should it be considered used as a legal description. The maps and data are approximate, and are not necessarily accurate to surveying or engineering standards.



DeKalb County Parcel Map

Date Printed: 10/26/2021





Record and Return to:
Weissman, Nowack, Curry & Wilco, P.C.
One Alliance Center, 3500 Lenox Road, 4th Floor
Atlanta, GA 30326

File No.: MT175-14-0236-R

2014078576 DEED BOOK 24395 Pg 663

Real Estate Transfer Tax \$200.00

Filed and Recorded:
6/28/2014 2:06:25 PM
Debra DeBerry
Clerk of Superior Court
DeKalb County, Georgia

LIMITED WARRANTY DEED

STATE OF GEORGIA
COUNTY OF FULTON

THIS INDENTURE made this 23rd day of May, 2014 by and between David S Alexander, of the County of DeKalb, and the State of GA as party or parties of the first part, hereinafter called Grantor, and Jeremy L. Grisham, as party or parties of the second part, hereinafter called Grantee (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits).

WITNESSETH that: Grantor, for and in consideration of the sum of TEN DOLLARS AND NO/100 (\$10.00) AND OTHER VALUABLE CONSIDERATIONS in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto the said Grantee, the following described property, to-wit:

SEE ATTACHED EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE HERETO

THIS CONVEYANCE is made subject to all zoning ordinances, easements and restrictions of record affecting said described property.

TO HAVE AND TO HOLD the said tract or parcel of land, with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit and behoof of the said Grantee, forever IN FEE SIMPLE.

AND THE SAID Grantor will warrant and forever defend the right and title to the above described property unto the said Grantee against the claims of all persons claiming by, through, or under Grantor herein.

IN WITNESS WHEREOF, the Grantor has signed and sealed this deed, the date and year above written.

Signed, sealed and delivered
in the presence of:

James L. Wat
Unofficial Witness

David S Alexander (Seal)

Notary Public

My Commission Expires: 7-26-15



EXHIBIT "A"

File No.: MT175-14-0236-R

All that tract or parcel of land lying and being in Land Lot 201 of the 15th District of Dekalb County, Georgia, being Lot 14, Block F of Columbia Acres Subdivision, as per Plat thereof recorded in Plat Book 11, page 88, Dekalb County, Georgia, records, which Plat is incorporated herein and made a part hereof by reference for a more detailed description; being known as 1555 Thomas Road, according to the present system of numbering property in Dekalb County, Georgia.



WRITTEN JUSTIFICATION

and

Other Material Required by
DeKalb County Zoning Ordinance

for a Variance from the DeKalb County Zoning Board of Appeals

Of

JEREMY GRISHAM

Regarding Property
Located in 15th District, Land Lot 201
Known as 1555 Thomas Road

- 1) From Section 27-2.2.1 for variance from the maximum lot coverage of 35% to 43%

To allow for the construction of a pool

Submitted for Applicants by:
Linda I. Dunlavy
Dunlavy Law Group, LLC
1026 B Atlanta Avenue
Decatur, GA 30030
(404) 371-4101 Telephone
(404) 371-8901 Facsimile
ldunlavy@dunlavylawgroup.com E-mail

WRITTEN JUSTIFICATION FOR REQUEST FOR VARIANCE

I. BACKGROUND AND INTRODUCTION

The Subject Property is comprised of one lot zoned R-75 at 1555 Thomas Road. The property is just over 7,500 square feet and currently developed with a single family residence and a single story frame shed. The Subject Property was platted in 1938 as part of the Columbia Acres subdivision as a 50 foot by 150-foot lot. At 7, 520 square feet, it is a nonconforming lot of record—2,480 square feet less than the minimum lot size required in the current R-75 development standards. The home is set back 47.6 feet from the front property line—17.6 feet more than the 30-foot front yard setback minimum—presumably because of setback averaging. This larger setback resulted in a longer driveway than necessary and substantially increased the impervious lot coverage on the Subject Property. Photographs of the Subject Property along with a legal description, deeds evidencing ownership, tax information and the original 1938 plat are included with this submittal.

Jeremy Grisham purchased the Subject Property in 2014 and has lived there since. He currently shares the residence with his husband, Trey Derrenbacker. In order to provide for family recreation at home, Jeremy proposes to place a +/- 295 square foot pool and spa in the rear yard in the northeast corner. A site plan depicting the exact location and dimensions for the pool is included with this submittal.¹ The current lot coverage is 35% so any additional structure on the Subject Property would require a variance. Because of this coverage a variety of plans for the pool were considered by Jeremy and Trey. The resulting proposed plan appears to be the best plan to effectuate

¹ The site plan is on the erosion and sedimentation drawings but a separate page blowing up the pool and spa section is also included with this application material.

their goals while keeping impervious coverage at a minimum. The decking for the pool will be 377 square feet.² Originally, Jeremy and Trey proposed larger decking, but such decking would put the lot coverage percentage at over 46%. Therefore, as a compromise to their original plans, Jeremy and Trey have reduced the size of the decking to its current configuration which would bring lot coverage to 43% --only 8% in excess of the maximum allowed by the Zoning Ordinance. However, if the lot had the required 10,000 square foot minimum, no variance would be required as coverage would be at 33% , 2% less than the maximum coverage allowed.

This document is submitted as the Applicant's Written Justification in support of the variance requested. The required application forms and other supporting material are submitted contemporaneously with this Written Justification.

II. VARIANCE REQUEST AND CRITERIA

Variance Requested

Sections 27-7.2.2.1 of the DeKalb County Zoning Ordinance limits lot coverage in an R-75 zoning district to no more than 35%. Section 27-7-9.1.3 defines "lot coverage to be, "[t] hat portion of a lot that is covered by buildings, structures, driveways or parking areas, and any other impervious surface. For purposes of calculating lot coverage, wooden decks, stone walkways and patios set without grout, or pervious, permeable, or porous pavements shall be considered pervious." Impervious surfaces³

² There is a typographical error on the plans which state 3777 square feet of pool decking but clearly should be 377 square feet.

³ "Impervious surface" is defined as : "*Impervious surface*: A surface that either prevents or retards the entry of surface water into the soil mantle and causes surface water to run off in greater quantities or at an increased flow rate when compared to natural, undeveloped soil mantle. Common impervious surfaces include, but are not limited to, roofs, walkways, patios, driveways, parking lots, storage areas, paved areas, pavement graveled areas, packed or oiled earthen materials or other surfaces which similarly

do not expressly include pool water but DeKalb County as a policy has interpreted the Zoning Ordinance to require counting of pool surface water as “impervious”. However, Section 27-5.1.10 of the Zoning Ordinance provides that: No lot shall be developed to exceed the maximum allowable coverage by buildings, structures, driveways or parking areas, or any other impervious surface specified for the zoning district in which the lot is located” That said, under the current interpretation of the DeKalb County Zoning Ordinance, Jeremy and Trey need a variance to install the proposed pool.

Variance Criteria:

Section 27-7.5.3 lists the criteria for which relief should be granted to an applicant for a variance. The Applicant meets and exceeds the standards for the granting of a variance as identified below:

Criteria 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 Subject Property and set back averaging dictated placement of the home more than 47 feet from the street and necessitating a longer than usual driveway which contributes substantially to the impervious surfaces on the site. Additionally, the significantly smaller lot size and existing 35% lot coverage give the Applicant little or no flexibility in the making of structural improvements to the Subject Property. These conditions were not created by the Applicant and to deny the Applicant a variance for the

impede the natural infiltration of surface waters. Open uncovered flow control or water quality treatment facilities shall not be considered as impervious surfaces. “

installation of a pool would deprive him of rights and privileges enjoyed by other pool owners in the county and other property owners who are able to add improvements to their property. Although exact calculations are not available, it appears that properties with pools at 1204, 1244 and 1320 Kittredge Road (one block over from the Subject Property) may exceed the 35% lot coverage under the Zoning Ordinance.

Criteria 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.

The requested relief does not go beyond what is necessary and the requested lot coverage variance only seeks what is necessary to build an attractive, functional and modest pool. The Applicant purposefully reduced the amount of the variance requested by opting for smaller pool decking, rather than insisting on his preferred design. This Board has granted other property owners lot coverage variances for pools wherein approved lot coverage ranges from 37.4 % to 51.5%. Details of those approvals are set forth in the table below. Granting the variance requested would 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.

DATE	ADDRESS	VARIANCE REQUESTED	PURPOSE	APPL #	APPROVED
12/9/09	1820 Grist Stone Ct	Increase lot coverage from 39.9% to 51.5%; reduce west interior side yard setback from 7.5' to 6.3'; reduce west interior side yard setback from 3.75' to	Swimming Pool	A-09-15997	APPROVED

		2' to construct a retaining wall			
3/10/10	1595 Trentwood Place	Increase lot coverage from 35% to 40.86% (existing coverage is 41.2%)	Swimming Pool	A-12-17862	APPROVED
6/9/10	1580 Windsor Pkwy	Increase lot coverage from 35% to 40.5%	Swimming Pool	A-10-16447	APPROVED
10/12/11	2452 Kings Ct	Increase lot coverage from 35% to 43.92% (Existing coverage is 38.1%)	Swimming Pool	A-11-17247	APPROVED w/conditions (1) no more than 5, non-specimen trees to be removed (2) install a 2-3 ft wide infiltration trench (3) plant a 10' wide landscape strip to buffer standards
11/9/11	1720 Buckhead Valley Lane	Increase lot coverage from 35% to 50%; reduce distance of pool decking from 10' to 7.5' from rear property line	Swimming Pool	A-11-17320	APPROVED
5/9/12	3096 Lanier Drive	Increase lot coverage from 35% to 38.29%	Swimming Pool	A-12-17709	APPROVED
9/12/2018		Increase lot coverage from 35% to 39.6 %	Swimming Pool	A-18-1235225	APPROVED
12/12/18	1315 Breezy Lane	Increase lot coverage from 35% to 37.4%	Swimming Pool	A-18-1242965	APPROVED

Criteria 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.

Varying the strict requirements of the Zoning Ordinance with respect to the Subject Property will not be detrimental to the public welfare or the property and

improvements in the zoning district. Rather, the action proposed by the Applicants will serve the public interest and enhance the value of nearby properties by allowing an attractive recreational amenity to be developed on the Subject Property. It will be tastefully done to blend into the current environment. It will be in the rear yard, not visible from the street, will be completely enclosed with fencing for safety and will not have any negative impact on neighboring properties.

Criteria 4.

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

A refusal to allow the requested variance would cause an undue and unnecessary hardship for the Applicant on the Subject Property. To limit the impervious surfaces to 35% on site would effectively disallow a pool or addition of any size on the Subject Property. This would cause undue and unnecessary hardship to the Applicant.

Criteria 5.

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

The proposed development effectively implements many of the policies that are embodied in the Zoning Ordinance (Section 27-1.1.3) and the text of the County's comprehensive plan including those excerpted below:

- 1) Ensure that new development is compatible with existing residential;
- 2) Protect stable neighborhoods from incompatible development;
- 3) To promote the wise utilization of land;
- 4) To facilitate the creation of a convenient, attractive and harmonious community.

In summary, the proposed pool and the variance requested are not inconsistent with specific goals, objectives and policies of the Zoning Ordinance or Comprehensive

Plan. The action contemplated by this application is significantly in furtherance of these objectives. The relief requested by the Applicant, if granted, will not substantially impair the intent and purpose of the DeKalb County Zoning Ordinance. Varying the strict requirements of the Zoning Ordinance with respect to this property will not hinder, but on the contrary, will serve the public interest and enhance the value of nearby properties by allowing an attractive and appropriate structure to be built on the Subject Property. Thus, the requested variance would be consistent with the spirit and purpose of the Zoning Code and the DeKalb County Comprehensive Plan.

CONSTITUTIONAL OBJECTIONS

The Applicant respectfully submits that the failure to approve the variance requested would be a denial of due process and equal protection as guaranteed by the 5th and 14th Amendments to the United States Constitution; and, Article I, Section I, Paragraphs 1 and 3, and Article I, Section III, Paragraphs 1 and 3 of the Georgia Constitution, due to the following:


1. A decision to deny the variance would amount to a taking of private property and vested property rights without just and adequate compensation.
2. A denial of the variance would be arbitrary, irrational, capricious and a manifest abuse of discretion.
3. A denial of the variance would discriminate unfairly between the owners of similarly situated properties in violation of the constitutional mandates of equal protection and deny the Applicant due process of law.

Specifically, the pool planned by the Applicant would be in harmony with the general purpose and intent of the zoning ordinance while creating no detriment to the

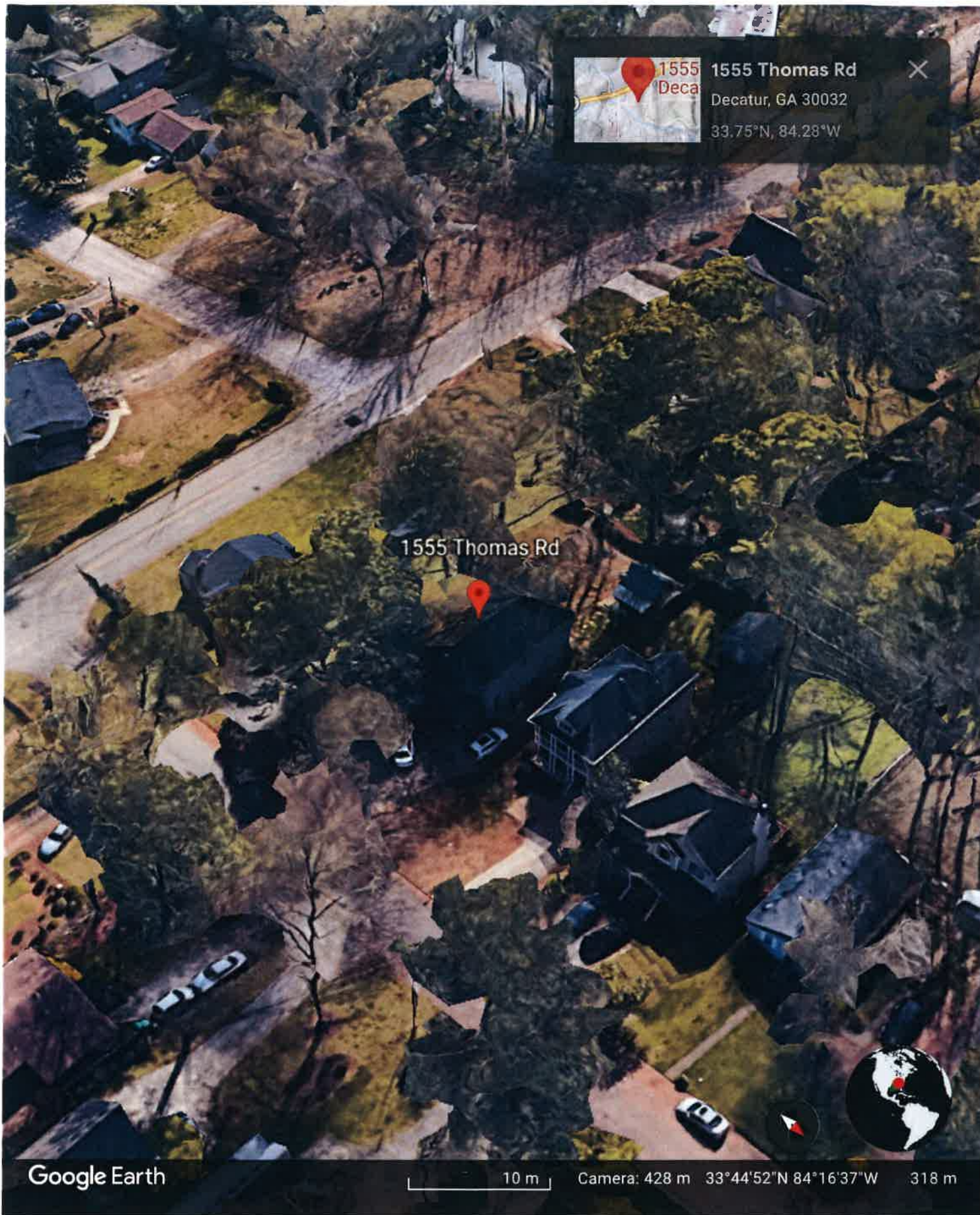
public. To refuse the variance request would be contrary to the intent of DeKalb County's Zoning Code.

Finally, in the event of any opposition to the Applicant's request, the Applicant states that the opponents do not have standing to challenge the variance request herein.

Respectfully submitted this 26th day of October, 2021.



Linda I. Dunlavy
Attorney for Applicant



1555 Thomas Rd
Decatur, GA 30032
33.75°N, 84.28°W



1555 Thomas Rd

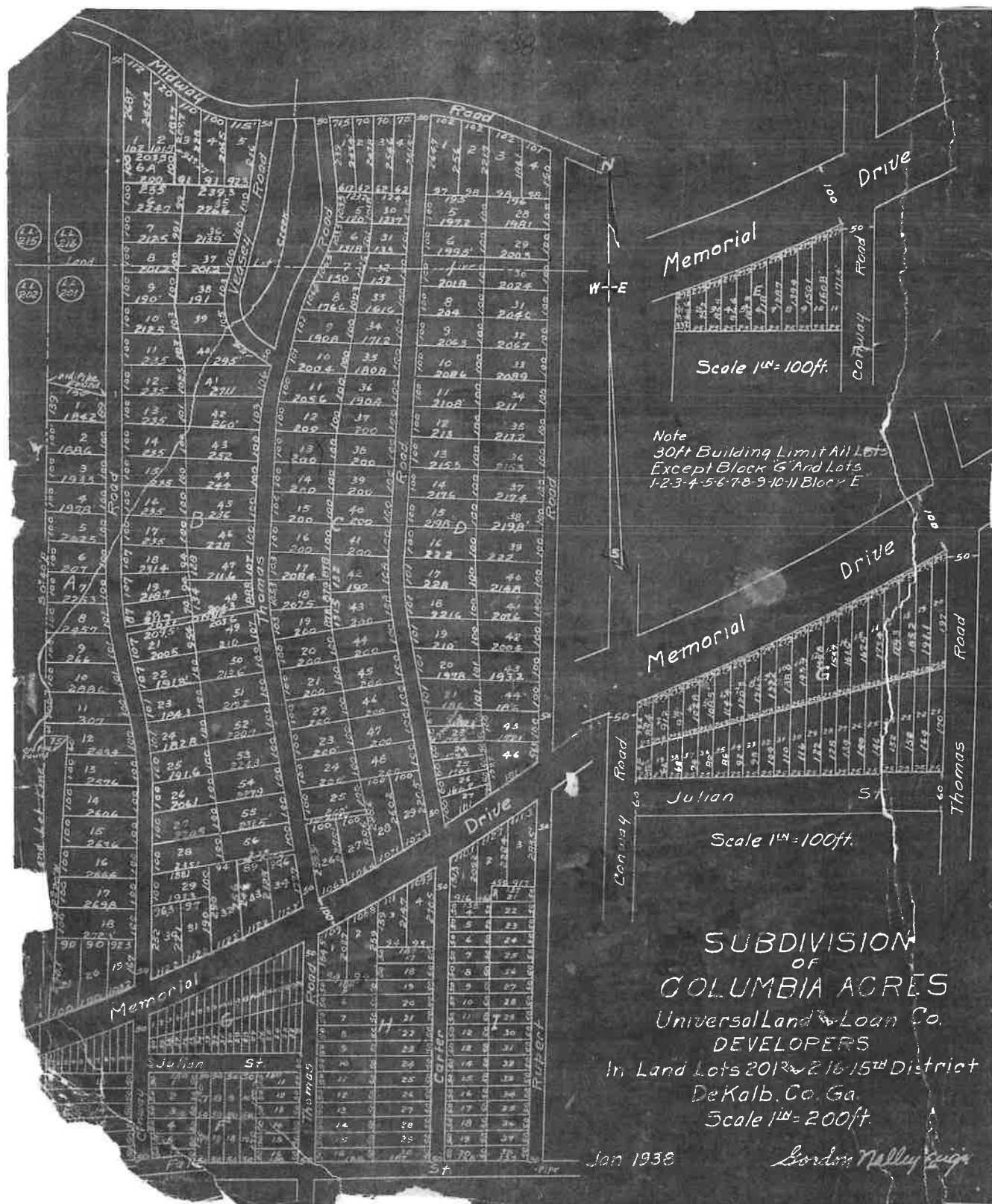


Google Earth

10 m

Camera: 428 m 33°44'52"N 84°16'37"W 318 m





Ds1 Mulching Materials
Select one of the following materials and apply at the depth indicated:

1. Dry straw or hay shall be applied at a depth of 2 to 4 inches providing complete soil coverage.
One advantage of this material is easy application.
2. Wood waste (chips, sawdust or bark) shall be applied at a depth of 2 to 3 inches. Organic material from the clearing stage of development should remain on site, be chipped, and applied as mulch. This method of mulching can greatly reduce erosion control costs.
3. Polyethylene film shall be secured over banks or stockpiled soil material for temporary protection. This material can be salvaged and re-used.

Applying Mulch
When mulch is used without seeding, mulch shall be applied to provide full coverage of the exposed area.

1. Dry straw or hay mulch and wood chips shall be applied uniformly by hand or by mechanical equipment.
2. If the area will eventually be covered with perennial vegetation, 20-30 pounds of nitrogen per acre in addition to the normal amount shall be applied to offset the uptake of nitrogen caused by the decomposition of the organic mulches.
3. Apply polyethylene film on exposed areas.

Anchoring Mulch

1. Straw or hay mulch can be pressed into the soil with a disk harrow with the disk set straight or with a special "raker disk." Disks may be smooth or serrated and should be 20 inches or more in diameter and 8 to 12 inches apart. The edges of the disk should be dull enough not to cut the mulch but to press it into the soil leaving much of it in an erect position. Straw or hay mulch shall be anchored immediately after application.

Straw or hay mulch spread with special blower-type equipment may be anchored. Tackifiers, binders and hydraulic mulch with tackifier specifically designed for tacking straw can be substituted for emulsified asphalt. Please refer to specification Tack- Tackifiers. Plastic mesh or netting with mesh no larger than one inch by one inch shall be installed according to manufacturer's specifications.

2. Netting of the appropriate size shall be used to anchor wood waste. Openings of the netting shall not be larger than the average size of the wood waste chips.
3. Polyethylene film shall be anchor trenched at the top as well as incrementally as necessary.

Ds2 Lime and Fertilizer Rates and Analysis
Agricultural lime is required at the rate of one to two tons per acre unless soil tests indicate otherwise. Graded areas require lime application. If lime is applied within six months of planting permanent perennial vegetation, additional lime is not required. Agricultural lime shall be within the specifications of the Georgia Department of Agriculture.

Lime spread by conventional equipment shall be "ground limestone." Ground limestone is calcitic or dolomitic limestone ground so that 90 percent of the material will pass through a 10-mesh sieve, not less than 50 percent will pass through a 50-mesh sieve and not less than 25 percent will pass through a 100-mesh sieve.

Fast-acting lime spread by hydraulic seeding equipment should be "finely ground limestone" resulting from the 180 micron size to the 5 micron size. Finely ground limestone is calcitic or dolomitic limestone ground so that 95 percent of the material will pass through a 100-mesh sieve.

It is desirable to use dolomitic limestone in the Sand Hills, Southern Coastal Plain and Atlantic Coast Flatwoods MLRAs. (See Figure 6-4.1.)

Agricultural lime is generally not required where only trees are planted.

Initial fertilization, nitrogen, topdressing, and maintenance fertilizer requirements for each species or combination of species are listed in Table 6-5.1.

Mulching
Mulch is required for all permanent vegetation applications. Mulch applied to seeded areas shall achieve 75% to 100% soil cover. When selecting a mulch, design professionals should consider the mulch's functional longevity, vegetation establishment enhancement, and erosion control effectiveness. Select the mulching material from the following and apply as indicated:

1. Dry straw or dry hay of good quality and free of weed seeds can be used. Dry straw shall be applied at the rate of 2 tons per acre. Dry hay shall be applied at a rate of 2 1/2 tons per acre.
2. Wood cellulose mulch or wood pulp fiber shall be used with hydraulic seeding. It shall be applied at the rate of 500 pounds per acre. Dry straw or dry hay shall be applied (at the rate indicated above) after hydraulic seeding.
3. One thousand pounds of wood cellulose or wood pulp fiber, which includes a tackifier, shall be used with hydraulic seeding on slopes 3/4:1 or steeper.
4. Sericea Lespedeza hay containing mature seed shall be applied at a rate of three tons per acre.
5. Pine straw or pine bark shall be applied at a thickness of 3 inches for bedding purposes. Other suitable materials in sufficient quantity may be used where ornamentals or other ground covers are planted. This is not appropriate for seeded areas.
6. When using temporary erosion control blankets or block sod, mulch is not required.
7. Bituminous treated roving may be applied on planted areas, slopes, in ditches or dry waterways to prevent erosion. Bituminous treated roving shall be applied within 24 hours after an area has been planted. Application rates and materials must meet Georgia Department of Transportation specifications.

Wood cellulose and wood pulp fibers shall not contain germination or growth inhibiting factors. They shall be evenly dispersed when agitated in water. The fibers shall contain a dye to allow visual metering and aid in uniform application during seeding.

General Notes:

All persons involved in land disturbance activities must be certified in Erosion and Sedimentation Control by the GASWCC OR supervised by someone who is.

Design professional will visit the site within 7 days after initial construction activity and write a letter to the governing authority concerning site conditions.

This site shall be kept clean of all debris and pollutants that may contaminate the storm water discharge (provide on site dumpster).

The escape of sediment from the site shall be prevented by the installation of erosion and sediment control measures and practices prior to land-disturbance activities.

Any disturbed areas left exposed for a period greater than 14 days shall be stabilized with mulch or temporary seeding.

All Erosion Control measures are to conform to the standards set forth in the manual for Erosion and Sediment control in Georgia (I.E. The Green Book). The specifications and detail requirements of The Green Book are incorporated here in by reference.

Erosion Control measures will be maintained at all times. If full implementation of the approved plan does not provided for effective Erosion Control, Additional Erosion and Sediment Control measures shall be implemented to control or treat the sediment source.

The project receiving waters is Shoal Creek.

There are no Wetlands on this site as per The U.S. Fish & Wildlife Service National Wetlands Inventory Wetlands Mapper. (CLASSIFICATION -)

There are no State Waters located within 200 feet of this site.

Non-exempt activities shall not be conducted within 25 or 50-foot of undisturbed stream buffers as measured from the point of wrested vegetation or within 25 feet of the coastal marshland buffer as measured from the jurisdictional determination line without first acquiring the necessary variances and permits.

Amendments/revisions to the es&pc plan which have a significant effect on BMP's with a hydraulic component must be certified by the design professional.

Waste materials shall not be discharged to waters of the state, except as authorized by a section 404 permit.

I certify under penalty of law that this plan was prepared after a site visit to the locations described herein by myself or my authorized agent, under my supervision.

I certify that the Permittee's Erosion, Sedimentation and Pollution Control Plan provides for an appropriate and comprehensive system of best management practices required by the Georgia water quality control act and the document "manual for erosion and sediment control in Georgia" (manual) published by the state soil and water conservation commission as of January 1 of the year in which the land-disturbing activity was permitted, provides for the sampling of the receiving water(s) or the sampling of the storm water outfalls and that the designed system of best management practices and sampling methods is expected to meet the requirements contained in the general NPDES Permit No. GAR 100003.

Signature _____

12/22/2021 Update pool design and impervious calculations.
10/25/2021 Update pool design and impervious calculations.

PREPARED FOR:

Premier Pools & Spas

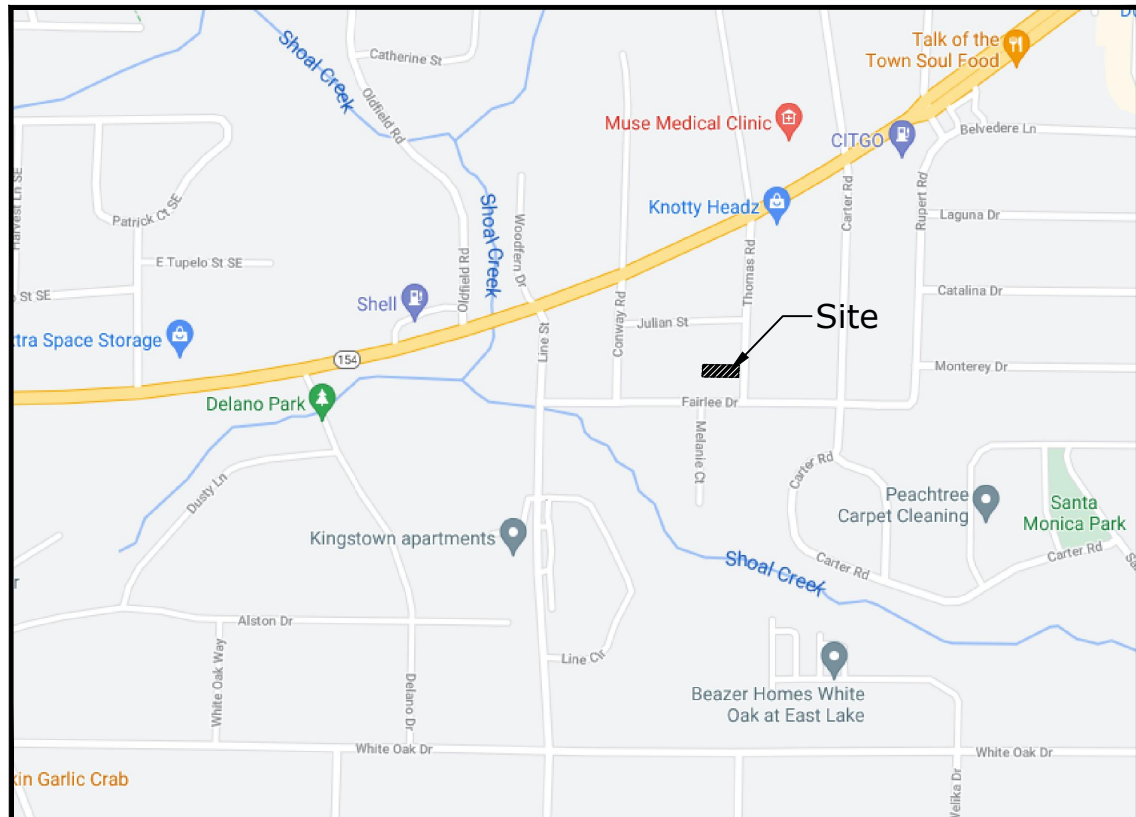
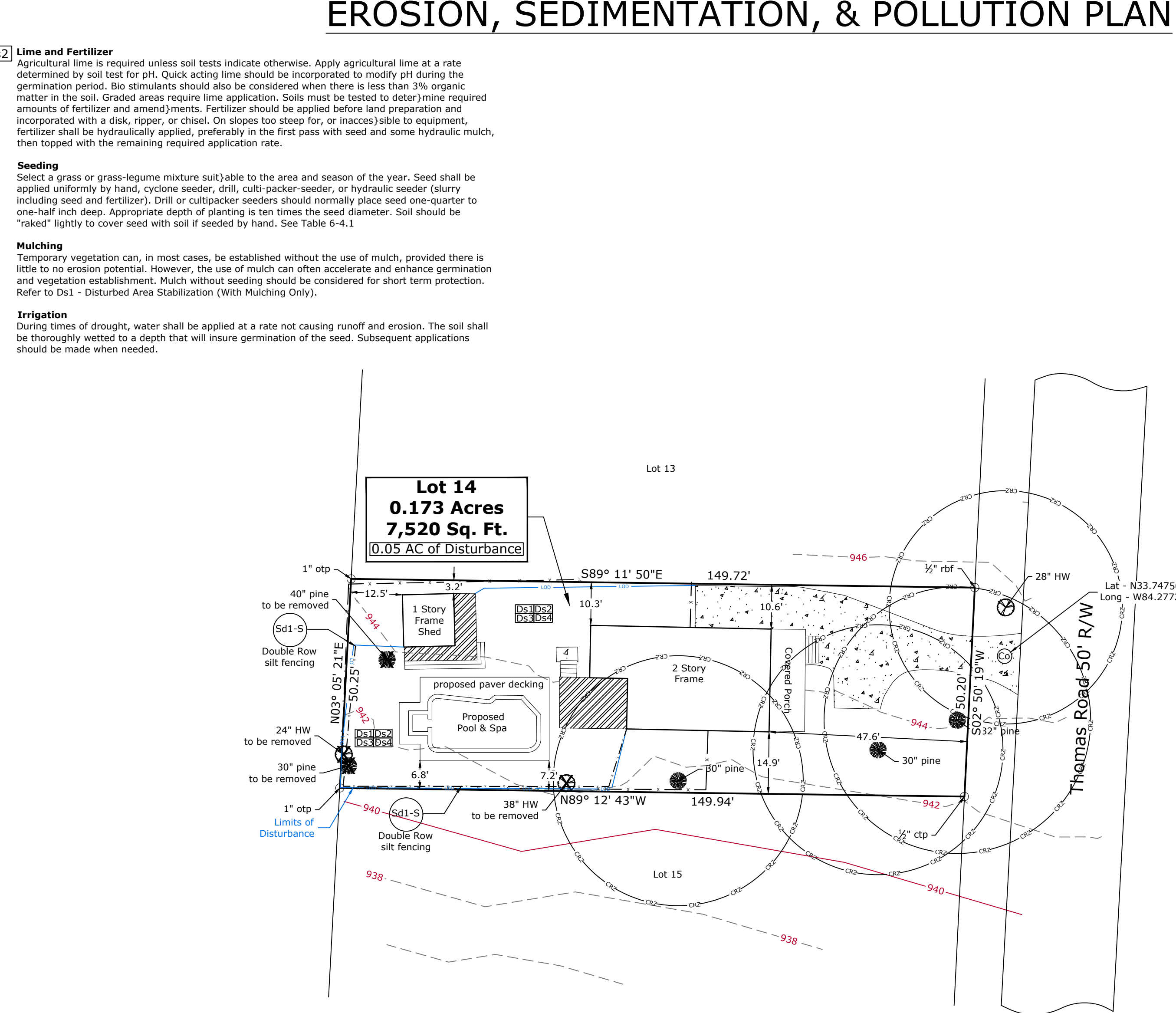
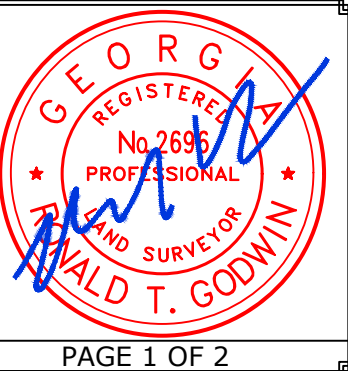
Subdivision: Columbia Acres Address: 1555 Thomas Road

Lot: 14 Block: F PB. 11 ~ PG. 88

Land Lot: 201 District: 15th

County: DeKalb, GA F.W.P.D. 05/20/2021

Scale: 1" = 20' Date: 07/10/2021 Job No: 21-113



FOUR CORNERS SURVEYING

P.O. BOX 15
Tyrone, GA 30290

770-560-3910
770-560-6930
four_corners@bellsouth.net
ron@fourcornersurveying.com

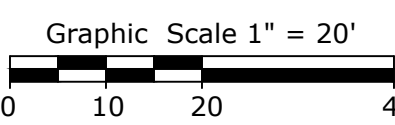
This survey does not constitute a title search by surveyor. The property is subject to all information regarding easements, restrictions, covenants, zoning ordinances, environmental restrictions, buffers, right-of-ways, adjoiners, and other documents that might affect the tract shown or not shown, recorded or not recorded.

Four Corners Surveying, LLC has made no investigation as to the existence or non-existence of underground utilities and/or structures. Before any land disturbance activity begins, underground utilities should be identified and located. Four Corners Surveying, LLC assumes no liability for loss or damages caused by the discovery of or disturbance of underground utilities and/or structures.

GSWCC GEORGIA SOIL AND WATER CONSERVATION COMMISSION

Ronald T Godwin
Level II Certified Design Professional

CERTIFICATION NUMBER 0000011203
Issued: 05/23/18 Expires: 05/23/24



- LEGEND**
- UP = UTILITY POLE
 - RBS = REBAR SET
 - RBF = REBAR FOUND
 - RBS = REBAR SET
 - OTP = OPEN TOP PIPE
 - CT = CRIMP TOP PIPE
 - L.L.L. = LAND LOT LINE
 - L.L. = LAND LOT
 - EP = EDGE OF PAVEMENT
 - CMF = CONCRETE MARKER
 - TBM = TEMPORARY BENCHMARK
 - B/L = BUILDING SETBACK LINE
 - OH = OVERHEAD UTILITY LINES
 - F.F.E. = FINISHED FLOOR ELEVATION
 - LOD = LIMITS OF DISTURBANCE

MONTH	TEMPORARY SEED	PIEDMONT VEGATIVE COVERS	PERMANENT SEED	RATE/ACRE
NOVEMBER	WHEAT	40-50 LB	UNHULLED BERMUDA SERICEA LESPEDEZA FESCUE	8-10 LB 30-40 LB 30-50 LB
DECEMBER	RYE RYEGRASS WHEAT	2-3 BU 40-50 LB 2-3 BU	UNHULLED BERMUDA SERICEA LESPEDEZA FESCUE	8-10 LB 30-40 LB 30-50 LB
JANUARY	RYEGRASS	40-50 LB	UNHULLED BERMUDA SERICEA LESPEDEZA	8-10 LB 30-40 LB
FEBRUARY	RYEGRASS	40-50 LB	UNHULLED BERMUDA SERICEA LESPEDEZA FESCUE	8-10 LB 30-40 LB 30-50 LB
MARCH	RYE WEEPING LOVEGRASS ANNUAL LESPEDEZA	2-3 BU 4-6 LB 20-35 LB	UNHULLED BERMUDA SERICEA LESPEDEZA FESCUE	8-10 LB 30-40 LB 30-50 LB
APRIL	RYE BROWN TOP MILLET SUDAN GRASS	2-3 BU 4-6 LB 40 LB	UNHULLED BERMUDA SERICEA LESPEDEZA BAHIA	8-10 LB 30-40 LB 40-60 LB

*** USE A MINIMUM OF 40LB SCARRIED SEED. REMAINDER MAY BE INSCARIFIED CLEAN HULLED SEED
*** USE EITHER COMMON SERICEA, OR INTERSTATE SERICEA LESPEDEZA

CONSTRUCTION ACTIVITY SCHEDULE	1	2	3	4	5	6
INSTALL EROSION CONTROL						
CLEARING AND GRUBBING						
GRADING OPERATION						
TEMPORARY GRASSING						
IMPROVEMENT GRADING						
FINAL LANDSCAPE & GRASSING						
MAINTENANCE OF EROSION CONTROL						

A TEMPORARY COVER OVER BASE AREAS TO PREVENT EROSION AND REDUCE RUNOFF; TO CONSERVE MOISTURE; TO PREVENT SURFACE COMPACTION OR CRUSTING; TO CONTROL UNDESIRABLE VEGETATION TO MODIFY SOIL TEMPERATURE AND TO INCREASE BIOLOGICAL ACTIVITY IN THE SOIL.

• ≤ 6 MONTHS OR WHEN SEEDING DOES NOT HAVE A SUITABLE GROWING SEASON MATERIALS AND RATES:

MATERIAL	RATE
STRAW OR HAY	2" to 4" DEEP
WOOD WASTE, CHIPS, SAWDUST OR BARK	2"-3" DEEP (ABOUT 6 TO 9 TONS/ACRE)
POLYETHYLENE FILM	COMPLETELY COVER AREA

• MAY BE NECESSARY TO ANCHOR

(Ds1) DISTURBED AREA STABILIZATION (WITH MULCHING ONLY)

24 Hour Contact:
Bob Gordon
770-527-6791
bgordon@ppas.com

Developer/Owner
Premier Pools & Spas
9 Pine Grove Road
Locust Grove, GA 30248

Existing Lot Coverage
House = 959 Sq. Ft.
Driveway = 945 Sq. Ft.
Shed = 154 Sq. Ft.
Wood Decks = 370 Sq. Ft.
Covered Porch = 206 Sq. Ft.
Total existing lot coverage = 2,634 Sq. Ft. / lot area = 35%

Proposed Lot Coverage
Proposed Pool & Spa = 295 Sq. Ft.
Proposed Previous Paver Pool Deck = 377 Sq. Ft. -100% = 0 Sq. Ft.
Total Proposed lot coverage = 295 Sq. Ft.
Existing lot coverage (2,634 Sq. Ft.) + Proposed lot coverage (295 Sq. Ft.) = 2,929 Sq. Ft. / lot area = 38.9%

FLOOD STATEMENT:
In my opinion this property appears not to lie within a Special Flood Hazard Area, according to FEMA Flood Insurance Rate Map of DeKalb County unincorporated areas dated May 16, 2013 Map #13089C01322.

- NOTE:**
- This plan was prepared for permitting purposes only. It is not to be used for title transfer and is to be used solely by the original purchaser.
 - Concrete drum washout prohibited.
 - The purpose of this plan is for the construction of a pool at an existing home on an existing lot.
 - The design professional who prepared this es&pc plan is to inspect the installation of the initial sediment storage and perimeter control BMP's within 7 days after installation.
 - This lot lies entirely within the CECIL Soil Series (CYCZ).

STRUCTURAL PRACTICES

CODE	PRACTICE	MAP SYMBOL	DESCRIPTION
Bf	BUFFER ZONE		A strip of undisturbed original vegetation, enhanced or restored existing vegetation or the reestablishment of vegetation surrounding an area of disturbance or bordering streams.
Co	CONSTRUCTION EXIT		A crushed stone pad located at the construction site exit to provide a place for removing mud from tires thereby protecting public streets.
Fr	FILTER RING		A temporary slope barrier constructed at storm drain inlets and pond outlets.
Rt	RETROFITTING		A device or structure placed in front of a permanent stormwater detention pond outlet structure to serve as a temporary sediment filter.
Sd1	SEDIMENT BARRIER		A barrier to prevent sediment from leaving the construction site. It may be sandbags, bales of straw or hay, brush, logs or piles, gravel, or a silt fence.
St	STORM DRAIN OUTLET PROTECTION		A paved or short section of riprap channel at the outlet of a storm drain system preventing erosion from the concentrated runoff.
Ds1	DISTURBED AREA STABILIZATION (WITH MULCHING)		Establishing temporary protection for disturbed areas where seedlings may not have a suitable growing season to produce an erosion retarding cover.
Ds2	DISTURBED AREA STABILIZATION (WITH TEMPORARY SEEDING)		Establishing a temporary vegetative cover with fast growing seedlings on disturbed areas.
Ds3	DISTURBED AREA STABILIZATION (WITH PERMANENT VEGETATION)		Establishing a permanent vegetative cover such as trees, shrubs, vines, grasses, sod, or legumes on disturbed areas.
Ds4	DISTURBED AREA STABILIZATION (WITH PERMANENT SEEDING)		Establishing a permanent vegetative grasses, sod on disturbed areas.
Du	DUST CONTROL ON DISTURBED AREAS		Controlling surface and air movement of dust on construction site, roadways and similar sites.
Mb	EROSION CONTROL MATING AND BLANKETS		The installation of a protective covering (blanket) or soil stabilization mat on a prepared planting area of a steep slope, channel, or shoreline.

ESTABLISHING A TEMPORARY VEGETATIVE COVER WITH FAST GROWING SEEDINGS

- 12 MONTHS OR UNTIL ESTABLISHMENT OF FINISHED GRADE OR PERMANENT VEGETATION
- SITE PREPARATION
 - GRADING AND SHAPING
 - SEED BED PREPARATION
 - APPLY LINE AND FERTILIZER
 - PLANT SEEDLING, SELECT SPECIES BY SEASON AND REGION
 - APPLY MULCHING MATERIAL IF NEEDED
 - IRRIGATE IF NEEDED BUT NOT AT A RATE TO CAUSE EROSION
- PLANTING DATES DEPEND ON SPECIES AND REGION (MOUNTAIN, PIEDMONT OR COASTAL)

PLANTING RATES AND PLANTING DATES FOR TEMPORARY COVER

SPECIES	RATE PER 1,000 SQ. FT.	RATE PER ACRE	MOUNTAINS	PIEDMONT	COASTAL
RYE	3.9 LB.	3 BU (168 LBS)	7/15-12/1	8/15-1/1	9/1-3/1
RYEGRASS ANNUAL	0.9 LB.	40 LBS.	8/1-5/1	8/1-4/15	8/15-4/1
ANNUAL LESPEDEZA	0.9 LB.	40 LBS.	2/1-5/1	2/15-5/1	1/15-3/15
WEEPING LOVEGRASS	0.1 LB.	4 LBS.	3/15-6/15	3/15-6/15	2/15-6/15
SUDANGRASS	1.4 LB.	60 LBS.	3/1-9/1	3/1-9/1	3/1-8/15
BROWNTOP MILLET	0.9 LB.	40 LBS.	4/1-7/1	4/1-7/15	4/1-7/15
WHEAT	4.1 LB.	3 BU (180 LBS)	9/1-1/1	9/1-1/1	9/15-2/1

UNUSUAL SITE CONDITIONS MAY REQUIRE HEAVIER SEEDING RATES. SEEDING DATES MAY NEED TO BE ALTERED TO FIT TEMPERATURE VARIATIONS AND LOCAL CONDITIONS.

(Ds2) DISTURBED AREA STABILIZATION (WITH TEMPORARY SEEDINGS)

SILT FENCE - TYPE SENSITIVE

NOTES:

1. USE STEEL OR WOOD POSTS OR AS SPECIFIED BY THE EROSION, SEDIMENTATION, AND POLLUTION CONTROL PLAN.
2. HEIGHT (*) IS TO BE SHOWN ON THE EROSION, SEDIMENTATION, AND POLLUTION CONTROL PLAN.

CRUSHED STONE CONSTRUCTION EXIT

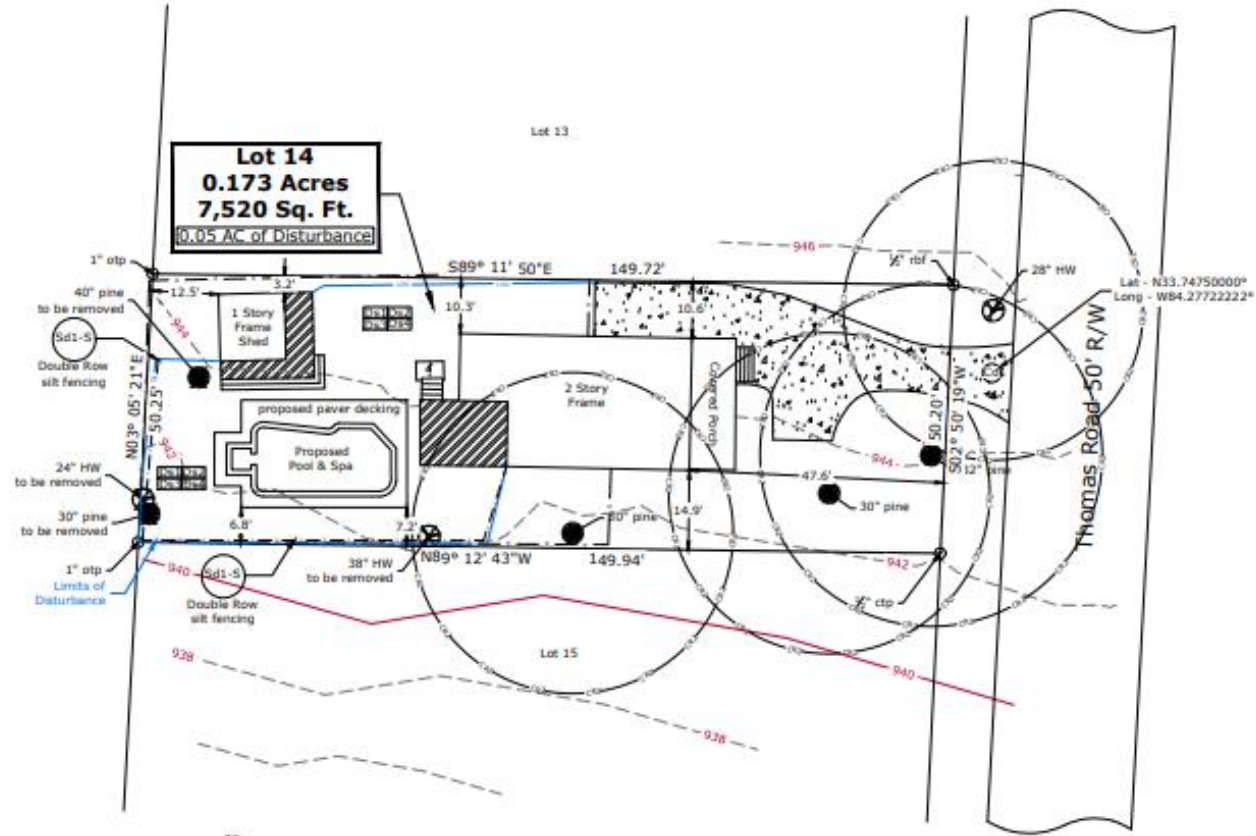
NOTES:

1. AVOID LOCATING ON STEEP SLOPES OR AT CURVES ON PUBLIC ROADS.
2. REMOVE ALL VEGETATION AND OTHER UNSUITABLE MATERIAL FROM THE FOUNDATION AREA, GRADE, AND CROWN FOR POSITIVE DRAINAGE.
3. AGGREGATE SIZE SHALL BE IN ACCORDANCE WITH NATIONAL STONE ASSOCIATION R-2 (1.5"-3.5" STONE).
4. GRAVEL PAD SHALL HAVE A MINIMUM THICKNESS OF 6".
5. PAD WIDTH SHALL BE EQUAL FILL WIDTH AT ALL POINTS OF VEHICULAR EGRESS, BUT NO LESS THAN 20'.
6. A DIVERSION RIDGE SHOULD BE CONSTRUCTED WHEN GRADE TOWARD PAVED AREA IS GREATER THAN 2%.
7. INSTALL PIPE UNDER THE ENTRANCE IF NEEDED TO MAINTAIN DRAINAGE DITCHES.
8. WHEN WASHING IS REQUIRED, IT SHOULD BE DONE ON AN AREA STABILIZED WITH CRUSHED STONE THAT DRAINS INTO AN APPROVED SEDIMENT TRAP OR SEDIMENT BASIN (DIVERGENT ALL SURFACE RUNOFF AND DRAINS FROM THE ENTRANCE TO A SEDIMENT CONTROL DEVICE).
9. WASHRAKES AND/OR TIRE WASHERS MAY BE REQUIRED DEPENDING ON SCALE AND CIRCUMSTANCE. IF NECESSARY, WASHRAKES DESIGN MAY CONSIST OF ANY MATERIAL SUITABLE FOR TRUCK TRAFFIC THAT REMOVE MUD AND DIRT.
10. MAINTAIN AREA IN A WAY THAT PREVENTS TRACKING AND/OR FLOW OF MUD ONTO PUBLIC RIGHTS-OF-WAYS. THIS MAY REQUIRE TOP DRESSING, REPAIR AND/OR CLEANOUT OF ANY MEASURES USED TO TRAP SEDIMENT.

D.2

1555 Thomas Road

Site Plan



D.2

1555 Thomas Road

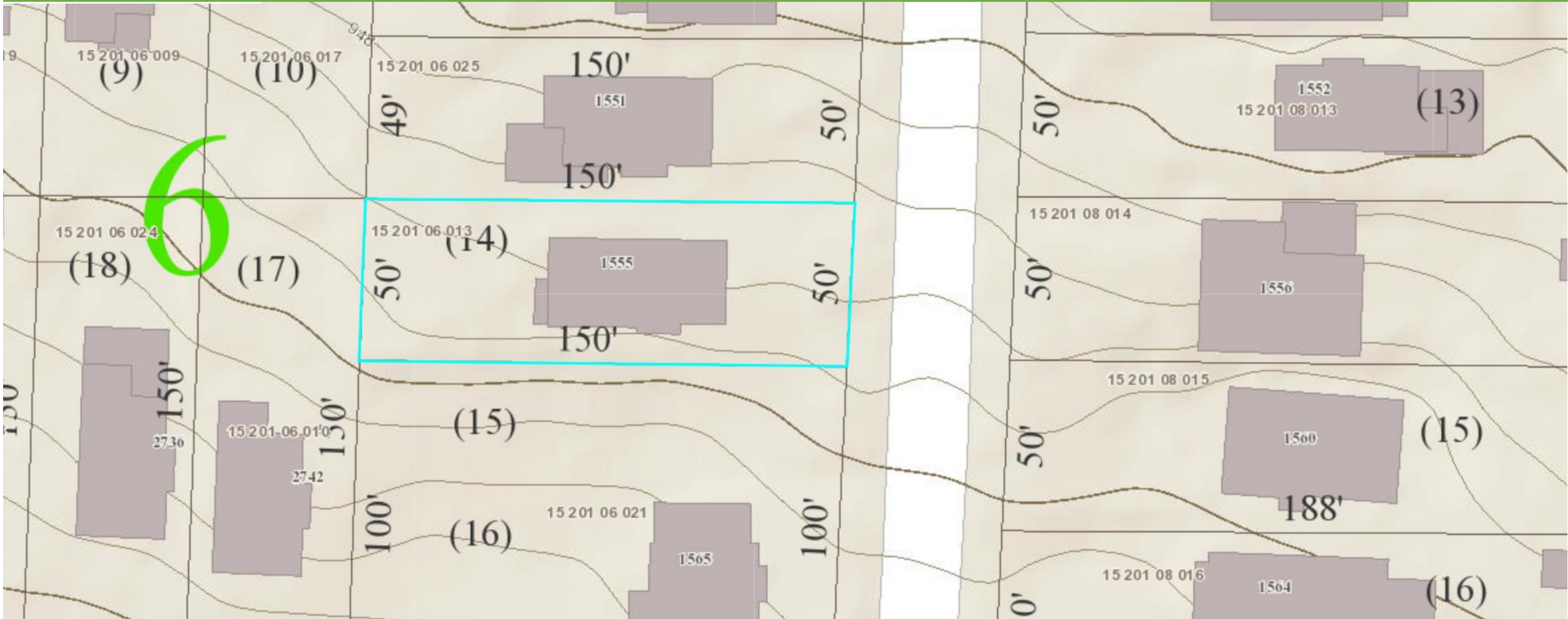
Aerial



D.2

1555 Thomas Road

Topo Map



D.2

1555 Thomas Road

Site Photo

