



Michael L. Thurmond
Chief Executive Officer

DeKalb County Zoning Board of Appeals
Department of Planning & Sustainability
178 Sams Street
Decatur, GA 30030

Wednesday, July 13, 2022, at 1:00 PM

Planning Department Staff Analysis



Andrew Baker, AICP
Director

N2. Case No: A-22-1245837 Parcel ID(s): 18-230-01-007

Commission District 01 Super District 07

Applicant: John Saunders
691 John Wesley Dobbs Ave
Atlanta, GA 30312

Owner: Louis G. Poulin
2493 Kings Arms Drive
Atlanta, GA 30345

Project Name: 2493 Kings Arms Drive-Pool

Location: The property has approximately 100 feet of street frontage and is located on the southeastern corner of the intersection of North Akin Drive and South Akin Drive, at 2124 South Akin Drive, Atlanta, GA 30045.

Request: Variance from Section 27-2.2 and 5.1.10 to increase the maximum lot coverage from 35 % to 38% within an R-60 (Residential Medium Lot-60) zoning district to allow installation of a pool. The property currently has a lot coverage of 42.32%.

Staff Recommendation: Disapproval.

STAFF FINDINGS:

Variance Analysis:

The applicant proposes to install a pool on the property and the existing lot coverage exceeds the allowed 35%.

1. There is an extraordinary or exceptional physical condition(s) pertaining to the particular piece of property (such as, but not limited to, lot size, lot shape, specimen tree(s), steep slope(s), or preservation of historic characteristics of the property), which was not created by the current owner, previous owner, or applicant; by reason of a clearly demonstrable condition(s), 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, as distinguished from a special privilege or convenience sought by the property owner.

There do not appear to be extraordinary or exceptional physical conditions pertaining to this property. 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:

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 R-60 Zoning District. The applicants have proposed the installation of 4-flow wells to mitigate storm water runoff. Although the site plan states the lot coverage will be 51.62%, the requested lot coverage of 38% is less than the existing 42%.

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:

Approving this variance may not be materially detrimental to the public welfare or injurious to property improvements. The location of the pool is unlikely to negatively impact other properties and they have submitted letters of support from neighbors. The installation of flow wells may offset negative effects of an increased lot coverage.

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

Strict application of the provisions and requirements of this chapter may not 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:

The future land use designation of this property is Suburban (SUB). The intent of the Suburban character area is to "recognize those areas of the county that have developed in traditional suburban land use patterns while encouraging new development to have increased connectivity and accessibility. These areas include those developed (built out) and those under development pressures. These areas are characterized by low pedestrian orientation, limited transit access, scattered civic buildings and curvilinear street patterns." Approving the requested variance may support this intent.

FINAL STAFF ANALYSIS:

There were no identified extraordinary or exceptional physical conditions pertaining to this property. Therefore, the strict application of the requirements of this chapter may not deprive the property owner of rights and privileges enjoyed by other property owners and staff recommends denial.



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 John Saunders

Mailing Address: 691 John Wesley Dobbs Ave Unit W

City/State/Zip Code: Atlanta GA 30312

Email: permitconsulting@gmail.com

Telephone Home: 404-287-6390 Business: _____ Fax No.: _____

OWNER OF RECORD OF SUBJECT PROPERTY

Owner: Louis G. Poulin

Address (Mailing): 2493 Kings Arms Dr.

City/State/Zip Code: Atlanta GA 30345

Email: lgpoulin370@gmail.com

Telephone Home: 914-924-0964 Business: _____ Fax No.: _____

ADDRESS/LOCATION OF SUBJECT PROPERTY

Address: 2493 Kings Arms Dr City: Atlanta State: GA Zip: 30345

District(s): 18 Land Lot(s): 230 Block: _____ Parcel: 15

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

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

Zoning Classification: R-60 Commission District & Super District: 1

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: _____

RECEIVED

By Rachel Bragg at 10:49 am, May 23, 2022



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: 5/15/2022

Applicant/Agent: [Signature]
Signature

TO WHOM IT MAY CONCERN:

(I)/ (WE) Louis G. Poulin
(Name of Owners)

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

[Signature] Tammy J. Corley
Notary Public May 19, 2022

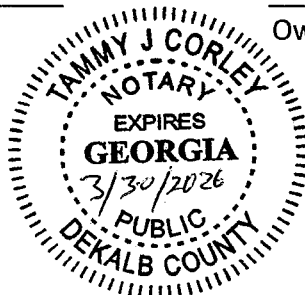
[Signature]
Owner

Notary Public

Owner

Notary Public

Owner



ZONING BOARD OF APPEALS APPLICATION AUTHORIZATION OF THE PROPERTY OWNER

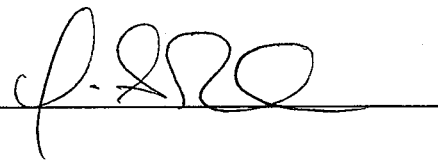
I hereby authorize the staff and members of the Zoning Board of Appeals
To inspect the premises of the Subject Property

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.

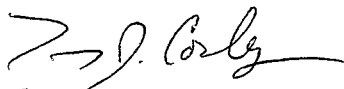
DATE: 5-19-2022

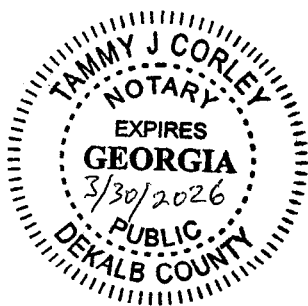
Applicant:
Signature



DATE: 5-19-2022

Applicant:
Signature

Notary Public: 
Tammy J. Corley



WRITTEN JUSTIFICATION

For a Variance from the Dekalb County Zoning Board of Appeals

Of

Louis G Poulin

For the property located at 2493 Kings Arms Dr Atlanta GA 30345

Parcel ID, 18 230 01 077

From section 27-2.2.1 for a Variance from the maximum allowed lot coverage of 35% to allow for a pool

Application submitted by John Saunders

Nationwide Building Permits Inc

691 John Wesley Dobbs Ave Unit W

Atlanta GA 30312

Phone (404) 287-6390

Permitconsulting@gmail.com

VARIANCE REQUEST AND CRITERIA

Variance Requested

Sections -7.2.2.1 of the Dekalb County Zoning Ordinance limits lot coverage in R-60 zoning district to no more than 35%. Section 27-7-9.1.3 defines lot coverage to be "that 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 patio set without grout, or pervious, permeable, or porous pavements shall be considered pervious." Impervious surfaces do not expressly include pool water but the County has an interpretation of the code used a policy that the pool surface shall be counted as impervious. The property owner requests a variance to allow for an increase to 37.92% impervious surface on the property

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 these standards for the granting of this variance.

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 of applicant, the strict application of requirements of this chapter would deprive the property owner of rights and privileges enjoyed by others in the same zoning district.

The subject property and its topography along with the placement of the home do not leave any other options for the placement of the pool. The shape of the lot in the rear yard is not ideal and limits the options for placement for the pool.

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 on other properties in the zoning district that the subject property is located.

The requested variance does not go beyond what is necessary to install a small 264 sf functional pool with minimal pool deck surface area.

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.

The Board of Appeals varying the requirements of the Zoning Ordinance with respect to the Applicants request will not be detrimental to the public welfare or the property and improvements in the zoning district. It can be argued that the proposed improvements by the Applicant serve the public interest by enhancing the value of nearby properties by allowing the applicant to install an attractive recreational amenity on the subject property. The subject property rear yard is completely enclosed and private with 6' high privacy fence around the entirety of the rear yard and the pool will not be visible to any of the surrounding property owners or have any negative impact. The property owner has presented the application details and proposed site plan to all neighboring property owners and has received letters of support from all the property owners identified on the parcel map exhibit identifying the surrounding property owner addresses.

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 undue and unnecessary hardship for the Property Owner. To limit the impervious surfaces on site to 35% would disallow this pool on the lot. The impervious limitations were implemented as a means to prevent increased storm water flows and the applicant has at significant expense added 4 flow wells on site to mitigate storm water issues. This should be taken into consideration and should negate any potential storm water runoff concerns.

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 implements many of the policies that are within the Zoning Ordinance (Section 27-1.1.3) and the text of the Countys comprehensive plan including the following excerpts from the Ordinance

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

In summary the proposed pool and the variance request are not inconsistent with the goals and objectives that the polices in the Zoning Ordinance and Comprehensive plan are intended to protect. Granting the applicants request will not substantially impair the Zoning ordinance. The variance being granted will have no detrimental effect on yeh surrounding community and will enhance the property and surrounding property values with an attractive amenity added to the subject property.

AS BUILT SURVEY

The field data upon which this plat is based has a closure precision of one foot in 15,000 feet and an angular error of 0.5 seconds per angle point and was adjusted using the Compass Rule. This plat has been calculated for closure and is found to be accurate within one foot in 100,000 feet.

Equipment used: Topcon GTS-213 Total Station.

FLOOD HAZARD STATEMENT

THIS PROPERTY IS NOT IN A FLOOD HAZARD AREA AS PER THE FIRM FLOOD HAZARD MAP OF DEKALB COUNTY, GEORGIA, COMMUNITY PANEL NUMBER 13069C 0057K, DATED 08/15/19

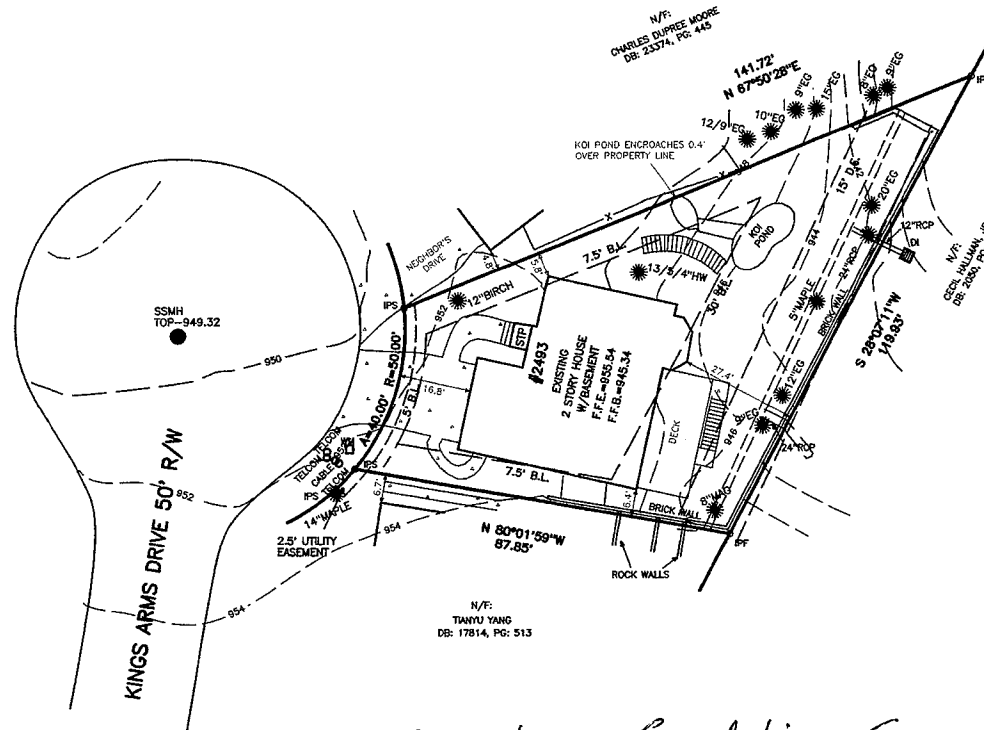
LOT AREA:

7023 sf.

0.161 ACRES

EXISTING LOT COVERAGE:

HOUSE = 1633 sf.
DRIVE = 314 sf.
DECK = 421 sf.
KOI POND = 201 sf.
SIDEWALK = 165 sf.
WALL = 129 sf.
STAIRCASE = 75 sf.
STOOP = 34 sf.
TOTAL = 2972 sf.
LOT COVERAGE = 42.32%



Existing Condition Survey

42, 32 % lot coverage

AS REQUIRED BY SUBSECTION (d) OF O.C.G.A. SECTION 15-6-67, THIS PLAT HAS BEEN PREPARED BY A LAND SURVEYOR AND APPROVED BY ALL APPLICABLE LOCAL JURISDICTIONS FOR RECORDING AS EVIDENCED BY APPROVAL CERTIFICATES, SIGNATURES, STAMPS, OR STATEMENTS HEREON. SUCH APPROVALS OR AFFIRMATIONS SHOULD BE CONFIRMED WITH THE APPROPRIATE GOVERNMENTAL BODIES BY ANY PURCHASER OR USER OF THIS PLAT AS TO INTENDED USE OF ANY PARCEL. FURTHERMORE, THE UNDERSIGNED LAND SURVEYOR CERTIFIES THAT THIS PLAT COMPLIES WITH THE MINIMUM TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN THE RULES AND REGULATIONS OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN O.C.G.A. SECTION 15-6-67.

ROBERT W. RICHARDSON, GA RLS #3419

07/06/21
DATE



20 10 0 20
GRAPHIC SCALE - 1"=20'

LEGEND

IPF = 1/2" REBAR FOUND
IPS = 1/2" REBAR PIN SET
LL = LAND LOT
LL.L = LAND LOT LINE
P.L = PROPERTY LINE
CL = CENTERLINE
B.L = BUILDING LINE
R/W = RIGHT-OF-WAY
S.S.E = SANITARY SEWER EASEMENT
D.E = DRAINAGE EASEMENT
MH = MANHOLE
C.B. = CATCH BASIN
J.B. = JUNCTION BOX
HW = HEADWALL
D.I. = DROP INLET
PP = POWER/UTILITY POLE
F.H. = FIRE HYDRANT
I.E. = INVERT ELEVATION
F.F.E. = FINISHED FLOOR ELEVATION
F.F.B. = FINISHED FLOOR BASEMENT
F.F.G. = FINISHED FLOOR GARAGE
BOC = BACK OF CURB
EP = EDGE OF PAVEMENT
N/F = NOW OR FORMERLY
P.O.B. = POINT OF BEGINNING
SS = SANITARY SEWER LINE/PIPE
X-X-X = FENCE LINE
-O- = FLOOD HAZARD ZONE LINE
-S- = STORM SEWER LINE/PIPE
-W- = WATER LINE
-G- = GAS LINE
CM = CONCRETE MONUMENT
C.E. = CONSTRUCTION EASEMENT
C&G = CURB AND GUTTER
LS = LIGHT STANDARD
OTF = OPEN TOP PIPE FOUND
CTP = CRIMP TOP PIPE FOUND

ALPHA LAND SERVICES
P.O. BOX 1651
LOGANVILLE, GA 30052
CONTACT: ROBERT RICHARDSON
OFF: 770.954.4254 EMAIL: ROBERT@ALPHALANDSURVEY.COM

SURVEY FOR:
2493 KINGS ARMS DRIVE
TAX PARCEL #18-230-01-077

LAND LOT: 230	LOT: 15	BLOCK:
DISTRICT: 18TH	SUB:	
DEKALB	COUNTY:	WOODS OF NORTHLAKE
GEORGIA		
FIELD DATE: 06/24/21	AREA = 0.160 ACRES	
PLAT DATE: 07/06/21	JOB No. 162066TT	

VARIANCE SITE PLAN FOR:

2493 KINGS ARMS DRIVE
TAX PARCEL #18-230-01-077

AND LOT: 230	LOT: 15. BLOCK:
TRACT: 18TH	SUB:
DEALB	WOODS OF NORTHLAKE
GEORGIA	COUNTY
ELD DATE: 06/24/21	AREA = 1.160 ACRES
EXP. DATE: 02/21/22	JOB #18-230-01-077





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Criteria 5.

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The proposed development implements many of the policies that are within the Zoning Ordinance (Section 27-1.1.3) and the text of the Countys comprehensive plan including the following excerpts from the Ordinance

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- 2) Protect stable neighborhoods from incompatible land development;*
- 3) To promote wise utilization of land;*
- 4) To facilitate the creation of a convenient, attractive, and harmonious community*

In summary the proposed pool and the variance request are not inconsistent with the goals and objectives that the polices in the Zoning Ordinance and Comprehensive plan are intended to protect. Granting the applicants request will not substantially impair the Zoning ordinance. The variance being granted will have no detrimental effect on yeh surrounding community and will enhance the property and surrounding property values with an attractive amenity added to the subject property.

To: Dekalb County Zoning Board

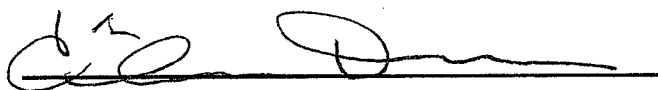
Date: 5-01-2022

Ref: Poulin property

I Charles Dufour am the property owner residing at 2497 Kings Arms Dr NE Atlanta. My property line borders the subject property at 2493 Kings Arms Dr..

I have reviewed the Dekalb County Zoning Board of Appeals application details and proposed site plan for the addition of a pool to Mr. Poulin's property.

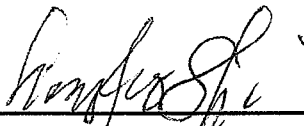
I have no opposition to the application, and I am in support of Mr. Poulin's request for relief from the impervious surface limits to allow for the installation of a pool in his rear yard



To: Dekalb County Zoning Board

Date: 5-1-2022

Ref: Poulin property

I  am the property owner
residing at 2489 KINGS ARMS DR NE ATLANTA.
My property line borders the subject property at
2493 Kings Arms Dr..

I have reviewed the Dekalb County Zoning Board of
Appeals application details and proposed site plan
for the addition of a pool to Mr. Poulin's property.

I have no opposition to the application, and I am in
support of Mr. Poulin's request for relief from the
impervious surface limits to allow for the installation
of a pool in his rear yard



To: Dekalb County Zoning Board

Date: 5-01-2022

Ref: Poulin property

I CECIL HALLMAN am the property owner
residing at 2504 LESLIE RD NE Atlanta 30345.
My property line borders the subject property at
2493 Kings Arms Dr..

I have reviewed the Dekalb County Zoning Board of
Appeals application details and proposed site plan
for the addition of a pool to Mr. Poulin's property.

I have no opposition to the application, and I am in
support of Mr. Poulin's request for relief from the
impervious surface limits to allow for the installation
of a pool in his rear yard

Cecil Hallman

REV 12/84

DEKALB COUNTY
BOARD OF COMMISSIONERSITEM NO. - 3

ZONING AGENDA/MINUTES

PREL.	___
ACTION	___
PUB.HRG.	<u>x</u>

MEETING DATE February 25, 1986

RESOLUTION	___
ORDINANCE	<u>x</u>
PROCLAMATION	___

SUBJECT: Deferred Rezoning Application - Kingscliff Development Company

DEPARTMENT: Planning

PUBLIC HEARING: x Yes ___ NoATTACHMENT: x Yes ___ No 6 pp
 INFORMATION CONTACT: Mac Baggett ^{inv.} or Charles Coleman
 PHONE NUMBER: 371-2155

Deferred from 1/28/86 zoning hearing

PURPOSE: Z-86022 - To consider the application of Kingscliff Development Comp to rezone property located on the northwest side of Henderson Mill Road, approximately 635' southwest of Leslie Drive, from R-100 to R-A8.

DISTRICT: x 1. ___ 2. ___ 3. ___ 4. ___ 5. ___ N/

SUBJECT PROPERTY: 18-230-1-34, 38 & pt. 4; 18-231-10-12 (0000 Henderson Mill Road). The property has frontage of 205' on Henderson Mill Road, 30' on Kingscliff Way, 64' on Leslie Drive and contains 29.7 acres.

RECOMMENDATION(s): PLANNING DEPARTMENT: Approval of R-50 with conditions. The application for R-A8 is incompatible with area uses and exceeds the density of all adjoining developments. If rezoning is considered, it should be to the R- district and incorporate conditions which are applied to the adjoining subdivision. Staff recommends approval of R-50 with the following conditions:

1. Maximum density of 5 units per acre.
2. Minimum floor area of 2,000 square feet.
3. A two-car garage per unit.
4. Exteriors to have at least 75% brick.

PLANNING COMMISSION: Approval of R-CH with conditions 2. through 4. recommended by Planning Department.

COMMUNITY COUNCIL: Denial.

*Approved on staff
2/25/86*

REV. 12/84

DEKALB COUNTY
BOARD OF COMMISSIONERS

ZONING AGENDA/MINUTES

ITEM NO. _____

PREL.	_____
ACTION	_____
PUB. HRG.	<u>X</u>

MEETING DATE February 25, 1986

RESOLUTION	_____
ORDINANCE	<u>X</u>
PROCLAMATION	_____

SUBJECT: Deferred Rezoning Application - Kingscliff Development Company

DEPARTMENT: Planning

PUBLIC HEARING: X Yes _____ No

ATTACHMENT: X Yes _____ No 6 pp

INFORMATION CONTACT: Mac Baggett or Charles Coleman
PHONE NUMBER: 371-2155 *cc*

Deferred from 1/28/86 zoning hearing

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DISTRICT: X 1. _____ 2. _____ 3. _____ 4. _____ 5. _____ N/A

SUBJECT PROPERTY: 18-230-1-34, 38 & pt. 4; 18-231-10-12 (0000 Henderson Mill Road). The property has frontage of 205' on Henderson Mill Road, 30' on Kingscliff Way, 64' on Leslie Drive and contains 29.7 acres.

RECOMMENDATION(s): PLANNING DEPARTMENT: Approval of R-50 with conditions. The application for R-A8 is incompatible with area uses and exceeds the density of all adjoining developments. If rezoning is considered, it should be to the R-50 district and incorporate conditions which are applied to the adjoining subdivision. Staff recommends approval of R-50 with the following conditions:

1. Maximum density of 5 units per acre.
2. Minimum floor area of 2,000 square feet.
3. A two-car garage per unit.
4. Exteriors to have at least 75% brick.
5. 0' side line & 15' bldg. separation.

PLANNING COMMISSION: Approval of R-CH with conditions 2. through 4. recommended by Planning Department.

COMMUNITY COUNCIL: Denial.

Z-86022
R-100 TO R-A8

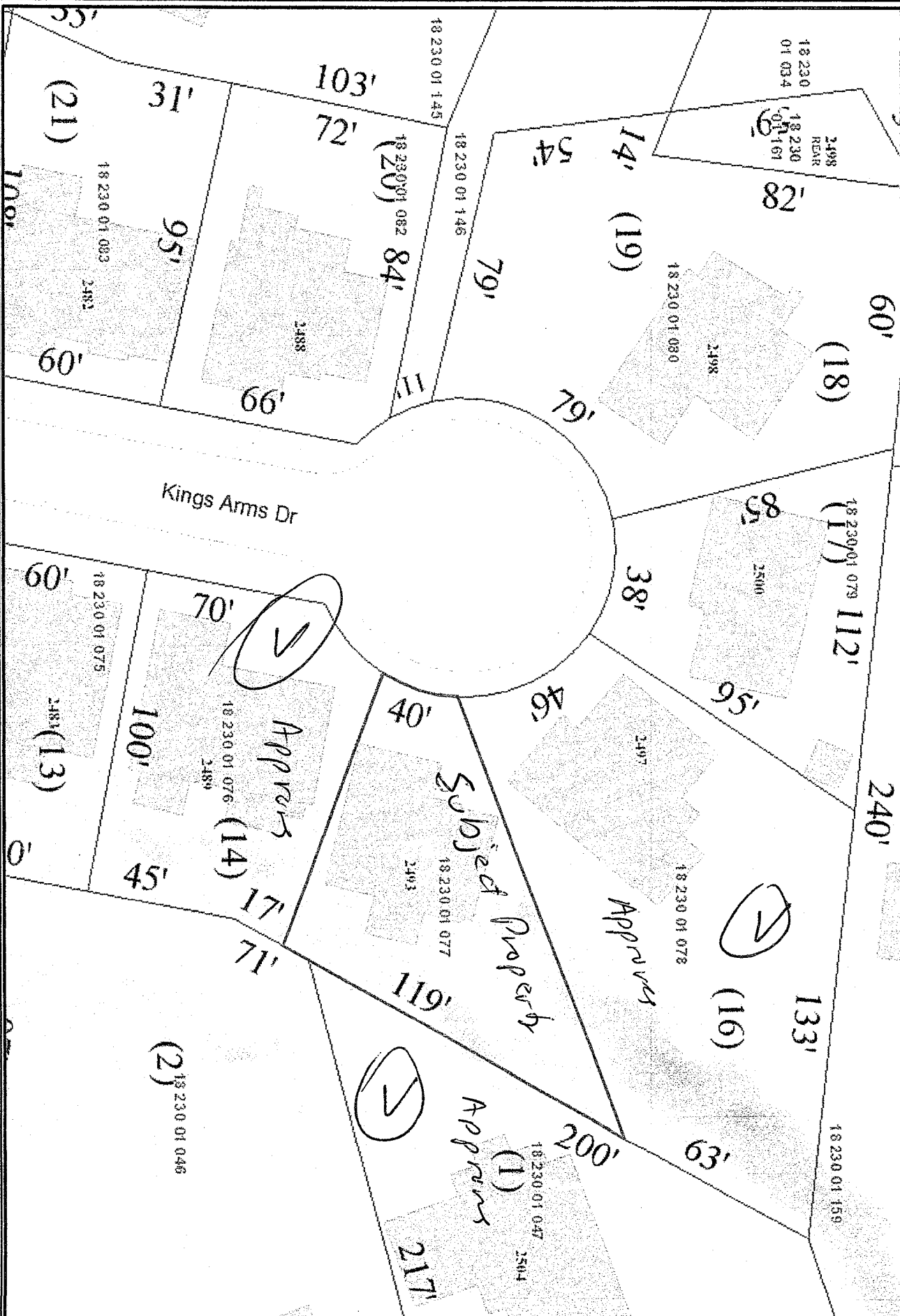


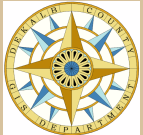
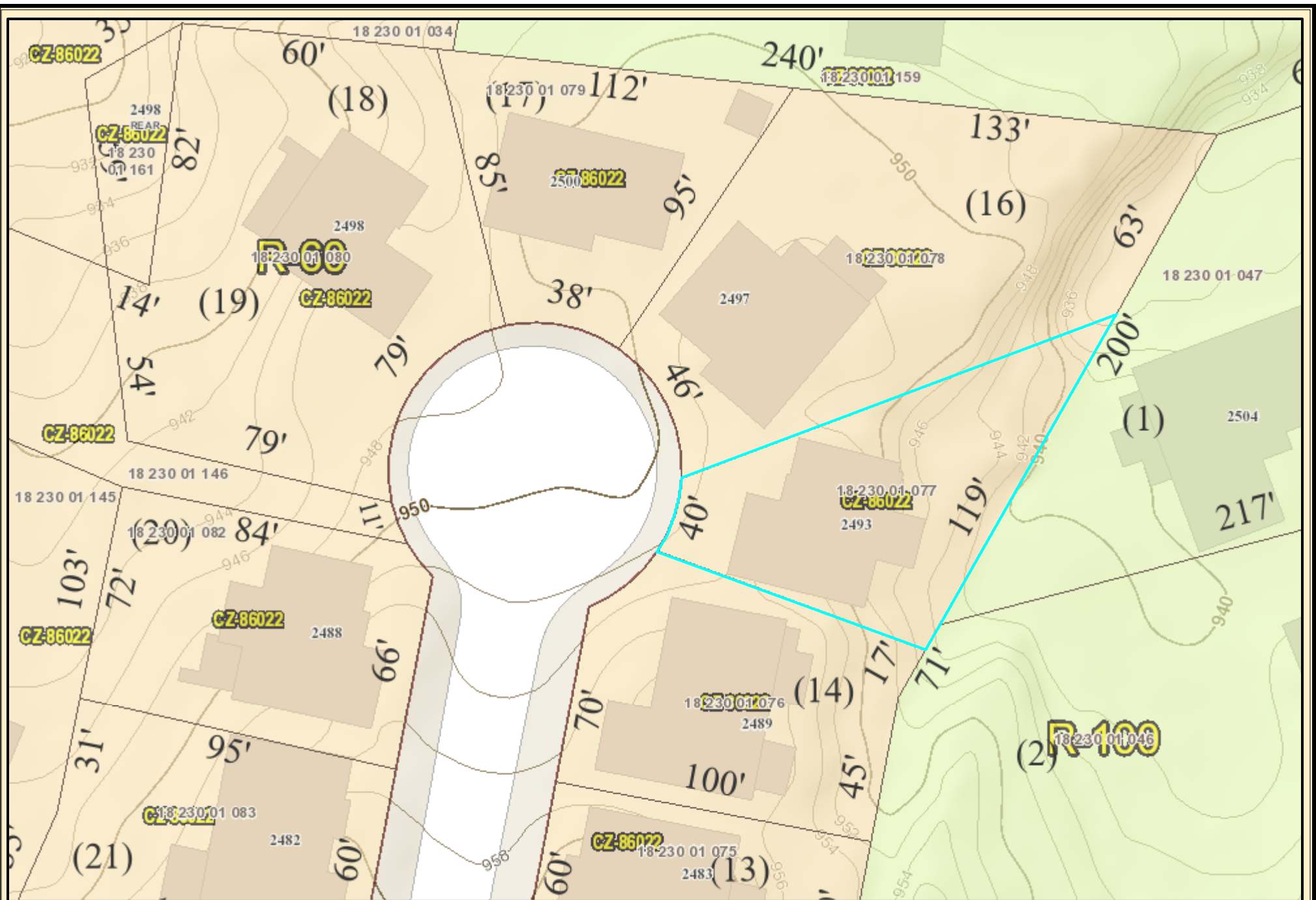
Dekalb County Parcel Map

0.000225 0.00046 0.009 0.0135 0.018
Date Printed: 4/28/2022



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. Users of the GIS shall acknowledge that Dekalb County is not responsible for any special, incidental or consequential damages, including, without limitation, any loss of data, or any other damages, arising from the use of the GIS. The maps and data are not suitable for site-specific decision-making nor should they be construed or used as a legal description. The maps and data are approximate, and are not necessarily accurate to survey or engineering standards.





DeKalb County Parcel Map

0 0.00225 0.0045 0.009 0.0135 0.018
mi

Date Printed: 6/7/2022



DeKalb County GIS Disclaimer

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