



Michael L. Thurmond  
Chief Executive Officer

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

**Wednesday, November 9<sup>th</sup>, 2022, at 1:00 PM**

**Planning Department Staff Analysis**



Andrew Baker, AICP  
Director

**N8. Case No: A-22-1246136 Parcel ID(s): 15-031-11-005**

**Commission District 05 Super District 07**

**Applicant:** Brittany Reed / Tallman Pools  
8993 Tara Boulevard  
Jonesboro, Georgia 30236

**Owner:** Danny & Carolyn Harris  
4663 Mossey Drive  
Lithonia, Georgia 30038

**Project Name:** 4663 Mossey Drive – Pool & Pool Deck

**Location:** The property has approximately 100 feet of street frontage and is located in a cul-de-sac on the north side of Mossey Drive and abuts up to Dogwood Farm Road.

**Request:** Variance from Section 27-2.2 and 5.1.10 to increase the maximum lot coverage to install a pool within an R-100 (Residential Medium Lot-100) zoning district.

**Staff Recommendation:** Denial.

## **STAFF FINDINGS:**

### **Variance Analysis:**

The applicant is proposing to install a pool, pool deck, and pool equipment area increasing the permitted lot coverage by 4%. The current lot coverage is 35% and the installation of the pool, pool deck, and pad will increase the lot coverage to 39%, above the maximum 35% in an R-100 (Residential Medium Lot-100) Zoning District.

**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.**

The subject property is located within an R-100 Zoning District and meets the size and shape requirements of the district. The site plan does not present any exceptional site conditions or constraints at the subject property. The applicant states in their letter of intent the extent of their existing impervious surfaces between the house (described as "Main Area"), walkways, shed, and driveway totals 5,774 square feet. The pool, pool deck, and pool equipment pad will increase the lot coverage to 5,865 square feet. The applicant specified using pervious/permeable materials for the pool deck and removing some walkways. After reviewing the site plan dated 04/28/2022, there appears to be more options to reduce the impervious surfaces by using pavers in the remaining walkways, incorporating a green strip in the driveway, or using other pervious hardscaping materials. Additionally, Staff has viewed the area surrounding the subject property to see if any nearby properties had pools or may be surpassing the 35% maximum lot coverage. No pools were found in the direct neighborhood surrounding the 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.

**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 go beyond the minimum necessary to afford relief. When reviewing the site plan, the driveway and walkways contribute substantially to the impervious surface of the subject property. The rear walkway and driveway could be replaced with a pervious materials or, if partially removed, the applicant may be able to comply with the 35% maximum lot coverage or request a smaller increase in lot coverage. Similarly, the proposed pool equipment area could reflect similar changes – replaced with pervious materials or removed.

**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:**

Granting the variance may not be materially detrimental to the public welfare or injurious to the property or improvements in the zoning district. However, indirectly, stormwater run-off may be a concern for adjacent properties.

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

The strict application of the provisions and requirements of this chapter may not cause an undue and unnecessary hardship. There are no site-specific constraints to development and there appears to be a few options to either partially remove *more* impervious surfaces, specifically the rear walkways or driveway, replace existing and/or proposed impervious surfaces with pervious surfaces, and reduce or remove the pool equipment pad or make it a pervious surface. These potential options may allow the applicant to install a pool while complying with the maximum 35% lot coverage or reduce the requested 39% lot coverage.

**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 be inconsistent with this intent.

**FINAL STAFF ANALYSIS:**

There does not appear to be any exceptional, site-specific conditions that would support the granting of this variance. In addition, there appears to be other potential options to explore before increasing the lot coverage. Additionally, this request may go beyond the minimum necessary to afford relief and therefore, Staff recommends denial of this application.



**RECEIVED**

By Rachel Bragg at 3:29 pm, Sep 27, 2022

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)**

Applicant and/or  
Authorized Representative Brittany Reed w/ Tailman Pools BOA No. \_\_\_\_\_  
Mailing Address: 8993 Tara Blvd  
City/State/Zip Code: Jonesboro Ga 30236  
Email: permits@tailmanpools.com  
Telephone Home: 7703145655 Business: 7704782257

**OWNER OF RECORD OF SUBJECT PROPERTY**

Owner: Danny + Carolyn Harris  
Address (Mailing): 4663 Mossey Drive Lithonia Ga 30038  
Email: Giddyup42801@gmail.com  
Telephone Home: 7705931009 Business: \_\_\_\_\_

**ADDRESS/LOCATION OF SUBJECT PROPERTY**

Address: 4663 Mossey Dr. City: Lithonia State: Ga Zip: 30038  
District(s): 15<sup>th</sup> Land Lot(s): 31,32 Block: \_\_\_\_\_ Parcel: 150311005  
Zoning Classification: R-100 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.)
- ☐ **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: \_\_\_\_\_





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: 9/6/2022

Applicant/Agent:  
Signature

B. Deed

TO WHOM IT MAY CONCERN:

→ (I) (WE) Danny & Carolyn Harris  
(Name of Owners)

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

[Signature]  
Notary Public

[Signature]  
Notary Public

[Signature]  
Notary Public



Carolyn Harris  
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: 9/6/2022

Applicant  
Signature

Danny Harris ←

→ DATE: 9/6/2022

Applicant  
Signature

Carolyn Harris ←



## **LETTER OF INTENT**

September 19, 2022

RE: Proposed Pool Addition  
4663 Mossey Drive (*Parcel #15 031 11 005*)  
Lithonia, Dekalb County, Georgia 30038  
Dogwood Cove Subdivision

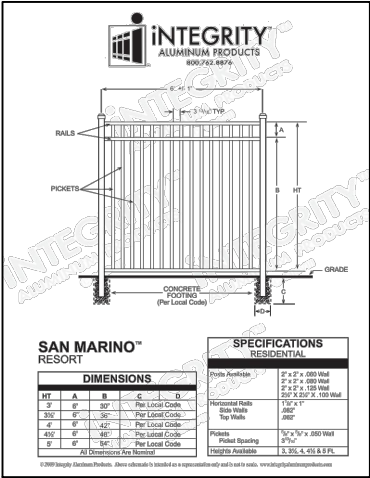
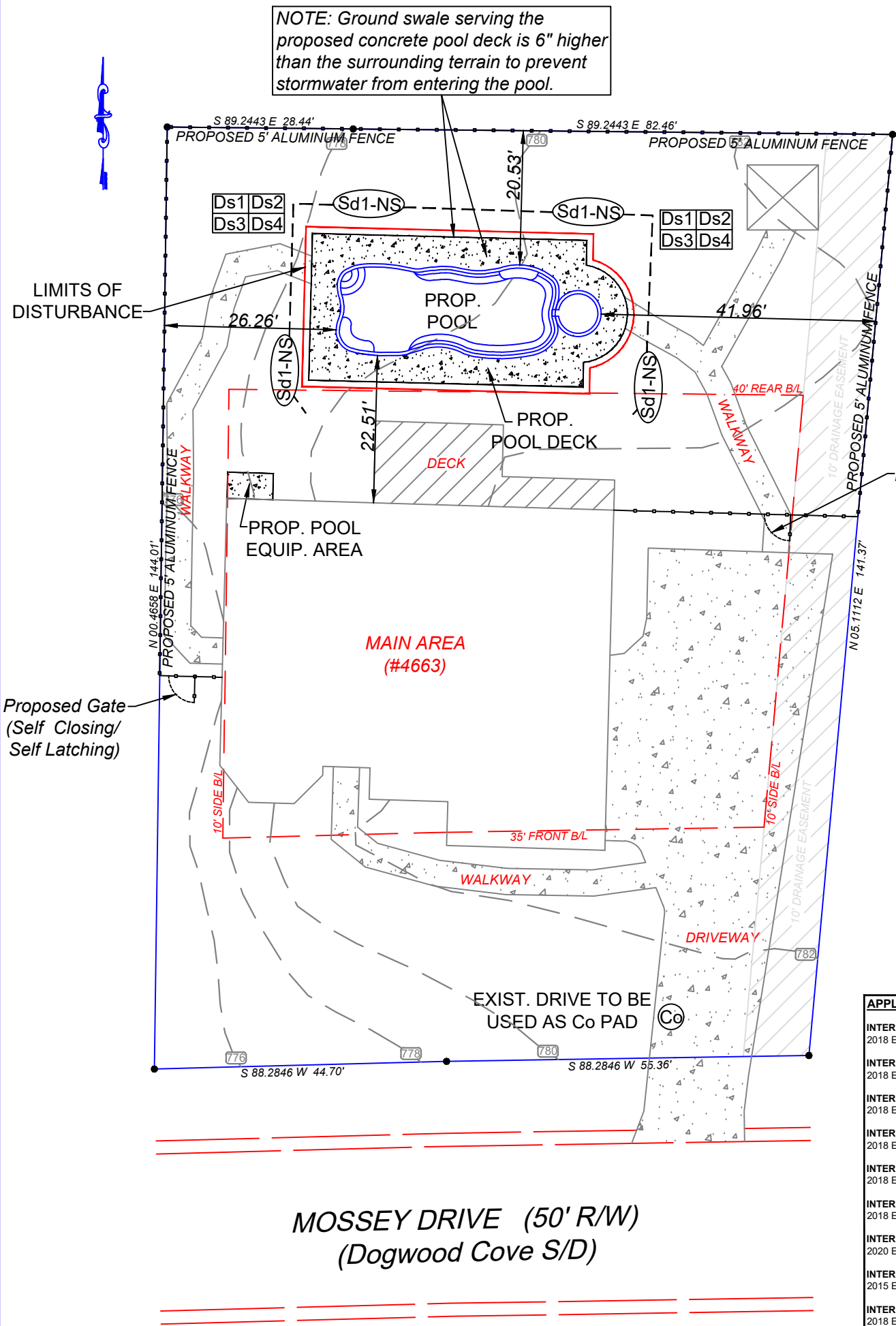
Dekalb County Board of Zoning Appeals,

My name is Carolyn Harris and I am submitting this letter of intent to explain my need for a Lot Coverage Variance. My property is zoned R100, Single-Family Residential.

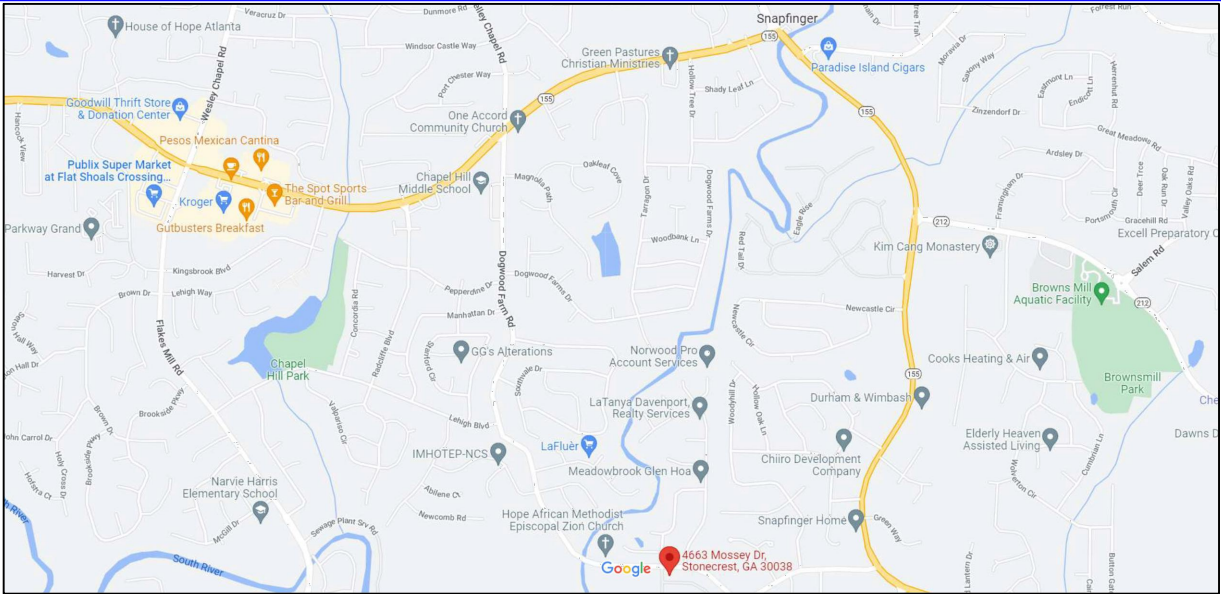
As per Section 27-5.1.10 Maximum Lot Coverage, I am requesting a variance in maximum lot coverage from thirty-five (35) percent to thirty-nine (39) percent for the installation of my proposed pool and pool deck. Due to the size of my existing home and all other related measures associated with it, such as the driveway, walkways and an existing shed, the impervious measurements associated with my proposed pool and pool deck causes the value for lot coverage to exceed the maximum allowable for this zoning district. In an effort to minimize the lot coverage value, the proposed pool deck will be constructed using pervious/permeable pavers. Yet, in doing so, this still pushes me over the limit for lot coverage. This hardship prohibits me from being able to install, what I would consider to be, a pool that would complement my home and the neighborhood in which I reside. Therefore, I am respectfully requesting your approval to my variance, which will permit me to be able to have my pool installed as designed. It is my intent to make sure that the installation of my proposed pool and everything associated with it complies with Dekalb County's development and construction related guidelines and requirements.

Your consideration of my request would be greatly appreciated.

Sincerely,  
**Carolyn Harris**  
4663 Mossey Drive  
Lithonia, Georgia 30038



Pool Safety Magna Latch Gate Latch N346-210, Top Pull Child Proof Gate Latch for Pool Gates or Fence Latches by National Hardware, Black  
Visit the National Hardware Store  
★★★★★ 97 ratings



#### GENERAL NOTES

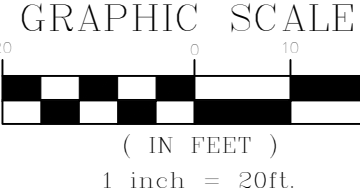
- Owner: Danny & Carolyn Harris; 4663 Mossey Drive; Lithonia, Dekalb County, Georgia
  - Tax Parcel ID#(s): 15 031 11 005
  - Zoning: R-100, Single-Family Residential
  - Setbacks: Front (35ft.), Rear (40ft.), Sides (10ft.)
  - All linear distances depicted on this site plan shall be horizontal.
  - This site plan is for pool permitting purposes only.
- Lot Coverage Calculations**
- | Item                    | Area (sf) | Area (Acres) |
|-------------------------|-----------|--------------|
| Total Lot Area          | 15,011    | 0.34         |
| Exist. Impervious Area* | 5,774     | 0.13         |
| Exist. Walkway Removal  | -365      | -0.01        |
| Prop. Pool Area         | 428       | 0.01         |
| Prop. Pool Equip.       | 28        | 0.00         |
| Prop. Lot Coverage      | 5,865     | 0.39         |
- \*Note - Proposed Pool Deck is to be constructed using Pervious/Permeable Pavers occupying an area of approximately 538 sf. around the perimeter of the proposed pool.
- Boundary data used for this Site Plan was obtained from information provided on the Dogwood Cove Final Plat, recorded in Plat Book 147, Page 3 in Dekalb County. Tallman Pools and/or the Site Plan Designer assumes no liability for information taken from Dekalb County records and the location of existing structures.
  - Topographic information shown hereon was obtained from Dekalb County GIS.
  - Lot is served by public sanitary sewer.
  - According to the F.I.R.M. of Dekalb County, Panel Number 13089C0162J, dated May 16, 2013, this lot IS NOT located in a Special Flood Hazard Area.
  - Where the existing runoff leaves site in a sheet flow condition, runoff shall also leave site in a sheet flow condition after construction. Proposed improvements are not to be altered in a manner which will cause any adverse affects to adjacent properties.
  - Contractor is to provide five (5) percent slope away from house for drainage purposes.
  - Contractor is to maintain erosion control only.
  - Contractor shall verify all conditions and dimensions before beginning construction. Any discrepancies shall be reported to the civil designer for justification and/or correction before proceeding with the work. Contractor is to assume responsibility for discrepancies which are not reported. All dimensions should be calculated or read.
  - The Contractor shall coordinate any and all utility relocation with the appropriate utility company prior to the start of any utility work.
  - A copy of this plan is to be kept on site during the duration of the project.
  - Proposed Pool Deck is to be a minimum of six (6) inches higher than the surrounding terrain and is to maintain a quarter-inch per foot slope away from pool lip/edge to prevent stormwater from draining into the pool.
  - No trees are impacted with the proposed pool installation project.

#### APPLICABLE BUILDING CODES:

- INTERNATIONAL BUILDING CODE**  
2018 EDITION, WITH GEORGIA AMENDMENTS (2020) - EFFECTIVE JANUARY 1, 2020
- INTERNATIONAL RESIDENTIAL CODE**  
2018 EDITION, WITH GEORGIA AMENDMENTS (2020) - EFFECTIVE JANUARY 1, 2020
- INTERNATIONAL FIRE CODE**  
2018 EDITION, WITH GEORGIA AMENDMENTS (2020) - EFFECTIVE JANUARY 1, 2020
- INTERNATIONAL PLUMBING CODE**  
2018 EDITION, WITH GEORGIA AMENDMENTS (2020) - EFFECTIVE JANUARY 1, 2020
- INTERNATIONAL MECHANICAL CODE**  
2018 EDITION, WITH GEORGIA AMENDMENTS (2020) - EFFECTIVE JANUARY 1, 2020
- INTERNATIONAL FUEL GAS CODE**  
2018 EDITION, WITH GEORGIA AMENDMENTS (2020) - EFFECTIVE JANUARY 1, 2020
- INTERNATIONAL ELECTRICAL CODE**  
2020 EDITION, WITH NO GEORGIA AMENDMENTS - EFFECTIVE JANUARY 1, 2018
- INTERNATIONAL ENERGY CONSERVATION CODE**  
2015 EDITION, WITH GEORGIA SUPPLEMENTS AND AMENDMENTS (2020) - EFFECTIVE JANUARY 1, 2020
- INTERNATIONAL SWIMMING POOL AND SPA CODE**  
2018 EDITION, WITH GEORGIA AMENDMENTS (2020) - EFFECTIVE JANUARY 1, 2020
- NFPA**  
LIFE SAFETY CODE 2018 EDITION WITH STATE AMENDMENTS (2020) - EFFECTIVE JANUARY 1, 2020



**24-Hour Contact**  
Michele Wilson, (770) 478-2257



the kellee group

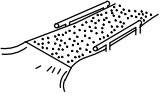
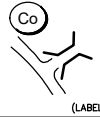



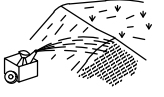

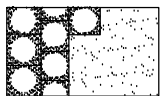
65 Green Valley Circle ~ McDonough, Georgia 30252  
(770) 560-9488 (p) ~ thekelleegroup@gmail.com (e)


No.	Date	Revision
1.	8-18-22	Revised per Dekalb County comments.

Proposed Pool Location Plan For  
**4663 Mossey Drive**  
*Dogwood Cove S/D*  
Land Lots 31,32 of the 15th District  
Lithonia, Dekalb County, Georgia

DATE	April 28, 2022
SCALE	1" = 20'
SHEET NUMBER	1



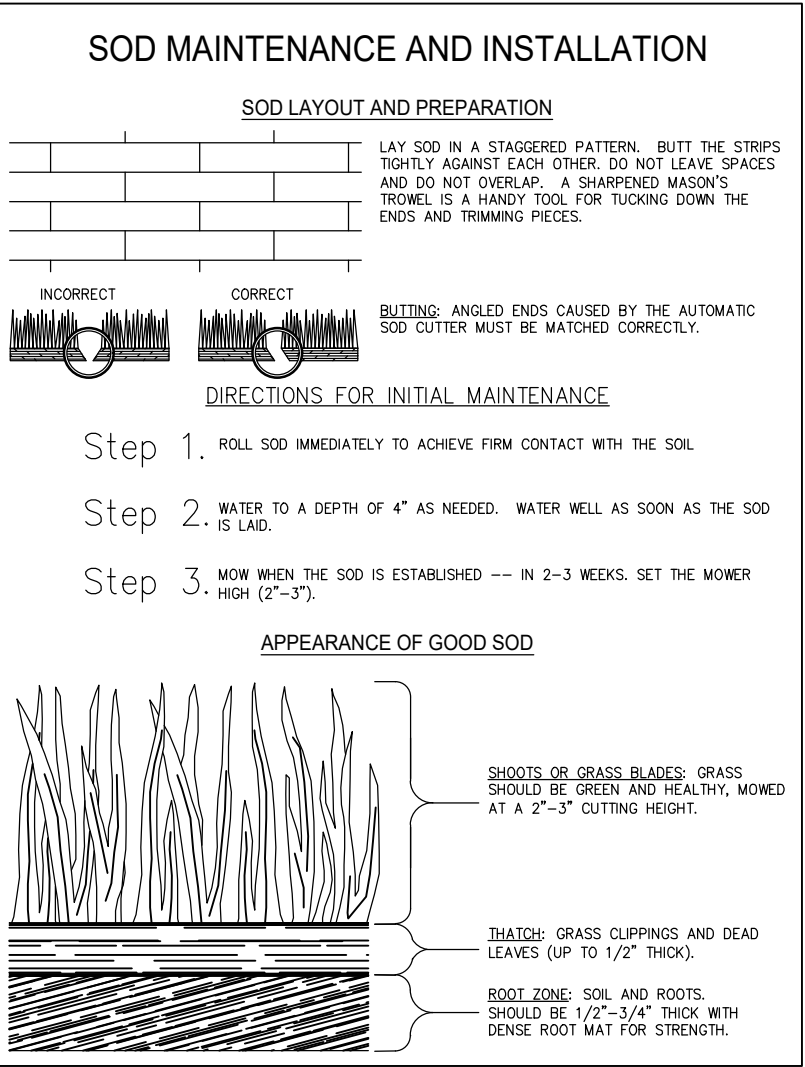
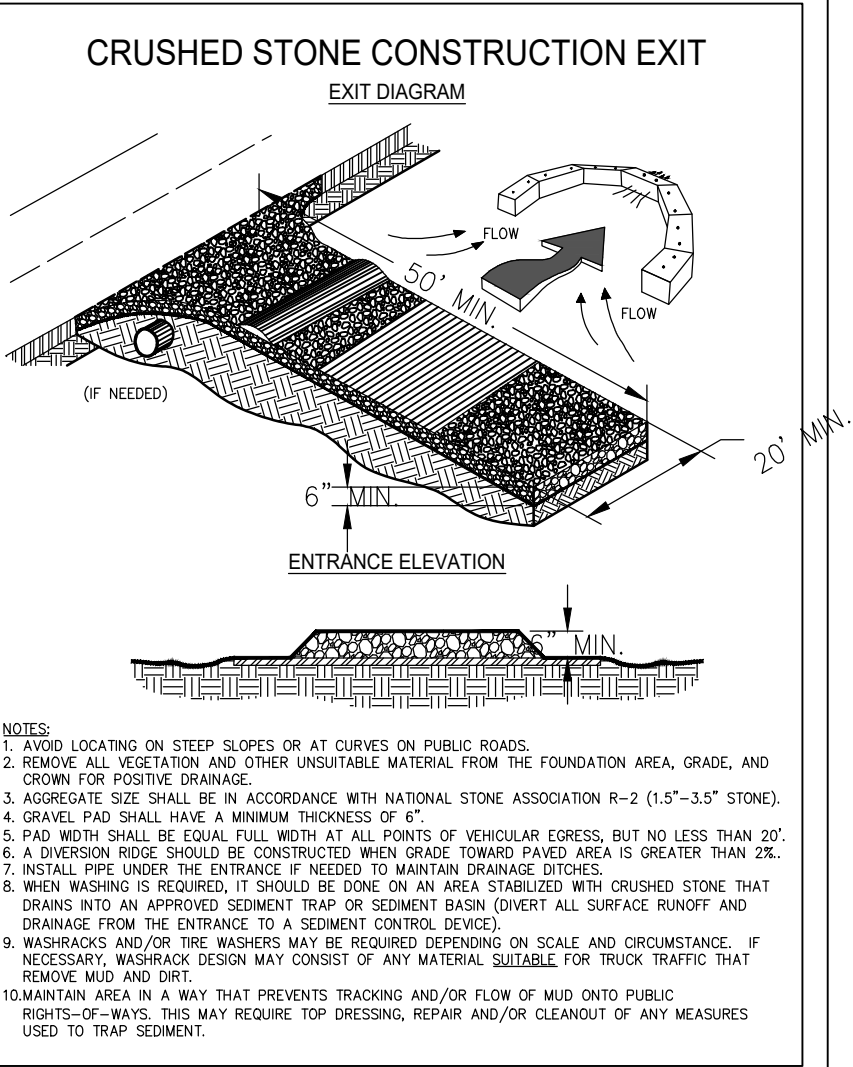
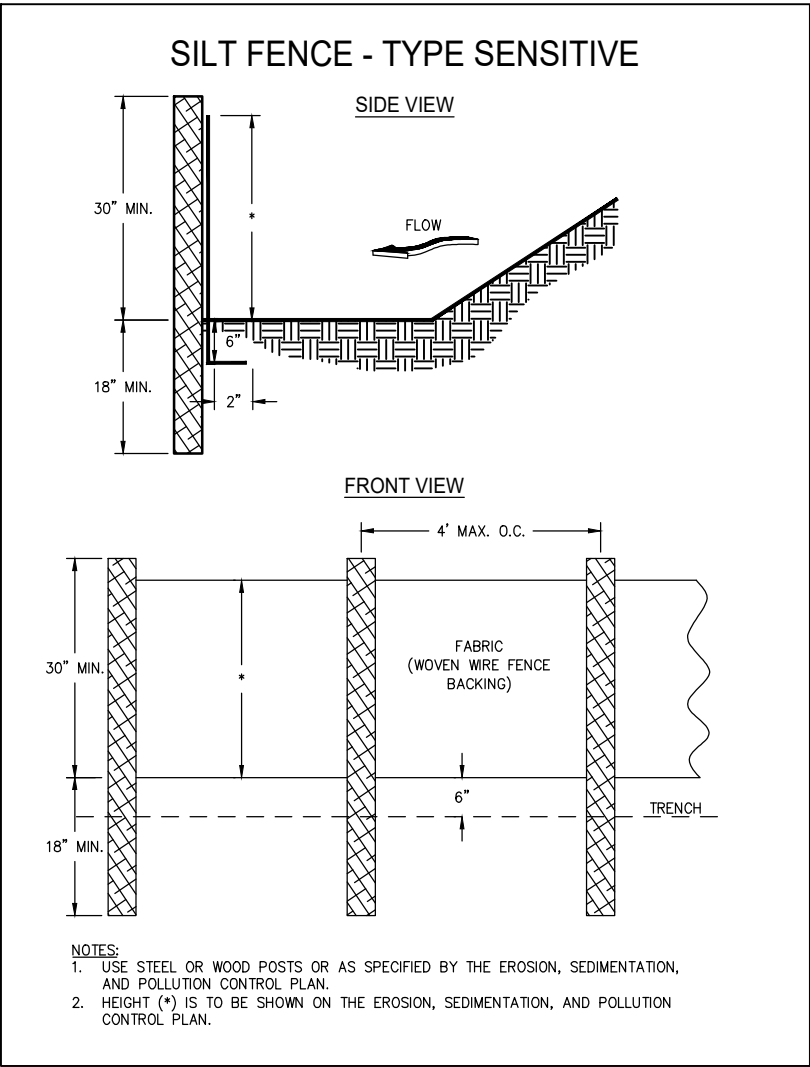
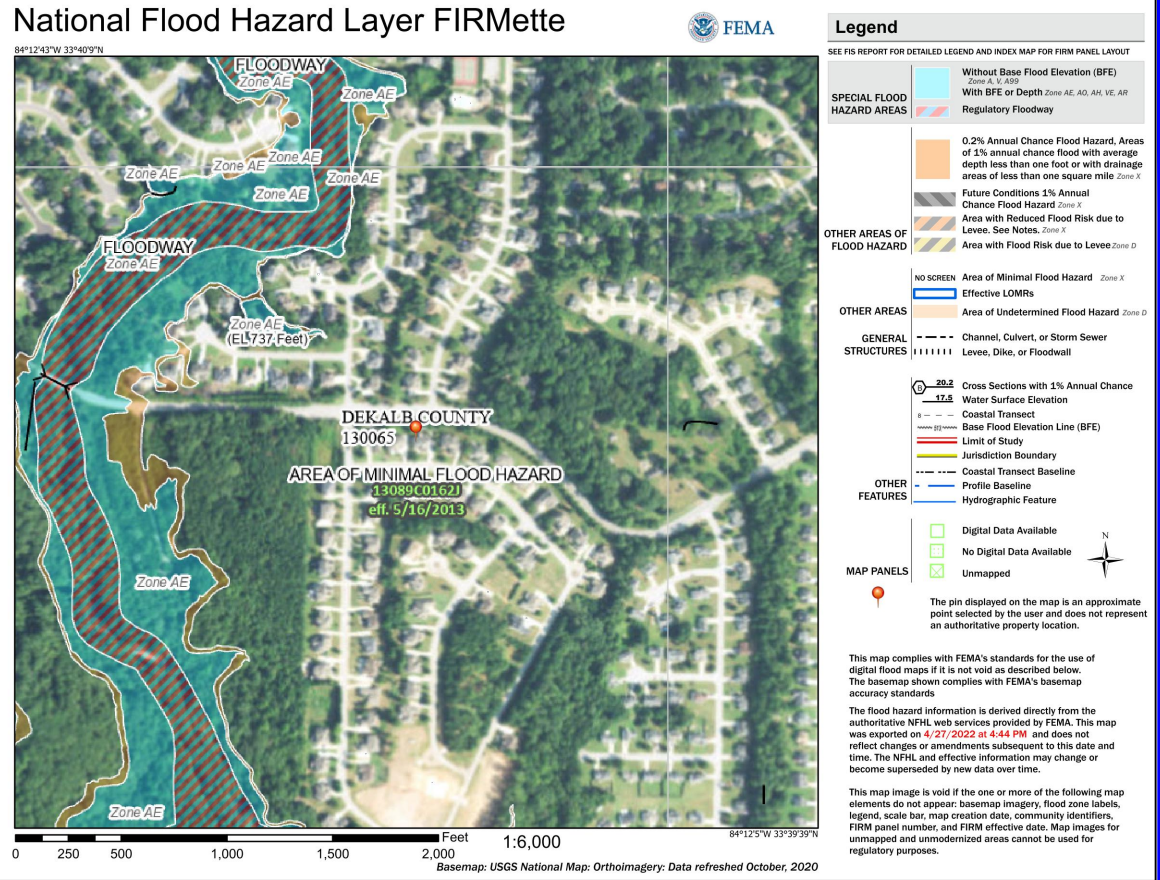
Co	CONSTRUCTION EXIT		 (LABEL)	A crushed stone pad located at the construction site exit to provide a place for removing mud from tires thereby protecting public streets.
Sd1	SEDIMENT BARRIER		 (INDICATE TYPE)	A barrier to prevent sediment from leaving the construction site. It may be sandbags, bales of straw or hay, brush, logs and poles, gravel, or a silt fence.
Ds1	DISTURBED AREA STABILIZATION (WITH MULCHING ONLY)		Ds1	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 TEMP SEEDING)		Ds2	Establishing a temporary vegetative cover with fast growing seedlings on disturbed areas.
Ds3	DISTURBED AREA STABILIZATION (WITH PERM SEEDING)		Ds3	Establishing a permanent vegetative cover such as trees, shrubs, vines, grasses, or legumes on disturbed areas.
Ds4	DISTURBED AREA STABILIZATION (SODDING)		Ds4	A permanent vegetative cover using sods on highly erodable or critically eroded lands.



**Tallman Pools**  
Manufacturer of Custom One-Piece Fiberglass Pools

8993 Tara Boulevard ~ Jonesboro, Georgia 30236  
(770) 478-2257 (p) ~ permits@tallmanpools.com (e)

**24-Hour Contact**  
Michele Wilson, (770) 478-2257



**the kellee group**

65 Green Valley Circle ~ McDonough, Georgia 30252  
(770) 560-9488 (p) ~ thekelleegroup@gmail.com (e)

No.	Date	Revision

Proposed Pool Location Plan For

**4663 Mossey Drive**

*Dogwood Cove S/D*

Land Lots 31,32 of the 15th District

Lithonia, Dekalb County, Georgia

DATE
April 28, 2022

SCALE
Not To Scale

SHEET NUMBER
2

