



Michael L. Thurmond
Chief Executive Officer

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

Wednesday, November 9th, 2022, at 1:00 PM

Planning Department Staff Analysis



Andrew Baker, AICP
Director

N9. Case No: A-22-1246137 Parcel ID(s): 16-030-01-045

Commission District 05 Super District 07

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

Owner: Michele Lyons
5021 Golfbrook Drive
Stone Mountain, GA 30088

Project Name: 5021 Golfbrook Drive – Pool in the front yard

Location: The property has approximately 100 feet of street frontage and is the last house located in a cul-de-sac on the south side of Golfbrook Drive, approximately 1,630 feet south of River Road.

Request: Variance from Section 27-2.2 and 4.2.2 to allow an accessory structure (pool) to be located within the front yard and to reduce the front and side yard setbacks within an R-100 (Residential Medium Lot-100) Zoning District.

Staff Recommendation: 30-Day Deferral.

The site plan submitted to staff dated 09/27/2022 shows the incorrect front yard, as it relates to Section 5.1.4 of the Dekalb County Zoning Ordinance, "On corner lots, the lot frontage with the shortest distance to a public right-of-way (or more narrow side of the lot) shall be designated as the front yard, and development shall comply with front yard building setback requirements of the zoning district in which the lot is located." Once the front of a corner lot is determined, the remaining side adjacent to a street is the side corner yard. Therefore, the application request is incorrect for a front and rear yard setback variance.

The site plan shows what should be the front yard as the side yard, the side yard as the front yard, and the rear yard as the side yard. The applicants request is for an accessory structure(s) (pool, pool deck, and equipment pad) to be in the front yard of the property, not in the side yard as described in the letter of intent and displayed in the site plan.

Secondly, as a *corner lot* in an R-100 Zoning district, setbacks are as follows: 35-feet front yard setback, 35-feet side yard setback, and 40-feet for the rear yard setback. The applicant has requested a variance to encroach into the setbacks, given that the setbacks on the site plan are incorrect, staff does not have a recommendation. However, as shown on the site plan, the proposed pool is encroaching approximately 10-feet into the **front yard setback**, and the deck is encroaching approximately 15-feet into the **front yard setback**.

Furthermore, there is a pre-existing 6-foot wooden privacy fence located in the front yard, where the applicant has also proposed the pool. Front yard fences are permitted but shall not exceed the maximum of 4 feet. An approval of this variance would be furthering the non-conformance of the subject property. Therefore, staff recommends a 30-day deferral of this application so that the applicant to make the necessary corrections to their site plan and request.

STAFF FINDINGS:

Variance Analysis:

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.

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:

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:

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

FINAL STAFF ANALYSIS:

RECEIVED

By Howard Johnson at 4:16 pm, Oct 06, 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/ Tallman Pools BOA No. _____
Mailing Address: 8993 Tara Blvd
City/State/Zip Code: Jonesboro GA 30236
Email: Permits@tallmanpools.com
Telephone Home: 7703145655 Business: 770-4782257

OWNER OF RECORD OF SUBJECT PROPERTY

Owner: Michele Lyons
Address (Mailing): 5021 Golfbrook Drive Stone mtn 30088
Email: micheleannlyons@gmail.com
Telephone Home: 770-864-8986 Business: _____

ADDRESS/LOCATION OF SUBJECT PROPERTY

Address: 5021 Golfbrook City: Stone mtn State: Ga Zip: 30088
District(s): 16 Land Lot(s): 30 Block: _____ Parcel: 1603001045
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: _____

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: 8-25-22

Applicant/Agent:
Signature

Michelle A Lyons

TO WHOM IT MAY CONCERN:

(I)/ (WE) Michelle A Lyons & Jerri Washington
(Name of Owners)

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

[Signature]
Notary Public

[Signature]
Notary Public



Michelle A Lyons
Owner

Jerri Washington
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: 8-25-22

DATE: 8/25/22

Applicant:
Signature

Applicant:
Signature

Mickie A Lyons

Jerry Washington

LETTER OF INTENT

October 6, 2022

RE: Proposed Pool Addition
5021 Golfbrook Drive (*Parcel #16 030 01 045*)
Stone Mountain, Dekalb County, Georgia 30088
Hidden Hills Subdivision

Dekalb County Board of Zoning Appeals,

My name is Michele Lyons and I am submitting this letter of intent to explain my need for a front and rear yard setback variance. My property is zoned R100, Single-Family Residential. As per Section 27-2.2, I am requesting a variance for the front and rear yard setback limits, which will allow me the ability to have my pool, along with its related accessories, installed. The new location for the proposed pool already has an existing six (6) foot privacy fence in place, which will prohibit the pool from being visible from the street. My home sits on the last lot which is adjacent to the cul-de-sac on my street. And when the required setbacks for this development are applied to my lot, this creates a hardship for me. This hardship prohibits me from being able to install or have any accessory structures added to my property, especially in the front, rear and/or side yards of my home, without obtaining a variance. The configuration and the size of my lot presents this hardship which prohibits me from being able to add this pool to my property.

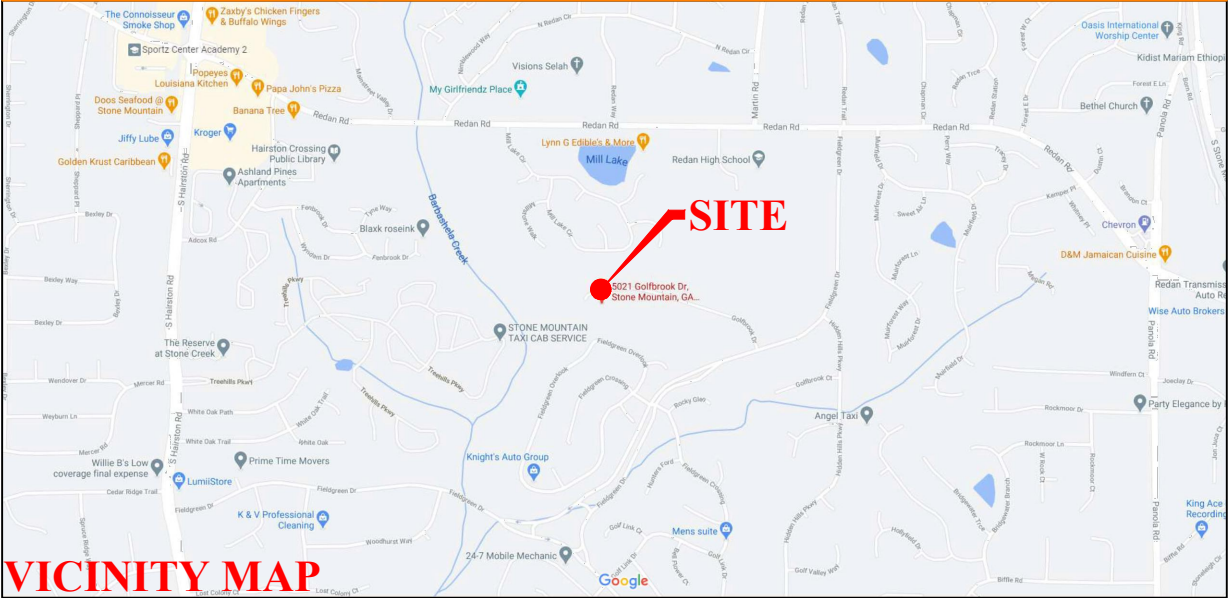
Therefore, I am respectfully requesting your approval to my variance, which will allow me the ability to have my pool permitted and installed within the new location. It is my intent to make sure that the installation of my proposed pool complies with Dekalb County's development and construction related guidelines and requirements.

Your consideration of my request would be greatly appreciated.

Sincerely,
Michele Lyons
5021 Golfbrook Drive, Stone Mountain, Georgia 30088

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

- DEKALB COUNTY NOTES**
1. The installation of erosion and sedimentation control measures and practices shall occur prior to or concurrent with land-disturbing activities.
 2. Erosion and sedimentation control measures will be maintained at all times. If full implementation of the approved plan does not provide for effective erosion and sediment control, additional erosion and sediment control measures shall be implemented to control or treat the sediment source.
 3. Additional erosion controls shall be installed as deemed necessary by the on-site inspector.
 4. All lots/sites with 2' of fill or greater will require a compaction certificate by a professional registered engineer prior to a building permit and/or prior to footers being poured.
 5. Locate and field stake all utilities, easements, pipes, flood limits, stream buffers, and tree save areas prior to any land disturbing activities.
 6. All tree protection areas are to be protected from sedimentation.
 7. All tree protection devices are to be installed prior to land disturbance and maintained until final landscaping.
 8. All tree protection fencing is to be inspected daily and repaired or replaced as needed.
 9. A final as-built lot survey is required prior to the issuance of Certificate of Occupancy.
 10. A final as-built water quality certificate is required prior to the issuance of Certificate of Occupancy.
 11. Dumpsters and/or temporary sanitary facilities shall not be located in street or tree protection area or right-of-way.
 12. Water quality BMP(s) are to be installed at the time of final landscaping.
 13. All collected water shall be directed to the water quality BMP(s).
 14. No water quality BMP(s) allowed in undisturbed stream buffers or tree save/critical root zone.
 15. Work hours and construction deliveries are: Monday - Friday (7:00AM - 7:00PM) Saturday (8:00AM - 5:00PM)



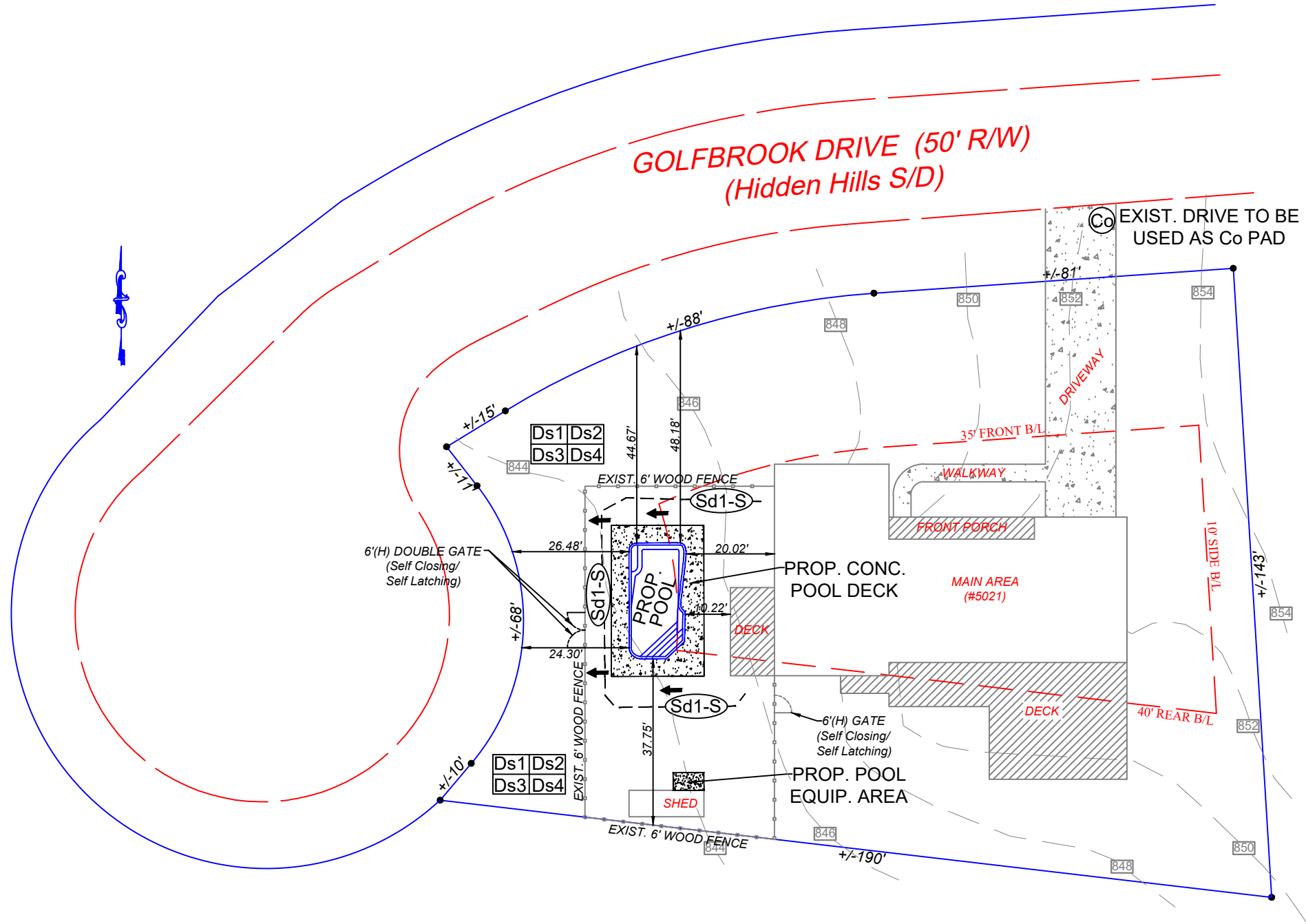


Tallman Pools

Manufacturer of custom One Piece Fiberglass Pools

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

24-Hour Contact
Brittany Reed, (770) 478-2257

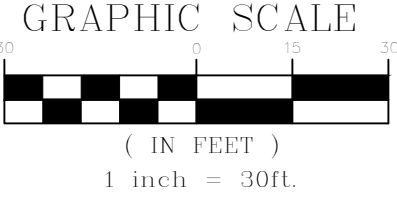


- GENERAL NOTES**
1. Owner: Michele Lyons; 5021 Golfbrook Drive; Stone Mountain, Dekalb County, Georgia
 2. Tax Parcel ID#(s): 16 030 01 045
 3. Zoning: R100, Single-Family Residential
 4. Setbacks: Front (35ft.), Rear (40ft.), Sides (10ft.)
 5. All linear distances depicted on this site plan shall be horizontal.
 6. This site plan is for pool permitting purposes only.
 - Lot Coverage Calculations**

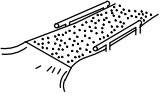
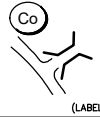



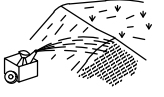

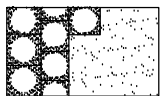
Total Lot Area	+/-21,139 sf.
Exist. Impervious Area*	4,319 sf. (*Main Area, Driveway, Walkway, Front Porch & Shed)
Prop. Conc. Pool Deck	401 sf.
Prop. Pool Area	300 sf.
Prop. Pool Equip.	28 sf.
Prop. Lot Coverage	5,048 sf. (23.88%) (Disturbed Area)
 7. Boundary data used for this Site Plan was obtained from Dekalb County GIS. Tallman Pools and/or the Site Plan Designer assumes no liability for information taken from Dekalb County records and the location of existing structures.
 8. Topographic information was obtained from Dekalb County GIS.
 9. Lot is served by public sanitary sewer.
 10. According to the F.I.R.M. of Dekalb County, Panel Number 13089C0093K, dated December 8, 2016, this site IS NOT located in a Special Flood Hazard Area.
 11. 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.
 12. Contractor is to provide five (5) percent slope away from house for drainage purposes.
 13. Contractor is to maintain erosion control only. Contractor is to remove any sediment tracked into the street as soon as possible, and in no case shall there be any sediment in the street following the conclusion of the work day.
 14. 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.
 15. The Contractor shall coordinate any and all utility relocation with the appropriate utility company prior to the start of any utility work.
 16. A copy of this plan is to be kept on site during the duration of the project.
 17. Proposed Concrete 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.
 18. No trees are impacted with the proposed pool installation project.



Know what's below.
Call before you dig.



<div>Proposed Pool Location Plan For</div> <div>5021 Golfbrook Drive</div> <div>Hidden Hills S/D</div> <div>Land Lot 30, of the 16th District</div> <div>Stone Mountain, Dekalb County, Georgia</div>		No.	Date	Revision
		1.	09-28-22	Revised per Customer's request.
DATE		September 27, 2022		
SCALE		1" = 30'		
SHEET NUMBER		1		
		the kellee group		
		65 Green Valley Circle ~ McDonough, Georgia 30252 (770) 560-9488 (p) ~ thekelleegroup@gmail.com (e)		

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 erodible or critically eroded lands.

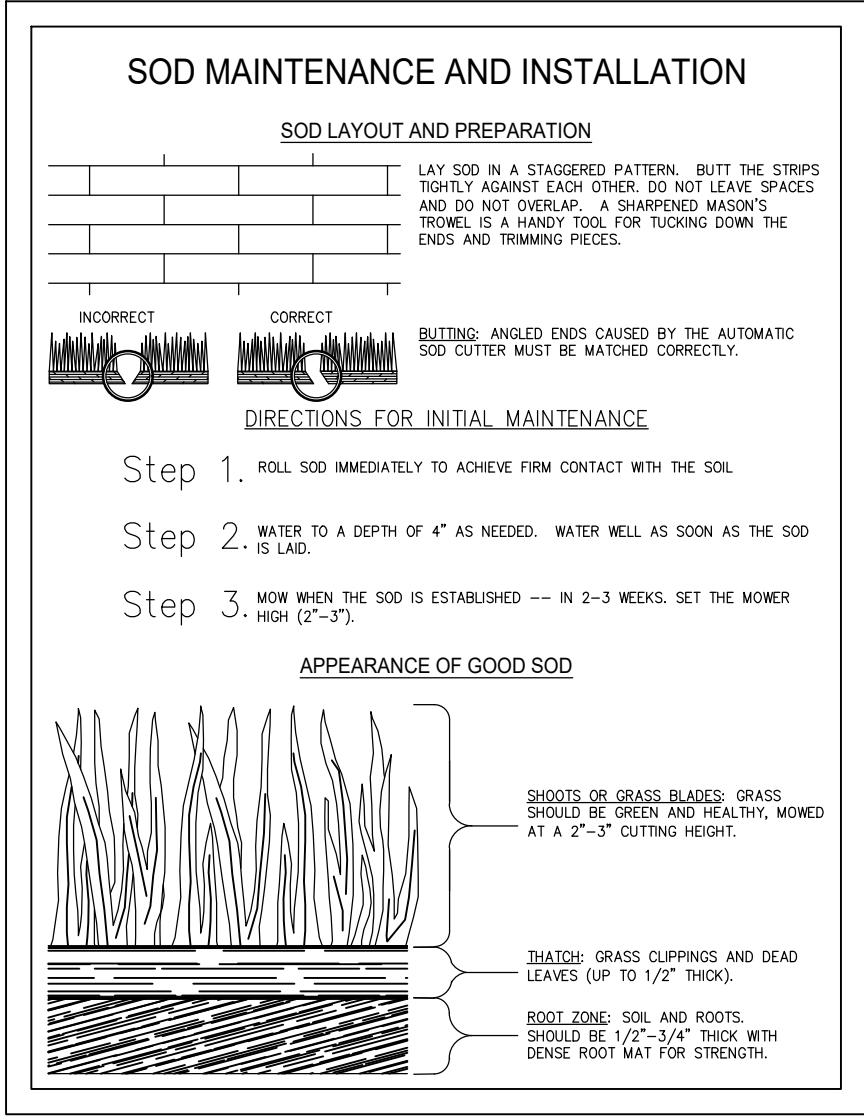
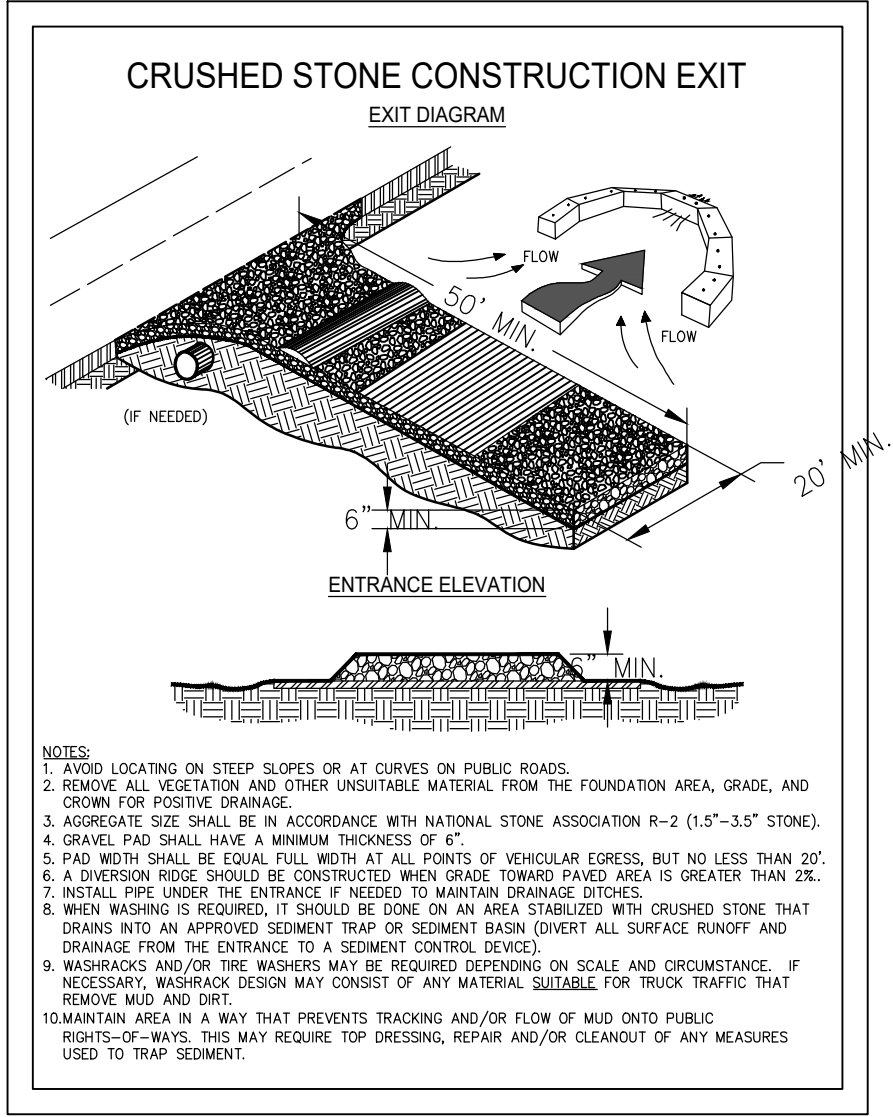
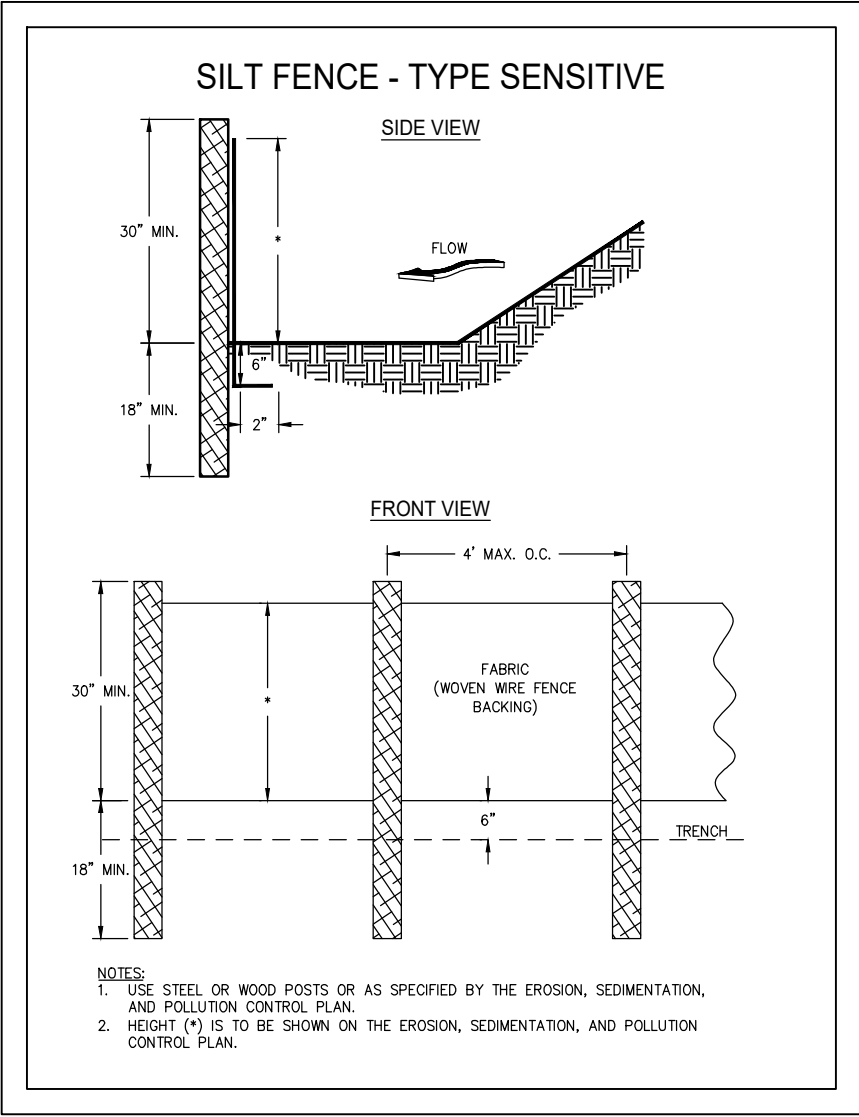
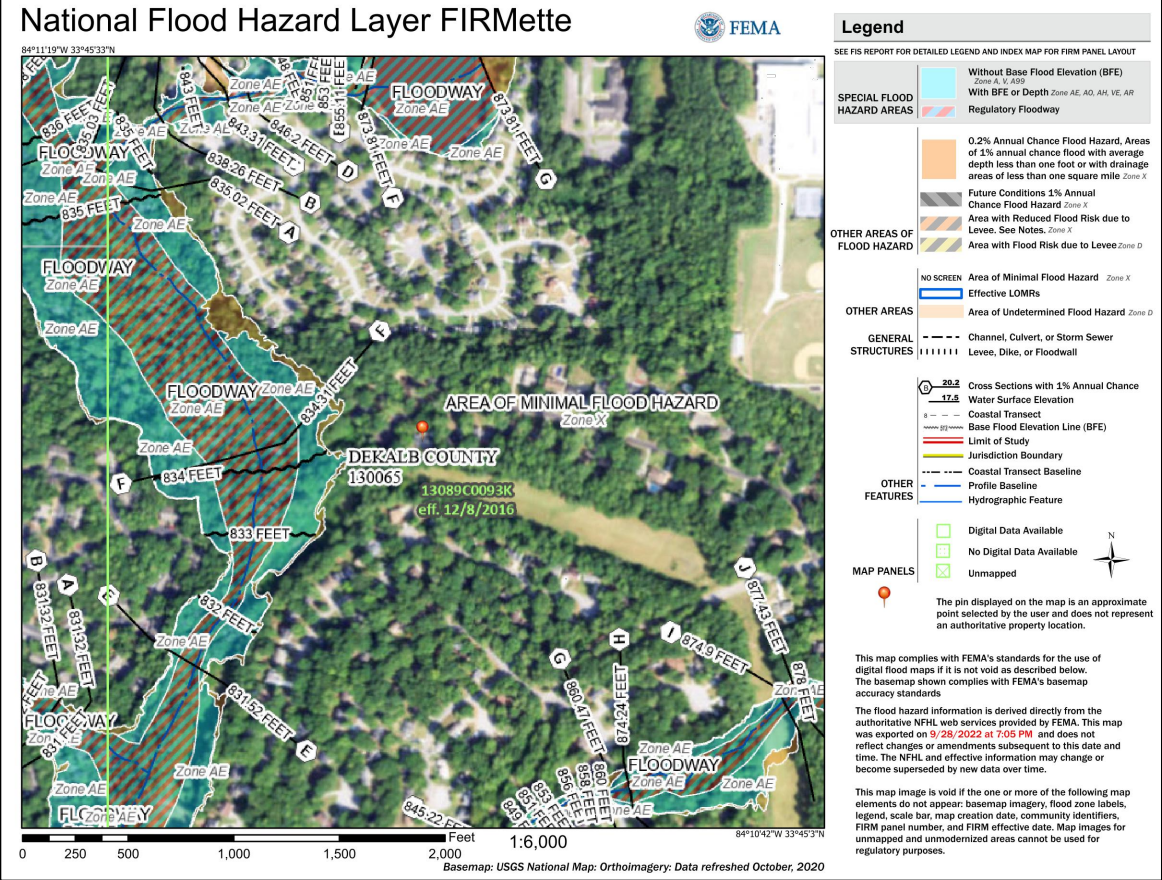


Tallman Pools

Manufacturer of custom One-Piece Fiberglass Pools

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

24-Hour Contact
Brittany Reed, (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
5021 Golfbrook Drive
Hidden Hills S/D
Land Lot 30, of the 16th District
Stone Mountain, Dekalb County, Georgia

DATE	September 27, 2022
SCALE	Not To Scale
SHEET NUMBER	2



Know what's below.
Call before you dig.