



Michael L. Thurmond
Chief Executive Officer

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

Wednesday, February 8, 2023, at 1:00 PM

Planning Department Staff Analysis



Cedric Hudson
Interim Director



N1. Case No: A-23-1246260 Parcel ID(s): 15-179-11-019

Commission District 03 Super District 06

Applicant: Karen Lucarelli
1682 Glencove Avenue
Atlanta, GA 30317

Owner: Karen Lucarelli & WM Scott Macdowell
1682 Glencove Avenue
Atlanta, GA 30317

Project Name: 1682 Glencove – Pool Construction

Location: South of Memorial Drive, approximately 500 feet east of S Howard Street, at 1682 Glencove Ave.

Request: Variance from Section 27-2.2 and 5.1.10 to increase the maximum lot coverage to install a pool within an R-75 (Residential Medium Lot-75) zoning district.

Staff Recommendation: Denial.

STAFF FINDINGS:

The applicant is proposing to install a round 21-foot above ground pool increasing the permitted lot coverage from 35% to 38%. The current lot coverage is 37.1% surpassing the permitted lot coverage of 35% in an R-75 (Residential Medium Lot-75) Zoning District. The installation of the pool will increase the lot coverage by 2.1%.

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-75 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. Staff has reviewed the site plan submitted on 12/15/2022 and the extent of their existing impervious surfaces between the house, driveway, front porch, retaining walls, and stone patio totals 4,122 square feet. The applicant has specified pervious/permeable materials throughout their property and has invested in mitigation efforts for flooding: reconstructing their driveway, tree/fruit plantings, and a French drainage system. However, there appears to be the ability to reduce the impervious surfaces by using pavers in rear yard patio surrounding the pool.

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 be the minimum necessary to afford relief and may not grant a special privilege inconsistent with the limitations upon other properties in the Zoning District. Staff has recognized the applicant's commitment to mitigation efforts and the minimal request of approximately a 3-feet increase (or 2.1%).

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 be materially detrimental to the public welfare or injurious to the property or improvements in the zoning district. The property is currently surpassing the maximum lot coverage and situated in a neighborhood experiencing drainage issues. However, the applicant has stated that their domestic partner is unable to get in and out of the pool that is currently existing due to physical conditions. The proposed pool would provide better accessibility.

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

There are no site-specific constraints other than the existing developments on the property consuming a large portion of the lot coverage, and there appears to be an option(s) to remove some impervious surfaces or replace surfaces with pervious surfaces. Specifically, a portion of the rear patio could be replaced with a pervious material, pavers, green strip, or if partially removed, the applicant may be able to remain at the existing surpassed lot coverage. However, given the efforts toward drainage solutions and the applicants partner unable to enjoy the existing pool and the strict application of the provisions and requirements of this chapter may 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 Traditional Neighborhood (TN). The intent of the Traditional Neighborhood character area is to, "Preserve the style and appeal of older traditional neighborhood communities. These areas primarily consist of residential areas in older parts of the community that were typically developed prior to WWII. The characteristics include higher pedestrian orientation, sidewalks, and more grid-like street patterns. They have on-street parking, small, regular lots, and buildings closer to the front

property line. Many of these areas have a predominance of alleys and neighborhood-scale commercial scattered throughout.” Approving the requested variance may be inconsistent with this intent given that the current lot coverage is incompliant.

FINAL STAFF ANALYSIS:

The requested variance may be the minimum necessary to afford relief. The applicant has demonstrated multiple ways to address storm water control: incorporating gravel borders in the driveway, a retaining wall next to the uphill neighbor’s side yard, twelve (12) blueberry bushes, a French drainage system, 3 tree plantings in the front yard, and sod installed in the front yard. The existing pool and proposed pool appear to be surrounded with pervious/ permeable gravel. Additionally, the applicant has proposed a minimal request. However, reducing the impervious surfaces still appears to be possible for the rear yard patio nor does the property appear to have any exceptional site-specific conditions. Furthermore, the property is currently above the permitted lot coverage for R-75 Zoning Districts. Therefore, Staff recommends denial of this application.

RECEIVED

By Rachel Bragg at 5:52 pm, Dec 15, 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)**

BOA No. _____

Applicant and/or
Authorized Representative KAREN LUCARELLI

Mailing Address: 1682 GLENCOVE AVENUE

City/State/Zip Code: ATLANTA, GEORGIA 30317

Email: kdl30307@yahoo.com

Telephone Home: 404-432-2837 Business: 404-688-2700

OWNER OF RECORD OF SUBJECT PROPERTY

Owner: KAREN LUCARELLI & WM SCOTT MACDOWELL

Address (Mailing): 1682 GLENCOVE AVENUE, ATLANTA, GEORGIA 30317

Email: kdl30307@yahoo.com

Telephone Home: 404-432-2837 (Karen's cell) Business: 404-688-2700

ADDRESS/LOCATION OF SUBJECT PROPERTY

Address: 1682 GLENCOVE AVENUE City: ATLANTA State: GA Zip: 30317

District(s): 15 Land Lot(s): 179 Block: H Parcel: 15 179 11 019

Zoning Classification: R-75 Commission District & Super District: 3 & 6

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: 12-02-22

Applicant:
Signature

Karen Fucarelli

DATE: 12-2-22

Applicant:
Signature

WJM

December 12, 2022

Karen Lucarelli
Wm. Scott MacDowell
1682 Glencove Avenue
Atlanta, GA 30317
Kdl30307@yahoo.com
404-432-2837

DeKalb County Department of Planning & Sustainability
Attn: DeKalb County Zoning Board

Re: Application for Variance to Install an Above ground Pool

LETTER OF INTENT

To Whom It May Concern:

As per your request, I have included the Land Survey of my property that shows that my property has a 37.1% impervious lot coverage, chiefly made up of my home, the driveway and outdoor patio. I am unable to make changes to these spaces.

- 1) Please note that the surveyor properly included my 18' round inflatable pool as defined as impervious per DeKalb County regulations. I am seeking a permit from DeKalb County for a 21' round above ground pool which would increase the impervious area by approximately 3 square feet, bringing the impervious percentage to 38%. I am unable to change these percentages, however, I feel I have tried to mitigate water run-off and the subsequent erosion of soil around my property.

My home is situated towards the bottom of Glencove Avenue and since water runs downhill, is more susceptible to flooding than my uphill neighbors. Because the flooding was so extreme at times, I made several important home improvements to my property that directly and indirectly control and limit water run-off and soil erosion. These projects include:

- 1) My old driveway was one giant slab of concrete which did little to inhibit the flow of rainwater and in fact actually accelerated the flood of water from my neighbor's yard into my front yard. In 2021, I had my driveway replaced with 6 concrete pads that are lined by 10" gravel borders. The grid design and gravel allow heavy rainwater to drain into the graveled areas instead of flooding my front yard.
- 2) To complete my driveway project, I installed a retaining wall between my uphill neighbor's yard and mine. The retaining wall immediately stopped the rainwater and mud from flooding into my yard during the torrential rainstorms. In between

the wall and my fence, I have used that space to plant 12 blueberry bushes. Again, the prior space was useless and did nothing to limit water run-off and soil erosion.

3) I have installed French drainage system to take the overflow of rainwater to the back of my property instead of flooding my yard. All downspouts are connected and now drain deep into my back yard.

4) I have planted 2 Japanese Maples and one Dogwood in my front yard.

5) I installed sod in my front yard that immediately helped with soil erosion. When I purchased my home, my front yard was half mud and half weed.

2) The requested variance is only for an additional 3 square feet.

3) The installation of an above ground 21' Round swimming pool will not be materially or otherwise detrimental to the public welfare. I have secured the approval of DeKalb Board of Health regarding the proper and appropriate fencing, gates, latches and locks that surround my. In addition, both my neighbors on either side of my property approve and support my request for this waiver in order to install a 21' round above ground pool. Please see the attached Affidavit of Consent.

4) I bought my home in December 2017. For 3 years, I never went in my backyard. I don't have children at home any longer and I don't own a dog. My big backyard was essentially unused space. In the summer of 2020, I decided to install a small Intex Easy Set pool to beat the heat. (See Photos) While floating in my little pool, I could see the potential for my backyard as a place where I could spend a lot of time but that would require developing the space. I installed a patio (I did not know at the time the 35% impervious rule) with the dream of eventually installing a slightly larger above ground swimming pool. My husband could not climb in and out of the Intex pool due to physical and health constraints. The pool I am requesting to install would allow me and my husband to both fully enjoy our property as he would be able to also relax in the pool during the summer.

5) Yes.

Please advise what my next steps are. I am completely new to this process and am just muddling through.

Thank you for your kind consideration,

/s/ Karen Lucarelli
Karen Lucarelli

/s/ Wm. Scott MacDowell
Wm. Scott MacDowell

JN: 2219501

REFERENCE: PLAT BOOK 14 PG 108

FLOOD HAZARD NOTE: THIS PROPERTY IS NOT LOCATED IN A FLOOD HAZARD AREA AS DEFINED BY FIRM MAP OF DEKALB COUNTY, GEORGIA 13089C0127J EFFECTIVE DATE MAY 16, 2013

SURVEY DATA:
TYPE OF SURVEY: RETRACEMENT
SOURCE OF TITLE DESCRIPTION FOR SUBJECT PROPERTY: DB 26698 PG 285
PROPERTY OWNER AT TIME OF SURVEY: WILLIAM SCOTT MCDOWELL AND KAREN LUCARELLI
PARCEL NUMBER: 15 179 11 019

BASIS OF BEARINGS IS A SINGLE COMPASS BEARING AND ANGLES TURNED.
DATUM PER DEKALB COUNTY GIS.

TOTAL AREA: 11,098 SQ FT, 0.25 AC
CALCULATED PLAT CLOSURE: 1:213,726

FIELD DATA:

DATE OF FIELD SURVEY 6-22-2022

THE CALCULATED POSITIONAL TOLERANCE BASED ON REDUNDANT LINEAR MEASUREMENTS OF OBSERVED POSITIONS WAS FOUND TO BE 0.015 FEET.

EQUIPMENT:
ELECTRONIC TOTAL STATION

BOUNDARY & TOPOGRAPHIC SURVEY FOR:
KAREN LUCARELLI
LOT 5, BLOCK H, PARKVIEW SUBDIVISION

1682 GLENCOVE AVENUE

DEKALB COUNTY, GEORGIA
LAND LOT 179, DIST 15

DATE: JULY 3, 2022; OCTOBER 13, 2022 (ADJUST IMPERVIOUS PER CLIENT)

This plat is a retracement of an existing parcel or parcels of land and does not subdivide or create a new parcel or make any changes to any real property boundaries. The recording information of the documents, maps, plats, or other instruments which created the parcel or parcels are stated hereon.
RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. 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.

GENERAL NOTES:

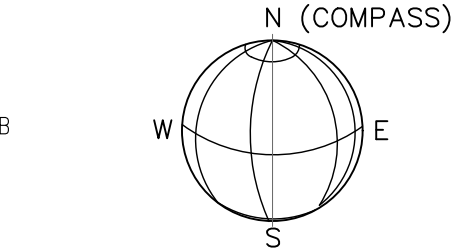
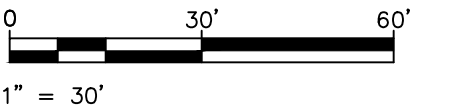
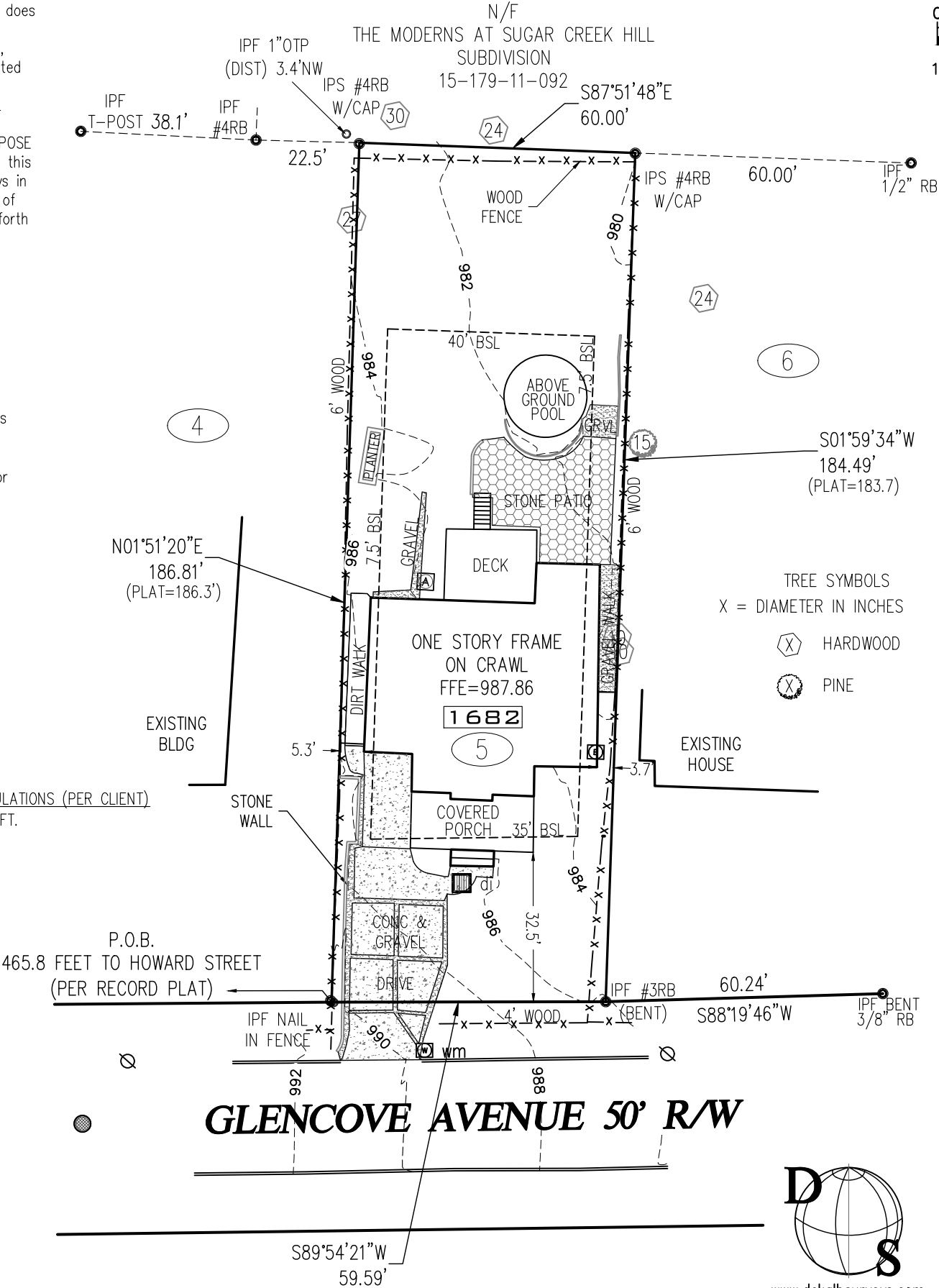
- 1: This Plat has been prepared without the benefit of a current title report. Easements or encumbrances may exist that are not shown on this plat.
- 2: This plat is subject to any restrictions, easements, covenants or restrictions that may exist either written or unwritten.
- 3: Underground utilities not shown hereon may exist. The Surveyor does not take responsibility for absence or presence of any such utilities.
- 4: No Geodetic monuments were found within 500 feet of this site
- 5: This Plat has been prepared for the exclusive use of the person(s) or entities named hereon.

ZONING: R-75

IMPERVIOUS SURFACES:
HOUSE = 2,063 SQ. FT.
CONCRETE = 808 SQ. FT.
FRONT PORCH = 314 SQ. FT.
STONE PATIO = 625 SQ. FT.
WALLS = 59 SQ. FT.
POOL = 253 SQ FT.

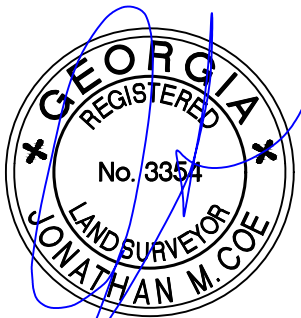
TOTAL IMPERVIOUS
= 4,122 SQ. FT. (37.1%)
TOTAL LOT = 11,098 SQ. FT.

NOT INCLUDED IN IMPERVIOUS CALCULATIONS (PER CLIENT)
GRAVEL/PAVER AREAS = 368 SQ. FT.
FRONT PORCH STEPS = 32 SQ. FT.
DECK/STEPS = 338 SQ. FT.



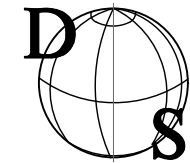
LEGEND

- | | |
|--------------|-------------------------|
| EOP | EDGE OF PAVEMENT (CURB) |
| PP | POWER POLE |
| R/W | RIGHT OF WAY |
| IPF | IRON PIN FOUND |
| IPS | 1/2" REBAR SET |
| SW | SIDE WALK |
| BOLLARD | BOLLARD |
| OHP | OVERHEAD POWER |
| FH | FIRE HYDRANT |
| CB | CATCH BASIN |
| MH | MANHOLE |
| WM | WATER METER |
| WV | WATER VALVE |
| GV | GAS VALVE |
| GM | GAS METER |
| LP | LIGHT POLE |
| CONCRETE PAD | CONCRETE PAD |
- TREE SYMBOLS
X = DIAMETER IN INCHES
HARDWOOD
PINE



FOR
DEKALB SURVEYS, INC.
407 WEST PONCE DE LEON AVENUE
SUITE B
DECATUR, GEORGIA 30030
404.373.9003

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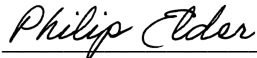
www.dekalbsurveys.com
COA 1086

AFFIDAVIT OF CONSENT

To Whom It May Concern:

Karen Lucarelli and Scott MacDowell, our next-door neighbors at 1682 Glencove Avenue, have requested our support and consent regarding their application to install a 21' Round above ground pool in their backyard. This Affidavit confirms that we have no objections and support their request to install this pool. We ask that you grant the variance and allow Karen and Scott to install a 21' Round above ground pool.

Thank you for your consideration.



Phil Elder
1686 Glencove Ave, Atlanta, GA 30317

12/02/2022

Date



Nora Artinian
1686 Glencove Ave, Atlanta, GA 30317

12/02/2022

Date



Ben Collins
1678 Glencove Ave, Atlanta, GA 30317

12/2/2002

Date



Debbie Boeras
1678 Glencove Ave, Atlanta, GA 30317

12/2/2022

Date













