



Lorraine Cochran-Johnson  
Chief Executive Officer

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

**Wednesday, May 14, 2025**



**DeKalb County's Response to Appeal**

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**N2. Case No: A-25-1247481 Parcel ID(s): 15 031 01 253**

**Commission District 05 Super District 07**

**Appeal of:** Administrative Decision to grant stream buffer variance

**Appellant(s):** Angela Brown-Boykin

**Project Name:** Pool Construction

**Location:** 4595 MOSSEY DRIVE, LITHONIA, GA 30038

**Appeal:** Appeal an administrative decision to deny a stream buffer variance in R-100 (Residential Medium Lot) zoning district.

**Standard:** The ....decisions made by public officials are presumed to be valid and just...An appeal shall be sustained only upon an expressed finding by the zoning board of appeals that the administrative official's action was based on an erroneous finding of a material fact, erroneously applied the zoning ordinance to the facts, or that the administrative official acted in an arbitrary manner. In exercising its powers, the zoning board of appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from, and to that end shall have all the powers of the administrative official from whom the appeal was taken and may issue or direct the issuance of a permit, provided all requirements imposed by any applicable laws are met. Section 27-7-5 *et seq.* Code of DeKalb County, as Revised 1988.

**DeKalb County's**

**Position:** The Planning & Sustainability Staff's decision to deny the administrative variance was based on the submitted materials and field inspections and Chapter 14. The Zoning Board of Appeals should affirm the decision of the Planning & Sustainability Staff.

The applicants, Angela and Latisa Daniel Boykin, are the owners of a single-family residence located at 4595 Mossey Drive in Lithonia, within the R-100 (Residential Medium Lot) zoning district. The applicants are requesting a variance to allow encroachment into the 50' – 75' foot stream buffer in order to construct an in-ground swimming pool in their backyard.

The subject property is characterized by a steep and precipitous slope leading from the rear of the home toward a stream located at the bottom of the lot. The applicants indicate that this topographical condition has resulted in ongoing soil erosion, uprooted trees, and hazardous conditions that restrict the safe and functional use of the rear yard. The proposed accessory structure (swimming pool) would partially encroach into the protected buffer area. The applicant states the project will include erosion mitigation features such as retaining walls, fencing, and landscape stabilization measures.

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### **BASIS FOR THE APPEAL**

The applicants assert the following in support of their request:

1. **Exceptional Topography:** The steep slope and stream location present unique site conditions not created by the applicants and have rendered the backyard unusable and unsafe for general recreational or landscaping purposes.
2. **Minimum Relief Requested:** The pool would be located as close to the house as possible and within the allowable encroachment limit of the 75-foot buffer, minimizing disturbance while improving the functionality of the yard.
3. **Environmental and Safety Benefits:** The project includes structural and ecological mitigation—such as terracing, erosion control, and safety barriers—to address the active degradation of the slope and reduce risk to residents and neighboring properties.
4. **No Adverse Impact on Public Welfare:** The applicants have communicated with adjacent neighbors, one of whom has submitted a letter of support. No known objections have been submitted at this time.
5. **Hardship Under Strict Ordinance Application:** The applicants state that denial of the variance would create an undue hardship, particularly given that the owner is a 100% disabled veteran undergoing physical therapy. The slope currently presents a physical hazard and limits access to a significant portion of the property..

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### **STAFF RESPONSE TO THE APPEAL**

Staff has reviewed the submitted documentation, including site photographs, topographic data, and correspondence from the applicants. Staff offers the following findings:

- The topographic condition of the subject property is severe and unique among surrounding lots. The steep rear slope creates instability that reasonably warrants additional land alteration measures.
- The proposed encroachment appears limited in scope and purpose, and the applicant has committed to erosion control and stream protection practices.
- While development within the stream buffer is generally prohibited under **Section 14-44.1(a)(1)** of the DeKalb County Code, which requires a minimum 75-foot undisturbed natural vegetative buffer from each stream bank, the ordinance allows for consideration of appeals where there is clear evidence of hardship and where proposed mitigation efforts support stream protection goals.
- The proposed accessory structure would not impact front or side yard setbacks and does not appear to create privacy or visibility concerns for adjacent properties.

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### **CONCLUSION AND RECOMMENDATION**

Staff acknowledges the challenges presented by the site's steep topography and the applicants' concerns regarding safety, erosion, and limited backyard usability. However, construction within the 75-foot stream buffer is restricted by County ordinances to protect water quality, prevent erosion, and maintain natural drainage systems. Variances to encroach within this buffer are only permitted where no reasonable use of the property exists without such relief.

In this case, while the hardship is noted, reasonable use of the property remains available outside of the stream buffer, and the proposed accessory structure—an in-ground swimming pool—constitutes an elective amenity rather than a necessity for property use. As such, staff finds that the conditions for relief have not been met under the variance criteria.

Recommendation: Affirm the staff decision to deny the variance request and uphold enforcement of the stream buffer regulations.

**ZONING BOARD OF APPEALS APPLICATION FOR PUBLIC HEARING (VARIANCES,  
SPECIAL EXCEPTIONS, APPEALS OF ADMINISTRATIVE  
DECISIONS)**

Applicant and/or  
Authorized Representative: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City/State/Zip Code: \_\_\_\_\_

Email: \_\_\_\_\_

Telephone Home: \_\_\_\_\_ Business: \_\_\_\_\_

**OWNER OF RECORD OF SUBJECT PROPERTY**

Owner: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Email: \_\_\_\_\_ Telephone: \_\_\_\_\_ Business: \_\_\_\_\_

**ADDRESS/LOCATION OF SUBJECT PROPERTY**

Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

District(s): \_\_\_\_\_ Land Lot(s): \_\_\_\_\_ Block: \_\_\_\_\_ Parcel: \_\_\_\_\_

Zoning Classification: \_\_\_\_\_ Commission District & Super District: \_\_\_\_\_

**CHECK 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.\***

Email [plansustain@dekalbcountyga.gov](mailto:plansustain@dekalbcountyga.gov) with any questions.

**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: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_

*Angela Boykin*

*Latisa Daniel Boykin*

**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: .

*Angela Boykin*      *Latisa Daniel Boykin*  
\_\_\_\_\_  
APPLICANT/AGENT SIGNATURE

TO WHOM IT MAY CONCERN:

(I)/ (WE): \_\_\_\_\_  
Name of Owner(s)

being (owner/owners) of the property described below or attached hereby delegate authority to the above signed agent/applicant.

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
Owner Signature

## Filing Guidelines for Applications to the Zoning Board of Appeals

### 1. Submit Application Materials:

- a. To ensure proper processing and payment, please create a profile and upload at least page 1 of your application to: <https://epermits.dekalbcountyga.gov/> (no more than 10mb permitted).
  - If you have an existing account, you may use that account and create a *new application number* by selecting the proper application type.
  - Fill out *all* Account Portal Questions
  - Put your **email address under “WEB ACCOUNT”**
  - **SAVE APPLICATION NUMBER (124XXXX)** – send to staff when you email your complete application.
- b. After portal submittal, email one (1) combined PDF document of the completed application and materials to [plansustain@dekalbcountyga.gov](mailto:plansustain@dekalbcountyga.gov) and [ljcarter@dekalbcountyga.gov](mailto:ljcarter@dekalbcountyga.gov) along with application number.
- c. Please confirm we have received your application.
- d. For any questions, please contact [plansustain@dekalbcountyga.gov](mailto:plansustain@dekalbcountyga.gov)

### 2. Order of Submitted Materials:

- a. Application Form
- b. Signatures and authorization (including permission to go on property)
- c. Letter of Intent
- d. Surveys, site plans.
- e. Other relevant materials (e.g., photographs, letters of support, citation, etc.)

### 3. Authorization:

- a. If property owner is different from the applicant, the form to authorize the application must be signed by the owner and stamped by a notary.
- b. If property is owned by more than one property owner, all property owners must authorize the request.

### 4. Letter of Intent:

- a. **Explain what you are asking for and why.**
- b. A typed statement indicating the request and clarifying justification for the proposal based on the criteria as indicated in Section 27-7.5.3 or 7.5.4 of the DeKalb County Zoning Ordinance (see attached information).
- c. Reference the section of the code you are requesting to vary and the amount of requested change, (such as to reduce the rear yard setback from forty (40) feet to twenty (20) feet to construct an addition).

### 5. Surveys and site plans of the Subject Property:

- a. Must be stamped by a professional engineer or surveyor, registered in the State of Georgia.
- b. All plans and surveys must include the following information:
  1. Must show all property lines with dimensions.
  2. Must show the location of all existing and proposed buildings, structures, parking and setbacks (their relationship to the property boundaries).
  3. Must show any other features related to the request such as trees, fences, topography, streams, etc.
  4. Must be to-scale
  5. Must show lot area and lot coverage (impervious materials, including paving and structures).

### 6. Application Fee is \$300. You will be able to pay by credit card on the epermitting portal. A receipt will be provided.

## DEPARTMENT OF PLANNING & SUSTAINABILITY

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### Writing the Letter of Intent

Please address the following criteria as appropriate:

#### **7.5.1 Applications for variances; and criteria to be used by the zoning board of appeals in deciding applications for variances.**

The zoning board of appeals shall hear and decide applications for variances from the strict application of the regulations of this chapter and chapter 21 where the strict application of any regulation enacted under said chapters would result in exceptional and undue hardship upon the owner of such property. In determining whether or not to grant a variance, the board shall apply the criteria specified in this section to the facts of each case. The board may attach reasonable conditions to any approved variance in accordance with section 7.3.9. Once imposed, conditions shall become an integral part of the approved variance and shall be enforced as such. No changes to an approved condition attached to a variance shall be authorized except by re- application to the zoning board of appeals in full compliance with the applicable provisions of this division. No relief may be granted or action taken under the terms of this division unless such relief can be granted without substantial detriment to the public good and without substantial impairment of the intent and purpose of this chapter and the comprehensive plan. The zoning board of appeals shall apply the following criteria to the types of applications specified below as follows:

- A. Variances from the provisions or requirements of this chapter other than variances described in section 7.5.4 shall be authorized only upon making all of the following findings in writing:
  - 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.
- B. Appeals of decisions regarding building architectural design standards shall be evaluated using the same criteria as section 7.6.7(B).



## DEPARTMENT OF PLANNING & SUSTAINABILITY

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- C. Appeals to the height standards, but not to add stories, shall be evaluated using the criteria as follows:
1. Adequacy of the size of the site for the use contemplated and whether or not adequate land area is available for the proposed use including provision of all required yards, open space, off-street parking, and all other applicable requirements of the zoning district in which the use is proposed to be located.
  2. Compatibility of the proposed use with adjacent properties and land uses and with other properties and land uses in the district.
  3. Adequacy of public services, public facilities, and utilities to serve the proposed use.
  4. Whether or not the proposed use provides for all required buffer zones and transitional buffer zones where required by the regulations of the zoning district in which the use is proposed to be located.
  5. Whether or not the size, scale and massing of proposed buildings are appropriate in relation to the size of the subject property and in relation to the size, scale and massing of adjacent and nearby lots and buildings.
  6. Whether or not the proposed use will create a negative shadow impact on any adjoining lot or building as a result of the proposed building height.

### **7.5.2 Applications for variances to reduce or waive off-street parking or loading space requirements.**

The zoning board of appeals shall hear and decide applications for variances to reduce or waive required off-street parking or loading spaces in accordance with the provisions and standards of this section. All such applications shall be heard and decided based on the notice requirements of section 7.2.4. The zoning board of appeals may waive or reduce the required number of parking or loading spaces in any district only upon an expressed finding that:

- A. The character of the use of the building(s) is such as to make unnecessary the full provision of parking or loading spaces;
- B. The lot upon which the building(s) is located is within one thousand (1,000) feet of the boundary of a MARTA RapidTransit Station;
- C. The provision of the full number of parking spaces would have a deleterious effect on a historic building, site, district or archaeological resource;
- D. The use has a characteristic that differentiates it from the typical use example used in the formulation of this Zoning Ordinance;
- E. The location of the proposed development is relatively isolated where the opportunity for diversity of use, pedestrian access, and alternative modes is not available; or
- F. The developer is providing the additional spaces for general public parking (for hourly or daily parking charges) to serve surrounding development.

**Section 21-27. Sign Variances.**

- (a) Where a literal application of this article, due to special circumstances, would result in an unusual hardship in an individual case, a variance may be granted by the zoning board of appeals after receiving evidence that the applicant meets all of the following criteria:
  - 1. Exceptional conditions pertaining to the property where the sign is to be located as a result of its size, shape, or topography, which are not applicable to other lands or structures in the area;
  - 2. Granting the variance would not confer on the applicant any significant privileges which are denied to others similarly situated;
  - 3. The exceptional circumstances are not the result of action by the applicant;
  - 4. The requested variance is the minimum variance necessary to allow the applicant to enjoy the rights commonly enjoyed by others similarly situated;
  - 5. Granting of the variance would not violate more than one (1) standard of this article; and
  - 6. Granting the variance would not result in allowing a sign that interferes with road or highway visibility or obstruct or otherwise interfere with the safe and orderly movement of traffic.
- (b) No variance shall be granted to the height of a sign or the aggregate area of signs permitted on a lot.
- (c) No variance shall be granted which increases the size of a sign more than twenty (20) percent of that allowed by this chapter. (Ord. No. 13-03, Pt. I, 6-10-03)

**7.5.3 Appeals of decisions of administrative officials.**

- A. *General Power.* The zoning board of appeals shall have the power and duty to hear and decide appeals where it is alleged by the appellant that there is error in any final order, requirement, or decision made by an administrative official based on or made in the enforcement of this Zoning Ordinance or as otherwise authorized by local law or the Code of DeKalb County as Revised 1988. Administrative officials must make final decisions covered by this section within one hundred and eighty (180) days of receipt of all necessary information to make such decision. A failure to act prior to the passage of one hundred and eighty (180) days shall not be construed to be a final order, requirement or decision within the meaning of this division. If a decision is not made by the 181<sup>st</sup> day, the requested decision is deemed denied, and becomes appealable. All such appeals shall be heard and decided following the notice requirements of section 7.2.4, and pursuant to the following criteria and procedural requirements.
- B. *Appeals of decisions of administrative officials.* Appeals of decisions of administrative officials may be filed by (1) any person aggrieved by; (2) any elected member of the DeKalb County Governing Authority affected by; or (3) an owner of property within two hundred and fifty (250) feet of the nearest property line of the property that is the subject of any final order, requirement, or decision of an administrative official, based on or made in the enforcement of this Zoning Ordinance, or as otherwise authorized by local law or the Code of DeKalb County as Revised 1988. by filing with the secretary of the zoning board of appeals an application for appeal, specifying the grounds thereof, within fifteen (15) days after the action was taken by the official that is the subject of the appeal.
- C. *Appeal stays all legal proceedings.* An appeal of a decision of an administrative official stays all legal proceedings in furtherance of the action or decision appealed from unless the official from whom the appeal is taken certifies to the zoning board of appeals, after notice of appeal has been filed, that by reason of facts stated in the certificate, a stay would, in that official's opinion, cause imminent peril to life or property. In such a case, legal proceedings shall be stayed only pursuant to a restraining order granted by a court of competent jurisdiction directed to the officer from whom the appeal is taken and on due cause shown.

- D. *Appeal stays land disturbance or construction activity in certain situations.* If the action or decision appealed from permits land disturbance or construction activity to commence or continue on residentially zoned property, the appeal stays the land disturbance or construction activity until the zoning board of appeals issues a decision on the appeal. Thereafter, land disturbance or construction activity in such cases shall only be stayed by an order from a court of competent jurisdiction. In all cases involving non-residentially zoned property, the appeal to the zoning board of appeals does not stay land disturbance or construction activity; such activity shall only be stayed by an order from a court of competent jurisdiction.
- E. Thereafter, in such situations land disturbance or construction activity shall only be stayed by an order granted by a court of competent jurisdiction.
- F. *Time of hearing.* The zoning board of appeals shall fix a reasonable time for the hearing of the appeal and give notice thereof pursuant to the requirements of section 7.2.4 as well as written notice to the appellant. Any party may appear at the hearing in person, by an agent, by an attorney, or by the submission of written documentation.
- G. *Decision of the zoning board of appeals.* Following the consideration of all testimony, documentary evidence, and matters of record, the zoning board of appeals shall make a determination on each appeal and shall issue a written decision explaining the reasons for its decision. The zoning board of appeals shall decide the appeal within a reasonable time, but in no event more than sixty (60) days from the date of the hearing. An appeal shall be sustained only upon an expressed finding by the zoning board of appeals that the administrative official's action was based on an erroneous finding of a material fact, erroneously applied the Zoning Ordinance to the facts, or that the administrative official acted in an arbitrary manner. In exercising its powers, the zoning board of appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from, and to that end shall have all the powers of the administrative official from whom the appeal was taken and may issue or direct the issuance of a permit, provided all requirements imposed by any applicable laws are met.

#### **7.5.4 Limitations of authority of the zoning board of appeals.**

No variance shall be granted by the zoning board of appeals to:

- A. Allow a structure or use not listed as a permitted use or a special use in the applicable zoning district or a density of development that is not authorized within such district. This prohibition does not apply to any variance from the supplemental regulations of Article 4 of this Zoning Ordinance or from any other accessory feature or characteristic of a permitted or special use, unless said variance is otherwise prohibited by the regulations of this chapter.
- B. Allow any variance which conflicts with or changes any requirement enacted as a condition of zoning or of a special land use permit by the board of commissioners.
- C. Reduce, waive or modify in any manner the minimum lot width unless the purpose is to reverse a lot merger.
- D. Reduce, waive or modify in any manner the minimum lot area established by this chapter.
- E. Extend the time period for a temporary outdoor social, religious, entertainment or recreation activity approved by the director of planning.
- F. Permit the expansion or enlargement of any nonconforming use of land, nonconforming use of land and buildings in combination, nonconforming use of land and structures in combination, or nonconforming use requiring special land use permit.

## DEPARTMENT OF PLANNING & SUSTAINABILITY

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- G. Permit the reestablishment of any nonconforming use of land, nonconforming use of land and buildings in combination, nonconforming use of land and structures in combination, or nonconforming use requiring special land use permit where such use has lapsed pursuant to the requirements and limitations of Article 8 of this chapter.
- H. Permit customer contact for a home occupation authorized by this chapter.
- I. Allow any variance to increase the height of a building which will result in adding a story.

## Summary of Zoning Board of Appeals Application Process:

1. **Timeline.** It takes ~45-60 days to submit your application and receive an initial decision from the Zoning Board of Appeals regarding your request.
2. **Pre-application Meetings.** DeKalb County now mandates pre-application meetings. Please email [plansustain@dekalbcountyga.gov](mailto:plansustain@dekalbcountyga.gov) to schedule a virtual appointment to meet with a Planner assigned to the Zoning Board of Appeals. During the virtual meeting, we will review and provide feedback regarding your request, review the application process, and answer any questions.
3. **Application Submittals.** Create a profile and upload at least page 1 of your application to: <https://epermits.dekalbcountyga.gov/> (no more than 10mb permitted). Email a combined PDF document of the completed application and materials to [plansustain@dekalbcountyga.gov](mailto:plansustain@dekalbcountyga.gov) and [lrcarter@dekalbcountyga.gov](mailto:lrcarter@dekalbcountyga.gov) along with the application number.
4. **Public Hearing Signs.** You will need to post at least one sign per street frontage of the property. Staff will prepare a sign template. You will need to coordinate sign printing and posting with a sign company of your choice, at least 30 days prior to the ZBA hearing. Sign(s) must remain posted until final Board of Appeals action regarding the request. If the application is deferred, you may update the sign(s).
5. **Revisions or amendments.** An application must be submitted in writing and must be received at least 14-days before the scheduled meeting to be addressed by the staff report.
6. **Staff Report.** Staff prepares reports and recommendations for each application. These recommendations are based on the attached criteria established by the [DeKalb County Zoning Code](#). Final staff reports are available to the applicant and the public prior to the scheduled Board of Appeals meeting. Find current reports on our website, here: <https://www.dekalbcountyga.gov/planning-and-sustainability/public-hearing-agendas-info>
7. **Monthly Meetings.** The Zoning Board of Appeals meets once a month, generally on the second Tuesday of each month at 1:00 P.M., via Zoom. Find agendas on our website, [HERE](#).
8. **Applicant and/or Representative must be Present.** Applicants or their representatives must be present at the public hearing to present the request to the Zoning Board of Appeals.
9. **Public Hearing portion of Meeting.** Applicants and others in favor of an application are given a total of five (5) minutes to present to the Board. That is five minutes combined, no matter how many people wish to speak. Applicants should be prepared to explain their variance, why they are requesting it and answer questions from the board. Anyone speaking in opposition also has a total of five (5) minutes to address the application in front of the board. Be prepared to raise your hand or announce yourself when the chair asks for those in support or opposition to the application.
10. **Applicant and/or Representative must be Present.** Applicants or their representative must be present at the public hearing to present the request to the Zoning Board of Appeals.
11. **Executive Session.** After the public hearing, the Board of Appeals will close the public hearing, go into executive session for discussion, and will then take an action on an application. Applicants are not allowed to address the Board of Appeals during Executive Session unless they are asked
12. **Zoning Board of Appeals Actions.** The Board of Appeals is authorized to:
  - a. Approve the application as submitted;
  - b. Approve a revised application;
  - c. Approve an application with conditions;
  - d. Deny an application (if an application is denied, no variance can be considered on the same site within 24 months);
  - e. Allow an application to be “Withdrawn without Prejudice” at the request of the applicant.

## DEPARTMENT OF PLANNING & SUSTAINABILITY

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13. **Compliance with standards upon denial.** In such case that a variance request is initiated due to an existing code violation and such application is denied, the violation shall be required to be brought into compliance within thirty (30) days of such denial or as specified by the board if a greater time period is approved.
14. **Successive applications.** Section 27-920 of the DeKalb County Zoning Ordinance states: An application for a variance or special exception affecting all or a portion of the same property which was denied by the Zoning Board of Appeals shall not be submitted more than once every twenty- four (24) months measured from the date of final decision by the zoning board of appeals. The Zoning Board of Appeals may waive or reduce this twenty-four-month time interval by resolution provided that if the application for a variance or special exception was denied by the Zoning Board of Appeals, the time interval between the date of said denial and any subsequent application or amendment affecting the same property shall be no less than six (6) months.
15. **Appeals of Decisions.** Any person aggrieved by a final decision of the board, or any officer, department, board or agency affected by such decision, may seek review of such decision by petitioning the Superior Court of DeKalb County. Such petition shall be filed within 30 days after the final decision of the board is rendered.

## ***Letter of Intent - continued***

Subject: Variance Request - Accessory Structure Construction

Dear Members of the Zoning Board of Appeals,

We are Angela & Latisa Daniel Boykin writing to formally request a variance for our property located at 4595 Mossey Drive, Lithonia, GA 30038. The purpose of this variance is to facilitate the construction of an accessory structure, namely an inground swimming pool which is critical for the improvement and effective use of our property. We are seeking this variance due to the steep slope that is literally our backyard which presents multiple challenges and unique hardships. It's causing significant land erosion, environmental risk and hazardous conditions within the buffer zones. We understand our request falls within a small portion of the 75' buffer zone due to the stream buffer location at the bottom of the backyard on our property. We are fully committed to adhering to the regulations and standards while addressing the safety and environmental concerns associated with the shape, size, exceptional topography and other site conditions of the drop off. This warrants our plea for consideration in hopes of earning a variance under the zoning ordinances of Dekalb County.

- 1. Physical Conditions of the Site:** The shape, unique topography, steep precipitous drop off, a steep slope heading into state waters and the overall layout and physical condition of our backyard constitute a special case necessitating this variance. Specifically of concern are erosion issues, soil consistency, trees uprooted, from soil sogginess and safety concerns. These conditions are inherent and not a result of any actions taken by us or previous owners.
- 2. Minimum Variance Necessary:** We assure you our request is for the absolute minimum variance necessary to afford relief, render our property usable and does not provide any special advantages that are not available to other property owners in our zoning district. Our lot size will accommodate an inground swimming pool that will be constructed to a specific size and parameter within a small portion of the 75' buffer allowable impervious area and will comply with all setback requirements within the buffer zones.
- 3. Public Welfare:** Our proposed addition of an inground swimming pool will preserve state waters, mitigate erosion and improve environmental safety. It will enhance the property without imposing adverse effects on the surrounding area; and add a positive aesthetic and impact on the community. This variance will not harm public welfare, neighboring properties or developments in the R100 zoning district. I have received an email letter of support from my neighbor Ms. Brenda Solomon who resides at 4575 Mossey Drive and spoken with my neighbor Mike at 4599 Mossey Drive neither feels the addition would have a negative community impact or intrude on their privacy.

## ***Letter of Intent - continued***

Subject: Variance Request - Accessory Structure Construction

- 4. Ordinance Hardship:** A strict interpretation of the zoning laws in this case, would definitely cause undue hardship for us. We are both seniors and my husband is a 100% disabled veteran receiving hip and knee therapy. The impracticality of adhering strictly would make it impossible or severely limit our ability to safely use our backyard, minimize any landscape options and deprive us of our right to have full access and use of our property. This variance is essential to prevent unnecessary hardship and allow for reasonable use of our backyard property. It will also enhance our quality of life, health and well being.
- 5. Alignment with the Spirit of the Law:** We firmly believe our variance request aligns with the 'spirit of the law' and intent of the Suburban Character Area outlined in the DeKalb County Comprehensive Plan. We are committed to working collaboratively to ensure our proposal coincides with DeKalb County's broader goals and seeks an appropriate modification for development, access and recreation. We sincerely appreciate your time and attention.

In conclusion, we value your time and consideration of our variance request. We are committed to working together to ensure that our proposal aligns with the broader goals and policies of DeKalb County. Thank you for your support.

See Addendum: Variance Request and Photographs

Sincerely,

Angela & Latisa Daniel Boykin



REFERENCES:  
1. LIMITED WARRANTY DEED BETWEEN: GLOBAL REAL ESTATE LLC (GRANTOR) AND ANGELA BOYKIN AND LATISA DANIEL BOYKIN (GRANTORS), DATED: APRIL 14, 2021 RECORDED IN D.B. 29296, PG. 358.  
2. SUBDIVISION PLAT OF DOGWOOD COVE, PHASE 1, BLOCK A, LOT 21 RECORDED IN PLAT BOOK 147, PAGES 3-4.

NO KNOWN PRIVATE UTILITY EASEMENTS OBSERVED BY THE SURVEYOR.  
NO PUBLIC ACCESS EASEMENTS PER FINAL PLAT. NO OBSERVED PRIVATE ACCESS EASEMENTS.  
STATE WATER BODIES AS DEPICTED.  
STATE & COUNTY WATER BUFFERS, IMPERVIOUS BUFFERS AS DEPICTED.  
NO FEMA DESIGNATED FLOOD PLAIN ON THIS PARCEL.  
NO SEPTIC SYSTEM, PARCEL SERVED BY MUNICIPAL SEWER DEPARTMENT.  
PROPERTY OWNER RESPONSIBLE FOR SETBACK COMPLIANCE  
FOR PRIVATE UTILITY COMPANY EASEMENTS, SHOWN OR NOT SHOWN ON THIS PLAN.

ON-SITE SILT VOLUME STORAGE  
67 CUBIC YARDS PER 1.00 DRAINAGE ACRES X 0.04 ACRES = 2.4 CUBIC YARDS OF REQUIRED SEDIMENT STORAGE FOR THIS SITE WILL BE SATISFIED BY THE USE OF SILT FENCE TYPE "S" (Sd1-S). SILT FENCE WITH A STORAGE DEPTH OF 1.17' (14") AND AN AVERAGE SLOPE OF 25% YIELDS 2.3 CUBIC FEET PER LINEAR FOOT OF STORAGE. THIS SITE HAS OVER 76 LINEAR FEET OF SILT FENCE WHICH YIELDS OVER 6.5 CUBIC YARDS OF STORAGE.

DEKALB COUNTY COMMISSIONER INFORMATION  
COMMISSIONER DISTRICT 5: MEREDA DAVIS JOHNSON  
SUPER DISTRICT 7: LaDENA BOLTON

SITE ADDRESS: 4595 MOSSEY DRIVE  
LITHONIA, GA 30038  
TAX P.I.N. 15 031 01 253  
ZONING R100

POOL CONTRACTOR:  
GEORGIA LUXURY POOLS  
DAVID BROWN: 404-649-2358

24 HOUR EROSION & SEDIMENT CONTROL CONTACT  
DAVID BROWN: 404-649-2358

OWNER: ANGELA BROWN-BOYKIN  
4595 STONECREST, GA 30038  
EMAIL: ABOYKIN57@GMAIL.COM  
PHONE: 615-516-8664

## PRE-CONSTRUCTION

### IMPERVIOUS SURFACE

DESCRIPTION	SQ.FT.
ENTIRE LOT	35,137
*EXISTING TOTAL IMPERVIOUS AREA	4,742
PRE-CONSTRUCTION LOT COVERAGE % IMPERVIOUS	13.5%

\*EXISTING TOTAL IMPERVIOUS AREA INCLUDES:  
HOUSE, DRIVEWAY, PORCH, WALKWAY, HVAC PADs AND RETAINING WALL

## POST-CONSTRUCTION

### IMPERVIOUS SURFACE

DESCRIPTION	SQ.FT.
ENTIRE LOT	35,137
*EXISTING TOTAL IMPERVIOUS AREA	4,742
PROPOSED POOL	612
PROPOSED POOL CONCRETE DECK	310
PROPOSED POOL EQUIPMENT	16
FINAL POST-CONSTRUCTION LOT COVERAGE % IMPERVIOUS	16.2%

\*EXISTING TOTAL IMPERVIOUS AREA INCLUDES:  
HOUSE, GARAGE, DRIVEWAY, PORCH, HVAC PAD AND PATIO

## EROSION AND SEDIMENT CONTROL NOTES:

EROSION AND SEDIMENT CONTROL MEASURES AND PRACTICES TO BE INSPECTED DAILY.

CUT AND FILL SLOPES SHALL NOT EXCEED 3H:1V ON RESIDENTIAL PROJECTS AND LOTS AND LOTS SHALL NOT EXCEED 2H:1V ON ALL OTHER PROJECTS.

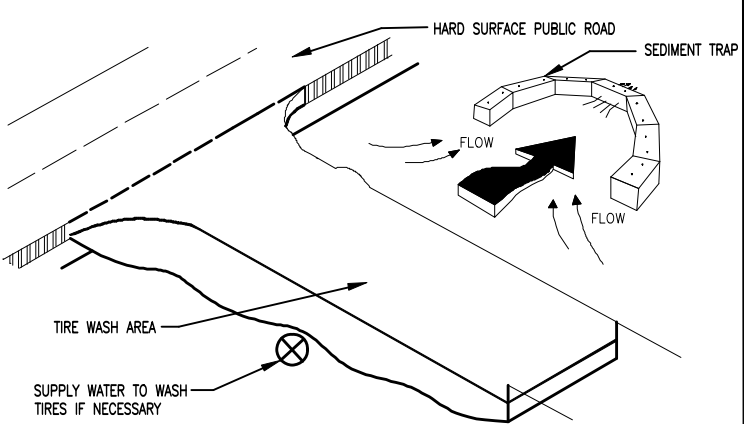
I CERTIFY THAT THE PERMITTEE'S EROSION, SEDIMENTATION AND POLLUTION CONTROL PLAN PROVIDES FOR AN APPROPRIATE AND COMPREHENSIVE SYSTEM OF BEST MANAGEMENT PRACTICES REQUIRED VY THE GEORGIA WATER QUALITY CONTROL ACT AND THE DOCUMENT 'MANUAL FOR EROSION AND SEDIMENT CONTROL IN GEORGIA', PUBLISHED BY THE STATE SOIL AND WATER CONSERVATION COMMISSION AS OF JANUARY OF THE YEAR IN WHICH THE LAND DISTURBING ACTIVITY AND THE DESIGNED SYSTEM OF BEST MANAGEMENT PRACTICES AND SAMPLING OF THE RECEIVING WATER(S) OR THE SAMPLING OF THE STORM WATER OUTFALLS AND THE DESIGNED SYSTEM OF BEST MANAGEMENT PRACTICES AND SAMPLING METHODS IS EXPECTED TO MEET THE REQUIREMENTS CONTAINED IN THE GENERAL NPDES PERMIT NO. GAR 10000-3.

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 DIRECT SUPERVISION.

INSPECTIONS BY QUALIFIED PERSONNEL PROVIDED BY THE PRIMARY PERMITTEE AND THE ASSOCIATED RECORDS SHALL BE KEPT ON SITE IN COMPLIANCE WITH GAR1000-3.

- GENERAL NOTES:
- 1) ALL IMPROVEMENTS NOT SHOWN
  - 2) THIS PLAN IS NOT A BOUNDARY SURVEY PLAT, NOT INTENDED FOR RECORDING PURPOSES
  - 3) THIS PLAN IS NOT TO BE USED FOR THE TRANSFER OF TITLE
  - 4) EXISTING CONTOURS BASED ON SURVEY DATA AND DEKALB COUNTY GIS
  - 5) THIS PARCEL LIES WITHIN A ZONE "X" AREA DETERMINED TO BE LOCATED OUTSIDE THE 500 YR. FLOODPLAIN
  - 6) EROSION CONTROL MEASURE4 MUST BE MAINTAINED THOUGHOUT CONSTRUCTION PROCESS
  - 7) MAINTAIN POSITIVE DRAINAGE AWAY FROM POOL AND HOUSE
  - 8) POOL TO BE FENCED ACCORDING TO POOL ENCLOSURE REGULATIONS PER THE 2021 IPSC (INTERNATIONAL SWIMMING POOL AND SPA CODES). ACCESS INTO THE POOL AREA FROM THE HOUSE, IF ANY, IS TO BE ARMED PER APPLICABLE CODES.
  - 9) GATES ARE TO BE SELF CLOSING AND SELF-LATCHING
  - 10) SEDIMENT SHALL BE REMOVED ONCE IT HAS REACHED ONE-HALF THE HEIGHT OF THE ORIGINAL BARRIER
  - 11) ALL SEDIMENT ACCUMULATED AT THE BARRIER SHALL BE REMOVED AND PROPERLY DISPOSED OF BEFORE THE BARRIER IS REMOVED
  - 12) SITE SERVED BY DEKALB COUNTY WATER AND SEWER DEPARTMENT (SANITARY SEWER)
  - 13) SIDE AND REAR SETBACKS BASED ON DEKALB COUNTY REGULATIONS FOR POOL CONSTRUCTION
  - 14) POOL LOCATION IS TO BE A MINIMUM OF 5' OFF SIDE AND REAR PROPERTY LINES
  - 15) HOMEOWNERS ARE CAUTIONED AGAINST THE USE OF RE-USE WATER FOR HUMAN CONSUMPTION OR OTHER PURPOSES NOT SPECIFICALLY ALLOWED IN THE GEORGIA EPD RE-USE REGULATIONS

## CONSTRUCTION EXIT SEDIMENT TRAP (IF REQUIRED) EXISTING CONCRETE CONSTRUCTION EXIT



1. WHEN WASHING IS REQUIRED, IT SHOULD BE DONE ON AN AREA THAT DRAINS INTO AN APPROVED SEDIMENT TRAP OR SEDIMENT BASIN (DO NOT ALLOW SURFACE RUNOFF AND DRAINAGE FROM THE ENTRANCE TO A SEDIMENT CONTROL DEVICE).
2. WASHRACKS AND/OR TIRES WASHERS MAY BE REQUIRED DEPENDING ON SCALE AND CIRCUMSTANCE. IF NECESSARY, WASHRACK DESIGN MAY CONSIST OF ANY MATERIAL NEEDED TO REMOVE MUD AND DIRT.
3. MAINTAIN AREA IN A WAY THAT PREVENTS TRACKING AND/OR FLOW OF MUD ONTO PUBLIC RIGHTS-OF-WAYS.

## DISTURBED STABILIZATION MULCH(DS1)

PLANT RESIDUES OR OTHER SUITABLE MATERIALS, PROUDCED ON THE SITE IF POSSIBLE, TO THE SOIL SURFACE.  
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.

## PERMANENT GRASSING/SODDING PLAN(DS3)

SPECIES	RATE / 1000 S.F.	DATES:	FERTILIZER	RATE / 1000 S.F.
WEeping LOVEGRASS & VIRGATA OF SERICEA LESPEDEZIA (SCARIFIED)	.2-4- LB 1-2 LB.	3-1 TO 6-15	6-12-12	25-35 LBS.
ALL FESCUE GRASS	8-10 LB.	9-1 TO 11-1	6-12-12	25-35 LBS.
BERMUDA GRASS (HULLED) (UNHULLED)	1-2 LB. 2-3 LB.	3-15 TO 6-15 10-01 TO 3-15	6-12-12 6-12-12	25-35 LBS. 25-35 LBS.

- NOTES:
1. ALL AREAS TO BE SEEDED SHALL HAVE LIME APPLIED AT THE RATE OF 90 LBS. PER 1000 S.F. LIME & FERTILIZER TO BE APPLIED PRIOR TO APPLICATION OF SEED AND MIXED THOROUGHLY WITH THE SOIL.
  2. ALL AREAS SEEDED SHALL HAVE AN APPLICATION OF STRAW MULCH IMMEDIATELY AFTER APPLICATION OF SEED & FERTILIZER. APPROXIMATELY 2 TONS PER ACRE.
  3. PERMANENT GRASSING OCT. - JUNE, ALL OTHER MONTHS USE TEMPORARY GRASSING & REPLANT.
  4. USE TEMPORARY GRASSING IF INACTIVE DISTURBED AREA IS TO BE EXPOSED FOR MORE THAN 14 DAYS.

NOTES:  
NO PERMANENT NON ERODABLE STRUCTURE CAN BE PLACED WITHIN THE 75' DEKALB COUNTY STREAM BUFFER.  
ALL SEDIMENTATION AND EROSION CONTROL MEASURE TO REMAIN IN PLACE UNTIL CONSTRUCTION IS COMPLETE AND PERMANENT VEGETATION AND OR SODDING IS IN PLACE.

POOL OVERFLOW AND BACKWASH TO EXIT THE POOL IN A SHEETFLOW METHOD FOR APPROXIMATELY 25' AT 4% SLOPE TO MAINTAIN WATER QUALITY MANAGEMENT ON-SITE.

\*SEE NOTES 8&9 REGARDING  
POOL FENCE & GATES

\*SEE NOTES 8&9 REGARDING  
POOL FENCE & GATES

\*SEE NOTES 8&9 REGARDING  
POOL FENCE & GATES

N/F  
DEBORAH P. & GERALD MICHAEL BAILEY  
LOT 22  
DOGWOOD COVE, PH. 1, BLOCK A  
ZONING: R100  
D.B. 26278, PG. 23  
P.B. 147, PG. 3  
ADDRESS: 4599 MOSSEY Dr.,  
LITHONIA, GA 30038

## PROPOSED PENETRATION INTO 75' BUFFER

POOL AND COPING = 512 SF  
POOL DECKING = 256 SF  
ENGINEERED RETAINING WALL = 112

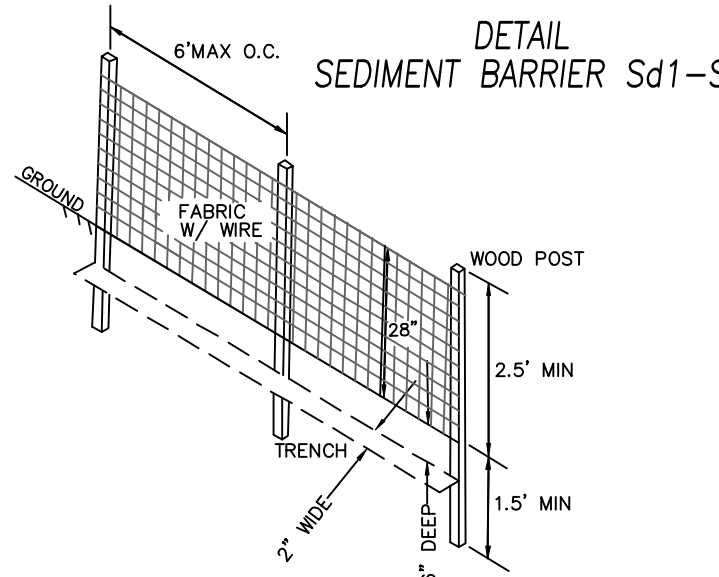
PROJECT RECEIVING WATERS  
PROJECT RECEIVING WATERS FOR THIS PROJECT ARE:  
SOUTH RIVER APPROXIMATELY 9.2 MILE SECTION (IMPAIRED WATERS)  
THE WATER IS LOCATED BETWEEN FLAKES MILL ROAD & POLE BRIDGE CREEK

## SOIL CLASSIFICATION TABLE

MFC2	MADISON SANDY CLAY LOAM 2-10% SLOPE
MFD2	MADISON SANDY CLAY LOAM 10-15% SLOPE
MFE2	MADISON SANDY CLAY LOAM 15-25% SLOPE

N/F  
GWENDOLYN D. FRANKLIN  
LOT 24  
SOUTH RIVER BEND S/D  
ZONING: R100  
D.B. 13615, PG. 121  
P.B. 125, PGS. 11-12  
ADDRESS: 4611 LAURA PL.,  
LITHONIA, GA 30038

N/F  
MOUSSA LY  
LOT 34  
SOUTH RIVER BEND S/D  
ZONING: R100  
D.B. 22481, PG. 261  
P.B. 125, PGS. 11-12  
ADDRESS: 4636 CHRISTI CT.,  
LITHONIA, GA 30038



CALL  
BEFORE  
YOU DIG

NOTE: OWNER SHALL BE RESPONSIBLE FOR ANY  
CONFLICTS WITH EXISTING UTILITIES.

## VARIANCE SITE PLAN

ANGELA BOYKIN & LATISA DANIEL BOYKIN

DOGWOOD COVE, PHASE I, BLOCK A, LOT 21  
LAND LOTS 31 & 32, 15th DISTRICT  
DEKALB COUNTY, GEORGIA  
DATE: DECEMBER 18, 2024

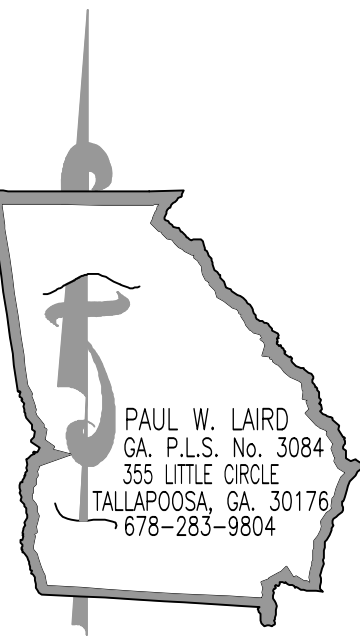
(DS1) DISTURBED AREA STABILIZATION (TEMPORARY/WITH MULCHING ONLY)  
STRAW OR HAY DEPTH: 2" TO 4"  
WOOD CHIPS OR BARK DEPTH: 2" TO 3"

(DS3) DISTURBED AREA STABILIZATION (PERMANENT VEGETATION/WITH SODDING)

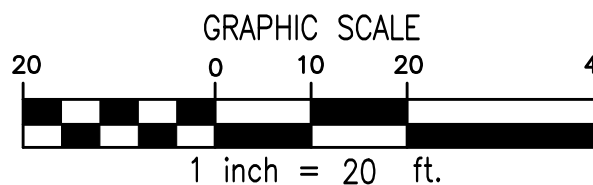
## EROSION CONTROL CERTIFICATION

I CERTIFY UNDER PENALTY OF LAW THAT THIS PLAN WAS PREPARED AFTER A SITE VISIT TO THE LOCATION DESCRIBED HEREIN BY MYSELF OR MY AUTHORIZED AGENT UNDER MY SUPERVISION.

BY: *Paul W. Laird* 12/18/2024  
PAUL W. LAIRD, REGISTERED PROFESSIONAL GEORGIA LAND SURVEYOR NO. 3084  
LEVEL II CERTIFIED DESIGN PROFESSIONAL - CERTIFICATION NUMBER 101690



F.I.R.M. FLOOD NOTE:  
THIS PROPERTY IS LOCATED IN A ZONE X AREA  
(DETERMINED TO BE OUTSIDE THE 0.2% CHANCE  
ANNUAL FLOODPLAIN)  
ACCORDING TO F.I.R.M. OF DEKALB COUNTY, GA.  
COMMUNITY-PANEL NO. 13089C0162J  
DATED: 05/16/2013





## Fw: Zoning Board of Appeals Variance Request - Boykin Project

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From: Brenda Solomon (bsolomon313@yahoo.com)

To: angelaenterprise@aol.com

Date: Thursday, March 20, 2025 at 01:20 PM EDT

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March 20, 2025

DeKalb County Zoning Board of Appeals,

My name is Ms. Brenda Solomon I reside at 4575 Mossey Drive. I'm writing to express my full support for Angela Boykin's request for a variance for their proposed backyard inground swimming pool project at 4595 Mossey Drive. I have observed Mr. & Mrs. Boykin to be responsible and considerate neighbors, and I believe this project will enhance the neighborhood without causing any disruption. This project will not negatively impact my property or the community nor intrude on privacy, therefore I have no objections to the variance request.

If additional information is needed please let me know.

Kindest regards,

Brenda Solomon  
4575 Mossey Drive  
404-510-3541  
bsolomon313@yahoo.com

**Addendum**  
**Variance Request**  
**4595 Mossey Drive**  
**Lithonia, GA 30038-7724**  
**Property Owners: Angela & Latisa Daniel Boykin**

**Contents**

- Introduction - Property Overview
- Challenges Posed by the Steep Slope
- Severe Environmental Erosion Risk - Severe Steep Slope
- Stream Buffer backyard location
- Importance of Zoning Variance / Proposed Solutions

# Introduction

We are writing to formally request a variance for our property located at 4595 Mossey Drive, Lithonia, GA 30038. The purpose of this variance is for construction of an inground swimming pool in our backyard. We are seeking this variance to be able to use our backyard despite a deep steep slope that presents multiple hardships as its causing significant land erosion, environmental risk and hazardous conditions within the buffer zones. This warrants our plea for consideration in hopes of earning a variance under the zoning ordinances of Dekalb County.

Applicant: Angela Boykin

Property Owners: Angela & Latisa Danny Boykin, property owners

Professional Land Surveyor: Paul Laird, PLSGA LLC

## Overview of Property 4595 Mossey Drive



**Backyard Slope Side View**



**Backyard Rear View**

# Challenges Posed by the Steep Slope

- A. **Safety Concerns:** The steep slope is hazardous for us as seniors, for grandchildren, family, friends, landscapers, pets and anyone who may inadvertently get too close to the edge at the top of the yard. My husband is a 100% disabled veteran and has hip and knee therapy sessions.
- B. **Severe Environmental Erosion Risk:** The aggressive natural erosion associated with the steep slope impacts the foundation, stability, infrastructure, appearance of the property and requiring safety protocols.
- C. **Restricts Property Use:** The steep drop off completely restricts the functional use of the backyard, creates major drainage issues, and limits landscaping options and recreational activities. We are proposing the installation of an inground pool for reinforcement, stabilization, community aesthetics, well being and therapeutic benefits.



## Safety and Environmental Erosion Risk

The drop off is unsafe and makes the backyard treacherous. Severe and rapid environmental erosion, large open dips and holes at the base of the backyard are dangerous and require constant fortification to mitigate further erosion (sod, mulch, gravel, dirt, straw, jute hemp rope, etc.).



## Severe Steep Slope

The steep slope and hazardous drop off starts about 10' from the end of the patio.





## Stream at the Base of Backyard

1. The first photo shows the distance from the house to the stream as shown on site plan.
2. The second photo shows the small stream located at the base of the backyard.



3. These two photos show the severe erosion and uprooted trees.



## Importance of Zoning Variance / Proposed Solutions

Given these challenges we ask the Zoning Board of Appeals for variance consideration for the accessory structure/inground swimming pool and to address the aforementioned challenges:

- A. **Safety Enhancements:** Install appropriate safety barriers, retaining walls, fencing along the slope's perimeter to prevent accidental falls and restrict access to the hazardous areas.
- B. **Preservation Measures:** To stabilize the steep slope and mitigate further erosion, we plan to engage in engineering solutions, such as retaining walls, drains, stepped terracing, grading, fencing and research further erosion control strategies to enhance cultivation.
- C. **Property Use Allowances:** Flexibility in zoning regulations to accommodate alternative use of the backyard space which is compatible with the natural features of the landscape and transform the space to be functional with privileges enjoyed by other property owners in the R-100 zoning district.

We understand our request falls within a small portion of the 75' and 50' buffer zone due to the stream buffer location at the bottom of the backyard on our property. We are fully committed to adhering to the regulations and standards while addressing the safety and environmental concerns associated with the shape, size, exceptional topography and other site conditions of the drop off.

Respectfully submitted,

Angela & Latisa Daniel Boykin  
4595 Mossey Drive  
Lithonia, GA 30038-7724