

# **DeKalb County Zoning Board of Appeals**

Department of Planning & Sustainability 178 Sams Street, Decatur, GA 30030

Wednesday June 11, 2025



Cedric Hudson

Interim Director

Lorraine Cochran-Johnson

## **Planning Department Staff Analysis**

Chief Executive Officer

N5. Case No: A-25-1247533 Parcel ID(s): 18 107 06 002

#### **Commission District 02 Super District 06**

Applicant: Jonathon Newman and Debra Newman

1147 Janes Lane NE Atlanta, GA 30324

Owner: Jonathon Newman and Debra Newman

1147 Janes Lane NE Atlanta, GA 30324

Project Name: 1147 Janes – Lot coverage for pool

Location: 1147 Janes Lane NE, Atlanta, GA 30324

Requests: Application by Jonathan and Debra Newman to request variance from Section 27-2.2.1 of the DeKalb County Zoning

Ordinance to increase lot coverage 35% to 36% to facilitate pool construction in the R-75 (Residential Medium Lot-

75) zoning district.

Staff Recommendation: Approval with condition

**Condition:** The following information about this variance shall be noted on any site plan prepared for the subject property: case number, approval date, type of variance and condition(s) of approval.

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#### **STAFF FINDINGS:**

The applicants are requesting a variance from Section 27-2.2.1 of the DeKalb County Zoning Ordinance to increase maximum lot coverage on an R-75 zoned parcel from 35% to 36% to allow construction of a small in-ground exercise pool intended for medical hydrotherapy. The proposed pool is medically recommended by Mr. Newman's neurosurgeon at Emory, Dr. Gerald Rodts, to assist with post-surgical spinal recovery.

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 lot presents natural constraints that contribute to the need for relief. While it meets the R-75 zoning requirement for minimum lot area, it falls short of the required lot width by 10 feet, measuring only 65 feet across where 75 feet is required. In addition, the site contains multiple mature specimen trees. These physical conditions were not created by the applicants and support a finding of extraordinary site constraints.

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 applicants have proposed a compact exercise pool sized strictly for therapeutic use. To further reduce lot coverage impact, the planned impervious deck surrounding the pool was removed from the final design. As a result, the request reflects the least deviation necessary to achieve the intended outcome while preserving zoning compliance to the greatest extent feasible.

This 1% increase is modest and falls well within a tolerable range of variance practice, especially when tied to a medical justification. Staff finds that the applicants have made sincere efforts to minimize the scope of their request, and that the design neither introduces luxury-scale improvements nor seeks relief for general convenience. The request is focused, appropriate, and does not constitute a special privilege.

# 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:

There is no indication that the proposed improvements will negatively impact neighboring properties or the general public. Letters of support have been submitted by adjacent residents. The pool design maintains residential character, is integrated into the landscape plan, and will be screened through plantings consistent with neighborhood aesthetics.

Additionally, stormwater management features are already present on-site, and the final plan includes native vegetation that supports sustainable landscape practices. The pool's size and location ensure that it does not compromise privacy, light, or noise conditions for nearby properties.

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

Enforcing the lot coverage limit without flexibility would effectively deny the applicant the opportunity to install a therapeutic water feature. Given the medical necessity of hydrotherapy for Mr. Newman's recovery, as certified by a licensed neurosurgeon, strict

application of the zoning standard would result in undue and unnecessary hardship. The alternative—relying on smaller, less effective solutions such as hot tubs—would reduce therapeutic benefit and pose accessibility challenges.

# 5. The requested variance would be consistent with the spirit and purpose of this Chapter and the DeKalb County Comprehensive Plan Text:

The request aligns with the intent of the R-75 zoning district and the Comprehensive Plan's Suburban Character Area, which encourages modest, health-supportive residential amenities. The variance promotes personal health, reasonable infill development, and respect for the physical layout of the lot and surrounding homes. It neither disrupts the character of the neighborhood nor challenges the spirit of zoning regulations.

By preserving tree cover, reducing impervious footprint where possible, and limiting the project to therapeutic function, the applicants demonstrate alignment with DeKalb County's broader land use goals. The variance supports an individual medical need without undermining zoning integrity or encouraging precedent for out-of-scale improvements.

### **FINAL STAFF ANALYSIS:**

**Staff recommends approval** of the variance request. The proposed increase in lot coverage is minimal, and designed in a way that preserves neighborhood character and environmental balance.

**Staff Recommendation:** Approval with condition

**Condition:** The following information about this variance shall be noted on any site plan prepared for the subject property: case number, approval date, type of variance and condition(s) of approval.



**Development Services Center** 178 Sams Street Decatur, GA 30030 www.dekalbcountyga.gov/planning

404-371-2155 (o); 404-371-4556 (f)

Chief Executive Officer Michael Thurmond

# **DEPARTMENT OF PLANNING & SUSTAINABILITY**

Interim Director Cedric Hudson

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

(Jon) (Debbie)
Applicant and/or Authorized Representative: Jonathan Newman and Debra Newman
Mailing Address: 1147 Janes Lane NE
City/State/Zip Code: Atlanta, GA 30324
Telephone Home: 770-316-6009 Business:
Telephone Home: 770-316-6009 Business:
OWNER OF RECORD OF SUBJECT PROPERTY
owner: Jonathan Newman and Debra Newman
Address (Mailing): 1147 Janes Lane NE, Atlanta, 6A 30324
Address (Mailing): 1147 Janes Lane NE, Atlanta, 6H 30324 Email: Coachjonnewman Pg Telephone Home: 770-316-600 Business:
ADDRESS/LOCATION OF SUBJECT PROPERTY
Address: 1147 Janes Lane NE city: Atlanta state of zip 308 24
District(s): 2/6 Land Lot(s): 36 Block: Parcel: 18 107 06 00 2
Zoning Classification: R-75 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 with any questions.



## DEPARTMENT OF PLANNING & SUSTAINABILITY

### **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: 4-22-2025

Applicant Signature:

DATE: 4-72-2025

Applicant Signature:



# DEPARTMENT OF PLANNING & SUSTAINABILITY

### **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 preparty and that I authorize the applicant/agent to apply for a

hearing to the ZoningBoard of Appeals for the request DATE: 4-22-2025  Applicant/Agent Signature:	M
TO WHOM IT MAY CONCERN:  (I) / (WE): Debra Newman and (Name of Owners)	Jonathan Newman
being (owner/owners) of the property described whelever signed agent/applicant.  OTAR  DEPTER  GEORGIA  Jun 11, 2023	or attached hereby delegate authority to the above  A Maumon  Owner Signature
Notary Public  DORES GEORGIA Jane 11, 2025  VBLIC  Notary Public	Owner Signature  Owner Signature

Dekalb County Dept. Of Planning & Sustainability Zoning Boards of Appeals

330 Ponce De Leon Ave Suite 300

Decatur, GA, 30030

Subject: Variance Request for Increase in Lot Coverage from 35% to 36%- Section 27-2.2.1 – Accessory Structure Construction

Dear Members of the Zoning Board of Appeals, My name is Jon, and I am writing to formally request a variance from Section 27-2.2.1 of the DeKalb County Zoning Ordinance. My request pertains to the Increase of allowable lot coverage of 35% to 36% for my property located at 1147 Janes Ln NE. The purpose of this variance is to facilitate the construction of an in ground concrete pool. The intended pool requires specific dimensions to serve as hydro therapy pool for recovery from multiple back surgeries.

- 1. Physical Conditions of the Site: The unique physical conditions of my property constitute a special case necessitating this variance. The parcel is characterized by a narrow shape in the rear of the reducing the space. Additionally, the presence of specimen trees, a natural feature of the land, further restricts the feasible location for constructing the accessory structure. These conditions are inherent and not a result of any actions taken by me or previous property owners.
- 2. Minimum Variance Necessary: I assure you that my request is solely for the minimum variance necessary to render my property usable, the pool must be constructed to a certain minimum parameter and size to accommodate the intended use. The elimination of an originally planned travertine pool deck around the pool has already been established to render the new impervious impact as minimal as possible.
- 3. Public Welfare: The proposed addition will provide a positive impact on the neighborhood and community. I have received numerous letters of support from my neighbors who do not feel the addition would intrude on their enjoyment or usage of their properties. The requested variance will not pose any harm to public welfare, neighboring

properties, or the overall improvements in the R-75 zoning district. There is also existing stormwater mitigation flow wells on site, and an extensive landscape plan incorporating many native plants to be added at the end of the construction of the planned pool.

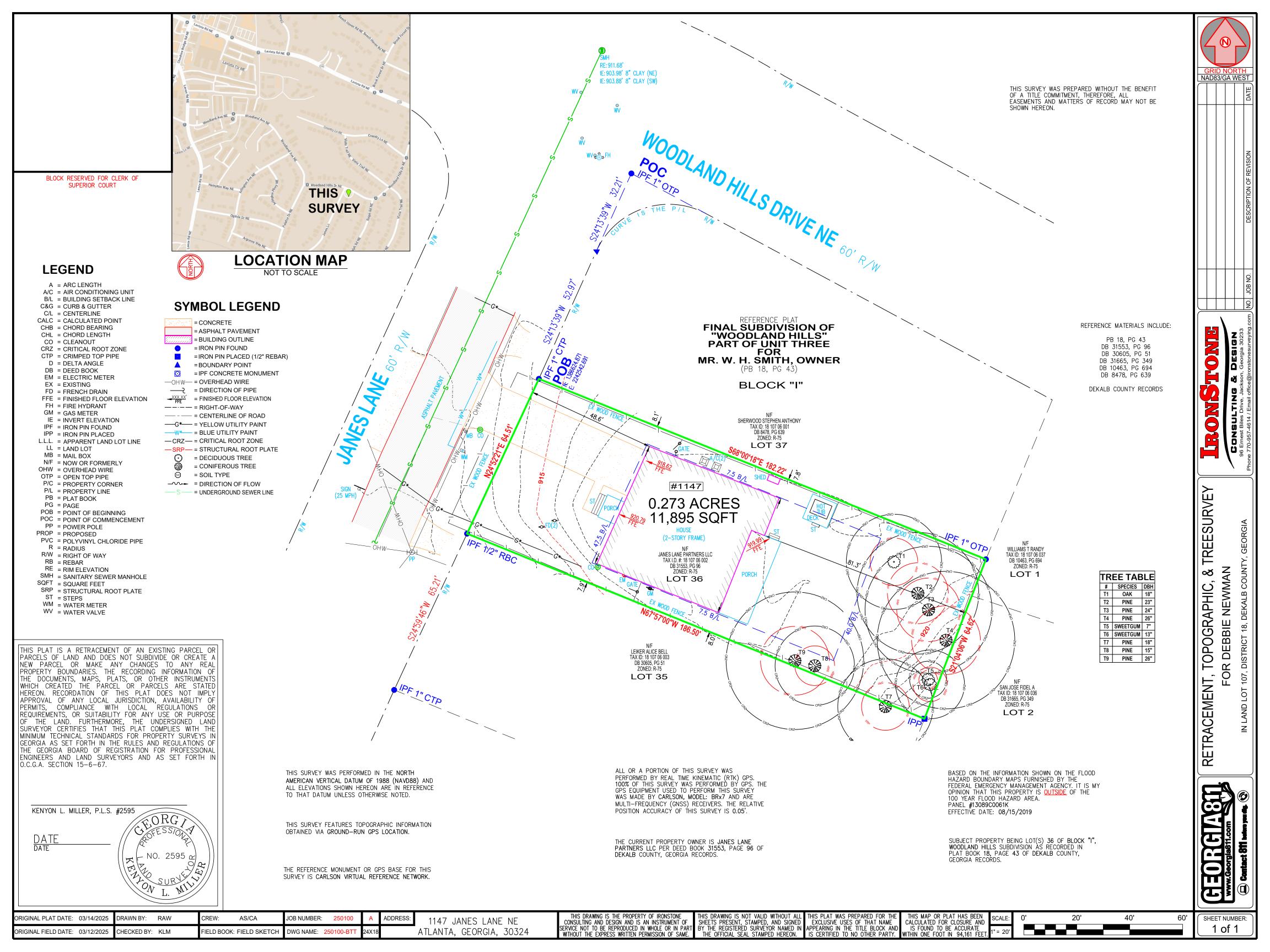
- . 4. Ordinance Hardship: A strict interpretation of the zoning laws, in this case, would cause undue hardship for me. The impracticality of adhering strictly to the 35% impervious maximum would limit my ability to use the property effectively. The variance is, therefore, essential to prevent unnecessary hardship and allow for a reasonable use of my land.
- 5. Alignment with the Spirit of the Law: I firmly believe that my variance request aligns with the intent of the Suburban Character Area, as outlined in the DeKalb County Comprehensive Plan. The proposed construction of a residential swimming pool is in line with the goals of recognizing traditional suburban land use patterns while encouraging increased connectivity and accessibility. The development aims to enhance community connectivity, preserve and improve existing greenspace, and provide an amenity for both current and future property owners.

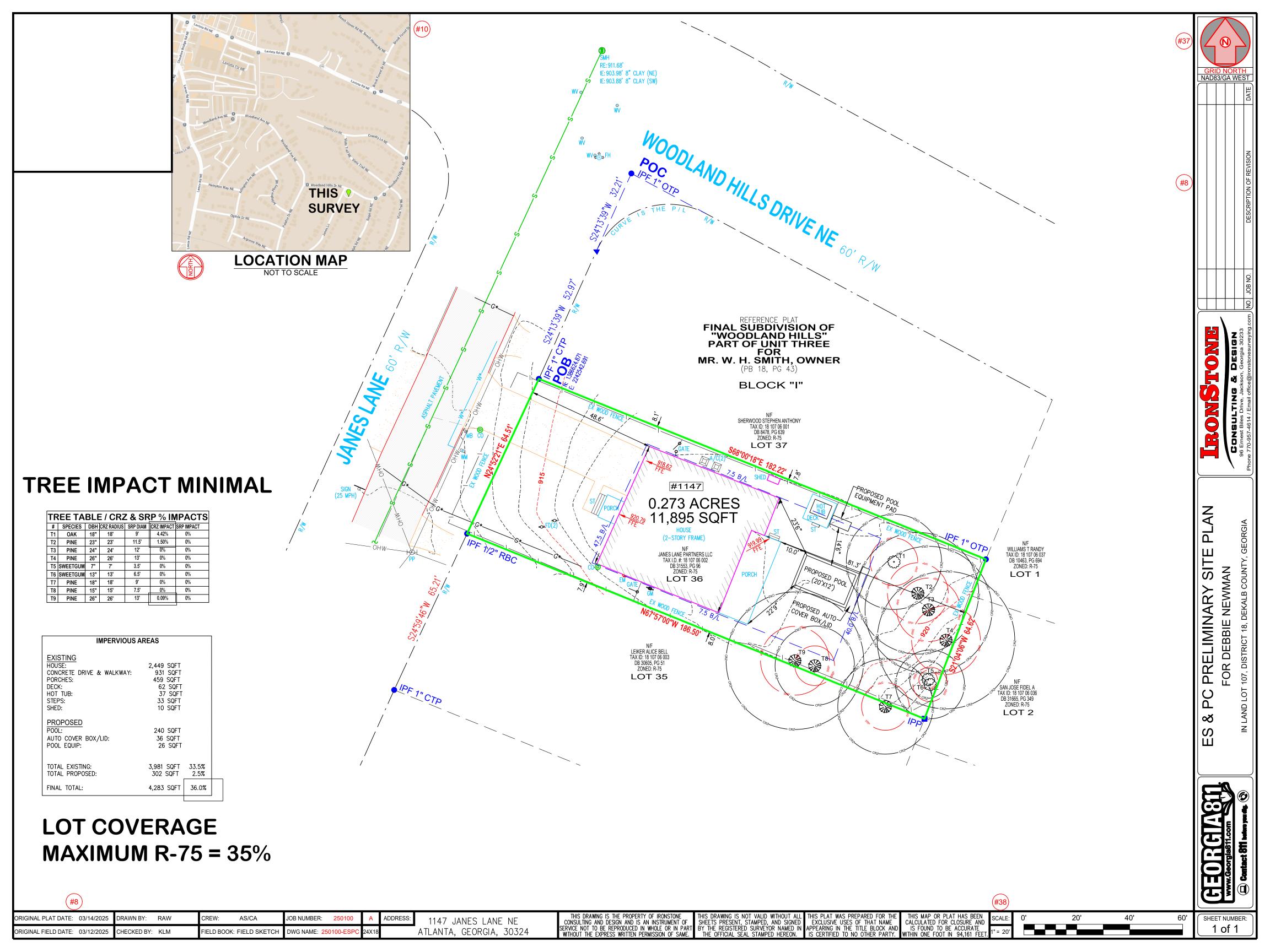
In conclusion, I appreciate your time and consideration of my variance request. I am committed to working collaboratively to ensure that my proposed changes align with the broader goals and policies of DeKalb County. Thank you for your attention to this matter.

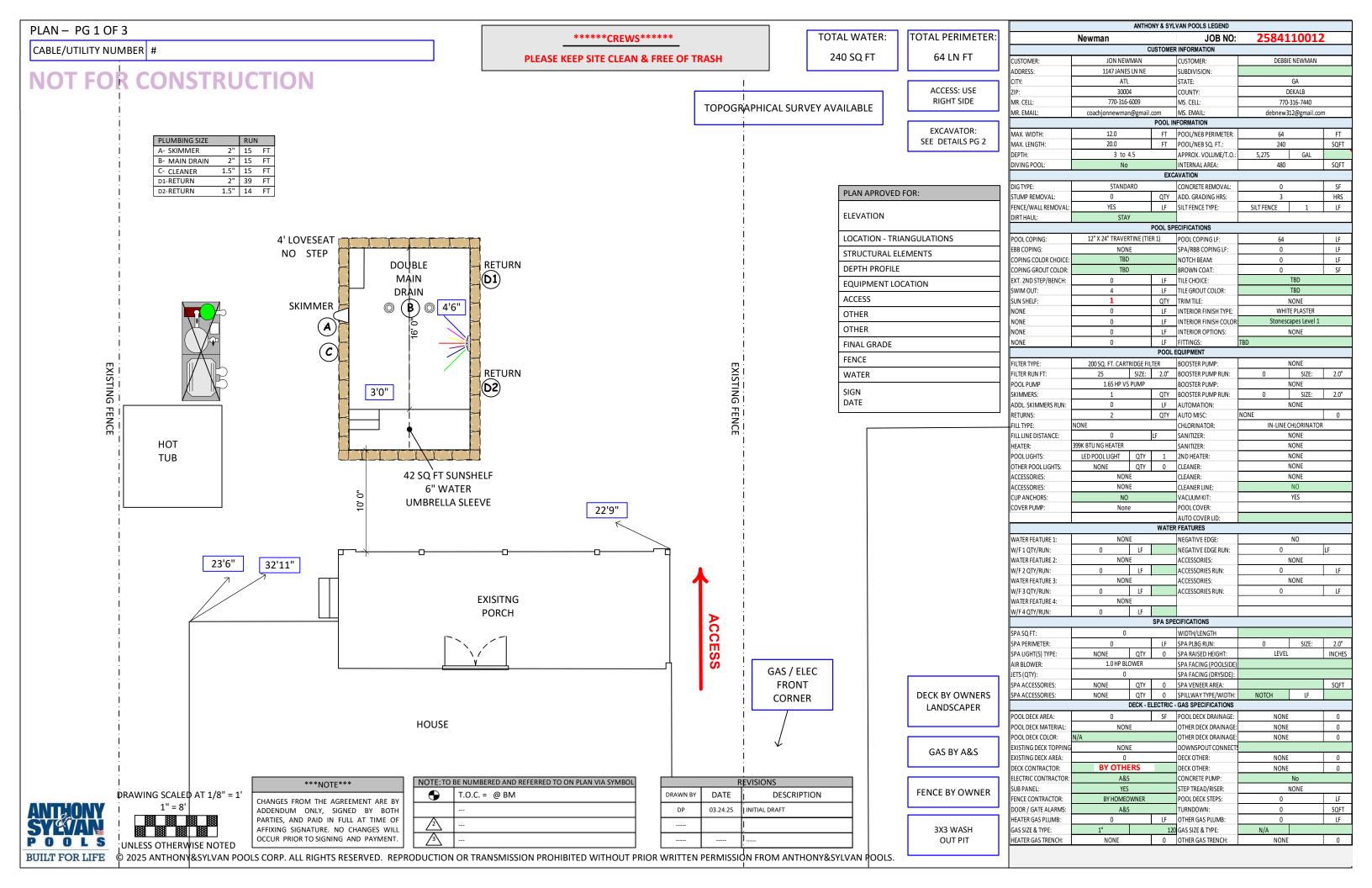
Sincerely,

Jon Newman

1147 Janes Ln NE



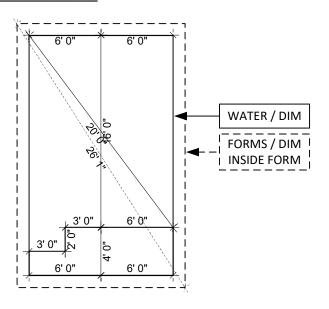


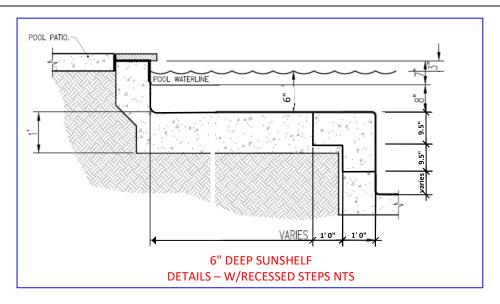


DETAILS – PG 2 OF 3

# **NOT FOR CONSTRUCTION**

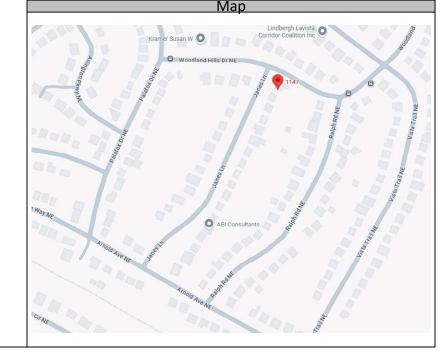
**POOL LAYOUT DETAIL** 



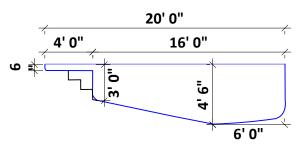


	SITE CONDITIONS								
WATER SOURCE:	CITY WATER			SEWER:	PUBLIC SEWER				
	BACKYARD FEATURES								
WALLS:	NONE	0	SQFT	WALLS:	NONE	0	SQFT		
FOOTER:	NONE	0	LF	WALL COPING:	NONE	0	LF		
WALL COPING:	NONE	0	LF	WALL FACING:	NONE	0	SQFT		
WALL FACING:	NONE	0	SQFT	MISCELLANEOUS:	NONE	0	QTY		
	POOL SETBACKS								
REAR:	15		FT.	EQUIPMENT:			FT.		
SIDES:	7.5 FT		FT.	FENCE:			FT.		
HOUSE:			FT.	OTHER SETBACKS:			FT.		
	ANTHONY & SYLVAN CO								
DESIGNER:	ROBERT NICHOLSON		CELL PHONE NO:	-					
A&S OFFICE:	ATLANTA			OFFICE PHONE NO:	404-845-9978				
ADDRESS:	2171 KINGSTON CT. SUI	1 KINGSTON CT. SUITE H, MARIETTA GA 30067							
GENERAL MANAGER:	ERIC BROCK			OFFICE PHONE NO:	404-845-9978				
PROJECT MANAGER:	Tim Hosfeld			CELL PHONE NO:	404-664-1283				

PHASE	EXTRA DETAILS	
PRE EXC	IE. STAKEOUT INSPECT(ALSO NOTE IF E&S CONTROLS NEEDED)	
EVCAVATION	FILL CONDITION	
EXCAVATION	PREP EQUIPMENT AREA TO DETAIL	
STEEL	A&S	
PLUMBING	A&S	
CONCRETE	A&S	
TILE/COPING	A&S	
ELECTRIC	A&S	
WALL		
DECK	OFF CONTRACT	
FENCE	BY HOMEOWNER	
FINAL GRADE	OWNERS CONTRACTOR	
PLASTER AND WATER	WATER NOT INCLUDED	
NG LINE	120LF OF NATURAL GAS LINE INCLUDED	
OTHER	N/A	
OTHER	N/A	

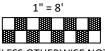


### CROSS SECTION DETAIL / DEPTH PROFILE



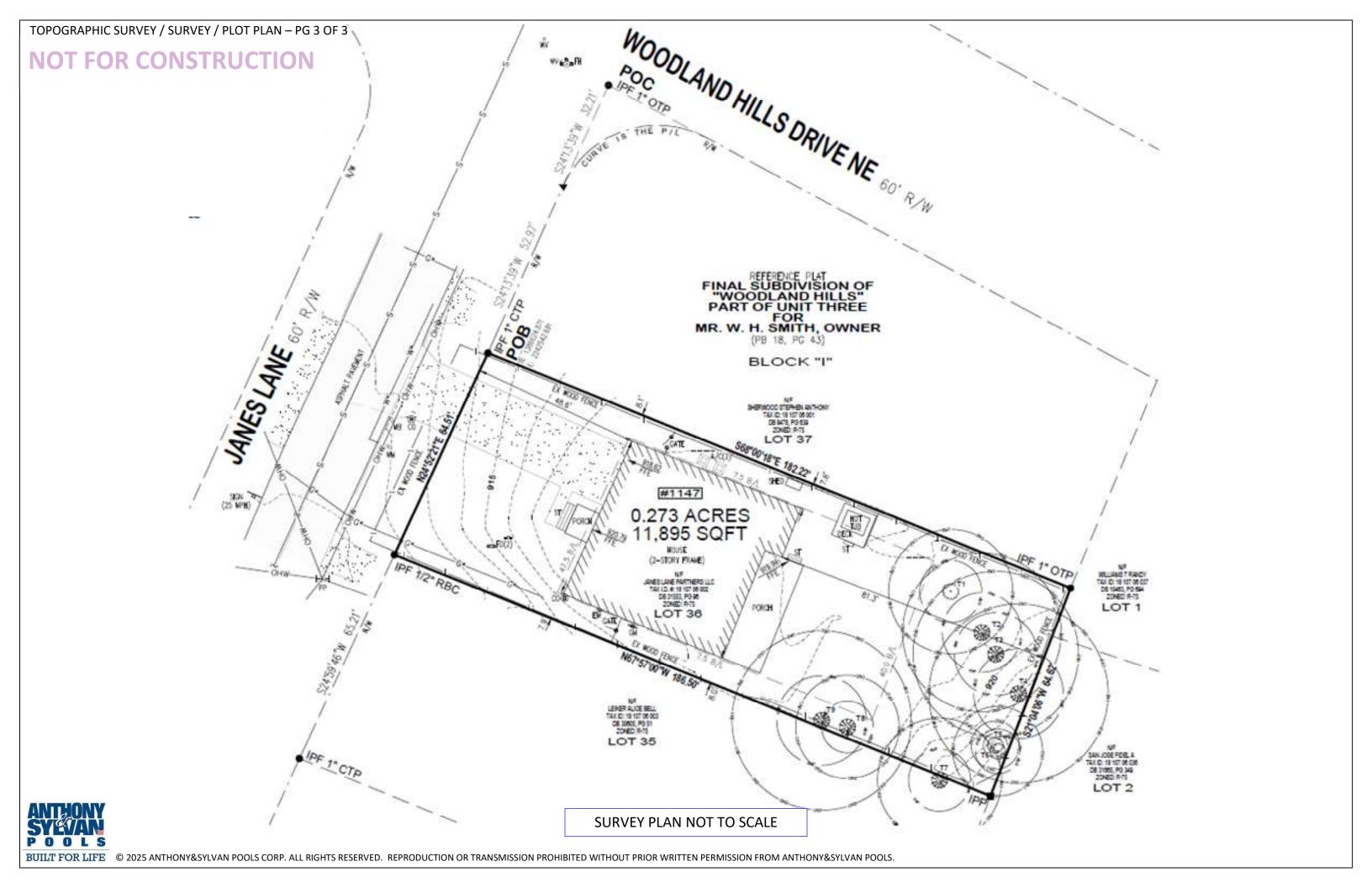
DRAWING SCALED AT 1/8" = 1'





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TIME RECEIVED April 7, 2025 at 9:41:25 AM EDT REMOTE CSID 404 686 8266

DURATION

PAGES

STATUS Received

From:EUHM Head&Neck Nurse Station

404 686 8266

04/07/2025 09:18

#827 P.001/001



Emory Midtown Office Tower 550 Peachtree St, NE Suite 1060, 10<sup>th</sup> Floor Atlanta, GA 30308

> Phone: 404-778-3350 Fax: 404-686-1055

Date: April 4, 2025

Patient: Jonathan Newman

DOB: 6/21/1961

To Whom It May Concern:

I am the treating neurosurgeon for Mr. Newman. He had cervical spine fusion in March. He also has a history of lumbar spine surgery and continues to have low back pain. He has been using a hot tub for muscle spasms that are common with spine surgeries.

He is attempting to have one installed at his home but has been told he is over the allowable land coverage for his property. I feel that the water therapy provided by a small in-ground therapy pool would allow for more space so he can do better stretching and strengthening than a traditional hot tub would provide. I believe this will be beneficial for his recovery and I consider it medically necessary.

Please contact my office if you have any questions or concerns.

Gerald E. Rodts, Jr., M.D.

Professor of Neurosurgery and Orthopaedic Surgery

The Emory Spine Center, Emory University

School of Medicine

Chief of Service, EUHM Neurosurgery

Co-Director, Emory Neurosurgery Spine Fellowship