



Michael L. Thurmond  
Chief Executive Officer

**DeKalb County Zoning Board of Appeals**  
Department of Planning & Sustainability  
330 Ponce De Leon Avenue, Suite 300  
Decatur, GA 30030



**Wednesday, December 12, 2018 at 1:00 PM**

**Planning Department Staff Analysis**

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**N.1 Case No: A-18-1242965 Parcel ID(s): 18-110-01-052**

**Commission District: 02 Super District 06**

**Applicant:** Linda I. Dunlavy, Dunlavy Law Group, LLC.  
1026 B Atlanta Avenue  
Decatur, Georgia 30030

**Owner:** Daphna Malka  
1315 Breezy Lane Northeast  
Atlanta, Georgia 30030

**Project Name:** 1315 Breezy Lane Northeast

**Location:** The property is located west of Breezy Lane Northeast, approximately 150 feet east of Kittredge Court, at 1315 Breezy Lane Northeast, Atlanta, Georgia.

**REQUEST:** Variance request from Section 27-2.2.1 of the DeKalb County Zoning Ordinance to increase the maximum lot coverage from 35% to 37.4% to allow construction of a swimming pool.

**Staff Recommendation:** **“APPROVAL” based on the submitted site plan received on November 6, 2018**

**STAFF FINDINGS:**

**Table 1: Surround Zoning and Land Use**

	<b>Adjacent Zoning</b>	<b>Adjacent Land Use</b>
North	R-85	Detached single family homes
East	R-85	Detached single family homes
South	R-85	Detached single family homes
West	R-85	Detached single family homes
Northeast	R-85	Detached single family homes
Northwest	R-85	Detached single family homes
Southeast	R-85	Detached single family homes
Southwest	R-85	Detached single family homes
Street Type		Local Street

Site Location: The property is located west of Breezy Lane Northeast, approximately 150 feet east of Kittredge Court, at 1315 Breezy Lane Northeast, Atlanta, Georgia. The property fronts Breezy Lane and is classified as a local street.

Variance request: The applicant is requesting a variance from Section 27-2.2.1. of the DeKalb County Zoning Ordinance to increase the overall lot coverage from the maximum of 35% to 37.4% for construction of a proposed pool and spa, relating to the R-85 zoning district

Variance Analysis: Based on the submitted survey, the site has 100- feet of frontage along Oakdale Road. The total lot area is 17,020- square feet. The R-85 zoning district requires 85 -feet of frontage along a public street and a minimum lot area of 12,000 square feet which meets requirements.

Based on the submitted site plan and materials, the applicant is proposing to place an approximately 665 square foot swimming pool in the rear yard in the northeast corner. The applicant provided a detailed site plan depicting the location and dimensions for the pool. The current total lot coverage of the existing site is 32.6%. The applicant is proposing pervious pavers which would increase the lot coverage to 37.4%--less than 8% in excess of the maximum allowed by the Zoning Ordinance. Per the applicant, in addition to pervious pavers, storm water quality will be installed on site in the form of a gravel pit with a flow well. There are currently no storm water quality facilities on site. The installation of this well will collect standing water, control its release and allow it to percolate through the gravel, thereby improving water quality and retention of site from existing conditions. Based on the submitted materials and a site visit it appears that the requested variance does comply with the criteria for approval, based on the following findings:

**1. By reason of exceptional narrowness, shallowness or shape of a specific lot, or by reason of exceptional topographic conditions, which were not created by the owner or applicant, 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:**

Based on the submitted materials, it appears that the strict application of the requirements of this chapter would not deprive the property owner of rights and privileges enjoyed by other property owners in the same zoning district since the applicant proposes to mitigate potential impacts with run-off techniques which are not required by code and exceeds land development standards .

**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:**

Based on the submitted materials, it appears 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:**

Based on the submitted materials, 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 since the proposed pool will be located in the rear yard, not visible from the street, will be completely enclosed with fencing for safety; and the applicant provides two techniques for managing storm water on-site: both by using pervious pavers and the construction of flow well to capture the storm water run-off on site.

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

Based on the submitted materials, it appears that the literal interpretation and strict application of the applicable provisions or requirements of this chapter would cause an undue and unnecessary hardship since the since the required lot coverage of 35% on site would effectively disallow a pool of any size on this site. Given that the main purpose of the lot coverage limitation is to prevent increased storm water flows, this application proposes mitigation to actually improve storm water flows through the installation of a flow well.

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

Based on the submitted materials, it appears that the requested variance would be consistent with the spirit and purpose of this chapter and the DeKalb County Comprehensive Plan text.

**FINAL STAFF ANALYSIS:**

Based on the submitted materials, 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 since the proposed pool will be located in the rear yard, not visible from the street, will be completely enclosed with fencing for safety; and there will be a flow well constructed to capture the storm water run-off on site in addition to the use of pervious pavers. Therefore, the Department of Planning and Sustainability recommends that the application be "Approved".

**STAFF RECOMMENDATION: "APPROVAL" based on the submitted site plan received on November 7, 2018**