



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



Lorraine Cochran-Johnson

**Wednesday, May 13, 2026**

Juliana  
Njoku

**Planning Department Staff Analysis**

Chief Executive Officer

Director

**N5. Case No: A-26-1248055**

**Parcel ID(s): 18 003 03 023**

**Commission District 02 Super District 06**

**Applicant:** **Jeffrey Paciero**  
1658 East Clifton Road, NE  
Atlanta, GA 30307

**Owner:** **Jeffrey Paciero**  
1658 East Clifton Road, NE  
Atlanta, GA 30307

**Project Name:** **1658 East Clifton Road – Side Yard Pool**

**Location:** 1658 East Clifton Road, NE, Atlanta, GA 30307

**Requests:** Variance from Section 27-4.2.2 of the DeKalb County Zoning Ordinance to allow an accessory structure (pool) in the side yard, to facilitate construction of a pool in the R-75 (Residential Medium Lot) zoning district and Druid Hills Historic District.

**Staff Recommendation:** Approval with conditions

**Conditions:**

1. 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.
2. Any permit drawings submitted for review shall be substantially consistent with the submitted survey and plans, including the side yard pool, associated fencing, and general site configuration.
3. The pool and associated improvements shall be constructed and maintained in a manner that does not adversely impact drainage onto adjacent properties.

## **STAFF FINDINGS:**

The subject property is an existing single-family residential property located at 1658 East Clifton Road, NE in the R-75 zoning district and Druid Hills Historic District. The property is approximately 18,427 square feet (0.423 acres) and is improved with an existing residence. The applicant proposes to construct a pool in the side yard within an existing stone patio area located to the side of the principal residence. The file materials indicate the request is limited to allowing the pool as an accessory structure in the side yard and does not include any request for setback reductions.

**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 exhibits unusual physical conditions based on its irregular shape and topography. The application materials describe the lot as triangular, measuring roughly 190 feet wide at the street and narrowing to less than five feet in width at the rear property line. The submitted materials further indicate an approximate 20-foot drop in elevation from the front of the lot to the rear. These are inherent site conditions not created by the present application and constrain the ability to locate improvements within the rear yard.

**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 relief may be limited to the minimum necessary to allow the proposed improvement. Based on the submitted materials, the applicant is not requesting setback variances, but only relief to permit the pool as an accessory structure in the side yard. The pool may be relatively small, with dimensions identified as approximately 11 feet 10 inches by 20 feet 2 inches, and to be located within an existing stone patio area.

Application materials currently dictate that the proposed lot coverage will be maintained from its legal non-conforming status at 35.4%, which is over the 35% maximum. The submitted materials indicate that the property currently exceeds the maximum permitted lot coverage by approximately 0.4 percent. This issue is not part of the variance request and shall be addressed during the permitting process to ensure full compliance with applicable regulations.

**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.**

The proposed improvement is residential in nature and is generally compatible with the use of the property and surrounding neighborhood. The application materials state that the pool will be located below street grade, will be modest in size and scale, and will be screened by existing tree coverage, landscaping, and proposed fencing. The case file also includes multiple written statements of support from neighboring property owners. One adjacent owner expressed a concern regarding drainage and slope impacts, but nevertheless stated support for the project, and the applicant responded that erosion-control measures were already part of the construction approach and that those concerns would be reiterated to the contractor.

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

Strict application of the ordinance would create practical difficulty as the rear portion of the property narrows significantly and slopes downward, limiting its utility for placement of a pool. The applicant's letter states that the rear of the lot cannot reasonably accommodate a pool due to the lot's narrow rear width and steep slope, and that the side yard represents the only practical location for the proposed improvement.

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

The requested variance is consistent with the spirit and purpose of the zoning ordinance because it would allow a reasonable accessory residential improvement without changing the underlying residential use of the property. The pre-application materials indicate the parcel is within the Druid Hills Historic District and reference Traditional Neighborhood land use. The request is limited in scope, tied to the property's unusual lot conditions, and intended to accommodate a customary residential accessory improvement in a manner that the materials indicate is compatible with the surrounding setting.

**FINAL STAFF ANALYSIS:**

The subject property presents unusual physical conditions, including an irregular triangular lot shape and significant downward slope from the street to the rear property line from the street to the rear property line. The applicant seeks a variance only to allow a pool in the side yard, without requesting setback reductions, and the submitted materials indicate that the rear of the lot is not a practical location for the proposed improvement. The record further reflects that the proposed pool is modest in size, is to be located within an existing patio area, and has received written support from adjacent property owners, with limited drainage-related concern noted and addressed through proposed construction measures in the file.

Staff finds that the application presents sufficient grounds to support approval of the requested variance, subject to conditions ensuring consistency with the submitted plans and all other applicable reviews and permits. The requested relief is limited to a single variance and does not establish a precedent for broader relief from setback or placement standards on typical residential lots.

**Staff Recommendation:** Approval with conditions

**Conditions:**

4. 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.
5. Any permit drawings submitted for review shall be substantially consistent with the submitted survey and plans, including the side yard pool, associated fencing, and general site configuration.
6. The pool and associated improvements shall be constructed and maintained in a manner that does not adversely impact drainage onto adjacent properties.

DEPARTMENT OF PLANNING & SUSTAINABILITY

Chief of Executive Officer  
Lorraine Cochran-Johnson

Director  
Juliana A. Njoku

ZONING BOARD OF APPEALS (ZBA) APPLICATION

to Amend the Official Zoning Map of DeKalb County, Georgia

Subject Property Address: 1658 East Clifton Road, NE

City: Atlanta State: GA Zip: 30307

Parcel ID Number(s): 18 003 03 023 Acreage: 0.423

District: 18th Land Lot: 3 Block: 45 Parcel:

Commission District(s): 2 Super District: 6

Type of Hearing Requested (check one):

- [x] 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.\*

I hereby authorize the staff of the Planning and Sustainable Department to inspect the property that is the subject of this application.

[x] Owner [ ] Agent Signature: [Signature] Date: 3/16/26

ZONING BOARD OF APPEALS (ZBA) APPLICATION FEE: \$300.00

DeKalb County does not require payment by wire transfer. Be aware of scammers and fraudulent emails.

Email plansustain@dekalbcountyga.gov with any questions

DEPARTMENT OF PLANNING & SUSTAINABILITY

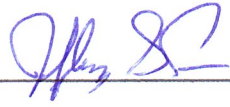
**ZONING BOARD OF APPEALS APPLICATION**

**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: 3/16/26 Applicant Signature: 

DATE: \_\_\_\_\_ Applicant Signature: \_\_\_\_\_

ZONING BOARD OF APPEALS APPLICATION

AUTHORIZATION TO REPRESENT THE PROPERTY OWNER

I hereby authorize the staff and members of the Zoning Board of Appeals to inspect the premises of the Subject Property.

I hereby certify that the information provided in the application is true and correct.

I hereby certify that I am the owner of the property and that I authorize the applicant/agent to apply for a hearing to the Zoning Board of Appeals for the requests as shown in this application.

DATE: 3-16-26

Applicant/Agent Signature: RICHARD SOSEBEE

TO WHOM IT MAY CONCERN:

(I)/ (WE): Jeffrey Paciero (Name of Owners)

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

[Signature]

Notary Public

[Signature]

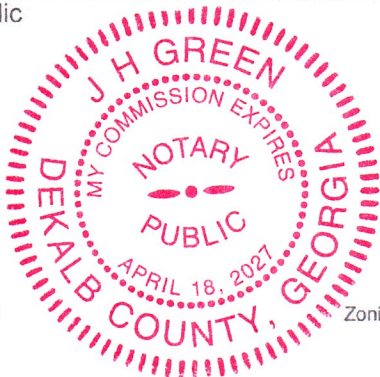
Owner Signature

Notary Public

Owner Signature

Notary Public

Owner Signature



DeKalb County Planning & Sustainability Department  
Zoning Division  
178 Sams Street  
Decatur, GA 30030

RE: Letter of Intent for Variance  
Property Address: 1658 East Clifton Road, NE, Atlanta, GA 30307  
Parcel ID: 18 003 03 023

Dear Members of the Zoning Board of Appeals,

We respectfully submit this Letter of Intent in support of our application for a variance from Section 27-4.2.2 of the Dekalb County Zoning Ordinance to construct a pool in the side yard at our residence.

#### **Physical Conditions of the Site**

The unique physical conditions of our property create a hardship and our need for this variance. Our house is positioned on a lot that resembles a piece of pie (i.e., there are 3 sides to the lot) with the house facing the street. The lot measures roughly 190 feet wide at the street, and the width declines to less than 5 feet at the back of the lot. In addition, the lot slopes significantly downward from the street to the back of the lot. The elevation of the high point in the front yard is roughly 975 feet, and it declines to 955 feet at the back of the lot. The shape and slope of the lot are inherent and not a result of actions taken by me or prior property owners.

#### **Minimum Variance Necessary**

The requested variance does not go beyond the minimum necessary to afford relief and does not seek advantages beyond those available to other property owners in the zoning district.

#### **Public Welfare**

The grant of the variance will provide a positive impact on the neighborhood and community. In addition, the construction of the pool in the side yard will not introduce privacy concerns because the pool sits below street grade, is modest in size and scale, and has significant existing tree coverage. Furthermore, the pool will not impact visibility from the public right-of-way due to its location, the slope of the lot, existing tree coverage and landscaping, and the proposed fencing to surround the pool. Finally, no surrounding neighbor has indicated any objection to the proposed plan.

**Ordinance Hardship**

A strict interpretation of the zoning ordinances would cause an undue hardship because the rear of the lot cannot accommodate a pool due to the shape of the lot and its slope. The only practical location for the pool is the side yard.

**Alignment with the Spirit of the Law**

The request for this variance is consistent with the overall purpose of the applicable zoning laws and DeKalb County Comprehensive Plan, including alignment with traditional neighborhood land use, and supports the preservation goals of the Druid Hills Historic District.

We appreciate the County's consideration of these requests and will gladly provide any additional information, as needed.

Sincerely,



Jeffrey Paciero  
1658 East Clifton Road, NE  
Atlanta, GA 30307







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**Re: Request for Support for Construction of a Pool at 1658 East Clifton**

1 message

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**Jeffrey Paciero** <jspaciero@gmail.com>  
To: Suzanne <suzannecurquhart@gmail.com>  
Cc: Beth <bethsummers216@gmail.com>

Mon, Apr 13, 2026 at 3:53 PM

Hi Suzanne,

Thanks for your response and support. To confirm, we plan to maintain the screening with the current row of cedar trees.

Jeff and Beth

On Mon, Apr 13, 2026 at 10:05 AM Suzanne <suzannecurquhart@gmail.com> wrote:

Hi Jeff and Beth,

I am so sorry for the delay! I kept forgetting to respond. When you asked us for our opinion on building a pool, before you bought the house, we supported your application under the condition that you would maintain the current screening (the row of cedar trees) or something similar. Assuming that you are still willing to do that, we support your plans. Good luck with the process! Also, if you want to discuss 1680 E Clifton at some point, please let me know.

Suzanne  
908-391-2933

On Apr 8, 2026, at 2:51 PM, Jeffrey Paciero <jspaciero@gmail.com> wrote:

Hi Suzanne,

Thanks! The pool dimensions are 11 feet 10 inches by 20 feet 2 inches.

Jeff

On Wed, Apr 8, 2026 at 2:41 PM Suzanne <suzannecurquhart@gmail.com> wrote:

Hi Jeff,

Thanks for this information. Ed is away, but we will take a look ASAP. What are the pool dimensions? I can't read it on the blueprint.

Thanks!  
Suzanne

> On Apr 8, 2026, at 10:17 AM, Jeffrey Paciero <jspaciero@gmail.com> wrote:

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>

> Hi Suzanne and Ed,

>

> As you might recall, last summer during our due diligence for 1658 East Clifton, we mentioned our intention to build a small pool on our property. Attached are the plans we submitted to DeKalb County for purposes of a Variance from the Zoning Board of Appeals (ZBA) and for purposes of a Certificate of Appropriateness (COA) for the Dekalb County Historic Preservation Committee. The variance is necessary because technically the pool would be located in the side yard. We are not asking for a variance from the setbacks.

>

> The pool will be relatively small and located within the existing stone patio. I have attached two draft renderings - one illustrating the patio today and one illustrating the patio with the pool. The pool will be enclosed by a 5 foot fence as illustrated in red on the attached plan. Can you take a look and let me

know if you are okay (and not in opposition) with this plan?

>

> Thank you and let us know if you would like to discuss it in person. Since the Dekalb County Historic Preservation Committee meeting is April 20, 2026, it would be great if you could let us know by April 15th. Thanks again!

>

> Jeff and Beth

> 404-281-7066

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> <Site Plan for Pool.pdf>

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**Re: Request for Support for Construction of a Pool at 1658 East Clifton**

1 message

**Jeffrey Paciero** <jspaciero@gmail.com>

Mon, Apr 13, 2026 at 9:18 PM

To: Olivia Manders &lt;oliviammanders@gmail.com&gt;

Cc: Beth &lt;bethsummers216@gmail.com&gt;, David Manders &lt;dmanders.jr@gmail.com&gt;, Olivia Manders &lt;oliviammanders@gmail.com&gt;

Hi Olivia,

Thanks for your response and support.

To address your concerns, I previously worked with this pool construction company at my former home in Morningside and found them to be very conscientious. Their plan already includes measures such as erosion control, but we will reiterate your concerns regarding the slope/drainage to the owner and the foreman.

Thanks again!

Jeff and Beth

On Mon, Apr 13, 2026 at 3:34 PM Olivia Manders &lt;oliviammanders@gmail.com&gt; wrote:

Hi Jeff &amp; Beth!

Thank you for reaching out & sharing the plans with us. I've cc'd David on this email as well. We believe this will increase the values of the properties on our street & we are okay with it. Our only concern is if the drainage or the construction of the pool will have any effect on our property as there's a steep slope from your property to ours.

Thanks,  
Olivia

On Wed, Apr 8, 2026 at 9:44 AM Jeffrey Paciero &lt;jspaciero@gmail.com&gt; wrote:

Hi Olivia and David,

As you might recall, last summer during our due diligence for 1658 East Clifton, we mentioned our intention to build a small pool on our property. Attached are the plans we submitted to DeKalb County for purposes of a Variance from the Zoning Board of Appeals (ZBA) and for purposes of a Certificate of Appropriateness (COA) for the Dekalb County Historic Preservation Committee. The variance is necessary because technically the pool would be located in the side yard. We are not asking for a variance from the setbacks.

The pool will be relatively small and located within the existing stone patio. I have attached two draft renderings - one illustrating the patio today and one illustrating the patio with the pool. The pool will be enclosed by a 5 foot fence as illustrated in red on the attached plan. Can you take a look and let me know if you are okay (and not in opposition) with this plan?

Thank you and let us know if you would like to discuss it in person. Since the Dekalb County Historic Preservation Committee meeting is April 20, 2026, it would be great if you could let us know by April 15th. Thanks again!

Jeff and Beth  
404-281-7066



Jeffrey Paciero <jspaciero@gmail.com>

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## Re: Request for Support for Construction of a Pool at 1658 East Clifton

1 message

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**Keith Griffin** <keith.w.griffin@gmail.com>  
To: Jeffrey Paciero <jspaciero@gmail.com>  
Cc: farrisce@gmail.com, Beth <bethsummers216@gmail.com>

Wed, Apr 8, 2026 at 11:09 AM

No issues. It's your yard!

Good luck.

Keith Griffin  
954-790-1833

On Wed, Apr 8, 2026 at 9:45 AM Jeffrey Paciero <jspaciero@gmail.com> wrote:

Hi Cady and Keith,

Thinking you might be on spring break this week; however, we wanted to get this off to you...

As you might recall, last summer during our due diligence for 1658 East Clifton, we mentioned our intention to build a small pool on our property. Attached are the plans we submitted to DeKalb County for purposes of a Variance from the Zoning Board of Appeals (ZBA) and for purposes of a Certificate of Appropriateness (COA) for the Dekalb County Historic Preservation Committee. The variance is necessary because technically the pool would be located in the side yard. We are not asking for a variance from the setbacks.

The pool will be relatively small and located within the existing stone patio. I have attached two draft renderings - one illustrating the patio today and one illustrating the patio with the pool. The pool will be enclosed by a 5 foot fence as illustrated in red on the attached plan. Can you take a look and let me know if you are okay (and not in opposition) with this plan?

Thank you and let us know if you would like to discuss it in person. Since the Dekalb County Historic Preservation Committee meeting is April 20, 2026, it would be great if you could let us know by April 15th. Thanks again!

Jeff and Beth  
404-281-7066