



ZONING BOARD OF APPEALS MEETING WEDNESDAY, DECEMBER 10, 2020

Members Present: Pamela Speaks, District 1
Mark Goldman, District 2
Alice Bussey, District 3
Nadine Rivers-Johnson (Chairperson), District 4
Dan Wright (Vice-Chairperson), Super-District 6
John Tolbert, Super-District 7

Members Absent: Jasmine Chatman, District 5

Staff Present: Brandon White, Current Planning Division Manager
Melora Furman, Senior Planner
Jeremy McNeil, Senior Planner

- A. Quorum**
After a quorum had been determined, Chair Rivers-Johnson called the meeting to order at 1:05 p.m.
- B. Reading of the Opening Statement**
Chair Rivers-Johnson read the opening statement of procedures to the public.
- C. Introductions**
Chair Rivers-Johnson asked members of the Zoning Board of Appeals and the Planning Staff to introduce themselves.
- D. Agenda**

DEFERRED ITEMS:

D1 A-20-1244244 (Deferred from 11/12/2020 Meeting) 18-190-01-010
3924 LAVISTA ROAD, TUCKER, GA 30084

Commission District 01 Super District 07

Application of Shawn Smith to request the following variance from Chapter 27 of the DeKalb County Zoning Ordinance to increase letter height and to waive the requirement for channel cut letter for a proposed sign, relating to the Northlake overlay district. The property is located on the west site of Lavista Road, at 3924 Lavista Road, Tucker GA 30084.

BOA ACTION: Motion to approve the application. The motion passed unanimously 6-0.

D2 A-20- 1244329 (Deferred from 11/12/2020) Commission District 04 Super District 07
18-073-02-005
811 SHEPPARD ROAD STONE MOUNTAIN, GA 30083

Application of Tracy T. Swearingen, Sr. to request the following variance from Chapter 27 of the DeKalb County Zoning Ordinance to reduce to front yard setback for a proposed two-story detached home. The property is located east of Sheppard Road, at 811 Sheppard Road Stone Mountain, GA 30083.

BOA ACTION: Motion to defer for 30 days so that the applicant can provide a clear site plan (D. Wright) seconded by J Tolbert. The motion passed unanimously 6-0.

D3 A-20-1244203 (Deferred from 10/14/2020 Meeting) Commission District 04 Super District 07
18 -009--26-016; 18-009-26-015; 18-009-26-014; 18-009-26-013; and 18-009-26-012
319, 321, 323, 325, & 327 OHM AVENUE, SCOTSDALE, GA 30079

Application of Battle Law, P.C. to request the following variances from Chapter 14 of the DeKalb County Land Development Ordinance and Chapter 27 of the DeKalb County Zoning Ordinance to (1) reduce the DeKalb County stream buffer, (2) to reduce the front yard setback, and (3) to reduce the side corner yard setback for a proposed single-family home, relating to the Scottdale Overlay district. The properties are located east of Ohm Avenue, at 319, 321, 323, 325, & 327 Ohm Avenue, Scottdale, GA 30079.

BOA ACTION: Motion to defer for 30 days pending outcome of administrative appeal of the stream buffer variance seconded by M. Goldman. The motion passed unanimously 6-0.

NEW ITEMS:

N1 A-20-1244429 Commission District 01 Super District 07
18-231-07-004
3042 CHERRYWOOD COURT NORTHEAST, ATLANTA, GA 30345

Application of WES BUSY to request the following variance from Chapter 27 of the DeKalb County Zoning Ordinance to reduce the rear yard setback for a proposed addition, relating to R-100 zoning district. The property is located on the north side Cherrywood Court, at 3042 Cherrywood Court, Atlanta, GA 30345.

BOA ACTION: Motion to approve the requested variance based on the submitted site plan received November 5, 2020 (J. Tolbert) and seconded by D. Wright. The motion passed unanimously 6-0.

N2 A-20-1244430 Commission District 04 Super District 06
15-230-01-010; 15-230-01-028; 15-230-01-034-4183;
15-230-01-008; 15-230-01-007; 15-230-01-006; and 15-230-01-005
4159, 4179, 4183, 4187, 4195, 4203, 4213 MEMORIAL DRIVE, DECATUR, GA 30032

Application of Battle Law P.C. to request the following variances from Chapter 27 of the DeKalb County Zoning Ordinance (1) to reduce the width of the required transitional buffer, (2) increase the front maximum setback, (3) to allow parking in front yard, and (4) to allow a 12-foot and 16-foot non-tiered retaining wall adjacent to non-residential zoned properties for a proposed multi-family apartment complex. The properties are located on the west site of Memorial Drive, at 4159, 4179, 4183, 4187, 4195, 4203, 4213 Memorial Drive, Decatur, GA 30032.

BOA ACTION: Motion to approve the requested variances based on the submitted site plan received November 5, 2020 (D. Wright) and seconded by J. Tolbert. The motion passed 4-1-1.

N3 A-20- 1244431 Commission District 02 Super District 06
18-001-04-033
1242 STILLWOOD DRIVE NORTHEAST, ATLANTA, GA 30306

Application of Brain Field to request the following variance from Chapter 27 of the DeKalb County Zoning Ordinance to increase the maximum allow lot coverage for a proposed addition, relating to the R-75 zoning district. The property is located north of Stillwood Drive, at 1242 Stillwood Drive, Atlanta, GA 30306.

BOA ACTION: Motion to approve the requested variance based on the submitted site plan received November 5, 2020. The motion passed unanimously

N4 A-20- 1244432 Commission District 02 Super District 06
18-205-05-005
2223 ABBY LANE NORTHEAST, ATLANTA, GA 30345

Application of David E. Jerivs and Susan W. Jervis to request variance from Chapter 27 of the DeKalb County Zoning Ordinance to increase the maximum allow lot coverage for a proposed deck, relating to the R-100 zoning district. The property is located east of Abby Lane, at 2223 Abby Lane, Atlanta, GA 30345.

BOA ACTION: Motion to approve the requested variance based on the submitted site plan received November 5, 2020. The motion passed unanimously.

N5 A-20- 1244434 Commission District 03 Super District 06
15-172-02-007
2034 SWAZEY DRIVE, DECATUR, GA 30032

Application of Mark S. Terry to request the following variances from Chapter 27 of the DeKalb County Zoning Ordinance to reduce the side yard setbacks for a proposed second story addition, relating to the R-75 zoning district. The property is located north of Swazey Drive, at 2034 Swazey Drive, Decatur, GA 30032.

BOA ACTION: Motion to approve the requested variance based on the submitted site plan received November 5, 2020 (A. Bussey) and seconded by D. Wright. The motion passed unanimously 6-0.

N6 A-20- 1244335 Commission District 02 Super District 06
18-162-02-100
2832 LAURELGATE DRIVE, DECATUR, GA 30033

Application of Gail Mooney to request the following variance from Chapter 27 of the DeKalb County Zoning Ordinance to increase the maximum allowed lot coverage for a proposed swimming pool deck, relating to the R-85 zoning district. The property is located west of Laurelgate Drive, at 2832 Laurelgate Drive, Decatur GA 30033.

BOA ACTION: Motion to defer for 30 days so that the applicant can provide a clear site plan (M. Goldman) seconded by P. Speaks. The motion passed unanimously 6-0.

N7 A-20- 1244336 Commission District 03 Super District 06
15-140-03-016; and 15-140-03-037
2478 and 2486 FLAT SHOALS ROAD

Application of Smith, Gambrell & Russell, LLP to request the following variance from Chapter 27 of the DeKalb County Zoning Ordinance to reduce the minimum unit size and to reduce the streetscape requirements for a proposed multifamily development, relating to OI zoning district. The property is located north of Flat Shoals Road, at 2478 and 2486 Flat Shoals Road, Decatur GA 30032.

BOA ACTION: Motion to approve the reduction of the unit size and defer the request to reduce the streetscape requirements for 30-days (P. Speaks) seconded by M. Goldman. The motion passed 5-1.

N8 A-20- 1244442 Commission District 03 Super District 06
15-007-01-002
1795 CONSTITUTION ROAD ATLANTA, GA 30316

Application of R. Kyle Williams, Esq. to request the following variance from Chapter 27 of the DeKalb County Zoning Ordinance to reduce the minimum transitional buffer requirement and to vary from the streetscape requirements for a proposed commercial trucking facility, relating to M zoning district. The property is located south of 1795 Constitution Road, at 1795 Constitution Road, Atlanta, GA 30316.

BOA ACTION: Motion to defer for 60 days. The motion passed unanimously 6-0.

N9 A-20- 1244443 Commission District 02 Super District 06
18-111-03-018
2933 NORTH DRUID HILLS, ATLANTA, GA 30329

Application of Julie L. Sellers, Esq. to request the following variance Chapter 27 of the DeKalb County Zoning Ordinance to vary from the streetscape requirements for a proposed drive-thru restaurant, relating to C-1 zoning district. The property is located east of North Druid Hills, at 2933 North Druid Hills Road, Atlanta, GA 30329.

BOA ACTION: Motion to approve the application. The motion passed unanimously 6-0.

N10 All Districts
COUNTY-WIDE

Adoption of the 2021-2022 Zoning Board of Appeals Meeting Calendar.
