

ZONING BOARD OF APPEALS MEETING MINTUES WEDNESDAY, JANUARY 13, 2021

Members Present: Pamela Speaks, District 1
Mark Goldman, District 2
Alice Bussey, District 3
Nadine Rivers-Johnson (Chairperson), District 4
Jasmine Chatman, District 5
Dan Wright (Vice-Chairperson), Super-District 6
John Tolbert, Super-District 7

Members Absent: N/A

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- 1244329 (Deferred from 12/9/2020 meeting) 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 was made by Dan Wright to defer the application for 60 days. The applicant must provide a site plan showing the proposed structure push back 30 feet from the front boundary line. The motion was seconded by Pamela Speaks. The motion passed unanimously 7-0.

**D2 A-20-1244203 (Deferred from 12/9/2020) Commission District 04 Super District 06
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) to reduce the front yard setback, and (2) 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 was made by Dan Wright to withdraw the application. The motion was seconded by Mark Goldman. The motion passed unanimously 7-0.

**D3 A-20- 1244335 (Deferred from 12/9/2020 meeting) 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 was made by Dan Wright to withdraw the application. The motion was seconded by Mark Goldman. The motion passed unanimously 7-0.

**D4 A-20- 1244336 (Deferred from 12/9/2020 meeting) Commission District 03 Super District 06
15-140-03-016; and 15-140-03-037
2478 and 2486 FLAT SHOALS ROAD, DECATUR, GA 30032**

Application of Smith, Gambrell & Russell, LLP to request the following variance from Chapter 27 of the DeKalb County Zoning Ordinance 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 was made by Dan Wright to approve the application. The motion was seconded by A. Bussey. The motion passed unanimously 7-0.

NEW ITEMS:

**N1 A-20- 1244490 Commission District 04 Super District 06
18-009-26-012; 18-009-26-013
325 & 327 OHM AVENUE, SCOTSDALE, GA 30079**

Application of Kathie Gannon to request an appeal of an administrative decision regarding approval of an administrative stream buffer variance. The properties are located east of Ohm Avenue, at 325, & 327 Ohm Avenue, Scottdale, GA 30079.

BOA ACTION: Motion was made by Dan Wright to uphold the approval for the appeal. The motion was seconded by A. Bussey. The motion passed unanimously 7-0.

**N2 A-20- 1244491 Commission District 01 Super District 07
18-286-16-015
3225 HENDERSON WALK, DORAVILLE, GA 30340**

Application of Shona Griffin to request the following variances from Chapter 27 of the DeKalb County Zoning Ordinance to reduce the side and rear yard setback for a proposed addition, relating to RSM zoning district. The property is located east of Henderson Walk, at 3225 Henderson Walk, Doraville, GA 30340.

BOA ACTION: Motion was made by Jasmine Chatman to approve the request variance as shown on the site plan received December 3, 2020 . The motion was seconded by Dan Wright. The motion passed 6-1. Nadine River-Johnson voted against.

**N3 A-20- 1244492 Commission District 02 Super District 07
18-193-03-017
1941 NORTH AKIN, ATLANTA, GA 30345**

Application of Cynthia Shalls to request a variance from Chapter 27 of the DeKalb County Zoning Ordinance to increase the maximum allowed lot coverage for a proposed swimming pool, relating to R-100 zoning district. The property is located south of North Akin, at 3225 Henderson Walk, Doraville, GA 30340.

BOA ACTION: Motion was made by Dan Wright to withdraw the application. The motion was seconded by Mark Goldman. The motion passed unanimously 7-0.

**N4 A-20- 1244493 Commission District 01 Super District 07
18-285-01-010
3730 CHAMBLEE TUCKER ROAD, CHAMBLEE, GA 30341**

Application of Jorge Bazen to request a variance from Chapter 27 of the DeKalb County Zoning Ordinance to reduce the required 50-foot transitional buffer for a proposed addition, relating to OI zoning district. The property is located north of Chamblee Tucker road, at 3730 Chamblee Tucker Road, Chamblee, GA 30341.

BOA ACTION: Motion was made by Jasmine Chatman to approve the request variance as shown on the site plan received December 3, 2020 . The motion was seconded by John Tolbert. The motion passed 6-1, Pamela Speaks abstained.

**N5 A-20- 1244494 Commission District 02 Super District 06
18-196-04-029; 18-196-04-040;18-196-04-039;18-196-04-037; 18-196-04-035;18-196-04-034;
18-196-04-033; 18-196-04-038; 18-196-04-038; and 18-196-04-041
2814,2810,2806, 2804, 2794,2778, 3080, and 3070 CLAIRMONT ROAD, ATLANTA, GA 30329; 3068 BRIARCLIFF
ROAD, ATLANTA, GA 30329**

Application of Stein Investments Co, LLC c/O Dennis J. Webb, Jr. (Smith, Gamrell, & Russell, LLP) to request the following variances from Chapter 27 of the DeKalb County Zoning Ordinance: (1) to reduce the minimum unit size, (2) reduce the front and side yard setback, (3) reduce the width of the required streetscape landscaping, (4) reduce the width of the required landscape strip, (5) reduce the minimum parking requirement, (6) reduce the minimum number of loading spaces , (7) increase the maximum height of a proposed retaining wall, (8) move the required streetlights to the street side of sidewalk, and (9) to allow encroachment in as well as reduce the width of the required transitional buffer all for a proposed multi-family development. The properties are located northwest of the intersection of Clairmont and Briarcliff road, at 2814,2810,2806, 2804, 2794,2778, 3080, and 3070 Clairmont Road, Atlanta, GA 30329; 3068 Briarcliff Road, Atlanta, GA 30329.

BOA ACTION: Motion was made by Dan Wright to approve the request variances. The motion was seconded by Mark Goldmold. The motion passed unanimously 7-0.

**N6 A-20- 1244495 Commission District 04 Super District 06
18-047-05-005
604 KENTUCKY STREET, SCOTTDAL, GA 30079**

Application of Kistie Wilder to request a variance from Chapter 27 of the DeKalb County Zoning Ordinance to reduce the separation distance from properties zoned for a residential use for a proposed animal shelter. The property is located west of Kentucky Street, at 604 Kentucky Street, Scottdale, GA 30079.

BOA ACTION: Motion was made by Dan Wright defer the request variance for 30-days. The motion was seconded by Pamela Speaks. The motion passed unanimously 7-0.

N7 A-20- 1244496 Commission District 04 Super District 06
18-046-03-120
3157 KELLY STREET, SCOTSDALE, GA 30079

Application of April Ingraham to request the following variances from Chapter 27 of the DeKalb County Zoning Ordinance: (1) to increase the maximum finished floor elevation threshold, and (2) reduce the front and side yard setback for a proposed two-story home. The property is located south of Kelly Street, at 3157 Kelly Street, Scottdale GA 30079.

BOA ACTION: Motion was made by Mark Goldman to approve the request variance as shown on the site plan received December 3, 2020. The motion was seconded by John Tolbert. The motion passed 6-1, Dan Wright voted against.

N8 A-20- 1244497 Commission District 02 Super District 06
18-112-02-003
3033 N. DRUID HILLS ROAD, ATLANTA, GA 30329

Application of PSC Holding Hills LLC c/o Julie Sellers to request a variance from Chapter 27 of the DeKalb County Zoning Ordinance to reduce the required 50-foot transitional buffer for a restaurant with drive-thru, relating to C1 zoning district. The property is located west of N Druid Hills Road, at 3033 N Druid Hills Road, Atlanta GA 30079.

BOA ACTION: Motion was made by Dan Wright approve the request variance with staff condition. The motion was seconded by Mark Goldman. The motion passed unanimously 7-0.

N9 A-20- 1244498 Commission District 02 Super District 06
18-160-03-043, and 18-160-03-022
1724 KODIAK CIRCLE, ATLANTA, GA 30345; 1719 TIMBERLAND ROAD ATLANTA, GA 30345

Application of Cindy Miller to request a variance from Chapter 27 of the DeKalb County Zoning Ordinance to allow livestock on a lot less than two acres. The properties are bounded between Kodiak Circle and Timberland Road, at 1724 Kodiak Circle and 1719 Timberland Road, Atlanta, GA 30345.

BOA ACTION: Motion was made by Mark Goldman to approve the request variance with condition that the amount of chicken shall not exceed 10, rosters are prohibit, side yard setbacks shall be met for the placement of chickens, and that this variance shall expire at the sale of the property. The motion was seconded by Pam Speaks. The motion passed unanimously 7-0.

N10 A-20- 1244499 Commission District 02 Super District 06
18-105-02-065
1177 BILTMORE DRIVE, ATLANTA, GA 30329

Application of Nancy Birnbaum to request a variance from Chapter 27 of the DeKalb County Zoning Ordinance to reduce the side and rear yard setback for a proposed second story addition as well as to enclose the existing carport. The property is located southeast of Biltmore Drive, at 1177 Biltmore Drive Atlanta, GA 30329.

BOA ACTION: Motion was made by Mark Goldman approve the request variance. The motion was seconded by Alice Bussey. The motion passed unanimously 7-0.
