

**Zoning Board of Appeals Meeting Date
Wednesday, July 14, 2021 at 1:00 PM**

This meeting was held via Zoom

Board members present:

Jasmine Chatman
Dan Wright
Pam Speaks
John Tolbert, Jr.
Mark Goldman
Nadine Rivers-Johnson

Not present:

Alice Bussey

Staff present:

Rachel Bragg, Senior Planner
Jeremy McNeil, Senior Planner
Brandon White, Planning Manager

Minutes Approval:

May minutes

- Mark Goldman moves to approve (with changes to Jasmine Chatman's name) for May 12, 2021. Jasmine Chatman seconds. Motion passes 5-0-0.

June minutes

Mark Goldman moves to approve with changes (heights and Chatman). Pam Speaks seconds the motion. Motion passes 5-0-0.

- Mark Goldman- edits to June 9 minutes, D1- Request was to allow 20 and 22-foot high non-tiered retaining walls

DEFERRED ITEMS:

**D1 A-21- 1244824 (Deferred from 5/12/2021 meeting)
18-046-03-140
3152 CHAPEL STREET, SCOTSDALE, GA 30079**

Commission District 04 Super District 06

Application of Scott Ball to request variances from Chapter 27 of the DeKalb County Zoning Ordinance to reduce the front, side, side corner, and rear yard building setbacks for proposed detached single-family structure, relating to Tier II of the Scottdale Overlay district. The property is located at the northeast corner of Chapel Street, at 3152 Chapel Street Scottdale, GA 30079.

Pam Speaks moves to table the application until the end of the meeting. Dan Wrights seconds. Motion passes 5-0-0.

**D2 A-21- 1244827 (Deferred from 6/9/2021 meeting)
18-249-01-124
3134 SMOKESTONE COURT, ATLANTA, GA 30345**

Commission District 01 Super District 07

Application of April Ingraham to request a variance from Chapter 27 of the DeKalb County Zoning Ordinance to increase the maximum height of a proposed retaining wall, relating to the R-100 district. The property is located north of Smokestone Court, at 3134 Smokestone Court Atlanta, GA 30345.

Pam Speaks moves to approve with staff recommended conditions. Dan Wright seconds. Motion passes 5-0-0.

**D3 A-21- 1244915 (Deferred from 6/9/2021 meeting)
18-004-18-003
415 EMORY DRIVE, ATLANTA, GA 30307**

Commission District 02 Super District 06

Application of Rosalie Ezekiel- Ezekiel Poelker Architects to request two variances from Chapter 27 of the DeKalb County Zoning Ordinance to (1) reduce the side yard setback, and (2) to increase the maximum allowed lot coverage for a proposed detached accessory structure, relating to the R-75 zoning district and the Druid Hills Historic district. The property is located east of Emory Drive, at 415 Emory Drive Atlanta, GA 30307.

Dan Wright moves to approve with staff conditions 1 and 3 and revision to condition 2, that instead the accessory structure be at least 7.5-feet from the side property line. Mark Goldman seconds the motion. Motion passes 6-0-0.

**D4 A-21- 1244917 (Deferred from 6/9/2021 meeting)
18-106-10-002
1016 BURTON DRIVE, ATLANTA, GA 30329**

Commission District 02 Super District 06

Application of Mel and Daliah Cohen to request a variance from Chapter 27 of the DeKalb County Zoning Ordinance to increase the maximum allowed lot coverage for a proposed rear addition, relating to the R-85 zoning district. The property is located west of Burton Drive, at 1016 Burton Drive Atlanta, GA 30329.

Dan Wright moves for a 60-day deferral. Seconded by Pam Speaks. Motion carries 6-0-0.

**D5 A-21- 1244922 (Deferred from 6/9/2021 meeting)
15-156-08-018
2217 TROUTDALE DRIVE, DECATUR, GA 30032**

Commission District 03 Super District 07

Application of Christopher Shayne Adams to request a variance from Chapter 27 of the DeKalb County Zoning Ordinance to allow a detached accessory structure (garage) to be located on the side of the principle structure, relating to the R-75 zoning district. The property is located at the southwest corner of Troutdale Drive and Troutdale Court, at 2217 Troutdale Drive Decatur, GA 30032.

Dan Wright moves to defer the application for 60 days. Pam Speaks seconds the motion. Motion carries 6-0-0.

**D6 A-21- 1244920 (Deferred from 6/9/2021 meeting)
18-105-02-055
1241 BILTMORE DRIVE, ATLANTA, GA 30329**

Commission District 02 Super District 06

Application of MDI Homes, LLC. to request a variance from Chapter 27 of the DeKalb County Zoning Ordinance to reduce the side yard corner setback for a proposed detached two-story single-family structure, relating to the R-85 zoning district. The property is located at the southwest corner of Biltmore Drive and Adelia Place, at 1241 Biltmore Drive Atlanta, GA 30329.

Dan Wright moves to approve withdrawal without prejudice. Jasmine Chatman seconds the motion. Motion passes 6-0-0.

NEW ITEMS:

**N1 A-21- 1245004
 16-167-06-003
 2396 ROCK CHAPEL ROAD, LITHONIA, GA 30058**

Commission District 05 Super District 07

Application of Hanna Casswell/Casswell Design Group, LLC. to request a variance from Chapter 27 of the DeKalb County Zoning Ordinance to vary from the paving surface requirements for a proposed truck parking lot, relating to the M zoning district. The property is bounded between Rock Chapel Road and Pine Mountain Street, at 2396 Rock Chapel Road, Lithonia, GA 30058.

John Tolbert moves to deny the application. Jasmine Chatman seconds the motion. Motion carries 6-0-0.

N2 A-21- 1245005

15-195-08-035

1630 SOUTH INDIAN CREEK DRIVE, STONE MOUNTIAN, GA 30083

Commission District 05 Super District 07

Application of Sarah Powell to request two variances from Chapter 27 of the DeKalb County Zoning Ordinance (1) to reduce the require transitional buffers to expand an existing legal non-conforming structure, and (2) to vary from the streetscape requirements, relating to the O-I zoning district. The property is located east of South Indian Creek Drive, at 1630 South Indian Creek Drive Stone Mountain, GA 30083.

Jasmine Chatman moves to approve the request to decrease the transitional buffer to the existing footprint and to allow any new construction to be no closer than 20-feet to the property line. Pam Speaks seconded the motion. Denial of the rest of the requests. Motion carrier 6-0-0.

N3 A-21- 1245006

15-179-08-014 & 15-179-08-013

293 & 295 WARREN STREET, ATLANTA, GA 30317

Commission District 03 Super District 06

Application of Brandon Steinbook to request a variance from Chapter 27 of the DeKalb County Zoning Ordinance to reduce the side yard setbacks for a proposed carport, relating to the R-75 zoning district. The properties are located west of Warren Street, at 293 & 295 Warren Street, Atlanta, GA 30317.

Jasmine Chatman moves to approve with staff recommended conditions:

- 1. Variance information shall be noted on any site plan prepared for the subject property**
- 2. Applicants show proof of a shared driveway access easement or maintenance agreement for the driveway and carport. This agreement should identify and allocate maintenance responsibilities and costs, manner of use and apportionment of liability and indemnification. It is recommended any agreement be drafted or reviewed by an attorney familiar with easement rights or real estate law. Staff must be provided proof of the recording of the agreement to Dekalb County Superior Court.**
- 3. The reduction to the side yard setback should only apply to the construction of the shared carport.**
- 4. Carports may not be enclosed at any time for any reason or in any manner.**

Mark Goldman seconded the motion.

Motion carries 5-0-1.

N4 A-21- 1245007

18-285-03-069

3540 JANIE COURT, CHAMBLEE, GA 30341

Commission District 01 Super District 07

Application of Linda Diulus to request a variance from Chapter 27 of the DeKalb County Zoning Ordinance to increase the maximum allowed lot coverage for a proposed addition, as well as to bring the existing legal non-conforming structure into compliance, relating to the R-100 zoning district. The property is located north of Janie Court, at 3540 Janie Court, Chamblee, GA 30341.

Pam Speaks moves to approve with staff recommended conditions:

- 1. The information about this variance shall be noted on any site plan prepared for the subject property.**
- 2. The maximum lot coverage shall not exceed 43.5%.**

Jasmine Chatman seconds. Motion carries 5-0-1.

**N5 A-21- 1245008
18-105-01-008
1186 BILTMORE DRIVE, ATLANTA, GA 30329**

Commission District 02 Super District 06

Application of Arkadiy Matator to request two variances from Chapter 27 of the DeKalb County Zoning Ordinance (1) to reduce the side corner yard setback, and (2) increase the allowed maximum threshold elevation for a proposed detached single-family structure, relating to the R-85 zoning district. The property is located on the southwest corner of Biltmore Drive and Arborvista Drive, at 1186 Biltmore Drive, Atlanta, GA 30329.

Mark Goldman moves to deny the application. Dan Wright seconds the motion. Motion carries 6-0-0.

**D1 A-21- 1244824 (Deferred from 5/12/2021 meeting)
18-046-03-140
3152 CHAPEL STREET, SCOTSDALE, GA 30079**

Commission District 04 Super District 06

Dan Wright moves to consider D1. Pam Speaks seconds. Motion carries 6-0-0.

Dan Wright moves to defer for 30 days, Pam Speaks seconds. Motion carries 6-0-0.