

Zoning Board of Appeals Meeting Date – Thursday, September 09, 2021 1:00 PM

This meeting will be held via Zoom

Join from PC, Mac, Linux, iOS or Android: <https://dekalbcountyga.zoom.us/j/87368130669>

Minutes

Members Present:

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

Members Absent:

None

Staff Present:

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

A. Quorum

a. 1:15 p.m. Nadine Rivers-Johnson established a quorum and declared the meeting underway.

B. Reading of the Opening Statement

a. 1:17p.m. Nadine Rivers-Johnson read the introduction

C. Introductions

a. 1:19 p.m. Nadine Rivers-Johnson asked members to introduce themselves

D. Minute approval

a. Mark Goldman moves to approve, Alice Bussey seconds. August minutes approved unanimously

DEFERRED ITEMS:

**D1 A-21- 1244917 (Deferred from 6/9/2021 & 7/14/2021 meetings) Commission District 02 Super District 06
18-106-10-002
1016 BURTON DRIVE, ATLANTA, GA 30329**

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.

Mark Goldman moved to approve the variance request based on the submitted site plan received August 25, 2021 to increase the maximum allowed lot coverage from 35% to 39% for a proposed rear addition with condition that 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. Alice Bussey seconds the motion. Motion passes unanimously.

D2 A-21- 1244922 (Deferred from 6/9/2021 & 7/14/2021 meetings) Commission District 03 Super District 07
15-156-08-018
2217 TROUTDALE DRIVE, DECATUR, GA 30032

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 principal 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 moved for a 30-day deferral. Motion seconded by John Tolbert, Jr. . Motion passes unanimously.

D3 A-21- 1244824 (Deferred from 8/11/2021 meeting) Commission District 04 Super District 06
18-046-03-140
3152 CHAPEL STREET, SCOTSDALE, GA 30079

Application of Scott Ball to request variances from Chapter 27 of the DeKalb County Zoning Ordinance to reduce the front, side, side corner, rear yard building setback, and height increase the building height 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.

Dan Wright moved for withdrawal. Motion seconded by Alice Bussey. Motion passes unanimously.

D4 A-21-1245097 Commission District 02 Super District 06
18-002-02-021
1031 SPRINGDALE ROAD, ATLANTA, GA 30306

Application of Brian Field 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 bring the existing legal non-conforming structure into compliance, relating to the R-85 zoning district and Druid Hills Historic District. The property is located east of Springdale Road, at 1031 Springdale Road Atlanta, GA 30306.

Dan Wright moved for withdrawal. Motion seconded by Mark Goldman. Motion passes unanimously.

NEW ITEMS:

N1 A-21- 1245149 Commission District 02 Super District 06
18-107-07-044
1124 VISTA TRAIL NORTHEAST, ATLANTA, GA 30324

Application of JBMW, LLC. to request a variance from Chapter 27 of the DeKalb County Zoning Ordinance to reduce the require side yard setback for a proposed garage, relating to the R-75 zoning district. The property is located west of Vista Trail, at 1124 Vista Trail Northeast Atlanta, GA 30324.

Dan Wright moved for a 30-day deferral. Motion seconded by Mark Goldman. Motion passes unanimously.

**N2 A-21- 1245150
18-054-06-001**

Commission District 02 Super District 06

1176 LULLWATER ROAD, ATLANTA, GA 30307

Application of Dave Price-Price Residential Design to request the following variances from Chapter 27 of the DeKalb County Zoning Ordinance (1) to reduce the side yard setback and (2) increase the maximum allowed threshold elevation for a proposed two-story detached single-family structure, relating to the R-85 zoning district and Druid Hills Historic district. The property is located west of Lullwater Road, at 1176 Lullwater Road Atlanta, GA 30307.

Dan Wright moved for a 30-day deferral pending clarification of stream buffer waiver requirements. Motion seconded by Mark Goldman. Motion passes unanimously.

**N3 A-21- 1245151
18-110-10-007**

Commission District 02 Super District 06

1188 HOUSTON MILL ROAD, ATLANTA, GA 30329

Application of Caren Ann Nunnally 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 and screen porch, relating to the R-85 zoning district. The property is located west of Houston Mill Road, at 1188 Houston Mill Road Atlanta, GA 30329.

Dan Wright moved for a 60-day deferral. Motion seconded by Mark Goldman. Motion passes unanimously.

**N4 A-21- 1245152
15-183-24-042**

Commission District 03 Super District 07

3004 ALSTON DRIVE, DECATUR, GA 30032

Application of Ferrard Sanford to a variance from Chapter 27 of the DeKalb County Zoning Ordinance to reduce the required front yard setback for a proposed second story addition, relating to the R-75 zoning district. The property is located north of Alston Drive, at 3004 Alston Drive Decatur, GA 30032.

Alice Bussey moved for a 30-day deferral due to improper legal advertisement. Motion seconded by John Tobert. Motion passes unanimously.

**N5 A-21- 1245153
18-009-26-016; 18-009-26-015;
18-009-26-014; 18-009-26-013;
18-009-26-012**

Commission District 04 Super District 06

319, 321, 323, 325, and 327 OHM AVENUE, SCOTSDALE, GA 30079

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

Dan Wright moved to approve the requested variances based on the submitted mitigation plan dated August 24, 2020 to reduce the side yard setback from 15 feet to 3 feet, and reduce the front yard setback from 30 feet to 25 feet for a proposed detached single-family structure subject to the following conditions:

- 1. That 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. That the proposed square footage of the structure shall conform to the building footprint as shown in the submitted site plan dated October 18, 2020.**
- 3. Applicant shall erect a double slit fence with hay bales between the fencing during construction.**
- 4. Applicant shall hire landscapers to remove invasive vines within two (2) feet from all mature trees on north of the stream buffer and within the confines of the site and lay mulch around bases of all such mature trees on site and north of the stream buffer to protect and preserve the trees.**
- 5. Applicant shall be permitted to construct a twenty-five (25) foot wide, single-family detached home on the subject**

property according to the specifications submitted in the site plan accompanying this application.

6. Applicant shall protect the remaining stream buffer from the actions of future owner(s) by placing a restrictive covenant on the subject property that shall survive any future sale as a part of the variance conditions by the ZBOA. The restrictive covenant shall restrict encroachment by any new construction into the stream buffer.

7. Applicant shall erect a white picket fence, in compliance with the DeKalb County Code of Ordinances, on the subject property at the rain garden boundary as a "visual separation" from the remaining stream buffer.

8. Applicant shall install a one (1) to two (2) foot wide grass strip on the driveway.

Jasmine Chatman seconds the motion. Motion passes 6-0-0. Mark Goldman voted against the motion.

N6 A-21-1245154 Commission District 05 Super District 07

12-229-04-004

5224 FLAKES MILL ROAD, ELLENWOOD, GA 30294

Application of Tracy and Stephanie Davis to request the following variances from Chapter 27 of the DeKalb County Zoning Ordinance: (1) to allow placement of an existing non-conforming six (6) foot fence, and (2) to allow placement of an existing non-conforming chain link fence, relating to the R-100 zoning district. The property is located east of Flakes Mill Road, at 5224 Flakes Mill Road Ellenwood, GA 30294.

John Tolbert moved for denial. Motion seconded by Jasmine Chatman. Motion passes unanimously.

N7 A-21- 1245155 Commission District 04 Super District 07

18-019-01-018

1618 WHISPERWOOD TRAIL, STONE MOUNTAIN, GA 30088

Application of Scott Wood, Member for WDS Holdings, LLC. to request a variance from Chapter 27 of the DeKalb County Zoning Ordinance to reduce the minimum unit size for a proposed detached single-family structure, relating to the R-100 zoning district. The property is located east of Whisperwood Trail, at 1618 Whisperwood Trail Stone Mountain, GA 30088.

Dan Wright moved for denial. Motion seconded by Jasmine Chatman. Motion passes unanimously.

N8 A-21- 1245156 Commission District 02 Super District 06

18-205-07-007

2240 OAKAWANA ROAD, ATLANTA, GA 30345

Application of Ronald Parsons to request a variance from Chapter 27 of the DeKalb County Zoning Ordinance to increase the maximum allowed lot coverage for a proposed screened-in porch, relating to the R-100 zoning district. The property is located south of Oakawana Road, at 2240 Oakawana Road Atlanta, GA 30345.

Dan Wright moved to approve the variance request based on the submitted site plan received August 5, 2021 to increase the maximum allowed lot coverage from 35% to 39.19% for a proposed screened-in porch with conditions: (1) that 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, and (2) All impervious surface removal, as specified by the Zoning Board of Appeals, must be completed and stabilized prior to issuance of a certificated of occupancy for the addition. John Tobert seconds the motion. Motion passes unanimously.
