

Board of Appeals Meeting Date – Wednesday, June 8, 2022 @ 1:00 PM

MINUTES

ZBA Members Present:

Dan Wright John
Tolbert, Jr.
Jasmine Chatman
Alice Bussey
Pam Speaks
Mark Goldman

ZBA Members Absent:

Nadine Rivers-Johnson

Staff Present:

Rachel Bragg
Howard Johnson

Approval of May 11, 2022 Minutes:

Mark Goldman moved, Alice Bussey seconded to approve the minutes if N2 is updated to reflect that N2 was deferred due to technical difficulties. The motion passed 6-0-0.

DEFERRED CASES:

D1. A-22-1245711 Commission District 03 Super District 06
15 148 02 167
1770 VALENCIA ROAD, DECATUR, GA 30032

Application of Scott Ball to request a variance from Section 27-2.2 to decrease the minimum house size within an R-75 (Residential Medium Lot-75) zoning district to allow for the construction of a house. The property has approximately 65 feet of street frontage and is located on the north side of Valencia Road, approximately 660-feet east of the intersection with Madora Place, at 1770 Valencia Road, Decatur, GA 30032.

MOTION: Mark Goldman moved, John Tolbert seconded for Denial of this application. The motion passed 6-0-0.

D2. A-22-1245707 Commission District 02 Super District 06
18 109 08 006
1439 LACHONA COURT, ATLANTA, GA 30329

Application of Temima Oratz to request a variance from Section 27-2.2 to reduce the rear yard setback to allow for an addition to a single-family house within the R-85 (Residential Medium Lot-85) district. The property has approximately 80 feet of street frontage and is located on the south side of Lachona Court, approximately 400-feet east of the intersection with Declair Drive, at 1439 Lachona Court, Atlanta GA 30329.

MOTION: Mark Goldman moved, Pam Speaks seconded for a 30-day deferral. The motion passed 6-0-0.

NEW CASES:

**N1. A-22-1245785
15 125 08 012
3797 RAINOVER DRIVE, DECATUR, GA 30034**

Commission District 03 Super District 06

Application of Anthony Rainwright to request a variance from Section 27-2.12 to reduce the rear yard setback to allow an addition and a deck to a single-family home within an RSM (Small Lot Residential Mix) zoning district. The property has approximately 116 feet of street frontage and is located on the south side of Rainover Drive, approximately 90-feet west of the intersection with Raindrop Court, at 3797 Rainover Drive, Decatur, GA 30034.

MOTION: Mark Goldman moved, Alice Bussey seconded for a 60-day deferral. The motion passed 6-0-0.

**N2. A-22-1245793
15 086 04 017
3232 JAYNES VALLEY DRIVE, DECATUR, GA 30034**

Commission District 03 Super District 07

Application of Elliott Fried to request a variance from Section 27-2.2 to decrease the minimum heated living area of 2,000 square feet within an R-100 (Residential Medium Lot-100) zoning district to allow for the construction of a new single family detached house. The property has approximately 94 feet of street frontage and is located on the west side of Jaynes Valley Drive approximately 150-feet north of the intersection with Clifton Springs Manor, at 3232 Jaynes Valley Drive, Decatur, GA 30034.

MOTION: Mark Goldman moved, Alice Bussey seconded for approval with staff's conditions, with an update that the minimum house size is 1,385 square feet. The motion passed 5-1-0. Dan Wright opposed.

**N3. A-22-1245794
15 219 05 016
3403 BENNINGTON DRIVE, DECATUR, GA 30032**

Commission District 03 Super District 07

Application of Kathleen Labowicz to request variances from Section 27-2.2, 27-4.2.2 and 27-5.1.10: and 1) to reduce the side yard setback and 2) reduce the rear yard setback to bring an existing storage shed into compliance 3) to increase the maximum lot coverage from 35 percent within an R-75 (Residential Medium Lot-75) zoning district. The property is located on the south side of Bennington Drive, approximately 189-feet east of the intersection with Peachcrest Road, at 3403 Bennington Drive, Decatur, GA 30032.

MOTION: Jasmine Chatman moved, Mark Goldman seconded for approval of the increase in lot coverage to 38.5% and denial of the setback variances with the staff's recommended conditions to update the site plans. The motion passed 6-0-0.

**N4. A-22-1245796
18 193 05 159
2124 SOUTH AKIN DRIVE, ATLANTA, GA 30345**

Commission District 02 Super District 07

Application of Jahnee Prince to request a variance from Section 27-2.2 to 1) reduce the front yard setback to allow for the construction of a single-family home; 2) to increase the maximum height from 28 feet to 33 feet within an R-100 (Residential Medium Lot-100) zoning district and within the Oakgrove Residential Infill Overlay district. The property has approximately 100 feet of street frontage and is located on the southeastern corner of the intersection of North Akin Drive and South Akin Drive, at 2124 South Akin Drive, Atlanta, GA 30045.

MOTION: Mark Goldman moved, Jasmine Chatman seconded for denial of the request to decrease the corner yard setback; and, approval of the increase in max height and approval of an increase in the threshold height, with the condition that the site plan be updated with the variance information. The motion passed 6-0-0.

**N5. A-22-1245797 Commission District 03 Super District 07
15 217 04 024
3644 MEMORIAL DRIVE, ATLANTA, GA 30345**

Application of Harold Buckley, Jr. to request the variances from Chapter 27-5.4.5 to reduce the transitional buffer to allow for the construction of a new car wash within a C-1 (Local Commercial) zoning district. The property is located on the north side of Memorial Drive, approximately 420-feet west of Midway Road.

MOTION: Mark Goldman moved, Jasmine Chatman seconded for approval with staff's conditions, with the addition of a 4th condition that all conditions associated with the SLUP and modified rezoning be met, including those included in the email between the applicant and neighbors dated October 25, 2021. The motion passed 6-0-0.

**N6. A-22-1245798 Commission District 03 Super District 06
15 116 01 063
2585 GRESHAM ROAD, ATLANTA, GA 30316**

Application of Elyssia Pribble to request the variance from Chapter 21 for a new wall sign within a C-1 (local commercial) zoning district and within the I-20 Tier 2 Overlay district. The property is located on the west side of Gresham Road, approximately 310-feet southwest of the intersection of Gresham Road and south of Welland Avenue.

MOTION: Mark Goldman moved, Alice Bussey seconded for withdrawal without prejudice. The motion passed 6-0-0.

**N7. A-22-1245799 Commission District 02 Super District 06
18 001 09 011
1139 HANCOCK DRIVE, ATLANTA, GA 30306**

Application of Eric Flynn to request a variance from Section 27-2.2 and Section 5.1.10 to 1) reduce the corner side yard setback to allow for new detached garage to a single-family home; 2) to maintain the existing non-conforming lot coverage within an R-75 (Residential Medium Lot-75) zoning district. The property has approximately 57 feet of street frontage and is located on the southwest corner of the intersection of Chalmette Drive and Hancock Drive approximately, at 1139 Hancock Drive, Atlanta, GA 30306.

MOTION: Mark Goldman moved, Pam Speaks seconded for a 30-day deferral. The motion passed 6-0-0.