

**Board of Appeals Meeting Date – Wednesday, May 11, 2022, 1:00 PM**

This meeting was held via Zoom

**MINUTES**

**Members in Attendance**

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

**Members Absent**

Jasmine Chatman

**Staff in Attendance**

Rachel Bragg  
Howard Johnson  
Donovan Cushnie  
Melora Furman  
Brandon White

**Approval of Minutes:** Mark Goldman moved, Pamela Speaks seconded to approve the April 13, 2022 ZBOA minutes. The motion passed 6-0-0.

**AGENDA**

**DEFERRED CASES:**

- D1. A-22-1245496 (Deferred from 3/9/2022) Commission District 03 Super District 06**  
**15 140 04 007; 15 140 04 055**  
**2318 2<sup>nd</sup> AVENUE & 2038 TILSON ROAD DECATUR, GA 30032**

Application of Sharon D. Guest to request a variance from Chapter 27 5.4.5 of the DeKalb County Zoning Ordinance to reduce the required transitional buffer between and MR-2 (Medium Density Residential-2) zoned parcels and R-75 (Residential Medium Lot-75) zoned parcels. The properties are located on the east side of 2nd Avenue, approximately 1,000-feet north of Flat Shoals Road, in Decatur, GA 30032.

**MOTION:** Alice Bussey moved, John Tolbert, Jr. seconded for approval with conditions. The motion for approval with conditions passed 6-0-0.

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**D2. A-22-1245626 (Deferred from 4/13/2022)**  
**16 256 03 025**  
**8604 MISTY CREEK CIRCLE, SNELLVILLE, GA 30039**

**Commission District 05 Super District 07**

Application of Mark Broughton to request variances from Section 27-2.2 and Section 27-4.2 to reduce setbacks and allow accessory structures in the side yard within an R-85 (Residential Medium Lot-85) district to bring a pool, decks, and shed into compliance. The property is located on the east side of Misty Creek Circle, approximately 150-feet south of the intersection of Misty Creek Circle and Hidden Creek Circle at 8604 Misty Creek Circle, Snellville, GA 30039.

**MOTION: John Tolbert moved, Pamela Speaks seconded to approve with staff recommended conditions. The motion for approval with conditions passed 6-0-0.**

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**NEW CASES:**

**N1. A-22-1245633**  
**15 156 07 011**  
**2083 CHERRYBROOK DRIVE, DECATUR, GA 30032**

**Commission District 03 Super District 07**

Application of Andrew Bell to appeal an administrative decision regarding Chapter 14. The subject property is at the northeast corner of Snapfinger Road and Cherrybrook Drive, at 2083 Cherrybrook Drive, Decatur, GA 30032.

**MOTION: Dan Wright moved, John Tolbert seconded to deny the appeal. The motion for denial passed 6-0-0.**

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**N2. A-22-1245711**  
**15 148 02 167**  
**1770 VALENCIA ROAD, DECATUR, GA 30032**

**Commission District 03 Super District 06**

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.

**1<sup>st</sup> MOTION: Dan Wright moved for approval with the condition that no other variances be granted, then moved to table the application. Pamela Speaks seconded the motion. The motion passed 6-0-0.**

**2<sup>nd</sup> MOTION: Dan Wright moved, Mark Goldman seconded to un-table the application. That motion passed 6-0-0.**

**3<sup>rd</sup> MOTION: Dan Wright moved, Mark Goldman seconded for approval with two (2) staff conditions, with an added condition that no other variances be granted. The motion passed 5-1-0. Nadine Rivers-Johnson opposed.**

**4<sup>th</sup> MOTION (Made after N7): Dan Wright moved, Pamela Speaks seconded to reconsider N2 based on new information after technical issues that stopped participants from being able to speak during the meeting. Pam Speaks seconds. Dan Wright then moved, Pamela Speaks seconded for a 30-day deferral due allow time to review new information. The motion passed 6-0-0.**

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**N3. A-22-1245709  
18 247 09 007**

**Commission District 01 Super District 07**

**2850 CRAVEY TRAIL, NE ATLANTA, GA 30045**

Application of Linda Dunlavy to request a variance from Section 27-5.1 to increase the maximum lot coverage from the permitted 35% to no more than 40%, to allow for the construction of a pool within an R-100 (Residential Medium Lot- 100) zoning district. The property has approximately 110 feet of street frontage and is located on the north side of Cravey Trail, approximately 730-feet east of the intersection with Cravey Lane, at 2850 Cravey Trail, Atlanta, GA 30045.

**MOTION: Pamela Speaks moved, Mark Goldman seconded for approval, based on the revised site plan dated May 4th, with lot coverage limited to 37%, and that any site plan shall be updated with the variance information. The motion passed 6-0-0.**

**N4. A-22-1245708  
18 193 05 026**

**Commission District 02 Super District 07**

**1980 NORTH AKIN DRIVE, ATLANTA, GA 30345**

Application of Christine Fortenberry to request a variance from Section 27-2.2 to reduce the average front yard setback from 53.4 feet to allow for the construction of a new single-family house within an R-100 (Residential Medium Lot-100) zoning district. The property has approximately 110 feet of street frontage and is located on the north side of North Akin Drive, approximately 1,000-feet east of the intersection with Kirkland Drive, at 1980 North Akin Drive Atlanta, GA 30045.

**MOTION: Mark Goldman moved, Pamela Speaks seconded for approval with three (3) staff conditions. The motion passed 5-1-0. Dan Wright opposed.**

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**N5. A-22-1245707  
18 109 08 006**

**Commission District 02 Super District 06**

**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 from 40 to no less than 20 feet 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 Lachnoa, GA 30329.

**1<sup>st</sup> MOTION: Dan Wright moved for denial. The motion failed due to lack of a second.**

**2<sup>nd</sup> MOTION: Mark Goldman moved, Alice Bussey seconded for approval of the request, decreasing the rear setback to 20 feet with condition the site plan be updated. The motion failed due to a tie vote (3-3-0) and is deferred to the June 8, 2022 ZBOA meeting.**

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**N6. A-22-1245704  
15 227 01 003**

**Commission District 04 Super District 07**

**1144 ROWLAND ROAD, STONE MOUNTAIN, GA 30083**

Application of Tommie Williamson to request a variance from Section 27-2.2 and Section 27-4.2 to reduce the side yard setback and allow an accessory structure (carport) in the front yard within an R-100 (Residential Medium Lot-100) zoning district. The property has approximately 125 feet of street frontage and is located on the south side of Rowland Road, approximately 300-feet east of the intersection with Durham Circle, at 1114 Rowland Road, Stone Mountain, GA 30083.

**MOTION: Dan Wright moved, Mark Goldman seconded for denial. The motion passed 5-1-0. Alice Bussey opposed.**

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**N7. A-22-1245706  
18 145 10 034  
1422 SANDEN FERRY DRIVE, DECATUR, GA 30033**

**Commission District 02 Super District 07**

Application of Gail Mooney to request a variance from Section 27-2.2 to reduce the front yard setback from 35 feet to no less than 25 feet to allow an addition to a single-family home within an R-75 (Residential Medium Lot-75) zoning district. The property has approximately 94 feet of street frontage and is located on the west side of Sanden Ferry Drive, approximately 300-feet north of the intersection with Cardiff Way, at 1422 Sanden Ferry Drive, Decatur, GA 30033.

**MOTION: Mark Goldman moved, Dan Wright seconded for approval of the application to decrease the front yard setback to 28-feet, with staff conditions; and the setback reduction shall only apply to the proposed addition. The motion passed 6-0-0.**

**Dan Wright moved, Pamela Speaks seconded to reconsider N2 based on new information. Pam Speaks seconds. Dan Wright then moved, Pamela Speaks seconded for a 30-day deferral due allow time to review new information. The motion passed 6-0-0.**

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**N8. A-22-1245712  
18 009 22 019  
289 1<sup>st</sup> AVENUE, AVONDALE ESTATES, GA 30002**

**Commission District 04 Super District 06**

Application of Nathan Mutic to request a variance from Section 27-5.1 to increase the maximum lot coverage from the permitted 35% to no more than 38%, to allow for the construction of a pool within an R-75 (Residential Medium Lot-75) zoning district and the Scottdale Tier 2 overlay district. The property has approximately 57 feet of street frontage and is located on the east side of 1<sup>st</sup> Avenue, at the southeast intersection Chestnut Street, at 289 1st Avenue, Avondale Estates, GA 30002.

**MOTION: Alice Bussey moved, John Tolbert, Jr. seconded for approval staff conditions. The motion passed 6-0-0.**

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**N9. A-22-1245710  
18 285 02 010  
3495-3559 CHAMBLEE TUCKER ROAD, CHAMBLEE TUCKER, GA 30341**

**Commission District 01 Super District 07**

Application of Site Enhancement Services to request the following variances from Chapter 21: 1) to exceed the maximum sign height of 20 feet to 74 feet; 2) to exceed the maximum sign width of 20 feet to 38 feet; and 3) to exceed the exceed the maximum sign face area of 200 square feet to 653.5 square feet, in order to upgrade an existing ground (tower) sign within a C-1 (local commercial) zoning district. The property is located on the south side of Chamblee Tucker Road, north of Montage Way and west of 285.

**MOTION: Pamela Speaks moved, Mark Goldman seconded for a 30-day deferral, per Staff recommendation. The motion passed 6-0-0.**