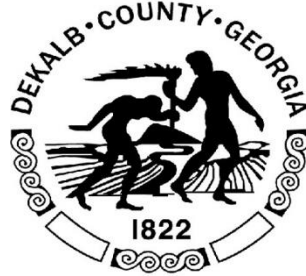


DeKalb County Government

*Manuel J. Maloof Center
1300 Commerce Drive
Decatur, Georgia 30030*



Minutes

Wednesday, February 8, 2023

1:00 PM

via ZOOM

Zoning Board of Appeals

Member Pamela Speaks (Dist. 1)

Member Mark Goldman (Dist. 2)

Member Alice Bussey (Dist. 3)

Chair Nadine Rivers-Johnson (Dist. 4)

Vacant (Dist. 5)

Vice-Chair Dan Wright (Dist. 6)

Member John Tolbert (Dist. 7)

**DEKALB COUNTY ZONING BOARD OF APPEALS
MEETING MINUTES
Wednesday, February 8, 2023 @ 1:00 PM
(via Zoom)**

ZBA MEMBERS PRESENT:

Pamela Speaks, District 1
Mark Goldman, District 2
Alice Bussey, District 3
Nadine Rivers- Johnson, Chair, District 4
John Tolbert, Jr., District 7

ZBA MEMBERS ABSENT:

Dan Wright, Vice-Chair, District 6
District 5, Vacant

STAFF PRESENT:

Brandon White, Planning Manager
Rachel Bragg, Zoning Administrator
Howard Johnson, Sr. Planner
Andrea Folgherait, Planner
Michael Lober, Law Department

Approval of Minutes: Mark Goldman moved, Alice Bussey seconded to approve the January 11, 2023 ZBA minutes. The motion carried 5-0-0.

AGENDA

DEFERRED CASES:

**D1. A-22-1245974 (Def. from 9/14/22, 11/9/22 & 12/14/22 ZBA) Commission District 03 Super District 06
15-145-15-099 & 15-145-15-054
1058 & 1078 MORELAND AVENUE, ATLANTA, GA 30316**

Application of Jesse Clark of Clark Property R+D to request variances from Section 27-5 to 1) decrease the required buffer between single-family and multi-family development; and 2) to increase the allowed footprint and height of single-family detached cottage houses within MR-2 (Medium Density Residential-2) zoning district.

Mark Goldman moved, Pamela Speaks seconded for a 60-day deferral to the April 12, 2023 ZBA agenda. The motion carried 5-0-0.

D2. A-22-1246134 (Def. from 11/9/22 & 12/14/22 ZBA) Commission District 03 Super District 07
15-201-11-010
3357 MEMORIAL DRIVE, DECATUR, GA 30032

Application of Jay Scott to request a variance from Section 27-2.2 reduce the required setbacks to build a new live/work development within a C-1 (Local Commercial) zoning district.

Mark Goldman moved, Pamela Speaks seconded for a 60-day deferral to the April 12, 2023 ZBA agenda. The motion carried 5-0-0.

D3. A-22-1246179 (Deferred from 12/14/22 ZBA) Commission District 04 Super District 06
18-047-19-003
465 NORTH CLARENDON AVENUE, SCOTSDALE, GA 30079

Application of Jackie Spivey c/o Dunlavy Law Group, LLC to appeal an administrative decision within a C-2 (General Commercial) zoning district and the Scottdale Tier I Overlay District.

Mark Goldman moved, Pamela Speaks seconded for a 60-day deferral to the April 12, 2023 ZBA agenda. The motion carried 5-0-0.

D4. A-22-1246137 (Def. from 11/9/22 & 12/14/22 ZBA) Commission District 05 Super District 07
16-030-01-045
5021 GOLFBROOK DRIVE, STONE MOUNTAIN, GA 30088

Application of Brittany Reed of Tallman Pools to request variances from Sections 27-2.2, 4.2.2, and 5.4.7 to 1) allow an accessory structure (pool) to be located within the front yard, 2) to reduce the front and side yard setbacks, and 3) to increase the allowed height of a fence within an R-100 (Residential Medium Lot-100) zoning district.

John Tolbert moved, Alice Bussey seconded for denial of the application. The motion carried 5-0-0.

D5. A-22-1246177 (Deferred from 12/14/22 ZBA) Commission District 02 Super District 06
18-196-03-010, 18-196-03-006, & 18-196-03-008
3082, 3084, & 3110 BRIARCLIFF ROAD, ATLANTA, GA 30329

Application of Stein Investment Group c/o Dennis J. Webb, Jr. to a request variance from Section 5.4.7 to increase the maximum retaining wall height above 6' for existing retaining walls and to reduce the 10' setback for new retaining walls to 0' within a C-1 (Local Commercial) zoning district.

Mark Goldman moved for withdrawal, Pamela Speaks seconded. The motion carried. 5-0-0.

D6. A-22-1246128 (Def. from 11/9/22 & 1/11/23 ZBA) Commission District 02 Super District 06
18-001-04-039
1278 STILLWOOD DR NE, ATLANTA, GA 30306

Application of Audley Barnicoat to request a variance from Section 27-2.2 of the DeKalb County Zoning Ordinance to decrease the side yard setback to rebuild a garage within an R-75 (Residential Medium Lot-75) zoning district and within the Druid Hills Historic District.

Mark Goldman moved, John Tolbert, Jr. seconded for approval with staff's condition to update the site plan with variance information. The motion carried 5-0-0.

D7. A-22-1246132 (Deferred from 11/9 & 1/11 ZBA) Commission District 05 Super District 07
15-159-09-007, 15-159-09-071
2020-2030 WESLEY CHAPEL ROAD, DECATUR, GA 30035

Application of Doug Silvas to request a variance from Chapter 21 of the DeKalb County Zoning Ordinance to install a second sign at a place of worship within an R-75 (Residential Medium Lot- 75) zoning district.

Mark Goldman moved, Pamela Speaks seconded for approval of the variance(s) to allow the installation of 2'x3' sign and that the site plan be updated with the variance information. The motion carried 5-0-0.

D8. A-23-1246216 (Deferred from 1/11 ZBA) Commission District 04 Super District 06
15-248-07-017
711 HILLMONT AVENUE, DECATUR, GA 30030

Application of William McGrier & Tia Reed to request a variance from Section of 27-2.24 of the DeKalb County Zoning Ordinance to reduce the minimum setbacks on a non-conforming lot to build a new live/work unit within a C-1 (Local Commercial) zoning district.

Mark Goldman moved, Pamela Speaks seconded for approval with staff's 4 conditions, and an additional condition that the vegetative buffer be installed. The motion carried 5-0-0.

NEW CASES:

N1. A-23-1246260 Commission District 03 Super District 06
15-179-11-019
1682 GLENCOVE AVENUE, SE, ATLANTA, GA 30317

Application of Karen Lucarelli to request a variance from Section 27-2.2 and 5.1.10 to increase the maximum lot coverage to install a pool within an R-75 (Residential Medium Lot-75) zoning district.

John Tolbert, Jr. moved, Mark Goldman seconded for a 60-day deferral to the April 12, 2023 ZBA agenda to allow the applicant time to respond to board comments. The motion carried 5-0-0.

**N2. A-23-1246270
18-104-05-039
1055 VISTAVIA CIRCLE, DECATUR, GA 30033**

Commission District 02 Super District 06

Application of David Quintero to request a variance from Section 27-2.2 to reduce the rear and side setbacks to allow for an existing storage shed to remain within an R-85 (Residential Medium Lot-85) zoning district.

Mark Goldman moved for withdrawal without prejudice, Pamela Speaks seconded. The motion carried 5-0-0.

**N3. A-23-1246271
18-003-03-031
1001 CLIFTON ROAD, NE, ATLANTA, GA 30307**

Commission District 02 Super District 06

Application of Mark Johanson & Flora Manship to request a variance from Section 27-5.4.7 to increase the height of a retaining wall from 4' to 6' within an R-75 (Residential Medium Lot-75) zoning district and the Druid Hill Historic District.

Mark Goldman moved, Pamela Speaks seconded for approval with staff's condition to update the site plan with variance information. The motion carried 5-0-0.

**N4. A-23-1246273
18-001-10-020
1153 ROSEDALE ROAD, NE, ATLANTA, GA 30306**

Commission District 02 Super District 06

Application of Linda I Dunlavy c/o Dunlavy Law Group, LLC to request a variance from Section 27-2.2 and 5.1.10 to increase the maximum lot coverage to install a pool within an R-75 (Residential Medium Lot-75) zoning district.

Mark Goldman moved, Alice Bussey seconded for approval of the variance request with the condition that the site plan be updated with variance information. The motion carried 5-0-0.

**N5. A-23-1246274
18-047-26-016
490 3RD AVENUE, NE, SCOTSDALE, GA 30079**

Commission District 04 Super District 06

Application of Terry McMullen to request a variance from Section 27-7.5 and 27-3.36 to increase the maximum lot coverage and to decrease the required sidewalk and landscaping strip to construct a new house within an R-75 (Residential Medium Lot-75) zoning district and the Scottdale Tier 2 Overlay District.

Mark Goldman moved, Pamela Speaks seconded for a 30-day deferral to the March 15, 2023 ZBA agenda. The motion carried 5-0-0.

**N6. A-23-1246275
18-055-02-006
1218 MCLYNN AVENUE, NE, ATLANTA, GA 30306**

Commission District 02 Super District 06

Application of Brooks Built Homes to request a variance from Section 27-5.2.5 to increase the allowable height threshold of the finished floor elevation within an R-75 (Residential Medium Lot-75) zoning district.

Mark Goldman moved, Pamela Speaks seconded for approval of the variance application with the following conditions: 1) Site plan shall be updated with the variance information, and 2) Any drainage or runoff issues will be resolved. The motion carried 5-0-0.

Alice Bussey moved, John Tolbert, Jr. seconded to adjourn. The motion carried 5-0-0.