

# DeKalb County Government

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



## **Minutes (Draft)**

**Wednesday, March 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, March 8, 2023 @ 1:00 PM  
(via Zoom)**

**ZBA MEMBERS PRESENT:**

Pamela Speaks, District 1  
Mark Goldman, District 2  
Nadine Rivers- Johnson, Chair, District 4  
Dan Wright, Vice-Chair, District 6  
John Tolbert, Jr., District 7

**ZBA MEMBERS ABSENT:**

Alice Bussey, District 3  
District 5, Vacant

**STAFF PRESENT:**

Brandon White, Planning Manager  
Rachel Bragg, Zoning Administrator  
Howard Johnson, Sr. Planner  
Andrea Folgherait, Planner  
Michael Lober, ZBA Board Legal Counsel

**Approval of Minutes:** Mark Goldman moved, Dan Wright seconded to approve the February 8, 2023 ZBA minutes. The motion carried 5-0-0.

**AGENDA**

**DEFERRED CASES:**

**D1. A-23-1246214 (Deferred from Jan. 11, 2023)  
18-054-05-003  
1207 OXFORD ROAD, ATLANTA, GA 30306**

**Commission District 02 Super District 06**

Application of Karen Soorikian to request a variance from Section 27-2.6 of the DeKalb County Zoning Ordinance to reduce the minimum side setback from 8.5 feet to 5.5 feet within an R-85 (Residential Medium Lot–85) zoning district and the Druid Hills Historic District.

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

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**D2. A-23-1246274 (Deferred from Feb. 8, 2023)  
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 27.2.2, 27-7.5 and 27-3.36 of the DeKalb County Zoning Ordinance 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.

**Dan Wright moved, John Tolbert, Jr. seconded for withdrawal of this application. The motion carried 5-0-0.**

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**NEW CASES:**

**N1. A-23-1246308  
15-016-01-010  
1069 MOUNTAIN VIEW WAY, CONLEY, GA 30288**

**Commission District 03 Super District 06**

Application of David Yankey to request variances from Section 27-3.39 of the DeKalb County Zoning Ordinance to reduce the required width for truck parking spaces, eliminate required sidewalks, and eliminate required open space with the Bouldercrest-Cedar Grove-Moreland Overlay.

**Dan Wright moved, Pamela Speaks seconded to uphold the administrative decision and grant the variance to the 3.39.6C9.b (inter parcel access) and withdraw the application regarding Section 3.39.3D. The motion carried 5-0-0.**

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**N2. A-23-1246309  
18-004-05-025  
1732 COVENTRY ROAD, DECATUR, GA 30030**

**Commission District 02 Super District 06**

Application of Dan Hanlon to request a variance from 27-2.2 of the DeKalb County Zoning Ordinance to reduce the rear yard setback within Druid Hills Historic District and the R-75 (Residential Medium Lot-75) zoning district.

**Mark Goldman moved, Dan Wright seconded for a 30-day deferral to the April 12, 2023 ZBA meeting, to allow the applicant time to post their public notice sign. The motion carried 5-0-0.**

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**N3. A-23-1246310  
18-150-01-086  
1959 MILES LANE, ATLANTA, GA 30329**

**Commission District 02 Super District 06**

Application of Blue Haven Pools c/o Nick Saleh to request a variance from Section 27-2.2 and 4.2 of the DeKalb County Zoning Ordinance to allow an accessory structure (pool) within the side yard of an RSM (Small Lot Residential Mix) zoning district.

**Mark Goldman moved, Dan Wright seconded for Approval, per Staff recommendation. The motion carried 5-0-0.**

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**N4. A-23-1246311  
18-046-03-137  
3159 ZION STREET, SCOTSDALE, GA 30079**

**Commission District 04 Super District 06**

Application of Amanda Watkins to request a variance from Section 27-3.36 of the DeKalb County Zoning Ordinance to eliminate 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 to approve the variance to waive the landscape strip requirement, deny the variance to remove the sidewalk, and add the two (2) following conditions: 1) the site plan should be updated with relevant information, and 2) approval is conditioned on the site plan dated 12/01/2022. The motion carried 5-0-0.**

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**N5. A-23-1246313  
18-046-03-030  
3178 GRANBY AVE, SCOTSDALE, GA 30079**

**Commission District 04 Super District 06**

Application of Amy Rogers to request a variance from Section 27-3.36 of the DeKalb County Zoning Ordinance to reduce the required setbacks and eliminate 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, John Tolbert, Jr. seconded to approve the variance to waive the landscape strip requirement, deny the variance to remove the sidewalk, with the condition(s) that the applicant dedicate up to 8-feet of the road, an additional 5-feet for the construction of a sidewalk, and the front setback shall be reduced to no less than 25 feet with conditions: 1) approval is conditioned on the site plan, 2) the site plan should be updated with the relevant information, and 3) There shall be no fees to the applicant for the dedication of the road or sidewalk easement. The motion carried 5-0-0.**

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**N6. A-23-1246314  
15-023-01-142  
3956 AMBROSE RIDGE COURT, ELLENWOOD, GA 30294**

**Commission District 03 Super District 06**

Application of Linda Dunlavy to appeal an administrative decision within a R-100 (Residential Medium Lot-100) zoning district.

**Dan Wright moved, John Tolbert, Jr. seconded to uphold the administrative decision. The motion carried 5-0-0.**

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**N7. A-23-1246316  
18-054-06-001  
1176 LULLWATER ROAD, ATLANTA, GA 30307**

**Commission District 02 Super District 06**

Application of Elizabeth Finnerty Martin c/o Battle Law, P.C. to request variances from Section 27-2.2 of the DeKalb County Zoning Ordinance to reduce the south side yard setback, from Section 27-5.2.5 (D) to increase the elevation of the dwelling threshold, and from Section 14-44.1 of the DeKalb County Zoning Ordinance to encroach into the 50-foot stream DeKalb County stream buffer to construct a new house within an R-75 (Residential Medium Lot-75) zoning district and the Druid Hills Historic District.

**Dan Wright moved, Mark Goldman seconded for a 60-day deferral to the May 10, 2023 ZBA meeting. The motion carried 5-0-0.**

**Mark Goldman moved, Pamela Speaks seconded to adjourn. The motion carried 5-0-0.**