

DeKalb County Government

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



Minutes (Draft)

Wednesday, September 13, 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)

Member Yolanda Spears (Dist. 5)

Vice-Chair Dan Wright (Dist. 6)

Member John Tolbert (Dist. 7)

Zoning Board of Appeals
September 13, 2023 Minutes (Draft)
(This meeting was held via Zoom)

ZBA MEMBERS PRESENT:

Pamela Speaks, District 1
Mark Goldman, District 2
Alice Bussey, District 3
Nadine Rivers- Johnson, Chair, District 4
Yolanda Spears, District 5
Dan Wright, Vice-Chair, District 6
John Tolbert, District 7

STAFF PRESENT:

Rachel Bragg, Zoning Administrator
Howard Johnson, Sr. Planner
Andrea Folgherait, Planner
Lucas Carter, Planner
Yvonne Trammell, Special Projects Coordinator

Approval of Minutes:

Mark Goldman moved to approve the August 9th minutes with no changes. Pam Speaks seconded. Motion carried 7-0-0.

DEFERRED CASES:

D1. A-23-1246316 (Deferred from May 10, 2023) Commission District 02 Super District 06
18-054-06-001
1176 LULLWATER RD. NE, ATLANTA, GA 30307

Application of Elizabeth Finnerty Martin to request variances from Section 27-5.2.5(D)(2) and 27-2.2.1 of the DeKalb County Zoning Ordinance to allow the increase in the elevation threshold within an R-85 (Residential Medium Lot) zoning district and within the Druid Hills Historic District.

Dan Wright moved for 30-day deferral to the October 11th ZBA agenda, Mark Goldman seconded. Motion carried 7-0-0.

D2. A-23-1246415 (Deferred from May 10, 2023) Commission District 02 Super District 06
18-049-01-013, 18-049-01-012
1602 SCOTT BLVD and 2488 BLACKMON DR., DECATUR, GA 30033

Application of Andrew Rutledge requesting a variance from Section 5.4.5 of the DeKalb County Zoning Ordinance to reduce a transitional buffer within an MR-2 (Medium Density Residential-2) zoning district.

Mark Goldman moved for approval with staff conditions, John Tolbert seconded. Motion carried 6-0-1. Dan Wright opposed.

**D3. A-23-1246475
18-115-08-043
2240 LAWRENCEVILLE HWY, DECATUR, GA 30033**

Commission District 02 Super District 06

Application by Brett Buckland / Bohler Engineering seeking variances from Section 27-5.4.3 (2) (C) and (D) of the DeKalb County Zoning Ordinance to reduce the streetscape requirement within a C-1 (Local Commercial) zoning district.

Alice Bussey moved to approve the withdrawal of the application, Yolanda Spears seconded. Motion carried 7-0-0.

**D4. A-23-1246457
16-071-09-001
2387 WELLBORN ROAD, LITHONIA, GA 30058**

Commission District 05 Super District 07

Application of Simon H. Bloom to appeal an administrative decision to refuse to issue building permits.

Dan Wright moved for a 60-day deferral to the November 8th ZBA agenda, Pamela Speaks seconded. Motion carried 7-0-0.

**D5. A-23-1246493
18-193-05-167
2421 GLEN OAKS COURT, ATLANTA, GA 30345**

Commission District 02 Super District 07

Application of Garrett Coley to request variances from Chapter 27-2.2.1 and 5.1.10 of the DeKalb County Zoning Ordinance to encroach into the side yard setback and increase the lot coverage for a screened porch within an R-100 (Residential Medium Lot) zoning district.

Mark Goldman moved to approve with staff condition regarding updating the site plan with variance information, Yolanda Spears seconded. Motion carried 7-0-0.

NEW CASES:

**N1. A-23-1246564
15-011-01-221
2428 GATEWAY TRAIL, ELLENWOOD, GA 30294**

Commission District 03 Super District 06

Application by Alberto Chavez seeking variances from Section 27-5.4.7 of the DeKalb County Zoning Ordinance to increase retaining wall height within an MU-1 (Mixed Use Low Density) zoning district.

Dan Wright moved for a 60-day deferral to the November 8th ZBA agenda, Alice Bussey seconded. Motion carried 7-0-0.

**N2. A-23-1246576
15-019-05-015
1679 KOPPERS ROAD, CONLEY, GA 30288**

Commission District 03 Super District 06

Application by RLF III East, LLC c/o Ellen Smith, Parker Poe seeking variances from Section 27-3.39.6 (C) 1,5 (d) & 5 (e) of the DeKalb County Zoning Ordinance to allow for continued use of the property for truck parking, transportation, equipment storage, sales/leasing and accessory repair within an M (Light Industrial) zoning district.

Dan Wright moved for a 60 day-deferral to the November 8th ZBA agenda, Alice Bussey seconded. Motion carried 7-0-0.

**N3. A-23-1246560
18-158-11-126
1788 ROSALIND DRIVE, ATLANTA, GA 30329**

Commission District 02 Super District 06

Application of Randall Tolliver to request a variance from Section 27-2.2.1 of the DeKalb County Zoning Ordinance to reduce the side yard setback to encase existing open-garage for storage and office use within an R-100 (Residential Medium Lot) zoning district.

Mark Goldman moved for approval with the conditions that (1) site plan must be updated and, (2) the approval shall only apply to the existing footprint, Dan Wright seconded. Motion carried 7-0-0.

**N4. A-23-1246585
18-149-02-061
1330 NALLEY CIRCLE, DECATUR, GA 30033**

Commission District 02 Super District 06

Application of Stephen Jones to request a variance from Section 27-2.2.1 of the DeKalb County Zoning Ordinance to reduce the side yard setback to allow for existing carport to be incorporated into heated and cooled living space with primary structure within an R- 100 (Residential Medium Lot) zoning district.

Alice Bussey moved for approval with staff condition. Mark Goldman proposed a substitute motion that the ZBA issue a letter of reprimand. The substitute motion carried 6-1-0. Dan Wright opposed.

**N5. A-23-1246581
15-184-02-012
1718 LINE STREET, DECATUR, GA 30032**

Commission District 03 Super District 07

Application by Karen McPhee to request a variance from Section 27-5.1.4(e) of the DeKalb County Zoning Ordinance to reduce the side corner setback within an R-75 (Residential Medium Lot) zoning district.

Alice Bussey moved for approval, John Tolbert seconded. Motion carried 6-0-0. Nadine Rivers- Johnson was not present for this vote.

**N6. A-23-1246570
18-003-03-006
1776 EAST CLIFTON ROAD, ATLANTA, GA 30307**

Commission District 02 Super District 06

Application by Tony Costantino to request a variance from Section 27-4.2 of the DeKalb County Zoning Ordinance to increase floor area of secondary structure within an R-75 (Residential Medium Lot) zoning district.

Mark Goldman moved for approval, Pamela Speaks seconded. Motion carried 6-0-0. Nadine Rivers- Johnson was not present for this vote.

**N7. A-23-1246573
18-046-04-145
196 WARREN AVENUE, SCOTSDALE GA, 30079**

Commission District 03 Super District 06

Application of Roger Grant seeking variances from Section 27-5.75 (F1) and 5.7.6 (J3) of the DeKalb County Zoning Ordinance to increase the maximum parking lot frontage from 30' to 60' and increase maximum setback from 10 feet to 15 feet within an MR-1 (Medium Density Residential) zoning district and within the Tier 1 Scottdale Overlay District.

Mark Goldman moved for approval with staff condition and, with the condition that the parking lot be screened from Warren Avenue and from the side facing the cottage. Alice Bussey seconded. Motion carries 6-0-0. Nadine Rivers-Johnson was not present for this vote.

**N8. A-23-1246569
 18-046-03-115
 3174 ZION STREET, SCOTSDALE, GA 30079**

Commission District 04 Super District 06

Application of Gail Mooney to request a variance from Section 27-3.36.10 of the DeKalb County Zoning Ordinance to reduce side yard setback within an R-75 (Residential Medium Lot) zoning district and within the Tier 2 Scottdale Overlay District.

Mark Goldman moved for 60-day deferral to the November ZBA agenda, John Tolbert seconded. Motion carried 7-0-0.

**N9. A-23-1246563
 15-171-04-002
 642 PARKER AVENUE, DECATUR, GA 30032**

Commission District 03 Super District 06

Application of Jodi Broadaway seeking variances from Section 27-2.2.1 and 27-5.1.10 of the DeKalb County Zoning Ordinance to reduce rear yard setback and increase lot coverage within an R-75 (Residential Medium Lot) zoning district and within the Tier 2 Scottdale Overlay District.

Mark Goldman moved for approval, John Tolbert seconded. Motion carried 7-0-0.

**N10. A-23-1246574
 15-149-04-053
 2146 TRAILWOOD ROAD, DECATUR, GA 30032**

Commission District 03 Super District 06

Application of Dallas Reed seeking variances from Section 27-2.2.1 of the DeKalb County Zoning Ordinance to reduce side yard setback within an R-75 (Residential Medium Lot) zoning district.

Mark Goldman moved for denial. Pamela Speaks seconded. Motion carried 7-0-0.

**N11. A-23-1246575
 18-206-02-027
 2320 DOREEN COURT, ATLANTA, GA 30345**

Commission District 02 Super District 07

Application of Patrick Gross seeking variances from Section 27-2.2.1 of the DeKalb County Zoning Ordinance to reduce side yard setback within an R-75 (Residential Medium Lot) zoning district.

Alice Bussey moved for approval with condition that information about case and variance appear on site plan, Mark Goldman seconded. Motion carried 6-0-0. Dan Wright was not present for this vote.

**N12. A-23-1246520
 18-115-08-036
 2272 LAWRENCEVILLE HIGHWAY, DECATUR, GA 30033**

Commission District 02 Super District 06

Application of Kiara Craft to request a variance from Section 4.2.11 (B) (1.) to reduce the use buffer between residential developments and the C-1 (Local Commercial) parcel to develop Dog Daycare.

Mark Goldman moved for withdrawal, Alice Bussey seconded. Motion carried 6-0-0. Dan Wright was not present for this vote.

The Zoning Board of Appeals (ZBA) hears variances, special exceptions, and appeals of administrative decisions. They are an independent body, appointed by the Board of Commissioners (BOC). The BOC hears Rezoning, Special Land Use Permits (SLUPs), Major modifications, Land Use Plan amendments, and Zoning Ordinance text amendment applications.