

DeKalb County Government

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



Minutes (Draft)

Wednesday, December 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)

**DeKalb County Zoning Board of Appeals Minutes
December 13, 2023 @ 1:00 PM**

(This meeting was held via Zoom)

ZBA MEMBERS PRESENT:

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

ZBA MEMBERS ABSENT:

John Tolbert, District 7

STAFF PRESENT:

Rachel Bragg, Zoning Administrator
Lucas Carter, Planner
Yvonne Trammell, Special Projects Coordinator
Aaron Kimble, Special Projects Coordinator
Donovan Cushnie, Floodplain Coordinator

Approval of Minutes: Mark Goldman moved, Pamela Speaks seconded to approve the November 8, 2023 minutes. Motion carried 6-0-0. Yolanda Spears was not present for this vote.

AGENDA

DEFERRED CASES:

**D1. A-23-1246363 (Deferred from August 9, 2023)
18-046-03-100
3190 KELLY STREET, SCOTTSDALE, GA 30079**

Commission District 04 Super District 06

Application of Joshua Hall to request variances from Sections 27-2.2, 3.36 and 5.1 of the DeKalb County Zoning Ordinance to reduce setbacks, increase the lot coverage and reduce required public improvements in order to increase to build a single-family detached house within the Scottsdale Overlay Tier II district and the R-75 (Residential Medium Lot-75) zoning district.

MOTION: Mark Goldman moved, John Tolbert seconded to approve with standard condition and with 5' side setbacks. Motion carried 6-1-0.

D2. A-23-1246316 (Deferred from October 13, 2023)
18-054-06-001
1176 LULLWATER RD. NE, ATLANTA, GA 30307

Commission District 02 Super District 06

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.

MOTION: Dan Wright moved, Mark Goldman seconded for 60-day deferral to the February 14, 2024 ZBA agenda. Motion carried 7-0-0.

D3. 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.

MOTION: Mark Goldman moved, John Tolbert seconded for approval with conditions to waive interior sidewalk and at the perimeter of the crosswalks and to paint crosswalks and standard condition. Motion failed 3-4-0. Dan Wright, Alice Bussey and Nadine Rivers-Johnson opposed. The motion failed.

MOTION: Dan Wright moved, Alice Bussey seconded to deny variance request #1 to eliminate external sidewalks and approve variance requests #2 to waive internal sidewalk requirements and #3 to withdraw variance request from Division 39 Design guidelines Section 5 (3), with the condition that pedestrian crosswalks across driveways and around the building be painted and to include the staff recommended conditions. Motion carried 6-2-0. John Tolbert, Jr. and Mark Goldman opposed.

D4. A-23-1246621
18-267-06-001
2920 BRANDYWINE ROAD, CHAMBLEE, GA 30341

Commission District 01 Super District 07

Application by Logan Clark to request a variance from Section 27-6.1.4 of the DeKalb County Zoning Ordinance to increase maximum parking requirement within an OI (Office-Industrial) zoning district.

MOTION to TABLE: Mark Goldman moved, Pamela Speaks seconded to table the case until the end of the meeting. Motion carried 7-0-0.

MOTION: Dan Wright moved, Dr. Alice Bussey seconded for 60-day deferral to the February 14, 2024 ZBA agenda. Motion carried 7-0-0.

D5. A-23-1246636
15-196-10-001
4124 COVINGTON HIGHWAY, DECATUR, GA 30567

Commission District 05 Super District 07

Application of seeking variances from Section 27-3.4.7 (A) (1) of the DeKalb County Zoning Ordinance to alter the placement of a new building to develop a new convenience store and four pump fuel stations within a C-1 (Local Commercial) zoning district and within the Covington Overlay District.

MOTION: Dan Wright moved, Yolanda Spears seconded to approve with staff condition. Motion carried 7-0-0.

NEW CASES:

N1. A-23-1246567
18 046 03 097
3180 KELLY STREET, SCOTTDAL GA 30079

Commission District 02 Super District 06

Application by Ben Darmer to request from Sections 27-2.2, 3.36 and of the DeKalb County Zoning Ordinance to reduce setbacks and increase the lot coverage to increase to build a single-family detached house within an R-75 (Residential Medium Lot-75) zoning district.

MOTION: Dan Wright moved, Dr. Alice Bussey seconded to approve with staff recommendation. Motion carried 7-0-0.

N2. A-23-1246688
18 052 15 006
1815 DURAND MILL DRIVE, ATLANTA, GA 30307

Commission District 02 Super District 06

Application by Richard Goldstein to request from Section 5.1.10 and of the DeKalb County Zoning Ordinance to increase the lot coverage to convert existing deck into screened porch within an R-75 (Residential Medium Lot-75) zoning district.

MOTION: Dan Wright moved, John Tolbert seconded for 60-day deferral to the February 14, 2024 ZBA agenda. Motion carried 7-0-0.

N3. A-23-1246726
18 193 07 018
2622 MERCEDES DR., NE, ATLANTA GA 30345

Commission District 05 Super District 07

Application by Shawn Teske to request a variance from Section 27-2.2.1 of the DeKalb County Zoning Ordinance to reduce side yard setback for a portable storage shed within an R-100 (Residential Medium Lot) zoning district.

MOTION: Mark Goldman moved, Dan Wright seconded for denial. Motion carried 7-0-0.

N4. A-23-1246730
16 169 01 026
2700 TURNER HILL ROAD, LITHONIA GA 30058

Commission District 04 Super District 07

Application by David Burch to request a variance from Section 27-5.4.3 to reduce sidewalk and landscape requirements to construct private truck parking within an M (Light Industrial) zoning district.

MOTION: John Tolbert moved, Mark Goldman seconded for approval. Motion carried 6-1-0. Dan Wright opposed.

N5. A-23-1246712
15 101 08 032
3611 PREAKNESS DRIVE, DECATUR GA 30034

Commission District 03 Super District 07

Application by Terry Brantley to request a variance from Section 27-2.2. of the DeKalb County Zoning Ordinance to reduce the rear yard setback to construct a deck within an R-100 (residential medium lot) zoning district.

MOTION: John Tolbert moved, Dr. Alice Bussey seconded for withdrawal. Motion carried 7-0-0.

**N6. A-23-1246701
18 004 18 012
1780 RIDGEWOOD DRIVE, ATLANTA GA 30307**

Commission District 02 Super District 06

Application by Peggy Hilbert to request variances from Section 27-2.2.1 and 27-5.2.1 (C) of the DeKalb County Zoning Ordinance to increase lot coverage and to front yard setbacks to allow construction of home addition and enclose front porch within an R-75 (Residential Medium Lot) zoning district.

MOTION: Mark Goldman moved, John Tolbert seconded for approval with standard condition and lot coverage to not exceed 41.15%. Motion carried 7-0-0.

**N7. A-23-1246702
15 019 01 040
1577 KOPPERS ROAD, CONLEY GA 30228**

Commission District 03 Super District 06

Application by John Fuller to request a variance from Section 27-5.4.7 of the DeKalb County Zoning Ordinance to increase retaining wall height within an M (Light Industrial) zoning district and within the Bouldercrest Tier 4 Overlay.

MOTION: Mark Goldman moved, Pamela Speaks seconded for approval with staff's conditions. Motion carried 7-0-0.

N8. ZBA CALENDAR 2024

Adoption of 2024 Zoning Board of Appeals Calendar.

MOTION: Dan Wright moved, Dr. Alice Bussey seconded for approval. Motion carried 7-0-0.

MOTION: Dan Wright moved, Dr. Alice Bussey seconded for adjournment. Motion carried 7-0-0.

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.