



Michael L. Thurmond
Chief Executive Officer

Department of Planning & Sustainability

Zoning Board of Appeals
Manuel J. Maloof Center
1300 Commerce Drive, Suite 400
Decatur, GA 30030



BOA Meeting Date: October 9, 2019 1:00 PM

Meeting Minutes

NOTE: Applicant or appointed representative should be present. If unable to attend, please contact the Planning Department at 404-371-2155 no later than 11:00 a.m. the day of the meeting.

CALL MEETING TO ORDER

**DETERMINATION OF A QUORUM
PREAMBLE AS TO PURPOSE AND PROCEDURES OF THE BOARD OF APPEALS
INTRODUCTION OF MEMBERS, STAFF AND COUNTY REPRESENTATIVES
APPROVAL OF THE SEPTEMBER 11, 2019 ZONING BOARD OF APPEALS MEETING**

MEMBERS:

Present

Pamela Speaks, District 1

Excused Absence

Mark Goldman, District 2

Excused Absence

Alice Bussey, District 3

Present

Nadine Rivers-Johnson (Chairperson), District 4

Present

Jasmine Chatman, District 5

Present

Dan Wright (Vice-Chairperson), District 6

Present

Kenneth Saunders, III, District 7

(A-Absent; EXA-Excused Absence; U-Unexcused Absence; P-Present; R-Resigned; TE-Term Expired)

QUORUM DETERMINATION: YES

COUNTY REPRESENTATIVE: YES

Jeremy McNeil, Senior Planner
Jahnee Prince, Deputy Director of Planning and Sustainability

DEFERRED FROM October, 9, 2019 PUBLIC HEARING

D1 Applicant No: A-19-1243220 Parcel ID: 18-105-02-120**Commission District 2 Super District 6****Applicant:** Jason Patsios C/O Julie Sellers
Pursley Friese Torgrimson, LLP
Atlanta, 30309
1230 Peachtree Street Northeast, Suite 1200
Atlanta, GA 30309**Owner:** Gretchen Patsios
2381 Drew Valley Road
Brookhaven, GA 30319**Project Name:** 1169 Biltmore Drive**Zoning:** R-85 Zoning District**Location:** The property is located on the eastside of Biltmore Drive, approximately 199 feet west of Rogeretta Drive, at 1169 Biltmore Drive Northeast, Atlanta, Georgia.**Request:** Variance from Section 27-5.2.1.(c) and Section 27-2.2.1 of the DeKalb County Zoning Ordinance to reduce the average front yard setback from 35.79 feet to 20 feet, relating to the R-85 zoning district.**BOA Action:** **Approved. The motion was made by D. Wright to defer this application for 30-days, motion failed. K. Saunders III made the motion to approve the variance to reduce the average front yard setback from 35.79 feet to 20 feet, seconded by P. Speaks, application was approved 4-1. K. Saunders, III, J. Chatman, N. Rivers-Johnson, and P. Speaks voted to approve the application, D. Wright voted against.**

D2 Applicant No: A-19-1243360 Parcel ID: 18-191-04-010**Commission District 2 Super District 6****Applicant:** Frances Taylor
6621 Bay Circle, Suite 170
Peachtree Corners, GA 30071**Owner:** Land Holding Group SE LLC
6621 Bay Circle
Peachtree Corners, GA 30071**Project Name:** 3595 LaVista Road**Zoning:** R-85 Zoning District**Location:** The property is located on the southeast corner of LaVista Road and Briarlake Circle, at 3595 LaVista Road, Decatur, Georgia 30033.**Request:** Variance from Section 27-2.2 of the DeKalb County Zoning Ordinance to reduce the rear yard setback from 40 feet to 24 feet for the construction of a new single family home, relating to the R-85 zoning district.**BOA Action:** **Withdrawn without prejudice. The applicant notified staff that the requested variance was no longer needed. The motion was made by D. Wright to withdrawal this application, seconded by. K. Saunders, III, motion as approved unanimously.**

D3 Applicant No: A-19-1243438 Parcel ID: 16-224-03-005

Commission District 4 Super District 7

Applicant: Erma Brown
4200 Riverlake Way
Snellville, GA 30039

Owner: Kelvin B. Henderson
4328 Riverlake Way
Snellville, GA 30039

Project Name: 4328 Riverlake Way

Zoning: R-85 Zoning District

Location: The property is located on the east side of Riverlake Way, approximately 30 feet west of Dennis Spring Road, at 4328 Riverlake Way, Snellville, Georgia 30039.

Request: Variances from Section 4.2.2 of the DeKalb County Zoning Ordinance to reduce the side and rear yard setback for an existing accessory dwelling unit.

BOA Action: **Approved as shown on the revised site plan received September 26, 2019. The motion was made by D. Wright to approve the variance as shown on the revised site plan, seconded by K. Saunders, III, motion as approved unanimously.**

NEW HEARING ITEMS

N1 Applicant No: A-19-1243469 Parcel ID: 18-010-09-017

Commission District 4 Super District 6

Applicant: David Allen
584 Martin Street
Atlanta, Georgia 30315

Owner: Same as Applicant

Project Name: 353 Marigna Avenue

Zoning: R-75 zoning district and Scottdale Overlay District

Location: The property is located on the east side of Marigna Avenue, approximately 100 feet north of Cedar Street, at 353 Marigna Avenue, Scottdale, Georgia 30079.

Request: Variance from section 27-3.36.10.(5)(c)(1) of the Scottdale Overlay and section 27-2.2.1 of the DeKalb County Zoning Ordinance to increase the maximum allowed lot coverage from 35% to 45% for a proposed walkway.

BOA Action: **Deferred for 30-days. The board wanted the applicant to define its' hardship. The motion was made by D. Wright to defer the application, seconded by K. Saunders, III, motion as approved 4-1, D. Wright, K. Saunders, III, N. Rivers-Johnson, and P. Speaks voted to defer the application, J. Chatman voted against.**

N2 **Applicant No:** **A-19-1243481** **Parcel ID:** **18-054-08-002**

Commission District 2 Super District 6

Applicant: Catherine and Barry Anderson
1293 Oxford Road, NE
Atlanta, Georgia 30306

Owner: Same as Applicant

Project Name: 1293 Oxford Road

Zoning: R-75 zoning and the Druid Hills Historic District

Location: The property is located on the south side of Oxford Road, approximately 245 feet west of Emory Road, at 1293 Oxford Road, Atlanta, Georgia 30306.

Request: Variances from section 2.2.1. of the DeKalb County Zoning Ordinance to increase maximum allowed lot coverage from 35% to 39% for construction of a concrete driveway and to reduce the west side yard setback from 7.5 feet 3 feet to allow for an existing detached garage.

BOA Action: **Approved. The motion was made by K. Saunders, III to approve the variances to increase maximum allowed lot coverage from 35% to 39% for construction of a concrete driveway and to reduce the west side yard setback from 7.5 feet 3 feet to allow for an existing detached garage as shown on the submitted site plan received September 5, 2019., seconded by D. Wright, motion was approved unanimously.**

N3 **Applicant No:** **A-19-1243516** **Parcel ID:** **18-263-17-005**

Commission District 1 Super District 7

Applicant: Ryan Reavis
2820 Northbrook Drive
Atlanta, Georgia 30340

Owner: Same as Applicant

Project Name: 2820 Northbrook Drive

Zoning: R-100 zoning district

Location: The property is located on the north side of Northbrook Drive, approximately 425 feet south of Evans Dale Drive, 2820 Northbrook Drive, Atlanta, Georgia 30340.

Request: Variance from section 27-4.2.(C)(1) of the DeKalb County Zoning Ordinance to allow an in-ground pool to be placed in the front yard of the subject property.

BOA Action: **Approved as shown on the submitted site plan received September 9, 2019. The motion was made by J. Chatman to approve the variance to allow an in-ground pool to be placed in the front yard of the subject property as shown on the submitted site plan received September 9, 2019, seconded by D. Wright, motion was approved unanimously.**

N4 **Applicant No:** **A-19-1243523** **Parcel ID:** **18-111-03-001**

Commission District 2 Super District 6

Applicant: Ryan Halberg
 3050 Peachtree Road
 Atlanta, Georgia 30305

Owner: Toco Hills (E&A), LLC
 1221 Main Street, Suite 1000
 Columbia, South Carolina 29201

Project Name: 2965 N Druid Hills Road

Zoning: C-1 zoning District

Location: The properties are located on the west side of N Druid Hills Road, approximately 1,235 feet south of LaVista road, at 2947 and 2965 N Druid Hills Road Northeast, Atlanta, Georgia 30329.

Request: Variance from section 4.2.11(D) of the DeKalb County Zoning Ordinance reduce the separation distance from a residentially zoned property from 200 feet to 76.6 feet for a proposed dog kennel.

BOA Action: **Denied. The motion was made by D. Wright to deny the application, seconded by J. Chatman, motion was approved unanimously.**