

**DeKalb County Zoning Board of Appeals Minutes
August 14, 2024 @ 1:00 PM**

<p>ZBA MEMBERS PRESENT</p>	<p>Pamela Speaks, District 1 Mark Goldman, District 2 Muhammad Jihad, District 3 Nadine Rivers-Johnson, Chair, District 4 Yolanda Spears, District 5 Dan Wright, Vice-Chair, District 6 John Tolbert, District 7 Michael Lober, Attorney</p>	<p>ZBA MEMBERS ABSENT</p>
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<p>STAFF PRESENT</p>	<p>Rachel Bragg, Zoning Administrator Lucas Carter, Planner Adam Chappell, Sr. Planner Kyle McLean, Planner Debora Wells, Admin Specialist Yvonne Trammell, Special Projects Coordinator</p>
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Approval of Minutes: Mark Goldman moved, Pamela Speaks seconded to approve the July 10, 2024 ZBA minutes. Motion carried 6-0-0.

AGENDA

DEFERRED CASES:

D1. A-24-1247109 Commission District 04 Super District 06
18 047 04 010
3040 NORTH DECATUR ROAD, SCOTTTDALE, GA 30079

Application by Zelalem Assfaw to request variances from Section 27 of the DeKalb County Zoning Ordinance to reduce open space requirement to 15%, reduce side yard setback, reduce off-street loading space requirement within the C-1 (Local Commercial) zoning district and Scottdale Tier I Overlay District.

MOTION: Mark Goldman moved, John Tolbert seconded for a 30-day deferral to the September 11, 2024 ZBA hearing. Motion carried 6-0-0.

D2. A-24-1246810 Commission District 05 Super District 07
15 163 01 008
4822 COVINGTON HIGHWAY, DECATUR, GA 30035

Application by Quiktrip Corporation c/o Battle Law P.C. to request variances from Sections 21-20 of the DeKalb County

Zoning Ordinance to increase maximum canopy sign size for proposed gas station within the C-2 (General Commercial) zoning district.

MOTION: Dan Wright moved, Mark Goldman seconded for withdrawal without prejudice. Motion carried 6-0-0.

D3. A-24-1246997 Commission District 02 Super District 06
18 105 13 006
965 HOUSTON MILL ROAD, ATLANTA, GA 30329

Application by Elna Saah DBA Pavel Rei, LLC to request variances from Sections 27-8.1.16 and 27-2.2.1 of the DeKalb County Zoning Ordinance to allow expansion of non-conforming building and reduce side yard setbacks to renovate existing house and convert garage into an accessory dwelling unit within the R-85 (Residential Medium Lot-85) zoning district.

MOTION: Dan Wright moved, Pamela Speaks seconded for a withdrawal without prejudice. Motion carried 6-0-0.

D4. A-24-1246998 Commission District 02 Super District 06
18 148 01 019
3120 LAVISTA ROAD, DECATUR, GA 30033

Application by Nicole Lashley to request a variance from Section 27-2.2.1 of the DeKalb County Zoning Ordinance to reduce rear yard setback to enclose carport and construct addition to a single-family residence within the R-100 (Residential Medium Lot-100) zoning district.

MOTION: Dan Wright moved, Pamela Speaks seconded for withdrawal without prejudice. Motion carried 6-0-0.

D5. A-24-1246909 Commission District 04 Super District 06
18 046 01 148
584 GLENDALE ROAD, SCOTTTDALE, GA 30079

Application by Monica Woods to request variances from Sections 27-3.36 and 27-2.2.1 of the DeKalb County Zoning Ordinance to reduce rear yard setback, eliminate landscape strip, reduce side yard setbacks, and increase lot coverage to construct single-family residence within the R-75 (Residential Medium Lot-75) and Scottdale Tier II Overlay zoning district.

MOTION: Mark Goldman moved, Dan Wright second to hear Agenda items D5 and D6 together. Motion carried 6-0-0.

MOTION: Mark Goldman moved, John Tolbert seconded for a 60-day deferral to the October 9, 2024 ZBA hearing. Motion carried 5-1-0. Dan Wright opposed.

D6. A-24-1246910 Commission District 04 Super District 06
18 046 01 149
580 GLENDALE ROAD, SCOTTTDALE, GA 30079

Application by Monica Woods to request variances from Sections 27-3.36.10 and 27-2.2.1 of the DeKalb County Zoning Ordinance to reduce rear yard setback and eliminate 5' landscape strip to construct single-family residence within the R-75 (Residential Medium Lot-75) and Scottdale Tier II Overlay zoning district.

MOTION: Mark Goldman moved, John Tolbert seconded for a 60-day deferral to the October 9, 2024 ZBA hearing. Motion carried 5-1-0. Dan Wright opposed.

D7. A-24-1247045 Commission District 03 Super District 07
15 121 02 001
2942 EMBER DRIVE, DECATUR, GA 30034

Application by Aljandro Delgado to request variances from Sections 27-3.33.13 (A), 27-3.33.17, and 27-6.1.3 of the DeKalb County Zoning Ordinance to reduce landscaping requirements, street and inter-parcel access requirements, and off-street parking requirements to convert hotel building into apartments within the C-1 (Local Commercial) zoning district and I-20 Tier I Overlay District.

MOTION: Nadine Rivers-Johnson moved, Muhammad Jihad seconded with staff's recommended conditions. Motion carried 6-0-0.

NEW CASES:

N1. A-24-1247106 Commission District 03 Super District 07
15 183 02 001
2961 ALSTON DRIVE ATLANTA, GA 30317

Application by Ihsan Saleem to request variances from Sections 27-3.33.9, 27-3.33.11, 27-3.33.13, 27-5.4.4, and 27-6.1.4 of the DeKalb County Zoning Ordinance to reduce rear yard setback, transitional buffer, landscape buffer, and parking requirements to convert warehouse storage into office and retail space within the C-2 (General Commercial) zoning district and I-20 Tier II Overlay District.

MOTION: John Tolbert moved, Dan Wright seconded for a 60-day deferral to the October 9, 2024 ZBA hearing. Motion carried 6-0-0.

N2. A-24-1247054 Commission District 03 Super District 06
15 089 01 007
3801 FLAT SHOALS PARKWAY DECATUR, GA 30034

Application by Erika Bodzy to request variances from Sections 21-14 and 27-2.1.1 of the DeKalb County Zoning Ordinance to increase size and reduce setback for signage within the C-1 (Local Commercial) zoning district and I-20 Tier II Overlay District.

MOTION: Dan Wright moved, John Tolbert seconded for approval of variance #2 to increase sign height from 6' to 15'; and, denial of the variance requests to reduce sign setback and increase sign size. Motion carried 6-0-0.

N3. A-24-1247100 Commission District 04 Super District 06
18 047 21 017
3140 KELLY STREET SCOTTTDALE, GA 30079

Application by Alrick McIntyre to request a variance from Section 27-2.1.1 of the DeKalb County Zoning Ordinance to rear yard and front yard setbacks to facilitate construction of single-family residence within the R-75 (Residential Medium Lot-75) zoning district and Scottdale Tier II Overlay District.

MOTION: Dan Wright moved, Pamela Speaks seconded for a 60-day deferral to the October 9, 2024 ZBA hearing. Motion carried 6-0-0.

N4. A-24-1247098 Commission District 05 Super District 07
15 220 10 002
3952 COVINGTON HIGHWAY DECATUR, GA 30032

Application by PDC Land Holdings, LLC to request a variance from Section 27-3.41.7 (F) and 27-3.41.8 (A) of the DeKalb County Zoning Ordinance to reduce required stoop height and allow alternate exterior building materials to facilitate construction of apartment complex within the C-1 (Local Commercial) zoning district and Covington Overlay District.

1st MOTION: Dan Wright moved, Mark Goldman seconded for approval of alternative exterior building materials,

and to deny the stoop height increase. Motion fails 3-3-0. Rivers-Johnson, Speaks, and Tolbert opposed.

FINAL MOTION: Dan Wright moved, Mark Goldman seconded to approve the variance to allow alternative exterior building material (Cementitious siding) above the first floor. Motion passed 4-2-0. John Tolbert and Rivers-Johnson opposed.

***Because of the lack of a motion regarding the variance request to reduce stoop height requirement, it is automatically deferred 60-days to the October 9, 2024 ZBA hearing.**

**N5. A-24-1247094 Commission District 03 Super District 07
15 136 01 070
3113 THRASHER CIRCLE DECATUR, GA 30032**

Application by Tamara Taitt to request variances from Sections 27-2.1.1 and 27-5.4.7 of the DeKalb County Zoning Ordinance to reduce setback and allow alternate fencing material to allow perimeter fencing within the R-75 (Residential Medium Lot-75) zoning district and I-20 Tier I Overlay District.

MOTION: Dan Wright moved, John Tolbert seconded for a 60-day deferral to the October 9, 2024 ZBA hearing. Motion carried 5-1-0. Nadine Rivers-Johnson opposed.

**N6. A-24-1247070 Commission District 03 Super District 06
15 047 01 004
1342 HENRICO RD CONLEY, GA 30288**

Application by Greg Boler to request variances from Section 27-5.4.3 and Section 14 3.14-190 of the DeKalb County Zoning Ordinance to remove required frontage improvements for tractor trailer parking lot and maintenance facility within the M (Industrial) zoning district and Soapstone Historic District.

MOTION: Dan Wright moved, Muhammad Jihad seconded to approve with staff conditions, with a third condition to have site plan reviewed by the County engineer. Motion carried 6-0-0.

Dan Wright moved, Pamela Speaks seconded to adjourn the meeting. Motion carried 6-0-0.

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.