

DeKalb County Government

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



Meeting Minutes

Thursday, September 28, 2023

5:30 PM

Manuel J. Maloof Auditorium

Board of Commissioners - Zoning Meeting

Comm. Robert Patrick, Presiding Officer, District 1

Comm. Mereda Davis Johnson, Deputy Presiding Officer, District 5

Commissioner Robert Patrick, District 1

Commissioner Michelle Long Spears, District 2

Commissioner Larry Johnson, District 3

Commissioner Steve Bradshaw, District 4

Commissioner Mereda Davis Johnson, District 5

Commissioner Edward "Ted" Terry, Super District 6

Commissioner Lorraine Cochran-Johnson, Super District 7

Administration: Barbara Sanders-Norwood, County Clerk, Viviane Ernstes, County Attorney

Call To Order

Citizens may speak for or against an item that is considered by law to be a zoning ordinance and each side will have ten minutes to present its case. Citizens may also speak for or against an item that is placed on the public hearing agenda but is not a zoning ordinance. In that case, each side will have five minutes to present its case. In the event there is more than one speaker per side, speakers must divide their time in order to complete their full presentation within the ten-minute time allotment, or the five minute time allotment. When the buzzer sounds to indicate that time has run out, the speaker will be expected to immediately cease speaking and to leave the podium area. Prior to speaking, a speaker shall complete a speaker card and present it when approaching the podium. If a speaker has any documents for the commissioners, the speaker shall provide 10 copies when approaching the podium. Seven copies are for the commissioners and the remaining copies are for the planning director, the county attorney and the clerk. Applicants or citizens speaking in favor of an item shall speak first and applicants in zoning ordinance cases shall have the right to reserve time for rebuttal. Opponents of a zoning ordinance item shall have no right of rebuttal. Once the citizens have finished speaking, staff shall make a recommendation for action to the Commission. At this point, citizens are no longer allowed to speak unless called to the podium by an individual commissioner to answer questions or provide information. Speakers should always talk directly into the microphone and begin by stating their name, address and the name of any organization they represent. Abusive, profane or derogatory language will not be permitted. Holding up signs, clapping, yelling, standing or laying in the aisles to show support for or opposition to a speaker will not be permitted, but a show of hands or quietly standing in place will be permitted to show support for or opposition to a speaker's position.

Roll Call

- Present:** 5 - Commissioner Michelle Long Spears, Commissioner Larry Johnson, Commissioner Mereda Davis Johnson, Commissioner Ted Terry and Commissioner Lorraine Cochran-Johnson
- Absent:** 2 - Commissioner Robert Patrick and Commissioner Steve Bradshaw

Deferred Cases

D1 [2022-2270](#)

COMMISSION DISTRICT(S): All Districts
Application of the Director of Planning & Sustainability for text amendments to the *Zoning Ordinance*, Chapter 27, to create Section 5.7.9 to consolidate regulations specific to cottage housing development; to amend Article 2 (Residential Zoning Districts: Dimensional Requirements) for the facilitation of cottage housing development in various zoning districts; to amend Section 5.7.5 (Detached Houses) related to cottage housing development, and to revise other applicable sections of the *Zoning Ordinance* to accommodate cottage housing development.

MOTION was made by Ted Terry, seconded by Larry Johnson, that this agenda item be deferred for 45 days, until November 14, 2023 for Public Hearing. Commissioner Robert Patrick was absent from the meeting and Commissioner Steve Bradshaw was absent from the meeting until 6:11 p.m. The motion carried by the following vote:

Yes: 5 - Commissioner Long Spears, Commissioner Johnson, Commissioner Davis Johnson, Commissioner Terry, and Commissioner Cochran-Johnson

Absent: 2 - Commissioner Patrick, and Commissioner Bradshaw

D2 [2023-0338](#)

COMMISSION DISTRICT(S): Commission District 03 Super District 06
Application of Emily M. Johnson to rezone properties from the Bouldercrest Overlay District Tier 5, with underlying zoning of C-1 (Local Commercial) and R-100 (Residential Medium Lot-100) zoning districts to the Bouldercrest Overlay District Tier 3, with underlying zoning of C-1 (Local Commercial) zoning district for the expansion of the existing Safe Haven office building, at 2001 River Road and 2938 Bouldercrest Road.

Support: Joshua Mahoney- 3562 Habersham at Northlake Tucker GA 30324

Opposition: Regina Roberts- 1896 Ceder Walk Lane Conley GA 30288

MOTION was made by Larry Johnson, seconded by Ted Terry, that this agenda item be withdrawn without prejudice. Commissioner Robert Patrick was absent from the meeting and Commissioner Steve Bradshaw was absent from the meeting until 6:11 p.m. The motion carried by the following vote:

Yes: 5 - Commissioner Long Spears, Commissioner Johnson, Commissioner Davis Johnson, Commissioner Terry, and Commissioner Cochran-Johnson

Absent: 2 - Commissioner Patrick, and Commissioner Bradshaw

D3 [2023-0340](#)

COMMISSION DISTRICT(S): Commission District 03 Super District 06
Application of KBD Development c/o Battle Law, P.C. to rezone from Bouldercrest Overlay Tier 3 & Soapstone Historic District with underlying zoning of R-100 & C-1 to Bouldercrest Overlay District Tier 3 & Soapstone Historic District with underlying zoning of RSM district to allow for construction of single-family attached townhomes, at 2098 & 2021 Cedar Grove Road and 3345 Bouldercrest Road.

Support: None

Opposition: Andrew Bell (No Address)

MOTION was made by Larry Johnson, seconded by Ted Terry, that this agenda item be withdrawn without prejudice.

Commissioner Robert Patrick was absent from the meeting and Commissioner Steve Bradshaw was absent from the meeting until 6:11 p.m. Items 2023-0340, 2023-0341 were heard together. The motion carried by the following vote:

Yes: 5 - Commissioner Long Spears, Commissioner Johnson, Commissioner Davis Johnson, Commissioner Terry, and Commissioner Cochran-Johnson

Absent: 2 - Commissioner Patrick, and Commissioner Bradshaw

D4 [2023-0341](#)

COMMISSION DISTRICT(S): Commission District 03 Super District 06
Application of KBD Development c/o Battle Law, P.C. for a Special Land Use Permit (SLUP) to allow the construction of single-family attached townhomes in the Bouldercrest Overlay Tier 3 & Soapstone Historic District with underlying zoning of RSM District, at 2098 & 2124 Cedar Grove Road and 3345 Bouldercrest Road.

Support: None

Opposition: Andrew Bell (No Address)

MOTION was made by Larry Johnson, seconded by Ted Terry, that this agenda item be withdrawn without prejudice.

Commissioner Robert Patrick was absent from the meeting and Commissioner Steve Bradshaw was absent from the meeting until 6:11 p.m. Items 2023-0340, 2023-0341 were heard together. The motion carried by the following vote:

Yes: 5 - Commissioner Long Spears, Commissioner Johnson, Commissioner Davis Johnson, Commissioner Terry, and Commissioner Cochran-Johnson

Absent: 2 - Commissioner Patrick, and Commissioner Bradshaw

New Cases

N1 [2023-0871](#)

COMMISSION DISTRICT(S): Commission District 03 Super District 06
Application of First Family Home Care, LLC to request a Special Land Use Permit (SLUP) for a personal care home for up to six (6) individuals within the R-75 (Residential Medium Lot-75) zoning district. The property is located at 3137 Weslock Circle in Decatur, Georgia.

MOTION was made by Larry Johnson, seconded by Ted Terry, that this agenda item be deferred 30 days, until October 24, 2023 for Decision Only. Commissioner Robert Patrick was absent from the meeting. The motion carried by the following vote:

Yes: 6 - Commissioner Long Spears, Commissioner Johnson, Commissioner Bradshaw, Commissioner Davis Johnson, Commissioner Terry, and Commissioner Cochran-Johnson

Yes: 6 - Commissioner Long Spears, Commissioner Johnson, Commissioner Bradshaw, Commissioner Davis Johnson, Commissioner Terry, and Commissioner Cochran-Johnson

Absent: 1 - Commissioner Patrick

Absent: 1 - Commissioner Patrick

N2 [2023-0872](#)

COMMISSION DISTRICT(S): Commission District 05 Super District 07
Application of Tawanda Vauss to rezone property from R-85 (Residential Medium Lot-85) zoning district to RSM (Small Lot Residential Mix) zoning district to allow a Personal Care Home for seven (7) individuals. The property is located at 7566 Union Grove Road in Lithonia, Georgia.

MOTION was made by Mereda Davis Johnson, seconded by Lorraine Cochran-Johnson, that this agenda item be withdrawn without prejudice. Items 2023-0872, 2023-0873 were heard together. Commissioner Robert Patrick was absent from the meeting. The motion carried by the following vote:

Yes: 6 - Commissioner Long Spears, Commissioner Johnson, Commissioner Bradshaw, Commissioner Davis Johnson, Commissioner Terry, and Commissioner Cochran-Johnson

Absent: 1 - Commissioner Patrick

N3 [2023-0873](#)

COMMISSION DISTRICT(S): Commission District 05 Super District 07
Application of Tawanda Vauss for a Special Land Use Permit (SLUP) to allow a Personal Care Home for seven (7) individuals within the RSM (Small Lot Residential Mix) zoning district. The property is located at 7566 Union Grove Road in Lithonia, Georgia.

MOTION was made by Mereda Davis Johnson, seconded by Lorraine Cochran-Johnson, that this agenda item be withdrawn without prejudice. Items 2023-0872, 2023-0873 were heard together. Commissioner Robert Patrick was absent from the meeting. The motion carried by the following vote:

Yes: 6 - Commissioner Long Spears, Commissioner Johnson, Commissioner Bradshaw, Commissioner Davis Johnson, Commissioner Terry, and Commissioner Cochran-Johnson

Absent: 1 - Commissioner Patrick

N4 [2023-0874](#)

COMMISSION DISTRICT(S): Commission District 03 Super District 07
Application of Alex Ciuca c/o Battle Law, P.C. to rezone properties from R-75 (Residential Medium Lot-75) zoning district to RSM (Small Lot Residential Mix) zoning district to allow for the construction of single-family, detached homes. The properties are located at 4127-4173 Maplewood Drive in Decatur, Georgia.

Support: Joshua Mahoney- 3562 Habersham at Northlake Tucker GA 30324

Opposition: None

MOTION was made by Larry Johnson, seconded by Lorraine Cochran-Johnson, that this agenda item be deferred 45 days, until November 14, 2023 for Decision Only. Commissioner Robert Patrick was absent from the meeting. The motion carried by the following vote:

Yes: 6 - Commissioner Long Spears, Commissioner Johnson, Commissioner Bradshaw, Commissioner Davis Johnson, Commissioner Terry, and Commissioner Cochran-Johnson

Absent: 1 - Commissioner Patrick

N5 [2023-0875](#)

COMMISSION DISTRICT(S): Commission District 01 Super District 07
Application of Sid Tejpaul c/o Battle Law, P.C. for a Special Land Use Permit (SLUP) to allow the existing office building to be used as a residential apartment and to allow for thirteen (13) townhomes to be constructed in the existing parking area within an O-I (Office-Institutional) zoning district. The property is located at 3003 Chamblee-Tucker Road and 2936 Mercer University Drive.

*Support: Joshua Mahoney- 3562 Habersham at Northlake Tucker GA 30324
(Handout)*

Opposition: None

MOTION was made by Lorraine Cochran-Johnson, seconded by Ted Terry, that this agenda item be approved with conditions. Commissioner Robert Patrick was absent from the meeting. The motion carried by the following vote:

Yes: 6 - Commissioner Long Spears, Commissioner Johnson, Commissioner Bradshaw, Commissioner Davis Johnson, Commissioner Terry, and Commissioner Cochran-Johnson

Absent: 1 - Commissioner Patrick

N6 [2023-0876](#)

COMMISSION DISTRICT(S): Commission District 05 Super District 07
Application of Jonathon L. Yates for Diamond Communications and Verizon Wireless for a Special Land Use Permit (SLUP) to allow a stealth monopine-style wireless telecommunications facility within an R-100 (Residential Medium Lot-100) zoning district in Lithonia, Georgia.

MOTION was made by Mereda Davis Johnson, seconded by Lorraine Cochran-Johnson, that this agenda item be deferred to the next meeting, until October 10, 2023 for Decision Only. Commissioner Robert Patrick was absent from the meeting. The motion carried by the following vote:

Yes: 6 - Commissioner Long Spears, Commissioner Johnson, Commissioner Bradshaw, Commissioner Davis Johnson, Commissioner Terry, and Commissioner Cochran-Johnson

Absent: 1 - Commissioner Patrick

N7 [2023-0877](#)

COMMISSION DISTRICT(S): Commission District 05 Super District 07

Application of DeKalb County Parks Department c/o Caleb Wittenmyer to request a Major Modification of zoning conditions pursuant to CZ-96056 to remove Condition #16, pertaining to required donation of land to the DeKalb County Parks Department in the RSM (Residential Small Lot Mix) zoning district in Lithonia, Georgia.

MOTION was made by Mereda Davis Johnson, seconded by Lorraine Cochran-Johnson, that this agenda item be approved. The motion carried by the following vote:

Yes: 6 - Commissioner Long Spears, Commissioner Johnson, Commissioner Bradshaw, Commissioner Davis Johnson, Commissioner Terry, and Commissioner Cochran-Johnson

Absent: 1 - Commissioner Patrick

N8 [2023-0906](#)

**COMMISSION DISTRICT(S): Commission District 02 Super District 06
Application of the Director of Planning & Sustainability to request text
amendments to Chapter 27-3.22, Division 22 - Emory Village Overlay
District. This text amendment is County-wide.**

*Support: Mark Goldman-1179 Clifton Road Atlanta Ga 30307, Cynthia
Tauxe-1553 Emory Road Northeast 30306, Don Walter-1169 Oxford Road
Atlanta GA 30306*

Opposition: None

MOTION was made by Michelle Long Spears, seconded by Ted Terry, that this agenda item be to approve the substitute to adopt the reline version of the An Ordinance To Amend Chapter 37 Of The Code Of DeKalb County, Georgia, Pertaining To The Emory Village Overlay District dated September 18, 2023 and direct the County Attorney prepare an As Adopted version of the Ordinance for the Public and the Clerk with the following 3 provisions read into the record by the County Attorney: 1. Striking the Note located on the bottom of page 1, which reads “Note: Items in which the Emory Village Alliance (EVA) and many other Emory Village stakeholders request be included in the Overlay but for which Planning & Sustainability disagrees are tracked and highlighted in the color. The Board of Commissioners will consider and decide which ones to accept and which ones to reject”; 2. Retain the requirements for Home Occupation Permits located on page 6 Section C1 which reads “Home occupations involving no customer contact and no employee other than a person residing on the premises may be permitted by a special administrative permit from the director of planning and sustainability”, 3. Striking the explanation located on page 7 Section D30 which reads “Similar to vape shops, although some stakeholders have tattoos and tattoos are popular, tattoo parlors are associated with 3rd rate commercial areas.” Commissioner Robert Patrick was absent from the meeting. The motion carried by the following vote:

Yes: 6 - Commissioner Long Spears, Commissioner Johnson, Commissioner Bradshaw, Commissioner Davis Johnson, Commissioner Terry, and Commissioner Cochran-Johnson

Absent: 1 - Commissioner Patrick

ADJOURNMENT:

There being no further official business, MOTION was made by Steve Bradshaw, seconded by Ted Terry, that this agenda item be approved to adjourn the September 28, 2023 Board of Commissioners Zoning meeting at 7:30 p.m. Commissioner Robert Patrick was absent from the meeting. The motion carried by the following vote:

Yes: 6 - Commissioner Long Spears, Commissioner Johnson, Commissioner Bradshaw, Commissioner Davis Johnson, Commissioner Terry, and Commissioner Cochran-Johnson

Absent: 1 - Commissioner Patrick

Mereda Davis Johnson
Deputy Presiding Officer

Barbara Sanders-Norwood
County Clerk