



Michael L. Thurmond

Chief Executive Officer

**DeKalb County Zoning Board of Appeals**  
Department of Planning & Sustainability  
178 Sams Street,  
Decatur, GA 30030

**Wednesday, March 12, 2025**

**Planning Department Staff Analysis**



Cedric Hudson

Interim Director

**N1. Case No: A-25-1247372**

**Parcel ID(s): 16 198 01 035**

**Commission District 05 Super District 07**

**Applicant:** **Olandha Pinky Miller**  
7853 Mohansic Park Lane  
Lithonia, GA 30058

**Owner:** **Olandha Pinky Miller**  
7853 Mohansic Park Lane  
Lithonia, GA 30058

**Project Name:** **7853 Mohansic Park Lane – Basement to ADU Conversion**

**Location:** 7853 Mohansic Park Lane, Lithonia, GA 30058

**Requests:** Application by Olandha Pinky Miller to request variance from Section 27-4.2.3 of the DeKalb County Zoning Ordinance to increase maximum size of accessory dwelling unit to facilitate the conversion of a basement in R-85 (Residential Medium Lot-85) zoning district.

**Staff Recommendation:** Denial

## **STAFF FINDINGS:**

The applicant is requesting a variance from Section 27-4.2.3 of the zoning ordinance, which limits the maximum allowable size of an accessory dwelling unit (ADU) to 900 square feet. The subject property features a basement measuring 1,268 square feet, exceeding the permitted ADU size (900 square feet) by 368 square feet. The applicant seeks this variance to establish a basement accessory dwelling unit within the existing structure.

**1. There is an extraordinary or exceptional physical condition(s) pertaining to the particular piece of property (such as, but not limited to, lot size, lot shape, specimen tree(s), steep slope(s), or preservation of historic characteristics of the property), which was not created by the current owner, previous owner, or applicant; by reason of a clearly demonstrable condition(s), the strict application of the requirements of this chapter would deprive the property owner of rights and privileges enjoyed by other property owners in the same zoning district, as distinguished from a special privilege or convenience sought by the property owner.**

The subject property does not exhibit any extraordinary or exceptional physical conditions that would warrant relief from the zoning ordinance. The lot conforms to the applicable zoning dimensional requirements and does not present constraints such as irregular shape, steep slopes, or environmental features that would limit compliance with the ADU size restriction. Additionally, the applicant's request is based on utilizing existing heated floor space within the basement, rather than an inherent hardship tied to the land itself. Since the variance criteria specifically require a demonstrable physical condition not created by the owner, this request does not meet the threshold for an extraordinary hardship.

**2. The requested variance does not go beyond the minimum necessary to afford relief, and does not constitute a grant of special privilege inconsistent with the limitations upon other properties in the zoning district in which the subject property is located:**

The requested variance seeks to utilize the existing 1,268 square feet of heated basement space without expanding the footprint of the structure. Since no additional construction is proposed, the request represents the minimum necessary to allow the ADU within the existing conditions of the home. The applicant is not seeking to add new square footage beyond what is already built, which suggests an intent to work within the property's current limitations rather than creating an excessive or unnecessary expansion.

**3. The grant of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the zoning district in which the subject property is located:**

The requested variance is not expected to have a detrimental impact on the public welfare or surrounding properties within the zoning district. The proposed ADU is located within the basement of the existing structure, minimizing potential concerns related to privacy, visibility, or neighborhood character. Additionally, because the unit is contained within an already constructed space, it does not introduce new building mass or external changes that could negatively affect adjacent properties. The applicant has also indicated that the variance is unlikely to result in increased traffic or noise, as off-street parking is available to accommodate any additional occupants.

**4. The literal interpretation and strict application of the applicable provisions or requirements of this chapter would cause undue and unnecessary hardship:**

A strict application of the zoning ordinance would create an unnecessary hardship for the applicant, as it would prevent the use of the existing 1,268-square-foot basement as an accessory dwelling unit. The basement's size is a fixed condition of the home and reducing it to comply with the 900-square-foot ADU limit is not a feasible option. Since the applicant is not proposing any expansion beyond the existing heated floor space, the request is solely to make practical use of the structure as it currently exists. Denying the variance would effectively render the basement unusable as an ADU, limiting the property's functionality without a clear public benefit.

This situation differs from cases where an applicant seeks to expand a structure beyond what is permitted, as the request does not create new square footage but rather seeks to work within the built environment. The ordinance's intent is to regulate ADU sizes to maintain neighborhood character and density, but in this case, the additional square footage does not introduce any foreseeable negative impacts. Given that strict enforcement would make it impossible to utilize the existing basement space, the request can be seen as a reasonable accommodation rather than an attempt to circumvent zoning standards.

**5. The requested variance would be consistent with the spirit and purpose of this Chapter and the DeKalb County Comprehensive Plan Text:**

The requested variance aligns with the broader goals of the DeKalb County Comprehensive Plan, particularly in its support of infill housing and accessory dwelling units (ADUs) as a means of addressing the housing shortage. The subject property is located within a Suburban Character Area, where the comprehensive plan encourages small-scale infill development that increases housing choice and income diversity without significantly altering the established neighborhood pattern. By utilizing an existing basement space as an ADU, the proposal remains consistent with this vision, as it increases housing availability while maintaining the existing built environment. Furthermore, since no structural expansion is proposed, the variance request supports the intent of suburban development by allowing more efficient use of existing residential space.

**FINAL STAFF ANALYSIS:**

In reviewing the variance request, the proposal demonstrates alignment with the broader goals of the Comprehensive Plan by supporting infill housing and making efficient use of existing residential space. The proposed ADU is unlikely to create negative impacts on the surrounding neighborhood, and letters of support from neighbors indicate general acceptance of the request. However, the application does not meet all variance criteria, particularly the requirement of an extraordinary physical hardship unique to the property. While the request is reasonable in its intent, it ultimately exceeds the maximum ADU size permitted by the zoning ordinance, and no specific hardship prevents the applicant from adhering to the established standard. Given these considerations, the request does not fully satisfy the variance criteria and cannot be recommended for approval at this time.

**Staff Recommendation:** Denial



Development Services Center  
178 Sams Street  
Decatur, GA 30030  
[www.dekalbcountyga.gov/planning](http://www.dekalbcountyga.gov/planning)  
404-371-2155 (o); 404-371-4556 (f)

Chief Executive Officer  
Michael Thurmond

## DEPARTMENT OF PLANNING & SUSTAINABILITY

Interim Director  
Cedric Hudson

### ZONING BOARD OF APPEALS APPLICATION FOR PUBLIC HEARING (VARIANCES, SPECIAL EXCEPTIONS, APPEALS OF ADMINISTRATIVE DECISIONS)

Applicant and/or  
Authorized Representative: Olandha Pinky Miller  
Mailing Address: 7853 Mohansic Park Lane  
City/State/Zip Code: Lithonia, GA 30058  
Email: Drpinkymiller@gmail.com  
Telephone Home: (404) 713-3895 Business: \_\_\_\_\_

#### OWNER OF RECORD OF SUBJECT PROPERTY

Owner: Olandha Pinky Miller  
Address (Mailing): 7853 Mohansic Park Lane  
Email: Drpinkymiller@gmail.com Telephone Home: (404) 713-3895 Business: \_\_\_\_\_

#### ADDRESS/LOCATION OF SUBJECT PROPERTY

Address: 7853 Mohansic Park Lane City: Lithonia State: GA Zip: 30058  
District(s): 04-unicorp Land Lot(s): 101 Block: \_\_\_\_\_ Parcel: 16 198 01 035  
Zoning Classification: R85 -Residential Commission District & Super District: \_\_\_\_\_

#### CHECK TYPE OF HEARING REQUESTED:

- ☒ X VARIANCE (From Development Standards causing undue hardship upon owners of property.)  
☐ SPECIAL EXCEPTIONS (To reduce or waive off-street parking or loading space requirements.)  
☐ OFFICIAL APPEAL OF ADMINISTRATIVE DECISIONS.

**\*PLEASE REVIEW THE FILING GUIDELINES ON PAGE 4. FAILURE TO FOLLOW GUIDELINES MAY RESULT IN SCHEDULING DELAYS.\***

Email [plansustain@dekalbcountyga.gov](mailto:plansustain@dekalbcountyga.gov) with any questions.

DEPARTMENT OF PLANNING & SUSTAINABILITY

ZONING BOARD OF APPEALS APPLICATION

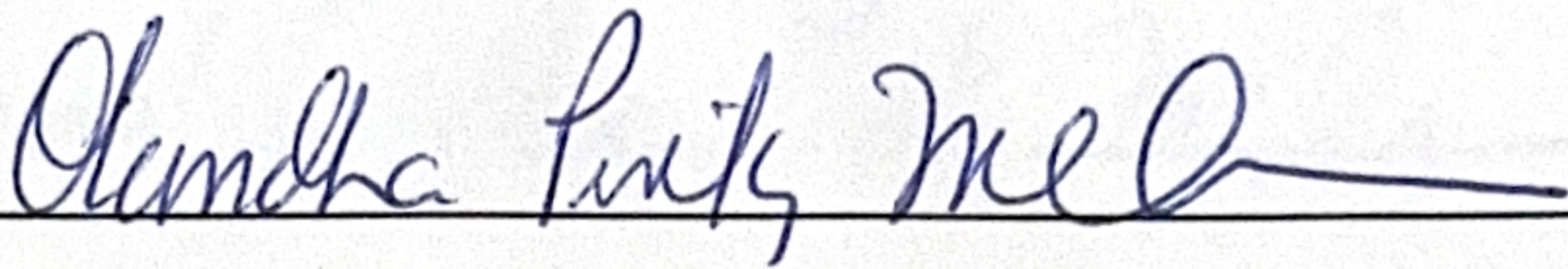
AUTHORIZATION OF THE PROPERTY OWNER

I hereby authorize the staff and members of the Zoning Board of Appeals to inspect the premises of the Subject Property.

I hereby certify that the information provided in the application is true and correct.

I hereby certify that I am the owner of the property subject to the application.

DATE: 2/20/2025

Applicant  
Signature: 

DATE: 2/20/2025

Applicant  
Signature: \_\_\_\_\_

DEPARTMENT OF PLANNING & SUSTAINABILITY

ZONING BOARD OF APPEALS APPLICATION

AUTHORIZATION TO REPRESENT THE PROPERTY OWNER

I hereby authorize the staff and members of the Zoning Board of Appeals to inspect the premises of the Subject Property.

I hereby certify that the information provided in the application is true and correct.

I hereby certify that I am the owner of the property and that I authorize the applicant/agent to apply for a hearing to the Zoning Board of Appeals for the requests as shown in this application.

DATE: 2/20/2025

Applicant/Agent  
Signature:

Olandha Pinky Miller

TO WHOM IT MAY CONCERN:

(I)/ (WE):

(Name of Owners)

Olandha Pinky Miller

being (owner/owners) of the property described below or attached hereby delegate authority to the above signed agent/applicant.

Tracey Dodson  
Notary Public

Olandha Pinky Miller  
Owner Signature

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
Owner Signature

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
Owner Signature

Tracey Dodson  
NOTARY PUBLIC  
DeKalb County, GEORGIA  
My Commission Expires 10/12/2026

TO: Zoning Board

FROM: Olandha Pinky Miller

Subject variance request for... accessory structure construction?

DATE: December 10, 2024

Dear Members of the Zoning Board of Appeals, My name is Olandha Pinky Miller, and I am writing to formally request a variance from section. 27-4.2.3 of the zoning ordinance (chapter 27, article 4) which states the maximum allowance for ADU (accessory dwelling unit) is 900 square feet. My request pertains to the increased basement of 1268 square feet, for my property at 7853 Mohansic Park Lane, Lithonia, GA 30058. The purpose of this variance is to facilitate the construction of accessory structure. Namely the basement apartment. Which is crucial for the improvement and effective use of my property.

**1. Physical condition of the site:**

There is no significant physical condition of the property itself but utilizing existing heated floor space.

**2. Minimum Variance Necessary:**

I assure you that my request is solely for the minimum variance necessary to render my property usable. The apartment is constructed to a specific parameter and size to accommodate the residents that will be residing there. To make this project happen I only utilized the existing basement heated floor space; Not expanding. Ensuring that I and others can enjoy full use of my property without making advantages beyond those available to other property owners in the same zoning district.

**3. Description of Apartment**

This Lithonia vacation rental makes a cozy home base for whatever brings you to Georgia! Nestled in a quiet suburban neighborhood, this cozy 2-bedroom, one-bath basement apartment boasts comfort like a full kitchen and three Smart TVs to help you feel at home. Remote-Work Friendly, Free Wi-Fi, and laundry. This charming apartment blends comfort and convenience to offer families, business travelers, or prospective students an ideal Georgia getaway. Bedroom #1: Queen bed, Smart TV, dining table with four chairs, desk and chair and couch/daybed - Bedroom #2: Full Bed, Smart TV, desk and chair. KITCHEN: Fully equipped, coffee maker, Ninja blender, cooking basics, dishware/flatware, toaster, air fryer, and a Keurig with coffee.

GENERAL: Central air conditioning & heating, linens/towels, complimentary toiletries, iron/ironing board, keyless entry, ceiling fans, hairdryer, trash bags/paper towels

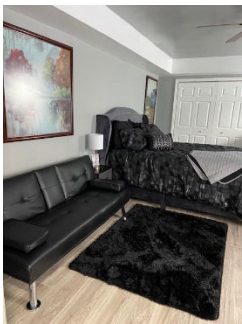
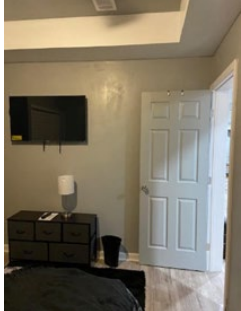
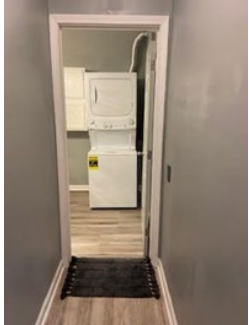
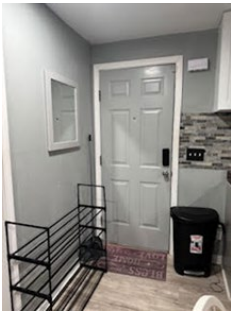
Ring doorbell camera, cell service, PARKING: Street parking

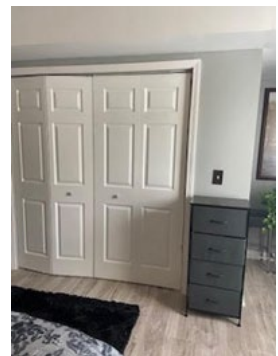
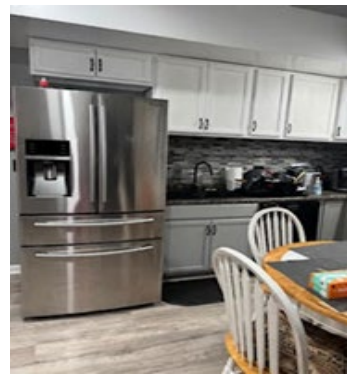
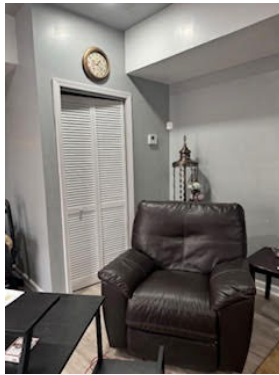
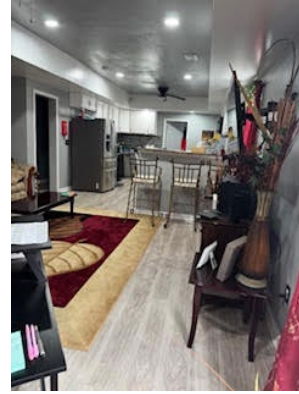
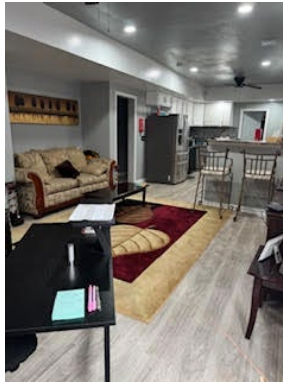
This cozy 2-bedroom, one bath, full kitchen vacation rental is nestled in a quiet suburban area. Enjoy the Remote-work friendly, free Wi-Fi, 3 SmartScreen TVs, laundry, Ninja blender, air-fryer, Keurig with coffee, hair dryer, iron/ironing board, linen, comforters, towels, dishware, flatware, toaster, dining tables, keyless entry, ceiling fans, complimentary toiletries, cooking basics, trash bags, paper towels, toilet paper, Ring doorbell, cell service, free parking, heat and air conditioning.

#### 4. - Floor plans as part of variance application



5 - Photographs of basement





## 6. Public welfare

According to an article from the Habitat for Humanity website

[https://www.athenshabitat.com/workforce-housing-whitepaper/ga\\_workforce\\_housing\\_crisis-r3/](https://www.athenshabitat.com/workforce-housing-whitepaper/ga_workforce_housing_crisis-r3/)

The state of Georgia as of 2023, ranked in the second highest tier of states for housing underproduction, at 138,000 units below demand (Up for Growth 2023), an increase of more than 2,600% over a ten-year period (Simmons 2022). A study by Atlanta Magazine compiled immediately prior to the COVID-19 outbreak in 2020 outlined eight primary factors contributing to the housing crunch (Atlanta Magazine 2020):

- The failure of housing production to keep pace with population change;
- Labor shortages in the construction field;
- A trend toward urban migration, producing more demand for housing in the largest population zones, which raises market price for homes, while simultaneously increasing the supply of available workers which dampens wage growth;
- An upward shift in property taxes.

According to the Economic Policy Institute, the first and most significant of these pressures, lack of available housing, began a steep rise with the Great Recession in the early 2000s, which saw fewer new homes built than any time since the 1960s. The inability to catch up, however, is due largely to restricted land availability coupled with outdated “exclusionary zoning laws” such as

restrictions on multi-family housing and minimum acreage and home footprint sizes, originally put in place during times of ample housing/land supply to keep home prices artificially high and, in many cases, restrict the movement of lower-income earners (Maye 2022).

I am striving to assist Georgia citizens find affordable housing opportunities and assist in providing options to help decrease the housing shortage. This is a problem that can be alleviated by allowing variances to be approved that will not harm but help our community.

**7. letters of support from neighbors:**

**I the undersigned neighbor of Olandha Pinky Miller (7853 Mohansic Park Lane, Lithonia, GA 30058) support her endeavor to legally utilize her basement apartment as a legitimate Dekalb County approved dwelling. I am aware of the increased number of people that may live in her apartment. I am not concerned about the additional traffic, noise, and off-street parking. Pinky Miller has been a good neighbor. She has been the beacon of light when it comes to offering community events such as family oriented annual block parties, water balloon fights, cook-outs, feeding the hungry opportunities, game nights, New Years Day community brunch's, fireworks, children's activities, kick ball games etc.**

**Name**

**Address**

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15. \_\_\_\_\_

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My husband and I purchased our home on December 21, 2001; I was eight months pregnant. We were the third family to move on the block. All the houses still needed to be built. As the months passed, more families moved onto our beloved Mohansic Park Lane. Five of the new families that moved on our block were also expecting new bundles of joy or just had a new baby. All six of our babies were born in 2001 or 2002. My dearly loved community was a blessing to all who lived there. Our families have grown up together, and the last of the six children will graduate from college this Spring.

Living here for almost 24 years has been an amazing life journey. We are a community of twenty-three homes, and seven original families are still here. We have had numerous birthday parties, cook-outs, block parties, football rivalries, kickball games, fireworks displays, family-oriented water balloon fights, dinners, card games, fish fries, line dance parties, etc., anything fun, we did it, and I am the catalyst for community events on our block.

Our community has also experienced families being torn apart by divorce. 2018, I experienced such a fate and was about to lose my home. As a Special Education teacher working in DeKalb County, my salary does not allow me to pay all of the bills that go along with being a homeowner; as we know, taxes are increasing just like everything else. I found myself working two additional part-time jobs to help make ends meet.

In 2019, I was in a car accident and took the money and invested it into building the basement apartment. I prayed that this renovation will allow me to keep the home that I adore and stay in the community in which I love and raised my children. Then COVID hit.

I contacted the DeKalb Counting Permit office and was told that they did not know when they would be able to allow/approve permits. It would most likely be months before anyone would be available to approve permits or come to my home for an inspection. Ms. Willis told me to move forward and make sure I used certified contractors (which I did) because they were six months behind, and they would charge me accordingly.

I have been striving to get my basement apartment approved for over a year. My Allstate insurance charges me for the additional living space, and I am awaiting your approval to prove the legitimacy of my home's real value.

I am an African American divorced woman with four daughters who look to their mother for guidance, support, love, and a role model. I am the only one of my mother's seven children to own her home. My legacy to my children is to leave my home to them so that they will always have a place to live and keep their childhood memories alive.

I pray that you will approve this much-needed variance so that I can help with the housing crisis and keep my home.

Thank you for your time and consideration of my request.

Olandha Pinky Miller

