

# **DeKalb County Zoning Board of Appeals**

**Department of Planning & Sustainability** 178 Sams Street, Decatur, GA 30030

Wednesday, May 14, 2025



Cedric Hudson

Interim Director

#### Lorraine Cochran-Johnson

Chief Executive Officer

# **Planning Department Staff Analysis**

N9.Case No: A-24-1247492 Parcel ID(s): 18 112 10 001

## Commission District 02 Super District 06

Applicant: **Beddy David Saca** 

> 1982 Wilandrew Drive Decatur, GA, 300333

**CHR Homes, LLC** Owner:

> 1982 Wilandrew Drive Decatur, GA 30033

**Project Name:** 1982 Wilandrew Drive - Increased ADU Space

Location: 1982 Wilandrew Drive, Decatur, GA, 30033

Request: Variances from Section 27 for the subject property, located in the R-100 zoning district and LaVista RIOD:

- 4.2.3 (C-10) to increase the heated floor space of an accessory structure from 900 SF to 940 SF
- 4.2.3 to increase the height of the accessory structure to 16' (taller than the primary structure)
- 4.2.2 (C-3) to decrease the side-yard setback for an accessory dwelling structure from 10' to 7'.

Staff Recommendation: Denial

#### **STAFF FINDINGS:**

Beddy Saca is requesting an increase in the square footage (heated floor space) of an existing accessory dwelling unit from 900 SF to 940 SF to provide accommodation to an aging family member at the single-family home at 1982 Wilandrew Drive. The property is situated on 0.35 acres and is located in the Lavista Acres RIOD.

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 is currently situated on a corner lot, approximately 0.35 ac (15,246 SF) in size, located on the corner of Wilandrew Drive and Amanda Circle. The property is in the R-100 (single-family residential) zoning district, which mandates a 10-foot side-yard setback for ADUs. The hardship was not created by the current and/or previous owner but stems from the property's unique features and shape. Strict adherence to the zoning requirements may still allow construction of an ADU as there are alternative designs that could comply with the current zoning code.

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 may go beyond the minimum necessary to provide relief for the proposed ADU. Based on the requirements of the zoning district, there may be alternative designs that would comply without the need for variances. Granting of this application may provide a special privilege to the applicant, inconsistent with the limitations upon other properties in the zoning district.

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 proposed variance may not be detrimental to public welfare or surrounding properties. The new expansion seeks to provide additional living space and privacy to the applicant's family. Utilizing the provided site plan and elevations, the permitting of this expansion would not negatively impact the surrounding properties in the zoning district.

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

The literal interpretation and strict application of the applicable zoning requirements may not cause undue hardship in this case. The property still meets the minimum requirements for square footage in this zoning district. Strict adherence to the requirements would not limit the ability to develop the property in a just and meaningful way. While the request may address the practical challenges of the applicant's family by allowing the necessary adjustments to the ADU, the denial of the requested variances may not cause undue and unnecessary hardship.

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

The variance request aligns with the spirit and purpose of the DeKalb County Comprehensive Plan, which promotes responsible development while accommodating the needs of property owners within residential neighborhoods. Supplying more livable square footage contributes to the goal of increasing housing supply within the Land Use chapter of the Comprehensive Plan.

# **FINAL STAFF ANALYSIS:**

The applicant's request to expand the accessory dwelling unit exceeds what is necessary to provide reasonable relief and does not demonstrate a clear hardship that justifies deviation from zoning standards. While the proposed improvements may serve a personal need, the variance requests collectively represent a special privilege not afforded to similarly zoned properties. Alternative designs appear feasible within existing regulations. For these reasons, staff recommends denial.

Staff Recommendation: Denial.



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

Chief Executive Officer

# **DEPARTMENT OF PLANNING & SUSTAINABILITY**

Interim Director

Michael Thurmond

Cedric Hudson

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

Applicant and/or Authorized Representative: BEDDY DAVID SACA	And the resulting to the
Mailing Address: 1982 WILANDREW DR.	
City/State/Zip Code: DECATUR, GA. 30033	
Email: davidsaca99@gmail.com	
Telephone Home: 770-266-8300 Business:	our sector deut to décid se re
OWNER OF RECORD OF SUBJECT PROPERTY Owner: BEDDY DAVID SACA	
Address (Mailing): 1982 WILANDREW DR.	
do: idaga 200 @ ad a ama	Business:
ADDRESS/LOCATION OF SUBJECT PROPERTY	
Address: 1982 WILANDREW DR City: DECATUR	State: GA Zip: 30033
Address: 1982 WILANDREW DR City: DECATUR  District(s): 18 Land Lot(s): 112 Block: A	Parcel: 14
Zoning Classification: R-100 Commission District & Super District	2/6
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 r	equirements.)
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 with any questions.







#### 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 ZoningBoard of Appeals for the requests as shown in this application.

DATE: 03/26/2025	Applicant/Agent Signature:	Belleshen
TO WHOM IT MAY CONCERN:  (I)/ (WE): BEDDY DAV (Name of Owners)	ID SACA	
being (owner/owners) of the prosigned agent/applicant.  Notary Public	P. S. AUBLIC COUNTY	Owner Signature
Notary Public		Owner Signature
Notary Public		Owner Signature



#### DEPARTMENT OF PLANNING & SUSTAINABILITY

#### ZONING BOARD OF APPEALS APPLICATION

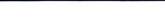
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I hereby certify that I am the owner of the property subject to the application.

DATE: 03/25/2025	Applicant Signature:	Belledice	
DATE:		i descension softwalks speller softwalke langest	





### DEPARTMENT OF PLANNING & SUSTAINABILITY

Subject:

Variance request for an Increase in heated floor space of ADU from 900 to 940 sf.

Dear Board Members,

I am writing to formally request a variance from Section 27-4.2.3 (C) (10) of the Dekalb County Zoning Ordinance. My name is James Webb and the designer for the proposed auxiliary building located at 1982 Wilandrew Drive. We are requesting an increase in heated floor space from 900 to 940 square feet. This increase is necessary to accommodate the daily tasks of the owners' aging mother. I will further explain the situation in the sections below.

#### 1. Physical Conditions of the Site:

The location of our current structure is located on the east side of the lot and is set on the largest flat area in the rear of the property. Just to the left of that building the grade drops 3 feet and continues to slope in a westerly direction to Amanda Circle, the adjacent street. Due to this slope, moving our structure would eliminate the accessibility that we currently have. We have a substantially narrow lot. The minimum width for a lot zone R-100 with a minimum width of 100'. We are on a 100' wide lot. Once the east and west setbacks are deducted, we are left with 64', with much of area on the slope. Staying in the area of the current structure takes advantage of site slopes that are much more ADA compliant.

#### 2. Minimum Variance Necessary:

I was asked to design a small space that would accommodate the requirements of an elderly person who would eventually need assistance with their daily tasks. Following the ADA guidelines, I was able to apply many of their requirements in my design. Such as, clearances for a wheelchair and a home help assistant. On the submitted drawings you will see notes showing the clearance we have and what is standard in the space we have designed.

#### 3. Public Welfare:

Our proposed structure has been designed to not only complement the existing building, but that of the surrounding neighborhood. The visual impact will be minimal as we only went to 16 feet in height and not to 24 feet which is the maximum amount allowed. We put together construction documents along with a letter explaining what we were trying to accomplish and circulated it through the neighborhood getting overwhelmingly positive responses. That document is attached.

#### 4. Ordinance Hardship:

The proposed 940 square foot dwelling with handicap accessibility and its proximity to the main home would allow me to keep my mother at home in my care eliminating the possibility of her going to a nursing facility which does not allow for the privacy and personal care she receives now.

#### 5. Alignment with the Spirit of the Law:

It is our view that the variance request is reasonable and is in keeping with the expectations of Dekalb County Comprehensive Plan. As the county continues to develop residential areas, it is clear they want families to feel welcome, to settle and raise a family. This is what this addition will do. Allow for a family to expand to accommodate those family members that will need us the most.

In conclusion, Thank you for taking the time to review and consider our variance request. We are pleased with the project we presented and think it will be a beautiful addition to the neighborhood.

Sincerely,

James Webb

Webb Designs, LLC

Letter of Support for Garage Remodeling Project
David Saca
1982 Wilandrew Drive
Decatur, Georgia 30033
770 266 8300
17th February 2025
Subject: Letter of Support for Garage Remodeling at my home

## Dear Kevin Eastburn,

As you know, I have been planning for a long while the remodeling of my detached garage into an apartment for my mother. I am now ready to proceed, and I have submitted plans to the DeKalb County authorities to approve the construction. They have asked me for letters of support from my immediate neighbors and it is in that regard that I am writing to you. The conversion of the garage into a small apartment for my mother is to facilitate her care and independence. Please see attached the plan for your information.

I am asking for your support in my application by signing below so that I can forward this letter to the relevant Dekalb County office. They wish to make sure that you are well informed of my plans and do not have any objections. Please reach out if you have questions or comments.

Kind regards, David Saca.

Kevin Eastburn.

1399 Amanda Cir, Decatur, Ga. 30033

Letter of Support for Garage Remodeling Project
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770 266 8300
17th February 2025
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Dear Scott Hampton,

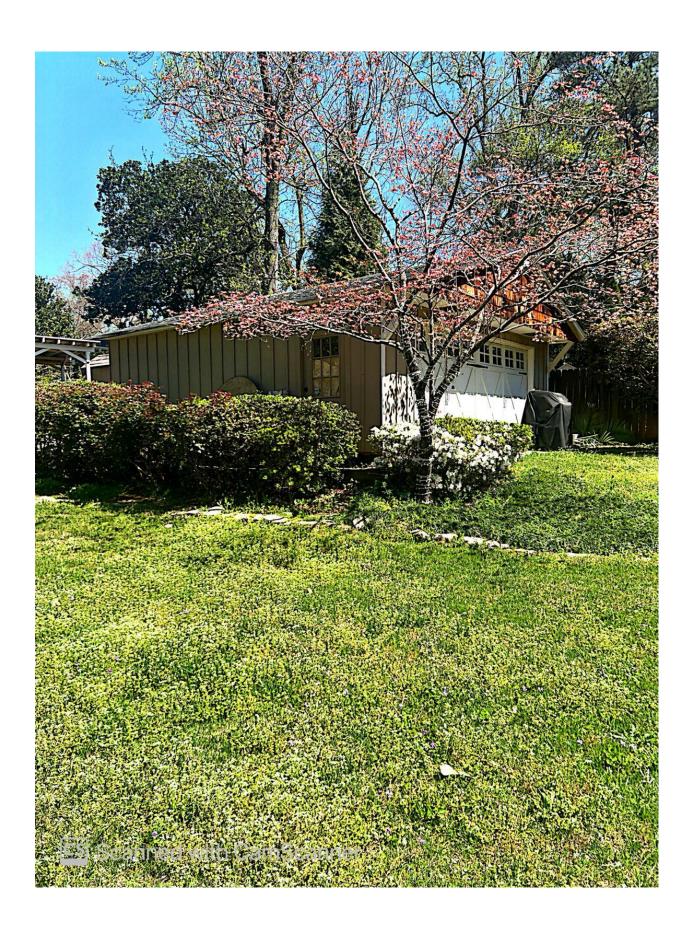
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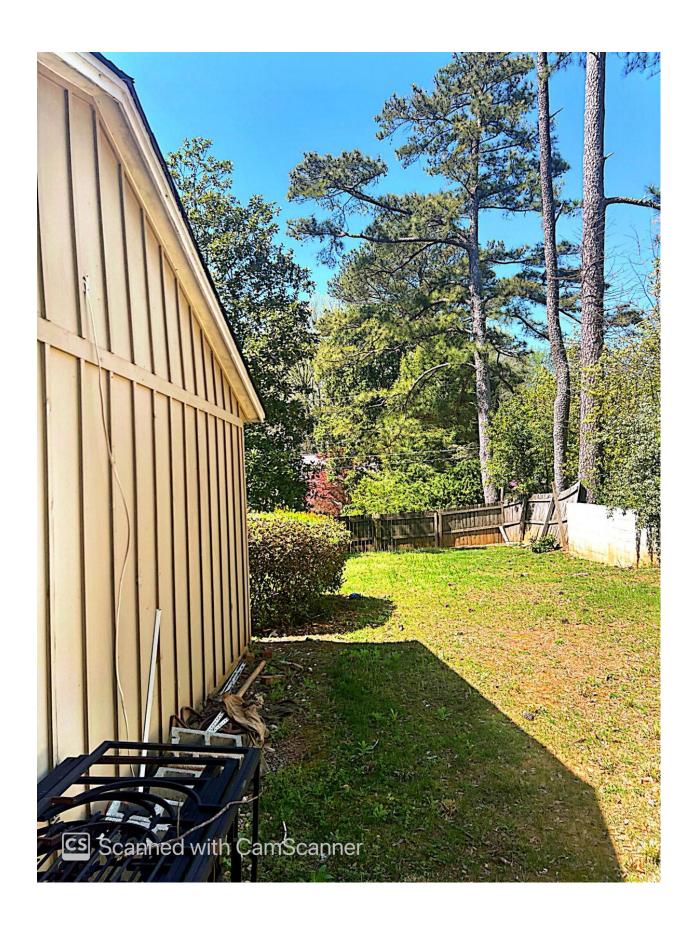
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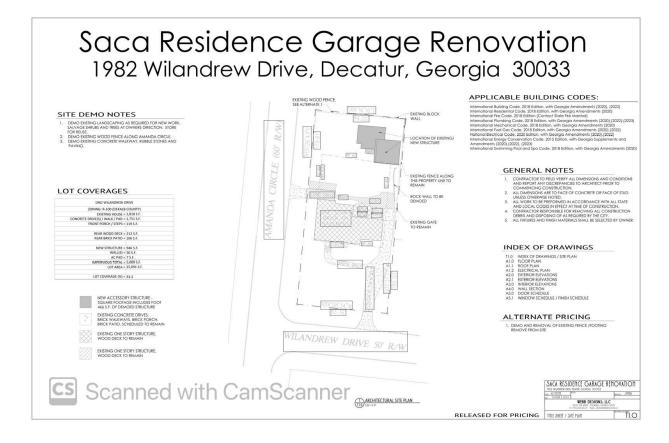
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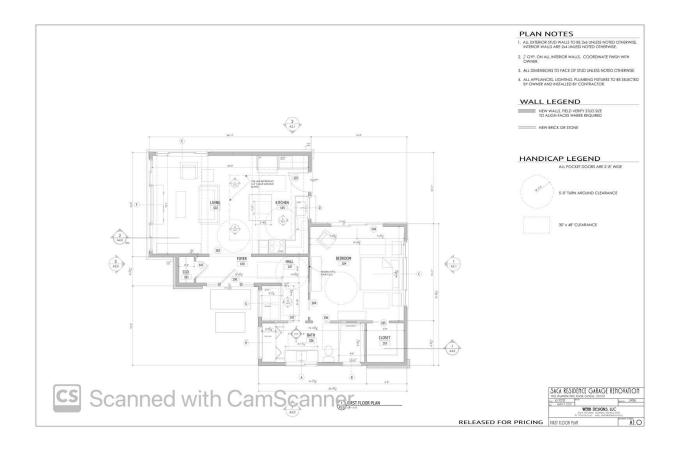
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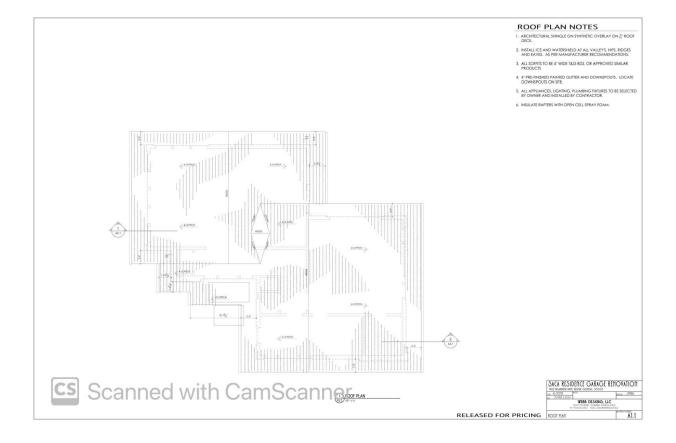
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Email: davidsaca99@gmail.com
Telephone Home: 770-266-8300 Business:
OWNER OF RECORD OF SUBJECT PROPERTY  Owner: BEDDY DAVID SACA
Address (Mailing): 1982 WILANDREW DR.
Email: davidsaca99@aol.com Telephone Home: 770-266-8300 Business:
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District(s):18
Zoning Classification: R-100 Commission District & Super District: 2/6
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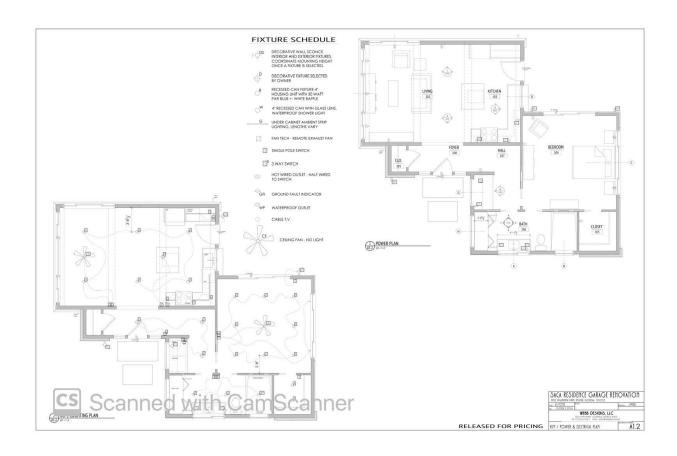
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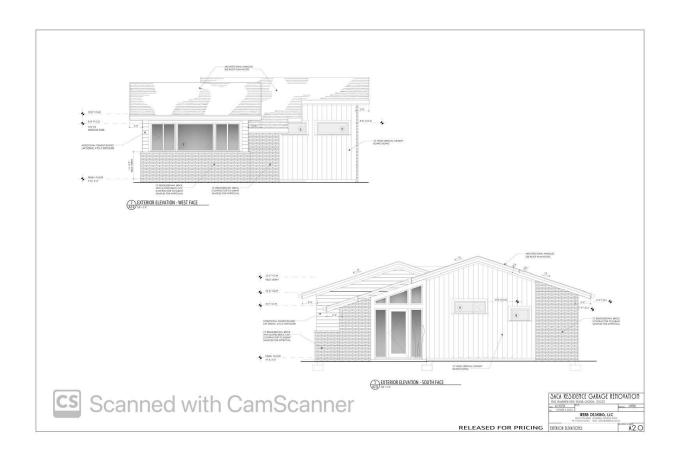
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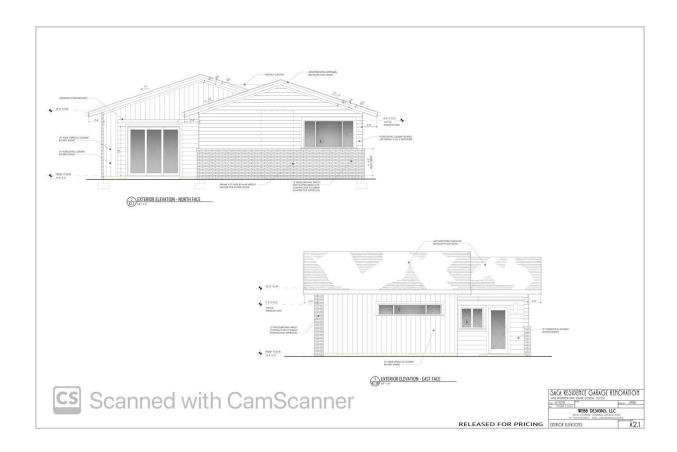


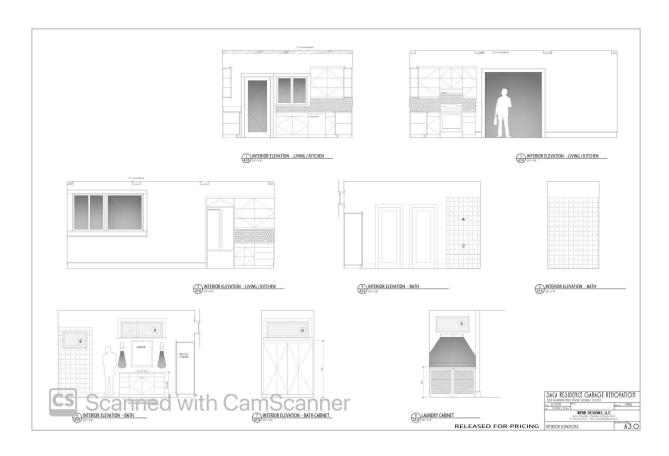


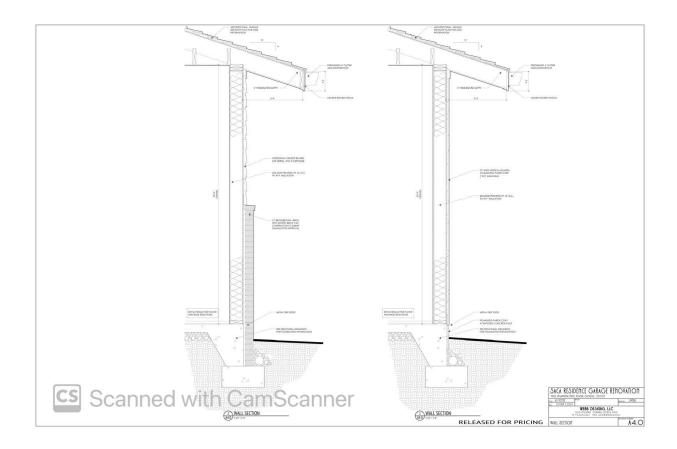


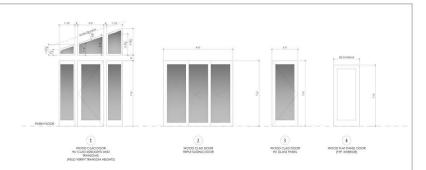








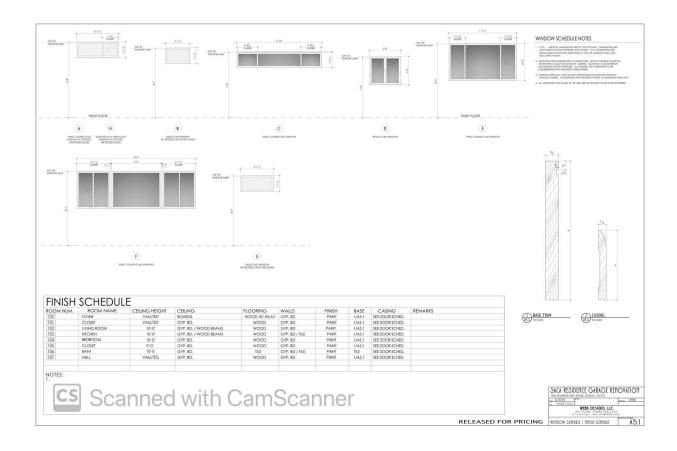




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101	2'-8'	7'-0"	12"	- 4	WOOD	2/A5.1		
102	C.O. 6'-6"	7'-6"			WOOD	2/A5.1	12	CASED OPENING
103	30.	7'-0"	12"	3	WOOD/GLASS	2/A5.1	T.B.D.	
104	2'-8"	7'-0"	13-	4	WOOD	2/A5.1	T.B.D.	POCKET DOOR
104B	8:-0:	7'-0"	12-	2	WOOD	2/A5.1	T.8.D.	TRIPLE SLIDER
105	2'-8"	7'-0"	13"	4	WOOD	2/A5.1		POCKET DOOR
106	2'-8"	7'-0"	13-	4	WOOD	2/A5.1	T.8.D.	POCKET DOOR
107	2'-8'	7'-0"	13"	4	WOOD	2/A5.1	T.B.D.	POCKET DOOR
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