



DeKalb County
GEORGIA

Development Services Center
178 Sams Street
Decatur, GA 30030
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: Todd Hudson

Mailing Address: 3505 Presidential Pkwy

City/State/Zip Code: Atlanta, GA 30340

Email: toddh@silveroakremodel.com

Telephone Home: 770-873-9245

Business: _____

OWNER OF RECORD OF SUBJECT PROPERTY

Owner: Chris Decker & Janice Barrocas

Address (Mailing): 2630 Caladium Drive, Atlanta, GA 30345

Email: decker.cd@gmail.com

Telephone Home: 706-338-3124

Business: _____

ADDRESS/LOCATION OF SUBJECT PROPERTY

Address: 2630 Caladium Drive

City: Atlanta

State: GA

Zip: 30345

District(s): 18th

Land Lot(s): 247

Block: 1

Parcel: 14

Zoning Classification: R100 - SF RES DIST

Commission District & Super District: _____

CHECK TYPE OF HEARING REQUESTED:

☒

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 with any questions.

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PRE-APPLICATION FORM ZONING BOARD OF APPEALS

Applicant

Applicant Name: _____ Phone: _____ Email: _____

Meeting Information

Date/Time: _____ Planner Name: _____

Planner Email: _____

Subject Property

Property Address: _____

Comm. District(s): _____ Tax Parcel ID: _____

Zoning: _____ Land Use: _____ Overlay: _____

Existing Use: _____ Supplemental Regs: _____

Proposed Project

Code sections and Amounts seeking a variance from:

Case context and intended project:

Ordinance Criteria for Variance Hardships

Derived from the ordinance and translated into Layman's Terms

(Chapter 27 Section 7.5.2)

1. Physical Conditions of the site – *What did mother nature do?*

Address the specific issues of the ***physical condition*** of the property that make it a special case. This could be its narrowness, shallowness, unique shape, or other physical features such as floodplains, trees, or a steep slope. These conditions should be the result of natural order, not created by you or a prior owner.

2. Minimum Variance Necessary – *Are you asking for just the right amount?*

Demonstrate that your request is only for the ***minimum necessary*** to make your property usable and does not provide any special advantages that aren't available to other property owners in your zoning district.

3. Public Welfare – *Does this harm or benefit your neighbors?*

Discuss the ***potential impact*** of your proposed changes on your neighborhood and community. Show that the variance you're seeking won't harm public welfare, neighboring properties, or any improvements in the same zoning district.

4. Ordinance Hardship – *Does the ordinance prevent your project?*

Detail how a ***strict interpretation of the zoning laws*** would cause undue hardship for you. This could be in terms of impracticality or inability to use your property effectively. Think of this as, ***“if denied, what would happen?”***

5. Alignment with the Spirit of the Law

Demonstrate how your variance request aligns with the overall purpose of the zoning laws and the DeKalb County Comprehensive Plan. Show that your proposal does not undermine these broader goals and policies, but rather seeks a reasonable adaptation to them. Ask your assigned planner for text regarding the parcel's assigned land use.

Example Letter of Intent

Subject: Variance Request for Rear Yard Setback Reduction - Section 27-2.2.1 – Accessory Structure Construction

Dear Members of the Zoning Board of Appeals,

My name is Grover, and I am writing to formally request a variance from Section 27-2.2.1 of the DeKalb County Zoning Ordinance. My request pertains to the reduction of the rear yard setback requirement from 40 feet to 30 feet for my property located at 124 Sesame Street. The purpose of this variance is to facilitate the construction of an accessory dwelling unit, aptly named, “The Bird’s Nest.” The intended resident requires specific dimensions for his living quarters.

1. Physical Conditions of the Site:

The unique physical conditions of my property constitute a special case necessitating this variance. The parcel is characterized by a narrow and irregular shape, making compliance with the 40-foot rear yard setback particularly challenging. Additionally, the presence of specimen trees, a natural feature of the land, further restricts the feasible location for constructing the accessory structure. These conditions are inherent and not a result of any actions taken by me or previous property owners.

2. Minimum Variance Necessary:

I assure you that my request is solely for the minimum variance necessary to render my property usable, the Bird’s Nest must be constructed to a specific parameter and size to accommodate the resident that will be residing there. The 30-foot setback is essential for the practical and reasonable placement of the Bird's Nest, ensuring that I can enjoy full use of my property without seeking advantages beyond those available to other property owners in the same district.

3. Public Welfare:

The proposed addition will provide a positive impact on the neighborhood and community. I have received a letter of support from my neighbor, Oscar, who resides at 125 Sesame Street and does not feel the addition would intrude on his privacy nor create additional noise or traffic in the area. The reduced setback will not pose any harm to public welfare, neighboring properties, or the overall improvements in the R-75 zoning district. The Bird's Nest will be a modest and tasteful addition, enhancing the property without imposing adverse effects on the surrounding area.

4. Ordinance Hardship:

A strict interpretation of the zoning laws, in this case, would cause undue hardship for me. The impracticality of adhering strictly to the 40-foot setback would limit my ability to use the property effectively. The variance is, therefore, essential to prevent unnecessary hardship and allow for a reasonable use of my land.

5. Alignment with the Spirit of the Law:

I firmly believe that my variance request aligns with the intent of the Suburban Character Area, as outlined in the DeKalb County Comprehensive Plan. The proposed construction of the Bird's Nest is in line with the goals of recognizing traditional suburban land use patterns while encouraging increased connectivity and accessibility. The development aims to enhance community connectivity, preserve and improve existing greenspace, and align with the proposed density of up to 8 dwelling units per acre for areas of this type.

In conclusion, I appreciate your time and consideration of my variance request. I am committed to working collaboratively to ensure that my proposed changes align with the broader goals and policies of DeKalb County. Thank you for your attention to this matter.

Sincerely,

Grover

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: 7-23-25

Applicant
Signature:



DATE: _____

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: 7.24.25

Applicant/Agent
Signature: _____

TO WHOM IT MAY CONCERN:

(I)/ (WE): Chris Decker
(Name of Owners)

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

Notary Public

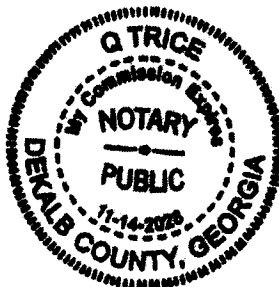
Owner Signature

Notary Public

Owner Signature

Notary Public

Owner Signature



Letter of Intent

Subject: Variance Request for Rear Yard Setback Reduction - Section 27-2.2.1 – Accessory Structure Construction

Dear Members of the Zoning Board of Appeals,

My name is Todd Hudson, and I am writing to formally request a variance from Section 27-2.2.1 of the DeKalb County Zoning Ordinance. My request pertains to the reduction of the side yard setback requirement from 10 feet to 4 feet for my property located at 2630 Caladium Drive. The purpose of this variance is to facilitate the construction of an accessory dwelling unit - a carport.

1. Physical Conditions of the Site:

The unique physical conditions of my property constitute a special case necessitating this variance. The parcel is characterized by a narrow shape on the driveway side, making compliance with the 10-foot rear yard setback particularly challenging. Additionally, the approximately 15 foot slope at the end of the driveway further restricts other feasible locations for constructing the accessory structure. These conditions are inherent and not a result of any actions taken by me or previous property owners.

2. Minimum Variance Necessary:

I assure you that my request is solely for the minimum variance necessary to render my property usable, the carport must be constructed to a specific size to accommodate two cars for the resident who lives there. The 4-foot setback is essential for the practical and reasonable placement of the carport ensuring that I can enjoy full use of my property without seeking advantages beyond those available to other property owners in the same district.

3. Public Welfare:

The proposed addition will provide a positive impact on the neighborhood and community. I have received letters of support from my neighbors who do feel the addition would intrude on their privacy nor create additional noise or traffic in the area. The reduced setback will not pose any harm to public welfare, neighboring properties, or the overall improvements in the R-100 zoning district. The carport will be a modest and tasteful addition, enhancing the property without imposing adverse effects on the surrounding area.

4. Ordinance Hardship:

A strict interpretation of the zoning laws, in this case, would cause undue hardship for the owner. The impracticality of adhering strictly to the 10-foot setback would limit the ability to use the property effectively. The variance is, therefore, essential to prevent unnecessary hardship and allow for a reasonable use of the land. Additionally, the homeowner Chris Decker, who experiences mobility challenges due to a documented severe arthritis. Mr. Decker underwent a right hip replacement in 2022, and is expected to undergo a left knee replacement within the next 12 to 18 months. His progressive condition substantially limits his ability to walk, climb stairs, and perform physically strenuous tasks, including home and yard maintenance.

Due to the current layout of his property, Mr. Decker is required to store essential yard maintenance equipment - weed eaters, lawn mower, and gardening tools beneath the house, which involves descending stairs into a sloped backyard. This arrangement presents a serious physical barrier and poses risk of injury. As his condition has worsened, navigating these steps has become increasingly difficult, significantly impacting his ability to maintain his home.

To accommodate Mr. Decker's disability, we respectfully request permission to construct a simple carport on the existing driveway with adequate storage for lawn care equipment on the same level as the house, where access is flat and does not require navigating stairs or uneven terrain. Providing this accommodation would directly support Mr. Decker's ability to care for his property without compromising his health or safety and would ensure compliance with disability rights laws designed to promote equitable access and independent living for individuals with mobility impairments.

5. Alignment with the Spirit of the Law:

I firmly believe that my variance request aligns with the intent of the Suburban Character Area, as outlined in the DeKalb County Comprehensive Plan. The proposed construction of the carport is in line with the goals of recognizing traditional suburban land use patterns while encouraging increased connectivity and accessibility. The development aims to enhance community connectivity, preserve and improve existing greenspace, and align with the proposed density of up to 8 dwelling units per acre for areas of this type.

In conclusion, I appreciate your time and consideration of my variance request. I am committed to working collaboratively to ensure that my proposed changes align with the broader goals and policies of DeKalb County. Thank you for your attention to this matter.

Sincerely,
Todd Hudson

