

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: David Williams

Mailing Address: 2125 Candler Rd

City/State/Zip Code: Decatur, GA, 30032

Email: spicekitchenatl@gmail.com

Telephone Home: 678-322-6857 Business: 678-389-4197

**OWNER OF RECORD OF SUBJECT PROPERTY**

Owner: WalSan LLC

Address (Mailing): \_\_\_\_\_

Email: wally100@gmail.com Telephone Home: \_\_\_\_\_ Business: 919 971-1623

**ADDRESS/LOCATION OF SUBJECT PROPERTY**

Address: 2125 Candler Rd City: Decatur State: GA Zip: 30032

District(s): \_\_\_\_\_ Land Lot(s): \_\_\_\_\_ Block: \_\_\_\_\_ Parcel: 15 151 09 049

Zoning Classification: C-1 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 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.

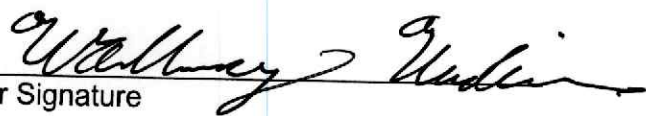
DATE: 11/24/2025 Applicant/Agent David Williams  
Signature: \_\_\_\_\_

TO WHOM IT MAY CONCERN:

(I)/ (WE): Wally Wallis (WalSan LLC)  
(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



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: 11/20/2025

Applicant  
Signature:

 <sup>2</sup>

DATE: \_\_\_\_\_

Applicant  
Signature:

\_\_\_\_\_

## LETTER OF INTENT

### Variance Request – Gate Setback Section 27-5.4.7.A(8)

Dear Members of the Zoning Board of Appeals,

I am requesting a variance from Section 27-5.4.7.A(8) of the zoning ordinance to reduce the required gate setback from 50 feet to approximately 10 feet. This adjustment will enable secure and efficient vehicle access for Spice Kitchen at 2125 Candler Road.

#### **Physical Conditions of the Site**

The unique, acute-angled frontage of our property at 2125 Candler Road creates a narrower and irregular approach, setting it apart from neighboring lots, which have linear, parallel property lines. As a result, only approximately 12 feet separates our property line from the main driveway at its narrowest point—far less than the required 50-foot setback. This geometry severely limits usable space, making a 50-foot setback impractical. Locating the gate further back would obstruct the main driveway and loading area, directly impeding customer and delivery vehicle access, as indicated in the site diagram.

#### **Minimum Variance Necessary**

A 10-foot setback is the minimum required for a functional gate. Moving it further back would hinder secure and practical vehicle access.

#### **Public Welfare**

The gate is essential to prevent loitering, dumping, and unauthorized access, which protects high-value trucks and equipment on site. Its keypad and phone app system allows vehicles to enter quickly and avoid traffic congestion on Candler Road. The well-maintained gate improves our property's safety and appearance. I am also seeking letters of support from neighboring businesses.

#### **Ordinance Hardship**

Enforcing the 50-foot setback would prevent safe property operation. The gate would impede vehicle access and site security, both essential to business operations. The proposed location is the only feasible spot for the gate.

#### **Alignment with the Spirit of the Law**

The purpose of the setback rule is to make sure vehicles can enter a property safely without blocking traffic. Our gate system fully supports that goal. With keypad and remote access, vehicles can enter immediately, and the property has enough space inside the entrance for cars and trucks to queue safely. Our property is located in the Commercial Redevelopment Corridor, and securing and improving the site aligns with the goals of reinvestment, safety, and enhanced corridor appearance.

Thank you for your time and consideration. I appreciate the opportunity to explain our situation and am committed to working with the County to ensure we maintain a safe, well-managed property.

Sincerely,

David Williams

Owner, Spice Kitchen

2125 Candler Rd, Decatur, GA 30032

RE: N11. Case No. A-25-1247845 Parcel ID(s): 15 120 02 085

Commission District 03    Super District 07

Appeal of: Administrative Decision regarding Existing sign repair permit

Appellant: Gege Odion

Project Name: 2851 Candler – Sign Permit

Location: 2851 Candler Road, Decatur, GA 30034

**APPELLANT’S RESPONSE IN OPPOSITION TO THE DIRECTOR’S APPEAL  
BRIEF ARGUMENT**

Appellant submits this opposition response to the Director’s appeal brief, stating the following:

1. The Director does not dispute that the property and existing sign are in the commercial C-1 zone District and I-20 Corridor Compatible Use Overlay District. (“The subject property, 2851 Candler Road, Decatur, GA 30034 (Parcel 15 – 120-02-085), is zoned C-1... in an October 19, 2018 zoning verification letter.”
2. The Director also does not dispute that the existing sign complies with the sign ordinance under Chapter 21 of the DeKalb County Code of Ordinance, which governs Signs. (Underlined for emphasis).
3. The Director also does not dispute that the application is for “modification of an existing freestanding ground sign to an internally illuminated electronic (digital LED) sign.” And that the application “proposes to retain the existing pole and base and to replace [only] the sign face with anew electronic cabinet measuring approximately 16 feet in width and 9 feet in height (144 square feet), resulting in a total ground sign height of approximately 20 feet.”
4. And the Director does not dispute appellant’s assertion that “this configuration complies with the dimensional requirement for ground signs in Chapter 21.”

**The point of dispute is in the application of Chapter 27, Article 3, Section 33.19 sign regulations, rather than Chapter 21, in denying the application.**

#### ARGUMENT and CITATION

1. Director's reliance on Sec. 27 – 3.1.1 is misplaced and erroneous. Section 27- 3.1.1 states “all development and building permits for lots located, in whole or in part, within any overlay district...”. Appellant's application is not for a development or building permit. The application is for the repair and modification of the face of an existing sign. The Director's focus on the location of the existing rather than what is being sought is misplaced. The regulation for new developments does not govern the modification of the face of an existing sign that complies.
2. Again, the Director's reliance on Sec 3.33.1 (Scope of regulation) is misplaced. The regulation clearly states:

“This division establishes standards and procedures that apply to any development, use, alteration, height, density, parking, open space, and building on any lot or portion thereof which is in whole or in part contained within the boundaries of the I-20 Corridor Compatible Use Overlay District. This division shall be governed by chapter 27, article 3, division 1, section 3.2.1 of the DeKalb County Zoning Ordinance.” (Underlined for emphasis).

First, there is no section 3.2.1 of division 1 of chapter 27 in the code. This is a typo in the municipal code. The only reasonable interpretation or correct intended meaning of section 3.2.1 is the application of section 3.1.1. (Sec 3.2.1 only exists in division 2, which applies to the Airport Compatible Use Overlay District.).

And because sec. 3.1.1 governs Sec. 3.33.1, Appellant contends that the applicable pertinent section is Sec. 3.1.1(c), which states:

“For existing development, if overlay district regulations conflict with the conditions of zoning applicable to property within in an overlay district, the existing zoning conditions remain applicable to the property.” (Underlined for emphasis).

The 2851 Candler property and sign are existing developments. The zoning condition applicable to the property is controlled by the Chapter 21 sign ordinance. And since there is a conflict between the requirements of Sec. 27- 3.1.1 that the director is relying on (Sec. 27 – 33.33.1 and /or Sec. 27 - 3.1.1), and Chapter 21 sign ordinance, Chapter 21 ordinance controls.

Moreover, as argued above, Sec. 27 – 3.33.1 applies to new developments or buildings. Appellant is not seeking to build a new development or to install a new sign. The existing sign location, stand, and shape have not changed. Thus, the Director erred by applying the wrong regulation to the appellant's application. Therefore, his decision must be overruled and reversed.

3. Section 27 -3.33.19 (sign Regulations) applies to new developments in the Overlay district. And Sec. 27 -3.33.19 is not applied as a stand-alone regulation but in association with Sec. 3.33.9 and sec. 3.33.25. These regulations, when correctly applied together, apply only to new developments, not to existing developments, as noted in Sec. 3.1.1(c). Appellant did not submit a conceptual design package and a final design package with his permit application, as required under Chapter 27. His application was governed by Chapter 21 standards, which supersede the Chapter 27 regulations. (Underlined for emphasis).
4. The 2018 Zoning letter did not opine on the sign application but only advised “The total zoning code should be consulted for all applicable zoning standards pertaining to the overlay district, site design, buffering, landscaping, and parking.” It also did not find any existing non-conforming use(s) of the land and structure. (“A search of Dekalb County records does not indicate any variances, special land use permits or conditions...”).
5. The effect of the 2019 Sign Permit Approval should be the presumption that the application met the requirements under the law. If there is no material change in the application, it should have been deemed

sufficiently entitled to an approval. By deviating from applying the required standard of review, the director injected a cumbersome and highly undue financial burden on the appellant to secure a duly earned permit.

6. Requiring these additional requirements that are meant for new developments is akin to requiring a homeowner to tear down the whole brick wall when he is only attempting to replace the rotten wood frame of a window. This imposes an undue financial burden and delay on the appellant.
7. Under the director's reasoning, all existing signs in the overlay district are non-conforming. However, neither the Board of Commissioners nor the Director has made such declarations or issued notices to the parties involved. The director's unilateral selection and arbitrary application of sections of the law to fit his narrative is a gross abuse of discretion and application of the DeKalb County Ordinance. He is not empowered to unilaterally render Chapter 21 ordinance invalid because he prefers Chapter 27 ordinance. (As stated above, he has misapplied Chap. 27).
8. Appellant was not required to seek a permit to repair and upgrade his existing sign, but out of an abundance of caution, and in the same spirit of Sec. 1.1.3 (G) and (K), appellant chose to apply for a modification permit. The intent of the project is to:  
"To encourage an aesthetically attractive environment" (sec. G) and "To encourage economic development activities that provide desirable employment opportunities" (sec. K). The director failed to see these goals and their alignment.

## CONCLUSION

For these reasons, the director's decision must be overruled and set aside as erroneous in its application of the zoning ordinance to the facts of the application and arbitrary in manner, and the appellant's application approved.

Respectfully submitted



Gege Odion, Appellant.