



Michael L. Thurmond

Chief Executive Officer

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

**Wednesday, June 12, 2024**

**Planning Department Staff Analysis**



Cedric Hudson

Interim Director

**N4. Case No: A-24-246997**

**Parcel ID(s): 18 105 13 006**

**Commission District 02 Super District 06**

**Applicant:** Elna Saah DbA Pavel REI LLC  
710 Wilde Rose Court  
Roswell, GA, 30075

**Owner:** Elna Saah DBA Pavel REI LLC  
710 Wilde Rose Court  
Roswell, GA 30075

**Project Name:** 965 Houston Mill Road – Carport Enclosure

**Location:** 965 Houston Mill Road, Atlanta, GA, 30329

**Request:** Variance from Section 27-8.1.16 and 2.2.1 of the DeKalb County Zoning Ordinance to allow the expansion of a non-conforming building to renovate the house and convert garage into an accessory dwelling unit within the R-85 (Residential Medium Lot) zoning district.

**Staff Recommendation:** Denial.

## **STAFF FINDINGS:**

Section 27-2.2.1 states that the minimum side-yard setback for the R-85 zoning district must adhere to an eight and a half (8.5) foot setback. Section 27.8.1.16 states that any redevelopment, improvement or expansion must fully comply with DeKalb County codes; and improvements to access must also conform unless otherwise approved by variance. The existing structure was built in 1935 and is currently legal non-conforming. The applicant has requested a reduction in the side-yard setback on both sides of the property from 8.5' to 0' to enclose a carport. The proposed project will increase the non-conformity of the property.

**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 property features an odd shape and large trees, which would make compliance with current setback standards impractical. The lot projects a triangular, but skinny lot that would render any further development non-conforming.

**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 represents the minimum variance necessary to render the property usable. However, while the proposed variances appear extensive due to the shape of the property, it should be noted that the applicant is utilizing the existing footprint of the legal non-conforming structure. This indicates an effort to minimize the variance necessary for the reasonable use of the property, aligning with the criteria of minimizing the variance to the extent possible. The requested variance represents the minimum variance necessary to render the property usable.

**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:**

While renovating and inhabiting the property could benefit the neighborhood, the significant reduction in setbacks could adversely affect adjacent properties and the overall zoning plan. Current record shows that the property is already beyond the limits of its location to the property line of its neighbors, showcasing less than three (3) feet from the property line. The applicant does not meet the criteria of ensuring that the variance will not be detrimental to public welfare or injurious to other properties.

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

A strict interpretation of the zoning ordinance would prevent meaningful improvements from happening to the existing structure, but the proposed solution would make the property more nonconforming. This approach does not align with the county's objectives to reduce nonconformities over time.

**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 represents the minimum variance necessary to render the property usable. However, the proposed variances are extensive due to the shape of the property, and utilizing the existing footprint of the legal non-conforming structure does not sufficiently minimize the variance. It fails to preserve and enhance the integrity and quality of existing residential neighborhoods and does not adhere to standards encouraging compatible architectural styles and enforcing infill development regulations, as noted in the Plan's goal to "Protect Existing Family Neighborhoods" as noted for TN (Traditional Neighborhood) land use areas. Thus, the variance request does not align with the spirit of local zoning laws, which aim to gradually reduce non-conforming uses. The proposed changes would significantly increase the nonconformity, contrary to the intent of the zoning ordinance and the Comprehensive Plan.

**FINAL STAFF ANALYSIS:**

The application does not meet the majority of the criteria for a setback variance as outlined in the DeKalb County Zoning Ordinance Section 27.2.2.1 and 8.1.16. The proposed reduction in setback constitutes a minimal encroachment and would not significantly alter the existing footprint, it would allow the structure to be closer to their neighbors than would typically be allowed under current regulations. Therefore, staff recommends denial of the variance request.

**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: ELNA SAALP DBA PAVEL REI LLC  
Mailing Address: 710 WILDE ROSE CT.  
City/State/Zip Code: ROSWELL, GA 30075  
Email: pavelrei.123@gmail.com  
Telephone Home: (810) 252-3933 Business: (810) 252-3933

#### OWNER OF RECORD OF SUBJECT PROPERTY

Owner: ELNA SAALP DBA PAVEL REI LLC  
Address (Mailing): 8965 710 WILDE ROSE CT. ROSWELL, GA, 30075  
Email: pavelrei.123@gmail.com Telephone Home: (810) 252-3933 Business: (810) 252-3933

#### ADDRESS/LOCATION OF SUBJECT PROPERTY

Address: 965 HOUSTON MILL RD City: ATLANTA State: GA Zip: 30329  
District(s): 18<sup>th</sup> Land Lot(s): 105 Block: \_\_\_\_\_ Parcel: 1810513006  
Zoning Classification: R 85 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](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: 04/22/2024 Applicant/Agent Signature: Elna Saab

TO WHOM IT MAY CONCERN: (I)/ (WE): Elna Saab DBA PAVEL REJ LLC (Name of Owners)

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

Vivian Alfred Okoro Notary Public

Owner Signature Elna Saab

Notary Public

Owner Signature

Notary Public

Owner Signature

VIVIAN ALFRED OKORO NOTARY PUBLIC Fulton County State of Georgia My Comm. Expires Dec. 10, 2024



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: 04/22/2024 Applicant Signature: [Signature] DBA PAVEL KEI LLC

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

**Letter of Intent:**

**Dekalb County Zoning Board of Appeals:**

**RE: Request for variance Expansion, redevelopment or improvement of legal nonconforming buildings, structures and/or sites Chapter 27- Sec. 8.1.16.**

**Implying request for setback variances on both sides under setbacks ordinance 27-2.1.1 @ 965 Houston Mill RD, Atlanta GA, 30329**

**Parcel ID # 18 105 13 006**

Dear members of the zoning board,

My name is Elna Saah, and I am the current owner of the property located at 965 Houston Mill RD, which I acquired in March of 2024. I hereby request your consideration for variance for the expansion and improvement of the said property, which currently is a nonconforming structure per the current ordinance 27-8.1.16.

We plan on a minor redevelopment alteration, renovation and repair of the legal nonconforming home located on the property. The estimated cost of the alteration and repair is less than 50 percent of its fair market value prior to the proposed alteration and repair according to the DeKalb County Tax Assessor's valuation of the improvements for the tax year in which the first permit for expansion, alteration or redevelopment is applied for. We plan to convert the 220 ft garage into livable space incorporating 2 new bedrooms.

I hereby request variances for improvement under Chapter 27-8.16. Furthermore, I was informed, I may need additional variances for the setbacks which render it non-conforming.

I hereby request your consideration for additional consideration for variances of setbacks on both right and left sides of the property from 8.5 to 0 ft on the left and 8.5 to 1-2 ft on the right of the property under your setbacks ordinance 27-2.1.1. The purpose of this variance is to enable me perform renovations to the property in its current footprint, make it habitable and avoid total demolition and transposition or abandonment which is critical for the effective usability of the property and standards of the neighborhood. This property is intended for personal family use and not for sale.

**1. There is an extraordinary or exceptional physical condition(s) pertaining to the particular piece of property:** There are natural physical characteristics of the lot that make complying with the current setback standards close to impossible. The lot is an oddly shaped pie-sized lot that narrows from the entrance on Houston Mill all the way to almost triangle pin-point tip at the cul-de-sac in neighboring Logan's knoll subdivision, whilst simultaneously going uphill (gradient/steep slope). Historically, (as told to me by the past owner) that the lot was carved out from the adjacent property located at 945 Houston Mill RD in the 1930's, apparently for servants' quarters. The property is built on a crawl space and sits 0 feet from the property line on the left (Logans Knoll) and about 8 feet from the property on the right (945 Houston Mill RD). Furthermore, the property is set at the top of the steep slope, is very wooded, with lots of large trees (over 24'-36") and some straddling neighboring properties. The current structure

is small and close to the mid-section and wider parts of the lot, and moving the structure to fit setbacks will require bringing down all the trees, and re-building close to the road and impede entry. The entry point to the property would then have to be moved to the back to the property in the neighboring Logan's Knoll subdivision cul-de-sac. Since the lot narrows to a tip at the rear, we have even less setbacks posteriorly. It will also require demolishing more trees, which will render the area bare and deprive owner and neighbors of the natural flora and fauna which they all enjoy. The strict application of the requirements of this chapter would deprive the owner of being able to inhabit the property and enjoy the tree filled lot along with the neighboring properties.

(Please see included pictures)

**2. The minimum variance necessary:** The current setbacks have been in existence way before the Logan's Knoll subdivision (to its right), was developed. The property was built originally in the 1930's and has since been remodeled twice and the footprint maintained. We do not plan any expansion beyond the current footprint. We are requesting that you grant the variance to make alterations and repair to the current structure within the existing setbacks.

**3. The welfare of the public:** 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. On the contrary, the home is the oldest and, in most disrepair, in the neighborhood having been vacant for over 3 years. Keeping the property unoccupied and or unrenovated, may be more detrimental to the value to all neighboring properties. In its unrenovated and uninhabited state, it may be a haven for rodents, which are harbingers of various zoonosis. Renovation of the current structure will improve value and aesthetics and eliminate a potential harbor for pests. Rodent clearance is in progress.

**4. Ordinance hardship:** Board members, of all the reasons for your kind consideration, on this point I implore your gracious consideration. The literal and strict application of the applicable provisions of setback requirements will cause undue and unnecessary hardship. It would require a complete demolition, and relocation of the current structure to the front of the lot as earlier mentioned. We will also have to request an easement for access from our neighbors posteriorly which may not be granted. Furthermore, we do not have county sewer access and the septic is in the front of the yard. All these structural relocations would take time (up to years) which we do not have. Our current plans and intentions for the property DO NOT require any demolitions to the current property. We plan to make alterations to the interior of the property as is, on its current footprint. This will be an owner-occupied property, for my son who starts his Junior semester at Emory this fall, and for myself as my hospital place of work is moving from the perimeter to the North Druid Hills area in September of 2024.

**5. Alignment with the spirit of the law:** The requested variance is in keeping with the spirit of chapter 21-7 and Dekalb county. The proposed renovations do not involve a complete demolition. Our proposed project will renovate, beautify, and add value to the current footprint of the existing structure. This will also avail us the ability to maintain as many of the old existing old and large trees over 30", preserving the greenery, flora and fauna of the area. 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 renovation of the existing structure will preserve and improve existing greenspace and keeping the current foundation and current long driveway will align with the recommended off street and availability for 4-parking spots.



Thank you for your time and I am committed to working with the Dekalb county board to ensure the renovations are conducted appropriately and restore vitality to the home and neighborhood, whilst preserving as much of the greenery and fauna of the lot as possible.

Thank you for your kind consideration on this matter.

Sincerely,

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**Elna Saah,**

**DBA PAVEL REI LLC**

**Pavelrei.123@gmail.com**

**April 22<sup>nd</sup>, 2024**

Chief Executive Officer  
Michael Thurmond

DEPARTMENT OF PLANNING & SUSTAINABILITY

Director  
Andrew A. Baker, AICP

OWNER-OCCUPANT AFFIDAVIT

THIS FORM MAY ONLY BE USED BY THE OWNER OF REAL RESIDENTIAL PROPERTY

NOTICE: This form must be completed and submitted to the Planning & Sustainability Development Services before a permit(s) is issued. This certifies all work done by owner on one Residential project. All information requested on this form is mandatory in addition to a completed and signed permit for each permit type indicated below.

Building Permit(s) #:

Date: 04/18/2024  
Property Owner: ELNA-N. SAAH  
Address: 965 HOUSTON MILL RD, ATLANTA, GA, 30329  
Telephone: (810) 252-3933

This is to certify that I am responsible for the following permit types:

- Electrical
- Plumbing\*
- Mechanical \*
- Low Voltage
- Building
- Demolition

Other Describe: ALTERATIONS and REPAIR

I certify that I have and will comply with all codes and ordinances adopted by DeKalb County that pertain to the construction of this structure. I further agree to indemnify DeKalb County and its operator from any liability for damages and loss of property if the work performed has not been installed in accordance with these codes and ordinances. I hereby affirm that I am conducting this work on property that I own and upon completion this building or structure will be used or occupied solely by myself, my family, my firm or my corporation and its employees and shall not be for the use of the general public and I have no current intent to offer the property for sale or lease.

Further, I hereby affirm that I have not sold or transferred a building or structure that I have constructed while acting a contractor within the prior 24-months. I further understand that any falsification of the above statements may constitute fraud and result in cancellation of this permit and other possible penalties. Please note if you are not able to safely construct your project you will be required to hire a licensed contractor to complete the project.

Applicant further affirms that he/she is aware that any knowingly false statement made in the permit application may subject said applicant to prosecution for violation of Georgia Criminal Code, Section 16-10-20 (False Swearing) and a possible fine of not more than \$1,000.00 or imprisonment for not less than one (1) or more than five (5) years, or both.

\*Gas Pressure Test MUST be done by a Licensed Individual

Signature of Owner-Occupant acting as contractor

*[Handwritten Signature]*

Printed Name

ELNA-N. SAAH

Sworn on the below date:

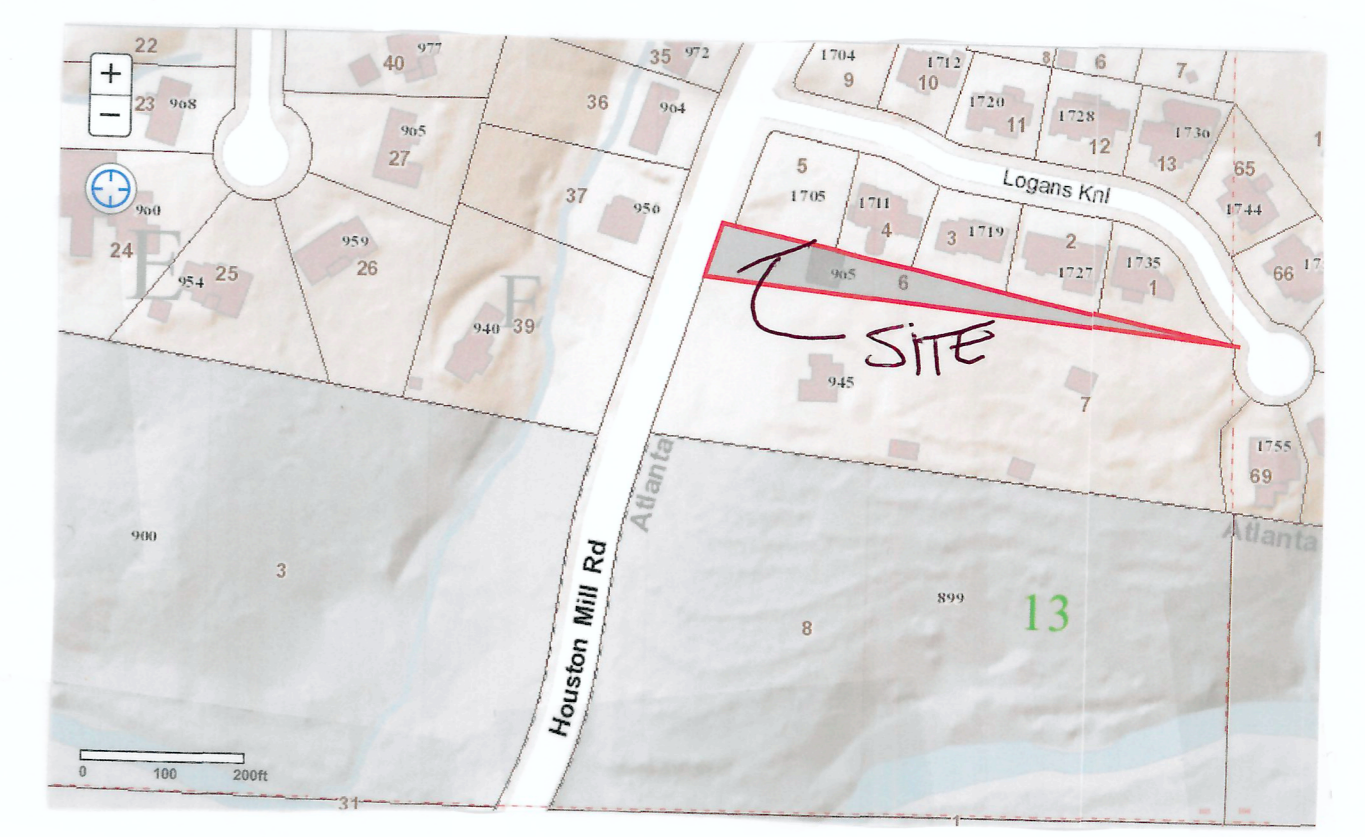
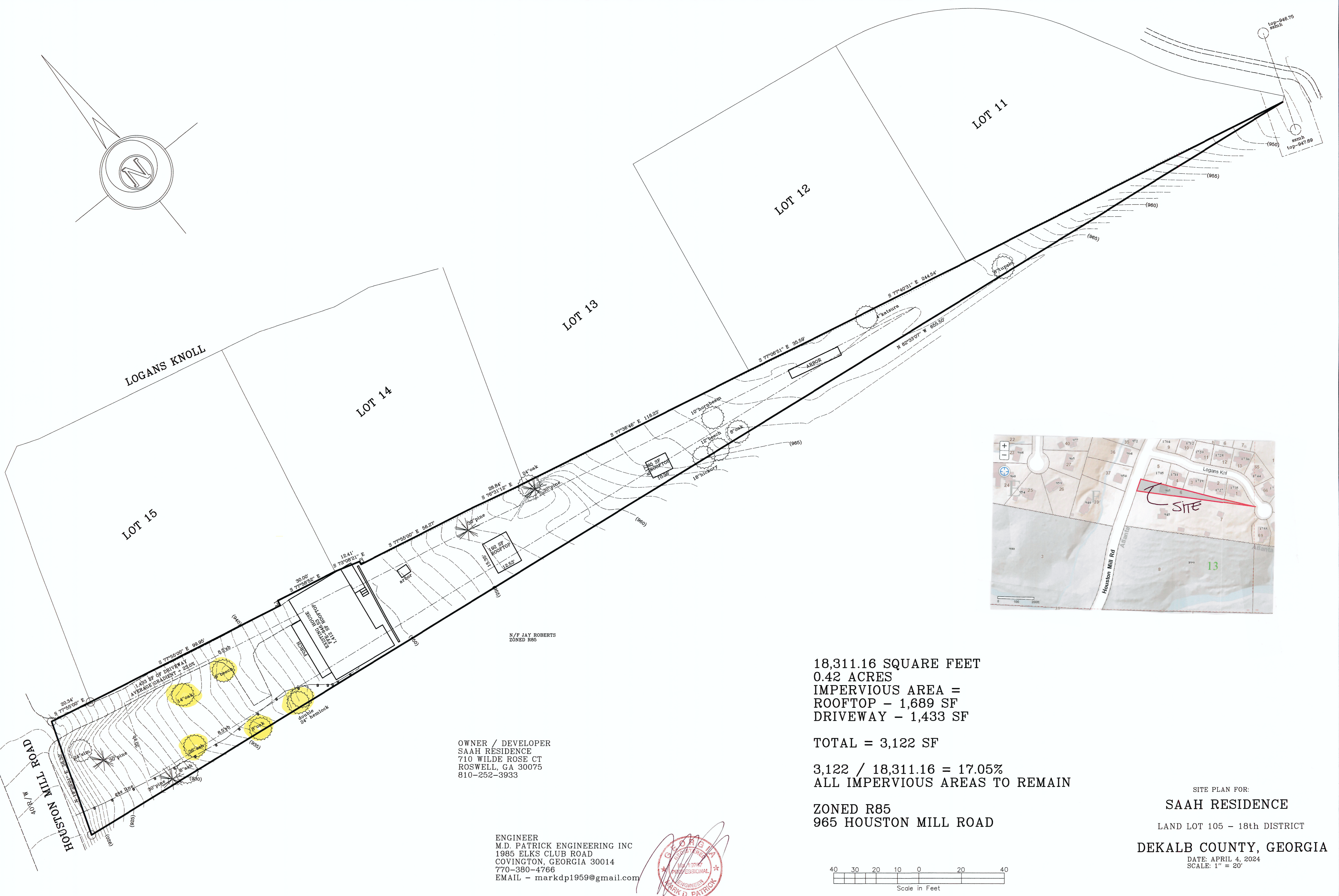
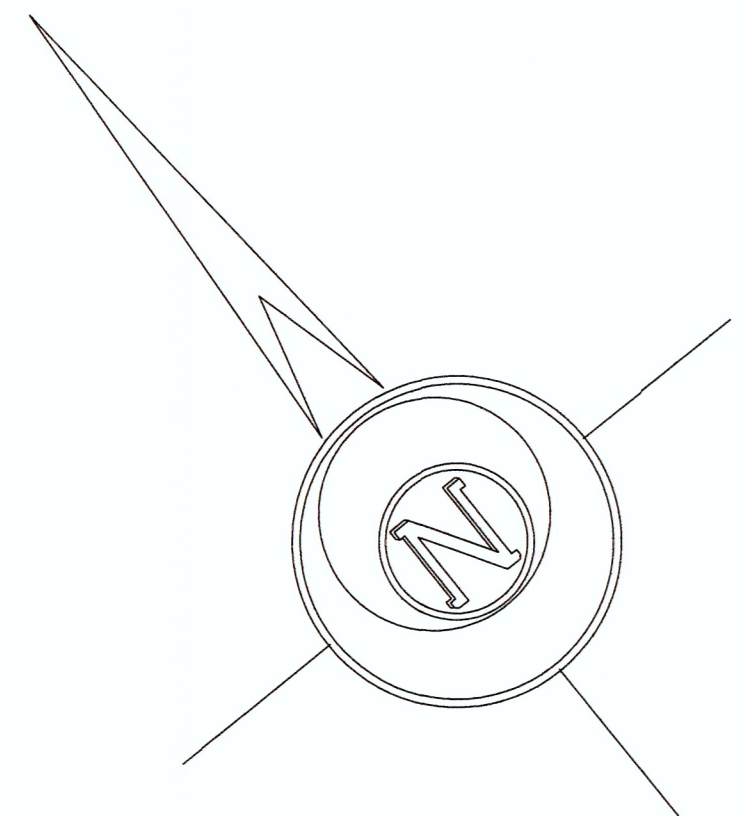
April 18th, 2024

Signature of Notary / My Commission Expires

*[Handwritten Signature]* / 12/04/2024

VIVIAN ALFRED OKORO  
NOTARY PUBLIC  
Fulton County  
State of Georgia  
My Comm. Expires Dec. 10, 2024

OFFICE USE ONLY:  APPROVED  DENIED AUTHORIZING INITIAL: \_\_\_\_\_



N/F JAY ROBERTS  
ZONED R85

OWNER / DEVELOPER  
SAAH RESIDENCE  
710 WILDE ROSE CT  
ROSWELL, GA 30075  
810-252-3933

ENGINEER  
M.D. PATRICK ENGINEERING INC  
1985 ELKS CLUB ROAD  
COVINGTON, GEORGIA 30014  
770-380-4766  
EMAIL - markdp1959@gmail.com

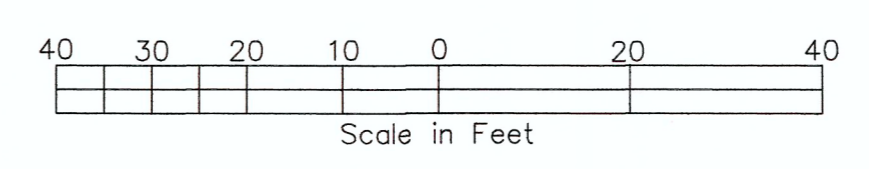


18,311.16 SQUARE FEET  
0.42 ACRES  
IMPERVIOUS AREA =  
ROOFTOP - 1,689 SF  
DRIVEWAY - 1,433 SF

TOTAL = 3,122 SF

$3,122 / 18,311.16 = 17.05\%$   
ALL IMPERVIOUS AREAS TO REMAIN

ZONED R85  
965 HOUSTON MILL ROAD



SITE PLAN FOR:  
**SAAH RESIDENCE**  
LAND LOT 105 - 18th DISTRICT  
**DEKALB COUNTY, GEORGIA**  
DATE: APRIL 4, 2024  
SCALE: 1" = 20'

LINE CHART  
 L1-N12°05'00"E 2.50'  
 L2-S77°58'52"E 30.00'  
 L3-S73°08'21"E 12.41'  
 L4-S12°05'00"W 1.50'

THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A PRECISION OF ONE FOOT IN 15,000 FEET AND AN ANGULAR PRECISION OF TWO SECONDS PER ANGLE POINT AND WAS ADJUSTED USING THE COMPASS RULE. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE TO WITHIN ONE FOOT IN 100,000 FEET. THE EQUIPMENT USED WAS A LEICA TOTAL STATION. THE FIELD WORK WAS PERFORMED ON THE GROUND IN JANUARY 2024. ALL PINS SET ARE 1/2" REBAR 24" LONG. NOT DESCRIBED IPF ARE 1/2" REBAR.

LOGANS KNOLL

HOUSTON MILL ROAD  
 40'R/W

LOT 15

LOT 14

LOT 13

LOT 12

LOT 11

- LEGEND
- BW - BOTTOM WALL
  - CO - CLEAN OUT
  - CW - CONCRETE WASHOUT
  - DE - DRAINAGE EASEMENT
  - DI - DROP INLET
  - DWCB - DOUBLE WING CATCH BASIN
  - E - UNDERGROUND ELECTRIC
  - FC - FENCE CORNER
  - FH - FIRE HYDRANT
  - G - GAS METER
  - IPF - IRON PIN FOUND
  - IPS - IRON PIN SET
  - JB - JUNCTION BOX
  - LP - LIGHT POLE
  - MH - MANHOLE
  - NS - NAIL SET
  - NF - NAIL FOUND
  - OHP - OVERHEAD POWER
  - OTP - OPEN TOP PIPE
  - POB - POINT OF BEGINNING
  - POC - POINT OF COMMENCEMENT
  - PP - POWER POLE
  - R/W - RIGHT OF WAY
  - SB - SETBACK
  - SSMH - SANITARY SEWER MANHOLE
  - SW - SIDEWALK
  - T - TRANSFORMER
  - TG - TOP GRATE
  - TP - TRAFFIC POLE
  - TW - TOP WALL
  - W - WATER LINE
  - WM - WATER METER
  - WV - WATER VALVE

N/F JAY RICKETTS

SSMH TOP-946.75  
 SSMH TOP-947.69

- TREE LIST
- 1 - 24" ELM
  - 2 - 30" PINE
  - 3 - 30" PINE
  - 4 - 8" ASH
  - 5 - 36" ASH
  - 6 - 14" OAK
  - 7 - 8" BEECH
  - 8 - 8" OAK
  - 9 - 24" HEMLOCK
  - 10 - 24" HEMLOCK
  - 11 - 30" PINE
  - 12 - 30" PINE
  - 13 - 24" OAK
  - 14 - 18" HICKORY
  - 15 - 12" BEECH
  - 16 - 6" OAK
  - 17 - 10" HORNBEAM
  - 18 - 4" KATSURA
  - 19 - 8" TUPELO

18,311.16 SQUARE FEET  
 0.42 ACRES

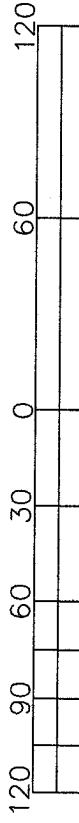
SURVEY FOR:

PAVEL REI

LAND LOT 105 - 8th DISTRICT

DEKALB COUNTY, GEORGIA

DATE: FEBRUARY 22, 2024  
 SCALE: 1" = 60'



CERTIFICATE OF SURVEYOR

"THIS PLAT IS A RETRACEMENT OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT SUBDIVIDE OR CREATE A NEW PARCEL OR MAKE ANY CHANGES TO ANY REAL PROPERTY BOUNDARIES. THE RECORDING INFORMATION OF THE DOCUMENTS, MAPS, PLATS, OR OTHER INSTRUMENTS WHICH CREATED THIS PARCEL OR PARCELS ARE STATED HEREON. RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. THIS PLAT IS ACCURATE, CURRENT AND IS A COMPLETE REPRESENTATION OF THE LAND PLATTED HEREON AND WAS PREPARED IN CONFORMITY WITH THE TECHNICAL STANDARDS FOR PROPERTY SURVEYS AS SET FORTH IN CHAPTER 180-7 OF THE RULES OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN THE GEORGIA PLAT ACT O.C.G.A. 45-6-67(D) AND 15-6-7 AND ALL APPLICABLE LOCAL, COUNTY, AND MUNICIPAL ORDINANCES, STATUTES AND SPECIFICATIONS.

MARK D PATRICK GA RLS 2791  
 1985 ELKS CLUB ROAD  
 COVINGTON, GEORGIA 30014  
 770-380-4766

