

DeKalb County Department of Planning & Sustainability

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Decatur, GA 30030

(404) 371-2155 / plandev@dekalbcountyga.gov



Michael Thurmond Chief Executive Officer

Planning Commission Hearing Date:January 8, 2019, 6:30 P.M.Board of Commissioners Hearing Date:January 22, 2019 6:30 P.M.

STAFF ANALYSIS

Case No.:	SLUP-19-1242980		Agenda #: N5	
Location/ Address:	2478 Rock Chapel Road, Lithonia, Georgia	3	Commission District: 5 District: 7	Super
Parcel ID:	16-154-04-008			
Request:	For a Special Land Use Permit (SLUP) for i	major auto repai	r within the C-2 district.	
Property Owner:	Greater White Rock Baptist Church			
Applicant/Agent:	Fitzroy & Marsha Smith			
Acreage:	.99 acres			
Existing Land Use:	Vacant land			
Surrounding Properties:	Vacant land, a lake, and an electric utility vacant building, a flea market (Memas Fir storage yard (Georgia's Finest Towing Ser Chapel Complete Auto Car Care) to the ea	nest Antiques), a vices), and an au	towing business with veh to repair establishment (nicle (Rock
Adjacent Zoning:	North: M South: M & R-75 East: C-1	West: M & R-75		
Comprehensive Plan:	LIND Consistent	X Inconsiste	nt	
Proposed Density: NA Proposed Units/Square s.f. building Proposed Lot Coverage	Ft.: Major auto-repair within a 3,506	Existing Densi Existing Units, Existing Lot Co	/Square Feet: Vacant	

ZONING HISTORY

The property has been zoned C-1 since the initial adoption of the DeKalb County Zoning Ordinance in 1956.

PROJECT ANALYSIS

The project site is vacant, and the proposed request is to construct a one story, three-bay auto repair garage with accessory storage. There is one proposed driveway off of Rock Chapel Road. This stretch of Rock Chapel Road is a two-lane Minor Arterial with no sidewalks, curb, or gutter. Field investigation of the project site indicates a vacant property with an abundance of mature vegetation. Surrounding uses include vacant land, a lake, and an electric utility substation to the north across Rock Chapel Road; a vacant building, a flea market (Memas Finest Antiques), a towing business with vehicle storage yard (Georgia's Finest Towing Services), and an auto repair establishment (Rock Chapel Complete Auto Car Care) to the east; and single-family homes to the west and south.

Section 4.2.14 of the Zoning Ordinance requires the follow Supplemental Regulations for Major Auto Repair Establishments:

<u>Automobile repair, major, and paint shops</u>. Major automobile repair and paint shops shall not be permitted on property located within three hundred (300) feet of any property used for a school, park, playground or hospital. All activities shall be carried on entirely within an enclosed building, unless in M (Light Industrial) District. For purposes of determining whether a building is enclosed, the use of open overhead bay doors that can be closed shall be permitted. Cars awaiting service shall be stored inside an enclosed building or in the side or rear yard.

Based on county records, it appears that there is compliance with Section 4.2.14 as there are no schools, parks, playgrounds or hospitals within 300 feet of the subject properties. The applicant also noted compliance with this requirement of the site plan. All auto repair activities will be required to be indoors or located within a side or rear yard and completely enclosed by a six-foot tall opaque fence.

IMPACT ANALYSIS

Section 7.4.6 of the DeKalb County Code states that the following criteria shall be applied in evaluating and deciding any application for a Special Land Use Permit.

A. Adequacy of the size of the site for the use contemplated and whether or not adequate land area is available for the proposed use including provision of all required yards, open space, off-street parking, and all other applicable requirements of the zoning district in which the use is proposed to be located:

Based on the submitted information, as well as field investigation of the project site, it appears that the size of the site is adequate for the use contemplated. It appears that the submitted site plan complies with the offstreet parking, open space, building setbacks and other applicable requirements of the zoning district in which the use is proposed to be located, except the front setback needs verification. It should be 60 ft. but is not labeled and appears to be 57 ft. (check front setback).

B. Compatibility of the proposed use with adjacent properties and land uses and with other properties and land uses in the district:

The properties are surrounded by commercial (C-1) and light industrial (M) zoning, with auto-related businesses as established land uses along this stretch of Rock Chapel Road including Georgia's Finest Towing Services and Rock Chapel Complete Auto Car Care to the east. Therefore, it appears that the zoning proposal demonstrates compatibility.

C. Adequacy of public services, public facilities, and utilities to serve the contemplated use:

Based on the submitted information, it appears that public transportation facilities are adequate to service the use contemplated. There will no impact on schools since the proposed use is nonresidential. Per comments from the Department of Public Works, due to the high volume of development in the area causing increased flows, sanitary sewer capacity cannot be guaranteed at the time the development comes on line.

D. Adequacy of the public street on which the use is proposed to be located and whether or not there is sufficient traffic carrying capacity for the proposed use, so as not to unduly increase traffic or create congestion in the area:

Based on the submitted site plan and information, as well as field investigation of the project site, the public street on which the proposed use is to be located is adequate and will not unduly increase traffic congestion since the auto repair will access a minor arterial road (Rock Chapel Road). GDOT review and approval will be required; GDOT may find a deceleration lane warranted to improve operations.

E. Whether or not existing land uses located along access routes to the site would be adversely affected by the character of the vehicles or the volume of traffic to be generated by the proposed use:

Based on the submitted site plan and information, as well as field investigation of the project site, it appears that the existing land uses located along access routes to the site would not be adversely affected by the character of the vehicles or the volume of traffic generated since the proposed use will be located along a minor arterial road (Rock Chapel Road).

F. Ingress and egress to the subject property and to all proposed buildings, structures, and uses thereon, with particular reference to pedestrian and automotive safety and convenience, traffic flow and control, and access in the event of fire or other emergency:

Based on the submitted site plan and information, as well as field investigation of the project site, it appears that ingress and egress to the subject property is adequate since the proposed use will access a minor arterial road (Rock Chapel Road).

G. Whether or not the proposed use would create adverse impacts upon any adjoining land use by reason of noise, smoke, odor, dust, or vibration that would be generated by the proposed use:

Given the predominant commercial (C-1) and light industrial (M) zoning pattern and auto-related businesses along this stretch of Rock Chapel Road, along with the railway separation, it does not appear that the zoning proposal would adversely affect adjacent and surrounding properties.

H. Whether or not the proposed use would create adverse impacts upon any adjoining land use by reason of the hours of operation of the proposed use:

See "G" above.

I. Whether or not the proposed use would create adverse impacts upon any adjoining land use by reason of the manner of operation of the proposed use:

See criteria "H".

J. Whether or not the proposed plan is otherwise consistent with the requirements of the zoning district classification in which the use is proposed to be located:

See criteria "A".

K. Whether or not the proposed use is consistent with the policies of the comprehensive plan:

It appears that the proposed C-2 (General Commercial) zoning is consistent with the following polices of the LIND (Light Industrial) character area: "Protect existing and zoned undeveloped industrial land from unnecessary intrusion by conflicting land uses" (LIND Policy #5).

L. Whether or not the proposed plan provides for all buffers and transitional buffer zones where required by the regulations of the district in which the use is proposed to be located:

Since the site does not abut any residentially-zoned properties, no transitional buffers are required by the zoning ordinance. However, a recommended condition of approval by Planning Staff will require a 20-foot wide transitional buffer along the southern property line to provide an appropriate transition to the single-family residential properties further south of the abandoned rail right-of-way.

M. Whether or not there is adequate provision of refuse and service areas:

Based on the submitted information, refuse and service areas appear to be ample and adequate.

N. Whether the length of time for which the special land use permit is granted should be limited in duration:

Given the predominant auto-repair uses to the east, it does not appear that the proposed SLUP should be limited in duration.

O. Whether or not the size, scale, and massing of proposed buildings are appropriate in relation to the size of the subject property and in relation to the size, scale, and massing of adjacent and nearby lots and buildings:

The proposed one-story building is consistent with the one-story commercial buildings to the east and the one and two-story residential homes to the west and south. Therefore, there do not appear to be any impacts on the size, scale, and massing of adjacent and nearby lots and buildings.

P. Whether the proposed plan would adversely affect historic building sites, districts, or archaeological resources:

Based on the submitted site plan and information, as well as field investigation of the project site, it does not appear that the proposed plan would adversely affect historic buildings, sites, districts, or archaeological resources.

Q. Whether the proposed use satisfies the requirements contained within the supplemental regulations for such special land use permit:

Based on county records, it appears that there is compliance with Section 4.2.14 as there are no schools, parks, playgrounds or hospitals within 300 feet of the subject properties. All repair activities will be required to be indoors or located in the side or rear yard completely enclosed by a six-foot high fence.

R. Whether or not the proposed building as a result of its proposed height, would create a negative shadow impact on any adjoining lot or building:

The proposed one-story building is consistent with the one-story commercial buildings to the east and the one and two-story residential homes to the west and south. Therefore, there should not be a negative shadow impact on any adjoining lot or building.

S. Whether the proposed use would result in a disproportional proliferation of that or similar uses in the subject character area:

Based on the submitted information and field observation, there are other auto-repair establishments along this

stretch of Rock Chapel Road.

T. Whether the proposed use would be consistent with the needs of the neighborhood or of the community as a whole, be compatible with the neighborhood, and would not be in conflict with the overall objectives of the comprehensive plan:

It appears that the proposed C-2 (General Commercial) zoning is consistent with the following policies and strategies of the LIND (Light Industrial) character area: "Protect existing and zoned undeveloped industrial land from unnecessary intrusion by conflicting land uses" (LIND Policy #5). The properties are surrounded by commercial (C-1) and light industrial (M) zoning, with auto-oriented uses as the predominant land use along this stretch of Rock Chapel Road similar C-2 zoning to the east and west, with auto-related businesses as established land uses along this stretch of Rock Chapel Road including Georgia's Finest Towing Services and Rock Chapel Complete Auto Car Care to the east. Therefore, it appears that the zoning proposal would be compatible with adjacent properties and land uses and would not be in conflict with the overall objectives of the comprehensive plan.

COMPLIANCE WITH C-2 (LOCAL COMMERCIAL) DISTRICT STANDARDS PER ARTICLE 27-TABLE 2.2

STANDARD	REQUIRED	EXISTING/PROVIDED	COMPLIANCE
LOT WIDTH Sec.27-186(a)	100 Feet	311 feet	Yes
LOT AREA Sec.27-186(b)	30,000 Square Feet	43,124 s.f.	Yes
FRONT SETBACK Sec.27- 186(c)(4)	60 Feet	57 Feet	(Appears not; need to verify survey)
INTERIOR SIDE YARD SETBACK Sec.27-186(d)	20 Feet	120 Feet (west p/l)	Yes
		20 Feet (east p/l)	Yes
REAR SETBACK Sec.27-186(e)	30 Feet	70 Feet	Yes
TRANS. BUFFERS	No buffer required since does not abut residential zoning	20 ft. transitional buffer along southern property line.	Yes (20 ft transitional buffer is a recommended condition of approval)
BUILDING HEIGHT Sec.27-187	Maximum 2 stories (35 ft)	One story (20 ft)	Yes
PARKING Sec. 27-150 (e)	9 spaces	23 spaces	Yes

Staff Recommendation: APPROVE WITH CONDITIONS

The proposed SLUP is required to allow Major Auto Repair within the proposed C-2 zoning district. There is also a companion rezoning request (See Z 19 1235308) to rezone the property from C-1 (Local Commercial) to C-2 (General Commercial). It appears that the proposed C-2 (General Commercial) zoning and Major Auto Repair land use is consistent with the following policies and strategies of the LIND (Light Industrial) character area: "Protect existing and zoned undeveloped industrial land from unnecessary intrusion by conflicting land uses" (LIND Policy #5). The

properties are surrounded by commercial (C-1) and light industrial (M) zoning, with auto-related businesses as established land uses along this stretch of Rock Chapel Road including Georgia's Finest Towing Services and Rock Chapel Complete Auto Car Care to the east. Therefore, it appears that the zoning proposal would be compatible with adjacent properties and would not be in conflict with the overall objectives of the comprehensive plan. It is the recommendation of the Planning Department that the application be "Approved Conditionally", subject to the following conditions:

- 1. Land use limited to Major Auto Repair with accessory storage. All overnight parking of vehicles awaiting service shall be completely indoors.
- 2. Should a new sign be constructed, it shall be a monument sign with a brick base not to exceed ten (10) feet in height or 48 square feet in size.
- 3. All refuse areas shall be completely screened from view of public right-of-way, parking and pedestrian areas.
- 4. A twenty-foot wide transitional buffer shall be provided along the southern property line to provide an appropriate transition to the single-family residential uses south of the abandoned railroad right-of-way. Proposed planting as part of an enhanced transitional buffer shall have a height of at least six (6) feet at the time of planting and planted in a minimum of two (2) rows, with staggered on center spacing such that a continuous opaque screen is created within two (2) years of planting subject to approval by the County Arborist.
- 5. Provide a 10-foot wide landscape strip, a 6-foot wide sidewalk, and one street tree for every fifty feet of street frontage on center along Rock Chapel Road subject to approval of the County Arborist and the Planning Department.
- 6. The Special Land Use Permit shall be issued to Fitzroy and Marsha Smith for operation of a major auto repair establishment with accessory storage and shall not be transferrable.

Attachments:

- 1. Departmental Comments
 - a. Land Development Division
 - b. Traffic Engineering Division
 - c. Watershed Management
 - d. Board of Health
- 2. Application
- 3. Site Plan
- 4. Zoning Map
- 5. Aerial Photograph
- 6. Location Photographs

NEXT STEPS: Following an approval of this action, one or several of the following approvals or permits may be required:

- Land Disturbance Permit (Required for of new building construction on non-residential properties, or land disturbance/improvement such as storm water detention, paving, digging, or landscaping.)
- ✓ Building Permit (New construction or renovation of a building (interior or exterior) may require full plan submittal or other documentation. zoning, site development, watershed and health department standards will be checked for compliance.)
- ✓ **Certificate of Occupancy** (*Required prior to occupation of a commercial space and for use of property for any business type. The issuance follows the review of submitted plans if required based on the type occupancy.*)
- **Plat Approval** (*Required if any parcel is being subdivided, re-parceled, or combined. Issued "administratively"; no public hearing required.*)
- Sketch Plat Approval (Required for the subdivision of property into three lots or more. Requires a public hearing by the Planning Commission.)
- **Historic Preservation** Certificate of Appropriateness (*Required for any proposed changes to building exteriors or improvements to land when a property is located within the Druid Hills Historic District or the Soapstone Geological Historic District. Historic Preservation Committee public hearing may be required.)*
- **Variance or Special Exception** (*Required to seek relief from any development standards of the Zoning Ordinance A public hearing and action by the Board of Appeals are required for most variances.*)
- **Major Modification** (*Required if there are any changes to zoning conditions approved by the Board of Commissioner on a prior rezoning.*)
- **Business License** (*Required for any business or non-residential enterprise operating in Unincorporated DeKalb County, including in-home occupations*).
- Alcohol License (Required permit to sell alcohol for consumption on-site or packaged for off-site consumption. Signed and sealed distance survey is required. Background checks will be performed.)

Each of the approvals and permits listed above require submittal

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Board of Health

12/21/2018

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To: Ms. Madolyn Spann, Planning Manager Mr. John Reid, Senior Planner
From: Ryan Cira, Environmental Health Manager
Cc: Alan Gaines, Technical Sevices Manager
Re: Rezone Application Review

General Comments:

DeKalb County Health Regulations prohibit use of on-site sewage disposal systems for

- multiple dwellings
- food service establishments
- hotels and motels
- commercial laundries
- funeral homes
- schools
- nursing care facilities
- personal care homes with more than six (6) clients
- child or adult day care facilities with more than six (6) clients
- · residential facilities containing food service establishments

If proposal will use on-site sewage disposal, please contact the Land Use Section (404) 508-7900.

Any proposal, which will alter wastewater flow to an on-site sewage disposal system, must be reviewed by this office prior to construction.

This office must approve any proposed food service operation or swimming pool prior to starting construction.

Public health recommends the inclusion of sidewalks to continue a preexisting sidewalk network or begin a new sidewalk network. Sidewalks can provide safe and convenient pedestrian access to a community-oriented facility and access to adjacent facilities and neighborhoods.

For a public transportation route, there shall be a 5ft. sidewalk with a buffer between the sidewalk and the road. There shall be enough space next to sidewalk for bus shelter's concrete pad installation.

Since DeKalb County is classified as a Zone 1 radon county, this office recommends the use of radon resistant construction.

DeKalb County Board of Health

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N.1	Z-19-1235286 2018-3060 18-230-06-060
	IDERSON MILL RD, ATLANTA, GA 30345 Iment review general comments.
N.2	CZ-19-1235306 2018-3061 15-146-04-018
Amend	'ANAUGH AVE, ATLANTA, GA 30316 Iment review general comments.
.3	SLUP-19-1235300 2018-3062 15-141-02-063
Amend	NNEN RD, ATLANTA, GA 30316 ment review general comments.
.4	Z-19-1235308 2018-3063 16-154-04-008
Amend	K CHAPEL RD, LITHONIA, GA 30058 ment review genral commemts.

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N.5	SLUP-19-1242980 2018-3064 16-154-04-008	
2478 RC	OCK CHAPEL RD, LITHONIA, GA 30058	
Amer	ndment	
- Please	e review general comments.	
N.6	SLUP-19-1235296 2018-3065 16-035-01-033	
5393 RO	CKMOOR DR, STN MTN, GA 30088	
Amen	Idment	
- Please	e review general comments.	
	,	
N.7	Z-19-1235291 2018-3066 15-140-04-011	
	5291 2018-3066 JREID Commission District 03 Super District 06 dment	
- Please	e review general comments.	
N.8	Z-19-1235311 2018-3067 15-040-01-003; 15-057-01-012	
3012 RIV	/ER RD, DECATUR, GA 30034 dment	
- Please	review general comments.	

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N.9	CZ-19-1235305 2018-3068 15-140-03-018; 15-140-03-020	
2128 & 2170 COOK RD, DECATUR,	GA 30032	
Amendment		
- Please review general comments.		
N.10	Z-19-1235304 2018-306918-026-06-016	
7189 ROCKBRIDGE RD, STN MTN 3	30087	
Amendment		
- Septic installed 11/27/2011: Car Ca	are and paint and Collision. Please review general comments.	
N.11	SLUP-19-1235307 2018-3070 18-154-05-016	
1438 SHERIDAN RD, ATLANTA, GA	30324	
Amendment		
- Please review general comments.		
N.12	SLUP-19-1235312 2018-3071 15-033-01-071	
3903 SNAPFINGER RD, LITHONIA, (GA 30038	
- Please review general comments.		

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N.13	SLUP-19-1235315 2018-3072 15-040-05-018
3004 KENVILLE LN, DECATUR, GA 3003	34
Amendment	
- Please see general comments.	
N.14	SLUP-19-1235320 2018-3073 MLFURMAN Commission 03 Super District: 07 15-151-05-017
2076 CANDLER RD, DECATUR, GA 3003	32
Amendment	
- Please review general comments.	
N.15	Z-19-1235327 2018-3074 04 15-219-01-007; 15-219-01-008; 15-219-01-009; 15-219-01-010; 15-219-01-011
3756 COVINGTON HWY, DECATUR, GA	30032
Amendment	
- Septic installed on 08/25/1983. Review	general comments.
N.16	Z-19-1242964 2018-3075 16-197-03-015
1746 PLEASANT HILL TRL, LITHONIA, G	A 30058
- Please review general comments.	

Zoning Comments (Jan 2019)

N1. No comment.

N2. Engineer must verify sight distance when placing driveways.

N3. No Comment.

N4 & N5. Rock Chapel Road is State Road 124. GDOT review and approval required prior to issuing any permits. GDOT Contact: Justin Hatch at <u>juhatch@dot.ga.gov</u> Minor Arterial. Refer to Section 14-190 of the Land Development Code and Chapter 5.4.3 of the Zoning Code for infrastructure requirements. No acceleration lane. Prefer deceleration lane. Verify driveway placement to ensure required sight distance requirements are met based on the speed limit and curvature of roadway. 6 foot sidewalk. Street lights required.

N6. No Comment.

N7. Refer to Section 14-190 of the Land Development Code and Chapter 5.4.3 of the Zoning Code for infrastructure requirements. Tilson Road is classified as a collector street. Right of way dedication of 35 feet from centerline, 6 foot sidewalks, street lights, bike lanes required. Verify driveway placement to ensure required sight distance requirements are met based on the speed limit and curvature of roadway. Interior streets to be local- 55 foot right of way, five foot landscape strip, 5 foot sidewalk, street lights required.

N8. Refer to Section 14-190 of the Land Development Code and Chapter 5.4.3 of the Zoning Code for infrastructure requirements. River Road is classified as a minor arterial. Right of way dedication of 35 feet from centerline, 6 foot sidewalks, street lights, bike lanes required. Verify driveway/roadway placement to ensure required sight distance requirements are met based on the speed limit and curvature of roadway. Interior streets to be local- 55 foot right of way, five foot landscape strip, 5 foot sidewalk, street lights required.

N9. Cook Road is within the GDOT I-20 Right of Way. GDOT review and approval for access is required prior to issuing any permits. GDOT Contact: Justin Hatch at <u>juhatch@dot.ga.gov</u>. Construct sidewalks up to Flat Shoals Road within the existing right of way.

- N10. No comment.
- N11. No comment.
- N12. No comment.
- N13. No comment.

N14. Candler Road is State Route 155. GDOT review and approval required prior to permitting. GDOT Contact: Justin Hatch at <u>juhatch@dot.ga.gov</u> GDOT review and approval for access is required prior to issuing any permits.

N15. Covington Hwy is a State Route. GDOT review and approval for access is required prior to issuing any permits. GDOT Contact: Justin Hatch at <u>juhatch@dot.ga.gov</u>. Refer to Section 14-190 of the Land Development Code and Chapter 5.4.3 of the Zoning Code for infrastructure requirements. Covington Hwy is classified as a major arterial. Right of way dedication of 50 feet from centerline, 6 foot sidewalks,

10 foot landscape strip, street lights, bike lanes required. Verify driveway/roadway placement to ensure required sight distance requirements are met based on the speed limit and curvature of roadway. Interior streets to be local- 55 foot right of way, five foot landscape strip, 5 foot sidewalk, street lights required. Porter Road is classified as a local street. Bring frontage of Porter up to local street standards, including right of way dedication, as needed, sidewalks and streetlights.

N16. Refer to Section 14-190 of the Land Development Code and Chapter 5.4.3 of the Zoning Code for infrastructure requirements. Pleasant Hill Trail is classified as a local road. Right of way of 27.5 feet from centerline, six foot landscape strip, 5 foot sidewalks, street lights requires. Pleasant Hill Road is classified as a minor arterial. Right of way 40 from centerline, 10 foot landscape strip, 6 foot sidewalks, street lights required. Right of way Verify driveway/roadway placement to ensure required sight distance requirements are met based on the speed limit and curvature of roadway. Interior streets to be local- 55 foot right of way, five foot landscape strip, 5 foot sidewalk, street lights required. All public road right of ways must be brought up to current standards.

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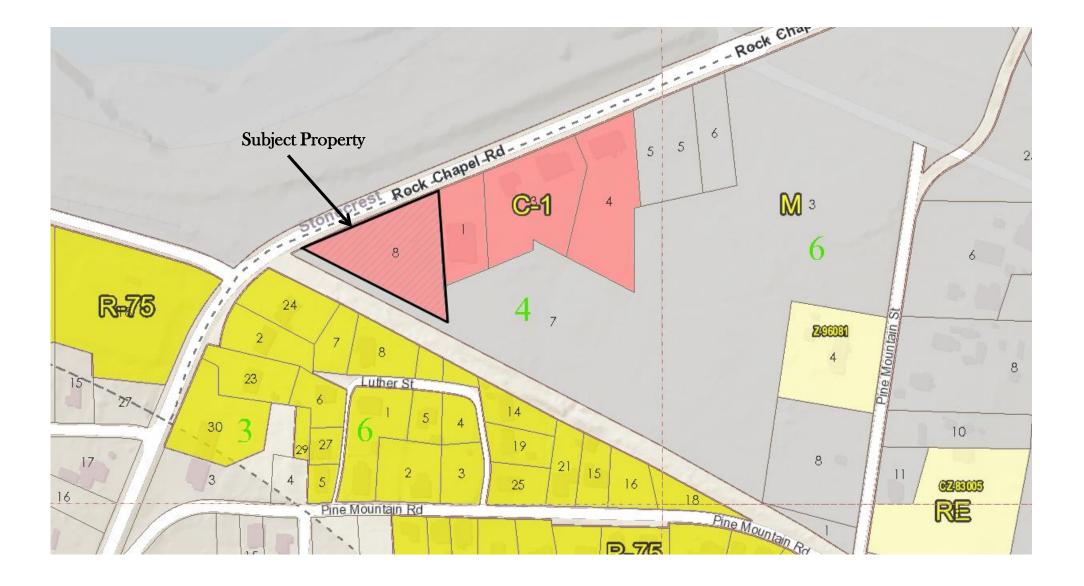
Clark Harrison Building 330 W. Ponce de Leon Ave Decatur, GA 30030

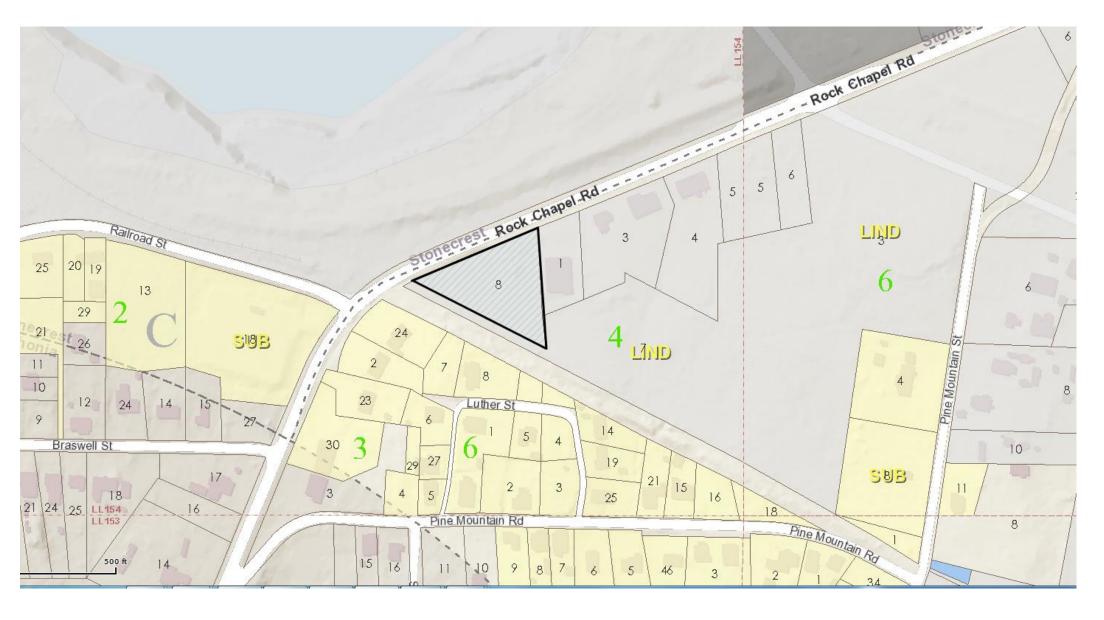
DEPARTMENT OF PLANNING & SUSTAINABILITY

SPECIAL LAND USE PERMIT APPLICATION R Amendments will not be accepted after 5 working days after the filing deadline. OCT 3 1 2018 Date Received: BT: Application No: ET: Application No: F.tzroy South and Marsha Barrow Smith
Daytime Phone: (202) 271-7753 E-Mail: fitzroy duncan@hotmail.co Mailing Address: 1050 BELL Hill Place, DuPont WA 98327
Owner Name: Fitzroy Smith and Marsha Barrow Smith (If more than one owner, attach contact information for each owner) Daytime Phone: (202) 271-7753 E-Mail: Fitzroy duncan @hotmail.c Mailing Address: 1050 Bell Hill Place, DuPont WA 98327
SUBJECT PROPERTY ADDRESS OR LOCATION: 2478 Rock Chapel Rd, Lithonia GA
Parcel ID: <u>16 154 04 008</u> Acreage or Square Feet: <u>0,99</u> Commission Districts <u>05 and</u> 07- Existing Zoning: <u>C1</u> Proposed Special Land Use (SLUP) <u>C2</u>
I hereby authorize the staff of the Planning and Sustainable Department to inspect the property that is the subject of this application.
Printed Name of Applicant: FITZTOU Similia and Marsina Barrow South Notary Signature and Seal:
see attachment

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Zoning Map





N.4 & N5 Z 19 1235308 & SLUP 19 1242980

