



DeKalb County Department of Planning & Sustainability

Michael L. Thurmond
Chief Executive Officer

Andrew A. Baker, AICP
Director



APPLICATION TO AMEND OFFICIAL ZONING MAP OF DEKALB COUNTY, GEORGIA

Z/CZ No. 2-19-1243043
Filing Fee: 1500

Date Received: _____ Application No.: _____

Applicant: ATKM Memorial, LLC c/o J. Alexander Brock E-Mail: jabrock@sgrlaw.com

Applicant Mailing Address: 1230 Peachtree St., NE, Ste. 3100, Atlanta, GA 30309

Applicant Phone: 404-815-3603 Fax: 404-685-6903

Owner(s): Walter and Rebecca Stovall E-Mail: _____
(If more than one owner, attach as Exhibit "A")

Owner's Mailing Address: 2602 E. Tupelo St., SE, Atlanta, GA 30317

Owner(s) Phone: _____ Fax: _____

Address/Location of Subject Property: 2602 E. Tupelo St.

District(s): 15 Land Lot(s): 202 Block: 03 Parcel(s): 103

Acreage: 5.12 +/- Commission District(s): 3 / 6

Present Zoning Category: R-75 Proposed Zoning Category: RSM

Present Land Use Category: SUB

PLEASE READ THE FOLLOWING BEFORE SIGNING

This form must be completed in its entirety before the Planning Department accepts it. It must include the attachments and filing fees identified on the attachments. An application, which lacks any of the required attachments, shall be determined as incomplete and shall not be accepted.

Disclosure of Campaign Contributions

In accordance with the Conflict of Interest in Zoning Act, O.C.G.A., Chapter 36-67A, the following questions must be answered:

Have you the applicant made \$250 or more in campaign contributions to a local government official within two years immediately preceding the filing of this application? _____ Yes ☒ No

If the answer is yes, you must file a disclosure report with the governing authority of DeKalb County showing:

1. The name and official position of the local government official to whom the campaign contribution was made.
2. The dollar amount and description of each campaign contribution made during the two years immediately preceding the filing of this application and the date of each such contribution.

The disclosure must be filed within 10 days after the application is first filed and must be submitted to the C.E.O. and the Board of Commissioners, DeKalb County, 1300 Commerce Drive, Decatur, Ga. 30030.

Shawna E. Avila
NOTARY

3-16-20
EXPIRATION DATE / SEAL

J. Alexander Brock
SIGNATURE OF APPLICANT / DATE

Check One: Owner _____ Agent ☒

330 West Peachtree Avenue - Suites 100-500 - Decatur, Georgia - 30030
[voice] 404.371.2755 - [Planning Fax] (404) 371-4556 [Development Fax] (404) 371-3007
Web Address: <http://www.dekalbcountyga.gov/planning>
Email Address: planninganddevelopment@dekalbcountyga.gov

Chief Executive Officer
Michael Thurmond

DEPARTMENT OF PLANNING & SUSTAINABILITY

Director
Andrew A. Baker, AICP

REZONE APPLICATION AUTHORIZATION

Completion of this form is required if the individual making the request is not the owner of the property.

DATE: 12-27-18

CHECK TYPE OF APPLICATION:

() LAND USE PLAN

(☒) REZONE

() MINOR MODIFICATION

TO WHOM IT MAY CONCERN:

(I) (WE), Walter and Rebecca Stovall
(Name of owner(s))

being (owner)/(owners) of the property described below or attached hereby delegate authority to
ATKM Memorial LLC, c/o J. Alexander Brock
(Name of Applicant or Agent Representing Owner)

to file an application on (my) / (our) behalf.

Notary Public

Notary Public

Notary Public



Owner Print name: Walter Stovall

Owner Print name: Rebecca H. Stovall

Owner Print name: _____

**STATEMENT OF INTENT/
WRITTEN JUSTIFICATION**

and

Other Material Required by
DeKalb County Zoning Ordinance for the
Rezoning Application

of

STRYANT CONSTRUCTION AND MANAGEMENT, INC.

for

\pm 5.418 Acres of Land
located in Land Lot 202, 15th District

R-75 to RSM

Submitted for the Applicant by:

Kathryn M. Zickert
Dennis J. Webb, Jr.
J. Alexander Brock
Smith, Gambrell & Russell, LLP
Promenade, Suite 3100
1230 Peachtree Street, NE
Atlanta, GA 30309
404-815-3704

I. INTRODUCTION

This Application seeks to rezone \pm 5.418 acres of land located along the eastern terminus of East Tupelo Street, Parcel ID 1520203103 (“Subject Property”), from R-75 (Local Commercial) to RSM (Residential Small Lot). The Subject Property consists of a single parcel more particularly located at 2602 East Tupelo Street, DeKalb County, Atlanta, GA. The Applicant intends to redevelop the Subject Property concurrently with an adjacent property at 3106 Memorial Drive (Parcel ID 15 202 03 253) (the “Blue Sky Property”), that consists of \pm 11.38 acres. Combined, the Subject Property and the Blue Sky Property will appear as a single development containing 93 total units in a mix of single family detached, townhome and quadplex units. The Subject Property will contain 24 townhome and 6 single family detached units of the overall development (the “Proposed Development”). The Blue Sky Property will contain 25 townhomes, 30 single family detached units, and 12 quadplex units (the “Blue Sky Development”) and is already zoned for this use (the “Proposed Development” and the “Blue Sky Development” are collectively referred to as the “Master Development”).

The Subject Property is currently developed with an existing single family residence and an accessory building (garden shed). The Applicant will remove the existing single family structure and garden shed along with the adjacent Blue Sky Condominiums to accommodate the Proposed Development. The Blue Sky Property is developed with the seventeen (17) stacked-flat residential buildings that comprise the existing Blue Sky Condominiums. However, the Blue Sky Condominiums have remained vacant for several years, which has attracted illicit activity into the area much to the dismay of many of the surrounding neighbors¹. The redevelopment of

¹ See Duffie Dixon, “Neighbors Demand Decatur Eyesore be Torn Down”, 11alive.com (May 16, 2017), <https://www.11alive.com/article/news/local/holding-powerful-accountable/neighbors-demand-decatur-eyesore-be-torn-down/440332685>

the Blue Sky Property would be a boost to the surrounding community and the Subject Property is integral to its redevelopment. The Subject Property will allow sufficient area to support the more modern residential development with larger, intermingled open spaces, as well as providing a connection to the adjacent Dearborn Park. The Proposed Development include a mix of unit types in updated, attractive and modern housing that will add to and bolster the growth of the surrounding community.

The Proposed Development fits in perfectly with the development trends in the area and it appropriate given the surrounding development. To the north of the Subject Property is greenspace owned by DeKalb County, zoned R-75.² To the west are single family residential lots along St. Patrick Street and E. Tupelo Street, all zoned R-75. The property fronts approximately 113-feet of Oldfield road to the east. Also, to the east and south lies the Blue Sky Property, zoned MR-2. Further south along Memorial Drive are properties zoned C-1 and O-I. In addition, there are other properties close proximity ($\pm 1,100$ to the southeast of the Subject Property) that are zoned RSM, similar to what the Applicant is now proposing. The properties at 1554 and 1558 Line Street were rezoned to RSM in 2017, pursuant to CZ-17-21137 and the property at 1562 Line Street was rezoned to RSM in 2017, pursuant to Z-17-21418, and all contain single family residential structures.

The majority of the Subject Property is largely wooded with some areas of residential landscaping. There is also a 30-foot wide Atlanta Gas Light easement that extends north to south through the Subject Property, which is cleared of trees. The topography of the Subject Property is hilly, generally sloping downhill to the north toward Shoal Creek, which runs along the

² This property is labeled as the Dearborn Park expansion on the DeKalb County Parks & Greenspace Map.

property's northern boundary. The Applicant intends to incorporate a significant portion of the natural open space into the Proposed Development.

The RSM district requires a minimum of 20% open space, however the Applicant is providing \pm 50% open space (\pm 2.61 acres) as well as \pm 42% enhanced open space (\pm 2.19 acres) in the form of greenway and greens. The greenway will include soft and hard walking trails that will provide access to the adjacent Dearborn Park. The greens will be interspersed among the residences to provide an infusion of community greenspace for the enjoyment of the residents and the enhancement of the overall development.

In sum, the proposed RSM zoning will allow the development of an attractive mix of housing that is appropriate and complementary to the surrounding community. It is the desire of the Applicant that the Proposed Development will act to further spur the positive growth of the area. This document is submitted as a Statement of Intent with regard to this Application, a preservation of the Applicant's constitutional rights, a Written Justification for the Application as required by the DeKalb County Zoning Ordinance §27-832, and a Written Statement as required by §27-649.3(2).

II. HISTORY

The Subject Property is zoned R-75 and designated as "Suburban" on the County's Future Land Use Map. The Applicant's research of the Subject Property's has not revealed any prior rezonings or conditions that affect the property. The Suburban character area fully allows the proposed RSM zoning classification.

III. IMPACT ANALYSIS

A.

THE ZONING PROPOSAL IS IN CONFORMITY WITH THE POLICY AND INTENT OF THE COMPREHENSIVE PLAN

The Subject Property is designated as “Suburban” by the County’s Comprehensive Land Use Plan. The intent of the Suburban character area is to recognize those areas of the county that have developed in traditional suburban land use patterns while encouraging new development which create increased connectivity and accessibility. The County’s Comprehensive Land Use Plan lists townhomes and single family detached residential as primary uses within the Suburban Character area. In addition, this proposal fosters a number of general policies and strategies for the Suburban character area in the County’s Comprehensive Plan, including:

- Traditional Neighborhood Principles - In appropriate locations encourage residential development to conform with traditional neighborhood development principles including a higher mix of uses, improved pedestrian vehicular activity and increased pedestrian access to retail and other activities.
- Walkability - Locate development and activities within easy walking distance of transportation facilities. There is an existing MARTA bus stop for Bus Route 21 on Memorial Drive just east of the Proposed Development’s entrance on that street.
- Infill Development - Permit accessory housing units, or new well-designed, small-scale infill multifamily residences to increase neighborhood density and income diversity.
- Greenspace - Wherever possible, connect to a regional network of greenspace and trails, available to pedestrians.

- Density - Promote moderate density, traditional neighborhood development style residential subdivisions, which may utilize alley ways and rear vehicular access.

B.

THE PROPOSED REZONING PERMITS A USE THAT IS
SUITABLE IN VIEW OF THE USE AND DEVELOPMENT OF ADJACENT AND
NEARBY PROPERTY

The Subject Property is immediately adjacent to an established residential neighborhood along East Tupelo Street and Patrick Court. To the south of the Proposed Development, along Memorial Drive, however, are properties zoned C-2. The Proposed Development's denser housing will provide a suitable transition between the more intense uses along Memorial Drive and the existing single family residential to the north. In addition, there are similarly zoned RSM parcels in the nearby vicinity of the Subject Property, along Line Street, indicating the suitability of the proposed zoning for the area. The proposed use will blend harmoniously with the adjacent properties and is compatible with the current character of the area.

C.

THE SUBJECT PROPERTY DOES NOT HAVE A
REASONABLE ECONOMIC USE AS PRESENTLY ZONED.

The current R-75 zoning restricts the development of the Subject Property to limited single family detached residential and limited other uses. The R-75 zoning, however, is contrary to the demand for residential development in the area, which is trending toward more urban, denser construction with an infusion of different unit types to supplement the existing single family detached neighborhoods. As the area continues to grow, there will be a continued demand for a greater mix of unit types beyond single-family residential that currently dominates the area. Consequently, it is unlikely that the Subject Property will be developed in any practical sense under its current R-75 zoning.

D.

THE PROPOSED REZONING WILL NOT ADVERSELY AFFECT THE EXISTING
USE OR USABILITY OF ADJACENT OR NEARBY PROPERTY

In advance of filing this Application, the Applicant has engaged and will continue to engage in negotiations with the community in the vicinity to make sure its proposal is acceptable to these neighbors. As stated in earlier paragraphs, the Proposed Development will result in a use that is appropriate for and complementary to the adjacent and surrounding uses.

The primary goal of land use planning is to eliminate or minimize the potential adverse effect of the dissimilar uses of adjacent tracts of land by establishing a harmonious transition between them. The traditional method of achieving this goal is through both "off-site" and "on-site" transition. Off-site transition consists of avoiding the placement of dissimilar uses next to each other by placing uses of intermediate density between them. On-site transition, which might either supplement or replace off-site transition, consists of measures imposed on or adjacent to the more intensive use to protect neighborhoods from adverse effects. Thus, this method of land use planning includes measures such as maintenance of buffers; walls, fences or berms; lighting control; noise control; aesthetic control; limitations on building location and orientation; location of or restrictions upon accessory uses; and prohibition of certain uses or hours of use normally permitted for that district. All of these devices have been utilized in this Application.

E.

THERE ARE OTHER EXISTING OR CHANGING CONDITIONS
AFFECTING THE USE AND DEVELOPMENT OF THE PROPERTY

As stated in previous paragraphs, the Memorial Drive corridor is one that is transitioning from an area that was dominated by single family residential housing on 0.25 to 0.5 acre lots to one that includes a diversity of housing options. The current trend in this area is toward more

dense urban housing in a mix of unit types. The proposed rezoning will allow the Subject Property to include the denser residential that is more in line with housing demands in the area. The development will blend harmoniously with the commercial and residential sites in the surrounding area.

F.

THE ZONING PROPOSAL WILL NOT ADVERSELY AFFECT HISTORIC BUILDINGS, SITES, DISTRICTS OR ARCHAEOLOGICAL RESOURCES

No such sites, buildings, or resources are on or near the Parcel.

G.

THE REQUESTED REZONING WILL NOT RESULT IN A USE WHICH WILL OR COULD CAUSE EXCESSIVE OR BURDENSOME USE OF EXISTING STREETS, TRANSPORTATION FACILITIES, UTILITIES, OR SCHOOLS

This Project, if approved, certainly will not affect existing transportation facilities. Requisite parking is provided incidental to this development. The Proposed Development has direct access to East Tupelo Street and Oldfield Road, both classified as a local street, as well as Memorial Drive, which is classified as a major arterial. *See DeKalb County 2014 Transportation Plan*, Figure 5-2, Functional Classification Map: DeKalb County. The traffic to be generated by the proposed project should not significantly affect traffic capacities along these roadways and surrounding streets, even at peak hours, and can be accommodated.

The Applicant used the Institute of Traffic Engineers (ITE) Trip Generation Manual (Ninth Edition) to calculate vehicle trips for Single Family Detached Housing (ITE 210) and Residential Condominium/Townhomes (ITE 230). According to ITE, the Proposed Development will result in a net increase of 130 trips during a weekday, 10 trips during a weekday a.m. peak hour, and 12 trips during a weekday p.m. peak hour. Further, the project is served by mass transit with excellent access to MARTA Bus Route 21, which stops in front of the Proposed

Development on Memorial Drive, and is less than ½ mile from Bus Route 15. Convenient access to mass transit will help mitigate any impacts from the Proposed Development.

The school children living in the residential portion of the development will attend Avondale Elementary School; Druid Hills Middle School; and Druid Hills High School. All three schools are listed as under capacity according to DeKalb County Schools' FTE Enrolment Report, dated October 2, 2018. As a result, the proposed development is not anticipated to have a significant impact on local schools.

As for utilities, the Subject Property has access to water and sewer.

IV. NOTICE OF CONSTITUTIONAL CHALLENGE TO UNDERLYING ZONING AND PRESERVATION OF CONSTITUTIONAL RIGHTS

The Applicant respectfully submits that the current zoning classification of the Subject Property and any proposed intervening district is unconstitutional and rules relative to the Subject Property owner's right to use the Property established in the DeKalb County Zoning Ordinance, to the extent they prohibit this use, constitute an arbitrary, irrational abuse of discretion and unreasonable use of the zoning power because they bear no substantial relationship to the public health, safety, morality or general welfare of the public and substantially harm the Applicant in violation of the due process and equal protection rights guaranteed by the Fifth Amendment and Fourteenth Amendment of the Constitution of the United States, and Article I, Section I, Paragraph I and Article I, Section III, Paragraph I of the Constitution of the State of Georgia. Further, the failure to allow this use would constitute a taking of private property without just compensation and without due process in violation of the Fifth Amendment and Fourteenth Amendment of the Constitution of the United States, and Article I, Section I, Paragraph I and Article I, Section III, Paragraph I of the Constitution of the

State of Georgia, and would be in violation of the Commerce Clause, Article I, Section 8, Clause 3 of the Constitution of the United States.

The Applicant respectfully submits that the Board of Commissioners' failure to approve the requested rezoning would be unconstitutional and would discriminate in an arbitrary, capricious and unreasonable manner between the Subject Property's owner and owners of similarly situated property in violation of Article I, Section III, Paragraph I of the Constitution of the State of Georgia and the Equal Protection Clause of the Fourteenth Amendment of the Constitution of the United States.

A refusal to allow the rezoning in question would be unjustified from a fact-based standpoint and instead would result only from constituent opposition, which would be an unlawful delegation of authority in violation of Article IX, Section II, Paragraph IV of the Georgia Constitution.

A refusal to allow the rezoning in question would be invalid inasmuch as it would be denied pursuant to an ordinance which is not in compliance with the Zoning Procedures Law, O.C.G.A. § 36-66-1 et seq., due to the manner in which the Ordinance as a whole and its map(s) have been adopted.

V. CONCLUSION

For the foregoing reasons, the Applicant respectfully requests that the Rezoning Application at issue be approved. The Applicant also invites and welcomes any comments from Staff or other officials of DeKalb County so that such recommendations or input might be incorporated as conditions of approval of this Application.

[Signature on Following Page]

This 3rd day of January, 2019.

Respectfully Submitted,



Kathryn M. Zickert
Dennis J. Webb, Jr.
J. Alexander Brock
Smith, Gambrell & Russell, L.L.P.

Promenade II, Suite 3100
1230 Peachtree Street, NE
Atlanta, GA 30309
404-815-3704

Disclosure of Campaign Contributions

In accordance with the Conflict of Interest in Zoning Act, O.C.G.A., Chapter 36-67A, the following questions must be answered:

Have you, the applicant, made \$250 or more in campaign contributions to a local government official within two years immediately preceding the filing of this application? ___ Yes ☒ No

If the answer is yes, you must file a disclosure report with the governing authority of DeKalb County showing:

1. The name and official position of the local government official to whom the campaign contribution was made.
2. The dollar amount and description of each campaign contribution made during the two years immediately preceding the filing of this application and the date of each such contribution.

The disclosure must be filed within 10 days after the application is first filed and must be submitted to the CEO and the Board of Commissioners, DeKalb County, 1300 Commerce Drive, Decatur, GA 30030.

Date: 11/29/18

Applicant / Owner: Walter M. Storg II
[print name]

Walter Storg
[signature and title]

| Name and official position of the local government official to whom the campaign contribution was made | Date of Donation | Dollar Amount of Donation |
|--|------------------|---------------------------|
| | | |
| | | |
| | | |
| | | |
| | | |

Disclosure of Campaign Contributions

In accordance with the Conflict of Interest in Zoning Act, O.C.G.A., Chapter 36-67A, the following questions must be answered:

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The disclosure must be filed within 10 days after the application is first filed and must be submitted to the CEO and the Board of Commissioners, DeKalb County, 1300 Commerce Drive, Decatur, GA 30030.

Date: 11/29/18

Applicant / Owner: Rebecca H. Stovall
[print name]

[Signature]
[signature and title]

| Name and official position of the local government official to whom the campaign contribution was made | Date of Donation | Dollar Amount of Donation |
|--|------------------|---------------------------|
| | | |
| | | |
| | | |
| | | |
| | | |

DISCLOSURE OF CAMPAIGN CONTRIBUTION

In accordance with the Conflict of Interest in Zoning Act, OCGA Chapter 36-67A, the following questions must be answered.

Have you, the applicant, made \$250.00 or more in campaign contribution to a local government official within two years immediately preceding the filing of this application?

Yes X No _____ *

If the answer is yes, you must file a disclosure report with the governing authority of DeKalb County showing:

1. The name and official position of the local government official to whom the campaign contribution was made.
2. The dollar amount and description of each campaign contribution made during the two years immediately preceding the filing of this application and the date of each such contribution.

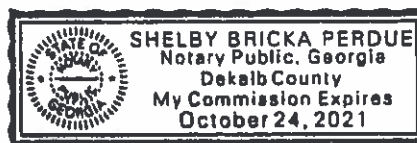
The disclosure must be filed within 10 days after the application is first filed and must be submitted to the C.E.O. and to the Board of Commissioners of DeKalb County, 1300 Commerce Drive, Decatur, GA 30030.

Notary

Signature of Applicant /Date

Check one: Owner _____ Agent X

10/24/2021
Expiration Date/ Seal



*Notarization is not needed if the response is "No"

CAMPAIGN CONTRIBUTION DISCLOSURE STATEMENT

Pursuant to the provisions of 36 O.C.G.A. 67(A), please find below a list of those contributions made by **Stan Sugarman** in the past two years, aggregating \$250.00 or more, to local government officials who will consider this application.

| Name of Government Official | Official Position | Amount of Contribution |
|-----------------------------|---------------------|------------------------|
| Steve Bradshaw | County Commissioner | \$250 |

By: 

Printed Name: Stan Sugarman

DISCLOSURE OF CAMPAIGN CONTRIBUTION

In accordance with the Conflict of Interest in Zoning Act, OCGA Chapter 36-67A, the following questions must be answered.

Have you, the applicant, made \$250.00 or more in campaign contribution to a local government official within two years immediately preceding the filing of this application?

Yes ☒ No ☐ *

If the answer is yes, you must file a disclosure report with the governing authority of DeKalb County showing:

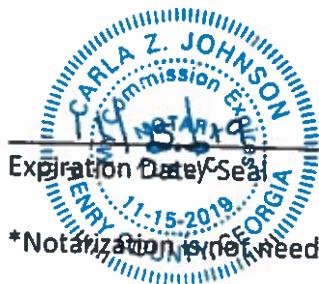
1. The name and official position of the local government official to whom the campaign contribution was made.
2. The dollar amount and description of each campaign contribution made during the two years immediately preceding the filing of this application and the date of each such contribution.

The disclosure must be filed within 10 days after the application is first filed and must be submitted to the C.E.O. and to the Board of Commissioners of DeKalb County, 1300 Commerce Drive, Decatur, GA 30030.


Notary


Signature of Applicant /Date

Check one: Owner ☐ Agent ☒



*Notarization is not needed if the response is "No"

CAMPAIGN CONTRIBUTION DISCLOSURE STATEMENTS

Pursuant to the provisions of 36 O.C.G.A. 67(A), please find below a list of those contributions made by **Atticus LeBlanc** in the past two years, aggregating \$250.00 or more, to local government officials who will consider this application.

| Name of Government Official | Official Position | Amount of Contribution |
|-----------------------------|---------------------|------------------------|
| Steve Bradshaw | County Commissioner | \$250 |

By:



Printed Name: Atticus LeBlanc

Promenade, Suite 3100
1230 Peachtree Street, N.E.
Atlanta, Georgia 30309-3592
Main: 404 815-3500
www.sgrlaw.com

SMITH, GAMBRELL & RUSSELL, LLP
Attorneys at Law

Kathryn M. Zickert
Direct Tel: (404) 815-3704
Direct Fax: (404) 685-7004
kmzickert@sgrlaw.com

December 20, 2018

Via Facsimile: 404.371.7004

Ms. Barbara Sanders
DeKalb County Clerk to Commission and CEO
1300 Commerce Drive
Decatur, Georgia 30030

Re: Campaign Contribution Disclosure – December 2016 through December 20, 2018

Dear Ms. Sanders:

This letter is intended to provide campaign contributions as required by state law for Kathryn M. Zickert, Dennis, J. Webb, Jr., J. Alexander Brock and Smith, Gambrell & Russell, LLP. Please be advised that over the past two years our total contributions have been as follows:

| CANDIDATE | AMOUNT | DATE | CONTRIBUTOR |
|------------|---------|----------|--------------------------------|
| Jeff Rader | \$500 | 01/29/18 | Kathryn M. Zickert |
| Jeff Rader | \$500 | 01/29/18 | Dennis J. Webb, Jr. |
| Jeff Rader | \$2,000 | 01/25/18 | Smith, Gambrell & Russell, LLP |

Please do not hesitate to contact me if you require any further information.

Sincerely,



Kathryn M. Zickert
Attorney

KMZ/sea

cc: DeKalb County Planning Director (via hand delivery)

SGR/9343353 23



Atlanta | Austin | Jacksonville | London | Los Angeles | Miami | Munich | New York | Southampton | Washington, D.C.

Avila, Shawna E.

From: Atticus LeBlanc <atticus@padsplit.com>
Sent: Thursday, December 06, 2018 12:07 AM
To: elfreda@bellsouth.net; Beth Bond; pat.lawrencecraig@gmail.com; lglover@ivyiningconsulting.com; 'Jetty Guinyard' (guinyard1@aol.com); phthompson3@msn.com; NettieJackson@me.com; carolyn.jones818@yahoo.com; DONALD MURRAY (murraydonze@bellsouth.net); pdk-powell@comcast.net; apringle@bellsouth.net; samandbettysmith@bellsouth.net; TommyTTravisconsulting@gmail.com; nahwash4ms@aol.com
Cc: Avila, Shawna E.; Brock, Alex; Stan Sugarman
Subject: Community Meeting for Rezoning
Attachments: 2602 E Tupelo - Community Mtg notice.docx

CAUTION: This email is from an external source. Do not click links or attachments unless it's from a verified sender.

Good evening, members of District 3 Community Council,
I am writing to let you know that we have scheduled our meeting for the rezoning of the property located at 2602 East Tupelo St. Atlanta, GA 30317 from R75 to RSM. We have mailed letters to all neighbors within 500' of the property, and I also posted a notice for the meeting on the Nextdoor.com neighborhood website. The mailed letter is also attached hereto for your information.

The community meeting is scheduled to be held 12/21/18 at 7 PM at Blue Tarp Brewing located 731 E. College Ave, Decatur, GA 30030.

Feel free to contact me directly if you have any questions.

Best,
Atticus

--



Atticus LeBlanc
Founder / CEO

(770) 714-4617





November 28, 2018

Re: Community Meeting

Dear Neighbor:

An application to rezone property located at 2602 East Tupelo Street from R-75 to RSM for the purpose of a master-planned residential community. A Community meeting has been scheduled as follows:

Date: Friday, December 21st, 2018

Time: 7:00 p.m. to 8:00 pm

Place: Blue Tarp Brewing, 731 E College Ave, Decatur, GA 30030

What is a Community Rezoning Meeting? Community rezoning meetings are designed to inform the surrounding communities of current rezoning and special use permit applications. It's an opportunity for the community to learn about the proposed project, ask questions, present concerns, and make suggestions.

Sincerely,

A handwritten signature in black ink, appearing to read "Atticus LeBlanc".

Atticus LeBlanc

STRYANT CONSTRUCTION AND MANAGEMENT, INC.

December 21, 2018 @ 7:00 p.m.

COMMUNITY MEETING

| NAME | ADDRESS | E-MAIL/PHONE NUMBER |
|---|---|---|
| Joe Goodwin | 2539 Saint Patrick St SE | Joe.Goodwin1984@gmail.com |
| Hartley Janney | 2579 East Tupelo ST SE 30317 | hartley.janney@gmail.com |
| Caleb Janney | " ↑ " | cjanney@gmail.com |
| Amber Pounds | 1501 Harvest Lane SE Atlanta, GA 30317 | amberspounds@gmail.com |
| LARRY SCHWARTZ | 2563 E TUPELO ST ATL, GA 30317 | ELEMESS93@yahoo.com |
| Barbara Jonathan McBe - 402 | 2602 E. Tupelo St. ATL GA 30317 | jonathan-mcbee@yahoo.com |
| JEHANI CHRISTOPHER | 2579 E TUPELO ST ATL GA 30317 | 77MYWORLD@GMAIL.COM |
| Keisa Bruce- Steele | 1480 Catherine St Decatur, GA 30030 | keisa.bruce@gmail.com (404) 304-0612 |

STRYANT CONSTRUCTION AND MANAGEMENT, INC.

December 21, 2018 @ 7:00 p.m.

COMMUNITY MEETING

| NAME | ADDRESS | E-MAIL/PHONE NUMBER |
|---|--|----------------------------|
| Robert Grable | 1384 Oldfield Rd 30030 | fred810@mindspring.com |
| Jody Whitlow | 1519 Woodfern Dr 30030 | Jody.Whitlow@gmail.com |
| Walter Stovall | 1222 Carter Rd 30030 30030 | walter@stovall.net |
| Becky Stovall | 1222 Carter Rd 30030 | becky@stovall.net |
| Louis Rodriguez | 1431 Conway Rd 30030 | Lourodz@BellSouth.net |
| Katie + Adam ^{Lu Poli} Bruckman | ³⁰³¹⁷ 2612 Patrick Ct SE | k.a.lu.poli@gmail.com |
| Adam Bruckman | " " | adambruckman@gmail.com |
| Amber Goodwin | 2539 Saint Patrick St SE | amber.goodwin333@gmail.com |

STRYANT CONSTRUCTION AND MANAGEMENT, INC.

December 21, 2018 @ 7:00 p.m.

COMMUNITY MEETING

| NAME | ADDRESS | E-MAIL/PHONE NUMBER |
|--------------------|-------------------------------------|--|
| Rick Baggans/bss | 2596 Midway Rd Decatur, GA 30030 | rick_baggans@ydhoo.com 4-663-8051 |
| Danielle Bruc-Stuh | 1480 Catherine, Decatur, GA 30030 | danielle.m.stuhl@yahoo.com 865-274-9883 |
| Joe Leunhardt | 1586 Delano Rd. | 404/288/6637 |
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404.371.2155 (o)
404.371.4556 (f)
DeKalbCountyGa.gov

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

Chief Executive Officer
Michael Thurmond

DEPARTMENT OF PLANNING & SUSTAINABILITY

Director
Andrew A. Baker, AICP

PRE-APPLICATION FORM

REZONE, SPECIAL LAND USE PERMIT, MODIFICATION, AND LAND USE

(Pre-application conference is required prior to filing application: copy must be submitted at filing)

Applicant Name: AKK Alex Brock
ATKM Memorial Phone: 404-536-03 Email: jabrock@sgrlaw.com
Property Address: 2602 E Tupelo St
Tax Parcel ID: 15-202-03-103 Comm. District: 3:6 Acreage: 5.4
Existing Use: undeveloped, one SF house Proposed Use: Townhouses 30 units
Rezoning: Yes ☒ No ☐
Existing Zoning: R75 Proposed Zoning: RSM Square Footage/Number of Units: 30 5.550/a
Rezoning Request: 6 SF detached
24 townhouses combined w/ ex MR 2 property

Land Use Plan Amendment: Yes ☐ No ☒

Existing Land Use: SUB Proposed Land Use: Consistent ☐ Inconsistent ☐

Special Land Use Permit: Yes ☐ No ☐ Article Number(s) 27

Special Land Use Request(s)

Major Modification:

Existing Case Number(s):

Condition(s) to be modified and request:

All that tract or parcel of land lying situate and being in Land Lot 202 of the 15th District, Dekalb County, Georgia, as referenced in a survey completed by Meridian Geomatics for Stan Sugarman and dated March 21, 2017, and being more particularly described as follows:

Commencing at the intersection of the Easterly right of way of Vernice Drive (formerly known as Pine St.) and the Northerly right of way of East Tupelo Street (40' R/W), thence leaving said point of commencement Easterly along the Northern right of way of East Tupelo St. 502.00 feet to an iron pin found and THE TRUE POINT OF BEGINNING;

Thence leaving said P.O.B. and the right of way of East Tupelo St, North 04°50'36" East a distance of 36.03 feet to an iron pin set; thence North 10°36'36" West a distance of 168.10 feet to an iron pin set; thence South 85°20'15" West a distance of 142.10 feet to an iron pin set; thence North 00°23'17" West a distance of 75.67 feet to an Axle Found; thence North 49°40'05" East a distance of 14.99 feet to a point; thence North 49°18'44" East a distance of 64.91 feet to a point; thence North 49°28'53" East a distance of 64.77 feet to an iron pin found (1/2" rebar); thence North 49°35'17" East a distance of 79.85 feet to an iron pin found (1/2" rebar); thence North 49°27'36" East a distance of 179.59 feet to an iron pin found (3/4" crimp top pipe); thence North 49°18'24" East a distance of 270.49 feet to an iron pin set and a point 21.76 feet short of the centerline of Shoal Creek which is the property line; thence running easterly along the bank of Shoal Creek and a traverse line South 30°20'25" East a distance of 242.76 feet to an iron pin set; thence North 87°03'56" East a distance of 134.73 feet to an iron pin found (5/8" rebar) (said pin found is 6.51 feet South of the centerline of Shoal Creek) and the Westerly right of way of Oldfield Road (this parcel runs along Shoal Creek 361.43±); thence running Easterly along said right of way on a curve to the left having an Arc Length of 75.77 feet and a radius of 259.22 feet being subtended by a chord bearing South 44°31'01" East a distance of 75.50 feet to an iron pin set; thence leaving said right of way South 81°21'00" West a distance of 343.04 feet to an iron pin found (1/2" rebar); thence South 01°41'00" West a distance of 182.90 feet to an iron pin set; thence South 71°52'00" West a distance of 20.20 feet to an iron pin set; thence South 17°45'00" East a distance of 76.00 feet to an iron pin set; thence South 76°41'00" West a distance of 16.45 feet to an iron pin set; thence South 15°07'00" West a distance of 150.85 feet to an iron pin set; thence South 89°31'06" West a distance of 175.80 feet to an iron pin set and the end of East Tupelo St. (40' R/W); thence North 26°22'15" West a distance of 13.33 feet to an iron pin set; thence North 86°42'47" West a distance of 74.83 feet to an iron pin found and THE TRUE POINT OF BEGINNING.

Said Tract contains 235,990 square feet or 5.418 acres as shown on a survey by Meridian Geomatics for Stan Sugarman dated March 21, 2017. The area from the traverse line to the Centerline of Shoal Creek is 3,502± square feet or 0.080± acres.

This is a detailed plat map of a portion of the Northwest 1/4 of Section 36, Township 36N, Range 12E. The map shows several land parcels with their owners' names and acreage. The parcels are labeled as follows:

- Top Left:** A parcel of 10.00 acres owned by "M. J. & W. J. Smith".
- Top Center:** A parcel of 10.00 acres owned by "S. W. 1/4".
- Top Right:** A parcel of 10.00 acres owned by "S. W. 1/4".
- Middle Left:** A parcel of 10.00 acres owned by "S. W. 1/4".
- Middle Center:** A parcel of 10.00 acres owned by "S. W. 1/4".
- Middle Right:** A parcel of 10.00 acres owned by "S. W. 1/4".
- Bottom Left:** A parcel of 10.00 acres owned by "S. W. 1/4".
- Bottom Center:** A parcel of 10.00 acres owned by "S. W. 1/4".
- Bottom Right:** A parcel of 10.00 acres owned by "S. W. 1/4".

The map also shows a network of roads and boundaries, with labels for "S. W. 1/4" and "S. W. 1/4" indicating the specific sections of the township.

SITE AREA (excluding traverse line to Centerline of Creek)
235,990 SQ FT
5.418 ACRES

TOTAL SITE AREA (to the centerline of the creek)
239,492 ± SQ. FT.
5.478 ± ACRES

ZORAINE: R759 453 297

$$\begin{aligned} & \text{H}^+ + \text{H}_2\text{O} \rightleftharpoons \text{H}_3\text{O}^+ \\ & \text{H}_2\text{O} + \text{H}_2\text{O} \rightleftharpoons \text{H}_3\text{O}^+ + \text{OH}^- \\ & \text{H}_2\text{O} + \text{H}_2\text{O} \rightleftharpoons \text{H}_3\text{O}^+ + \text{OH}^- \\ & \text{H}_2\text{O} + \text{H}_2\text{O} \rightleftharpoons \text{H}_3\text{O}^+ + \text{OH}^- \\ & \text{H}_2\text{O} + \text{H}_2\text{O} \rightleftharpoons \text{H}_3\text{O}^+ + \text{OH}^- \end{aligned}$$

BOUNDARY REFERENCES:

3. *See* e.g. *Leahy v. United States*, 545 U.S. 593, 603 (2005).

ADDRESS(5)

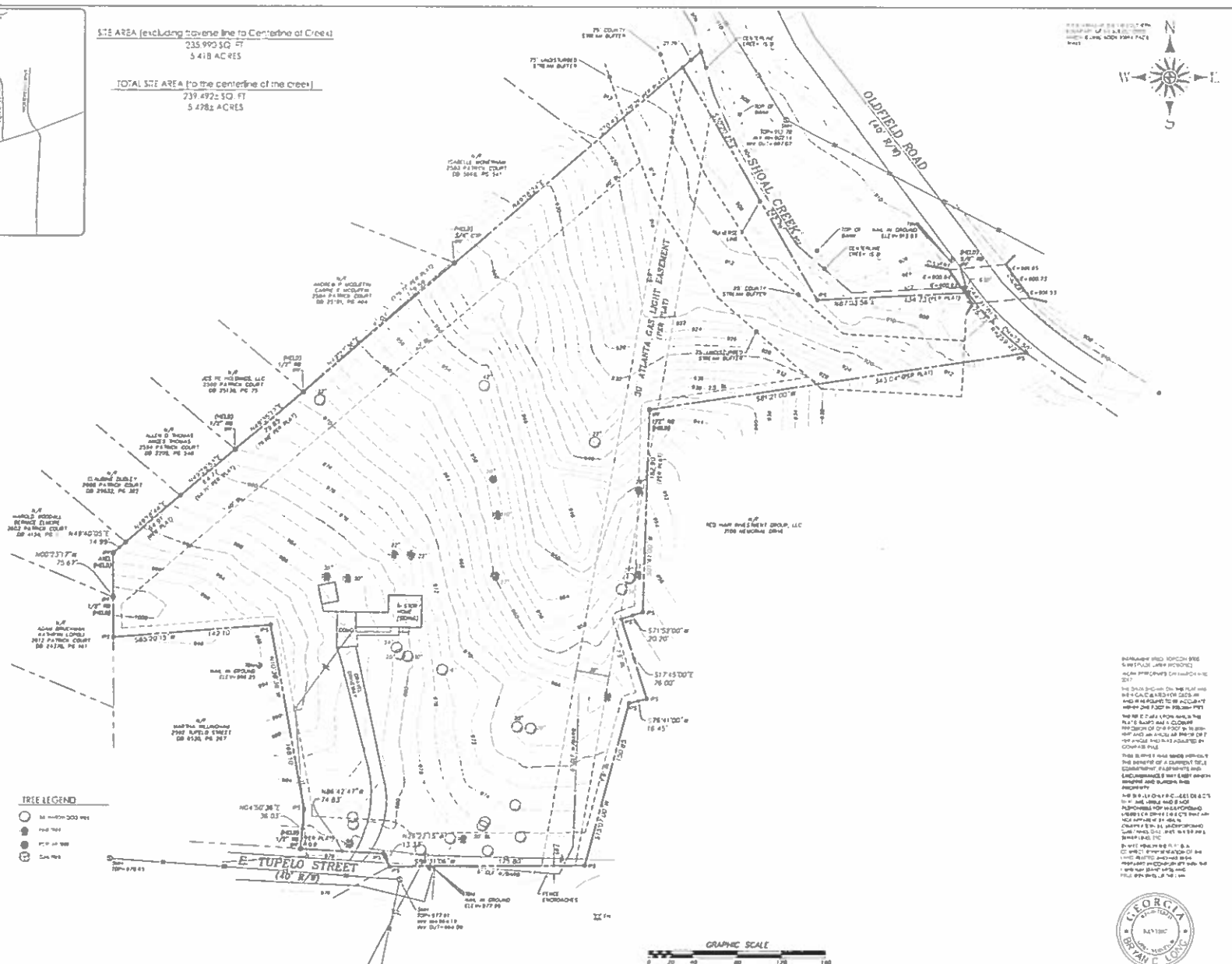
[illegible]

FLOOD NOTE

4. 本報告は、調査対象の企業にのみ提供され、第三者には開示されない。また、本報告は、調査対象の企業にのみ提供され、第三者には開示されない。

BENCHMARK REFERENCE

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED
DATE 07-18-2019 BY 60322 UCBAW/BJS



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LEGEND

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TREE LEGEND

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BOUNDARY TOPOGRAPHICAL, TREE, AND UTILITY SURVEY FOR
STAN SUGARMAN
2602 EAST TUPELO ST, ATLANTA, GEORGIA, 30317

ALDO CALO TO CHIEF OF CPK 12/28/68

JELD BOOK 0054 PAGE 0049
 JAIL LOT 207, 5th DISTRICT
 DEKALB COUNTY GEORGIA
 DATE WASH-21 2017 SCALE 1"=4'

MERIDIAN GEOMATICS, LLC
Land Surveying - Residential, Commercial & Municipal

216 Powers Ferry Road
Marietta, Georgia 30067
phone: (770) 675-6197
surveyingatlanta@gmail.com

| |
|----------|
| DATE |
| CDP |
| JOB NO |
| 2017 050 |

