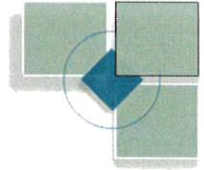




DeKalb County Department of Planning & Sustainability

Michael L. Thurmond
Chief Executive Officer

Andrew A. Baker, AICP
Director



APPLICATION TO AMEND OFFICIAL ZONING MAP
OF DEKALB COUNTY, GEORGIA

Z/CZ No. \_\_\_\_\_

Filing Fee: \_\_\_\_\_

Date Received: \_\_\_\_\_ Application No.: \_\_\_\_\_

Applicant: Inline Communities LLC c/o Battle Law PC E-Mail: mlb@battlelawpc.com

Applicant Mailing Address:
One West Court Square, Suite 750, Decatur GA 30030

Applicant Phone: (404) 601-7616 Fax: (404) 745-0045

Owner(s): Refer to attachment E-Mail:
(If more than one owner, attach as Exhibit "A")

Owner's Mailing Address:

Owner(s) Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

Address/Location of Subject Property: 671, 657, 635, 655, 649, 641, 631, 623 Northern Ave Clarkston GA 30021

District(s): 18 Land Lot(s): 045 Block: 08 Parcel(s): 095, 001, 008, 003, 005, 006, 007

Acreage: 22.07 Commission District(s): District 4, Super District 6

Present Zoning Category: R-75 & MR-2 Proposed Zoning Category: RSM

Present Land Use Category: Suburban

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

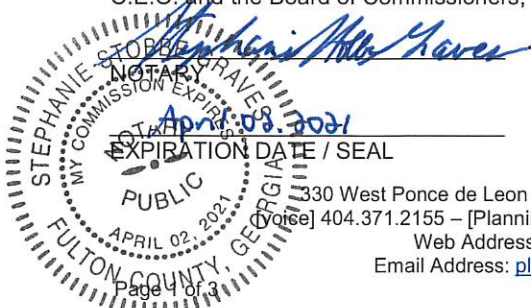
In accordance with the Conflict of Interest in Zoning Act, O.C.G.A., Chapter 36-67A, the following questions must be answered:

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.



SIGNATURE OF APPLICANT / DATE 12/16/20

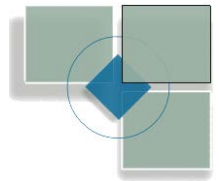
Check One: Owner Agent



# DeKalb County Department of Planning & Sustainability

Michael L. Thurmond  
Chief Executive Officer

Andrew A. Baker, AICP  
Director



**Section 27-832.** Standards and factors governing review of proposed amendments to official zoning maps. The following standards and factors are found to be relevant to the exercise of the County's zoning powers and shall govern the review of all proposed amendments to the official zoning maps:

- A. Whether the zoning proposal is in conformity with the policy and intent of the Comprehensive Plan.
- B. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties.
- C. Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned.
- D. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby properties.
- E. Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.
- F. Whether the zoning proposal will adversely affect historic buildings, sites, districts, or archaeological resources.
- G. Whether the zoning proposal will result in a use which will or could cause excessive or burdensome use of existing streets, transportation facilities, utilities or schools.

**Section 27-833. Conditions.** Conditions may be requested by an applicant, recommended by the Planning Department and Planning Commission, and imposed by the Board of County Commissioners, as a part of any proposed change to the official zoning map, in accordance with the following requirement:

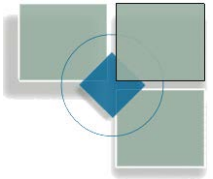
- A. Conditions may be imposed so as to ameliorate the effect(s) of the proposed developmental change for the protection or benefit of neighboring persons or properties consistent with the purpose and intent of the district(s) involved, and the goals and objectives of the Comprehensive Plan and state law. No condition shall be imposed which reduces the requirements of the district(s) involved. All conditions shall be of sufficient specificity to allow lawful and consistent application and enforcement. All conditions shall be supported by a record that evidences the relationship between the condition in the form of a development exaction for other than a project improvement shall be imposed within the meaning of the Georgia Development Impact Fee Act, as amended.
- B. The Board of Commissioners shall not impose any condition on a proposed amendment to the official zoning map that was not previously reviewed by the Planning Commission unless said condition has been reviewed by the Law Department, Planning Department, and the Public Works Department for legality, enforceability, and recommendation. The Board of County Commissioners may defer final action on any such proposed amendment for up to 60 days to allow for this review and may take action without referral back to the Planning Commission.
- C. Once imposed, conditions shall become an integral part of the approved amendment and shall be enforced as such. Changes to approved conditions shall be authorized only pursuant to Section 27-845 of this chapter.



# DeKalb County Department of Planning & Sustainability

Michael L. Thurmond  
Chief Executive Officer

Andrew A. Baker, AICP  
Director



## Filing Fees

Filing fees shall not be refunded at any time following the zoning schedule deadline date.

District	Filing Fee
R-200, R-150, R-30, 000, R-20, 000, R-100, R-85 R-75, R-60, TND, R-A5, R-50, R-A8, R-DT, MHP, RM-100, RM-150, CH (4-12 du/acre)	\$500.00
R-200, R-150, R-30, 000, R-20, 000, R-100, R-85, R-75, R-60, R-A8, R-DT, MHP, TND, RM-150, RM-100, RM-85, RM-75, CH, RM-HD, O-I (high-rise apts.) (18 up du/acre)	\$750.00
O-I, O-D, OCR, OIT, NS, CH, C-1, C-2, M, M-2	\$750.00

**Applicants requiring more than one zoning district shall be charged the highest of the applicable fee.**

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**  
**(Required prior to filing application: signed copy of this form must be submitted at filing)**

Applicant Name: Inline Communities c/o Battle Law PC Phone: 404.601.7616 Email: mlb@battlelawpc.com

Property Address: 671, 657, 635, 655, 649, 641, 631, 623 Northern Ave, Clarkston GA 30021

Tax Parcel ID: 18 045 08 003 Comm. District(s): District 4, Super District 6 Acreage: 22.07

Existing Use: Suburban Proposed Use: Suburban

Supplemental Regs: No Overlay District: No DRI: No

**Rezoning:** Yes  No

Existing Zoning: R75 and MR2 Proposed Zoning: RSM Square Footage/Number of Units: 151 units

Rezoning Request: Development of 8- rear loaded townhome units, 27 front loaded townhome units, 44 single family detached homes

**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): NA Existing zoning conditions CZ 10 16332 will no longer be effective if Board of Commissioners approves the rezoning

Condition(s) to be modified:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

DEPARTMENT OF PLANNING & SUSTAINABILITY

WHAT TO KNOW BEFORE YOU FILE YOUR APPLICATION

Pre-submittal Community Meeting:  Review Calendar Dates:  PC: 3/2/21\* BOC: 3/23/21\* Letter of Intent:  Impact Analysis:  Owner Authorization(s):  Campaign Disclosure:  Zoning Conditions:  Community Council Meeting: 2/16/21\* Public Notice, Signs: **Applicant must pick up and post** Tree Survey, Conservation:  Land Disturbance Permit (LDP):  Sketch Plat:  Bldg. Permits:  Fire Inspection:  Business License: \_\_\_\_\_ State License: \_\_\_\_\_ Lighting Plan:  Tent Permit: \_\_\_\_\_ Submittal Format: NO STAPLES, NO BINDERS PLEASE

**\*Assuming the Board of Commissioners adopts the draft 2021 zoning calendar as original proposed.**

Review of Site Plan

Density: 6.84 units/acre Density Bonuses: 4 UPA (BASE) - 8 UPA (DENSITY BONUSSES) 20% Enhanced Open (2.0upa) / Public Art ( 0.8 upa)

Mix of Uses: \_\_\_\_\_ Open Space: 7.47 acres

Enhanced Open Space: 20% ADDITIONAL OF SITE AREA (3.73 ACRES)

Townhome setbacks front: (arterial/local): 20 feet (development)/10 feet (local) side setback (interior): 0 feet (10' building separation) side corner: 20 feet(development)/ 10 feet (local) rear setback (w/o alley)/(w alley): 15 feet/ 10 feet

Detached housing Setbacks: front 20 feet min/30 feet max sides 3' building separation side corner 20 feet rear 20 feet Lot Size: 20' x 45' townhomes, 24' x 50' townhomes, 60' detached single family lots, 30' x 90' detached single family lots

Frontage: \_\_\_\_\_ Street Widths: \_\_\_\_\_ Landscape Strips: \_\_\_\_\_ Buffers: \_\_\_\_\_ Parking Lot Landscaping: \_\_\_\_\_ Parking - Auto: 528 spaces (1 garage + 2 driveway space) residential guest parking – 63 psaces, total parking provided – 591 spaces Parking - Bicycle: \_\_\_\_\_ Screening: \_\_\_\_\_ Streetscapes: \_\_\_\_\_ Sidewalks: \_\_\_\_\_ Fencing/Walls: \_\_\_\_\_ Bldg. Height: \_\_\_\_\_ Bldg. Orientation: \_\_\_\_\_ Bldg. Separation: \_\_\_\_\_ Bldg. Materials: \_\_\_\_\_ Roofs: \_\_\_\_\_ Fenestration: \_\_\_\_\_ Façade Design: \_\_\_\_\_ Garages: \_\_\_\_\_ Pedestrian Plan: \_\_\_\_\_ Perimeter Landscape Strip: \_\_\_\_\_

Possible Variances: Applicant will need to verify compliance with MR-2 zoning standards on site plan regarding all these issues. Guest parking may count against the maximum parking requirements; a parking variance may be required if this is the case.

Comments: Density of adjacent apartments will be shown on plan to demonstrate appropriateness of proposed density. Sidewalks will be provided on plan submitted to Planning Department. Streetscape standards may apply to private driveways, this will be determined when rezoning application is submitted and under review. Must comply with MR-2 zoning requirements or variances

**DEPARTMENT OF PLANNING & SUSTAINABILITY**

---

will be required. Tree survey will be done; removal of specimen trees will require County Arborist approval. Plan appears to comply with perimeter lot compatibility standards of Article 5; will be verified when rezoning application is submitted and under review.

All tax parcel ids that are proposed for rezoning will be listed on the submitted rezoning application to the Planning Department.

Planner: John Reid \_\_\_\_\_ Date 12/10/20 \_\_\_\_\_

Filing Fees

<b>REZONING:</b>	RE, RLG, R-100, R-85, R-75, R-60, MHP, RSM, MR-1	\$500.00
	RNC, MR-2, HR-1, HR-2, HR-3, MU-1, MU-2, MU-3, MU-4, MU-5	\$750.00
	OI, OD, OIT, NS, C1, C2, M, M2	\$750.00
<b>LAND USE MAP AMENDMENT</b>		\$500.00
<b>SPECIAL LAND USE PERMIT</b>		\$400.00



## Community Meeting Sign-up Sheet and Chat - 655 Northern 12/10

From summer : For those just entering, please add you emails and names. This will constitute as our sign up sheet for the meeting. Feel free to send this to me privately

- Maggie & Scott Nesbit - [magsco@gmail.com](mailto:magsco@gmail.com), scottnesbit@gmail.com
- rita valenti - my phone: 678-328-8725
- Caitlin Thigpen - Caitlin.awalt@gmail.com
- John Short here :) Using Lindsay's zoom
- Nai/GAMVP - naingkokooo@gmail.com
- coopertisdale@hotmail.com. 404-405-8010

### Chat:

18:04:09 From summer To Jennifer Kapner(privately) : Thats fine! You can send it to me as well

18:07:31 From summer : For this just entering, please add you emails and names. This will constitute as our sign up sheet for the meeting. Feel free to send this to me privately

18:07:52 From Maggie & Scott Nesbit To summer(privately) : magsco@gmail.com

18:08:00 From Maggie & Scott Nesbit To summer(privately) : maggie scott nesbit

18:08:13 From Maggie & Scott Nesbit To summer(privately) : scottnesbit@gmail.com

18:08:18 From Maggie & Scott Nesbit To summer(privately) : scott j nesbit

18:08:27 From Maggie & Scott Nesbit To summer(privately) : thank you summer

18:09:03 From summer To Maggie & Scott Nesbit(privately) : Thank you Scott and Maggie!

18:20:01 From rita valenti : hand raised please!

18:22:00 From rita valenti : please unmute me!!

18:22:50 From summer To rita valenti(privately) : Hi Rita, if you'd like to send me your question in the chat I can relay it

18:22:54 From rita valenti : they say I'm muted ! Please unmute me

18:23:25 From rita valenti : my hand is raised please unmute me

18:23:27 From Maggie & Scott Nesbit : ok rita i see you too

18:23:45 From summer To rita valenti(privately) : We've unmuted, please make sure your computer is connected to your microphone

18:24:34 From summer : Rita you are unmuted

18:25:06 From rita valenti : I am audio on my phone: 678-328-8725. Please unmute - not on computer

18:26:21 From rita valenti : I am not getting unmute requests! Please unmute 678-328-8725

18:26:44 From rita valenti : I have pressed \*6

18:26:51 From summer To rita valenti(privately) : Working to get you the code for your mobile

18:27:38 From summer : in the meantime, Rita please feel free to ask your question in the chat

18:29:33 From Belle Anderson : Sorry I came in late, I have a concern about the noise that will be a part of the construction and how long it will take to complete this construction. I have lived with construction on this site for years and it has been horrible for me on Sandy Woods Lane.

18:30:30 From scott and maggie : thank you, Rita!

18:30:43 From Maggie & Scott Nesbit : yes thank you

18:30:51 From jessjones : RITA FOR THE WIN

18:30:54 From Caitlin Thigpen : Thank you Rita!

18:31:20 From Maggie & Scott Nesbit : also thank you nai and vasav

18:32:57 From rita valenti : The only zoning change was to 657 NORTHERN - for RM85: just one of those properties.

18:34:04 From rita valenti : That's all on Indian Creek Way. And those existing apartments have been here for 30 plus years and are much smaller.

18:35:41 From jessjones : Please don't have an entrance on Creekview.

18:36:10 From Maggie & Scott Nesbit : yes rita

18:36:55 From jessjones : Who's sending Rita drinks after this?

18:38:18 From hibo hussein : great job Rita!!

18:39:51 From KWood : Belle Anderson,

18:40:15 From KWood : Belle Anderson, are you wanting to know the total duration if it were to be approved of construction and building homes?

18:41:32 From Victoria Webb : Usually projects of this magnitude can take years. Only speaking from experience with a 17 acre development near me. Began in 2016, still building out.

18:46:33 From rita valenti : The last developer clear cut the entire property, and then went belly up. Your developers don't even have a track record. The so-called "adjoining" properties are not part of the Northern Avenue and Dial Heights. All this land was dairy many years: the zoning decades ago was totally chaotic. The development you are proposing is to increase density -not conforming to the existing neighbor.

18:48:10 From rita valenti : This area is outside the Clarkston City limits, not surrounded by it. There is absolutely no motion to redevelop the apartments on Indian Creek Way - but if InLine wanted to do that - that would be great.

18:48:43 From rita valenti : There was a deer in my front yard this AM. 660 Northern

18:48:55 From hibo hussein : I agree Rita, those apartments really need to be redeveloped

18:48:58 From Maggie Nesbit : migrate = displaced

18:49:13 From rita valenti : right, Maggie

18:49:24 From jessjones : COMPLETELY agree Scott and Maggie

18:49:42 From Caitlin Thigpen : Thank you both

18:52:51 From hibo hussein : thank you scott!!

18:54:29 From rita valenti : Density and town homes don't necessarily equate to affordable housing.



19:22:28 From Bryan Musolf : Bryan Musolf  
19:22:39 From KWood : The wildlife will move during construction but as you have seen all over the city it comes back very quickly after landscaping installed. The buffer area will not be disturbed.  
19:22:45 From Bryan Musolf : Bryan Musolf InLine Communities.  
bryan@inliinecommunities.com  
19:22:46 From Maggie Nesbit : yes fran and belle too  
19:22:48 From summer : If you all have any questions please feel free to email me at ssw@battlelawpc.com  
19:22:59 From Lindsay Short : I wish the developers would consider a conservation community. Would be MUCH more in line with our community.  
19:22:59 From jessjones : Fran needs to be able to ask her question  
19:23:01 From Belle Anderson : Please also think about those of us who live on the 'boundaries' and when it is approved and we have valid concerns we would like to speak with more than an 'answering machine'  
19:23:01 From Maggie Nesbit : please share chat with all of us  
19:23:08 From scott and maggie : exactly Lindsay!  
19:23:17 From Caitlin Thigpen : I downloaded it Maggie  
19:23:19 From Victoria Webb : Thank you everyone.  
19:23:21 From Caitlin Thigpen : I can email to you  
19:23:32 From Lindsay Short : John Short here :) Using Lindsay's zoom  
19:23:32 From summer : for access to the chat and zoom meeting email me a request at ssw@battlelawpc.com  
19:23:43 From Maggie Nesbit : yes please sharw  
19:23:48 From Caitlin Thigpen : John say hey to Lindsay for me!  
19:23:48 From Maggie Nesbit : thank you  
19:23:57 From Batoya Clements : Batoya Clements - bdc@battlelawpc.com  
19:24:04 From Nai/GAMVP : will we get a copy of the map???  
19:24:14 From scott and maggie : thanks so much to MICHELLE!!!  
19:24:18 From summer : Yes we can share a copy of the site plan  
19:24:36 From Nai/GAMVP : please do - naingkokooo@gmail.com or streetwide please  
19:25:01 From iPad (2) To summer(privately) : coopertisdale@hotmail.com. 404-405-8010  
19:25:13 From summer : it would be helpful for those requesting information to send me an email at ssw@battlelawpc.com  
19:25:14 From Belle Anderson : I would like a copy of the site plan. I think we all would. Thanks again.  
19:25:52 From Cooper Sanchez : someone needs to change the battery one their fire alarm. do not sleep on this issue. I don't know how you could.  
19:26:43 From iPad (2) To summer(privately) : I think it was you that asked for our info directly.  
19:26:46 From Maggie Nesbit : thanks y'all! best night to you

LETTER OF INTENT AND IMPACT ANALYSIS

As Required by

City of South Fulton, Georgia Zoning Ordinance

For

Rezoning Application pursuant to  
the Dekalb County Zoning Ordinance

by

Inline Communities LLC (the “Applicant”)

For

22.07 acres of land located at

671, 657, 635, 655, 649, 641, 631, 623 Northern Ave Clarkston GA 30021

Submitted for Applicant by:

Michèle L. Battle

Battle Law, P.C.

One West Court Square, Suite 750

Decatur, Georgia 30030

(404) 601-7616 Phone

(404) 745-0045 Facsimile [mlb@battlelawpc.com](mailto:mlb@battlelawpc.com)

## Statement of Intent and Impact Analysis

The applicant, Inline Communities LLC is seeking to develop 22.07 acres at 671, 657, 635, 655, 649, 641, 631, 623 Northern Ave Clarkston GA 30021 (collectively, the "Subject Property") for the development of 151 residential units for a Residential Community Development. The Subject Property is currently zoned R-75 and MR-2 with a land use designation of Suburban. The applicant is seeking to rezone to the Subject Property to Small Lot Residential Mix (RSM) to allow for 6.84 units per acre.

This document is submitted as the Letter of Application regarding this Application, and a preservation of the Applicant's constitutional rights. A surveyed plat and site plan of the Subject Property has been filed contemporaneously with the Application, along with other required materials.

## IMPACT ANALYSIS

**1. Does the zoning proposal permit a use that is suitable in view of the use and development of adjacent and nearby property?**

The Subject Property is currently zoned R-75 and MR-2. It is adjacent to properties zoned MR-2 allowing for 18 units per acre and R-75 allowing for 8 units per acre in a land use designated Suburban. The proposed rezoning to RSM at 12 units per acre is consistent with the Suburban land use designation and will harmonious with the surrounding properties and introduce a mix of living options, it will provide for new homes owners in the area on a currently underdeveloped lot. The anticipated price points on the homes be equal to or greater than the surrounding home values, which will help support the existing home values in the area, supporting the continued growth and development of area.

**2. Does the zoning proposal adversely affect the existing use or usability of adjacent or nearby property?**

The proposed rezoning to RSM will not adversely affect the existing use or usability of adjacent or nearby property. The proposed rezoning will support the continued growth and development of the surrounding area.

**3. Does the property to be rezoned have a reasonable economic use as currently zoned?**

The Subject Property has no reasonable economic use as currently zoned R 75 and MR2 with conditions as a private school. The property has been on the market for sale for an excess of 10 years. The current zoning conditions severely restrict the use of the property to a non-residential private school which is a specialized use with no marketability outside of private school operators.

**4. Will the zoning proposal result in a use that could cause an excessive or burdensome use of existing streets, transportation facilities, utilities or schools?**

Located on Northern Ave, there is the possibility for an increase of traffic on the existing street. The Applicant aims to provide a traffic assessment and perform modifications that will lessen the traffic congestion originating from the development along Northern Avenue. With respect to the public schools in the area, at 165 units per acre, there should not a substantial increase of students who would attend one of the three public schools in the area. The tax dollars generated by the Subject Property as well as the other subdivision coming into the area, provides an opportunity for the expansion of existing facilities.

**5. Is the zoning proposal in conformity with the policies and intent of the land use plan?**

The South Fulton Comprehensive Land Use Map shows the Subject Property as having a land use designation of Suburban. The RSM zoning designation is a permitted and in conformity with the Suburban designation.

**6. Are there existing or changing conditions that affect the use and development of the property which support either approval or denial of the zoning proposal?**

With the approved rezoning to RSM of The Subject Property, we aim to create two entrance points for The Subject Property, have building maximum height of 45', promote pedestrian connectivity throughout the property, have a mix of single and multi-family units that is harmonious in scale, provides flexibility of design, and provides usable amenity spaces, with no additional conditions or variances applied to the Subject Property.

**7. Does the zoning proposal permit a use that can be considered environmentally adverse to the natural resources, environment and citizens of City of South Fulton?**

The rezoning will not permit any use that can be considered environmentally adverse to the natural resources, environment and citizens of the Dekalb County which is not typical of development projects. It will include a 75' stream buffer and two water detention ponds adjacent to the flood zone and aims to keep natural wooded areas at the west-end of the property.

## **NOTICE OF CONSTITUTIONAL ALLEGATIONS AND PRESERVATION OF CONSTITUTIONAL RIGHTS**

The portions of the DeKalb County Zoning Ordinance, facially and as applied to the Subject Property, which restrict or classify or may restrict or classify the Subject Property so as to prohibit its development as proposed by the Applicant are or would be unconstitutional in that they would destroy the Applicant's property rights without first paying fair, adequate and just compensation for such rights, in violation of the Fifth Amendment and Fourteenth Amendment of the Constitution of the United States and Article I, Section I, Paragraph I of the Constitution of the State of Georgia of 1983, Article I, Section III, Paragraph I of the Constitution of the State of Georgia of 1983, and would be in violation of the Commerce Clause, Article I, Section 8, Clause 3 of the Constitution of the United States.

The application of the DeKalb County Zoning Ordinance to the Subject Property which restricts its use to any classification other than that proposed by the Applicant is unconstitutional, illegal, null and void, constituting a taking of Applicant's Property in violation of the Just Compensation Clause of the Fifth Amendment to the Constitution of the United States, Article I, Section I, Paragraph I, and Article I, Section III, Paragraph I of the Constitution of the State of Georgia of 1983, and the Equal Protection and Due Process Clauses of the Fourteenth Amendment to the Constitution of the United States denying the Applicant an economically viable use of its land while not substantially advancing legitimate state interests.

A denial of this Application would 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 1 of the Constitution of the State of Georgia.

A refusal by the DeKalb County Board of Commissioners to rezone the Subject Property to the classification as requested by the Applicant would be unconstitutional and discriminate in an arbitrary, capricious and unreasonable manner between the Applicant and owners of similarly situated property in violation of Article I, Section I, Paragraph II of the Constitution of the State of Georgia of 1983 and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States. Any rezoning of the Property subject to conditions which are different from the conditions requested by the Applicant, to the extent such different conditions would have the effect of further restricting Applicant's utilization of the property, would also constitute an arbitrary, capricious and discriminatory act in zoning the Subject Property to an unconstitutional classification and would likewise violate each of the provisions of the State and Federal Constitutions set forth hereinabove.

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

The existing zoning classification on the Subject Property is unconstitutional as it applies to the Subject Property. This notice is being given to comply with the provisions of O.C.G.A. Section 36-11-1 to afford the County an opportunity to revise the Property to a constitutional classification. If action is not taken by the County to rectify this unconstitutional zoning classification within a reasonable time, the Applicant is hereby placing the County on notice that it may elect to file a claim in the Superior Court of DeKalb County demanding just and adequate compensation under Georgia law for the taking of the Subject Property, diminution of value of the Subject Property, attorney's fees and other damages arising out of the unlawful deprivation of the Applicant's property rights.



## ZONING DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lots 44, 45 and 66 of the 18th District, DeKalb County, Georgia and being more particularly described as follows:

To find the TRUE POINT OF BEGINNING, commence from a point, at the intersection of the easterly right-of-way line of Northern Avenue (50' R/W) and the Land Lot Line common to Land Lots 45 and 66; thence along said right-of-way line 117.33 feet along an arc of a curve to the right, said curve having a radius of 644.97 feet and a chord bearing and distance of South 5 degrees 19 minutes 0 seconds East 117.17 feet to a point and the TRUE POINT OF BEGINNING; thence leaving said right-of-way line South 89 degrees 32 minutes 2 seconds East a distance of 195.06 feet to a point; thence North 0 degrees 19 minutes 33 seconds East a distance of 117.09 feet to a point; thence South 89 degrees 40 minutes 43 seconds East a distance of 754.46 feet to a point; thence North 38 degrees 57 minutes 2 seconds East a distance of 161.35 feet to a point; thence North 89 degrees 14 minutes 14 seconds East a distance of 135.98 feet to a point; thence South 19 degrees 36 minutes 47 seconds East a distance of 637.19 feet to a point; thence South 23 degrees 15 minutes 51 seconds East a distance of 271.01 feet to a point; thence North 88 degrees 54 minutes 34 seconds West a distance of 777.54 feet to a point; thence North 89 degrees 10 minutes 23 seconds West a distance of 737.54 feet to a point on said right-of-way line; thence along said right-of-way line the following courses and distances: North 0 degrees 8 minutes 46 seconds West a distance of 217.32 feet to a point; thence North 01 degree 4 minutes 44 seconds East a distance of 367.94 feet to a point to a point and the TRUE POINT OF BEGINNING.


Said tract containing 22.351 acres, more or less.

Campaign Contribution Disclosure Statements

**CAMPAIGN CONTRIBUTIONS DISCLOSURE STATEMENT**

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

<b>NAME OF GOV'T OFFICIAL</b>	<b>OFFICIAL POSITION</b>	<b>AMOUNT OF CONTRIBUTION</b>
Kathie Gannon	Commissioner	\$350
Mereda Davis Johnson	Commissioner	\$500
Larry Johnson	Commissioner	\$700
Lorraine Cochran-Johnson	Commissioner	\$250

By:   
Printed Name: Michèle BATTLE

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: 12/8/2020

CHECK TYPE OF APPLICATION:

- ( ) LAND USE PLAN
- (x) REZONE
- ( ) MINOR MODIFICATION

TO WHOM IT MAY CONCERN:

( I ) ( WE ), FUGEES LAND HOLDINGS LLC  
**(Name of owner(s))**

being (owner)/(owners) of the property described below or attached hereby delegate authority to

Inline Communities LLC c/o Battle Law PC

**(Name of Applicant or Agent Representing Owner)**

to file an application on my/our behalf.



[Signature]  
Notary Public

FUGEES LAND HOLDINGS LLC

[Signature]  
Owner

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
Owner

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
Owner

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: 12/8/2020

CHECK TYPE OF APPLICATION:

( ) LAND USE PLAN

(x) REZONE

( ) MINOR MODIFICATION

TO WHOM IT MAY CONCERN:

( I ) (WE), GRANDHIGE, ANJALI  
**(Name of owner(s))**

being (owner )/(owners) of the property described below or attached hereby delegate authority to

Inline Communities LLC c/o Battle Law PC

**(Name of Applicant or Agent Representing Owner)**

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

*Linda M. Brannan*

Notary Public

GRANDHIGE, ANJALI

Owner

Notary Public

Owner

Notary Public

Owner



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: 12/8/2020

CHECK TYPE OF APPLICATION:

( ) LAND USE PLAN

(x) REZONE

( ) MINOR MODIFICATION

TO WHOM IT MAY CONCERN:

( I ) ( WE ), GRANDHIGE, HEMANTH  
(Name of owner(s))

being (owner)/(owners) of the property described below or attached hereby delegate authority to

Inline Communities LLC c/o Battle Law PC

(Name of Applicant or Agent Representing Owner)

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

Linda M. Brannan  
Notary Public

GRANDHIGE, HEMANTH  
Owner

Notary Public

Owner

Notary Public

Owner

