



## **DeKalb County Zoning Board of Appeals**

**330 Ponce De Leon Avenue, Suite 500**

**Decatur, GA 30030**

**(404) 371-2155 / [plandev@dekalbcountyga.gov](mailto:plandev@dekalbcountyga.gov)**

**Wednesday, July 14, 2021**

### **Planning Department Staff Analysis**

**Case No:** A-21-1244944

**Parcel ID:** 16-167-06-003

**Commission District: 5 Super District: 7**

**Applicant:** Hanna Casswell/Casswell Design Group, LLC  
**Owner:** KP Sirak, LLC  
**Project Name:** 2396 Rock Chapel Road  
**Location/Address:** 2396 Rock Chapel Road, Lithonia, GA  
**Request:** A variance from Section 6.1.11 of the *Zoning Ordinance* to allow gravel instead of asphalt, concrete, or pavers as the surface of a truck parking lot.  
**Staff Recommendation:** Denial.

#### **STAFF FINDINGS:**

##### **Site Location and Property Description:**

The subject property is a 9.43-acre wooded property, located on the south side of Rock Chapel Road, a two-lane minor arterial. Access to the property from Rock Chapel Road is via the abandoned right-of-way of North Turner Hill Road. The surrounding area is primarily industrial. A quarry is located to the northwest, across Rock Chapel Road. Three truck parking lots are located within 800 feet of the subject property: at 2328 and 2356 Pine Mountain Street, 2261 Jacksonville Road, and 2460 Rock Chapel Road. The applicant points out that part or all of these parking lots are gravel. County records are incomplete regarding the initial development of these properties, and it is not possible to determine whether they are legally nonconforming based on County records alone.

The applicant proposes a stabilized gravel system for the surface of the parking lot. It would consist of a “geogrid” layer made of 8-inch high cup-like cells that are filled with gravel. According to the applicant, the geogrid layer “is made to withstand heavy loads such as tractor trailers and heavy machinery.” To further prevent the gravel from migrating or being washed into County stormwater pipes, the applicant proposes to surround the parking lot with 6-inch curbing, except where stormwater is proposed to flow into a stormwater detention basin via a concrete flume or by means of sheet flow. The detention basin is shown on the western side of the site plan.

The crux of the applicant’s argument for granting the requested variances is that the cost of installing a paved surface for the parking lot would cause the owner to incur a financial hardship that was not imposed on owners of nearby truck parking lots.

1. **By reason of exceptional narrowness, shallowness, or shape of a specific lot, or by reason of exceptional topographic conditions, which were not created by the owner or applicant, the strict application of the requirements of this chapter would deprive the property owner of rights and privileges enjoyed by other property owners in the same zoning district.**

The lot exceeds the minimum size standard of 30,000 square feet and the minimum width of 100 feet. The County topo map indicates that the topography is uneven in some parts of the property but slopes about 10 percent or less over most of the area where the parking lot is proposed. Regardless, lot conditions would not affect the ability of the property owner to pave the surface of the proposed lot; nor is there anything about the lot that would make it more difficult for the property owner to install paving than it would be for other property owners in the same zoning district to do so.

2. **The requested variance does not go beyond the minimum necessary to afford relief, and does not constitute a grant of special privilege inconsistent with the limitations upon other properties in the zoning district in which the subject property is located.**

It isn't possible to know how much or how little paving would need to be provided to afford relief from a financial hardship, since it isn't possible to set a standard for how much or how little a property owner should pay to meet the zoning requirements.

If the owners of nearby properties cannot show that the gravel parking lots on those properties are legally nonconforming, they would need to comply with the requirement to pave the surfaces of the lots. Thus, the variance would be a special privilege to the owner of the subject property, since there is nothing about the subject property that makes it more difficult for its property owner to pave it than it would be for nearby property owners to pave their properties.

3. **The grant of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the zoning district in which the subject property is located.**

The purpose of the requirement for paving a parking lot is to prevent gravel from washing off into stormwater drains and causing a reduction in their capacity to carry stormwater. Such an event would be detrimental to the public welfare. The applicant has not shown that the proposed stabilized gravel system, together with the proposed concrete curbs, would prevent gravel from being loosened by truck wheels and washed off the site into the storm drains that carry water away and prevent flooding. Additionally, the minimum paving requirement seeks to ensure that developed properties are paved to mitigate airborne dust impacts on adjacent parcels and to guarantee that developed properties include reliable, all-weather surfaces.

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

The requirement to pave a parking lot surface imposes more of an expense on a property owner than if a gravel surface could be used. This hardship is unnecessary if another, less expensive yet equally stable surface can be installed and used for an equal amount of time without frequent replacement similar to asphalt, concrete, or pavers.

5. **The requested variance would be consistent with the spirit and purpose of this Chapter and the DeKalb County Comprehensive Plan Text.**

The requested variance would not be consistent with the purpose and intent of the Zoning Ordinance and the Dekalb County Comprehensive Plan. It is not consistent with Land Use Policy D, which states, "Proposed

developments shall not degrade the level of service on roadways, capacity of water/sewer [infrastructure], or cause drainage problems . . . ” The regulation to provide paving for surface parking lots implements this policy by helping to prevent stormwater pipes from being clogged with gravel. A variance from the regulation opens the possibility that the proposed gravel parking lot might degrade the proper functioning of stormwater drains that serve the area surrounding the subject property.

**STAFF RECOMMENDATION: DENIAL.**



A REQUEST FOR  
VARIANCE FOR  
PROPOSED GRAVEL  
PARKING IN INDUSTRIAL  
AREA

**05.06.21 SUBMITTAL DATE**

**PROJECT LOCATION**

2396 ROCK CHAPEL RD, LITHONIA, GA  
30058

**OWNER/DEVELOPER**

BOKRU KELATI/ KP SIRAK, LLC







April 28, 2021

Dekalb County Department of Planning and Sustainability

Re: KP Sirak Truck Parking  
2396 Rock Chapel Rd, Lithonia, GA 30058

### **Letter of Intent**

To Whom It May Concern:

The purpose of this document is to request to waive/alter the paving surface zoning ordinance requirement:  
Sec. 6.1.11. - Paving surfaces.

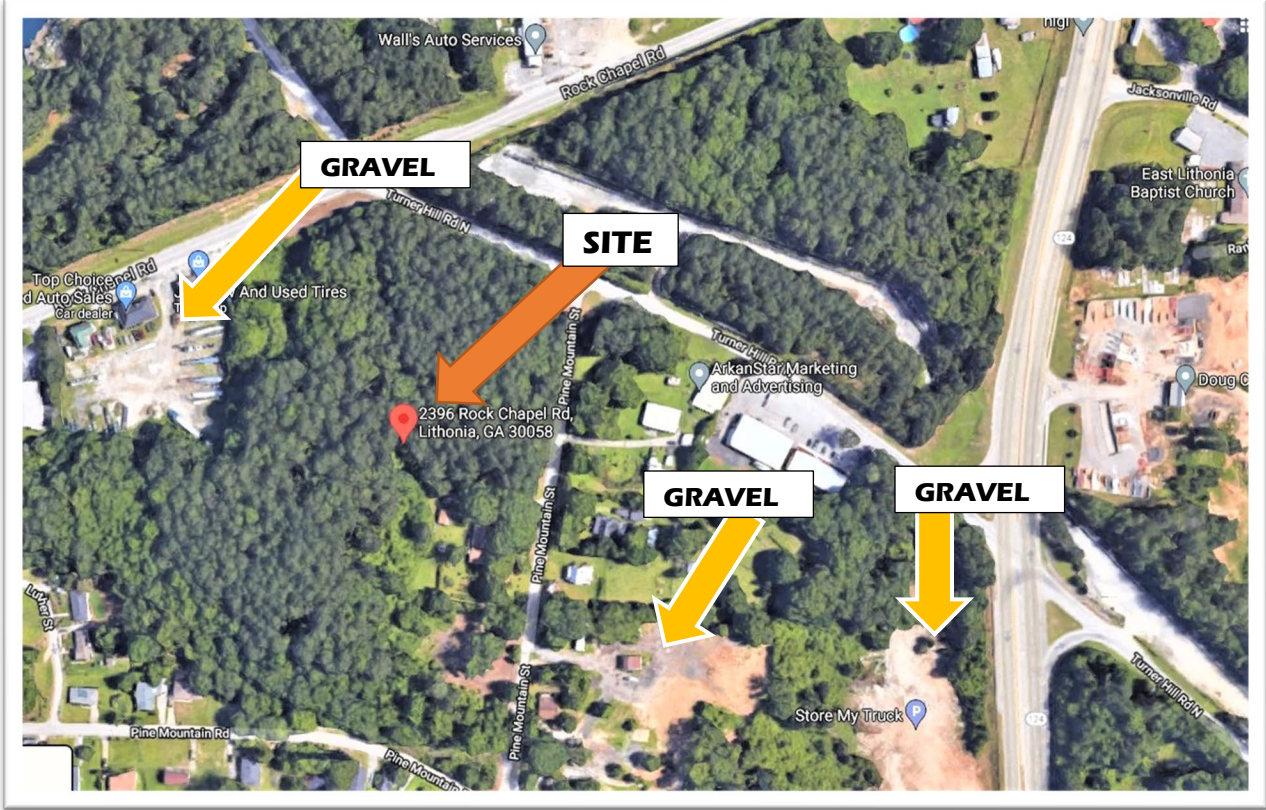
A. Typical paving surfaces. The paving surface of required minimum on-site and off-site parking areas shall be a dust-free, all-weather material (e.g., asphalt, concrete, or pavers). The paving surface shall have the parking stalls, loading and unloading zones, fire lanes and any other applicable designations delineated in white or yellow paint.

The owner would like to use gravel as an acceptable form of surface pavement. We would like to request the paving surfaces variance for the following reasons:

1. To conform to the similar businesses in the area that use gravel for truck parking. Several of the neighboring businesses are shown in the following photos.



Recently developed with gravel: 2320 Pine Mountain St, Lithonia, GA 30058



**Store My Truck (2356 Pine Mountain St, Lithonia, GA 30058)**





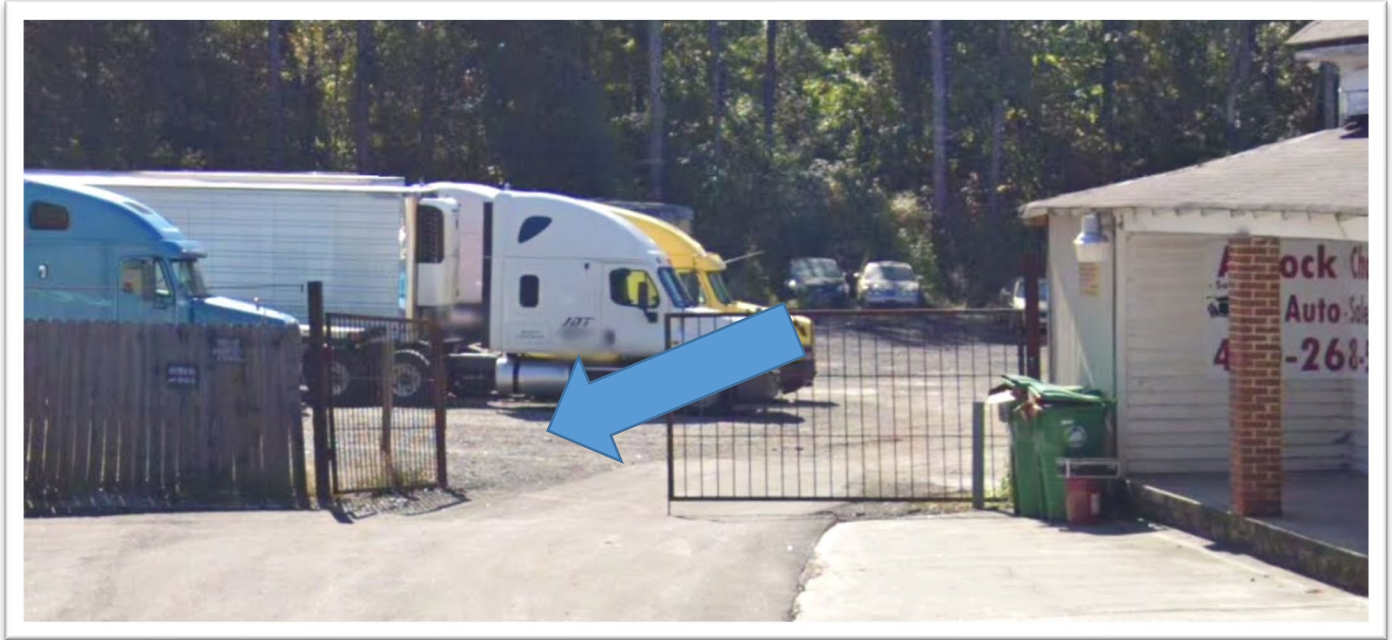
**Tire Shack (2297 Rock Chapel Rd, Lithonia, GA 30058)**



**Wall's Auto Services (2395 Rock Chapel Rd, Lithonia, GA 30058)**



## Top Choice Used Auto Sales (2454 Rock Chapel Rd, Lithonia, GA 30058)



2. Financial Reasons: The cost of the development in the industrial area without the variance creates a financial hardship for the owner. The area is industrial with a proposed industrial use. The surrounding establishments, including old and new construction, are developed with gravel parking. The owner would be the only industrial business of its type to incur the cost of the hard surface pavement for the same or similar use as the surrounding businesses.

### The requirement as stated in the zoning ordinance is as follows:

- *By reason of exceptional narrowness, shallowness, or shape of a specific lot, or by reason of exceptional topographic and other site conditions (such as, but not limited to, floodplain, major stand of trees, steep slope), which were not created by the owner or applicant, the strict application of the requirements of this chapter would deprive the property owner rights and privileges enjoyed by other property owners in the same district.* The cost of the development in the industrial area without the variance creates a financial hardship for the owner. The area is industrial with a proposed industrial use. The surrounding establishments, including old and new construction, are developed with gravel parking. The owner would be the only industrial business of its type to incur the cost of the hard surface pavement for the same or similar use as the surrounding businesses.





- *The requested variance does not go beyond the minimum necessary to afford relief and does not constitute a grant of special privilege inconsistent with the limitations upon other properties in the zoning district in which the subject property is located.* The site is surrounded by primarily industrial use areas and the proposed use is industrial. The area is industrial with a proposed industrial use. The surrounding establishments, including old and new construction, are developed with gravel parking. The owner would be the only industrial business of its type to incur the cost of the hard surface pavement for the same or similar use as the surrounding businesses.
- *The grant of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the zoning district in which the subject property is located.* We propose to provide detention and water quality per County and State regulations. We also propose to provide curbing in any areas necessary to ensure that the stormwater runoff be directed toward the stormwater ponds. Gravel surface has a lower CN number than hard surface paving and produces a less intense flow and less impervious impact.
- *The literal interpretation and strict application of the applicable provisions or requirements of this chapter would cause undue and unnecessary hardship.* The cost of the development in the industrial area without the variance creates a financial hardship for the owner. The cost to develop the property without the variance is over \$1 million dollars more. We have presented potential plans to several companies and the consistencies that exist are the contractors' bids are over \$1 million lower with gravel parking.
- *The requested variance would be consistent with the spirit and purpose of this chapter and the Dekalb County Comprehensive Plan.* Per Sec. 6.1.11. – The required minimum on-site and off-site parking areas would be required to be dust-free. We propose to provide permanent on-site dust control. Gravel itself can be a solution to dust control if installed correctly and maintained with permanent dust control. Vehicle speed is probably the easiest method to implement in a truck parking lot. Part of the regular dust control maintenance plan would be permanent on site water and salt applications. Salt is one of the best dust control products available. Lignin Sulfonate and Calcium Chloride are two of the most popular unpaved dust control products. These salts are mixed in a 35% solution and applied directly on the unpaved areas. They work by soaking up water from the air, thus preventing dust.

We appreciate your time, attention, and consideration. Please reach out if you have questions.

Best regards,

Hanna Casswell  
Casswell Design Group, LLC  
hannacasswell@ymail.com  
(404) 317-9766

## LETTER OF INTENT

Please address the following criteria as appropriate:

### **7.5.1 Applications for variances; and criteria to be used by the zoning board of appeals in deciding applications for variances.**

The zoning board of appeals shall hear and decide applications for variances from the strict application of the regulations of this chapter and chapter 21 where the strict application of any regulation enacted under said chapters would result in exceptional and undue hardship upon the owner of such property. In determining whether or not to grant a variance, the board shall apply the criteria specified in this section to the facts of each case. The board may attach reasonable conditions to any approved variance in accordance with section 7.3.9. Once imposed, conditions shall become an integral part of the approved variance and shall be enforced as such. No changes to an approved condition attached to a variance shall be authorized except by re-application to the zoning board of appeals in full compliance with the applicable provisions of this division. No relief may be granted or action taken under the terms of this division unless such relief can be granted without substantial detriment to the public good and without substantial impairment of the intent and purpose of this chapter and the comprehensive plan. The zoning board of appeals shall apply the following criteria to the types of applications specified below as follows:

- A. Variances from the provisions or requirements of this chapter other than variances described in section 7.5.4 shall be authorized only upon making all of the following findings in writing:
  - 1. By reason of exceptional narrowness, shallowness, or shape of a specific lot, or by reason of exceptional topographic and other site conditions (such as, but not limited to, floodplain, major stand of trees, steep slope), which were not created by the owner or applicant, the strict application of the requirements of this chapter would deprive the property owner of rights and privileges enjoyed by other property owners in the same zoning district.
  - 2. The requested variance does not go beyond the minimum necessary to afford relief, and does not constitute a grant of special privilege inconsistent with the limitations upon other properties in the zoning district in which the subject property is located.
  - 3. The grant of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the zoning district in which the subject property is located.
  - 4. The literal interpretation and strict application of the applicable provisions or requirements of this chapter would cause undue and unnecessary hardship.
  - 5. The requested variance would be consistent with the spirit and purpose of this chapter and the DeKalb County Comprehensive Plan text.
- B. Appeals of decisions regarding building architectural design standards shall be evaluated using the same criteria as section 7.6.7(B).



DeKalb County Department of Planning & Sustainability

Hon. Michael Thurmond
Chief Executive Officer

Andrew Baker, AICP,
Director

ZONING BOARD OF APPEALS APPLICATION FOR PUBLIC HEARING
(VARIANCES, SPECIAL EXCEPTIONS, APPEALS OF ADMINISTRATIVE DECISIONS)

BOA No. \_\_\_\_\_

Applicant and/or
Authorized Representative Hanna Casswell/Casswell Design Group, LLC

Mailing Address: 279 W. Crogan St

City/State/Zip Code: Lawrenceville, GA 30046

Email: engineer@casswelldesigngroup.net

Telephone Home: 404-317-9766 Business: 470-282-1875

OWNER OF RECORD OF SUBJECT PROPERTY

Owner: KP Sirak, LLC

Address (Mailing): 554 Cliffglen Way NW, Lilburn, GA 30047

Email: mar78907@yahoo.com

Telephone Home: 678-425-5794 Business: 202-640-0702

ADDRESS/LOCATION OF SUBJECT PROPERTY

Address: 2396 Rock Chapel Rd City: Lithonia State: GA Zip: 30058

District(s): 04 Land Lot(s): 167 Block: Parcel: 16 167 06 003

Zoning Classification: M Commission District & Super District: 5 & 7

CIRCLE TYPE OF HEARING REQUESTED:

- VARIANCE (From Development Standards causing undue hardship upon owners of property.)
SPECIAL EXCEPTIONS (To reduce or waive off-street parking or loading space requirements.)
OFFICIAL APPEAL OF ADMINISTRATIVE DECISIONS.

\* PLEASE REVIEW THE FILING GUIDELINES ON PAGE 4. FAILURE TO FOLLOW GUIDELINES MAY RESULT IN SCHEDULING DELAYS. \*

TO BE COMPLETED BY PLANNING AND SUSTAINABILITY DEPARTMENT:

Date Received: Fee Paid:

## ZONING BOARD OF APPEALS APPLICATION AUTHORIZATION OF THE PROPERTY OWNER

I hereby authorize the staff and members of the Zoning Board of Appeals  
To inspect the premises of the Subject Property

I hereby certify that the information provided in the application is true and correct.

I hereby certify that I am the owner of the property subject to the application.

DATE: 04/28/2021

Applicant:  
Signature



DATE: 4-28-21

Applicant:  
Signature







# DeKalb County

## ZONING BOARD OF APPEALS APPLICATION

### AUTHORIZATION TO REPRESENT THE PROPERTY OWNER

I hereby authorize the staff and members of the Zoning Board of Appeals to inspect the premises of the Subject Property

I hereby certify that the information provided in the application is true and correct.

I hereby certify that I am the owner of the property and that I authorize the applicant/agent to apply for a hearing to the Zoning Board of Appeals for the requests as shown in this application.

DATE: 04/28/2021

Applicant/Agent: *Hanna Casswell*  
Signature

TO WHOM IT MAY CONCERN:

(I)/ (WE) KP Sirak, LLC/Bokru Kelati  
(Name of Owners)

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

*Melinda B Castro*  
Notary Public

04-28-21



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

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

*BAKA*  
Owner

*[Signature]*  
Owner

\_\_\_\_\_  
Owner

## Filing Guidelines for Applications to the DeKalb County, Ga. Board of Appeals

### 1. Order of Submitted Materials:

- a. Application Form
- b. Signatures and authorization (including permission to go on property)
- c. Letter of Intent
- d. Surveys, site plans.
- e. Other relevant materials (e.g. photographs, letters of support, citation, etc.)
- f. Filing Fee (\$300 payable to "DeKalb County")

### 2. Application Materials:

- a. **Submit one (1) digital copy of the completed application and materials to [plansustain@dekalbcountyga.gov](mailto:plansustain@dekalbcountyga.gov). DO NOT USE E-permitting services (Project Dox).**
- b. **Ten (10) hard copies of all materials are required along with the application fee. Contact the ZBA Senior Planner for delivery arrangements.**
- c. Applications must be submitted in complete, collated packets.
- d. All materials must be folded in stacks of 8½ x 11.

### 3. Surveys and site plans of the Subject Property:

- a. Must be stamped by a professional engineer or surveyor, registered in the State of Georgia.
- b. All plans and surveys must include the following information:
  1. Must show all property lines with dimensions.
  2. Must show the location of all existing and proposed buildings, structures, parking and setbacks (their relationship to the property boundaries).
  3. Must show any other features related to the request such as trees, fences, topography, streams, etc.
  4. Must be to-scale
  5. Must show lot area and lot coverage (impervious materials, including paving and structures).
  6. Larger and small scale plans (8½ x 11) are generally required.
  7. If property is not located in a platted subdivision, a legal description must be included.

### 5. Letter of Intent:

- a. A typed statement indicating the request and clarifying justification for the proposal based on the criteria as indicated in Section 27-7.5.3 or 7.5.4 of the DeKalb County Zoning Ordinance (see attached information).
- b. Reference the section of the code you are requesting to vary and the amount of requested change, (such as to reduce the rear yard setback from forty (40) feet to twenty (20) feet to construct an addition).

### 6. Authorization:

- a. If property owner is different from the applicant, the form to authorize the application must be signed by the owner and stamped by a notary.
- b. If property is owned by more than one property owner, all property owners must authorize the request.
- c. Authorize staff and members of the Board of Appeals to go on the property for site analysis and to post signs.

### 7. Application Fee is **\$300**. All checks must be payable to "DeKalb County". **There are no refunds after notice has been sent to the newspaper for advertisement.**

### 8. For all applications longer than 15 pages, a pdf or word document on a cd or thumb drive must be submitted with the application.

- C. Appeals to the height standards, but not to add stories, shall be evaluated using the criteria as follows:
1. 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.
  2. Compatibility of the proposed use with adjacent properties and land uses and with other properties and land uses in the district.
  3. Adequacy of public services, public facilities, and utilities to serve the proposed use.
  4. Whether or not the proposed use provides for all required buffer zones and transitional buffer zones where required by the regulations of the zoning district in which the use is proposed to be located.
  5. 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.
  6. Whether or not the proposed use will create a negative shadow impact on any adjoining lot or building as a result of the proposed building height.

**7.5.2 Applications for variances to reduce or waive off-street parking or loading space requirements.**

The zoning board of appeals shall hear and decide applications for variances to reduce or waive required off-street parking or loading spaces in accordance with the provisions and standards of this section. All such applications shall be heard and decided based on the notice requirements of section 7.2.4. The zoning board of appeals may waive or reduce the required number of parking or loading spaces in any district only upon an expressed finding that:

- A. The character of the use of the building(s) is such as to make unnecessary the full provision of parking or loading spaces;
- B. The lot upon which the building(s) is located is within one thousand (1,000) feet of the boundary of a MARTA RapidTransit Station;
- C. The provision of the full number of parking spaces would have a deleterious effect on a historic building, site, district or archaeological resource;
- D. The use has a characteristic that differentiates it from the typical use example used in the formulation of this ZoningOrdinance;
- E. The location of the proposed development is relatively isolated where the opportunity for diversity of use, pedestrian access, and alternative modes is not available; or
- F. The developer is providing the additional spaces for general public parking (for hourly or daily parking charges) to serve surrounding development.

### Section 21-27. Sign Variances.

(a) Where a literal application of this article, due to special circumstances, would result in an unusual hardship in an individual case, a variance may be granted by the zoning board of appeals after receiving evidence that the applicant meets all of the following criteria:

- (1) Exceptional conditions pertaining to the property where the sign is to be located as a result of its size, shape, or topography, which are not applicable to other lands or structures in the area;
- (2) Granting the variance would not confer on the applicant any significant privileges which are denied to others similarly situated;
- (3) The exceptional circumstances are not the result of action by the applicant;
- (4) The requested variance is the minimum variance necessary to allow the applicant to enjoy the rights commonly enjoyed by others similarly situated;
- (5) Granting of the variance would not violate more than one (1) standard of this article; and
- (6) Granting the variance would not result in allowing a sign that interferes with road or highway visibility or obstruct or otherwise interfere with the safe and orderly movement of traffic.

(b) No variance shall be granted to the height of a sign or the aggregate area of signs permitted on a lot.

(c) No variance shall be granted which increases the size of a sign more than twenty (20) percent of that allowed by this chapter. (Ord. No. 13-03, Pt. I, 6-10-03)

### 7.5.3 Appeals of decisions of administrative officials.

- A. *General Power.* The zoning board of appeals shall have the power and duty to hear and decide appeals where it is alleged by the appellant that there is error in any final order, requirement, or decision made by an administrative official based on or made in the enforcement of this Zoning Ordinance or as otherwise authorized by local law or the Code of DeKalb County as Revised 1988. Administrative officials must make final decisions covered by this section within one hundred and eighty (180) days of receipt of all necessary information to make such decision. A failure to act prior to the passage of one hundred and eighty (180) days shall not be construed to be a final order, requirement or decision within the meaning of this division. If a decision is not made by the 181<sup>st</sup> day, the requested decision is deemed denied, and becomes appealable. All such appeals shall be heard and decided following the notice requirements of section 7.2.4, and pursuant to the following criteria and procedural requirements.
- B. *Appeals of decisions of administrative officials.* Appeals of decisions of administrative officials may be filed by (1) any person aggrieved by; (2) any elected member of the DeKalb County Governing Authority affected by; or (3) an owner of property within two hundred and fifty (250) feet of the nearest property line of the property that is the subject of any final order, requirement, or decision of an administrative official, based on or made in the enforcement of this Zoning Ordinance, or as otherwise authorized by local law or the

Code of DeKalb County as Revised 1988. by filing with the secretary of the zoning board of appeals an application for appeal, specifying the grounds thereof, within fifteen (15) days after the action was taken by the official that is the subject of the appeal.

- C. *Appeal stays all legal proceedings.* An appeal of a decision of an administrative official stays all legal proceedings in furtherance of the action or decision appealed from unless the official from whom the appeal is taken certifies to the zoning board of appeals, after notice of appeal has been filed, that by reason of facts stated in the certificate, a stay would, in that official's opinion, cause imminent peril to life or property. In such a case, legal proceedings shall be stayed only pursuant to a restraining order granted by a court of competent jurisdiction directed to the officer from whom the appeal is taken and on due cause shown.
- D. *Appeal stays land disturbance or construction activity in certain situations.* If the action or decision appealed from permits land disturbance or construction activity to commence or continue on residentially zoned property, the appeal stays the land disturbance or construction activity until the zoning board of appeals issues a decision on the appeal. Thereafter, land disturbance or construction activity in such cases shall only be stayed by an order from a court of competent jurisdiction. In all cases involving non-residentially zoned property, the appeal to the zoning board of appeals does not stay land disturbance or construction activity; such activity shall only be stayed by an order from a court of competent jurisdiction.
- E. Thereafter, in such situations land disturbance or construction activity shall only be stayed by an order granted by a court of competent jurisdiction.
- F. *Time of hearing.* The zoning board of appeals shall fix a reasonable time for the hearing of the appeal and give notice thereof pursuant to the requirements of section 7.2.4 as well as written notice to the appellant. Any party may appear at the hearing in person, by an agent, by an attorney, or by the submission of written documentation.
- G. *Decision of the zoning board of appeals.* Following the consideration of all testimony, documentary evidence, and matters of record, the zoning board of appeals shall make a determination on each appeal and shall issue a written decision explaining the reasons for its decision. The zoning board of appeals shall decide the appeal within a reasonable time, but in no event more than sixty (60) days from the date of the hearing. An appeal shall be sustained only upon an expressed finding by the zoning board of appeals that the administrative official's action was based on an erroneous finding of a material fact, erroneously applied the Zoning Ordinance to the facts, or that the administrative official acted in an arbitrary manner. In exercising its powers, the zoning board of appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from, and to that end shall have all the powers of the administrative official from whom the appeal was taken and may issue or direct the issuance of a permit, provided all requirements imposed by any applicable laws are met.

**7.5.4 Limitations of authority of the zoning board of appeals.**

No variance shall be granted by the zoning board of appeals to:

- A. Allow a structure or use not listed as a permitted use or a special use in the applicable zoning district or a density of development that is not authorized within such district. This prohibition does not apply to any variance from the supplemental regulations of Article 4 of this Zoning Ordinance or from any other accessory feature or characteristic of a permitted or special use, unless said variance is otherwise prohibited by the regulations of this chapter.
- B. Allow any variance which conflicts with or changes any requirement enacted as a condition of zoning or of a special land use permit by the board of commissioners.
- C. Reduce, waive or modify in any manner the minimum lot width unless the purpose is to reverse a lot merger.
- D. Reduce, waive or modify in any manner the minimum lot area established by this chapter.
- E. Extend the time period for a temporary outdoor social, religious, entertainment or recreation activity approved by the director of planning.
- F. Permit the expansion or enlargement of any nonconforming use of land, nonconforming use of land and buildings in combination, nonconforming use of land and structures in combination, or nonconforming use requiring special land use permit.
- G. Permit the reestablishment of any nonconforming use of land, nonconforming use of land and buildings in combination, nonconforming use of land and structures in combination, or nonconforming use requiring special land use permit where such use has lapsed pursuant to the requirements and limitations of Article 8 of this chapter.
- H. Permit customer contact for a home occupation authorized by this chapter.
- I. Allow any variance to increase the height of a building which will result in adding a story.

**GENERAL INFORMATION REGARDING APPLICATIONS  
TO THE DEKALB COUNTY ZONING BOARD OF APPEALS:**

1. **Monthly Meetings.** The Zoning Board of Appeals meets once a month at 1:00 P.M. in the auditorium of the Manuel J. Maloof Administration Center annex, 1300 Commerce Drive, Decatur, GA (corner of West Trinity Place and Commerce Drive in Downtown Decatur).
2. **Application Submittals.** All applications are to be submitted to DeKalb County Planning Department, 330 West Ponce de Leon, Suite 500, Decatur, GA 30030. Applications will be reviewed for completeness to the Zoning Board of Appeals. For filing deadlines, hearing dates, and additional information, please contact the Planning Department at (404) 371-2155.
3. **Pre-application Meetings.** DeKalb County encourages pre-application meetings. Please call (404) 371-2155 to discuss your application and set up an appointment to meet with the Senior Planner assigned to the Board of Appeals.
4. **Blue Public Hearing Signs.** Public notice signs to advertise the application and date and time of the public hearing are required to be posted along the property frontage by the DeKalb County Zoning Ordinance. **Signs are posted by staff. Signs must remain posted until final Board of Appeals action regarding the request. If application is deferred, please do not remove signs.**
5. **Staff Report.** Staff prepares reports and recommendations for each application. These recommendations are based on the attached criteria established by the DeKalb County Code. Final staff reports are available to the applicant and the public the Monday prior to the scheduled Board of Appeals meeting. Staff reports can be e-mailed or picked up at the Planning Department (330 W. Ponce de Leon, 5<sup>th</sup> floor, downtown Decatur). They cannot be faxed.
6. **Zoning Board of Appeals Actions.** The Board of Appeals is authorized to:
  1. Approve the application as submitted
  2. Approve a revised application
  3. Approve an application with conditions
  4. Deny an application (if an application is denied, no variance can be considered on the same site within 24 months)
  5. Allow an application to be "Withdrawn without Prejudice" at the request of the applicant.
7. **Public Hearing portion of Meeting.** Applicants and others in favor of an application are given a total of five (5) minutes to present to the Board. Anyone speaking in opposition also has a total of five (5) minutes to address the application.
8. **Applicant and/or Representative must be Present.** Applicants or their representative must be present at the public hearing to present the request to the Zoning Board of Appeals.
9. **Executive Session.** After the public hearing, the Board of Appeals will close the public hearing, go into executive session for discussion, and will then take an action on an application. Applicants are not allowed to address the Board of Appeals during Executive Session unless they are asked questions by members of the Board of Appeals.



10. **Revisions or amendments.** An application must be submitted in writing and must be received ten (10) days before the scheduled meeting to be addressed in the staff report.
11. **Compliance with standards upon denial.** In such case that a variance request is initiated due to an existing code violation and such application is denied, the violation shall be required to be brought into compliance within thirty (30) days of such denial or as specified by the board if a greater time period is approved.
12. **Successive applications.** Section 27-920 of the DeKalb County Zoning Ordinance states: An application for a variance or special exception affecting all or a portion of the same property which was denied by the Zoning Board of Appeals shall not be submitted more than once every twenty-four (24) months measured from the date of final decision by the zoning board of appeals. The Zoning Board of Appeals may waive or reduce this twenty-four-month time interval by resolution provided that if the application for a variance or special exception was denied by the Zoning Board of Appeals, the time interval between the date of said denial and any subsequent application or amendment affecting the same property shall be no less than six (6) months.
13. **Appeals of Decisions.** Any person aggrieved by a final decision of the board, or any officer, department, board or agency affected by such decision, may seek review of such decision by petitioning the Superior Court of DeKalb County. Such petition shall be filed within 30 days after the final decision of the board is rendered.





L=39.636, R=30.000  
A=75.6990

**HRH Trees, LLC**  
Certified Arborist - Certified Forester  
1125 Oak Brook Way, Atlanta, Georgia 30319  
404-444-5824  
heid@hrhtrees.com

July 5, 2020  
Hanna Caswell  
Caswell Design Group, LLC  
404-337-9766  
hcaswell@cdg.com

Specimen Tree Report - 2396 Rock Chapel Road, Lithonia, GA 30058

Dear Ms. Caswell:

Thank you for asking HRH Trees, LLC to prepare a specimen tree report for the site at 2396 Rock Chapel Road, Lithonia in DeKalb County, Georgia. In accordance with your request, there was one (1) specimen tree identified on the site.

In DeKalb County, specimen trees are identified as the following:  
Standards for the identification, preservation, and protection of specimen trees shall be as follows:  
\* Any tree in fair or better condition which equals or exceeds the following diameter sizes:  
1. Large hardwoods, i.e. oaks, hickories, yellow pappars, and similar species: Thirty (30) inches DBH.  
2. Large softwoods, e.g. pines, evergreens, and similar species: Thirty (30) inches DBH.  
3. Small trees, e.g. dogwoods, redbuds, sourwoods, and similar species: Ten (10) inches DBH.  
\* A tree in fair or better condition should meet the following minimum standards:  
1. A life expectancy of greater than fifteen (15) years.  
2. A relatively sound and solid trunk with no extensive decay or hollow, and less than twenty (20) percent radial trunk rot/dieback.  
3. No major insect or pathogenic problems.  
\* An assumed tree can be considered a specimen if:  
1. It is a rare or unusual species or of historical significance.  
2. It is specifically used by a builder, developer, or design professional as a focal point in a project or landscape.  
3. It is a tree with exceptional aesthetic quality.

Please see the following page for more details. If you have any further questions, please do not hesitate to contact me.

Sincerely,  
*Heidi Herrington*  
Heidi Herrington  
ISA Certified Arborist (NY-10794)  
SAF Certified Forester (2736)  
heid@hrhtrees.com  
404-444-5824

**HRH Trees, LLC**  
Certified Arborist - Certified Forester  
1125 Oak Brook Way, Atlanta, Georgia 30319  
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**REPORT**  
2396 Rock Chapel Road, Lithonia

**Overview:**  
The site is approximately 0.43 acres in size located in Lithonia in DeKalb County. It is a wooded site nestled in between Rock Chapel Road, Pine Mountain Road, Pine Mountain Street and Turner Hill Road. The limits of disturbance (LOD) area is approximately 1.8 acres. The tree composition is mostly well-grown around 30-50 years with a mix of hardwoods and softwoods. The site visit took place on July 2, 2020.

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**Page 2**  
2396 Rock Chapel Road, Lithonia

**Observations:**  
All observations were visual from the ground on site. No invasive tests, aerial or underground inspections were performed. Diameters were measured at breast height, 4 1/2 feet above the ground (DBH) with a calibrated diameter tape. Soundness was evaluated with a rubber mallet.

One specimen tree was noted on the site near Pine Mountain Road on the south side of the site. It is flagged with pink flagging tape and a metal numbered tag #131. The condition and description of the tree are as follows:

Specimen Tree ID	Size (DBH) (inches)	Type (Species)	Description (Identification Criteria)	Condition Summary (Excellent, Good, Fair, Poor, Dead) Life Expectancy
#131	30"	Water Oak (Quercus nigra)	Appears healthy - good form, crown (ridge and spur) has no live vine growth	Good Greater than 15 yr life expectancy Monitor annually for changes

DBH = Diameter at breast height is normally measured at 4 1/2 feet above ground level for single trunked trees. Multi-trunked trees are measured below union of trunk(s) or each trunk at 4 1/2'.  
(See site plan at end of report for location)

**Picture of Water Oak:**

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**Page 3**  
2396 Rock Chapel Road, Lithonia

**Comments:**  
There were 5 other larger trees on site that were identified as non-specimen trees either due to size and/or condition:

- A. Double-trunked water oak (167/18") in the right-of-way along Pine Mountain Road
- B. Multi-trunked Douglas (207") in the right-of-way along Pine Mountain Road
- C. Dead pine (307")
- D. Dead pine (207")
- E. Triple-trunked water oak (171/177/207") in the NE corner by Turner Hill Road and Pine Mountain Street

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**Page 4**  
2396 Rock Chapel Road, Lithonia

**Basic Tree Preservation:**  
Pre-Construction:  

- > Properly place and install the site fence and tree protection fence (TPF). The TPF should be placed as far away from the trunk of the trees being saved as possible, preferably at the drip line (end of canopy) or beyond. Use hay/burlap bales when needed.
- > Use wood chippings to protect the OZ under or near the canopy of the trees. A layer of mulch 6-12" deep can be used initially. Be cautious not to pile the mulch up the trunks of the trees.

 During Construction:  

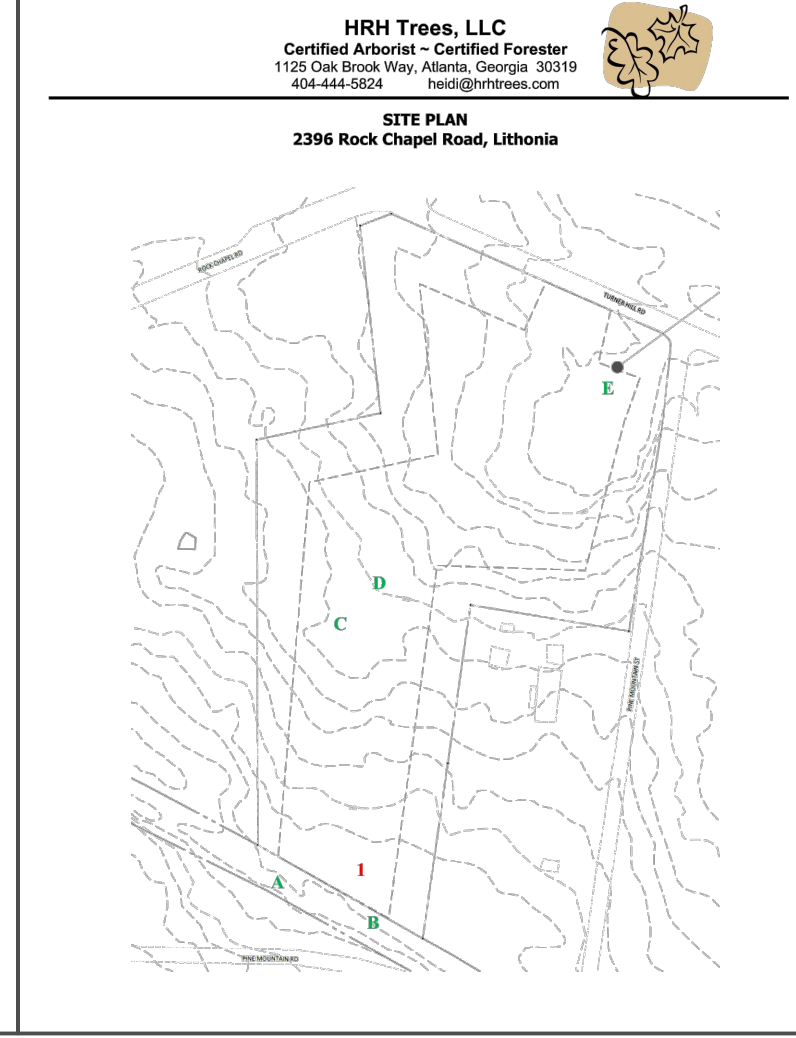
- > Do not allow any machinery or heavy objects beyond the TPF for any reason.
- > When grading near and around existing trees, do not change the grade by more than 6 inches within the OZ. Most of the roots are within the top 12-24 inches of soil and can easily be damaged.
- > If any roots are damaged or exposed, make clean cuts and cover the exposed roots with soil or mulch so they do not dry out and can heal.

 Post-Construction:  

- > Spread out any mulch that was placed underneath the trees to a depth of 2-3 inches. Make sure the bases of the trees are visible and mulch is not piled to the sides of the trunks.
- > Continue to protect the trees from post-construction activities. (i.e. taking TPF and site fencing down, trenching for irrigation or other projects, sewer reworks, etc.)
- > Apply root injection treatments if necessary to help reduce construction stress and repair damaged or lost roots.

**Final Remarks:**  
 Please note that every tree will fall. No arborist can date when, where or how a tree will fall. I certify all statements in this report are true, complete and correct to the best of my knowledge and belief, and that they are made in good faith. It is the sole responsibility of the contractor to take the necessary actions to protect any tree(s) and minimize any risks addressed in this report.

(This report was generated by Heidi Herrington Herrington, Certified Arborist (ISA #NY-10794), Certified Forester (SAF #2736), HRH Trees, LLC.)  
heid@hrhtrees.com  
404-444-5824



**HRH Trees, LLC**  
Certified Arborist - Certified Forester  
1125 Oak Brook Way, Atlanta, Georgia 30319  
404-444-5824  
heid@hrhtrees.com

Scale: 1" = 40'

**CASSWELL DESIGN GROUP LLC**  
962 BRIGHTON DR., LAWRENCEVILLE, GA. 30043  
[404] 317-9766 casswelldesigngroup.net

**EXISTING CONDITIONS**  
PROJECT  
KP Sirak Truck Parking  
2396 ROCK CHAPEL RD., LITHONIA, GA 30058

FOR  
BOKRU KELATI  
MAR78907@YAHOO.COM

SHEET TITLE  
SHEET NUMBER  
**C101**  
PROJECT NUMBER  
**20044**  
DATE  
OCTOBER 04, 2020  
REVISIONS



# GIS NOTES

ALL APPROVED ASSIGNED PARCELS SHALL BE PUT IN DIGITAL CAD FORMAT FOR GIS DEPARTMENT.

# Landscaping Notes

Ground cover shall consist of evergreen shrubs or groundcover plant material mulched with pine bark mulch, or other similar landscaping material.

# GENERAL NOTES

- ALL WORK AND MATERIALS SHALL COMPLY WITH THE DEKALB COUNTY, STATE OF GEORGIA REGULATIONS AND CODES, AS WELL AS ALL O.S.H.A. STANDARDS.
- ACCORDING TO THE FEMA FLOOD PLAIN MAP 13089C0176K THE SITE IS LOCATED OUTSIDE THE FLOOD ZONE AND IS IN AN AREA OF MINIMAL FLOOD HAZARD.
- SITE WORK CONTRACTOR IS RESPONSIBLE FOR WORK TO WITHIN 5'-0" OF THE BUILDING.
- EXISTING STRUCTURES WITHIN CONSTRUCTION LIMITS ARE TO BE ABANDONED, REMOVED, OR RELOCATED AS INDICATED ON THE PLANS AND IN THE SPECIFICATIONS.
- CONTRACTOR IS TO NOTIFY DEKALB COUNTY INSPECTORS 72 HOURS PRIOR TO THE START OF CONSTRUCTION.
- CONTRACTOR SHALL OBTAIN ALL PERMITS BEFORE CONSTRUCTION BEGINS, (INCLUDING GA DOT UTILITY ENCROACHMENT PERMIT).
- ALL SIGNAGE SHALL COMPLY WITH DEKALB COUNTY ZONING ORDINANCE. A SEPARATE SIGN PERMIT IS REQUIRED.
- CONSTRUCTION TRAILER USED ON-SITE SHALL BE PERMITTED THROUGH THE DEKALB COUNTY PLANNING AND ZONING DEPARTMENT.
- CONSTRUCTION EQUIPMENT SHALL NOT BE PARKED IN REQUIRED RIGHT-OF-WAY, AND MUST BE STORED WITHIN THE SITE. CONSTRUCTION EQUIPMENT SHALL NOT BE PARKED IN AREAS WHICH RESTRICT SIGHT DISTANCE.
- CONTRACTOR SHALL NOTIFY ENGINEER SHOULD ANY FIELD CONDITIONS BE NOTED THAT DIFFER FROM THE SURVEY.
- SITE CONTRACTOR SHALL FURNISH "AS-BUILT" DRAWINGS INDICATING ALL CHANGES AND DEVIATIONS.
- ENGINEER: CASSWELL DESIGN GROUP, LLC, 279 W. CROGAN ST. LAWRENCEVILLE, GA 30046, PHONE (404) 317-9766, CONTACT: HANNA CASSWELL, CASSWELLDISIGNGROUP.NET.

Parking—Prohibited uses. No parking or yard area may be used for the repair, dismantling, service, car wash or storage of any equipment or disabled vehicle, except in relation to a permitted accessory use. Permitted uses not authorized to engage in outdoor operations between 10:00 p.m. and 6:00 a.m. No maintenance shall be performed on site. No dumpster, buildings or utilities are proposed on site.

- a minimum of one (1) tree per six (6) parking spaces shall be included in the required landscaped areas, for the purpose of satisfying this requirement, existing trees that are three (3) inches or more in caliper as measured at a height of six (6) inches above the ground shall be considered to be equivalent to one (1) or more newly planted trees on the basis of one (1) tree for each three (3) inches of caliper.
- where the landscaped area is in the interior of a parking lot, the landscaped area shall be a minimum of six (6) feet in width and serve as a landscaped median between parking bays. the area of the landscaped median will be determined by the parking configuration. in no case will the landscaped area be less than sixty (60) square feet.
- all landscaped areas shall be properly maintained in accordance with approved landscape plans. in the event that a tree or any plant material dies, it shall be replaced within ninety (90) days of such occurrence, so as to meet all requirements of this section and to allow for planting in the appropriate planting season.

# Tree planting

No tree shall be planted closer than two and one-half (2.5) feet from the street or sidewalk, and no closer than eight (8) feet from a fire hydrant, sign post, streetlight standard, utility pole, or similar structure.

Street planting shall be required as follows:

- Street trees of a caliper not less than three (3) inches shall be planted in accordance with the streetscape requirements of paragraph C.1., above. Tree species shall be selected from the plant list provided in the district design guidelines. If such tree species are not available, the county arborist may allow substitutions.
- Street trees shall have a minimum planting area of two hundred (200) square feet, with a minimum width of five (5) feet. The planting area must be pervious, must have structured soils for a depth of two (2) feet, and must have a root barrier adjacent to both the curb and the sidewalk for the entire length of the planting area.
- Tree-planting areas shall provide porous drainage systems approved by the county arborist that allow for drainage of the planting area.
- When the size of the right-of-way results in a landscape strip that is less than five (5) feet wide, the landscape strip shall be planted in groundcovers and shrubs as provided in the plant list in the district design guidelines. Tree planting will still be required, and the trees shall be planted outside of the right-of-way within ten (10) feet of the outer edge of the sidewalk. No root barrier will be required within the landscape strip, but a root barrier is required along the outer edge of the sidewalk.
- When overhead utilities are present, small trees shall be utilized. Small tree species shall be selected from the plant list provided in the district design guidelines.

**SEEKING VARIANCE FOR GRAVEL PARKING LOT FOR TRUCK PARKING, SIMILAR TO NEIGHBORING PROPERTIES**

NO ON SITE OUTDOOR LIGHTING PROPOSED.  
NO HOG WIRE OR BARBED WIRE FENCE PERMITTED ALONG RIGHT OF WAY. NO HOG WIRE OR BARBED WIRE FENCE PROPOSED.

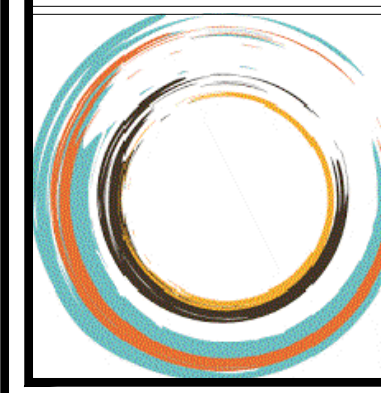


# SITE PLAN

SCALE: 1" = 50'  
50 0 50 100 150 FEET

SYMBOLS LEGEND				
	DEKALB COUNTY APPROVED STREET LIGHT			
	CONCRETE PAVEMENT STANDARD DUTY 5" PORTLAND CEMENT CONCRETE PAVEMENT SHALL BE 4,000 PSI (28 - DAY COMPRESSIVE STRENGTH) & 6" x 6" W/2.9W/2.9 WELDED WIRE FABRIC 6" GRADED AGGREGATE BASE			
	STORAGE AREA 3" CRUSHED AGGREGATE WITH STABILIZER MAX SIZE 3/4" STONE 6" GRADED AGGREGATE BASE			
	GDOT/R/W PAVEMENT 2" 9.5MM TYPE II SUPERPAVE HMA SURFACE COURSE 2" 19MM SUPERPAVE HMA BINDER COURSE 6" GRADED AGGREGATE BASE			
	SOD			
NOTES: 1. AGGREGATE BASE PER GDOT 815 OR EQUIVALENT. 2. HOT MIX ASPHALTIC COURSES PER GDOT 828 OR EQUIVALENT. 3. PORTLAND CEMENT CONCRETE PER GDOT 830 OR EQUIVALENT.				
	MINIMUM LIFT	RECOMMENDED LIFT	MAXIMUM LIFT	MAXIMUM TOTAL
	HMA TYPE	THICKNESS	THICKNESS	THICKNESS
	4.75MM SUPERPAVE	0.75"	0.825"	1.125"
	9.5MM SUPERPAVE TYPE I	0.825"	1.125"	1.25"
	9.5MM SUPERPAVE TYPE II	1.125"	1.25"	1.5"
	12.5MM SUPERPAVE	1.375"	1.5"	2.5"
				4"
				8"

CASSWELL DESIGN GROUP LLC  
279 W. CROGAN ST., LAWRENCEVILLE, GA. 30046  
[404] 317-9766 casswelldesigngroup.net



**VARIANCE SITE PLAN**  
PROJECT: KP Sirak Truck Parking  
2396 ROCK CHAPEL RD., LITHONIA, GA 30058  
FOR: BOKRU KELAPI  
MAR78907@YAHOO.COM

SHEET NUMBER: **C201LS**  
PROJECT NUMBER: **20044**  
DATE: **MAY 06, 2021**

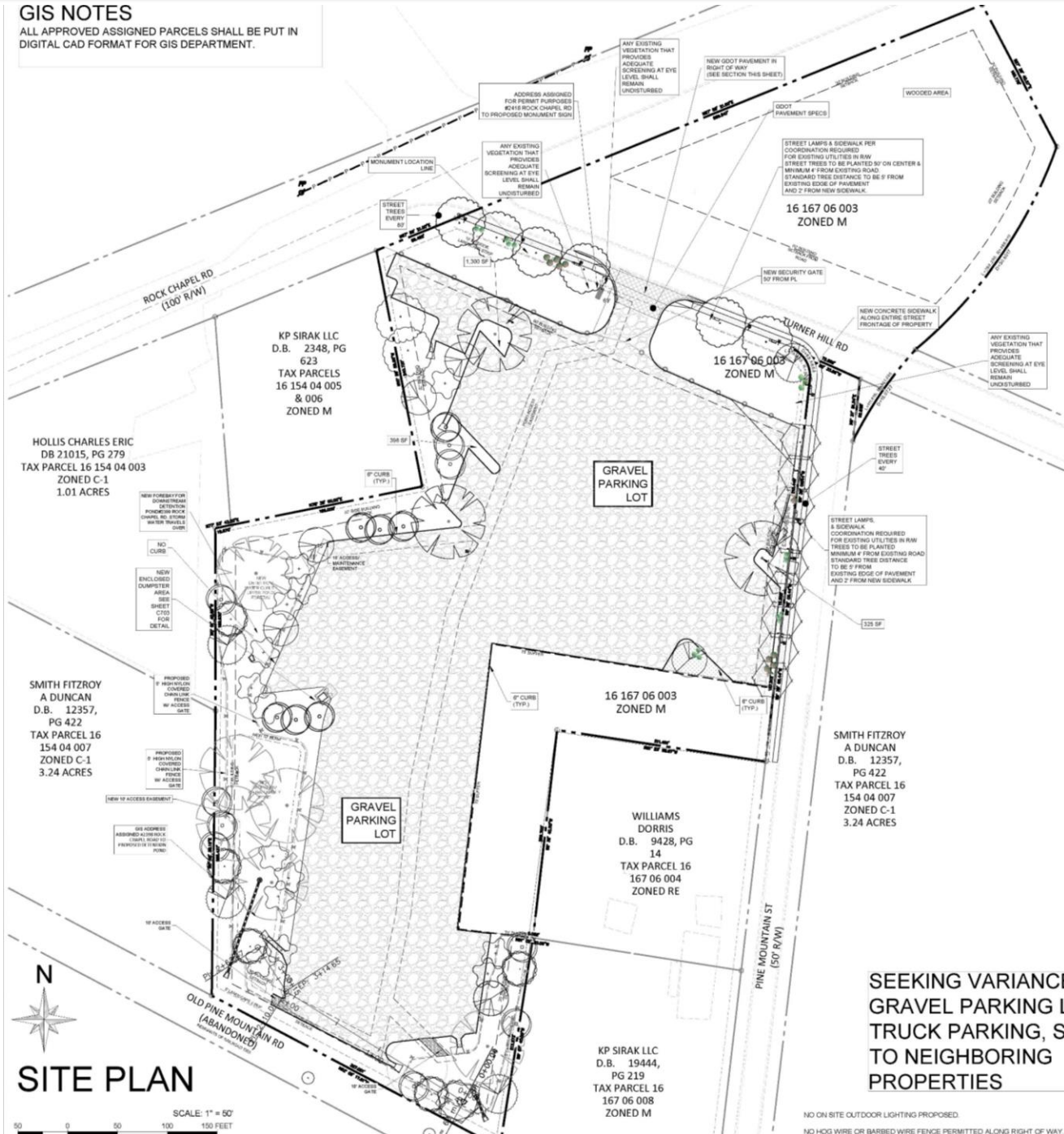
REVISIONS

SCALE: NONE



GIS NOTES

ALL APPROVED ASSIGNED PARCELS SHALL BE PUT IN DIGITAL CAD FORMAT FOR GIS DEPARTMENT.

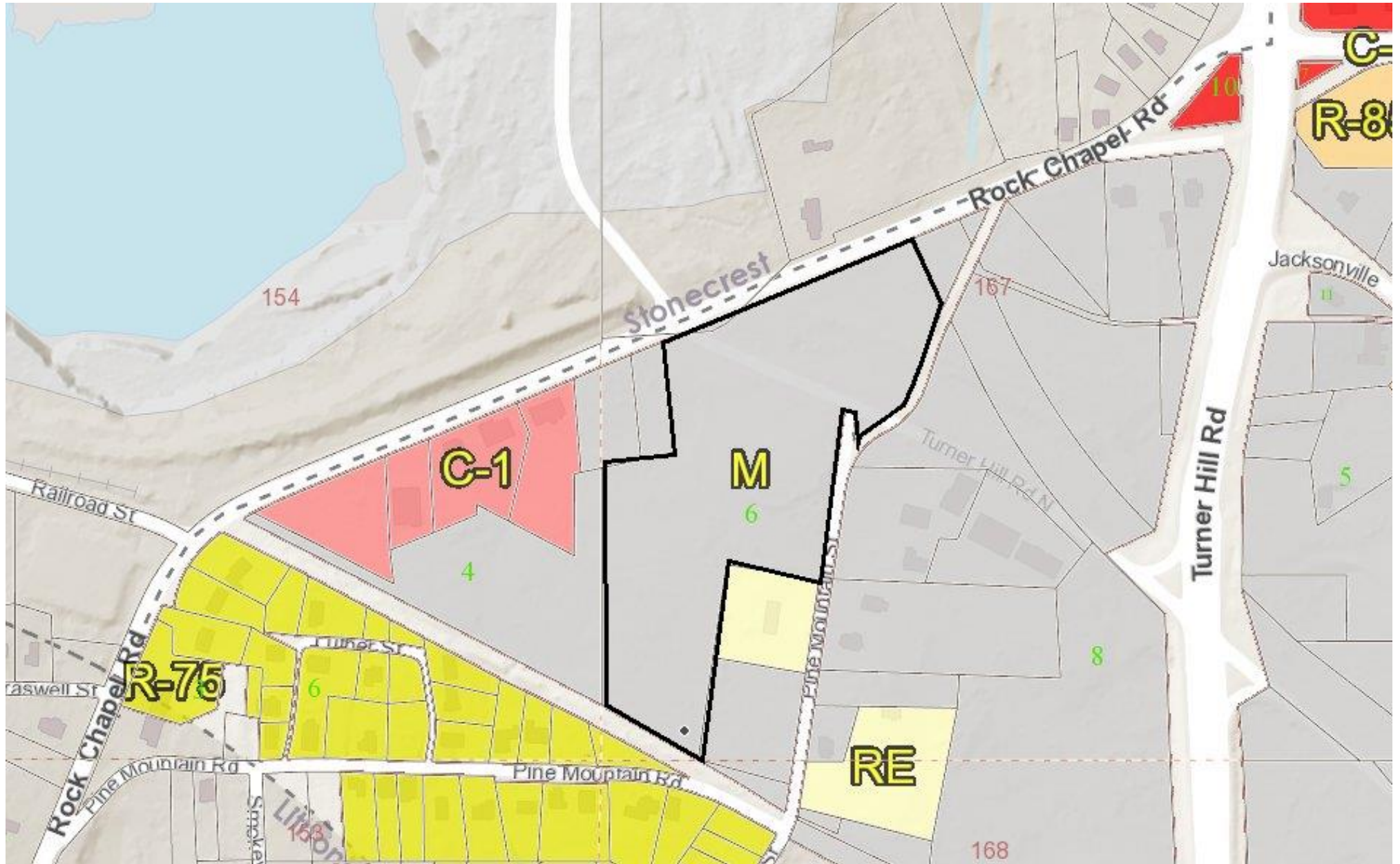


SITE PLAN

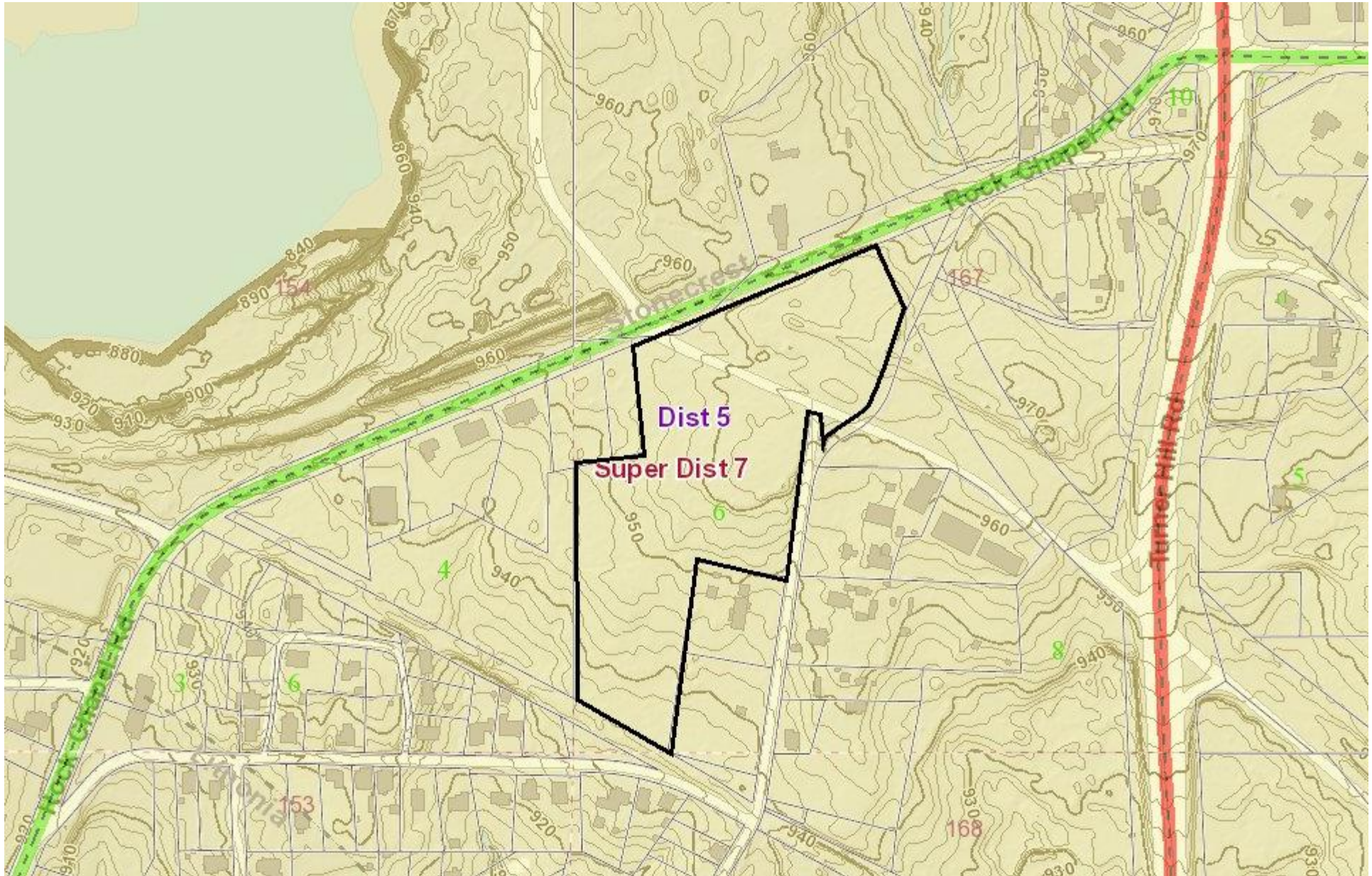
SCALE: 1" = 50'

SEEKING VARIANCE GRAVEL PARKING L TRUCK PARKING, S TO NEIGHBORING PROPERTIES

NO ON SITE OUTDOOR LIGHTING PROPOSED. NO HOG WIRE OR BARBED WIRE FENCE PERMITTED ALONG RIGHT OF WAY.















Subject Property