

DEPARTMENT OF PLANNING & SUSTAINABILITY

SPECIAL LAND USE PERMIT APPLICATION

Amendments will not be accepted after 5 working days after the filing deadline.

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

APPLICANT NAME: Luxury Living Experience PCH

Daytime Phone: (770) 853-8488 E-Mail: admin@luxurylivingpch.com

Mailing Address: 2038 Mallard Way Lithonia GA 30058

Owner Name: R.O.I. Empire  
(If more than one owner, attach contact information for each owner)

Daytime Phone: (404) 436-5370 E-Mail: philip@roiempire.com

Mailing Address: 2870 Peachtree #290 Atlanta GA 30305

SUBJECT PROPERTY ADDRESS OR LOCATION: 2038 Mallard Way  
Lithonia DeKalb County, GA, 30058

Parcel ID: 1605901227 Acreage or Square Feet: 2703 Commission Districts 15

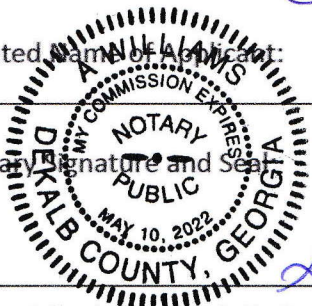
Existing Zoning: RCD Proposed Special Land Use (SLUP) \_\_\_\_\_  
Personal Care Home

I hereby authorize the staff of the Planning and Sustainable Department to inspect the property that is the subject of this application.

Owner: \_\_\_\_\_ Agent:  Signature of Applicant  
Alexis Clark

Printed Name of Applicant: \_\_\_\_\_  
A. Williams Alexis Clark

Notary Signature and Seal: \_\_\_\_\_  
A. Williams



DEPARTMENT OF PLANNING & SUSTAINABILITY

AUTHORIZATION

The property owner should complete this form or a similar signed and notarized form if the individual who will file the application with the County is not the property owner.

Date: 10/19/2021

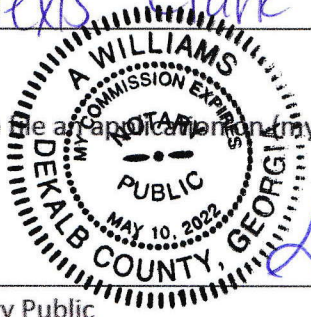
TO WHOM IT MAY CONCERN:

(I), (WE) R.O.I. Empire / Philip Edwards  
Name of owners(s) (If more than one owner, attach a separate sheet)

Being (owner) (owners) of the subject property described below or attached hereby delegate authority to

Alexis Clark / Luxury Living Experience PCH  
Name of Agent or Representative

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



A. Williams

[Signature]  
Owner

Notary Public

Owner

Notary Public

Owner

Notary Public

Owner

Notary Public

Owner

Notary Public

Owner

## Letter of Application

A) The proposed zoning classification

The classification is RSM zoning district. No new zoning is proposed.

B) The reason for the rezoning or special use or modification request

The special use is for 4 or more people in a Personal Care Home.

C) The existing and proposed use of the property

The property was previously a personal care home and was grandfathered in. The proposed use is the same.

D) Detailed characteristics of the proposed use (e.g. floor area, height of building(s), number of units, mix of unit types, number of employees, manner and hours of operation),

The proposed use is for a personal care home used for persons who need daily help with things like meal preparation, hygiene assistance, transportation and housing.

2703 Square feet, Not sure of the building height, 1 unit, 2-3 employees, 24 hours of operation.

d)(optional) statement of conditions discussed with the neighborhood or community, if any.

IMPACT ANALYSIS Criteria: Sec 27-7.4.6 The following criteria shall be considered by the Department of Planning and Sustainability, the Planning Commission and the Board of Commissioners in evaluating and deciding any application for a special land use permit. No application for a special land use permit shall be granted by the Board of Commissioners unless satisfactory provisions and arrangements have been made concerning each of the following factors, all of which are applicable to each application, and unless the application is in compliance with all applicable regulations in Article 4.

- A. Adequacy of the size of the site for 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.

The home has adequate space for the use at 2703 square feet. With 6 bedrooms and 4 bathrooms and 4 Parking spacing in driveway.

- B. Compatible of the proposed use with adjacent properties and land use and other properties and land uses in the district.

The other properties are zoned RCD and this is a residential living facility.

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

All utilities are working and I don't expect to require any public services or facilities.

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

The home is located in a cul-de-sac there is adequate room to turn around. I am not expecting any increase in traffic as the residents will not be driving only the staff, which would be normal traffic to a residence.

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

The residents will not be driving only the staff which calls for 2 cars max transportation maybe called for pickup and drop off of the residences, this would be some type of van no large buses. There should be in adverse effects.

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

No newly proposed building.

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

No. No new building proposed.

H. Whether or not the proposed use will create adverse impacts upon any adjoin land use by reason of the hours of operation of the proposed use.

Hours of operation are 24 hours but only inside of the home no impact to the exterior.

I. Whether or not the proposed use will create adverse impact upon any adjoin land use by reason of the manner of operation of the proposed use.

No expected impact on exterior land use.

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

Yes, this is a RSM zoning district. This facility will be ran as a residence.

K. Whether or not the proposed use is consistent with the policies of the comprehensive Plan,

The proposed use is consistent with the suburb land use for the comprehensive plan.

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

No required buffer zones

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

DeKalb county has regular trash pick at the house.

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

No. This permit should be used as long as the business is in use.

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

Not proposing any new construction. This property is like the neighboring properties

P. Whether the proposed plan will adversely affect historic buildings, sites, districts, or archaeological resources.

No.

Q. Whether the proposed use satisfies the requirements contained within the Supplemental Regulations for such special land use permit.

Yes. It satisfies Section 4.2.4.1 Personal Care Home.

Sec. 4.2.41. - Personal care homes and child caring institutions.

A. Personal care homes, general requirements.

1. Each personal care home must obtain all license(s) and/or permit(s) required by the State of Georgia in order to operate. Each personal care home licensed and/or permitted by the State of Georgia must display its state-issued license(s) and/or permit(s) in plain view, visible from the front doorway of the facility.

In the process of getting all needed permits.

2. No personal care home may display any exterior signage that violates the sign ordinance in chapter 21 of the Code or the sign provisions in the zoning regulations for the underlying zoning district where the personal care home is located.

No signs are outside

3. Personal care homes may apply for an FHA Accommodation Variance as provided for in section 7.5.9 of this chapter.

B. Personal care home, group (four (4) to six (6) persons).

1. Two (2) copies of complete architectural plans for the subject group personal care home, signed or sealed by a registered architect, shall be submitted to the director of planning prior to issuance of a building permit or business license.

As is site plan turned in with the SLUP.

2. Each group personal care home must provide at least four (4) parking spaces within a driveway, garage or carport and must comply with any applicable requirements in article 6.

4 parking spots are in the driveway.

3. In order to prevent institutionalizing residential neighborhoods, no group personal care home located in the RE, R-LG, R-100, R-85, R-75, R-50, R-SM, or MR-1 zoning district may be operated within one thousand (1,000) feet of any other group personal care home. The one-thousand-foot distance requirement is measured by a straight line which is the shortest distance (i.e., "as the crow flies") between the property lines of the two (2) tracts of land on which the group personal care homes are located.

No personal care homes are within 1000 feet.

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

No new height is proposed.

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

Yes. The use is for citizens who need daily help with things like meal preparation, hygiene assistance, transportation and housing.



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After recording, please return to:  
**BURGESS TITLE & ESCROW, LLC**  
2330 PATRICK HENRY PKWY.  
SUITE #350  
MCDONOUGH, GA 30253  
File #21A-2179

**PARCEL #16-059-001-227**

**STATE OF GEORGIA**  
**COUNTY OF HENRY**

**LIMITED WARRANTY DEED**

THIS INDENTURE is made this 10<sup>th</sup> day of AUGUST, 2021, by and between **DIANE W. HOWARD** (hereinafter called "Grantor") and **R.O.I EMPIRE, LLC, A Georgia limited liability company** (hereinafter called "Grantee"). The words "Grantor" and "Grantee" include the neuter, masculine and feminine genders, and the singular and the plural.

**W I T N E S S E T H:**

**FOR AND IN CONSIDERATION** of the sum of Ten Dollars (\$10.00) in hand paid to Grantor by Grantee at and before the execution, sealing and delivery hereof, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Grantor has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto Grantee, and the successors, legal representatives and assigns of Grantee, all that tract or parcel of land lying and being in **DEKALB** County, Georgia, being more particularly described as follows:

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 59 OF THE 16TH DISTRICT, DEKALB COUNTY, GEORGIA, BEING KNOWN AS LOT 107, BLOCK A, LEISURE VALLEY SUBDIVISION, UNIT FOUR, AS PER PLAT OF SAME OF RECORD AT PLAT BOOK 87, PAGE 96, DEKALB COUNTY, GEORGIA RECORDS. SAID PLAT IS SPECIFICALLY INCORPORATED HEREIN BY REFERENCE AND MADE A PART HEREOF FOR A MORE COMPLETE AND ACCURATE LEGAL DESCRIPTION.

**TO HAVE AND TO HOLD** said tract or parcel of land, together with any and all of the rights, members and appurtenances thereof to the same being, belonging or in anywise appertaining to the only proper use, benefit and behoof of Grantee forever in fee simple.

**THIS CONVEYANCE IS** made subject to all easements, covenants and restrictions of record.

**GRANTOR SHALL WARRANT** and forever defend the right and title to said tract or parcel of land unto Grantee, and the successors, legal representatives and assigns of Grantee, against the claims of all persons claiming, through or under Grantor.

**IN WITNESS WHEREOF**, Grantor has caused its duly authorized agent to execute this indenture, and to deliver this indenture to Grantee, all the day and year first written above.

Signed, sealed and delivered in the presence of:

**GRANTOR(S):**

\_\_\_\_\_  
Unofficial Witness

*Diane W. Howard* (SEAL)  
**DIANE W. HOWARD**

*J. Napier*  
Notary Public

My Commission Expires: 4/19/23

(NOTARIAL SEAL)





NO DETERMINATION OF FLOOD HAZARD HAS BEEN MADE FOR THIS PROPERTY BY THIS SURVEYOR.

**\* L E G E N D \***

NOTE: ALL ITEMS IN THIS LEGEND MAY NOT APPEAR ON THIS PLAT.

- |                             |                              |
|-----------------------------|------------------------------|
| AKA ALSO KNOWN AS           | N/F NOW OR FORMERLY          |
| APD AS PER DEED             | NAIL NAIL FOUND              |
| APP AS PER PLAT             | P PLAT (BOOK/PAGE)           |
| BSL BUILDING (SETBACK) LINE | POB POINT OF BEGINNING       |
| CP COMPUTED POINT           | POC POINT OF COMMENCEMENT    |
| CTP CRIMP TOP PIPE FOUND    | R RADIUS LENGTH              |
| D DEED (BOOK/PAGE)          | R/W RIGHT-OF-WAY             |
| DW DRIVEWAY                 | RBF REINFORCING BAR FOUND    |
| EP EDGE OF PAVEMENT         | (1/2" UNO)                   |
| FFE FINISH FLOOR ELEVATION  | RBS 1/2" REINFORCING BAR SET |
| FKA FORMERLY KNOWN AS       | SW SIDEWALK                  |
| IPF IRON PIN FOUND          | SSE SANITARY SEWER EASEMENT  |
| L ARC LENGTH                | SSCO SANITARY SEWER CLEANOUT |
| LL LAND LOT                 | -X- FENCE LINE               |
| LLL LAND LOT LINE           | █ WALL                       |
| N NEIGHBOR'S                |                              |

ALL MATTERS OF TITLE ARE EXCEPTED. THIS PLAT IS SUBJECT TO ALL LEGAL EASEMENTS AND RIGHTS-OF-WAY PUBLIC OR PRIVATE.

NOTE: PROPERTY LINES SHOWN ON THIS MAP/PLAT REPRESENT PHYSICAL FIELD CONDITIONS BY EVIDENCE OF APPARENT POSSESSION (IRON PINS FOUND, OLD & ESTABLISHED FENCE LINES, OLD WALL LINES, SHRUB & HEDGE LINE, HOUSE LOCATIONS, ETC.) THEY MAY DIFFER AND BE IN CONTENTION FROM EVIDENCE FOUND AT THE APPLICABLE COUNTY COURTHOUSE. THEY MAY ALSO DIFFER FROM OTHER SURVEYOR OPINIONS AND/OR NEIGHBORS SURVEYS/PLATS. A FULL LAND TITLE REPORT OPINION ON ALL PROPERTIES, INCLUDING ADJACENT AND CONTIGUOUS PROPERTIES MAY BE NEEDED TO RESOLVE ALL POSSIBLE PROPERTY LINE DISPUTES OR DISCREPANCIES.

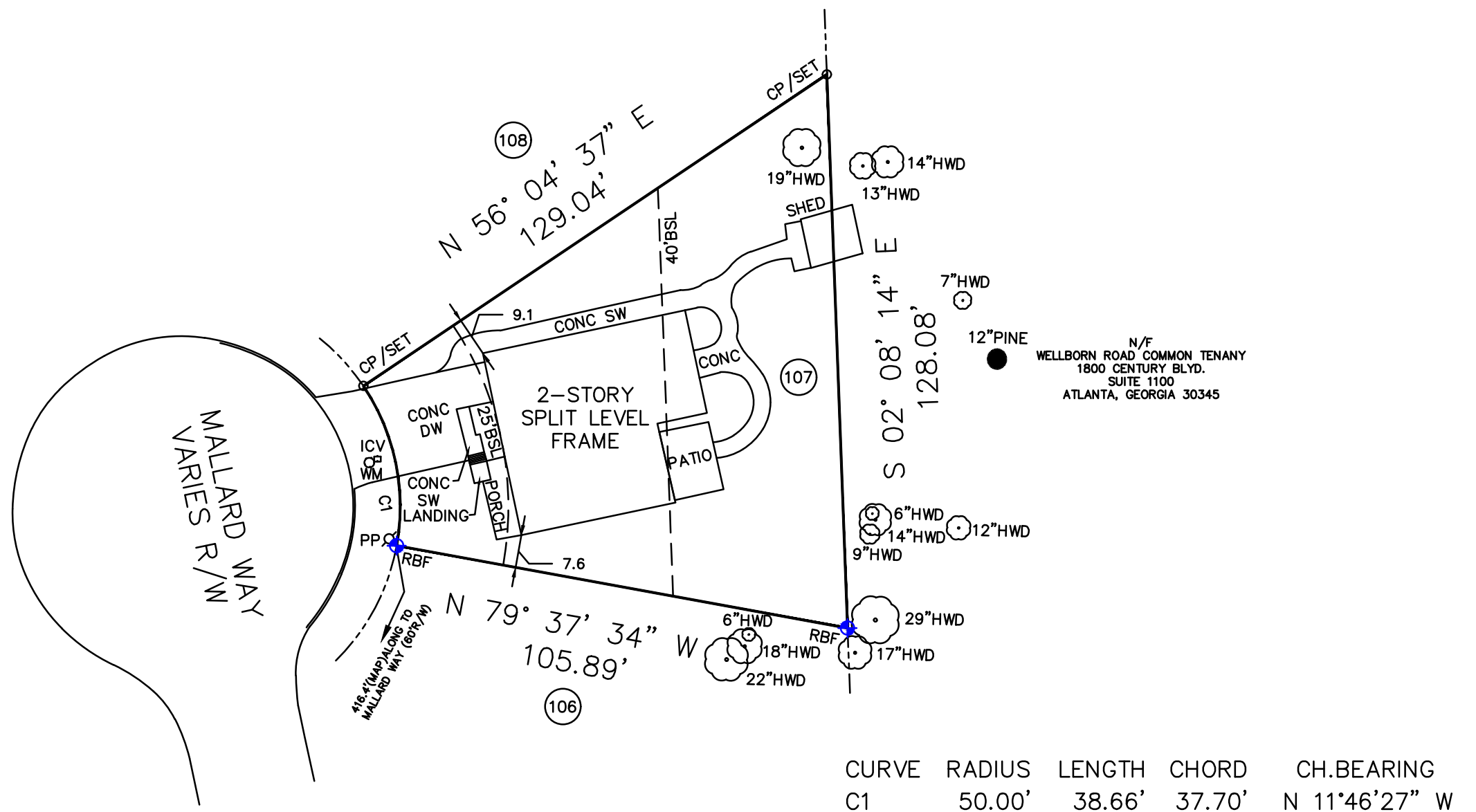
THIS MAP/PLAT WAS MADE WITHOUT THE BENEFIT OF A CURRENT TITLE COMMITMENT. EASEMENTS AND ENCUMBRANCES MAY EXIST WHICH BENEFIT AND BURDEN THIS PROPERTY. THIS MAP/PLAT IS SUBJECT TO REVISIONS AND UPDATE UPON RECEIPT OF SAID TITLE COMMITMENT.

BUILDING LINES SHOWN HEREON DERIVED FROM VARIOUS ONLINE SOURCES. THEY MAY BE IN CONTENTION WITH OR DIFFER FROM INTERPRETATIONS OF GOVERNING AUTHORITIES. IT IS THE CLIENT'S OBLIGATION TO CONFIRM WITH PERMITTING AGENCIES BASED ON THEIR SPECIFIC CONSTRUCTION PROJECTS.

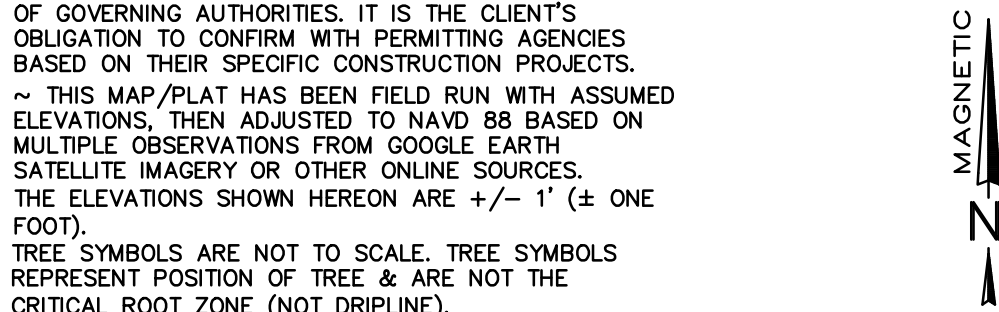
~ THIS MAP/PLAT HAS BEEN FIELD RUN WITH ASSUMED ELEVATIONS, THEN ADJUSTED TO NAVD 88 BASED ON MULTIPLE OBSERVATIONS FROM GOOGLE EARTH SATELLITE IMAGERY OR OTHER ONLINE SOURCES. THE ELEVATIONS SHOWN HEREON ARE +/- 1' (± ONE FOOT).

TREE SYMBOLS ARE NOT TO SCALE. TREE SYMBOLS REPRESENT POSITION OF TREE & ARE NOT THE CRITICAL ROOT ZONE (NOT DRIPLINE).

NOTE: ANY & ALL UNDERGROUND UTILITIES, I.E. SEWER, STORM, GAS, WATER, ETC., HAVE NOT BEEN FIELD LOCATED BY CONVENTIONAL SURVEY METHODS.



CURVE	RADIUS	LENGTH	CHORD	CH.BEARING
C1	50.00'	38.66'	37.70'	N 11°46'27\" W

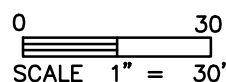


PROPERTY ADDRESS:  
2038 Mallard Way,  
Lithonia, GA 30058

LAND AREA:  
8,779 SF  
0.201 AC

IMPERVIOUS AREA:  
EXIST= 3,367 SF= 38.4%

ZONING: RCD-RES COMM  
DEV DIST



PLAT PREPARED FOR:  
2038 Mallard Way

LOT 107 BLOCK A SUBDIVISION LEISURE VALLEY (UNIT FOUR)

LAND LOT 101 4th DISTRICT PARCEL ID: 16 059 01 227 BY:

DeKALB COUNTY, GEORGIA FIELD DATE: 10-26-2021 NH

LOCATED IN ATLANTA DRAWN DATE: 10-28-2021 AE

REFERENCE: PLAT BOOK 87, PAGE 96 ALL MATTERS OF TITLE ARE EXCEPTED. NOT TO BE RECORDED NOR USED TO CONVEY PROPERTY.

THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE OF 1 FOOT IN 30,000+ FEET, AN ANGULAR ERROR OF 05 SECONDS PER ANGLE POINT AND WAS ADJUSTED USING THE LEAST SQUARES METHOD. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND FOUND TO BE ACCURATE TO 1 FOOT IN 40,000+ FEET. AN ELECTRONIC TOTAL STATION WAS USED IN THE PREPARATION OF THIS PLAT. NO STATE PLANE MONUMENT FOUND WITHIN 500' OF THIS PROPERTY.

THIS SURVEY WAS PREPARED IN CONFORMITY WITH THE TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN CHAPTER 180-7 OF THE RULES OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN THE GEORGIA PLAT ACT O.C.G.A. 15-6-67.

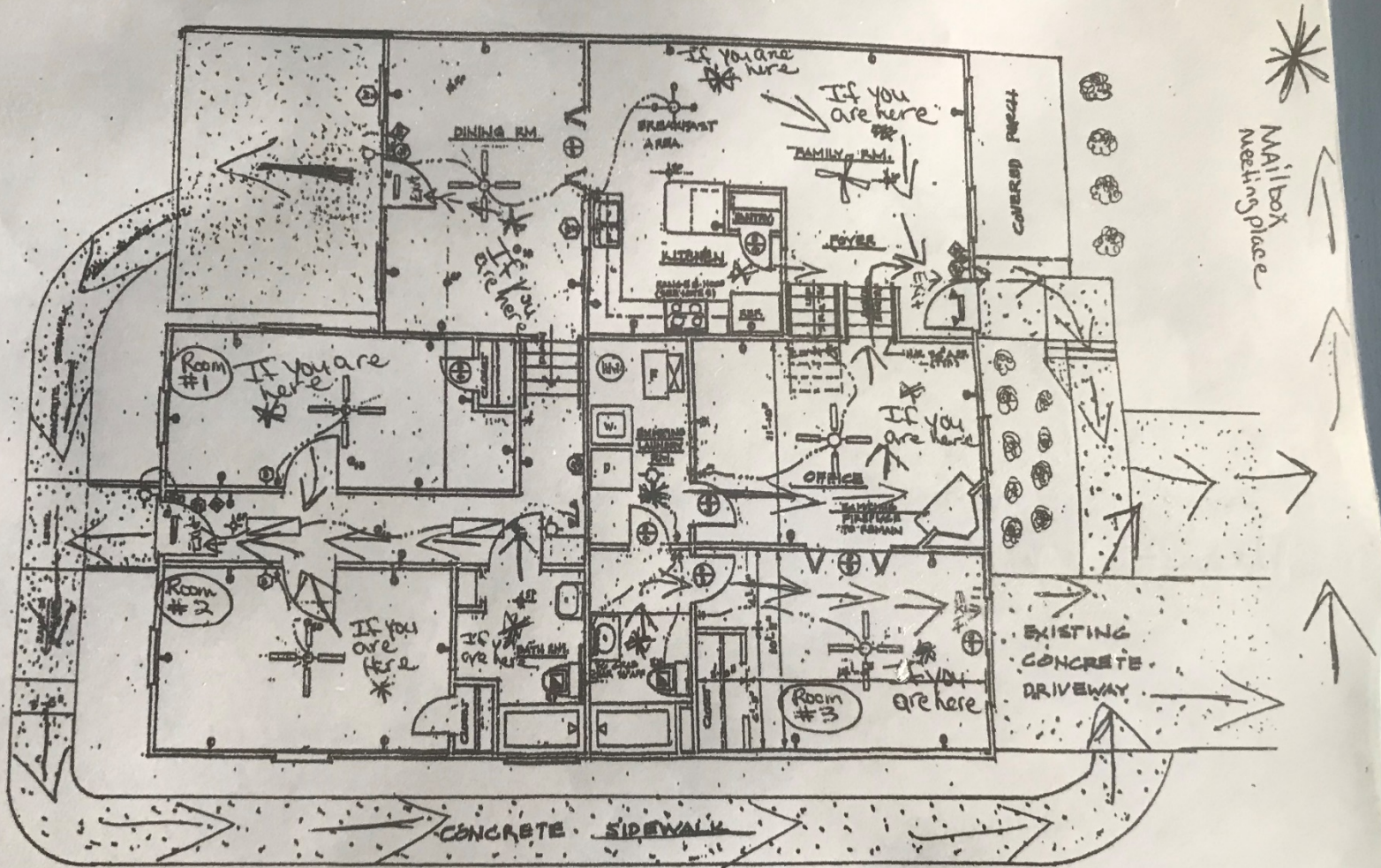


SURVEY SYSTEMS ATLANTA  
2156 W Park Ct, Ste D, Stone Mtn, GA 30087  
COA #LSF000867, info@SurveySystemsAtlanta.com  
Cell 678-591-6064 ~ Office 404-760-0010



2038 MALLARD WAY, LITHONIA GA, 30058

EVACUATION PLAN



FIRST FLOOR PLAN

SCALE: 1/8" = 1'-0"

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: Alexis

Phone:

Email: [alexis@eastmetrobrokers.com](mailto:alexis@eastmetrobrokers.com)

Property Address: 2038 Mallard Way

Tax Parcel ID: [16 059 01 227](#) Comm. District(s): 5 and 7 Acreage: 0.20

Existing Use: Residential Proposed Use: Personal Care Home

Supplemental Regs: Sec 4.2.41 Overlay District: No DRI:

**Rezoning:** Yes \_\_\_ No \_\_\_ X \_\_\_

Existing Zoning: RSM Proposed Zoning: NA Square Footage/Number of Units: NA

Rezoning Request: Operate a Personal care home for 4 or more people

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**Land Use Plan Amendment:** Yes \_\_\_ No X \_\_\_

Existing Land Use: Suburban Proposed Land Use: Same Consistent X Inconsistent

**Special Land Use Permit:** Yes X No \_\_\_

Special Land Use Request(s) Operate a Personal care home for 4 or more people

**Major Modification:** No \_\_\_ X \_\_\_

Existing Case Number(s): \_\_\_\_\_

Condition(s) to be modified:

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DEPARTMENT OF PLANNING & SUSTAINABILITY

**WHAT TO KNOW BEFORE YOU FILE YOUR APPLICATION**

Pre-submittal Community Meeting: 10/23/2021

Review Calendar Dates: 10/28 to apply PC: 01/04/2022 BOC: 01/27/2022

Letter of Intent: \_\_\_\_\_ Impact Analysis: \_\_\_\_\_ Owner Authorization(s): \_\_\_\_\_ Campaign Disclosure: \_\_\_\_\_

Zoning Conditions: \_\_\_\_\_ Community Council Meeting: 12/13/2021

Submittal Format: NO STAPLES, NO BINDERS PLEASE

Comments: Reviewed supplemental regulations, application process and timeline.

Planner: Rachel Bragg Date 10-22-21

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

Attendees to Pre-Submittal Community Meeting

1. 2052 Mallard Way: Reggie and Gloria Williams
2. 2058 Mallard Way: Faith Graham
3. 2054 Mallard Way: Tracy Brown



Luxury Living Experience PCH

2038 Mallard Way

Lithonia, GA 30058

(770) 853-8488

[admin@luxurylivingexperiencepch.com](mailto:admin@luxurylivingexperiencepch.com)

October 12 2021

Re: Community Meeting

Dear Neighbor,

You are receiving this notification because you are a property owner within 500 feet of 2038 Mallard Way. Luxury Living Experience PCH is submitting an Application for a Special Land Use Permit, in order to operate a personal care home serving 4 or more people. A personal care home provides housing, food and personal services to adults who need assistance with essential daily activities such as eating, bathing, grooming and dressing, toileting, and transfer. Luxury Living Experience PCH supports persons with intellectual and developmental disabilities to help them live their best possible life.

*The pre-submittal community meeting shall be held via an online meeting service (e.g. Zoom, Skype, Microsoft Teams, etc.). The online, pre-submittal community meeting shall take place no less than fifteen (15) days after the date of the written notice. Additionally, online, pre-submittal community meetings shall be conducted no earlier than 5:00p.m. on weekdays or between the hours of 9:00a.m. – 5:00p.m. on weekends. Online meetings shall be recorded. Applicants are required to provide documentation that verifies the occurrence of said meeting(s), including but not limited to notice letter, sign-in sheets or correspondence from the neighborhood association(s) or residents from the community before the application can be considered complete by the published Filing Deadline.*

Alexis Clark is inviting you to a scheduled Zoom meeting at [www.zoom.us](http://www.zoom.us)

Topic: 2038 Mallard Special Land Use Permit

Time: Saturday October 23, 2021 09:00 AM Eastern Time

Join Zoom Meeting:

Meeting ID: 742 8457 5384

Password: 2038

If you have any questions regarding this application or meeting, please contact Alexis at (770) 853-8488.

Sincerely,