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# **DEPARTMENT OF PLANNING & SUSTAINABILITY**

# **Rezoning Application to Amend the Official Zoning Map of DeKalb** County, Georgia

Date Received:	Application No:			
Applicant Name: Ainsley Elliot .				
Applicant E-Mail Address: elliottainsley@gmail.com				
Applicant Mailing Address: 2000 Hardwick Court, Conyers GA. 30013				
Applicant Daytime Phone: 770-912-1895	Fax:			
Owner Name: Christopher Alan Lowe If more than one owner, attach list of owners.				
Owner Mailing Address: 7276 Union Grove Road Lithonia, Georgia 30058-5053				
Owner Daytime Phone:				
Address of Subject Property: 7276 Union Grove Road Lithonia, Georgia 30058-5053				
Parcel ID#: 16 167 02 012				
Acreage: 16.04	Commission District: <u>5, 7</u>			
Present Zoning District(s):R-85				
Proposed Zoning District: M				
Present Land Use Designation: LIND				
Proposed Land Use Designation (if applicable):				



Andrew A. Baker, AICP

Director

**Chief Executive Officer** 

**DEPARTMENT OF PLANNING & SUSTAINABILITY** 

Michael Thurmond

## **REZONING APPLICATION CHECKLIST**

Submit 4 printed, collated sets of the complete application (no staples, no binders) and a PDF version on a flash drive

1. Schedule a mandatory Pre-Application Conference with Planning & Sustainability staff by appointment. Obtain Pre-Application form (to be completed in pre-application meeting). Please call 404-371-2155 for appointment.

2. Hold a Pre-Submittal Community Meeting with surrounding neighborhood associations and residents. Provide documentation of the meeting (meeting notice and sign in sheets). Letter(s) from homeowners association(s) may also be provided.

3. Submit Application (Submit 4 printed, collated sets and a PDF version on a flash drive. Please assemble materials in the following order.)

A. Application form with name and address of applicant and owner, and address of subject property;

B. Pre-submittal community meeting notice and sign-in sheet and other documentation of meeting, if any;

C. Letter of application and impact analysis

- 1. Letter of application identifying a) the proposed zoning classification, b) the reason for the rezoning or special use or modification request, c) the existing and proposed use of the property, 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), d)(optional) statement of conditions discussed with the neighborhood or community, if any.
- Impact analysis of the anticipated impact of the proposed use and rezoning on the surrounding properties in 2. response to the standards and factors specified in Article 7.3 of the DeKalb County Zoning Ordinance, as attached. If a Major Modification, please include previously approved conditions and Board of Commissioner meeting minutes.

**D.** Authorization Form, if applicant is not the owner. Must be signed by all owners of the subject property and notarized. Authorization must contain the mailing address and phone number of any applicant or agent who is authorized to represent the owner(s) of the subject property. Please include warranty deed, if property ownership is less than 2 years.

E. Campaign disclosure statement (required by State law).

F. Legal boundary survey of the subject property, (showing boundaries, structures, and improvements), prepared and sealed within the last year by a professional engineer or land surveyor registered in the State of Georgia. (If survey shows property on opposite sides of a public street right-of-way, file a separate application for each property.)

G. Site Plan, printed to scale, folded, of any existing and or proposed development/redevelopment. For projects larger than 1 acre, site plan should be at least 1:50 scale. The site plan must include the following:

a. complete boundaries of subject property;

b. dimensioned access points and vehicular circulation drives;

c. location of all existing and proposed buildings, structures, setbacks and parking;

- d. location of 100 year floodplain and any streams;
- \_\_\_\_\_ e. notation of the total acreage or square footage of the subject property;
- \_\_\_\_\_ f. landscaping, tree removal and replacement, buffer(s); and
- g. site plan notes of building square footages, heights, density calculations, lot coverage of impervious surfaces, parking ratios, open space calculations, and other applicable district standards.
- H. Reduced Site Plan, reduced to 8.5" x 11".

\_ I. Written Legal Description of metes and bounds of the subject property (can be printed on site plan or survey).

J. Building Form Information. Elevation (line drawing or rendering), or details of proposed materials, in compliance with Article 5 of the Zoning Ordinance.

K. Completed, signed Pre-application Form (Provided at pre-application meeting.)

#### **INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED**

# LAST WILL AND TESTAMENT

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## OF

# **CHARLES L. LOWE**

I, CHARLES L. LOWE of DeKalb County, Ga., being of full age and sound mind and memory and under no restraint, do make, publish and declare this instrument to be my last will and testament and hereby revoke all previous wills and codicils made by me.

### ITEM I

I name my son, CHRISTOPHER ALAN LOWE and my daughter, TERESA GAIL WIEGMAN, co-executors of my estate.

If either of these persons should fail to survive me or for any reason fail to serve, the other is to serve alone. I use the term executor interchangeably to apply to either gender.

My executors shall have the broadest possible powers necessary to carry out the business of the estate, including collecting all debts due it, paying any indebtedness, executing such instruments as may be necessary and proper and distributing said estate according to my will and selling any and all property, both real and personal.

My executors and their successors, if any, shall have the above stated powers and their powers shall include those set out in OCGA 53-12-232, as amended to the date of execution of this will, said powers being incorporated by reference herein.

All such powers may be exercised without order of, or report to any court.

No successor executor shall be required to inquire into or audit the acts of any predecessor executor or to make any claim against any such predecessor executor or his or her estate.

However, all persons serving as executor or executrix (whichever gender shall apply) are charged with carrying out the business of the estate in a prudent and business like manner. PAGE 1 OF 4

## ITEM II

I direct my executors to pay all my just debts, including the expenses of my last illness and funeral expenses.

# ITEM III

I direct my executors to pay all transfer, estate and similar taxes (including interest and penalties) assessed or payable by reason of my death on any property or interest in property which is included in my estate for the purpose of computing taxes.

My executors shall not require any beneficiary under this will to reimburse my estate for taxes paid on property passing under the terms of this will.

# ITEM IV

I direct that my executors be permitted to serve without bond or surety hereon and without the intervention of any court or courts, except as required by law, and that no inventory or appraisal of my estate be required.

# ITEM V

I bequeath and devise all of the rest of my property, both real and personal, and wherever found, to my wife, SYBIL J. LOWE.

# ITEM VI

If my said wife, SYBIL J. LOWE, fails to survive me then the residue of my estate is to go in equal shares to my sons, CHRISTOPHER ALAN LOWE; DAVID CHARLES LOWE, and MICKEY GLEN LOWE; and my daughters, TERESA GAIL WIEGMAN and LISA CHARLENE MITCHELL.

# ITEM VII

Any person who shall die at the same time as I, or in a common disaster with me, or under such circumstances that it is impossible or difficult to determine which died first, shall be deemed to have predeceased me.

IN WITNESS WHEREOF, I have hereunto signed my name and acknowledge and publish this instrument, identified by my signature as my last will and testament, in the presence of the undersigned witnesses, on this  $15^{74}$ 

day of Damper 1999.

SICHARLES LLOWE

PAGE 2 of 4

The testator, CHARLES L. LOWE, declared to us, the undersigned, that the foregoing instrument was his last will and testament and he requested us to act as witnesses to the same and to his signature thereon.

He thereupon signed said will in our presence, we all being present at the same time. And we, at his request, in his presence and the presence of each other do hereunto subscribe our names as witnesses. And we each declare that we believe this testator to be of sound mind and memory.

WITNESS OUR HANDS this 15th day of December 1999.

heny Wilson

13 Cotton Aul. Porterdale, BA 30070 Entral Are ton, by 30614

Prepared by: Carey M. Cameron Box 1188, Lithonia, Ga. 30058 (770) 482-3070

PAGE 3 OF 4

# STATE OF GEORGIA

# COUNTY OF DEKALB

Beforc me, the undersigned authority, on this day personally before me, CHARLES L. LOWE <u>LOCE</u> <u>Dyes</u>, and <u>Sherry Wilsm</u>, known to me to be the testator and the witnesses, respectively, whose names are subscribed to the foregoing instrument in their respective capacities, and all of said persons being by me duly sworn; said CHARLES L. LOWE, testator, declared to me and to the said witnesses in my presence that said instrument is his last will and testament and that he had willingly made and executed it as his free act and deed for the purpose therein expressed.

The witnesses, each on oath stated to me in the presence and hearing of the testator that the testator had declared to them that the instrument is his last will and testament and that he executed the same as such and wanted each of them to sign it as witnesses; and upon their oaths the witnesses stated further that they did sign the same as witnesses in the presence of the testator and at his request and that he was at the

time fourteen (14) years of age or older CHARLES L. LOWE Stan Byc WITNESS Stan Witness WITNESS

Sworn to and subscribed before me by CHARLES L. LOWE testator, and sworn and subscribed before me by  $\underline{HOR} = \underline{DYCS}$ , and

Sherry Wilson, witnesses, this 15TH day of <u>December</u> 1999.

Carey Cameron

# LAST WILL AND TESTAMENT

# OF

# SYBIL J. LOWE

# I, SYBIL J. LOWE of DeKalb County, Ga., being of

full age and sound mind and memory and under no restraint, do make, publish and declare this instrument to be my last will and testament and hereby revoke all previous wills and codicils made by me.

# ITEM I

I name my son, CHRISTOPHER ALAN LOWE and my daughter, TERESA GAIL WIEGMAN, co-executors of my estate.

If either of these persons should fail to survive me or for any reason fail to serve, the other is to serve alone. I use the term executor interchangeably to apply to either gender.

My executors shall have the broadest possible powers necessary to carry out the business of the estate, including collecting all debts due it, paying any indebtedness, executing such instruments as may be necessary and proper and distributing said estate according to my will and selling any and all property, both real and personal.

My executors and their successors, if any, shall have the above stated powers and their powers shall include those set out in OCGA 53-12-232, as amended to the date of execution of this will, said powers being incorporated by reference herein.

All such powers may be exercised without order of, or report to any court.

No successor executor shall be required to inquire into or audit the acts of any predecessor executor or to make any claim against any such predecessor executor or his or her estate.

However, all persons serving as executor or executrix (whichever gender shall apply) are charged with carrying out the business of the estate in a prudent and business like manner. PAGE 1 OF 4

### ITEM II

I direct my executors to pay all my just debts, including the expenses of my last illness and funeral expenses.

# ITEM III

I direct my executors to pay all transfer, estate and similar taxes (including interest and penalties) assessed or payable by reason of my death on any property or interest in property which is included in my estate for the purpose of computing taxes.

My executors shall not require any beneficiary under this will to reimburse my estate for taxes paid on property passing under the terms of this will.

# ITEM IV

I direct that my executors be permitted to serve without bond or surety hereon and without the intervention of any court or courts, except as required by law, and that no inventory or appraisal of my estate be required.

## ITEM V

I bequeath my jewelry to my daughters, TERESA GAIL WIEGMAN and

LISA CHARLENE MITCHELL with this gift to be divided as equally as possible.

# ITEM VI

I bequeath and devise all of the rest of my property, both real and personal, and wherever found, to my husband, CHARLES L. LOWE.

# ITEM VII

If my said husband, CHARLES L. LOWE, fails to survive me then the residue of my estate, is to go in equal shares to my sons, CHRISTOPHER ALAN LOWE; DAVID CHARLES LOWE, and MICKEY GLEN LOWE; and my daughters, TERESA GAIL WIEGMAN and LISA CHARLENE MITCHELL.

# ITEM VIII

Any person who shall die at the same time as I, or in a common disaster with me, or under such circumstances that it is impossible or difficult to determine which died first, shall be deemed to have predeceased me.

PAGE 2 OF 4

IN WITNESS WHEREOF, I have hereunto signed my name and acknowledge and publish this instrument, identified by my signature as my last will and testament, in the presence of the undersigned witnesses, on this 1577

day of December 1999.

SJ Sylsie Love

The testatrix, SYBIL J. LOWE, declared to us, the undersigned, that the foregoing instrument was her last will and testament and she requested us to act as witnesses to the same and to her signature thereon.

She thereupon signed said will in our presence, we all being present at the same time. And we, at her request, in her presence and the presence of each other do hereunto subscribe our names as witnesses. And we each declare that we believe this testatrix to be of sound mind and memory.

WITNESS OUR HANDS this 15th day of Damber, 1999.

Lori Bycs ITNESS SJ Sherry Wilson

<u>13 Cotton Ave.</u> <u>Porterdale, BA 30076</u> ADDRESS <u>ADDRESS</u> <u>1184 Central Ave.</u>

Prepared by: Carey M. Cameron Box 1188, Lithonia, Ga. 30058 (770) 482-3070

# STATE OF GEORGIA

# COUNTY OF DEKALB

Before me, the undersigned authority, on this day personally appeared SYBIL J. LOWE Sherry Wilson, and Lori Dyrs, known to me to be the testatrix and the witnesses, respectively, whose names are subscribed to the foregoing instrument in their respective capacities, and all of said persons being by me duly sworn; said SYBIL J. LOWE, testatrix, declared to me and to the said witnesses in my presence that said instrument is her last will and testament and that she had willingly made and executed it as her free act and deed for the purposes therein expressed.

The witnesses, each on oath stated to me in the presence and hearing of the testatrix that the testatrix had declared to them that the instrument is her last will and testament and that she executed the same as such and wanted each of them to sign it as witnesses; and upon their oaths the witnesses in the presence of the testatrix and at her request and that she was at the time fourteen (14) years of age or older.

St Sybie G. Love SYBIL J LOWE St Spi Dyes WITNESS St Sherry Wilson WITNESS

Sworn to and subscribed before me by SYBIL J. LOWE, testatrix, and sworn and subscribed before me by Hori Dycs, and

Sheril Wilson, witnesses, this 15th day of Demper, 1999.

Marey Cameron

PAGE 4 OF 4



3562 Habersham at Northlake, Bldg. J, Ste 100 Tucker, Georgia 30084

Zoom Instructions:

Go to <u>https://www.battlelawpc.com</u>. On the Home page, please click on "Projects", then choose "Dekalb County". Scroll down to the correct "Project Title" and click on "Join Meeting" under the correct meeting date. To join by phone, please dial (646) 558-8656 and enter the Meeting ID and Passcode provided on the website.

We encourage you to come out and participate! \*\*Please Note: This meeting is hosted solely by Battle Law, P.C.\*\*

> For More Information Contact Brittney Butler at: Phone: 404-601-7616 ext. 7 Fax: 404-745-0045 Email: btb@battlelawpc.com

# REZONING TO ALLOW FOR THE DEVELOPMENT OF A TOW SERVICE YARD

You are invited to a Zoom meeting. **Project Title: 7276 Union Grove Road** When: Tuesday, April 26, 2022

Time: 6:00 PM Eastern (US and Canada)

Register in advance for this meeting: https://www.battlelawpc.com



**PROPOSED LOCATION(S):** 

7276 Union Grove Road Lithonia, GA 30058 Parcel Number 16 167 02 012





3562 Habersham at Northlake, Bldg. J, Ste 100 Tucker, Georgia 30084

> «Name» «Address» «City», «State» «Zip»

# **Community Meeting Mailing List**

S NELSON FAMILY LLC 417 RICH DAVIS RD 2131 TWIN FALLS RD WILSON EUSTACE A MH LITHONIA HOLDINGS LLC 3717 ROSWELL RD # 100 **GRAHAM CLIVE A** 7314 UNION GROVE RD EAST LITHONIA BAPTIST PO BOX 1742 SD REAL ESTATE HOLDINGS LLC 445 HEARDS FERRY RD NW HAMMOCK MORRIS L UNION GROVE RD PALMER LINZIE **515 WYNBROOKE PKWY** HENRY VALLERY L 7334 UNION GROVE RD JONES WILLIAM A 2250 ROCK CHAPEL RD **RACETRAC PETROLEUM INC** P.O. BOX 2437 **ROBERTS ANTHONY EUGENE** 7257 UNION GROVE RD RASMUSSEN LLOYD 2313 ROCK CHAPEL RD SALVATIERRA JOSE ANTONIO 4369 CASTLE GATE DR **CUMMINGS MARJORIE** 7310 UNION GROVE RD WITHERS GERALD T 2222 ROCK CHAPEL RD DEKALB COUNTY 1300 COMMERCE DR LITHONIA BAPTIST CHURCH PO BOX 1742 ANTIOCH-LITHONIA MISSIONARY 2152 ROCK CHAPEL RD FLORES SILVA PABLO 6005 ROCKBRIDGE RD INTEGRATED SERVICE SOLUTIONS LLC P O BOX 9211 **PITTMON HANNAH** 7290 UNION GROVE RD **GRIFFIN MAJOR R** 7281 UNION GROVE RD MOORE CARL R JR 7327 UNION GROVE RD HAYGOOD ELEANOR NOREEN 2346 ROCK CHAPEL RD SALVATIERRA JOSE A 2287 ROCK CHAPEL RD MH LITHONIA HOLDINGS LLC 3717 ROSWELL RD STE 100 MABRY SANDRA 7320 UNION GROVE RD NATARI PROPERTIES LLC 2222 JACKSONVILLE RD **BURT EULA MAE** 7303 UNION GROVE RD SAPA REALTY LLC 453 JEFFERSON CHASE CIR SE PARKER BYRON 7382 UNION GROVE RD WILSON JAMES A 6005 ROCKBRIDGE RD WITHERS J S JR HIS ESTATE PERSONAL 2222 ROCK CHAPEL RD **CLEVELAND MICKEAL L** 7266 UNION GROVE RD **BERRONES IDALIA** 7304 UNION GROVE RD **DEVINE ANTONIO D** 7267 UNION GROVE RD **RICKETTS ARTIS PO BOX 776** TDC LEASING INC 5790 KENT ROCK RD PEAVY HERBERT A 1003 BETHEL RD MARITAL DEDUCTION TRUST TRUST E 201 ALLEN RD # 300 LOWE CHARLES L 7276 UNION GROVE RD GEORGIA TRANSMISSION CORPORATI 2100 EXCHANGE PLAZA MOLINA EDITH GUTIERREZ 7419 UNION GROVE RD DOZIER DEVELOPMENT CO LLC PO BOX 921879 **BOAL BOBBY SNOW** 2148 STARFIRE DR NE SHEKINAH RESOURCE FOUNDATION II 2460 BEROTH RD WHOLESALERS PROPERTY CO LLC **3110 KETTERING BLVD** CLACK DOUG 5790 KENT ROCK RD CARTER JIMMY A 7362 UNION GROVE RD HOLLIDAY RAE H 1490 TURNER RD

HIRAM GA 30141 DECATUR GA 30032 ATLANTA GA 30342 LITHONIA GA 30058 LITHONIA GA 30058 ATLANTA GA 30328 LITHONIA GA 30058 **STONE MOUNTAIN GA 30087** LITHONIA GA 30058 LITHONIA GA 30058 SMYRNA GA 30081 LITHONIA GA 30058 LITHONIA GA 30058 SNELLVILLE GA 30039 LITHONIA GA 30058 LITHONIA GA 30058 DECATUR GA 30030 LITHONIA GA 30058 LITHONIA GA 30058 **STONE MOUNTAIN GA 30087** MARIETTA GA 30065 LITHONIA GA 30058 ATLANTA GA 30345 LITHONIA GA 30058 LITHONIA GA 30058 LITHONIA GA 30058 ATLANTA GA 30354 LITHONIA GA 30058 **STONE MOUNTAIN GA 30089** LITHONIA GA 30058 LOGANVILLE GA 30052 CONYERS GA 30012 ATLANTA GA 30328 LITHONIA GA 30058 **TUCKER GA 30084** LITHONIA GA 30058 NORCROSS GA 30010 ATLANTA GA 30345 **PFAFFTOWN NC 27040 DAYTON OH 45439** LOGANVILLE GA 30052 LITHONIA GA 30058 CONCORD GA 30206

# Community Meeting Sign-In Sheet 4/26/2022

First Name	Last Name	Email	Registration Time Approval Status
Dennis	Allen	dennisallen05@comcast.net	4/6/2022 13:07 approved
Gina	Mangham	manghamlaw@att.net	4/6/2022 18:40 approved
Jan	Costello	janrcostello@gmail.com	4/7/2022 9:37 approved
LaTasha	Devine	devinela92@gmail.com	4/15/2022 18:42 approved
Teresa	Wiegmann	gailwiegmannlowe@yahoo.com	4/20/2022 19:44 approved
Chris	Lowe	Lowe.chris1956@gmail.com	4/25/2022 18:03 approved
Michael	Cleveland	Mikecleve114@gmail.com	4/25/2022 20:58 approved
Rosetta	Dillard	rdillard@atlantalandgroup.com	4/26/2022 16:18 approved
Michael Cleveland		mikelcleve114@gmail.com	4/26/2022 17:27 approved
Robert Armstrong		rarmstrong@atlantalandgroup.com	4/26/2022 17:41 approved
Anthony	Henry	akhenry@bellsouth.net	4/26/2022 17:49 approved
AINSLEY	ELLIOTT	elliottainsley@gmail.com	4/26/2022 18:03 approved



**DEPARTMENT OF PLANNING & SUSTAINABILITY** 

# **IMPACT ANALYSIS**

(Please respond to the following standards and factors on a separate sheet.)

Section 27-7.3.5. 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 Map:

- 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 of 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 building, 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.
- H. Whether the zoning proposal adversely impacts the environment or surrounding natural resources.



**Christopher Alan Lowe** 

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

# 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.

25-72 Date: 4

TO WHOM IT MAY CONCERN:

(I) (WE) \_\_\_\_\_

Christopher Alan Lowe Name of owner(s)

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

Ainsley Elliot c/o Battle Law, P.C.

Name of Agent or Representative

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

Notary Public	Owner 4-25-22
Notary Public	Owner
Notary Public	Owner
Notary Public	Owner



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

# **DEPARTMENT OF PLANNING & SUSTAINABILITY**

## DISCLOSURE OF CAMPAIGN CONTRIBUTION

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

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

Yes\_\_\_\_ No V\*

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

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

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

Notary

Hafiz N Akhtar Notary Public, DeKalb County, Georgia My Commission Expires 03/25/2023

3.25-23

**Expiration Date/ Seal** 

\*Notary seal not needed if answer is "no".

**Ainsley Elliot** 

Signature of Applicant /Date

Check one: Owner Agent\_\_\_\_



404.371.2155 (o) 404.371.4556 (f) DeKalbCountyGa.gov



DEPARTMENT OF PLANNING & SUSTAINABILITY

# **DISCLOSURE OF CAMPAIGN CONTRIBUTION**

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

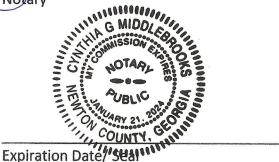
Have you, the applicant, made \$250.00 or more in campaign contribution to a local government official within two years immediately preceding the filling of this application?

Yes No

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

- 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. <u>and</u> to the Board of Commissioners of DeKalb County, 1300 Commerce Drive, Decatur, GA 30030.



\*Notary seal not needed if answer is "no".

Signature of Applicant /Date

Check one: Owner V Agent



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

DEPARTMENT OF PLANNING & SUSTAINABILITY

# DISCLOSURE OF CAMPAIGN CONTRIBUTION

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

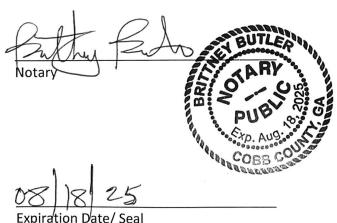
Have you, the applicant, made \$250.00 or more in campaign contribution to a local government official within two years immediately preceding the filling of this application?

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.

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Signature of Applicant /Date

Check one: Owner\_\_\_\_\_ Agent\_\_X

Expiration Date, Sear

\*Notary seal not needed if answer is "no".

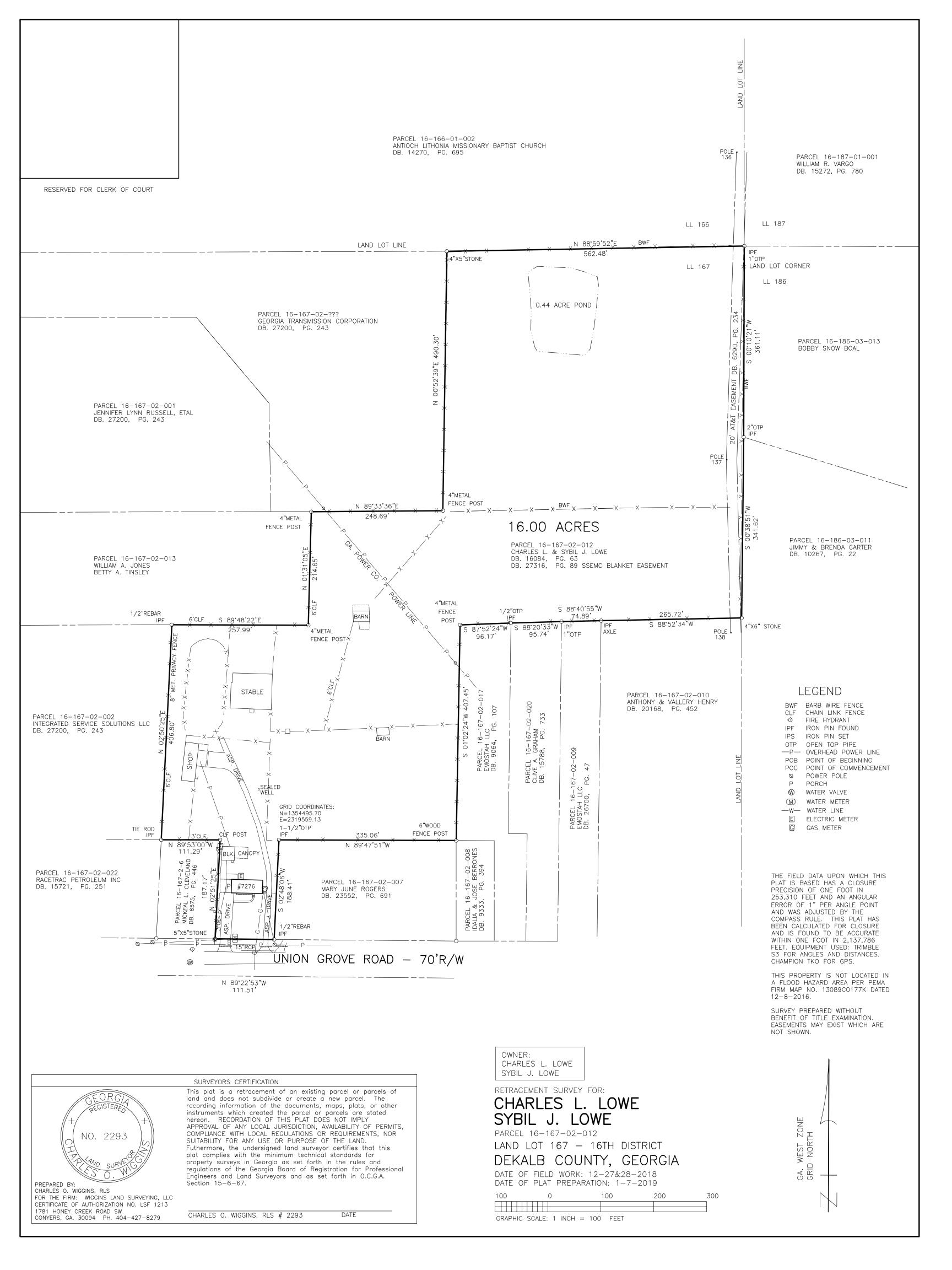
# Campaign Contribution Disclosure Statements Last Updated 2/24/2021

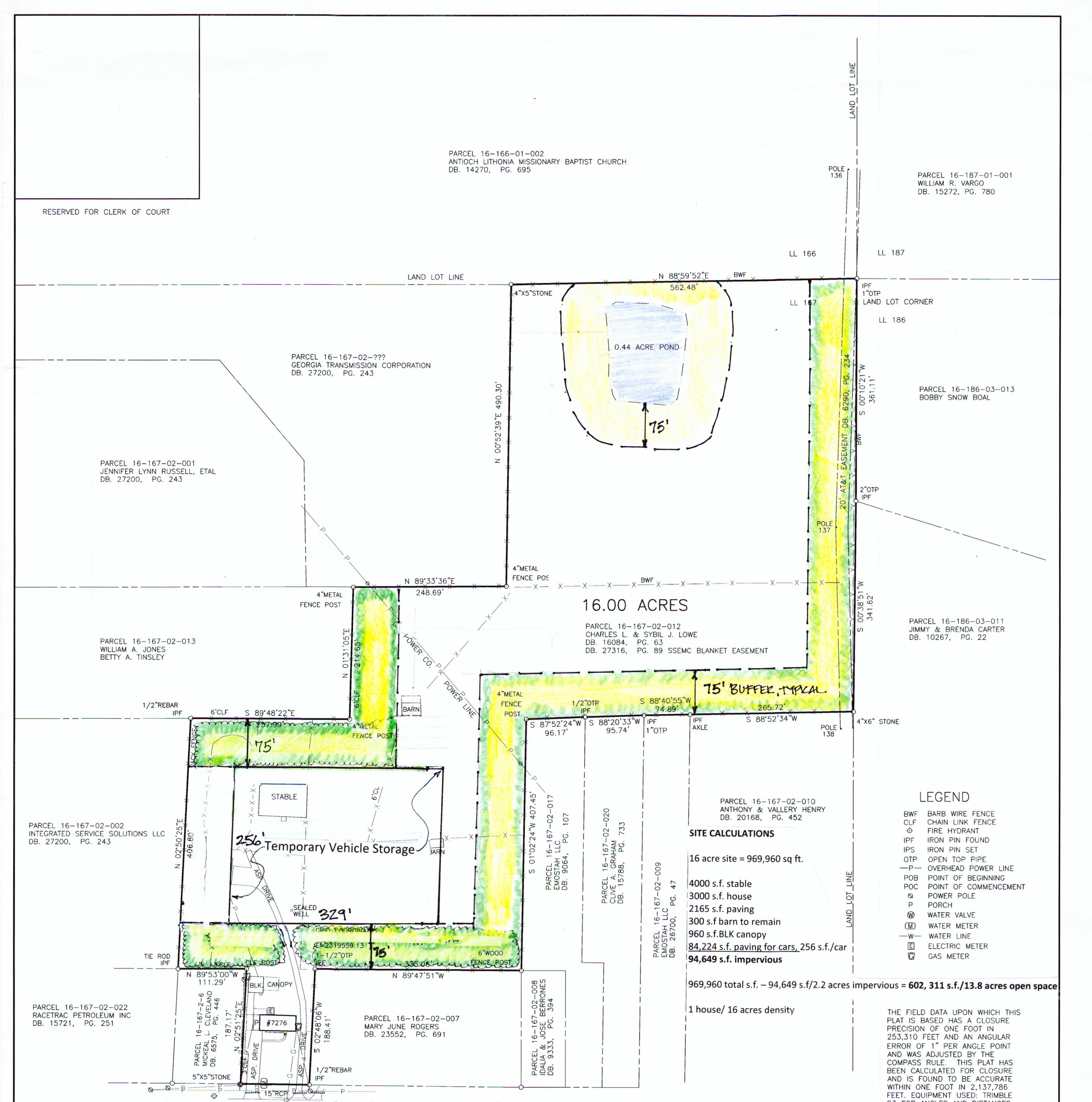
# **CAMPAIGN CONTRIBUTIONS DISCLOSURE STATEMENT**

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.

NAME OF GOV'T OFFICIAL	OFFICIAL POSITION	AMOUNT OF CONTRIBUTION
Ted Terry	Commissioner	\$500
Mereda Davis Johnson	Commissioner	\$250

B Printed Name Michele L Battle





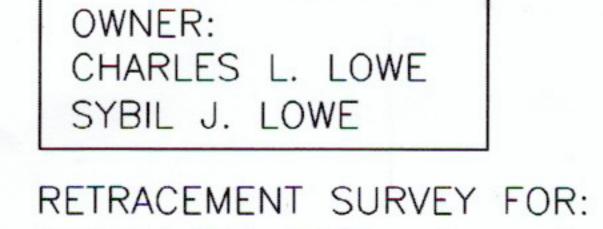
UNION GROVE ROAD - 70'R/W

N 89°22'53"W 111.51'

SURVEYORS CERTIFICATION

Section 15-6-67.

# **Proposed Layout** for 7276 Union Grove Road



# CHARLES L. LOWE SYBIL J. LOWE

PARCEL 16-167-02-012 LAND LOT 167 - 16TH DISTRICT DEKALB COUNTY, GEORGIA DATE OF FIELD WORK: 12-27&28-2018 DATE OF PLAT PREPARATION: 1-7-2019

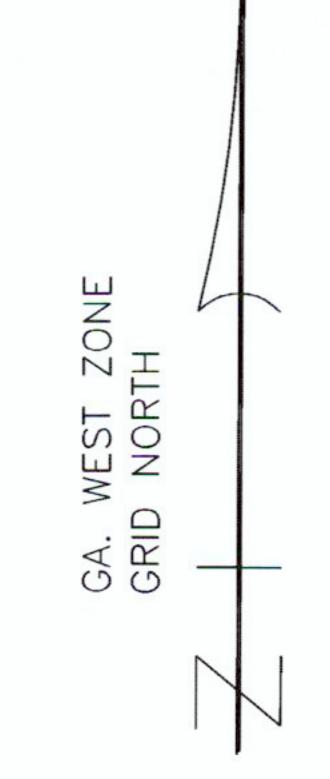
100 100 300 0 200

GRAPHIC SCALE: 1 INCH = 100 FEET

S3 FOR ANGLES AND DISTANCES. CHAMPION TKO FOR GPS.

THIS PROPERTY IS NOT LOCATED IN A FLOOD HAZARD AREA PER PEMA FIRM MAP NO. 13089C0177K DATED 12-8-2016.

SURVEY PREPARED WITHOUT BENEFIT OF TITLE EXAMINATION. EASEMENTS MAY EXIST WHICH ARE NOT SHOWN.



This plat is a retracement of an existing parcel or parcels of land and does not subdivide or create a new parcel. The recording information of the documents, maps, plats, or other instruments which created the parcel or parcels are stated hereon. RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, NOR NO. 2293 SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. Futhermore, the undersigned land surveyor certifies that this

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PREPARED BY: CHARLES O. WIGGINS, RLS FOR THE FIRM: WIGGINS LAND SURVEYING, LLC CERTIFICATE OF AUTHORIZATION NO. LSF 1213 1781 HONEY CREEK ROAD SW CONYERS, GA. 30094 PH. 404-427-8279

CHARLES O. WIGGINS, RLS # 2293 DATE

plat complies with the minimum technical standards for

property surveys in Georgia as set forth in the rules and

Engineers and Land Surveyors and as set forth in O.C.G.A.

regulations of the Georgia Board of Registration for Professional

#### LEGAL DESCRIPTION

#### 7276 Union Grove Road

ALL THAT TRACT or parcel of land lying and being in Land Lot 167 of the 16th District, DeKalb County, Georgia and being more particularly described as follows:

BEGINNING at a 1" OPEN TOP PIPE at the Land Lot Corner common to Land Lots 166, 167, 186 & 187.

THENCE South 00 degrees 10 minutes 21 seconds West for a distance of 361.11 feet to a 2" OPEN TOP PIPE; THENCE South 00 degrees 38 minutes 51 seconds West for a distance of 341.62 feet to a 4" X 6" STONE; THENCE South 88 degrees 52 minutes 34 seconds West for a distance of 265.72 feet to an AXLE; THENCE South 88 degrees 40 minutes 55 seconds West for a distance of 74.89 feet to a 1" OPEN TOP PIPE; THENCE South 88 degrees 20 minutes 33 seconds West for a distance of 95.74 feet to a 1/2" OPEN TOP PIPE; THENCE South 87 degrees 52 minutes 24 seconds West for a distance of 96.17 feet to a 4" METAL FENCE POST; THENCE South 01 degrees 02 minutes 24 seconds West for a distance of 407.45 feet to a 6" WOOD FENCE POST; THENCE North 89 degrees 47 minutes 51 seconds West for a distance of 335.06 feet to a 1-1/2" OPEN TOP PIPE; THENCE South 02 degrees 48 minutes 06 seconds West for a distance of 188.41 feet to a 1/2" REBAR; THENCE North 89 degrees 22 minutes 53 seconds West for a distance of 111.51 feet to a 5" X 5" STONE; THENCE North 02 degrees 51 minutes 25 seconds East for a distance of 187.17 feet to a CHAIN LINK FENCE POST; THENCE North 89 degrees 53 minutes 00 seconds West for a distance of 111.29 feet to a TIE ROD; THENCE North 02 degrees 50 minutes 25 seconds East for a distance of 406.80 feet to a 1/2"REBAR; THENCE South 89 degrees 48 minutes 22 seconds East for a distance of 257.99 feet to a 4" METAL FENCE POST; THENCE North 01 degrees 31 minutes 05 seconds East for a distance of 214.65 feet to a 4" METAL FENCE POST; THENCE North 89 degrees 33 minutes 36 seconds East for a distance of 248.69 feet to a 4" METAL FENCE POST; THENCE North 00 degrees 52 minutes 39 seconds East for a distance of 490.30 feet to a 4" X 5" STONE; THENCE North 88 degrees 59 minutes 52 seconds East for a distance of 562.48 feet to a 1" OPEN TOP PIPE and the POINT OF BEGINNING.

Said property contains 16.00 acres

# **Building Form Information**

The existing structure at 7276 Union Grove Road will be remodeled by replacing part of the roof and painting the exterior. The materials will match those currently used on the existing house. The interior will be remodeled with what is needed to make the home usable for an officespace.

# **STATEMENT OF INTENT**

and

Other Material Required by The DeKalb County Zoning Ordinance For A Rezoning to Allow Temporary Vehicle Storage and Towing of

# **Ainsley Elliott**

for

+/-16.04 Acres of Land Being in Commission Districts 5 and 7 of DeKalb County, Georgia and Being Parcel No. 16 167 02 012

# I. LETTER OF INTENT

Ainsley Elliott (the "Applicant") is seeking to develop on +/- 16.04 acres of land being Tax Parcel No. 16 167 02 012 having frontage on Union Grove Road (the "Subject Property") with a temporary vehicle storage lot and towing service. The Applicant is seeking a Rezoning to allow this use.

This document serves as a statement of intent, analysis of the decision criteria under the DeKalb County Zoning Ordinance and contains notice of constitutional allegations as a reservation of the Applicant's rights.

# **II. DECISION CRITERIA**

*a. Whether the zoning proposal is in conformity with the policy and intent of the Comprehensive Plan;* 

The zoning proposal is in conformity with the policy and intent of the Comprehensive Plan. The Subject Property has a land use designation of Light Industrial. The Subject Property is currently zoned R-85, which does not comply with the land use designation. The zoning proposal seeks to rezone the Subject Property from R-85 to M, which would bring the zoning into conformity with the Comprehensive Plan. Therefore, 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;

The zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties. The Applicant has taken pains to ensure that this use will be shielded from view and kept as far away as possible from the surrounding uses. The zoning proposal allows for a seventy-five (75) foot vegetative buffer and privacy fence that will completely hide the proposed towing and temporary vehicle storage business from view – both from the street and from the abutting residential uses. The zoning proposal only proposes using a small portion of the sixteen (16) acres that is available to cordon the use to the Southwest portion of the Subject Property. This restriction will keep the use far away from the residential uses, and push the use closer to the existing commercial uses. Therefore, 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*;

While, the Subject Property to be affected by the zoning proposal has a reasonable economic use as currently zoned, it does not comply with the Comprehensive Plan. The Comprehensive Plan shows that the County has the Subject Property slated for Light Industrial uses. The zoning of the Subject Property does not match this plan. So, while the Subject Property could

- in theory – be developed as residential, this would not be in keeping with the Comprehensive Plan.

# *d.* Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby properties;

The zoning proposal will not adversely affect the existing use or usability of adjacent or nearby properties. The Applicant has taken pains to cordon the proposed use to the Southwest portion of the Subject Property, leaving the large majority of the Subject Property untouched. Additionally, the zoning proposal does not seek relief from the required seventy-five (75) foot buffer. That buffer will remain and allow for a dense, vegetative screen between the Subject Property and the abutting residential uses.

Additionally, this zoning proposal will not result in any offensive noises or odors that might adversely affect the surrounding properties. The towing service uses tow trucks that are not any louder than a typical passenger vehicle. Furthermore, the vehicles kept on the property will only be kept on a very short-term basis. The vehicles will not have enough time to sit on the Subject Property to cause any type of environmental harm. The vehicles will be towed to the Subject Property and removed within a matter of a few days. The vehicles this business tow are not junk vehicles either. The vehicles are new vehicles or slightly used vehicles that are being transported and kept temporarily in the meantime.

Therefore, the zoning proposal will not 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;

The Applicant is not aware of any 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;

The zoning proposal will not adversely affect historic buildings, sites, districts, or archaeological resources. The Subject Property is not located in any historic overlay district and has been agricultural in nature for quite some time. Therefore, the zoning proposal will not 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; and

The zoning proposal will not result in a use which will or could cause excessive or burdensome use of existing streets, transportation facilities, utilities, or schools. The zoning proposal will not increase the use of schools or utilities in any way. The existing home on the property will be used as an office for the business. No additional burden will be placed on the sewer or water systems. Furthermore, the business operates no more than ten (10) tow trucks at any given time. Thus, the most impact this business could have on the existing streets are ten (10) additional cars on the street. Additionally, the business will not need to send trucks down the majority of Union Grove Road. The trucks will come from Highway 124 and enter into the Subject Property as soon as it can. This will keep the trucks from traveling down Union Grove Road. Therefore, the zoning proposal will not result in a use which will or could cause excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.

# *h.* Whether the zoning proposal adversely impacts the environment or surrounding natural resources.

The zoning proposal does not adversely impact the environment or surrounding natural resources. The nature of the business moves vehicles onto and off of the Subject Property in a matter of days. Thus, there is not enough time for the vehicles to cause any environmental damage to the Subject Property nor the surrounding resources. Additionally, the zoning proposal avoid entirely placing any type of development near the onsite pond. Under no circumstance should the proposed use affect the pond. Therefore, the zoning proposal does not adversely impact the environment or surrounding natural resources.

# **III. CONCLUSION**

For the foregoing reasons, the Applicant hereby requests that the application for a Rezoning be approved. The Applicant welcomes any questions and feedback from the planning staff.

# IV. NOTICE OF CONSTITUTIONAL ALLEGATIONS AND PRESERVATION OF CONTITUTIONAL 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 amend the land use and/or 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 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 land use amendment and/or 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 land use amendment and/or rezoning in question would be invalid inasmuch as it would be denied pursuant to an ordinance which is not in compliance with the Zoning Procedures Law, O.C.G.A 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 land use designation and/or 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 land use designation and/or 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 Fulton 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.