

Public Hearing: YES ☒ NO ☐

Department: Planning & Sustainability

SUBJECT:

COMMISSION DISTRICT(S): Commission District 01 Super District 07

Application of Atlanta Sanaton Associates c/o Battle Law, P.C. to rezone property from R-100 (Residential Medium Lot) zoning district to OIT (Office-Institutional Transitional) zoning district to allow for a place of worship, at 3964 Chamblee-Tucker Road.

PETITION NO: N5-2022-2536 Z-23-1246173

PROPOSED USE: Place of worship.

LOCATION: 3964 Chamblee-Tucker Road, Doraville, Georgia 30340.

PARCEL NO. : 18-286-01-003

INFO. CONTACT: Adam Chappell, Sr. Planner

PHONE NUMBER: 404-371-2155

PURPOSE:

Application of Atlanta Sanaton Associates c/o Battle Law, P.C. to rezone property from R-100 (Residential Medium Lot) zoning district to OIT (Office-Institutional Transitional) zoning district to allow for a place of worship. The property is located on the northeast side of Chamblee Tucker Road, approximately 130 feet north of Bolissa Drive, at 3964 Chamblee Tucker Road in Doraville, Georgia. The property has approximately 92 feet of frontage along Chamblee Tucker Road and contains 1.48 acres.

RECOMMENDATION:

COMMUNITY COUNCIL: Full Cycle Deferral.

PLANNING COMMISSION: Full Cycle Deferral.

PLANNING STAFF: Denial.

STAFF ANALYSIS: The applicant, Atlanta Sanaton Association, Inc., proposes to establish the use of the property/structures as a place of worship. Places of worship are permitted in the R-100 (Residential Medium Lot-100) Zoning District only with a Special Land Use Permit (SLUP). An existing conditions survey dated 09/01/2022 shows two dwellings on the property. County tax assessor's records list only one of the dwellings, which was built circa 1981. Evidence suggests that a building permit to demolish one of the dwellings was applied for around this time, but it appears that the demolition was never carried-out. While the property would meet minimum lot area and width requirements in the OIT zoning district, there are a number of zoning deficiencies with the proposed site plan. A variance to reduce the eastern side yard setback would be required for the proposed addition to the easternmost principal building. A transitional buffer of at least 50 feet in width and a six-foot-tall fence is required along the rear and both side property lines per Sec. 5.4.5; no buffer is proposed. In addition, the proposed parking area is currently shown as being located within what would be the aforementioned transitional buffer. Although rezoning of the property to OIT eliminates the supplemental regulations for places of worship in residential zoning districts, Section. 2.30.1. of the *Zoning Ordinance* establishes the intent of the OIT zoning district: A) *To provide areas within the county for the location of office and institutional uses which are necessary for the residents, business practitioners, and professional practitioners in existing buildings no longer viable for residential uses;* B) *To limit said buildings' height to be compatible to those potential redevelopment parcels and structures;* and C) *To provide for the transition from residential to office and associated commercial uses which do not generate large volumes of traffic, noise or other harmful effects, and which are compatible with residential*

uses in locations so designated in the comprehensive plan along Commercial Redevelopment Corridor character areas and along the edge of the Office Park and Institutional character areas. The property is located in the Suburban (SUB) future land use area, which includes OIT as a permissible zoning district. However, the proposal is not consistent with subsection A) or C). The property is not located along the edge or in the vicinity of any of the aforementioned character areas. While there are other institutional uses nearby, those uses operate within the parameters of the R-100 Zoning District. No evidence has been provided that this portion of the Chamblee-Tucker Road corridor is in transition from residential to nonresidential. Upon review of Section. 7.3.5. of the *Zoning Ordinance*, staff recommends “Denial of the applicant’s proposal”.

PLANNING COMMISSION VOTE: Full Cycle Deferral 8-1-0. Jon West moved, Jan Costello seconded for a Full Cycle Deferral to the March 2023 zoning agenda. Tess Snipes opposed.

COMMUNITY COUNCIL VOTE/RECOMMENDATION: Full Cycle Deferral 8-0-1. Per the applicant’s request.

DeKalb County Department of Planning & Sustainability



175 Sams Street, Suite A-3600
Decatur, GA 30030
(404) 371-2155 / www.dekalbcountyga.gov/planning

Planning Commission Hearing Date: Thursday, January 5, 2023
Board of Commissioners Hearing Date: Thursday, January 26, 2023

STAFF ANALYSIS

Case No.:	Z-23-1246173	Agenda #: 2022-2536
Address:	3964 Chamblee-Tucker Road	Commission District: 01 Super District: 07
Parcel ID(s):	18-286-01-003	
Request:	Rezone property from R-100 (Residential Medium Lot-100) Zoning District to OIT (Office-Institutional Transitional) Zoning District to allow for a place of worship	
Property Owner(s):	Sagor Chakravarty, Sangita Malakar	
Applicant/Agent:	Atlanta Sanaton Association, Inc. c/o Battle Law, P.C.	
Acreage:	1.48	
Existing Land Use:	Residential	
Surrounding Properties:	All surrounding properties are zoned R-100	
Comprehensive Plan:	SUB <input type="checkbox"/>	Consistent <input type="checkbox"/> Inconsistent <input checked="" type="checkbox"/>

Staff Recommendation: DENIAL

The applicant, Atlanta Sanaton Association, Inc., proposes to establish the use of the property/structures as a place of worship. Places of worship are permitted in the R-100 (Residential Medium Lot-100) Zoning District only with a Special Land Use Permit (SLUP).

An existing conditions survey dated 09/01/2022 shows two dwellings on the property. County tax assessor's records list only one of the dwellings, which was built circa 1981. Evidence suggests that a building permit to demolish one of the dwellings was applied for around this time, but it appears that the demolition was never carried-out.

While the property would meet minimum lot area and width requirements in the OIT zoning district, there are a number of zoning deficiencies with the proposed site plan. A variance to reduce the eastern side yard setback would be required for the proposed addition to the easternmost principal building. A transitional buffer of at least 50 feet in width and a six-foot-tall fence is required along the rear and both side property lines per Sec. 5.4.5; no buffer is proposed. In addition, the proposed parking area is currently shown as being located within what would be the aforementioned transitional buffer.

Although rezoning of the property to OIT eliminates the supplemental regulations for places of worship in residential zoning districts, Section. 2.30.1. of the *Zoning Ordinance* establishes the intent of the OIT zoning district:

A) To provide areas within the county for the location of office and institutional uses which are necessary for the residents, business practitioners, and professional practitioners in existing buildings no longer viable for residential uses;

B) To limit said buildings' height to be compatible to those potential redevelopment parcels and structures; and

C) To provide for the transition from residential to office and associated commercial uses which do not generate large volumes of traffic, noise or other harmful effects, and which are compatible with residential uses in locations so designated in the comprehensive plan along Commercial Redevelopment Corridor character areas and along the edge of the Office Park and Institutional character areas.

The property is located in the Suburban (SUB) future land use area, which includes OIT as a permissible zoning district. However, the proposal is not consistent with subsection A) or C). The property is not located along the edge or in the vicinity of any of the aforementioned character areas. While there are other institutional uses nearby, those uses operate within the parameters of the R-100 Zoning District. No evidence has been provided that this portion of the Chamblee-Tucker Road corridor is in transition from residential to nonresidential.

Upon review of Section. 7.3.5. of the *Zoning Ordinance*, staff recommends denial of the applicant's proposal.



**DEKALB COUNTY GOVERNMENT
PLANNING DEPARTMENT
DISTRIBUTION FORM**

**NOTE: PLEASE RETURN ALL COMMENTS VIA EMAIL OR FAX TO EXPEDITE THE PROCESS TO
MICHELLE ALEXANDER mmalexander@dekalbcountyga.gov AND/OR LASONDRA HILL
lahill@dekalbcountyga.gov**

**COMMENTS FORM:
PUBLIC WORKS WATER AND SEWER**

Case No.: Z-23-1246173

Parcel I.D. #: 18-286-01-033

Address: 3964 Chamblee Tucker Rd

Doraville, GA 30340

WATER:

Size of existing water main: 6" AC (adequate/inadequate)

Distance from property to nearest main: adjacent

Size of line required, if inadequate: unknown

SEWER:

Outfall Servicing Project: North Folk Peachtree Creek

Is sewer adjacent to property: Yes () No (X) If no, distance to nearest line: 550 ft

Water Treatment Facility: Atlanta () adequate () inadequate

Sewage Capacity: 40 (MGPD)

Current Flow: 36.31 (MGPD)

COMMENTS:

Signature: Yola Lewis

12/8/2022

To: Ms. Madolyn Spann, Planning Manager
Mr. John Reid, Senior Planner
From: Ryan Cira, Director
Cc: Alan Gaines, Environmental Health Deputy Director
Re: Rezone Application Review

General Comments:

DeKalb County Health Regulations prohibit use of on-site sewage disposal systems for

- multiple dwellings
- food service establishments
- hotels and motels
- commercial laundries
- funeral homes
- schools
- nursing care facilities
- personal care homes with more than six (6) clients
- child or adult day care facilities with more than six (6) clients
- residential facilities containing food service establishments

If proposal will use on-site sewage disposal, please contact the Land Use Section (404) 508-7900.

Any proposal, which will alter wastewater flow to an on-site sewage disposal system, must be reviewed by this office prior to construction.

This office must approve any proposed food service operation or swimming pool prior to starting construction.

Public health recommends the inclusion of sidewalks to continue a preexisting sidewalk network or begin a new sidewalk networks. Sidewalks can provide safe and convenient pedestrian access to a community-oriented facility and access to adjacent facilities and neighborhoods.

For a public transportation route, there shall be a 5ft. sidewalk with a buffer between the sidewalk and the road. There shall be enough space next to sidewalk for bus shelter's concrete pad installation.

Since DeKalb County is classified as a Zone 1 radon county, this office recommends the use of radon resistant construction.

DEKALB COUNTY

Board of Health

DeKalb County Board of Health

404.508.7900 • www.dekalbhealth.net

12/8/2022

N5-202202536

Z-23-1246173 18-286-01-003

3964 Chamblee-Tucker Road, Doraville, GA 30340

Amendment

- Please review general comments.
- No septic system indicated in our system for this property. The surrounding area appears to have an installed septic system. Please note this particular property may have septic.

N6-2022-2537

SLUP-23-1246180 15-126-03-007

2571 E. Wesley Chapel Way, Decatur, GA 30035

Amendment

- Please review general comments.
- No septic system indicated in our system for this property. The surrounding area appears to have an installed septic system. Please note this particular property may have septic.

N7-2022-2538

LP-23-1246182 15-247-02-028, 15-247-02-029, 15-247-02-030, 15-247-02-031, 15-247-03-013, 15-247-03-014, 15-247-03-015, 15-247-03-016, 15-248-06-005, 15-248-06-006, 15-248-06-007, 15-248-06-008, 15-248-06-009, 15-248-06-010, 15-248-06-011, 15-248-06-012, 15-248-06-025

745 Arcadia Ave., Decatur, GA 30030

Amendment

- Please review general comments.

N8-2022-2539

Z-23-1246183/ 15-247-02-028, 15-247-02-029, 15-247-02-030, 15-247-02-031, 15-247-03-013, 15-247-03-014, 15-247-03-015, 15-247-03-016, 15-248-06-005, 15-248-06-006, 15-248-06-007, 15-248-06-008, 15-248-06-009, 15-248-06-010, 15-248-06-011, 15-248-06-012, 15-248-06-025

745 Arcadia Ave., Decatur, GA 30030

Amendment

- Please review general comments.

Zoning Comments – December 2022

N1, N2 & N3: 4819 Glenwood Road. No access allowed to Janet Lane. Glenwood Road is classified as a Minor Arterial. Please see Zoning Code Chapter 5 and the Land Development Code Chapter 14-190 for required infrastructure improvements. A right of way dedication of 40 feet from centerline is required OR such that all public infrastructure is within right of way, whichever greater. A five-foot landscape strip from back of curb with a 10-foot multiuse path required. Pedestrian Street Lighting required. A plan prepared by a professional engineer showing that sight distance based on AASHTO Greenbook is achieved when exiting the driveway due to the wall and the crest of the hill. Please note that the driveway may need to be shifted to achieve sight distance.

N4. 3964 Chamblee-Tucker Road. No Comment

N5. 3964 Chamblee Tucker Road. Only one access point allowed on Chamblee Tucker Road. Chamblee Tucker Road is classified as a Minor Arterial. Please see Zoning Code Chapter 5 and the Land Development Code Chapter 14-190 for required infrastructure improvements. A right of way dedication of 40 feet from centerline is required OR such that all public infrastructure is within right of way, whichever greater. A five-foot landscape strip from back of curb with a 10-foot multiuse path required. Pedestrian Street Lighting required. A plan prepared by a professional engineer showing that sight distance based on AASHTO Greenbook is achieved when exiting the driveway must be submitted with the Land Development Permit.

N6. 2571 E. Wesley Chapel Way. Review and approval required by PM Tim Matthews or designee (TMatthews@dot.ga.gov) with GDOT I-20 at I-285 MMIP Interchange Project. Provide any right of way necessary for PI 0013915. E. Wesley Chapel Way is classified as a local street. Please see Zoning Code Chapter 5 and the Land Development Code Chapter 14-190 for required infrastructure improvements. A right of way dedication of 27.5 feet from centerline is required OR such that all public infrastructure is within right of way, whichever greater. A five-foot landscape strip from back of curb with a 6-foot sidewalk is required. Pedestrian Street Lighting required.

N7 & N8. 745 Arcadia Avenue. Provide a traffic study for the development to include a traffic signal warrant study. If the study is approved by PW- Transportation, install a traffic signal at the intersection of Craigie Ave and Arcadia Ave/Katie Kerr. Arcadia Ave/Katie Kerr is classified as a minor arterial. Please see Zoning Code Chapter 5 and the Land Development Code Chapter 14-190 for required infrastructure improvements. A right of way dedication of 40 feet from centerline is required OR such that all public infrastructure is within right of way, whichever greater. A five-foot landscape strip from back of curb with a 10-foot multiuse path required. Pedestrian Street Lighting required. Craigie Ave and Derrydown Way are classified as local streets. Please see Zoning Code Chapter 5 and the Land Development Code Chapter 14-190 for required infrastructure improvements. A right of way dedication of 27.5 feet from centerline is required OR such that all public infrastructure is within right of way, whichever greater. A five-foot landscape strip from back of curb with a 6-foot sidewalk is required. Pedestrian Street Lighting required. The proposed plan requires a right of way abandonment to be approved by the Board of Commissioners at a future date.

N9. 3350 Kensington Road. Review and approval required by PW- Transportation and GDOT PM April McKown (april.mckown@oneatlas.com) for PI 0017992. Dedicate right of way necessary for the PI 0017992 (which will build most of your required infrastructure improvements below, depending on project schedules). Reserve right of way for a potential roundabout at Mountain Drive and the MARTA Station main entrance. Traffic study required. Kensington Road is classified as a minor arterial. Please see Zoning Code Chapter 5 and the Land Development Code Chapter 14-190 for required infrastructure improvements. A right of way dedication of 40 feet from centerline is required OR such that all public infrastructure is within right of way, whichever greater. A five-foot landscape strip from back of curb with a 10-foot multiuse path required. Pedestrian Street Lighting required. Mountain Drive is a state route. GDOT District 7 (Renaldo Mathis at RMathis@dot.ga.gov) review and approval required prior to permitting. Mountain Drive is classified as a collector road. Please see Zoning Code Chapter 5 and the Land Development Code Chapter 14-190 for required infrastructure improvements. A right of way dedication of 35 feet from centerline is required OR such that all public infrastructure is within right of way, whichever greater. A five-foot landscape strip from back of curb with a 10-foot multiuse path required.

N10. 6651 Princeton Park Ct. No Comment.



DEKALB COUNTY GOVERNMENT PLANNING DEPARTMENT DISTRIBUTION FORM

The following areas below may warrant comments from the Development Division. Please respond accordingly as the issues relate to the proposed request and the site plan enclosed as it relates to Chapter 14. You may address applicable disciplines.

DEVELOPMENT ANALYSIS:

- **Storm Water Management**

Compliance with the Georgia Stormwater Management Manual, DeKalb County Code of Ordinances 14-40 for Stormwater Management and 14-42 for Storm Water Quality Control **(sections have been amended recently; please request the amended chapter)**, to include Runoff Reduction Volume where applicable is required as a condition of land development permit approval. Use Volume Three of the G.S.M.M. for best maintenance practices. Use the NOAA Atlas 14 Point Precipitation Data set specific to the site. Recommend Low Impact Development features/ Green Infrastructure be included in the proposed site design to protect as much as practicable the statewaters and special flood hazard areas.

Discharge from the detention pond shall not be discharged towards adjacent properties.

Runoff Reduction Volume shall be provided unless technical justification is provided regarding the unfeasibility. Strongly recommend investigating the site and identify location where RRv can be provided and re-design/revise the layout to comply with the RRv requirement.

The county codes require the hydrology study to model the existing conditions as wooded

Two-way drive shall be of 22 ft minimum width

- **Flood Hazard Area/Wetlands**

The presence of FEMA Flood Hazard Area was not in the County G.I.S. mapping records for the site; and should be noted in the plans at the time of any land development permit application. Encroachment of flood hazard areas require compliance with Article IV of Chapter 14 and FEMA floodplain regulations

- **Landscaping/Tree Preservation**

Landscaping and tree preservation plans for any building, or parking lot must comply with DeKalb County Code of Ordinances 14-39 as well as Chapter 27 Article 5 and are subject to approval from the County Arborist.

- **Tributary Buffer**

State water buffer was not reflected in the G.I.S. records for the site. Typical state waters buffer have a 75' undisturbed stream buffer and land development within the undisturbed creek buffer is prohibited without a variance per DeKalb County Code of Ordinances 14-44.1.



DEKALB COUNTY GOVERNMENT
PLANNING DEPARTMENT
DISTRIBUTION FORM

(N-5)

NOTE: PLEASE RETURN ALL COMMENTS VIA EMAIL OR FAX TO EXPEDITE THE PROCESS TO
MICHELLE ALEXANDER AND/OR LASONDRA HILL

COMMENTS FORM:

PUBLIC WORKS TRAFFIC ENGINEERING

N-5 2022-8586

Case No.: 2-23-1246 173

Parcel I.D. #: 18-286-01-003

Address: 3964

Chamblee Tucker Rd
Donaville, GA 30340

Adjacent Roadway (s):

_____	_____
(classification)	(classification)

Capacity (TPD) _____
Latest Count (TPD) _____
Hourly Capacity (VPH) _____
Peak Hour. Volume (VPH) _____
Existing number of traffic lanes _____
Existing right of way width _____
Proposed number of traffic lanes _____
Proposed right of way width _____

Capacity (TPD) _____
Latest Count (TPD) _____
Hourly Capacity (VPH) _____
Peak Hour. Volume (VPH) _____
Existing number of traffic lanes _____
Existing right of way width _____
Proposed number of traffic lanes _____
Proposed right of way width _____

Please provide additional information relating to the following statement.

According to studies conducted by the Institute of Traffic Engineers (ITE) 6/7TH Edition (whichever is applicable), churches generate an average of fifteen (15) vehicle trip end (VTE) per 1, 000 square feet of floor area, with an eight (8%) percent peak hour factor. Based on the above formula, the _____ square foot place of worship building would generate _____ vehicle trip ends, with approximately _____ peak hour vehicle trip ends.

Single Family residence, on the other hand, would generate ten (10) VTE's per day per dwelling unit, with a ten (10%) percent peak hour factor. Based on the above referenced formula, the _____ (Single Family Residential) District designation which allows a maximum of _____ units per acres, and the given fact that the project site is approximately _____ acres in land area, _____ daily vehicle trip end, and _____ peak hour vehicle trip end would be generated with residential development of the parcel.

COMMENTS:

Field and plans reviewed. Found nothing that would indicate traffic flow problems.

Signature: Lasondra Hill

DEPARTMENT OF PLANNING & SUSTAINABILITY

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

Date Received: _____ Application No: _____

Applicant Name: Atlanta Sanaton Association, Inc. c/o Battle Law, P.C.

Applicant E-Mail Address: mlb@battlelawpc.com

Applicant Mailing Address: 3562 Habersham at Northlake, Tucker, GA 30084

Applicant Daytime Phone: 404.601.7616 Fax: 404.745.0045

Owner Name: Sagor Chakravarty, Sangita Malakar
If more than one owner, attach list of owners.

Owner Mailing Address: 3310 Chase Road, Atlanta, GA 30341

Owner Daytime Phone: 678.600.9061

Address of Subject Property: 3964 Chamblee Tucker Road, Doraville, GA 30340

Parcel ID#: 18 286 01 003

Acreage: 1.48 Commission District: 1 & 7

Present Zoning District(s): R-100

Proposed Zoning District: OIT

Present Land Use Designation: SUB

Proposed Land Use Designation (if applicable): N/A



Battle Law

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

Zoom Instructions:

Go to <https://otago.zoom.us/join> and Enter the Meeting ID that you have been provided with in the appropriate field and click "Join" . To join by phone, please dial (646) 558-8656. If you are unable to attend or would like to learn more about the proposed project, please call our office at the number below.

We encourage you to come out and participate!

For More Information Contact
Batoya Clements at:
Phone: 404-601-7616 ext. 2
Fax: 404-745-0045
Email: bdc@battlelawpc.com

**YOU RECENTLY RECEIVED A COMMUNITY
MEETING NOTICE REGARDING A**

REZONING TO ALLOW FOR THE DEVELOPMENT OF A PLACE OF WORSHIP

**PLEASE NOTE THE CORRECTED
DATE BELOW:**

Project Title: 3964 Chamblee Tucker Road

When: OCTOBER 26, 2022

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

Register in advance for this meeting:

<https://otago.zoom.us/join>

PROPOSED LOCATION(S):

**3964 CHAMBLEE TUCKER ROAD
DORAVILLE, GEORGIA 30340**

**Community Meeting
Sign In Sheet
3964 Chamblee Tucker Road
October 26, 2022 6:00PM**

Kelley McManaman	kelmark@comcast.net
Chris	chriskuhn@kuhnauto.com
Charlton Allen	allenfirm@mindspring.com
Sabrina Kuhn	sabrinamkuhn@gmail.com
Neal Stubblefield	neal.stubblefield@gmail.com
Ben Morgan	benjamin.edward.morgan@gmail.com
Joshua Mahoney	joshmahoney47@gmail.com
Matthew Lee	matthewrlee@bellsouth.net
Jean Ellisor	jean.ellisor@gmail.com
Sangita Malakar	sangitamalakar@yahoo.com
Sagor Chakravarty	sagorchakravarty223@gmail.com
Jim Towhey	2eteam@bellsouth.net

3964 Chamblee Tucker
Pre-Submittal Community Meeting Mailing List
October 26, 2022

Owner 1	Owner 2	Owner Address	Owner City	Owner Sta	Owner Zip
Bret A Duchen	Sandra M Duchen	3790 Beya Way	Doraville	GA	30340-4548
Reed H Elliott		3795 Beya Way	Atlanta	GA	30340-4548
Ronald Walters Ridgway	Linda Haddock Ridgway	3796 Beya Way	Doraville	GA	30340-4548
Kelley Croxton Samaras		3801 Beya Way	Doraville	GA	30340-4524
Kathleen Watson		3802 Beya Way	Atlanta	GA	30340-4525
Fay M Russell		3810 Beya Way	Doraville	GA	30340-4525
Gerald Lynn Bostock	An Thai Nguyen	3818 Beya Way	Atlanta	GA	30340-4525
Vernon W Peppers	Jeanette D Peppers	3819 Beya Way	Doraville	GA	30340-4524
Eloise E Jones		3826 Beya Way	Doraville	GA	30340-4525
Frank W Cook	Judy M Cook	3834 Beya Way	Doraville	GA	30340-4525
Jennifer G Fenn		3842 Beya Way	Doraville	GA	30340-4525
Lynnanne B Catron	Meaghan Catron	3850 Beya Way	Doraville	GA	30340-4525
Clarence Hale	Young E Hale	3858 Beya Way	Doraville	GA	30340-4525
Nicholas D Patellis	Patti M Patellis	3859 Beya Way	Doraville	GA	30340-4523
Barry S Minkoff		3870 Beya Way	Doraville	GA	30340-4525
Leslie Denise Frix	George G Batchelder	3878 Beya Way	Doraville	GA	30340-4525
Dwight D Stone	Deborah H Stone	3886 Beya Way	Doraville	GA	30340-4525
Carol A Woods		3889 Beya Way	Doraville	GA	30340-4549
Abhijeet Chaudhary		3163 Blairhill Ct	Atlanta	GA	30340-4500
Jose J Aponte	Troy L Hewett	3167 Blairhill Ct	Atlanta	GA	30340-4500
Arnold P Dulion III	Sara G Dulion	3171 Blairhill Ct	Atlanta	GA	30340-4500
Mehmet Yildirim	Saadet Yildirim	3175 Blairhill Ct	Atlanta	GA	30340-4500
Michael L Peterson	Christopher D Peterson	3717 Bloxham Ct	Chamblee	GA	30341-4601
James C Porterfield		3727 Bloxham Ct	Atlanta	GA	30341-4601
Morris E Potter	Polyxeni M Potter	3730 Bloxham Ct	Atlanta	GA	30341-4601
Walter J Marshall Jr	Evelyne C Marshall	3736 Bloxham Ct	Atlanta	GA	30341-4601
Northeast Baptist Church Inc		4046 Chamblee Tucl	Doraville	GA	30340-4547
Jeremy Briner	Staci Briner	3202 Bolissa Dr	Doraville	GA	30340-4527
James C Thomas		4215 Starr Creek Rd	Cumming	GA	30028-8156
Tae Jin Kim		3214 Bolissa Dr	Atlanta	GA	30340-4527

Katherine Colleen Georges	Ian Matthew Custar	3226 Bolissa Dr	Doraville	GA	30340-4527
Barbara E Styles		3233 Bolissa Dr	Atlanta	GA	30340-4537
Selena Carrie Jones		3236 Bolissa Dr	Atlanta	GA	30340-4527
Andrew Moon Wilson	Jiha Moon Wilson	3243 Bolissa Dr	Atlanta	GA	30340-4537
Abdullah Hussain		3248 Bolissa Dr	Doraville	GA	30340-4527
Joseph Walter Arbuckle Jr	Rachel Blaser Arbuckle	3251 Bolissa Dr	Atlanta	GA	30340-4537
Emily Gardner Blackburn	Oliver Kevin Blackburn	3256 Bolissa Dr	Atlanta	GA	30340-4527
Beth C Bryant	Tracy H Bryant	3259 Bolissa Dr	Atlanta	GA	30340-4537
Dynamic Co LLC		3955 Gladney Dr	Atlanta	GA	30340-4600
Redeemer Orthodox Presbyterian		3930 Chamblee Tucl	Doraville	GA	30340-4529
Tucker Partners LLC or Tpir LLC		2615 Regency Dr E	Tucker	GA	30084-2328
Susan Jo Lyon	Kerry Allen Lyon	299 N Highland Ave	Atlanta	GA	30307-5646
Sagor Chakravarty	Sangita Malakar	3964 Chamblee Tucl	Doraville	GA	30340-4529
Scott R Rowland		3999 Chamblee Tucl	Doraville	GA	30340-4528
Hoa Thi Nguyen		3676 Pin Oak Cir	Doraville	GA	30340-2516
Lannhi Nguyen		4033 Chamblee Tucl	Atlanta	GA	30340-4544
Northeast Baptist Church Inc		4046 Chamblee Tucl	Doraville	GA	30340-4547
Cheryl A Bray	Teresa R Smith	2451 Pleasantdale R	Atlanta	GA	30340-1561
James L McCoy		3902 Faronview Rd	Doraville	GA	30340-4607
Richard P Chinnis		3910 Faronview Rd	Doraville	GA	30340-4607
Shirley Reed		3920 Faronview Rd	Doraville	GA	30340-4607
Erin Blair Garner	Jonathan Merritt Garner	60 Red Cedar Way	Dallas	GA	30132-1070
Ann M Spruell	Mark C Haugen	3332 Foxford Ct	Atlanta	GA	30340-4442
Ruth A Carter		3336 Foxford Ct	Doraville	GA	30340-4442
Mary T Waldron		2558 Terrell Trace D	Marietta	GA	30067
Jeffrey W Phillips	Susan H Phillips	3837 Foxford Dr	Doraville	GA	30340-4406
Herman J Kooymans	Mary P Kooymans	3847 Foxford Dr	Atlanta	GA	30340-4406
People Making Progress Inc		2345 4th St	Tucker	GA	30084-8518
Scott J Foerst	Candace T Foerst	3128 Galangale Way	Doraville	GA	30340-4610
Christopher Cronin	Julienne Cronin	3133 Galangale Way	Atlanta	GA	30340-4624
John Graham Reitz		3136 Galangale Way	Doraville	GA	30340-4610
Adrienne Suzanne Liabastre		3141 Galangale Way	Doraville	GA	30340-4624
Jeffrey Creviston	Sarah Nicole Hines	3144 Galangale Way	Atlanta	GA	30340-4610
Chungshim Sunwoo		3152 Galangale Way	Atlanta	GA	30340-4610

Meredith Lynne Raimondo		3157 Galangale Way Atlanta	GA	30340-4609
James R Winfield	Christina M Winfield	3160 Galangale Way Atlanta	GA	30340-4610
Samir Dalhou	Ferial Dalhou	3167 Galangale Way Atlanta	GA	30340-4609
Elizabeth F Keeton		3168 Galangale Way Doraville	GA	30340-4610
Joan Mary Mangan		3172 Galangale Way Doraville	GA	30340-4610
Jon Christopher Coward		3264 Hidden Acres L Doraville	GA	30340-4444
Desiree M Rogers		3180 Galangale Way Atlanta	GA	30340-4610
Melinda Jo Nunnelley		3183 Galangale Way Doraville	GA	30340-4609
Andujar Miguel Angel Velez	Velez Alynnette Miranda	3188 Galangale Way Atlanta	GA	30340-4610
James P Towhey	Sue H Towhey	3191 Galangale Way Doraville	GA	30340-4609
Jennifer B Jolly		3999 Chamblee Dun Atlanta	GA	30341-1703
David Stiven Campo Rendon	Inna Rytsareva	3915 Kendall Cv Doraville	GA	30340-4633
Howard Tong		3919 Kendall Cv Atlanta	GA	30340-4633
Robert J Amaya	Carmen L Kay Amaya	3200 Lynnrays Dr Doraville	GA	30340-4421
Michelle Roland		3207 Lynnrays Dr Atlanta	GA	30340-4455
A M Knight Jr	Edda M Knight	3208 Lynnrays Dr Doraville	GA	30340-4421
Kenneth C Camp	Emily E Camp	3216 Lynnrays Dr Doraville	GA	30340-4421
Paul A Curry	Kathleen Rose Curry	3217 Lynnrays Dr Doraville	GA	30340-4455
Richard Wollnick	Amanda Wollnick	3224 Lynnrays Dr Doraville	GA	30340-4421
Rex A Garrett	Kathleen M Garrett	3232 Lynnrays Dr Doraville	GA	30340-4421
John M Miller	Stephanie G Miller	3236 Lynnrays Dr Doraville	GA	30340-4421
Britt Molly Batchelor Trustee		3237 Lynnrays Dr Atlanta	GA	30340-4455
Thomas Andrew Martin		3242 Lynnrays Dr Atlanta	GA	30340-4421
John A Hayes		3247 Lynnrays Dr Atlanta	GA	30340-4455
Stacey M Moore		3250 Lynnrays Dr Doraville	GA	30340-4421
Jael Sipes	Rashun Harris	3257 Lynnrays Dr Atlanta	GA	30340-4455
Rober Duncan Bower		3258 Lynnrays Dr Doraville	GA	30340-4421
Joseph Kang		3266 Lynnrays Dr Atlanta	GA	30340-4421
Marion Otis Farmer Jr	Emilie C Farmer	3183 Northbrook Dr Chamblee	GA	30341-4629
Christian K Klatt	Rebeca C Klatt	3200 Northbrook Dr Atlanta	GA	30341-4628
Kenneth M Mackenzie	Lori Lynn Avirett-Mackenzie	3206 Northbrook Dr Atlanta	GA	30341-4628
James W Guyton	Lupe S Guyton	3207 Northbrook Dr Chamblee	GA	30341-4627
Lavonda Meeks Bird	Cornelius R Bird	3212 Northbrook Dr Atlanta	GA	30341-4628
Jennifer W Witcher	Melvin T Witcher	3215 Northbrook Dr Chamblee	GA	30341-4627

Bowen And Bowen Ap Trust		3218 Northbrook Dr Atlanta	GA	30341-4628
William Earl Whissell		3223 Northbrook Dr Chamblee	GA	30341-4627
Sara C Rappaport		3226 Northbrook Dr Chamblee	GA	30341-4628
Sami B Jajeh	Lourice Z Jajeh	3233 Northbrook Dr Chamblee	GA	30341-4627
Sanders Kimberly Wallace		3234 Northbrook Dr Atlanta	GA	30341-4628
Amy D Moore		3240 Northbrook Dr Chamblee	GA	30341-4628
Andrew Hopkins	Christine Olaes	2381 Eastway Rd Decatur	GA	30033-5543
Michael O Davis	Dianne A Davis	3247 Northbrook Dr Doraville	GA	30340-4429
Claude A Armendariz	Linda W Armendariz	3248 Northbrook Dr Chamblee	GA	30341-4628
Kim Felice Brown	Marvin Wendell Brown	3250 Northbrook Dr Doraville	GA	30340-4430
Garland E Phelps	Jimmie D Phelps	3256 Northbrook Dr Doraville	GA	30340-4430
Darren Dillard	Brigitte Walsh	3257 Northbrook Dr Atlanta	GA	30340-4429
Michael W Cohen	Maricel P Cohen	3265 Northbrook Dr Atlanta	GA	30340-4429
Margaret Vaughan Myers		3266 Northbrook Dr Doraville	GA	30340-4430
Wei-Tsu Richter		3118 Octavia Pl Doraville	GA	30340-4622
Chuen Long Chen	Sue Maan Chen	3121 Octavia Pl Doraville	GA	30340-4621
John C Hanekamp	Jane L Hanekamp	7867 S Joplin Ct Englewood	CO	80112-4741
Joseph F Earnest	Zuzette Estevez	3129 Octavia Pl Atlanta	GA	30340-4621
Wade Betty E Revocable Living Trust		3138 Octavia Pl Doraville	GA	30340-4622
Dawn E Dudra		3139 Octavia Pl Doraville	GA	30340-4621
Mohammed R Ali		3183 Olde Dekalb W Atlanta	GA	30340-4531
Anita C Martin		3189 Olde Dekalb W Doraville	GA	30340-4531
Larry W Dodson Sr	Olivia Dodson	3190 Olde Dekalb W Doraville	GA	30340-4531
Gabriel Gaubatz Rosauro		3195 Olde Dekalb W Atlanta	GA	30340-4531
Logan Carpenter	Lanah Marie Jose Carpenter	3196 Olde Dekalb W Atlanta	GA	30340-4531
Milagros B Dileo	Mary Kathryn Dileo	3202 Olde Dekalb W Atlanta	GA	30340-4531
Emmanuel Boyzo Munzo		3203 Olde Dekalb W Atlanta	GA	30340-4531
Ikechi U Ndukwe	Lucy B Ndukwe	2099 Mulberry Ln Lithonia	GA	30058-6791
Eric A Crews		3212 Olde Dekalb W Doraville	GA	30340-4531
Bhagirath Majmudar	Uma Majmudar	100 Hartsfield Cente Atlanta	GA	30354-1341
John Russell Morgan	Lauren Elizabeth Shirah	3221 Olde Dekalb W Atlanta	GA	30340-4531
Jerry D Williams	Ebbie L Williams	3228 Olde Dekalb W Doraville	GA	30340-4531
Kendall Markus Baur		3229 Olde Dekalb W Atlanta	GA	30340-4531
Geoffrey E Newsholme	Deborah A Newsholme	3236 Olde Dekalb W Doraville	GA	30340-4531

Derek T Farnsworth		3237 Olde Dekalb W Atlanta	GA	30340-4531
Serigne Ndiaye	Jessica E Hill	3246 Olde Dekalb W Doraville	GA	30340-4531
Charles C Corbin Jr	Fay G Corbin	3247 Olde Dekalb W Doraville	GA	30340-4531
Gertha M Coffee	William Michael Braxton	3296 Romelie Dr Atlanta	GA	30340-4436
M Nancy Conway	John V Conway	2080 Windsong Way Monroe	GA	30656-3391
Jason Kim	Justin Kim	3304 Romelie Dr Atlanta	GA	30340-4438
Benjamin E Morgan		3315 Romelie Dr Doraville	GA	30340-4437
Earl K Clifton	Ruth Clifton	3323 Romelie Dr Doraville	GA	30340-4437
Farzeen Tejani	Juan Fernando Ballesteros	3331 Romelie Dr Doraville	GA	30340-4437
Gordon M Ricker	Stephanie G Ricker	3339 Romelie Dr Doraville	GA	30340-4437
Shan Xiang Zhang		3180 Sidis Ct Atlanta	GA	30340-4535
Min J Jang		3185 Sidis Ct Atlanta	GA	30340-4535
Marshall C Wu	Grace Wu	3186 Sidis Ct Doraville	GA	30340-4535
Siska Williams		3193 Sidis Ct Doraville	GA	30340-4535
Jacqueline A Selz		3196 Sidis Ct Atlanta	GA	30340-4535
Molly Crothers	Saeed Sayegh	3201 Sidis Ct Atlanta	GA	30340-4535
Jose N Pacheco		3209 Sidis Ct Doraville	GA	30340-4535
Crosby Kimila Day		3212 Sidis Ct Doraville	GA	30340-4535
Brownlee Anita K Wathen		3730 Terramar Ct Chamblee	GA	30341-4611
Deidra E Green		3740 Terramar Ct Chamblee	GA	30341-4611
Suzanne Dorine Segler		3749 Terramar Ct Atlanta	GA	30341-4611
Douglas B McGaughey	Jennifer A McGaughey	3119 Terramar Dr Chamblee	GA	30341-4614
Samuel C Dyess Jr		3127 Terramar Dr Chamblee	GA	30341-4614
Nila R Garcia	Jonathan E Massey	3128 Terramar Dr Chamblee	GA	30341-4634
James M Wood III	Ruthie W Wood	3135 Terramar Dr Chamblee	GA	30341-4614
Peter W Stroud	Lynn B Stroud	3136 Terramar Dr Atlanta	GA	30341-4634
David H Bradbury	Joanne L Bradbury	3143 Terramar Dr Chamblee	GA	30341-4614
John Cross	Kristi Cross	3144 Terramar Dr Chamblee	GA	30341-4634
James L Mills	Donna K Mills	3151 Terramar Dr Chamblee	GA	30341-4614
David F Andignac	Heather B Andignac	3152 Terramar Dr Chamblee	GA	30341-4634
Virginia H Tuggey	Todd E Tuggey	3159 Terramar Dr Atlanta	GA	30341-4614
James Michael Flanagan	Laurie S Flanagan	3160 Terramar Dr Atlanta	GA	30341-4634
Daniellys Fernandez		3167 Terramar Dr Atlanta	GA	30341-4614
Tony C Tong	Cindy Tong	3168 Terramar Dr Chamblee	GA	30341-4634

Alvaro Cardoso	Shelby Cardoso	Po Box 941724	Atlanta	GA	31141-0724
Boum Koo Hur	Eun Soon Hur	3189 Terramar Dr	Chamblee	GA	30341-4614
Tuyet Thi Nguyen		3141 Barkley Square	Duluth	GA	30097-3453
Jennifer Hicks Tiberia		3954 Briarcliff Rd NE	Atlanta	GA	30345-2648
Wintercrest Investment LLC		6700 Roswell Rd Apt	Atlanta	GA	30328-2528
Fan Xu	Phuong T Xu	3755 Wintercrest Ct	Atlanta	GA	30340-4439
Dean A Philbrick	Hope S Philbrick	3763 Wintercrest Ct	Atlanta	GA	30340-4439
Ying Zhang		Po Box 2898	Lilburn	GA	30048-2898
Jean D Ellisor		3777 Wintercrest Ct	Doraville	GA	30340-4439
Lynn C Kuhn or Tpir LLC		2615 Regency Dr E	Tucker	GA	30084-2328



Battle Law

STATEMENT OF INTENT

and

Other Material Required by
DeKalb County Zoning Ordinance
For
A Rezoning from R-100 to OIT for
A Place of Worship

of

ATLANTA SANATON ASSOCIATION, INC.
c/o Battle Law, P.C.

for

+/-1.48 Acres of Land
Being 3964 Chamblee Tucker Road
DeKalb County, Georgia and
Parcel Nos. 18 286 01 003

Submitted for Applicant by:

Michèle L. Battle, Esq.
Battle Law, P.C.
Habersham at Northlake, Building J, Suite 100
Tucker, Georgia 300384
(404) 601-7616 Phone
(404) 745-0045 Facsimile
mlb@battlelawpc.com



Battle Law

I. LETTER OF INTENT

Atlanta Sanaton Association, Inc. (the “Applicant”) is seeking to develop on +/- 1.48 acres of land being Tax Parcel No. 18 286 01 003 having frontage on 3964 Chamblee Tucker Road (the “Subject Property”) with a Place of Worship. The Applicant is seeking a Rezoning of the Subject Property from R-100 to OIT for a Place of Worship.

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

II. REZONING 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 zoning proposal seeks to rezone the Subject Property to OIT to allow for a Place of Worship. The land use designation on the Subject Property is Suburban. The Suburban land use designation, according to the Comprehensive Plan, specifically permits the OIT zoning designation and specifically permits “institutional” uses as permitted uses. The DeKalb County Zoning Ordinance lists “places of worship” as an institutional use. 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. Adjacent and nearby properties include residential uses as well as one home being used as a Place of Worship as well that is immediately behind the Subject Property. Given that the property immediately adjacent and behind the Subject Property already functions as a Place of Worship, it seems to the Applicant that a Place of Worship is a suitable use in this area.

C. Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned;

The property to be affected by the rezoning proposal does not have a reasonable economic use as currently zoned. The Subject Property has two homes on it. The history of the parcel shows that the original home was built sometime in the 1970’s and a demolition permit was applied for and acquired. Subsequently, a building permit was acquired for the Subject Property. So, according to County records, there should only be one home on the Subject Property. However, the previous owners neglected to demolish the original home. So, the second home, which is the building intended to be used as the place of worship, is not registered with the County with no fault due to the current owner/Applicant. In speaking with the Planning Staff, it has been



Battle Law

determined that the best path forward to addressing this issue is to apply for the rezoning to turn the second home into a Place of Worship. So, because the second building is not registered with the County, it does not have a reasonable economic use as currently zoned, but seeking this rezoning and allowing the building to be used as a Place of Worship, would remedy both the registration issue, and the economic feasibility issue.

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 intended use will attract individuals looking to practice their religion on sacred days and holidays. The worship will take place indoors. Additionally, the amount of traffic expected to be generated by the use is likely small. The Subject Property will only be used for worship two to three (2-3) times per week and on special holidays. So, while there will be days when many people will be visiting the Subject Property to worship, the impact on traffic will not be significant. 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;

There are other existing or changing conditions affecting the use and development of the property which give supporting grounds for approval of the zoning proposal. The history of the Subject Parcel is briefly discussed above. The status of the second building, that which is intended to be the place of worship, is an existing condition that can be remedied by the zoning proposal. Approval of the zoning proposal would solve the issue related to the second building in the County's records.

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 does not exist in a historic district. Additionally, the Applicant is not aware of any historic or archaeologically significant artifacts or buildings on the Subject Property.

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 Subject Property will only be used for worship two to three (2-3) times per week and on special holidays. So, while there will be days when many people will be visiting the Subject Property to worship, the impact on traffic will not be significant. Additionally, no schools or utilities will be excessively



Battle Law

burdened by the zoning proposal as the zoning proposal does not put forth an excessive number of units that could draw on the County's utilities, or an excessive number of units that could house several children. 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 will not adversely impact the environment or surrounding natural resources. The development of the Subject Property will be limited to installing the required driveways, parking, and improving one of the buildings on the site to better suit the intended use as a Place of Worship. The Site Plan included with this application shows that everything is being done to utilize the already existing driveways and cleared space to minimize the amount of new concrete that will need to be installed and to minimize the amount of clearing that will need to be done on the site. While the addition of concrete will increase stormwater runoff due to increased impervious surface, the Subject Property will be graded to direct the flow of the water towards the center of the Subject Property so that it can drain into a nearby storm drain. Thus, reducing any stormwater run off currently affecting any of the nearby properties. In other words, stormwater runoff will be improved for nearby and adjacent properties by this zoning proposal. No environmental assets offsite will be affected by the proposed development. Therefore, the zoning proposal will 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 from R-100 to OIT for a Place of Worship be approved. The Applicant welcomes any questions and feedback from the planning staff.

IV. NOTICE OF CONSTITUTIONAL ALLEGATIONS AND PRESERVATION OF CONSTITUTIONAL RIGHTS

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

The application of the DeKalb County Zoning Ordinance to the Subject Property which restricts its use to any classification other than that proposed by the Applicant is unconstitutional, illegal, null and void, constituting a taking of Applicant's Property in violation of the Just Compensation



Battle Law

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, would also constitute an arbitrary, capricious and discriminatory act in zoning the Subject Property to an unconstitutional classification and would likewise violate each of the provisions of the State and Federal Constitutions set forth hereinabove.

A refusal to allow the 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.



Battle Law

Michele L. Battle, Esq.
Attorney for the Applicant

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.

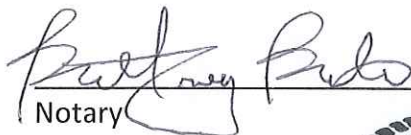
Have you, the applicant, made \$250.00 or more in campaign contribution to a local government official within two years immediately preceding the filing of this application?

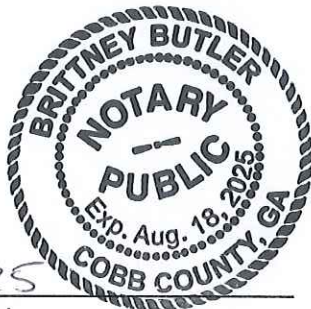
Yes _____ No ✓ *

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

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

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

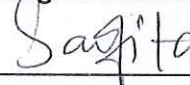

Notary



8/18/2025
Expiration Date/ Seal

Atlanta Sanaton Association, Inc.

By: Sangita Malakar



Signature of Applicant /Date

Check one: Owner X Agent _____

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

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 filing of this application?

Yes _____ No ☒ *

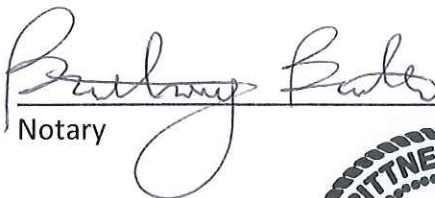
If the answer is yes, you must file a disclosure report with the governing authority of DeKalb County showing:

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

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

Atlanta Sanaton Association, Inc.

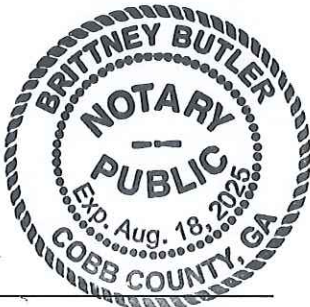
By: Sagor Chakravarty


Notary


Signature of Applicant /Date

Check one: Owner ☒ Agent _____

2/18/25
Expiration Date/ Seal



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

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 filing of this application?

Yes No *

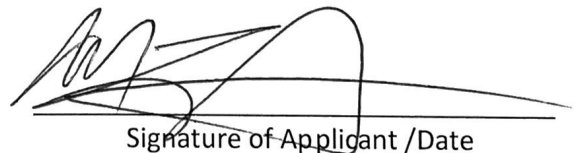
If the answer is yes, you must file a disclosure report with the governing authority of DeKalb County showing:

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

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


Notary




Signature of Applicant /Date

Check one: Owner Agent X

08/18/25
Expiration Date/ Seal

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

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: May 5, 2022

TO WHOM IT MAY CONCERN:

(I) (WE) Sagor Chakravarty, Sangita Malakar
Name of owner(s)

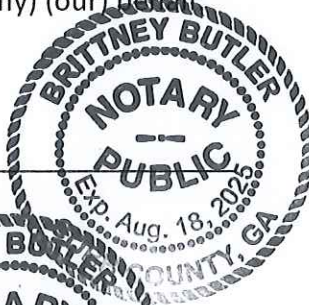
being (owner) (owners) of the subject property described below or attached hereby delegate authority to

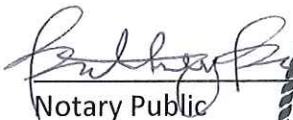
Atlanta Sanaton Association, Inc. c/o Battle Law, P.C.

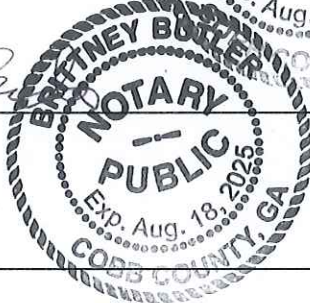
Name of Agent or Representative

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


Notary Public





Notary Public



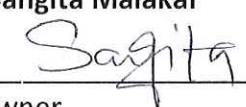
Notary Public

Notary Public

Sagor Chakravarty


Owner

Sangita Malakar


Owner

Owner


Owner

Campaign Contribution Disclosure Statements
Last Updated 6/17/2022

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
Lorraine Cochran-Johnson	Commissioner	\$750

By: 
Printed Name: Michele L Battle

Q:\3886.0001\Survey\Boundary\3886.0001-BNDY.dwg, 10/11/2022, 12:05:33pm

THIS BOX IS RESERVED FOR THE CLERK OF SUPERIOR COURT RECORDING INFORMATION.

LEGEND

D.B.	DEED BOOK
P.B.	PLAT BOOK
PG.	PAGE
LL	LAND LOT
OTP	OPEN TOP PIPE
RB	REBAR
IPF	IRON PIN FOUND
IPS	1/2" REBAR W/C LSF 001179
CTP	CRIMP TOP PIPE
C&G	CURB & GUTTER
R/W	RIGHT OF WAY
N/F	NOW OR FORMERLY
-E-	OVERHEAD POWER LINE
CMP	CORRUGATED METAL PIPE
SWMF	STORMWATER MANAGEMENT FACILITY
TBM	TEMPORARY BENCHMARK
P.O.B.	POINT OF BEGINNING
P.O.C.	POINT OF COMMENCEMENT
RCP	REINFORCED CONCRETE PIPE
DIP	DUCTILE IRON PIPE
PVC	POLYVINYL CHLORIDE PIPE
HDPE	HIGH DENSITY POLYETHYLENE PIPE
P	PROPERTY LINE
C	CENTERLINE
ID	IDENTIFICATION
B.S.L.	BUILDING SETBACK LINE
B.O.C.	BACK OF CURB
C	CURVE LABEL
CI	CURB INLET
D.E.	DRAINAGE EASEMENT
E.O.P.	EDGE OF PAVEMENT
FH	FIRE HYDRANT
L	LINE LABEL
N/F	NOW OR FORMERLY
PKS	PK NAIL SET
S.S.E.	SANITARY SEWER EASEMENT
U.E.	UTILITY EASEMENT
REF.	REFERENCE
C/O	SEWER CLEAN OUT
SQ. FT.	SQUARE FOOT
FT.	FEET
IPF	IRON PIN FOUND
IPF	IRON PIN SET
CP	CALCULATED POINT
PP	POWER POLE (PP)
FH	FIRE HYDRANT (FH)
WV	WATER VALVE (WV)
WM	WATER METER (WM)
JB	JUNCTION BOX (JB)
SSMH	SANITARY SEWER MANHOLE (SSMH)
DI	DROP INLET (DI)
CMF	CONCRETE ROW MONUMENT FOUND (CMF)
WCB	SINGLE WING CATCH BASIN
WCB	DOUBLE WING CATCH BASIN
CI	CURB INLET (CI)
HW	HEADWALL (HW)
FES	FLARED END SECTION
LP	LIGHT POST (LP)
YI	YARD INLET (YI)
SCO	SEWER CLEAN OUT
AI	AREA INLET

REFERENCES

- D.B. 25632 PG. 45
- D.B. 29818 PG. 228
- P.B. 31 PG. 16
- P.B. 41 PG. 13
- P.B. 34 PG. 56

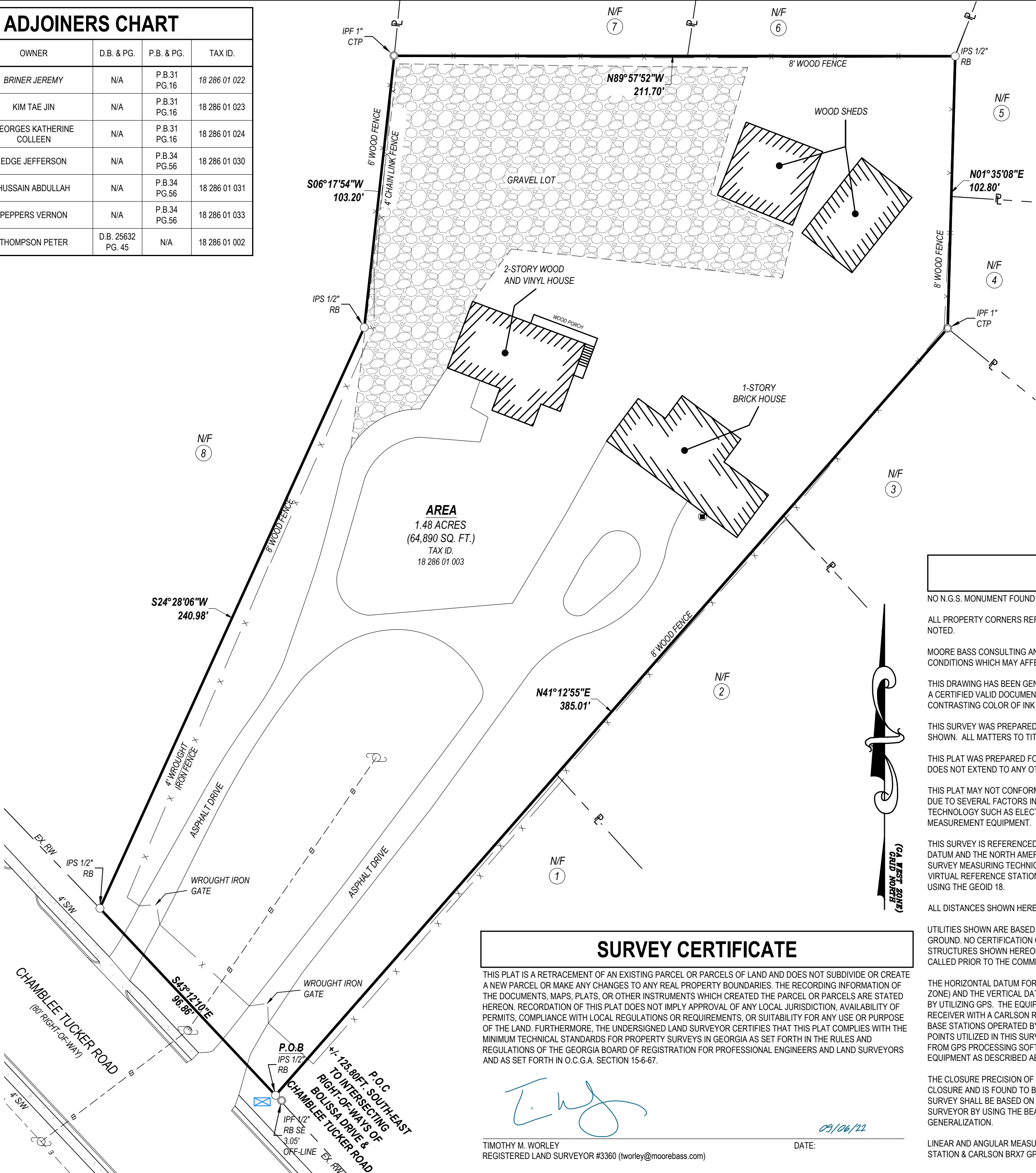
GRAPHIC SCALE



1 inch = 30 ft.

ADJOINERS CHART

NUMBER	OWNER	D.B. & PG.	P.B. & PG.	TAX ID.
1	BRINER JEREMY	N/A	P.B.31 PG.16	18 286 01 022
2	KIM TAE JIN	N/A	P.B.31 PG.16	18 286 01 023
3	GEORGES KATHERINE COLLEEN	N/A	P.B.31 PG.16	18 286 01 024
4	EDGE JEFFERSON	N/A	P.B.34 PG.56	18 286 01 030
5	HUSSAIN ABDULLAH	N/A	P.B.34 PG.56	18 286 01 031
6 & 7	PEPPERS VERNON	N/A	P.B.34 PG.56	18 286 01 033
8	THOMPSON PETER	D.B. 25632 PG. 45	N/A	18 286 01 002



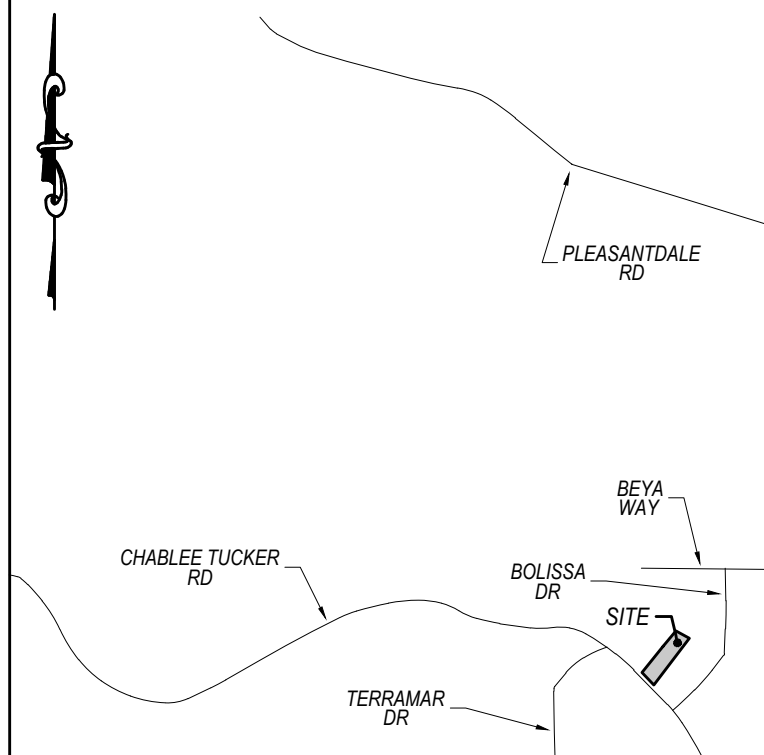
SURVEY CERTIFICATE

THIS PLAT IS A RETRACEMENT OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT SUBDIVIDE OR CREATE A NEW PARCEL OR MAKE ANY CHANGES TO ANY REAL PROPERTY BOUNDARIES. 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, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. FURTHERMORE, THE UNDERSIGNED LAND SURVEYOR CERTIFIES THAT THIS PLAT COMPLIES WITH THE MINIMUM TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN THE RULES AND REGULATIONS OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN O.C.G.A. SECTION 15-6-67.

TIMOTHY M. WORLEY
REGISTERED LAND SURVEYOR #3360 (tworley@moorebass.com)

DATE: 09/06/22

VICINITY MAP (NOT TO SCALE)



BOUNDARY SURVEY FOR: SAGOR CHAKRAVARTY, SANGITA MALAKAR LAND LOTS 286 18TH DISTRICT DEKALB COUNTY, GEORGIA

SURVEY NOTES

NO N.G.S. MONUMENT FOUND WITHIN 500 FEET OF ANY POINT ON THE SUBJECT PROPERTY.

ALL PROPERTY CORNERS REFERENCED AS I.P.S. INDICATES A 1/2" REBAR PLACED W/CAP LSF 001179 UNLESS OTHERWISE NOTED.

MOORE BASS CONSULTING AND/OR TIMOTHY M. WORLEY DO NOT GUARANTEE THAT ALL EASEMENTS AND SUB-SURFACE CONDITIONS WHICH MAY AFFECT THIS PROPERTY ARE SHOWN.

THIS DRAWING HAS BEEN GENERATED ELECTRONICALLY. THIS MEDIA SHOULD NOT BE CONSIDERED A CERTIFIED VALID DOCUMENT UNLESS IT HAS BEEN PROPERLY SEALED, SIGNED, AND DATED BY TIMOTHY M. WORLEY IN CONTRASTING COLOR OF INK PER O.C.G.A. 43-15-22.

THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT WHICH COULD REVEAL ENCUMBRANCES NOT SHOWN. ALL MATTERS TO TITLE ARE EXCEPTED.

THIS PLAT WAS PREPARED FOR THE EXCLUSIVE USE OF THE PARTY OR ENTITY NAMED HEREON AND THE CERTIFICATION DOES NOT EXTEND TO ANY OTHERS.

THIS PLAT MAY NOT CONFORM TO THE BEARINGS AND DISTANCES RECORDED ON THE DEED AND/OR PLAT OF RECORD DUE TO SEVERAL FACTORS INCLUDING, BUT NOT LIMITED TO, THE NATURE OF THE ADVANCES IN SURVEYING TECHNOLOGY SUCH AS ELECTRONIC DISTANCE MEASURING DEVICES AND THE ADVENT OF SURVEY GRADE G.P.S. MEASUREMENT EQUIPMENT.

THIS SURVEY IS REFERENCED TO THE NORTH AMERICAN DATUM (N.A.D.) OF 1983 (1994 ADJUSTMENT) FOR HORIZONTAL DATUM AND THE NORTH AMERICAN VERTICAL DATUM (N.A.V.D.) 1988 FOR THE VERTICAL DATUM. THE USE OF G.P.S. SURVEY MEASURING TECHNIQUES WERE USED FOR THESE DATUMS AND BASED ON THE POSITIONAL VALUES FOR THE VIRTUAL REFERENCE STATION NETWORK DEVELOPED BY EGPS SOLUTIONS. THE ORTHOMETRIC HEIGHTS WERE DERIVED USING THE GEOID 18.

ALL DISTANCES SHOWN HEREON ARE HORIZONTAL GROUND DISTANCES UNLESS OTHERWISE NOTED.

UTILITIES SHOWN ARE BASED ON ABOVE GROUND EVIDENCE. ADDITIONAL UTILITIES MAY EXIST ABOVE OR BELOW GROUND. NO CERTIFICATION OR GUARANTEE IS MADE AS TO THE ACCURACY OR THOROUGHNESS OF THE UTILITIES OR STRUCTURES SHOWN HEREON. PER GEORGIA LAW THE UNDERGROUND UTILITIES PROTECTION SERVICE MUST BE CALLED PRIOR TO THE COMMENCEMENT OF ANY AND ALL EARTH DISTURBING ACTIVITIES.

THE HORIZONTAL DATUM FOR THIS SURVEY IS THE NORTH AMERICAN DATUM OF 1983 (NAD 83 GEORGIA WEST OR EAST ZONE) AND THE VERTICAL DATUM USED IS THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAV88) AS DETERMINED BY UTILIZING GPS. THE EQUIPMENT USED TO OBTAIN THIS DATA WAS A DUAL FREQUENCY CARLSON BRX7 GNSS GPS RECEIVER WITH A CARLSON RT4 DATA COLLECTOR RECEIVING RTK CORRECTIONS VIA A WIRELESS NETWORK FROM BASE STATIONS OPERATED BY (EGPS OR TRIMBLE). THE AVERAGE RELATIVE POSITIONAL ACCURACY OBTAINED ON THE POINTS UTILIZED IN THIS SURVEY WAS 0.04 FT. HORIZONTAL AND 0.07 FT. VERTICAL. THESE VALUES WERE DERIVED FROM GPS PROCESSING SOFTWARE. THE REMAINDER OF THE FIELD WORK WAS PERFORMED WITH CONVENTIONAL EQUIPMENT AS DESCRIBED ABOVE.

THE CLOSURE PRECISION OF THE DATA SHOWN ON THE MAP OR PLAT. "THIS MAP OR PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 145390 FEET" THE CLOSURE PRECISION PLACED ON THE SURVEY SHALL BE BASED ON AN ACTUAL MAP CLOSURE THAT HAS BEEN INDEPENDENTLY CALCULATED BY THE SURVEYOR BY USING THE BEARINGS AND DISTANCES FROM THE FACE OF THE PLAT, AND SHALL NOT BE A GENERALIZATION.

LINEAR AND ANGULAR MEASUREMENTS SHOWN ON THIS SURVEY WERE OBTAINED USING A TRIMBLE ROBOTIC TOTAL STATION & CARLSON BRX7 GPS UNIT. THE FIELDWORK WAS COMPLETED SEPTEMBER 1ST, 2022 ON THIS PROJECT.

DATE	09/01/22
FILE #	
CONTRACT #	3886.0001
DRAWN BY	AC
CHECKED BY	TW
© Moore Bass Consulting	

REVISIONS

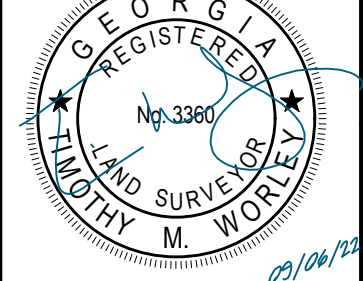
The Drawings, Specifications and other documents prepared by Moore Bass Consulting, Inc. (MB) for this Project are instruments of MB for use solely with respect to this Project and, unless otherwise provided, MB shall be deemed the author of these documents and shall retain all common law, statutory and other reserved rights, including the copyright.

SHEET TITLE

BOUNDARY SURVEY

286
DEKALB

SEAL



PROJECT

3964 CHAMBLEE TUCKER ROAD

CLIENT NAME

SAGOR CHAKRAVARTY
SANGITA MALAKAR



Moore Bass
Consulting, Inc.

- Civil Engineering
- Land Surveying
- Development Consulting
- Landscape Architecture
- Environmental Permitting

www.moorebass.com
TALLAHASSEE • ATLANTA

1350 Keys Ferry Court
McDonough, GA 30253
770.914.9394

SHEET

1

OF

1

VICINITY MAP (NOT TO SCALE)

CHALLEE TUCKER RD

BOLUSSA DR

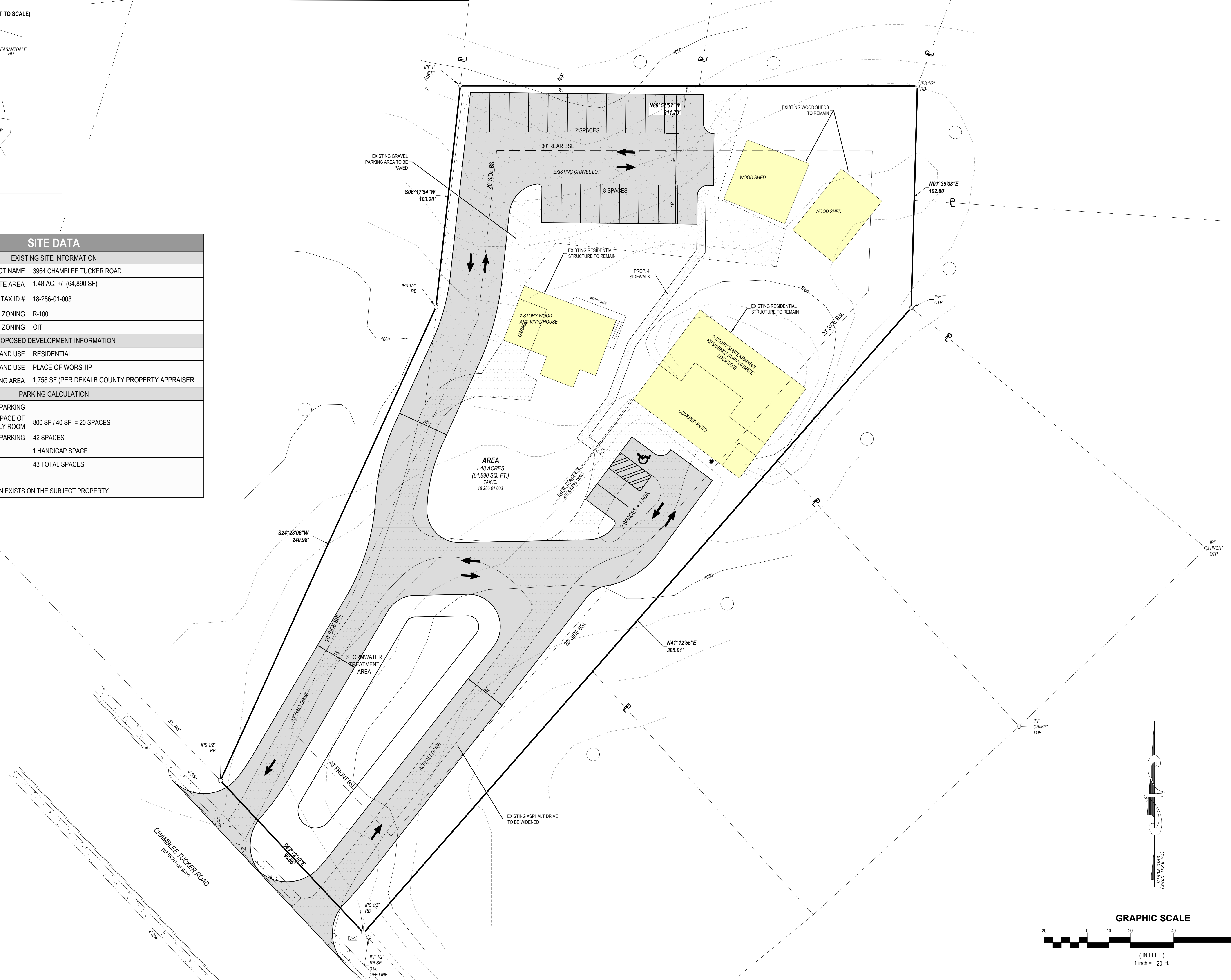
TERRAMAR DR

PLEASANTDALE RD

BEYA WAY

SITE

SITE DATA	
EXISTING SITE INFORMATION	
PROJECT NAME	3964 CHAMBLEE TUCKER ROAD
SITE AREA	1.48 AC. +/- (64,890 SF)
TAX ID #	18-286-01-003
CURRENT ZONING	R-100
PROPOSED ZONING	OIT
PROPOSED DEVELOPMENT INFORMATION	
CURRENT LAND USE	RESIDENTIAL
PROPOSED LAND USE	PLACE OF WORSHIP
EXISTING BUILDING AREA	1,758 SF (PER DEKALB COUNTY PROPERTY APPRAISER)
PARKING CALCULATION	
REQUIRED PARKING	
1 SPACE / 40 SF OF FLOOR SPACE OF LARGEST ASSEMBLY ROOM	800 SF / 40 SF = 20 SPACES
PROPOSED PARKING	42 SPACES
	1 HANDICAP SPACE
	43 TOTAL SPACES
NOTE: NO 100 YEAR FLOODPLAIN EXISTS ON THE SUBJECT PROPERTY	



**Moore Bass
Consulting, Inc.**

- Civil Engineering
- Land Surveying
- Development Consulting
- Landscape Architecture
- Environmental Permitting

www.moorebass.com
ALLAHASSEE • ATLANTA

1350 Keys Ferry Court
McDonough, GA 30253
770.914.9394

3964 CHAMBLEE TUCKER ROAD
DEKALB COUNTY, GA

SAGOR CHAKRAVARTY
SANGITA MALAKAR

PROJECT NAME:

CLIENT NAME

386.0001-SITE2

09-20-2022

CONTRACT # _____
DRAWN BY _____ SDM _____

Drawings, Specifications and other documents prepared by Moore Bass Consulting, Inc. (MB) for this Project are instruments of MB for use solely in connection with this Project and, unless otherwise provided, MB shall be deemed the author of these documents and shall retain all common law, statutory and other reserved rights, including the right to sue for infringement.

350 KEYS FERRY COURT
McDONOUGH, GA 30253
LSF #1179

REAL

SHEET TITLE

CONCEPTUAL SITE PLAN

SHEET

1



- www.moorebass.com**
ALLAHASSEE • ATLANTA

3964 CHAMBLEE TUCKER ROAD
DEKALB COUNTY, GA

**SAGOR CHAKRAVARTY
SANGITA MALAKAR**

PROJECT NAME

CLIENT NAME

886.0001-SITE2

DATE 09-20-2022

CONTRACT #

RAWN BY SDM

Drawings, Specifications and other documents prepared by Moore Bass Consulting, Inc. (MB) for Project are instruments of MB for use solely in respect to this Project and, unless otherwise provided, MB shall be deemed the author of these documents and shall retain all common law, statutory and other reserved rights, including the right to sue for infringement.

350 KEYS FERRY COURT
McDONOUGH, GA 30253
LSE #1179

REAL

SHEET TITLE

CONCEPTUAL SITE PLAN

SHEET

1



**LEGAL DESCRIPTION
3964 CHAMBLEE TUCKER ROAD
DORAVILLE, GEORGIA 30340
DEKALB COUNTY
TAX ID. 18 286 01 003**

ALL THAT TRACT OR PARCEL OF LAND LYING OR BEING IN LAND LOT 286 OF THE 18TH DISTRICT OF DEKALB COUNTY, GEORGIA. CONTAINING 1.48 ACRES (64,890 SQ.FT.), AS SHOWN ON EXHIBIT ENTITLED "BOUNDARY SURVEY FOR SAGOR CHAKRAVARTY, SANGITA MALAKAR" PREPARED BY MOORE BASS CONSULTING INC., DATED 09/06/22, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT AN IRON PIN SET ON THE NORTH-EASTERLY RIGHT-OF-WAY OF CHAMBLEE TUCKER ROAD (80' R/W), 125.80 FROM THE NORTH-WESTERLY RIGHT-OF-WAY OF BOLISSA DRIVE (60' R/W), SAID POINT BEING THE **TRUE POINT OF BEGINNING**; THENCE LEAVING SAID RIGHT-OF-WAY N41°12'55"E A DISTANCE OF 385.01 FEET TO A 1" CRIMP TOP PIPE FOUND, THENCE N01°35'08"E A DISTANCE OF 102.80 FEET TO AN IRON PIN SET, THENCE N89°57'51"W A DISTANCE OF 211.70 FEET TO A 1" CRIMP TOP PIPE FOUND, THENCE S06°17'54"W A DISTANCE OF 103.20 FEET TO AN IRON PIN SET, THENCE S24°28'06"W A DISTANCE OF 240.98 FEET TO AN IRON PIN SET AT THE NORTH-EASTERLY RIGHT-OF-WAY OF CHAMBLEE TUCKER ROAD, THENCE ALONG SAID RIGHT-OF-WAY S43°12'10"E A DISTANCE OF 96.86 FEET TO THE **TRUE POINT OF BEGINNING**.



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: Atlanta Sanaton Association, Inc. c/o Battle Law, P.C. Phone: 404.601.7616 Email: mlb@battlelawpc.com

Property Address: 3964 Chamblee Tucker Road Doraville GA 30340

Tax Parcel ID: 18 286 01 003 Comm. District(s): 1 & 7 Acreage: 1.48 acres

Existing Use: Residential Proposed Use: Place of Worship

Supplemental Regs: N/A Overlay District: N/A DRI: N/A

Rezoning: Yes ☒ No ☐

Existing Zoning: R-100 Proposed Zoning: OI or O-I-T Square Footage/Number of Units:
N/A

Rezoning Request: We are seeking a rezoning to allow for the development place of worship.

Land Use Plan Amendment: Yes ☐ No ☒

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

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

Special Land Use Request(s) _____

Major Modification:

Existing Case Number(s): N/A

Condition(s) to be modified:

DEPARTMENT OF PLANNING & SUSTAINABILITY

WHAT TO KNOW BEFORE YOU FILE YOUR APPLICATION

Pre-submittal Community Meeting: _____ Review Calendar Dates: _____ PC: 01/05/23* _____ BOC:
01/26/23* _____ Letter of Intent: X Impact Analysis: X Owner Authorization(s): _____
Campaign Disclosure: X Zoning Conditions: X Community Council Meeting:
12/14/22* X Public Notice, Signs: _____ Tree Survey, Conservation: X Land
Disturbance Permit (LDP): _____ Sketch Plat: _____ Bldg. Permits: X Fire Inspection:
_____ Business License: _____ State License: _____ Lighting Plan: _____ Tent Permit: _____
Submittal Format: NO STAPLES, NO BINDERS PLEASE

***Deadline for hosting pre-community meeting with 15 days notice for January 2023 agenda cycle would be 10/26/22**

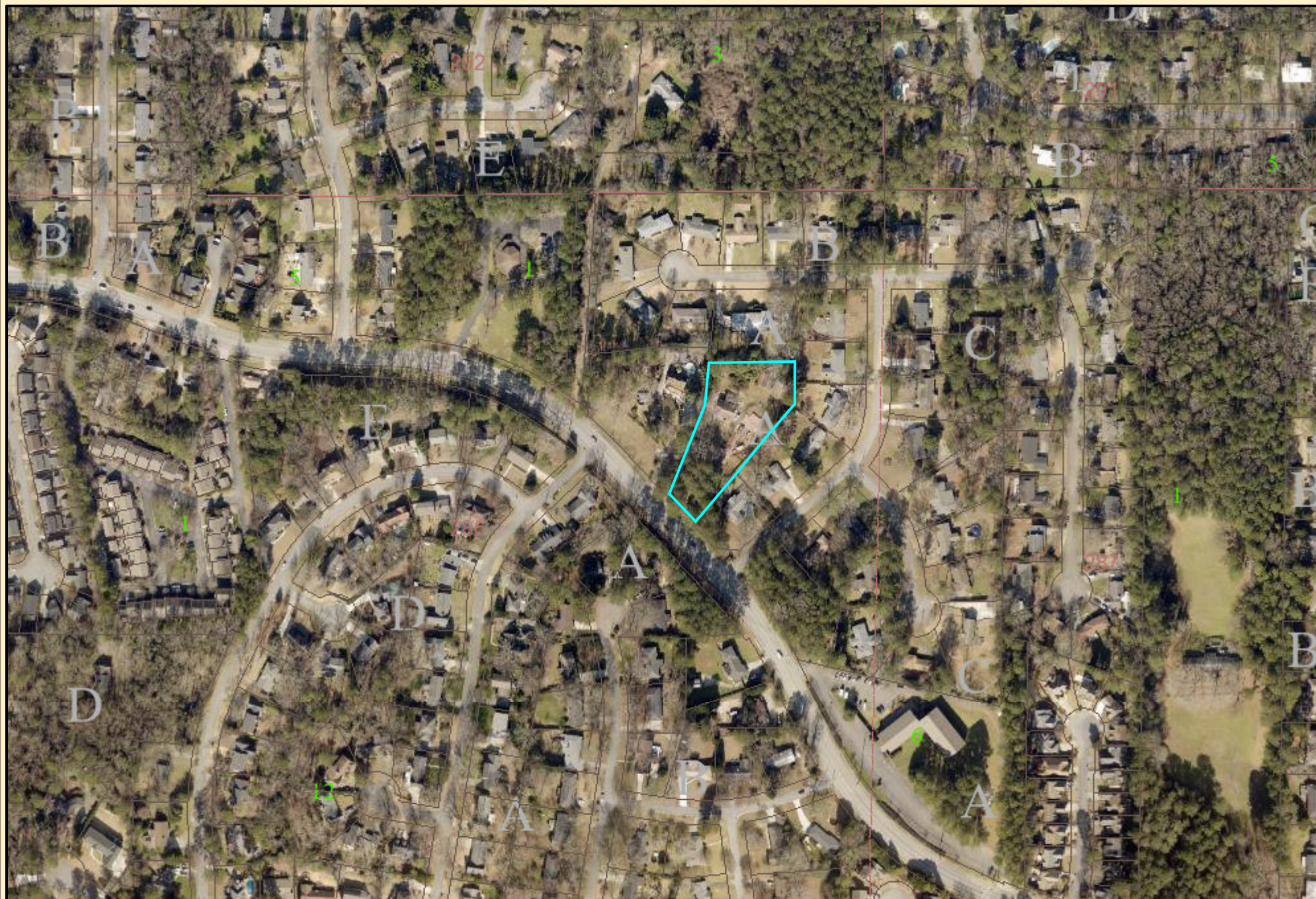
***Filing Deadline for application is 10/27/22. If there are more than 20 cases on January agenda cycle then case would be heard in March 2023.**

Review of Site Plan

Density: _____ Density Bonuses: _____ Mix of Uses: _____ Open Space: X Enhanced
Open Space: _____ Setbacks: front X sides X side corner _____ rear X Lot Size:
X Frontage: X Street Widths: X Landscape Strips: X
Buffers: X Parking Lot Landscaping: X Parking - Auto: _____ Parking - Bicycle:
_____ Screening: _____ Streetscapes: X Sidewalks: X Fencing/Walls: _____
Bldg. Height: X Bldg. Orientation: X Bldg. Separation: X Bldg. Materials: X Roofs:
X Fenestration: X Façade Design: X Garages: X Pedestrian Plan: _____
Perimeter Landscape Strip: X

Possible Variances: Based on conceptual plan shown at pre-app meeting, appears that transitional buffer variances will be required.

Comments: Applicant will need to show how proposed O-I/O-I-T rezoning is compatible with surrounding properties, including the surrounding R-100 zoned single-family residential subdivisions and show compliance with the O-I/O-I-T requirements of the zoning ordinance including but not limited to transitional buffers,



DeKalb County Parcel Map

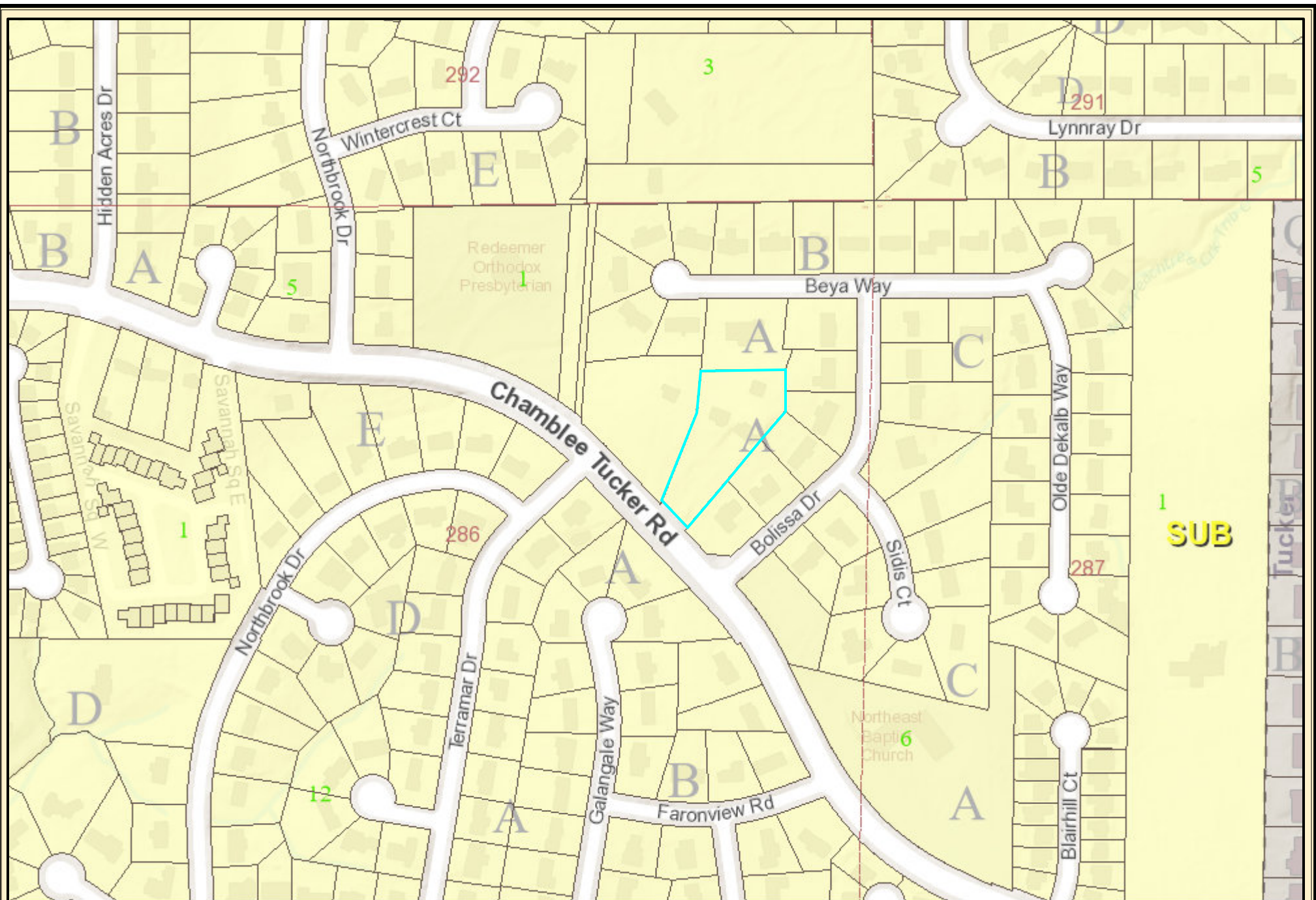
0 0.0175 0.035 0.07 0.105 0.14
mi

Date Printed: 12/27/2022



DeKalb County GIS Disclaimer

The maps and data, contained on DeKalb County's Geographic Information System (GIS) are subject to constant change. While DeKalb County strives to provide accurate and up-to-date information, the information is provided "as is" without warranty, representation or guarantee of any kind as to the content, sequence, accuracy, timeliness or completeness of any of the database information provided herein. DeKalb County explicitly disclaims all representations and warranties, including, without limitation, the implied warranties of merchantability and fitness for a particular purpose. In no event shall DeKalb County be liable for any special, indirect, or consequential damages whatsoever resulting from loss of use, data, or profits, whether in an action of contract, negligence, or other actions, arising out of or in connection with the use of the maps and/or data herein provided. The maps and data are for illustration purposes only and should not be relied upon for any reason. The maps and data are not suitable for site-specific decision-making nor should it be construed or used as a legal description. The areas depicted by maps and data are approximate, and are not necessarily accurate to surveying or engineering standards.



DeKalb County Parcel Map

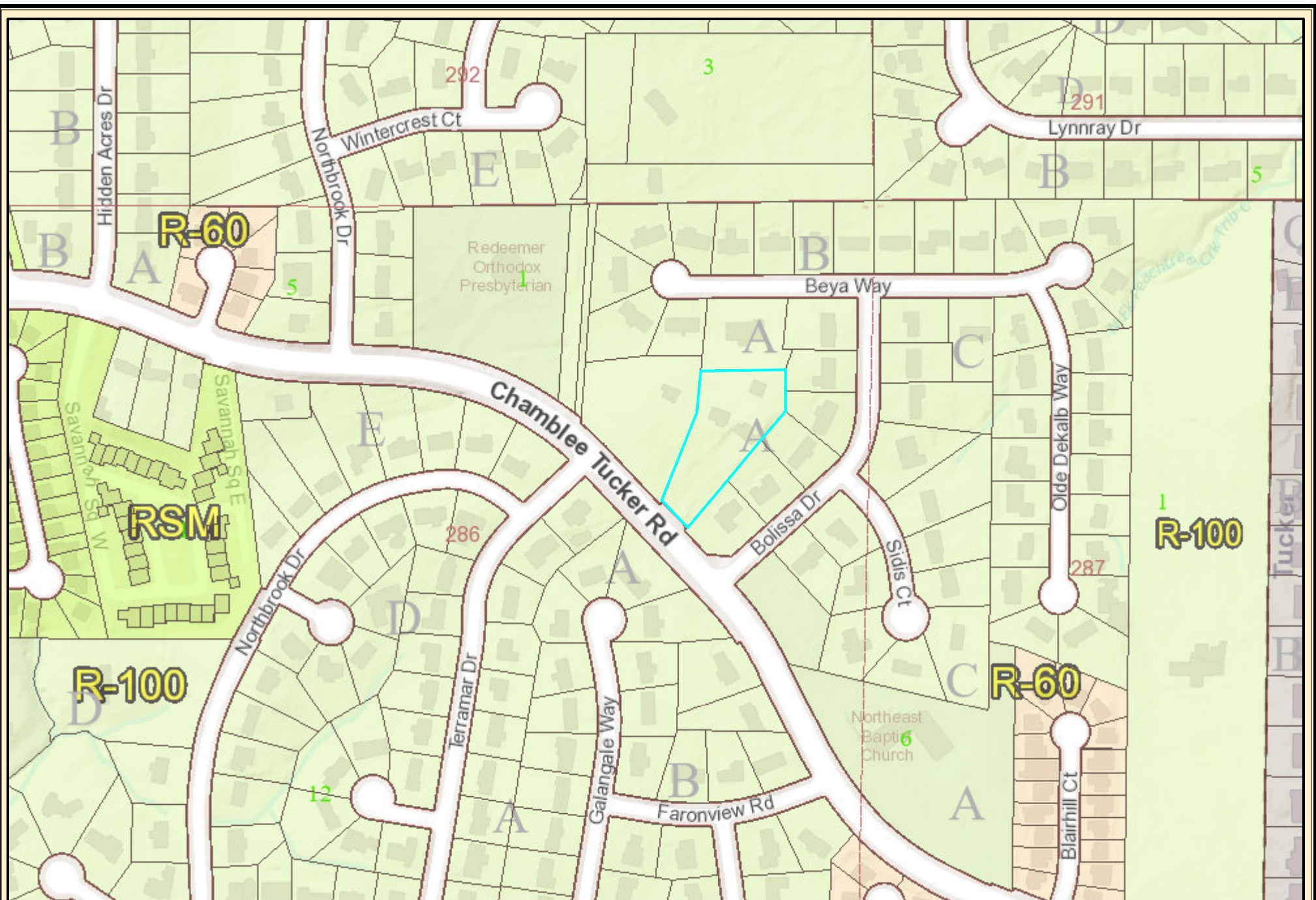
0 0.0175 0.035 0.07 0.105 0.14
mi

Date Printed: 12/27/2022



DeKalb County GIS Disclaimer

The maps and data, contained on DeKalb County's Geographic Information System (GIS) are subject to constant change. While DeKalb County strives to provide accurate and up-to-date information, the information is provided "as is" without warranty, representation or guarantee of any kind as to the content, sequence, accuracy, timeliness or completeness of any of the database information provided herein. DeKalb County explicitly disclaims all representations and warranties, including, without limitation, the implied warranties of merchantability and fitness for a particular purpose. In no event shall DeKalb County be liable for any special, indirect, or consequential damages whatsoever resulting from loss of use, data, or profits, whether in an action of contract, negligence, or other actions, arising out of or in connection with the use of the maps and/or data herein provided. The maps and data are for illustration purposes only and should not be relied upon for any reason. The maps and data are not suitable for site-specific decision-making nor should it be construed or used as a legal description. The areas depicted by maps and data are approximate, and are not necessarily accurate to surveying or engineering standards.



DeKalb County Parcel Map

0 0.0175 0.035 0.07 0.105 0.14
mi

Date Printed: 12/27/2022



DeKalb County GIS Disclaimer

The maps and data, contained on DeKalb County's Geographic Information System (GIS) are subject to constant change. While DeKalb County strives to provide accurate and up-to-date information, the information is provided "as is" without warranty, representation or guarantee of any kind as to the content, sequence, accuracy, timeliness or completeness of any of the database information provided herein. DeKalb County explicitly disclaims all representations and warranties, including, without limitation, the implied warranties of merchantability and fitness for a particular purpose. In no event shall DeKalb County be liable for any special, indirect, or consequential damages whatsoever resulting from loss of use, data, or profits, whether in an action of contract, negligence, or other actions, arising out of or in connection with the use of the maps and/or data herein provided. The maps and data are for illustration purposes only and should not be relied upon for any reason. The maps and data are not suitable for site-specific decision-making nor should it be construed or used as a legal description. The areas depicted by maps and data are approximate, and are not necessarily accurate to surveying or engineering standards.

Mason Appraisals, Inc.

108 Parish Road
Covington, GA 30014

678-342-7352
E-mail Vbarmason@aol.com

January 12, 2023

DeKalb County Board of Commissioners
1300 Commerce Drive
Decatur, Georgia 30030

Re: DeKalb County Zoning Application Z-23-1246173
Tax Parcel No. 18-286-01-003
Proposed re-zoning from R-100 to OIT

Dear Members of the DeKalb County Board of Commissioners;

As requested by Mrs. Jeanette Peppers on behalf of residents of Marydale and Olde DeKalb Village, I have researched the proposed re-zoning and analyzed any significant detriment, if any, on the contiguous homes as a result of the re-zoning, or to the property at its current zoning category.

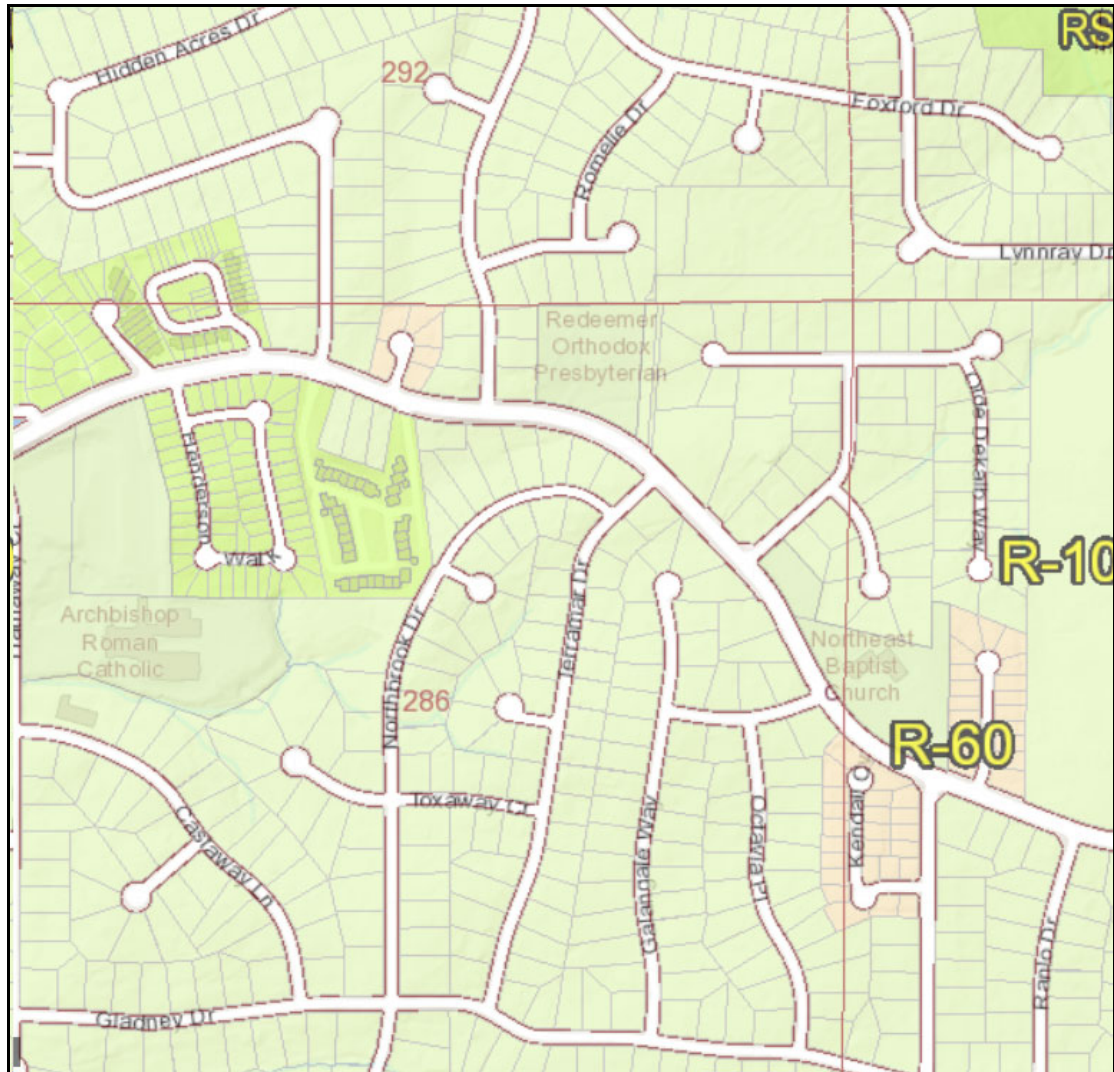
I am qualified to make this analysis. I am a Certified General Real Estate Appraiser in the State of Georgia with over 20 years experience in the valuation of real estate under various municipal applications. I have been qualified as an expert, and have assisted in testimony by others for several counties and cities in Georgia. A copy of my professional qualifications is attached to this letter.

This analysis also considers appropriate Federal and Georgia Law with respect to evaluation of property impact from re-zoning, the Zoning Powers Act, best practices of Land Planning and Zoning, and Supreme Court Decision of Legacy Investment Group LLC v. Kenn, et al.

Subject Description The subject site proposed for re-zoning is a 1.48 acre tract of land with 92 feet of road frontage along Chamblee Tucker Road. The property is level with road grade and slopes upward toward the rear of the property. The property is not located in a designated flood zone. No adverse easements, restrictions, encumbrances, etc. are known.

Based on information obtained from its listing via GaMLS, the subject is improved with a 1,770 square foot Underground Passive Solar Home, a duplex, plus several outbuildings. The Earth Sheltered home has a great room, updated kitchen, 3 bedrooms, 2 full bathrooms, as well as a sun porch/greenhouse. The second structure is a duplex with a great room, kitchen, bedroom, sunroom on the main level with an efficiency apartment accessed by outside rear stairs on the second level.

Characteristics of Chamblee Tucker Road and Contiguous Properties The subject is contiguous to R-100 zoned homes on its eastern, western and northern boundaries. The properties across Chamblee Tucker Road from the subject are also zoned R-100.



Zoning Map Showing Single Family Detached Zoning in the Area of the Subject

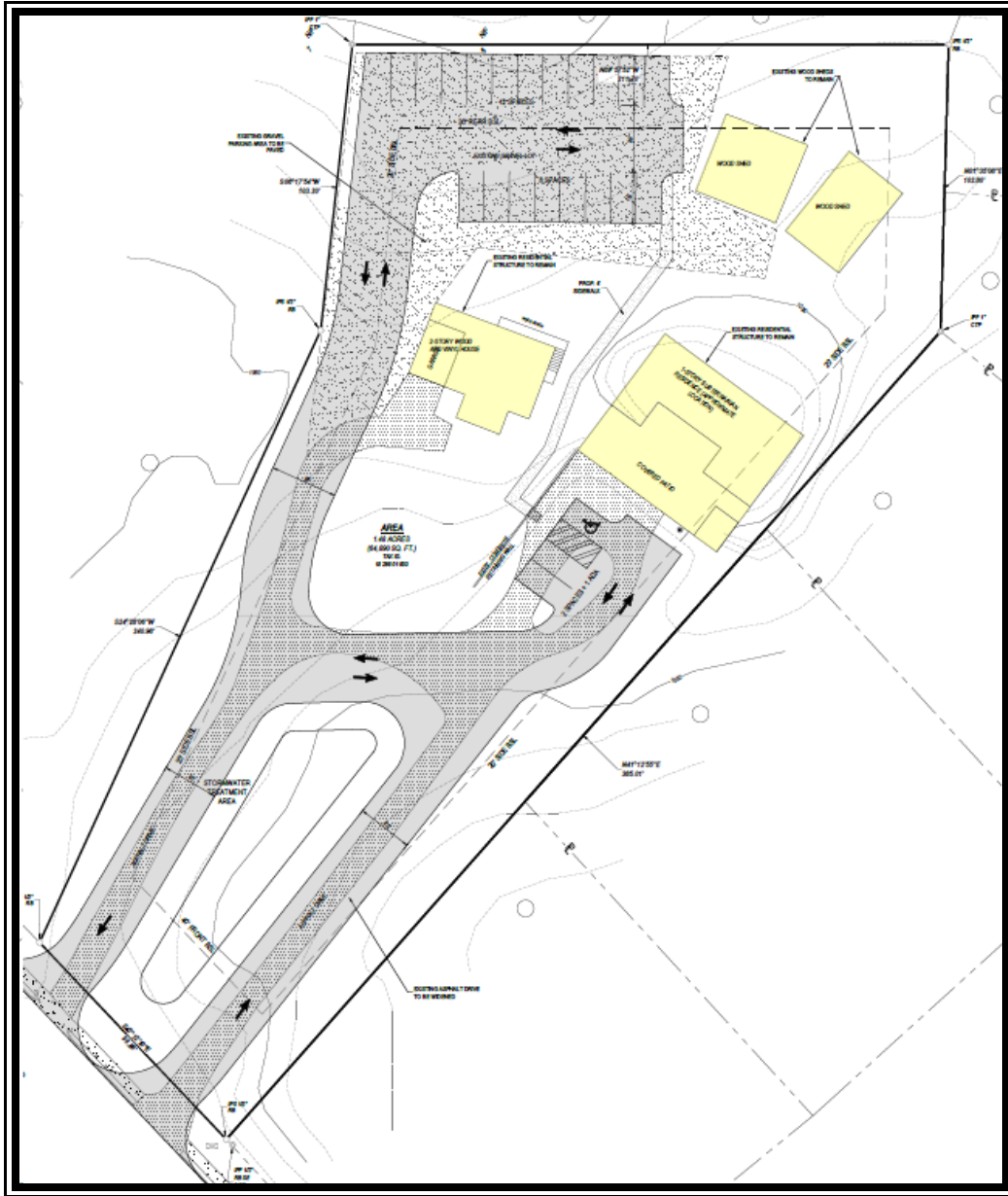
Proposed Re-Zoning The proposed zoning application requests a change from the subject's R-100 (Residential Medium Lot-100) zoning category to an OIT (Office Institutional Transitional) zoning classification.

The DeKalb County Zoning Ordinance indicates that the purpose of an OIT (Office Institutional Transitional) District is "To provide areas within the county for the location of office and institutional uses which are necessary for the residents, business practitioners, and professional practitioners in existing buildings no longer viable for residential uses." and "To provide for the transition from residential to office and associated commercial uses which do not generate large volumes of traffic, noise or other harmful effects, and which are compatible with residential uses in locations so designated in the comprehensive plan along Commercial Redevelopment Corridor character areas and along the edge of the Office Park and Institutional character areas."

Proposed Zoning is Inconsistent with Intent of the OIT Classification The intent of the OIT classification is to provide a transition between commercial or large commercial or office uses to a traditional single family neighborhood. The intent of the ordinance is to allow residential homes contiguous to commercial or office uses to operate as a small 'home' office. The transition of uses is based on the concept of 'Step Down Zoning'. This step down or transitional zoning is found just east of the subject where seven homes on Chamblee Tucker Road from the CVS Pharmacy have been zoned for office use or granted home office status. Across from these homes, a large church and cemetery act as the transitional use between commercial and residential.

There are no commercial or office uses in the area of the subject. All of the properties in the general area of the subject are zoned for single family detached residential use. As such, an OIT zoning of the subject property would constitute Spot Zoning.

Proposed Site Plan The proposed site plan for the subject shows the property as redeveloped for an OIT use. The site plan proposes a religious worship hall in one building with all of the other structures to remain on the site. The proposed site plan is shown on the following page.



Proposed Site Plan

Proposed Site Plan Does Not Meet DeKalb County Zoning Regulations The site plan, as proposed, does not meet the following zoning regulations:

- No 50 foot undisturbed buffer (DeKalb Zoning Code Section 5.4.5); The site plan places the paved parking lot up to the property line, abutting two residential property lines.
- No Landscaping in Parking Lot Design (DeKalb Zoning Code Section 5.4.4.D); The site plan does not show the required landscaping in the proposed parking lot.
- Minimum Parking Requirements (DeKalb Zoning Code Section 6.1.4 & 6.2); Proposed Parking Lot only accounts for the 800 square feet of worship hall/assembly room and none for the remaining square footage of the remaining structures.
- Minimum side setback of 20 feet and rear setback of 30 feet; Subject has two large structures as well as the home and proposed worship hall that are located in the required setback and/or undisturbed buffer areas.

Economic Impact to the Subject if the Re-zoning is Denied The subject property, at its current zoning of R-100 is not economically burdened by its current zoning designation. The R-100 zoning of the subject is a viable economic use. This area of DeKalb County is a strong residential market. Numerous homes in the area of the subject have sold recently, all indicating a steady appreciation of value. Three properties contiguous to the subject, 3236 Bolissa Drive, 3202 Bolissa Drive and 3946 Chamblee Tucker Road, have all sold in the past four years.

Economic Impact to the Contiguous and Surrounding Homes if Re-Zoned The proposed rezoning site plan shows the parking lot along the property boundary of 3946 Chamblee Tucker Road and 3819 Beya Way. Both of these properties are single family detached residential uses. The proposed site plan shows no buffer from the parking lot to these two properties. The site plan does not show a buffer to any of the contiguous properties. The proposed rezoning application seeks to change the use of the property to a house of worship. Under the DeKalb County Zoning Ordinance, a house of worship is more akin to a large meeting hall.

Analysis I have researched the areas of Embury Hills and Tucker for similarly situated houses of worship that had no wooded buffer to adjacent residential properties. There are three houses of worship along Chamblee Tucker Road in the subject's immediate area. They are Northeast Baptist Church, located southeast of the subject; The Redeemer Orthodox Presbyterian Church of Atlanta, located northwest of the subject; and the Holy Cross Catholic Church, located farther west of the subject.

Northeast Baptist Church This is a 5.16 acre tract of land improved with a church facility which also houses additional ancillary uses such as schools and offices.

The parking area for the church facility largely runs along Chamblee Tucker Road in front of the facility. However, there is an additional parking area to the side of the improvements, which backs up to a residential subdivision. The parking area along the north/northwestern boundary abuts the adjacent homes. The parking area does not have a wooded buffer to the homes, but rather, is built up to the church's property line.

There are three homes that abut the parking area; 3186 Sidis Court, 3180 Sidis Court and 3185 Sidis Court in the Marydale Subdivision. Neither the house at 3186 Sidis Court nor the house at 3185 Sidis Court have sold in the past +/-20 years, and any comparison would not be demonstrative of current market conditions. The house at 3180 Sidis Court sold in May of 2021. The sale of this house was compared with the sales of 3236 Bolissa Drive and 3183 Olde DeKalb Way. After a comparison of the unit prices of the properties, the house located at 3180 Sidis Court which is adjacent to the church's unbuffered parking lot, sold for 18% and 22% less than the homes not located next to the unbuffered parking lot.

Further, the facility has a 75 foot wooded buffer along the east side of the property, abutting Blairhill Subdivision. A comparison of the September 2019 sale of 3147 Blairhill Court, which abuts the wooded buffer sold for more than the September 2019 sale of 3146 Blairhill Court, which does not abut the church's property.

The Redeemer Orthodox Presbyterian Church This is a 3.50 acre tract of land improved with a church facility. The parking lot completely surrounds the improvements and sanctuary. Along the rear or the property, there is a 45 foot to 50 foot heavily wooded buffer between the edge of the parking lot and the rear property line. Along the western boundary, there is a 150 foot heavily wooded buffer between the parking area and the side property line. Along the eastern boundary, there is a 100 distance from the parking lot to the nearest residential homesite. This 100 foot distance is comprised of a 50 wooded buffer along the church's property line and another two vacant parcels.

The rear of the property abuts the Concord Manor Subdivision. The 2015 sales of 3771, 3763, and 3747 Wintercrest Court (all located along the rear property boundary of the church) were compared with other 2015 sales of homes in the Concord Manor Subdivision. There was not measurable evidence of any diminution in value to those homes abutting the church's rear parking lot.

These comparisons indicate that residential homes abutting a place of worship's parking lot with a 45 foot heavily wooded buffer or larger, will sell for the same as homes not located along a place of worship's parking lot.

Holy Cross Catholic Church This facility is situated on a 15.5 acre tract of land with the large sanctuary and church facility toward the rear of the property. There is a large, four row parking lot between Chamblee Tucker Road and the improvements. There is a smaller parking area on either side of the improvements. This property has a 40 to 50 foot heavily wooded buffer between its parking lots and its property line with the exception of its western most property boundary, which fronts along Hathaway Court, which runs along the side of the Embry Hill Library.

Along the eastern side of the property is the Henderson Walk Subdivision. Homes in this subdivision have short front yards with all parking and driveways accessed from the rear of each home via a system of alleys. These alleys run along the rear property lines and provide a larger distance from the adjacent church parking lot.

The sales of those houses abutting the parking area and improvements which occurred in the past four years were researched. There were several homes which sold within this time period. For more reliable results, only homes with a variance of 150 square feet in size and sold in the same year were compared with each other. Due to the large variance of the size of each home, the larger number of sales did not result in a relatively large number of comparisons.

However, four comparisons were made. These comparison indicated that the properties abutting the parking area of the church sold for around 5% to 20% less than those homes that were not abutting the parking area.

The greater variances (-17.6% and -21%) were found in 2022 while the lower variances (-6% and -20%) were found in 2019 and 2020, the period where the real estate market was considered a seller's market.

Additional Comparisons Historical sales of houses abutting the First Christian Church on LaVista Road in Tucker were also reviewed. These comparisons indicated a loss of value from 28% to 40% to those homes abutting the church's parking lot.

Summary Based on these comparisons and analyses, homes adjacent to a church parking lot (i.e. 3946 Chamblee Tucker Road and 3819 Beya Way) may sell for as much as 40% less with a likely probability of a loss of 20% as a result of the proposed development of the subject property. In addition, homes contiguous to a church (i.e. 3248, 3236, 3226, 3214 and 3294 Bolissa Drive) without a wooded buffer will also sell for less, with the most likely decrease being around 10%.

Further, the current zoning of the subject does not present any economic harm to the owner nor the applicant.

I trust this information is satisfactory and serves your purposes. If you have any further questions or if I can be of any additional service, please don't hesitate to contact me.

Sincerely,

A handwritten signature in blue ink that reads "Angela V. Mason".

Angela V. Mason
Georgia Certified General
Real Estate Appraiser #CG210297

QUALIFICATIONS

ANGELA V. MASON

SPECIAL QUALIFICATIONS

- State of Georgia, Certified General Real Estate Appraiser, License Number CG210297
- State of Georgia, Real Estate Salesperson, License Number 298861

Formal Real Estate Education

McKissock Learning

2022-2023 7 Hour National USPAP Update (10/21)
3 Hour Georgia Real Estate License Law (10/21)
Appraisal of Industrial and Flex Buildings (02/21)
Complex Properties: The Odd Side of Appraisal (05/21)

Bramlett School of Real Estate

Manufactured Housing Appraisal Issues (04/20)
Performing USPAP Compliant Appraisal Reviews (05/19)
An Appraiser as an Expert Witness (01/19)
Residential Appraisal Review (01/18)
4 Hour 2016 Georgia Appraisal Laws and Regulations (01/17)
7 Hour Better Safe than Sorry (01/17)
7 Hour FHA Property Analysis
7 Hour Fannie Mae Guidelines & Collateral Underwriter Risk
3 Hour UAD Appraisal Update
Supervising the Trainee Appraiser
Hour Appraising Green Residences
7 Hour FHA & VA Appraiser
7 Hour Residential Reporting; Hitting all the Bases
7 Hour Uniform Appraisal Data and Fannie Mae Guidelines
Hearing Officer Training
Advanced Residential Applications and Case Studies
7 Hour Fannie Mae & FHA Appraisal Guidelines
7 Hour Appraising Income Properties
7 Hour 2008 Residential Appraisal Review
30 Hour Introduction to Residential Real Estate Appraisal
Georgia Appraiser Law and Mortgage Fraud
Pre-license Fundamentals (Real Estate Salesperson Course)
Case Study on the Sales Comparison Approach
What the URAR Doesn't Tell You

Lincoln Graduate Center

Manufactured Housing Appraisal
Farm and Land Appraisal
Yield Capitalization of Income
Direct Capitalization of Income
Advanced Commercial Appraisal
Principles of Appraisal Review
Appraisal of Residential Property
Writing the Narrative Appraisal Report
Practice of Real Estate Appraisal
Uniform Standards of Professional Appraisal Practice (14 hours)
Principles of Real Estate Appraisal

Georgia MLS Training Institute

Georgia Basic Real Estate Finance
Tax Free Exchanges
Tax Advantages of Home Ownership

Experience

1999-Present - Mason Appraisals, Inc. Owner, Commercial/Residential Appraiser

Responsible for all management of daily operations, including development of client base, performance of commercial and residential appraisals, as well as management of additional work flow including supervision and review of appraisals performed by contract appraisers

2021-Present – Georgia Forestland Investments, LLC a/k/a Simpkins Properties, LLC – Sales Associate

Provide sales service and assistance to prospective buyers and sellers under real estate broker, Scott Simpkins

2010-2020 – Bramlett Realty - Sales Associate

Provide sales service and assistance to prospective buyers and sellers under real estate broker, Charles Bramlett

2006-2010 – Key Realty Company - Sales Associate

Provided sales service and assistance to prospective buyers and sellers under real estate broker, James Eddie Phillips

Partial List of Clients

Persons Banking Company, Synovus Bank, Newton Federal Bank, Ameris Bank, Bank of Monticello, Bank of the Ozarks, Exchange Bank, Planters First Bank, various government entities, attorneys, etc.

Representative Work Experience

Vacant Land (all types)

Commercial Properties (industrial and build to suit, downtown row type buildings, car wash, shopping centers, self-storage facility, industrial development analysis, income producing properties, mixed use development, general and medical office, retail, veterinary clinic, automobile repair, automobile dealership, bar/restaurant, construction and demolition landfill, free-standing grocery store, etc.)

Multi-Family Properties (duplex, triplex, quadraplex, small and large apartment complex, condominium, etc.)

Residential Properties (single family existing, proposed construction, subdivision lots, historical, etc.)

Special Purpose Properties (child care facility, golf course, church, convenience store/gasoline dispensing station, radio station, manufactured housing facility, courthouse, aggregate facility, billboard, motel/hotel, bank building, elementary school, regional hospital, fire station, retirement facility, etc.)

Remnant Properties

Flood Plain Properties

Leased Fee Valuation and Leasehold Valuation

Partial Interest Ownership Valuation

Estate Planning Purposes including Partial Interest Ownership

Appraisals for Acquisition and Development Projects

Conservation Subdivisions

Specialty Studies (evaluation of economic benefits of commercial properties with access to public sewer; impact studies for evaluation of loss of value to properties from the presence of a power line; proximity studies; impact studies for evaluation of loss to value to properties from reduction in river frontage; impact studies for evaluation of loss to residential properties along multi-lane roads; impact study to evaluate loss of value to residential land from trespass; impact study of loss of value to a convenience store from the loss of fuel tanks/pumps; loss of value to residential property from storm water runoff; loss of value to residential property from loss of wooded buffer; commercial property in a watershed district; land under a lake, etc.

Appraisals for acquisition of sewer easements, power line easements and right of way

Consulting Services

Property representative for zoning variance requests in Newton County

Property representative for rezoning in Rockdale County

Financial Feasibility Study for development of RV/Campground

Administrative Appraisal Reviews

Appraisals for Tax Appeals

Related Real Estate Services

Judicial Assessor for Condemnation Hearings; Dawson County

Seated and qualified as an expert witness in Newton, Rockdale and Jasper Superior Courts

2004-2007 Secretary of the Georgia Chapter of the National Association of Master Appraisers

Georgia Real Estate Appraiser Board and Georgia Department of Revenue Approved Hearing Officer 2013-2014

Re: Z-23-1246173

Request for Rezoning from R-100 to OIT for a Place of Worship

Atlanta Sanaton Association, Inc.

3964 Chamblee Tucker Road, DeKalb County, Georgia,

Parcel No. 18 286 01 003

Rebuttal to Applicant's Claims:

II. REZONING CRITERIA

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

The neighborhood disagrees that the zoning proposal is “in conformity with the policy and intent of the Comprehensive Plan.” Citing from Page 9 of DeKalb 2050 Comprehensive Land Use Plan, under a heading of “Goals”:

Single-Family Neighborhoods

Continue to protect existing, stable single-family neighborhoods, while identifying locations for appropriate infill development.

Allowing an OIT (Office Institutional-Transitional) zoning is not protecting an existing, stable single-family neighborhood, but is rather disrupting it. This development is already disrupting the character of the neighborhood in that trees have been removed, and the entire back yard has been grubbed, graded and covered with gravel. The neighbors to the back yard are being disrupted by the location of gravel and the proposed parking lot adjacent to the property line. The existing wood fence erected by the Applicant is not sufficient to prevent disruption by lights and noise.

OIT zoning is non-residential and is appropriate in the town center to the West anchored by the Embury Village shopping center, or the commercial node to the East at the intersection of Chamblee Tucker Road and Pleasantdale Road. OIT zoning at this location would not establish a transition from residential to office and low intensity commercial uses, as is its purpose and intent, because it is next to and surrounded by R-100 zoning. It is inconsistent with R-100 zoning and would not benefit the surrounding neighborhoods.

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 neighborhood agrees that a Place of Worship would be consistent with the use of this property under the existing R-100 zoning, if it met the required acreage to mitigate impact to the neighborhood. The neighborhood would accept a Place of Worship, of any faith. However, this section of the application is in error. The Applicant claims that there is a home being used as a Place of Worship nearby, specifically in the property adjacent and behind the Subject Property. There is no such home being used as a Place of Worship. If there were, the

neighborhood would object to such use of the property.

C. Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned;

The Applicant is again in error. The Subject Property does have two houses on it, but the history that is given is in error. To the personal knowledge of a neighborhood resident, who was at the zoning meeting to be referenced, the county knew of and accepted both houses on the property. There have been two houses on that property for at least 45 years. The original farm house occupied the lot. At some time in the past, the subterranean house was built. Whether the owner requested and received a permit for this construction is unknown. However, at some point, the owner requested permission to build a new house on the property. A discussion was made by the Board of Commissioners over the fact that the property did not have adequate front footage, but since it did have adequate acreage, the construction of the new house was permitted, provided that the old farm house be demolished first. According to the knowledgeable resident, this was done. These two houses have been continuously occupied as dwellings, the subterranean house for at least 37 years, and the new house ever since it was built. The two houses were existing and legal at the time of the adoption of the current zoning code, and so fall into the category of “legal nonconforming.” The neighborhood sees no reason that these two houses could not continue as residences as per their original intent. The only reason that the property could be deemed unacceptable as is, is that the current owners want to change the use of the property from residential to a Place of Worship, which would require meeting the current zoning code. Because an owner wants to use a property for purposes for which the current zoning prohibits is not justification for claiming that “the property does not have a reasonable economic use as currently zoned.”

Furthermore, the property does have an economic use as it is currently zoned. That is demonstrated by the lot next door, which is larger (1.70 vs 1.46 acres). It recently sold and is being used as a single-family home under R-100 zoning. The nonconformity of two houses on the lot has not been an issue with using the property as single-family housing under R-100 zoning.

Another residential use for the property, which would be consistent with the character of the neighborhood, is to rezone to R-60, demolish the existing buildings and build up to six houses.

OIT is not the only way to utilize the property.

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

The usability of the adjacent properties will be adversely affected. They have already been adversely affected with the activities carried on at the Place of Worship. Additional noise and light have affected nearby properties. Specifically, the owners of the properties directly across Chamblee-Tucker Road have been disturbed by the number of headlights shining into their homes, and neighbors adjacent have been disturbed by high noise levels. Permitting this

rezoning would only further exacerbate the problem. Further, the Applicant has already grubbed and graded the back yard of the property, and laid down gravel over the entire back yard. The Applicant has also cut down a number of trees. All of this has increased the runoff of storm water onto the adjacent property in the immediate rear of the subject property.

Further, the property values of the homes adjacent to the rezoned property would suffer a significant decline. The neighborhood has commissioned Mason Appraisals to research and analyze the effect of this rezoning on nearby properties. A copy of the report is attached. Two properties would suffer a reduction of 20%-40% of their current value. The other six properties adjacent to the rezoned property would see a 10% reduction. Applying these reductions percentages to the current values produces a total loss of value at \$600,000-\$800,000.

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;

While rezoning the property to OIT would solve the issue related to the second building in the County's records, rezoning is not the answer to incorrect or missing records in the County. The only changing conditions in the area is the Applicant's attempts to develop the property in a manner that is not consistent with current zoning.

F. Whether the zoning proposal will adversely affect historic buildings, sites, districts, or archaeological resources;

We agree that the property is not in a historic district, nor has any known historic or archaeologically significant artifacts or buildings.

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;

With twenty-three parking spaces, we can reasonably expect that twenty-three cars will be leaving at approximately the same time. Figuring that half the cars would go one way, and half the other, there would be eleven to twelve cars leaving at nearly the same time. The exit driveway proposed would be very close to the intersection of Chamblee-Tucker Road and Bolissa Drive. Bolissa Drive has a very steep uphill approach to Chamblee-Tucker Road, with limited sight distance. Traffic exiting Bolissa Drive already has a difficult time entering Chamblee-Tucker Road at most conditions. Adding an additional eleven to twelve cars would place a serious burden on the traffic from Bolissa Drive. Further, when the special holidays come about, the Applicant expects significantly higher number of worshippers, making the problem that much worse.

H. Whether the zoning proposal adversely impacts the environment or surrounding natural resources.

The proposed site plan that the Applicant has provided contains a significant increase in

impervious surfaces, increasing water run-off. The Applicant proposes to grade the parking lot and driveways to route the storm-water into a retention area, and then to a nearby storm drain. The neighborhood has two problems with this solution.

1. The elevation as shown on the site plan provided by the Applicant shows the low spot of grade at the location of the proposed parking lot to be at an elevation less than 1050 ft. above mean sea level (AMSL). The site plan also shows the elevation alongside the 2-story house, where the driveway is proposed to be at 1058 ft. AMSL. Furthermore, the location of the proposed retention area has an existing grade of 1050 ft. This has two ramifications.
 - a. In order to grade the driveway to flow water off of the parking lot to the retention area, the driveway would have to be lowered significantly, or the parking lot raised significantly. This would require retention walls to provide the elevation changes, as there is insufficient room to allow sloping of the ground to make up the differences. There are no retention walls shown on the site plan, and very little room to add them.
 - b. In order to drain the water into the retention area proposed, it would require significant excavation, creating an unsightly hole in the front yard of the property, adjacent to the street. This would lower the aesthetic value of the area, and reduce property values.
2. The Applicant refers to a nearby storm drain. We know of no such storm drain. This area of Chamblee-Tucker Road is atop a hill. Storm water does not flow into storm drains but downhill. Therefore, we believe that there is no storm drain under Chamblee-Tucker Road. The storm drains within the Marydale subdivision, the only other place to send the storm water are insufficient to handle this additional storm water, should the Applicant obtain the necessary easements from adjacent property owners to access these drains.

The result of the drainage problems would be that it would be very likely that additional storm water run-off would enter the property immediately to the rear of the Applicant's property, exacerbating an already bad situation.

III. ADDITIONAL POINTS

- A. The property is entirely surrounded by R-100 zoning, the current zoning of the property. To allow OIT would disrupt the character of the neighborhood, and set an unwanted precedent. The nearest property zoned OI is over one-half mile in either direction, and close to commercial property. This would then constitute spot zoning, which should not be allowed. It would set a precedent that would allow other zonings in the area that would be inconsistent with the current zoning, further disrupting the character of the neighborhood.
- B. The zoning regulations recognize the potential impacts of a Place of Worship on

adjoining or nearby residential properties, by establishing standards for a Special Land Use Permit, i.e, minimum width of 100 feet and a minimum area of 3 acres. In addition, a SLUP specifies minimum distances of Place of Worship driveways and buildings from residential properties. Not only does rezoning the property bypass the SLUP protections, the proposed site plan does not even comply with buffer protections of the OIT zoning classification. While there are other Places of Worship in the neighborhood, they all comply with the standards of R-100 zoning, and/or have been in their existing locations since before 1988.

- C. The property can not comply with the codes for OIT with regards to the buffer zones. All of the buildings would require variances to allow the existing buildings and driveways to comply with the transitional buffer for OIT zoning next to R-100 zoning.
- D. The property can not comply with the codes for OIT with regards to the building setback. Rezoning the property would require bringing the entire property up to existing code requirements. The one-story subterranean residence, as well as the two existing sheds all intrude within the building setback area. To correct this condition would require substantial demolition of the building the Applicant wishes to use for a Place of Worship.
- E. In order to comply with the OIT zoning, extensive variances would be required. This property is not suited for the intended use, nor the requested zoning.
- F. If the requested zoning is approved, the County would take a significant reduction in the tax digest. We have already mentioned the reduction in values for the adjacent properties, totaling approximately \$600,000 to \$800,000. Adding the value of the rezoned property, which would not be taxable as a Place of Worship, the total reduction to the tax digest would amount to \$1,000,000 to \$1,200,000.
- G. The Applicant has not indicated in any of the submitted documents the intended use for the two-story house. It has in the recent past been used as a meeting place for a meal, with probable cooking on the site. There has been no indication of a grease collector as required by the DeKalb County Code for Fats, Oils, and Greases.
- H. The site plan submitted does not include the landscaping required for the parking lot, including the islands required, nor does it indicate the retention pond that would be needed to handle the additional runoff. The site plan submitted does not meet the requirements for OIT zoning.

IV. CONCLUSION

For the previous reasons, the neighborhood believes that the Applicant has failed to show adequate reasons for rezoning the property from R-100 to OIT for a Place of Worship. Further, the rezoning to OIT is entirely incompatible with the current neighborhood, is inconsistent with the surrounding zoning, and is inconsistent with the goals, purpose, and intent of the Comprehensive Plan.

The neighborhood's objections can not be overcome through negotiations by changes to the site plan, or other concessions by the Applicant, particularly the issue of the spot zoning.

Therefore the neighborhood does not believe that a deferral would be productive, and hereby respectfully requests that this application be Denied with Prejudice.

V. NOTICE OF CONSTITUTIONAL ALLEGATIONS AND PRESERVATION OF CONSTITUTIONAL RIGHTS

The portions of the DeKalb County Zoning Ordinance, facially and as applied to the Subject Property, which restrict or classify or may restrict or classify the Subject Property so as to prohibit its development as proposed by the Applicant are not unconstitutional. Courts have upheld zoning laws many times as being constitutional. The Applicant purchased the property knowing its current zoning, and either knew or should have known that the use of the property for his intended purpose would not be allowed in that zoning. Therefore, denial of this application would not destroy the Applicant's property rights without first paying fair, adequate and just compensation for such rights.

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, as there is no taking of the Applicant's property, because of lack of an economically viable use of its land while not substantially advancing legitimate state interests. We have previously proposed at least two mechanisms for economic viability for the property without rezoning. Maintaining the character of the existing neighborhood is a legitimate state interest.

A denial of this Application would not 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. Maintaining the character of the neighborhood is very much the general welfare of the public. The Applicant would suffer no harm, as the property that was purchased by the Applicant can be used the way it was being used before purchase by the Applicant. To expect some other use that is not consistent with the current zoning is irrational.

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 not be unconstitutional and would not discriminate in any manner between the Applicant and owners of similarly situated property. All the owners of similarly situated property are using their property in accordance with the current zoning. Rezoning of the Property subject to conditions which are different from the conditions requested by the Applicant, to the extent such different conditions would have the effect of further restricting Applicant's utilization of the property, would not constitute an arbitrary, capricious and discriminatory act in zoning the Subject Property to an unconstitutional classification. Any rezoning to any other classification, or rezoning to the requested zoning, would irreparably harm the neighborhood by a reduction in property values, and a reduction in quality of life. Thus the refusal is warranted, and therefore legal and constitutional.

A refusal to allow the land use amendment and/or Rezoning in question would not be unjustified from a fact-based standpoint and would not result only from constituent opposition.

The facts presented by the Applicant are in error, or irrelevant. There is not a fact-based standpoint which would support the rezoning. The neighborhood has presented many facts to oppose the rezoning. The neighborhood does not object to Places of Worship, of any faith, provided that they comply with the zoning laws of DeKalb County, and do not require a zoning incompatible with the character of the neighborhood.

A refusal to allow the land use amendment and/or Rezoning in question would not 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 zoning laws of DeKalb County fully meet all applicable State and Federal laws, and have been upheld in court.

The threat of a lawsuit from the Applicant is hardly justification for rezoning the property. Proper and legal application of the zoning laws of DeKalb County are defensible in court and would put the Applicant in a position of being liable for attorney's fees to defend the County against an unwarranted legal action. To rezone this property to the requested zoning would place the County at risk of a similar action in Superior Court from the adjacent homeowners to recover the diminished property values and the losses due to the diminished quality of life, for rezoning this property in such an arbitrary and detrimental manner.

Re: Z-23-1246173

Request for Rezoning from R-100 to OIT for a Place of Worship

Atlanta Sanaton Association, Inc.

3964 Chamblee Tucker Road, DeKalb County, Georgia,

Parcel No. 18 286 01 003

Letter of Opposition

Members of the ~~Planning Board of~~ Commissioners,

We, the residents of the neighborhood surrounding this proposed rezoning, stand opposed to this action. The rezoning requested is a blatant “spot zoning” which does not benefit the community, but rather degrades it. We have collected 119 signatures from property owners who live next to the subject property or who live in the surrounding neighborhood, all of whom request denial of this rezoning.

We realize that the Community Council recommended Deferral, but the adjoining and nearby neighbors were not offered the opportunity to present their views. The recommendation of the Community Council does not reflect the views of the community. We also recognize that the Planning Commission also voted for Deferral. However, the Planning Staff recommended Denial. We therefore appreciate this opportunity to present ~~them~~ our views to you.

The community does not feel that Deferral will allow a resolution to the objections of the community, as they are based on the unsuitability of the OIT zoning classification itself for the proposed location, and no negotiations would be fruitful. We therefore request a ~~recommendation of Denial~~ with Prejudice, for the following reasons:

1. This zoning is not in conformity with the policy and intent of the Comprehensive Plan.
2. We recognize that there are two houses on the one property. These two houses have been continuously occupied as dwellings since before 1988, and therefore they are “legal nonconforming.” These two houses could continue as residences as per their original intent.
3. The adjacent properties have already been adversely affected with the activities carried on at the Place of Worship. Additional noise and light have affected nearby properties. The Applicant has already grubbed and graded the back yard of the property, and laid down gravel over the entire back yard. The Applicant has also cut down a number of trees. All of this has increased the runoff of storm water onto the adjacent property in the immediate rear of the subject property.
4. The proposed site plan that the Applicant has provided contains a significant increase in impervious surfaces, increasing water run-off. It is very likely that additional storm water run-off would enter the property immediately to the rear of the Applicant’s property, exacerbating an already bad situation.

5. The rezoning to OIT is entirely incompatible with the current neighborhood, because the property is entirely surrounded by R-100 zoning, the current zoning of the property. To allow OIT would disrupt the character of the neighborhood, and set an unwanted precedent. The nearest property zoned OI is over one-half mile in either direction, and close to commercial property. This would then constitute spot zoning, which should not be allowed.
6. The property can not comply with the codes for OIT with regards to the buffer zones. OIT requires a buffer of 50 feet alongside all residential property.
7. The property can not comply with the codes for OIT with regards to the building setback.

~~8. The Applicant has not indicated in any of the submitted documents the intended use for the two-story house.~~

~~9.8. The site plan submitted does not include the landscaping required for the parking lot, including the islands required. The site plan submitted does not meet the standards for OIT zoning. If the application is approved, the adjoining properties will lose from 10% to as much as 40% in value, based on their location relative to the rezoned property. In total, the County will see a reduction in the tax digest of \$1,000,000 to \$1,200,000.~~

















