

DEPARTMENT OF PLANNING & SUSTAINABILITY

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

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

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Applicant Name: Bimor LLC c/o Battle Law P.C.

Applicant E-Mail Address: mlb@battlelawpc.com

Applicant Mailing Address: 3562 Habersham at Northlake Building J , Suite 100 Tucker GA, 30084

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Applicant Daytime Phone: 404-601-7616 Fax: 404-745-0045

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Owner Name: Dr.Nich Mbaezue

If more than one owner, attach list of owners.

Owner Mailing Address: \_\_\_\_\_

Owner Daytime Phone: \_\_\_\_\_

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Address of Subject Property: 7006 Covington Highway Lithonia, GA 30058

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Parcel ID#: 16 104 01 004

Acreage: 1.09 acres Commission District: 1

Present Zoning District(s): NS

Proposed Zoning District: RM

Present Land Use Designation: \_\_\_\_\_

Proposed Land Use Designation (if applicable): Vacant

### REZONING APPLICATION CHECKLIST

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

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

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

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

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

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

\_\_\_\_\_ **C. Letter of application and impact analysis**

1. **Letter of application** identifying a) the proposed zoning classification, b) the reason for the rezoning or special use or modification request, c) the existing and proposed use of the property, d) detailed characteristics of the proposed use ( e.g. floor area, height of building(s), number of units, mix of unit types, number of employees, manner and hours of operation), d)(optional) statement of conditions discussed with the neighborhood or community, if any.

2. **Impact analysis** of the anticipated impact of the proposed use and rezoning on the surrounding properties in response to the standards and factors specified in Article 7.3 of the DeKalb County Zoning Ordinance, as attached. If a Major Modification, please include previously approved conditions and Board of Commissioner meeting minutes.

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

\_\_\_\_\_ **E. Campaign disclosure statement** (required by State law).

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

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

\_\_\_\_\_ a. complete boundaries of subject property;

\_\_\_\_\_ b. dimensioned access points and vehicular circulation drives;

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

\_\_\_\_\_ d. location of 100 year floodplain and any streams;

\_\_\_\_\_ e. notation of the total acreage or square footage of the subject property;

\_\_\_\_\_ f. landscaping, tree removal and replacement, buffer(s); and

\_\_\_\_\_ g. site plan notes of building square footages, heights, density calculations, lot coverage of impervious surfaces, parking ratios, open space calculations, and other applicable district standards.

\_\_\_\_\_ **H. Reduced Site Plan**, reduced to 8.5" x 11".

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

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

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

**INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED**

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: Dr. Nich Mbaezue/BIMOR Inc Phone: 832-605-5000 Email: graceinfull@gmail.com

Property Address: 7006 Covington Hwy

Tax Parcel ID: 16 104 01 004 Comm. District(s): 5 & 7 Acreage: 1.09

Existing Use: Vacant Proposed Use: Neighborhood Retail Shopping Center

Supplemental Regs: NA Overlay District: NA DRI: NA

Rezoning: **Yes\***  No

Existing Zoning: RSM (Residential Small Lot Mix)

Proposed Zoning: C-1 (Local Commercial) –District **(\*may not require rezoning per existing conditions CZ-00043 – consult with zoning administrator)**

Square Footage/Number of Units: \_\_\_\_\_

**Land Use Plan Amendment:** Yes  No

Existing Land Use: SUB Proposed Land Use: NA Consistent  Inconsistent

**Special Land Use Permit:** Yes  No

**Major Modification:** N

Existing Case Number(s): CZ-00043

Condition(s) to be modified:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

DEPARTMENT OF PLANNING & SUSTAINABILITY

Pre-submittal Community Meeting:  Review Calendar Dates:  PC: 1/05/23\*  BOC:  
 1/26/23\*\*  Letter of Intent:  Impact Analysis:  Owner Authorization(s):   
Campaign Disclosure:  Zoning Conditions:  Community Council Meeting:  12/05/22  
Public Notice, Signs:  (Applicant must pick up and post and/or will be done by Staff)  Tree  
Survey, Conservation:  Land Disturbance Permit (LDP):  Sketch Plat:   
Bldg. Permits:  Fire Inspection:  Business License:  State License:  
 Lighting Plan:  Tent Permit:  Submittal Format: NO STAPLES, NO BINDERS  
PLEASE

\*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 for January 2023 agenda cycle. 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:   
Enhanced Open Space:  Setbacks: front  sides  side corner  rear   
Lot Size:  Frontage:  Street Widths:  Landscape Strips:   
Buffers:  Parking Lot Landscaping:  Parking - Auto:  Parking - Bicycle:  
 Screening:  Streetscapes:  Sidewalks:  Fencing/Walls:   
Bldg. Height:  Bldg. Orientation:  Bldg. Separation:  Bldg. Materials:  Roofs:  
 Fenestration:  Façade Design:  Garages:  Pedestrian Plan:   
Perimeter Landscape Strip:

Possible Variances:  Applicant will have to provide justification as to how proposed C-1 zoning is consistent  
with the surrounding commercial and residential uses. Concept plan is required per rezoning submittal  
requirements; show compliance with C-1 requirements including but not limited to required parking, parking lot  
landscaping, minimum open space, maximum building height, transitional buffers, streetscape improvements  
(sidewalks/street trees/street lighting), building materials, outdoor lighting, etc. The applicant is encouraged to  
discuss possible transportation improvements that may be required (if the rezoning is approved by the Board  
of Commissioners) with the county Transportation Department. The applicant is encouraged to contact Land  
Development Division of Public Works regarding required storm water management, floodplain, and stream  
buffer issues.

DEPARTMENT OF PLANNING & SUSTAINABILITY

**This only a preliminary review and is not a complete list of zoning requirements, a final and complete review will be done upon official submission of a rezoning application and concept plan.**

Planner: John Reid \_\_\_\_\_ Date 08/18/22 \_\_\_\_\_

Filing Fees

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



## 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  
Jordan Battle at:  
Phone: 404-601-7616 ext. 10  
Fax: 404-745-0045  
Email: [jnb@battlelawpc.com](mailto:jnb@battlelawpc.com)

## COMMUNITY MEETING TO DISCUSS REZONING OF VACANT PROPERTY TO ALLOW FOR THE DEVELOPMENT OF TOWNHOMES

**Project Title: 7006 Covington Hwy**

**When: December 6, 2022**

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

**Register in advance for this meeting:**

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

**Meeting ID: 834 0585 9510**

**Password: 542708**

**PROPOSED LOCATION(S):  
7006 COVINGTON HWY**

Participants (Original Name)	Participants Email
Jordan Battle	jnb@battlelawpc.com
Josh Mahoney	jsm@battlelawpc.com
Mary Jackson	deavona@yahoo.com
14049321213	
12482278886	
16789232051	
lashondra	parham78@hotmail.com
17702566122	

COURTNEY WILLIAM J	6305 CREEKFORD DR	LITHONIA (
MILLER HOLDINGS AND INVESTMENT	1614 RICE RD	LITHONIA (
AMBROSE MONIQUE	6223 CREEKFORD DR	LITHONIA (
HOME SFR BORROWER LLC	3505 KOGER BLVD STE 400	DULUTH G
ALLISON MICHAEL LEE	6262 CREEKFORD DR	LITHONIA (
CALDWELL DESTANY	6272 CREEKFORD DR	LITHONIA (
CONYERS CASSANDRA	6245 CREEKFORD LN	LITHONIA (
HOWARD H HAMAMOTO REVOCABLE TRUST	1100 ALAKEA ST FLOOR 27TH	HONOLULU
BANKSIA INVESTMENTS LLC	950 EAGLES LANDING PKWY STE 487	STOCKBRID
BIMOR LLC	1115 GREATWOOD MNR	ALPHARETT
ANOINTED HANDS INVESTMENT GROUP LLC	PO BOX 81788	CONYERS (
WASHINGTON IVONDA J	PO BOX 23	REDAN GA
JOHNSON ANNE	6372 KENNONBRIAR CT	LITHONIA (
OKOKON FRANCIS U	2344 CAMDEN OAK WAY	LITHONIA (
VEGA ALEXANDRA	2348 CAMDEN OAK WAY	LITHONIA (
WOODHOUSE CHERYL ESTWICK	6361 KENNONBRIAR CT	LITHONIA (
PERRY CARLA ANTOINETTE	6357 KENNONBRIAR CT	LITHONIA (
BABB GRACE	2155 WELLINGTON CIR	LITHONIA (
MCINTOSH DONNA	4385 WATERS WAY	SNELLVILLE
MCKNIGHT CYNTHIA Y	2379 COVE RD	LITHONIA (
TANNER SONYA A	2375 COVE RD	LITHONIA (
VOLOTI EUGEN	4544 DEVONSHIRE RD	ATLANTA (
HOLDER SHONA	6267 BRANCH BROOK WAY	STONE MC
WILLIAMS LYNDORA	2394 WELLINGTON CIR	LITHONIA (
LUCAS PAMELA A	4087 HODGDON CORNERS DR	LITHONIA (
JOHNSON MARY J	2308 WELLINGTON CIR	LITHONIA (
JACKSON JEANETTE	2312 WELLINGTON CIR	LITHONIA (
JACKSON ANNIE C	2326 WELLINGTON CIR	LITHONIA (
BROWN LORI ANN	25901 148TH AVE	ROSEDALE
MURRAY RODELLE	3595 BAINBRIDGE AVE APT 6B	BRONX NY
WATSON SIMONE	2335 WELLINGTON CIR	LITHONIA (
ANDUENA FOTOS	6900 ROSWELL RD APT P2	ATLANTA (
RAINEY TANYA	2372 WELLINGTON CIR	LITHONIA (
ERKINS ALVA	6360 WELLINGTON WALK WAY	LITHONIA (
ADAMS PEGGY J	6353 WELLINGTON WALK WAY	LITHONIA (
HUSBANDS TRALYNN	8311 139TH ST APT 6G	BRIARWOC
LEMON TARA N	3334 PEACHTREE RD NE 507	ATLANTA (
CHARTER ATLANTA LLC	2472 JETT FERRY RD STE 400-321	DUNWOOD
KATHLEEN BRISTOL	6337 WELLINGTON WALK WAY	LITHONIA (
PUSEY ONEIL	734 PETEYWOOD DR	AUSTELL G
MAX LIVING LLC	2 HAYMONT TER	BRIARCLIFF
C AND H REAL ESTATE LLC	1920 DRESDEN DR NE BOX 190442	ATLANTA (
CHRISTIAN SHELIA D	2617 WELLINGTON WALK PL	LITHONIA (
STEWART BRANDON S	6311 CREEKFORD DR	LITHONIA (
PROMISE HOMES BORROWER I LLC	26050 MUREAU RD STE 110	CALABASAS
GODBOLD THERESA KRISTEN	6227 CREEKFORD DR	LITHONIA (
WILLIS MARION	1624 DENISE CT	DECATUR (



WOMACK HOMES AND CONSULTING LLC	5283 GALLEON XING	DECATUR (
MILLS ALMA	6276 CREEKFORD DR	LITHONIA (
CREEKFORD LAND PRESERVATION	4426 HUGH HOWELL RD STE 200	TUCKER GA
BOYER HAZEL B REVOCABLE TRUST	P O BOX 586	MANASSAS
CHARLIE TROY LLC	PO BOX 170455	ATLANTA (
ROBINSON OLIVER	2394 CRAGSTONE CT	LITHONIA (
HOWARD RUSSCHELLE	6370 KENNONBRIAR CT	LITHONIA (
IRISH KIMBERLY T	2342 CAMDEN OAK WAY	LITHONIA (
KIMBLE VICTORIA	2346 CAMDEN OAK WAY	LITHONIA (
GERMAN KRISTEN ELIZABETH	2350 CAMDEN OAK WAY	LITHONIA (
ETIM ADELE DEANNA	6363 KENNONBRIAR CT	LITHONIA (
FREEMAN DOUGLAS FITZGERALD	1473 WILLOWS LAKE DR NE APT B	ATLANTA (
SEAMOUNT CAPITAL FUND II LLC	19 MARKET ST	BEAUFORT
HENRY HAYWOOD H	2157 WELLINGTON CIR	LITHONIA (
SHIVRAJ JONELLE A	317 BEACH 69TH ST	ARVERNE F
PUSTELNIK PROPERTIES LLC	445 MORTON MILL LN	JOHNS CRE
LANDERS BLONDIE	2373 COVE RD	LITHONIA (
HALE PATRICIA	PO BOX 446	CLARKSTON
WALLACE BERTHA	6238 SOUTHLAND FOREST DR	STONE MC
HTSST CORP	9290 SW 72 ST STE 103	MIAMI FL 3
TWIN CRIBS LLC	8343 ROSWELL RD STE 164	ATLANTA (
SHEPPARD KIM	1019 VAN SICLEN AVE # 7E	BROOKLYN
REGI SOLO 401K TRUST ROTH	1911 GRAYSON HWY STE 8-198	GRAYSON (
LEWIS ROSEMARY D	2310 WELLINGTON CIR	LITHONIA (
PUSTELNIK PROPERTIES LLC	2324 WELLINGTON CIR	LITHONIA (
BRANCH WENDY A	4541 CLARKS CREEK TER	ELLENWOC
BREDWOOD IVOLETT	2333 WELLINGTON CIR	LITHONIA (
SCHAYES SUSAN	115 ALICE BRIDGE WAY	WOODSTON
HOLDER SHONA	6267 BRANCH BROOK WAY	STONE MC
KING BARBARA A	2374 WELLINGTON CIR	LITHONIA (
KING DENNIS	6358 WELLINGTON WALK WAY	LITHONIA (
PETGRAVE LENA	6362 WELLINGTON WALK WAY	LITHONIA (
FRANCIS DONNA C	2576 WELLINGTON WALK PL	LITHONIA (
KENNEBREW STEVEN G	2580 WELLINGTON WALK PL	LITHONIA (
JACKSON JOYCE	23570 BEVERLY ST	OAK PARK
AIME GUERRIER	6335 WELLINGTON WALK WAY	LITHONIA (
SMALL SYLVIA	2589 WELLINGTON WALK PL	LITHONIA (
STEWART RODERICA	2598 WELLINGTON WALK PL	LITHONIA (
SMITH VERNEE	2611 WELLINGTON WALK PL	LITHONIA (
FAGAN JULIET	2615 WELLINGTON WALK PL	LITHONIA (
CHIEFTAIN ATLANTA LP	2434 E LAS OLAS BLVD	FORT LAUD
MARTINELLI SUSAN B	6291 CREEKFORD DR	LITHONIA (
ATLANTA NEIGHBORHOOD DEVELOPMENT	229 PEACHTREE ST NE STE 705	ATLANTA (
BAF ASSETS 2 LLC	5001 PLAZA ON THE LK STE 200	AUSTIN TX
DAVIS ZEVENIA	6217 CREEKFORD DR	LITHONIA (
HENDERSON WILLIE	6246 CREEKFORD DR	LITHONIA (
HUNNICUTT PAMELA D	2447 RAMBLING WAY	LITHONIA (

RADWAY ROSHANE	2439 RAMBLING WAY	LITHONIA (
KENNEDY NATASHA K	2401 PHILLIPS RD	LITHONIA (
MALLESH SHYAM	7282 CALM SUNSET	COLUMBIA
CASASGA LLC	2472 JETT FERRY RD 400	DUNWOOD
WINH AND K LLC	896 WINDING TRL	LAWRENCE
BROWN MARSHALEE	11562 196TH ST	SAINT ALB
STEWART EMRI	2354 CAMDEN OAK WAY	LITHONIA (
HARVEY DEVON	6014 DUREN MEADOWS DR	LITHONIA (
MCKENNA SQUARE COMMUNITY ASSOCIATION INC	3780 MANSELL RD STE 100	ALPHARET
PHILLIPS WAYNE E	4690 E FAIRVIEW RD SW	STOCKBRIE
KAD PROPERTY MANAGEMENT LLC	70 HIGHLANDS FOREST LN	OXFORD G
CARSWELL WANDA K	2169 WELLINGTON CIR	LITHONIA (
JAIK INVESTMENTS LLC	PO BOX 170069	ATLANTA (
YOMBA MARIE LOUISE	2381 COVE RD	LITHONIA (
SARGEANT LLOYD	1745 CARISSA DR	CONYERS (
VOLOTI EUGEN	4544 DEVONSHIRE RD	ATLANTA (
WE TOGETHER LLC	6095 PENNANT LN	NORTH ME
BAILEY BELINDA G	2384 COVE RD	LITHONIA (
BUTTERFIELD ANN	2291 WELLINGTON CIR	LITHONIA (
TORMENTA VERDE LLC	2472 JETT FERRY RD STE 400-321	DUNWOOD
HAMPTON JACKSON NICOLE M	2298 WELLINGTON CIR	LITHONIA (
NOBLE-ALLEN JENNIFER	2302 WELLINGTON CIR	LITHONIA (
FULTON ALEICA B	2332 WELLINGTON CIR	LITHONIA (
JACKSON ANETRIA M	2336 WELLINGTON CIR	LITHONIA (
JOHN BAMIDELE MARTIN NONYE	10670 WILLOW MEADOW CIR	JOHNS CRE
PITTS MYRON D	2176 BOULDER FOREST DR	ELLENWOC
BAILEY MARY J	2378 WELLINGTON CIR	LITHONIA (
BROADNAX CLARA J	2382 WELLINGTON CIR	LITHONIA (
DAILEY ALICE C	6355 WELLINGTON WALK WAY	LITHONIA (
HILL LAWRENCE E	6354 WELLINGTON WALK WAY	LITHONIA (
WILLIAMS RANDY	2584 WELLINGTON WALK PL	LITHONIA (
BROCKMAN LOUISE	2588 WELLINGTON WALK PL	LITHONIA (
FOTOS GEORGE XHORXHI	6900 ROSWELL RD NE # P2	ATLANTA (
REVEN HOUSING GEORGIA LLC	P O BOX 1459	LA JOLLA C
NEW AGE PROPERTY INVESTMENT	772 GRASSMEADE WAY	SNELLVILLE
DEDMON MICHAEL K	6323 WELLINGTON WALK WAY	LITHONIA (
HAUGHTON PAULINE	6316 WELLINGTON WALK WAY	LITHONIA (
FOSTER MAUREEN A	6320 WELLINGTON WALK WAY	LITHONIA (
PATTON JEROME	6325 CREEKFORD DR	LITHONIA (
KOJO HENRY	696 RIDGE WAY	LITHONIA (
BAF ASSETS 2 LLC	5001 PLAZA ON THE LAKE STE 200	AUSTIN TX
HOLDER SHONA	6267 BRANCH BROOK WAY	STONE MC
STOKES CYNTHIA R	6232 CREEKFORD DR	LITHONIA (
RICH REALTY INVESTMENTS LLC	9115 MORRIS DR SW	COVINGTO
PROMISE HOMES BORROWER I LLC	26050 MUREAU RD STE 110	CALABASA
WILLIAMS EANICA C	6289 CREEKFORD LN	LITHONIA (
FYR SFR BORROWER LLC	3505 KOGER BLVD STE 400	DULUTH G

KNOX DOROTHY L	6307 CREEKFORD LN	LITHONIA (
A N S INVESTMENT GROUP LLC	7046 COVINGTON HWY	LITHONIA (
SUTTON SHANDI	6360 KENNONBRIAR CT	LITHONIA (
PEART SADIRA N	6364 KENNONBRIAR CT	LITHONIA (
ARDIS GREGORY	6368 KENNONBRIAR CT	LITHONIA (
KING YOLANDA	P O BOX 376	REDAN GA
JULIEN DEMETRIUS	2343 CAMDEN OAK WAY	LITHONIA (
RAGGS SEYMOND QUENTEL	6369 KENNONBRIAR CT	LITHONIA (
MEADOWS CHRISTY NICOLE	6365 KENNONBRIAR CT	LITHONIA (
BURSAW DOLAN F	4556 AMBERLY CT S	DORAVILLE
KNIGHTS ROYALLE	715 BRIDGE WAY	LITHONIA (
WEST MANAGEMENT COMPANY LLC	182 WINDY HILL DR	GILBERT SC
PARHAM LASHONDRA D	2351 COVE RD	LITHONIA (
JONES MAEGHAN	3705 THACKARY DR	POWDER S
FYR SFR BORROWER LLC	3505 KOGER BLVD STE 400	DULUTH GA
HASSELL TONI E	2386 WELLINGTON CIR	LITHONIA (
BROWN JABULANI	2390 WELLINGTON CIR	LITHONIA (
KLEINHENDLER ARIEL	2556 FONTAINEBLEAU DR	DUNWOOD
LITTLEJOHN ELIZABETH J	2319 WELLINGTON CIR	LITHONIA (
PENN MYRTLE M	2329 WELLINGTON CIR	LITHONIA (
WELLINGTON COVE HOMEOWNERS	500 SUGAR MILL RD # 200B	ATLANTA (
TEPRUS LLC	3300 BUCKEYE RD STE 300	ATLANTA (
CARTER ROSITA	2339 WELLINGTON CIR	LITHONIA (
DEANS DEIRDRE RENEE	1133 MARY LEE CT	RIVERDALE
JACKSON JEAN	2343 WELLINGTON CIR	LITHONIA (
PRAETORIAN GUARD LLC	202 SCHANCK RD	FREEHOLD
2364 INVESTMENT LLC	300 COLONIAL CENTER PKWY STE 100N	ROSWELL (
DAVIS BRENDA W	2276 WELLINGTON CIR	LITHONIA (
MORTON MILL PROPERTIES LLC	445 MORTON MILL LN	JOHNS CRE
PARISH EDDIE	6345 WELLINGTON WALK WAY	LITHONIA (
MURRAY KAREN L	6342 WELLINGTON WALK WAY	LITHONIA (
GUIAR LLC	2556 FONTAINEBLEAU DR	ATLANTA (
SOVI HOMES LLC	779 DEERFIELD CT	STONE MC
HUGHES JANICE	6327 WELLINGTON WALK WAY	LITHONIA (
DAVIS EVELYN A	2599 WELLINGTON WALK PL	LITHONIA (
JOHN J COX AS TRUSTEE	P.O. BOX 783	LAWRENCE
ADAMA RAJESH	5560 MILLWICK DR	ALPHARET
KASSAM MOHAMED	839 BEECHER ST SW	ATLANTA (
JELLESMA HEATHER	6277 CREEKFORD DR	LITHONIA (
SFR OWNER ML BORROWER LLC	71 S WACKER DR STE 2775	CHICAGO I
ADAMS CYNTHIA	6296 CREEKFORD DR	LITHONIA (
AGLER PROPERTIES LLC	2148 MAIN ST E	SNELLVILLE
WALKER-LEWIS DEBRA	6259 CREEKFORD LN	LITHONIA (
SMITH RYAN C	498 TRINITY TRL	ELLENWOC
MBC PROPERTIES GROUP LLC	210 MARTIN DR	ALPHARET
MILLER HOLDINGS AND INVESTMENT	P O BOX 1473	LITHONIA (
GULIA SANDEEP SINGH	5670 ARROWIND RD NW	LILBURN G

FULLER IVONDA J	PO BOX 23	REDAN GA
GORDON CLIVE	6366 KENNONBRIAR CT	LITHONIA (
AGS II LLC	12992 WATERSIDE DR	ALPHARET
CALINDA SAMARA A	2356 CAMDEN OAK WAY	LITHONIA (
EK REAL ESTATE FUND I LLC	111 W 33RD ST 1901	NEW YORK
CFI HILLVALE ROAD APARTMENTS	710 PEACHTREE ST NE STE 100	ATLANTA (
404 CONCRETE LLC	2547 LITHONIA WEST DR	LITHONIA (
MANOGIN TERRANCE HIS ESTATE PERS REP	PO BOX 5416	ATLANTA (
BUTLER THERMUS L JR	4838 STATELY OAKS CT	POWDER S
DIVVY HOMES WAREHOUSE A LLC	548 MARKET ST PMB 81854	SAN FRANCO
LITTLE FRANKIE	5837 STRATHMOOR MANOR CRES	LITHONIA (
ELLIS CLINTON A	2432 RAVEN CIR	LITHONIA (
NEWSON AVRIL	2386 COVE RD	LITHONIA (
LEWIS ESTELLA	2364 COVE RD	LITHONIA (
CBPIC GA OWNER I LLC	251 LITTLE FALLS DR	WILMINGT
HASKIN FRANK	2289 WELLINGTON CIR	LITHONIA (
FAST IMPACT REAL ESTATE LLC	1000 WHITLOCK AVE STE 320-112	MARIETTA
HOME SFR BORROWER IV LLC	P O BOX 4090	SCOTTSDA
MFK GROUP LLC	18201 COLLINS AVE # TS08	SUNNY ISL
LINDSEY ELLIOTT R JR	2338 WELLINGTON CIR	LITHONIA (
QOM LLC	472 JETT FERRY RD # 321	DUNWOOD
JACKSON MILTON	2341 WELLINGTON CIR	LITHONIA (
MIJUCA LLC	3401 SW 160 AVE STE 330	MIRAMAR
BICARIE TOUSSAINT	2380 WELLINGTON CIR	LITHONIA (
CHARLES W MCKINNEY INC	2534 HIGHWAY 138 NE	CONYERS (
LEMON TARA	3334 PEACHTREE RD NE 507	ATLANTA (
SFR V TRANCHE 3 BORROWER LLC	PO BOX 4090	SCOTTSDA
JENKINS DENISE	6348 WELLINGTON WALK WAY	LITHONIA (
HYLTON JO RENE	2586 WELLINGTON WALK PL	LITHONIA (
JACKSON ANTHONY	6328 WELLINGTON WALK WAY	LITHONIA (
WALKER DEBRA	6325 WELLINGTON WALK WAY	LITHONIA (
SERGEEV ALEXEY I	10658 BASIE WAY	RANCHO C
ROLLINS CHARLES L	2600 WELLINGTON WALK PL	LITHONIA (
ISL LLC	4780 ASHFORD DUNWOODY RD A444	ATLANTA (
BILLINGSLEA LEILA	2623 WELLINGTON WALK PL	LITHONIA (
TOM CURTIS LIM	731 WHISPERING WILLOW WAY	GROVETO
SKYWISE HOLDINGS LLC	P O BOX 920575	NORCORSS
BLAKE KERRI ANN	4361 RIVER VISTA RD	ELLENWOC
TENG S AS TRUSTEE OF	375 ROCKBRIDGE RD	LILBURN G
RS RENTAL II LLC	32 MERCER ST FLOOR 4	NEW YORK
G AND A REALTY LLC	5057 MONTESSA ST	SAN DIEGO
ROACH HEATHER	2427 RAMBLING WAY	LITHONIA (
TAH 2018 1 BORROWER LLC	1508 BROOKHOLLOW DR	SANTA AN
JETER RODERICK	2107 N DECATUR RD 317	DECATUR (
FULLER IVONDA J	PO BOX 23	REDAN GA
BROOKS JAELO	6354 KENNONBRIAR CT	LITHONIA (
REEVES ANGELICA R	6356 KENNONBRIAR CT	LITHONIA (

RUSS MICHAEL	2361 CAMDEN OAK WAY	LITHONIA (
HUDSON MONIQUE	2351 CAMDEN OAK WAY	LITHONIA (
MAYS RAMONA MICHELLE	2362 CAMDEN OAK WAY	LITHONIA (
SLIPER TIMOTHY	6377 KENNONBRIAR CT	LITHONIA (
LASHLEY FAMILY REVOCABLE TRUST	6953 COVINGTON HWY	LITHONIA (
DOUET LAWRENCE	3139 MANGUM LN SW	ATLANTA (
ESMERALDA BAY INC	3401 SW 160 AVE STE 330	MIRAMAR
WE TOGETHER LLC	6095 PENNANT LN	SUWANEE
COOKE LEVIN	148 PRESTON LN SW	ATLANTA (
JACKSON SHAWN D	2390 COVE RD	LITHONIA (
BELL CARRIE B	2358 COVE RD	LITHONIA (
SANCHEZ MARCO A	2356 COVE RD	LITHONIA (
THORNTON TRUST	P O BOX 2414	LILBURN G
HARRISON STANFORD JR	3431 STRATFIELD DR NE	BROOKHAV
GIBSON CELESTINE W	2321 WELLINGTON CIR	LITHONIA (
PILGRIM BEVERLY	2651 RIVER SUMMIT LN	DECATUR (
CHORUS TEAM LLC	2556 FONTAINEBLEAU DR	DUNWOOD
CLOVIE COLLIE	115 ALICE BRIDGE WAY	WOODSTO
GRINYUDE LLC	2556 FONTAINEBLEAU DR	DUNWOOD
FLEITZ JOHN	3940 HONEY CREEK TRCE	BUFORD G
SANDERS WANDA L	2278 WELLINGTON CIR	LITHONIA (
FACEY JENNIFER	2284 WELLINGTON CIR	LITHONIA (
BAM OF GEORGIA LLC	918 PALMER RD	LITHONIA (
CLOUD PHYLLIS A	6363 WELLINGTON WALK WAY	LITHONIA (
MCFIELD JOHNNIE H	6341 WELLINGTON WALK WAY	LITHONIA (
DIALLO IBRAHIMA	1092 ERIE CIR	STONE MC
RIBBON HOME SPV II LLC	1430 W MOREHEAD STE 130	CHARLOTT
REMODELING PLUS CONSTRUCTIONS LLC	6326 WELLINGTON WALK WAY	LITHONIA (
CERBERUS SFR HOLDINGS II LP	1850 PARKWAY PL STE 900	MARIETTA
C AND H REAL ESTATE LLC	1920 DRESDEN DR NE BOX 190442	ATLANTA (
WILLIAMS PARIS L	4116 PANOLA LAKE CIR	LITHONIA (
C AND H REAL ESTATE LLC	1920 DRESDEN DR NE BOX 190442	ATLANTA (
ZUVIN LLC	2556 FONTAINEBLEAU DR	DUNWOOD
AGLER PROPERTIES LLC	2148 MAIN ST E	SNELLVILLE
TAH 2018 1 BORROWER LLC	1508 BROOKHOLLOW DR	SANTA AN
WILLIAMS BILLY E	6310 CREEKFORD DR	LITHONIA (
MILLER HOLDINGS AND INVESTMENT	1614 RICE RD	LITHONIA (
RS RENTAL III A LLC	32 MERCER ST	NEW YORK
CBPIC GA OWNER I LLC	27452 CALLE ARROYO	SAN JUAN
ARGERICH 2022-1 LLC	997 MORRISON DR STE 402	CHARLEST
LAROSE WALTER	2403 RAMBLING WAY	LITHONIA (
HUNTLEY ROBIN P	439 CHANTERELLE DR	STONE MC
MAX AVE PROPERTIES LLC	570 PIEDMONT AVE NE # 55301	ATLANTA (
BEREAN CHRISTIAN CHURCH INC	2201 YOUNG RD	STONE MC
POU RODNEY	6358 KENNONBRIAR CT	LITHONIA (
PURI ASEEM ARJUN	2670 VOLAIRE LN	CUMMING
BALASUBRAMANI ARUN KUMAR	2830 RED ROCKS TRL	CUMMING

PAYNE BERNICE S	2364 CAMDEN OAK WAY	LITHONIA (
ARMOUR DOROTHY	6375 KENNONBRIAR CT	LITHONIA (
ARMOUR ROSE MARIE	6373 KENNONBRIAR CT	LITHONIA (
NINE OAKS LLC	108 OCEAN PINES TER	JUPITER FL
7057 MASTER PROPERTIES LLC	7057 COVINGTON HWY	LITHONIA (
BENARD ALAN	1017 LYNDBURST WAY	CONYERS (
REYES LUCIANO A	2391 COVE RD	LITHONIA (
NUNN CASSANDRA	3431 STRATFIELD DR NE	ATLANTA (
BEAUCHAMP CAROLYN E	2359 COVE RD	LITHONIA (
PULLEN DARRYL L	5 SARATOGA CT	COVINGTO
ATKINSON PHILLIS	PO BOX 2532	TUCKER GA
DOSAPA LLC	2392 COVE RD	LITHONIA (
MANNING BERNICE	2354 COVE RD	LITHONIA (
SAMMS SANDRALYN	2352 COVE RD	LITHONIA (
STATON MARGARET ANN	2288 WELLINGTON CIR	LITHONIA (
LEMON TARA N	3334 PEACHTREE RD NE 507	ATLANTA (
WOODARD MARY LELA	2176 BOULDER FOREST DR	ELLENWOC
ABBOTT GAYLE TURNER	P O BOX 1843	CONYERS (
OLOWOSELU GBEMISOLA O	6585 SHAFFERS WAY	LITHONIA (
GUNBY CHARLION	2344 WELLINGTON CIR	LITHONIA (
MCRAE BETTY J	2346 WELLINGTON CIR	LITHONIA (
PUSTELNIK PROPERTIES LLC	445 MORTON MILL LN	JOHNS CRE
FLOGONI LLC	2556 FONTAINEBLEAU DR	ATLANTA (
HUA MING	1577 ASHEFORDE DR	MARIETTA
MIELL RECO	5040 EISENHOWER AVE APT 304	ALEXANDR
MALLAY SHAHIDAH	6361 WELLINGTON WALK WAY	LITHONIA (
PALACIO AMET	6359 WELLINGTON WALK	LITHONIA (
C AND H REAL ESTATE LLC	1920 DRESDEN DR NE BOX 190442	ATLANTA (
REECE WILHEMINA	2613 WELLINGTON WALK PL	LITHONIA (
O ZION LLC	2480 BRIAR CLIFF RD STE 6279	ATLANTA (
TAH 2015 1 BORROWER LLC	2365 IRON POINT RD STE 102	FOLSOM C.
JORDAN ELAINE	2605 WELLINGTON WALK PL	LITHONIA (
MORTON MILL PROPERTIES LLC	4445 MORTON MILL LN	AVONDALE
TILLER GEROY DECARLOS	6321 WELLINGTON WALK WAY	LITHONIA (
SFR ATLANTA LLC	3495 PIEDMONT RD NE BLDG 11	ATLANTA (
WELLINGTON COVE HOMEOWNERS	500 SUGAR MILL RD # 200B	ATLANTA (
ROBINSON DOROTHY	6319 CREEKFORD DR	LITHONIA (
PERDUE JR CLARENCE LOUIS	6287 CREEKFORD DR	LITHONIA (
FYR SFR BORROWER LLC	3505 KOGER BLVD STE 400	DULUTH G.
G AND A REALTY LLC	5057 MONTESSA ST	SAN DIEGC
AGLER PROPERTIES LLC	2148 MAIN ST E	SNELLVILLE
ATLANTA NEIGHBORHOOD DEVELOPMENT	229 PEACHTREE ST NE STE 705	ATLANTA (
GILLIAM MYRENE	6322 CREEKFORD DR	LITHONIA (
RNTR1 LLC	3495 PIEDMONT RD NE BLDG/STE 11/300	ATLANTA (
FKH SFR PROPCO B HLD LP	1850 PARKWAY PL STE 900	MARIETTA
JACKSON MICHAEL T	2443 RAMBLING WAY	LITHONIA (
KENNETH BROWN II	2405 CRAGSTONE CT	LITHONIA (

WASHINGTON IVONDA	P O BOX 23	REDAN GA
MCKENNA SQUARE COMMUNITY ASSOCIATION INC	2144 BUFORD HWY STE 110	BUFORD GA
STEVENSON CAPRESHA L	6362 KENNONBRIAR CT	LITHONIA GA
SMITH ROGER	2367 CAMDEN OAK WAY	LITHONIA GA
BATHER LEROY W	2512 SAGEMORE CT	CONYERS GA
NORTH ONESSA	2352 CAMDEN OAK WAY	LITHONIA GA
JACKSON ODESSA F	6371 KENNONBRIAR CT	LITHONIA GA
AIJ COVINGTON LLC	5887 GLENRIDGE DR STE 440	ATLANTA GA
CLARENDON HOLDINGS INC	2503 W CORTLAND ST BLDG	CHICAGO IL
HUDSON NISHA R	2167 WELLINGTON CIR	LITHONIA GA
RISEDORE LLC	2556 FONTAINEBLEAU DR	ATLANTA GA
ROBINSON TREVA	4571 SAGEBRUSH CT	SNELLVILLE GA
WASHINGTON BARBARA A	2136 WELLINGTON CIR	LITHONIA GA
WILLIAMSON MICHAEL	2382 COVE RD	LITHONIA GA
SIMON DOUGLAS	386 SW PAAR DR	PORT SAINT
DORSEY JAMES E	3747 DEMOONEY RD	ATLANTA GA
JOHNSON ANITA L	2286 WELLINGTON CIR	LITHONIA GA
EVANS NAOMI N	2934 BRIDLE CREEK DR SW	CONYERS GA
ATLANTE QMBS LLC	2472 JETT FERRY RD STE 400 #321	DUNWOOD GA
GRANT JONELE	2320 WELLINGTON CIR	LITHONIA GA
ALEXANDER PROPERTIES LLC	228 ROSEWOOD WAY NW	ATLANTA GA
2348 WELLINGTON CIR LLC	822 PISTASE CT	ALPHARETTA GA
PUSTELNIK PROPERTIES LLC	445 MORTON MILL LN	JOHNS CREEK GA
WILSON CARLA G	830 BRISTOL WAY	LITHONIA GA
PRUITT BETHANY	2376 WELLINGTON CIR	LITHONIA GA
MALCOLM ANTOINETTE SHARIE	6357 WELLINGTON WALK WAY	LITHONIA GA
GORDON DERRICK	260 N MAIN ST APT B19	SPRING VALLEY GA
BAY STREET HOMES LLC	548 MARKET ST PMB 81854	SAN FRANCISCO CA
MONTGOMERY STREET HOMES LLC	300 MONTGOMERY ST STE 1200	SAN FRANCISCO CA
L AND S REALTY SOLUTIONS LLC	16 FIELDSTONE CT	NEW CITY NY
BELL KI'ANNA	2590 WELLINGTON WALK PL	LITHONIA GA
PARKINSON SANDRA J	6332 WELLINGTON WALK WAY	LITHONIA GA
SMITH GWENDOLYN REBECCA	6329 WELLINGTON WALK WAY	LITHONIA GA
SLATON PATRICIA H	2593 WELLINGTON WALK PL	LITHONIA GA
DURANT EVADNIE	2604 WELLINGTON WALK PL	LITHONIA GA
HODGE DAISY	6318 WELLINGTON WALK WAY	LITHONIA GA



# Battle Law

## STATEMENT OF INTENT

and

Other Material Required by  
DeKalb County Zoning Ordinance  
For  
A Rezoning from NS to  
RSM

of

**BIMOR LLC**  
**c/o Battle Law, P.C.**

for

**+/-1.09 Acres of Land**  
Being 7006 Covington Highway  
DeKalb County, Georgia and  
Parcel Nos. 1610401004

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](mailto:mlb@battlelawpc.com)





# Battle Law

## **I. LETTER OF INTENT**

BIMOR LLC (the “Applicant”) is seeking to develop on +/- 1.09 acres of land being Tax Parcel No. 1610401004 having frontage on 7006 Covington Highway (the “Subject Property”) with eight (8) townhomes. The Applicant is seeking a Rezoning of the Subject Property from NS to RSM.

While the DeKalb County GIS map shows that the property is already zoned RSM, case number CZ-00043 shows that the Subject Property was last rezoned to TND (now NS) and has not been changed since. In that case, Kathryn Zickert sought “to rezone property located at the northwest intersection of Covington Highway and Phillips Road from R-100 to TND and C-1.” The application was approved “conditioned on a site plan for eighty-two (82) attached single family townhomes on 7.06 acres, neighborhood shopping on 3.13 acres and two acres designated as C-1.” Given this condition and the current zoning of property at the corner of Covington Highway and Phillips Road, the Subject Property of this application was rezoned from R-100 to TND (now NS). There is no other zoning case after CZ-00043.

Despite this zoning history, DeKalb County’s GIS map shows that the Subject Property is zoned RSM. The Applicant contends that this is in error and that a rezoning is required.

If the DeKalb County Department of Planning and Sustainability finds that the Subject Property is already zoned RSM, then this application should convert to a Major Modification of Conditions to increase the number of permitted townhomes from eighty-two (82) to ninety (90) to allow for these eight (8) new townhomes.

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

## **II. DEKALB COUNTY REZONING CRITERIA**

Under the DeKalb County Code of Ordinances the following criteria “shall govern the review of all proposed amendments to the official zoning map:”

- A. Whether the zoning proposal is in conformity with the policy and intent of the comprehensive plan;

The zoning proposal is in conformity with the policy and intent of the comprehensive plan. The future land use on the Subject Property is Suburban, which explicitly lists RSM as a permitted district and townhomes as a permitted use. This zoning proposal would continue the pattern of development in the area by extending the already existing townhome neighborhood by eight (8) units. So, the zoning proposal would not disrupt any existing pattern of development. 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 property of properties;



## Battle Law

The zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties. The adjacent properties to the west and north are developed for residential uses with those to the north being townhomes. To the east, the property is developed for retail. The zoning proposal will permit a use that matches the residential nature of the properties to the west and to the north and will extend the existing townhome use. Therefore, the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties.

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

The Subject Property does not have a reasonable economic use as currently zoned.

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

The zoning proposal will not adversely affect the existing use or usability of adjacent or nearby properties. The zoning proposal will continue the pattern of development in the area. The new townhomes will not adversely affect the existing townhomes in any way. Furthermore, the new townhomes will only positively impact the existing adjacent retail uses by providing new, nearby customers to help those businesses. Therefore, the zoning proposal will not adversely affect the existing use or usability of adjacent or nearby properties.

E. Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal;

The Applicant is not aware of any other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.

F. Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools; and

The zoning proposal will not result in a use which will or could cause excessive or burdensome use of existing streets, transportation facilities, utilities, or schools. The zoning proposal contemplates a maximum of eight (8) townhome units. The addition of only eight (8) will at best cause very minimal strain to the existing streets, transportation facilities, utilities, or schools. Therefore, the zoning proposal will not result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.

G. Whether the zoning proposal adversely impacts the environment or surrounding resources.



## Battle Law

The zoning proposal will not adversely impact the environment or surrounding resources. The Subject Property is mostly clear already, so little to no trees will need to be cut down to accommodate this zoning proposal. Additionally, there are no streams in the area to be affected by the zoning proposal. Therefore, the zoning proposal will not adversely impact the environment or surrounding resources.

### **III. CONCLUSION**

For the foregoing reasons, the Applicant hereby requests that the application for a Rezoning from NS to RSM 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 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



## Battle Law

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.

---

Michele L. Battle, Esq.  
Attorney for the Applicant

**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: 11/10/2022

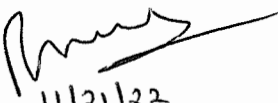
TO WHOM IT MAY CONCERN:

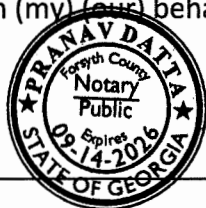
(I) (WE) BIMOR LLC  
Name of owner(s)

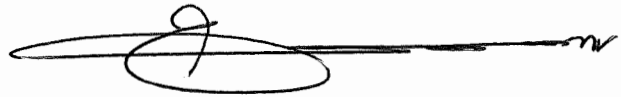
being (owner) (owners) of the subject property described below or attached hereby delegate authority to

Dr.Nich Mbaezue c/o Battle Law P.C.  
Name of Agent or Representative

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

  
11/21/22  
Notary Public



  
Owner

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

\_\_\_\_\_  
Owner

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

\_\_\_\_\_  
Owner

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

\_\_\_\_\_  
Owner

**DEPARTMENT OF PLANNING & SUSTAINABILITY**

**DISCLOSURE OF CAMPAIGN CONTRIBUTION**

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

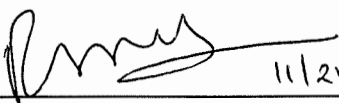
Have you, the applicant, made \$250.00 or more in campaign contribution to a local government official within two years immediately preceding the filling of this application?


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

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

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.

  
11/21/22  
\_\_\_\_\_  
Notary

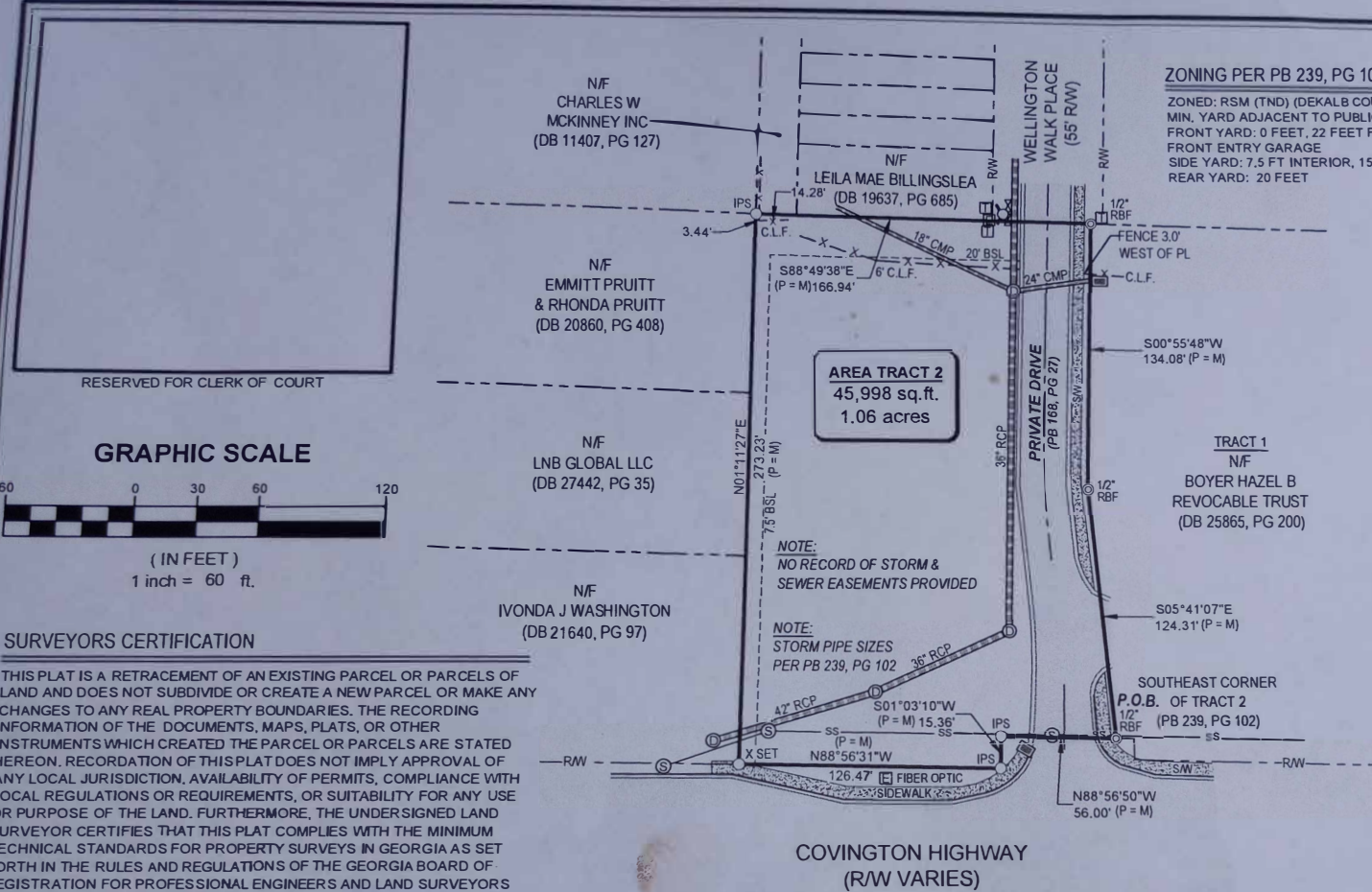
  
\_\_\_\_\_  
Signature of Applicant /Date

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



9/14/2026  
\_\_\_\_\_  
Expiration Date/ Seal

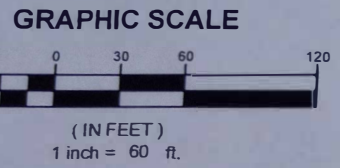
\*Notary seal not needed if answer is "no".



**ZONING PER PB 239, PG 102**  
 ZONED: RSM (TND) (DEKALB COUNTY)  
 MIN. YARD ADJACENT TO PUBLIC STREET  
 FRONT YARD: 0 FEET, 22 FEET FOR A  
 FRONT ENTRY GARAGE  
 SIDE YARD: 7.5 FT INTERIOR, 15 FEET ST.  
 REAR YARD: 20 FEET

LEGEND	
	POWER POLE
	FIRE HYDRANT
	WATER VALVE
	WATER METER
	JUNCTION BOX
	SANITARY SEWER MANHOLE
	DROP INLET
	RAW MONUMENT
	SINGLE WING CATCH BASIN
	DOUBLE WING CATCH BASIN
	CURB INLET
	HEADWALL
	GAS METER
	GAS VALVE
	ELECTRIC TRANSFORMER
	TELEPHONE PEDESTAL
	LIGHT POST
	1/2 IRON PIN SET (IPS)
	REBAR FOUND (RBF)
	CONC. MONUMENT FOUND (CMF)
	CALCULATED POINT
	CHAIN LINK FENCE
	CRIMP TOP PIPE FOUND
	OPEN TOP PIPE FOUND
	IRON PIN OR OR ROD FOUND

(PB 239 PG 102)



**SURVEYORS CERTIFICATION**

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.

*Cullen Preston Hardee*  
 CULLEN PRESTON HARDEE  
 REGISTERED LAND SURVEYOR #3144  
 7/30/2020  
 DATE

NOTE:  
 NO RECORD OF STORM &  
 SEWER EASEMENTS PROVIDED

NOTE:  
 STORM PIPE SIZES  
 PER PB 239, PG 102

**PLAT CERTIFICATION NOTICE**

THIS PLAT WAS PREPARED FOR THE EXCLUSIVE USE OF THE PERSON, PERSONS OR ENTITY NAMED HEREON. THIS PLAT DOES NOT EXTEND TO ANY UNNAMED PERSON, PERSONS OR ENTITY WITHOUT EXPRESS RE-CERTIFICATION BY THE SURVEYOR NAMING SAID PERSON, PERSONS OR ENTITY.

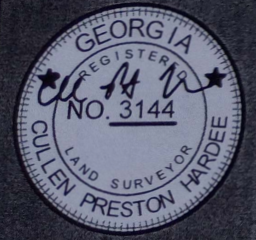
IN MY OPINION, THIS PLAT IS A CORRECT REPRESENTATION OF THE LAND PLATTED AND HAS BEEN PREPARED IN CONFORMITY WITH THE MINIMUM STANDARDS AND REQUIREMENTS OF THE LAWS OF THE STATE OF GEORGIA.

THIS SURVEY WAS PREPARED IN CONFORMITY WITH THE TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN CHAPTER 180-7 OF THE RULES AND REGULATIONS OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN THE GEORGIA PLAT ACT O.C.G.A. SECTIONS 15-6-67, 43-15-6, 43-15-19, 43-15-22.

**CERTIFICATE OF AUTHORIZATION**  
 NO. LSF001321

**SURVEY NOTES**

- EQUIPMENT USED : TOPCON ROBOTIC D2 TOTAL STATION - TOPCON RTK GPS ROVER.
- THE FIELD DATA UPON WHICH THIS MAP OR PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 10,000 FEET AN ANGULAR ERROR OF 02" PER ANGLE POINT AND W. ADJUSTED USING COMPASS RULE.
- THIS MAP OR PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 1,360,832 FEET.
- THIS PROPERTY IS SUBJECT TO ALL ZONING ORDINANCES, SETBACK LINES AND EASEMENTS OF RECORD LYING WITHIN.
- AS SHOWN ON FLOOD INSURANCE RATE MAPS OF DEKALB COUNTY, GEORGIA COMMUNITY PANEL NUMBER 13089C0159J THIS PROPERTY IS NOT LOCATED WITHIN A 100 YEAR FLOOD ZONE.

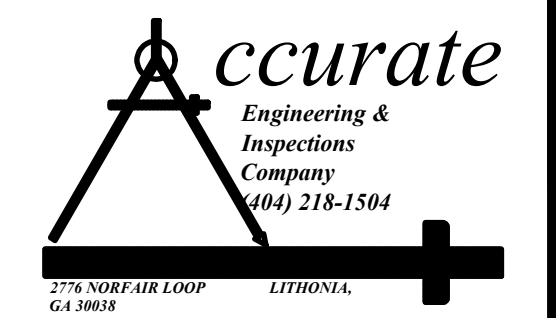


ABOVE THE GROUND AS BUILT SURVEY PREPARED FOR :				
<b>BRIAN A. JACOB, SR.</b>				
SCALE: 1" = 60'	LAND LOT: 104	DISTRICT.: 16TH	SECTION.: N/A	UNIT: N/A
DATE: 7/30/2020	SUBDIVISION: TRACT 2 LOT SPLIT PER PB 239, PB 102		LOT: N/A	
FIELD DATE: 7/13/2020	COUNTY: DEKALB	<b>GEORGIA</b>		
LEGAL REFERENCES	DEEDS: DB 28113 PG 76	PLATS: PB 239 PG 102	JOB REF. #20-480	Know what's below. Call before you dig. UTILITIES PROTECTION CENTER 1 (800) 282-7411 THROUGHOUT GEORGIA OR DIAL 811

**UNITED LAND SURVEYING**

PHONE: 678-293-5232  
 1258 CONCORD ROAD SUITE #103  
 SMYRNA, GEORGIA 30080

RESIDENTIAL & COMMERCIAL  
 CERTIFICATE OF AUTHORIZATION  
 NO. LSF001321



### SITE DATA

**GROSS LOT AREA**  
45,998 sq.ft.  
1.06 acres

**ZONING: RSM (TND)**  
FRONT YARD SETBACK = 0 FEET, 22 FEET FOR A FRONT ENTRY GARAGE  
SIDE YARD SETBACK = 7.5 FEET  
REAR YARD SETBACK = 20 FEET

**LOT COVERAGE AREA OF EXISTING IMPERVIOUS SURFACE:**  
TOTAL LANDSCAPED AREA 0.49 AC  
TOTAL IMPERVIOUS AREA 0.57 AC  
0.57AC / 1.06 AC = 54%  
**LOT COVERAGE ----- 54%**

**BUILDING DATA**  
NO. OF UNITS: 8  
HEATED AREA PER UNIT = 1360 SF  
UNHEATED AREA PER UNIT = 236 SF  
PATIO = 36 SF  
DRIVEWAY AREA PER UNIT = 200 SF  
PARKING PROVIDED = 19 SPACES

THIS SKETCH PLAT HAS BEEN SUBMITTED TO AND APPROVED BY THE PLANNING COMMISSION OF DEKALB COUNTY, ON THIS \_\_\_\_\_ DAY OF 20\_\_\_\_

BY:

THIS DOCUMENT IS THE EXCLUSIVE PROPERTY OF THE ARCHITECTS AND MAY NOT BE REPRODUCED OR USED WITHOUT THEIR WRITTEN PERMISSION.

DATE	BY	DESCRIPTION	REV. NO.

**PROJECT ENGINEER:**  
**H.L. LARK**

**PROJECT NAME AND ADDRESS:**  
7006 COVINGTON HWY. LITHONIA, GA 30058

**DRAWN BY:**  
**J.L.L**

**CHECKED BY:**  
**LEROY LARK**

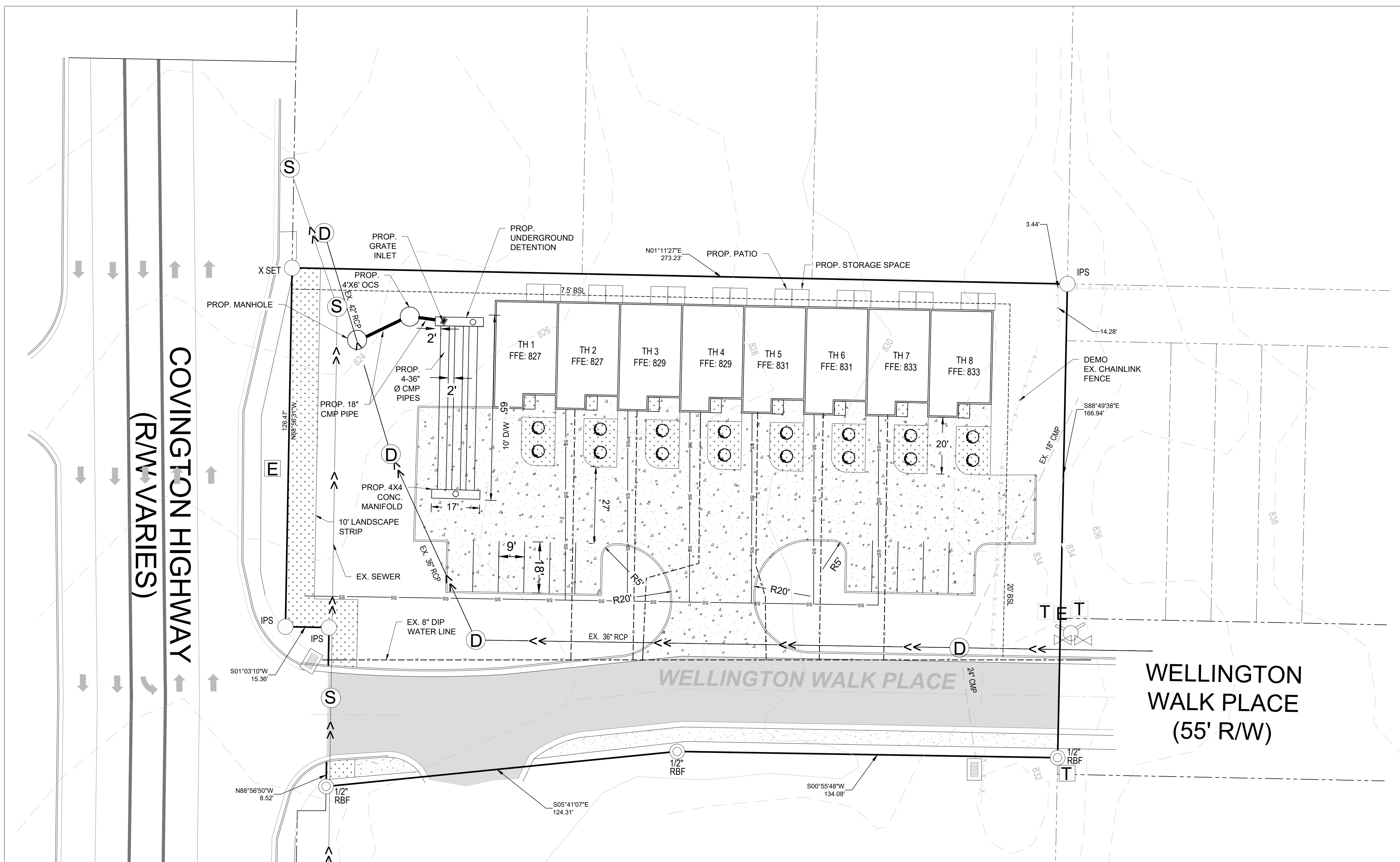
**SEAL:**

**PAGE NAME:**  
**CONCEPT PLAN**

**DATE:**  
**JULY 2021**

**SCALE:**  
**AS SHOWN**

**SHEET NAME:**  
**C-1**









BOARD OF COMMISSIONERS

ZONING - AGENDA / MINUTES

MEETING DATE: May 9, 2000

PRELIMINARY	<input type="checkbox"/>
ACTION	<input type="checkbox"/>
PUB. HRG.	<input checked="" type="checkbox"/>

RESOLUTION	<input type="checkbox"/>
ORDINANCE	<input checked="" type="checkbox"/>
PROCLAMATION	<input type="checkbox"/>

**SUBJECT:** Rezoning - Kathryn Zickert

**COMMISSION DISTRICTS:** 4 & 7

<b>DEPARTMENT:</b> PLANNING
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<b>INFORMATION CONTACT:</b> RAY WHITE BOB MAXEY PHONE NUMBER (404) 371 - 2155
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<b>ATTACHMENT</b> <input checked="" type="checkbox"/> Pages: 27
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Deferred from the 3/29/00 zoning hearing and the 4/25/00 BOC meeting for decision only.

**PURPOSE:**

CZ-00043

Application of Kathryn Zickert to rezone property located at the northwest intersection of Covington Highway and Phillips Road from R-100 to TND (conditional) and C-1. The property has frontage of 778 feet on Covington Highway and 623 feet on Phillips Road and contains 12.19 acres. The application is conditioned on a site plan for 82 attached single family townhomes on 7.06 acres, neighborhood shopping on 3.13 acres and two acres designated as C-1 plus a list of 11 conditions.

**SUBJECT PROPERTY** Parcel-ID #: 16-104-1-2 & 4

**RECOMMENDATION(S):**

**PLANNING DEPARTMENT**

Approval with conditions. (Revised 4/27/00). This proposal is appropriate for this intersection given the uses and zoning across Covington Highway and Phillips Road. The property to the west is zoned R-DT, a quasi-multifamily type of zoning. The TND has the required 10 acres. Staff recommends approval based on the following:

1. For 82 single family townhomes, 3.13 acres of neighborhood shopping and two acres of C-1 based on the site plan.
2. Traffic improvements as required by Public Works and GA DOT.
3. Townhomes to have a minimum square footage of 1,200 square feet.
4. Eleven conditions submitted by the applicant.

**PLANNING COMMISSION:**

Deferral for full cycle.


**FOR USE BY COMMISSION OFFICE/CLERK ONLY**

**ACTION:**

MOTION was made by Commissioner Davis, seconded by Commissioner Boyer, and passed 5-1-0-0, to approve the rezoning application of Kathryn Zickert with the exception of No. 4. Kathryn Zickert submitted 14 conditions to be made a part of this application and it was read into the record by Commissioner Davis. The Board asked that Item 15 be added which states "Create the new lane south on Phillips Road." A copy of conditions are on file the Clerk's Office. Commissioner Yates opposed.

ADOPTED:     MAY 09 2000      
                    (DATE)

CERTIFIED:     MAY 09 2000      
                    (DATE)

  
\_\_\_\_\_  
PRESIDING OFFICER  
DEKALB COUNTY BOARD OF COMMISSIONERS

  
\_\_\_\_\_  
CLERK,  
DEKALB COUNTY BOARD  
OF COMMISSIONERS

**MINUTES**

No one spoke in support of or in opposition to the application.

	FOR	AGAINST	ABSTAIN	ABSENT
DISTRICT 1 - ELAINE BOYER	<input checked="" type="checkbox"/>			
DISTRICT 2 - GALE WALLDORFF	<input checked="" type="checkbox"/>			
DISTRICT 3 - JACQUELINE SCOTT	<input checked="" type="checkbox"/>			
DISTRICT 4 - KEN DAVIS	<input checked="" type="checkbox"/>			
DISTRICT 5 - WILLIAM C. BROWN	<input checked="" type="checkbox"/>			
DISTRICT 6 - JUDY YATES		<input checked="" type="checkbox"/>		

**COMMUNITY COUNCIL**

Deferral.

**10**

ZONING HEARING - MAIN AUDITORIUM - 7:30 P. M. CON'T.1. Application of Sidney D. Cobb, Con't:

C) Covington  
Hwy.  
Phillips  
Rd.

PLANNING DEPARTMENT RECOMMENDATION: Approval.  
The request is consistent with recommendations of the Comprehensive Plan for residential land use along this area of Covington Highway. The proposal also establishes a residential precedent for development on this improved frontage.

PLANNING COMMISSION RECOMMENDATION: Approval.

DECISION:

MOTION was made by Commissioner Manning, seconded by Commissioner Williams, and unanimously passed, to approve the application.

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## 2. Z-81096

Commissioner District 4

A) 2130  
B) Zoning  
R. B.  
Weeks &  
Assoc.  
C) W. Chapel  
Rd.  
Snapfinger  
Wds. Dr.

Application of R. B. Weeks & Associates, Inc., to rezone property located on the west side of Wesley Chapel Road, 1,300 north of Snapfinger Woods Drive, from R-75 to R-DT. The property has frontage of 300' and contains 7.512 acres.

Mr. R. B. Weeks, 280 Northern Avenue, Avondale, presented the application. He stated he had nothing new to add to his presentation made at the Planning Commission meeting.

Opposition: Mr. Roger Frobe, 1949 Copperfield Circle, Decatur, 30035, represented Easterwood Subdivision, and several other subdivisions in the immediate area. They are opposed to the impact this would have on Towers High School which is already overcrowded, the increased traffic on Wesley Chapel Road, the possible extension of Emerald Lake Drive to Wesley Chapel, and increased sewer problems, particularly with R-DT development. They are for progress but they do not feel the application is appropriate for the already developed R-75 community it will abut.

PLANNING DEPARTMENT RECOMMENDATION: Approval with conditions. This property is located between a riding stable on the north and developing C-1 acreage on the south. The C-1 to the south has been cleared leaving little or no buffer protection to subject tract. Staff therefore considers this property inappropriate for R-75 development due to area land use and zoning. The two conditions recommended with the approval are as follows:

1. Street shall be cul-de-sac.
2. Pedestrian access is provided to Snapfinger Way for children to walk to Canby Lane Elementary School.

PLANNING COMMISSION RECOMMENDATION: Approval.