



Michael L. Thurmond  
Chief Executive Officer

**DeKalb County Zoning Board of Appeals**  
Department of Planning & Sustainability  
178 Sams Street  
Decatur, GA 30030

**Wednesday, February 8th, 2023, at 1:00 PM**

**Planning Department Staff Analysis**



Andrew Baker, AICP  
Director

**D3. Case No: A-22-1246179 Parcel ID(s): 18 047 19 003**

**Commission District 04 Super District 06**

**Appellant:** Dunlavy Law Group, LLC  
245 North Highland Avenue, NE, Suite 230  
Atlanta, GA 30307

**Owner:** 465 North Clarendon, LLC  
465 North Clarendon Avenue  
Scottsdale, GA 30079

**Project Name:** **Spivey's Body Shop**

**Location:** 465 N. Clarendon Avenue

**Request:** Appeal of administrative decision related to the abandonment of a legal, nonconforming use.

**Standard:** Section 27-7.5.2 (G) An appeal shall be sustained only upon an expressed finding by the zoning board of appeals that the administrative official's action was based on an erroneous finding of a material fact, erroneously applied the zoning ordinance to the facts, or that the administrative official acted in an arbitrary manner. In exercising its powers, the zoning board of appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from, and to that end shall have all the powers of the administrative official from whom the appeal was taken and may issue or direct the issuance of a permit, provided all requirements imposed by any applicable laws are met.

**Staff Recommendation:** Affirm administrative decision.

## **STAFF REPORT**

The appellant alleges that the Department of Planning and Sustainability erred in its decision to deny zoning authorization on a building permit application for the “installation of (1) paint booth” on the subject property. Staff contends that its decision to deny zoning authorization is neither erroneous, nor arbitrary.

### **Sec. 8.1.2. (A) - Applicability.**

*Nonconforming regulations apply only to those nonconforming situations that were legally authorized when established or that were subsequently approved through procedures in effect at the time the approval was obtained. Additionally, except as provided in section 8.1.5.B., nonconforming situations must have been maintained continuously and without interruption since the initial existence or subsequent approval of the nonconforming situation. Nonconforming situations which were not authorized when established or have not been continuously maintained over time in accordance with this subsection have no legal right to continue and must terminate as set forth herein.*

### **Sec. 8.1.5.(B & C) - Nonconforming use.**

A nonconforming use shall not be re-established after discontinuance or abandonment for six (6) consecutive months, unless the cessation of the nonconforming use is a direct result of governmental action impeding access to the property. Vacancy or non-use of a building for six (6) continuous months, regardless of the intent of the owner or tenant, shall constitute discontinuance or abandonment under this subsection.

A nonconforming use of land shall not be enlarged, expanded, moved, or otherwise altered in any manner that increases the degree of nonconformity.

## **Summary Timeline of Events:**

- **447 North Clarendon Avenue**
  - **Circa 1974 - present:** Spivey’s Body Shop operates at 447 North Clarendon Avenue;
    - 1 paint booth installed
    - Active 2022 business license for this subject property
- **455/457 North Clarendon Avenue**
  - **2015:** Spivey’s Body Shop expands to 455 North Clarendon Avenue (administrative offices and non-auto repair activities);
- **465 North Clarendon Avenue**
  - **1999 – December 31, 2015:** Frank’s Custom Paint (auto paint/body);
    - 2 paint booths installed circa 1999
  - **1999 – December 31, 2016:** Atlanta Racing Enterprises (auto repair/retail);
  - **2016 – present:** Myco Imported Parts business operates (auto tires/parts sales);
    - Business license expired on December 31, 2018
  - **January 20, 2017:** Spivey’s Body Shop expands to 465 North Clarendon Avenue following purchase of the lot by 465 North Clarendon, LLC.

The timeline does not support the appellant’s legal, nonconforming status claim. Frank’s Custom Paint business, which began operation in 1999 at 465 North Clarendon Avenue as a permitted use (as shown on page 43 of appellant’s application), and concluded operations in or before 2016. According to county business license records, the business license for Frank’s Custom Paint expired on December 31, 2015. It was not renewed for the 2016 calendar year. Therefore, the auto paint/body use was no longer legally authorized beyond the end of 2015. Additionally, no other applicant formally applied to re-establish, continue, or expand the auto paint/body operations at this location prior to adoption of the overlay district. The last documented use of the subject property is Myco Imported Parts, in which the last authorized business license expired on December 31, 2018. Although the Spivey’s Body Shop operation may have expanded to 465 North Clarendon Avenue prior adoption of the overlay district, it does not appear to have been formally documented or authorized. The appropriate procedures for expanding the operations would have included a County land development permit (or a modified version thereof), an occupancy permit, and/or a business license prior to adoption of the Scottdale Area Compatible Use Overlay District.

The subject properties are located in the C-2 (General Commercial) Zoning District and the Scottdale Area Compatible Use Overlay District—Tier 1. The Scottdale Area Compatible Use Overlay District was adopted by the DeKalb County Board of Commissioners on September 25, 2018. Section 3.36.3 declares the purpose of the new overlay district as follows:

- A. *To preserve, protect and enhance the existing character of the Scottdale Community;*
- B. *To encourage new development that is appropriate to the existing character of the Scottdale Community;*
- C. *To enhance the long term economic viability of this portion of DeKalb County by encouraging new commercial and residential developments that increase the tax base and provide jobs to the citizens of DeKalb County;*
- D. *To implement the policies and objectives of the DeKalb County Comprehensive Plan 2005—2025 and the policies and objectives of the Design Guidelines for the Scottdale Area Compatible Use Overlay District;*
- E. *To encourage mixed-use developments along appropriate corridors which have sufficient access and infrastructure to support such developments; and*
- F. *To protect established residential areas from encroachment of uses which are either incompatible or unduly cause adverse impacts on such communities, and to protect the health, safety and welfare of the citizens of DeKalb County.*

To accomplish the overlay goals; implement the plan; and achieve the desired outcomes, each tiered subsection includes a list of permitted and prohibited uses. Section 3.36.5 (B) of the *DeKalb County Zoning Ordinance* lists *automobile repair and paint shop* as a prohibited, principal land use in the Scottdale Area Compatible Use Overlay District—Tier 1. The building permit application for installation of a paint booth is an indication of an automobile paint/body operation. Per Section 3.1.1. E, “if overlay district regulations conflict with other regulations contained in this chapter, the overlay district regulations shall prevail.” That is the case here. The overlay district prohibits a use that would be permitted with the underlying zoning district. Fair, but firm administration and enforcement of the overlay district regulations are necessary to guide development in the manner desired by this community.

The appellant contends that this building permit request is an operational upgrade related to a legal, nonconforming use that has been in continuous operation since 1999. Unfortunately, the only evidence provided to substantiate continuous operation are three affidavits and generic “stock” photos of a painting booth. None of which provides any substantive insight regarding the use of the subject property from 2016 – 2022. The evidence provided, thus far, remains insufficient.

**CONCLUSION:**

Staff maintains that its decision to deny zoning authorization for the building permit is neither erroneous, nor arbitrary. There is a significant gap in the use history from 2016 – 2022. Additionally, the evidence provided does not corroborate the appellant’s legal, nonconforming status claim. While the *Zoning Ordinance* and Staff acknowledge the right of legal, nonconforming uses to continue until cessation, nonconformity regulations are also designed to mitigate these uses over time; terminate them, should they cease; or gradually bring uses/structures closer to compliance with current standards.

Based on the evidence provided, staff respectfully recommends that the Board affirm the decision to deny zoning authorization of the May 4, 2022 building permit application for an auto paint spray booth at 465 North Clarendon Avenue.

**RECEIVED**

By Rachel Bragg at 12:41 pm, Nov 07, 2022



DeKalb County  
GEORGIA

DeKalb County Department of Planning & Sustainability

Hon. Michael Thurmond  
Chief Executive Officer

Andrew Baker, AICP,  
Director

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

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

Applicant and/or  
Authorized Representative Jackie Spivey c/o Dunlavy Law Group, LLC

Mailing Address: 245 North Highland Avenue, N.E., Suite 230 #905

City/State/Zip Code: Atlanta, Georgia 30307

Email: ldunlavy@dunlavylawgroup.com

Telephone Home: \_\_\_\_\_ Business: 404-371-4101 (office); 404-664-0895 (cell)

**OWNER OF RECORD OF SUBJECT PROPERTY**

Owner: Jackie Spivey

Address (Mailing): 447 North Clarendon Avenue, Scottdale, Georgia 30079

Email: nkspivey7@gmail.com

Telephone Home: 404-299-9084 Business: 770-315-9819

**ADDRESS/LOCATION OF SUBJECT PROPERTY**

Address: 465 North Clarendon Ave City: Scottdale State: GA Zip: 30079

District(s): 18 Land Lot(s): 47 Block: 19 Parcel: 003

Zoning Classification: C-2 -Scottdale Overlay Commission District & Super District: 4 and 6

**CIRCLE TYPE OF HEARING REQUESTED:**

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

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

**TO BE COMPLETED BY PLANNING AND SUSTAINABILITY DEPARTMENT:**

Date Received: \_\_\_\_\_

Fee Paid: \_\_\_\_\_

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

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

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

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

DATE: 11-4-22

Applicant:   
Signature

DATE: \_\_\_\_\_

Applicant: \_\_\_\_\_  
Signature

**ZONING BOARD OF APPEALS APPLICATION**

**AUTHORIZATION TO REPRESENT THE PROPERTY OWNER**

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

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

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

DATE: 11-4-22

Applicant/Agent:  
Signature

*Jackie Spivey*

TO WHOM IT MAY CONCERN:

(I) (WE) Jackie Spivey  
(Name of Owners)

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

Linda Dunlavy and Dunlavy Law Group, LLC

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

\_\_\_\_\_  
Owner

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

\_\_\_\_\_  
Owner

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

\_\_\_\_\_  
Owner

**WRITTEN JUSTIFICATION**

and

Other Material Required by  
DeKalb County Zoning Ordinance

for an

Application for Appeal of Administrative Decision  
To the DeKalb County Zoning Board of Appeals

Of  
Jackie Spivey of 465 North Clarendon, LLC

From

- 1) Decision of Howard L. Johnson , dated October 21, 2022, denying a building permit for automobile paint booths

At Property  
Located in 18<sup>th</sup> District, Land Lot 47  
Known as  
465 North Clarendon  
Scottdale, Georgia

Submitted for Applicant by:  
Linda I. Dunlavy  
Dunlavy Law Group, LLC  
245 North Highland Avenue, N.E., suite 230 #905  
Atlanta, GA 30307  
(404) 371-4101 Office  
(404) 664-0895 Cell  
[ldunlavy@dunlavylawgroup.com](mailto:ldunlavy@dunlavylawgroup.com) E-mail

## **WRITTEN JUSTIFICATION IN SUPPORT OF APPEAL**

### **INTRODUCTION AND GENERAL BACKGROUND**

Appellant is the principal of 465 North Clarendon, LLC, the owner of the Subject Property, located at 465 North Clarendon Avenue in the Scottdale area of unincorporated DeKalb County. The property at issue is an approximate 0.4 acre parcel zoned C-2 and is within the Scottdale Overlay District Tier 2. The property fronts on Clarendon Avenue immediately across Clarendon from the Steel, Inc. steel mill. The Applicant, Mr. Jackie Spivey, owns and operates an automobile body shop in combination with the adjoining parcels at 455 and 447 North Clarendon Avenue. 447 North Clarendon contains 4 auto repair bays and one paint booth and parking areas. 457 North Clarendon is the site of the administrative offices for the business and 465 North Clarendon contains Myco Imported Parts (a tenant) and two paint booths. *See photographs of the properties in the materials submitted in support of this appeal.* The business is known as Spivey's Body Shop. The body shop performs auto repairs, including the painting of automobiles, and has since at least 1974. Mr. Spivey originally operated the business exclusively from 447 North Clarendon but over the years expanded the business operation to include 457 and 465 North Clarendon. Mr. Spivey purchased 465 North Clarendon in January of 2017 but prior to that time the Subject Property was continuously used from 1999 to 2017 by Atlanta Racing and Frank's Custom Paint for auto repairs which, at all times, included



the painting of automobiles. *See Affidavit of Rick Miler included with the appeal submittal.* The current business on the Subject Property contains two paint booths. Those paint booths have been there since 1999, when they were installed by Frank Fletcher of Atlanta Racing and Frank's Custom Paint. *See deed records submitted with this appeal showing relevant transfers of title and Affidavit of Jackie Spivey.*

The paint booths on the Subject Property need updating. As such, Mr. Spivey retained Jack Hughes of Autotality to tear out one of the old paint booths and install a new one at 465 North Clarendon. The new paint booth would be no larger than the old paint booth on site and would be installed on the same footprint. However, the new paint booth would be more energy efficient and more environmentally friendly due to improved air flow and filtration through the booth, decreased energy consumption and the ability to use water-based paint as opposed to paints with solvents. It would be installed on the same footprint as the old booth. *See stock photos of paint booths submitted with appeal materials.* The work contemplated was simply to replace the aging paint booth without expansion, movement, or alteration of the use.

Jack Hughes of Autotality applied for a building permit to install the new paint booth. The building permit was denied. The written notice of denial was sent to Mr. Spivey on October 21, 2022, by Howard L. Johnson, Senior Planner with the DeKalb County Department of Planning and Sustainability. The written notice of the denial decision indicated that auto repair and paint shop establishments are prohibited in the Scottdale Overlay District Tier II. *A copy of this emailed decision is included with the*

*materials herein.*<sup>1</sup> Appellant submits that the administrative decision of Howard L. Johnson is in error legally and factually. Mr. Johnson failed to ascertain the salient facts concerning pre-existing uses on the Subject Property and his decision was arbitrary, capricious, not supported by law and in violation of the plain language of the Codes of DeKalb County and Georgia law concerning non-conforming legally grandfathered uses. The paint booth that Mr. Spivey sought to replace was part of a legal non-conforming use, namely an auto repair and mechanic shop that predated the Scottdale Overlay District and its prohibition on Auto Repair/Mechanic shops. As such, the decision to deny a building permit for the new paint booth must be reversed.

### **LEGAL ARGUMENT**

#### **The use of the Subject Property pre-dated the Scottdale Overlay District and is entitled to legal non-conforming use status.**

The Scottdale Overlay District was first adopted 10 years after Frank Fletcher of Atlanta Racing and Frank's Custom Paints established his auto repair and paint business at 465 North Clarendon in November of 1999. Frank's Custom Paints, according to the Affidavit of Rick Miler, contained a paint booth for automobiles from 1999 continuously in use until purchased by 465 North Clarendon, LLC, in January of 2017. Since January of 2017, the Applicant has continuously operated and automobile paint booth on the Subject Property. *See Affidavit of Rick Miler.* In 1999, when Frank Fletcher installed the paint booth and began operating his automobile repair establishment, "Automobile and Paint Shop" was a permitted use of right in a C-2 zoning district. *See relevant excerpt from the 1999 Zoning Ordinance.* Per Section 8.1.5 of the current DeKalb County Zoning

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<sup>1</sup> Mr. Johnson advised Mr. Spivey to apply for a variance to the Zoning Board of Appeals however, Applicant notes that Section 7.5.5 A of the DeKalb County Zoning Ordinance does not allow use variances. As such, Applicant files this appeal.

Ordinance “[a] legal use in existence on the effective date of this zoning ordinance or any amendment thereto may be continued even though such use does not conform with the use provisions of the zoning district in which said use is located...” Moreover, that section in subsection A makes it clear that “A change in tenancy or ownership shall not constitute termination or abandonment of the nonconforming use provided that the use itself remains unchanged and is continuously maintained.” Thus, even though 465 North Clarendon changed ownership in January of 2017 from Frank Fletcher, Jr. to 465 North Clarendon, LLC, the paint booth use was continuously maintained and, as such, legally nonconforming under this section.

Section 8.1.5 (C), however, provides that a nonconforming use of land cannot “be enlarged, expanded, moved or otherwise altered in any manner that increases the degree of nonconformity.” The paint booth at issue in the instant appeal only differs from the original paint booth use in its efficiency and age. Is it environmentally more friendly and more efficient but is otherwise the same as to size, location, and footprint. Installation of such a replacement in kind is not prohibited by the Zoning Ordinance.

### **CONSTITUTIONAL OBJECTIONS**

As a consequence of the foregoing, the Appellant respectfully submits that sustaining the administrative decision to deny the applications for building permit would be a denial of due process and equal protection as guaranteed by the 5<sup>th</sup> and 14<sup>th</sup> Amendments to the United States Constitution; and, Article I, Section I, Paragraphs 1 and 3, and Article I, Section III, Paragraphs 1 and 3 of the Georgia Constitution, due to the following:

1. A decision to uphold the administrative decision challenged would amount to a taking of private property and vested property rights without just and adequate compensation.
2. A decision to uphold the administrative decision challenged would be arbitrary, irrational, and capricious and a manifest abuse of discretion.
3. A decision to uphold the administrative decision challenged would deny the Applicant due process of law.

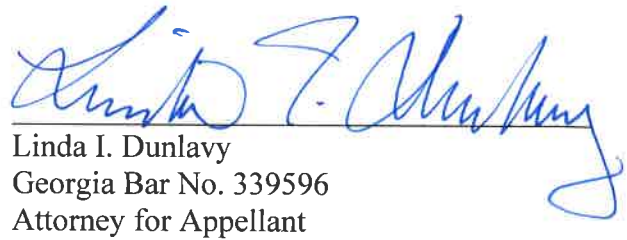
To uphold the administrative decision challenged would be contrary to the express provisions and intent of the DeKalb County Code of Ordinances and state law.

### **CONCLUSION**

The decision of Mr. Johnson was based on materially erroneous findings of fact and misapplications of law in that ignored the express provisions of the Code of Ordinances, failed to ascertain factually the non-conforming status of the use, and resulted in arbitrary treatment of Mr. Spivey when compared with other similarly situated property owners. Pursuant to DeKalb County Zoning Ordinance Section 27-7.5.2 (G), the Zoning Board of Appeals has the authority to reverse the denial of permits “upon an expressed finding by the zoning board of appeals that the administrative official's action was based on an erroneous finding of a material fact, erroneously applied the zoning ordinance to the facts, or that the administrative official acted in an arbitrary manner. In exercising its powers, the zoning board of appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from, and to that end shall have all the powers of the administrative official from whom the appeal was taken and may issue or direct the issuance of a permit, provided all

requirements imposed by any applicable laws are met.” Accordingly, the Appellant respectfully requests that the decision of Howard L. Johnson be reversed and express finding be made that the disapproval of the building permit application for a replacement paint booth, was in error and direct the issuance of building permits to for the installation of the paint booth.

Respectfully submitted this 7th day of November 2022.



Linda I. Dunlavy  
Georgia Bar No. 339596  
Attorney for Appellant

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[ldunlavy@dunlavylawgroup.com](mailto:ldunlavy@dunlavylawgroup.com) E-mail

**ADMINISTRATIVE DECISION FROM HOWARD L. JOHNSON**

**From:** [Nancy Spivey](#)  
**To:** [Linda Dunlavy](#)  
**Subject:** Fwd: Variance Application - Spivey Auto Repair -N. Clarendon - Scottsdale.  
**Date:** Wednesday, October 26, 2022 11:02:55 AM  
**Attachments:** [ZONING BOARD OF APPEALS\\_04.04.22.pdf](#)

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Please see attached.

Thank you!

----- Forwarded message -----

**From:** Johnson, Howard L <[hjohnson@dekalbcountyga.gov](mailto:hjohnson@dekalbcountyga.gov)>  
**Date:** Fri, Oct 21, 2022 at 3:56 PM  
**Subject:** Variance Application - Spivey Auto Repair -N. Clarendon - Scottsdale.  
**To:** Nancy Spivey <[nkspivey7@gmail.com](mailto:nkspivey7@gmail.com)>  
**Cc:** Bragg, Rachel L. <[RLBragg@dekalbcountyga.gov](mailto:RLBragg@dekalbcountyga.gov)>, Folgherait, Andrea K <[akfolgherait@dekalbcountyga.gov](mailto:akfolgherait@dekalbcountyga.gov)>

*Your building application was failed per the following:*

*9-26-22 The Overlay and Zoning Reviews were failed by Senior Planner Howard Johnson on 9-15-22 per the following comments: Applicant Is proposing a paint booth for an Auto Repair / Mechanic shop. The Scottdale Tier 2 Overlay District clearly prohibits Auto Repair & Paint Shop within the Overlay District per 27-3.36.5(B)(4).*

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Ms. Spivey:

Please find attached the Variance Application for the Zoning Board of Appeals (ZBA).

After you read through the application, the next step is to setup a Pre-application with me using the link below.

<https://outlook.office365.com/owa/calendar/DeKalbCoPlanningSustainabilityPreApps@dekalbcountyga.gov/bookings/s/rzBLZey3G0Kof7tNqLLoXw2>

If you have any addition questions, don't hesitate to reach out.

Thanks

Howard

*Howard L. Johnson*

Senior Planner

DeKalb County Dept. of Planning and Sustainability

Current Planning Section – Suite A3600

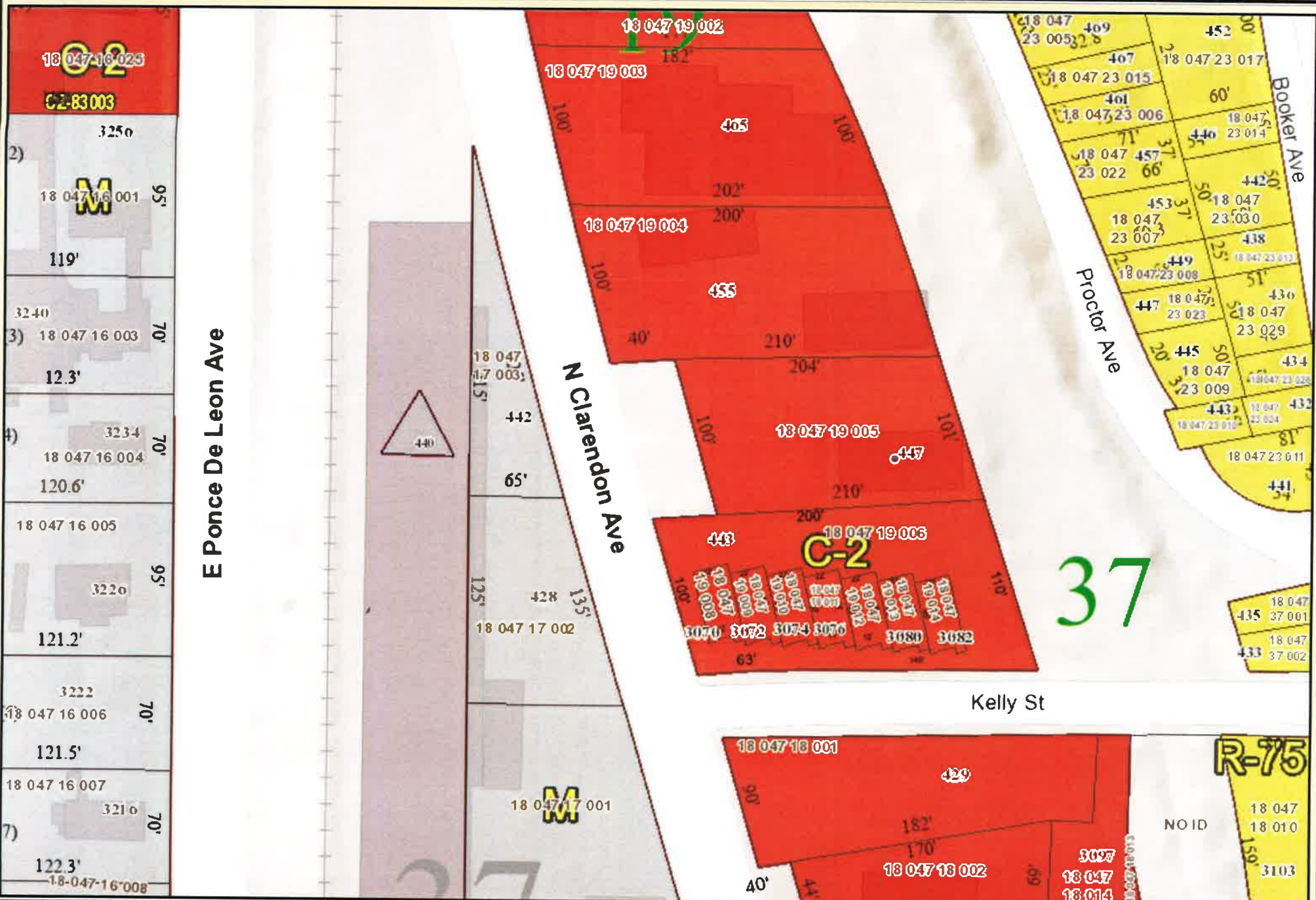
178 Sams Street, Decatur, GA 30033

404-371-4977 desk

[hjonnson@dekalbcountyga.gov](mailto:hjonnson@dekalbcountyga.gov)



## **RELEVANT TAX RECORDS**



**DeKalb County Parcel Map**

0 0.005 0.01 0.02 0.03 0.04 mi

Date Printed: 11/4/2022

**DeKalb County GIS Disclaimer**

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# Property Tax Information Results

Any errors or omissions should be reported for investigation. No warranties, expressed or implied, are provided for the data herein, its use, or its interpretation.



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[Click here for the request form](#)

<p><b>Parcel Information</b></p> <p><a href="#">Parcel ID</a> 18 047 19 003  <a href="#">Pin Number</a> 0894702  <a href="#">Property Address</a> <b>465 N CLARENDON AVE</b>                  Property Type Real Estate                  Tax District 04 - UNINCORPORATED</p> <p><b>Owner Information</b></p> <p>Jan. 1<sup>st</sup> <a href="#">Owner</a> Last Name, First Name  <a href="#">Co-Owner</a> 465 NORTH CLARENDON LLC                  Current <a href="#">Owner</a> 465 NORTH CLARENDON LLC  <a href="#">Co-Owner</a></p> <p>Owner Address 447 N CLARENDON AVE                  SCOTSDALE GA 30079</p> <p>Care of Information</p> <p style="text-align: center; color: red;"><b>** CHANGE MAILING ADDRESS **</b></p> <p><b>Exemption Information</b></p> <p><a href="#">Exemption Type</a> - NO EXEMPTION  <a href="#">Tax Exempt Amount</a> \$0.00</p> <p><a href="#">APPLY FOR BASIC HOMESTEAD EXEMPTION AND PROPERTY ASSESSMENT FREEZE</a></p> <p><b>Other Exemption Information</b></p> <p>Exemption Type                  Value Exemption Amount \$0.00</p> <p><b>Deed Information</b></p> <p><a href="#">Deed Type</a> QUIT CLAIM DEED  <a href="#">Deed Book/Page</a> 26045 / 00371  <a href="#">Plat Book/Page</a> 0 / 0</p> <p><b>Property Characteristics</b></p> <p><a href="#">NBHD Code</a> 7049  <a href="#">Zoning Type</a> C2 - GEN COMMERCIAL DIST                  Improvement Type  <a href="#">Year Built</a> 1966                  Condition Code AVERAGE                  Quality Grade AVERAGE                  Air Conditioning                  Fireplaces                  Stories                  Square Footage 9,653 Sq. Ft.                  Basement Area 0 Sq. Ft.                  % Bsmt Finished 0 Sq. Ft.                  Bedrooms                  Bathrooms  <a href="#">Last Deed Date</a> 1/20/2017                  Last Deed Amount \$0.00</p> <p style="text-align: center;"><a href="#">Click here to view property map</a>  <a href="#">Additional Property Information</a></p>	<p><b>Tax Information</b></p> <p>Taxable Year 2022                  Millage Rate 0.04389                  DeKalb County Taxes Billed \$7,657.74                  DeKalb County Taxes Paid \$7,657.74                  DeKalb County Taxes Due \$0.00</p> <p>Total Taxes Billed \$7,657.74                  Total Taxes Paid \$7,657.74                  Total Taxes Due \$0.00</p> <p style="text-align: center;"><b>DeKalb County Taxes</b></p> <p>First Payment Date 9/9/2022                  First Payment Amount \$7,657.74                  Last Payment Date 9/9/2022                  Last Payment Amount \$7,657.74</p> <p style="text-align: center;"> <input type="button" value="Tax Paid Receipt"/> <input type="button" value="Tax Bill Details"/> </p> <p style="text-align: center;">-- Choose a Tax Year -- ▼</p> <p style="text-align: center;"><input type="button" value="Get Tax Payoff Info."/></p> <p><b>Current Year Payments</b></p> <p>DeKalb County Tax Commissioner                  Collections Division                  PO Box 117545                  Atlanta, GA 30368-7545</p> <p><b>Prior Year Payments</b></p> <p>DeKalb County Tax Commissioner                  Collections Division                  PO Box 100004                  Decatur, GA 30031-7004</p> <p style="text-align: center;">Prior Years Tax                  *** Please note that payment posting information may be delayed due to batch processing***</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>TaxYear</th> <th>Total Owed</th> <th>Total Paid</th> <th>Total Due</th> <th>Adjusted Bill Due Date</th> </tr> </thead> <tbody> <tr><td>2022</td><td>\$7,657.74</td><td>\$7,657.74</td><td>\$0.00</td><td></td></tr> <tr><td>2021</td><td>\$7,657.74</td><td>\$7,657.74</td><td>\$0.00</td><td></td></tr> <tr><td>2020</td><td>\$7,657.76</td><td>\$7,657.76</td><td>\$0.00</td><td></td></tr> <tr><td>2019</td><td>\$7,657.74</td><td>\$7,657.74</td><td>\$0.00</td><td></td></tr> <tr><td>2018</td><td>\$7,674.46</td><td>\$7,674.46</td><td>\$0.00</td><td></td></tr> <tr><td>2017</td><td>\$7,691.16</td><td>\$7,691.16</td><td>\$0.00</td><td></td></tr> <tr><td>2016</td><td>\$7,707.88</td><td>\$7,707.88</td><td>\$0.00</td><td></td></tr> <tr><td>2015</td><td>\$7,774.74</td><td>\$7,774.74</td><td>\$0.00</td><td></td></tr> </tbody> </table> <p><a href="#">Tax Sale File Number</a>  <a href="#">FiFa-GED Book/Page</a>  <a href="#">Levy Date</a>  <a href="#">Sale Date</a>  <a href="#">Delinquent Amount Due</a></p>	TaxYear	Total Owed	Total Paid	Total Due	Adjusted Bill Due Date	2022	\$7,657.74	\$7,657.74	\$0.00		2021	\$7,657.74	\$7,657.74	\$0.00		2020	\$7,657.76	\$7,657.76	\$0.00		2019	\$7,657.74	\$7,657.74	\$0.00		2018	\$7,674.46	\$7,674.46	\$0.00		2017	\$7,691.16	\$7,691.16	\$0.00		2016	\$7,707.88	\$7,707.88	\$0.00		2015	\$7,774.74	\$7,774.74	\$0.00	
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<u>Taxable Year</u>	2022
<u>Land Value</u>	\$201,200
<u>Building Value</u>	\$216,580
<u>Misc. Improvement Value</u>	\$0
<u>Total Value</u>	\$417,780
<u>40% Taxable Assessment</u>	\$167,112

Information as of 11/5/2022

For additional information on the data above,  
contact the Property Appraisal Department at 404-371-  
2471

PARID: 18 047 19 003

Tax Dist: 04-UNINCORPORATED

465 NORTH CLARENDON LLC

465 CLARENDON AVE N

**Land**

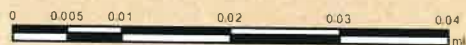
---

Land Type	S - SQUARE FOOT
Land Code	931 - SECONDARY ARTERY GOOD PRIMARY
Square Feet	19,166
Calculated Acres	.44
Deeded Acres	.4
Parcel ID	18 047 19 003
Address	465 N CLARENDON AVE
Unit	
City	SCOTTDALE
Zip Code	30079-1322
Neighborhood	7049
Class	I3 - INDUSTRIAL LOT
Land Use Code	398-Warehouse (bulk)
Super NBHD	
Zoning	C2 - GEN COMMERCIAL DIST

**PHOTOS OF SUBJECT PROPERTY AND SURROUNDS**



# DeKalb County Parcel Map



Date Printed: 11/5/2022



### 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.

**465 NORTH CLARENDON SHOWING TWO PAINT BOOTH BAYS**





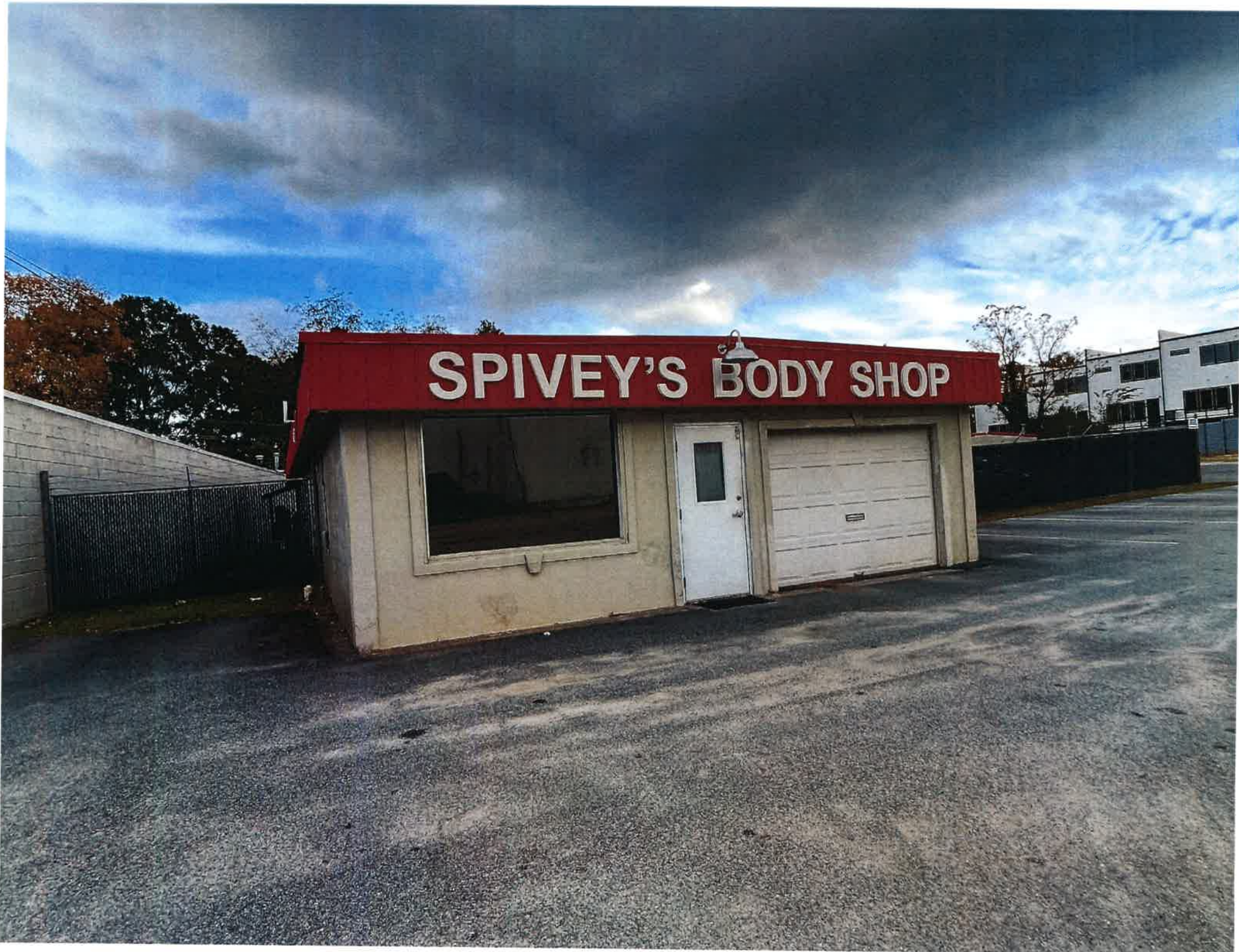
FOREIGN CAR PARTS

INVEB  
IMPORTED PARTS

1465

**457 NORTH CLARENDON SHOWING BUSINESS OFFICE**

# SPIVEY'S BODY SHOP



**447 NORTH CLARENDON SHOWING FOUR AUTO REPAIR BAYS**

**Spivey's**  
**Body Shop, Inc.**

**404-299-0841**

**Est. 1974**





## **PHOTOS OF PAINT BOOTH**







**RELEVANT DEEDS IN CHAIN OF TITLE**



EXHIBIT "A"

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 47 of the 18th District of DeKalb County, Georgia, and being more particularly described as follows:

BEGINNING at an iron pin on the Northeasterly side of North Clarendon Avenue, formerly known as Old Stone Mountain Highway and Grand Avenue, 300 feet Northwesterly from the corner formed by the intersection of the Northeasterly side of North Clarendon Avenue with the North side of Kelly Street; thence North 13° 45' West along the Northeasterly side of North Clarendon Avenue 100 feet to an iron pin; thence South 86° 23' East at an interior angle of 73° 48' with the preceding course, 182.45 feet to an iron pin on the Southwesterly line of Georgia Railway & Power Company right-of-way; thence South-easterly along the Southwesterly line of said right-of-way, 100 feet to an iron pin; thence North 88° 43' West 202.7 feet to an iron pin on the Northeastly side of North Clarendon Avenue and the point of beginning.

Containing 0.4123 acre and having a one-story concrete block and brick warehouse and offices thereon and being more particularly shown on survey prepared by Southland Engineers & Surveyors, Incorporated, dated August 29, 1966, and revised December 2, 1966.

2

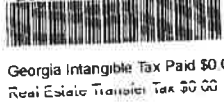
Deed Book 11082 Pg 271



Jeanette Rozier  
Clerk of Superior Court DeKalb Cty, Ga.

Print quality poor when received  
Official record may be illegible

2017021001 DEED BOOK 26045 Pg 362



Filed and Recorded:  
1/24/2017 2:59:45 PM  
Debra DeBerry  
Clerk of Superior Court  
DeKalb County, Georgia

Note to Clerk  
Please cross-reference to:  
Deed Book 4695, Page 709  
Deed Book 4695, Page 715  
Deed Book 4932, Page 659

AFTER RECORDING RETURN TO  
JOHN E. ROBINSON P.C.  
ROBINSON & BLAZER, LLP  
150 E. Ponce de Leon Ave, Suite 475  
Decatur, Georgia 30030

**AFFIDAVIT OF FRANK W. FLETCHER, JR.**

RE: ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 47 of the 18th District, DeKalb County, Georgia, being more fully and particularly described on EXHIBIT "A" attached hereto and incorporated by reference herein.

Personally appeared before the undersigned attesting officer, Frank W. Fletcher, Jr., who after first being duly sworn was deposed and stated under oath as follows:

1.

I am the owner of that certain tract or parcel of land commonly known as 465 North Clarendon Avenue, Scottdale, DeKalb County, Georgia 30079, having a parcel ID number of 18-047-19-003 and as more fully described in Deed Book 11082, Page 270, DeKalb County, Georgia Records, and, as more fully and particularly described on EXHIBIT "A" attached hereto and by reference made a part hereof (hereinafter, together with any and all improvements and fixtures located thereon, being referred to as the "Property");

2.

I am the sole owner of the Property described on the attached Exhibit "A".

3.

I have been informed of certain title objections, as follows:

- A. March 2, 1984 Deed to Secure Debt and Security Agreement recorded in Deed Book 4932, Page 659, which matured on September 14, 1999.
- B. 1982 Deed to Secure Debt recorded in Deed Book 4695, Page 709, which matured on June 7, 1991.
- C. December 7, 1982 Deed to Secure Debt recorded in Deed Book 4695, Page 715, which matured on October 14, 1992.

4.

I purchased this Property on November 12, 1999.

5.

It was my understanding that all of the above debts were paid in full that day.

6.

I have never paid any monies to any of said lenders.

7.

I have never been notified by any of said lenders to make a payment.

8.

This Affidavit is filed and recorded on the Deed Records in DeKalb County, Georgia, to evidence the fact of the cancellation of these Deeds to Secure Debt and for all other purposes allowed under Georgia law, including without limitation, pursuant to O.C.G.A. Section 44-2-20.

Sworn to and subscribed before me this  
24<sup>th</sup> day of January 2017.

  
Notary Public

 (seal)  
Frank W. Fletcher, Jr.



**EXHIBIT "A"**

All that tract or parcel of land lying and being in Land Lot 47 of the 18<sup>th</sup> District of DeKalb County, Georgia, being more fully and particularly described as follows:

Beginning at a point on the northeastern right-of-way line of N. Clarendon Ave. which point is located a distance of 300 feet northwesterly from the intersection of the northeasterly right-of-way line of N. Clarendon Ave. with the northern right-of-way line of Kelly Street as measured along the northeastern right-of-way of N. Clarendon Ave.; running thence along the northeastern right-of-way line of N. Clarendon Ave. N. 9° 37' 24" West a distance of 100 feet to a point marked by an iron pin; running thence South 83° 26' 2" East a distance of 182.45 feet to a point marked by an iron pin; continuing thence South 83° 26' 02" East a distance of 30 feet, more or less, to the Western right-of-way line of an asphalt bike trail; running thence in a generally southeastern direction along the asphalt bike trail a distance of 100 feet more or less to a point; running thence North 85° 50' 24" West of a distance 27.5 feet more or less, to a point marked by an iron pin; continuing thence North 85° 50' 24" West a distance of 202.70 feet to a point marked by an iron pin found and the point of beginning.

Being improved property commonly known as 465 N. Clarendon Ave. according to the present system of numbering buildings and naming streets in DeKalb County Georgia with a tax parcel number of 18 - 047 - 19 - 003 as more fully shown on a survey for Jackie L Spivey and First American Title Insurance Company certified by Patrick F. Carey, G.R.L.S. Number 3077, which survey is incorporated by reference herein.

Spivey 465 N. Clarendon  
Legal Description for QCD

Return Recorded Document to:  
John E. Robinson, P.C.  
150 East Ponce De Leon Avenue, Ste 475  
Decatur, GA 30030  
File No: 3501.3  
File Name: 465 North Clarendon, LLC

**GENERAL WARRANTY DEED**

STATE OF GEORGIA

COUNTY OF DEKALB

THIS INDENTURE, made the 20th day of January, 2017, between Frank W. Fletcher Jr. of the County of DeKalb, and State of Georgia, as party of the first part, hereinafter called Grantor, and 465 North Clarendon, LLC of the County of DeKalb, and State of Georgia, as party of the second part, hereinafter called Grantee (the words "Grantor(s)" and "Grantee(s)" to include their respective heirs, successors and assigns where the context requires or permits).

WITNESSETH that: Grantor, for and in consideration of the sum of TEN AND 00/100 DOLLARS (\$10.00) and other good and valuable considerations in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell alien, convey and confirm unto the said Grantee,

See Exhibit "A" attached hereto and made a part hereof.

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

AND THE SAID Grantor will warrant and forever defend the right and title to the above described property unto the said Grantee against the claims of all persons whomsoever.

IN WITNESS WHEREOF, Grantor has signed and sealed this deed, the day and year first above written.

  
Frank W. Fletcher Jr.

Signed, sealed and delivered in the presence of:

  
Unofficial Witness

  
Notary Public





EXHIBIT "A"

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 47 of the 18<sup>th</sup> District of DeKalb County, Georgia, and being more particularly described as follows:

BEGINNING at an iron pin on the northeasterly side of North Clarendon Avenue, formerly known as Old Stone Mountain Highway and Grand Avenue, 300 feet northwesterly from the corner formed by the intersection of the northeasterly side of North Clarendon Avenue with the north side of Kelly Street; thence north 13 degrees 45 minutes west along the northeasterly side of North Clarendon Avenue 100 feet to an iron pin; thence south 86 degrees 23 minutes east at an interior angle of 73 degrees 48 minutes with the preceding course, 182.45 feet to an iron pin on the southwesterly line of Georgia Railway & Power Company right-of-way; thence southeasterly along the southwesterly line of said right-of-way, 100 feet to an iron pin; thence north 88 degrees 43 minutes west 202.7 feet to an iron pin on the northeasterly side of North Clarendon Avenue and the point of beginning.

Containing 0.4123 acre having a one-story concrete block and brick warehouse and offices thereon and being more particularly shown on survey prepared by Southland Engineers & Surveyors, Incorporated, dated August 29, 1966 and revised December 2, 1966 and being known as 465 North Clarendon Avenue according to the present system of numbering in DeKalb County, Georgia and being further known as Tax Parcel ID No. 18-047-19-003.



Real Estate Transfer Tax \$0.00

Filed and Recorded:  
1/24/2017 2:59:45 PM  
Debra DeBerry  
Clerk of Superior Court  
DeKalb County, Georgia

After recording return to:  
JOHN E. ROBINSON, P.C.  
150 East Ponce de Leon Ave., Suite 475  
Decatur, Georgia 30030

**QUITCLAIM DEED**

THIS INDENTURE, made this 20th day of January in the year Two Thousand Seventeen between **FRANK W. FLETCHER, JR.**, as party of the first part, hereinafter called "Grantor"; and **465 NORTH CLARENDON, LLC**, a Georgia limited liability company, as party of the second part, hereinafter called "Grantee" (the words "Grantor" and "Grantee" to include their respective successors and assigns where the context requires or permits).

**WITNESSETH:**

That Grantor, for and in consideration of the sum of Ten and No/100 (\$10.00) Dollars and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed and by these presents does grant, bargain, sell, alien, convey and confirm unto the said Grantee, the following described property:

**ALL THAT TRACT OR PARCEL OF LAND as described in Exhibit "A", attached hereto and incorporated herein by reference for a more complete description.**

TO HAVE AND TO HOLD the said described premises unto the said party of the second part, its successors and assigns, so that neither the said party of the first part nor its heirs, successors or assigns, nor any other persons claiming under it shall at any time claim or demand any right, title or interest to any of the aforesaid described premises or its appurtenances.


IN WITNESS WHEREOF, the Grantor has signed and sealed this Deed the day and year above written.

**GRANTOR:**

 (Seal)  
**FRANK W. FLETCHER, JR.**

Signed, sealed and delivered this  
20th day of January, 2017 in the presence of:

  
Witness

  
Notary Public  
(Affix Seal & Stamp)



**EXHIBIT "A"**

All that tract or parcel of land lying and being in Land Lot 47 of the 18<sup>th</sup> District of DeKalb County, Georgia, being more fully and particularly described as follows:

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Being improved property commonly known as 465 N. Clarendon Ave. according to the present system of numbering buildings and naming streets in DeKalb County Georgia with a tax parcel number of 18-047-19-003 as more fully shown on a survey for Jackie L Spivey and First American Title Insurance Company certified by Patrick F. Carey, G.R.L.S. Number 3077, which survey is incorporated by reference herein.

**RELEVANT ZONING CODE PROVISIONS**

Sec. 8.1.5. - Nonconforming use.

A legal use in existence on the effective date of this zoning ordinance or any amendment thereto may be continued even though such use does not conform with the use provisions of the zoning district in which said use is located, except as otherwise provided in this section.

- A. Change of use. A nonconforming use shall not be changed to another nonconforming use. A change in tenancy or ownership shall not constitute termination or abandonment of the nonconforming use, provided that the use itself remains unchanged and is continuously maintained.
- B. Discontinuance or abandonment. A nonconforming use shall not be re-established after discontinuance or abandonment for six (6) consecutive months, unless the cessation of the nonconforming use is a direct result of governmental action impeding access to the property. Vacancy or non-use of a building for six (6) continuous months, regardless of the intent of the owner or tenant, shall constitute discontinuance or abandonment under this subsection.
- C. A nonconforming use of land shall not be enlarged, expanded, moved, or otherwise altered in any manner that increases the degree of nonconformity.

( Ord. No. 15-06, 8-25-2015)

**Sec. 27-598. Principal uses and structures.**

The following principal uses of land and structures shall be authorized in the C-2 (General Commercial) District:

- (a) Animal hospital, veterinary clinic, pet supply store, animal grooming shop, and boarding and breeding kennel.
- (b) Art gallery and art supply store.
- (c) Automobile, boat, and trailer sales and service as follows:
  - (1) Automobile and truck sales.
  - (2) Automobile repair and paint shop.
  - (3) Automobile service station.
  - (4) Automobile, truck, and trailer lease and rentals.
  - (5) Automobile, truck, and trailer lease and rentals as accessory to an automobile service station.
  - (6) Automobile upholstery shop.
  - (7) Automobile wash service.
  - (8) Boat sales.
  - (9) Minor automobile repair and maintenance.
  - (10) Retail automobile parts and tire store.
  - (11) Storage yard for damaged automobiles or confiscated automobiles.
  - (12) Tire retreading and recapping.
  - (13) Trailer salesroom and sales lot.
- (d) Bank, credit union and other similar financial institution.
- (e) Check cashing establishment.
- (f) Commercial recreation and entertainment:
  - (1) Adult entertainment establishments. (See also section 27-732).
  - (2) Adult service facility.
  - (3) Bowling alley.
  - (4) Drive-in theater.
  - (5) Go-cart concession.
  - (6) Golf course.
  - (7) Golf driving range or batting cage facility.
  - (8) Miniature golf course.
  - (9) Movie theater.
  - (10) Recreation grounds and facilities.
  - (11) Recreational facilities carried on wholly within a permanently enclosed building.
  - (12) Tennis center, club and facilities.
- (g) Communications uses, as follows:
  - (1) Radio and television broadcasting station.
  - (2) Telephone business office.
- (h) Community facilities, as follows:
  - (1) Cultural facilities.
  - (2) Noncommercial club or lodge.
  - (3) Fraternal club or lodge.
  - (4) Utility structure necessary for the transmission or distribution of Service (Section 27-770).
- (i) Construction contractors, as follows:
  - (1) General building contractor.
  - (2) Heavy construction contractor.
  - (3) Special trade contractor.
- (j) Dwellings, as follows:
  - (1) Shelter for homeless persons.
  - (2) Transitional housing facility.
- (k) Education uses as follows:
  - (1) Vocational school
  - (2) Private elementary, middle or high school.
  - (3) Specialized non-degree schools.
- (l) Lodging, as follows:
  - (1) Hotel.
  - (2) Motel.
- (m) Manufacturing uses, as follows:
  - (1) Light malt beverage manufacturer.
  - (2) Light manufacturing establishment.

- (n) Office uses as follows:
  - (1) Accounting office.
  - (2) Engineering and architectural office.
  - (3) Financial services office.
  - (4) Insurance office.
  - (5) Legal office.
  - (6) Medical office.
  - (7) Real estate office:
- (o) Pawn shop.
- (p) Place of worship.
- (q) Printing establishments, as follows:
  - (1) Bookbinding and related work.
  - (2) Photoengraving, typesetting, electrotyping and stereotyping.
  - (3) Publishing and printing establishment.
- (r) Restaurant, drive-through restaurant facilities, and restaurant accessory to a motel.
- (s) Retail sales as follows:
  - (1) Apparel and accessories store.
  - (2) Book, greeting card, and stationery store.
  - (3) Camera and photographic supply store.
  - (4) Commercial greenhouse or plant nursery.
  - (5) Convenience store.
  - (6) Farm and garden supply store.
  - (7) Florist.
  - (8) Food stores including bakeries.
  - (9) Fuel dealers, manufacturers and wholesalers.
  - (10) Furniture, home furnishings and equipment store.
  - (11) General merchandise store.
  - (12) Gift, novelty, and souvenir store.
  - (13) Hardware store.
  - (14) Hobby, toy and game store.
  - (15) Jewelry store.
  - (16) Music and musical equipment store.
  - (17) News dealer and newsstand.
  - (18) Office supplies and equipment store.
  - (19) Pharmacy and drug store.
  - (20) Quick copy printing store.
  - (21) Retail liquor store, both independent stores and stores accessory to hotels, motels and high-rise office buildings.
  - (22) Shopping center.
  - (23) Specialty store.
  - (24) Sporting goods and bicycle sales.
  - (25) Variety store.
  - (26) Video tape sales and rental store.
- (t) Services, personal, as follows:
  - (1) Barbershop, beauty shop, and similar personal service establishments.
  - (2) Business service establishment.
  - (3) Coin-operated laundry and dry-cleaning store and pickup station.
  - (4) Dry-cleaning plant.
  - (5) Funeral home.
  - (6) Linen and diaper service, garment pressing, alteration and repair.
  - (7) Outdoor advertising service.
  - (8) Personal care home, congregate.
  - (9) Personal care home, family.
  - (10) Personal care home, group.
  - (11) Personal care home, registered.
  - (12) Photographic studios.
- (u) Services, repair, as follows:
  - (1) Heavy repair service and trade shop.
  - (2) Home appliance repair and related service.
  - (3) Jewelry repair store.
  - (4) Radio, television and home electronics repairs.
  - (5) Reupholstery, furniture and major appliance repair.

- (6) Shoe repair store.  
(Ord. No. 99-11, Pt. 1, 4-13-99) (XXXIII, 1-25-00)  
(XXXIV, 1-25-00)

**Sec. 27-599. Accessory uses and structures.**

The following accessory uses of land and structures shall be authorized in the C-2 (General Commercial) District:

- (a) Accessory uses and structures incidental to any authorized use.
- (b) Signs and outdoor advertising in accordance with the provisions of Chapter 21 and this chapter.  
(Ord. No. 99-11, Pt. 1, 4-13-99)

**Sec. 27-600. Special permits.**

The following uses and structures shall be authorized only by permits of the type indicated:

- (a) *Special administrative permit from director of public works:*
  - (1) Telecommunications tower or antenna, subject to requirements of section 27-779.
  - (2) Temporary outdoor sales of merchandise.
  - (3) Art shows, carnival rides and special events of community interest (section 27-747(a)).
  - (4) Rodeos, horse shows, carnivals, athletic events and community fairs (section 27-747(b)).
  - (5) Temporary outdoor social, religious, entertainment or recreation activity where the time period does not exceed fourteen (14) days duration, adequate parking is provided on the site, and where the same lot or any portion thereof is so used for no more than one (1) such fourteen-day time period within any calendar year.
- (b) *Special exception permit from the zoning board of appeals:* None.
- (c) *Special land use permit from board of commissioners:*
  - (1) Buildings in excess of two (2) stories in height.

- (2) Temporary outdoor sales, seasonal.  
(Ord. No. 99-11, Pt. 1, 4-13-99)

**Sec. 27-601. Lot width; lot area; setbacks.**

The following requirements shall apply to all lots and structures in the C-2 (General Commercial) District:

- (a) *Lot width:* All lots shall have at least one hundred (100) feet of frontage as measured along the public street frontage.
- (b) *Minimum lot area:* Thirty thousand (30,000) square feet.
- (c) *Minimum setback requirements:*
  - (1) *From public street:*
    - a. *Front yard setback:* Seventy-five (75) feet.
  - (2) *Interior side yard:* Twenty (20) feet, five (5) feet of which shall be planted and landscaped.
  - (3) *Rear yard:* Thirty (30) feet.  
(Ord. No. 99-11, Pt. 1, 4-13-99)

**Sec. 27-602. Transitional buffer zone requirement.**

Where a lot in the C-2 (General Commercial) District adjoins the boundary of any property which is zoned for any R classification, RM classification, MHP classification, or TND classification, a transitional buffer zone not less than fifty (50) feet in width shall be provided and maintained in a natural state. Said transitional buffer zone shall not be paved and shall not be used for parking, loading, storage or any other use, except where necessary to grade or modify a portion of the transitional buffer zone for the installation of utilities necessitated by the development. Water detention ponds shall not be located within transitional buffer zones. No trees, other than dead or diseased trees, shall be removed from said transitional buffer zone, but additional trees and plant material may be added to the transitional buffer zone. In addition, a screening fence not less than six (6) feet in height shall be erected and maintained either along the property line or within the transitional buffer zone separating the use from the adjoining residential use.  
(Ord. No. 99-11, Pt. 1, 4-13-99)



**AFFIDAVIT OF RICK MILER**

**AFFIDAVIT OF RICK MILER IN SUPPORT OF NONCONFORMING USE STATUS  
FOR SPIVEY PAINT BOOTHS**

I, RICK MILER, having been duly sworn depose and state the following:

1. I am over eighteen years of age, have personal knowledge of the facts to which I attest to herein, am competent to give this affidavit and do so voluntarily.

2. I am currently, and have been since 1980, the owner and operator of a business known as Myco Imported Parts. I currently rent space at 465 North Clarendon Avenue in Scottdale, Georgia, for the operation of my business and have done so since 2016. The Lessor is 465 North Clarendon, LLC. The principal of the LLC is Jackie Spivey, the owner of Spivey's Body Shop at 447 N. Clarendon.

3. I have known Jackie Spivey since the 1980's when he purchased 447 North Clarendon for the operation of a body shop at that location. Spivey's Body Shop has provided auto repair, including car painting, since the 1980's at the 447 location. At the time of Jackie's purchase, I owned 465 North Clarendon and ran my business there. I sold 465 North Clarendon in 1999 to Frank Fletcher who owned and operated Atlanta Racing and Frank's Custom Paint from 1999 to 2016 at the 465 North Clarendon property. Frank installed a painting booth at 465 North Clarendon shortly after he purchased it for the purposes of providing auto painting as a service. He maintained and operated the painting operation on site until he sold 465 to Jackie Spivey in 2016. Jackie continued to provide automobile painting in the paint booth on site from 2016 to the present.



4. Since 1999 to the present businesses at 465 North Clarendon have continuously operated a paint booth for automobile painting on that site. Moreover, since the 1980's Mr. Spivey has continuously operated a paint booth for automobile painting on 447 North Clarendon.

FURTHER AFFLIANT SAITH NAUGHT

  
Rick Miler



Notary Public  
this 7<sup>th</sup> day of ~~October~~ November, 2022.

Gloria Ann Woodward Glasser  
NOTARY PUBLIC  
DeKalb County, GEORGIA  
My Commission Expires 08/18/2026

Sworn to and subscribed before me  
this 7<sup>th</sup> day of ~~October~~ November, 2022

**AFFIDAVIT OF JACKIE SPIVEY**

STATE OF GEORGIA        )  
DEKALB COUNTY         )

**AFFIDAVIT OF JACKIE SPIVEY IN SUPPORT OF NONCONFORMING USE STATUS  
FOR SPIVEY PAINT BOOTHS**

I, JACKIE SPIVEY, having been duly sworn depose and state the following:

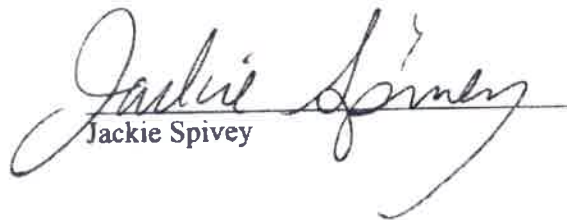
1. I am over eighteen years of age, have personal knowledge of the facts to which I attest to herein, am competent to give this affidavit and do so voluntarily.
2. I am currently, and have been since 1974, the owner and operator of a business known as Spivey’s Bodyshop. We provide body work, minor car repairs and painting for cars that have been damaged and/or involved in collisions.
3. Our first location was 447 North Clarendon Avenue in Scottdale. At all times since commencement of the business at that location Spivey’s Body Shop has provided auto repair, including car painting. We have had a fully operational body shop with a paint booth in continuous operation at that location since 1974 at 447 North Clarendon. In 2015, I purchased 455 North Clarendon to use for our administrative offices and non-auto repair activities. A couple years later I purchased 465 North Clarendon from Frank Fletcher who owned and operated Atlanta Racing and Frank’s Custom Paint from 1999 to 2016 at the 465 North Clarendon property. When I purchased 465 North Clarendon it contained two automobile painting booths which Frank had installed shortly after he purchased the Subject Property in 1999. Frank had maintained and operated the painting operation on site during the entire period of his ownership and I continued to provide automobile painting in those two paint booths on site from January of 2017 (when I purchased it) to the present.

the paint booths are showing their age and need replacing. As such, I engaged Jack Hughes of Autotality to tear out one of the old booths at 465 Clarendon and replace it with a new more efficient, environmentally friendly paint booth. Unfortunately, he encountered difficulty with DeKalb County when he applied for a building permit. They denied the permit.

5. It took us a while to get something definitive from DeKalb County telling us why the permit application was denied but finally we received an email from Howard L. Johnson on October 21, 2022, advising us that "Auto Repair/Mechanic Shops" were not allowed in the Scottdale Overlay. This came as a big surprise to me since I have been operating essentially the same business in essentially the same location for more than 40 years. I understand this was communicated to Mr. Johnson by Mr. Hughes but we were told simply to apply for a variance –that was our only solution.

6. I believe that we are entitled to grandfathered status since we (and my predecessors) have operated auto repair businesses with painting services continuously on the Subject Property for many years and have received business permits annually for this business from the County.

FURTHER AFFIANT SAITH NAUGHT

  
Jackie Spivey



Notary Public

Sworn to and subscribed before me  
this 7<sup>th</sup> day of November 2022

Gloria Ann Woodward Glasser  
NOTARY PUBLIC  
DeKalb County, GEORGIA  
My Commission Expires 08/18/2026

Chief Executive Officer  
Michael Thurmond

**DEPARTMENT OF PLANNING & SUSTAINABILITY**

Director  
Andrew A. Baker, AICP

**MECHANICAL PERMIT APPLICATION**

Date: 5/4/2022

<b>Shaded area for office use</b> Mechanical Permit Number	<b>Building Permit Number</b>	<b>Check Applicable Type:</b> <input type="checkbox"/> Residential <input checked="" type="checkbox"/> Non-Residential
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<b>Job Address</b> <u>465 N. Clarendon Ave.</u>	<b>City</b> <u>Scottdale</u>	<b>State</b> <u>GA</u>	<b>Zip</b> <u>30079</u>
<b>Building No.</b>	<b>Floor No.</b>	<b>Apt / Lot #</b> <u>13 Industrial</u>	<b>Unit / Suite #</b>

**Check One:**  
 New (New Bldg.)       Addition (Bldg. Enlargement)       Expansion (To Exist. Sys.)       Replacement

<input type="checkbox"/> Air Condition <input type="checkbox"/> Gas Forced Air <input type="checkbox"/> Electric Forced Air <input type="checkbox"/> Vent Only	<input type="checkbox"/> Floor Furnace <input type="checkbox"/> Wall Furnace <input type="checkbox"/> Space Heater <input type="checkbox"/> Steam & Hot Water	<input type="checkbox"/> Bath fan <input type="checkbox"/> Ventilation Fan <input type="checkbox"/> Range Hood <input type="checkbox"/> Fireplace
<b>Net Load:</b>	<b>Heat Loss:</b>	<b>Heat Gain:</b>

**DESCRIPTION OF WORK:**    Installation of (1) Spray Booth

<b>BOILERS AND HEATING APPLIANCES (BTU Input)</b>		<b>VERTICAL GAS VENTS (BTU Input)</b>	
Up to 300,000	No. ____ X \$25.00 = _____	Up to 100,000	No. ____ X \$25.00 = _____
300,001 to above	No. ____ X \$35.00 = _____	100,001 and up	No. ____ X \$35.00 = _____
Decorative fire place	No. ____ X \$35.00 = _____	Clothes dryer vents	No. ____ X \$20.00 = _____

<b>A/C AND REFRIGERATION APPLIANCES (Tons)</b>	<b>OTHER</b>
Up to 10	No. ____ X \$25.00 = _____
11 to 30	No. ____ X \$35.00 = _____
31 to 100	No. ____ X \$40.00 = _____
101 and up	No. ____ X \$60.00 = _____
	Fireplace lighters      No. ____ X \$25.00 = _____
	Gas line (per connection)      No. ____ X \$25.00 = _____
	Duct work installation (per system)      No. ____ X \$25.00 = _____
	Zone dampers      No. ____ X \$25.00 = _____
	Fire suppression system      No. ____ X \$30.00 = _____
	Fire inspection      \$100.00= _____
	Fire review      \$100.00= _____
	Fire plan resubmittal      \$150.00= _____
	Safety inspection      No. ____ X \$75.00 = _____
	PIU/VAC      No. ____ X \$75.00 = _____

**NOTE: A/C package unit must include heat (2 x \$25).**

<b>RANGE HOODS (Face area or hood sq. ft.)</b>	<b>VENTILATION FANS (HP)</b>
Residential Hood      No. ____ X \$20.00 = _____	Up to 1.5      No. ____ X \$25.00 = _____
Commercial Hood      No. ____ X \$50.00 = _____	1.5 to 10      No. ____ X \$30.00 = _____
	11 to 20      No. ____ X \$35.00 = _____
	21 and up      No. ____ X \$40.00 = _____
	Residential vent fans      No. ____ X \$20.00 = _____
<b>FIRE REVIEW FEES:</b> Attach County Review Application	<b>TOTAL=</b> _____

\*\*\* List the names, model numbers, and ratings (BTU input, compressor HP, hood face area in sq. ft., fan motor HP) of all appliances indicated in this application (continued on page 2).\*\*\*

<b>Fee Schedule: MINIMUM FEE \$120. Additional \$200 for Fire Suppression Systems (Fire Review &amp; Inspection Fee)</b>	<b>TOTAL FEES</b> \$
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<b>MECHANICAL RE-INSPECTION FEES</b>	1 <sup>st</sup> Re-inspect \$25.00	2 <sup>nd</sup> Re-inspect \$50.00	3 <sup>rd</sup> Re-inspect \$100.00
<b>FIRE INSPECTOR RE-INSPECTION FEES</b>	1 <sup>st</sup> Re-inspect \$50.00	2 <sup>nd</sup> and over - \$100.00	

**ALL APPLIANCES AND EQUIPMENT INDICATED IN THE FEE SCHEDULE OF THIS APPLICATION SHALL BE LISTED HERE AS FOLLOWS: (Attach additional sheet if necessary)**

**NAME**

**MODEL NUMBER**

**RATING**

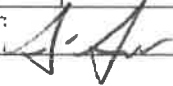
**BOILERS AND HEATING APPLIANCES**


**A/C AND REFRIGERATION**


**RANGE HOODS**


**VENTILATION FANS**


**By signing this application, I certify that the design and installation meets the Georgia Uniform Codes Act, Mechanical Code, Fuel Gas Code, Energy Code and ACCA Manuals "D" & "J" for ductwork and sizing. Copies of RESCheck or COMCheck will be maintained for future reference or other approved sizing method. I understand that if I provide false or misleading information in this application I may be subject to criminal prosecution and/or immediate revocation of any building permit or certification issued as a result of this application. I understand that I must comply with all County ordinances and regulations.**

<b>Company:</b> Filterworks USA, LLC		<b>Applicant:</b> Gregg Strandberg		<b>Owner:</b> 465 North Clarendon LLC	
<b>Address:</b> 378 SW 12th Ave			<b>Address:</b> 447 N Clarendon Ave		
<b>City:</b> Deerfield Beach	<b>State:</b> FL	<b>Zip</b> 33442	<b>City:</b> Scottdale	<b>State:</b> GA	<b>Zip</b> 30079
<b>Fax #:</b>	<b>Mobile #:</b> 954-422-8900		<b>Fax #:</b>	<b>Mobile #:</b>	
<b>Email:</b> Permits@filterworksusa.com			<b>Email:</b>		
<b>State License #:</b> GCQA006564	<b>Business License #:</b> 423120		<b>Signature of Homeowner:</b>		
<b>Signature of State Cardholder:</b> 			<b>(Sign only if work is being performed by homeowner)</b>		
<b>Print Name:</b> Gregg Strandberg			<b>Print Name:</b>		

**NOTE: Copy of permit, drawings, plans and sketches to be posted at the jobsite.**





404.371.2155 (o)  
404.371.4556 (f)  
DeKalbCountyGa.gov

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

Chief Executive Officer  
Michael Thurmond

**DEPARTMENT OF PLANNING & SUSTAINABILITY**

Director  
Andrew A. Baker, AICP

**BUILDING PERMIT APPLICATION**

Date: \_\_\_\_\_

<b>Shaded area for office use</b> <b>Building Permit Number</b>	<b>Check Applicable Type:</b> <input checked="" type="checkbox"/> Non-Residential <input type="checkbox"/> Residential <input type="checkbox"/> Apartment <input type="checkbox"/> Condo Stack Flats <input type="checkbox"/> Condo Townhouse <input type="checkbox"/> Townhouse Fee Simple
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<b>PROJECT NAME / TENANT NAME / SUBDIVISION NAME</b> Spivey's Body Shop	<b>LDP NUMBER</b>	<b>NUMBER OF UNITS</b>
--	-------------------	------------------------

<b>PROJECT ADDRESS</b> 465 N. Clarendon Ave.		City Scottdale	State GA	Zip 30079
Building #	Floor #	Apt #	Suite #	Lot #

<b>PROPERTY OWNER'S NAME</b> 465 North Clarendon LLC		
Address 447 N Clarendon Ave., Scottdale GA 30079		
Phone	Mobile	Fax
Email		

<b>APPLICANT</b> <input type="checkbox"/> Property Owner <input type="checkbox"/> Tenant Leasing Commercial Space <input checked="" type="checkbox"/> Contractor <input type="checkbox"/> Authorized Agent <input type="checkbox"/> Architect/Engineer		
Applicant's Name Gregg Strandberg		
Company Name Filterworks USA, LLC		
Address Filterworks USA, LLC, 378 SW 12th Ave., Deerfield Beach, FL 33442		
Phone 954-422-8900	Mobile	Fax
Email Permits@filterworksusa.com		

<b>CONTRACTOR</b> <input type="checkbox"/> Property Owner <input type="checkbox"/> To Be Determined <input checked="" type="checkbox"/> State of Ga Licensed Contractor <input type="checkbox"/> Specialty Contractor		
Contractor's Name Gregg Strandberg		
Company Name Filterworks USA, LLC		
Address Filterworks USA, LLC, 378 SW 12th Ave., Deerfield Beach, FL 33442		
Phone 954-422-8900	Mobile	Fax
Email Permits@filterworksusa.com	Business License Number BL01572	
Individual / Authorized Agent's State License # GCQA006564		Company's State License #

<b>Type of Work:</b> <input type="checkbox"/> New <input type="checkbox"/> Addition <input checked="" type="checkbox"/> Alteration <input type="checkbox"/> Repair <input type="checkbox"/> Fire Damage <input type="checkbox"/> Demo <input type="checkbox"/> Exterior Work <input type="checkbox"/> Driveway <input type="checkbox"/> Other		<b>Estimated Cost \$</b> \$22,261
<b>Please provide a full description of work:</b> Installation of (1) Paint Booth		
<b>Construction Type:</b> <input checked="" type="checkbox"/> IA <input type="checkbox"/> IIA <input type="checkbox"/> IIIA <input type="checkbox"/> IB <input type="checkbox"/> IIB <input type="checkbox"/> IIIB <input type="checkbox"/> IV <input type="checkbox"/> VA <input type="checkbox"/> VB		<b>Occupancy Classification:</b> S1

<b>Total Square Footage</b> Include only areas pertaining to this scope of work. This should be a combined total of all of the items below (if applicable).				<i>enter numbers in cells below to sum-up here:</i> 5,966    0	
<b>Finished Floor Area</b> Primary Structure _____  Finished Basement _____	<b>Unfinished Area</b> Attic <u>N/A</u>  Basement <u>N/A</u>	<b>Garage</b> <u>N/A</u>  Detached garages require separate permits	<b>Outdoor Areas</b> Deck _____  Porch _____  Patio _____		

<b>Indicate additional permits required to complete this job</b> <input type="checkbox"/> Mechanical <input checked="" type="checkbox"/> Electrical / Low Voltage <input checked="" type="checkbox"/> Plumbing <input type="checkbox"/> Other <input type="checkbox"/> None	<b>Is there a sprinkler system?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<b>Sanitary Facilities</b> <input type="checkbox"/> Septic <input checked="" type="checkbox"/> Sewer	<b>Elevators</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
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<b># of Stories</b> 1	<b># Total Rooms</b>	<b># Bathrooms/ Restrooms</b>	<b># Kitchens</b>	<b># Bedrooms</b> N/A
<b>Exterior Finish Materials</b>		<b>Roofing Materials</b>		

<b>Setbacks:</b> Front _____ Rear _____ Left _____ Right _____	<b>Impervious Area</b> (Square Feet) _____	<b>Lot Size:</b> _____  <b>Easement:</b> <input type="checkbox"/> Yes <input type="checkbox"/> No
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**THIS SECTION IS FOR NON-RESIDENTIAL APPLICANTS ONLY**

ADULT ENTERTAINMENT ESTABLISHMENT means a business or establishment where persons, employees, or patrons appear nude or in such attire, costume or clothing as to expose specified anatomical areas or engage in specified sexual activities, including, but not limited to, adult bookstores, adult businesses, adult motion picture theaters; adult mini-motion picture theaters, adult motion picture arcades; adult video stores, erotic entertainment/dance establishments; escort bureaus, introduction services. "Adult entertainment establishment" shall not include a traditional or mainstream establishment, which means a theater, movie theater, concert hall, museum, educational institution, or similar establishment which regularly features live or other performances or showing which are not distinguished or characterized by an emphasis on the depiction, display, or description or featuring is incidental to the primary purpose of any performance.


Is this business an adult establishment as defined above by the DeKalb County Code, or does it offer any form of adult entertainment?

Yes     No

**\*\*Note: Only the Property Owner, Architect, Engineer, or General Contractor should sign this application. EXCEPTION: If a tenant is applying to move into a commercial space, the tenant may sign. Authorized Agents may also sign, when an Authorized Permit Agent Form is completed on behalf of a State of Georgia licensed contractor. Before signing, please carefully read the statements below.**

I, Gregg Strandberg, do solemnly swear that the information on this application is true, and that no false or misleading statement is submitted herein to obtain a Building Permit or Certificate of Occupancy. I understand that if I provide false or misleading information in this application I may be subject to criminal prosecution and/or immediate revocation of any Building Permit or Certificate of Occupancy issued as a result of this application. I understand that I must comply with all County ordinances and regulations. I hereby agree to provide any clearance(s) and/or inspection report(s) required prior to the issuance of a Permit or Certificate of Occupancy.

I further agree that I shall be responsible from the date of this permit, or from the time of the beginning of the first work, whichever shall be earlier, for all injury or damage of any kind resulting from this work, whether from basic services or additional services, to persons or property. I agree to exonerate, indemnify and save harmless the County from and against all claims or actions, and all expenses incidental to the defense of any such claims, litigation, and actions, based upon or arising out of damage or injury (including death) to persons or property caused by or sustained in connection with any work performed under the Building Permit issued as a result of this application.

Signature 

**Total Minimum Fees \$245** (\$175 Minimum Permit Fee; \$20 Technology Fee; \$50 Certificate of Occupancy or Certificate of Completion). Some commercial projects require Fire Review & Inspection Fees (\$100 Fire Life Safety Review; \$100 Fire Site Review; \$100 Fire Inspection). Please note that additional fees may apply depending on the type of permit being submitted. Please contact us at (404) 371-4915 for the calculation of fees or refer to our fee schedule located at [www.planningdekalb.net](http://www.planningdekalb.net).

STATE OF GEORGIA     )  
DEKALB COUNTY        )

**AFFIDAVIT OF WALTER L. COX IN SUPPORT OF NONCONFORMING USE STATUS  
FOR SPIVEY PAINT BOOTHS**

I, WALTER L. COX, a/k/a "Sonny" Cox having been duly sworn depose and state the following:

1. I am over eighteen years of age, have personal knowledge of the facts to which I attest to herein, am competent to give this affidavit and do so voluntarily.
2. I owned and operator of a business known as Sonny's Service Center located at 375 Aldridge Avenue in Scottdale, Georgia between 1983 and 2015 and have lived at 453 Patterson Avenue in Scottdale since 1966, just around the corner from Spivey's Body Shop.
3. I have purchased parts from Rick Miler, owner of Myco Auto Parts at 465 North Clarendon for almost 40 years now. I also knew Frank Fletcher, the previous owner of Atlanta Racing and Franks Custom Paint and was aware of Frank's auto body business at 465 North Clarendon, which included a paint booth since Frank started the business in about 1999.
4. I am also aware that after Frank sold his business 6 or 7 years ago that Spivey's Body Shop has provided auto repair, including car painting, at the 465 location in the old booth that Frank installed.
5. To my knowledge, since 1999 to the present businesses at 465 North Clarendon have continuously operated a paint booth for automobile painting on that site.
6. FURTHER AFFIANT SAITH NAUGHT

  
Walter L. Cox

**STATEMENT OF DONNIE CAPE IN SUPPORT OF NONCONFORMING USE STATUS  
FOR SPIVEY PAINT BOOTHS**


I, DONNIE CAPE, JR., having been duly sworn depose and state the following:

1. I am over eighteen years of age, have personal knowledge of the facts to which I attest to herein, am competent to give this affidavit and do so voluntarily.
2. I am an owner and operator of a business known as Mobley Tire located at 173 Grove Place in Decatur, Georgia between 1976 and 2019 until it relocated to Fellowship Road in Tucker, Georgia.
3. I have worked at Mobley Tire since 1992 and since that time have had a business and personal relationship with Spivey's Body Shop in Scottdale. Since 1992, I have gone over to Spivey's
4. Mobley Tire has done and continues to do alignments for Spivey's which has, over the years, entailed arranging for delivery and pick up of vehicles from its location on North Clarendon Road in Scottdale. Additionally, I have had Spivey's do work on my personal vehicles over the years. This work has included the painting of at least three of my personal vehicles.
5. As a result of my contact over the years with Spivey's and many visits to their property, I am aware that there have been paint booths at the North Clarendon location—one booth to the right of the office as you face it at 447 North Clarendon and one booth to the left of the office at 465 North Clarendon—for many years. The booth on the right predated the booth on the left but the booth on the left has been there since before Spivey's purchased that property in 1999. I know this because Jackie took me on a tour of the 465 North Clarendon property when he first purchased it from Frank Fletcher, the previous owner of Atlanta Racing and Franks Custom Paint. There was already a paint booth at 465 North Clarendon when Spivey's purchased that property.

6. I am also aware that car painting in the paint booths on both sides of the office has been conducted continuously since at least 1999.

12/6/22

This 6<sup>th</sup> day of December, 2022.

  
DONNIE CAPE, JR.

Sec. 3.36.5. - Tier I: Scottsdale East Ponce de Leon Avenue/North Decatur Road Corridor and Tier I-NC: Scottsdale Neighborhood Center.

- A. *Principal uses and structures:* All properties located within Tier I and Tier I-NC of the Scottsdale Overlay District shall be governed by all of the requirements of the underlying zoning district regulations. In addition, the following principal uses of land and structures shall also be authorized within Tier I and Tier I-NC:
1. All uses authorized in the OI (Office Institutional), OD (Office Distribution), C-1 (Local Commercial), C-2 (General Commercial) and M (Light Industrial) Zoning Districts on all property located west of East Ponce de Leon Avenue, except those uses listed in subsection B., below.
  2. All uses authorized in the NS (Neighborhood Shopping), OI (Office Institutional), and C-1 (Local Commercial) Zoning Districts on all property located east of East Ponce de Leon Avenue, except those uses listed in subsection B., below.
  3. In Tier I, only: all uses authorized in the MR-1 (Medium Density Residential-1) and MU-2 (Mixed Use-2) Zoning Districts.
  4. In Tier I-NC, only: all uses authorized in the MR-2 (Medium Density Residential-2) and MU-3 (Mixed Use-3) Zoning Districts, except those uses in subsection B., below.
  5. Specific uses complimenting/related to the manufacture, storage, distribution, wholesale, or retail trade of fresh and processed foods, except those listed in subsection B., below.
  6. Research and training facilities with associated lodging, except those listed in subsection B., below.
  7. Facilities engaged in cottage industries, art studies, crafts and other related artisan activities, except those listed in subsection B., below.
  8. Outdoor equipment and materials storage if such use already exists on the property on October 14, 2008. Any existing outdoor storage expansion must be invisible from public rights-of-way and must be screened with fencing and/or landscaping of at least eight (8) feet in height.
  9. Any combination of the above listed uses shall be authorized in a mixed-use development, except those listed in subsection B., below.
  10. The following densities shall apply to all residential property located within Tier I and Tier I-NC:
    - a. All residential and mixed-use development shall not exceed a maximum density of twelve (12) units per acre, except where noted in subsection b. below;
    - b. Mixed-use development in Tier I-NC, only, shall not exceed a maximum of twenty-four (24) units per acre, subject to the required minimum mix of uses under the applicable MU

Zoning District found under Table 2.17, article 2, chapter 27.

B. *Prohibited principal uses and structures.* The following principal uses of land and structures shall be prohibited within Tier I and Tier I-NC:

1. Multifamily (apartments), except within a mixed-use development.
2. Adult entertainment establishment.
3. Adult service facility.
4. Automobile and truck sales.
5. Parking lots as a primary use.
6. Automobile repair and paint shop.
7. Automobile upholstery shop.
8. Automobile wash service.
9. Automobile, truck and trailer lease and rentals, except as allowed in 3.36.5.D.
10. Boat sales.
11. Boarding/rooming house.
12. Breeding kennels.
13. Cemetery, columbarium, or mausoleum.
14. Check cashing establishment.
15. Drive-in theater.
16. Dry cleaning plant.
17. Extended stay hotel.
18. Fraternity house, sorority house and residence hall.
19. Fuel dealers, manufacturers and wholesalers.
20. Gift, novelty or souvenir store selling adult novelties.
21. Go-cart and motorcycle or other motorized concession.
22. Golf driving range or batting cage facility.
23. Heavy construction contractor with outside storage areas.
24. Heavy repair service and trade shop.
25. Hospital.
26. Motel.
27. Pawn shop.
28. Radio and television broadcasting station with outdoor tower.
29. Rubber and plastics manufacturing.

30. Shelter for homeless persons.
31. Storage yard for damaged or confiscated automobiles.
32. Tire retreading and recapping.
33. Trailer salesroom and sales lot.
34. Transitional housing facility.

C. *Additional uses and structures:*

1. The following accessory uses shall be authorized in Tier I and Tier I-NC:
  - a. Accessory uses and structures incidental to any authorized use.
  - b. Parking lots and parking decks which are accessory to any authorized use.
  - c. Clubhouse, including meeting room or recreation room.
  - d. Swimming pools, tennis courts, and other recreation areas and amenities.
  - e. Signs, in accordance with the provisions of chapter 21 and this chapter.
2. Special use permits: The following uses and structures shall be authorized in Tier I and Tier I-NC only by special use permit from the board of commissioners:
  - a. Adult day care, center and facility.
  - b. Child day care center and facility.
  - c. Child caring institution, group and community.
  - d. Home occupation involving any customer contact.
  - e. Bed and breakfast inn and home stay.
  - f. Recreation club.
  - g. Personal care home, group and community.
  - h. Place of worship.

D. *The Scottdale Neighborhood Center:* The Scottdale Neighborhood Center shall be established within Tier I. The boundaries of said Scottdale Neighborhood Center shall be established by a zoning map amendment adopted pursuant to this chapter which amendment shall be incorporated herein and made a part of this chapter 27. Automobile lease and rentals shall be allowed in the Scottdale Neighborhood Center consistent with the following standards:

1. Auto leasing shall be allowed in a multi-tenant retail with a maximum of twenty (20) vehicles in inventory for leasing and a maximum of twenty (20) vehicles to be stored on site at one (1) time. The total property site shall be a minimum of two (2) acres in land area.
2. Automobiles shall only be stored outside and shall be in an area not visible from the public right-of-way. Screening of stored vehicles shall be provided by fencing, landscaping or buildings.
3. No automotive repair, outside storage of materials, or equipment associated with the auto



leasing use shall be allowed.

4. No washing of the vehicles shall be visible from public roads.
5. Ground signage shall be incorporated in a multi-tenant sign structure.
6. Overnight parking of patron vehicles on site is prohibited.
7. There shall be a separation of at least one thousand (1,000) feet from any other automobile leasing facility.

E. *Architectural guidelines for non-residential and mixed-use:* Architectural design of all mixed-use and non-residential buildings and structures within Tier I and Tier I-NC shall comply with the following guidelines:

1. Each building elevation shall be constructed of brick, stone, stucco, steel, glass, wood or any combination thereof.
2. Roofing materials for hipped or pitched roofs shall consist of standing metal seam, tile, slate, stone, or architectural-style shingles.
3. Walls visible from roadways or parking areas shall incorporate changes in building material/color or varying design details such as trellises, false windows, landscaping, or storefronts every one hundred fifty (150) linear feet.

F. *Architectural guidelines for residential:* Architectural design of all residential buildings and accessory structures within Tier I and Tier I-NC shall comply with the following guidelines:

1. Each building elevation shall be constructed of brick, stone, stucco, wood, wood shake, cement fiberboard siding, or any combination thereof.
2. Roofing materials for pitched or hip roofs shall consist of metal standing seam, tile, slate, stone, wood shake or architectural-style shingles.

G. *Parking:* Refer to Code section 27-6.1.5 (as amended).

H. *Redevelopment:* Redeveloped buildings or structures shall be permitted to maintain existing building materials and character, subject to review and approval of the planning director or designee. The director shall inform the president of the Scottsdale Community Alliance of such proposed redevelopment in writing at least ten (10) business days before any such approval may be given.

( Ord. No. 15-06, 8-25-2015; Ord. No. 16-09, Pt. I, 7-19-2016; Ord. No. 18-04, Pt. I, 9-25-2018)

CDR Common Building Permits Planning Code Enforcement License Trade License

My Infor Lookup Licenses (LLL) License Application InfoView Form Code

Action

INFORMATION - LICENSE # 66445

License Type **General** General

License is Inactive.

Primary Applicant ATLANTA RACING ENTERPRISES

Current milestone is Void.

Address 465 N CLARENDON AVE STE A SCOTSDALE GA

Current unpaid amount of \$0.00.

Location

[View Information](#) License Details Endorsements Reviews Inspections Conditions Fees Applicants

Status Dates

License Date	8/24/1989 00:00 AM	by		Expires	12/31/2016 00:00 AM
Issued	8/24/1989 00:00 AM	by		Grace Exp	4/15/2017 00:00 AM
Inactive	8/17/2020 01:36 AM	by	VERNICE SMYLIIE	Todays Date	// : :
Last Renewal	5/11/2016 11:36 AM	by	DWAYNE K BELL	Last Fees Added Date	// :
Next Renewal	12/31/2016 00:00 AM				

License Description

Priority 811111

Priority Description 811111 - AUTOMOTIVE REPAIR, GEN

License Category

Type Of Business None

Exempt Business **None**

Business Name ATLANTA RACING ENTERPRISES

DBA Name

Business Description RETAIL AUTO PARTS & MECH SHOP

CDR Common Building Permits Planning Code Enforcement License Trade License

My Infor Lookup Licenses (LLL) License Application InfoView Form Code

Action

INFORMATION - LICENSE # 66444

License Type General General

License is Active.

Primary Applicant FRANK'S CUSTOM PAINT

Current milestone is Penalty

Address 465 N CLARENDON AVE STE A SCOTSDALE GA

Current unpaid amount of \$170.27.

Location

License Details Endorsements Reviews Inspections Conditions Fees Applicants

Status Dates

License Date 8/24/1989 00:00 AM by Expires 12/31/2015 00:00 AM

Issued 8/24/1989 00:00 AM by Grace Exp 4/14/2016 00:00 AM

Inactive // : by Todays Date // :

Last Renewal 12/28/2015 16:50 PM by JAMES A WHITE

Last Fees Added Date // :

Next Renewal 12/31/2015 00:00 AM

License Description

Priority 811121

Priority Description 811121 - AUTOMOTIVE BODY, PAINT,

License Category

Type Of Business None

Exempt Business None

Business Name FRANK'S CUSTOM PAINT

DBA Name

Business Description BODY SHOP

CDR Common Building Permits Planning Code Enforcement License Trade License

My Infor Lookup Licenses (LLL) License Application InfoView Form Code

Action

INFORMATION - LICENSE # 27640

License Type **General** **General**

License is Expired.

Primary Applicant **MYCO IMPORTED PARTS**

Current milestone is Void.

Address 465 N CLARENDON AVE SCOTSDALE GA 30079-

Current unpaid amount of \$0.00.

Location

License Details Endorsements Reviews Inspections Conditions Fees Applicants

Status Dates

License Date	1/1/1982 00:00 AM	by		Expires	12/31/2018 00:00 AM
Issued	1/1/1982 00:00 AM	by		Grace Exp	4/15/2019 00:00 AM
Inactive	8/13/2020 20:37 PM	by	VERNICE SMYLIE	Todays Date	// :
Last Renewal	5/2/2018 16:36 PM	by	JUNE DAVIS	Last Fees Added Date	// :
Next Renewal	12/31/2018 00:00 AM				

License Description

Priority 441320

Priority Description: 441320 - TIRE DEALERS

License Category

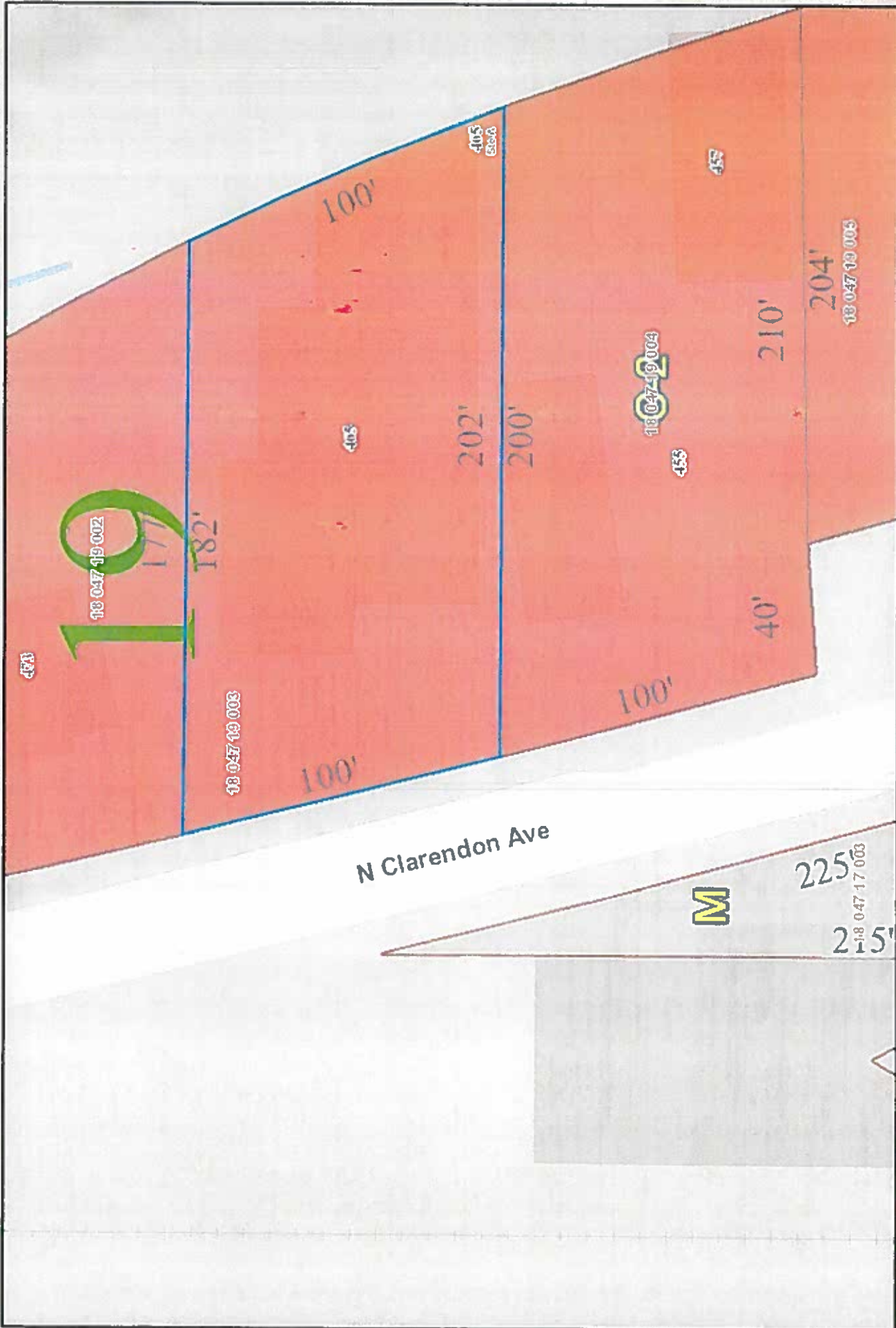
Type Of Business None

Exempt Business None

Business Name MYCO IMPORTED PARTS

DBA Name

Business Description PARTS/SALES WHOLESALE



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**DeKalb County Parcel Map**

Scale: 1:8,000 (0.000125 in = 1 foot)

Date Printed: 11/16/2022





19  
177  
182'

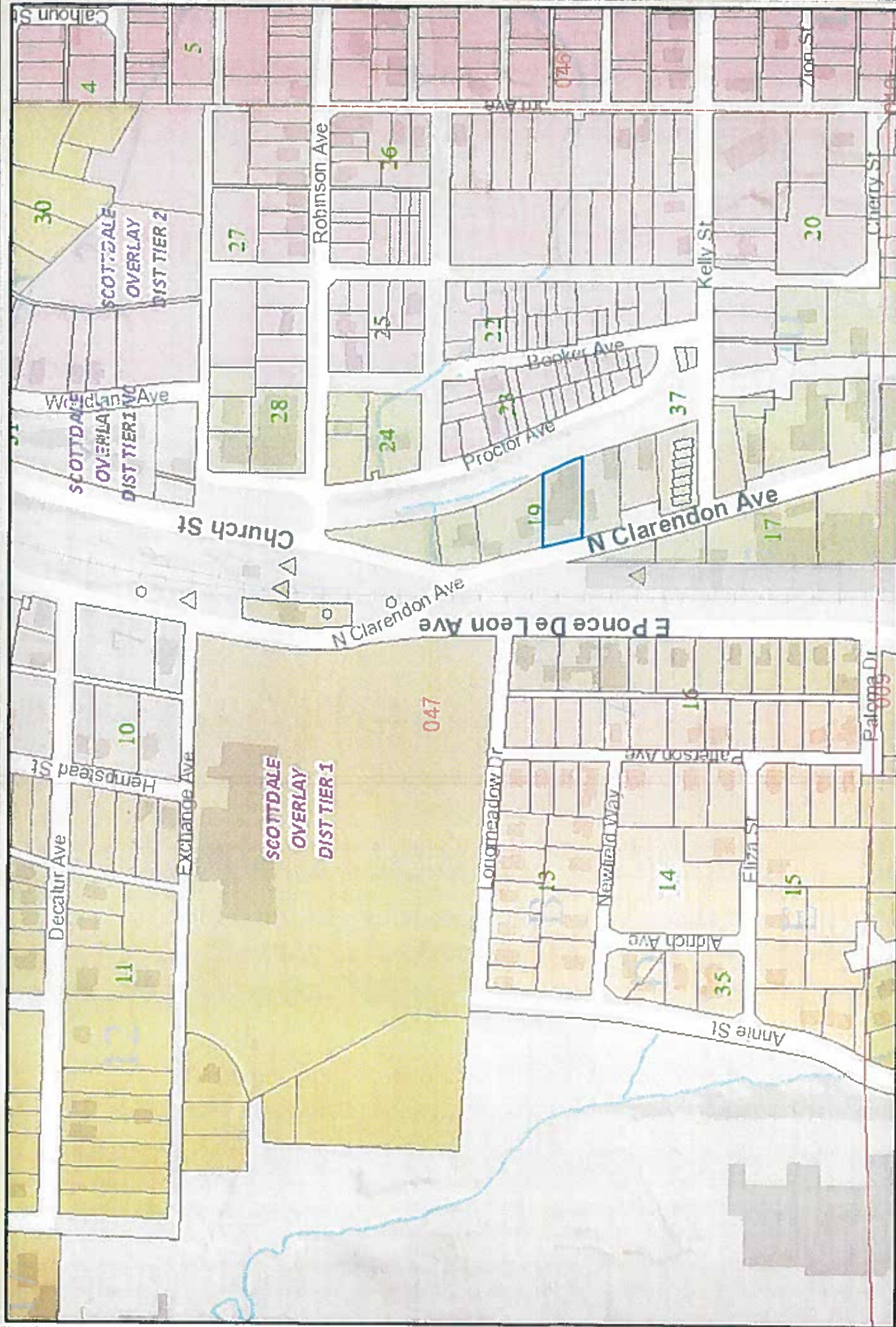
SCOTTDALE  
OVERSIGHT 19 004  
DUES TIER 1

N Clarendon Ave

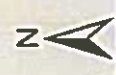
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**DeKalb County Parcel Map**  
 Date Printed: 11/16/2022





# DeKalb County Parcel Map



Date Printed: 11/16/2022

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