

**Public Hearing:** YES ☒ NO ☐

**Department:** Planning & Sustainability

**SUBJECT:**

**COMMISSION DISTRICT(S):** Commission District 03 Super District 07

**Application of Alex Ciuca c/o Battle Law, P.C. to rezone properties from R-75 (Residential Medium Lot-75) zoning district to RSM (Small Lot Residential Mix) zoning district to allow for the construction of single-family, detached homes. The properties are located at 4127-4173 Maplewood Drive in Decatur, Georgia.**

**PETITION NO:** N4-2023-0874 Z-23-1246544

**PROPOSED USE:** Construction of single-family, detached homes.

**LOCATION:** 4127, 4139, 4149, 4163 and 4173 Maplewood Drive, Decatur, Georgia 30035.

**PARCEL NO. :** 15-158-02-005, 15-158-02-006, 15-158-02-007, 15-158-02-051, 15-158-02-008 & 15-158-02-009

**INFO. CONTACT:** Adam Chappell, Planner

**PHONE NUMBER:** 404-371-2155

**PURPOSE:**

Application of Alex Ciuca c/o Battle Law, P.C. to rezone properties from R-75 (Residential Medium Lot-75) zoning district to RSM (Small Lot Residential Mix) zoning district to allow for the construction of single-family detached homes. The properties are located at 4127-4173 Maplewood Drive in Decatur, Georgia.

**RECOMMENDATION:**

**COMMUNITY COUNCIL:** Approval.

**PLANNING COMMISSION:** Two-Cycle Deferral.

**PLANNING STAFF:** Two-Cycle Deferral.

**STAFF ANALYSIS:** The applicant requests to rezone the subject properties from R-75 (Residential Medium Lot-75) to RSM (Small Lot Residential Mix) to construct up to thirty-three (33) single-family, detached dwellings. The subject parcels are located within a Suburban (SUB) Character Area, which supports the proposed rezoning and development (*Comprehensive Plan*, pg. 41). Although the properties surrounding the proposed development are all currently zoned R-75, there is precedent for denser development in the immediate vicinity; there are several extant subdivisions with RSM zoning to the south and east along Wesley Chapel Road. The proposed site plan shows a configuration that appears to be sensitive to existing developments along Maplewood Drive. Said plan contains open space surrounding the proposed dwellings that also serves as a buffer between the proposed dwellings and existing properties. Additional information will be required to confirm that the proposal meets the criteria of Section 5.2.3. of the *Zoning Ordinance* with respect to the properties abutting the proposed Lots 9-14; this may potentially affect lot yield. The proposal demonstrates compliance with RSM density requirements. A base maximum density of four (4) units per acre is allowed in the RSM zoning district; at 8.4 acres, the development has a base maximum of thirty-three (33) dwelling units, which is the same number proposed. Any increase in the number of dwelling units would require the provision of bonus density qualifying standards pursuant to Section 2.12.7. Approximately 20.4 percent of the site is dedicated to open space, meeting the minimum requirement of twenty percent (20%). A minimum of fifty percent (50%) of the required open space – ten percent (10%) of the total site – shall be dedicated to enhanced open space. While general open space has been highlighted on the site plan, said plan does not show compliance with the enhanced open space requirement. As Maplewood Road is classified as a collector, additional landscaping and streetscaping along its frontage will

be required per Section 5.4.3. Right-of-way dedication may be required to provide said improvements, which may affect lot yield. A ten-foot (10') multimodal path is required by Planning and Transportation along all non-local streets. Providing a path of this width would likely conflict with the size of existing improvements made elsewhere along this corridor. Ultimately, Staff would support a waiver to reduce the path width. The local street within the development has not been confirmed as a public or private street but appears to be designed to public-street standards. Comments from Water/Sewer indicate that the properties are currently not connected to public sewer service. It is unclear whether or not the proposal will connect to public sewer service or use septic tanks. A sewer cap may be required. Land Development has also provided a cursory review and recommends disapproval. The proposal fails to present an adequate radius at the development's entrance and does not appear to show adequate right-of-way dedication. The review further indicates that the existing topography of the subject parcels would result in the diversion of stormwater runoff flows which could adversely impact the existing subdivision to the south; a second stormwater detention facility may be appropriate. Although the proposed rezoning would be sensitive to neighboring developments and would be supported by the *Comprehensive Plan*, the associated site plan, while conceptual in nature, has a significant number of deficiencies that may require a substantial redesign. Therefore, after a review of Chapter 27-7.3.5, the Planning & Sustainability Department recommends a "Two-Cycle Deferral to address the aforementioned concerns".

**PLANNING COMMISSION VOTE: Two-Cycle Deferral 7-0-0.** Vivian Moore moved, Edward Patton seconded for a 2-cycle deferral to the Jan 2024 zoning agenda, per staff recommendation.

**COMMUNITY COUNCIL VOTE/RECOMMENDATION: Approval 4-1-1.**

**DeKalb County Department of Planning & Sustainability**

**178 Sams Street,  
Decatur, GA 30030**

**(404) 371-2155 / [www.dekalbcountyga.gov/planning](http://www.dekalbcountyga.gov/planning)**

**Planning Commission Hearing Date: Tuesday, September 12, 2023  
Board of Commissioners Hearing Date: Thursday, September 28, 2023**

**STAFF ANALYSIS**

<b>Case No.:</b>	Z-23-1246544	<b>Agenda #:</b> 2023-0874
<b>Location/Address:</b>	4127, 4139, 4147, 4149, 4163 & 4173 Maplewood Drive, Decatur, GA 3005	<b>Commission District:</b> 03 <b>Super District:</b> 07
<b>Parcel ID(s):</b>	15-158-02-005, 15-158-02-006, 15-158-02-007, 15-158-02-051, 15-158-02-008 & 15-158-02-009	
<b>Request:</b>	Rezone properties from the R-75 (Residential Medium Lot-75) Zoning District to the RSM (Small Lot Residential Mix) Zoning District to allow for the construction of single-family, detached homes.	
<b>Property Owner(s):</b>	Maplewood Mareis, Llc	
<b>Applicant/Agent:</b>	Alex Ciuca c/o Battle Law, P.C.	
<b>Acreage:</b>	8.4 acres	
<b>Existing Land Use:</b>	Undeveloped	
<b>Surrounding Properties:</b>	<b>North:</b> R-75 (Across Maplewood Drive) <b>East:</b> R-75 <b>South:</b> R-75 <b>West:</b> R-75	
<b>Comprehensive Plan:</b>	<b>Suburban (SUB)</b> <b>Consistent</b> <input checked="" type="checkbox"/> <b>Inconsistent</b> <input type="checkbox"/>	

**Staff Recommendation:** Two-cycle deferral.

The applicant requests to rezone the subject properties from R-75 (Residential Medium Lot-75) to RSM (Small Lot Residential Mix) to construct up to thirty-three (33) single-family, detached dwellings.

The subject parcels are located within a Suburban (SUB) Character Area, which supports the proposed rezoning and development (*Comprehensive Plan*, pg. 41). Although the properties surrounding the proposed development are all currently zoned R-75, there is precedent for denser development in the immediate vicinity; there are several extant subdivisions with RSM zoning to the south and east along Wesley Chapel Road.

The proposed site plan shows a configuration that appears to be sensitive to existing developments along Maplewood Drive. Said plan contains open space surrounding the proposed dwellings that also serves as a buffer between the proposed dwellings and existing properties. Additional information will be required to

confirm that the proposal meets the criteria of Section 5.2.3. of the *Zoning Ordinance* with respect to the properties abutting the proposed Lots 9-14; this may potentially affect lot yield.

The proposal demonstrates compliance with RSM density requirements. A base maximum density of four (4) units per acre is allowed in the RSM zoning district; at 8.4 acres, the development has a base maximum of thirty-three (33) dwelling units, which is the same number proposed. Any increase in the number of dwelling units would require the provision of bonus density qualifying standards pursuant to Section 2.12.7.

Approximately 20.4 percent of the site is dedicated to open space, meeting the minimum requirement of twenty percent (20%). A minimum of fifty percent (50%) of the required open space – ten percent (10%) of the total site – shall be dedicated to enhanced open space. While general open space has been highlighted on the site plan, said plan does not show compliance with the enhanced open space requirement.

As Maplewood Road is classified as a collector, additional landscaping and streetscaping along its frontage will be required per Section 5.4.3. Right-of-way dedication may be required to provide said improvements, which may affect lot yield. A ten-foot (10') multimodal path is required by Planning and Transportation along all non-local streets. Providing a path of this width would likely conflict with the size of existing improvements made elsewhere along this corridor. Ultimately, Staff would support a waiver to reduce the path width. The local street within the development has not been confirmed as a public or private street but appears to be designed to public-street standards.

Comments from Water/Sewer indicate that the properties are currently not connected to public sewer service. It is unclear whether or not the proposal will connect to public sewer service or use septic tanks. A sewer cap may be required. Land Development has also provided a cursory review and recommends disapproval. The proposal fails to present an adequate radius at the development's entrance and does not appear to show adequate right-of-way dedication. The review further indicates that the existing topography of the subject parcels would result in the diversion of stormwater runoff flows which could adversely impact the existing subdivision to the south; a second stormwater detention facility may be appropriate.

Although the proposed rezoning would be sensitive to neighboring developments and would be supported by the *Comprehensive Plan*, the associated site plan, while conceptual in nature, has a significant number of deficiencies that may require a substantial redesign. Therefore, after a review of Chapter 27-7.3.5, the Planning & Sustainability Department recommends a *Two-Cycle Deferral* of the rezoning request to address the aforementioned concerns.





**DEKALB COUNTY  
GOVERNMENT PLANNING  
DEPARTMENT DISTRIBUTION  
FORM**

**NOTE: PLEASE RETURN ALL COMMENTS VIA EMAIL TO EXPEDITE THE PROCESS TO JOHN REID [jreid@dekalbcountyga.gov](mailto:jreid@dekalbcountyga.gov) AND/OR LASONDRA HILL [lahill@dekalbcountyga.gov](mailto:lahill@dekalbcountyga.gov)**

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

**Case No.:** \_\_\_\_\_ **Parcel I.D. #:** \_\_\_\_\_

**Address:** \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

**WATER:**

**Size of existing water main:** \_\_\_\_\_ (adequate/inadequate)

**Distance from property to nearest main:** \_\_\_\_\_ **Size of line required, if inadequate:** \_\_\_\_\_

\_\_\_\_\_

**SEWER:**

**Outfall Servicing Project:** \_\_\_\_\_

**Is sewer adjacent to property:** Yes \_\_\_\_ No \_\_\_\_ **If no, distance to nearest line:** \_\_\_\_\_

**Water Treatment Facility:** \_\_\_\_\_ **adequate** \_\_\_\_ **inadequate** \_\_\_\_

**Sewage Capacity:** \_\_\_\_\_ (MGPD) **Current Flow:** \_\_\_\_\_ (MGPD)

**COMMENTS:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Signature:** \_\_\_\_\_

8/15/2023

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

General Comments:

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

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

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

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

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

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

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

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

## DeKalb County Board of Health

404.508.7900 • [www.dekalbhealth.net](http://www.dekalbhealth.net)

8/15/2023

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N4-2023-0874

15-158-02-005, 15-158-02-006, 15-158-02-007, 15-158-02-051, 15-158-02-008  
& 15-158-02-009

4127,4139,4147,4149,4163 & 4173 Maplewood Drive, Decatur, GA 30035

☐ Amendment

- Please review general comments.
- Septic installed at 4163 Maplewood Drive on 2/20/2010
- Septic installed at 4173 Maplewood Drive on 09/16/1969 and repairs on 09/16/1969
- Septic installed at 4147 Maplewood Drive on 04/21/1989

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N5-2023-0875

SLUP-23-1246545 18-283-04-001, 18-266-05-014

3003 Chamblee-Tucker Road & 2936 Mercer University Drive, Chamblee, GA 30341

☐ Amendment

- Please review general comments.
- Surrounding area on septic 2889,2898 and 3154. Please note we have no record. Property may be on septic.

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N6-2023-0876

SLUP-23-1246546 16-126-02-068

1480 South Deshon Road, Lithonia, GA 30058

☐ Amendment

- Please review general comments.
- Surrounding area indicated to have septic installed: 1450, 1451, 1388, 1500.

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N7-2023-0877

CZ-23-1246550 16-102-01-001

6290 Saylor Park, Lithonia, GA 30058

☐ Amendment

- Please review general comments.

### **Zoning Comments September 2023**

**N1: 3137 Weslock Circle -**  
No Comments.

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**N2 & N3: 7566 Union Grove Road –**  
No Comments.

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**N4: 4127, 4139, 4147, 4149, 4163 & 4173 Maplewood Drive –**  
Maplewood Drive is classified as a collector.

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**N5: 3401 Rainbow Drive –**  
Mercer University Drive is classified as minor arterials and a collector. Requires a right of way dedication of 40 feet from centerline OR such that all public infrastructure is within right of way, whichever greater. Requires a 5 foot landscape strip with 6 foot sidewalk with 4 foot bike lanes OR (preferred) 10 foot multiuse path. Street Lighting required. ([hefowler@dekalbcountyga.gov](mailto:hefowler@dekalbcountyga.gov)) No poles may remain within the limits of the path/sidewalk. (See Zoning Code 5.4.3 and Land Development Code 14-190 for infrastructure requirements.) Ensure there is pedestrian connectivity between the proposed development and the public sidewalk infrastructure. Ensure that the access points meet the minimum sight distance standards per AASHTO. Note required confirming sight distance on plans at Land Disturbance Permit phase.

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**N6: 1480 South Deshon Road –**  
No Comments.

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**N7: 6290 Sayler Park –**  
No Comments.

**DeKalb County School District  
Development Review Comments**

**Analysis Date:** 8/2/2023

**Submitted to:** DeKalb County

**Case #:** Z-23-1246544

**Parcel #:** 15-158-02-005/-006/-007/-051/-008/-009

**Name of Development:** Maplewood Drive, 4127-4173

**Location:** South side of maplewood drive, west of Wesley Chapel Rd.

**Description:** 33 single family house proposed for 6 mostly vacant lots

**Impact of Development:** When fully constructed, this development would be expected to generate 14 students: 4 at Canby Lane Elementary School, 2 at Bethune Middle School, 3 at Towers High School, 5 at other DCSD schools, and 0 at private school. All three neighborhood schools have capacity for additional students.

<b>Current Condition of Schools</b>	<b>Canby Lane Elementary School</b>	<b>Bethune Middle School</b>	<b>Towers High School</b>	<b>Other DCSD Schools</b>	<b>Private Schools</b>	<b>Total</b>
Capacity	648	1,290	1,302			
Portables	0	0	0			
Enrollment (Oct. 2022)	451	704	757			
Seats Available	197	586	545			
Utilization (%)	69.6%	54.6%	58.1%			

<b>New students from development</b>	4	2	3	5	0	14
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New Enrollment	455	706	760
New Seats Available	193	584	542
New Utilization	70.2%	54.7%	58.4%

<b>Yield Rates</b>	<b>Attend Home School</b>	<b>Attend other DCSD School</b>	<b>Private School</b>	<b>Total</b>
Elementary	0.1075	0.0633	0.0028	0.1736
Middle	0.0606	0.0360	0.0016	0.0981
High	0.0956	0.0433	0.0062	0.1451
<b>Total</b>	<b>0.2637</b>	<b>0.1425</b>	<b>0.0106</b>	<b>0.4168</b>
<b>Student Calculations</b>				
<b>Proposed Units</b>	33			
<b>Unit Type</b>	SF			
<b>Cluster</b>	Towers High School			
<b>Units x Yield</b>	<b>Attend Home School</b>	<b>Attend other DCSD School</b>	<b>Private School</b>	<b>Total</b>
Elementary	3.55	2.09	0.09	5.73
Middle	2.00	1.19	0.05	3.24
High	3.15	1.43	0.20	4.78
<b>Total</b>	<b>8.70</b>	<b>4.71</b>	<b>0.34</b>	<b>13.75</b>
<b>Anticipated Students</b>	<b>Attend Home School</b>	<b>Attend other DCSD School</b>	<b>Private School</b>	<b>Total</b>
Canby Lane Elementary School	4	2	0	6
Bethune Middle School	2	1	0	3
Towers High School	3	2	0	5
<b>Total</b>	<b>9</b>	<b>5</b>	<b>0</b>	<b>14</b>



**DEKALB COUNTY GOVERNMENT  
PLANNING DEPARTMENT  
DISTRIBUTION FORM**

**NOTE: PLEASE RETURN ALL COMMENTS VIA EMAIL TO EXPEDITE THE PROCESS TO JOHN REID [jreid@dekalbcountyga.gov](mailto:jreid@dekalbcountyga.gov) AND/OR LASONDRA HILL [lahill@dekalbcountyga.gov](mailto:lahill@dekalbcountyga.gov)**

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

**DEVELOPMENT ANALYSIS:**

- **Transportation/Access/Row**

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- **Storm Water Management**

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- **Flood Hazard Area/Wetlands**

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- **Landscaping/Tree Preservation**

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- **Tributary Buffer**

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**COMMENTS FORM:**

**PUBLIC WORKS TRAFFIC ENGINEERING**

Case No.: 7-23-1246544 Parcel I.D. #: 15-158 02-005-009  
4127, 4139, 4147, 4149, 4149, 4163, 4173 Maplewood Drive Decatur, Ga. 30035  
Decatur, Georgia 30035

Adjacent Roadway (s):

_____	_____
(classification)	(classification)

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

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

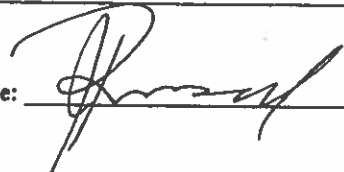
Please provide additional information relating to the following statement.

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

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

**COMMENTS:**

<u>Didn't see any traffic engineering concerns at this time.</u>

Signature: 

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: \_\_\_\_\_

Applicant E-Mail Address: \_\_\_\_\_

Applicant Mailing Address: \_\_\_\_\_

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Applicant Daytime Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

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Owner Name: \_\_\_\_\_

If more than one owner, attach list of owners.

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

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

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Address of Subject Property: \_\_\_\_\_

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Parcel ID#: \_\_\_\_\_

Acreage: \_\_\_\_\_ Commission District: \_\_\_\_\_

Present Zoning District(s): \_\_\_\_\_

Proposed Zoning District: \_\_\_\_\_

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

Proposed Land Use Designation (if applicable): \_\_\_\_\_



Chief Executive Officer  
Michael Thurmond

## DEPARTMENT OF PLANNING & SUSTAINABILITY

Interim Director  
Cedric Hudson

### REZONING APPLICATION CHECKLIST

Email one (1) copy of your application as one (1) PDF file to Planner. Submit application through our online portal

[www.epermits.dekalbcountyga.gov](http://www.epermits.dekalbcountyga.gov)

**You MUST email us that you've submitted the application online. For questions, email: [plansustain@dekalbcountyga.gov](mailto:plansustain@dekalbcountyga.gov)**

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 email [lahill@dekalbcountyga.gov](mailto:lahill@dekalbcountyga.gov) 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** (Email to planner and submit [onlinepermits.dekalbcountyga.gov](http://onlinepermits.dekalbcountyga.gov) 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
    - e. 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. **Written Legal Description** of metes and bounds of the subject property (can be printed on site plan or survey).
  - I. **Building Form Information**. Elevation (line drawing or rendering), or details of proposed materials, in compliance with Article 5 of the Zoning Ordinance.
  - J. **Completed, signed Pre-application Form** (Provided at pre-application meeting.)

**INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED**



## Battle Law

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

### Zoom Instructions:

Go to <https://battlelawpc.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) 931-3860. 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  
Mark Schwabacher at:  
Phone: 404-601-7616 ext. 8  
Email: [mas@battlelawpc.com](mailto:mas@battlelawpc.com)

## COMMUNITY MEETING TO DISCUSS AN APPLICATION FOR A DEVELOPMENT OF SINGLE- FAMILY DETACHED HOMES

**Project Title: Maplewood Drive**

**When: June 28, 2023**

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

**Register in advance for this meeting:**

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

**Meeting ID: 881 0713 7635**

**Password: 360998**

### PROPOSED LOCATION(S):

4173, 4163, 4149, 4147, 4139, and 4127

Maplewood Drive, Decatur, GA

4127-4173 Maplewood Dr  
HERRING BENJAMIN  
4126 MAPLEWOOD DR  
DECATUR GA 30035

4127-4173 Maplewood Dr  
NICOLE BARNETT  
2040 MAPLEWOOD TRL  
DECATUR GA 30035

4127-4173 Maplewood Dr  
RUDOLPH DOROTHY  
4113 MAPLEWOOD DR  
DECATUR GA 30035

4127-4173 Maplewood Dr  
MAPLEWOOD MAREIS LLC  
1935 SUMTER ST  
ATLANTA GA 30318

4127-4173 Maplewood Dr  
SMITH BASIL A M  
502 WYNBROOKE PKWY  
STONE MOUNTAIN GA 30087

4127-4173 Maplewood Dr  
NELSON NORRIS M  
2032 MAPLEWOOD TRL  
DECATUR GA 30035

4127-4173 Maplewood Dr  
SEGERS KRISTI N  
2001 MAPLEWOOD TRL  
DECATUR GA 30035

4127-4173 Maplewood Dr  
RAY WILLIAM III  
2367 NEWGATE DR  
DECATUR GA 30035

4127-4173 Maplewood Dr  
HOLMES JAMES H  
2380 NEWGATE DR  
DECATUR GA 30035

4127-4173 Maplewood Dr  
JACKSON HELEN M  
2336 NEWGATE DR  
DECATUR GA 30035

4127-4173 Maplewood Dr  
2017 2 IH BORROWER LP  
1717 MAIN ST STE 2000  
DALLAS TX 75201

4127-4173 Maplewood Dr  
BRYANT-HUGHES PATRICIA E  
2048 MAPLEWOOD TRL  
DECATUR GA 30035

4127-4173 Maplewood Dr  
HARRIS GINA MARIE  
2053 MAPLEWOOD WAY  
DECATUR GA 30035

4127-4173 Maplewood Dr  
COOK JOSEPH LEE  
4091 MAPLEWOOD DR  
DECATUR GA 30035

4127-4173 Maplewood Dr  
MILLER DAMON  
2355 NEWGATE DR  
DECATUR GA 30035

4127-4173 Maplewood Dr  
BEECHAM GLENDA  
2313 NEWGATE DR  
DECATUR GA 30035

4127-4173 Maplewood Dr  
BROWN JESTINA R  
133 JOHN GLENN DR  
RINCON GA 31326

4127-4173 Maplewood Dr  
WHITE EUGENIA  
1495 GOLF LINK DR  
STONE MOUNTAIN GA 30088

4127-4173 Maplewood Dr  
CAMPBELL CIDEL  
2269 LESLIE BROOK DR  
DECATUR GA 30035

4127-4173 Maplewood Dr  
GRAHAM LEONARD  
2018 MAPLEWOOD TRL  
DECATUR GA 30035

4127-4173 Maplewood Dr  
CAMPBELL NATALIA NIKOLAEVNA  
2029 MAPLEWOOD WAY  
DECATUR GA 30035

4127-4173 Maplewood Dr  
STEPHENS SHERYL R  
2325 NEWGATE DR  
DECATUR GA 30035

4127-4173 Maplewood Dr  
MATTISON RASHAD DESHAWN  
2337 NEWGATE DR  
DECATUR GA 30035

4127-4173 Maplewood Dr  
CHIH CHAN I LLC  
1132 124TH CT NE  
BELLEVUE WA 98005

4127-4173 Maplewood Dr  
MITCHELL BERTHA  
PO BOX 140  
AVONDALE ESTATES GA 30002

4127-4173 Maplewood Dr  
LITTLE BARBARA B  
2354 NEWGATE DR  
DECATUR GA 30035

4127-4173 Maplewood Dr  
RICHARDSON KHADIJA  
2342 NEWGATE DR  
DECATUR GA 30035

4127-4173 Maplewood Dr  
COMMERSE DEANNA M  
1964 MAPLEWOOD TRL  
DECATUR GA 30035

4127-4173 Maplewood Dr  
WILLIAMS JOYCE BRYANT  
1971 MAPLEWOOD TRL  
DECATUR GA 30035

4127-4173 Maplewood Dr  
DEMIDENKO EKATERINA  
2046 MAPLEWOOD WAY  
DECATUR GA 30035

4127-4173 Maplewood Dr  
DUGGINS CIARA E  
5003 DENMEADE DR NE  
ATLANTA GA 30345

4127-4173 Maplewood Dr  
MITCHELL WARREN JR  
4109 MAPLEWOOD DR  
DECATUR GA 30035

4127-4173 Maplewood Dr  
MCONALD TRICIA NATALIE  
2239 LESLIE BROOK DR  
DECATUR GA 30035

4127-4173 Maplewood Dr  
STAR 2021 SFR1 BORROWER LP  
591 W PUTNAM AVE  
GREENWICH CT 6830

4127-4173 Maplewood Dr  
AMERICAN EQUITY FINANCIAL LLC  
333 SANDY SPRINGS CIR NE STE 226  
ATLANTA GA 30328

4127-4173 Maplewood Dr  
ANDERSON VIRGINIA ANN  
2294 NEWGATE DR  
DECATUR GA 30035

4127-4173 Maplewood Dr  
SMITH HENRIETTA  
2300 NEWGATE DR  
DECATUR GA 30035

4127-4173 Maplewood Dr  
PARTNERS TRUST  
4426 HUGH HOWELL RD STE 200  
TUCKER GA 30084

4127-4173 Maplewood Dr  
EDWARDS DONNY  
1977 MAPLEWOOD TRL  
DECATUR GA 30035

4127-4173 Maplewood Dr  
WRPV XIV SFR OWNER I LLC  
401 E JACKSON ST  
TAMPA FL 33602

4127-4173 Maplewood Dr  
GROSS GREGORY  
2038 MAPLEWOOD WAY  
DECATUR GA 30035

4127-4173 Maplewood Dr  
MORAN DANIEL ARMANDO  
4105 MAPLEWOOD DR  
DECATUR GA 30035

4127-4173 Maplewood Dr  
HORNE J B JR  
1155 E 229TH ST DR S APT 1-B  
BRONX NY 10466

4127-4173 Maplewood Dr  
VANN JOHN R  
2830 WILKINSON MILL CT  
MARIETTA GA 30068

4127-4173 Maplewood Dr  
PETERSON HORACE  
2379 NEWGATE DR  
DECATUR GA 30035

4127-4173 Maplewood Dr  
HAYES BEVERLY A  
2245 LESLIE BROOK DR  
DECATUR GA 30035

4127-4173 Maplewood Dr  
GAITHER MARY JO  
2251 LESLIE BROOK DR  
DECATUR GA 30035

4127-4173 Maplewood Dr  
DURANT LEAVEAN B  
2306 NEWGATE DR  
DECATUR GA 30035

4127-4173 Maplewood Dr  
KINGWOOD GWENDOLYN  
2312 NEWGATE DR  
DECATUR GA 30035

4127-4173 Maplewood Dr  
HOLLOWAY FLORA  
2024 MAPLEWOOD TRL  
DECATUR GA 30035

4127-4173 Maplewood Dr  
LOUIS ERIN M  
2012 MAPLEWOOD TRL  
DECATUR GA 30035

4127-4173 Maplewood Dr  
GADSON DESHAUN JOHNIKE  
2037 MAPLEWOOD WAY  
DECATUR GA 30035

4127-4173 Maplewood Dr  
WARD COURTNEY  
2021 MAPLEWOOD WAY  
DECATUR GA 30035

4127-4173 Maplewood Dr  
VERDREE MAXINE YVONNE  
3438 STARDUST CIR  
DECATUR GA 30034

4127-4173 Maplewood Dr  
STERLIN FARAH  
2343 NEWGATE DR  
DECATUR GA 30035

4127-4173 Maplewood Dr  
WOLFE ASHLUN  
2301 NEWGATE DR  
DECATUR GA 30035

4127-4173 Maplewood Dr  
MCINTOSH ZACHARY  
2360 NEWGATE DR  
DECATUR GA 30035

4127-4173 Maplewood Dr  
RICHARDSON ROBIN  
2348 NEWGATE DR  
DECATUR GA 30035

4127-4173 Maplewood Dr  
BARRON DESHANNEN  
2213 LESLIE BROOK DR  
DECATUR GA 30035

4127-4173 Maplewood Dr  
DALEY JOSHUA  
4090 MAPLEWOOD DR  
DECATUR GA 30035

4127-4173 Maplewood Dr  
USURY STACY  
2027 MAPLEWOOD TRL  
DECATUR GA 30035

4127-4173 Maplewood Dr  
JONES NICOLE  
2045 MAPLEWOOD WAY  
DECATUR GA 30035

4127-4173 Maplewood Dr  
THOMAS MERRICK  
2349 NEWGATE DR  
DECATUR GA 30035

4127-4173 Maplewood Dr  
GIBSON KIM  
2361 NEWGATE DR  
DECATUR GA 30035

4127-4173 Maplewood Dr  
PARSON YULANDA  
1951 W 82ND ST  
LOS ANGELES CA 90047

4127-4173 Maplewood Dr  
KPM HOLDINGS LLC  
2517 MELLVILLE AVE  
DECATUR GA 30032

4127-4173 Maplewood Dr  
WILFORD THOMAS  
2227 LESLIE BROOK DR  
DECATUR GA 30035

4127-4173 Maplewood Dr  
HAWKINS NANCY J  
2275 LESLIE BROOK DR  
DECATUR GA 30035

4127-4173 Maplewood Dr  
LAWRENCE DARLENE  
4181 MAPLEWOOD DR  
DECATUR GA 30035

4127-4173 Maplewood Dr  
DAY RHONDA S  
4189 MAPLEWOOD DR  
DECATUR GA 30035

4127-4173 Maplewood Dr  
BROWN LINDA D  
2385 NEWGATE DR  
DECATUR GA 30035

4127-4173 Maplewood Dr  
LAWRENCE DARLENE  
4183 MAPLEWOOD DR  
DECATUR GA 30035

4127-4173 Maplewood Dr  
WOOD KARL  
4182 MAPLEWOOD DR  
DECATUR GA 30035

4127-4173 Maplewood Dr  
MIDDLEBROOKS JODIE  
334 HUNTER ST  
NORCROSS GA 30071

4127-4173 Maplewood Dr  
WHITNEY BRIGHAM PHILLIP  
2022 MAPLEWOOD WAY  
DECATUR GA 30035

4127-4173 Maplewood Dr  
BAF ASSETS LLC  
5001 PLAZA ON THE LAKE STE 200  
AUSTIN TX 78746

4127-4173 Maplewood Dr  
ECKER DUSTIN  
2013 MAPLEWOOD WAY  
DECATUR GA 30035

4127-4173 Maplewood Dr  
JOHNSON TERRELL E  
4137 KINGS CSWY  
ELLENWOOD GA 30294

4127-4173 Maplewood Dr  
ANDERSON MARY CHAMBERS  
4188 MAPLEWOOD DR  
DECATUR GA 30035

4127-4173 Maplewood Dr  
JONES PATRICIA A  
2397 NEWGATE DR  
DECATUR GA 30035

4127-4173 Maplewood Dr  
PITTS ANTHONY K  
2392 NEWGATE DR  
DECATUR GA 30035

4127-4173 Maplewood Dr  
HARRIS SYLVESTER G  
2287 LESLIE BROOK DR  
DECATUR GA 30035

4127-4173 Maplewood Dr  
POWELL TAKISHA JOYCE  
2014 MAPLEWOOD WAY  
DECATUR GA 30035

4127-4173 Maplewood Dr  
FYR SFR BORROWER LLC  
3505 KOGER BLVD STE 400  
DULUTH GA 30096

4127-4173 Maplewood Dr  
ELITE MANAGEMENT PROFESSIONALS LLC  
PO BOX 12226  
ATLANTA GA 30355

4127-4173 Maplewood Dr  
STORY PROPERTY INVESTMENTS LLC  
PO BOX 2332  
BEAUFORT SC 29901

4127-4173 Maplewood Dr  
FRANDSEN BENJAMIN N  
2403 NEWGATE DR  
DECATUR GA 30035

4127-4173 Maplewood Dr  
GILO INVESTMENTS LLC  
2789 AVINGTON LN SE  
SMYRNA GA 30080

4127-4173 Maplewood Dr  
BRITT ROBERT M  
4236 MAPLEWOOD DR  
DECATUR GA 30035

4127-4173 Maplewood Dr  
HARRINGTON LUCI  
2409 NEWGATE DR  
DECATUR GA 30035

4127-4173 Maplewood Dr  
BAKER FLORIE S  
2410 NEWGATE DR  
DECATUR GA 30035

4127-4173 Maplewood Dr  
KILPATRICK CORA E  
2404 NEWGATE DR  
DECATUR GA 30035

4127-4173 Maplewood Dr  
AUTREY THOMASINA MARIE  
2373 WOODCREEK CT  
TUCKER GA 30084

4127-4173 Maplewood Dr  
BURKS SHARON  
2307 LESLIE BROOK DR  
DECATUR GA 30035

4127-4173 Maplewood Dr  
RUCKER DIANA F  
2415 NEWGATE DR  
DECATUR GA 30035

4127-4173 Maplewood Dr  
SMITH ADRIENNE R  
4207 MAPLEWOOD DR  
DECATUR GA 30035

4127-4173 Maplewood Dr  
LAMAR REBECCA S  
2421 NEWGATE DR  
DECATUR GA 30035

4127-4173 Maplewood Dr  
RAHMAN NISA  
380 CHANDLER CT  
BUFORD GA 30518

4127-4173 Maplewood Dr  
PEDRO DANIEL ESCALANTE  
4208 MAPLEWOOD DR  
DECATUR GA 30035

4127-4173 Maplewood Dr  
GRETZKY GA LLC  
853 BROADWAY FLOOR 5  
NEW YORK NY 10003

## Notice of Community Meeting

Mark Schwabacher <MAS@battlelawpc.com>

Mon 6/12/2023 9:57 AM

Cc:Michele Battle <mlb@battlelawpc.com>;Josh Mahoney <jsm@battlelawpc.com>  
 Bcc:adrianez.reece@gmail.com <adrianez.reece@gmail.com>;albertajordan@bellsouth.net  
 <albertajordan@bellsouth.net>;barnesve@yahoo.com <barnesve@yahoo.com>;bcp2@gmail.com  
 <bcp2@gmail.com>;berryelfreda227@gmail.com <berryelfreda227@gmail.com>;bethbond@bellsouth.net  
 <bethbond@bellsouth.net>;bjavnt@gmail.com <bjavnt@gmail.com>;carolyn.jones818@yahoo.com  
 <carolyn.jones818@yahoo.com>;christinedennis@bellsouth.net  
 <christinedennis@bellsouth.net>;christinedennis@bellsouth.net <christinedennis@bellsouth.net>;csanders@eastmetrocid.com  
 <csanders@eastmetrocid.com>;dbonino1@aol.com <dbonino1@aol.com>;dlocks1019@aol.com  
 <dlocks1019@aol.com>;edsan@bellsouth.net <edsan@bellsouth.net>;elitedesignsatl@yahoo.com  
 <elitedesignsatl@yahoo.com>;ericastewart2009@gmail.com <ericastewart2009@gmail.com>;ericwschwartz@gmail.com  
 <ericwschwartz@gmail.com>;frank@golleyrealty.com <frank@golleyrealty.com>;hjpreston23@gmail.com  
 <hjpreston23@gmail.com>;info@greshamhills.org <info@greshamhills.org>;jacquelynbuiebrown@gmail.com  
 <jacquelynbuiebrown@gmail.com>;jgross@stickybusiness.net <jgross@stickybusiness.net>;jgross@stickybusiness.net  
 <jgross@stickybusiness.net>;k1776usa@yahoo.com <k1776usa@yahoo.com>;linn.jeff@gmail.com  
 <linn.jeff@gmail.com>;mfunk64@att.net <mfunk64@att.net>;mkirkwood73@outlook.com  
 <mkirkwood73@outlook.com>;naacpdek@comcast.net <naacpdek@comcast.net>;nahwash4ms@aol.com  
 <nahwash4ms@aol.com>;NettieJackson@me.com <NettieJackson@me.com>;norfley@yahoo.com  
 <norfley@yahoo.com>;parkviewcivicclub@gmail.com <parkviewcivicclub@gmail.com>;pat.lawrencecraig@gmail.com  
 <pat.lawrencecraig@gmail.com>;Pdk-powell@comcast.net <Pdk-powell@comcast.net>;phthompson3@msn.com  
 <phthompson3@msn.com>;ppculp@att.net <ppculp@att.net>;president@naacpdekalb.org  
 <president@naacpdekalb.org>;rbarrow@comcast.net <rbarrow@comcast.net>;regeniariobertsone@gmail.com  
 <regeniariobertsone@gmail.com>;rigel.cable@gmail.com <rigel.cable@gmail.com>;robark@allsouthwarehouse.com  
 <robark@allsouthwarehouse.com>;robark@allsouthwarehouse.com  
 <robark@allsouthwarehouse.com>;samandbettysmith@bellsouth.net  
 <samandbettysmith@bellsouth.net>;sbhouston@bellsouth.net <sbhouston@bellsouth.net>;sls1289@gmail.com  
 <sls1289@gmail.com>;tolip209@gmail.com <tolip209@gmail.com>;tommyt4dekalb@gmail.com  
 <tommyt4dekalb@gmail.com>;wazulamor@aol.com <wazulamor@aol.com>;wmtoliver7@gmail.com  
 <wmtoliver7@gmail.com>

Hello members of DeKalb Community Council District 3 and District 3 Neighborhood Registry,

I am writing to provide notice of a public community meeting. On Wednesday, June 28<sup>th</sup> at 6pm, we will be hosting a community meeting to discuss an application for a residential development planned for 4127-4173 Maplewood Drive. The meeting will be held via Zoom, with the details below:

Topic: Maplewood Drive - Community Meeting

Time: Jun 28, 2023 06:00 PM Eastern Time (US and Canada)

Join Zoom Meeting

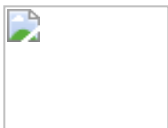
<https://battlelawpc.zoom.us/j/88107137635?pwd=Tzdmcm25mbWZQT2FuUjVIV2YydytVZz09>

Meeting ID: 881 0713 7635

Passcode: 360998

Dial In: +1 646 931 3860 US

Thank you,



**Mark Schwabacher.**

(he/him/his)

Legal Intern

### Community Meeting 6/28/23 Sign-In Sheet

Name (Original Name)	User Email	Total Duration (Minutes)	Guest
Josh Mahoney	jsm@battlelawpc.com	67	No
Darlene Lawrence		33	Yes
Courtney Ward		59	Yes
Wayne Powell		58	Yes
Mark Schwabacher	mas@battlelawpc.com	54	No
Alex C		52	Yes
Gina Harris		47	Yes
Galaxy S20 5G1		48	Yes
Alice at 4202 (88107137635)		25	Yes
Ekaterina Demidenko		22	Yes
Maxine Verdree		16	Yes





# Battle Law

## **STATEMENT OF INTENT**

and

Other Material Required by the  
DeKalb County Zoning Ordinance  
For  
A Rezoning from R-75 to  
RSM

of

**MAPLEWOOD MAREIS LLC**  
**c/o Battle Law, P.C.**

for

**+/- 8.40 Acres of Land**  
Being 4127, 4139, 4147, 4149, 4163, 4173 Maplewood Drive  
Decatur, Georgia

Submitted for Applicant by:

Michèle L. Battle, Esq.  
Battle Law, P.C.  
3562 Habersham at Northlake, Building J, Suite 100  
Tucker, Georgia 30084  
(404) 601-7616 Phone  
(404) 745-0045 Facsimile  
[mlb@battlelawpc.com](mailto:mlb@battlelawpc.com)



# Battle Law

## **I. LETTER OF INTENT**

Maplewood Mareis, LLC (the “Applicant”) is proposing a development of thirty-three (33) for-sale, single-family detached homes on +/- 8.4 acres of land being 4127, 4139, 4147, 4149, 4163, and 4173 Maplewood Drive (the “Subject Property”). The Subject Property is currently zoned R-75 with a land use designation of suburban (SUB). The Applicant is seeking a rezoning of the Subject Property to RSM to develop at 4 units per acre.

This document serves as an Impact Analysis under Section 7.3.5 of the zoning ordinance and contains notice of constitutional allegations as a reservation of the Applicant’s rights.

## **II. IMPACT ANALYSIS**

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

The Suburban future land use classification has a goal of providing market rate single-family housing to support regional housing needs. Rezoning the Subject Property to RSM is consistent with that goal because it would allow for market rate single family detached housing without introducing extraneous uses to the area. The area immediately adjacent to the Subject Property was studied in the 2011 Wesley Chapel LCI Redevelopment Plan. The LCI plan envisions areas of single-family homes along and behind Wesley Chapel Road to provide a gentle transition from commercial to residential spaces.

In addition, these parcels are less than a mile from the I-20 and Wesley Chapel Road Town Center area outlined in the Comprehensive Plan. The Town Center area has a goal of being a focal point for surrounding neighborhoods. Building homes in an RSM zone so close to a Town Center area adds to the intent of a Town Center because it can help bring additional economic activity to that area.

### **B. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties;**

Rezoning the Subject Property will permit a site plan that is similar in character, use, and density to other developments of single-family detached homes on the same street. The proposed site plan will create a four-way intersection with the Maplewood Farms subdivision directly across Maplewood Drive. The single-family detached homes on the site plan are also similar in proposed design and density to the Maplewood Flats subdivision, also on Maplewood Drive. There is an area of RSM zoning already on Maplewood Drive, which hosts a group of single-family homes. Finally, the proposed development will include an HOA to help ensure that the new development is maintained at a level that is suitable for the broader community.

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



## Battle Law

The Subject Property does not have a reasonable economic use as currently zoned. The unusual depth of the six parcels results in the lots being significantly larger than other lots within the area. With current land and development costs, along with rising interest rates, building homes to meet R-75 requirements would result in a housing product that would significantly exceed current area home values resulting in gentrification.

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

The zoning proposal will not adversely affect nearby properties. All adjacent properties are also developments of detached single-family homes, including two subdivisions of similar density. Additionally, the Applicant proposes a twenty (20) foot green buffer around the entirety of the property, in addition to the required setbacks and rear yards, that will effectively screen the new development from the existing developments.

The Application will also complement nearby properties by increasing the diversity of housing options. Developing the Subject Property at RSM will introduce new housing to the area at price levels that reinforce area property values without applying undue pressure on pricing.

### **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 additional existing or changing conditions to provide grounds for either approval or disapproval of the zoning proposal.

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

The Applicant is not aware of any historic buildings, sites, districts, or archaeological resources in the proposed project area.

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

The zoning proposal will slightly increase traffic by adding thirty-three (33) homes to Maplewood Drive, however this increase in traffic will not be unusual, excessive or burdensome on existing streets, facilities, utilities, or schools.

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

The Applicant proposes to address the adverse environmental impacts inherent in construction by meeting all state and local open space and impervious surface requirements, as well as including an adequate stormwater management area.



## Battle Law

### **III. CONCLUSION**

For the foregoing reasons, the Applicant hereby requests that the application for a rezoning 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 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.



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A refusal to allow the 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 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

**DISCLOSURE OF CAMPAIGN CONTRIBUTION**

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

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

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

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

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

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

\_\_\_\_\_  
Notary



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

Check one: Owner ✓ Agent \_\_\_\_\_

\_\_\_\_\_  
Expiration Date/ Seal

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

DEPARTMENT OF PLANNING & SUSTAINABILITY

AUTHORIZATION

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

Date: 6/26/2023

TO WHOM IT MAY CONCERN:

(I), (WE) Alex Ciuca, Member of MAREIS LLC / Maplewood Mareis LLC  
Name of owners(s) (If more than one owner, attach a separate sheet)

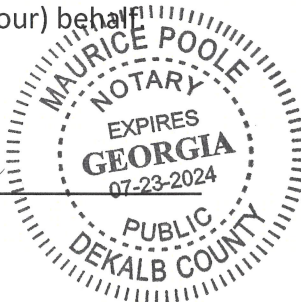
Being (owner) (owners) of the subject property described below or attached hereby delegate authority to:

**Battle Law P.C.**

\_\_\_\_\_  
Name of Agent or Representative

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

Maurice Pool  
Notary Public



Alex Ciuca  
Owner

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

\_\_\_\_\_  
Owner

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

\_\_\_\_\_  
Owner

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

\_\_\_\_\_  
Owner

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

\_\_\_\_\_  
Owner





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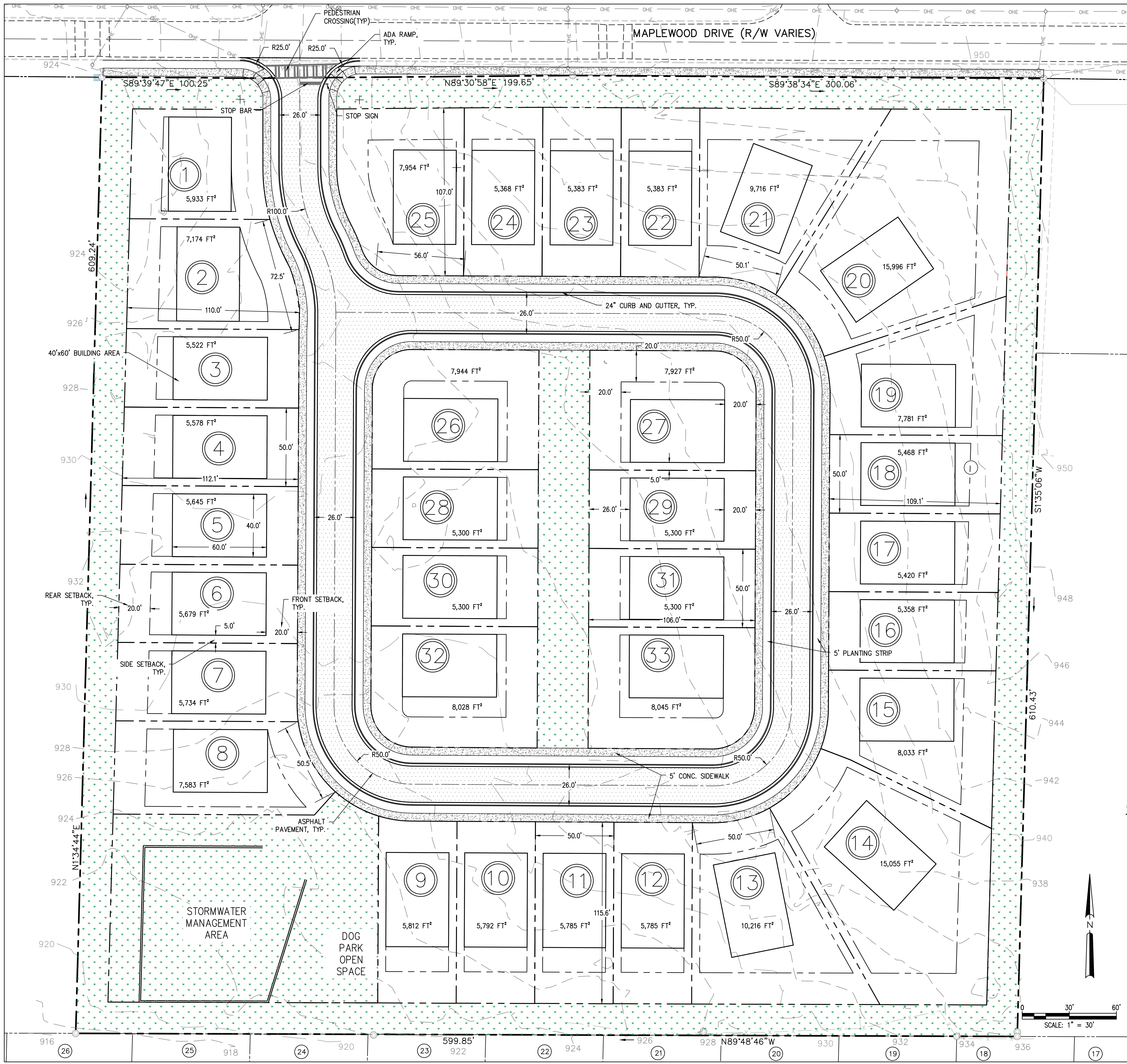




EXHIBIT "A"

LEGAL DESCRIPTION

ALL THAT TRACT or parcel of land lying and being in Land Lot 158 of the 15th District, DeKalb County, Georgia, and being 8.402 acres per that certain Survey for Briarcliff Residential Group, LLC, The Peachtree Bank and First American Title Insurance Company prepared by LAI Engineering, Michael G. High, Georgia RLS #2986, dated 05/08/07, and being more particularly described as follows: To find the point of Beginning commence at the intersection of the westerly right of way of Wesley Chapel Road (100 foot right of way) with the southerly right of way of Maplewood Drive (50 foot right of way); proceed thence from said intersection along the southerly right of way of Maplewood Drive in a westerly direction 1400.0 feet to a five eighths inch rebar set and the POINT OF BEGINNING; and from said POINT OF BEGINNING and leaving said right of way and proceed south 01°34'25" west 610.16 feet to a point located on the northern boundary of Leslie Estates Subdivision, Unit III, as per plat recorded in Plat Book 75, Page 53, DeKalb County Records; proceed thence along said boundary north 89°49'08" west 600.0 feet to a five eighths inch rebar set; thence leaving said northern boundary and proceed north 01°36'07" east 609.24 feet to a three-quarter inch rebar found on the southerly right of way of Maplewood Drive; proceed thence along said right of way the following courses and distances: south 89°41'36" east 99.58 feet to a one-half inch rebar found; north 89°28'33" east 199.65 feet to a one-half inch rebar found; thence south 89°34'05" east 300.51 feet to the POINT OF BEGINNING.















Chief Executive Officer  
Michael Thurmond

## DEPARTMENT OF PLANNING & SUSTAINABILITY

Interim Director  
Cedric Hudson

### 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: \_\_\_\_\_ Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Property Address: \_\_\_\_\_

Tax Parcel ID: \_\_\_\_\_ Comm. District(s): \_\_\_\_\_ Acreage: \_\_\_\_\_

Existing Use: \_\_\_\_\_ Proposed Use: \_\_\_\_\_

Supplemental Regs: \_\_\_\_\_ Overlay District: \_\_\_\_\_ DRI: \_\_\_\_\_

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

Existing Zoning: \_\_\_\_\_ Proposed Zoning: \_\_\_\_\_ Square Footage/Number of Units: \_\_\_\_\_

Rezoning Request: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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

Existing Land Use: \_\_\_\_\_ Proposed Land Use: \_\_\_\_\_ Consistent \_\_\_\_\_ Inconsistent \_\_\_\_\_

**Special Land Use Permit:** Yes \_\_\_\_\_ No \_\_\_\_\_ Article Number(s) 27- \_\_\_\_\_

Special Land Use Request(s): \_\_\_\_\_

\_\_\_\_\_

#### Major Modification:

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

Condition(s) to be modified:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

## WHAT TO KNOW BEFORE YOU FILE YOUR APPLICATION

Pre-submittal Community Meeting: \_\_\_\_\_ Review Calendar Dates: \_\_\_\_\_ PC: \_\_\_\_\_ BOC: \_\_\_\_\_  
Letter of Intent: \_\_\_\_\_ Impact Analysis: \_\_\_\_\_ Owner Authorization(s): \_\_\_\_\_ Campaign Disclosure: \_\_\_\_\_  
Zoning Conditions: \_\_\_\_\_ Community Council Meeting: \_\_\_\_\_ Public Notice, Signs: \_\_\_\_\_  
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

### 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: \_\_\_\_\_

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

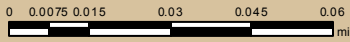
### FILING FEES

<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





# DeKalb County Parcel Map



Date Printed: 7/7/2023

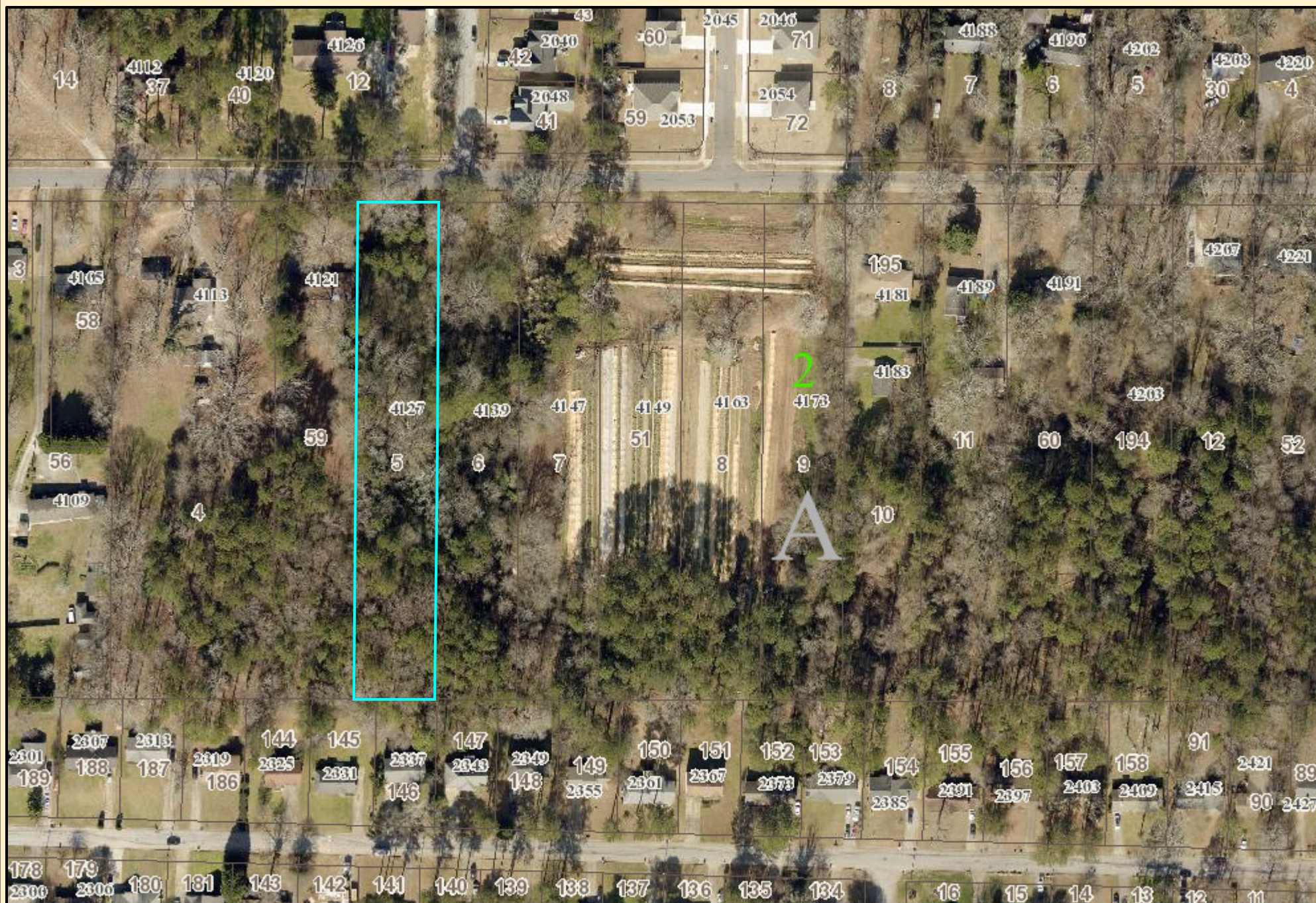


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# DeKalb County Parcel Map

0 0.0075 0.015 0.03 0.045 0.06  
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Date Printed: 7/7/2023



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