

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

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

Applicant Email Address: cag@battlelawpc.com

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

Applicant Phone Number: 678-424-0387

Owner Name: J. O. M. S, LLC

(If more than one owner, attach list of owners.)

Owner Email Address: _____

Owner Mailing Address: 3030 Labrouste Cove, Johns Creek, GA 30097

Owner Phone Number: _____

Subject Property Address: 3792 Memorial College Dr, Clarkston, GA 30021

Parcel ID Number(s): 18 067 02 032

Acreage: 0.66 Commission District(s): 4 Super District: 6

Existing Zoning District(s): MR-1 Proposed Zoning District(s): C1

Existing Land Use Designation(s): TC Proposed Land Use Designation(s): _____ (if applicable)

I hereby authorize the staff of the Planning and Sustainable Department to inspect the property that is the subject of this application.

Owner: _____ Agent: _____

Signature of Applicant: _____

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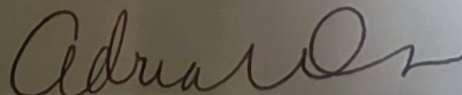
Proposed Zoning District(s): ~~OIT~~ C1

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Proposed Land Use Designation(s): _____ (if applicable)

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Owner: _____ Agent: _____



Signature of Applicant: _____

EcoSlay, LLC
Adria Marshall, Owner



A new project is proposed near you...

Please join Battle Law for a community meeting to discuss this project and what it means for the community. To register and to learn more information, please use the QR code below or go to Battlelawpc.com/projects.

If you would like the information emailed to you, please send an email to projects@battlelawpc.com.



IN CUSTODY OF THE BRD OF REGNT
3251 PANTHERSVILLE RD
DECATUR , GA 30021

RESPRESS TAWANA
3811 PARKLANE DR
CLARKSTON , GA 30021

WOLDEYESUS ABEBA
1999 CARTHAGE RD
TUCKER , GA 30021

BOARD OF REGENTS OF THE
270 WASHINGTON ST SW
ATLANTA , GA 30021

AM ATLANTA RENTALS LLC
4567 Rockbridge RD STE 1499
PINE LAKE , GA 30021

HABTOM MEDEHANE ESTIFANOS
4153 PINE VALLEY RD
TUCKER , GA 30021

DEKALB BOARD OF EDUCATION
1701 MOUNTAIN INDUSRIAL BLVD
STONE MOUNTAIN , GA 30021

PHILLIPS SAMANTHA
7305 Chattahoochee Bluff DR
ATLANTA , GA 30021

ADJAYE ALFRED
3800 PARKLANE DR
CLARKSTON , GA 30021

LAKES AT INDIAN CREEK PROPERTY OWNER LLC
21750 HARDY OAK BLVD # 104 28567
SAN ANTONIO , TX 30021

LLOYD MYRA
3817 PARKLANE DR
CLARKSTON , GA 30021

ASMEROM MICHAEL
5271 ENCHANTED CV
LILBURN , GA 30021

J O M S LLC
3030 LABRUSTE
JOHNS CREEK , GA 30021

ZAM ZAM HOMES LLC
3819 PARKLANE DR
CLARKSTON , GA 30021

RANI VASANTHA
2954 PINE ORCHARD DR
TUCKER , GA 30021

MAJESTIC LACARRE LLC
PO BOX 81612
CHAMBLEE , GA 30021

JOHNSON BARBARA J
3814 PARKLANE DR
CLARKSTON , GA 30021

HANSOM TESFIT T
4384 E MOUND ST
COLUMBUS , OH 30021

PARK LANE ASSOCIATES LTD
PO BOX 98309
ATLANTA , GA 30021

ZAM ZAM HOMES LLC
1978 WISTERIA PARK LN
LAWRENCEVILLE , GA 30021

ALEME ZEWDU T
3818 PARKLANE DR
CLARKSTON , GA 30021

ISSE BASHIR MOHAMOUD
3805 PARKLANE DR
CLARKSTON , GA 30021

DONGGI KIM
3810 PARKLANE DR
CLARKSTON , GA 30021

ABATE MANTE
1409 ROSEWOOD CREEK DR
MARIETTA , GA 30021

3807 PARKLANE LLC
3807 PARKLANE DR
CLARKSTON , GA 30021

BERHE MERAWI
234 KENVILLA DR
TUCKER , GA 30021

CLARK RUBEN S
3827 PARKLANE DR
CLARKSTON , GA 30021

DEMISSE TIGIST
P O BOX 2824
LILBURN , GA 30021

NGAI NGAI MA AYE CHAN
1167 DANTEL CT
STONE MOUNTAIN , GA 30021

JOHNSON JR CLE
2913 HARDING AVE
BRONX , NY 30021

WALKER LARRY
655 RIDGE WAY
LITHONIA , GA 30021

MELKAMU ALI
4422 DALLIS CT
STONE MOUNTAIN , GA 30021

TASEW ABEBA
4422 DALLIS CT
STONE MOUNTAIN , GA 30021

MOHAMMEDBRHAN TAHA BILAL
3837 PARKLANE DR
CLARKSTON , GA 30021

ASGEDOM TEWELDE
3839 PARKLANE DR
CLARKSTON , GA 30021

NURSE MARILYN
3820 BRIARCLIFF RD NE APT 1
ATLANTA , GA 30021

CORKER DAVID JOSHUA
3843 PARKLANE DR
CLARKSTON , GA 30021

MINOR JAMES
1925 PINEHURST VIEW DR
GRAYSON , GA 30021

ASGENODM TEWELDE ZEWELDI
3847 PARKLANE DR
CLARKSTON , GA 30021

HERNANDEZ ROBLERO ELVIA ROSALIA
3849 PARKLANE DR
CLARKSTON , GA 30021



Battle Law

STATEMENT OF INTENT

and

Other Material Required by the
DeKalb County Zoning Ordinance

For

A Rezoning from MR-1 to C-1 to Allow a
General Business Office and Commercial Greenhouse

of

EcoSlay, LLC
c/o Battle Law, P.C.

for

+/-0.66 Acres of Land
Being 3792 Memorial College Avenue
DeKalb County, Georgia and
Parcel No. 18 067 02 032

Submitted for Applicant by:

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



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I. LETTER OF INTENT

EcoSlay, LLC (the “Applicant”) is seeking a rezoning of +/- 0.66 acres of land being tax parcel number 18 067 02 032 having frontage on 3792 Memorial College Avenue (the “Subject Property”) to allow a general business office and commercial greenhouse.

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

II. DEKALB COUNTY REZONING CRITERIA

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

The Subject Property has a Town Center (TC) land use designation. The DeKalb County 2050 Comprehensive Plan specifically allows for C-1 zoning in the TC land use designation. The TC district is meant “to promote the concentration of higher intensity residential and commercial uses,” which aligns with this rezoning application. Therefore, this zoning proposal is in conformity with the policy and intent of the Comprehensive Plan.

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

The Subject Property was the Early Learning Scholars II building. It is surrounded by apartments, townhomes, and GA Perimeter College. This rezoning will allow for a less intense use than the school and not encroach upon the surrounding uses. The Applicant intends to grow organic ingredients like fruits and herbs to use to make hair care products in the building. The products will be shipped from the building via USPS. No clients will enter the store to make purchases. Rather, customers will purchase products online and the Applicant will ship them to the customer. Therefore, the use is suitable in view of the use and development of adjacent and nearby properties.

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

The Subject Property is zoned MR-1 but is developed with a school building. Additionally, the Subject Property is only 0.66 acres. Given the size and the current building, it is not reasonable to use the Subject Property as currently zoned.

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



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The zoning proposal will not adversely affect the existing use or usability of adjacent or nearby properties. The new use will be less intense than the school and will not encroach onto neighboring properties.

5. *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 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.

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

The Applicant is not aware of any historic sites or buildings or archaeological resources on the Subject Property. The Subject Property is not within a historic district and is not near one.

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

The zoning proposal will not result in a burdensome or excessive use of streets, transportation facilities, utilities, or schools.

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

The zoning proposal will not adversely impact the environment or surrounding natural resources.

III. CONCLUSION

For the foregoing reasons, the Applicant hereby requests that the application for a rezoning from MR-1 to C-1 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



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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.

A refusal to allow the land use amendment and/or rezoning in questions would be unjustified from a fact-based standpoint and instead would result only from constituent opposition, which would be an unlawful delegation of authority in violation of Article IX, Section II, Paragraph IV of the Georgia Constitution.

A refusal to allow the land use amendment and/or rezoning in question would be invalid inasmuch as it would be denied pursuant to an ordinance which is not in compliance with the Zoning Procedures Law, O.C.G.A Section 36-66/1 et seq., due to the manner in which the Ordinance as a whole and its map(s) have been adopted.

The existing land use designation and/or zoning classification on the Subject Property is unconstitutional as it applies to the Subject Property. This notice is being given to comply with the provisions of O.C.G.A. Section 36-11-1 to afford the County an opportunity to revise the Property to a constitutional classification. If action is not taken by the County to rectify this



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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 DeKalb 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



DeKalb County
GEORGIA

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 XX No _____ *

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

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

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

Notary

Signature of Applicant /Date

Battle Law, PC
Michele Battle, ESQ.

Check one: Owner _____ Agent XX



Expiration Date/Seal

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

DEPARTMENT OF PLANNING & SUSTAINABILITY

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Brandon D. Amos
Notary

Adria Marshall
Signature of Applicant /Date
EcoSlay
Adria Marshall, Owner
Check one: Owner _____ Agent _____

3/26/2029
Expiration Date/ Seal

Brandon D Amos
*Notary seal not needed if answer is "No".
CLAYTON COUNTY, GEORGIA
My Commission Expires
03/26/2029

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: 10/20/2025

TO WHOM IT MAY CONCERN:

I/WE: J. O. M. S., LLC
Name of Owner(s)

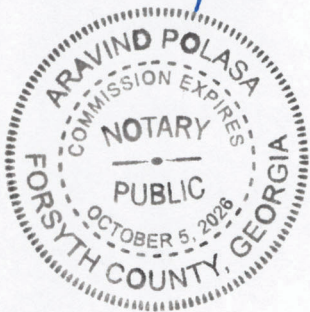
being owner(s) of the subject property described below or attached hereby delegate authority to:

Ecoslay, LLC c/o Battle Law PC
Name of Agent or Representative

to file an application on my/our behalf.

[Signature]
Notary Public

[Signature]
Owner



SURVEY, SITE PLAN, AND ELEVATIONS:

Received approval from Rachel Bragg that the Survey will suffice for the site plan since the applicant is not making any changes to the exterior of the existing building. If there are any questions, please feel free to contact us.

Recording Info

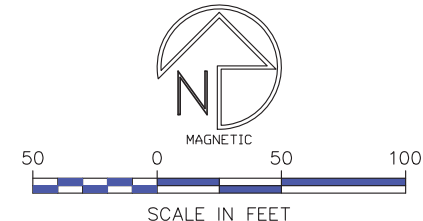
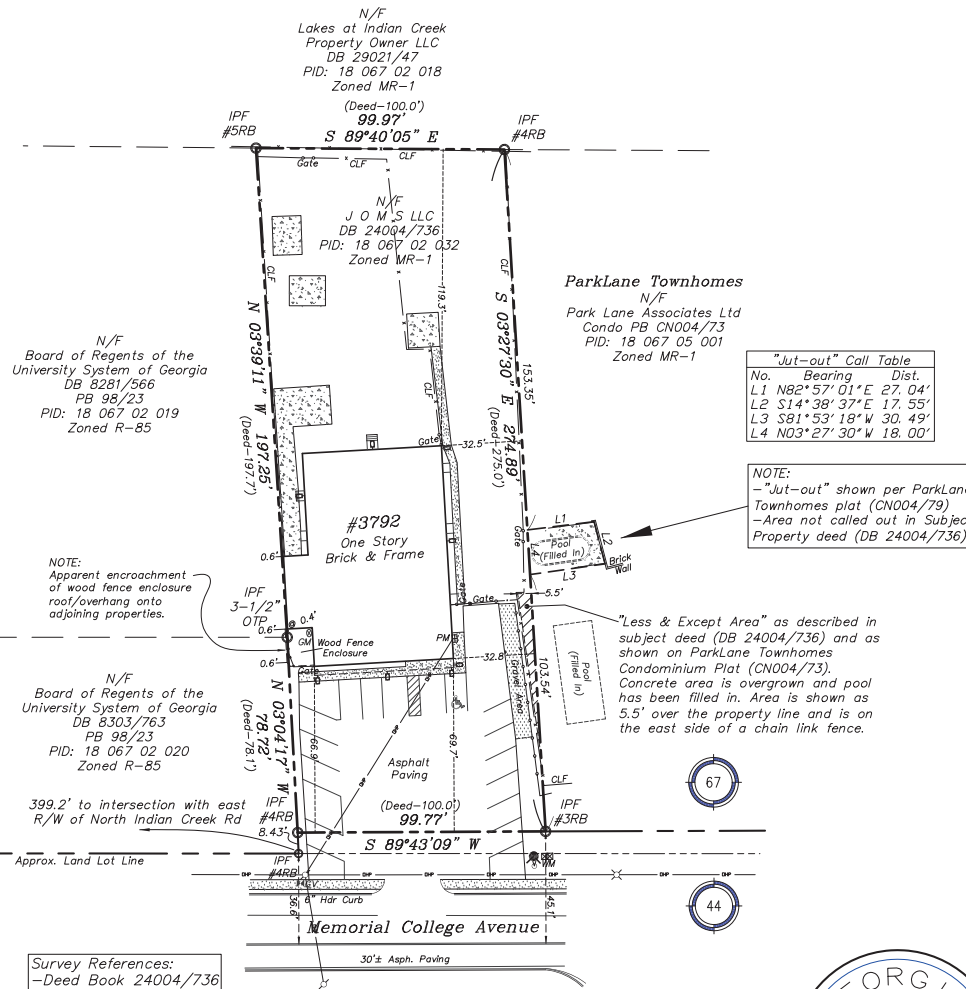
LEGEND
 IPF - Iron Pin Found
 RB - Rebar
 OTP - Open Top Pipe
 CLF - Chain Link Fence
 VFL - Vinyl Fence Line
 W - Wood Fence
 P - Power Pole
 L - Light Pole
 PM - Power Meter
 B - Building Light
 F - Fire Hydrant
 WM - Water Meter
 W - Water Valve
 GM - Gas Meter
 GV - Gas Valve

Utilities shown on this plat are based on visible, above ground evidence. Underground utilities may exist in this site that are not shown on this survey.

-Bearings shown were calculated from the Reference Deed & Plats, and angles turned.
 -Distances shown are ground distances.

This plat was prepared without the benefit of a current title commitment. Easements or encumbrances may exist that are not shown on this plat.

According to the FEMA/FIRM of DeKalb County, Georgia, Community Number 130065, Map number 13089C0086K, effective date 8/15/2019:
 -This site lies entirely in an Unshaded Zone X designation.
 -Unshaded Zone X is defined as areas of minimal flood hazard.



#3792 Memorial College Ave.
 Lot Area = 27,377 S.F.
 (or 0.628 Acs.)
 PID: 18 067 02 032
 Zoned MR-1
 Medium Density Residential-1

Note:
 Minimum Building Setbacks are dependent on property usage, and must be verified by the DeKalb County Zoning Department.

"Jut-out" Call Table

No.	Bearing	Dist.
L1	N82°57'01"E	27.04'
L2	S14°38'37"E	17.55'
L3	S81°53'18"W	30.49'
L4	N03°27'30"W	18.00'

NOTE:
 -"Jut-out" shown per ParkLane Townhomes plat (CN004/79)
 -Area not called out in Subject Property deed (DB 24004/736)

"Less & Except Area" as described in subject deed (DB 24004/736) and as shown on ParkLane Townhomes Condominium Plat (CN004/73). Concrete area is overgrown and pool has been filled in. Area is shown as 5.5' over the property line and is on the east side of a chain link fence.



This plat is a retracement of an existing parcel or parcels of land and does not subdivide or create a new parcel or make any changes to any real property boundaries. The recording information of the documents, maps, plats or other instruments which created the parcel or parcels are stated hereon. RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. Furthermore, the undersigned land surveyor certifies that this plat complies with the minimum technical standards for property surveys in Georgia as set forth in the rules of the Georgia Board of Registration for Professional Engineers and Land Surveyors and as set forth in O.C.G.A. 15-6-67.

John P. Jones, GA RLS #2699 Date 09-02-25

E:PROJ/1417 Mem College Ave/DWGS/1417.dwg ~ JP-2022.ctb

Boundary Survey for

Ecoslay LLC
 #3792 Memorial College Avenue
 Clarkston, GA 30021

Land Development Technologies, Inc.
 5665 Atlanta Hwy Suite 102-B Box 340
 Alpharetta, Georgia 30004
 Cell: 770-241-5986
 Email: pj17@bellsouth.net

COA: LSF000405

JOB NO.	1417
DRAWN BY	hjp
CHECKED BY	JPJ
DATE	9-02-25
SCALE	1"=50'
FIELD DATE	8-26-25

REVISIONS	DATE

Located In:
 Land Lot(s) 67
 18th District
 Section
 DeKalb County,
 City Of
 GEORGIA

Chief Executive Officer
Lorraine Cochran-Johnson

DEPARTMENT OF PLANNING & SUSTAINABILITY

Interim Director
Cedric G. Hudson, MCRP

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

REZONING:	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
LAND USE MAP AMENDMENT		\$500.00
SPECIAL LAND USE PERMIT		\$400.00