

**DEPARTMENT OF PLANNING & SUSTAINABILITY**

**Chief of Executive Officer**  
Lorraine Cochran-Johnson

**Director**  
Juliana A. Njoku

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

Applicant and/or  
Authorized Representative: Tricycle Development Group, LLC c/o Battle Law, P.C.

Mailing Address: 3562 Habersham At Northlake, Bldg J, Suite 100

City/State/Zip Code: Tucker, GA 30084

Email: [REDACTED]

Telephone Home: [REDACTED] Business: [REDACTED] 6

**OWNER OF RECORD OF SUBJECT PROPERTY**

Owner: Tricycle Development Group, LLC

Address (Mailing): 3562 Habersham At Northlake, Bldg J, Suite 100, Tucker, GA 30084

Email: [REDACTED] Telephone Home: [REDACTED] Business: [REDACTED]

**ADDRESS/LOCATION OF SUBJECT PROPERTY**

Address: 1238 Rays Rd City: Clarkston State: GA Zip: 30084

District(s): 18 Land Lot(s): 121 Block: 12 Parcel: 013

Zoning Classification: R-85 Commission District & Super District: 4 & 6

**CHECK 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.\***

Email [plansustain@dekalbcountyga.gov](mailto:plansustain@dekalbcountyga.gov) with any questions.

**DEPARTMENT OF PLANNING & SUSTAINABILITY**

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**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: 1/30/2026

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

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

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

All that tract or parcel of land lying and being in Land Lot 121 of the 18th District of originally Henry County, now DeKalb County, Georgia; being part of Lots 6 and 43 of the Subdivision known as Oakmont Heights, as per plat recorded in Plat Book 19, page 29, DeKalb County Records, and being more particularly described as follows:

**BEGINNING** on the west side of Rays Road 582 feet north from the northwest corner of Williams Road and Rays Road; running thence north along the west side of Rays Road forty (40) feet to the southeast corner of Lot 5, said plat; thence west along the south line of Lots 5 and 44, four hundred (400) feet to a point on the east side of Fifth Avenue; thence south along the east side of Fifth Avenue forty (40) feet to a point thence east four hundred (400) feet to the west side of Rays Road at the point of beginning.



# Battle Law

## STATEMENT OF INTENT

and

Other Material Required by  
DeKalb County Zoning Ordinance

For

A Variance for/to

Reduce the Side Yard Setback from 8.5 ft to 5 ft

and

the Minimum unit Size from 1800 sq ft to 1400 sq ft

of

**Tricycle Development Group, LLC**  
**c/o Battle Law, P.C.**

for

**+/-0.36 Acres of Land**

Being 1238 Rays Road

DeKalb County, Georgia and

Parcel Nos. 18 121 12 013

Submitted for Applicant by:

Michèle L. Battle, Esq.

Battle Law, P.C.

Habersham at Northlake, Building J, Suite 100

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]





## Battle Law

**ranch style homes, or the home would have to be significantly longer in length in order to development a ranch style home on the property, both of these options are out of character for the area, and would result in having to build a home that would not only alter the visual appeal of the area, but would also introduce a price point for the home that would not be consistent with the other homes along this portion of the Rays Road corridor.**

- 2. The requested variance does not go beyond the minimum necessary to afford relief and does not constitute a grant of special privilege consistent with the limitations upon other properties in the zoning district in which the subject property is located;*

**The requested variances do not go beyond the minimum to afford relief.**

- 3. The grant of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the zoning district in which the subject property is located;*

**The granting of the requested variances will not be detrimental to the public welfare or injurious to the property or improvements in the zoning district. The failure to grant the requested variances would in fact be materially detrimental to the public welfare and improvements in the zoning district.**

- 4. The literal interpretation and strict application of the applicable provisions or requirements of this chapter would cause undue and unnecessary hardship;*

**The strict application of the provisions and requirements would create an undue and unnecessary hardship.**

- 5. The requested variance would be consistent with the spirit and purpose of this chapter and the DeKalb County Comprehensive Plan text.*

**The requested variances would be consistent with the spirit and purpose of this chapter and the DeKalb County Comprehensive Plan.**

### **III. CONCLUSION**

For the foregoing reasons, the Applicant hereby requests that the application for variances to reduce the side yard setback from 8.5 ft to 5 ft and the minimum unit size from 1,800 sq ft to 1400 sq ft be approved. The Applicant welcomes any questions and feedback from the planning staff.





## Battle Law

### **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.

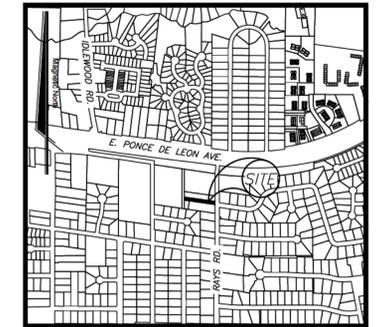
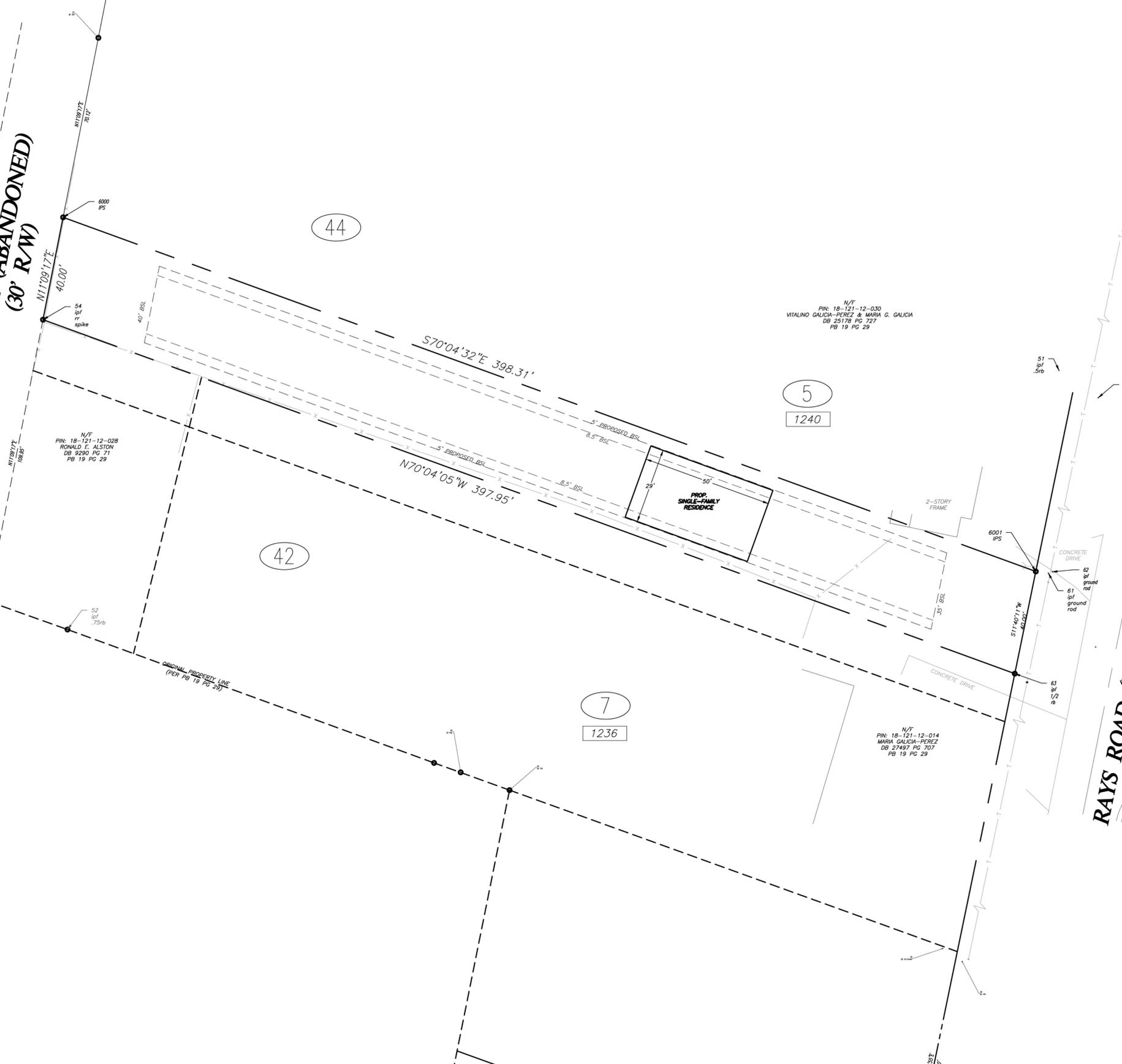
The application of the DeKalb County Zoning Ordinance to the Subject Property which restricts its use to any classification other than that proposed by the Applicant is unconstitutional, illegal, null and void, constituting a taking of Applicant's Property in violation of the Just Compensation Clause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

Michele L. Battle, Esq.  
Attorney for the Applicant

Magnetic North

FIFTH AVENUE (ABANDONED)  
(30' R/W)



LOCATION MAP  
NOT TO SCALE

- PROJECT NOTES:**
- Owner:** Tricycle Development Group, LLC  
3562 Habersham At Northlake  
Blg J, Suite 100  
CONTACT: Michele L. Battle, Esq.  
PHONE: 404-601-7618  
EMAIL: mlb@battlengpc.com
- Developer:** Tricycle Development Group, LLC  
3562 Habersham At Northlake  
Blg J, Suite 100  
CONTACT: Michele L. Battle, Esq.  
PHONE: 404-601-7618  
EMAIL: mlb@battlengpc.com
- ENGINEER:**  
WOODRUFF DESIGN ASSOCIATES  
3301 STEWART LAKE ROAD  
MONROE, GA 30655  
PHONE: (404) 530-9218  
CONTACT: A. Kathleen Woodruff  
E-MAIL ADDRESS: kathleen@woodruffda.com
1. Property located in L.L. 121, 18th Dist, DeKalb Co. Parcel No. 18 121 12 013.
  2. Zoning: R-85.
  3. Building Setbacks:  
Front - 35 feet  
Side - 8.5 feet (Reduced to 5 feet)  
Rear - 40 feet
  4. Proposed Bldg use is Residential.
  5. Total tract contains 0.36 acres/disturbed area---- acres ± including R-O-W.
  6. Boundary information obtained from survey by Dekalb Surveys, Inc. dated 10/14/2022.
  7. Topographical information obtained from None dated None.
  8. Vertical datum for topography is based on None.
  9. Contour interval is None feet.
  10. This property is shown on F.I.R.M. panel number 13089C0079L, dated 8/15/2019 and is not located within a special flood hazard zone.
  11. Utilities:  
Water - Dekalb County  
Sanitary Sewer - Dekalb County
  12. The location of underground utilities shown is approximate based on surface field evidence and information supplied by utility agencies. The survey makes no certification as to the completeness of the locations shown hereon. Appropriate utility companies should be contacted for verification of locations prior to any construction activity.
  13. The contractor shall verify the invert elevations of all existing storm and sanitary sewer structures prior to commencement of storm and sanitary sewer construction.
  14. Contractor shall notify the engineer and owner/developer of any information found in the field that is different from what is shown on these design plans.
  15. No outside storage proposed, this includes supplies equipment, vehicles, products, etc.
  16. All new utility lines shall be located underground.

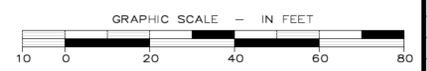
**WOODRUFF**  
Design Associates  
3301 Stewart Lake Road  
Monroe, GA 30655



LAND LOT 121, 18TH DISTRICT, DEKALB COUNTY, GA  
ZONING PLAN FOR  
1238 RAYS RD.

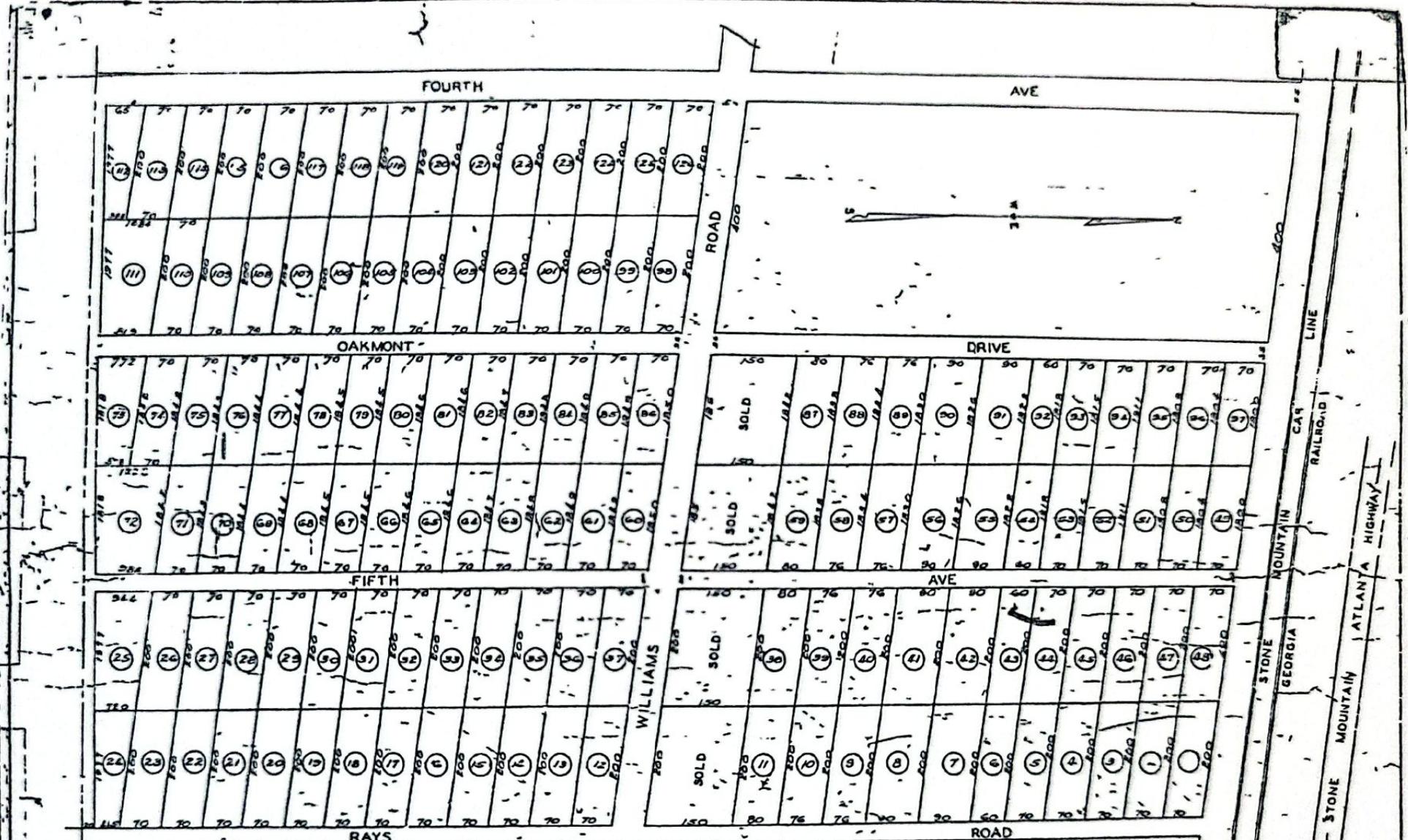


**24-HOUR EMERGENCY CONTACT:**  
**Michele Battle**  
**PH: 404-723-6266**



Z-1  
ZONING PLAN  
2/4/2026  
SCALE: 1" = 20'  
JOB: 2026-TDG-01  
ISSUE: A.0  
SHEET Z-1 OF 1

19/29



PLAT OF PROPERTY  
OF  
**OAKMONT HEIGHTS**

STONE MOUNTAIN HIGHWAY DEKALB COUNTY  
DEVELOPED BY DORTCH CONST CO 815 CANDLER BLDG, ATLANTA, GEORGIA  
LAND LOT 21 18TH DISTRICT

DEKALB COUNTY, GEORGIA  
SCALE 1"=100' OCT 1, 1936  
J.W. BURPITT, C.E.