



# DeKalb County Government

Manuel J. Maloof Center  
1300 Commerce Drive  
Decatur, Georgia 30030

## Agenda Item

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**File #:** 2017-1219

11/14/2017

**File Status:** Preliminary Item

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**Public Hearing:** YES  NO

**Department:** Planning & Sustainability

**SUBJECT:**

SLUP-17-21813 Devon Fiddis

**COMMISSION DISTRICT(S):** 3 & 7

**PETITION NO:** SLUP-17-21813

**PROPOSED USE:** Personal Care Home up to six (6) residents

**LOCATION:** 3363 Luxembourg Circle

**PARCEL NO.:** 15-066-01-049

**INFORMATION CONTACT:** Marian Eisenberg

**PHONE NUMBER:** 404-371-4922

**PURPOSE:**

Request a Special Land Use Permit (SLUP) to increase the number of residents in an existing personal care home from 3 to 6 residents within the R-100 (Residential Medium Lot) District, in accordance with Chapter 27-Article 4.1 Use Table and Articles 4.2.41.A & B of the DeKalb County Code. The property is located on the southeast side of Luxembourg Circle, approximately 375 feet east of Luxembourg Court in unincorporated DeKalb County at 3363 Luxembourg Circle, Decatur, Georgia. The property has approximately 80 feet of frontage along the southeast side of Luxembourg Circle and contains 0.66 acre.

**RECOMMENDATION:**

**COMMUNITY COUNCIL:** No recommendation. Tie vote.

**PLANNING COMMISSION:** Denial

**PLANNING STAFF:** Approval with Conditions

**PLANNING STAFF ANALYSIS:** The proposed SLUP (Special Land Use Permit) request seeks to expand the existing personal care home from 3 to 6 residents. The application meets the criteria of the zoning ordinance for a personal care home for up to six (6) persons. Located on Luxembourg Circle, there should be little or no impact on traffic with the increase in residents. There will be no physical changes to the exterior of the existing single-family residence. Therefore the residence will be compatible in character with existing and surrounding

single-family residences in the area. The proposed use is consistent with the following DeKalb County 2035 Comprehensive Plan Housing Policy: **Special Needs** - Increase the availability of special needs housing to meet the growing population. Given that it appears that there are no other personal care homes for six (6) residents in the immediate surrounding area, the Department of Planning and Sustainability recommends, "Approval with the attached conditions".

**PLANNING COMMISSION VOTE:** Denial. 7-0-0. V. Moore moved, P. Womack, Jr. seconded for denial.

**COMMUNITY COUNCIL VOTE/RECOMMENDATION:** Tie 5-5-0. Motion for full cycle deferral was tied 5-5-0. A second motion for denial was also tied 5-5-0. Members discussed the size of the house and the bedrooms, traffic impact, and negative inspection reports from past years. CC3 acknowledged letters of support from next-door and nearby neighbors. Acting President of Kings Row Community Assn. stated that the Assn. does not support the requested increase in residents.

**RECOMMENDED CONDITIONS**

1. Limit use to a personal care home for up to six (6) persons within the existing residential structure.
2. Access shall be limited to the existing curb cut on Luxembourg Circle.
3. All refuse containers shall be screened from public view except during pick-up.
4. No identification sign for the personal care home shall be posted on the property.
5. The applicant shall secure the necessary certification by the State of Georgia and the necessary business license, building permit and certificate of occupancy for six (6) persons from DeKalb County.
6. The Special Land Use Permit shall be issued to Dynamic Personal Care Home, LLC (Owners-Audrey & Devon Fiddis) for operation of a personal care home and shall not be transferrable.
7. The approval of this Special Land Use application by the Board of Commissioners has no bearing on the requirements for other regulatory approvals under the authority of the Zoning Board of Appeals, or other entity whose decision should be based on the merits of the application under review by such entity.

## DeKalb County Department of Planning & Sustainability

330 Ponce De Leon Avenue, Suite 500

Decatur, GA 30030

(404) 371-2155 / [plandev@dekalbcountyga.gov](mailto:plandev@dekalbcountyga.gov)

**Planning Commission Hearing Date: November 02, 2017, 6:30 P.M.**

**Board of Commissioners Hearing Date: November 14, 2017, 6:30 P.M.**

### STAFF ANALYSIS

<b>Case No.:</b>	SLUP-17-21813	<b>Agenda #:</b> N.3
<b>Location/Address:</b>	The southeast side of Luxembourg Circle, and east of Luxembourg Drive at 3363 Luxembourg Circle, Decatur, Georgia.	<b>Commission District:</b> 3 <b>Super District:</b> 7
<b>Parcel ID:</b>	15-006-01-049	
<b>Request:</b>		To request a Special Land Use Permit (SLUP) to increase the number of residents in an existing personal care home from 3 to 6 residents within the R-100 (Residential Medium Lot) District, in accordance with Chapter 27-Article 4.1 Use Table and Articles 4.2.41.A & B of the DeKalb County Code.
<b>Property Owners:</b>	Devon & Audrey Fiddis	
<b>Applicant/Agent:</b>	Devon Fiddis	
<b>Acreage:</b>	.66 Acres	
<b>Existing Land Use:</b>		Dynamic Personal Care Home for Three (3) residents
<b>Surrounding Properties:</b>		Single-Family Detached Residences
<b>Adjacent &amp; Surrounding Zoning:</b>		North, East, West & South: R-100 (Residential Medium Lot) District
<b>Comprehensive Plan:</b>	Suburban (SUB)	Consistent X

<b>Proposed Building Square Feet:</b> None	<b>Existing Building Square Feet:</b> 2,239 Square Feet
<b>Proposed Lot Coverage:</b> N/A	<b>Existing Lot Coverage:</b> <35%

## **ZONING HISTORY & SITE CHARACTERISTICS**

The subject site is an existing single-family residence located on Luxembourg Circle (a local street), and east of Luxembourg Court in unincorporated DeKalb County. The site is zoned R-100 (Residential Medium Lot) District for 15,000 square foot minimum lot area. The residence is currently registered and licensed as Dynamic Personal Care Home with the Georgia Department of Human Resources and has a business license from DeKalb County to operate a 24-hour personal care home for three (3) live-in residents.

Located on .66 acres at 3363 Luxembourg Circle, the residence is a 2,239 square foot brick and wood frame split level structure with a basement. The site has six (6) bedrooms and three (3) bathrooms. The site is landscaped with various plantings along a well-manicured level front lawn. Access is via an existing long driveway on Luxembourg Circle that could accommodate four (4) or more vehicles. Existing single-family residences abut and surround the subject site.

## **PROJECT ANALYSIS**

Per the submitted documentation, the applicant is requesting a Special Land Use Permit (SLUP) to increase the existing personal care home to accommodate 6 residents. Per the letter of intent, the personal care home operation concentrates on quality care for its residents. The establishment is smoke free and alcohol free and provides a safe and clean environment. The application states previous years of experience as a reason to grant the expansion to six (6) residents.

The DeKalb County Code defines personal care home group as: A building(s) in which housing, meals, personal assistance services, and twenty-four (24) hour continuous watchful oversight for adults are provided and which facility is licensed or permitted as a personal care home by the State of Georgia. Per the submitted documentation, the applicants have been operating a personal care home for three (3) unrelated persons in the existing single-family residence for 10 years which is allowed as a family unit per the DeKalb County Code. Expanding the personal care home to allow three (3) additional unrelated persons requires a Special Land Use Permit (SLUP).

## **IMPACT ANALYSIS**

**Section 27-7.4.6 of the DeKalb County Code states that the following criteria shall be applied in evaluating and deciding any application for a Special Land Use Permit.**

- A. Adequacy of the size of the site for the use contemplated and whether or not adequate land area is available for the proposed use including provision of all required yards, open space, off-street parking, and all other applicable requirements of the zoning district in which the use is proposed to be located:**

The approximately 2,239 square foot residence on .66 acres is adequate for operation of a personal care home for six (6) residents.

- B. Compatibility of the proposed use with adjacent properties and land uses and with other properties and land uses in the district:**

The proposed personal care home for six (6) persons is compatible with other single-family residences on Luxembourg Circle. There will be no outside physical changes to the existing single-family structure or signage indicating that the use is a personal care home.

- C. Adequacy of public services, public facilities, and utilities to serve the contemplated use:**

Given that the site is within an established single-family residential neighborhood, it appears that there are adequate public services, public facilities and utilities to serve the proposed personal care home as a single-family residence.

**D. Adequacy of the public street on which the use is proposed to be located and whether or not there is sufficient traffic carrying capacity for the proposed use, so as not to unduly increase traffic or create congestion in the area:**

Planning Staff anticipates little or no impact on Luxembourg Circle or traffic in the area with the increase from 3 to 6 residents to the existing personal care home.

**E. Whether or not existing land uses located along access routes to the site would be adversely affected by the character of the vehicles or the volume of traffic to be generated by the proposed use:**

Traffic or character of vehicles generated by the proposed use will not adversely impact existing land uses along access routes to the sites.

**F. Adequacy of ingress and egress to the subject property and to all proposed buildings, structures, and uses thereon, with particular reference to pedestrian and automotive safety and convenience, traffic flow and control, and access in the event of fire or other emergency:**

The existing residential structure on the site is accessed by vehicles via existing curb cut with a driveway on Luxembourg Circle. Emergency vehicles can access the site from the existing driveway.

**G. Whether or not the proposed use would create adverse impacts upon any adjoining land use by reason of noise, smoke, odor, dust, or vibration that would be generated by the proposed use:**

The increase in number of clients from 3 to 6 residents will not create adverse impacts upon any adjoining single-family land uses by reason of noise, smoke, odor, dust or vibration.

**H. Whether or not the proposed use would create adverse impacts upon any adjoining land use by reason of the hours of operation of the proposed use:**

Per the information submitted with the application, the personal care home with six residents as 24-hour residential care may not create adverse impacts upon adjoining single-family land uses. The daily activities and operation will function within the existing single-family residence.

**I. Whether or not the proposed use will create adverse impacts upon any adjoining land use by reason of the manner of operation of the proposed use.**

The increase from three (3) to (6) six residents will not affect the adjoining single-family residences on Luxembourg Circle. The site will operate basically as a single-family residence with the homeowners as caregivers for additional six occupants.

**J. Whether or not the proposed use is otherwise consistent with the requirements of the zoning district classification in which the use is proposed to be located.**

The R-100 (Residential Medium Lot) District allows a personal care home for three (3) residents without a Special Land Use Permit. Four to six residents require a SLUP in the zoning district which is the subject of this application.

**K. Whether or not the proposed use is consistent with the policies of the comprehensive plan.**

Located within a Suburban Neighborhood Character area designated by the 2035 Comprehensive Land Use Plan Map, the proposed use is consistent with the following Housing Policy: **Special Needs** – Increase the availability of special needs housing to meet the growing population. The site is currently providing additional housing accommodations for persons in need while not changing the character of the area.

**L. Whether or not the proposed use provides for all required buffer zones and transitional buffer zones where required by the regulations of the zoning district in which the use is proposed to be located.**

Transitional buffer zones are not required.

**M. Whether or not there is adequate provision of refuse and service areas.**

Adequate refuse areas will be provided.

**N. Whether the length of time for which the special land use permit is granted should be limited in duration:**

There does not appear to be any compelling reasons for limiting the duration of the requested Special Land Use Permit.

**O. Whether or not the size, scale, and massing of proposed buildings are appropriate in relation to the size of the subject property and in relation to the size, scale, and massing of adjacent and nearby lots and buildings:**

The personal care home in the existing residential structure is consistent in size, scale, and massing with adjacent and surrounding single-family residences in the area.

**P. Whether the proposed plan would adversely affect historic building sites, districts, or archaeological resources:**

It does not appear that the proposed use will adversely affect historic building sites, districts, or archaeological resources.

**Q. Whether the proposed use satisfies the requirements contained within the supplemental regulations for such special land use permit.**

Each group personal care home must provide at least four (4) parking spaces within a driveway, garage or carport and must comply with any applicable requirements in Article 6. The site can accommodate in excess of 4 parking spaces.

**In order to prevent institutionalizing residential neighborhoods, no group personal care home located in the RE, R-LG, R-100, R-85, R-75, R-50, R-SM, or MR-1 zoning district may be operated within one thousand (1,000) feet of any other group personal care home. The one thousand (1,000) foot distance requirement is measured by a straight line which is the shortest distance (i.e., "as the crow flies") between the property lines of the two tracts of land on which the group personal care homes are located.**

There are no known personal care homes within 1,000 feet of the subject site.

**R. Whether or not the proposed use will create a negative shadow impact on any adjoining lot or building as a result of the proposed building height.**

Adjacent and surrounding residential properties are one story and split frame structures which are the same as the existing residence on the site. There will be no negative shadow impact on any adjoining lot.

**S. Whether the proposed use would result in a disproportional proliferation of that or similar uses in the subject character area:**

As previously noted, it appears there are no other personal care homes within the immediate area.

**T. Whether the proposed use would be consistent with the needs of the neighborhood or of the community as a whole, be compatible with the neighborhood, and would not be in conflict with the overall objectives of the comprehensive plan:**

The site currently provides a community service by providing housing for 3 residents on the site in the existing personal care home. Increasing that number to six (6) would allow an opportunity to serve others in the area in need of housing with 24-hour care.

## **COMPLIANCE WITH DISTRICT STANDARDS**

Per the chart below, the single-family residence adheres to development standards of the R-100 (Residential Medium Lot) District.

### **Section 27- 2.2.1 (Table 2.2)**

<b>STANDARD</b>	<b>REQUIREMENT</b>	<b>EXISTING</b>	<b>COMPLIANCE</b>
LOT WIDTH	100 Feet	80 Feet	Existing non-conforming lot.
LOT AREA	15,000 Square Feet	28,880 Feet	Yes
SETBACK	FRONT YARD SETBACK	50 Feet	>50 Feet
	INTERIOR LOT – SIDE SETBACK	10 Feet	10 Feet
	SIDE CORNER LOT SETBACK	N/A	N/A
	REAR SETBACK	40 Feet	>40 Feet
HEIGHT	Max. 35 Feet	<35 Feet	Yes
LOT COVERAGE	Max. 35%	<35%	Yes
PARKING	Min. 4 parking spaces for a single-family residence	Existing driveway can accommodate more than 4 parked cars	Yes

## **STAFF RECOMMENDATION – APPROVAL WITH CONDITIONS**

The proposed SLUP (Special Land Use Permit) request seeks to expand the existing personal care home from 3 to 6 residents. The application meets the criteria of the zoning ordinance for a personal care home for up to six (6) persons. Located on Luxembourg Circle, there should be little or no impact on traffic with the increase in residents. There will be no physical changes to the exterior of the existing single-family residence. Therefore the residence will be compatible in character with existing and surrounding single-family residences in the area. The proposed use is consistent with the following DeKalb County 2035 Comprehensive Plan Housing Policy: **Special Needs** – Increase the availability of special needs housing to meet the growing population. Given that it appears that there are no other personal care homes for six (6) residents in the immediate surrounding area, the Department of Planning and Sustainability recommends **“APPROVAL CONDITIONAL”** of the applicant’s request. Should the Board of Commissioners choose to approve the petition, Planning Staff recommends the following conditions:

1. Limit use to a personal care home for up to six 6 persons within the existing residential structure.
2. Access shall be limited to the existing curb cut on Luxembourg Circle.
3. All refuse containers shall be screened from public view except during pick-up.
4. No identification sign for the personal care home shall be posted on the property.

5. The applicant shall secure the necessary certification by the State of Georgia and the necessary business license, building permit and certificate of occupancy for six (6) persons from DeKalb County.
6. The Special Land Use Permit shall be issued to Dynamic Personal Care Home, LLC (Owners-Audrey & Devon Fiddis) for operation of a personal care home and shall not be transferrable.
7. The approval of this Special Land Use application by the Board of Commissioners has no bearing on the requirements for other regulatory approvals under the authority of the Zoning Board of Appeals, or other entity whose decision should be based on the merits of the application under review by such entity.

**Attachments:**

1. Department and Division Comments
2. Application
3. Site Plan
4. Zoning Map
5. Aerial Photograph
6. Site Photographs

## NEXT STEPS

*Following an approval of this modification action, one or several of the following may be required:*

- **Land Disturbance Permit** (*Required for new building construction on non-residential properties, or land disturbance/improvement such as storm water detention, paving, digging, or landscaping.*)
- **Building Permit** (*New construction or renovation of a building (interior or exterior) may require full plan submittal or other documentation. Zoning, site development, watershed and health department standards will be checked for compliance.*)
- **Certificate of Occupancy** (*Required prior to occupation of a commercial space and for use of property for any business type. The issuance follows the review of submitted plans if required based on the type of occupancy.*)
- **Plat Approval** (*Required if any parcel is being subdivided, re-parceled, or combined. Issued "administratively"; no public hearing required.*)
- **Sketch Plat & Final Plat Approval** (*Required for the subdivision of property into three lots or more. Requires a public hearing by the Planning Commission.*)
- **Overlay Review** (*Required review of development and building plans for all new construction or exterior modification of building(s) located within a designated overlay district.*)
- **Historic Preservation** (*A Certificate of Appropriateness is required for any proposed changes to building exteriors or improvements to land when located within the Druid Hills or the Soapstone Geological Historic Districts. Historic Preservation Committee public hearing may be required.*)
- **Variance** (*Required to seek relief from any development standards of the Zoning Ordinance. A public hearing and action by the Board of Appeals are required for most variances.*)
- **Minor Modification** (*Required if there are any proposed minor changes to zoning conditions that were approved by the Board of Commissioners. The review is administrative if the changes are determined to be minor as described by Zoning Code.*)
- **Major Modification** (*Required submittal of a complete zoning application for a public hearing if there are any proposed major changes to zoning conditions that were approved by the Board of Commissioners for a prior rezoning.*)
- **Business License** (*Required for any business or non-residential enterprise operating in Unincorporated DeKalb County, including in-home occupations.*)
- **Alcohol License** (*Required permit to sell alcohol for consumption on-site or packaged for off-site consumption. Signed and sealed distance survey is required. Background checks will be performed.*)

**Each of the approvals and permits listed above requires submittal of application and supporting documents, and payment of fees. Please consult with the appropriate department/division.**



## DEKALB COUNTY GOVERNMENT PLANNING DEPARTMENT DISTRIBUTION FORM

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**

Consult the DeKalb County Transportation Department prior to land development permit. Verify widths from the centerline of the roadways to the property line for possible right-of-way dedication. Improvements within the right-of-way may be required as a condition for land development application review approval. Safe vehicular circulation is required. Paved off-street parking is required.

- **Storm Water Management**

Compliance with the Georgia Stormwater Management Manual, DeKalb County Code of Ordinances 14-40 for Stormwater Management and 14-42 for Storm Water Quality Control is required as a condition of land development permit approval.

- **Flood Hazard Area/Wetlands**

The presence of FEMA Flood Hazard Area was not indicated in the County G.I.S. mapping records for the site; and should be noted in the plans at the time of any land development permit application.

- **Landscaping/Tree Preservation**

Landscaping and tree preservation plans for any building, or parking lot must comply with DeKalb County Code of Ordinances 14-39 and are subject to approval by the County Arborist.

- **Tributary Buffer**

State water buffer was not reflected in the G.I.S. records for the site. Typical state waters buffer have a 75' undisturbed stream buffer and land development within the undisturbed creek buffer is prohibited without a variance per DeKalb County Code of Ordinances 14-44.1.

- **Fire Safety**

Plans for land development permit must comply with Chapter 12 DeKalb County Code for fire protection and prevention.



**DEKALB COUNTY GOVERNMENT  
PLANNING DEPARTMENT  
DISTRIBUTION FORM**

**NOTE: PLEASE RETURN ALL COMMENTS VIA EMAIL OR FAX TO EXPEDITE THE PROCESS TO  
MADOLYN SPANN [MSPANN@DEKALBCOUNTYGA.GOV](mailto:MSPANN@DEKALBCOUNTYGA.GOV) OR JOHN REID [JREID@DEKALBCOUNTYGA.GOV](mailto:JREID@DEKALBCOUNTYGA.GOV)**

**COMMENTS FORM:  
PUBLIC WORKS TRAFFIC ENGINEERING**

Case No.: SLUP-17-21813 Parcel I.D. #: 15-906-01-049  
Address: 3363 Luxembourg Circle  
Decatur, Georgia 30034

**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) 6/7<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.

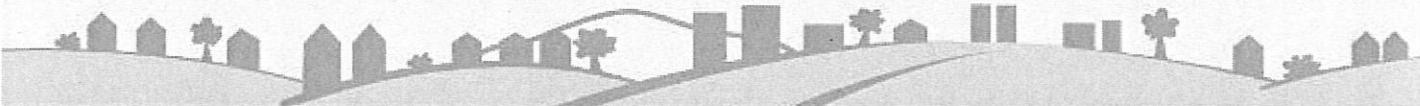
Single Family residence, on the other hand, would generate ten (10) VTE's per day per dwelling unit, with a ten (10%) percent peak hour factor. Based on the above referenced formula, the \_\_\_\_\_ (Single Family Residential) District designation which allows a maximum of \_\_\_\_\_ units per acres, 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:**

I do not see any traffic engineering concerns at this time.

Signature:

# DEKALB COUNTY



## Board of Health

10/13/2017

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)

10/13/2017

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N.1

SLUP-17-21833/18-11-3

2957 North Druid Hills Road, Atlanta, GA

Amendment

- Please see general comments.
- Septic system installed on Nov. 30, 1961.

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N.2

CZ-17-21855/18-151-01-004

2696 North Druid Hill Road, Atlanta

Amendment

- Please see general comments.
- The current septic tank needs to be replaced with proper size to accommodate number of occupancy.

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N.3

SLUP-1721813/15-006-01-049

3363 Luxembourg Circle, Decatur, GA

Amendment

- Please see general comments.
- The current septic tank needs to be replaced with proper size to accommodate number of occupancy.

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N.4

SLUP-17-21752/18-069-02-003 (Portion of)

5475 Memorial Drive, Suite D; Stone Mountain, Ga - Near Atrium

Amendment

- Please see general comments.

# **PUBLIC NOTICE**

## **“REQUEST FOR A SPECIAL LAND USE PERMIT”**

**Filed by: Dynamic Personal Care Home  
Located at: 3363 Luxembourg Circle  
Decatur, GA 30034.**

- **Current Use:** Personal Care Home For Three Residents
- **Proposed Use:** Operate for six (or more) Residents
- **Hours of Operation:** Daily

### **PRE-SUBMITTAL COMMUNITY MEETING TO TAKE PLACE AT:**

**Decatur Library - 2861 Wesley Chapel Road  
Decatur, Georgia 30034**

**\*Time & Date: 6:30PM - Tuesday, August 15 2017**

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**CONTACT INFORMATION**

**Call: (678) 620-1170**

**or**

**Email: [usibyte@gmail.com](mailto:usibyte@gmail.com)**

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**THANK YOU!!!**

Time: 6:30pm - 7:40pm

## MEETING SIGN-IN SHEET

Project: PRE-SUBMITTAL COMMUNITY MTG  
Facilitator: AUDREY FIDDIS/DEVON Field

Meeting Date: 8-15-2007

Location: 2861 WESLEY CHAPEL Rd Decatur GA  
30034

\* NO ONE ATTENDED MEETING



404.371.2155 (o)  
404.371.4556 (f)  
info@dekalbcountyga.gov

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

Planning and Development  
Department of DeKalb County

DEPARTMENT OF PLANNING & SUSTAINABILITY

Planning  
Department of DeKalb County

**SPECIAL LAND USE PERMIT APPLICATION**

Amendments will not be accepted after 5 working days after the filing date.

Date Received: August 18, 2017 Application No.: \_\_\_\_\_

**APPLICANT NAME:** Audrey Fiddis & Devon Fiddis

Daytime Phone #: (678) 468-8802 / (404) 955-1306 Fax #: \_\_\_\_\_

Mailing Address: 3363 Luxembourg Circle Decatur, Georgia 30034

E-mail: usibyte@gmail.com

**OWNER NAME:** Audrey Fiddis & Devon Fiddis

(If more than one owner, attach contact information for each owner)

Daytime Phone #: (678) 468-8802 / (404) 955-1306 Fax #: \_\_\_\_\_

Mailing Address: 3363 Luxembourg Circle Decatur, Georgia 30034

E-mail: usibyte@gmail.com

**SUBJECT PROPERTY ADDRESS OR LOCATION:** 3363 Luxembourg Circle

Decatur, DeKalb County, GA, 30034

District(s): 15th Land Lot(s): 23 Block(s): \_\_\_\_\_ Parcel(s): 15 06601049

Acreage or Square Feet: 0.663 Commission District(s): 03 Existing Zoning: R100-SF RES DIST

Proposed Special Land Use (SLUP): Personal Care Home (Dynamic)

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

Owner: X Agent: \_\_\_\_\_ Signature of Applicant: Devon Fiddis  
(Check One)

Printed Name of Applicant: Audrey Fiddis & Devon Fiddis

Notary Signature and Seal:



DeKalb County

404.371.2155 (o)  
404.371.4556 (f)  
DeKalbCountyGa.gov

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

CHIEF EXECUTIVE OFFICER  
Michael Thompson

## DEPARTMENT OF PLANNING & SUSTAINABILITY

DIRECTOR

Andrew A. Baker AICP

### SPECIAL LAND USE PERMIT APPLICATION 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: August 18, 2017

TO WHOM IT MAY CONCERN:

(I) (WE), Audrey Fiddis & Devon Fiddis

Name of Owner(s)

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

Audrey Fiddis & Devon Fiddis

Name of Applicant or Agent

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

Notary Public

Audrey Fiddis & Devon Fiddis  
Owner

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**3363 Luxembourg Circle  
Decatur, Georgia 30034  
(678) 620-1170**

**September 06, 2017**

**To Whom It May Concern:**

**Dynamic Personal Care Home (DPCH) is licensed by Georgia Department of Community Health located at 3363 Luxembourg Circle Decatur, Georgia 30034 within the zoning district.**

**Currently, we are licensed for three (3) residents and proposing to the zoning district an increase capacity to six (6) residents. DPCH submits this request for Special Land Use Permit to the DeKalb County Department of Planning and Sustainability.**

**For the past ten (10) years, our operation concentrated on high quality personal care measures, smoke-free, alcohol-free policy and health safety environment that favorable benefit the greater values of the community.**

**Although, we are a twenty-four (24) seven (7) care provider, DPCH enforce all zoning district regulations specific to hours of daily operation respecting the neighborhood values, and restrict potential issues that would cause declining property values. DPCH strive to maintain:**

- Best quality home setting**
- Serve resident care needs with dignity and respect**
- Enhance the lifestyles of resident without discrimination**
- Totally consistent with our mission and philosophy**
- Ethical behavior with community members**
- Build excellence and credibility that benefits our target population**



**As owners of DPCH, since 2007 our strategy has always focused on helping people and creating relationships. Our program actively benefits members of the community – helping out the elderly, neighborhood-watch and maintain clear and clean streets.**

**In fact, we perform fiscal improvements and rehabilitation of the proposed site, creating positive property equity in the community.**

**We request special land use expansion approval from the zoning district based on the following but not limited to:**

- Previous years of Successful & sustained growth
- Adequacy of 2,500 square feet of livable quarters
- Six (6) bedrooms – three (3) bathrooms
- Relevant public service that create access & affordable healthcare
- Distinctive economic investment for the urban community.

**In advance, we are grateful to you for this opportunity.**

**Thank You,**

**Audrey & Devon Fiddis  
Dynamic Personal Care Home  
3363 Luxembourg Circle  
Decatur, GA 30034  
Phone: 678-620-1170  
Email: info@godpch.com  
Website: www.godpch.com**

# Department of Plan & Sustainability

## Dynamic Personal Care Home - Positive Impact Analysis

September 6<sup>th</sup>, 2017

- A. The proposed special *land use* contemplated by *Dynamic Personal Care Home* (DPCH) has the adequate land size of 0.7 acres provision of yard and open space. Including over 2,500-plus square feet of favorable livable interior quarters, along with accessible off-street parking and other applicable factors and requirements of the zoning district in which the *land use* is located.
- B. The compatibility of the proposed site; structural quality and appearance remain especially positive with zero-negative consequences to the adjacent neighboring property. Communally, DPCH exists with a positive benefit in mind; we uphold outcomes such as quality, cooperation, effectiveness, and efficiency of service in the community. At-large, we promote sustainable curb-appeal, noise reduction, upkeep of housing standards and compliant with land uses in the zoning district.
- C. DPCH contemplates that the proposed *land use* significantly satisfies all utilities, public services and facilities mandated for the zoning district. Key element of our planning and design is an active Fire safety protection system compliant with the zoning district. Consequently, we have established consistent measures to ensure emergency preparedness, security, and limits for adverse impact to the community.
- D. DPCH accommodate significant adequacy of public off-street parking visitors and guests. In regard to residing individuals, our service population functionality generally restricts operation of automobiles and thus add zero adverse impact to increase traffic and congestion issues in the area.
- E. Throughout of existing (10) years of operation, there's no measurable consensus exists that capture less than significant viable outcome of DPCH benefits to the community. Our proposed *land use* site has no "similar" existing site characteristic adjacent to or within one-thousand feet of our proposed landmark. Thus, no predictable adverse traffic logistics or unidentifiable character of vehicle or volume of traffic will unduly exploit the quality and integrity of community unfavorably.
- F. DPCH proposal *land use* ingress and egress are committed to carefully making sure that all resident, as well as, visitor experience a non-obtrusive pedestrian mobility facility, adequate slip-resistant handicap point-of-access and adequate public transport entrance and exist suitable for safe-friendly surrounding. Beneficially, our adequate off-street parking, paved footpaths and ramp gradients serve the public welfare and provide a favorable response to emergency encounter, safety protocol and convenience.

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# Department of Plan & Sustainability

## Dynamic Personal Care Home - Positive Impact Analysis

G. DPCH proposed *land use* will create a harmonious community service dealing specifically with impact to adjoining neighbor properties as it relates to:

- Noise - Smoke - Odor - Dust - Vibration -

We have implemented protocols and effective training materials to adequately manage and monitor positive respect and active cooperation with all neighbors. Since 2007, we established a non-smoking environment committed to healthy lifestyle and safety standards of all individual within and outside the premises. Our aim is to continue to provide unbeatable service, keeping in mind, the awesome obligation and privilege to serve the best interest of the community.

- H. The proposed *land use* will never emend from our promise to create a positive and mutual benefit to adjacent neighbors, surrounding community and adjoining land in respect to hours of operation.
- I. The proposed *land use* will never emend from our promise to create a positive and mutual benefit to adjacent neighbors, surrounding community and adjoining land in respect to hours of operation.
- J. The proposed *land use* will never emend from our promise to create a positive and mutual benefit to adjacent neighbors, surrounding community and adjoining land use consistent with all requirements of zoning district classification in which the use of the land use is proposed to be located.
- K. The proposed *land use* location is consistent with the policies of the Comprehensive Plan.
- L. The proposed *land use* provides for all required buffers zones and transitional buffer zones where required by the regulations of the zoning district at the proposed location.
- M. The proposed special *land use* has adequate provisions of refuse and service areas.
- N. The proposed special *land use* permit is granted base on the zoning district regulations and duration decided upon by zoning district.
- O. The proposed *land use* has the size, scale and massing of the proposed building and has the appropriate in relation to size of the subject property to the adjacent property.
- P. The proposed *land use* plan does not in any way adversely affect historic buildings, sites, districts, or archaeological resources.

## Department of Plan & Sustainability

### Dynamic Personal Care Home - Positive Impact Analysis

- Q. The proposed *land use* property satisfies the requirements of the Supplemental Regulations for special land use.
- R. The proposed building height will not create any negative shadows to adjoining land use, neighbors and community.
- S. The proposed *land use* will not present any disproportional proliferation to similar uses the area of the subject property.
- T. The proposed *land use* will remain consistent with the needs of the neighborhood and the community at large, plus, remains comparable with the neighborhood, and does not conflict with the overall objectives of the Comprehensive Plan.

## Facilities Meeting Search Results Details

The information being displayed on this site was believed to have been current as of JUN 21, 2017. However, unanticipated delays in updates, lack of notification by the facilities, or inadvertent omissions may affect the timeliness and accuracy of the data currently being displayed.

### DYNAMIC PERSONAL CARE HOME

[Map](#) [Driving Directions](#)

<b>Basic Information:</b>  DYNAMIC PERSONAL CARE HOME 3363 LUXEMBOURG CIRCLE DECATUR, GA 30034- Telephone: 6786201170 FAX:
<b>Mailing Address:</b>  3363 LUXEMBOURG CIRCLE DECATUR , GA 30034
<b>Additional Information:</b>  Accreditation Status: Unknown Administrator: Ms. AUDREY FIDDIS Title:
<b>Licensed Capacity:</b>
3

### Inspection Summary Report

If you click on either the "PDF" or "HTML" format under "View Report?", the screen will display a detailed description of the survey inspection report for the rule violations, if any, that were identified when licensing staff conducted either a regular on-site survey, an investigation or a follow- up inspection on that date. When viewing the details of the inspection report, you can obtain additional information about what the report means by clicking on "More Information" which appears at the bottom of each page of the report.

Dates of Inspection	Type of Inspection	Violation Found?	Initiated by Facility?	View Report?
08/22/2016	Followup Inspection	NO	Not Applicable	<a href="#">PDF</a> <a href="#">HTML</a>
04/05/2016	Annual Inspection	YES	Not Applicable	<a href="#">PDF</a> <a href="#">HTML</a>

N.3

SLUP-17-21813

Site Survey

Recording Fee: \$0.00  
 Prepared By:  
 Kevin Cooney (8882290181)  
 Debra DeBerry  
 Clerk of Superior Court  
 DeKalb County, Georgia

THIS BLOCK RESERVED FOR THE CLERK OF THE SUPERIOR COURT

LUXEMBOURG CIRCLE  
 60' PUBLIC RIGHT-OF-WAY

SITE



CURVE	LENGTH	RADIUS	DIRECTION	CHORD
C1	80.31	193.57	N24°41'03"E	79.73

