



# DeKalb County Government

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

## Agenda Item

**File #:** 2019-4346  
**File Status:** Preliminary Item

11/21/2019

**Public Hearing:** YES  NO  **Department:** Planning & Sustainability

**SUBJECT:**

**COMMISSION DISTRICT(S):** 3 & 6

**Application of Cynthia Evans for a Special Land Use Permit (SLUP) to allow for a child day care facility for up to six children in a R-75 (Residential Medium Lot) District, at 1415 Foxhall Lane**

**PETITION NO:** N2. SLUP-19-1243468

**PROPOSED USE:** Child Day Care Facility

**LOCATION:** 1415 Foxhall Lane

**PARCEL NO. :** 15-114-08-016

**INFO. CONTACT:** Marian Eisenberg

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

**PURPOSE:**

Application of Cynthia Evans for a Special Land Use Permit (SLUP) to allow for a child day care facility for up to six children in a R-75 (Residential Medium Lot) District, in accordance with Chapter 27, Article 4, Table 4.1 Use Table and Section 27-4.2.19 Supplemental Regulations of the DeKalb County Code. The property is located on the south side of Foxhall Lane, approximately 302 feet north of Timms Circle at 1415 Foxhall Lane, Atlanta, GA. The property has approximately 110 feet of frontage along Foxhall Lane and contains 0.26 acre.

**RECOMMENDATION:**

**COMMUNITY COUNCIL:** DEFERRAL

**PLANNING COMMISSION:** APPROVAL with CONDITIONS

**PLANNING STAFF:** APPROVAL with CONDITIONS

**STAFF ANALYSIS:** Based on the submitted information, it appears that the application meets the criteria of the zoning ordinance for a Special Land Use Permit for a child day care facility for up to six children in an existing single- family residential structure. The proposed child day care facility is not expected to have a negative impact on the surrounding neighborhood, due to the proposed hours of operation (6:00 AM to 6:00 PM, Monday through Friday), and the relatively small number of children. There would be no changes to the exterior of the house in which the day care facility would be operating, so that the existing residential character of the property would remain unchanged. The existing drive can accommodate parking for four vehicles.

Adequate indoor and outdoor play areas with fencing will be provided in accordance with County and State Codes. Located within a Suburban Character area designated by the 2035 Comprehensive Land Use Plan Map, the proposed use is consistent with the following plan strategies: Create neighborhood focal points by locating schools, community centers, or well-designed small commercial centers at suitable locations within walking distance of residences. The Department of Planning and Sustainability recommends “Approval with Staff’s recommended conditions”.

**PLANNING COMMISSION VOTE: Approval 8-0-0.** V. Moore moved, J. Johnson seconded for approval with Staff’s conditions with an amendment to condition #4 that the playground be located on the side of the house instead of the backyard and to add a new condition #7 to place a solid barrier between the kitchen and the playroom.

**COMMUNITY COUNCIL VOTE/RECOMMENDATION: Deferral 5-0-0.** The Council members present thought that the applicant should prepare the property by installing a solid barrier between the kitchen and play room, and by trimming tree limbs so they won’t fall on the children.

## Recommended Conditions

SLUP-19-1243468

1. The child care facility shall be limited to a maximum number of six children between the hours of 6:00 A.M. to 6:00 P.M., Monday through Friday, in the existing single-family residence.
2. Refuse containers shall not be visible from the street except during pick-up. No identification sign for the child day care facility shall be posted on the property.
3. No evidence of a child day care facility shall be located in the front of the property.
4. Provide and maintain a minimum six-foot-high fenced designated play area for as long as the child day care facility is operated on the subject property.
5. The applicant shall secure the necessary certification by the State of Georgia Bright From The Start program and the necessary building permit and certificate of occupancy from DeKalb County before obtaining a business license.
6. The Special Land Use Permit shall be issued to Cynthia Evans for operation of a child day care facility and shall not be transferrable.



**DeKalb County Department of Planning & Sustainability**

**330 Ponce De Leon Avenue, Suite 300  
Decatur, GA 30030  
(404) 371-2155 / plandev@dekalbcountyga.gov**

Michael Thurmond  
Chief Executive Officer

**Planning Commission Hearing Date: November 07, 2019, 6:30 P.M  
Board of Commissioners Hearing Date: November 21, 2019, 6:30 P.M.**

**STAFF ANALYSIS**

**Case No.:** SLUP-19-1243468 **Agenda #:** N.2

**Location/Address:** The south side of Foxhall Lane, approximately 302 feet north of Timms Circle at 1415 Foxhall Lane, Decatur, GA. **Commission District:** 3 **Super District:** 6

**Parcel ID:** 15-114-08-016

**Request:** To request a Special Land Use Permit (SLUP) to allow a child day care facility for up to six children in a R-75 (Residential Medium Lot) District.

**Property Owner/Agent:** Cynthia Evans

**Applicant/Agent:** Cynthia Evans

**Acreage:** .26 Acres

**Existing Land Use:** Single Family Residence

**Surrounding Properties Adjacent Zoning:** East, west and south are single-family detached residences zoned R-75 (Residential Medium Lot) District. Along the north side of Foxhall Lane across from the site are Emerald Lake Condominiums zoned MR-2 (Medium Density Residential-2) District.

**Comprehensive Plan:** **Suburban (SUB)**  **Consistent**  **Inconsistent**

<b>Proposed Additional Square Ft.:</b> N/A	<b>Existing Residential Sq. Footage:</b> Approximately 1,146 Square Feet
<b>Proposed Lot Coverage:</b> N/A	<b>Existing Lot Coverage:</b> <35%

## **SUBJECT PROPERTY**

The subject site, zoned R-75 (Residential Medium Lot) District, is located on the south side of Foxhall Lane (a local residential street) in unincorporated DeKalb County. The property consists of .26 acres and is developed with a one-story wood frame single-family detached residence with three bedrooms consisting of approximately 1,146 square feet. Access to the site is via a single curb cut from Foxhall Lane. The property has a well-manicured lawn with a few trees. An approximately four-foot-high gate is attached to the garage located on the side of the residence. The property frontage is improved with curb and gutter. There are no sidewalks.

## **PROJECT ANALYSIS**

The applicant is requesting a Special Land Use Permit to operate a child day care facility in the existing single-family residence within an R-75 (Residential Medium Lot) zoning district. The in-home child day care facility would have a total of six (6) children. The proposed hours of operation are 6:00 a.m. – 6:00p.m., Monday through Friday. The ages of the children would range from 15 months to 3 years. The applicant does not intend to make any changes to the exterior of the house nor install any signs on the property. If this petition is approved, the applicant must complete all required steps for obtaining a certificate of occupancy and business license from DeKalb County.

## **SUPPLEMENTAL REGULATIONS:**

Pursuant to Chapter 27-Article 4.2.19 of the DeKalb County Code, each child day care facility up to 6 six children shall be subject to the following requirements.

**A. Each child day care facility shall comply with all applicable state day care requirements for standards, licensing and inspection. A DeKalb County business license is required.**

The applicant must submit a building permit application to DeKalb County for review and inspection in order to obtain a Certificate of Occupancy (CO) to use the residence as a child day care facility. An approved CO and documentation from the state is required when requesting a business license from DeKalb County.

**B. Prior to the issuance of a business license for a child day care facility the necessary licensing from the State of Georgia shall be obtained, including compliance with all requirements related to minimum area for classrooms, play areas, and fencing. Each child day care facility shall provide off-street parking spaces as required by the applicable zoning district.**

The submitted site-survey depicts off-street parking availability via the applicant's driveway for the existing single-family residence.

**C. The exterior appearance of any child day care facility located in a residential district shall be maintained as a residential structure, and no signs other than those otherwise authorized within the applicable zoning district shall be erected (no cut-outs, animal characters, or other graphics shall be affixed to the exterior of the structure or displayed upon the premises).**

There will be no changes in the exterior appearance of the single-family residence for the child day care facility.

**D. No child day care facility shall be located within one thousand (1,000) feet of another child day care facility.**

There are no known child day care facilities within 1,000 feet of the single-family residence.

## **SPECIAL LAND USE CRITERIA**

Pursuant to Chapter 27-Article 7.4.6 of the DeKalb County Code, 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 1,146 square foot residence on .26 acres is adequate for operation of a child care facility for up to six children. Off-street parking can be accommodated within the existing driveway.

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

The proposed child care facility for not more than six children in the existing single-family residence is compatible with the surrounding neighborhood. The exterior of the existing single-family residence is not proposed for alterations, therefore remaining compatible with surrounding single-family residences.

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

Given that the site is within an established residential neighborhood, it appears that there are adequate public services, public facilities and utilities to serve the proposed child care facility in the existing residential structure.

- 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:**

Foxhall Lane is an existing local street. Planning staff anticipates little or no impact on public streets or traffic in the area for the limited enrollment of six children.

- 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:**

The character of vehicles accessing the site may be the same vehicles accessing adjacent and surrounding residences in the area. There should be no significant increase in the daily volume of traffic given that the proposed child care will be limited to six children.

- F. 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:**

Ingress and egress to the subject property via the existing driveway appears to be adequate. 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:**

It appears that the proposed use should not create adverse impacts upon adjoining land uses due to smoke, odor, dust or vibration. The site must comply with the DeKalb County Noise Ordinance.

- 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 hours of operation are Monday - Friday (6:00a.m.- 6:00p.m). The operating hours should not create adverse impacts upon any adjoining land uses.

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

The manner of operation should not impact adjoining single-family land uses. Except for periods of outdoor play, all activities will occur within the structure on the property.

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

The proposed child care facility within the existing 1,146 square foot residential structure is consistent with the requirements of the R-75 (Residential Medium Lot) District except for minimum unit size which is 1,600 square feet. In-home child care facilities are allowed in the R-75 District with an approved Special Land Use Permit.

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

Located within a Suburban Character Area land use designation, the proposed child day care facility is consistent with the following 2035 Comprehensive Plan Policies: Create neighborhood focal points by locating schools, community centers, or well-designed small commercial centers at suitable locations within walking distance of residences.

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

No transitional buffers are required.

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

Adequate refuse and service 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. The proposed in-home child day care facility is an on-going business and should not be limited in duration.

**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 existing single-family residence on the subject site is appropriate in relation to size and scale of adjacent and nearby residences in the area. The applicant has no plans for building expansion.

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

Based on the submitted site plan and information, it does not appear that the proposed plan would adversely affect historic buildings, sites, districts, or archaeological resources.

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

Supplemental regulations require State approval documentation, compliance to zoning district regulations, distance requirements from other child care facilities and no changes in exterior appearance of residence. Based on information from the submitted application (site survey & impact analysis), the proposed use should satisfy supplemental regulations.

**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.**

The existing one-story residence is compatible with other residences in the area. It does not appear that the proposed child care facility would create a negative shadow impact on any adjoining lot or building.

**S. 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 proposed use does not conflict with overall objectives of the comprehensive plan which is to offer a variety of services for residents in unincorporated DeKalb County.

**COMPLIANCE WITH DISTRICT STANDARDS PER TABLE 2.2:**

Property zoned for R-75 (Residential Median Lot) District must comply with minimum development standards per Article 2 – Table 2.2 Residential Zoning Districts Dimensional Requirements of the DeKalb County Zoning Ordinance.

<b>R-75 STANDARD</b>	<b>REQUIREMENT</b>	<b>EXISTING</b>	<b>COMPLIANCE</b>
LOT WIDTH (M)	75 FEET	110 FEET	YES
LOT AREA (M)	10,000 SQUARE FEET	11,325 SQUARE FEET	YES
LOT COVERAGE	35% (MAXIMUM)	<35%	YES
MINIMUM UNIT SIZE	1,600 SQUARE FEET	1,146 SQUARE FEET	NO Legal non-conforming.
FRONT BUILDING SETBACK	30 FEET	42 FEET	YES
SIDE BUILDING SETBACK	7.5 FEET	7.5 FEET	YES
REAR SETBACK	40 FEET	>40 FEET	YES
HEIGHT	35 FEET	1 STORY	YES

**STAFF RECOMMENDATION: Conditional Approval**

Based on the submitted information, it appears that the application meets the criteria of the zoning ordinance for a Special Land Use Permit for a child day care facility for up to six children in an existing single-family residential structure. The proposed child day care facility is not expected to have a negative impact on the surrounding neighborhood, due to the proposed hours of operation (6:00 AM to 6:00 PM, Monday through Friday), and the relatively small number of children. There would be no changes to the exterior of the house in which the day care facility would be operating, so that the existing residential character of the property would remain unchanged. The existing drive can accommodate parking for four vehicles. Adequate indoor and outdoor play areas with fencing will be provided in accordance with County and State Codes. Located within a Suburban Character area designated by the 2035 Comprehensive Land Use Plan Map, the proposed use is consistent with the following plan strategies: Create neighborhood focal points by locating schools, community centers, or well-designed small commercial centers at suitable locations within walking distance of residences. The Department of Planning and Sustainability recommends “Conditional Approval” with the following recommended conditions:



1. The child care facility shall be limited to a maximum number of six children between the hours of 6:00 A.M. to 6:00 P.M., Monday through Friday, in the existing single-family residence.
2. Refuse containers shall not be visible from the street except during pick-up. No identification sign for the child day care facility shall be posted on the property.
3. No evidence of a child day care facility shall be located in the front of the property.
4. Provide and maintain a minimum six-foot-high fenced designated play area for as long as the child day care facility is operated on the subject property.
5. The applicant shall secure the necessary certification by the State of Georgia Bright From The Start program and the necessary building permit and certificate of occupancy from DeKalb County before obtaining a business license.
6. The Special Land Use Permit shall be issued to Cynthia Evans for operation of a child day care facility and shall not be transferrable.

**Attachments:**

- 1. Department and Division Comments**
- 2. Application**
- 3. Site Plan**
- 4. Zoning Map and Land Use Map**
- 5. Aerial Photograph/Site Photographs**

## NEXT STEPS

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

**Land Disturbance Permit** *(Required for of 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 occupancy.)*

**Plat Approval** *(Required if any parcel is being subdivided, re-parceled, or combined. Issued “administratively”; no public hearing required.)*

**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** *(Certificate of Appropriateness 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 or Special Exception** *(Required seeking relief from any development standards of the Zoning Ordinance. A public hearing and action by the Board of Appeals are required for most variances.)*

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

## Transportation Comments 10/14/2019

N1. White Mill Road- Collector. Dedicate 35 feet from centerline of road or to cover all public infrastructure, whichever greater. Need at least 2 feet of ROW on back of sidewalk for streetlights. Access must meet sight distance requirements (stopping and intersection) per AASHTO guidelines. Requires 5-foot landscape strip, 6-foot sidewalk, pedestrian scale street lighting, bike lanes. Kelly Lake Road- local. Requires dedication of 27.5 feet from centerline of road or to cover all public infrastructure, whichever greater. Need at least 2 feet of ROW on back of sidewalk for streetlights. Five-foot landscape strip, 6-foot sidewalk, pedestrian scale street lighting. Access must meet sight distance requirements (stopping and intersection) per AASHTO guidelines. New roads, of public, require a ROW dedication of 55 feet, five-foot landscape strip, 6-foot sidewalk, and street lighting. Miter right of way corner at Whites Mill Road at Kelly Lake Road.

N2. (SLUP-19-1243468 Foxhall Lane) No offsite parking allowed due to curve in the road.

N3. No offsite parking allowed due to proximity to Briarcliff Road intersection.

N4. No comments.

N5. Welborn Road- Collector. Requires pedestrian street lights at 80 foot spacing, 5-foot landscape strip, 6-foot sidewalks, bike lanes, right of way dedication of 35 from centerline or to ensure all public infrastructure is within right of way, whichever greater. Dekalb Medical Parkway- local. Requires pedestrian scale street lights, 3-foot landscape strip and a 6-foot sidewalk. Covington Hwy- Major Arterial and State Route. GDOT review required prior to permitting. Coordinate with GDOT PI No 0008228 and dedicate any necessary right of way. Minimum of 50 from centerline. Sidewalks and pedestrian scale street lighting can be installed under the GDOT project in exchange of the right of way dedication. Ensure all access point meet minimum stopping and intersection sight distance requirements per AASHTO with permitting. Need at least 2 feet of ROW on back of sidewalk for streetlights. Interior roads to be private or must meet the requirements for a local road. (55-foot right of way dedication, five-foot landscape strip, 6-foot sidewalk, street lighting.)

N6. Covington Hwy- Major. GDOT permits/review required prior to permitting. Add sidewalks and pedestrian scale lighting along property frontage. Five-foot landscape strip, 6-foot sidewalk. ROW dedication of 50 foot from centerline or to cover public infrastructure, whichever greater. Need at least 2 feet of ROW on back of sidewalk for streetlights.

N7. Wesley Chapel Road- Major. Requires five-foot landscape strip, 6-foot sidewalk, pedestrian scale lights, bike lanes and ROW dedication of 50 feet from centerline or to cover all public infrastructure, whichever greater. Need at least 2 feet of ROW on back of sidewalk for streetlights. Ensure all access point meet minimum stopping and intersection sight distance requirements per AASHTO with permitting.

N8 & N9. Panola Road- Major. Requires five-foot landscape strip, 6-foot sidewalk, pedestrian scale lights, bike lanes and ROW dedication of 50 feet from centerline or to cover all public infrastructure, whichever greater. Need at least 2 feet of ROW on back of sidewalk for streetlights. Access must meet sight distance requirements (stopping and intersection) per AASHTO guidelines.



**DEKALB COUNTY GOVERNMENT  
PLANNING DEPARTMENT  
DISTRIBUTION FORM**

**NOTE:** PLEASE RETURN ALL COMMENTS VIA EMAIL OR FAX TO EXPEDITE THE PROCESS TO MICHELLE M ALEXANDER [mmalexander@dekalbcountyga.gov](mailto:mmalexander@dekalbcountyga.gov) OR JOHN REID [JREID@DEKALBCOUNTYGA.GOV](mailto:JREID@DEKALBCOUNTYGA.GOV)

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

Case No.: SLUP-19-1243468

Parcel I.D. #: 15-114-08-016

Address: 1415 Foxhall Lane

Decatur, Georgia

**WATER:**

Size of existing water main: 6" AC Water Main (adequate/inadequate)

Distance from property to nearest main: Adjacent to Property

Size of line required, if inadequate: N/A

**SEWER:**

Outfall Servicing Project: Intrenchment Creek Basin

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

Water Treatment Facility: Snapfinger Creek WTF ( ) adequate ( ) inadequate

Sewage Capacity: \* (MGPD)

Current Flow: 21.77 (MGPD)

**COMMENTS:**

\* Please note that the sewer capacity has not been reviewed or approved for this project. A Sewer Capacity Request (SCR) must be completed and submitted for review. This can be a lengthy process and should be addressed early in the process.

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

10/9/2019

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

10/9/2019

---

---

N.1

SLUP-19-1243468/2019-4346/15-114-08-016

1415 Foxhall Lane, Atlanta, GA 30316

Amendment

- See general comments.

---

---

N.2

SLUP-19-1243486 / 2019-4347 / 18-109-09-008

1346 Sheffield Drive, Atlanta, Ga 30329

Amendment

- Please review general comments.

---

---

N.3

SLUP-19-1243490 / 2019-4348 / 15-165-01-015

4467 Glenwood Road, Decatur, GA 30032

Amendment

- Please review general comments.

---

---

N.4

Z-19-1243508 /2019-4349 / 16-071-02-105; 16-071-05-006; 16-072-01-001; 16-072-01-002

6540 & 6556 Covington Hwy, Lithonia, GA 30058; and 2314& 2338 Wellborn Road, Lithonia, GA 30058

Amendment

- Please see general comments.

DEPARTMENT OF PLANNING & SUSTAINABILITY

**SPECIAL LAND USE PERMIT APPLICATION**

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

Date Received: 2-20-19 Application No: SLUP-19-1243468

APPLICANT NAME: Cynthia Evans

Daytime Phone: 404 324 3020 E-Mail: shind3@comcast.net

Mailing Address: 1415 FOXHALL LN ATL GA 30316

Owner Name: SAME AS ABOVE  
(If more than one owner, attach contact information for each owner)

Daytime Phone: \_\_\_\_\_ E-Mail: \_\_\_\_\_

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

SUBJECT PROPERTY ADDRESS OR LOCATION: 1415 FOXHALL LN  
ATLANTA DeKalb County, GA, 30314

Parcel ID: 15 114 08016 Acreage or Square Feet: 1,146 sqft Commission Districts 3

Existing Zoning: R-75 SF RES DISP Proposed Special Land Use (SLUP) Daycare 3-6 children

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  
Cynthia Evans

Printed Name of Applicant:  
Cynthia Evans

Notary Signature and Seal:

Krystal Niquita Estelle



Chief Executive Officer  
Michael Thurmond

DEPARTMENT OF PLANNING & SUSTAINABILITY

Director  
Andrew A. Baker, AICP

**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)

shindee3@comcast.net

Applicant Name: Cynthia Evans Phone: 413247020 Email: shindee3@comcast.net

Property Address: 1415 Foxhall Lane

Tax Parcel ID: 15-114-08-016 Comm. District(s): 3 & 6 Acreage: \_\_\_\_\_

Existing Use: residence Proposed Use: daycare up to 6

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

Rezoning: Yes \_\_\_\_\_ No X

Existing Zoning: R75 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- 4.2.19

Special Land Use Request(s) Day care 15 mos to 3yrs

**Major Modification:**

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

Condition(s) to be modified: \_\_\_\_\_



## TO BE USE AS:

Current Use: Existing Residence

Proposed Use: Existing Residence

and

Family Child Care Learning Home

## HOUR OF OPERATIONS:

Current: N/A

Proposed: Monday-Friday, 6:00am-6:00pm

Capacity: 3-6 Children, Ages 15mos.-3yrs

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

### LOCATION:

1415 FOXHALL LANE S.E.

Atlanta, Georgia 30316

### DATE & TIME:

Saturday, April 20, 2019 at 4:00pm

\*REFRESHMENTS WILL BE SERVED\*

## PUBLIC NOTICE

Request for a Special Land Use Permit

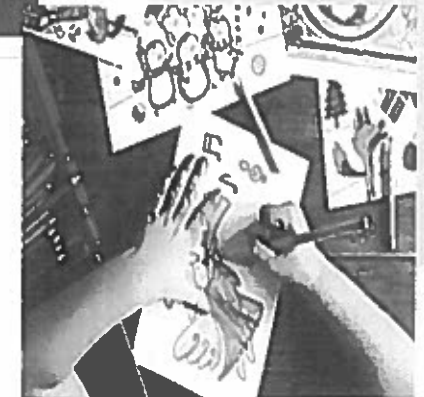
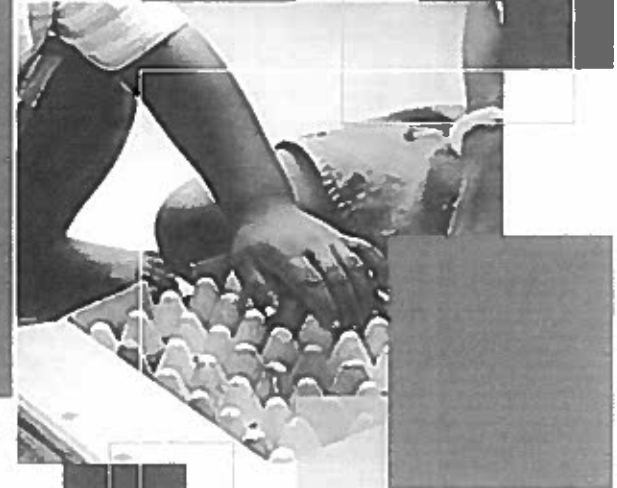
FILED BY: CYNTHIA EVANS/

J Kami KeeP-sakes'

Family Child Care Learning Home

1415 FOXHALL LANE S.E.

ATLANTA, GEORGIA 30316



J Kami KeeP-sakes'

CYNTHIA EVANS

Family Child Care Learning Home

**From:** Pat Craig  
**Sent:** Sunday, April 14, 2019 7:04 PM  
**To:** shindee  
**Subject:** Re: PUBLIC NOTICE

Rec'd. Thank you.

On Sun, Apr 14, 2019 at 4:18 PM shindee <[shind3@comcast.net](mailto:shind3@comcast.net)> wrote:

HELLO TO ALL COMMISSION DISTRICT 3

COMMUNITY COUNCIL:

My name is Cynthia Evans, and I have attach a copy of my proposed notice to have a day care within my home.

Please feel free to come by on Saturday, April 20, 2019 at 4:00pm, and enjoy some refreshments.

Thank you,

Cynthia Evans

---

Sent from [Mail](#) for Windows 10

---

**PUBLIC NOTICE**

1 message

---

**shindee** <shind3@comcast.net> Sun, Apr 14, 2019 at 4:17 PM  
To: "elreda@bellsouth.net" <elreda@bellsouth.net>, "bethbond@bellsouth.net" <bethbond@bellsouth.net>, "pat.lawrencecraig@gmail.com" <pat.lawrencecraig@gmail.com>, "lglover@ivyviningconsulting.com" <lglover@ivyviningconsulting.com>, "guinyard1@aol.com" <guinyard1@aol.com>, "phthompson3@msn.com" <phthompson3@msn.com>, "NettieJackson@me.com" <NettieJackson@me.com>, "murraydonze@bellsouth.net" <murraydonze@bellsouth.net>, "pdk-powell@comcast.net" <pdk-powell@comcast.net>, "aprangle@bellsouth.net" <aprangle@bellsouth.net>, "samandbettysmith@bellsouth.net" <samandbettysmith@bellsouth.net>, "TommyTTravisconsulting@gmail.com" <TommyTTravisconsulting@gmail.com>, "nahwash4ms@aol.com" <nahwash4ms@aol.com>, "shinde.evans2@gmail.com" <shinde.evans2@gmail.com>

HELLO TO ALL COMMISSION DISTRICT 3

COMMUNITY COUNCIL:

My name is Cynthia Evans, and I have attach a copy of my proposed notice to have a day care within my home.

Please feel free to come by on Saturday, April 20, 2019 at 4:00pm, and enjoy some refreshments.

---

Thank you,

Cynthia Evans

Sent from Mail for Windows 10

---

 PUBLIC NOTICE.pdf  
730K

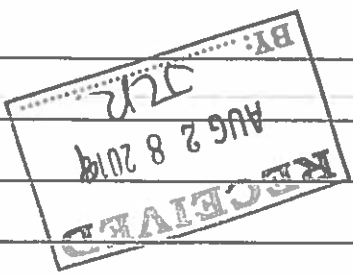
MEETING SIGN-IN SHEET

PROJECT: <sup>Propose ~~Drinking~~ Day care</sup> Special Land Use Permit MEETING DATE 4-20-2019

FACILITATOR: CYNTHIA EVANS LOCATION: 1415 FOXHALL LANE

NAME ADDRESS PHONE EMAIL

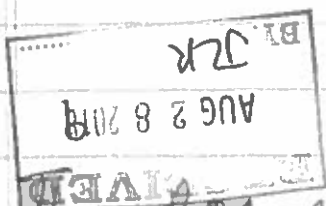
Cynthia Jackson	2637 Crestdale Cir	404-401-9892	Cynth4jack@gmail.com
Coral L Cooper		404 243 3222	
David Tricksey			dltricksey@gmail.com 404-707-7013
Ann Maynard	Fidelity 1413		@AOL.com
Audrey Clowers			Audrey Clowers@AOL.com 404-578-7491
Anthony Holt			anthonyholt15@yahoo.com 404-707-0244
Sandra Byrd		404 553-6479	



April 1, 2019

To whom it may concern:

My name is Cynthia Evans and this is my;



## Letter of Application

This document is for special use application and should be used as such. The property in question (1415 FOXHALL LANE) is zoned R75 and I intend to use the property as a Family Child Care Learning Home. This property is also used as my place of residence and shall also be used as my place of business. Only certain parts of the property will be used for the business, and those areas are defined as such: Living Room, Dining Room, and bathroom will be used for business. There will be two employees, and the normal hours of business will be Monday - Fridays, 6 AM - 6 PM. The maximum number of children in care is six (6). The minimum age is 15 months to a maximum age of 3 yrs.

Thank You. Cynthia Evans

April 1, 2019

Cynthia Evans

## Impact Analysis



- A The site is of adequate size and of the land area is available for the proposed use and all other applicable requirements of the zoned district in which the use is proposed to be located.
- B The proposed use is compatible with adjacent properties and land use and other properties and land uses in the district.
- C Public services, and public utilities, etc. is adequate and already serve the existing use and will be adequate to serve the contemplated use.
- D The public street is adequate on which the use is proposed to be located and is sufficient for the uses proposed and will not create congestion, or increase the capacity of traffic in the area.
- E The access routes to the proposed site is located along the existing land uses and will not adversely affect the character of vehicles or generate the volume of traffic by the proposed use.
- F Ingressing and egressing to subject property will not affect any structures uses, particular references to pedestrian and auto. motive safety and convenience, traffic flow and control and access in the event of a fire



- ont'd F. or other emergency.
- G. The proposed use will not create any adverse impacts upon any adjoining land use, nor by reason of noise, smoke, odor dust or vibration will not be generated by the proposed use.
- H. The hours of operation of the proposed use will not create any adverse impacts upon any adjoining land use.
- I. The manner of operation of the proposed use will not create any adverse impacts upon any adjoining land uses.
- J. The proposed plan is consistent with all requirements of the zone district classification in which the use is proposed to be located.
- K. If the existing use is consistent with the policies of the comprehensive plan, so also will the proposed use.
- L. The proposed plan provides all required buffer and transitional buffer zones where required by the regulation of the district in which the use is proposed to be located.
- M. There is adequate provision of refuse and sewage areas: for existing and proposed use



573

cont'd

N.

The special land use permit should be granted for the length of time and duration

O. The size, scale and massing of proposed site is appropriate in relation to the size of the subject property and in relation to the size, scale and massing of the adjacent and nearby lots and properties

P. The proposed plan will not adversely affect any historic buildings, sites, districts, or archaeological resources.

Q. The proposed use will satisfy the requirements contained within the Supplemental Regulation for such special land use permit

R. This proposed building (Houses) as a result of its proposed height will in no way create a negative shadow impact on any adjoining lots or buildings (Houses)

S. The proposed use would be consistent with the needs of the neighborhood and/or the community as a whole be compatible with the neighborhood and would not be in conflict with to overall objective of the comprehensive plan.



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: 2-20-19

TO WHOM IT MAY CONCERN:

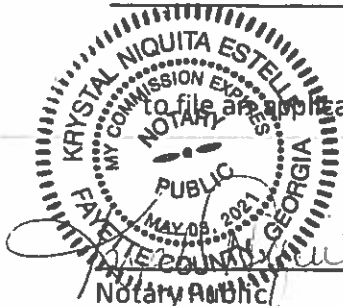
(I), (WE) Cynthia Evans  
Name of owners(s) (If more than one owner, attach a separate sheet)

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

N-A

Name of Agent or Representative

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



Krystal Niquita Estelle 8/12/2019  
Notary Public

Cynthia Evans  
Owner

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

\_\_\_\_\_  
Owner

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

\_\_\_\_\_  
Owner

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

\_\_\_\_\_  
Owner

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

\_\_\_\_\_  
Owner

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 filling of this application?

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

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

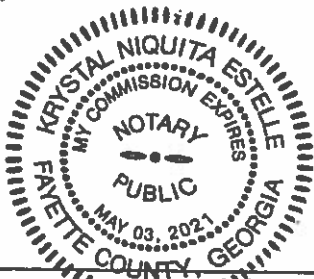
1. The name and official position of the local government official to whom the campaign contribution was made.
2. The dollar amount and description of each campaign contribution made during the two years immediately preceding the filing of this application and the date of each such contribution.

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.

*Krystal Niquita Estelle*  
Notary

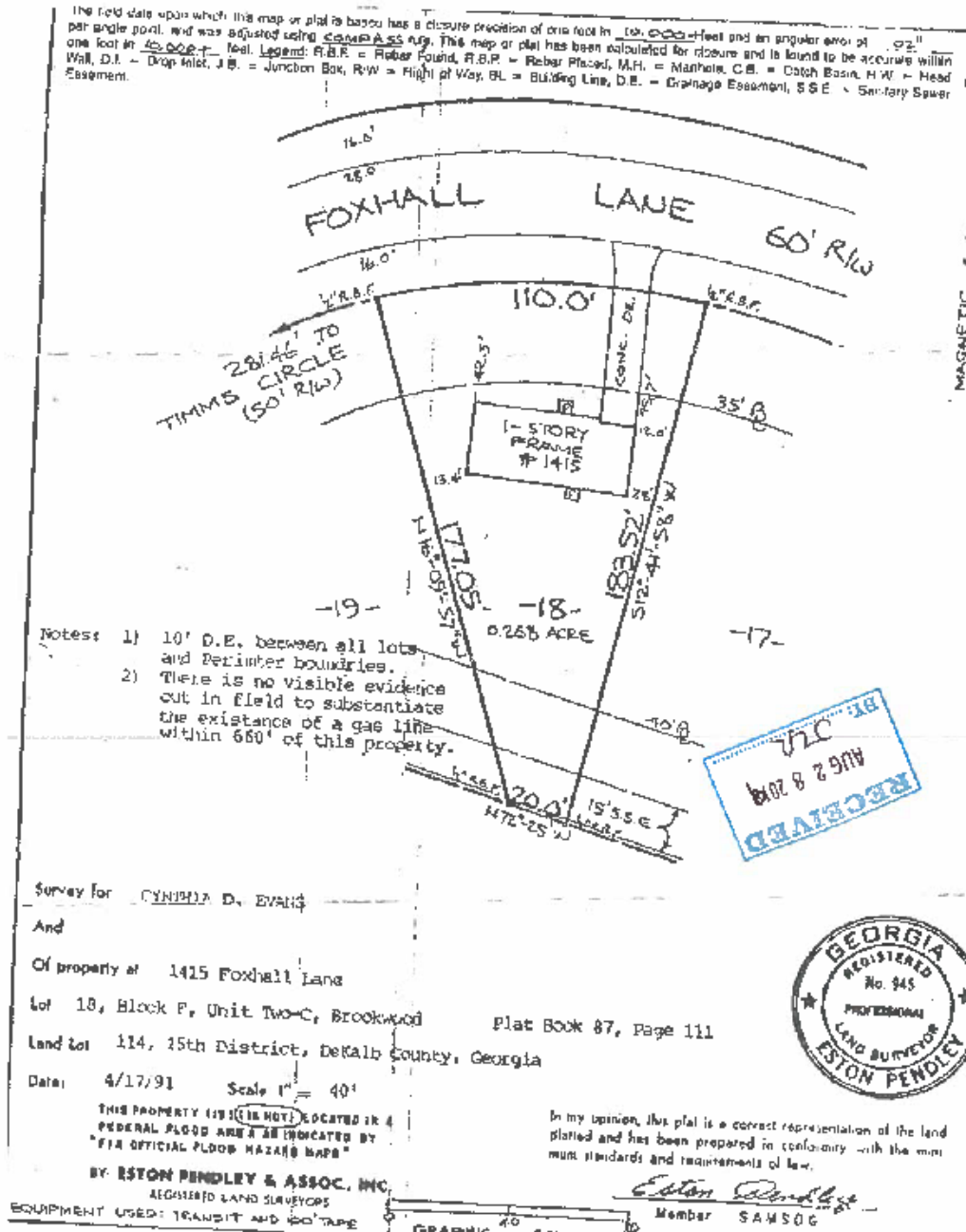
*[Handwritten Signature]*  
Signature of Applicant /Date

Check one: Owner  Agent \_\_\_\_\_



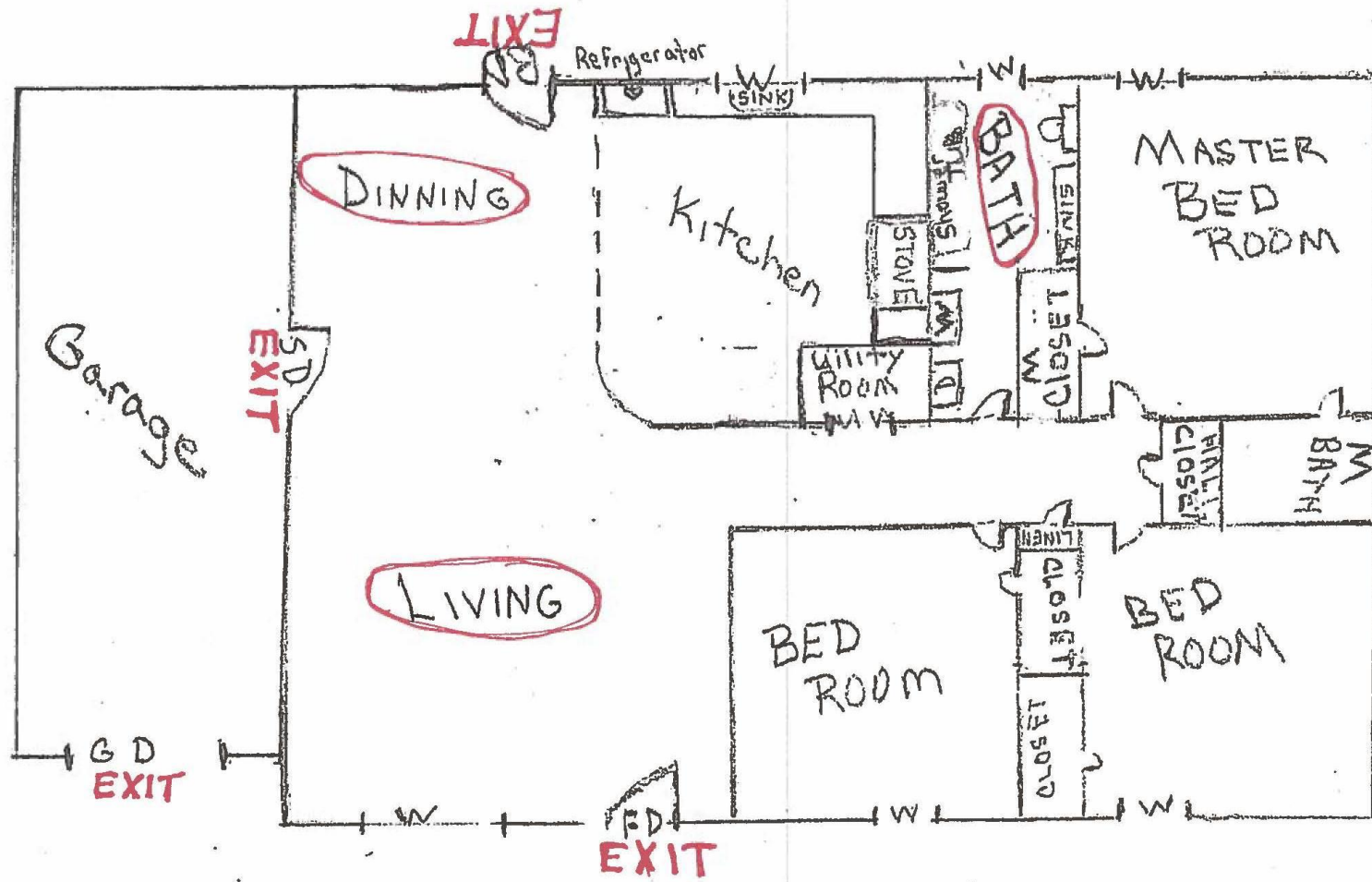
Expiration ~~Date~~ / Seal

\*Notarization is not needed if the response is "No"



RECEIVED  
 AUG 28 2014  
 BR 070





by  
Cynthia Evans  
7/2014

