



DeKalb County Government

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

Agenda Item

File #: 2019-4709
File Status: Preliminary Item

1/7/2020

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

SUBJECT:

COMMISSION DISTRICT(S): 5 & 7

Application of Angela Burke for a Special Land Use Permit (SLUP) to allow a home occupation (Life Health Coaching and Therapy) with customer contact within the Greater Hidden Hills Overlay District in an R-85 (Residential Medium Lot) District, at 4796 Manly Court.

PETITION NO: N3. SLUP-20-1243612 (2019-4709)

PROPOSED USE: Home Occupation with Customer Contact

LOCATION: 4796 Manly Court,

PARCEL NO. : 16-004-01-060

INFO. CONTACT: Marian Eisenberg

PHONE NUMBER: 404-371-4922

PURPOSE:

Application of Angela Burke for a Special Land Use Permit (SLUP) to allow a home occupation (Life Health Coaching and Therapy) with customer contact within the Greater Hidden Hills Overlay District in an R-85 (Residential Medium Lot) District, in accordance with Chapter 27, Article 4, Table 4.1 Use Table and Section 27-4.2.31 Supplemental Regulations of the DeKalb County Code. The property is located on the cul-de-sac of Manly Court, approximately 580 feet east of the intersection of Manly Court and Devon Court, at 4796 Manly Court, Stone Mountain, GA. The property has approximately 51 feet of frontage along the cul-de-sac of Manly Court and contains 0.34 acre.

RECOMMENDATION:

COMMUNITY COUNCIL: Approval with Conditions.

PLANNING COMMISSION: Pending.

PLANNING STAFF: Approval with Conditions.

STAFF ANALYSIS: The proposed in- home occupation with customer contact should not have any adverse impact on adjacent and surrounding properties. The exterior of the existing single-family residence is not proposed for alterations, therefore remaining compatible with surrounding dwellings in the area. Given that the

existing driveway can accommodate off-street parking for clients, there should be no impact on adjacent properties. The proposed use would not create adverse impacts on adjoining properties by way of noise, smoke, odor, dust or vibration. Therefore, the recommendation of the Planning and Sustainability Department is for, “Approval, subject to Staff’s recommended conditions”.

PLANNING COMMISSION VOTE: Pending.

COMMUNITY COUNCIL VOTE/RECOMMENDATION: Approval with Conditions 8-1-0. SLUP is non-transferable to another user.

Recommended Conditions

SLUP-20-1243612

1. A home occupation (Life Coaching and Therapy) with customer contact, within the existing single-family residence.
2. The hours of operation shall be Mondays through Saturday (9:00am-7:30pm). The business will be closed on Sundays.
3. Comply with the DeKalb County Noise Ordinance.
4. Parking shall be limited to the existing driveway.
5. The owner/operator shall not lease the business space for use by another person and the SLUP is not transferable to any future owners of the subject property.
6. No identification sign for the business shall be posted on the property.
7. The approval of this SLUP application by the Board of Commissioners has no bearing on the requirements for other regulatory approvals under the Zoning Board of Appeals, or other entity.



DeKalb County Department of Planning & Sustainability

330 Ponce De Leon Avenue, Suite 300

Decatur, GA 30030

(404) 371-2155 / www.dekalbcountyga.gov/planning

Michael Thurmond
Chief Executive Officer

Planning Commission Hearing Date: January 07, 2020, 6:30 P.M

Board of Commissioners Hearing Date: January 28, 2020, 6:30 P.M.

STAFF ANALYSIS

Case No.:	SLUP-20-1243612	Agenda #: N.3
Location/Address:	The property is located along the cul-de-sac of Manly Court, approximately 580 feet east of the intersection of Manly Court and Devon Court at 4796 Manly Court, Stone Mountain, GA.	Commission District: 5 Super District: 7
Parcel ID:	16-004-01-060	
Request:	To request a Special Land Use Permit (SLUP) to allow a home occupation (Life Health Coaching and Therapy) with customer contact within the Hidden Hills Overlay District in a R-85 (Residential Medium Lot) District, in accordance with Chapter 27, Article 4, Table 4.1 Use Table and Section 27-4.2.31 Supplemental Regulations of the DeKalb County Code.	
Property Owner/Agent:	Angela Burke	
Applicant/Agent:	Angela Burke	
Acreage:	.34 Acres	
Existing Land Use:	Single Family Residence	
Surrounding Properties Adjacent Zoning:	East, west, north and south are single-family detached residences zoned R-85 (Residential Medium Lot) District within the Bedford Estate Subdivision.	
Comprehensive Plan:	Suburban (SUB)	<input checked="" type="checkbox"/> Consistent <input type="checkbox"/> Inconsistent

Proposed Additional Square Ft.: N/A	Existing Residential Sq. Footage: Approximately 1,924 Square Feet
Proposed Lot Coverage: N/A	Existing Lot Coverage: <35%

ZONING HISTORY & SITE CHARACTERISTICS:

The subject site is an existing single-family residence located at the end of a cul-de-sac street (Manly Court) in unincorporated DeKalb County. The site has been zoned R-85 (Residential Medium Lot) District since the adoption the DeKalb County code in 1956.

Located at 4796 Manly Court, the approximate 1,924 square foot residence is a 1-story frame structure with a crawl space beneath the residence. Vehicle access is via an existing concrete driveway from Manly Court that can accommodate up to four vehicles. The enclosed garage can accommodate two full sized vehicles. There is a walkway to the front door from the concrete driveway on Manly Court. The front lawn appears flat and well-manicured with a large tree and shrubbery.

PROJECT ANALYSIS:

The applicant is requesting a Special Land Use Permit (SLUP) for an in-home occupation with customer contact to conduct life-health coaching/therapy for clients within 190 square feet business office of the existing residence. Per the submitted letter of intent, the applicant is currently renting office space in Decatur and sees on average two clients a day, 4 days a week. The applicant is a licensed professional counselor and desires to do life coaching in a home-based setting due to health concerns as a disabled veteran. The home occupation will serve approximately 1-3 clients per day. The proposed hours of operation are 8:00 a.m. to 9:00 p.m. Monday through Saturday with an average of 12 clients per week.

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 applicant is proposing an in-home occupation with limited customer contact within the R-85 (Residential Medium Lot) District. The residence on .34 acres is adequate for the proposed use and complies with required yards, parking and other standards of the zoning district.

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

The exterior of the existing single-family residence is not proposed for alterations, therefore remaining compatible with surrounding dwellings in the area.

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

Based on the location of the site within an established residential subdivision, adequate public facilities and services are available for the proposed use.

- 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:**

Manly Court is a local street. The existing driveway on Manly Court can accommodate customer parking. Planning Staff anticipates little or no impact on traffic in the area caused by the proposed use.

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

The low volume of traffic from individual clients or character of the vehicles generated by the proposed use should not adversely affect existing residential land uses along access routes to the site.

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:

Ingress and egress are adequate for the requested home occupation. Clients can access the home via the walkway to the front door from the driveway. Emergency vehicles can access the site from Manly Court. Given that the site is located on a cul-de-sac, there is adequate turn-around space for emergency vehicles.

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 proposed use should not create adverse impacts upon any adjoining land use 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:

The applicant proposes to operate 6 days a week (Monday-Saturday) during the hours of 8:00 a.m. to 9:00 p.m. The applicant estimates 1-3 clients per day. Planning staff is of the opinion that the hours are excessive for a home occupation given its location within an established residential neighborhood. Planning staff suggests work hours from 9:00 a.m. to 7:30 p.m. Monday through Saturday. That should allow enough time to schedule at least 3 clients per day. Given the suggested work hours by Planning staff, the hours of operation should not create adverse impacts upon any adjoining residential land uses.

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 manner of operation should not create adverse impacts upon adjoining land uses.

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 single-family residence meets all required building setbacks for the R-85 (Residential Medium Lot) District and the proposed use is consistent with an approved Special Land Use Permit by the Board of Commissioners.

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

Located within a Suburban Character area designated by the DeKalb County 2035 Comprehensive Plan, the proposed home occupation with customer contact is consistent with the following area policy: Protect stable neighborhoods from incompatible development that could alter established single-family residential development patterns and density. The limited hours of operation should not impact the primary use as a single-family residence.

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 for home occupations with customer contact.

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:

The proposed use is a permanent use and should not be limited to any length of time on the subject site.

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 requested SLUP for a home occupation with customer contact is in the existing one-story single-family residence on the site. There will be no building additions to the single-family residence. Nearby residences along Manly Court and other streets are developed with single-family residences no higher than two stories which is compatible with the subject site.

P. Whether the proposed use will adversely affect historic buildings, sites, districts, or archaeological resources.

The proposed use will not 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.

The proposed home occupation complies with the following supplemental regulations per Sec.27-4.2.31.C of the DeKalb County Zoning Code:

1. **There shall be no exterior evidence of the home occupation.** The applicant proposes no exterior change to the footprint of the existing residential structure. Signage is considered exterior evidence and is therefore not allowed.
2. **No use shall create noise, dust, vibration, odor, smoke, glare or electrical interference that would be detectable beyond the dwelling unit.** The proposed use for in-home counseling sessions will not generate noise, dust, vibration, odor, smoke, glare or electrical interference for adjacent and surrounding single-family residences.
3. **The use shall be conducted entirely within the dwelling unit, and only persons living in the dwelling unit shall be employed at the location of the home occupation.** The applicant/homeowner will be the only person employed at the location of the home occupation.
4. **No more than twenty-five (25) percent of the dwelling unit and or five hundred (500) square feet, whichever is less, may be used for the operation of the home occupation.** Per the information submitted in the application, the applicant proposes to use 190 square feet for home occupation.
5. **No more than one (1) business vehicle per home occupation is allowed.** The homeowner/applicant of the home occupation will only use one vehicle for business purposes if needed.
6. **No home occupation shall be operated so as to create or cause a nuisance.** No nuisance will be created by the proposed in-home occupation for counseling services.

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 single-family residence does not 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 the community as a whole, be compatible with the neighborhood, and would not be in conflict with the overall objective of the comprehensive plan.

The proposed use would provide a needed service for patrons that require guidance and life-coaching techniques to acquire desirable and attainable life goals. The proposed use does not conflict with overall

objectives of the comprehensive plan which is to offer a variety of retail and commercial services for residents in unincorporated DeKalb County.

COMPLIANCE WITH DISTRICT STANDARDS

Per the chart below, the single-family residence adheres to R-85 development standards.

STANDARD		REQUIREMENT	EXISTING	COMPLIANCE
LOT WIDTH		35 Feet fronting on cul-de-sac	51 feet width along Manly Court cul-de-sac	Yes
LOT AREA		12,000 Square Feet	14,945 Square Feet	Yes
YARD SETBACKS	FRONT	35 Feet	Approx. 33 Feet	Existing non-conforming residential structure
	INTERIOR LOT - SIDE	8.5 Feet	8.5 Feet	Yes
	REAR	40 Feet	Approx. 35 Feet	Existing non-conforming residential structure
HEIGHT		Max. 35 Feet	<35 Feet	Yes
LOT COVERAGE		Max. 35%	26.8%	
PARKING		Min. 4 parking spaces for a single-family residence	Can accommodate at least 4 parked cars	Yes
OPEN SPACE		N/A	N/A	N/A
LINEAR FEET OF NEW SIDEWALK		N/A	No sidewalks along Manly Court	N/A

STAFF RECOMMENDATION: APPROVAL WITH CONDITIONS

The proposed in- home occupation with customer contact should not have any adverse impact on adjacent and surrounding properties. The exterior of the existing single-family residence is not proposed for alterations, therefore remaining compatible with surrounding dwellings in the area. Given that the existing driveway can accommodate off-street parking for clients, there should be no impact on adjacent properties. The proposed use would not create adverse impacts on adjoining properties by way of noise, smoke, odor, dust or vibration. Therefore, it is the recommendation of the Planning and Sustainability Department that the application be **APPROVED**, subject to staff's Recommended Conditions:

1. A home occupation (Life Coaching and Therapy) with customer contact, within the existing single-family residence.
2. The hours of operation shall be Monday through Saturday (9:00am-7:30pm). The business will be closed on Sundays.
3. Comply with the DeKalb County Noise Ordinance.

4. Parking shall be limited to the existing driveway.
5. The owner/operator shall not lease the business space for use by another person and the SLUP is not transferable to any future owners of the subject property.
6. No identification sign for the business shall be posted on the property.
7. The approval of this SLUP application by the Board of Commissioners has no bearing on the requirements for other regulatory approvals under the Zoning Board of Appeals, or other 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 SLUP request, 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.

DEPARTMENT OF PLANNING & SUSTAINABILITY

Chief Executive Officer
Michael Thurmond

Director
Andrew A. Baker, AICP

Application Number: 1243612

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 Georgia DOT as well as 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, to include Runoff Reduction Volume where applicable is required as a condition of land development permit approval. Use Volume Three of the G.S.M.M. for best maintenance practices. Use the NOAA Atlas 14 Point Precipitation Data set specific to the site. The site is not a stormwater hotspot Recommend Low Impact Development features/Green Infrastructure be included in the proposed site design to protect as much as practicable.

- **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. Encroachment of flood hazard areas require compliance with Article IV

DEPARTMENT OF PLANNING & SUSTAINABILITY

of Chapter 14 and FEMA floodplain regulations.

- **Landscaping/Tree Preservation**

Landscaping and tree preservation plans for any building, or parking lot must comply with DeKalb County Code of Ordinances 14-39 as well as Chapter 27 Article 5 and are subject to approval from 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 MICHELLE M ALEXANDER mmalexander@dekalbcountyga.gov OR JOHN REID jreid@DEKALBCOUNTYGA.GOV

COMMENTS FORM:
PUBLIC WORKS WATER AND SEWER

Case No.: SLUP-20-1243612

Parcel I.D. #: 16-004-01-060

Address: 4796 Manly Court

Stone Mountain, Georgia

WATER:

Size of existing water main: 1.5" COP 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: Barbashela 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:



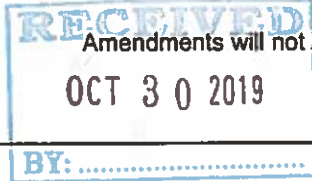
DeKalb County Department of Planning & Sustainability

Lee May
Interim Chief Executive Officer

Andrew A. Baker, AICP
Director



SPECIAL LAND USE PERMIT APPLICATION



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

Date Received:

Application No.: 1243612

BY:

APPLICANT NAME: Angela Burke

Daytime Phone #: 678-507-4497 Fax #:

Mailing Address: 4796 Manly Court Stone Mountain GA 30088

E-mail: Clarityhaven@gmail.com

OWNER NAME: Angela Burke
(If more than one owner, attach contact information for each owner)

Daytime Phone #: 678-507-4497 Fax #: 470.375.2907

Mailing Address: 4796 Manly Court Stone Mountain GA 30088

E-mail: Clarityhaven@gmail.com

SUBJECT PROPERTY ADDRESS OR LOCATION: 4796 Manly Court Stone Mountain GA 30088, DeKalb County, GA, 30088

District(s): DeKalb Cty Land Lot(s): 4 Block(s): A Parcel(s): 16 004 01 060

Acreage or Square Feet: 0.4 Commission District(s): DeKalb Existing Zoning: Single Family Residential District

Proposed Special Land Use (SLUP): Live coaching homebased business And Therapy (Private educational services Professional Supervisor)

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

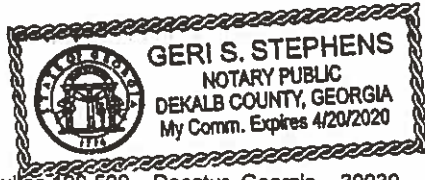
Owner: [checked] Agent: (Check One)

Signature of Applicant: [Signature]

Printed Name of Applicant: Angela Burke

Notary Signature and Seal:

[Signature] Geri S. Stephens Exp 4/20/2020



330 West Ponce de Leon Avenue - Suites 100-500 - Decatur, Georgia - 30030
[voice] 404.371.2155 - [Planning Fax] (404) 371-4556 [Development Fax] (404) 371-3007
Web Address http://www.dekalbcountyga.gov/planning
Email Address: planninganddevelopment@dekalbcountyga.gov

PUBLIC NOTICE

TO

Request for a Special Land Use Permit

Angela Burke /Calvangi LLC DBA Clarity Haven

Located at 4796 Manly Court

Stone Mountain GA 30088

Current Use - Residential Home

Proposed Use – Small Home based business for Life Coaching and therapy

Hours of Operation availability 08:30 am – 9:00pm Monday – Saturday as needed

Capacity: Up to 3 clients at a time

Average 6-16 clients total a week

PRE- SUBMITTAL COMMUNITY MEETING TO TAKE PLACE AT:
Resident's Home

Location: 4796 Manly Court Stone Mountain GA 30088

Date & Time Tuesday, October 29, 2019 at 7 pm

MEETING SIGN-IN SHEET

Project: SLUP Spec Land Use Permit

Meeting Date: 10/29/2019

Facilitator: Angela Burke

Location: 4796 Manly Ct
Stone Mt GA

Name

Address

Phone

Email

STEVE FARMER	4780 MANLY CT STONE MNT	770-981-4284	farmerstev
(KATRINA NICHOLS)	4788 MANLY CT ST MT		@gmail
MARCO MARTIN	4791 Manly Ct.	404-964-5305	marc2.tee@gmail

Letter of Application for Special Land Use Permit for a Home Based Business Type II

For Lot 14 Block A Bedford Estates Subdivision Land Lot 4 16th District

To The DeKalb County Board of Commissions

I, Angela Burke homeowner of 4796 Manly Court respectfully request consideration for a Special Land Use Permit (SLUP) for the .343 acre subject property located at 4796 Manly Stone Mountain GA. The application, SIUP-18-003 is to allow a home based-based business type II with customer contact in the R- 85 zoning district.

I desire to operate a discrete home based Life Coaching/ Talk therapy business using the total of 190 sq. feet out of 1905 sq. feet of livable space out of 1924 of total space. The home-based business office will be used for Life coaching/ Talk therapy. I am a Licensed Professional counselor/ Life Coach who desires to do life coaching in a home based setting due to health concerns as a disable veteran. I would like to run my business 8 am- 9pm Monday – Saturday. On average I will see 3 people a day, with weekly average being 12 clients/ weekly.

The ±0.343-acre site is developed with one structure, a one-story, single-family home with a driveway. I intend no exterior change to the footprint of the existing building on the site. I will serve no more than 3 clients at a time to be compliant with the educational services guidelines in education people from all walks of life to live and manage stress, divorce, occupational concerns, and improved family/ marriage dynamics as well as improved parenting skills. The driveway may accommodate up to four vehicles at a time, parked back-to-back and complaint with Sec. 6.1.3.B.6, which states, Parking shall not be permitted within the front yard of any property used for single-family residential purposes, except within a driveway, or in a roofed carport or enclosed garage.

I will eagerly comply with the standards of no exterior signage nor any increase of dust, noise; etcetera as these elements would be detrimental to what I do. It is an advantage to be as discreet as possible and the fact that I am at the end of a cul de sac make being discreet without uninvited clients an advantage to not causing any disruption to my surrounding or distant neighbors in the area. The property is surrounded by single-family homes on all sides, the proposed use during the hours proposed will posed no adverse impact on the surrounding community.

Thank you for your consideration,

Angela Burke LPC, MAC, LPN, CPCS, BCTMH,

Analysis of Impact of Special Land Use Permit of 4796 Manly Court Stone Mountain GA. 30088

Project Location: 4796 Manly Court Stone Mountain Ga. 30088

District / Land Lot 4

Acreage : 04

Existing Zoning R85

Existing Land use Single Family home

Future Land Use Map Suburban

Applicant Calvangi LLC

Owner: Angela Burke

Proposed development Applicant request approval of a Special Land use Permit for a home based business with customer contact.

Project Data

The applicant has submitted an application for a Special Land Use Permit (SLUP) for the .343 acre subject property located at 4796 Manly Stone Mountain GA. The application, SIUP-18-003 is to allow a home based-based business with customer contact in the R- 85 zoning district Pursuant to Section 4.2.31, supplemental regulations for Home Occupations, the proposed business is considered a *Type II* home occupation because it includes customer contact. All *Type II* home occupations are only permitted with the approval of a Special Land Use Permit to ensure the home occupation will not be a detriment to the character of the residential neighborhood.

A home-based business is an occupation carried on by an occupant of a dwelling unit as a secondary use of the dwelling that is incidental to the primary use of the dwelling unit for residential purposes and is operated in accordance with the provisions of this chapter. Per Sec. 4.2.31.C, no more than twenty-five (25) percent of the dwelling unit and or five hundred (500) square feet, whichever is less, may be used for the operation of the home occupation. The total of the home-based business office for health coaching/ therapy is 190 sq. feet out of 1905 sq. feet of livable space out of 1924 of total space.

The applicant is currently renting space in Decatur and sees on average 2 clients a day 4 days a week. The applicant is a Licensed Professional counselor and desires to do life coaching in a home based setting due to health concerns as a disable veteran.

The ±0.343-acre site is developed with one structure, a one-story, single-family home with a driveway. The applicant intends no exterior change to the footprint of the existing building on the site. The applicant proposes no more than 3 clients at a time. The driveway may accommodate up to four vehicles at a time, parked back-to-back and compliant with Sec. 6.1.3.B.6, which states, Parking shall not be permitted within the front yard of any property used for single-family residential purposes, except within a driveway, or in a roofed carport or enclosed garage. Within any single-family residential district, not more than thirty-five percent (35%) of the total area between the street right-of-way line and the front of the principal building shall be paved.

Community Council

The community council district 5 was notified via emails provided by the county and flyer sent out to adjacent neighbors 500 feet of the property. Three neighbors attended the meeting that are directly adjacent to the aforementioned property and signed the roster and they were able to ask any questions of concern. No dissents were voiced.

CRITERIA TO BE APPLIED – SPECIAL LAND USE PERMIT

Criteria (standards and factors) for special land use decisions are provided in Section 7.4.6 of the Dekalb County Zoning Ordinance. Supplemental use regulations are outlined in Article 4, Division 2 of the zoning ordinance.

- 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 site size is approximately 0.4 acre. The site is relatively small; however, the lot is already developed with a single-family home and the applicant is not proposing to expand the existing structure's footprint. As part of the application, the applicant shows space for off-street parking for two vehicles, and states that there will be no parking on the street.

The applicant is not proposing any structural revisions. The request relates to the proposed use only.

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

From a land use standpoint, the proposed home-based occupation would allow a non-intensive use in a residential neighborhood. The land use and development of adjacent properties consist of single-family homes, and the property is surrounded on all sides by R-85 (Residential Medium) zoned properties. However, the home-based occupation will be wholly inside the house. The applicant proposes that the daily vehicular trips on the street will be minimal considering she only averages 8 clients a week.

- C. Adequacy of public services, public facilities, and utilities to serve the proposed use. Schools.** There will be no impact on public school facilities.

Storm water management. The applicant does not propose any alterations to the property, which would trigger review of a storm water management system.

Water and sewer. Water and sewer approval is not required as it is an existing single-family residence and the home based business is not proposing any increase in water or sewer capacity.

- 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 use proposed so as not to unduly increase traffic and create congestion in the area. Traffic impacts will be minimal. One curb cut location exists, which is for the driveway.** The house has a two-car garage, and the driveway can accommodate four cars.

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

If developed in accordance with recommended conditions, land uses along Manly Court will not be adversely affected by the character of vehicles or the volume of traffic generated by the proposed home-based occupation.

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.
DeKalb Fire Department has no comments for the home-based business with customer contact.

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

The proposed development will not generate excessive noise, nor will it emit smoke, odor, dust or vibration. The proposed use includes a home-based business with customer contact inside the home.

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

The property is surrounded by single-family homes on all sides, the proposed use during the hours proposed will posed no adverse impact on the surrounding community.

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.

If developed in accordance with recommended conditions, land uses along Manly Court will not be adversely affected by the manner or operation of the home-based business with customer contact.

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 proposed home-based business does not further the intent of the zoning district classification to be a residential area. However, a home-based occupation with customer is an allowable use to be considered through a Special Land Use Permit.

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

The subject property and the immediate area is designated Suburban on the Future Land Use. Primary Suburban land uses include health and wellness services provided to the community. The proposed home-based business with customer contact may be consistent with the intent of the adopted comprehensive plan.

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.

No transitional buffer zones are required. There are no alterations to the structure.

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

The site plan does not show a space for a trash; however, the proposed use should not generate much refuse. The applicant has a residential sanitation account with DeKalb County Sanitation which should accommodate any additional refuse generated by the home based

business.

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

No limits on the length of time on the special land use permit are recommended, if granted.

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 applicant proposes no changes to the existing building size, mass, and scale.

P. Whether the proposed use will adversely affect historic buildings, sites, districts, or archaeological resources.

There are no known historic buildings, sites, districts or archaeological resources on the subject properties. Therefore, no adverse effects are anticipated.

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

The following supplemental use regulations are applicable: Sec. 4.2.31. Home occupation and private educational uses. The applicant's letter of intent states that they will comply with the standards for home-based businesses with customer contact in Section 4.2.31.

There are additional criteria that must be considered when home-based occupations are proposed, as enumerated below:

1. There shall be no exterior evidence of the home occupation.

The proposed home-based business shall be wholly indoors without signage to indicate a business.

2. No use shall create noise, dust, vibration, odor, smoke, glare or electrical interference that would be detectable beyond the dwelling unit.

The proposed use will not create dust, noise, vibration, odor, smoke, or glare.

3. The use shall be conducted entirely within the dwelling unit, and only persons living in the dwelling unit shall be employed at the location of the home occupation.

The applicant will be the only person employed at the location of the home occupation.

4. No more than twenty-five (25) percent of the dwelling unit and or five hundred (500) square feet, whichever is less, may be used for the operation of the home occupation.

Less than 20% of the house shall be used for the home-based business.

5. No more than one (1) business vehicle per home occupation is allowed.

There will be no more than 1 vehicle used for the proposed use.

6. No home occupation shall be operated so as to create or cause a nuisance.

The proposed home-based business will not create a nuisance.

7. Home occupation shall not include the use of a dwelling unit for the purpose of operating any automobile repair establishment, or car wash.

The proposed use does not involve automobile repair or car wash.

8. Occupations that are mobile or dispatch-only may be allowed, provided that any business vehicle used for the home occupation complies with Article 6.1.3, and is limited to one (1) business vehicle per occupation.

The proposed home-based business with customer contact is not mobile or dispatch-only.

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 proposed use will not produce an adverse shadow effect. No changes are being proposed to the existing structure.

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

There have been no applications for home-based business with customer contact currently.

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

Suburban Character Area. The proposal is not in conflict with the intent of the Suburban Character Area. Primary land uses include residential and health & wellness centers. The proposed development may be found to be consistent with the intent of the adopted comprehensive plan.

CONCLUSION

The proposed Special Land Use Permit application is consistent with the comprehensive plan character area. The R-85 zoning district allows uses to serve the recreational and educational needs of the neighborhood, and is an allowable use in the R-85 zoning district with the approval for a Special Land Use Permit.

