



# DeKalb County Government

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

## Agenda Item

**File #:** 2019-4715  
**File Status:** Preliminary Item

1/28/2020

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

**SUBJECT:**

**COMMISSION DISTRICT(S): 2 & 6**

Application of Chevra Ahavas Yisrael of Atlanta, Inc. to request a Special Land Use Permit (SLUP) to allow a Place of Worship (Synagogue) within the 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, at 1171 Houston Mill Road.

**PETITION NO: N8. SLUP-20-1243621 (2019-4715)**

**PROPOSED USE:** Place of Worship.

**LOCATION:** 1171 Houston Mill Road.

**PARCEL NO. :** 18-111-03-040

**INFO. CONTACT:** Marian Eisenberg

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

**PURPOSE:**

Application of Chevra Ahavas Yisrael of Atlanta, Inc. to request a Special Land Use Permit (SLUP) to allow a Place of Worship (Synagogue) within the 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 east side of Houston Mill Road, approximately 467 feet south of LaVista Road, at 1185 Houston Mill Road, Atlanta, Georgia. The property has approximately 283 feet of frontage along Houston Mill Road and contains 3.24 acres.

**RECOMMENDATION:**

**COMMUNITY COUNCIL:** Denial.

**PLANNING COMMISSION:** Withdrawal without Prejudice.

**PLANNING STAFF:** Withdrawal without Prejudice.

**STAFF ANALYSIS:** The proposal under consideration is to convert the existing single-family detached home into a place of worship (synagogue). Based on the submitted materials, the applicant is proposing to modify and renovate the existing single-family detached home and add a 120-seat sanctuary building to the rear of the

structure. Vehicular access would be provided from Houston Mill Road and approximately 32 parking space are proposed at the front of the structure. Refuse would be disposed in a dumpster, which would be located south at the edge of the proposed structure. The application states that the proposed hours of operation are Fridays 6 PM -8 PM, Saturdays 6 PM-8 PM, and Sundays 6 PM-8 PM. Renderings and elevations submitted by the applicant show that the synagogue would be one story and with new siding to match with the existing structure. The proposal does not comply with the supplemental regulations per section 27- 4.2.42. of the DeKalb County Zoning Ordinance for places of worships. The proposal is not consistent with the policies of the 2035 Comprehensive Plan nor the 2014 Transportation Plan. The subject property is not adequate for a proposed place of worship. The site does not comply with applicable requirements of the zoning supplemental regulations for places of worship. The proposed use may not be consistent with the needs of the neighborhood or the community as a whole. Most of the congregants will travel to the place of worship on foot due to a religious prohibition against driving on the Sabbath. However, there is no guarantee the place of worship will be used in perpetuity by congregants of this religious practice. If granted, the property use as a place of worship by congregants who might want to use Houston Mill Road as a means of travel from distant neighborhoods located to the south, thereby bringing traffic through the immediately surrounding neighborhood. The site would be adversely affected by the volume of traffic to be generated by the proposed place of worship. Therefore, the Department of Planning and Sustainability does not support the request. However, the property owner withdrew authorization for the applicant to apply for the SLUP, so staff recommends "Withdrawal without Prejudice."

**PLANNING COMMISSION VOTE: Withdrawal without Prejudice 9-0-0.** A. Atkins moved, P. Womack, Jr. seconded for Withdrawal without Prejudice. The motion passed unanimously.

**COMMUNITY COUNCIL VOTE/RECOMMENDATION: Denial 5-0-0.**

RECEIVED  
JAN 06 2020  
*[Signature]*

12/27/19

**CBY Luke Properties, LLC**  
2897 N. Druid Hills Rd. Ste 101  
Atlanta GA, 30329

**Subject: 1185 Houston Mill Road, Atlanta, GA 30329**  
**Parcel ID: 18-111-03-040**

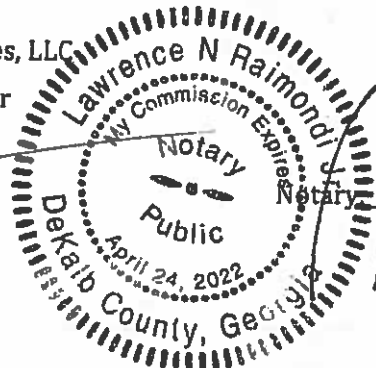
**To:**  
**Dekalb County**  
**Department of Planning & Sustainability** Case No: SLUP-20-1243621  
**Zoning Board of Appeals** Case No: A-19-1243657

**And to Whom It May Concern:**

1. CBY Luke Properties, LLC is the owner of the above referenced property.
2. A Purchase & Sale Agreement was signed on 8/12/2019 for the sale of the subject property.
3. Ms. Katharine M Zickert and Mr. Yale New are representatives of the buyers of the subject property.
4. Per the buyer's request, the owner has authorized the representatives to submit their plans to the County prior to the sale of the subject property.
5. Effective immediately, the owner terminates the authorization that was given to the buyer's representatives.
6. Please have the plans submitted by the representatives removed from the agenda of the Board of Commissioners dated for 1/7/20 and 1/28/20 as well as from the agenda of the Board of Appeals Hearing dated for 1/8/20.

Thank you,  
CBY Luke Properties, LLC  
Sagy Peretz, Manger

*[Handwritten Signature]*





**DeKalb County Department of Planning & Sustainability**

**330 Ponce De Leon Avenue, Suite 500  
Decatur, GA 30030  
(404) 371-2155 / plandev@dekalbcountyga.gov**

Michael Thurmond  
Chief Executive Officer

**Planning Commission Hearing Date: January 7, 2020, 6:30 P.M**  
**Board of Commissioners Hearing Date: January 28, 2020, 6:30 P.M.**

**STAFF ANALYSIS**

**Case No.:** SLUP-20-1243621 **Agenda #:** N. 8

**Location/Address:** The property is located on the east side of Houston Mill Road, approximately 467 feet south of Lavista Road, at 1185 Houston Mill Road, Atlanta, Georgia 30329. **Commission District:** 02 **Super District:** 06

**Parcel ID:** 18-111-03-040

**Request:** For a Special Land Use Permit (SLUP) to allow a place of worship within the R-85 (Residential Medium Lot) District, in accordance with Chapter 27, Article 4, Table of the DeKalb County Zoning Ordinance.

**Property Owner/Agent:** CBY Luke Properties LLC.

**Applicant/Agent:** Chevra Ahavas Yisrael Synagogue

**Acreage:** 3.24 acres

**Existing Land Use:** Single family Residential

**Surrounding Properties:** To the north: place of worship; east: multifamily dwelling; west and south: detached single family.

**Adjacent Zoning:** **North:** R-85 **South:** R-85 **East:** MR-2 **West:** R-85

**Comprehensive Plan:** SUB      **Consistent**       **Inconsistent**

<b>Proposed Density:</b> N/A	<b>Existing Density:</b> One detached single family structure
<b>Proposed Units/Square Ft.:</b> N/A	<b>Existing Units/Square Feet:</b> N/A
<b>Proposed Lot Coverage:</b> N/A	<b>Existing Lot Coverage:</b> N/A

### **Zoning History:**

Based on DeKalb County records, it appears that the R-85 zoning of the property has not changed since adoption of the first zoning ordinance and map in 1956.

### **SITE AND PROJECT ANALYSIS**

The subject property is an approximately three-acre site located approximately 377 feet south of the intersection of Lavista Road and Houston Mills Road. The property has approximately 225 feet of frontage on Houston Mill Road, and fronts a two-lane collector road. The property is developed with the two structures: a one-story 2,573 square foot frame single family detached home and a two story 1, 153 square foot structure with a basement located at the rear of the subject property. Both structures were constructed in 1950 and are currently vacant. The site currently has two asphalt driveways that are both accessible from Houston Mills Road.

The property is surrounded by R-85 (Residential Medium Lot) zoned properties to the north, west, and south. Located east is MR-2 (Residential Medium Lot) zoning. Directly north of the subject property is the location of the *Intown Community Church* which was constructed in 1955. Directly east across Houston Mill Road and south of the subject property are single family detached homes that were constructed between 1930 through 1963. Located east of the subject property is the location of *Calibre Woods Apartments* which were construct in 1988.

The proposal under consideration is to convert the existing single-family detached home into a place of worship (synagogue). Based on the submitted materials, the applicant is proposing to modify and renovate the existing single-family detached home and add a 120-seat sanctuary building to the rear of the structure. Vehicular access would be provided from Houston Mill Road and approximately 32 parking space are proposed at the front of the structure. Refuse would be disposed in a dumpster, which would be located south at the edge of the proposed structure. The application states that the proposed hours of operation are Fridays 6 PM-8 PM, Saturdays 6 PM-8 PM, and Sundays 6 PM-8 PM.

Renderings and elevations submitted by the applicant show that the synagogue would be one story and with new siding to match with the existing structure. The proposal does not comply with the supplemental regulations per section 27- 4.2.42. of the DeKalb County Zoning Ordinance for places of worships.

**Compliance with District Standards:**

R-85 STANDARD		REQUIREMENT	PROVIDED/PROPOSED	COMPLIANCE
MIN. LOT WIDTH		R-85 standard of 85 ft. superseded by place of worship standard of 100 feet	225 feet	Yes
MIN. LOT AREA		R-85 standard of 12,000 square feet superseded by place of worship standard of 3 acres	142,005.60s.f. (3.26 acres)	Yes
MIN. BUILDING SETBACKS	FRONT	50 feet	83.5 feet	Yes
	CORNER LOT - SIDE	Not applicable	Not applicable	Not applicable
	INTERIOR LOT - SIDE	R-85 standard of 8.5 feet superseded by place of worship requirement of 50 ft. bldg. setback from adjacent R districts	North side: 59 ft. South side: 30.08 ft.	No
	REAR	40 feet	375 ft.	Yes
MAX. HEIGHT		35 ft.	15 ft., 10in.	Yes
MAX. LOT COVERAGE		35%	10%	Yes
MIN./MAX. PARKING		(Place of worship– 120 fixed seats): Min.: 1 space per 4 seats in largest assembly room = 30 spaces Max.: 1 space per 2 seats in largest assembly room = 60 spaces	32 spaces	Yes
MIN. STREETScape DIMENSIONS - PROPERTY FRONTAGE		10-ft. landscape strip, 6-ft. sidewalk, pedestrian scale lights 80 ft. apart, street trees 50 ft. on center	Streetscaping not shown	Not Shown or Required

**SUPPLEMENTAL REGULATIONS**

- A. Any building or structure established in connection with places of worship, monasteries or convents shall be located at least fifty (50) feet from any residentially zoned property.

Based on the submitted site plan, the proposed place of worship does not meet this standard. The proposed place of worship is approximately 30.08 feet from the southern property that is zoned R-85 (Residential Medium Lot) District. The applicant is scheduled to go before the Zoning Board of Appeals on January 8, 2020 to request a variance from this standard.

- B. The required setback from any street right-of-way shall be the front-yard setback for the applicable residential district.

Based on the submitted site plan, the proposed place of worship does meet this requirement.

- C. The parking areas and driveways for any such uses shall be located at least twenty (20) feet from any property line, with a visual screen, provided by a six-foot-high fence or sufficient vegetation established within that area.

Based on the submitted site plan, if this SLUP is granted, the proposed place of worship will meet this standard.

- D. Places of worship, convents and monasteries shall be located on a minimum lot area of three (3) acres and shall have frontage of at least one hundred (100) feet along a public street.

The subject property meets this standard. The site has approximately 3.26 acres and approximately 225 feet of street frontage.

- E. Places of worship, convents and monasteries shall be located only on a thoroughfare or arterial.

The subject property does not meet this standard. The site is located on Houston Mill Road which is classified as a collector road, per County records. The applicant is scheduled to go before the Zoning Board of Appeals on January 8, 2020 to request a variance from this standard.

#### LAND USE AND ZONING ANALYSIS

**Section 27-873 of the DeKalb County Zoning Ordinance, "Special land use permit; criteria to be applied" states that the following criteria shall be applied in evaluating and deciding any application for a Special Land Use Permit. No application for a Special Land Use Permit shall be granted unless satisfactory provisions and arrangements have been made concerning each of the following factors, all of which are applicable to each application.**

- 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 subject property is not adequate a proposed place of worship. The site does not comply with setbacks requirements from the zoning supplemental regulations for places of worship. The proposed place of worship does not meet the fifty (50) foot separation distance from the residentially zoned property.
- B. Compatibility of the proposed use with adjacent properties and land uses and with other properties and land uses in the district:** The proposed place of worship is not compatible with other properties and land uses in the districts. The site is surrounded by primarily of single family detached homes to the west and south. Although the proposed use is compatible with other institutional uses to the north, this property encroaches in the residential uses to the south.
- C. Adequacy of public services, public facilities, and utilities to serve the contemplated use:** Public services, public facilities, and utilities appear to be adequate to serve the proposed place of worship if the SLUP is granted.

- 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:** Comment by the County Division of Transportation indicate that there is only one access point on Houston Mill Road. The applicant would need to provide sidewalks to Lavista Road. A professional engineer will need to verify sight distance per AASHTO prior to permitting due to curves. In addition, the applicant would need to provide a minimum- ROW dedication of 17.5 feet from centerline (or enough to accommodate public infrastructure within right of way- including street lights, six-foot sidewalk, 10 foot landscape strip, street trees, four foot bike lane, and a pedestrian scale street lights. The applicant shall provide a direct pedestrian connection from public right of ways to the interior of the subject property to support walkability (whichever is greater).
- 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:** Most of the congregants will travel to the place of worship on foot due to a religious prohibition against driving on the Sabbath. However, there is no guarantee the place of worship will be used in perpetuity by congregants of this religious practice. If granted, the property use as a place of worship by congregants who might want to use Houston Mill Road as a means of travel from distant neighborhoods located to the south, thereby bringing traffic through the immediate surrounding neighborhood. Therefore, the site would be adversely affected by the volume of traffic to be generated by the proposed place of worship.
- 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 via the proposed driveway that connects to Houston Mill Road to the parking lot appears to be satisfactory.
- 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 place of worship and parking lot are expected to generate increased levels of noise and activity on the site.
- 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 proposed use could create adverse impacts upon any adjoining land use due to its hours of operation.
- 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 in which the place or worship would be operated would remain the same and is expected to continue to be acceptable.
- 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 place of worship is not consistent with the requirements of the zoning district nor does it meet the supplemental regulations.
- K. Whether or not the proposed use is consistent with the policies of the comprehensive plan:** The proposal would not be consistent with the policies of the 2035 Comprehensive Plan nor the 2014 DeKalb County Transportation Plan.



- 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:** If granted, the applicant would be required to provide visual screening around the parking area, provided by a six-foot-high fence or sufficient vegetation established within that area.
- M. Whether or not there is adequate provision of refuse and service areas:** Refuse would be disposed in a dumpster, which would be located south at the edge of the proposed structure.
- N. Whether the length of time for which the special land use permit is granted should be limited in duration:** Because the proposed use of the site is not suitable, there is no reason to limit its 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 proposed structure does not comply with the building separation distance requirement from residentially zoned property therefore the size, scale, and massing of proposed building is not appropriate in relation to the size of the subject property nor the nearby lots and buildings.
- P. Whether the proposed plan would adversely affect historic building sites, districts, or archaeological resources:** No historic buildings, sites, districts, or archaeological resources are located on the property or in the surrounding area.
- Q. Whether the proposed use satisfies the requirements contained within the supplemental regulations for such special land use permit:** The proposed use does not satisfy the requirement contained within the supplemental regulations for such special land use permit.
- R. Whether or not the proposed building as a result of its proposed height, would create a negative shadow impact on any adjoining lot or building:** The proposed building is one-story therefore it is not expected to 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 may not be consistent with the needs of the neighborhood and of the community as a whole, incompatible with the neighborhood, and is in conflict with the overall objectives of the comprehensive plan.

**STAFF RECOMMENDATION:** DENIAL.

The proposal is not consistent with the policies of the 2035 Comprehensive Plan nor the 2014 Transportation Plan. The subject property is not adequate for a proposed place of worship. The site does not comply with applicable requirements of the zoning supplemental regulations for places of worship. The proposed use may not be consistent with the needs of the neighborhood or the community as a whole.

Most of the congregants will travel to the place of worship on foot due to a religious prohibition against driving on the Sabbath. However, there is no guarantee the place of worship will be used in perpetuity by congregants of this religious practice. If granted, the property use as a place of worship by congregants who might want to use Houston Mill Road as a means of travel from distant neighborhoods located to the south, thereby bringing traffic through the immediately surrounding neighborhood. The site would be adversely affected by the volume of traffic to be generated by the proposed place of worship. Therefore, the Department of Planning and Sustainability recommends "Denial".

**Attachments:**

1. Department and Division Comments
2. Application
3. Proposed Site Plan
4. Existing Site Survey
5. Proposed Elevations
6. Proposed Floor Plan
7. Zoning Map
8. Future Land Use Map
9. Aerial Photograph

## Transportation Comments

### Zonings

N1. No Comment

N2. Provide pedestrian connections from the apartments to the sidewalks on public right of way for each access point. Ensure that all access points have the required AASHTO sight distance. Landscaping may need to be modified to obtain. If middle driveway on Rockbridge does not have exiting sight distance, eliminate access point. Submit sight distance calculation by a professional engineer at time of permitting. Add streetlighting at access points. Make sure driveway aprons meet current ADA requirements. See GDOT driveway detail.

N3. No comment.

N4. GDOT review and approval required prior to permitting. Provide a direct pedestrian path from the right of way to the subject building.

N5. Windy Hill Road is classified as a local residential road. Please see Section 14-190 for requirements to bring your side up to current standards. Widen 12 feet from centerline of road, dedicate 27.5 feet of right of way from centerline. 5-foot sidewalks, 6-foot landscape strip and pedestrian scale street lighting required. Fill in any gaps in sidewalk from subject property down to Tilson Road. Verify by a professional engineer that sight distance at the new road meets all applicable AASHTO standards.

N6. GDOT review and approval needed prior to permitting. Wilkinson Dr and Warren St are both local roads. Please see Section 14-190 for requirements to bring your side up to current standards. 24-foot wide road, header curb, dedicate 27.5 feet of right of way from centerline, 5-foot sidewalks, 6-foot landscape strip and pedestrian scale street lighting required. Provide direct pedestrian paths to destinations within the subject property. GDOT approval needed for driveway throat length off Memorial Drive.

N7. GDOT review and approval required for Candler Road (SR 155). Candler Road is classified as a major arterial. Falls within the I-20 Overlay District Tier 2. Follow infrastructure requirements of the overlay district. At a minimum- ROW dedication 50 feet from centerline (or all public infrastructure on right of way- including street lights, whichever ever greater), 6-foot sidewalk, 10 foot landscape strip, Street trees, 4 foot bike lane, pedestrian scale street lights required. Glenwood is classified as a minor arterial. At a minimum-ROW dedication 40 feet from centerline (or all public infrastructure on right of way- including street lights, whichever ever greater), 6-foot sidewalk, 10 foot landscape strip, pedestrian scale, 4-foot bike lane, street trees, street lights required. Glenhill is classified as a local residential. At a minimum- ROW dedication 27.5 feet from centerline (or all public infrastructure on right of way- including street lights, whichever ever greater), 5-foot sidewalk, 6-foot landscape strip, Street trees, pedestrian scale street lights required. If using Glenhill for access, the developer needs to add a left turn lane on Glenwood. Develop must extend the left turn lane on Glenwood at Candler to provide LT storage into the development. Traffic study required. Provide a direct pedestrian path from the public sidewalks on right of way to the destinations within the subject property to support transit. Professional engineer to verify sight distance at all access points per AASHTO guidelines- to be submitted with permitting.

N8. Requires GDOT approval and permits prior to DeKalb permit submittal. Verify that you have the required number of driveways per # of units- Section 14-200(5). If not, Board variance required. Young Road is classified at a collector street. See overlay infrastructure standards. At a minimum-ROW dedication 40 feet from centerline (or all public infrastructure on right of way- including street lights, which ever greater), 6-foot sidewalk, 10 foot landscape strip, pedestrian scale, 4- foot bike lane, street trees, street lights required. Covington Hwy is classified as a major arterial. See overlay infrastructure standards. At a minimum- ROW dedication 50 feet from centerline (or all public infrastructure on right of way- including street lights, which ever greater), 6-foot sidewalk, 10 foot landscape strip, Street trees, 4 foot bike lane, pedestrian scale street lights required. Traffic study to determine need to for left turn/right turn lanes on Young Road. Professional engineer to verify that driveway on Young Road has required AASHTO sight distance prior to permitting. Provide a direct pedestrian connection from public right of ways to interior of the subject property to support transit.

N. 9. Only one access point on Houston Mill Road. Provide sidewalks to Lavista Road. Professional engineer to verify sight distance per AASHTO prior to permitting due to curves. Houston Mill is classified as a collector road. At a minimum- ROW dedication 17.5 feet from centerline (or all public infrastructure on right of way- including street lights, which ever greater), 6-foot sidewalk, 10 foot landscape strip, Street trees, 4 foot bike lane, pedestrian scale street lights required. Provide a direct pedestrian connection from public right of ways to interior of the subject property to support walkability.

N10 & N11. Follow the infrastructure requirements in the overlay district. Redan Road is classified at a minor arterial. At a minimum-ROW dedication 40 feet from centerline (or all public infrastructure on right of way- including street lights, which ever greater), 6-foot sidewalk, 10 foot landscape strip, pedestrian scale, 4- foot bike lane, street trees, street lights required. Access point right in/right out only due to location. Only one access point. Professional engineer to verify sight distance per AASHTO prior to permitting. Provide a direct pedestrian connection from public right of ways to interior of the subject property to support transit.



**DEKALB COUNTY GOVERNMENT**  
**PLANNING DEPARTMENT**

Application Number: SLUP-20-1243621

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. 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 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 is 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. State water determination may be required.

- **Fire Safety**

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

*Jenny*

DEPARTMENT OF PLANNING & SUSTAINABILITY

**SPECIAL LAND USE PERMIT APPLICATION**

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

Date Received: 10/31/2019 Application No: SLUP-20-1243621

APPLICANT NAME: Chavra Ahavas Yisrael of Atlanta Inc - Vale New

Daytime Phone: 404-377-6116 E-Mail: office@chabadtoco.com

Mailing Address: 1280 Holly LN NE, Atlanta, GA 30329

Owner Name: Saggy Peretz  
(If more than one owner, attach contact information for each owner)

Daytime Phone: 404-369-7977 E-Mail: halledhasen@gmail.com

Mailing Address: 2897 North Druid Hills Rd, Atlanta, GA 30329

SUBJECT PROPERTY ADDRESS OR LOCATION: 1185 Houston Mill Rd

DeKalb County, GA, 30329

Parcel ID: 18-111-03-040 Acreage or Square Feet: 3.24 Acres Commission Districts 216

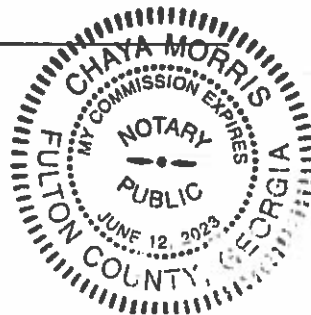
Existing Zoning: R85 Proposed Special Land Use (SLUP) Place of Worship

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  
*[Signature]*

Printed Name of Applicant:  
Vale New

Notary Signature and Seal:  
*[Signature]*





404.371.2155 (p)  
404.371.4556 (f)  
DeKalbCountyGa.gov

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

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: 10-31-2019

TO WHOM IT MAY CONCERN:

(I), (WE) CBY Luke Properties LLC  
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

Yale New

Name of Agent or Representative

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

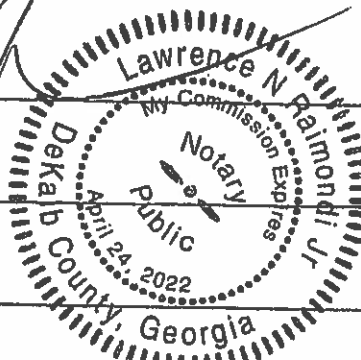
Notary Public

Notary Public

Notary Public

Notary Public

Notary Public



Sagy Peretz  
CBY Luke Properties LLC  
Owner Sagy Peretz, Manager

Owner

Owner

Owner

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.

\_\_\_\_\_  
Notary

 10/31/19  
Signature of Applicant / Date

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

\_\_\_\_\_  
Expiration Date/ Seal

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



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)

Applicant Name: Rebbi Yede Naw Phone: 4037-6116 Email: rebbi@bhabadto.co.com

Property Address: 1185 Houston Mill

Tax Parcel ID: 18-070-01-015 Comm. District(s): 216 Acreage: \_\_\_\_\_

Existing Use: 2 house Proposed Use synagogue

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

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

Existing Zoning: R85 Proposed Zoning: \_\_\_\_\_ Square Footage/Number of Units: \_\_\_\_\_

Rezoning Request: \_\_\_\_\_

Land Use Plan Amendment: Yes \_\_\_\_\_ No X

Existing Land Use: SUB Proposed Land Use: \_\_\_\_\_ Consistent \_\_\_\_\_ Inconsistent \_\_\_\_\_

Special Land Use Permit: Yes X No \_\_\_\_\_ Article Number(s) 27- \_\_\_\_\_

Special Land Use Request(s) Place of Worship

**Major Modification:**

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

Condition(s) to be modified:

October 31, 2019

**Department of Planning & Sustainability**  
Clark Harrison Building  
330 West Ponce de Leon Ave  
Decatur, GA 30030

**Reference: Letter of Application - Special Land Use Application**  
Chevra Ahavas Yisrael Synagogue  
1185 Houston Mill Road  
Atlanta, GA 30329

To Whom It May Concern:

The synagogue, Chevra Ahavas Yisrael, is purchasing the subject property and requests a Special Land Use be granted for utilizing the current house on the property as a house of worship. As the property is 3.26 acres, this one building easily fits within the property. It is approximate in size to adjacent residences and significantly smaller than the adjacent house of worship bordering the property.

To make the property serve as synagogue, the existing single-family house will be modified and renovated to meet the requirements of a place of worship. A sanctuary will be added to rear of the property and within the prescribed setbacks. While it is necessary that the added Sanctuary be sized to meet the requirements, the design and scale of the new sanctuary will be done in a way to blend with the existing house.

The following is requested information for application:

- a) Zoning Classification: Currently R-85. No change to this classification is being requested.
- b) Reason for SLUP request: A synagogue is purchasing the subject property and requests a Special Land Use be granted for utilizing the current house on the property as a house of worship.
- c) Existing/Proposed use: The house is currently a single family-home with zone R-85. The synagogue is requesting a SLUP to keep zoning the same but utilize building as a house of worship.
- d) Detailed Characteristics:
- Existing single-family house will be modified to meet the requirements of a place of worship. Sanctuary will be added to rear of the property and within the prescribed setbacks. The design and scale of the new sanctuary will be done in a way to blend with the existing house.
  - One story. The house is currently one-story and will remain that way.
  - Staff: The synagogue has one (1) employee, which is the rabbi.
  - Hours of Operation are almost entirely on weekends (Friday - Sunday), but there are some exceptions, most specifically Jewish holidays.

(continued on next page ==>)

## 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:**

Located on over 3.26 acres, adequate land area is available for the proposed use including the 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.

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

The property is currently zoned R-85 for which a SLUP is being requested. The proposed place of worship is compatible with the adjacent properties including another house of worship and residential property.

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

Based on the location of the subject site along Houston Mill Rd (Collector Street), it appears that public services, public facilities and utilities are available to adequately serve the proposed place of worship. The existing structure has access to electricity, water, and sewage.

**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:**

Houston Mill Rd is a Collector Street and not local. As almost all programming is held on the weekends and non-peak hours, the applicant anticipates little or no impact on traffic in the area caused by the proposed use. It should also be noted that the synagogue has one of the smallest congregations in the neighborhood.

**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 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:**

There is a large amount of frontage which provides options to manage the vehicular traffic, as well as ample space for additional sidewalks if required. Therefore, there will be 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.

**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:**

Given that the proposed use is a place of worship, the development would 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 hours of operation proposed for the place of worship will not create adverse impacts upon any adjoining land use by reason of the hours of operation of the proposed use. Almost all programming is held on the weekends and non-peak hours, during the daytime or evening.

**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 (religious worship, observance, and learning) would not adversely impact 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 submitted site plan depicts compliance with the dimensional requirements of the R-85 (Single-Family Residential) District in which the proposed place of worship is located, but with one exception: The existing house to be renovated is partially over the 50' setback required between the place of worship and adjacent residential property, but the new proposed sanctuary and any other additions will comply. As part of the rezoning process we would like to obtain any approval required to use the existing house in its current location without making the condition worse

**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 house of worship will promote activities to highlight historic and cultural assets in the community and provide opportunities for community interaction.

**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.**

With the large size of the parcel (3.26 acres), there is ample space for any required buffers, and measures will be taken to buffer the sanctuary from single family neighbors if necessary.

**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 existing single-family house will be modified and renovated to meet the requirements of a place of worship. Sanctuary will be added to rear of the property and within the prescribed setbacks. While it is necessary that the added Sanctuary be sized to meet the requirements, the design and scale of the new sanctuary will be done in a way to blend with the existing house. As the property is 3.26 acres, this one building easily fits within the property. It is approximate in size to adjacent residences and significantly smaller than the adjacent house of worship bordering the property.

**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.**

With the exception of the existing house that is to be used as part of the new place of worship as described above, the site satisfies the requirements contained within the supplemental regulations for such special land use permit.

**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.**

There will be no negative shadow impact on any adjoining lot. The existing single-family home will be modified and renovated to meet the requirements of a place of worship. Sanctuary will be added to rear of the property and within the prescribed setbacks. While it is necessary that the added Sanctuary be sized to meet the requirements, the design and scale of the new sanctuary will be done in a way to blend with the existing house. Given the size, location, trees, and distance, the proposed house of worship should 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 house of worship is to fulfill the needs of the community and neighborhood. The proposed use is compatible with the objectives of the comprehensive plan, most specifically with providing opportunities for community and cultural interactions in DeKalb County.

- e) Community concerns:
- Ascetics: The modifications should be in line with the look of the community.
  - Parking: A parking lot should be built for cars. No street/yard parking
  - Traffic: Community was worried about traffic until made aware small size of the congregation and that most activities are on the weekend
  - Walking Trails: Community requests walking trails between property & Mason Woods
  - Buffers: Community requests ascetically pleasing buffers (trees/greenery) if needed

We trust this application and its enclosures provide you with sufficient information to analyze our request.

Sincerely,

Rabbi Yale New  
Rabbi, Chevra Ahavas Yisrael

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wright  
gardner  
architect  
llc

7700 W. STATE, SUITE 200  
DENVER, CO 80202  
303.733.8888

CHABAD OF TOCO HILLS

STREET ADDRESS  
CITY, STATE, ZIP CODE



THESE PLANS AND SPECIFICATIONS ARE PREPARED BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND TO THE BEST OF MY KNOWLEDGE AND BELIEF THEY COMPLY WITH ALL CITY, STATE AND FEDERAL REQUIREMENTS.

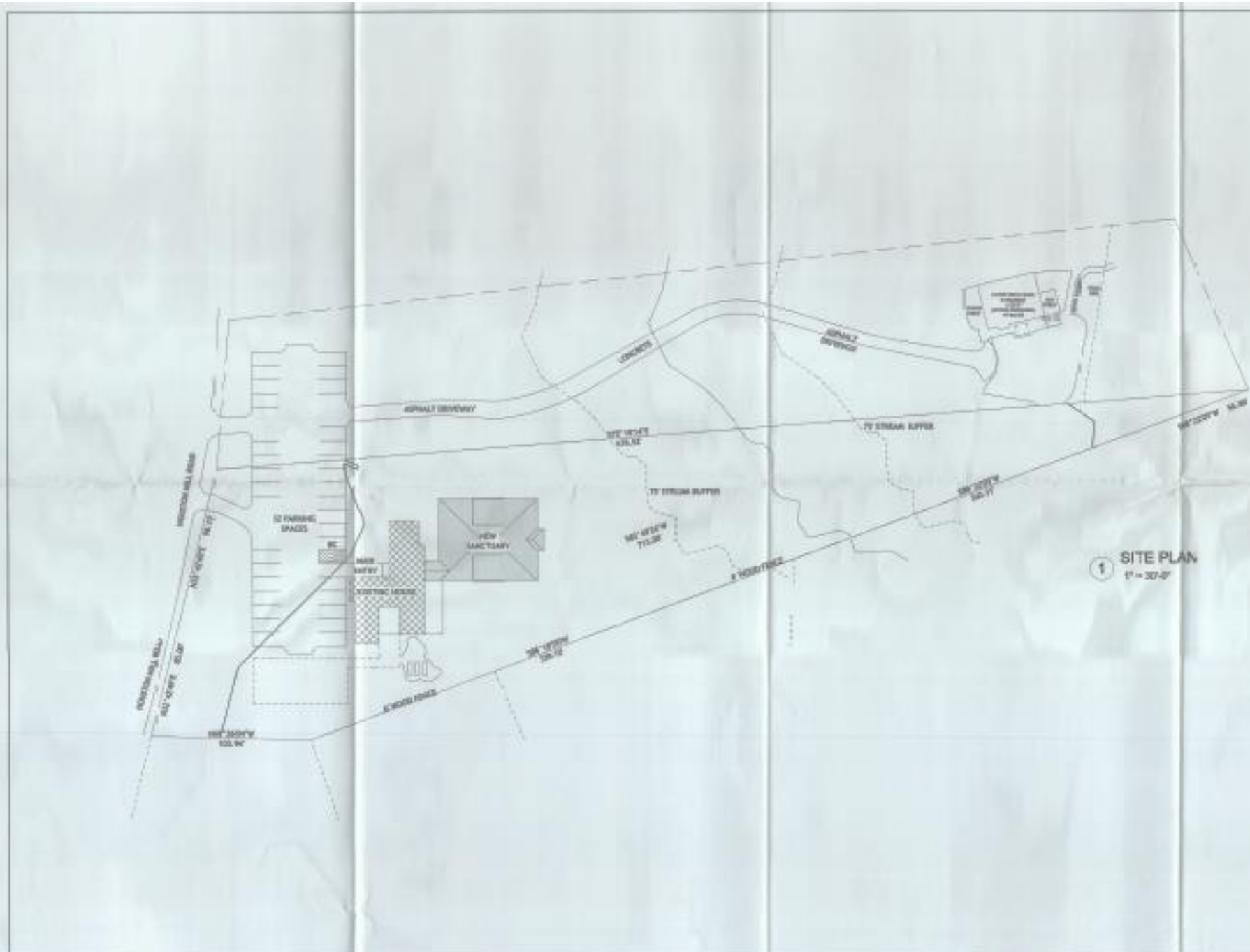
No.	Description	Date

SITE PLAN



**A1-00**

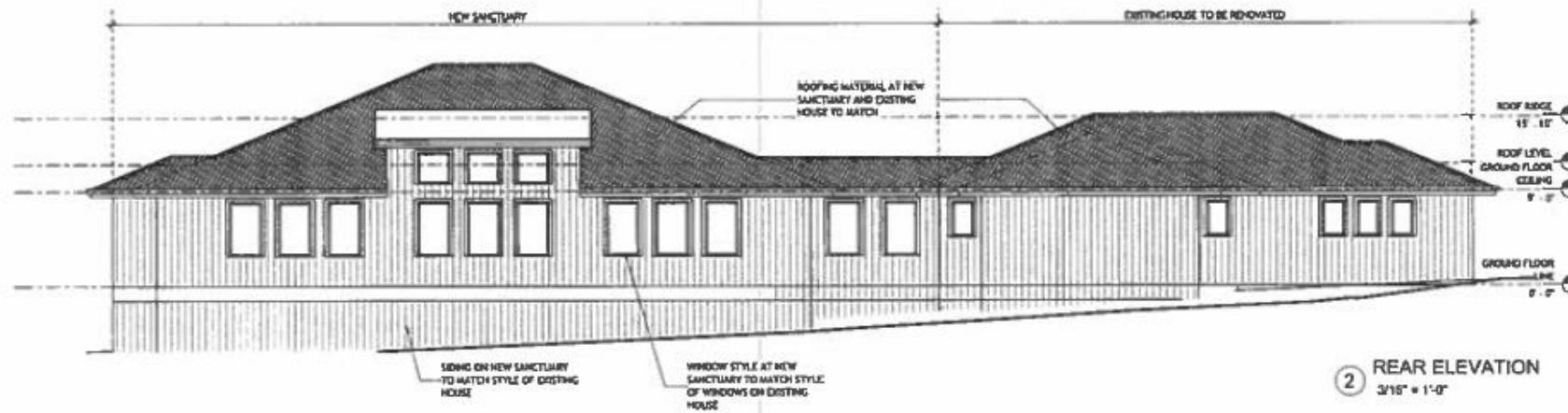
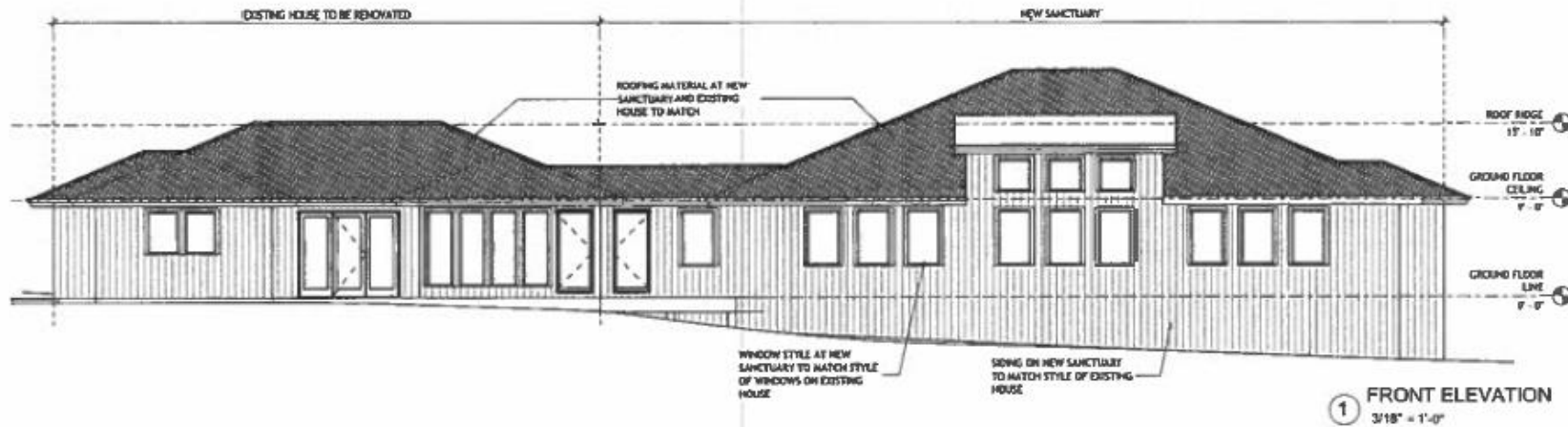
■ APPROVED FOR CONSTRUCTION  
□ ASBID FOR CONSTRUCTION



1 SITE PLAN  
1" = 30'-0"







**wright  
gardner  
architect**  
llc

14100 Road, #10  
Arling, IA 52501  
515-271-0100

CHABAD OF TOCO HILLS

STREET ADDRESS  
CITY, STATE, ZIP CODE

Revisions (See page 4 of 40) (DATE, DRAWING NO., REVISION)

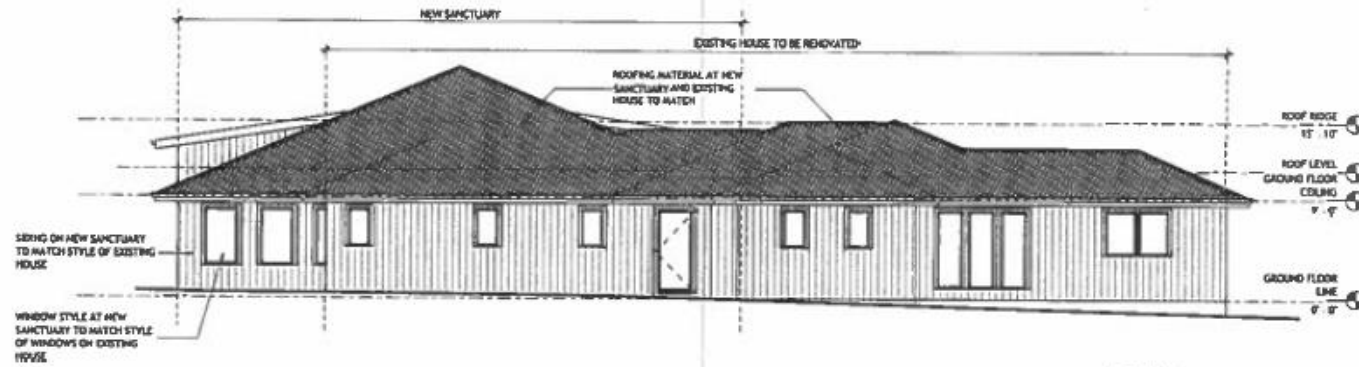
NO.	DESCRIPTION	DATE

**ELEVATIONS**

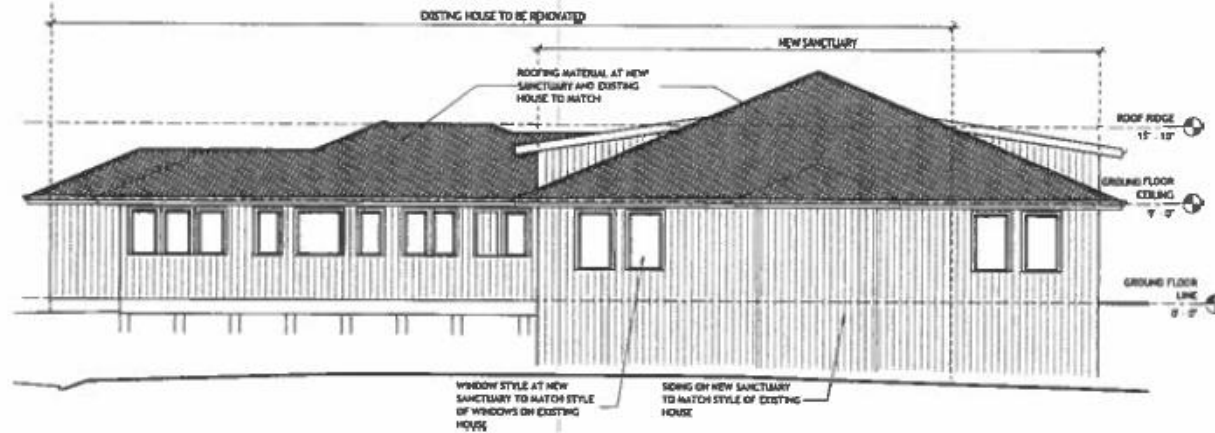
PROJECT NUMBER: 14100  
DRAWING NO.: RL20-2014  
DATE: 08/2014

Sheet Number:  
**A1-02**

NOT READY FOR CONSTRUCTION  
 READY FOR CONSTRUCTION



① LEFT-SIDE ELEVATION  
3/16" = 1'-0"



② RIGHT-SIDE ELEVATION 1  
3/16" = 1'-0"

wright  
gardner  
architect  
llc

114 Ring Street, #123  
Atlanta, GA 30307  
404-253-0468

CHABAD OF TOCO HILLS

STREET ADDRESS  
CITY, STATE, ZIP CODE

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

No.	Description	Date

ELEVATIONS

PROJECT NUMBER: 18-000  
DRAWING NUMBER: 03.05.2018  
SCALE: AS SHOWN

POST NUMBER: A1-03

NOT READY FOR CONSTRUCTION  
 READY FOR CONSTRUCTION

