



ZONING BOARD OF APPEALS STAFF REPORT

Zoning Board of Appeals Public Hearing May 20, 2025

PETITION NUMBER:	V25-000002
APPLICANT:	AMK Properties Holding, LLC (Ali Katoot Managing Member)
OWNER:	AMK Properties Holding, LLC
PROJECT LOCATION:	2336 South Stone Mountain Lithonia Road <u>16 124 01 002</u>
CURRENT ZONING:	M-Light Industrial
ACREAGE:	+/-2.33
STAFF RECOMMENDATION:	DENIAL
VARIANCE REQUEST:	The applicant is requesting two (2) variances from the required front yard setback of 60 feet to 30 feet and a reduction in the required side yard setback of 60 feet to 20 feet to allow the development of two buildings on the site.

Current Use

The subject property is located at 2336 South Stone Mountain Lithonia Road and currently has a one-story wooden and block structure consisting of more than 2,100 sq. ft. The property had been used as a storage yard for inoperable cars, trucks and rubbish but has been recently cleared. There is a cell tower and an access easement to Coffee Road near the rear of the property.

Zoning and Case History

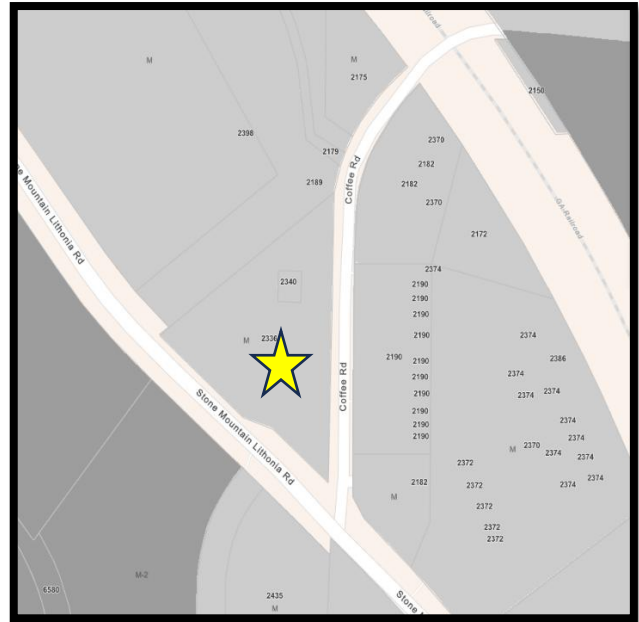
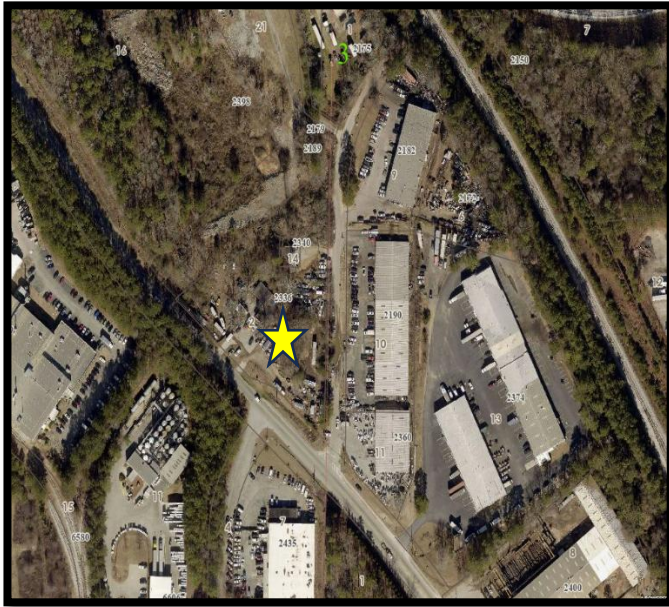
The subject property has no prior zoning conditions found. It's zoned M-Light Industrial and the surrounding properties are zoned M-Light Industrial and M-2 Heavy Industrial.



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IMAGES

2336 South Stone Mountain Lithonia Road
City Map of Stonecrest, GA GIS



Existing Conditions

The parcel consists of +/-2.33 acres of land. It's located at the intersection of South Stone Mountain Lithonia Road and Coffee Road. The property has a parcel number 16 124 01 002 and is zoned M-Light Industrial. There is a vacant building on the property that has recently had some improvements completed. There is an existing cell tower near the rear of the property. The property has been recently cleared. No state waters were found on the property per the DeKalb County GIS map.

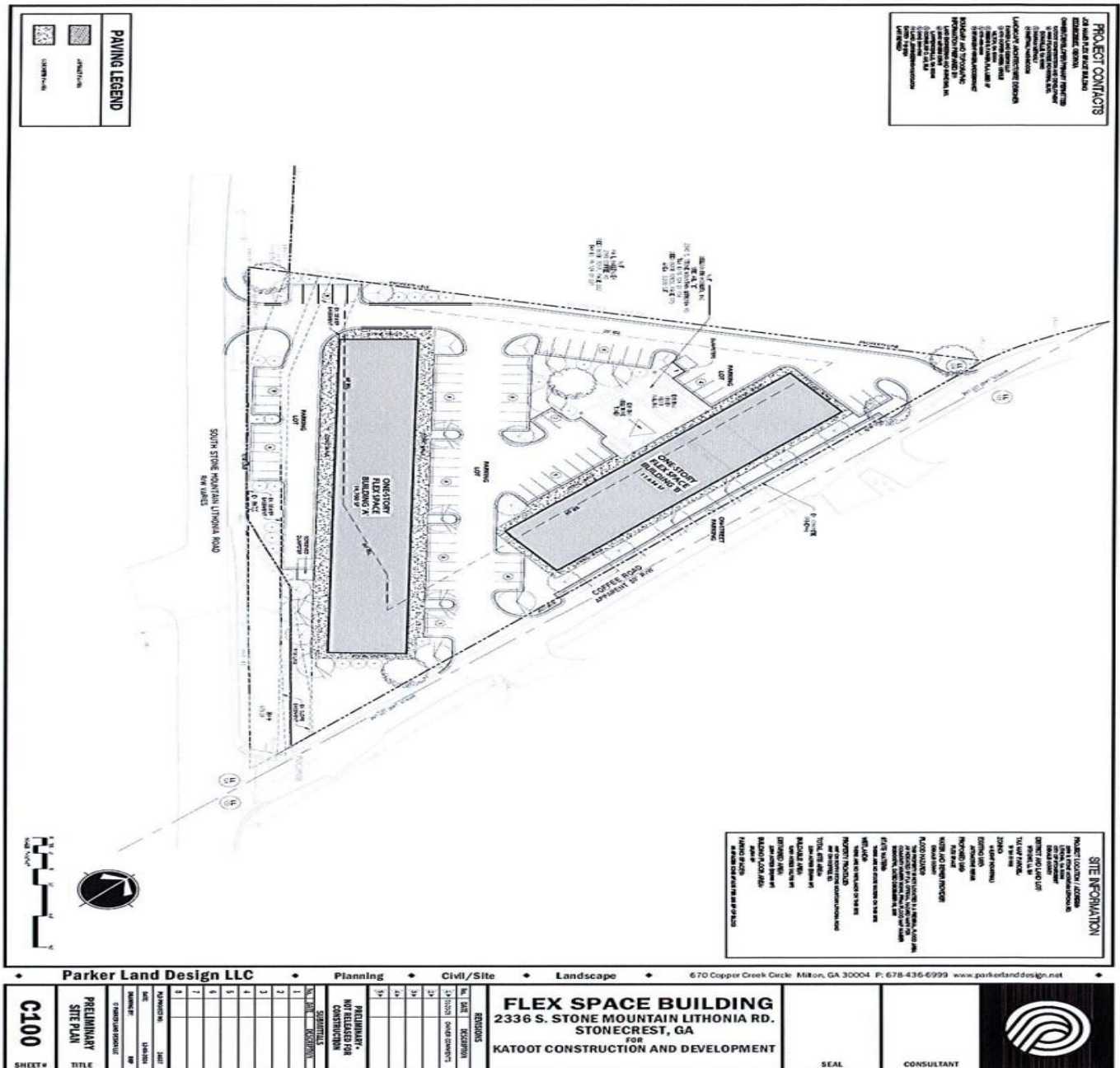
Variance Request

The applicant seeks a variance to reduce the front yard setback from the required 60 ft to 30 ft and the side yard setback from 60ft to 20ft to allow the development of two buildings which is proposed to be used as "flex space".



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Figure 1: Site Plan for V-25-000002 - 2336 South Stone Mountain Lithonia Road, Stonecrest, GA





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APPLICABLE CODE REQUIREMENTS

City of Stonecrest Zoning Ordinance (Chapter 27):

Article 2 – District Regulations

a. Division 2 Supplement Use and Regulations

Section 2.24.1 -Dimensional Requirements.

Dimensional requirements including overall site requirements, lot dimensions, setbacks, and heights for Nonresidential Districts are provided in Table 2.24, Nonresidential Zoning Districts Dimensional Requirements. :

Table 2.24 - Nonresidential Zoning Districts Dimensional Requirements.

2. Accessory structures must not encroach in the minimum yard setbacks for the district in which they are located.

Nonresidential Districts								
KEY:								
Character Areas:								
Element	OIT	OI	NS	C-1	C-2	OD	M	M2
<i>Overall Site Requirements (minimum, unless otherwise specified)</i>								
<i>Dimensional Requirements</i>								
<i>Building Setback Requirements (minimum, unless otherwise specified)</i>								
Front thoroughfares and arterials (feet)	40	60 *	30	60	60	75	60	60
Front - all other streets (feet)	30	50 *	20	50	50	75	60	60
Side - interior lot (feet)	20	20 *	20	20	20	20	20	20
Side - corner lot on public streets (feet)	40	50 *	15	50	50	50	60	60
Rear (feet)	30	30 *	20	30	30	30	30	30



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STAFF ANALYSIS

Following are the specific considerations listed in Sec 7.5.3 of the Stonecrest Zoning Ordinance that must be considered by the Board of Zoning Appeals to grant a variance. These considerations include:

- (1) By reason of exceptional narrowness, shallowness, or shape of a specific lot, or by reason of exceptional topographic and other site conditions (such as, but not limited to, floodplain, major stand of trees, steep slope), which were not created by the owner or applicant, the strict application of the requirements of this chapter would deprive the property owner of rights and privileges enjoyed by other property owners in the same zoning district.**

The subject property does not exhibit extraordinary or exceptional conditions such as irregular shape, topography, or size that would prevent compliance with the standard setback requirement. The lot's dimensions and characteristics are consistent with other properties in the M (Light Industrial) zoning district.

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

Granting of the two (2) variances would be granting special privileges to the applicant. The applicant has not demonstrated any circumstances or conditions that prohibits the parcel to be developed based on the current zoning requirements. Also, the applicant has not demonstrated that strict adherence to the 60-foot front yard setback would deprive them of rights and privileges given by other property owners in the same zoning district.

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

The applicant proposes to reduce the required front yard setback from 60 feet to 30 feet for the development of two buildings which are proposed to be used as "flex space". This significant reduction raises several concerns:

Safety Concerns Related to Existing Cell Tower:

An existing cell tower is located on the property. The proposed development includes a building situated directly beneath this tower. The applicant has not provided documentation addressing the required fall zone for the tower, which is critical for ensuring safety in the event of structural failure. Without confirmation that the proposed building lies outside this fall zone, there is a potential safety hazard.



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Lack of Coordination with Tower Owner:

Staff has not received any information indicating that the applicant has consulted with the tower owner regarding the proposed development. There is no evidence of an agreement to relocate or modify the existing easement associated with the sole entrance for the cell tower. This lack of coordination raises concerns about the feasibility of the proposed site plan and potential conflicts with existing easement rights.

Precedent for Significant Setback Reductions:

Granting a 75% reduction in the front yard setback could set a precedent for similar requests, potentially undermining the City of Stonecrest zoning ordinance's intent to maintain uniform development patterns and protect public welfare.

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

The hardship appears to be self-created, stemming from the applicant's proposed site design rather than inherent conditions of the property. Self-created hardships are generally not considered grounds for granting a variance.

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

The City of Stonecrest Comprehensive Plan emphasizes the importance of safe, sustainable, and compatible development. Granting a variance that potentially compromises safety and lacks coordination with existing infrastructure stakeholders may not align with these objectives. Furthermore, the significant reduction in setback could set a precedent that undermines the uniform development patterns intended by the zoning ordinance.

RECOMMENDATION:

The applicant has not demonstrated the presence of exceptional conditions or undue hardship, and the proposed variance could compromise public safety and the integrity of the zoning ordinance.

Based on the findings above, staff recommends **denial** of the variance request to reduce the front yard setback from 60 feet to 30 feet and a reduction in the required side yard setback of 60 feet to 20 feet to allow the proposed development of two (2) buildings on the site at 2336 South Stone Mountain Lithonia Road.



ZONING BOARD OF APPEALS STAFF REPORT

February 10, 2025

AMK Properties Holding, LLC

6685 Peachtree Industrial Blvd.

Doraville, GA 30360

Dear Planning & Zoning Staff, and Members of the Board of Appeals,

We are requesting two variances for the above property from the required side yard setback of sixty (60) feet and a reduction in the required front yard setback of sixty (60) feet in Table 2.24 to allow the development of buildings on the site.

Our company purchased the property last year. The prior owner had allowed the property to go into disrepair, allowed the storage of old vehicles and old equipment, and the dumping of large amounts of concrete. We have already cleaned up the old cars, equipment and concrete. The property contains one building in fair condition and a cell phone tower. We believe that the property can be redeveloped with new buildings to accommodate multiple businesses.

If one visits the property, it is easy to see that this is a uniquely shaped, triangular lot. Due to the lot having two road frontages, it is classified as a "corner lot". The converging set-backs on the two roads renders the property difficult to develop in a fiscally responsible way. The side of the property where the variance is requested is along a dead-end road with only local traffic. Some of the property fronting along S Stone Mountain Lithonia Road was taken by the County for the widening of S Stone Mountain Lithonia Road. This causes the setback along this side of the property to further encroach into what was a buildable area of the site.

1) By reason of exceptional narrowness, shallowness, or shape of a specific lot, or by reason of exceptional topographic conditions, which were not created by the owner or applicant, the strict application of the requirements of this Chapter would deprive the property owner of rights and privileges enjoyed by other property owners in the same zoning district. The lot is triangular in shape. Additionally, part of the property was taken by the City to widen the right-of-way of South Stone Mountain Lithonia Road. This pushes the setback further into the property along



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this frontage. By allowing this variance, we would be able to develop this property in a manner similar to other lots in the City.

2) The requested variances do not go beyond the minimum necessary to afford relief and do not constitute a grant of special privilege inconsistent with the limitations upon other properties in the zoning district in which the subject property is located. The City requires a side yard of twenty feet (20') for interior lots with the same zoning. Allowing this same setback along a dead-end street will allow us to develop the property in the same manner as other owners in the City. As can be seen on the attached site plan, granting this variance will allow development of buildings on the site that will allow small businesses to operate within the City. Additionally, we request a variance from the required front yard setback. This front yard setback variance involves a reduction in the setback to thirty (30) feet for a distance of two hundred and fifty (250) feet along South Stone Mountain Lithonia Road originating at the corner of Coffee Rd and running northwest. This front yard setback straightens the setback along the length of the parcel

3) The grant of these variances will not be materially detrimental to the public welfare or injurious to the property or improvements in the zoning district in which the subject property is located. The requested variances are in an industrial area. Not only are the variances not be detrimental, granting the variances would bring much needed redevelopment to the area.

4) The literal interpretation and strict application of the applicable provisions or requirements of this Chapter would cause undue and unnecessary hardship; not merely impose a casual/discretionary inconvenience to the applicant or his assigns. Due to the shape of the lot, the dual front yard setbacks causes an undue and unnecessary hardship. We intend to redevelop the site to provide space for small businesses to operate and flourish. The setback along Coffee Road is not materially beneficial to any nearby landowner. Further, on a lot with a sharp angle as our lot, the dual setbacks severely limit the ability to feasibly redevelop the site. Allowing a building to be closer to the property line will allow better traffic flow onto and off of the site, allow better configuration of the building and provide for interior, secure parking for any tenants.



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5) The requested variance would be consistent with the spirit and purpose of this Chapter and the City of Stonecrest Comprehensive Plan text. Our property is surrounded by M-1 and M-2. The City's Comprehensive Plan has a heavy emphasis on economic development and the creation of opportunities for new businesses. The Comprehensive Plan specifically recommends the use of "zoning incentives" to attract new development. Our variance request is merely to allow us to fully develop the property for light-industrial use. Our plan is to develop buildings on the property available to small businesses such as automotive and the building trades.

Thank you for your consideration,

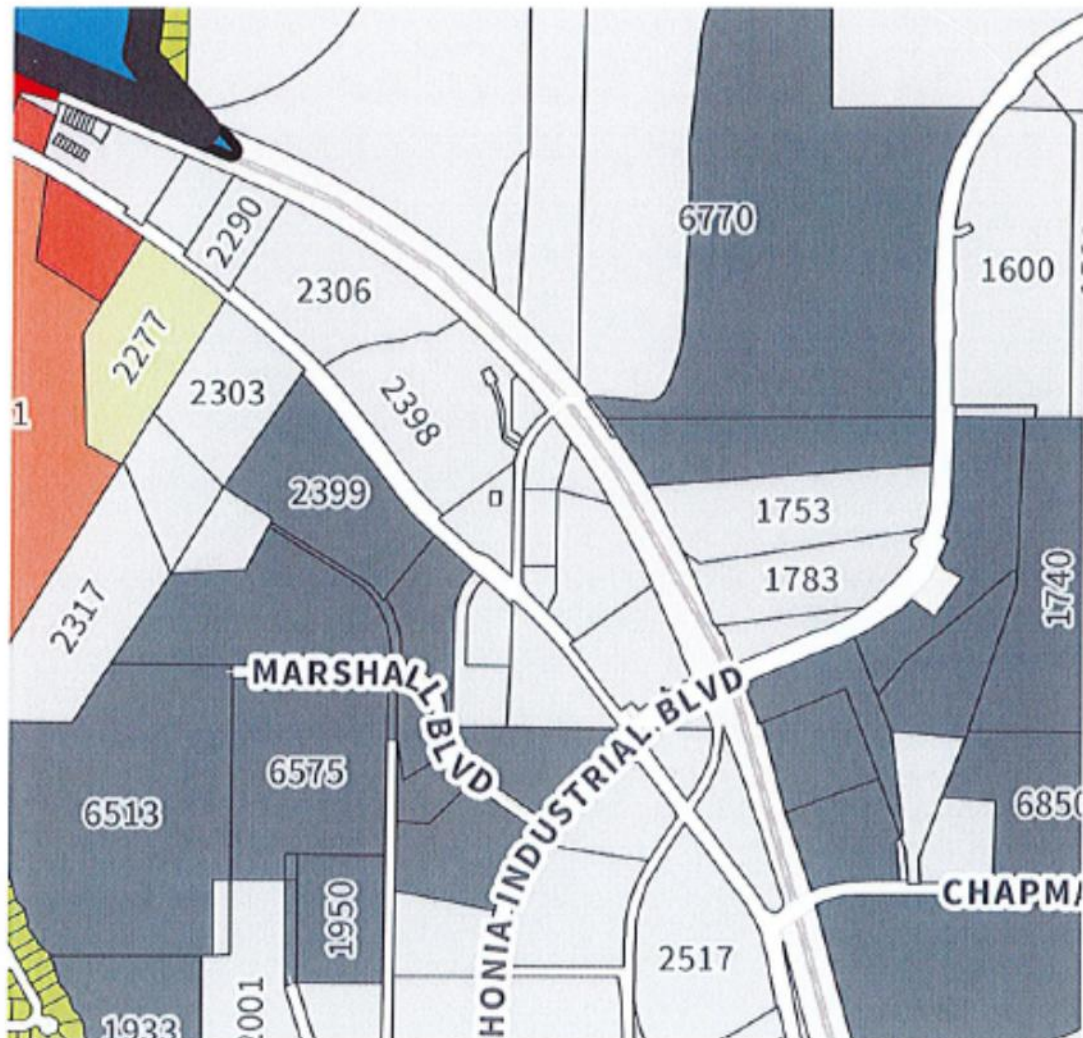
Patrick Kelly

AMK Holdings LLC

770-778-5429

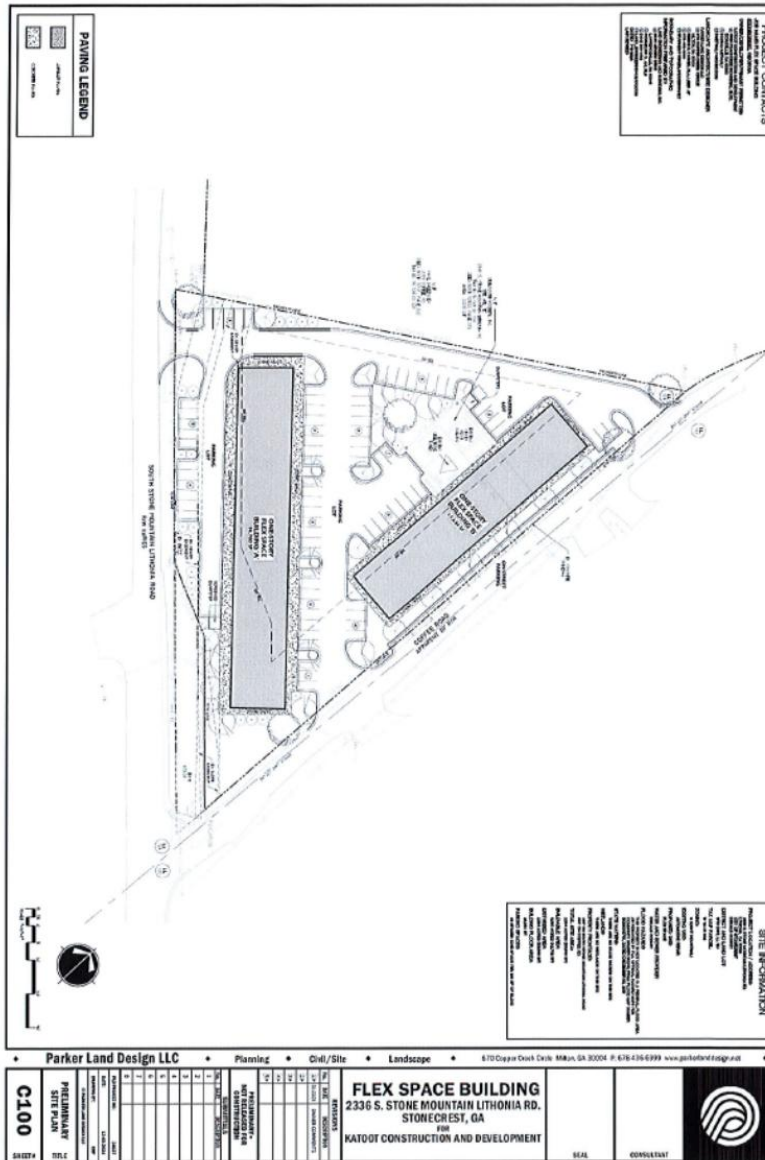


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3120 Stonecrest Blvd. • Stonecrest, Georgia 30038 • (770) 224-0200 • www.stonecrestga.gov

Variance Application

Type	Type of Request: <input checked="" type="checkbox"/> Zoning <input type="checkbox"/> Administrative Variances	<input type="checkbox"/> Stream Buffer	<input type="checkbox"/> Sign Other
	Applicable Zoning/Sign Code Section:		
	Nature of Request:	Required:	Proposed:
	<input checked="" type="checkbox"/> Setback <input type="checkbox"/> Sign <input type="checkbox"/> # Parking Spaces <input type="checkbox"/> Other	(See Chart to the Right)	Minimum Setback Requirements Front 60 Side 60 Rear Other
Project	Proposed Setback Requirements Front 30 Side 20 Rear Other		
	Name of Project/Subdivision: Present Zoning:		
	Property Address/Location:		
	District: Land Lot: Block: Property ID:		
Owner Information	Is this development and/or request seeking any incentives or tax abatement through the City of Stonecrest or any entity that can grant such waivers, incentives, and/or abatements? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
	Name: AMK Properties Holding, LLC Ali Katoot, Managing Member		
	Address: 6685 Peachtree Industrial Blvd Doraville GA 30360		
	Phone: 770-368-3085 Fax: Cell: 770-778-5429 Email: pkelly@mki-inc.com		
Affidavit	Name:		
	Address:		
	Phone: 770-368-3085 Fax: Cell: 770-778-5429 Email:		
	To the best of my knowledge, this variance application form is correct and complete. If additional materials are determined to be necessary, I understand that I am responsible for filing additional materials as specified by the City of Stonecrest Zoning Ordinance. I understand that failure to supply all required information (per the relevant Applicant Checklist and Requirements of the Stonecrest Zoning Ordinance) will result in the rejection of this application. I have read the provisions of the Georgia Code Section 36-67A-3 as required regarding Campaign Disclosures. My Signed Campaign Disclosure Statement is included		
Notary	Applicant's Name: Ali Katoot, Managing Member		
	Applicant's Signature:		Date: 2-10-2025
	Sworn to and subscribed before me this 10 Day of Feb 2025		
	Notary Public: Nabil Elsaqa		
Signature: Nabil Elsaqa			
Date: 2/10/2025			



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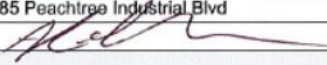
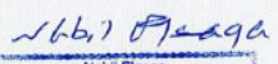
Variance Application

All applications and plans must be submitted through the [Citizenserve Online Portal](#)



Property Owner(s) Notarized Certification

The owner and petitioner acknowledge that this variance application form is correct and complete. By completing this form, all owners of the subject property certify authorization of the filing of the application for variance(s), and authorization of an applicant or agent to act on their behalf in the filing of the application including all subsequent application amendments.

Property Owner			
Name:	AMK Properties Holding, LLC Ali Katoot Managing Member		
Address:	6685 Peachtree Industrial Blvd	City, State: Doraville, GA	Zip: 30360
Signature:		Date:	2-10-2025
Sworn to and subscribed before me this <u>10</u> day of <u>Feb</u> , 20 <u>25</u>			
Notary Public: 			
<div style="border: 1px solid black; padding: 2px; text-align: center;">Nabli Elsaqa Notary Public, Fulton County, Georgia My Commission Expires 12/16/2025</div>			

Additional Property Owner (if applicable)			
Name:			
Address:		City, State:	Zip:
Signature:		Date:	
Sworn to and subscribed before me this _____ day of _____, 20____			
Notary Public:			

Additional Property Owner (if applicable)			
Name:			
Address:		City, State:	Zip:
Signature:		Date:	



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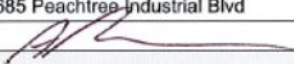
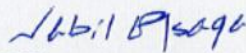

Variance Application

All applications and plans must be submitted through the [Citizenserve Online Portal](#)



Applicant(s) Notarized Certification

The petitioner acknowledged that this variance application form is correct and complete. By completing this form, all applicant of the subject property certifies authorization of the filing of the application for variance(s), and authorization of an applicant or agent to act on their behalf in the filing of the application including all subsequent application amendments.

Applicant			
Name:	AMK Properties Holding LLC Ali Katoot Managing Member		
Address:	6685 Peachtree Industrial Blvd	City, State: Doraville GA	Zip: 30360
Signature:		Date:	2-10-2025
Sworn to and subscribed before me this <u>10</u> day of <u>Feb</u> , 20 <u>25</u>			
Notary Public: 			
			

Applicant (if applicable)			
Name:			
Address:		City, State:	Zip:
Signature:		Date:	
Sworn to and subscribed before me this _____ day of _____, 20____			
Notary Public:			

Applicant (if applicable)			
Name:			
Address:		City, State:	Zip:
Signature:		Date:	



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Amendment Application

All applications and plans must be submitted through the [Citizenserve Online Portal](#)




Campaign Disclosure Statement

Have you, within the two years immediately preceding the filing of this application, made campaign contributions aggregating \$250.00 or more to a member of the City of Stonecrest City Council or a member of the City of Stonecrest Planning Commission?

☐ Yes

☒ No

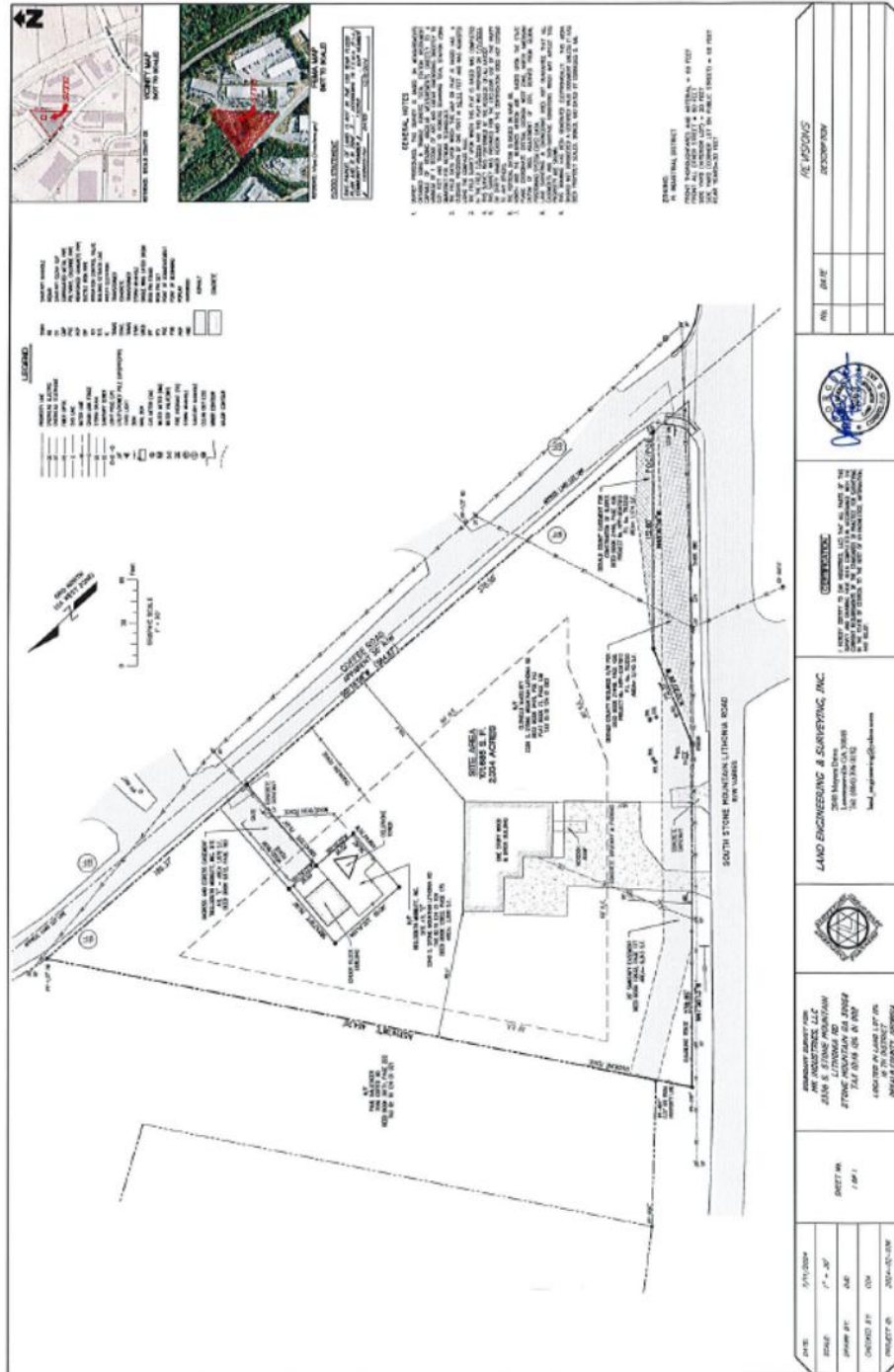
Applicant/Property Owner			
Name:	Amk Properties Holdings LLC Ali Katoot Managing Member		
Address:	6685 Peachtree Industrial Blvd	City, State:	Doraville, GA
		Zip:	30360
Signature:		Date:	2-10-2025

If the answer above is yes, please complete the following section:

Date	Government Official & Position	Description	Amount



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EXHIBIT "A"

All that tract or parcel of land lying and being in Land Lot 124, 16th District, DeKalb County, City of Stonecrest, Georgia, being particularly described as follows:

To find the Point of Beginning commence at a point on northwesterly R/W line of South Stone Mountain Lithonia Road (R/W varies) and the westerly R/W line of Coffee Road (apparent 30' R/W)

THENCE along the northwesterly R/W line of South Stone Mountain Lithonia Road the following courses and distances North 48 degrees 06 minutes 59 seconds West a distance of 152.60 feet to a point.

THENCE North 70 degrees 20 minutes 09 seconds West a distance of 72.37 feet to a R/W monument found.

THENCE North 47 degrees 58 minutes 13 seconds West a distance of 239.85 feet to a 1" open top pipe found.

THENCE leaving said northerly R/W line of South Stone Mountain Lithonia Road North 53 degrees 16 minutes 08 seconds East a distance of 464.70 feet to a 1/2" rebar found on the westerly R/W line of Coffee Road.

THENCE southerly along the westerly R/W line of Coffee Road South 01 degrees 16 minutes 08 seconds West a distance of 564.87 feet to the Point of Beginning.

Being 2.403 acres, more or less, according to survey for MK Industries, LLC by Land Engineering and Surveying, Inc., job no. 2024-02-036, dated 7/11/24.

LESS AND EXCEPT:

All that tract or parcel of land lying and being in Land Lot 124 of the 16th District, DeKalb County, Georgia and being more particularly described as follows:

To find the True Point of Beginning of the tract herein described, commence at an iron pin found (3/8 inch rebar) at the point of intersection of the northeastern right-of-way line of South Stone Mountain-Lithonia Road (Fifty 50 foot Right-of-Way) and the Western right-of-way line of Coffee Road; running thence in a Northerly direction along the Western right-of-way line of Coffee Road North 01 degrees 16 minutes 08 seconds West, a distance of 378.50 feet to a point; thence leaving said right-of-way line and running South 88 degrees 43 minutes 35 seconds East a distance of 75.04 feet to a point which is the True Point of Beginning of the tract herein described; from the True Point of Beginning as thus established, running thence South 01 degrees 16 minutes 25 seconds West a distance of 35.00 feet to a point; running thence North 88 degrees 43 minutes 35 seconds West a distance of 50.00 feet to a point; running thence North 01 degrees 16 minutes 25 seconds East a distance of 60.00 feet to a point; running thence South 88 degrees 43 minutes 35 seconds East a distance of 50.00 feet to a point; running thence South 01 degrees 16 minutes 25 seconds West a distance of 25.00 feet to the True Point of Beginning according to survey for MK Industries, LLC by Land Engineering and Surveying, Inc., job no. 2024-02-036, dated 7/11/24;

Being the same tract as described according to as-built survey for "BellSouth Mobility, Inc.- Site Atl. "E", dated July 26, 1984, last updated April 23, 1991, prepared by McCann & McCann, Georgia Registered Land Surveyor No. 2245; said tract of land containing 3,000 square feet according to said survey.

Deed (Quit Claim)

W-C-02925-24-CM



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TOGETHER WITH a perpetual, non-exclusive easement for purposes of pedestrian and vehicular ingress and egress in, on, over, across and through the tract of land described as follows:

All that tract or parcel of land lying and being in Land Lot 124 of the 16th District, DeKalb County, Georgia and being more particularly described as follows:

Beginning at a 3/8 inch rebar located on the Western right-of-way line of Coffee Road, a distance of 411.66 feet Northerly as measured along said right-of-way line, from an iron pin found (3/8 inch rebar) at the point of intersection of the Western right-of-way line of Coffee Road and the Northeastern right-of-way line of South Stone Mountain-Lithonia Road (Fifty 50 foot Right-of-Way); thence leaving the Western right-of-way line of Coffee Road and running North 87 degrees 11 minutes 43 seconds West a distance of 75.00 feet to a 3/8 inch rebar; running thence North 02 degrees 48 minutes 17 seconds East a distance of 25.00 feet to a 3/8 inch rebar; running thence South 87 degrees 11 minutes 43 seconds East a distance of 75.00 feet to a 3/8 inch rebar on the Western right-of-way line of Coffee Road; running thence along said right-of-way, South 02 degrees 48 minutes 17 seconds West a distance of 25.00 feet to the Point of Beginning; said tract of land being described according to as-built survey for "BellSouth Mobility, Inc.- Site Atl. "E", dated July 26, 1984, last updated April 23, 1991, prepared by McCann & McCann Land Surveying, under the seal of Charles D. McCann, Georgia Registered Land Surveyor No. 2245.

Deed (Quit Claim)

W-C-02925-24-CM



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Site Photos





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