



ZONING BOARD OF APPEALS STAFF REPORT

Zoning Board of Appeals: Appeal of Staff Administrative Decision (Conditional Approval of Business License)

December 16, 2025

Petition Number:	V25-004
Applicant:	Daniel Schuchinsky
Owner:	2219 Lithonia LLC, an Affiliate of Jadian JIOS, LLC
Project Location:	2219 Lithonia Industrial Blvd. Lithonia, GA 30058 <u>16 122 01 002</u>
Current Zoning:	M2 – Heavy Industrial
Overlay District:	N/A
Acreage:	+/-39.41 acres
Staff Recommendation:	Affirm Staff's Decision
Appeal Request:	The applicant seeks to appeal Staff's decision to apply conditions to the request to receive a business license at 2219 Lithonia Industrial Blvd. for an equipment rental business to park equipment in the floodplain.

Case History Summary

The site is zoned M2-Heavy Industrial. The Future Land Use Map (FLUM) has the property shown as HIND-Heavy Industrial. The subject property has five (5) structures on the property and contains three (3) businesses. On April 10, 2024, a Land Disturbance Permit (LDP) was approved for a paved parking lot in the center of the property. During the review process, a No Rise Study was requested and provided to the City Engineer for LD23-014 on July 29, 2025. On October 4, 2024, the City Engineer gave approval of the No Rise Study for LDP 23-014 for the new paved parking lot that was proposed to be constructed in the center of the property. On May 7, 2025, a business license was approved with a condition that there could be no parking or storing of equipment within the floodplain. It is by the applicant admission that a lease has been signed without prior vetting of the business license process for confirmation of the proposed use(s).



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Staff Decision

The subject property had an ongoing violation where equipment was being stored in the floodplain area on the property. The applicant submitted plans to increase the development of the property by adding additional parking. During the review process, the City Engineer requested that a No Rise Study be completed for the area being proposed to be utilized for outdoor storage and parking. During the review process, it was revealed that there was a violation on the property that shall be brought into compliance before proceeding. The business/tenant where the violation occurred eventually relocated and the violation was resolved. The Land Disturbance Permit was issued for the paved parking lot.

It is Staff's decision to place conditions on the business license of the proposed new business/tenant to maintain compliance with Section 14-440 restricting the use of the floodplain area for parking and/or storage. The applicant requested to use that area that is in the floodplain just as the previous tenant had. After some discussion, the City Engineer requested a No Rise Study for the area that the tenant wanted to use for parking/storage. The applicant stated that they had completed a study, and it was approved by the City Engineer, however the study that was completed was from the review of the new paved parking lot near the center of the property. According to the applicant, the two (2) areas are more than 1,000 feet apart. It is staff's decision that because of this distance, a separate No Rise Study is required for the area at the south end of the property to show that the area meets the requirements of the Flood Plain Management Ordinance. The applicant also has the option to withdraw from parking in the floodplain area.

The applicant stated that the City does not have the authority to restrict parking/storage in the floodplain. However, the State of Georgia Environmental Protection Division gives local municipalities the authority to regulate and enforce environmental requirements in sensitive areas.

It is Staff's decision that because this property had an ongoing violation in the past, the City is well within its rights to enforce the State requirements to protect sensitive areas and its waterways. Adding the conditions to restrict parking within the floodplain provides that protection. Additionally, **Section 14-440** – Maintenance requirements states *"The floodplain coordinator may direct the owner (at no cost to the city) to restore the flood-carrying or flood storage capacity of the floodplain if the owner has not performed maintenance as required by the approved floodplain management plan on file with the floodplain coordinator"*. This language clearly gives the City the authority to enforce storage in the floodplain.

Staff is recommending that the Zoning Board of Appeals uphold Staff's decision to place conditions upon the business license for operations at 2219 Lithonia Industrial Blvd.



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• ARTICLE IV. - FLOODPLAIN MANAGEMENT

DIVISION 1. - FINDINGS OF FACT AND STATEMENT OF PURPOSE

Sec. 14-406. - Statutory authority

Article IX, Section II of the Constitution of the State of Georgia and Section 36-1-20(a) of the Official Code of Georgia Annotated have delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, City of Stonecrest, Georgia, does ordain this ordinance and establishes this set of floodplain management and flood hazard reduction provisions for the purpose of regulating the use of flood hazard areas. It is determined that the regulation of flood hazard areas and the prevention of flood damage are in the public interest and will minimize threats to public health and safety, as well as to private and public property.

Division 5 – Provisions For Flood Hazard Reduction

Sec. 14-428. - General standards

- (a) No development shall be allowed within the future-conditions floodplain that could result in the following:
- (1) Raising the base flood elevation or future-conditions flood elevation equal to or more than 0.01 foot;
 - (2) Reducing the base flood or future-conditions flood storage capacity.
 - (3) Changing the flow characteristics as to the depth and velocity of the waters of the base flood or future-conditions flood as they pass both the upstream and the downstream boundaries of the development area;
- or,
- (4) Creating hazardous or erosion-producing velocities or resulting in excessive sedimentation.

Sec. 14-440. - Maintenance requirements.

The owner shall be responsible for continuing maintenance as may be needed within an altered or relocated portion of a floodplain on his property so that the flood-carrying or flood storage capacity is not diminished. The floodplain coordinator may direct the owner (at no cost to the city) to restore the flood-carrying or flood storage capacity of the floodplain if the owner has not performed maintenance as required by the approved floodplain management plan on file with the floodplain coordinator.



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IMAGES

2219 Lithonia Industrial Blvd, Lithonia, GA 30058

Aerial Map



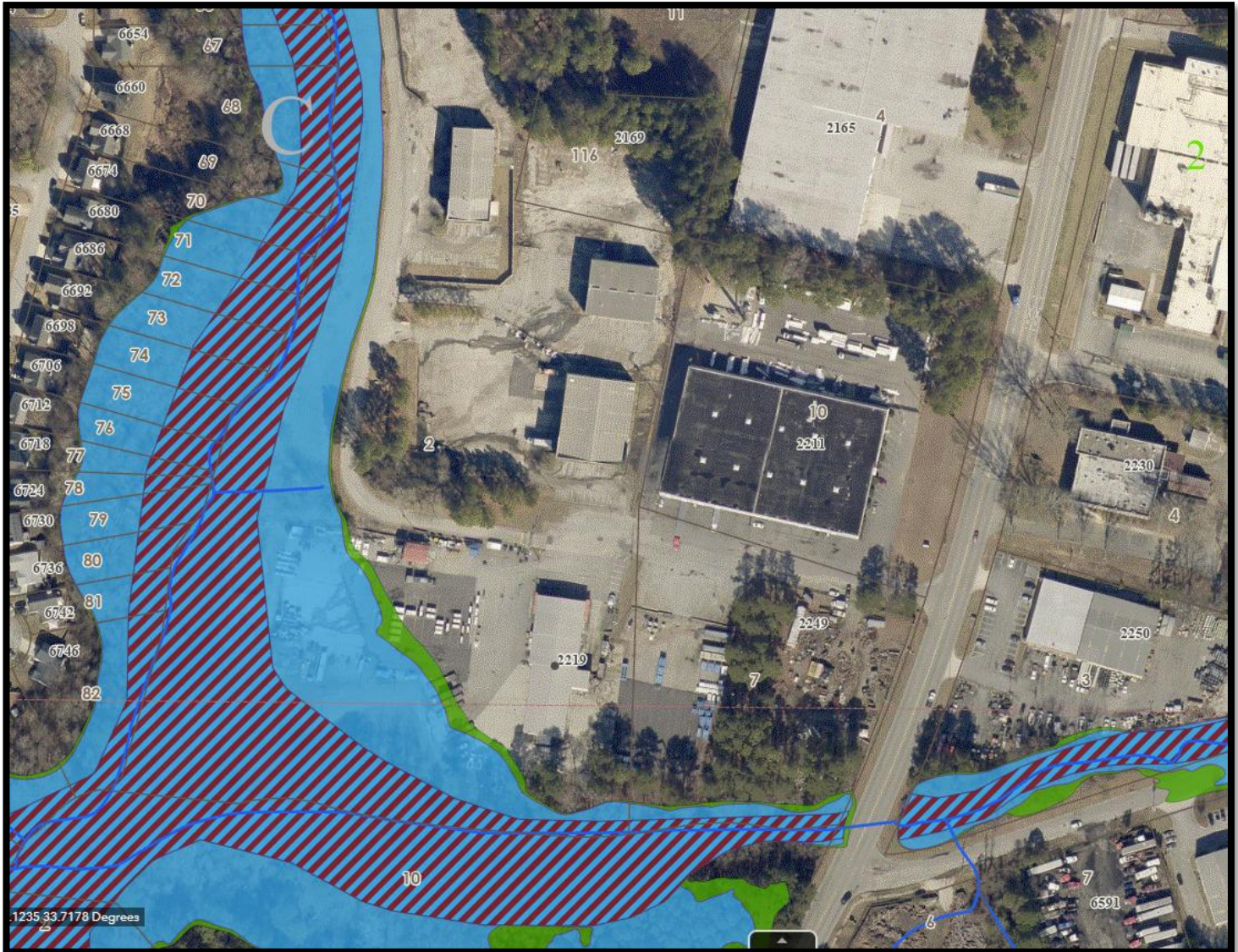


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ZONING BOARD OF APPEALS STAFF REPORT

Zoning Board of Appeals Public Hearing December 16, 2025

PETITION NUMBER:	V25-000005
APPLICANT:	Parkland Communities Inc. c/o Battle Law PC
OWNER:	Parkland Communities Inc.
PROJECT LOCATION:	3810 Evans Mill Road <u>16 076 02 002</u>
CURRENT ZONING:	R-100 Residential Med Lot
ACREAGE:	+/-48.54 acres
STAFF RECOMMENDATION:	Denial
VARIANCE REQUEST:	A request to reduce the number of access points from four (4) points of access to three (3) points of access for a 47 unit residential development.

Current Use

The subject property is currently vacant and consists of +/- 48.54 acres that is zoned R-100. The subject property abuts both Hunters Hill and Bramblewood Subdivisions. The subject property has an address of 3810 Evans Mill Road, however it does not have direct access or abuts Evans Mill Road . This property has a parcel identification number of 16 076 02 002 and has floodplain present in addition to three (3) streams. The request is to reduce the number of access points from four (4) to two (2) in order to develop the property for 47 units of single-family detached homes. The applicant is seeking to build at 2.06 units per acre, excluding +/- 50.217 acres of floodplain existing on the property.

Zoning and Case History

The subject property has no prior zoning conditions found. It's zoned R-100 Residential Medium Lot and the surrounding properties are zoned R-100 Medium Lot. In 2020 as part of rezoning request RZ20-005 the applicant was seeking to acquire and develop 178.10 acres of land located at the proposed site of 3810 Evans Mill Road and 6251 Rock Springs Road. The applicant was seeking to build at 2.06 units per acre, excluding 50.217 acres of floodplain existing on the property. This request proposed 367 homes, which included 3810 Evans Mill Road and according to the applicant, the property has both floodplain and wetlands. The proposal was to develop small lots to preserve as much of the surrounding environmentally sensitive areas.

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Variance Petition: V-25-000005

September 16, 2025/ December 16 2025

Ellis Still, Deputy Director

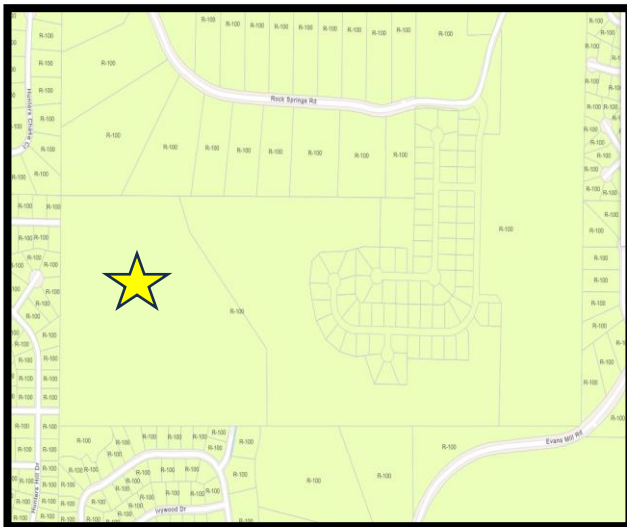


ZONING BOARD OF APPEALS STAFF REPORT

IMAGES

3810 Evans Mill Road

City Map of Stonecrest, GA GIS & DeKalb County GIS Map Viewer Systems



Existing Conditions

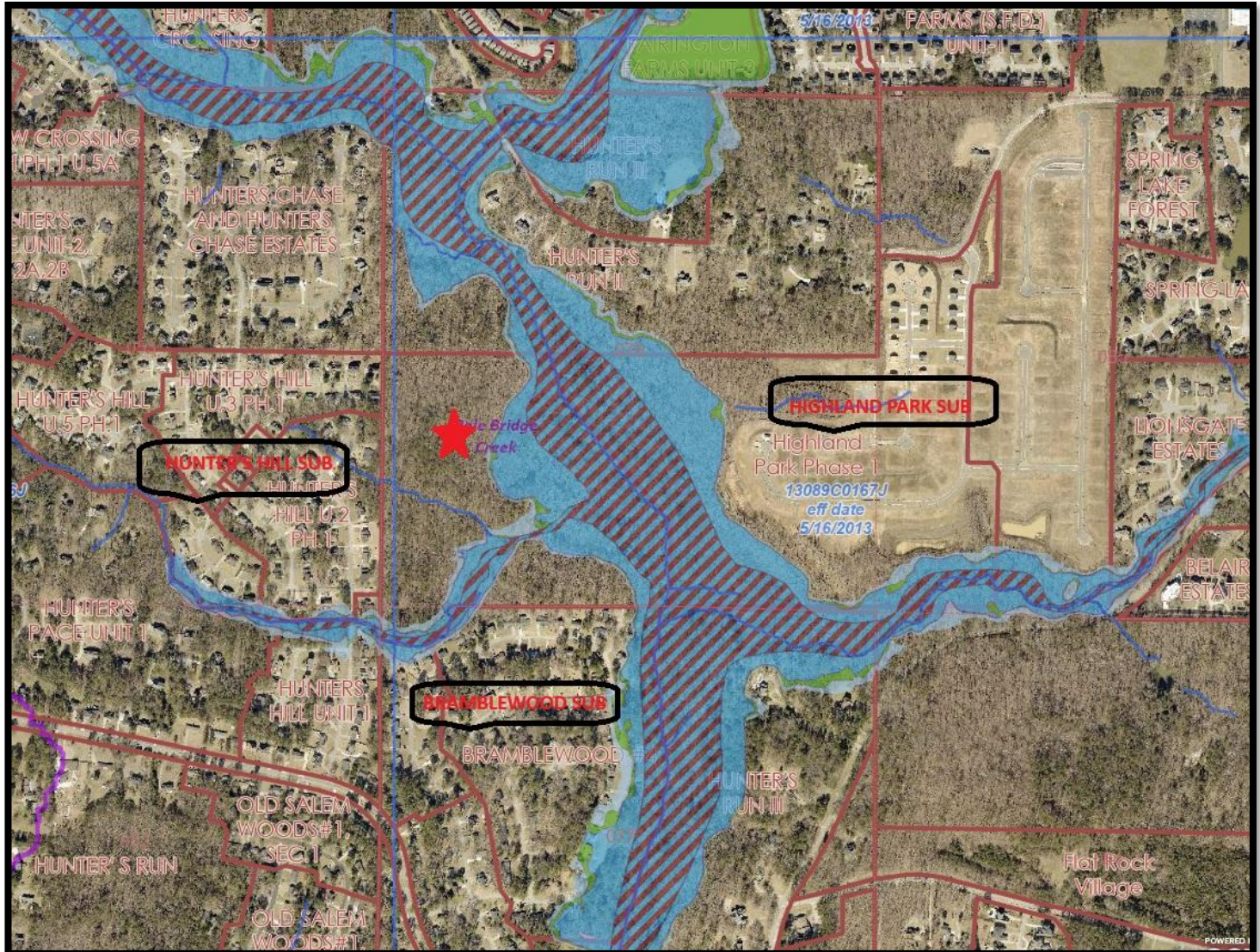
The parcel consists of +/-48.54 acres of land. It's located west of Highland Park Subdivision, east and south of Hunter's Hill Subdivision and north of Bramblewood Subdivision. The site is heavily wooded and has the presents of state waters and 3 streams on it. The property's access points come from Hunter's Hill Drive via Fox Den Trail and Bramblevine Circle via Foxcroft Court. According to the Letter of Intent from the rezoning request in 2020, #3 states that the applicant seeks to protect environmentally sensitive areas of the property by developing the site in a manner which minimizes the impact on the wetlands, floodway and stream corridor. Additionally, the letter stated that removal of trees in the tree save area, as well as developing larger lots to achieve density, would have a negative impact on the surrounding community particularly along Rock Springs Road. It was also stated that the subject property was known just to have marginal value.

Variance Request

The applicant seeks a variance to reduce the number of access points from four (4) access points to two (2) access points to allow for the development of 47 single-family detached homes.



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APPLICABLE CODE REQUIREMENTS

City of Stonecrest Zoning Ordinance (Chapter 14):

Article III – SUBDIVISIONS

a. Division 3 Design Standards

b. Part B - Streets

Section 14.200 -Access Management.

The following standards shall apply to all subdivisions and all projects requiring a land development permit where the primary access is from a state or federal highway or an arterial classified as a major, minor or residential arterial or collector street in thoroughfare plan. These standards shall apply unless a more restrictive standard is required by the Georgia Department of Transportation:

(5.) All developments shall have access to a public right-of-way. The number of access points shall be as follows:

Type of Development	Minimum No. of Access Points	Type of Primary Access
Residential, under 75 units	1	Residential arterial or collector street
Residential, 76—150 units	2	Residential arterial or collector street
Residential, 151—300	3	Collector street
Residential over 300 units	4	Collector street

Section 14.258 – Frontage

Each subdivision lot shall front upon a publicly maintained street, unless otherwise approved under this chapter.

Section 14.275 – Open Space Required

- (a) All residential subdivisions under five acres or consisting of 36 or less dwelling units may, and all residential subdivisions greater than five acres or consisting of more than 36 dwelling units shall be required to provide open space.



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Section 14.57 – Policies and Purposes

(a) Policies

(b) These regulations are adopted for the following Purposes

3. To protect and conserve the value of land and the economic stability of all communities in the city and to encourage the orderly and beneficial development of the city through appropriate growth management techniques, including consideration of the timing and sequencing of development, consideration of infill development in existing neighborhoods and nonresidential areas with adequate public facilities.

Section 14.53 Public Purpose

Regulation of the subdivision of land and the attachment of reasonable regulations to land subdivision is an exercise of valid police power delegated by the state to this city. A developer of land has the duty of compliance with the regulations set forth herein for design, dedication, improvement, and restrictive use of the land to conform to the physical and economic development of the city and to the health, safety, and general welfare of the future lot owners in the subdivision and of the community at-large.



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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 current access issue is the result of decisions made by the property owners. In October 2020, they submitted a rezoning request for the subject property along with the adjacent parcel, now known as Highland Park. At that time, the owners had the opportunity to address access management requirements during the plating process by designing the development to avoid this issue. However, they ultimately withdrew the application, leaving the access concern unresolved. This issue stems from a lack of proper planning to meet established requirements.

- (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.**

If granted, the requested variance would afford the applicant special privilege inconsistent with the limitations upon other properties in the zoning district in which the subject property is located. In fact, the neighboring subdivision, Highland Park, was faced with the same issue and were held to the standard that is required in the Access Management section of the zoning ordinance. The variance would set a negative precedence and allow the applicant to receive nonconformance.

- (3) The grant 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 approval of this variance request could create a public safety issue and negatively impact the two surrounding communities. The approval allows the development of an additional 47 single-family detached homes and could potentially add an additional 118 vehicles passing through the existing subdivisions resulting in an increase in traffic on residential streets. Additionally, during construction, heavy trucks will be entering and exiting the site for several months using residential streets not designed to handle such loads. If these streets are damaged during this period, the cost of repairs would fall on the City of Stonecrest.



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

The strict application and literal interpretation of the zoning code Section 14-200 does not cause undue hardship for the reason that this issue is a result of direct actions and decisions made by the applicant while developing the surrounding parcels. It is staffs understanding that proper access to the subject property was not accounted for due to the applicants previous land development proposal. Leaving the subject property unable to meet the minimum requirements for compliant development.

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

The variance would not be consistent with the spirit and purpose of the zoning ordinance and Comprehensive Plan. This section of the ordinance was established to prevent unaccounted-for traffic from cutting through existing neighborhoods. The current issue arose because the applicant did not plan to meet this requirement when the remnant lot was originally created.

RECOMMENDED CONDITIONS

This variance request will adversely affect existing use or usability of adjacent or nearby properties. The applicant stated in their previous letter of intent that they will preserve over 50 acres of area in which vegetation and fish and wildlife are able to remain intact and undisturbed.

The currently required 15,000 sq.ft. lots will only serve to support urban sprawl and have a damaging impact on the environmentally sensitive areas of the subject property. The subject property, 3810 Evans Mill Road, was a part of +/- 178.10 acres “assembled” tract of land located at 6251 Rock Springs Road now known as Highland Village. The applicant stated in a letter of intent – it’s the applicant’s intent to comply with all City of Stonecrest Development Regulations.

Based on the findings and conclusions, the applicant **does not** meet the criteria for approval. Staff recommends **Denial of V-25-000005**.



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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 <input checked="" type="checkbox"/> Other			
	Applicable Zoning/Sign Code Section:										
	Nature of Request:		Required:	Proposed:	Minimum Setback Requirements	Proposed Setback Requirements					
	<input type="checkbox"/> Setback <input type="checkbox"/> Sign <input type="checkbox"/> # Parking Spaces <input checked="" type="checkbox"/> Other		(See Chart to the Right)		Front Side Rear Other	Front Side Rear Other					
Project	Name of Project/Subdivision: Creekside at Hunters Hill									Present Zoning: XX R-100	
	Property Address/Location: 3810 Evans Mill Rd, Lithonia, GA 30038										
	District: 16		Land Lot: 076	Block: 02	Property ID: 16 076 02 002						
	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										
Owner Information	Name: Parkland Communities Inc.										
	Address: 925 North Point Parkway, Suite 320 Alpharetta GA 30005										
	Phone: 678-719-9661					Fax:					
	Cell:					Email: kevin@parklandco.com					
Affidavit	Name:										
	Address:										
	Phone:					Fax:					
	Cell:					Email:					
Notary	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										
	Applicant's Name: Parkland Communities Inc c/o Battle Law PC										
	Applicant's Signature: <i>James D. Battle</i>										Date: <i>May 29, 2025</i>
	Sworn to and subscribed before me this <i>May</i> day of <i>2025</i>										
Notary	Notary Public: <i>Richard Edwards</i>										
	Signature: <i>Richard Edwards</i>										
	Date: <i>May 29 2025</i>										

RICHARD EDWARDS
NOTARY PUBLIC
Fayette County, State of Georgia
My Commission Expires 11/22/2026

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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:	Parkland Communities, Inc.		
Address:	925 North Point Parkway, Suite 320	City, State:	Alpharetta, GA
Signature:	<i>James D. Jacoby</i>	Date:	May 29, 2025
Sworn to and subscribed before me this <u>29</u> day of <u>May</u> , 20 <u>25</u>			
Notary Public:	<i>Richard Edwards</i>		
<div style="border: 1px solid black; padding: 2px; display: inline-block;">RICHARD EDWARDS NOTARY PUBLIC County, State of Georgia Commission Expires 11/22/2026</div>			

Additional Property Owner (if applicable)

Name:			
Address:		City, State:	
Signature:		Date:	
Sworn to and subscribed before me this _____ day of _____, 20____			
Notary Public:			

Additional Property Owner (if applicable)

Name:			
Address:		City, State:	
Signature:		Date:	



ZONING BOARD OF APPEALS STAFF REPORT

Sworn to and subscribed before me this 29 day of May, 2025

Notary Public:

Richard Edwards

RICHARD EDWARDS
NOTARY PUBLIC
Fayette County, State of Georgia
My Commission Expires 11/22/2026



ZONING BOARD OF APPEALS STAFF REPORT

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:	Parkland Communities, Inc.		
Address:	925 North point Parkway, Suite 320	City, State:	Alpharetta, GA
		Zip:	30005
Signature:	<i>James J. Jacob</i>	Date:	<i>May 29, 2025</i>
Sworn to and subscribed before me this <u>29</u> day of <u>MAY</u> , 20 <u>25</u>			
Notary Public:	<i>Richard Edwards</i>		

RICHARD EDWARDS
NOTARY PUBLIC
Fayette County, State of Georgia
My Commission Expires 11/22/2026

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:	



ZONING BOARD OF APPEALS STAFF REPORT

Sworn to and subscribed before me this 29 day of May, 2025

Notary Public: Richard Edwards





ZONING BOARD OF APPEALS STAFF REPORT

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:	Parkland Communities, Inc		
Address:	925 North Point Parkway, Suite 320	City, State: Alpharetta, GA	Zip: 30005
Signature:	<i>James D. Jacobs</i>	Date:	<i>May 29, 2025</i>

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

Date	Government Official & Position	Description	Amount
	<i>None</i>		<i>Ø</i>



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Battle Law

STATEMENT OF INTENT

and

Other Material Required by
Stonecrest Zoning Ordinance
For
Land Development Code Section 14-200 (5)

of

Parkland Communities, Inc.
c/o Battle Law, P.C.

for

+/- 48.54 Acres of Land
Being 3810 Evans Mill Road
Stonecrest, Georgia and
Parcel No. 16 076 02 002

Submitted for Applicant by:

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Joshua Mahoney, Esq.
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ZONING BOARD OF APPEALS STAFF REPORT



Battle Law

I. LETTER OF INTENT

Parkland Communities, Inc. (the "Applicant") is the owner of that certain 48.54-acre tract of land known as 3810 Evans Mill Road being Tax Parcel 16 076 02 002 (the "Subject Property"). The Subject Property is currently zoned R-100 and to the Applicant's knowledge, as never been developed. The Applicant is seeking to develop the Subject Property for 47 single-family detached homes. The Subject Property abuts both the Hunters Hill and the Bramblewood Subdivisions. Section 14-200 (5) of the Stonecrest Land Development Code requires one (1) point of entrance to a residential arterial road. The Applicant originally proposed two (2) points of entrance to Reynard Trail and Fox Den Trail which stub out into the Subject Property. However, the Planning Staff has indicated that due to the total number of units in both existing communities, a total of either 3 or 4 points of entry will be required in order for the Subject Property to be developed. Therefore, the Applicant is seeking a variance to reduce the require number of access points from four (4) points of access to two (2) points of access by connecting all three subdivision with two remote access points to Salem Road, and local access through Reynard Trail, Fox Den Trail and Foxcroft Court all three of which streets stub out into the Subject Property. This document serves as a statement of intent, analysis of the criteria under the Stonecrest Zoning Ordinance and contains notice of constitutional allegations as a reservation of the Applicant's rights.

II. STONECREST VARIANCE CRITERIA

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 abuts both the Hungers Hill and Bramble Subdivisions. Through no fault of the Applicant, both Subdivisions fail to meet the current access management requirements un Section 14-200 (5) of the Land Development code. The Subject Property abuts three (3) stub streets which technically satisfy the requirement for 47 units to connect to one (1) residential arterial road, however, due to the adjacent subdivisions not meeting the access requirements, the Planning Department is denying the Applicant's subdivision request which creates an undue hardship on the Applicant. To address the safety concerns raised by the Planning Department, the Applicant is proposing to connect into both subdivisions thereby creating two points of entry into the two existing subdivisions, allow with allowing access into the proposed subdivision. The Applicant has met with Chief Labbe with the DeKalb County Fire Marshall's division regarding the proposed access points and submitted site plan. The failure to grant the relief request would deprive the property owner of rights and privileges enjoyed by other property owners zoned R-100.

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.

The requested variance does not go beyond the minimum necessary to insure adequate safety access for residents, guest, and fire/safety to all three subdivisions. In fact, granting the

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requested variance will allow for fire and safety to have an additional point of access into both the Hunter's Hill and Bramblewood subdivisions which should be deemed a plus for the entire community.

3. The grant 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.

Granting the reduction in the access points will not be materially detrimental to the public welfare or injurious to the property or improvements in the zoning district. The addition of the 47 homes will allow connectivity for all three subdivision that would not occur but for the Applicant seeking to develop the Subject Property, as the City of Stonecrest has no intentions of providing secondary access for either subdivision in order to bring the two subdivisions in to closer compliance with the current access management requirement of the Land Development Code.

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

Strictly enforcing the requirement of 4 access points into the subdivision will cause undue hardship because it would restrict all valid economic uses for the Subject Property.

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

The Comprehensive Plan supports infill development, particularly when the infill development is not seeking any amendment to the zoning regulations such that the proposed subdivision will allow for the development of homes on lots that are consistent with the existing lot sizes for the area.

II. CONCLUSION

For the foregoing reasons, the Applicant hereby requests that the application for a reduction of the required access management points be approved. The Applicant welcomes any questions and feedback from the planning staff.

IV. NOTICE OF CONSTITUTIONAL ALLEGATIONS AND PRESERVATION OF CONSTITUTIONAL RIGHTS

The portions of the Stonecrest Zoning Ordinance, facially and as applied to the Subject Property, which restrict or classify or may restrict or classify the Subject Property so as to prohibit its development as proposed by the Applicant are or would be unconstitutional in that they would destroy the Applicant's property rights without first paying fair, adequate and just compensation for such rights, in violation of the Fifth Amendment and Fourteenth Amendment of the Constitution of the United States and Article I, Section I, Paragraph I of the Constitution of the State of Georgia of 1983, Article I, Section III, Paragraph I of the Constitution of the State of

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Georgia of 1983, and would be in violation of the Commerce Clause, Article I, Section 8, Clause 3 of the Constitution of the United States.

The application of the Stonecrest Zoning Ordinance to the Subject Property which restricts its use to any classification other than that proposed by the Applicant is unconstitutional, illegal, null and void, constituting a taking of Applicant's Property in violation of the Just Compensation Clause of the Fifth Amendment to the Constitution of the United States, Article I, Section I, Paragraph I, and Article I, Section III, Paragraph I of the Constitution of the State of Georgia of 1983, and the Equal Protection and Due Process Clauses of the Fourteenth Amendment to the Constitution of the United States denying the Applicant an economically viable use of its land while not substantially advancing legitimate state interests.

A denial of this Application would constitute an arbitrary irrational abuse of discretion and unreasonable use of the zoning power because they bear no substantial relationship to the public health, safety, morality or general welfare of the public and substantially harm the Applicant in violation of the due process and equal protection rights guaranteed by the Fifth Amendment and Fourteenth Amendment of the Constitution of the United States, and Article I, Section I, Paragraph I and Article I, Section III, Paragraph 1 of the Constitution of the State of Georgia.

A refusal by the Stonecrest Zoning Board of Appeals to grant the stream buffer variance as requested by the Applicant would be unconstitutional and discriminate in an arbitrary, capricious and unreasonable manner between the Applicant and owners of similarly situated property in violation of Article I, Section I, Paragraph II of the Constitution of the State of Georgia of 1983 and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States. Any stream buffer variance of the Property subject to conditions which are different from the conditions requested by the Applicant, to the extent such different conditions would have the effect of further restricting Applicant's utilization of the property, would also constitute an arbitrary, capricious and discriminatory act in zoning the Subject Property to an unconstitutional classification and would likewise violate each of the provisions of the State and Federal Constitutions set forth hereinabove.

A refusal to allow the stream buffer variance in question would be unjustified from a fact-based standpoint and instead would result only from constituent opposition, which would be an unlawful delegation of authority in violation of Article IX, Section II, Paragraph IV of the Georgia Constitution.

A refusal to allow the stream buffer variance in question would be invalid inasmuch as it would be denied pursuant to an ordinance which is not in compliance with the Zoning Procedures Law, O.C.G.A. Section 36-66/1 et seq., due to the manner in which the Ordinance as a whole and its map(s) have been adopted.

The existing land use designation and/or zoning classification on the Subject Property is unconstitutional as it applies to the Subject Property. This notice is being given to comply with the provisions of O.C.G.A. Section 36-11-1 to afford the County an opportunity to revise the Property to a constitutional classification. If action is not taken by the County to rectify this

3562 Habersham at Northlake • Building J, Suite 100 • Tucker, Georgia 30084 • Ph: 404.601.7616

battlelawpc.com

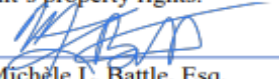


ZONING BOARD OF APPEALS STAFF REPORT



Battle Law

unconstitutional land use designation and/or zoning classification within a reasonable time, the Applicant is hereby placing the County on notice that it may elect to file a claim in the Superior Court of DeKalb County demanding just and adequate compensation under Georgia law for the taking of the Subject Property, diminution of value of the Subject Property, attorney's fees and other damages arising out of the unlawful deprivation of the Applicant's property rights.


Michele L. Battle, Esq.
Attorney for the Applicant



ZONING BOARD OF APPEALS STAFF REPORT

Zoning Board of Appeals Public Hearing December 2025

Petition Number:	V25-000014
Applicant:	Joy Grier
Owner:	Grier Joy
Project Location:	6900 Rockland Road Stonecrest GA 30038 <u>16 140 03 008</u>
Current Zoning:	R-100 - Residential Med Lot
Acreage:	+/-6.14
Staff Recommendation:	Approval w/ conditions
Variance Request:	Applicant seeks a variance to Chapter 27, Article 5, Division 4, Section 5.4.7 – b.1, “Walls, fences, and retaining walls” to exceed the maximum high of the fences constructed in a front yard of single-family dwelling from four feet to eight feet.

Current Use

The subject property is a single-family detached dwelling and consists of +/-6.14 acres that is zoned R-100. There are two streets that borders the property, Rockland Road and Plunkett Road however the property does not meet at the intersect, yet it creates a double frontage lot. The existing ranch type residential structure consists of 1,352 sf living area and was constructed around 1954.

Zoning and Case History

The subject property and all surrounding properties are zoned R-100 - Residential med lots and Arabia Mountain conservation overlay district. There are no known existing conditions of zoning found associated with this property.



ZONING BOARD OF APPEALS STAFF REPORT IMAGES

6900 Rockland Road Stonecrest GA 30038

City Map of Stonecrest, GA GIS & Dekalb County GIS Map Viewer Systems



Existing Conditions

The land consists of +/- 6.14 acres of land. The property's access comes from Rockland Road and there is an existing chain link fence erected within the front yard. As per the city ordinance, Chapter 27, sec. 5.4.7 – d.2, chain link and other wire fences are prohibited in the front yards of all districts within the city limits. The northern portion of the lot is heavily wooded, and there is no stream or wetland area located on the property. There is an abundant street that serves as an old service road which is approximately 350 feet long, along the southern property line and merges with Plunket Road at the southeast edge of the parcel.

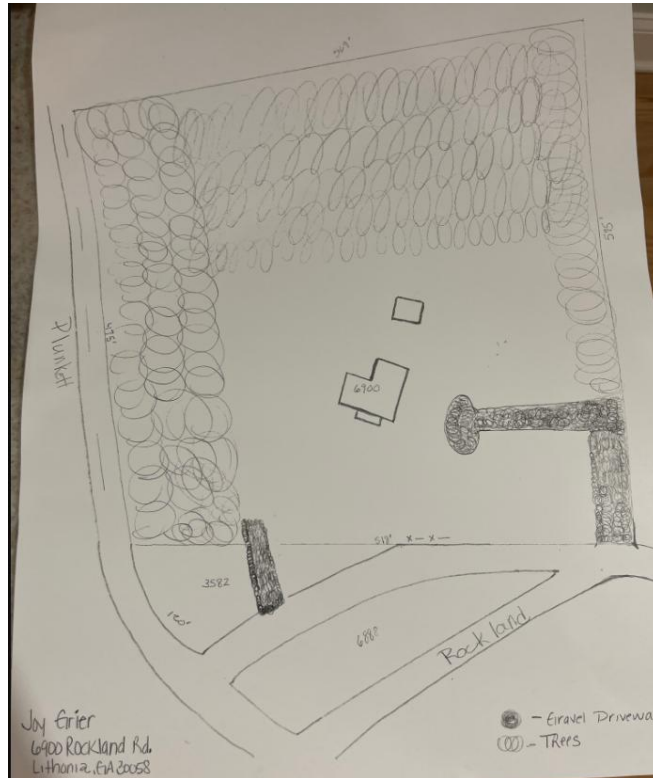
Variance Request

Applicant seeks a variance to Chapter 27, Article 5, Division 4, Section 5.4.7 – b.1, "Walls, fences, and retaining walls" to exceed the maximum height of the fences constructed in a front yard from four feet to eight feet.



ZONING BOARD OF APPEALS STAFF REPORT

Figure 1: Site layout for V-25-000014 - 6900 Rockland Road (Submitted by Applicant)



Site Photos:



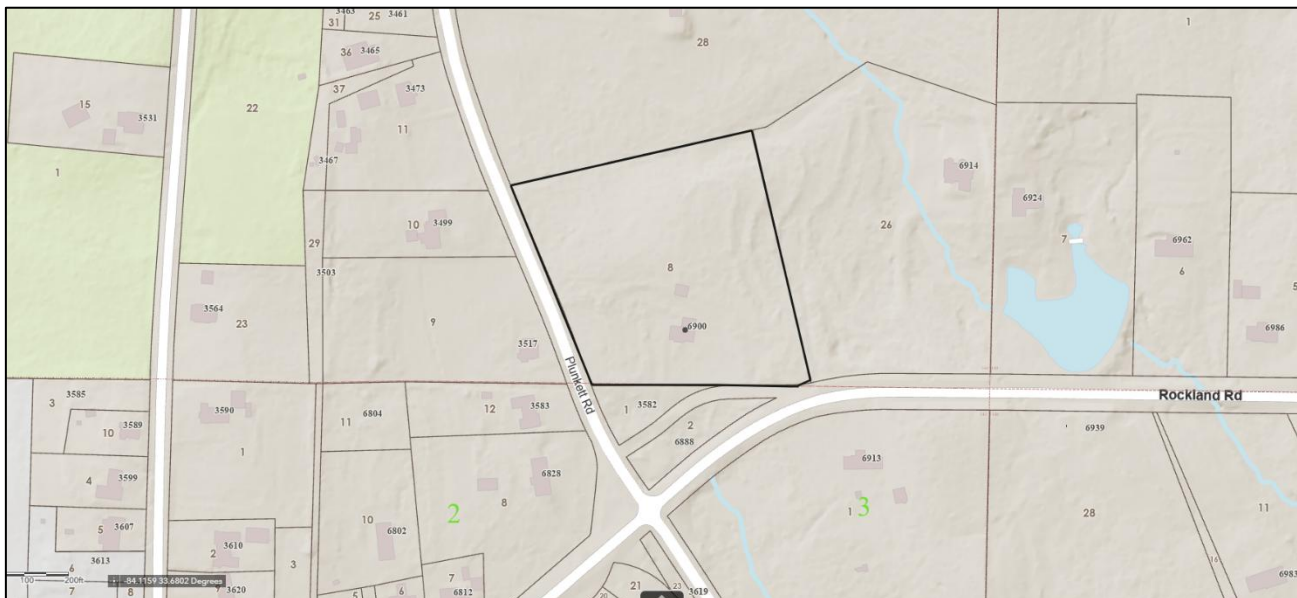


ZONING BOARD OF APPEALS STAFF REPORT

Site Conditions :



DeKalb Raster Basemap:



Page 4

Variance Petition: V-25-000014

December 16, 2025

Abeykoon Abeykoon, Zoning Analyst



ZONING BOARD OF APPEALS STAFF REPORT

APPLICABLE CODE REQUIREMENTS

City of Stonecrest Zoning Ordinance (Chapter 27):

Sec. 5.4.7. - Walls, fences, and retaining walls

B. Single-family residential standards.

1. Fences or free-standing walls constructed in a front yard shall not exceed four feet in height.
2. No freestanding wall or fence, other than a retaining wall, shall be more than eight feet high from finished grade.
3. Subdivision or project identification monuments at the entrance to a subdivision or residential development that incorporates a wall or fence shall only be located in a common area or private easement and shall not exceed six feet in height.

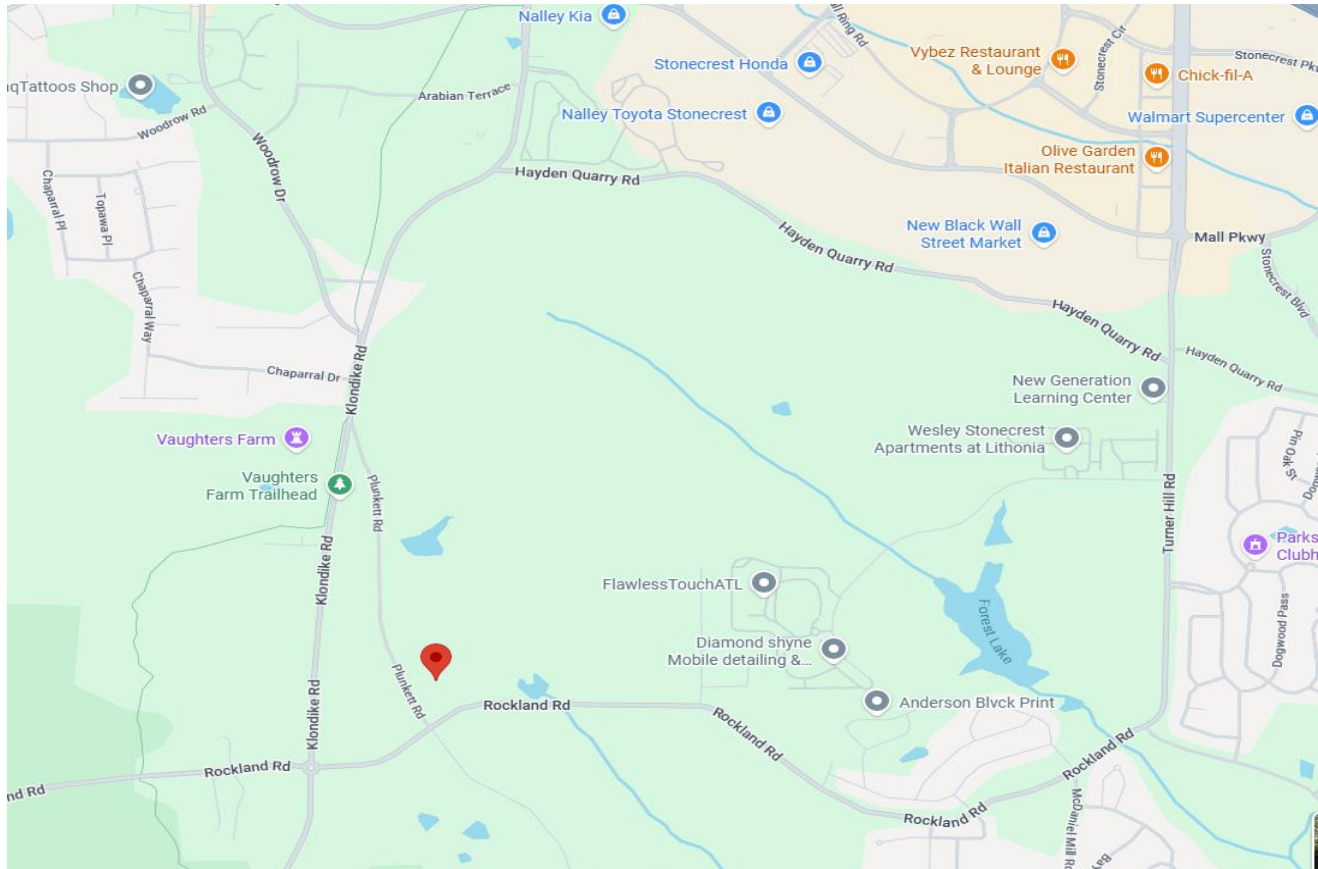
D. Material composition.

1. No freestanding walls, retaining walls or fences may be composed of exposed common concrete block, tires, junk, pallets, railroad ties, loose stone, vinyl and other discarded materials.
2. With the exception of M and M-2 zoning districts, fences, freestanding walls or retaining walls erected within the front yard shall be constructed of brick, stone, wood, wrought iron, or aluminum that looks like wrought iron. Any other material, including, but not limited to, chain link and other wire fences are prohibited in the front yards of all districts, with the exception of M and M-2 zoning districts.



ZONING BOARD OF APPEALS STAFF REPORT

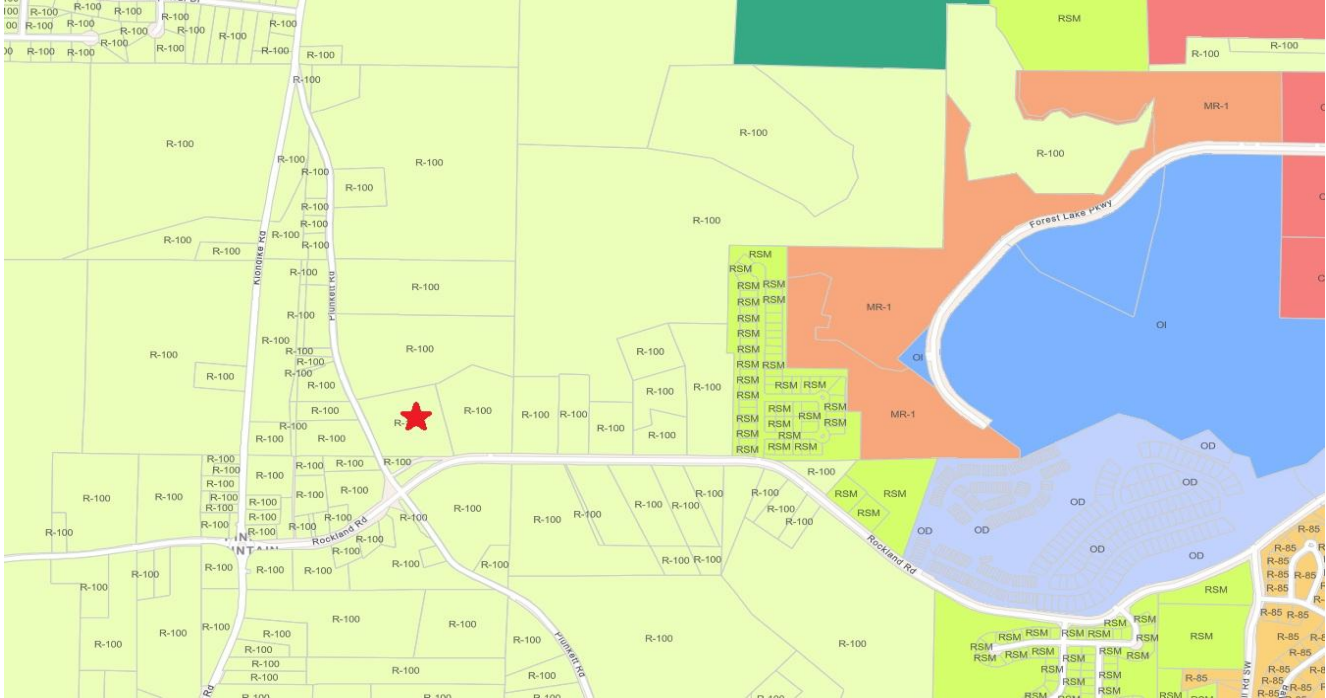
LOCATION MAP



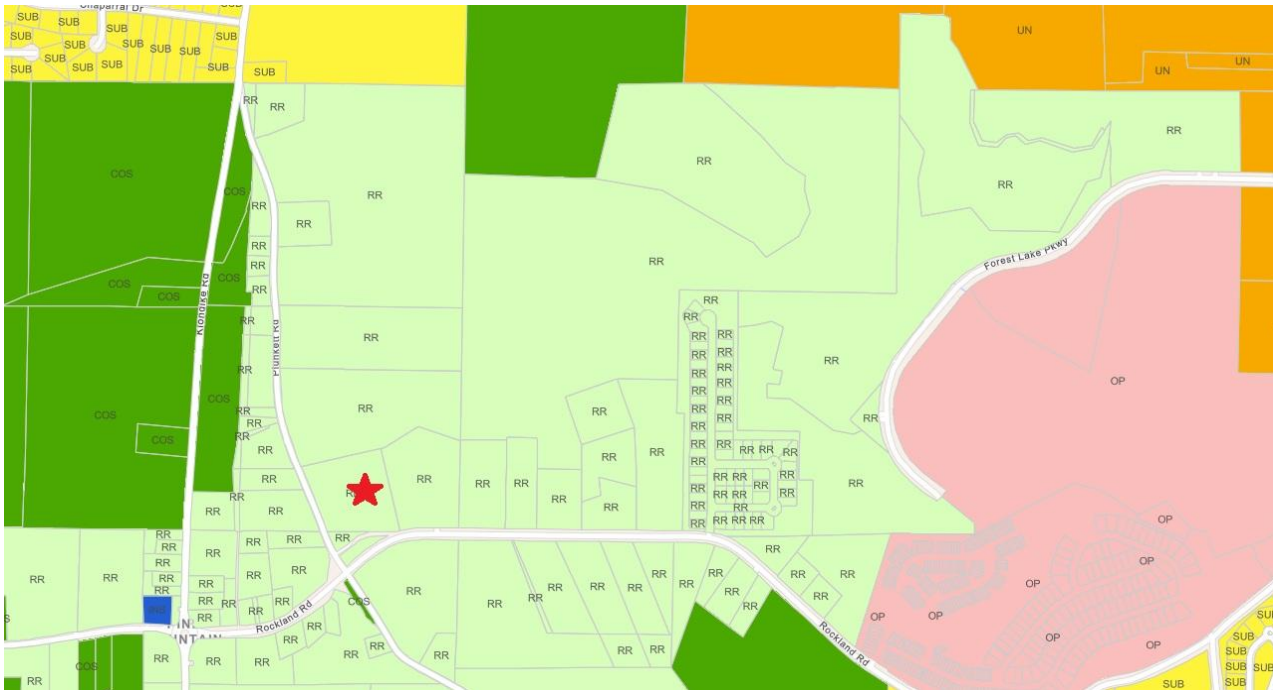


ZONING BOARD OF APPEALS STAFF REPORT

ZONING MAP



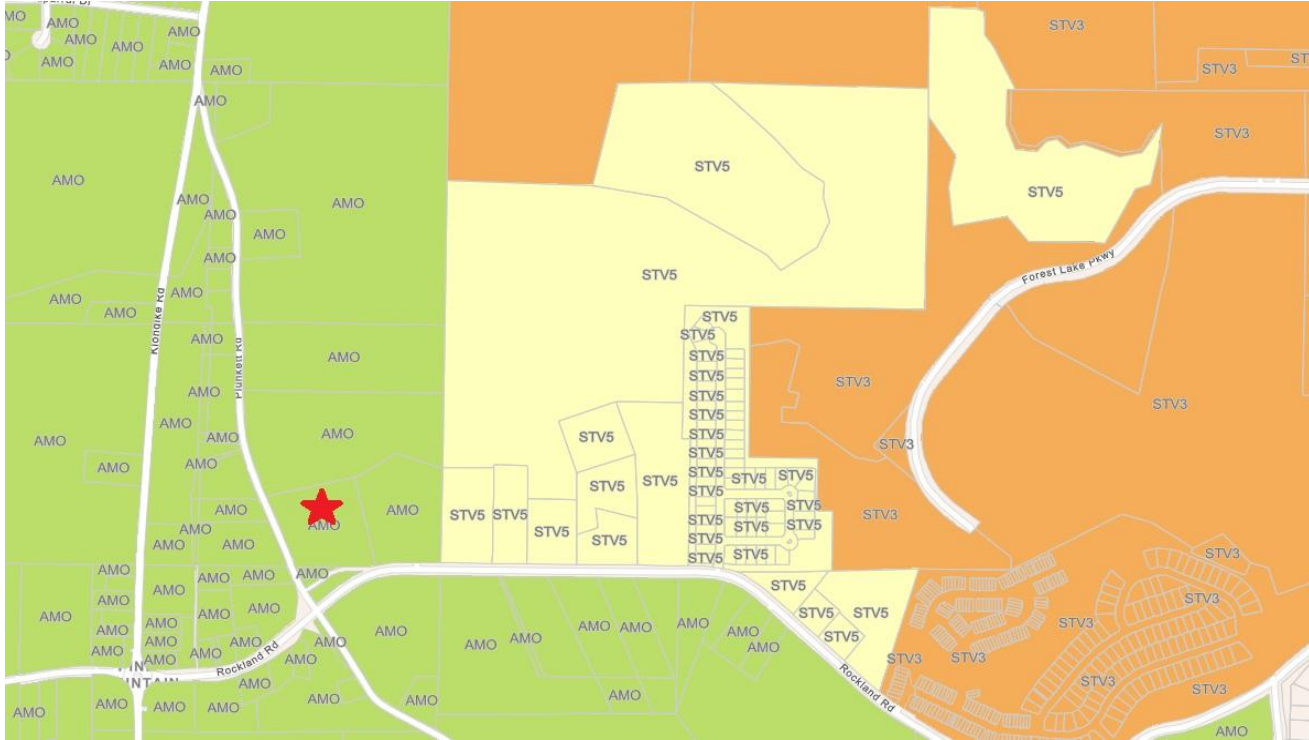
FUTURE LAND USE MAP





ZONING BOARD OF APPEALS STAFF REPORT

ARABIAN MOUNTAIN OVERLAY DISTRICT



AERIAL PHOTO





ZONING BOARD OF APPEALS STAFF REPORT

VARIANCE CONSIDERATIONS

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.**

This criterion is not applicable to the requested variance. The request does not arise from exceptional lot dimensions, topography, or other physical site conditions such as floodplain, steep slopes, or existing natural features. The variance request pertains solely to enhance safety, security and privacy for the property that would otherwise deprive the owner of rights enjoyed by others in the same 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.**

The request does not go beyond the minimum necessary to afford relief nor grant special privilege to the applicant. Development of surrounding properties are afforded the same and/or similar opportunity to seek relief from extenuating and/or exceptional hardships unduly to no cause of their own. The applicant has presented a reasonable request to seek relief as just cause for the situation that impacts safety, security and privacy due to the abundant street driven along the southern property line.

- (3) The grant 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 granting of this variance will not be materially detrimental to the public welfare, nor will it negatively impact surrounding properties or improvements within the zoning district. The existing chain link fence is a non-conforming structure, and the existing fence material is prohibited in the front yards of all districts with the exception of M and M-2 zoning districts. (As per the city ordinance, Chapter 27, sec. 5.4.7 – D.2). The subject request provides an opportunity for the applicants to comply with current code requirements with reference to material composition of the fences in the front yard of single-family.

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



ZONING BOARD OF APPEALS STAFF REPORT

Zoning code requirements for streetscape and landscaping requirements pertaining to Walls, fences, and retaining walls (as per Section 5.4.7) place undue hardship to no cause of the owner and city ordinance allows to apply for a variance from zoning board of appeals to increase height of single-family fences in the front yard as per the city ordinance, chapter 27, sec. 5.4.7, table 5.3 - Fence and Wall Standards.

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

The requested variance is fully consistent with the intent and guiding policies of the City of Stonecrest's zoning ordinance and comprehensive Plan. As per the comprehensive Plan, stable low-density residential districts should be protected from encroachment of higher density or intensity uses within rural residential future land use area. Furthermore, creating a safe and protected environment in Stonecrest, whether for residents or visitors, involves implementing comprehensive strategies that address various aspects of safety and security is a one goal emphasis through comprehensive Plan.

RECOMMENDED CONDITIONS

Based on the findings and conclusions, the applicant meets all the criteria for approval of a variance from zoning board of appeals to increase the height of the fence in the front yard of single-family dwelling. Staff recommends **Approval of V-25-000014** with the following conditions.

1. Fence erected within the front yard must be constructed of brick, stone, wood, wrought iron, or aluminum that looks like wrought iron. Any other material, including, but not limited to, chain links and other wire fences are prohibited in the front yards.
2. Height of the Single-family fences in the front yard should be up to maximum eight (8) feet from finished or street grade and must be located outside the right-of-way.
3. Driveway access on the lots must be limited to one street only. A ten-foot, no-access easement shall be provided along the frontage of the street not used for a driveway.



ZONING BOARD OF APPEALS STAFF REPORT

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Application

Type	Type of Request: <input type="checkbox"/> Zoning <input checked="" type="checkbox"/> Administrative Variances <input type="checkbox"/> Stream Buffer <input type="checkbox"/> Sign <input checked="" type="checkbox"/> Other <u>Fence</u>			
	Applicable Zoning/Sign Code Section:			
	Nature of Request:	Required:	Proposed:	Minimum Setback Requirements
	<input type="checkbox"/> Setback	(See Chart to the Right)		Front
	<input type="checkbox"/> Sign			Side
Project	<input type="checkbox"/> # Parking Spaces			Rear
	<input checked="" type="checkbox"/> Other <u>Fence 8 ft.</u>			Other
	Name of Project/Subdivision: <u>Security and safety fencing</u>		Present Zoning:	
	Property Address/Location: <u>6900 Rockland Rd. Lithonia, GA 30058</u>			
	District: <u>1</u>	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: <u>Jay Grier</u>			
	Address: <u>6900 Rockland Rd. Lithonia, GA 30058</u>			
	Phone:		Fax:	
	Cell: <u>404-615-6634</u>		Email: <u>jggsoc@gmail.com</u>	
Affidavit	Name:			
	Address:			
	Phone:		Fax:	
	Cell:		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 Checklists 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: <u>Jay Grier</u>			
	Applicant's Signature: <u>[Signature]</u>			
	Sworn to and subscribed before me this <u>30</u> Day of <u>October</u> 20 <u>25</u>			
	Notary Public: <u>[Signature]</u>			
	Signature: <u>Dominick Wilk</u>			
Office Use	Date: <u>3 Oct 2025</u>			
	Application Received By:		Project Title:	Project Number:
	<input type="checkbox"/> Application Fee <input type="checkbox"/> Sign Fee <input type="checkbox"/> Legal Fee			
	Fee: \$		Payment: <input type="checkbox"/> Cash <input type="checkbox"/> Check <input type="checkbox"/> CC	Date:
	<input type="checkbox"/> Approved <input type="checkbox"/> Approved with Conditions <input type="checkbox"/> Denied		Date:	


Variance Application

Page 7 of 13

08-25-2017

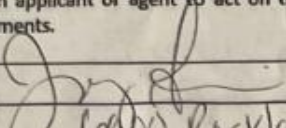
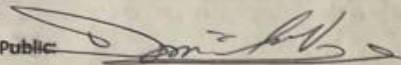
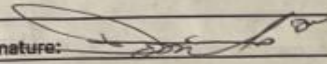


ZONING BOARD OF APPEALS STAFF REPORT


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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	Signature: 	Date: 10/3/25	
	Address: 6400 Rockland	City, State: Lithonia, GA	Zip: 30038
	Phone: 404-615-6636		
	Sworn to and subscribed before me this 3 day of Oct, 2025		
	Notary Public: 		
Property Owner (If Applicable)	Signature: 	Date:	
	Address:	City, State:	Zip:
	Phone:		
	Sworn to and subscribed before me this _____ day of _____, 20____		
	Notary Public:		
Property Owner (If Applicable)	Signature:	Date:	
	Address:	City, State:	Zip:
	Phone:		
	Sworn to and subscribed before me this _____ day of _____, 20____		
	Notary Public:		

DOMINICK VIOR
NOTARY PUBLIC
MY COMMISSION EXPIRES
04/22/2028
WINNETT COUNTY, GEORGIA



ZONING BOARD OF APPEALS STAFF REPORT

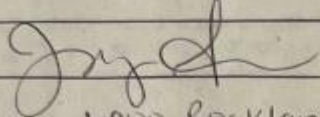


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Campaign Disclosure Statement

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 / Owner	Signature:	
	Address:	16900 Rockland Rd. Stonecrest 30038
	Date:	Oct. 3, 2025

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

Date	Government Official	Official Position	Description	Amount



ZONING BOARD OF APPEALS STAFF REPORT

Greetings:

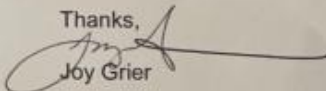
I am requesting approval to convert my existing 4-foot chain link fence to an 8-foot privacy fence. The primary purpose of this request is to enhance safety, security, and privacy for my property while maintaining the character of the neighborhood. An 8-foot fence will provide:

- **Improved Privacy:** My property borders areas with increased visibility and activity, and the additional height will ensure a reasonable level of privacy. It has been my experience that because there remains an old city road that runs directly in front of my property. Both walkers and drivers use that as a short cut to commute back and forth between Rockland and Plunkett.
- **Enhanced Safety & Security:** A taller fence serves as a stronger deterrent to trespassing and reduces potential safety concerns. It has been my experience that many drivers are being guided this way by their GPS. As a result, my driveway becomes the turnaround. Although it's understood that they are on city property. However, unbeknownst to many, there is a ditch on both sides of that driveway. When the city does not cut in a timely manner, you would not recognize it to be a ditch because the grass/weeds have grown so much. As a result, when drivers are traveling this road and use my driveway as turnaround, they are getting stuck in the ditch, blocking my driveway while waiting on tow services. Furthermore, I am a single young lady and I don't feel safe with walkers, drivers and uninvited sales persons trespassing. My most recent incident was a caucasian male stopping by with no identification for the company that he claim to be representing. I had to ask him to leave at least 10 times to the point that I had to get my gun with intentions of assisting him in the process. I have taken the initiative to plant Leyland Cypress to create privacy, but it will take at least three years before I can expect to see at least 6 feet.
- **Noise Reduction:** The extra height will help limit outside noise, creating a more peaceful environment.
- **Minimal Neighborhood Impact:** The fence will be professionally installed, ensuring it complements the neighborhood's appearance.

This modification will not block light or negatively impact neighboring properties. Instead, it will provide a practical solution for safety and quality of life while preserving the community's aesthetic.

I respectfully ask the board to consider this request so I can responsibly improve the functionality and security of my property?

Thanks,


Joy Grier



ZONING BOARD OF APPEALS STAFF REPORT

2025080637 DEED BOOK 32099 PG 478
Filed and Recorded: 7/22/2025 10:31:00 AM
Recording Fee: \$25.00
Real Estate Transfer Tax: \$455.00
Debra DeBerry
Clerk of Superior Court
DeKalb County, Georgia

Return to:
O'Kelley & Sorehan, Attorneys at Law, LLC
303 Corporate Center Drive, Suite 150
Stockbridge, GA 30281
File No.: 14-277892-MS
Parcel No.: 16-140-03-008



State of Georgia, DeKalb County
The undersigned officer of DeKalb Superior Court certifies that this is a true and correct copy of the original document which is on file and of record in the Office of the Clerk of Superior Court, Witness my hand and seal, at the Superior Court of DeKalb County, Georgia.
This 21st day of July, 2025
Signature: [Signature]
Deputy Clerk of Superior Court
Deed BOOK 32099 PAGE 478-479

STATE OF
COUNTY OF DeKalb

LIMITED WARRANTY DEED

THIS INDENTURE, made on 21st day of July, 2025, between

David Latais

(hereinafter referred to as "Grantor") and

Joy Grier

(hereinafter referred to as "Grantee"), the words "Grantor" and "Grantee" to include the heirs, executors, legal representatives, successors and assigns of said parties where the context requires or permits; WITNESSETH:

THAT Grantor, for and in consideration of the sum of TEN DOLLARS (\$10.00) AND OTHER GOOD AND VALUABLE CONSIDERATIONS, in hand paid, at and before the sealing and delivery of these presents, the receipt of which is hereby acknowledged by Grantor, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell and convey unto Grantee,

All that tract or parcel of land lying and being in Land Lot 140 of the 16th District of DeKalb County, Georgia, and being more particularly described as follows: Beginning on the East line of said Land Lot 140 at a point located 19.5 feet North of the Southeast corner of said land lot, and thence running South 87 degrees 33 minutes West 513.4 feet to a point; thence running North along the eastern side of a road 23 degrees 58 minutes West 475.4 feet to a stone; thence running north 74 degrees 38 minutes East 569.56 feet to a gum tree; thence running North 62 degrees 53 minutes East 269 feet to a point; thence running south 80 degrees 10 minutes East 302 feet to an iron pin located on the East line of said land lot; thence running South 1 degrees 47 minutes East 616 feet to the point of beginning, less and except the portion of the foregoing tract beginning at an iron pin set at the intersection of the northerly line of the existing right-of-way of Rockland Road (an 80-foot right of way) with the Eastern land lot line of Land Lot 140 and the Western land lot line of Land Lot 149; thence running northerly at an interior angle of 91 degrees 26 minutes along the eastern land lot line of Land Lot 140 a distance of 596.96 feet to an iron pin found; thence Northwesterly at an interior angle of 99 degrees 06 minutes a distance of 303.93 feet to an iron pin found; thence southwesterly at an interior angle of 144 degrees 05 minutes a distance of 266.46 feet to a point; thence running Southwesterly at an interior angle of 181 degrees 45 minutes a distance of 32.5 feet to an iron pin set; thence running Southeasterly at an interior angle of 88 degrees 08 minutes 17 seconds a distance of 575.04 feet to an iron pin set on the Northerly line of the existing right of way of Rockland Road (an 80-foot right of way); thence running Northeasterly and Easterly along the existing Northern right of way of said Rockland Road at an interior angle of 99 degrees 16 minutes 43 seconds a distance of 220.8 feet to a point; thence continuing along the existing Northern right of way of Rockland Road at an interior angle of 186 degrees 17 minutes a distance of 152.9 feet to an iron pin set and the point of beginning, as shown on a plat of survey for Helen Reagan Jones prepared on July 8, 1981, by B. J. Goble, Jr., registered land surveyor, further less and except those right of way deeds to DeKalb County recorded in Deed Book 3242, Page 649, and Deed Book 3401, Page 203, DeKalb County, Georgia Records

TOGETHER WITH all and singular the rights, members and appurtenances thereto (hereinafter collectively referred to as the "Premises"), the same being, belonging, or in anywise appertaining to the only proper use, benefit and behoof of Grantee.

Subject to all easements, rights of way, and restrictive covenants of record (hereinafter referred to as the "Exceptions").

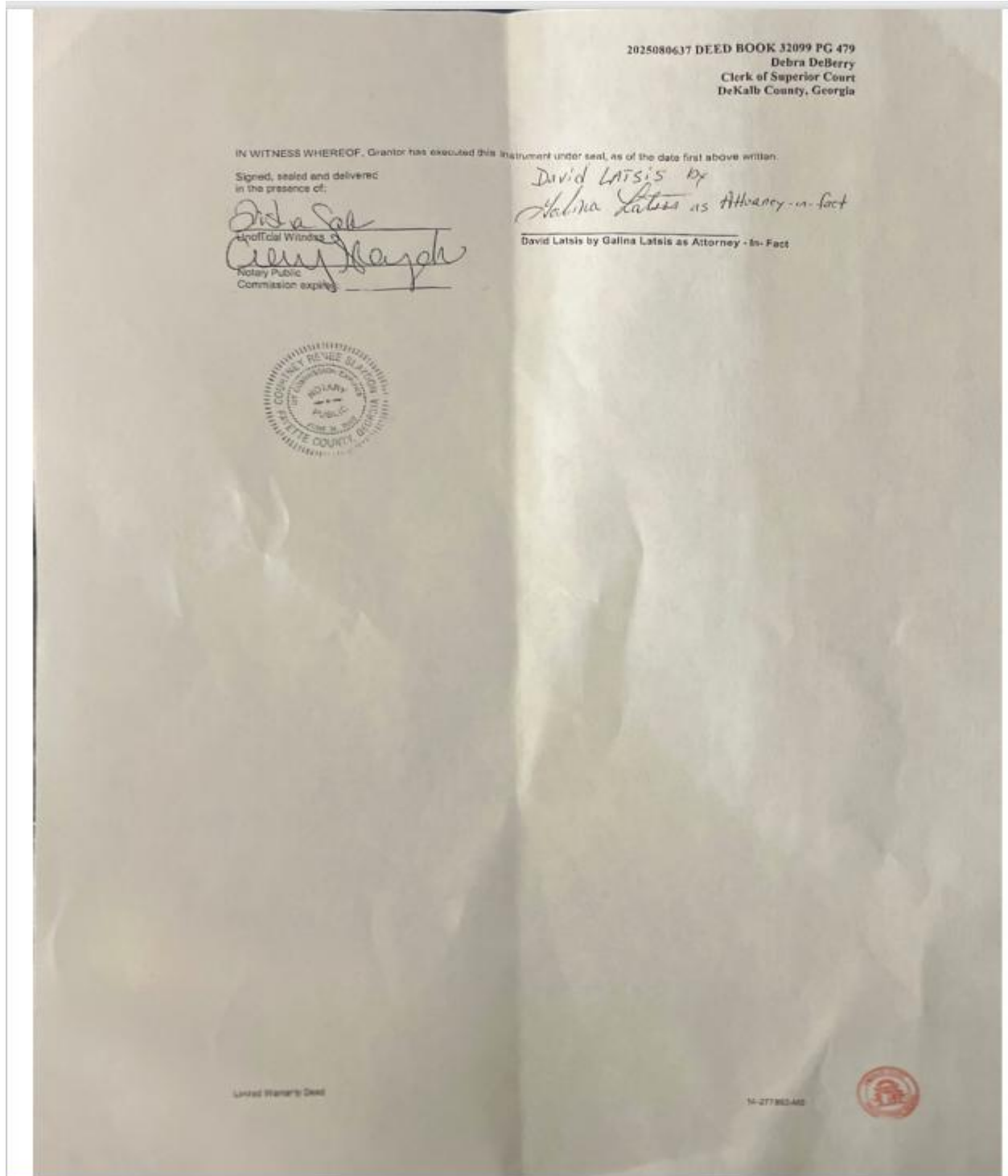
TO HAVE AND TO HOLD the Premises, subject to the Exceptions, to the only proper use, benefit and behoof of Grantee, forever, in FEE SIMPLE, and Grantor will, subject to the Exceptions, warrant and forever defend the right and title to the Premises unto Grantee against the claims of all person claiming by, through or under Grantor, but not otherwise.

Limited Warranty Deed

14-277892-MS



ZONING BOARD OF APPEALS STAFF REPORT



Page 16

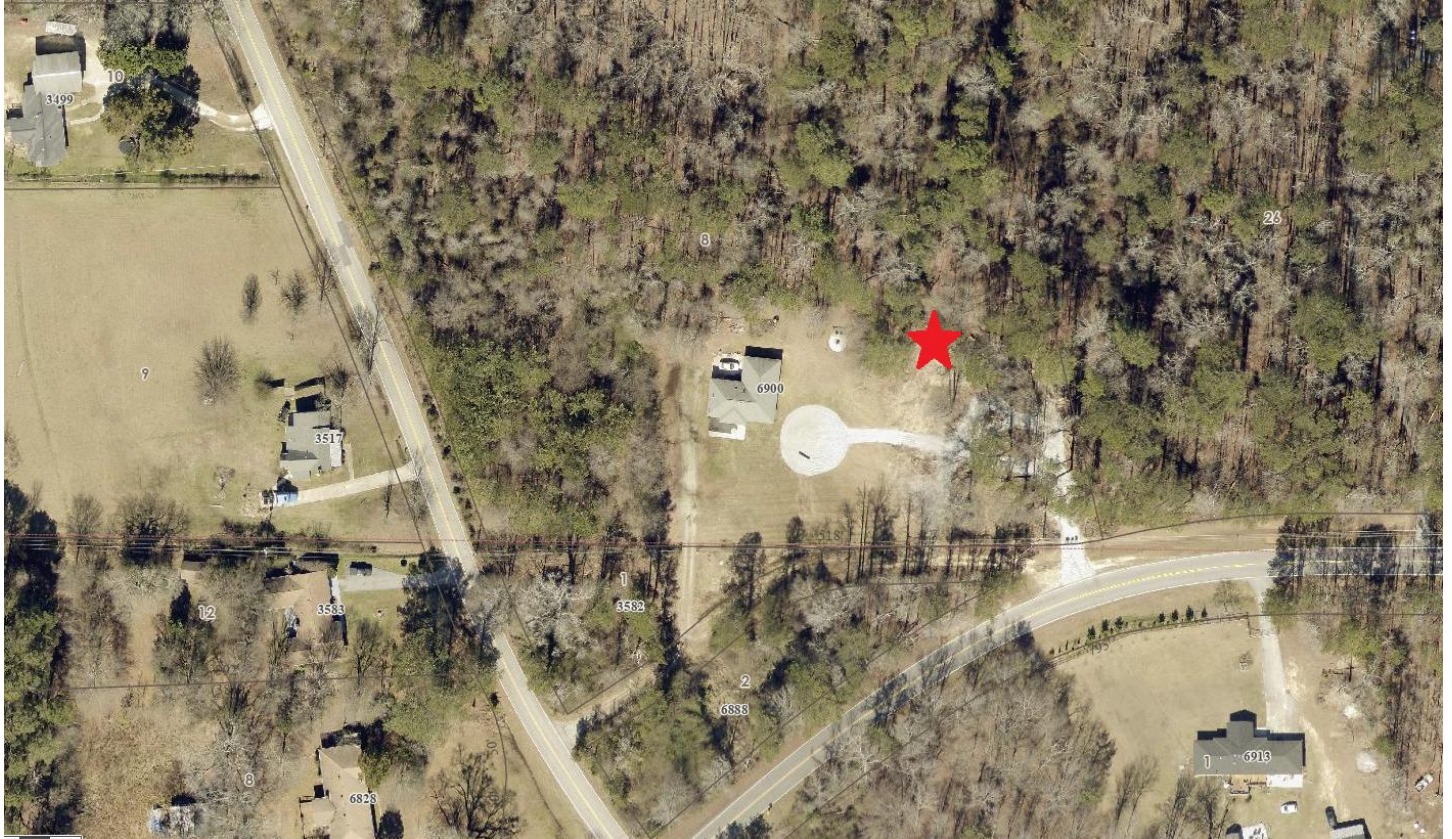
Variance Petition: V-25-000014

December 16, 2025

Abeykoon Abeykoon, Zoning Analyst



ZONING BOARD OF APPEALS STAFF REPORT





ZONING BOARD OF APPEALS STAFF REPORT





ZONING BOARD OF APPEALS STAFF REPORT





ZONING BOARD OF APPEALS STAFF REPORT





ZONING BOARD OF APPEALS STAFF REPORT





ZONING BOARD OF APPEALS STAFF REPORT





ZONING BOARD OF APPEALS STAFF REPORT

Zoning Board of Appeals Public Hearing December 16, 2025

PETITION NUMBER:	V25-000015
APPLICANT:	City of Stonecrest
OWNER:	City of Stonecrest
PROJECT LOCATION:	5106 Klondike Road, Lithonia, GA, 30038 <u>11 231 02 005</u>
CURRENT ZONING:	R – 85 Residential Medium Lot
ACREAGE:	+/-5.91
STAFF RECOMMENDATION:	Approve w/conditions
VARIANCE REQUEST:	The City of Stonecrest is requesting a variance to encroach into the 75 foot impervious buffer for the development of a floating kayak dock and parking.

Current Use

The subject property at 5106 Klondike Road is mostly wooded and has some existing unimproved parking. It sits at the city limits and county boundary at the edge of the South River. The subject property is currently a small City Park known as Everett Park. The parcel totaling approximately 5.91 acres. The site contains no existing buildings or structures.

Zoning and Case History

The subject property has no zoning conditions. It is currently zoned R- 85 Residential Medium Lot and the surrounding properties are zoned R-85 Residential Medium Lot. The adjacent properties are vacant and wooded.

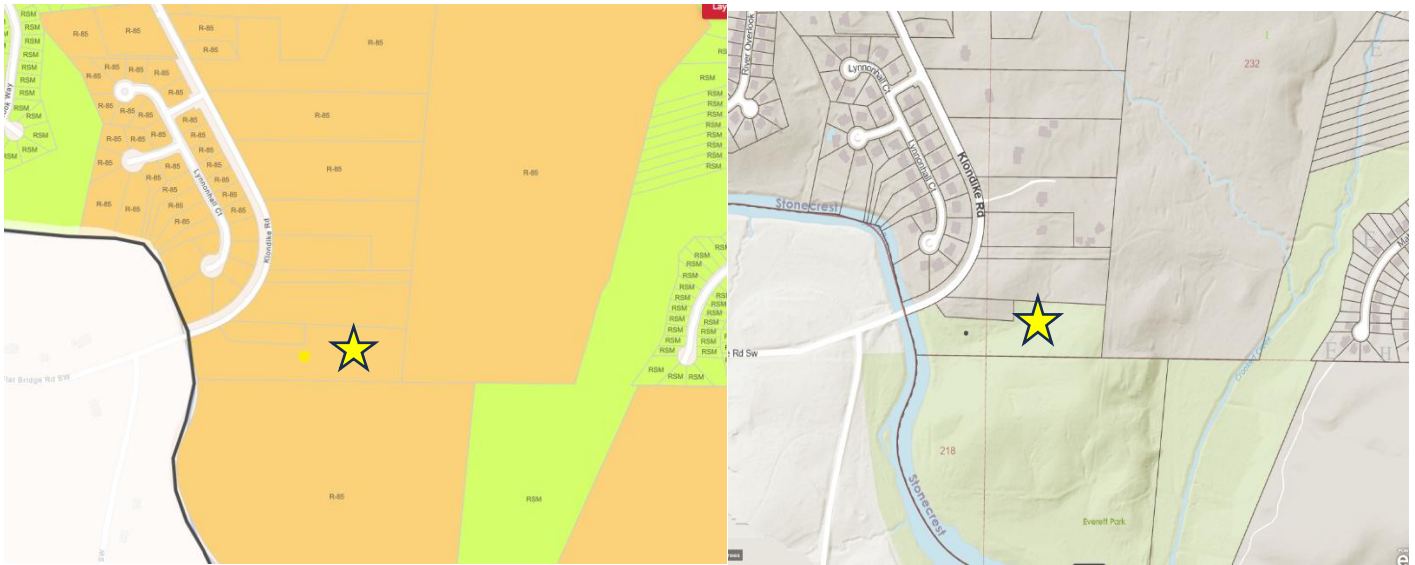


ZONING BOARD OF APPEALS STAFF REPORT

IMAGES

5106 Klondike Road

City Map of Stonecrest, GA GIS & Dekalb County GIS Map Viewer Systems



Existing Conditions

The subject property consists of approximately ± 5.917 acres of land located at the City Limits and County line near the intersection of Union Church Road and Klondike Road. The parcel remains in a mostly natural, wooded state, with no existing unpaved parking area. The property is positioned on the South River and is within the Arabian Mountain Overlay District. The site contains natural terrain with mild to moderate slopes typical of the Klondike Road corridor. Access to the property is solely provided through road frontage along Klondike Road, a public roadway.

Variance Request

The City of Stonecrest is requesting a variance to encroach into the 75-foot impervious buffer to establish a floating kayak launch and to provide some improved surface parking. The encroachment request is for approximately 9,085 square feet of area. The parking area and parts of the driveway will consist of permeable pavers (8,730 square feet) and the kayak launch will consist of 355 square feet.



ZONING BOARD OF APPEALS STAFF REPORT

APPLICABLE CODE REQUIREMENTS

City of Stonecrest Zoning Ordinance (Chapter 27):

Division 6. VARIANCE PROCEDURE

Article VII. – STREAM BUFFER

Sec. 14-543 – Minimum Stream Buffer Requirements.

- (a) Stream buffers are established along all perennial and intermittent streams in the City. These required stream buffers begin at the stream bank and extend 75 feet away from the stream. The buffers must remain undisturbed except as otherwise provided in [section 14-544](#).
- (b) Any new stormwater discharge crossing a stream buffer or state buffer zone must be designed to ensure that sheet flow is established through the stream buffer and to prevent channelized flow through the stream buffer.
- (c) Piping of streams is not allowed in required stream buffers unless a variance is granted.



ZONING BOARD OF APPEALS STAFF REPORT

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 have any unique physical constraints including small size, narrow and irregular shape, or uneven topography that were not created by the applicant. This request is a city project to improve a substandard parking area and improve access to the South River for a floating kayak launch. The granting of this variance would provide more recreational opportunities for not only the citizens of Stonecrest, but the surrounding cities and counties.

- (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.**

The applicant's request does not go beyond the minimum necessary to afford relief and does not constitute a granting of a special privilege. This request will allow improvements to the public park and be an asset to the citizens of Stonecrest as well as visitors to the area. These improvements are a continuation of park improvements across the city and are one of the goals of the Comprehensive Plan.

- (3) The grant 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 requested variances will not harm public welfare or surrounding properties. If fact, these improvements will increase the access to recreational activities in the area and make it easier for citizens who would like to kayak the South River. Additionally, this project will encourage visitors to the area for recreation activities and provide a dedicated hard surface for parking.



ZONING BOARD OF APPEALS STAFF REPORT

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

The literal interpretation and strict application of the requirements would likely prevent this project from moving forward and create an undue hardship. The City has received approvals from the Georgia Environmental Protection Division and the Army Corp of Engineers for the stream buffer encroachments.

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

The requested variances are consistent with the spirit and intent of the Zoning Ordinance and the goals of the City of Stonecrest Comprehensive Plan. The variance helps to achieve one of the goals of the Comprehensive Plan by allowing the improvement of the city parks. The Comprehensive Plan state that one of the needs of the community is “*access to community recreation facilities*”. This project helps to address one of those needs.

The Comprehensive Plan Elements, Section 4.4 Natural Resources – Goals and Policies, Policy NR-1 states “*Identify priority natural resources and methods to protect and enhance natural resources*”. By granting this variance, this goal would be accomplished in this portion of the city.

RECOMMENDED FINDINGS

Staff recommends **Approval** of this variance request to encroach into the 75-foot impervious buffer



ZONING BOARD OF APPEALS STAFF REPORT

AERIAL PHOTO





ZONING BOARD OF APPEALS STAFF REPORT

APPLICATION PACKET



October 31, 2025

Ellis Still

Deputy Director, Planning & Zoning
3120 Stonecrest Blvd
Stonecrest, GA 30038
T: [700.224.0200](tel:700.224.0200) | M: [470.727.0062](tel:470.727.0062)
estill@stonecrestga.gov
www.stonecrestga.gov

**Subject: Letter of Intent - 75 Foot Stream Buffer Variance Request
5106 Klondike Road, Stonecrest, GA 30038**

This letter serves as a formal Letter of Intent to request a variance from the City of Stonecrest's 75-foot undisturbed stream buffer requirement to allow for the construction of public recreational improvements at 5106 Klondike Road, Stonecrest, GA 30038.

The project scope includes the construction of a floating kayak launch and a permeable-surfaced parking area, along with associated minor grading and drainage improvements to support safe vehicular access and effective stormwater management.

This limited disturbance is necessary too:

- Install a floating kayak launch directly at the river's edge to provide user access.
- Construct a permeable parking space.
- Conduct grading and drainage improvements within the buffer to ensure site stability, safety, and erosion control.

The total disturbance within the 75-foot buffer is approximately 9,085 square feet. The estimated duration of disturbance is approximately three to four weeks, covering site preparation, kayak launch installation, and stabilization of the parking surface. All construction activities will adhere to approved Best Management Practices (BMPs) in compliance with the Georgia Erosion and Sedimentation Act to minimize sedimentation and protect water quality.

This project supports the City of Stonecrest's efforts to promote public recreation and sustainable design along the South River, providing a safe and environmentally responsible amenity for the community.

All necessary regulatory approvals have been secured, including a No Permit Required determination from the U.S. Army Corps of Engineers (ACOE) and Georgia EPD approval for the 25-foot state stream buffer variance.

Please let us know if any additional information or supporting documents are needed for the advertising or review process.

Best regards,



CORPORATE HEADQUARTERS
2800 Century Parkway, STE 750, Atlanta, GA 30345
Phone: 678-999-0173 • Fax: 678-999-0188
cerm.com



ZONING BOARD OF APPEALS STAFF REPORT



2633 Panola Rd - Stonecrest Development
Lithonia, GA
CERM Proposal No. 1223-00829 Revised

ALI IFTIKHAR

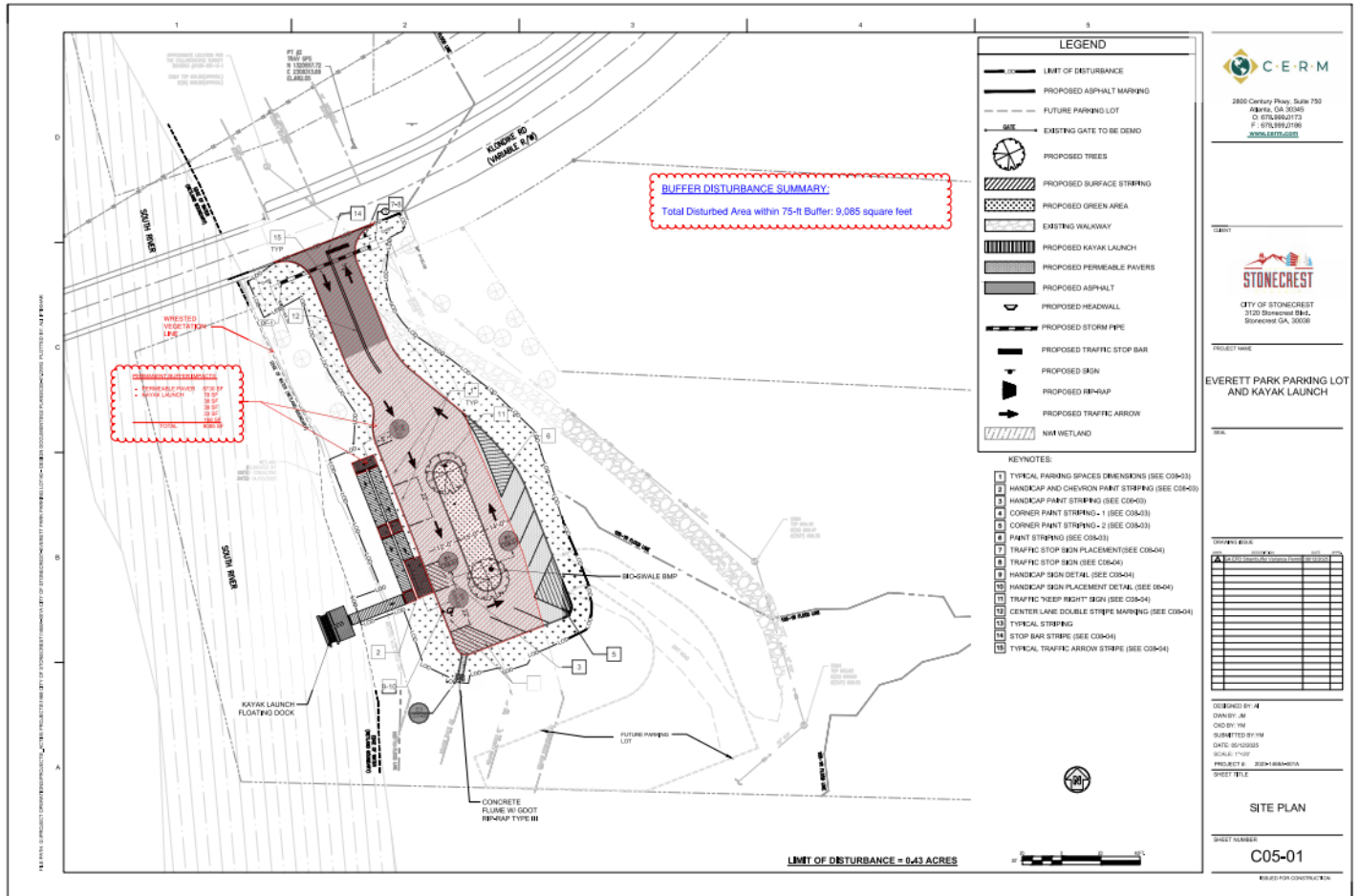
Corporate Environmental Risk Management
Ali Iftikhar, PMP
Staff Engineer – Design

Attachment: 1: Site Plan
2: U.S. Army Corps of Engineers (ACOE) – No Permit Required Letter
3: Georgia EPD – 25-foot Stream Buffer Variance Approval



ZONING BOARD OF APPEALS STAFF REPORT

SITE PLAN





ZONING BOARD OF APPEALS STAFF REPORT

APPROVAL LETTERS



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, SAVANNAH DISTRICT
100 WEST OGLETHORPE AVENUE
SAVANNAH GEORGIA 31401-3604

August 20, 2025

South Atlantic Division
Regulatory Technical
Regional Execution Center

Hari Karikaran
City of Stonecrest
3120 Stonecrest Boulevard
Stonecrest, GA 30038
Via Email: hkarikaran@stonecrestga.gov

Dear Mr. Karikaran:

This is in response to your request for confirmation that a Department of the Army (DA) Permit is not required for the Everett Park Improvements. The project area is located at 5106 Klondike Rd, in Stonecrest, DeKalb County, Georgia, at Latitude 33.629900 and Longitude -84.127978. The project has been assigned the file number SAS-2024-00720. This file number should be referenced in all correspondence with this office.

Based on a review of the information provided, the Savannah District has made the following determination regarding your proposed project: The work as proposed is not a regulated activity pursuant to Section 404 of the Clean Water Act, and therefore, does not require a DA permit.

This NPR does not address nor include any consideration for geographic jurisdiction on aquatic resources and shall not be interpreted as such. A jurisdictional determination may be requested by submitting a Request for Jurisdictional Determination (JD) / Delineation which can be found on our website at:
<https://www.sas.usace.army.mil/Missions/Regulatory/Electronic-Submittal-of-Applications/>.

It is your responsibility to ensure no unauthorized work in Navigable Waters of the United States or discharges of dredged or fill material into wetlands and/or other waters of the United States occurs as part of the proposed work. Note that performing such an action without the requisite permit could be a violation of the Clean Water Act and/or the Rivers and Harbors Act and may result in enforcement action.

This "No Permit Required" determination remains valid unless new information, (including changes to the proposed project plans), warrants revision. You may also need to request state and/or local review of the proposed plans/project.



ZONING BOARD OF APPEALS STAFF REPORT

If you have any questions concerning this correspondence, please contact Katherine Cummins, project manager of the SAD Technical Regional Execution Center on behalf of the Savannah District at 912-724-8978 or by email at katherine.l.cummins@usace.army.mil. Please take a moment to complete our customer satisfaction survey located at <https://regulatory.ops.usace.army.mil/customer-service-survey/>.

Sincerely,

A handwritten signature in black ink, appearing to read "Katherine Cummins".

Katherine Cummins
Project Manager

Enclosures

cc: Ali Iftikhar, CERM (via aiftikhar@cerm.com)



ZONING BOARD OF APPEALS STAFF REPORT



Jeffrey W. Cown, Director

EPD Director's Office
2 Martin Luther King, Jr. Drive SE
Suite 1456, East Tower
Atlanta, Georgia 30334
404-656-4713

Hari Karikaran
City of Stonecrest
3120 Stonecrest Boulevard
Stonecrest, Georgia 30038

Oct 06, 2025

RE: Request for Variance under the Provisions of O.C.G.A. § 12-7-6(b)(15)
Everett Park Kayak Launch
Stonecrest, DeKalb County
File: BV-044-25-16

Dear Hari Karikaran,

The Georgia Environmental Protection Division (EPD) has reviewed your stream buffer variance application for the above-referenced project. The review was conducted to consider the potential impacts of the proposed project's encroachment on buffers to State waters within the context of the Georgia Erosion and Sedimentation Act and the potential impact to State waters within the context of Georgia's National Pollutant Discharge Elimination System (NPDES) General Permits for Stormwater Discharges Associated with Construction Activities. This review, and the variance granted herein, is limited to only the request(s) in the application that you submitted for permission to conduct land-disturbing activities within 25-foot areas located immediately adjacent to the banks of State waters where vegetation has been wrested by normal stream flow or wave action. To the extent that your buffer variance application includes a request to conduct land-disturbing activities within 25 feet of State waters where there is no vegetation that has been wrested by normal stream flow or wave action, such request has not been considered by EPD, and the related activity is not addressed in the variance granted herein.

Pursuant to Ga. Comp. R. and Regs. 391-3-7-.05(2)(a) and subject to the conditions and contingencies described further below, authorization is hereby granted to encroach within the 25-foot buffer adjacent to State waters as delineated in your application dated July 4, 2025. ***Buffer impacts authorized by this variance must be completed within five years of the date of this approval letter. If the approved buffer impacts cannot be completed prior to the expiration date, a time extension must be requested in writing at least 90 calendar days prior to the expiration date with justifiable cause demonstrated.***

Authorization for the above referenced project is subject to the following conditions and contingencies:

- 1) All graded slopes 3:1 or greater must be hydroseeded and covered with Georgia DOT approved wood fiber matting or coconut fiber matting. If not hydroseeded, Georgia DOT approved matting that has been incorporated with seed and fertilizer must be used. All slopes must be properly protected until a permanent vegetative stand is established;
- 2) The amount of land cleared during construction must be kept to a minimum;



ZONING BOARD OF APPEALS STAFF REPORT

Hari Karikaran
City of Stonecrest
Page 2

- 3) All disturbed areas must be seeded, fertilized, and mulched as soon as the final grade is achieved. Also, these disturbed areas must be protected until permanent vegetation is established;
- 4) A double row of Georgia DOT type "C" silt fence or an approved high performance silt fence must be installed between the land disturbing activities and State waters where appropriate;
- 5) Buffer variance conditions must be incorporated into any Land Disturbing Activity Permit issued by the City of Stonecrest for this project; and
- 6) This project must be conducted in strict adherence to the approved erosion and sedimentation control plan and any Land Disturbing Activity Permit issued by the City of Stonecrest.

The granting of this approval does not relieve you of any obligation or responsibility for complying with the provisions of any other law or regulations of any federal, local, or additional State authority, nor does it obligate any of the aforementioned to permit this project if they do not concur with its concept of development/control. As a delegated "Issuing Authority," the City of Stonecrest is expected to ensure that the stream buffer variance requirements are met for this project and is empowered to be more restrictive in this regard.

If you have questions concerning this letter, please contact Samantha DeLucca, Erosion and Sedimentation Control Unit, Nonpoint Source Program, at (470) 684-0095.

Sincerely,

Jeffrey W. Cown
Director

JWC:sd

cc: Ali Ifikhar, CERM
Jacob Cockrell, City of Stonecrest Land Development Manager
Jazzmin Cobble, City of Stonecrest Mayor
Gia Scruggs, City of Stonecrest Manager
Shawanna Qawiy, City of Stonecrest Planning & Zoning Director
Brannon Rufo, Georgia Environmental Protection Division District Offices
Robert Amos, Georgia Soil and Water Conservation Commission
John Lee Thomson, Georgia Wildlife Resources Division Fisheries Management

File: BV-044-25-16