



ZONING BOARD OF APPEALS STAFF REPORT

Zoning Board of Appeals Public Hearing October 21, 2025

PETITION NUMBER:	V25-000009
APPLICANT:	Adolphus Armstrong
OWNER:	New Birth Missionary Baptist
PROJECT LOCATION:	6370 Woodrow Road, Stonecrest, GA 30038 <u>16 106 01 015</u>
CURRENT ZONING:	R-100 (Residential Med Lot)
ACREAGE:	+/-33.67
STAFF RECOMMENDATION:	Approval w/conditions
VARIANCE REQUEST:	Requesting a variance to reduce the minimum required square footage for residential units from 800 square feet to 675 square feet for approximately 36 of the 101 total lots within a proposed mixed-use development.

Current Use

The subject property is heavily wooded vacant land, currently zoned R-100 (Residential Medium Lot) within the City of Stonecrest, Georgia. Located east of Lithonia Industrial Boulevard, the parcel at 6370 Woodrow Road sits along Woodrow Road, which runs roughly east-west.

Zoning and Case History

The subject property is subject to two zoning conditions: CZ-98006 and CZ-00060.



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IMAGES

6370 Woodrow Road, Stonecrest, GA30038

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



Existing Conditions

The parcel consists of +/-33.67 acres of land. It's located at the intersection of Lithonia Industrial Blvd. and Woodrow Road. The property is situated on the eastern side of Lithonia Industrial Boulevard, adjacent to primarily residential and undeveloped areas. No state waters were found or associated with the property per registered land survey and GIS map data.

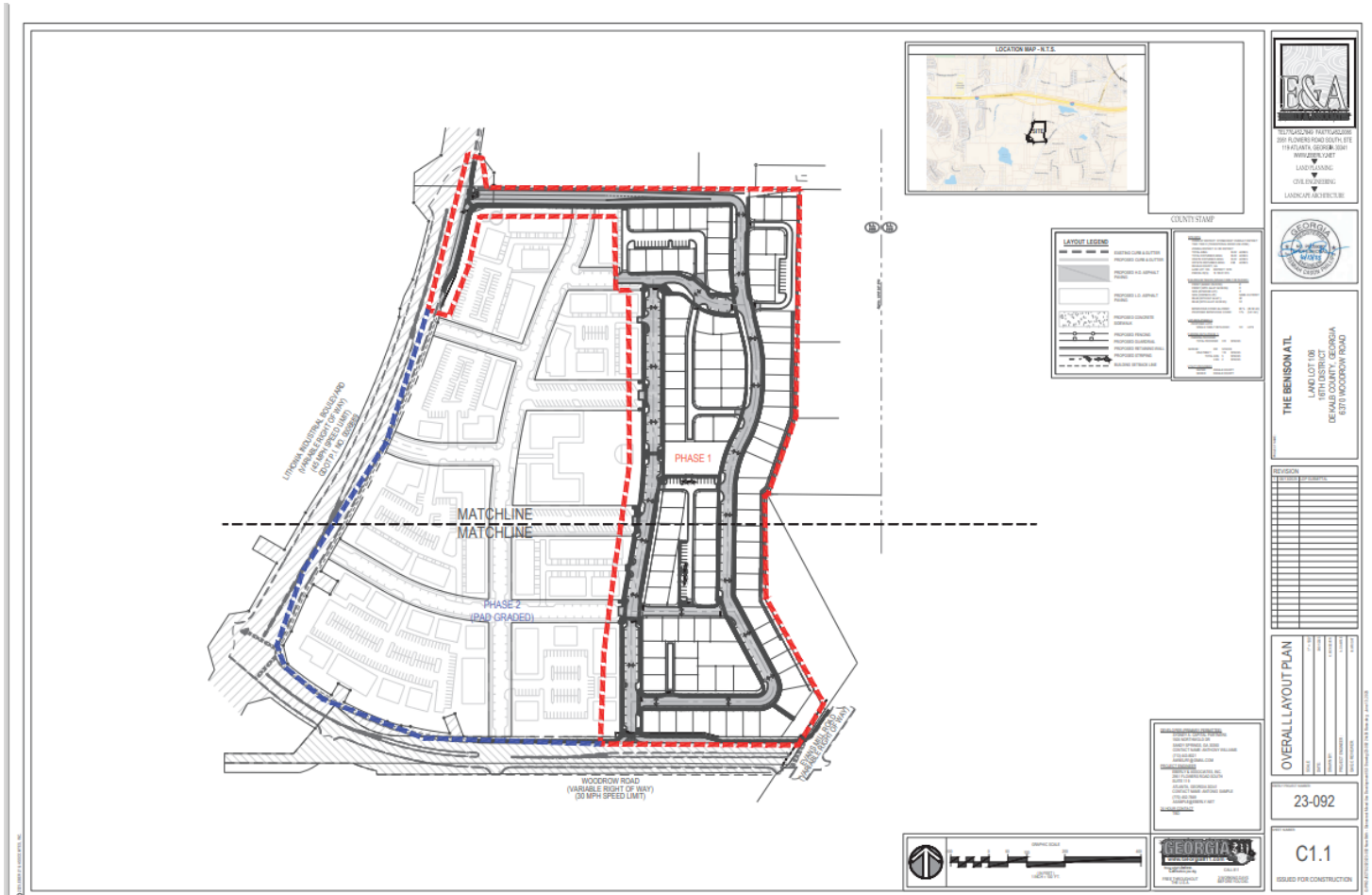
Variance Request

The applicant seeks a variance to reduce the minimum required square footage for residential units from 800 square feet to 675 square feet for approximately 36 of the 101 total lots within a proposed mixed-use development located at 6370 Woodrow Road.



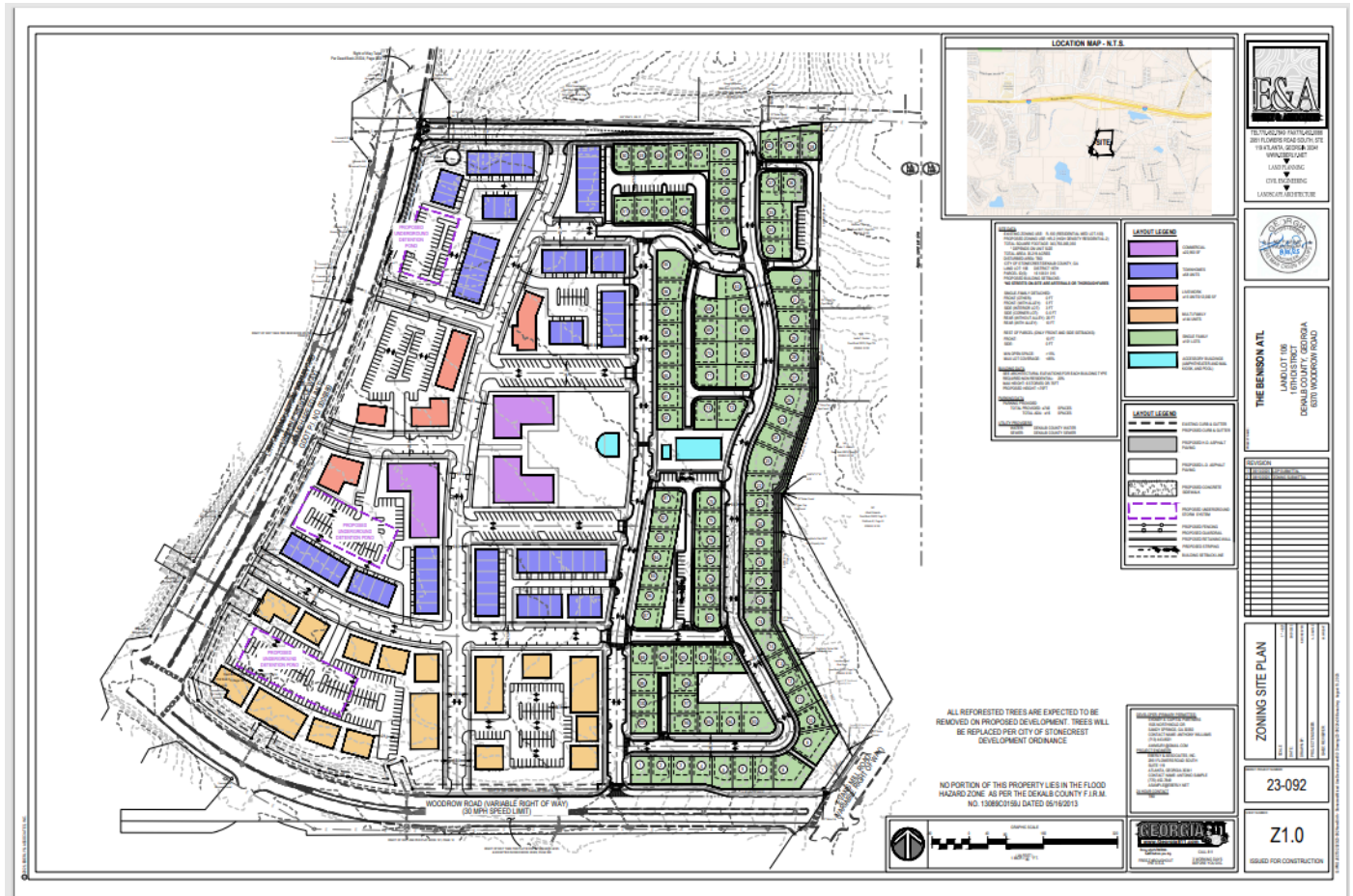
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Figure 1: Site Plan for V-25-000009 – 6370 Woodrow Road, Stonecrest, GA





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Site Photos:





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APPLICABLE CODE REQUIREMENTS

City of Stonecrest Zoning Ordinance (Chapter 27):

Article 2 – District Regulations

a. Division 18- Mixed Use Zoning District

Section 2.18.3- Mixed- use dimensional requirements.

Table 2.17. Mixed- Use Zoning District Dimensional Requirements

Mixed-Use Districts				
KEY: Development Types: SFD: Single-Family Detached, SFA: Single-Family Attached, TTF: Two- or Three-Family, MF: Multifamily, U-SF: Urban Single-Family, MU: Mixed-Use, CM: Commercial, OF: Office				
<i>Element</i>	<i>MU-1</i>	<i>MU-2</i>	<i>MU-3</i>	<i>MU-4 and MU-5</i>
Single-Family Detached (square feet)	1,200	1,200/800 cottage	1,200/800 cottage	Not permitted
Single-Family Detached, Urban (square feet)	1,000	1,000	1,000	1,000
Two- and Three-Family (square feet)	1,000	1,000	1,000	Not permitted
Single-Family Attached (square feet)	850	850	850	850
Multifamily - one bedroom (square feet)	550	500	500	500
Multifamily - two bedroom (square feet)	700	650	650	650



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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.**

Not Applicable. The request for a variance is not due to exceptional narrowness, shallowness, shape, or topographic conditions of the property that were not created by the owner or applicant.

- (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 variance is proportionate, targeted, and consistent with broader zoning practices in the district. It strikes a reasonable balance between flexibility for the applicant and fairness to other property owners, and it does not constitute a special privilege.

Findings:

Minimum Necessary to Afford Relief:

- The applicant is requesting a reduction in minimum lot size only for 36 of the 101 lots, approximately 35% of the development.
- The remaining 65% of lots will comply with the standard 800 square foot requirement.
- The variance is limited in scope and targets only the portion of the development necessary to achieve specific project goals (e.g., affordability, product diversity, or design flexibility).
- This demonstrates that the request is scaled appropriately and not excessive.

No Special Privilege:

- The variance does not grant rights unavailable to others in the same zoning district.
- Similar variances for minimum required square feet. have been granted in comparable developments within the district or jurisdiction, especially where public benefits like affordability or housing variety are provided.
- The applicant is not seeking relief from multiple development standards or seeking to bypass core zoning objectives only a modest reduction in minimum required square feet. for a subset of lots.
- The proposed development maintains other zoning requirements (e.g., setbacks, height, open space) and remains consistent with the intent of the zoning district.



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- (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 the variance will not be materially detrimental to the public welfare or injurious to property or improvements in the zoning district in which the subject property is located. The requested variance to reduce the minimum required square feet. from 800 square feet to 675 square feet on 36 of the 101 lots at 6370 Woodrow Road, is limited in scope and thoughtfully integrated into the overall subdivision design.

Findings:

Compatibility with Surrounding Development:

- The reduced lot sizes will still support single-family homes consistent with the zoning district's intended use.

No Adverse Impact to Infrastructure or Services

- The development will be required to meet all applicable infrastructure standards (e.g., roads, drainage, water, sewer), ensuring adequate service to all lots, both standard and reduced-size.
- Traffic volumes and service demands are expected to remain within acceptable levels given the modest reduction in lot size.

Preservation of Building Standards:

- Even with the smaller lot size, all structures will be required to meet applicable building, setbacks, and safety codes, preventing overcrowding or unsafe conditions.

Public Welfare Maintained:

- The variance supports broader community goals of housing diversity and affordability without compromising safety, aesthetics, or the public interest.
- There is no evidence to suggest that the variance would cause harm to the health, safety, or welfare of residents either within the development or in adjacent areas.

- (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 applicable provisions of **Chapter 27, Article 2, District Regulations, Sec. 2.11.2 – Dimensional Requirements** would cause undue and unnecessary hardship. Specifically, the minimum required square feet, 800 square feet limits the ability to develop lots in a manner that balances design efficiency, market demand, and housing affordability. Enforcing this requirement without flexibility would restrict the project sponsor's capacity to provide a diverse range of housing options, including smaller homes suitable for single-occupant households, thereby creating unnecessary economic and practical hardship.



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

The requested variance is consistent with the spirit of the City of Stonecrest Comprehensive Plan. The proposed Cottage/Urban Single-Family homes feature similar architectural design and construction to existing developments. Approval of the variance is not expected to cause any adverse aesthetic or economic impacts.

RECOMMENDED CONDITIONS

Based on the findings and conclusions the applicant meets all the criteria for approval. Staff recommends **Approval of V-24-000009** with the following conditions.

1. The variance shall apply only to the 36 lots identified in the submitted site plan dated 8/15/2025. No other lots within the subdivision may utilize the reduced minimum required square feet without additional variance approval.
2. The minimum required square feet for the 36 identified lots shall be no less than 675 square feet.
3. The development shall substantially conform to the site plan and elevations submitted with the variance application. Any significant changes to layout or lot configuration may require further review and approval.
4. Homes on the reduced- minimum required square feet shall maintain architectural consistency with the remainder of the development, including materials, massing, and design quality, to ensure visual cohesion and compatibility with surrounding properties.
5. All other applicable local, state, and federal codes and ordinances, including but not limited to building, fire, stormwater, and environmental regulations must be met.
6. At least a portion of the homes on the reduced- minimum required square footage shall be marketed at a sales price aligned with the affordable housing range (targeted in the low \$200,000s), as presented in the applicant's justification.



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Zoning Conditions: CZ-98006 & CZ-00060

DEPARTMENT: Planning Department

PUBLIC HEARING: Yes X No

ATTACHMENT: X Yes No 15 PP

Deferred from the 1/27/98 zoning hearing for decision only.

INFORMATION CONTACT: Ray White
or Charles Coleman *cc*
PHONE NUMBER: 404-371-2155

PURPOSE:

CZ-98006 - To consider the application of Charles Patterson to rezone property located on the north side of Woodrow Road, 330' west of Evans Mill Road from RM-100, R-100 and R-A8 to R-100 (conditional). The property has frontage of 1,200' on Woodrow Road, extends northerly with frontage of 2,754' on I-20 and contains 239.04 acres. The application is conditioned on the development of a church with accessory facilities based on a site plan and list of conditions.

SUBJECT PROPERTY:

16-106-1-1, 5 & 9 (6344 Woodrow Drive; 0000 Chupp Way; and 0000 Woodrow Road).

RECOMMENDATION(S):

PLANNING DEPARTMENT: Approval with conditions. The request to rezone the subject property is consistent with recommendations of the Comprehensive Plan and represents a reduction of zoning intensity. If the property is developed for religious and accessory facilities the bulk of traffic generation will be at times other than at peak hours. Staff recommendation includes the following conditions:

1. The property is developed for a church with accessory facilities.
2. Access is allowed to Woodrow Road (access is permitted by code to Chupp Way and East Glen Road as a minor thoroughfare).
3. The developer is required to widen and curb Woodrow Road plus make intersection improvements including signalization at the Woodrow - Evans Mill intersection.
4. Dedicate the necessary right-of-way for the extension of Lithonia Industrial Boulevard (120' right-of-way).

Continued on next facing page.



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FOR USE BY COMMISSION OFFICE/CLERK ONLY

ACTION:

(MOTION was made by Commissioner Brown, seconded by Commissioner Davis, and passed 5-0-0-2, to move the rezoning application of Charles Patterson to the end of the agenda so that Commissioner Brown could get a copy of some conditions regarding this application. Commissioner Brown and Commissioner Yates out of the room and not voting.)

MOTION was made by Commissioner Brown, seconded by Commissioner Sanford, and passed 7-0-0-0, to approve the rezoning application of Charles Patterson as conditioned by staff on the agenda item.

ADOPTED: FEB 10 1998

(DATE)

CERTIFIED: FEB 10 1998

(DATE)

PRESIDING OFFICER

DEKALB COUNTY BOARD OF COMMISSIONERS

CLERK,

DEKALB COUNTY BOARD
OF COMMISSIONERS

MINUTES:

No one spoke for or against this item, since it had been deferred for decision only.

ATTACHMENT

	FOR	AGAINST	ABSTAIN	ABSENT
DISTRICT 1 - ELAINE BOYER	✓			
DISTRICT 2 - GALE WALLDORFF	✓			
DISTRICT 3 - JACQUELINE SCOTT	✓			
DISTRICT 4 - KEN DAVIS	✓			
DISTRICT 5 - WILLIAM C. BROWN	✓			
DISTRICT 6 - JUDY YATES	✓			
DISTRICT 7 - PORTER SANFORD, III	✓			



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5. Provide other road and drainage improvements as may be required by the Public Works Department.

PLANNING COMMISSION: Deferral.

COMMUNITY COUNCIL: No recommendation.

NOTE: This is a continuation of Public Hearing Item No. 13., Rezoning Application - Charles Patterson

2/10/98



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ATTACHMENT "A"

FINAL CONDITIONS FOR CZ-00060

.....

Requested by Applicant:

1. Use of property as an assisted living facility.

.....

By Planning Department:

Approval with conditions.

1. Use of the property for supportive living multifamily dwelling units.
2. One parking space per two dwelling units.
3. Access and road improvements as required by Public Works.

.....

By Planning Commission:

No Recommendation. (Tie vote)

.....

By Board of Commissioners:

Approval with conditions – List of conditions attached.

STATE OF GEORGIA
DEKALB COUNTY

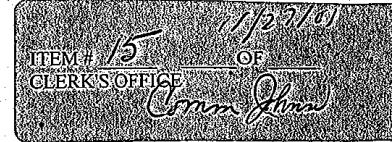
I DO HEREBY CERTIFY that the foregoing is a true and correct excerpt from the Minutes of the Board of Commissioners of DeKalb County, Georgia ADOPTED

This 24th day of July, 2022
Barbara A. Darden
Deputy Clerk, Board of Commissioners



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ATTACHMENT



MEMORANDUM

This communication is confidential and protected by the attorney-client privilege and attorney work product rule. It is intended only for the use of the individual or entity to which it is addressed. Dissemination or distribution to persons or entities not directly involved with the subject matter on behalf of the County is prohibited.

November 20, 2001

To: Members, Board of Commissioners

Through: Charles G. Hicks, County Attorney *CH*

From: Karen Scott Greene, Assistant County Attorney *KS*

Subject: **Rezoning Application of Charles M. Patterson which formed the basis for**
New Birth Missionary Baptist Church vs. DeKalb County, Georgia, et al.
Superior Court of DeKalb County, Georgia
Civil Action File No. 00-CV-13462-10
(Our File No. 01-0633)

As you know, the County agreed to a settlement of the above-styled case and as part of that settlement the County agreed to rezone the property at issue from R-100 to RM-100 with a number of conditions. As a result, the Rezoning Petition of Charles M. Patterson that has commonly been referred to as the New Birth Baptist Church Rezoning, will come before you for consideration on November 27, 2001.

The following proposed conditions represent the agreement of the parties in the settlement of the above-styled suit and include the conditions recommended by the Planning Department and as stated in the applicant's letter of November 2, 2001. All conditions have been reviewed by the Law Department and are consistent with the settlement and RM-100 zoning in DeKalb County.

As such, the following conditions, if accepted by the Board, should be read into the record when the application of Charles M. Patterson, number CZ-00060, is heard and should become part of the permanent file:

1. Applicant will develop no more than one hundred thirty-three (133) dwelling units, within no more than two (2) buildings, for an assisted living facility under the RM-100 zoning district. The maximum lot coverage by buildings shall not exceed 35%.
2. Each building will be no more than two (2) stories in height.



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Memorandum to Board of Commissioners
November 20, 2001
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3. The front yard setbacks will be no less than thirty-five (35) feet, the side yard setbacks will be no less than twenty (20) feet, and the rear yard setbacks will be no less than forty (40) feet.
4. If two buildings are developed, the buildings shall comply with all requirements of Section 27-788(e) of the DeKalb County Zoning Ordinance.
5. There shall be a minimum of sixty-seven (67) parking spaces for the facility and the parking lot shall comply with all of the requirements of § 27-753 of the DeKalb County Zoning Ordinance.
6. Lighting shall be established in such a way that no direct light is cast upon or adversely affects adjacent properties and roadways.
7. There shall be an outdoor recreational area equal to no less than five percent (5%) of the total area of the lot.
8. Applicant shall comply with the DeKalb County Tree Ordinance and all green space requirements.
9. All utilities will be underground.
10. Applicant shall comply with all conditions identified in the Consent Order dated October 11, 2001.
11. The property shall only be used for supportive living multifamily dwelling units.
12. One parking space per two dwelling units shall be allowed.
13. Access and road improvements as required by Public Works.
14. There shall be imposed a twenty-four (24) month moratorium (hereinafter "moratorium") applicable to each of the parcels of real property that constitute the campus of New Birth Missionary Baptist Church, which is defined as the Subject Property and all those parcels of real property included in zoning case no. CZ-98006 (hereinafter "New Birth campus") prohibiting:
 - a) the construction of any new facilities, buildings, structures or additions, except for the contemplated ALF, and except for existing structures that are



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Memorandum to Board of Commissioners

November 20, 2001

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- damaged or destroyed by fire or other act of God, may be reconstructed, subject to the then applicable building regulations; and
- b) The filing of any special land use permit application, rezoning application, application for variance or special exception which would in any way alter the present zoning on the New Birth campus; (not including the filing of any application for special administrative permits or other permits necessary for the operation of legally permissible temporary and seasonal events); and
15. The use permitted on the New Birth campus during the term of the moratorium shall be limited to:
- a) The permissible uses of the Cathedral Complex which include a sanctuary with approximately 7000 seats, a banquet hall, a religious adult education wing (west wing), a 500 – 600 seat chapel, a day school for a maximum of 300 students (with hours of operation limited to between 6:30 a.m. and 5:30 p.m. except for normal and customary night-time and weekend school activities), Sunday school rooms, administrative offices, counseling rooms, administrative offices, a nursery, a first aid room, dressing rooms, informational kiosks, a music rehearsal room, a library, and a book store; and
 - b) The permissible use of the Family Life Center which includes racquetball courts, basketball courts, weight rooms, dining facilities and a kitchen, administrative offices and meeting rooms; and
 - c) The permissible uses of the “to be constructed” assisted living facility with a maximum of 133 units;
 - d) Legally permitted temporary or seasonal uses on the New Birth Campus.
16. Access to the New Birth campus by Chupp Way shall be open at all times.

If you have any questions regarding this matter, please feel free to contact our office at (404) 371-3011.

KSG/pew

cc: Vernon Jones, Chief Executive Officer
Richard Stogner, Executive Assistant
Raymond R. White, Director of Planning Department
Bob Maxey, Zoning Administrator, Planning Department
William J. Linkous, Chief Assistant County Attorney
Viviane H. Ernstes, Chief Assistant County Attorney



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

October 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
[16 122 01 002](#)

Current Zoning: M2 – Heavy Industrial

Overlay District: N/A

Acreage: +/-39.41

Staff Recommendation: Affirm Staff's Decision

Appeal Request: The applicant seeks to appeal Staff's decision to apply conditions for a business license at 2219 Lithonia Industrial Blvd for an equipment rental business which prevents parking equipment in the floodplain.

Case History

The site is zoned M2-Heavy Industrial. The Future Land Use Map has the property shown as HIND- Heavy Industrial. The subject property has 5 structures on the property and contains 3 businesses. On April 10, 2024, an 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.



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 & parking. Also, during the process, it was revealed that there was a violation on the property that must 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 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 refrain from parking in the floodplain area.

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

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 floodcarrying 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 2219 Lithonia Industrial Blvd.

· 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 futureconditions 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

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Variance Pétition : V-25-000004

October 16, 2025

Ellis Still, Deputy Director of P&Z



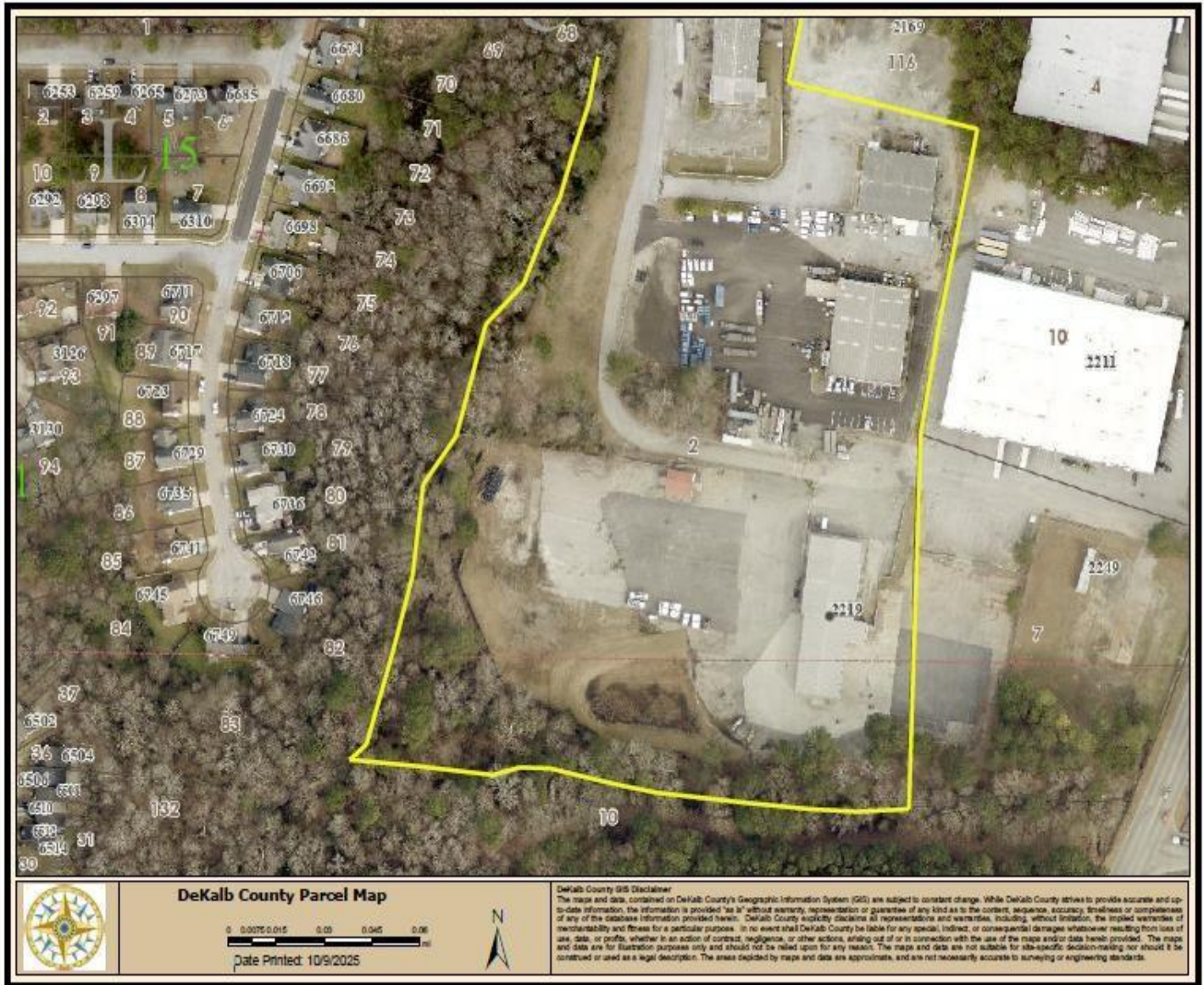
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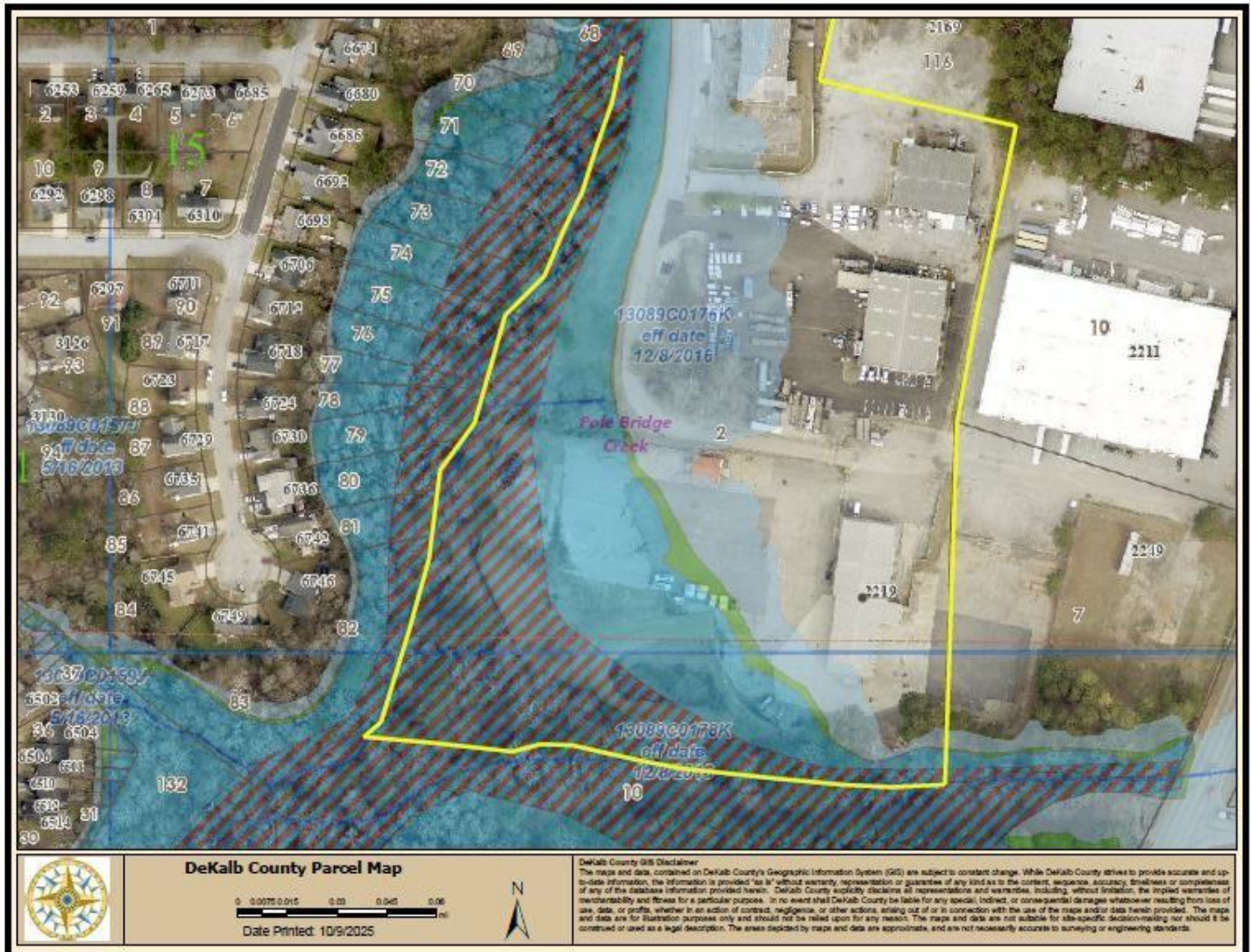
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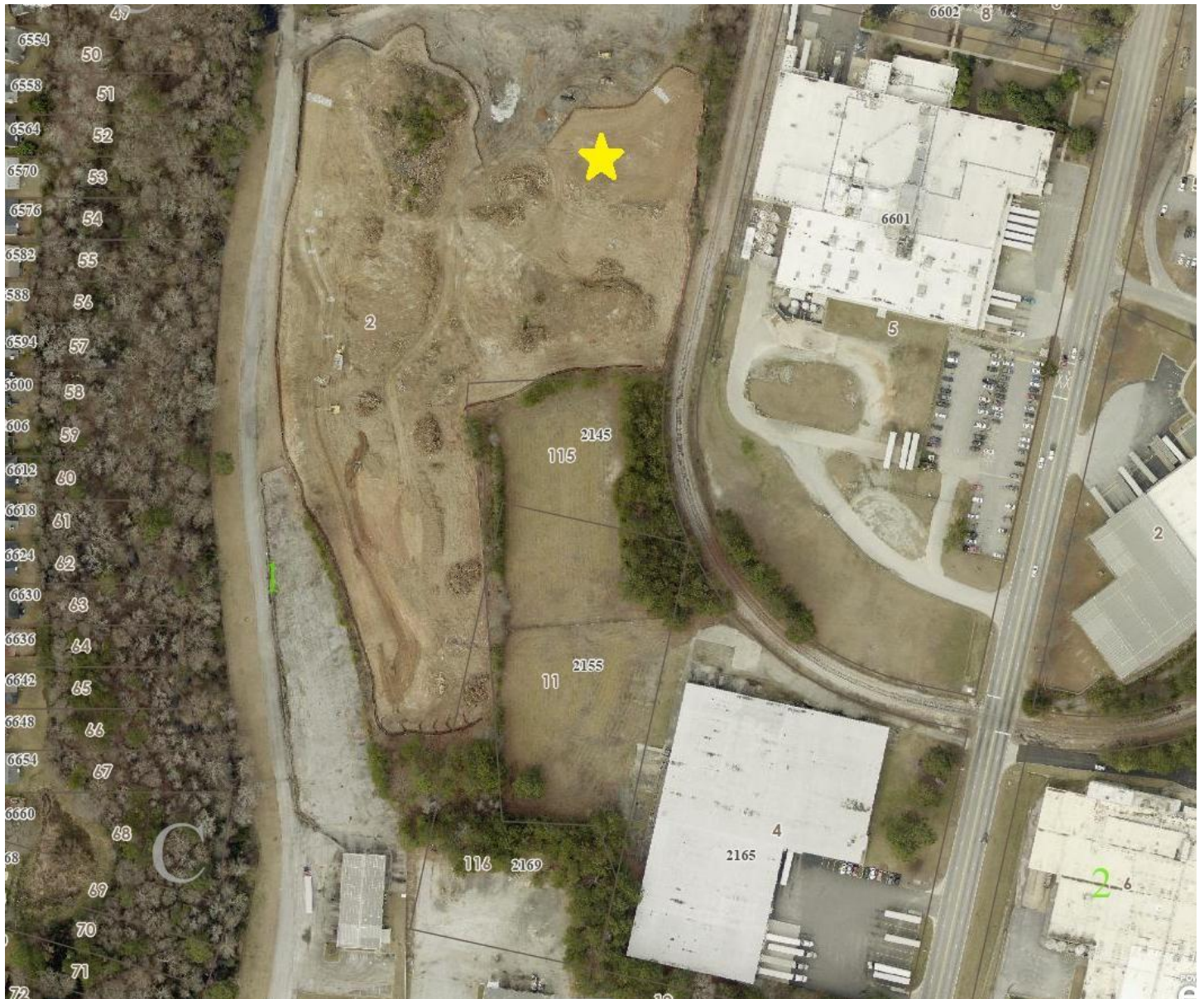
2219 Lithonia Industrial Blvd, Lithonia, GA 30058

Aerial Map













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