

Planning Commission Hearing Date: September 9, 2025
Board of Commissioners Hearing Date: September 30, 2025

STAFF ANALYSIS

CASE NO.:	Z-25-1247633	File ID #: 2025-0964
Address:	3048 Lumby Lane, Decatur, Georgia, 30034	Commission District: 3 Super District: 7
Parcel ID(s):	15 104 07 001	
Request:	To rezone property from C-2 (General Commercial) to MR-1 (Medium Density Residential-1) within the I-20 Overlay District for the development of single-family detached and attached homes as part of Phase 1 of a mixed-use development.	
Property Owner(s):	New Life Baptist Church	
Applicant/Agent:	New Life Baptist Church c/o Battle Law, P.C.	
Acreage:	3.6 acres	
Existing Land Use:	Vacant land	
Surrounding Properties:	North: DeKalb County Government fleet vehicle storage and office South: Apartments East: office building West: New Life Baptist Church, medical offices, Dairy Queen, and a Taco Bell drive-through restaurant	
Adjacent Zoning:	North: R-75 South: MR-1 & M East: R-75 & M West: R-75	
Comprehensive Plan:	Regional Center (RC) ___ Consistent ___X___ Inconsistent	

STAFF RECOMMENDATION: DENIAL

The subject site is currently vacant, and the applicant is proposing to rezone to the MR-1 (medium density residential) district to construct a mixture of single-family detached and single-family attached townhomes containing 32 units at a density of 8.5 units per acre. The subject property falls within the county’s most intense Character Area, a Regional Center (RC) Character area, which calls for a *very high density mix* of residential and commercial at densities up to and exceeding 75 units per acre. The site also falls within the “*Town Center, Core*” area of the Candler Road Livable Centers Initiative (LCI)(see attached) which encourages compact, high –density mixed use at maximum densities of 60 units per acre and maximum building heights of 6 stories. The desired land use mix in the *Town Center Core* areas is 80% commercial and 20% residential. In contrast to the high intensity mixed-use goals of the RC Character Area and Candler Road LCI, the rezoning application is not providing any commercial, and the proposed density of 8.5 units per acre falls extremely short of the 60 and 75 units per acre encouraged by the LCI and the RC Character Area.

Notwithstanding the above, the application indicates that this project is “Phase 1” of a mixed- use development. No information has been provided to clarify when and where future phases of mixed-use development will occur, and there is no assurance that adjacent property(s) will be bought and included in a mixed-use project in the future.

Based on review of Section 27-7.4.6. A (compliance with Comprehensive Plan), the proposed lower density residential project with no commercial is not consistent with the intent of the RC Character Area to provide very high density mixed-use or the intent of the Town Center Core area of the Candler Road LCI calling for mixed-use at 80% commercial and 20% residential. Based on review of Section 27-7.4.6.E (existing or changing conditions affecting the use and development of the property) the proposed project is not consistent with the I-20

Overlay purpose and intent to permit and to encourage mixed-use developments containing both commercial and residential uses so as to create a pedestrian oriented communities in which people can live, work and play.

This application may be pre-mature; if the applicant desires to acquire more land to provide mixed-use development, then such acquisition and site planning to tie into the subject property should occur before a rezoning application is submitted to ensure optimal mixed-use is provided in a planned and comprehensive manner. Staff encourages the applicant to withdraw without prejudice and submit a new rezoning application that provides a more intense and comprehensively planned mixed use project once all the desired properties are acquired and new site plans are drawn. Therefore, based on review of Section 27-7.4.6 A and E, it is the recommendation of the Planning and Sustainability Department that this application be, respectfully, "**Denied**".

Town Center Core

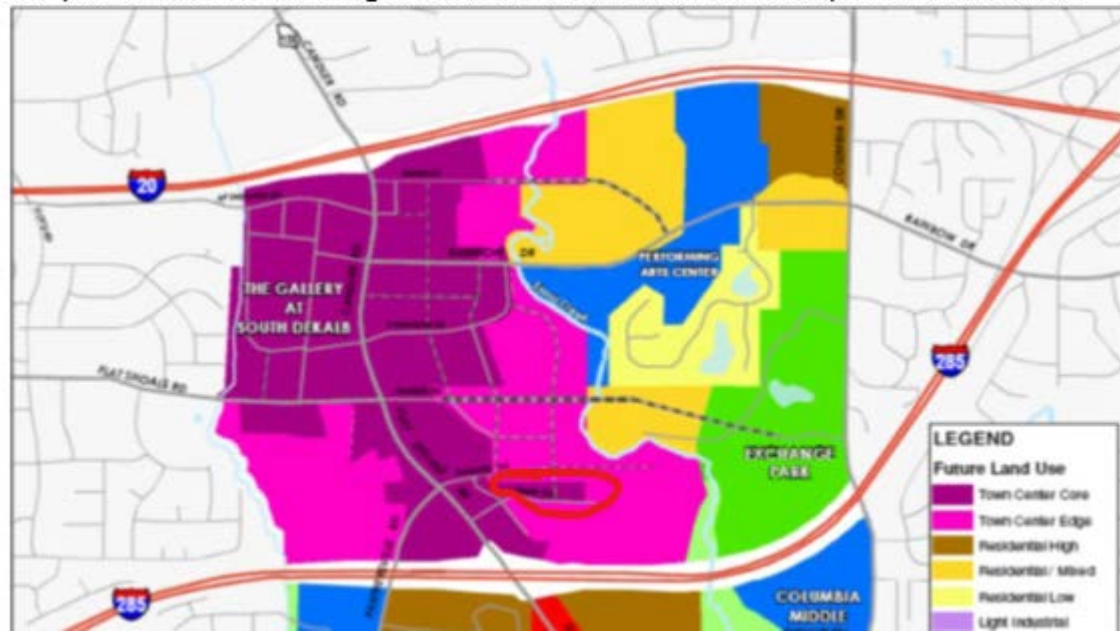
Use: Compact high density mixed use

Density Max: 60 dwelling units per acre

Building Heights: 4-6 Stories

Use Mix: 80% Commercial/Office, 20% Residential

For your reference, the image below is the Future Land Use Map for the Sub-Area:



DEPARTMENT OF PLANNING & SUSTAINABILITY

Chief of Executive Officer
Lorraine Cochran-Johnson

Director
Juliana A. Njoku

Zoning Comments September 2025

D1-2024-1442 CZ-25-1247294 (7778 Pleasant Hill Rd & others): Pleasant Hill Road is classified as a Minor Arterial. Refer to the requirements in Zoning Code 5.4.3 and Land Development Code 14-190. The right-of way dedication of 35 feet minimum from centerline to allow all public infrastructure is within right of way. Requires a 10-foot multiuse path, with pedestrian streetlights. Verify that all access points have intersection and stopping sight distance as described by AASHTO.

D2-2025-0283 Z-25-1247358 (1619 Pleasant Hill Trl): Pleasant Hill Road is classified as a Minor Arterial. Refer to the requirements in Zoning Code 5.4.3 and Land Development Code 14-190. The right-of way dedication of 35 feet minimum from centerline to allow all public infrastructure is within right of way. Requires a 10-foot multiuse path, with pedestrian streetlights. Verify that all access points have intersection and stopping sight distance as described by AASHTO.

N1-2025-0960 Z-25-1247566 (700 Jordan Lane): Jordan Lane & Reverend D L Edwards are both classified as local roads. Please refer to the requirements in Zoning Code 5.4.3 and Land Development Code 14-190. Requires a right of way dedication of 27.5 feet from the centerline of roadway, all public infrastructure must be within right of way. Requires a 5-foot landscape strip with a 5-foot sidewalk.

N2-2025-0961 Z-25-1247624 (3507 Chamblee-Tucker Road): Old Chamblee Tucker Road is classified as a local road. Please refer to the requirements in Zoning Code 5.4.3 and Land Development Code 14-190. Requires a right of way dedication of 27.5 feet from the centerline of roadway, all public infrastructure must be within right of way. Requires a 5-foot landscape strip with a 5-foot sidewalk.

N3-2025-0962 CZ-25-1247634 (1849 L'ville Hwy): Lawrenceville Highway is classified as a Major Arterial, also a Georgia State Route. Refer to the requirements in Zoning Code 5.4.3 and Land Development Code 14-190. If not already in place: Requires a right of way dedication of 75 feet from the centerline of roadway, all public infrastructure must be within right of way. Requires a 10-foot multiuse path with pedestrian scale streetlights. Jordan Lane is classified as a local road. Please refer to the requirements in Zoning Code 5.4.3 and Land Development Code 14-190. Requires a right of way dedication of 27.5 feet from the centerline of roadway, all public infrastructure must be within right of way. Requires a 5-foot landscape strip with a 5-foot sidewalk.

N4-2025-0963 SLUP-25-1247632 (1849 L'ville Hwy): Lawrenceville Highway is classified as a Major Arterial, also a Georgia State Route. Refer to the requirements in Zoning Code 5.4.3 and Land Development Code 14-190. If not already in place: Requires a right of way dedication of 75 feet from the centerline of roadway, all public infrastructure must be within right of way. Requires a 10-foot multiuse path with pedestrian scale streetlights. Jordan Lane is classified as a local road. Please refer to the requirements in Zoning Code 5.4.3 and Land Development Code 14-190. Requires a right of way dedication of 27.5 feet from the centerline of roadway, all public infrastructure must be within right of way. Requires a 5-foot landscape strip with a 5-foot sidewalk.

N5-2025-0964 Z-25-1247633 (3048 Lumby Dr.): Lumby Drive is classified as a local road. Please refer to the requirements in Zoning Code 5.4.3 and Land Development Code 14-190. Requires a right of way dedication of 27.5 feet from the centerline of roadway, all public infrastructure must be within right of way. Requires a 5-foot landscape strip with a 5-foot sidewalk.

DEPARTMENT OF PLANNING & SUSTAINABILITY

N6-2025-0965 SLUP-25-1247606 (1766 Big Valley Lane): Big Valley Lane is classified as a Local Road. SLUP does not change the existing shoulders or curb cuts.

N7-2025-0966 SLUP-25-1247611 (1747 Flintwood Dr.): Flintwood Drive is classified as a Local Road. SLUP does not change the existing shoulders or curb cuts. Suggested but not required, (Children at play) signs could be added in advance of subject property in both directions.

N8-2025-0967 SLUP-25-1247631 (4077 Flat Shoals Pkwy): Flat Shoals Pkwy is classified as a Major Arterial. SLUP does not change the existing shoulders or curb cuts.

N9-2025-0968 SLUP-25-1247608 (2339 Brannen Rd, Rear): Brannen Road is classified as a Collector. SLUP does not change the existing shoulders or curb cuts.

N10-2025-0969 SLUP-25-1247629 (538 Burlington Road): Burlington Road is classified as a Local Road. SLUP does not change the existing shoulders or curb cuts.

N11-2025-0970 SLUP-25-1247635 (Loveless Place & Pineview Trl): Loveless Place is classified as a Local Road. Subject in the Bouldercrest Overlay District.



7/11/2025

To: Mr. John Reid, Senior Planner
From: Ryan Cira, Director, Division of Environmental Health
Cc: Alan Gaines, Deputy Director, Division of Environmental Health
Re: Rezone Application Review

General Comments:

DeKalb County Health Regulations prohibit use of on-site sewage disposal systems for

- multiple dwellings
- food service establishments
- hotels and motels
- commercial laundries
- funeral homes
- schools
- nursing care facilities
- personal care homes with more than six (6) clients
- child or adult day care facilities with more than six (6) clients
- residential facilities containing food service establishments

If proposal will use on-site sewage disposal, please contact the Land Use Section (404) 508-7900.

Any proposal, which will alter wastewater flow to an on-site sewage disposal system, must be reviewed by this office prior to construction.

This office must approve any proposed food service operation or swimming pool prior to starting construction.

Public health recommends the inclusion of sidewalks to continue a preexisting sidewalk network or begin a new sidewalk network. Sidewalks can provide safe and convenient pedestrian access to a community-oriented facility and access to adjacent facilities and neighborhoods.

For a public transportation route, there shall be a 5ft. sidewalk with a buffer between the sidewalk and the road. There shall be enough space next to sidewalk for bus shelter's concrete pad installation.

Since DeKalb County is classified as a Zone 1 radon county, this office recommends the use of radon resistant construction.

N1-2025-0960

Z-25-1247566

700 Jordan Lane, Decatur, Ga

- See general comments

N2-2025-0961

Z-25-1247624

3507 Old Chamblee-Tucker Road, Chamblee, Ga 30341

- See general comments

N3-2025-0962

CZ-25-1247634

1849 Lawrenceville Highway, Decatur, Ga 30033

- See general comments

N4-2025-0963

SLUP-25-1247632

1849 Lawrenceville Highway, Decatur, Ga 30033

- See general comments

N5-2025-0964

Z-25-1247633

3048 Lumby Drive, Decatur, Ga 30034

- See general comments

N6-2025-0965

SLUP-25-1247606

1766 Big Valley Lane, Stone Mountain, GA 30083

- Note: DeKalb Public Health prohibit use of on-site sewage disposal systems for personal care homes with more than six (6) clients.
- See general comments

LAND DEVELOPMENT ANALYSIS

NOTE: PLEASE RETURN ALL COMMENTS VIA EMAIL TO EXPEDITE THE PROCESS TO JOHN REID jreid@dekalbcountyga.gov AND/OR LASONDRA HILL lahill@dekalbcountyga.gov

The following areas below may warrant comments from the Development Division. Please respond accordingly as the issues relate to the proposed request and the site plan enclosed as it relates to Chapter 14. You may address applicable disciplines.

Case # and Address/Parcel: _____

- **Transportation/Access/Row**

- **Stormwater Management**

- **Flood Hazard Area/Wetlands**

- **Landscaping/Tree Preservation**

- **Tributary Buffer**

- **Fire Safety**

DEPARTMENT OF PLANNING & SUSTAINABILITY

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PUBLIC WORKS – **ROADS & DRAINAGE** - ZONING COMMENTS FORM

Case No.: _____ Parcel ID#: _____

Address: _____

Drainage Basin: _____

Upstream Drainage Area: _____

Percentage of Property in 100-Year Floodplain: _____

Impact on property (flood, erosion, sedimentation) under existing zoning: _____

Required detention facility(s): _____

COMMENTS: _____

Signature: _____ *Akin Akinsola*

DEPARTMENT OF PLANNING & SUSTAINABILITY

NOTE: PLEASE RETURN ALL COMMENTS VIA EMAIL TO JOHN REID jreid@dekalbcountyga.gov AND/OR LASONDRA HILL lahill@dekalbcountyga.gov

PUBLIC WORKS – TRAFFIC ENGINEERING - ZONING COMMENTS FORM

Case No.: Z-25-1247633 Parcel ID#: 15 104 07 001

Address: 3048 Lumby Drive, Decatur 30034

Adjacent Roadway(s):

Classification:


Capacity (TPD): _____	Capacity (TPD): _____
Latest Count (TPD): _____	Latest Count (TPD): _____
Hourly Capacity (VPH): _____	Hourly Capacity (VPH): _____
Peak Hour Volume (VPH): _____	Peak Hour Volume (VPH): _____
Existing number of traffic lanes: _____	Existing number of traffic lanes: _____
Proposed number of traffic lanes: _____	Proposed number of traffic lanes: _____
Proposed right-of-way width: _____	Proposed right-of-way width: _____

Please provide additional information relating to the following statement.

According to studies conducted by the Institute of traffic (latest edition applicable), churches generate an average of fifteen (15) vehicle trip end (VTE) per 1, 000 square feet of floor area, with an eight (8%) percent peak hour factor. Based on the above formula, the _____ square foot place of worship building would generate _____ vehicle trip ends, with approximately _____ peak hour vehicle trip ends.

Single Family residence, on the other hand, would generate ten (10) VTE's per day per dwelling unit, with a ten (10%) percent peak hour factor. Based on the above referenced formula, the _____ (Single Family Residential) District designation which allows a maximum of _____ units per acres, and the given fact that the project site is approximately _____ acres in land area, _____ daily vehicle trip end, and _____ peak hour vehicle trip end would be generated with residential development of the parcel.

COMMENTS: Did not see any traffic engineering concerns at this time.

Signature: 

DEPARTMENT OF PLANNING & SUSTAINABILITY

NOTE: PLEASE RETURN ALL COMMENTS VIA EMAIL TO JOHN REID jreid@dekalbcountyga.gov AND/OR LASONDRA HILL lahill@dekalbcountyga.gov

PUBLIC WORKS – WATER & SEWER - ZONING COMMENTS FORM

Case No.: _____ Parcel ID#: _____

Address: _____

WATER:

Size of existing water main: _____ adequate _____ inadequate _____

Distance of property to nearest main: _____ Size of line required, if inadequate: _____

SEWER:

Outfall Servicing Project: _____

Is sewer adjacent to property? Yes _____ No _____ If no, distance to nearest line: _____

Water Treatment Facility: _____ Adequate? Yes _____ No _____

Sewage Capacity: _____ (MGPD) Current Flow: _____ (MGPD)

COMMENTS: _____

Signature: _____



**MARTA September 2025
Case Comments**

N2-2025-0961 (Z-25-1247624)

3507 Old Chamblee-Tucker Road, Chamblee, GA 30341:

Owner shall coordinate with MARTA during design phase to provide transit access.

N3-2025-0962 & N4-2025-0963 (CZ-25-1247634 & SLUP-25-1247632)

1849 Lawrenceville Highway, Decatur, GA 30033:

Owner shall coordinate with MARTA during design phase to provide transit access.

N5-2025-0964 (Z-25-1247633)

3048 Lumby Drive, Decatur, GA 30034:

Owner shall ensure appropriate pedestrian access to Flat Shoals Rd to provide access to transit service along corridor.

N12-2025-0972 (TA-25-1247647):

Many O-I (Office-Institutional) parcels front valuable transportation corridors such as Memorial Drive. Data centers are low population density developments and thus poor drivers of transit usage. Alternative developments on these parcels would help drive sustainable transportation, and data centers could be served off main corridors with no downside. MARTA recommends data centers to only be permitted in M (Industrial) and M-2 (Heavy Industrial) zoning districts.

**Rezoning Application to Amend the Official Zoning Map
of DeKalb County, Georgia**

Applicant Name: New Life Baptist Church c/o Battle Law PC

Applicant Email Address: cag@battlelawpc.com

Applicant Mailing Address: 3562 Habersham at Northlake Rd, Bldg J, Suite 100, Tucker, GA 30084

Applicant Phone Number: 404-601-7616

Owner Name: New Life Baptist Church of Lithonia Inc

(If more than one owner, attach list of owners.)

Owner Email Address: mbryant@newlife-atl.org

Owner Mailing Address: 3592 Flat Shoals Rd, Decatur, GA 30034

Owner Phone Number: 770-322-6262

Subject Property Address: 3048 Lumby Drive, Decatur, GA 30034

Parcel ID Number(s): 15 104 07 001

Acreage: 3.76 Commission District(s): 3 Super District: 7

Existing Zoning District(s): C-2 Proposed Zoning District(s): MR-1

Existing Land Use Designation(s): RC Proposed Land Use Designation(s): n/a (if applicable)

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

Owner: _____ Agent: X

Michael Bryant

Signature of Applicant:

Michael Bryant, CEO



DEPARTMENT OF PLANNING & SUSTAINABILITY

Chief Executive Officer
Lorraine Cochran-Johnson

Interim Director
Cedric G. Hudson, MCRP

PRE-APPLICATION FORM REZONE, SPECIAL LAND USE PERMIT, MODIFICATION, AND LAND USE (Required prior to filing application: signed copy of this form must be submitted at filing.)

Applicant Name: _____ Phone: _____ Email: _____

Property Address: _____

Tax Parcel ID: _____ Comm. District(s): _____ Acreage: _____

Existing Use: _____ Proposed Use: _____

Supplemental Regs: _____ Overlay District: _____ DRI: _____

Rezoning: Yes ____ No ____

Existing Zoning: _____ Proposed Zoning: _____ Square Footage/Number of Units: _____

Rezoning Request: _____

Land Use Plan Amendment: Yes ____ No ____

Existing Land Use: _____ Proposed Land Use: _____ Consistent ____ Inconsistent ____

Special Land Use Permit: Yes ____ No ____ Article Number(s) 27- _____

Special Land Use Request(s): _____

Major Modification:

Existing Case Number(s): _____

Condition(s) to be modified: _____



DEPARTMENT OF PLANNING & SUSTAINABILITY

WHAT TO KNOW BEFORE YOU FILE YOUR APPLICATION

Pre-submittal Community Meeting: _____ Review Calendar Dates: _____ PC: _____ BOC: _____

Letter of Intent: _____ Impact Analysis: _____ Owner Authorization(s): _____ Campaign Disclosure: _____

Community Council Meeting: _____ Public Notice, Signs: _____ Tree Survey, Conservation: _____

Submittal Format: ONE (1) COMBINED, PDF DOCUMENT UPLOAD PLEASE

Review of Site Plan

Density: _____ Density Bonuses: _____ Mix of Uses: _____ Open Space: _____

Enhanced Open Space: _____ Setbacks: front _____ sides _____ side corner _____ rear _____

Lot Size: _____ Frontage: _____ Street Widths: _____ Landscape Strips: _____

Buffers: _____ Parking Lot Landscaping: _____ Parking - Auto: _____ Parking - Bicycle: _____

Screening: _____ Streetscapes: _____ Sidewalks: _____ Fencing/Walls: _____

Bldg. Height: _____ Bldg. Orientation: _____ Bldg. Separation: _____

Bldg. Materials: _____ Roof: _____ Fenestration: _____

Façade Design: _____ Garages: _____ Pedestrian Plan: _____ Perimeter Landscape Strip: _____

Possible Variances: _____

Comments: _____

Planner: _____ Date: _____

FILING FEES

Table with 2 columns: Fee Category and Amount. Rows include REZONING (RE, RLG, R-100, R-85, R-75, R-60, MHP, RSM, MR-1, RNC, MR-2, HR-1, HR-2, HR-3, MU-1, MU-2, MU-3, MU-4, MU-5, OL, OD, OIT, NS, C1, C2, M, M2), LAND USE MAP AMENDMENT, and SPECIAL LAND USE PERMIT.

PLEASE JOIN

New Life
Church and
New Life
Community
Alliance

FOR A ...

COMMUNITY MEETING

Scan QR Code
to Register



Scan QR Code
to join ZOOM Meeting



TO DISCUSS

Rezoning Lumby Drive and
future plans for
Community Development.

JUNE 3, 2025

6:30 pm | Virtual / In-person options

New Life Church Worship Center
3592 Flat Shoals Road
Decatur, GA 30034

REGISTER TO ATTEND

www.newlife-atl.org



Topic	ID
New Life Baptist Church - 3048 Lumby Dr. : Community Meeting	84901211072
Name (original name)	Email
Jordan Battle	jnb@battlelawpc.com
ES Kates	kateses50@gmail.com
New Life Church and Community Alliance	pastor@newlife-atl.org
E Kates	ellenkates@yahoo.com
New Life Church and Community Alliance	pastor@newlife-atl.org
Jordan Battle	jnb@battlelawpc.com
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Chanell	clturner31@gmail.com
Chanell	clturner31@gmail.com
Cindra Taylor	cktaylor@bellsouth.net
Cindra Taylor	cktaylor@bellsouth.net
Powerful Truth	ptsglobal.intl@gmail.com
Powerful Truth	ptsglobal.intl@gmail.com
Akilah George	akilahgeorge@ymail.com
Sherri McCoy	blessingbagsowarmth@gmail.com
Sherri McCoy	blessingbagsowarmth@gmail.com
Leslie Lester	msleslesjoy@gmail.com

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Leslie Lester
Christ Ideity
Christ Ideity
Ta-Ta Sallette
Ta-Ta Sallette
Dr. Morcease Beasley
Dr. Morcease Beasley

msleslesjoy@gmail.com
camealewb82@gmail.com
camealewb82@gmail.com
taja4life@gmail.com
taja4life@gmail.com
mbeasley@newlife-atl.org
mbeasley@newlife-atl.org

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Host Duration (minutes) Start time
 Jordan Battle (jnb@battlelawpc.com) 151 06/03/2025 06:15:49 PM

Join time	Leave time	Duration (minutes)
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STATEMENT OF INTENT

and

Other Material Required by
DeKalb County Zoning Ordinance
For
A Rezoning from C-2 to MR-1 to Allow
Phase I of a Mixed-Use Development

of

**New Life Baptist Church
c/o Battle Law, P.C.**

for

+/-3.76 Acres of Land
Being 3048 Lumby Drive
DeKalb County, Georgia and
Parcel Nos. 15 104 07 001

Submitted for Applicant by:

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I. LETTER OF INTENT

New Life Baptist Church (the “Applicant”) is seeking to develop on +/- 3.76 acres of land being Tax Parcel No. 15 104 07 001 having frontage on 3048 Lumby Drive (the “Subject Property”) with a mixture of single-Family detached and attached homes. The Applicant is seeking a rezoning of the Subject Property from C-2 to MR-1.

This document serves as a statement of intent, analysis of the criteria under the DeKalb County Code of Ordinances and contains notice of constitutional allegations as a reservation of the Applicant’s rights.

II. DEKALB COUNTY REZONING CRITERIA

1. *Whether the zoning proposal is in conformity with the policy and intent of the Comprehensive Plan;*

The Subject Property is within the Regional Center Activity Center. The DeKalb County Comprehensive Plan states the at the Regional Center allows seventy-five dwelling units per acre and up and explicitly permits the MR-1 zoning district. This zoning proposal seeks to rezone the Subject Property to MR-1 to allow for phase one of a mixed-use development. Phase one will include ten single-family detached homes and twenty-two townhomes for a total of thirty-two units on 3.76 acres for a density of 8.5 dwelling units per acre.

Furthermore, the Subject Property falls within the Candler Flat Shoals LCI small area plan. Specifically, the Subject Property is within the Town Center Edge Sub-Area, which calls for, “compact high density mixed use” at a maximum density of forty-five dwelling units per acre.

Therefore, the zoning proposal is in conformity with the policy and intent of the Comprehensive Plan.

2. *Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties;*

Apartments and a variety of commercial and institutional uses surround the Subject Property. Notably, the Abbingtion Reserve and Creekside Vista apartments are directly south and east of the Subject Property, respectively. Taco Bell, Roberts Family Dental and Dairy Queen are to the west and New Life Church is northwest of the Subject Property. DeKalb County’s Public Works Purchasing Unit and fleet vehicle storage is directly north of the Subject Property.

The proposed townhomes and single-family detached homes will fit in with the surrounding uses. Therefore, the zoning proposal will permit a use that is suitable in view of the use and development of nearby properties.



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3. *Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned;*

The Subject Property does not have a reasonable economic use as currently zoned.

4. *Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby properties;*

The zoning proposal will not adversely affect the existing use or usability of adjacent or nearby properties. The development will remain on the Subject Property and the resulting homes and road will not disrupt the flow of traffic in the area.

5. *Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal;*

The Applicant is not aware of existing or changing conditions affecting the use and development of the Subject Property which give supporting grounds for either approval or disapproval of the zoning proposal.

6. *Whether the zoning proposal will adversely affect historic buildings, sites, districts, or archaeological resources;*

The Subject Property is not within a historic district. The Applicant is not aware of any historic buildings, sites, or archaeological resources on the Subject Property.

7. *Whether the zoning proposal will result in a use which will or could cause excessive or burdensome use of existing streets, transportation facilities, utilities, or schools; and*

The zoning proposal will allow for thirty-two new homes. These added homes will not cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.

8. *Whether the zoning proposal adversely impacts the environment or surrounding natural resources*

The zoning proposal does not impact the environment or surrounding resources any more than the development on the surrounding and nearby properties. Furthermore, the Applicant shall comply with all DeKalb County ordinances that protect environmental resources. Therefore, the zoning proposal will not have an adverse impact on the environment or surrounding natural resources.



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III. CONCLUSION

For the foregoing reasons, the Applicant hereby requests that the Board of Commissioners approve this application for a rezoning from C-2 to MR-1. 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 DeKalb County 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 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 DeKalb County 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 DeKalb County Board of Commissioners to amend the land use and/or rezone the Subject Property to the classification 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 Rezoning 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



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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 land use amendment and/or rezoning in questions 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 land use amendment and/or rezoning 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 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

AUTHORIZATION

The property owner should complete this form or a similar signed and notarized form if the individual who will file the application with the County is not the property owner.

Date: 05/07/2025

TO WHOM IT MAY CONCERN:

I/WE: New Life Baptist Church
Name of Owner(s) Michael Bryant, CEO

being owner(s) of the subject property described below or attached hereby delegate authority to:

Battle Law, P.C
Name of Agent or Representative

to file an application on my/our behalf.

[Signature]
Notary Public

[Signature]
Owner



DEKALB COUNTY, GA

Campaign Contribution Disclosure Statements

CAMPAIGN CONTRIBUTIONS DISCLOSURE STATEMENT

Pursuant to the provisions of 36 O.C.G.A. 67(A), please find below a list of those contributions made by Michele L. Battle and Battle Law, P.C. in the past two years, aggregating \$250.00 or more, to local government officials who will consider this application.

NAME OF GOV'T OFFICIAL	OFFICIAL POSITION	AMOUNT OF CONTRIBUTION
Mereda Davis Johnson	Commissioner	\$1000
Nicole Massiah	Commissioner	\$2000
LaDena Bolton	Commissioner	\$500
Chakira Johnson	Commissioner	\$500
Ted Terry	Commissioner	\$500
Robert Partrick	Commissioner	\$500

By: 
Printed Name: _____

DISCLOSURE OF CAMPAIGN CONTRIBUTION

In accordance with the Conflict of Interest in Zoning Act, OCGA Chapter 36-67A, the following questions must be answered.

Have you, the applicant, made \$250.00 or more in campaign contribution to a local government official within two years immediately preceding the filing of this application?

Yes: _____ No: no_____*

If the answer is yes, you must file a disclosure report with the governing authority of DeKalb County showing:

- 1. The name and official position of the local government official to whom the campaign contribution was made.
- 2. The dollar amount and description of each campaign contribution made during the two years immediately preceding the filing of this application and the date of each such contribution.

The disclosure must be filed within 10 days after the application is first filed and must be submitted to the C.E.O. and to the Board of Commissioners of DeKalb County, 1300 Commerce Drive, Decatur, GA 30030.

Notary


Michael Bryant 5-8-25
Signature of Applicant / Date
Michael Bryant, CEO
Check one: Owner _____ Agent X

Expiration Date/ Seal

*Notary seal not needed if answer is "No".

SURVEY, SITE PLAN, AND ELEVATIONS:

2016152251 DEED BOOK 25867 Pg 789
Filed and Recorded:
10/21/2016 1:00:44 PM
Debra DeBerry
Clerk of Superior Court
DeKalb County, Georgia



Real Estate Transfer Tax \$0.00

Upon recording return to:

Clyde H. Hudson
New Life Baptist Church of Lithonia, Inc.
3592 Flat Shoals Road
Decatur, Georgia 30034
(770) 322-6262

QUITCLAIM DEED OF GIFT

THIS INDENTURE, made this 17th day of October, 2016, by and between **HAROLD CHRISTOPHER JOHNSON, SR.**, an individual resident of the State of Georgia, as to an undivided 33.333% interest, **ANNETTE ALEXANDER JOHNSON**, an individual resident of the State of Georgia, as to an undivided 33.333% interest, **R. BILLY BURRUSS**, an individual resident of the State of Georgia, as to an undivided 8.33% interest, **RUTH LE BLANC**, an individual resident of the State of Georgia, as to an undivided 1.39% interest, **JONATHAN BROOKS BURRUSS**, an individual resident of the State of Georgia, as to an undivided 1.39% interest, **FLORENCE J. NORRIS**, an individual resident of the State of Georgia, as to an undivided 11.112% interest, and **ESTELLE J. DOBBS**, an individual resident of the State of Georgia, as to an undivided 11.112% interest (hereinafter collectively referred to as "Grantor"), and **NEW LIFE BAPTIST CHURCH OF LITHONIA, INC.**, a Georgia nonprofit corporation (hereinafter referred to as "Grantee") (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits).

WITNESSETH that: Grantor, for and in consideration of love and affection for Grantee and other good consideration, does hereby remise, convey and forever QUITCLAIM unto the said Grantee,

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 104 of the 15th District of DeKalb County, Georgia, as more particularly described on Exhibit "A" attached hereto and by this reference made a part hereof.

DEED BOOK 25867 Pg 790

TO HAVE AND TO HOLD the said described premises to Grantee, so that neither Grantor nor any person or persons claiming under Grantor shall at any time, by any means or ways, have, claim or demand any right or title to said premises or appurtenances, or any rights thereof.

[SIGNATURES BEGIN ON FOLLOWING PAGE]

-2-

Mixh

IN WITNESS WHEREOF, the Grantor has caused this Quitclaim Deed of Gift to be executed under seal as of the day, month and year first above written.

GRANTOR: **HAROLD CHRISTOPHER JOHNSON, SR.**, an individual resident of the State of Georgia, as to an undivided 33.333% interest, **ANNETTE ALEXANDER JOHNSON**, an individual resident of the State of Georgia, as to an undivided 33.333% interest, **R. BILLY BURRUSS**, an individual resident of the State of Georgia, as to an undivided 8.33% interest, **RUTH LE BLANC**, an individual resident of the State of Georgia, as to an undivided 1.39% interest, **JONATHAN BROOKS BURRUSS**, an individual resident of the State of Georgia, as to an undivided 1.39% interest, **FLORENCE J. NORRIS**, and individual resident of the State of Georgia, as to an undivided 11.112% interest, and **ESTELLE J. DOBBS**, an individual resident of the State of Georgia, as to an undivided 11.112% interest

By: *Harold Christopher Johnson* (SEAL)
Harold Christopher Johnson, Sr.

Signed, sealed, and delivered in the presence of:

Gloria Ryan
WITNESS

Alicia Turner Woods
NOTARY PUBLIC

My Commission Expires: 9/30/18

[AFFIX HERE SEAL]

P:\CS\2018\11\Billboard\Comps\Deed.doc



SIGNATURES CONTINUE ON FOLLOWING PAGE]

By: Annette A. Johnson (SEAL)
Annette Alexander Johnson

Signed, sealed, and delivered
in the presence of:

[Signature]
WITNESS

[Signature]
NOTARY PUBLIC

My Commission Expires: 4-5-18



[AFFIX NOTARY SEAL]

[SIGNATURES CONTINUE ON FOLLOWING PAGE]

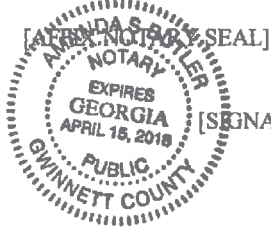
By: R. Billy Burruss (SEAL)
R. Billy Burruss

Signed, sealed, and delivered
in the presence of:

[Signature]
WITNESS

[Signature]
NOTARY PUBLIC

My Commission Expires: 04/15/2018



[SIGNATURES CONTINUE ON FOLLOWING PAGE]

By: Ruth Le Blanc (SEAL)
Ruth Le Blanc

Signed, sealed, and delivered
in the presence of:

[Signature]
WITNESS

[Signature]
NOTARY PUBLIC

My Commission Expires: 7/12/2020

[AFFIX NOTARY SEAL]



[SIGNATURES CONTINUE ON FOLLOWING PAGE]

DEED BOOK 25867 Pg 795

By: Jonathan Brooks Burruss (SEAL)
Jonathan Brooks Burruss

Signed, sealed, and delivered
in the presence of:

[Signature]
WITNESS

Amanda J Miller
NOTARY PUBLIC

My Commission Expires: 04/15/2018

[AFFIX NOTARY SEAL]



SIGNATURES CONTINUE ON FOLLOWING PAGE]

DEED BOOK 25867 Pg 796

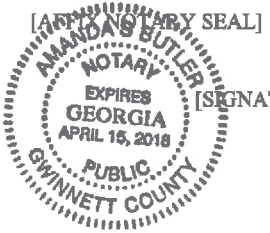
By: Florence J. Norris (SEAL)
Florence J. Norris

Signed, sealed, and delivered
in the presence of:

[Signature]
WITNESS

[Signature]
NOTARY PUBLIC

My Commission Expires: 04/15/2018



[SIGNATURES CONTINUE ON FOLLOWING PAGE]

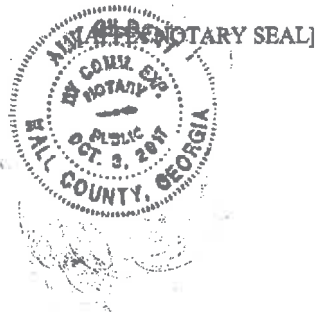
By: Estelle J. Dobbis (SEAL)
Estelle J. Dobbis

Signed, sealed, and delivered
in the presence of:

Jocelyn Miller
WITNESS

Ann Gilbert
NOTARY PUBLIC

My Commission Expires: 10/17



DEED BOOK 25867 Pg 798
Debra DeBerry
Clerk of Superior Court
DeKalb County, Georgia

EXHIBIT "A"
Property Description

The land referred to herein below is situated in the County of DeKalb, City of Decatur, State of Georgia and is described as follows:

All that tract and parcel of land lying and being in Land Lot 104 of the 15th District of DeKalb County, Georgia, containing 3.6843 acres and being particularly shown and delineated on plat of property of the Estate of Eunice C. Johnson made by Alvin E. Vaughn & Assoc., Inc. Planners - Surveyors, dated December 2, 1997, as follows:

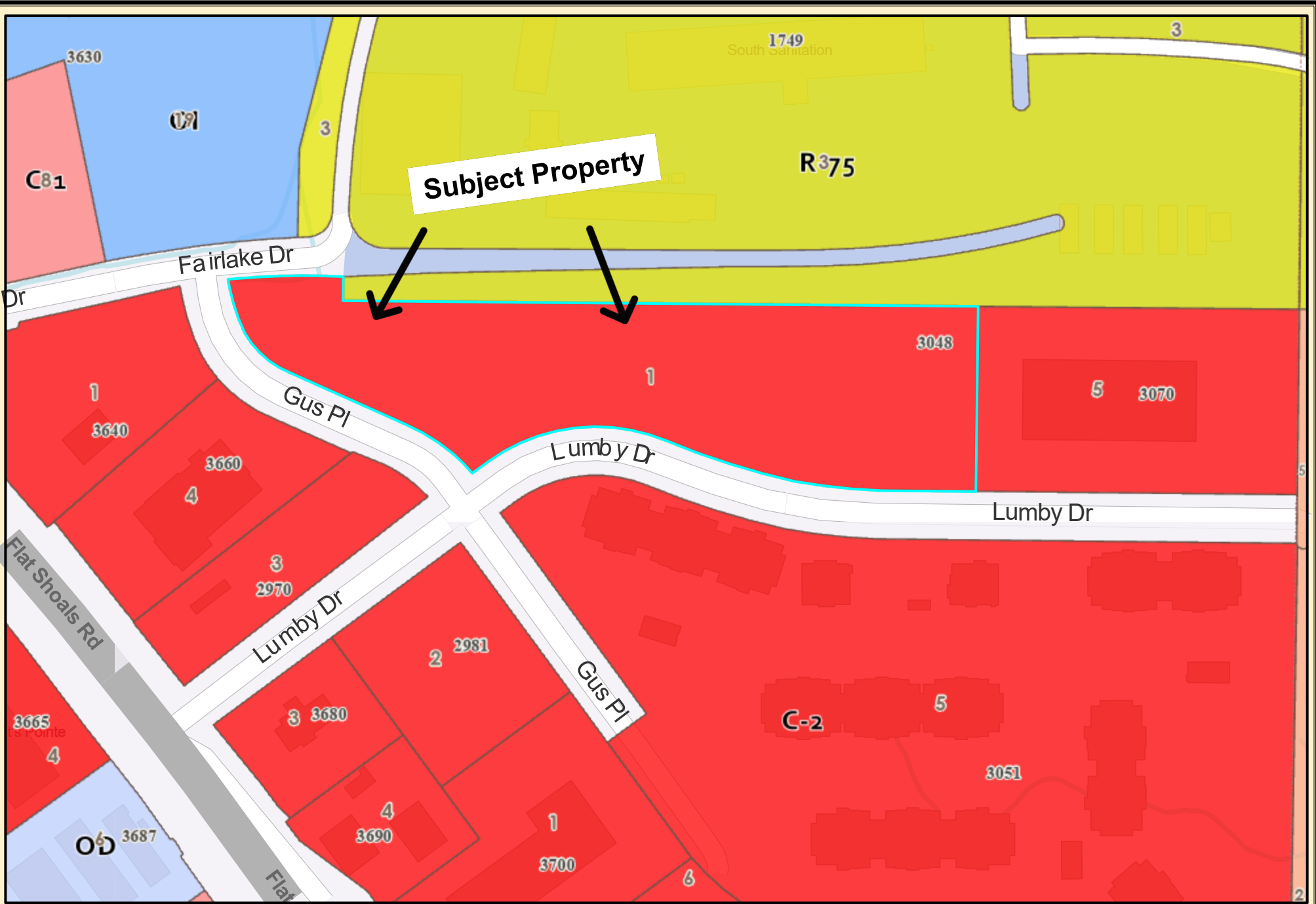
Beginning at the intersection of the Northwestern right of way of Lumby Drive with the Northeastern right of way of Gus Place and running thence Northeasterly and Easterly along the Northwestern and Northern right of way of Lumby Drive and following the curvature thereof a distance of 550.29 feet to the property now or formerly owned by Mimams Enterprises, Inc.; thence North 00° 24' 34" West 225 feet; thence South 89° 25' 01" West 1190.09 feet to a corner; thence North 00° 35' 00" West 29.88 feet to a corner; thence South 86° 54' 37" West 47.50 feet; thence South 84° 36' 17" West 56 feet; thence South 83° 02' 32" West 35 feet to the Eastern right of way of Gus Place; thence Southeasterly along the Northeastern right of way of Gus Place and following the curvature thereof 388.61 feet to the Northwestern right of way of Lumby Drive and the point of beginning.

This property is subject to a Lease dated July 28, 1992, between Bell South Mobility, Inc., as Lessee, and Eunice C. Johnson Estate, as Lessor, the leased premises being a Parcel 51 feet West of the Northeast corner of the above described property and extending Westerly 50 feet and Southerly 90 feet; together with a non-exclusive right for ingress and egress and for installation and maintenance of utility wire, cables, conduits and pipes, over, under or along a 20' wide right of way extending from the nearest public right of way to the leased parcel.

Parcel ID #15-104-07-001

This being the same property conveyed to Johnson P. S. One, Inc., a Corporation from Elizabeth Johnson, individually and as sole surviving Executor of the Will of Eunice Cleveland Johnson, deceased; Harold Christopher Johnson, Sr., Roy Augustus Johnson; Lois Johnson Woodley; Emma Ava Johnson, individually and as Executor of the Will of Brooks Cleveland Johnson, deceased and Patricia A. Johnson; Estelle Johnson Dobbs; Rebecca Johnson Burruss; Florence Johnson Norris, in a deed dated December 31, 1997 and recorded December 31, 1997 in Book 9789 Page 361.

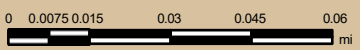
Property Commonly Known As: 3048 Lumby Drive Decatur, GA 30034



Subject Property



DeKalb County Parcel Map

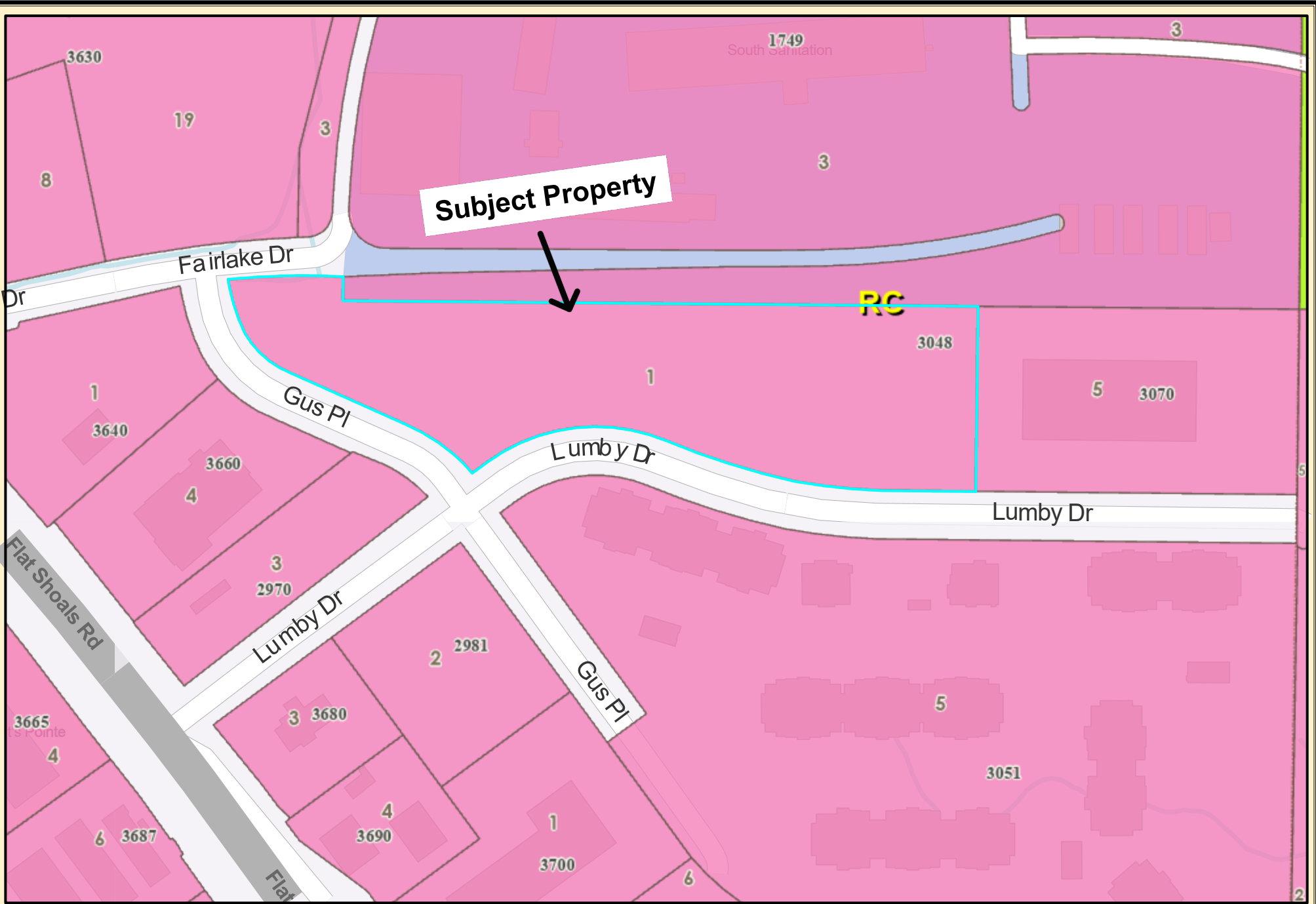


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Subject Property

RC

Fairlake Dr

Gus Pl

Lumby Dr

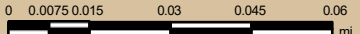
Lumby Dr

Flat Shoals Rd

Flat



DeKalb County Parcel Map

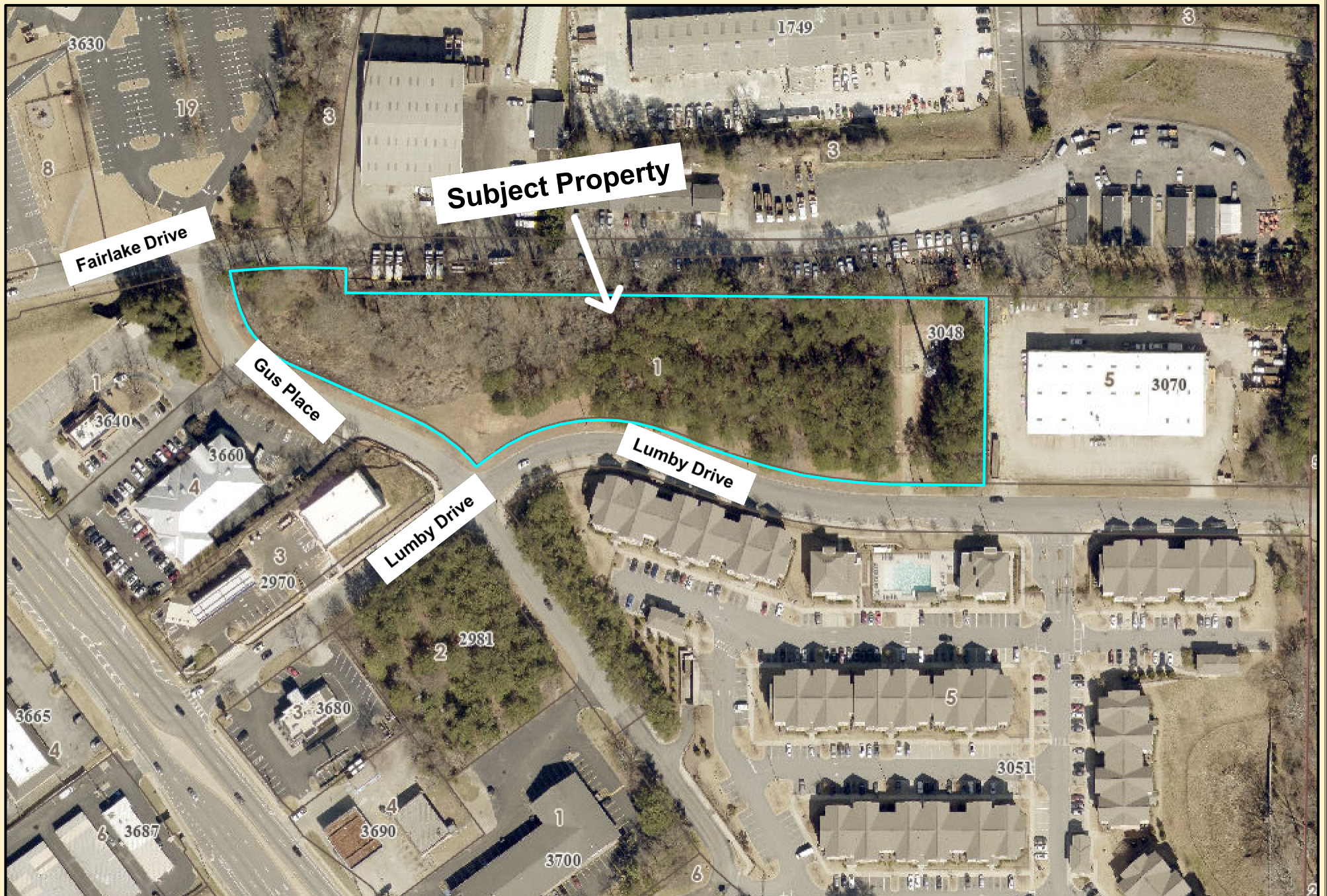


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Subject Property

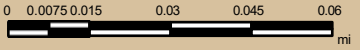
Fairlake Drive

Gus Place

Lumby Drive

Lumby Drive

DeKalb County Parcel Map



Date Printed: 7/17/2025



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