



DeKalb County Department of Planning & Sustainability

178 Sams Street
Decatur, GA 30030

(404) 371-2155 / www.dekalbcountyga.gov/planning

Planning Commission Hearing Date: July 12, 2022
Board of Commissioners Hearing Date: July 28, 2022

STAFF ANALYSIS

Case No.: Z-22-1245772 **Agenda #:** N4

Location/Address: 7276 Union Grove Road, Lithonia, GA 30058 **Commission District:** 5 **Super District:** 7

Parcel ID: 16-167-02-012

Request: To rezone the subject property from the R-85 (Residential Medium Lot-85) Zoning District to the M (Light Industrial) Zoning District for a tow yard, towing service, and a temporary vehicle storage lot.

Property Owner(s): Christopher Alan Lowe

Applicant/Agent: Catrina Crowe (*Battle Law is no longer the applicant/agent*)

Acreage: 16.04 acres

Existing Land Use: Residential

Surrounding Properties: To the north of the subject property are civic/institutional uses, to the south are residential and commercial uses, to the west are commercial and utility uses, and to the east are residential uses.

Adjacent Zoning: North: O-I South: R-85 & M East: R-85 West: C-1, C-2, O-I, & R-85

Comprehensive Plan: Light Industrial (LIND)

Consistent **Inconsistent**

| | |
|--|--|
| Proposed Density: N/A | Existing Density: N/A |
| Proposed Square Ft.: 84,224 SF | Existing Units/Square Feet: N/A |
| Proposed Lot Coverage: To be determined | Existing Lot Coverage: Undetermined |

ZONING HISTORY

The zoning of the subject property has not changed in recent years.

SUBJECT PROPERTY AND VICINITY

The subject property is a large, oddly shaped parcel comprising approximately sixteen (16) acres of land. It contains a single-family, detached residence along with a number of rural residential accessory structures. It is important to note that the property is listed for sale. The subject property is surrounded to the east and south by residential uses. West and north of the subject property, are commercial parcels (C-1, C-2, and O-I) that include a gas station, an electrical/lighting contractor, and a place of worship.

Access to the subject property is from Union Grove Road, a 2-lane minor arterial road without curb, gutter, and pedestrian facilities. Moreover, the subject property is approximately 500 feet from the intersection of Union Grove Road and Turner Hill Road (Highway 124), a major arterial road.

PROJECT DESCRIPTION

The applicant proposes to repurpose a portion of the subject property for a towing service and temporary vehicle storage. The residence will be converted to office use for the business.

COMPLIANCE WITH DISTRICT STANDARDS:

| M STANDARDS | | REQUIRED/ALLOWED | PROVIDED/PROPOSED | COMPLIANCE |
|--------------------------|-----------------------|--|-----------------------|------------|
| MIN. OPEN SPACE | | 20% (≈ 139,392sf) | 86% (≈ 601,128sf) | Yes |
| MIN. TRANSITIONAL BUFFER | | 75ft (Type D) adjacent to residential zoning districts | 75ft (Type D) | Yes |
| MIN. LOT AREA | | 30,000sf | 16 acres (696, 960sf) | Yes |
| MIN. LOT WIDTH | | 100 feet | 111.5 feet | Yes |
| MAX. LOT COVERAGE | | 80% | 13.6% | Yes |
| BUILDING SETBACKS | FRONT (arterial road) | Min. 60 ft. | > 60 ft. | Yes |
| | INTERIOR SIDE | Min. 20 ft. | > 75 ft. | Yes |
| | REAR | Min. 30 ft. | > 30 ft. | Yes |
| MAX. BLDG. HEIGHT | | N/A | N/A | N/A |

LAND USE AND ZONING ANALYSIS

Section 7.3.5. of the *Zoning Ordinance* (Standards and factors governing review of proposed amendments to the official zoning map) states that the following standards and factors...shall govern the review of all proposed amendments to the official zoning map:

A. Whether the zoning proposal is in conformity with the policy and intent of the comprehensive plan:

The future land use designation for the subject property is Light Industrial (LIND). “These areas consist of areas used in low intensity manufacturing, including wholesale trade, and distribution activities that do not generate excessive noise, vibration, air pollution or other nuisance characteristics” (pg. 111). The rezoning request would bring the zoning and future land use designation into harmony with one another.

Although the subject property is residential, the proposed uses (towing service and temporary vehicle storage) would be consistent with some of the *Comprehensive Plan* policies and the requested M (Light Industrial) Zoning District. The proposal includes the required 75-foot vegetated buffer to mitigate dust, noise, and glare. Given its location, the light industrial uses would remain on the perimeter of an existing residential area and will not significantly encroach. Additionally, the subject property is adjacent to arterial roads.

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

The proposed uses would not be permissible with the current R-85 (Residential Medium Lot-85) zoning. Beyond the Turner Hill Road and Union Grove Road commercial node, Union Grove Road becomes progressively more residential as one heads east from that intersection.

Suitability is questionable for this location. The subject property may be seen as the edge of a residential area or the potential periphery of a commercial node.

C. Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned:

The subject property contains a residential structure. The current zoning, R-85 (Residential Medium Lot-85), permits a limited degree of economic use; restricted to residential, agricultural, home based, institutional, and educational uses. Alternatively, M (Light Industrial) will significantly broaden the range of potential uses for the subject property including, but not limited to: light industry, manufacturing, utilities, office, auto related uses, vehicle storage, warehouse/distribution, retail, restaurant, recreation, and other commercial services.

D. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property:

Union Grove Road does not appear to be sufficiently constructed for heavy automotive use. The road is routinely patched for potholes caused primarily by passenger vehicle traffic. Although there are no visible size or weight restrictions, introduction of tow trucks, vehicular transport trucks, or heavier vehicles may adversely impact road conditions.

E. 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:

This general Lithonia area near Turner Hill Road is marked by a number of industrial and residential land use conflicts. Many of them date back several decades (or longer) based on the former rural industrial character of

the area. Staff is hopeful that the 2050 Unified Plan process will help unpack and provide a forum to settle these conflicts.

F. Whether the zoning proposal will adversely affect historic buildings, sites, districts, or archaeological resources:

The subject property is not located in an historic or archaeological overlay district.

G. Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools:

The subject property is not connected to public sewer. A septic system was installed in 1969.

No significant impacts to traffic flow are expected. However, the applicant has been advised to reduce the two curb cuts to one. Also, see Criterion D (above).

H. Whether the zoning proposal adversely impacts the environment or surrounding natural resources:

The zoning proposal does not appear to negatively impact the environment or surrounding natural resources.

STAFF RECOMMENDATION: Deferral.



**DEKALB COUNTY GOVERNMENT
PLANNING DEPARTMENT
DISTRIBUTION FORM**

NOTE: PLEASE RETURN ALL COMMENTS VIA EMAIL OR FAX TO EXPEDITE THE PROCESS TO MICHELLE ALEXANDER mmalexander@dekalbcountyga.gov AND/OR LASONDRA HILL lahill@dekalbcountyga.gov

**COMMENTS FORM:
PUBLIC WORKS WATER AND SEWER**

Case No.: Z-22-1245772

Parcel I.D. #: 16-167-02-012

Address: 7276 Union Grove Road

WATER:

Size of existing water main: 6" CI (adequate/inadequate)

Distance from property to nearest main: adjacent

Size of line required, if inadequate: unknown

SEWER:

Outfall Servicing Project: None

Is sewer adjacent to property: Yes () No (X) If no, distance to nearest line: Approx 2000 ft

Water Treatment Facility: _____ () adequate () inadequate

Sewage Capacity: _____ (MGPD)

Current Flow: _____ (MGPD)

COMMENTS:

| |
|--|
| Sewer capacity is required if connecting to public sewer |
| |
| |
| |
| |
| |
| |

Signature: Yola Lewis

6/13/2022

To: Ms. Madolyn Spann, Planning Manager
Mr. John Reid, Senior Planner
From: Ryan Cira, Environmental Health Manager
Cc: Alan Gaines, Technical Services Manager
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.

DeKalb County Board of Health

404.508.7900 • www.dekalbhealth.net

6/13/2022

N.1

Z-22-1245472 2022-1731 15-145-15-054,15-145-15-099

1058 & 1078 Moreland Ave., Atlanta, GA 30316

Amendment

- Please review general comments.
- Note this several properties in this location are have septic installed.

N.2

Z-22-1245700 2022-1732 15-123-02-066

3401 Rainbow Drive, Decatur, GA 30034

Amendment

- Please review general comments.

N.3

SLUP-22-1245771 2022-1733 15-157-16-132

2167 Newgate Drive, Decatur, GA 30035

Amendment

- Please review general comments.

N.4

Z-22-1245772 2022-1734 16-167-02-012

7276 Union Grove Road, Lithonia , GA 30058

Amendment

- Septic sysytem installed 12/03/1969.
- Please review general comments.

DeKalb County Board of Health

404.508.7900 • www.dekalbhealth.net

6/13/2022

N.5

TA-22-1245814

Application of the Director of Planning & Sustainability

Amendment

- Application of the Director of Planning & Sustainability for a text amendment for an update to the zoning cycle calendar to change the Planning Commission meeting start time from 5:30 to 6:00 pm.

ZONING COMMENTS – JUNE 2022:

N1. Z-22-1245472:

No comment.

N2. Z-22-1245770:

Both Rainbow and Columbia are minor arterials. Requires a donation of right of way of 40 from centerline OR such that all public infrastructure is within ROW, whichever greater. Requires a 6 foot sidewalk (zoning code) and a 4 foot bike lane (land development code) OR PREFERRED 10 foot multiuse path along frontage. Pedestrian scale street lighting required. Five foot offset required from back of curb to multiuse path. Complete the multiuse path improvements along the intersection radius.

N3. SLUP-22-1245771:

No comment.

N4. Z-22-1245772:

Consolidate to one driveway on Union Grove Road. Union Grove Road is classified as a minor arterial. Requires a donation of right of way of 40 from centerline OR such that all public infrastructure is within ROW, whichever greater. Requires a 6 foot sidewalk (zoning code) and a 4 foot bike lane (land development code) OR PREFERRED 10 foot multiuse path along frontage. Pedestrian scale street lighting required. Five foot offset required from back of curb to multiuse path. Complete the multiuse path improvements, including curb and gutter, along frontage to connect with the existing sidewalks at 7266 Union Grove Road, within the right of way.



DEKALB COUNTY GOVERNMENT PLANNING DEPARTMENT DISTRIBUTION FORM

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

DEVELOPMENT ANALYSIS:

- **Storm Water Management**

Compliance with the Georgia Stormwater Management Manual, DeKalb County Code of Ordinances 14-40 for Stormwater Management and 14-42 for Storm Water Quality Control **(sections have been amended recently; please request the amended chapter)**, to include Runoff Reduction Volume where applicable is required as a condition of land development permit approval. Use Volume Three of the G.S.M.M. for best maintenance practices. Use the NOAA Atlas 14 Point Precipitation Data set specific to the site. Recommend Low Impact Development features/ Green Infrastructure be included in the proposed site design to protect as much as practicable the statewaters and special flood hazard areas.

Conceptual plan doesn't indicate the location of the stormwater management facility. Concerns are related to the discharge point of the facility. Stormwater management requirements must be complied with due to the proposed amount impervious. Refer to chap 14-40.

Considerations must be given as to where the discharge pipe from the facility is directed as to not create adverse effects.

Additional considerations must be given to the 10% downstream analysis.

Runoff Reduction Volume shall be provided, unless technical justification is provided as to the unfeasibility. Strongly recommend to investigate the site and identify location where RRv can be provided and re-design/revise the layout to comply with the RRv requirement.

- **Flood Hazard Area/Wetlands**

The presence of FEMA Flood Hazard Area **was not** indicated in the County G.I.S. mapping records for the site; and should be noted in the plans at the time of any land development permit application. Encroachment of flood hazard areas require compliance with Article IV of Chapter 14 and FEMA floodplain regulations

- **Landscaping/Tree Preservation**

Landscaping and tree preservation plans for any building, or parking lot must comply with DeKalb County Code of Ordinances 14-39 as well as Chapter 27 Article 5 and are subject to approval from the County Arborist.

- **Tributary Buffer**

State water buffer **was not** reflected in the G.I.S. records for the site. Typical state waters buffer have a 75' undisturbed stream buffer and land development within the undisturbed creek buffer is prohibited without a variance per DeKalb County Code of Ordinances 14-44.1.



**DEKALB COUNTY GOVERNMENT
PLANNING DEPARTMENT
DISTRIBUTION FORM**

N-4

NOTE: PLEASE RETURN ALL COMMENTS VIA EMAIL OR FAX TO EXPEDITE THE PROCESS TO MICHELLE ALEXANDER mmalexander@dekalbcountyga.gov AND/OR LASONDRA HILL lahill@dekalbcountyga.gov

**COMMENTS FORM:
PUBLIC WORKS TRAFFIC ENGINEERING**

Case No.: 2-22-1245772 Parcel I.D. #: 16-167-02-012

Address: 7276
Union Grove Rd
Litonia, GA

Adjacent Roadway (s):

| | |
|------------------|------------------|
| | |
| (classification) | (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 _____ |
| Existing right of way width _____ | Existing right of way width _____ |
| 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 Engineers (ITE) 6/7th Edition (whichever is 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:

| |
|--|
| <p>Plans and field reviewed, nothing found that would affect traffic flow.</p> |
| |
| |
| |
| |

Signature: [Handwritten Signature]

DEPARTMENT OF PLANNING & SUSTAINABILITY

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

Date Received: _____ Application No: _____

Applicant Name: Ainsley Elliot .

Applicant E-Mail Address: elliottainsley@gmail.com

Applicant Mailing Address: 2000 Hardwick Court, Conyers GA. 30013

Applicant Daytime Phone: 770-912-1895 Fax: _____

Owner Name: Christopher Alan Lowe

If more than one owner, attach list of owners.

Owner Mailing Address: 7276 Union Grove Road Lithonia, Georgia 30058-5053

Owner Daytime Phone: _____

Address of Subject Property: 7276 Union Grove Road Lithonia, Georgia 30058-5053

Parcel ID#: 16 167 02 012

Acreage: 16.04 Commission District: 5, 7

Present Zoning District(s): R-85

Proposed Zoning District: M

Present Land Use Designation: LIND

Proposed Land Use Designation (if applicable): _____

REZONING APPLICATION CHECKLIST

Submit 4 printed, collated sets of the complete application (no staples, no binders) and a PDF version on a flash drive

_____ 1. Schedule a mandatory **Pre-Application Conference** with Planning & Sustainability staff by appointment. Obtain **Pre-Application form** (to be completed in pre-application meeting). Please call 404-371-2155 for appointment.

_____ 2. Hold a **Pre-Submittal Community Meeting** with surrounding neighborhood associations and residents. Provide documentation of the meeting (**meeting notice and sign in sheets**). Letter(s) from homeowners association(s) may also be provided.

_____ 3. Submit **Application** (Submit 4 printed, collated sets and a PDF version on a flash drive. Please assemble materials in the following order.)

_____ **A. Application form** with name and address of applicant and owner, and address of subject property;

_____ **B. Pre-submittal community meeting notice and sign-in sheet** and other documentation of meeting, if any;

_____ **C. Letter of application and impact analysis**

1. **Letter of application** identifying a) the proposed zoning classification, b) the reason for the rezoning or special use or modification request, c) the existing and proposed use of the property, d) detailed characteristics of the proposed use (e.g. floor area, height of building(s), number of units, mix of unit types, number of employees, manner and hours of operation), d)(optional) statement of conditions discussed with the neighborhood or community, if any.

2. **Impact analysis** of the anticipated impact of the proposed use and rezoning on the surrounding properties in response to the standards and factors specified in Article 7.3 of the DeKalb County Zoning Ordinance, as attached. If a Major Modification, please include previously approved conditions and Board of Commissioner meeting minutes.

_____ **D. Authorization Form**, if applicant is not the owner. Must be signed by all owners of the subject property and notarized. Authorization must contain the mailing address and phone number of any applicant or agent who is authorized to represent the owner(s) of the subject property. Please include warranty deed, if property ownership is less than 2 years.

_____ **E. Campaign disclosure statement** (required by State law).

_____ **F. Legal boundary survey** of the subject property, (showing boundaries, structures, and improvements), prepared and sealed within the last year by a professional engineer or land surveyor registered in the State of Georgia. *(If survey shows property on opposite sides of a public street right-of-way, file a separate application for each property.)*

_____ **G. Site Plan**, printed to scale, folded, of any existing and or proposed development/redevelopment. For projects larger than 1 acre, site plan should be at least 1:50 scale. The site plan must include the following:

_____ a. complete boundaries of subject property;

_____ b. dimensioned access points and vehicular circulation drives;

_____ c. location of all existing and proposed buildings, structures, setbacks and parking;

_____ d. location of 100 year floodplain and any streams;

_____ e. notation of the total acreage or square footage of the subject property;

_____ f. landscaping, tree removal and replacement, buffer(s); and

_____ g. site plan notes of building square footages, heights, density calculations, lot coverage of impervious surfaces, parking ratios, open space calculations, and other applicable district standards.

_____ **H. Reduced Site Plan**, reduced to 8.5" x 11".

_____ **I. Written Legal Description** of metes and bounds of the subject property (can be printed on site plan or survey).

_____ **J. Building Form Information**. Elevation (line drawing or rendering), or details of proposed materials, in compliance with Article 5 of the Zoning Ordinance.

_____ **K. Completed, signed Pre-application Form** (Provided at pre-application meeting.)

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

LAST WILL AND TESTAMENT

OF

CHARLES L. LOWE

I, CHARLES L. LOWE of DeKalb County, Ga. , being of full age and sound mind and memory and under no restraint, do make, publish and declare this instrument to be my last will and testament and hereby revoke all previous wills and codicils made by me.

ITEM I

I name my son, CHRISTOPHER ALAN LOWE and my daughter, TERESA GAIL WIEGMAN, co-executors of my estate.

If either of these persons should fail to survive me or for any reason fail to serve, the other is to serve alone. I use the term executor interchangeably to apply to either gender.

My executors shall have the broadest possible powers necessary to carry out the business of the estate, including collecting all debts due it, paying any indebtedness, executing such instruments as may be necessary and proper and distributing said estate according to my will and selling any and all property, both real and personal.

My executors and their successors, if any, shall have the above stated powers and their powers shall include those set out in OCGA 53-12-232, as amended to the date of execution of this will, said powers being incorporated by reference herein.

All such powers may be exercised without order of, or report to any court.

No successor executor shall be required to inquire into or audit the acts of any predecessor executor or to make any claim against any such predecessor executor or his or her estate.

However, all persons serving as executor or executrix (whichever gender shall apply) are charged with carrying out the business of the estate in a prudent and business like manner.

ITEM II

I direct my executors to pay all my just debts, including the expenses of my last illness and funeral expenses.

ITEM III

I direct my executors to pay all transfer, estate and similar taxes (including interest and penalties) assessed or payable by reason of my death on any property or interest in property which is included in my estate for the purpose of computing taxes.

My executors shall not require any beneficiary under this will to reimburse my estate for taxes paid on property passing under the terms of this will.

ITEM IV

I direct that my executors be permitted to serve without bond or surety hereon and without the intervention of any court or courts, except as required by law, and that no inventory or appraisal of my estate be required.

ITEM V

I bequeath and devise all of the rest of my property, both real and personal, and wherever found, to my wife, SYBIL J. LOWE.

ITEM VI

If my said wife, SYBIL J. LOWE, fails to survive me then the residue of my estate is to go in equal shares to my sons, CHRISTOPHER ALAN LOWE; DAVID CHARLES LOWE, and MICKEY GLEN LOWE; and my daughters, TERESA GAIL WIEGMAN and LISA CHARLENE MITCHELL.

ITEM VII

Any person who shall die at the same time as I, or in a common disaster with me, or under such circumstances that it is impossible or difficult to determine which died first, shall be deemed to have predeceased me.

IN WITNESS WHEREOF, I have hereunto signed my name and acknowledge and publish this instrument, identified by my signature as my last will and testament, in the presence of the undersigned witnesses, on this 15TH

day of December 1999.

S/Charles L. Lowe
CHARLES L. LOWE

The testator, CHARLES L. LOWE, declared to us, the undersigned, that the foregoing instrument was his last will and testament and he requested us to act as witnesses to the same and to his signature thereon.

He thereupon signed said will in our presence, we all being present at the same time. And we, at his request, in his presence and the presence of each other do hereunto subscribe our names as witnesses. And we each declare that we believe this testator to be of sound mind and memory.

WITNESS OUR HANDS this 15th day of December, 1999.

S/Lori Dyes
WITNESS

13 Cotton Ave.

Porterdale, GA 30070

ADDRESS

S/Sherry Wilson
WITNESS

9184 Central Ave

Cowington, GA 30614

ADDRESS

Prepared by:
Carey M. Cameron
Box 1188, Lithonia, Ga. 30058
(770) 482-3070

STATE OF GEORGIA
COUNTY OF DEKALB

Before me, the undersigned authority, on this day personally before me,
CHARLES L. LOWE Lori Dyes, and Sherry Wilson,
known to me to be the testator and the witnesses, respectively, whose names are
subscribed to the foregoing instrument in their respective capacities, and all of said
persons being by me duly sworn; said CHARLES L. LOWE, testator, declared to me
and to the said witnesses in my presence that said instrument is his last will and
testament and that he had willingly made and executed it as his free act and deed for
the purpose therein expressed.

The witnesses, each on oath stated to me in the presence and hearing of the
testator that the testator had declared to them that the instrument is his last will and
testament and that he executed the same as such and wanted each of them to sign it as
witnesses; and upon their oaths the witnesses stated further that they did sign the same
as witnesses in the presence of the testator and at his request and that he was at the
time fourteen (14) years of age or older.

S/ Charles L. Lowe
CHARLES L. LOWE

S/ Lori Dyes
WITNESS

S/ Sherry Wilson
WITNESS

Sworn to and subscribed before me
by CHARLES L. LOWE
testator, and sworn and subscribed before me by
Lori Dyes, and

Sherry Wilson, witnesses,
this 15th day of December, 1999.

S/ Carey Cameron
NOTARY PUBLIC

LAST WILL AND TESTAMENT

OF

SYBIL J. LOWE

I, SYBIL J. LOWE of DeKalb County, Ga. , being of full age and sound mind and memory and under no restraint, do make, publish and declare this instrument to be my last will and testament and hereby revoke all previous wills and codicils made by me.

ITEM I

I name my son, CHRISTOPHER ALAN LOWE and my daughter, TERESA GAIL WIEGMAN, co-executors of my estate.

If either of these persons should fail to survive me or for any reason fail to serve, the other is to serve alone. I use the term executor interchangeably to apply to either gender.

My executors shall have the broadest possible powers necessary to carry out the business of the estate, including collecting all debts due it, paying any indebtedness, executing such instruments as may be necessary and proper and distributing said estate according to my will and selling any and all property, both real and personal.

My executors and their successors, if any, shall have the above stated powers and their powers shall include those set out in OCGA 53-12-232, as amended to the date of execution of this will, said powers being incorporated by reference herein.

All such powers may be exercised without order of, or report to any court.

No successor executor shall be required to inquire into or audit the acts of any predecessor executor or to make any claim against any such predecessor executor or his or her estate.

However, all persons serving as executor or executrix (whichever gender shall apply) are charged with carrying out the business of the estate in a prudent and business like manner.

ITEM II

I direct my executors to pay all my just debts, including the expenses of my last illness and funeral expenses.

ITEM III

I direct my executors to pay all transfer, estate and similar taxes (including interest and penalties) assessed or payable by reason of my death on any property or interest in property which is included in my estate for the purpose of computing taxes.

My executors shall not require any beneficiary under this will to reimburse my estate for taxes paid on property passing under the terms of this will.

ITEM IV

I direct that my executors be permitted to serve without bond or surety hereon and without the intervention of any court or courts, except as required by law, and that no inventory or appraisal of my estate be required.

ITEM V

I bequeath my jewelry to my daughters, TERESA GAIL WIEGMAN and LISA CHARLENE MITCHELL with this gift to be divided as equally as possible.

ITEM VI

I bequeath and devise all of the rest of my property, both real and personal, and wherever found, to my husband, CHARLES L. LOWE.

ITEM VII

If my said husband, CHARLES L. LOWE, fails to survive me then the residue of my estate, is to go in equal shares to my sons, CHRISTOPHER ALAN LOWE; DAVID CHARLES LOWE, and MICKEY GLEN LOWE; and my daughters, TERESA GAIL WIEGMAN and LISA CHARLENE MITCHELL.

ITEM VIII

Any person who shall die at the same time as I, or in a common disaster with me, or under such circumstances that it is impossible or difficult to determine which died first, shall be deemed to have predeceased me.

IN WITNESS WHEREOF, I have hereunto signed my name and
acknowledge and publish this instrument, identified by my signature as my last will and
testament, in the presence of the undersigned witnesses, on this 15TH
day of December 1999.

S/Sybil J. Lowe
SYBIL J. LOWE

The testatrix, SYBIL J. LOWE, declared to us, the undersigned, that the
foregoing instrument was her last will and testament and she requested us to act as
witnesses to the same and to her signature thereon.

She thereupon signed said will in our presence, we all being present at the same
time. And we, at her request, in her presence and the presence of each other do
hereunto subscribe our names as witnesses. And we each declare that we believe this
testatrix to be of sound mind and memory.

WITNESS OUR HANDS this 15TH day of December, 1999.

S/Lori Aycs
WITNESS

13 Cotton Ave.

Porterdale, GA 30070

ADDRESS

9184 Central Ave.

S/Sherry Wilson
WITNESS

Covington, GA 30014
ADDRESS

Prepared by:
Carey M. Cameron
Box 1188, Lithonia, Ga. 30058
(770) 482-3070

STATE OF GEORGIA

COUNTY OF DEKALB

Before me, the undersigned authority, on this day personally appeared SYBIL J. LOWE Sherry Wilson, and Lori Dyes, known to me to be the testatrix and the witnesses, respectively, whose names are subscribed to the foregoing instrument in their respective capacities, and all of said persons being by me duly sworn; said SYBIL J. LOWE, testatrix, declared to me and to the said witnesses in my presence that said instrument is her last will and testament and that she had willingly made and executed it as her free act and deed for the purposes therein expressed.

The witnesses, each on oath stated to me in the presence and hearing of the testatrix that the testatrix had declared to them that the instrument is her last will and testament and that she executed the same as such and wanted each of them to sign it as witnesses; and upon their oaths the witnesses in the presence of the testatrix and at her request and that she was at the time fourteen (14) years of age or older.

S/ Sybil J. Lowe
SYBIL J. LOWE

S/ Lori Dyes
WITNESS

S/ Sherry Wilson
WITNESS

Sworn to and subscribed before me by
SYBIL J. LOWE, testatrix,
and sworn and subscribed before me by
Lori Dyes, and

Sherry Wilson, witnesses,
this 15TH day of December, 1999.

S/ Carey Cameron
NOTARY PUBLIC



Battle Law

3562 Habersham at Northlake, Bldg. J, Ste 100
Tucker, Georgia 30084

Zoom Instructions:

Go to <https://www.battlelawpc.com> . On the Home page, please click on “Projects”, then choose “DeKalb County”. Scroll down to the correct “Project Title” and click on “Join Meeting” under the correct meeting date. To join by phone, please dial (646) 558-8656 and enter the Meeting ID and Passcode provided on the website.

We encourage you to come out and participate!

*****Please Note: This meeting is hosted solely by Battle Law, P.C.*****

For More Information Contact
Brittney Butler at:
Phone: 404-601-7616 ext. 7
Fax: 404-745-0045
Email: btb@battlelawpc.com

REZONING TO ALLOW FOR THE DEVELOPMENT OF A TOW SERVICE YARD

You are invited to a Zoom meeting.

Project Title: 7276 Union Grove Road

When: Tuesday, April 26, 2022

Time: 6:00 PM Eastern (US and Canada)

Register in advance for this meeting:

<https://www.battlelawpc.com>



PROPOSED LOCATION(S):

**7276 Union Grove Road
Lithonia, GA 30058
Parcel Number 16 167 02 012**



Battle Law

3562 Habersham at Northlake, Bldg. J, Ste 100
Tucker, Georgia 30084

PLEASE
PLACE
STAMP
HERE

«Name»

«Address»

«City», «State» «Zip»

Community Meeting Mailing List

| | | |
|------------------------------------|----------------------------|-------------------------|
| S NELSON FAMILY LLC | 417 RICH DAVIS RD | HIRAM GA 30141 |
| WILSON EUSTACE A | 2131 TWIN FALLS RD | DECATUR GA 30032 |
| MH LITHONIA HOLDINGS LLC | 3717 ROSWELL RD # 100 | ATLANTA GA 30342 |
| GRAHAM CLIVE A | 7314 UNION GROVE RD | LITHONIA GA 30058 |
| EAST LITHONIA BAPTIST | PO BOX 1742 | LITHONIA GA 30058 |
| SD REAL ESTATE HOLDINGS LLC | 445 HEARDS FERRY RD NW | ATLANTA GA 30328 |
| HAMMOCK MORRIS L | UNION GROVE RD | LITHONIA GA 30058 |
| PALMER LINZIE | 515 WYNBROOKE PKWY | STONE MOUNTAIN GA 30087 |
| HENRY VALLERY L | 7334 UNION GROVE RD | LITHONIA GA 30058 |
| JONES WILLIAM A | 2250 ROCK CHAPEL RD | LITHONIA GA 30058 |
| RACETRAC PETROLEUM INC | P.O. BOX 2437 | SMYRNA GA 30081 |
| ROBERTS ANTHONY EUGENE | 7257 UNION GROVE RD | LITHONIA GA 30058 |
| RASMUSSEN LLOYD | 2313 ROCK CHAPEL RD | LITHONIA GA 30058 |
| SALVATIERRA JOSE ANTONIO | 4369 CASTLE GATE DR | SNELLVILLE GA 30039 |
| CUMMINGS MARJORIE | 7310 UNION GROVE RD | LITHONIA GA 30058 |
| WITHERS GERALD T | 2222 ROCK CHAPEL RD | LITHONIA GA 30058 |
| DEKALB COUNTY | 1300 COMMERCE DR | DECATUR GA 30030 |
| LITHONIA BAPTIST CHURCH | PO BOX 1742 | LITHONIA GA 30058 |
| ANTIOCH-LITHONIA MISSIONARY | 2152 ROCK CHAPEL RD | LITHONIA GA 30058 |
| FLORES SILVA PABLO | 6005 ROCKBRIDGE RD | STONE MOUNTAIN GA 30087 |
| INTEGRATED SERVICE SOLUTIONS LLC | P O BOX 9211 | MARIETTA GA 30065 |
| PITTMON HANNAH | 7290 UNION GROVE RD | LITHONIA GA 30058 |
| GRIFFIN MAJOR R | 7281 UNION GROVE RD | LITHONIA GA 30058 |
| MOORE CARL R JR | 7327 UNION GROVE RD | LITHONIA GA 30058 |
| HAYGOOD ELEANOR NOREEN | 2346 ROCK CHAPEL RD | LITHONIA GA 30058 |
| SALVATIERRA JOSE A | 2287 ROCK CHAPEL RD | LITHONIA GA 30058 |
| MH LITHONIA HOLDINGS LLC | 3717 ROSWELL RD STE 100 | ATLANTA GA 30345 |
| MABRY SANDRA | 7320 UNION GROVE RD | LITHONIA GA 30058 |
| NATARI PROPERTIES LLC | 2222 JACKSONVILLE RD | LITHONIA GA 30058 |
| BURT EULA MAE | 7303 UNION GROVE RD | LITHONIA GA 30058 |
| SAPA REALTY LLC | 453 JEFFERSON CHASE CIR SE | ATLANTA GA 30354 |
| PARKER BYRON | 7382 UNION GROVE RD | LITHONIA GA 30058 |
| WILSON JAMES A | 6005 ROCKBRIDGE RD | STONE MOUNTAIN GA 30089 |
| WITHERS J S JR HIS ESTATE PERSONAL | 2222 ROCK CHAPEL RD | LITHONIA GA 30058 |
| CLEVELAND MICKEAL L | 7266 UNION GROVE RD | LITHONIA GA 30058 |
| BERRONES IDALIA | 7304 UNION GROVE RD | LITHONIA GA 30058 |
| DEVINE ANTONIO D | 7267 UNION GROVE RD | LITHONIA GA 30058 |
| RICKETTS ARTIS | PO BOX 776 | LITHONIA GA 30058 |
| TDC LEASING INC | 5790 KENT ROCK RD | LOGANVILLE GA 30052 |
| PEAVY HERBERT A | 1003 BETHEL RD | CONYERS GA 30012 |
| MARITAL DEDUCTION TRUST TRUST B | 201 ALLEN RD # 300 | ATLANTA GA 30328 |
| LOWE CHARLES L | 7276 UNION GROVE RD | LITHONIA GA 30058 |
| GEORGIA TRANSMISSION CORPORATI | 2100 EXCHANGE PLAZA | TUCKER GA 30084 |
| MOLINA EDITH GUTIERREZ | 7419 UNION GROVE RD | LITHONIA GA 30058 |
| DOZIER DEVELOPMENT CO LLC | PO BOX 921879 | NORCROSS GA 30010 |
| BOAL BOBBY SNOW | 2148 STARFIRE DR NE | ATLANTA GA 30345 |
| SHEKINAH RESOURCE FOUNDATION II | 2460 BEROOTH RD | PFAFFTOWN NC 27040 |
| WHOLESALE PROPERTY CO LLC | 3110 KETTERING BLVD | DAYTON OH 45439 |
| CLACK DOUG | 5790 KENT ROCK RD | LOGANVILLE GA 30052 |
| CARTER JIMMY A | 7362 UNION GROVE RD | LITHONIA GA 30058 |
| HOLLIDAY RAE H | 1490 TURNER RD | CONCORD GA 30206 |

Community Meeting Sign-In Sheet 4/26/2022

| First Name | Last Name | Email | Registration Time | Approval Status |
|-------------------|-----------|---------------------------------|-------------------|-----------------|
| Dennis | Allen | dennisallen05@comcast.net | 4/6/2022 13:07 | approved |
| Gina | Mangham | manghamlaw@att.net | 4/6/2022 18:40 | approved |
| Jan | Costello | janrcostello@gmail.com | 4/7/2022 9:37 | approved |
| LaTasha | Devine | devinela92@gmail.com | 4/15/2022 18:42 | approved |
| Teresa | Wiegmann | gailwiegmannlowe@yahoo.com | 4/20/2022 19:44 | approved |
| Chris | Lowe | Lowe.chris1956@gmail.com | 4/25/2022 18:03 | approved |
| Michael | Cleveland | Mikecleve114@gmail.com | 4/25/2022 20:58 | approved |
| Rosetta | Dillard | rdillard@atlantalandgroup.com | 4/26/2022 16:18 | approved |
| Michael Cleveland | | mikelcleve114@gmail.com | 4/26/2022 17:27 | approved |
| Robert Armstrong | | rarmstrong@atlantalandgroup.com | 4/26/2022 17:41 | approved |
| Anthony | Henry | akhenry@bellsouth.net | 4/26/2022 17:49 | approved |
| AINSLEY | ELLIOTT | elliottainsley@gmail.com | 4/26/2022 18:03 | approved |

DEPARTMENT OF PLANNING & SUSTAINABILITY

IMPACT ANALYSIS

(Please respond to the following standards and factors on a separate sheet.)

Section 27-7.3.5. The following standards and factors are found to be relevant to the exercise of the county's zoning powers and shall govern the review of all proposed amendments to the Official Zoning Map:

- A. Whether the zoning proposal is in conformity with the policy and intent of the Comprehensive Plan.
- B. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties.
- C. Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned.
- D. Whether the zoning proposal will adversely affect the existing use of usability of adjacent or nearby properties.
- E. 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.
- F. Whether the zoning proposal will adversely affect historic building, sites, districts, or archaeological resources.
- G. 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.
- H. Whether the zoning proposal adversely impacts the environment or surrounding natural resources.

DEPARTMENT OF PLANNING & SUSTAINABILITY

AUTHORIZATION

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

Date: 4-25-22

TO WHOM IT MAY CONCERN:

(I) (WE) _____ Christopher Alan Lowe
Name of owner(s)

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

_____ Ainsley Elliot c/o Battle Law, P.C.
Name of Agent or Representative

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

Christopher Alan Lowe

[Signature]
Notary Public



[Signature] 4-25-22
Owner

Notary Public

Owner

Notary Public

Owner

Notary Public

Owner

DEPARTMENT OF PLANNING & SUSTAINABILITY

DISCLOSURE OF CAMPAIGN CONTRIBUTION

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

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

Yes _____ No *

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

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

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

Ainsley Elliot



Notary



Signature of Applicant /Date

Check one: Owner Agent _____



3.25-23

Expiration Date/ Seal

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

DEPARTMENT OF PLANNING & SUSTAINABILITY

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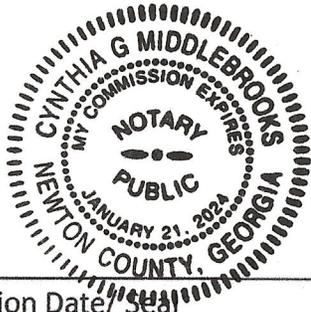
Yes _____ No *

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Notary



Expiration Date/Seal

 4-11-22
Signature of Applicant /Date

Check one: Owner Agent _____

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

DEPARTMENT OF PLANNING & SUSTAINABILITY

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Yes No *

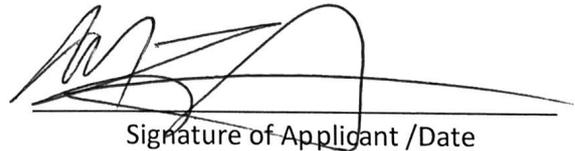
If the answer is yes, you must file a disclosure report with the governing authority of DeKalb County showing:

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

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


Notary




Signature of Applicant /Date

Check one: Owner _____ Agent

08/18/25
Expiration Date/ Seal

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

Campaign Contribution Disclosure Statements
Last Updated 2/24/2021

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 Michèle L Battle or 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 |
|-----------------------------------|------------------------------|-----------------------------------|
| Ted Terry | Commissioner | \$500 |
| Mereda Davis Johnson | Commissioner | \$250 |
| | | |
| | | |
| | | |
| | | |
| | | |

By: 
Printed Name: Michele L. Battle

PARCEL 16-166-01-002
ANTIOCH LITHONIA MISSIONARY BAPTIST CHURCH
DB. 14270, PG. 695

PARCEL 16-187-01-001
WILLIAM R. VARGO
DB. 15272, PG. 780

RESERVED FOR CLERK OF COURT

PARCEL 16-167-02-???
GEORGIA TRANSMISSION CORPORATION
DB. 27200, PG. 243

PARCEL 16-167-02-001
JENNIFER LYNN RUSSELL, ETAL
DB. 27200, PG. 243

PARCEL 16-167-02-013
WILLIAM A. JONES
BETTY A. TINSLEY

16.00 ACRES

PARCEL 16-167-02-012
CHARLES L. & SYBIL J. LOWE
DB. 16084, PG. 63
DB. 27316, PG. 89 SSEM BLANKET EASEMENT

PARCEL 16-186-03-011
JIMMY & BRENDA CARTER
DB. 10267, PG. 22

PARCEL 16-167-02-002
INTEGRATED SERVICE SOLUTIONS LLC
DB. 27200, PG. 243

PARCEL 16-167-02-010
ANTHONY & VALLERY HENRY
DB. 20168, PG. 452

PARCEL 16-167-02-022
RACETRAC PETROLEUM INC
DB. 15721, PG. 251

PARCEL 16-167-2-6
MICHAEL L. CLEVELAND
DB. 6575, PG. 446

PARCEL 16-167-02-007
MARY JUNE ROGERS
DB. 23552, PG. 691

PARCEL 16-167-02-008
IDALIA & JOSE BERRONES
DB. 9333, PG. 394

PARCEL 16-167-02-020
CLIVE A. GRAHAM
DB. 15788, PG. 733

PARCEL 16-167-02-009
EMOSTAH LLC
DB. 26700, PG. 47

GRID COORDINATES:
N=1354495.70
E=2319559.13
1-1/2" OTP
IPF

UNION GROVE ROAD - 70'R/W

N 89°22'53"W
111.51'

LEGEND

- BWF BARB WIRE FENCE
- CLF CHAIN LINK FENCE
- ⊕ FIRE HYDRANT
- IPF IRON PIN FOUND
- IPS IRON PIN SET
- OTF OPEN TOP PIPE
- P— OVERHEAD POWER LINE
- POB POINT OF BEGINNING
- POC POINT OF COMMENCEMENT
- ⊙ POWER POLE
- P PORCH
- ⊕ WATER VALVE
- ⊕ WATER METER
- W— WATER LINE
- ⊕ ELECTRIC METER
- ⊕ GAS METER

THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 253,310 FEET AND AN ANGULAR ERROR OF 1" PER ANGLE POINT AND WAS ADJUSTED BY THE COMPASS RULE. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 2,137,786 FEET. EQUIPMENT USED: TRIMBLE S3 FOR ANGLES AND DISTANCES. CHAMPION TKO FOR GPS.

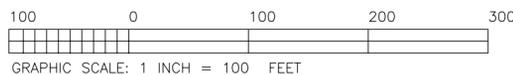
THIS PROPERTY IS NOT LOCATED IN A FLOOD HAZARD AREA PER PEMA FIRM MAP NO. 13089C0177K DATED 12-8-2016.

SURVEY PREPARED WITHOUT BENEFIT OF TITLE EXAMINATION. EASEMENTS MAY EXIST WHICH ARE NOT SHOWN.

OWNER:
CHARLES L. LOWE
SYBIL J. LOWE

RETRACEMENT SURVEY FOR:
CHARLES L. LOWE
SYBIL J. LOWE
PARCEL 16-167-02-012
LAND LOT 167 - 16TH DISTRICT
DEKALB COUNTY, GEORGIA

DATE OF FIELD WORK: 12-27&28-2018
DATE OF PLAT PREPARATION: 1-7-2019

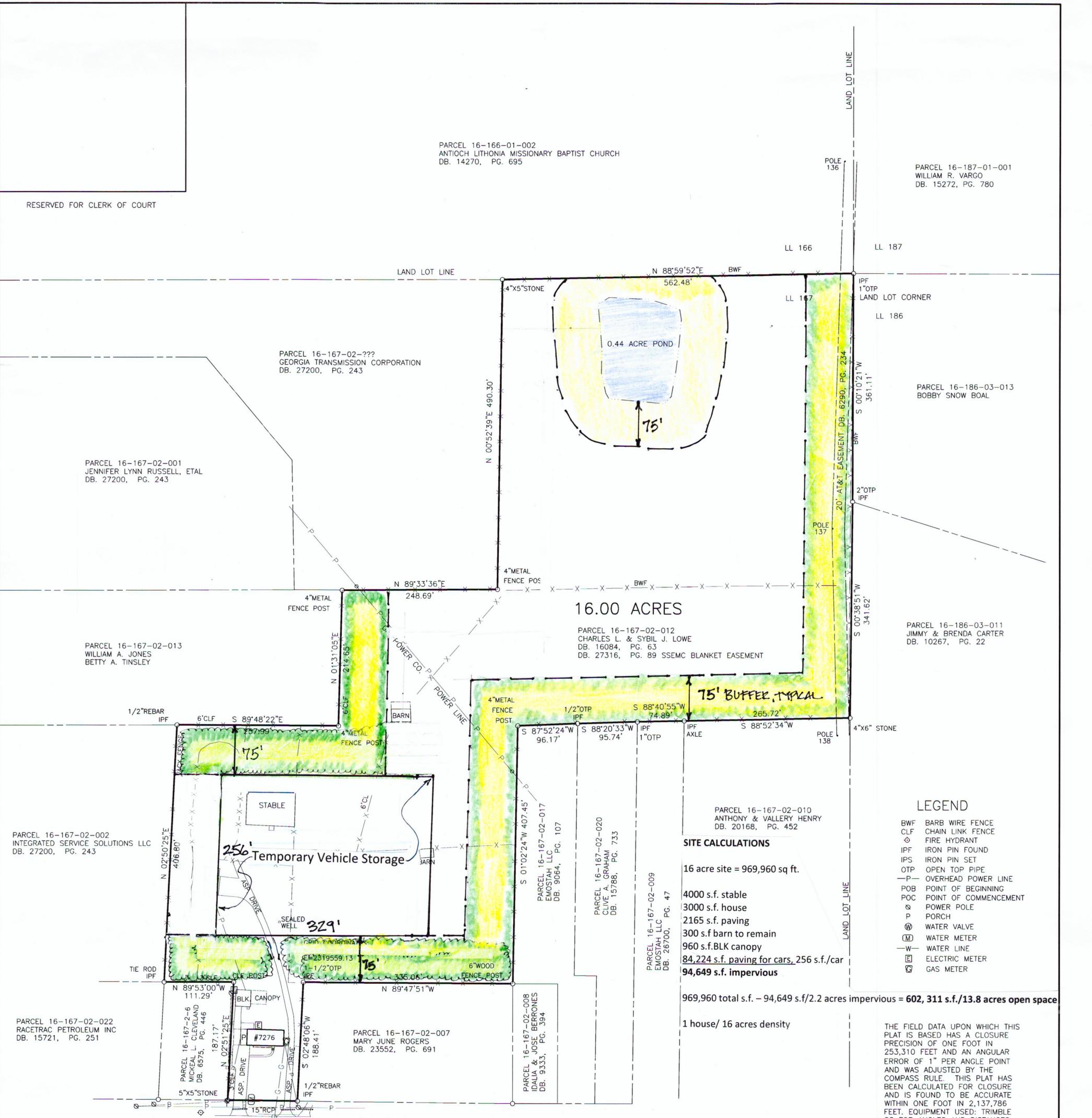


PREPARED BY:
CHARLES O. WIGGINS, RLS
FOR THE FIRM: WIGGINS LAND SURVEYING, LLC
CERTIFICATE OF AUTHORIZATION NO. LSF 1213
1781 HONEY CREEK ROAD SW
CONYERS, GA. 30094 PH. 404-427-8279

SURVEYORS CERTIFICATION

This plat is a retracement of an existing parcel or parcels of land and does not subdivide or create a new parcel. The recording information of the documents, maps, plats, or other instruments which created the parcel or parcels are stated herein. RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, NOR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. Furthermore, the undersigned land surveyor certifies that this plat complies with the minimum technical standards for property surveys in Georgia as set forth in the rules and regulations of the Georgia Board of Registration for Professional Engineers and Land Surveyors and as set forth in O.C.G.A. Section 15-6-67.

CHARLES O. WIGGINS, RLS # 2293 DATE



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DB. 14270, PG. 695

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PARCEL 16-167-02-020
CLIVE A. GRAHAM
DB. 15786, PG. 733

PARCEL 16-167-02-009
EMOSTAH LLC
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SITE CALCULATIONS

- 16 acre site = 969,960 sq ft.
- 4000 s.f. stable
- 3000 s.f. house
- 2165 s.f. paving
- 300 s.f. barn to remain
- 960 s.f. BLK canopy
- 84,224 s.f. paving for cars, 256 s.f./car
- 94,649 s.f. impervious

969,960 total s.f. - 94,649 s.f./2.2 acres impervious = 602, 311 s.f./13.8 acres open space

1 house/ 16 acres density

LEGEND

- BWF BARB WIRE FENCE
- CLF CHAIN LINK FENCE
- ⊕ FIRE HYDRANT
- IPF IRON PIN FOUND
- IPS IRON PIN SET
- OTF OPEN TOP PIPE
- P- OVERHEAD POWER LINE
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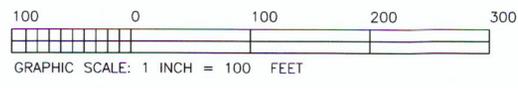
SURVEY PREPARED WITHOUT BENEFIT OF TITLE EXAMINATION. EASEMENTS MAY EXIST WHICH ARE NOT SHOWN.

Proposed Layout for 7276 Union Grove Road

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CHARLES L. LOWE
SYBIL J. LOWE

RETRACEMENT SURVEY FOR:
CHARLES L. LOWE
SYBIL J. LOWE
PARCEL 16-167-02-012
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PREPARED BY:
CHARLES O. WIGGINS, RLS
FOR THE FIRM: WIGGINS LAND SURVEYING, LLC
CERTIFICATE OF AUTHORIZATION NO. LSF 1213
1781 HONEY CREEK ROAD SW
CONYERS, GA. 30094 PH. 404-427-8279

CHARLES O. WIGGINS, RLS # 2293 DATE

L E G A L D E S C R I P T I O N

7276 Union Grove Road

ALL THAT TRACT or parcel of land lying and being in Land Lot 167 of the 16th District, DeKalb County, Georgia and being more particularly described as follows:

BEGINNING at a 1" OPEN TOP PIPE at the Land Lot Corner common to Land Lots 166, 167, 186 & 187.

THENCE South 00 degrees 10 minutes 21 seconds West for a distance of 361.11 feet to a 2" OPEN TOP PIPE;

THENCE South 00 degrees 38 minutes 51 seconds West for a distance of 341.62 feet to a 4" X 6" STONE;

THENCE South 88 degrees 52 minutes 34 seconds West for a distance of 265.72 feet to an AXLE;

THENCE South 88 degrees 40 minutes 55 seconds West for a distance of 74.89 feet to a 1" OPEN TOP PIPE;

THENCE South 88 degrees 20 minutes 33 seconds West for a distance of 95.74 feet to a 1/2" OPEN TOP PIPE;

THENCE South 87 degrees 52 minutes 24 seconds West for a distance of 96.17 feet to a 4" METAL FENCE POST;

THENCE South 01 degrees 02 minutes 24 seconds West for a distance of 407.45 feet to a 6" WOOD FENCE POST;

THENCE North 89 degrees 47 minutes 51 seconds West for a distance of 335.06 feet to a 1-1/2" OPEN TOP PIPE;

THENCE South 02 degrees 48 minutes 06 seconds West for a distance of 188.41 feet to a 1/2" REBAR;

THENCE North 89 degrees 22 minutes 53 seconds West for a distance of 111.51 feet to a 5" X 5" STONE;

THENCE North 02 degrees 51 minutes 25 seconds East for a distance of 187.17 feet to a CHAIN LINK FENCE POST;

THENCE North 89 degrees 53 minutes 00 seconds West for a distance of 111.29 feet to a TIE ROD;

THENCE North 02 degrees 50 minutes 25 seconds East for a distance of 406.80 feet to a 1/2"REBAR;

THENCE South 89 degrees 48 minutes 22 seconds East for a distance of 257.99 feet to a 4" METAL FENCE POST;

THENCE North 01 degrees 31 minutes 05 seconds East for a distance of 214.65 feet to a 4" METAL FENCE POST;

THENCE North 89 degrees 33 minutes 36 seconds East for a distance of 248.69 feet to a 4" METAL FENCE POST;

THENCE North 00 degrees 52 minutes 39 seconds East for a distance of 490.30 feet to a 4" X 5" STONE;

THENCE North 88 degrees 59 minutes 52 seconds East for a distance of 562.48 feet to a 1" OPEN TOP PIPE and the POINT OF BEGINNING.

Said property contains 16.00 acres

Building Form Information

The existing structure at 7276 Union Grove Road will be remodeled by replacing part of the roof and painting the exterior. The materials will match those currently used on the existing house. The interior will be remodeled with what is needed to make the home usable for an office-space.

STATEMENT OF INTENT

and

Other Material Required by
The DeKalb County Zoning Ordinance
For
A Rezoning to Allow
Temporary Vehicle Storage and Towing
of

Ainsley Elliott

for

+/-16.04 Acres of Land
Being in Commission Districts 5 and 7 of
DeKalb County, Georgia and
Being Parcel No. 16 167 02 012

I. LETTER OF INTENT

Ainsley Elliott (the “Applicant”) is seeking to develop on +/- 16.04 acres of land being Tax Parcel No. 16 167 02 012 having frontage on Union Grove Road (the “Subject Property”) with a temporary vehicle storage lot and towing service. The Applicant is seeking a Rezoning to allow this use.

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

II. DECISION CRITERIA

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

The zoning proposal is in conformity with the policy and intent of the Comprehensive Plan. The Subject Property has a land use designation of Light Industrial. The Subject Property is currently zoned R-85, which does not comply with the land use designation. The zoning proposal seeks to rezone the Subject Property from R-85 to M, which would bring the zoning into conformity with the Comprehensive Plan. Therefore, the zoning proposal is in conformity with the policy and intent of the Comprehensive Plan.

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

The zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties. The Applicant has taken pains to ensure that this use will be shielded from view and kept as far away as possible from the surrounding uses. The zoning proposal allows for a seventy-five (75) foot vegetative buffer and privacy fence that will completely hide the proposed towing and temporary vehicle storage business from view – both from the street and from the abutting residential uses. The zoning proposal only proposes using a small portion of the sixteen (16) acres that is available to cordon the use to the Southwest portion of the Subject Property. This restriction will keep the use far away from the residential uses, and push the use closer to the existing commercial uses. Therefore, the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties.

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

While, the Subject Property to be affected by the zoning proposal has a reasonable economic use as currently zoned, it does not comply with the Comprehensive Plan. The Comprehensive Plan shows that the County has the Subject Property slated for Light Industrial uses. The zoning of the Subject Property does not match this plan. So, while the Subject Property could

– in theory – be developed as residential, this would not be in keeping with the Comprehensive Plan.

d. 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 Applicant has taken pains to cordon the proposed use to the Southwest portion of the Subject Property, leaving the large majority of the Subject Property untouched. Additionally, the zoning proposal does not seek relief from the required seventy-five (75) foot buffer. That buffer will remain and allow for a dense, vegetative screen between the Subject Property and the abutting residential uses.

Additionally, this zoning proposal will not result in any offensive noises or odors that might adversely affect the surrounding properties. The towing service uses tow trucks that are not any louder than a typical passenger vehicle. Furthermore, the vehicles kept on the property will only be kept on a very short-term basis. The vehicles will not have enough time to sit on the Subject Property to cause any type of environmental harm. The vehicles will be towed to the Subject Property and removed within a matter of a few days. The vehicles this business tow are not junk vehicles either. The vehicles are new vehicles or slightly used vehicles that are being transported and kept temporarily in the meantime.

Therefore, the zoning proposal will not adversely affect the existing use or usability of adjacent or nearby properties.

e. 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 any 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.

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

The zoning proposal will not adversely affect historic buildings, sites, districts, or archaeological resources. The Subject Property is not located in any historic overlay district and has been agricultural in nature for quite some time. Therefore, the zoning proposal will not adversely affect historic buildings, sites, districts, or archaeological resources.

g. 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 not result in a use which will or could cause excessive or burdensome use of existing streets, transportation facilities, utilities, or schools. The zoning

proposal will not increase the use of schools or utilities in any way. The existing home on the property will be used as an office for the business. No additional burden will be placed on the sewer or water systems. Furthermore, the business operates no more than ten (10) tow trucks at any given time. Thus, the most impact this business could have on the existing streets are ten (10) additional cars on the street. Additionally, the business will not need to send trucks down the majority of Union Grove Road. The trucks will come from Highway 124 and enter into the Subject Property as soon as it can. This will keep the trucks from traveling down Union Grove Road. Therefore, the zoning proposal will not result in a use which will or could cause excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.

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

The zoning proposal does not adversely impact the environment or surrounding natural resources. The nature of the business moves vehicles onto and off of the Subject Property in a matter of days. Thus, there is not enough time for the vehicles to cause any environmental damage to the Subject Property nor the surrounding resources. Additionally, the zoning proposal avoid entirely placing any type of development near the onsite pond. Under no circumstance should the proposed use affect the pond. Therefore, the zoning proposal does not adversely impact the environment or surrounding natural resources.

III. CONCLUSION

For the foregoing reasons, the Applicant hereby requests that the application for a Rezoning be approved. The Applicant welcomes any questions and feedback from the planning staff.

IV. NOTICE OF CONSTITUTIONAL ALLEGATIONS AND PRESERVATION OF CONTITUTIONAL 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 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 Fulton 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.

PARCEL 16-166-01-002
ANTIOCH LITHONIA MISSIONARY BAPTIST CHURCH
DB. 14270, PG. 695

PARCEL 16-187-01-001
WILLIAM R. VARGO
DB. 15272, PG. 780

RESERVED FOR CLERK OF COURT

LL 166

LL 187

LAND LOT LINE

PARCEL 16-167-02-???
GEORGIA TRANSMISSION CORPORATION
DB. 27200, PG. 243

PARCEL 16-186-03-013
BOBBY SNOW BOAL

PARCEL 16-167-02-001
JENNIFER LYNN RUSSELL, ETAL
DB. 27200, PG. 243

PARCEL 16-167-02-013
WILLIAM A. JONES
BETTY A. TINSLEY

16.00 ACRES

PARCEL 16-167-02-012
CHARLES L. & SYBIL J. LOWE
DB. 16084, PG. 63
DB. 27316, PG. 89 SSEMCK BLANKET EASEMENT

PARCEL 16-186-03-011
JIMMY & BRENDA CARTER
DB. 10267, PG. 22

PARCEL 16-167-02-002
INTEGRATED SERVICE SOLUTIONS LLC
DB. 27200, PG. 243

PARCEL 16-167-02-022
RACETRAC PETROLEUM INC
DB. 15721, PG. 251

PARCEL 16-167-02-007
MARY JUNE ROGERS
DB. 23552, PG. 691

PARCEL 16-167-02-008
IDALIA & JOSE BERRONES
DB. 9333, PG. 394

PARCEL 16-167-02-017
EMOSTAH LLC
DB. 9064, PG. 107

PARCEL 16-167-02-020
CLIVE A. GRAHAM
DB. 15786, PG. 733

PARCEL 16-167-02-009
EMOSTAH LLC
DB. 26700, PG. 47

PARCEL 16-167-02-010
ANTHONY & VALLERY HENRY
DB. 20168, PG. 452

SITE CALCULATIONS

16 acre site = 969,960 sq ft.

- 4000 s.f. stable
- 3000 s.f. house
- 2165 s.f. paving
- 300 s.f. barn to remain
- 960 s.f. BLK canopy
- 84,224 s.f. paving for cars, 256 s.f./car
- 94,649 s.f. impervious

969,960 total s.f. - 94,649 s.f./2.2 acres impervious = 602, 311 s.f./13.8 acres open space

1 house/ 16 acres density

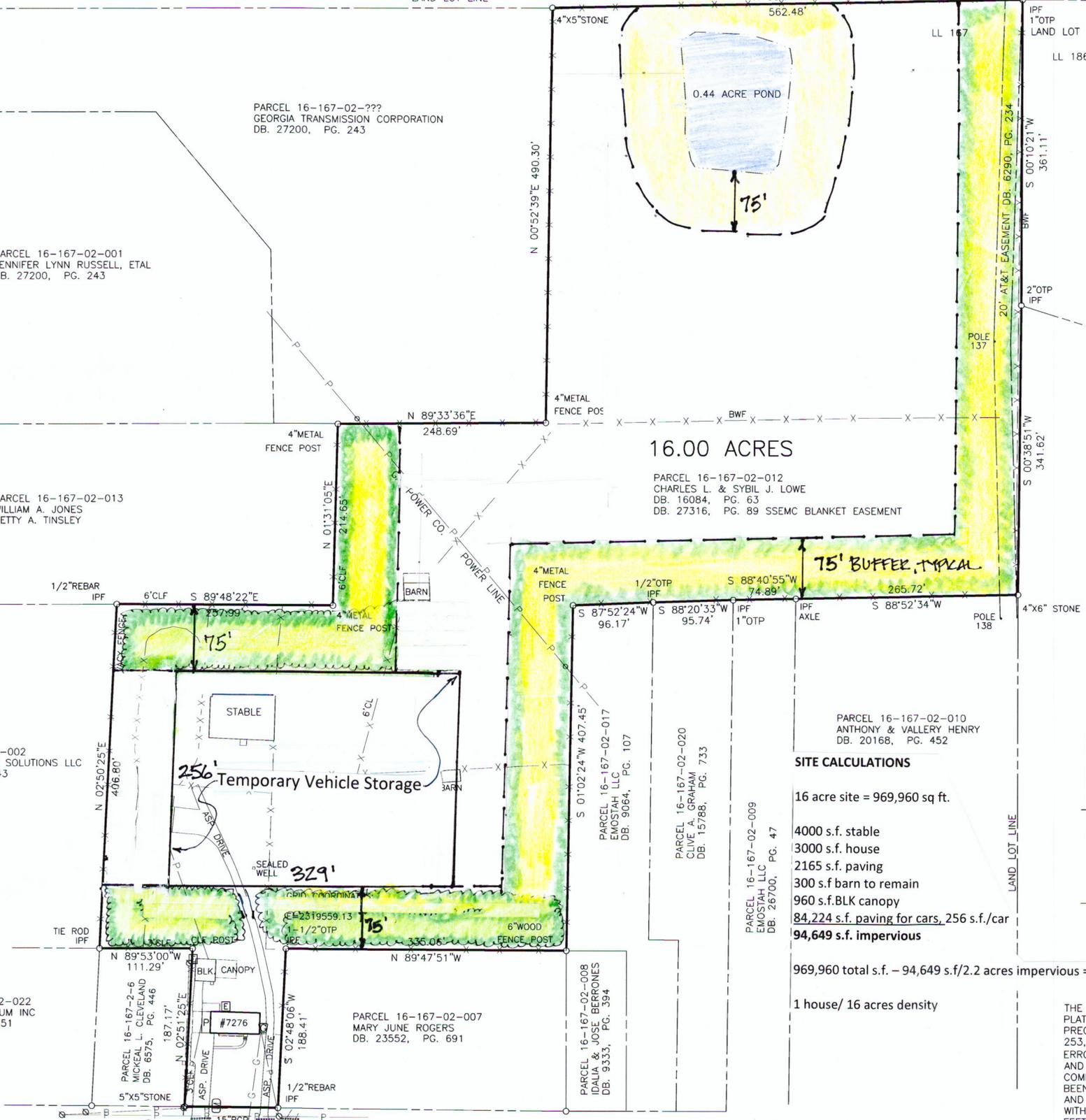
LEGEND

- BWF BARB WIRE FENCE
- CLF CHAIN LINK FENCE
- ⊕ FIRE HYDRANT
- IPF IRON PIN FOUND
- IPS IRON PIN SET
- OTF OPEN TOP PIPE
- P- OVERHEAD POWER LINE
- POB POINT OF BEGINNING
- POC POINT OF COMMENCEMENT
- ⊙ POWER POLE
- P PORCH
- ⊕ WATER VALVE
- ⊕ WATER METER
- W- WATER LINE
- ⊕ ELECTRIC METER
- ⊕ GAS METER

THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 253,310 FEET AND AN ANGULAR ERROR OF 1" PER ANGLE POINT AND WAS ADJUSTED BY THE COMPASS RULE. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 2,137,786 FEET. EQUIPMENT USED: TRIMBLE S3 FOR ANGLES AND DISTANCES. CHAMPION TKO FOR GPS.

THIS PROPERTY IS NOT LOCATED IN A FLOOD HAZARD AREA PER PEMA FIRM MAP NO. 13089C0177K DATED 12-8-2016.

SURVEY PREPARED WITHOUT BENEFIT OF TITLE EXAMINATION. EASEMENTS MAY EXIST WHICH ARE NOT SHOWN.



UNION GROVE ROAD - 70'R/W

N 89°22'53"W
111.51'

**Proposed Layout
for**

7276 Union Grove Road

OWNER:
CHARLES L. LOWE
SYBIL J. LOWE

RETRACEMENT SURVEY FOR:
**CHARLES L. LOWE
SYBIL J. LOWE**
PARCEL 16-167-02-012
LAND LOT 167 - 16TH DISTRICT
DEKALB COUNTY, GEORGIA

DATE OF FIELD WORK: 12-27&28-2018
DATE OF PLAT PREPARATION: 1-7-2019

100 0 100 200 300

GRAPHIC SCALE: 1 INCH = 100 FEET

G.A. WEST ZONE
GRID NORTH



SURVEYORS CERTIFICATION

This plat is a retracement of an existing parcel or parcels of land and does not subdivide or create a new parcel. The recording information of the documents, maps, plats, or other instruments which created the parcel or parcels are stated hereon. RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, NOR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. Furthermore, the undersigned land surveyor certifies that this plat complies with the minimum technical standards for property surveys in Georgia as set forth in the rules and regulations of the Georgia Board of Registration for Professional Engineers and Land Surveyors and as set forth in O.C.G.A. Section 15-6-67.



PREPARED BY:
CHARLES O. WIGGINS, RLS
FOR THE FIRM: WIGGINS LAND SURVEYING, LLC
CERTIFICATE OF AUTHORIZATION NO. LSF 1213
1781 HONEY CREEK ROAD SW
CONYERS, GA. 30094 PH. 404-427-8279

CHARLES O. WIGGINS, RLS # 2293 DATE



FOR
16+/-
Joy E.
Realtor
770-712-
Callie Love



7276





Z-22-1245772 Aerial

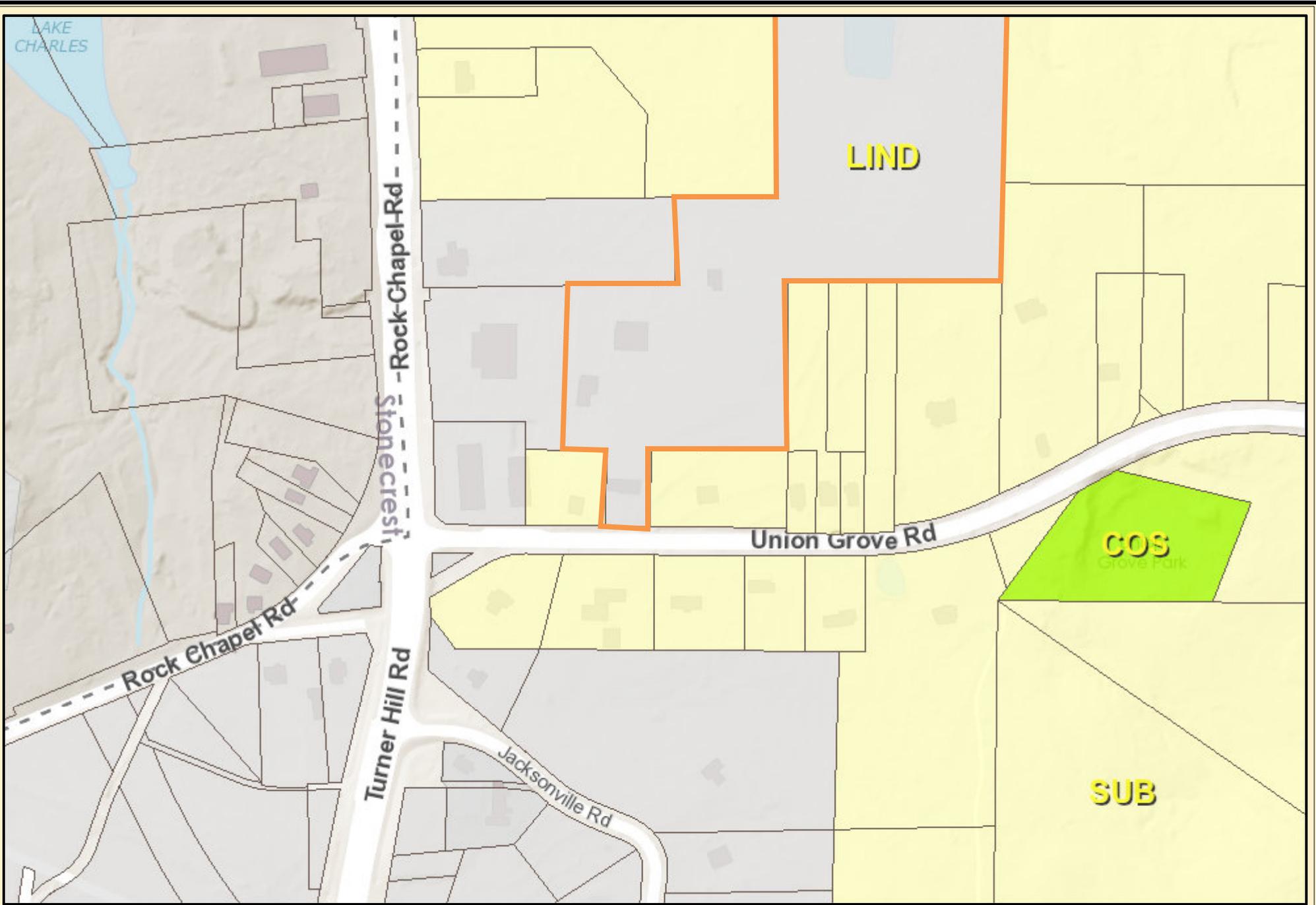


Date Printed: 6/2/2022



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Z-22-1245772 FLU

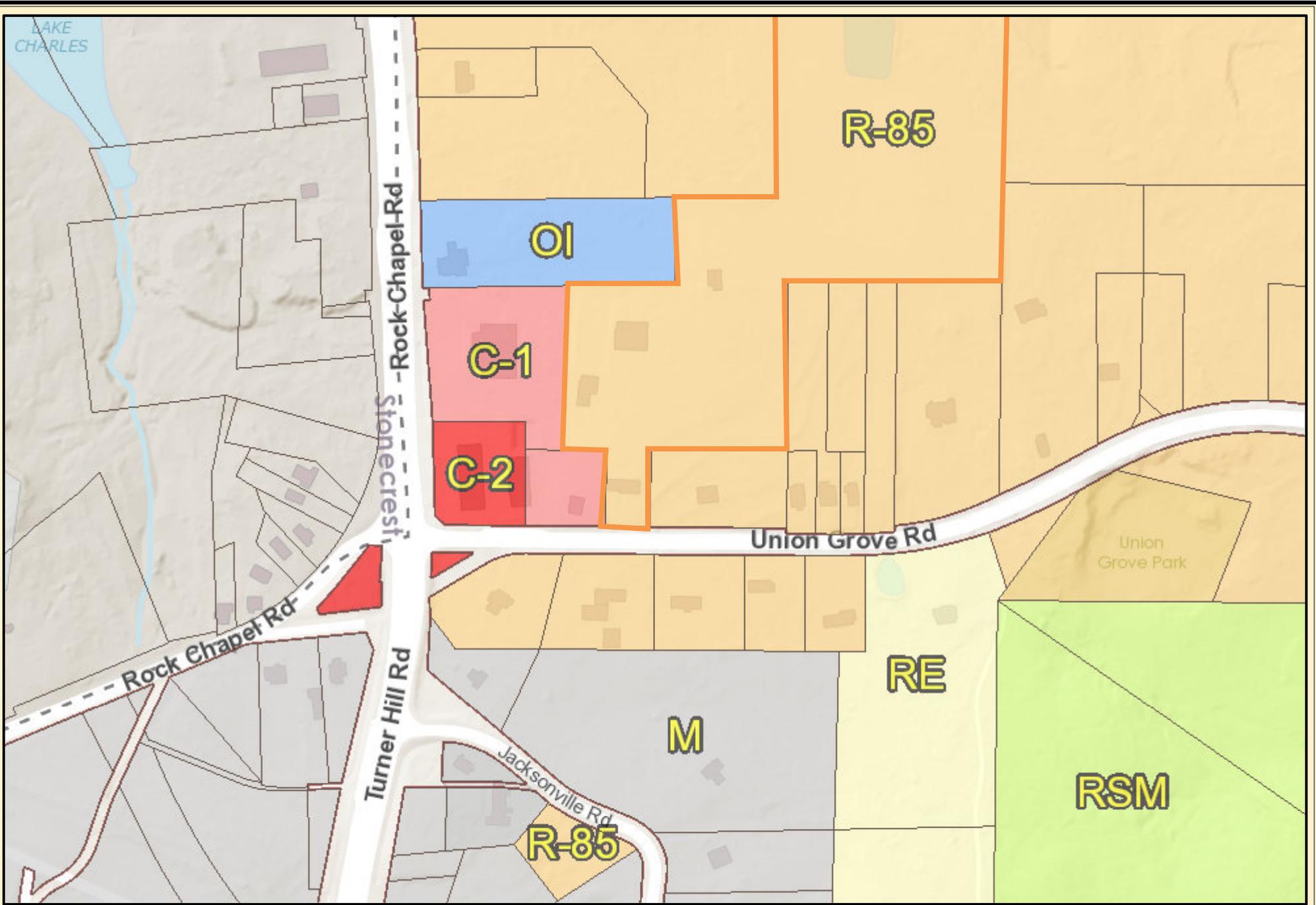


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Z-22-1245772 Zoning



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