



DeKalb County Department of Planning & Sustainability
330 Ponce De Leon Avenue, Suite 500 Decatur, GA
30030

(404) 371-2155 / plandev@dekalbcountyga.gov

Michael Thurmond Chief Executive
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Planning Commission Hearing Date: January 4, 2022
Board of Commissioners Hearing Date: January 27, 2022

Case No.: SLUP-22-1245307 **Agenda #:** N.1

Location/Address: 2038 Mallard Way **Commission District:** 05 **Super District:** 07

Parcel ID: 16-059-01-227

Request: A Special Land Use Permit (SLUP) for a proposed Personal Care Home with a capacity of four to six clients.

Property Owner/Agent: R.O.I Empire 2870 Peachtree #290
Atlanta, GA 30305

Applicant/Agent: Luxury Living 2038 Mallard Way
Experience PCH Lithonia, GA 30058

Acreage: .17 Acres

Existing Land Use: 2-story, single-family, detached residential.

Surrounding Properties: To the north: Vacant parcel zoned MR-1, south: Single-family detached residential, east: Single-family detached residential zoned RSM & MR-1, west: Single-family detached residential and the City of Stonecrest.

Adjacent Zoning: **North:** RSM **South:** RSM **East:** RSM **West:** RSM

Comprehensive Plan: Suburban Consistent

Proposed Density: N/A	Existing Density: N/A
Proposed Square Ft.: N/A	Existing Units/Square Feet: Single-family detached residential
Proposed Lot Coverage: N/A	Existing Lot Coverage: 38.4%



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Subject Property

The subject property is a 0.21-acre site located at the terminus of Mallard Way. This property contains a single-family, detached home. It is zoned Small Lot Residential Mix (RSM). The subject property is surrounded by existing single-family, residential homes also zoned RSM (Small Lot Residential Mix). The *DeKalb County 2035 Comprehensive Plan* designates the subject property's future land use as Suburban (SUB).

Zoning History

Based on DeKalb County records, it appears that the RSM (Small Lot Residential Mix) zoning of the property has not changed since the adoption of the first *Zoning Ordinance* and map in 1956. Additionally, the existing single-family home was built in 1988.

Per the County records, the subject property has had a history of personal care home licenses issued for similar use. In December 2004, a personal care home license was issued in the name of Diane's House Therapeutic for six clients. In December 2019, another license for a personal care home was issued to Diane's House Personal Care.

Project Analysis

Per the submitted Special Land Use Permit application, the applicant is requesting to establish a personal care home in an existing home with a capacity of no more than 4-6 clients.

Impact Analysis

- A. Adequacy of the size of the site for the use contemplated and whether or not adequate land area is available for the proposed use including provision of all required yards, open space, off-street parking, and all other applicable requirements of the zoning district in which the use is proposed to be located:**

The approximately 2,703 square foot single-family, detached residence developed on the 0.21-acre subject property appears to be of adequate size for the proposed use. The applicant does not propose any expansion to the footprint of the home.

- B. Compatibility of the proposed use with adjacent properties and land uses and with other properties and land use in the district:**

The proposed use of a personal care home for four to six clients is compatible with the adjacent properties and land uses within the district. The use will function as a residence, which is compatible with the surrounding use and zoning.

- C. Adequacy of public services, public facilities, and utilities to serve the proposed use:**

The proposed personal care home should not generate any more demand for public services than the other residences in the neighborhood.



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D. Adequacy of the public street on which the use is proposed to be located and whether or not there is sufficient traffic-carrying capacity for the use proposed so as not to unduly increase traffic and create congestion in the area:

Ingress/egress to/from the personal care home is via a residential driveway located on Mallard Way. The property is located within a cul-de-sac, providing additional room for exiting and entering the site. Mallard Way is classified as a local road and appears to have an adequate carrying capacity. Per Public Works, there was nothing found that would disrupt traffic flow.

E. Whether existing land uses located along access routes to the site will be adversely affected by the character of the vehicles or the volume of traffic generated by the proposed use:

There should not be any noticeable increase in traffic from the subject property. The applicant's proposal states that the only vehicles on-site will belong to the staff. The clients will not be driving.

F. Adequacy of ingress and egress to the subject property and to all proposed buildings, structures, and uses thereon, with particular reference to pedestrian and automotive safety and convenience, traffic flow and control, and access in the event of a fire or other emergencies:

The subject property has ingress and egress off of Mallard Way. The property is in a cul-de-sac, which provides additional room for access to the driveways. The existing home sits at a lower grade than the driveway with a downward driveway, which may pose a minor challenge for reversing onto Mallard Way. The neighborhood does not have any sidewalks or pedestrian markings.

G. Whether the proposed use will create adverse impacts upon any adjoining land use by reason of noise, smoke, odor, dust, or vibration generated by the proposed use:

An increase in the number of residential clients for the personal care home is not expected to create any adverse impacts upon the adjoining properties because of noise, smoke, odor, dust, or vibration; beyond the normally expected amount that's emitted by a single-family home or a personal care home.

H. Whether the proposed use will create adverse impacts upon any adjoining land use by reason of the hours of operation of the proposed use:

As defined, the clients will be residing at the personal care home on a 24-hour basis. The operation should not create any adverse impacts on the adjoining properties.



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I. Whether the proposed use will create adverse impacts upon any adjoining land use by reason of the manner of operation of the proposed use:

The addition of 2-3 residential clients is not expected to change the manner of operation such that would create adverse impacts upon any adjoining land use.

J. Whether the proposed use is otherwise consistent with the requirements of the zoning district classification in which the use is proposed to be located:

Per Sec. 4.1.3 (Use Table) of the *Zoning Ordinance*, personal care homes with four to six residents are permitted only with the approval of a special land use permit in the RSM Zoning District.

K. Whether the proposed use is consistent with the policies of the Comprehensive Plan:

Per the *Comprehensive Plan*, the future land use designation is SUB (Suburban). The intent of the Suburban Character area is single-family detached, townhomes, neighborhood retail, schools, libraries, institutional assisted living facilities, parks and related health care, and civic.

L. Whether or not the proposed plan provides for all buffers and transitional buffer zones where required by the regulations of the district in which the use is proposed to be located:

The proposal does not include a change in use that would require a new buffer.

M. Whether or not there is adequate provision of refuse and service areas:

Current refuse and service areas will not be affected by the new use and will continue to be adequate to support business operations.

N. Whether the length of time for which the special land use permit is granted should be limited in duration:

In consideration of unanticipated issues that may negatively impact adjacent properties, Staff recommends that if conditionally approved, the special land use permit be subject to renewal at 18 months after commencement to assess any adverse community impacts.

O. Whether or not the size, scale, and massing of proposed buildings are appropriate in relation to the size of the subject property and in relation to the size, scale, and massing of adjacent and nearby lots and buildings:

New construction is not associated with this request.

P. Whether the proposed plan would adversely affect historic building sites, districts, or archaeological resources:



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There are no known historic buildings, sites, districts, or archaeological resources in the immediate area that will be adversely affected by the proposed use.

Q. Whether the proposed use satisfies the requirements contained within the supplemental regulations for such special land use permit:

The home currently satisfies the supplemental regulations, and the applicant is aware of the need to obtain certain licenses and permits affiliated with the use of a personal care home.

R. Whether or not the proposed building, as a result of its proposed height, would create a negative shadow impact on any adjoining lot or building:

Because no changes are proposed to the height of the home, this consideration is not applicable.

S. Whether the proposed use would be consistent with the needs of the neighborhood or of the community as a whole, be compatible with the neighborhood, and would not conflict with the overall objectives of the comprehensive plan:

The addition of four to six resident clients to the proposed personal care home would be consistent with the needs of the neighborhood and of the community, would be compatible with the neighborhood, and would not conflict with the overall objectives of the comprehensive plan.



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Compliance with District Standards:

Elements	RSM	MR-1	MR-2	HR-1	HR-2 and HR-3
Overall Site Requirements (minimum, unless otherwise specified)					
Dwelling units per acre (maximum base density and maximum possible with bonuses)	4—8	8—12	12—24	24—40	HR-2: 40—60 HR-3: 60—120
Open space required (minimum %)*	20%	20%	15%	15%	15%
Transitional buffers (feet)	See article 5				



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Supplemental Regulations (Sec. 4.2.41)

A. Personal care homes, general requirements.

1. Each personal care home must obtain all license(s) and/or permit(s) required by the State of Georgia in order to operate. Each personal care home licensed and/or permitted by the State of Georgia must display its state-issued license(s) and/or permit(s) in plain view, visible from the front doorway of the facility.

Applicant notes that they are in the process of retrieving the proper permits and licenses to proceed.

2. No personal care home may display any exterior signage that violates the sign ordinance in Chapter 21 of the Code or the sign provisions in the zoning regulations for the underlying zoning district where the personal care home is located.

Applicant states that there will be no signs or identifying indicators of the proposed use that can be visibly seen from the right of way.

3. Personal care homes may apply for an FHA Accommodation Variance as provided for in Section 7.5.9 of this chapter [of the County Code, i.e, the "zoning ordinance"].

1. Two (2) copies of complete architectural plans for the subject group personal care home, signed or sealed by a registered architect, shall be submitted to the director of planning prior to issuance of a building permit or business license.

As is site plan was provided with the Special Land Use application.

2. Each group personal care home must provide at least four (4) parking spaces within a driveway, garage, or carport and must comply with any applicable requirements in Article 6 [Parking]. Four parking spaces are provided in the driveway, and there are no other applicable regulations in Article 6.

The property does not contain a garage, however, the property does contain a driveway suitable for parking of four vehicles

3. In order to prevent institutionalizing residential neighborhoods, no group personal care homes are located in the RE, R-LG, R-100, R-85, R-75, R-50, R-SM, or MR-1 zoning districts may be operated within one thousand (1,000) feet of any other group personal care home. The one-thousand-foot distance the requirement is measured by a straight line which is the shortest distance (i.e., "as the crow flies") between the property lines of the two (2) tracts of land on which the group personal care homes are located.



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STAFF RECOMMENDATION: Deferral.

The proposal is consistent with the following policy of the *2035 Comprehensive Plan*. The proposed increase in the number of resident clients to a maximum of six persons is not expected to affect adjoining and nearby properties. The previous issuance of a personal care home at the subject property did not present any resistance to the adjoining properties. The hours of operation are in conjunction with residential home and are not expected to adversely impact adjoining properties. Therefore, the Department of Planning and Sustainability recommends “Deferral, pending the applicant provide proof of meeting the distance requirements of one thousand (1,000) feet from any other personal care home”. Should this be provided prior to the BOC, Planning Staff recommends the attached conditions”.

1. The proposed use must adhere to Sec. 4.2.41 (Personal Care Homes) of the Zoning Ordinance.
2. The personal care home shall not exceed six clients.
3. This special land use permit shall be subject to renewal 18 months after commencement to assess any adverse community impacts.

Attachments:

1. Department and Division Comments
2. Board of Health Comments
3. Application
4. Site Plan
5. Zoning Map
6. Aerial Photograph



DEKALB COUNTY GOVERNMENT
PLANNING DEPARTMENT
DISTRIBUTION FORM

N-1

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

COMMENTS FORM:
PUBLIC WORKS TRAFFIC ENGINEERING

Case No.: SLUP-22-1215307 Parcel I.D. #: 16-059-01-227

Address: 2038
Mallard Way
Lithonia, Ga

Adjacent Roadway (s)

_____	_____
(classification)	(classification)
Capacity (TPD) _____	Capacity (TPD) _____
Lanelet Count (TPD) _____	Lanelet 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) 6TH 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 acre, and the given fact that the project site 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:

Please and field reviewed, Nothing found
that would disrupt traffic patterns.

Signature: [Signature]

ZONING COMMENTS – DEC. 2021

N1- No comment

N2. Please see chapter 5 of the zoning code and chapter 14-190 of the land development code for infrastructure requirements. Linecrest Rd is classified as a collector road. Infrastructure Requirements: 35 foot right of way dedication from centerline or such that all public infrastructure is within public right of way, whichever greater, 6 foot sidewalk, 4 foot bike lane (or 10 foot multiuse path in lieu of required bike lanes and 6 foot sidewalk), 10 foot landscape strip and street lights. Verify that the access point meets intersection and stopping sight distance based on AASHTO design guidelines when submitting for permitting. Interior roads require a 27.5 foot right of way dedication from the centerline or such that all public infrastructure is on county right of way. Requires a 6 foot landscape strip, 6 foot sidewalk and street lights. Code Section 14-200 (e): 79 lots require two access points. This will require a variance to the Land Development Code prior to land development permit approval from the Transportation Division at time of permitting.

N3. No Comment.

N4 & N5. Memorial Drive is a State Route. GDOT review and approval required prior to permitting at land development stage.

N6. No comment

N7. No comment

N8. Please see chapter 5 of the zoning code and chapter 14-190 of the land development code for infrastructure requirements. Rockbridge Rd is classified as a minor arterial. Infrastructure Requirements: 40 foot right of way dedication from centerline or such that all public infrastructure is within public right of way, whichever greater, 6 foot sidewalk, 4 foot bike lane (or 10 foot multiuse path in lieu of required bike lanes and 6 foot sidewalk), 10 foot landscape strip and street lights. Verify that the access point meets intersection and stopping sight distance based on AASHTO design guidelines when submitting for permitting. Interior roads require a 27.5 foot right of way dedication from the centerline or such that all public infrastructure is on county right of way. Requires a 6 foot landscape strip, 6 foot sidewalk and street lights. Please note that the top section appears to have more lots per access than the code allows (Code Section 14-200 (e)- more than 75 units requires 2 access points). If access is allowed on Pepperwood- then Pepperwood to Hickory Hills Trail and Hickory Hills Drive to Rockbridge should be resurfaced by the developer and sidewalks added to connect to the new sidewalks in the proposed neighborhood to offset impacts. I would prefer to see the sidewalks added all the way to Rockbridge via Hickory Hills Trail and Hickory Hills Drive to reduce impacts to the existing property owners, if the existing property owners so desire sidewalks, but, at a minimum, the one lot sidewalk gap on Pepperwood should be eliminated.

N9. No comment



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DISTRIBUTION FORM**

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

Case No.: SLUP-22-1245307
 Parcel I.D. #: 16-059-01-071
 Address: 2038 Mallard Way

WATER:

Size of existing water main: 8" adequate (adequate/inadequate)
 Distance from property to nearest main: ~30 ft.
 Size of line required, if inadequate: _____

SEWER:

Outfall Servicing Project: Polebridge Creek
 Is sewer adjacent to property: Yes (x) No () If no, distance to nearest line: _____
 Water Treatment Facility: Polebridge WWTP adequate () inadequate
 Sewage Capacity: 20 (MGPD) Current Flow: 7.9 (MGPD)

COMMENTS:

Sewer capacity request and approval will be required.

Signature: _____

12/20/2021

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

12/20/2021

N.1

SLUP-22-1245307 2021-3515 16-059-01-227

2038 Mallard Way, Lithonia , GA 30058

Amendment

- Please review general comments

N.2

Z-22-1245310 2021-3516 15-009-01-001, 15-009-01-006, 15-009-01-008

2712 Whitfield Road, Ellenwood, GA 30294

Amendment

- Please review general comments.
- Onsite Septic installed on surrounding property at 2241 Whitfield Drive on 06/29/1972 and 2281 Whitfield Drive on 09/06/1973 on 09/06/1073.

N.3

SLUP-22-1245311 2021-3517 18-091-01-063

971 North Road, Stone Mountain, GA 30083

Amendment

- Please review general comments
- Onsite septic system installed on property 754 North Hairston , Stone Mountain on 12/30/2003 (surrounding location).

N.4

CZ-22-1245311 2021-3518 15-217-04-024

3644 Memorial Drive, Decatur, GA 30032

Amendment

- Please review general comments.
- Onsite septic system installed on property 3232 Memorial Drive on 4/21/1970 indication of possible system within surrounding property.

DeKalb County Board of Health

404.508.7900 • www.dekalbhealth.net

12/20/2021

N.4

SLUP-22-1245321 2021-3519 15-217-04-024

3622 Memorial Drive, Decatur, GA 30032

Amendment

- Please review general comments.
- Onsite septic system installed on property 3232 Memorial Drive on 4/21/1970 indication of possible system within surrounding property.

N.6

SLUP-22-1245322 2021-3520 15-023-01-142

3956 Ambrose Ridge Ct. , Ellenwood, GA 30294

Amendment

- Please review general comments.

N.7

SLUP-22-1245323 2021-3521 15-183-05-015

1691 Candle Road, Decatur, Ga 30032

Amendment

- Please review general comments.
- Onsite septic system installed on property 1888 Candler Road in 01/13/1959 indication of possible system within surrounding property.

N.8

Z-22-1245331 2021-3522 / 18-039-03-027, 18-039-03-029, 18-039-03-038,
18-039-03-039, 18-039-03-040, 18-039-03-041, 18-039-03-044, 18-039-03-
110, 18-039-03-112,

499 Rockbridge Road, Stone Mountain, GA 30083

Amendment

- Please review general comments.
- Onsite septic system installed on property 4995 Rockbridge Road in 05/04/1964 indication of possible system within surrounding property.

DeKalb County Board of Health

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12/20/2021

N.9

SLUP-22-1245330 2021-3525 /15-061-02-062

3640 Platina Park Court, Decatur, GA 30034

Amendment

- Please review general comments.



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:

- **Transportation/Access/Row**

Consult the Georgia DOT as well as the DeKalb County Transportation Department prior to land development permit. Verify widths from the centerline of the roadways to the property line for possible right-of-way dedication. Improvements within the right-of-way may be required as a condition for land development application review approval. Safe vehicular circulation is required. Paved off-street parking is required.

- **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, 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.

- **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.

- **Fire Safety**

Plans for land development permit must comply with Chapter 12 DeKalb County Code for fire protection and prevention.

NOTE: The address (2038 Mallard Way) and the parcel ID# 16 059 01 071 on the first page of the application do not match. Parcel ID# 16 059 01 071 is associated with address 2038 Mallard Crest.



**DEKALB COUNTY GOVERNMENT
PLANNING DEPARTMENT
DISTRIBUTION FORM**

N-1

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**COMMENTS FORM:
PUBLIC WORKS TRAFFIC ENGINEERING**

Case No.: SLUP-22-12/5307 Parcel I.D. #: 16-059-01-227

Address: 2038
Mallard Way
Lithonia, 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><i>Plans and field reviewed. Nothing found that would disrupt traffic pattern.</i></p>

Signature: *[Signature]* DAVID L. ROSS

DEPARTMENT OF PLANNING & SUSTAINABILITY

SPECIAL LAND USE PERMIT APPLICATION

Amendments will not be accepted after 5 working days after the filing deadline.

Date Received: _____ Application No: _____

APPLICANT NAME: Luxury Living Experience PCH

Daytime Phone: (770) 853-8488 E-Mail: admin@luxurylivingpch.com

Mailing Address: 2038 Mallard Way Lithonia GA 30058

Owner Name: R.O.I. Empire
(If more than one owner, attach contact information for each owner)

Daytime Phone: (404) 436-5370 E-Mail: philip@roiempire.com

Mailing Address: 2870 Peachtree #290 Atlanta GA 30305

SUBJECT PROPERTY ADDRESS OR LOCATION: 2038 Mallard Way
Lithonia DeKalb County, GA, 30058

Parcel ID: 1605901227 Acreage or Square Feet: 2703 Commission Districts 15

Existing Zoning: RCD Proposed Special Land Use (SLUP) _____
Personal Care Home

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

Owner: _____ Agent: Signature of Applicant
Alexis Clark

Printed Name of Applicant: A. Williams Alexis Clark

Notary Signature and Seal: A. Williams


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: 10/19/2021

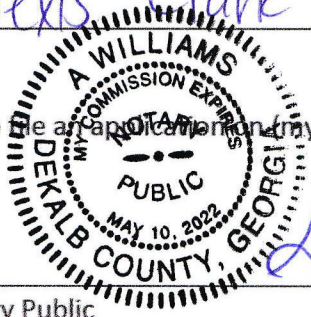
TO WHOM IT MAY CONCERN:

(I), (WE) R.O.I. Empire / Philip Edwards
Name of owners(s) (If more than one owner, attach a separate sheet)

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

Alexis Clark / Luxury Living Experience PCH
Name of Agent or Representative

to be an application on (my), (our) behalf.



A. Williams

[Signature]

Notary Public

Owner

Notary Public

Owner

Notary Public

Owner

Notary Public

Owner

Notary Public

Owner

Letter of Application

A) The proposed zoning classification

The classification is RSM zoning district. No new zoning is proposed.

B) The reason for the rezoning or special use or modification request

The special use is for 4 or more people in a Personal Care Home.

C) The existing and proposed use of the property

The property was previously a personal care home and was grandfathered in. The proposed use is the same.

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),

The proposed use is for a personal care home used for persons who need daily help with things like meal preparation, hygiene assistance, transportation and housing.

2703 Square feet, Not sure of the building height, 1 unit, 2-3 employees, 24 hours of operation.

d)(optional) statement of conditions discussed with the neighborhood or community, if any.

IMPACT ANALYSIS Criteria: Sec 27-7.4.6 The following criteria shall be considered by the Department of Planning and Sustainability, the Planning Commission and the Board of Commissioners in evaluating and deciding any application for a special land use permit. No application for a special land use permit shall be granted by the Board of Commissioners unless satisfactory provisions and arrangements have been made concerning each of the following factors, all of which are applicable to each application, and unless the application is in compliance with all applicable regulations in Article 4.

- A. Adequacy of the size of the site for use contemplated and whether or not adequate land area is available for the proposed use including provision of all required yards, open space, off-street parking and all other applicable requirements of the zoning district in which the use is proposed to be located.

The home has adequate space for the use at 2703 square feet. With 6 bedrooms and 4 bathrooms and 4 Parking spacing in driveway.

- B. Compatible of the proposed use with adjacent properties and land use and other properties and land uses in the district.

The other properties are zoned RCD and this is a residential living facility.

- C. Adequacy of public services, public facilities and utilities to serve the use contemplated.

All utilities are working and I don't expect to require any public services or facilities.

- D. Adequacy of the public street on which the use is proposed to be located and whether or not there is sufficient traffic carrying capacity for the use proposed so as not to unduly increase traffic and create congestion in the area.

The home is located in a cul-de-sac there is adequate room to turn around. I am not expecting any increase in traffic as the residents will not be driving only the staff, which would be normal traffic to a residence.

- E. Whether or not existing land uses located along access routes to the site will be adversely affected by the character of the vehicles or the volume of traffic generated by the proposed use.

The residents will not be driving only the staff which calls for 2 cars max transportation maybe called for pickup and drop off of the residences, this would be some type of van no large buses. There should be in adverse effects.

- F. Ingress and egress to the subject property and to all proposed buildings, structures and uses thereon with particular references to pedestrian and automotive safety and convenience, traffic flow and control and access in the event of fire or other emergency.

No newly proposed building.

- G. Whether or not the proposed use will create adverse impacts upon any adjoining land use by reason of noise, smoke, odor dust or vibration generated by the proposed use.

No. No new building proposed.

H. Whether or not the proposed use will create adverse impacts upon any adjoin land use by reason of the hours of operation of the proposed use.

Hours of operation are 24 hours but only inside of the home no impact to the exterior.

I. Whether or not the proposed use will create adverse impact upon any adjoin land use by reason of the manner of operation of the proposed use.

No expected impact on exterior land use.

J. Whether or not the proposed plan is consistent with all of the requirements of the zoning district classification in which the use is proposed to be located.

Yes, this is a RSM zoning district. This facility will be ran as a residence.

K. Whether or not the proposed use is consistent with the policies of the comprehensive Plan,

The proposed use is consistent with the suburb land use for the comprehensive plan.

L. Whether or not the proposed plan provides for all required buffer zones and transitional buffer zones where required by the regulation of the district in which the use is proposed to be located.

No required buffer zones

M. Whether or not there is adequate provision of refuse and service areas:

DeKalb county has regular trash pick at the house.

N. Whether the length of time for which the special land use permit is granted should be limited in duration.

No. This permit should be used as long as the business is in use.

O. Whether or not the size, scale and massing of proposed buildings are appropriate in relation to the size of the subject property and in relation to the size, scale and massing of the adjacent and nearby lots and buildings.

Not proposing any new construction. This property is like the neighboring properties

P. Whether the proposed plan will adversely affect historic buildings, sites, districts, or archaeological resources.

No.

Q. Whether the proposed use satisfies the requirements contained within the Supplemental Regulations for such special land use permit.

Yes. It satisfies Section 4.2.4.1 Personal Care Home.

Sec. 4.2.41. - Personal care homes and child caring institutions.

A. Personal care homes, general requirements.

1. Each personal care home must obtain all license(s) and/or permit(s) required by the State of Georgia in order to operate. Each personal care home licensed and/or permitted by the State of Georgia must display its state-issued license(s) and/or permit(s) in plain view, visible from the front doorway of the facility.

In the process of getting all needed permits.

2. No personal care home may display any exterior signage that violates the sign ordinance in chapter 21 of the Code or the sign provisions in the zoning regulations for the underlying zoning district where the personal care home is located.

No signs are outside

3. Personal care homes may apply for an FHA Accommodation Variance as provided for in section 7.5.9 of this chapter.

B. Personal care home, group (four (4) to six (6) persons).

1. Two (2) copies of complete architectural plans for the subject group personal care home, signed or sealed by a registered architect, shall be submitted to the director of planning prior to issuance of a building permit or business license.

As is site plan turned in with the SLUP.

2. Each group personal care home must provide at least four (4) parking spaces within a driveway, garage or carport and must comply with any applicable requirements in article 6.

4 parking spots are in the driveway.

3. In order to prevent institutionalizing residential neighborhoods, no group personal care home located in the RE, R-LG, R-100, R-85, R-75, R-50, R-SM, or MR-1 zoning district may be operated within one thousand (1,000) feet of any other group personal care home. The one-thousand-foot distance requirement is measured by a straight line which is the shortest distance (i.e., "as the crow flies") between the property lines of the two (2) tracts of land on which the group personal care homes are located.

No personal care homes are within 1000 feet.

R. Whether or not the proposed building as a result of its proposed height will create a negative shadow impact on any adjoining lot or building.

No new height is proposed.

S. Whether the proposed use would be consistent with the needs of the neighborhood or the community as a whole be compatible with the neighborhood and would not be in conflict with the overall objectives of the comprehensive plan

Yes. The use is for citizens who need daily help with things like meal preparation, hygiene assistance, transportation and housing.

After recording, please return to:
BURGESS TITLE & ESCROW, LLC
2330 PATRICK HENRY PKWY.
SUITE #350
MCDONOUGH, GA 30253
File #21A-2179

PARCEL #16-059-001-227

STATE OF GEORGIA
COUNTY OF HENRY

LIMITED WARRANTY DEED

THIS INDENTURE is made this 10th day of AUGUST, 2021, by and between **DIANE W. HOWARD** (hereinafter called "Grantor") and **R.O.I EMPIRE, LLC, A Georgia limited liability company** (hereinafter called "Grantee"). The words "Grantor" and "Grantee" include the neuter, masculine and feminine genders, and the singular and the plural.

W I T N E S S E T H:

FOR AND IN CONSIDERATION of the sum of Ten Dollars (\$10.00) in hand paid to Grantor by Grantee at and before the execution, sealing and delivery hereof, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Grantor has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto Grantee, and the successors, legal representatives and assigns of Grantee, all that tract or parcel of land lying and being in **DEKALB** County, Georgia, being more particularly described as follows:

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 59 OF THE 16TH DISTRICT, DEKALB COUNTY, GEORGIA, BEING KNOWN AS LOT 107, BLOCK A, LEISURE VALLEY SUBDIVISION, UNIT FOUR, AS PER PLAT OF SAME OF RECORD AT PLAT BOOK 87, PAGE 96, DEKALB COUNTY, GEORGIA RECORDS. SAID PLAT IS SPECIFICALLY INCORPORATED HEREIN BY REFERENCE AND MADE A PART HEREOF FOR A MORE COMPLETE AND ACCURATE LEGAL DESCRIPTION.

TO HAVE AND TO HOLD said tract or parcel of land, together with any and all of the rights, members and appurtenances thereof to the same being, belonging or in anywise appertaining to the only proper use, benefit and behoof of Grantee forever in fee simple.

THIS CONVEYANCE IS made subject to all easements, covenants and restrictions of record.

GRANTOR SHALL WARRANT and forever defend the right and title to said tract or parcel of land unto Grantee, and the successors, legal representatives and assigns of Grantee, against the claims of all persons claiming, through or under Grantor.

IN WITNESS WHEREOF, Grantor has caused its duly authorized agent to execute this indenture, and to deliver this indenture to Grantee, all the day and year first written above.

Signed, sealed and delivered in the presence of:

GRANTOR(S):

Unofficial Witness

Diane W. Howard (SEAL)
DIANE W. HOWARD

J. Napier
Notary Public

My Commission Expires: 4/19/23

(NOTARIAL SEAL)



NO DETERMINATION OF FLOOD HAZARD HAS BEEN MADE FOR THIS PROPERTY BY THIS SURVEYOR.

*** L E G E N D ***

NOTE: ALL ITEMS IN THIS LEGEND MAY NOT APPEAR ON THIS PLAT.

- | | |
|-----------------------------|------------------------------|
| AKA ALSO KNOWN AS | N/F NOW OR FORMERLY |
| APD AS PER DEED | NAIL NAIL FOUND |
| APP AS PER PLAT | P PLAT (BOOK/PAGE) |
| BSL BUILDING (SETBACK) LINE | POB POINT OF BEGINNING |
| CP COMPUTED POINT | POC POINT OF COMMENCEMENT |
| CTP CRIMP TOP PIPE FOUND | R RADIUS LENGTH |
| D DEED (BOOK/PAGE) | R/W RIGHT-OF-WAY |
| DW DRIVEWAY | RBF REINFORCING BAR FOUND |
| EP EDGE OF PAVEMENT | (1/2" UNO) |
| FFE FINISH FLOOR ELEVATION | RBS 1/2" REINFORCING BAR SET |
| FKA FORMERLY KNOWN AS | SW SIDEWALK |
| IPF IRON PIN FOUND | SSE SANITARY SEWER EASEMENT |
| L ARC LENGTH | SSCO SANITARY SEWER CLEANOUT |
| LL LAND LOT | -X- FENCE LINE |
| LLL LAND LOT LINE | █ WALL |
| N NEIGHBOR'S | |

ALL MATTERS OF TITLE ARE EXCEPTED. THIS PLAT IS SUBJECT TO ALL LEGAL EASEMENTS AND RIGHTS-OF-WAY PUBLIC OR PRIVATE.

NOTE: PROPERTY LINES SHOWN ON THIS MAP/PLAT REPRESENT PHYSICAL FIELD CONDITIONS BY EVIDENCE OF APPARENT POSSESSION (IRON PINS FOUND, OLD & ESTABLISHED FENCE LINES, OLD WALL LINES, SHRUB & HEDGE LINE, HOUSE LOCATIONS, ETC.) THEY MAY DIFFER AND BE IN CONTENTION FROM EVIDENCE FOUND AT THE APPLICABLE COUNTY COURTHOUSE. THEY MAY ALSO DIFFER FROM OTHER SURVEYOR OPINIONS AND/OR NEIGHBORS SURVEYS/PLATS. A FULL LAND TITLE REPORT OPINION ON ALL PROPERTIES, INCLUDING ADJACENT AND CONTIGUOUS PROPERTIES MAY BE NEEDED TO RESOLVE ALL POSSIBLE PROPERTY LINE DISPUTES OR DISCREPANCIES.

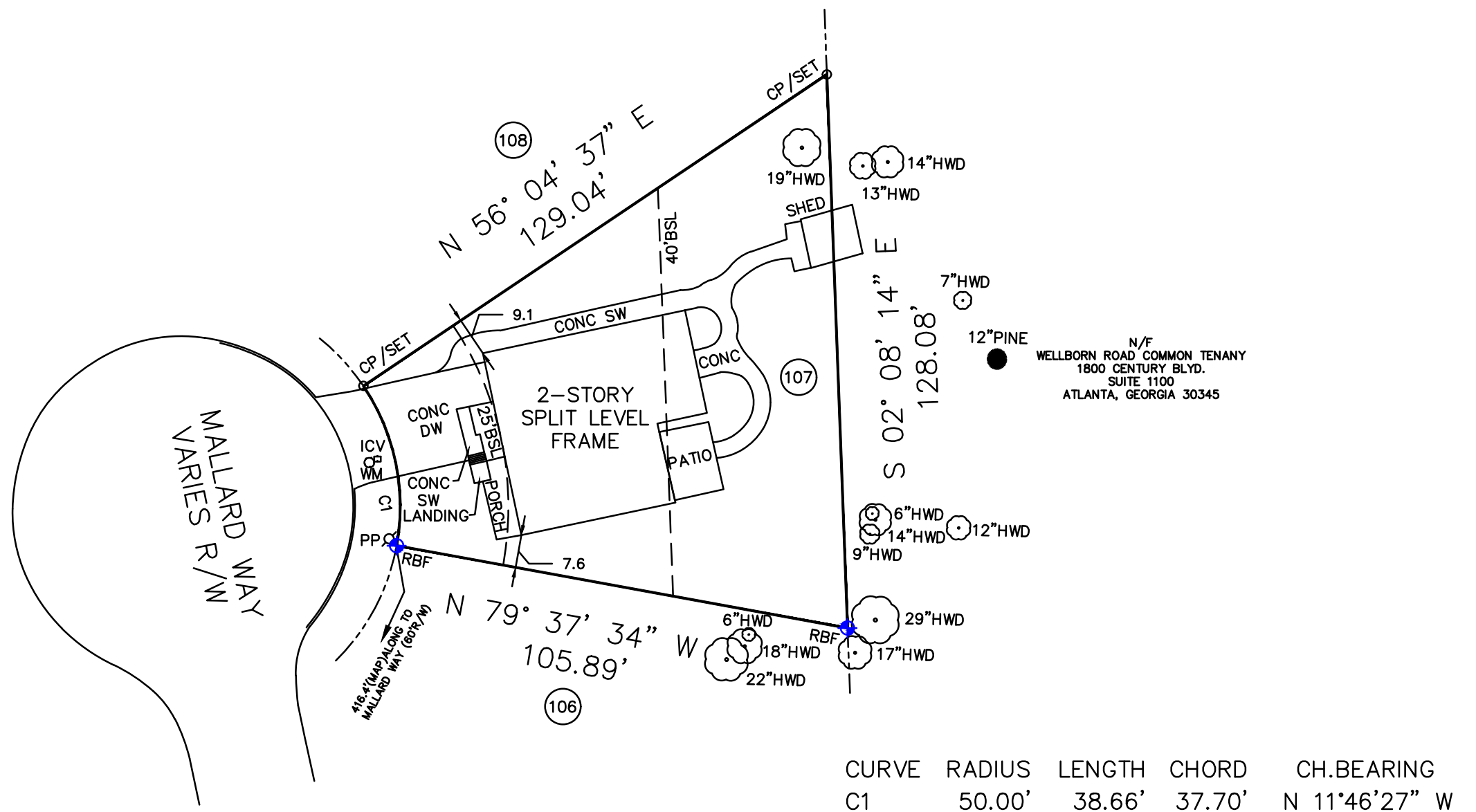
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NOTE: ANY & ALL UNDERGROUND UTILITIES, I.E. SEWER, STORM, GAS, WATER, ETC., HAVE NOT BEEN FIELD LOCATED BY CONVENTIONAL SURVEY METHODS.



CURVE	RADIUS	LENGTH	CHORD	CH.BEARING
C1	50.00'	38.66'	37.70'	N 11°46'27\" W

N/F
WELLBORN ROAD COMMON TENANT
1800 GENTURY BLYD.
SUITE 1100
ATLANTA, GEORGIA 30345

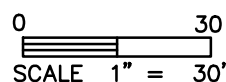


PROPERTY ADDRESS:
2038 Mallard Way,
Lithonia, GA 30058

LAND AREA:
8,779 SF
0.201 AC

IMPERVIOUS AREA:
EXIST= 3,367 SF= 38.4%

ZONING: RCD-RES COMM
DEV DIST



PLAT PREPARED FOR:
2038 Mallard Way

LOT 107 BLOCK A SUBDIVISION LEISURE VALLEY (UNIT FOUR)

LAND LOT 101 4th DISTRICT PARCEL ID: 16 059 01 227 BY:

DeKALB COUNTY, GEORGIA FIELD DATE: 10-26-2021 NH

LOCATED IN ATLANTA DRAWN DATE: 10-28-2021 AE

REFERENCE: PLAT BOOK 87, PAGE 96 ALL MATTERS OF TITLE ARE EXCEPTED. NOT TO BE RECORDED NOR USED TO CONVEY PROPERTY.

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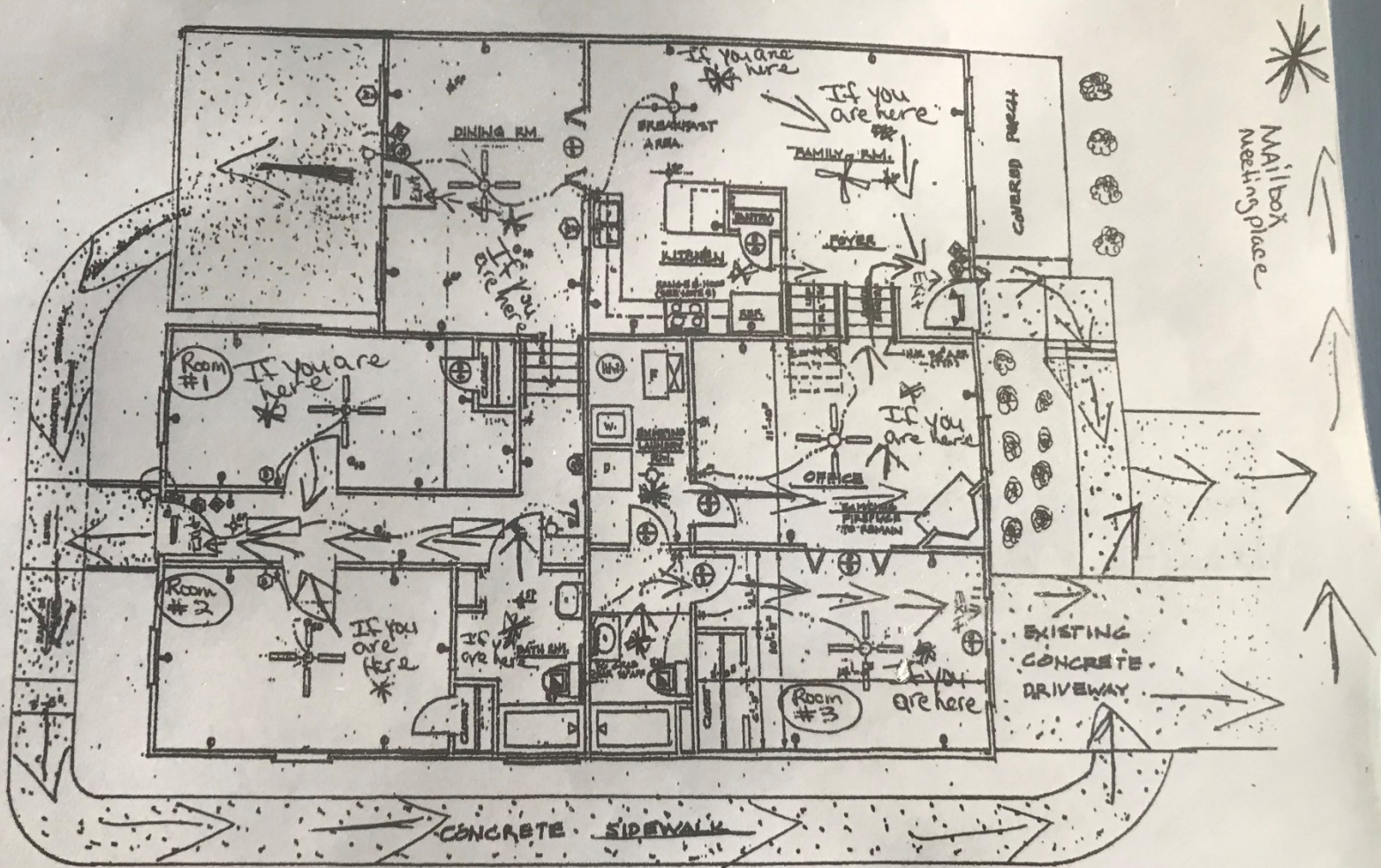
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SURVEY SYSTEMS ATLANTA
2156 W Park Ct, Ste D, Stone Mtn, GA 30087
COA #LSF000867, info@SurveySystemsAtlanta.com
Cell 678-591-6064 ~ Office 404-760-0010

2038 MALLARD WAY, LITHONIA GA, 30058

EVACUATION PLAN



FIRST FLOOR PLAN

SCALE: 1/8" = 1'-0"

Chief Executive Officer
Michael Thurmond

DEPARTMENT OF PLANNING & SUSTAINABILITY

Director
Andrew A. Baker, AICP

**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: Alexis

Phone:

Email: alexis@eastmetrobrokers.com

Property Address: 2038 Mallard Way

Tax Parcel ID: [16 059 01 227](#) Comm. District(s): 5 and 7 Acreage: 0.20

Existing Use: Residential Proposed Use: Personal Care Home

Supplemental Regs: Sec 4.2.41 Overlay District: No DRI:

Rezoning: Yes ___ No ___ X ___

Existing Zoning: RSM Proposed Zoning: NA Square Footage/Number of Units: NA

Rezoning Request: Operate a Personal care home for 4 or more people

Land Use Plan Amendment: Yes ___ No X ___

Existing Land Use: Suburban Proposed Land Use: Same Consistent X Inconsistent

Special Land Use Permit: Yes X No ___

Special Land Use Request(s) Operate a Personal care home for 4 or more people

Major Modification: No ___ X ___

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: 10/23/2021

Review Calendar Dates: 10/28 to apply PC: 01/04/2022 BOC: 01/27/2022

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

Zoning Conditions: _____ Community Council Meeting: 12/13/2021

Submittal Format: NO STAPLES, NO BINDERS PLEASE

Comments: Reviewed supplemental regulations, application process and timeline.

Planner: Rachel Bragg Date 10-22-21

Filing Fees

REZONING:	RE, RLG, R-100, R-85, R-75, R-60, MHP, RSM, MR-1	\$500.00
	RNC, MR-2, HR-1, HR-2, HR-3, MU-1, MU-2, MU-3, MU-4, MU-5	\$750.00
	OI, OD, OIT, NS, C1, C2, M, M2	\$750.00
LAND USE MAP AMENDMENT		\$500.00
SPECIAL LAND USE PERMIT		\$400.00

Attendees to Pre-Submittal Community Meeting

1. 2052 Mallard Way: Reggie and Gloria Williams
2. 2058 Mallard Way: Faith Graham
3. 2054 Mallard Way: Tracy Brown

Luxury Living Experience PCH

2038 Mallard Way

Lithonia, GA 30058

(770) 853-8488

admin@luxurylivingexperiencepch.com

October 12 2021

Re: Community Meeting

Dear Neighbor,

You are receiving this notification because you are a property owner within 500 feet of 2038 Mallard Way. Luxury Living Experience PCH is submitting an Application for a Special Land Use Permit, in order to operate a personal care home serving 4 or more people. A personal care home provides housing, food and personal services to adults who need assistance with essential daily activities such as eating, bathing, grooming and dressing, toileting, and transfer. Luxury Living Experience PCH supports persons with intellectual and developmental disabilities to help them live their best possible life.

The pre-submittal community meeting shall be held via an online meeting service (e.g. Zoom, Skype, Microsoft Teams, etc.). The online, pre-submittal community meeting shall take place no less than fifteen (15) days after the date of the written notice. Additionally, online, pre-submittal community meetings shall be conducted no earlier than 5:00p.m. on weekdays or between the hours of 9:00a.m. – 5:00p.m. on weekends. Online meetings shall be recorded. Applicants are required to provide documentation that verifies the occurrence of said meeting(s), including but not limited to notice letter, sign-in sheets or correspondence from the neighborhood association(s) or residents from the community before the application can be considered complete by the published Filing Deadline.

Alexis Clark is inviting you to a scheduled Zoom meeting at www.zoom.us

Topic: 2038 Mallard Special Land Use Permit

Time: Saturday October 23, 2021 09:00 AM Eastern Time

Join Zoom Meeting:

Meeting ID: 742 8457 5384

Password: 2038

If you have any questions regarding this application or meeting, please contact Alexis at (770) 853-8488.

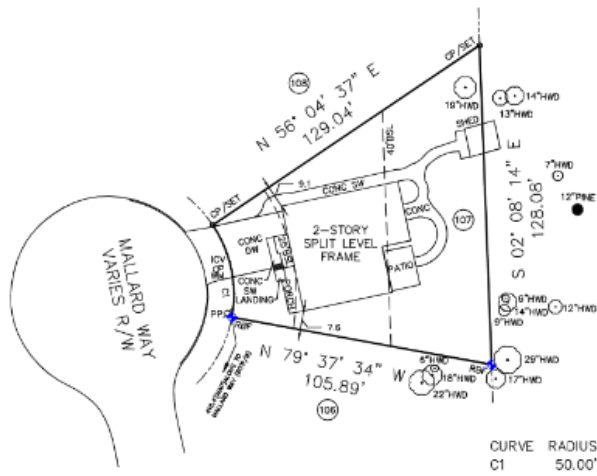
Sincerely,

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*** L E G E N D ***

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AKA ALSO KNOWN AS N/A/ NOW OR FORMERLY
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 APP AS PER PLAT P PLAT (BOOK/PAGE)
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 CP COMPUTED POINT POC POINT OF COMMENCEMENT
 CTP GROUP TOP PIPE FOUND R RADIUS LENGTH
 D DEED (BOOK/PAGE) R/W RIGHT-OF-WAY
 DW DRIVEWAY REF REINFORCING BARS FOUND
 EP EDGE OF PAVEMENT SW SIDEWALK (1/2" UNO)
 FFE FINISH FLOOR ELEVATION
 FKA FORMERLY KNOWN AS
 FF IRON PIPE FOUND
 L ARC LENGTH
 LL LAND LOT
 LLL LAND LOT LINE
 N NEIGHBOR'S



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 0.201 AC

IMPERVIOUS AREA:
 EXST= 3,367 SF= 38.4%

ZONING: R00-RES COMM
 DEV DIST

0 30
 SCALE 1" = 30'

PLAT PREPARED FOR:
 2038 Mallard Way

LOT 107 BLOCK A SUBDIVISION LEISURE VALLEY (UNIT FOUR)

LAND LOT 101 4th DISTRICT PARCEL ID: 16 059 01 227 BY:

DEKALB COUNTY, GEORGIA FIELD DATE: 10-28-2021 NH

LOCATED IN ATLANTA DRAWN DATE: 10-28-2021 AE

REFERENCE: PLAT BOOK 87, PAGE 96

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SURVEY SYSTEMS ATLANTA
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 Tel: 678-381-6164 ~ Office 404-763-1010

