DeKalb County Department of Planning & Sustainability
178 Sams Street,
Decatur, GA 30030
(404) 371-2155 / www.dekalbcountyga.gov/planning

Planning Commission Hearing Date: May 2, 2023
Board of Commissioners Hearing Date: May 25, 2023

STAFF ANALYSIS

Case No.:	CZ-23-1246383	**Agenda #:** 2023-0337
Address:	1799 & 1805 Clairmont Road Decatur, GA 30033	**Commission District:** 02 **Super District:** 06
Parcel ID(s):	18-103-03-017 and 18-103-03-018	
Request:	Major Modification of the zoning conditions CZ-79077 & CZ-79009 to allow the properties to be redeveloped with an office building within an OI (Office Institutional) Zoning District.	
Property Owner(s):	Benjamin Lefkove (VS Realty 1, LLC))	
Applicant/Agent:	VS Realty 1, LLC c/o Dennis J. Webb, Jr.	
Acreage:	0.77- acres	
Existing Land Use:	Vacant Office Space	
Surrounding Properties:	**North:** OI and R-100 (Residential Medium Lot-100) **East:** MR-1 (Medium Density Residneital-1) **South:** OI **West:** Clairmont Road	
Comprehensive Plan:	**Commercial Redevelopment Corridor** **Consistent** X **Inconsistent**	

Staff Recommendation: Approval with conditions.

The applicant is requesting a major modification of CZ-79009 and CZ-79077 which limits the use of the property to a real estate office and required compliance with the 1979 site plans, among other requirements that limit the ability to redevelop the property. The subject parcel is within the OI Zoning District and within the Commercial Redevelopment Corridor character area. The two parcels are currently occupied by vacant offices that were converted from circa 1945 single-family, detached houses.

The applicant proposes to construct a two-story, 5,200 square foot office building to house Viral Solution's corporate offices and leased office space to other businesses. The use of the property as a professional office is consistent with the surrounding uses and supports the needs of the surrounding community. The property is located in the OI zoning district, which allows for a variety of commercial uses, including professional offices. The property's location on a major arterial road provides easy access for staff and visitors. The impact analysis from the applicant states there is no expected impact on traffic from the redevelopment of this property. DeKalb County Transportation Division noted there are right-of-way and signal upgrades that are required, along with a landscape strip and multi-use path.

After a cursory review of the submitted site plan, the new construction appears to comply with the zoning requirements and appears to require no variances. The proposed office would fit into the character area while complying with zoning and land use requirements, including required transitional buffers along the residential development to the east. The parcel to the north of the subject properties is similarly developed with a two-story office building. However, the site plan fails to show how the redeveloped site will manage stormwater, and this will need to be resolved prior to the applicant seeking a land disturbance permit. Key items of County requirements:

- The county codes require the hydrology study to model the existing conditions as wooded.
- Runoff Reduction Volume shall be provided unless technical justification is provided regarding the unfeasibility. Strongly recommend investigating the site and identify location where RRv can be provided and re-design/revise the layout to comply with the RRv requirement.
- Discharge from the stormwater management facility shall not create adverse effect downstream of the property(ies).
- A lot combination application shall be submitted and approved prior to the submittal of the Land Disturbance/Development Permit (LDP) application.

Modification of the zoning conditions of the commercial property to allow it to operate as general office space is consistent with the surrounding uses and supports the needs of the surrounding community. The proposed use and site development complies with the goals of the OI zoning district (Section 27-2.29.1), including: *A. To provide convenient areas within the county for the location of office and institutional uses which are necessary for the residents and business and professional practitioners within the county;* and *D. To promote compatible development, in size and scale, to surrounding development.* Additionally, the redevelopment meets the goals of the *2050 Comprehensive Plan* for the Commercial Redevelopment Corridor character area including *to improve the function and aesthetic appeal of commercial corridors in the County and promote the redevelopment of commercial corridors in decline* (page 41).

Therefore, after review of the criteria regarding official changes to the zoning map found in Sections 27-7.3.4, staff recommends approval with conditions.

Staff Recommended Changes to Existing Conditions:

CZ-79009

~~1. The application is conditioned for use of the existing structure for a real estate office.~~
~~2. Use and development on the property shall be in accordance with the application and site plan.~~
3. Maintain ~~Prior to occupancy of the building the owner shall provide a~~ 6' wooden ~~screening~~ fence along the north property line. ~~extending from the future right-of-way line to the buffer on the rear.~~
~~4. A 48' buffer on the east.~~

CZ-79077
~~1. Use is for a real estate office.~~
~~2. The attached site plan is incorporated as a condition of rezoning.~~
~~3. The drive shall be moved in accordance with the attached plan,~~
~~4. The traffic light pole shall be moved by the applicant at no expense to the County~~.

5. Maintain ~~A~~ six-foot wooden ~~screening~~ fence ~~shall be constructed~~ along the southern ~~line of the Lane~~ property line.
6. Creation of vegetated transitional buffer and installation of screening fence along eastern property line as required by Section 27-5.4.5.

Staff Recommended Conditions CZ-23-1246383

1. Maintain 6' wooden fence along the northern property line.
2. Maintain 6' wooden fence along the southern property lines.
3. Creation of vegetated transitional buffer and installation of screening fence as required by Section 27-5.4.5.

DEKALB COUNTY GOVERNMENT
PLANNING DEPARTMENT
DISTRIBUTION FORM

NOTE: ***PLEASE RETURN ALL COMMENTS VIA EMAIL OR FAX TO EXPEDITE THE PROCESS TO RACHEL BRAGG RLBRAGG@DEKALBCOUNTYGA.GOV OR JOHN REID JREID@DEKALBCOUNTYGA.GOV***

COMMENTS FORM:
PUBLIC WORKS WATER AND SEWER

Case No.: CZ-23-1246383

Parcel I.D. #: 18-103-03-017, 18-103-03-018

Address: 1799 & 1805 CLAIRMONT ROAD

DECATUR, GA 30033

WATER:

Size of existing water main: 30" CI **(adequate/inadequate)**

Distance from property to nearest main: adjacent

Size of line required, if inadequate: N/A

SEWER:

Outfall Servicing Project: South Folk Peachtree Creek

Is sewer adjacent to property: Yes ( ) No (X) If no, distance to nearest line: 155 FT

Water Treatment Facility: Atlanta **() adequate ( ) inadequate**

Sewage Capacity; 40 **(MGPD)** **Current Flow:** 36 **(MGPD)**

COMMENTS:

Sewer capacity may be required

Signature: Yola Lewis

DEKALB COUNTY

Board of Health

4/14/2023

To: Mr. John Reid, Senior Planner

From: Ryan Cira, Environmental Health Manager

Cc: Alan Gaines, Environmental Health Deputy Director

Re: Rezone Application Review

General Comments:

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

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

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

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

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

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

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

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

N1 2023-0334 SLUP 23-1246378

16-183-02-003, 16-202-02-005

4449 Rockbridge Road, Stone Mountain, GA 30083

- Please review general comments.
- Note: There are several properties of septic in this area.

N2 2020-0335 Z-23-1246378

16-183-02-003, 16-202-02-005

8361 & 8637 Covington Highway, Lithonia, GA 30058

- Please review general comments.

N3 2023-0335 SLUP 23-1246382

18-053-02-036

1500 North Decatur Road, Atlanta, GA 30306

- Please review general comments.

N4 2023-0337 CZ 23-1246383

18-103-03-017, 18-103-03-018

1799 & 1805 Clairmont Road, Decatur, GA 30033

- Please review general comments.
- Our record indicates a septic system installed on surrounding property at 1788 Clairmont. No record in our office for 1799 or 1805 Clairmont Road. This property may have a septic system.

DeKalb County
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Development Services Center
178 Sams Street
Decatur, GA 30030
www.dekalbcountyga.gov/planning
404-371-2155 (o); 404-371-4556 (f)

Chief Executive Officer
Michael Thurmond

DEPARTMENT OF PLANNING & SUSTAINABILITY

Interim Director
Cedric Hudson

Zoning Comments – April 2023

N1. 4449 Rockbridge Road - Rockbridge Road is classified as a major arterial. Requires a right of way dedication of 50 feet from centerline OR such that all public infrastructure is within right of way, whichever greater. Requires a 5-foot landscape strip from back of curb with a 10-foot multiuse path. Street Lighting required. (hefowler@dekalbcountyga.gov) No poles may remain within the limits of the path. (See Zoning Code 5.4.3 and Land Development Code 14-190 for infrastructure requirements.) Only one access point allowed on Rockbridge Rd. Watch required driveway spacing in Code Section 14-200(6).

N2. 8361 Covington Hwy/8367 Covington Hwy - Stonecrest Overlay District Tier 1. Covington Hwy is classified as a major arterial. (This section is not a state route.) Requires a right of way dedication of 50 feet from centerline OR such that all public infrastructure is within right of way, whichever greater. Requires a 5-foot landscape strip from back of curb with a 10-foot multiuse path. Street Lighting required. (hefowler@dekalbcountyga.gov) No poles may remain within the limits of the path. (See Zoning Code 5.4.3 and Land Development Code 14-190 for infrastructure requirements.) Only one access point allowed on Rockbridge Rd. Please provide sheet C-112 (as referenced) for the ROW improvements.

N3. 1526 North Decatur Road - Within the Druid Hills Historic District. North Decatur Road is a minor arterial. Requires a right of way dedication of 40 feet from centerline OR such that all public infrastructure is within right of way, whichever greater. Requires a 5-foot landscape strip from back of curb with a 10-foot multiuse path (dependent on Historic District Review). No poles may remain within the limits of the path. Requires pedestrian scale streetlights of the historic district street lighting standard. (hefowler@dekalbcountyga.gov)

N4. 1799/1805 Clairmont Road - Clairmont Road is SR 155. DeKalb County standards apply unless more restrictive standards are required by GDOT. GDOT review and approval required prior to permitting. (mwilson@dot.ga.gov) GDOT Right of way AND Signal upgrade permits required. Upgrade pedestrian signal head/crosswalks at the signalized intersection. Clairmont Road is classified as a major arterial. Requires a right of way dedication of 50 feet from centerline OR such that all public infrastructure is within right of way, whichever greater. Requires a 5-foot landscape strip from back of curb with a 10-foot multiuse path. Street Lighting required. (hefowler@dekalbcountyga.gov) No poles may remain within the limits of the path. (See Zoning Code 5.4.3 and Land Development Code 14-190 for infrastructure requirements.)

N5. 2001 River Road - Project within the Bouldercrest Overlay District Tier Corr 1. Bouldercrest Road is classified as a major arterial. Requires a right of way dedication of 50 feet from centerline OR such that all public infrastructure is within right of way, whichever greater. Requires a 5-foot landscape strip from back of curb with a 10-foot multiuse path. Street Lighting required. (hefowler@dekalbcountyga.gov) No poles may remain within the limits of the path. (See Zoning Code 5.4.3 and Land Development Code 14-190 for infrastructure requirements.) River Road is classified as a minor arterial. Requires a right of way dedication of 40 feet from centerline OR such that all public infrastructure is within right of way, whichever greater. Requires a 5-foot landscape strip from back of curb with a 10-foot multiuse path. Old Street Lighting required. (hefowler@dekalbcountyga.gov) No poles may remain within the limits of the path. (See Zoning Code 5.4.3 and Land Development Code 14-190 for infrastructure requirements.) Old River Road is classified as a local residential road. Requires a right of way dedication of 27.5 feet from centerline OR such that all public infrastructure is within right of way, whichever greater. Requires a 5-foot landscape strip from back of curb with a 5-foot sidewalk. Street Lighting required. (hefowler@dekalbcountyga.gov) No poles may remain within the limits of the path. (See Zoning Code 5.4.3 and Land Development Code 14-190 for infrastructure requirements.)

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N6. 3507 Memorial Drive - Memorial Drive a state route. DeKalb County standards apply unless more restrictive standards are required by GDOT. GDOT review and approval required prior to permitting. (mwilson@dot.ga.gov. Memorial Drive is classified as a major arterial. Requires a right of way dedication of 50 feet from centerline OR such that all public infrastructure is within right of way, whichever greater. Requires a 5-foot landscape strip from back of curb with a 10-foot multiuse path. Street Lighting required. (hefowler@dekalbcountyga.gov) No poles may remain within the limits of the path. (See Zoning Code 5.4.3 and Land Development Code 14-190 for infrastructure requirements.) Connect sidewalks in front of outparcels, as right of way allows. Coordinate with the Transportation Division.

N7. & N8. 3345 Bouldercrest Rd/2098 Cedar Grove Road - Bouldercrest overlay Dist. Tier 3. Soapstone Hist District (2098). Bouldercrest Road is classified as a major arterial. Requires a right of way dedication of 50 feet from centerline OR such that all public infrastructure is within right of way, whichever greater. Requires a 5-foot landscape strip from back of curb with a 10-foot multiuse path. Street Lighting required. (hefowler@dekalbcountyga.gov) No poles may remain within the limits of the path. (See Zoning Code 5.4.3 and Land Development Code 14-190 for infrastructure requirements.) Cedar Grove Road is classified as a Minor Arterial. Requires a right of way dedication of 40 feet from centerline OR such that all public infrastructure is within right of way, whichever greater. Requires a 5-foot landscape strip from back of curb with a 10-foot multiuse path. Street Lighting required. (hefowler@dekalbcountyga.gov) No poles may remain within the limits of the path. (See Zoning Code 5.4.3 and Land Development Code 14-190 for infrastructure requirements.) Extend sidewalks to Clark Street, as right of way allows. Coordinate with the Transportation Division. Relocate guest parking away from Bouldercrest Road to reduce conflicts with entering/exiting space, driveway, and Bouldercrest Rd.

N9. 1439 Conway Drive - Conway Drive is classified as a local road. Extend road along property frontages. Requires a right of way dedication of 27.5 feet from centerline OR such that all public infrastructure is within right of way, whichever greater. Requires a 5-foot landscape strip from back of curb with a 5-foot sidewalk. Street Lighting required. (hefowler@dekalbcountyga.gov) No poles may remain within the limits of the path. (See Zoning Code 5.4.3 and Land Development Code 14-190 for infrastructure requirements.)

DEKALB COUNTY GOVERNMENT
PLANNING DEPARTMENT
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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.

Site plan doesn't show or indicate how stormwater management requirements will be addressed. Key important items of County requirements:

- ✓ **The county codes require the hydrology study to model the existing conditions as wooded**
- ✓ **Runoff Reduction Volume shall be provided unless technical justification is provided regarding the unfeasibility. Strongly recommend investigating the site and identify location where RRv can be provided and re-design/revise the layout to comply with the RRv requirement.**
- ✓ **Discharge from the stormwater management facility shall not create adverse effect downstream of the property(ies)**
- ✓ **A lot combination application shall be submitted and approved prior to the submittal of the Land Disturbance/Development Permit (LDP) application.**

- **Flood Hazard Area/Wetlands**

The presence of FEMA Flood Hazard Area was not 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.

N-4

DEKALB COUNTY GOVERNMENT
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DISTRIBUTION FORM

NOTE: *PLEASE RETURN ALL COMMENTS VIA EMAIL OR FAX TO EXPEDITE THE PROCESS TO MADOLYN SPANN* ***MSPANN@DEKALBCOUNTYGA.GOV*** *OR JOHN REID* ***JREID@DEKALBCOUNTYGA.GOV***

COMMENTS FORM:

PUBLIC WORKS TRAFFIC ENGINEERING

N-4-2023-0337

Case No.: CZ-23-1246383 **Parcel I.D. #:** 18-103-03, 017, 18-103-03-018

Address: 1799 & 1805 Clairmont Road, Decatur, GA 30033

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:

Did not see any traffic engineering concerns at this time.

Signature: Jerry White

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178 Sams Street
Decatur, GA 30030

DEPARTMENT OF PLANNING & SUSTAINABILITY

MAJOR MODIFICATION APPLICATION

Existing Conditional Zoning No.: CZ-79077 & CZ-79009

APPLICANT NAME: VS Realty 1, LLC c/o Dennis J. Webb, Jr. (Smith, Gambrell, and Russell, LLP)

Daytime Phone#: 404-815-3620 Fax #: _____ E-mail: dwebb@sgrlaw.com

Mailing Address: 1105 W. Peachtree Street NE, Suite 1000, Atlanta, GA 30309

OWNER NAME: Benjamin Lefkove (VS Realty 1, LLC) (If more than one owner, attach contact information for each owner)

Daytime Phone#: 404-409-1830 Fax #: _____ E-mail: ben@viralsolutions.com

Mailing Address: 2310 Parklake Drive NE, Suite 100, Atlanta, GA 30345

SUBJECT PROPERTY ADDRESS OR LOCATION: 1799 and 1805 Clairmont Road

_____, DeKalb County, GA, 30033

District(s): 18 Land Lot(s): 103 Block(s): 03 Parcel(s): 017 & 018

Acreage or Square Feet: .77 acres Commission District(s): 2 & 6 Existing Zoning: O-I

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

Have you, the applicant, made a campaign contribution of $250.00 or more to a DeKalb County government official within the two year period that precedes the date on which you are filing this application?
x Yes _____ No If "yes", see page 4. (Conflict of Interest in Zoning Act, O.C.G.A., Chapter 36-67A)

Owner: ____ Agent: x
(Check One)

Signature of Applicant: _____

Printed Name of Applicant: Dennis J. Webb, Jr. **Major Modification Application**

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178 Sams Street
Decatur, GA 30030

Chief Executive Officer
Michael Thurmond

DEPARTMENT OF PLANNING & SUSTAINABILITY

Director
Andrew A. Baker, AICP

MAJOR MODIFICATION APPLICATION CHECKLIST (SUBMIT 4 COMPLETE, COLLATED SETS AND PDF FLASH DRIVE OF APPLICATION DOCUMENTS)

_x_ 1. Mandatory **Pre-Application Conference** with Planning & Sustainability staff. **Pre-Application form** to be completed in pre-application meeting. Please call (404) 371-2155 to schedule pre-app conference.

_x_ 2. Hold a **Community Meeting** with surrounding neighborhood associations and residents. Notify staff in advance of date, time, and location of meeting. **Provide documentation** (e.g., meeting notice, sign-in sheets, letter(s) from homeowners associations).

_x_ 3. **Application Form**. Form must be completely filled out and be the first page of packet.

_x_ 4. Notarized **Authorization Form**, if the applicant is not the owner of the subject property, which
_x_ a. is signed and notarized by all owners of the subject property;
_x_ b. contains the mailing address and phone number of any applicant or agent who is authorized to represent the owner(s) of the subject property; and
_n/a_ c. includes a warranty deed, if ownership is less than 2 consecutive years.

_x_ 5. **Written Legal Description** of subject property, in metes and bounds.

_x_ 6. **Boundary Survey** (showing existing buildings, structures, and improvements), prepared and sealed within the last ten years by a professional engineer, or land surveyor registered in the State of Georgia and is consistent with the plat(s) on Official Tax Record. . Applicant shall certify that the Boundary Survey is complete and currently accurate. **Site plans shall be drawn to scale** showing all proposed development or redevelopment projects, proposed buildings, structures, and improvements. Site plans must include the following:
_x_ a. Complete boundaries of subject property including curb cuts, internal vehicular circulation facilities, and sidewalks;
_x_ b. Location of buildings, structures, setback lines, buffer lines, and parking;
_x_ c. Location of any 100-year floodplains, streams, and stream buffer lines;
_x_ d. Notation of the total acreage or square footage of the subject property;
_x_ e. Landscaping, trees, open space, and undisturbed buffers;
_x_ f. Notation of building square footages and heights, residential density calculations, existing and proposed lot coverage, required and proposed parking, and open space calculations;
_x_ g. Four copies of site plans:
1. Full-size site plans (at least 11” x 17”): 4 copies, folded.
2. Site plan reduced to 8 ½” x 11”. 4 copies

_x_ 7. **Attached approved Conditions**. Include statement of any additional conditions proposed.

_x_ 8. **Letter of Application** identifying the proposed modification to conditions, the reason for the request, the existing and proposed use of the property, and detailed characteristics of the proposed use (e.g., floor area, height of buildings, number of units, mix of unit types, hours of operation, etc
.

_x_9. Written detailed **Impact Analysis** of the anticipated impact of the proposed use and change in conditions, in response to the standards and factors specified in **Section 27-832** of the DeKalb County Zoning Ordinance.

_x_ 10.Campaign disclosure statement, if applicable, to be filed in compliance with State law.

_____ 11. **Application fee**. Make payable to “DeKalb County”. $250.00

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED.

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178 Sams Street
Decatur, GA 30030

ZONING CONDITIONS

Sec. 27-833. Conditions. Conditions may be requested by an applicant, recommended by the planning department and planning commission, and imposed by the board of commissioners, as a part of any proposed change to the official zoning map, in accordance with the following requirements:

a) Conditions may be imposed so as to ameliorate the effect(s) of the proposed developmental change for the protection or benefit of neighboring persons or properties consistent with the purpose and intent of the district(s) involved, and the goals and objectives of the comprehensive plan and state law. No condition shall be imposed which reduces the requirements of the district(s) involved. All conditions shall be of sufficient specificity to allow lawful and consistent application and enforcement. All conditions shall be supported by a record that evidences the relationship between the condition and the impact of the developmental change. No condition in the form of a development exaction for other than a project improvement shall be imposed within the meaning of the Georgia Development Impact Fee Act, as amended.

b) A condition, whether recommended by a commissioner, the applicant, or any other person or entity, placed upon an application after the required deadline for advertising in the legal organ of the county prior to the scheduled hearing before the planning commission, shall be treated as an amendment to the application and shall follow the requirements of Section 27-826.

c) Once imposed, conditions shall become an integral part of the approved amendment and shall be enforced as such. Changes to approved conditions shall be authorized only pursuant to section 27-845 of this Chapter.

Sec. 27-845. Modifications and changes to conditional zoning amendments.

(a) The Director of Planning shall have sole authority to approve minor changes to conditions attached to an approved zoning amendment. Minor changes are those that implement only slight alterations to the approved conditions, made necessary by the actual field conditions at the time of development, that do not alter the impact of the development on nearby properties nor the intent or integrity of the conditions as originally imposed. Any request for minor change of conditions shall be filed with the director of planning or his/her designee on a written form which shall include a full description of the documents and/or information necessary for the application to be considered complete. At a minimum, if an approved site plan exists, the request for minor changes shall be accompanied by four copies of the proposed revised site plan. The director of planning shall decide whether to grant or deny the request for minor changes to conditions with 30 calendar days of receipt of a complete request for such minor changes. After making a decision, the director of planning shall have 10 calendar days to post a sign on the subject property which reflects the decision of the director and includes the deadline for taking an appeal of the decision. Aggrieved person(s) shall have 15 calendar days from the posting of the sign to appeal the planning director's decision by filing an application for appeal with the secretary of the zoning board of appeals. A person shall be considered aggrieved for purposes of this section only if said person or said person's property was the subject of the action appealed from, or said person has a substantial interest in the action appealed from that is in danger of suffering special damage or injury not common to all property owners similarly situation.

(b) Any major change to conditions attached to an approved zoning amendment shall require an application and hearing before the planning commission and the board of commissioners as is required in this article V, division 1, of this chapter of the Code, for amendments to the official

zoning map generally. Without limiting the meaning of the phrase, the following shall be deemed to constitute "major change" for the purposes of interpreting this section:

(1) The movement of any building or structure adjacent to an exterior boundary line, closer to the boundary line of the property;

(2) Any increase in the number of dwelling units or any increase in the total amount of floor space of any nonresidential building;

(3) Any decrease in the minimum size of residential units imposed in the original conditional amendment;

(4) Any change in any buffer requirement(s) imposed in the original conditional zoning amendment;

(5) Any increase in the height of any building or structure;

(6) Any change in the portion of floor space devoted to different authorized uses; or

(7) All changes to conditions, except minor changes as defined in section 27-845(a), imposed by the board of commissioners when approving any change to the official zoning map, commonly referred to as a rezoning or a zoning amendment.

CAMPAIGN DISCLOSURE

If you, the applicant, have made a campaign contribution of $250.00 or more to a DeKalb County government official within the two year period that precedes the date on which you are filing this application, you must file, within 10 days after this application is filed, a disclosure report in the office of the Chief Executive Officer and the office of the Board of Commissioners, DeKalb County, 1300 Commerce Drive, Decatur, GA 30030. The report must show:

1. The name and official position of the 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 your application and the date of each contribution.

FILING FEES –MAJOR MODIFICATIONS/CHANGE OF ZONING CONDITIONS

All Districts	$250.00

Pre-Application Form

DeKalb County
GEORGIA

404.371.2155 (o)
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DeKalbCountyGa.gov

Clark Harrison Building
330 W. Ponce de Leon Ave
Decatur, GA 30030

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: Charlie Low_____Phone: _404-216-5205__ Email: __charlie@skcr.com___

Property Address: _1799 & 1805 Clairmont Rd._____

Tax Parcel ID: __18-103-03-017 & -018____ Comm. District(s): ___2 & 6___ Acreage: _____.64 acres_____

Existing Use: _____vacant offices_____ Proposed Use:___2-story, admin office bldg ___

Supplemental Regs: _____ Overlay District: ____N/A_____ DRI: ___N/A_____

Rezoning: Yes ____ No ___X___

Existing Zoning: ____O-I_____ Proposed Zoning: _____ Square Footage/Number of Units:

Rezoning Request:
_____
_____

_____

Land Use Plan Amendment: Yes____ No __X__

Existing Land Use: _____CRC_____ Proposed Land Use: ____ Consistent __x___ Inconsistent____

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

Special Land Use Request(s) _____

_____

Major Modification:

Existing Case Number(s): ____CZ-79077 & CZ-79009_____

Condition(s) to be modified:

__Major modification of condition related to 1979 site plan_____
_____

DeKalb County
GEORGIA

404.371.2155 (o)
404.371.4556 (f)
DeKalbCountyGa.gov

Clark Harrison Building
330 W. Ponce de Leon Ave
Decatur, GA 30030

WHAT TO KNOW BEFORE YOU FILE YOUR APPLICATION

Pre-submittal Community Meeting: ___X_____ Review Calendar Dates: ____X___ PC: __X___ BOC: __X_____ Letter of Intent: __X___Impact Analysis: ___X__ Owner Authorization(s):__X___ Campaign Disclosure: ___X__ Zoning Conditions: ____X_____ Community Council Meeting: ____X____ Public Notice, Signs: ____X_____ Tree Survey, Conservation: __ _____ Land Disturbance Permit (LDP): ___ _____ Sketch Plat: _____ _____ Bldg. Permits: ___ _____ Fire Inspection: ___ ____ Business License: _____ State License: _____ Lighting Plan: _____ Tent Permit: _____ Submittal Format: NO STAPLES, NO BINDERS PLEASE

Review of Site Plan

Density: __n/a _____ Density Bonuses: ___ _____ Mix of Uses: __NO_____ Open Space: ___20%____ Enhanced Open Space: _____ Setbacks: front __X____ sides ___X___ side corner _____ rear ____X__ Lot Size: _____ Frontage: _____ Street Widths: _____ Landscape Strips:_____ Buffers:__yes_____ Parking Lot Landscaping: _____ Parking - Auto: __driveways_____ Parking - Bicycle: _____ Screening: _____ Streetscapes: __yes_____ Sidewalks: _yes____Fencing/Walls:__reaf___ Bldg. Height: _____ Bldg. Orientation: _____ Bldg. Separation: _____ Bldg. Materials: _____ Roofs: _____ Fenestration: _____ Façade Design: _____ Garages: _____ Pedestrian Plan:_____ Perimeter Landscape Strip: _____

Possible Variances: _____

_____

_____

Comments:_____

_____

_____

Planner:_____ Brandon White_____ Date____1/9/2023___

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

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Decatur, GA 30030

DEPARTMENT OF PLANNING & SUSTAINABILITY

LAND USE MAP AMENDMENT	$500.00
SPECIAL LAND USE PERMIT	$400.00

Community Meeting Documents

1105 W. Peachtree St. NE, Suite 1000
Atlanta, Georgia 30309-3608
Tel: 404 815-3500
www.sgrlaw.com

Dennis (Den) J. Webb, Jr.
Direct Tel: 404-815-3620
Direct Fax: 404-685-6920
dwebb@sgrlaw.com

February 14, 2023

Re: COMMUNITY MEETING Regarding Proposed Development at 1799 & 1805 Clairmont Road

Dear Neighbor:

We represent Viral Solutions. Viral Solutions owns the above-referenced properties and plans to construct a two-story office building on them. Both parcels are currently zoned O-I (Office-Institutional) and the proposed building will meet all requirements of the O-I zoning district and require no variances. Viral Solutions will be filing an application for a major modification to modify zoning conditions that were placed on the tracts when originally developed. You are receiving this notice because you own property within 500' of 1799 & 1805 Clairmont Road.

You are invited to participate in a virtual Community Meeting on Wednesday, March 1, 2023 at 7:00 PM.

ZOOM: **https://sgrlaw.zoom.us** ; Meeting ID: **944 0363 9166**; Passcode: **105260**

It is anticipated that this application will be presented at the DeKalb County Planning Commission meeting on May 2, 2023 and the Board of Commissioners' meeting on May 25, 2023, and both are currently scheduled for 6:00 pm. Further details on these meetings will be made available on the County's website as these dates get closer: www.dekalbcountyga.gov.

Should you have any questions regarding this application, please feel free to contact me.
Thank you,

Dennis (Den) J. Webb, Jr.
Representative for Viral Solutions

UNITED STATES POSTAL SERVICE®

Firm Mailing Book For Accountable Mail

Name and Address of Sender

Kylie Thomas
Smith, Gambrell & Russell, LLP
1105 West Peachtree Street, NE
Suite 1000
Atlanta, GA 30309

Check type of mail or service

- ☐ Adult Signature Required
- ☐ Adult Signature Restricted Delivery
- ☐ Certified Mail
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery (COD)
- ☐ Insured Mail
- ☐ Priority Mail
- £ Priority Mail Express
- £ Registered Mail
- £ Return Receipt for Merchandise
- £ Signature Confirmation
- £ Signature Confirmation Restricted Delivery

Affix Stamp Here
(for additional copies of this recei
Postmark with Date of Receipt.

Hasler
02/14/2023
US POSTAGE $70.20⁰⁰

USPS Tracking/Article Number	Addressee (Name, Street, City, State, & ZIP Code™)	Postage	(Extra Service) Fee	Handling Charge	Actual Value if Registered	Insured Value	Due Sender if COD	ASR Fee	ASRD Fee	RD Fee	RR Fee	SC Fee	SCRD Fee	SH Fee
1.	EM DECATUR HIGHLANDS LLC 101 W ELM ST STE 600 CONSHOHOCKEN PA 19428	.60	.47											
2.	EVERETT RON G 909 MANOR PARC DR DECATUR GA 30033	.60	.47											
3.	MARTIN NINETTE 1005 EMORY PARC PL DECATUR GA 30033	.60	.47											
4.	DE SILVA JACQUELINE REVOCABLE 1020 EMORY PARC PL DECATUR GA 30033	.60	.47											
5.	EMORY PARC HOMEOWNERS ASSOCIAT 1455 OLD ALABAMA RD # 100 ROSWELL GA 30076	.60	.47											
6.	CUI RUOMENG 1935 RIDGEMONT LN DECATUR GA 30033	.60	.47											
7.	CHAKKALAKAL ROSETTE JAMES 908 MANOR PARC DR DECATUR GA 30033	.60	.47											

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FEB 14 2023
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8.	WEEKS CHRISTOPHER JAMES 1037 EMORY PARC PL DECATUR GA 30033	.60	.47												
9.	MACK SHARYN 984 EMORY PARC PL DECATUR GA 30033	.60	.47												
10.	FONTS E LARRY 963 EMORY PARC WAY # 62 DECATUR GA 30033	.60	.47												
11.	SUBRAMANIAN RAM M 1975 MASON MILL RD DECATUR GA 30033	.60	.47												
12.	PALLANSCH MARK A 1047 EMORY PARC PL DECATUR GA 30033	.60	.47												
13.	LI HUI RU 999 EMORY PARC PL DECATUR GA 30033	.60	.47												
14.	SANZ DANIEL DAE SUNG 1024 EMORY PARC PL DECATUR GA 30033	.60	.47												
15.	FIRST COLONY FINANCIAL CORP 8100 ROSWELL RD # 201 ATLANTA GA 30350	.60	.47												
16.	VS REALTY 1 LLC 1752 MOONSTONE CT DECATUR GA 30033	.60	.47												
17.	CLAIRMONT CREST INC 1861 CLAIRMONT RD DECATUR GA 30033	.60	.47												

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18.	SNOW PRINCE C 1021 EMORY PARC PL DECATUR GA 30033	.60	.47											
19.	SANCHETI MADHUR 1026 EMORY PARC PL DECATUR GA 30033	.60	.47											
20.	SINGH VINEETA 14938 ASPEN LN APT G WATERTOWN NY 13601	.60	.47											
21.	CARPENTER KEVIN C 1966 MASON MILL RD DECATUR GA 30033	.60	.47											
22.	BERGERE LAURENCE 1043 EMORY PARC PL # 135 DECATUR GA 30033	.60	.47											
23.	FOOTE ETHAN M 988 EMORY PARC PL DECATUR GA 30033	.60	.47											
24.	ASHTON ATLANTA RESIDENTIAL LLC 8800 ROSWELL RD # 135 ATLANTA GA 30350	.60	.47											
25.	REIS LEOLA 1939 RIDGEMONT LN DECATUR GA 30033	.60	.47											
26.	PEARCE DAVID 1959 MASON MILL RD DECATUR GA 30033	.60	.47											
27.	DANG SPENCER VU QUANG 1051 EMORY PARC PL DECATUR GA 30033	.60	.47											

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28.	WOC COLBURN LAILA 991 EMORY PARC PL DECATUR GA 30033	.60	.47												
29.	LITTLE MICHELLE 968 EMORY PARC WAY DECATUR GA 30033	.60	.47												
30.	PUGH DARNELL J 1933 RIDGEMONT LN DECATUR GA 30033	.60	.47												
31.	TANNER JAMES D 7515 NEWSTEAD DR CUMMING GA 30041	.60	.47												
32.	ETCHEGOYEN EMILIO G 1950 MASON MILL RD DECATUR GA 30033	.60	.47												
33.	LAURENT RYAN D 1029 EMORY PARC PL DECATUR GA 30033	.60	.47												
34.	NEWSOME JANICE 981 EMORY PAR PL DECATUR GA 30033	.60	.47												
35.	PHAN JOSEPH T 969 EMORY PARC WAY DECATUR GA 30033	.60	.47												
36.	VIVERITO ANGELO 1953 MASON MILL RD DECATUR GA 30033	.60	.47												
37.	QURESHI ASIM 1049 EMORY PARC PL DECATUR GA 30033	.60	.47												

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38.	HUSSEN FAMILY LIVING TRUST 1018 EMORY PARC PL DECATUR GA 30033	.60	.47											
39.	DEKALB COUNTY 1300 COMMERCE DR DECATUR GA 30030	.60	.47											
40.	RYAN JORDAN D 1937 RIDGEMONT LN UNIT 11 DECATUR GA 30033	.60	.47											
41.	1775 CLAIRMONT ROAD LLC 1775 CLAIRMONT RD DECATUR GA 30033	.60	.47											
42.	BOWERS MALONE REVOCABLE LIVING TRUST 1974 MASON MILL RD DECATUR GA 30033	.60	.47											
43.	DILLINGHAM JOSEPHINE 1027 EMORY PARC PL DECATUR GA 30033	.60	.47											
44.	PATEL NAVDEEP R 1042 EMORY PARC PL DECATUR GA 30033	.60	.47											
45.	BARRON HERMAN 1940 RIDGEMONT LN DECATUR GA 30033	.60	.47											
46.	MADDU KIRAN K 1979 MASON MILL RD DECATUR GA 30033	.60	.47											
47.	SIMON AMY R 1045 EMORY PARC PL DECATUR GA 30033	.60	.47											

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48.	HUANG ZHEN 4034 NE CHIPPEWA PL BROOKHAVEN GA 30319	.60	.47											
49.	PULTE HOME CORPORATION 2475 N POINT PKWY STE 600 ALPHARETTA GA 30009	.60	.47											
50.	UKANI GROUP INC 4309 MOONLIGHT WALK LILBURN GA 30047	.60	.47											
51.	GEORGIA STATE OF 2 PEACHTREE ST NW ATLANTA GA 30303	.60	.47											
52.	KOVACS NICHOLAS ATTILA 1050 EMORY PARC PL DECATUR GA 30033	.60	.47											
53.	FOXMAN STEPHANIE 983 EMORY PARC PL DECATUR GA 30033	.60	.47											
54.	MONTAGUE TERRI Y 971 EMORY PARC WAY DECATUR GA 30033	.60	.47											
55.	SUNDARAM PREETI 1936 RIDGEMONT LN DECATUR GA 30033	.60	.47											
56.	BRINKS THOMAS S 905 MANOR PARC DR DECATUR GA 30033	.60	.47											
57.	COLLINS MATTHEW B 1003 EMORY PARC PL DECATUR GA 30033	.60	.47											

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58.	BEST IRWIN M 2632 NELMS CT DECATUR GA 30033	.60	.47												
59.	SHIEH CHARLES 1941 RIDGEMONT LN DECATUR GA 30033	.60	.47												
60.	JCAT ENTERPRISES LLC 1945 MASON MILL RD # 200 DECATUR GA 30033	.60	.47												
61.	PIZZUTO JOSEPH M 1967 MASON MILL RD DECATUR GA 30033	.60	.47												
62.	PARRA MIGUEL ANGEL 8701 SW 97TH TER MIAMI FL 33176	.60	.47												
63.	WATANABE JEFFREY M 1038 EMORY PARC PL DECATUR GA 30033	.60	.47												
64.	MANOJ VENKITESHWAR 1945 RIDGEMONT LN DECATUR GA 30033	.60	.47												
65.	NUNN JACINTA P 1955 MASON MILL RD DECATUR GA 30033	.60	.47												
66.	KNISELY GARY T 1051 CHERRY ORCHARD RD DOVER PA 17315	.60	.47												
67.	KEMP JONATHAN G 993 EMORY PARC PL DECATUR GA 30033	.60	.47												

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68.	KISNER JOHN 907 EMORY PARC WAY DECATUR GA 30033	.60	.47											
69.	1788 CLAIRMONT ROAD LLC 1381 EUCLID AVE ATLANTA GA 30307	.60	.47											
70.	G SOLOMON PROPERTIES LLC 1990 N AKIN DR ATLANTA GA 30345	.60	.47											
71.	SILVA VITELIO 1057 EMORY PARC PL DECATUR GA 30033	.60	.47											
72.	MINTZ MAURIE LYNN 995 EMORY PARC PL DECATUR GA 30033	.60	.47											
73.	SIVARAJA RAVIKUMAR 972 EMORY PARC WAY DECATUR GA 30033	.60	.47											
74.	1834 CLAIRMONT ROAD LLC 5755 DUPREE DR NW ATLANTA GA 30327	.60	.47											
75.	BLOOMSMITH CRAIG W 1963 MASON MILL RD DECATUR GA 30033	.60	.47											
76.	QURESHI SAJID A 732 OLD NORCROSS TUCKER RD TUCKER GA 30084	.60	.47											
77.	BLOUNT LINDA 982 EMORY PARC PL DECATUR GA 30033	.60	.47											

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78.	ILIVETTE L HIDALGO NILSSON REVOC LV TRST 966 EMORY PARC WAY DECATUR GA 30033	.60	.47											
79.	COHEN DUSTIN 1944 RIDGEMONT LN DECATUR GA 30033	.60	.47											
80.	CHEN PETER C 1951 MASON MILL RD DECATUR GA 30033	.60	.47											
81.	ZHUGE CHENDONG 1041 EMORY PARC PL DECATUR GA 30033	.60	.47											
82.	PANTINO THOMAS 979 EMORY PARC PL DECATUR GA 30033	.60	.47											
83.	LIN CHUNG TUNG 1942 RIDGEMONT LN DECATUR GA 30033	.60	.47											
84.	CREWS MANAGEMENT LLC 1789 CLAIRMONT RD DECATUR GA 30033	.60	.47											
85.	SUTTON WILLIAM L JR 1971 MASON MILL RD DECATUR GA 30033	.60	.47											
86.	TAYLOR LAUREN 997 EMORY PARC PL DECATUR GA 30033	.60	.47											
87.	TUCKER SUSAN 986 EMORY PARC PL DECATUR GA 30033	.60	.47											

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88.	MIELCARZ JEFFREY 961 EMORY PARC WAY DECATUR GA 30033	.60	.47											
89.	CAMP SUNSHINE PROPERTY HOLDING 1850 CLAIRMONT RD DECATUR GA 30033	.60	.47											
90.	FISCHHOF RICHARD S 1958 MASON MILL RD DECATUR GA 30033	.60	.47											
91.	CLAIRMONT LEGAL CENTER LLC 1849 CLAIRMONT RD DECATUR GA 30033	.60	.47											
92.	COUSINEAU COLLEEN 1031 EMORY PARC PL DECATUR GA 30033	.60	.47											
93.	KOON JOHN H 985 EMORY PARC PL DECATUR GA 30033	.60	.47											
94.	JACKSON RUDOLPH S 967 EMORY PARC WAY # 60 DECATUR GA 30033	.60	.47											
95.	WALTERS TIMOTHY D 1932 RIDGEMONT LN DECATUR GA 30033	.60	.47											
96.	ENG WAI 1309 SUMMIT GREENWAY CT CHARLOTTE NC 28208	.60	.47											
97.	CHOWELL GERARDO 1033 EMORY PARC PL DECATUR GA 30033	.60	.47											

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98.	MARGOLIS STEPHEN 1028 EMORY PARC PL DECATUR GA 30033	.60	.47											
99.	GIBSON TRACY 1943 RIDGEMONT LN DECATUR GA 30033	.60	.47											
100.	WOOD KEVIN 1046 EMORY PARC PL DECATUR GA 30033	.60	.47											
101.	XIA YUFENG 1025 EMORY PARC PL DECATUR GA 30033	.60	.47											
102.	MA MUCHOU JOE 1344 TALL MAPLE LOOP OVIEDO FL 32765	.60	.47											
103.	CHANDLER KAREN 965 EMORY PARC WAY # 61 DECATUR GA 30033	.60	.47											
104.	CHANG TING WEI T 1928 RIDGEMONT LN DECATUR GA 30033	.60	.47											
105.	BROCKINGTON FAMILY LIVING TRUST 904 MANOR PARC DR DECATUR GA 30033	.60	.47											
106.	CORNELL GARY A 1023 EMORY PARC PL DECATUR GA 30033	.60	.47											
107.	RODRIGO HESHAN 1040 EMORY PARC PL DECATUR GA 30033	.60	.47											

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108.	BACHAR MOSHE 4098 BIG CREEK OVERLOOK ALPHARETTA GA 30005	.60	.47											
109.	VIVERITO ANGELO N 1048 EMORY PARC PL DECATUR GA 30033	.60	.47											
110.	HOUGH LESLIE S 987 EMORY PARC PL DECATUR GA 30033	.60	.47											
111.	CHEN ZHUANGYI 973 EMORY PARC WAY DECATUR GA 30033	.60	.47											
112.	ABEBE NETSANET 1934 RIDGEMONT LN DECATUR GA 30033	.60	.47											
113.	SEVENTEEN FIFTY CLAIRMONT 1750 CLAIRMONT RD DECATUR GA 30033	.60	.47											
114.	SHAH VIJAY H 1805 LAKE DOW RD MCDONOUGH GA 30252	.60	.47											
115.	FAGAN EDWARD L 1019 EMORY PARC PL DECATUR GA 30033	.60	.47											
116.	METRO II FOOD AND GAS INC 1925 MASON MILL RD DECATUR GA 30033	.60	.47											
117.	KNAFO SALOMON 1535 MASON MILL RD ATLANTA GA 30329	.60	.47											

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Attendee Report
Topic: Viral Solutions Community Meeting

Host Details: Dennis (Den) Webb
Actual Start Time: 3/1/2023 18:38
Leave Time: 3/1/2023 19:30
Actual Duration: 53 minutes

User Name (Original Name)
Dustin Quinteros
Charlie L.
Bernard Coxton Jr
Susan
Jacqueline Desilva
Patricia Fonts
Patricia Fonts
leola reis
Mary Hinkel
Tom Albritton
Colleen Cousineau
Alan Lentz
Angelo
Angelo
Marshoul
James Bowers
Kathleen Everett
Emory Parc HOA
j eng
Charlie L.
Bernard Coxton Jr
Shaheena
Irving Pifowitz
John Koon
Vivian Viverito
Christy Laurent
Gary Cornell
14708062339
Bernard Coxton Jr
John Kisner
Attorney Kazuma Sonoda# Jr.
Anna Sonoda
Tony Miles

Authorization Form

DeKalb County
GEORGIA

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404.371.4556 (f)
DeKalbCountyGa.gov

Clark Harrison Building
330 W. Ponce de Leon Ave
Decatur, GA 30030

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: 3/8/23

TO WHOM IT MAY CONCERN:

(I), (WE), Benjamin Lefkove (Benjamin Lefkove - VS Realty 1, LLC)
Name of Owner(s)

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

Dennis J. Webb Jr., Smith, Gambrell, & Russell, LLP
Name of Applicant or Representative

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

Notary Public — Owner (VS Realty 1, LLC) Benjamin Lefkove

CATHY M ELLINGTON NOTARY PUBLIC GWINNETT COUNTY, GA Exp. Mar. 13, 2025

Notary Public — Owner

Notary Public — Owner

Notary Public — Owner

Legal Description

LEGAL DESCRIPTION: OVERALL

ALL THAT CERTAIN PIECE, PARCEL OR LOT OF LAND LAYING AND BEING WITHIN LAND LOT 103 OF THE 18TH DISTRICT OF DEKALB COUNTY, GEORGIA AND BEING MORE FULLY SHOWN AND DESIGNATED ON A PARCEL CONSOLIDATION MAP FOR VIRAL SOLUTIONS DATED JANUARY 24, 2022 BY HAYES JAMES AND ASSOCIATES HAVING THE FOLLOWING METES AND BOUNDS TO WIT:

COMMENCING AT A POINT WHERE THE EAST RIGHT-OF-WAY OF CLAIRMONT ROAD (R/W VARIES) INTERSECTS THE SOUTH RIGHT-OF-WAY OF MASON MILL ROAD (R/W VARIES); THENCE CONTINUING ALONG THE EAST RIGHT-OF-WAY OF CLAIRMONT ROAD (R/W VARIES) A DISTANCE OF 200' TO A 3/4" OPEN TOP PIPE FOUND, THE POINT OF BEGINNING (P.O.B.)

THENCE TURNING AND CONTINUING ALONG THE SHARED LINE OF JCAT ENTERPRISES LLC AND ANGELO VIVERITO & VIVIAN VIVERITO SOUTH 86 DEGREES 12 MINUTES 07 SECONDS EAST (S86°12'07"E) A DISTANCE OF 154.89' TO A #4 REBAR SET; THENCE TURNING AND CONTINUING ALONG THE SHARED LINE OF EMORY PARC HOME OWNERS ASSOCIATION SOUTH 06 DEGREES 45 MINUTES 41 SECONDS WEST (S06°45'41"W) A DISTANCE OF 84.28' TO A #4 REBAR SET; THENCE TURNING AND CONTINUING SOUTH 00 DEGREES 24 MINUTES 55 SECONDS EAST (S00°24'55"E) A DISTANCE OF 99.02' TO A #4 REBAR SET; THENCE TURNING AND CONTINUING ALONG THE SHARED LINE OF CREWS MANAGEMENT LLC NORTH 87 DEGREES 19 MINUTES 27 SECONDS WEST (N87°19'27"W) A DISTANCE OF 177.66' TO A #4 REBAR FOUND WITH CAP; THENCE TURNING AND CONTINUING ALONG A CURVE TO THE RIGHT ON THE EASTERN RIGHT-OF-WAY OF CLAIRMONT ROAD (R/W VARIES) HAVING A RADIUS OF 2645.38', AN ARC LENGTH OF 99.51', BEING SUBTENDED BY A CHORD BEARING NORTH 07 DEGREES 35 MINUTES 08 SECONDS EAST (N07°35'08"E) AND A CHORD DISTANCE OF 99.50' TO A #4 REBAR SET; THENCE CONTINUING ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 3645.38', AN ARC LENGTH OF 88.12', BEING SUBTENDED BY A CHORD BEARING NORTH 12 DEGREES 26 MINUTES 30 SECONDS EAST (N12°26'30"E) AND A CHORD DISTANCE OF 88.11' TO THE POINT OF BEGINNING (P.O.B.) AND CONTAINING 0.701 ACRES (30,537 SQ. FT.)

Survey

THIS BLOCK RESERVED FOR CLERK OF SUPERIOR COURT

SITE DATA

DEVELOPER/OWNER:	VIRAL SOLUTIONS 2512 N DRUID HILLS RD. ATLANTA, GEORGIA 30329 770.843.0929
SURVEYOR:	HAYES JAMES & ASSOCIATES 3100 BRECKINRIDGE BLVD. SUITE 300 DULUTH, GEORGIA 30096 www.hayesjames.com
SITE ADDRESS:	1805 CLAIRMONT ROAD 1799 CLAIRMONT ROAD DECATUR, GEORGIA 30033
PROPERTY I.D.	18 103 03 017 18 103 03 018

TECHNICAL DATA

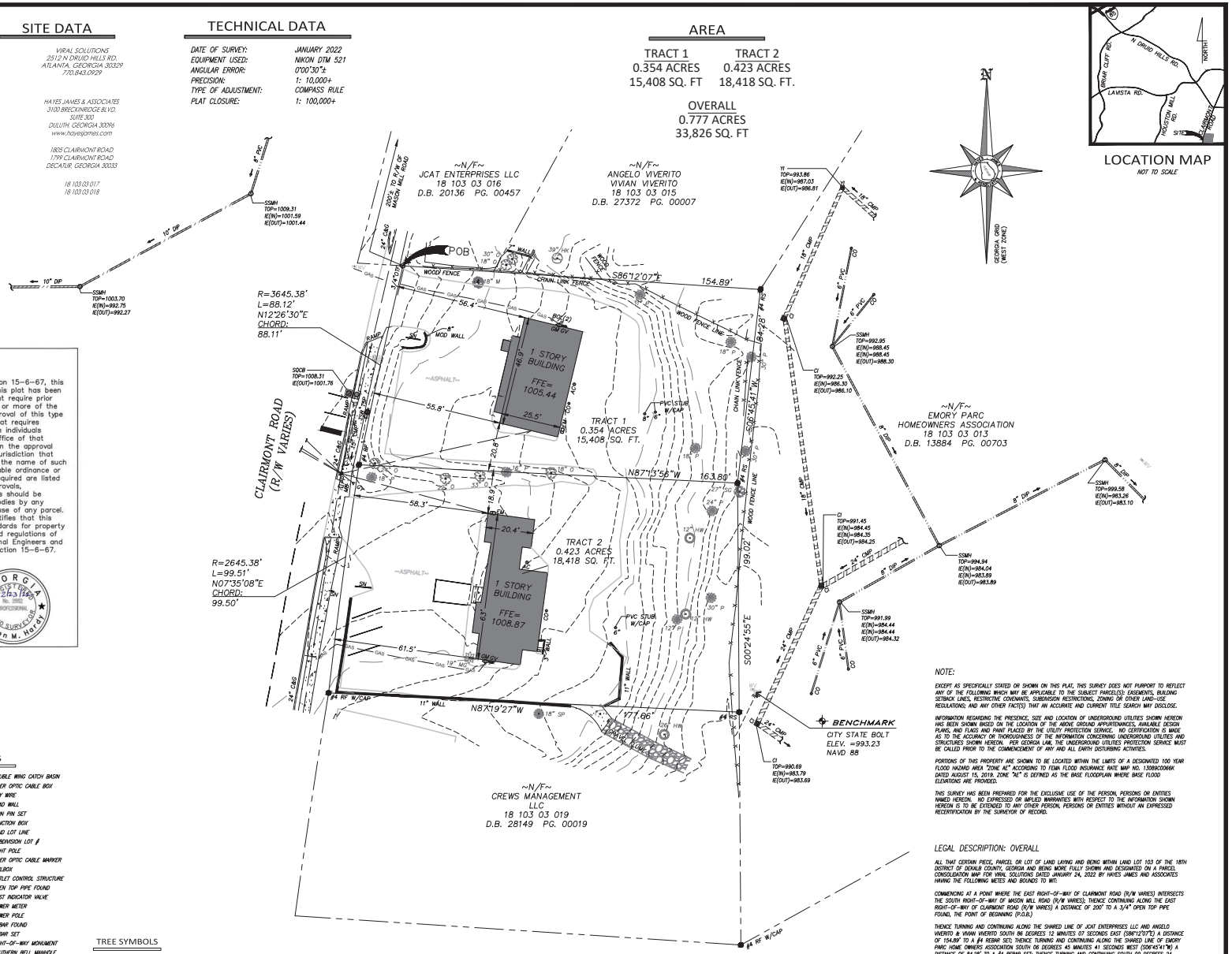
DATE OF SURVEY:	JANUARY 2022
EQUIPMENT USED:	NIKON DTM 521
ANGULAR ERROR:	0°00'30"±
PRECISION:	1: 10,000+
TYPE OF ADJUSTMENT:	COMPASS RULE
PLAT CLOSURE:	1: 100,000+

AREA

TRACT 1	TRACT 2
0.354 ACRES	0.423 ACRES
15,408 SQ. FT	18,418 SQ. FT.

OVERALL
0.777 ACRES
33,826 SQ. FT

LOCATION MAP
NOT TO SCALE



GEORGIA
CERTIFICATION

As required by subsection (d) of O.C.G.A. Section 15–6–67, this plat has been prepared by a land surveyor. This plat has been approved by all applicable local jurisdictions that require prior approval for recording this type of plat or one or more of the applicable local jurisdictions do not require approval of this type of plat. For any applicable local jurisdiction that requires approval of this type of plat, the names of the individuals signing or approving this plat, the agency or office of that individual, and the date of approval are listed in the approval table shown hereon. For any applicable local jurisdiction that does not require approval of this type of plat, the name of such local jurisdiction and the number of the applicable ordinance or resolution providing that no such approval is required are listed in the approval table shown hereon. Such approvals, affirmations, or ordinance or resolution numbers should be confirmed with the appropriate governmental bodies by any purchaser or user of this plat as to intended use of any parcel. 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.

Steven M. Hardy
Georgia Land Surveyor No. 2662

GEORGIA REGISTERED No. 2662 PROFESSIONAL LAND SURVEYOR Steven M. Hardy

LEGEND

LINE TYPES

- ADJACENT PROPERTY LINE
- BUILDING SETBACK LINE
- CREEK LINE
- CURB AND GUTTER (C&G)
- EDGE OF GRAVEL
- FENCE LINE
- FORCED MAIN
- FIBER OPTIC
- GAS MAIN
- INDEX CONTOUR
- INTERMEDIATE CONTOUR
- LAND LOT LINE
- OVERHEAD POWER LINE
- SANITARY SEWER PIPE
- SITE WALL
- STORM SEWER PIPE
- SUBJECT PROPERTY LINE
- TELEPHONE LINE
- WATER MAIN

SYMBOLS

- CLF — CHAIN LINK FENCE
- CMP — CORRUGATED METAL PIPE
- CO — CLEAN OUT
- CTF — CRIMPED TOP PIPE FOUND
- CTV — CABLE TV PEDESTAL
- DE — DRAINAGE EASEMENT
- DI — DROP INLET
- DIP — DUCTILE IRON PIPE
- DIR — PIPE DIRECTION
- DWCB — DOUBLE WING CATCH BASIN
- FOC-B — FIBER OPTIC CABLE BOX
- GY — GUY WIRE
- HW — HEAD WALL
- IPS — IRON PIN SET
- JB — JUNCTION BOX
- LLL — LAND LOT LINE
- LOT — SUBDIVISION LOT #
- LP — LIGHT POLE
- MAR-FO — FIBER OPTIC CABLE MARKER
- MB — MAILBOX
- OCS — OUTLET CONTROL STRUCTURE
- OTP — OPEN TOP PIPE FOUND
- PIV — POST INDICATOR VALVE
- PM — POWER METER
- PP — POWER POLE
- RF — REBAR FOUND
- RS — REBAR SET
- RWM — RIGHT-OF-WAY MONUMENT
- SBMH — SOUTHERN BELL MANHOLE
- SIGN — TRAFFIC SIGN
- SSE — SANITARY SEWER EASEMENT
- SSMH — SANITARY SEWER MANHOLE
- SWCB — SINGLE WING CATCH BASIN
- TM — TELEPHONE MARKER
- TPED — TELEPHONE PEDESTAL
- TRAN — TRANSFORMER
- TSB — TRAFFIC SIGNAL BOX
- WM — WATER METER
- WV — WATER VALVE
- WVLT — WATER VAULT

TREE SYMBOLS

- CH — CHERRY
- DW — DOGWOOD
- HK — HICKORY
- HO — HOLLY
- HW — HARD WOOD
- MAG — MAGNOLIA
- MP — MAPLE
- O — OAK
- P — PINE
- SG — SWEETGUM
- SP — SPRUCE

NOTE:

EXCEPT AS SPECIFICALLY STATED OR SHOWN ON THIS PLAT, THIS SURVEY DOES NOT PURPORT TO REFLECT ANY OF THE FOLLOWING WHICH MAY BE APPLICABLE TO THE SUBJECT PARCEL(S): EASEMENTS, BUILDING SETBACK LINES, RESTRICTIVE COVENANTS, SUBDIVISION RESTRICTIONS, ZONING OR OTHER LAND-USE REGULATIONS; AND ANY OTHER FACT(S) THAT AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE.

INFORMATION REGARDING THE PRESENCE, SIZE AND LOCATION OF UNDERGROUND UTILITIES SHOWN HEREON HAS BEEN SHOWN BASED ON THE LOCATION OF THE ABOVE GROUND APPURTENANCES, AVAILABLE DESIGN PLANS, AND FLAGS AND PAINT PLACED BY THE UTILITY PROTECTION SERVICE. NO CERTIFICATION IS MADE AS TO THE ACCURACY OR THOROUGHNESS OF THE INFORMATION CONCERNING UNDERGROUND UTILITIES AND STRUCTURES SHOWN HEREON. PER GEORGIA LAW, THE UNDERGROUND UTILITIES PROTECTION SERVICE MUST BE CALLED PRIOR TO THE COMMENCEMENT OF ANY AND ALL EARTH DISTURBING ACTIVITIES.

PORTIONS OF THIS PROPERTY ARE SHOWN TO BE LOCATED WITHIN THE LIMITS OF A DESIGNATED 100 YEAR FLOOD HAZARD AREA "ZONE AE" ACCORDING TO FEMA FLOOD INSURANCE RATE MAP NO. 13089C0084K DATED AUGUST 15, 2019. ZONE "AE" IS DEFINED AS THE BASE FLOODPLAIN WHERE BASE FLOOD ELEVATIONS ARE PROVIDED.

THIS SURVEY HAS BEEN PREPARED FOR THE EXCLUSIVE USE OF THE PERSON, PERSONS OR ENTITIES NAMED HEREON. NO EXPRESSED OR IMPLIED WARRANTIES WITH RESPECT TO THE INFORMATION SHOWN HEREON IS TO BE EXTENDED TO ANY OTHER PERSON, PERSONS OR ENTITIES WITHOUT AN EXPRESSED RECERTIFICATION BY THE SURVEYOR OF RECORD.

LEGAL DESCRIPTION: OVERALL

ALL THAT CERTAIN PIECE, PARCEL OR LOT OF LAND LAYING AND BEING WITHIN LAND LOT 103 OF THE 18TH DISTRICT OF DEKALB COUNTY, GEORGIA AND BEING MORE FULLY SHOWN AND DESIGNATED ON A PARCEL CONSOLIDATION MAP FOR VIRAL SOLUTIONS DATED JANUARY 24, 2022 BY HAYES JAMES AND ASSOCIATES HAVING THE FOLLOWING METES AND BOUNDS TO WIT:

COMMENCING AT A POINT WHERE THE EAST RIGHT-OF-WAY OF CLAIRMONT ROAD (R/W VARIES) INTERSECTS THE SOUTH RIGHT-OF-WAY OF MASON MILL ROAD (R/W VARIES); THENCE CONTINUING ALONG THE EAST RIGHT-OF-WAY OF CLAIRMONT ROAD (R/W VARIES) A DISTANCE OF 200' TO A 3/4" OPEN TOP PIPE FOUND, THE POINT OF BEGINNING (P.O.B.)

THENCE TURNING AND CONTINUING ALONG THE SHARED LINE OF JCAT ENTERPRISES LLC AND ANGELO VIVERITO & VIVIAN VIVERITO SOUTH 86 DEGREES 12 MINUTES 07 SECONDS EAST (S86°12'07"E) A DISTANCE OF 154.89' TO A ¼ REBAR SET; THENCE TURNING AND CONTINUING ALONG THE SHARED LINE OF EMORY PARC HOME OWNERS ASSOCIATION SOUTH 06 DEGREES 45 MINUTES 41 SECONDS WEST (S06°45'41"W) A DISTANCE OF 84.28' TO A ¼ REBAR SET; THENCE TURNING AND CONTINUING SOUTH 00 DEGREES 24 MINUTES 55 SECONDS EAST (S00°24'55"E) A DISTANCE OF 99.02' TO A ¼ REBAR SET; THENCE TURNING AND CONTINUING ALONG THE SHARED LINE OF CREWS MANAGEMENT LLC NORTH 87 DEGREES 19 MINUTES 27 SECONDS WEST (N87°19'27"W) A DISTANCE OF 177.66' TO A ¼ REBAR FOUND WITH CAP; THENCE TURNING AND CONTINUING ALONG A CURVE TO THE RIGHT ON THE EASTERN RIGHT-OF-WAY OF CLAIRMONT ROAD (R/W VARIES) HAVING A RADIUS OF 2645.38', AN ARC LENGTH OF 99.51', BEING SUBTENDED BY A CHORD BEARING NORTH 07 DEGREES 35 MINUTES 08 SECONDS EAST (N07°35'08"E) AND A CHORD DISTANCE OF 99.50' TO A ¼ REBAR SET; THENCE CONTINUING ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 3645.38', AN ARC LENGTH OF 88.12', BEING SUBTENDED BY A CHORD BEARING NORTH 12 DEGREES 26 MINUTES 30 SECONDS EAST (N12°26'30"E) AND A CHORD DISTANCE OF 88.11' TO THE POINT OF BEGINNING (P.O.B.) AND CONTAINING 0.777 ACRES (33,826 SQ. FT.)

Hayes | James
ENGINEERS, PLANNERS & SURVEYORS
3100 BRECKINRIDGE BLVD.
DULUTH, GA 30096-4986
TEL: (770) 923-1600
CERTIFICATE OF AUTHORIZATION:
NO. LSF000255

BOUNDARY / TOPOGRAPHIC SURVEY

VIRAL SOLUTIONS

2512 N. DRUID HILLS RD.
ATLANTA, GEORGIA
Phone: 770.843.0929

PROJECT LOCATION
Land lot(s): 103
District: 18th
Section
City: DECATUR
County: DEKALB
State: GEORGIA

GEORGIA REGISTERED No. 2662 PROFESSIONAL LAND SURVEYOR Steven M. Hardy

Project # : 22-003
Drawn By: A.G.W.
Checked By: S.M.H.
Scale: 1" = 20'
Date: JANUARY 24, 2022

REVISIONS

NO.	DESCRIPTION	DATE
1		
2		
3		
4		
5		
6		
7		
8		
9		
10		

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Sheet Number
1 of 1

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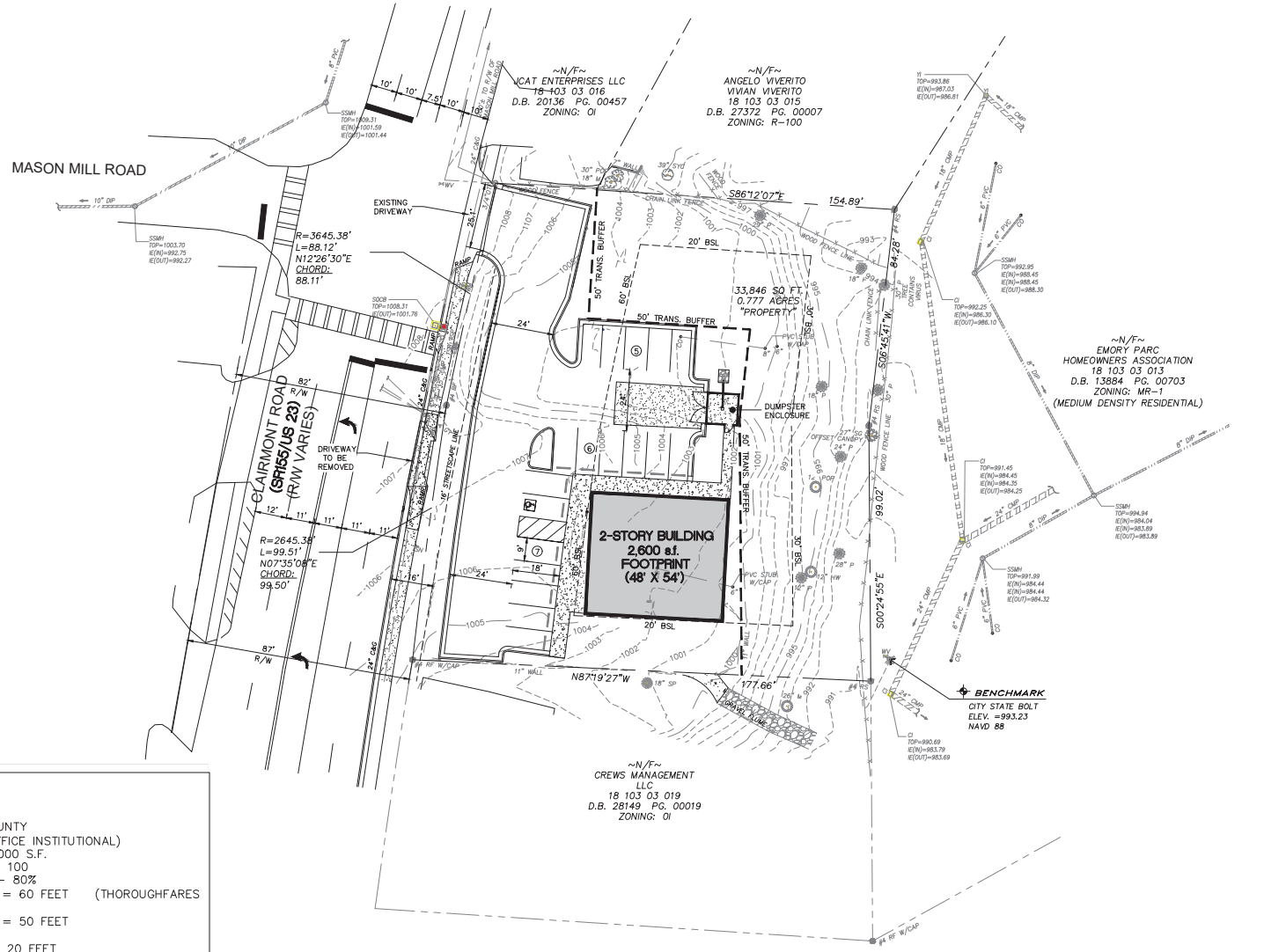
f:\proj\surv\2022\22003 clairmont road\dwg\22-003.dwg

Site Plan



SITE DATA:

SITE AREA = 0.777 AC.
JURISDICTION: DEKALB COUNTY
EXISTING ZONING = OI (OFFICE INSTITUTIONAL)
MINIMUM LOT AREA = 20,000 S.F.
MINIMUM LOT FRONTAGE = 100
MAXIMUM LOT COVERAGE – 80%
FRONT BUILDING SETBACK = 60 FEET (THOROUGHFARES AND ARTERIALS)
FRONT BUILDING SETBACK = 50 FEET (ALL OTHER STREETS)
SIDE BUILDING SETBACK = 20 FEET
REAR BUILDING SETBACK = 30 FEET
MAX. BUILDING HT = 5 STORY/70 FEET

PROPOSED BUILDING AREA = 5,200 S.F.
MIN. PARKING PER CODE = 1 SP. PER 500 S.F. = 10.4
MAX PARKING PER CODE = 1 SP. PER 200 S.F. = 26
PROPOSED PARKING = 18

TK CONSULTING ENGINEERS, LLC
3639 Bancroft Main
Kennesaw, GA 30144
phone: 678.778.3389
tkconsultingllc@gmail.com
Civil Engineering • Site Development • Erosion Control

DRAWING DATE: 3-1-23
PROJECT NO: 22012.00

SUBMITTAL RECORD:
DATE DESCRIPTION

REVISION RECORD:
DATE DESCRIPTION

PROJECT NAME:
VIRAL SOLUTIONS
OFFICE BUILDING

SITE:
1799 & 1805 CLAIRMONT ROAD
DECATUR, GA 30033

CLIENT:
VIRAL SOLUTIONS

SHEET TITLE:
SITE PLAN

SHEET NUMBER:
C1

Existing Conditions of Zoning

DeKalb County, Georgia

Planning Department

Courthouse Square, Decatur, Georgia 30030

November 1, 1983

Mr. John P. Tarlton
Fourteen West Realty
1411 N. Highland Ave., N.E.
Atlanta, Georgia 30306

Re: Conditional Zoning Alteration, CZ-79009 and CZ-79077

Dear Mr. Tarlton:

Attached you will find a copy of your approved alteration application which affects the two properties located at 1799 and 1805 Clairmont Road. The action taken by this office modifies the use of both properties by changing the conditioned use from "real estate" to "business and professional" offices. All other conditions included at the time of rezoning are still in effect.

Your check for $75.00 is being returned since the application does not require a public hearing. If you have any questions concerning this matter, please let me know.

Sincerely,

Charles Coleman
Deputy Director-Zoning Analysis

CC/mf

Attachments

cc: Liane Levetan, Commissioner, District 2

REZONING APPLICATIONS CON'T:

2. Application of Temp Management Con't:

-10' buffer variance on west line.
-20' buffer variance on north line.
-20' setback variance from Plaster Road.

The plans should be amended to reduce proposed floor area so that adequate buffers are maintained.

PLANNING COMMISSION RECOMMENDATION: Approval as conditioned:

Decision:

MOTION was made by Commissioner Levetan, seconded by Commissioner Manning, and unanimously passed, to approve the application.

---

3. Z-79001 Commissioner Dist. 2

A) 01-52-30

B) Rezoning Appl. L. P. Cooper

C) N. Druid Hills Rd., N.E., of Azalea Circle

APPLICATION OF L. P. COOPER to rezone property located on the northeast side of N. Druid Hills Road, 255' northwest of Azalea Circle, from OI to C1. The property has frontage of 125' and contains .5 acre.

No one appeared to speak in opposition.

PLANNING DEPARTMENT RECOMMENDATION: Approval. The request is consistent with area land uses and recent zoning changes on adjoining tracts.

PLANNING COMMISSION RECOMMENDATION: Approval

Decision:

MOTION was made by Commissioner Levetan, seconded to Commissioner Patterson, and unanimously passed, to approve the application as recommended by the Planning Department.

---

4. CZ-79009 Commissioner Dist. 2

A) *

B) Rezoning Appl. John Tarlton

APPLICATION OF JOHN TARLTON to rezone property located on the east side of Clairmont Road, 288' south of Mason Mill Road, from R-100 to OI (conditional). The property has frontage of 100' and contains .4 acre. (The application is conditioned for use of the existing structure for a real estate office.)

REZONING APPLICATIONS CON'T:

4. Application of John Tarlton Con't:

C) Clairmont Rd., Mason Mill Road

Mr. John Tarlton, President, Fourteen West Realty, 1411 North Highland Avenue, N.E., Atlanta, Georgia, 30306, stated they are in agreement with the 48' buffer on the east line.

Opposition: Mr. David Ariail, 2017 Mason Mill Road, Decatur, stated the community has agreed to the 48' buffer.

PLANNING DEPARTMENT RECOMMENDATION: Approval with conditions. The proposal is consistent with area uses and recent zoning changes on Clairmont Road. Staff recommendation includes the following conditions:

1. Use and development on the property shall be in accordance with the application and site plan.

2. Prior to occupancy of the building the owner shall provide a 6' screening fence along the north property line extending from the future right-of-way line to the buffer on the rear.

PLANNING COMMISSION RECOMMENDATION: Approval as recommended by the staff with added condition of a 48' buffer on the east.

Decision:

MOTION was made by Commissioner Levetan, seconded by Commissioner Manning, and unanimously passed, to approve the application in accordance with the recommendation of the Planning Commission allowing for a 48' buffer on the east.

---

5. CZ-79002 Commissioner Dist. 3

A) OI-52-30

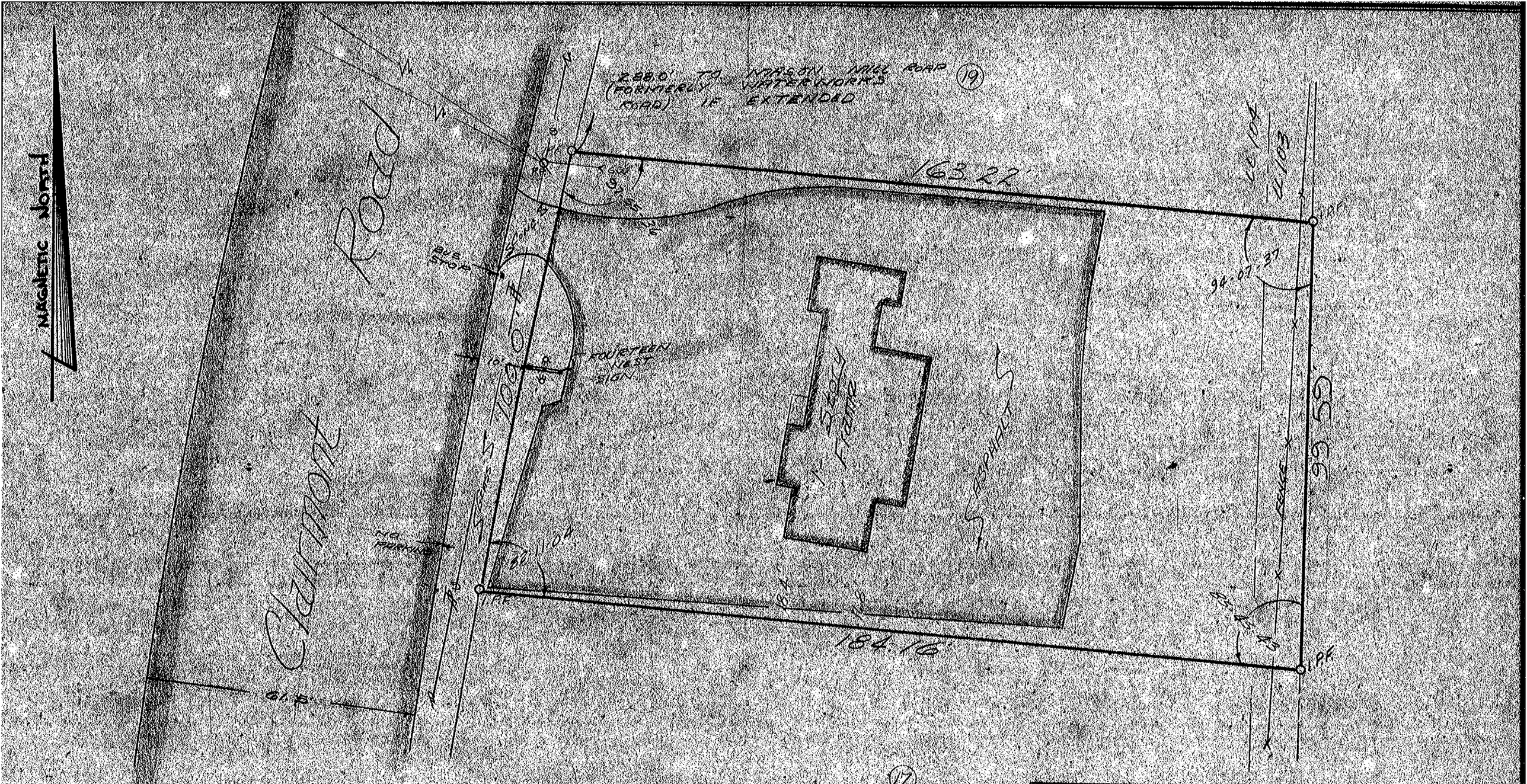
B) Rezoning Appl. Ben H. Barbre

C) Woodrow Drive, Evans Mill Road

APPLICATION OF BEN H. BARBRE to rezone property located on the east side of Woodrow Drive, 430' south of Evans Mill Road, from R-100 to OI. The property has frontage of 185' and contains .75 acre. The application is conditional for an insurance office and other professional office uses.

Mrs. Nancy S. Holland, Attorney, Holland & Holland, 6808 Main Street, Lithonia, Georgia, 30058, represented the applicant. The property is located immediately adjacent to a new shopping center in Lithonia. There is a piece of residential property, a 60' strip of land, and other OI zoning on Woodrow Road. If approved, they will probably act as a buffer to commercial and residential areas.

Opposition: Mr. Richard C. Munden, 3237 Chaparral Way, Lithonia, represented the Chaparral Neighborhood Association. He stated they are not opposing the rezoning but they would like to see that it is conditioned that the existing structure be used for business and professional office uses only.



I have, this date, examined the "FIA OFFICIAL FLOOD HAZARD MAP" and found referenced lot (IS NOT) in an area having special flood hazards.

GEORGIA REGISTERED No. 1751 PROFESSIONAL LAND SURVEYOR

In my opinion, this plat is a correct representation of the land platted and has been prepared in conformity with the minimum standards and requirements of law.

SURVEY FOR
John P. Tarlton

SCALE: 1" = 20'	APPROVED BY:	DRAWN BY:
DATE: 10-15-79		REVISED:

LAND LOT 103 & 104 18TH DISTRICT SECTION
DeKalb COUNTY GEORGIA

GA. LAND SURVEYING CO., INC.
917 ATLANTA FEDERAL BUILDING
ATLANTA, GA. 30303

DRAWING NUMBER
15119

8. Application of Tom Brackett Con't:

PLANNING COMMISSION RECOMMENDATION: Denial per staff recommendation with alteration of OI use condition.

Decision:

MOTION was made by Commissioner Moon, seconded by Commissioner Levetan, and unanimously passed, to deny the application.

The Chairman stated that in his judgment the harm done to the neighborhood as opposed to the good to the individual property owner was clearly balanced in favor of the area residents. These comments need to be mentioned for the record so that this stable neighborhood is not destroyed by zoning that should be confined to commercial areas.

---

9. CZ-79077

Commissioner District 2
Planning District 3

A) 01-52-30

B) Zoning re: Wesley B. Dunn

C) Clairmont Rd., Mason Mill Rd.

APPLICATION OF WESLEY B. DUNN to rezone property located on the east side of Clairmont Road, 200' south of Mason Mill Road, from R-100 to OI (conditional). The property has frontage of 88' and contains .3 acre. The request is for use of existing structure as a real estate office plus other conditions.

Mr. Wesley B. Dunn, 1749 Beacon Hill Blvd., Decatur, Georgia represented the applicant. He described the uses and zoning in the area. They have worked with the residents in the area. The only opposition at the Planning Commission meeting was from the adjoining land owner to the south who is in competition with them which is another real estate company. They feel this is a compatible use and asked for approval of the application.

Opposition: None.

PLANNING DEPARTMENT RECOMMENDATION: Approval. The proposal is consistent with area zoning changes; it is the last lot before Mason Mill Road with frontage only on N. Druid Hills Road. It is also the smallest lot in the area which has been considered for rezoning. Due to the lot location and size, staff recommends approval subject to the following conditions:

1. Use is for a real estate office.

2. The attached site plan is incorporated as a condition of rezoning.

3. The drive shall be moved in accordance with the attached plan.

4. The traffic light pole shall be moved by the applicant at no expense to the County.

5. A six-foot wood screening fence shall be constructed along the southern line of the Lane property.

9. Application of Wesley B. Dunn Con't:

PLANNING COMMISSION RECOMMENDATION: Approval per staff recommendation.

Decision:

MOTION was made by Commissioner Moon, seconded by Commissioner Levetan, and passed 6-1, to approve the application as recommended by the Planning Department.

Opposed: Commissioner Williams.

---

10. CZ-79081 Commissioner District 2
Planning District 3

A) 01-52-30

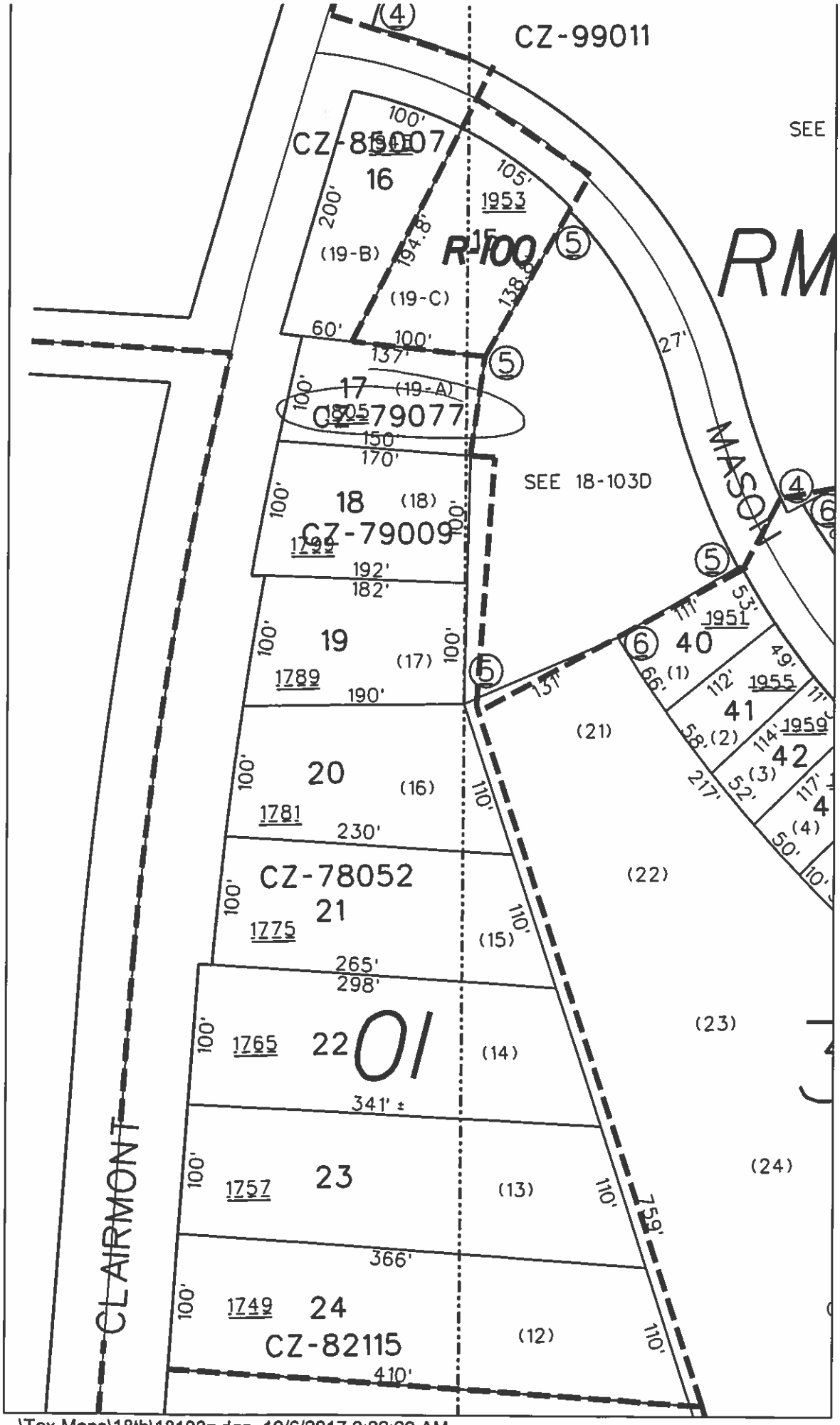
B) Zoning re: Leonard Allen

C) Clifton Rd., N. Decatur Rd.

APPLICATION OF LEONARD ALLEN to rezone property located on the east side of Clifton Road, 400' south of N. Decatur Road, from R-75 to R-A5 (conditional). The property has frontage of 150' and contains approximately 2 acres. The request is conditioned for development of eight single family detached dwelling units as a subdivision.

Mr. Leonard Allen, Realtor, 1020 Ivy Falls Drive, Atlanta, 30328, represented the proposed developer. The original application was for nine dwelling units. By subsequent amendment, this was reduced to eight units and in an attempt to satisfy the residents of the neighborhood, the application was further amended and now calls for six single family dwellings situated on its own separate lot. He compared the development standards of R-75 to R-A5 regarding side yards, lot size, setbacks, etc. Each homeowner will have fee simple title to his own lot and there will be an undisturbed buffer area or green belt of no less than 20 ft. in width around the entire property perimeter. Every possible effort will be made to protect and preserve some very old and large oak trees on the property. He described the surrounding zonings and stated that this is an area where the predominate use is no longer single family. However, the desireability of residences is supported by the proximity of Emory University. They propose to upgrade the neighborhood by the infusion of luxury single family homes in a multi-family area. The houses will be two story English Tudor style to blend with the architecture of the homes in Druid Hills. They are not asking to increase the density. There has been much misinformation and misunderstanding as to this application. There will be only six units, single family dwellings, meeting all of the requirements of R-75.

Opposition: Dr. Larry A. Bauman, 1221 Clifton Road, N.E., Atlanta, Pastor of Glenn Memorial United Methodist Church on the Emory University campus with a congregation of approximately 2000 members, stated he is serving as spokesman for the Druid Hills Civic Association to oppose the special condition request of the applicant. At least 95% of the neighbors concur in this opposition. He asked the large delegation present to stand. He stated that the revised plan which was presented to the Planning Department yesterday shows a reduction to six units. A thorough review of this new plan has been impossible by the neighborhood in view of the limited



...\Tax Maps\18th\18103z.dgn 10/6/2017 9:22:29 AM

Letter of Application
and
Impact Analysis

DeKalb County
GEORGIA

404.371.2155 (o)
404.371.4556 (f)
DeKalbCountyGa.gov

Clark Harrison Building
330 W. Ponce de Leon Ave
Decatur, GA 30030

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

Section 27-7.3.4. 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.
   See attached Statement of Intent.
B. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties.
   See attached Statement of Intent.
C. Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned.
   See attached Statement of Intent.
D. Whether the zoning proposal will adversely affect the existing use of usability of adjacent or nearby properties.
   See attached Statement of Intent.
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.
   See attached Statement of Intent.
F. Whether the zoning proposal will adversely affect historic building, sites, districts, or archaeological resources.
   See attached Statement of Intent.
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.
   See attached Statement of Intent.

Campaign Disclosures

FIRST AMENDED
STATEMENT OF INTENT/
WRITTEN JUSTIFICATION

and

Other Material Required by
DeKalb County Zoning Ordinance for an
Application for a
Major Modification of Zoning Condition

of

VS Realty 1, LLC

for

± 0.777 Acres of Land
located in Land Lot 103, 18th District
at 1799 and 1805 Clairmont Road

Zoned from O-I (conditional) to O-I (conditional)

Submitted for the Applicant by:

Dennis J. Webb, Jr.
Kathryn M. Zickert
J. Alexander Brock
Smith, Gambrell & Russell, L.L.P.
Promenade Suite 3100
1230 Peachtree Street, NE
Atlanta, GA 30309
404-815-3500

I. INTRODUCTION

This Application seeks to modify conditions of zoning pertaining to ± 0.777 acres of land located at 1799 and 1805 Clairmont Road in Land Lot 103 of the 18th District of DeKalb County ("Subject Property"). The Subject Property is currently occupied by two vacant commercial buildings. The property owner, VS Realty 1, LLC ("Applicant"), seeks to remove the existing structures and redevelop the Subject Property for a ±5,200 square foot, two-story office building, parking and other appurtenant site improvements ("Proposed Development"). The two parcels of the Subject Property are zoned O-I (Office Institutional District) Conditional, pursuant to rezoning ordinance CZ-79009 (1799 Clairmont Road) and rezoning ordinance CZ-79077 (1805 Clairmont Road) (the conditions of CZ-79009 and CZ-79077 are collectively referred to herein as the "1979 Conditions"). Both of the rezoning ordinances envisioned the use of the property for professional real estate offices and were conditioned to separate site plans.[1] The 1979 Conditions prevent any redevelopment of the Subject Property beyond what was envisioned in the original 1979 rezoning site plans. Accordingly, the 1979 Conditions will need to be modified to allow the Proposed Development.

The Proposed Development will be the corporate offices for Viral Solutions[2] as well as containing other professional office space. Viral Solutions is a provider of drive-through medical services with locations throughout the metropolitan Atlanta area. Viral Solutions provides primary care medical services to patients and its business has expanded rapidly in recent years. Along with its growth in services, Viral Solutions' administrative and corporate demands have also increased. It now seeks to redevelop the Subject Property as its corporate

[1] DeKalb County's records did not contain a copy of the site plan attached to CZ-79077.
[2] Viral Solutions is the parent company of VS Realty 1, LLC.

offices for its growing business. The proposed professional office use is a permitted use in the O-I district and the Proposed Development is in alignment with existing development and uses in the area. The development along Clairmont Road near the Subject Property contains a variety of office and commercial uses. To the north of the Subject Property, at 1945 Mason Mill Road, is an existing two-story office building that is zoned O-I and contains several professional uses, including an accounting firm and counseling offices. Also to the north, the Subject Property abuts a property zoned R-100 (Residential Medium Lot-100) and contains a single-family home. To the south, is property zoned O-I and developed with the offices of Crews Orthodontics. To the west, the Subject Property fronts the right-of-way of Clairmont Road and across the roadway is the right-of-way of Mason Mill Road and a Citgo gas station, which is zoned C-1 (Local Commercial District). To the east is property owned by the Emory Parc Homeowners Association, common area for a townhome development, which is zoned MR-1 (Medium Density Residential-1).

The Proposed Development will meet the site dimensional requirements of the O-I district and will improve upon a number of existing detrimental site conditions. In particular, the Proposed Development will preserve a 50-foot transitional buffer along the residentially zoned properties to the north and east, where there is little landscaped buffer today. The current zoning conditions require a 48-foot on the 1799 Clairmont Road parcel and no transitional buffer on the 1805 Clairmont Road parcel. Despite the 48-foot buffer, there is a large amount of paving adjacent to the Emory Parc townhomes. Also, the 1805 Clairmont Road parcel contains a similar amount of paving adjacent to the townhome property and the existing structure is ±20-feet from the R-100 property to the north. The Proposed Development will completely remove the impervious surface within the proposed 50-foot transitional buffer and restore the area with

landscaping and screening vegetation. Also, the existing offices allowed parking to the rear of the structures and closer to the townhome property. The Proposed Development will locate its parking to the front and side of the proposed building, closer to Clairmont Road, to mitigate any impacts on the adjacent residential. Additionally, the Proposed Development is removing the two existing structures, totaling ±3,260 square feet of floor area[3], and replacing with a ±5,200 square foot building. The small increase in floor area is not anticipated to negatively impact on public infrastructure. Finally, the current office buildings have two curb cuts on Clairmont Road, and only one of which lines up with Mason Mill Road on the opposite side of Clairmont Road. The Proposed Development will have a single access point at the intersection of Mason Mill Road and Clairmont Road. It is the Applicant's intent is that the Proposed Development and its design elements will be a vast improvement over the conditions that have existed for the past 40 years and will alleviate impacts and the adjacent properties. In order to accomplish these improvements, the Applicant seeks the instant Modification to remove the conditions of CZ-79009 and CZ-79077.

This document is submitted as a Statement of Intent with regard to this Application, a preservation of the Applicant's constitutional rights, a Written Justification for the Application as required by the DeKalb County Zoning Ordinance §27-7.3.5.

II. HISTORY

The parcel at 1799 Clairmont Road was rezoned from R-100 to O-I Conditional, pursuant to rezoning ordinance CZ-79009. Ordinance CZ-79009 allowed the conversion of an existing single family home from residential in to a real estate office. The conditions of this ordinance also included the following:

[3] According to the DeKalb County Tax Assessor's information, the structure on 1799 Clairmont Road parcel is

1. The application is conditioned for use of the existing structure for a real estate office.
2. Use and development on the property shall be in accordance with the application and site plan.
3. Prior to occupancy of the building the owner shall provide a 6' screening fence along the north property line extending from the future right-of-way line to the buffer on the rear.
4. A 48' buffer on the east.

The parcel at 1805 Clairmont Road, was rezoned from R-100 to O-I Conditional pursuant to rezoning ordinance CZ-79077. Ordinance CZ-79077 contemplated the development a one-story real estate office pursuant to the following conditions:

1. Use is for a real estate office.
2. The attached site plan is incorporated as a condition of rezoning.[4]
3. The drive shall be moved in accordance with the attached plan,
4. The traffic light pole shall be moved by the applicant at no expense to the County.
5. A six-foot wood screening fence shall be constructed along the southern line of the Lane property.

It is important to note that both CZ-79009 and CZ-79077 restricted the use to real estate offices. However, on November 1, 1983, a Conditional Zoning Alteration was granted which modified the conditions of both CZ-79009 and CZ-79077 to allow replace "real estate" with "business and professional" offices.

2,110 gross square feet and the structure on 1799 Clairmont Road parcel is 1,150 gross square feet.

[4] The referenced site plan is not attached to DeKalb County's records for CZ-79077.

III. IMPACT ANALYSIS

A.

THE ZONING MODIFICATION PROPOSAL IS IN CONFORMITY WITH THE POLICY AND INTENT OF THE COMPREHENSIVE PLAN

The frontage of the Subject Property is located in Neighborhood Center character area per the DeKalb County 2050 Comprehensive Plan ("Comp Plan"), which allows the Proposed Development. The Neighborhood Center is intended as a neighborhood focal point with a concentration of activities including, among others, professional office. *See Comp Plan, at pg. 35*. The Proposed Development fits squarely within this intent. Additionally, the Proposed Development meets many of the Comp Plan's stated goals and opportunities, including:

- There is a need for adequate transitions and buffers between activity centers and surrounding single-family neighborhoods. *See Comp Plan, at pg. 4*.
- Concentrating future development and density within activity centers can help protect existing single-family areas. *Id.*
- Focus new development and density in existing activity centers. *Id.at pg. 5.*
- Engage and support more existing businesses, and use Incentives to support existing industry clusters and prime locations to create new ones. *Id. at pg. 10.*

B.

THE ZONING MODIFICATION PROPOSAL WILL PERMIT A USE THAT IS SUITABLE IN VIEW OF THE USE AND DEVELOPMENT OF ADJACENT AND NEARBY PROPERTIES

The current O-I Conditional zoning allows for "business and professional" offices, however the conditions restrict the Subject Property's redevelopment. The proposed request will continue the "business and professional" office use that has existed in harmony with the surrounding community for over 40 years, but allow its redevelopment in conformance with a number of current Code requirements, including a 50-foot transitional buffer. Thus the use is suitable in light of the use and development of nearby and adjacent properties.

C.

THE SUBJECT PROPERTY DOES NOT HAVE A REASONABLE ECONOMIC USE AS PRESENTLY ZONED

The 1979 Conditions are site plan specific, which limits development to the two single-story buildings that currently exist on the property. The current buildings were single family structures and their outdated appearance has attracted little demand for new office tenants. As a consequence, the current buildings have sat vacant for a number of years. A modification to the 1979 Conditions will allow the Subject Property's redevelopment for a more modern and attractive office use.

D.

THE ZONING MODIFICATION PROPOSAL WILL NOT ADVERSELY AFFECT THE EXISTING USE OR USABILITY OF ADJACENT OR NEARBY PROPERTY

The proposed use fits perfectly among adjacent and nearby properties and is a dramatic improvement over the current vacant buildings. The Applicant also notes that it has, and will continue to, engage in conversations with the community to make sure its proposal is acceptable to these neighbors.

The primary goal of land use planning is to eliminate or minimize the potential adverse effect of the dissimilar uses of adjacent tracts of land by establishing a harmonious transition between them. The traditional method of achieving this goal is through both "off-site" and "on-site" transition. Off-site transition consists of avoiding the placement of dissimilar uses next to each other by placing uses of intermediate density between them. On-site transition, which might either supplement or replace off-site transition, consists of measures imposed on or adjacent to the more intensive use to protect neighborhoods from adverse effects. Thus, this method of land use planning includes measures such as maintenance of buffers; walls, fences or berms; lighting control; noise control; aesthetic control; limitations on building location and

orientation; location of or restrictions upon accessory uses; and prohibition of certain uses or hours of use normally permitted for that district. All of these devices will be utilized as necessary in this project.

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.

See Section C. above.

F.

WHETHER THE ZONING PROPOSAL WILL ADVERSELY AFFECT HISTORIC BUILDINGS, SITES, DISTRICTS, OR ARCHAEOLOGICAL RESOURCES

There are no historic buildings, sites, districts, or archaeological resources on the Subject Property that will be affected by its redevelopment.

G.

THE ZONING MODIFICATION PROPOSAL WILL NOT RESULT IN A USE WHICH WILL OR COULD CAUSE EXCESSIVE OR BURDENSOME USE OF EXISTING STREETS, TRANSPORTATION FACILITIES, UTILITIES, OR SCHOOLS

This Project, if approved, will have an insignificant effect on traffic in the area based on the number of trips generated. The proposed building will add ±1,940 square feet of floor area over the two existing buildings currently on the Subject Property. The Applicant used the Institute of Traffic Engineers (ITE) Trip Generation Manual (Ninth Edition) (Code 710 General Office) to calculate vehicle trips for this development. The net addition of ±1,940 square feet of office floor area[5] will generate approximately 3.03 trips during a weekday a.m. peak hour, ±2.89 trips during a weekday p.m. peak hour, and ±21.40 trips on a weekday. The Subject Property is located on Clairmont Road, which is classified as a Major Arterial per the DeKalb County

[5] The net calculation incorporates a reduction in trips from the existing ±3,260 square feet of office space.

Recommended Functional Classification Map. *See DeKalb 2050 Unified Plan Comprehensive Transportation Plan, pg. 35.* This type of roadway is intended to accommodate a large volume of traffic and the Applicant is not aware of any capacity issues.

As for utilities, the Subject Property has access to water and sewer. Finally, this proposal will have no impact on schools since it is a non-residential development.

IV. LEGAL AND CONSTITUTIONAL OBJECTIONS

The Applicant respectfully submits that the current zoning classification of the Subject Property and any proposed intervening district is unconstitutional and that rules relative to the Subject Property owner's right to use the Property established in the DeKalb County Zoning Code, to the extent they prohibit the Proposed Development, as well as 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 I of the Constitution of the State of Georgia. Further, the failure to allow this use would constitute a taking of private property without just compensation and without due process in violation of 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 I of the Constitution of the State of Georgia, and would be in violation of the Commerce Clause, Article I, Section 8, Clause 3 of the Constitution of the United States.

The Applicant respectfully submits that the Board of Commissioners' failure to approve the requested zoning modification would be unconstitutional and would discriminate in an arbitrary, capricious and unreasonable manner between the Subject Property's owner and owners

of similarly situated property in violation of Article I, Section III, Paragraph I of the Constitution of the State of Georgia and the Equal Protection Clause of the Fourteenth Amendment of the Constitution of the United States.

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

A refusal to allow the zoning modification 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. § 36-66-1 et seq., due to the manner in which the Ordinance as a whole and its map(s) have been adopted.

Opponents to this request, if any, lack standing; have failed to exhaust administrative remedies; and have waived their rights to appeal by failing to assert legal and constitutional objections.

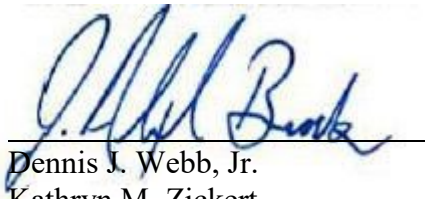
V. CONCLUSION

For the foregoing reasons, the Applicant respectfully requests that the Application at issue be approved. The Applicant also invites and welcomes any comments from Staff or other officials of DeKalb County so that such recommendations or input might be incorporated as conditions of approval of this Application.

[*Signature on the Following Page*]

This 13th day of March, 2023.

Respectfully Submitted,



Dennis J. Webb, Jr.
Kathryn M. Zickert
J. Alexander Brock
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Clark Harrison Building
330 W. Ponce de Leon Ave
Decatur, GA 30030

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 filling of this application?

Yes_____ No_____X_____*

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

CATHY M. ELLINGTON
NOTARY PUBLIC
Exp. Mar. 13, 2025
GWINNETT COUNTY, GA

3/8/23
Signature of Applicant /Date
(Benjamin Lefkove, VS Realty 1, LLC)
Check one: Owner X Agent_____

March 13, 2025
Expiration Date/ Seal

*Notarization is not needed if the response is "No"

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Cathy M. Ellington — 3.9.2023

Notary — Signature of Applicant /Date

(Dennis J. Webb, Jr. - Smith, Gambrell, and Russell, LLP)

Check one: Owner_____ Agent__x___

CATHY M ELLINGTON NOTARY PUBLIC Exp. Mar. 13, 2025 GWINNETT COUNTY, GA

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Notary

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Kathryn M Zickert 3.9.2023
Signature of Applicant /Date
(Kathryn M. Zickert - Smith, Gambrell, and Russell, LLP)

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Cathy M. Ellington
Notary

3.9.2023
Signature of Applicant /Date
(J. Alexander Brock - Smith, Gambrell, and Russell, LLP)
Check one: Owner_____ Agent__x___

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DeKalb County Parcel Map

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Date Printed: 3/13/2023

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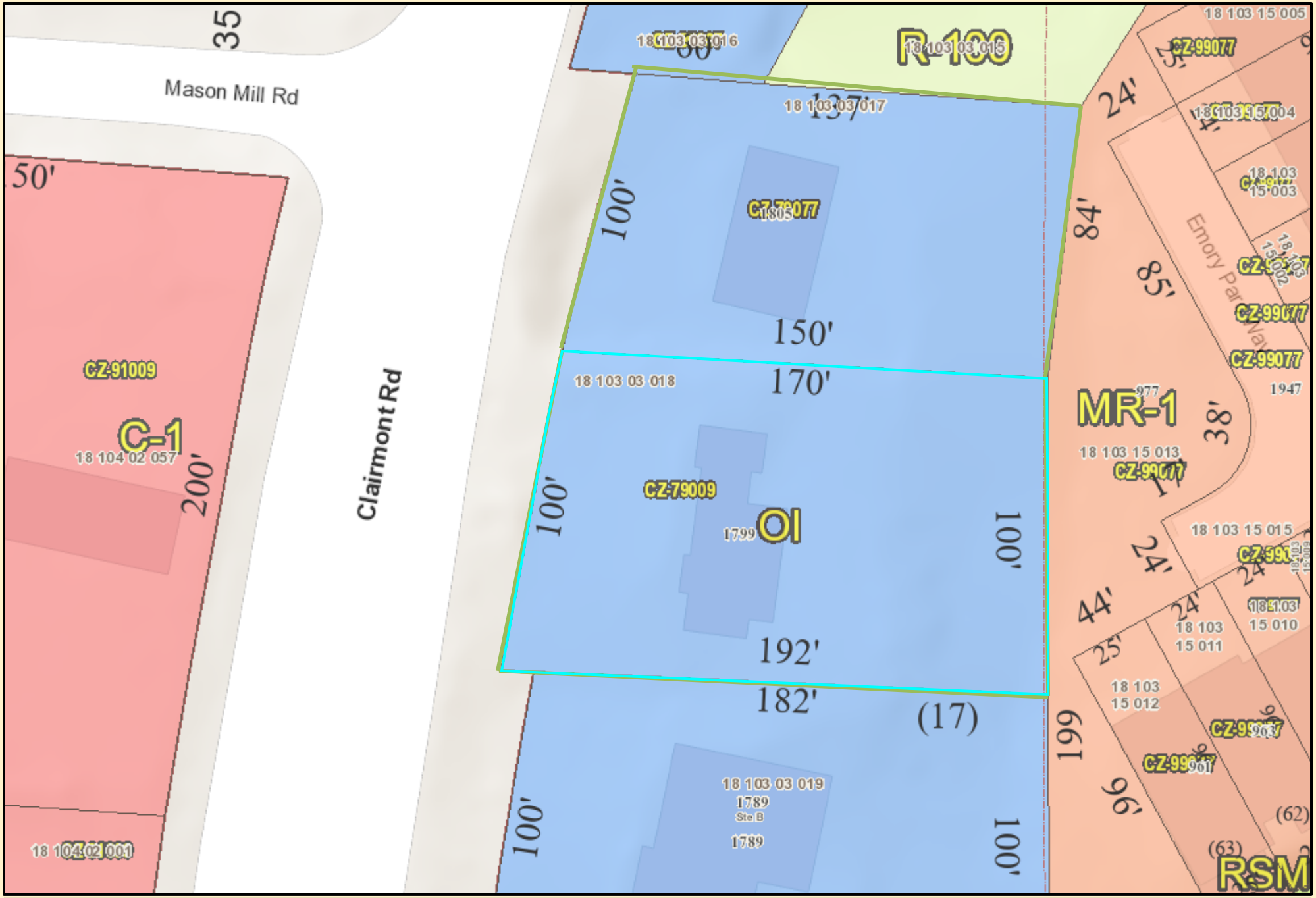

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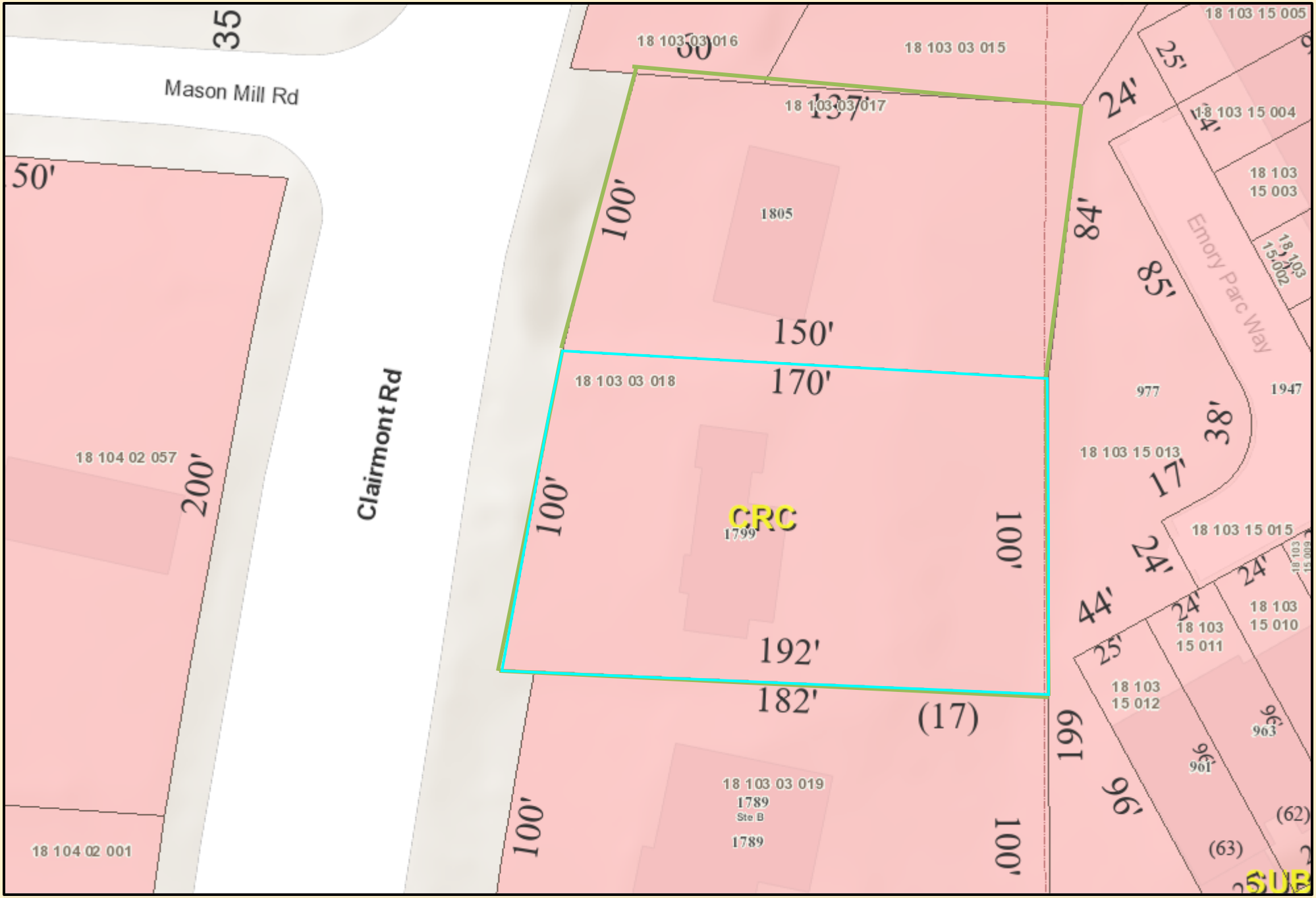

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