



Legislation Details (With Text)

File #: 2023-0872 **Version:** 1 **Name:**

Type: Ordinance **Status:** Preliminary Item

File created: 7/11/2023 **In control:** Board of Commissioners - Zoning Meeting

On agenda: 9/28/2023 **Final action:** 9/28/2023

Title: COMMISSION DISTRICT(S): Commission District 05 Super District 07
Application of Tawanda Vauss to rezone property from R-85 (Residential Medium Lot-85) zoning district to RSM (Small Lot Residential Mix) zoning district to allow a Personal Care Home for seven (7) individuals. The property is located at 7566 Union Grove Road in Lithonia, Georgia.

Indexes:

Attachments: 1. Z-23-1246542 Sept 2023 Staff Report 7566 Union Grove Rd

Date	Ver.	Action By	Action	Result
9/28/2023	1	Board of Commissioners - Zoning Meeting	withdrawn without prejudice	Pass
9/12/2023	1	Planning Commission		

Public Hearing: YES NO **Department:** Planning & Sustainability

SUBJECT:

COMMISSION DISTRICT(S): Commission District 05 Super District 07
Application of Tawanda Vauss to rezone property from R-85 (Residential Medium Lot-85) zoning district to RSM (Small Lot Residential Mix) zoning district to allow a Personal Care Home for seven (7) individuals. The property is located at 7566 Union Grove Road in Lithonia, Georgia.

PETITION NO: N2-2023-0872 Z-23-1246542

PROPOSED USE: Personal care home for seven (7) individuals.

LOCATION: 7566 Union Grove Road, Lithonia, Georgia 30058

PARCEL NO. : 16-186-01-007

INFO. CONTACT: Lucas Carter, Planner

PHONE NUMBER: 404-371-2155

PURPOSE:

Application of Tawanda Vauss to rezone property from R-85 (Residential Medium Lot-85) zoning district to RSM (Small Lot Residential Mix) zoning district to allow a Personal Care Home for seven (7) individuals. The property is located at 7566 Union Grove Road in Lithonia, Georgia.

RECOMMENDATION:

COMMUNITY COUNCIL: No Quorum.

PLANNING COMMISSION: Approval with one (1) condition.

PLANNING STAFF: Denial.

STAFF ANALYSIS: The application to rezone the property at 7566 Union Grove Road, in order to change the zoning district from R-85 (Residential Medium Lot-85) to RSM (Small Lot Residential Mix) to enable the operation of a personal care home for seven (7) or more individuals. A companion application for a Special Land Use Permit (SLUP-23-1246543) has also been submitted for the subject property. While the previously approved 2017 SLUP (SLUP-17-21824) demonstrated alignment with the Zoning Ordinance and corresponded with Comprehensive Plan objectives, the current application fails to support the goals of the zoning district and the 2050 DeKalb County Unified Plan. The submitted site plan for the personal care home shows five (5) bedrooms may be insufficient to accommodate seven or more individuals. This discrepancy between the intended capacity and the available bedrooms as well as sewer capacity potentially reaching its limit with additional residents within the facility raises questions about the adequacy of the existing construction to support the intended use. The proposal fails to integrate with the existing residential development pattern of the neighborhood. The subject property is surrounded by R-85 zoning with limited RSM zoning across the southern intersection of Union Grove Road and Pittston Farms Road. Typically, personal care homes for seven (7) or more individuals tend to be permitted in higher-density and institutional zonings per the ordinance, these being Mixed-Use, Light Commercial, and Office-Institutional districts for example. Therefore, Staff recommends “Denial” of the rezoning application to expand the existing personal care home for elderly adults on the account that the land use is not compatible with the surrounding single-family residential uses and the insufficiency of onsite accommodations for seven or more individuals. The companion Special Land Use Permit (SLUP-23-1246543) application for the same property should be considered in tandem with this rezoning request. Staff recommends “Denial”.

PLANNING COMMISSION VOTE: **Approval with one (1) condition 6-1-0.** Jan Costello moved, Vivian Moore seconded for approval with one (1) condition recommended by the Planning Commission to read as follows: "There shall be no more than seven (7) residents". Edward Patton opposed.

COMMUNITY COUNCIL VOTE/RECOMMENDATION: No Quorum. Members present voted for approval.