



Michael L. Thurmond

Chief Executive Officer

**DeKalb County Zoning Board of Appeals**  
Department of Planning & Sustainability  
178 Sams Street,  
Decatur, GA 30030

**Wednesday, December 11, 2024**

**Planning Department Staff Analysis**



Cedric Hudson

Interim Director

**N2. Case No: A-24-1247285**

**Parcel ID(s): 18 145 16 003**

**Commission District 04 Super District 07**

**Applicant:** Atlantic Development Group LLC c/o Battle Law, P.C.  
3562 Habersham at Northlake Bldg. J Ste. 100  
Tucker, GA 30084

**Owner:** Atlantic Development Group LLC  
3562 Habersham at Northlake Bldg. J Ste. 100  
Tucker, GA 30084

**Project Name:** 2825 Lawrenceville – Convenience Store

**Location:** 2825 Lawrenceville Highway, Tucker, GA 30084

**Request:** Variance from Section 27-2.24.1 of the DeKalb County Zoning Ordinance to reduce front yard setback from 50 feet to 10 feet to facilitate development of a convenience store with fuel pumps within the C-1 (Local Commercial) zoning district.

**Staff Recommendation:** Approval with conditions

**Conditions for Approval:**

1. The applicant shall provide two pedestrian pathways: one connecting to Lawrenceville Highway and another along the western portion connecting to Montreal Road, both leading to the convenience store entryway.
2. Applicant must list the case number, approval date, type of variance and all conditions on any site plans submitted for this property.

## **STAFF FINDINGS:**

Atlantic Development Group is planning to develop a convenience store with fuel pumps on about 0.869 acres of land at 2825 Lawrenceville Highway in Tucker, GA. To make this happen, they're asking for a variance to reduce the front yard setback from 50 feet to 10 feet, as required by the current zoning rules.

**1. There is an extraordinary or exceptional physical condition(s) pertaining to the particular piece of property (such as, but not limited to, lot size, lot shape, specimen tree(s), steep slope(s), or preservation of historic characteristics of the property), which was not created by the current owner, previous owner, or applicant; by reason of a clearly demonstrable condition(s), the strict application of the requirements of this chapter would deprive the property owner of rights and privileges enjoyed by other property owners in the same zoning district, as distinguished from a special privilege or convenience sought by the property owner.**

The subject property is a small, triangular corner lot, approximately 0.869 acres in size, located at the intersection of Lawrenceville Highway and Montreal Road. Its unique shape and size severely limit the buildable area, making it difficult to develop in compliance with the current zoning requirements. The property is in a C-1 (local commercial) zoning district, which mandates a 60-foot front setback on Lawrenceville Highway and a 50-foot setback on Montreal Road, along with a 20-foot side yard setback. Due to the constraints imposed by these setbacks, the applicant's proposed plan meets the required setbacks on Lawrenceville Highway and the eastern side but struggles to fit within the restricted space on Montreal Road. This results in the need for a 40-foot variance to the front yard setback along Montreal Road. The hardship is not due to any actions by the current or previous owners but stems from the property's unique shape and size. Strict adherence to the zoning requirements would render the property undevelopable, depriving the applicant of the ability to use the land in a manner consistent with other properties in the same district.

**2. The requested variance does not go beyond the minimum necessary to afford relief, and does not constitute a grant of special privilege inconsistent with the limitations upon other properties in the zoning district in which the subject property is located:**

The requested variance is the minimum necessary to provide relief for the development of the property while maintaining functionality. Although it is technically possible to build entirely within the setbacks, doing so would create significant challenges related to traffic flow, pedestrian connectivity, and the accommodation of essential structures like the gasoline canopy. Alternatively, shifting the building towards Lawrenceville Highway and relocating the parking to the Montreal Road side would lead to potential conflicts between pedestrian and vehicle traffic, which could negatively affect both the safety and efficiency of the gas station operations. Staff is also proposing a condition for approval to include two pedestrian pathways on the eastern and western portions of the property for safety. Therefore, the variance sought does not grant a special privilege but instead allows for a practical development solution that aligns with the property's constraints, while minimizing disruption to the surrounding area.

**3. The grant of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the zoning district in which the subject property is located:**

The proposed variance will not be detrimental to public welfare or surrounding properties. The building will be set back 10 feet from the property line, with a 6-foot sidewalk and a 6-foot landscape strip providing buffers to minimize any impact on the surrounding area. Montreal Road, which separates the development from neighboring properties, serves as a buffer from the storage facility and medical office to the south. Additionally, Montreal Road is a dead-end street, serving only a limited number of properties, which reduces the potential for increased traffic. To further enhance the public welfare, the applicant will be conditioned to provide a pedestrian pathway along the eastern side of the property, connecting to the front entry and extending to Montreal Road. This ensures pedestrian access without relying on car entryways, improving safety and connectivity in the area.

**4. The literal interpretation and strict application of the applicable provisions or requirements of this chapter would cause undue and unnecessary hardship:**

The literal interpretation and strict application of the applicable zoning requirements would cause undue hardship in this case. As noted in Criteria 2, while it may be possible to construct a building within the setbacks, such an arrangement would create significant challenges related to traffic flow, pedestrian access, and the accommodation of necessary structures like the gasoline canopy. Strict adherence to these requirements may limit the development in a functional and economically viable way. The requested variance, therefore, addresses these practical challenges by allowing the necessary adjustments to the building layout while maintaining compliance with other key zoning provisions. Without the variance, the site may be rendered undevelopable, creating a hardship that is not of the applicant's making but is directly related to the constraints imposed by the site's size, shape, and zoning requirements.

**5. The requested variance would be consistent with the spirit and purpose of this Chapter and the DeKalb County Comprehensive Plan Text:**

The requested variance is consistent with the spirit and purpose of the DeKalb County Zoning Ordinance and the purpose of the CRC (Commercial Redevelopment Corridor) character area which aims to revitalize commercial corridors by improving their function and aesthetic appeal while promoting redevelopment. Currently, these corridors often feature strip-style shopping centers with limited pedestrian and bicycle connectivity, and high vehicular traffic. By allowing for this variance, the development will help address these issues by enabling a more viable commercial use of the property, with the potential to integrate better pedestrian pathways as part of the design. Staff recommends that the applicant improve pedestrian connectivity, ensuring pathways do not rely on car entryways, which would further align the project with the goals of the CRC.

**FINAL STAFF ANALYSIS:**

The proposed development of a convenience store with fuel pumps at 2825 Lawrenceville Highway presents unique challenges due to the property's small size and triangular shape, which severely limit buildable area under current zoning setbacks. The requested variance to reduce the front yard setback along Montreal Road from 50 feet to 10 feet is necessary to allow for practical and functional development, ensuring traffic flow, pedestrian safety, and the placement of essential structures such as the gasoline canopy. The variance is the minimum required for relief, does not constitute a special privilege, and aligns with the spirit and purpose of the zoning ordinance by facilitating redevelopment consistent with the goals of the Commercial Redevelopment Corridor character area. Therefore, staff recommends approval with conditions.

**Staff Recommendation:** Approval with conditions

**Conditions for Approval:**

1. The applicant shall provide two pedestrian pathways: one connecting to Lawrenceville Highway and another along the western portion connecting to Montreal Road, both leading to the convenience store entryway.
2. Applicant must list the case number, approval date, type of variance and all conditions on any site plans submitted for this property.

Chief Executive Officer  
Michael Thurmond

**DEPARTMENT OF PLANNING & SUSTAINABILITY**

Interim Director  
Cedric Hudson

**ZONING BOARD OF APPEALS APPLICATION FOR PUBLIC HEARING (VARIANCES, SPECIAL EXCEPTIONS, APPEALS OF ADMINISTRATIVE DECISIONS)**

Applicant and/or  
Authorized Representative: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City/State/Zip Code: \_\_\_\_\_

Email: \_\_\_\_\_

Telephone Home: \_\_\_\_\_ Business: \_\_\_\_\_

**OWNER OF RECORD OF SUBJECT PROPERTY**

Owner: \_\_\_\_\_

Address (Mailing): \_\_\_\_\_

Email: \_\_\_\_\_ Telephone Home: \_\_\_\_\_ Business: \_\_\_\_\_

**ADDRESS/LOCATION OF SUBJECT PROPERTY**

Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

District(s): \_\_\_\_\_ Land Lot(s): \_\_\_\_\_ Block: \_\_\_\_\_ Parcel: \_\_\_\_\_

Zoning Classification: \_\_\_\_\_ Commission District & Super District: \_\_\_\_\_

**CHECK TYPE OF HEARING REQUESTED:**

\_\_\_\_\_ VARIANCE (From Development Standards causing undue hardship upon owners of property.)

\_\_\_\_\_ SPECIAL EXCEPTIONS (To reduce or waive off-street parking or loading space requirements.)

\_\_\_\_\_ OFFICIAL APPEAL OF ADMINISTRATIVE DECISIONS.

**\*PLEASE REVIEW THE FILING GUIDELINES ON PAGE 4. FAILURE TO FOLLOW GUIDELINES MAY RESULT IN SCHEDULING DELAYS.\***

Email [plansustain@dekalbcountyga.gov](mailto:plansustain@dekalbcountyga.gov) with any questions.



DEPARTMENT OF PLANNING & SUSTAINABILITY

**ZONING BOARD OF APPEALS APPLICATION**

**AUTHORIZATION TO REPRESENT THE PROPERTY OWNER**

I hereby authorize the staff and members of the Zoning Board of Appeals to inspect the premises of the Subject Property.

I hereby certify that the information provided in the application is true and correct.

I hereby certify that I am the owner of the property and that I authorize the applicant/agent to apply for a hearing to the Zoning Board of Appeals for the requests as shown in this application.

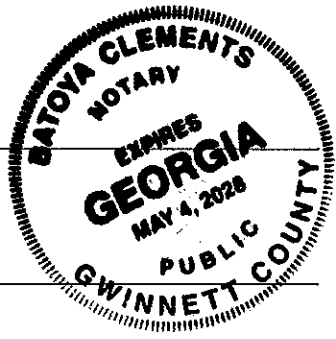
DATE: 10/17/2024 Applicant/Agent Signature: [Signature]

TO WHOM IT MAY CONCERN:

(I)/ (WE): Atlantic Development Group LLC  
(Name of Owners)

being (owner/owners) of the property described below or attached hereby delegate authority to the above signed agent/applicant.

[Signature]  
Notary Public



[Signature]  
Owner Signature

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
Owner Signature

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
Owner Signature



DEPARTMENT OF PLANNING & SUSTAINABILITY

---

**ZONING BOARD OF APPEALS APPLICATION**

**AUTHORIZATION OF THE PROPERTY OWNER**

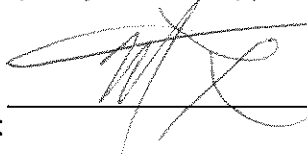
I hereby authorize the staff and members of the Zoning Board of Appeals to inspect the premises of the Subject Property.

I hereby certify that the information provided in the application is true and correct.

I hereby certify that I am the owner of the property subject to the application.

DATE: 10/17/2024

Applicant  
Signature:



---

DATE: \_\_\_\_\_

Applicant  
Signature:

---



# Battle Law

## STATEMENT OF INTENT

and

Other Material Required by  
DeKalb County Zoning Ordinance  
For  
A Variance to  
Reduce the Front Yard Setback from Fifty (50) Feet to Ten (10) Feet

of

**Atlantic Development Group Limited Liability Company  
c/o Battle Law, P.C.**

for

**+/-0.869 Acres of Land**  
Being 2825 Lawrenceville Highway, Tucker, GA 30084  
DeKalb County, Georgia, and  
Parcel Nos. 18 145 16 003

Submitted for Applicant by:

Michèle L. Battle, Esq.  
Battle Law, P.C.  
Habersham at Northlake, Building J, Suite 100  
Tucker, Georgia 300384  
(404) 601-7616 Phone  
(404) 745-0045 Facsimile  
[mlb@battlelawpc.com](mailto:mlb@battlelawpc.com)



# Battle Law

## **I. LETTER OF INTENT**

Atlantic Development Group Limited Liability Company (the “Applicant”) is seeking to develop on +/- 0.869 acres of land being Tax Parcel No. 18 145 16 003 having frontage on 2825 Lawrenceville Highway, Tucker, GA 30084 (the “Subject Property”) with a convenience store with fuel pumps. The Applicant is seeking a variance of the Subject Property from Section 2.24.1 – Dimensional Requirements to reduce the front yard setback from fifty (50) feet to ten (10) feet (See Table 2.2 Non-Residential Zoning Districts Dimensional Requirements).

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

## **II. DEKALB COUNTY VARIANCE CRITERIA**

- 1. There is an extraordinary or exceptional physical condition(s) pertaining to the particular piece of property, which was not created by the owner, previous owner, or Applicant; by reason of a clearly demonstratable condition(s), the strict application of the requirements of this chapter would deprive the property owner of rights and privileges enjoyed by other property owners in the same zoning district, as distinguished from a special privilege or convenience sought by the property owner.*

The peculiar shape and small size of the Subject Property combine with the C-1 development requirements to create a developable envelope that is entirely too small for any commercial property owner to use. The Subject Property is a 0.869-acre, triangular-shaped corner lot that fronts both Lawrenceville Highway (arterial) and Montreal Road (not labeled). The Subject Property has a CRC future land use designation, which (coupled with the C-1 zoning district) requires a sixty (60) foot front yard setback from front thoroughfares and arterials. The Zoning Ordinance requires a fifty (50) foot front yard setback from all other streets. Lastly, because the lot is a corner lot, there is no rear yard setback but a side yard setback on the eastern side of the property. The Zoning Ordinance calls for twenty (20) feet.

The Applicant has submitted a plan that complies with the sixty (60) foot front yard setback adjacent to Lawrenceville Highway and the side yard setback on the eastern side of the Subject Property. However, it is not possible to configure the site in an economically viable way to satisfy all three required setbacks. The result in this case is that the proposed convenience store encroaches into the front yard setback adjacent to Montreal Road forty (40) feet, thus requiring the need for relief.

It is important to note that no owner has created the scenario at play on the Subject Property. Rather, the hardship stems directly from the size and shape of the Subject Property. Furthermore, strict application of the requirements of the Zoning Ordinance would deprive the Applicant of any use due to the tiny developable envelope remaining after the setback requirements are applied to the Subject Property.





## Battle Law

- 2. The requested variance does not go beyond the minimum necessary to afford relief and does not constitute a grant of special privilege inconsistent with the limitations upon other properties in the zoning district in which the subject property is located.*

The requested variance does not go beyond the minimum necessary to afford relief and does not constitute a grant of special privilege. The variance requested reduces one setback to allow for the proposed building and reduces the setback to the very edge of the building.

- 3. The grant of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the zoning district in which the subject property is located.*

The grant of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the zoning district in which the Subject Property is located. The variance will allow for the building to be built ten feet from the property line where a six (6) foot sidewalk is proposed. On the other side of the sidewalk, a six (6) foot landscape strip is also proposed, and then Montreal Road intervenes between this development and the existing storage facility and medical office to the south. Montreal Road provides access to only the storage facility, medical office, and the neighboring hotel (within the City of Tucker), as Montreal Road dead ends when it reaches Highway 285.

- 4. The literal interpretation and strict application of the applicable provisions or requirements of this chapter would cause undue and unnecessary hardship.*

The literal interpretation and strict application of the applicable provisions or requirements of this chapter would prevent the Applicant or any future owner from developing the Subject Property in an economically viable way. As stated above, no property owner has created this scenario. Rather, the size and shape of the Subject Property combine with the zoning requirements to create a developable envelope that is entirely too small to be usable. Therefore, the strict application of the requirements of this chapter would unnecessarily prevent the use of the Subject Property and cause an undue hardship.

- 5. The requested variance would be consistent with the spirit and purpose of this chapter and the DeKalb County Comprehensive Plan text.*

The requested variance would be consistent with the spirit and purpose of this chapter and the DeKalb County Comprehensive Plan text because it would allow for the Subject Property to be used in accordance with the applicable C-1 zoning category without the need to change the zoning or future land use category.



# Battle Law

## **III. CONCLUSION**

For the foregoing reasons, the Applicant hereby requests that the application for a variance to reduce the front yard setback from fifty (50) feet to ten (10) feet be approved. The Applicant welcomes any questions and feedback from the planning staff.

## **IV. NOTICE OF CONSTITUTIONAL ALLEGATIONS AND PRESERVATION OF CONSTITUTIONAL RIGHTS**

The portions of the DeKalb County Zoning Ordinance, facially and as applied to the Subject Property, which restrict or classify or may restrict or classify the Subject Property so as to prohibit its development as proposed by the Applicant are or would be unconstitutional in that they would destroy the Applicant's property rights without first paying fair, adequate and just compensation for such rights, in violation of the Fifth Amendment and Fourteenth Amendment of the Constitution of the United States and Article I, Section I, Paragraph I of the Constitution of the State of Georgia of 1983, Article I, Section III, Paragraph I of the Constitution of the State of Georgia of 1983, and would be in violation of the Commerce Clause, Article I, Section 8, Clause 3 of the Constitution of the United States.

The application of the DeKalb County Zoning Ordinance to the Subject Property which restricts its use to any classification other than that proposed by the Applicant is unconstitutional, illegal, null and void, constituting a taking of Applicant's Property in violation of the Just Compensation Clause of the Fifth Amendment to the Constitution of the United States, Article I, Section I, Paragraph I, and Article I, Section III, Paragraph I of the Constitution of the State of Georgia of 1983, and the Equal Protection and Due Process Clauses of the Fourteenth Amendment to the Constitution of the United States denying the Applicant an economically viable use of its land while not substantially advancing legitimate state interests.

A denial of this Application would constitute an arbitrary irrational abuse of discretion and unreasonable use of the zoning power because they bear no substantial relationship to the public health, safety, morality or general welfare of the public and substantially harm the Applicant in violation of the due process and equal protection rights guaranteed by the Fifth Amendment and Fourteenth Amendment of the Constitution of the United States, and Article I, Section I, Paragraph I and Article I, Section III, Paragraph 1 of the Constitution of the State of Georgia.

A refusal by the DeKalb County Board of Zoning Appeals to grant the variance for the Subject Property as requested by the Applicant would be unconstitutional and discriminate in an arbitrary, capricious and unreasonable manner between the Applicant and owners of similarly situated property in violation of Article I, Section I, Paragraph II of the Constitution of the State of Georgia of 1983 and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States. Any Variance of the Property subject to conditions which are different from the conditions requested by the Applicant, to the extent such different conditions would have the effect of further restricting Applicant's utilization of the property, would also constitute an arbitrary,



## Battle Law

capricious and discriminatory act in zoning the Subject Property to an unconstitutional classification and would likewise violate each of the provisions of the State and Federal Constitutions set forth hereinabove.

A refusal to allow the variance 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 variance in question would be invalid inasmuch as it would be denied pursuant to an ordinance which is not in compliance with the Zoning Procedures Law, O.C.G.A. Section 36-66/1 et seq., due to the manner in which the Ordinance as a whole and its map(s) have been adopted.

The existing land use designation and/or zoning classification on the Subject Property is unconstitutional as it applies to the Subject Property. This notice is being given to comply with the provisions of O.C.G.A. Section 36-11-1 to afford the County an opportunity to revise the Property to a constitutional classification. If action is not taken by the County to rectify this unconstitutional land use designation and/or zoning classification within a reasonable time, the Applicant is hereby placing the County on notice that it may elect to file a claim in the Superior Court of DeKalb County demanding just and adequate compensation under Georgia law for the taking of the Subject Property, diminution of value of the Subject Property, attorney's fees and other damages arising out of the unlawful deprivation of the Applicant's property rights.

---

Michele L. Battle, Esq.  
Attorney for the Applicant

**GEORGIA D.O.T. NOTES**

THE WORK AUTHORIZED MUST BE COMPLETED WITHIN TWELVE MONTHS ON A SCHEDULE SATISFACTORY TO THE DEPARTMENT FROM THE PERMIT APPROVAL DATE AND ALSO, BE COMPLETED BEFORE THIS FACILITY IS OPEN TO THE PUBLIC.

THE FOLLOWING WILL NOT BE ALLOWED ON DOT RIGHT-OF-WAY: (1) DIVERSION OF ADDITIONAL DRAINAGE AREA ONTO THE RIGHT-OF-WAY, OR INCREASE IN THE CFS OF CURRENT VOLUMES OF WATER (2) GRADING EXCEPT AT DRIVEWAY CONSTRUCTION LOCATION, (3) HEADWALLS, (4) SIGNS, DISPLAY DEVICES, AND OTHER STRUCTURES WHICH ARE DESIGNED, INTENDED, OR USED TO ADVERTISE OR INFORM, (5) LANDSCAPING WITHOUT PRIOR APPROVAL OF THE LANDSCAPE PLAN.

ALL EXISTING UTILITIES WHICH WOULD BE UNDER NEW PAVEMENT OR IN ACCELERATION/DECELERATION LANES SHALL BE RELOCATED BEFORE FINAL GRADING OR PAVING AND AT NO COST TO THE DOT, OR AN APPROVED RETENTION LETTER FROM THE UTILITY OWNER.

CONSTRUCTION OF EROSION CONTROL BARRIERS PER GEORGIA DEPARTMENT OF NATURAL RESOURCES CODE 391-3-7 AND SHALL BE MAINTAINED UNTIL PERMANENT VEGETATION IS ESTABLISHED.

APPLICANT SHALL RESTORE ALL EXISTING SIGNS AND REGRESS TO DOT SPECIFICATIONS ALL RIGHT OF WAY THAT IS DISTURBED DURING WORK AUTHORIZED HEREIN.

THE PERMIT APPLICANT IS RESPONSIBLE FOR REPLACEMENT OF ALL EXISTING PAVEMENT MARKINGS DAMAGED BY THE PERMIT CONSTRUCTION AND THE ADDITION OF NEW PAVEMENT MARKINGS AND OR SIGNS AS SHOWN ON THE APPROVED PLAN, OR CURRENT M.U.T.C.D. GUIDELINES.

ALL CURBED ISLANDS SHALL BE FILLED TO THE TOP OF CURB WITH TOP SOIL AND GRASSED. NOTE: THIS APPROVAL DOES NOT ALLOW ANY WORK ON STATE RIGHT-OF-WAY IN CONNECTION WITH UTILITY LINES (SANITARY SEWER, WATER, TELEPHONE, GAS, ETC.)

**REQUIRED PAVEMENT SPECIFICATIONS**

1 1/2" --- 12.5 mm SUPERPAVE  
 2" --- 19 mm SUPERPAVE  
 6" --- 25mm SUPERPAVE  
 12" --- GRADED AGGREGATE BASE COURSE

**NOTICE**

THIS PERMIT IS APPROVED SUBJECT TO THE REVISIONS AND COMMENTS SHOWN IN RED ON THE ATTACHED PLAN COPY AND SHALL REMAIN DEPENDENT UPON COMPLIANCE WITH THESE.

NO WORK WILL BE ACCOMPLISHED UNDER THIS PERMIT WITHIN THE CONSTRUCTION LIMITS OF ANY DOT PROJECT WITHOUT WRITTEN APPROVAL OF THE PRIME CONTRACTOR.

THE MAINTENANCE OF THE DRIVEWAY FROM THE NORMAL EDGE OF PAVEMENT IS THE RESPONSIBILITY OF THE PERMITEE.

OVERLAY SHALL BE AS DIRECTED BY GOOT PERMIT INSPECTOR.

ALL SIDEWALKS, CROSSWALKS AND RAMPS SHALL MEET ADA STANDARDS GOOT DETAILS.

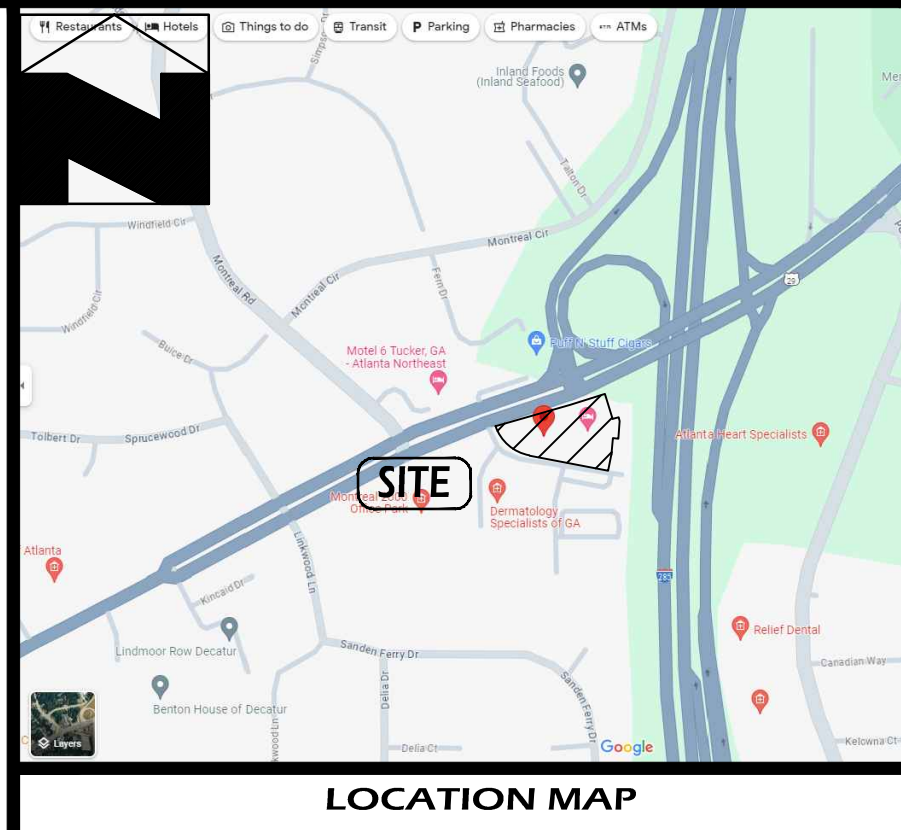
THE APPLICANT IS RESPONSIBLE TO OBTAIN ALL NECESSARY ENVIRONMENTAL APPROVALS PRIOR TO ANY WORK ON STATE R/W.

ALL WORK PERFORMED WITHIN GOOT R/W SHALL CONFORM TO GOOT STANDARDS & DETAILS.

**PAVEMENT LEGEND:**

CONCRETE SIDEWALK/PAVING (SEE SHEET C-14)

GOOT STANDARD ASPHALT PAVING (SEE GOOT NOTES THIS SHEET)



**ZONING DATA TABLE:**

CURRENT ZONING:	C1
PROPOSED ZONING:	
OVERLAY DISTRICT:	
PROPOSED USE ALLOWED IN ZONING:	
MINIMUM LOT AREA:	20,000 S.F.
MINIMUM LOT WIDTH:	100'
MINIMUM ROAD FRONTAGE:	100'
MAXIMUM BUILDING HEIGHT:	2 STORY/35'
MAXIMUM COVER:	90% (77.677% USED 22.323% OPEN)
BUILDING SETBACKS:	
FRONT:	60 ARTERIAL & THOROUGHFARES 50 ALL OTHER STREETS
SIDE:	30'
REAR:	20'
LANDSCAPE STRIPS:	
ALONG ROW:	10'
OTHER:	
BUFFERS:	
ZONING BUFFER:	
OTHER:	

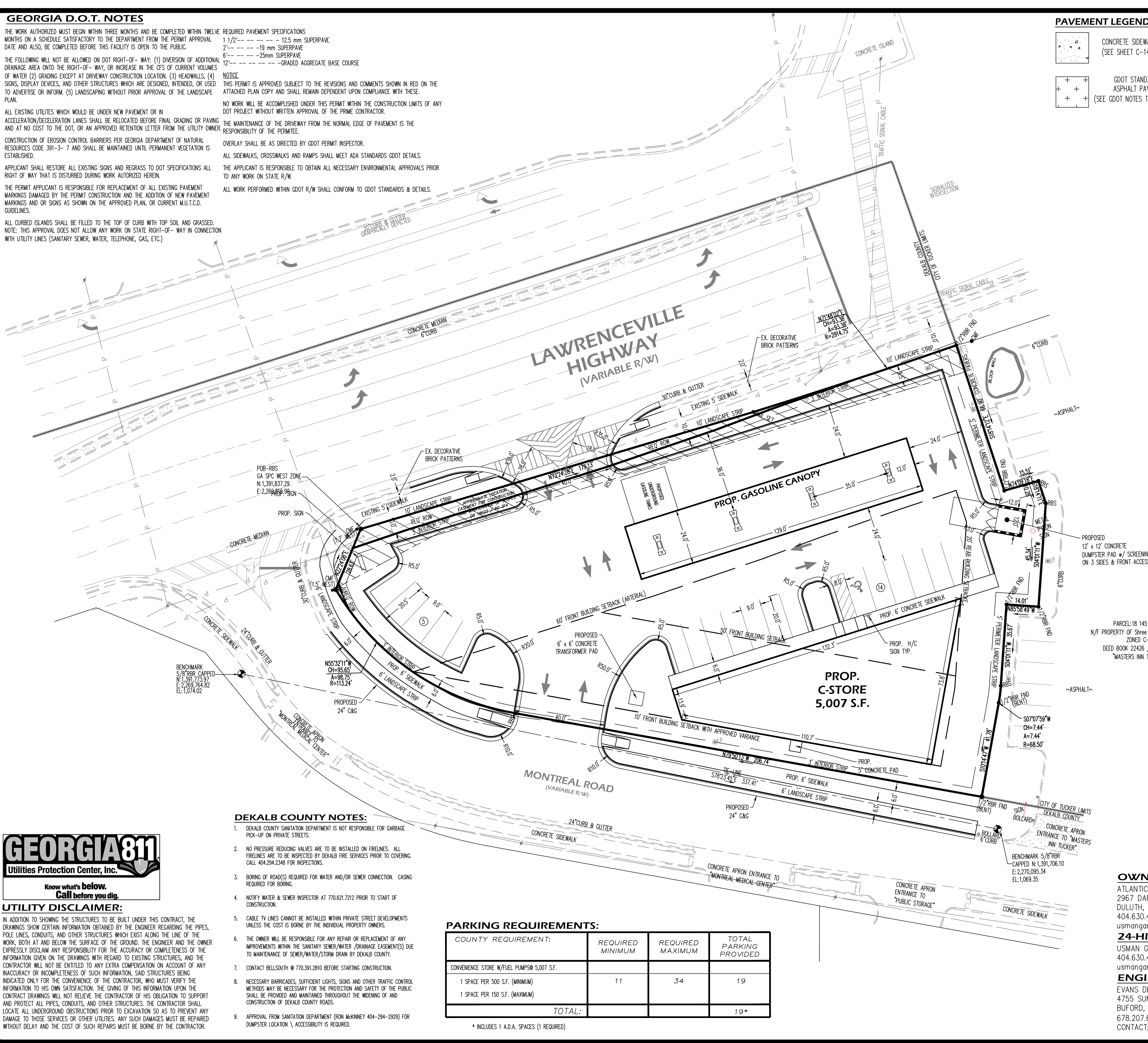
THIS PROPERTY DOES NOT LIE IN A 100-YR FLOOD ZONE AS SHOWN ON FIRM COMMUNITY PANEL NO. 13089C0059K DATED AUGUST 15, 2019.

**CANOPY REQUIREMENTS:**

- CANOPIES COVERING GASOLINE PUMPS SHALL BE SET BACK NOT LESS THAN FIFTEEN (15) FEET FROM ALL STREETS RIGHTS-OF-WAY.
- A MINIMUM OF THIRTY (30) FEET IS REQUIRED BETWEEN A GAS PUMP AND THE NEAREST PROPERTY LINE.

**VARIANCE NOTE:**

- 50' FRONT BUILDING SETBACK REDUCED TO 10' WITH APPROVED VARIANCE.



- DEKALB COUNTY NOTES:**
- DEKALB COUNTY SANITATION DEPARTMENT IS NOT RESPONSIBLE FOR GARBAGE PICK-UP ON PRIVATE STREETS.
  - NO PRESSURE REDUCING VALVES ARE TO BE INSTALLED ON FIRELINES. ALL FIRELINES ARE TO BE INSPECTED BY DEKALB FIRE SERVICES PRIOR TO COVERING. CALL 404.294.2348 FOR INSPECTIONS.
  - BORING OF ROAD(S) REQUIRED FOR WATER AND/OR SEWER CONNECTION. CASING REQUIRED FOR BORING.
  - NOTIFY WATER & SEWER INSPECTOR AT 770.621.7212 PRIOR TO START OF CONSTRUCTION.
  - CABLE TV LINES CANNOT BE INSTALLED WITHIN PRIVATE STREET DEVELOPMENTS UNLESS THE COST IS BORNE BY THE INDIVIDUAL PROPERTY OWNERS.
  - THE OWNER WILL BE RESPONSIBLE FOR ANY REPAIR OR REPLACEMENT OF ANY IMPROVEMENTS WITHIN THE SANITARY SEWER/WATER /DRAINAGE EASEMENT(S) DUE TO MAINTENANCE OF SEWER/WATER/STORM DRAIN BY DEKALB COUNTY.
  - CONTACT BELLSOUTH @ 770.391.2810 BEFORE STARTING CONSTRUCTION.
  - NECESSARY BARRICADES, SUFFICIENT LIGHTS, SIGNS AND OTHER TRAFFIC CONTROL METHODS MAY BE NECESSARY FOR THE PROTECTION AND SAFETY OF THE PUBLIC SHALL BE PROVIDED AND MAINTAINED THROUGHOUT THE WIDENING OF AND CONSTRUCTION OF DEKALB COUNTY ROADS.
  - APPROVAL FROM SANITATION DEPARTMENT (RON MCKINNEY 404-294-2929) FOR DUMPSTER LOCATION \ ACCESSIBILITY IS REQUIRED.

**PARKING REQUIREMENTS:**

COUNTY REQUIREMENT:	REQUIRED MINIMUM	REQUIRED MAXIMUM	TOTAL PARKING PROVIDED
CONVENIENCE STORE W/FUEL PUMPS@ 5,007 S.F.			
1 SPACE PER 500 S.F. (MINIMUM)	11	34	19
1 SPACE PER 150 S.F. (MAXIMUM)			
<b>TOTAL:</b>			<b>19*</b>

\* INCLUDES 1 A.D.A. SPACES (1 REQUIRED)



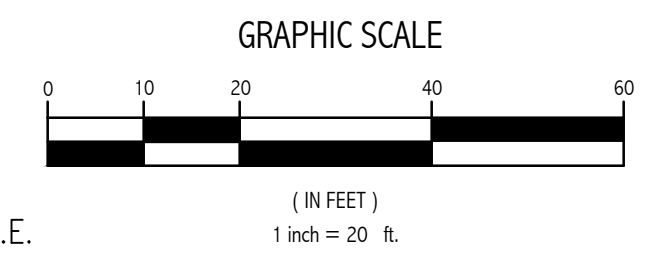
**UTILITY DISCLAIMER:**

IN ADDITION TO SHOWING THE STRUCTURES TO BE BUILT UNDER THIS CONTRACT, THE DRAWINGS SHOW CERTAIN INFORMATION OBTAINED BY THE ENGINEER REGARDING THE PIPES, POLE LINES, CONDUITS, AND OTHER STRUCTURES WHICH EXIST ALONG THE LINE OF THE WORK, BOTH AT AND BELOW THE SURFACE OF THE GROUND. THE ENGINEER AND THE OWNER EXPRESSLY DISCLAIM ANY RESPONSIBILITY FOR THE ACCURACY OR COMPLETENESS OF THE INFORMATION GIVEN ON THE DRAWINGS WITH REGARD TO EXISTING STRUCTURES, AND THE CONTRACTOR WILL NOT BE ENTITLED TO ANY EXTRA COMPENSATION ON ACCOUNT OF ANY INACCURACY OR INCOMPLETENESS OF SUCH INFORMATION, SAID STRUCTURES BEING INDICATED ONLY FOR THE CONVENIENCE OF THE CONTRACTOR, WHO MUST VERIFY THE INFORMATION TO HIS OWN SATISFACTION. THE GIVING OF THIS INFORMATION UPON THE CONTRACT DRAWINGS WILL NOT RELIEVE THE CONTRACTOR OF HIS OBLIGATION TO SUPPORT AND PROTECT ALL PIPES, CONDUITS, AND OTHER STRUCTURES. THE CONTRACTOR SHALL LOCATE ALL UNDERGROUND OBSTRUCTIONS PRIOR TO EXCAVATION SO AS TO PREVENT ANY DAMAGE TO THOSE SERVICES OR OTHER UTILITIES. ANY SUCH DAMAGES MUST BE REPAIRED WITHOUT DELAY AND THE COST OF SUCH REPAIRS MUST BE BORNE BY THE CONTRACTOR.

**OWNER/DEVELOPER:**  
 ATLANTIC DEVELOPMENT GROUP, LLC  
 2967 DARLINGTON RUN  
 DULUTH, GA 30091  
 404.630.4761  
 usmangandhi@gmail.com

**24-HR CONTACT:**  
 USMAN GANDHI  
 404.630.4761  
 usmangandhi@gmail.com

**ENGINEER:**  
 EVANS DESIGN GROUP, INC  
 4755 SUMMER SONG COURT  
 BUFORD, GA 30519  
 678.207.6830 (Ph)  
 CONTACT: JON M. EVANS, P.E.



**Evans Design Group, Inc.**  
 Civil Engineering /  
 Site Planning /  
 Land Development Services  
 4755 Summer Song Court  
 Buford, GA 30519  
 (Ph) 678.207.6830  
 jevans@evansdg.com



**PROJECT NAME**  
**2825 LAWRENCEVILLE HWY C-STORE**

**2825 LAWRENCEVILLE HWY**  
**L.L.145, 16th DIST.**  
**DEKALB COUNTY**  
**GEORGIA**

**DATE:**  
**05-17-24**

DESIGN BY: **JME** DRAWN BY: **JME** CHECKED BY: **JME**

Not Released For Construction  
 Released For Construction

**OWNER/DEVELOPER**

© COPYRIGHT 2024  
 EVANS DESIGN GROUP, INC.  
 ALL RIGHTS RESERVED.

THESE CONSTRUCTION DOCUMENTS AND PERMITTED REPRODUCTIONS, IN WHOLE OR IN PART, ARE INSTRUMENTS OF SERVICE AND ARE THE SOLE PROPERTY OF EVANS DESIGN GROUP, INC. UNLESS OTHERWISE AGREED TO, THEY SHALL NOT BE REPRODUCED OR CONVEYED IN ANY MANNER NOR ARE THEY TO BE USED FOR ANY OTHER PROJECTS OTHER THAN THAT SPECIFICALLY INDICATED HEREIN WITHOUT WRITTEN PERMISSION FROM AND DUE COMPENSATION TO EVANS DESIGN GROUP, INC.

**REVISIONS**

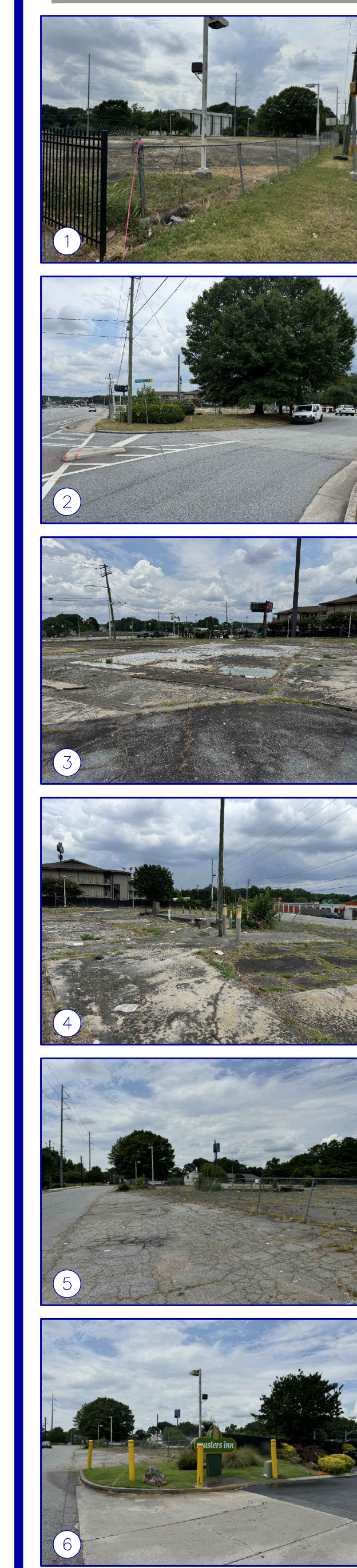
1	08-29-24
1st SUBMITTAL	

**JOB NUMBER:**  
**24-012**

**SHEET TITLE**  
**SITE PLAN**  
**C-4**

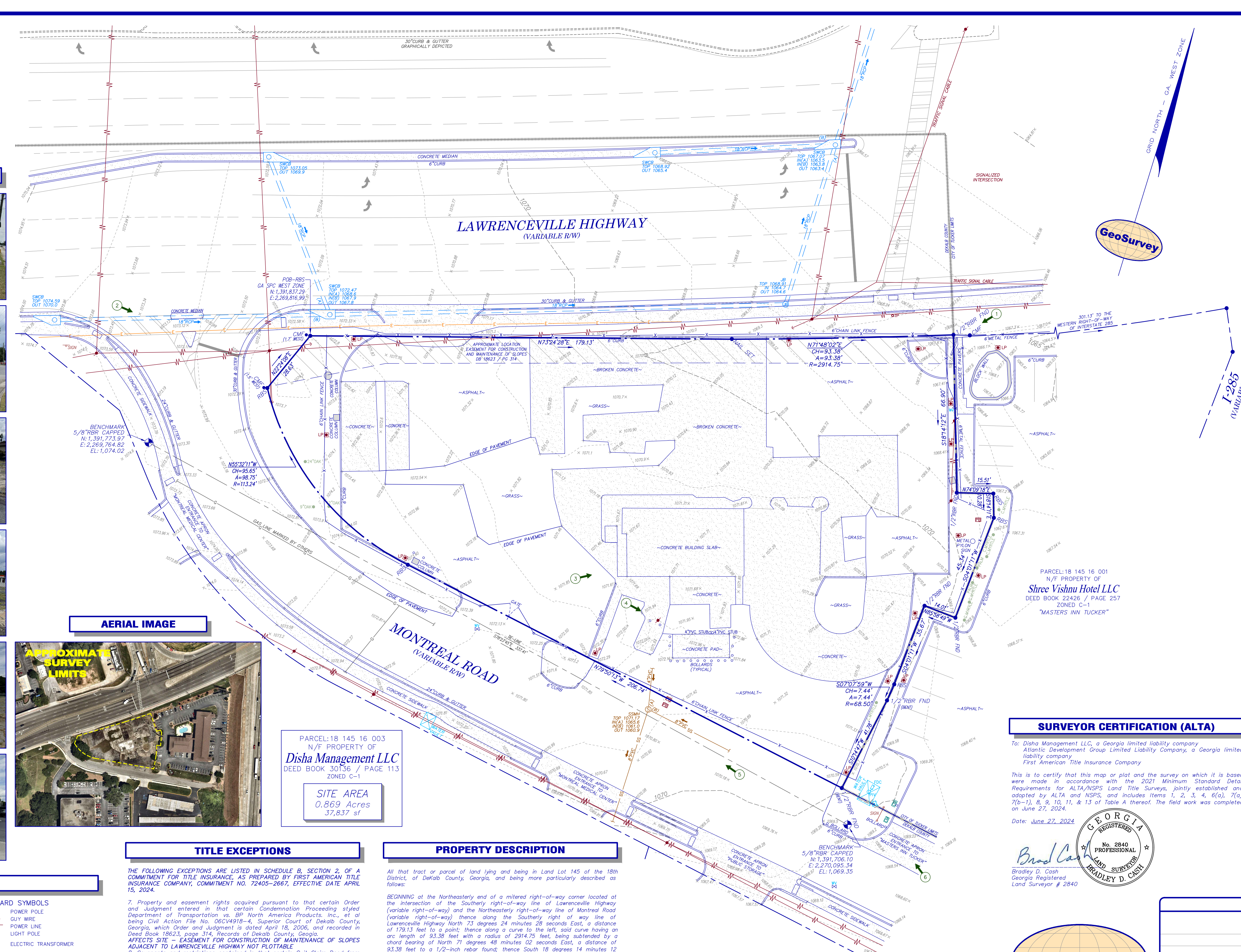
(CLERK OF COURT RECORDING INFORMATION)

**SITE PHOTOGRAPHS**



**LEGEND**

Table with two columns: STANDARD ABBREVIATIONS and STANDARD SYMBOLS. Lists various symbols for utilities, structures, and survey points.



**AERIAL IMAGE**



PARCEL: 18 145 16 003  
N/F PROPERTY OF  
**Disha Management LLC**  
DEED BOOK 30156 / PAGE 113  
ZONED C-1

**SITE AREA**  
0.869 Acres  
37,837 sf

**TITLE EXCEPTIONS**

THE FOLLOWING EXCEPTIONS ARE LISTED IN SCHEDULE B, SECTION 2, OF A COMMITMENT FOR TITLE INSURANCE, AS PREPARED BY FIRST AMERICAN TITLE INSURANCE COMPANY, COMMITMENT NO. 72405-2667, EFFECTIVE DATE APRIL 15, 2024.

**PROPERTY DESCRIPTION**

All that tract or parcel of land lying and being in Land Lot 145 of the 18th District, of DeKalb County, Georgia, and being more particularly described as follows:

7. Property and easement rights acquired pursuant to that certain Order and Judgment entered in that certain Contention Proceeding styled Department of Transportation vs. BP North America Products, Inc., et al being Civil Action File No. 06CV4918-4, Superior Court of DeKalb County, Georgia, which Order and Judgment is dated April 18, 2006, and recorded in Deed Book 18623, page 314, Records of DeKalb County, Georgia.

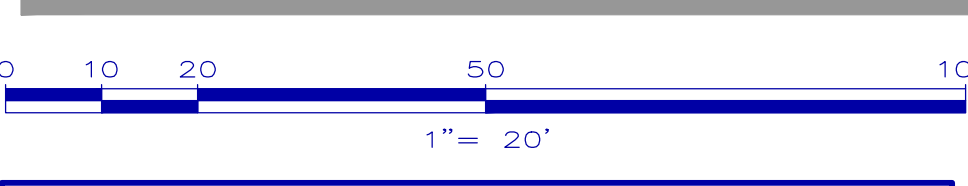
BEGINNING at the Northeastly end of a mitered right-of-way corner located at the intersection of the Southerly right-of-way line of Lawrenceville Highway (variable right-of-way) and the Northeastly right-of-way line of Montreal Road (variable right-of-way) thence along the Southerly right of way line of Lawrenceville Highway North 73 degrees 24 minutes 28 seconds East, a distance of 179.13 feet to a point; thence along a curve to the left, said curve having an arc length of 93.38 feet with a radius of 2914.75 feet, being subtended by a chord bearing of North 71 degrees 48 minutes 02 seconds East, a distance of 93.38 feet to a 1/2-inch rebar found; thence South 18 degrees 14 minutes 12 seconds East, a distance of 66.90 feet to a 1/2-inch rebar found; thence North 74 degrees 09 minutes 18 seconds East, a distance of 15.51 feet to a 5/8-inch rebar set; thence South 18 degrees 11 minutes 11 seconds East, a distance of 10.28 feet to a 5/8-inch rebar set; thence South 04 degrees 01 minutes 11 seconds West, a distance of 45.34 feet to a 1/2-inch rebar found; thence North 85 degrees 58 minutes 49 seconds West, a distance of 14.01 feet to a 1/2-inch rebar found; thence South 04 degrees 01 minutes 11 seconds West, a distance of 35.67 feet to a 5/8-inch rebar set; thence along a curve to the right, said curve having an arc length of 7.44 feet with a radius of 68.50 feet, being subtended by a chord bearing of South 07 degrees 07 minutes 59 seconds West, a distance of 2.44 feet to a 1/2-inch rebar found; thence South 10 degrees 14 minutes 47 seconds West, a distance of 41.78 feet to a 1/2-inch rebar found; thence North 79 degrees 50 minutes 13 seconds West, a distance of 206.74 feet to a 5/8-inch rebar set; thence along a curve to the right, said curve having an arc length of 98.75 feet with a radius of 112.24 feet, being subtended by a chord bearing of North 55 degrees 32 minutes 11 seconds West, a distance of 95.65 feet to a 5/8-inch rebar set; thence North 22 degrees 24 minutes 08 seconds East, a distance of 28.63 feet to a 5/8-inch rebar set; said point being the POINT OF BEGINNING.

**IF YOU DIG**



Know what's below.  
Call before you dig.  
Dial 811  
Or Call 800-282-7411

**GRAPHIC SCALE**



**CLOSURE STATEMENT**

THE FIELD CLOSURE UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 268,882, AND WAS ADJUSTED USING THE LEAST SQUARES METHOD. A TRIMBLE "TS" SERIES TOTAL STATION AND TRIMBLE T50 SERIES DATA COLLECTOR WERE USED TO COLLECT THIS FIELD DATA. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND WAS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 218,632 FEET, 1/2" LSF, INT.

**VICINITY MAP**  
SITE LOCATION - LATITUDE: 33° 49' 34" LONGITUDE: 84° 15' 15"  
Map showing the site location relative to Lawrenceville Highway and Montreal Road.

**GENERAL NOTES**

THIS SURVEY HAS BEEN PREPARED FOR THE EXCLUSIVE USE OF THE PERSON OR ENTITIES NAMED HEREON. NO EXPRESS OR IMPLIED WARRANTIES WITH RESPECT TO THE INFORMATION SHOWN HEREON IS TO BE EXTENDED TO ANY PERSONS OR ENTITIES OTHER THAN THOSE SHOWN HEREON.

REVISIONS LISTED ON THIS SURVEY APPLY ONLY TO THE SPECIFIC CHANGES REFERENCED, AND DO NOT CONSTITUTE AN UPDATE OF OTHER DATA ON THIS SURVEY. THE "SURVEY DATE" SHOWN HEREON IS THE APPLICABLE DATE AS RELATED TO PROVISIONS OF STATUTES OF LIMITATION UNLESS SPECIFICALLY NOTED OTHERWISE.

THIS PROPERTY IS NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA BASED ON THE FLOOD INSURANCE RATE MAP FOR THIS AREA. THE MAP NUMBER FOR THIS AREA IS XX AND THE DATE OF SAID MAP IS XX. THIS DETERMINATION WAS MADE BY GRAPHICALLY DETERMINING THE POSITION OF THIS SITE ON SAID FIRM MAPS UNLESS OTHERWISE NOTED.

PLEASE NOTE: TREES 6-INCH DBH (DIAMETER AT BREAST HEIGHT) AND LARGER WERE LOCATED FOR THIS SURVEY.

PLEASE NOTE: ABOVE GROUND UTILITIES ARE SHOWN HEREON. NO UNDERGROUND UTILITIES WERE MARKED OR LOCATED.

THE DATUM FOR THIS SITE WAS ESTABLISHED UTILIZING GLOBAL POSITIONING SYSTEMS, AND BASED ON POSITIONAL VALUES FOR THE VIRTUAL REFERENCE STATION NETWORK DEVELOPED BY GPS SOLUTIONS. THE HORIZONTAL REFERENCE FRAME IS NORTH AMERICAN DATUM OF 1983 (NAD83) STATE PLANE COORDINATE SYSTEM OF GEORGIA-WEST ZONE. THE VERTICAL REFERENCE FRAME IS NORTH AMERICAN VERTICAL DATUM OF 1988. ANY DIRECTIONS OR DIMENSIONS SHOWN ARE A RECTANGULAR, GROUND LEVEL PROJECTION OF THE STATE PLANE COORDINATE SYSTEM.

NO ZONING REPORT OR ZONING LETTER WAS PROVIDED TO THE SURVEYOR. THE SITE IS ZONED "C-1" (LOCAL COMMERCIAL DISTRICT) AS SHOWN ON THE ZONING MAP OF DEKALB COUNTY. THE MINIMUM YARD SETBACKS ARE: FRONT THOROUGHFARES AND ARTERIALS - 60 FEET; FRONT ALL OTHER STREETS - 50 FEET; SIDE - INTERIOR LOT - 30 FEET; SIDE - CORNER LOT ON PUBLIC STREETS - 50 FEET; REAR - 30 FEET. ZONING AND SETBACKS SHOULD BE CONFIRMED AND VERIFIED BY PLANNING AND ZONING PRIOR TO DESIGN OR CONSTRUCTION ACTIVITIES.

RIGHT-OF-WAY LINES SHOWN ON THIS SURVEY THAT ARE NOT ACTUAL BOUNDARIES OF THE SUBJECT TRACT(S) ARE DEPICTED GRAPHICALLY AND ARE SHOWN APPROXIMATELY FOR INFORMATIONAL PURPOSES ONLY. SAID RIGHT-OF-WAY LINES SHOULD NOT BE UTILIZED FOR DESIGN PURPOSES.

PARCEL: 18 145 16 001  
N/F PROPERTY OF  
**Shree Vishnu Hotel LLC**  
DEED BOOK 22426 / PAGE 257  
ZONED C-1  
"MASTERS INN TUCKER"

**SURVEYOR CERTIFICATION (ALTA)**

To: Disha Management LLC, a Georgia limited liability company  
Atlantic Development Group Limited Liability Company, a Georgia limited liability company  
First American Title Insurance Company

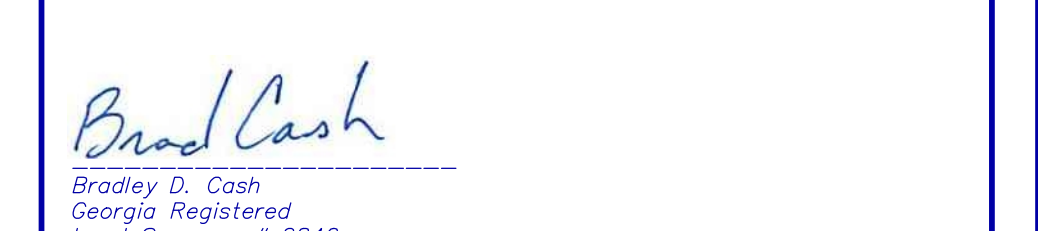
This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2021 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes items 1, 2, 3, 4, 6(a), 7(a), 7(b-1), 8, 9, 10, 11, & 13 of Table A thereof. The field work was completed on June 27, 2024.

Date: June 27, 2024



**SURVEYOR CERTIFICATION (GA)**

This plat is a retracement of an existing parcel or parcels of land and does not subdivide or create a new parcel or make any changes to any real property boundaries. The recording information of the documents, maps, plats, or other instruments which created the parcel or parcels are stated herein. RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. Furthermore, the undersigned land surveyor certifies that this plat complies with the minimum technical standards for property surveys in Georgia as set forth in the rules and regulations of the Georgia Board of Registration for Professional Engineers and Land Surveyors and as set forth in O.C.G.A. Section 15-6-67.



**GeoSurvey**  
Professional Land Surveying Services  
1660 Barnes Mill Road  
Marietta, Georgia 30062  
Phone: (770) 795-9900  
Fax: (770) 795-8880  
www.geosurvey.com  
EMAIL: info@geosurvey.com  
Certificate of Authorization #LSF-000621

ALTA/NSPS LAND TITLE SURVEY  
**2825 Lawrenceville Highway**  
FOR  
**Disha Management LLC**  
Atlantic Development Group LLC  
First American Title Insurance Company

GS JOB NO:	20247960	DRAWING SCALE:	1" = 20'	SURVEY DATE:	06-27-2024
FIELD WORK:	ER	CITY:	TUCKER	REVISIONS (SEE GENERAL NOTES)	
PROJ MGR:	CAB	COUNTY:	FULTON	STATE:	GA
REVIEWED:	BDC	LAND LOT:	145	No. Date Description	
DWG FILE:	20247960-01.dwg	DISTRICT:	18TH		