

Public Hearing: YES NO

Department: Planning & Sustainability

SUBJECT:

COMMISSION DISTRICT(S): Commission District 02 Super District 06

Application of CSS 18, LLC c/o Battle Law, P.C. for a Special Land Use Permit (SLUP) to allow a place of worship in the HR-2 (High Density Residential-2) zoning district, at 1600 Mount Mariah Road.

PETITION NO: N3-2025-0047 SLUP-25-1247365

PROPOSED USE: Place of worship.

LOCATION: 1600 Mount Mariah Road, Atlanta, Georgia 30329

PARCEL NO. : 18 152 01 054

INFO. CONTACT: Lucas Carter, Planner

PHONE NUMBER: 404-371-2155

PURPOSE:

Application of CSS 18, LLC c/o Battle Law, P.C. for a Special Land Use Permit (SLUP) to allow a place of worship in the HR-2 (High Density Residential-2) zoning district.

RECOMMENDATION:

COMMUNITY COUNCIL: (Feb. 2025) Approval.

PLANNING COMMISSION: (March 4, 2025) Defer to BOC.

PLANNING STAFF: Full-Cycle Deferral_rev. 03.17.2025.

STAFF ANALYSIS: The application for a Special Land Use Permit (SLUP) at 1600 Mount Mariah aims to formalize the legal status of a place of worship that has operated for over 60 years. The property, rezoned to HR-2 in 2021, now requires the SLUP to transition the use into compliance with current zoning regulations per Section 27-4.1.3 regarding Places of Worship. However, the property's decades of operation demonstrate functional adequacy, and zoning conditions from the 2021 rezoning waive setback and transitional buffer requirements, mitigating concerns about the building's proximity to northern and eastern property lines. Bordered by a historic cemetery, vacant commercial land, and the Bryn House apartments, the place of worship has coexisted with its neighbors for decades. No adverse impacts on traffic, noise, or public services are anticipated, as the application does not propose expansions or operational changes. Existing infrastructure, including utilities, emergency access, and ingress/egress points, remains sufficient to support the use. Outstanding compliance issues, including the presence of a temporary construction trailer and a propane tank, require resolution to ensure safety and adherence to zoning standards. The trailer, originally permitted in 2022 for 23 months to support a nearby construction project, was subsequently repurposed for school use without proper authorization. This unapproved use resulted in a code compliance citation. While the SLUP focuses on formalizing the use rather than expanding it, there are public safety concerns pertaining to the trailer. As it stands, the trailer would require variances to formally comply in its as-built state. However, retroactive approval of variances is an atypical function of the Zoning Board of Appeals (ZBA) and would be unlikely to meet the five criteria for variance hardship determination per Section 27-7.5.3, as the hardship arises from the convenience of its placement rather than a legitimate zoning constraint. Should the Special Land Use Permit (SLUP) case be approved in its current condition, the applicant would likely be forced to move or rebuild the structure as part of the permitting process. Given these unresolved compliance concerns, a Full Cycle Deferral is recommended to allow time for verifying the trailer's compliance with building code requirements and addressing the propane tank's compliance with safety regulations. Resolving these issues

is essential to ensure the site's safety and to maintain the property's legal status under zoning regulations. The application otherwise aligns with the HR-2 district's intent and the comprehensive plan, which prioritizes community-serving institutions (Comprehensive Plan, Page 25, Section 2). The place of worship's role in providing spiritual and educational services reinforces its value to the neighborhood, with no evidence of conflicts with broader planning goals. The property's massing, and operational hours are unchanged, minimizing risks of shadow impacts or disruptions to adjacent properties. Its proximity to the historic cemetery also poses no threat to the site's preservation, as no physical alterations are proposed. While the lot size remains non-conforming, the structure's preexisting legal status and the absence of proposed modifications support approval of the SLUP once compliance issues are resolved. In conclusion, while the SLUP application largely satisfies zoning and planning criteria, unresolved trailer and propane tank compliance issues warrant a Full-Cycle Deferral to ensure all public safety and regulatory concerns are addressed. Therefore, based on Section 27-7.4.6 of the Special Land Use Impact Criteria, it is the recommendation of the Planning & Sustainability Department that the application be ***“Deferred, full cycle to the May zoning agenda”*** to allow time for the applicant to resolve outstanding compliance issues”.

PLANNING COMMISSION VOTE: (March 4, 2025) Defer to BOC 8-0-0. Jon West moved, Edward Patton seconded for a deferral to the Board of Commissioners' March 27, 2025 zoning hearing.

COMMUNITY COUNCIL VOTE/RECOMMENDATION: (Feb. 2025) Approval 8-0-0.

DEPARTMENT OF PLANNING & SUSTAINABILITY

Planning Commission Hearing Date: March 4, 2025
Board of Commissioners Hearing Date: March 27, 2025

STAFF ANALYSIS

Case No.:	SLUP-25-1247365	File ID #: 2025-0047
Address:	1600 Mount Mariah Road Atlanta, GA 30329	Commission District: 02 Super District: 06
Parcel ID(s):	18 152 01 054	
Request:	Special Land Use Permit (SLUP) to allow a place of worship in the HR-2 (High Density Residential-2) zoning district.	
Property Owner(s):	2490 N. Druid LLC, C/O ALLEN MORRIS COMPANY	
Applicant/Agent:	CSS 18, LLC C/O BATTLE LAW P.C.	
Acreage:	0.77 acres	
Existing Land Use:	Church	
Surrounding Properties:	North: R-85 (Residential Medium Lot-85) East: R-85 South: HR-2 (High Density Residential-2) West: C-1 (Local Commercial)	
Comprehensive Plan:	NC (Neighborhood Center)	Consistent X Inconsistent

Staff Recommendation: Full-Cycle Deferral

The application for a Special Land Use Permit (SLUP) at 1600 Mount Mariah aims to formalize the legal status of a place of worship that has operated for over 60 years. The property, rezoned to HR-2 in 2021, now requires the SLUP to transition the use into compliance with current zoning regulations per Section 27-4.1.3 regarding Places of Worship. However, the property’s decades of operation demonstrate functional adequacy, and zoning conditions from the 2021 rezoning waive setback and transitional buffer requirements, mitigating concerns about the building’s proximity to northern and eastern property lines.

Bordered by a historic cemetery, vacant commercial land, and the Bryn House apartments, the place of worship has coexisted with its neighbors for decades. No adverse impacts on traffic, noise, or public services are anticipated, as the application does not propose expansions or operational changes. Existing infrastructure, including utilities, emergency access, and ingress/egress points, remains sufficient to support the use.

Outstanding compliance issues, including the presence of a temporary construction trailer and a propane tank, require resolution to ensure safety and adherence to zoning standards. The trailer, originally permitted in 2022 for 23 months to support a nearby construction project, was subsequently repurposed for school use without proper authorization. This unapproved use resulted in a code compliance citation. While the SLUP focuses on formalizing the use rather than expanding it, there are public safety concerns pertaining to the trailer. As it stands, the trailer would require variances to formally comply in its as-built state. However, retroactive approval of variances is an atypical function of the Zoning Board of Appeals (ZBA) and would be unlikely to meet the five criteria for variance hardship determination per Section 27-7.5.3, as the hardship arises from the convenience of its placement rather than a legitimate zoning constraint. Should the Special Land Use Permit (SLUP) case be approved in its current condition, the applicant would likely be forced to move or rebuild the structure as part of the permitting process.

Given these unresolved compliance concerns, a Full Cycle Deferral is recommended to allow time for verifying the trailer's compliance with building code requirements and addressing the propane tank's compliance with safety regulations. Resolving these issues is essential to ensure the site's safety and to maintain the property's legal status under zoning regulations.

The application otherwise aligns with the HR-2 district's intent and the comprehensive plan, which prioritizes community-serving institutions (Comprehensive Plan, Page 25, Section 2). The place of worship's role in providing spiritual and educational services reinforces its value to the neighborhood, with no evidence of conflicts with broader planning goals.

The property's massing, and operational hours are unchanged, minimizing risks of shadow impacts or disruptions to adjacent properties. Its proximity to the historic cemetery also poses no threat to the site's preservation, as no physical alterations are proposed. While the lot size remains non-conforming, the structure's preexisting legal status and the absence of proposed modifications support approval of the SLUP once compliance issues are resolved.

In conclusion, while the SLUP application largely satisfies zoning and planning criteria, unresolved trailer and propane tank compliance issues warrant a Full-Cycle Deferral to ensure all public safety and regulatory concerns are addressed. Therefore, based on Section 27-7.4.6 of the Special Land Use Impact Criteria, it is the recommendation of the Planning & Sustainability Department that the application be deferred a full cycle to allow time for the applicant to resolve outstanding compliance issues.

DEPARTMENT OF PLANNING & SUSTAINABILITY

Chief Executive Officer
Lorraine Cochran-Johnson

Interim Director
Cedric G. Hudson, MCRP

ZONING COMMENTS – DECEMBER 2024

N1-2025-0045 Z-25-1247356 – 2883 & 2893 Midway Road- All interior roads are to be private (privately owned and maintained). Midway Road is classified as a collector road. Requires a 35' right of way dedication from centerline or such that all public infrastructure is within right of way, whichever greater. Requires a 10' multiuse path (in lieu of a 6' sidewalk and a 4' bike lane). Bring curb/gutter up to current county standards. A 5' landscape strip (min) is required from back of curb to the path. A 10' total landscape strip is required. Pedestrian scale street lighting required. No poles to remain within the multiuse path. Ensure that all sight distances (intersection and stopping) are met at the street entrance with Midway Road when submitting land disturbance permits.

N2-2025-0046 SLUP-25-1247359 – 3420 E Ponce De Leon Ave. – No Comments.

N3-2025-0047 SLUP-25-1247365 – 1600 Mount Mariah Road - No Comments.



01/14/2025

To: Ms. LaSondra Hill
From: Ryan Cira, Director
Cc: Alan Gaines, 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.

N.1-2025-0045

Z-25-1247356

2883 and 2893 Midway Road, Decatur, GA 30030

Amendment

- Please review general comments.
- Septic installed on property 2893 Midway Road, Decatur, GA

N.2-2025-0046

SLUP-25-1247359 18 047 02 010

3420 East Ponce De Leon Ave., Scottdale, GA 30079

Amendment

- Please review the general comments.

N.3-2025-0047

SLUP-25-1247365 18 152 01 054

1600 Mount Mariah Road, Atlanta, GA 30329

Amendment

- Please review the general comments.

DeKalb Public Health

445 Winn Way – Box 987

Decatur, GA 30030

404.294.3700 • www.dekalbhealth.net



**DEKALB COUNTY GOVERNMENT
PLANNING DEPARTMENT
DISTRIBUTION FORM**

NOTE: PLEASE RETURN ALL COMMENTS VIA EMAIL TO EXPEDITE THE PROCESS TO JOHN REID jreid@dekalbcountyga.gov AND/OR LASONDRA HILL lahill@dekalbcountyga.gov

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

DEVELOPMENT ANALYSIS:

- **Transportation/Access/Row**

- **Storm Water Management**

- **Flood Hazard Area/Wetlands**

- **Landscaping/Tree Preservation**

- **Tributary Buffer**

- **Fire Safety**



**DEKALB COUNTY GOVERNMENT
PLANNING DEPARTMENT
DISTRIBUTION FORM**

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**REZONE
COMMENTS FORM:**

PUBLIC WORKS ROAD AND DRAINAGE

Case No.: _____ Parcel I.D. #: _____

Address: _____

Drainage Basin: _____

Upstream Drainage Area: _____

Percent of Property in 100-Year Floodplain: _____

Impact on property (flood, erosion, sedimentation) under existing zoning: _____

Required detention facility(s): _____ No _____

COMMENTS:

Signature: Akin Akinsola



**DEKALB COUNTY
GOVERNMENT PLANNING
DEPARTMENT DISTRIBUTION
FORM**

NOTE: PLEASE RETURN ALL COMMENTS VIA EMAIL TO EXPEDITE THE PROCESS TO JOHN REID jreid@dekalbcountyga.gov AND/OR LASONDRA HILL lahill@dekalbcountyga.gov

**COMMENTS FORM:
PUBLIC WORKS TRAFFIC ENGINEERING**

Case No.: SLUP-25-1247365 Parcel I.D. #s: 18 152 01 054
Address: 1600 Mount Mariah Rd. Atlanta, Ga. 30329

Adjacent Roadway (s):

(classification) (classification)

Capacity (TPD) _____
Latest Count (TPD) _____
Hourly Capacity (VPH) _____
Peak Hour. Volume (VPH) _____
Existing number of traffic lanes _____
Existing right of way width _____
Proposed number of traffic lanes _____
Proposed right of way width _____

Capacity (TPD) _____
Latest Count (TPD) _____
Hourly Capacity (VPH) _____
Peak Hour. Volume (VPH) _____
Existing number of traffic lanes _____
Existing right of way width _____
Proposed number of traffic lanes _____
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: Plans and field reviewed, no problem that would interfere with Traffic Flow.

Signature: Joey White



**DEKALB COUNTY
GOVERNMENT PLANNING
DEPARTMENT DISTRIBUTION
FORM**

NOTE: PLEASE RETURN ALL COMMENTS VIA EMAIL TO EXPEDITE THE PROCESS TO JOHN REID jreid@dekalbcountyga.gov AND/OR LASONDRA HILL lahill@dekalbcountyga.gov

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

Case No.: _____ Parcel I.D. #: _____

Address: _____

WATER:

Size of existing water main: _____ (adequate/inadequate)

Distance from property to nearest main: _____ Size of line required, if inadequate: _____

SEWER:

Outfall Servicing Project: _____

Is sewer adjacent to property: Yes ____ No ____ If no, distance to nearest line: _____

Water Treatment Facility: _____ adequate ____ inadequate ____

Sewage Capacity: _____ (MGPD) Current Flow: _____ (MGPD)

COMMENTS:

Signature: _____

DEPARTMENT OF PLANNING & SUSTAINABILITY

Chief Executive Officer
Michael Thurmond

Interim Director
Cedric Hudson

SPECIAL LAND USE PERMIT (SLUP) APPLICATION CHECKLIST

EMAIL COMPLETED PACKET IN ONE (1) PDF to PLANNER

- 1. Schedule a mandatory **Pre-Application Conference** with Planning & Sustainability staff by appointment. Pre-Application form (to be completed in pre-application meeting). Please email lahill@dekalbcountyga.gov for appointment.
- 2. Hold a **Pre-Submittal Community Meeting** with surrounding neighborhood associations and residents. Provide documentation of the meeting (meeting notice and sign in sheets). Letter(s) from homeowners' association(s) may also be provided.
- 3. Submit: **Application** - Submit 1 complete, combined PDF version via email or flash drive. Please assemble materials in the following order:
 - A. **Application form** with name and address of applicant and owner, and address of subject property;
 - B. **Pre-submittal community meeting notice and sign-in sheet** and other documentation of meeting, if any;
 - C. **Letter of application and impact analysis**
 - 1. **Letter of application** identifying a) the proposed zoning classification, b) the reason for the rezoning or special use or modification request, c) the existing and proposed use of the property, d) detailed characteristics of the proposed use (e.g., floor area, height of building(s), number of units, mix of unit types, number of employees, manner and hours of operation), d)(optional) statement of conditions discussed with the neighborhood or community, if any.
 - 2. **Impact analysis** of the anticipated impact of the proposed use and rezoning on the surrounding properties in response to the standards and factors specified in Article 7.3 of the DeKalb County Zoning Ordinance, as attached. If a Major Modification, please include previously approved conditions and Board of Commissioner meeting minutes.
 - D. **Authorization Form**, if applicant is not the owner. Must be signed by all owners of the subject property and notarized. Authorization must contain the mailing address and phone number of any applicant or agent who is authorized to represent the owner(s) of the subject property. Please include warranty deed, if property ownership is less than 2 years.
 - E. **Campaign disclosure statement** (required by State law).
 - F. **Legal boundary survey** of the subject property, (showing boundaries, structures, and improvements), prepared and sealed within the last year by a professional engineer or land surveyor registered in the State of Georgia. *(If survey shows property on opposite sides of a public street right-of-way, file a separate application for each property.)*
 - G. **Site Plan**, printed to scale, folded, of any existing and or proposed development/redevelopment. For projects larger than 1 acre, site plan should be at least 1:50 scale. The site plan must include the following
 - a. boundaries of subject property;
 - b. dimensioned access points and vehicular circulation drives;
 - c. location of all existing and proposed buildings, structures, setbacks and parking;
 - d. location of 100-year floodplain and any streams;
 - e. notation of the total acreage or square footage of the subject property;
 - f. landscaping, tree removal and replacement, buffer(s); and
 - g. site plan notes of building square footages, heights, density calculations, lot coverage of impervious surfaces, parking ratios, open space calculations, and other applicable district standards.
 - H. **Written Legal Description** of metes and bounds of the subject property (can be printed on site plan or survey).
 - I. **Building Form Information**. Elevation (line drawing or rendering), or details of proposed materials, in compliance with Article 5 of the Zoning Ordinance.
 - J. **Completed, signed Pre-application Form** (Provided at pre-application meeting.)

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED



DEPARTMENT OF PLANNING & SUSTAINABILITY

SPECIAL LAND USE PERMIT APPLICATION

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

Date Received: _____ Application No: _____

APPLICANT NAME: CSS 18, LLC C/O BATTLE LAW P.C.

Daytime Phone: 404.601-7616 (ext 1) E-Mail: mlb@battlelawpc.com

Mailing Address: 3562 Habersham at Northlake, Tucker, GA 30084

Owner Name: 2490 N. Druid LLC, C/O ALLEN MORRIS COMPANY

(If more than one owner, attach contact information for each owner)

Daytime Phone: 404.451.4821 E-Mail: nhedges@allenmorris.com

Mailing Address: 121 Alhambra Plaza, Suite 1600, Coral Gables, FL 33134

SUBJECT PROPERTY ADDRESS OR LOCATION: 1600 Mt. Moriah Road, NE, Atlanta,
DeKalb County, GA _30329

Parcel ID: 18-152-01-054 Acreage or Square Feet: 0.77 ac Commission Districts: _____

Existing Zoning: _____ Proposed Special Land Use (SLUP): Place of Worship

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

Owner: _____ Agent: _____ Signature of Applicant: _____



DEPARTMENT OF PLANNING & SUSTAINABILITY

SPECIAL LAND USE PERMIT APPLICATION

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

Date Received: _____

Application No: _____

APPLICANT NAME: CSS 18, LLC C/O BATTLE LAW P.C.

Daytime Phone: 404.601-7616 (ext 1)

E-Mail: mlb@battlelawpc.com

Mailing Address: 3562 Habersham at Northlake, Tucker, GA 30084

Owner Name: 2490 N. Druid LLC, C?O ALLEN MORRIS COMPANY

(If more than one owner, attach contact information for each owner)

Daytime Phone: 404-451-4821

E-Mail: nhedges@allenmorris.com

Mailing Address: 121 Alhambra Plaza, Suite 1600, Coral Gables, FL 33134

SUBJECT PROPERTY ADDRESS OR LOCATION: 1600 Mount Moriah Rd., NE, Atlanta

DeKalb County, GA 30329

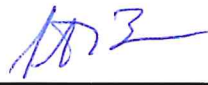
Parcel ID: 18-152-01-054 Acreage or Square Feet: 0.77 ac Commission Districts: _____

Existing Zoning: HR-2 Proposed Special Land Use (SLUP): Place of Worship

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

Owner: _____ Agent: _____

Signature of Applicant:


Steven Brown, Manager



DEPARTMENT OF PLANNING & SUSTAINABILITY

SPECIAL LAND USE PERMIT APPLICATION

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

Date Received: _____

Application No: _____

APPLICANT NAME: CSS 18, LLC C/O BATTLE LAW P.C.

Daytime Phone: 404.601-7616 (ext 1)

E-Mail: mlb@battlelawpc.com

Mailing Address: 3562 Habersham at Northlake, Tucker, GA 30084

Owner Name: 2490 N. Druid LLC, C/O ALLEN MORRIS COMPANY

(If more than one owner, attach contact information for each owner)

Daytime Phone: 404.451.4821

E-Mail: nhedges@allenmorris.com

Mailing Address: 121 Alhambra Plaza, Suite 1600, Coral Gables, FL 33134

SUBJECT PROPERTY ADDRESS OR LOCATION: 1600 Mount Moriah Road, NE, Atlanta

DeKalb County, GA 30329

Parcel ID: 18-152-01-054 Acreage or Square Feet: 0.77 ac

Commission Districts: _____

Existing Zoning: HR-2

Proposed Special Land Use (SLUP): Place of Worship

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

Owner: X Agent: _____

Signature of Applicant:



Battle Law

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

Zoom Instructions:

Go to <https://otago.zoom.us/join> and Enter the Meeting ID that you have been provided with in the appropriate field and click "Join" . To join by phone, please dial (646) 558-8656. If you are unable to attend or would like to learn more about the proposed project, please call our office at the number below.

We encourage you to come out and participate!

For More Information Contact
Jordan Battle at:
Phone: 404-601-7616 ext. 8
Fax: 404-745-0045
Email: jeb@battlelawpc.com

COMMUNITY MEETING TO DISCUSS A SPECIAL LAND USE PERMIT AND VARIANCE TO ALLOW FOR A PLACE OF WORSHIP

**Project Title: CSS 18, LLC - 1600
Mount Mariah**

When: December 9, 2024

Time: 7:30 PM Eastern (US and Canada)

Register in advance for this meeting:

<https://otago.zoom.us/join>

Meeting ID: 858 5544 4352

Password: 508689



Battle Law

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

PLEASE
PLACE
STAMP
HERE

«Name»

«Address»

«City», «State» «Zip»

OWNERNME1	PSTLADDRESS	PSTLCITY__PSTLSTATE__ZIP
MOUNT MARIAH BAPTIST CHURCH	1983 BROCKETT RD	TUCKER , GA 30329
MT MORIAH MISSIONARY BAPTIST CHURCH	1983 BROCKETT RD	TUCKER , GA 30329
2490 N DRUID LLC	121 ALHAMBRA PLZ STE 1600	CORAL GABLES , FL 30329
FIRST ALLIANCE CHURCH OF THE	2512 N DRUID HILLS RD NE	ATLANTA , GA 30329
CRAIGHEAD WADE W	1666 KNOB HILL CT NE	ATLANTA , GA 30329
FEDERATED DEPARTMENT STORES	12460 CRABAPPLE RADL STE 202-2	ALPHARETTA , GA 30329
BAMM 2460 N DRUID LLC	90 SPRUELL SPGS	ATLANTA , GA 30329
SCG 2400 NORTH DRUID HILLS LLC	4 EMBARCADERO CENTER STE 3300	SAN FRANCISCO , CA 30329
IP CE SS BRIARCLIFF LLC	4408 FOREST DR STE 350	COLUMBIA , SC 30329
ASHTON ATLANTA RESIDENTIAL LLC	1100 NORTHMEADOW PKWY STE 114	ROSWELL , GA 30329
EDMUNDSON RICHARD S	2602 GREYTHORNE TRL NE	ATLANTA , GA 30329
REYNOLDS LINDA	2604 GREYTHORNE TRL NE	ATLANTA , GA 30329
KIRSCHNER SETH NATHAN	2606 GREYTHORNE TRL NE	ATLANTA , GA 30329
AMANN JOSEF	2608 GREYTHORNE TRL NE	ATLANTA , GA 30329
SCHRECK STEVEN FRANKLIN	2610 GREYTHORNE TRL NE	ATLANTA , GA 30329
KASHFIPOUR SEYED M	2612 GREYTHORNE TRL NE	ATLANTA , GA 30329
LI JINGHUI	2614 GREYTHORNE TRL NE	ATLANTA , GA 30329
VORA URVI B	1848 POINT PLACE AVE	ATLANTA , GA 30329
CFB HOME HOLDINGS LLC	2618 GREYTHORNE TRL UNIT 115	ATLANTA , GA 30329
PORDELL PARAN	2620 GREYTHORNE TRL NE	ATLANTA , GA 30329
VARNER ASHLEY ELIZABETH	1616 CHATTERTON CT NE	ATLANTA , GA 30329
PINGALI KESHAV	1614 CHATTERTON CT NE	ATLANTA , GA 30329
KO SHINSAENG	1612 CHATTERTON CT NE	ATLANTA , GA 30329
DALE FRANK J JR	1610 CHATTERTON CT NE	ATLANTA , GA 30329
HAUK GARY STEVEN	1608 CHATTERTON CT NE	ATLANTA , GA 30329
ELMORE KATHRYN L	1606 CHATTERTON CT NE # 104	ATLANTA , GA 30329
KAPLAN JONATHAN I	1604 CHATTERTON CT	ATLANTA , GA 30329
ISKHAKOV ALEKSANDR	1405 ELM CREEK LN	NORCROSS , GA 30329
ASHTON ATLANTA RESIDENTIAL LLC	1455 OLD ALABAMA RD # 100	ROSWELL , GA 30329
TI BRISTOL HOUSES LLC	7 S MAIN ST	ALPHARETTA , GA 30329
DELOZIER DAVID M	1603 CHATTERTON CT NE # 91	ATLANTA , GA 30329
DIEDRICH BARBARA M LIVING TRUST	1605 CHATTERTON CT NE	ATLANTA , GA 30329

MOORE WILLIAM A	1607 CHATTERTON CT NE	ATLANTA , GA 30329
BOSCO ARUN	1609 CHATTERTON CT NE # 94	ATLANTA , GA 30329
TORRES ALEJANDRA	1611 CHATTERTON CT NE # 1611	ATLANTA , GA 30329
SWANSON KIMBERLY DEWAYNE	1613 CHATTERTON CT NE	ATLANTA , GA 30329
HOBBS JOSEPH REGINALD	1615 CHATTERTON CT NE # 97	ATLANTA , GA 30329
JACKSON TIMOTHY PATRICK	1617 CHATTERTON CT NE	ATLANTA , GA 30329
CONSTANTINO JOHN N	1662 SABASTIAN PT NE	ATLANTA , GA 30329
LEWIS SHARMA D	1664 SABASTIAN PT NE # 118	ATLANTA , GA 30329
CONDET LOUIS	1720 FAULKLAND AVE NE	ATLANTA , GA 30329
EVANS HYLIA	1718 FAULKLAND AVE NE # 70	ATLANTA , GA 30329
GONG XIAOWEN	1716 FAULKLAND AVE NE	ATLANTA , GA 30329
BAKER SHANE R	1714 FAULKLAND AVE # 72	ATLANTA , GA 30329
COZART JAMES G	1712 FAUKLAND AVE NE	ATLANTA , GA 30329
SANDYBAYEV TURAR	5215 OVERBEND TRL	SUWANEE , GA 30329
SHARIF SHAN	1641 SABASTIAN PT NE	ATLANTA , GA 30329
ZUNIGA CARLOS ALEJANDRO	1643 SABASTIAN PT	ATLANTA , GA 30329
PARK SEUNG HO	1645 SABASTIAN PT NE	ATLANTA , GA 30329
KEATLEY NOLAN J	1647 SABASTIAN PT NE	ATLANTA , GA 30329
FAIRWEATHER HALEN J	1649 SABASTIAN PT NE	ATLANTA , GA 30329
JOHNSON GEORGE O	1651 SABASTIAN PT NE	ATLANTA , GA 30329
MCCOLL CHRISTA	1653 SABASTIAN PT NE	ATLANTA , GA 30329
RASSI FUAD EL	1655 SABASTIAN PT NE	ATLANTA , GA 30329
GROAT RAYMOND W	1654 SABASTIAN PT NE	ATLANTA , GA 30329
MILLS JAMES F	1652 SABASTIAN PT NE	ATLANTA , GA 30329
ZHOU ZIXUAN	23 Cumberland CT	SOMERSET , NJ 30329
ZHANG QIANWEN	1648 SABASTIAN PT	ATLANTA , GA 30329
OBRIEN MARY KAY	1646 SABASTIAN PT NE	ATLANTA , GA 30329
JAIN ASHISH	1644 SABASTIAN PT NE	ATLANTA , GA 30329
GOODE DANNY L	1642 SABASTIAN PT NE	ATLANTA , GA 30329
MCINTYRE TROY C	1640 SABASTIAN PT NE # 90	ATLANTA , GA 30329

CSS_MountMariah_SignInSheet

»Name (original name)	Email
Josh Mahoney	jsm@battlelawpc.com
Raymond Groat	wgroat@aol.com
Rabbi Mark Kunis	rabbikunis@shaareishamayim.com
Jordan Battle	jnb@battlelawpc.com
Rose Anne Schulman	8hswt4yhmb@privaterelay.appleid.com



Battle Law

STATEMENT OF INTENT

and

Other Material Required by
DeKalb County Zoning Ordinance
For
A Special Land Use Permit for
a Place of Worship

of

CSS 18, LLC
c/o Battle Law, P.C.

for

+/-0.77 Acres of Land
Being 1600 Mount Mariah
Atlanta, Georgia and
Parcel Nos. 18 152 01 054

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



Battle Law

I. LETTER OF INTENT

CSS 18, LLC (the “Applicant”) is seeking a special land use permit on +/- 0.77 acres of land being Tax Parcel No. 18 152 01 054 having frontage on 1600 Mount Mariah (the “Subject Property”) for a Place of Worship.

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 SPECIAL LAND USE PERMIT CRITERIA

1600 Mount Mariah is developed with a Place of Worship that was built roughly sixty (60) years ago. The Place of Worship has been operating as such the entire time and, therefore, qualifies as a legal non-conforming use. In 2021, the Subject Property was rezoned from R-85 to HR-2 as part of an application to allow for the Bryn House apartment complex to the southeast of the Subject Property. While zoning conditions were placed on the property at that time that appear to protect against the creation of a legal non-conforming use, the fact that the place of worship was already a legal non-conforming use by the time the rezoning was approved means it is not protected by the condition.

HR-2 allows for a place of worship with a special land use permit. So, this application seeks a special land use permit so that the place of worship can continue to operate as a legal use and to ensure it can be rebuilt in the event of a catastrophic event causing damage equal to or exceeding sixty (60) percent of the value of the building.

The DeKalb County Zoning Ordinance contemplates the following factors for a special land use permit:

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

The Zoning Ordinance calls for at least three (3) acres of land for a place of worship in a residential district. While the Subject Property does not meet that requirement, the place of worship has been operating on the Subject Property’s 0.77 acres since its inception. Thus far, there has been adequate space for the place of worship’s operations. Furthermore, the zoning conditions that came about as a result of the rezoning from 2021 state that variances shall not be required for setbacks or transitional buffer zones. The building is very near the northern and eastern property line, but the zoning conditions nullify the need to adjust the setback or buffer lines.

B. Compatibility of the proposed use with adjacent properties and land uses and with other properties and land uses in the district, and whether the proposed use will create adverse



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impacts upon any adjoining land use by reason of traffic volume/congestion, noise, smoke, odor, dust, or vibration generated by the proposed use.

The Subject Property has a historic cemetery maintained by Mount Mariah Baptist church to the north and east. To the west there is a strip of vacant commercial land. South of the Subject Property is Mount Mariah Road and the Bryn House apartment complex. The place of worship has been existing in harmony with the surrounding uses for some time and will not create any adverse impacts on the adjoining land. This application does not call for any additions to the building or use. Rather, this application simply seeks to acquire the required documentation to transition the use from a legal non-conforming use to a legal use.

C. Adequacy of public services, public (or private) facilities, and utilities to serve the proposed use.

There are adequate public services, facilities, and utilities to serve the Subject Property.

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

The public street on which the place of worship exists is adequate to serve the Subject Property. The special land use permit will not increase traffic or create congestion at all. The place of worship will continue to operate as it does today.

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

The Subject Property has adequate ingress and egress.

F. Whether the proposed use will create adverse impacts upon any adjoining land use by reason of the manner and hours of operation of the proposed use.

The place of worship will not create adverse impacts upon any adjoining land use.

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

The place of worship is generally consistent with the HR-2 zoning district classification.

H. Whether the proposed use is consistent with, advances, conflicts, or detracts from the policies of the comprehensive plan.

The place of worship is consistent with the comprehensive plan.



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I. Whether there is adequate provision of refuse and service areas.

There is adequate provision of refuse and service areas.

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

The special land use permit should not be limited in time. The place of worship has been in operation for at least sixty (60) years and intends to continue operating.

K. Whether the size, scale and massing of proposed buildings are appropriate in relation to the size of the subject property and in relation to the size, scale and massing of adjacent and nearby lots and buildings; and whether the proposed use will create any shadow impact on any adjoining lot or building as a result of the proposed building height.

The size, scale, and massing of the existing buildings are appropriate in relation to the size of the subject property and in relation to adjacent land and buildings.

L. Whether the proposed use will adversely affect historic buildings, sites, districts, or archaeological resources.

The place of worship will not adversely affect historic buildings or sites. While there is a historic cemetery surrounding the Subject Property, the special land use permit application does not propose to increase development on the site, so will not have any impact on the surrounding historic site.

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

The place of worship does not satisfy the minimum lot requirements in the supplemental regulations. However, the place of worship was built long before the current zoning ordinance went into effect.

N. Whether the proposed use would be consistent with the needs of the neighborhood or the community as a whole, as expressed and evidenced during the review process.

The place of worship is consistent with the needs of the neighborhood. The place of worship has regular worship and educational activities for the community.



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III. CONCLUSION

For the foregoing reasons, the Applicant hereby requests that the application for a special land use permit for a place of worship 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 Commissioners to amend the land use and/or grant the special land use permit on the Subject Property to the classification as requested by the Applicant would be unconstitutional and discriminate in an arbitrary, capricious and unreasonable manner between the Applicant and owners of similarly situated property in violation of Article I, Section I, Paragraph II of the Constitution of the State of Georgia of 1983 and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States. Any special land use permit of the Property subject to conditions which are different from the conditions requested by the Applicant, to the extent such different conditions would have the effect of further restricting Applicant's utilization of the property, would also constitute an arbitrary, capricious



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

A refusal to allow the land use amendment and/or special land use permit in questions would be unjustified from a fact-based standpoint and instead would result only from constituent opposition, which would be an unlawful delegation of authority in violation of Article IX, Section II, Paragraph IV of the Georgia Constitution.

A refusal to allow the land use amendment and/or special land use permit 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

DEPARTMENT OF PLANNING & SUSTAINABILITY

IMPACT ANALYSIS

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

- A. Adequacy of the size of the site for the use contemplated and whether or not adequate land area is available for the proposed use including provision of all required yards, open space, off-street parking, transitional buffer zones, and all other applicable requirements of the zoning district in which the use is proposed to be located.
- B. Compatibility of the proposed use with adjacent properties and land uses and with other properties and land uses in the district, and whether the proposed use will create adverse impacts upon any adjoining land use by reason of traffic volume/congestion, noise, smoke, odor, dust, or vibration generated by the proposed use.
- C. Adequacy of public services, public (or private) facilities, and utilities to serve the proposed use.
- D. Adequacy of the public street on which the use is proposed to be located and whether or not there is sufficient traffic-carrying capacity for the use proposed so as not to unduly increase traffic and create congestion in the area.
- E. Adequacy of ingress and egress to the subject property and to all proposed buildings, structures, and uses thereon, with particular reference to pedestrian and automotive safety and convenience, traffic flow and control, and access in the event of fire or other emergency.
- F. Whether the proposed use will create adverse impacts upon any adjoining land use by reason of the manner and hours of operation of the proposed use.
- G. Whether the proposed use is otherwise consistent with the requirements of the zoning district classification in which the use is proposed to be located.
- H. Whether the proposed use is consistent with, advances, conflicts, or detracts from the policies of the comprehensive plan.
- I. Whether there is adequate provision of refuse and service areas.
- J. Whether the length of time for which the special land use permit is granted should be limited in duration.
- K. Whether the size, scale and massing of proposed buildings are appropriate in relation to the size of the subject property and in relation to the size, scale and massing of adjacent and nearby lots and buildings; and whether the proposed use will create any shadow impact on any adjoining lot or building as a result of the proposed building height.
- L. Whether the proposed use will adversely affect historic buildings, sites, districts, or archaeological resources.
- M. Whether the proposed use satisfies the requirements contained within the supplemental regulations for such special land use permit.
- N. Whether the proposed use would be consistent with the needs of the neighborhood or the community as a whole, as expressed and evidenced during the review process.

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: 12-16-2024

TO WHOM IT MAY CONCERN:

(I), (WE) 2490 N Druid, LLC

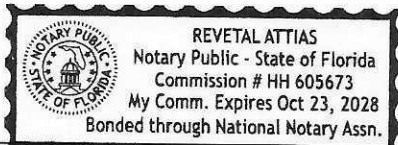
Name of owners(s) (If more than one owner, attach a separate sheet)

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

BATTLE LAW, P.C. - MICHELE L. BATTLE

Name of Agent or Representative

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



Revetal Attias

Notary Public

[Signature]

Owner

Notary Public

Owner

Notary Public

Owner

Notary Public

Owner

Notary Public

Owner



DISCLOSURE OF CAMPAIGN CONTRIBUTION

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

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

Yes _____ No X *

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

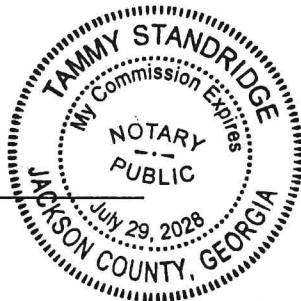
1. The name and official position of the local government official to whom the campaign contribution was made.
2. The dollar amount and description of each campaign contribution made during the two years immediately preceding the filing of this application and the date of each such contribution.

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.

Tammy Standridge
Notary

SB 12/12/2024
Signature of Applicant /Date
Steven Brown, Manager
Check one: Owner _____ Agent _____

July 29, 2028
Expiration Date/ Seal



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



DeKalb County
GEORGIA

DEPARTMENT OF PLANNING & SUSTAINABILITY

DISCLOSURE OF CAMPAIGN CONTRIBUTION

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

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

Yes XX No _____ *

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

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

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

Notary

Signature of Applicant /Date

Check one: Owner _____ Agent XX



Expiration Date/Seal

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

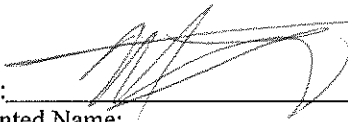
DEKALB COUNTY, GA

Campaign Contribution Disclosure Statements

CAMPAIGN CONTRIBUTIONS DISCLOSURE STATEMENT

Pursuant to the provisions of 36 O.C.G.A. 67(A), please find below a list of those contributions made by Michele L. Battle and Battle Law, P.C. in the past two years, aggregating \$250.00 or more, to local government officials who will consider this application.

NAME OF GOV'T OFFICIAL	OFFICIAL POSITION	AMOUNT OF CONTRIBUTION
Mereda Davis Johnson	Commissioner	\$1000
Nicole Massiah	Commissioner	\$2000
LaDena Bolton	Commissioner	\$500
Chakira Johnson	Commissioner	\$500
Ted Terry	Commissioner	\$500
Robert Partrick	Commissioner	\$500

By: 
Printed Name: _____

DEPARTMENT OF PLANNING & SUSTAINABILITY

FILING FEES

At the time of submittal, a filing fee shall accompany each Special Land Use Permit application as follows:

SPECIAL LAND USE PERMIT \$400.00

Applications for non-contiguous property (separated by a street) must be filed separately. A separate fee will be charged for each application. Applications deferred “full cycle” do not require additional fees. An application that is withdrawn and later re-filed will be treated as a new case and will require a new fee.

ADDITIONAL CRITERIA FOR SPECIFIED USES

No application for a special land use permit for the uses specified below shall be granted by the board of commissioners unless it is determined that, in addition to meeting the requirements contained within the zoning district in which such property is located and the criteria contained in section 7.4.6 and complying with applicable regulations in Article 4, satisfactory provisions and arrangements have been made concerning each of the following criteria:

- A. *Telecommunications towers and antennas.* In determining whether to authorize a special land use permit for a telecommunication tower or antenna, the board of commissioners shall comply with and apply the requirements of section 4.2.57.
- B. *Mine, mining operation, gravel pit, quarry, or sand pit.* In determining whether to authorize a special land use permit for a mine, mining operation, gravel pit, quarry, or sand pit, the board of commissioners shall also consider each of the following criteria:
 - 1. Whether the type and volume of traffic associated with such use will cause congestion in the streets and will create noise and vibration along streets used for residential purposes or adjacent to activity centers.
 - 2. Whether the applicant has provided a soil erosion control plan and a reuse or reclamation plan which meets the requirements of DeKalb County and of the Georgia Surface Mining Act, O.C.G.A. § 12-4-70, et seq., as amended, and the Rules of Department of Natural Resources, Chapter 391- 3-3, as amended.
 - 3. Whether or not the applicant meets the requirements of the county’s noise ordinance.
- C. *Child day care facility.* In determining whether to authorize a special land use permit for a child day care facility, the board of commissioners shall also consider each of the following criteria:

DEPARTMENT OF PLANNING & SUSTAINABILITY

1. Whether the proposed off-street parking areas and the proposed outdoor play areas can be adequately screened from adjoining properties so as not to adversely impact any adjoining land use.
 2. Whether there is an adequate and safe location for the dropping off and picking up of children at the child day care facility.
 3. Whether the character of the exterior of the proposed structure will be compatible with the residential character of the buildings in the zoning district in which the child day care facility is proposed to be located, if proposed for a residential zoned district.
- D. Biomedical waste disposal facilities, disposal facilities, landfills, county solid waste disposal facilities, county solid waste landfills, private industry solid waste disposal facilities, solid waste handling facilities, solid waste thermal treatment technology facilities, and disposal facilities for hazardous and/or toxic materials including radioactive materials.
1. In determining whether to authorize a special land use permit for a biomedical waste disposal facility, disposal facility, landfill, county solid waste disposal facility, county solid waste landfill, private industry solid waste disposal facility, solid waste handling facility, solid waste thermal treatment technology facility, or disposal facility for hazardous and/or toxic materials including radioactive materials, the board of commissioners shall also consider each of the following criteria:
 - a. Whether the proposed use does not pose any potential negative impact resulting from air pollution, degradation of soil and/or water quality, noise, odor, or other negative environmental effects.
 - b. Whether the proposed use will not have a significant deleterious effect on use of land and value of existing housing in adjacent and nearby neighborhoods.
 - c. Whether the proposed use will not create a negative traffic impact on any adjacent or nearby residential street(s) resulting from truck and other vehicular traffic associated with the facility.
 - d. Whether the proposed use does not represent an over-concentration of such uses in the area.
 2. An assessment shall be prepared by the DeKalb County sanitation division regarding item 1.d above.

LATE NIGHT ESTABLISHMENT OR NIGHTCLUB CHECK LIST

1. Is the requested SLUP for a new business or an existing business? (Please check only one) New Business _____ Existing Business _____. If the SLUP is for an existing business, please answer question Nos. 2 - 5.
2. Does this Business have a current Business License? Yes _____ No _____ If yes, provide a copy of current business license.
3. Has this business ever been operated without a Business License? Yes _____ No _____
If yes, how long did the business operate without a business license? _____
4. Has this business received a citation for any of the following:
 - a. Life safety violations such as pyrotechnics, overcrowding, inadequate ingress/egress operating beyond the permitted hours of operation.
 - b. Construction (major/minor renovation, alteration and addition) without a valid DeKalb County permit.
 - c. Business closure and renovation without surrendering license to State and County as required by State law.
 - d. Change of business name, ownership, or use without DeKalb County approval.
 - e. No valid Certificate of Occupancy issued by DeKalb County
 - f. Violation of operating hours of the Zoning ordinance or Alcohol Ordinance.
 - g. Lack of proof of residency under DeKalb County. Any person who holds a liquor license in DeKalb County is required under DeKalb County law to be a resident of DeKalb County.
5. If one or more of the citations mentioned in No. 4 have been issued, please provide copies of summons and citations and summary of court decision or resolution.

Submittal of a fraudulent application is a violation of DeKalb County and State law.

SURVEYORS NOTES

CLOSURE STATEMENT

- THE FIELD DATA UPON WHICH THIS MAP OR PLAT IS BASED HAS A CLOSURE PRECISION OF 1 FOOT IN 81,389 FEET AND AN ANGULAR ERROR OF 4 SECONDS PER ANGLE POINT, AND WAS ADJUSTED USING THE COMPASS RULE.
- THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND ITS ACCURACY IS 1 FOOT IN 277,480 FEET.

EQUIPMENT AND FIELD SURVEY STATEMENT

- LINEAR MEASUREMENTS AND ANGULAR MEASUREMENTS OBTAINED USING A LEICA TS16A TOTAL STATION.
- FIELD SURVEY COMPLETED ON 12-09-2020.

FLOOD ZONE

- BASED ON GRAPHICAL INTERPRETATION, THIS PROPERTY IS SITUATED IN FLOOD ZONE "X" (AREAS DETERMINED TO BE OUTSIDE 500 YEAR FLOODPLAIN) AS DEPICTED BY THE NFIP FLOOD INSURANCE RATE MAP NO. 13085C0054K, HAVING AN EFFECTIVE DATE OF 08/15/2019. USER OF THIS INFORMATION IS CAUTIONED THAT A MORE PRECISE FLOOD DELINEATION MAY BE NECESSARY.

ZONING

SITE IS ZONED R-85 (RESIDENTIAL MEDIUM LOT-S) DISTRICT (PER DEKALB COUNTY MAPS. NO ZONING INFORMATION PROVIDED).

- SURVEYOR MAKES NO WARRANTY AS TO THE EFFECT OF ZONING TO THE CURRENT OR FUTURE USE OF THE SUBJECT PROPERTY. USER OF THIS MAP IS HEREBY CAUTIONED TO CONSULT THE APPROPRIATE GOVERNING BODY FOR FINAL INTERPRETATION CONCERNING ZONING.

PARKING SUMMARY

- REGULAR = 44
- HANDICAP = 0

UTILITIES

- OVERHEAD AND UNDERGROUND UTILITIES THAT ARE SHOWN HEREON ARE BASED UPON FIELD SURFACE OBSERVATIONS AND MARKINGS PROVIDED BY A UTILITY LOCATION SERVICE. ONLY UTILITIES THAT WERE VISIBLE AND ACCESSIBLE WERE MEASURED. SITE EXCAVATION WAS NOT PERFORMED IN ANY WAY TO MEASURE ANY SUBSURFACE UTILITY OR FEATURE OF ANY TYPE. NOTICE IS HEREBY GIVEN THAT "KNOW WHAT'S BELOW CALL BEFORE YOU DIG." UTILITY LOCATION SERVICE (811) SHOULD BE NOTIFIED PRIOR TO ANY EXCAVATION OF THE SITE.

STREAMS, BODIES OF WATER, & WETLANDS

- ALL STREAMS, BODIES OF WATER, AND WETLANDS MAY BE SUBJECT TO STATE, COUNTY, AND LOCAL BUFFERS OR RESTRICTIONS. SURVEYOR MAKES NO INTERPRETATION REGARDING THESE BUFFERS OR RESTRICTIONS. USER OF THIS MAP IS CAUTIONED TO CONSULT WITH THE APPROPRIATE GOVERNING AUTHORITIES CONCERNING POSSIBLE BUFFERS OR RESTRICTIONS.

ARCHEOLOGICAL & HISTORIC

- UNLESS SHOWN HEREON, NO CEMETERIES, ARCHEOLOGICAL, OR ARCHITECTURAL LANDMARKS ARE KNOWN TO EXIST ON THIS SITE. HOWEVER, SURVEYOR HAS NOT EXCAVATED THE SITE OR CONSULTED WITH A QUALIFIED PROFESSIONAL IN THIS FIELD FOR ABSOLUTE CONFORMATION.

CERTIFICATION

- THIS SURVEY WAS PREPARED FOR THE EXCLUSIVE USE FOR THE CLIENT NAMED HEREON AND REPRESENTS A SPECIFIC SCOPE OF SERVICES.

REFERENCES

- TOPOGRAPHIC SURVEY FOR DEKALB COUNTY HOLDINGS, LLC AND CHICAGO TITLE INSURANCE COMPANY, PREPARED BY GEOMAGE, DATED 8/02/12.
- OTHER REFERENCES SHOWN HEREON.

HORIZONTAL DATUM

- HORIZONTAL DATUM WAS ESTABLISHED USING RTK GPS METHODS WITH CORRECTIONS FROM THE GPS NETWORK. HORIZONTAL DATUM IS GEORGIA STATE PLANE, WEST ZONE, NAD83.

NOTES:

- FURSUANT TO TABLE A, ITEM 16, THERE IS NO EVIDENCE OF CONSTRUCTION OR EARTH MOVING ACTIVITIES OBSERVED.
- FURSUANT TO TABLE A, ITEM 17, THERE IS NO EVIDENCE OF CHANGES IN STREET RIGHTS OF WAY OBSERVED.
- PROPERTY HAS ACCESS TO MOUNT MARIAH ROAD (PUBLIC ROAD), WHICH DEAD ENDS AT THE SOUTH PROPERTY LINE AS SHOWN HEREON.
- NO EVIDENCE OF WETLAND DELINEATION ACTIVITIES OBSERVED.
- THIS IS THE SAME PROPERTY DESCRIBED IN THE TITLE COMMITMENT REFERENCED HEREON.
- THE LEGAL DESCRIPTION OF THE PROPERTY DESCRIBES A MATHEMATICALLY CLOSED FIGURE, IS CONTIGUOUS AND THERE ARE NO GAPS, GORES OR OVERLAPS.
- TRACT 1 AND TRACT 2 ARE CONTIGUOUS TO EACH OTHER ALONG DEFINED BOUNDARY LINES, AND THERE ARE NO GAPS, STRIPS OR GORES SEPARATING ANY OF THE CONTIGUOUS BOUNDARY LINES.

TITLE EXCEPTIONS

FIDELITY NATIONAL TITLE INSURANCE COMPANY
ALTA COMMITMENT FOR TITLE INSURANCE
SCHEDULE B - PART II
Commitment Number: 201515GA
Commitment Date: November 19, 2021 at 12:00 AM

ITEM 17 Easement from Mt. Moriah Church to Georgia Power Company, dated November 19, 1937, filed for record January 10, 1938, recorded in Deed Book 465, Page 592, Records of DeKalb County, Georgia. **NON-DESCRIPTIVE BLANKET EASEMENT. AFFECTS THE SUBJECT PROPERTY. CANNOT BE PLOTTED HEREON.**

ITEM 18 Right-of-Way Easement from Mt. Mariah Baptist Church to Georgia Power Company, dated March 21, 1967, filed for record April 13, 1967, recorded in Deed Book 2189, Page 203, Records of DeKalb County, Georgia. **NON-DESCRIPTIVE BLANKET EASEMENT. AFFECTS THE SUBJECT PROPERTY. CANNOT BE PLOTTED HEREON.**

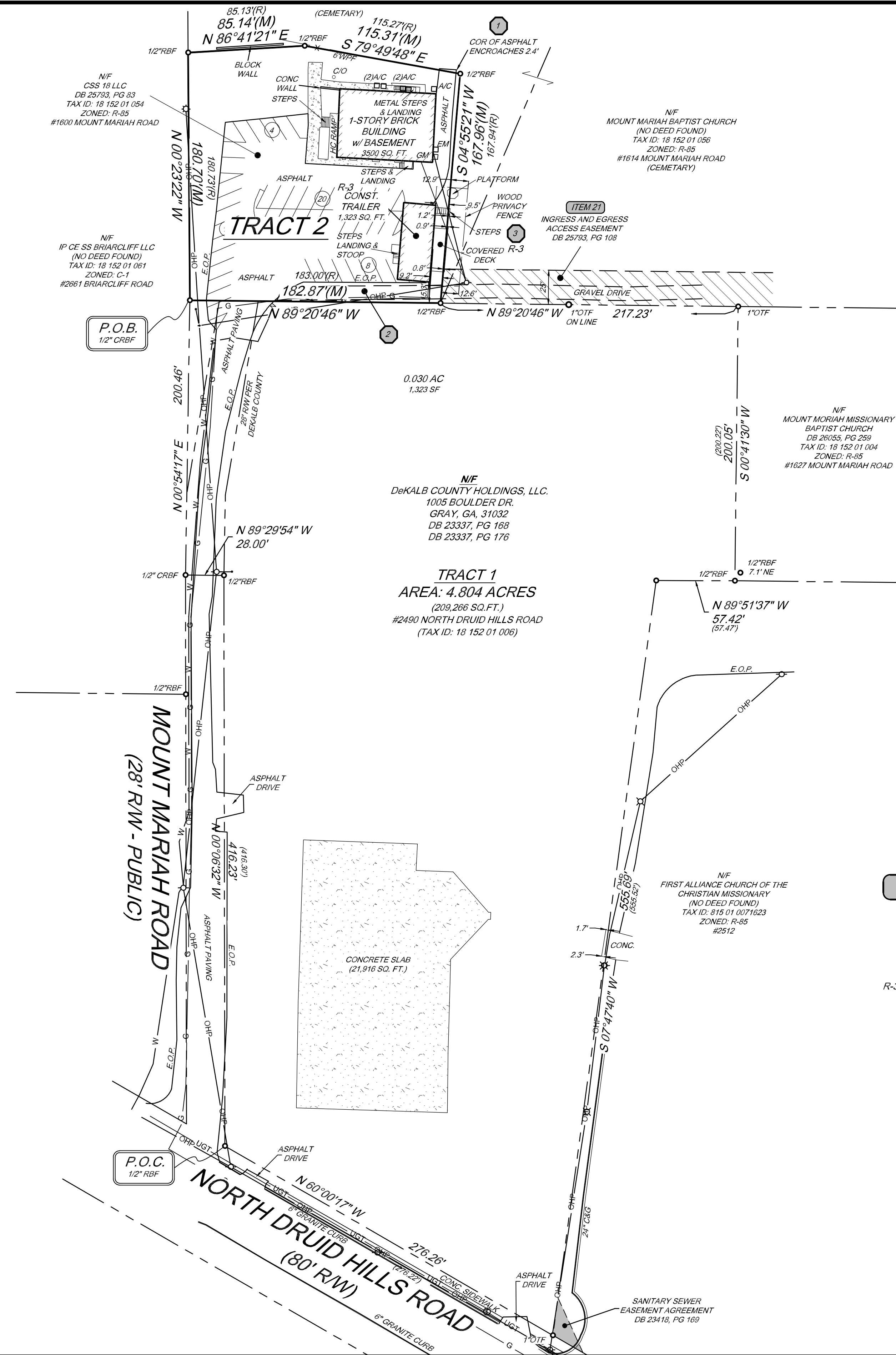
ITEM 19 INTENTIONALLY DELETED.

ITEM 20 INTENTIONALLY DELETED.

ITEM 21 Ingress and Egress Access Agreement between Mt. Moriah Missionary Baptist Church of Tucker Georgia, Inc. and CSS 18, LLC, dated September 12, 2016, filed for record September 15, 2016, recorded in Deed Book 5373, Page 106, Records of DeKalb County, Georgia. **BENEFITS THE SUBJECT PROPERTY AS SHOWN HEREON.**



Know what's below.
Call before you dig.



STATEMENT OF ENCROACHMENTS & SIGNIFICANT OBSERVATIONS

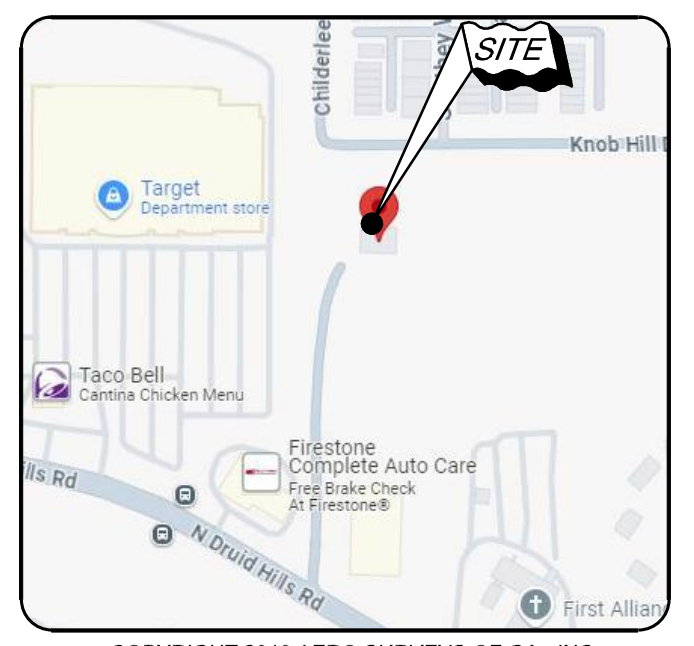
The statements below contain opinions based on field observations and may or may not coincide with facts relative to matter of the public records, actual use of the property, use of improvements, or actual property access.

- 1 Corner of asphalt drive encroaches onto north adjoining property as shown hereon.
- 2 Gravel drive across subject property to Ingress and Egress Access Easement (ITEM 17).
- 3 Deck, fence, steps and platform constructed since our previous survey encroach onto adjoining property as shown hereon.

TRACT 2
AREA = 0.789 ACRES/34,383 SQ. FT.



LOCATION MAP



AS-SURVEYED PROPERTY DESCRIPTION

Tract 2
All that tract or parcel of land lying and being in Land Lot 152, of the 18th District, DeKalb County, Georgia, and being more particularly described as follows:
To find the TRUE POINT OF BEGINNING, COMMENCE AT a 1/2" rebar found at the right-of-way intersection of the easterly right-of-way line of Mount Mariah Road (having 28 foot right-of-way) with the northerly right-of-way line of North Druid Hills Road (having an 80 foot right-of-way), thence running along said easterly right-of-way line Mount Mariah Road, N 00°06'32" W a distance of 416.23 feet to a 1/2" rebar found; thence N 89°29'54" W a distance of 28.00 feet to a 1/2" rebar and plastic cap set; thence N 00°54'17" E a distance of 200.46 feet to a 1/2" rebar found being the TRUE POINT OF BEGINNING; thence N 00°23'22" W a distance of 180.70' to a 1/2" rebar found; thence N 86°41'21" E a distance of 85.14' to a 1/2" rebar found; thence S 79°49'48" E a distance of 115.31' to a 1/2" rebar found; thence S 04°55'21" W a distance of 167.96' to a 1/2" rebar found; thence N 89°20'46" W a distance of 162.87' 1/2" rebar found and the TRUE POINT OF BEGINNING.
Said tract containing 0.789 acres or 34,383 square feet as depicted on that ALTANS/SPS Land Title Survey prepared by Metro Engineering and Surveying Company, Inc. of McDonough, Georgia, last revised 12-15-21. (Job No. 14999)

RECORD PROPERTY DESCRIPTION

EXHIBIT "A"
Legal Description
Tract 2
All that tract or parcel of land lying and being in Land Lot 152, of the 18th District, DeKalb County, Georgia and being more particularly described as follows:
To find the True Point of Beginning, commence at an iron pin found under the pavement at the intersection of the Northeastern right of way of North Druid Hills Road (right of way varies) and the Westerly right of way of Mount Mariah Road (right of way unknown); thence leaving the Northeastern right of way of North Druid Hills Road N 00°23'57" E a distance of 294.55' to a 5/8" rebar found; thence N 00°44'42" E a distance of 290.41' to a 3/4" solid rod found, said point being the True Point of Beginning.

From said True Point of Beginning, thence N 01°19'51" W 180.73' to a 1/2" rebar set; thence N 86°43'38" E a distance of 85.14' to a 1/2" rebar set; thence S 79°50'27" E a distance of 115.27' to a 1/2" rebar set; thence S 04°55'38" W a distance of 167.94' to a 1/2" rebar set; thence N 89°21'21" W a distance of 163.00' to a 3/4" solid rod found, said point being the True Point of Beginning.
Said tract containing 34,388.91 square feet or 0.789 Acres.
Together with the easement appurtenant to the above described land created by that certain Ingress and Egress Access Easement Agreement between Mt. Moriah Missionary Baptist Church of Tucker Georgia, Inc. and CSS 18, LLC, dated September 12, 2016, filed for record September 15, 2016, recorded in Deed Book 5373, Page 106, Records of DeKalb County, Georgia.

Said described property is located within an area having a Zone Designation of Zone "X" by the Secretary of Housing and Urban Development, on Flood Insurance Rate Map No. 13085C0054K, with a date of August 15, 2019, Identification of DeKalb County, for Community Number 13010650054K, in DeKalb County, State of Georgia, which is the current Flood Insurance Rate Map for the community in which said property is situated.

LEGEND

P.O.B.	POINT OF BEGINNING	UGT	UNDERGROUND TELEPHONE
P.O.C.	POINT OF COMMENCEMENT	UGP	UNDERGROUND POWER
CTF	CRIMP TOP PIPE FOUND	W	WATER MAIN
OTF	OPEN TOP PIPE FOUND	G	GAS MAIN
RBF	REBAR FOUND	BSL	BUILDING SETBACK LINE
SW/CB	SINGLE WING CATCH BASIN	EOP	EDGE OF PAVEMENT
GI	GRATE INLET	TRANS	TRANSMISSION LINE
CI	CURB INLET	EM	ELECTRIC METER
LP	LIGHT POLE	LL	SANITARY SEWER MANHOLE
PP	POWER POLE	EB	ELECTRIC BOX
SSM	SANITARY SEWER MANHOLE	OHP	OVERHEAD POWER
OHP	OVERHEAD POWER SVC LINE	BLDG	BUILDING
WV	WATER VALVE	P&T	OVERHEAD POWER & TELEPHONE
WM	WATER METER	G	GRASS
GV	GAS VALVE	FFE	FINISH FLOOR ELEVATION
GM	GAS METER	TW	TOP OF WALL
FH	FIRE HYDRANT	BK/C	BACK OF CURB (TOP)
C/O	CLEAN OUT	FDC	FIRE DEPARTMENT CONNECTION
SS	SANITARY SEWER LINE	B/C	BACK OF CURB
RCP	REINFORCED CONCRETE PIPE	SW	SIDEWALK
CMP	CORRUGATED METAL PIPE	X	SPOT ELEVATIONS
(XXX.XX)	RECORD DISTANCES		
(R)	RECORD DISTANCES		
(M)	MEASURED DISTANCES		

ALTA/NSPS LAND TITLE SURVEY

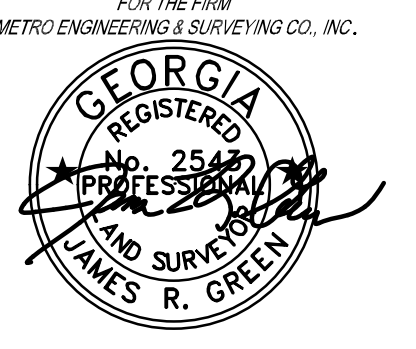
OF
1600 MOUNT MARIAH ROAD
TAX ID: 18 152 01 054

PROPERTY INFORMATION	
LAND LOTS:	152
DISTRICT:	18th
SECTION:	NA
COUNTY:	DEKALB
STATE:	GEORGIA
CITY:	

DRAWING INFORMATION	
DATE:	12-07-2021
SCALE:	1"=60'
DWN:	JRG
CHKD:	JCS
JOB No.:	14999
FILE:	14999-ALTA-0

ALTA / NSPS CERTIFICATION

To: 2490 N Druid, LLC, ACP Druid Holdings, LLC, 2490 N Druid Developers, LLC, Trust Bank, as Administrative Agent, ATIMA ISAOA and Fidelity National 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), 6(b), 7(a), 7(b), 7(c), 7(d), 8, 9, 11, 13, 14, 16, 17, 18, 19 and 20 of Table A thereof. The field work was completed on 12-09-2020.
Date of Plat or Map: 12-07-2021
JAMES R. GREEN.



METRO ENGINEERING & SURVEYING CO., INC.
SURVEYORS - ENGINEERS - PHOTOGRAMMETRISTS
PROVIDING PROFESSIONAL SERVICE SINCE 1967
1489 Highway 20 West - McDonough, Georgia 30253
Phone: 770-707-0777 - Fax: 770-707-0765
www.metro-engineering.com

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: CSS 18 LLC c/o Battle Law PC _ Property address 1600 Mount Mariah Road _____

Tax Parcel ID: _18 152 01 054 _ Comm. District(s): 2 & 6 _____ Acreage: .77 acres

Existing Use: Church Proposed Use: Existing church as a conforming land use

Supplemental Regs: _YES for Place of Worship _____ DRI: _NA _____

Rezoning: Yes _____ No X

Existing Zoning: HR-2 with conditions (CZ-21-1244535 based on a site plan and 337 residential units) _____

Proposed Zoning: NA

Land Use Plan Amendment: Yes _____ No X

Existing Land Use: NC (Neighborhood Center) _____ Proposed Land Use: NA

Consistent _____ Inconsistent _____

Special Land Use Permit: Yes X No _____ for a place of worship

Major Modification: NA

Existing Case Number(s): N _____

Condition(s) to be modified:

—

WHAT TO KNOW BEFORE YOU FILE YOUR APPLICATION

Pre-submittal Community Meeting: X Review Calendar Dates: _____ PC: 03/04/25** _____ BOC:
03/27/25** Letter of Intent: X Impact Analysis: X Owner Authorization(s): _____

DEPARTMENT OF PLANNING & SUSTAINABILITY

Campaign Disclosure: Zoning Conditions: Community Council Meeting:
 02/18/25* Public Notice, Signs: 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

***Deadline for hosting pre-community meeting with 15 days notice for March 2025 agenda cycle would be 12/09/25..Deadline for pre-community meeting with 15 days notice for May 2025 agenda cycle would be 02/10/05 March 4 and March 27t**

****Filing Deadline for application is 12/16/24 for March 2025 cycle and 02/17/25 for May 2025 agenda cycle—PLEASE EMAIL John Reid in addition to submitting application through portal, and confirm with John Reid that he has received your complete application.**

Review of Site Plan—NO SITE PLAN SUBMITTED

Density: Density Bonuses: Mix of Uses: Open Space:
Enhanced Open Space: Setbacks: front sides side corner rear
Lot Size: Frontage: Street Widths: Landscape Strips:
Buffers: Parking Lot Landscaping: Parking - Auto: Parking - Bicycle:
 Screening: Streetscapes: Sidewalks: Fencing/Walls: Bldg.
Height: Bldg. Orientation: Bldg. Separation: Bldg. Materials: Roofs:
Fenestration: Façade Design: Garages: Pedestrian Plan: Perimeter
Landscape Strip:
Possible Variances: NA no site plan provided for pre-app meeting.

Comments:

Show how proposed subject site will remain compatible with surrounding single-family area. Show how proposed SLUP is consistent with the Neighborhood Center Character Area of the 2050 and Comprehensive Plan. Show compliance with existing HR-2 zoning requirements, existing zoning conditions, and the Place of Worship supplemental regulations. **Temporary structures are not allowed, any accessory structures must have permanent foundation and be classified as a permanent building via DeKalb County building permit department.** Show compliance with Place of Worship Supplemental Regulations including but not limited to undisturbed transitional buffer requirements, building materials, minimum building setbacks, maximum building height, minimum lot area, minimum unit size, minimum parking requirements, sidewalk and street

DEPARTMENT OF PLANNING & SUSTAINABILITY

tree requirements, etc. It appears that property does not meet minimum lot area, min lot frontage, and direct access to major arterial road,. If variances are allowed to the Supplemental Regulations, then variances would have to be obtained by Zoning Board of Appeals. It appears that there is a historic cemetery abutting this property to the north. Applicant will also have to demonstrate compliance with SLUP criteria. Additionally, applicant must show how proposed project is consistent with the LCI study for this area. –

This only a preliminary review and is not a complete list of zoning requirements, a final and complete review and official Planning Department recommendation will be done upon official submission of a rezoning or rezoning including a concept plan. If the application were to be approved, the applicant would have to submit and obtain approval of a sketch plat creating the various fee-simple lots, and then submit for land disturbance permits and building permits.

Planner: John Reid Date 12/03/24

Filing Fees

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

NOTIFICATION OF PUBLIC HEARING(S)

DeKalb County Planning Commission Meeting Date
Tuesday, March 4, 2025 @ 6:00 PM
(This meeting will be held online, via Zoom.)

Join from PC, Mac, Linux, iOS or Android: <https://dekalbcountyga.zoom.us/j/86330344636>

Or Telephone Dial: USA 888-270-9936 (US Toll Free); Conference code: 691303

Email the DeKalb County Department of Planning and Sustainability with questions or comments:
plansustain@DeKalbcountyga.gov

Board of Commissioners Meeting Date:
Thursday, March 27, 2025; 5:30 PM
Government Services Center (In-Person; not Zoom)
178 Sams Street, Decatur, GA 30030

Email the DeKalb County Board of Commissioners at
PublicHearing@dekalbcountyga.gov

2025-0047 SLUP-25-1247365 18-152-01-054
Commission District 02 Super District 06
1600 MT. Mariah Road, Atlanta, GA 30329

Application of CSS 18, LLC c/o Battle Law, P.C. for a Special Land Use Permit (SLUP) to allow a place of worship in the HR-2 (High Density Residential-2) zoning district.



DeKalb County
GEORGIA

DEKALB COUNTY
PLANNING & SUSTAINABILITY
CURRENT PLANNING / ZONING DIVISION

178 Sams Street
Decatur, GA 30030

SLUP-25-1247365
MOUNT MARIAH BAPTIST CHURCH
1983 BROCKETT RD
TUCKER, GA 30329



Planning Commission
Meetings are Held Virtually on Zoom