



Lorraine Cochran-Johnson
Chief Executive Officer

DeKalb County Zoning Board of Appeals
Department of Planning & Sustainability
178 Sams Street
Decatur, GA 30030
Wednesday, July 8, 2026



DeKalb County's Response to Appeal

N2. Case No: A-26-1248158 Parcel ID(s): 15 045 02 186

Commission District 03 Super District 06

Appeal of: Administrative Decision regarding zoning status and enforcement

Appellant(s): Roderick Abid Mohammed and Margaret Mohammed

Project Name: 1734 Henrico Road - Zoning Determination Appeal

Location: 1734 Henrico Road, Conley, GA 30288

Appeal: Appeal of an administrative decision issued by the Zoning Administrator dated April 30, 2026, regarding the zoning status of land uses operating at 1734 Henrico Road, including a single-family detached residence, truck parking, and a 24-7 security office/live-work or caretaker use, within the Soapstone Historic District, Bouldercrest Overlay District Tier 4a, with underlying M (Light Industrial) zoning.

Standard: The decisions made by public officials are presumed to be valid and just. An appeal shall be sustained only upon an expressed finding by the zoning board of appeals that the administrative official's action was based on an erroneous finding of a material fact, erroneously applied the zoning ordinance to the facts, or that the administrative official acted in an arbitrary manner. In exercising its powers, the zoning board of appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from, and to that end shall have all the powers of the administrative official from whom the appeal was taken, provided all requirements imposed by any applicable laws are met. Section 27-7.5 et seq. Code of DeKalb County, as Revised 1988.

**DeKalb County's
Position:**

Planning & Sustainability staff correctly applied the Bouldercrest Overlay District, Tier 4a, the underlying M zoning district, and the applicable nonconforming use standards in determining the zoning status of the land uses operating at 1734 Henrico Road. The Zoning Board of Appeals should affirm the April 30, 2026 administrative zoning determination.

BACKGROUND

The subject property, 1734 Henrico Road, Conley, GA 30288, Parcel ID 15 045 02 186, is located in unincorporated DeKalb County. The property is within the Bouldercrest Overlay District, Tier 4a, with an underlying zoning classification of M (Light Industrial).

On April 30, 2026, the Zoning Administrator issued a letter of determination regarding the zoning status of multiple land uses identified on the property. Based on inspection information from DeKalb County Code Enforcement and information provided by the property owner, staff identified three apparent land uses operating at the site: a single-family detached residential home, truck parking, and a 24-7 security office/live-work or caretaker unit.

The April 30, 2026 determination found that the single-family detached residence, although not allowed as a new use in Tier 4a of the Bouldercrest Overlay District, may be eligible to continue as a legal nonconforming use based on the DeKalb County Tax Digest identifying an original build date of 1958 and a recent electrical permit issued on May 20, 2023 for a single-family structure. The determination further explained that the residence may continue only so long as the property does not vacate within any consecutive six-month period, is not expanded, and complies with the criteria of Section 8.1.5 of the Zoning Ordinance governing nonconforming uses.

The determination also found that the 24-7 security office and live-work or caretaker use is not permitted as presented. Tier 4a of the Bouldercrest Overlay District prohibits live-work units, and any office use would require approval of a Special Land Use Permit by the Board of Commissioners.

Finally, the determination found that truck parking is not an allowed land use in Tier 4a of the Bouldercrest Overlay District. Although a business license was issued in March 2026 for truck parking, the determination found that the license was issued in error because no overlay review was completed prior to issuance. The determination further found that there were no prior permits or business licenses in County records establishing truck parking as a lawful use on the property. Because a nonconforming or grandfathered use must have been legally established before it may continue, the determination concluded that truck parking could not be treated as a lawful grandfathered use.

The appellants timely appealed the administrative determination to the Zoning Board of Appeals.

BASIS FOR THE APPEAL

The appellants contend that the administrative determination should be reversed or modified because the property has historically operated with a mixture of residential and business-related activities. The appellants state that they relied upon prior approvals and actions taken by DeKalb County, including the issuance of a business license for truck parking in March 2026.

The appellants specifically dispute: (1) the determination that truck parking cannot qualify as a legally established or grandfathered use; (2) the determination that the caretaker/security office use is prohibited without consideration of the property's operational security needs; and (3) immediate enforcement action without what the appellants characterize as a reasonable opportunity for administrative resolution or compliance alternatives.

The appellants also state that the property serves as their primary residence, a security-monitored business property, and the primary source of income for the household. They request reversal or modification of the administrative determination, a temporary stay of enforcement during the appeal process, additional time to pursue zoning compliance remedies, and an opportunity to present evidence, witnesses, historical documentation, and hardship considerations.

STAFF RESPONSE TO THE APPEAL

Staff has reviewed the appeal, the April 30, 2026 administrative determination, the zoning classification of the subject property, the applicable overlay regulations, and the information available in the administrative record and finds the following:

1. Zoning Classification and Applicability of the Bouldercrest Overlay District

The subject property is located within the Bouldercrest Overlay District, Tier 4a, with underlying M zoning. The administrative determination properly reviewed the property under both the underlying zoning district and the applicable overlay district regulations.

The appellants do not appear to dispute that the property is located within Tier 4a of the Bouldercrest Overlay District. Rather, the appeal focuses on the effect of the overlay regulations, the history of business activity on the site, reliance on the March 2026 business license, and the hardship created by enforcement. However, the applicability of the Bouldercrest Overlay District is a threshold zoning matter. Staff was required to apply the overlay district use standards to the property and to the land uses identified on the site.

The administrative determination therefore correctly analyzed the property under the Bouldercrest Overlay District, Tier 4a, and the underlying M zoning classification.

2. Single-Family Detached Residential Use

The April 30, 2026 determination did not require the immediate discontinuance of the existing single-family detached residence. Instead, staff recognized that the home may qualify as a legal nonconforming use based on its apparent age and permit history.

Although single-family detached residences are not allowed as new uses in Tier 4a of the Bouldercrest Overlay District, the County's Tax Digest indicates an original build date of 1958, and a recent electrical permit was issued on May 20, 2023 for a single-family structure. Based on this record, the determination reasonably concluded that the residential use may continue as a grandfathered use if it complies with Section 8.1.5 of the Zoning Ordinance.

This portion of the determination was not arbitrary or adverse to the appellants. It preserved the potential continued legality of the residential use, subject to the limits applicable to nonconforming uses. Those limits include that the use not be vacated for any consecutive six-month period, not be expanded, and remain subject to the criteria governing nonconforming uses.

Accordingly, staff correctly applied the nonconforming use provisions to the existing residence.

3. Truck Parking

The administrative determination correctly found that truck parking is not an allowed land use in Tier 4a of the Bouldercrest Overlay District.

The appellants argue that truck parking should be treated as a legally established or grandfathered use, in part because a business license was issued in March 2026. However, a use may be treated as a lawful nonconforming use only if it was legally established. The administrative record reviewed by staff did not identify previous permits or business licenses establishing truck parking as a lawful use on the property prior to the current enforcement matter.

The March 2026 business license does not, by itself, establish a lawful nonconforming right. The April 30, 2026 administrative determination found that the license was issued in error because the required overlay review was not completed prior to issuance. A license issued in error does not override the zoning ordinance, does not authorize a use prohibited by the applicable overlay district, and does not create a vested right to continue a use that was not legally established under the zoning ordinance.

At the same time, staff acknowledges that the County issued the March 2026 business license and that the appellants state they relied on that license in continuing truck parking operations at the property. While that reliance does not make the use lawful or establish grandfathered status, it is relevant to how compliance may reasonably be implemented. Therefore, staff recommends that any required discontinuance of truck parking be handled through a reasonable phase-out period coordinated by the Department of Planning & Sustainability and Code Compliance.

Because truck parking is not a permitted use in Tier 4a, and because the record does not establish that truck parking was previously and lawfully established before becoming nonconforming, staff correctly determined that truck parking cannot continue as a grandfathered use on the property. However, due to the County's issuance of the March 2026 business license and the appellants' stated reliance on that license, staff supports allowing a reasonable phase-out period for the noncompliant truck parking use, subject to coordination with Planning & Sustainability and Code Compliance.

4. 24-7 Security Office / Live-Work or Caretaker Use

The administrative determination correctly found that the 24-7 security office and live-work or caretaker use is not permitted as presented.

The determination also explained that any office use would require approval of a Special Land Use Permit by the Board of Commissioners. The Zoning Board of Appeals does not have authority through this appeal to grant a SLUP, reclassify a prohibited live-work use as permitted, or authorize an office use where the ordinance requires separate approval by the Board of Commissioners.

The appellants may pursue any available zoning compliance remedy through the appropriate application process. However, the availability of a future compliance path does not make the Zoning Administrator's April 30, 2026 determination erroneous, arbitrary, or contrary to the ordinance.

5. Effect of the March 2026 Business License

The appellants emphasize that they relied on the business license issued in March 2026 and made financial and operational decisions based upon that approval. Staff acknowledges the appellants' reliance argument and the hardship concerns raised in the appeal.

However, the legal issue before the Zoning Board of Appeals is whether the administrative official made an erroneous finding of material fact, erroneously applied the zoning ordinance to the facts, or acted arbitrarily.

The April 30, 2026 determination found that the March 2026 license was issued in error because no overlay review was completed before issuance. Where a license is issued without the required zoning review or in conflict with applicable zoning regulations, the license does not supersede the zoning ordinance. Nor does it create a lawful nonconforming use where the underlying use was not legally established.

The administrative determination therefore correctly concluded that the March 2026 business license could not authorize truck parking in violation of the Bouldercrest Overlay District and could not serve as the basis for grandfathering the use.

6. Enforcement Timing, Compliance Alternatives, and Hardship

The appellants request additional time for compliance, administrative reconsideration, an opportunity to pursue zoning relief, and suspension of enforcement penalties during the appeal process. The appellants also raise economic hardship, displacement concerns, and the importance of the property to their household income.

Staff recognizes that zoning enforcement can create significant practical and financial consequences for property owners. However, hardship considerations do not establish that the Zoning Administrator incorrectly applied the zoning ordinance. The appeal standard is limited to whether the administrative decision was based on an erroneous finding of material fact, an erroneous application of the zoning ordinance to the facts, or arbitrary action.

The April 30, 2026 letter notified the appellants of their appeal rights and identified the potential enforcement consequences of continued noncompliance. The letter also provided contact information for Code Compliance if additional time for compliance was needed. Those enforcement and compliance discussions may proceed through the appropriate administrative channels, but they do not provide a legal basis for reversing the zoning determination itself.

The Zoning Board of Appeals may affirm, reverse, or modify the administrative determination on appeal. However, it should not reverse a correct zoning determination solely because the appellants seek additional time, hardship consideration, or a future path to compliance.

CONCLUSION AND RECOMMENDATION

Staff finds that the Zoning Administrator correctly applied the Bouldercrest Overlay District, Tier 4a, the underlying M zoning district, and the nonconforming use provisions of the DeKalb County Zoning Ordinance to the land uses identified at 1734 Henrico Road.

The April 30, 2026 determination reasonably concluded that the existing single-family detached residence may continue only if it qualifies and remains compliant as a legal nonconforming use; that the 24-7 security office/live-work or caretaker use is prohibited as presented, with office use requiring separate SLUP approval; and that truck parking is not allowed in Tier 4a and cannot be treated as grandfathered absent evidence that it was legally established.

The appellants' reliance on the March 2026 business license, hardship concerns, and request for additional compliance time do not demonstrate that the administrative determination was based on an erroneous finding of material fact, an erroneous application of the zoning ordinance, or arbitrary action. However, staff recognizes that the County issued the March 2026 business license and that the appellants state they relied on that license in continuing business operations at the property. Therefore, while staff recommends affirmance of the April 30, 2026 administrative zoning determination, staff further recommends that the appellants be afforded a reasonable phase-out period for any noncompliant uses, subject to coordination with Planning & Sustainability and Code Compliance.

Recommendation: Affirm the April 30, 2026 administrative zoning determination for 1734 Henrico Road, Parcel ID 15 045 02 186, with allowance for a reasonable phase-out period for any noncompliant uses to be coordinated by the Department of Planning & Sustainability and Code Compliance.

**TRINILAND LEASING LLC
1734 HENRICO ROAD
CONLEY, GEORGIA 3028
404-840-8512**

FORMAL APPEAL TO THE DEKALB COUNTY ZONING BOARD OF APPEALS

APPELLANTS:

Roderick Abid Mohammed
Margaret Mohammed
1734 Henrico Road
Conley, Georgia 30288
Phone: (404) 840-8512
Email: trinilandleasingllc@gmail.com

PROPERTY:

1734 Henrico Road
Parcel ID: 15 045 02 186

DATE: May 6, 2026

RE: FORMAL APPEAL OF ADMINISTRATIVE ZONING DETERMINATION

To the DeKalb County Zoning Board of Appeals:

We hereby formally appeal the administrative zoning determinations issued on April 30, 2026, concerning the above-referenced property pursuant to Section 7.5.2 of the DeKalb County Zoning Ordinance.

The property has historically operated with a mix of residential and business-related activities for many years. The homeowners and operators relied upon approvals and actions previously taken by DeKalb County, including issuance of a business license for truck parking in March 2026.

The appellants respectfully dispute the following determinations:

1. The determination that truck parking cannot qualify as a legally established or grandfathered use;
2. The determination that the caretaker/security office use is prohibited without consideration of the property's operational security needs;
3. The immediate enforcement action without reasonable opportunity for administrative resolution or compliance alternatives.

The property serves as:

- The appellants' primary residence;
- A security-monitored business property;

The primary source of income for the household.

The appellants request:

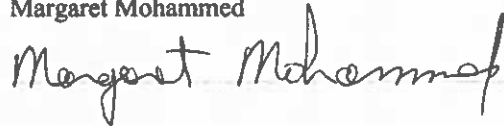
- Reversal or modification of the administrative determinations;
- A temporary stay of enforcement actions during the appeal process;
- Additional time to pursue zoning compliance remedies;
- Opportunity to present evidence, witnesses, historical documentation, and hardship considerations.

TRINILAND LEASING LLC
1734 HENRICO ROAD
CONLEY, GEORGIA 3028
404-840-8512

The appellants are willing to work cooperatively with DeKalb County toward a lawful and reasonable resolution.

Respectfully submitted,

Margaret Mohammed

A handwritten signature in cursive script, appearing to read "Margaret Mohammed", written over a horizontal line.

Roderick Abid Mohammed

A handwritten signature in cursive script, appearing to read "Roderick Abid Mohammed", written below the name.

**TRINILAND LEASING LLC
1734 HENRICO ROAD
CONLEY, GEORGIA 3028
404-840-8512**

HARDSHIP STATEMENT

To Whom It May Concern:

We respectfully request consideration of the severe hardship that enforcement action would create for our household and business operations.

1734 Henrico Road is not simply a business property. It is our family residence, our primary source of income, and the foundation of our livelihood.

The truck parking operations and on-site security functions support our ability to:

- Maintain employment and business income;
- Pay our mortgage and utilities;
- Provide financial stability for our household;
- Maintain security for commercial vehicles and equipment.

We acted in good faith, relying on the business license issued by DeKalb County in March 2026. Significant operational and financial decisions were made based upon that approval.

Immediate shutdown of operations would create devastating economic hardship and potential displacement from our home.

We respectfully request:

- Additional time for compliance;
- Administrative reconsideration;
- Opportunity to pursue zoning relief options;
- Suspension of enforcement penalties during the appeal process.

We remain committed to cooperating with DeKalb County and finding a lawful resolution.

Respectfully,

Margaret Mohammed
Roderick Abid Mohammed



Chief Executive Officer
Lorraine Cochran-Johnson

DEPARTMENT OF PLANNING & SUSTAINABILITY

Director
Juliana Njoku

Whitney Fuller, Current Planning/Zoning Administrator
DeKalb County Government
Department of Planning & Sustainability
178 Sams Street, Decatur, GA 30030
Phone: (470) 356-1247
Email: wfuller@dekalbcountyga.gov

Roderick Abid Mohommed, and Margaret Mohammed 1734
Henrico Road Conley, GA 30288
Phone: (404) 840-8512
Email: trinilandleasingllc@gmail.com

DATE: April 30, 2026

RE: Zoning Status of 1734 Henrico Road, Parcel ID 15 045 02 186

Dear Margaret:

Your property at 1734 Henrico Road, Tax Parcel ID 15 045 02 186 is zoned “Bouldercrest Overlay District (BOD) Tier 4a with an underlying zoning of M (Light Industrial). Based on inspection of the site by DeKalb County Code Enforcement and based on the information in your email, there appear to be three land uses operating on the property which include a single-family detached residential home, truck parking, and a 24-7 security office/live-work unit. The zoning status of each of these land uses is clarified below.

Single-Family Home

While single-family homes are not allowed in Tier 4a of the BOD, it appears that the home on the property might be a legal non-conforming use given that the DeKalb County Tax Digest indicates an original build date in 1958 and there was a recent electrical permit issued on May 20, 2023 for a single-family structure. So long as the property does not vacate within any consecutive six-month period, is not expanded, and complies with the criteria of Section 8.1.5 (Non-conforming uses) of the DeKalb County Zoning Ordinance, the home can continue operating as a grandfathered land use.

24-7 Security Office and Live/Work Unit

Regarding the 24-7 security office and live-work “caretaker” use, Tier 4a of the BOD prohibits live-work units. Any office use requires approval of a Special Land Use Permit (SLUP) by the Board of Commissioners.

Truck Parking

Truck parking is not an allowed land use in Tier 4a of the BOD. While a license was issued to allow truck parking on the property in March of 2026, that license was issued in error since no overlay review was completed prior to issuance, and the license is null and void. Based on a search of DeKalb County records, there was no previous permits or licenses issued for truck parking. To be grandfathered requires that the use was legally established, and since there are no permits or previous business licenses for truck parking the property cannot be grandfathered.

You have the right to appeal these administrative decisions to the Zoning Board of Appeals (ZBA) within fifteen (15) days under the guidelines of [Section 7.5.2](#) (Appeals of decisions of administrative officials) of the DeKalb

County Zoning Ordinance. Without such action, the county will take further enforcement measures.

In addition to the above, please be advised this serves as an official issuance of warning notice on 04/30/2026, for failure to comply with § 27-3-39-3 (A) of the Dekalb Code of Ordinances, Table of Permitted Uses for Bouldercrest-Ceder Grove Moreland Overlay District.

Failure to come in compliance will result in an issuance of a court summons to appear in magistrate court. Maximum fine per court summons is \$1,000.00 and or one hundred (120) days in jail.

Each day is a separate offense.

If more time is needed for compliance please contact Officer A. Starks, Badge Number 11115, Phone Number (404) 791-4414.

If you would like to schedule a meeting to address what is allowable on your property, we can schedule a time for a conversation.

All my best,



Whitney Fuller
Current Planning/Zoning Administrator
DeKalb County Government | Department of Planning & Sustainability
Current Planning | Zoning Division

CC:

Tonza Clark, Director, Code Compliance & Enforcement
Timothy Hardy, Deputy Director, Code Compliance & Enforcement
Juliana Njoku, Director, Department of Planning & Sustainability
Rachel Bragg, Deputy Director, Department of Planning & Sustainability