



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

N6. Case No: A-26-1248159 Parcel ID(s): 16 003 01 002

Commission District 02

Super District 06

Appeal of: Administrative Decision regarding Special Land Use Permit requirement

Appellant(s): William Cooper / Israel of God

Project Name: 4957 Redan Road - SLUP Requirement

Location: 4957 Redan Road, Stone Mountain, GA 30088

Appeal: Appeal of an administrative determination dated May 22, 2026 by the Current Planning/Zoning Administrator that a Special Land Use Permit (SLUP) is required prior to issuance of permits for an approximately 3,900-square-foot expansion of an existing place of worship located in the Greater Hidden Hills Overlay District.

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 and may issue or direct the issuance of a permit, 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 Greater Hidden Hills Overlay District regulations and the Zoning Ordinance provisions governing nonconforming uses to determine that the proposed expansion requires approval of a Special Land Use Permit prior to permitting. The Zoning Board of Appeals should affirm the administrative determination.

BACKGROUND

The subject property is located at 4957 Redan Road, Stone Mountain, GA 30088 (Parcel 16 003 01 002), within unincorporated DeKalb County.

The property is occupied by an existing place of worship operated by Israel of God. The appellant states that the property has continuously operated as a place of worship since its purchase in 2004 and that the proposed work consists of an approximately 3,900-square-foot addition to the rear of the existing sanctuary structure to support the continued operational needs of the place of worship.

The Greater Hidden Hills Overlay District was adopted after the place of worship was established. Staff acknowledges that the place of worship was lawfully established prior to adoption of the overlay district and that the existing place of worship use may continue as a legal nonconforming use. However, the proposed addition would expand the existing place of worship beyond its current approved condition.

On May 22, 2026, the Current Planning/Zoning Administrator issued an official determination finding that the proposed expansion requires Special Land Use Permit (Henceforth, "SLUP") approval. The determination states that, pursuant to Section 3.37.8(B)(7) of the Zoning Ordinance, places of worship within the Greater Hidden Hills Overlay District require approval of a Special Land Use Permit. The determination further cites Section 8.1.6(B), which provides that a nonconforming use of land shall not be enlarged, expanded, moved, or otherwise altered in any manner that increases the degree of nonconformity.

BASIS FOR THE APPEAL

The appellant contends that the SLUP requirement is unnecessary because the place of worship was lawfully established before adoption of the Greater Hidden Hills Overlay District in 2011. The appellant argues that the proposed addition does not introduce a new use, does not expand beyond the place of worship property, and is intended only to support the continued growth and operational needs of the existing congregation.

The appellant further asserts that requiring a SLUP creates hardship through delay, overcrowding, contractor-related financial impacts, and additional process for a religious institution that predates the overlay district. In subsequent correspondence, the appellant disagreed with staff's conclusion that the proposed project constitutes an enlargement increasing the degree of nonconformity under Section 8.1.6(B), requested clarification regarding the basis for that interpretation, and provided notice of intent to appeal within the appeal period.

STAFF RESPONSE TO THE APPEAL

Staff has reviewed the determination letter, appellant correspondence, the agenda information, and the applicable zoning ordinance provisions and finds the following:

1. Applicability of the Greater Hidden Hills Overlay District

Section 3.37.8(B)(7) requires Special Land Use Permit approval for places of worship within the Greater Hidden Hills Overlay District. The May 22, 2026 determination applies that provision to the subject property because the proposed project concerns the expansion of an existing place of worship within the overlay district. The determination does not state that the existing place of worship must cease operations, nor does it retroactively invalidate the place of worship's lawful establishment prior to adoption of the overlay. Rather, it recognizes the place of worship's legal nonconforming status while applying current overlay requirements to the proposed expansion.

2. Legal nonconforming status does not create an unrestricted right to expand

The central issue in this appeal is the distinction between continuation of an existing legal nonconforming use and enlargement of that use. Staff acknowledges that the existing place of worship may continue; however, the proposed approximately 3,900-square-foot addition would increase the physical extent of the place of worship use on the site. That is not merely continuation of the existing condition. It is an expansion of the use and facility that triggers review under the current ordinance.

Section 8.1.6(B) provides that a nonconforming use of land shall not be enlarged, expanded, moved, or otherwise altered in a manner that increases the degree of nonconformity. Because the Greater Hidden Hills Overlay District now requires SLUP approval for places of worship, expansion of a pre-existing place of worship must comply with that current requirement. The “grandfathered” status of the existing use protects its continuation, but it does not exempt a later enlargement from the zoning procedures now applicable to the property.

3. The proposed 3,900-square-foot addition is an enlargement requiring review

The appellant characterizes the addition as a reasonable expansion within the existing place of worship property and designated growth area, and not as a change in the nature of the use. Staff does not dispute that the proposed addition is intended to support the existing congregation rather than introduce a different use. However, the zoning determination turns on whether the project expands the place of worship use, not whether the addition creates a new land use category. A 3,900-square-foot building addition to an existing sanctuary is a material enlargement of the existing place of worship facility and therefore requires compliance with applicable overlay district standards, including SLUP approval.

4. The SLUP requirement is a procedural land use review requirement, not a denial of the project

The determination does not deny the proposed addition on the merits, nor does it find that the project is incompatible with the surrounding area. It determines only that SLUP approval is required before permits may be issued for the expansion. The appellant’s points regarding lack of neighborhood impact, congregation needs, overcrowding, construction timing, and financial burden may be relevant to a future SLUP application and public hearing. They do not demonstrate that staff erroneously applied the ordinance by requiring the land use approval specified for places of worship in the overlay district.

5. Administrative decision validity

The May 22, 2026 determination was based on the property’s location within the Greater Hidden Hills Overlay District, the overlay’s express SLUP requirement for places of worship, the acknowledged pre-overlay status of the existing place of worship, and the proposed 3,900-square-foot expansion. Staff’s conclusion follows the ordinance provisions cited in the determination letter. The record does not demonstrate that the administrative official relied on an erroneous finding of material fact, erroneously applied the Zoning Ordinance to the facts, or acted in an arbitrary manner.

CONCLUSION AND RECOMMENDATION

Staff finds that the Current Planning/Zoning Administrator correctly determined that the proposed approximately 3,900-square-foot expansion of the existing place of worship at 4957 Redan Road requires approval of a Special Land Use Permit. The existing place of worship may continue as a legal nonconforming use; however, the proposed addition is an enlargement of that use and must comply with the current Greater Hidden Hills Overlay District requirements applicable to places of worship.

Recommendation: Affirm the administrative determination that Special Land Use Permit approval is required prior to issuance of permits for the proposed addition at 4957 Redan Road.

DEPARTMENT OF PLANNING & SUSTAINABILITY

Chief Executive Officer
Lorainne Cochran-Johnson

Director
Julianna Njoku

May 22, 2026

Attn: William Cooper
Israel of God
4957 Redan Road
Stone Mountain, GA 30088

RE: OFFICIAL DETERMINATION - Special Land Use Permit Requirement
4957 Redan Road, Stone Mountain, GA 30088
16 003 01 002

William Cooper:

The Planning & Sustainability Department has reviewed the request submitted by The Israel of God Church regarding whether a Special Land Use Permit (SLUP) is required for the proposed expansion of the existing place of worship located at the above-referenced address. Pursuant to Section 3.37.8(B)(7) of the Zoning Ordinance, places of worship within the Greater Hidden Hills Overlay District require approval of a Special Land Use Permit.

Staff acknowledges the church was lawfully established prior to adoption of the Greater Hidden Hills Overlay District in 2011. The existing church use may continue as a legal nonconforming use; however, the proposed expansion constitutes an enlargement of the use and therefore requires compliance with current overlay district regulations.

Additionally, Section 8.1.6(B), "Nonconforming structures" states: "A nonconforming use of land shall not be enlarged, expanded, moved, or otherwise altered in any manner that increases the degree of nonconformity."

The proposed project includes an approximately 3,900 square foot expansion to the existing church facility. Because the proposal expands the existing nonconforming use, the Planning & Sustainability Department has determined that approval of a *Special Land Use Permit is required* prior to issuance of permits for the proposed addition.

Pursuant to the Zoning Ordinance, this determination may be appealed to the Zoning Board of Appeals within the applicable appeal period (30 days from the date of this letter). Should you wish to proceed with the SLUP process, Staff is available to assist with application requirements and scheduling.

Whitney Fuller

Current Planning/Zoning Administrator

DeKalb County Government | Department of Planning & Sustainability
Current Planning | Zoning Division
Government Services Center | 178 Sams Street | Decatur, GA 30030
Email: wfuller@dekalbcountyga.gov
Mobile: [\(470\) 356-1247](tel:(470)356-1247)