

**STATE OF GEROGIA  
DEKALB COUNTY  
CITY OF STONECREST**

**ORDINANCE NO. \_\_\_\_ - \_\_\_\_\_**

1 **AN ORDINANCE BY THE MAYOR AND COUNCIL OF THE CITY OF STONECREST,**  
2 **GEORGIA TO APPROVE SPECIAL LAND USE PERMIT 23-003 ON PARCEL NUMBER**  
3 **16-139-01-038 TO ALLOW THE OPERATION OF A PERSONAL CARE HOME FOR SIX**  
4 **INDIVIDUALS OR LESS AT 6736 JOJANNE LANE STONECREST, GEORGIA 30038;**  
5 **TO PROVIDE SEVERABILITY; TO PROVIDE FOR REPEAL OF CONFLICTING**  
6 **ORDINANCES; TO PROVIDE FOR AN ADOPTION AND EFFECTIVE DATE; AND TO**  
7 **PROVIDE FOR OTHER LAWFUL PUPOSES.**

8 **WHEREAS**, the governing body of the City of Stonecrest (“City”) is the Mayor and City  
9 Council (“City Council”) thereof; and

10 **WHEREAS**, Article IX, Section II, Paragraph IV of the 1983 Constitution of the State of  
11 Georgia authorizes the City to adopt plans and exercise the power of zoning; and

12 **WHEREAS**, the City Council is authorized by O.C.G.A. § 36-35-3 to adopt ordinances  
13 relating to its property, affairs, and local government; and

14 **WHEREAS**, the City of Stonecrest has been vested with substantial powers, rights, and  
15 functions to generally regulate the use of real property to maintain health, morals, safety, security,  
16 peace, and the general welfare of the City; and

17 **WHEREAS**, the City received an application for the approval of the operation of a  
18 personal care home for 6 individuals or less at 6736 Jojanne Lane; and

19           **WHEREAS**, pursuant to the City’s Zoning Ordinance applicants who desire to operate a  
20 personal care home for 6 individuals or less must obtain a special land use permit; and

21           **WHEREAS**, the matter was heard in the City’s Community Planning Information Meeting  
22 pursuant to the provisions of the City’s Zoning Procedures Law; and

23           **WHEREAS**, the City has properly advertised and held a public hearing before the  
24 Planning Commission regarding SLUP 23-003, the request for special land use permit to operate  
25 a personal care home for 6 individuals or less at 6736 Jojanne Lane; and

26           **WHEREAS**, the City has properly advertised and held a public hearing pursuant to the  
27 provisions of Georgia’s Zoning Procedures Law before the City Council prior to the adoption of  
28 this Ordinance; and

29           **WHEREAS**, the Director of Planning and Zoning recommends approval of special land  
30 use permit 23-003 of property located at 6736 Jojanne Lane; and

31           **WHEREAS**, the health, safety, and welfare of the citizens of the City will be positively  
32 impacted by the adoption of this Ordinance.

33 **BE IT AND IT IS HEREBY ORDAINED BY THE MAYOR AND CITY COUNCIL OF**  
34 **THE CITY OF STONECREST, GEORGIA, as follows:**

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36           **Section 1.** SLUP 23-003, the operation of a personal care home for 6 individuals or less  
37 at 6736 Jojanne Lane, satisfying Section 7.4.6 of Division 4 of Article 7 and Section 4.2.41 of  
38 Division 2 of Article 7 in Chapter 27 of the City of Stonecrest Code of Ordinances, is **APPROVED**  
39 **WITH CONDITIONS** as follows:

40           1. Applicant must provide two (2) copies of complete architectural plans for the subject  
41 group personal care home, signed or sealed by a registered architect, shall be submitted to the  
42 director of planning prior to issuance of a building permit or business license;

43 2. Applicant must obtain a city license as well as all license(s) and/or permit(s) required by  
44 the State of Georgia before beginning to operate;

45 3. There shall be at least four parking spaces within a driveway, garage or carport.

46 4. There shall be no parking on lawn areas.

47 **Section 2.** (a) It is hereby declared to be the intention of the Mayor and Council that all  
48 sections, paragraphs, sentences, clauses, and phrases of this Ordinance are or were, upon their  
49 enactment, believed by the Mayor and Council to be fully valid, enforceable and constitutional.

50 (b) It is hereby declared to be the intention of the Mayor and Council that, to the greatest extent  
51 allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is  
52 severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It is  
53 hereby further declared to be the intention of the Mayor and Council that, to the greatest extent  
54 allowed by law, no section, paragraph, sentence, clause, or phrase of this Ordinance is mutually  
55 dependent upon any other section, paragraph, sentence, clause, or phrase of this Ordinance.

56 (c) In the event that any phrase, clause, sentence, paragraph, or section of this Ordinance shall, for  
57 any reason whatsoever, be declared invalid, unconstitutional, or otherwise unenforceable by the  
58 valid judgment or decree of any court of competent jurisdiction, it is the express intent of the  
59 Mayor and Council that such invalidity, unconstitutionality or unenforceability shall, to the  
60 greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any  
61 of the remaining phrases, clauses, sentences, paragraphs or section of the Ordinance and that, to  
62 the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and  
63 sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and  
64 effect.

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74            **Section 3.** The City Clerk, with the concurrence of the City Attorney, is authorized to  
75 correct any scrivener’s errors found in this Ordinance, including its exhibits, as enacted.

76            **Section 4.** All ordinances and parts of ordinances in conflict herewith are hereby  
77  
78 expressly repealed.

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80            **Section 5.** The Ordinance shall be codified in a manner consistent with the laws of the  
81  
82 State of Georgia and the City of Stonecrest.

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84            **Section 6.** It is the intention of the governing body, and it is hereby ordained that the  
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86 provisions of this Ordinance shall become and be made part of the Code of Ordinances, City of  
87  
88 Stonecrest, Georgia.

**SO ORDAINED AND EFFECTIVE this \_\_\_\_\_ day of \_\_\_\_\_, 2023.**

**[SIGNATURES TO FOLLOW]**

**CITY OF STONECREST, GEORGIA**

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**Jazzmin Cobble, Mayor**

**ATTEST:**

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**City Clerk**

**APPROVED AS TO FORM:**

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**City Attorney**

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Raymond White  
Director  
Planning and Zoning  
Department



Matthew  
Williams  
Deputy Director  
Planning and  
Zoning  
Department

**TO:** Mayor and City Council

**FROM:** Planning and Zoning Department

**SUBJECT:** SLUP23-003

**ADDRESS:** 6736 Jojanne Lane

**MEETING DATE:** August 28, 2023

**SUMMARY:** Applicant is seeking a Special Land Use Permit to operate a Personal Care Home, Group.

**STAFF RECOMMENDATION:** Approval with conditions

**PLANNING COMMISSION RECOMMENDATION:** Approval with conditions



SLU23-003

Planning and Zoning Department

**District #5: Tammy Grimes**

<b>PROPERTY INFORMATION</b>	
<b>Location of Subject Property:</b> 6736 Jojanne Lane	
<b>Parcel Number:</b> 16-139-01-038	
<b>Road Frontage:</b> Jojanne Lane	<b>Total Acreage:</b> 24.02 +/-
<b>Current Zoning:</b> R-100 (Residential Medium Lot)	<b>Overlay District:</b> Arabia Mountain
<b>Future Land Use Map/ Comprehensive Plan:</b> SUB (Suburban)	
<b>Zoning Request:</b> Applicant is seeking a Special Land Use Permit to operate a Personal Care Home for 6 or less.	
<b>Zoning History:</b> N/A	

<b>APPLICANT / PROPERTY OWNER INFORMATION</b>
<b>Applicant Name:</b> Tahniqua Williams of Qua-Sell LLC
<b>Applicant Address:</b> 6736 Jojanne Lane Stonecrest, GA 30038
<b>Property Owner Name:</b> Dysell Swans
<b>Property Owner Address:</b> 6736 Jojanne Lane Stonecrest, GA 30038



### DETAILS OF ZONING REQUEST

Since the city's incorporation, the site has been zoned R-100 (Medium Lot Residential). The subject property is currently development as a single-family detached dwelling. The applicant is proposing to operate a Personal Care Home for 6 or less, which is classified as a Type II Home Occupation Business. The property has a frontage on Jojanne Lane.

The existing structure is a two-story dwelling. There's the kitchen, dining, family room located on the first/main floor. One the second level there resides three (3) bedrooms, which includes the master bedroom. The total square footage is approximately 1,825 sq. ft.

The city's land use policy document does support the proposed operation. The City of Stonecrest 2038 Comprehensive Plan has designated the parcel with the Suburban Zone land use designation. The Suburban intends to recognize those areas of the city that have developed traditional suburban land se patterns while encouraging new development to have increased connectivity and accessibility.

Within Chapter 27 of the Zoning Ordinance, Section 4.2.41 (Personal care homes and child caring institutions) elaborates on the rules and regulations that applicants must abide by when operating Person Care Homes. General requirements for all person care homes are:

1. If owned by a corporation, partnership, Limited Liability Company, or any entity other than a natural person, the administrator identified in the state license application must reside in the personal care home. If owned by an individual, the individual owner must reside in the group personal care home.
2. Each personal care home must obtain a city license as well as all license(s) and/or permit(s) required by the State of Georgia before beginning to operate. Each personal care home licensed and/or permitted by the State of Georgia must display its state-issued and city-issued license(s) and/or permit(s) in plain view, visible from the front doorway of the





facility.

3. No personal care home may display any exterior signage that violates the sign ordinance in chapter 21 of the Code or the sign provisions in the zoning regulations for the underlying zoning district where the personal care home is located.
4. Personal care homes may apply for an FHA Accommodation Variance as provided for in section 7.5.9 of Chapter 27 (Zoning Ordinance).
5. No city permit for the operation of the personal care home shall be transferable.

Requirements for Personal Care Home, group (up to six persons) must comply with the following:

1. Two copies of complete architectural plans for the subject group personal care home, signed or sealed by a registered architect, shall be submitted to the director of planning prior to issuance of a building permit or business license.
2. Each group personal care home must provide at least four parking spaces within a driveway, garage or carport and must comply with any applicable requirements in article 6.
3. The home must be at least 1,800 sq. ft in size.
4. In order to prevent institutionalizing residential neighborhoods, no group personal care home located in a residential zoning district may be operated within 1,000 feet of any other group personal care home. The 1,000-foot distance requirement is measured by a straight line which is the shortest distance (i.e., "as the crow flies") between the property lines of the two tracts of land on which the group personal care homes are located.

ADJACENT ZONING & LAND USE		
<b>NORTH</b>	<b>Zoning:</b> R-100 (Residential Medium Lot)	<b>Land Use:</b> Undeveloped Land
<b>SOUTH</b>	<b>Zoning:</b> R-100 (Residential Medium Lot)	<b>Land Use:</b> Single-Family Dwelling
<b>EAST</b>	<b>Zoning:</b> R-100 (Residential Medium Lot)	<b>Land Use:</b> Single-Family Dwelling
<b>WEST</b>	<b>Zoning:</b> R-100 (Residential Medium Lot)	<b>Land Use:</b> Single-Family Dwelling



**PHYSICAL CHARACTERISTICS & INFRASTRUCTURE**

The site is an existing single-family dwelling with one (1) road frontage (Jojanne Lane).

**MODIFICATIONS AND CHANGES TO APPROVED CONDITIONS OF ZONING CRITERIA**

1. 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, and all other applicable requirements of the zoning district in which the use is proposed to be located;
2. Compatibility of the proposed use with adjacent properties and land uses and with other properties and land uses in the district;
3. Adequacy of public services, public facilities, and utilities to serve the proposed use;
4. 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;
5. Whether or not existing land uses located along access routes to the site will be adversely affected by the character of the vehicles or the volume of traffic generated by the proposed use;
6. 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;
7. Whether the proposed use will create adverse impacts upon any adjoining land use by reason of noise, smoke, odor, dust, or vibration generated by the proposed use
8. Whether the proposed use will create adverse impacts upon any adjoining land use by reason of the hours of operation of the proposed use;
9. Whether the proposed use will create adverse impacts upon any adjoining land use by reason of the manner of operation of the proposed use;
10. Whether the proposed use is otherwise consistent with the requirements of the zoning district classification in which the use is proposed to be located;



<p><b>11.</b> Whether the proposed use is consistent with the policies of the comprehensive plan;</p>
<p><b>12.</b> Whether the proposed use provides for all required buffer zones and transitional buffer zones where required by the regulations of the zoning district in which the use is proposed to be located;</p>
<p><b>13.</b> Whether there is adequate provision of refuse and service areas;</p>
<p><b>14.</b> Whether the length of time for which the special land use permit is granted should be limited in duration;</p>
<p><b>15.</b> 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;</p>
<p><b>16.</b> Whether the proposed use will adversely affect historic buildings, sites, districts, or archaeological resources;</p>
<p><b>17.</b> Whether the proposed use satisfies the requirements contained within the supplemental regulations for such special land use permit;</p>
<p><b>18.</b> Whether the proposed use will create a negative shadow impact on any adjoining lot or building as a result of the proposed building height; and</p>
<p><b>19.</b> Whether the proposed use would be consistent with the needs of the neighborhood or the community as a whole, be compatible with the neighborhood, and would not be in conflict with the overall objective of the comprehensive plan.</p>

**RECOMMENDATION**

Staff recommends **APPROVAL** with the following condition(s):

1. Applicant must provide two (2) copies of complete architectural plans for the subject group personal care home, signed or sealed by a registered architect, shall be submitted to the director of planning prior to issuance of a building permit or business license;
2. Applicant must obtain a city license as well as all license(s) and/or permit(s) required by the State of Georgia before beginning to operate;
3. There shall be at least four parking spaces within a driveway, garage or carport.
4. There shall be no parking on lawn areas.



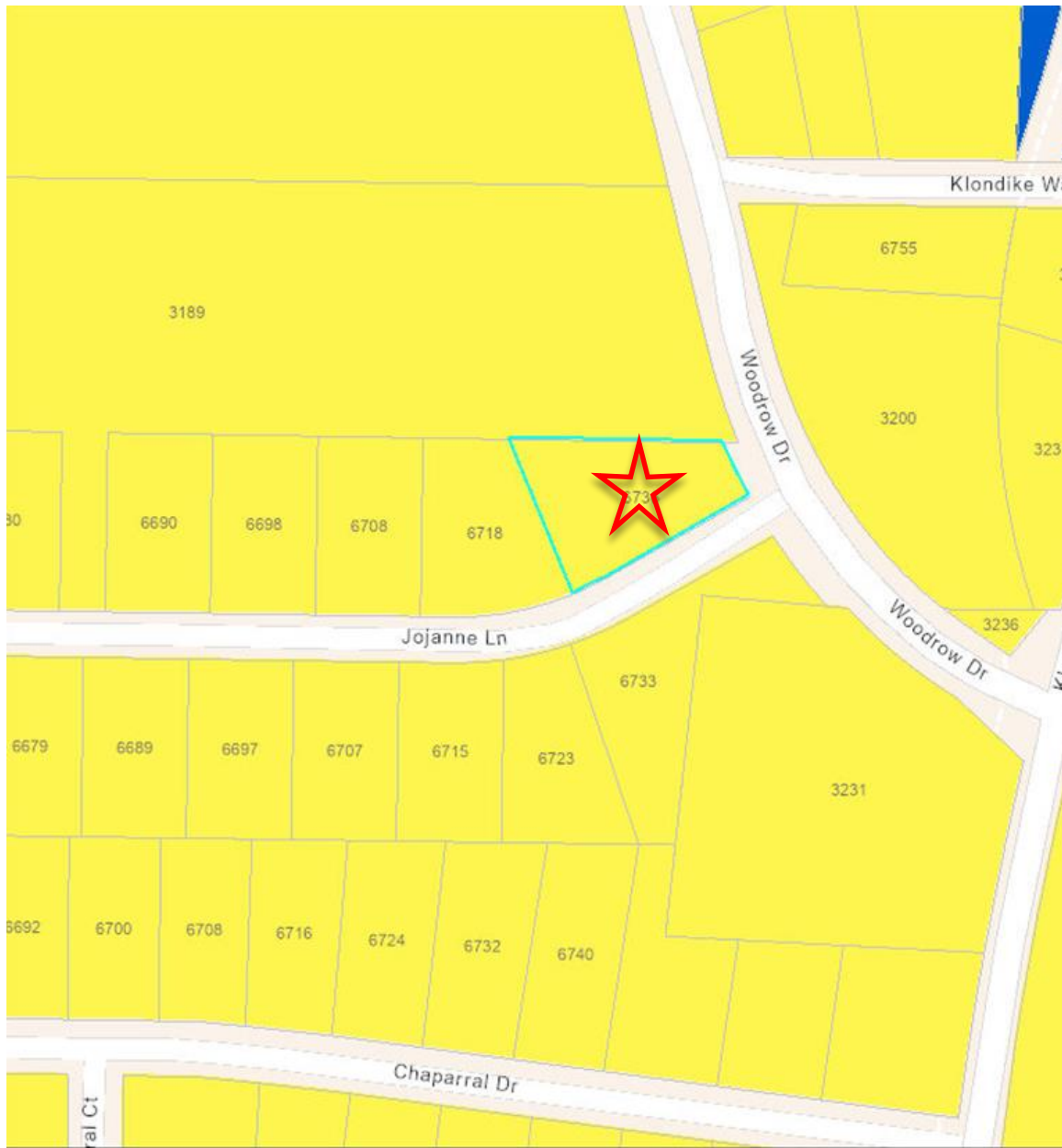
SLU23-003

Planning and Zoning Department

**Attachments Included:**

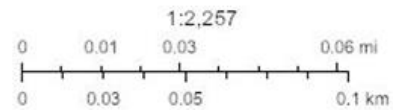
- **Future Land Use Map**
- **Zoning Map**
- **Aerial Map**
- **Site Plan/Survey**
- **Letter of Intent**

**Future Land Use Map**



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 City Limits	 Institutional
 Stonecrest Parcels	 Suburban



## Zoning Map



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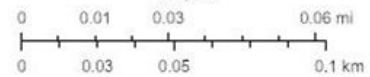
 City Limits

 Stonecrest Parcels

Zoning

 R-100 - Residential Med Lot

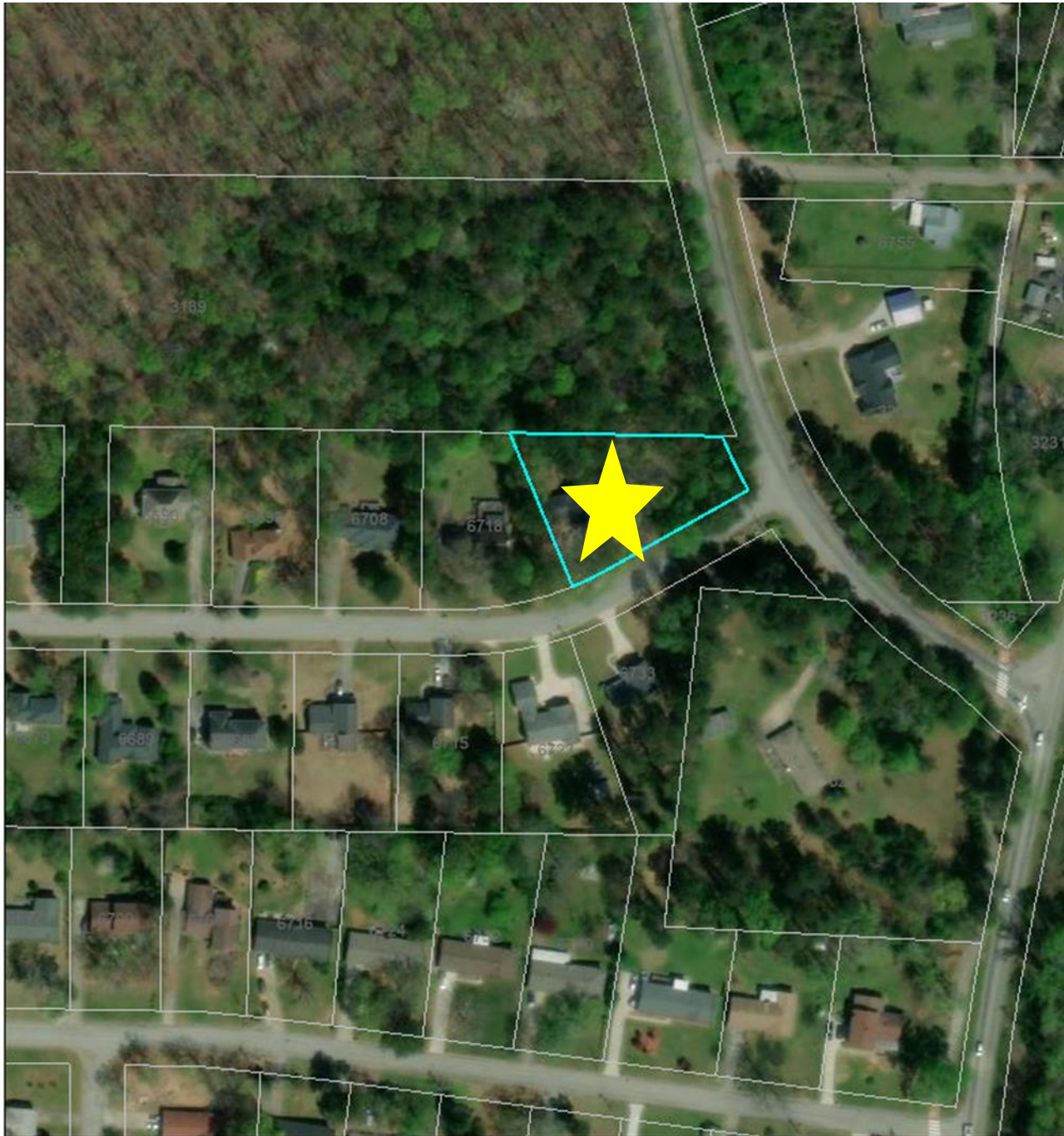
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Esri Community Maps Contributors, © OpenStreetMap, Microsoft, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc. MET/NASA, USGS, EPA, NPS, US Census Bureau, USDA



## Aerial Map







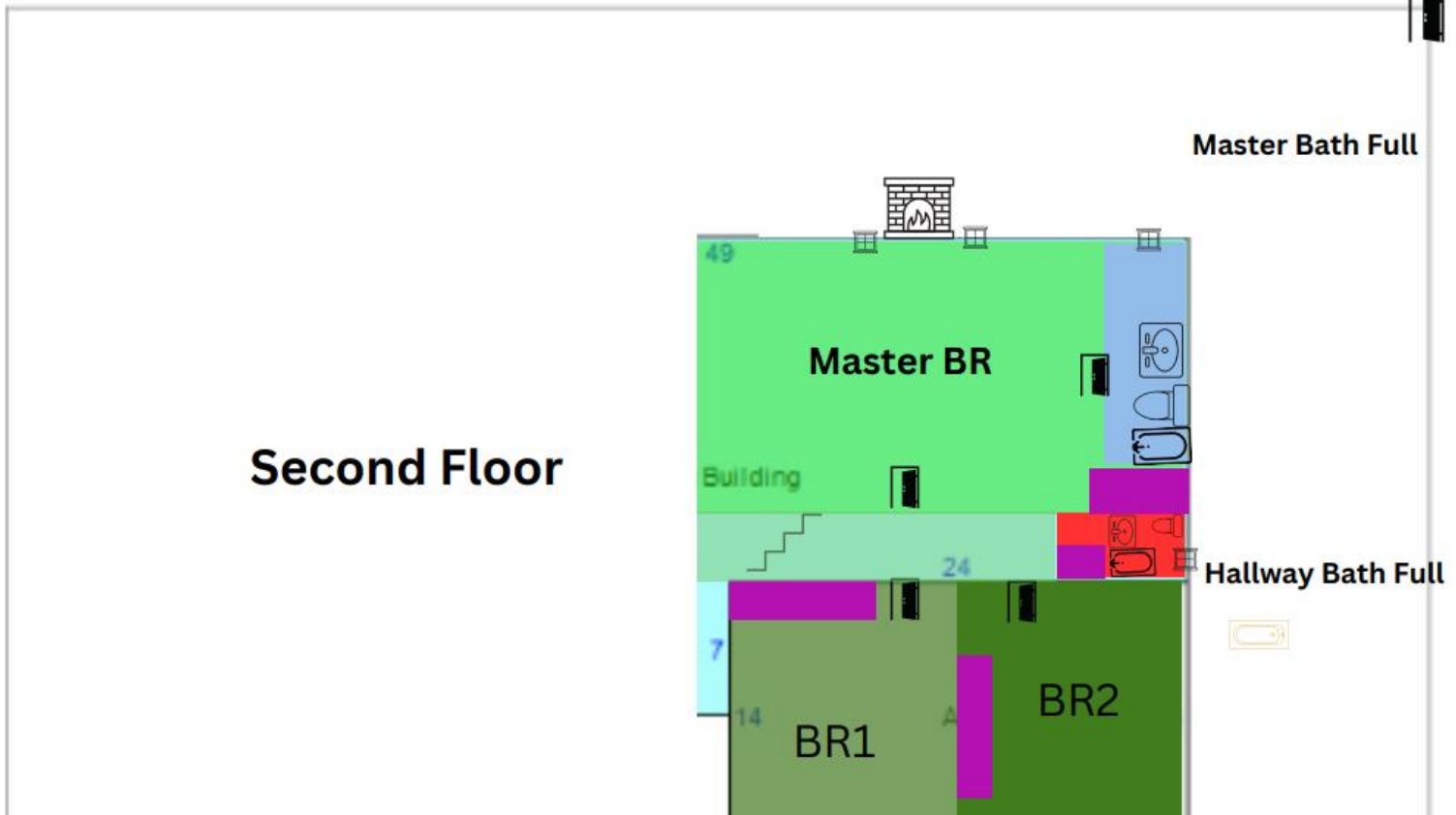


**Submitted Site Plan**

SWANS DYSELL

6736 JOJANNE LN







SLU23-003

Planning and Zoning Department

## Letter of Intent

## Letter of Intent

(Reapplying permit same address)

6736 Jojanne Lane

Lithonia GA 30038

To whom it may concern,

Our Mission is To provide a safe and long term housing opportunity for individuals with Intellectual/Developmental Disabilities. Our residential program is geared to support people with Intellectual Developmental Disabilities by assisting them with their daily living skills, occupational, recreational, educational and spiritual goals. We plan to provide them with opportunities to live independently and in the most integrated setting possible. Following the Person Centered Planning Model, we encourage individuals to become self advocates in all areas of their life.

We are reaching out to the local community for support to give adults an opportunity to build rapport with the local community and participate in a safe way of life. We offer the IDD population an outlet for development and support to be able to express themselves fully without fear of community bias, prejudice, or judgment. Also too, for the community we provide them with information and support to accept individuals with developmental disabilities into their communities.

Our housing program will support the individual, their families/provider and advocates according to the Individual Service Plan. We look at the whole individual and plan to keep them engaged with all of their service providers which include, Family, teachers, employers, doctors, therapists and all others connected to that individual.. Our services will support individuals with complex behavioral or medical needs. The address listed above was approved in the past for a similar permit. We are looking to reapply and offer these services under our business Quasell LLC, with the residence name Quasell Residential, here in Lithonia.

To support our vision, you can visit our website (coming soon) Or you can contact us by phone or email at the information listed below.

Thank you again and we look forward to working with you in building up our community very soon.

Sincerely,

Tahniqua Williams  
Executive Administrator  
Qua-Sell LLC  
980-358-1641

