

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: SLUP23-008

ADDRESS: 6419 Rockland Rd

MEETING DATE: September 25, 2023

SUMMARY: Applicant is seeking a Special Land Use Permit (SLUP) to operate a Short-Term Vacation Rental.

STAFF RECOMMENDATION: Approval with conditions

PLANNING COMMISSION RECOMMENDATION: Approval with conditions



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District #5: Tammy Grimes

PROPERTY INFORMATION	
Location of Subject Property: 6419 Rockland Road	
Parcel Number: 16 116 01 016	
Road Frontage: Rockland Road	Total Acreage: 3.17 +/-
Current Zoning: R-100 – Residential Medium Lot	Overlay District: Arabia Mountain Conservation
Future Land Use Map/ Comprehensive Plan: RR (Rural Residential)	
Zoning Request: Applicant is seeking a Special Land Use Permit (SLUP) to operate a Short-Term Vacation Rental.	
Zoning History: N/A	

APPLICANT / PROPERTY OWNER INFORMATION
Applicant Name: Joel Burkholder
Applicant Address: 6419 Rockland Road Lithonia, GA 30038
Property Owner Name: Joel Burkholder
Property Owner Address: 6419 Rockland Road Lithonia, GA 30038

**DETAILS OF ZONING REQUEST**

Since the city's incorporation, the site has been zoned R-100 (Residential Medium Lot). Furthermore, the subject property resides within the Arabia Mountain Conservation Overlay District. There is an existing 2- story dwelling on the subject property. The layout of the existing dwelling consists of four (4) bedrooms, 1.5-bathroom, family room, dining room, kitchen, outside courtyard, living room, mudroom hallway, laundry room on the main level. Additionally, one (1) bedroom, full bathroom, and living room is located within the basement. The total square footage of the home is approximately 3,122 sq ft.

The subject property is surrounded by R-100 zoned parcels. The purpose and intent of the City Council in establishing the R-100 (Residential Medium Lot-100) District is to provide for the protection of neighborhoods within the city where lots have a minimum area of 15,000 square feet; to provide for compatible infill development in neighborhoods; to provide protections for existing development as new subdivisions are created; to provide flexibility in design on the interior of new development while protecting surrounding development; to ensure that the uses and structures authorized in the R-100 (Residential Medium Lot-100) District are those uses and structures designed to serve the housing, recreational, educational, religious, and social needs of the neighborhood; to provide for appropriately sized accessible and useable open space in new developments for health, recreational and social opportunities for city residents; and to implement the future development map of the city's comprehensive plan.

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 Rural Residential Zone land use designation. The purpose of the Rural Residential category is to provide for areas that are suitable for low-density housing with densities of up to four (4) dwelling units per acre. Single-family detached housing is the most appropriate type of development for this district. Stable Low-Density Residential Districts should be protected from encroachment of higher density or high intensity



uses.

In Section 4.2.58 (Short Term Vacation Rental (STVR)) of Chapter 27 (Zoning Ordinance), it states eleven (11) supplemental regulations regarding petitioner's request. The supplemental regulations are as follows:

- A.** No individual renting the property shall stay for longer than 30 consecutive days.
- B.** The STVR shall not be operated in such a way as to change the residential character of the neighborhood in which it is located and shall comply with the noise ordinance.
- C.** In every dwelling of two or more rooms, every room occupied for sleeping purposes by one occupant shall contain not less than 70 square feet of floor area, and every room occupied for sleeping purposes by two occupants shall contain at least 120 square feet of floor area. Maximum occupancy limits for any overnight guests must not exceed two guests for every bedroom located in the STVR.
- D.** Every Bedroom shall have a window facing directly and opening to the outdoors.
- E.** Every bedroom shall have access to not less than one water closet and lavatory without passing through another bedroom. Every bedroom in an STVR shall have access to not less than one water closet and lavatory located in the same story as the bedroom or an adjacent story.
- F.** There shall also be provided at least one off-street parking space for each bedroom used as a part of the STVR.
- G.** No signs or advertising are permitted to identify or advertise the existence of the STVR, beyond those otherwise allowed for the residential property.
- H.** All STVR units shall be furnished with a telephone that is connected to a landline or similar type connection, including a voice over internet protocol, in order that 911 dispatch may be able to readily identify the address and/or location from where the call is made when dialed.
- I.** A diagram depicting two eviction routes shall be posted on or immediately adjacent to every required egress door.
- J.** No individual renting a STVR shall use the STVR for a special event, party, or temporary outdoor event. No owner or operator of a STVR shall permit a STVR to be used for a special event, party, or temporary event.



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K. It shall be unlawful to establish, operate, or cause to be operated a STVR in the city within 500 feet of another STVR, bed and breakfast, boarding house, Home stay bed and breakfast residence, hotel/motel, hotel/motel extended stay, personal care home, or child caring institution. Measurements for this subsection shall be made in a straight line without regard to intervening structures or objects, between the closest points on the property lines of the two uses.

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

**PHYSICAL CHARACTERISTICS &
INFRASTRUCTURE**

The site has an existing dwelling with one (1) road frontage (Rockland Road).

SPECIAL LAND USE PERMIT 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;



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11. Whether the proposed use is consistent with the policies of the comprehensive plan;
12. 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;
13. Whether there is adequate provision of refuse and service areas;
14. Whether the length of time for which the special land use permit is granted should be limited in duration;
15. 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;
16. Whether the proposed use will adversely affect historic buildings, sites, districts, or archaeological resources;
17. Whether the proposed use satisfies the requirements contained within the supplemental regulations for such special land use permit;
18. 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
19. 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.

RECOMMENDATION

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

1. Applicant must comply and remain in compliance with [Sec. 4.2.58. - Short term vacation rental](#);
2. No city permit for the operation of the short-term vacation rental shall be transferable will only be permitted for the owner/operator Joel Burkholder;
3. Applicant must comply and remain in compliance with [ARTICLE VII. - NOISE ORDINANCE](#);
4. Short-term rental units must be properly maintained and regularly inspected by the owner or agent to ensure continued compliance with applicable property maintenance, zoning, building, health, and life safety code provisions.



5. All marketing and/or advertising for short-term rental units must contain information concerning the occupancy limit of the short-term rental unit, and the maximum parking available on the property. Advertising for more than the allowable occupancy or allowable parking is prima facie evidence of a violation of the city code. Further, failure to include such occupancy limits and maximum parking availability is prima facie evidence of a violation of the city code.



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Attachments Included:

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



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Future Land Use Map





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Rural Residential (RR) Character Area

The purpose of the Rural Residential category is to provide for areas that are suitable for low-density housing with densities of up to four (4) dwelling units per acre. Single-family detached housing is the most appropriate type of development for this district. Stable Low-Density Residential Districts should be protected from encroachment of higher density or high intensity uses.



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Zoning Map

R-100



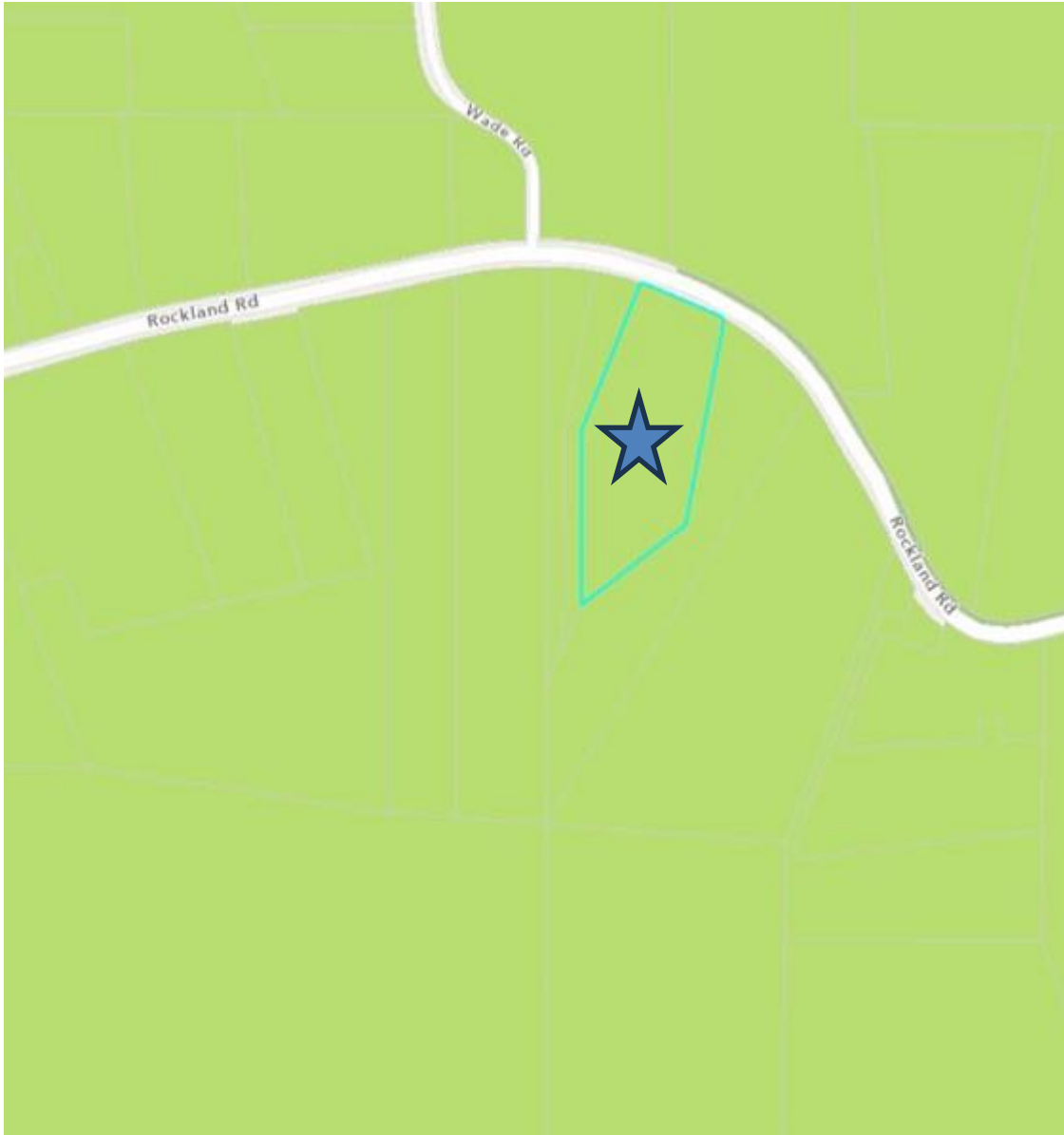


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Overlay District Map

Arabia Mountain Conservation Overlay District





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Aerial Map



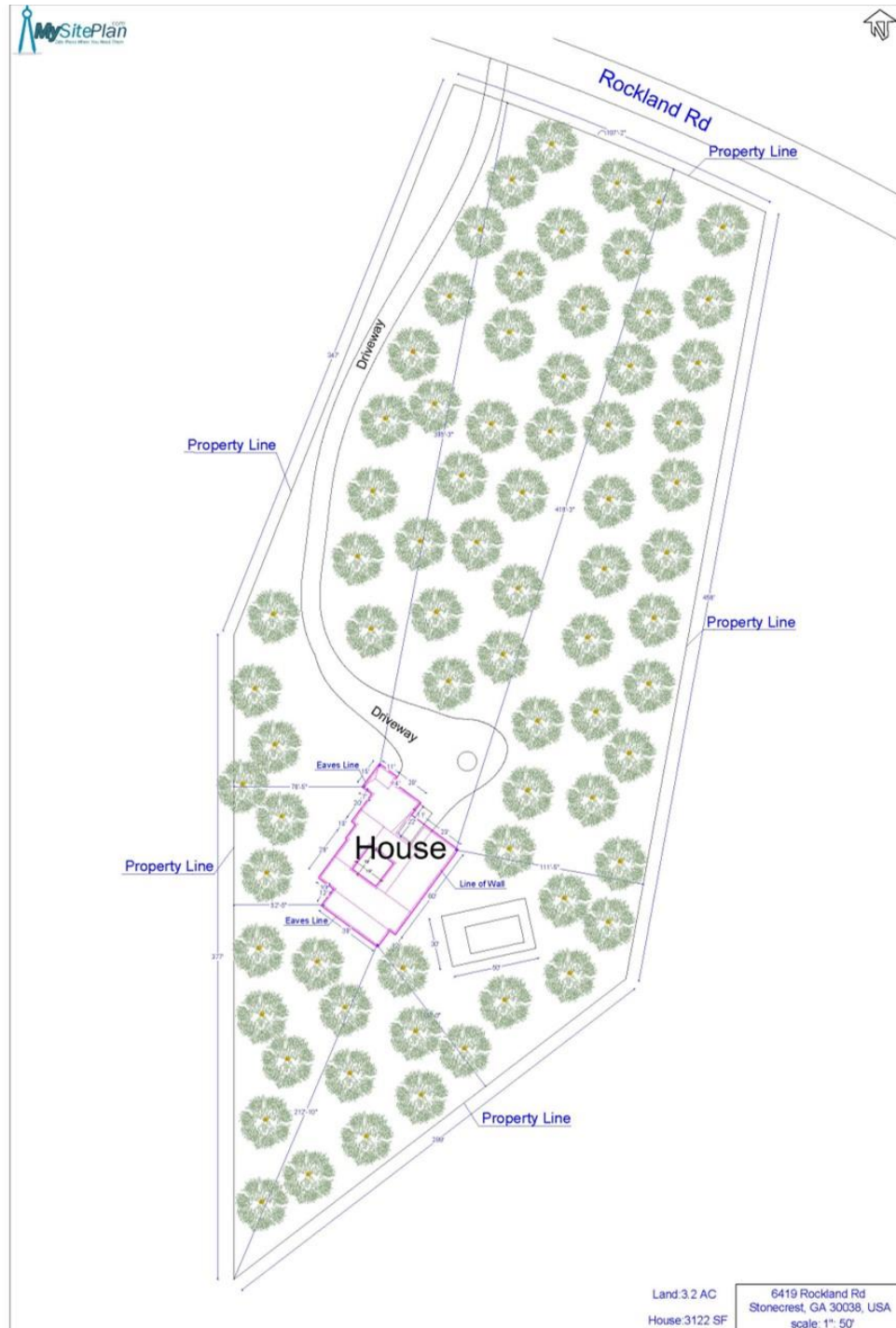


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Submitted Site Plan





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Joel Buckholder
Customer #316430





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Letter of Intent

Joel Burkholder
6419 Rockland Rd
Stonecrest, GA 30038
joeldburk@gmail.com
801-243-5909
6/12/2023

To: The City of Stonecrest
3120 Stonecrest Blvd
Stonecrest, GA 30038

Subject: Letter of Intent - Short-Term Rental Permit Application

Dear City of Stonecrest,

I hope this letter finds you well. I am writing to express my intent to apply for a short-term rental permit within Stonecrest/DeKalb/GA. As a responsible homeowner and a member of the community, I understand the importance of complying with local regulations and ensuring the safety and well-being of guests.

I have carefully reviewed the applicable laws, guidelines, and requirements for obtaining a short-term rental permit in the city of Stonecrest, GA. I am committed to adhering to all relevant regulations and maintaining high standards for the rental property. By obtaining a short-term rental permit, I aim to provide a safe and enjoyable experience for guests visiting our area.

We are excited to live here and start to allow people to live at this home again. It's been years since anyone has lived at this address and we are bringing it back to life with our family first living here.

I would like to highlight some key points regarding my short-term rental property:

Property Address: 6419 Rockland Rd Stonecrest, GA 30038

Type of Property: Single-family home

Number of Bedrooms: 4 Bedrooms

Amenities: Hottub, Pool, Theatre room, Electric grill, gated entrance

Safety and Security Measures:

Smoke Detectors are all tied in when one goes off they all do.

Emergency Exits: Walk out basement, side door, garage door and front door.

Property Insurance

Guest Screening

Noise Control: Noise deterrence by measuring a noise alarm inside the home

Home Security system that is alarmed, cameras and full automated.

Fully fenced in property

I am fully aware of the importance of responsible property management and the need to maintain positive relationships with neighbors and the community. I am committed to addressing any concerns promptly and maintaining open lines of communication with local authorities and residents.

I kindly request guidance on the necessary steps and any additional documentation required to complete the short-term rental permit application process. I am available at your convenience to discuss any further details or answer any questions you may have.

Thank you for your attention to this matter. I look forward to working with you to ensure compliance with local regulations and contribute to the vitality of our community.

Sincerely,
Joel Burkholder