

MADDOXNIX  
A PROFESSIONAL CORPORATION

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July 21, 2025

BY HAND DELIVERY  
Ellis Still  
Deputy Director  
Planning & Zoning  
City of Stonecrest  
3120 Stonecrest Boulevard  
Suite 190  
Stonecrest, Georgia 30038

Re: Zoning Amendment – 1455 Rogers Lake Road

Dear Mr. Still:

In conjunction with our telephone discussion late last week I submit the Applicant's amended Letter of Intent and supporting documentation related to the above referenced Zoning Amendment. The requested elevations of the proposed single family homes will be provided by separate cover to your office. The Applicant and the Owners respectfully request consideration of the enclosed by the Department in conjunction with the hearing before the City Council at the end of this month.

Please do not hesitate to contact me (678) 451 4449 if additional information is required.

Sincerely,



John Andrew Nix

cc: Cobi Brown  
*With Electronic Copy*

Parcel 16 131 03 012  
Parcel 0013 090A  
1455 Rogers Lake Road  
Zoning Amendment  
Boris, Allison and Michelle Besay  
July 21, 2025

Applicant:  
Robert F. Bullard  
1235 Prospect Road  
Lawrenceville, Georgia 30345  
(678) 344-1293  
[blpbobby@bellsouth.net](mailto:blpbobby@bellsouth.net)

Amended Letter of Intent

On behalf of the Owners the Applicant submits this Amended Letter of Intent for the purpose of identifying a solitary proposed use for the Subject Property in conjunction with the requested zoning amendment from R100 to RSM – single family residential.

The proposed zoning amendment of RSM would be compatible with the current land uses of adjacent and nearby properties which are currently zoned RSM consisting of single family residential uses. In addition, the requested amendment is permitted under the future land use map for the City.

The conceptual plan for the Subject Property depicting the proposed use under RSM is submitted with this Amended Letter of Intent.

On behalf of the Owner,

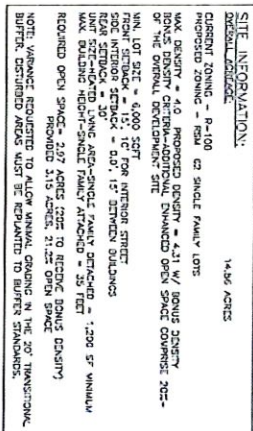
*Robert F. Bullard*  
Robert F. Bullard, Applicant  
Bullard Land Planning

Parcel 16 131 03 012  
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Zoning Amendment  
Boris, Allison and Michelle Besay  
July 21, 2025

Conceptual Plan  
Single Family Residential  
Requested RSM Zoning

OWNER: BORIS, ALLISON, & MICHELLE BESAY

OWNER: BORIS, ALLISON, & MICHELLE BESAY



| PROJECT NAME & ADDRESS                    |
|---|
| 1455 ROGERS LAKE RD<br>LITHONIA, CA 90559 |

**BULLARD**  
 **LAND PLANNING**   
1235 PROSPECT RD  
LAWRENCEVILLE, GEORGIA 30043  
CONTACT: BOBBY BULLARD  
(678) 344-1293 • (770) 978-8857 FAX  
b.bullard@attellsouth.net



|   |
|---|
| SCALE: AS SHOWN                                     |
| JOB NUMBER:   |
| DATE:<br>09-10-24                                   |
| SHEET TOTAL<br>141 TOTAL LAYERS<br>141 TOTAL LAYERS |
| SHEET NUMBER<br>C1                                  |

SHEET NUMBER  
C1

Parcel 16 131 03 012  
Parcel 0013 090A  
1455 Rogers Lake Road  
Zoning Amendment  
Boris, Allison and Michelle Besay  
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Proposed Conditions – RSM Zoning  
Single Family Residential

The following conditions are proposed in conjunction with the Owners' request for a zoning amendment for the Subject Property from R-100 to RSM.

1. The development shall be limited to single-family detached dwellings and accessory uses and structures not exceeding 62 lots.
2. The proposed development shall be constructed in general conformance with conceptual Site Plan by Bullard Land Planning dated 09-10-24 included as part of this rezoning application.
3. The minimum heated floor area of each dwelling shall be 1,400 square feet.
4. A 20 foot buffer shall be provided where the property line of the Subject Property adjoins existing R-100 zoned property and shall be replanted to buffer standards where grading is necessary.
5. Architectural variability.
  - A. Distinctly different front facade designs shall be utilized within each phase of the development. The term "distinctly different" shall mean that each front for a single family dwelling must differ from adjacent single family dwelling front facades in at least four of the following six ways:
    - i. The use of different primary exterior materials;
    - ii. Variation in the width or height of the front facade by four feet or more;
    - iii. Variation of the type, placement or size of windows and doors on the front facades;
    - iv. Variations in rooflines, including the use of dormers and changes in the orientation of rooflines;
    - v. Variation in the location and proportion of front porches; and
    - vi. Variation in the location or proportion of garages and garage doors.

B. No single-family dwelling shall be of the same front facade design as any other single-family dwelling along the same block face within eight lots of the subject dwelling. Mirror images of the same configuration are not permitted on the same block face.

C. No single front facade design may be used for more than 25 percent of the total units for the proposed single family development.

6. Minimum lot size shall be 6,000 SF

7. Setbacks:

-Front: 50' along Rogers Lake Road

10' for interior streets

Side: 0.0', 15' between buildings

Rear: 30'

Parcel 16 131 03 012  
1455 Rogers Lake Road  
Zoning Amendment  
Boris, Allison and Michelle Besay  
July 21, 2025  
Stonecrest, Georgia

### Constitutional Objections

These constitutional objections are submitted on behalf of the owners, Boris Besay, Allison Besay and Michelle Besay, (hereafter collectively the "Besays") in the above-referenced Zoning Amendment Application (the "Application"), and directed to the governing authority of the City of Stonecrest, Georgia. The intent of this statement is to respectfully apprise and place the governing authority of the City of Stonecrest on notice that denial of the Application would be unconstitutional as stated herein, thus allowing said governing authority the opportunity to prevent these unconstitutional actions, as well as to respectfully comply with all notice requirements imposed by the Georgia and federal judiciary.

The Besays believe that their Application meets and satisfies each of the criteria relative to the granting of a zoning amendment as specified in the Code of Ordinances of City of Stonecrest and related ordinances of City of Stonecrest and accordingly must be granted by the City Council. Any application of the City of Stonecrest Zoning Ordinance or action by the City Council of the City of Stonecrest that would restrict the subject site other than as presented in this Application as requested by the Besays would be unconstitutional, illegal, null and void, constituting a destruction of their protected property interests and a taking of the subject property in violation of the Just Compensation Clause of the Fifth and Fourteenth Amendments 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 Georgia Constitution and the Constitution of the United States, denying Besays an economically viable use of their land while not substantially advancing legitimate state interests.

A denial of this Application would constitute a gross abuse of discretion and an arbitrary and capricious act by the Board of Commissioners without any rational basis in violation of Article I, Section I, Paragraph I and Article I, Section III, Paragraph I of the Constitution of the State of Georgia 1983, and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States. To the extent that the proposed zoning change is denied based upon Newton County standards and criteria the Besays contend said standards and criteria are unconstitutionally vague and arbitrary in violation of Article I, Section I, Paragraph I and Article

I, Section III, Paragraph I of the Constitution of the State of Georgia 1983, and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

A refusal to approve the requested zoning amendment as proposed by the Besays as applied to the subject property would be unconstitutional and discriminate in an arbitrary, capricious and unreasonable manner between these applicants 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 of the Constitution of the United States.

Any imposition of conditions upon the subject property restricting the utilization of the subject site other than conditions agreed to by the Besays also would constitute an arbitrary, capricious and discriminatory act and would likewise violate each of the provisions of the State and Federal Constitutions set forth hereinabove, particularly the referenced takings clauses of said State and Federal Constitutions.