



City of Stone Mountain  
875 Main Street  
Stone Mountain, GA 30083

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### STAFF ANALYSIS AND REPORT

**CASE #:** CUP2026-1803712007\_1  
**OWNER:** KKR Sons LLC  
**APPLICANT:** Tammy Cowins  
**LOCATION:** 5444 Rockbridge Road  
**PARCEL:** 18 037 12 007  
**CURRENT ZONING:** Single Family Residential (R-1)  
**REQUEST:** Conditional Use Permit – Nail Salon

#### ZONING/ADJACENT LAND USE:

North	Single Family Residential (R-1)
South	Unincorporated Dekalb County
West	Single Family Residential (R-1)
East	Single Family Residential (R-1)

#### COMPREHENSIVE PLAN:

Future Land Use Designation: Commercial

#### MEETING INFORMATION:

Planning & Zoning Commission:	4/20/2026 – 6:30 P.M.
1 <sup>st</sup> Read City Council:	5/19/2026 – 6:30 P.M.
City Council Public Hearing:	6/02/2026 – 6:30 P.M.

**STAFF RECOMMENDATION: APPROVAL WITH CONDITIONS**

CITY OF STONE MOUNTAIN  
PLANNING AND ZONING DEPARTMENT

**I. SUMMARY**

The applicant is seeking a conditional use permit for a nail salon located at 5444 Rockbridge Road (Parcel ID 18 037 12 007). The property is currently zoned as Single Family Residential (R-1). The subject parcel is being considered for two concurrent actions: one is a conditional use permit for a laundromat and another to rezone to General Commercial (GC). The site currently has five storefronts as part of a commercial development. Under the General Commercial zoning, a nail salon would be eligible for a conditional use permit, as it does not fall under the categories of consumer service or retail, nor does it qualify under the permitted uses specified in sections 5-7.2 (Permitted Uses by Right) and 5-7.3 (Permitted by Special Use). These types of uses are subject to state regulations and licensing requirements established by the State of Georgia. The R-1 Zoning designation, would not permit a conditional use permit for a commercial use, as specified in 2-1.11(A) which states “No variance shall be granted to allow a building, structure or use not authorized in the applicable zoning district or a density of development not authorized with such development.”. According to the City of Stone Mountain Code of Ordinances, all conditional use permits must be processed as variances under Section 2-1.18. Therefore, if the rezoning from R-1 to GC is not approved, this conditional use permit will not qualify for Planning Commission review nor City Council approval.

**II. ZONING REQUIREMENTS**

The subject property is zoned Single Family Residential (R-1). Per Section 5-1.1 the intent of the zoning district is to:

- Establish low density residential district communities
- Encourage clustering of development and provision of location, environmental and development amenities
- Provide low density residential development in cul-de-sac neighborhoods, community areas, and urban areas
- Enhance the community’s character through the promotion of high-quality design.
- Protect established areas from incompatible development.

**III. ZONING HISTORY**

The subject property is currently designated R-1, Single Family Residential, and encompasses approximately 1.14 acres. On December 2, 2008, the City of Stone Mountain adopted its Official Zoning Map, establishing the parcel’s Zoning District as R-1 Single Family Residential. On March 4, 2025, the City Council granted a conditional use permit for a laundromat. This approval was specific to the property, allowing the use to be established within one year of the City Council's decision to expire on March 4, 2026, if not fully utilized. However, the property owner did not commence operations by this date, resulting in the expiration of the conditional use permit on March 4, 2026. Subsequently, a corrective measure was proposed to the City Council on May 7, 2024, and June 4, 2024, to facilitate the rezoning of the property to Commercial through a city-initiated map adoption.

However, the City Council chose to table the action on both occasions. According to City Code, Section 1-1.1, because no zoning map was signed in 2024, the zoning map adopted by the Council on December 2, 2008, and signed by the City Clerk, remains the authoritative

CITY OF STONE MOUNTAIN  
PLANNING AND ZONING DEPARTMENT

legal zoning map. Consequently, the subject property still retains its classification as R-1 Single Family Residential, as the proposed map from May and June of 2024 was not adopted. According to the DeKalb County Property Appraiser's database, the structure was constructed in 1980 (See Appendix). Property Appraiser Records provide aerial imagery of the property from 2003 to the present, indicating that the structure remained vacant from 2015 to 2024, with intermittent improvements and renovations occurring during this timeframe. No records were located establishing the site was ever zoned Commercial or was annexed into the City from Dekalb County as a Commercial Zoning.

**IV. EXISTING SITE CONDITIONS**

The primary building is a commercial structure encompassing a total area of 10,068 square feet. The DeKalb County Property Appraiser categorizes this property under Class C3 – Commercial Class. The site is delineated by a fence along the rear, effectively separating the parking area and commercial operations from adjacent residential properties. Additionally, a vegetative buffer behind the existing fencing adds some site separation from adjacent properties. Parking facilities are located at the front of the property, with existing lighting, while dumpsters and loading areas designated loading and pickup are in the rear. Although site plans indicate the existence of eight (8) commercial units, virtual site inspections confirm that there are currently five (5) commercial units of which two appear occupied.

The property is characterized by a gentle slope beginning at the primary structure, which is positioned at an elevation of 1,007 feet, and gradually descends toward the eastern property line, resulting in a nominal elevation decrease of 1 foot. According to the FEMA Flood Map Service Center, this property is not situated within a flood zone. The relevant flood map number is 13089C0091K, which became effective on December 8, 2016. The structure faces Rockbridge Road, a minor arterial roadway, which recorded an Annual Average Daily Traffic of 12,100 in the year 2024.

**IV. GENERAL STANDARDS FOR APPLICATION APPROVAL**

Per 2-1.18 Conditional Use Permits shall be processed pursuant to other quasi- judicial decisions as set out in 2-1.11 (Variance Standards and Procedures) Applications for variances shall adhere to the provisions set forth in section 2-1.3 (procedure for amending the zoning ordinance). The mayor and city council may authorize upon proper application in specific cases, a conditional use permit.

**In accordance with section 2-1.11(A), the issuance of a conditional use permit for commercial activities is not permissible within the existing residential zoning district. Consequently, the following review is contingent on whether the rezoning of the subject parcel from R-1 to GC receives Council approval.**

The mayor and city council may authorize a conditional use permit from the terms of this zoning ordinance only upon making all of the following findings:

- A. There are extraordinary and exceptional conditions pertaining to the particular property in question because of its size, shape or topography.**

CITY OF STONE MOUNTAIN  
PLANNING AND ZONING DEPARTMENT

There are no extraordinary or exceptional conditions pertaining to the property as it relates to size, shape, or topography.

**B. The application of this zoning ordinance to the particular piece of property would create unnecessary hardship.**

This property has been classified as a commercial structure since 1980, according to the records of the property appraiser and associated pictometry. Research indicates that the property has been closed undergoing periodic renovations from 2016 to 2025. For the general rules regarding nonconforming uses to be applicable, as outlined in Sections 6-1.1 and 6-1.2, the property must continuously engage in commercial uses, following a change in zoning by the municipality. In the event of a discontinuation, the property owner is required to restore the former use within six months; failure to do so will result in the application of the default zoning. There is no evidence in the property records, zoning history, or any other documentation in City records to suggest that this property was ever legally designated as commercially zoned. However, there are indications that the property may have been utilized for commercial purposes prior to the adoption of the Official Zoning Map by the City Council in 2008, as signed by the Clerk. There were no records located to determine whether a zoning map existing prior to 2008. If the property had continued its commercial activities in accordance with Sections 6-1.1 and 6-1.2, which address Non-Conforming Uses, such uses would have been permitted to persist, provided they adhered to the stipulations outlined in those sections of the Code of Ordinances.

A review of the current parcel reveals that any commercial uses that were not maintained following the designation of the parcel as residential, as per the December 2008 Official Zoning Map, would have their nonconforming status invalidated if not resumed within the six-month timeframe. As a result, due to the discontinuation of use from 2016 to 2025, the property's default zoning would revert to R-1 Single Family Residential, as there was no record of a commercial zoning for this site prior to 2008 – outside of property appraiser records. The applicant is seeking a conditional use permit to retain tenants and utilize the property as a nail salon to expand and lease to an additional tenant. Denying this application would deny the property owner and the potential leasee the ability to utilize the property as desired.

**C. Such conditions are not the result of any actions of the property owner; and**

The City of Stone Mountain lacked the resources for a planning and zoning department to oversee zoning reviews in 2008, only creating such a department in 2021, years after the Zoning Map was adopted. Per § 36-67-3, Zoning Proposal Review Standards, **“In any local government which has established a planning department or other similar agency charged with the duty of reviewing zoning proposals, such planning department or other agency shall with respect to each zoning proposal investigate and make a recommendation with respect to each of the matters enumerated in this Code section, as well as carrying out any other duties with which the planning department or agency is charged by the local government. The planning department or other agency shall make a written record of its investigation and recommendations,**

CITY OF STONE MOUNTAIN  
PLANNING AND ZONING DEPARTMENT

**and this record shall be a public record.”** HISTORY: Code 1981, § 36-67-3, enacted by Ga. L. 1985, p. 1178, § 1.

**D. Such conditions are peculiar to the particular piece of the property involved.**

The current status of the property is unique due to its residential zoning designation, despite having a significant commercial history. This combination is not exclusive to this parcel; other nearby properties may have similar designations but function as commercial sites. The residential designation creates a challenging situation: according to city regulations, it restricts how the City can manage future conditional use permits. This is problematic because such requirements may not align with the property's actual use, and limit future permits that have commercial use, and are not designated as permitted in the current zoning district.

**E. Relief, if granted, would not cause substantial detriment to the public good nor impair the purposes or intent of this zoning ordinance.**

The property in question currently operates as a commercial site, is designated in the adopted future land use plan as a proposed commercial area and is under consideration by Planning Commission and City Council for a land use change to commercial. Additionally, it is bordered by other commercial properties to the east. Consequently, the consideration of a conditional use permit for a nail salon would be appropriate in this context (if the site is rezoned successfully as a commercial zoning district), with the principal issue being whether the site is properly zoned for commercial use or possesses a related designation. Approving the zoning application for the nail salon (i.e. granting relief to the applicant), contingent upon a rezoning to General Commercial, would allow appropriate zoning conditions to be applied to the property. This would enable the property owners to utilize the parcel as intended, while also granting the city the ability to enforce essential protective measures, such as verifying lighting requirements are met and enclosing trash collection areas, to safeguard the surrounding residential areas in accordance with code. Buffer considerations would be reviewed under the rezoning application.

**V. STAFF RECCOMENDATION**

Staff recommend **APPROVAL** of the conditional use permit for a nail salon with the following conditions:

- A. Any conditional use permit granted shall remain in effect at 5444 Rockbridge Road (Parcel ID 18 037 12 007) until that use is discontinued for a period of six months or more, at such time the use will expire.
- B. If the site does not receive a certificate of occupancy, and/or business license within one year of city council approval, if such approval is received, for a use that is established as a nail salon, the conditional use permit will expire.
- C. The property must obtain zoning approval for the General Zoning District designation before acceptance of a conditional use permit can be granted.
- D. Facility requirements must adhere to Rule 240-4.0 Requirements of Operating a Facility for salon/shops.
- E. Disposal of waste materials must comply with facility requirements established

CITY OF STONE MOUNTAIN  
PLANNING AND ZONING DEPARTMENT

in Rule 240-4.0 for salon/shops.

- F. Hours of operation are permitted from 7a.m to 11p.m.
- G. Dumpster locations designated for use by any commercial unit on-site where the nail salon will utilize such trash disposal must be screened from public view with brick masonry or other material designated by the Planning and Zoning Department, at a height not exceeding six feet.

CITY OF STONE MOUNTAIN  
PLANNING AND ZONING DEPARTMENT

**VI. SITE PHOTOS**

**FRONT OF PROPERTY**



**SIDE OF PROPERTY FRONTING RIDGE AVENUE**



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REAR OF PROPERTY



VII. FIGURE 1. DEKALB COUNTY PROPERTY APPRAISER MAP

