



**TO:** Planning Commission

**FROM:** Planning and Zoning Department

**SUBJECT:** SLUP23-012

**ADDRESS:** 4083 Spencer Lane

**MEETING DATE:** January 2, 2023

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

**STAFF RECOMMENDATION:** None

**PLANNING COMMISSION RECOMMENDATION:** TBA

**District #4: Councilman George Turner, Jr.**

<b>PROPERTY INFORMATION</b>	
<b>Location of Subject Property:</b> 4083 Spencer Lane	
<b>Parcel Number:</b> 16 047 03 066	
<b>Road Frontage:</b> Spencer Lane	<b>Total Acreage:</b> 0.18 +/-
<b>Current Zoning:</b> R-100 (Residential Medium Lot)	<b>Overlay District:</b> N/A
<b>Future Land Use Map/ Comprehensive Plan:</b> Suburban Neighborhood	
<b>Zoning Request:</b> Applicant is seeking a Special Land Use Permit (SLUP) to operate a Short-Term Vacation Rental (STVR).	
<b>Zoning History:</b> N/A	

<b>APPLICANT / PROPERTY OWNER INFORMATION</b>
<b>Applicant Name:</b> Natnael Mammo
<b>Applicant Address:</b> 4083 Spencer Lane Lithonia, GA 30038
<b>Property Owner Name:</b> Natnael Mammo
<b>Property Owner Address:</b> 4083 Spencer Lane Lithonia, GA 30038

## **PUBLIC PARTICIPATION (CPIM)**

The CPIM (Community Planning Information Meeting) was held on December 14, 2023, at City Hall. There wasn't anyone from the community that spoke in favor of the petition. There were approximately eleven (11) community members that came out to speak in opposition of the petition.

The concerns that were expressed were:

- HOA Covenants prohibiting short-term vacation rentals;
- Homeowner currently operating the short-term vacation rentals without approval from city;
- Previous short-term vacation renters creating nuisance and destroying infrastructure within existing neighborhood; and
- The homeowner bought the home strictly for the use of a short-term vocational rental.

## DETAILS OF ZONING REQUEST

Since the city's incorporation, the site has been zoned R-100 (Residential Medium Lot).

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 Suburban Neighborhood Zone land use designation. The purpose and intent of the Suburban Neighborhood character area is to recognize those areas of the city that have developed traditional suburban land use patterns while encouraging new development to have increased connectivity and accessibility. These areas include those developed (built out) and those under development pressures. Those areas are characterized by low pedestrian orientation, limited transit access, scattered civic buildings and curvilinear street patterns. The proposed density for areas of this type is up to 8 dwelling units per acre.

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 egress 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.
- 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.

<b>ADJACENT ZONING &amp; LAND USE</b>		
<b>NORTH</b>	<b>Zoning:</b> R-100 (Residential Medium Lot)	<b>Land Use:</b> Single-Family Dwelling
<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 currently developed with a single-family dwelling.

### 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;
11. Whether the proposed use is consistent with the policies of the comprehensive plan;

<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;
<b>13.</b> Whether there is adequate provision of refuse and service areas;
<b>14.</b> Whether the length of time for which the special land use permit is granted should be limited in duration;
<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;
<b>16.</b> Whether the proposed use will adversely affect historic buildings, sites, districts, or archaeological resources;
<b>17.</b> Whether the proposed use satisfies the requirements contained within the supplemental regulations for such special land use permit;
<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
<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.

### RECOMMENDATION(S)

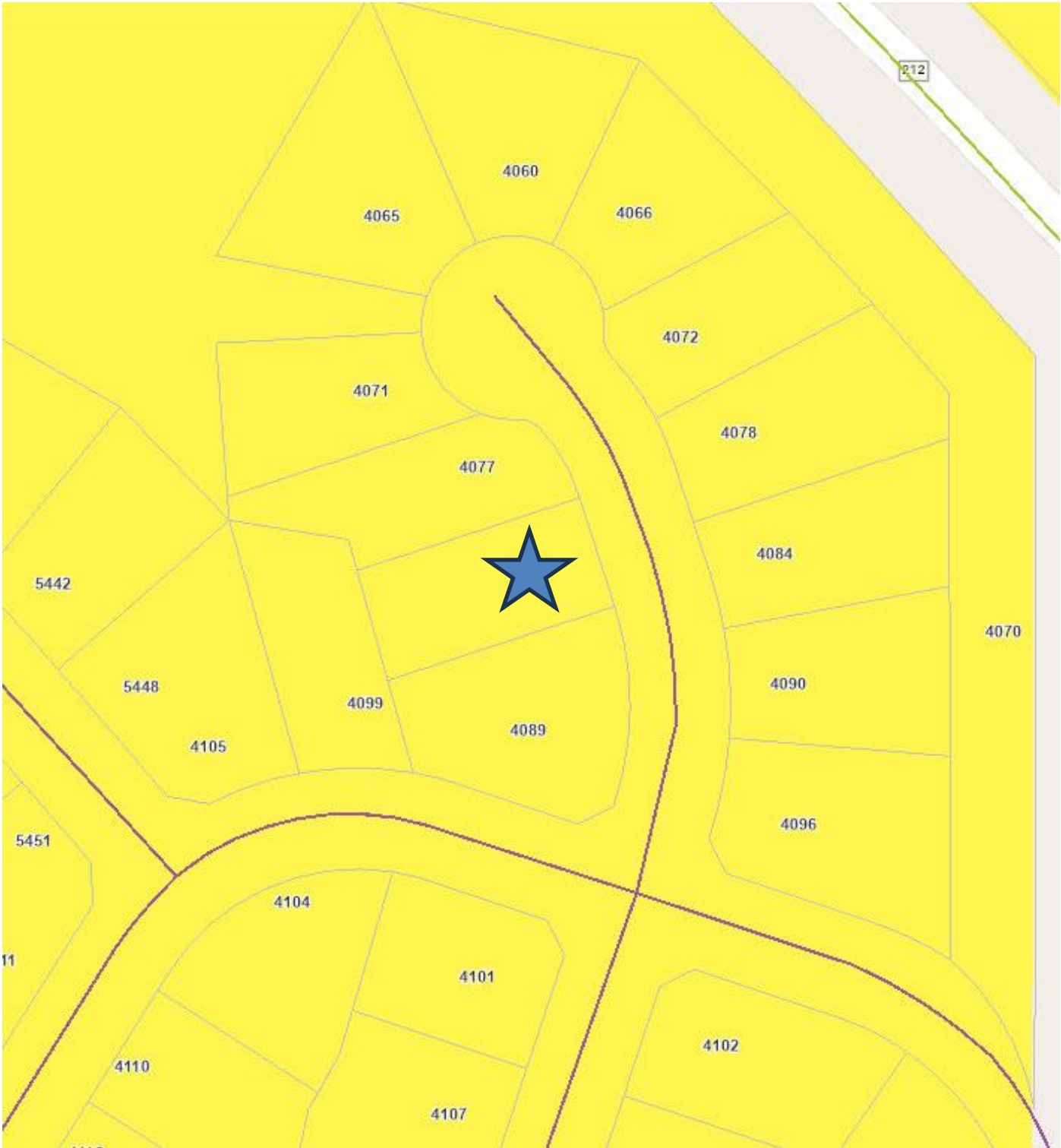
None



**Attachments Included:**

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

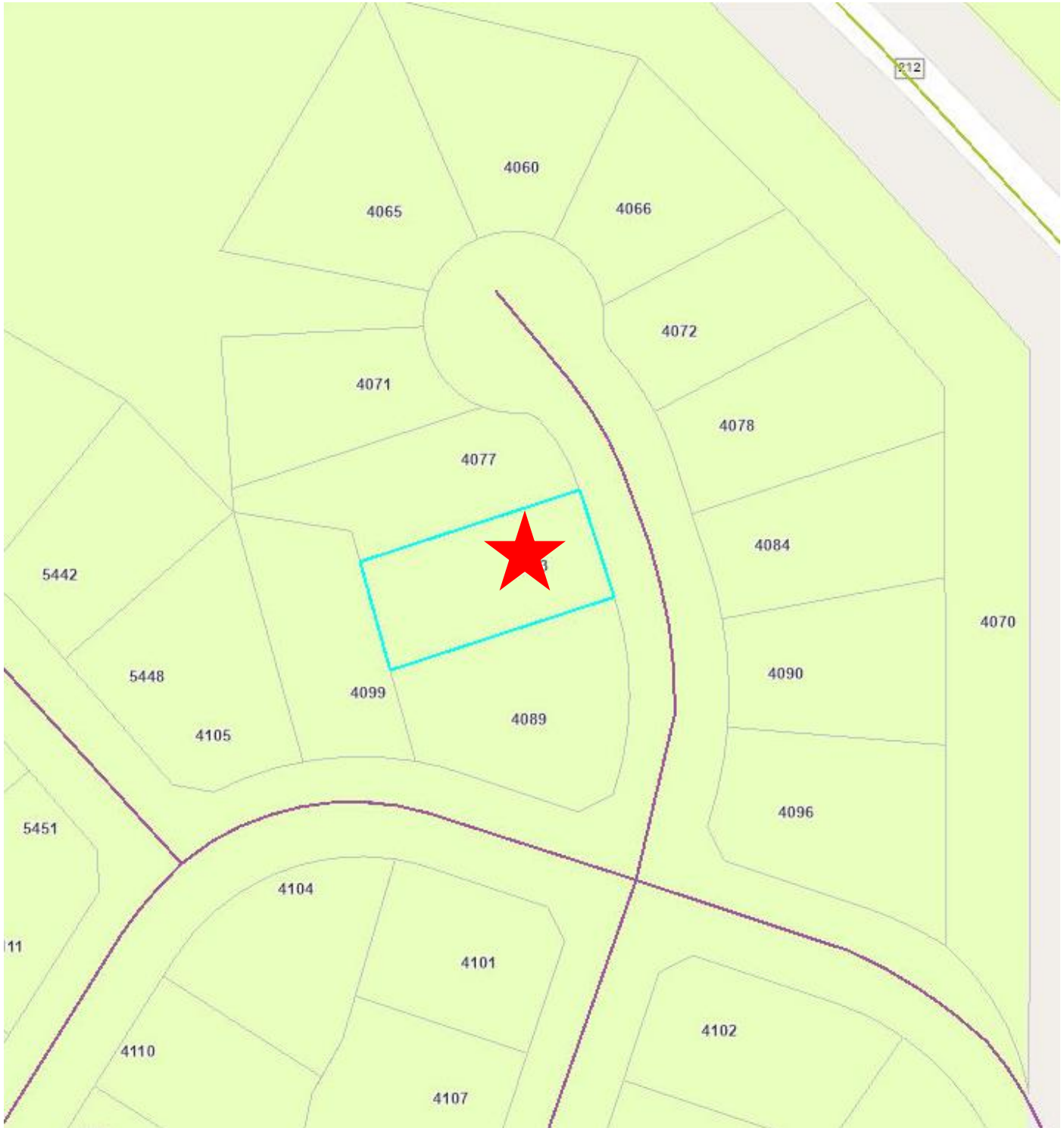
**Future Land Use Map | Suburban Neighborhood (SN)**



## Suburban Neighborhood (SN)

The intent of the Suburban Neighborhood character area is to recognize those areas of the city that have developed in traditional suburban land use patterns while encouraging new development to have increased connectivity and accessibility. These areas include those developed (built out) and those under development pressures. Those areas are characterized by low pedestrian orientation, limited transit access, scattered civic buildings and curvilinear street patterns. The proposed density for areas of this type is up to 8 dwelling units per acre.

## Zoning Map | M (Light Industrial)



## Site Photo





Network: Dec 18, 2023 at 1:04:15 PM EST  
Local: Dec 18, 2023 at 1:04:14 PM EST  
N 33° 39' 34.519", W 84° 10' 0.455"  
4119 Spencer Ln  
Stonecrest GA 30038  
United States



Network: Dec 18, 2023 at 1:04:18 PM EST  
Local: Dec 18, 2023 at 1:04:18 PM EST  
N 33° 39' 34.519", W 84° 10' 0.455"  
4119 Spencer Ln  
Stonecrest GA 30038  
United States





Network: Dec 18, 2023 at 1:04:21 PM EST

Local: Dec 18, 2023 at 1:04:21 PM EST

N 33° 39' 34.519", W 84° 10' 0.455"

4119 Spencer Ln

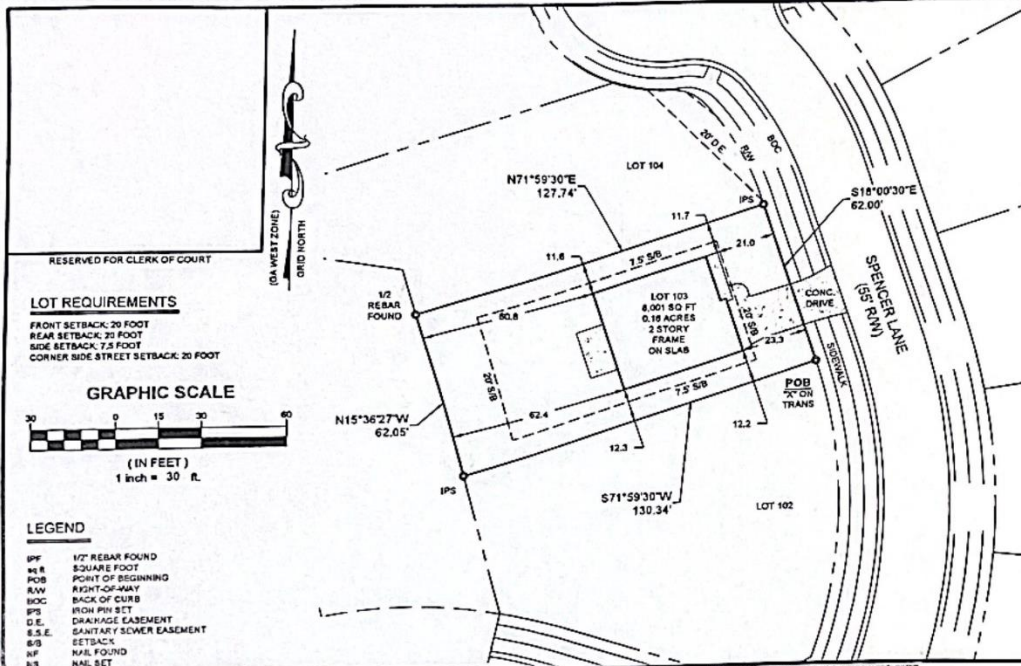
Stonecrest GA 30038

United States





# Submitted Site Plan



**NOTES:**  
 FINAL PLAT INFORMATION FOR FLAT ROCK HILLS, PHASE 4A, RECORDED IN PLAT BOOK 305 PAGES 47-52.  
 THE FIELDWORK FOR THIS SURVEY WAS COMPLETED FEBRUARY 22, 2023 WITH LINEAR AND ANGULAR MEASUREMENTS OBTAINED USING A LEICA GS18T GPS UNIT.  
 THIS MAP OR PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 89,488 FEET USING THE BEARINGS AND DISTANCES SHOWN HEREON.  
 ORIGINAL SUBDIVISION PLAT REFERENCED ABOVE SHOULD BE USED FOR CONVEYANCE. THIS SURVEY IS INTENDED TO SHOW IMPROVEMENTS AS FOUND ON DATE SHOWN RELATIVE TO BOUNDARY AND SETBACK LINES ESTABLISHED FROM THE PLAT OF RECORD.  
 ALL DISTANCES SHOWN HEREON ARE HORIZONTAL GROUND DISTANCES.

**FLOOD NOTE:**  
 AS SHOWN ON THE FLOOD INSURANCE RATE MAP OF DEKALB COUNTY, GEORGIA, THE PROPERTY DOES NOT LIE WITHIN A SPECIAL FLOOD HAZARD AREA PER PANEL 13063C(000) & 13063D(000), DATED MAY 18, 2013.

**SURVEYOR CERTIFICATION:**  
 THIS PLAT IS A RETRACEMENT OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT SUBDIVIDE OR CREATE A NEW PARCEL. THE RECORDING INFORMATION OF THE DOCUMENTS, MAPS, PLATS, OR OTHER INSTRUMENTS WHICH CREATED THE PARCEL OR PARCELS ARE STATED HEREON. RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. FURTHERMORE, THE UNDERSIGNED LAND SURVEYOR CERTIFIES THAT THIS PLAT COMPLIES WITH THE MINIMUM TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN THE RULES AND REGULATIONS OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN O.C.G.A. SECTION 15-6-47.

*Kevin M. Brown*  
 KEVIN M. BROWN R.L.S. 2960  
 2/23/23  
 DATE

**RESERVED FOR CLERK OF COURT**

**LOT REQUIREMENTS**  
 FRONT SETBACK: 20 FOOT  
 REAR SETBACK: 20 FOOT  
 SIDE SETBACK: 7.5 FOOT  
 CORNER SIDE STREET SETBACK: 20 FOOT

**GRAPHIC SCALE**  
 (IN FEET)  
 1 inch = 30 ft.

**LEGEND**

- IPF 1/2" REBAR FOUND
- RSR SQUARE FOOT
- POB POINT OF BEGINNING
- RAW RIGHT-OF-WAY
- BOC BACK OF CURB
- IPS IRON PIN SET
- D.E. DRAINAGE EASEMENT
- S.S.E. SANITARY SEWER EASEMENT
- SB SETBACK
- RF NAIL FOUND
- NS NAIL SET

SHEET NUMBER:  <b>1 OF 1</b>	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th colspan="2" style="text-align: center;">REVISIONS</th> </tr> </thead> <tbody> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> </tbody> </table> <p style="text-align: center; font-size: small;">Know what's below.                  Call before you dig.                  UTILITIES PROTECTION CENTER                  1 (800) 282-7411 THROUGHOUT GEORGIA                  OR DIAL 811</p> <div style="text-align: center;"> </div>	REVISIONS														<p>COA# LSF 000995</p>	IMPROVEMENT ASBUILT FOR 4083 SPENCER LANE <b>LOT 103</b> <b>FLAT ROCK HILLS</b> <b>PHASE 4A</b> LOCATED IN: DEKALB COUNTY, GEORGIA LAND LOTS 47 & 50 OF THE 16th DISTRICT	
REVISIONS																		

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# Letter of Intent

## Letter of Intent

Wanting to conduct an Airbnb business at my single family home. 4083 Spencer Lane, Stonecrest GA  
30038.

Natnael Mammo

