

Planning and Zoning  
1975 Lakeside Parkway, Suite 350  
Tucker, GA 30084  
Phone: 678-597-9040  
Website: www.tuckerga.gov

# Land Use Petition Application

Type of Application: ☐ Rezoning ☐ Comprehensive Plan Amendment ☐ Special Land Use Permit  
☐ Concurrent Variance ☐ Modification

## APPLICANT INFORMATION

Applicant is the: ☐ Property Owner ☒ Owner's Agent ☐ Contract Purchaser

Name: Luiz Gestal, Kaizen Collaborative

Address: 2390 Main Street

City: Tucker

State: GA

Zip: 30084

Contact Name: Luiz Gestal

Phone: 770-670-3301

Email: Luiz@kaizencollaborative

## OWNER INFORMATION

Name: V. Sue Johnson

Address: 5222 Riviera Court

City: Decatur

State: GA

Zip: 30033

Contact Name: Sue Johnson

Phone: 404-321-0380

Email: N/A

## PROPERTY INFORMATION

Property Address: 2022 Brockett Road, Tucker, GA 30084

Present Zoning District(s): R-75

Requested Zoning District(s): R-60

Present Land Use Category: SUB

Requested Land Use Category: SUB

Land District: 18

Land Lot(s): 187

Acreage: 1.93

Proposed Development: Two single family lots

Concurrent Variance(s):

## RESIDENTIAL DEVELOPMENT

No. of Lots/Dwelling Units: 2

Dwelling Unit Size (Sq. Ft.): TBD

Density: 0.97

## NON-RESIDENTIAL DEVELOPMENT

No. of Buildings/Lots:

Total Building Sq. Ft.:

Density: RECEIVED  
City of Tucker

LAND USE PETITION APPLICATION - REVISED OCTOBER 24, 2022

RECEIVED  
City of Tucker  
Mar 18, 2023

Community Development Dept.  
RZ-23-0001

Community Development  
Department

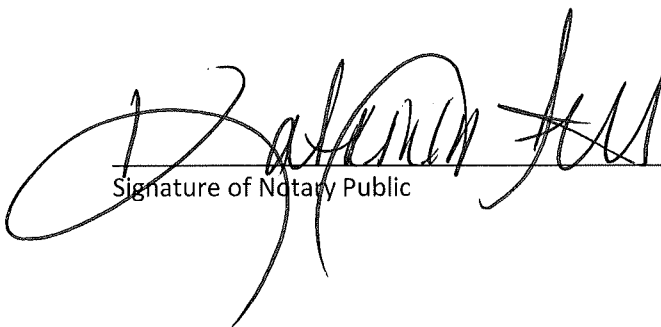
### APPLICANT'S CERTIFICATION

THE UNDERSIGNED BELOW STATES UNDER OATH THAT THEY ARE AUTHORIZED TO MAKE THIS APPLICATION. THE UNDERSIGNED IS AWARE THAT NO APPLICATION OR REAPPLICATION AFFECTING THE SAME LAND SHALL BE ACTED UPON WITHIN 24 MONTHS FROM THE DATE OF LAST ACTION BY THE MAYOR AND CITY COUNCIL.

  
Signature of Applicant

03/10/23  
Date

Luiz Grestel - Civil Engineer  
Type or Print Name and Title

  
Signature of Notary Public

3/13/2023  
Date

Notary Seal



## PROPERTY OWNER'S CERTIFICATION

I do solemnly swear and attest, subject to criminal penalties for false swearing, that I am the legal owner, as reflected in the records of DeKalb County, Georgia, of the property identified below, which is the subject of the attached Land Use Petition before the City of Tucker, Georgia. As the legal owner of record of the subject property, I hereby authorize the individual named below to act as the applicant in the pursuit of the Application for Rezoning (RZ), Comprehensive Plan Amendment (CA), Special Land Use Permit (SLUP), Modification (M) & Concurrent Variance (CV) in request of the items indicated below.

I, V. Sue Johnson, authorize, Luiz Gestal,  
(Property Owner) (Applicant)

to file for Rezoning, at 2022 Brockett Rd, Tucker, GA  
(RZ, CA, SLUP, M, CV) (Address)

on this date March 13, 2023  
(Month) (Day)

- I understand that if a rezoning is denied or assigned a zoning classification other than the classification requested in the application, then no portion of the same property may again be considered for rezoning for a period of twenty-four (24) months from the date of the mayor and city councils' final decision.
- I understand that if an application for a special land use permit affecting all or a portion of the same property for which an application for the same special land use was denied shall not be submitted before twenty-four (24) months have passed from the date of final decision by the mayor and city council on the previous special land use permit.
- I understand that failure to supply all required information (per the relevant Applicant Checklists and requirements of the Tucker Zoning Ordinance) will result in REJECTION OF THE APPLICATION.
- I understand that preliminary approval of my design plan does not authorize final approval of my zoning or signage request. I agree to arrange additional permitting separately, after approval is obtained.
- I understand that representation associated with this application on behalf of the property owner, project coordinator, potential property owner, agent or such other representative shall be binding.

V. Sue Johnson March 13, 2023  
Signature of Property Owner Date

V. Sue Johnson  
Type or Print Name and Title

D Fell Jr  
Signature of Notary Public

3/13/23  
Date

<b>D FELL JR</b> NOTARY PUBLIC Gwinnett County State of Georgia Notary Comm. Expires May 17, 2026
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## DISCLOSURE REPORT FORM

WITHIN THE (2) YEARS IMMEDIATELY PRECEDING THE FILING OF THIS ZONING PETITION HAVE YOU, AS THE APPLICANT OR OPPONENT FOR THE REZONING PETITION, OR AN ATTORNEY OR AGENT OF THE APPLICANT OR OPPONENT FOR THE REZONING PETITION, MADE ANY CAMPAIGN CONTRIBUTIONS AGGREGATING \$250.00 OR MORE OR MADE GIFTS HAVING AN AGGREGATE VALUE OF \$250.00 TO THE MAYOR OR ANY MEMBER OF THE CITY COUNCIL.

CIRCLE ONE:

YES (if YES, complete points 1 through 4);



(if NO, complete only point 4)

1. CIRCLE ONE: **Party to Petition** (If party to petition, complete sections 2, 3 and 4 below)

**In Opposition to Petition** (If in opposition, proceed to sections 3 and 4 below)

2. List all individuals or business entities which have an ownership interest in the property which is the subject of this rezoning petition:

1. _____	5. _____
2. _____	6. _____
3. _____	7. _____
4. _____	8. _____

3. CAMPAIGN CONTRIBUTIONS:

Name of Government Official	Total Dollar Amount	Date of Contribution	Enumeration and Description of Gift Valued at \$250.00 or more

4. The undersigned acknowledges that this disclosure is made in accordance with the Official Code of Georgia, Section 36-67A-1 et. seq. Conflict of interest in zoning actions, and that the information set forth herein is true to the undersigned's best knowledge, information and belief.

Name (print) Luiz Gestal

Signature: \_\_\_\_\_

Date: 03/10/23



## DISCLOSURE REPORT FORM

WITHIN THE (2) YEARS IMMEDIATELY PRECEDING THE FILING OF THIS ZONING PETITION HAVE YOU, AS THE APPLICANT OR OPPONENT FOR THE REZONING PETITION, OR AN ATTORNEY OR AGENT OF THE APPLICANT OR OPPONENT FOR THE REZONING PETITION, MADE ANY CAMPAIGN CONTRIBUTIONS AGGREGATING \$250.00 OR MORE OR MADE GIFTS HAVING AN AGGREGATE VALUE OF \$250.00 TO THE MAYOR OR ANY MEMBER OF THE CITY COUNCIL.

**CIRCLE ONE:**                      **YES** (if YES, complete points 1 through 4);                      **NO** (if NO, complete only point 4)

1.                      **CIRCLE ONE:**                      Party to Petition (If party to petition, complete sections 2, 3 and 4 below)

**In Opposition to Petition** (If in opposition, proceed to sections 3 and 4 below)

2.                      List all individuals or business entities which have an ownership interest in the property which is the subject of this rezoning petition:

1. <u>V. Sue Johnson</u>	5. _____
2. _____	6. _____
3. _____	7. _____
4. _____	8. _____

3.                      CAMPAIGN CONTRIBUTIONS:

Name of Government Official	Total Dollar Amount	Date of Contribution	Enumeration and Description of Gift Valued at \$250.00 or more
<u>None</u>	<u>-0-</u>		<u>-0-</u>

4.                      The undersigned acknowledges that this disclosure is made in accordance with the Official Code of Georgia, Section 36-67A-1 et. seq. Conflict of interest in zoning actions, and that the information set forth herein is true to the undersigned's best knowledge, information and belief.

Name (print) V. Sue Johnson

Signature: [Signature]                      Date: March 13, 2023

Decatur, Georgia  
March 7, 2023

RECEIVED  
City of Tucker  
MAR 13 2023  
Community Development  
Department

Ms. Courtney Smith, Director  
Community Development  
City of Tucker  
1975 Lakeside Parkway, Suite 350

LETTER OF INTENT: REZONING APPLICATION FOR 2022 BROCKETT ROAD, TUCKER, GEORGIA

Dear Ms. Smith:

I, V. Sue Johnson, as owner of the above-named property, am applying for a rezoning. I wish to subdivide the property, currently considered a single lot, into two lots. The current zoning is R-75, and the total road frontage is 133.70 feet. Therefore, subdividing the single parcel into two lots requires a rezoning to R-60.

The parcel is very deep and is only slightly less than two (2) acres. Two R-60 lots would each be slightly less than one (1) acre, and would be slightly wider than the requested sixty (60) feet. Both would have the same improvements; i.e., each would have a single family residence.

The proposed plan can be expected to have minimal effect on the neighborhood except for the positive effects of having quality, new construction, meeting the standards for new development in the City of Tucker. The City's Standards and Factors for amendments to the official zoning map are written below with my responses given as "A," for Answer:

(1) WHETHER THE ZONING PROPOSAL IS IN CONFORMITY WITH THE POLICY AND INTENT OF THE COMPREHENSIVE PLAN.

A: The property will remain residential, which is predominant in the neighborhood. These lots would be very deep and would exceed in area all of the nearby lots in the neighborhood. While the houses on Allenwood Way are generally zoned R-75, the lots tend to be shallow in depth. On Arborwood Lane and Wildflower Lane, the lots are all zoned RSM.

(2) WHETHER THE ZONING PROPOSAL WILL PERMIT A USE THAT IS SUITABLE IN VIEW OF THE USE AND DEVELOPMENT OF ADJACENT AND NEARBY PROPERTY OR PROPERTIES.

A: Erecting two houses with R-60 zoning on slightly less than one acre each is suitable, and, indeed, a nice bridge from the wider lots on the contiguous properties on Allenwood Way on one side, and narrower lots on Arborwood Lane on the other side and nearby Wildflower Lane. The "yards," or lots, will still be significantly larger than most neighbors on all sides as well as other neighbors on nearby streets

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- (3) WHETHER THE PROPERTY TO BE AFFECTED BY THE ZONING PROPOSAL HAS A REASONABLE ECONOMIC USE AS CURRENTLY ZONED.

A: The property currently has one permanent structure which is an older (b. 1932) two-bedroom house which needs extensive renovations that are not financially feasible given the value that would result. As Tucker's population, along with metro Atlanta's, has exploded to the point of stretching the capacity to meet housing demands, two newly-constructed houses with all of the amenities and space expected today, would be an asset to the neighborhood and to the City of Tucker. Further, the growth of going from one lot to two lots, i.e., two permanent residences instead of one, would not have any adverse affect.

- (4) WHETHER THE ZONING PROPOSAL WILL ADVERSELY AFFECT THE EXISTING USE OR USABILITY OF ADJACENT OR NEARBY PROPERTY OR PROPERTIES.

A: There is nothing in the proposal that would adversely affect any nearby property. It would be used with the new zoning just as it has been in the past. There would be two lots with narrower road frontage than some properties, and wider road frontage than others. In either case, the total size/area would be greater than most in the neighborhood, just as it is now. The property is slightly less than two (2) acres. As proposed, the two newly-drawn lots would be slightly less than one (1) acre each. Because of the area of soil with no improvements, plus the "lay of the land" and the type of soil, rain water absorption will not be an issue.

- (5) WHETHER THERE ARE OTHER EXISTING OR CHANGING CONDITIONS AFFECTING THE USE AND DEVELOPMENT OF THE PROPERTY WHICH GIVE SUPPORTING GROUNDS FOR EITHER APPROVAL OR DISAPPROVAL OF THE ZONING PROPOSAL.

A: As presented in number four (4) above, two separate residential lots with road frontage differing from properties on either side – one narrower, one wider – would be a good addition to the neighborhood, bridging, as it were, from one width to another, and being significantly larger in area. Quality new construction which could be used, lived in, and enjoyed the same as its neighbors would provide much needed additional housing for the area. There will remain large areas of amenable soil for water absorption. There will be some trees. However, any request to have nothing touched in the wooded area is unrealistic and extremely unfair to any owner who would be responsible for labor costs for maintenance and property taxes. Just as the current neighbors are allowed to decide how they can best enjoy their property within existing laws and ordinances, a new owner should have the same privileges.

- (6) WHETHER THE ZONING PROPOSAL WILL ADVERSELY AFFECT HISTORIC BUILDINGS, SITES, DISTRICTS, OR ARCHHAEOLOGICAL RESOURCES.

A: There are no historical buildings, sites, districts or archaeological resources on the property. Near the left-side boundary, there is an old oak tree to be preserved. And on the left, rear of the property is a single "Cherokee tree," also to be preserved. Neither is close to an area where any building would take place due to their locations.

- (7) WHETHER THE ZONING PROPOSAL WILL RESULT IN A USE WHICH WILL OR COULD CAUSE AN EXCESSIVE OR BURDENSOME USE OF EXISTING STREETS, TRANSPORTATION FACILITIES, UTILITIES, OR SCHOOLS.

A: The proposed plan of having two residential lots instead of one would have no discernible impact on any of the above facilities or services.

- (8) WHETHER THE ZOINING PROPOSAL ADVERSELY IMPACTS THE ENVIRONMENT OR SURROUNDING NATURAL RESOURCES.

A: There should be no adverse effects on the environment or natural resources. The primary natural resources are on the rear of the property which is a wooded area. Full-time residents owning and occupying the property would be an improvement for the environment, the neighborhood, and the natural resources due to on-site management. I am aware of resistance to any change in this area. However, a future owner should have the right to "quiet enjoyment" as other owners have. There have been comments regarding wildlife in the woods. A very detailed, professional inspection has been made, and the attached report has recorded that there are no signs of habitation of wildlife. Undoubtedly, some wild animals stroll through on occasion, just as they do in many places; apparently, they have been visitors, not residents. To maintain a healthy wooded area -- for the sake of plant life, any visiting wildlife, any owner who may wish to have a walking path and so on -- there must be periodic maintenance. Such maintenance includes clearing out invasive underbrush which can choke out other healthy plants, and even at times cutting down a tree or so. Like people, trees do not stay healthy and live forever. In fact, in the past two years, I was requested by a neighbor on Allenwood to remove a tree which had died and was close to her property line. I filled that request.

A number of neighbors have enjoyed the area's space and beauty for walking, especially with dogs. This has never bothered me as these neighbors have been respectful, never leaving any trash or debris behind. In fact, I had hoped at one time that the neighbors would band together to buy the property for their own area park. But this has not happened. There is abundant evidence that a few neighbors have taken advantage of this wooded area for dumping their unwanted trash, yard debris, old plastic pots, and so forth. I have had to pay people to clear out

debris due to illegal dumping in the past, and I have noticed an excessive amount of yard debris in one area recently. One of the inspectors also noted dumping areas. Hopefully, having a full-time resident would stop this practice.

In summary, it is my contention that the plan for the property as proposed is an excellent plan which is respectful of the neighborhood, the natural resources and the environment. It is also an excellent use of the land. To support my application, and my responses to the Standards and Factors, I am attaching the following documents:

PUBLIC PARTICIPATION REPORT  
ANALYSIS OF STANDARDS/CRITERIA  
ENVIRONMENTAL SITE ANALYSIS FORM  
TRIP GENERATION LETTER  
SOIL INVESTIGATION REPORT  
PROPOSED SITE PLAN  
BOUNDARY SURVEY  
WRITTEN LEGAL DESCRIPTION

I respectfully request your consideration and approval of my rezoning request from R-75 to R-60, and a subdivision of the land from a single parcel into two parcels. Should there be further questions from the Director, her staff, or any member of the Planning Commission or City Council, Mr. Luiz Gestal, the site engineer, and Ms. Sue Johnson are glad to respond. Mr. Gestal can be reached at [luiz@kaizencollaborative.com](mailto:luiz@kaizencollaborative.com) and Ms. Johnson can be reached at 404-321-0380.

Respectfully submitted,



V. Sue Johnson  
2772 Riviera Court  
Decatur, Georgia

Cc: Luiz Gestal



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March 18, 2023  
City of Tucker  
Community Development Dept.

RZ-23-0001

THIS BOX IS RESERVED FOR THE CLERK  
OF SUPERIOR COURT RECORDING INFORMATION.

#### LEGEND

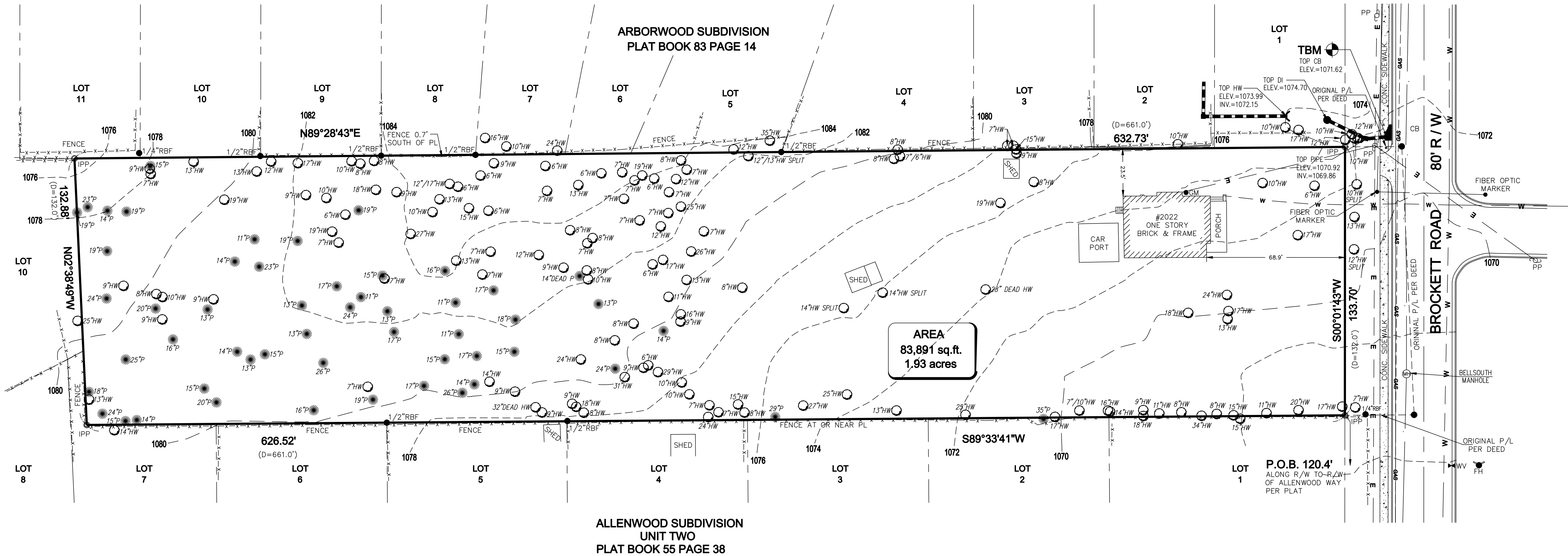
IPF	IRON PIN FOUND	CMF	CONCRETE MONUMENT FOUND
OT	OPEN TOP PIN	OHUL	OVERHEAD UTILITY LINE(S)
CT	CRIMP TOP PIN	SMH	SEWER MAN HOLE
RB	REINFORCING BAR	MHT	MAN HOLE TELEPHONE
CL	CENTERLINE	CB	CATCH BASIN
R/W	RIGHT-OF-WAY	JB	JUNCTION BOX
LL	LAND LOT	DI	DROP INLET
L	LINE	LLL	LAND LOT LINE
R	RADIUS	HW	HEAD WALL
CONC	CONCRETE	OMP	CORRUGATED METAL PIPE
C	CURVE	RCP	REINFORCED CONCRETE PIPE
CO	CLEAN OUT	CD	CROSS DRAIN
PP	POWER POLE	SSE	SANITARY SEWER EASEMENT
SP	SERVICE POLE	DE	DRAINAGE EASEMENT
GV	GAS VALVE	FH	FIRE HYDRANT
OM	GAS METER	WV	WATER VALVE
LP	LIGHT POLE	WM	WATER METER
SS	SANITARY SEWER	PC	POINT OF CURVE
N&C	NAIL & CAP	POB	POINT OF BEGINNING
FC	FENCE CORNER	POC	POINT OF COMMENCEMENT
-X-X-	FENCE	PI	POINT OF INTERSECTION
M	MEASURED	D	DEED
P	PLAT	IPP	IRON PIN PLACED (1/2" REBAR)

#### GENERAL NOTES

1. INFORMATION REGARDING THE REPUTED PRESENCE, SIZE, CHARACTER, AND LOCATION OF EXISTING UNDERGROUND UTILITIES AND STRUCTURES IS SHOWN HEREON. THERE IS NO CERTAINTY OF THE ACCURACY OF THIS INFORMATION AND IT SHALL BE CONSIDERED IN THAT LIGHT BY THOSE USING THIS DRAWING. THE LOCATION AND ARRANGEMENT OF UNDERGROUND UTILITIES AND STRUCTURES SHOWN HEREON MAY BE INACCURATE AND UTILITIES AND STRUCTURES NOT SHOWN MAY BE ENCOUNTERED. THE OWNER, HIS EMPLOYEES, HIS CONSULTANTS, HIS CONTRACTORS, AND/OR HIS AGENTS SHALL HEREBY DISTINCTLY UNDERSTAND THAT THE SURVEYOR IS NOT RESPONSIBLE FOR THE CORRECTNESS OR SUFFICIENCY OF THIS INFORMATION SHOWN HEREON AS TO SUCH UNDERGROUND INFORMATION.
2. RIGHT-OF-WAYS ARE BASED ON CENTERLINES OF EXISTING PATHS OF TRAVEL, UNLESS NOTED OTHERWISE.
3. NO VISIBLE EVIDENCE OF A CEMETERY FOUND ON SUBJECT PROPERTY.
4. BEARINGS BASED ON GRID NORTH OBSERVATIONS
5. NOTICE: IF RECORDING IS REQUIRED, CONTACT THE SURVEYOR FOR PRODUCTION OF A PLAT MADE SUITABLE FOR RECORDING.
6. ALL EASEMENTS DEPICTED ARE PER PUBLIC RECORD, UNLESS OTHERWISE NOTED.

#### UNDERGROUND UTILITIES LEGEND

---	UNDERGROUND COMMUNICATION
---	WATER
---	GAS
---	OVERHEAD POWERLINE



#### PLAT CERTIFICATION NOTICE

THIS PLAT WAS PREPARED FOR THE EXCLUSIVE USE OF THE PERSON, PERSONS OR ENTITY NAMED HEREON. THIS PLAT DOES NOT EXTEND TO ANY UNNAMED PERSON, PERSONS, OR ENTITY WITHOUT EXPRESS RECERTIFICATION BY THE SURVEYOR NAMING SAID PERSON, PERSONS,

IN MY OPINION, THIS PLAT IS A CORRECT REPRESENTATION OF THE LAND PLATTED AND HAS BEEN PREPARED IN CONFORMITY WITH THE MINIMUM STANDARDS AND REQUIREMENTS OF THE LAW OF THE STATE OF GEORGIA.

THIS SURVEY WAS PREPARED IN CONFORMITY WITH THE TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN CHAPTER 180-7 OF THE RULES OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN THE GEORGIA PLAT ACT O.C.G.A. 15-6-67. AUTHORITY O.C.G.A. SECS. 15-6-67, 43-15-6, 43-15-19, 43-15-22.

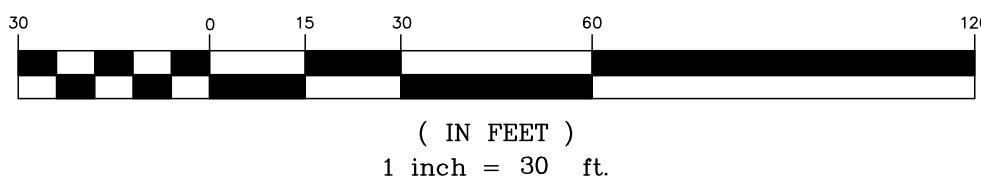
CERTIFICATE OF AUTHORIZATION NO. LSF000374

#### SURVEYOR CERTIFICATION

THIS PLAT IS A RETRACEMENT OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT SUBDIVIDE OR CREATE A NEW PARCEL OR MAKE ANY CHANGES TO ANY REAL PROPERTY BOUNDARIES. 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 ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. FURTHERMORE, THE UNDERSIGNED LAND SURVEYOR CERTIFIES THAT THIS PLAT COMPLES 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 AS SET FORTH IN O.C.G.A. SECTION 15-6-67.

John W. Stanzilius, Jr.  
JOHN W. STANZIUS, JR.

#### GRAPHIC SCALE



## SOLAR LAND SURVEYING COMPANY

P.O. BOX 723993 ATLANTA, GEORGIA 31139-0993  
TELEPHONE (770) 794-9055 FAX (770) 794-9052

The field data upon which this plat is based has a closure of 1 foot in \_\_\_\_ FEET \_\_\_\_ feet, an angular error of \_\_\_\_ seconds per angle point and was adjusted using the Least Squares Method. This plat has been calculated for closure and found to be accurate to 1 foot in \_\_\_\_ FEET \_\_\_\_ feet. An electronic total station and a 100' chain were used to gather the information used in the preparation of this plat. No State Plane Coordinate Monument found within 500' of this property.

ALL MATTERS PERTAINING TO TITLE ARE EXCEPTED

This plat was prepared for the exclusive use of the person, persons, or entity named hereon. This plat does not extend to any unnamed person, persons, or entity without the express recertification of the surveyor naming such person, persons, or entity.

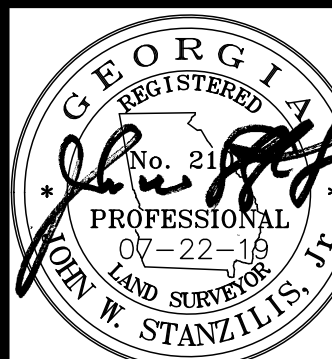
ABOVE THE GROUND PLAT PREPARED FOR :

SUE JOHNSON

LAND LOT 187	18TH DISTRICT	SECTION	DEKALB COUNTY, GEORGIA
LOTS	BLOCK	UNIT	REVISION
SUBDIVISION	DRAFTED:		BY:
PLOTTED:	DISC #		DATE:
APPROVED:			

DATE 07/22/2019

SCALE 1" = 30'



PLAT BOOK \_\_\_\_ PAGE \_\_\_\_  
DEED BOOK 24228, PAGE 168

JOB # 19-3428



Decatur, Georgia  
December 7, 2022

RECEIVED  
City of Tucker  
MAR 18 2023  
Community Development  
Department

Ms. Courtney Smith, Director  
Community Development  
City of Tucker  
1975 Lakeside Parkway, Suite 350  
Tucker, Georgia 30084

Regarding: Neighborhood Meeting  
Rezoning Application  
2022 Brockett Road

The above-named meeting was held on Wednesday, November 30, 2022, at Mt. Moriah Baptist Church, 1983 Brockett Road. It was scheduled for 6:00 p.m. to 7:30 p.m.; however, while most people left by 7:30 p.m., a cadre of interested neighbors from Arborwood Lane stayed to discuss their particular issues until 7:45, and one neighbor Elaine Hallisey of 3996 Allenwood Way, remained talking individually from 7:45 until 8:15 p.m. for additional question and discussion time with the site engineer.

The meeting was led by property owner Sue Johnson and site engineer Luiz Gestal of Kaizen Collaborative, an engineering firm located on Main Street in Tucker. While Ms. Johnson was able to explain the purpose and procedures of the meeting, and to answer some general questions, the heavy lifting of answering questions was handled by Mr. Gestal as he has the technical knowledge and expertise. He was very patient and answered every question fully. Inevitably, some discussions were redundant as similar questions were sometimes asked by different participants.

Twenty-eight participants attended the meeting not counting the two leaders; 25 of those attending signed the registration. Approximately six people had contacted either or both of the leaders prior to the meeting. Their questions are not being listed separately as the same questions were raised and answered during the meeting. Most of the questions prior to the actual even related to time and place.

In addition to the neighbors, the registration list which is attached gives the names of Cara Schroeder, Council Member as well as an Allenwood Way resident; Crayton Lankford, local realtor and active planning and development participant in Tucker; and Steve Ficarra, a local developer.

The questions, comments and discussions during the meeting generally related to setback issues; use of the Auxiliary Housing Unit (AHU, i.e. guest house, in-law suite, or possible rental with certain provisions); any expected traffic impact; possible water runoff implications resulting from improvements; and what might happen to the wooded area at the back of the property (although the site plan calls for this area to remain as is). There were a few questions relating to design and materials of any new houses, as well as who would be building proposed structures. However, these questions are premature as the owner is not a builder, and such decisions would be made by a new owner/builder of the property at some future time – should the property be rezoned as requested, and the project result in a sale of the property. Information was clarified as to the square footage of the main residence (2700 sf), the AUX (750 sf), and their proximity and relationship to each other.

Details regarding specific questions/answers/questioners are attached.

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City of Tucker  
Community Development Dept.  
RZ-23-0001

Should there be further questions from the Director, her staff, or any member of the Planning Commission or the City Council, both Mr. Gestal and Ms. Johnson are glad to respond. Mr. Gestal can be reached at [luiz@kaizencollaborative.com](mailto:luiz@kaizencollaborative.com), and Ms. Johnson can be reached at 404-321-0380.

Respectfully submitted,



V. Sue Johnson  
2772 Riviera Court  
Decatur, Georgia 30033

Attachments: Copy of Neighborhood Meeting Registration  
Copy of Questions and Answers

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March 18, 2023  
City of Tucker  
Community Development Dept.  
RZ-23-0001

## Registration

Please enter: name - address -  
contact info (phone # & /or email)

1. Linda Gagliano 404-520-9235  
4026 Allenwood Way
2. Brad Davis 770-881-3389  
4026 Allenwood Way
3. Elaine Hallisey 770-213-4956  
3996 Allenwood Way  
ehallisey@att.net
4. Ruth Bohrer rhohrer@yahoo.com  
4089 Brownlee Dr. 770 938-1693
5. Debby Brandy dbratlanta@aol.com  
4066 Brownlee Dr. 770-939-1646
6. Crayton Lankford 404-697-7547  
3710 Lakeview Dr  
craytonb@aol.com
7. Rebecca Lankford Lankfordroo3@gmail.com  
Same 404 408 0995
8. Liz Bass 678-314-3268  
4025 Arborwood Ln. dlmbas@msn.com
9. Beth Pinnstill 404-735-3377  
3999 Arborwood Lane bethpinnstill@hotmail.com
10. WILLIAM SATTERFIELD 71315-9057  
204T BROCKETT RD m-sattfield@hotmail.com
11. Walter Fields walterfields@comcast.net  
3985 Arborwood Ln.
12. Charles & Gloria Gunter charles.gunter@att.net  
4010 Allenwood Way 404-432-1825
13. Sandy Dalton dalttonst828@gmail.com  
3956 Arborwood Lane 678-336-9880

14. Nicolas Flores - 678-654-6813  
Woburn Dr
15. Thomas Walker (770) 934-6784  
3955 Oberlin Court Walkerlaw@mid.spring.com
16. Jens & Andreas Burkart 770-414-5153  
4000 Arborwood Lane A2Burkart@gmail.com
17. MICHAEL SCHROEDER 770-496-0736  
4009 Allenwood way
18. Rhonda Nembhard 972-746-6879  
4029 Arborwood Lane rhondanembhard@gmail.com
19. Frances Graybowski 770-934-6926  
4035 Arborwood Lane graybowf@gmail.com
20. Adele Sanchez adalesan83@gmail.com  
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21. Frances Ford francesford@msn.com  
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22. Sara MINTZ sadm3@att.net  
4003 ARBORWOOD LN
23. Sonji Lee Sonjilee@gmail.com  
4011 Arborwood Lane
24. Steve Ficarra sficarra@dotancourtcommittees.com
25. Malisa Anderson-Stratt malisajane@gmail.com  
4051 Wildflower Ln



Answers to the questions regarding the concerns from Arborwood Lane residents – Nov 2022

**The structures:**

1 – Q: Will it be an elevation graph or chart to show how high the structures will be?

A: There is a table on the plans informing that.

2 – Q: How many stories will the main house have?

A: Although it is not set in stone yet, the proposed houses MUST COMPLY with all the zoning regulations regarding minimum and maximum number of stories in the zoning district.

3 – Q: How high will the structures be?

A: The structures MUST COMPLY with all the zoning regulations regarding minimum and maximum elevation in the zoning district.

4 – Q: Is the garage included in the 2,700 sq ft of the main house?

A: Yes, the garage is included in the 2,700 sq ft of the main house.

5 – Q: The auxiliary housing units (AHU's) are NOT physically attached to the main "main" houses. The letter from Sue Johnson states the separate cottages legally "attach" to the main house". According to the proposed site plan, the AHU's are not physically attached to the main house. Legally, perhaps, but not physically attached. How is legally attached defined in this context.

A: Although the auxiliary units are not physically attached to the houses, they are still legally attached. Legally attached means they are located in the same lot and belong to the main house.

6 – Q: What will the connecting material and structure created to "legally attach" the structures?

A: Legally attached means only having the auxiliary unit in the same lot of the main house.

7 – Q: The existing lot is too narrow for side-by-side 2,700 sq ft "main houses". The proposed main houses are side-by-side on the proposed site plan with driveways in front and no garages. Here, the concern is the lot is too narrow to accommodate two 2,700 sq ft houses. What will be the access to the AHU's? The AHU's do not have driveways on the site plan.

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A: The proposed houses comply with the zoning setbacks and minimum/maximum dimensions requirements of the zoning districts. The access to the auxiliary unit doesn't necessarily need to be by an impervious surface such as a driveway.

8 – Q: Can the builder deviate from the proposed structures on the site plan without getting permission from the city of Tucker?

A: No. The builder cannot deviate from the approved plans without getting permission from the City of Tucker.

**The Land:**

9 - Q: What is the legal setback from the fence lines to the structures?

A: The legal proposed setback from the property lines to the building setback lines are all show on the plans.

- Front: 20'
- Side: 7.5'
- Rear: 30'

10 – Q: Will any trees be removed? If so, where in the property?

A: Under the proposed site plan, only 6-8 trees will be removed. The trees that will be removed, are the trees that directly interfere with the buildings and septic field location. The owner/developer will comply with the tree recompense requirements.

11 – Q: What will happen to the trees in the back?

A: The current proposal is only to rezone the lots and do not include any tree removal. Under this proposed site plan, the trees in the back will remain untouched.

12 – Q: How far away is the existing house now from the north property line?

A: The existing house is located 23.5' away from the north property line.

13 – Q: If the slope of the land changes or if there is erosion due to the construction, will there be any assurances for the surrounding properties that proper drainage will be installed? Flooding is a concern for neighbors.

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A: Proper drainage and erosion control measures are required to obtain the land development permit. The development of the subject property cannot be approved if it adversely impacts the adjacent properties.

**General concerns:**

14 – Q: Though property values may increase for neighbors, their taxes may also increase and that is a concern.

A: The increase of taxes and property values are ruled by majorly ruled by institutions (such as IRS) and economic factors (such as national economy and the Real Estate market). Both are out of control of the developer/owner of this property.

15 – Q: The noise factor is a concern. How early in the morning they start demo, start building, etc?

A: This proposal is for rezoning only. Construction will only happen after the full land development plans are approved. The builder MUST COMPLY with the requirements of the City of Tucker.

16 – Q: How is it going to affect all the south side of Arborwood Lane?

A: A well proposed land development plan will only positively impact the neighborhood. Not just the southside of Arborwood Lane and/or Allenwood Way. Later during the Land Permit process, the plans will only be approved by the city of Tucker if they are not deemed detrimental to the surrounding properties.

17 – Q: Do we need to get an attorney for the opinion?

A: The opinion of an attorney has little to no impact on the quality of land development plans.

18 – Q: There is a concern that traffic will increase even more on Brockett Road with more properties added and there are already issues with the high traffic and speeding cars.

A: The proposed re-zoning will be only adding 4-6 cars max. to the traffic on Brockett Road. And only during regular traffic hours. A trip generation study was performed. Approximately only 10 trips per unit will be added to the daily traffic on Brockett Road. And since only one house is being added, the total number of trips added to the current daily traffic will be 10 trips total.

19 – Q: Will the current or future owner live on the property?

A: This is a re-zoning proposal, and it is not related to housing matters. However, the city of Tucker housing requirements must be followed by all residents within the limits of the city.

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20 – Q: Who enforce who lives in the guest house?

A: This is only a re-zoning proposal, and it is not related to who will live in the guest house. However, city of Tucker housing requirements must be followed by the owner of the property.

21 – Q: Will the guest house have stipulations of how many people can live there?

A: This is only a re-zoning proposal, and it is not related to housing matters. All of the city of Tucker housing requirements must be followed by the owners of the property.

22 – Q: “Guest house”, “in-law suite”, or “long term rental”. Would like to see a definition of long “term rental”. This could easily evolve into short term rentals (VRBO’s and Airbnb’s). Any of these options would particularly affect the five homes in the left side of Arborwood Lane (4035, 4029, 4025, 4021, 4015). Can you imagine cars for a total of four dwellings driving in and parking such a short distance behind your small backyards?

A: No short-term rentals should be allowed if the city of Tucker does not say otherwise.

23 – Q: Should the long-term rentals evolve into short-term rentals, the Arborwood HOA would be compelled to seek legal action...an expensive option.

A: This is only a re-zoning proposal, and it is not related to housing matters. However, no short-term rentals should be allowed if the city of Tucker does not say otherwise.

**Individual questions asked during the meeting:**

**Rhonda**

24 – Q: How high will the structures be?

A: The structures must be in compliance with the development requirements and standards.

25 – Q: Ho are the houses legally attached to the other structures?

A: Please see the answer to this question on answer #5.

26 – Q: How much space from the structures to the fences of the neighbors?

A: Please see the answer to this question on answer #9.

27 – Q: Sue, will you be building this or selling the plans with the land?

A: This is only a re-zoning proposal. The plan is to develop the land.

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Linda Gagliano

28 – Q: Are you going to survey and give us an accurate map rendering?

A: The land MUST BE SURVEYED before any land development process takes place. A survey made by a licensed surveyor is mandatory to have the land development plans be accepted.

29 – Q: What are you doing with the trees?

A: Please see the answer to this question on answer #10.

30 – Q: How close to the fence is the main house to the property line?

A: The proposed main houses are just about 10-11' from the side property lines.

Sandy Dalton

31 – Q: To what extent, is the builder who purchases the lots and actually builds the houses obligated to comply with the site plan we have been presented with?

A: The builder is fairly obligated to comply with the proposed site plan it was presented. After the re-zoning is approved, any modifications must be approved by the land development department of the City of Tucker.

Satterfield

32 – Q: Drainage onto Brockett? Drop inlets?

A: This is only a re-zoning proposal. When the land development plans get started, the engineering firm MUST provide adequate drainage and prevent erosion control according to the land development standards of the city of Tucker to have the land development plans approved.

33 – Q: Once the zoning has changed, what prevents investors buying both lots and convert into rentals?

A: The houses can be rented if the owner wishes to. However, all the city of Tucker requirements must be followed by anyone who wishes to live in those properties. A re-zoning process is not allowed for 2 years after the re-zoning process is approved. If a company, or individual still wants to propose a new re-zoning, it MUST comply with the city of Tucker standards to be approved.

34 – Q: In what county do you have homestead exemption?

A: Sue Johnson has homestead exemption on Dekalb county.

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Walter Fields

35 – Q: Will there be a garage?

A: Yes. An internal garage is proposed on both properties.

36 – Q: What are the plans for the back half of the property? (No plans to change. Tree removal requires an approval process from a government agency).

A: The plans for the back half of the property are to remain untouched. Any tree removal must be approved by the city of Tucker Arborist division.

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Linda Gugliano  
4026 Allenwood Way  
4-520 9235

LOT 2

✓ - answered

- ✓ 1. Are you going to Survey & give us an accurate map rendering
- ✓ 2. What are you doing with the trees?
- ✓ 3. How ~~far~~ close to the fence is the main home fence being property line over.

Rhonda  
- How <sup>high</sup> ~~many~~ structures be?

- How are the main houses "legally attached" to the other structures?

- How much space from the structure to the fences of neighbors?

- Sure, will you be building this or selling the plans with the land?

Sandy Dalton 678-336-9880

①

To what extent is the builder who purchases the lots and actually builds the houses obliged to comply with the site plan we have been presented with?

WALTER Fields 404.307.6435

1. Will there be a garage? (YES)
2. What are the plans for the back half of the property? (No plans to change - Tree removal requires an approval process from a govt agency.)

SATTERFIELD

✓ DRAINAGE ONTO BROCKETT? DROP INLETS

✓ ONCE THE ZONING HAS CHANGED, WHAT PREVENTS INVESTORS BUYING BOTH LOTS - CONVERT INTO RENTAL.

✓ WHAT COUNTY DO YOU HAVE HOMESTEAD EXEMPTION?



**BROCKETT ROAD**  
(2022 BROCKET RD)  
TUCKER, GEORGIA, 30084

**ENVIRONMENTAL SITE ANALYSIS FORM**

**INTRODUCTION**

The purpose of this report is to analyze the existing conditions of the subject parcel and evaluate the impact of the proposed project on the subject parcel & in its natural conditions, and the impact on the adjacent properties. A few site visits were performed during different weather conditions and the pictures were added to this report.

**1. CONFORMANCE WITH THE COMPREHENSIVE PLAN:**

The subject parcel is located at 2022 Brockett Road, Tucker, GA, 30084. The total site area is 1.93 Ac. The site contains approximately 0.04 Acres (0.02%) of impervious surface composed of an existing building with a carport attached and an existing shed. All the remaining area represents the pervious surface which is composed by lawn and trees. The proposed plan is subdividing the parcel into 2 minor parcels of approximately 0.97 Ac and 0.96 Ac respectively. A building and a driveway on each lot facing Brockett Road will be added. The adjacent properties to the north and south belong to two different residential developments. The proposed site plan and the existing conditions survey was included for reference in this report.

**2. ENVIRONMENTAL IMPACTS OF THE PROPOSED PROJECT:**

This section describes in detail is the project is affecting the following environmental site features:

- a. Wetlands – According to FEMA Map 13089C0076K on 08/15/2019, there are no wetlands on site. See image 1.
- b. Floodplain – According to FEMA Map 13089C0076K on 08/15/2019, there is no floodplain on site.
- c. Streams/Stream buffers – According to FEMA Map 13089C0076K on 08/15/2019, there are no streams/stream buffers on site. No waters of the state exist within 200' of this site.
- d. Slopes exceeding 25 percent over a 10-foot rise in elevation – There are no steep slopes on site.
- e. Vegetation – A survey of the existing conditions including all the trees present on site was included. Only 8 trees will need to be removed under the proposed conditions.
- f. Wildlife – Since the parcel is located in a medium density residential neighborhood in Tucker, surrounded by wood fences, no large size animals or endangered species of any kind were spotted on site during the survey or the site visits.
- g. Archeological/Historical sites – According to the Georgia Department of Natural Resources, no area of this site is composed by archeological or historical sites.

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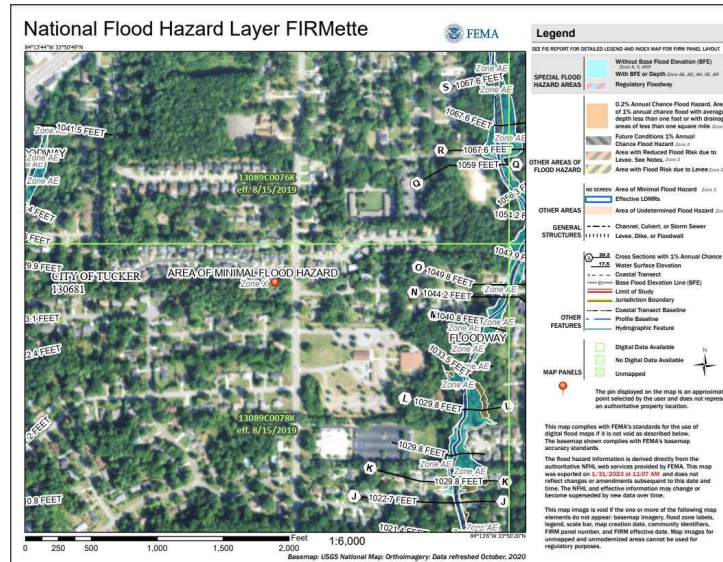


Image 1 – FEMA Flood map

### 3. PROJECT IMPLEMENTATION MEASURES:

The following measures were taken to protect the environmental site features present on site:

- Protection of environmentally sensitive areas – No sensitive areas i.e., floodplain, slopes exceeding 25% and/or river corridors present on site.
- Protection of water quality – During the planning phase, water quality devices will be planned accordingly to account for the impervious surface added to the site and ensure the project complies with the water quality requirements.
- Minimization of negative impacts on existing infrastructure – The project proposes to build two houses and driveways to the subdivided parcels and will comply with all development requirements of the City of Tucker. No significant negative impacts on the existing infrastructure will be created.
- Minimization on archeological/historically significant areas – Not applicable.
- Minimization of negative impacts on environmentally stressed communities where environmentally stressed communities are defined as communities exposed to a minimum of environmentally adverse conditions resulting from public and private municipal (e.g., solid, waste and wastewater treatment facilities, utilities, airports, and railroads) and industrial (e.g., landfills, quarries and manufacturing facilities) uses. – The site does not classify as an environmentally stressed community. No environmentally stressed communities near the subject parcel.
- Creation and preservation of green space and open space – The proposed conditions are building only 7,723 sq ft (0.18 Ac) of impervious surface. Considering that the existing buildings that will be replaced have approximately 1,393 sq ft (0.04 Ac), only 6,330 sq ft (0.14 Ac) of impervious surface will be added to the site.

**4. SITE PICTURES:**



Overall view of the front of the site and it's overall conditions.



Existing conditions of front of the site. View of the existing building.





Backyard near the tree lines



Overall view of the backyard and the shed.



Existing woodshed located behind the main building.





View from the back of the property facing the rear of the building.



View from the side of the shed facing the rear of the property.



View from the tree lines facing the existing building and carport.





Another view of the existing building and carport.



Another view of the existing building and carport.  
Please note that all the adjacent properties are fenced.



North view of the existing building and carport.





View of the main building.



South view of the existing building.



Side view of the South side of the existing building.  
Please note the septic tank near the building.



Detailed view of the septic tank.

**5. CONCLUSION:**

The environmental site assessment carefully analyzed the existing site conditions and concluded that there are no risky or sensitive areas on site and the proposed conditions will not adversely impact the site or the adjacent properties.

## Trip Generation letter

### 1- Introduction

The following study was performed to analyze the impact of the proposed development of the subject parcel located at 2022 Brockett Road, Tucker, GA, 30084. The proposed development will subdivide the existing parcel (1.93 Ac) into 2 minor parcels (0.93 Ac and 0.92 Ac respectively) by demolishing the existing building and build two new buildings (one in each parcel). Therefore, one more building will be added to the total number of buildings on site.

### 2- Methodology

The methodology used was based on the ITE Manual for residential developments. Per the ITE handbook, two more cars will be added to the current traffic conditions on Brockett Road generating a minimum impact to the current traffic conditions. The following table refers to the data of the studied road:

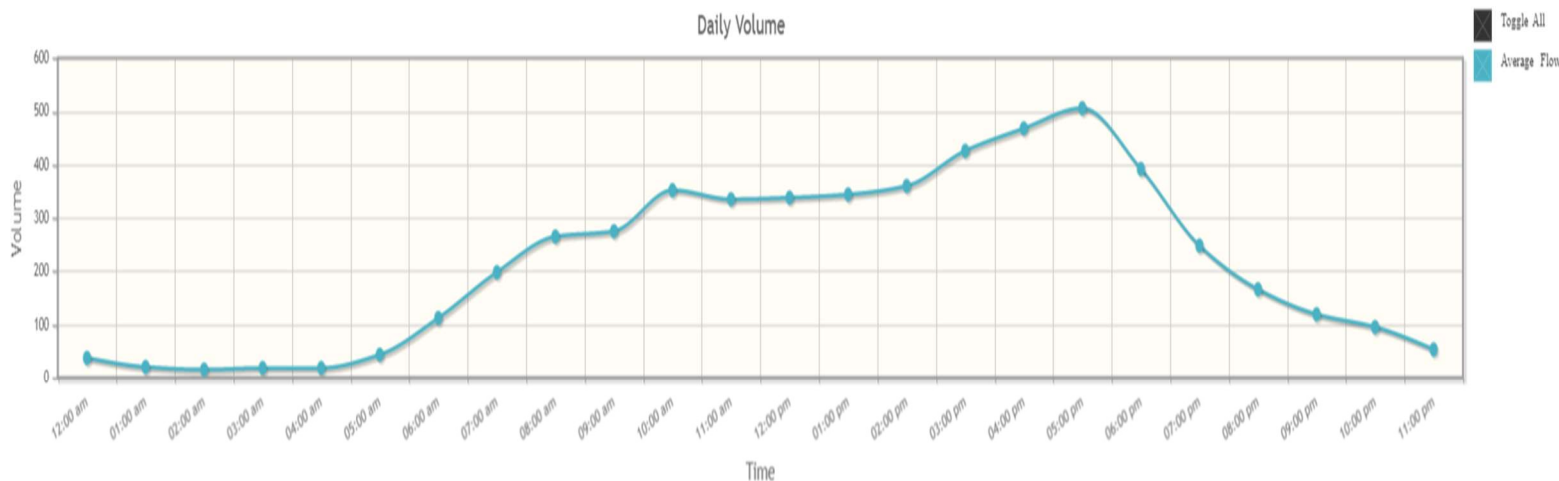


Image 1 – Graphic of traffic daily volume based on the latest information from GDOT.

Source: GDOT Road & Traffic Data

[https://gdottrafficdata.drakewell.com/tfdayreport.asp?node=GDOT\\_PORTABLES&cosit=0000089\\_3678&reportdate=2021-01-01&enddate=2021-01-31](https://gdottrafficdata.drakewell.com/tfdayreport.asp?node=GDOT_PORTABLES&cosit=0000089_3678&reportdate=2021-01-01&enddate=2021-01-31)



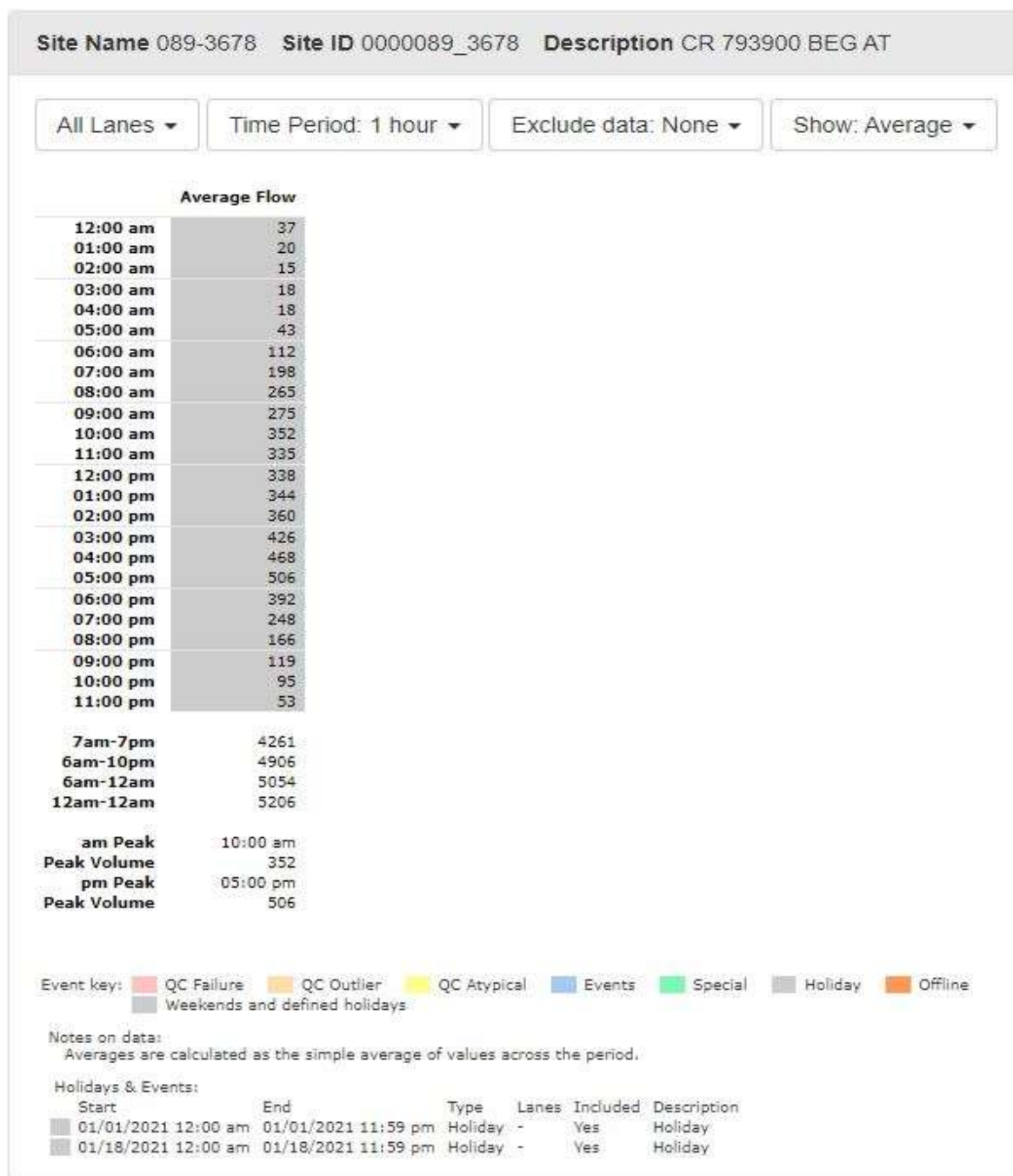


Image 2 – Peak daily volume of traffic based on the latest information from GDOT.

Source: GDOT Road &amp; Traffic Data

[https://gdottrafficdata.drakewell.com/tfdayreport.asp?node=GDOT\\_PORTABLES&cosit=0000089\\_3678&reportdate=2021-01-01&enddate=2021-01-31](https://gdottrafficdata.drakewell.com/tfdayreport.asp?node=GDOT_PORTABLES&cosit=0000089_3678&reportdate=2021-01-01&enddate=2021-01-31)

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Per the ITE manual, each residential building accounts for 10 daily trips. Since two new buildings are proposed, the semi-total are 20 trip generations. The existing building accounts for 10 of these daily trips. Therefore, since the existing building will be removed, the proposed development is only adding 10 daily trips to the current traffic volume on Brockett Road.

Per GDOT traffic data, the latest report (2021) shows an Annual Average Daily Traffic (AADT) of 5,440 driving through Brockett Rd. Based on the latest information we can conclude that the daily trips generated by this development represent an addition of only 0.0018% more trips to the current daily traffic. Even when compared to the volume of traffic during peak time (05:00 pm), the total number of additional trips generated by the proposed development represent an addition of only 0.019% more trips to the current traffic conditions, minimally impacting the existing traffic on Brockett Road.

Source: GDOT Traffic Data -

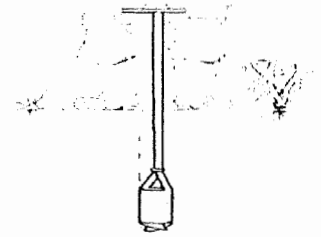
[https://gdottrafficdata.drakewell.com/sitedashboard.asp?node=GDOT\\_PORTABLES&cosit=0000089\\_3678](https://gdottrafficdata.drakewell.com/sitedashboard.asp?node=GDOT_PORTABLES&cosit=0000089_3678)

### 3 – Conclusion:

Based on the existing traffic conditions, the proposed development will not adversely impact Brockett Road and the surrounding neighborhoods while adding more value to the city of Tucker by improving the quality of the neighborhood by replacing the existing vacant building with two new homes which will comply with all the zoning requirements.

# EnviroSoil

*Soil and Environmental Consultants*  
1191 BERRYHILL DRIVE, LITHONIA, GA 30058  
PH: 678-815-8970  
[Envirosoilse@gmail.com](mailto:Envirosoilse@gmail.com)



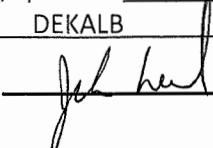
## Soil Investigation Report

Report Date: 2/6/23 Field Investigation Date: 2/6/23 Level of Study: III

Site : 2022 BROCKETT TUCKER, GA 30084

Client/Owner/Sponsor: \_\_\_\_\_ Phone: \_\_\_\_\_

County: DEKALB Land lot: \_\_\_\_\_ District: \_\_\_\_\_ Subdivision: \_\_\_\_\_

Certified by:  Georgia DPH Certified Soil Classifier #500

### SOIL INTERPRETIVE DATA ON-SITE SYSTEM MANAGEMENT

Soil Units	Slope %	Depth to Bedrock (in)	Depth to SHWT* (in)	Adsorption Rate (Min/in) @ Trench Depth	Recommend/ Optimum Trench Depth (in)	Soil Suitability Code
MADISON	2-8	72	72	45	24-48	A
MADISON	2-6	72	72	45	24-48	A

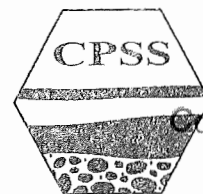
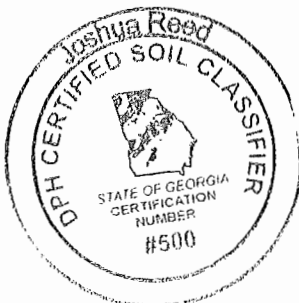
- AUGER REFUSAL DEPTH
- DISCONTINUOUS BROKEN ROCK (DBR)
- \*\*\* TEST PIT RECOMMENDED

#### Soil Notes

The recommendations set forth in this report are based on site/soil conditions at the time of this study & professional judgement of soil scientist/classifier. They are merely professional opinions & imply no guarantee or warrantee of performance of any particular system installed.

### Soil Suitability Legend

A\_These soils are suitable for installation of on-site systems with proper system design, installation, and maintenance. Position of the site or other soil and landscape considerations may require the drain field area to be greater than the minimum and/or field installation. The drain field design to require equal distribution or level



Certified Professional  
Soil Scientist  
JOSHUA AKEEM REED  
37089

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Department

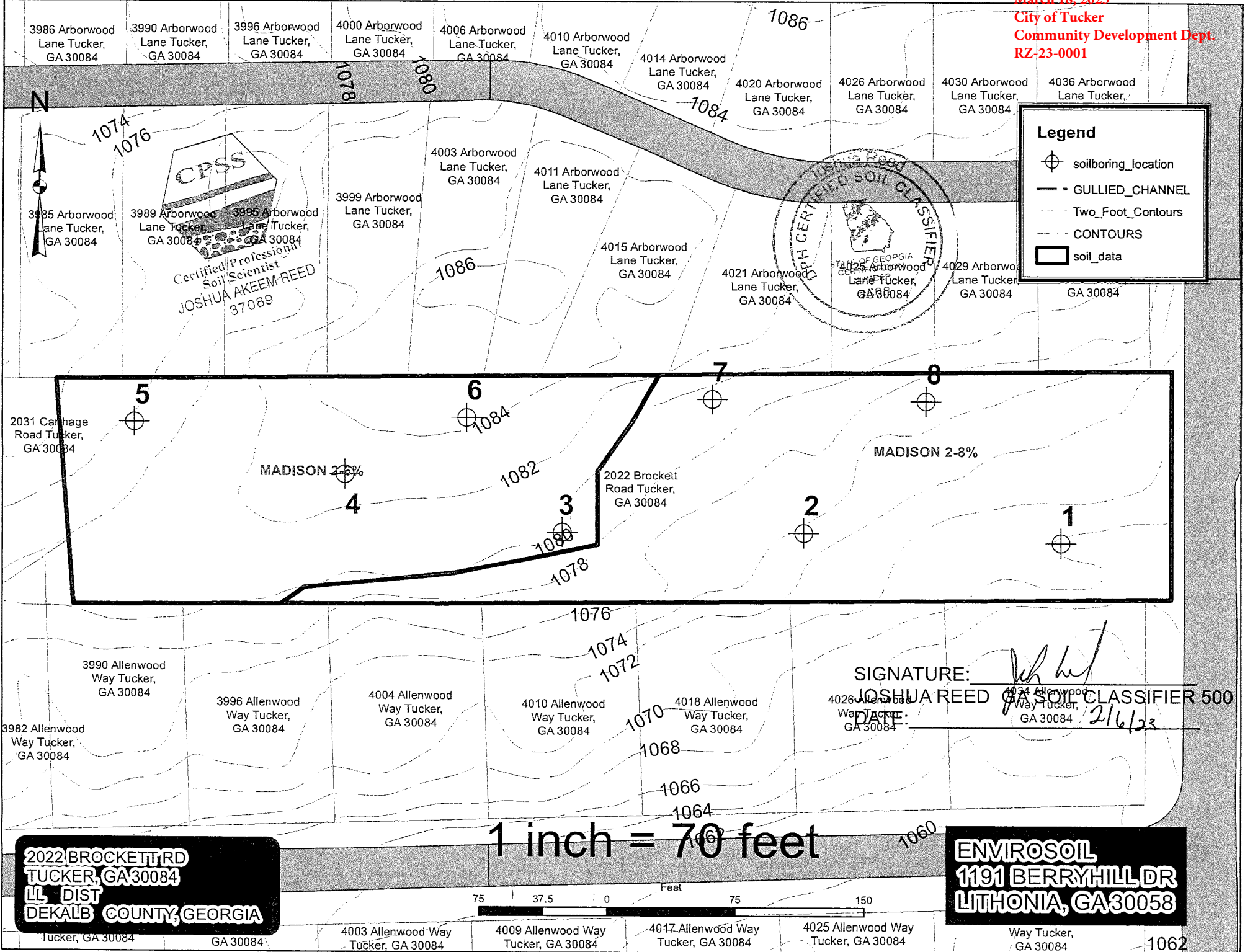
### General Notes:

All Gutters and Surface water Flow shall/should be directed away from the septic tank(s) and Drain field systems

All Borings are located with Trimble GEOXT Handheld.

The boundary is produced from tax record or client; so the lot size may vary due to GPS locating devices.





2022 BROCKETT RD  
TUCKER, GA 30084  
LL DIST  
DEKALB COUNTY, GEORGIA

ENVIROSOIL  
1191 BERRYHILL DR  
LITHONIA, GA 30058