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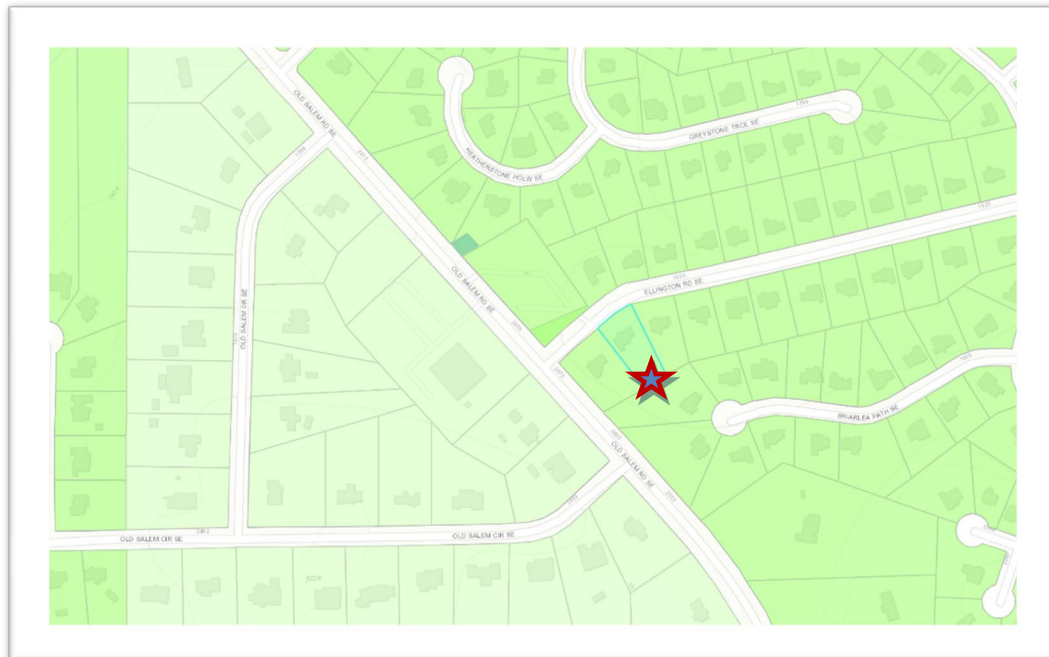
BOARD OF ADJUSTMENT
ROCKDALE COUNTY PLANNING STAFF REPORT

Case Number: APP2026-02
Address: 1602 Ellington Road, SE
Tax Parcel ID: 077C010037
Site Area: 21,885 sq ft.
Current Zoning: R-1 (Single-Family Residential District)
Existing Conditions: Single-Family Residence
Request: Appeal of an administrative decision related to a home occupation (HO24-11789)
Applicant: Eartha Levy
Owner: Eartha Levy

Staff Recommendation: Affirm Staff Decision

BOA Hearing Date: June 1, 2026

OPUBLIC MAPS





ZONING HISTORY

N/A

EXISTING SITE CONDITIONS

The subject property is developed with a single-family, detached residence constructed in 1994. The subject property is located within the Brentwood subdivision.

STAFF ANALYSIS

The appellant alleges that the Department of Planning and Development decision to deny the renewal of a home occupation business license for “CPR, First Aid/AED, and advanced life-support drills...with a maximum of six participants onsite at one time plus one instructor” was erroneous or arbitrary. The Department contends that its decision to deny authorization of the home occupation business license was neither erroneous, nor arbitrary.

The appellant was issued a home occupation business license (HO24-11789) on July 29, 2024, subject to the supplemental regulations contained in Section 218-13 (dd) of the *UDO*, including the four regulations listed above. The business license expired on December 31, 2024, and was not renewed during the 2025 business license renewal period.

It has been customary practice for the Code Enforcement Division of the Planning and Development Department to conduct inspections of commercial and home-based businesses that have not renewed business licenses to verify if those businesses remain active or if operations have ceased. An April 11, 2025 inspection of the subject property revealed that the residential garage had been renovated (without a building permit) into a more vocational setting, which appeared to accommodate a greater number of students than the maximum of two pupils, as prescribed in the Code.

Pertinent home occupation regulations are listed below:

Unified Development Ordinance (UDO) Section 218-13(dd) (1) — Home Occupation

Only residents of the dwelling containing the home occupation may be engaged in the home occupation. The home occupation shall not involve group assembly or group instruction on the premises.

Unified Development Ordinance (UDO) Section 218-13(dd) (2) — Home Occupation

The home occupation shall be clearly incidental to the residential use of the dwelling and shall not change the residential character of the building.

Unified Development Ordinance (UDO) Section 218-13(dd) (5) — Home Occupation

No internal or external alterations inconsistent with the residential use of the building shall be permitted. No exterior evidence of the conduct of a home occupation shall be allowed.

Unified Development Ordinance (UDO) Section 218-13(dd) (10) — Home Occupation

Pursuant to the above requirements, a home occupation includes, but is not limited to, activities such as the following:

a. Art studio.

b. Dressmaking.

c. Teaching of any kind, provided instruction is limited to not more than two pupils at a time.

d. However, a home occupation shall not be interpreted to include any occupation or profession providing medical or mental health services including, but not limited to, physician, veterinarian, dentist, psychiatrist or psychologist....

Upon reviewing the photographic evidence obtained on April 11, 2025, the appellant's request for up to "six (6) participants," and the aforementioned sections of the *UDO*, group instruction is not permitted in a home setting. The request for and the accommodation of a maximum number of six participants exceeds the limit of subsection 10c, which restricts teaching and instruction related home occupations to no more than two (2) pupils at a time. Any home occupation that exceeds two (2) pupils is considered "group assembly" or "group instruction" and therefore, is prohibited per subsection 1. Additionally, the photographic evidence revealed that modifications were made to the residential garage; giving it a more institutional, vocational, or clinical character instead of space devoted to vehicular storage, residential storage, or another customary residential accessory use, which may conflict with or violate subsections 2 and 5. Staff cannot authorize the appellant's request.

PLANNING AND DEVELOPMENT STAFF RECOMMENDATION

The Department maintains that its decision to deny renewal of a home occupation business license for "CPR, First Aid/AED, and advanced life-support drills...with a maximum of six participants onsite at one time plus one instructor" at 1602 Ellington Road, SE (Parcel ID# 077C010037) in the R-1 (Single-Family Residential District) Zoning District was neither erroneous, nor arbitrary. The denial was based on applicable regulations of the *UDO* that were appropriately applied to the request based on available information provided by the appellant and gathered by staff. While the Code seeks to balance economic factors and residential desires by permitting certain business activity in residential areas, as the scale of business activity grows, some activities no longer fit within a residential setting. Thus, vocational schools, training facilities, instructional/training businesses, trade schools, or similar uses are not permitted in residential zoning districts.

Based on the evidence provided, staff respectfully recommends that the Board affirm the Department's decision to disapprove renewal of a home occupation business license for "CPR, First Aid/AED, and advanced life-support drills...with a maximum of six participants onsite at one time plus one instructor" at 1602 Ellington Road, SE.