

BEFORE THE MAYOR AND COUNCIL OF THE CITY OF SMYRNA

ADDENDUM TO APPLICATION FOR REZONING

APPLICATION NO. Z15-008

COME NOW Applicants and Property Owners, **PRITCHARD BROTHERS, INC., ERIN PAIGE PRITCHARD (NOW KNOWN AS ERIN PRITCHARD DENNIS), FRANK L. PRITCHARD AND PRITCHARD PROPERTIES, LLC** (hereinafter referred to as "Applicants"), and assert the following:

1.

Applicants, by Application No. Z15-008, have applied for zoning of certain real property lying and being in the City of Smyrna, Cobb County, Georgia, (hereinafter referred to as the "City") a more particular description and delineation of subject property being set forth in said Application (hereinafter referred to as the "Property").

2.

The Application for zoning of the Property seeks a rezoning from the existing zoning category of R-15, as established by the governing authority of the City, under and pursuant to the Zoning Ordinance of the City of Smyrna (the "Zoning Ordinance") to a zoning category of RAD Conditional under said ordinance.

3.

The Zoning Ordinance is unconstitutional as applied to the Property in that said ordinance deprives Applicants of their property under and pursuant to Art. I, Sec. I, paras. I and II of the Georgia Constitution of 1983 and the equal protection and due process clauses of the Fifth and Fourteenth Amendments to the Constitution of the United States. This deprivation of property without due process violates the constitutional prohibition against the taking of private property without just compensation. The zoning category as it presently exists violates Applicants' right to unfettered use of their property in that the existing zoning classification does not bear a substantial relation to the public health, safety, morality, or general welfare and is therefore confiscatory and void. Further, said ordinance is unconstitutional in that it is arbitrary and unreasonable resulting in relatively little gain or benefit to the public, while inflicting serious injury and loss on Applicants.

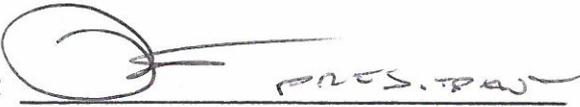
4.

The Zoning Ordinance is further unconstitutional in that the procedures contained therein pertaining to the public hearing held in connection with the zoning application also violate Art. I, Sect. I, Pars. I, II and XII of the Georgia Constitution of 1983 in that said procedures impose unreasonable time restraints, contain the absence of rebuttal, contain the inability to confront witnesses, contain the lack of procedural and evidentiary safeguards, do not restrict evidence received to the issue at hand and are controlled wholly and solely by

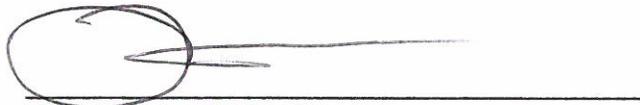
political considerations rather than the facts and considerations required by law.

Respectfully submitted this 31st day of December, 2015.

PRITCHARD BROTHERS, INC.

By: 
FRANK L. PRITCHARD

Erin Paige Pritchard
ERIN PAIGE PRITCHARD (NOW KNOWN AS ERIN PRITCHARD DENNIS)


FRANK L. PRITCHARD

PRITCHARD PROPERTIES, LLC

By: 
FRANK L. PRITCHARD

PRITCHARD BROTHERS INVESTMENTS


FRANK L. PRITCHARD MANAGING PARTNER