

**APPLICATION FOR REZONING
TO THE CITY OF SMYRNA**

Type or Print Clearly

(To be completed by City)

Ward: 3

Application No: Z15-009

Hearing Date: 6/15/15

APPLICANT: PRITCHARD BUILDERS INC

Name: STEVE PRITCHARD
(Representative's name, printed)

Address: 1380 VALLEY RESERVE DR KENNESAW GA 30152
CALL FIRST

Business Phone: _____ Cell Phone: 678-300-0219 Fax Number: 770-422-1479

E-Mail Address: STEVE@pritchardbrothers.com

Signature of Representative: Stephen Pritchard

TITLEHOLDER

Name: FRANK L PRITCHARD
(Titleholder's name, printed)

Address: 3165 GREENFIELD 2680 GRADY STREET
PUDONTS

Business Phone: _____ Cell Phone: 404-597-4120 Home Phone: _____

E-mail Address: Frank@pri

Signature of Titleholder: FRANK L PRITCHARD
(Attach additional signatures, if needed)

(To be completed by City)

Received: 4/9/15

Heard by P&Z Board: 5/11/15

P&Z Recommendation: _____

Advertised: 5/29/15

Posted: 4/24/15

Approved/Denied: _____

ZONING REQUEST

From R15 SINGLE FAMILY to RAD SINGLE FAMILY
Present Zoning Proposed Zoning

LAND USE

From ~~R15~~ LDR to ~~RAD~~ MED
Present Land Use Proposed Land Use

For the Purpose of CONSTRUCTION OF 2 HOMES

Size of Tract 15,264 SF

Location 2680 GRADY STREET

(Street address is required. If not applicable, please provide nearest intersection, etc.)

Land Lot (s) 489 District 17th

We have investigated the site as to the existence of archaeological and/or architectural landmarks. I hereby certify that there are no X there are such assets. If any, they are as follows:

(To be completed by City)

Recommendation of Planning Commission:

Council's Decision:

CONTIGUOUS ZONING

North: R 15 SINGLE FAMILY

East: RAD SINGLE FAMILY

South: RM 12 MULTIFAMILY

West: RAD SINGLE FAMILY

CONTIGUOUS LAND USE

North: R 15

East: RAD

South: RM 12

West: RAD

INFRASTRUCTURE

WATER AND SEWER

A letter from Scott Stokes, Director of Public Works Department is required stating that water is available and the supply is adequate for this project.

A letter from Scott Stokes, Director of Public Works Department is required stating that sewer is available and the capacity is adequate for this project.

- If it is Cobb County Water, Cobb County must then furnish these letters.

Comments:

TRANSPORTATION

Access to Property? EXISTING STREETS & ROADS

Improvements proposed by developer? CONSTRUCTION OF
2 SINGLE FAMILY HOMES

Comments:

ZONING DISCLOSURE REPORT

Has the applicant* made, within two years immediately preceding the filing of this application for rezoning, campaign contributions aggregating \$250 or more or made gifts having in the aggregate a value of \$250 or more to the Mayor or any member of the City Council or Planning and Zoning Board who will consider this application?

No

If so, the applicant* and the attorney representing the applicant* must file a disclosure report with the Mayor and City Council of the City of Smyrna, within 10 days after this application is filed.

Please supply the following information, which will be considered as the required disclosure:

The name of the Mayor or member of the City Council or Planning and Zoning Board to whom the campaign contribution or gift was made:

N/A

The dollar amount of each campaign contribution made by the applicant* to the Mayor or any member of the City Council or Planning and Zoning Board during the two years immediately preceding the filing of this application, and the date of each such contribution:

N/A

An enumeration and description of each gift having a value of \$250 or more by the applicant* to the Mayor and any member of the City Council or Planning and Zoning Board during the two years immediately preceding the filing of this application:

N/A

Does the Mayor or any member of the City Council or Planning and Zoning Board have a property interest (direct or indirect ownership including any percentage of ownership less than total) in the subject property?

No

If so, describe the natural and extent of such interest: _____

ZONING DISCLOSURE REPORT (CONTINUED)

Does the Mayor or any member of the City Council or Planning and Zoning Board have a financial interest (direct ownership interests of the total assets or capital stock where such ownership interest is 10% or more) of a corporation, partnership, limited partnership, firm, enterprise, franchise, association, or trust, which has a property interest (direct or indirect ownership, including any percentage of ownership less than total) upon the subject property?

No

If so, describe the nature and extent of such interest:

N/A

Does the Mayor or any member of the City Council or Planning and Zoning Board have a spouse, mother, father, brother, sister, son, or daughter who has any interest as described above?

No

If so, describe the relationship and the nature and extent of such interest:

N/A

If the answer to any of the above is "Yes", then the Mayor or the member of the City Council or Planning and Zoning Board must immediately disclose the nature and extent of such interest, in writing, to the Mayor and City Council of the City of Smyrna. A copy should be filed with this application**. Such disclosures shall be public record and available for public inspection any time during normal working hours.

We certify that the foregoing information is true and correct, this 9 day of April, 2015

Stephen P. ...

(Applicant's Signature)

(Attorney's Signature, if applicable)

Notes

* Applicant is defined as any individual or business entity (corporation, partnership, limited partnership, firm enterprise, franchise, association or trust) applying for rezoning action.

** Copy to be filed with the City of Smyrna Zoning Department and City Clerk along with a copy of the zoning application including a copy of the legal description of the property.

REZONING ANALYSIS

Section 1508 of the Smyrna Zoning Code details nine zoning review factors which must be evaluated by the Planning and Zoning Board and the Mayor and Council when considering a rezoning request. Please provide responses to the following using additional pages as necessary. **This section must be filled out by the applicant prior to submittal of the rezoning request.**

1. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.

IT IS AN INDICATOR OF THE
REMAINING PROPERTIES THAT HAVE NOT
BEEN REZONED

2. Whether the zoning proposal or the use proposed will adversely affect the existing use or usability of adjacent or nearby property.

IT WILL POSITIVELY AFFECT ADJACENT
PROPERTIES

3. Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned.

LIMITED VALUE AS PRESENTLY ZONED

REZONING ANALYSIS (CONTINUED)

4. 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.

THE PROPOSED REZONING WILL NOT
HAVE A NEGATIVE AFFECT ON
TRANSPORTATION, UTILITIES OR SCHOOLS

5. Whether the zoning proposal is in conformity with the policy and intent of the land use plan.

IT IS IN CONFORMANCE WITH LONG
RANGE LAND USE

6. 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.

REDEVELOPMENT HAS OCCURRED
TO THE EAST & WEST OF SWEET
PROPERTY AND AT THE END OF GNAOT
STREET. ALL REDEVELOPMENT HAS
POSITIVELY IMPACTED SMYRNA

REZONING ANALYSIS (CONTINUED)

7. Whether the development of the property under the zoning proposal will conform to, be a detriment to or enhance the architectural standards, open space requirements and aesthetics of the general neighborhood, considering the current, historical and planned uses in the area.

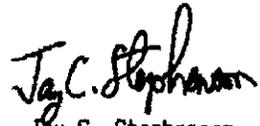
THERE IS AN OLDER SINGLE FAMILY HOME TO THE NORTH AND A FOURPLEX TO THE SOUTH. IN THE FRONT (EAST) ARE SINGLE FAMILY HOMES OF GREATER DENSITY (SMALLER LOTS) THAN PROPOSED. THE PROPERTY WEST OF THE SUBJECT PROPERTY WAS RECENTLY REZONED TO RAD. THE PROPOSED DEVELOPMENT WOULD ENHANCE SURROUNDING PROPERTIES

8. Under any proposed zoning classification, whether the use proposed may create a nuisance or is incompatible with existing uses in the area.

IT IS COMPATIBLE

9. Whether due to the size of the proposed use, in either land area or building height, the proposed use would affect the adjoining property, general neighborhood and other uses in the area positively or negatively.

IT WOULD IMPROVE THE NEIGHBORHOOD


Jay C. Stephenson
Clerk of Superior Court Cobb Cty. Ga.

Return To:

Pritchard Properties LLC
4430 Wade Green Road
Ste. 180-134
Kennesaw, GA 30144

CROSS INDEX TO DEED
BOOK 13974, PAGE 4328,
COBB COUNTY,
GEORGIA RECORDS

STATE OF
COUNTY OF

DEED UNDER POWER

THIS INDENTURE, made this 3rd day of July, 2007, by John M. Vogt (hereinafter collectively referred to as "Borrower"), acting through this duly appointed attorney in fact, Mortgage Electronic Registration Systems, Inc. (hereinafter referred to as "MERS"), as Party of the First Part, and Pritchard Properties LLC, as Party of the Second Part:

WITNESSETH:

WHEREAS, Borrower executed and delivered that certain Security Deed given by John M. Vogt to Mortgage Electronic Registration Systems, Inc. as nominee for Southtrust Mortgage Company d/b/a Equibanc Mortgage, dated May 4, 2004, recorded in Deed Book 13974, Page 4328, Cobb County, Georgia Records, conveying the after-described property to secure a Note in the original principal amount of NINETY-FOUR THOUSAND FOUR HUNDRED AND 0/100 DOLLARS (\$94,400.00);

WHEREAS, default in the payment of the required installments under said Note occurred, and by reason of said default, MERS elected, pursuant to the terms of the Security Deed and Note, and declared the entire principal and interest immediately due and payable; and

WHEREAS, said entire indebtedness still being in default, MERS on behalf of Borrower, and according to the terms of said Security Deed, did advertise said property for sale once a week for 4 weeks immediately preceding said sale in a newspaper in Cobb County, Georgia, wherein the Sheriff carried his advertisements, namely the The Marietta Daily Journal; and

WHEREAS, notice was given in compliance with Georgia Laws 1981, Volume I, Page 834, codified as O.C.G.A. Section 44-14-162.2 and Section 44-14-162.4. The notice so required was rendered by mailing a copy of the Notice of Sale submitted to the publisher to the "Debtor" (as that term is defined in O.C.G.A. Section 44-14-162.1) at least fifteen days prior to the foreclosure sale date on July 3, 2007; and

WHEREAS, MERS did expose said property for sale to the highest bidder for cash on the first Tuesday in July, 2007 within the legal hours of sale at the usual place for conducting Sheriff's sales in Cobb County before the Courthouse door, and offered said property for sale at public outcry to the highest bidder for cash when and where the aforesaid Party of the Second Part bid ONE HUNDRED TWENTY-SEVEN THOUSAND FIVE HUNDRED AND 0/100 DOLLARS (\$127,500.00); AND

WHEREAS, the said property was knocked off to the Party of the Second Part for the aforementioned sum of money in cash.

NOW THEREFORE, in consideration of the premises and said sum of money and by virtue of and in the exercise of the power of sale contained in the Security Deed, the Party of the First Part has bargained, sold, granted and conveyed, and by these presents does hereby bargain, sell, grant and convey to the Party of the Second Part, said party's representatives, heirs, successors and assigns, the following described property:

All that tract or parcel of land lying and being in Land Lot 489 of the 17th District, 2nd Section, Cobb County, Georgia, being Lot 4 and part of Lot 5, Block C, former property of Mrs. Eunice Aleen Owens Subdivision, as per Plat recorded in Plat Book 3, Page 1 and Plat Book 4, Page 156, Cobb County records, and being more particularly described as follows:

Beginning at a point on the Southwesterly side of Grady Street, formerly Hughes Street, two hundred eleven and seven tenths (211.7) feet Northwesterly from the corner formed by the intersection of the Southwesterly side of Grady Street with the North side of Powder Springs Road; running thence westerly along a line that forms an interior angle of 82 degrees 00" with the Southwesterly side of Grady Street, one hundred eighty-seven and three -tenths (187.3) feet to a point; running thence North, at an interior angle of 94 degrees 17' with the preceding course, eighty-three (83) feet to a point; running thence Easterly at an interior angle of 85 degrees 33' with the preceding course, one hundred eighty-two (182) feet to the Southwesterly along the Southwesterly side of Grady Street at an interior angle of 98 degrees 09' with the preceding course eighty-three (83) feet to the point of beginning; being improved property having a one story frame house thereon and being more particularly shown on survey prepared by A.S. Glometti & Associates, Inc., dated October 12, 1970.

TOGETHER WITH all and singular the rights, members and appurtenances thereto appertaining; also all the estate, right, title, interest, claim or demand of the Party of the First Part, or said Party's representatives, heirs, successors and assigns, legal, equitable or otherwise, whatsoever, in and to the same.

THIS CONVEYANCE IS SUBJECT TO any outstanding ad valorem taxes (including taxes which are a lien, but not yet due and payable), any matters which might be disclosed by an accurate survey and inspection of the property, any assessments, liens, encumbrances, zoning ordinances, restrictions, covenants, and matters of record superior to the Security Deed.

TO HAVE AND TO HOLD the said property and every part thereof unto the said Party of the Second Part, and said party's representatives, heirs, successors and assigns, to said Party's own proper use, benefit and behoof in FEE SIMPLE, in as full and ample a manner as the said Party of the First Part or said Party's representatives, heirs, successors and assigns, did hold and enjoy the same.

IN WITNESS WHEREOF, MERS as Agent and Attorney in Fact for Borrower has hereunto affixed MERS's hand and seal as of the day and year first above written.

Mortgage Electronic Registration Systems, Inc.

as Attorney in Fact for

John M. Vogt

By: [Signature]

Title: Authorized Signer

By: [Signature]

Title: Authorized Signer

(CORPORATE SEAL)

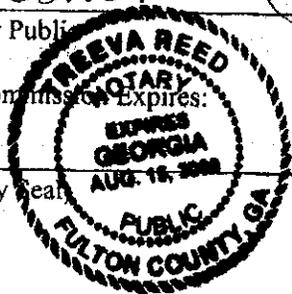
Signed, sealed and delivered in the presence of:

[Signature]
Witness

[Signature]
Notary Public

My Commission Expires:

(Notary Seal)



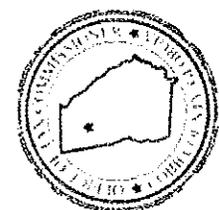
Legal Description

Tax Parcel # 14

Present Address...2680 Grady Street

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Printed: 3/22/2015 4:16:15 PM

Cobb County Online Tax Receipt

Thank you for your payment!

CARLA JACKSON TAX COMMISSIONER
CHELLY MCDUFFIE CHIEF DEPUTY
 Phone: 770-528-8600
 Fax: 770-528-8679

Payer:
PRITCHARD BUILDERS INC

PRITCHARD FRANK L

Payment Date: 10/14/2014

Tax Year	Parcel ID	Due Date	Pay:	Appeal Amount	Taxes Due
2014	17048900140	10/15/2014	N/A or		345.39
Interest					
\$0.00					
Penalty					
\$0.00					
Fees					
\$0.00					
Total Due					
\$345.39					
Amount Paid					
\$345.39					
Balance					
\$0.00					



04/08/2015 11:04
mhickenbottom

City of Smyrna
REAL ESTATE PAID TAX STATEMENT

P 1
txtaxstm

PARCEL: 17-0489-0-0140

LOCATION: 2680 GRADY ST

CURRENT OWNER:
PRITCHARD FRANK L
5001 SECLUDED PINES DR
MARIETTA GA 30068

CURRENT STATUS:
SQ FT: 0
LAND VALUATION: 29,400
BUILDING VALUATION: 3,000
EXEMPTIONS: 0
TAXABLE VALUATION : 32,400

DEED DATE:		BOOK/PAGE:					
YEAR	TYPE	DUE DATE	PRIN DUE	INT/PEN	DATE	TYPE	AMOUNT
2014	RE-R 1	11/17/2014	116.51	.00	11/17/2014	PD	116.51
	BILL #	12677	116.51	.00			116.51
GRAND TOTALS			116.51	.00			116.51

All Taxes paid in

Full 4-8-15

Micha Hickenbottom



CITY OF SMYRNA
WATER AND SEWER AVAILABILITY

The City of Smyrna has determined that water and sanitary sewer are available to the proposed development. Water and sewer are located within the right of way of Grady Street. All existing water and sewer taps shall be used where possible. Any additional taps are the responsibility of the developer. Elevations are the responsibility of the developer.

This information is based upon a rezoning plan titled Pritchard Builders, Inc. by Front Line Surveying & Mapping dated March 27, 2015.

Sincerely,

Scott Stokes
Director Public Works