

# APPLICATION FOR REZONING TO THE CITY OF SMYRNA

Type or Print Clearly

(To be completed by City)

Ward: 3

Application No: Z16-016

Hearing Date: 11/21/16

## APPLICANT:

Name: Matthew Junger  
(Representative's name, printed)

Address: 1594 Walker St. Smyrna, GA 30080  
(404)

Business Phone: cell Cell Phone: 493-1555 Fax Number: \_\_\_\_\_

E-Mail Address: MJungerhomes@gmail.com

Signature of Representative: Matthew Junger

## TITLEHOLDER

Name: Matthew Junger  
(Titleholder's name, printed)

Address: 1594 Walker St. Smyrna, GA 30080  
(404)

Business Phone: cell Cell Phone: 493-1555 Home Phone: \_\_\_\_\_

E-mail Address: MJungerhomes@gmail.com

Signature of Titleholder: Matthew Junger  
(Attach additional signatures, if needed)

(To be completed by City)

Received: 9/9/16

Heard by P&Z Board: 10/10/16

P&Z Recommendation: \_\_\_\_\_

Advertised: \_\_\_\_\_

Posted: 9/26/16

Approved/Denied: \_\_\_\_\_

**ZONING REQUEST**

From RAD Single-Family to RAD-CON  
Present Zoning Proposed Zoning

**LAND USE**

From single family residential to single family residential  
Present Land Use Proposed Land Use

For the Purpose of Subdivide property into 2-single family lots

Size of Tract 87 ft x 195 ft = 16,965 sq ft.

Location 2731 Mathews St. SE Smyrna, GA 30080  
(Street address is required. If not applicable, please provide nearest intersection, etc.)

Land Lot (s) 632 District 17

We have investigated the site as to the existence of archaeological and/or architectural landmarks. I hereby certify that there are no ☒ 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: RAD Single-Family residential

East: RAD Single-Family residential

South: RAD Single-Family residential

West: RM10 Multi-Family duplex

### CONTIGUOUS LAND USE

North: Single-Family residential

East: Single-Family residential

South: Single-Family residential

West: multi-family duplex

## **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:

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### **TRANSPORTATION**

Access to Property? Each property will have a private  
drive way and a 2-car detached garage  
behind the home

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Improvements proposed by developer? public sidewalk

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Comments:

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## **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:

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:

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:

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?

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:

\_\_\_\_\_  
\_\_\_\_\_

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:

\_\_\_\_\_  
\_\_\_\_\_

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 \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
(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.

Yes, these will be 2 single family lots similar in size to new construction homes across the street. The width of each lot will be comparable to the providence group homes facing Matthews St., Whitfield and Roswell St.

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

No

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

Yes but has a better economic use as 2 lots. We can bring the price point of each home down vs. one <sup>larger</sup> house exceeding the comparable home prices in the area.

**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.

No

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

Yes

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.

Currently the trend on the street is taking these lots and sub-dividing them into lots ranging from 40-50 ft street frontage. We are trying to be consistent with the development on the street.



**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.

Yes, the homes I've built in the area show my track record of quality and enhancing the architectural standards of the neighborhood. These will be similar and conform to the planned uses in the area.

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

No

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.

Positively affect other homes in the area. It is currently a vacant lot, we will build quality homes at an affordable price point in hopes to bring more families into the neighborhood. These will be the 11<sup>th</sup> + 12<sup>th</sup> new homes that we've built in Williams Park.

RECORD AND RETURN TO:

McLain & Merritt, P.C.  
3445 Peachtree Road, N.E., Suite 500  
Atlanta, Georgia 30326-1276  
16B0384/LMM

*Rebecca Keaton*

Rebecca Keaton  
Clerk of Superior Court Cobb Cty. Ga.

STATE OF GEORGIA  
COUNTY OF FULTON

LIMITED WARRANTY DEED

THIS INDENTURE made this 13th day of May, 2016, by and between DANIEL ROGER MATTOX and CORINE ANN MATTOX, as party or parties of the first part, hereinafter referred to as "Grantor," and MATTHEW EDWARD JUNGER, as party or parties of the second part, hereinafter referred to as "Grantee";

WITNESSETH:

That Grantor for and in consideration of the sum of TEN DOLLARS, in hand paid, at or before the sealing and delivery of these presents, the receipt of which is hereby acknowledged, has granted, bargained, and conveyed, and by these presents does hereby grant, bargain, and convey unto Grantee, their heirs, successors and assigns, the following described property, to wit:

All that tract or parcel of land lying and being in Land Lot 632 of the 17TH District, COBB County, Georgia, and being more particularly described in Exhibit "A" attached hereto and made a part hereof by reference, TOGETHER WITH all rights, members, structures, easements, alleys, ways, appurtenances, improvements, chattels, timber, shrubbery, trees, plants, fixtures, privileges, tenements or hereditaments.

THIS CONVEYANCE is made subject to all zoning ordinances, easements and restrictions of record affecting said bargained premises.

TO HAVE AND TO HOLD the Property, with all and singular the rights, members and appurtenances thereof, to the same being, belonging or in anywise appertaining to the only proper use, benefit and behoof of Grantee, their heirs, successors and assigns forever, in Fee Simple.

AND THE GRANTOR will warrant and forever defend the right and title to the above-described property unto the Grantee, their heirs, successors and assigns, against the claims of all persons claiming by, through or under Grantor, subject only to the Permitted Exceptions.

IN WITNESS WHEREOF, the Grantor has signed and sealed this deed the day and year first above written.

Signed, sealed and delivered in the presence of:

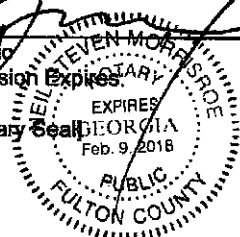
*Rebecca Junger*  
Unofficial Witness

*Daniel R. Mattox*  
DANIEL ROGER MATTOX

*Corine Ann Mattox*  
CORINE ANN MATTOX

Notary Public  
My Commission Expires

[Notary Seal]



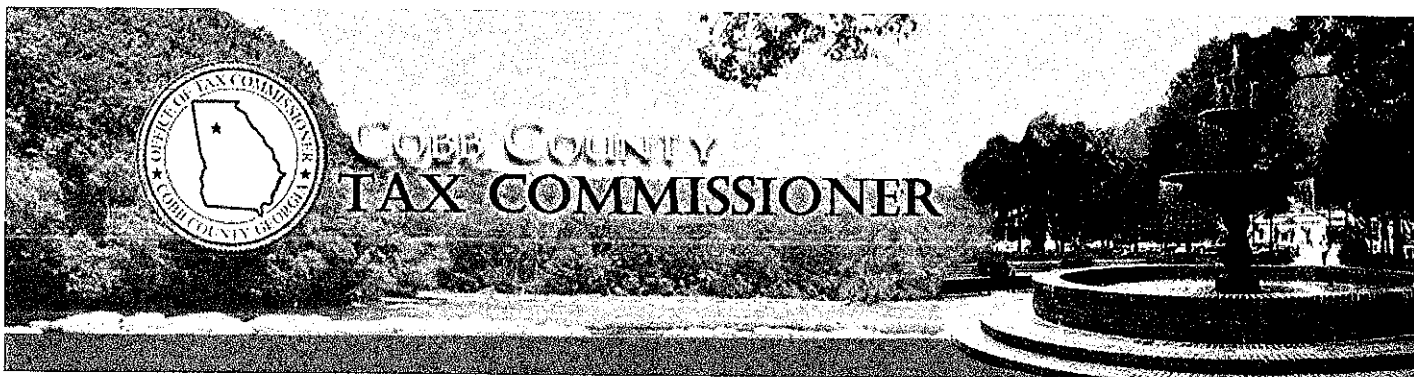
**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 632, 17TH DISTRICT, 2ND SECTION, COBB COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT AN IRON PIN SET ON THE EASTERLY SIDE OF MATHEWS STREET (HAVING A 30 FOOT RIGHT OF WAY) 212.5 FEET SOUTHERLY FROM THE INTERSECTION OF MATHEWS STREET AND THE NORTHERLY LINE OF LAND LOT 632; RUNNING THENCE NORTH 89 DEGREES 30 MINUTES EAST A DISTANCE OF 194.5 FEET TO AN IRON PIN SET; RUNNING THENCE SOUTHERLY A DISTANCE OF 87 FEET TO AN IRON PIN FOUND; RUNNING THENCE WESTERLY A DISTANCE OF 196.5 FEET TO A PI PLACED ON THE EASTERLY SIDE OF MATHEWS STREET; RUNNING THENCE NORTHERLY ALONG THE EASTERLY SIDE OF MATHEWS STREET 87 FEET TO THE POINT OF BEGINNING, BEING IMPROVED PROPERTY WITH A DWELLING LOCATED THEREON KNOWN AS 2731 MATHEWS STREET AND BEING MORE PARTICULARLY DESCRIBED ON THAT CERTAIN PLAT OF SURVEY PREPARED BY WEST GEORGIA ENGINEERS & SURVEYORS, INC., PREPARED FOR DANIEL ROGER MATTOX AND CORINE ANN MATTOX, DATED NOVEMBER 18, 1987.

BEING THE SAME PROPERTY CONVEYED TO J. GID MORRIS, RECORDED IN DEED BOOK 67, PAGES 171 AND 172, COBB COUNTY RECORDS, AND BEING THE SAME PROPERTY CONVEYED TO R.O. LAWLER IN DEED BOOK 155, PAGE 11, COBB COUNTY, GEORGIA RECORDS AND BEING THE SAME PROPERTY CONVEYED TO JACK L. ATKINSON OR J. MONTYNE ATKINSON IN DEED BOOK 1823, PAGE 461, COBB COUNTY, GEORGIA RECORDS AND BEING THE SAME PROPERTY CONVEYED TO FRANK L. DUNTON IN DEED BOOK 1977, PAGE 173, COBB COUNTY, GEORGIA RECORDS AND BEING THE SAME PROPERTY CONVEYED TO CORINE ANN MATTOX AND DANIEL ROGER MATTOX IN DEED BOOK 2246, PAGE 451, AFORESAID RECORDS.

Deed Book 15339 Ps 910  
Rebecca Keaton  
Clerk of Superior Court Cobb Cty. Ga.



### Owner Information

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MATTOX CORINE ANN & DANIEL ROGER  
1739 POPLAR SPRINGS RD  
HIRAM, GA 30141

### Bill Information

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Record Type:	Parcel
Bill Type:	Original
Tax Year:	2015
Due Date:	10/15/2015

### Payment Status

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Status	Paid
Amount Paid	\$0.00
Last Payment Date	
Total Balance Due	\$0.00

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### Parcel Information

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Parcel Number	<u>17063200350</u>
Acres	.30
Fair Market Value	\$79,800
Assessed Value	\$31,920

**Property Address**

2731 MATHEWS ST

**Homestead Exemption**

NONE

**Tax District**

9 - Unincorporated Cobb