

APPLICATION FOR ZONING AMENDMENT TO THE CITY OF SMYRNA

Please Type or Print Clearly

(To be completed by City)
Ward: 3

Application No: 214-007

Hearing Date: 3/17/14

APPLICANT: JWB Properties, LLC

Name: Jim Brown
(Representative's name, printed)

Address: 5607 Glenridge Dr Ste 200 Atlanta, GA 30342

Business Phone: _____ Cell Phone: 404-915-4447 Fax Number: 888-857-3117

E-Mail Address: jim@jwbproperties.com

Signature of Representative: _____

TITLEHOLDER:

Name: SIG Spring Street, LLC
(Titleholder's name, printed)

Address: 5607 Glenridge Dr Ste 200 Atlanta, GA 30342

Business Phone: _____ Cell Phone: 404-915-4447 Home Phone: 888-857-3117

E-mail Address: jim@jwbproperties.com

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

(To be completed by City)

Received: 2/7/14

Heard by P&Z Board: N/A

P&Z Recommendation: N/A

Advertised: 2/28/14

Posted: 2/20/14

Approved/Denied: _____

ZONING:

RAD conditional
Present Zoning

LAND USE:

Moderate Density Residential
Present Land Use

For the Purpose of _____

Size of Tract _____

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

Land Lot (s) 593 District 17th

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:

DESCRIPTION OF PROPOSED ZONING AMENDMENT:

Remove condition #1 to allow the use of horizontal, vertical are board and batten siding on the front elevation facing the street

CONTIGUOUS ZONING

North: R-15 & RAD

East: R-15

South: R-15 & RAD

West: R-15

CONTIGUOUS LAND USE

North: Moderate Density Residential

East: Moderate Density Residential

South: Moderate Density Residential

West: Moderate Density Residential

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? _____

Improvements proposed by developer? _____

Comments:

ZONING DISCLOSURE REPORT

Has the applicant* made, within two years immediately preceding the filing of this application for zoning amendment, 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 who will consider this application?

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 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 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 during the two years immediately preceding the filing of this application:

Does the Mayor or any member of the City Council 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: n/a

ZONING DISCLOSURE REPORT (CONTINUED)

Does the Mayor or any member of the City Council 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?

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

n/a

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

n/a

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 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 13th day of January, 2014, 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 zoning 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.

ZONING AMENDMENT ANALYSIS

Section 1508 of the Smyrna Zoning Code details nine zoning review factors which must be evaluated by the Mayor and Council when considering a zoning amendment 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 zoning amendment 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.

The zoning proposal will permit a use that is suitable and compatible with nearby properties

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

The proposed use will not adversely effect adjacent or nearby properties

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

The proposal will enhance the economic use and allow the property to be more compatible with nearby properties

ZONING AMENDMENT 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 use will not have an adverse effect on streets, transportation, utilities or schools

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

The existing proposal is in conformity with and land use plan

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.

There are many properties in the area which support the proposal based on their use and market demand

ZONING AMENDMENT 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.

The proposed use is more compatible with nearby properties new and historic

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

The proposed use will not create a nuisance or be incompatible with existing uses in the area

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.

The proposed use will effect properties in the are positively



REBECCA KEATON
 CLERK OF SUPERIOR COURT Cobb Cty. GA.

Return Recorded Document to:
 THE PIERCE LAW GROUP, LLC
 3715 Northside Parkway, NW
 Bldg. 400, Ste. 250
 Atlanta, Georgia 30327

WARRANTY DEED

STATE OF GEORGIA

COUNTY OF FULTON

File #: 13-0904

This Indenture made this 16th day of September, 2013 between JONI MITCHELL, of the County of COBB, State of Georgia, as party or parties of the first part, hereinafter called Grantor, and SIG SPRING STREET, LLC, as party or parties of the second part, hereinafter called Grantee (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits).

WITNESSETH that: Grantor, for and in consideration of the sum of TEN AND 00/100'S (\$10.00) Dollars and other good and valuable considerations in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto the said Grantee,

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN THE CITY OF SMYRNA, STATE OF GEORGIA IN LAND LOT 593 OF THE 17TH DISTRICT AND 2ND SECTION OF COBB COUNTY, GEORGIA, BEING ALL OF LOT NO. 5 AND PART OF LOT NO. 6 OF THE SUSAN S. STEPHENS ESTATE PROPERTY AS SHOWN BY PLAT RECORDED IN PLAT BOOK 5, PAGE 27, COBB COUNTY RECORDS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTH SIDE OF SPRING STREET A DISTANCE OF 294 FEET EAST OF A 5-FOOT WALK, SAID BEGINNING POINT AT THE LINE BETWEEN LOT NO. 4 AND LOT NO. 5; THENCE NORTH ALONG SAID LINE FOR A DISTANCE OF 374.4 FEET; THENCE EAST A DISTANCE OF 80 FEET; THENCE SOUTH A DISTANCE OF 371 FEET TO A POINT ON THE NORTH SIDE OF SPRING STREET, WHICH POINT IS 171 FEET WEST FROM A BRANCH; THENCE WEST ALONG THE NORTH SIDE OF SPRING STREET FOR A DISTANCE OF 85 FEET TO THE POINT OF BEGINNING; BEING PROPERTY KNOWN AS NUMBER 1521 SPRING STREET (FORMERLY 253 AND 405 SPRING STREET), AND AS SHOWN BY BLUE PRINT THEREOF BY E.Z. HUGG, SURVEYOR, DATED MARCH 10, 1947.

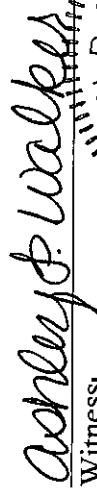
This Deed is given subject to all easements and restrictions of record, if any.

TO HAVE AND TO HOLD the said tract or parcel of land, 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 the said Grantee forever in FEE SIMPLE.

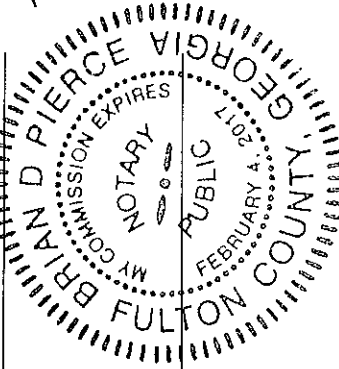
AND THE SAID Grantor will warrant and forever defend the right and title to the above described property unto the said Grantee against the claims of all persons whomsoever.

IN WITNESS WHEREOF, Grantor has hereunto set grantor's hand and seal this day and year first above written.

Signed, sealed and delivered in the presence of:

Witness: 

 Notary Public: 

 Notary Seal: 



 JONI MITCHELL (SEAL)

_____ (SEAL)

Rebecca Keaton

REBECCA KEATON
CLERK OF SUPERIOR COURT Cobb Cty. GA.

Return Recorded Document to:
THE PIERCE LAW GROUP, LLC
3715 Northside Parkway, NW
Bldg. 400, Ste. 250
Atlanta, Georgia 30327

WARRANTY DEED

STATE OF GEORGIA

COUNTY OF FULTON

File #: 13-0901

This Indenture made this 16th day of September, 2013 between **Bogin White**, of the County of **BARTOW**, State of Georgia, as party or parties of the first part, hereinafter called Grantor, and **SIG SPRING STREET, LLC**, as party or parties of the second part, hereinafter called Grantee (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits).

W I T N E S S E T H that: Grantor, for and in consideration of the sum of **TEN AND 00/100'S (\$10.00) Dollars** and other good and valuable considerations in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto the said Grantee,

ALL THAT TRACT OR PARCEL OF LAND lying and being in Original Land Lot No. 593 of the 17th District and 2nd Section of Cobb County, Georgia, and being a part of the property shown on plat made of the Property of Susan S. Stephen's Estate made by J.P. Phillips, Surveyor, dated August 2, 1943, a copy of said plat being recorded in Plat Book No. 5, Page 27 of Cobb County records, being 43 feet off of the east side of subdivided Lot No. 6 of said plat and 42 feet off the west side of subdivided Lot No. 7 of said plat, in all making a lot frontage of 85 feet on the North side of Spring Street, inside the limits of the City of Smyrna, and running back North for 371.5 Feet on the West boundary and 277.5 feet on the East boundary. Said property being bounded on the West by property conveyed by the Grantor herein to Harold Pettett on October 15, 1946 by deed recorded in Deed Book 180, Page 417, of the Cobb County Deed Records. Reference is hereby made to said plat for a more particular delineation and description of this property.

This Deed is given subject to all easements and restrictions of record, if any.

TO HAVE AND TO HOLD the said tract or parcel of land, 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 the said Grantee forever in **FEE SIMPLE**.

AND THE SAID Grantor will warrant and forever defend the right and title to the above described property unto the said Grantee against the claims of all persons whomsoever.

IN WITNESS WHEREOF, Grantor has hereunto set grantor's hand and seal this day and year first above written.

Signed, sealed and delivered in the presence of:

Ashley B. Walker
Witness

Bogin White
Bogin White (SEAL)

