

APPLICATION FOR ZONING AMENDMENT TO THE CITY OF SMYRNA

Please Type or Print Clearly

(To be completed by City)

Ward: _____

Application No: 222-06x

Hearing Date: _____

APPLICANT: MIDTOWN BUILDERS GROUP, LLC

Name: R. Jeffrey Cain

(Representative's name, printed)

Address: 4062 Norton Pl SE Smyrna, GA 30082

Business Phone: 706-457-0012 Cell Phone: 706-457-0012 Fax Number: _____

E-Mail Address: jcainmbg@gmail.com

Signature of Representative: R Jeffrey Cain

TITLEHOLDER:

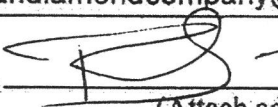
Name: Meridian Diamond Company

(Titleholder's name, printed)

Address: 780 Holcomb Bridge Rd. Roswell, GA 30076

Business Phone: 404-667-7138 Cell Phone: _____ Home Phone: _____

E-mail Address: meridiandiamondcompany@gmail.com

Signature of Titleholder: 

(Attach additional signatures, if needed)

(To be completed by City)

Received: 3/10/22

Heard by P&Z Board: _____

P&Z Recommendation: _____

Advertised: _____

Posted: _____

Approved/Denied: _____

ZONING:

RDA with conditions

Present Zoning

LAND USE:

RDA with conditions

Present Land Use

For the Purpose of Single Family Residential

Size of Tract 1.513 acres

Location 3482 S. Sherwood Rd. Smyrna, GA 30082

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

Land Lot (s) 339 & 382 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:

DESCRIPTION OF PROPOSED ZONING AMENDMENT:

Stipulation 17: Change side setbacks to- 0 feet with a minimum of 10 ft between buildings

Stipulation 19: Remove ALL age restrictions

Stipulation 20: Remove ALL accessibility and "easy living" restrictions

Stipulation 21: Remove Fire Sprinkler Requirement

All homes to be single family detached (no duplexes)

Remove the concrete median from the cul-de-sac

CONTIGUOUS ZONING

North: R-15 _____

East: RDA _____

South: R-15 _____

West: RDA _____

CONTIGUOUS LAND USE

North: R-15 _____

East: RDA _____

South: R-15 _____

West: RDA _____

INFRASTRUCTURE

WATER AND SEWER

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

A letter from Frank Martin, 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? 7 single family detached residential dwellings with average of 3000 sf. similar to their project at 3562-3572 S. Sherwood Rd.

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?

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 to whom the campaign contribution or gift was made:

NONE

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:

NONE

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:

NONE

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?

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 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:

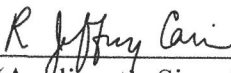
Does the Mayor or any member of the City Council have a spouse, mother, father, brother, sister, son, or daughter who has any interest as described above?

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 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 7 day of March, 2022.



(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.

RDA and R-15 exists on all contiguous parcels

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

RDA and R-15 exists on all contiguous parcels Current zoning will not change.

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

RDA and R-15 exists on all contiguous parcels Current zoning will not change.

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.

RDA and R-15 exists on all contiguous parcels Current zoning will not change.

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

RDA and R-15 exists on all contiguous parcels. Current Zoning will not change.

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.

Current zoning will not change, removing existing conditions as related to age restrictions, accessibility, and fire sprinkler protection.

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.

Homes will architecturally similar to existing neighborhood and applicants project at
3562-3572 S. Sherwood Rd.

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

Homes will architecturally similar to existing neighborhood and applicants project at
3562-3572 S. Sherwood Rd.

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.

Homes will architecturally similar to existing neighborhood and applicants project at
3562-3572 S. Sherwood Rd.

RJC

RH

EXHIBIT "A"

LEGAL DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 382 OF THE 17TH DISTRICT, 2ND SECTION, COBB COUNTY, GEORGIA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE WEST SIDE OF SHERWOOD ROAD 310 FEET SOUTHERLY FROM THE INTERSECTION FORMED BY THE WEST SIDE OF SHERWOOD ROAD AND THE SOUTHERLY SIDE OF DUNTON DRIVE; RUNNING THENCE SOUTH ALONG THE WEST SIDE OF SHERWOOD ROAD AND FOLLOWING THE CURVATURE THEREOF 328 FEET TO A POINT; THENCE SOUTH 81 DEGREES 45 MINUTES WEST 212 FEET TO A POINT; THENCE NORTH 19 DEGREES 30 MINUTES WEST 208.4 FEET TO A POINT; THENCE SOUTHEASTERLY 327 FEET TO A POINT ON THE WEST SIDE OF SHERWOOD ROAD AND THE POINT OF BEGINNING.

LESS AND EXCEPT THE FOLLOWING DESCRIBED PROPERTY:

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 382 OF THE 17TH DISTRICT, 2ND SECTION OF COBB COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED IN THAT SURVEY PREPARED BY DANIEL TRENHOLM BAKER DATED 8/18/92 AND REVISED 2/19/94 AND 3/24/94 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT AN IRON PIN LOCATED ON THE WEST SIDE OF SHERWOOD ROAD (50 FEET RIGHT OF WAY) SAID IRON PIN BEING 626 FEET SOUTHERLY FROM THE INTERSECTION OF THE NORTH SIDE OF SHERWOOD ROAD (50 FOOT RIGHT OF WAY) AND THE SOUTHERLY RIGHT OF WAY OF DUNTON CIRCLE; RUNNING THENCE SOUTH 86 DEGREES 35 MINUTES 14 SECOND WEST, A DISTANCE OF 162.64 FEET TO AN IRON PIN AND POINT; RUNNING THENCE SOUTH 89 DEGREES 10 MINUTES 56 SECONDS EAST A DISTANCE OF 212.00 FEET TO AN IRON PIN LOCATED ON THE WESTERLY SIDE OF SHERWOOD ROAD; RUNNING THENCE NORTH ALONG THE WESTERLY SIDE OF SHERWOOD ROAD A DISTANCE OF 12.0 FEET TO THE POINT OF BEGINNING. SAID TRACT CONTAINS 0.02 ACRES.

Tax Parcel No.
18029500110

Deed Book 15917 Page 2014
Filed and Recorded 5/26/2021 11:29:00 AM
2021-0077219
Real Estate Transfer Tax \$185.00
Connie Taylor
Clerk of Superior Court
Cobb County, GA
Participant IDs: 7503706201

Florida
STATE OF GEORGIA
COUNTY OF COBB *vs* P. nellis

After Recording, Return To: Chad Henderson
HENDERSON LEGAL LLC
1350 Spring Street, Suite 485
Atlanta, Georgia 30309

WARRANTY DEED

THIS INDENTURE is made the ^{1st}~~3rd~~ day of May, 2021, between DAVID DURANDO, hereinafter referred to as the "Grantor," and SFR XII ATL OWNER 1, L.P., a Delaware limited partnership, hereinafter referred to as the "Grantee" (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits).

WITNESSETH that, for and in consideration of the sum of Ten and No/100 Dollars (\$10.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, the Grantor does hereby grant, bargain, sell, remise, release, and forever convey to the Grantee, its successors and assigns, that certain real property more particularly described on Exhibit A attached hereto and incorporated herein by reference, being commonly known as 151 Stroud Drive, Mableton, GA 30126.

SE
TO HAVE AND TO HOLD the said real property, with all and singular the rights, members, improvements and appurtenances to the said described premises in anywise appertaining or belonging, to the only proper use, benefit and behoof of the Grantee forever in fee simple.

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

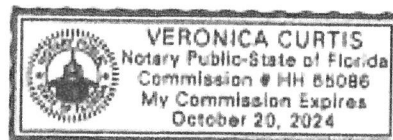
IN WITNESS WHEREOF, the Grantor has signed and sealed this deed, the day and year above written.

Signed, sealed and delivered
in the presence of:

Wana Yelito
Unofficial Witness

David Durando (SEAL)
David Durando

Veronica Curtis
Notary Public



Personally Appeared

via certified mail, of the initiation of proceedings to exercise the said power of sale, within thirty (30) days prior to the first Tuesday of April, 2021; and

WHEREAS, Holder did expose the said property for sale to the highest bidder for cash on the first Tuesday in April, 2021, within the legal hours of sale at the usual place for conducting Sheriff's sales in Cobb County, Georgia, before the courthouse door at Marietta, Georgia, in said county, and offered said property for sale at public outcry to the highest bidder for cash, when and where Holder bid Four Hundred Fifty-Two Thousand Five Hundred and 00/100 Dollars (\$452,500.00); and

WHEREAS, the said property was knocked off to Holder for the said sum;

NOW THEREFORE, in consideration of the said sum of money, and by virtue of and in the exercise of the power of sale contained in the Security Deed, Grantor has bargained, sold, granted, and conveyed, and by these presents does hereby bargain, sell, grant, and convey to Holder, as Grantee hereunder, and its successors and assigns, all that tract or parcel of land commonly known as 3482 South Sherwood Road, Smyrna, Georgia 30082, and being more particularly described in Exhibit A hereto.

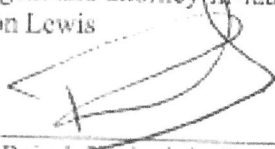
TOGETHER WITH all and singular the rights, members and appurtenances thereto appertaining, and all the estate, right, title, interest, claim or demand of Grantor and its assigns, legal, equitable or otherwise whatsoever, in and to the same.

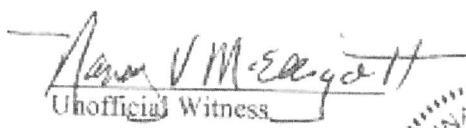
TO HAVE AND TO HOLD the said premises and every part thereof unto Grantee, its successors and assigns, to its own use, benefit and behoof in FEE SIMPLE, in as full and ample a manner as Grantor did hold and enjoy the same.

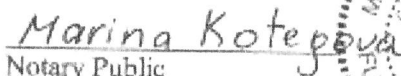
IN WITNESS WHEREOF, the undersigned, as agent and attorney in fact for Grantor, has hereunto fixed its hand and seal, the day and year first above written.

MERIDIAN DIAMOND COMPANY,
as agent and attorney-in-fact for
Jason Lewis

Signed, sealed and delivered
in the presence of:

By: 
Rajesh Harjani, its President


Unofficial Witness


Notary Public



(CORPORATE SEAL)

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