

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

Type or Print Clearly

(To be completed by City)

Ward: _____

Application No: _____

Hearing Date: _____

APPLICANT: Charter Custom Homes, LLC

Name: Todd Wrigley, Manager
(Representative's name, printed)

Address: PO Box 93281, Atlanta, GA 30377

Business Phone: _____ Cell Phone: 678.481.7912 Fax Number: _____

E-Mail Address: todd@wrigleygroup.com

Signature of Representative: _____

TITLEHOLDER

Name: 1) Stanley D. Cox 2) Billie J.C. Sappenfield
(Titleholder's name, printed)

Address: 1) 3812 Fisher Dr, Smyrna, GA 30082 2) 601 Crabapple Ct, Canton, GA 30115

Business Phone: _____ Cell Phone: 1)770.238.9197 Home Phone: 2) 404.234.6595

E-mail Address: 1) stanleycox@bellsouth.net 2) bjsappenfield@yahoo.com

Signature of Titleholder: 1) See Attached 2) See Attached
(Attach additional signatures, if needed)

(To be completed by City)

Received: _____

Heard by P&Z Board: _____

P&Z Recommendation: _____

Advertised: _____

Posted: _____

Approved/Denied: _____

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ZONING REQUEST

From R15 to RAD Conditional
Present Zoning Proposed Zoning

LAND USE

From Medium Density Residential to Medium Density Residential
Present Land Use Proposed Land Use

For the Purpose of Building three single family detached homes on three lots.

Size of Tract 0.633 acres

Location 2764 Hamby Street, Smyrna, GA 30080
(Street address is required. If not applicable, please provide nearest intersection, etc.)

Land Lot (s) 488 District 17

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: R15

East: CBD

South: R15

West: RAD

CONTIGUOUS LAND USE

North: Moderate Density Residential

East: Mixed Use

South: Medium 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:

A sewer line will be brought from Powder Springs Street to serve the project.

TRANSPORTATION

Access to Property? Hamby Street (public road)

Improvements proposed by developer? Construction of three single family detached residences. Removal of the existing home unless it is renovated to be one of the three residences.

Comments: Requested stipulations (see attached Plat, Tree Protection Plan and House Plans):

1. Reduce front building line setbacks from 40' to 20' to better save trees in rear.
2. Reduce side building line setbacks from 10' to 5' to allow for better floor plans.
3. Allow the surplus of the density of saved trees to offset the recompense of trees removed
4. The proposed house elevations and plans are conceptual and may change and are intended to portray the general style and materials to demonstrate the intent to blend with the architecture of the community.

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?

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 11 day of July, 2014.

(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, rezoning to RAD conditional will permit a use that is suitable in view of the use and development of adjacent and nearby property.

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

Rezoning to RAD conditional will not adversely affect the existing use or usability of adjacent or nearby property.

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

The property will be denied a reasonable economic use as currently zoned. Being restricted to current zoning will deny the owner an economic return commensurate with other adjacent and nearby properties. The requirement of having to bring sewer to the property in order to build imposes an economic burden that can only be absorbed by the proposed rezoning to allow three homes.

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 zoning proposal will not result in a use which would or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities or schools.

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

The zoning proposal conforms to the policy and intent of the official City of Smyrna land use plan which designates and proposes the property to have a Medium Density Residential 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.

There are existing and changing conditions affecting the use and development of the property that give support for approval of the zoning proposal, among which is the development of a central business district and civic amenities that were planned for and benefit from more citizens, consumers and taxes that will result from approval of this zoning proposal.

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.

The design and siting of the three proposed homes will conform to or
enhance the architecture, open space requirements and aesthetics of the
general neighborhood in a manner that considers the current, historical and
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.

The proposed use under the proposed zoning classification does not
create a nuisance and is compatible 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 size of the proposed use, in either land area or building height does not
negatively affect the adjoining property, general neighborhood and other
uses in the area.
