

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

Type or Print Clearly

(To be completed by City)

Ward: 3

Application No: Z17-010

Hearing Date: 7/17/17


**APPLICANT:** J. Carpenter Homes

Name: Garvis L. Sams, Jr., Sams, Larkin, Huff & Balli, LLP  
(Representative's name, printed)

Address: 376 Powder Springs Street, Suite 100, Marietta, GA 30064

Business Phone: 770-422-7016 Cell Phone: \_\_\_\_\_ Fax Number: 770-426-6583

E-Mail Address: gsams@slhb-law.com

Signature of Representative:   
Parks F. Huff, Esq., for Garvis L. Sams, Jr.

**TITLEHOLDER**

Name: See Attached  
(Titleholder's name, printed)

Address: \_\_\_\_\_

Business Phone: \_\_\_\_\_ Cell Phone: \_\_\_\_\_ Home Phone: \_\_\_\_\_

E-mail Address: \_\_\_\_\_

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

(To be completed by City)

Received: 5/12/17

Heard by P&Z Board: 6/12/17

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

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

Posted: 5/22/17

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

ATTACHMENT TO  
REZONING APPLICATION  
CITY OF SMYRNA

Ward: \_\_\_\_\_

Application No.: \_\_\_\_\_

Hearing Date(s): \_\_\_\_\_

Applicant: J. Carpenter Homes

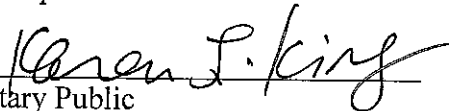
Titleholder(s): Brian D. Minnick

Signature 

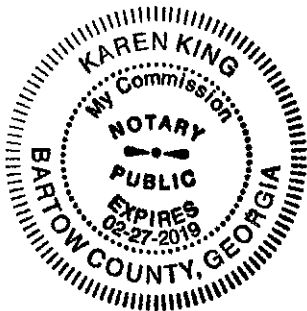
Brian D. Minnick  
Address: 802 Oak Trail Dr  
Marietta GA 30062

Telephone No.: 770 - 652 - 6931

Signed, sealed and delivered  
in the presence of:

  
Notary Public  
Commission Expires: 2-27-19

(Notary Seal)



**ZONING REQUEST**

From R-15 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 Two single family detached homes

Size of Tract Overall - 0.334 Acres (14,543 square feet)

Location At the southeast corner of Stephens Street and Mann Street (1081 Stephens Street & 2925 Mann Street)  
(Street address is required. If not applicable, please provide nearest intersection, etc.)

Land Lot (s) 487 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:**     RAD    

**East:**     R-15    

**South:**     R-15    

**West:**     R-15    

**CONTIGUOUS LAND USE**

**North:**     Moderate Density Residential    

**East:**     Medium Density Residential    

**South:**     Medium Density Residential    

**West:**     Medium 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:

See attached  
\_\_\_\_\_  
\_\_\_\_\_

**TRANSPORTATION**

Access to Property? Mann Street (Tract 1); Stephens Street (Tract 2)  
\_\_\_\_\_  
\_\_\_\_\_

Improvements proposed by developer? Construction of 2 single family detached residences.  
\_\_\_\_\_  
\_\_\_\_\_

Comments:

The Subject Property is located in an area on the City's Future Land Use Map designated for Medium Density Residential development. In that regard, the Subject Property is positioned for development of Single-Family Detached residences in a range of densities up to 6 units per acre. For those reasons, the proposed Rezoning is appropriate from a Land Use Planning perspective and meets the policy and intent of the Mayor and City Council.

**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?

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:


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 20<sup>th</sup> day of April, 2017.

  
(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.

**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?

N/A

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 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?

N/A

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?

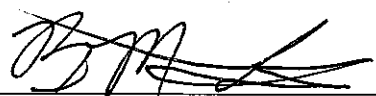
N/A

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

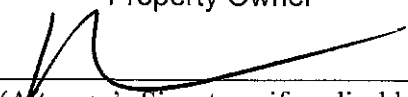
N/A

If the answer to any of the above is "Yes", then the Mayor or the member of the City Council 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 20 day of April, 20    .

  
\_\_\_\_\_

Property Owner

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

**CAMPAIGN DISCLOSURE REPORT<sup>1</sup>**  
**BY ATTORNEY FOR APPLICANT<sup>2</sup>**

Has the Applicant made, within two (2) years immediately preceding the filing of this Application for rezoning, campaign contributions aggregating two hundred fifty dollars (\$250.00) or more or made gifts having in the aggregate a value of two hundred fifty dollars (\$250.00) or more to a member or members of the Smyrna City Council or Planning Commission who will consider the Application?

Yes

If so, the Applicant and the attorney representing the Application must file a disclosure report with the Smyrna City Council within ten (10) days after this Application is first filed.

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

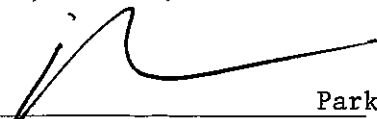
The name of the member(s) of the Smyrna City Council or Planning Commission to whom the campaign contribution or gift was made: Max Bacon; Ron Fennel; and, Doug Stoner

The dollar amount of each campaign contribution made by the Applicant to the member(s) of the Smyrna City Council or Planning Commission during the two (2) years immediately preceding the filing of this Application and the date of each such contribution: Max Bacon - \$2,500.00 on 7/23/15; Doug Stoner - \$1,000.00 on 7/24/15 and \$1,500.00 on 10/23/15; and, Ron Fennel - \$2,500.00 on 8/27/15.

An enumeration and description of each gift having a value of two hundred fifty dollars (\$250.00) or more made by the Applicant to the member(s) of the Smyrna City Council or Planning Commission during the two (2) years immediately preceding the filing of this Application: N/A

I certify that the foregoing information is true and correct, this the 12 day of May, 2017.

SAMS, LARKIN, HUFF & BALLI, LLP

By:  Parks F. Huff, Esq. for  
GARVIS L. SAMS, JR.  
Attorney for Applicant

<sup>1</sup>If the answer to any of the above is "Yes", then the member of the Smyrna City Council or Planning Commission must immediately disclose the nature and extent of such interest, in writing to the Smyrna City Council. A copy should be filed with this Application. Such disclosures shall be a public record and available for public inspection at any time during normal working hours.


<sup>2</sup>Applicant means any person who applies for a rezoning action and any attorney, or other person representing or acting on behalf of a person who applies for a rezoning action.

**DISCLOSURE**

IF THE ANSWER TO ANY OF THE FOLLOWING QUESTIONS IS "YES", YOU MAY BE REQUIRED UNDER O.C.G.A. §36-67A-3 TO PROVIDE FURTHER INFORMATION:

- A) ARE YOU, OR ANYONE ELSE WITH A PROPERTY INTEREST IN THE SUBJECT PROPERTY, A MEMBER OF THE CITY OF SMYRNA PLANNING COMMISSION OR CITY OF SMYRNA MAYOR AND COUNCIL? **NO**
- B) DOES AN OFFICIAL OF SUCH PUBLIC BODIES HAVE ANY FINANCIAL INTEREST IN ANY BUSINESS ENTITY WHICH HAS A PROPERTY INTEREST IN THE SUBJECT PROPERTY? **NO**
- C) DOES A MEMBER OF THE FAMILY OF SUCH OFFICIALS HAVE AN INTEREST IN THE SUBJECT PROPERTY AS DESCRIBED IN (A) AND (B)? **NO**
- D) WITHIN TWO (2) YEARS IMMEDIATELY PRECEDING THIS APPLICATION, HAVE YOU MADE CAMPAIGN CONTRIBUTION(S) OR GIVEN GIFTS TO SUCH PUBLIC OFFICIALS AGGREGATING \$250.00 OR MORE? **YES**

SAMS, LARKIN, HUFF & BALLI, LLP

By:  Parks F. Huff, Esq., for  
Garvis L. Sams, Jr.  
Attorney for Applicant

May 12, 2017  
DATE

**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.

The proposed Rezoning will permit a use which is suitable in view of the use and development of adjacent and nearby properties and is consistent with the policy and intent of the Mayor and City Council based upon policy considerations and recommendations regarding adjacent and contiguous Rezoning, including RAD Conditional.

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

The proposed Rezoning will not adversely impact the use or usability of adjacent or nearby properties and will, in fact, constitute an appropriate Rezoning which will advance a high-end utilization of the Subject Property which is compatible with the development desires of the City of Smyrna, its professional consultants and staff.

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

The Subject Property, as currently zoned (R-15) can not compete favorably with other similarly zoned and situated properties with equivalent utility in view of the development trends along both Stephens Street and Mann Street.

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**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 result in a use which will have an adverse impact upon the existing City infrastructure and this proposal which comports with the anticipated trends of development within this sub-area of the City of Smyrna.

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

The proposed Rezoning conforms to the City's Future Land Use Map which reflects that the Subject Property is located within an area denominated as Medium Density Residential. The proposed Rezoning is consistent with the established policies of the Mayor and City Council based upon previous recommendations and Rezoning within this sub-area of the City.

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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 Subject Property which gives supporting grounds for approval in that the Subject Property is in an area denominated for utilization under the RAD Conditional zoning classification and is adjacent to other RAD Conditionally zoned property.

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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 Rezoning proposal will enhance the architectural standards and aesthetics within this sub-area of the City and will also constitute an event upon redevelopment which will precipitate higher residential values within the confines of the proposed single-family detached residential development.

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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 Rezoning of the Subject Property will not create a nuisance and is compatible with the existing uses within this sub-area of the City of Smyrna.

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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 Rezoning will positively affect the trend of development within this sub-area of the City of Smyrna and will precipitate additional upscale, high-end single-family detached residential development.

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# Real Estate

|                           |                          |                                 |
|---------------------------|--------------------------|---------------------------------|
| <a href="#">View Bill</a> |                          | <a href="#">View bill image</a> |
| As of                     | 4/19/2017                |                                 |
| Bill Year                 | 2016                     |                                 |
| Bill                      | 4112                     |                                 |
| Owner                     | DEVELOPMENT PARTNERS LLC |                                 |
| Parcel ID                 | 17048700070              |                                 |

| Installment  | Pay By     | Amount  | Payments/Credits | Balance | View payments/adjustments |        |
|--------------|------------|---------|------------------|---------|---------------------------|--------|
|              |            |         |                  |         | Interest                  | Due    |
| 1            | 11/15/2016 | \$21.29 | \$21.29          | \$0.00  | \$0.00                    | \$0.00 |
| <b>TOTAL</b> |            | \$21.29 | \$21.29          | \$0.00  | \$0.00                    | \$0.00 |



Printed: 4/19/2017

**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:  
**BRIAN MINNICK**

**DEVELOPMENT PARTNERS LLC**

**Payment Date: 9/21/2016**

| Tax Year | Parcel ID   | Due Date   | Appeal Amount |             |         | Taxes Due |
|----------|-------------|------------|---------------|-------------|---------|-----------|
| 2016     | 17048700070 | 10/17/2016 | Pay:          | N/A         | or      | \$0.00    |
| Interest | Penalty     | Fees       | Total Due     | Amount Paid | Balance |           |
| \$0.00   | \$0.00      | \$0.00     | \$0.00        | \$61.07     | \$0.00  |           |



Scan this code with your mobile phone to view this bill!



WHEN RECORDED RETUF  
MORRIS, MANNING & MARTIN, LLP  
Attorneys at Law  
5775-C Peachtree Dunwoody Road, #150  
Atlanta, Georgia 30342  
File No. C02127

Deed Book 13685 Pg. 443  
Filed and Recorded Feb-12-2003 11:38am  
2003-0034229  
Real Estate Transfer Tax \$235.00

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

12/03

**WARRANTY DEED**

STATE OF GEORGIA  
COUNTY OF FULTON

This Indenture made this 30<sup>TH</sup> day of JANUARY, 2003, between JOAN M. GEORGE of the County of Cobb, State of Georgia, as party or parties of the first part, hereinunder called Grantor, and DEVELOPMENT PARTNERS, LLC, A GEORGIA LIMITED LIABILITY COMPANY, of the County of DeKalb, State of Georgia, 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 consideration 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 LAND LOT 487 OF THE 17<sup>TH</sup> DISTRICT, 2<sup>ND</sup> SECTION OF COBB COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED ON EXHIBIT "A" ATTACHED HERETO AND INCORPORATED HEREIN BY THIS REFERENCE.**

THIS DEED IS GIVEN SUBJECT TO RESTRICTIONS AND EASEMENTS OF RECORD.

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:

*[Signature]*  
Witness  
*[Signature]* (Seal)  
JOAN M. GEORGE

*[Signature]*  
Notary Public  
LOUISE M. WELLS  
NOTARY PUBLIC  
GEORGIA  
FEBRUARY 21, 2003  
FULTON COUNTY

020710  
JANUARY 29, 2003  
C02127

**EXHIBIT "A"**  
Description of Property.  
(Tract Two *George Lot*)

All that tract or parcel of land lying and being within Land Lot 487 of the 17<sup>th</sup> District, 2<sup>nd</sup> Section, City of Smyrna, Cobb County, Georgia and being more particularly described as follows:

Beginning at a point on the northerly right of way line of Stephens Street (40'R/W), said point being located 230.58 southeasterly as measured along said northerly right of way from it's intersection with the land lot line common to land lots 450 & 487; thence departing said northerly right of way of Stephens Street, North 00°43'13" East, a distance of 496.95 feet to a point located on the land lot line common to land lots 487 & 488 of said district and section; thence southeasterly along said land lot line, South 88°09'24" East for a distance of 135.89 feet to a point; thence departing said land lot line, South 01°01'38" East for a distance of 486.87 feet to a point located on said northerly right of way line of Stephens Street; thence westerly along said right of way, 125.85 feet along the arc of a curve to the right, said curve having a radius of 209.53 feet and being subtended by a chord of South 84°40'23" West, 123.97 feet to a point; thence North 78°07'11" West for a distance of 27.96 feet to the Point of Beginning. Containing 71,777 square feet or 1.64777 Acres.

**TOGETHER WITH:**

**(Mann Street Right-of-Way)**

All that tract or parcel of land lying and being within Land Lot 487 of the 17<sup>th</sup> District, 2<sup>nd</sup> Section, City of Smyrna, Cobb County, Georgia and being more particularly described as follows:

To reach the **Point of Beginning** commence at an iron pin found (1 ¼ " crimped top pipe) at the intersection formed by the northerly right-of-way line of Stephens Street (40' r/w) and the west line of Land Lot 487 (said lot being common to Land Lots 450 and 487) and proceed thence southeasterly along said right-of-way line of Stephens Street South 78°07'11" East for a distance of 200.00 feet to a point on the westerly right-of-way line of Mann Street (30' r/w) and the **Point of Beginning**. From the **Point of Beginning** thus established, depart said right-of-way line of Stephens Street and run North 00°43'13" East along the westerly right-of-way line of Mann Street for a distance of 491.62 feet to a point on the north line of Land Lot 487 (said line being common to Land Lots 487 and 488 of said district and section); thence departing said westerly right-of-way line of Mann Street and run South 88°09'24" East along said north line of Land Lot 487 for a distance of 30.00 feet to a point on the easterly right-of-way line of Mann Street; thence departing said land lot line and run South 00°43'13" West along the easterly right-of-way line of Mann Street for a distance of 496.95 feet to a point on said northerly right-of-way line of Stephens Street (40' r/w); thence departing said easterly right-of-way line of Mann Street and run North 78°07'11" West along said right-of-way line of Stephens Street for a distance of 30.58 feet to a point on the westerly right-of-way line of Mann Street and the **Point of Beginning**. Said tract containing 0.34042 of an acre or 14,829 square feet.

All as shown on that certain survey prepared for Development Partners, Inc., National Bank of Commerce, and First American Title Insurance Company by Watts and Browning Engineers, Inc. dated January 29, 2003, bearing the certification and seal of V. T. Hammond, RLS #2554, Job No. 020710.

WHEN RECORDED RETURN TO:  
MORRIS, MANNING, MARTIN, LLP ✓  
Attorneys at Law  
5775-C Peachtree Dunwoody Rd. #150  
Atlanta, Georgia 30342  
File #C02127

Deed Book 13685 Pg 445  
Filed and Recorded Feb-12-2003 11:38am  
2003-0034230  
Real Estate Transfer Tax \$1.00

*Jay C. Stephenson*

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

*W. M. Martin*

STATE OF GEORGIA

COUNTY OF FULTON

**QUITCLAIM DEED**

THIS INDENTURE, Made the 30<sup>TH</sup> day of JANUARY, 2003, between JOAN M. GEORGE of the County of Cobb and the State of Georgia, as party or parties of the first part, hereinafter called Grantor, and DEVELOPMENT PARTNERS, LLC, A GEORGIA LIMITED LIABILITY COMPANY, 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 one (\$1.00) Dollar and other valuable considerations in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, by these presents does hereby remise, convey and forever QUITCLAIM unto the said Grantee,

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 487, OF THE 17<sup>TH</sup> DISTRICT, 2<sup>ND</sup> SECTION, OF COBB COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED ON EXHIBIT "A" ATTACHED HERETO AND INCORPORATED HEREIN BY THIS REFERENCE.

This Deed is given subject to restrictions and easements of record.

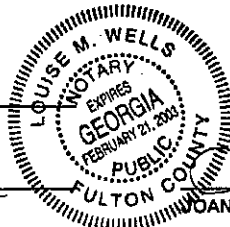
TO HAVE AND TO HOLD the said described premises to grantee, so that neither grantor nor any person or persons claiming under grantor shall at any time, by any means or ways, have, claim or demand any right to title to said premises or appurtenances, or any rights thereof.

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:

*[Signature]*  
Witness

*[Signature]*  
Notary Public



*[Signature]* (SEAL)  
JOAN M. GEORGE

**EXHIBIT "A"**  
**Description of Property**  
**Stephens Street Tract ~ 5.19211 Acres**

C02127

All of that tract or parcel of land lying and being in Land Lot 487 of the 17<sup>th</sup> District of the 2<sup>nd</sup> Section of Cobb County, City of Smyrna, Georgia and more particularly described as follows:

**Beginning** at an iron pin found (1.25" crimp top pipe) at a point formed by the intersection of the northerly r/w line of Stephens Street (40' r/w) and the westerly line of Land Lot 487 and proceeding thence North 00°15'02" East along the westerly line of Land Lot 487 for a distance of 456.75 feet to an iron pin placed at the northwest corner of Land Lot 487 (said corner being common to Land Lots 449, 450, 487 and 488); thence in an easterly direction along the northerly line of Land Lot 487 for the following courses and distances: (1) South 88°27'00" East, 20.00 feet to an iron pin found (1/2" re-bar) in the center of a creek; (2) South 88°09'24" East, 345.89 feet to an iron pin found (1/2" open top pipe); (3) North 88°32'18" East, 99.92 feet to an iron pin found (1/2" open top pipe); thence departing said land lot line and proceeding South 00°22'40" East for a distance of 455.25 feet to an iron pin found (3/4" open top pipe) on the northerly r/w of Stephens Street (40' r/w); thence in a westerly direction along the northerly r/w of Stephens Street (40' r/w) the following courses and distances: (1) 57.28 feet along the arc of a curve to the left, said curve having a radius of 356.59 feet and being subtended by a chord of South 72°04'05" West, 57.22 feet; (2) South 67°27'58" West for a distance of 43.00 feet to an iron pin found (3/8" re-bar); (3) 125.85 feet along the arc of a curve to the right, said curve having a radius of 209.53 feet and being subtended by a chord of South 84°40'23" West, 123.97 feet to a point; (4) North 78°07'11" West for a distance of 258.54 feet to the **Point of Beginning**. Said tract containing 5.19211 acres or 226,169 square feet.

All as shown on that certain survey prepared for Development Partners, Inc., National Bank of Commerce, and First American Title Insurance Company by Watts and Browning Engineers, Inc. dated January 29, 2003, bearing the certification and seal of V. T. Hammond, RLS #2554, Job No. 020710.

Mail Michael Doucette  
4741 Legacy Court Lane  
Mableton Ga 30126

After Recording Deliver To:  
Perrie & Associates, LLC  
100 Galleria Parkway, SE  
Ste. 1170  
Atlanta, GA 30339

Deed Book 15368 Pg 2991  
Filed and Recorded Aug-26-2016 09:22am  
2016-0102166  
Real Estate Transfer Tax \$0.00  
0332016020494

*Rebecca Keaton*  
Rebecca Keaton  
Clerk of Superior Court Cobb Cty. Ga.

File No.: CDoug

STATE OF GEORGIA  
COUNTY OF COBB

### QUITCLAIM DEED

This indenture made this 16th day of August, 2016, by and between **DEVELOPMENT PARTNERS, LLC**, as party or parties of the first part, hereinafter referred to as "Grantor", and **MICHAEL R. DOUCETTE AND JEANETTE M. DOUCETTE**, Together as Joint Tenants With Right of Survivorship and Not as Tenants In Common as party or parties of the second part hereinafter referred to as "Grantee" (the words "Grantor" and "Grantee" shall include their respective heirs, successors and assigns, and where the context requires or permits, shall include the singular, plural, and the masculine, feminine or neuter, as the context requires.)

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, and other good and valuable consideration, the receipt of which is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does hereby grant, bargain, sell alien, convey, confirm and forever quitclaim unto Grantee all the right, title interest, claim, or demand which the Grantor has or may have (if any) in and to the following described property, to wit:

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 487 OF THE 17<sup>TH</sup> DISTRICT, 2<sup>ND</sup> SECTION OF COBB COUNTY, GEORGIA AND BEING MORE PARTICULARLY DESCRIBED AS:

1081 STEPHENS STREET, SMYRNA, GA 30080 ACCORDING TO THE PRESENT SYSTEM OF NUMBERING PROPERTIES IN COBB COUNTY GEORGIA, SAID PROPERTY ALSO HAVING THE MAP AND PARCEL OF 170487000070 ACCORDING TO THE PRESENT SYSTEM OF MAPPING AND TAXING PROPERTIES IN COBB COUNTY, GEORGIA.

TOGETHER WITH all rights, members and appurtenances to the said described property in anywise appertaining or belonging.

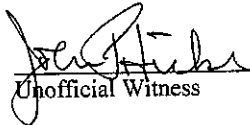
TO HAVE AND TO HOLD the said property unto the said Grantee so that neither the Grantor nor its successors or assigns nor any other person or persons claiming under Grantor shall at any time demand any right, title, or interest to the said property or its appurtenances.

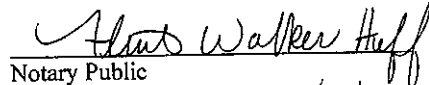
IN WITNESS WHEREOF, the Grantor has signed and sealed this deed the day and year first above written.

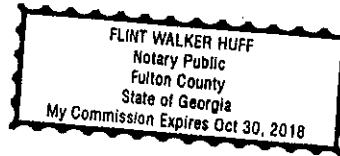
DEVELOPMENT PARTNERS, LLC

  
By: Jeff Bachman, Manager (SEAL)

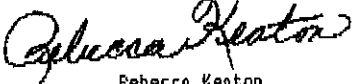
Signed, sealed and delivered in  
the present of:

  
Unofficial Witness

  
Notary Public  
My commission expires: 10/30/2018



After Recording Deliver To:  
Perrie & Associates, LLC  
100 Galleria Parkway, SE  
Ste. 1170  
Atlanta, GA 30339

  
Rebecca Keaton  
Clerk of Superior Court Cobb Cts., Ga.

File No.: CDoug

STATE OF GEORGIA  
COUNTY OF COBB

### **QUITCLAIM DEED**

This indenture made this 10<sup>th</sup> day of August, 2016, by and between **JOAN M. GEORGE**, as party or parties of the first part, hereinafter referred to as "Grantor", and **MICHAEL R. DOUCETTE AND JEANETTE M. DOUCETTE**, Together as Joint Tenants With Right of Survivorship and Not as Tenants In Common as party or parties of the second part hereinafter referred to as "Grantee" (the words "Grantor" and "Grantee" shall include their respective heirs, successors and assigns, and where the context requires or permits, shall include the singular, plural, and the masculine, feminine or neuter, as the context requires.)

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, and other good and valuable consideration, the receipt of which is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does hereby grant, bargain, sell alien, convey, confirm and forever quitclaim unto Grantee all the right, title interest, claim, or demand which the Grantor has or may have (if any) in and to the following described property, to wit:

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 487 OF THE 17<sup>TH</sup> DISTRICT, 2<sup>ND</sup> SECTION OF COBB COUNTY, GEORGIA AND BEING MORE PARTICULARLY DESCRIBED AS:

1081 STEPHENS STREET, SMYRNA, GA 30080 ACCORDING TO THE PRESENT SYSTEM OF NUMBERING PROPERTIES IN COBB COUNTY GEORGIA, SAID PROPERTY ALSO HAVING THE MAP AND PARCEL OF 170487000070 ACCORDING TO THE PRESENT SYSTEM OF MAPPING AND TAXING PROPERTIES IN COBB COUNTY, GEORGIA.

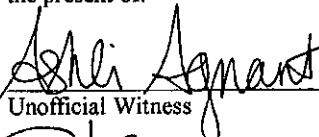
TOGETHER WITH all rights, members and appurtenances to the said described property in anywise appertaining or belonging.


TO HAVE AND TO HOLD the said property unto the said Grantee so that neither the Grantor nor its successors or assigns nor any other person or persons claiming under Grantor shall at any time demand any right, title, or interest to the said property or its appurtenances.

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

 (SEAL)  
Joan M. George

Signed, sealed and delivered in  
the present of:

  
Unofficial Witness

  
Notary Public  
My commission expires: 23 NOV. 2019






Mail -  
Brian D. Minnick  
4744 Legacy Cove Lane  
Mableton, GA 30126

STATE OF GEORGIA  
COUNTY OF COBB

Deed Book 15372 Pg 5266  
Filed and Recorded Sep-12-2016 12:40pm  
2016-0108973  
Real Estate Transfer Tax \$0.00  
0332016021854

  
Rebecca Keaton  
Clerk of Superior Court Cobb Cty. Ga.

### QUITCLAIM DEED

This indenture made this 15<sup>th</sup> day of ~~August~~ <sup>September</sup> 2016, by and between <sup>MRD</sup> ~~MRD~~ <sup>QMP</sup> ~~QMP~~ MICHAEL R. DOUCETTE AND JEANETTE M. DOUCETTE, as party or parties of the first part, hereinafter referred to as "Grantor", and BRIAN D. MINNICK as party of the second part hereinafter referred to as "Grantee" (the words "Grantor" and "Grantee" shall include their respective heirs, successors and assigns, and where the context requires or permits, shall include the singular, plural, and the masculine, feminine or neuter, as the context requires.)

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, and other good and valuable consideration, the receipt of which is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does hereby grant, bargain, sell alien, convey, confirm and forever quitclaim unto Grantee all the right, title interest, claim, or demand which the Grantor has or may have (if any) in and to the following described property, to wit:

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 487 OF THE 17<sup>TH</sup> DISTRICT, 2<sup>ND</sup> SECTION OF COBB COUNTY, GEORGIA AND BEING MORE PARTICULARLY DESCRIBED AS:

1081 STEPHENS STREET, SMYRNA, GA 30080 ACCORDING TO THE PRESENT SYSTEM OF NUMBERING PROPERTIES IN COBB COUNTY GEORGIA, SAID PROPERTY ALSO HAVING THE MAP AND PARCEL OF 170487000070 ACCORDING TO THE PRESENT SYSTEM OF MAPPING AND TAXING PROPERTIES IN COBB COUNTY, GEORGIA.

TOGETHER WITH all rights, members and appurtenances to the said described property in anywise appertaining or belonging.

TO HAVE AND TO HOLD the said property unto the said Grantee so that neither the Grantor nor its successors or assigns nor any other person or persons claiming under Grantor shall at any time demand any right, title, or interest to the said property or its appurtenances.

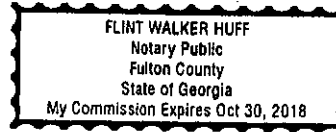
IN WITNESS WHEREOF, the Grantor has signed and sealed this deed the day and year first above written.

Michael R. Doucette (SEAL)  
Michael R. Doucette

Signed, sealed and delivered in the present of:

John Fisher  
Unofficial Witness

Flint Walker Huff  
Notary Public  
My commission expires: 10/30/2018

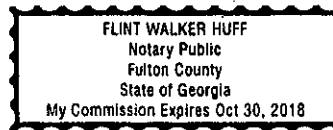


Jeanette M. Doucette (SEAL)  
Jeanette M. Doucette

Signed, sealed and delivered in the present of:

John Fisher  
Unofficial Witness

Flint Walker Huff  
Notary Public  
My commission expires: 10/30/2018



[Log In](#)

## Real Estate

[View Bill](#)

[View bill image](#)

|                  |                           |
|------------------|---------------------------|
| <b>As of</b>     | 4/19/2017                 |
| <b>Bill Year</b> | 2016                      |
| <b>Bill</b>      | 5896                      |
| <b>Owner</b>     | GONZALEZ CARLOS & KAREN L |
| <b>Parcel ID</b> | 17048700170               |

[View payments/adjustments](#)

| Installment  | Pay By     | Amount          | Payments/Credits | Balance       | Interest      | Due           |
|--------------|------------|-----------------|------------------|---------------|---------------|---------------|
| 1            | 11/15/2016 | \$496.79        | \$496.79         | \$0.00        | \$0.00        | \$0.00        |
| <b>TOTAL</b> |            | <b>\$496.79</b> | <b>\$496.79</b>  | <b>\$0.00</b> | <b>\$0.00</b> | <b>\$0.00</b> |

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Printed: 4/19/2017

### 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:  
**PERRIE & ASSOCIATES**

**GONZALEZ CARLOS & KAREN L**

**Payment Date: 10/3/2016**

| Tax Year | Parcel ID   | Due Date   | Appeal Amount | Taxes Due |
|----------|-------------|------------|---------------|-----------|
| 2016     | 17048700170 | 10/17/2016 | Pay: N/A or   | \$0.00    |

| Interest | Penalty | Fees   | Total Due | Amount Paid | Balance |
|----------|---------|--------|-----------|-------------|---------|
| \$0.00   | \$0.00  | \$0.00 | \$0.00    | \$1,425.15  | \$0.00  |



Scan this code with your  
 mobile phone to view  
 this bill!!

Rebecca Keaton  
Clark of Superior Court Cobb Cty. Ga.

STATE OF GEORGIA  
COUNTY OF COBB

**WARRANTY DEED**

THIS INDENTURE made this 23rd day of September, 2016, between

**CARLOS GONZALEZ and KAREN L. GONZALEZ,**

as party or parties of the first part, hereinafter called Grantor, and

**BRIAN MINNICK,**

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 DOLLARS and other good and valuable consideration (\$10.00) 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, the following described property:

**SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE:**

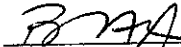
TO HAVE AND TO HOLD the said tract or parcel of land, with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit and behoof of the said Grantee forever in FEE SIMPLE.

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.

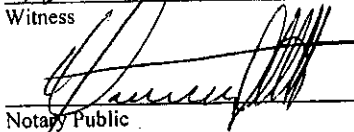
IN WITNESS WHEREOF, Grantor has hereunto set grantor's hand and seal this first day and year first above written.

Signed, sealed and delivered in the presence of:

  
\_\_\_\_\_  
CARLOS GONZALEZ (Seal)

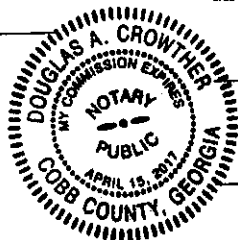
  
\_\_\_\_\_  
Witness

  
\_\_\_\_\_  
KAREN L. GONZALEZ (Seal)

  
\_\_\_\_\_  
Notary Public

My commission expires

[Attach Notary Seal]



\_\_\_\_\_  
(Seal)

\_\_\_\_\_  
(Seal)

EXHIBIT A

All that tract or parcel of land lying and being in Land Lot 487, 17th District, 2nd Section, Cobb County, Georgia, and being more particularly described as follows: Beginning at an iron pin on the easterly right of way of Mann Street 225 feet northerly as measured along the easterly right of way of Mann Street from the corner formed by the intersection of the easterly right of way of Mann Street and the northerly right of way of Church Street; running thence easterly a distance of 147.18 feet to an iron pin; running thence northerly a distance of 75 feet to an iron pin; running thence westerly a distance of 148.5 feet to an iron pin located on the easterly right of way of Mann Street running thence southerly along the easterly right of way of Mann Street a distance of 75 feet to an iron pin and the point of beginning.

Being improved property known as 2925 Mann Street SE Smyrna, GA 30080 and being the same property conveyed by deed dated 8/28/2014 and recorded at deed book 15182 page 1784.

Tax ID#17-0487-0-017-0

A handwritten signature in black ink, appearing to be 'A. D.' with a stylized flourish below it.

#### LEGAL DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 487 OF THE 17<sup>TH</sup> DISTRICT, 2<sup>ND</sup> SECTION, COBB COUNTY, GEORGIA, WITHIN THE CITY OF SMYRNA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS FROM A SURVEY PREPARED BY ALPHA LAND SERVICES ENGINEERING & SURVEYING FOR 2925 MANN STREET DATED 11/3/16, LAST REVISED 03/22/17:

BEGINNING AT AN IRON PIN SET ON THE EAST RIGHT-OF-WAY OF MANN STREET (HAVING A 30' RIGHT-OF-WAY), SAID IRON PIN BEING THE COMMON LOT CORNER OF THE JENNIE N. MASHBURN PROPERTY AS PER DEED BOOK 15332 PAGE 3496 AND THE CARLOS AND KAREN GONZALEZ PROPERTY AS PER DEED BOOK 15379 PAGE 15 AND THE TRUE POINT OF BEGINNING; GO THENCE NORTH ALONG THE EAST RIGHT-OF-WAY OF MANN STREET A BEARING OF NORTH 02 DEGREES 10 MINUTES 33 SECONDS WEST FOR A DISTANCE OF 101.03 FEET TO A POINT; GO THENCE NORTHEASTERLY ALONG A CURVE TO THE RIGHT AN ARC LENGTH OF 14.14 FEET TO A POINT BEING LOCATED ON THE SOUTH RIGHT-OF-WAY OF STEPHENS STREET (HAVING AN APPARENT 30' RIGHT-OF-WAY); SAID ARC BEING SUBTENDED BY A CHORD BEARING OF NORTH 50 DEGREES 42 MINUTES 42 SECONDS EAST WITH A CHORD DISTANCE OF 12.21 FEET USING A RADIUS LENGTH OF 7.66 FEET; GO THENCE NORTHEASTERLY ALONG A CURVE TO THE LEFT AN ARC LENGTH OF 140.39 FEET TO AN IRON PIN FOUND ON THE SOUTH RIGHT-OF-WAY OF STEPHENS STREET AND THE COMMON LOT CORNER OF THE MICHAEL AND JEANETTE DOUCETTE PROPERTY AS PER DEED BOOK 15372 PAGE 5236 AND SOTY S. PAIGE PROPERTY AS PER DEED BOOK 13645 PAGE 1024; SAID ARC BEING SUBTENDED BY A CHORD BEARING OF NORTH 88 DEGREES 08 MINUTES 19 SECONDS EAST WITH A CHORD DISTANCE OF 138.69 FEET USING A RADIUS LENGTH OF 260.25 FEET; GO THENCE SOUTH ALONG THE COMMON PROPERTY LINE OF THE MICHAEL AND JEANETTE DOUCETTE PROPERTY AS PER DEED BOOK 15372 PAGE 5236 AND THE SOTY S. PAIGE PROPERTY AS PER DEED BOOK 13645 PAGE 1024 A BEARING OF SOUTH 02 DEGREES 04 MINUTES 38 SECONDS EAST FOR A DISTANCE OF 99.53 FEET TO AN IRON PIN FOUND; SAID PIN FOUND BEING A COMMON LOT CORNER OF THE CARLOS AND KAREN GONZALEZ PROPERTY AS PER DEED BOOK 15379 PAGE 15 AND THE JENNIE N. MASHBURN PROPERTY AS PER DEED BOOK 15332 PAGE 3496; GO THENCE SOUTHWEST ALONG THE COMMON PROPERTY LINE OF THE CARLOS AND KAREN GONZALEZ PROPERTY AS PER DEED BOOK 15379 PAGE 15 AND THE JENNIE N. MASHBURN PROPERTY AS PER DEED BOOK 15332 PAGE 3496 A BEARING OF SOUTH 84 DEGREES 41 MINUTES 36 SECONDS WEST FOR A DISTANCE OF 148.48 FEET TO AN IRON PIN SET AND THE TRUE POINT OF BEGINNING.

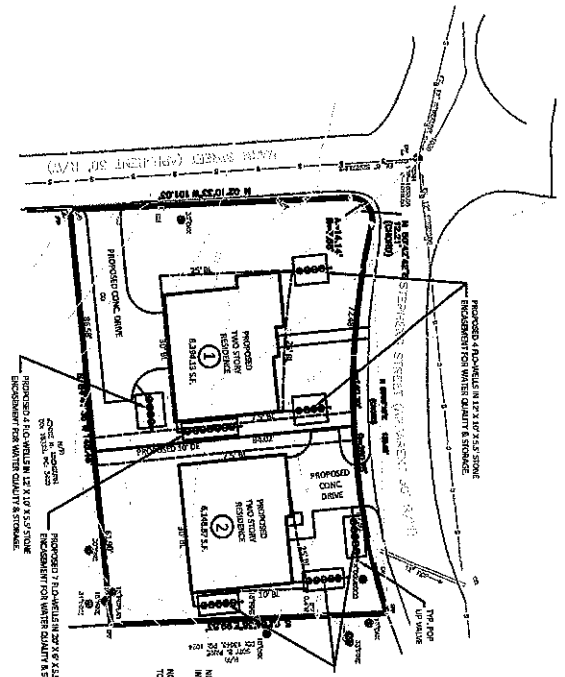
SAID TRACT CONTAINS 0.334 ACRES (14,543 SQUARE FEET).



TRACT AREA= 0.334 ACRES ( 14,543 S.F. )

**GENERAL NOTES:**

1. EXISTING ZONING: R-45
2. PROPOSED ZONING: RAD
3. PROPOSED DENSITY = 5.99 LOTS PER ACRE (2 LOTS AS SHOWN.)
4. PROPOSED SETBACKS AS SHOWN.
5. PROPOSED VARIANCE REQUEST
  - A. TO REDUCE MINIMUM LOT SQUARE FOOTAGE FROM 15,000 S.F. TO S.F. AS SHOWN:  
 LOT 1 - 8,394.13 S.F.  
 LOT 2 - 6,148.87 S.F.
  - B. TO REDUCE MINIMUM LOT WIDTH FROM 100' TO AS SHOWN:  
 LOT 1 - 72.48' @ FRONT; 86.58' @ REAR  
 LOT 2 - 67.91' @ FRONT; 61.90' @ REAR
  - C. TO REDUCE SETBACKS (FRONT-40', SIDE-35', REAR-40') TO AS SHOWN.
6. NO WETLANDS AS PER THE NATIONAL WETLANDS INVENTORY MAPS.
7. PROPOSED USAGE: DETACHED SINGLE FAMILY HOMES.
8. LOTS TO BE SERVED BY CITY WATER & SEWER.
9. ALL BOUNDARY SURVEY INFORMATION TAKEN FROM PLAT OF SURVEY FOR 2925 MANN STREET PREPARED BY ALPHA LAND SERVICES DATED 11/03/16; LAST REVISED 03/22/17.
10. SITE ADDRESS:  
2925 MANN STREET - SMYRNA, GA. 30080  
TAX ID # 17048700170
11. MINIMUM FLOOR AREA 1800 S.F.
12. MAXIMUM LOT COVERAGE 45%
13. MAXIMUM HEIGHT OF STRUCTURE 35'



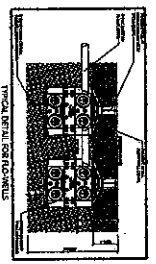
NOTE: ALL EXISTING STRUCTURES ON SITE ARE TO BE REMOVED PRIOR TO CONSTRUCTION.

**PROPOSED LOT 1**

| Item | Description              | Quantity | Unit    |
|------|--------------------------|----------|---------|
| 1    | Proposed House Footprint | 1        | Sq. Ft. |
| 2    | Proposed Driveway        | 1        | Sq. Ft. |
| 3    | Proposed Porch           | 1        | Sq. Ft. |
| 4    | Proposed Deck            | 1        | Sq. Ft. |
| 5    | Proposed Walkway         | 1        | Sq. Ft. |
| 6    | Proposed Stairs          | 1        | Sq. Ft. |
| 7    | Proposed Foundation      | 1        | Sq. Ft. |
| 8    | Proposed Roofing         | 1        | Sq. Ft. |
| 9    | Proposed Siding          | 1        | Sq. Ft. |
| 10   | Proposed Windows         | 1        | Sq. Ft. |
| 11   | Proposed Doors           | 1        | Sq. Ft. |
| 12   | Proposed Landscaping     | 1        | Sq. Ft. |
| 13   | Proposed Fencing         | 1        | Sq. Ft. |
| 14   | Proposed Pool            | 1        | Sq. Ft. |
| 15   | Proposed Deck            | 1        | Sq. Ft. |
| 16   | Proposed Walkway         | 1        | Sq. Ft. |
| 17   | Proposed Stairs          | 1        | Sq. Ft. |
| 18   | Proposed Foundation      | 1        | Sq. Ft. |
| 19   | Proposed Roofing         | 1        | Sq. Ft. |
| 20   | Proposed Siding          | 1        | Sq. Ft. |
| 21   | Proposed Windows         | 1        | Sq. Ft. |
| 22   | Proposed Doors           | 1        | Sq. Ft. |
| 23   | Proposed Landscaping     | 1        | Sq. Ft. |
| 24   | Proposed Fencing         | 1        | Sq. Ft. |
| 25   | Proposed Pool            | 1        | Sq. Ft. |

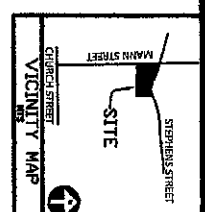
**PROPOSED LOT 2**

| Item | Description              | Quantity | Unit    |
|------|--------------------------|----------|---------|
| 1    | Proposed House Footprint | 1        | Sq. Ft. |
| 2    | Proposed Driveway        | 1        | Sq. Ft. |
| 3    | Proposed Porch           | 1        | Sq. Ft. |
| 4    | Proposed Deck            | 1        | Sq. Ft. |
| 5    | Proposed Walkway         | 1        | Sq. Ft. |
| 6    | Proposed Stairs          | 1        | Sq. Ft. |
| 7    | Proposed Foundation      | 1        | Sq. Ft. |
| 8    | Proposed Roofing         | 1        | Sq. Ft. |
| 9    | Proposed Siding          | 1        | Sq. Ft. |
| 10   | Proposed Windows         | 1        | Sq. Ft. |
| 11   | Proposed Doors           | 1        | Sq. Ft. |
| 12   | Proposed Landscaping     | 1        | Sq. Ft. |
| 13   | Proposed Fencing         | 1        | Sq. Ft. |
| 14   | Proposed Pool            | 1        | Sq. Ft. |
| 15   | Proposed Deck            | 1        | Sq. Ft. |
| 16   | Proposed Walkway         | 1        | Sq. Ft. |
| 17   | Proposed Stairs          | 1        | Sq. Ft. |
| 18   | Proposed Foundation      | 1        | Sq. Ft. |
| 19   | Proposed Roofing         | 1        | Sq. Ft. |
| 20   | Proposed Siding          | 1        | Sq. Ft. |
| 21   | Proposed Windows         | 1        | Sq. Ft. |
| 22   | Proposed Doors           | 1        | Sq. Ft. |
| 23   | Proposed Landscaping     | 1        | Sq. Ft. |
| 24   | Proposed Fencing         | 1        | Sq. Ft. |
| 25   | Proposed Pool            | 1        | Sq. Ft. |



- LOT 1**
- PROPOSED LOT AREA = 8,394.13 S.F.
  - 45% COVERAGE = 3,777.35 S.F.
  - USING DEKALB RATIONAL HYDROGRAPH GENERATES A VOLUME OF 793 C.F. ON THE 100 YR STORM EVENT.
  - EACH PIT REQUIRED TO STORE 191 C.F. MINIMUM.
- LOT 2**
- PROPOSED LOT AREA = 6,148.87 S.F.
  - 45% COVERAGE = 2,766.99 S.F. MAX.
  - USING DEKALB RATIONAL HYDROGRAPH GENERATES A VOLUME OF 808 C.F. ON THE 100 YR STORM EVENT.
  - EACH PIT REQUIRED TO STORE 170 C.F. MINIMUM.

**FLOWWELL CALCULATIONS:**  
 USING HYDROFLOW SOFTWARE BY AUTODESK, INC.  
 EACH PIT SHOWN PROVIDES THE MINIMUM REQUIRED STORAGE.



**LEGEND:**  
 PROPOSED HOUSE FOOTPRINT  
 PROPOSED DRIVEWAY  
 PROPOSED PORCH  
 PROPOSED DECK  
 PROPOSED WALKWAY  
 PROPOSED STAIRS  
 PROPOSED FOUNDATION  
 PROPOSED ROOFING  
 PROPOSED SIDING  
 PROPOSED WINDOWS  
 PROPOSED DOORS  
 PROPOSED LANDSCAPING  
 PROPOSED FENCING  
 PROPOSED POOL  
 PROPOSED DECK  
 PROPOSED WALKWAY  
 PROPOSED STAIRS  
 PROPOSED FOUNDATION  
 PROPOSED ROOFING  
 PROPOSED SIDING  
 PROPOSED WINDOWS  
 PROPOSED DOORS  
 PROPOSED LANDSCAPING  
 PROPOSED FENCING  
 PROPOSED POOL

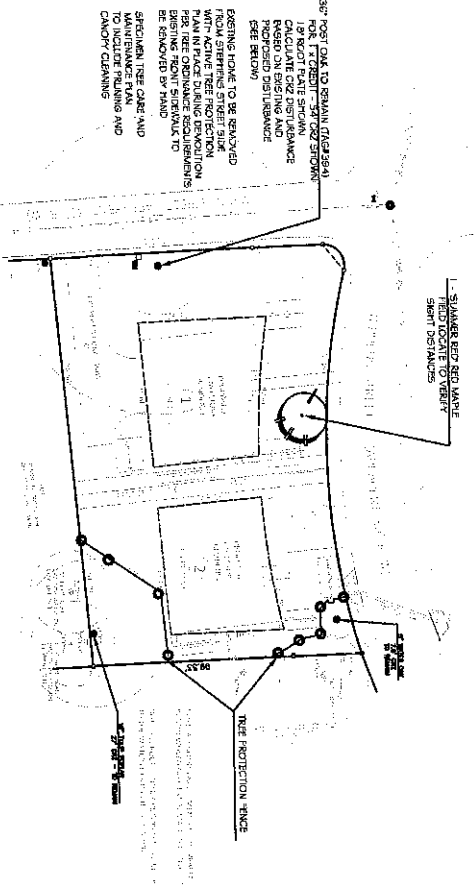
THIS PLAN AND ANY INFORMATION HEREON IS THE PROPERTY OF PAUL LEE CONSULTING ENGINEERING ASSOCIATES, INC. NO PART OF THIS PLAN OR INFORMATION HEREON IS TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF PAUL LEE CONSULTING ENGINEERING ASSOCIATES, INC.

**PAUL LEE CONSULTING ENGINEERING ASSOCIATES, INC.**  
 1301 ALISTEL POWDER SPRINGS ROAD - POWDER SPRINGS, GEORGIA 30127  
 PH: (770) 432-2576

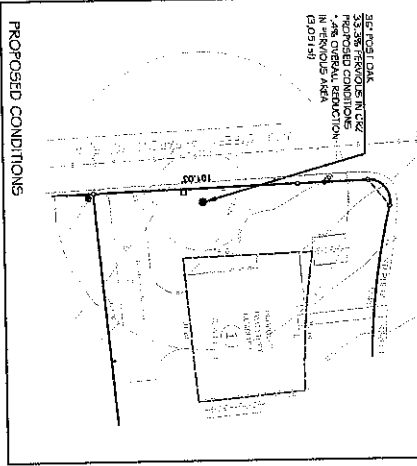
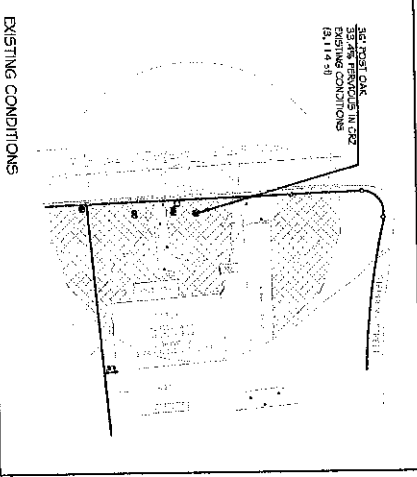
RECEIVING & VARIANCE PLAT FOR  
**J CARPENTER HOMES**  
 LAND LOT 487 17TH DISTRICT 2ND SECTION  
 COOBS COUNTY, CITY OF SMYRNA, GEORGIA

PAUL LEE CONSULTING ENGINEERING ASSOCIATES, INC.  
 1301 ALISTEL POWDER SPRINGS ROAD - POWDER SPRINGS, GEORGIA 30127  
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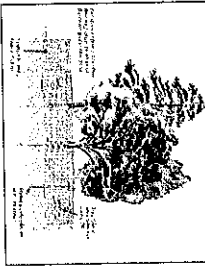
**TREE PRESERVATION AND REPLACEMENT PLAN**



| PLANT LIST | BOTANICAL NAME | MIN. SIZE | MIN. SPACING | RECOMM. % | COMMENTS |   |
|------------|----------------|-----------|--------------|-----------|----------|---|
| 1          | Shawns Beech   | 3' cal.   | 20' O.C.     | 3         | 0        | Healthy, Strong, Straight Leader, Good Form |
|            | Yalp Shirt     | 5'        |              | 100       |          |   |

- NOTES:**
- SHAWNS BEECH AND YALP SHIRT SHALL BE INSTALLED, MAINTAINED AND PROTECTED TO THE SATISFACTION OF THE COMMUNITY DEVELOPMENT DEPARTMENT (CDD) AND APPROVED BY THE CITY ENGINEER AND THE CITY ATTORNEY BEFORE THE SHAWNS BEECH AND YALP SHIRT ARE PLANTED AND APPROVED BY THE COMMUNITY DEVELOPMENT DEPARTMENT (CDD)
  - 1 1/2" KNOT FREE SWELN SHALL BE USED FOR ALL POSTS AND APPROVED BY THE CITY ENGINEER AND THE CITY ATTORNEY BEFORE THE SHAWNS BEECH AND YALP SHIRT ARE PLANTED AND APPROVED BY THE COMMUNITY DEVELOPMENT DEPARTMENT (CDD)
  - ALL TREE PROTECTION MEASURES SHALL BE INSTALLED PRIOR TO THE START OF CONSTRUCTION AND SHALL BE MAINTAINED THROUGHOUT CONSTRUCTION
  - BARRIERS SHALL BE SPACED TO ALLOW FOR PROPER MAINTENANCE AND TO BE REMOVED BY THE CONTRACTOR PRIOR TO THE START OF CONSTRUCTION
  - ALL TREE PROTECTION MEASURES SHALL BE MAINTAINED THROUGHOUT CONSTRUCTION
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  - ALL TREE PROTECTION MEASURES SHALL BE MAINTAINED THROUGHOUT CONSTRUCTION

**Tree Protection for Non-Specimen Trees**



**\*Specimen tree protection requires orange polyethylene fence be replaced with chain link fence.**

**CONTACT:**  
**JOHN HICKS**  
**J CARPENTER HOMES**  
**(678) 794-7429**

**REPLACEMENT NOTES CALCULATIONS:**

TOTAL AREAS = 354 AC.  
 SDP = 50' x 10' PER ACRE  
 SDP = 354 x 100' PER ACRE  
 = 35,400' REPAIRED FOR SITE

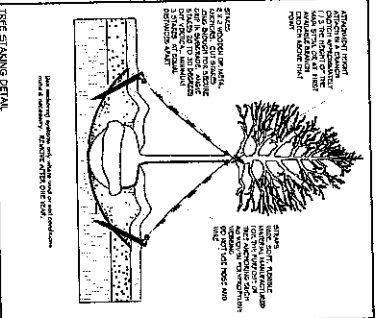
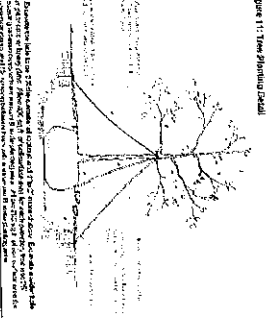
Total inches to be preserved = 19'

33.4 x 52 = 4200'

DESIGN DISTANCE

Specimen Tree Maintenance Plan to be provided as a condition of IDP per Tree Ordinance requirements. The applicant of completion of any tree care item in the plan. Proof of completion must also be submitted to the Director of Community Development.

**ALL TREES MUST BE MAINTAINED AT LEAST 10 FEET FROM ANY UTILITY LINE.**





# CITY OF SMYRNA

2800 King Street / P.O. Box 1226, Smyrna, Georgia 30081  
(770) 434-6600 / www.smyrnacity.com

## WATER AND SEWER AVAILABILITY

The City of Smyrna has determined that water and sanitary sewer are available to the proposed development. Water and sanitary sewer are located on Stephens Street. Road must be bored by the developer to grant access to the utilities. All existing taps are to be used where possible. Abandoned taps will have to be capped at the main.

Elevations are the responsibilities of the developer. This information is based upon a rezoning and variance plan for J. Carpenter Homes by Paul Lee Consulting Engineering dated 4/3/17.

Sincerely,

Scott Stokes  
Director Public Works

MAYOR  
A. MAX BACON

CITY COUNCIL

WARD 1  
DEREK NORTON

WARD 2  
ANDREA BLUSTEIN

WARD 3  
TERI ANULEWICZ

WARD 4  
CHARLES A. WELCH  
CITY ATTORNEY  
SCOTT A. COCHRAN

WARD 5  
SUSAN WILKINSON

WARD 6  
DOUG STONER  
MUNICIPAL COURT JUDGE  
E. ALTON CURTIS, JR.

WARD 7  
RON FENNEL

CITY ADMINISTRATOR  
MICHAEL L. JONES, PE.

CITY CLERK  
TERRI GRAHAM

TO THE MAYOR & CITY COUNCIL

SMYRNA, GEORGIA

**CONSTITUTIONAL CHALLENGE**

COMES NOW, J Carpenter Homes, hereinafter referred to as the "Applicant", and asserts the following, to wit:

1.

By application to which this exhibit relates, Applicant has applied for a rezoning of certain real property lying and being in Smyrna, Georgia, a more particular description and delineation of the subject property, hereinafter referred to as the "Property", being set forth in said Application.

2.

The Application for Zoning of the property seeks a rezoning from the existing category of R-15, as established by the governing authority of Smyrna, Georgia to the zoning category of RAD Conditional.

3.

The current R-15 zoning classification of the property and all intervening classifications between same and RAD Conditional are unconstitutional in that they deprive the Applicant under and pursuant to Article 1, Section I, Paragraphs I and II of the Georgia Constitution of 1983 and the Equal Protection and Due Process clauses of the Fifth and Fourteenth Amendments to the Constitution of the United States. This deprivation of property without due process violates constitutional prohibitions against the taking of private property without just compensation.

4.

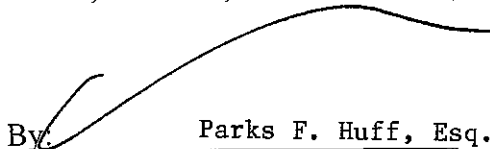
The zoning classification of R-15 and all intervening classifications between same and RAD Conditional as they presently exist violate the Applicant's right to the unfettered use of the property in that the existing zoning classification does not bear a substantial relation to the public health, safety, morality or general welfare and is, therefore, confiscatory and void. Further, said classifications are unconstitutional in that they are arbitrary and unreasonable, resulting in relatively little gain or benefit to the public, while inflicting serious injury and loss upon the Applicant.

5.

The Smyrna Zoning Ordinance is further unconstitutional in that the procedures contained therein pertaining to the public hearing held in connection with zoning applications also violates the aforementioned constitutional provisions in that said procedures contain the lack of procedural and evidentiary safeguards, do not restrict evidence received to the issues at hand and are controlled wholly and solely by political considerations rather than the facts and considerations required by law.

Respectfully submitted, this the 12 day of May, 2017.

SAMS, LARKIN, HUFF & BALLI, LLP

By  Parks F. Huff, Esq., for  
GARVIS L. SAMS, JR.  
Attorney for Applicant  
Ga. Bar No. 623950

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& BALLI, LLP  
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