

GARVIS L. SAMS, JR.
JOEL L. LARKIN
PARKS F. HUFF
ADAM J. ROZEN

SAMS, LARKIN & HUFF

A LIMITED LIABILITY PARTNERSHIP
SUITE 100

376 POWDER SPRINGS STREET
MARIETTA, GEORGIA 30064-3448

770•422•7016
TELEPHONE
770•426•6583
FACSIMILE

March 13, 2020

VIA HAND DELIVERY

Mr. Russell G. Martin, AICP, Director
Community Development Department
City of Smyrna
3180 Atlanta Road
Smyrna, GA 30080

Re: Application for Rezoning of Ron Dickinson to Rezone a 0.611 ± Acre Tract from
RDA and R-20 to Conditional RDA

Dear Rusty:

This firm has been engaged by and represents Ron Dickinson concerning the above-captioned Rezoning Application. By meeting today's deadline, it is my understanding that the Application will be heard by the Planning & Zoning Board on April 13, 2020, and thereafter heard by the Mayor and City Council on May 18, 2020.

With respect to the foregoing, enclosed please find the original and five (5) copies of the above-captioned Rezoning Application and supplemental documentation as follows:

1. Titleholder signatures and paid tax receipts indicating that taxes are paid on the Subject Property with respect to both the City of Smyrna and Cobb County.
2. A legal description is included in the above referenced deeds.
3. A full-sized copy; an 11" x 17" sized copy; and, an 8½" x 11" copy of the proposed Site Plan.
4. Elevations/house plans depicting the architectural style and composition of the proposed houses.
7. A Water/Sewer letter from Bo Jones, Public Works Assistant Director.
8. A Constitutional Challenge.



VIA HAND DELIVERY

Mr. Russell G. Martin, AICP, Director
Community Development Department
City of Smyrna
March 13, 2020
Page 2

9. Checks made payable to the City of Smyrna representing the Application fee, the Tree Protection Plan Review fee; and, Land Use Change fee.
10. A flash drive containing a pdf copy of this submittal.

I will be contacting your Staff in order to discuss potential stipulations/conditions of the Rezoning Request and to address any concerns which you or the Staff may have regarding the Application. In the interim, should you have any questions or need any additional documentation or information, please do not hesitate to contact me.

With kind regards, I am

Very truly yours,

SAMS, LARKIN & HUFF, LLP

A handwritten signature in black ink, appearing to read 'G. Sams, Jr.', enclosed within a large, loopy oval scribble.

Garvis L. Sams, Jr.
gsams@slhb-law.com

GLS, Jr./jac

Enclosures/Attachments

- cc: Honorable Mayor Derek A. Norton (via email w/attachments)
Members, City of Smyrna City Council (via email w/attachments)
Members, City of Smyrna Planning & Zoning Board (via email w/attachments)
Ms. Tammi Saddler Jones, City Administrator (via email w/attachments)
Mr. Kevin Moore, P.E., City Engineer (via email w/attachments)
Mr. Ernest Frank Martin, Public Works Director (via email w/attachments)
Mr. Timothy Grubaugh, Fire Marshal's Office (via email w/attachments)
Ms. Heather Peacon-Corn, City Clerk (via email w/attachments)
Mr. Joey Staubes, Planner II (via email w/attachments)
Mr. Ron Dickinson (via email w/attachments)

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

Type or Print Clearly

(To be completed by City)

Ward: _____

Application No: _____

Hearing Date: _____

APPLICANT: Ron Dickinson

Name: SAMS, LARKIN & HUFF, LLP/by: Garvis L. Sams, Jr.
(Representative's name, printed)

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

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

E-Mail Address: gsams@samslarkinhuff.com

Signature of Representative: 

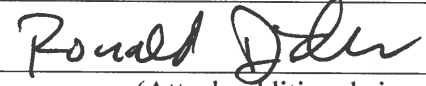
TITLEHOLDER

Name: Ronald S. Dickinson
(Titleholder's name, printed)

Address: P.O. Box 813220, Smyrna, GA 30081

Business Phone: 770-734-0498 Cell Phone: 770-771-6819 Home Phone: _____

E-mail Address: rdickinson@richardgriffinpc.com

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

(To be completed by City)

Received: _____

Heard by P&Z Board: _____

P&Z Recommendation: _____

Advertised: _____

Posted: _____

Approved/Denied: _____

ATTACHMENT TO REZONING APPLICATION

Ward: _____
Application No.: _____
Hearing Date: _____

Applicant: Ron Dickinson

Titleholder: Ronald S. Dickinson

Tax ID #: 17051900620 (2495 Adams Drive) and 17051900630 (1221 Pierce Avenue)

PROPERTY OWNER'S CERTIFICATION

The undersigned(s) below, or as attached, is the owner of the properties considered in this application.

Ronald S. Dickinson
Signature of Owner _____ Date _____

Title: Owner

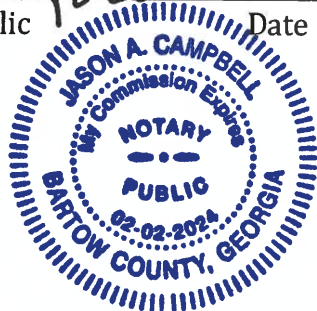
Address: P.O. Box 813220

Smyrna, GA 30081

Telephone No.: (770) 734-0498

Jason A. Campbell 3-11-2020
Signature of Notary Public _____ Date _____

(Notary Seal)



ZONING REQUEST

From RDA and R-20 to RDA
Present Zoning Proposed Zoning

LAND USE

From MEDR (up to 6 upa) and LDR (up to 3 upa) to MEDR (up to 6 upa)
Present Land Use Proposed Land Use

For the Purpose of Two single-family houses.

Size of Tract 0.611 ac

Location 2495 Adams Drive and 1221 Pierce Avenue
(Street address is required. If not applicable, please provide nearest intersection, etc.)

Land Lot (s) 519 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: R-20 (Cobb County)

East: RDA and R-20 (Cobb County)

South: R-12

West: R-20 (Cobb County)

CONTIGUOUS LAND USE

North: LDR (Cobb County)

East: LDR (Cobb County); MEDR

South: MODR

West: LDR (Cobb County)

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:

SEE ATTACHED LETTER FROM BO JONES, ASSISTANT DIRECTOR OF PUBLIC WORKS

TRANSPORTATION

Access to Property? Adams Drive and Pierce Avenue

Improvements proposed by developer? The development and construction of three single-family detached houses on the reconfiguration of two parcels into three.

Comments:

The Subject Property is located in an area under the City's Future Land Use Map within an area that contains both MEDR (up to six units per acre) and LDR (up to three units per acre).



City of Smyrna

2190 Atlanta Road

Smyrna, Georgia 30080

(770) 431-2850 /City of Smyrna Public Works

City of Smyrna

Water / Sewer availability letter

The City of Smyrna has deemed that water and sewer is available to properties 2495 Adams Dr and 1221 Peirce Ave.

The elevations are the responsibility of the developer when tying into the sewer system.

Sincerely,
Bo Jones

Assistant Director Public Works

X  _____

Mayor - A. Max Bacon

City Council Ward 1 - Derek Norton / Ward 2 - Andrea Blustein / Ward 3 - Maryline Blackburn / Ward 4 - Charles Welch
Ward 5 - Susan Wilkinson / Ward 6 - Tim Gould / Ward 7 - Ron Fennel

City Administrator - Tammi Saddler-Jones / City Clerk - Terri Graham / City Attorney - Scott Cochran
Municipal Court Judge - Phyllis Gingrey Collins

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: **NA**

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: **NA**

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: **NA**

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: **NA**

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:

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?

NO

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 13th day of March, 2020.



(Applicant's Signature)

SEE ATTACHED DISCLOSURE STATEMENTS

(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 REPORT¹ BY ATTORNEY FOR APPLICANT²

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: Derek A. Norton

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: On 2/21/18, a check in the sum of \$2,000.00 to the Committee to Elect Derek Norton, Mayor.

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 11th day of March, 2020.

SAMS, LARKIN & HUFF, LLP

By: 

GARVIS L. SAMS, JR.
Attorney for Applicant

¹If 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.

²Applicant 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, LLP

3-11-2020

DATE

By: 

Garvis L. Sams, Jr.
Attorney for Applicant

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 the context of existing and proposed developments concerning adjacent and 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 rezoning will not adversely impact the existing use or usability of adjacent or nearby properties. The applicant is proposing three single-family detached houses consisting of 1221 Pierce Avenue (now under construction) with two new parcels being created on what is now Adams Drive (existing structures to be removed), with each of those parcels having new houses built thereon.

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

Approval of the Rezoning Application will allow the removal of the house built in 1946 at 2495 Adams Drive which also has a detached garage with a residential unit. This parcel will be split into two parcels, each of which will have a single-family detached house. To add depth to the two proposed lots, the applicant will be splitting a portion of the lot at 1221 Pierce Avenue in order to add 100 feet back to the proposed lots on Adams Drive.

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 that will have an adverse impact upon the existing City of Smyrna's infrastructure and constitutes a proposed use which comports with the tenor of development along this portion of Adams Drive.

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

The proposed development is situated on the reconfiguration of two parcels into three for three single-family, detached houses. The proposed portion along the west side of Adams Drive is located in the MEDR (up to six units per acre) future land use category, and the parcel on the north side of Pierce Avenue is located in the LDR (up to three units per acre) future land use category. The proposed density of approximately 4.9 units per acre is within the range of the two future land use category and the arrangement of the proposed houses is similar to the existing arrangement of homes situated along Adams Drive (smaller lots) and Pierce Avenue (larger lots).

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. The property is located in an area with similar single-family uses in the City of Smyrna and unincorporated Cobb County.

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 proposed development will enhance architectural standards and aesthetics in accordance with the attached renderings depicting the architectural style and composition of the proposed homes.

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 will not create a nuisance and is compatible with existing uses and zonings 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 rezoning will positively affect the trend of residential development within this area of the City of Smyrna along Adams Drive and Pierce Avenue.

J.C. Stephenson

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

Return Recorded Document to:
Bobbitt & Associates, P.C.
Attorneys at Law
3215 South Cherokee Lane
Suite 1630
Woodstock, GA 30188

12-

WARRANTY DEED

STATE OF GEORGIA

COUNTY OF Cherokee

File #: 06005004

This Indenture made this 17th day of September, 2004 between BILLY RAY GUNTER, of the County of _____ State of ALABAMA, as party or parties of the first part, hereinafter called Grantor, and RONALD S. DICKINSON, 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 ORIGINAL LAND LOT 519, OF THE 17TH DISTRICT, 2ND SECTION, COBB COUNTY, GEORGIA, AND BEING THE NORTHERN PART OF LOT 72, BELMONT SUBDIVISION, AS SHOWN ON A PLAT OF THE PROPERTY OF HENRY ADAMS & J.M. ADAMS, PREPARED BY JOHN PATTON PHILLIPS, GEORGIA REGISTERED LAND SURVEYOR, DATED January 24, 1951, AND RECORDED IN PLAT BOOK 9, PAGE 23, COBB COUNTY, GEORGIA RECORDS, WHICH IS HEREBY EXPRESSLY INCORPORATED HEREIN AND MADE A PART HEREOF, BY THIS SPECIFIC REFERENCE THERETO, FOR A MORE COMPLETE DESCRIPTION OF THE SAID PROPERTY, BEING MORE PARTICULARLY DESCRIBED HEREIN BELOW AS FOLLOWS:

BEGINNING AT AN IRON PIN, FOUND ON THE WESTERLY RIGHT OF WAY LINE OF ADAMS DRIVE, WHICH IS LOCATED 150.0 FEET NORTH OF THE POINT OF INTERSECTION OF THE SAID WESTERLY RIGHT OF WAY LINE OF ADAMS DRIVE WITH THE NORTHERLY RIGHT OF WAY LINE OF PIERCE AVENUE, AS MEASURED ALONG THE SAID WESTERLY RIGHT OF WAY LINE OF ADAMS DRIVE; THENCE RUNNING WEST FOR A DISTANCE OF 70.0 FEET TO AN IRON PIN; THENCE RUNNING NORTH FOR A DISTANCE OF 100.0 FEET TO AN IRON PIN; THENCE RUNNING EAST FOR A DISTANCE OF 70.0 FEET TO AN IRON PIN, WHICH IS LOCATED ON THE SAID WESTERLY RIGHT OF WAY LINE OF ADAMS DRIVE; THENCE RUNNING SOUTH, ALONG THE SAID WESTERLY RIGHT OF WAY LINE OF ADAMS DRIVE, FOR A DISTANCE OF 100.0 FEET TO AN IRON PIN, WHICH IS THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PROPERTY, WHICH IS KNOWN HEREIN AS TRACT I, IS THE IDENTICAL PROPERTY THAT WAS CONVEYED TO CARL B. SWAFFORD AND MRS. OLA V. SWAFFORD, BY VIRTUE OF THAT CERTAIN WARRANTY DEED FROM HENRY ADAMS TO CARL B. SWAFFORD AND MRS. OLA V. SWAFFORD, DATED June 15, 1951, WHICH IS RECORDED IN DEED BOOK 231, PAGE 243, COBB COUNTY, GEORGIA DEED RECORDS; WHICH IS THE IDENTICAL PROPERTY THAT WAS CONVEYED TO JAMES E. BROWN AND CORRIE C. BROWN, AS JOINT TENANTS, BY VIRTUE OF THAT CERTAIN WARRANTY DEED FROM MORGAN B. BROWN TO JAMES E. BROWN AND CORRIE C. BROWN DATED December 20, 1985, WHICH IS RECORDED IN DEED BOOK 377, PAGE 45, COBB COUNTY, GEORGIA DEED RECORDS.

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.

[Handwritten signature]

2495 Adams Dr.

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



BILLY RAY GUNTER (Seal)

(Seal)

(Seal)

(Seal)

Deed Book 14046 Pg 721
Jay C. Stephenson
Clerk of Superior Court Cobb Cty. Ga.

25400-07

RETURN TO:

HAYNIE, LITCHFIELD & CRANE, P. C.
222 Washington Avenue
Marietta, Georgia 30060

Mail

J.C. Stephenson

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

WARRANTY DEED

STATE OF GEORGIA, COUNTY OF COBB

This Indenture made this 7th day of March, in the year Two Thousand Seven, between JACKIE B. AARON and HARRIET A. AARON, of the County of COBB, State of Georgia, as party or parties of the first part, hereinafter called Grantor, and RONALD S. DICKINSON, 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 LAND LOT 519 OF THE 17TH DISTRICT, 2ND SECTION, COBB COUNTY, GEORGIA, BEING LOT 1, REEVES ELECTRIC COMPANY AS PER PLAT RECORDED IN PLAT BOOK 7, PAGE 26, COBB COUNTY GEORGIA RECORDS, WHICH PLAT IS INCORPORATED HEREIN BY REFERENCE AND MADE A PART HEREOF.

THIS CONVEYANCE is subject to all 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, the Grantor has signed and sealed this deed, the day and year above written.

Signed, sealed and delivered in the presence of:

[Signature]
Witness

[Signature]
Notary Public



[Signature] (Seal)
JACKIE B. AARON

[Signature] (Seal)
HARRIET A. AARON

_____ (Seal)

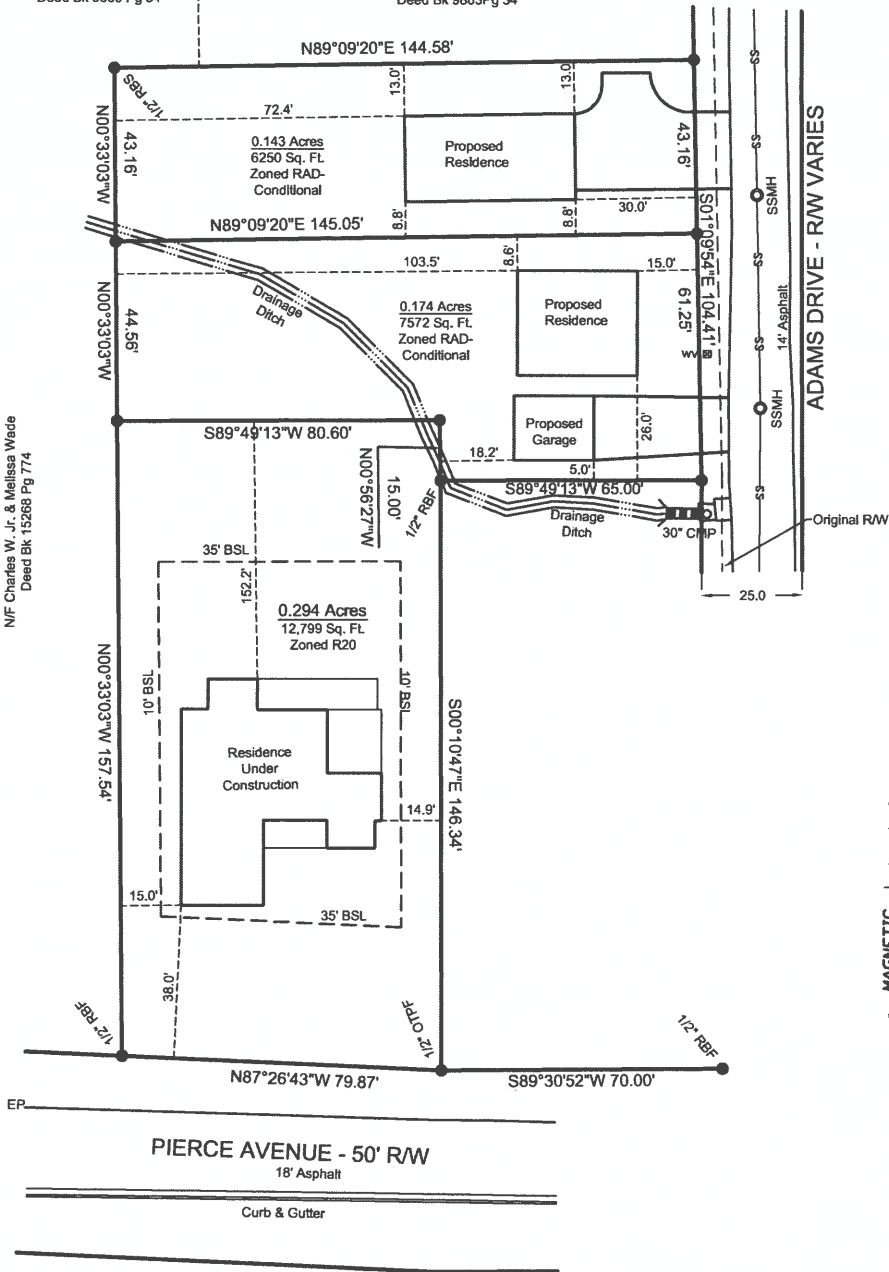
_____ (Seal)

1221 Pierce Ave.

N/F Terry McCollister
Deed Bk 9863 Pg 34

N/F Terry McCollister
Deed Bk 9863Pg 34

N/F Charles W. Jr. & Melissa Wade
Deed Bk 15268 Pg 774



0 30 60
SCALE: 1" = 30'

LandTec
Surveying

205 WILLIAMS BRIDGE ROAD,
TOCCOA, GEORGIA 30577
PHONE: (678)780-8832

CONCEPT PLAN OF 2495 ADAMS DRIVE &
1221 PIERCE AVE. FOR:
**RONALD
DICKINSON**
LOCATED IN:
LAND LOT 519, 17TH DISTRICT, 2ND SECTION
COBB COUNTY, GEORGIA

DRAWN:	WJG
CC:	WJG
DATE:	02/10/2020
SCALE:	1"=30'
JOB NUMBER:	20-008
SHEET NUMBER:	1 OF 1

Munis Self Service

Real Estate

[View Bill](#)

[View bill image](#)

As of 3/13/2020

Bill Year 2019

Bill 4371

Owner DICKINSON RONALD S

Parcel ID 17051900620

[View payments/adjustments](#)

Installment	Pay By	Amount	Payments/Credits	Balance	Interest	Due
1	11/15/2019	\$483.55	\$470.59	\$12.96	\$0.00	\$12.96
Interest			\$12.96			\$0.00
TOTAL		\$483.55	\$470.59	\$12.96	\$0.00	\$12.96

[Pay Bill](#)

©2020 Tyler Technologies, Inc.

THE SECOND PARCEL FOR THIS REZONING APPLICATION (17051900630 - 1221 PIERCE AVE - WAS ANNEXED INTO THE CITY OF SMYRNA ON AUGUST 30, 2019, AND NO BILL HISTORY HAS BEEN GENERATED AT THIS POINT - PER MIKE HICKENBOTTOM WITH THE CITY OF SMYRNA'S FINANCE DEPARTMENT (03-13-2020).

Printed: 3/13/2020



Cobb County Online Tax Receipt

Thank you for your payment!

CARLA JACKSON TAX COMMISSIONER
HEATHER WALKER CHIEF DEPUTY
 Phone: 770-528-8600
 Fax: 770-528-8679

Payer:
 ronald dickinson

DICKINSON RONALD S

Payment Date: 12/5/2019

Tax Year	Parcel ID	Due Date	Appeal Amount			Taxes Due
2019	17051900620	10/15/2019	Pay:	N/A	or	\$0.00
Interest	Penalty	Fees	Total Due	Amount Paid	Balance	
\$21.99	\$73.93	\$0.00	\$0.00	\$1,574.55	\$0.00	



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

Printed: 3/13/2020



Cobb County Online Tax Receipt

Thank you for your payment!

CARLA JACKSON TAX COMMISSIONER
HEATHER WALKER CHIEF DEPUTY
 Phone: 770-528-8600
 Fax: 770-528-8679

Payer:
QUICKEN LOANS

DICKINSON RONALD

Payment Date: 10/4/2019

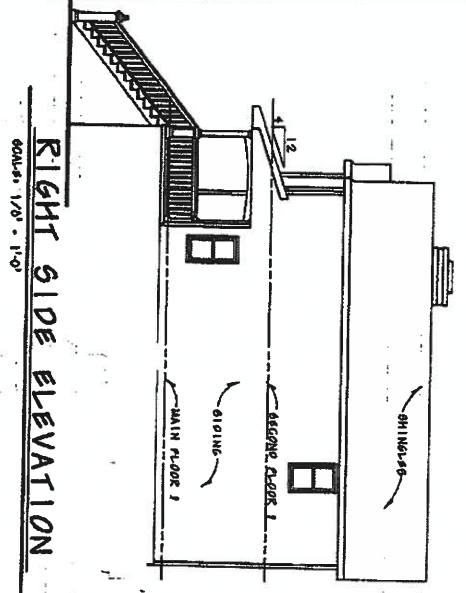
Tax Year	Parcel ID	Due Date	Appeal Amount	Taxes Due
2019	17051900630	10/15/2019	Pay: N/A or	\$0.00

Interest	Penalty	Fees	Total Due	Amount Paid	Balance
\$0.00	\$0.00	\$0.00	\$0.00	\$1,862.52	\$0.00

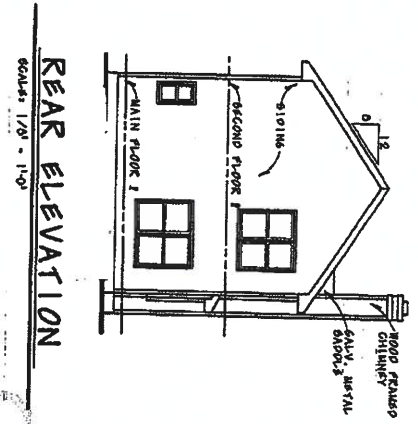


Scan this code with your mobile phone to view this bill!

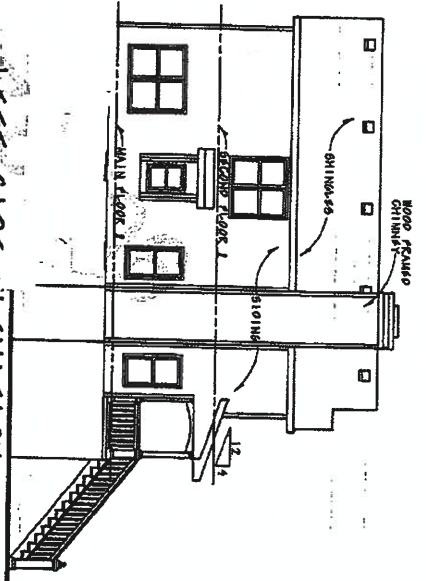
**ADAMS DRIVE--NORTHERN PARCEL
HOUSE PLAN**



RIGHT SIDE ELEVATION
SCALE: 1/8" = 1'-0"

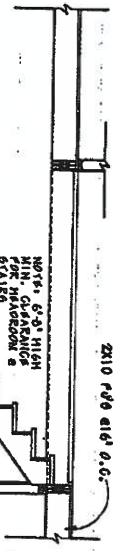


REAR ELEVATION
SCALE: 1/8" = 1'-0"

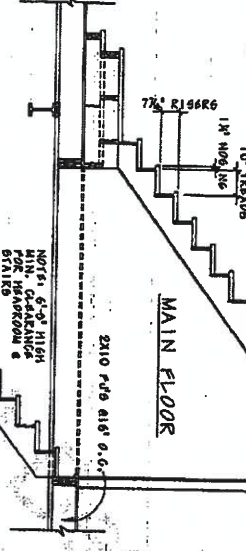


LEFT SIDE ELEVATION
SCALE: 1/8" = 1'-0"

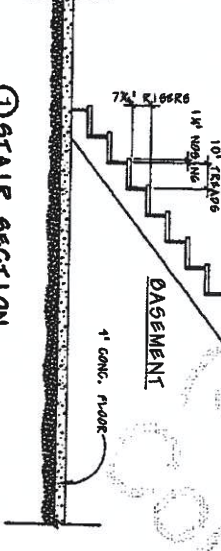
SECOND FLOOR



NOTES: PROVIDE HANDRAILS & STAIRS AS PER LOCAL CODES



NOTES: PROVIDE HANDRAILS & STAIRS AS PER LOCAL CODES

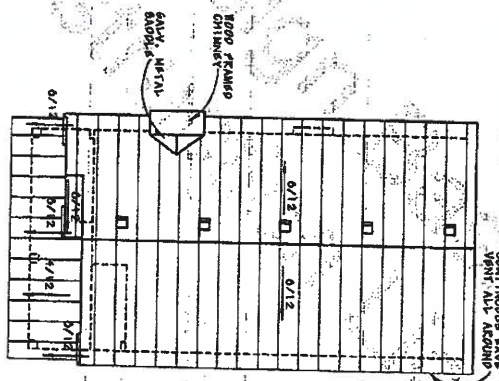


Basement Section
SCALE: 3/8" = 1'-0"

Roof Construction Package
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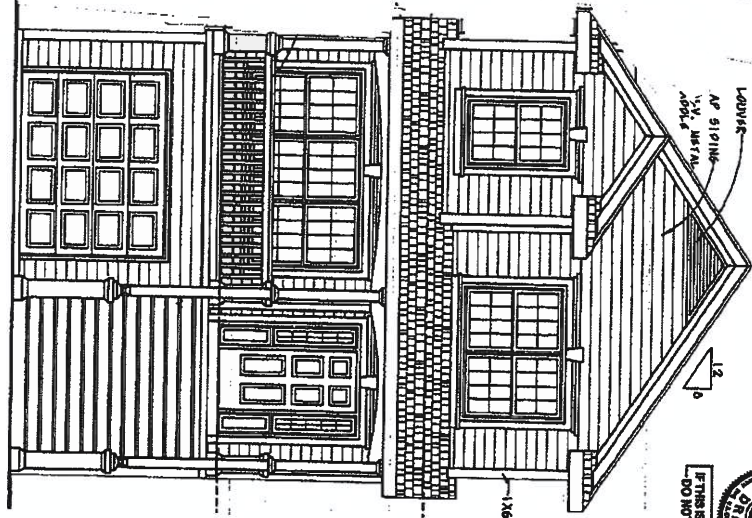
ROOF PLAN
SCALE: 1/8" = 1'-0"



POURED CONC. FOUNDATION

WOOD EXTERIOR

FRONT ELEVATION
SCALE: 1/8" = 1'-0"



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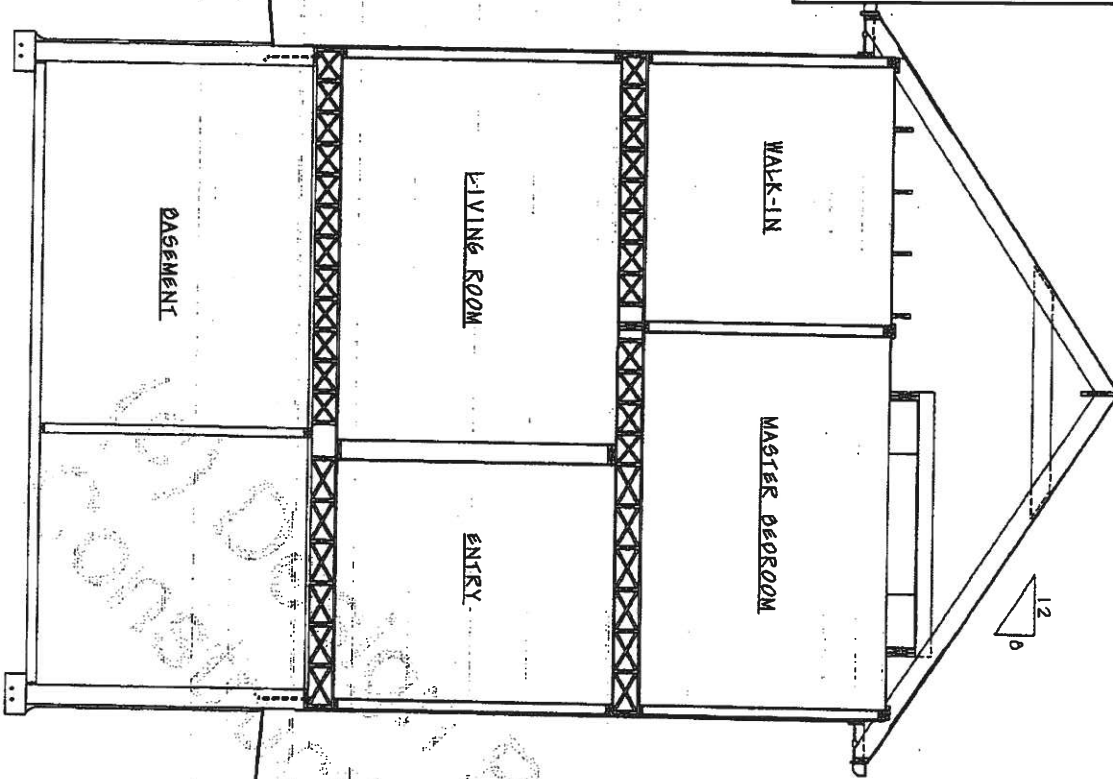
RR
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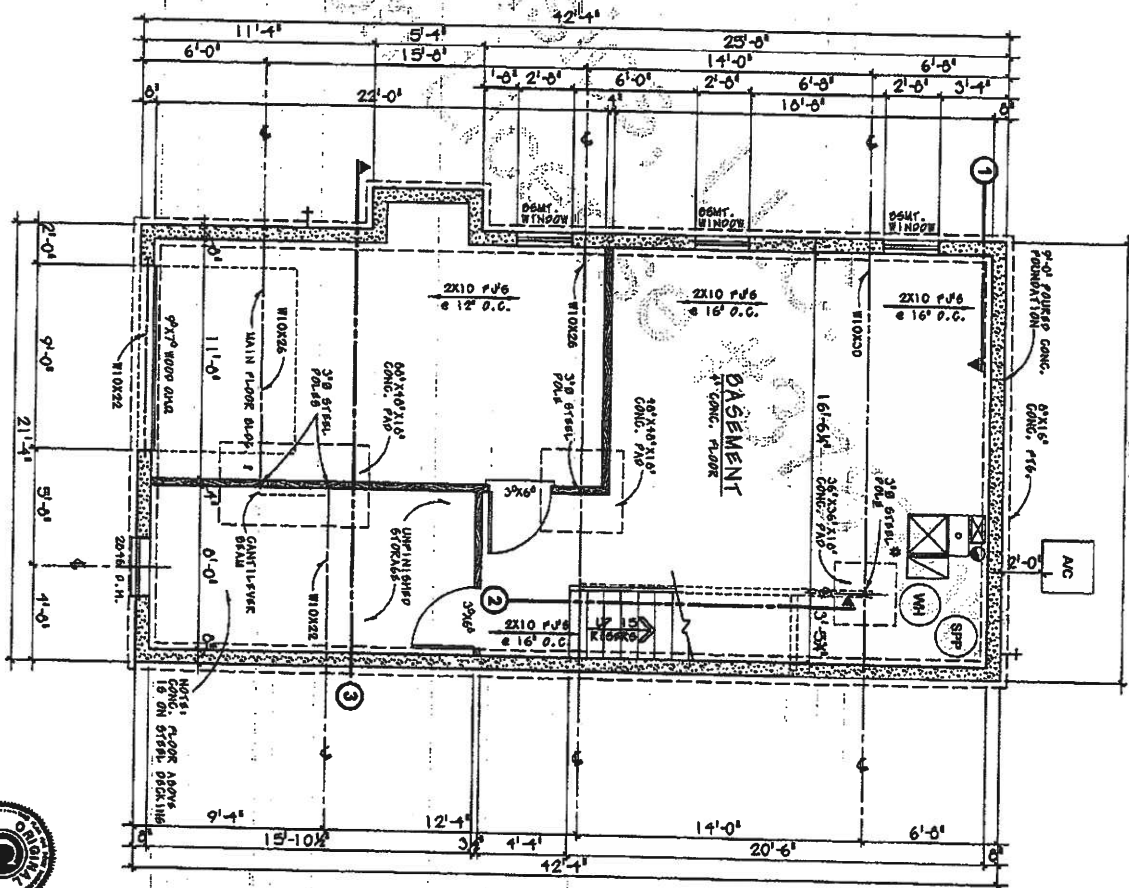
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ALL PLANS AVAILABLE

ADAMS DRIVE--NORTHERN PARCEL
HOUSE PLAN



② CROSS SECTION
SCALE: 3/8" = 1'-0"



FOUNDATION PLAN
SCALE: 1/4" = 1'-0"

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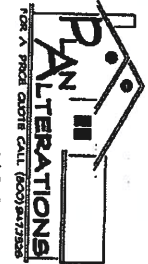
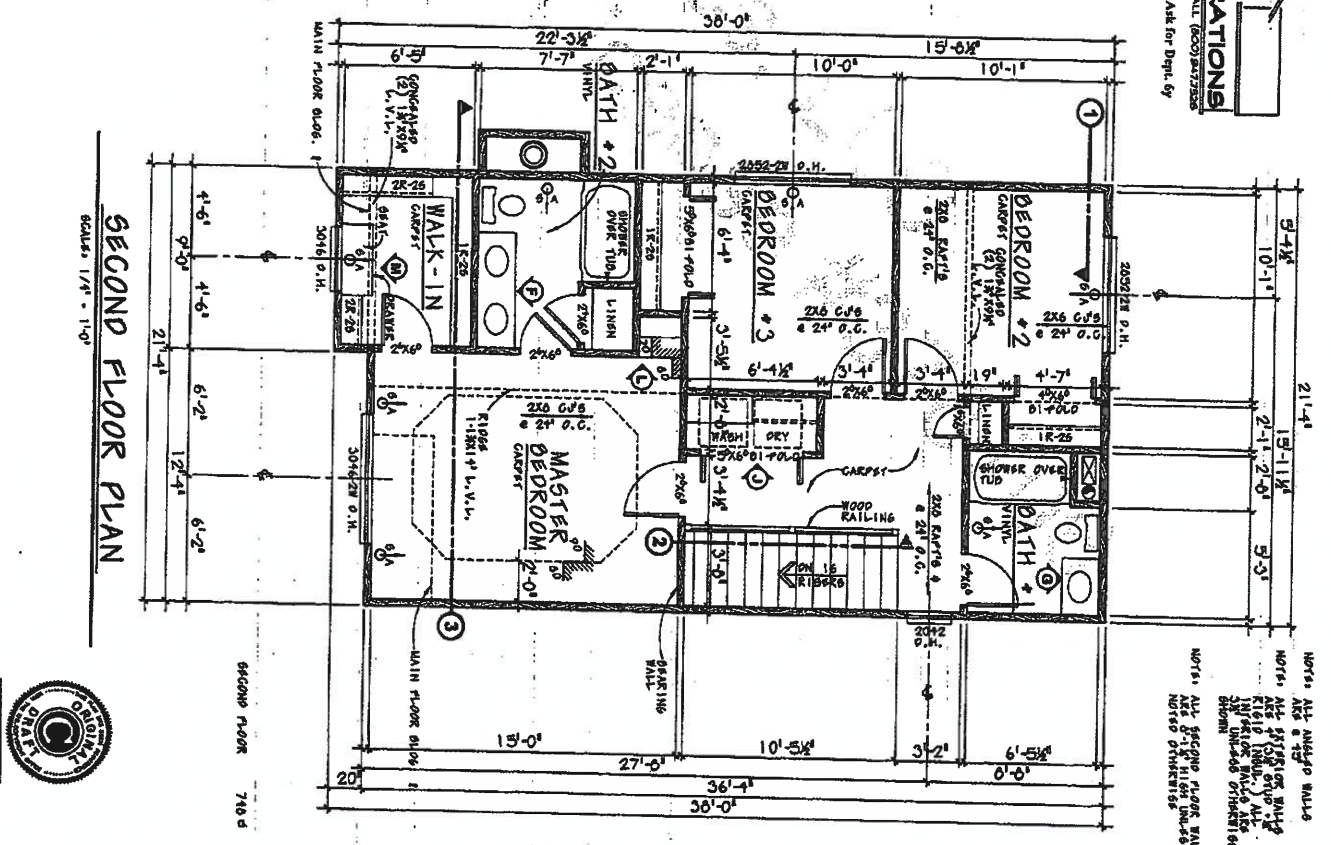
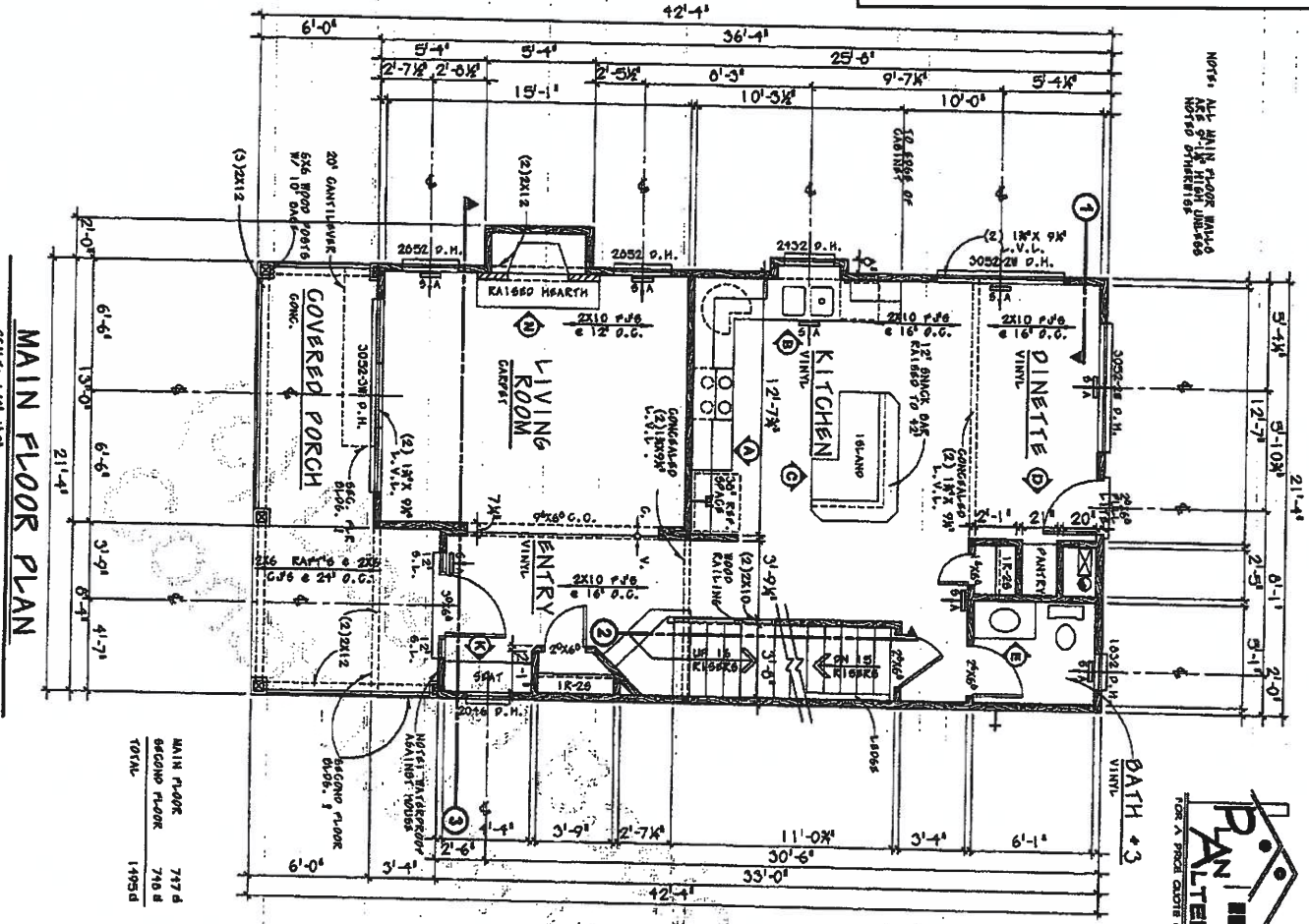
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**ADAMS DRIVE--NORTHERN PARCEL
HOUSE PLAN**



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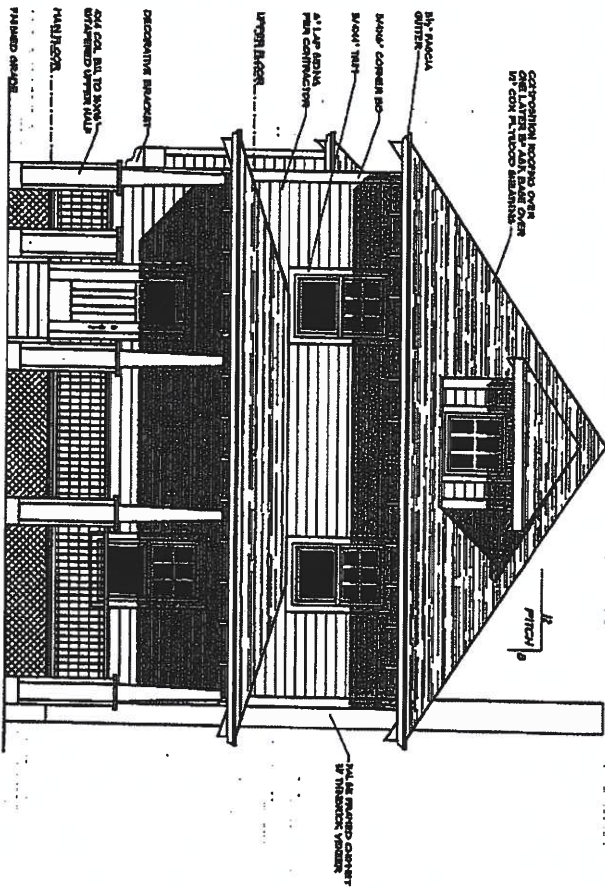
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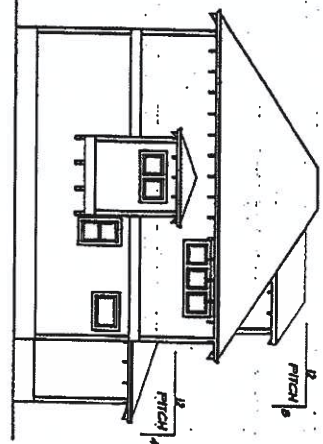
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SHEET 4 of 6

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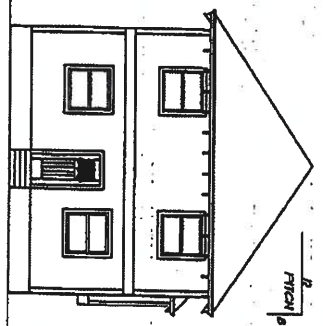
ADAMS DRIVE--SOUTHERN PARCEL HOUSE PLAN



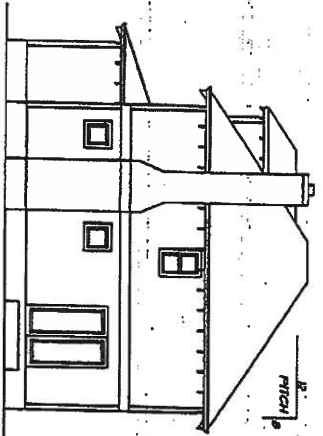
FRONT ELEVATION
SCALE 1/4"=1'-0"



LEFT ELEVATION
SCALE 1/8"=1'-0"



REAR ELEVATION
SCALE 1/8"=1'-0"



RIGHT ELEVATION
SCALE 1/8"=1'-0"

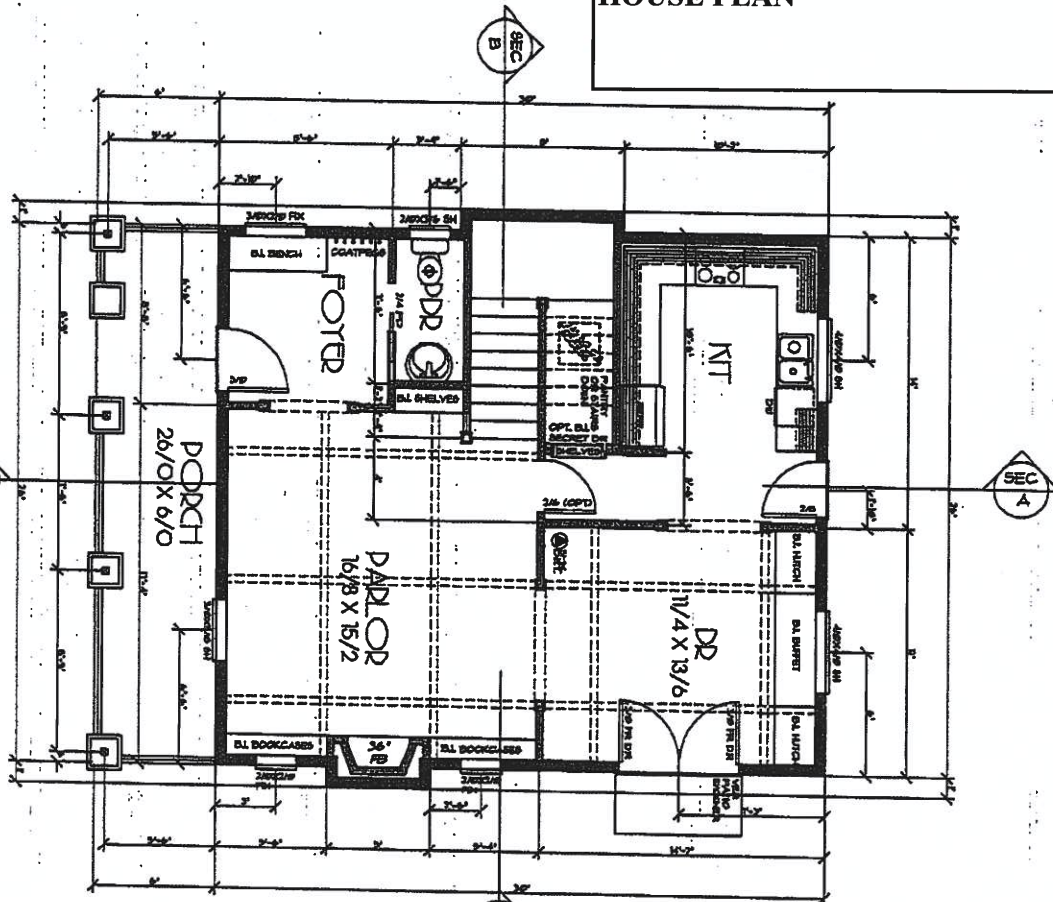
ELEVATIONS

SCALE 1/4"=1'-0"

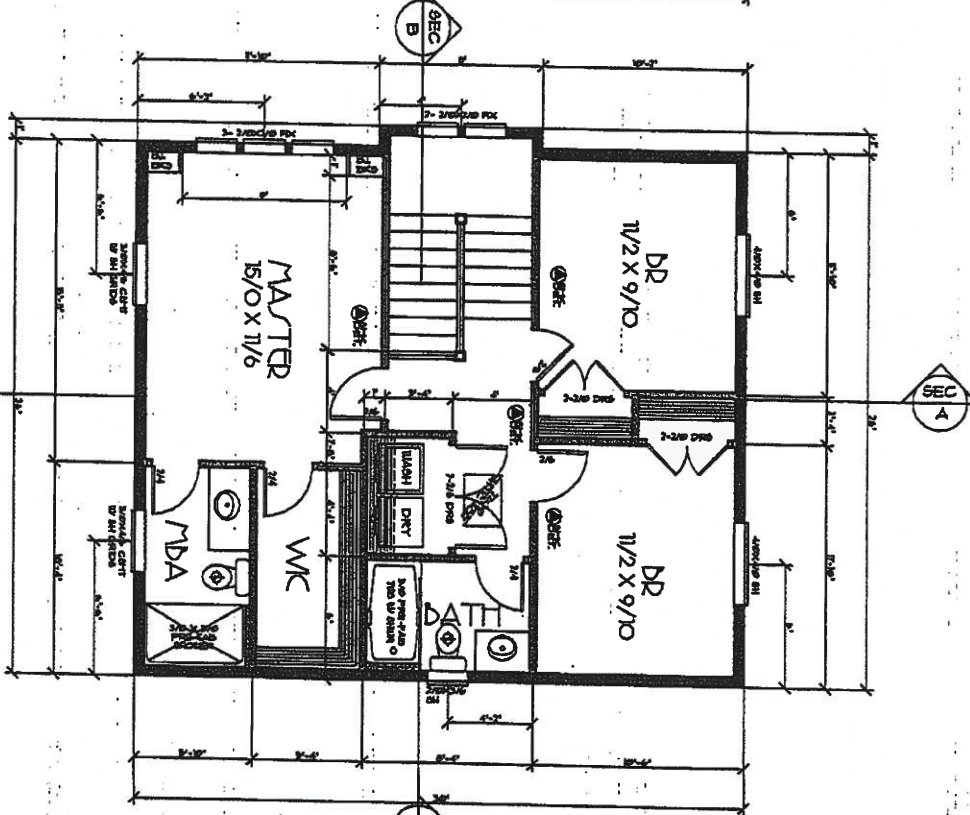
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ADAMS DRIVE-SOUTHERN PARCEL
HOUSE PLAN

MAIN FLOOR PLAN



UPPER FLOOR PLAN



FLOOR PLANS

SCALE 1/4" = 1'-0"

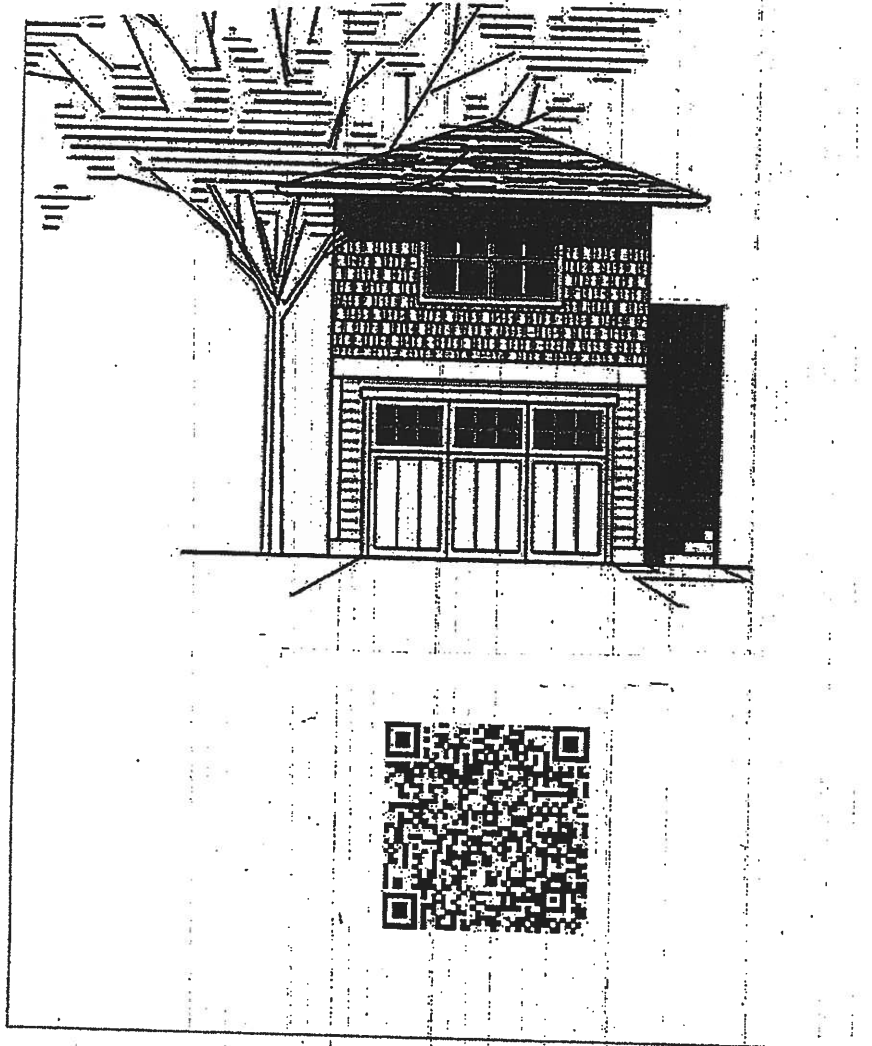
793 SF MAIN

707 SF UPPER

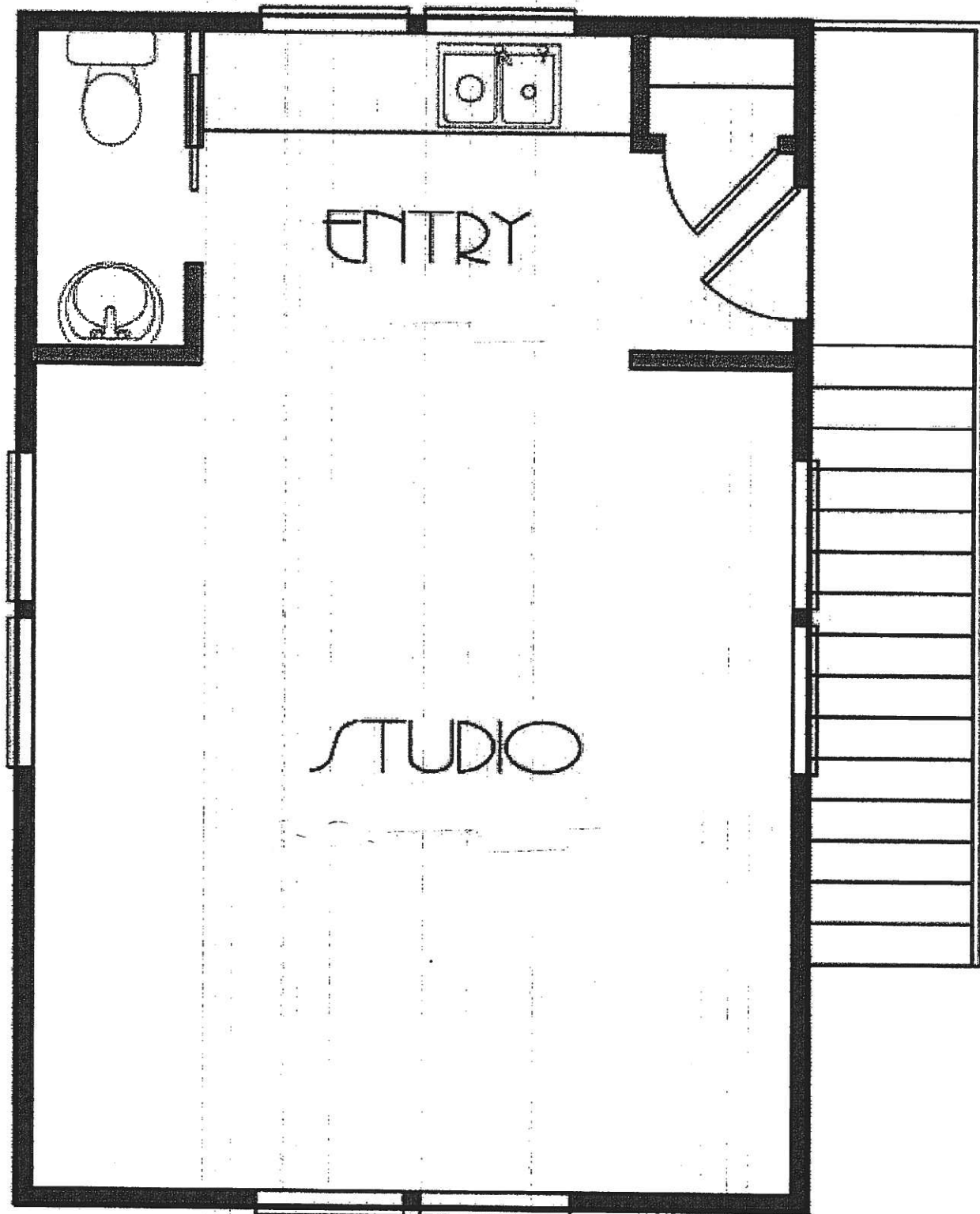
1500 SF TOTAL

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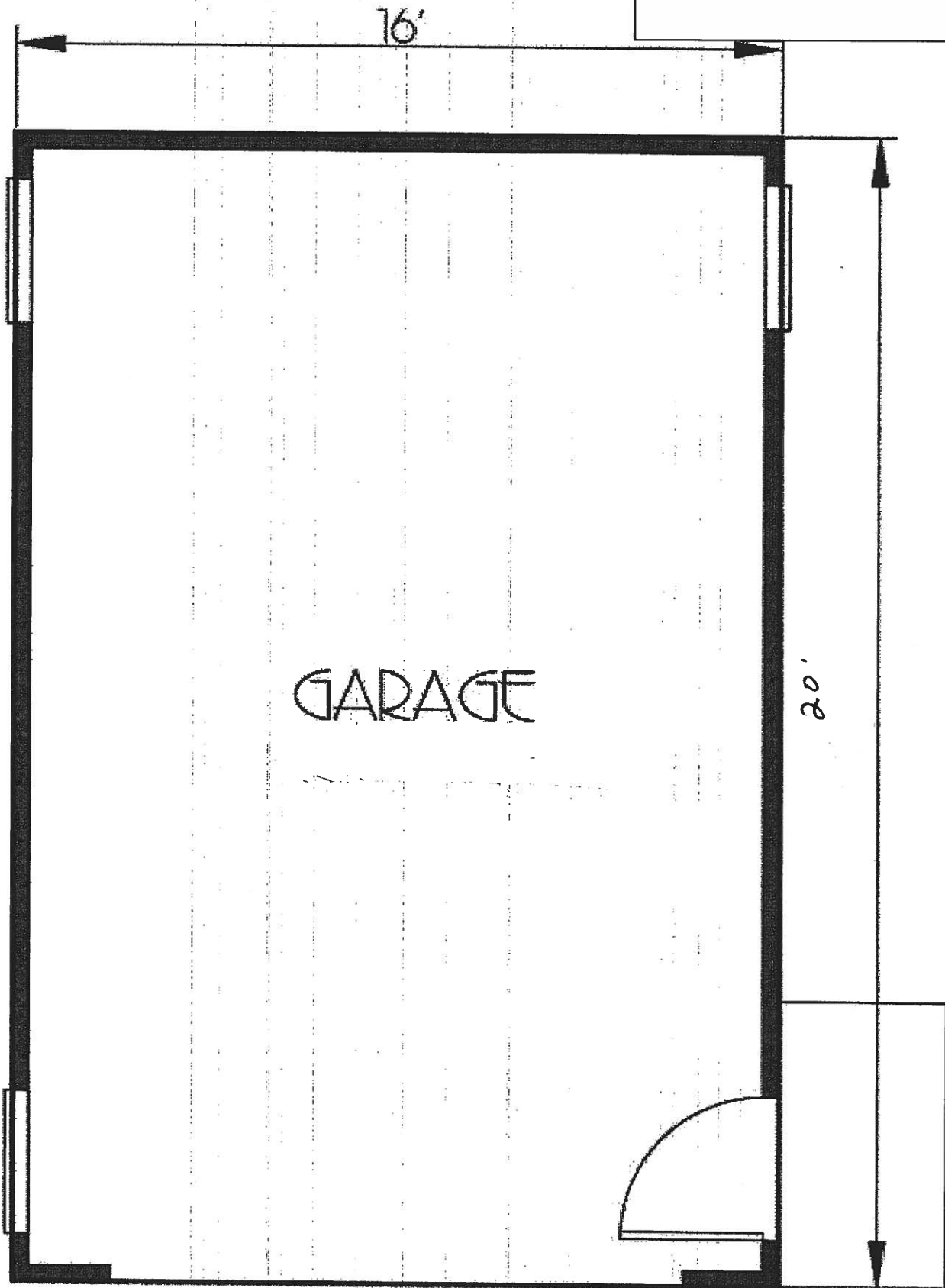
**ADAMS DRIVE--SOUTHERN PARCEL
HOUSE PLAN**



ADAMS DRIVE--SOUTHERN PARCEL
HOUSE PLAN



ADAMS DRIVE--SOUTHERN PARCEL
HOUSE PLAN



TO THE MAYOR AND CITY COUNCIL
CITY OF SMYRNA, GEORGIA

CONSTITUTIONAL CHALLENGE

COMES NOW, RON DICKINSON, hereinafter referred to as the
"Applicant" for Rezoning and asserts the following, to wit:

1.

By application to which this exhibit relates, the Applicant has applied for a rezoning of certain real property lying and being in the City of Smyrna, Cobb County, 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 categories of RDA and R-20, as established by the governing authority of the City of Smyrna, Georgia to the zoning category of Conditional RDA for the purposes of the reconfiguration of two parcels into three for detached houses (two proposed new houses on the parcels on Adams Drive and one house is currently under construction on Pierce Avenue).

3.

The current RDA and R-20 zoning classifications of the property and all intervening classifications between same and Conditional RDA 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 classifications of RDA and R-20 and all intervening classifications between same and Conditional RAD as they presently exist violate the Applicant's rights 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 classification is unconstitutional in that it is arbitrary and unreasonable, resulting in relatively little gain or benefit to the public, while inflicting serious injury and loss upon the Applicant.

5.

The City of 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 in many instances controlled by political considerations rather than the facts and considerations required by law.

Respectfully submitted, this the 13th day of March, 2020.

SAMS, LARKIN & HUFF, LLP



By: _____
GARVIS L. SAMS, JR.
Attorney for Applicant
Ga. Bar No. 623950