

# APPLICATION FOR REZONING TO THE CITY OF SMYRNA

Type or Print Clearly

(To be completed by City)

Ward: 3

Application No: 215-040

Hearing Date: 6/15/15

**APPLICANT:** FRANK L PRITCHARD


Name: FRANK L PRITCHARD

(Representative's name, printed)

Address: 3165 GREENFIELD DRIVE, MARIETTA GA 30068

Business Phone: \_\_\_\_\_ Cell Phone: 404-597-4120 Fax Number: \_\_\_\_\_

E-Mail Address: Frank@pritchardbrothers.com

Signature of Representative:   
FRANK L PRITCHARD

## **TITLEHOLDER**


Name: FRANK L PRITCHARD

(Titleholder's name, printed)

Address: ~~3165 GREENFIELD DRIVE~~ 1068 BANK STREET

Business Phone: \_\_\_\_\_ Cell Phone: 40 Home Phone: \_\_\_\_\_

E-mail Address: Frank@pritchardbrothers.com

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

(To be completed by City)

Received: 4/9/15

Heard by P&Z Board: 5/11/15

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

Advertised: 5/29/15

Posted: 4/24/15

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

**ZONING REQUEST**

From R-15 to RAD CONDITIONAL  
Present Zoning Proposed Zoning

**LAND USE**

From LDR to MOD  
Present Land Use Proposed Land Use

For the Purpose of CONSTRUCTION OF 2 SINGLE FAMILY HOMES

Size of Tract 22,921 SF

Location 1068 BANK STREET  
(Street address is required. If not applicable, please provide nearest intersection, etc.)

Land Lot (s) 488 District 17

We have investigated the site as to the existence of archaeological and/or architectural landmarks. I hereby certify that there are no X there are      such assets. If any, they are as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(To be completed by City)

Recommendation of Planning Commission:

\_\_\_\_\_  
\_\_\_\_\_

Council's Decision:

\_\_\_\_\_  
\_\_\_\_\_

**CONTIGUOUS ZONING**

North: RAD CONDITIONAL  
East: RAD CONDITIONAL  
South: RAD CONDITIONAL  
West: R15

**CONTIGUOUS LAND USE**

North: RAD CONDITIONAL  
East: RAD CONDITIONAL  
South: RAD CONDITIONAL  
West: R15

## **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:

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### **TRANSPORTATION**

Access to Property? 

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Improvements proposed by developer? 2 SINGLE FAMILY  
RESIDENTIAL

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Comments:

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## 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?

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:

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 6 day of April, 2015.



(Applicant's Signature)

FRANK L. PRITCHARD

(Attorney's Signature, if applicable)

**Notes**

\* Applicant is defined as any individual or business entity (corporation, partnership, limited partnership, firm enterprise, franchise, association or trust) applying for rezoning action.

\*\* Copy to be filed with the City of Smyrna Zoning Department and City Clerk along with a copy of the zoning application including a copy of the legal description of the property.

## REZONING ANALYSIS

Section 1508 of the Smyrna Zoning Code details nine zoning review factors which must be evaluated by the Planning and Zoning Board and the Mayor and Council when considering a rezoning request. Please provide responses to the following using additional pages as necessary. **This section must be filled out by the applicant prior to submittal of the rezoning request.**

1. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.

THE PROPERTY WILL BE CONSISTENT IN USE  
TO THE PROPERTY NORTH SOUTH AND EAST  
OF THE SUBJECT PROPERTY

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

THERE WILL BE NO ADVERSE AFFECT  
ON PROPERTIES ADJOINING SUBJECT  
PROPERTY

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

YES BUT IS LIMITED AS A SINGLE  
LOT



### 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 PROPERTY WHEN REZONED WILL NOT  
HAVE A NEGATIVE OR BURDENSOME USE  
ON SCHOOLS | STREETS OR UTILITIES  
TRANSPORTATION

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

THE ZONING PROPOSAL CONFORMS TO  
FUTURE LAND USE PLANS

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.

PAST REZONING OF ADJOINING PROPERTIES  
TO GREATER DENSITY HAVE HAD A  
POSITIVE IMPACT ON THE COMMUNITY  
AND SMYRNA IN GENERAL



### 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, IF APPROVED, WILL  
ENHANCE THE COMMUNITY & ADJOINING  
ADJOINING PROPERTIES

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 ZONING IS CONSISTENT  
WITH SURROUNDING PROPERTIES & IS  
COMPATIBLE

9. Whether due to the size of the proposed use, in either land area or building height, the proposed use would affect the adjoining property, general neighborhood and other uses in the area positively or negatively.

THE PROPOSED USE WILL COMPLEMENT  
ADJOINING PROPERTY

Please return to Perrie & Associates, LLC - Post Closing  
2655 Dallas Highway SW, Ste. 450  
Marietta, GA 30064  
File # 080089C

RECORD

15

Deed Book 14582 Pg 6464  
Filed and Recorded Feb-23-2008 10:19am  
2008-0023517  
Real Estate Transfer Tax \$198.50

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

STATE OF GEORGIA  
COUNTY OF COBB

**WARRANTY DEED**

THIS INDENTURE made this 15th day of February, 2008, between

**JOHN CALVIN JOHNSON IV,**

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

**FRANK PRITCHARD,**

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:

**LEGAL DESCRIPTION**

**ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 488 OF THE 17TH DISTRICT, 2ND SECTION IN LAND LOT 488 OF THE 17TH DISTRICT, 2ND SECTION COBB COUNTY, GEORGIA, BEING LOTS 26 AND 27 OF SECTION D OF THE B.A. GUTHRIE SUBDIVISION PER PLAT OF SURVEY AS SHOWN IN PLAT BOOK 4, PAGE 13, COBB COUNTY, GEORGIA RECORDS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:**

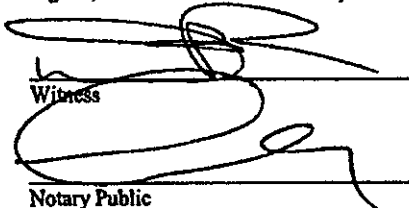
**BEGINNING AT A POINT AND CORNER ON THE SOUTHERLY SIDE OF BANK STREET, A DISTANCE OF 120 FEET EASTERY AS MEASURED ALONG THE SOUTHERLY SIDE OF BANK STREET FROM ITS INTERSECTION WITH THE WEST LINE OF LAND LOT 488; THENCE SOUTHERLY 229.4 FEET TO A POINT AND CORNER; THENCE EASTERY 100 FEET TO A POINT AND CORNER THENCE NORTHERLY 230.0 FEET TO A POINT SITUATED ON THE SOUTHERLY SIDE OF BANK STREET; THENCE WESTERLY ALONG THE SOUTHERLY SIDE OF BANK STREET 100 FEET TO THE POINT OF BEGINNING.**

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:

  
Witness

Notary Public  
My commission expires  
[Attach Notary Seal]



 (Seal)  
JOHN CALVIN JOHNSON IV

## **1068 Banks Street – Legal Description**

### **Property Line Description**

All that tract or parcel of land lying and being in Land Lot 488 of the 17th District, 2<sup>nd</sup> Section, city of Smyrna, Georgia, and being more particularly described as follows:

Beginning at the intersection southwest corner of land lot 488, thence easterly along the land lot line common to land lots 487 and 488 a distance of 266.49 feet to a point. Said point being the POINT OF BEGINNING;

thence south 89 degrees 22 minutes 17 seconds west, a distance of 100.0 feet;  
thence north 0 degrees 2 minutes 37 seconds east, a distance of 229.56 feet;  
thence north 89 degrees 45 minutes 28 seconds east, a distance of 100.0 feet;  
thence south 0 degrees 2 minutes 42 seconds west, a distance of 228.89 feet  
to a point.

said point being the POINT OF BEGINNING

Said tract or parcel of land contains .53 acres.

This Legal Description was prepared by DGM Land Planning Consultants, Inc. and is intended for zoning purposes only. It is not to be used for purposes of purchasing, selling, or transferring title on any property.  
Dated: April 2, 2015



**CARLA JACKSON** TAX COMMISSIONER  
**CHELLY MCDUFFIE** CHIEF DEPUTY  
Phone: 770-528-8600  
Fax: 770-528-8679

Printed: 3/22/2015 4:08:11 PM  
**Cobb County Online Tax Receipt**  
Thank you for your payment!

Payer:  
**FRANK PRITCHARD**

**PRITCHARD FRANK L**

**Payment Date: 9/16/2014**

Tax Year	Parcel ID	Due Date	Appeal Amount	Taxes Due
2014	17048800360	10/15/2014	N/A	or 1179.53
Pay:				
Interest	Penalty	Fees	Total Due	Amount Paid
\$0.00	\$0.00	\$0.00	\$1,179.53	\$1,179.53
				Balance \$0.00



04/08/2015 11:03  
 mhickenbottom

City of Smyrna  
 REAL ESTATE PAID TAX STATEMENT

P 1  
 txtaxstm

PARCEL: 17-0488-0-0360

LOCATION: 1068 BANK ST

CURRENT OWNER:  
 PRITCHARD FRANK L  
 3165 GREENFIELD DR  
 MARIETTA GA 30068

CURRENT STATUS:  
 SQ FT: 0  
 LAND VALUATION: 60,000  
 BUILDING VALUATION: 50,650  
 EXEMPTIONS: 0  
 TAXABLE VALUATION : 110,650

DEED DATE:			BOOK/PAGE:				
YEAR	TYPE	DUE DATE	PRIN	DUE	INT/PEN	DATE	AMOUNT
2014	RE-R 1	11/17/2014	397.90		.00	09/17/2014 PD	397.90
	BILL #	12676	397.90		.00		397.90
	GRAND TOTALS		397.90		.00		397.90

*All Taxes Paid in  
 Full 4-8-15  
 Mike Muhlitz*



**CITY OF SMYRNA**  
**WATER AND SEWER AVAILABILITY**

The City of Smyrna has determined that water and sanitary sewer are available to the proposed development. Water and sewer are both located within the right of way of Bank Street. All existing water and sewer taps shall be used where possible. It is the developers responsibility to install any additional water and sewer taps for this development. Elevations are the responsibility of the developer.

This information is based on a rezoning plan titled 1068 Bank Street by DGM Land Planning Consultants dated April 2, 2015.

Sincerely,

Scott Stokes  
Director Public Works