

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: Sean J. Murphy _____
(Representative's name, printed)

Address: 3282 Lee Street SE, Smyrna, GA 30080 _____

Business Phone: 770-630-9205 Cell Phone: 770-630-9205 Fax Number: NA _____

E-Mail Address: sjassenmurphy@gmail.com _____

Signature of Representative: 

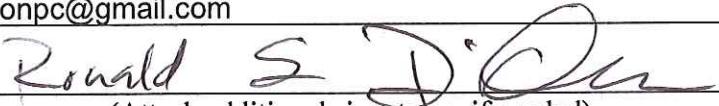
TITLEHOLDER

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

Address: 1338 Trailwood Drive, Acworth, GA 30102 _____

Business Phone: 770-734-0498 Cell Phone: 404-771-6819 Home Phone: 678-494-0861 _____

E-mail Address: rdickinsonpc@gmail.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: _____

ZONING REQUEST

From R-20 (Cobb) to RAD Conditional
Present Zoning Proposed Zoning

LAND USE

From Single Family Residential to Single Family Residential
Present Land Use Proposed Land Use

For the Purpose of Residential Development

Size of Tract 0.396 ac

Location 2495 Adams Drive, Smyrna, GA 30081

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

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

East: R-20 (Cobb Unincorporated)

South: R-12 (Smyrna)

West: R-20 (Cobb Unincorporated)

CONTIGUOUS LAND USE

North: Single Family Residential

East: Single Family Residential

South: Single Family Residential

West: Single Family 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:

The site has an exiting home on call (770) 419-6328.

TRANSPORTATION

Access to Property? Adams Drive and Pierce Ave public right of way and paved roads.

Improvements proposed by developer? Construct a new single family home on proposed lot facing Pierce. Improvements to include a driveway, driveway apron, and public sidewalk.

Comments:

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: _____

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:

NA

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?

Not that is known to the applicant.

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

NA

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 10 day of August, 2016.



(Applicant's Signature)

NA

(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 proposed uses is single family residential which matches the surrounding use as such the use would logically be "suitable".

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

The proposed use as single family residential should in theory not have any adverse effect on the existing use of usability of adjacent or nearby property.

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

The property as zoned is in Cobb County as R-20. However there are two deeds

for this parcel dating from 1951 splitting it into two lots. These deeds where never
properly recorded by the county at that time, however the owner has legal deeds reflecting
2 lots. Without rezoning this property could not be developed as two lots and thus the
economic value of the second lot would be substantially reduced.

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.

In comparison with other recent town home developments in the same vicinity

the addition of one home could not possibly create an "excessive or burdensome use of existing streets, transportation facilities, utilities or schools..

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

As this parcel is currently outside of the City Limits the future land use plan does not address the land in consideration.

The Cobb County 2015 Future land use map indicates the area remaining as low density residential.

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.

The properties surrounding this parcel are targets for speculative redevelopment of new residential homes. Just a few hundred feet away town homes are being constructed and less than a couple of hundred yards away there are multi-family developments.

The proposed lot will be similar or equal to other lots in the same block. These trends logically support the approval of the rezoning proposal.

REZONING ANALYSIS (CONTINUED)

7. Whether the development of the property under the zoning proposal will conform to, be a detriment to or enhance the architectural standards, open space requirements and aesthetics of the general neighborhood, considering the current, historical and planned uses in the area.

The development of a new lot on this parcel will enhance the architectural standards.

The new home will be a substantial "upgrade" to the block. The size of home and the lot coverage will be similar to others recently built in the same neighborhood.

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

The zoning classification proposed is RAD Conditional in order to develop a single family residential structure that will be compatible with the other single family residences in the area. Under the allowable uses for RAD Conditional and the site plan specific nature of this zoning, it is not likely that this zoning would result in a nuisance or incompatible situation arising out of this approval.

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 land area and height proposed for this use should have no affect on the adjoining property. It should also be noted the applicant owns both of the directly adjacent properties.

Annexation Application Form Check List

Using this checklist as a guide, please review application materials with applicant or representative before accepting application.

1. APPLICATION FORM

- Correct Application Form Used (for 60% method or 100% method as applicable)
- Original form with original signature(s), address(es) and telephone number(s) obtained
- Check to make certain all signatures can be read. If signature(s) is/are illegible, make certain the applicant names are typed or legibly printed near the corresponding signature. (the notation "L.S." on the form stands for *legal signature*)
- All legal owners of the property have signed the application form

2. LEGAL DESCRIPTION

- Legal description of the subject property accompanies application
- Ask the applicant or representative if an electronic copy of the legal description is available; if so, make arrangements for the electronic information to be furnished to either the Community Development Department or City Clerk's Office

3. SECTION 5 VOTING RIGHTS ACT QUESTIONNAIRE

- Completed *Section 5 Voting Rights Act Questionnaire* accompanies application

4. MAP OF PROPERTY TO BE ANNEXED

- A tax plat, map or other graphic representation of the subject parcel(s) accompanies the application

I have reviewed the annexation application with the applicant(s) and/or representative(s) and have found the submitted paperwork to be complete and in good order.

City staff member signature

Date

2016 SUBMISSION UNDER SECTION 5
OF THE VOTING RIGHTS ACT
FOR THE CITY OF SMYRNA, GEORGIA

Map Designation# _____ LL/Parcel# LL 519 Dist 17, 2nd Section /17051900620

City Ward# 3 _____ Census Tract# 031108 _____

Copies of annexation ordinance (council meeting minutes) are attached, marked:
Exhibit _____

Responsible body: Mayor and Council of the City of Smyrna
P.O. Box 1226
Smyrna, GA 30081
Telephone (770) 434-6600

THIS SECTION TO BE COMPLETED BY APPLICANT. PLEASE BE SURE THIS INFORMATION IS ACCURATE – IT WILL BE USED TO ESTABLISH EMERGENCY SERVICE THROUGH OUR 911 SYSTEM.

1. Is the property to be annexed vacant? Yes No *Richardson*
2. If NO, name of resident(s): Antionette Richardson
3. Complete street address: 2495 Adams Drive, Smyrna, GA 30081
4. Telephone Number (770) 755-3711
5. Number of registered voters before annexation: 1
Number and type of minorities or minority language groups: One (1) African American
6. Number of registered voters after annexation: 1
Number and type of minorities or minority language groups: _____
7. Use of property before annexation (i.e., vacant, business, residential): Residential
8. Zoning classification before annexation: Residential R-20
9. Use of property after annexation (i.e., vacant, business, residential). If residential, please state proposed number of dwelling units: Residential - 2 dwelling units
10. Zoning classification being requested (if any): RAD Conditional
11. Effect of change on members of racial or minority groups: none
12. Total number of acres being annexed: 0.396 ac

City of Smyrna
Application for Annexation

We, the undersigned, who constitute one hundred percent (100%) of the owners of the land by acreage, as described below, which is unincorporated and contiguous to the City of Smyrna, hereby apply to have said area annexed into the City of Smyrna under the provisions of laws of the State of Georgia, said property being annexed being described as follows:

ALL THAT TRACT OR PARCELS OF LAND LYING AND BEING IN LAND LOT 519, 17TH DISTRICT, 2ND SECTION, COBB COUNTY, GEORGIA, BEING BOTH PARTS OF LOT 72 OF BELMONT SUBDIVISION, ACCORDING TO A PLAT RECORDED IN PLAT BOOK 5, PAGE 81, RECORDS OF THE CLERK OF THE SUPERIOR COURT OF COBB COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

EXISTING HOUSE LOT:

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 A VENUE, 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.

NEW LOT:

BEGINNING AT AN IRON PIN ON THE NORTH SIDE OF PIERCE AVENUE 290 FEET EASTERLY, AS MEASURED ALONG THE NORTHERN SIDE OF PIERCE AVENUE, FROM THE CORNER FORMED BY THE INTERSECTION OF THE NORTHERN SIDE OF PIERCE AVENUE WITH THE NORTHEASTERN SIDE OF THE RIGHT OF WAY OF RAILROAD STREET; THENCE EASTERLY, ALONG THE NORTHERN SIDE OF PIERCE A VENUE, 70 FEET TO AN IRON PIN ON THE WESTERN SIDE OF ADAMS DRIVE; THENCE NORTH, ALONG THE WESTERN SIDE OF ADAMS DRIVE, 150 FEET TO AN IRON PIN; THENCE WEST 70 FEET TO AN IRON PIN; THENCE SOUTH 150 FEET TO AN IRON PIN, ON THE NORTHERN SIDE OF PIERCE A VENUE, AND THE POINT OF BEGINNING.

WHEREFORE, THE UNDERSIGNED HEREBY APPLY FOR SUCH ANNEXATION.

Owner's Printed Name

Ronald S. Dickinson

Address

Telephone#

Owner's Printed Name

1338 Trailwood Drive 404-771-6819

Address

Telephone#

Acworth, Ga 30102

Witness the hands and seals of 100% of the record title holders of the land described above:

Owner's Legal Signature/Date

Owner's Legal Signature/Date

Ronald S. Dickinson

8/10/16