

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

Type or Print Clearly

(To be completed by City)

Ward: _____

Application No: _____

Hearing Date: _____

APPLICANT: Sean J Murphy

Name: Sean J. Murphy

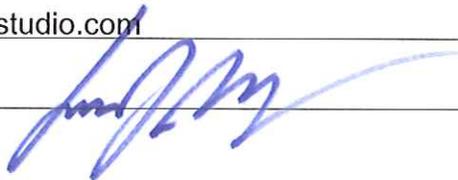
(Representative's name, printed)

Address: 982 McLinden Ave SE, Smyrna, GA 30080

Business Phone: 7-630-9205 Cell Phone: 7-630-9205 Fax Number: na

E-Mail Address: smurphy@bcstudio.com

Signature of Representative: _____



TITLEHOLDER

Name: Sean J Murphy

(Titleholder's name, printed)

Address: 982 McLinden Ave SE, Smyrna, GA 30080

Business Phone: 7-630-9205 Cell Phone: 7-630-9025 Home Phone: NA

E-mail Address: smurphy@bcstudio.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: _____

CONTIGUOUS ZONING

North: R15 /

East: R15 (Non Conforming)

South: R15 (Non Conforming)

West: RAD Cond

CONTIGUOUS LAND USE

North: Moderate Density Residential

East: Medium Density Residential (Per lot size)

South: Moderate Density Residential

West: Medium Density Residential (under construction)

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:

TRANSPORTATION

Access to Property? The lots will be served by McLinden Ave and Medlin Street respectively
The new lot facing Medlin will require a new curb apron. Currently there
is a rear gravel driveway with access at Medlin for the exiting home
which has a garage in the rear.

Improvements proposed by developer? Two (2) new single family homes.

Comments:

The proposed construction of two new homes on two new lots will be largely the same
as the adjacent lots and new homes in the area. The lot widths will be virtually the same as
adjacent lots. The depths will be slightly more then those to the west and slightly less
than those to the east. With the exception of 1060 Medlin Street all the adjacent lots/homes
are either vacant/under construction or are rental units and not owner occupied.

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:

Not Applicable

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:

Not Applicable

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:

Not Applicable

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?

Not Applicable

If so, describe the natural and extent of such interest: Not Applicable

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:

Not Applicable

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?

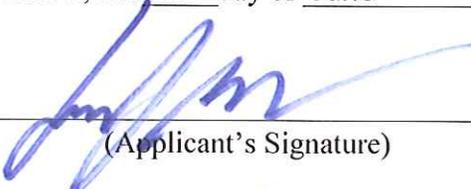
No

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

Not Applicable

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 June, 2014.



(Applicant's Signature)



(Attorney's Signature, if applicable)

Notes

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

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

REZONING ANALYSIS

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

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

The land use is single family residential and the density proposed is medium.

The adjacent uses are also single family and on the east and west they are medium density (based on the lot sizes). Lots to the north and south are moderate density.

The surrounding neighborhood is mostly non-conforming single family zoned R15 which would only conform to RAD given existing lot sizes. An apartment is also just north/east of the proposed split.

The use proposed would be extensively similar to the surrounding uses and therefore could not be seen as detrimental to the surrounding uses and future development.

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

It is not logical that there could be any adverse impact to the use or usability of adjacent property as a result of this zoning request. In fact, this zoning will likely improve the value, perception and ability to rent, develop, renovate or sell adjacent residential properties.

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

The owner has the legal right to the highest and best value of his property given local zoning code and development precedence.

Precedence for smaller lots in Smyrna and demand for new residential homes establishes a value that is higher and better for this lot.

If this lot is split into lot sizes similar and equal to those both adjacent and nearby and developed with new homes, it will then be at its highest and best use and value.

Therefore, currently zoned it does not have a reasonable economic use and needs to be rezoned.

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.

When hundred plus unit apartments are being approved in nearby areas of Smyrna and they are not considered burdensome then the addition of one new home on Medlin Street can not logically be seen as "burdensome" on the existing streets, transportation facilities, utilities or schools.

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

The zoning is largely in conformity with future land use plans and maintains the single family character of the neighborhood. Also it is important to bear in mind the overwhelming majority of the neighborhood although zoned R15 does not qualify or meet the minimums of R15 zoning and would only qualify as RAD Conditional as currently used. The land use plans and long range plans call for the area to continue to be used for single family 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.

There are two adjacent lots to the west that were recently rezoned and are in various stages of construction. One lot will have a 2650sf home and the other a major renovation of 1500sf. A developer has purchase a lot across the street and torn down the home to build a much larger new home. A large lot at 1000 McLinden (just a few doors down the street) has just gone under contract and is also being considered for redevelopment by local builders. There is renewed interest in the redevelopment of McLinden and Medlin and the Smyrna Heights North neighborhood. These developments largely support 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 proposed new homes will be a substantial improvement over the existing rentals and aging 1950's 2 bedroom bungalow homes which are over 50% rented in this neighborhood. As new homes with moder materials and style standards the homes will likely become the best looking structures on the block. The architecture will be complimentary with other new homes on the street and adjacent streets. There will be no negative impact to any historical or planned uses in the area. The city's desires are assumed to be in line with this development as with others in similar aging neighborhoods.

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

The proposed use is medium density single family and the adjacent uses are both medium and moderate density single family and apartments These lot sizes, densities and uses are virtually the same and therefore cannot logically be seen as incompatible in any significant way.

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 building heights will be largely the same or similar to the adjacent lots and homes on either side. Although they will be two stories the widths of the lots and the ample set backs will provide plenty of buffer. They will have no negative impact and should instead compliment adjacent lots and are more likely to affect their values positively.

Deed Book 14540 Pg 1197
Filed and Recorded Sep-25-2007 04:03pm
2007-0151875
Real Estate Transfer Tax \$0.00

Deed Book 14501 Pg 749
Filed and recorded Jun-12-2007 04:20pm
2007-0094144
Real Estate Transfer Tax \$0.00

Jay C. Stephenson

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

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Clerk of Superior Court Cobb Cty. Ga.

Return to: SUSAN G. FYVOLENT
Hudnall, Cohn & Abrams, P.C
2100 Riveredge Parkway, Suite 1230
Atlanta, Georgia 30328

File #R7LW3674/MURPHY

RE-RECORD*
WARRANTY DEED

State of Georgia
County of FULTON

This Indenture made this 23rd day of May, in the year 2007, between

SEAN J. MURPHY

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

SEAN J. MURPHY and MICHELLE M. MURPHY
AS JOINT TENANTS WITH RIGHT OF SURVIVORSHIP, and not as tenants in common

of the County of COBB, and State of GA., 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 (\$10.00) 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, conveys 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 LOTS 451 AND 486 OF THE 17TH DISTRICT, 2ND SECTION OF COBB COUNTY, GEORGIA, BEING LOT 6, BLOCK A, ESTATE OF MARY A. DUNTON, AS PER PLAT RECORDED IN PLAT BOOK 8, PAGE 137, COBB COUNTY, GEORGIA RECORDS, WHICH PLAT IS INCORPORATED HEREIN AND BY EXPRESS REFERENCE MADE A PART HEREOF.

THIS DEED IS SUBJECT TO THAT CERTAIN SECURITY DEED FROM SEAN J. MURPHY TO FIRST HORIZON HOME LOAN CORPORATION, DATED MAY 23, 2007, IN THE ORIGINAL PRINCIPAL SUM OF \$142,400.00, FILED AND RECORDED SIMULTANEOUSLY HERewith BUT PRIOR HERETO, COBB COUNTY, GEORGIA RECORDS. *AND SECURITY DEED FROM SEAN J. MURPHY TO FIRST HORIZON HOME LOAN CORPORATION, DATED MAY 23, 2007, IN THE ORIGINAL PRINCIPAL SUM OF \$35,600.00,

Subject to all easements and restrictions 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.

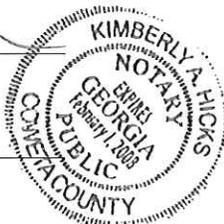
AND THE SAID Grantor will warrant and forever defend the right and title to the above described property unto the said Grantee against the claims of all persons whomsoever.

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

Signed, sealed and delivered
in presence of:

Seela
Unofficial Witness

[Signature]
Notary Public
my commission expires:



[Signature] (SEAL)
SEAN J. MURPHY

____ (SEAL)

THIS WARRANTY DEED IS BEING RE-RECORDED TO CORRECT THE ORDER OF RECORDING.

**Legal Description
for
#1051 McLinden Ave**

All that tract or parcel of land lying and being in Land Lot 451 of the 17th Land District, 2nd Section, Cobb County, Georgia and being more particularly described as follows:

BEGINNING at the intersection of the northerly right-of-way line of McLinden Avenue (40' r/w) and the westerly right-of-way line of Hollis Street (40' r/w), thence westerly along the northerly right-of-way line of McLinden Avenue, 160 feet to an iron pin, said point being the **TRUE POINT OF BEGINNING**;

thence along said right-of-way line, N 85°16'36" W a distance of 80.04 feet to a 3/4" rod, thence leaving said right-of-way line, N 3°42'07" E a distance of 211.39 feet to iron pin on the southerly right-of-way line (50' r/w) of Medlin Street, thence along said right-of-way line, N 76°51'41" E a distance of 84.98 feet to a crimp top pipe, thence leaving said right-of-way line, S 4°01'05" W a distance of 237.44 feet to an iron pin on the northerly right-of-way line of McLinden Avenue, thence, and the **TRUE POINT OF BEGINNING**;

Said property contains 0.415 acres, more or less and more particularly shown on that drawing labeled "Boundary and Topographic Survey, Lot 6, Block A, Estate of Mary A. Dunton, for Sean Murphy, prepared by Southeastern Engineering, Inc. Surveying, LLC, dated January 1, 2011.

06/16/2014 09:36
mhickenbottom

City of Smyrna
REAL ESTATE PAID TAX STATEMENT

PG 1
txtaxstm

PARCEL: 17-0451-0-0660

LOCATION: 1051 MCLINDEN AVE

CURRENT OWNER:
MURPHY SEAN J & MICHELLE M
982 MCLINDEN AVE
SMYRNA GA 30080

CURRENT STATUS:
SQ FT: 0
LAND VALUATION: 30,000
BUILDING VALUATION: 62,120
EXEMPTIONS: 0
TAXABLE VALUATION : 92,120

DEED DATE:

BOOK/PAGE:

YEAR	TYPE	DUE DATE	PRIN DUE	INT/PEN	DATE PAID	PAID AMT
2013	RE-R	1 11/15/2013	331.26	.00	11/07/2013	331.26
	BILL #	10956	331.26	.00		331.26
	GRAND TOTALS		331.26	.00		331.26

Printed: 6/16/2014 9:24:47 AM

Phone: (770) 528-8600
Fax: (770) 528-8679

Official Tax Receipt
 Gall Downing
 Cobb County Tax Commissioner
 736 Whitlock Ave Suite 100
 Marietta, GA 30064
 --Online Receipt--

Parcel	Tax Year	Original Taxes Due	Interest	Penalty	Fees	Amount Paid	Balance
17045100660	2013	\$991.22	\$0.00	\$0.00	\$0.00	\$991.22	\$0.00



Last Payment Date: 10/2/2013

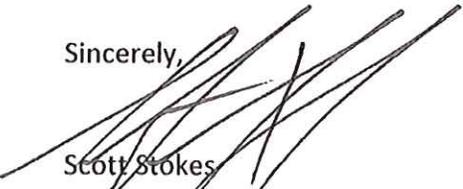
Property Address: 1051 MCLINDEN AVE

Payer: HOMESELECT SETTLEMENT SOLUTIONS
LLC

City of Smyrna
Water and Sewer Availability

The City of Smyrna has determined that water and sanitary sewer are available to the proposed development. Sewer is located on Mclinden Avenue and a main that crosses from Mclinden Avenue to Medlin Street. Water is located on both Mclinden Avenue and Medlin Street. The elevation of public utilities is the responsibility of the developer. All existing water and sewer taps will be used where possible. Any new tap needed is the responsibility of the developer. Minimum water meter size is 1". Any and all road cuts are required to be patched to State DOT specifications. Any existing utilities not used shall be capped at the main for water and behind the curb for sewer. This information is based upon an unmarked drawing of a lot split of 1041 Mclinden Avenue.

Sincerely,



Scott Stokes
Director Public Works, CPWM

NOTE: ALTHOUGH THIS LETTER WAS ISSUED
FOR ADJACENT LOT, THE SAME
INFORMATION IS APPLICABLE TO THIS
REQUEST. SM