

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

Type or Print Clearly

(To be completed by City)

Ward: 3

Application No: 218-004

Hearing Date: _____


APPLICANT: Ronald S. Dickinson

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: 404-975-7772 Fax Number: 770-426-6583

E-Mail Address: gsams@slhb-law.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: See Attached

(Attach additional signatures, if needed)

(To be completed by City)

Received: 2/9/18

Heard by P&Z Board: _____

P&Z Recommendation: _____

Advertised: _____

Posted: 2/16/18

Approved/Denied: _____

APPLICATION FOR REZONING TO THE CITY OF SMYRNA

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Ward: _____

Application No: _____

Hearing Date: _____

APPLICANT: Ronald S. Dickinson

Name: Garvis L. Sams, Jr. (Sams, Larkin, Huff & Balli, LLP)
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ZONING REQUEST

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

LAND USE

From Low Density Residential (LDR) to Medium Density Residential (MEDR)
Present Land Use Proposed Land Use

For the Purpose of 2 Single Family Detached Homes

Size of Tract 0.426 Acre

Location At the southeast corner of Adams Drive and Belmont Avenue (2451 Adams Drive)
(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 County)

East: R-20 (Cobb County)

South: R-20 (Cobb County)

West: R-20 (Cobb County) & R-12 (City of Smyrna)

CONTIGUOUS LAND USE

North: Low Density Residential (Cobb County)

East: Low Density Residential (Cobb County)

South: Low Density Residential (Cobb County)

West: Low Density Residential (Cobb County)

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 home has existing home and water and sewer on site. See attached correspondence from Mr. Scott Stokes.

TRANSPORTATION

Access to Property? Adams Drive and Belmont Avenue, both public rights-of-way.

Improvements proposed by developer? Construct a new single family home on proposed lot B facing Adams Drive.

Comments:

The Applicant proposes the addition of a new single family residence in an area which is benefiting from interest by new home buyers. The subject property is located adjacent to an area on the City's Future Land Use Map which is designated as Medium Density Residential; therefore this proposed annexation and 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?

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?

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 7th day of Feb., 2018.


(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.

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:

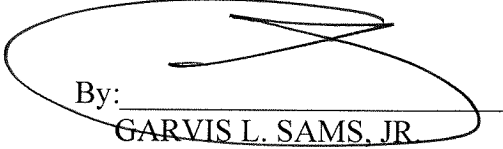
The name of the member(s) of the Smyrna City Council or Planning Commission to whom the campaign contribution or gift was made: Derek A. Norton

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: Derek Norton (Mayoral Candidate) - \$2,000.00 on 6/15/17.

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 9th day of Feb, 2018.

SAMS, LARKIN, HUFF & BALLI, 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**

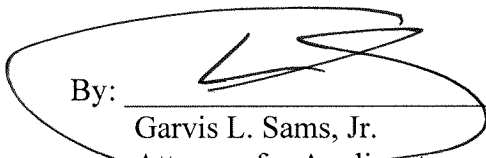
- B) DOES AN OFFICIAL OF SUCH PUBLIC BODIES HAVE ANY FINANCIAL INTEREST IN ANY BUSINESS ENTITY WHICH HAS A PROPERTY INTEREST IN THE SUBJECT PROPERTY? **NO**

- 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 & BALLI, LLP

2-9-18
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 zoning and use is consistent with and similar to the nearby infill development projects in the surrounding area and neighborhood, and therefore is a suitable land use.

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 residences will not have adverse effects on the existing use or usability of adjacent or nearby properties. The proposed zoning and use will compliment the surrounding neighborhood and other nearby infill development projects.

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

The property as zoned in Cobb County can be developed as a single family residential lot. Recent rezonings in this area have created opportunities to develop lots that are smaller thus creating a potentially higher economic use. The existing single family lot is no longer the highest and best use of the property.

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 addition of one single family home will not 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.

The Cobb County Future Land Use Map designates this area as Low Density Residential ("LDR").

The closest property located within Smyrna City Limits is zoned RAD and is designated as Medium Density Residential. This proposal comports to the intent of the Land Use Plan.

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.

Areas near Atlanta Road and Windy Hill Road continue to be undergoing a revitalization. This annexation and rezoning will further improve the aesthetics of the neighborhood. The proposed lot and home will be similar or equal to other nearby and developed adjacent properties.

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 will clearly enhance the aesthetics of the neighborhood. Additionally, the development of a new home on this parcel will enhance the architectural standards and will "upgrade" the 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 proposed use is similar to the surrounding area and therefore the proposed zoning classification or use should not create any nuisance or be incompatible with the existing homes in the neighborhood.

Additionally, the proposed Conditional RAD zoning classification will enhance the architectural standards for this area. The size of the home and the lot coverage will be similar to others recently built or zoned in this 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 home's size, building height and lot area are consistent with and similar to nearby infill development projects. Therefore, the proposed development should have a favorable and positive affect on the general neighborhood. Additionally, the most affected home and other nearby parcels within the neighborhood are owned by the Applicant.

Return Recorded Document to:

HAYNIE, LITCHFIELD & CRANE, P. C.
222 Washington Avenue
Marietta, Georgia 30060
FILE #27192-10

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

WARRANTY DEED

STATE OF GEORGIA

COUNTY OF COBB

This Indenture made this 23rd day of December, 2010 between Judy Vincent, 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 PART OF LOT 62, BELMONT PROPERTY OF J.H. TAYLOR, AS PER PLAT RECORDED IN PLAT BOOK 5, PAGE 81, COBB COUNTY, GEORGIA RECORDS AND BEING MORE PARTICULARLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE

SUBJECT TO THAT CERTAIN DEED TO SECURE DEBT FROM JUDY VINCENT TO MERS AS NOMINEE FOR HOME AMERICA MORTGAGE, INC. DATED 11/16/07, FILED 11/26/07 AND RECORDED IN DEED BOOK 14557, PAGE 6042, COBB COUNTY, GEORGIA 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.

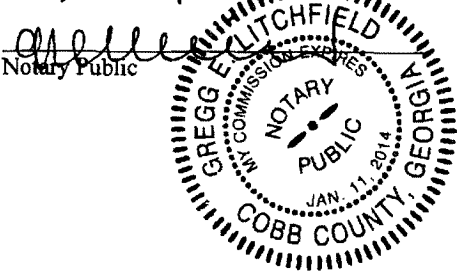
AND THE SAID Grantor will warrant and forever defend the right and title to the above described property unto the said Grantee against the claims of all persons whomsoever.

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:

Ashley Crane

Witness



Judy Vincent

JUDY VINCENT (Seal)

(Seal)

(Seal)

(Seal)

EXHIBIT "A"

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 519 OF THE 17TH DISTRICT, 2ND SECTION, COBB COUNTY, GEORGIA, BEING PART OF LOT 62, BELMONT PROPERTY OF J.H. TAYLOR, AS PER PLAT RECORDED IN PLAT BOOK 5, PAGE 81, COBB COUNTY, GEORGIA RECORDS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT AN IRON PIN ON THE SOUTH SIDE OF BELMONT AVENUE, (A 50 FOOT RIGHT OF WAY), SIX HUNDRED THIRTY SEVEN FEET (637) NORTHEASTERLY AND EAST, AS MEASURED ALONG THE SOUTHEASTERLY AND SOUTH SIDE OF BELMONT AVENUE AND FOLLOWING THE CURVATURE THEREOF, FROM THE INTERSECTION FORMED BY THE SOUTHEASTERLY SIDE OF BELMONT AVENUE WITH THE NORTHEASTERLY SIDE OF DIXIE AVENUE (FORMERLY W. & A. R.R. STREET AND FORMERLY R.R. STREET); SAID POINT OF BEGINNING ALSO BEING THE INTERSECTION FORMED BY THE SOUTH SIDE OF BELMONT AVENUE WITH THE EAST LINE OF THE PROPERTY ACQUIRED BY W.W. BRANNON BY DEED RECORDED AT DEED BOOK 180, PAGE 80, COBB COUNTY RECORDS; SAID EAST LINE OF BRANNON PROPERTY NOW BEING THE EAST SIDE OF ADAMS DRIVE (A 22 FOOT RIGHT OF WAY); RUNNING THENCE EAST ALONG THE SOUTH SIDE OF BELMONT AVENUE, EIGHTY (80) FEET TO AN IRON PIN AND LOT 61, SAID SUBDIVISION; RUNNING THENCE SOUTH ALONG THE WEST LINE OF SAID LOT 61, TWO HUNDRED FIFTY (250) FEET TO AN IRON PIN AND LOT 73, SAID SUBDIVISION; RUNNING THENCE WEST ALONG THE NORTH LINE OF SAID LOT 73, SEVENTY TWO (72) FEET TO AN IRON PIN ON THE EAST SIDE OF ADAMS DRIVE; RUNNING THENCE NORTH ALONG THE EAST SIDE OF ADAMS DRIVE, TWO HUNDRED FORTY SEVEN (247) FEET TO THE SOUTH SIDE OF BELMONT AVENUE AND THE POINT OF BEGINNING.

OVERALL TRACT

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 519 OF THE 17th DISTRICT, 2nd SECTION, COBB COUNTY, GEORGIA, BEING PART OF LOT 62, BELMONT PROPERTY OF J. H. TAYLOR, AS PER PLAT RECORDED IN PLAT BOOK 5, PAGE 81, COBB COUNTY, GEORGIA RECORDS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT AN IRON PIN ON THE SOUTH SIDE OF BELMONT AVENUE, (A 50 FOOT RIGHT OF WAY), SIX HUNDRED THIRTY SEVEN FEET (637) NORTHEASTERLY AND EAST, AS MEASURED ALONG THE SOUTHEASTERLY AND SOUTH SIDE OF BELMONT AVENUE AND FOLLOWING THE CURVATURE THEREOF, FROM THE INTERSECTION FORMED BY THE SOUTHEASTERLY SIDE OF BELMONT AVENUE WITH THE NORTHEASTERLY SIDE OF DIXIE AVENUE (FORMERLY W. & A. R.R. STREET AND FORMERLY R.R. STREET); SAID POINT OF BEGINNING ALSO BEING THE INTERSECTION FORMED BY THE SOUTH SIDE OF BELMONT AVENUE WITH THE EAST LINE OF THE PROPERTY ACQUIRED BY W.W. BRANNON BY DEED RECORDED AT DEED BOOK 180, PAGE 80, COBB COUNTY RECORDS; SAID EAST LINE OF BRANNON PROPERTY NOW BEING THE EAST SIDE OF ADAMS DRIVE (A 22 FOOT RIGHT OF WAY); RUNNING THENCE EAST ALONG THE SOUTH SIDE OF BELMONT AVENUE, EIGHTY (80) FEET TO AN IRON PIN AND LOT 61, SAID SUBDIVISION; RUNNING THENCE SOUTH ALONG THE WEST LINE OF SAID LOT 61, TWO HUNDRED FIFTY (250) FEET TO AN IRON PIN AND LOT 73, SAID SUBDIVISION; RUNNING THENCE WEST ALONG THE NORTH LINE OF SAID LOT 73, SEVENTY TWO (72) FEET TO AN IRON PIN ON THE EAST SIDE OF ADAMS DRIVE; RUNNING THENCE NORTH ALONG THE EAST SIDE OF ADAMS DRIVE, TWO HUNDRED FORTY SEVEN (247) FEET TO THE SOUTH SIDE OF BELMONT AVENUE AND THE POINT OF BEGINNING.

2451 ADAMS SUBDIVISION

LEGAL DESCRIPTION OF LOT 62A

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 519 OF THE 17th DISTRICT, 2nd SECTION, COBB COUNTY, GEORGIA, BEING PART OF LOT 62, NOW TO BE KNOWN AS LOT 62a, BELMONT PROPERTY OF J. H. TAYLOR, AS PER PLAT RECORDED IN PLAT BOOKS, PAGE 81 ,COBB COUNTY, GEORGIA RECORDS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT AN IRON PIN ON THE SOUTH SIDE OF BELMONT AVENUE, (A 50 FOOT RIGHT OF WAY), SIX HUNDRED THIRTY SEVEN FEET (637') NORTHEASTERLY AND EAST, AS MEASURED ALONG THE SOUTHEASTERLY AND SOUTH SIDE OF BELMONT AVENUE AND FOLLOWING THE CURVATURE THEREOF, FROM THE INTERSECTION FORMED BY THE SOUTHEASTERLY SIDE OF BELMONT AVENUE WITH THE NORTHEASTERLY SIDE OF DIXIE AVENUE (FORMERLY W. & A. R.R. STREET AND FORMERLY RR STREET); SAID POINT OF BEGINNING ALSO BEING THE INTERSECTION FORMED BY THE SOUTH SIDE OF BELMONT AVENUE WITH THE EAST LINE OF THE PROPERTY ACQUIRED BY W. W. BRANNON BY DEED RECORDED AT DEED BOOK 180, PAGE 80, COBB COUNTY RECORDS; SAID EAST LINE OF BRANNON PROPERTY NOW BEING THE EAST SIDE OF ADAMS DRIVE (A 22 FOOT RIGHT OF WAY); RUNNING THENCE EAST ALONG THE SOUTH SIDE OF BELMONT AVENUE, EIGHTY (80) FEET TO AN IRON PIN AND THE NORTHWEST CORNER OF LOT 61, SAID SUBDIVISION; RUNNING THENCE SOUTH ALONG THE WEST LINE OF SAID LOT 61, ONE HUNDRED AND TWENTY FOUR AND THIRTY TWO ONE HUNDREDTHS (124.32) FEET TO AN IRON PIN AND THE CORNER OF LOT 62B, SAID SUBDIVISION; RUNNING THENCE WEST ALONG THE NORTH LINE OF SAID LOT 62B, SEVENTY FOUR AND SEVENTY THREE ONE HUNDREDTHS (74.73) FEET TO AN IRON PIN ON THE EAST SIDE OF ADAMS DRIVE; RUNNING THENCE NORTH ALONG THE EASTSIDE OF ADAMS DRIVE, ONE HUNDRED TWENTY FIVE AND NINETY SEVEN ONE HUNDREDTHS (125.97) FEET TO THE SOUTH SIDE OF BELMONT AVENUE AND THE POINT OF BEGINNING.

LEGAL DESCRIPTION OF LOT 62B

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 519 OF THE 17th DISTRICT, 2nd SECTION, COBB COUNTY, GEORGIA, BEING PART OF LOT 62, NOW TO BE KNOWN AS LOT 62B, BELMONT PROPERTY OF J. H. TAYLOR, AS PER PLAT RECORDED IN PLAT BOOKS, PAGE 81 ,COBB COUNTY, GEORGIA RECORDS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT AN IRON PIN ONE HUNDRED AND TWENTY FIVE AND NINETY SEVEN ONE HUNDREDTHS (125.97) FEET SOUTHWESTERLY ALONG THE EAST SIDE OF ADAMS DRIVE FROM AN IRON PIN AT THE INTERSECTION FORMED BY THE SOUTH SIDE OF BELMONT AVENUE WITH THE EAST LINE OF THE PROPERTY ACQUIRED BY W. W. BRANNON BY DEED RECORDED AT DEED BOOK 180, PAGE 80, COBB COUNTY RECORDS; SAID EAST LINE OF BRANNON PROPERTY NOW BEING THE EAST SIDE OF ADAMS DRIVE (A 22 FOOT RIGHT OF WAY); RUNNING THENCE EAST ALONG THE SOUTH SIDE OF SAID LOT 62A, SEVENTY FOUR AND SEVENTY THREE ONE HUNDREDTHS (74.73) FEET TO AN IRON PIN ON THE WEST SIDE OF LOT 61, SAID SUBDIVISION; RUNNING THENCE SOUTH ALONG THE WEST LINE OF SAID LOT 61, ONE HUNDRED AND TWENTY FIVE AND SIXTY EIGHT HUNDREDTHS (125.68) FEET TO AN IRON PIN AND THE NORTHEAST CORNER OF LOT 73, SAID SUBDIVISION; RUNNING THENCE WEST ALONG THE NORTH LINE OF SAID LOT 73, SEVENTY TWO (72) FEET TO AN IRON PIN ON THE EAST SIDE OF ADAMS DRIVE AND THE NORTHWEST CORNER OF LOT 73; RUNNING THENCE NORTH ALONG THE EASTSIDE OF ADAMS DRIVE, ONE HUNDRED TWENTY ONE AND THREE ONE HUNDREDTHS (121.03) FEET TO THE IRON PIN AT THE POINT OF BEGINNING.



Printed: 1/11/2018

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:
ronald dickinson

DICKINSON RONALD S

Payment Date: 10/18/2017

Tax Year	Parcel ID	Due Date	Appeal Amount		Taxes Due
2017	17051900960	10/15/2017	Pay:	N/A or	\$0.00

Interest	Penalty	Fees	Total Due	Amount Paid	Balance
\$10.02	\$84.71	\$0.00	\$0.00	\$1,788.91	\$0.00



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

TO THE MAYOR AND CITY COUNCIL
CITY OF SMYRNA, GEORGIA

CONSTITUTIONAL CHALLENGE

COMES NOW, RONALD S. 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 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 category of R-20 (Cobb County), as established by the governing authority of the Cobb County, Georgia to the zoning category of RAD (Conditional) within the City of Smyrna for a Single Family Detached Residence.

3.

The current R-20 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-20 and all intervening classifications between same and RAD (Conditional) 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 9th day of Feb., 2018.

SAMS, LARKIN, HUFF & BALLI, LLP

By: 

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



CITY OF SMYRNA

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

CITY OF SMYRNA

WATER AND SEWER AVAILABILITY

The City of Smyrna has determined that sanitary sewer and water are available to the proposed parcel annexation.

Records indicate the parcel is currently connected to the water and sanitary sewer system. Water is located on Adams Drive and Belmont Avenue and sanitary sewer is located on Belmont Avenue. This information is based upon a survey plat of 2451 Adams Drive for Ronald Dickinson, dated 10/18/13 by McClung Surveying.

Elevations are the responsibility of the property owner.


Scott Stokes
Director Public Works

			MAYOR A. MAX BACON				
CITY COUNCIL	WARD 1 DEREK NORTON	WARD 2 ANDREA BLUSTEIN	WARD 3 TERI ANULIWICZ	WARD 4 CHARLES A. WELCH	WARD 5 SUSAN WILKINSON	WARD 6 DOUG STONER	WARD 7 RON FENNEL
	CITY ADMINISTRATOR MICHAEL L. JONES, PE.		CITY CLERK TERRI GRAHAM	CITY ATTORNEY SCOTT A. COCHRAN		MUNICIPAL COURT JUDGE E. ALTON CURTIS, JR.	

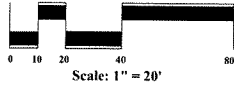
Rezoning Plan - Sheet 1 of 2

2451 Adams Drive

City of Smyrna, Georgia Land Lot 519, 17th District, 2nd Section

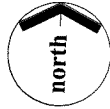
property owner:

Mr. Ronald Dickinson
P.O. Box 813220
Smyrna, Georgia 30081



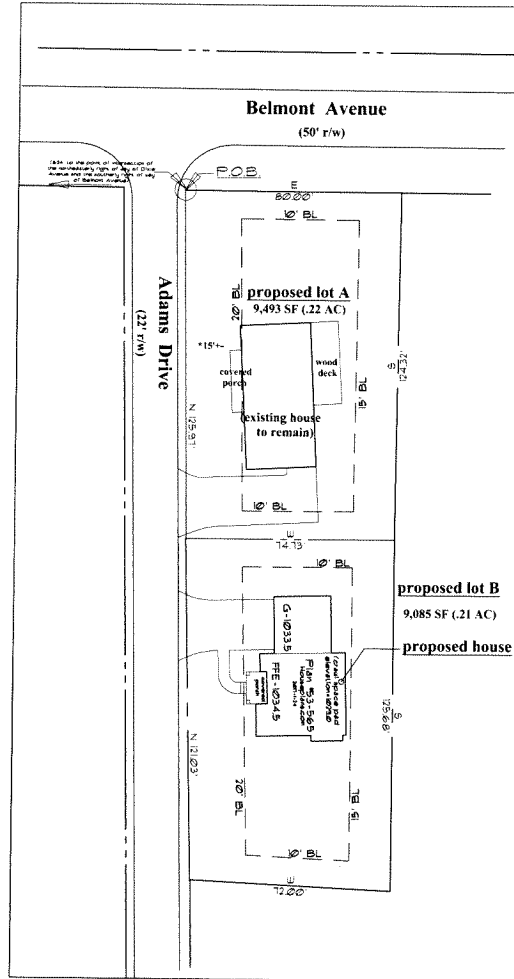
January 29, 2018

DGM
LAND PLANNING
CONSULTANTS
975 Cass Place
Buna Sum 212
PENNSACAW
GA 30144
770 514-9006
FAX 514-9491



Site Data

Total Site Area: .426 AC
Present Zoning: R-20 (Cobb County)
Proposed Zoning: RAD Conditional
(City of Smyrna, Georgia)
Density: 4.69 Units/AC
Total Units Shown: 2
(1 lot with existing house + 2nd lot without house)
Proposed Building Setbacks:
front: 20' (15' lot A, existing)
side: 10'
rear: 15'



General Notes:

1. Boundary survey from Sean J. Murphy site plan dated February 13, 2017.
2. Topography from Cobb County GIS Maps.
3. According to Flood Insurance Rate Map (FIRM) #130670319H, dated March 4, 2013, no portion of this site contains floodplain.
4. No cemeteries are known to exist on site.
5. No wetlands are known to exist on site.
6. No state waters are known to exist on site.
7. No archeological or architectural landmarks are known to exist on site.
8. Existing utility easements are shown on plan.
9. Stormwater and water quality structures are conceptual and will be designed further based on proposed hydrologic study.

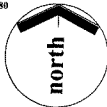
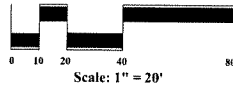
Tree Survey/Protection/Replacement Plan - Sheet 2 of 2

2451 Adams Drive

City of Smyrna, Georgia Land Lot 519, 17th District, 2nd Section

property owner:

Mr. Ronald Dickinson
P.O. Box 813220
Smyrna, Georgia 30081



DGM
LAND PLANNING
CONSULTANTS
975 Cass Place
Bldg. Suite 212
Kennesaw, GA 30144
770 514-9006
FAX 514-9491



Tree Calculations

Site Area Calculation:
Net Site Area = 426 AC

Tree Density Calculation:
426 AC x 100%/AC = 42.6 Total Inches Required
EDF + RDE = SDF
EDF = 58" (0" of non-specimens + 58" of specimens preserved)
RDE = 0" (not required)
58" + 0" = 58" SDF, therefore density is satisfied

Specimen Tree Recompense Calculation:
0 specimen trees have been removed. (see Plan)

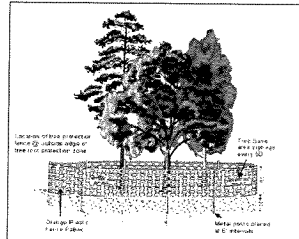
Street Tree Requirement:
4 understory street trees are required due to overhead power lines (see Tree Plan). 122' of road frontage less 21' for driveway = 101 LF/30 = 3.36 total trees. A total of 4 x 3" caliper Crape Myrtles (*Lagerstroemia indica*) are proposed to be planted 30' on center, provided. Street trees have been placed at every viable and appropriate location possible.

Preserved Specimen Tree Inches

Tree Number	Tree Species	Tree Size DBH (in inches)	CRZ Radius
101	water oak	27	40.5
102	water oak	31	46.5
Total Inches		58	

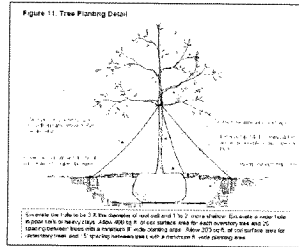
City of Smyrna Required Notes:

- All existing trees, specimen and non-specimen, counted for EDF credits must be fully preserved during individual lot permitting.
- All trees must be planted at least 10' from any utility line.
- Tree save fence for entire site must be installed, inspected and approved prior to installation of erosion control measures. No land disturbance or demolition is allowed before tree save fencing has been inspected and approved by Community Development Director.
- The CRZ of Specimen trees receiving a JK credit shall be protected with a chain link tree save fencing spaced 6' on center with metal support posts and Tree Save signage. Installation of tree save fence will involve no trenching, 4" of crushed mulch over the CRZ and an above ground irrigation system.
- The Community Development Director must inspect the site before installation of erosion control measures. Land disturbance without a site inspection and approval by the Community Development Director will result in a "Stop-Work Order" and fines.
- If tree survey inaccuracies are found on-site, a stop-work order will be issued until revised plans are approved and processed based on accurate information.
- The Community Development Director must inspect and approve the site before the issuance of a Certificate of Occupancy.
- Trees agreed upon to be saved is the responsibility of the owner.
- A 3-4" layer of mulch will be required for the CRZ of Specimen Trees. Mulch must be applied prior to start of construction. Keep mulch at least 5" from the trunk of the tree.
- A minimum 3-4" layer of mulch will be required for all existing, non specimen, landscape trees, including street trees and parking lot trees. Mulch must be applied prior to start of construction. Mulch shall not be placed directly against tree trunks.
- All newly planted trees shall have visible root flares at finished grade. No chipping mulch shall be allowed on planted trees. The upper 2/3 of the wire basket, all burrs, and strapping shall be cut and removed prior to backfill.
- Trees less than the caliper inch shown will not be accepted. Ex: 4 inch caliper trees must be 4 inches or larger.
- Plant height measurement is taken at the top of the main body of the plant and not at the tip of the highest growth.
- All newly planted trees shall be equivalent in quality to a Florida #1 grade or better. All trees of lesser quality shall be rejected by the Community Development Director.
- Watering bags or a drip irrigation system will be provided for all trees prior to issuance of the certificate of occupancy. During first year bags will be refilled weekly by owner and refilled during droughts for a minimum of 2 years after installation.



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

City of Smyrna Tree protection detail



City of Smyrna Tree planting detail

16. All tree guys and stakes shall be removed from tree one year after planting or before.

NO TRENCHING ALLOWED IN TREE SAVE AREAS-INCLUDING IRRIGATION.

CONTACT THE COMMUNITY DEVELOPMENT DEPARTMENT (770) 418-4847 TO ARRANGE A PRECONSTRUCTION CONFERENCE PRIOR TO ANY LAND DISTURBANCE. NO PERMIT SHALL BE ISSUED UNTIL PLANS ARE APPROVED AND AN ON-SITE INSPECTION WITH CITY REPRESENTATIVE OCCURS.

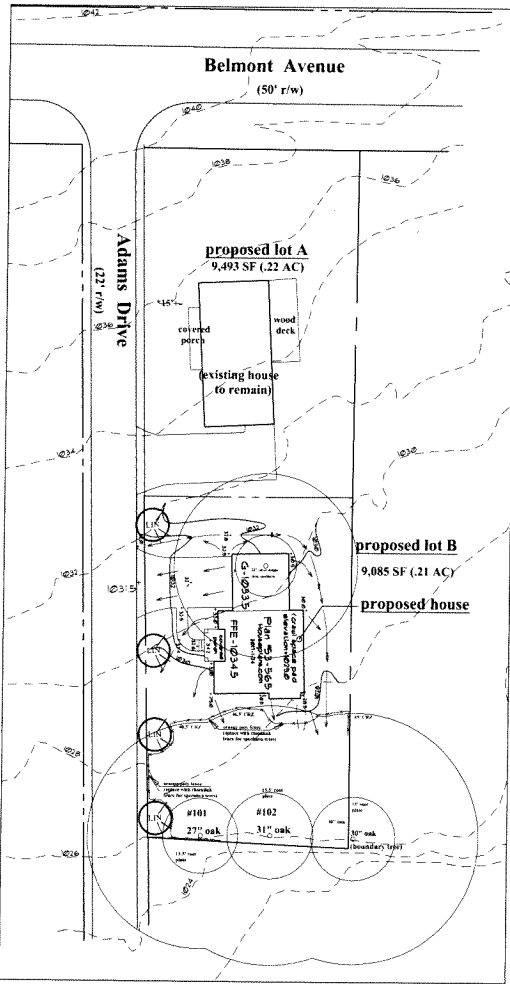
ALL TREE PROTECTION MEASURES SHALL BE INSTALLED PRIOR TO GRADING OR THE REMOVAL OF IMPERVIOUS SURFACES OR STRUCTURES. BUFFERS SHALL BE REPLANTED SUBJECT TO COMMUNITY DEVELOPMENT DEPARTMENT APPROVAL.

NOTE:

CONTACT THE COMMUNITY DEVELOPMENT DEPARTMENT (770) 319-5387 TO ARRANGE A PRECONSTRUCTION CONFERENCE PRIOR TO ANY LAND DISTURBANCE. NO PERMIT SHALL BE ISSUED UNTIL PLANS ARE APPROVED AND AN ON-SITE INSPECTION WITH CITY REPRESENTATIVE OCCURS.

ALL TREE PROTECTION MEASURES SHALL BE INSTALLED PRIOR TO GRADING OR THE REMOVAL OF IMPERVIOUS SURFACES OR STRUCTURES.

BUFFERS SHALL BE REPLANTED SUBJECT TO COMMUNITY DEVELOPMENT DEPARTMENT APPROVAL.



Proposed Tree List

PLANT TYPE	LABEL QUAN.	COMMON NAME	BOTANICAL NAME	SIZE	HGT.	DENSITY	RECOMP.
------------	-------------	-------------	----------------	------	------	---------	---------

Replacement Trees							
Understory	4	White Natchez Crape Myrtle	<i>Lagerstroemia indica</i> 'Natchez'	18 Gal.	12-14'	0%	0%

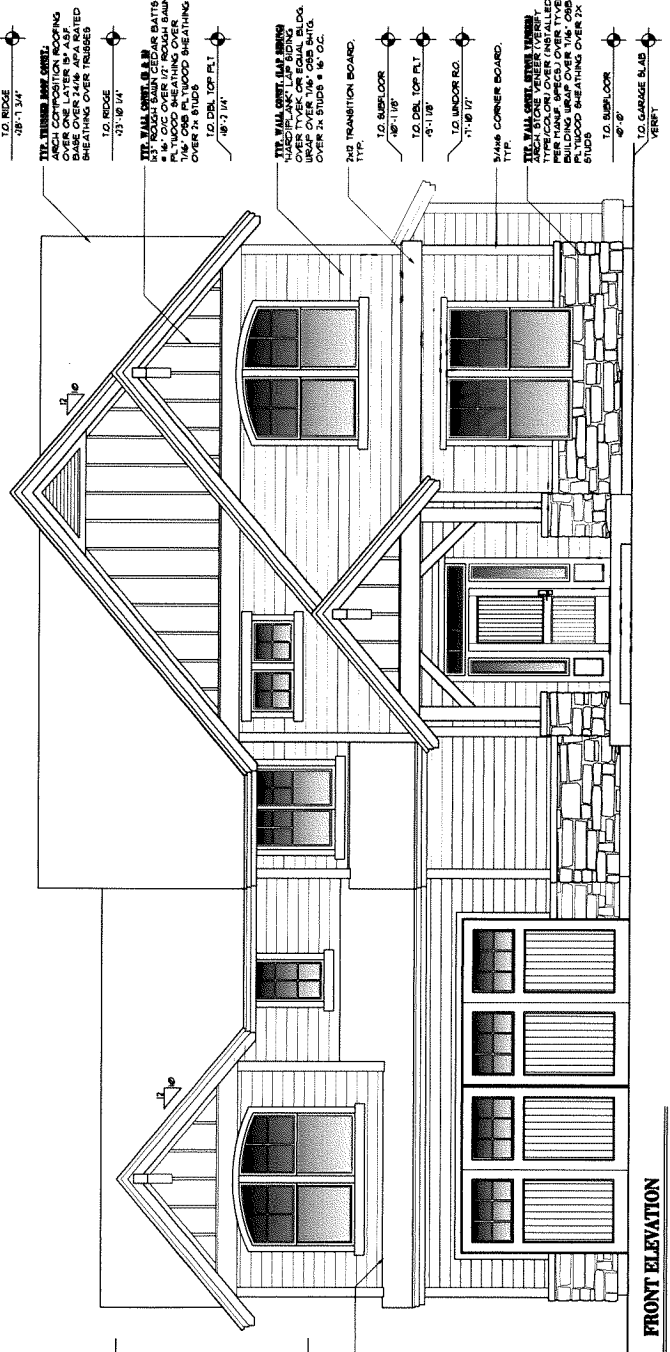
GRANDVILLE E

Sunteil
DESIGN INC.

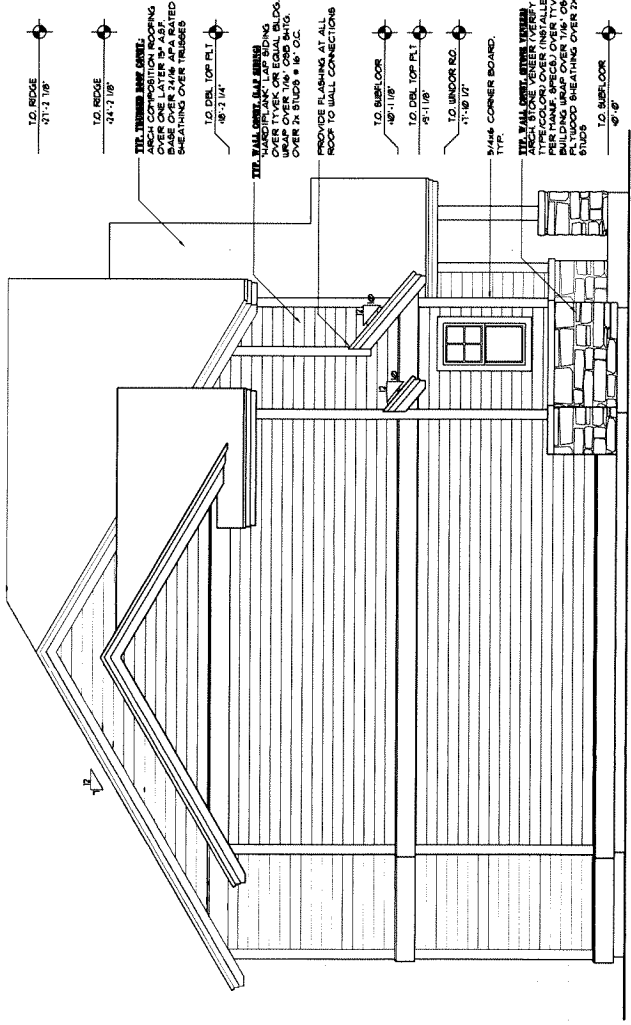
1665 Boones Ferry Road, Suite 201, Lake Oswego, Oregon 97035
Tel: (503) 624 0555-Fax: (503) 624 0155
www.sunteildesign.com

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NO. _____
NAME _____
REV. _____
DATE 4/20/05
SUNTEIL



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



LEFT ELEVATION
SCALE: 1/4"=1'-0"

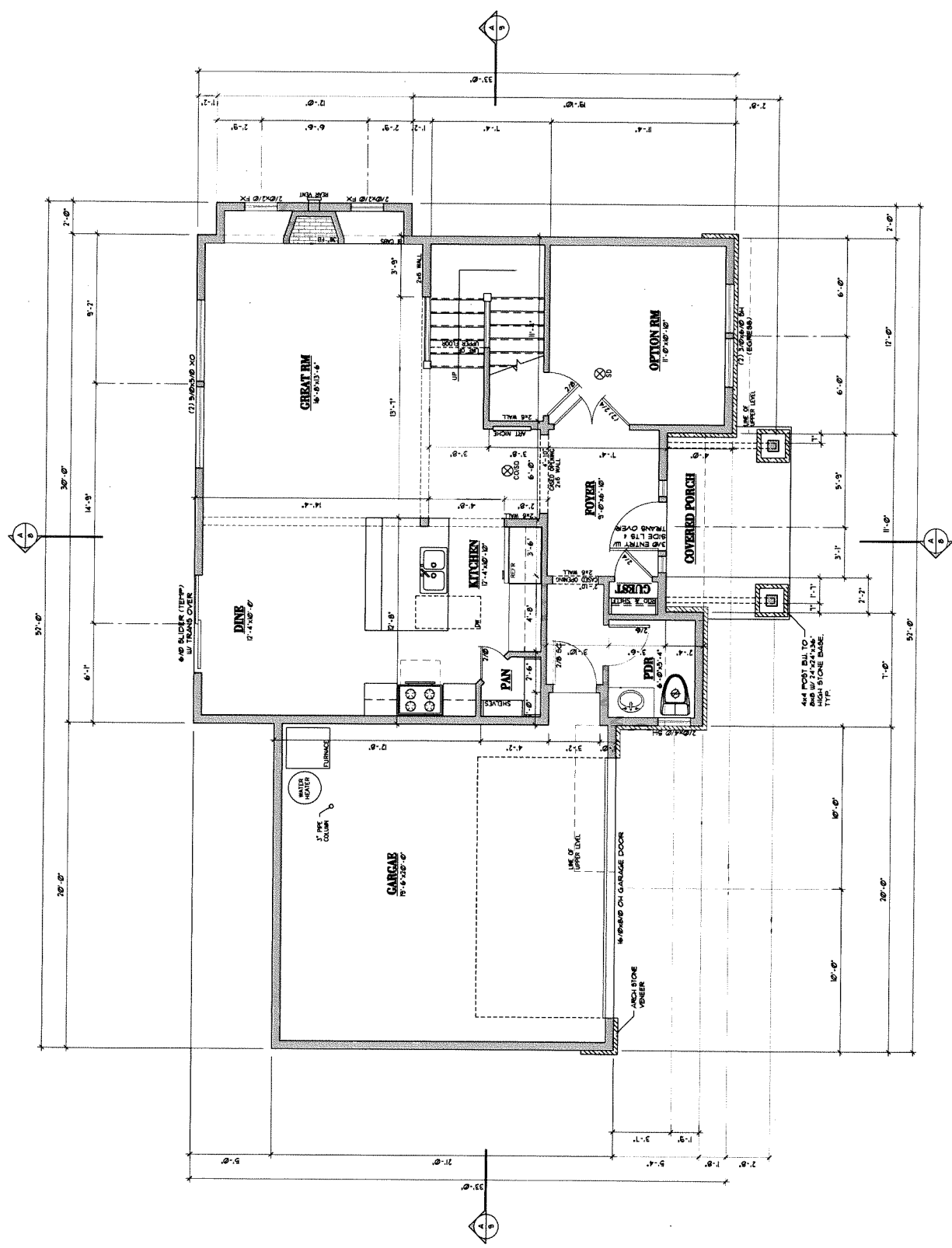
TO ROOF - 23'-3 1/4"

TO ROOF - 24'-3 1/4"

PROVIDE FLASHING AT ALL ROOF TO WALL CONNECTIONS

THESE PLANS HAVE BEEN LICENSED FOR THE
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 ALL DIMENSIONS AND CONDITIONS PRIOR TO
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 PLEASE SEE YOUR LICENSE AGREEMENT FOR
 FURTHER INFORMATION.

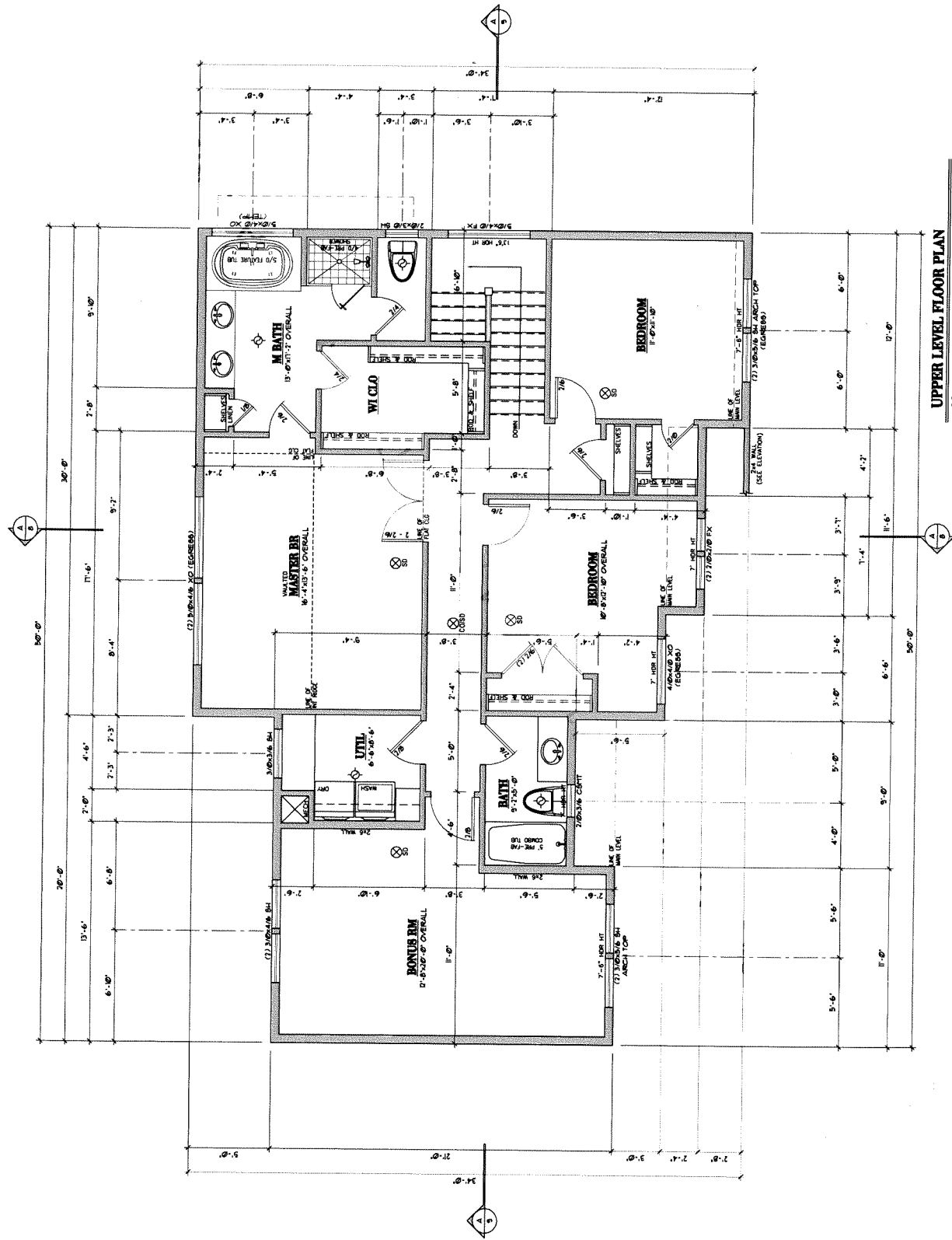
JOB NO.	_____
REV.	_____
DATE	4/20/05
SHEET NO.	3



MAIN LEVEL FLOOR PLAN
 SCALE: 1/4"=1'-0"
 984 SQ. FT.

THESE PLANS HAVE BEEN LICENSED FOR THE CONSTRUCTION OF ONE BUILDING ONLY. ANY REVISIONS TO THESE PLANS SHALL BE MADE UNDER THE CLOSEST ACT THAT GOVERN THE CONTRACT. THESE PLANS DO NOT CONSTITUTE A CONTRACT. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND FOR MEETING ALL LOCAL, STATE AND FEDERAL REQUIREMENTS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR MEETING ALL SPECIFIC SITE CONDITIONS AND LOCAL, STATE AND FEDERAL REQUIREMENTS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ALL DIMENSIONS AND DETAILS NOT SHOWN ON THESE PLANS. PLEASE SEE YOUR LICENSE AGREEMENT FOR FURTHER INFORMATION.

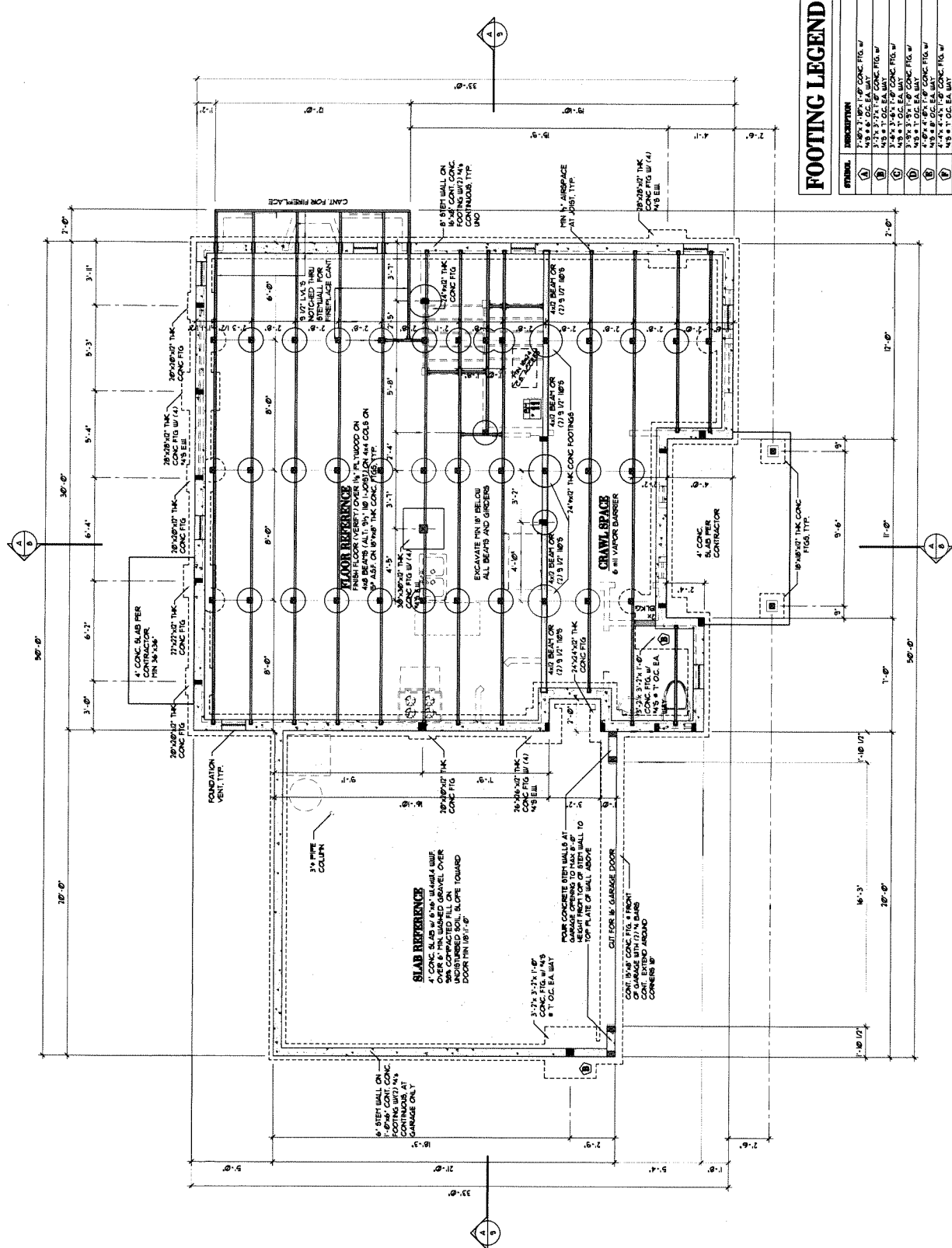
JOB NAME	_____
REV	_____
DATE	4/2015
SCALE	1/4"=1'-0"
SHEET	54



UPPER LEVEL FLOOR PLAN
 SCALE: 1/4"=1'-0" 1290 SQ. FT.

THESE PLANS HAVE BEEN PREPARED FOR THE MANUFACTURED USE OF CONCRETE. THE PLANS OF THE DESIGNING ENGINEER, ARCHITECT, OR CONTRACTOR SHALL NOT BE USED FOR ANY OTHER PURPOSES WITHOUT THE WRITTEN CONSENT OF SUNTEEL ENGINEERING. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND LOCAL REGULATIONS. THE CONTRACTOR SHALL BE RESPONSIBLE TO VERIFY THE ACCURACY OF ALL DIMENSIONS AND CONDITIONS OF THE EXISTING STRUCTURE. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND LOCAL REGULATIONS. THE CONTRACTOR SHALL BE RESPONSIBLE TO VERIFY THE ACCURACY OF ALL DIMENSIONS AND CONDITIONS OF THE EXISTING STRUCTURE. PLEASE SEE YOUR LICENSE AGREEMENT FOR FURTHER INFORMATION.

JOB NO. _____
 DATE: 4/20/05
 REV. _____
 SJA

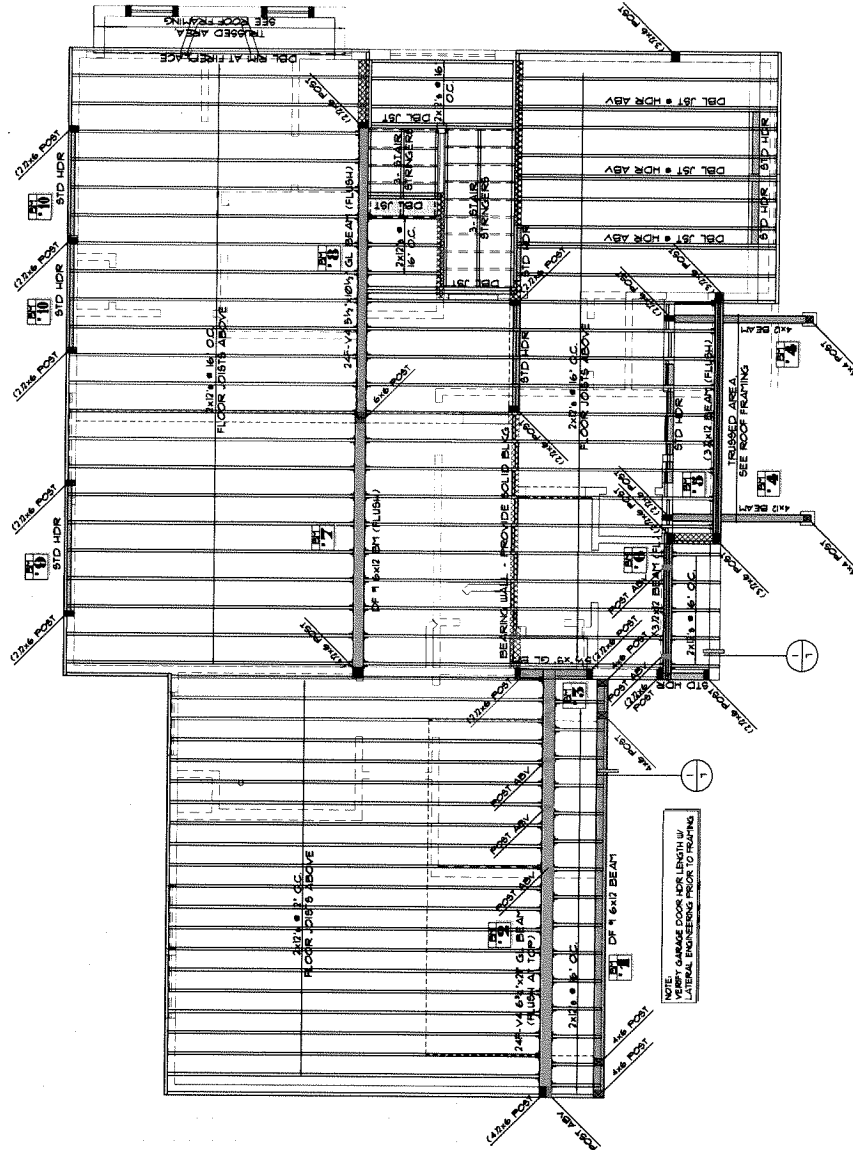


FOOTING LEGEND

SYMBOL	DESCRIPTION
(A)	12" x 12" x 12" CONC. FTG. W/ 4#
(B)	12" x 12" x 12" CONC. FTG. W/ 4#
(C)	12" x 12" x 12" CONC. FTG. W/ 4#
(D)	12" x 12" x 12" CONC. FTG. W/ 4#
(E)	12" x 12" x 12" CONC. FTG. W/ 4#
(F)	12" x 12" x 12" CONC. FTG. W/ 4#
(G)	12" x 12" x 12" CONC. FTG. W/ 4#
(H)	12" x 12" x 12" CONC. FTG. W/ 4#
(I)	12" x 12" x 12" CONC. FTG. W/ 4#
(J)	12" x 12" x 12" CONC. FTG. W/ 4#
(K)	12" x 12" x 12" CONC. FTG. W/ 4#
(L)	12" x 12" x 12" CONC. FTG. W/ 4#
(M)	12" x 12" x 12" CONC. FTG. W/ 4#
(N)	12" x 12" x 12" CONC. FTG. W/ 4#
(O)	12" x 12" x 12" CONC. FTG. W/ 4#
(P)	12" x 12" x 12" CONC. FTG. W/ 4#
(Q)	12" x 12" x 12" CONC. FTG. W/ 4#
(R)	12" x 12" x 12" CONC. FTG. W/ 4#
(S)	12" x 12" x 12" CONC. FTG. W/ 4#
(T)	12" x 12" x 12" CONC. FTG. W/ 4#
(U)	12" x 12" x 12" CONC. FTG. W/ 4#
(V)	12" x 12" x 12" CONC. FTG. W/ 4#
(W)	12" x 12" x 12" CONC. FTG. W/ 4#
(X)	12" x 12" x 12" CONC. FTG. W/ 4#
(Y)	12" x 12" x 12" CONC. FTG. W/ 4#
(Z)	12" x 12" x 12" CONC. FTG. W/ 4#

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

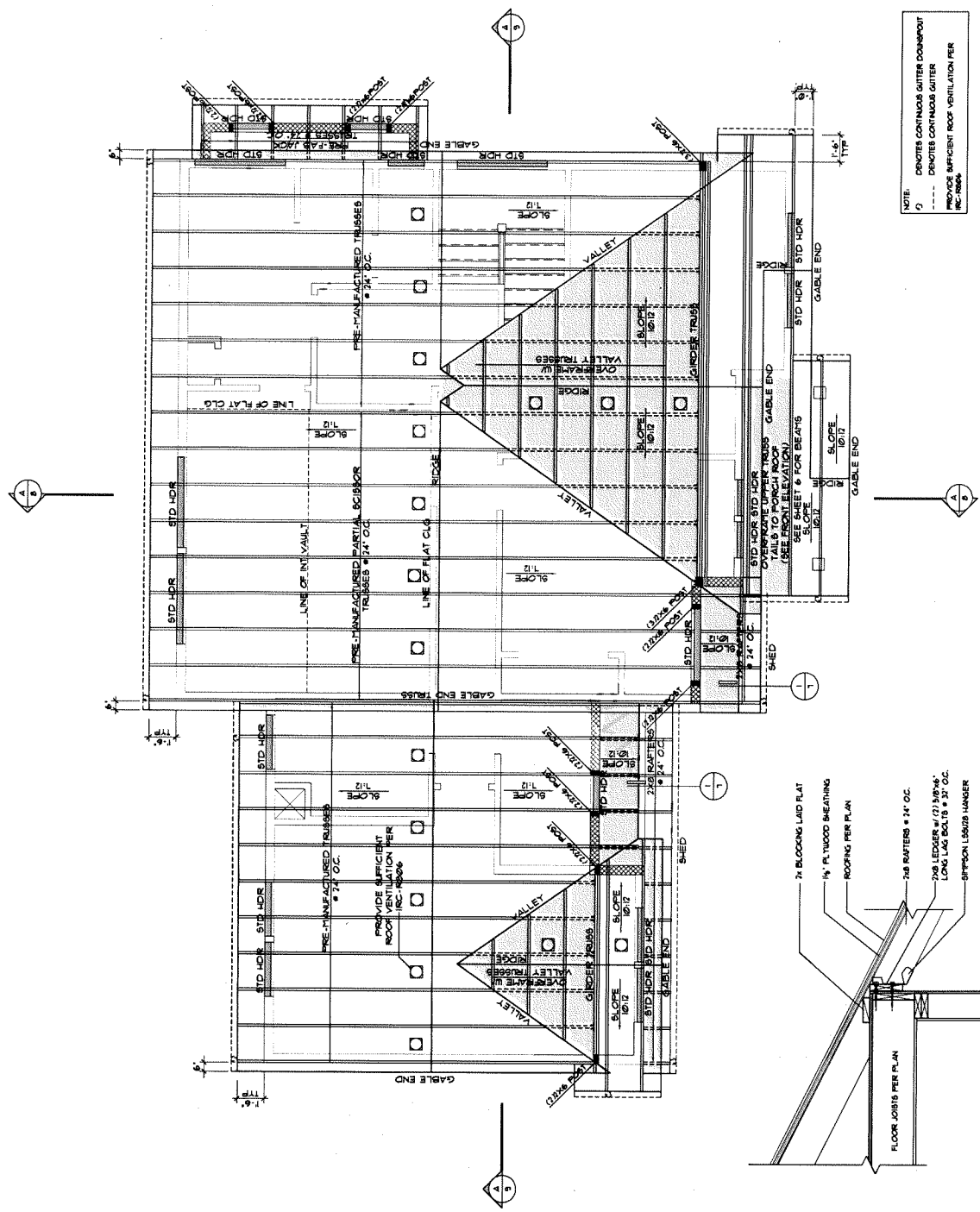
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 WORK SHALL BE APPROVED. THESE PLANS
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 BE USED AS A BASIS FOR CONSTRUCTION.



UPPER FLOOR FRAMING PLAN
 SCALE: 1/4"=1'-0"

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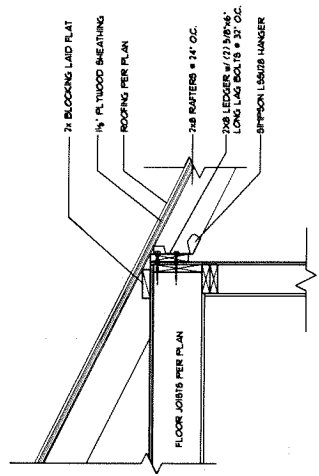
DATE: 4/20/05
 REV: _____
 SUI: _____



NOTE:
 1) DOTTED CONTIGUOUS GUTTER PROVIDE IMPROVED ROOF VENTILATION PER IRC-2006

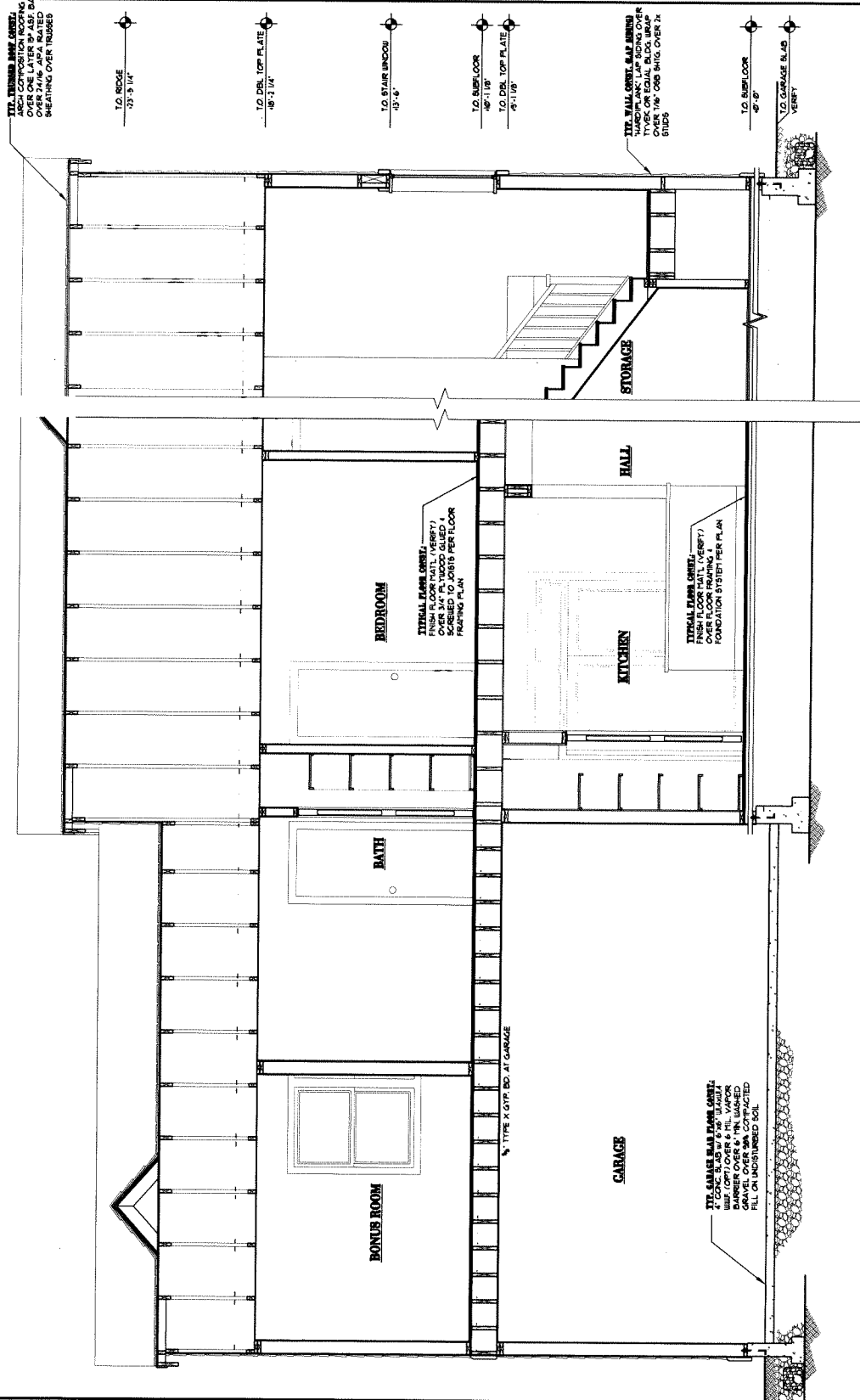
CONTRACTOR'S NOTE:
 SUBMIT TRUSS DESIGN FOR ENGINEERING PRIOR TO FABRICATION & VERIFY LOCATION OF GIRDER TRUSSES & WALLS AS TO PROVIDE FOR ADDITIONAL LOADING FROM VARYING TRUSS DESIGN. VERIFY ALL TRUSS SPANS & CONFIGURATIONS ON JOB SITE PRIOR TO FABRICATION.

ROOF FRAMING PLAN
 SCALE: 1/4"=1'-0"



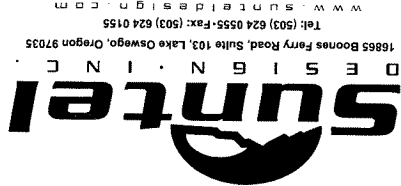
1 **DETAIL (ROOF AT FLOOR)**
 SCALE: 3/4"=1'-0"

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A SECTION
 9
 SCALE: 3/8"=1'-0"

DETAILS SHEET

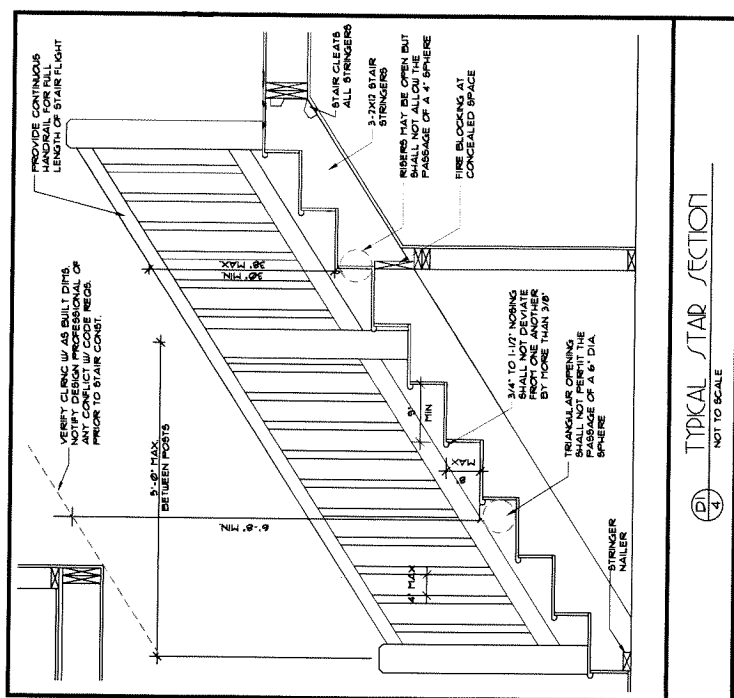
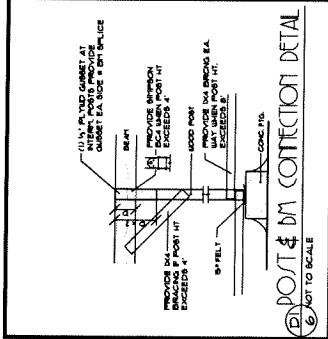
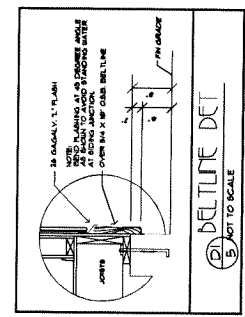
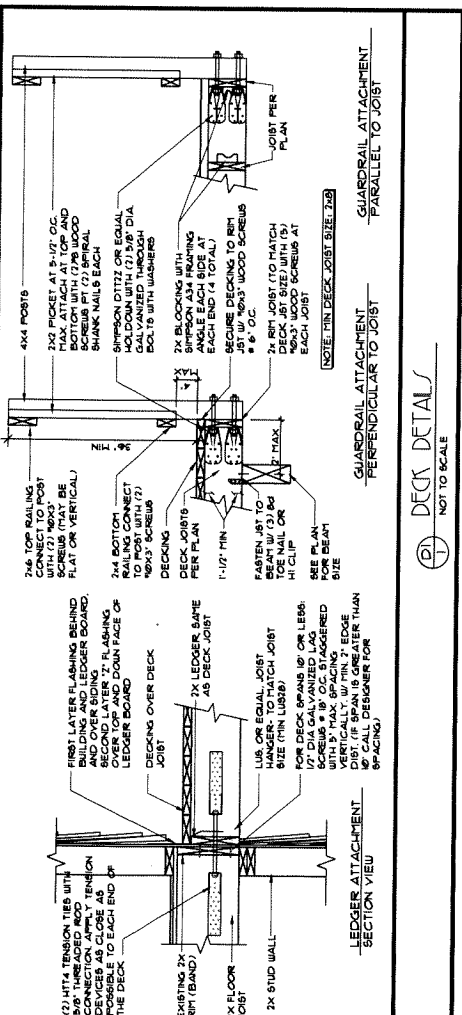
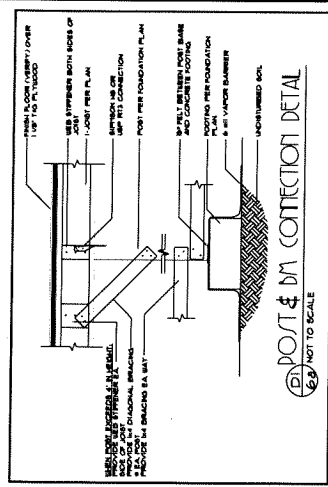
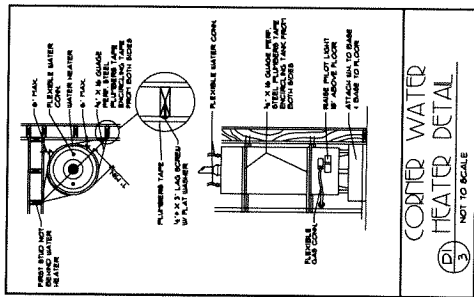
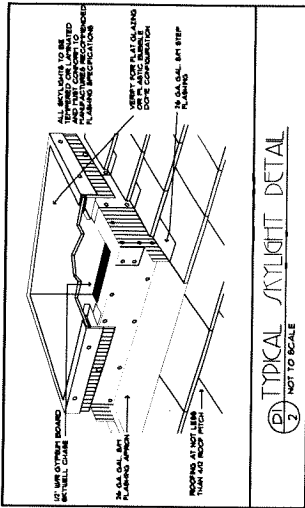


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 AND CONDITIONS OF THE SITE PRIOR TO
 CONSTRUCTION. SUNSTEEL SHALL NOT BE
 RESPONSIBLE FOR ERRORS AND OMISSIONS
 OR FOR THE CONSTRUCTION OF THE PROJECT.
 FOR FURTHER INFORMATION, CONTACT:
 SUNSTEEL

SHEET: DETAILS

DATE: 02/08

D1



ELECTRICAL REQUIREMENTS

LIGHTING REQUIREMENTS:
 ALL LIGHTING SHALL BE INSTALLED IN A SEPARATE UNBUNDLED RACEWAY OR IN A SEPARATE UNBUNDLED RACEWAY PROVIDED WITH ELECTRICAL POWER FROM THE MAIN ELECTRICAL PANEL. ALL EXTERIOR LIGHTING SHALL BE PROVIDED WITH ELECTRICAL POWER FROM THE MAIN ELECTRICAL PANEL. ALL EXTERIOR LIGHTING SHALL BE PROVIDED WITH ELECTRICAL POWER FROM THE MAIN ELECTRICAL PANEL. ALL EXTERIOR LIGHTING SHALL BE PROVIDED WITH ELECTRICAL POWER FROM THE MAIN ELECTRICAL PANEL.

RECEPTACLE REQUIREMENTS:
 ALL RECEPTACLES SHALL BE INSTALLED IN ACCORDANCE WITH THE NATIONAL ELECTRICAL CODE (NEC). ALL RECEPTACLES SHALL BE INSTALLED IN ACCORDANCE WITH THE NATIONAL ELECTRICAL CODE (NEC). ALL RECEPTACLES SHALL BE INSTALLED IN ACCORDANCE WITH THE NATIONAL ELECTRICAL CODE (NEC).

CONSERVATION MEASURES:
 ALL CONSERVATION MEASURES SHALL BE INSTALLED IN ACCORDANCE WITH THE NATIONAL ELECTRICAL CODE (NEC). ALL CONSERVATION MEASURES SHALL BE INSTALLED IN ACCORDANCE WITH THE NATIONAL ELECTRICAL CODE (NEC). ALL CONSERVATION MEASURES SHALL BE INSTALLED IN ACCORDANCE WITH THE NATIONAL ELECTRICAL CODE (NEC).

TABLE 101.1(2) ADDITIONAL MEASURES

NO.	MEASURE
1	HIGH EFFICIENCY WALLS: EXTERIOR WALLS - U-0.045/R-7; CAVITY INSULATION - R-5 CONTINUOUS
2	WEATHERED FEATURES: FRAMED FLOORS - U-0.025/R-13 INTERMEDIATE OR R-7 ADVANCED UNDOORS - U-0.278 (AVERAGE UA)
3	WEATHERED FEATURES: EXTERIOR WALLS - U-0.025/R-13 INTERMEDIATE OR R-7 ADVANCED FRAMED FLOORS - U-0.025/R-13 AND FRAMED FLOORS - U-0.025/R-13
4	SEVERE WEATHER RESISTANCE: UNDOORS - U-0.278 (AVERAGE UA) ET, AND FRAMED FLOORS - U-0.025/R-13
5	AIR SEALING JOISTS AND DUCTS: PNEUMATIC AIR SEALING OF ALL WALL COVERINGS AT TOP PLATE AND AIR SEALING CHECKLIST (7) AND ALL DUCTS AND AIR HANDLERS CONTAINED WITHIN BUILDING ENVELOPE (6) OR ALL DUCTS BEALED WITH PLASTIC (6)
6	HIGH EFFICIENCY HVAC SYSTEMS: PROPOSED UA 19.2% LOWER THAN THE CODE UA
7	HIGH EFFICIENCY HVAC SYSTEMS: AIR SOURCED HEAT PUMPS, AIR COOLERS, AIR COOLERS, OR GROUND SOURCED HEAT PUMP COP 3.5 OR ENERGY STAR RATED
8	DUCTED HVAC SYSTEMS WITHIN CONDITIONED SPACE: ALL DUCTS AND AIR HANDLERS CONTAINED WITHIN BUILDING ENVELOPE (6) CANNOT BE COMBINED WITH MEASURE 5
9	EXHAUSTERS HEAT EXCHANGER: DUCTLESS HEAT PUMP HFR 10/10 IN PRIMARY ZONE OF DWELLING
10	HIGH EFFICIENCY WATER HEATERS: NATURAL GAS PROPANE WATER HEATER WITH UEF 0.89 OR ELECTRIC HEAT PUMP WATER HEATER THERMISTOR CLIMATE SPECIFICATION PRODUCT

FOR 101.1(2) MEASURES:
 1. Appliances located within the building thermal envelope shall have sealed combustion air. Sealed combustion air shall be supplied directly from the outdoors.
 2. All duct joints and seams sealed with listed mastic. Use is only allowed at appliance or equipment connections (for service and replacement).
 3. Heat sealing criteria of Performance Tested Control System program administered by the Bonneville Power Administration (BPA).
 4. A total of 5 percent of an HVAC duct with insulation will be permitted to be located outside of the conditioned space. Ducts located outside of the conditioned space shall have insulation installed as required in this code.
 5. Insulation on ducts located outside of the conditioned space shall not be greater than 50 percent of the total treated floor space unless vaulted area has a U-factor no greater than U-0.025.
 6. Continuous air barrier. Additional requirement for sealing of all interior vertical wall covering to top plate framing being with foam gasket. Table N101.1(2) Standard base case design. Code UA shall be 1% less than the code UA with demonstration less than 5 percent of the total vertical wall area may adjust to the Code UA to have 10 percent of the wall area 4 demonstration.

NOTES SHEET



THESE PLANS HAVE BEEN CONSIDERED FOR THE CONSTRUCTION OF ONE BUILDING ONLY. ANY CHANGES TO THE DESIGN OR THE WORK SHALL BE THE RESPONSIBILITY OF THE OWNER. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND FOR VERIFYING THAT ALL REGULATIONS, CODES AND ORDINANCES ARE MET. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND FOR VERIFYING THAT ALL REGULATIONS, CODES AND ORDINANCES ARE MET. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND FOR VERIFYING THAT ALL REGULATIONS, CODES AND ORDINANCES ARE MET.

SEE: NOTES
 DATE: 02/08
N2

TABLE N101.1(1) PERMISSIVE ENVELOPE REQUIREMENTS

BUILDING COMPONENT	MIN. REQUIRED VALUE
WALL INSULATION - ABOVE GRADE	R-7
WALL INSULATION - BELOW GRADE	R-10
PLAT CEILING	R-45
VAULTED CEILING	R-36 RAFTER OR R-30A 90° SCISSOR TRUSS
UNDOOR DOORS	R-30
HEATED SLAB INTERIOR	R-10
UNDOORS	U-0.20
SKYLIGHTS	U-0.20
EXTERIOR DOORS	U-0.20
FORCED AIR DUCT INSULATION	U-0.04
	R-8

1. An approved U-value based on the U-value of the wall, ceiling, floor, or roof assembly. The U-value shall be determined in accordance with the provisions of ASHRAE 90.1-2005, Table 5.6.2.1. The U-value shall be determined in accordance with the provisions of ASHRAE 90.1-2005, Table 5.6.2.1. The U-value shall be determined in accordance with the provisions of ASHRAE 90.1-2005, Table 5.6.2.1.

SECTION N107 LIGHTING

A MINIMUM OF FIFTY PERCENT OF THE LIGHTING SHALL BE INSTALLED IN ACCORDANCE WITH THE NATIONAL ELECTRICAL CODE (NEC). A MINIMUM OF FIFTY PERCENT OF THE LIGHTING SHALL BE INSTALLED IN ACCORDANCE WITH THE NATIONAL ELECTRICAL CODE (NEC). A MINIMUM OF FIFTY PERCENT OF THE LIGHTING SHALL BE INSTALLED IN ACCORDANCE WITH THE NATIONAL ELECTRICAL CODE (NEC).

TRUSS NOTE

SEVERE WEATHER RESISTANCE:
 UNDOORS - U-0.278 (AVERAGE UA) ET, AND
 FRAMED FLOORS - U-0.025/R-13

1. BUILDER SHALL BE RESPONSIBLE FOR SUPPORT OF ALL FOOTINGS SHALL BE INSTALLED IN ACCORDANCE WITH THE NATIONAL ELECTRICAL CODE (NEC). ALL FOOTINGS SHALL BE INSTALLED IN ACCORDANCE WITH THE NATIONAL ELECTRICAL CODE (NEC). ALL FOOTINGS SHALL BE INSTALLED IN ACCORDANCE WITH THE NATIONAL ELECTRICAL CODE (NEC).

FOUNDATION NOTES

1. FOOTINGS ARE TO BEAR ON UNDISTURBED LEVEL SOIL. ALL FOOTINGS SHALL BE INSTALLED IN ACCORDANCE WITH THE NATIONAL ELECTRICAL CODE (NEC). ALL FOOTINGS SHALL BE INSTALLED IN ACCORDANCE WITH THE NATIONAL ELECTRICAL CODE (NEC). ALL FOOTINGS SHALL BE INSTALLED IN ACCORDANCE WITH THE NATIONAL ELECTRICAL CODE (NEC).

2. ALL WOOD IN CONTACT WITH CONCRETE TO BE PRESERVED. ALL WOOD IN CONTACT WITH CONCRETE TO BE PRESERVED. ALL WOOD IN CONTACT WITH CONCRETE TO BE PRESERVED. ALL WOOD IN CONTACT WITH CONCRETE TO BE PRESERVED.

3. ALL WOOD IN CONTACT WITH CONCRETE TO BE PRESERVED. ALL WOOD IN CONTACT WITH CONCRETE TO BE PRESERVED. ALL WOOD IN CONTACT WITH CONCRETE TO BE PRESERVED. ALL WOOD IN CONTACT WITH CONCRETE TO BE PRESERVED.