

APPLICATION FOR REZONING TO THE CITY OF SMYRNA

Type or Print Clearly

(To be completed by City)

Ward: _____

Application No: _____

Hearing Date: _____

APPLICANT: _____

Name: The McLane Company
(Representative's name, printed)

Address: 3535 Roswell Road #34, Marietta, GA. 30068 Mainly Po Box 680813
Marietta, GA. 30068

Business Phone: _____ Cell Phone: 7-527-8500 Fax Number: _____

E-Mail Address: bgthompson@gmail.com

Signature of Representative: _____

TITLEHOLDER

Name: See next page
(Titleholder's name, printed)

Address: _____

Business Phone: _____ Cell Phone: _____ Home Phone: _____

E-mail Address: _____

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: _____

Stephen Conley
 12215
 Welling Hall Rd.
 Doswell, VA 23047
 Cell-804-687-4447

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 TO THE CITY OF SMYRNA**

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APPLICANT:

Name: The McLane Company
 (Representative's name, printed)
 Address: 3535 Roswell Road #34, Marietta, GA. 30068
 (Mainly Po Box 68081, Marietta, GA. 30068)
 Business Phone: _____ Cell Phone: 7-527-8500 Fax Number: _____
 E-Mail Address: bgthompson@gmail.com
 Signature of Representative: _____

TITLEHOLDER

Name: DR. Stephen Conley
 (Titleholder's name, printed)
 Address: 12215 Welling Hall Road
Doswell, VA 23047
 Business Phone: _____ Cell Phone: 804-687-4447 Home Phone: 227-2200
 E-mail Address: Stephen.Conley7@iCloud.com
 Signature of Titleholder: _____
 (Attach additional signatures, if needed)

(To be completed by City)

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Heard by P&Z Board: _____

P&Z Recommendation: _____

Advertised: _____

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JAE Job #140254

Legal Description

All that tract or parcel of land lying and being located in the Land Lot 560 of the 17th District, 2nd Section, City of Smyrna, Cobb County, Georgia containing 0.8016 acres, (34,919 square feet) and being more particularly described as follows:

Beginning at the intersection of the southerly right-of-way of Whitfield Street (30 foot right-of-way) with the northeasterly right-of-way of Walker Street (30 foot right-of-way);

Thence continuing easterly along the southerly right-of-way line of Whitfield Street the following courses and distances:

An arc distance of 41.91 feet, (said arc being subtended by a chord of South 86 degrees, 17 minutes, 30 seconds East, 41.91 feet – radius of 3089.64 feet);

An arc distance of 152.57 feet, (said arc being subtended by a chord of South 86 degrees, 51 minutes, 51 seconds East, 152.56 feet – radius of 4546.92 feet);

An arc distance of 133.35 feet, (said arc being subtended by a chord of South 88 degrees, 11 minutes, 36 seconds East, 133.34 feet – radius of 10384.85 feet) to a “paint mark found” in a concrete apron on the southerly right-of-way line of Whitfield Street;

Thence leaving the southerly right-of-way line of Whitfield Street South 33 degrees, 03 minutes, 57 seconds West, 254.42 feet to a #4 rebar found on the northeasterly right-of-way line of Walker Street (30 foot right-of-way);

Thence continuing along the northeasterly right-of-way line of Walker Street the following courses and distances:

An arc distance of 172.30 feet, (said arc being subtended by a chord of North 38 degrees, 22 minutes, 49 seconds West, 172.29 feet – radius of 5430.60 feet);

An arc distance of 124.16 feet, (said arc being subtended by a chord of North 41 degrees, 09 minutes, 26 seconds West, 124.07 feet – radius of 965.02 feet) to a point at the intersection of the southerly right-of-way line of Whitfield Street (30 foot right-of-way) with the northeasterly right-of-way line of Walker Court (30 foot right-of-way) and the True Point of Beginning.

Deed Book 13367 Pg 2960
Filed and Recorded May 22-2001 09:25am
2001-0082007
Real Estate Transfer Tax \$18.00

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

WARRANTY DEED

After Recording, Return To:
J. Al Cochran, Attorney
COCHRAN, CAMP & SNIPES
2950 Atlanta Street, SE
Smyrna, GA 30080-3692

STATE OF GEORGIA
COUNTY OF COBB

THIS INDENTURE, made the 9th day MAY in the year Two Thousand One, between FRANCES COLLINS OSBORNE of the County of Roberson, and State of North Carolina, as party or parties of the first part, hereinafter called Grantor, and NELL MARIE CONLEY 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 & OTHER VALUABLE CONSIDERATIONS (\$10.00) DOLLARS 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 an undivided one-fourth interest in the following described property:

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN THE TOWN OF SMYRNA, COBB COUNTY, GEORGIA, IN LAND LOT NO. 560 IN THE 17TH DISTRICT AND 2ND SECTION OF COBB COUNTY, GEORGIA, AND BEING A TRIANGULAR TRACT ON THE EAST SIDE OF ROSWELL STREET BOUND ON THE NORTH BY WHITFIELD AVENUE ON THE EAST BY LAND NOW OR FORMERLY OWNED BY J. M. COGURN; ON THE SOUTHWEST BY WALKER AVENUE AND COMING TO A POINT ON THE WEST AT ROSWELL STREET, SAID LOT BEING ENCLOSED AND MARKED OUT, CONTAINING ONE ACRE.

THIS IS THE SAME PROPERTY DEEDED BY MRS. LAURA WALKER TO BEN H. SOSEBY JULY 11, 1924, AND RECORDED IN DEED BOOK 89, PAGE 536, IN RECORD OF DEEDS IN THE OFFICE OF THE CLERK OF THE SUPERIOR COURT OF COBB COUNTY, GEORGIA.

TO HAVE AND TO HOLD the said tract or parcel of land, with all and singular the rights members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit and behoof of the said Grantee forever in FEE SIMPLE.

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

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

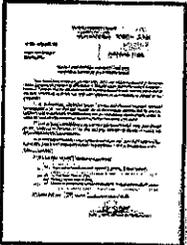
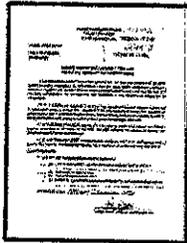
Signed, sealed and delivered in presence of:

Bertina Osborne
Witness

David Smith
Notary Public

Frances Collins Osborne
FRANCES COLLINS OSBORNE





IN THE PROBATE COURT FILED IN OFFICE
COUNTY OF COBB
STATE OF GEORGIA 2013 DEC -4 AM 8:02

IN RE: ESTATE OF
NELL M CONLEY,
DECEASED

PROBATE COURT OF
COBB COUNTY, GA
ESTATE NO. 13-1886

ORDER APPOINTING AN EXECUTOR AND
GRANTING PROBATE IN COMMON FORM

It has been shown to the Court in the matter of the Last Will and Testament of the above named decedent, propounded by STEPHEN CONLEY a/k/a ORIS STEPHEN CONLEY, named as Executor, that the said decedent died domiciled in said County; and that the said Will has been self-proved to be the Last Will and Testament of said decedent as alleged by the propounder.

IT IS, THEREFORE, ORDERED by this Court that said Will dated August 9, 2011 and be established as the Last Will and Testament of the above named decedent, that the same be admitted to record as proved in Common Form, that the Executor has leave to qualify as such by taking the required oath, and upon so doing, that Letters Testamentary be issued.

IT IS FURTHER ORDERED that the Executor, after payment of all debts, shall disburse property according to the terms of the Will and shall maintain all records of income and disbursements until they are discharged.

IT IS FURTHER ORDERED that the deputy clerk/clerk shall serve the Executor with a copy of this Order by first class mail and shall file a certificate of service showing such service.

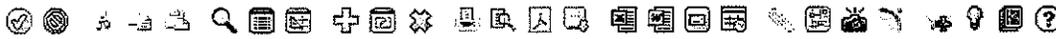
(Initial if applicable)

IT IS FURTHER ORDERED that (initial if applicable)

- _____ (a) One or more codicils are also admitted to probate, dated as follows:
- _____ (b) An inventory shall be filed,
- _____ (c) Annual returns shall be filed,
- _____ (d) Letters of Testamentary Guardianship and/or Conservatorship shall issue to

SO ORDERED this 3rd day of December, 2013.


Kelli L. Wolf, Judge of the Probate Court



- History
- Detail
- Orig Bill
- Effective Date
- Scan Bill
- Quick Entry
- Utility Acct
- Customer
- Name
- Parcel
- Prop Code
- Bill Dates
- Bill Audits
- Bill Events
- Reprint
- Preferences
- Diagnostics

Year/Type/Bill No.

2013 RE-R 3114

Property Information

Parcel ID 17-0560-0-0080

Alt Parc

Prop Loc 1396 ROSWELL ST

Customer A

CONLEY NE
1396 ROSV
SMYRNA, G

Specia

Installment Information

| Int Dt | Billed | Abt/Adj | Pmt/Crd | Interest | Unpaid bal |
|----------|--------|---------|---------|----------|------------|
| 11/22/13 | 289.30 | | .00 | 289.30 | .00 |
| Fees/Pen | .00 | | .00 | .00 | .00 |
| Totals | 289.30 | | .00 | 289.30 | .00 |

Notes/Alerts

JUN 1 Owner: CONLEY NELL MARIE

| | |
|----------------|--------|
| Due 06/12/2014 | .00 |
| Next Int | .00 |
| Int Paid | .00 |
| Total Paid | 289.30 |

View prior unpaid bills

2013 Taxes Paid
for 1396 Roswell St.
Last name Conley

Printed: 6/13/2014 6:37:39 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 |
|-------------|----------|--------------------|----------|---------|--------|-------------|---------|
| 17056000080 | 2013 | \$1,353.93 | \$42.65 | \$67.70 | \$0.00 | \$1,464.28 | \$0.00 |



Last Payment Date: 1/9/2014

Property Address: 1396 ROSWELL ST

Payer: O STEPHEN CONLEY

ZONING REQUEST

From R-15 to RAN
Present Zoning Proposed Zoning

LAND USE

From SFR to SFR
Present Land Use Proposed Land Use

For the Purpose of 2 SFR HOMES

Size of Tract .8 ACRES

Location 1396 ROSWELL STREET, SMYRNA, GA. 30080
(Street address is required. If not applicable, please provide nearest intersection, etc.)

Land Lot (s) 560 District 17

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

(To be completed by City)

Recommendation of Planning Commission:

Council's Decision:

CONTIGUOUS ZONING

North: R-15

East: R-15

South: R-15

West: R-15

CONTIGUOUS LAND USE

North: SFR - SUBURBAN RESIDENTIAL

East: SFR - SUBURBAN RESIDENTIAL

South: SFR - SUBURBAN RESIDENTIAL

West: SFR - SUBURBAN 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:

SEWER IS IN BOTH WALKER AND WHITFIELD STREETS
WATER IS LOCATED ON BOTH WALKER AND WHITFIELD STREETS

TRANSPORTATION

Access to Property? WALKER STREET & WHITFIELD

Improvements proposed by developer? N/A

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:

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?

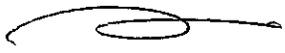
NO

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 13th 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 PROPOSED USE IS IN CONFORMITY WITH EXISTING USES OF ADJACENT PROPERTIES.

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

NO ADVERSE AFFECTS TO ADJACENT PROPERTIES

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

AS CURRENTLY ZONED THE PROPERTY CAN ^{SUPPORT} ~~BE~~ 2 HOMES

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.

NO EXCESSIVE BURDEN WILL BE PLACED ON EXISTING INFRASTRUCTURE OR FACILITIES BY ADDING TWO ADDITIONAL HOMES.

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

THE PROPOSAL IS CONSISTENT WITH THE CITY OF SMYRNA'S 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.

THE MORE RESIDENTS THAT CAN BE ADDED TO THE CITY CORE THE BETTER FOR THE CITY'S DOWNTOWN MERCHANTS.

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.

WE WILL BUILD COTTAGE STYLE HOMES WHICH IS IN CONFORMITY
WITH THE NEWER HOUSING STOCK BEING BUILT IN DOWNTOWN SMYRNA.

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

NO NUISANCE OR INCOMPATIBILITY WILL OCCUR.

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 TWO NEW COTTAGE STYLE HOMES WILL SERVE TO ENHANCE
THE STREETSCAPE IN THIS AREA.