



### RZ-24-11

Rezoning Application

Status: Active

Submitted On: 10/13/2024

### Primary Location

3767 KING SPRINGS RD SE  
SMYRNA, GA 30080

### Owner

HIATT JAMES ENNIS  
3767 KING SPRINGS RD  
SMYRNA, GA 30080

### Applicant

Sean Murphy  
 770-630-9205  
 sean@seanjmurphy.com  
 3282 Lee Street SE  
Smyrna, Georgia 30080

## Applicant Information

Full Name (i.e., First and Last Name, or Name of Entity):\*

Davin Harris

Street Address:\*

1234 Kingsview Drive

City:\*

Smyrna

State:\*

GA

Zip Code:\*

30080

Email Address:\*

davindharris@gmail.com

Phone Number:\*

770-866-2360

Are you the titleholder of the subject property?\*

Yes

## Property Information

Parcel ID:\*

17052800020

Property Address:\*

3767 King Springs Road

**Present Zoning:\***

R-15

**Present Future Land Use:\***

LDR - Low Density Residential

**Parcel ID:\*** ?

17052800060

**Property Address:\*** ?

3777 King Springs Road

**Present Zoning:\***

R-15

**Present Future Land Use:\***

LDR - Low Density Residential

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## Development Information

**Proposed Use of Property:\***

Residential

**Property Acreage:\***

0-5 acres

**Number of Proposed Dwelling Units:\***

9

**Proposed Zoning:\***

RDA

**Proposed Density:\***

Residential greater than 4.5 units/acre

**Are you seeking a Future Land Use Change?\***

Yes

**Proposed Future Land Use:\***

MEDR - Medium Density Residential

**Is Rezoning a Development of Regional Impact?\***

No

**Project Description:\***

Redevelopment of 2 existing large lot single family home sites into an MDR development consisting of 8 units or 5 units per acre with a detention pond and new road.

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## Rezoning Analysis

**Number 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 medium density single family detached residential at 5 units per acre which would serve as an appropriate "step down" density development type and is well suited to go between existing duplex, multi-family and neighborhood shopping facilities that surround the site.

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

The proposed zoning would allow for 6 new units above the existing 2. The minor increase in the demands on the roads and infrastructure from 6 additional houses could not reasonably be considered to have an adverse impact on the adjacent and nearby properties. To the contrary, the development will remove an "eye-sore" and security concern from the area and provide sewer connections for the daycare removing them from septic fields they are currently using in keeping with the desires of the county health system.

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

Although the property could technically be used as currently zoned, the current zoning is definitely not the highest and best use with existing precedents in the area and the surrounding properties. A more "reasonable" use would have to be based on current development trends, housing trends, development costs, etc. and as such a "reasonable economic" use would allow for a higher density than the current R15 zoning which is extremely limiting in this urban area. Therefore the applicant feels that the property can not be "reasonably" used as currently zoned.

**Number 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 6 single family residential units over the 2 existing will not cause an "excessive or burdensome" use of existing streets, transportation facilities, utilities or schools. Utilities are available, facilities and roads are sufficient.

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

The proposal is currently in conflict with the current future land use plan and requires a change from LDR to MDR. However based on the higher densities allowed by existing zoning on the adjacent land and the existing commercial developments, it seems clear that the City's intent is to allow this area to transition from the once rural nature to an urban one with higher density. Therefore a proposal to change from LDR to MDR is logical and conforms with general policies and approvals the city has made in similar cases, regardless of the current future land use plan's designation for these particular parcels.

**Number 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 existing condition of the parcels is poor and deteriorating. The homes have been vacant for some time and are functionally obsolete. Furthermore the area has trended to much higher density with nearby apartments, town homes, duplexes, senior high rise apartments, and significant commercial development. This land sits is on the edge of an older residential duplex neighborhood that is long overdue for rehabilitation. Bringing new development at a slightly higher density here would create an appropriate step down from commercial to duplexes and would likely be a positive change in this area that would spur more high quality redevelopment.

**Number 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 quality of the proposed development would enhance the architectural standards and aesthetics of the area bringing much needed change to this location which has been languishing many buildings suffering from deferred maintenance.

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

Additional single family residential use could not logically be seen as creating a nuisance or incompatibility with any of the existing uses surrounding the property.

**Number 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 size and location of the propose homes will not impact the adjoining property with respect to views, blocking sun light or removing shade. It will however remove an area that has otherwise been an ongoing security and pest control concern.

# Acknowledgement

## Applicant Signature\*

 SEAN MURPHY  
Oct 11, 2024