

# APPLICATION FOR REZONING TO THE CITY OF SMYRNA

*Type or Print Clearly*

(To be completed by City)

**Ward:** \_\_\_\_\_

**Application No:** \_\_\_\_\_

**Hearing Date:** \_\_\_\_\_

**APPLICANT:** Antiques, Wood and Rustics, LLC

Name: Garvis L. Sams, Jr./SAMS, LARKIN & HUFF, LLP

(Representative's name, printed)

Address: Suite 100, 376 Powder Springs Street, Marietta, GA 30064

Business Phone: (770) 422-7016 Cell Phone: (404) 975-7772 Fax Number: (770) 426-6583

E-Mail Address: gsams@samslarkinhuff.com

Signature of Representative: \_\_\_\_\_

## **TITLEHOLDER**

Name: SEE ATTACHED 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: \_\_\_\_\_

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**APPLICANT:** \_\_\_\_\_

Name: \_\_\_\_\_

(Representative's name, printed)

Address: \_\_\_\_\_

Business Phone: \_\_\_\_\_ Cell Phone: \_\_\_\_\_ Fax Number: \_\_\_\_\_

E-Mail Address: \_\_\_\_\_

Signature of Representative: \_\_\_\_\_

## **TITLEHOLDER**

Name: Antiques, Wood and Rustics, LLC  
(Titleholder's name, printed)

Address: 2691 Mathews St SE, Smyrna, GA 30080

Business Phone: 678-630-9710 Cell Phone: same Home Phone: \_\_\_\_\_

E-mail Address: pattyfish52@gmail.com

Signature of Titleholder: Pattina A. Jones, Member  
(Attach additional signatures, if needed)

(To be completed by City)

Received: \_\_\_\_\_

Heard by P&Z Board: \_\_\_\_\_

P&Z Recommendation: \_\_\_\_\_

Advertised: \_\_\_\_\_

Posted: \_\_\_\_\_

Approved/Denied: \_\_\_\_\_

**ZONING REQUEST**

From R-15 to NS  
Present Zoning Proposed Zoning

**LAND USE**

From MU to NAC  
Present Land Use Proposed Land Use

For the Purpose of Antiques Shop

Size of Tract 0.6 ac

Location 2986 King Street

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

Land Lot (s) 522 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:** OI \_\_\_\_\_

**South:** NS \_\_\_\_\_

**West:** R-15 \_\_\_\_\_

**CONTIGUOUS LAND USE**

**North:** MU \_\_\_\_\_

**East:** PI \_\_\_\_\_

**South:** NAC \_\_\_\_\_

**West:** MU \_\_\_\_\_

## **INFRASTRUCTURE**

### **WATER AND SEWER**

A letter from Frank Martin, Director of Public Works Department is required stating that water is available and the supply is adequate for this project.

A letter from Frank Martin, 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:

See attached letter from Patrick Quigley with the Public Works Department.

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### **TRANSPORTATION**

Access to Property? King Street

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Improvements proposed by developer? Utilization of existing house for an antiques shop.

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Comments:

The Subject Property is located within a sub-area of the City of Smyrna which is a part of and/or adjacent to office, institutional, retail, commercial and residential uses.

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## CITY OF SMYRNA

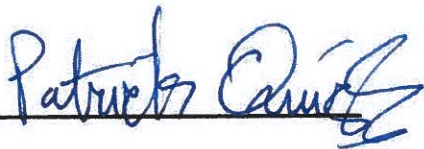
### WATER/SEWER AVAILABILITY

To whom this concern,

The City of Smyrna has determined that water is available to the property located @ 2986 King Street.

The City of Smyrna has determined that Sanitary Sewer is available to the property located @ 2986 King Street. Elevations to connect to sewer will be determined by developer.

Sincerely,

X 

Patrick Quigley

Capital Projects Coordinator

## **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.

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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

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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

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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

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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.

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If so, describe the natural and extent of such interest: N/A

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**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 8<sup>th</sup> day of October, 2021.

(Applicant's Signature)

Garvis L. Sams, Jr.

Attorney for Applicant

**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 REPORT<sup>1</sup>**

## **BY ATTORNEY FOR APPLICANT<sup>2</sup>**

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: On 11/7/19 a check in the sum of \$1,500.00 to the Committee to Elect Derek Norton, Mayor.

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 8<sup>th</sup> day of October, 2021.

SAMS, LARKIN & HUFF, LLP

By: 

GARVIS L. SAMS, JR.

Attorney for Applicant

<sup>1</sup>If 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.

<sup>2</sup>Applicant 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, LLP

10-8-2021  
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 proposal will permit a use which suitable within the context of existing development regarding adjacent and nearby properties.

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

The proposed Rezoning will not adversely impact the existing use or usability of adjacent or nearby properties. The Applicant is proposing to use the existing single-family house on the property. There are no plans to expand the existing footprint of the building. This area of Concord Road has seen the conversion and re-purposing of single-family houses converted to low-intensity office and small retail uses.

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

The proposed Rezoning will allow the conversion, retrofitting and rehabbing of the existing single-family house to an antiques shop. The building which will be utilized for the antiques shop lies within the confines of an area designated as Mixed Use (MU) on the City's Future Land Use Map. The Applicant is requesting a change in the Land Use Map from MU to NAC along with the requested Rezoning to NS to allow for the small-scale antiques shop.

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### **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 proposed Rezoning will not result in a use that will have an adverse impact upon the existing City of Smyrna's infrastructure and constitutes a proposed use which comports with the trend of development along this section of King Street and Concord Road. Utilization of the single-family house as an antiques shop will generate less traffic and will be a similar use compared to other converted single-family houses in this area along Concord Road.

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

The proposal is to utilize the existing single-family house for the purpose of an antiques shop which will permit a use that will be less intense than other uses that could be allowed through Rezoning based on the City's Future Land Use Map. The Applicant is requesting Rezoning to the NS Zoning District for this use only which constitutes a use which is allowed within the requested Zoning District of NS and the requested NAC land use category.

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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 existing and changing conditions affecting the use and development of the Subject Property.

The Subject Property is located in an area primarily consisting of commercial, retail, office and residential uses. The Applicant proposes the conversion of the single-family house to an antiques shop, with no expansion of the footprint of the building.

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**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 use will occupy an existing single-family house and will continue to enhance architectural standards and aesthetics in accordance with the as-built photographs depicting the architectural style and composition of the building.

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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 Rezoning will nto create a nuisance as defined by local and/or state law and is compatible with existing uses in the area.

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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 use will positiviey affect this area by utilizing an existing building to accommodate a small-scale antiques shop. No new construction/development will be required.

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