

DEC 28 2018

Community Development
Department



Community Development
4119 Adrian Street
Tucker, GA 30084
Phone: 678-597-9040
Email: permits@tuckerga.gov
Website: www.tuckerga.gov

REVISION
Land Use Petition
Application

RZ-19-0001
CV-19-0001

Type of Application: Rezoning Comprehensive Plan Amendment Special Land Use Permit Concurrent Variance

APPLICANT INFORMATION

| | | |
|---|--|------------|
| Applicant is the: <input type="checkbox"/> Property Owner <input checked="" type="checkbox"/> Owner's Agent <input type="checkbox"/> Contract Purchaser | | |
| Name: Williams Teusink, LLC | | |
| Address: 309 Sycamore Street | | |
| City: Decatur | State: GA | Zip: 30030 |
| Contact Name: Kyle Williams, Esq. and Sam Artopoulos | | |
| Phone: 404 373 9590 | Email: sartopoulos@williamsteusink.com | |

OWNER INFORMATION

| | | |
|---|-----------|------------|
| Name: Dorinda Gayle Williams a/k/a Gayle Williams | | |
| Address: 4062 Comanche Drive | | |
| City: Tucker | State: GA | Zip: 30084 |
| Contact Name: Gayle Williams | | |
| Phone: | Email: | |

PROPERTY INFORMATION

| | | |
|--|---------------------------------------|---------------|
| Property Address: 4062 Comanche Drive | | |
| Present Zoning District(s): R-75 | Requested Zoning District(s): RSM | |
| Present Land Use Category: Downtown | Requested Land Use Category: Downtown | |
| Land District: 18th | Land Lot(s): 213 | Acreage: .343 |
| Proposed Development: Single Family Home | | |
| Concurrent Variance(s): 60 ft frontage to 50 ft frontage | | |

RESIDENTIAL DEVELOPMENT

| | | |
|-------------------------------|-----------------------------------|------------------------|
| No. of Lots/Dwelling Units: 2 | Dwelling Unit Size (Sq. Ft.): n/a | Density: Single Family |
|-------------------------------|-----------------------------------|------------------------|

NON-RESIDENTIAL DEVELOPMENT

| | | |
|------------------------|-------------------------|----------|
| No. of Buildings/Lots: | Total Building Sq. Ft.: | Density: |
|------------------------|-------------------------|----------|

APPLICANT'S CERTIFICATION

THE UNDERSIGNED BELOW STATES UNDER OATH THAT THEY ARE AUTHORIZED TO MAKE THIS APPLICATION. THE UNDERSIGNED IS AWARE THAT NO APPLICATION OR REAPPLICATION AFFECTING THE SAME LAND SHALL BE ACTED UPON WITHIN 24 MONTHS FROM THE DATE OF LAST ACTION BY THE MAYOR AND CITY COUNCIL.

Kyle Williams 12-20-10
Signature of Applicant Date

Kyle Williams
Type or Print Name and Title

Signature of Notary Public Date Notary Seal

RECEIVED
City of Tucker

DEC 28 2018

Community Development
Department

REVISION

R2-19-0001
CV-19-0001

PROPERTY OWNER'S CERTIFICATION

I do solemnly swear and attest, subject to criminal penalties for false swearing, that I am the legal owner, as reflected in the records of DeKalb County, Georgia, of the property identified below, which is the subject of the attached Land Use Petition before the City of Tucker, Georgia. As the legal owner of record of the subject property, I hereby authorize the individual named below to act as the applicant in the pursuit of the Application for Rezoning (RZ), Comprehensive Plan Amendment (CA), Special Land Use Permit (SLUP), & Concurrent Variance (CV) in request of the items indicated below.

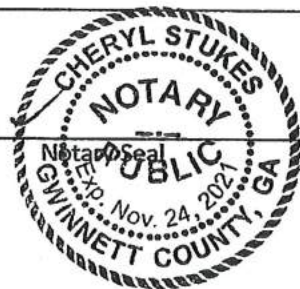
I, Gayle Williams (Property Owner), authorize, Robert Gunnison / Kyle Williams (Applicant) ^{variance} to file for Rezoning of Concurrent (RZ, CA, SLUP, CV) at 4062 Comanche Dr (Address) Williams-Tevsink of Williams-Tevsink
on this date December (Month) 3 (Day), 2018

- I understand that if a rezoning is denied or assigned a zoning classification other than the classification requested in the application, then no portion of the same property may again be considered for rezoning for a period of twenty-four (24) months from the date of the mayor and city councils' final decision.
- I understand that if an application for a special land use permit affecting all or a portion of the same property for which an application for the same special land use was denied shall not be submitted before twenty-four (24) months have passed from the date of final decision by the mayor and city council on the previous special land use permit.
- I understand that failure to supply all required information (per the relevant Applicant Checklists and requirements of the Tucker Zoning Ordinance) will result in REJECTION OF THE APPLICATION.
- I understand that preliminary approval of my design plan does not authorize final approval of my zoning or signage request. I agree to arrange additional permitting separately, after approval is obtained.
- I understand that representation associated with this application on behalf of the property owner, project coordinator, potential property owner, agent or such other representative shall be binding.

✓ Dorinda Gayle Williams / 12-3-18
Signature of Property Owner Date

✓ Dorinda Gayle Williams
Type or Print Name and Title

✓ Cheryl Stukes / 12/3/18
Signature of Notary Public Date



RECEIVED
City of Tucker
DEC 28 2018

Community Development
Department
REVISION
RZ-19-0001
CV-19-0001

DEC 28 2018

Community Development
Department

REVISION

RZ-19-0001
CV-19-0001

DISCLOSURE REPORT FORM

WITHIN THE (2) YEARS IMMEDIATELY PRECEDING THE FILING OF THIS ZONING PETITION HAVE YOU, AS THE APPLICANT OR OPPONENT FOR THE REZONING PETITION, OR AN ATTORNEY OR AGENT OF THE APPLICANT OR OPPONENT FOR THE REZONING PETITION, MADE ANY CAMPAIGN CONTRIBUTIONS AGGREGATING \$250.00 OR MORE OR MADE GIFTS HAVING AN AGGREGATE VALUE OF \$250.00 TO THE MAYOR OR ANY MEMBER OF THE CITY COUNCIL.

CIRCLE ONE: YES (if YES, complete points 1 through 4); NO (if NO, complete only point 4)

1. CIRCLE ONE: Party to Petition (If party to petition, complete sections 2, 3 and 4 below)

In Opposition to Petition (If in opposition, proceed to sections 3 and 4 below)

2. List all individuals or business entities which have an ownership interest in the property which is the subject of this rezoning petition:

| | |
|----|----|
| 1. | 5. |
| 2. | 6. |
| 3. | 7. |
| 4. | 8. |

3. CAMPAIGN CONTRIBUTIONS:

| Name of Government Official | Total Dollar Amount | Date of Contribution | Enumeration and Description of Gift Valued at \$250.00 or more |
|-----------------------------|---------------------|----------------------|--|
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |

4. The undersigned acknowledges that this disclosure is made in accordance with the Official Code of Georgia, Section 36-67A-1 et. seq. Conflict of interest in zoning actions, and that the information set forth herein is true to the undersigned's best knowledge, information and belief.

Name (print) Kyle Williams

Signature: [Handwritten Signature] Date: 12-20-10

Legal Description

4062 Comanche Drive, Tucker, DeKalb County, Georgia 30084

Tax Parcel Id. No. 18 213 07 004

All that tract or parcel of land lying and being in Land Lot 213, 18th District, DeKalb County, Georgia, being Lots 29 and 30, Block "A" of the Subdivision of Mrs. Velma Adams Property, according to survey prepared for Decatur Federal Savings and Loan Association and Dorinda Gayle Williams, by B.J. Goble, Jr., Registered Land Surveyor, dated August 30, 1984.

RECEIVED
City of Tucker

DEC 28 2018

Community Development
Department

REVISION

RZ-19-0001

CV-19-0001

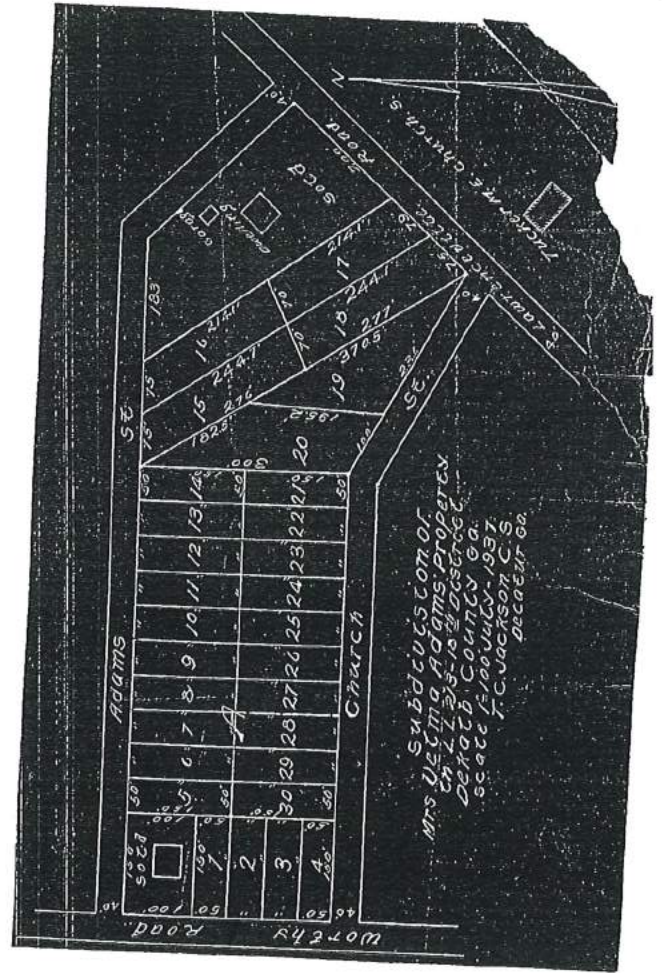
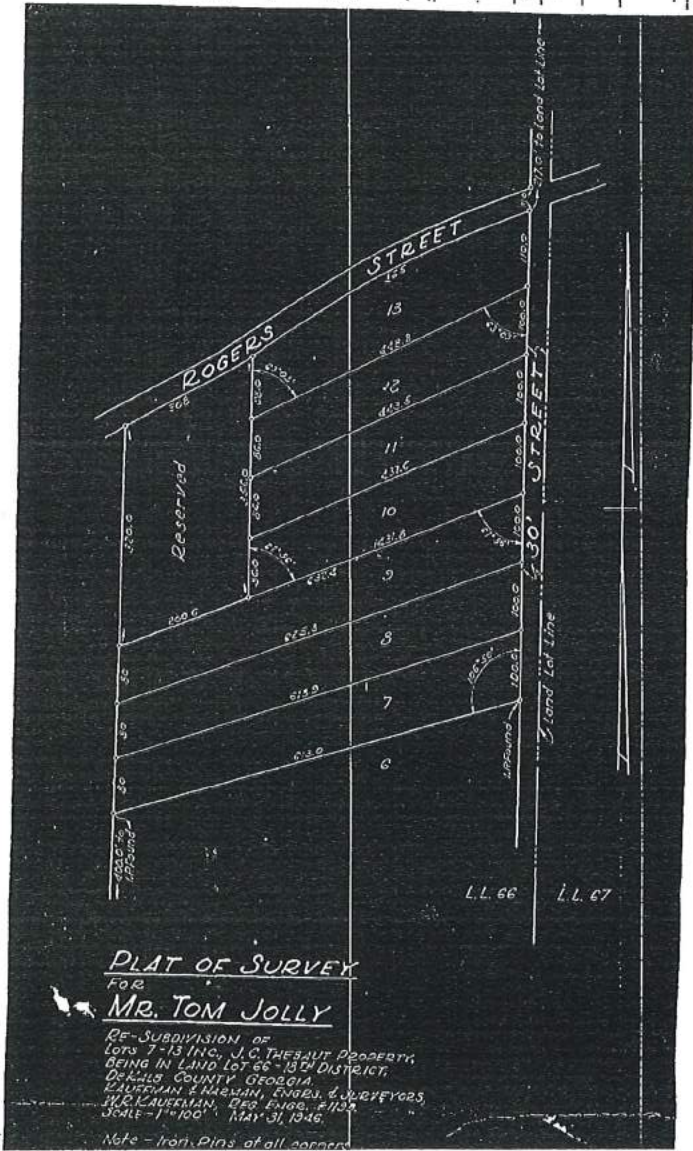
RECEIVED
City of Tucker

DEC 28 2010

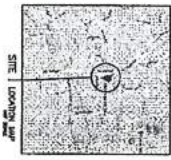
Community Development
Department

REVISION

RZ-19-0001
CV-19-0001



PLAT Book 14, PAGE 27



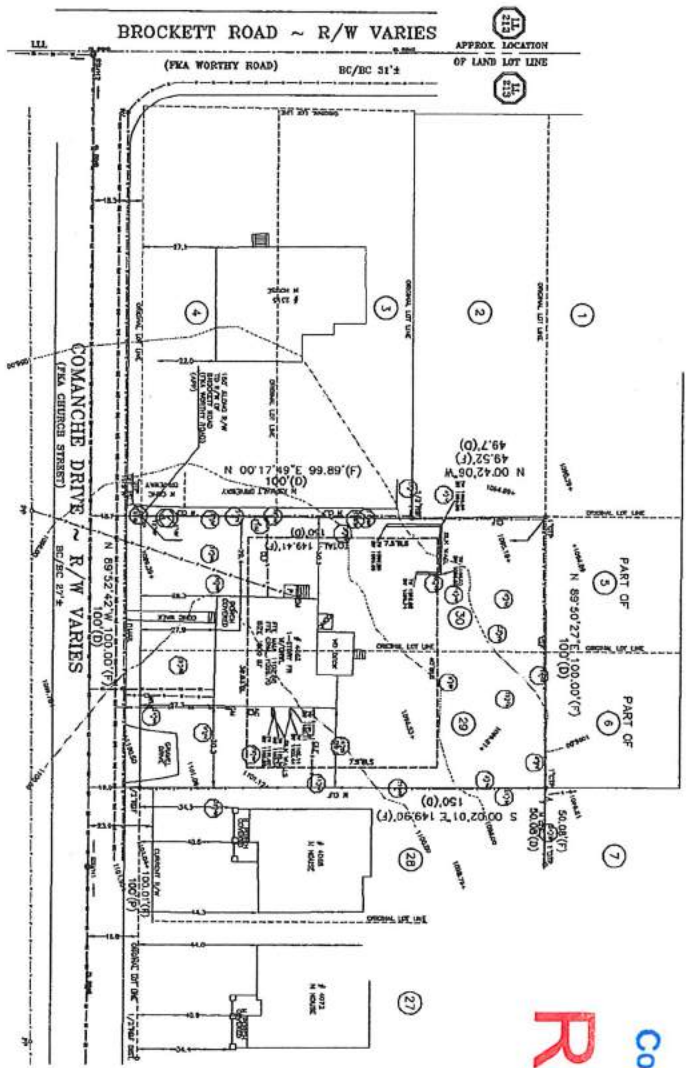
FLOOD NOTE:
 THIS PLAN IS BASED ON THE FLOOD ELEVATIONS SHOWN ON THE FLOOD HAZARD MAP OF THE CITY OF TUCKER, GEORGIA, WHICH IS A PRODUCT OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA). THE FLOOD ELEVATIONS SHOWN ON THIS MAP ARE BASED ON THE BEST AVAILABLE DATA AND ARE NOT A GUARANTEE OF THE ACCURACY OF THE INFORMATION SHOWN ON THIS MAP. THE USER OF THIS PLAN SHOULD CONSULT THE FLOOD HAZARD MAP OF THE CITY OF TUCKER, GEORGIA, FOR FURTHER INFORMATION ON FLOOD ELEVATIONS AND FLOOD HAZARD INFORMATION.

TRAIL CROSSING
 TRAIL CROSSING OVER
 ROAD TO R. S. SMITH

QUINCY TOWN
 CITY OF TUCKER
 BUILDING DEPARTMENT
 1000 N. W. 10TH ST.
 TUCKER, GA 30084
 PHONE: 404.271.1234
 FAX: 404.271.1235
 WWW.CITYOFTUCKER.GA.GOV

SURVEY NOTES:
 THIS SURVEY WAS CONDUCTED BY THE SURVEYOR ON THE DATE INDICATED ON THE SURVEY PLAN. THE SURVEYOR HAS REVIEWED THE SURVEY PLAN AND HAS DETERMINED THAT THE SURVEY PLAN IS CORRECT AND ACCURATE. THE SURVEYOR HAS ALSO REVIEWED THE SURVEY PLAN FOR CONFORMANCE WITH THE SURVEYING ACTS OF THE STATE OF GEORGIA. THE SURVEYOR HAS ALSO REVIEWED THE SURVEY PLAN FOR CONFORMANCE WITH THE SURVEYING ACTS OF THE STATE OF GEORGIA. THE SURVEYOR HAS ALSO REVIEWED THE SURVEY PLAN FOR CONFORMANCE WITH THE SURVEYING ACTS OF THE STATE OF GEORGIA.

GENERAL NOTES:
 1. ALL DIMENSIONS ARE IN FEET AND DECIMALS THEREOF.
 2. ALL ANGLES ARE IN DEGREES AND DECIMALS THEREOF.
 3. ALL DISTANCES ARE MEASURED ALONG THE CENTERLINE OF THE ROAD.
 4. ALL DISTANCES ARE MEASURED ALONG THE CENTERLINE OF THE ROAD.
 5. ALL DISTANCES ARE MEASURED ALONG THE CENTERLINE OF THE ROAD.



- SYMBOLS •
- LINE INDICATORS •



RECEIVED
 City of Tucker
 DEC 28 2018
 Community Development
 Department
REVISION
 RZ-19-0001
 CV-19-0001

| EXISTING CONDITIONS | | SHEET 2 OF 2 | |
|---------------------------|--------------------|------------------------------------|------------------|
| OWNER | STONEY RIVER HOMES | PROJECT ADDRESS | TUCKER, GA 30084 |
| DATE | 12/28/2018 | PROJECT NO. | RZ-19-0001 |
| DESIGNED BY | STONEY RIVER HOMES | DATE | 12/28/2018 |
| CHECKED BY | STONEY RIVER HOMES | PROJECT NO. | RZ-19-0001 |
| APPROVED BY | STONEY RIVER HOMES | DATE | 12/28/2018 |
| SURVEY LAND EXPRESS, INC. | | SURVEYING AND ENGINEERING SERVICES | |
| 1000 N. W. 10TH ST. | | TUCKER, GA 30084 | |
| PHONE: 404.271.1234 | | FAX: 404.271.1235 | |
| WWW.CITYOFTUCKER.GA.GOV | | | |

RECEIVED
City of Tucker

DEC 28 2013

Community Development
Department
REVISION
RZ-19-0001
CV-19-0001

PROPOSED ZONING
ZONED: RSM
BUILDING SETBACK
FRONT: 25.00 FT
SIDE: 10.00 FT
REAR: 10.00 FT
MAXIMUM HEIGHT: 35'
MINIMUM HEIGHT: 10'
MINIMUM FLOOR AREA: 1500 SF

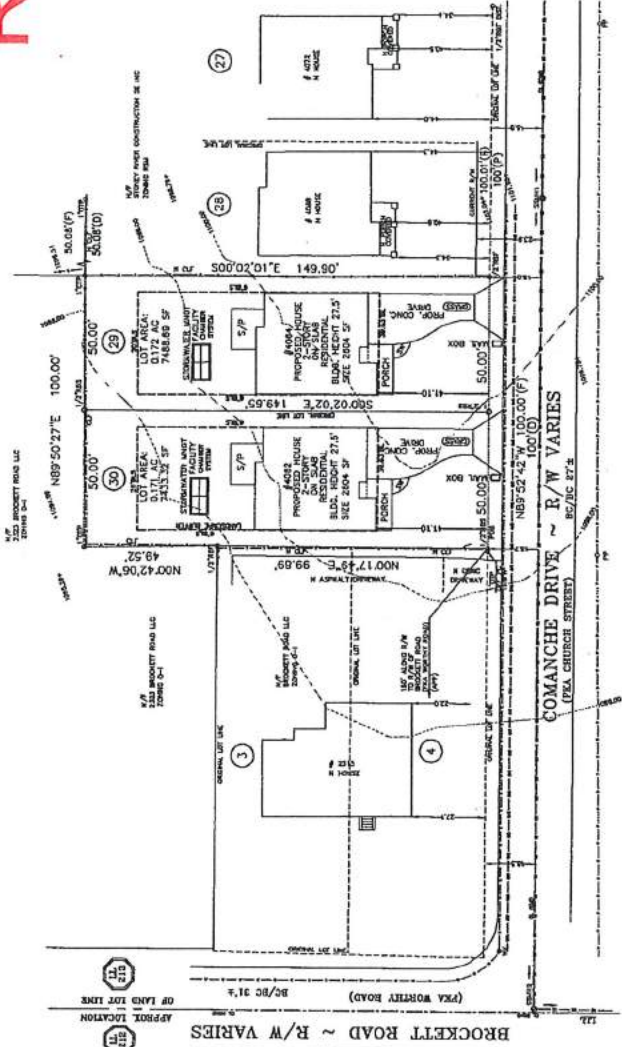
CURRENT ZONING
ZONED: R-75
BUILDING SETBACK
FRONT: 25.00 FT
SIDE: 10.00 FT
REAR: 10.00 FT
MAXIMUM HEIGHT: 35'
MINIMUM HEIGHT: 10'
MINIMUM FLOOR AREA: 1500 SF

APPROXIMATE ADEQUATE
FOUND TO BE SUFFICIENT

FLOOD NOTE:
THE PROPERTY IS NOT IN A FLOOD HAZARD ZONE AS SHOWN ON THE LATEST FLOOD HAZARD ZONE MAP. THE PROPERTY IS NOT IN A FLOOD HAZARD ZONE AS SHOWN ON THE LATEST FLOOD HAZARD ZONE MAP.



DATE: 12/11/13
BY: [Signature]
CHECKED: [Signature]
DATE: 12/11/13



- SHAKES
- EXISTING IMPROVEMENTS
- PROPOSED IMPROVEMENTS
- EXISTING LOT LINES
- PROPOSED LOT LINES
- EXISTING DRIVEWAYS
- PROPOSED DRIVEWAYS
- EXISTING SIDEWALKS
- PROPOSED SIDEWALKS
- EXISTING CURBS
- PROPOSED CURBS
- EXISTING UTILITIES
- PROPOSED UTILITIES
- EXISTING TREES
- PROPOSED TREES
- EXISTING FENCES
- PROPOSED FENCES
- EXISTING SIGNAGE
- PROPOSED SIGNAGE
- EXISTING LIGHTING
- PROPOSED LIGHTING
- EXISTING LANDSCAPE
- PROPOSED LANDSCAPE
- EXISTING UTILITIES
- PROPOSED UTILITIES
- EXISTING TREES
- PROPOSED TREES
- EXISTING FENCES
- PROPOSED FENCES
- EXISTING SIGNAGE
- PROPOSED SIGNAGE
- EXISTING LIGHTING
- PROPOSED LIGHTING
- EXISTING LANDSCAPE
- PROPOSED LANDSCAPE

PROPOSED CONDITIONS

| | |
|--------------------------|--|
| DATE: 12/11/13 | PROJECT: BLOCK A |
| APPROVED BY: [Signature] | PROJECT: STONEY RIVER HOMES |
| DATE: 12/11/13 | PROJECT ADDRESS: 1000 COMANCHE DRIVE, TUCKER, GA 30084 |
| DATE: 12/11/13 | PROJECT: SURVEY LAND EXPRESS, INC. |
| DATE: 12/11/13 | PROJECT: LAND SURVEYING SERVICES |

SHEET 1 OF 2

TOTAL LOT AREA
14296.80 SF



Adams Subdivision made by T. C. Adams, County, Georgia, ...
Church Street 100 feet more or less and running back to ...
or less and being bounded on North by Lots Nos. 3 and 4, on the ...
on the South by Church Street and on the East by Lots Nos. 2, 3 and 4 ...
plot of said subdivision, reference being made to said plat for a more ...
correct description of said lots, the same being sold by said plat.

TO HAVE AND TO HOLD the said bargained premises with all and singular ...
members and appurtenances thereto hereunto, to the only proper heirs, ...
heir of the said party of the second part, his heirs, executors, administrators, ...
assigns, in fee simple. And the said party of the first part the said ...
assigns, and against the said party of the second part, his heirs, executors, ...
administrators, and against all and every other persons or persons, shall and will ...
and forever defend, by virtue of these presents.

IN WITNESS WHEREOF, the said party of the first part has hereunto set his hand ...
and affixed his seal, and delivered these presents the day and year above written.

Signed, sealed and delivered in presence of:

- E. F. Hannah |
- Phil C. Grant, Notary Public, |
- State at Large for Ga. |
- Recorded this 24 day of June, 1944 |
- (I. R. Stamps 55¢) |

Mrs. Velma Adams (SEAL)

RECEIVED
City of Tucker
DEC 28 1944

Community Development
Department

REVISION
RZ-19-0001
CV-19-0001

Filed for record September 1st, 1944 at 9 o'clock A. M.

Recorded September 11th, 1944

Chas. E. Burgen Clerk

STATE OF GEORGIA, DEKALB COUNTY

THIS INDENTURE, Made this 31st day of August in the year of our Lord One Thousand
Nine Hundred and forty four between Mrs. Velma Adams of the County of DeKalb and State

...of the County of DeKalb, Georgia, of the first part, and P. T. Matthews of the County of Gwinnett, of the other part, do hereby certify that the said Mrs. Velma Adams for and in consideration of the sum of Ten Dollars and Other Valuable Considerations, 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 do grant, bargain, sell, alien, convey and confirm unto the said P. T. Matthews Heirs and assigns, all-

All that tract or parcel of land lying and being in the Town of Tucker, Georgia, and being a part of Land Lot No. 213, 13th District, DeKalb County, Georgia and more particularly described as follows:

BEING lots Nos. 30 and 29 according to the plat and survey of the Mrs. Velma

IN WITNESS WHEREOF, that the said party of the first part has hereunto set his hand and affixed his seal, the day and year above written.

Signed, sealed and delivered in the presence of:
Francis M. Ansley

H. Bond, Notary Public,
DeKalb County, Georgia

My Commission Expires January 2, 1946

(N. P. SEAL) (L. R. Stamps \$1.10)

H. E. Howard

Filed for record September 9th, 1944 at 10 o'clock
Recorded September 11th, 1944

RECEIVED
City of Tucker
SEP 21 1944
COMMUNITY DEVELOPMENT
DEPARTMENT
REVISION
K7 19-0001
CV 19-0001
Clerk

STATE OF GEORGIA, GWINNETT COUNTY *affid. 5/1st 536*

THIS INDENTURE, Made the 4th day of June in the year of our Lord One Thousand Nine Hundred and Forty-Four between Mrs. Velma Adams of the County of DeKalb, of the one part, and P. T. Matthews of the County of Gwinnett, of the other part,

WITNESSETH: That the said Mrs. Velma Adams for and in consideration of the sum of Ten Dollars and Other Valuable Considerations, 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 do grant, bargain, sell, alien, convey and confirm unto the said P. T. Matthews Heirs and assigns, all-

(SEAL)
(SEAL)
(SEAL)
(SEAL)

Book 602

DEC 28 2018

Community Development
Department

REVISION

PZ-19-0001
CV-19-0001

SOUTH CAROLINA
QUIT CLAIM DEED—STATE OF ~~GEORGIA~~ COUNTY OF _____

THIS INDENTURE made this 28th day of February, in the Year of our

Lord One Thousand Nine Hundred and EIGHTY FIVE, Between

John C. Matthews

as Grantor, and

Dorinda Gayle Williams, f/k/a Dorinda Gayle Layton

the Grantee.

In this deed, wherever the context so requires, the masculine gender includes feminine and/or neuter and the singular number includes the plural. Wherever herein a verb, pronoun or other part of speech is used in the singular, and there be more than one Grantor or Grantee, said singular part of speech shall be deemed to read as the plural, and each Grantor shall always be jointly and severally liable for the performance of every promise and agreement made herein. Wherever herein Grantor or Grantee is used, the same shall be considered to mean as well, the heirs, executors, administrators, successors, representatives and assigns of the same.

WITNESSETH: That the GRANTOR, for and in consideration of the sum of ONE DOLLAR, cash in hand paid at or before the sealing and delivery of these presents, the receipt of which is hereby acknowledged, has bargained and sold and by these presents does grant, bargain, sell, convey, remise, release and forever QUIT CLAIM unto the said GRANTEE, all the right, title, interest, claim or demand which the GRANTOR may have had in and to the following described property:

(For legal description, see attached Exhibit A)

This deed is given for the purpose of divesting any interest the Grantor herein may have in the within described property as an heir at law of Paul T. Matthews, deceased.

FILED IN DEEDS
DEKALB CO., GA.
MAR 12 4 15 PM '85
RECORDED WITH
CLERK OF SUPERIOR COURT

DeKalb County, Georgia
Real Estate Transfer Tax

Paid \$ NONE

CLERK, SUPERIOR COURT

By: Nancy L. Brown

Deputy Clerk

TO HAVE AND TO HOLD the said tract of land, with all and singular the rights, members and appurtenances thereof, to the same being, belonging or in any wise appertaining, to the only proper use, benefit and behoof of the said Grantee so that neither Grantor nor any other person claiming under him shall at any time, claim or demand any right, title or interest to the said tract of land, or its appurtenances.

IN WITNESS WHEREOF, the said Grantor has herewith set his hand and seal, the day and year first above written.

Signed, Sealed and delivered in the presence of:

John C. Matthews (Seal)
JOHN C. MATTHEWS

Ann Marie Hulse (Seal)
Witness

Nancy L. Brown (Seal)
Notary Public (Affix Seal)

Commission expires 5-5-87

BOOK 5167 PAGE 542

RECEIVED
City of Tucker

DEC 28 2018

Community Development
Department

4060 Comanche Drive

(Proposed Address and Elevation)

REVISION

RZ-19-0001
CV-19-0001



RECEIVED
City of Tucker

DEC 28 2018

Community Development
Department

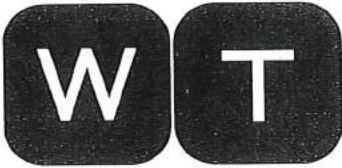
4064 Comanche Drive

(Proposed Address and Elevation)

REVISION

RZ-19-0001
CV-19-0001





WILLIAMS
TEUSINK

R. Kyle Williams
Attorney at Law

404.373.9351 Direct Dial
kwilliams@williamsteusink.com

December 28, 2018

RECEIVED
City of Tucker

DEC 28 2018

via Hand Delivery

John McHenry, Director
Community Development
City of Tucker
4119 Adrian Street
Tucker, GA 30084

Community Development
Department

REVISION
RZ-19-0001
CV-19-0001

Re: **APPLICATION FOR REZONING FROM R-75 TO RSM AND FOR A
CONCURRENT VARIANCE TO REDUCE MINIMUM LOT WIDTH,
STREET FRONTAGE**

4062 Comanche Drive, Tucker, DeKalb County, Georgia 30084
Tax Parcel Id. No. 18 213 07 004

Dear Director McHenry:

I represent Gayle Williams and Stoney River Construction S.E., Inc. ("Stoney River"). Since February 28, 1985, Ms. Williams has owned that certain improved residential property located at and known as 4062 Comanche Drive, Tucker, DeKalb County, Georgia 30084 (the "Property").

The Property was originally platted in July 1937 as two (2) 50-foot wide lots pursuant to the *Subdivision of Mrs. Velma Adams Property* filed and recorded in the Real Estate Records of DeKalb County, Georgia in Plat Book 14, Page 27. The original platting of the Property as two (2) 50-foot wide lots was consist with and in conformity to the subdivision layout of the residential lots along Comanche Drive (formerly Church Street) and Adrian Street (formerly Adams Street).

The Property was original platted as two (2) separate and distinct lots being Lot 29 and Lot 30, pursuant to a subdivision plat dated July 1937, and filed and recorded in the Real Estate Records of DeKalb County, Georgia in Plat Book 14, Page 27. The legal description of record for the Property has historically maintained and described the Property as two (2) separate and distinct lots being Lot 29 and Lot 30. The legal description set forth in the original conveyance deed of the Property from Mrs. Velma Adams dated June 4, 1944, and filed and recorded in the Real Estate Records of DeKalb County, Georgia in Deed Book. 5167, Page 336 is as follows:

All that tract or parcel of land lying and being in the Town of Tucker, Georgia and being a part of Land Lot No. 213, 18th District, DeKalb County Georgia and more particularly described

as follows:

BEING lots Nos. 30 and 29 according the plat and survey of the Mrs. Velma Adams Subdivision made by T.C. Jackson, County, Surveyor in July 1937, fronting on Church Street 100 feet more or less and running back in parallel lines 150 feet, more or less and being bounded on North by Lots Nos. 5 and 6; on the East by Lot No. 28; on the South by Church Street and on the West by Lots Nos. 2, 3, and 4, as shown by said plat of said Subdivision, reference being made to said plat for a more accurate and correct description of said lots, the same being sold by said plat.

The legal description set forth in Owner's vesting deed dated February 28, 1985, and filed and recorded in Real Estate Records of DeKalb County, Georgia in Deed Book 5167, Page 542 is as follows:

All that tract or parcel of land lying and being in Land Lot 213, 18th District, DeKalb County, Georgia, being Lots 29 and 30, Block "A" of the Subdivision of Mrs. Velma Adams Property, according to survey prepared for Decatur Federal Savings and Loan Association and Dorinda Gayle Williams, by B.J. Goble, Jr., Registered Land Surveyor, dated August 30, 1984.

Lot 29 has 50.00' frontage on Comanche Drive and approximately 7,488.69 sq. ft. of lot area. Lot 30 has 50.00' frontage on Comanche Drive and approximately 7,433.32 sq. ft. of lot area.

The Property is zoned R-75 (Residential Medium Lot-75), with a Future Land Use classification as Downtown according to the Comprehensive Plan, approved April 23, 2018. As such, Lots 29 and 30 are both deficient 25' in regard to minimum frontage on Comanche Drive and deficient approximately 2,511.31 sq. ft. and 2,566.68 sq. ft., respectfully, in regard to minimum lot area under R-75 zoning. However, these nonconforming lots were lots of record consistent with the original platting of the Property, subdivision of Mrs. Velma Adams, and the immediate neighboring area.

However, the Property is an island of R-75 (Residential Medium Lot-75). The adjacent and adjoining properties to the east of the Property along Comanche Drive are zoned RSM (Small Lot Residential Mix), including 4068, 4072, 4076, 4080, and 4084 Comanche Drive, Tucker, DeKalb County, Georgia 30084. The adjacent and adjoining properties to the west and north of the Property along Brockett Road are zoned O-I (Office -Industrial), including 2015 and 2323 Brockett Road, Tucker, DeKalb County, Georgia 30084.

Owner was unaware of the automatic lot merger of contiguous lot of record that come into common ownership under Section 8.1.4 of the Zoning Ordinance of Tucker, Georgia (the "Zoning Ordinance"). Ms. Williams seeks to preserve her retirement investment by confirming that the Property as two (2) separate and distinct lots of record. Ms. Williams is under contract to sell the Property to Stoney River conditioned upon the requested rezoning. Stoney River intends

to develop and use the Property as two (2) separate and distinct single-family lots, as detailed and conditioned upon the plans submitted in support of this Application.

A. SUMMARY OF PROPOSED REZONING TO RSM (SMALL LOT RESIDENTIAL MIX) AND CONCURRENT VARIANCE TO REDUCE LOT WIDTH, STREET FRONTAGE

As opposed to a variance pursuant to Section 8.1.4.D, City Staff has recommended Ms. Williams seek to rezone the Property from R-75 (Residential Medium Lot-75) to RSM (Small Lot Residential Mix). Rezoning the Property to RSM (Small Lot Residential Mix) would serve as a necessary and desirable transition from the adjacent and adjoining properties to the east that are zoned RSM (Small Lot Residential Mix) and the properties along Brockett Road that are zoned O-I (Office –Industrial).

The Lot 29 and Lot 30 of the Property both independent satisfy the minimum dimensional requirements of RSM (Small Lot Residential Mix) District as both possess more than 6,000 sq. ft. in lot area. However, Lot 29 and Lot 30 both contained 50.00' frontage on Comanche Drive representing a deficiency of 10.00' Lot Width, Street Frontage for each lot. As such, Ms. Williams also seeks a concurrent variance to reduce the 60.00' Lot Width, Street Frontage to 50.00' is compatible with the existing lot configuration and streetscape on Comanche Drive and of the surrounding community.

The requested rezoning of the Property and concurrent variance do not require an amendment to the Future Land Use Plan as it is consistent with the Existing Land Use classification as Downtown according to the Comprehensive Plan, approved April 23, 2018.

B. DOCUMENTED IMPACT REZONING ANALYSIS UNDER SECTION 7.3.5 OF THE ZONING ORDINANCE

The requested rezoning of the Property satisfies the following standards and factors under Section 7.3.5 of the Zoning Ordinance justifying the exercise of the City's zoning powers:

(A) Whether zoning proposal is in conformity with the policy and intent of the comprehensive plan.

The proposed rezoning of the Property is constituent with its Future Land Use classification as Downtown according to the Comprehensive Plan, approved April 23, 2018. The vision for such classified properties is to provide a "mix of shops and stores, small office buildings, single family homes and denser housing, churches, and civic buildings. There is strong public interest in making downtown a place where more development is encouraged in the future." The proposed rezoning of the Property will permit the development of two (2) single-family residential detached homes on smaller residential lots that is suitable in view of the use and development of adjacent and nearby properties and consistent with the original configuration of the community pursuant to the *Subdivision of Mrs. Velma Adams Property* filed and recorded in the Real Estate Records of DeKalb County, Georgia in Plat Book 14, Page 27. The lot frontage of Lot 29 and Lot 30 are consistent with the majority of the neighboring lots of record along Comanche Drive.

The requested rezoning would allow Lot 29 and Lot 30 to continue as a legal, but conforming residential lots of record consistent with the original platting of the property and immediate area. The requested rezoning is consistent with the current use and development of Comanche Drive, including specifically the lots immediate to the west and east of the Property.

The requested rezoning eliminates the spot or island zoning of the Property as R-75 (Single-Family Residential) and, more importantly, provide a transition from the adjacent and adjoining properties to the east that are zoned RSM (Small Lot Residential Mix) and the properties along Brockett Road that are zoned O-I (Office –Industrial).

More importantly, the Property is ideally situated within walking distance of downtown of the City and provides the “denser housing” envisioned by the Comprehensive Plan while preserving the “tree-line neighborhoods . . . with the expansion of opportunities for households of all ages and income levels to remain in Tucker or move into [the] community.”

The proposed rezoning would not result in any uncharacteristic or out-of-scale new construction on the lots, but instead would allow for a smaller, less intrusive new construction and development of the Property in a manner that is more consistent with and in keeping with the immediately surrounding neighborhood. The proposed rezoning would allow for the preservation of the unique and small character of the original lots existing on Comanche Drive in conformity with the streetscape and neighborhood characteristics and aesthetics as originally platted and designed.

(B) Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property or properties.

The proposed rezoning of the Property will permit the development of two (2) single-family residential detached homes on smaller residential lots that is suitable in view of the use and development of adjacent and nearby properties and consistent with the original configuration of the community pursuant to the *Subdivision of Mrs. Velma Adams Property* filed and recorded in the Real Estate Records of DeKalb County, Georgia in Plat Book 14, Page 27. The lot frontage of Lot 29 and Lot 30 are consistent with the majority of the neighboring lots of record along Comanche Drive.

The requested rezoning would allow Lot 29 and Lot 30 to continue as a legal, but conforming residential lots of record consistent with the original platting of the property and immediate area. The requested rezoning is consistent with the current use and development of Comanche Drive, including specifically the lots immediate to the west and east of the Property.

The requested rezoning eliminates the spot or island zoning of the Property as R-75 (Single-Family Residential) and, more importantly, provide a transition from the adjacent and adjoining properties to the east that are zoned RSM (Small Lot Residential Mix) and the properties along Brockett Road that are zoned O-I (Office –Industrial).

Strict imposition of the automatic lot merger under Section 8.1.4 would deprive Owner of the rights and privileges enjoyed by other property owners in the same zoning district.

Furthermore, the requested rezoning is consistent with the spirit and intention of the authorization under Section 8.1.4.C for a variance from this lot merger.

(C) Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zone.

The spot or island zoning of the Property as R-75 (Single-Family Residential) is obsolete and inconsistent in view of the use and development of adjacent and nearby properties and consistent with the original configuration of the community pursuant to the *Subdivision of Mrs. Velma Adams Property* filed and recorded in the Real Estate Records of DeKalb County, Georgia in Plat Book 14, Page 27. It is not economically feasible or desirous that the Property be used as one (1) estate-sized lot and single-family house as currently zoned. By contrast, the proposed rezoning is consistent with the Future Land Use classification of the Property as Downtown as set forth in the Comprehensive Plan and with the use and development of the immediate surrounding area.

(D) Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property or properties.

As detailed in above, the proposed rezoning is consistent with and will not adversely affect the existing use or usability of adjacent and nearby properties. Furthermore, the proposed rezoning is consistent with the Future Land Use classification of the Property Downtown as set forth in the Comprehensive Plan and with the use and development of the immediate surrounding area.

(E) 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.

Except as detailed above, there are no other existing or changing conditions affecting the use or development of the affected land areas which support either approval or denial of the proposed land use change.

(F) Whether the zoning proposal will adversely affect historic buildings, sites, districts, or archaeological resources.

The proposed rezoning and development will have no impact on any historic building, site, district, or archaeological resource.

(G) 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 uses which would cause excessive or burdensome uses of existing streets, transportation facilities, utilities, or schools. The Property is well served by existing streets, transportation facilities, and utilities within the immediate surrounding areas. The proposed development of two (2) single-family residential detached

homes on smaller residential lots will not impact existing schools as such smaller houses typically do not attract families with school age children given the size. The existing infrastructure is more than sufficient to support the proposed residential development. More importantly, the Property is ideally situated within walking distance of downtown of the City and provides the “denser housing” envisioned by the Comprehensive Plan.

(H) Whether the zoning proposal adversely impacts the environment or surrounding natural resources.

As detailed in above, the proposed rezoning and development will not adversely impact the environment or surrounding natural resource.

C. DOCUMENTED IMPACT VARIANCE ANALYSIS UNDER SECTION 7.5.3 OF THE ZONING ORDINANCE

(1) By reason of exceptional narrowness, shallowness, or shape of a specific lot, or by reason of exceptional topographic and other site conditions (such as, but not limited to, floodplain, major stand of trees, steep slope), which were not created by the owner or applicant, the strict application of the requirements of this chapter would deprive the property owner of rights and privileges enjoyed by other property owners in the same zoning district.

The Property was originally platted in July 1937 as two (2) 50-foot wide lots pursuant to the *Subdivision of Mrs. Velma Adams Property* filed and recorded in the Real Estate Records of DeKalb County, Georgia in Plat Book 14, Page 27. The original platting of the Property as two (2) 50-foot wide lots was consist with and in conformity to the subdivision layout of the residential lots along Comanche Drive (formerly Church Street) and Adrian Street (formerly Adams Street).

(2) The requested variance does not go beyond the minimum necessary to afford relief, and does not constitute a grant of special privilege inconsistent with the limitations upon other properties in the zoning district in which the subject property is located.

The proposed variance simply seeks to revert and maintain the Property as two (2) separate and distinct lots being Lot 29 and Lot 30, pursuant to a subdivision plat dated July 1937, and filed and recorded in the Real Estate Records of DeKalb County, Georgia in Plat Book 14, Page 27. The proposed variance would not result in any uncharacteristic or out-of-scale new construction on the lot, but instead would allow for a smaller, less intrusive new construction, following demolition of the existing structure. Stoney River intends to construct two smaller residences, one on Lot 29 and another on Lot 30 satisfying a community need for small, more affordable housing options that are consistent with and complimentary to the surrounding properties. No other variance is requested. Ms. Williams merely seeks to maintain the Lot 29 and Lot 30 as separate lots of record, including preservation of the right to develop Lot 29 and Lot 30 as separate and distinct lots.

(3) The grant of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the zoning district in which the subject

property is located.

The proposed variance would not be materially detrimental to the public welfare or injurious to the property or improvements in the zoning district in which the Property is located. Instead, the proposed variance would allow for the preservation of the lots of record and maintain the character of the neighborhood and conform with existing lots on Comanche Drive in relation with the streetscape and neighborhood characteristics and aesthetics. Additionally, Stoney River intends to preserve these small lots and develop both reasonably to provide small, more affordable housing options that are consistent with and complimentary to the surrounding properties. This type of development provides a key diversity to the current housing options of the community.

(4) The literal interpretation and strict application of the applicable provisions or requirements of this chapter would cause undue and unnecessary hardship.

Literal interpretation and strict application of a minimum Lot Width, Street Frontage of 60.00' would cause Ms. Williams undue and unnecessary hardship as it would merge Lot 29 and Lot 30 as one (1) undivided lot in contradiction to how the Property was original platted and the original intent and design of the subdivision of the *Mrs. Velma Adams Property*. Ms. Williams and Stoney River desire to develop the lots in a manner that is consistent with the surrounding neighborhood. Denial of the requested variance would impair Ms. Williams's ability to sell the lots and leave an undesirably out of character lot in place.

(5) The requested variance would be consistent with the spirit and purpose of this chapter and the Comprehensive Plan text.

The proposed variance would not result in any uncharacteristic or out-of-scale new construction on the lots, but instead would allow for a smaller, less intrusive new construction and development of the Property in a manner that is more consistent with and in keeping with the immediately surrounding neighborhood. The proposed variance would allow for the preservation of the unique and small character of the original lots existing on Comanche Drive in conformity with the streetscape and neighborhood characteristics and aesthetics as originally platted and designed.

D. ENVIRONMENTAL SITE ANALYSIS (ESA)

(1) Compliance with the Comprehensive Plan.

Please reference Section B – Documented Impact Analysis under Section 7.3.5 of the Zoning Ordinance as set forth above as evidence that the proposed rezoning conforms with the Comprehensive Plan.

(2) Environmental Impacts of the Proposed Project.

The proposed rezoning and development does not impact wetlands, floodplain, streams/stream buffers, slopes exceeding 25 percent over a 10-foot rise in elevation, vegetation, wildlife species, or archeological/historic sites as such are absent from the Property.

(3) Project Implementation Measures.

The proposed rezoning and development does not impact wetlands, floodplain, streams/stream buffers, slopes exceeding 25 percent over a 10-foot rise in elevation, vegetation, wildlife species, or archeological/historic sites as such are absent from the Property.

E. ADDITIONAL SUPPORTING DOCUMENTATION

In addition to this written justification, I include the following as additional support for this Application:

1. Land Use Petition Application;
2. Applicant's Certification;
3. Property Owner's Certification;
4. Disclosure Report Form;
5. Legal Description;
6. Historic Plat of *Subdivision of Mrs. Velma Adams Property* filed and recorded in the Real Estate Records of DeKalb County, Georgia in Plat Book 14, Page 27;
7. *Indenture* from conveyance the Property from Mrs. Velma Adams dated June 4, 1944, and filed and recorded in the Real Estate Records of DeKalb County, Georgia in Deed Book. 5167, Page 336;
8. Survey of Existing Conditions prepared by Survey Land Express, Inc., dated December 11, 2018;
9. *Quit Claim Deed* vesting title in the Property to Ms. Williams dated February 28, 1985, and filed and recorded in the Real Estate Records of DeKalb County, Georgia in Deed Book 5167, Page 542;
10. *Proposed Site Plan* prepared by Survey Land Express, Inc., dated December 11, 2018; and,
11. *Proposed Building Elevations*.

I also enclose a check in the amount of Five Hundred and No/100 Dollars (\$500.00) for the requisite application fee. I will supplement this application with letters of support from neighboring and adjacent properties. I appreciate consideration of this Application. Please do not hesitate to contact me with any questions or request for additional information or documentation.

Thank you for your consideration.

Sincerely,

/s/ Kyle Williams

R. Kyle Williams

Encl.

RKW/saa

cc: Gayle Williams
Stoney River Construction S.E., Inc.

RECEIVED
City of Tucker

DEC 28 2018

Community Development
Department

REVISION

RZ-19-0001

CV-19-0001