

# **PRELIMINARY ZONING ANALYSIS**

**Planning Commission Hearing Date: November 4, 2008**  
**Board of Commissioners Hearing Date: November 18, 2008**

**Due Date: September 26, 2008**

**Date Distributed/Mailed Out: September 10, 2008**



*Cobb County... Expect the Best!*

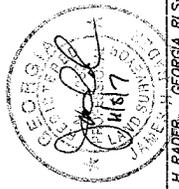
**SURVEY NOTES**

1. THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A CURRENT TITLE INSPECTION REPORT, EASEMENTS, ENCUMBRANCES, OR ENCROACHMENTS OTHER THAN THOSE SHOWN HEREON MAY EXIST.
2. THIS PLAT WAS PREPARED FROM A FIELD SURVEY USING A THREE SECOND THEODOLITE AND ELECTRONIC DISTANCE METER.
3. THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 10,000 FEET + AND AN ANGULAR ERROR OF 3" PER ANGLE POINT. IT HAS BEEN ADJUSTED USING LEAST SQUARES.
4. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND FOUND TO BE ACCURATE WITHIN ONE FOOT IN 50,000+ FEET.
5. ALL I.P.F. & I.P.S. ARE 1/2" REBAR UNLESS NOTED OTHERWISE.
6. THIS PLAT IS SUBJECT TO ALL LEGAL EASEMENTS AND RIGHT OF WAYS, PUBLIC OR PRIVATE.

**PLAT REFERENCES**

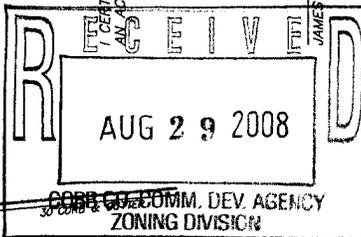
1. SUBDIVISION PLAT FOR HAMLET GREENE, UNIT 1 PREPARED BY J.J. DUENAS DATED SEPTEMBER 28, 1971.

I CERTIFY THAT THIS PLAT IS A TRUE REPRESENTATION THAT IS BASED ON AN ACTUAL SURVEY MADE ON THE GROUND UNDER MY SUPERVISION.

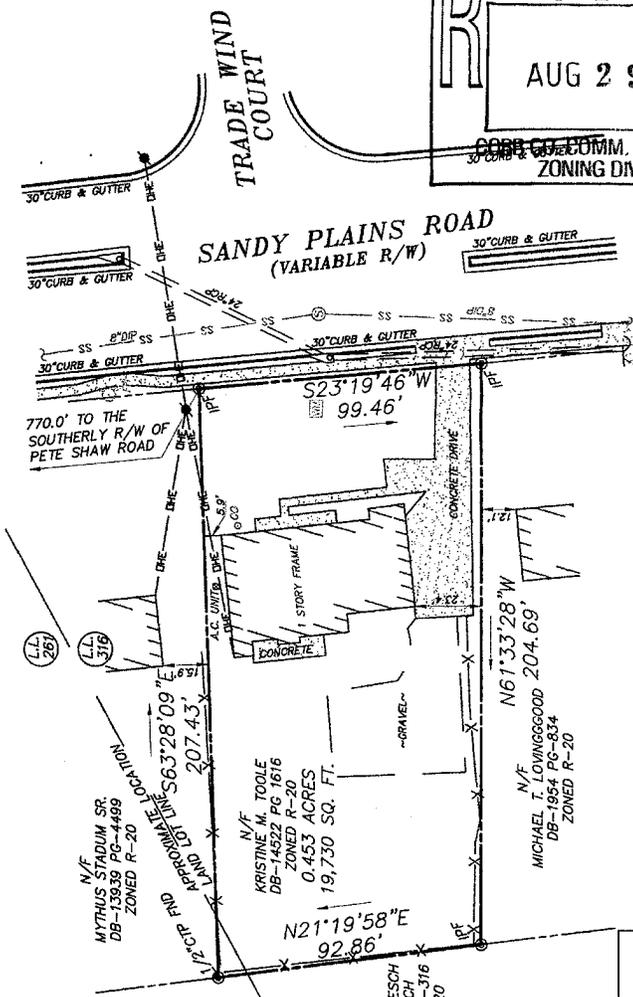


BOUNDARY SURVEY FOR:

<b>TOTALLY DEPENDABLE CONTRACTING</b>	
LAND LOTS 261 & 316 LOT 8, UNIT 1	HAMLET GREENE
DISTRICT 16	3885 SANDY PLAINS RD
SECTION 2	MARIETTA, GA 30066
COBB COUNTY	
SCALE	DATE
1" = 40'	11/08/07
	PROJECT NO.
	20071108

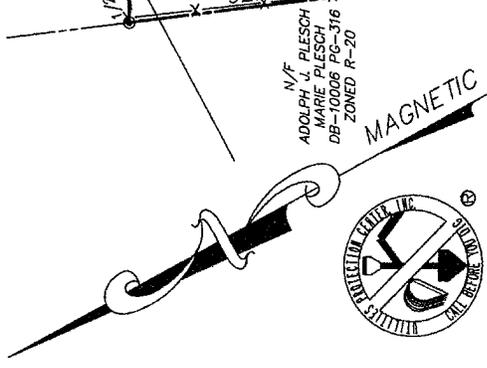


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REVISIONS:

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1-800-282-7411

**LEGEND**

	PROPERTY CORNER
	PROPERTY LINE
	POWER POLE
	POWER METER
	POWER BOX
	OVERHEAD POWER
	GAS VALVE
	GAS LINE
	SANITARY SEWER MANHOLE
	SANITARY SEWER CLEAN OUT
	FIRE HYDRANT
	WATER METER
	WATER LINE
	TELEPHONE PEDESTAL
	TELEPHONE MANHOLE
	UNDERGROUND TELEPHONE
	TELEPHONE JUNCTION BOX
	STORM DRAIN JUNCTION BOX
	DROP INLET
	AREA INLET
	STORM DRAINAGE LINE
	MONITORING WELL
	TREE
	PRELINE
	BENCHMARK

**APPLICANT:** Totally Dependable Contracting Services  
770-509-7498

**PETITION NO:** Z-50  
**HEARING DATE (PC):** 11-04-08

**REPRESENTATIVE:** Don Hagemeister  
770-509-7498

**HEARING DATE (BOC):** 11-18-08  
**PRESENT ZONING:** R-20

**TITLEHOLDER:** Don L. and Theresa A. Hagemeister

**PROPOSED ZONING:** LRO

**PROPERTY LOCATION:** Located on the west side of Sandy Plains Road at Trade Wind Court

**PROPOSED USE:** Office

**ACCESS TO PROPERTY:** Sandy Plains Road

**SIZE OF TRACT:** 0.453 acres

**PHYSICAL CHARACTERISTICS TO SITE:** \_\_\_\_\_

**DISTRICT:** 16

**LAND LOT(S):** 261, 316

**PARCEL(S):** 8

**TAXES: PAID** X **DUE** \_\_\_\_\_

**COMMISSION DISTRICT:** 3

**CONTIGUOUS ZONING/DEVELOPMENT**

- NORTH:**
- SOUTH:**
- EAST:**
- WEST:**

**FUTURE LAND USE MAP:** Low Density Residential

**OPPOSITION:** NO. OPPOSED \_\_\_\_\_ **PETITION NO:** \_\_\_\_\_ **SPOKESMAN** \_\_\_\_\_

**PLANNING COMMISSION RECOMMENDATION**

**APPROVED** \_\_\_\_\_ **MOTION BY** \_\_\_\_\_

**REJECTED** \_\_\_\_\_ **SECONDED** \_\_\_\_\_

**HELD** \_\_\_\_\_ **CARRIED** \_\_\_\_\_

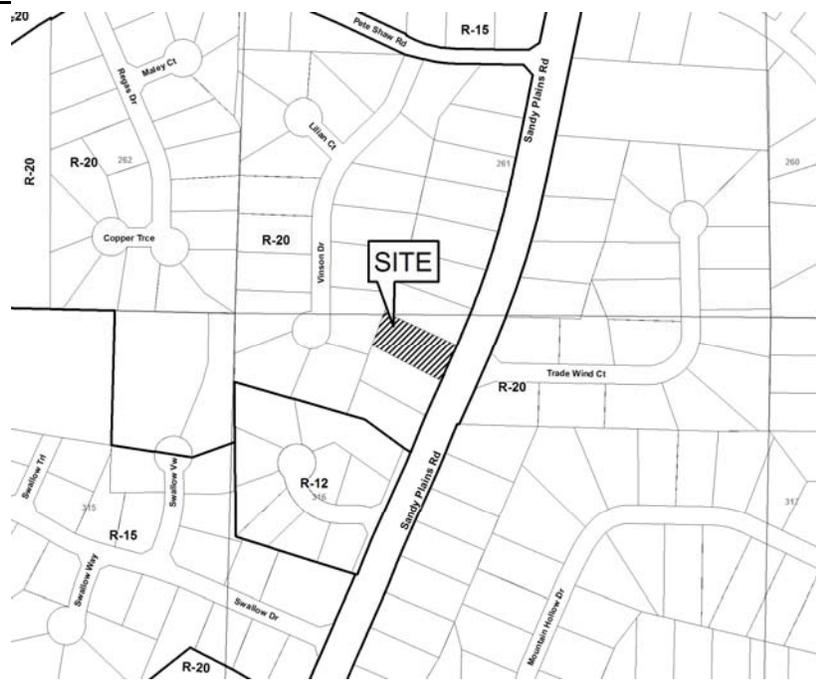
**BOARD OF COMMISSIONERS DECISION**

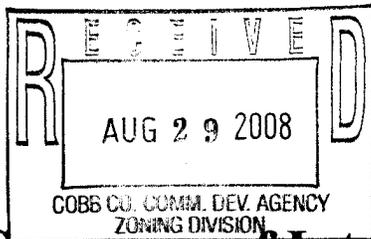
**APPROVED** \_\_\_\_\_ **MOTION BY** \_\_\_\_\_

**REJECTED** \_\_\_\_\_ **SECONDED** \_\_\_\_\_

**HELD** \_\_\_\_\_ **CARRIED** \_\_\_\_\_

**STIPULATIONS:**





Application No. Z-50  
2008

# Summary of Intent for Rezoning

.....  
**Part 1. Residential Rezoning Information (attach additional information if needed)**

- a) Proposed unit square-footage(s): N/A
  - b) Proposed building architecture: N/A
  - c) Proposed selling prices(s): N/A
  - d) List all requested variances: N/A
- 
- 
- 

.....  
**Part 2. Non-residential Rezoning Information (attach additional information if needed)**

- a) Proposed use(s): Professional Office
  - b) Proposed building architecture: Single-story dwelling
  - c) Proposed hours/days of operation: 8 AM to 5 PM, Mon-Fri
  - d) List all requested variances: Variance # V-15 obtained March 2008 (to waive lot size requirement of 20,000 SF - actual SF is 19,730)
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**Part 3. Other Pertinent Information (List or attach additional information if needed)**

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**APPLICANT:** American Tower Delaware Corporation  
781-926-4500

**REPRESENTATIVE:** Barry Gannon  
770-226-6467

**TITLEHOLDER:** Attic IX Self Storage, LLC

**PROPERTY LOCATION:** Located on the south side of Shallowford Road, west of Lassiter Road

**ACCESS TO PROPERTY:** Shallowford Road

**PHYSICAL CHARACTERISTICS TO SITE:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**PETITION NO:** Z-51

**HEARING DATE (PC):** 11-04-08

**HEARING DATE (BOC):** 11-18-08

**PRESENT ZONING:** NRC with stipulations

**PROPOSED ZONING:** NRC with stipulations

**PROPOSED USE:** Amending the zoning stipulations to allow a collocation on the existing cell tower

**SIZE OF TRACT:** 3.1 acres

**DISTRICT:** 16

**LAND LOT(S):** 401

**PARCEL(S):** 7

**TAXES: PAID** X **DUE** \_\_\_\_\_

**COMMISSION DISTRICT:** 3

**CONTIGUOUS ZONING/DEVELOPMENT**

- NORTH:**
- SOUTH:**
- EAST:**
- WEST:**

**FUTURE LAND USE MAP: Neighborhood Activity Center**

**OPPOSITION:** NO. OPPOSED **PETITION NO:** \_\_\_\_\_ **SPOKESMAN** \_\_\_\_\_

**PLANNING COMMISSION RECOMMENDATION**

**APPROVED** \_\_\_\_\_ **MOTION BY** \_\_\_\_\_

**REJECTED** \_\_\_\_\_ **SECONDED** \_\_\_\_\_

**HELD** \_\_\_\_\_ **CARRIED** \_\_\_\_\_

**BOARD OF COMMISSIONERS DECISION**

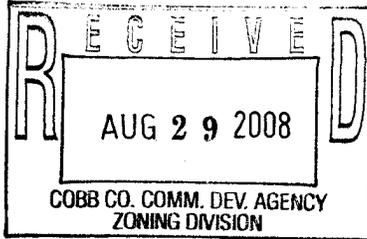
**APPROVED** \_\_\_\_\_ **MOTION BY** \_\_\_\_\_

**REJECTED** \_\_\_\_\_ **SECONDED** \_\_\_\_\_

**HELD** \_\_\_\_\_ **CARRIED** \_\_\_\_\_

**STIPULATIONS:**





Application No. 2-51  
2008

## Summary of Intent for Rezoning

.....  
**Part 1. Residential Rezoning Information (attach additional information if needed)**

- a) Proposed unit square-footage(s): \_\_\_\_\_
  - b) Proposed building architecture: \_\_\_\_\_
  - c) Proposed selling prices(s): \_\_\_\_\_
  - d) List all requested variances: \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

.....  
**Part 2. Non-residential Rezoning Information (attach additional information if needed)**

- a) Proposed use(s): -NO change other than to amend existing Stratplan #18 to allow for collocation an existing American Tower facility permitted under SCUP1 of 2-15-94
  - b) Proposed building architecture: -NO changes
  - c) Proposed hours/days of operation: -NO changes
  - d) List all requested variances: - None
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

.....  
**Part 3. Other Pertinent Information (List or attach additional information if needed)**

See Exhibit "A" for Letter of Intent.

JPP 9-2-08

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

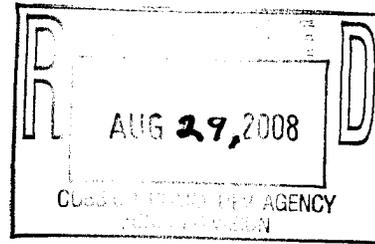
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**AMERICAN TOWER**

August 28, 2008

Mr. Mark Danneman, Zoning Administrator  
Zoning Division  
Cobb County Community Development Department  
191 Lawrence Street  
Marietta, GA 30060



RE: Rezoning Application to amend one condition of Case Z-72 and SLUP-9 of 1997 approved as Settlement Agreement by BOC 5/18/99. Property located at 3850 Shallowford Road NW (Parcel ID 16040100070).

Dear Mr. Danneman:

American Tower Delaware Corporation submits this letter in support of its rezoning application to Cobb County to amend a condition of the original rezoning which is preventing collocation of telecommunications equipment on the existing 180' monopole tower known as American Tower Facility "Shallowford Falls" #82007.

**Background:**

American Tower operates one of the telecommunication facilities on this property. Our facility is the northernmost telecommunication tower facility on the property closest to Shallowford Road. The facility consists of a 180' monopole telecommunications tower enclosed within a 60'x60' fenced compound leased area. This facility was originally approved a SLUP-1 by the BOC on 2/15/94. The facility was constructed in 1994 and currently is used by two wireless telecommunication service providers.

In 1997 Attic Self Storage Submitted a Rezoning and SLUP application to construct a self storage service facility on the property. These cases ultimately went into litigation and was settled and approved by the BOC on 5/18/99 subject to a settlement proposal. The settlement proposal is attached for reference. The settlement consisted of twenty-one (21) stipulations and or conditions. Stipulation #18 of this document reads ***"There shall be no further cellular towers other than the two (2) towers currently existing on the property. Additionally, Applicant agrees that it shall not increase the height of the existing towers nor increase the number of carriers on said towers. The existing cellular towers shall be regulated by all applicable federal, state, and local laws, statutes, and ordinances."***

**Proposal**

Clearwire US LLC has made application with American Tower to collocate its equipment on this facility. Clearwire is a wireless service provider Licensed by the FCC to construct

a wireless telecommunications network in various markets throughout the country, including the State of Georgia and in particular Cobb County. Clearwire's Radio Frequency Engineers have determined that they need to mount their antennas at a height of 150' to be able to fill in a coverage gap in this area of Cobb County. Clearwire submitted plans to Cobb County Zoning Staff in September 2007 to collocate on this facility. Cobb County staff researched the original approvals and made Clearwire and American tower aware of Stipulation #18 which prevents Clearwire and other future providers from utilizing this existing telecommunication facility. Staff stated that the only way to allow collocation was to apply for a rezoning to amend this previous condition. It should be made clear that the tower facility owners and service providers on this tower were never party to cases Z-72 and SLUP-9 which placed these restrictions on this facility and never agreed to these stipulations.

With that said we, are only interested in amending the condition to allow additional collocation to occur on this tower. In this case the language in question that needs to be amended is the language that reads "nor increase the number of carriers". We have no interest in building additional towers on this parcel or increasing the height of our existing 180' monopole tower. In addition we do not plan to expand the fenced compound or leased area of this facility.

### **Conclusion**

Amending this condition to allow future collocation supports both Cobb County and American Towers' policy to utilize existing telecommunication towers rather than construct new facilities. Amending this condition does not change the use of the property nor the other conditions placed on this development in any other way. The facility continues to meet all Federal, State, and Local statutes and ordinances. For these reasons we respectfully request approval of this application.

Please let me know if I can assist you in any way or if you have any additional questions. I can be reached by phone at (770) 226-6467 or by email at [barry.gannon@americantower.com](mailto:barry.gannon@americantower.com).

Sincerely,



Barry Gannon, Zoning Specialist  
American Tower Corporation

### **Attached Documentation**

Exhibit A Constitutional rights preservation language  
Case 7-72 & SLUP-9 of 1997 – Zoning Stipulations Settlement Letter  
Survey with legal descriptions  
Site plan  
Copy of Deed  
Copy of paid tax receipt  
Rezoning application and fees

### **Exhibit A**

Please understand that the following language is inserted into this Application for the sole purpose of preserving our legal remedies in the event of an adverse decision.

Denial of this Application may be considered arbitrary and capricious as between this Property Owner and American Tower Delaware Corporation, in relation to owners of similarly situated property and would constitute a taking without just compensation and without due process of law. Denial would prevent American Tower Delaware Corporation from constructing and operating facilities licensed by the FCC in the public interest and would prevent the implementation of licensing policies and objectives. Hence, such denial would be in violation of the Fifth and Fourteenth Amendments to the United States Constitution, and Sections 221 and 301 of the Federal Communications Act, and the Telecommunications Act of 1996.

Such an application of the Zoning Ordinance for Cobb County, Georgia which does not allow a communications structure and related equipment shelters to be constructed on the property as requested by the Applicant, is unconstitutional, illegal, null and void, constitutes a taking of the Applicant's property in violation of the Just Compensation Clause of the Fifth Amendment to the Constitution of the United States, Article I, Section I, Paragraph I, and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States Constitution, and denies the Applicant an economically viable use of its land while not substantially advancing legitimate state interests.



APPLICANT: Atlanta Gas Light

404-584-4449

REPRESENTATIVE: Kim Morris

404-584-4449

TITLEHOLDER: Atlanta Gas Light

PROPERTY LOCATION: Located on the north side of McCollum

Parkway, west of West Duncan Road, and on the south side of Big

Shanty Road, west of Lockhart Drive

ACCESS TO PROPERTY: McCollum Parkway, Big Shanty Road

PHYSICAL CHARACTERISTICS TO SITE: \_\_\_\_\_

\_\_\_\_\_

**CONTIGUOUS ZONING/DEVELOPMENT**

**NORTH:**

**SOUTH:**

**EAST:**

**WEST:**

PETITION NO: Z-52

HEARING DATE (PC): 11-04-08

HEARING DATE (BOC): 11-18-08

PRESENT ZONING: LI with stipulations

PROPOSED ZONING: LI with

stipulations

PROPOSED USE: Amending the previous

zoning stipulations

SIZE OF TRACT: 4.11 acres

DISTRICT: 20

LAND LOT(S): 136

PARCEL(S): 14

TAXES: PAID X DUE \_\_\_\_\_

COMMISSION DISTRICT: 1

**FUTURE LAND USE MAP: Industrial Compatible**

**OPPOSITION:** NO. OPPOSED \_\_\_\_\_ PETITION NO: \_\_\_\_\_ SPOKESMAN \_\_\_\_\_

**PLANNING COMMISSION RECOMMENDATION**

APPROVED \_\_\_\_\_ MOTION BY \_\_\_\_\_

REJECTED \_\_\_\_\_ SECONDED \_\_\_\_\_

HELD \_\_\_\_\_ CARRIED \_\_\_\_\_

**BOARD OF COMMISSIONERS DECISION**

APPROVED \_\_\_\_\_ MOTION BY \_\_\_\_\_

REJECTED \_\_\_\_\_ SECONDED \_\_\_\_\_

HELD \_\_\_\_\_ CARRIED \_\_\_\_\_

**STIPULATIONS:**



# Summary of Intent for Rezoning

.....  
**Part 1. Residential Rezoning Information (attach additional information if needed)**

- a) Proposed unit square-footage(s): \_\_\_\_\_
  - b) Proposed building architecture: \_\_\_\_\_
  - c) Proposed selling prices(s): \_\_\_\_\_
  - d) List all requested variances: \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

.....  
**Part 2. Non-residential Rezoning Information (attach additional information if needed)**

- a) Proposed use(s): Office/Resource Depot (Rezoning not required. Request for removal of conditions 1, 4, 5, 6.)
  - b) Proposed building architecture: Metal Building with Metal Roof  
Please see attached elevation drawing.
  - c) Proposed hours/days of operation: Monday - Friday; 8:00 am - 5:00 pm
  - d) List all requested variances: We are requesting removal of placed conditions from 1996; application Z-68. Please see attached final decisions of the Cobb County BOC regarding same.
- \_\_\_\_\_
- \_\_\_\_\_

.....  
**Part 3. Other Pertinent Information (List or attach additional information if needed)**

We respectfully request removal of condition numbers 1, 4, 5,6. Allowing access onto Big Shanty Road will enhance propped layout, and traffic flow, both onto and off of the site. Having two entrances will distribute traffic on both Mccollum Pkwy and Big Shanty Road more evenly. Request for removal of conditions 4,5,6 are associated with allowing the access onto Big Shanty Road.

\_\_\_\_\_

\_\_\_\_\_

<p>Note: See Exhibit "A" for the current zoning stipulations 09-04-08 JPP</p>
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*Board of Commissioners  
Zoning Hearing Minutes  
May 21, 1996*

**Z-68 SATELLITE SHELTERS, INC.** (E. A. Porter, owner) for Rezoning from **LI with stipulations** to **LI** for the purpose of an Office and Outside Storage of Modular Buildings in Land Lot 136 of the 20th District. 4.25 acres. Located on the north side of McCollum Parkway and the south side of Big Shanty Road. The Board of Commissioners, as part of the Consent Agenda, **approved** rezoning to the **LI zoning district subject to: 1) no access to Big Shanty Road; 2) project subject to Stormwater Management Division comments; 3) project subject to Water and Sewer Department comments; 4) parking allowed as shown on revised site plan submitted (reduced copy attached and made a part hereof); 5) owner/developer to enter into a Development Agreement pursuant to O.C.G.A. 36-71-13 for dedication of system improvements to mitigate traffic concerns; 6) installation of a twenty (20) foot planted buffer along the property's frontage with Big Shanty Road, not in addition to the ten (10) foot no access easement but inclusive therewith. This planted buffer shall consist of the planting of Virginia Pines** . Motion by Poole, second by Wysong, carried 4-0.

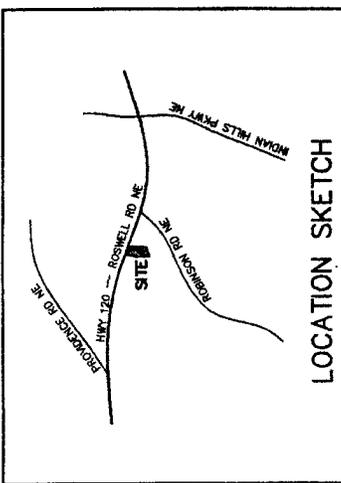
Z-53  
(2008)

PROPOSED  
PROFESSIONAL  
OFFICE PARK

Drawn By: JS  
 Check: CCM/PJFB  
 Date: 9.03.2008  
 Scale: 1"=40'  
 Project: ROSWELL\_RD\_OF  
 Sheet:

Revisions:

DEVELOPER: PALLADIAN INC.  
 601 WOODLAWN DRIVE, SUITE 350, MARIETTA, GA 30067  
 PHONE 770.509.5390 FACSIMILE 770.509.5311  
 DEVELOPER CONTACT: CRAIG WRIGLEY  
 No part of these plans may be used or electronic means, without prior written consent of the developer.

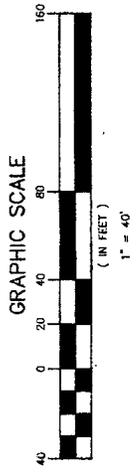


LAND LOT 967  
 16TH DISTRICT  
 2ND SECTION  
 COBB COUNTY, GEORGIA

TOTAL SITE ACREAGE=1.435 ACRES  
 PRESENT ZONING = NS  
 PROPOSED ZONING= LRO

NOTES:

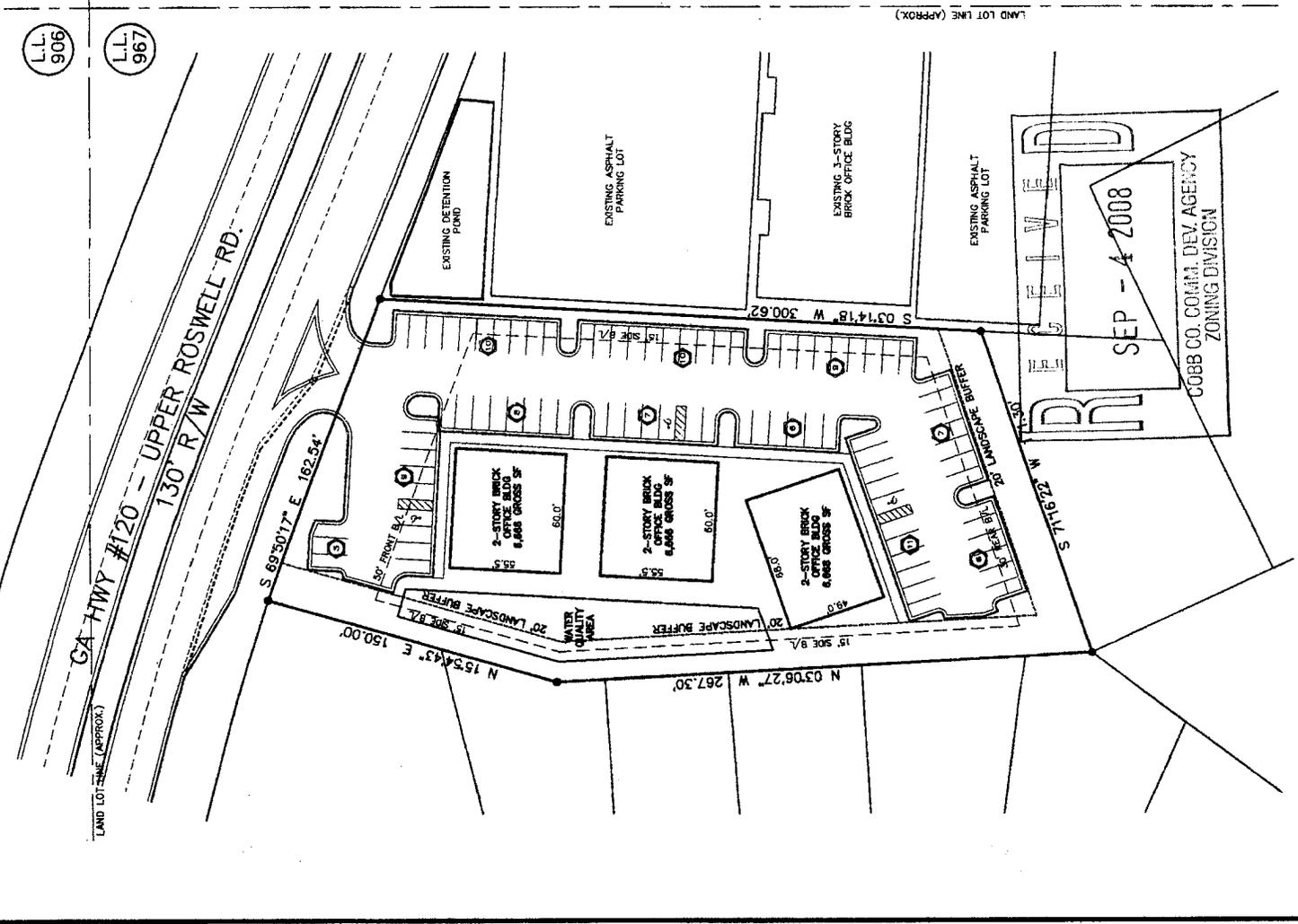
1. AREA = 1.435 AC
  2. PROPOSED BUILDING AREA = 20,000 SF +/-
  3. REQUIRED PARKING = 1 PER 285 SF = 70 SPACES
  4. PARKING PROVIDED = 86 SPACES
- BOUNDARY INFORMATION TAKEN FROM SURVEY BY GRANT SHEPHERD & ASSOC. LAND SURVEYING FOR BARRY SHEMARIA, DATED 9-10-1992
  - NO LAKES OR STREAMS OR STREAM BUFFERS ON SITE
  - NO UTILITY EASEMENTS ON SITE
  - NO PART OF THIS SITE IS WITHIN 100-YR FLOOD PLAIN (CERTIFIED BY SURVEYOR)
  - NO OBVIOUS CEMETARY ON OR ADJACENT TO SITE
  - NO OBVIOUS WETLANDS ON OR ADJACENT TO SITE
  - NO ARCHITECTURAL OR ARCHEOLOGICAL LANDMARKS ON OR ADJACENT TO SITE



ZONING PLAN



L.L. 906  
 L.L. 907  
 L.L. 905  
 L.L. 968



SEP - 4 2008  
 COBB CO. COMM. DEV. AGENCY  
 ZONING DIVISION

APPLICANT: Palladian, Inc.

770-509-3390

REPRESENTATIVE: Craig Wrigley

770-509-3390

TITLEHOLDER: Barry J. Shemaria

PROPERTY LOCATION: Located on the south side of Roswell Road, west of Robinson Road

ACCESS TO PROPERTY: Roswell Road

PHYSICAL CHARACTERISTICS TO SITE: \_\_\_\_\_

PETITION NO: Z-53

HEARING DATE (PC): 11-04-08

HEARING DATE (BOC): 11-18-08

PRESENT ZONING: NS

PROPOSED ZONING: LRO

PROPOSED USE: Professional offices

SIZE OF TRACT: 1.435 acres

DISTRICT: 16

LAND LOT(S): 967

PARCEL(S): 14

TAXES: PAID X DUE \_\_\_\_\_

COMMISSION DISTRICT: 2

**CONTIGUOUS ZONING/DEVELOPMENT**

NORTH:

SOUTH:

EAST:

WEST:

**FUTURE LAND USE MAP: Neighborhood Activity Center**

**OPPOSITION:** NO. OPPOSED \_\_\_\_\_ PETITION NO: \_\_\_\_\_ SPOKESMAN \_\_\_\_\_

**PLANNING COMMISSION RECOMMENDATION**

APPROVED \_\_\_\_\_ MOTION BY \_\_\_\_\_

REJECTED \_\_\_\_\_ SECONDED \_\_\_\_\_

HELD \_\_\_\_\_ CARRIED \_\_\_\_\_

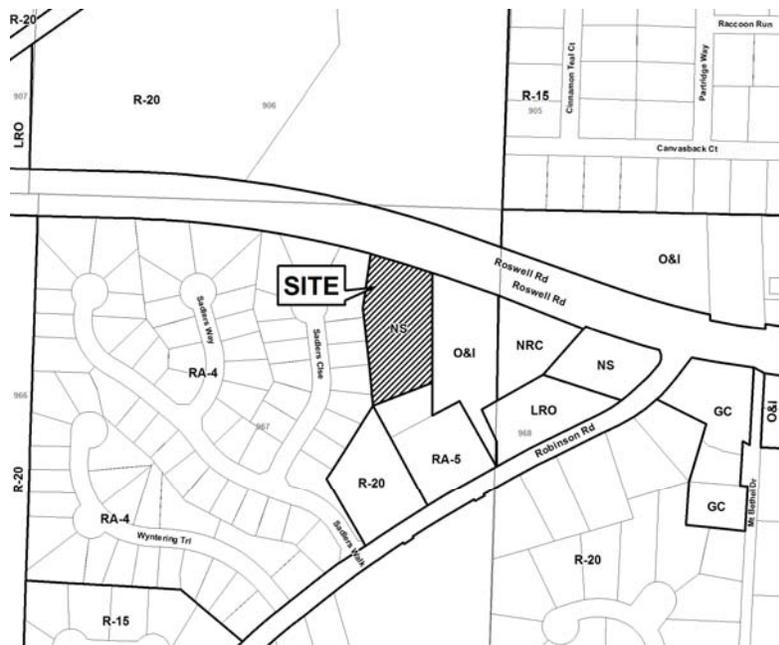
**BOARD OF COMMISSIONERS DECISION**

APPROVED \_\_\_\_\_ MOTION BY \_\_\_\_\_

REJECTED \_\_\_\_\_ SECONDED \_\_\_\_\_

HELD \_\_\_\_\_ CARRIED \_\_\_\_\_

STIPULATIONS:

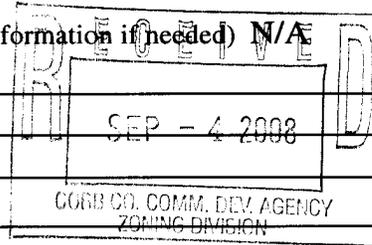


# Summary of Intent for Rezoning

Z-53  
2008

## Part I. Residential Rezoning Information (attach additional information if needed) N/A

- a) Proposed unit square-footage(s): \_\_\_\_\_
- b) Proposed building architecture: \_\_\_\_\_
- c) Proposed selling prices(s): \_\_\_\_\_
- d) List all requested variances: \_\_\_\_\_



## Part 2. Non-residential Rezoning Information (attach additional information if needed)

- a) Proposed use(s): A condominium office park with buildings and grounds to be owned and maintained by office businesses and professions.
- b) Proposed building architecture: Two story, traditional, four sides brick or stone, pitched roofs with architectural shingles.
- c) Proposed hours/days of operation: Hours of use customary for office and professional business.
- d) List all requested variances: Palladian requests the ability to combine or alter building sizes and shapes along with parking to allow for flexibility in accommodating the space and access needs of building owners and users.

## Part 3. Other Pertinent Information (List or attach additional information if needed)

Palladian, Inc. has built five office parks in Cobb County. This, the sixth such park, will be like the others in that it will be of high quality and will be well-maintained. All of the parks have abutted residential communities and have proven to be quiet and compatible neighbors. The parks are owned and occupied by business and professional citizens who live and work in Cobb County and share the goals of having their business close to home, presenting a first-class image and maintaining high property values.

**GENERAL NOTES:-**

THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS AN ANGULAR ERROR OF 3 SECONDS PER ANGLE AND A PRECISION RATIO OF 1 IN 140,000. IT HAS BEEN ADJUSTED USING THE COMPASS RULE.

EQUIPMENT USED TO OBTAIN THESE MEASUREMENTS WAS A TOPCON GTS-235.

THE DATA SHOWN ON THIS PLAT HAS A CLOSURE PRECISION RATIO OF 1 IN 216,857.

ALL I.P.'s ARE "M" REBARS.

BEARINGS ARE CALCULATED FROM ANGLES TURNED FROM A SINGLE MAGNETIC OBSERVATION.

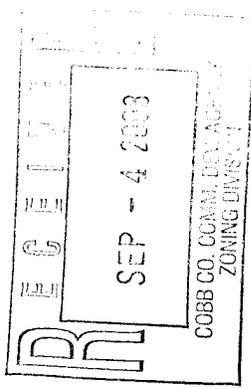
ACCORDING TO THE CURRENT F.L.A. OFFICIAL FLOOD HAZARD MAP, COMMUNITY PANEL NO. 13007C, COUS F, DATED AUGUST 18, 1982, THIS PROPERTY IS NOT IN AN AREA HAVING SPECIAL FLOOD HAZARDS.

ALL MATTERS OF TITLE ARE EXCEPTED.

THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE SEARCH, THERE MAY BE EASEMENTS OR OTHER ENCUMBRANCES NOT SHOWN.

REFERENCES:  
1. DG 10372, PG. 296.  
2. SITE PLAN FOR U.S. INTERIOR SYSTEMS, INC. BY RINDT-MOUFF ASSOCIATES, INC. DATED 07-28-97.

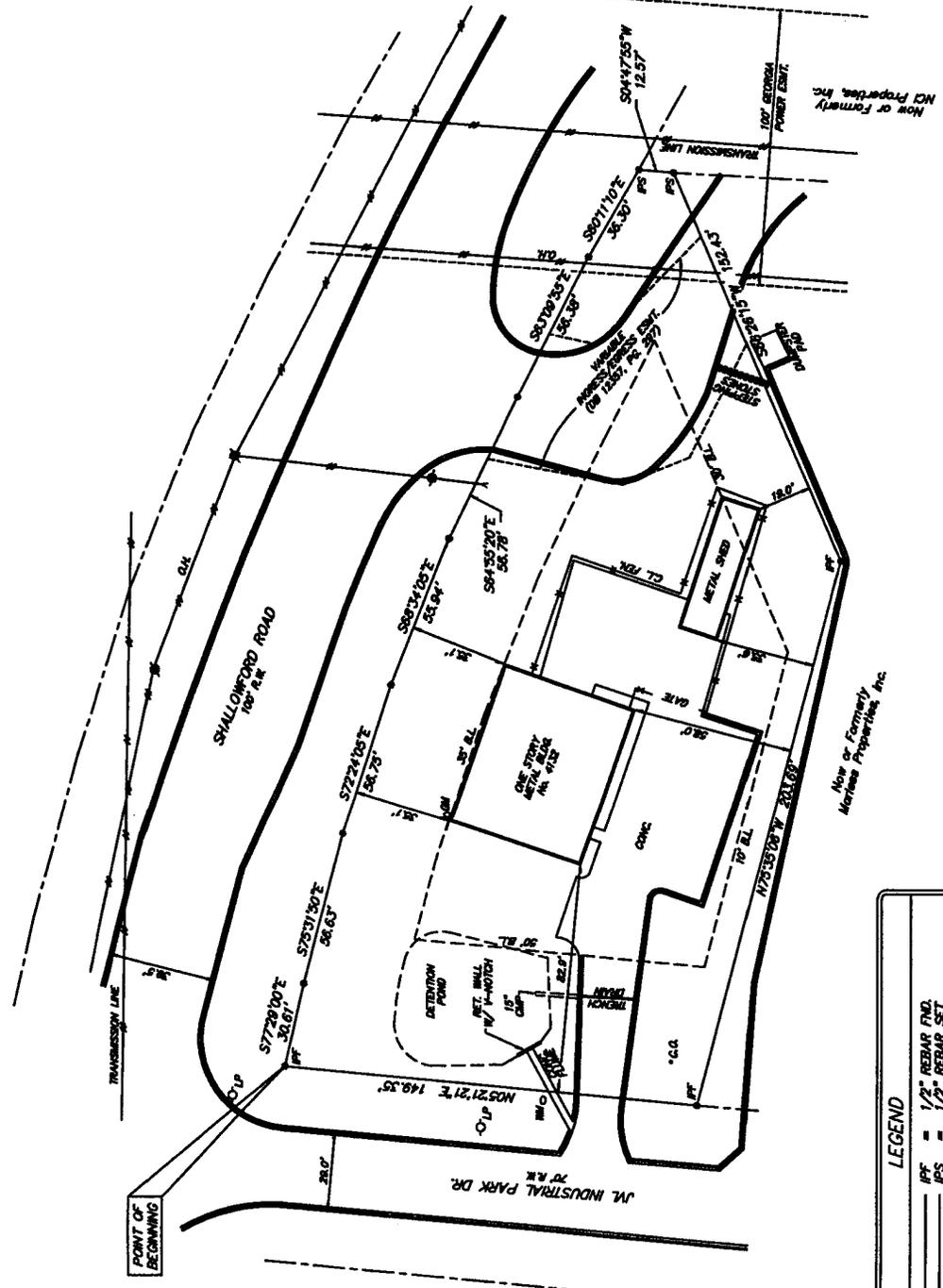
AREA = 40,006 SQ. FT.  
0.918 ACRE.



JOB # 08-123 DRAWN BY: AL CHECKED BY: JO  
FIELD DATE: 08-14-08 PLAT PREPARED: 08-18-08



1500 PALM STREET  
CANTON, GEORGIA 30115  
(770) 345-2810



**BOUNDARY SURVEY FOR  
UNITED STATES INTERIOR SYSTEMS, INC.**

LOCATED IN LAND LOT 203  
16th DISTRICT, 2nd SECTION  
COBB COUNTY, GEORGIA  
AUGUST 14, 2008 1"=30'



**LEGEND**

●	1/2" REBAR END
○	1/2" REBAR SET
—	RIGHT OF WAY
—	SANITARY SEWER EASEMENT
—	DRAINAGE EASEMENT
—	LAND LOT LINE
—	CENTERLINE
—	CRIMP TOP PIPE
—	OPEN TOP PIPE
—	CORRUGATED METAL PIPE
—	REINFORCED CONCRETE PIPE
—	DROP INLET
—	JUNCTION BOX
—	MANHOLE
—	CATCH BASIN
—	POWER POLE
—	POWER POLE
—	FIRE HYDRANT
—	CONCRETE MONUMENT END.
—	BACK OF CURB
—	EDGE OF PAVEMENT
—	FENCE
—	OVERHEAD ELEC. SERVICE LINE
—	BUILDING LINE
—	UNDERGROUND POWER LINE
—	TRANSFORMER

APPLICANT: United States Interior Systems, Inc.  
770-517-7787

REPRESENTATIVE: Moore Ingram Johnson & Steele, LLP  
John H. Moore 770-429-1499

TITLEHOLDER: United States Interior Systems, Inc.

PROPERTY LOCATION: Located at the southeast intersection of  
Shallowford Road and JVL Industrial Park Drive

ACCESS TO PROPERTY: JVL Industrial Park Drive

PHYSICAL CHARACTERISTICS TO SITE: \_\_\_\_\_

**CONTIGUOUS ZONING/DEVELOPMENT**

- NORTH:
- SOUTH:
- EAST:
- WEST:

PETITION NO: Z-54

HEARING DATE (PC): 11-04-08

HEARING DATE (BOC): 11-18-08

PRESENT ZONING: GC

PROPOSED ZONING: LI

PROPOSED USE: Light Industrial

SIZE OF TRACT: 0.918 acres

DISTRICT: 16

LAND LOT(S): 203

PARCEL(S): 21

TAXES: PAID X DUE \_\_\_\_\_

COMMISSION DISTRICT: 3

**FUTURE LAND USE MAP: Industrial Compatible**

**OPPOSITION:** NO. OPPOSED \_\_\_\_\_ PETITION NO: \_\_\_\_\_ SPOKESMAN \_\_\_\_\_

**PLANNING COMMISSION RECOMMENDATION**

APPROVED \_\_\_\_\_ MOTION BY \_\_\_\_\_

REJECTED \_\_\_\_\_ SECONDED \_\_\_\_\_

HELD \_\_\_\_\_ CARRIED \_\_\_\_\_

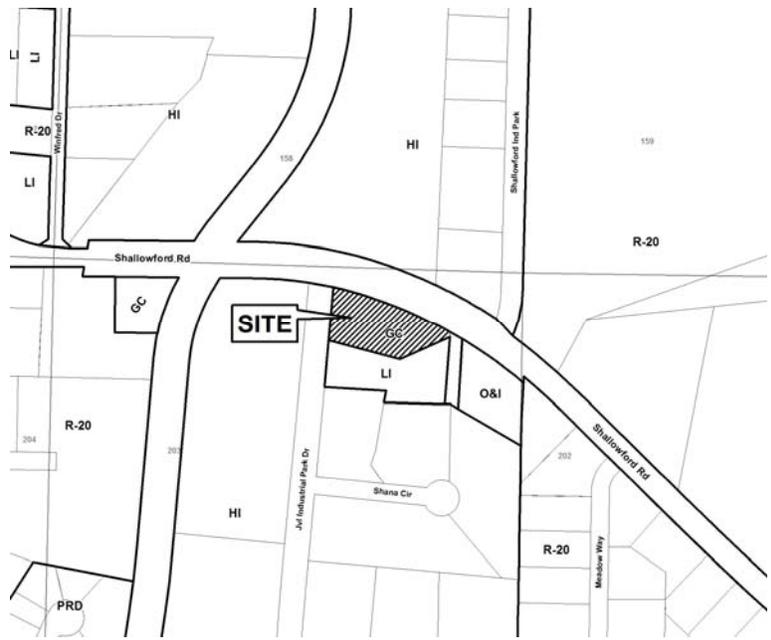
**BOARD OF COMMISSIONERS DECISION**

APPROVED \_\_\_\_\_ MOTION BY \_\_\_\_\_

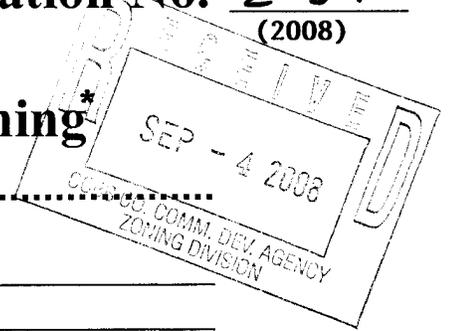
REJECTED \_\_\_\_\_ SECONDED \_\_\_\_\_

HELD \_\_\_\_\_ CARRIED \_\_\_\_\_

STIPULATIONS:



## Summary of Intent for Rezoning



.....  
**Part 1. Residential Rezoning Information (attach additional information if needed)**

- a) Proposed unit square-footage(s): \_\_\_\_\_
  - b) Proposed building architecture: \_\_\_\_\_
  - c) Proposed selling prices(s): \_\_\_\_\_
  - d) List all requested variances: \_\_\_\_\_
- \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

.....  
**Part 2. Non-residential Rezoning Information (attach additional information if needed)**

- a) Proposed use(s): Light Industrial
  - b) Proposed building architecture: Not Applicable
  - c) Proposed hours/days of operation: Monday-Saturday; 7:00 a.m. - 7:00 p.m.
  - d) List all requested variances: None known at this time
- \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

.....  
**Part 3. Other Pertinent Information (List or attach additional information if needed)**

Currently existing building will be utilized.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**\*Applicant reserves the right to amend any information set forth herein at any time during the rezoning process.**



APPLICANT: Lynwood Development Group, LLC  
404-512-4583

REPRESENTATIVE: Moore Ingram Johnson & Steele, LLP  
John H. Moore 770-429-1499

TITLEHOLDER: Interstate North Office Park (Land), L.P.

PROPERTY LOCATION: Located on the northeasterly side of  
Interstate North Parkway, south of Windy Hill Road

ACCESS TO PROPERTY: Interstate North Parkway

PHYSICAL CHARACTERISTICS TO SITE: \_\_\_\_\_

**CONTIGUOUS ZONING/DEVELOPMENT**

- NORTH:
- SOUTH:
- EAST:
- WEST:

**FUTURE LAND USE MAP: Regional Activity Center- Sub Area for Office**

**OPPOSITION:** NO. OPPOSED \_\_\_\_\_ PETITION NO: \_\_\_\_\_ SPOKESMAN \_\_\_\_\_

**PLANNING COMMISSION RECOMMENDATION**

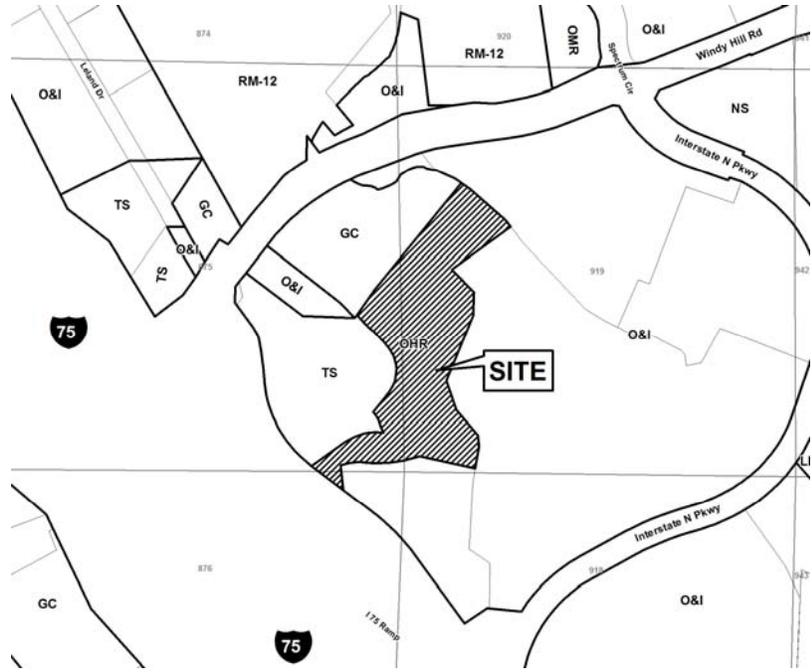
APPROVED \_\_\_\_\_ MOTION BY \_\_\_\_\_  
 REJECTED \_\_\_\_\_ SECONDED \_\_\_\_\_  
 HELD \_\_\_\_\_ CARRIED \_\_\_\_\_

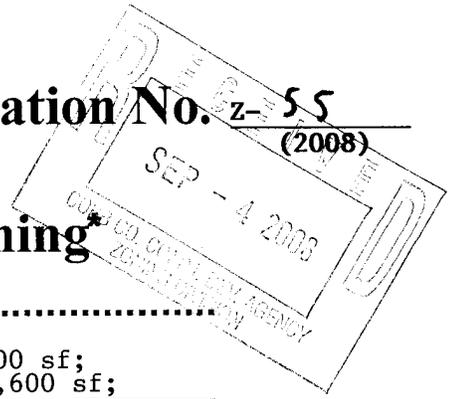
**BOARD OF COMMISSIONERS DECISION**

APPROVED \_\_\_\_\_ MOTION BY \_\_\_\_\_  
 REJECTED \_\_\_\_\_ SECONDED \_\_\_\_\_  
 HELD \_\_\_\_\_ CARRIED \_\_\_\_\_

STIPULATIONS:

PETITION NO: Z-55  
 HEARING DATE (PC): 11-04-08  
 HEARING DATE (BOC): 11-18-08  
 PRESENT ZONING: OHR  
 PROPOSED ZONING: UC  
 PROPOSED USE: Residential  
Condominiums  
 SIZE OF TRACT: 5.68 acres  
 DISTRICT: 17  
 LAND LOT(S): 875, 876, 919  
 PARCEL(S): 3  
 TAXES: PAID X DUE \_\_\_\_\_  
 COMMISSION DISTRICT: 2





## Summary of Intent for Rezoning

.....  
**Part 1. Residential Rezoning Information (attach additional information if needed)**

- a) Proposed unit square-footage(s): One Bedroom - 800 - 1,200 sf;  
Two Bedroom - 1,000 - 1,600 sf;
- b) Proposed building architecture: Three Bedroom - 1,200 - 2,000 sf  
Brick, stone, stacked-stone, stucco-type, hardi-plank  
type or combinations thereof
- c) Proposed selling prices(s): \$300,000 - \$850,000 (selling)
- d) List all requested variances: \$1,100 - \$2,100 (monthly rental)

No variances known at this time

.....  
**Part 2. Non-residential Rezoning Information (attach additional information if needed)**

- a) Proposed use(s): \_\_\_\_\_
- b) Proposed building architecture: \_\_\_\_\_
- c) Proposed hours/days of operation: \_\_\_\_\_
- d) List all requested variances: \_\_\_\_\_

.....  
**Part 3. Other Pertinent Information (List or attach additional information if needed)**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

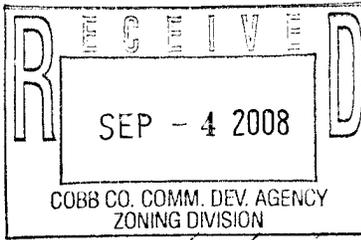
**\*Applicant reserves the right to amend any information set forth herein at any time during the rezoning process.**

LUP-28  
(2008)

# LEGEND

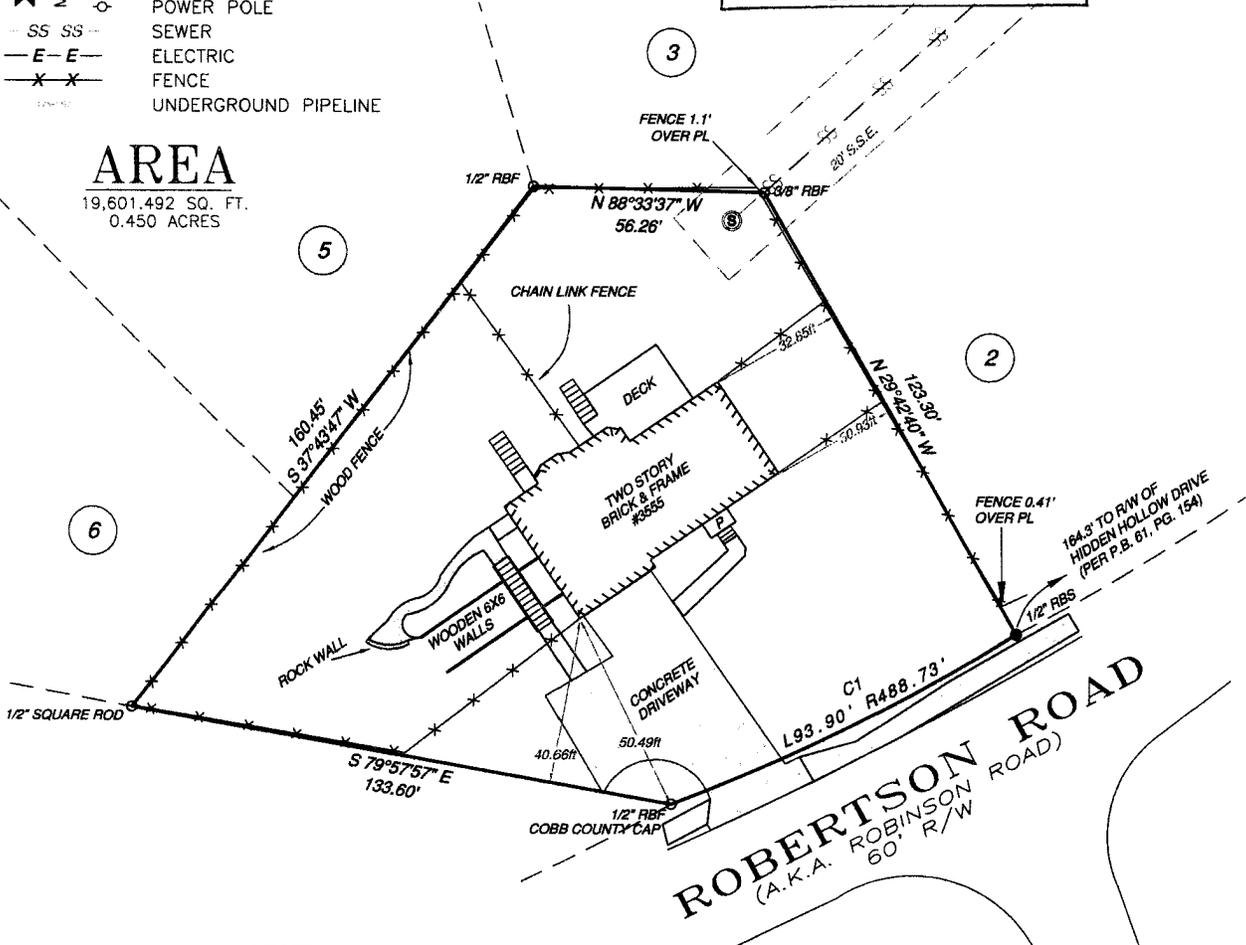
These standard symbols will be found in the drawing.

- ▲ TRAVERSE POINT
- 1/2" REBAR SET
- IRON PIN FOUND
- ▴ CATCH BASIN
- DRAIN
- FIRE HYDRANT
- GUY WIRE
- LIGHT POLE
- MANHOLE
- POWER POLE
- SS SS — SEWER
- E — E — ELECTRIC
- X — X — FENCE
- — — UNDERGROUND PIPELINE



## AREA

19,601.492 SQ. FT.  
0.450 ACRES



### CURVE TABLE

CURVE	ARC LENGTH	RADIUS	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	488.73'	93.90'	93.76'	N 63°36'30" E	11°00'30"

### REFERENCE

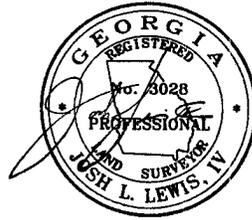
PLAT BOOK 61, PAGE 154  
DEED BOOK 12253, PAGE 403

### FLOOD STATEMENT

I HAVE THIS DATE, EXAMINED THE "FIRM OFFICIAL FLOOD HAZARD MAP" AND FOUND IN MY OPINION REFERENCED PARCEL (●) (IS NOT) IN AN AREA HAVING SPECIAL FLOOD HAZARDS, WITHOUT AN ELEVATION CERTIFICATION SURVEYOR IS NOT RESPONSIBLE FOR ANY DAMAGE DUE ITS OPINION FOR SAID PARCEL  
MAP ID 13067C0055 F EFFECTIVE DATE : AUGUST 18, 1992

### CLOSURE STATEMENT

THE FIELD DATA UPON WHICH THIS PLAT IS BASED WAS GATHERED BY AN OPEN TRAVERSE. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND FOUND TO BE ACCURATE TO 1 FOOT IN .89,249 FEET. AN ELECTRONIC TOTAL STATION AND A 100' CHAIN WERE USED TO GATHER THE INFORMATION USED IN THE PREPARATION OF THIS PLAT. NO STATE PLANE COORDINATE MONUMENT FOUND WITHIN 500' OF THIS PROPERTY.



TYPE OF SURVEY : **GEORGIA MINIMUM**

SHEET JOB NO. DWG NO.	PLAT PREPARED FOR : #3555 ROBINSON ROAD <b>MICHAEL K. DREWITZ</b> <b>LIGIA M. MARTINEZ-DREWITZ</b>		DATE 8/13/08	<b>GA. LAND SURVEYING CO., INC.</b>	REVISION:
	LAND LOT 979 16TH DISTRICT 2ND SECTION COBB COUNTY, GEORGIA		SCALE 1" = 30'		
DATE F30-170	LOT 1	BLOCK A	UNIT	PHASE	DATE:
	SUBDIVISION HIDDEN HOLLOW		PARTY CHIEF: J.J.	DRAFTED BY: J.J.	IF THIS NOTE IS NOT IN COLOR, THESE PLANS ARE INVALID

APPLICANT: Michael Drewitz  
770-977-6900

PETITION NO: LUP-28

REPRESENTATIVE: Jonathan Weintraub, P.C.  
Jonathan Weintraub 404-371-4101

HEARING DATE (PC): 11-04-08

HEARING DATE (BOC): 11-18-08

TITLEHOLDER: Michael K. and Ligia M. Drewitz

PRESENT ZONING: R-20

PROPERTY LOCATION: Located on the northern side of Robinson  
Road, west of Hidden Hollow Drive

PROPOSED ZONING: Land Use Permit

ACCESS TO PROPERTY: Robinson Road

PROPOSED USE: Photography studio

PHYSICAL CHARACTERISTICS TO SITE: \_\_\_\_\_

SIZE OF TRACT: 0.45 acres

DISTRICT: 16

LAND LOT(S): 979

PARCEL(S): 9

TAXES: PAID X DUE \_\_\_\_\_

**CONTIGUOUS ZONING/DEVELOPMENT**

COMMISSION DISTRICT: 2

**NORTH:**

**SOUTH:**

**EAST:**

**WEST:**

**FUTURE LAND USE MAP: Low Density Residential**

**OPPOSITION: NO. OPPOSED** \_\_\_\_\_ **PETITION NO:** \_\_\_\_\_ **SPOKESMAN** \_\_\_\_\_

**PLANNING COMMISSION RECOMMENDATION**

**APPROVED** \_\_\_\_\_ **MOTION BY** \_\_\_\_\_

**REJECTED** \_\_\_\_\_ **SECONDED** \_\_\_\_\_

**HELD** \_\_\_\_\_ **CARRIED** \_\_\_\_\_

**BOARD OF COMMISSIONERS DECISION**

**APPROVED** \_\_\_\_\_ **MOTION BY** \_\_\_\_\_

**REJECTED** \_\_\_\_\_ **SECONDED** \_\_\_\_\_

**HELD** \_\_\_\_\_ **CARRIED** \_\_\_\_\_

**STIPULATIONS:**

# LAND USE PERMIT WORKSHEET

(FOR TEMPORARY COMMERCIAL USE OF RESIDENTIALLY ZONED PROPERTY)

1. TYPE OF BUSINESS? photography studio

2. NUMBER OF EMPLOYEES? 1

3. DAYS OF OPERATION? M-F

4. HOURS OF OPERATION? 9-5

5. NUMBER OF CLIENTS, CUSTOMERS OR SALES PEOPLE COMING TO HOUSE? 15-20 (PER DAY; PER WEEK)

6. WHERE DO CLIENTS, CUSTOMERS OR SALE PEOPLE PARK? DRIVEWAY X STREET \_\_\_\_\_ OTHER (EXPLAIN) \_\_\_\_\_

7. SIGNS? YES \_\_\_\_\_ NO X .(IF YES, THEN QUANTITY, SIZE, LOCATION) \_\_\_\_\_

8. NUMBER OF VEHICLES? 2

9. TYPE OF VEHICLES? (CARS, TRUCKS, VANS, ETC.) SUV, car

10. DELIVERIES? YES X NO \_\_\_\_\_.(IF YES, THEN HOW MANY PER DAY/WEEK; SEMI-TRUCK, FEDEX, UPS,USPS?) 2 per week tops.

11. DOES APPLICANT LIVE IN THE HOUSE? YES X NO \_\_\_\_\_

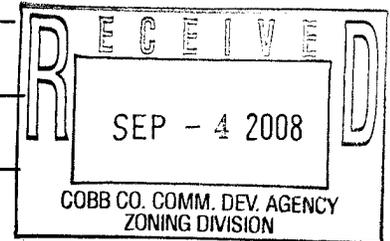
12. ANY OUTDOOR STORAGE? YES \_\_\_\_\_ NO X . IF YES, THEN WHAT? \_\_\_\_\_

13. STORAGE OF INVENORY? YES X NO \_\_\_\_\_ IF YES, THEN WHAT? photos within office

12. ANY ADDITIONAL RELAVENT INFORMATION? \_\_\_\_\_

\_\_\_\_\_

\* see attached letter Exhibit "A"  
JEP. 9/4/08



**JONATHAN WEINTRAUB, P.C.**

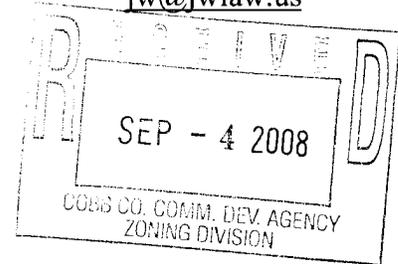
**Attorney at Law  
1026 B Atlanta Avenue.  
Decatur, Georgia 30030**

**Telephone: 404/371-4101  
Facsimile: 404/371-8901**

**Writer's Direct E-mail:  
[jw@jwlaw.us](mailto:jw@jwlaw.us)**

September 4, 2008

Via Hand Delivery



Cobb County Board of Commissioners  
Cobb County Planning Commission  
C/O Cobb County Community Development Department  
County Zoning Division  
191 Lawrence Street, Building E  
Marietta, Georgia 30060

Re: Temporary Land Use Permit Application 3555 Robinson Road, Marietta, Georgia 30068 Parcel ID No. 16-097-09- Zoning District R-20 (Statement of Intent and Other Material Required to be Submitted Pursuant to Zoning Ordinance)

Gentlepersons:

The undersigned represents Michael K. Drewitz with respect to the aforementioned Temporary Land Use Permit application for the above-referenced property. The requisite number of copies of all materials is submitted herewith. A survey is attached. No portion of the property lies within the 100-year flood plain per "FIRM Official Flood Hazard Map" Community panel No. 13067 COO55F 8/18/1992.

The total acreage per the attached site plans is 0.45 acres. The name, address and telephone numbers of Michael Drewitz and Ligia M. Martinez-Drewitz, the owners of the subject property is listed on the application. Signed, notarized signatures of the owners authorizing the application are enclosed.

The current zoning classification is R-20. The property is a single-family residence. No additions, improvements or outward signs of any use other than as a single-family residence will be on the property. In the R-20 zoning category, a Temporary Land Use Permit Application is required for any use not listed as a "customary home occupation." The applicant desires to use a finished space on the lower level of his home as a portrait sitting area for the taking of individual photographic portraits as part of his occupation which includes the taking of individual and group portraits at locations off the premises.

A warranty deed and evidence of 2007 tax payments are attached.

All adjacent property owners or residents have consented to this application. Copies of the consents are attached to this application.

The applicant has been conducting sittings for individual portraits without incident for more than eight years. It was his understanding from conversations with officials from Cobb County from eight years ago that his use of the subject property was a customary home occupation within the meaning of Zoning Ordinance Sections 134-197 and 134-1. He does not recall with whom he had such discussions eight years ago, but in reliance thereon, he expended sums to redesign portions of his basement to accommodate individual photographic portrait sittings. He does not run a photography studio as that term is usually defined to include processing of photographs on site and Mr. Drewitz does not process photographs on site. There is no definition of photography studio in the Cobb County Zoning Ordinance. As stated above, Mr. Drewitz uses the portion of his home reserved for individual portrait sittings to supplement his income. During his peak period prior to the beginning of each school year, Mr. Drewitz schedules no more than seven sittings per day. No more than one or two vehicles not belonging to the owners is on the premises at any time during the day.

On July 30, 2008 Mr. Drewitz was served with a Notice of Violation of the Cobb Zoning Ordinance, Section 134-197(3). He believes that his use of the subject property is wrongly being considered as a "photography studio" but in an abundance of caution this application for a Temporary Land Use Permit to allow him to continue to supplement his income is being submitted for consideration.

The applicant believes that his use of the subject property is less intense than many permitted uses, such as group homes, in-home daycare, vehicular parking, personal vehicle and equipment sales and private parks. Moreover, he believes the time restriction of 24 months with renewal for 24 months should not apply where the ordinance is silent as to the intended use.

With respect to the criteria of Section 134-36 of the Zoning Ordinance please see below:

**(1) Safety, health, welfare and moral concerns involving the surrounding neighborhood;**

The use is suitable in that there is no outward indication of any use other than as a single-family residence. There is no "product" sold other than what would normally be associated with the taking of photographic portraits. The photographic equipment used is the same as would be used for hobby purposes. The use is within the home and only the owner conducts the activity. Less than 25% of the home is used for this purpose. There are no offsite "employees" of the business and no processing materials are stored on the premises. The activity is no more intensive than the giving of piano lessons and is only conducted to supplement the owner's income. A Temporary Land Use Permit that would allow a slightly more intensive use would still be suitable in light of the location of the property and adequate parking. However, the applicant is not seeking a more intensive use. The activity positively affects the safety, health, welfare and moral concerns of the neighborhood.

**(2) Parking and traffic considerations;**

This use has been in existence for eight years under the belief that it is a customary home occupation. Adjacent and nearby neighbors have no objection to its continuation as there is no outward indication that the property is anything other than a single-family residence. There are fewer than one additional vehicle using the street per hour on the busiest time of the year. There are no adverse impacts from the use. There is ample parking for the one or two vehicles which may arrive at any given hour. There will be fewer than one additional vehicle using the street per hour at the busiest time of the year. This use is not a burden on traffic.

**(3) Number of nonrelated employees;**

Only Mr. Drewitz conducts the operation of the portrait photography. There are no nonrelated employees.

**(4) Number of commercial and business deliveries;**

Deliveries are occasional. At most two deliveries per week may occur at busiest time of the year. Most weeks there are no deliveries

**(5) The general presumption of the board of commissioners that residential neighborhoods should not allow noncompatible business uses;**

As evidenced by the attached photographs of the property, this is a well-kept property with no outward signs of a business activity. In fact, it is not a commercial photography studio but is a use that is in keeping with the intent of a home occupation. Unless and until the zoning ordinance can be amended to include this use, or it can be declared by the Board of Commissioners that the use as existing and as contemplated is a home occupation, it is necessary to submit this application for a Temporary Land Use Permit. It should be emphasized that there have been no objections to this activity from adjacent or nearby neighbors for the eight years it has been in existence. This use does not fit with the presumption that a business activity has no place in a residential setting.

**(6) Compatibility of the business use to the neighborhood;**

The proposed use is compatible with the neighborhood. The relaxed setting allows for an atmosphere conducive to quality portraits which are cherished by families who use the services in the neighborhood. Please review responses to (1), (2) and (5).

**(7) Hours of operation;**

The use is conducted during school hours until as late as 6 p.m. There are no evening sittings.

**(8) Existing business uses in the vicinity;**

There are no other known uses which would contribute to increased traffic or outward signs of other than residential activity.

**(9) Effect on property values of surrounding property;**

As evidenced by the attached photographs of the property, this is a well-kept property with no outward signs of a business activity. Because of the need for upkeep to make it

attractive to families who come for sittings, the well-kept property enhances surrounding property values.

**(10) Circumstances surrounding neighborhood complaints;**

This use has been in existence for eight years under the belief that it is a customary home occupation. Adjacent and nearby neighbors have no objection to its continuation as there is no outward indication that the property is anything other than a single-family residence. It should be emphasized that there have been no objections to this activity from adjacent or nearby neighbors for the eight years it has been in existence. It is understood that there has been one complaint from a customer who objected to Mr. Drewitz' policy not to allow teenagers to sit for portraits unless accompanied by a parent.

**(11) Intensity of the proposed business use;**

As shown above, a Temporary Land Use Permit that would allow a slightly more intensive use would still be suitable in light of the location of the property and adequate parking. However, the applicant is not seeking a more intensive use. This use is no more intense than the giving of piano lessons, an allowed customary home occupation.

**(12) Location of the use within the neighborhood.**

This use places no burden on existing streets and has no outward sign of being other than a residential use. Location within the neighborhood has no adverse impact.

The owners of the property and the Applicant respectfully submit that the current zoning classification of and rules relative to the owner's right to use the Property established in the Cobb County Zoning Ordinance, to the extent they prohibit this use, constitute an arbitrary, irrational abuse of discretion and unreasonable use of the zoning power because they bear no substantial relationship to the public health, safety, morality or general welfare of the public and substantially harm them in violation of the due process and equal protection rights guaranteed by the Fifth Amendment and Fourteenth Amendment of the Constitution of the United States, and Article I, Section I, Paragraph I and Article I, Section III, Paragraph I of the Constitution of the State of Georgia. Further, the failure to allow this use would constitute a taking of their private property without just compensation and without due process in violation of the Fifth Amendment and Fourteenth Amendment of the Constitution of the United States, and Article I, Section I, Paragraph I and Article I, Section III, Paragraph I of the Constitution of the State of Georgia.

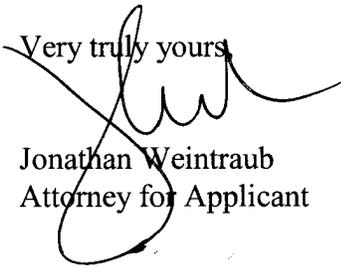
Further, the Applicant respectfully submits that the Board of Commissioners' failure to approve the requested Temporary Land Use Permit would be unconstitutional and would discriminate in an arbitrary, capricious and unreasonable manner between the Property owner and owners of similarly situated property in violation of Article I, Section III, Paragraph I of the Constitution of the State of Georgia and the Equal Protection Clause of the Fourteenth Amendment of the Constitution of the United States.

A refusal to allow the use in question would be unjustified from a fact-based standpoint and instead would result only from constituent opposition, which would be an unlawful delegation of authority in violation of Article IX, Section II, Paragraph IV of the Georgia Constitution.

A refusal to allow the use in question would be invalid inasmuch as it would be denied pursuant to an ordinance which is not in compliance with the Zoning Procedures Law, O.C.G.A. § 36-66-1 et seq., due

to the manner in which the Ordinance as a whole and its map(s) have been adopted.

Respectfully, the applicant submits that he should be permitted to continue to offer individual portrait sittings in his home as a customary home occupation for the above-stated reasons and as a service he could not perform in a less relaxed setting of a commercial photography studio in a commercially zoned area. The setting itself assures that the subjects, many of whom are having an official portrait made for the first time, will be comfortable and will have a better portrait made than would otherwise be the case.

Very truly yours,  
  
Jonathan Weintraub  
Attorney for Applicant