



city of  
powder springs

# Rezoning Request

## Application Checklist

### Applicant Information

Name	*Traton, LLC	Phone	(770) 427-9064; *(770) 429-1499
Mailing Address	720 Kennesaw Avenue; Marietta, GA 30060	Email	kcohen@tratonhomes.com; *jkm@mij.com

### Application Checklist

The following information will be required:

- Application
- Notice of Intent
- Applicant's Written Analysis
- Campaign Contribution Disclosure
- Owner's Authorization, if applicable.
- Legal Description and Survey Plat of the property
- Application Fee (summary of fees attached)
- Copy of the Deed that reflects the current owners name
- Vicinity Map outlining the parcel/s in relation to the surrounding area
- Site plan, plat or survey prepared by an architect, engineer. The following information **must** be included:  
 Specific use or uses proposed for the site. Acreage, bearing and distances, other dimensions, and location of the tract(s). Locations, sizes and setbacks of proposed structures, including the number of stories and total floor area, height, for residential number of units, Square footage of heated floor area. Detention/retention areas, and utility easements. Location of dumpsters. Public or private street(s) - right of way and roadway widths, approximate grades Location and size of parking area with proposed ingress and egress. Specific types and dimensions of protective measures, such as buffers. Landscaping. Wetlands, stream buffers, and 100 year floodplain.
- Sketch Plan/ Architectural Rendering, if applicable
- Traffic Study required for development with 500,000 sf of nonresidential floor area or 350 dwelling units or more.

List additional attachments: City and County 2020 Paid Tax Receipts

### Note Carefully

If your application qualifies as a "Development of Regional Impact" (see Article 13) then you must follow additional procedures BEFORE your application can be considered. The Community Development Department will assist you with the DRI process, which is mandated by State and GRTA requirements.

Indicate the current zoning district of the property, and the zoning district you are requesting. File a separate application for each Rezoning request naming a different zoning district. A Special Use request, Variance request can be filed concurrently with a Rezoning request on the same property by separate application.



**city of  
powder springs**  
**Rezoning Request**  
Application Form

### Applicant Information

Name <b>*Traton, LLC</b>	Phone <b>(770) 427-9064; *(770) 429-1499</b>
Mailing Address <b>720 Kennesaw Avenue; Marietta, GA 30060</b>	Email <b>kcohen@tratonhomes.com; *jkm@mijs.com</b>

### Rezoning Request Property Information



Address <b>4998, 5002, 5030, 5046, 5082 Hill Road and one unnumbered lot located on Hill Road</b>	Parcel ID / Lot# <b>See Exhibit "B"</b>	Acreage <b>22.37+/-</b>
Present Zoning <b>NRC</b>	Proposed Zoning <b>PUD-R</b>	
Source of Water Supply <b>Cobb County Water</b>	Source of Sewage Disposal <b>Cobb County Water &amp; Sewer</b>	
Proposed Use Peak Hour Trips Generated	Source	

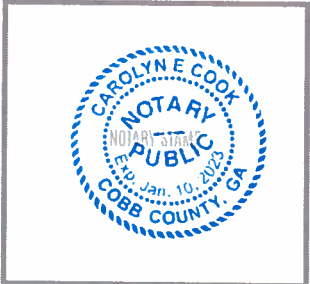
### Additional Information, If Applicable

Elementary School and School's Capacity <b>Powder Springs Elementary - 114 under capacity</b>	Middle School and School's Capacity <b>Cooper Middle School - 42 under capacity</b>
High School and School's Capacity <b>McEachern High School - 19 under capacity</b>	

### Notary Attestation

Executed in Marietta (City), GA (State).

	<u>J. Kevin Moore</u>	<u>January 26, 2021</u>
Signature of Applicant	GA Bar No. <u>519728</u>	Printed Name
Attorney for Applicant and Property Owner Subscribed and sworn before me this <u>26th</u> day of <u>January</u> , 20 <u>21</u>		
	<u>Carolyn E. Cook</u>	<u>January 10, 2023</u>
Signature of Notary Public	Name of Notary Public	My Commission Expires



\*See Exhibit "A" for Applicant's and Property Owner's Representative Information

### For Official Use Only

PZ #	City Council Hearing
Planning Commission Hearing	Reason for Withdrawal
Withdrawal Date	



**city of  
powder springs**  
**Rezoning Request**  
**Notice of Intent**

**Applicant Information**

<b>Name</b> *Traton, LLC	<b>Phone</b> (770) 427-9064; *(770) 429-1499
<b>Mailing Address</b> 720 Kennesaw Avenue; Marietta, GA 30060	<b>Email</b> kcohen@tratonhomes.com; *jkm@mijs.com

**Notice of Intent**

**PART I. Please indicate the purpose of this application :**

The purpose of this Application for Rezoning is to assemble six parcels into one tract and develop the overall tract into a single-family residential community.

**PART II. Please list all requested variances:**

- (1) Allow dead-end streets per submitted Site Plan; (2) Allow minimum lot size of 2,600 square feet (PUD-R, Sec. 2-15);
- (3) Variance to waive requirement to maintain 75 percent of existing tree canopy (Sec. 12-13); and
- (4) Variance to allow a minimum horizontal road centerline radius of 37 feet.

**Part III. Existing use of subject property:**


The property is undeveloped.

**Part IV. Proposed use of subject property:**

Single-Family Residential Community.

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

**Applicant Signature**

	*Traton, LLC/J. Kevin Moore	January 26, 2021
Signature of Applicant	GA Bar No. 519728	Date
Attorneys for Applicant and Property Owner		

\*See Exhibit "A" for Applicant's and Property Owner's Representative Information



# Rezoning Request

## Applicant's Written Analysis

### Applicant Information

Name	*Traton, LLC	Phone	(770) 427-9064; *(770) 429-1499	
Mailing Address	720 Kennesaw Avenue; Marietta, GA 30060		Email	kcohen@tratonhomes.com; *jkm@mijs.com

### Written Analysis

In details please address these Rezoning Criteria:

a. Whether the proposed zoning district and uses within that district are compatible with the purpose and intent of the comprehensive plan. The future development map and the future land use plan map of the city's comprehensive plan shall be used in decision making relative to amendments to the official zoning map.

The proposed PUD-R zoning district is compatible with the purposes and intent of the City's Comprehensive Plan as the proposed development will provide quality housing; as well as, allow residential zoning and development to be adjacent to similar developments.

b. Whether the proposed zoning district and uses permitted within that district are suitable in view of the zoning and development of adjacent and nearby property.

The proposed PUD-R zoning classification, and the proposed, quality single-family residential community, are suitable uses for the Subject Property in view of uses of the surrounding properties.

The majority of adjacent and surrounding properties are primarily residential uses. The proposed community would be a quality development consistent with surrounding neighborhoods.

c. Whether the existing use or usability of adjacent or nearby property will be adversely affected by one or more uses permitted in the requested zoning district.

No adjacent or nearby properties will be adversely or negatively impacted by rezoning the Subject Property to the proposed PUD-R zoning classification and development of a quality single-family residential community.

d. Whether there are substantial reasons why the property cannot or should not be used as currently zoned;

The Subject Property is currently zoned to the Neighborhood Retail Commercial ("NRC") zoning classification. The uses allowed under the NRC classification would have a more harmful, far-reaching impact upon adjacent and surrounding communities than a quality, single-family residential community.

e. Whether public facilities such as roads, schools, water and sewer utilities, and police and fire protection will be adequate to serve the proposed zoning district and uses permitted.

There is adequate public facilities and infrastructure in place to sufficiently service the proposed single-family residential community.

f. Whether the proposed zoning district and uses permitted within that zoning district are supported by new or changing conditions not anticipated by the comprehensive plan or reflected in the existing zoning on the property or surrounding properties.

The existing NRC zoning does not reflect changing conditions of the area surrounding it. If the Property were developed to allow for uses under the existing NRC zoning, the surrounding communities would be adversely impacted.

g. Whether the proposed zoning district and uses permitted within that zoning district reflect a reasonable balance between the promotion of the public health, safety, morality or general welfare and the right to unrestricted use of property.

The proposed PUD-R zoning classification, together with the quality single-family residential community, is a more reasonable use of the Property, and provides a better overall promotion of public health, safety, morality, and general welfare of area residents and neighborhoods than uses allowed under the existing NRC zoning classification.

### Applicant Signature

	*Traton, LLC/J. Kevin Moore	January 26, 2021
Signature of Applicant GA Bar No. 519728	Printed Name	Date



# Rezoning Request

## Campaign Contribution Disclosure

### Applicant and Attorney Information

<b>Applicant's Name</b> Traton, LLC	<b>Applicant's Address</b> 720 Kennesaw Avenue, Marietta, GA 30060
<b>Applicant's Attorney</b> *J. Kevin Moore, Moore Ingram Johnson & Steele, LLP	<b>Attorney's Address</b> Emerson Overlook, Suite 100, 326 Roswell Street, Marietta, GA 30060

### Campaign Contribution Disclosure

The following information is provided in accordance with the Georgia Conflict of Interest in Zoning Actions Act, O.C.G.A. 36-67A-1 et seq.

The property that is the subject of the attached application is owned by:

- |                                      |                          |                          |                          |                          |
|--------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| <input type="checkbox"/>             | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Individual(s)                        | Corporation              | Partnership              | Limited Partnership      | Joint Venture            |
| <b>X - Limited Liability Company</b> |                          |                          |                          |                          |

All persons, corporations, partners, limited partners, or joint ventures party to ownership of the property that is the subject of the attached application are listed below:

Westside Woods LLC

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APPLICANT: Within the two years preceding the date of the attached application, the applicant has made campaign contributions or gifts aggregating \$250 or more to the Mayor, to members of the Powder Springs City Council, or to members of the Planning Commission, as follows:

Name of Official	Amount of Contribution or Gift	Date of Contribution or Gift
None		

ATTORNEY: Within the two years preceding the date of the attached application, the attorney representing the applicant has made campaign contributions or gifts aggregating \$250 or more to the Mayor, to members of the Powder Springs City Council, or to members of the Planning Commission, as follows:

Name of Official	Amount of Contribution or Gift	Date of Contribution or Gift
Mayor Al Thurman	\$500 - Political Contribution	08/27/2019
Patrick Bordelon	\$500 - Political Contribution	08/27/2019
Nancy Farmer	\$500 - Political Contribution	08/27/2019

\* See Exhibit "A" for Applicant's and Property Owner's Representative Information





**city of  
powder springs**  
**Rezoning Request**  
**Owner's Authorization Form**

**Owner's Authorization**

Applicant Name \*Traton, LLC

Applicant's Address 720 Kennesaw Avenue, Marietta, GA 30060

Property Address 4998 5002 5030 5046 5082 H.H. Road and one unnumbered lot located on H.H. Road Powder Springs, GA

Property PIN See Attached Exhibit "B"

This is to certify that I am  or We are  or I am  the Authorized Representative of a Corporation that is the owner of a majority interest in the subject property of the attached application. By execution of this form, this is to authorize the person names as "applicant" below, acting on behalf of the owner, to file for and pursue a request for approval of the following:

Check all that apply:

Rezoning <input checked="" type="checkbox"/>	Special Use <input type="checkbox"/>	Hardship Variance <input type="checkbox"/>
Special Exception <input type="checkbox"/>	Flood Protection Variance <input type="checkbox"/>	Appeal of Administrative Decision <input type="checkbox"/>

**Signature of Property Owner(s)**

See Exhibit "C" for Property Owner's Contact Information

BY: WESTSIDE WOODS LLC

Signature of Owner [Signature]

Printed Name DAVID VAN GELDER

Date January 25, 2021

State of GA, County of \_\_\_\_\_

This instrument was acknowledged before me this \_\_\_\_\_ day of January

20 21 by David van Gelder Identification Presented: personally known

[Signature]  
Signature of Notary Public

Jessica Green  
Name of Notary Public

05/20/2024  
My Commission Expires



Signature of Owner \_\_\_\_\_

Printed Name \_\_\_\_\_

Date \_\_\_\_\_

State of \_\_\_\_\_, County of \_\_\_\_\_

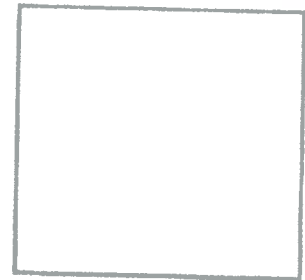
This instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_

20 \_\_\_\_\_ by \_\_\_\_\_ Identification Presented: \_\_\_\_\_

Signature of Notary Public \_\_\_\_\_

Name of Notary Public \_\_\_\_\_

My Commission Expires \_\_\_\_\_



\*See Exhibit "A" for Applicant's and Property Owner's Representative Information

**EXHIBIT "A" – ATTACHMENT TO APPLICATION FOR REZONING**

**Application No.:** \_\_\_\_\_  
**Planning Commission Hearing:** February 22, 2021  
**City Council Hearing:** March 1, 2021

**Applicant:** Traton, LLC  
**Titleholder:** Westside Woods LLC

**Applicant's and Property Owner's Representative:**

J. Kevin Moore, Esq.  
Moore Ingram Johnson & Steele, LLP  
Attorneys at Law  
Emerson Overlook, Suite 100  
326 Roswell Street  
Marietta, Georgia 30060  
(770) 429-1499 (Office)  
(770) 429-8631 (Telefax)  
E-mail: [jkm@mijs.com](mailto:jkm@mijs.com)

**EXHIBIT "B" – ATTACHMENT TO APPLICATION FOR REZONING**

Application No.: \_\_\_\_\_  
Planning Commission Hearing: February 22, 2021  
City Council Hearing: March 1, 2021

Applicant: Traton, LLC  
Titleholder: Westside Woods LLC

**PARCEL AND ADDRESS LISTING**

<b>Parcel Number</b>	<b>Parcel Address</b>
19089800030	Hill Road, S.W.
19095300020	5082 Hill Road, S.W.
19095300030	5030 Hill Road, S.W.
19095300130	5002 Hill Road, S.W.
19095300140	4998 Hill Road, S.W.
19095300160	5046 Hill Road, S.W.



**EXHIBIT "C" – ATTACHMENT TO APPLICATION FOR REZONING**

**Application No.:** \_\_\_\_\_  
**Planning Commission Hearing:** February 22, 2021  
**City Council Hearing:** March 1, 2021

**Applicant:** Traton, LLC  
**Titleholder:** Westside Woods LLC

**Property Owner's Contact Information:**

Westside Woods LLC  
1045 Haddonfield Drive  
Powder Springs, Georgia 30127  
E-mail: [david@vangelder-inc.com](mailto:david@vangelder-inc.com)

## LEGAL DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lots 898 and 953 of the 19th District, 2nd Section, Cobb County, Georgia, and being 22.377 acres (974,759 square feet) as shown on Boundary Survey dated April 10, 2006, prepared by Barton Surveying, Inc., David Barton, GRLS No. 2533, and being more particularly described as follows:

BEGINNING at an iron pin found at the common corner of Land Lots 897, 898, 953, and 954, said district and section; thence running south 87 degrees 33 minutes 48 seconds east as measured along the northerly land lot line of Land Lot 953, said district and section, for a distance of 192.20 feet to an iron pin found; thence running south 87 degrees 39 minutes 32 seconds east as measured along the northerly land lot line of Land Lot 953, said district and section, for a distance of 169.71 feet to an iron pin found; thence running south 87 degrees 36 minutes 28 seconds east as measured along the northerly land lot line of Land Lot 953, said district and section, for a distance of 308.55 feet to a 1/2" steel rod found and corner; thence running north 02 degrees 42 minutes 22 seconds east for a distance of 421.46 feet to a 1" open top pipe found and corner; thence running south 87 degrees 49 minutes 43 seconds east for a distance of 616.98 feet to a 3/4" open top pipe found and corner; thence running south 00 degrees 31 minutes 09 seconds east for a distance of 452.79 feet to a #5 rebar found and corner; thence running north 84 degrees 01 minutes 23 seconds west for a distance of 252.01 feet to an iron pin and corner; thence running south 05 degrees 32 minutes 19 seconds west for a distance of 462.89 feet to a concrete monument found on the northwesterly right of way of Hill Road (having a variable right of way); thence running in a southwesterly direction as measured along the northwesterly right of way of Hill Road the following courses and distances: south 72 degrees 30 minutes 02 seconds west for a distance of 110.19 feet to a concrete monument found and corner; south 06 degrees 06 minutes 56 seconds west for a distance of 27.31 feet to a concrete monument found and corner; south 73 degrees 58 minutes 17 seconds west for a distance of 100.25 feet to an iron pin found; south 73 degrees 22 minutes 32 seconds west for a distance of 25.02 feet to a point; south 74 degrees 55 minutes 49 seconds west for a distance of 51.71 feet to a point; south 75 degrees 45 minutes 15 seconds west for a distance of 60.60 feet to a point; south 76 degrees 27 minutes 57 seconds west for a distance of 74.38 feet to a point; south 77 degrees 47 minutes 33 seconds west for a distance of 17.02 feet to a point; south 74 degrees 23 minutes 26 seconds west for a distance of 68.97 feet to a point; south 74 degrees 37 minutes 04 seconds west for a distance of 47.85 feet to a point; south 70 degrees 11 minutes 11 seconds west for a distance of 47.59 feet to a point; south 66 degrees 10 minutes 53 seconds west for a distance of 17.56 feet to a point; south 66 degrees 10 minutes 53 seconds west for a distance of 20.35 feet to a point; south 57 degrees 13 minutes 51 seconds west for a distance of 150.68 feet to a point; south 50 degrees 59 minutes 05 seconds west for a distance of 47.65 feet to a point; south 52 degrees 42 minutes 23 seconds west for a distance of 47.07 feet to a point; south 54 degrees 17 minutes 52 seconds west for a distance of 55.74 feet to a point; south 57 degrees 41 minutes 53 seconds west for a distance of 58.72 feet to a point; south 60 degrees 01 minutes 44 seconds west for a distance of 42.12 feet to a point; south 63 degrees 37 minutes 44 seconds west for a distance of 30.15 feet to an iron pin found and corner; thence leaving said right of way and running thence north 00 degrees 48 minutes 08 seconds east for a distance of 442.33 feet to a point and corner; thence running north 87 degrees 03 minutes 28 seconds west for a distance of 57.87 feet to a point a 1" open top pipe found on the westerly land lot line of Land Lot 953, said district and section; thence running north 01 degrees 33 minutes 01 seconds east as measured along the westerly land lot line of Land Lot 953, said district and section, for a distance of 518.14 feet to the point of BEGINNING.



Deed Book 15663 Pg 518  
Filed and Recorded Sep-05-2019 02:41pm  
2019-0104358  
Real Estate Transfer Tax \$0.00  
0332019021962

  
Rebecca Keaton  
Clerk of Superior Court Cobb Cty. Ga.

(M) After recording, return to:  
Miller & Martin PLLC  
1180 West Peachtree Street NW  
Suite 2100  
Atlanta, Georgia 30309  
Attention: Neil Wilcove, Esq.

[Space Above This Line For Recording]

STATE OF GEORGIA  
COUNTY OF COBB

**QUITCLAIM DEED**

THIS INDENTURE, made effective as of August 14, 2019, between DAVID VAN GELDER and LAURIE VAN GELDER, each individual residents of the State of Georgia (herein called "Grantor"), and WESTSIDE WOODS, LLC, a Georgia limited liability company (herein called "Grantee").

**WITNESSETH:**

WHEREAS, Grantor, for and in consideration of the sum of ONE DOLLAR (\$1.00), and other good and valuable consideration, in hand paid at and before the sealing and delivery of these presents, the receipt and sufficiency of which are hereby acknowledged, by these presents does hereby remise, convey and forever QUITCLAIM unto Grantee, the following:

ALL THAT TRACT OR PARCEL OF LAND more particularly described on Exhibit A attached hereto and by this reference made a part hereof.

TO HAVE AND TO HOLD the said described premises unto Grantee, so that neither Grantor nor any person or persons claiming under Grantor shall at any time, by any means or ways, have, claim or demand any right or title to said premises or appurtenances thereto, or any rights thereof.

[SIGNATURE ON FOLLOWING PAGE]



IN WITNESS WHEREOF, Grantor has signed and sealed this instrument as of the day and year first above written.

GRANTOR:

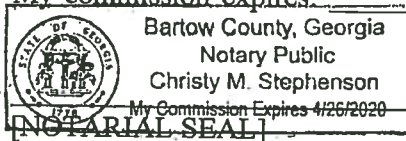
[Signature]  
David van Gelder

Signed, sealed and delivered this 16<sup>th</sup> day of August, 2019 in the presence of:

[Signature]  
Witness

Christy M. Stephenson  
Notary Public

My commission expires: 04/26/2020



Signed, sealed and delivered this 16<sup>th</sup> day of August, 2019 in the presence of:

[Signature]  
Laurie van Gelder

[Signature]  
Witness

Christy M. Stephenson  
Notary Public

My commission expires: 04/26/2020

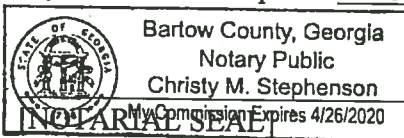


EXHIBIT A

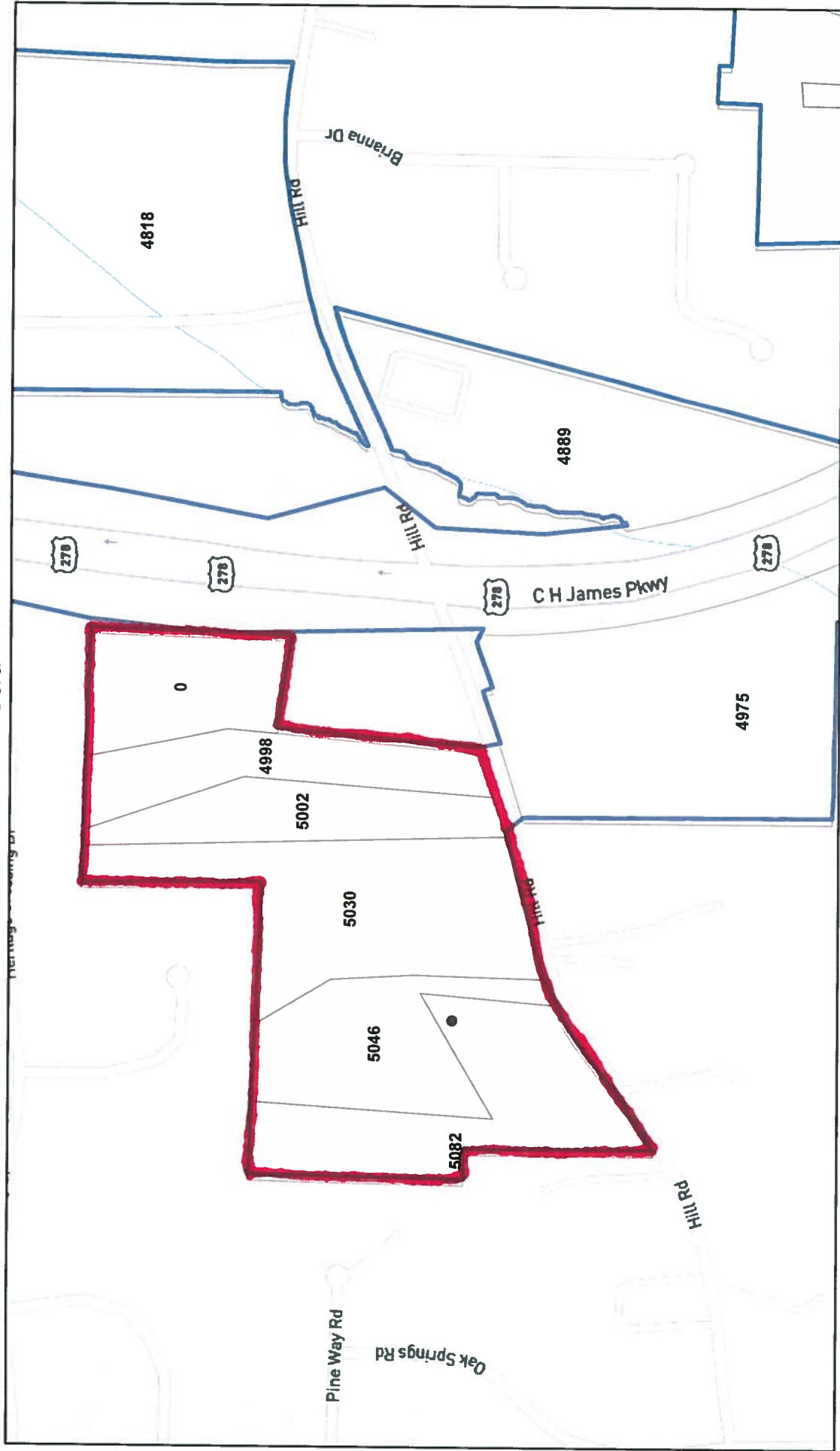
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# Hill Road

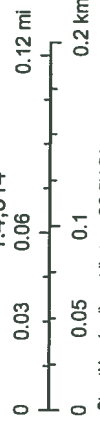


1/25/2021, 12:08:38 PM

Parcels

City Limits

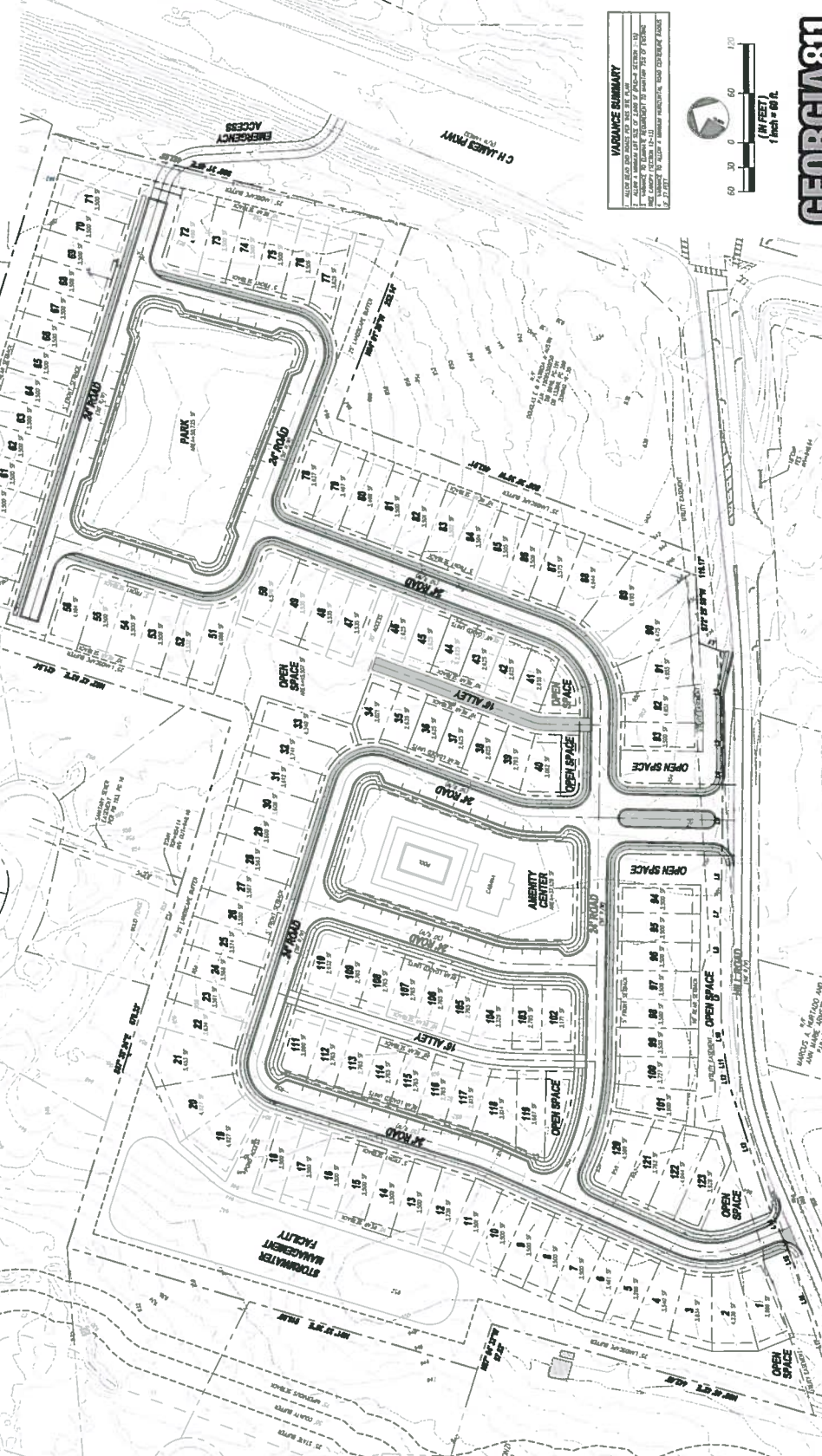
1:4,514



© OpenStreetMap (and) contributors, CC-BY-SA

**DEVELOPMENT SUMMARY**

OWNER	TRATON HOMES
DESIGNER	GEORGIA 811
DATE	08/20/2024
PROJECT NAME	HILL ROAD SUBDIVISION
PROJECT ADDRESS	LAND LOTS 89B & 89C, 19TH DISTRICT, 2ND SECTION, CITY OF POWDER SPRINGS, GEORGIA
PROJECT TYPE	ZONING PLAN
SCALE	AS SHOWN
DATE	08/20/2024
BY	J. SMITH
CHECKED BY	J. SMITH
APPROVED BY	J. SMITH
DATE	08/20/2024
REVISIONS	1.00
DATE	08/20/2024
BY	J. SMITH
CHECKED BY	J. SMITH
APPROVED BY	J. SMITH
DATE	08/20/2024



**VARIANCE SUMMARY**

ALL VARIANCES ARE FOR THE PURPOSE OF CORRECTING ERRORS AND ARE NOT TO BE USED AS A PRECEDENT FOR ANY OTHER PROJECTS. THE CITY ENGINEER HAS REVIEWED THE VARIANCES AND HAS DETERMINED THAT THEY DO NOT CONSTITUTE A PUBLIC HAZARD OR AN UNDESIRABLE USE OF THE PROPERTY. THE VARIANCES ARE AS FOLLOWS:

**GEORGIA 811**  
 Utilities Protection Center, Inc.  
 24 HOUR CONTACT:  
**JEFF SMITH**  
 404.328.6280

REVISIONS

NO.	DATE	DESCRIPTION
1	08/20/2024	ISSUED FOR PERMITTING

SCALE: 1" = 40'

1" = 40'

TRATON HOMES  
 728 KENNEDY AVE  
 MARIETTA, GEORGIA 30066  
 PHONE: 770-427-4984

HILL ROAD SUBDIVISION  
 LAND LOTS 89B & 89C  
 19TH DISTRICT, 2ND SECTION  
 CITY OF POWDER SPRINGS, GEORGIA

ZONING PLAN  
**Z100**

RIDGE PLANNING AND ENGINEERING  
 1280 KENNEDY CENTER - BLDG A  
 SUITE 200 - MARIETTA, GA 30066  
 OFFICE 770.858.8000



Printed: 1/25/2021

### Cobb County Online Tax Receipt

Thank you for your payment!

**CARLA JACKSON** TAX COMMISSIONER  
**HEATHER WALKER** CHIEF DEPUTY  
 Phone: 770-528-8600  
 Fax: 770-528-8679

Payer:  
 David van Gelder

**WESTSIDE WOODS LLC**

**Payment Date: 9/9/2020**

Tax Year	Parcel ID	Due Date	Appeal Amount			Taxes Due
2020	19089800030	10/15/2020	Pay:	N/A	or	\$0.00
Interest	Penalty	Fees	Total Due	Amount Paid	Balance	
\$0.00	\$0.00	\$0.00	\$0.00	\$1,136.31	\$0.00	



Scan this code with your  
 mobile phone to view this  
 bill!!!



<b>Parcel Id:</b>	19-089800030	<b>Tax Account Id:</b>	5246
<b>Property Location:</b>	HILL RD SW	<b>Zoning Code:</b>	
<b>Owner Name/Address:</b>	WESTSIDE WOODS LLC 1045 HADDONFIELD DR POWDER SPRINGS GA 30127	<b>Land Value:</b>	0
		<b>Improvement Value:</b>	37,440
		<b>Exempt Value:</b>	0.00
		<b>Total Assessed Value:</b>	37,440.00
		<b>Deductions:</b>	None

**Make a Payment**

11/15/2020	Tax	355.68	0.00	0.00	0.00	PAID
11/29/2019	Tax	292.45	0.00	0.00	0.00	PAID

Last Payment: 10/06/20

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Thank you for your payment!

**CARLA JACKSON** TAX COMMISSIONER  
**HEATHER WALKER** CHIEF DEPUTY  
 Phone: 770-528-8600  
 Fax: 770-528-8679

Payer:  
 David van Gelder

**WESTSIDE WOODS LLC**

**Payment Date: 9/9/2020**

Tax Year	Parcel ID	Due Date	Appeal Amount		Taxes Due
2020	19095300020	10/15/2020	Pay:	N/A or	\$0.00
Interest	Penalty	Fees	Total Due	Amount Paid	Balance
\$0.00	\$0.00	\$0.00	\$0.00	\$3,032.81	\$0.00



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<b>Parcel Id:</b>	19-095300020	<b>Tax Account Id:</b>	5490
<b>Property Location:</b>	5082 HILL RD SW	<b>Zoning Code:</b>	
<b>Owner Name/Address:</b>	WESTSIDE WOODS LLC	<b>Land Value:</b>	0
	1045 HADDONFIELD DR	<b>Improvement Value:</b>	99,928
	POWDER SPRINGS GA 30127	<b>Exempt Value:</b>	0.00
		<b>Total Assessed Value:</b>	99,928.00
		<b>Deductions:</b>	None

<a href="#">Make a Payment</a>						
11/15/2020	Tax	949.32	0.00	0.00	0.00	PAID
11/29/2019	Tax	949.32	0.00	0.00	0.00	PAID
Last Payment: 10/06/20						

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Fax: 770-528-8679

Payer:  
David van Gelder

**WESTSIDE WOODS LLC**

**Payment Date: 9/9/2020**

Tax Year	Parcel ID	Due Date	Appeal Amount	Taxes Due
2020	19095300030	10/15/2020	Pay: N/A or	\$0.00

Interest	Penalty	Fees	Total Due	Amount Paid	Balance
\$0.00	\$0.00	\$0.00	\$0.00	\$3,363.87	\$0.00



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<b>Parcel Id:</b>	19-095300030	<b>Tax Account Id:</b>	5491
<b>Property Location:</b>	5030 HILL RD SW	<b>Zoning Code:</b>	
<b>Owner Name/Address:</b>	WESTSIDE WOODS LLC	<b>Land Value:</b>	0
	1045 HADDONFIELD DR	<b>Improvement Value:</b>	110,836
	POWDER SPRINGS GA 30127	<b>Exempt Value:</b>	0.00
		<b>Total Assessed Value:</b>	110,836.00
		<b>Deductions:</b>	None

**Make a Payment**

11/15/2020	Tax	1,052.94	0.00	0.00	0.00	PAID
11/29/2019	Tax	1,052.94	0.00	0.00	0.00	PAID

Last Payment: 10/06/20

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 Phone: 770-528-8600  
 Fax: 770-528-8679

Payer:  
 David van Gelder

**WESTSIDE WOODS LLC**

**Payment Date: 9/9/2020**

Tax Year	Parcel ID	Due Date	Appeal Amount		Taxes Due
2020	19095300130	10/15/2020	Pay:	N/A or	\$0.00
Interest	Penalty	Fees	Total Due	Amount Paid	Balance
\$0.00	\$0.00	\$0.00	\$0.00	\$1,641.33	\$0.00



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<b>Parcel Id:</b>	19-095300130	<b>Tax Account Id:</b>	5539
<b>Property Location:</b>	5002 HILL RD SW	<b>Zoning Code:</b>	
<b>Owner Name/Address:</b>	WESTSIDE WOODS LLC	<b>Land Value:</b>	0
	1045 HADDONFIELD DR	<b>Improvement Value:</b>	54,080
	POWDER SPRINGS GA 30127	<b>Exempt Value:</b>	0.00
		<b>Total Assessed Value:</b>	54,080.00
		<b>Deductions:</b>	None

<a href="#">Make a Payment</a>						
11/15/2020	Tax	513.76	0.00	0.00	0.00	PAID
11/29/2019	Tax	513.76	0.00	0.00	0.00	PAID
Last Payment: 10/06/20						

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**HEATHER WALKER** CHIEF DEPUTY  
 Phone: 770-528-8600  
 Fax: 770-528-8679

Payer:  
 David van Gelder

**WESTSIDE WOODS LLC**

**Payment Date: 9/9/2020**

Tax Year	Parcel ID	Due Date	Appeal Amount		Taxes Due
2020	19095300140	10/15/2020	Pay:	N/A or	\$0.00
Interest	Penalty	Fees	Total Due	Amount Paid	Balance
\$0.00	\$0.00	\$0.00	\$0.00	\$1,763.95	\$0.00



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<b>Parcel Id:</b>	19-095300140	<b>Tax Account Id:</b>	5540
<b>Property Location:</b>	4998 HILL RD SW	<b>Zoning Code:</b>	
<b>Owner Name/Address:</b>	WESTSIDE WOODS LLC	<b>Land Value:</b>	0
	1045 HADDONFIELD DR	<b>Improvement Value:</b>	58,120
	POWDER SPRINGS GA 30127	<b>Exempt Value:</b>	0.00
		<b>Total Assessed Value:</b>	58,120.00
		<b>Deductions:</b>	None

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11/15/2020	Tax	552.14	0.00	0.00	0.00	PAID
11/29/2019	Tax	552.14	0.00	0.00	0.00	PAID

Last Payment: 10/06/20

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**HEATHER WALKER** CHIEF DEPUTY  
Phone: 770-528-8600  
Fax: 770-528-8679

Payer:  
David van Gelder

**WESTSIDE WOODS LLC**

**Payment Date: 9/9/2020**

Tax Year	Parcel ID	Due Date	Appeal Amount		Taxes Due
2020	19095300160	10/15/2020	Pay:	N/A or	\$0.00
Interest	Penalty	Fees	Total Due	Amount Paid	Balance
\$0.00	\$0.00	\$0.00	\$0.00	\$1,563.39	\$0.00



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<b>Parcel Id:</b>	19-095300160	<b>Tax Account Id:</b>	5541
<b>Property Location:</b>	5046 HILL RD SW	<b>Zoning Code:</b>	
<b>Owner Name/Address:</b>	WESTSIDE WOODS LLC	<b>Land Value:</b>	0
	1045 HADDONFIELD DR	<b>Improvement Value:</b>	51,512
	POWDER SPRINGS GA 30127	<b>Exempt Value:</b>	0.00
		<b>Total Assessed Value:</b>	51,512.00
		<b>Deductions:</b>	None

<a href="#">Make a Payment</a>		<a href="#">View Current Bill</a>				
11/15/2020	Tax	489.36	0.00	0.00	0.00	PAID
11/29/2019	Tax	489.36	0.00	0.00	0.00	PAID
Last Payment: 10/06/20						

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**ATTACHMENT TO APPLICATION FOR REZONING**

<b>Application No.:</b>	
<b>Planning Commission Hearing:</b>	<b>February 22, 2021</b>
<b>City Council Hearing:</b>	<b>March 1, 2021</b>

**BEFORE THE PLANNING AND ZONING COMMISSIONERS  
AND THE MAYOR AND CITY COUNCIL  
FOR THE CITY OF POWDER SPRINGS, GEORGIA**

**CONSTITUTIONAL CHALLENGE  
ATTACHMENT TO APPLICATION FOR REZONING**

COME NOW, Applicant, TRATON, LLC (hereinafter referred to as “Applicant”), and Property Owner, WESTSIDE WOODS LLC (hereinafter referred to as “Owner” or “Property Owner”), and assert the following:

1.

By Application for Rezoning dated and filed January 26, 2021, Applicant and Property Owner applied for rezoning of certain real property located within incorporated City of Powder Springs, Georgia, a more particular description and delineation of the subject property being set forth in said Application (hereinafter referred to as the “Property” or “Subject Property”).

2.

The Application for Rezoning of the Property seeks rezoning from the existing zoning category of Neighborhood Retail Commercial (“NRC”) to the proposed zoning classification of PUD-R, as established by the governing authority of the City of Powder Springs, Georgia, under and pursuant to the Unified Development Code of Powder Springs Georgia, as amended, being hereinafter referred to as the “Unified Development Code of the City of Powder Springs.”

3.

With respect to the existing NRC zoning classification, Applicant and Property Owner do contend the Unified Development Code of the City of Powder Springs, Georgia is

unconstitutional as applied to the Property in that said Ordinance does not permit the Applicant and Property Owner to utilize the Property to the use set forth within the Application for Rezoning without the necessity of rezoning. However, Applicant and Property Owner do not contend the current zoning category of NRC is unconstitutional, per se, only as applied. Thus, the Ordinance deprives Applicant and Property Owner of their Property under and pursuant to Art. I, § I, ¶¶ I and II of the Georgia Constitution of 1983, and the Equal Protection and Due Process Clauses of the Fifth and Fourteenth Amendments to the Constitution of the United States of America. This deprivation of Property without due process violates the constitutional prohibition against the taking of private property without just compensation. The existing zoning category of NRC, together with any intervening zoning categories between the existing NRC category and the requested PUD-R category, violate the Applicant's and Property Owner's rights to unfettered use of their Property, as stated above, in that said zoning classifications do not bear a substantial relation to the public health, safety, morality, or general welfare and are therefore confiscatory and void. Further, said Ordinance is unconstitutional in that it is arbitrary and unreasonable resulting in relatively little gain or benefit to the public, while inflicting serious injury and loss on the Applicant and Property Owner.

4.

To the extent the Unified Development Code of the City of Powder Springs, Georgia, allows or permits the Mayor and City Council to rezone the Subject Property to any category other than as requested, said Ordinance is further unconstitutional in that same violates Applicant's and Property Owner's constitutionally guaranteed rights to due process, both substantive and procedural. Furthermore, any such action by the Mayor and City Council, or as allowed by the Unified Development Code of the City of Powder Springs, is an unconstitutional use of the zoning power and would constitute an abuse of discretion with no justification or

benefit flowing to the public welfare. Accordingly, said Ordinance or action would likewise represent a taking of private property rights without the payment of just and adequate compensation in violation of the Constitutions of the State of Georgia and the United States of America.

5.

The Ordinance is further unconstitutional in that the procedures contained therein pertaining to the public hearing held in connection with the Zoning Application also violate Art. I, § I, ¶¶ I, II, and XII of the Georgia Constitution of 1983 in that said procedures impose unreasonable time restraints, contain the absence of rebuttal, contain the inability to confront witnesses, contain the lack of procedural and evidentiary safeguards, do not restrict evidence received to the issue at hand and are controlled wholly and solely by political considerations rather than the facts and considerations required by law. These procedures fail to comport with the due process requirements of the Constitution of the State of Georgia 1983 and the due process requirements of the Constitution of the United States of America.

Respectfully submitted, this 26<sup>th</sup> day of January, 2021.

MOORE INGRAM JOHNSON & STEELE, LLP

BY: 

J. KEVINMOORE

Georgia Bar No. 519728

Attorneys for Applicant and Property Owner