



Special Use Request Application Packet

Applicant's Public Notice Requirements

The Code requires public notice of your Rezoning request, Special Use and Variance requests. The Community Development Department will tell you when and where the Planning and Zoning Commission and the Mayor and Council meetings will be held.

Newspaper: The City will publish a legal notice in the newspaper regarding your application and announcing the time and place of the public hearing. At least 15 days before the Mayor and Council but no more than 45 days prior to the date of the public hearing.

Sign Posting, Public Hearing Notice & Affidavit

Sign Posting: The applicant shall be required to post and maintain signs supplied by the City on or near the right-of way of the nearest public street, so as to be visible from the street for at least 15 days and not more than 45 days immediately preceding the date for the governing body's public hearing on the rezoning or special use application. It is your responsibility to post the signs and to maintain the signs during the posting period. Failure to post and maintain the signs continuously may prohibit consideration of the application at any scheduled public hearing. In the event the signs are not posted continuously, the City, in its sole discretion, may require the reposting and re-advertising prior to any future public hearing, for which the applicant shall pay an additional re-advertising fee. The City may also in its sole discretion, continue, hold, approve, or dismiss the application. Any dismissal under the provisions of this paragraph shall be with prejudice unless specifically noted as being without prejudice by the City.

Public Hearing Notice: At least 15 days before the Planning & Zoning Commission's public hearing, you are to mail a notice to all persons owning property within 200 feet of the property that is the subject matter of the zoning change. The notice is to state the time, place and purpose of the hearings, and include a page size copy of the sketch plan submitted with the application.

Affidavit: Prior to the public hearing you must also submit an affidavit with a copy of the notice to the Community Development Director listing the property owners and certifying the date that the notices were mailed (form attached)

City Actions

The Community Development Department will date your application when it is received. The Community Development Department has five (5) working days in which to determine that your application is complete or to return it to you for additional information. The application will not be scheduled for public hearing until it is complete. The Planning Commission's public hearing will be held at the time advertised. At the public hearing, you will be allowed to speak first in order to present the application. Others in support of the application may then speak, followed by those in opposition to the application. You may then be allowed time for rebuttal if adequate time remains. Rebuttal must be limited to points or issues raised by opponents to the application at the hearing. After the Planning Commission has made their recommendation, the Mayor and City Council will consider approval or denial of the application at their own public hearing. You or a representative thereof with authority to make binding commitments to the City with respect to any stipulations that may be offered in connection with such application shall attend the meetings, and make a presentation following the same procedure as the Planning Commission hearing. The final action taken by the Mayor and City Council will be indicated on the application form, along with any stipulations that they impose on the property if approved, and a copy will be given to you as official notice of their final action.

Contact Information

The Community Development Dept.
4488 Pineview Drive
Powder Springs GA 30127.
commdev@cityofpowdersprings.org
770-943-1666

Zoning Administrator
Shauna Wilson-Edwards
Special Projects Coordinator for Zoning
sedwards@cityofpowdersprings.org
770-943-1666



city of
powder springs

Special Use Request

Application Checklist

Applicant Information

Name <u>David Hoilett</u>	Phone <u>(404) 599-2605</u>
Mailing Address <u>1063 Meadow Grass Lane</u>	Email <u>davilus@hotmail.com</u>

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.
N/A
- List additional attachments:

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
Special Use Request
Application Form

Applicant Information

Name <u>David Hoilett</u>	Phone <u>(404) 599-2605</u>
Mailing Address <u>1063 Meadow Grass Lane</u>	Email <u>davilus@hotmail.com</u>

Rezoning Request Property Information

Address <u>4181 Lewis Road</u>	Parcel ID / Lot# <u>19094900360</u> Acreage <u>1.4 Acres</u>
Present Zoning <u>Business Park</u> Commercial	Special Use Request <u>Outdoor Storage & Parking</u> <u>Light Industrial</u>
Source of Water Supply <u>City Water</u>	Source of Sewage Disposal <u>City Sewage or Septic</u>
Peak Hour Trips Generated <u>2-3</u>	Source of Trip Information <u>Trips to and from job sites and suppliers.</u>

Additional Information, If Applicable

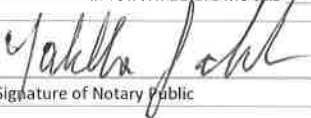
Elementary School and School's Capacity	Middle School and School's Capacity
High School and School's Capacity	

Notary Attestation

Executed in Austell (City), Georgia (State).

	<u>David Hoilett</u>	<u>6/21/2021</u>
Signature of Applicant	Printed Name	Date

Subscribed and sworn before me this 21 day of June, 2021

	<u>Tabitha Salcedo</u>	<u>02/12/2023</u>
Signature of Notary Public	Name of Notary Public	My Commission Expires



For Official Use Only

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



city of powder springs

Special Use Request

Notice of Intent

Applicant Information

Name <u>David Hoilett</u>	Phone <u>(404) 599-2605</u>
Mailing Address <u>1063 Meadow Grass Lane</u>	Email <u>davilus@hotmail.com</u>

Notice of Intent

PART I. Please indicate the purpose of this application : To Change zoning classification from ~~Commercial~~ ^{Business park} to ~~light industrial~~ ^{outdoor storage}. This is primarily to allow for outside parking for trucks, equipments and equipment trailers

PART II. Please list all requested variances:
~~Light Industrial~~ Outdoor storage and parking

Part III. Existing use of subject property:
Vacant lot

Part IV. Proposed use of subject property:
Office space, Warehouse and outside parking

Part V. Other Pertinent Information (List or attach additional information if needed):
We are in the process of purchasing the land. We will look to secure an architect after we close on the purchase of the land.

Applicant Signature

<u>David Hoilett</u> Signature of Applicant	<u>David Hoilett</u> Printed Name	Date <u>6/21/2021</u>
--	--------------------------------------	-----------------------



Special Use Request

Applicant's Written Analysis

Applicant Information

Name <u>David Hoilett</u>	Phone <u>(404) 599-2605</u>
Mailing Address <u>1063 Meadow Grass Lane</u>	Email <u>davilus@hotmail.com</u>

Written Analysis

In details please address these Special Use Criteria:

a. Whether the proposed special use is consistent with the stated purpose of the zoning district in which it will be located. <u>The parking work trucks, trailers and equipment is consistent with the zoning district.</u>
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. <u>The proposed building will be adjacent to the railroad track and the use will be consistent with other adjacent properties</u>
c. Whether the location and character of the proposed special use are consistent with a desirable pattern of development in general. <u>the location and character will be consistent with the surrounding development</u>
d. Whether the type of street providing access to the use is or will be adequate to serve the proposed special use. <u>The street access is adequate</u>
e. Whether access into and out of the property is or will be adequate to provide for traffic and pedestrian safety, the anticipated volume of traffic flow, and access by emergency vehicles. <u>There is no anticipated high volume of traffic no products are being sold and there will be access for emergency vehicles.</u>
f. Whether public facilities such as schools, water or sewer utilities, and police or fire protection are or will be adequate to serve the use. <u>All public facilities will be adequate to serve the use.</u>
g. Whether refuse, service, parking and loading areas on the property will be located or screened to protect other properties in the area from such adverse effects as noise, light, glare or odor. <u>The property is adjacent to the railroad and will be fenced in</u>
h. Whether the hours and manner of operation of the special use will have adverse effects on other properties in the area. <u>No, the property will not have adverse effects.</u>
i. Whether the height, size or location of the buildings or other structures on the property are or will be compatible with the height, size or location of buildings or other structures on neighboring properties. <u>The proposed height, size and location of the proposed building will be compatible with other neighboring properties.</u>



Special Use Request

Campaign Contribution Disclosure

Applicant and Attorney Information

Applicant's Name David Holett

Applicant's Address 1063 Meadow Grass Lane

Applicant's Attorney

Attorney's Address

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:

- Individual(s) Corporation Partnership Limited Partnership Joint Venture

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:

Jim Deville

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: N/A

Name of Official	Amount of Contribution or Gift	Date of Contribution or Gift

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



Special Use Request Owner's Authorization Form

Owner's Authorization

Applicant Name David Holett **Applicant's Address** 1063 Meadow Grass Lane

Property Address 4181 Lewis Road Powder Springs, GA **Property PIN**

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 checked="" 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"/>

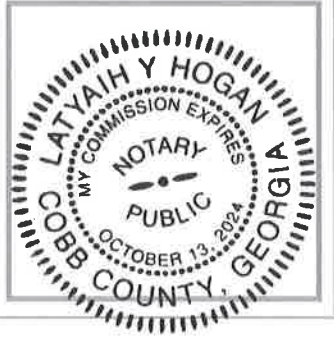
Signature of Property Owner(s)

[Signature] James A. DeVille 6/22/21
Signature of Owner Printed Name Date

State of GA, County of Cobb.

This instrument was acknowledged before me this 22 day of June month.

20 21, by James Deville name of signer. Identification Presented: Driver license



[Signature] Latyain Hogan 10/13/24
Signature of Notary Public Name of Notary Public My Commission Expires

Signature of Owner Printed Name Date

State of _____, County of _____.

This instrument was acknowledged before me this _____ day of _____ month.

20 _____, by _____ name of signer. Identification Presented: _____.

Signature of Notary Public Name of Notary Public My Commission Expires





Affidavit of Public Notification

Public Notification Requirements

Per Article 13 and 14 of the City of [Powder Springs Unified Development Code](#), I certify that I have met the advertising requirements of Article 13 and Article 14 for a Special Use, Variance or Rezoning application for subject property located at _____

Notices were mailed to all persons owning property located in whole or in part within 200 feet of any portion of the property that is the subject of the rezoning, special use or variance application. The written notice was mailed to the property owners as such names and addresses appear on the County's current ad valorem tax records on _____. Said notices were mailed at least 15 days but no more than 45 days prior to the Mayor and Council first public hearing date.

Signs were placed on the subject property advertising said hearing on _____. One sign was placed at each road frontage at least 15 days prior to the Mayor and Council first hearing date.

Please attach the following to affidavit: notices, list of addresses, picture of sign posted on property and any receipt or documentation that was provided at the post office.

Please sign affidavit after letters have been mailed out to neighboring lot owners within 200 feet of the subject site and sign/s have been posted on subject site.

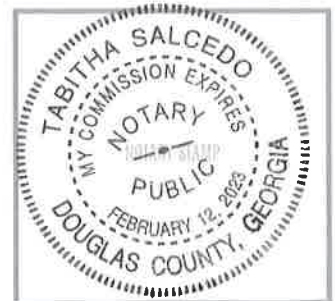
Notary Attestation

Executed in Austell (City), Georgia (State).

David Holett Signature of Applicant David Holett Printed Name 6/21/2021 Date

Subscribed and sworn before me this 21 day of June, 2021.

Tabitha Salcedo Signature of Notary Public Tabitha Salcedo Name of Notary Public 02/12/2023 My Commission Expires





Fee Schedule

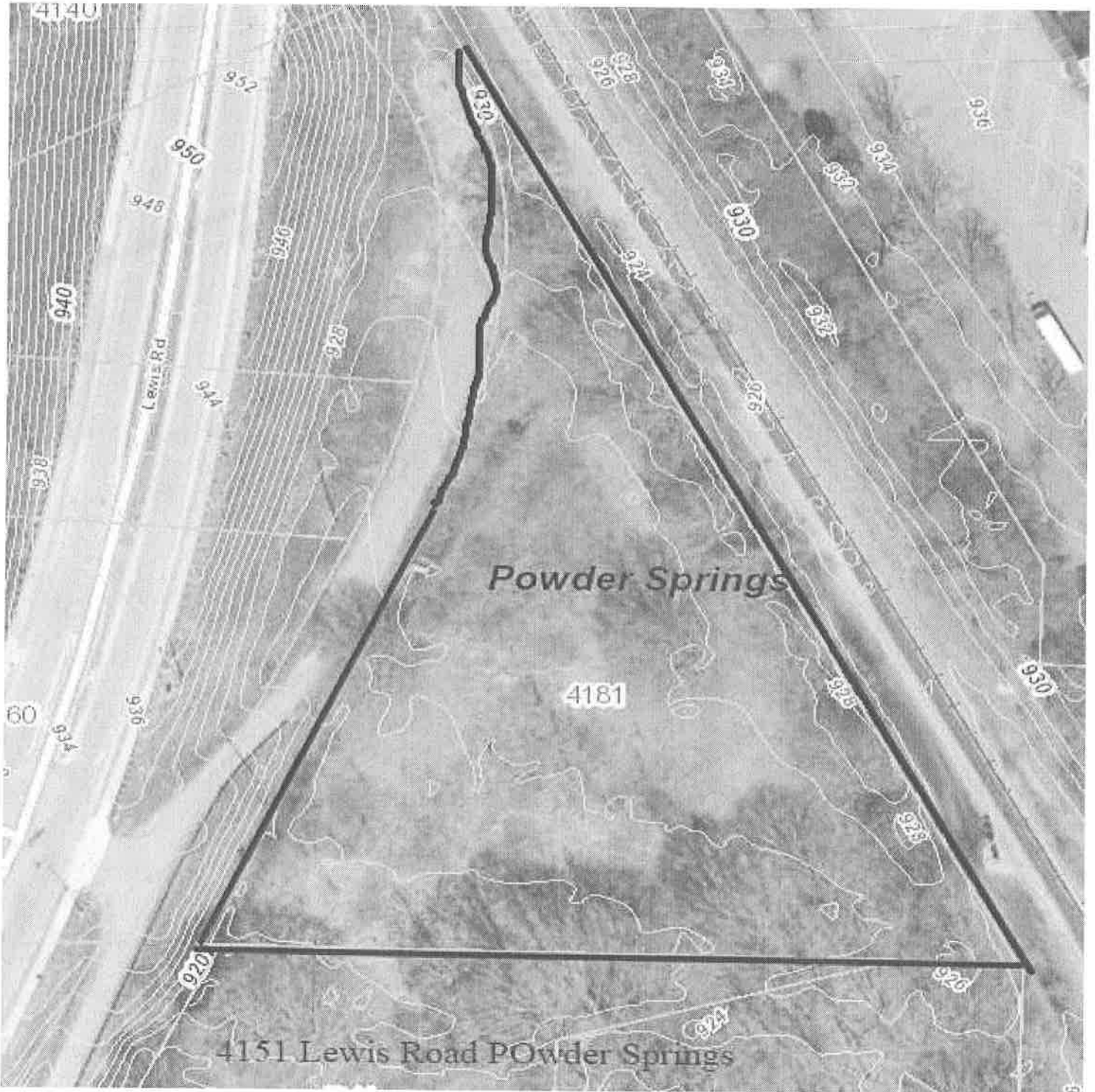
FEES – Updated 11/5/2018. Please verify cost with staff

Variance, residential	\$ 250.00
Variance, commercial	\$ 450.00
Special Use	\$ 250.00
Rezoning Application, single family, 0-5 acres	\$ 250.00
Rezoning Application, single family, 6-10 acres	\$ 700.00
Rezoning Application, single family, 11-20 acres	\$ 1,000.00
Rezoning Application, single family, 21-100 acres	\$ 1,500.00
Rezoning Application, single family, => 101 acres	\$ 1,500.00 + \$30/acre
Rezoning Application, undeveloped med/high density residential, 0-5 acres	\$ 700.00
Zoning - Rezoning Application, undeveloped med/high density residential, 6-10 acres	\$ 1,200.00
Zoning - Rezoning Application, undeveloped med/high density residential, 11-20 acres	\$ 1,500.00
Zoning - Rezoning Application, undeveloped med/high density residential, 21-100 acres	\$ 2,000.00
Rezoning Application, undeveloped med/high density residential, => 101 acres	\$ 2,000.00 + \$40 /acre
Rezoning Application, undeveloped non-residential, 0-5 acre	\$ 900.00
Rezoning Application, undeveloped non-residential, 6-10 acres	\$ 1,500.00
Rezoning Application, undeveloped non-residential, 11-20 acres	\$ 1,800.00
Rezoning Application, undeveloped non-residential, 21-100 acres	\$ 2,200.00
Rezoning Application, undeveloped non-residential, => 101 acres	\$ 2,200.00 + \$50 /acre
Zoning - Rezoning Application, developed med/high density residential, 0-20,000 SF	\$ 700.00
Rezoning Application, developed med/high density residential, 20,0001 - 50,000 SF	\$ 1,200.00
Rezoning Application, developed med/high density residential, 50,001 - 100,000 SF	\$ 1,500.00
Rezoning Application, developed med/high density residential, 100,001 - 500,000 SF	\$ 2,000.00
Rezoning Application, developed med/high density residential, => 500,001 SF	\$ 2,000.00 \$90 /100,000 SF
Rezoning Application, developed non-residential, 0-20,000 SF	\$ 900.00
Rezoning Application, developed non-residential, 20,001-50,000 SF	\$ 1,500.00
Rezoning Application, developed non-residential, 50,001-100,000 SF	\$ 1,800.00
Rezoning Application, developed non-residential, 100,001-500,000 SF	\$ 2,200.00
Rezoning Application, developed non-residential, => 500,001 SF	\$ 2,200.00 + \$115 /100,000 SF
Public Hearing signs	\$ 25.00
Public Hearing signs - Deposit	\$ 10.00

LAND FOR SALE

LIGHT INDUSTRIAL SITE

4181 Lewis Road, Powder Springs, Powder Springs, GA 30127



KW COMMERCIAL
3375 Dallas Highway, Suite 100
Marietta, GA 30064

JIM DEVILLE
Associate
O: 678.631.1780
C: 770.490.2186
jimdeville@kw.com
GA #Georgia

We obtained the information above from sources we believe to be reliable. However, we have not verified its accuracy and make no guarantee, warranty or representation about it. It is submitted subject to the possibility of errors, omissions, change of price, rental or other conditions, prior sale, lease or financing, or withdrawal without notice. We include projections, opinions, assumptions or estimates for example only, and they may not represent current or future performance of the property. You and your tax and legal advisors should conduct your own investigation of the property and transaction.

Limited Warranty Deed
EXHIBIT B



05-29-2021

Deed Book 15612 Pg 685
Filed and Recorded Mar-13-2019 01:51pm
2019-0026537
Real Estate Transfer Tax \$55.00
0332019003234

Rebecca Keaton
Clerk of Superior Court Cobb Cty. Ga.

Mail

Return Recorded Document to:
COHEN LAW OFFICE, LLC
848 Hiram Acworth Highway, Building 100
Hiram, GA 30141
HCM-19-0029

LIMITED WARRANTY DEED

STATE OF GEORGIA
COUNTY OF Cobb

THIS INDENTURE, made the 19th day of February, 2019, between

Phillip Homan and C. Gary Bullard

of the State of Georgia and County of **Cobb** party of the first part, and

James A. DeVille

of the State of **Georgia** and County of **Cobb** party of the second part,

WITNESSETH That: the said party of the first part, for and in consideration of the sum of **TEN AND 00/100 DOLLARS (\$10.00)** and other goods and valuable considerations in hand paid, at and before the sealing and delivery of these presents, the receipt of which is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell and convey unto the said party of the second part, his heirs and assigns,

All that tract or parcel of land lying and being in Land Lot 949 of the 19th District and 2nd Section of Cobb County, Georgia, and being more particularly described as follows:

Beginning at a point located on the Southeasterly side of the right of way of Lewis Road at its intersection with the South line of Land Lot 949; thence running North 25 degrees 11 minutes 28 seconds East along the Southeasterly side of Lewis Road 291.01 feet; thence running Northeasterly along the Southeasterly side of Lewis Road and following the curvature thereof 125.59 feet to a point located at the intersection of the Easterly side of the right of way of Lewis Road with the Southwesterly right of way of the Southern Railroad; thence running South 28 degrees 18 minutes 34 seconds East along said Southern Railroad right of way 399.32 feet; thence running South 77 degrees 09 minutes 38 seconds West 157.9 feet to a point located on the South line of Land Lot 949, 191.79 feet to a point and the point of beginning.

TO HAVE AND TO HOLD the said tract or parcel of land, with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise

appertaining, to the only proper use, benefit and behoof of the said party of the second part, his heirs and assigns, forever, in FEE SIMPLE.

AND THE SAID party of the first part, for his heirs, executors and administrators, will warrant and forever defend the right and title to the above described property, unto the said party of the second part, his heirs and assigns, against claims of all persons owning, holding or claiming by, through or under the said party of the first part.

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

Signed, sealed and delivered in the presence of:

Katya Janche

Witness

[Signature]

Notary Public

Phillip Homan
Phillip Homan

C. Gary Bullard
C. Gary Bullard



Deed Book 15612 Pg 686
Rebecca Keaton
Clerk of Superior Court Cobb Cty. Ga.