

CITY OF ALPHARETTA

PUBLIC HEARING APPLICATION

FOR OFFICE USE ONLY

Case #: _____

PH #: _____

Property Taxes & Code Violations Verified

Fee Paid Initial: _____

COMMUNITY DEVELOPMENT DEPARTMENT

2 PARK PLAZA

ALPHARETTA, GA 30009

1. This page should be the first page in each of your completed application packets.
2. It is preferred that all responses be typed. Illegible applications will not be accepted.
3. Prior to signing and submitting your application, please check all information supplied on the following pages to ensure that all responses are complete and accurate. Incomplete applications will not be accepted.
4. Payment of all applicable fees must be made at the time of application. Payment may be made via cash, credit card (American Express, Master Card or Visa), or check made payable to "City of Alpharetta." Please note that a 3% convenience fee will be added to all credit card transactions.
5. Applications will be accepted on the designated submittal dates between the hours of 8:30 AM and 3:30 PM.
6. If you have any questions regarding this form, please contact the Community Development Department by calling 678-297-6070.

Contact Information:

Contact Name: _____ Telephone: _____

Address: _____ Suite: _____

City _____ State: _____ Zip: _____ Fax: _____

Mobile Tel: _____ Email: _____

Subject Property Information:

Address: _____ Current Zoning: _____

District: _____ Section: _____ Land Lot: _____ Parcel ID: _____

Proposed Zoning: _____ Current Use: _____

This Application For (Check All That Apply):

Conditional Use Master Plan Amendment Comprehensive Plan Amendment

Rezoning Master Plan Review

Variance Public Hearing

Exception Other (Specify): _____

APPLICANT REQUEST AND INTENT

What is the proposed use(s) of the property?

Applicant's Request (Please itemize the proposal):

Applicant's Intent *(Please describe what the proposal would facilitate).*

PROPERTY OWNER AUTHORIZATION

Property Owner Information:

Contact Name: SHAWN SHAKIB Telephone: 770-527-7171
Address: 131 ALMOND LN. Suite: _____
City: ALPHARETTA State: GA Zip: 30004

Authorization:

I do solemnly swear and attest, subject to criminal penalties for false swearing, that I am the legal owner, as reflected in the records of Fulton County, Georgia, of the property identified below, which is the subject of the attached Application for Public Hearing before the City of Alpharetta, Georgia.

As the legal owner of record of the subject property, I hereby authorize the individual named below to act as the applicant in the pursuit of the Application for Public Hearing in request of the items indicated below.

- | | |
|---|--|
| <input type="checkbox"/> Annexation | <input type="checkbox"/> Special Use |
| <input type="checkbox"/> Rezoning | <input type="checkbox"/> Conditional Use |
| <input checked="" type="checkbox"/> Variance | <input type="checkbox"/> Master Plan |
| <input type="checkbox"/> Land Use Application | <input type="checkbox"/> Other |

Property Owner's Authorized Applicant (if applicable):

Name of Authorized Applicant: SAME AS ABOVE Telephone: _____
Address: _____ Suite: _____
City: _____ State: _____ Zip: _____

So Sworn and Attested:

Owner Signature: [Signature] Date: 2/21/24

Notary:

Notary Signature: Prisea Metran Cook 2/21/24



DISCLOSURE FORM

The Official Code of Georgia Annotated requires disclosure of campaign contributions to government officials by an applicant or opponent of a rezoning or public hearing petition (O.C.G.A. 36-67 A-1).

Applicants must file this form with the City of Alpharetta Community Development Department within ten (10) days after filing for rezoning or public hearing. Opponents to a rezoning or public hearing petition must file this form five (5) days prior to the Planning Commission meeting at which the subject rezoning or public hearing petition is scheduled to be heard.

Name of Applicant or Opponent: SPAWN SHARKE

Subject Public Hearing Case: _____

Campaign Contribution Information:

Please provide the requested information for each contribution with a dollar amount or value of \$250 or more made within the past two (2) years to an Alpharetta Official by the individual identified above. Please use a separate form for each Alpharetta Official to whom such a contribution as been made.

If the individual identified above has made no such contributions to an Alpharetta Official within the past two (2) years, please indicate this by entering "N/A" on the appropriate lines below.

Name of Official: N/A Position: _____

Description of Contribution: _____ Value: 0

Description of Contribution: _____ Value: _____

Description of Contribution: _____ Value: _____

Description of Contribution: _____ Value: _____

Description of Contribution: _____ Value: _____

Campaign Contribution Information:

I do solemnly swear and attest, subject to criminal penalties for false swearing, that the information provided in this Disclosure Form is true and accurate and that I have disclosed herein any and all campaign contributions made to an Official of the City of Alpharetta, Georgia in accordance with O.C.G.A. 36-67 A-1.

Signature: [Handwritten Signature]

Date: 2/21/24



Miles Hansford, LLC

ATTORNEYS AT LAW

202 Tribble Gap Road · Suite 200 · Cumming, GA 30040
178 S Main Street · Suite 310 · Alpharetta, GA 30009
Phone 770.781.4100

MilesHansford.com

J. Ethan Underwood
eunderwood@MilesHansford.com

March 22, 2024

CAMPAIGN DISCLOSURE

Applicant:	Shawn Shakib
Subject Property:	1.015 Acres Designated as Fulton County Tax Parcel(s): 22 465311770142
Current Zoning:	AG – Agricultural District
Proposed Zoning:	AG – Agricultural District
Proposed Use:	1 Single Family Dwelling, Detached
Application:	Variance
ROW Access:	Dania Drive
Governing Jurisdiction:	City of Alpharetta

To Whom It May Concern:

Pursuant to Section 36-67A-3 of the Official Code of Georgia Annotated, adopted by the Georgia General Assembly, effective July 1, 1986, please be advised that as of the date of this letter, Miles Hansford, LLC has made the following campaign contributions to local officials of the Governing Jurisdiction:

- January 3, 2022 – Councilman Donald Mitchell - \$500 .00
- April 26, 2023 – Councilman Fergal Brady - \$500.00
- May 3, 2023 – City Councilman John Hipes - \$500.00

This letter constitutes the disclosure of campaign contributions with respect to the above-referenced application.

Sincerely,

Ethan Underwood
Attorney for Applicant

BOARD OF ZONING APPEALS REVIEW CRITERIA

Please respond to the following ONLY if you are applying for a zoning variance.

Are there extraordinary and exceptional conditions pertaining to the subject property because of its size, shape, or topography? Please describe them.

Would the application of the Zoning Code standards as they relate to the subject property create an unnecessary hardship? Please explain.

Are there conditions that are peculiar to the subject property? Please describe them in detail.

Would relief, if granted, cause substantial detriment to the public good or impair the purpose and intent of the Zoning Code? Please defend your response.

On a separate sheet or sheets, please provide any information or evidence that supports your request and the statements that you have provided in this application.

CITIZEN PARTICIPATION FORM - PART A

This form must be completed and submitted with the applicant's completed Public Hearing Application. Applications submitted to the City of Alpharetta without a completed Citizen Participation Form - Part A will not be accepted.

Public Hearing or Project Name: _____

Contact Name: _____ Telephone: _____

The following people will be notified of this application and provided information describing the subject proposal. Please note that ALL adjoining property owners MUST be notified. Use additional pages as needed.

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Method by which these individuals will be contacted. Please mark all that apply. *If you select "Other," please provide a description of the method of contact that will be used.*

- | | |
|------------------------------------|--|
| <input type="checkbox"/> Letter | <input type="checkbox"/> Personal Visits |
| <input type="checkbox"/> Telephone | <input type="checkbox"/> Group Meeting |
| <input type="checkbox"/> Email | <input type="checkbox"/> Other <i>(Please Specify)</i> |

Please describe the method(s) by which these individuals will have the opportunity to respond or contact the applicant with questions or concerns about the proposal.

Project:
265 Dania Dr.
Alpharetta, Ga 30009

BUILDING:
A. OCCUPANCY CLASSIFICATION: R-3
B. TYPE OF CONSTRUCTION: VB
C. BUILDING FLOOR AREA: 0,000 S.F.
D. ZONING: R15

PROJECT DESCRIPTION:
NEW RESIDENCE

CODES:
ALL BUILDING CONSTRUCTION DESCRIBED IN THESE PLANS SHALL BE CONSTRUCTED IN COMPLIANCE WITH THE LATEST CITY OF ALPHARETTA CONSTRUCTION CODES WHICH INCLUDES APPENDICES AND AMENDMENTS TO THE FOLLOWING CODES:

IRC - INTERNATIONAL RESIDENTIAL CODE - 2018 EDITION, W/ GA AMENDMENTS

Job Number:
23109

KRA
KEVIN ROSSER & ASSOCIATES, INC.
CLASSICAL ARCHITECTURAL DESIGN
WWW.KVINROSSER.COM
PH (770) 317-9964 INFO@KEVINROSSER.COM
6575 FOX CREEK DRIVE • CUMMING, GEORGIA • 30040

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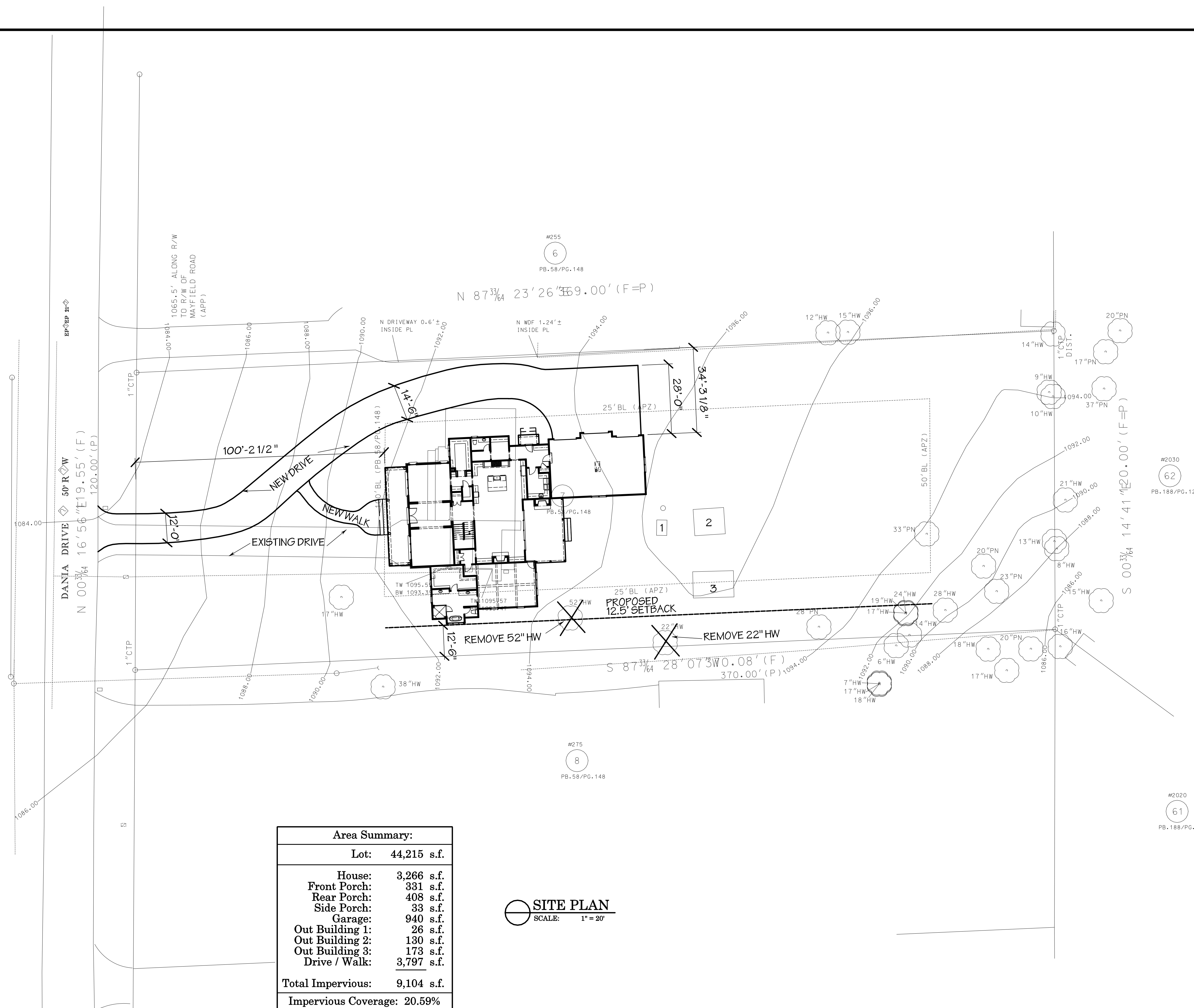
Date:
October 10, 2022

Revised:

Area:
4,335 s.f.

Drawn / Checked:
KRA

Sheet No.:
of ?



BUILDING:

- A. OCCUPANCY CLASSIFICATION: R-4
- B. TYPE OF CONSTRUCTION: VB
- C. BUILDING FLOOR AREA: 5,166 S.F.
- D. ZONING: AG

PROJECT DESCRIPTION:
NEW RESIDENCE

CODES:
ALL BUILDING CONSTRUCTION DESCRIBED IN THESE PLANS SHALL BE CONSTRUCTED IN COMPLIANCE WITH THE LATEST CITY OF ALPHARETTA CONSTRUCTION CODES WHICH INCLUDES APPROVED AND AMENDMENTS TO THE FOLLOWING CODES:

IRC - INTERNATIONAL RESIDENTIAL CODE - 2018 EDITION, W/ GA AMENDMENTS

Job Number:
21110

KRA
KEVIN ROSSER & ASSOCIATES, INC.
CLASSICAL ARCHITECTURAL DESIGN
424 (770) 237-0064 kevin@kroa.com
6075 Eloy Crest Drive • Dunwoody, Georgia • 30008

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Date:
March 9-2023

Revised:

Area:
5,165 s.f.

Drawn / Checked:
KRA

Sheet No.:
A5 of 12



1 FRONT ELEVATION
SCALE: 1/4" = 1'-0"

SPECIMEN TREE REPORT

CITY OF ALPHARETTA

Client

Shawn Shakib

Address

265 Dania Dr



Project

23054

Survey Date

7/11/2023

Alex Phillips
ISA Certified Arborist MA-4868A
Tree Risk Assessment Qualified
American Society of Landscape Architects



Canopy
Consultants
www.canopy-consultants.com

404.858.7471

265 Dania Dr

Specimen Tree Inventory

Some trees on a site warrant special consideration and encouragement for preservation. The intent of these specifications is to provide the necessary information to facilitate project design, plan review and enforcement processes. The City of Alpharetta Specimen tree specifications are organized by size:

Flowering Understory trees over 8" DBH

Sourwood trees over 10" DBH

Beech, Blackgum, Persimmon, Sassafras trees over 20" DBH

Magnolia trees over 20" DBH

Cedrus and Thuja trees over 20" DBH

Overstory Hardwood over 24" DBH

Poplars and Sweetgums trees over 30" DBH

Pine trees over 30" DBH

Any tree that does not meet the following requirements as set forth by the International Society of Arboriculture shall be deemed poor in condition, a danger to human life and property and removed from the site.

Life expectancy less than 15 years

A trunk with visible decay

More than one major and several minor dead limbs (hardwoods)

Major insect or pathological problems

Landscape Tree Inventory

Landscape trees and trees of quality on a site may warrant consideration for preservation. Landscape trees include street trees, parking lot trees and boundary trees. Trees of quality include smaller non specimen trees that are in groupings or groves that have special interest and character.

Site Location

The site is located on a residential street in the Northwest area of the city. It is large lot single family residential. Large open front yard and backyard. There are a few large specimen trees and a small grove of smaller over story trees in the rear yard. One large boundary tree to the South in the front yard.



265 Dania Dr

Definitions

Tree Number: Trees are tagged with an aluminum disk that shows a unique number to identify the tree.

Species: Trees are listed by a regional common name and botanical name.

Diameter at Breast Height (DBH): The diameter of a trunk at 4.5' above ground level. Measured in inches.

Condition:

Good: A specimen tree with healthy productive tip growth. A sound trunk with no visible damage or decay. No major limb loss and healthy branch unions. No visible insect or disease infestations. Life expectancy of more than 15 years.

Fair: A specimen tree with healthy but not vigorous tip growth. Less than 30% of crown is dead. No major dead limbs and no major trunk cavities or damage. Branch unions show some signs of stress. Tree is expected to live longer than 10 years.

Poor: More than 30% of the crown is dead or has significant tip die back. More than one major limb is dead and are large trunk cavities with visible decay. Severe insect or disease damage leading to immediate death. Roots are visible and show signs of decay and rot. Life expectancy is less than 5 years.

Dead: Tree has no bud or leaf production. All limbs are barren and rot is visible.

Invasive: Tree species whose native range is not within the Piedmont classification.

Hazardous: Severe or uncorrectable damage that will lead to a loss of property or life if there is tree failure.



265 Dania Dr

Specimen Tree Report

Tree #	Species	DBH	Condition	Comments
1001	<i>Quercus flacata</i> S Red Oak	52"	Fair	Fair #1: U split at 10' and some dieback on over extended limbs. Pic #1 & #2
1002	<i>Pinus spp</i> Pine	33"	Good	Tree is in good health.

Total Specimen Sized Trees: 2

Good Condition: 1

Fair Condition: 1

Poor Condition: 0



265 Dania Dr



Pic # 1: Split at 10' with some dieback on over extended limbs. Fair #1



Pic # 2: Split at 10' with some dieback on over extended limbs. Fair #1



265 Dania Dr

Tree of Quality Report

Tree #	Species	DBH	Condition	Comments
TOQ1	<i>Carya illinoensis</i> Pecan	17"	Good	Tree is in good health.

Tree of Quality Summary: One tree of quality is located on site.

Landscape Tree Report

Landscape Tree Summary: There are no landscape trees on site.

Boundary Tree Report

Tree #	Species	DBH	Condition	Comments
BO1	<i>Quercus falcata</i> S Red Oak	38"	Good	Tree is in good health.
BO2	<i>Liquidambar styraciflua</i> Sweetgum	7"	Good	Tree is in good health.
BO3	<i>Liquidambar styraciflua</i> Sweetgum	17"	Good	Tree is in good health.
BO4	<i>Liquidambar styraciflua</i> Sweetgum	18"	Good	Tree is in good health.
BO5	<i>Cornus florida</i> Dogwood	6"	Good	Tree is in good health.

Boundary Tree Summary: There are 5 boundary trees that could be impacted by the development. All other boundary trees are located at a distance from the setback line with a DBH that will not have CRZ impacts.



265 Dania Dr

Undersized Tree Report

Tree #	Species	DBH	Condition	Comments
U1	<i>Liquidambar styraciflua</i> Sweetgum	24"	Poor	Large trunk wound with hollow.
U2	<i>Liquidambar styraciflua</i> Sweetgum	19"	Poor	Large trunk wound with hollow.
U3	<i>Liriodendron tulipifera</i> Poplar	28"	Poor	Large trunk wound with hollow.

Undersized Tree Summary: Three trees in the tree save area are in Poor condition with large trunk wounds and hollows. All other trees are in good condition.



Pic # 1: Large trunk wound with hollow.
24" Sweetgum and 19" Sweetgum



Pic # 2: Large trunk wound with hollow.
28" Poplar





PROPERTY IS SERVICED BY PRIVATE ON-SITE SEPTIC SYSTEM.

VERTICAL DATUM NAVD88

EXIST. HOUSE FFE MAIN 1094.53

*** LEGEND ***

- APD AS PER DEED
- AE ACCESS EASEMENT
- APF AS PER FIELD
- AIF ANGLE IRON FOUND
- APP AS PER PLAT
- APR AS PER RECORD
- APZ AS PER ZONING
- B BOLLARD
- BC BACK OF CURB
- BLK BLOCK
- BL BUILDING LINE SETBACK
- BR BRICK
- CB CATCH BASIN
- CBX CABLE BOX
- CL CENTER LINE
- CLF CHAIN LINK FENCE
- CM CADASTRAL MAP
- CMP CORRUGATED METAL PIPE
- C.O.A. CITY OF ATLANTA
- CO SAN. SEWER CLEANOUT
- CP CALCULATED POINT
- CPT CARPORT
- CTP CRIMP TOP PIPE FOUND
- D DEED
- DE DRAINAGE EASEMENT
- DI DRAINAGE INLET
- EB ELECTRIC POWER BOX
- EM ELECTRIC METER
- EP EDGE OF PAVEMENT
- F FIELD
- FC FENCE CORNER
- FH FIRE HYDRANT
- FP FENCE POST
- FR FRAME
- GL GAS LINE
- GM GAS METER
- GV GAS VALVE
- GW GUY WIRE
- HDW HEAD WALL
- HW HARDWOOD TREE
- ICM IRRIGATION CONTROL METER
- IPF IRON PIN FOUND
- IRP IRON PIN SET
- IR IRON ROD FOUND
- IRF IRON FENCE
- IM IRRIGATION METER
- IV IRRIGATION VALVE
- JB JUNCTION BOX
- LP LIGHT POLE
- LLU LAND LOT LINE
- MAG MAGNETIC READING
- MGN MAGNOLIA TREE
- MAN MANHOLE
- MTF METAL TREE
- N N'BOR.
- OH OVERHANG
- OTP OPEN TOP PIPE FOUND
- OJ OWNERSHIP UNCLER
- P PORCH
- PC PROPERTY CORNER
- PL PROPERTY LINE
- PN PINE TREE
- POB POINT OF BEGINNING
- POC POINT OF COMMENCEMENT
- PP POWER LINE
- PLAT
- R RECORD
- RBF REINFORCING BAR FOUND
- RBS REINFORCING BAR SET
- RCP REINFORCED CONC. PIPE
- R/W RIGHT-OF-WAY
- SN SIGN
- SLL SANITARY SEWER LINE
- SSS SANITARY SEWER EASEMENT
- SP SCREENED PORCH
- ST TOP OF BANK
- TP TRAFFIC POLE
- UE UTILITY EASEMENT
- WD WOOD
- WDF WOOD FENCE
- WDE WOOD DECK
- WL WATER LINE
- WM WATER METER
- WF WIRE FENCE
- WV WATER VALVE
- WE WET WEATHER
- YI YARD INLET
- X-X FENCE
- INDICATES STAIRS
- INDICATES BUSHES

*** LINE INDICATORS ***

- INDICATES EASEMENT
- INDICATES FENCE LINE
- INDICATES POWER LINE
- INDICATES SANITARY SEWER LINE
- INDICATES DRAINAGE LINE
- INDICATES WATER LINE
- YELLOW LINE (FUEL/GAS/OIL)
- RED LINE (ELECTRICAL)
- ORANGE LINE (TELECOMM)

*** SYMBOLS ***

- ELECTRIC PANEL/METER
- WATER METER
- AIR CONDITIONER
- GAS METER
- WATER VALVE
- SANITARY SEWER MANHOLE
- STORM MANHOLE
- TRAFFIC/INFO SIGN
- GAS MARKER
- LAMP POST
- FIRE HYDRANT
- DRAINAGE INLET


FLOOD NOTE:
I HAVE THIS DATE, EXAMINED THE "FIA 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 TO ITS OPINION FOR SAID PARCEL.
MAP ID: 13121C0058F
EFFECTIVE DATE: 09/18/2013
ZONE: X

THE FLOOD INFORMATION ON THIS PLAT HAS BEEN DETERMINED AFTER REVIEW OF MAPS WHICH ONLY APPROXIMATE THE LOCATION OF THE APPLICABLE FLOOD HAZARD AREA. A SECOND OPINION OR COMPREHENSIVE FLOOD EVALUATION STUDY IS SUGGESTED FOR MORE ACCURATE INFORMATION FOR FURTHER INFORMATION CONTACT THE LOCAL DRAINAGE DEPARTMENT, CORPS OF ENGINEERS AND INSURANCE COMPANY OR AN APPRAISER.

FUTURE FLOOD DISCLAIMER:
THE FLOOD DATA SHOWN HEREON IS PER FEMA ACTIVE PANEL MAP WITH EFFECTIVE DATE AS SHOWN. THERE MAY BE FUTURE FLOOD ELEVATION INFORMATION STUDIED INTERNALLY BY THE LOCAL GOVERNING MUNICIPALITY IN WHICH THE SUBJECT PROPERTY SITUATES AND THAT INFORMATION MAY NOT BE AVAILABLE TO THE PUBLIC, THEREBY NOT REFLECTED ON THE CURRENT FEMA PANEL MAP ON THE DATE OF THIS SURVEY. WE REQUEST ANY AND ALL FUTURE FLOOD INFORMATION FROM THE APPLICABLE MUNICIPALITIES AND SHOW THAT INFORMATION HEREON WHENEVER POSSIBLE. IT IS THE RESPONSIBILITY OF THE END USER OF THIS SURVEY TO VERIFY THE APPLICABLE FLOOD INFORMATION DURING THE DEVELOPMENT PHASE, OR OTHER FUTURE USE, BEYOND THE DATE OF THIS SURVEY.

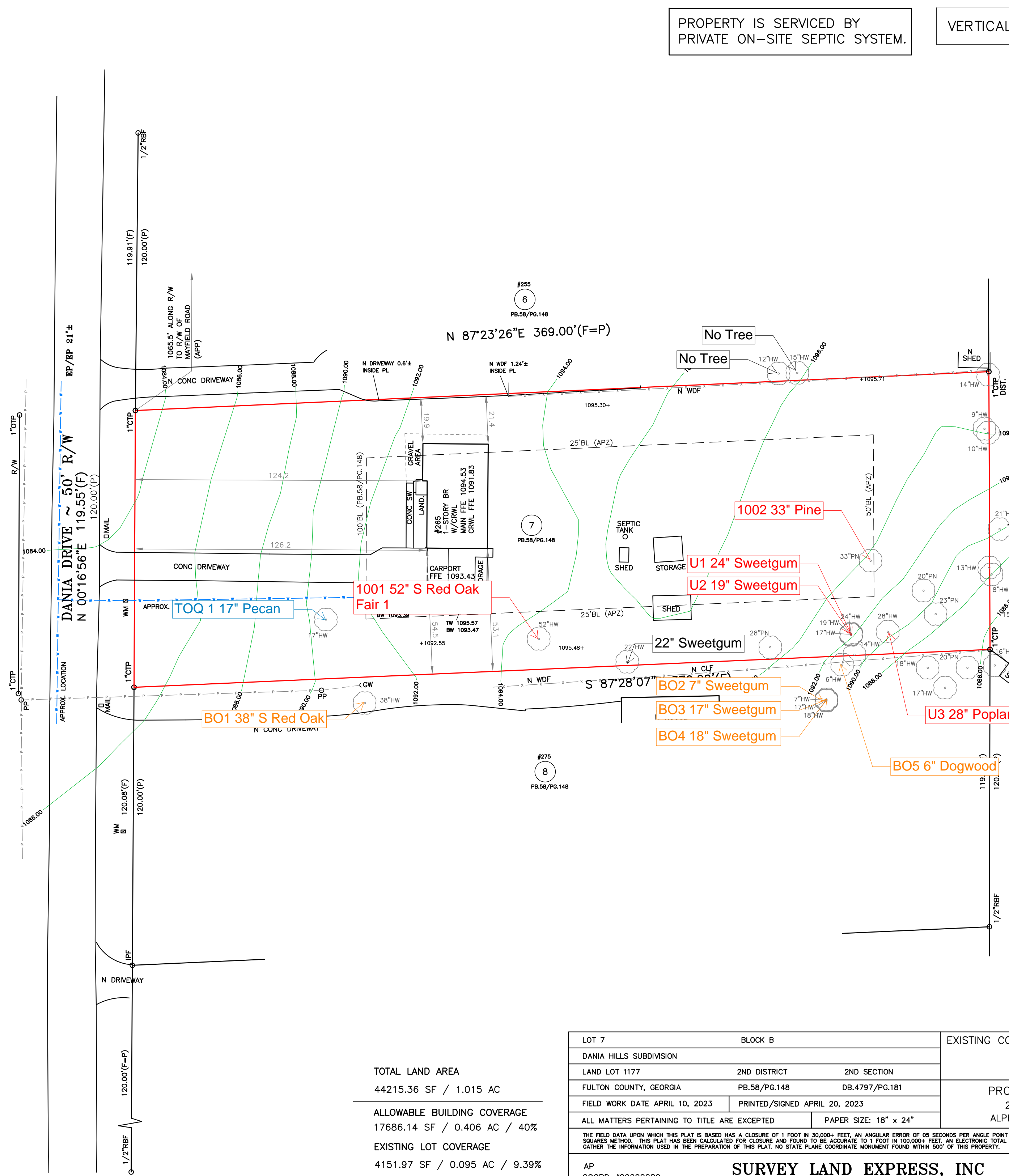
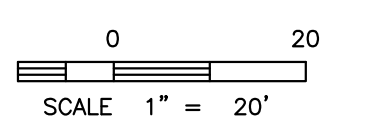
SURVEY NOTES:
1. STORM SEWER, SANITARY SEWER AND OTHER BURIED UTILITIES MAY HAVE BEEN PAVED OR COVERED OVER. THE LOCATION OF UNDERGROUND UTILITIES AS SHOWN HEREON ARE BASED ON ABOVE GROUND STRUCTURES AND RECORD DRAWINGS PROVIDED TO THE SURVEYOR. LOCATION OF UNDERGROUND MAY VARY FROM LOCATIONS SHOWN HEREON. ADDITIONAL BURIED UTILITIES MAY BE ENCOUNTERED. NO EXCAVATIONS WERE MADE DURING THE PROCESS OF THIS SURVEY TO LOCATE BURIED UTILITIES. BEFORE EXCAVATIONS ARE BEGUN, TELEPHONE, ELECTRIC, WATER AND SEWER, GAS COMPANIES SHOULD BE CONTACTED FOR VERIFICATION OF UTILITY TYPE AND FOR FIELD LOCATIONS.
2. THIS PLAT WAS PREPARED TO SHOW THE APPROXIMATE LOCATION OF THE IMPROVEMENTS AND IS NOT RECORDABLE. FENCES SHOULD NOT BE LOCATED USING SIDE DIMENSIONS FROM THE HOUSE. ALL MATTERS OF THE TITLE ARE EXCEPTED. THIS PLAT IS SUBJECT TO ALL LEGAL EASEMENTS AND RIGHT OF WAY PUBLIC OR PRIVATE.
3. SURVEYOR HAS MADE NO INVESTIGATION OR INDEPENDENT SEARCH FOR EASEMENTS OF RECORD RECORDED AND NOT RECORDED, ENCUMBRANCES, RESTRICTIVE COVENANTS, OWNERSHIP TITLE EVIDENCE, OR ANY OTHER FACTS THAT ARE ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE.
4. THIS SURVEY WAS MADE WITHOUT THE BENEFIT OF CURRENT TITLE COMMITMENT, EASEMENTS AND ENCUMBRANCES MAY EXIST WHICH BENEFIT OR BURDEN THIS PROPERTY. MATTERS OF TITLE ARE EXCEPTED. PROPERTY OWNER OR PERSON ORDERING THE SURVEY IS RESPONSIBLE TO CONTACT CLOSING ATTORNEY OR TITLE COMPANY FOR A FULL TITLE SEARCH AND COMMITMENT INCLUDING ALL THE EXCEPTIONS.
5. SURVEY LAND EXPRESS, INC IS NOT RESPONSIBLE FOR AND DOES NOT WARRANT THE ZONING INFORMATION AND INTERPRETATION AS PROVIDED HEREIN. THIS INFORMATION IS OBTAINED USING ON-LINE SOURCES, TELEPHONE CONVERSATION WITH ZONING OFFICE AT THE COUNTY OR CITY, ETC. AND CANNOT GUARANTEE ITS ACCURACY. IT IS RECOMMENDED THAT THE CLIENT OR USER OF THIS DATA VERIFY THIS INFORMATION WITH THE ISSUING AUTHORITY.
6. THIS PLAT WAS PREPARED FOR THE EXCLUSIVE USE OF THE PERSON, PERSONS OR ENTITY NAMED HEREON. THIS PLAT DOES NOT EXTEND TO ANY UNNAMED PERSON, PERSONS, OR ENTITY WITHOUT THE EXPRESS RECERTIFICATION OF THE SURVEYOR NAMING SUCH PERSON, PERSONS, ENTITY.

THIS SURVEY PLAT OF EXISTING CONDITIONS ON THE PROPERTY MUST BE USED AS A SINGLE STAND ALONE DOCUMENT. IT CAN NOT BE SCANNED AND ALTERED, CROPPED OUT COPY/PASTE OR MODIFIED WITH SURVEY LAND EXPRESS TITLE BLOCK, SURVEYOR'S STAMP AND SIGNATURE. THIS SURVEY PLAT CAN BE ONLY ATTACHED AS A SEPARATE DOCUMENT BY ITSELF TO DEVELOPMENT PROJECTS AND SITEPLANS AND CAN NOT BE INSERTED WITH SURVEY LAND EXPRESS TITLE BLOCK, SURVEYOR'S STAMP AND SIGNATURE TO SOME OTHER DEVELOPMENT PROJECTS PREPARED BY ANY OTHER PARTY WITHOUT WRITTEN APPROVAL AND ORIGINAL BLUE INK SIGNATURE OF THE SURVEYOR OF RECORD.


ZONING NOTE:
BEFORE DEVELOPMENT OF THIS PROPERTY, DEVELOPER AND ARCHITECT TO CONFIRM ZONING DISTRICT, PER ZONING DEPARTMENT. ZONING INFORMATION SHOWN HEREON WAS DERIVED FROM ONLINE SOURCE MUNICOD. 

PROPERTY IS ZONED AG CITY OF ALPHARETTA
BUILDING SETBACKS AS PER:
FRONT 100'
SIDE 25'
REAR 50'
MAX LOT COVERAGE 40%
MAX GROUND COVERAGE BY PRINCIPAL BLDG. 25%
MAX BUILDING HEIGHT 35'

IF YOU DO GEORGIA... CALL US FIRST
1-800-282-7411
770-623-5444
(METRO ATLANTA ONLY)
UTILITY PROFESSIONAL CENTER
IT'S THE LAW



TOTAL LAND AREA
44215.36 SF / 1.015 AC
ALLOWABLE BUILDING COVERAGE
17686.14 SF / 0.406 AC / 40%
EXISTING LOT COVERAGE
4151.97 SF / 0.095 AC / 9.39%

LOT 7	BLOCK B	EXISTING CONDITIONS SURVEY PREPARED FOR:	SHEET 1 OF 1
DANIA HILLS SUBDIVISION		SHAWN SHAKIB	
LAND LOT 1177	2ND DISTRICT 2ND SECTION		
FULTON COUNTY, GEORGIA	PB.58/PG.148 DB.4797/PG.181	PROPERTY ADDRESS: 265 DANIA DRIVE ALPHARETTA, GA 30009	
FIELD WORK DATE APRIL 10, 2023	PRINTED/SIGNED APRIL 20, 2023		
ALL MATTERS PERTAINING TO TITLE ARE EXCEPTED PAPER SIZE: 18" x 24"			
<p>THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE OF 1 FOOT IN 30,000+ FEET, AN ANGULAR ERROR OF 05 SECONDS PER ANGLE POINT AND WAS ADJUSTED USING THE LEAST SQUARES METHOD. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND FOUND TO BE ACCURATE TO 1 FOOT IN 100,000+ 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.</p>			
AP COORD #20222280 DWG #20230552	SURVEY LAND EXPRESS, INC LAND SURVEYING SERVICES		24 LENOX POINTE ATLANTA, GA 30324 FAX 404-601-0941 TEL 404-252-5747 INFO@SURVEYLANDEXPRESS.COM

IN MY OPINION, THIS PLAT IS A CORRECT REPRESENTATION OF THE LAND PLAT AND HAS BEEN PREPARED IN CONFORMITY WITH THE MINIMUM STANDARDS AND REQUIREMENTS OF LAW.



J. Ethan Underwood
eunderwood@MilesHansford.com

RESERVATION OF CONSTITUTIONAL AND OTHER LEGAL RIGHTS

Applicant:	Shawn Shakib
Subject Property:	1.015 Acres Designated as Fulton County Tax Parcel(s): 22 465311770142
Current Zoning:	AG – Agricultural District
Proposed Zoning:	AG – Agricultural District
Proposed Use:	1 Single Family Dwelling, Detached
Application:	Variance
ROW Access:	Dania Drive
Governing Jurisdiction:	City of Alpharetta

This Reservation of Constitutional and Other Legal Rights (“the Reservation”) is intended to supplement and form a part of the land use application (including any request for zoning, conditional use permit, site plan approval, and variances) (collectively, the “Application”) of the Applicant and the owners of the Subject Property (collectively, the “Owner”) and to put the Governing Jurisdiction on notice of the Applicant’s assertion of its constitutional and legal rights.

The Applicant has filed a timely application, has provided all required information and has submitted the appropriate application fees. The Application meets all judicial and statutory requirements for approval.

The Applicant objects to the standing of any opponents who are not owners of land adjoining the Subject Property and to the consideration by the Governing Jurisdiction of testimony or evidence presented by any party without standing in making its decision regarding the Application. The Applicant also objects to the consideration of testimony or evidence that is hearsay, violates any applicable rules of procedure or evidence, or that is presented by any party who fails to comply with notice and campaign disclosure requirements.

The Current Zoning (and/or zoning conditions) of the Subject Property is unconstitutional and deprives the Subject Property and all viable economic use thereof. The Proposed Use is the only viable economic use of the Subject Property, and the Governing Jurisdiction has deemed this Application necessary to allow the Proposed Use. As such, the Applicant and Owner file this Application for the purpose of changing the Current Zoning (and/or zoning conditions and requesting variances) to facilitate the Proposed Use, and to exhaust administrative remedies in the event the Application is denied. As such, the filing of this application is not an admission of the need for any such approval of the Applicant’s right to develop the property. The Applicant and Owner reserve the right to challenge the Current Zoning and any zoning conditions and other restrictions affecting the Subject Property.

Denial of the Application or approval of the Application in any form that is different than as requested by the Applicant will impose a disproportionate hardship on the Applicant and Owner of the Subject Property without benefiting any surrounding property owners. There is no reasonable use of the Subject Property

other than as proposed by the Application and no resulting benefit to the public from denial of or modification to the Application.

Any provisions in the applicable land use, subdivision, and /or zoning ordinances (collectively the “Zoning Ordinance”) that classify, or may classify, the Subject Property into any of the non-requested zoning or use classifications, including the Proposed Zoning District and Proposed Use at a density or intensity less than that requested by the Applicant, are unconstitutional in that they constitute a taking of the Applicant’s and Owner’s property rights without first paying fair, adequate, and just compensation for such rights in violation of Article I, Section III, Paragraph I of the Georgia Constitution of 1983, as amended and the Fifth and Fourteenth Amendments to the Constitution of the United States.

The Subject Property is suitable for development as proposed in the Application and it is not suitable for development under any other zoning classification, use, or at a density or intensity less than that requested by the Applicant. Failure to approve the Application as requested by the Applicant would be an unreasonable application of local land use authority, which bears no relationship to the public health, safety, morality or general welfare of the public and would constitute an arbitrary and capricious abuse of discretion in violation of Article I, Section I, Paragraph I of the Georgia Constitution of 1983, as amended and the Due Process Clause of the Fifth and Fourteenth Amendments to the Constitution of the United States.

A refusal by the Governing Jurisdiction to approve the Application as requested by the Applicant will prohibit the only viable economic use of the Subject Property, will be unconstitutional and will discriminate in an arbitrary, capricious and unreasonable manner between the Applicant and Owner and the owners of similarly situated properties in violation of Article I, Section I, Paragraph II of the Georgia Constitution of 1983, as amended, and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States.

A refusal by the Governing Jurisdiction to approve the Application as requested by the Applicant without the consent of persons elected to the governing body of the Governing Jurisdiction will amount to an unlawful delegation of the Governing Jurisdiction’s authority, in violation of Article IX, Section II, Paragraph IV of the Georgia Constitution of 1983, as amended.

Furthermore, the Governing Jurisdiction cannot lawfully impose more restrictive standards on the Subject Property’s development than are presently set forth in the Zoning Ordinance. Any conditions or other restrictions imposed on the Subject Property without the consent of the Applicant and Owner that do not serve to reasonably ameliorate the negative impacts of the development are invalid and void. The imposition of improvements or design requirements unnecessary to facilitate the proposed development constitute an illegal impact fee, an unconstitutional condemnation, or both. As such, the Applicant and Owner reserve the right to challenge any such conditions, restrictions, or design requirements.

The Applicant and Owner assert that each has expended substantial sums and significantly changed its economic position in reliance upon versions of the Zoning Ordinance that allow the development of the Subject Property as proposed by the Applicant. As such, the Applicant has acquired vested rights to develop the property and the filing of this Application shall not constitute a waiver of those vested rights.

Finally, the Applicant and Owner assert that the current Zoning Ordinance, Character Area Map, Future Development Map and Comprehensive Plan were not adopted in compliance with the laws or constitutions of the State of Georgia or of the United States, and a denial of the Applicant's request based upon provisions illegally adopted will deprive the Applicant and Owner of due process under the law.

This Reservation constitutes an Ante Litem Notice pursuant to O.C.G.A. § 36-11-1, which places the Governing Jurisdiction and all other agents of the Governing Jurisdiction, in their official and individual capacities, on notice of the Applicant's and Owner's intent to seek monetary damages and attorney's fees against the Governing Jurisdiction for any rezoning action, zoning condition, illegal impact fee, and any other unlawful restrictions and exactions that are imposed upon the Subject Property, the Applicant, or the Owner.

By filing this Reservation, the Applicant reserves all rights and remedies available to it under the United States Constitution, the Georgia Constitution, all applicable federal, state, and local laws and ordinances, and in equity.

The Applicant and Owner respectfully request that the Application be approved as requested by the Applicant and in the manner shown on the Application, which is incorporated herein by reference. This Reservation forms an integral part of the Application, and we ask that this Reservation be included with the Applicant's other Application materials. The Applicant and Owner reserve the right to amend and supplement this Reservation at any time.

Sincerely,



Ethan Underwood
Attorney for Applicant