

**Letter of Intent and Zoning Impact Analysis**

Presented by:

Magnolia Drive LLC.

**Proposed Development:**

10205 Jones Bridge Road, Johns Creek GA 30022

+/- 1.4 Acres

Zoning from: TR to R5

3 residential lots

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SEP 13 2022

RZ-22-0007 & VC-22-0017

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## **INTRODUCTION**

This zoning petition is filed with the intent to rezone real property located at: 10205 Jones Bridge Road, Johns Creek GA 30022, Parcel Number: 11 019000590569, (the "Property") from TR to R5. The Property consists of approximately 1.4 acres of land, located next to the intersection of Waters and Jones Bridge roads.

The Petitioner seeks to rezone the Property to R5 in order to develop a community with three (3) single family detached residences consisting of a minimum 3,500 SF for the dwelling unit size.

The proposed residential lots will have a minimum of 18,000 square feet with front, side and rear setbacks being 20', 5' and 20' respectively. The Petitioner respectfully requests a concurrent variance be granted to elimination of the open space requirement.

28.4.2. Appended to this document is a preservation of the Petitioner's Constitutional rights and incorporates such rights in the letter of intent as submitted.

### **NOTICE OF CONSTITUTIONAL CHALLENGE TO UNDERLYING ZONING AND PRESERVATION OF CONSTITUTIONAL RIGHTS.**

The Applicant respectfully submits that the current zoning classification of the Subject Property and any proposed intervening district is unconstitutional and that rules relative to the Subject Property owner's right to use the Property established in the John Creek 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 the Applicant 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 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, and would be in violation of the Commerce Clause, Article I, Section 8, Clause 3 of the Constitution of the United States. The Applicant respectfully submits that the City Councils failure to approve the requested rezoning would be unconstitutional and would discriminate in an arbitrary, capricious and unreasonable manner between the Subject Property's 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 development 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. Opponents to this request, if any, lack standing; have failed to exhaust administrative remedies; and have waived their rights to appeal by failing to assert legal and constitutional objections.

Respectfully,  
Arthur Blumen  
7/28/2022

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