



Planning and Development Department Case Information

Case Number: Z24100002

Meeting Dates: Planning Commission 11-07-2024 – Case was tabled to 12-12-2024
Board of Commissioners 01-07-2025

Applicant/Owner:
Alcovy Development Group LLC
2145 Creekstone Point Drive
Cumming, Georgia 30041

Current Zoning: A1

Request: Rezone 52.794 acres from A1 to R1OSC for a residential subdivision with 47 lots

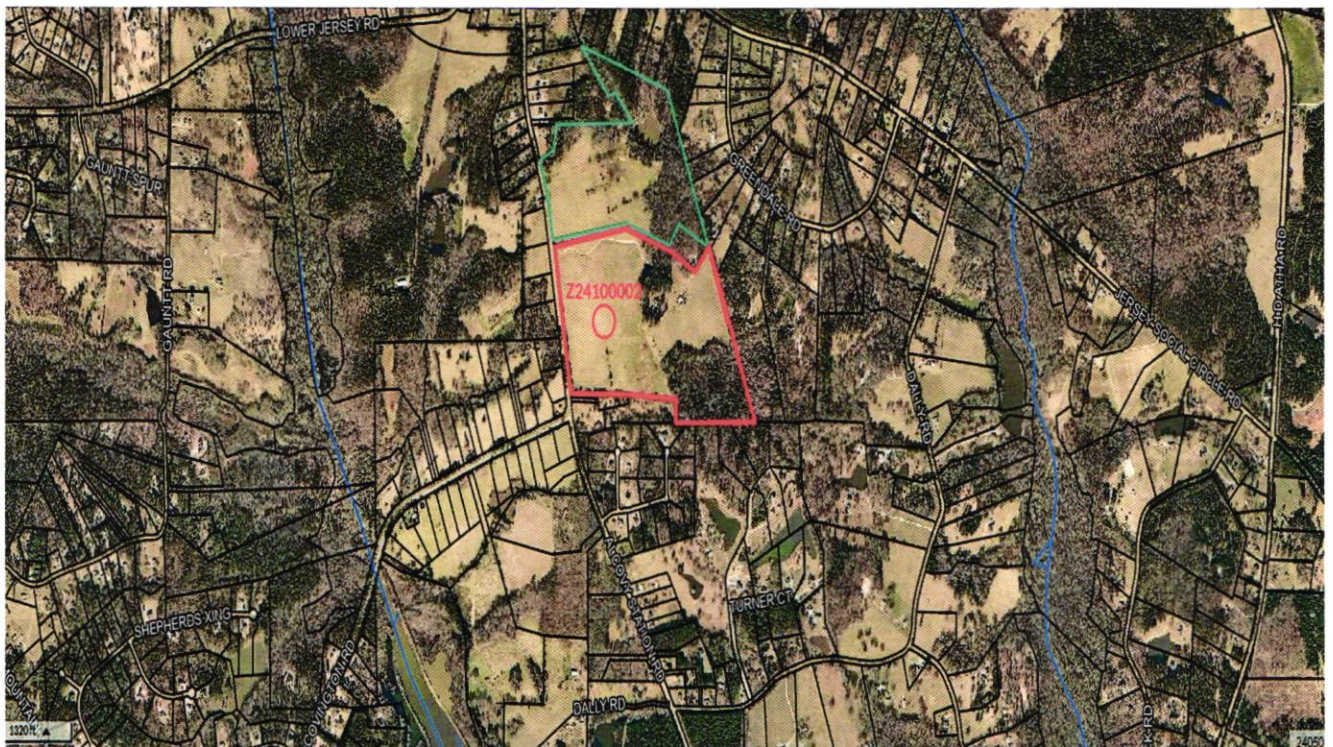
Address: Alcovy Station Road, Covington, Georgia 30014

Map Number/Site Area: C0790053

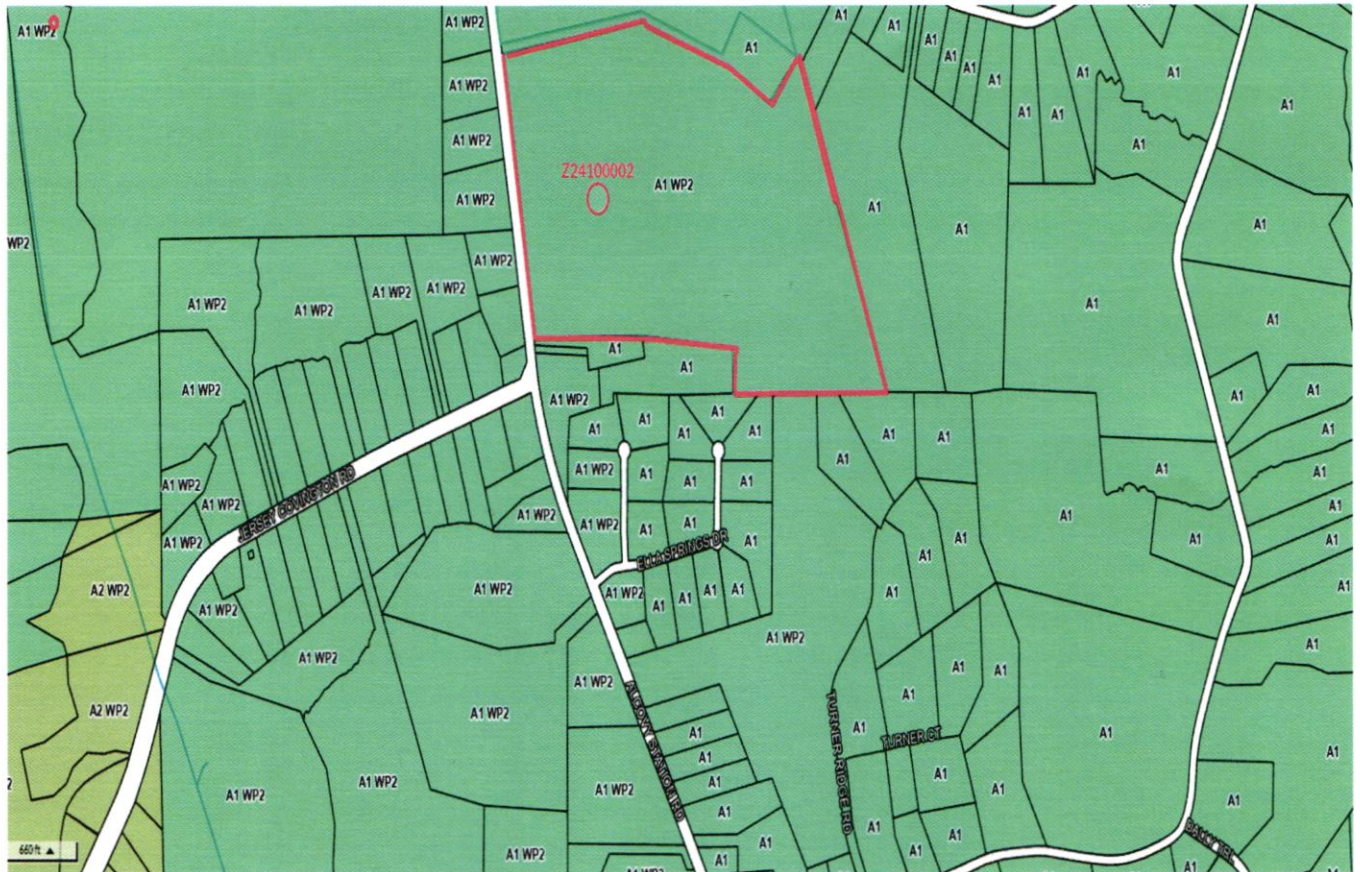
Character Area: Suburban

District 4 Commissioner-Lee Bradford Planning Commission-Michelle Trammel

Existing Site Conditions: Property consists of 52.794 acres and is Vacant Land.



The surrounding properties are zoned A1.

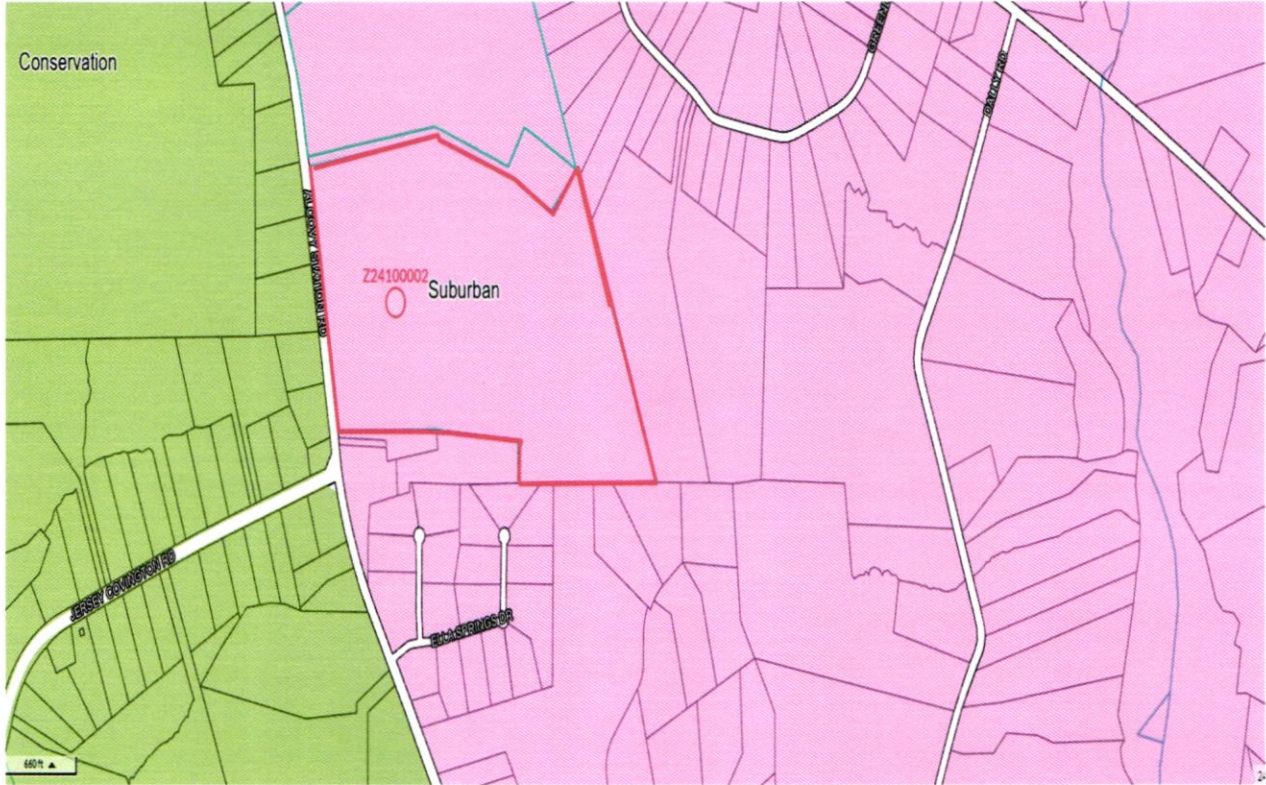


Subdivisions surrounding property:



The property is not located in a Watershed.

The Future Land Use Map for this property is Suburban.



History: No History

Staff Comments/Concerns:

Comments and Recommendations from various Agencies:

Public Works: Public Works recommends that a Traffic Count Study be conducted to evaluate the need for a possible center turn lane due to volume and speed for safety concerns, and that a Decel Land and A-cell taper to be installed.

Sheriffs' Department: The increased residential population in the county as a whole will cause increased response times across the board for calls for service. Increased manpower will have to be added to the Uniform Patrol division soon to address this problem. Increased response times for calls for service will result in county wide

citizen complaints.

Water Authority: This area is served by an existing 16" diameter water main along Alcovy Station Road. (static pressure: 125 psi; Estimated fire flow available: 2,500 gpm @ 20 psi). **A new 8" water main will be required to distribute water within the development. Please coordinate with WCWD.**

Fire Marshal Review: Shall comply with all current codes and ordinances set forth by State Fire Safety Minimums, NFPA, International Fire Code, Georgia Accessibility Code and Walton County Ordinances. Fire Hydrants shall be located within 500' ft along the roadway. Full plan review shall be performed. The road width shall be 26' FOC to FOC cul-de-sacs shall be 96' minimum and radii shall be 28' minimum.

Fire Department Review: Additional fire and EMS response due to population increase.

Board of Education: The subdivision will add more students to the schools which in turn, the schools will need more teachers and buses.

DOT Comments: Will not require coordination with Georgia DOT.

PC Action 11/7/2024:

Presentation: Andrea Gray, Attorney At Law is representing the Applicant. Ms. Gray requested that the case be tabled until the next Planning Commission meeting in order to give them time to talk with the neighbors before the next meeting.

Speaking: None

Recommendation: Timothy Kemp made a motion to table the case until the next Planning Commission Meeting on December 12, 2024 with a second by Michelle Trammel. The motion carried unanimously.

PC ACTION 12/12/2024:

Presentation: Andrea Gray, Attorney at Law, representing the Applicant Alcovy Development Group. They would like to rezone 52.794 acres from A1 to R1OSC for a residential subdivision. There will be 47 lots with high quality homes. This subdivision will be like the one that is located south of Jersey. This property is just outside the Cornish Creek Watershed, and the watershed regulations do not apply to this property. The Comprehensive Plan classifies this property as Suburban which is for new residential growth. There is a Site Plan showing an attractive entrance sign. The subdivision will be curb and gutter with 47 lots and 3 cul-de-sacs. There will be 25.9% open space, and the lots will range in acreage from .59 to 1.05 acres. This type of use is allowed in this suburban area, and they are not requesting any variances. The subdivision will have a mandatory HOA, streetlights and sidewalks. Fronting Alcovy Station Road there are (9) 2 acre lots that are not a part of the subdivision. There will be evergreen plantings along the western border to help screen Alcovy Station Road. There is an existing 5-acre tract that is not part of the subdivision, and it has an existing home, and this will be sold separately. The house size exceeds OSC standards of 1,800 sq. ft. homes with 2,200 sq. ft. for one story and 2,400 sq. ft. for 2 story homes. The density is less, and the open space is more. K&M Homebuilders is the homebuilder in this subdivision, and they are local homebuilders. They are also building homes along the road. The request is following the Comprehensive Plan and with R1OSC. The market demand for homes and neighborhoods is consistent and will be beneficial to the county. At the last meeting the case was tabled to coordinate with the neighbors. Following the last meeting in November they were able to meet with a group of approximately 20 property owner's downstairs in the Courthouse for about an hour. Contact information was obtained and an e-mail was sent to those attendees with a copy of the project information sheet and a digital copy of the site plan. In the e-mail it was offered to schedule individual calls to discuss the project and answer questions. The Attorney provided a Signup Genius link with 10 time slots which included daytime, weekday evening and weekend options. One property owner requested a call, and had a productive video meeting on a Saturday and their concern was traffic and home values. A letter was given to the Planning Commission with 13 conditions that they would like to put on the subdivision.

Speaking: Alishea Worlock who lives at 2505 Turner Ridge Road spoke. She has property that backs up to this property. She does not oppose the development, but she wants controlled development. She fled to Walton County from Gwinnett County. She said that A1 zoning is prominent in the area and there is no other R1 in the area. Their tracts are a minimum of 2 acres. When she asked the Attorney about rezoning to A2 with a minimum of 2 acres, she was advised that it was not possible. Ms. Worlock went on to say that it seems you wouldn't purchase property until a rezone was done because of the possibility of being denied. This was poor planning on their part. They

were not forced to purchase the property. It seems that they would put in their contract that they would purchase the property contingent if it passes the rezone or not. She also read the letter that the Attorney put in the package, and she feels like this letter forces the county to approve the application. She stated she is not asking to deny the subdivision she is only asking to continue the zoning in the area which is A1 and all properties in the area have some acreage. She is concerned about the infrastructure and not being able to handle traffic. She asked if DOT has done a study to handle the infrastructure. She is not opposed to OSC designation if you have larger lots. She said that the Comprehensive Plan does say Suburban but just because you can doesn't mean you should. She has major traffic concerns. Her property is a 6 ½ acre tract that she bought 5 years ago. She said that Variances were mentioned but she understands that Variances are requested during construction, and she asked if open space can be over 25%. She said that Administrative Variances wouldn't need to come before the Board. She said that if the tracts were larger then she wouldn't mind the OSC. She said that she did not get contacted by Attorney Andrea Gray, but her husband was contacted. She said that Andrea Gray said that she couldn't understand why they did not want this subdivision with the fancy sign at the front of the subdivision, but Ms. Gray did not cover the runoff of water. They have lots of creeks running around the properties and they have livestock and beekeepers, and they are concerned about things flowing into their creeks. She said Ms. Gray stated that it is so much easier to take care of a ½ lot then a 2-acre lot.

Renee Wallen who lives on Dally Trail spoke and she is concerned and wants the property to stay rural. She is concerned about light, pollution and runoff into the Alcovy Big Flat Creek. She said people have livestock.

Tim Hinton said that no developer can do anything with the infrastructure. For 2 acre lots you just would not make enough to pay for the streets and the 2 acre lots will not work.

Ms. Wallen said that the issues are not being addressed such as water quality, noise pollution, light pollution, schools. She asked why the Board wants to change the rural character of Walton County.

Tim Hinton asked Andrea Gray if the applicant had closed on the property and Andrea stated that he had closed and there are 9 acres along the road in front of this subdivision that they have already started construction on.

Mr. Hinton said that if you had to have 150 ft. of road frontage per home then you would not be able to develop it and that the only way he knew that they could develop was to do a subdivision.

Ms. Worlock stated that the issues are not being addressed and that the water quality is going to be affected. In subdivisions where there is a homeowner's association 15% of them have pesticide sprayed on their lawn. She is also concerned about noise and light and pollution. She is also concerned about the schools, police and fire department with so many houses being put there. She said they want to stay rural and why does the board seem to want it to change like Atlanta. Why do the voices of the few developers go above the public. If you look at the homes in the area, they are not cookie cutter homes or garages on the left side of the home. She said that if people don't want to take care of acreage, then stay in the city. This is a rural area, and they love and enjoy it. She said that Ms. Andrea Gray thinks they are worried about the entrance but then can't talk about water quality or runoff. She would like to know why the Board would listen to the developers and treat them like peasants.

Tim Hinton stated that their job as the Board is to look at the use of the property and the guidelines of the county. People say we don't want to create growth. He stated that growth is created in labor & delivery, and we open the borders to create growth.

Jay Ertley spoke and stated that his property backs up to this property and he wanted to know if Lee Bradford was at this meeting, and it was explained to him that Mr. Bradford would be at the Board of Commissioners meeting next month. He is concerned about the lots and road frontage and how this can be brought out if they don't have enough road frontage. He went on to state that the property in question was purchased all together and they created the issue of leaving property with minimum frontage when they split the property up. He moved from Gwinnett County to get away from this type of growth. He stated that Andrea Gray said that this subdivision would be like the one on PJ East, but he said that the PJ East development has homes on 1 ½ to 2 acre lots. She also said that people want a subdivision, and he stated that it was not true that the developers only go for the money, and this was not truthful on her part. His request is to not have ½ acre lots. As far as green space there is a 5-acre lot with a house, and it does not make sense for the green space.

Thomas Carter said that he and Jane Carter own Greendale Farms which is north of this property. They have a cattle operation on 89 acres, and he feels like he is being forced out. He is against this rezone because he thought it would have larger lots.

Savannah McGuire, who lives on Jersey Social Circle Road, spoke and asked has there have been any studies done on the Bald Eagle population in the area. She stated how will the waterways be protected. She said that people fish and hunt on this land.

Tim Hinton stated that development plans are required to be submitted and approved. He went on to say that he took a course on storm water management and there is 1 main factor. The storm water runoff can never be more than what runs off this property today. It can never be greater than today. The wastewater or groundwater are given consideration in developments.

Robert Miller, who lives on 25 acres on 1465 Greendale Road spoke and stated he moved from Gwinnett County. He said he is concerned about the sewer. He was advised that there is no sewer in the county. He said you will then have 47 septic tanks that will dump into his well water. This property is straight downhill from his and he feels if they don't want to do 2 acres then they can develop somewhere else.

Tim Hinton stated that no developer is going to put 2 acre lots and put the new infrastructure because the yield does not work out. Mr. Hinton asked how much frontage is left on this property and he was advised that it was only 60' for the street and they would not be able to split lots off the county road.

Rebuttal: Andrea Gray came back for rebuttal, and she said that they had given the neighbors time to speak when they stood on the porch, and she offered phone calls. She went on to say that development is in the eye of the beholder. The developers need to feed their family and pay their employees so yes, they try to make money. As for Ms. Worlock, she is sorry that they did not get to speak but she understands that Ms. Worlock works for a competitive developer. She said as far as traffic that they can see about reducing the speed limit. The Applicant does own the land, but the builder does not own it yet. The property was for sale and the neighbors could have purchased it. It was brought up about inconsistency and she stated that all have been consistent. Someone brought up about Bald Eagle Study and this is only for federal mandate, but they were not required to do that. As far as septic and stormwater are concerned, this will be handled by the Engineer during review. The Applicant would like to develop this property with R1OSC which is better, and it will bring new people to the county and will not hurt the cattle business that was mentioned.

Recommendation: Michelle Trammel made a motion to recommend approval with the following conditions: 1) Evergreen plantings along the western property line; 2) 25% of the property will be open space; 3) Neighborhood to be controlled by a mandatory Homeowner's Association with design and building covenants and restrictions.

- 4) Minimum Square Footage: a. Ranch 2,200 b. Two Story 2,400; 5) Lots shall be graded for water to flow away from the homes to the stormwater ditches; 6) Curb and gutter.**
- 7) Minimum overall density to be 1 unit per acre with a maximum of 47 lots.**
- 8) Minimum Yard Size: a. Front 40' b. Rear 40' c. Side 15'; 9) All homes shall comply with Walton County Specific Regulations for Single Family Dwellings in A, A-1, A-2, R-1, R-2 & R-3 Zoning Categories; 10) All dwelling facades shall be constructed of wood, siding, cement fiber siding, brick, stone, stucco, or other masonry type products. Vinyl and aluminum siding is prohibited; 11) Yards shall have sod per County standards.**
- 12) All shingles shall be architectural shingles; 13) All homes shall obtain the approval of the ARC prior to beginning construction of the home. The Declaration shall provide design standards for not only the home, but the yard, fences, and retaining walls and a specific list of restrictions for the development. The motion was seconded by Timothy Kemp. The Motion carried unanimously.**

Rezone Application # 224100002
Application to Amend the Official Zoning Map of Walton County, Georgia

Planning Comm. Meeting Date 11-7-24 at 6:00PM held at **WC Historical Court House, 111 S. Broad St, Monroe, Ga (2nd Floor)**

Board of Comm Meeting Date 12-3-24 at 6:00PM held at **WC Historical Court House**

You or your agent must be present at both meetings

Map/Parcel C0790053

Applicant Name/Address/Phone #

Property Owner Name/Address/Phone

Alcovy Development Group, LLC

Same as Applicant

2145 Creekstone Point Dr.

Cumming, Georgia 30041

E-mail address: gary@freemanberrong.com

(If more than one owner, attach Exhibit "A")

Phone # 404-569-4221

Phone # _____

Location: Alcovy Station Rd Covington, GA. 30014 Requested Zoning R1-OSC Acreage 52.794

Existing Use of Property: Vacant

Existing Structures: None

The purpose of this rezone is -to construct a quality residential development incorporating the environmental conservation values within the OSC overlay on Alcovy Station Road. The 47- lot development includes 25%+ open space and homes with minimum square footages of 2,200 (single story) and 2,400 (two story) .

Property is serviced by the following:

Public Water: X Provider: Walton County Well: _____

Public Sewer: _____ Provider: _____ Septic Tank: X

The above statements and accompanying materials are complete and accurate. Applicant hereby grants permission for planning and zoning personnel to enter upon and inspect the property for all purposes allowed and required by the Comprehensive Land Development Ordinance.

Signature [Signature] Date 8-1-24 Fee Paid \$ 5500

Public Notice sign will be placed and removed by P&D Office

Signs will not be removed until after Board of Commissioners meeting

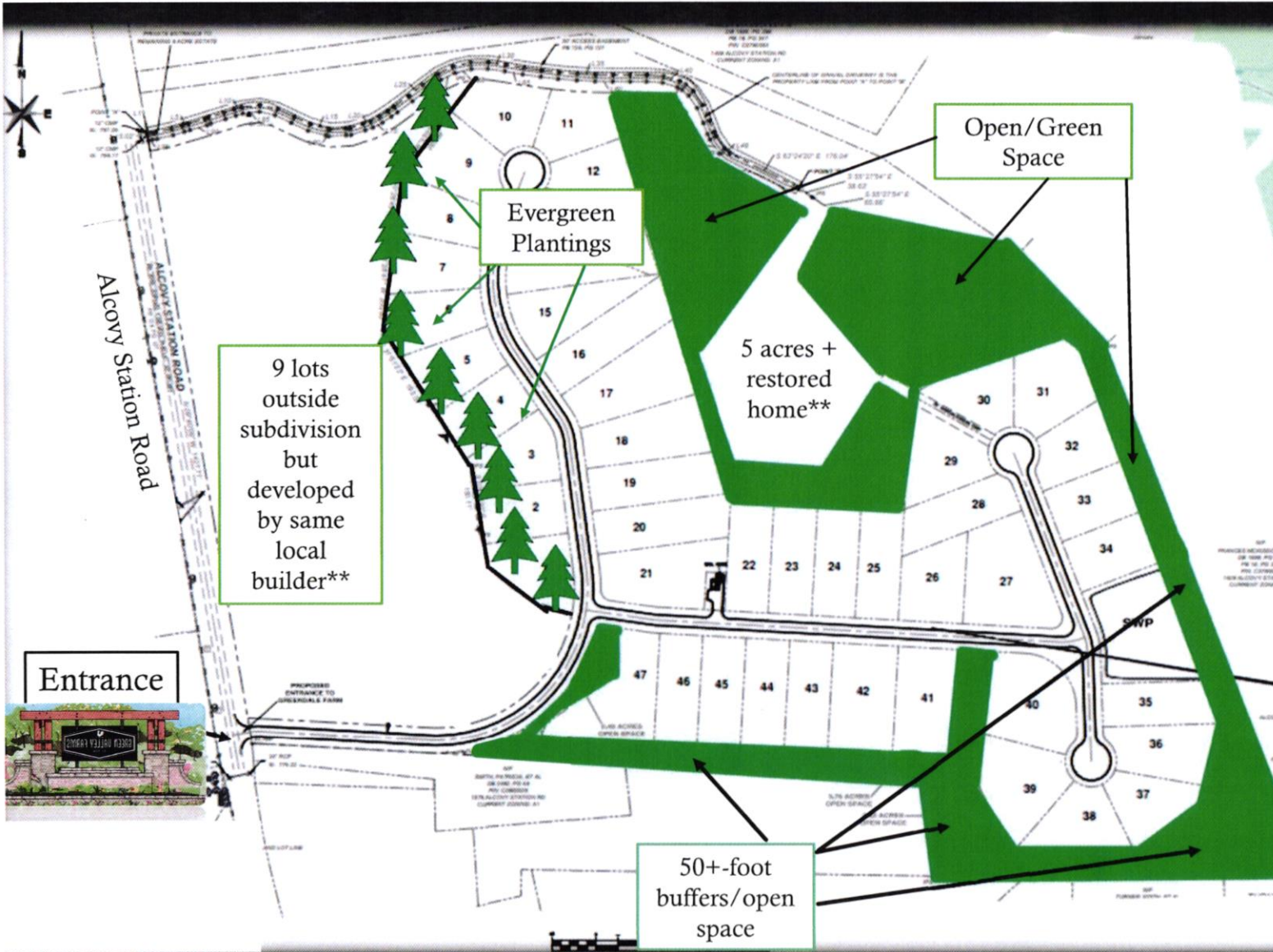
Office Use Only:

Existing Zoning A1 Surrounding Zoning: North A1 South A1
 East A1 West A1

Comprehensive Land Use: Suburban **DRI Required?** Y _____ N ✓

Commission District: 4-Lee Bradford Watershed: ✓ TMP ✓

I hereby withdraw the above application _____ Date _____



Site Plan Overview

- 52.794 acres
- 47 homes
- Lot size range 0.59 - 1.05 acres
- 0.89 lots per acre
- Mandatory HOA
- 25% open space
- Sidewalks, streetlights, underground utilities

** 9 lots and 5-acre parcel were not included in open space, density or avg lot size calculations

Article 4, Part 4, Section 160 Standard Review Questions:

Provide written documentation addressing each of the standards listed below:

1. Existing uses and zoning of nearby property;

See attached

2. The extent to which property values are diminished by the particular zoning restrictions;

See attached

3. The extent to which the destruction of property values of the plaintiffs promotes the health, safety, morals or general welfare of the public;

See attached

4. The relative gain to the public, as compared to the hardship imposed upon the individual property owner;

See attached

5. The suitability of the subject property for the zoned purposes; and

See attached

6. The length of time the property has been vacant as zoned, considered in the context of land development in the area in the vicinity of the property

See attached

AGENT AUTHORIZATION

Date: _____ Tax Map and Parcel Number(s): C0790053

PROPERTY ADDRESS: Alcovy Station Road
Covington, Georgia

PROPERTY OWNER: Alcovy Development Group, LLC
2145 Creekstone Point Drive
Cumming, Georgia 30041

APPLICANT: Alcovy Development Group, LLC
2145 Creekstone Point Drive
Cumming, Georgia 30041

ATTORNEY/AGENT: Andrea P. Gray, LLC
300 E Church Street
Monroe, GA 30655
(678) 364-2384

ACTION: Rezone 52.794 acres from A1 to R1-OSC for a residential development.

The undersigned states under oath that it is the owner of the property and hereby authorizes Applicant through its Attorney/Agent to submit, execute and prepare any and all documents relating to or speak on its behalf regarding the request for a zoning of the property referenced herein.

ATTORNEY/AGENT

[Signature]

BY: Andrea Gray



Sworn to and subscribed before me this 1 Day of August

[Signature]

NOTARY PUBLIC

APPLICANT: Alcovy Development Group, LLC

[Signature]

BY: Gacey L. Gettis



Sworn to and subscribed before me this 1 Day of August

[Signature]

NOTARY PUBLIC

**AUTHORIZATION
BY PROPERTY OWNER**

I swear that I am the property owner of the property which is the subject matter of the attached Petition for Rezoning/Conditional Use Application, as is shown in the records of Walton County, Georgia.

I authorize the named below to act as Applicant in the pursuit of a Petition for Rezoning/Conditional Use Application.

Name of Applicant: Alcovy Development Group, LLC

Address: 2145 Creekstone Point Drive, Cumming, GA 30041

Telephone: 404-569-4221

Location of Property: Alcovy Station Road, Covington, Georgia

Map/Parcel Number: C0790053

Current Zoning: A1 Requested Zoning: R1 OSC


Property Owner Signature

Property Owner Signature

Print Name: Gary Gettis

Print Name: _____


Address: 2145 Creekstone Pt Dr,
Cumming GA 30041

Address: _____

Phone #: 404-569-4221

Phone #: _____

Personally appeared before me and who swears that the information contained in this authorization is true and correct to the best of his/her knowledge.


Notary Public

8/1/24
Date



Supplemental Responses to Application

A. Article 4, Part 4, Section 160 Standard Review Questions:

1. Existing uses and zoning of nearby property.

The Subject Property is located on Alcovy Station Road just south of the City of Jersey and consists of 52.794 acres which was formerly a portion of the McKissick estate. Alcovy Development Partners, LLC recently purchased the Subject Property with the intent to develop a residential neighborhood given the ideal location. The subdivision will be called Green Valley Farms. The property is bordered to its east by properties zoned A1 and located in the Jersey Farms development on Greendale Road. The immediately adjacent property to the east remains a part of the McKissick Estate. The Subject Property is bordered to its south by additional residential development zoned A1 including single-family properties owned by the Nina Thomas Estate, and Patricia and Michael Smith, in addition to a couple of properties located in the Ella Springs neighborhood and three properties in the Turner Ridge development. The property is bordered to its west by Alcovy Station Road. On the west side of Alcovy Station road are additional A1-zoned residential properties ranging from 2 to 4.5 acres. The Subject Property is bordered to its north by land which was part of McKissick estate and is zoned A1. A new Reliant Homes development is under construction just across Alcovy Station Road. The property is in the Suburban character area in the Walton County future land use plan.

2. The extent to which property values are diminished by the particular zoning restrictions.

The current A1 zoning allows for a limited type of development which does not meet the homebuyer demands and does not protect the environment in the way that the requested OSC zoning would provide. Allowing more compact lots in the R1-OSC zoning provides concentrated greenspace which is environmentally preferred and provides homebuyers who prefer high quality homes on smaller lots an option in an area otherwise dominated by larger lots. Inability to provide this alternate zoning diminishes the value of the property given the saturated supply of A1 in the area and given that the property is in the Suburban character area in the future land use plan which allows for this type of residential development.

3. The extent to which the destruction of property values of the plaintiffs promotes the health, safety, morals or general welfare of the public;

The applicant's development will provide alternate housing options for Walton County homebuyers. It provides enhanced environmental protection by concentrating the open space and reducing the pervious surfaces in the development. It provides a housing option with less yard maintenance which is attractive to retirees, busy families and the younger generations. The neighborhood layout also provides enhanced safety to the public in general by limiting additional curb cuts on Alcovy Station Road. Additionally, the homes are shielded from direct view on Alcovy Station Road by nine, 2-acre lots which are not part of the development and front directly on the road. Adjoining property values will be enhanced by the quality of the development.

4. The relative gain to the public, as compared to the hardship imposed upon the individual property owner;

Applicant's development will add a needed variety to housing options in this portion of Walton County as stated in response to question 3 above. This is a very desirable location for residential development which includes high quality homes on manageable lots.

5. The suitability of the subject property for the zoned purposes; and

This property is suitable for R1-OSC zoning given the surrounding residential developments and that the layout allows for it to be tucked behind nine, two-acre road front properties. It is an attractive layout that offers high quality homes on manageable lots with the added environmental protection of additional, concentrated open space. The two-acre minimums imposed by A1 would not allow for the efficient development of the property and not meet the demands of homebuyers searching for lower maintenance housing options including retirees and busy families. The Subject Property is in the Suburban character area in the Walton County Future Land Use Plan which is fitting with the proposed development.

6. The length of time the property has been vacant as zoned, considered in the context of land development in the area in the vicinity of the property

The property is vacant and undeveloped. It was previously part of the McKissick estate which was 160.88 acres of pasture and woods with a single residence. The Subject Property is undeveloped pasture with some forest.



Andrea P. Gray LLC

Attorney at Law

December 11, 2024

Walton County Planning Commission
303 S Hammond Drive
Suite 98
Monroe, GA 30655

Re: Applicant: Alcovy Development Group, LLC
Property Location: Alcovy Station Road, Covington, Georgia
Tax Parcel: C0790053
Request to 52.794 acres from A1 to R1 OSC

Dear Planning Commission Members:

Alcovy Development Group, LLC (“Applicant”) appreciates you allowing it additional time to speak with nearby property owners. We were able to meet with a group of approximately 20 property owners for an hour following your November meeting. Using the contact information we obtained at that meeting, we emailed the attendees a copy of the project information sheet (attached hereto) and a digital copy of the site plan. In that email, we offered to schedule individual calls to discuss the project and answer questions. We provided a Signup Genius link with 10 time slots which included daytime, weekday evening, and weekend options. One property owner requested a call and we had a productive video meeting on a Saturday.

Based on the feedback from the nearby property owners, the Applicant agreed to plant evergreen trees along the western property line. Although the homes in Green Valley will be more than two football fields (750ft+) away from the homes across Alcovy Station Road, due to the topography and limited natural vegetation, the homes in Green Valley may be partially visible from the road absent these plantings. Other concerns expressed by nearby property owners included home values and lot sizes. The Applicant cannot control the market, but it has committed to above-ordinance home standards to ensure the homes are quality and consistent with the area. The lot sizes requested are consistent with the conservation subdivision allowances and provide greater environmental protection to the area by concentrating greenspace rather than spacing it out within individual lots.

In an effort to balance concerns expressed by nearby property owners with its rights to seek development of its property, the Applicant requests that its rezoning be approved subject to the below conditions:



300 E Church Street, Monroe, GA 30655
(678) 364-2384 www.andreapgray.com

Zoning and Conditions approved at 12/12/2024 Planning Commission Hearing

R1 OSC with the following conditions:

1. Evergreen plantings along the western property line as shown on the attached map
2. 25% of the property will be open space
3. Neighborhood to be controlled by a mandatory Homeowner's Association with design and building covenants and restrictions.
4. Minimum Square Footage:
 - a. Ranch 2200
 - b. Two Story 2400
5. Lots shall be graded for water to flow away from the homes to the stormwater ditches.
6. Curb and gutter
7. Minimum overall density to be 1 unit per acre with a maximum of 47 lots.
8. Minimum Yard Size:
 - a. Front 40'
 - b. Rear 40'
 - c. Side 15'
9. All homes shall comply with Walton County Specific Regulations for Single Family Dwellings in A, A-1, A-2, R-1, R-2 & R-3 Zoning Categories.
10. All dwelling facades shall be constructed of wood, siding, cement fiber siding, brick, stone, stucco, or other masonry type products. Vinyl and aluminum siding is prohibited.
11. Yards shall have sod per County standards.
12. All shingles shall be architectural shingles.
13. All homes shall obtain the approval of the ARC prior to beginning construction of the home. The Declaration shall provide design standards for not only the home, but the yard, fences, and retaining walls and a specific list of restrictions for the development.

Applicant respectfully requests that the Property be rezoned to R1-OSC to allow for the development of Green Valley Farms, a 47-home, quality development off Alcovy Station Road with the conditions as set forth herein.

Please let me know if you have any questions.

Sincerely,

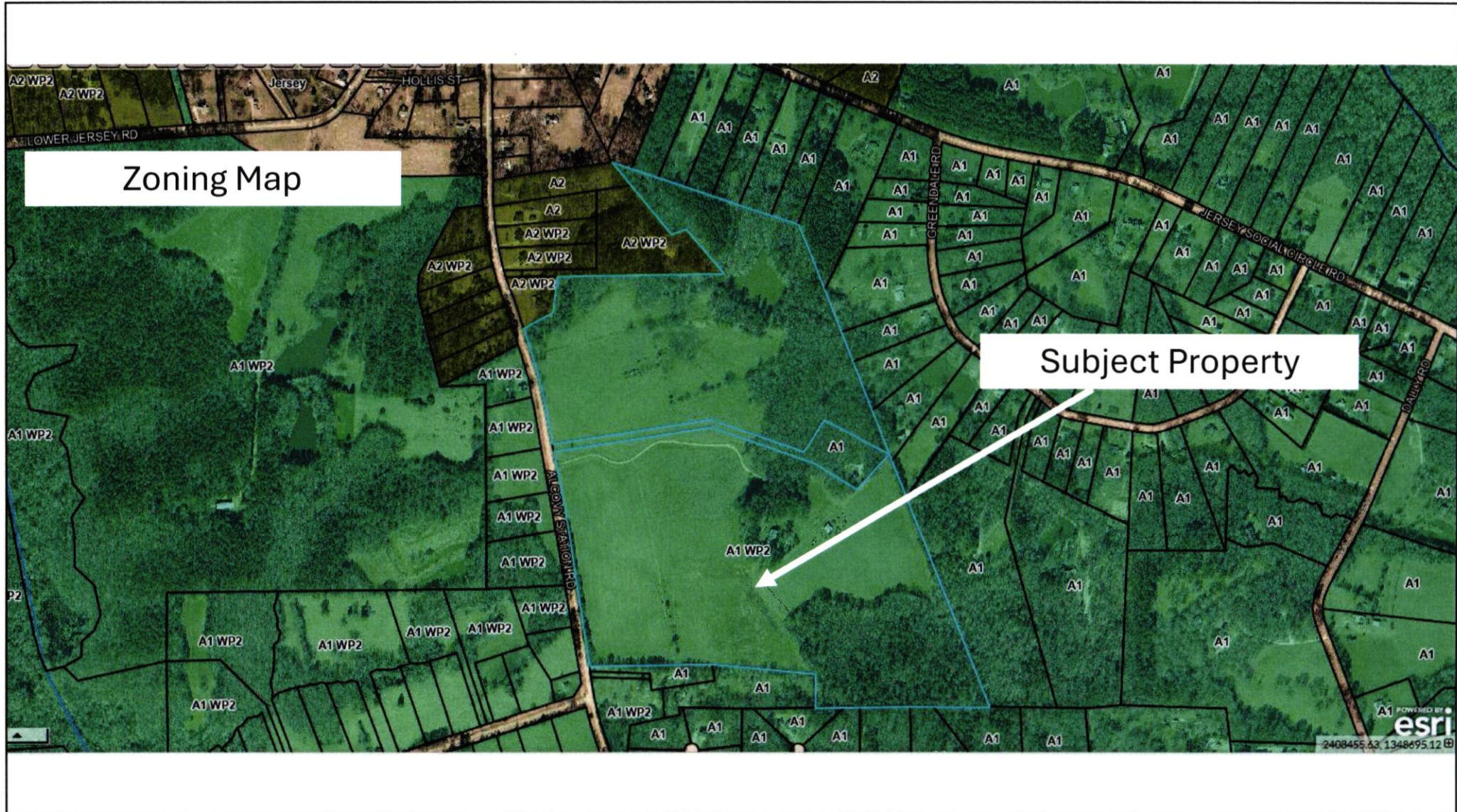


Andrea Gray
Applicant's Representative



Zoning Map

Subject Property



Location Map

Subject Property

Gornish Creek
W.P.2

Jersey

POWERED BY
esri

242113657, 4359720.12





Andrea P. Gray LLC

Attorney at Law

September 30, 2024

Notice of Preservation of Constitutional Objections

Re: Applicant/Owner: Alcovy Development Group, LLC
Property: Alcovy Station Road, Covington, Georgia
Tax Parcel: a portion of C0790053 as depicted on the survey and site plan
Request to zone 52.794 acres from A1 to R1 OSC

Georgia law requires that Applicant include in its rezoning record a statement of constitutional objections to put the deciding board on notice of the Applicant's assertion of its constitutional and legal rights to the requested rezoning. In accordance with this requirement, Applicant asserts the below and hereby incorporates all of the information and documents contained in its complete zoning application and any materials later added to the application record.

The current zoning of the Subject Property restricts said property in an unreasonable manner, is unconstitutional, null and void in that the restriction to the current zoning classifications affords the Applicant no reasonable use of the Property and is the equivalent of a taking of the Applicant's property rights without payment of just and adequate compensation and without due process in violation of the Fifth Amendment and Fourteenth Amendments to the Constitution of the United States, and Article I, Section I, Paragraph I, and Article I, Section III, Paragraph 1 of the Constitution of the State of Georgia.

A refusal by the board to approve the rezoning requested by the Applicant to permit a reasonable economic return on the Applicant's investment and a reasonable use of the Property would therefore be unconstitutional, null and void and would be arbitrary, capricious and without a rational basis, thus constituting an abuse of discretion. Further, a refusal by the board would discriminate in an arbitrary, capricious, and unreasonable manner between the Applicant and owners of similarly situated properties in violation of the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States, and Article I, Section I, Paragraph II of the Georgia Constitution.

The continued application of the current zoning to the Subject Property results in little or no gain to the public in general and fails to promote the health, safety, morals or general welfare of the public and does not bear a substantial relation to the objectives of the Walton County, Georgia Zoning Ordinance, and would constitute a substantial reduction of the property value of the Applicant and is therefore confiscatory and void.

By filing this Statement of Constitutional Rights, the Applicant reserves all rights and remedies available to them under the United States Constitution, the Georgia Constitution, all applicable federal state and local laws and ordinances, and in equity.



300 E Church Street, Monroe, GA 30655
(678) 364-2384 www.andreapgray.com