



4151 Ashford Dunwoody Road, NE
Suite 155
Atlanta, GA 30319
404.475.9000 • 404.475.9600 (Fax)

September 28, 2021

Walton County Planning and Zoning
303 S Hammond Drive
Monroe, GA 30655

To whom it may concern,

Please accept this amendment to our rezoning application for the above referenced property. This revision includes a revised site plan shifting the stormwater pond from its previous location behind the building to its current location on the right side of the building, in the low part of the property. Also included are our Constitutional Objections to be made part of our application.

Thanks for your help in this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jack Carvalho".

Jack Carvalho
SW North Monroe, LLC

Constitutional Objections

09/28/21

**Rezoning of approx 4.79 acres at Parcel ID: C1610052
(the "Property"), Walton County Georgia
Z21080001**

The portions of the Zoning Resolution of Walton County, Georgia, also variously known as the Zoning Code of Walton County, Georgia and/or Official Zoning Map of Walton County, that classify, or that may classify the Property, into the zoning classification of B1 as it presently exists violate the Applicant's right to the unfettered use of the property in that the existing zoning classification limiting use of the land and improvements to a district with only a narrow range of uses, which are no longer economically viable for the market area within which the property lies and does not bear a substantial relation to the public health, safety, morality or general welfare and is, therefore, confiscatory and void. Further, said classification is unconstitutional in that it is arbitrary and unreasonable, resulting in relatively little gain or benefit to the public, while inflicting serious injury and loss upon the Applicant.

The portions of the Walton County Zoning Resolution and Zoning Map that classify, or that may classify the Property, into any zoning district other than the B1 use category requested by the Applicant or to any of the other zoning districts of the County which specifically allow for commercial/retail uses, are or would be unconstitutional in that they would destroy the Applicant's property rights without first paying fair, adequate and just compensation for such rights, in violation of Article I, Section I, Paragraph I of the Constitution of the State of Georgia of 1983, Article I, Section III, Paragraph I of the Constitution of the State of Georgia of 1983 and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

Any application of the Walton County Zoning Resolution/Zoning Code of Walton County or Zoning Map to the Property that restricts its use to any zoning classification other than the category requested by the Applicant or an equivalent category of equal utility for B1 conditionally approved development is unconstitutional, illegal, null and void because such an application constitutes a taking of the Applicant's property in violation of the Just Compensation Clause of the Fifth Amendment to the Constitution of the United States, Article I, Section I, Paragraph I, and Article I, Section III, Paragraph I, of the Constitution of the State of Georgia of 1983 and the Equal Protection and Due Process Clauses of the Fourteenth Amendment to the Constitution of the United States, because such an application denies the Applicant an economically viable use of its land while not substantially advancing legitimate state interests.

A denial of this Application would constitute an arbitrary and capricious act by the Walton County Board of Commissioners without any rational basis, thereby constituting an abuse of discretion in violation of Article I, Section I, Paragraph I of the Constitution of the State of Georgia of 1983, Article I, Section III, Paragraph I of the Constitution of

the State of Georgia of 1983 and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

A refusal by Walton County to amend the official Zoning District Map of Walton County, as it relates to the Property, to the zoning categories requested by the Applicant, or an equivalent category of equal utility for Commercial/Retail uses in the manner requested by the Applicant use would be unconstitutional and discriminate in an arbitrary, capricious and unreasonable manner between the Applicant and owners of similarly situated property in violation of Article I, Section I, Paragraph II of the Constitution of the State of Georgia of 1983 and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States.

Any change in the designation of the Property by the Official Zoning Map of the Walton County that subjects the Property to conditions that are different from the conditions requested by the Applicant, to the extent such different conditions would have the effect of further restricting the Applicant's utilization of the Property, would also constitute an arbitrary, capricious and discriminatory act in zoning the Property to an unconstitutional category and would likewise violate each of the provisions of the State and Federal Constitutions set forth herein above.

A denial of this Application or approval subject to more restrictive conditions than those requested by the Applicant will give rise to a claim by the Applicant for the monetary damages in the amount of the diminution in value of the Property caused by the restrictions, on the theory, among others, of inverse condemnation in that the Applicant's Property has been taken without the payment of just compensation in violation of the Just Compensation Clause of the Fifth Amendment and the Due Process and Equal Protection Clauses of the Fourteenth Amendment to the Constitution of the United States and Article I of the Constitution of the State of Georgia of 1983. This notice is being given to comply with the provisions of O.C.G.A. § 36-11-1.

Any opponent who brings suit to challenge an approval of this application will lack standing and will have failed to exhaust administrative remedies.

COUNTY/STATE - STREET:
 WALTON COUNTY, GA - 2971 GRATIS RD

PRELIMINARY SITE PLAN		DESIGNER	DATE:
PROTOTYPE: 10,640 - D+	DEVELOPER	ROCHESTER & ASSOC.	9/17/2021
BLDG/SALES SF: 10,640 GFA	COMPANY:	NAME: FLETCHER SIEGRIED	
8,526 SALES	SW NORTH MONROE, LLC	PHONE #: (770) 718-0600	
ACREAGE: 4.79	NAME: BRIAN SULLIVAN		
PARKING SPACES: 54	PHONE #: (404) 475-9000		

NOTES:

1. ZONING: EXISTING RT REQUIRED C1
2. PARKING SPACES REQUIRED: (5 PER 1000 GFA) SPACES REQUIRED: 54 SPACES PROVIDED: 54
3. EXISTING FEATURES SHOWN ARE APPROXIMATED BASED ON AERIAL IMAGERY.
4. BEARINGS & DISTANCES SHOWN ARE BASED ON DILLS-GONES & ASSOCIATES, INC. PLAT PROVIDED BY THE CLIENT.
5. SEPTIC WILL BE REQUIRED FOR THIS SITE.
6. STORM SEWER WILL BE DETAINED USING ABOVE GROUND DETENTION.



PRELIMINARY SITE PLAN

COUNTY/STATE - STREET:
WALTON COUNTY, GA - 2971 GRATIS RD

PROTOTYPE: 10,640 - D+	DEVELOPER	DATE:
BLDG/SALES SF: 10,640 GFA 8,526 SALES	COMPANY: SW NORTH MONROE, LLC ROCHESTER & ASSOC.	9/24/2021
ACREAGE: 4.79	NAME: BRIAN SULLIVAN	
PARKING SPACES: 54	PHONE #: (404) 475-9000	
	NAME: FLETCHER SIEGRIED	
	PHONE #: (770) 718-0600	

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