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Planning & Zoning



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June 24, 2024

**City of Johns Creek Planning and Zoning
11360 Lakefield Drive
Johns Creek, GA 30097**

**Re: letter of Intent – Rezoning
5150 Abbotts Bridge Rd
Johns Creek, GA 30005**

Dear Sir or Madam,

Please allow this letter to serve as a request for the rezoning of the property at 5150 Abbotts Bridge Rd in Johns Creek, GA from AG-1 (Agricultural) to R-4 (Single Family Dwelling). We are requesting to subdivide the parcel into two parcels to build two single family residential homes under the R-4 zoning. Each parcel will be approximately 0.40 acre in size. Both homes will be 2-story in height plus the basement. The estimated heated floor area for each home is 3,500 square feet or greater. There will be a shared driveway entering from Abbotts Bridge Road which will split towards the individual units as depicted on the site plan. We are requesting a concurrent variance to eliminate the 10% open space requirement under section 12.E3 subsection A. Each lot is much larger than the required R-4 lot and will include a large back and side yard. This area will serve as open outdoor space for each lot.

The Comprehensive Land Use Plan designates this parcel for 3 or fewer residential unit development. We are requesting 2 residential units for this parcel of land. Two custom homes would maintain the intent of the comprehensive land use plan. Both homes will be on Fulton County public water and sewer. Sewer and stormwater easements are recorded with the City of Johns Creek under the final plat of Abbotts Cove neighborhood.

All necessary setbacks will be maintained, and proper erosion control measures set in place to protect any sediment run-off during the development. The land and vertical building developer will be Simple Design Development LLC. They are a custom home builder who have developed various custom homes and neighborhoods in the state of Georgia. Some of these cities include Suwanee, Smyrna, Douglasville, and Sandy Springs. Two beautifully designed custom homes will be built on site for sale.

The current site is in a rough state with various debris, dilapidated fence, abandoned driveway/slab and some logs from previously cut down trees. The grade of the site is ideal for two basement residential homes. Soil will be imported to fill around the East side of the



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property (front) and for backfill as needed to create a gentle slope around the basement foundation walls.

Constitutional Objections

The portions of the Code of Ordinances and Zoning Ordinance for Johns Creek (the "Zoning Ordinance") which classifies or conditions the Property into any more or less intensive zoning classification and/or zoning conditions other than as requested by the Applicant and property owner are unconstitutional, in that they would destroy the Applicant's and property owner's property rights without first paying fair, adequate and just compensation for such rights, in violation of Article I, Section I, Paragraph II of the Constitution of the State of Georgia of 1983, the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States. The application of the Zoning Ordinance which presently restricts the Property's use to the present zoning classification, uses, regulations, requirements, and conditions is unconstitutional, illegal, null and void, and constitutes a taking of the Applicant's and the property owner's property rights in violation of the Just Compensation Clause of the Fifth Amendment and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States, Article I, Section I, Paragraphs I and II of the Constitution of the State of Georgia of 1983, and in violation of the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States by denying economic and viable use of the Property while not substantially advancing legitimate state interests.

The Property is presently suitable for R-4 zoning as proposed in the requested rezoning, as amended by the Applicant, and is not economically suitable for uses restricted under its present zoning and development classification, conditions, regulations, and restrictions due to its location, shape, size, surrounding development, and other factors. A denial of the requested rezoning and related variances would constitute an arbitrary and capricious act by Johns Creek and the City council without any rational basis therefore, constituting an abuse of discretion in violation of Article I, Section I, Paragraphs I and II of the Constitution of the State of Georgia of 1983 and the Due Process Clause of the Fourteenth Amendment. A refusal by Johns Creek and the City council to approve this requested rezoning, with only such additional conditions as agreed to by the Applicant and/or owner, so as to permit the only feasible economic use of the Property, would be unconstitutional between the Applicant, owner, and similarly situated property owners, 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.



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Conclusion

The applicant and owner respectfully request that the Johns Creek City council, Planning Staff approve and support the Applicant's rezoning request to allow for the development of two new, single-family detached homes. The developer and their representatives welcome the opportunity to meet with all interested parties and representatives.

Please contact Shawn Dhanani at 678-697-2914 or simpledesignga@gmail.com with any questions.

Sincerely,

Sohel "Shawn" Dhanani
Developer/Builder
5150 ABR LLC