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R2-21-008
SEP 29 2021

City of Johns Creek
Community Development

LETTER OF INTENT

The property contains approximately 0.76 acres and is located on Wilson Road with a street address of 0 Wilson Road, Johns Creek, Georgia, (the "Property"). The Property is presently zoned to the CUP zoning district and the Applicant requests a rezoning to the R-4 zoning district for the development of two single family residential homes. The Applicant additionally requests a variance not requiring the development to provide 10% common open space on a separate lot, Per section 12E.3, as this would be a hardship due to the small lot size and requested density of the project. This is the subdivision of one lot into two lots.

The request of the Applicant for the development of the two single family residential homes is at a density of 2.632 units per acre. It is to be noted that the current conditions of zoning for the Property prohibit access to the only road fronting the Property which is Wilson Road and therefore the Applicant requests a rezoning of the Property for the purpose deleting this condition. The Comprehensive Land Use Plan suggests residential development of the Property at a density of two (2) residential lots per acre and accordingly this rezoning request is technically contrary to the suggested two (2) residential lots per acre; however, as noted the conditions of zoning to which the Property is presently subject prohibit access to the only road frontage for the Property which is Wilson Road.

Accordingly, this Application for Rezoning is entirely appropriate and the appropriateness of this Application for Rezoning and the constitutional assertions of the Applicant are more particularly stated and set forth on Exhibit "A" which is attached hereto and by reference thereto made a part hereof.

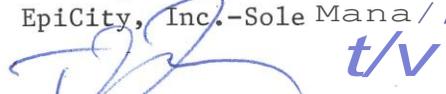
Now, therefore the Applicant requests that this Application for Rezoning be approved as submitted so as to allow the Applicant to enjoy the reasonable use and development of the Property.

APPLICANT

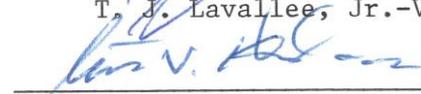
2013 Holdings LLC

By: EpiCity, Inc.-Sole Mana/;

By:



T. J. Lavallee, Jr.-Vice President



Nathan V. Hendricks III
Attorney for the Applicant

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Exhibit "A"

APPROPRIATENESS OF APPLICATION
AND
CONSTITUTIONAL ASSERTIONS

The portions of the Zoning Resolution of the City of Johns Creek as applied to the subject Property which classify or may classify the Property so as to prohibit its development as proposed by the Applicant 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.

The application of the Zoning Resolution of the City of Johns Creek to the Property which restricts the use to any classification other than that proposed by the Applicant is unconstitutional, illegal, null and void, constituting a taking of 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 denying 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 Johns Creek City Council without any rational basis therefore 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 the Johns Creek City Council to approve this Rezoning Application as proposed by the Applicant 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 Constitutions of the State of Georgia of 1983 and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States. Any approval of this Application subject to conditions which 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 subject Property would also constitute an arbitrary, capricious and discriminatory act and would likewise violate each of the provisions of the State and Federal Constitutions set forth hereinabove.