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August 8, 2023

VIA EMAIL

Richard Higgins, Chairman
and Members of the Hall County Commission
c/o Hall County Planning Department
P.O. Drawer 1435
Gainesville, GA 30504

**RE: Rezoning Application for 3271 & 3270 Buffington Farm Road
Rezone for Agricultural-111 (AR 111) and Vacation Cottage (V-C) to
Planned Residential Development (PRD) on 55.54 +/- acre tract
Tax Parcels: 09106 000005 and 09105 000001; 09106 000001A
Applicant/Owners: Arabella Capital, LLC/Mambo Cat, LLC and Green
Implementation Group, LLC**

Dear Chairman Higgins and Members of the Commission:

This firm represents Arabella Capital, LLC in its application for amendment to the existing zoning classification for the above referenced tract ("the Property"). **Please note this letter is being forwarded to you because Georgia law requires that the following Constitutional objections be submitted in order to preserve the rights of the Applicant during the rezoning process.**

Please accept this letter as notice of the position of the Applicant/Owner that those portions of the zoning regulations of the County as presently in effect which prohibits the use of the Property above as Planned Residential Development use are unconstitutional as applied to the Property. The zoning ordinances as applied to the above referenced Property is unconstitutional in that they render this Property unusable and destroy its marketability, and as such the zoning ordinances therefore constitute a taking of property without just and adequate compensation and without due process of law in violation of the provisions of the Fifth Amendment to the U.S. Constitution (as made applicable to the states by the Fourteenth Amendment) and Article I, Section I, Paragraph I; and Article I, Section III, Paragraph 1(a) of the Constitution of the State of Georgia.

Additionally, the current zoning ordinances as applied to this Property denies the Applicant equal protection under the law as provided in the Fourteenth Amendment of the U.S. Constitution and Article I, Section I, Paragraph I; Article I, Section III, Paragraph 1(a) and Article I, Section I, Paragraph 2 of the Constitution of the State of Georgia in that the zoning ordinances as applied to this Property makes it impractical to develop the Property and thus significantly diminishes its value. The zoning ordinance as applied to this Property is arbitrary and capricious in that it inflicts a significant detriment on the Property owner that is insubstantially related to the health, safety, morality and welfare of the public. These ordinances as applied restrict the unfettered use of the owner's property inflicting serious and significant injury and damage to the Applicant which resulted with relatively little gain or benefit to the public as such, we will object to their application to the above referenced property in the current zoning request and ask that they be declared unconstitutional.

Additionally, the imposition of a condition that Applicant make improvements on Cagle Road potentially on property not owned by Applicant is an unconstitutional taking of property without just and adequate compensation in and of itself, and further denies the Applicant equal protection.

I request this letter be made part of the record regarding the application above.

We appreciate your consideration of this request and encourage the Commission to approve the request as submitted.

Thank you.

Sincerely,



T. Wesley Robinson

Cc: Arabella Capital, LLC (via email)

TWR/15776/w285150