



**CITY of CLARKSTON**  
**VARIANCE ANALYSIS**

---

**Report Prepared by:** Shawanna N. Qawiy, MPA, MSCM  
 Planning and Development Director

**Applicant:** RBM Decatur, LLC/Bobby Buckler

**Location:** 3449 Church Street, Clarkston, GA 30021

**Parcel ID(s):** 18 065 06 031

**Lot Size:** 4.997/5 acres

**Current Use:** Vacant lot

**Proposed Use:** To construct a 60-unit fee simple townhome development.

**Zoning:** NR-3 High Density Neighborhood Residential District\*  
 (\*Currently zoned I- Light Industrial pursuant to a rezoning request to be heard on April 3, 2018)

**Zoning and Use of Surrounding Properties:**

	<b>Zoning</b>	<b>Land Use</b>
North	N/A Church Street	N/A Church Street
South	I-Light Industrial	Decatur Paint and Body Inc. Spectrasite Communications LLC (Cellular Tower)
East	I-Light Industrial	Industrial Office Park
West	I-Light Industrial	Business Plaza INTNOJ Barbershop Good Times Restaurant Body Shop (Corner of Church St. / Glendale Rd.)

**Request:** A variance request of the NR-3 High Density Residential District requirements **to increase the floor area ratio from 0.4 to 0.7, increase the building coverage from 50% to 80%, to decrease the minimum lot size from 5,000 sq. ft. to 1600 sq. ft., to decrease the minimum lot width from 50' to 18', to decrease the minimum front yard setback from 15' to 10' and to decrease the minimum rear yard setback from 20' to 15', on the property located at 3449 Church Street, Clarkston, GA 30021, to allow 60 fee simple townhomes to be constructed on 4.997/5 acres.**

**Sign Posted:** March 1, 2018

**P&Z Meeting:** March 20, 2018

**City Council Meeting: April 3, 2018****Analysis:**

The applicant is proposing to build a 60-unit fee simple townhome development at 3449 Church Street, which is currently a vacant lot consisting of 4.99/5 acres. The property, which is zoned NR-3 High Density Neighborhood Residential District is currently vacant. The attached proposed conceptual site plan shows that 3449 Church Street, is a double frontage lot, having road frontage on both Church Street and Glendale Road with underground detention to be located on the corner of the lot at Church Street and Glendale Road. The proposed conceptual site plan also shows that the applicant is proposing to locate parking in the front of each lot and to have vehicular access to the development only from Glendale Road. The proposed impervious area would be 80% of the development with a total density of 12.1 units per acre with two (2) car garages. Twenty-three (23) of the proposed townhomes will have rear parking access via an alley constructed within the development.

Located on Church Street across from to the property is the CSX Railroad. An industrial office park is to the east, Decatur Paint and Body, Inc. and Spectrasite Communications LLC (cellular tower) is south of the lot and a business plaza with INTNOJ Barbershop and Good Times restaurant and a body shop are on the west side of the property located on Glendale Road.

**Criteria for Granting a Variance (Article III, Sec. 308):**

***Criteria 1: There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography.***

The lot is a double frontage lot that is located on Church Street to the north and Glendale Road on the west.

***Criteria 2: Such conditions are peculiar to the particular piece of property involved.***

There are no peculiar conditions on this property. This property is intended for single family and multifamily residences at a greater density on smaller lots in order to provide for a variety of housing types, including townhomes, cluster homes and condominiums.

***Criteria 3: Such conditions are not a result of the actions of the applicant.***

The request to vary the floor are ratio from 0.4 to 0.7, increase the building average from 50% to 80%, to decrease the minimum lot size from 5,000 sq. ft. to 1600 sq. ft. to decrease the minimum lot width from 50' to 18' and to decrease the minimum front yard setback from 15' to 10' and to decrease the rear yard setback from 20' to 15' are requests from the applicant.

***Criteria 4: A literal interpretation of the provisions of this ordinance would create an unnecessary hardship.***

The applicant is able to construct townhomes within the limitations as outlined in the NR-3 zoning district.

***Criteria 5: The variance requested will not cause substantial detriment to the public good nor impair the purposes or intent of this zoning ordinance.***

The NR-3 zoning district is intended for single family and multifamily residences at a greater density on smaller lots in order to provide for a variety of housing types, including townhomes,

cluster homes and condominiums. Developments of this type can encourage a pedestrian-friendly urban form and help to revitalize the city's commercial core by attracting new residents.

***Criteria 6: The variance is not a request to permit a structure or use of land not authorized in the applicable district.***

In the NR-3 zoning district, in Section 703(3), townhomes are permitted.

**Staff Recommendation(s):**

Staff recommends approving the variance requests, with the following conditions;

1. Approval of the rezoning request from the City Council from I-Light Industrial to NR-3 High Density Neighborhood residential district.
2. The developer is limited to build 60 units on the proposed 4.997/5 acre lot.
3. The developer shall submit for review and final approval by City Council and staff a conceptual elevation plan, landscape plan and site plan.
4. The developer shall adhere to Section 703 (3) Townhomes of the City of Clarkston Ordinance.
5. The developer must adhere to Article XIII- Buffer, Screening and Landscape Requirements of the Clarkston Zoning Ordinance.

**Attachments:**

- Application package including preliminary site plan

**CITY OF CLARKSTON**

Page 1 of 3

**This page must be completed by the Applicant. Please see Applicant Instructions for full requirements.**

**SUBMITTAL CHECKLIST**

Your application must include the following items, or it will not be considered complete:

- Plan(s) to scale demonstrating variance requested
- Survey
- Property Deed
- Recorded Plat of Property (seven (7) copies)
- Campaign Contribution Disclosure Form
- Filing Fee (payable to The City of Clarkston)

**FOR OFFICE USE/DETERMINATION**

Review determination and fee: Review fee (payable to *The City of Clarkston*) depends on type of review(s). (See Fee Schedule):

     Variance      (Fee)

Please indicate if this is an Administrative Variance

**APPLICANT INFORMATION**

RBM IDECATUR LLC (BOBBY BUCKLER, PARTNER)

Applicant Name                      Company

404-697-1942

Primary Phone # Alternate Phone # Fax #

bobby.buckler7@yahoo.com

Email Address

**PROJECT SUMMARY**

Name of Project

**Detailed Description of Variance. Include:** Variance needed (code section, square footage or other dimension); Proposed use(s) and square footage of floor area for each use; and written explanation of hardship involved with need for variance (see checklist).

variance requested is for the ordinance that limits pets  
 2 human for each unit of 500 sq. ft. ~~to be a separate 400 sq. ft.~~  
 town homes to be built on 5 acres. The general  
 variance requested is for the ordinance that limits pets

Total Number of Parcels Involved: 1 Total Project Area (acre/sf): 5 acres Total Disturbed Area: -  
 Total Number of Buildings: 60 Total Estimated Construction Cost: -

Project Submittal Checklist and all documents, plans, written analysis, and fees required therein accompany this application form.

I hereby certify that all information provided herein and in the accompanying documents is true and correct.

*Robert Duckler*  
 Applicant Signature: *Robert Duckler* Date: 2/23/18  
 Property Owner  Owner's Agent

**PROPERTY INFORMATION/OWNER AUTHORIZATION**

If more than one parcel is the subject of review, owner-applicant shall complete information for each parcel on additional page attachments; authorized agent-applicants must complete this page for EACH parcel.

**PARCEL (PROPERTY) INFORMATION**

3449 CHURCH STREET CLARKSTON GA 30021  
 Property Address/Location Suite/Apt. # City, State Zip Code  
18-065-06-031 5 acres  
 Parcel ID/Property Tax Identification Number Total Acreage  
light industrial  
 Present Use(s) Present Zoning (Official Zoning Map)  
multi-family  
 Proposed Use(s)

Indicate here if there are more than one subject parcels (attach information accordingly)

Legal description includes:  
attached.

Or:  Indicate here that an exhibit identifying property location is

Subdivision Name Lot # Block #

PROPERTY OWNER  
RBA DECATUR, LLC

Owner (Person, Firm, Corporation, or Agency) Company Name  
2697 MARY RD ATLANTA, GA 30319  
Mailing Address Suite/Apt. # City, State Zip Code  
404-697-1942 bobbybuckler7@yahoo.com  
Primary Phone # Fax # Email Address

**PROPERTY OWNER'S AGENT (If applicable; must match applicant contact information on page #1)**

\_\_\_\_\_  
Name and Company (Owner's Agent or Attorney)

\_\_\_\_\_  
Mailing Address Suite/Apt. # City, State Zip Code

\_\_\_\_\_  
Primary Phone # Fax # Email Address #

**AUTHORIZATION FOR AGENT (If applicable)**

\_\_\_\_\_  
Owner Signature Date

\_\_\_\_\_  
Print Name

Subscribed and sworn before me this 23  
day of Feb, 2018.

[Signature]  
\_\_\_\_\_  
Signature of Notary Public in the State of Georgia

**OFFICIAL USE:** Fee: \$ \_\_\_\_\_ Cash Check

# \_\_\_\_\_ Date: \_\_\_\_ / \_\_\_\_ / \_\_\_\_



I hereby certify that this application is complete and hence has been accepted and filed as of the following date of certification.  
\_\_\_\_\_  
Official Application Submittal Date: \_\_\_\_ / \_\_\_\_ / \_\_\_\_

Signature \_\_\_\_\_ City Clerk or his/her Designee (print name) \_\_\_\_\_

The Applicant will be notified that this application is to be reviewed at the next available **P & D Meeting** following application review.  
Date: \_\_\_\_ / \_\_\_\_ / \_\_\_\_ at Time: \_\_\_\_ PM / AM at the following location: \_\_\_\_\_

The Applicant will be notified that this application is to be reviewed at the next available **Z & R Meeting** following application review.  
Date: \_\_\_\_ / \_\_\_\_ / \_\_\_\_ at Time: \_\_\_\_ PM / AM at the following location: \_\_\_\_\_

The Applicant will be notified that Final Action shall be taken at the next available **Mayor and City Council hearing** following application review.  
Date: \_\_\_\_ / \_\_\_\_ / \_\_\_\_ at Time: \_\_\_\_ PM / AM at the following location: \_\_\_\_\_

- (6) Swimming pools must be enclosed by a fence not less than six (6) feet in height with a self-closing, self-latching gate and must comply with all applicable safety and health ordinances.
- (7) Heating and air conditioning units may encroach five (5) feet into the required rear or side setback.

(e) *Use limitations:*

- (1) All outdoor storage must be stored in a side or rear yard and screened from all streets and adjacent properties by a wood fence at least six (6) feet in height. The city planner may approve the substitution of plantings for the required fence.
- (2) Unenclosed carports and front porches may not be used for storing any materials other than firewood or recyclable materials within a city approved container.
- (3) Minimum parking provided shall be two (2) spaces per dwelling unit.

(f) *Bulk and area regulations:*

Floor Area Ratio (FAR) (Max.)	<del>0.4</del> .7
Min. Residential Unit Size (finished, heated floor area)	800 sq. ft.
Building Coverage (Max, a % of lot area)	<del>50%</del> 80%
Min. Open Space	N/A
Max. Building Height	35'
Min. Lot Size	<del>5,000 sq. ft.</del> 1600 SF
Min. Lot Width	<del>50'</del> 18'
Minimum Front Yard Setback	<del>15'</del> 10'
Minimum Side Yard Setback	5'

Minimum Rear Yard Setback	20' 15'
---------------------------	---------

(g) *Buffer requirements:*

- (1) When attached single-family housing, duplex or triplex housing directly abuts the NR-1 or NR-2 districts, a twenty-foot landscaped buffer shall be required.

(Ord. No. 375, § 8(Attach.), 10-1-13)





# OFFICIAL USE

## Disclosure of Campaign Contributions

City of Clarkston

Pursuant to OCGA, Section 36-67A-3(a), the following disclosure is mandatory when an applicant or any representative has made campaign contributions aggregating \$250.00 or more to a local government within two (2) years immediately preceding the filing of this application.

It shall be the duty of the applicant and the attorney representing the applicant to file a disclosure with the governing authority of the respective local government. The following questions **must** be answered:

Have you, the applicant, made \$250.00 or more in campaign contributions to a **local** government official within two years immediately preceding the filing of this application?

Yes  No

If the answer is **yes**, you must file a disclosure report with the governing authority of City of Clarkston showing:

1. The name and official position of the local governing authority in City of Clarkston to whom the campaign contribution was made.

ROBERT BUCKLER

*Robert Buckler, partner, R.B.M. DECATUR, LLC*

Name and official position of the applicant/representative (Please Print)



Please return to: MCMANAMY MCLEOD HELLER, LLC  
3520 PIEDMONT ROAD, STE 110  
ATLANTA, GA 30305  
File # 14-07-0001

2014133851 DEED BOOK 24597 Pg 395



Real Estate Transfer Tax \$449.00

Filed and Recorded:  
10/2/2014 11:16:23 AM  
Debra DeBerry  
Clerk of Superior Court  
DeKalb County, Georgia

STATE OF MINNESOTA  
COUNTY OF RAMSEY

### LIMITED WARRANTY DEED

THIS INDENTURE made this 22 day of September, 2014 between

**Ceradyne, Inc., a Delaware corporation**

as party or parties of the first part, hereinafter called Grantor, and

**RBM Decatur, LLC, a Georgia Limited Liability Company,**

as party or parties of the second part, hereinafter called Grantee (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits).

WITNESSETH that: Grantor, for and in consideration of the sum of TEN DOLLARS and other good and valuable consideration (\$10.00) in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto the said Grantee, the following described property:

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 65 OF THE 18TH DISTRICT OF DEKALB COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT IRON PIN SET AT THE CORNER FORMED BY THE INTERSECTION OF THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF CHURCH STREET (SAID RIGHT-OF-WAY BEING, LOCATED 149 FEET SOUTHEASTERLY OF AND PARALLEL TO THE CENTERLINE OF THE GEORGIA RAILROAD TRACK) WITH THE NORTHEASTERLY RIGHT OF WAY LINE OF GLENDALE DRIVE (AN APPARENT 40' RIGHT-OF-WAY); RUNNING THENCE NORTH 47 DEGREES 52 MINUTES 50 SECONDS EAST ALONG THE SOUTHEASTERLY RIGHT OF WAY LINE OF CHURCH STREET, 409.88 FEET TO A POINT; THENCE LEAVING THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF CHURCH STREET AND RUNNING SOUTH 31 DEGREES 46 MINUTES 20 SECONDS EAST, 372.90 FEET TO A POINT; RUNNING THENCE SOUTH 58 DEGREES 13 MINUTES 40 SECONDS WEST, 402.01 FEET TO A POINT LOCATED ON THE NORTHEASTERLY RIGHT-OF-WAY LINE OF GLENDALE DRIVE; RUNNING THENCE NORTH 31 DEGREES 54 MINUTES 36 SECONDS WEST ALONG THE NORTHEASTERLY RIGHT-OF-WAY LINE OF GLENDALE DRIVE, 499.28 FEET TO THE IRON PIN FOUND AT THE CORNER FORMED BY THE INTERSECTION OF THE SOUTHEASTERLY RIGHT OF WAY LINE OF CHURCH STREET AND THE NORTHEASTERLY RIGHT-OF-WAY LINE OF GLENDALE DRIVE, WHICH IS THE POINT OF BEGINNING; AND BEING A TRACT OR PARCEL OF LAND CONTAINING 4.956 ACRES DESIGNATED AS "LEASE PARCEL AREA - 4.955 ACRES", ACCORDING TO A PLAT OF SURVEY ENTITLED "BOUNDARY SURVEY, 1-285 INDUSTRIAL PARK" PREPARED BY HORLBECK & ASSOCIATES, INC., DATED MAY 11, 1982.

#### TRACT II

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 65 OF THE 18TH DISTRICT OF DEKALB COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTHEASTERLY RIGHT-OF-WAY LINE OF GLENDALE DRIVE (A 40-FOOT RIGHT- OF-WAY), 499.0 FEET SOUTHEASTERLY, AS MEASURED ALONG THE NORTHEASTERLY RIGHT OF WAY LINE OF GLENDALE DRIVE, FROM THE CORNER FORMED BY THE INTERSECTION OF THE SOUTHEASTERLY RIGHT OF WAY LINE OF CHURCH STREET (SAID RIGHT-OF-WAY BEING LOCATED 149 FEET SOUTHEASTERLY OF AND PARALLEL TO THE CENTERLINE OF THE GEORGIA RAILROAD TRACK) WITH THE NORTHEASTERLY RIGHT OF WAY LINE OF GLENDALE DRIVE; RUNNING THENCE SOUTH 33 DEGREES 16 MINUTES 44 SECONDS EAST ALONG THE NORTHEASTERLY RIGHT-OF-WAY LINE OF GLENDALE DRIVE, 68.70 FEET TO A POINT; THENCE LEAVING THE NORTHEASTERLY RIGHT-OF-WAY LINE OF GLENDALE DRIVE AND RUNNING NORTH 56 DEGREES 49 MINUTES 44 SECONDS EAST, 44.89 FEET TO A POINT; RUNNING THENCE NORTH 01 DEGREE 41 MINUTES 08 SECONDS WEST, 86.39 FEET TO A POINT; RUNNING THENCE SOUTH 53 DEGREES 40 MINUTES 30 SECONDS WEST, 90.38 FEET TO THE POINT OF BEGINNING; AND BEING MORE PARTICULARLY SHOWN ON AND DESCRIBED IN ACCORDANCE WITH A PLAT OF SURVEY PREPARED BY GUDGER SURVEYING, INC., DATED JUNE 13, 2005.

LESS AND EXCEPT PROPERTY SET FORTH IN RIGHT OF WAY DEED BETWEEN CHARLES Z. BOROCHOFF MARITAL TRUST AND DEKALB COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF GEORGIA, DATED FEBRUARY 15, 2006, RECORDED IN DEED BOOK 19603, PAGE 794, DEKALB COUNTY, GEORGIA RECORDS.

BEING THE SAME PROPERTY AS CONVEYED BY LIMITED WARRANTY DEED BETWEEN BOROCHOFF TRANSITION, LLC, A GEORGIA LIMITED LIABILITY COMPANY AND CERADYNE, INC., A DELAWARE CORPORATION, DATED AUGUST 3, 2007, DEED BOOK 20188, PAGE 269, DEKALB COUNTY, GEORGIA RECORDS; AS ALSO CONVEYED BY QUIT CLAIM DEEDS AT 18338/622, 18338/625, 18338/628 AND 18338/631, DEKALB COUNTY, GEORGIA RECORDS;

MAP PARCEL ID#1806506031  
MAP PARCEL ID#1806506032

TO HAVE AND TO HOLD the said tract or parcel of land, with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit and behoof of the said Grantee forever in FEE SIMPLE.

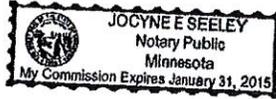
AND THE SAID Grantor will warrant and forever defend the right and title to the above-described property unto the said Grantee against the claims passing by or through Grantor.

IN WITNESS WHEREOF, Grantor has hereunto set grantor's hand and seal this first day and year first above written.

Signed, sealed and delivered in the presence of:

Chloe Zander  
Witness

Jocyne E. Seeley  
Notary Public  
My commission expires January 31, 2015



Ceradyne, Inc.  
BY: Kimberly M. Torseth  
Kimberly M. Torseth  
Assistant Treasurer

**EXHIBIT "B"**

1. Such matters as would be disclosed by an accurate and current survey and inspection of the Property.
2. All easements and rights-of-way of record.
3. Taxes for the 2014 and subsequent years.
4. All subdivision plats of record and declarations and restrictive covenants pertaining to the Property.
5. All utility service easements of record.
6. Rights of all tenants or persons in possession of the Property.
7. Unrecorded claims for liens for labor and material furnished for improvements of the Property.
8. All zoning ordinances, regulations and conditions.
9. All building regulations.
10. Easement from Wendell C. Kennedy to Georgia Power Company dated March 27, 1950, filed for record April 5, 1950, and recorded in Deed Book 809, Page 47, aforesaid records.
11. Indian Creek Area Sewer Easement from Borochoff Properties, Inc. to Dekalb County, Georgia, dated July 1, 1964, filed for record September 1, 1964, and recorded in Deed Book 1917, Page 268, aforesaid records.
12. Easements as conveyed in the certain Warranty Deed from Lance M. Borochoff and Lynn B. Gould, as Trustee of the Charles Z. Borochoff Marital Trust, under the Last Will and Testament of Charles Z. Borochoff, deceased, to Decatur Paint & Body, Inc., a Georgia corporation, dated July 18, 2005, filed for record July 22, 2005, and recorded in Deed Book 17686, Page 786, aforesaid records.
13. Parking and Landscape Easement from Lance M. Borochoff and Lynn B. Gould, as Trustees of the Charles Z. Borochoff Marital Trust to Mike Cushwa and Angi Cushwa, dated June 21, 2005, filed for record July 22, 2005, and recorded in Deed Book 17687, Page 9, aforesaid records.
14. Easements as conveyed in Right-of-Way Deed from Charles Z. Borochoff Marital Trust to Dekalb County, a political subdivision of the "State of Georgia" dated February 15, 2006, filed for record January 25, 2007, and recorded in Deed Book 19603, Page 794, aforesaid records.

15. Easement recorded on January 1, 1964 in Deed Book 1883, Page 264, aforesaid records.
16. Right-of-Way Easement recorded on July 10, 1967, in Deed Book 2214, Page 642, aforesaid records.
17. Easement recorded January 16, 1968 in Deed Book 2774, Page 110, aforesaid records.
18. Easement recorded December 19, 1991, in Deed Book 7131, Page 318, aforesaid records.

Record and Return to:  
MCMANAMY MCLEOD HELLER, LLC  
3520 PIEDMONT ROAD, STE 110  
ATLANTA, GA 30305  
14-07-0001

2014133853 DEED BOOK 24597 Pg 399  
  
Real Estate Transfer Tax \$0.00

Filed and Recorded:  
10/2/2014 11:16:23 AM  
Debra DeBerry  
Clerk of Superior Court  
DeKalb County, Georgia

## Quitclaim Deed

STATE OF MINNESOTA

COUNTY OF RAMSEY

THIS INDENTURE, made the 22 day of September, 2014, between Ceradyne, Inc., a Delaware Corporation as party or parties of the first part, hereinafter called Grantor, and RBM Decatur, LLC, a Georgia Limited Liability Company, as party or parties of the second part, hereinafter called Grantee (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits).

WITNESSETH that: Grantor, for and in consideration of the sum of one dollar (\$1.00) and other valuable considerations in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, by these presents does hereby remise, convey and forever QUITCLAIM unto the said grantee,

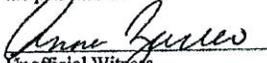
SEE EXHIBIT "A", ATTACHED HERETO AND MADE PART HEREOF.

BEING THE SAME PROPERTY AS CONVEYED BY QUIT CLAIM DEED BETWEEN BOROCHOFF TRANSITION, LLC, A GEORGIA LIMITED LIABILITY COMPANY, AND CERADYNE, INC, A DELAWARE CORPORATION, DATED AUGUST 3, 2007, FILED AND RECORDED AUGUST 3, 2007 IN DEED BOOK 20188, PAGE 272, DEKALB COUNTY, GEORGIA RECORDS.

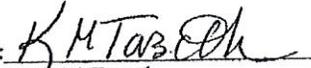
TO HAVE AND TO HOLD the said described premises to grantee, so that neither grantor nor any person or persons claiming under grantor shall at any time, by any means or ways, have, claim or demand any right or title to said premises or appurtenances, or any rights thereof.

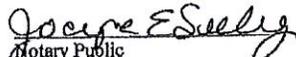
IN WITNESS WHEREOF, Grantor has signed and sealed this deed, the day and year first above written.

Signed, sealed and delivered in  
the presence of:

  
Unofficial Witness

Ceradyne, Inc.

BY:   
Kimberly M. Torseth  
Assistant Treasurer

  
Notary Public

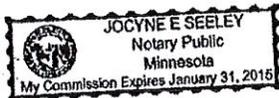


EXHIBIT A  
LEGAL DESCRIPTION

The land situated in the City of Scottdale, County of DeKalb, State of Georgia, and described as follows:

**TRACT I**

All that tract or parcel of land lying and being in Land Lot 65 of the 18<sup>th</sup> District of DeKalb County, Georgia, currently known as 3449 Church Street and being more particularly described as follows:

Beginning at the intersection of the northeasterly right of way of Glendale Drive (having a variable right of way) and the southeasterly right of way of Church Street which is located 149' from the centerline of the railroad track (said Church Street being encompassed within the railroad right of way) and the TRUE POINT OF BEGINNING; thence along said right of way of Church Street proceed North 47°52'50" East for 388.76' to a 1/2 inch re-bar found; thence leaving the right of way of said Church Street proceed South 30°46'33" East for 261.87' to an iron pin found; thence proceed South 32°01'19" East for 312.47' to a point; thence proceed South 54°36'44" West for 402.00' to a point on the northeasterly right of way of Glendale Drive; thence along said right of way proceed North 31°40'17" West for 271.10' to a point; thence continuing along said right of way proceed North 58°18'21" East for 0.47' to a point; thence continuing along said right of way proceed North 29°58'51" West for 122.46' to a point; thence continuing along said right of way proceed North 59°32'27" East for 13.19' to a point; thence continuing along said right of way proceed North 33°09'34" West for 81.07' to a point; thence continuing along said right of way proceed North 30°25'03" West for 40.24' to a point; thence continuing along said right of way proceed North 59°34'52" East for 4.75' to a point; thence continuing along said right of way proceed North 30°48'40" West for 15.47' returning to the point of beginning; Said parcel contains 217,850 square feet of 3.0011 acres, more or less and is shown as Tract I on a survey by Gudger Surveying, Inc. of 3449 Church Street, dated February 19, 2007 and last updated on July 31, 2007.

**TRACT II**

All that tract or parcel of land lying and being in Land Lot 65 of the 18<sup>th</sup> District of DeKalb County, Georgia, and being more particularly described as follows:

Beginning at the intersection of the northeasterly right of way of Glendale Drive (having a variable right of way) and the southeasterly right of way of Church Street which is located 149' from the centerline of the railroad track (said Church Street being encompassed within the railroad right of way); from said right of way intersection proceed along the northeasterly right of way of Glendale Drive South 30°48'40" East for 15.47' to a point; thence continuing along said right of way proceed South 59°34'55" West for 4.75' to a point; thence continuing along said right of way proceed South 30°25'03" East for 40.24' to a point; thence continuing along said right of way proceed South 33°09'34" East for 81.07' to a point; thence continuing along said right of way proceed South 59°32'27" West for 13.19' to a point; thence continuing along said right of way proceed South 29°58'51" East for 122.46' to a point; thence continuing along said right of way proceed South 58°18'21" West for 0.47' to a point; thence along said right of way proceed South 31°40'17" East

271.10' to a point being the TRUE POINT OF BEGINNING; from the point of beginning thus established, leave the right of way of Glendale Drive and proceed North 34°36'44" East for 90.28' to a point; thence proceed South 00°44'34" East for 86.39' to a point; thence proceed South 57°45'58" West for 44.89' to a point on the northeasterly right of way of Glendale Drive; thence along said right of way of Glendale Drive proceed North 32°20'30" West for 68.70' returning to the point of beginning. Said parcel contains 4,750 square feet or 0.109 acres, more or less and is shown as Tract II on a survey by Gudgey Surveying, Inc. of 3449 Church Street, dated February 19, 2007 and last updated on July 31, 2007.