



50 Warm Springs Circle
Roswell, Georgia 30075-4937

Main: 770.641.1942
Fax: 770.998.6924

May 7, 2013

The Mayor and City Council
City of Roswell
Roswell City Hall
38 Hill Street
Roswell, Georgia 30075

RE: **Rezoning and Concurrent Variance Application
Thompson Property
Land Lots 1281 & 1282, 2nd District, 2nd Section
Fulton County, Roswell, Georgia**

Dear Mayor and Councilpersons:

The Applicant in the above referenced application, seeks Re-Zoning and Concurrent Variance approval for 16.1 acres currently zoned FC-A and R-2(c) to R-3A for the purpose of developing a residential development on the property.

The property is currently used as large lot residential except for one of the properties that is currently vacant. To the south, east, and west of the property is existing residential development, zoned FC-A, R-4A TR, R-5(c) and R-1. To the north of this property is the right of way of Rucker Road and across the street is additional residential development similar to our proposal.

It is the intention of the applicant to rezone the property for the development of a single family residential community in keeping with the established housing quality within the City and the surrounding properties. As a part of this re-zoning, we are requesting a single concurrent variance to reduce the lot width from 80' to 60'. This will allow the proposed lots to better match the existing surrounding development. Further, the granting of this Re-Zoning Application will have no negative impact on adjoining or nearby properties; in fact, this project provides an exceptional opportunity to complete development in this area of the city while maintaining Roswell's highest standards for quality. The development will not unduly tax any City services, including, but not limited to, fire and police protection, and garbage collection. Sewer and water is available to the site by Fulton County Public Works. This projects vehicular access will be served by Rucker Road and Houze Road which are currently within their capacity limits.

It is the position of the Applicant that the granting of this request at this time would benefit the City of Roswell, its citizens, surrounding property owners and the Property Owners by allowing this encapsulated property to be developed in an economically reasonable manner, consistent with the area while minimizing the impact on infrastructure.

It is the position of the Applicant that the Roswell Zoning Ordinance, in zoning the property AG and R-2, as it currently exists and with existing conditions is unconstitutional in that it destroys the marketability of the property and renders the property exceptionally less valuable, and such zoning therefore constitutes a taking of the property without just and adequate compensation and without due process of law in violation of the Fifth and Fourteenth Amendments to the Constitution of the United States, as well as Article I, Section 1, Paragraph 1; Article I, Section 3, Paragraph 1 (a); and Article 3, Section 6, Paragraph 2 of the Constitution of the State of Georgia (1983). To zone this property to any intervening category which is less than requested is unconstitutional, renders the property unusable and constitutes the taking of Applicant's property without just and adequate compensation and without due process of law in violation of the provisions of the United States and Georgia Constitutions cited in this paragraph. The same effect would be had by imposing conditions in restraint of trade, or onerous, burdensome, unconstitutional, or unnecessary conditions on the property.

In so much as it is believed that this aforementioned Re-Zoning is in the best interest of the City of Roswell, its citizens, surrounding property owners and the Property Owners, Applicant respectfully requests that the City of Roswell approve this Application as presented pursuant to the plans hereto attached.

Sincerely,
AEC, Inc.



Steven L. Rowe, ASLA
Vice President

SLR/CHM/slr
Attachments

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