



LS#

RZ Case #: RZ12-08 CV Case #: CV12-03 CU Case #: 12-0537
P#: 12120038 P#: 12120039

ZONING APPLICATION

TYPE OF REQUEST:

- ☐ Rezoning
- ☒ Concurrent Variance
- ☐ Conditional Use
- ☐ Text Amendment
- ☒ Other (Explain)

Present Zoning R-3c
Requested Zoning R-3c
Proposed Use Residential
Total Acreage 16.2469

Site Plan Amendment

PROJECT

SAVANNAH ON THE PARK
OLD Alabama Townhomes / Savannah Walk
Name of Project
1580 OLD Alabama Rd Roswell GA 30076
Property Address/Location
Cell 4612 1st 2nd 12-240006120395
Land Lot District Section Property ID

APPLICANT/OWNER

BANK of North Georgia
Applicant JEH HOMES, LLC
Company 6845 Shiloh Road East #D-3 Alpharetta GA 30005
Mailing Address 404.456.5562 770.945.5888 jimje@jeh-homes.com
Phone Cell Phone Fax Phone E-mail

REPRESENTATIVE

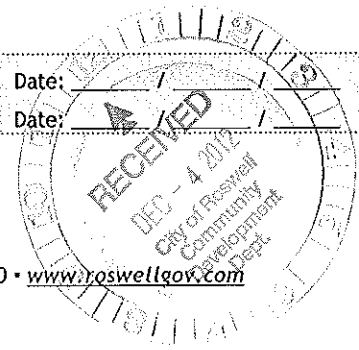
Don Rolader, Rolader & Rolader
Contact Name and Company (Owner's Agent or Attorney)
11660 Alpharetta Hwy Suite 630 Roswell GA 30076
Contact Mailing Address 770.442.0330 don@roladerandrolader.com
Phone Cell Phone Fax Phone E-mail

I hereby certify that all information provided herein is true and correct

James D. Jirobi
Applicant Signature: Property Owner or Owner's Representative

Date: 12/03/2012

OFFICE USE Fee: \$ _____ ☐ Cash ☐ Check # _____ ☐ CC - Visa/ MC Date: _____
☐ Approved ☐ Denied By: _____ Date: _____





Analysis Requirements

REZONING APPLICATIONS: Please complete the Analysis Requirements questionnaire. Applicants are required to respond to criteria 1 through 6 pursuant to O.C.G.A. 36-67-3. Further, please complete criteria 7 through 23, as noted below.

CONCURRENT VARIANCE APPLICATIONS: Please complete the Analysis Requirements questionnaire. Applicants are required to respond to criteria 1 through 23. Complete also the Concurrent Variance Justification, questions 1 - 7 at the end of this section.

CONDITIONAL USE APPLICATIONS: Please complete the Analysis Requirements questionnaire. Applicants are required to respond to criteria 1 through 8; also 13, and 18 through 22. Criteria 9 through 12, and 14 through 17, and 23 are NOT required to be completed for a Conditional Use Application.

1. Whether the proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.

Yes, Adjoining property is currently Apartments and office.

2. Whether the proposal will adversely affect the existing use or usability of adjacent or nearby property.

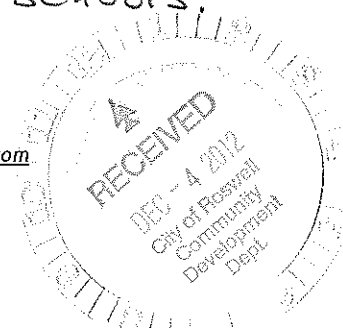
No, the proposed use will not adversely affect the usability of adjacent or nearby property due to the differing zonings and good vehicular connectivity.

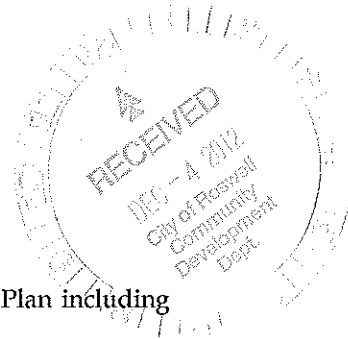
3. Whether the property to be affected by the proposal has a reasonable economic use as currently zoned.

Yes, the current zoning allows for 94 townhomes. Application is for a site plan amendment reducing to 81 homes.

4. Whether the proposal will result in a use which would or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.

The proposed use will not cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.





5. Whether the proposal is in conformity with the policy intent of the Comprehensive Plan including land use element.

Yes, property is indicated to be in the "GA 400-Holcomb Bridge" Node on the 2030 Comprehensive Plan.

6. Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the proposal.

Currently the subject property is zoned for 94 Attached townhomes. We intend to attach our homes with an Arbor which will have the appearance of detached homes.

An applicant for an amendment to the official zoning map may decline to provide any information related to criteria seven (7) through twenty-three (23) if he or she completes, signs, and notarizes the following statement:

"I do not regard the information required by the City, or any portion thereof as indicated, as necessary or relevant to the City Council in their consideration of my application for rezoning. I stipulate that such information shall not be relevant to the City Council in their deliberations or to any court in its review of the decision on my application for rezoning."

Dwight North Georgia
Owner of Property (Signature)

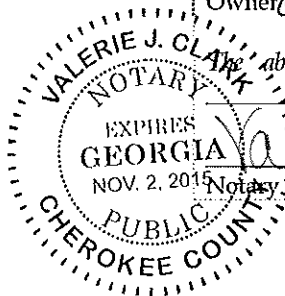
Date: 12 / 4 / 2012

I, above named individual personally appeared before me, and on oath states that he/she is the for the foregoing, and that all above statements are true to the best of his/her knowledge.

Valerie J. Clark
Notary Public (Signature)

Date: 12 / 4 / 12

My Commission Expires:
Date: 11 / 2 / 15



7. An explanation of the existing uses and zoning of subject property.

Subject property is currently zoned AS R3-c And is fully developed but not built.

8. An explanation of the existing uses and zoning of nearby property.

The property to the west is the Kimberly-Clark campus which is zoned OCMSc. The property to the north and east is the Belcourt Apartments zoned R4. All property on the south across Old Alabama Rd is zoned C3. The property to the south west is zoned O-P and C-2.



9. An explanation of the existing value of the property under the existing zoning and/or overlay district classification.

N/A. No rezoning required. This is a site plan Amendment only.

10. Whether the property can be used in accordance with the existing regulations.

Yes the zoning works but the current site plan is restricted to a specific townhome product prepared for another builder. We are using a different product. Additionally, traditional townhomes have lost their value & marketability with the economic downturn.

11. The extent to which the property value of the subject property is diminished by the existing zoning district and/or overlay district classification.

N/A. No rezoning required. Site plan Amendment only.

12. The value of the property under the proposed zoning district and/or overlay district classification.

N/A. No rezoning required. Site Plan Amendment only.

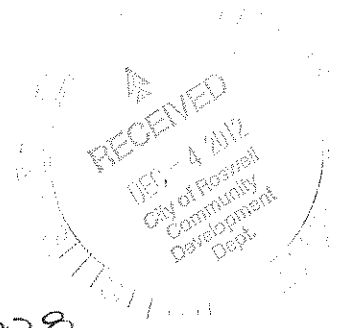
13. The suitability of the subject property under the existing zoning district and/or district classification for the proposed use.

Current zoning is suitable.

14. The suitability of the subject property under the proposed zoning district and/or overlay district classification.

Current zoning is suitable.





15. The length of time the property has been vacant or unused as currently zoned.

The subject property was rezoned in 2008.
It has been fully developed but no home construction
has taken place.

16. A description of all efforts taken by the property owner(s) to use the property or sell the property under the existing zoning district and/or overlay district.

N/A. No rezoning required. Site plan amendment only.

17. The possible creation of an isolated zoning district unrelated to adjacent and nearby districts.

N/A. No rezoning required. Site plan amendment only

18. Possible effects of a change in zoning or overlay district map, or change in use, on the character of a zoning district.

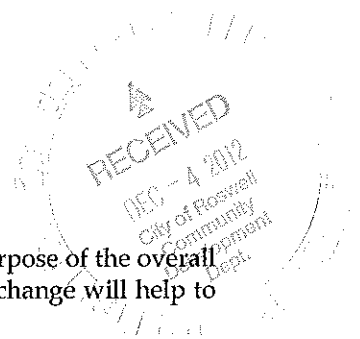
N/A. No rezoning required. Site plan Amendment only.

19. Whether a proposed zoning map amendment or conditional use approval will be a deterrent to the value or improvement of development of adjacent property in accordance with existing regulations.

N/A. No rezoning required. Site plan Amendment only.

20. The possible impact on the environment, including but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quality.

Proper BMPs shall be used to minimize or eliminate
any impact on the environment due to drainage,
soil erosion, sedimentation, flooding, water quality
and air quality. All state and city requirements will be met.



21. The relation that the proposed map amendment or conditional use bears to the purpose of the overall zoning scheme, with due consideration given as to whether or not the proposed change will help to carry out the purposes of these zoning regulations.

N/A no rezoning required. Site plan Amendment only.

22. The consideration of the preservation of the integrity of residential neighborhoods shall be considered to carry great weight. In those instances in which property fronts on a major thoroughfare and also adjoins an established residential neighborhood, the factor of preservation of the residential area shall be considered to carry great weight.

There is a substantial Buffer/Open Space area between the Old Alabama right-of-way and the nearest lots which will minimize the effects of this development.

23. The amount of undeveloped land in the general area affected which has the same zoning or overlay district classification as the map change requested.

N/A. no rezoning required. Site plan Amendment only.

Concurrent Variance Justification If Required

An applicant requesting consideration of a Concurrent Variance to any provision of the Zoning Ordinance shall provide written justification that one or more of the following condition(s) exist:

1. There are extraordinary and exceptional conditions or practical difficulties pertaining to the particular piece of property in question because of its size, shape, topography that are not applicable to other lands or structures in the same district.
2. Any information whereby a literal interpretation of the provisions of this ordinance would effectively deprive the applicant of rights commonly enjoyed by other properties of the district in which the applicant's property is located.
3. Any information supporting that granting the variance requested will not confer upon the property of the applicant any special privileges that are denied to other properties of the district in which the applicant's property is located.
4. Any information that the requested variance will be in harmony with the purpose of the intent of this ordinance and will not be injurious to the neighborhood or to the general welfare.
5. Any information that special circumstances are not the result of the actions of the applicant.
6. Any information that the variance request is the minimum variance that will make possible the proposed use of the land, building, or structure in the use district proposed.
7. Any information that the variance shall not permit a use of land, buildings, or structures, which is not permitted by right in the zoning district or overlay district involved.



RECEIVED
DEC - 4 2012
City of Roswell
Community
Development
Dept.

Application Signature Page

Please complete this Applicant Signature Page for ALL applications. **READ CAREFULLY BEFORE SIGNING.**

- I understand that failure to supply all required information (per the relevant Applicant Checklists and requirements of the Roswell Zoning Ordinance) will result in REJECTION OF THE APPLICATION.
- I understand that preliminary approval of my design plan does not authorize final approval of my zoning or signage request. I agree to arrange sign permitting separately, after approval is obtained.
- I understand that representation associated with this application on behalf of the property owner, project coordinator, potential property owner, agent or such other representative shall be binding.
- I have read the provisions of the Georgia Code Section 36-67A-3 as required regarding Campaign Disclosures. My signed Campaign Disclosure Statement is included with this Application (required for rezoning only).
- I understand that due to a sewer allocation system controlled by Fulton County, sewerage capacity may not be available. I agree to arrange sewer service separately from this application. The method of sewage disposal that is planned for this property is:
Check one:
☒ Sanitary Sewer
☐ Septic Tank

I respectfully petition that this property be considered as described in this application

From Use District: R-3c To Use District: R-3c

Wherefore, applicant prays that the procedures incident to the presentation of this petition be taken, and the property be considered accordingly. Additionally, applicant further acknowledges and fully understands all above statements made by the City of Roswell.

APPLICANT SIGNATURE (REQUIRED FOR ALL APPLICATIONS)

I hereby certify that all information provided herein is true and correct.

Emily Horst
Owner of Property (Signature)
8025 Westside Parkway Alpharetta Ga 30009
Street Address, City, State, Zip

12/4/12
Date
678-334-1685
Phone

NOTARY

Personally appeared before me the above Owner named _____ who on oath says that he/she is the Applicant for the foregoing, and that all the above statements are true to the best of his/her knowledge.

Valerie J. Clark
Notary Public (Signature)

12/4/12
Date

11/2/15
Date Commission Expires

ATTORNEY/AGENT (IF APPLICABLE)

James D. Jacobi
Attorney/Agent (Signature)
6845 Shiloh Rd E. # D3 Alpharetta GA
Street Address, City, State, Zip 30005

12/4/2012
Date
404.456.5562
Phone



Campaign Disclosure Ordinance

Please read the law and complete the Campaign Disclosure Statement on the following page if you are requesting a Rezoning, Concurrent Variance, or Conditional Use.

GA Citation/Title

GA Code 36-67A-3, Disclosure of campaign contributions

*38069 Code, 36-67A-3

CODE OF GEORGIA TITLE 36. LOCAL GOVERNMENT PROVISIONS APPLICABLE TO COUNTIES AND MUNICIPAL CORPORATIONS CHAPTER 67A. CONFLICT OF INTEREST IN ZONING ACTIONS (Current through 2000 General Assembly)

36-67A-3 Disclosure of campaign contributions.

- a) When any applicant for rezoning action has made, within two years immediately preceding the filing of that applicant's application for the rezoning action, campaign contributions aggregating \$250.00 or more to a local government official who will consider the application, it shall be the duty of the applicant to file a disclosure report with the governing authority of the respective local government showing:
 - 1) The name and official position of the local government official to whom the campaign contribution was made; and
 - 2) The dollar amount and description of each campaign contribution made by the applicant to the local government official during the two years immediately preceding the filing of the application for the rezoning action and the date of each such contribution.
- b) The disclosures required by subsection (a) of this Code section shall be filed within ten days after the application for the rezoning action is first filed.
- c) When any opponent of a rezoning action has made, within two years immediately preceding the filing of the rezoning action being opposed, campaign contributions aggregating \$250.00 or more to a local government official of the local government which will consider the application, it shall be the duty of the opponent to file a disclosure with the governing authority respective local government showing:
 - 1) The name and official position of the local government official to whom the campaign contribution was made; and
 - 2) The dollar amount and description of each campaign contribution made by the opponent to the local government official during the two years immediately preceding the filing of the application for the rezoning action and the date of each such contribution.
- d) The disclosure required by subsection (c) of this Code section shall be filed at least five calendar days prior to the first hearing by the local government of any of its agencies on the rezoning application.

(Code 1981, 36-67A-3, enacted by Ga. L. 1986, p. 1269, 1; Ga. L. 1991, p. 1365, 1; Ga. L. 1993, p. 91, 36.)

Official Code of Georgia Annotated Copyright 1982 - 2000 State of Georgia.



APPLICANT CAMPAIGN DISCLOSURE STATEMENT

Have you, within the two years immediately preceding the filing of this application, made campaign contributions aggregating \$250.00 or more to a member of the City of Roswell City Council or a member of the City of Roswell Planning Commission?

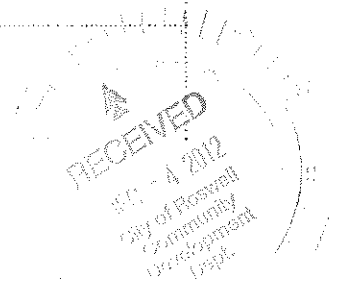
☐ YES

☒ NO

James D. Jacobi / JEH Homes, LLC 12/4/2012
Applicant/Owner of Property (Signature) Date
6845 Shiloh Rd E. # D3 Alpharetta GA 30005
Street Address, City, State, Zip

If the answer is yes, please complete the following section:

Date	Government Official	Official Position	Description	Amount





Planning & Zoning Director Acceptance Stamp

- ☐ Rezoning
- ☐ Concurrent Variance
- ☐ Conditional Use
- ☒ Site Plan Amendment

RECEIVED BY THE CITY OF ROSWELL

ZONING OFFICE 12-4-2012

Date

APPROVED FOR INITIATION OF A ZONING
AMENDMENT TO THE ROWELL ZONING
ORDINANCE AND ZONING MAP BY THE
ZONING DIRECTOR.

Bridget P. Donald
Zoning Director

TIME: 3:28pm DATE: 12-7-2012

THIS APPLICATION SHALL BE CONSIDERED
AND MAY BE REFERRED TO AS REZONING
PETITION NUMBER _____

R212-08, CV12-03

