ROLADER & ROLADER, P.C.

ATTORNEYS AND COUNSELORS AT LAW
1865 LOCKEWAY DRIVE, SUITE 601
ALPHARETTA, GEORGIA 30004
Telephone (770) 442-0330
Fax (770) 442-0641
www.roladerandrolader.com

DONALD A. ROLADER
don@roladerandrolader.com

D.W. "Pete" ROLADER
1924 - 2011

May 23, 2014

Mayor and City Council
City of Roswell
38 Hill Street, Suite G30
Roswell, GA 30075

RE: Variance Requests for Property on Crossville Road, Parkway Village District, City of Roswell, GA
by The Providence Group Of Georgia, LLC; **Amended Request Letter**

Dear Mayor and Council:

The Providence Group Of Georgia, LLC has filed three requests for variances on property located on Crossville Road in the Parkway Village District. The proposed use of the property is single family townhome residences for sale. This correspondence shall serve as the Amended Variance Request Letter for this application, and should be incorporated into a made a part of the file. I represent the Applicant for the purposes of this application.

The property in question is in the Parkway Village District, and its East and North boundaries abut properties outside the District. The West boundary abuts Sterling Crossville Townhomes, a single family "for sale" neighborhood of townhomes the Parkway Village District. The property is long on its north south axis, but is narrow on its east west axis. It has a creek with buffers and setbacks abutting the east boundary, and an existing lake takes up a large portion of the southeast quadrant. Development of the property is limited by geometry of the lot, existence of the creek, lake and buffers. It is not permissible or economically feasible to drain the existing lake.

Imposition of a 175 foot buffer or 150 foot buffer with berms on this property on the basis that it is a "multifamily" use imposes substantial hardships on the property, is an incorrect interpretation of the proposed use, and renders the property economically handicapped and virtually unfit for single family townhome development. The property cannot be developed in a viable manner without the grant of the requested variances to the hardships imposed on this property. If the variances are not granted, the developable portion of the property is a narrow strip of land running the entire length of the parcel. This is not reasonable.

Applicant requests three variances in this Application. Variance 1 is to reduce the buffer and setback on the east boundary to a 40 foot buffer and an additional 20 foot building setback. Variance 2 is to reduce the buffer and setback on the North boundary to a 40 foot buffer and an additional 20 foot building setback. Variance 3 is to reduce the buffer and setback on the west boundary abutting Sterling Crossville Townhomes to a 30 foot buffer with no additional building setback (0 feet). The variance criteria for all three are the same and will be addressed collectively below.

(a) There are extraordinary and exceptional conditions or practical difficulties pertaining to the particular piece of property in question because of its size, shape or topography that are not applicable to other lands or structures in the same district.

The property is deep and narrow in shape. It abuts district boundaries on two sides. A creek buffer impacts the entire eastern boundary and an existing lake occupies the southeast quadrant of the property. The size, shape and topography (creek buffer and lake) affect the development of the property even with single family residential setbacks. The imposition of Parkway Village boundary setbacks yields a narrow, long strip of property running north to south which is not developable either for residential or commercial development. This impact is not suffered by other lands in the district. This property is handicapped by imposition of district standards. These conditions are extraordinary and exceptional and create a practical difficulty which is that the property cannot be developed unless the variances are granted. The creek buffer and the lake on the east boundary create sufficient separation from existing single family homes.

(b) 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 property is located.

As stated above, a literal interpretation of the ordinance would deprive the applicant of any meaningful development of the property. The large buffers were designed to lessen the impact of intense office or commercial development in the Parkway Village District upon neighboring residential areas abutting but not within the District. This use is single family "for sale" residential development, which has no negative impact. The City's choice to classify the development as "multifamily" when it is in fact single family development causes the unfair imposition of the large buffers and creates an extreme hardship on the property.

(c) Granting the variances 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.

Approving the requested variances allows the property to be developed for single family residential use similar to the abutting property to the west which is Sterling Crossville   Townhomes. It does not confer any special privileges upon the property. Failing to approve the requested variances would impose an unreasonable hardship on the property in question.

(d) The requested variances will be in harmony with the purpose and intent of this ordinance and will not be injurious to the neighborhood or to the general welfare.

Granting the requested variances will allow the applicant to develop single family residences in a district that permits far more intense uses. Surrounding properties are either townhomes or single family residences. The proposed use is in harmony with surrounding uses.
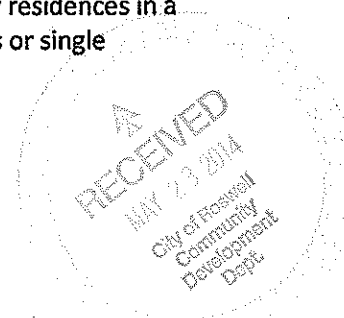
The purpose and intent of the ordinance was to impose large buffers where intense uses (office, apartments or commercial) might abut a residential area. The proposed use is single family residential. There is no need or reason to impose such buffers on this site. The result of imposing those buffers was unforeseen at the time the ordinance was adopted. If imposed, the buffers make the developable portion of this property, a long, narrow strip of land unfit for development. That is a hardship.

(e) The special circumstances are not the result of the actions of the applicant.

The applicant did not subdivide the property to its current boundaries, nor did the applicant cause the position of the City to be that single family residential townhomes constitute "multifamily" development. They are not multifamily housing. The applicant did not enact the Parkway Village District ordinance. The applicant did not build the lake or locate the streams on the property. The special circumstances are not the result of actions of the applicant.

(f) The variances requested are the minimum variances that will make possible the proposed use of the land, building, or structure in the use district proposed.

The requested variances are the minimums necessary to develop the property in a manner that is consistent with nearby uses in the district, and is economically feasible.

(g) The variances shall not permit a use of land, buildings or structures, which is not permitted by right in the zoning district or overlay district involved.

Single family residential use (fee simple townhomes) is a permitted use in the Parkway Village District as a matter of right. Imposition of substantial buffers on this piece of property causes a serious hardship on the applicant, causes a taking of the property in question and yields no corresponding benefit to the City of Roswell or to the public welfare. No health, safety or morals issues are involved.

The applicant respectfully requests that approval of these three variance requests be granted as submitted.

Sincerely,

Donald A. Rolader

cc: Mike Smith
        The Providence Group