



RZ #: 201403094 CV #: \_\_\_\_\_ CU #: 201403096

## UDC ZONING APPLICATION

### TYPE OF REQUEST :

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

Present Zoning

TRACTS 1+2 - RS30

TRACTS 3-8 - NX

Requested Zoning

NX - C

Proposed Use

SINGLE FAMILY DETACHED  
TRACTS 1+2 - 3.34

Total Acreage

TRACTS 3-8 7.26

TOTAL 10.60 AC

### PROJECT

COLEMAN ROAD / 120 TRACT

Name of Project

1010, 1020 ETAL COLEMAN RD.

ROSWELL GA 30075

Property Address/Location

233, 234, 270

Suite/Apt. #

City

State

Zip Code

Land Lot

1st  
District

2nd  
Section

Property ID

12161002340441-0912

12162002330069-0168

0176-0436

### APPLICANT/OWNER

R. WAYNE LAMAR

Applicant

1010+1020 COLEMAN ROAD INVESTMENTS, LLC

Company

1101 ST CHARLES PL

ATLANTA GA 30306

Mailing Address

Suite/Apt. #

City

State

Zip Code

Phone

404) 597-1761  
Cell Phone

404) 795-0864  
Fax Phone

RWLAMAR@BELL.SOUTH.NET  
E-mail

### REPRESENTATIVE

NA

Contact Name and Company (Owner's Agent or Attorney)

Contact Mailing Address

Suite/Apt. #

City

State

Zip Code

Phone

Cell Phone

Fax Phone

E-mail

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

[Signature]  
Applicant Signature, Property Owner or Owner's Representative

Date: 8 / 4 / 14

### OFFICE USE

Fee: \$ \_\_\_\_\_ ☐ Cash ☐ Check # \_\_\_\_\_ ☐ CC - Visa/ MC

☐ Approved ☐ Denied By: \_\_\_\_\_

Date: RECEIVED

Date: AUG - 5 2014

City of Roswell  
Community  
Development  
Dept.



## Analysis Requirements

**REZONING APPLICATIONS:** Applicants are required to respond to criteria 1 through 10 pursuant to the Unified Development Code, section 13.4.7, letter B.

**CONCURRENT VARIANCE APPLICATIONS:** Please Complete the Concurrent Variance Justification, questions 1 – 8 pursuant to the Unified Development Code, section 13.4.8.

**CONDITIONAL USE APPLICATIONS:** Applicants are required to respond to the 5 questions listed specifically for a Conditional Use, pursuant to the Unified Development Code, section 13.4.7, letter C.

**CONDITIONAL USE FOR ADDITIONAL HEIGHT:** Applicants are required to respond to the 2 questions specifically listed for the request for additional height, pursuant to the Unified Development Code, letter D.

REZONING QUESTIONS *SEE ATTACHED SHEET FOR ALL*

1. The zoning map corrects an error or meets the challenge of some changing condition, trend or fact.
2. The zoning map amendment substantially conforms with the Comprehensive Plan.
3. The zoning map amendment substantially conforms with the stated purpose and intent of this UDC.
4. The zoning map amendment will reinforce the existing or planned character of the area.



5. The subject property is appropriate for the development allowed in the proposed district.
6. There are substantial reasons why the property cannot be used according to the existing zoning.
7. There is a need for the proposed use at the proposed location.
8. The City and other service providers will be able to provide sufficient public facilities and services including schools, roads, recreation facilities, wastewater treatment, water supply and stormwater facilities, police, fire and emergency medical services, while maintaining sufficient levels of service to existing development.
9. The zoning map amendment will not significantly impact the natural environment, including air, water, noise, stormwater management, wildlife and vegetation.
10. The zoning map amendment will not have a significant adverse impact on property in the vicinity of the subject property.

CONDITIONAL USE QUESTIONS *SEE ATTACHED SHEET FOR ALL.*

1. The use is allowed as a conditional use in the respective zoning district (see Articles 3 through 7).



2. The use complies with the applicable specific use standard listed in Article 9, if any, without the granting of any variance.
3. The use is compatible with adjacent uses in terms of location, scale, site design, hours of operation, and operating characteristics.
4. Any adverse impacts resulting from the proposed use in the affected area will be effectively mitigated or offset.
5. The City and other service providers will be able to provide sufficient public facilities and services including schools, roads, recreation facilities, wastewater treatment, water supply and stormwater facilities, police, fire and emergency medical services, while maintaining sufficient levels of service to existing development.

#### CONDITIONAL USE FOR ADDITIONAL HEIGHT QUESTIONS

1. The project design is superior to that permitted under the base regulations.
2. Additional public benefits that mitigate the increased height have been offered.

August 5, 2014

## 1010 & 1020 Coleman Road Rezoning

### Rezoning Questions

1. Meets changing condition in that surrounding property has filled in with smaller single family lots and NX zoning is adjacent.
2. Yes, the proposed use NX Conditioned to Detached single family residential maintains the existing residential use.
3. Yes, proposed use extends existing adjacent NX zoning.
4. Yes, proposed use reinforces the surrounding small lot single family residential character of the area.
5. Yes, NX allows detached single family residential as a conditional use.
6. Property is adjacent to larger NX tract and small lot subdivisions not in keeping with 30,000 sf lots.
7. Yes, very few single family detached lots exist close to downtown Roswell.
8. Yes, all public utilities are available in Coleman Road and Hwy 120 which abut the property.  
Total lots proposed will be less than 50.
9. No, all City of ROSWELL Tree and water quality standards will be met.
10. Along with the adjacent NX property we are zoning to conditional residential we are eliminating retail/commercial uses and replacing them with detached single family detached more compatible with surrounding residential uses.

### Conditional Use Questions

1. Yes, detached single family residential is allowed as a conditional use in NX.
2. Yes, detached single family residential is allowed as a conditional use in NX without the granting of a variance.
3. Yes, detached single family residential is adjacent on three sides of the property.
4. Yes, less dense proposed use will not result in adverse impacts.
5. Yes, all public utilities are available in Coleman Road and Hwy 120 which abut the property.  
Total lots proposed will be less than 50.



#### **Recon Concurrent Variance Justification If Required**

An applicant requesting consideration of a Concurrent Variance to any provision of the Unified Development Code shall provide written justification that 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. In making this determination, the City Council shall consider all of the following criteria:

1. A literal interpretation of the provisions of this UDC would effectively deprive the applicant of rights commonly enjoyed by other properties of the zoning district in which this property is located.
2. Granting the requested variance will not confer upon the property of the applicant any special privileges that are denied to other properties of the zoning district in which the property is located.
3. The requested variance will be in harmony with the purpose of the intent of this UDC and will not be injurious to the neighborhood or to the general welfare.
4. The special circumstances are not the result of the actions of the applicant.
5. The variance requested is the minimum variance that will make possible the proposed use of the land, building, or structure.
6. The variance does not permit a use of land, buildings, or structures, which is not permitted by right in the zoning district.
7. The variance does not reduce the lot size below the minimum lot size allowed in the zoning district.
8. The variance does not increase the maximum allocation of sign area or the maximum area of an allowed sign.



### Application Signature Page

Please complete this Property Owner 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 Unified Development Code) 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: ~~RS-30 To RS-30~~ To Use District: ~~RS-30~~ **RS-30 To RS-30**

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.

### PROPERTY OWNER SIGNATURE (REQUIRED FOR ALL APPLICATIONS)

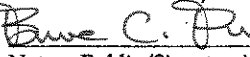
I hereby certify that all information provided herein is true and correct.

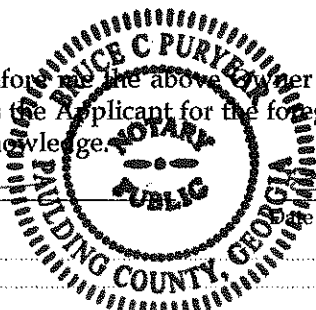
  
Owner of Property (Signature)  
1101 ST. CHARLES PL ATLANTA, GA 30306  
Street Address, City, State, Zip

8 / 5 / 14  
Date  
41597-1761  
Phone

### NOTARY

Personally appeared before me the above signer named **P. WAYNE LATIMER** 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.

  
Notary Public (Signature)



8 / 5 / 14

3 / 14 / 2017  
Date Commission Expires

### ATTORNEY/ AGENT (IF APPLICABLE)

\_\_\_\_\_  
Attorney/ Agent (Signature)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Street Address, City, State, Zip

\_\_\_\_\_  
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

R. WAYNE LAMAR  
Applicant/Owner of Property (Signature)

8 / 4 / 14  
Date

1101 ST. CHARLES PL ATLANTA, GA 30306  
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

RECEIVED  
AUG - 5 2014  
City of Roswell  
Community  
Development  
Dept.

RECEIVED BY THE CITY OF ROSWELL  
ZONING OFFICE Aug. 5, 2014  
Date

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

Bradford D. Townsend  
Zoning Director

TIME: 9:41 DATE: 8-13-14

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

R2 2014 03094  
CU 2014 03096