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January 7, 2014

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

RE: Conditional Use Permit Application
CANARY FARM, LLC
470 Ebenezer Road Road, City of Roswell, Georgia
LETTER OF INTENT



Dear Mayor and Councilpersons:

Canary Farm,, LLC, the Applicant, is seeking approval of this Application for Conditional Use Permit. This letter shall be considered as the Letter of Intent for this Application.

The Applicant is requesting approval for a Conditional Use Permit for an Equestrian facility on 19.0223 acres on Ebenezer Road. The property will be developed to have a principal residence, a covered riding arena, an open riding ring, a barn with living quarters and multiple fenced pastures. The equestrian facility will offer boarding of horses and riding lessons to the public for a fee. Persons associated with the equestrian facility may be permitted to live in the living quarters in the barn.

The underlying zoning is FC-A/AG, which zoning allows this conditional use. The area around the application property is a combination of vacant land, farms and single family homes. The requested Conditional Use will be harmonious with uses in the surrounding area, and creates almost no impact on environmental matters, utility services, fire and police protection, schools and the road system.

This application is not a rezoning request, and does not change the land use of the property. There will be no negative impact on the character of the community, and property values could be enhanced.

The granting of this site plan amendment will have no negative impact on adjoining or nearby properties. This development will not unduly tax any City of Roswell services, including, but not limited to fire and police protection, water service and garbage collection.

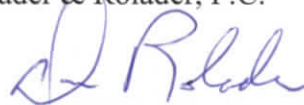
Mayor and City Council
January 7, 2014
Page Two

To deny this Application will be of no benefit to the citizens of Roswell, Georgia while causing a severe financial burden upon the property owner and Applicant. This site is appropriate for the conditional use requested. The project proposed herein is consistent with development in the surrounding area and does not modify the Comprehensive Plan or the Future Land Use Plan.

It is the position of the Applicant that the denial of this conditional use application is unconstitutional in that it destroys the marketability of the property and renders the property 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 1, Section 1, Paragraph 1; Article 1, Section 3, Paragraph 1(a); and Article 3, Section 6, Paragraph 2 of the Constitution of the State of Georgia (1983). The same effect would be true by imposing additional onerous, burdensome or unnecessary conditions on the property. Further, denial of this Application will deny Applicant and Owner equal protection of the law.

The Applicant respectfully requests that the Roswell City Council grant this Conditional Use Application.

Very truly yours,
Rolader & Rolader, P.C.



Donald A. Rolader
For the Firm

cc: Canary Farm, LLC

