



LS# 13-0234

RZ Case #: 201301339

CV Case #: 201301341

CU Case #: \_\_\_\_\_

## ZONING APPLICATION

### TYPE OF REQUEST:

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

Present Zoning FC-A, R-2 (c)  
Requested Zoning R-3A  
Proposed Use Residential Development  
Total Acreage 16.1 ac.

### PROJECT

Thompson Property  
Name of Project  
12055 Houze Road & 365, 375, 395 Rucker Road  
Property Address/Location  
1281 & 1282  
Land Lot  
2  
District  
2  
Suite/Apt. #  
Section  
City  
Roswell  
State  
Ga  
Zip Code  
30076  
22-3370-1281-021-6, 22-3370-1281-021-9, 22-3370-1281-023-4,  
22-3370-1281-023-5  
Property ID

### APPLICANT/OWNER

William R. Hole  
Applicant  
D&B Development, Inc. 78437  
Company  
5755 North Point Parkway, Suite 2  
Mailing Address  
770-998-5300  
Phone  
404-312-5075  
Cell Phone  
770-998-6924  
Fax Phone  
City  
Alpharetta  
State  
Ga  
Zip Code  
30022  
dh113311@aol.com  
E-mail

### REPRESENTATIVE

Steve Rowe / AEC  
Contact Name and Company (Owner's Agent or Attorney) 76889  
50 Warm Springs Circle  
Contact Mailing Address  
770-641-1942  
Phone  
404-906-1639  
Cell Phone  
770-442-0641  
Fax Phone  
City  
Roswell  
State  
Ga  
Zip Code  
30075  
slr@aecatl.com  
E-mail

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

William R. Hole  
Applicant Signature: Property Owner or Owner's Representative

Date: 5 / 7 / 2013

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

Date: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_  
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.

The proposed use is compatible with the surrounding residential land uses.

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

The proposed use will not adversely affect the existing adjacent properties.

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

The property does not have a reasonable economic use as currently zoned.

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 have a negative impact on the existing infrastructure, including roadways, sewer, water and schools.





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

The proposal is consistent with the Comprehensive Plan as it relates to the property's proposed use, residential.

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.

This property is surrounded by residential development of a similar lot size. The development of this property as R3-A will be in keeping with the existing developments and will enhance the existing communities.

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."*

\_\_\_\_\_  
Owner of Property (Signature)

Date: \_\_\_\_ / \_\_\_\_ / \_\_\_\_

*The 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.*

\_\_\_\_\_  
Notary Public (Signature)

Date: \_\_\_\_ / \_\_\_\_ / \_\_\_\_

My Commission Expires:

Date: \_\_\_\_ / \_\_\_\_ / \_\_\_\_

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

The existing land use of the property is large lot older residential.

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

The existing use of nearby and adjacent properties is residential.







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

The property has an approximate value as currently zoned of ~~\$1.25M~~ <sup>1.175M</sup>.

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

The property can be used, but <sup>not</sup> to a reasonable economic use.

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

The property currently zoned has a significant diminished value.

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

Approximately ~~\$2.25M~~ <sup>2.35M</sup>.

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

The existing zoning will not support the proposed use.

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

The proposed use is well suited for the proposed zoning district.



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

395 Rucker has been vacant for 3 to 4 years. All other property is used.

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.

The properties have been listed for sale for almost 2 years with no offers to buy.

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

The proposed zoning will not create an isolated zoning district.

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

This proposed change will have no impact to the character of the zoning district.

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.

The proposed change will have no negative impact to the surrounding zoning district.

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

Any possible impacts to the environment will be mitigated through the engineering and design process with the staff at the City of Roswell.





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.

The proposed change will preserve the residential character for the area.

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.

The proposed development will be in keeping with the residential character of the adjacent roads.

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.

This is one of the last undeveloped parcels in this general area.



#### 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.



Concurrent Variance Justification

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.**

The surrounding properties have a similar lot width what we are requesting.

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.**

A majority of the surrounding properties that we are abutting have the same or similar lot width that we are requesting. (60' min)

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.**

This request is in harmony with the surrounding neighbors and will have no negative impact.

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.**





### 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: (FC-A) c To Use District: R-3A

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.

Constance A. Thompson  
Owner of Property (Signature)  
12055 Houze Road, Roswell, GA 30076  
Street Address, City, State, Zip

05/02/2013  
Date  
770-569-0680  
Phone

#### NOTARY

Personally appeared before me TAKIMIA WELCH Notary Public, Fulton County, Georgia, Constance A. Thompson who on oath says that he/she is the Owner of the foregoing, and that all the above statements are true to the best of his/her knowledge.

Takimia Welch  
Notary Public (Signature)  
My Commission Expires Jan 14, 2017

01/14/2017  
Date Commission Expires

#### ATTORNEY / AGENT (IF APPLICABLE)

[Signature]  
Attorney / Agent (Signature)  
50 Warm Springs Circle, Roswell, GA 30075  
Street Address, City, State, Zip

5/7/2013  
Date  
770-641-1942  
Phone







### 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-2c To Use District: R-3A

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.

Tracy Erickson  
Owner of Property (Signature)  
365 Rucker Road, Alpharetta, GA 30004  
Street Address, City, State, Zip

5 / 1 / 13  
Date  
404-514-6172  
Phone

#### NOTARY

Personally appeared before me the above Owner named TRACY ERICKSON 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.

[Signature]  
Notary Public (Signature)

5 / 1 / 13  
Date

5 / 11 / 14  
Date Commission Expires

#### ATTORNEY/AGENT (IF APPLICABLE)

[Signature]  
Attorney/Agent (Signature)  
50 Warm Springs Circle, Roswell, GA 30075  
Street Address, City, State, Zip

5 / 7 / 2013  
Date  
770-641-1942  
Phone





### 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.
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- 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-2C

To Use District: R-3A

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.

Walter C Potts  
Owner of Property (Signature)

862 Farmer Circle, Mineral Bluff, GA 30559

Street Address, City, State, Zip

4/29/13  
Date

706-900-6167

Phone

#### NOTARY

Personally appeared before me the above Owner named Walter C Potts who  
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.

Gloria Walden  
Notary Public (Signature)

4/29/13  
Date

09/16/2016  
Date Commission Expires



#### ATTORNEY/AGENT (IF APPLICABLE)

[Signature]  
Attorney/Agent (Signature)

50 Warm Springs Circle, Roswell, GA 30075

Street Address, City, State, Zip

5/7/2013  
Date

770-641-1942

Phone







### 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.
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- 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-2C To Use District: R-3A

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.

Oral J. Abernathy IRA Abernathy Jr. 5 / 2 / 13  
Owner of Property (Signature) Date  
502 Cherokee Trail, Copperhill, TN 37317  
Street Address, City, State, Zip 678-773-5277  
Phone

#### NOTARY

Personally appeared before me the above Owner named Oral + Ira Abernathy 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.

[Signature] 5 / 2 / 13 10 / 6 / 14  
Notary Public (Signature) Date Date Commission Expires

#### ATTORNEY / AGENT (IF APPLICABLE)

[Signature]  
Attorney/Agent (Signature)  
50 Warm Springs Circle, Roswell, GA 30075  
Street Address, City, State, Zip

5 / 7 / 2013  
Date  
770-641-1940  
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

William R. Hole 5 / 7 / 13  
Applicant/Owner of Property (Signature) Date  
5755 North Point Pkwy., Suite 2, Alpharetta, GA 30022  
Street Address, City, State, Zip

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

| Date | Government Official | Official Position | Description | Amount |
|------|---------------------|-------------------|-------------|--------|
|      |                     |                   |             |        |
|      |                     |                   |             |        |
|      |                     |                   |             |        |
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|      |                     |                   |             |        |





Planning & Zoning Director Acceptance Stamp

- ☒ Rezoning  
☒ Concurrent Variance  
☐ Conditional Use

RECEIVED BY THE CITY OF ROSWELL  
ZONING OFFICE 5-7-2013  
Date  
APPROVED FOR INITIATION OF A ZONING  
AMENDMENT TO THE ROSWELL ZONING  
ORDINANCE AND ZONING MAP BY THE  
ZONING DIRECTOR  
*Braydon D. Townsend*  
Zoning Director  
TIME: 9:50 DATE: 5-13-2013  
THIS APPLICATION SHALL BE CONSIDERED  
AND MAY BE REFERRED TO AS REZONING  
PETITION NUMBER  
K2 201301339  
CV 201301341