

Hamilton Commons Homeowner Association

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City Of Roswell Zoning Commission

C/O Jackie Deibel, Planner III

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RE: Application Nos RZ12-05 and CV12-02, Property located at the Intersection of Etris Road and Kent Road, Roswell Georgia

Commissioners:

The Hamilton Commons Homeowners Association (HCHOA) is opposed to the proposed R-3A re-zoning request in the applications noted above.

The primary reasons for opposition include:

- 1) The zoning request is inconsistent with zoning of nearby and adjacent subdivisions and private lots along most of both Etris and Kent Roads.
- 2) Rebuttal to 21 of the 23 zoning criteria offered by EAH Homes as to why they should be granted R-3A zoning (Appendix A).
- 3) The request is inconsistent with the Design Guidelines set forth in the 2030 Comprehensive Plan (Appendix A - #5).
- 4) The amount of variances requested for the R-3A zoning reduces the neighborhood density on Trac I to 3 homes per acre not the 2.35 homes per acre as the site revision states. The homes proposed in Trac II are in the range of just under an acre each while those in Trac 1 are 3 to an acre.
- 5) Storm water concerns are still prevalent with questions that need answers (Appendix B)
- 6) Sewer concerns are still prevalent based on concerns raised in the 2025 Comprehensive Plan (Appendix A - #5).
- 7) Buffer reduction and setback requests are extensive and without them, the developer could not put 34 homes on Trac I. There is no room left for HOA common area landscaping for a consistent look along Etris Road.
- 8) Lots are so small along the Hamilton Commons 30 foot (10 yard) "natural buffer", that in order to have a back yard, residents will be tempted to remove trees from the buffered area. Once removed, even if they are fined and trees need to be replanted, it will take years to replace that growth.

We urge you to deny both applications for re-zoning.

Respectfully,

Hamilton Commons Homeowners Association

Cheryl Henleben, President

## Appendix A – HCHOA Rebuttal to Zoning Criteria

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

**EAH:** The proposed single-family detached residential use is suitable in view of the adjacent and nearby properties which are also single-family residential. The Application is consistent with the recommendations of the Comprehensive Plan.

**HCHOA:** The revised site development is inconsistent with adjacent and nearby properties in the Wexford, Hamilton Commons, Wynfield Estates subdivisions and private lots along Etris and Kent Road. The proposed single-family detached homes are planned to be 2,200 square feet on 9000 square foot lots, compared to 3,000-5,000 square foot homes on 18,000 square foot minimum lots in the above mentioned subdivisions. Private lots, some of which are classified as estate lots in the 2030 Comprehensive Plan (Character areas 1.2.2- E1,E2). Further, the proposed site plan does not include any amenities such as swim/tennis and landscaped common areas along the main road buffer, again totally inconsistent with the other Etris Road subdivisions, including Edenwilde.

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

**EAH:** The proposal will not adversely affect the existing use or usability of adjacent or nearby property because the use is consistent (i.e. residential). The densities requested are also consistent with adjacent and nearby properties.

**HCHOA:** The densities are much higher than the adjacent and nearby properties even though limited adjustments have been made with the revised site plan. Minimum 9000 square feet is half the size of the 18,000 square foot minimum of the homes in Hamilton Commons, Wexford, and Kent Road and Etris Road private estate-sized lots. The 5 home reductions on Trac I are taken up with 2 bio-retention ponds and little bit extra in pie sized lots around the 3 proposed cul-de-sacs and leave 3 homes per acre. There cannot be a proposed "future connection roadway" as it dead ends at the edge of a 2 acre private homeowner occupied estate lot. The revised site plan including the fire truck turn-around, shows just how small and tight the lots are in Trac I. The requested variances for reductions in side yard setback, minimum lot width, open space required, rear setbacks and natural buffers further illustrate the compactness of the subdivision requested under R-3A re-zoning which is completely inconsistent with nearby and adjacent development.

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

**EAH:** The property has some economic use as currently zoned but it cannot compete with nearby similarly situated properties. The nearby properties do not include developed properties with the same zoning (FCA-AG-1). The requested zoning of R-3A is consistent with adjacent and nearby properties

**HCHOA:** As currently zoned, the property does not have reasonable economic use. The requested zoning is **NOT** consistent with adjacent and nearby properties. Wexford is zoned Roswell R1, Hamilton Commons is FC-R-3, equivalent to Roswell R-1, and there is no R-3A zoning anywhere along Etris or Kent Roads.

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.

**EAH:** The proposed zoning for 38 residential lots will not cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools

**HCHOA:** The Etris Rd traffic patterns will be adversely impacted by the addition of roughly 80 additional vehicles each morning attempting to travel south on Etris Rd toward Hardscrabble. Currently weekday traffic backs up from the light at Etris and Hardscrabble to Kent Road, and in the school year it is even worse. The site revision with the entrance off of Etris Road instead of Kent Road will add to the extreme congestion already experienced on Etris Road in the mornings. Etris Road is used as a cut-through for drivers trying to avoid the extreme congestion on Arnold Mill/Houze Road that backs up for miles well past Cox Road in the mornings. The pattern is to use Etris Road as a cut through to Crabapple Rd on the way to Crossville and eventually to GA 400. Due to the added congestion on Etris Road, Kent Road, a gravel road, will also experience increased use a cut-through causing additional dust and debris into the adjacent to properties.

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

**EAH:** The proposal conforms to the policy and intent of the 2030 Comprehensive Plan. The property is located in the Suburban Residential district and the proposed use (single-family residential) is consistent with the City's goals for future development.

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**HCHOA:** The proposed use is **NOT** consistent with the 2030 Comprehensive Plan and the zoning requested is not consistent with the surrounding areas. The developer request does not conform to DESIGN standards of the 2030 Comprehensive Plan for 1.2.2 Character Area: Suburban Residential, page 12. Of note is that the proposed area for re-zoning is just more than 1/4 mile from 1.2.1 Character Area: Estate Residential along Cox Road. Also, there are currently estate lots established on both Etris and Kent Roads.

### **The 2030 Comprehensive Plan clearly states:**

#### ***"Design:***

- New development will be compatible with adjacent existing character with similar densities and lot sizes (Lot sizes proposed are substantially smaller than nearby or adjacent lots)
- Infill transitions appropriately scale new development to eliminate impacts to existing surrounding stable neighborhoods (buffers, open space, and landscaping) (Builder proposes variance to the buffers reducing them from 40' to 30' buffers, and reductions in the setback from 50' to 30''))
- New development may incorporate mixed residential with both multi-family and single-family options **only if** new development containing multi-family residential match the lot size and building material character of the adjacent development along the perimeter (exterior of overall site) (Building material of the existing homes in Hamilton Commons, Wexford and Etris Road private lots is almost completely 3 sides brick or hard coat stucco. In the revised conditions of zoning the builder is proposing brick, stone, cedar, and/or hardiplank siding with no commitment to the upgrade style of 1 side hardiplank and 3 sides brick or stone that would match the building character of the exiting homes.)
- Traditional single-family homes with quality building materials and high quality design (builder has not specified the design for the homes)
- New development will incorporate open space and preserve existing trees (With 38 homes and 3 bio-retention ponds, builder has left little room for open space and will not be able to preserve many of the older trees on the property. With the lot density requested and the shortened buffer and setbacks, there is little to no room for open space in the site revision)
- Sustainable building practices will be promoted for all new construction"

### **From the 2025 Comprehensive Plan (Section 9, page 18)**

#### **Planning Area 4: Northwest Roswell**

Planning Area 4 extends north of Crossville Road (SR 92), abuts the Cobb County and Cherokee County lines, includes Hardscrabble Road, and reaches Arnold Mill Road (SR 140) to the east. Few undeveloped parcels remain in this planning area. Like Planning Area 3, the area is solidly single-family residential. The planning area is not well-served by sanitary sewer since it is in the Little River basin. The Little River Water Reclamation Plant is currently at capacity and is unlikely to be expanded or diverted. Several developments in the area were provided

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sanitary sewer service while the plant had remaining capacity, but this is no longer the case. Future development in the Little River basin will therefore most likely have to be on septic tanks. (The proposed development is not proposed to be on septic and could further burden the Little River Water Reclamation Plant.)

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.

**EAH:** The property was included in the Fulton County Annex with an AG-1 zoning. There is no recent development of any AG-1 property which is located within the immediate vicinity of the subject Property.

**HCHOA:** While the requested zoning is represented as R -3A, in fact, the requested revised site plan includes 6 variances, all of which would result in a development completely inconsistent with the adjacent and nearby properties along Etris Road. **Recently developed** properties along Etris Road and a new subdivision at the corner of Etris and Cox Roads are all equivalent to R-1 zoning with estate lots larger than the 18,000 square foot minimum.

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

**EAH:** Both tracts are zoned FCA AG-1. Tract I is primarily undeveloped land with one, unoccupied single-family home. Tract II is undeveloped land with no existing use.

**HCHOA:** Agree with the EAH statement

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

**EAH:** All nearby property is used for residential purposes nearby property includes FCA- AG-1 and FCA-R-3.

**HCHOA:** Agree with the EAH statement, however, keep in mind that the builder is seeking variances for 9,000 square foot lots, while the neighboring subdivision and private lots on the TRAC II side of Etris Road as well as the newly developed Etris Road are all 18,000 square feet lots or greater.

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

**EAH:** The current value is not reflective of a reasonable economic use of the Property. Properties that have been developed consistent with the overlay are much higher in value. The diminution in value is significant. The Property owner suffers harm that is not justified by any public purpose.

**HCHOA:** The value of the property will increase if zoned to single-family residential with similar densities (minimum 18,000 square feet) to the nearby and adjacent neighborhoods.

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

**EAH:** Property can be developed under current zoning; however, to limit development to the AG-1 classification is taking of a valuable property right without just, fair and adequate compensation to the owner.

**HCHOA:** Re-zoning similar to adjacent and nearby neighborhoods should be considered, not compared to neighborhoods that are miles away. Rucker Road comparisons that are 1.3 miles away are being used by the developer. This zoning was authorized before the City of Roswell adopted the 2030 Comprehensive Plan. In the 2025 comprehensive Plan, the Rucker Road area was considered a separate Planning Unit #5, while the Etris/Kent Road corner was in Planning Unit #4.

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

**EAH:** The property value is diminished by the existing zoning because the nearby properties have a higher density than permitted under the existing FCA-AG-1 zoning. Low density E-2 districts are not located near the Property. The Property is not competitive with other properties similarly situated in the City of Roswell.

**HCHOA:** According to the 2030 Comprehensive Plan, Character area 2 includes both E1 and E2 zoning.

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

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**EAH:** The value of the property when zoned R-3A will be consistent with the nearby residential neighborhoods.

**HCHOA:** The value of the property when zoned R-1 will be consistent with the nearby residential neighborhoods. **There are no properties zoned R-3A nearby.** Rucker Road comparisons that are 1.3 miles away are being used by the developer under standards set prior to the City of Roswell adoption of the 2030 Comprehensive Plan. In the 2025 comprehensive Plan, the Rucker Road area was considered a separate Planning Unit #5, while the Etris/Kent Road Corner was in Planning Unit #4.

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

**EAH:** The property is ideal for single-family detached, residential use. The property is undeveloped and suitable for the creation of a neighborhood.

**HCHOA:** Agreed that the property is suitable for single family residential use, however the proposed development and subsequent R-3A zoning is totally inconsistent with adjacent and nearby estate properties along Etris and Kent Roads and sets a dangerous precedent for future development.

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

**EAH:** The property is suitable for R-3A zoning and as part of the Suburban residential area of Roswell. The proposed lot size, density, and single-family detached use is consistent with other nearby developments.

**HCHOA:** The proposed lot size, density, and single-family detached use is completely inconsistent with other nearby developments along Etris Road including Wexford, Hamilton Commons , Wynfield Estates and the private estate lots along Kent and Etris Roads. The extensive list of variances to increase lot density undermines the intent of the Suburban Residential overlay district classification spelled out in the 2030 Comprehensive Plan.

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

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**EAH:** The Property has never been developed. Tract 1 has only one house; Tract II has no improvements.

**HCHOA:** Agree with the EAH statement.

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.

**EAH:** The Property has been marketed at E-2. No offers to purchase have been made to limit development to E-2.

**HCHOA:** The property has never been publicly marketed nor has it ever been for publicly sale. A "for sale" sign has never been posted.

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

**EAH:** Because the property is located in the Fulton County Annexed zoning district and the nearby use is residential and similar to the proposed R-3A zoning, there is no possible creation of an isolated zoning district unrelated to the adjacent and nearby districts.

**HCHOA:** If R-3A zoning is granted, the 11.329 acres consisting of Trac I will be 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.

**EAH:** The re-zoning of this property as R-3A will not affect the character of the district. The district character is suburban residential which is consistent with this application.

**HCHOA:** Re-zoning the property to R-3A will completely alter the character of the Etris Road corridor. All neighborhoods in the vicinity have large yards, grassy common areas, swimming pools, tennis courts and landscaped common area buffers along Etris Road. The proposal includes none of these characteristics.



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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.

**EAH:** The proposed R-3A zoning will not be a deterrent to the value of improvement of development of adjacent property. To the contrary, the addition of new homes in the area will encourage improvements of adjacent property.

**HCHOA:** The proposed R-3A zoning will permit a much smaller house and, as such, lower value of current housing stock along the Etris and Kent Road corridors.

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

**EAH:** The change in zoning from FCA-AG-1 to R-3A will not have any environmental impact.

**HCHOA:** The development of this property will potentially cause many storm water issues and as such, must be zoned properly such that the amount of impervious surfaces is limited. Runoff water that flows into the property now from Wexford and Kent Road has not been addressed. The 3 bio-retention ponds on the revised site plans, may be an engineered way to collect runoff water, but they are a risk for young children who like to “play” in open water, generally look unsightly, are subject to environmental infestation and open water residue. There is concern as to the actual grading patterns of the property to assure adequate roof and property water runoff into the bio-retention ponds, and not into adjacent property.

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.

**EAH:** The overlay zoning scheme for this property is Suburban Residential. The proposed zoning of R-3A will help further the City of Roswell's goal of stable and established suburban neighborhoods. The proposed zoning will allow for similar character, density and size to existing nearby neighborhoods.

**HCHOA:** Agree that the zoning scheme is Suburban Residential per the 2030 Comprehensive Plan, but the R-3A zoning is inconsistent with the adjacent and nearby properties and will not provide for stable and established neighborhoods. With 2,200 square foot homes, on high density lots, this subdivision could easily become the target of real estate investors who purchase homes and maintain them for rental purposes, causing an unstable environment.

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There is an enormous potential for this subdivision to become a “rental” development instead of an established community.

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.

**EAH:** Although the property does not front on a major thoroughfare, the applicant considered the character of the adjacent neighborhood when proposing the R-3A zoning. The proposed development includes larger lots along the adjacent neighborhood and smaller lots with rear yards along Etris Road.

**HCHOA:** *The property fronts on Etris Road which, although is not “major” thoroughfare, is well traveled in the NW Roswell area.* The property also adjoins Hamilton Commons and Edenwilde, both established residential neighborhoods. The variances that the applicant is requesting for buffers and setbacks will cause great consternation for those residents who back-up to the property.

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.

**EAH:** The property is located in the FCA district and most of the general area is developed. In November 2011, the City of Roswell approved a re-zoning of property located at 350 and 370 Rucker Road to R-3A.

**HCHOA:** The properties located at 350 and 370 Rucker Road are 1.3 miles away from the proposed neighborhood. These properties on Rucker Road which, is a major thoroughfare, are adjacent to a Church and across the street from attached single-family housing stock. This is completely inconsistent with the adjacent and nearby properties along the Etris and Kent Roads corridor. This zoning was authorized before the City of Roswell adopted the 2030 Comprehensive Plan. In the 2025 comprehensive Plan, the Rucker Road area was considered a separate Planning Unit #5, while the Etris/Kent Road corner was in Planning Unit #4.

## Appendix B – HCHOA Further Questions

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- 1) Lot 9 has 3 concrete 36" diameter pipes coming from below the sidewalk at Ertis and Kent, and one coming from Wexford under Kent Road and a third appears to be an outflow pipe that runs under Ertis toward Edenwilde. What will happen with all of the water that is going to that area now? Will the grading be sufficient to actually direct the water to the proposed bio-retention ponds?
- 2) Where will the water from the back yards and roofs of Lots 14, 15, 16, 18, 22, 23, 23, 25, 27, 28, 29, run to? The back area of Trac I is on a downhill slope rolling into the homes in Hamilton Commons that adjoin the proposed zoning and the creek that lies along Asbury Park Drive.
- 3) The proposed bio-retention ponds on Trac I are not located on the lowest points of the property. What will be done to assure that the silt pond on Ertis Road will be able to handle additional water flow from impervious surfaces in the proposed area?
- 4) How much water are the bio-retention ponds expected to hold and where will they eventually drain?
- 5) This R-3A re-zoning request is relying on variance requests. One of the most concerning variance is that of the **natural buffer** and rear setback reductions. How can a rear setback/back yard be the same area as the **natural buffer**?
- 6) What type of landscape will be along Ertis Road? It appears that there is no common area landscaping established to conform to the likes of Hamilton Commons, Wexford an Edenwilde.
- 7) Lots are so small; what will be done to assure residents will not take over the natural buffer for use as their back yard? What happens if they cut done natural buffer trees?