

Index #: R210-02Genero #: 10010310Legistar #: 10-0091

ZONING APPLICATION

TYPE OF REQUEST:

- ☒ Rezoning (*Site plan approval*)
☒ Concurrent Variance
☐ Conditional Use
☐ Text Amendment
☐ Other (Explain)

Present Zoning

R3 A

Requested Zoning

Proposed Use

Total Acreage

.57 A

PROJECT

1266 Minhinette Dr.

Name of Project

1266 Minhinette Dr.

Property Address/Location

410

Land Lot

1st

District

Suite/Apt. #

2ND

Section

City

Roswell

State

GA

Zip Code

30075

APPLICANT/OWNER

Alfredo Ortiz & Lew Oliver

Applicant

Minhinette Place, LLC

Company

509 Vickery St

Mailing Address

770 643 3938

Phone

678 386 2238

Cell Phone

Suite/Apt. #

City

Roswell

State

GA

Zip Code

30075

Fax Phone

l.oliver@wholletown

E-mail

solutions.com

REPRESENTATIVE

Lew Oliver

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

65 Sloan St., #3

Contact Mailing Address

770 643 3938

Phone

678 386 2238

Cell Phone

Suite/Apt. #

City

Roswell

State

GA

Zip Code

30075

Fax Phone

l.oliver@wholletown

E-mail

solutions.com

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

Applicant Signature: Property Owner or Owner's Representative

Date: 1/27/10

OFFICE USE

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

Date: _____ / _____ / _____

☐ Approved ☐ Denied By: _____

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.

proposed site plan contains 2 houses. This is consistent with the neighborhood which contains single family homes and attached townhouses.

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

the property is and will be complementary to existing neighborhood.

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

The property is currently underutilized, and is in the red. Allowing the proposed site plan could potentially arrest the economic damage.

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 site plan increases the density from 1 unit to 2 units causing negligible infrastructure burden. In fact, the proposal would add much needed tax base.



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

The proposal is in conformity with the C.P.

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.

There are no known existing or changing conditions.

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: 1 / 27 / 10

The above named individual personally appeared before me, William R. Sullivan, and states that he/she is the owner for the foregoing, and that all above statements are true to the best of his/her knowledge.

Notary Public (Signature)

Date: 1 / 27 / 10

My Commission Expires:

Date: 11 / 22 / 2013



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

*7-23
Not required.*

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





9. An explanation of the existing value of the property under the existing zoning and/or overlay district classification.
10. Whether the property can be used in accordance with the existing regulations.
11. The extent to which the property value of the subject property is diminished by the existing zoning district and/or overlay district classification.
12. The value of the property under the proposed zoning district and/or overlay district classification.
13. The suitability of the subject property under the existing zoning district and/or district classification for the proposed use.
14. The suitability of the subject property under the proposed zoning district and/or overlay district classification.



15. The length of time the property has been vacant or unused as currently zoned.
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.
17. The possible creation of an isolated zoning district unrelated to adjacent and nearby districts.
18. Possible effects of a change in zoning or overlay district map, or change in use, on the character of a 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.
20. The possible impact on the environment, including but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quality.

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Planning & Zoning
Division



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.
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.
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.

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.



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

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City of Roswell
Community Development Dept.

I respectfully petition that this property be considered as described in this application

From Use District _____

To Use District: _____

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

Owner of Property (Signature)

45 Steam St. #3, Roswell GA 30075

Street Address, City, State, Zip

Date: 1/27/10

770 643 3938

Phone

NOTARY

Personally appeared before me the above Owner named William L. Oliver 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)



Date: 1/27/10

Date: 01/22/2013

Commission Expires

ATTORNEY/ AGENT (IF APPLICABLE)

Attorney/ Agent (Signature)

Street Address, City, State, Zip

Date: ____ / ____ / ____

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.



2010
6/25/09

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

Applicant/Owner of Property (Signature)

Date: 1 / 26 / 10

105 Sloan St, #3, Roswell GA 30075
Street Address, City, State, Zip

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

Date	Government Official	Official Position	Description	Amount



CHECKLIST

REZONING
CONCURRENT VARIANCE
CONDITIONAL USE

Zoning: Existing _____ Requested _____ Location: _____
LL: _____ Acres _____ District _____

Completed application form:

- ☐ Rezoning
☐ Concurrent Variance
☐ Conditional Use

One (1) original application including signed and notarized signature of property owner, plus copies of all materials and information as specified in this checklist is required. Zoning application requirements are covered in 31.1 of the *Roswell Zoning Ordinance*.

Surveys/Plans: Fifteen (15) large sets, sheet size not to exceed 36 x 42 inches; plus Forty-two (42) 11 x 17 sets. Plans should be folded, not rolled.

☐ Application fee(s) payable to the City of Roswell; See Fee Schedule.

☐ Written analysis of how the proposed action compares to the decision criteria specified for deciding on the subject type of application. See Analysis Requirements questions 1 - 23 in the Zoning application. Complete 1 - 7 Concurrent Variance Justification, if required, for Concurrent Variance.

☐ Signed Applicant Campaign Disclosure Statement;

☒ Legal description of subject property; *as shown on map*

☒ Letter of intent describing the proposed use of the property or other action requested;

☐ A Traffic Impact Study may be required, by the Planning & Zoning Director;

☐ Steep Slopes Analysis, if required;

☐ Site analysis and topographical map at an appropriate engineer scale including information on significant man-made features; natural features and streams; historic and archaeological sites; features to be retained, moved or altered;

Survey plat of property sealed by the surveyor showing ALL of the following:

- ☐ Property bearings and distances;
☐ Abutting property owners including across streets;
☐ The zoning of abutting property;
☐ The current zoning of subject property;
☐ The change in zoning requested;
☐ The proposed use of property;
☐ Special conditions made part of the request;
☐ Other information as required by the Planning & Zoning Director

\$ _____

10 large sets
plus 48
11x17 sets

10 large sets
plus 48
11x17 sets



<div> <div>CHECKLIST</div> <div> REZONING CONCURRENT VARIANCE CONDITIONAL USE </div> </div>	
<p>Site Plan of the property drawn at an appropriate engineering scale (see Table 31.1.2 of the <i>Roswell Zoning Ordinance</i>) including at a minimum, information on the proposed use and improvements including ALL of the following:</p> <p> <input type="checkbox"/> Property lines; <input type="checkbox"/> Existing and proposed buildings and structures; <input type="checkbox"/> Parking and internal circulation; <input type="checkbox"/> Walls, fences and easements; <input type="checkbox"/> Landscaping and buffers, including tree survey and tree protection; <input type="checkbox"/> Preliminary grading and drainage (conceptual); <input type="checkbox"/> Provisions for outdoor lighting (See Article 18); <input type="checkbox"/> Other information as required by the Zoning Director </p>	<p>●</p> <p>10 large sets plus 48 11x17 sets</p>
<p>A Development Statistics Summary Chart with percent (%) coverage (see table 31.1.3;) including:</p> <p> <input type="checkbox"/> Maximum and proposed height of any structure; <input type="checkbox"/> Maximum and proposed gross sq. footage of the building area (non-residential only); <input type="checkbox"/> Maximum and proposed number of dwelling units, and minimum; and proposed square footage of heated floor area for any dwelling unit (residential only); <input type="checkbox"/> Area of site (total acres or sq. feet = 100%); <input type="checkbox"/> Maximum and proposed lot coverage of building area (square feet and %); <input type="checkbox"/> Minimum and proposed square footage of landscaped area (square feet and %); <input type="checkbox"/> Maximum and proposed impervious surface (square feet and %); <input type="checkbox"/> Existing and proposed parking spaces (number and %); <input type="checkbox"/> Flood plain (sq. feet and %); <input type="checkbox"/> Undeveloped and/or open space (sq. feet and %); <input type="checkbox"/> Provision of the Zoning Ordinance requested to be varied and amount of variances requested. <input type="checkbox"/> Archaeological Report/Study, if required </p>	<p>●</p> <p>On Site Plan</p>
<p>Tree protection measures (See Chapter 15 of the <i>Roswell Zoning Ordinance</i> and the Tree Protection Checklist provided with this application). Required elements:</p> <p> <input type="checkbox"/> Tree Protection Plan; <input type="checkbox"/> Tree Survey; <input type="checkbox"/> Tree Replacement Plan; </p>	<p>●</p> <p>10 large sets plus 48 11x17 sets</p>
<p>The below signature acknowledges that the <i>Roswell Zoning Ordinance</i> has been made available for review and purchase; and copies of the design guidelines have been provided.</p> <p>_____ Date: ____ / ____ / ____</p> <p>Signature of Applicant</p> <p>_____ Date: ____ / ____ / ____</p> <p>Signature of Staff</p>	<p>●</p>