



To: Mayor and City Council

From: Bradford D. Townsend, Planning and Zoning Director

Date: November 2, 2011

RE: Appeal of a Design Review Board Decision related to Fellowship Christian School's football field's lights and sound system.

Enclosed please find a request for an appeal of a Design Review Board decision filed by Donald A. Rolader – for Fellowship Christian School.

The item was first heard as an initial review on September 6, 2011; no decision was made at that time. On October 4, 2011 the Board heard and failed to approve a design plan of the lights and sound system for the football field.

The criteria for Board action are stated in Section 31.2.14 of the Zoning Ordinance. According to those criteria the Board shall review applications and take action based upon such factors as design factors and other elements of a project and surrounding environment to insure visual continuity of design. The Board shall also consider design that protects adjacent properties from negative visual and functional impacts.

The process for appeal of a Board action is found in Section 31.2.9 and states:

Appeals of decisions of the Design Review Board shall be taken to the City Council in the following manner. Any person or persons, jointly or severally, aggrieved by any decision of the Roswell Design Review Board may within thirty (30) calendar days of the decision take an appeal to the Roswell City Council upon payment of the required fee. The city shall fix a reasonable time for the hearing of the appeal by the Roswell City Council and give at least fifteen (15) calendar days public notice thereof and due notice to the parties in interest. The Roswell City Council shall make a decision within thirty (30) calendar days from the date of the hearing unless such time is extended with the approval of the appealing party. Decisions shall be made based on the record presented to the Design Review Board and the substantial evidence standard shall apply. All decisions of the City Council regarding appeals of decisions of the Design Review Board shall be final and shall in all instances be subject to judicial review in the manner prescribed by law.

In reviewing a decision of the Design Review Board, the City Council may remand the matter to the Design Review Board for further action. When a decision is made by the City Council on appeal to approve a design plan, said approval shall constitute final design plan approval for purposes of this Chapter.

Attachments:

- Letter of Appeal Dated Received October 5, 2011
- DRB Minutes Dated September 6, 2011 and October 4, 2011
- DRB Application and materials.