

Index #: AZ11-17  
CV11-07  
CU11-09Genero #: 11120098 (RZ)  
11120001 (CV)  
11120102 (CA)Legistar #: 11-0765

## ZONING APPLICATION

## TYPE OF REQUEST:

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

Present Zoning

R-1 / PV

Requested Zoning

O-P Conditional

Proposed Use

veterinary hospital

Total Acreage

1.8142 ac

## PROJECT

Crossville Veterinary Hospital

Name of Project

40 E. Crossville Rd.RoswellGA30075  
~~30068~~

Property Address/Location

4071  
District2nd Suite/Apt. #

Section

City

State

Zip Code

12-18700406128-9

Land Lot

Property ID

## APPLICANT/OWNER

Rosa Denning

Applicant

Blue Bay Realty LLC

Company

1689 Asheforde Dr.MariettaGA30068

Mailing Address

770-518-1592404-406-1222

Suite/Apt. #

City

State

Zip Code

Phone

Cell Phone

Fax Phone

mrosadvm@aol.com

E-mail

## REPRESENTATIVE

Bill Kolbrener

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

30 E. CrossvilleSte 140RoswellGA30075

Contact Mailing Address

678-409-7525

Suite/Apt. #

City

State

Zip Code

Phone

Cell Phone

Fax Phone

Bill@LbeofAtlanta.com

E-mail

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

Rosa DenningDate: 12 / 6 / 11

Applicant Signature: Property Owner or Owner's Representative

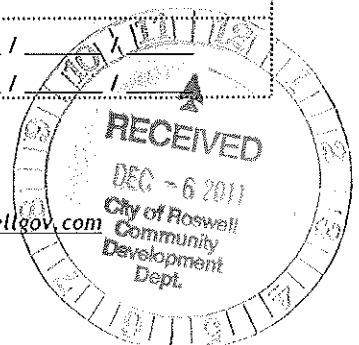
## OFFICE USE

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

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

☐ Approved ☐ Denied By: \_\_\_\_\_

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





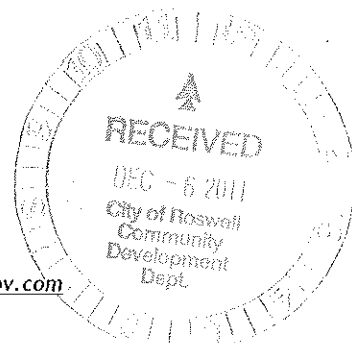
## Analysis Requirements

**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.
2. Whether the proposal will adversely affect the existing use or usability of adjacent or nearby property.
3. Whether the property to be affected by the proposal has 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.





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

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.*

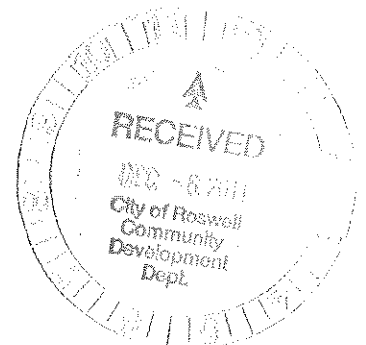
\_\_\_\_\_  
Notary Public (Signature)

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

My Commission Expires:

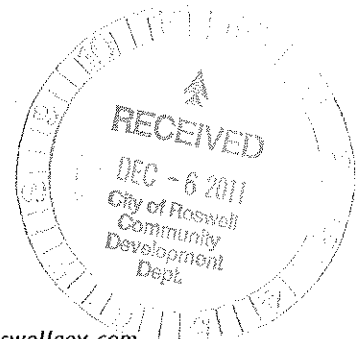
Date: \_\_\_\_ / \_\_\_\_ / \_\_\_\_

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



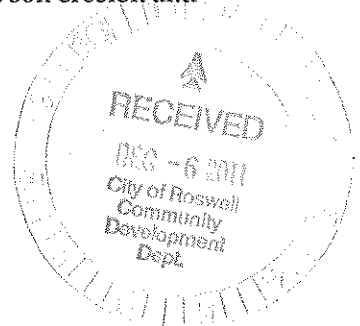


9. An explanation of the existing value of the property under the existing zoning and/or overlay district classification.
10. Whether the property can be used in accordance with the existing regulations.
11. The extent to which the property value of the subject property is diminished by the existing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



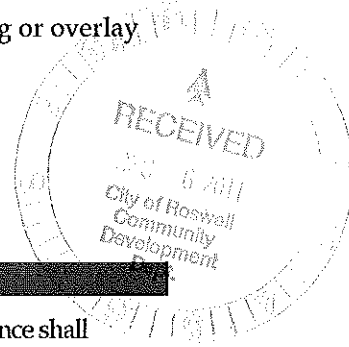


15. The length of time the property has been vacant or unused as currently zoned.
16. A description of all efforts taken by the property owner(s) to use the property or sell the property under the existing zoning district and/or overlay district.
17. The possible creation of an isolated zoning district 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.





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.



## 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

Rosa Jennings  
Applicant/Owner of Property (Signature)

Date: 12 / 6 / 11

1589 Ashford Dr. Marietta GA 30068  
Street Address, City, State, Zip

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

Date	Government Official	Official Position	Description	Amount







### 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

Residential R-1/PV

To Use District: O/P - conditional

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

Judy Ashcraft James Blacklock

Owner of Property (Signature)

40 East Crossville Road Roswell GA 30075

Street Address, City, State, Zip

Date: 11/25/2011

Phone

#### NOTARY

Personally appeared before me the above Owner named James Blacklock 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)

NANA A. BEKOB 1/25/11

Notary Public

Dekalb County

State of Georgia

My Commission Expires Mar 28, 2015

Date: 03/28/2015  
Commission Expires

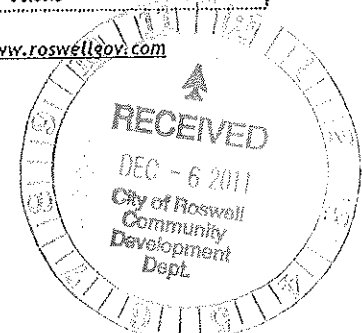
#### ATTORNEY/ AGENT (IF APPLICABLE)

Attorney/ Agent (Signature)

Street Address, City, State, Zip

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

Phone





**Planning & Zoning Director Acceptance Stamp**

- ☒ Rezoning
- ☒ Concurrent Variance
- ☒ Conditional Use

RECEIVED BY THE CITY OF ROSWELL

ZONING OFFICE 12-6-2011  
Date

APPROVED FOR INITIATION OF A ZONING  
AMENDMENT TO THE ROWELL ZONING  
ORDINANCE AND ZONING MAP BY THE  
ZONING DIRECTOR.

Bruce A. Brown  
Zoning Director

TIME: 10:11 DATE: 12-12-2011

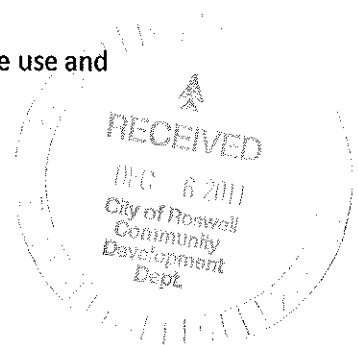
THIS APPLICATION SHALL BE CONSIDERED  
AND MAY BE REFERRED TO AS REZONING  
PETITION NUMBER \_\_\_\_\_

R211-17, CV11-07, CU11-09

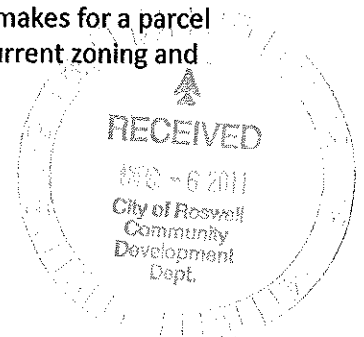
## **ANALYSIS OF QUESTIONS 1-23 FOR THE REZONING APPLICATION OF**

### **40 EAST CROSSVILLE ROAD ROSWELL GEORGIA 30075**

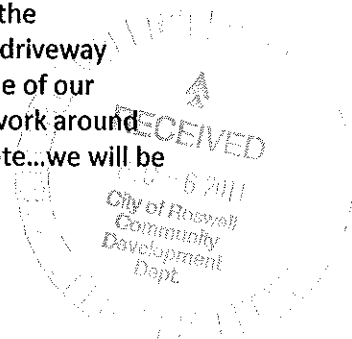
- 1) It is our opinion that a veterinary hospital will be suitable in both aesthetics as well as functionality in the proposed location. Proposed changes to the existing structure and property will be in the additional requested parking spaces, the addition of a handicapped ramp, converting the existing car port to a usable room as well as a water quality area to the rear of the property. All other existing aesthetics shall remain. The proposed minimal change to the exterior of the existing property lends itself to minimal visual impact to the nearby properties. It is also our opinion that the requested change of zoning will fit well into the 2030 Comprehensive Land Use Element Map as determined by Roswell. This proposed change should not affect the adjacent and nearby property owners.
- 2) The proposed use of the existing building and land will not adversely affect the existing use or usability of the nearby property owners. Slopes BBQ is located to the North. There is approximately 170 L.F. between the two structures as well as a nice stand of very large oak trees. An existing home is located to the South with approximately 150 feet between the two structures. Highway 92 runs along the Western edge of the property. A large detention area that serves the office park and shopping centers at the intersection of 92 and Crabapple is on the Northern and Eastern border of the property. The area to the rear of the property will continue to be bordered with a thicket of shrubs and bushes. This will retain the privacy of existing structures. The property is well isolated from its surroundings.
- 3) It is our opinion that the property currently has some economic value as a residence. Changing the property and its building to the proposed veterinary hospital should not lower or raise the current value of the property or its structure.
- 4) The proposed use is as a veterinary hospital. In our opinion the proposed use of the property and building will not cause an excessive or burdensome use of the existing streets, transportation facilities, utilities or schools.
- 5) In our opinion the proposed change is in conformity with the policy intent of Roswell including the 2030 Comprehensive Land Use Element. The proposed use will fit nicely into the intent of the land use element.
- 6) To our knowledge there are no existing or changing conditions affecting the use and development of the property.



- 7) Currently the property is zoned Residential (R-1). The current structure is approximately fifty years old. Currently one person lives at the residence. It has been for sale for more than a year. The property has been in the residing persons family for approximately fifty years.
- 8) The existing uses of the nearby properties include offices, retail shops, restaurants, automotive repair, a gas station, a church and residential structures. Current zoning to the South is R-1/PV, to the North R-1/PV and to the East R-1/PV . Highway 92 is to the West.
- 9) In our opinion the current value of the existing property and structure is declining due to the economy, housing market and location. The proposed location is one of a small number of residential properties along the frontage of Highway 92. The subject property has been offered for sale several time during the past few years. This includes as part of an attempted assemblage as well to individual users.
- 10) Currently the property and structure can be used with the existing regulations. The proposed use does not conform and therefore the rezoning of the property and special use consideration will be needed.
- 11) We do not know how to quantify the answer to this question. The residential aspect of the area is declining due to the increased volume of traffic along Highway 92. In our opinion, if the property remains as a residential component it will continue to decline in value and desire.
- 12) Stating a value is difficult. We would like to think the property is worth what we are willing to pay for it. The property value has dropped (as a residential component) recently based on the increased volume of traffic along Highway 92 as well as the depressed residential market condition. This is evident as seen in the decline of the proposed asking price. Given the amount of money we will need to spend to upgrade the interior and required exterior property components (fence, landscaping, water quality), we hope the property will go up in value once the infrastructure has been completed and the business of a veterinary hospital has become operational and well established.
- 13) In our opinion the property is suited for the current use (R-1). It is the future proposed use that it does not suite the existing Property conditions. The current use is for residential purposes and does not fit into 2030 Comprehensive Land Use Element or the Applicants. This combined with and the current economic residential environment makes for a parcel that is currently suited for but is not being used to its fullest under its current zoning and use.



- 14) In our opinion the property is very well suited for the proposed use. We cannot determine any negative impact the proposed use will cause. The existing building will remain. The existing trees as well as all other landscape thickets that are currently growing will remain. The proposed use will have very little if any impact on surrounding property owners or their tenants. The fact that no major land disturbance or construction also lends itself to lower possible impact. We propose to create the required natural buffer with a generous landscape plan. Please see the submitted landscape plan for details.
- 15) The property is currently occupied by its owner.
- 16) The existing owners and their parents have owned the property for approximately fifty years. The subject property has been offered for sale several times during the past few years. This includes as part of an attempted assemblage as well to individual users. These attempts to sell the property have been made with Real Estate agents as well as private efforts.
- 17) The requested zoning will not create an isolated zoning district. The re-zoning will make the property more in line with the area and adjacent properties. It will conform to the 2030 Comprehensive Land Use Element. Proposed zoning changes will comply with the current uses of the properties to the North, and East. To the East along Highway 92 is a prime example of homes being converted into businesses.
- 18) We have determined there are no effects if a change intact. The proposed change will not affect the character or intent of the zoning district or overlay district. The proposed use is very much in keeping with the intent and desire of the uses as indicated by the 2030 Comprehensive Land Use Element for Roswell.
- 19) In our opinion the proposed development of the 40 East Crossville Road property will not be a deterrent to the value or improvement of the development of the adjacent property in accordance with existing regulations.
- 20) The possible impact to the environment will not be noticed. In fact it may even make the property and structure more environmentally secure. The alteration of the zoning and use of the property comes with the requirements of storm water management. All storm water management rules will need to be followed. Currently there are no systems in place to best handle excessive run off of rain water and the erosion it causes. There will be no major disturbance of soil, no removal of trees and nothing done to adversely affect the environment. In fact, we have purposely designed and located the proposed driveway around the existing trees (this is one of the reasons we are also requesting one of our variances. This is a very small lot. A possible future user may not be able to work around the existing specimen trees in the same manner we have proposed. Please note...we will be



adding a natural buffer as shown on the landscape plans. Currently there are no natural buffers to speak of on the Northern and Southern property lines. We will be adding the required landscaping and white fence along Highway 92. This is in keeping with the previously approved Roswell Ordinance for the Highway 92 corridor.

- 21) The proposed changes will be in keeping with the overall zoning scheme and 2030 Comprehensive Land Use Element. Currently neither one of these is in place. The current property is zoned Residential in an area projected (2030 Comprehensive Land Use Element) to become Office-Professional. The proposed changes will advance the property up to its future land use plan. Currently there are no vet clinics allowed on this property. We can't determine why but assume it is a result of past conversations not wanting an outdoor boarding area. We will not have a kennel with exterior or interior pens, only a vet clinic (this is why we are requesting a conditional use of the property).
- 22) The property of 40 East Crossville Road is not part of a neighborhood. The property abuts Highway 92, a restaurant, a detention pond (R-1/PV) as well as an existing residential use (R-1/PV) (which is shown on the 2030 Comprehensive Land Use Element Map as Office-Professional). To the rear of the property but not adjacent to it is a residential development. Between the residential area and the property is green space with no natural buffer to speak of. We will be adding a natural buffer where none exists currently. There will not be any visual impact change from what is seen (if anything) in its current state (with the exception of a newly created natural buffer). This holds true for all adjacent and nearby property owners.
- 23) In our opinion there is not a lot of available undeveloped land in the general area. We are using the current structure and preserving existing landscaping and its several specimen trees.

