



RZ #:

CV #:

CU #:

## ZONING APPLICATION

## TYPE OF REQUEST:

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

Present Zoning

R-1 + P-2

Requested Zoning

R-TH A

Proposed Use

Attached Residential

Total Acreage

9.71 ac.

## PROJECT

Azalea Road Townhomes

Name of Project

Azalea Drive

Roswell Ga. 30075

Property Address/Location

378, 379, 380, 381

1 st.

Suite/Apt. #

2 nd.

City

State

Zip Code

12 19310380010

Land Lot

District

Section

Property ID

## APPLICANT/OWNER

Jason Yowell

Applicant

Metropolitan Design &amp; Construction, Inc.

Company

5010 Old Oak Trce.

Roswell Ga. 30075

Mailing Address

(770) 402-6368

(770) 402-6368

Suite/Apt. #

City

State

Zip Code

Phone

Cell Phone

Fax Phone

jeyowell1@yahoo.com

E-mail

## REPRESENTATIVE

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

Contact Mailing Address

Suite/Apt. #

City

State

Zip Code

Phone

Cell Phone

Fax Phone

E-mail

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

Applicant Signature: Property Owner or Owner's Representative

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

OFFICE USE

Fee: \$ 1,950.00

☐ Cash☐ Check # 6998☐ CC - Visa/

MC

Date: 10 / 7 / 13

☐ 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.

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

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

The proposed use will have minimal impact to existing adjacent properties.

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

Given the current slopes, buffers and ARC restrictions on the site, 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 have minimal impact to the existing infrastructure.



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

The proposed land use is consistent with the Comp Plan as it relates to use and density.

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.

By clustering the housing product, we are able to leave a majority of the site as undisturbed.

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 property is currently zoned R-1 and contains a vacant residential home.

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

The existing use and zoning of the surrounding properties is R-1 and R-2 residential uses.



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

The current value of the property as currently zoned is \$250,000.

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

The property can be used under the current zoning but is under utilized with the site constraints.

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 value is diminished by \$650,000 under the current zoning.

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

The value of the property under the proposed zoning district will be \$900,000.

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

The proposed use will not be allowed under the current zoning classification.

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 classification.





15. The length of time the property has been vacant or unused as currently zoned.  
The property has been vacant for the last 15 years.
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 property has been marketed for sale for the last 6 years as a commercial listing.
17. The possible creation of an isolated zoning district unrelated to adjacent and nearby districts.  
Although the zoning district will be different from the R-1 and R-2, the density will be similar.
18. Possible effects of a change in zoning or overlay district map, or change in use, on the character of a zoning district.  
This application will have no effect on the proposed zoning classification.
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 approval of the proposed zoning application will have no detrimental impact to the adjacent properties.
20. The possible impact on the environment, including but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quality.  
The proposed development will impact a small portion of the property and will include erosion control measures, water quality BMP's and re-vegetation of the site. The proposed condition of the site will be an improvement to the current site conditions.



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 application of the proposed zoning will allow the property to be developed in a residential matter, meeting the goals of the Comprehensive Plan.

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 property is adjacent to existing neighborhoods, but is set back so the proposed development will have minimal impact to the existing residents.

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.

There is no land in the immediate area with the proposed zoning classification.

#### **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

*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.

### PROPERTY OWNER SIGNATURE (REQUIRED FOR ALL APPLICATIONS)

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

[Signature]  
Owner of Property (Signature)  
755 KIMBALL PARK CT.  
Street Address, City, State, Zip  
JOHN'S CREEK, GA. 30022

9 / 30 / 13  
Date  
770-992-2000  
Phone

### NOTARY

Personally appeared before me the above Owner named GW GREENWOOD 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.

[Signature]  
Notary Public (Signature)

9 / 30 / 13  
Date

12/17/13  
Date Commission Expires



### ATTORNEY / AGENT (IF APPLICABLE)

\_\_\_\_\_  
Attorney / Agent (Signature)  
\_\_\_\_\_  
Street Address, City, State, Zip

\_\_\_\_ / \_\_\_\_ / \_\_\_\_  
Date  
\_\_\_\_\_  
Phone





### 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)

9 / 30 / 13

Date

Street Address, City, State, Zip

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

Date	Government Official	Official Position	Description	Amount
				0





**Planning & Zoning Director Acceptance Stamp**

- ☒ Rezoning
- ☒ Concurrent Variance
- ☐ Conditional Use

RECEIVED BY THE CITY OF ROSWELL  
ZONING OFFICE 10-7-2013

Date

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

Bradford D. Townsend  
Zoning Director

TIME: 11:25 DATE: 1-9-2014

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

R2 2013 03065

CV 2013 03066

October 1, 2013

The Mayor and City Council  
City of Roswell  
Roswell City Hall  
38 Hill Street  
Roswell, Georgia 30075

RE: **Rezoning and Concurrent Variance Application  
Azalea Road Property  
Land Lots 378,379,380 & 381, 1st District, 2nd Section  
Fulton County, Roswell, Georgia**

Dear Mayor and Councilpersons:

The Applicant in the above referenced application seeks Re-Zoning and Concurrent Variance approval for 9.71 acres currently zoned FC-A, R-1 and R-2 to R-TH A for the purpose of developing a residential development on the property.

The property is currently vacant but was once used for a residential home. To the south of the parcel is the Chattahoochee River, to the north, east, and west of the property are existing residential developments, zoned R-2 and R-1. The property is also located within the ARC- MRPA corridor and is subject to their regulations.

It is the intention of the applicant to rezone the property for the development of a single family attached residential community in keeping with the established housing quality within the City and the surrounding neighborhoods. As a part of this re-zoning, we are requesting concurrent variances in order to be able to develop the property in a more compact and sensitive manner. By allowing the development footprint to a smaller area, we are able to leave a majority of the site undisturbed and can preserve a majority of the existing trees at the perimeter of the property. There is also a stream that bisects the property. We will need to pipe a section of that stream and are requesting variances to the steep slope buffers as well as the City stream buffers. The stream, in its current state, is in decline and not a healthy system. As a part of our request, we will be increasing the storm water treatment from the site and will restore the southern part of the stream as it exits the property. The conservation nature of this development protects the surround neighbors and will be an enhancement to the area. The Requested variances are as follows:

1. Steep slopes variance
2. City stream buffer/ impervious setback
3. Front Building setback
4. Minimum building separation
5. Exterior buffer variance


This will allow the proposed development to better protect the existing surrounding developments and the environment. Further, the granting of this Re-Zoning Application will have no negative impact on adjoining or nearby properties; in fact, this project provides an exceptional opportunity to complete development in this area of the city while maintaining Roswell's highest standards for quality. The development will not unduly tax any City services, including, but not limited to, fire and police protection, and garbage collection. Sewer and water is available to the site by Fulton County Public Works. This projects vehicular access will be served by Azalea Drive which is currently within its capacity limits.

It is the position of the Applicant that the granting of this request at this time would benefit the City of Roswell, its citizens, surrounding property owners and the Property Owners by allowing this encapsulated property to be developed in an economically reasonable manner, consistent with the area while minimizing the impact on infrastructure.

It is the position of the Applicant that the Roswell Zoning Ordinance, in zoning the property R-1 and R-2, as it currently exists and with existing conditions is unconstitutional in that it destroys the marketability of the property and renders the property exceptionally less valuable, and such zoning therefore constitutes a taking of the property without just and adequate compensation and without due process of law in violation of the Fifth and Fourteenth Amendments to the Constitution of the United States, as well as Article I, Section 1, Paragraph 1; Article I, Section 3, Paragraph 1 (a); and Article 3, Section 6, Paragraph 2 of the Constitution of the State of Georgia (1983). To zone this property to any intervening category which is less than requested is unconstitutional, renders the property unusable and constitutes the taking of Applicant's property without just and adequate compensation and without due process of law in violation of the provisions of the United States and Georgia Constitutions cited in this paragraph. The same effect would be had by imposing conditions in restraint of trade, or onerous, burdensome, unconstitutional, or unnecessary conditions on the property.

In so much as it is believed that this aforementioned Re-Zoning is in the best interest of the City of Roswell, its citizens, surrounding property owners and the Property Owners, Applicant respectfully requests that the City of Roswell approve this Application as presented pursuant to the plans hereto attached.

Sincerely,  
**AEC, Inc.**



Steven L. Rowe, ASLA  
Vice President

SLR/CHM/slr  
Attachments

M:\2013 JOBS\13-3480 Yowell- Azalea Road Townhomes\Zoning Submittal\Letter of Intent- Azalea.docx\