

REZONING REVIEW

13-0176

RZ2013-00928, CV2013-00930, CU2013-00929

JOHN H. WILSON

10485 Woodstock Road

Land Lot: 370

Amy Brown presented the rezoning review. She is a friend of John Wilson, the applicant, and she is going to be representing him in this meeting as well as the neighborhood meeting next Thursday.

John Wilson is a resident of Roswell. He has lived at the house that he wishes to rezone for about 15 years. He is a chef by trade and his business is called Culinary Vacations, which is a European cooking school. One of the months he happens to do this school is May. So unfortunately he is out for the two meetings in May but will be back to do the Planning Commission and the city council meetings. So, Brown is representing him.

Obviously, this is a rezoning and Brown would like to touch on a few things there. What John Wilson wishes to do is to rezone his property from R-1 to C-2 as well as get a conditional use for a four bedroom bed and breakfast. He is asking for two concurrent variances and Brown will go through the details of that when she goes through the site plan.

What Brown plans to do tonight is she is going to use the three plans that the Board has in their packet, the survey, the site plan and the tree survey. She is just going to spend a few minutes on the survey but spend most of the time on the site plan and the tree plan. She has photos to use to help illustrate some things.

Tom Flowers stated that the Design Review Board only has two documents in their packet. They have the site plan and the tree survey. Does Brown have a copy of the survey to put on the screen? Amy Brown stated that she does. She didn't know the Board did not get the surveys.

Brown stated that there are two variances. It is when C-2 abuts R-1 one needs a 50-foot setback and the Board will see that where the house is today that won't work. And also, one needs a 40-foot natural buffer.

Tom Flowers clarified that that is an encroachment into that 50-foot. Amy Brown stated that it was and it is very clear on the site plan. Flowers asked what type of encroachment Brown is looking for. Brown stated that right now the house is eight feet from the property line. So, she will show the Board that when she goes to the site plan in just a minute. The Board will be able to see that.

First, just on the survey, Brown stated that it is an odd shaped property as one can see. It is actually five-sided and one can see where the house is and the driveway. So, on two sides is the city of Roswell Park, so there are no neighbors there. On the other two sides

there is a single family residential house that is a rental property today. Then obviously, they have Woodstock Road here and they have in this area a single-family residence that has been abandoned for about five years. Apparently an older gentleman died and nobody has ever moved back in there. And then, up here is the Oak Ridge Run subdivision. It is important to note that really with the park here, the main neighbor would be here where the rental property is.

Amy Brown noted that in this area, she calls it kind of a panhandle. She will refer to it. One can see that there is a creek there. So that on the site plan will require certain buffers and so forth. So, that is the survey.

Brown stated that she would like to go to the site plan and she will spend most of her time on that. Again, she does have photos to illustrate different points. The Board should have this in their packet.

One of the things to note is they are not proposing any changes to what is there. So, no additions to the building, no trees removed, no grading changed, no additional parking. What the Board sees here is all existing and that is what is proposed.

This is a single story brick home with a walk-out basement and it is just over 5000 square feet. Amy Brown stated that she had some photos to show the Board what that looks like.

Sonya Tablada asked if the 5000 square feet was with the basement. Amy Brown stated that was correct. It includes the basement. She showed the front and the back. She was not sure that the Board could see it. She showed the two sides. This is the side that essentially faces the park and this is the side with the garage. So, this faces were the neighbor is.

Brown stated that the next thing she wants to talk about is the driveway. One can see from the site plan that the driveway basically abuts the property line. There is maybe a foot down at the bottom where it is not but literally the whole way up here abuts the property line.

One of the things is if one looks at the site plan, the neighbor's house is extremely close to the property line. It is just over five feet. Apparently, these two pieces of property were owned by the same person and it was a builder and he built both houses and he got pretty close to the property line there. Brown showed the Board a couple of photos regarding the neighbor's house and what they see.

She showed a photo looking from John Wilson's house to the neighbor's house. There are no windows on the neighbor's house. As one can see, Wilson's property comes right where the planters are, so there is only about five feet and that is all black top there.

She showed a photo looking at the neighbor's house and the Board just saw that view. There is some screen that the neighbor has here.

Amy Brown stated that she would like to go through the setbacks which they did talk about. The front setback of the house is well beyond the 30-foot minimum that is required. But as they just talked about, when C-2 abuts R-1 a 50-foot minimum setback is required as well as the 40-foot natural buffer. Right now, currently, the house is just over eight feet from that corner. However, Brown asked the Board to remember that there is no residence back there. That is city of Roswell Park. She is going to show that there is extensive current screening with trees and vegetation here and she will show the Board that in just a second.

Currently six parking spaces are required. So the owner needs to have two, as well as there needs to be four for the four-bedroom B&B. So there needs to be six total. There happens to be space for six today. Brown stated that she wanted to go through that.

The two spaces that the owner is required; he has a two-car garage so that should satisfy that requirement. At the top of the driveway there is 26 feet. So there is enough for a standard parking space as well as for a handicap van space. So that is where the two spaces would be. Currently, there is a gravel parking pad about halfway down the driveway and that would be enough for two spaces parallel parked. Brown has some photos to show the Board that. She pointed out the parking pad. It is a little dark on the photo but it starts here and then goes up above the cars. So there is enough space for two parallel parked cars.

Next, Brown wanted to talk about the screening that currently exists on the property. So, everything that is there as far as screening is either trees or natural vegetation. She has photos to show the Board this. Along Woodstock Road there are 25 Leyland Cypresses along there so it is well-screened from the street. Also, obviously along the city of Roswell, those two sides, there is heavy, natural vegetation along there. Now, most of that, the majority of that is actually on the city of Roswell side and Brown has some photos. A little bit of a natural vegetation is on the applicant's property. This whole pan handle area is all natural vegetation so there are no buildings or anything in there. From the back of the driveway to this corner piece here there are eight fir trees along that. So there is screening between the applicant's yard and the back yard of the neighbor. Brown mentioned that there currently are some holly bushes at the front of the neighbor's yard that would screen them. So, if one were standing on the neighbor's front porch, he is not able to see the applicant's house. Brown has some photos to show the screening.

Brown showed a photo taken at the driveway looking west on Woodstock Road and one can see the Leyland Cypresses go down not quite to the end of the property, but almost to the end, as well as they swing around here up the driveway.

She showed a photo looking from the side of the house, west side of the house back towards Woodstock Road. One can see that there is a car there. This is the natural vegetation and screening that is on the city of Roswell Park.

Brown showed a photo of the back yard looking west and again, this is the city of Roswell Park here and one can see all of the natural vegetation there. This was taken in

approximately the same spot but looking back towards that pan handle area. She pointed out the pan handle area and one can see the city of Roswell Park on the street in the back. But one can see all of the natural vegetation there.

Last, as far as the screening Amy Brown wanted to show the Board the screening between the applicant's back yard and the neighbor's back yard.

The last thing on the site plan that Brown wanted to mention was she had mentioned that there is a creek through this panhandle area and a 100-foot undisturbed buffer is required as well as 50-foot pervious surface is required and those are met on this site plan.

Amy Brown stated that the last thing will be the tree survey. Again this is all existing. The applicant is not planning to remove any trees, any landscaping, etc. She has mentioned the 25 Leyland Cypress, which are along the front and the side. There are also four specimen trees, three Georgia white pines in the front as well as a large water oak in the back. There are other trees throughout the yard which the Board can see in the tree survey. There are also additional trees in the pan handle area, which Brown did not survey because she is afraid of snakes. So, she did not go back there. But she thinks that is it.

The other thing is the house is currently landscaped along the three sides. Obviously not the side with the garage but the other three sides as well as there are a few other beds of landscaping.

Tom Flowers stated that he sees really two issues here. Nothing to do with what Brown is calling the pan handle, she is well buffered from them while there is a lot of deciduous material. She does not see issues with the park side on this. There are two issues that he sees. One is the adjacency of the property right there. Some serious vertical element needs to be designed in there. If Flowers was the adjacent property, he would not want continuous commercial traffic in there without some type of eight-foot structure, masonry walls, to start separating it. The other thing the existing site plan fails to address is hammerheads and proper circulation of vehicles that don't put lights into the neighbor's house. There is a neighbor's house very close, and that node, that connection is not well-addressed and the circulation of the vehicles as it is right now, meaning now they have four vehicles up close there because the two remote ones probably are not going to be used much. Unfortunately, when one stacks four vehicles up around this based on the scaling of the plan, there is no way to turn these vehicles other than to start encroaching on landscape beds or plantings. It is going to require some adjustment and there is no room. He sees some pots and urns in between these two houses, but he would have a challenge with that. He thinks that the park side...is there access to the park side right now?

Amy Brown stated that where there is access is actually there is a path right here, not on the applicant's land, but there is actually a path right here. It is mainly for the subdivision that is over here.

Tom Flowers stated that preliminary review of this would suggest the connection in between the two homes, Brown needs to voice that to make it palatable for the neighbor and improve the hammer heads, the ability to have vehicular circulation on the site.

Amy Brown stated that on the first point Tom Flowers made, she was not clear about...Flowers said that Brown stated there was 23 feet and they are adequate for parking and handicap accessible spot right there. Brown stated that there were 26 feet. Flowers stated that in that zone there needs to be some type of vertical, masonry structure that is architecturally responsive to the home that starts separating those two. If Flowers is the adjacent property, he does not want to be looking at different strangers every other day that are driving by. Brown stated that there are no windows there. Flowers stated that it doesn't matter; it is still their back yard. Brown has shown Flowers to the back right here some buffering. Unfortunately, the buffering is on the neighbor's property and the applicant does not control that. The Design Review Board does not control that here tonight. It is not up for discussion.

Amy Brown apologized and stated that she still was not following Tom Flowers. Where this masonry element....Flowers does state where the two structures meet. It should be right on the applicant's property line, whatever code will allow him to do. There needs to be some type of masonry fencing because Flowers does not want wood in there. He wouldn't suggest wood because it is going to fall...something more permanent and matches the existing structure. He thinks there is brick on the structure from the images he has seen. And all of the landscaping is on the neighbor's side and the applicant does not control it.

John Carruth asked to make a suggestion. Amy Brown asked him to let her ask one thing. So the landscaping, Flower is talking about the landscaping here? John Carruth stated that Flowers was not. At the edge of the parking. Flowers added that at the edge of the parking it has to be on the point 26 feet....Carruth stated the point right at the edge of the house. Flowers stated that along that property line there needs to be some large...

Amy Brown asked if Tom Flowers was talking about the entire length of the driveway. Flowers stated just up against there where Brown is talking about having parking.

John Carruth made a suggestion for mayor and city council to consider when they look at this. Maybe these four parking spaces ought to be up front where the gravel is and facing toward the west so that when a car pulls in, its headlights face west. They don't shine into the neighbor's yard at all. When they back up and come out they are completely hidden. Then take the little bit of the space where the applicant is trying to put a parking space and cut away a little bit of the existing driveway and put some green space. Put a fence in like Tom Flowers is suggesting.

Tom Flowers suggested that they put screening and fencing in there. Then they remove, other the owner's vehicles going up there, which is appropriate. They haven't increased their traffic.

John Carruth stated that the applicant could do just about anything he wanted to in that front yard and nobody is going to see him from Woodstock Road because of all of those Leyland Cypresses that are there. That just seems to Carruth to be a much better place to try to put the guest parking.

Amy Brown stated that obviously they have to have because this is up a hill, there has to be the handicap accessible parking at the top. Tom Flowers stated that those could be there and one could create some walkway from there to his primary entrance. Carruth stated that the applicant could leave the handicap accessible spaces there and it would give him some space to do a little bit of landscaping still. Brown stated okay and just to make sure she is following Carruth, is he only talking about the landscaping and masonry right here where the house is?

Tom Flowers stated the length of the home and to make it architecturally responsive because a masonry fence that would step down would be responsive to the home. And it may extend to the corner or even five-foot in front but just to buffer the activity of pedestrian circulation through there so one is not into the home. That the applicant controls, the neighbor's plantings he does not control. If they choose to remove that to the back yard, the applicant is suddenly open right there. Flowers does not think that would be reasonable.

To John Carruth's point, Flowers stated that the four additional parking up front keeps the headlights out of there. They turn in that way onto the applicant's property so he has the light pollution there. His only addition to that is he would not put four continuous. He would put an island and then two, an island and then two and create some type of pedestrian movement from that area, of their primary visitors to a front entrance or whatever is going to be approved for that area. Then Flowers does not think that the applicant will impact the neighbors. Out of curiosity Flowers asked if the neighbor in support or are they not objecting, or are they objecting?

Amy Brown stated that she did not personally talk to the neighbor, but the applicant has and the neighbor is not opposed to this. Tom Flowers asked if they have signed a petition in favor or are they just not opposing. Brown stated that at the time that they submitted it with the city of Roswell, they had not signed a letter. Flowers can see the one neighbor next to it had. Brown is not sure if he has signed a letter since then or not.

Tom Flowers stated that the site is very secluded from the perspective of the pictures that the Board has seen and he calls it quaint. It would be nice to keep it quaint. He thinks the wall on the right side and to separate the two properties would maintain the quaint nature of the site.

Amy Brown stated that with the masonry wall, she has looked through the code and so forth. They would just follow what is currently outlined in the ordinance?

Tom Flowers stated that Brown is just proposing that it be a masonry structure that is responsive to the home and whatever code, if it allows, he thinks eight-foot until one gets

to the front yard and it is going to need to switch to four feet there. But the applicant is only looking for some seven or eight-foot. Usually six to six-and-a-half feet is adequate for a pedestrian to divorce oneself from it. Maybe the columns come up to seven feet and the structure is six to six-and-a-half feet to stop seeing through it and do their vertical landscaping there.

Brown clarified that even though there are no windows on that side...she is a little bit shocked because they thought the same thing but since there are no windows in the neighbor's yard...Tom Flowers stated that it doesn't matter. He stated that it would not matter to him; he doesn't care which side of his house the applicant is on. This is their high activity inn and what the applicant is telling the Board, and Flowers does not even see their home. This is a low use side of their home. It is only used for circulation no doubt. Their high activity is parking probably on the other side, an entry/exit. Brown stated that was correct.

Tom Flowers stated that he thinks in all fairness that the applicant would have to buffer from strangers from always visiting the site.

Roberto Paredes clarified that to the north is the park, across the street is single family. Brown added that there was also a single-family subdivision. Paredes went on that to the south is single-family. So, in terms of urban planning, where is the next C-2 piece of property along this stretch of Woodstock Road? Amy Brown stated that it was down to the east. Once one goes past Park Ridge subdivision, which is two properties down, then it is a whole mix from there down to Canton Street. There is O-P, there is C-2, Brown thinks there is some C-1 so it is a big mix.

Paredes asked if it was the city of Roswell's intent that at some point this stretch from the park, all the way to the Corner Grocery and the little Cuban restaurant there, that all of that would be C-2.

Kevin Turner stated that is the intent right now. It is mostly mixed. Already from this location to Canton Street he would say it probably mostly C-2.

Paredes stated that there are still single-family homes that...it is spotty but there is single-family...you know homes. Amy Brown agreed that there are a few. Robert Paredes stated that his question is really having to do with is the property no longer viable as a single-family residence?

Amy Brown stated that it was still viable. Paredes asked why the request to rezone it if it is still viable as a single-family residence. Brown stated that the thought is that it is only literally two spaces down from this mix of single-family and commercial so it is just a stone throw away. The other thing is obviously a bed and breakfast is as a business, is kind of residential-like. It is not retail. Paredes stated that he understands that but the concern that he has, and again it is really a decision from a planning standpoint that the city of Roswell needs to make whether the city is ready or committed to eventually, once this goes C-2 the whole stretch goes C-2, is that something that fits in the overall

comprehensive plan? Is that something that is desirable? Because once it goes C-2, and maybe the property next to it doesn't go C-2, and if the applicant sold the property, that is C-2 property. So, one could tear down the house and do whatever they need to...they could put up whatever is allowed in C-2. To Paredes, it doesn't fit and again, he is not on the Planning Commission. It is a very delicate situation to say okay, just because one wants to put a bed and breakfast, he wants to rezone it and...he wants to put a hotel in his house so he wants to rezone it to C-2. To Paredes, it doesn't make any sense.

Amy Brown stated that she hears Paredes, but she guessed that the two things, again, from a business standpoint this is very residence-like. They are not asking for retail. The other is, let's face it, from literally almost there down...and she will do this before the Planning Commission. If one goes from here down to Canton Street, what percent is single-family versus either O-P or C-2? Her guess is that it is less than half

Roberto Paredes stated that part of the thing that Roswell is trying to do, is not displace the ability for people to live just because it is commercial. But then, single-family homes disappear or there is no additional encouragement for people to do that. He thinks that is one of the beauties of the village is there is that kind of mixed type of things happening. So, unless the city of Roswell is committed to some master plan or whatever direction that they are willing to go, in his opinion Paredes would not support a rezoning of this property.

Sonya Tablada stated that one thing that she would like to put on the record is she read in here that Roswell doesn't have any B&B's, so her questions is this is a conditional use for a bed and breakfast. So, what is Roswell's definition of a bed and breakfast and how it can be used in terms of looking at this house? To her, a traditional bed and breakfast one sees in old town is a Victorian house. This looks like a residence that people are going to stay in. She does not get it.

So, Tablada's concern is what is Roswell's definition of a bed and breakfast? Some place that one can let people come and pay rent, then what does it become when one has a residential neighbor. She would be very much opposed to this particular piece of property. It doesn't fit to her; it doesn't look like a definition of a bed and breakfast. And how does one have a conditional use of a bed and breakfast unless there is a true definition of what a bed and breakfast is? She does not know. It is just a question she has.

Monica Hagewood stated that she happens to love bed and breakfasts, she stayed in Europe. She has actually stayed in some neighborhoods, like in Calgary just where it was right in the neighborhood and she would argue that it is actually a good transition use between single-family and commercial. It can be a good transition. It is not what one thinks of as a New England B&B.

Hagewood stated that conditional means that if this were to cease being a B&B, it would go back to R-1. Is that correct?

Kevin Turner stated that was not correct. To her point quickly, a bed and breakfast is a facility where one is not...an accommodation is not exceeding six rooms that are provided for compensation with or without a meal and may include afternoon or evening meals for guests. The operator of the facility lives on the premises. Bed and breakfast does not include retail uses, public bar or conference center, or special events. So it is a smaller use.

To the question about the conditional use, Turner stated that a bed and breakfast is allowed, is permitted in Roswell's c-1 and c-3. It is conditional in O-P and c-2 so if it was rezoned c-2, then any permitted use in c-2 would be allowed in the future. If a bed and breakfast goes away any c-2 use could come in. It is only the bed and breakfast that is conditional to the c-2.

Sonya Tablada stated that she thinks that is it for comments. She thanked Amy Brown.

APPROVAL OF MINUTES

Sonya Tablada stated that the Board has two months of minutes to approve. The first is the March 5, 2013 minutes. The Board did not approve these at the last Board meeting because there was not a quorum of those who had attended who could vote on the minutes.

Tablada stated that she needs a motion to approve the March 5, 2013 minutes.

Monica Hagewood made a motion to approve the March 5, 2013 minutes. John Carruth seconded the motion. The minutes were approved 4-0-1. Sonya Tablada and Roberto Paredes abstained from voting as they were not at the March 5, 2013 meeting.

Sonya Tablada asked for a motion to approve the April 2, 2013 minutes.

Laura Hamling made a motion to approve the April 2, 2013 minutes. John Carruth seconded the motion.

Sonya Tablada called the question. The minutes were approved 5-0-1. Monica Hagewood abstained. She was not at the April 2, 2013 meeting.

ADJOURN

The meeting adjourned at 8:46 p.m.

Sonya Tablada, chairman
Roswell Design Review Board