



RZ #: _____

CV #: _____

CU #: 20140052

ZONING APPLICATION

TYPE OF REQUEST :

☐ Rezoning

Present Zoning

FC-A/AG☐ Concurrent Variance

Requested Zoning

FC-A/AG☒ Conditional Use

Proposed Use

Equestrian facility☐ Text Amendment

Total Acreage

19.0223 acres☐ Other (Explain)

PROJECT

Canary Farm

Name of Project

470 Ebenezer Road Roswell, Georgia 30075

Property Address/Location

1071-10902nd2nd

Suite/Apt. #

City

State

Zip Code

22-3500-1090-050-7

Land Lot

District

Section

Property ID

APPLICANT/OWNER

Canary Farm, LLC

Applicant

Company

3306 Winthrop Circle, Marietta, Georgia 30067

Mailing Address

404-660-1887

Suite/Apt. #

City

State

Zip Code

esezer@cokecce.com

Phone

Cell Phone

Fax Phone

E-mail

REPRESENTATIVE

Rolader & Rolader, P. C.

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

PO Box 1357 Roswell, Georgia 30077

Contact Mailing Address

770-442-0330404-771-4429

Suite/Apt. #

770-442-0641

City

State

Zip Code

don@roladerandrolader.com

Phone

Cell Phone

Fax Phone

E-mail

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

ANNA BAY SEZER
Applicant Signature: Property Owner or Owner's RepresentativeDate: 01 / / 2014

Y. Esat Sezer

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.
An equestrian facility is a suitable use in AG zoning. The surrounding area is agricultural and single family homes.
2. Whether the proposal will adversely affect the existing use or usability of adjacent or nearby property.
Use of the land as an equestrian facility will not adversely affect existing use or usability of adjacent or nearby property. It may increase property values.
3. Whether the property to be affected by the proposal has a reasonable economic use as currently zoned.
This is a conditional use application only. The underlying zoning is not being changed.
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.
Use of the property as an equestrian facility will not cause excessive or burdensome use of existing streets, transportation facilities, utilities and schools.





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

The proposed use is in conformity with the policy intent of the Comprehensive Plan, including the land use element. An equestrian facility is allowed in AG zoning with a conditional use permit.

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.

The area and this property have had equestrian uses previously. This is not a rezoning. It is an application for a Conditional Use Permit.

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 zoned FC-A/AG and is vacant.

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

Nearby property is zoned AG or single family residential. Some of the property is in the City of Milton.





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

N/A - Conditional Use Permit only

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

N/A - Conditional Use Permit only

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 is substantially less valuable if the Conditional Use is not granted.

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

In excess of One Million Dollars.

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

The property is zoned FC-A/AG and, as agricultural property, is well suited for use as an equestrian facility.

14. The suitability of the subject property under the proposed zoning district and/or overlay district classification.

An equestrian facility is suitable use for 20 acres zoned AG.



15. The length of time the property has been vacant or unused as currently zoned.
More than 20 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.
N/A - Conditional Use application only

17. The possible creation of an isolated zoning district unrelated to adjacent and nearby districts.
There is no possibility of the creation of an isolated zoning district.

18. Possible effects of a change in zoning or overlay district map, or change in use, on the character of a zoning district.

Granting the Conditional Use in an AG zoning district will cause no change in the zoning district or zoning map.

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 a Conditional Use for an Equestrian Facility will not be a deterrent to the value or development of adjacent property. It may enhance property values.

20. The possible impact on the environment, including but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quality.
There will be no negative 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.

The property is zoned AG and nearby uses are agricultural and single family residential. The requested Conditional Use will not affect the zoning scheme in place on Ebenezer Road.

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 does not front on a major road or established residential neighborhood. Granting this Conditional Use will preserve the character and quality of the area.

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.

N/A - Conditional Use application only

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: _____

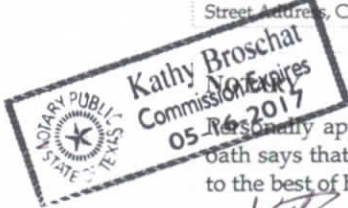
Wherefore, applicant prays that the procedures incident to the presentation of this petition be taken, and the property be considered accordingly. Additionally, applicant further acknowledges and fully understands all above statements made by the City of Roswell.

PROPERTY OWNER SIGNATURE (REQUIRED FOR ALL APPLICATIONS)

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

 
Owner of Property (Signature) R. S. Kane Terri D. Kane
470 Ebenezer Road, Roswell, Georgia 30075
Street Address, City, State, Zip

12 / 23 / 13
Date
410-861-3268
Phone
210-601-8300




I personally appeared before me the above Owner named R.S. KANE, TERRI D. KANE 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)

12 / 23 / 13
Date

05 / 16 / 17
Date Commission Expires

ATTORNEY/ AGENT (IF APPLICABLE)


Attorney/ Agent (Signature) Donald A. Rolader
PO Box 1357 Roswell, Georgia 30077
Street Address, City, State, Zip

____ / ____ / ____
Date
770-442-0330
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

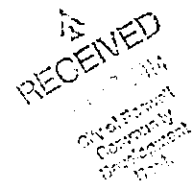
☒ NO

YANLYA ESAT SEZER
Applicant/Owner of Property (Signature) Esat Sezer
3306 Winthrop Circle, Marietta, Georgia 30067
Street Address, City, State, Zip

01, 08, 2014
Date

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

Date	Government Official	Official Position	Description	Amount
NONE				





Planning & Zoning Director Acceptance Stamp

- ☐ Rezoning
- ☐ Concurrent Variance
- ☒ Conditional Use

RECEIVED
ZONING DIVISION 1-6-2014

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

Bradford P. Brown
Zoning Director

DATE 11/14 1-9-2014

THE ZONING DIVISION OF THE CITY OF ROWELL
HAS REVIEWED THE APPLICATION AND HAS
RECOMMENDED THE FOLLOWING:

CU 20140052