



RZ Case #: \_\_\_\_\_

CV Case #: \_\_\_\_\_

CU Case #: CW12-02  
 permit#: 12070003  
 LS#: 12-0285

## ZONING APPLICATION

**TYPE OF REQUEST:**

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

Present Zoning

C-3

Requested Zoning

Conditional Use

Proposed Use

USED AUTO SALES

Total Acreage

184 ACRES

**PROJECT**

USED AUTO SALES

Name of Project

1184 ALPHARETTA HWY

ROSWELL GA 30075

Property Address/Location

Suite/Apt. #

City

State

Zip Code

Land Lot

427

District

Section

Property ID

12 19920427089

**APPLICANT/OWNER**

DAVID CAIN

Applicant

BANK OF NORTH GEORGIA

Company

8025 WESTSIDE PARKWAY

ALPHARETTA GA 30009

Mailing Address

770 751 4702

Suite/Apt. #

City

State

Zip Code

Phone

Cell Phone

Fax Phone

E-mail

**REPRESENTATIVE**

WILLIAM E DUGGAN

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

5855 JIMMY CARTER BLVD SUITE 210 NORCROSS GA 30071

Contact Mailing Address

770 448 3305

770 380 9944

770 448 4921

Suite/Apt. #

City

State

Zip Code

Phone

Cell Phone

Fax Phone

E-mail

bduggan@quintrop.com

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

*[Signature]*

Date: 7 / 3 / 2012

Applicant Signature, Property Owner or Owner's Representative

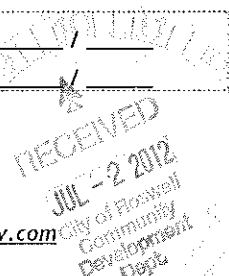
OFFICE USE

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

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

Approved  Denied By: \_\_\_\_\_

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



REPRESENTATIVE APPLICANT PROJECT TYPE



**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.

YES, THE PROPERTY IS ADJACENT TO A USED  
AUTOMOBILE DEALER

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

NO, IT IS A CAPABLE USE

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

YES, WITH THE CONDITIONAL USE APPROVAL

- 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.

NO, LESS TRAFFIC THAN THE PRIOR USE

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

YES

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.

NO

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."*

\_\_\_\_\_ Date: \_\_\_\_ / \_\_\_\_ / \_\_\_\_  
 Owner of Property (Signature)

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.

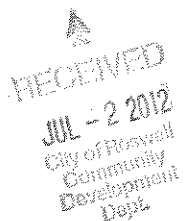
\_\_\_\_\_ Date: \_\_\_\_ / \_\_\_\_ / \_\_\_\_  
 Notary Public (Signature) My Commission Expires: \_\_\_\_\_  
 Date: \_\_\_\_ / \_\_\_\_ / \_\_\_\_

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

PROPERTY LAST USE WAS A BANK. PROPERTY HAS BEEN VACANT

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

COMMERCIAL USES ALONG HWY #9. CAR LOT BEHIND PROPERTY, TWO RESIDENTIAL PROPERTIES ON PROSPECT ST.





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

N/A

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

N/A

11. The extent to which the property value of the subject property is diminished by the existing zoning district and/or overlay district classification.

N/A

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

N/A

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

PROPOSED USE ALREADY ADJACENT TO PROPERTY

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

N/A

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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.  
*SIMILAR USE ID AREA*
  
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.  
*WE DO NOT BELIEVE SO.*
  
20. The possible impact on the environment, including but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quality.  
*NONE. THAT WE KNOW OF*



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.

YES

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.

UNDERSTAND

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

**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.

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**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:	<input checked="" type="checkbox"/> Sanitary Sewer
	<input type="checkbox"/> Septic Tank

*I respectfully petition that this property be considered as described in this application*

From Use District: \_\_\_\_\_ To Use District: \_\_\_\_\_

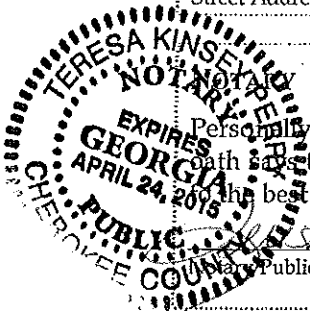
Wherefore, applicant prays that the procedures incident to the presentation of this petition be taken, and the property be considered accordingly. Additionally, applicant further acknowledges and fully understands all above statements made by the City of Roswell.

**APPLICANT SIGNATURE (REQUIRED FOR ALL APPLICATIONS)**

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

David E. Cain <sup>SUP</sup>  
 Owner of Property (Signature) 6/21/12  
Date

8025 Westside Pkwy Alpharetta GA 30009  
 Street Address, City, State, Zip 770-751-4702  
Phone



Personally appeared before me the above Owner named DAVID E. CAIN 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.

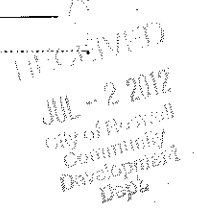
Teresa Kingsley 6/21/2012  
Date

Public (Signature) 4/24/2015  
Date Commission Expires

**ATTORNEY/ AGENT (IF APPLICABLE)**

\_\_\_\_\_  
 Attorney/Agent (Signature) \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_  
Date

\_\_\_\_\_  
 Street Address, City, State, Zip \_\_\_\_\_  
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

*[Signature]*  
Applicant/Owner of Property (Signature)

6/21/12  
Date

8025 Westside Pkwy Alpharetta Ga. 30609  
Street Address, City, State, Zip

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

Date	Government Official	Official Position	Description	Amount

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**Planning & Zoning Director Acceptance Stamp**

- Rezoning
- Concurrent Variance
- Conditional Use

RECEIVED BY THE CITY OF ROSWELL  
ZONING OFFICE July 2, 2012  
Date

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

Bradford P. Townsend  
Zoning Director

TIME: 4:04 pm DATE: July 10, 2012.

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

CU12-02