

LS# 13-0176



RZ-201300928

CV-201300930

CU-201300929

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

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

CU Case #: \_\_\_\_\_

### ZONING APPLICATION

**TYPE OF REQUEST :**

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

Present Zoning R-1

Requested Zoning C-2

Proposed Use Bed and Breakfast

Total Acreage .994

**PROJECT**

Inn On The Park Bed and Breakfast

Name of Project \_\_\_\_\_

10485 Woodstock Road Roswell Georgia 30075

Property Address/Location Suite/Apt. # City State Zip Code

Land Lot 370 District 1st Section 2nd Property ID 12-179103700669

**APPLICANT/OWNER**

John H. Wilson  
Applicant

Company 10485 WOODSTOCK Rd Roswell GA 30075

Mailing Address \_\_\_\_\_

**REPRESENTATIVE**

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

Contact Mailing Address \_\_\_\_\_ Suite/Apt. # \_\_\_\_\_ City State Zip Code \_\_\_\_\_

770-998-2065 404-550-5994 770-998-2073 CHEFSOHWILSON@HOTMAIL.COM

Phone Cell Phone Fax Phone E-mail

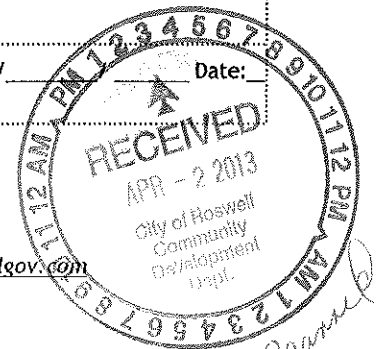
I hereby certify that all information provided herein is true and correct

Date: 4/2/2013 Applicant

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

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

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



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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.

The house sits on a major thoroughfare with various zoning classifications nearby including C-1, C-2, O-P, H, R and R-2. A school and churches are located in the R-1 Zoning to the northwest of the property. Two sides of the property abut the City of Roswell Area Park and the house is not in a subdivision.

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

The proposed rezoning, concurrent variance and conditional use should not add any more impact to adjacent or nearby properties. No additional bedrooms (currently five) or parking will be added for the proposed B&B (currently a two car garage with two parking spaces adjacent and 2 on a parking pad).



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

The property is currently zoned R-1 and applicant has been living on the property for 10 years and 7 months.

- 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 bed and breakfast will only offer ~~three~~<sup>four</sup> rooms. The current bedrooms is 5 and 4 bathrooms and the parking spaces will not increase over the current number.



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

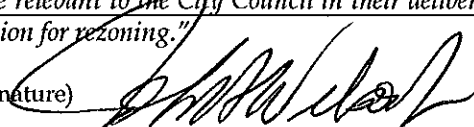
The future plans indicates, residential, however, a large portion of the "R" properties are not homes. They are churches, a city park, and schools that lie along Woodstock Road.

- 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.

Based on feedback from the Roswell Convention and Visitors Bureau, The Roswell Business Alliance and all of the special events facilities in Roswell there is a huge demand for a Bed and Breakfast in the city of Roswell.

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: 4/2/2013

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) Letitia Pamela Bethel Date: 04/02/13  
My Commission Expires: 01/09/16

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

The said property is a single family residence in R-1 and is a standalone house (not in My Commission Expires Jan 9, 2016

**Letitia Pamela Bethel**  
Notary Public  
DeKalb County, Georgia  
My Commission Expires Jan 9, 2016

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

Starting at Canton Street and traveling west on Woodstock Road, the zoning is mixed with C-1, C-2, O-P, H-R, R-2 and R-1 and with a variety of businesses (uses) including a hair salon, architect firm, a day care facility, restaurant, a park, elementary school, churches as well as residential homes.



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

The assessment value of the property is 205,500.00

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

The property is zoned R-1 and cannot be used as a Bed and Breakfast



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

Since there are no Bed and Breakfasts in Roswell at this time the change in property value is unknown.

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

I do not know the said value of the property if the rezoning is passed.

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

The proposed use would be that of a bed and breakfast and no construction will be done for such use.

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

The house sits on a major thoroughfare and with no changes being made except upgrades it will sit well in the area.



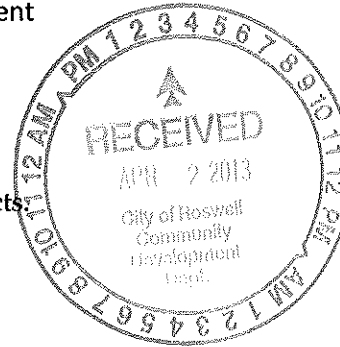
15. The length of time the property has been vacant or unused as currently zoned.

Property is occupied and has been by current owner for over 10 years. Current owner will manage and operate the bed and breakfast.

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.

No effort or interest in selling the property at this time. As the market is still down in this current recession.

17. The possible creation of an isolated zoning district unrelated to adjacent and nearby districts  
There is neighborhood commercial and office professions nearby.



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

The zoning two blocks east is zoned C-1, C-2, O-P, H-R and R-2.

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.

An improvement will certainly take place as the property is improved in upkeep of the house and gardens and becomes a business. Hoping the other existing properties improve as well.

20. The possible impact on the environment, including but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quality.

No additional buildings or additions are being proposed on the property, so there will be no additional impact to the environment such as drainage, soil erosion, etc. The use of said property is being limited to <sup>two</sup> three guest rooms. The current number of bedrooms is five in the house. The applicant is very "green" and practices recycling, composting, conserving energy and collecting rain water for plants and the yard and will continue to do this if proposed rezoning, conditional use and concurrent variance are granted.



- 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.

With the east end of Woodstock Road is a mixed zoned area it only bring the change in zoning two additional blocks on Woodstock 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 subdivision of Park Bridge is enthusiastic with the proposed addition to the neighborhood as well as the two adjacent neighbors. Pls see attached letters of encouragement on their behalf for a great addition to Roswell.

- 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 little to no undeveloped land on Woodstock Rd

**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

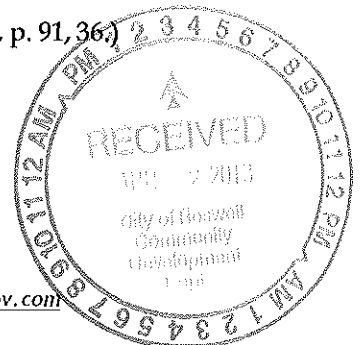
**CODE OF GEORGIA TITLE 36. LOCAL GOVERNMENT PROVISIONS APPLICABLE TO COUNTIES AND MUNICIPAL CORPORATIONS CHAPTER 67A. CONFLICT OF INTEREST IN ZONING ACTIONS (Current through 2000 General Assembly)**

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.*







**Planning & Zoning Director Acceptance Stamp**

- Rezoning
- Concurrent Variance
- Conditional Use

RECEIVED BY THE CITY OF ROSWELL  
 ZONING OFFICE 4-2-2013  
 Date

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

Bradford D. Damsel  
 Zoning Director

TIME: 10:03 DATE: 4-5-2013

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

R22013 00928  
 CU 2013 00929  
 CV 2013 00930