

State of Georgia
Fulton County

Case # RZ12-04

A RESOLUTION BY THE CITY OF ROSWELL MAYOR AND CITY COUNCIL APPROVING THE REZONING AND CONCURRENT VARIANCES TO THE R-THA (FEE SIMPLE TOWNHOUSE) DISTRICT TO ALLOW FOR 19 SINGLE FAMILY ATTACHED HOMES PER CASE # RZ12-04 AND CV12-01 LOCATED AT 9050 NESBIT FERRY ROAD.

WHEREAS: Notice to the public regarding said zoning has been duly published in the Roswell Neighbor, the official news organ of the City of Roswell; and

WHEREAS: A public hearing was held by the Mayor and City Council on June 11, 2012; and

WHEREAS: The Mayor and City Council has reviewed the rezoning request based on the Standards of Review found in Section 31.1.12, Table 31.1.4 of the Roswell Zoning Ordinance; and

WHEREAS: The Mayor and City Council has reviewed the variance request based on the Authority to Grant Concurrent Variances found in Section 31.1.29 and the Criteria to Consider for Concurrent Variances found in Section 31.1.31 of the Roswell Zoning Ordinance; and

WHEREAS: The Mayor and City Council has reviewed the zoning request based on the 2030 Comprehensive Plan character area Suburban Residential; and

NOW THEREFORE, BE IT RESOLVED, The Mayor and City Council while in session on June 11, 2012 hereby ordains and approves this said rezoning with concurrent variances for property at 9050 Nesbit Ferry Road to the R-THA (Fee Simple Townhouse) zoning district to allow for 19 single family attached homes subject to the following conditions.


1. The site shall be developed in accordance with the site plan stamped "Received February 7, 2012.
2. The bike path and sidewalk along Nesbit Ferry Road shall be constructed prior to the first certificate of occupancy for the homes.
3. The demolition of the existing house shall not impact the existing stand of specimen trees.
4. A preliminary plat for the property shall be required prior to the issuance of the Land Development Permit.
5. A final plat shall be recorded at the completion of each of the separate blocks built.
6. All construction and equipment trailers shall stay out of the tree save area.
7. A variance to reduce the required interior front yard setback from thirty (30) feet to fifteen (15) feet.

8. A variance request to reduce the side corner yard setback from the interior street from twenty (20) feet to five (5) feet.
9. A variance is to reduce the required interior sidewalk requirements from one side of the proposed interior street.
10. A variance to allow for an increase in the individual lot maximum coverage from forty (40) percent to fifty (50) percent.
11. The proposed development consists of 5.03331 acres of total site area and shall be developed for a residential community comprised of 19 homes as shown on the attached site plan. The proposed community shall have an overall density of 3.78 units per acre.
12. All homes shall be a minimum of 2400 square feet of heated floor area with a maximum height of thirty-five (35) feet.
13. A minimum street width of 24 feet shall be required from back of curb to back of curb.
14. Licensed landscape architect shall complete the proposed landscaping plan for the entrance and the detention pond. Detention pond shall be screened with a dense evergreen hedge (ie. Arborvitae or Cryptomeria) on the western and southern sides and it shall be a minimum of 6 feet in height and no more than 7 feet on center.
15. The proposed residences shall be traditional, two stories, in style and architecture and shall have two car attached garages. Additionally, the architectural style and composition of the exterior of the front of the homes shall consist of brick, stacked stone, stucco-type, cedar shake-type, hardi-plank shake type, and hardi-plank siding, or combinations thereof. Vinyl siding shall not be allowed on the exterior of any home.
16. Devonshire agrees that the developer will install a pipe to the subject property to allow storm water from Property to enter storm system as shown on attached site plan. This is subject to an independent review that the current system can handle the added storm water and agreement by 67% of the Devonshire homeowners to grant the proposed easement and delete the requirement from the current covenants that 67% of first mortgage holders also approve to grant the easement. In the event Devonshire is unable to acquire the 67% approval of the homeowners within 90 days from the approval by the Mayor and City Council, Devonshire and Developer shall agree the storm water shall be allowed to discharge and drain on the surface which will be subject to independent review.
17. Setbacks for the proposed development shall be:
 - (a) Front setback - 15 feet (20' minimum to garage door)
 - (b) Rear setback - 30 feet
 - (c) Side setback - 5 feet
18. All front, side and rear yards of the proposed residences shall be sodded as well as landscaped common areas.
19. A mandatory homeowners association shall be established for the proposed community. The homeowners association shall be responsible for the upkeep and maintenance of all common areas, landscaping around detention pond, and entrance area contained within the proposed community.
20. Developer will install a 6-foot wooden fence along the perimeter adjacent to the Devonshire community property.
21. All homes shall be attached as required per Section/Chapter 5.13.4 and 9.5(c) of the city zoning code. The attached portion may be placed along the side of each home at any point.

22. Lot 1 shown on the rezoning plan completed by Watts & Browning Engineers Inc. dated 2/13/2012 will include a larger driveway to allow homeowner to turn around on the driveway prior to exiting onto the subdivision entrance road.

23. Additional landscaping shall be located behind lots 16-19. This landscaping shall be subject to the Devonshire HOA and the City Arborist.

So effective this 11th day of June, 2012.


Jere Wood, Mayor



