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**APPLICANT RESPONSE STATEMENT  
ANNEXATIONS AND REZONINGS****1) Explain the intent of the requested zoning.**

The applicant seeks a zoning to allow for the development of a single-family detached subdivision on 26.75 acres. The subdivision will have approximately 105 homes and include an amenity package.

**2) Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.**

The adjacent properties to the east and west of the subject property are both developed with single family attached homes at a greater density than the proposed density of this project. Therefore, given that the adjacent properties are more dense attached properties than the proposal, a less dense detached product is suitable and more than consistent with adjacent developments.

**3) How the proposed zoning will adversely affect the existing use or usability of adjacent or nearby property.**

The proposed zoning will not have any negative adverse effect on the existing usability of adjacent or nearby properties.

**4) Whether the property to be affected by a proposed zoning has a reasonable economic use as currently zoned.**

The subject property is sandwiched between a mixed-use development that includes a general commercial portion facing Highway 92 with townhomes adjacent to the subject property on the west side of the subject property. On the east side of the subject property is a townhome community that is part of the Mountain Brooke Master Plan development. Given the fact that the property is sandwiched between greater density attached products, the property does not have any reasonable economic value developed as R-80.

**5) Whether the proposed zoning will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities or schools.**

The proposed zoning of 105 homes will not excessively burden the existing streets, transportation, utilities or schools in the area. The tax base created by the development will more than offset the impact on the public infrastructure.

- 6) **Whether the proposed zoning is in conformity with the policy and interest of the land use plan.**

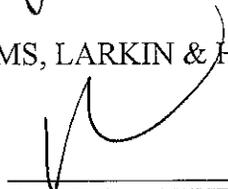
The proposed zoning is consistent with the City's designation of the property as Neighborhood Living and is consistent with the existing zoning on either side of the development.

- 7) **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 proposed zoning.**

There is a strong demand for residential development in the area and the proposed detached subdivision will complement the existing attached units in the area.

Respectfully submitted this 4 day of Oct, 2013.

SAMS, LARKIN & HUFF, LLP

By: 

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**APPLICANT RESPONSE STATEMENT  
VARIANCES**

**1) Explain requested variance.**

- a. Reduce the minimum lot area from 9,000 square feet in the overlay and from 7,500 square feet outside the overlay, to 5,000 square feet.
- b. Reduce the side setback from 10 feet to 5 feet.
- c. Reduce the lot width in the overlay from 60 feet to 45 feet
- d. Eliminate the buffer required in the overlay.
- e. Reduce the front set back from 30 feet to 25 feet within the overlay.

**2) How any special conditions and circumstances existing on the property which are peculiar to the land, structure(s) or building(s) involved and which are not applicable to other lands, structure(s) or building(s) in the same district.**

Although the subject property is located between two attached unit subdivisions, the Applicant believes a detached product will create a higher price point and there is a greater demand for detached housing in this area. However, to accommodate the detached housing the requested variances will be needed.

**3) How the literal interpretation of the provisions of the Zoning Ordinance would deprive the applicant of right commonly enjoyed by other properties within the same district under the terms of the Zoning Ordinance.**

The proposed variances are consistent with the development setbacks and square footage of the subdivisions on either side of the subject property.

**4) How the special conditions and circumstances do not result from the actions of the applicant.**

The Applicant is reducing the number of units that would be reasonably compatible with adjacent zonings and building a detached product. This action will create a higher price point and less impact on the public infrastructure.

**5) How granting of the variance requested will not confer on the applicant any special privileges that is denied by the Zoning Ordinance to other lands, structure(s) or building(s) in the same district.**

The requested variances relates specifically to the subject property because of its location on Highway 92 and the development of properties on either side of the property.

- 6) **How no non-conforming use of neighboring lands, structure(s) or building(s) in the same district and not permitted or non-use of lands, structure(s) or building(s) in other districts shall be considered grounds for issuance of a variance.**

The variance is a variance requested to allow for flexibility within this development to be able to build a single family detached product.

- 7) **Explain how this requested variance is the minimum necessary that will allow the reasonable use of the land, structure(s) or building(s).**

The Applicant is requested variances based upon development needs and is asking for no other variances.

- 8) **Explain how, if granted, this requested variance will be in harmony with the general purpose and intent of the Zoning Ordinance, and will not be injurious to the neighborhood, surrounding properties or otherwise detrimental to the public welfare.**

The proposed zoning will be less dense than the adjacent developments. Being able to build a detached product in an area that is surrounding by attached units will be in harmony with the area and will not be detrimental to the public welfare.

Respectfully submitted this 4 day of Oct, 2013.

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