



## **Board of Zoning Appeals**

**Regular Meeting**  
**<http://www.roswellgov.com/>**  
**~Agenda~**

**Chair Jahanzeb Jabbar**  
**Vice Chair Mark Schumacher**  
**Board Member John Hannah**  
**Board Member G. Wilson "Rocky" Horde**  
**Board Member Rob Huey**  
**Board Member Ian Kowalski**  
**Board Member Dan Seger**

---

Thursday, October 16, 2025

7:00 PM

City Hall - Council Chambers

---

**\*\* Possible Quorum of Mayor and City Council \*\***

### **Welcome**

#### **I. Call to Order**

#### **II. Agenda Items**

- 1. BZA20253920 - Mission Hills Court/ Liberty Square Park – Stream Buffer Variance**

#### **III. Minutes**

- 2. September 9, 2025 BZA Minutes**

#### **IV. Adjournment**



**City of Roswell**  
**Board of Zoning Appeals**  
**AGENDA ITEM REPORT**

**ID # - 10111**

---

**MEETING DATE:** October 16, 2025  
**DEPARTMENT:** Board of Zoning Appeals  
**ITEM TYPE:** Public Hearing

---

**BZA20253920 - Mission Hills Court/ Liberty Square Park**

**Item Summary:**

Request for a Stream Buffer Variance

**Staff Recommendation:**

Staff recommends approval of the variance to encroach into the 100-ft undisturbed buffer and 150-foot impervious setback.

**Presented by:**

Osmany Ordóñez



## MEMO

**To:** Roswell Board of Zoning Appeals

**From:** Osmany Ordóñez, CPESC, CFM, Engineering Manager

**Date:** 09/17/2025

**Subject:** BZA20253920, Liberty Square Park

**Background:**

The applicant is the City of Roswell Recreation and Parks Department. The property is zoned as REC (Parks and Recreation). The lot size is 4.11 acres public park site located on Mission Hills Court in Roswell and identified as tax parcel 12 -2280-0562-008-5. The applicant is requesting from the Board: *a variance to encroach into the 100-ft Undisturbed Stream Buffer and 150-foot City Impervious Setback.*

**Public Comments:**

There were no public comments at the time this report was submitted.

**Factors for determining buffer variance approval:**

The following factors are considered in determining whether to issue a variance to the city undisturbed stream buffer or city impervious setback:

**a. The shape, size, topography, slope, soils, vegetation and other physical characteristics of the property.**

The property features an irregular shape with gently sloping terrain that descends from west to east. There is one perennial stream located along the rear of the property near the property line. The perennial stream is bordered by multiple protective zones: a 25-foot undisturbed State buffer, a 100-foot undisturbed City buffer, and a 150-foot impervious surface setback. The parcel presents several environmental challenges, including wetlands, a 100-year FEMA floodplain, and the aforementioned stream corridors. Access is currently provided by a gravel driveway off Mission Hills Court, leading to a spacious lawn area dotted with mature trees.

**b. The locations of all streams on the property, including along property boundaries.**

There is a perennial stream located along the rear of the property flowing west to east. When the stream buffer, impervious setback, and existing wetlands are taken into account, the buildable area is significantly reduced.

**c. The location and extent of the proposed buffer or setback intrusion.**

The proposed intrusion in the City undisturbed buffer is approximately 15,000 SF. The majority of the encroachment inside the 100 ft. undisturbed stream buffer is for a children's play area and an enhanced swale to treat stormwater. A small portion of the proposed trail and pavilion building lies within the 100-ft. undisturbed buffer. Approximately 6,900 SF of impervious surface is proposed to encroach in the 150-ft impervious setback for the pavilion and restroom building as well as a portion of the trail. No encroachment into the GA EPD 25-ft.



undisturbed stream buffer or the wetlands is proposed.

**d. Whether alternative designs are possible which require less intrusion or no intrusion.**

An alternative plan with no site intrusion was considered, but it would place facilities at the rear of the site, beyond reasonable visibility and emergency access, creating unsafe conditions. Moreover, the park design process involved multiple consultants and a well-attended public input meeting, resulting in a final design that includes features like an open lawn area for neighbors to enjoy sports and recreation. This alternative plan, by locating facilities in the middle of the lawn, would reduce the usability of that space.

**e. The long-term and construction water-quality impacts of the proposed variance.**

The applicant does not anticipate any negative impacts to the stream, property, or adjacent properties from the encroachments. The variance requested by the applicant is the minimum necessary to achieve the goals of the community for the best use of this park site. Efforts have been made to locate impervious features and structures far from the stream and wetlands.

**f. Whether issuance of the variance is at least as protective of natural resources and the environment.**

Stormwater mitigation for the encroachment areas is provided which exceeds 150% of the water quality volume typically required for the improvement in this area. A tree protection and landscape plan which minimize disturbance to the existing trees and provide a robust replanting sight 96% native plant species are part of the proposed improvements as well.

**Staff Comments:**

Engineering – Approved

Stormwater – Approved

Tree –Approved

Planning & Zoning - Approved

**Staff Recommendation:**

A literal interpretation of the stream buffer code would deprive the applicant of potential to utilize the REC zoned public park property within this community for its intended purpose and in a manner consistent with other similar City owned properties near existing streams and rivers.

Staff recommends approval of the variance to encroach into the 100-ft undisturbed buffer and 150-foot impervious setback.

**APPLICATION INTAKE****In Person:** 8:00 am – 4:00 pm**By Email:** planningandzoning@roswellgov.com

**Stream Buffer Variance Application**  
**Request to Board of Zoning Appeals or Administrative**

<b>Application Number:</b>			
<b>* Before submitting an application, please schedule a pre-application conference with the Community Development Department discuss the procedures, standards and regulations required for approval *</b>			
Type of Request: <input type="checkbox"/> Single-Family Residential <input type="checkbox"/> Non-Residential/Residential Subdivision			
<input type="checkbox"/> Decks/Pools/Patios/Retaining Walls (<6 feet) <input type="checkbox"/> Other			
Number of Variances Requested:			
<b>PROJECT DESCRIPTION</b>			
Name of Project:		Current Zoning:	
Project Address:			
Subdivision:		Is there an HOA?    ___Y    ___N	
List requested variances:			
1. _____			
2. _____			
3. _____			
Explain your hardship (See Page 3 of application for hardship criteria):			
An explanation is provided in the letter of intent attached to the variance request package.			
<b>CONTACTS</b>			
<b>Applicant/Representative</b>	Name/Company Name:		
	Address:		
	City:	State:	Zip:
	Email:	Phone:	
<b>Property Owner</b>	Name/Company Name:		
	Address:		
	City:	State:	Zip:
	Email:	Phone:	
I hereby certify that all information provided herein is true and correct.			
Applicant Signature: Property Owner or Owner's Representative			Date:

**\*Refer to Section 12.2.3 Letter B of the Unified Development Code to determine if your project is categorized as an Administrative or Major Review**

City of Roswell • 38 Hill Street • Suite G-30 • Roswell, Georgia 30075 • 770-641-3780 • www.roswellgov.com  
 Planning and Zoning Division Application • Rev 1/6/2025

**SIGNATURE PAGE****READ CAREFULLY BEFORE SIGNING**

- I understand that failure to supply all required information (per the relevant Applicant Checklist and requirements of the *Unified Development Code*) will result in **rejection of the application**.
- I understand that the application may not be approved if applicant plans to attend the Design Review Board meeting without required items or if the applicant presents plans that differ from submittal materials.
- I understand that I will become familiar with applicable zoning code and Design Guidelines.

I understand that failure to respond OR to submit deficient items within six months of receiving comments will result in **THE APPLICATION BEING DEEMED AS WITHDRAWN BY THE CITY**

Applicant or Representative Signature

Date

*I respectfully petition that this property be considered as described in this application. 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 understand all above statement made by the City of Roswell.*

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

Property Owner Signature

Date

Address:

City:

State:

Zip:

NOTARY: Personally appeared before me the above applicant or representative named \_\_\_\_\_ who on oath says that he/she is the applicant or representative for the foregoing, and that all the above statements are true to the best of his/her knowledge

Notary Signature

Date

Date commission expires:

**\*Refer to Section 12.2.3 Letter B of the Unified Development Code to determine if your project is categorized as an Administrative or Major Review**

City of Roswell • 38 Hill Street • Suite G-30 • Roswell, Georgia 30075 • 770-641-3780 • [www.roswellgov.com](http://www.roswellgov.com)  
Planning and Zoning Division Application • Rev 1/6/2025

## HOW TO REQUEST A VARIANCE BEFORE THE BOARD OF ZONING APPEALS

If you cannot meet all the standards and regulations of the Roswell Unified Development Code, you may present your request for a Variance before the Board of Zoning Appeals. A Variance is a relaxation of the strict terms of the Unified Development Code (such as height, setbacks, parking or other regulations) for a specific property, to permit construction that would otherwise be prohibited because of the particular physical surroundings, shape or topographical conditions. Variances are covered in the Section 13.11 “Variance” of the Roswell Unified Development Code.

You must present your request to the Board in the form of a hardship that you will experience if the strict application of the zoning regulation is enforced. In granting a Variance, the Board of Zoning Appeals may impose requirements and conditions to protect adjacent properties and the public interest. Any application for a Variance must be supported by written verification of that:

- When a property's shape, topography or other physical conditions existing at the time of the adoption of this ordinance prevents land development unless a buffer variance is granted.
- Unusual circumstances when strict adherence to the minimal buffer requirements in the ordinance create an extreme hardship.

In making this determination, the Board of Zoning Appeals considers the following criteria:

- A literal interpretation of the provisions of this UDC would effectively deprive the applicant of rights commonly enjoyed by other properties of the district in which the property is located.
- The shape, size, topography, slope, soils, vegetation and other physical characteristics of the property.
- The locations of all streams on the property, including along property boundaries.
- The location and extent of the proposed buffer or setback intrusion.
- Whether alternative designs are possible which require less intrusion or no intrusion.
- The long-term and construction water-quality impacts of the proposed variance.
- Whether issuance of the variance is at least as protective of natural resources and the environment. .

## REQUESTING AN ADMINISTRATIVE VARIANCE

An **Administrative Variance** is similar to a Variance in that it also grants relief from the strict requirements of the Unified Development Code. An Administrative Variance does not require a public hearing. The Engineering Director may “administratively” vary or waive any of the certain requirements as outlined in Section 12.2.3.B of the Unified Development Code.

Details are covered on the Variance Checklist.

\*Refer to Section 12.2.3 Letter B of the Unified Development Code to determine if your project is categorized as an Administrative or Major Review

### VARIANCE CHECKLIST

1. Completed and signed application form.
2. Payment of applicable fee.
3. Letter of Intent:
  - Describing the requested variance(s); and
  - Describing how the proposed action meets the criteria for granting of a variance as established in Article 13.11.17 of the Roswell Unified Development Code.
4. One to-scale copy of a survey sealed by a surveyor or a site plan, which must contain the required items related to the variance request.
  - Metes, bounds, and dimensions.
  - Bearings and distances.
  - The locations of all existing and proposed structures and other impervious cover, the limits of all existing and proposed land disturbance, both inside and outside the buffer and setback. The exact area of the buffer to be affected shall be accurately and clearly indicated.
  - Documentation of unusual hardship should the buffer be maintained.
  - A calculation of the total area and length of the proposed intrusion.
  - A stormwater management site plan, if applicable.
  - Proposed mitigation, if any, for the intrusion. If no mitigation is proposed, the request must include an explanation of why none is being proposed.
  - Other information required by the Engineering Director.
5. **Digital copy of all required documentation.**

### ADMINISTRATIVE VARIANCE CHECKLIST

1. Provide the proposed site plan with proposed request containing:
  - Printed name(s) of abutting property owner(s);
  - Address of the abutting property owner
2. **Digital copy of all required documentation.**

### Fee Schedule – Board of Zoning Appeals

Stream Buffer Variance Non-Residential/Subdivision *	\$350
Stream Buffer Variance Single-Family Residential *	\$250
Administrative	\$100
*Advertising	\$300

\*Refer to Section 12.2.3 Letter B of the Unified Development Code to determine if your project is categorized as an Administrative or Major Review

September 15, 2025

Roswell Board of Zoning Appeals  
38 Hill Street, Suite G-30  
Roswell, GA 30075

RE: Variance requests for Liberty Square Park

To Whom it may concern,

This document is to serve as the Letter of Intent for stream buffer variance requests associated with the development of Liberty Square Park, a 4.2 acre public park site located on Mission Hills Court in Roswell and identified as tax parcel 12 -2280-0562-008-5.

Liberty Square Park is a proposed public park located in the City of Roswell. Roswell staff identified that this undeveloped, City owned parcel was eligible for grant funding from ARPA. A grant was applied for and won, and the purpose of the grant was to improve this park for the use of Roswell citizens in this underserved area and based on their public input and recommendations.

Through an intensive design process involving the City of Roswell, numerous consultants, and including a well-attended public input meeting, park improvements took shape into a final design that provides features which will bring excitement and opportunity for residents to take pride in and to enjoy this public space. The parcel itself presents numerous environmental challenges, including wetlands, floodplain, and streams. The consultant team is navigating the correct processes and engineering practices to minimize environmental impacts, and much of the existing character of the parcel will remain intact. An existing perennial stream running through the site is avoided, but this letter serves to request variances related to City stream buffers and park improvement impacts. A request is made to permit encroachment of up to 75% into the 100' undisturbed vegetative buffer for a perennial stream as described in Section 12.2.3.3.a. An additional variance is requested to permit encroachment of up to 100% of the 50' no-impervious setback as described in Section 12.2.3.3.b.

The applicant posits that the variance requests are reasonable and justifiable per the City criteria for variances as stated in Section 13.11.7 of the Roswell Municipal code for reasons as follows:

A literal interpretation of the stream buffer code would deprive the applicant of potential to utilize the REC zoned public park property within this community for its intended purpose and in a manner consistent with other similar City owned properties near existing streams and rivers.

Granting this variance request will not confer special privileges that are denied other property owners in the REC district, as this district is designated for City owned facilities which are typically used for parks and recreation.

The request for variance will be in harmony with the purpose and intent of this zoning code, as the work will benefit the neighborhood by pursuing the community requested and or endorsed design features from the public input meeting.

Special circumstances which necessitate the variance are not resulting from the actions of the applicant; the lot configuration and proximity to the perennial stream is a pre-existing condition which results in buffers covering large parts of the usable land and alternate planning options resulting in unsafe conditions where facilities would be placed in the rear of the site beyond reasonable visibility and access for emergencies. This unusual hardship requires variances to place facilities in a safe location near Mission Hills Court.

The variance requested by the applicant is the minimum necessary to achieve the goals of the community for the best use of this park site. Efforts have been made to located impervious features and structures far from the stream itself.

The uses depicted are permitted by right in the zoning district.

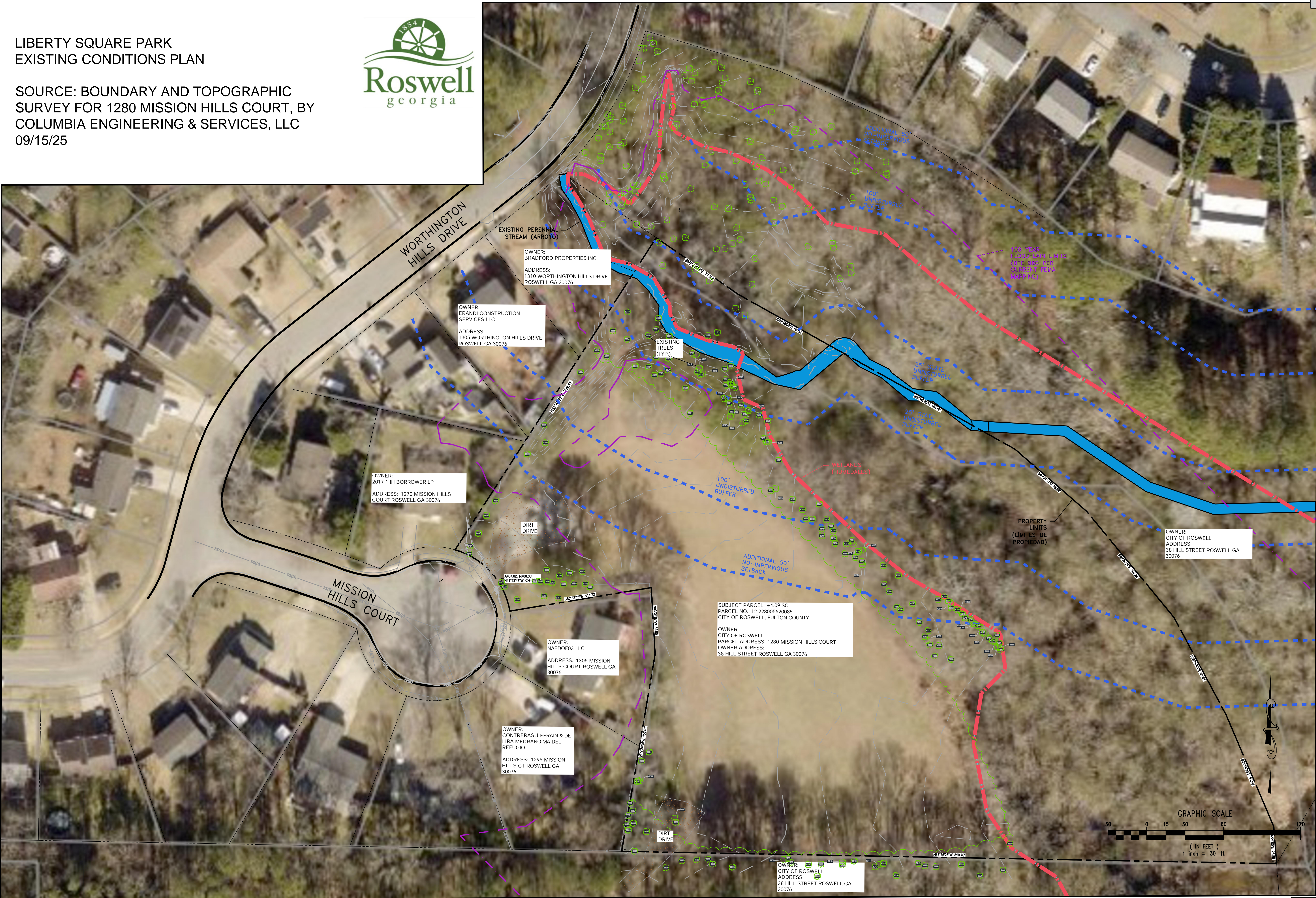
The variance is not requesting an unlawful use of land, building, or structures per code, nor does it reduce the lot size or signage standards from those permissible in code

Stormwater mitigation for the encroachment areas is provided which exceeds 150% of the water quality volume typically required for the improvement in this area. A tree protection and landscape plan which minimize disturbance to the existing trees and provide a robust replanting sight 96% native plant species are part of the proposed improvements as well.

Liberty Square Park has the potential to become one of the next great public spaces in the City of Roswell's park system. As funding is time sensitive in nature, construction is anticipated to begin in late 2025 with completion in October 2026. Consideration of the variances requested is appreciated.

LIBERTY SQUARE PARK  
EXISTING CONDITIONS PLAN

SOURCE: BOUNDARY AND TOPOGRAPHIC  
SURVEY FOR 1280 MISSION HILLS COURT, BY  
COLUMBIA ENGINEERING & SERVICES, LLC  
09/15/25



VARIANCE DATA:

THERE ARE NO EXISTING STRUCTURES WITHIN THE STREAM BUFFERS

PROPOSED ENCROACHMENT INTO THE CURRENT 100' UNDISTURBED STREAM BUFFER: ±15,000 SF

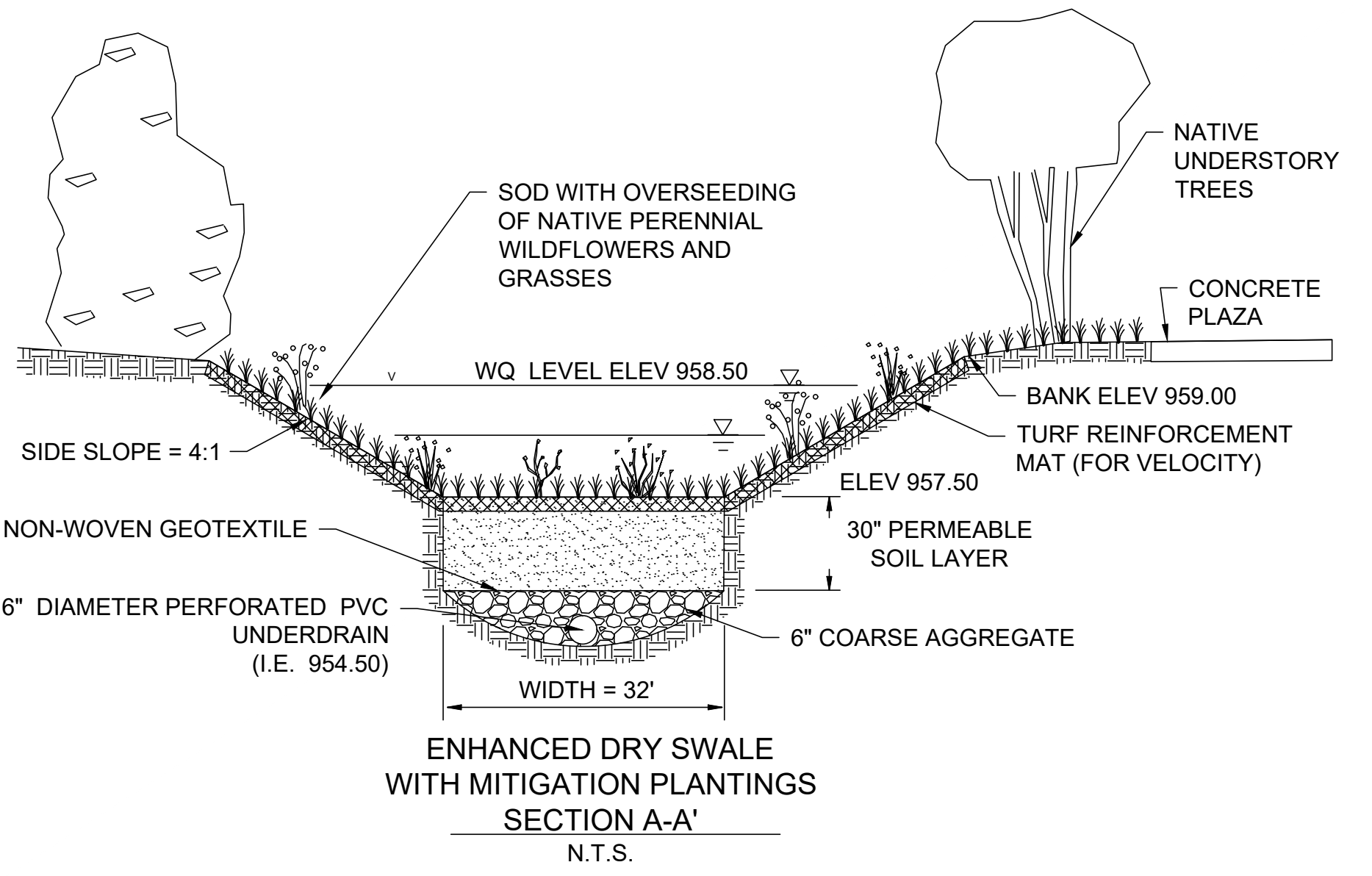
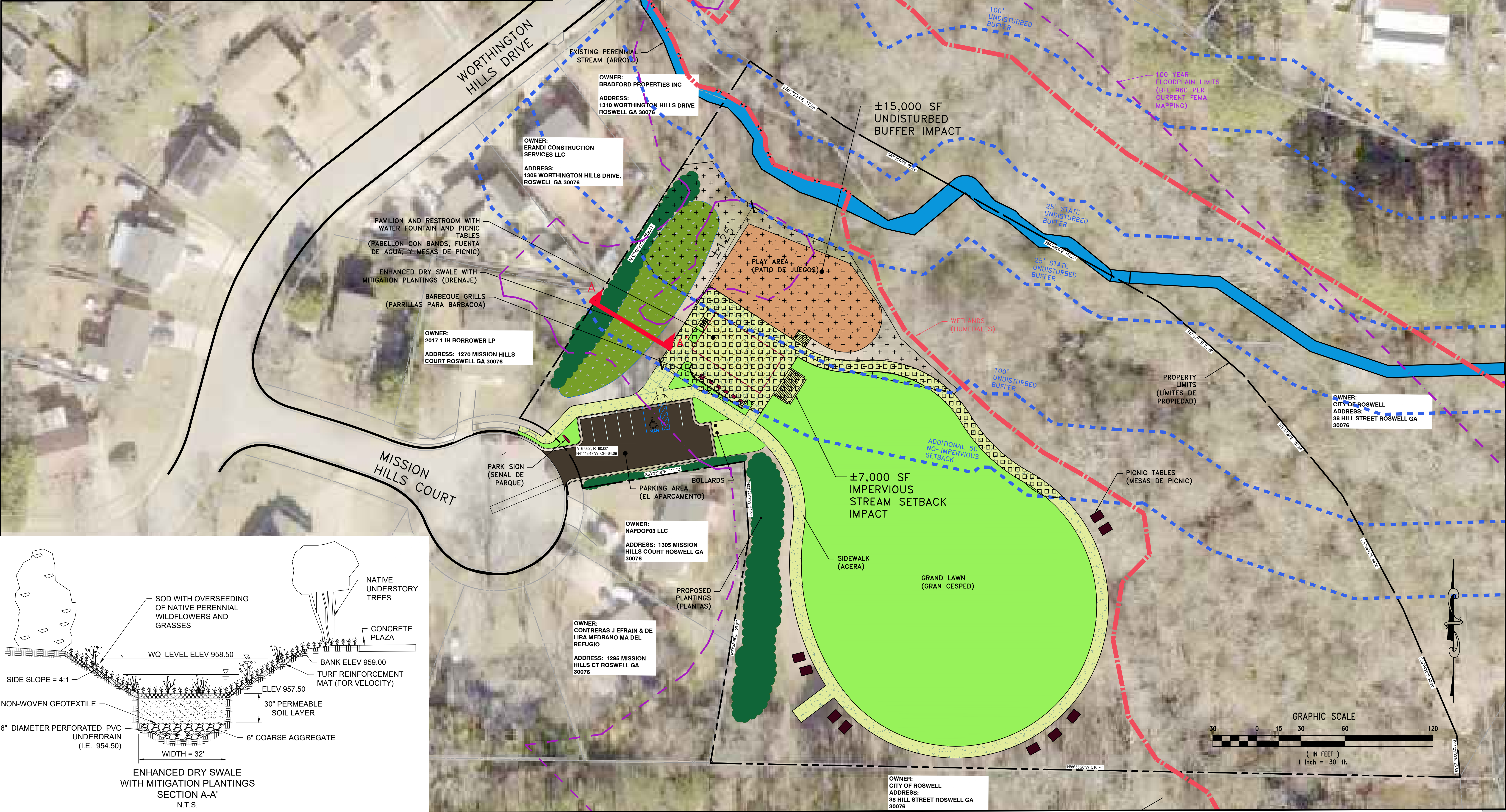
PROPOSED IMPERVIOUS SURFACES INTO THE CURRENT ADDITIONAL 50' SETBACK: ±7,000 SF

PROPOSED INTRUSION INTO STREAM BUFFER: ±125'

PROPOSED MITIGATION CONSISTS OF STABILIZATION AND BEAUTIFICATION OF THE DISTURBED AREA WITH NATIVE PLANTINGS.



LIBERTY SQUARE PARK  
VARIANCE PLAN  
9/29/25



STATE	PROJECT NUMBER	SHEET NO.	TOTAL SHEETS
GA	-	#	#

STREAM MITIGATION TABLE

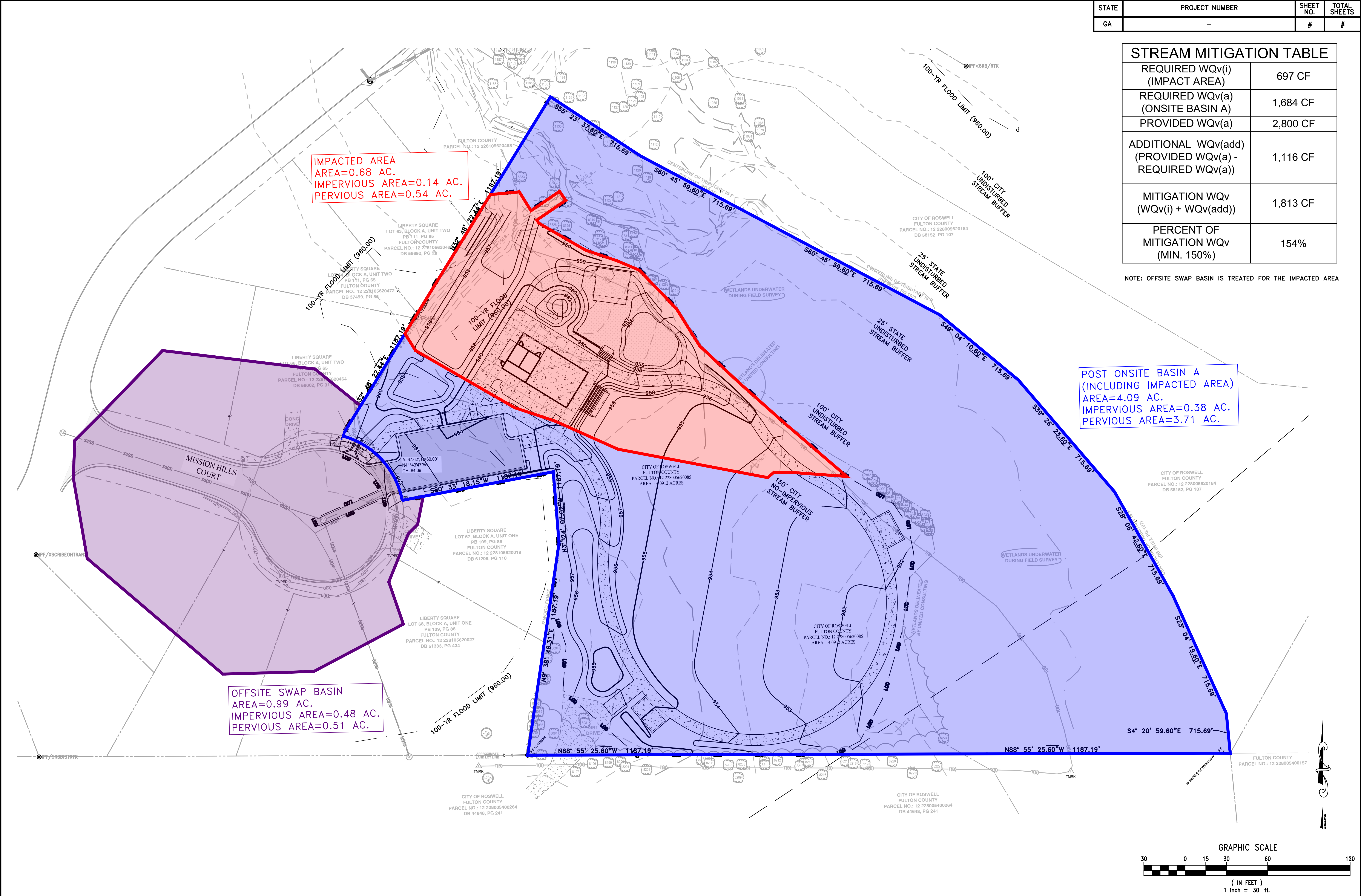
REQUIRED WQv(i) (IMPACT AREA)	697 CF
REQUIRED WQv(a) (ONSITE BASIN A)	1,684 CF
PROVIDED WQv(a)	2,800 CF
ADDITIONAL WQv(add) (PROVIDED WQv(a) - REQUIRED WQv(a))	1,116 CF
MITIGATION WQv (WQv(i) + WQv(add))	1,813 CF
PERCENT OF MITIGATION WQv (MIN. 150%)	154%

NOTE: OFFSITE SWAP BASIN IS TREATED FOR THE IMPACTED AREA

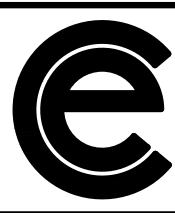
POST ONSITE BASIN A  
(INCLUDING IMPACTED AREA)  
AREA=4.09 AC.  
IMPERVIOUS AREA=0.38 AC.  
PERVIOUS AREA=3.71 AC.

IMPACTED AREA  
AREA=0.68 AC.  
IMPERVIOUS AREA=0.14 AC.  
PERVIOUS AREA=0.54 AC.


OFFSITE SWAP BASIN  
AREA=0.99 AC.  
IMPERVIOUS AREA=0.48 AC.  
PERVIOUS AREA=0.51 AC.



DATE	REVISIONS	DATE	REVISIONS



COLUMBIA ENGINEERING  
2862 BUFORD HIGHWAY  
SUITE 200  
DULUTH, GA 30096  
(770) 925-0357



CITY OF ROSWELL  
38 HILL ST  
ROSWELL, GA 30075

LIBERTY SQUARE PARK IMPROVEMENT PROJECT STREAM MITIGATION EXHIBIT		DESIGNED BY GAF	CES JOB NO. 6193.00	DRAWING NUMBER
		DRAWN BY GAF	DATE 09/12/2025	EX-1
		CHECKED BY KG	SCALE 1" = 30'	

**WORTHINGTON HILLS DRIVE**

**MISSION HILLS COURT**

**EXISTING PERENNIAL STREAM (ARROYO)**

**OWNER: BRADFORD PROPERTIES INC.**  
ADDRESS: 1310 WORTHINGTON HILLS DRIVE, ROSWELL GA 30076

**OWNER: ERANDI CONSTRUCTION SERVICES LLC**  
ADDRESS: 1305 WORTHINGTON HILLS DRIVE, ROSWELL GA 30076

**OWNER: 2017 1 IH BORROWER LP**  
ADDRESS: 1270 MISSION HILLS COURT ROSWELL GA 30076

**OWNER: CITY OF ROSWELL**  
ADDRESS: 38 HILL STREET ROSWELL GA 30076

**OWNER: NAFDOF03 LLC**  
ADDRESS: 1305 MISSION HILLS COURT ROSWELL GA 30076

**OWNER: CONTRERAS J EFRAIN & DE LIRA MEDRANO MA DEL REFUGIO**  
ADDRESS: 1295 MISSION HILLS CT ROSWELL GA 30076

**OWNER: CITY OF ROSWELL**  
ADDRESS: 38 HILL STREET ROSWELL GA 30076

**100' UNDISTURBED BUFFER**

**25' STATE UNDISTURBED BUFFER**

**WETLANDS (HUMEDALES)**

**PROPERTY LIMITS (LÍMITES DE PROPIEDAD)**

**BARBEQUE GRILLS (PARRILLAS PARA BARBACOA)**

**SIDEWALK (ACERA)**

**PARK SIGN (SEÑAL DE PARQUE)**

**PARKING AREA (EL APARCAMIENTO)**

**BOLLARDS**

**PROPOSED PLANTINGS (PLANTAS)**

**LAWN (CESPED)**

**PLAY AREA (PATIO DE JUEGOS)**

**PICNIC TABLES (MESAS DE PICNIC)**

**PAVILION AND RESTROOM WITH WATER FOUNTAIN AND PICNIC TABLES (PABELLON CON BANOS, FUENTA DE AGUA, Y MESAS DE PICNIC)**

**DRY SWALE (DRENAJE)**

**SECTION A-A'**

**GRAPHIC SCALE**

**1 inch = 30 ft.**



**City of Roswell**  
**Board of Zoning Appeals**  
**AGENDA ITEM REPORT**

**ID # - 10105**

---

**MEETING DATE:** October 16, 2025  
**DEPARTMENT:** Board of Zoning Appeals  
**ITEM TYPE:** Minutes

---

**September 9, 2025 BZA Minutes**

**Item Summary:**

September 9, 2025 BZA Minutes



## Board of Zoning Appeals

Regular Meeting  
<http://www.roswellgov.com/>  
 ~Minutes~

Chair Jahanzeb Jabbar  
 Vice Chair Mark Schumacher  
 Board Member John Hannah  
 Board Member G. Wilson "Rocky" Horde  
 Board Member Rob Huey  
 Board Member Ian Kowalski  
 Board Member Dan Seger

Tuesday, September 9, 2025

7:00 PM

City Hall - Council Chambers

### **\*\* Possible Quorum of Mayor and City Council \*\***

#### **Welcome**

#### **I. Call to Order**

The meeting was called to order at 7:04 PM by Chair Jahanzeb Jabbar.

Chair Jahanzeb Jabbar: Present, Vice Chair Mark Schumacher: Present, Board Member John Hannah: Present, Board Member G. Wilson "Rocky" Horde: Absent, Board Member Rob Huey: Present, Board Member Ian Kowalski: Present, Board Member Dan Seger: Present, Planning and Zoning Director Jeannie Peyton: Present, Planner II Richard Sykes: Present.

#### **II. Agenda Items**

##### **1. BZA20252054 – 12250 Brookfield Club Drive – variance to reduce the rear & side setbacks for a sport court (*previously deferred*)**

<b>RESULT:</b>	<b>DENIED [5 TO 1]</b>
<b>MOVER:</b>	John Hannah, Board Member
<b>SECONDER:</b>	Mark Schumacher, Vice Chair
<b>IN FAVOR:</b>	Kowalski, Hannah, Schumacher, Seger, Huey
<b>OPPOSED:</b>	Jahanzeb Jabbar
<b>ABSENT:</b>	G. Wilson "Rocky" Horde

##### **2. BZA20252958 – 9410 Willeo Road – variance requests to parking regulations**

*Approved per Staff recommendation of the following condition:*

*a. That the final site plan adheres to Transportation requirements.*

<b>RESULT:</b>	<b>APPROVED [5 TO 1]</b>
<b>MOVER:</b>	Ian Kowalski, Board Member
<b>SECONDER:</b>	John Hannah, Board Member
<b>IN FAVOR:</b>	Kowalski, Jabbar, Hannah, Seger, Huey
<b>OPPOSED:</b>	Mark Schumacher
<b>ABSENT:</b>	G. Wilson "Rocky" Horde

Attachment: Sept. 9, 2025 BZA Minutes (September 9, 2025 BZA Minutes)

**III. Minutes****3. August 12, 2025 BZA Minutes**

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Dan Seger, Board Member
<b>SECONDER:</b>	Rob Huey, Board Member
<b>IN FAVOR:</b>	Kowalski, Jabbar, Hannah, Schumacher, Seger, Huey
<b>ABSENT:</b>	G. Wilson "Rocky" Horde

**IV. Adjournment**

The meeting was adjourned at 8:51 PM.