



11060147

Index #: C11-04

Genero #: 11060147

Legistar #: 11-0406

ZONING APPLICATION

TYPE OF REQUEST:

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

Present Zoning

O-P

Requested Zoning

O-P

Proposed Use

CHURCH

Total Acreage

1.10 ACRES

PROJECT

THE NEW COMMUNITY CHURCH

Name of Project

1560 OLD ALABAMA RD

ROSWELL GA 30076

Property Address/Location

612

1ST

2ND

Suite/Apt. #

City

State

Zip Code

Land Lot

District

Section

Property ID

APPLICANT/OWNER

David Bryan

Applicant

The New Community Church

Company

3235 Bunting Run

Cumming GA 30041

Mailing Address

770-315-5908

770-315-5908

Suite/Apt. #

City

State

Zip Code

Phone

Cell Phone

Fax Phone

E-mail

DMBRY1171@aol.com

REPRESENTATIVE

PATRICK SEEFERLICH II / S HOUSE INC.

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

188 15TH STREET, NW

ATLANTA GA 30318

Contact Mailing Address

404 550 2438

404 550 2438

404 879 0948

Suite/Apt. #

City

State

Zip Code

Phone

Cell Phone

Fax Phone

E-mail

S-house@mindspring.com

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

David Bryan

Date: 6 / 3 / 11

Applicant Signature: Property Owner or Owner's Representative

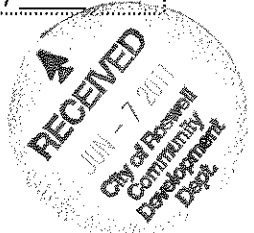
OFFICE USE

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

Date: _____ / _____ / _____

☐ Approved ☐ Denied By: _____

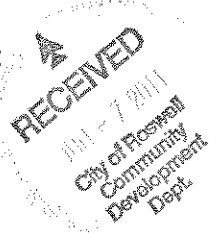
Date: _____ / _____ / _____



Analysis for Proposed Conditional Use of Property Located at:

1560 Old Alabama Rd, Roswell, GA 30076

1. **Whether the proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.** The subject property is surrounded by office and retail. In terms of use, the proposed occupancy as a church is an appropriate use given zoning of the surrounding properties.
2. **Whether the proposal will adversely affect the existing use or usability of adjacent or nearby property.** Under the proposed use as a church, the new occupancy would not adversely affect the usability of surrounding properties. As noted above, the surrounding properties fall into two categories: office or retail. Traffic and use of the surrounding properties generally occur during normal business hours. Conversely, the traffic and use patterns of the proposed church would largely occur during evening hours and weekends.
3. **Whether the property to be affected by the proposal has a reasonable economic use as currently zoned.** Despite the current owner's efforts to lease the property, the building has sat predominantly vacant since March of 2008. We, therefore, feel the proposed use represents the highest and best use for the property at this time. Given that we are not requesting a change in zoning and a church is a suitable, Conditional Use of the current O-P zoning, we feel our request represents an appropriate use for this property.
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 occupancy as a church would not create an excessive burden on existing streets, transportation facilities, or utilities. As previously mentioned, the property is surrounded by office and retail. The supporting street system in this area is, for the most part, four lanes or larger and equipped to handle the traffic from the surrounding office and retail and higher occupancy uses of this type. Furthermore, as noted above, traffic from and use of the surrounding properties generally occurs during normal business hours, whereas, the use and traffic patterns of the church would largely occur during evening hours and weekends. Additionally, the church currently draws an average attendance of approx. 60 persons. This is less than the total occupancy that the building itself could currently support within permitted uses under the current zoning.
5. **Whether the proposal is in conformity with the policy and intent of the Comprehensive Plan including land use element.** The proposed use conforms to the current and future Comprehensive Plan. The Urban Element as well as both the current and future land use maps specify that the subject



property will remain zoned as, O-P, office professional with all surrounding properties to remain commercially zoned as well.

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.** The property has sat vacant for approximately 3 years indicating that in the current economic climate it has been difficult for the property owner to lease the space. Granting our proposed conditional use would serve to convert a vacant building into an occupied and thriving property.
7. **An explanation of the existing uses and zoning of subject property.** The property can only support one tenant and currently sits vacant. The current zoning is O-P, Office Professional.
8. **An explanation of existing uses and zoning of nearby property.** The subject property is situated on the southwest corner of Old Alabama and Holcomb woods Parkway and is surrounded by properties zoned office and commercial. To the southeast across Old Alabama is a retail strip center zoned C3. To the northeast, on the opposite corner of Holcomb woods and Old Alabama, is a multi level commercial office building zoned C2. To the southwest, west and north the property is contiguous to low-rise office buildings on parcels that are zoned O-P Office Professional.
9. N/A
10. N/A
11. N/A
12. N/A
13. **The suitability of the subject property under the existing zoning district and/or district classification for the proposed use.** The Urban Design Element and Land Use Element of the Comprehensive Plan of Roswell, define the area in and around the intersection of GA 400, Holcomb Bridge and Old Alabama, as a key commercial/activity center of the city of Roswell. The Land Use Element of the Comprehensive Plan specifically guard against the formation of churches within established residential districts. That leaves commercial/office districts as the ideal location for churches - especially from a traffic standpoint. We, therefore, feel this is an ideal location for a church of this size.
14. N/A
15. N/A
16. N/A
17. N/A
18. **Possible effects of a change in zoning or overlay district map, or change in use, on the character of a zoning district.** Given the property is currently zoned O-P and surrounded by parcels zoned commercial and office, we feel the change in use would not negatively impact the character of the zoning district.
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. Given that the property has sat vacant since March of 2008 years we believe our proposed use will only serve to enhance the development potential and value of surrounding properties.

20. **The possible impact on the environment, including but not limited to, drainage, soil erosion and sedimentation, flooding, air quality, and water quality.** No alterations are planned on the exterior and we therefore feel our proposed condition use will have no affect on the environment drainage, soil erosion and sedimentation, flooding, air quality, and water quality.
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 carry out the purposes of these zoning regulations.** The present and future zoning scheme calls for the area surrounding the subject property to remain office/commercial. Furthermore, it guards against the location, creation, or expansion of churches within established residential neighborhoods. Since this proposed Conditional Use conflicts with neither of these criteria we feel it will comply with the current and future the zoning regulations for this district.
22. **The consideration of the preservation of the integrity of residential neighborhoods shall be considered to carry great weight. In those instances in which a 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.** At no point along its boundary does the property adjoin any residential neighborhoods or districts. On the contrary it is surrounded by office and commercial. Coupled with the fact that the property is located along a major thoroughfare and has an average attendance of fewer than 75 persons, we submit that our proposed Condition Use as a church will have no affect upon established neighborhoods within the district.
23. N/A





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.
2. Whether the proposal will adversely affect the existing use or usability of adjacent or nearby property.
3. Whether the property to be affected by the proposal has a reasonable economic use as currently zoned.
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.





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

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.

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.

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





9. An explanation of the existing value of the property under the existing zoning and/or overlay district classification.
10. Whether the property can be used in accordance with the existing regulations.
11. The extent to which the property value of the subject property is diminished by the existing zoning district and/or overlay district classification.
12. The value of the property under the proposed zoning district and/or overlay district classification.
13. The suitability of the subject property under the existing zoning district and/or district classification for the proposed use.
14. The suitability of the subject property under the proposed zoning district and/or overlay district classification.





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





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.
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.
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.



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.



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:

- ☐ Sanitary Sewer
☐ 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

Owner of Property (Signature) _____

Date: 5/8/11

Street Address, City, State, Zip _____

Phone _____

5034 SHADOW GLEN CT., ATLANTA, GA 30388-4304

NOTARY

Personally appeared before me the above Owner named Bill Jordan 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.

Notary Public (Signature) _____

Date: 5/5/11

Date: 7/16/2014
Commission Expires

ATTORNEY/AGENT (IF APPLICABLE)

Attorney/Agent (Signature) _____

Date: 6/3/11

Street Address, City, State, Zip _____

Phone _____



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

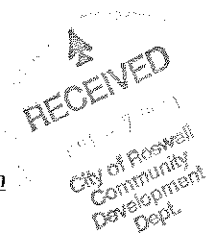
CODE OF GEORGIA TITLE 36. LOCAL GOVERNMENT PROVISIONS APPLICABLE TO COUNTIES AND MUNICIPAL CORPORATIONS CHAPTER 67A. CONFLICT OF INTEREST IN ZONING ACTIONS (Current through 2000 General Assembly)

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.



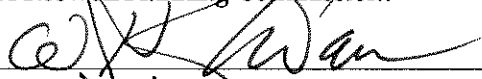


APPLICANT CAMPAIGN DISCLOSURE STATEMENT

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


Applicant/Owner of Property (Signature)

Date: 5/3/11

6034 SHADOW GLEN CT, ATLANTA, GA, 30338-4304
Street Address, City, State, Zip

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

Date	Government Official	Official Position	Description	Amount





Planning & Zoning Director Acceptance Stamp

- ☐ Rezoning
- ☐ Concurrent Variance
- ☒ Conditional Use

RECEIVED BY THE CITY OF ROSWELL

ZONING OFFICE June 7th 2011
Date

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

Bruce P. Downer
Zoning Director

TIME: 10:20 am DATE: June 9th 2011

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

CUI-04

