



## Conditional Use Petition No. CU10-05

HEARING & MEETING DATES			
Design Review Board Meeting	Neighborhood Meeting	Planning Commission Hearing	Mayor and City Council Hearing
N/A	10/21/10	11/16/10	1/10/11
APPLICANT/PETITIONER INFORMATION			
Property Owner	Petitioner	Representative	
Zion Missionary Baptist Church	Zion Missionary Baptist Church	Fred Byrd	
PROPERTY INFORMATION			
Address, Land Lot, and District	Land Lot 425 , 1 <sup>st</sup> District, 2 <sup>nd</sup> Section		
Frontage and Area	74.13 feet of frontage on Myrtle Street; 0.36 acres		
Existing Zoning and Use	R-2 (Single Family Residential District); residential home owned by Zion Missionary Baptist Church		
Overlay District	Not applicable		
2025 Comprehensive Future Land Use Map Designation	High Density Residential (5-8 units per acre)		
Proposed Zoning	This is a conditional use request for a youth center accessory to the church		
INTENT			

The applicant is requesting a conditional use to allow for a youth center to be located in this structure. Zion Missionary Baptist Church owns the property and would like to use the home for youth group discussions and meetings.

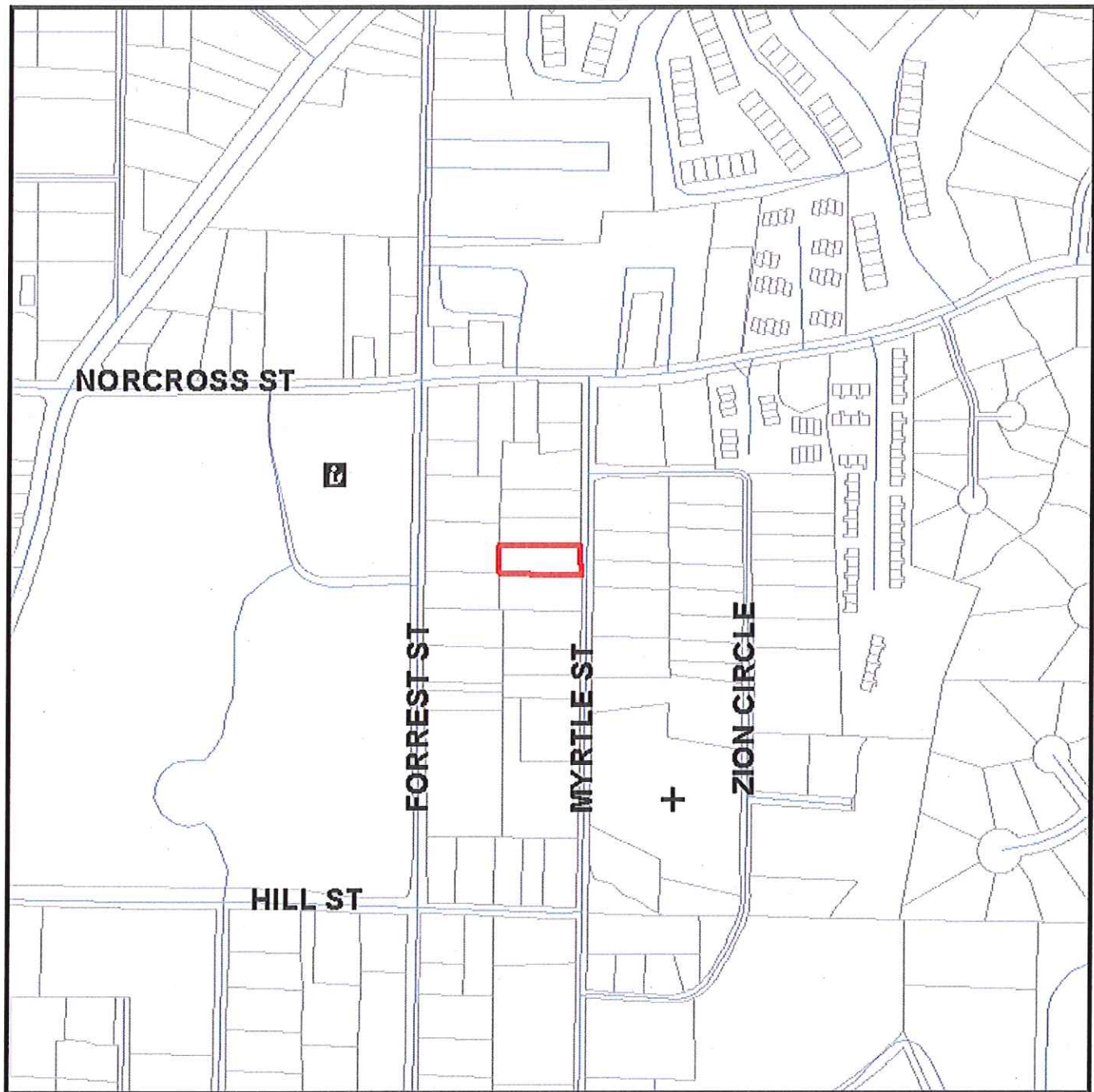
After review, staff determined that a variance is required with the application. A variance to Chapter 10.11 is needed with this conditional use. "In districts where permitted, churches and their customary accessory buildings shall be set back a minimum of fifty (50) feet from any property line; and within the fifty (50) foot setback required along side and rear property lines, a minimum twenty-five (25) foot wide natural buffer."

### DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

CU10-05 - Denial

## PLANNING COMMISSION RECOMMENDATION

The Planning Commission recommended denial of this conditional use request during their November 16, 2010 public hearing.



Roswell, Georgia  
1 inch = 364 feet

## LOCATION MAP

### Legend

- CU10-05
- City Limits

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#### **STAFF RECOMMENDED CONDITIONS**

It is recommended that this application for conditional use CU10-05 shall be denied. The variance request shall also be denied.

Should the Mayor and City Council approve this conditional use request, it shall be approved with the following conditions.

#### Conditions:

1. This structure shall not be used for overnight functions.
2. All activities shall cease by 9:00 p.m.
3. The church shall install a fence along the property lines which meets the height restrictions of the City of Roswell Zoning Ordinance.



## BACKGROUND

The existing structure has always been used as a residential home. Zion Missionary Baptist Church bought the property in August 2004.

## EXISTING LAND USE AND ZONING OF ABUTTING PROPERTY

SUBJECT PETITION CU10-04	Requested Zoning	Proposed Use	Land Area (Acres)	Number of Units	Density (Square Footage per Acre)
	NA	Youth Center	0.36 acres	1	2.7 units per acre
Location in relation to subject property	Zoning	Use	Land Area (Acres)	Square Footage or Number of Units	Density (Square Feet or Units Per Acre)
North	R-2	Single Family home	0.38 acres	1	2.6 units per acre
South	R-2	Duplex	0.50 acres	2	4 units per acre
East	R-2	Single Family home	0.33 acres	1	3 units per acre
East	R-2	Single Family home	0.38 acres	1	2.6 units per acre
West	R-2	Single Family home	0.61 acres	1	1.6 units per acre
West	O-P	Office	0.48 acres	4,800 SF	10,000 SF per acre





Roswell, Georgia  
1 inch = 150 feet

## Aerial Map

### Legend

- CU10-05
- City Limits

\\core1\\cd\\Community Development\\Legistar attachments





1 inch = 300 feet

### Legend

	Q1-F46		Q1-F46 - Q1-F47 Q1-Q2-Q3-Q4-Q5-Q6-Q7-Q8-Q9-Q10-Q11-Q12-Q13-Q14-Q15-Q16-Q17-Q18-Q19-Q20-Q21-Q22-Q23-Q24-Q25-Q26-Q27-Q28-Q29-Q30-Q31-Q32-Q33-Q34-Q35-Q36-Q37-Q38-Q39-Q40-Q41-Q42-Q43-Q44-Q45-Q46-Q47-Q48-Q49-Q50-Q51-Q52-Q53-Q54-Q55-Q56-Q57-Q58-Q59-Q60-Q61-Q62-Q63-Q64-Q65-Q66-Q67-Q68-Q69-Q70-Q71-Q72-Q73-Q74-Q75-Q76-Q77-Q78-Q79-Q80-Q81-Q82-Q83-Q84-Q85-Q86-Q87-Q88-Q89-Q90-Q91-Q92-Q93-Q94-Q95-Q96-Q97-Q98-Q99-Q100-Q101-Q102-Q103-Q104-Q105-Q106-Q107-Q108-Q109-Q110-Q111-Q112-Q113-Q114-Q115-Q116-Q117-Q118-Q119-Q120-Q121-Q122-Q123-Q124-Q125-Q126-Q127-Q128-Q129-Q130-Q131-Q132-Q133-Q134-Q135-Q136-Q137-Q138-Q139-Q140-Q141-Q142-Q143-Q144-Q145-Q146-Q147-Q148-Q149-Q150-Q151-Q152-Q153-Q154-Q155-Q156-Q157-Q158-Q159-Q160-Q161-Q162-Q163-Q164-Q165-Q166-Q167-Q168-Q169-Q170-Q171-Q172-Q173-Q174-Q175-Q176-Q177-Q178-Q179-Q180-Q181-Q182-Q183-Q184-Q185-Q186-Q187-Q188-Q189-Q190-Q191-Q192-Q193-Q194-Q195-Q196-Q197-Q198-Q199-Q200-Q201-Q202-Q203-Q204-Q205-Q206-Q207-Q208-Q209-Q210-Q211-Q212-Q213-Q214-Q215-Q216-Q217-Q218-Q219-Q220-Q221-Q222-Q223-Q224-Q225-Q226-Q227-Q228-Q229-Q230-Q231-Q232-Q233-Q234-Q235-Q236-Q237-Q238-Q239-Q240-Q241-Q242-Q243-Q244-Q245-Q246-Q247-Q248-Q249-Q250-Q251-Q252-Q253-Q254-Q255-Q256-Q257-Q258-Q259-Q260-Q261-Q262-Q263-Q264-Q265-Q266-Q267-Q268-Q269-Q270-Q271-Q272-Q273-Q274-Q275-Q276-Q277-Q278-Q279-Q280-Q281-Q282-Q283-Q284-Q285-Q286-Q287-Q288-Q289-Q290-Q291-Q292-Q293-Q294-Q295-Q296-Q297-Q298-Q299-Q300-Q301-Q302-Q303-Q304-Q305-Q306-Q307-Q308-Q309-Q310-Q311-Q312-Q313-Q314-Q315-Q316-Q317-Q318-Q319-Q320-Q321-Q322-Q323-Q324-Q325-Q326-Q327-Q328-Q329-Q330-Q331-Q332-Q333-Q334-Q335-Q336-Q337-Q338-Q339-Q340-Q341-Q342-Q343-Q344-Q345-Q346-Q347-Q348-Q349-Q350-Q351-Q352-Q353-Q354-Q355-Q356-Q357-Q358-Q359-Q360-Q361-Q362-Q363-Q364-Q365-Q366-Q367-Q368-Q369-Q370-Q371-Q372-Q373-Q374-Q375-Q376-Q377-Q378-Q379-Q380-Q381-Q382-Q383-Q384-Q385-Q386-Q387-Q388-Q389-Q390-Q391-Q392-Q393-Q394-Q395-Q396-Q397-Q398-Q399-Q400-Q401-Q402-Q403-Q404-Q405-Q406-Q407-Q408-Q409-Q410-Q411-Q412-Q413-Q414-Q415-Q416-Q417-Q418-Q419-Q420-Q421-Q422-Q423-Q424-Q425-Q426-Q427-Q428-Q429-Q430-Q431-Q432-Q433-Q434-Q435-Q436-Q437-Q438-Q439-Q440-Q441-Q442-Q443-Q444-Q445-Q446-Q447-Q448-Q449-Q450-Q451-Q452-Q453-Q454-Q455-Q456-Q457-Q458-Q459-Q460-Q461-Q462-Q463-Q464-Q465-Q466-Q467-Q468-Q469-Q470-Q471-Q472-Q473-Q474-Q475-Q476-Q477-Q478-Q479-Q480-Q481-Q482-Q483-Q484-Q485-Q486-Q487-Q488-Q489-Q490-Q491-Q492-Q493-Q494-Q495-Q496-Q497-Q498-Q499-Q500-Q501-Q502-Q503-Q504-Q505-Q506-Q507-Q508-Q509-Q510-Q511-Q512-Q513-Q514-Q515-Q516-Q517-Q518-Q519-Q520-Q521-Q522-Q523-Q524-Q525-Q526-Q527-Q528-Q529-Q530-Q531-Q532-Q533-Q534-Q535-Q536-Q537-Q538-Q539-Q540-Q541-Q542-Q543-Q544-Q545-Q546-Q547-Q548-Q549-Q550-Q551-Q552-Q553-Q554-Q555-Q556-Q557-Q558-Q559-Q560-Q561-Q562-Q563-Q564-Q565-Q566-Q567-Q568-Q569-Q570-Q571-Q572-Q573-Q574-Q575-Q576-Q577-Q578-Q579-Q580-Q581-Q582-Q583-Q584-Q585-Q586-Q587-Q588-Q589-Q590-Q591-Q592-Q593-Q594-Q595-Q596-Q597-Q598-Q599-Q600-Q601-Q602-Q603-Q604-Q605-Q606-Q607-Q608-Q609-Q610-Q611-Q612-Q613-Q614-Q615-Q616-Q617-Q618-Q619-Q620-Q621-Q622-Q623-Q624-Q625-Q626-Q627-Q628-Q629-Q630-Q631-Q632-Q633-Q634-Q635-Q636-Q637-Q638-Q639-Q640-Q641-Q642-Q643-Q644-Q645-Q646-Q647-Q648-Q649-Q650-Q651-Q652-Q653-Q654-Q655-Q656-Q657-Q658-Q659-Q660-Q661-Q662-Q663-Q664-Q665-Q666-Q667-Q668-Q669-Q670-Q671-Q672-Q673-Q674-Q675-Q676-Q677-Q678-Q679-Q680-Q681-Q682-Q683-Q684-Q685-Q686-Q687-Q688-Q689-Q690-Q691-Q692-Q693-Q694-Q695-Q696-Q697-Q698-Q699-Q700-Q701-Q702-Q703-Q704-Q705-Q706-Q707-Q708-Q709-Q710-Q711-Q712-Q713-Q714-Q715-Q716-Q717-Q718-Q719-Q720-Q721-Q722-Q723-Q724-Q725-Q726-Q727-Q728-Q729-Q730-Q731-Q732-Q733-Q734-Q735-Q736-Q737-Q738-Q739-Q740-Q741-Q742-Q743-Q744-Q745-Q746-Q747-Q748-Q749-Q750-Q751-Q752-Q753-Q754-Q755-Q756-Q757-Q758-Q759-Q760-Q761-Q762-Q763-Q764-Q765-Q766-Q767-Q768-Q769-Q770-Q771-Q772-Q773-Q774-Q775-Q776-Q777-Q778-Q779-Q780-Q781-Q782-Q783-Q784-Q785-Q786-Q787-Q788-Q789-Q790-Q791-Q792-Q793-Q794-Q795-Q796-Q797-Q798-Q799-Q800-Q801-Q802-Q803-Q804-Q805-Q806-Q807-Q808-Q809-Q810-Q811-Q812-Q813-Q814-Q815-Q816-Q817-Q818-Q819-Q820-Q821-Q822-Q823-Q824-Q825-Q826-Q827-Q828-Q829-Q830-Q831-Q832-Q833-Q834-Q835-Q836-Q837-Q838-Q839-Q840-Q841-Q842-Q843-Q844-Q845-Q846-Q847-Q848-Q849-Q850-Q851-Q852-Q853-Q854-Q855-Q856-Q857-Q858-Q859-Q860-Q861-Q862-Q863-Q864-Q865-Q866-Q867-Q868-Q869-Q870-Q871-Q872-Q873-Q874-Q875-Q876-Q877-Q878-Q879-Q880-Q881-Q882-Q883-Q884-Q885-Q886-Q887-Q888-Q889-Q890-Q891-Q892-Q893-Q894-Q895-Q896-Q897-Q898-Q899-Q900-Q901-Q902-Q903-Q904-Q905-Q906-Q907-Q908-Q909-Q910-Q911-Q912-Q913-Q914-Q915-Q916-Q917-Q918-Q919-Q920-Q921-Q922-Q923-Q924-Q925-Q926-Q927-Q928-Q929-Q930-Q931-Q932-Q933-Q934-Q935-Q936-Q937-Q938-Q939-Q940-Q941-Q942-Q943-Q944-Q945-Q946-Q947-Q948-Q949-Q950-Q951-Q952-Q953-Q954-Q955-Q956-Q957-Q958-Q959-Q960-Q961-Q962-Q963-Q964-Q965-Q966-Q967-Q968-Q969-Q970-Q971-Q972-Q973-Q974-Q975-Q976-Q977-Q978-Q979-Q980-Q981-Q982-Q983-Q984-Q985-Q986-Q987-Q988-Q989-Q990-Q991-Q992-Q993-Q994-Q995-Q996-Q997-Q998-Q999-Q1000-Q1001-Q1002-Q1003-Q1004-Q1005-Q1006-Q1007-Q1008-Q1009-Q1010-Q1011-Q1012-Q1013-Q1014-Q1015-Q1016-Q1017-Q1018-Q1019-Q1020-Q1021-Q1022-Q
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View of property



View of property



View of rear of property



View of Property





View of single family home across Myrtle St. (East)



View of duplex to the south



View of single family home to the north



View of single family home across Myrtle St. (East)





## NOTICE OF CONDITIONAL USE

Petition No: **CU10-05**  
Petitioner: **Zion Missionary Baptist Church**  
Location: **944 Myrtle Street**  
Land Lots: **425**  
Request: **Conditional Use request for the purpose of using the property and structure as a youth center.**

Public Hearings:

Neighborhood Mtg.	-	Oct. 21, 2010
(Room 220) 7:30 p.m.		
Planning Commission	-	Nov. 16, 2010
(Council Chamber) 7:30 p.m.		
Mayor & City Council	-	Dec. 13, 2010
(Council Chamber) 7:00 p.m.		

Location: **ROSWELL CITY HALL,  
38 HILL STREET, ROSWELL, GA**

For more information contact the Planning & Zoning Office, 38 Hill St., Ste. G-30, Roswell, GA (770) 641-3772 or [www.roswellgov.com](http://www.roswellgov.com).

## **SITE PLAN ANALYSIS**

The proposed conditional use request from Zion Missionary Baptist Church is for a youth center to be located at 944 Myrtle Street. This property was purchased by the church in August 2004. The residential structure contains approximately 1,300 square feet. The church proposes to use the structure for small group events for youths. The church indicates that parking will be shared between the church and the youth center. The driveway at the youth center will be the only parking area at that site. The estimated distance from the structure at 944 Myrtle Street to the church is 500 feet.

The church has indicated that the hours of operation for the youth center have not been established at this time; however, they have no plans to use the building all day. The church indicates that 20-25 teens that the maximum number that the house would be able to accommodate at one time. The ratio of adults to teens will depend on the type of meeting being held, but the church indicates about one adult to every five teens.

## **DRB/HPC comments and Design Guidelines**

Not applicable.

## **LANDSCAPE PLAN ANALYSIS**

The structure is existing and there is to be no change to the exterior of the property regarding landscaping.

## **VARIANCE CONSIDERATIONS**

After review, staff determined that a variance is required with the application. A variance to Chapter 10.11 is needed with this conditional use. "In districts where permitted, churches and their customary accessory buildings shall be set back a minimum of fifty (50) feet from any property line; and within the fifty (50) foot setback required along side and rear property lines, a minimum twenty-five (25) foot wide natural buffer." According to the Fulton County tax records, the house was built in 1960 and because the residential structure is now being used as a part of the church, the church setbacks and buffers related to Chapter 10.11 must be applied. This would be considered an existing, non-conforming structure.



## DEPARTMENT COMMENTS

City of Roswell Environmental Department	No comment
City of Roswell Engineering Division	Show where the required parking for this facility will be located on the existing site. Provide at least one ADA compliant parking space and accessible route. Sidewalks should ideally be provided for safe access from church to this building for the youth.
Fiscal Impact	N/A
Archaeological	N/A
City of Roswell Fire Department	No comments for the use or the land issue; however the owner must submit plans that show compliance with the 2000 edition of the Life Safety Code for the intended use.
City of Roswell Transportation Department	No comment
City of Roswell Arborist & Landscape Architect	No Comment
City of Roswell Recreation & Parks Department	No Comment

## CHRONOLOGICAL LISTING OF PLANS SUBMITTED

Original Plans submitted on August 25, 2010.

## STANDARDS OF REVIEW

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

The proposed youth center is an accessory use to the church; however, the church owns several residential properties in the vicinity and another structure may be better suited for this proposed use.

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

The surrounding uses are mainly residential homes; a youth center may change the dynamics of the area.

*3. Whether the property to be affected by the zoning proposal may have reasonable economic use as currently zoned.*

The proposal is a conditional use request and will not change the zoning of the property.

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

The proposed conditional use request for a youth center for small group discussions will not cause an excessive or burdensome use on existing streets, transportation facilities, utilities or schools.

*5. Whether the zoning proposal is in conformity with the policies and intent of the land use plan.*

The Future Land Use plan indicates high density residential on this property; therefore, as the property is owned by the Zion Missionary Baptist Church it is not in compliance with the Future Land Use plan.

*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 zoning proposal.*

The structure is surrounded by mainly residential uses in nature. Zion Missionary Baptist Church is located further down Myrtle Street and there is an office building located on Forrest Street which is to the west and rear of the subject property.

*7. Existing use(s) and zoning of subject property.*

The existing use on the property is a residential structure owned by the church and it is zoned R-2 (Single Family Residential).

*8. Existing uses and zoning of nearby property. (See page 6).*

See chart.



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

The proposed request for a youth center as an accessory use to a church is not a permitted use by right under the existing zoning district. Church accessory uses are allowed as conditional uses in the zoning district, which must be approved by the Mayor and City Council. A conditional use is a use that would not be appropriate generally or without restriction throughout the particular zoning district and is not automatically permitted by right within a zoning district, but which, if controlled as to number, area, location, or relation to the neighborhood, may be found to be compatible and approved by the governing body within a particular zoning district as provided in certain instances by the zoning ordinance.

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

The property can be used as a residential home; however, it is owned by the church and the church is requesting to be able to use the property as a youth center.

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

The zoning on the property will not change.

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

This is a conditional use request, the zoning will not change.

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*13. Suitability of the subject property under the existing zoning district and/or overlay district classification for the proposed use.*

The conditional use request will not change the zoning of the subject property.

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

This is a conditional use request. The zoning of the property will remain R-2.

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

The property has been owned by the church since August 2004.

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*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.*

The church bought the property in August 2004.

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*17. The possible creation of an isolated zoning district unrelated to adjacent and nearby districts.*

The zoning will not change with a conditional use request.

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

The proposed conditional use is not a change to the zoning. The proposed request will change the character of the area as the use of a youth center impacts the surrounding residential homes in a different manner.

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*19. Whether the 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.*

The area is currently residential with well maintained structures. The proposed request for a youth center will not maintain the residential nature of the area.

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

The proposed conditional use is not for an addition in building or grading area and therefore may not negatively impact drainage, soil erosion and sedimentation, flooding, air quality and water quality.

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*21. The relation that the proposed map amendment or conditional use bears to the purpose of the overall zoning scheme, with due consideration given to whether or not the proposed change will carry out the purposes of these zoning regulations.*

The area mainly consists of residential homes and the overall zoning scheme will not change; however, the proposed use as a youth center does affect the dynamics of the area.

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*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.*

There are residential homes on the north and west sides of the property and a duplex to the south.

Section 10.11 of the Roswell Zoning Ordinance requires churches and their customary accessory buildings to be set back a minimum of 50 feet from any property line with a 25 foot buffer along the side and rear property lines. Since this structure is existing and was acquired by the church for use, it is considered to be an existing non-conforming structure.

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*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.*

Not applicable to the conditional use request.

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