



Index #: C411-06
CV 11-04

Genero #: 11110004 (cv)
11110005 (cv)

Legistar #: 11-0696

ZONING APPLICATION

TYPE OF REQUEST:

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

Present Zoning R3
Requested Zoning R3
Proposed Use CHURCH
Total Acreage 2.243

PROJECT

Name of Project
Heal Our Land Ministries Federation, Inc.
Property Address/Location
1565 Holcomb Bridge Road Suite/Apt. # _____ City Roswell State GA Zip Code 30076
Land Lot 613 District 1st Section 2nd Property ID 1234100613083

APPLICANT/OWNER

Applicant
Heal Our Land Ministries Federation, Inc.
Company
8900 Martin Road Roswell, GA 30076
Mailing Address Suite/Apt. # _____ City _____ State _____ Zip Code _____
Phone _____ Cell Phone _____ Fax Phone _____ E-mail _____

REPRESENTATIVE

Contact Name and Company (Owner's Agent or Attorney)
Tad D. Ransopher, Attorney RANSOPHER, TEDRICK & SMEAL, LLP
Contact Mailing Address Suite/Apt. # _____ City Alpharetta State GA Zip Code 30009
Phone (770) 475-4444 Cell Phone (404) 964-8090 Fax Phone (770) 475-4408 E-mail tdr@ransopher.com
Ext 201

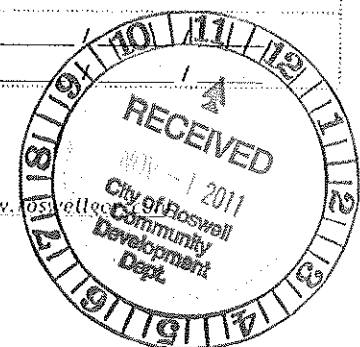
I hereby certify that all information provided herein is true and correct

[Signature]
Applicant Signature: Property Owner or Owner's Representative

Date: 10 / 12 / 2011

OFFICE USE Fee: \$ _____ ☐ Cash ☐ Check # _____ ☐ CC - Visa/ MC
☐ Approved ☐ Denied By: _____

Date: _____
Date: _____





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.

The church will pose no issue with the use and development of the adjacent or nearby property.

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

The church will not adversely affect the existing use or usability of the adjacent or nearby property.

3. Whether the property to be affected by the proposal has a reasonable economic use as currently zoned.

In the past, the property has been used as a daycare and a charter school. The church conditional use application will not affect the property as it is 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.

The church will not cause an excessive or burdensome use of existing streets, transportation facilities, utilities or schools. The previous use of the property was as a school with daily traffic which would exceed the Sunday traffic of the church. Although weekly events at the church will make for some traffic, it would be less burdensome on infrastructure than the previous use.





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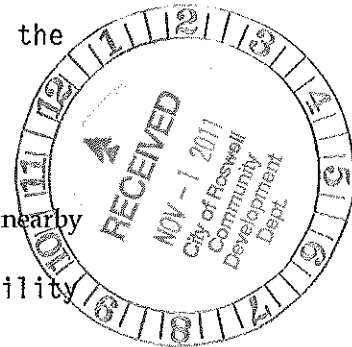
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N/A

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

The comprehensive plan provides for even greater use of the property than that of a church and the church offices.

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.

Heal Our Land Ministries Federation, Inc. is already an owner of a house in Martins Landing and enjoys a favorable relationship with the area. A church would serve not only the community, but provide an excellent use of the property with little or no stress on the community's infrastructure.

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."

Owner of Property (Signature)

Date: ____ / ____ / ____

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.

Notary Public (Signature)

Date: ____ / ____ / ____

My Commission Expires:

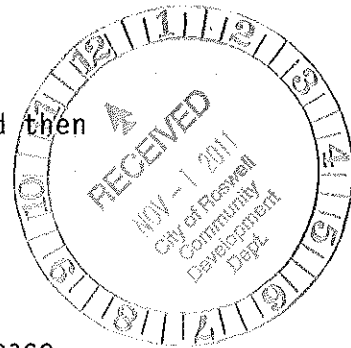
Date: ____ / ____ / ____

7. An explanation of the existing uses and zoning of subject property.

The subject property had been zoned as a daycare facility and then as a school.

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

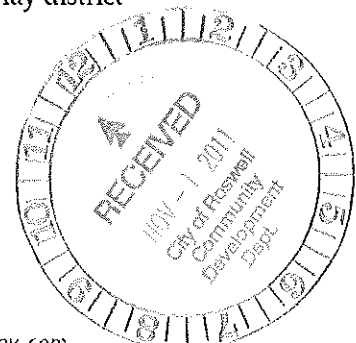
The nearby property has existing uses of commercial office space, strip shopping center, fast food restaurants, Roswell Fire Station and single family housing development.





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.

The subject property has gymnasium offices, perfect for holding Sunday services for the church. It also has offices that would be staffed by church personnel. Such personnel would be the bookkeeper, pastor offices and general administration. There will be no other offices used either rental or not, at the subject property.
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.

None

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.

The facility is currently unoccupied and failed to operate profitably as a school. The property was foreclosed upon and is currently under bank ownership. The church development would be a vast improvement over the property's current status. The church will add a sense of community to the area.

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

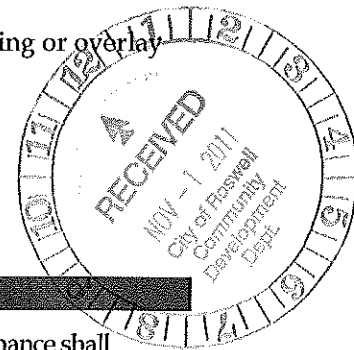
None was cited on the site plan and none is anticipated.

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.

- The subject property is currently zoned R-e (multi-family residential district) by the City of Roswell. However, the subject property could likely be rezoned to a commercial zoning district, such as C-3, due to a number of reasons. First, the subject is surrounded by C-3 zoned properties to the west, northwest, north and northeast. Secondly, and most important, future land use is labeled "General Commercial on the 2015 land use map.
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.

The property does adjoin Martins Landing Subdivision. The conditional use as a church will have less of an impact on the residential area than the previous use as a school and daycare facility. Traffic will be lighter and having a church within walking distance will actually enhance the community environment.

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

SEE ATTACHED STATEMENT

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.

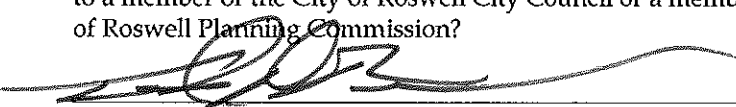


APPLICANT CAMPAIGN DISCLOSURE STATEMENT

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

Date: 11 / 1 / 2011


Applicant/Owner of Property (Signature)

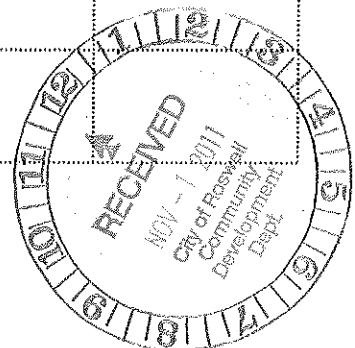
8900 Martin Rd.

Roswell, GA 30076

Street Address, City, State, Zip

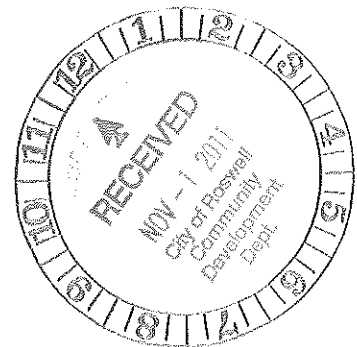
If the answer is yes, please complete the following section:

Date	Government Official	Official Position	Description	Amount
	None			



CONCURRENT VARIANCE JUSTIFICATION

Applicant acknowledges the need for a concurrent variance for the 50' set back in the current zoning ordinance. The property adjoins the Martins Landing Subdivision and as such, requires a 50' set back requirement. Applicant requests a variance from said requirement noting that all previous owners of the property were granted the variance. Applicant sees no major change in the use of the property that would warrant a reinstatement of the 50' buffer.





Planning & Zoning Director Acceptance Stamp

- ☐ Rezoning
- ☒ Concurrent Variance
- ☒ Conditional Use

RECEIVED BY THE CITY OF ROSWELL
ZONING OFFICE Nov. 1, 2011
Date

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

Bradford P. Brunsen
Zoning Director

TIME: 11:26 am DATE: 10-10-2011

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

CV11-06, CV11-04