



RZ Case #: \_\_\_\_\_

CV Case #: CV12-05  
P# 12120053  
**ZONING APPLICATION**

CU Case #: CU12-04  
P# 12120052  
LS#12-0540

**TYPE OF REQUEST:**

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

Present Zoning R-1  
 Requested Zoning R-1  
 Proposed Use \_\_\_\_\_  
 Total Acreage 1.7259 AC.

**PROJECT**

275 PROJECT  
 Name of Project  
275 HARDSCRABBLE ROAD ROSWELL GA 30075  
 Property Address/Location Suite/Apt. # City State Zip Code  
359/360 1 2ND 12-174003590153  
 Land Lot District Section Property ID

**APPLICANT/OWNER**

PASTOR MUREX HUFTON, PRES.  
 Applicant  
WORLD HARVEST HOLDINGS, INC.  
 Company  
320 HARDSCRABBLE ROAD ROSWELL GA 30075  
 Mailing Address Suite/Apt. # City State Zip Code  
770-643-9223 --- sec@worldharvestchurch.org  
 Phone Cell Phone Fax Phone E-mail

**REPRESENTATIVE**

JOHN GARRUTH, MILLARD INC. ARCHITECTS AND ENGINEERS  
 Contact Name and Company (Owner's Agent or Attorney)  
580 COLONIAL PARK DRIVE ROSWELL GA 30075  
 Contact Mailing Address Suite/Apt. # City State Zip Code  
770-493-2034 x15 404-245-4915 --- jcarruth@millardinc.net  
 Phone Cell Phone Fax Phone E-mail

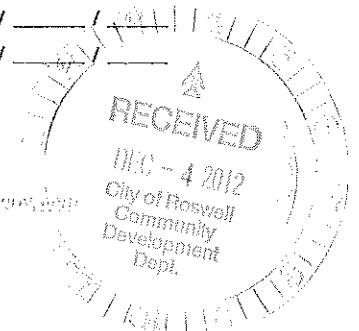
I hereby certify that all information provided herein is true and correct

Applicant Signature: Property Owner or Owner's Representative

Date: 12, 5, 12

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

Date: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_  
 Date: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_



**Analysis Requirements - Conditional Use Applications**

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

The proposal will be suitable in view of the adjacent and nearby property. The two properties to the immediate east of the parcel are already existing church uses. Gethsemane Garden Missionary Church is immediately east of the property at 398 Hardscrabble Road and World Harvest Church is at 320 Hardscrabble. To the northeast along Hardscrabble Road are Sweet Apple Elementary School and North River Baptist Church within a half mile. Six houses in the Wexford neighborhood are adjacent to the west side and rear of the property. Churches of this type are typically, and historically have been, located in residential areas. The existing World Harvest and Gethsemane Garden Churches likewise are adjacent to Wexford homes.

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

The proposal will not adversely affect the existing use or usability of adjacent or nearby property. Screen fencing and landscaping are added to provide more visual separation for the adjacent properties into the subject property. The other nearby churches and school have compatible programs with this church's activities.

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

As currently zoned the property can be used as a residence or, with a conditional use permit, as a church. The property has a higher economic use as a church due to the development of the other churches and school in close proximity which are allowed in the current zoning district. The current house is isolated as a residence. It is the only residential use fronting Hardscrabble Road for length of over 1000 feet, thus its economic viability has already been diminished by previous allowed development within the district.

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

This use will not excessively burden the existing streets. Traffic generated during the day for the office use will be minimal and will be similar to that generated by a residential use. The traffic for small meetings will occur during off peak hours at night and on weekends. It should not affect the nearby school which has peak hours different from this facility. Water and sanitary sewer utilities are adequate for this use.

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

The 2030 Comprehensive Plan states the goal of revising the zoning code to establish criteria for appropriate amenities proposed by places of worship but does not offer any specific policy or intent.

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 existence of neighboring church and school uses around this isolated residential parcel are supporting grounds for this proposal. The changing conditions brought about by the addition of landscape buffers give support to this proposal as it will enhance the privacy and buffering of the neighboring Wexford residential properties.

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

The property is zoned R-1, Single Family Residential. The existing structure is currently a rental house.

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

All the nearby property is zoned Residential, either R-1 or E-2. The immediately adjacent parcels on the north side of Hardscrabble are all R-1. There are two permitted churches and one school fronting Hardscrabble. Several houses backup up to the property within the Wexford subdivision.

9. *Not Required.*

10. *Not Required.*

11. *Not Required.*

12. *Not Required.*

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

A church is a permitted conditional use in the R-1 zoning district. Therefore the property is suitable for use by World Harvest Church for additional office and meeting space.

14. *Not Required.*

15. *Not Required.*

16. *Not Required.*

17. *Not Required.*

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

This use should not have an effect on the character of the district, as the district currently supports several churches and a school in close proximity.

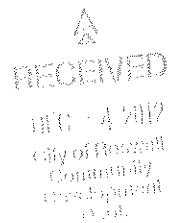
19. *Whether a proposed zoning map amendment or conditional use approval will be a deterrent to the value or improvement of development of adjacent property in accordance with existing regulations.*

The use as a church should not reduce the value of adjacent properties, which along Hardscrabble Road are churches and a school. With the development of the buffer landscaping, the values of the neighboring homes should be maintained or enhanced.

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

The environment should be enhanced by the development of the landscape buffers along the north and west property lines. Development of additional impervious area for accessible entry and around the pool will exceed 1,000 square feet and will require the addition of water quality protection using approved low impact development methods that should enhance the current condition.

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 help carry out the purposes of these zoning regulations.*



These zoning regulations were adopted with the understanding that it is historically appropriate for churches to be developed within residential neighborhoods. The purposes of these zoning regulations are to promote the health, safety, morals, order, prosperity and general welfare of the citizens of Roswell. Allowing World Harvest Church to provide office and small group meeting space on this parcel is compatible with and reinforces these purposes.

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.*

This proposal preserves the integrity of the neighboring Wexford subdivision. Through the development of the buffering landscape, the neighboring properties are afforded better privacy within their yards and away from church activities. This property fronts a busy, minor thoroughfare, and the development of the church and landscape will further buffer the adjoining neighborhood from traffic noise.

23. *Not Required.*

#### **Concurrent Variance Justification**

Applicants for a Concurrent Variance must provide a written justification that one or more of the following conditions 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 or topography that are not applicable to other lands or structures in the same district.*

It would be a practical difficulty to relocate the existing storage shed and driveway to remove them from the setback and natural buffers respectively. Several existing mature hardwood trees would be affected by the relocation of the driveway and storage shed to other parts of the property and would not benefit either the property owner or its neighbors.

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 property is located.*

Not applicable.

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.*

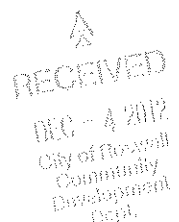
Other churches located in R-1 districts have the right to petition for similar variances thus there are no special privileges being given to World Harvest.

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.*

The setback and buffer variance will preserve the existing mature tree canopy and along with the church's willingness to provide additional screening and landscaping will provide a more harmonious setting for the adjacent neighbors than currently exists.

5. *Any information that special circumstances are not the result of the actions of the applicant.*

Not applicable.



6. *Any information that the variance requested is the minimum variance that will make possible the proposed use of the land, building, or structure in the use district proposed.*

The setback and buffer variance is the minimum necessary for the proposed use.

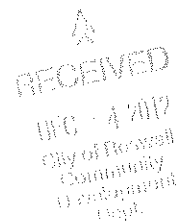
7. *Any information that the variance shall not permit a use of land, buildings or structures, which is not permitted by right in the zoning district or overlay district involved.*

Churches, temples, synagogues and places of worship are conditionally permitted uses within R-1 zoning districts.

#### **Special Conditions Requested by World Harvest Church**

In addition to the Conditional Use request for the existing building and Concurrent Variance, World Harvest Church requests or supports that the following conditions be included in the approval:

1. A public sidewalk will not be required along the Hardscrabble Road frontage as the existing shoulder and ditch are not conducive to its being built without significant expense and land disturbance.
2. The submitted concept plan for providing the accessible parking and building access, renovations to the existing pool deck and additional outdoor pavilion are conceptual in nature and may increase up to 500 square of impervious area as the plans are developed and submitted to the City for permitting and construction.





### Applicant 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  
Check one:  
☐ Sanitary Sewer  
☒ Septic Tank  
arrange sewer service separately from this application. The method of sewage disposal that is planned for this property is:

*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)

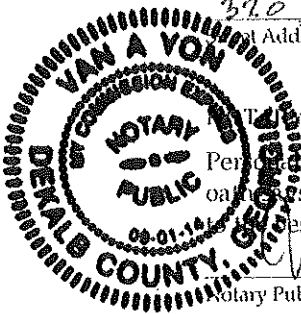
*I hereby certify that all information provided herein is true and correct.*

Owner of Property (Signature) \_\_\_\_\_  
320 HARDCRABBLE ROAD, Roswell, GA 30075  
Address, City, State, Zip

12 / 4 / 2012  
Date  
770-643-9223  
Phone

MIREK HUFTON, PRES.

Personally appeared before me the above Owner named WORLD HARVEST CHURCH, INC. who on oath swears 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) \_\_\_\_\_

12, 04, 12  
Date

09, 01, 2014  
Date Commission Expires

### ATTORNEY/ AGENT (IF APPLICABLE)

Attorney/Agent (Signature) \_\_\_\_\_

Street Address, City, State, Zip \_\_\_\_\_

Date \_\_\_\_\_

Phone \_\_\_\_\_

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**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

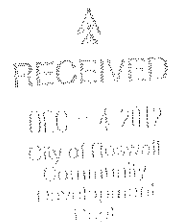
**CODE OF GEORGIA TITLE 36. LOCAL GOVERNMENT PROVISIONS APPLICABLE TO COUNTIES AND MUNICIPAL CORPORATIONS CHAPTER 67A. CONFLICT OF INTEREST IN ZONING ACTIONS (Current through 2000 General Assembly)**

**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.)

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Planning/Zoning Director/Acceptance Stamp

- ☐ Rezoning
- ☐ Concurrent Variance
- ☒ Conditional Use

RECEIVED BY THE CITY OF ROSWELL  
ZONING OFFICE 12-4-2012

Date

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

Bradford D. Townsend  
Zoning Director

TIME: 3:26 DATE: 12-7-2012

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

CV12-04, CV12-05

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