



**CITY OF SNELLVILLE  
DEPARTMENT OF PLANNING & DEVELOPMENT  
MAYOR PRO TEM AND COUNCIL**

**CASE SUMMARY**

**December 11, 2017**

**CASE NUMBER:** #CUP 17-05

**REQUEST:** **Request for Conditional Use Permit and  
Variances from the City Code of Ordinances**

**LOCATION:** 1958 Dogwood Road, Snellville, Georgia

**TAX PARCEL:** 5040 036

**PRESENT ZONING:** **RS-180 (Single-Family Residence) District**

**FUTURE LAND USE MAP:** Public-Civic

**DEVELOPMENT/PROJECT:** 1.73± Acre Site with Existing Church Building,  
and Related Parking

**PROPOSED USE:** **Church/Place-of-Worship**

**PROPERTY OWNER:** New Jerusalem Church Ministries, Inc.  
Snellville, Georgia 30078

**APPLICANT:** Zotung Christian Church, Inc.  
Lilburn, Georgia 30047

**CONTACT:** Saw Bik, Chairman  
404.578.8952 or [lsawbik@yahoo.com](mailto:lsawbik@yahoo.com)

**STAFF RECOMMENDATION:** **Approval with Conditions**



**CITY OF SNELLVILLE  
DEPARTMENT OF PLANNING & DEVELOPMENT  
MAYOR PRO TEM AND COUNCIL**

**CASE ANALYSIS**

**December 11, 2017**

**TO:** The Mayor Pro Tem and Council

**MEETING DATE:** December 11, 2017

**FROM:** Jason Thompson, Director  
Department of Planning and Development

**CASE NUMBER:** #CUP 17-05

**FINDINGS OF FACT:**

The Department of Planning and Development has received an application from Zotung Christian Church, Inc., currently located at 5255 Lawrenceville Hwy., Lilburn, Georgia requesting a Conditional Use Permit to operate a Church/Place-of-Worship and associated uses on the property located at 1985 Dogwood Road, Snellville. They are also requesting variances from the Buffer, Landscape and Tree Ordinance, Development Regulations and Zoning Ordinance.

The subject 1.73± acre property located near the intersection of Scenic Highway and Dogwood Road contains an existing ±2,100 sq. ft. one-story brick building and related parking area, originally constructed in 1968 as a place of worship for Dogwood Drive Missionary Baptist Church of Snellville, Inc. In 2005, the property was purchased by New Jerusalem Church Ministries, Inc. (NJBC) and occupied until the summer of 2016, when NJBC relocated to their current location on E. Crogan Street in Lawrenceville. The property has remained vacant since, and was previously considered for rezoning in February-March of this year for a 15,000± sq. ft. retail strip center.

The zoning of the properties to the north and south is BG (General Business), to the east are BN (Neighborhood Business), and to the west and northwest RS-180 (Single-Family Residence), while the properties to the southwest are RS-150, (Single-Family Residence).

## **REQUEST:**

The applicant is requesting a Conditional Use Permit to operate a church/place of worship for a 130 member congregation serving the Zotung community, with no immediate plans for expansion of the size of the church.

Due to the age of the property and non-conforming issues that exist with the property, the applicant is also requesting the following variances:

1. From the Buffer, Landscape and Tree Ordinance Article III, Section 19.73(f) regarding side and rear landscape strip requirements to let it remain as undisturbed tree stands as shown on the proposed site plan.
2. From the Zoning Ordinance Article VII, Section 8.18 regarding curb and gutter requirements to allow site to remain as shown on the proposed site plan.
3. From the Buffer, Landscape and Tree Ordinance Article III, Section 19.74 relating to parking island requirement to allow parking lot and islands to remain as shown on the proposed site plan.
4. From the Development Regulations Section 6.5.5.2 to allow the existing site building exterior and site outdoor lighting.
5. From the Zoning Ordinance Article XI, Section A.11.2(2), which states “one-way interior driveways shall be a minimum of 10 feet in width.” The existing drive ranges from 9.2’ to 30.6’ in width.
6. From the Zoning Ordinance Article III, Section 19.73(c)(1) regarding landscape strip restrictions to allow for encroachment by existing parking lot along southeastern property line. Amount of encroachment is 5 feet near front property line and gets smaller as property line extends toward rear as shown on the proposed site plan.
7. From the Buffer, Landscape and Tree Ordinance Article II, Section 19.32 relating to buffer strip requirements to allow the northwestern property line area to remain as-is with existing fence and vegetation from fence area to the back property line and planted near adjacent residence as shown on proposed site plan.
8. Allow a general variance for the site to be approved in its current condition except for the additional items requested on the proposed site plan.

## **BACKGROUND:**

According to the applicant, Zotung are a mostly Christian people originally from Burma (Myanmar). Zotung Christian Church was formed in 2008 in Clarkston by former and current Zotung refugees resettled in the Atlanta metro in order to better serve the Zotung population, which had a difficult time finding appropriate places of worship due to language barriers and difference in religion from other Burmese refugee communities. The population of Zotung being

resettled in the US has slowed significantly in recent years due to cuts in the UN Refugee Resettlement Program.

### STAFF ANALYSIS:

In accordance with Section 9.2(3)(b) of the Zoning Ordinance, churches and religious institutions may be permitted, provided the applicant for a such a business is granted a Conditional Use Permit by the Mayor and Council after receiving recommendations from the Planning and Development Department and Planning Commission, and after a public hearing, subject to the following provisions of Section 9.2(3)(b):

1. All such facilities shall front on a street having minimum classification of major collector, for a distance of at least 100 feet;

*The subject property fronts Dogwood Road for a distance in excess of 300 feet. Dogwood Road is classified as a Major Collector on the Gwinnett County Long Range Road Classification map (updated 2-25-2003) and on the proposed 2040 Gwinnett County Comprehensive Transportation Plan, being considered for adoption early next year.*

2. The minimum lot size shall be one (1) acre.

*The subject property comprises approximately ±1.73 acres, more than the minimum lot size requirement.*

3. The maximum lot size shall be three (3) acres;

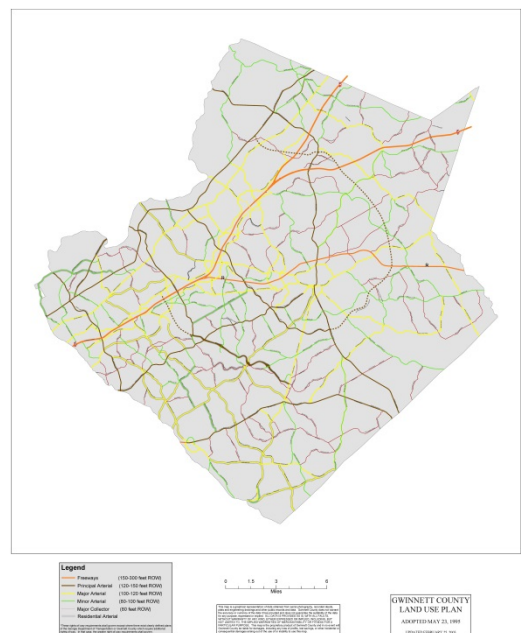
*The subject property comprises approximately ±1.73 acres, less than the maximum lot size requirement.*

4. All buildings shall be set back at least fifty (50) feet from the front property line, forty (40) feet from the rear property line, and twenty (20) feet from side property lines ( thirty-five ((35) feet on the street side if a corner lot); and

*The existing building complies with these setback requirements.*

5. A densely planted buffer, no less than six (6) feet in height, having a minimum width of ten (10) feet shall be installed along all side and rear property lines which abut Residential Land Use.

LONG RANGE ROAD CLASSIFICATION



*The subject property does abut residential land uses to the northwest. Although there are some trees along the northwest property line, a densely planted buffer does not currently exist and will be required as part of the site development process.*

#### **VARIANCE ANALYSIS:**

The theme of the variances is a recognition of the existing use as a church/place-of-worship and a desire to remain as such, while also acknowledging a responsibility to improve the property and bringing it more into compliance with current zoning regulations.

The requested variances from the Buffer, Landscape and Tree Ordinance allow additional greenery to be added to the property without necessitating the removal of existing tree canopy on the periphery.

The intent of the requirement that all lighting fixtures be “cut-off and down directional” is meant to keep excess illumination from flooding onto adjacent properties and structures and thereby becoming an annoyance and pollutant. Most of the nearby structures on adjacent properties are commercial buildings, and thus the requirements are less of an imperative. The front of the church is facing away from the one adjacent residential property, so excessive illumination seems unlikely. The request is reasonable.

The variances regarding interior drive width and location are meant to preclude the church from having to drastically change the layout of the site and instead maintain the existing parking lot and driveway configuration. Forcing them to reconfigure the lot would unnecessarily burden the congregation and require extensive reworking of the site, and would also necessitate the addition of more impervious surface to the property. The provided site plan does show the addition of a six (6) feet wide sidewalk running the length of the property along Dogwood Road. This is a much welcomed public improvement. The request is reasonable.

The proposed site plan meets the required parking requirements as currently dictated by the City Code. Section 11.3 of the Zoning Ordinance, requires one (1) space for every six (6) seats in the main sanctuary. Based on the submitted site plan, one hundred (100) seats will be necessary to serve the congregation, which will require a minimum of seventeen (17) parking spaces. Twenty-six (26) parking spaces exist on the site, exceeding this minimum. Limited parking availability may be a concern if the congregation grows in the future, but this seems unlikely due to the unique nature of the congregation. Beyond the expense, the odd layout of the parking lot may be behind the request for variance regarding landscaping islands.

#### **STAFF RECOMMENDATION:**

The Department of Planning and Development recommends **Approval** of the request for a Conditional Use Permit for Zotung Christian Church to operate a Place of Worship with the following **Conditions**:

1. The property shall be developed and utilized in general accordance with the submitted conceptual rezoning site plan, sealed and dated 10-16-2017 with modifications to

- meet conditions of zoning or State, County, and City regulations. Substantial variation from the concept plan, as determined by the Director of Planning and Development, will require Mayor and Council approval;
2. Installation of trees and shrubbery as shown on the submitted site plan, sealed and dated 10-16-2017 shall be completed within three (3) months from the date of Mayor and Council approval;
  3. Installation of any new exterior building or site lighting or upgrades to any existing building or site lighting shall comply with the City's exterior lighting standards and require an approved permit;
  4. Parking of vehicles shall be on a hard-surface parking area only. Parking in the grass/yard is prohibited. Any expansion to the parking area shall require a Land Disturbance Permit approved by the Director of Planning and Development;
  5. Prior to occupancy and use of the building, the Church shall provide to the City a Certificate of Occupancy certificate issued by the Gwinnett County Fire Marshal's Office;
  6. In the event that the subject property is vacated by Zotung Christian Church, the Conditional Use Permit will become null and void; and
  7. New signs higher than fifteen (15) feet or larger than 225 sq. ft. in area are prohibited. Any new sign(s) shall conform to the sign ordinance and require an approved sign permit prior to installation.

In conjunction with the rezoning approval and recommended conditions (1-7), the following variances are recommended for **Approval**:

1. Variance from the Snellville Buffer, Landscape and Tree Ordinance Article III, Section 19.73(f) regarding side and rear landscape strip requirements to let it remain as undisturbed tree stands as shown on the proposed site plan.
2. Variance from Snellville Zoning Ordinance Article VII, Section 8.18 regarding curb and gutter requirements to allow site to remain as shown on the proposed site plan.
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6. Variance from Snellville Ordinance Article III, Section 19.73(c)(1) regarding landscape strip restrictions to allow for encroachment by existing parking lot along southeastern property line. Amount of encroachment is 5 feet near front property line and gets smaller as property line extends toward rear as shown on the proposed site plan.
7. Variance from Snellville Buffer, Landscape and Tree Ordinance Article II, Section 19.32 relating to buffer strip requirements to allow the northwestern property line area to remain as-is with existing fence and vegetation from fence area to the back property line and planted near adjacent residence, as shown on the proposed site plan.
8. Allow a general variance for the site to be approved in its current condition except for the additional items requested on the proposed site plan.

### **PLANNING COMMISSION REPORT:**

The Planning Commission held a duly advertised public meeting on the subject application at the November 28, 2017 Regular Meeting of the City of Snellville Planning Commission. By a vote of 4-1, the Planning Commission recommended **Approval** of the request for a Conditional Use Permit for Zotung Christian Church to operate a Place of Worship with the following **Conditions:**

1. The property shall be developed and utilized in general accordance with the submitted conceptual rezoning site plan, sealed and dated 10-16-2017 with modifications to meet conditions of zoning or State, County, and City regulations. Substantial variation from the concept plan, as determined by the Director of Planning and Development, will require Mayor and Council approval;
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