

DAWSON COUNTY PLANNING COMMISSION
MEETING Agenda – Tuesday, June 15, 2021
DAWSON COUNTY GOVERNMENT CENTER ASSEMBLY ROOM
25 JUSTICE WAY, DAWSONVILLE GEORGIA 30534
6:00 PM

A. MEETING CALLED TO ORDER

B. INVOCATION

C. PLEDGE OF ALLEGIANCE

D. ROLL CALL

E. ANNOUNCEMENTS:

There will be a Planning Commission meeting July 20th 2021

F. APPROVAL OF MINUTES:

May 18, 2021

G. APPROVAL OF THE AGENDA

H. STATEMENT OF DISCLOSURE:

For speakers in favor or opposition to any application who have made contributions more than \$250.00 to any local official campaign.

I. NEW BUSINESS:

Application for Variance:

1. Presentation of VR 21-08–Paul Stowers is requesting to vary from the Dawson County Land Use Resolution Article Section 319 Table 3.2 side setback reduction from 20’ to 10’ for the purpose of constructing a barn TMP 103-044 Seed Tick Road.

Application for Special Use:

2. Presentation of SU 21-02 Robert Garner is requesting a Special Use of TMP 078-001-002 for the purpose of placing a mobile home on less than 5 acres in a R-A zoning.

Application for Rezoning:

3. Presentation of ZA 21-12 Martin Labaca is requesting to rezone TMP 076-126 from RSR to R-A for the purpose of down zoning the parcel.

J. UPDATES BY PLANNING & DEVELOPMENT

K. ADJOURNMENT

Those with disabilities who require certain accommodations in order to allow them to observe and/or participate in this meeting, or who have questions regarding the accessibility of the meeting, should contact the ADA Coordinator at 706-344-3666, extension 44514. The county will make reasonable accommodations for those persons

DAWSON COUNTY VARIANCE APPLICATION

****This portion to be completed by Zoning Administrator****

VR _____ Tax Map & Parcel # (TMP): _____
Current Zoning: _____ Commission District #: _____
Submittal Date: _____ Time: _____ am/pm Received by: _____ (staff initials)
Fees Assessed: _____ Paid: _____
Planning Commission Meeting Date: _____

APPLICANT INFORMATION (or Authorized Representative)

Printed Name: Paul Stowers
Address: _____
Phone: Listed _____ Email: Business _____
Unlisted _____ Personal _____
Status: Owner Authorized Agent Lessee Option to purchase

Notice: If applicant is other than owner, enclosed Property Owner Authorization form must be completed.

I have /have not _____ participated in a Pre-application meeting with Planning Staff.
If not, I agree _____ /disagree _____ to schedule a meeting the week following the submittal deadline.
Meeting Date: _____ Applicant Signature: Paul Stowers

PROPERTY INFORMATION

Street Address of Property: 1845 Seed Tick Rd. Dawsonville GA 30534
Land Lot(s): 103 - 044 District: _____ Section: _____
Subdivision/Lot: _____ Building Permit #: _____ (if applicable)

Directions to the Property: Hwy 53 to Etowah River Rd
Left on Seed Tick Road, and Home on Right

REQUESTED ACTION

A Variance is requested from the requirements of Article # _____ Section # _____ of the Land Use Resolution/Sign Ordinance/Subdivision Regulations/Other (circle one).

If other, please describe: _____

Type of Variance requested:

- Front Yard Side Yard Rear Yard variance of 10' to allow the structure to:
- be constructed; remain a distance of 10' feet from the: _____
- property line, road right of way, or other (explain below): _____

instead of the required distance of _____ required by the regulations.

Lot Size Request for a reduction in the minimum lot size from _____ to _____

Sign Variance for: _____

Home Occupation Variance to operate: _____ business

Other (explain request): _____

If there are other variance requests for this site in past, please list case # and nature of variance: _____

Variances to standards and requirements of the Regulations, with respect to open area, setbacks, yard area, lot coverage, height, and other quantitative requirements may be granted if, on the basis of the application, investigation, and other evidence submitted by the applicant, all four (4) expressly written findings below are made:

1. Describe why a strict and literal enforcement of the standards would result in a practical difficulty or unnecessary hardship: Because it is partially built and would be very difficult to move.

APR 23 2014

2. Describe the exceptional and extraordinary conditions applicable to this property which do not apply to other properties in the same district: _____

Limited space. Considering as the amount of water run off & flooding

3. Describe why granting a variance would not be detrimental to the public health, safety, morals or welfare and not be materially injurious to properties in the near vicinity: _____

It's only going to be a storage building

4. Describe why granting this variance would support the general objectives within this Resolution: _____

Because I need a place to store my tractor and equipment.

Submit clear explanation of all four questions above. You may add sheets if necessary.

(Variances should not be granted if the need arises as a result of action by the applicant or previous owner.)

21 APR 12 9:41 AM

PROPERTY OWNER AUTHORIZATION

I / we Paul Stowers hereby swear that I / we own the property located at (fill in address and / or tax map & parcel #):

1845 Seed Tick Rd Dawsonville GA 30534
103 044

as shown in the tax maps and / or deed records of Dawson County, Georgia, and which parcel will be affected by this request.

I hereby authorize the person named below to act as the applicant or agent in pursuit of the variance requested on this property. I understand that any variance granted, and / or conditions placed on the property will be binding upon the property regardless of ownership. The under signer below is authorized to make this application. The under signer is aware that no application or reapplication affecting the same land shall be acted upon within 6 months from the date of the last action by the Board of Commissioners.

Printed name of applicant or agent: Paul Stowers

Signature of applicant or agent: Paul Stowers Date: 3-12-21

Printed Name of Owner(s): Paul Stowers

Signature of Owner(s): [Signature] Date 03/11/2021

Sworn and subscribed before me this _____ day of _____, 20_____.

Notary Public

My Commission Expires: _____

(Seal)

(The complete names of all owners must be listed, if the owner is a partnership, the names of all partners must be listed, if a joint venture, the names of all members must be listed. If a separate sheet is needed to list all names, please identify as applicant or owner and have the additional sheet notarized also.)

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VR# _____

TMP# _____

List of Adjacent Property Owners

It is the responsibility of the Applicant to provide a list of adjacent property owners. This list must include the name and address of anyone who has property touching your property or who has property directly across the street from your property.

****Please note this information should be obtained using the Tax Map and Parcel Number listing any parcel(s) adjoining or adjacent to parcel where variance or rezone is being requested.**

Name

Address

- TMP 103 026 1. Kathy Stapler 1933 Seed Tick Rd.
- TMP 103-030 2. Dale + Tracy Diane Roberts 79 Taylor Stewers Rd.
~~Seed Tick Rd~~
- TMP 103-043 3. John R + Christine Tessier 1836 Seed Tick Rd.
- TMP 103-042 4. Glynn C + Heather D Smith 1784 Seed Tick Rd.
- TMP 103-048 5. Carol M Bowline 1745 Seed Tick Rd
- TMP 103025-001 6. Kenneth B Clary 1157 Etowah River Rd.
- TMP 103-051 7. Marjorie W Davidson 1846 Seed Tick Rd.
- TMP _____ 8. _____
- TMP _____ 9. _____
- TMP _____ 10. _____
- TMP _____ 11. _____
- TMP _____ 12. _____
- TMP _____ 13. _____
- TMP _____ 14. _____
- TMP _____ 15. _____

Use additional sheets if necessary.

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APPLICANT CERTIFICATION

I hereby request the action contained within this application relative to the property shown on the attached plats and site plan and further request that this item be placed on both the Planning Commission and Board of Commissioners agenda(s) for a public hearing.

I understand that the Planning & Development staff may either accept or reject my request upon review. My request will be rejected if all the necessary data is not presented.

I understand that I have the obligation to present all data necessary and required by statute to enable the Planning Commission and Board of Commissioners to make an informed determination on my request. I will seek the advice of an attorney if I am not familiar with the zoning and land use requirements.

I understand that my request will be acted upon at the Planning Commission and Board of Commissioner hearings and that I am required to be present or to be represented by someone able to present all facts. I understand that failure to appear at a public hearing may result in the postponement or denial of my special use or rezoning application. I further understand that it is my responsibility to be aware of relevant public hearing dates and times regardless of notification from Dawson County.

I hereby certify that I have read the above and that the above information as well as the attached information is true and correct.

Signature of Applicant or Agent: Paul Stone Date: 3-12-21
 Signature of Witness: [Handwritten Signature] Date: 3-18-21

WITHDRAWAL

Notice: This section only to be completed if application is being withdrawn.

I hereby withdraw application #: _____

Signature: _____ Date: _____

Withdrawal of Application:

Withdrawals of any application may be accommodated within the Planning & Development office if requested before the Planning Commission agenda is set. Therefore, withdrawals may not be made after ten (10) days prior to the scheduled Planning Commission meeting hearing, unless accompanied by written request stating specific reasons for withdrawal. This withdrawal request is to be published in the legal organ prior to the meeting. Following that written request and publication the Commission will vote to remove the item from the agenda at the scheduled hearing. Please note that should the withdrawal be denied, the item will receive deliberation and public hearing with a decision by the Commission. Further the applicant is encouraged to be present at the hearing to substantiate reasons for withdrawal. Please note that no refund of application fee may be made unless directed by the Board of Commissioners.

PLANNING & DEVELOPMENT
 1000 N. W. 11th St.
 Tallahassee, FL 32304
 904.644.2222

APPLICATION PROCESSING: STAFF USE ONLY

VR _____ Applicant Name: _____

Application Fee: \$ _____

IF APPLICABLE:

- Legal Advertisement Submitted to Newspaper Date: _____
- Planning Commission & Board of Commissioners Packets Delivered Date: _____
- Application Posted on County Website Date: _____
- Adjacent Property Owner Notices Mailed Date: _____
- Interdepartmental Forms Submitted for Review Date: _____
- Public Notice Signs on Property Verified Date: _____
- Approval or Denial Form placed in folder Date: _____
- Applicant Notified of Final Action Date: _____
- Approval or Denial Form to Office Manager/Building Official/Marshal Date: _____
- Planning Commission Meeting Minutes placed in folder Date: _____

Planning Commission & Board of Commissioners Actions

Planning Commission Recommendation Date: _____ Approval Approval w/stipulations Denial

If Denied by Planning Commission was decision appealed? Yes No

Board of Commissioners Decision Date: _____ Approval Approval w/stipulations Denial

- If appealed; Applicant Notified of Date of Appeal Hearing Date: _____
- If appealed; Legal Advertising of Date of Appeal Hearing Date: _____
- If appealed; Approval or Denial Form Placed in Folder Date: _____
- Applicant Notified of Final Action of Appeal Date: _____
- Board of Commission Meeting Minutes placed in folder Date: _____

21 APR 12 9:41 AM

Dawson County, Georgia Board of Commissioners

Affidavit for Issuance of a Public Benefit

As Required by the Georgia Illegal Immigration Reform and Enforcement Act of 2011

By executing this affidavit under oath, as an applicant for a Dawson County Business License, Out of County Business Registration, Alcohol License, or other public benefit as referenced in the Georgia Illegal Immigration Reform and Enforcement Act of 2011 [O.C.G.A. § 50-36-1(e)(2)], I am stating the following with respect to my application for such Dawson County public benefit.

X

I am a United States citizen.

I am a legal permanent resident of the United States. (FOR NON-CITIZENS)

I am a qualified alien or non-immigrant under the Federal Immigration and Nationality Act with an alien number issued by the Department of Homeland Security or other federal immigration agency. (FOR NON-CITIZENS)

My alien number issued by the Department of Homeland Security or other federal immigration agency is:

The undersigned applicant also hereby verifies that he or she is 18 years of age or older and has provided at least one **secure and verifiable document**, as required by O.C.G.A. § 50-36-1(e)(1), with this affidavit. (See reverse side of this affidavit for a list of secure and verifiable documents.)

The secure and verifiable document provided with this affidavit can best be classified as:

In making the above representation under oath, I understand that any person who knowingly and willfully makes a false, fictitious, or fraudulent statement or representation in an affidavit shall be guilty of a violation of O.C.G.A. § 16-10-20 and face criminal penalties as allowed by such criminal statute.

Executed in _____ (city), _____ (state)

P Paul Stowers

Signature of Applicant

03/11/2021

Date

paul stowers

Printed Name

Name of Business

SUBSCRIBED AND SWORN BEFORE ME ON

THIS _____ DAY OF _____, 20 _____

[Signature]

Notary Public

My Commission Expires: _____

(Seal)

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Secure and Verifiable Documents Under O.C.G.A. § 50-36-2

The following list of secure and verifiable documents, published under the authority of O.C.G.A. § 50-36-2, contains documents that are verifiable for identification purposes, and documents on this list may not necessarily be indicative of residency or immigration status.

- A **United States Passport or Passport Card** [O.C.G.A. § 50-36-2(b)(3); 8 CFR § 274a.2]
- A **United States Military Identification card** [O.C.G.A. § 50-36-2(b)(3); 8 CFR § 274a.2]
- A **Driver's License** issued by one of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Commonwealth of the Northern Marianas Islands, the United States Virgin Island, American Samoa, or the Swain Islands, provided that it contains a photograph of the bearer or lists sufficient identifying information regarding the bearer, such as name, date of birth, gender, height, eye color, and address to enable the identification of the bearer [O.C.G.A. § 50-36-2(b)(3); 8 CFR § 274a.2]
- An **Identification Card** issued by one of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Commonwealth of the Northern Marianas Islands, the United States Virgin Island, American Samoa, or the Swain Islands, provided that it contains a photograph of the bearer or lists sufficient identifying information regarding the bearer, such as name, date of birth, gender, height, eye color, and address to enable the identification of the bearer [O.C.G.A. § 50-36-2(b)(3); 8 CFR § 274a.2]
- A **Tribal Identification Card** of a federally recognized Native American tribe, provided that it contains a photograph of the bearer or lists sufficient identifying information regarding the bearer, such as name, date of birth, gender, height, eye color, and address to enable the identification of the bearer. A listing of federally recognized Native American tribes may be found at:
<http://www.bia.gov/WhoWeAre/BIA/OIS/TribalGovernmentServices/TribalDirectory/index.htm>
[O.C.G.A. § 50-36-2(b)(3); 8 CFR § 274a.2]
- A **United States Permanent Resident Card or Alien Registration Receipt Card** [O.C.G.A. § 50-36-2(b)(3); 8 CFR § 274a.2]
- An **Employment Authorization Document** that contains a photograph of the bearer [O.C.G.A. § 50-36-2(b)(3); 8 CFR § 274a.2]
- A **Passport Issued by a Foreign Government** [O.C.G.A. § 50-36-2(b)(3); 8 CFR § 274a.2]
- A **Merchant Mariner Document or Merchant Mariner Credential** issued by the United States Coast Guard [O.C.G.A. § 50-36-2(b)(3); 8 CFR § 274a.2]
- A **Free and Secure Trade (FAST) card** [O.C.G.A. § 50-36-2(b)(3); 22 CFR § 41.2]
- A **NEXUS Card** [O.C.G.A. § 50-36-2(b)(3); 22 CFR § 41.2]
- A **Secure Electronic Network for Travelers Rapid Inspection (SENTRI) card** [O.C.G.A. § 50-36-2(b)(3); 22 CFR § 41.2]
- A **Driver's License issued by a Canadian Government Authority** [O.C.G.A. § 50-36-2(b)(3); 8 CFR § 274a.2]
- A **Certificate of Citizenship** issued by the United States Department of Citizenship and Immigration Services (USCIS) (Form N-560 or Form N-561) [O.C.G.A. § 50-36-2(b)(3); 6 CFR § 37.11]
- A **Certificate of Naturalization** issued by the United States Department of Citizenship and Immigration Services (USCIS) (Form N-550 or Form N-570) [O.C.G.A. § 50-36-2(b)(3); 6 CFR § 37.11]

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DAWSON COUNTY Tax Commissioner

25 Justice Way Suite 1222
Dawsonville, GA 30534

Trans No	Property ID/District Description	Original Due	Interest & Penalty	Prev Paid	Amount Due	Amount Paid	Transaction Balance
8292 Year-Bill No 2020 - 13439	103 044 / 001 LL 50 LD 13-S FMV: \$126,200.00	1,147.19	14.82 Fees 0.00	0.00	1,162.01	1,162.01	0.00
Transactions:	8292 - 8292 Totals	1,147.19	14.82	0.00	1,162.01	1,162.01	0.00

Paid By :

Paid by Paul Stowers from web.
Ref No: 61V38343PR5068021
Auth
Code:7E519F7D1497E132084

Cash Amt: 0.00
Check Amt: 0.00
Charge Amt: 1,162.01
Change Amt: 0.00
Refund Amt: 0.00
Overpay Amt: 0.00

STOWERS PAUL W



Check No
Charge Acct 0

21 APR 12 9:41 AM

Dawson County Variance Application

The following items are required to process a Variance request:

- ✓ 1. Pre-Application meeting with Planning & Development Staff (recommended)
 2. Completed Application to include:
Property Owner Authorization (if acting agent)
Adjoining Property Owner information (found on the Tax Assessor's website)
 3. Letter from the Environmental Health Department regarding the septic. (706-265-2930)
 - ✗ 4. ✓ A recorded plat of the property. (Obtained from the Clerk of Court)
 - ✗ 5. ✓ Site plan drawn to scale of all existing and proposed structures.
 6. ✓ Paid tax receipt for most current year. (Tax Commissioner's office)
 - ★ 7. Aerial location map of the subject property (Google Earth or qPublic.com).
 8. Check or Money Order in the correct amount made payable to Dawson County.
 9. Written statement explaining hardship and proposed resolution, if applicable.
 10. Completed Affidavit for Issuance of a Public Benefit.
-

It is understood by the applicant that this application is to be heard by the Dawson County Planning Commission under the provisions of the regulations of Dawson County. It is the responsibility of the applicant to present sufficient evidence to justify a variance from the adopted regulations.

To avoid unnecessary delays, please be sure the application is complete. Incomplete applications **without all required attachments will be REJECTED.**

It is the applicant's responsibility to attend the Public Hearings and be able to answer any questions regarding the request. If you are uncomfortable in this role, you may want to seek the help of a lawyer, surveyor, or other professional.

FAILURE TO APPEAR AT MEETINGS CONSTITUTES ABANDONMENT AND DISMISSAL OF THE CASE(S), UNLESS THE APPLICANT SHOWS JUST CAUSE BY REASON OF ILLNESS, HEALTH OR ANY OTHER EMERGENCY WITHIN A REASONABLE TIME, IN WRITING, AND ACCOMPANIED BY NEW COSTS FOR RE-ADVERTISEMENT AND PUBLIC HEARING.

Please check for most current version of application by date of revision: 1/29/21

Dawson County Fee Schedule

RT	(Residential Town)	\$300.00
RL	(Residential Lakefront)	\$300.00
RS	(Residential Suburban)	\$300.00
RSR	(Residential Sub-Rural)	\$300.00
RSRMM	(Residential Sub-Rural Manufactured/Moved)	\$300.00
RMF	(Residential Multi-Family)	\$475.00
RA	(Residential Exurban/Agricultural)	\$250.00
RAC	(Residential Exurban/Agricultural Corrective)	\$250.00
RRE	(Residential Rural Estate)	\$250.00
RPC	(Residential Planned Community)	\$700.00
RMHP	(Residential Manufactured/Mobile Home Park)	\$350.00
C-RB	(Commercial Rural Business)	\$700.00
C-CB	(Commercial Community Business)	\$700.00
C-HB	(Commercial Highway Business)	\$3,500.00
C-HI	(Commercial Highway Intensive)	\$3,500.00
C-PCD	(Commercial Planned Comprehensive Development)	\$3,500.00
**ADDED FEE ACCORDING TO LAND RESOLUTION SECTION 404,I		\$400.00
		TOTAL \$3,900.00
C-OI	(Commercial Office Institutional)	\$3,500.00
C-IR	(Commercial Industrial Restricted)	\$3,500.00
MUV	(Mixed Use Village)	\$3,500.00
Communication Tower (Conditional Use)		\$2,500.00
Home Occupation		\$50.00
Variance		\$350.00
Special Use Permits are based on the Current Zoning District		VARIABLES
Appeals		\$350.00

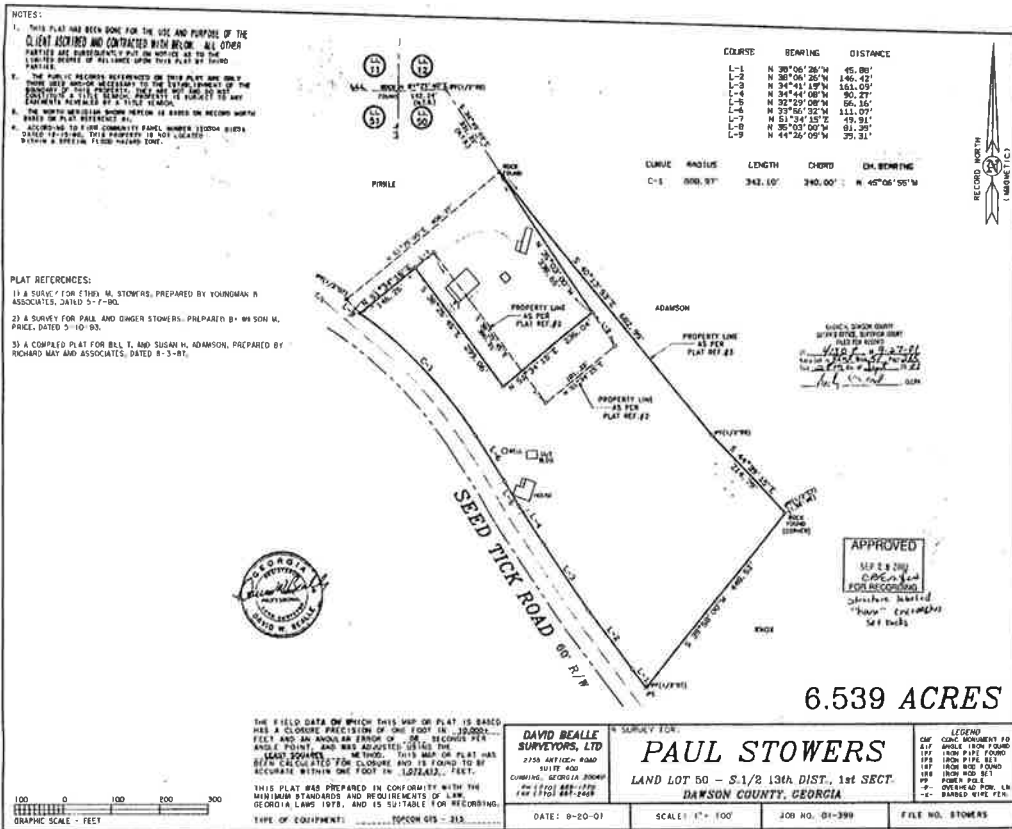
The fee schedule is subject to change by the Board of Commissioners.
Please check with Planning & Development staff if you have any
questions.

Dawson County Board of Commissioners

<p>Chairman Billy Thurmond 230 Brookwood Drive Dawsonville, GA 30534 706-525-9255 Fax: 706-344-3889 chairman@dawsoncounty.org</p>	<p>District 3 Tim Satterfield 246 Hickory Nut Trail Dawsonville, GA 30534 706-531-5871 district3@dawsoncounty.org</p>
<p>District 1 Sharon Fausett 11524 Highway 136 West Dawsonville, GA 30534 706-265-8432 district1@dawsoncounty.org</p>	<p>District 4 John Emory Dooley 2677 Grizzle Road Dawsonville, GA 30534 (678) 776-2355 district4@dawsoncounty.org</p>
<p>District 2 Chris Gaines 228 Stillwater Lane Dawsonville, GA 30534 (706) 344-2628 District2@dawsoncounty.org</p>	<p>County Manager David Headley 25 Justice Way, Suite 2236 Dawsonville, GA 30534 706-344-3501 ext. 42236 dheadley@dawsoncounty.org</p>

Planning Commission Members

<p>Chairman Appointee Vacant</p>	<p>District 1 Jason Hamby Chairman 1362 Bailey Waters Road Dawsonville, GA 30534 (706) 265-1382 jahamby@dawsoncouthy.org</p>
<p>District 2 John Maloney 9 Bent Ridge Road Dawsonville, GA 30534 (678) 936-0347 jmaloney@dawsoncounty.org</p>	<p>District 3 Tim Bennett 327 Couch Road Dawsonville, GA 30534 (678) 776-5443 or (706) 216-1784 tbennett@dawsoncounty.org</p>
<p>District 4 Neil Hornsey P.O. Box 1776 Dawsonville, GA 30534 706-974-3350 nhornsey@dawsoncounty.org</p>	<p><u>ALTERNATES' INFORMATION:</u> District 1: Seth Stowers District 2: Vacant District 3: Jean Maryanski District 4: Austin Harmon Chairman Appointee: Vacant</p>



**DAWSON COUNTY PLANNING COMMISSION
PLANNING STAFF REPORT**

Applicant	Paul Stowers
Case Docket #	VR 21-08
Request	To construct an accessory structure 10' from the side property line
Size	5.42 acres+/-
Existing Zoning	R-A
Applicable Regulations	Dawson County Land Use Resolution Article III, Section 319 Table 3.2
Location	1845 Seed Tick Rd.
Tax Parcel #	103-044
Meeting Date	June 15, 2021

Applicant Proposal

Mr. Stowers began construction on an accessory structure (barn) without a permit. Once the structure was permitted it was discovered that the barn sits 10' (approximate) into the side setback of his property. Mr. Stowers is seeking to bring the structure into compliance.

History and Existing Land Use

Mr. Stowers has owned the property since 1998. There is a stick-built home, a mobile home and several out buildings on the parcel currently.

Staff Analysis

To be considered for a variance, the following four (4) criteria must be addressed:

- 1.) *That a strict or literal interpretation and enforcement of the specified standard or requirement would result in practical difficulty or unnecessary hardship; and a strict and literal interpretation of the code would not allow the proposed home to be constructed.*

The applicant has stated that the structure was under construction (unpermitted) when the setback encroachment was discovered. The applicant states that locating the structure at any other alternate place on the property would be an economic hardship

2.) *That there are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property which do not apply generally to other properties in the same district.*

The applicant advises that limited space (due to the presence of other structures) and water runoff issues would inhibit relocation.

3.) *The granting of the variance will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the near vicinity.*

No detriment or injury can be determined.

4.) *That the granting of the variance would support general objectives contained within this Resolution.*

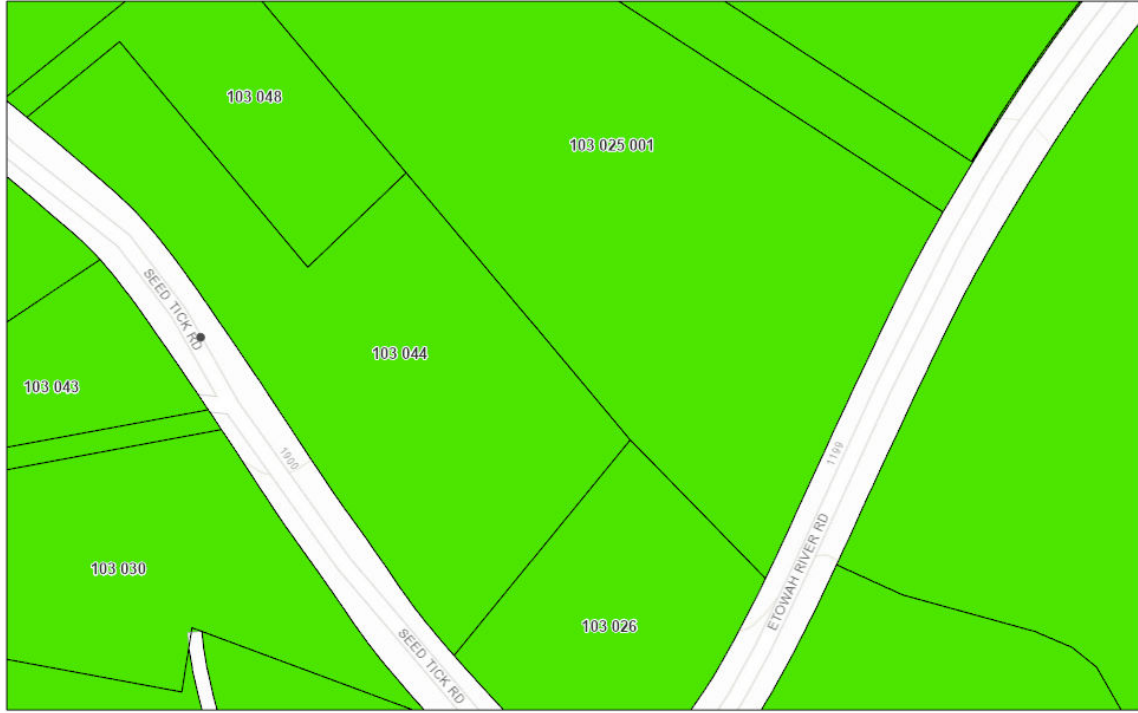
The granting of the variance will not be detrimental to the public health, safety, or welfare and would allow the applicant to construct the desired structure which would add to the value of the lot.

Picture of subject property:



Existing zoning:

Dawson County Current Zoning



6/8/2021, 4:06:34 PM

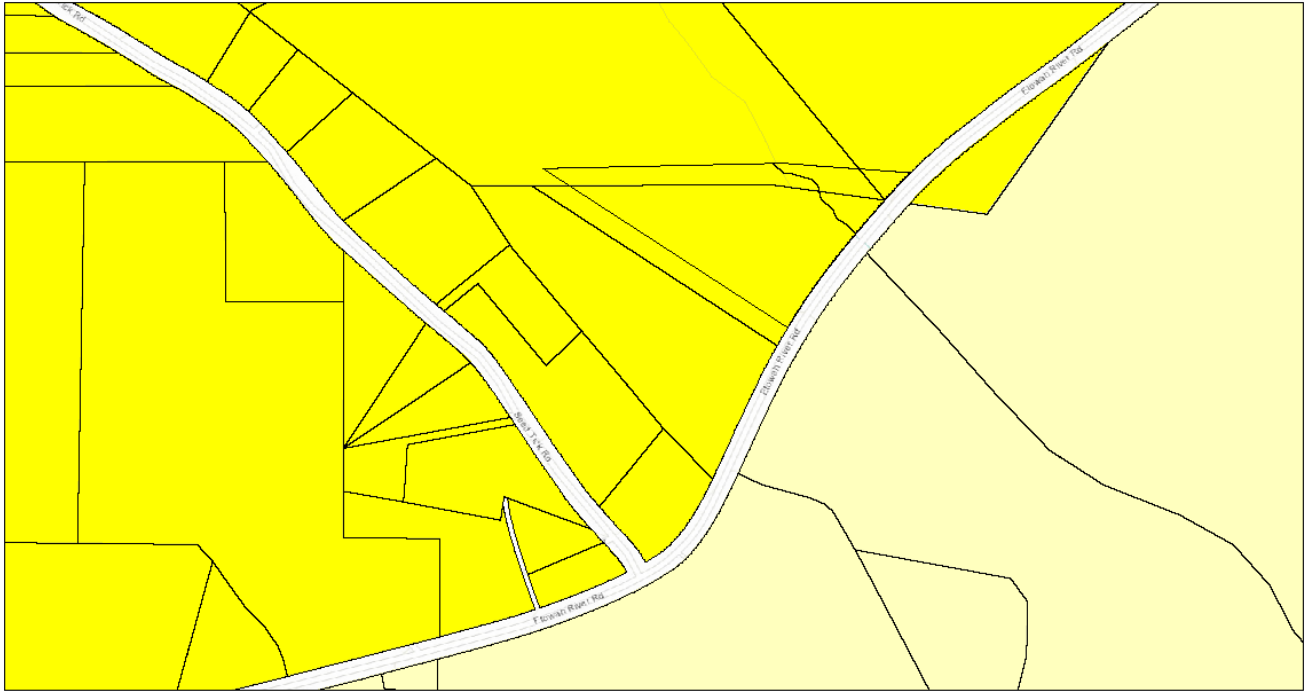
Energy Layers - Parcels Energy Layers - Zoning
RA



Esri, HERE, Garmin, INCREMENT P, USGS, EPA, USDA
Planning and Development
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Future Land Use:

Future Land Use Map



June 8, 2021
Parcels
FLU
SRR
RR

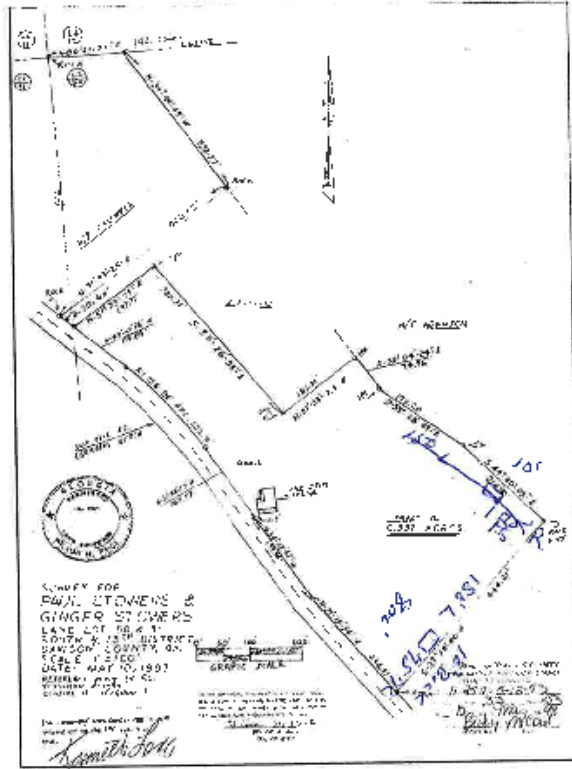
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Esri, HERE, Garmin, INCREMENT P, USGS, EPA, USDA

Aerial Photo:



Site Plan:

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**DAWSON COUNTY PLANNING COMMISSION
PLANNING STAFF REPORT**

Applicant..... Robert Garner

Amendment #SU 21-02

Request.....Special Use

Proposed UsePlacing a mobile home on less than 5 acres
in a R-A zoning.

Current ZoningR-A (Residential Agricultural)

Size.....2.64± acres

LocationDollar Rd.

Tax Parcel078-001-002

Planning Commission DateJune 15, 2021

Board of Commission Date.....July 15, 2021

Applicant Proposal

Applicant is seeking to move in a mobile home onto a R-A zoned parcel that he recently purchased.

History and Existing Land Uses

The land currently vacant and was purchased by Mr. Garner this past spring.

Adjacent Land Uses	Existing zoning	Existing Use
North	Unknown	Lumpkin County
South	R-A	Residential
East	R-A	Residential
West	R-A	Residential

Development Support and Constraints

This parcel is located in the north eastern region of the county which does consist of areas in which manufactured homes are present however, no manufactured homes are located in the general vicinity of the subject property. Overall, the request would not be out of character for the north eastern portion of the county.

Relationship to the Comprehensive Plan and FLUP (Future Land Use Plan)

According to the 2018 comprehensive plan and accompanying FLUP (Future Land Use Plan), the subject property is identified as Rural Residential.

Public Facilities/Impacts

Engineering Department –“No improvements affecting the property are proposed.”

Environmental Health Department – No comments returned.

Emergency Services – No comments returned.

Etowah Water & Sewer Authority – No comments returned.

Dawson County Sheriff’s Office – No comments returned.

Analysis

The proposed use of the property would fit the general character of the region however due to a lack of manufactured homes in the general area certain aesthetic elements should be considered to make the structures appearance more compatible with the surrounding single family residential stick-built units. The manufactured home should be placed on a permanent foundation and skirted with concrete, concrete block or brick. The power meter should be placed on the structure and not on a separate pole. A minimum square footage of at least 1200 to 1500 square feet. is recommended. Additionally, a manufactured home unit with a variable façade including offsets and recessed wall elements is encouraged. Window trim with shutters is also encouraged.

The following observations should be noted with respect to this request:

- A. The existing uses and classification of nearby property.**
All adjacent properties are zoned Residential Agricultural and consistent with the Future Land Use Map.
- B. The extent to which property values are diminished by the particular land use classification.**

There should be no diminishment of property values.

C. The extent to which the destruction of property values of the applicant promotes the health, safety, morals, or general welfare of the public.

There should be no destruction of property values.

D. The relative gain to the public, as compared to the hardship imposed upon the individual property owner.

There should be no gain to the public if approved.

E. The suitability of the subject property for the proposed land use classification.

The subject property is suitable for the purposed use and fits with the general character of the area.

F. The length of time the property has been vacant under the present classification, considered in the context of land development in the area in the vicinity of the property.

The property is currently vacant.

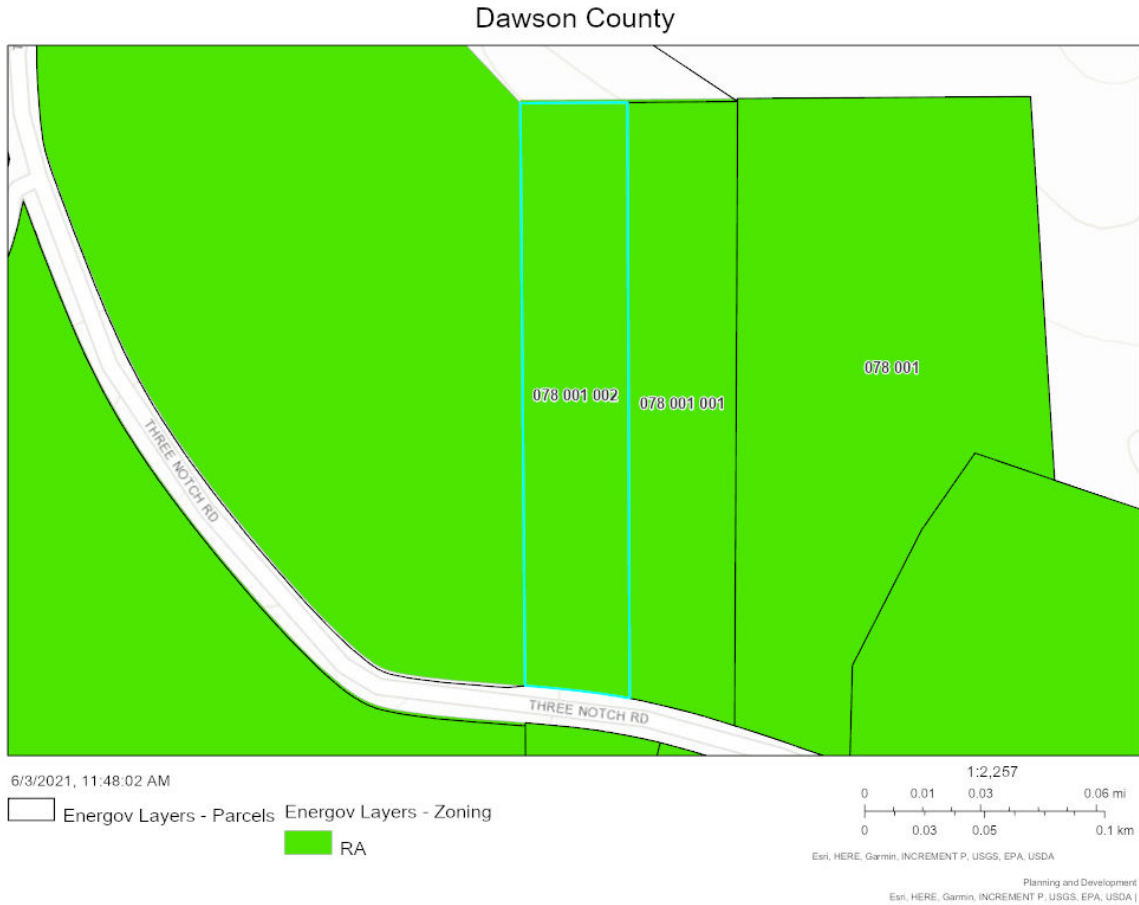
G. The specific, unusual, or unique facts of each case, which give rise to special hardships, incurred by the applicant and/or surrounding property owners.

Applicant has advised current historic high building materials prices has produced a hardship in constructing a stick-built home.

Pictures of Property:

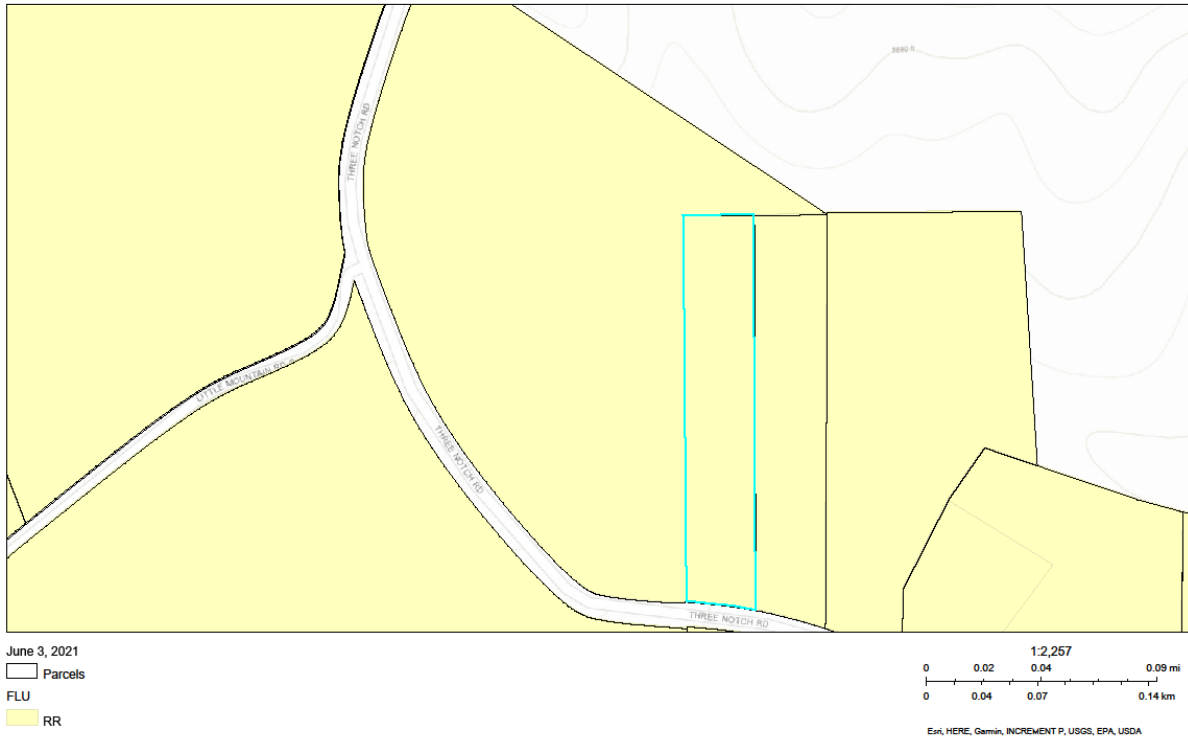


Current Zoning Map:



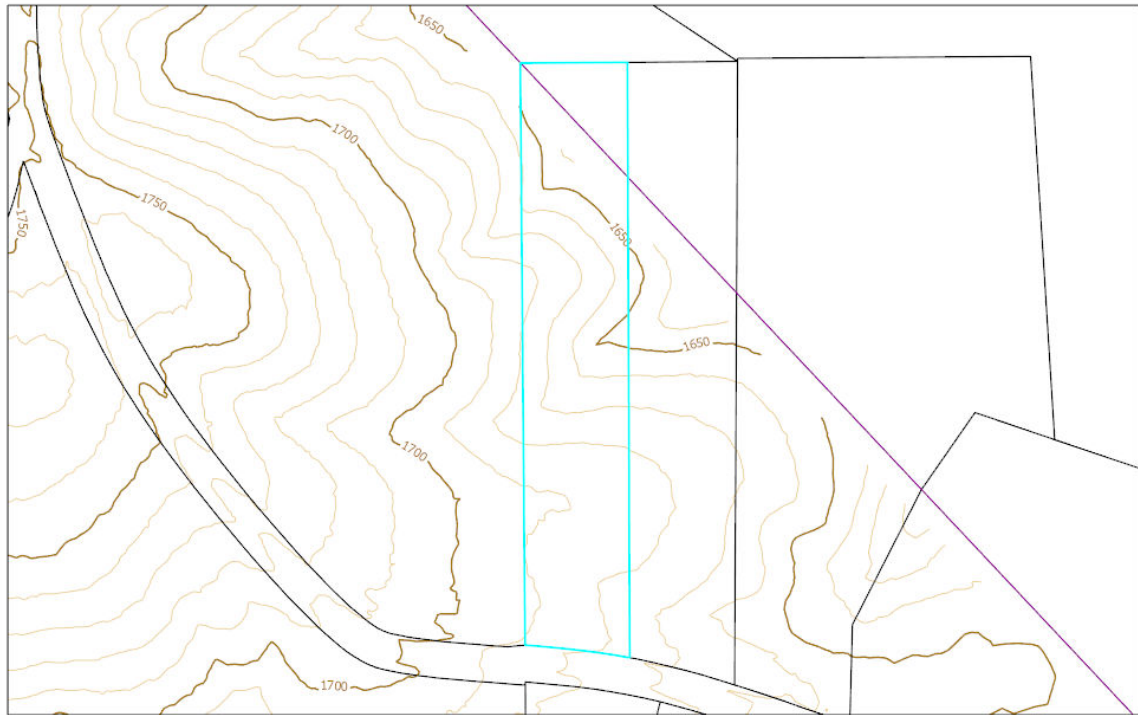
Future Land Use Map:

Future Land Use Map



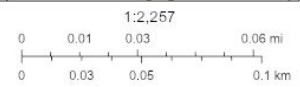
Topography:

Topo Map



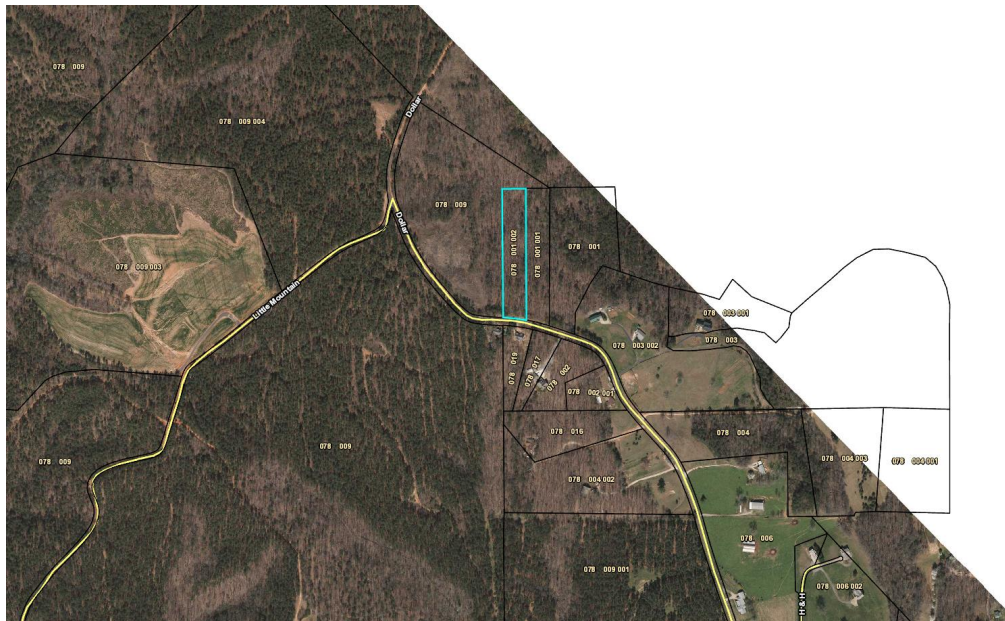
6/3/2021, 11:51:46 AM

- County Line
- Parcels



Dawson County
The information on this map (or data product) is from a computer database accessed using a Geographic Information System (GIS). Dawson County Public Works cannot guarantee the accuracy of the information contained on this map. Each user of this map is

Aerial:



DAWSON COUNTY REZONING APPLICATION

This portion to be completed by Zoning Administrator

SA 71.08
ZA _____ Tax Map & Parcel # (TMP): _____
Submittal Date: 5.18.08 Time: 11:10 am/pm Received by: [Signature] (staff initials)
Fees Assessed: [Signature] Paid: 250- Commission District: 1
Planning Commission Meeting Date: June 21
Board of Commissioners Meeting Date: July 21

APPLICANT INFORMATION (or Authorized Representative)

Printed Name: Robert Garner

Address: [Redacted]

Phone: Listed [Redacted] Unlisted [Redacted] Email: Business [Redacted] Personal [Redacted]

Status: Owner Authorized Agent Lessee Option to purchase

Notice: If applicant is other than owner, enclosed Property Owner Authorization form must be completed.

I have ___/have not participated in a Pre-application meeting with Planning Staff.
If not, I agree /disagree ___ to schedule a meeting the week following the submittal deadline.
Meeting Date: _____ Applicant Signature: _____

PROPERTY OWNER/PROPERTY INFORMATION

Name: Robert Garner

Street Address of Property being rezoned: Dollar Rd.,

Rezoning from: RA to: RSRmm Total acreage being rezoned: 2.64
Directions to Property (if no address): _____

21 MAY 12 11:10 AM

Subdivision Name (if applicable): _____ Lot(s) #: _____

Current Use of Property: Vacant Land

Any prior rezoning requests for property? No if yes, please provide rezoning case #: ZA _____

*****Please refer to Dawson County's Georgia 400 Corridor Guidelines and Maps to answer the following:**

Does the plan lie within the Georgia 400 Corridor? No (yes/no)

If yes, what section? North _____ South _____

SURROUNDING PROPERTY ZONING CLASSIFICATION:

North RA/Lumpkin Co. South RA East RA West RA

Future Land Use Map Designation: _____

Access to the development will be provided from:

Road Name: Dollar Rd. Type of Surface: Paved

REQUESTED ACTION & DETAILS OF PROPOSED USE

Rezoning to: RSRmm [] Special Use Permit for: _____

Proposed Use:
A new Manufactured Home to live in.

Existing Utilities: [] Water [] Sewer [] Gas Electric

Proposed Utilities: Water [] Sewer [] Gas [] Electric

RESIDENTIAL

No. of Lots: _____ Minimum Lot Size: _____ (acres) No. of Units: _____

Minimum Heated Floor Area: _____ sq. ft. Density/Acre: _____

Type: [] Apartments [] Condominiums [] Townhomes [] Single-family [] Other

Is an Amenity Area proposed: _____ ; if yes, what? _____

COMMERCIAL & INDUSTRIAL

Building area: _____ No. of Parking Spaces: _____

20110112111011

APPLICANT CERTIFICATION

I hereby request the action contained within this application relative to the property shown on the attached plats and site plan and further request that this item be placed on both the Planning Commission and Board of Commissioners agenda(s) for a public hearing.

I understand that the Planning & Development staff may either accept or reject my request upon review. My request will be rejected if all the necessary data is not presented.

I understand that I have the obligation to present all data necessary and required by statute to enable the Planning Commission and the Board of Commissioners to make an informed determination on my request. I will seek the advice of an attorney if I am not familiar with the zoning and land use requirements.

I understand that my request will be acted upon at the Planning Commission and Board of Commissioner hearings and that I am required to be present or to be represented by someone able to present all facts. I understand that failure to appear at a public hearing may result in the postponement or denial of my rezoning of special use application. I further understand that it is my responsibility to be aware of relevant public hearing dates and times regardless of notification from Dawson County.

I hereby certify that I have read the above and that the above information as well as the attached information is true and correct.

Signature Robert Damm

Date 5-11-2021

Witness Kim Bisley

Date 5-11-2021

WITHDRAWAL

Notice: This section only to be completed if application is being withdrawn.

I hereby withdraw application # _____

Signature _____

Date _____

Withdrawal of Application:

Withdrawals of any application may be accommodated within the Planning & Development Department if requested before the Planning Commission agenda is set. Therefore, withdrawals may not be made after ten (10) days prior to the scheduled Planning Commission meeting hearing, unless accompanied by written request stating specific reasons for withdrawal. This withdrawal request is to be published in the legal organ prior to the meeting. Following the written request and publication the Planning Commission will vote to remove the item from the agenda at the scheduled hearing. Please note that should the withdrawal be denied, the item will receive deliberation and public hearing with a decision by the Planning Commission. Further, the applicant is encouraged to be present at the hearing to substantiate reasons for withdrawal. Please note that no refund of application fees may be made unless directed by the Board of Commissioners.

21 MAY 12 11:10 AM

ZA _____

TMP#: _____

List of Adjacent Property Owners

It is the responsibility of the Applicant to provide a list of adjacent property owners. This list must include the name and mailing address of anyone who has property touching your property or who has property directly across the street from your property.

****Please note this information should be obtained using the Tax Map & Parcel (TMP) listing for any parcel(s) adjoining or adjacent to the parcel where a variance or rezone is being requested.**

Name

Address

- ✓ TMP 078001001 1. Angelia Jarrard 3623 Luther Hall Rd. Powder Spring
30127
- TMP 078001 2. Larry Muir 2868 Lone Star Trail Atlanta 30340
- ✓ TMP 078009 3. Dawsonville Holdings, EN, LLC - 329 Max Wehunt Rd.
Dawsonville
- ✓ TMP 078019 4. Harold Peterson 611 Dollar Rd. Dawsonville 30534
- ✓ TMP 078017 5. Derrick Deitrick 8014 Cumming Hwy. Ste 403 Canton
30115
- TMP 078002 6. Steven + Anna Hanney 525 Dollar Rd. Dawsonville
- TMP _____ 7. _____
- TMP _____ 8. _____
- TMP _____ 9. _____
- TMP _____ 10. _____
- TMP _____ 11. _____
- TMP _____ 12. _____
- TMP _____ 13. _____
- TMP _____ 14. _____
- TMP _____ 15. _____

Use additional sheets if necessary.

21 MAY 12 11:10 AM

NOTICE OF RESIDENTIAL EXURBAN/AGRICULTURAL DISTRICT (R-A) ADJACENCY

Agricultural districts include uses of land primarily for active farming activities and result in odors, noise, dust and other effects, which may not be compatible with adjacent development. Future abutting developers in non RA land use districts shall be provided with this "Notice of RA Adjacency" prior to administrative action on either the land use district or the issuance of a building or occupancy permit.

Prior to administrative action the applicant shall be required to sign this waiver which indicates that the applicant understands that a use is ongoing adjacent to his use which will produce odors, noise, dust and other effects which may not be compatible with the applicant's development. Nevertheless, understanding the effects of the adjacent RA use, the applicant agrees by executing this form to waive any objection to those effects and understands that his district change and/or his permits are issued and processed in reliance on his agreement not to bring any action asserting that the adjacent uses in the RA district constitute a nuisance) against local governments and adjoining landowners whose property is located in an RA district.

This notice and acknowledgement shall be public record.

Applicant Signature: Robert Garner

Applicant Printed Name: Robert Garner

Application Number: 6

Date Signed: 5-11-2021

Sworn and subscribed before me

this 11 day of May, 2021.

Kim Bishop
Notary Public

My Commission Expires: 6/27/21



21MAY12 11:10AM

DISCLOSURE OF CAMPAIGN CONTRIBUTIONS
(APPLICANT(S) AND REPRESENTATIVE(S) OF REZONING)

Pursuant to O.C.G.A. Section 36-67 A-3.A, the following disclosure is mandatory when an applicant or any representation of application for rezoning has been made within two (2) years immediately preceding the filing of the applicant's request for rezoning, campaign contributions aggregating \$250.00 or more to a local government official who will consider the application for rezoning.

It shall be the duty of the applicant and the attorney representing the applicant to file a disclosure with the governing authority of the respective local government showing the following:

1. Name of local official to whom campaign contribution was made:

2. The dollar amount and description of each campaign contribution made by the opponent to the local government official during the two (2) years immediately preceding the filing of the application for the rezoning action and the date of each such contribution.

Amount \$ _____ Date: _____

Enumeration and description of each gift when the total value of all gifts is \$250.00 or more made to the local government official during the two (2) years immediately preceding the filing of application for rezoning:

Signature of Applicant/Representative of Applicant:

_____ Date: _____

**BY NOT COMPLETING THIS FORM YOU ARE MAKING A STATEMENT THAT NO
DISCLOSURE IS REQUIRED**

This form may be copied for each applicant. Please attach additional sheets if needed.

2011 MAY 12 11:58 AM

PROPERTY OWNER AUTHORIZATION

I/we, Robert Garner, hereby swear that I/we own the property located at (fill in address and/or tax map & parcel #):

Dollar Rd. TMP-078 001 002

as shown in the tax maps and/or deed records of Dawson County, Georgia, and which parcel will be affected by this request.

I hereby authorize the person named below to act as the applicant or agent in pursuit of the rezoning requested on this property. I understand that any rezone granted, and/or conditions or stipulations placed on the property will be binding upon the property regardless of ownership. The under signer below is authorized to make this application. The under signer is aware that no application or reapplication affecting the same land shall be acted upon within six (6) months from the date of the last action by the Board of Commissioners.

Printed Name of applicant or agent: Robert Garner

Signature of applicant or agent: Robert Garner Date: 5-11-2021

Printed Name of Owner(s): Robert Garner

Signature of Owner(s): Robert Garner Date: 5-11-2021

Mailing address: 352 Heard Dr.

City, State, Zip: Dawsonville GA 30534

Telephone Number: Listed 678-852-6199
Unlisted _____

Sworn and subscribed before me this 11 day of May, 2021.

Kim Bishop
Notary Public

My Commission Expires: 6/27/21



{Notary Seal}

(The complete names of all owners must be listed; if the owner is a partnership, the names of all partners must be listed; if a joint venture, the names of all members must be listed. If a separate sheet is needed to list all names, please identify as applicant or owner and have the additional sheet notarized also.)

39121588

Dawson County, Georgia Board of Commissioners
Affidavit for Issuance of a Public Benefit
As Required by the Georgia Illegal Immigration Reform and Enforcement Act of 2011

By executing this affidavit under oath, as an applicant for a Dawson County Business License, Out of County Business Registration, Alcohol License, or other public benefit as referenced in the Georgia Illegal Immigration Reform and Enforcement Act of 2011 [O.C.G.A. § 50-36-1(e)(2)], I am stating the following with respect to my application for such Dawson County public benefit.

✓

I am a United States citizen.

I am a legal permanent resident of the United States. *(FOR NON-CITIZENS)*

I am a qualified alien or non-immigrant under the Federal Immigration and Nationality Act with an alien number issued by the Department of Homeland Security or other federal immigration agency. *(FOR NON-CITIZENS)*

My alien number issued by the Department of Homeland Security or other federal immigration agency is:

The undersigned applicant also hereby verifies that he or she is 18 years of age or older and has provided at least one **secure and verifiable document**, as required by O.C.G.A. § 50-36-1(e)(1), with this affidavit. *(See reverse side of this affidavit for a list of secure and verifiable documents.)*

The secure and verifiable document provided with this affidavit can best be classified as:

In making the above representation under oath, I understand that any person who knowingly and willfully makes a false, fictitious, or fraudulent statement or representation in an affidavit shall be guilty of a violation of O.C.G.A. § 16-10-20 and face criminal penalties as allowed by such criminal statute.

Executed in Dawsonville (city), GA (state)

Robert Garner
Signature of Applicant

Date

Robert Garner
Printed Name

N/A
Name of Business

SUBSCRIBED AND SWORN BEFORE ME ON

THIS 11 DAY OF May, 20 21

[Signature] Notary Public

My Commission Expires: 4/27/21



{Notary Seal}

21 MAY 12 11:10 AM

Secure and Verifiable Documents Under O.C.G.A. § 50-36-2

The following list of secure and verifiable documents, published under the authority of O.C.G.A. § 50-36-2, contains documents that are verifiable for identification purposes, and documents on this list may not necessarily be indicative of residency or immigration status.

- A **United States Passport or Passport Card** [O.C.G.A. § 50-36-2(b)(3); 8 CFR § 274a.2]
- A **United States Military Identification card** [O.C.G.A. § 50-36-2(b)(3); 8 CFR § 274a.2]
- A **Driver's License** issued by one of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Commonwealth of the Northern Marianas Islands, the United States Virgin Island, American Samoa, or the Swain Islands, provided that it contains a photograph of the bearer or lists sufficient identifying information regarding the bearer, such as name, date of birth, gender, height, eye color, and address to enable the identification of the bearer [O.C.G.A. § 50-36-2(b)(3); 8 CFR § 274a.2]
- An **Identification Card** issued by one of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Commonwealth of the Northern Marianas Islands, the United States Virgin Island, American Samoa, or the Swain Islands, provided that it contains a photograph of the bearer or lists sufficient identifying information regarding the bearer, such as name, date of birth, gender, height, eye color, and address to enable the identification of the bearer [O.C.G.A. § 50-36-2(b)(3); 8 CFR § 274a.2]
- A **Tribal Identification Card** of a federally recognized Native American tribe, provided that it contains a photograph of the bearer or lists sufficient identifying information regarding the bearer, such as name, date of birth, gender, height, eye color, and address to enable the identification of the bearer. A listing of federally recognized Native American tribes may be found at:
<http://www.bia.gov/WhoWeAre/BIA/OIS/TribalGovernmentServices/TribalDirectory/index.htm>
[O.C.G.A. § 50-36-2(b)(3); 8 CFR § 274a.2]
- A **United States Permanent Resident Card or Alien Registration Receipt Card** [O.C.G.A. § 50-36-2(b)(3); 8 CFR § 274a.2]
- An **Employment Authorization Document** that contains a photograph of the bearer [O.C.G.A. § 50-36-2(b)(3); 8 CFR § 274a.2]
- A **Passport Issued by a Foreign Government** [O.C.G.A. § 50-36-2(b)(3); 8 CFR § 274a.2]
- A **Merchant Mariner Document or Merchant Mariner Credential** issued by the United States Coast Guard [O.C.G.A. § 50-36-2(b)(3); 8 CFR § 274a.2]
- A **Free and Secure Trade (FAST) card** [O.C.G.A. § 50-36-2(b)(3); 22 CFR § 41.2]
- A **NEXUS Card** [O.C.G.A. § 50-36-2(b)(3); 22 CFR § 41.2]
- A **Secure Electronic Network for Travelers Rapid Inspection (SENTRI) card** [O.C.G.A. § 50-36-2(b)(3); 22 CFR § 41.2]
- A **Driver's License issued by a Canadian Government Authority** [O.C.G.A. § 50-36-2(b)(3); 8 CFR § 274a.2]
- A **Certificate of Citizenship** issued by the United States Department of Citizenship and Immigration Services (USCIS) (Form N-560 or Form N-561) [O.C.G.A. § 50-36-2(b)(3); 6 CFR § 37.11]
- A **Certificate of Naturalization** issued by the United States Department of Citizenship and Immigration Services (USCIS) (Form N-550 or Form N-570) [O.C.G.A. § 50-36-2(b)(3); 6 CFR § 37.11]



5-12-21

To Whom It May Concern,

Purchased property on 4-23-21
We would like to have the property
rezoned. To RSRMM 2.64 acres
to purchase a brand new Double
wide mobile home. We don't have
the time or money with building
materials at all time high.

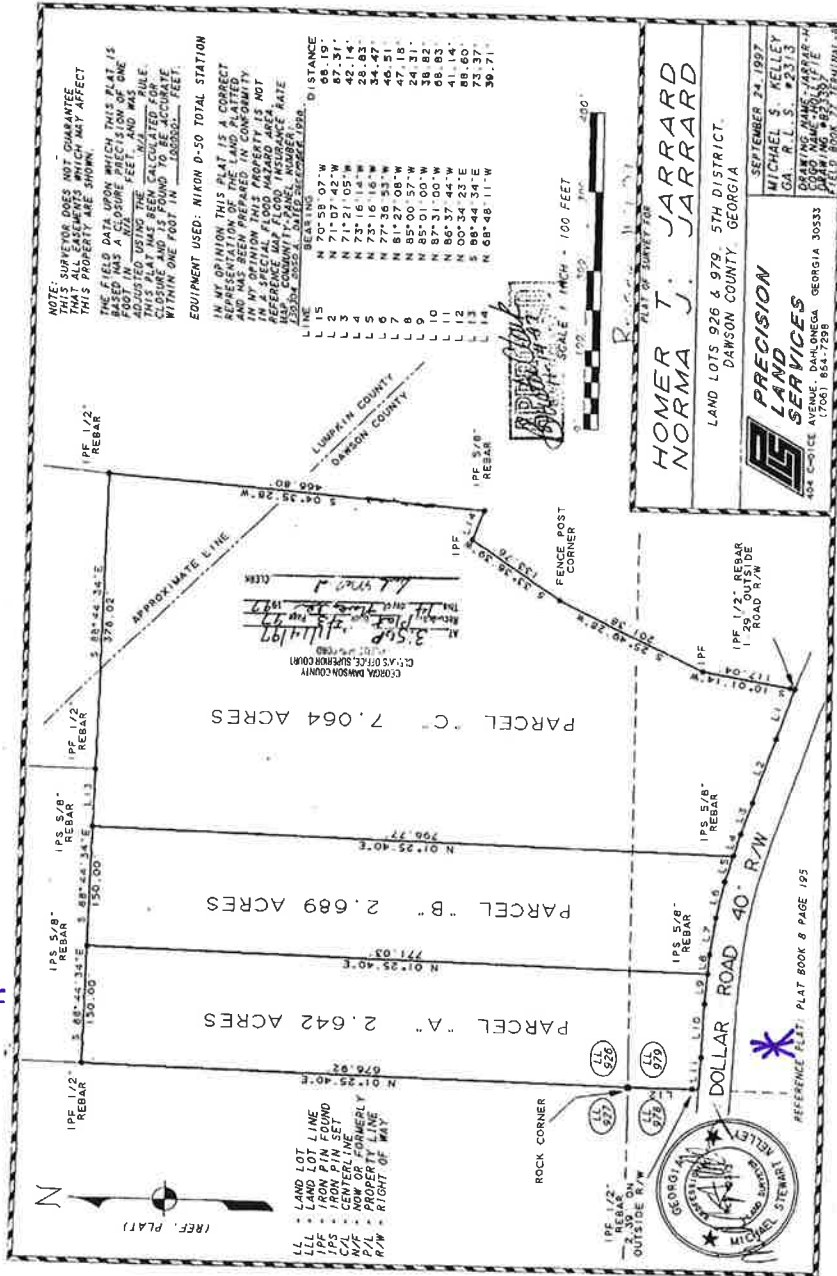
Please take careful consideration
and understanding our plight.

Thank you for your
consider.

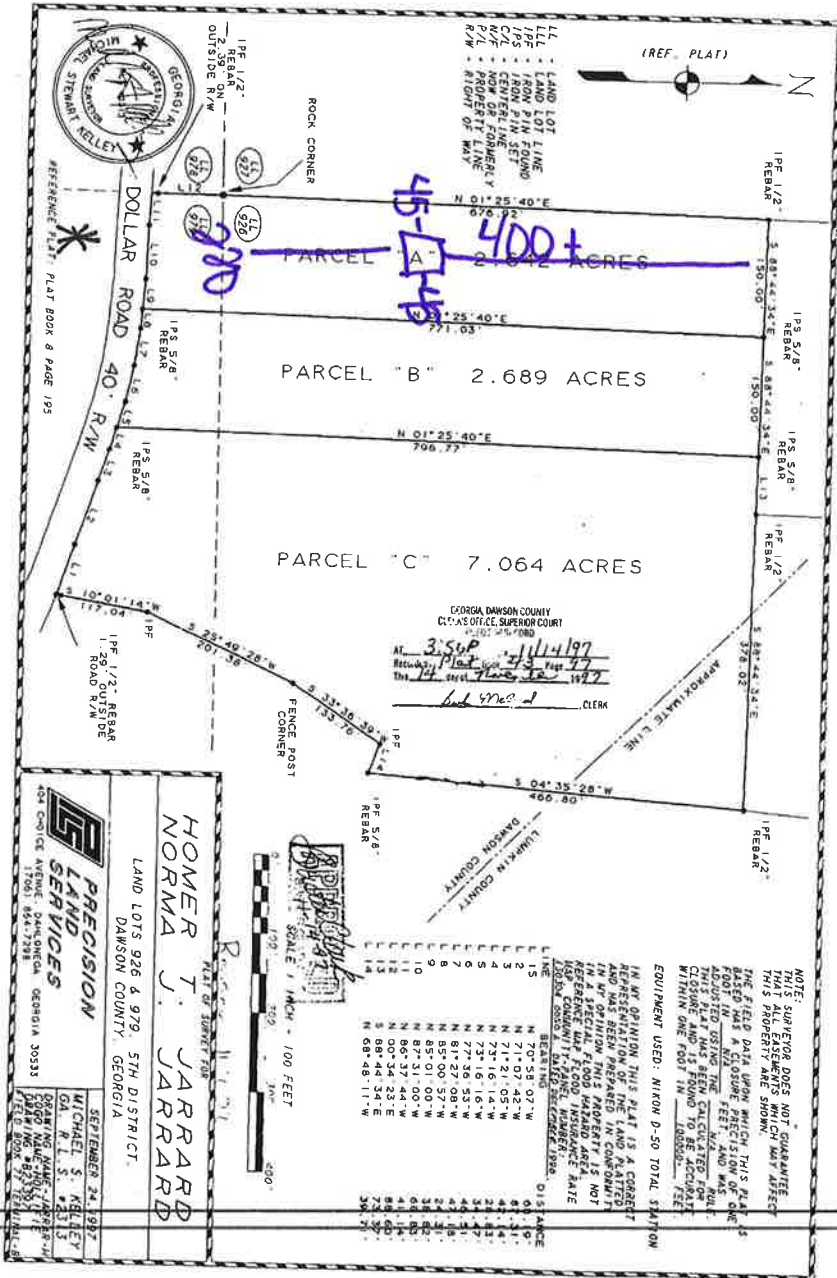
Robert and Heather Gorman

21 MAY 12 11:46 AM

21 MAY 12 11:11 AM



Site plan



HOMER T. JARRARD
NORMA J. JARRARD

LAND LOTS 926 & 979, 5TH DISTRICT,
 DAWSON COUNTY, GEORGIA

PRECISION LAND SERVICES
 424 CHOCOLE AVENUE, DALHOUSIE, GEORGIA 30533
 (770) 954-7288

SEPTEMBER 24, 937
 MICHAEL S. KELLEY
 5000 MADEIRA DRIVE, SUITE 100
 FLEMING, GA 30529
 (770) 954-7288

21 MAY 12 11:11 AM

Official Tax Receipt
Nicole Stewart
DAWSON COUNTY Tax Commissioner

25 Justice Way Suite 1222
 Dawsonville, GA 30534

Trans No	Property ID/District Description	Original Due	Interest & Penalty	Prev Paid	Amount Due	Amount Paid	Transaction Balance
13908 Year-Bill No 2020 - 7354	078 001 002 / 001 LL 926, 979 LD 5-1 FMV: \$25,900.00	245.15	0.00 Fees 0.00	0.00	245.15	245.15	0.00
						Paid Date 11/16/2020 11:44:20	Current Due 0.00
Transactions:	13908 - 13908 Totals	245.15	0.00	0.00	245.15	245.15	0.00

Paid By :

GINGER L GEORGE

Cash Amt: 0.00

Check Amt: 245.15

Charge Amt: 0.00

Change Amt: 0.00

Refund Amt: 0.00

Overpay Amt: 0.00

JARRARD PATRICIA



Check No 7619
 Charge Acct

11/16/2020 11:44:20

DAWSON COUNTY REZONING APPLICATION

This portion to be completed by Zoning Administrator

ZA _____ Tax Map & Parcel # (TMP): _____

Submittal Date: _____ Time: _____ am/pm Received by: _____ (staff initials)

Fees Assessed: _____ Paid: _____ Commission District: _____

Planning Commission Meeting Date: _____

Board of Commissioners Meeting Date: _____

APPLICANT INFORMATION (or Authorized Representative)

Printed Name: MARTIN LABACA

Address: _____

Phone: Listed _____ Unlisted _____ Email: Business _____ Personal _____

Status: Owner Authorized Agent Lessee Option to purchase

Notice: If applicant is other than owner, enclosed Property Owner Authorization form must be completed.

I have _____ /have not participated in a Pre-application meeting with Planning Staff.

If not, I agree /disagree _____ to schedule a meeting the week following the submittal deadline.

Meeting Date: _____ Applicant Signature: _____

PROPERTY OWNER/PROPERTY INFORMATION

Name: MARTIN LABACA

Street Address of Property being rezoned: Kelly Bridge Ct. lot 7 APN: 076-126

Rezoning from: RSR to: RA Total acreage being rezoned: 1.25

Directions to Property (if no address): _____

21 APR 20 10:07 AM

APPLICANT CERTIFICATION

I hereby request the action contained within this application relative to the property shown on the attached plats and site plan and further request that this item be placed on both the Planning Commission and Board of Commissioners agenda(s) for a public hearing.

I understand that the Planning & Development staff may either accept or reject my request upon review. My request will be rejected if all the necessary data is not presented.

I understand that I have the obligation to present all data necessary and required by statute to enable the Planning Commission and the Board of Commissioners to make an informed determination on my request. I will seek the advice of an attorney if I am not familiar with the zoning and land use requirements.

I understand that my request will be acted upon at the Planning Commission and Board of Commissioner hearings and that I am required to be present or to be represented by someone able to present all facts. I understand that failure to appear at a public hearing may result in the postponement or denial of my rezoning of special use application. I further understand that it is my responsibility to be aware of relevant public hearing dates and times regardless of notification from Dawson County.

I hereby certify that I have read the above and that the above information as well as the attached information is true and correct.

Signature _____ Date 04/20/2021
Witness [Signature] _____ Date 4.20.21

WITHDRAWAL

Notice: This section only to be completed if application is being withdrawn.

I hereby withdraw application # _____

Signature _____ Date _____

Withdrawal of Application:

Withdrawals of any application may be accommodated within the Planning & Development Department if requested before the Planning Commission agenda is set. Therefore, withdrawals may not be made after ten (10) days prior to the scheduled Planning Commission meeting hearing, unless accompanied by written request stating specific reasons for withdrawal. This withdrawal request is to be published in the legal organ prior to the meeting. Following the written request and publication the Planning Commission will vote to remove the item from the agenda at the scheduled hearing. Please note that should the withdrawal be denied, the item will receive deliberation and public hearing with a decision by the Planning Commission. Further, the applicant is encouraged to be present at the hearing to substantiate reasons for withdrawal. Please note that no refund of application fees may be made unless directed by the Board of Commissioners.

21002021

ZA _____

TMP#: _____

List of Adjacent Property Owners

It is the responsibility of the Applicant to provide a list of adjacent property owners. This list must include the name and mailing address of anyone who has property touching your property or who has property directly across the street from your property.

****Please note this information should be obtained using the Tax Map & Parcel (TMP) listing for any parcel(s) adjoining or adjacent to the parcel where a variance or rezone is being requested.**

	<u>Name</u>	<u>Address</u>
TMP <u>076 125</u>	1. <u>RAINES MELVIN GILBERT</u>	<u>108 Kelly Bridge Ct.</u>
TMP <u>076 127</u>	2. <u>DUNCAN CHARL D.</u>	<u>56 Kelly Bridge Ct.</u>
TMP <u>076 012</u>	3. <u>SIMS KARETH & JOSHUA D.</u>	<u>2345 Maid Marion Ct. Cumming Ga. 30040</u>
TMP <u>076 123</u>	4. <u>RICKETT SAMUEL & ALFRED RAY</u>	<u>73 Kelly Bridge Ct.</u>
TMP _____	5. _____	_____
TMP _____	6. _____	_____
TMP _____	7. _____	_____
TMP _____	8. _____	_____
TMP _____	9. _____	_____
TMP _____	10. _____	_____
TMP _____	11. _____	_____
TMP _____	12. _____	_____
TMP _____	13. _____	_____
TMP _____	14. _____	_____
TMP _____	15. _____	_____

Use additional sheets if necessary.

21 APR 20 10:07 AM

NOTICE OF RESIDENTIAL EXURBAN/AGRICULTURAL DISTRICT (R-A) ADJACENCY

Agricultural districts include uses of land primarily for active farming activities and result in odors, noise, dust and other effects, which may not be compatible with adjacent development. Future abutting developers in non RA land use districts shall be provided with this "Notice of RA Adjacency" prior to administrative action on either the land use district or the issuance of a building or occupancy permit.

Prior to administrative action the applicant shall be required to sign this waiver which indicates that the applicant understands that a use is ongoing adjacent to his use which will produce odors, noise, dust and other effects which may not be compatible with the applicant's development. Nevertheless, understanding the effects of the adjacent RA use, the applicant agrees by executing this form to waive any objection to those effects and understands that his district change and/or his permits are issued and processed in reliance on his agreement not to bring any action asserting that the adjacent uses in the RA district constitute a nuisance) against local governments and adjoining landowners whose property is located in an RA district.

This notice and acknowledgement shall be public record.

Applicant Signature: 

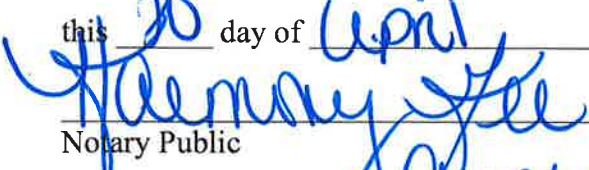
Applicant Printed Name: MARTIN LABACA

Application Number: _____

Date Signed: _____

Sworn and subscribed before me

this 20 day of April, 2021.


Notary Public

My Commission Expires: August 9, 2022

{
Notary Public Seal
}

21 APR 20 10:07 AM

Dawson County, Georgia Board of Commissioners

Affidavit for Issuance of a Public Benefit

As Required by the Georgia Illegal Immigration Reform and Enforcement Act of 2011

By executing this affidavit under oath, as an applicant for a Dawson County Business License, Out of County Business Registration, Alcohol License, or other public benefit as referenced in the Georgia Illegal Immigration Reform and Enforcement Act of 2011 [O.C.G.A. § 50-36-1(e)(2)], I am stating the following with respect to my application for such Dawson County public benefit.

_____ I am a United States citizen.

_____ I am a legal permanent resident of the United States. (FOR NON-CITIZENS)

_____ I am a qualified alien or non-immigrant under the Federal Immigration and Nationality Act with an alien number issued by the Department of Homeland Security or other federal immigration agency. (FOR NON-CITIZENS)

My alien number issued by the Department of Homeland Security or other federal immigration agency is:

The undersigned applicant also hereby verifies that he or she is 18 years of age or older and has provided at least one **secure and verifiable document**, as required by O.C.G.A. § 50-36-1(e)(1), with this affidavit. (See reverse side of this affidavit for a list of secure and verifiable documents.)

The secure and verifiable document provided with this affidavit can best be classified as:

In making the above representation under oath, I understand that any person who knowingly and willfully makes a false, fictitious, or fraudulent statement or representation in an affidavit shall be guilty of a violation of O.C.G.A. § 16-10-20 and face criminal penalties as allowed by such criminal statute.

Executed in _____ (city), _____ (state)



Signature of Applicant

4-20-2021

Date

MARTIN LABACA

Printed Name

Name of Business

SUBSCRIBED AND SWORN BEFORE ME ON

THIS 20 DAY OF April, 2021



Notary Public

My Commission Expires: August 9, 2022

{Notary Seal}

21 APR 20 10:07 AM

Secure and Verifiable Documents Under O.C.G.A. § 50-36-2

The following list of secure and verifiable documents, published under the authority of O.C.G.A. § 50-36-2, contains documents that are verifiable for identification purposes, and documents on this list may not necessarily be indicative of residency or immigration status.

- A **United States Passport** or **Passport Card** [O.C.G.A. § 50-36-2(b)(3); 8 CFR § 274a.2]
- A **United States Military Identification card** [O.C.G.A. § 50-36-2(b)(3); 8 CFR § 274a.2]
- A **Driver's License** issued by one of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Commonwealth of the Northern Marianas Islands, the United States Virgin Island, American Samoa, or the Swain Islands, provided that it contains a photograph of the bearer or lists sufficient identifying information regarding the bearer, such as name, date of birth, gender, height, eye color, and address to enable the identification of the bearer [O.C.G.A. § 50-36-2(b)(3); 8 CFR § 274a.2]
- An **Identification Card** issued by one of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Commonwealth of the Northern Marianas Islands, the United States Virgin Island, American Samoa, or the Swain Islands, provided that it contains a photograph of the bearer or lists sufficient identifying information regarding the bearer, such as name, date of birth, gender, height, eye color, and address to enable the identification of the bearer [O.C.G.A. § 50-36-2(b)(3); 8 CFR § 274a.2]
- A **Tribal Identification Card** of a federally recognized Native American tribe, provided that it contains a photograph of the bearer or lists sufficient identifying information regarding the bearer, such as name, date of birth, gender, height, eye color, and address to enable the identification of the bearer. A listing of federally recognized Native American tribes may be found at:
<http://www.bia.gov/WhoWeAre/BIA/OIS/TribalGovernmentServices/TribalDirectory/index.htm>
[O.C.G.A. § 50-36-2(b)(3); 8 CFR § 274a.2]
- A **United States Permanent Resident Card** or **Alien Registration Receipt Card** [O.C.G.A. § 50-36-2(b)(3); 8 CFR § 274a.2]
- An **Employment Authorization Document** that contains a photograph of the bearer [O.C.G.A. § 50-36-2(b)(3); 8 CFR § 274a.2]
- A **Passport Issued by a Foreign Government** [O.C.G.A. § 50-36-2(b)(3); 8 CFR § 274a.2]
- A **Merchant Mariner Document** or **Merchant Mariner Credential** issued by the United States Coast Guard [O.C.G.A. § 50-36-2(b)(3); 8 CFR § 274a.2]
- A **Free and Secure Trade (FAST) card** [O.C.G.A. § 50-36-2(b)(3); 22 CFR § 41.2]
- A **NEXUS Card** [O.C.G.A. § 50-36-2(b)(3); 22 CFR § 41.2]
- A **Secure Electronic Network for Travelers Rapid Inspection (SENTRI) card** [O.C.G.A. § 50-36-2(b)(3); 22 CFR § 41.2]
- A **Driver's License issued by a Canadian Government Authority** [O.C.G.A. § 50-36-2(b)(3); 8 CFR § 274a.2]
- A **Certificate of Citizenship** issued by the United States Department of Citizenship and Immigration Services (USCIS) (Form N-560 or Form N-561) [O.C.G.A. § 50-36-2(b)(3); 6 CFR § 37.11]
- A **Certificate of Naturalization** issued by the United States Department of Citizenship and Immigration Services USCIS) (Form N-550 or Form N-570) [O.C.G.A. § 50-36-2(b)(3); 6 CFR § 37.11]

21 APR 20 10:07 AM

Letter of intent

I bought this land last year to build a house but after professional surveyors, engineers and the environmental health department determined that is not possible to make a septic system at this time I am interested on building an storage for some of my stuff such as my boat, jetskies and tools that I have and need to protect from the weather.

I'm looking to buy and get installed a Metal Barn or building approved by the county and state and get a physical address in order to be able to connect ~~power and have~~ electric power.

Metal building to be between 1800 To 2500 sq. ft.

Sign: 

MARTIN LABACA. (LAND OWNER)

21 APR 2010 07 AM



Public Health

Dawson County Health Department
PO Box 245
Dawsonville, GA 30534
PH: 706-265-2611 • FAX 706-265-1636
www.phdistrict2.org

District 2 Public Health

Zachary Taylor, M.D., M.S., Health Director

February 23, 2021

Martin Labaca


RE: Kelly Bridge Ct. lot #7

Dear Mr. Labaca,

A review of lot 7 Kelly Bridge Ct. was performed on this date. The application for a 2 bedroom on-site sewage management system is denied due to the shallow water table soil conditions, the slope of the lot, and the lack of suitable area for system components. Please contact the Dawson County Environmental Health Dept. if you have questions.

Sincerely,

Jonathan D. Terry

Jonathan D. Terry
Deputy EH Director
District 2 Public Health

21 APR 20 10:07 AM

Filed 02/02/2021 09:41AM
 Bk 00086 Pg 0028
 Plat Doc: PLAT

Penalty: \$0.00 Interest: \$0.00
 Participants: 7402370769
 JUSTIN POWER, Clerk of Superior Court
 DAWSON County, Georgia

THIS BLOCK RESERVED FOR THE CLERK
 OF THE SUPERIOR COURT.

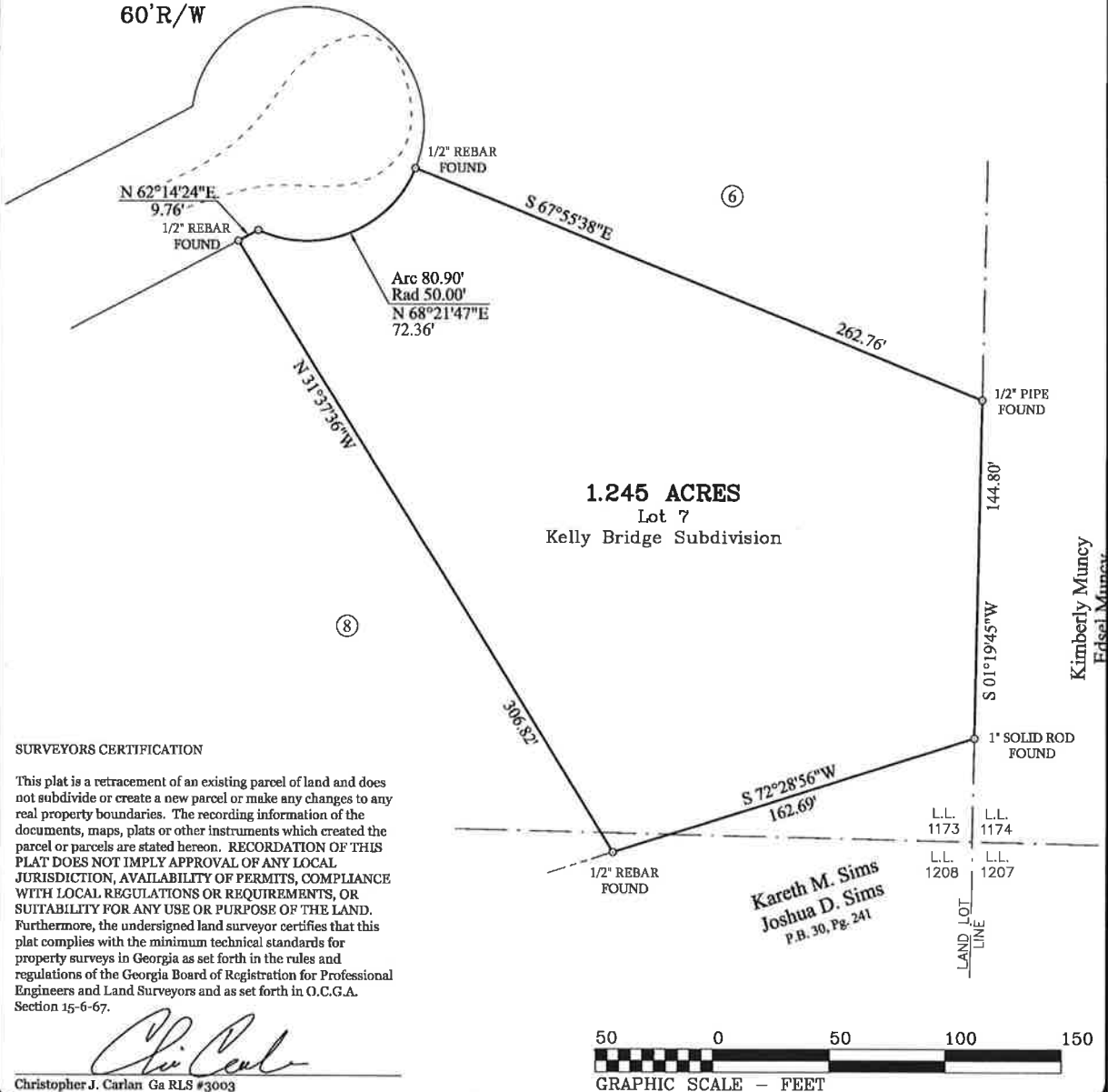
1. The field data upon which this plat is based has a closure precision of one foot in 20,244 foot and an angular error of 00" per angle point and was adjusted using the Compass Rule.
2. This plat has been calculated for closure and is found to be accurate within one foot in 114,667 feet.
3. The field equipment used in this survey was a Leica TS12-P Robotic Total Station.
4. The Field Work was completed 1/29/21.

Notes:

1. This Survey complies with both the rules of the Georgia Board of Registration for Professional Engineers and Land Surveyors and the Official Code of Georgia Annotated (OCGA) 15-6-67.
2. This survey was prepared without the benefit of a title search. This property is subject to any concerns of which a title search would reveal.
3. This property is subject to any easements, restrictions, right-of-ways, or any other encumbrances, both public and private.
4. This plat represents that tract of land designated as Map & Parcel 076 126, according to Dawson County Tax Assessors.
5. Reference for subject tract is Deed Book 1420, Page 405 & Plat Book 17, Page 173.



KELLY BRIDGE COURT
 60'R/W

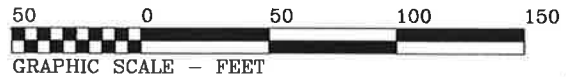


SURVEYORS CERTIFICATION

This plat is a retracement of an existing parcel of land and does not subdivide or create a new parcel or make any changes to any real property boundaries. The recording information of the documents, maps, plats or other instruments which created the parcel or parcels are stated hereon. RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. Furthermore, the undersigned land surveyor certifies that this plat complies with the minimum technical standards for property surveys in Georgia as set forth in the rules and regulations of the Georgia Board of Registration for Professional Engineers and Land Surveyors and as set forth in O.C.G.A. Section 15-6-67.

Christopher J. Carlan

Christopher J. Carlan Ga RLS #3003



BOUNDARY SURVEY
 FOR
MARTIN LABACA

LOCATED WITHIN
 Land Lot 1173 & 1208, 4th District, 1st Section
 Dawson County, Georgia

Scale: 1" = 50' February 2, 2021



CARLAN

LAND SURVEYORS
 970 SOUTH BROAD STREET
 COMMERCE, GA 30529
 (706)336-5959

JOB NO. 20-336 P.B. A-473

21 APR 20 10:03 AM

METAL BUILDING = PROPOSED BUILDING

Filed 02/02/2021 09:41AM
 Bk 00086 Pg 0028
 Plat Doc: PLAT

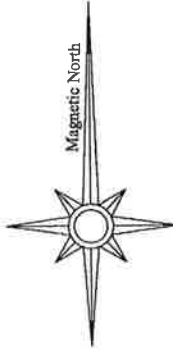
Penalty: \$0.00 Interest: \$0.00
 Participants: 7402370769
 JUSTIN POWER, Clerk of Superior Court
 DAWSON County, Georgia

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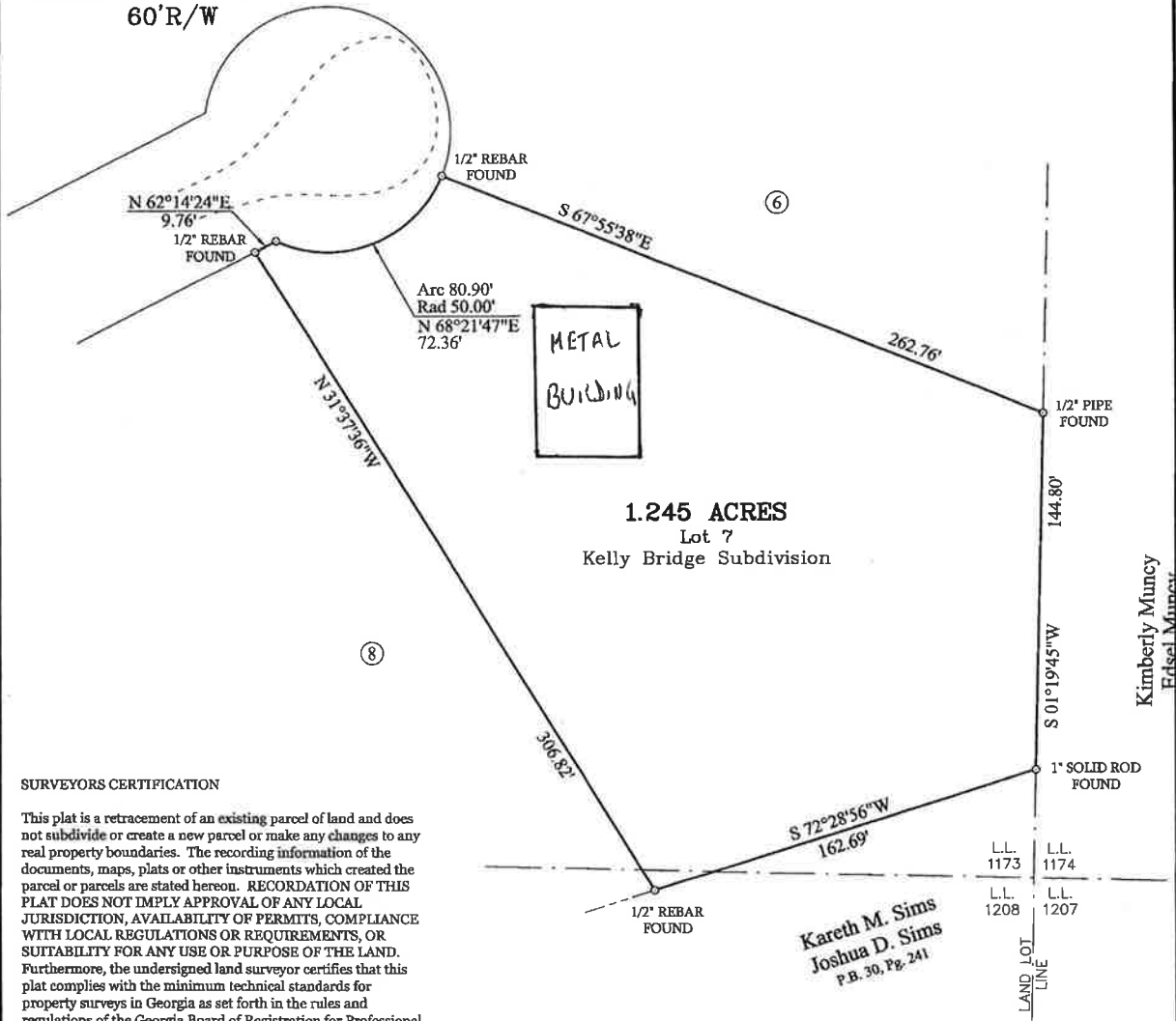
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KELLY BRIDGE COURT
 60'R/W

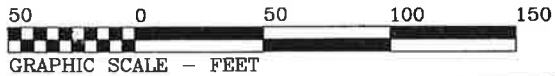


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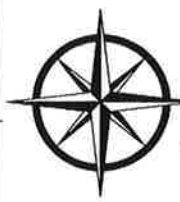
Christopher J. Carlan
 Christopher J. Carlan Ga RLS #3003

Kareth M. Sims
 Joshua D. Sims
 P.B. 30, Pg. 241



21 APR 20 10:00 AM

BOUNDARY SURVEY
 FOR
MARTIN LABACA
 LOCATED WITHIN
 Land Lot 1173 & 1208, 4th District, 1st Section
 Dawson County, Georgia
 Scale: 1" = 50' February 2, 2021



CARLAN
 LAND SURVEYORS
 970 SOUTH BROAD STREET
 COMMERCE, GA 30529
 (706)336-5959

Owner Information

IH FAMILY TRUST
HERNANDEZ IRMA TRUSTEE



Payment Information

Status	Paid
Last Payment Date	12/07/2020
Amount Paid	\$188.00

Property Information

Parcel Number	076 126
District	1 DAWSON COUNTY UNINCORPORATED
Acres	1.25
Description	LT7 KELLY BRIDGE S/D
Property Address	KELLY BRIDGE COURT
Assessed Value	\$7,920
Appraised Value	\$19,800

Bill Information

Record Type	Property
Tax Year	2020
Bill Number	7216
Account Number	35652
Due Date	12/01/2020

Taxes

Base Taxes	\$187.41
Penalty	\$0.00
Interest	\$0.59
Total Due	\$0.00

21 APR 20 10:00AM



Legend
 Parcels

Parcel ID: 076 126
Alt ID: 5685
Owner: LABACA MARTIN
Acres: 1.25
Assessed Value: \$19800

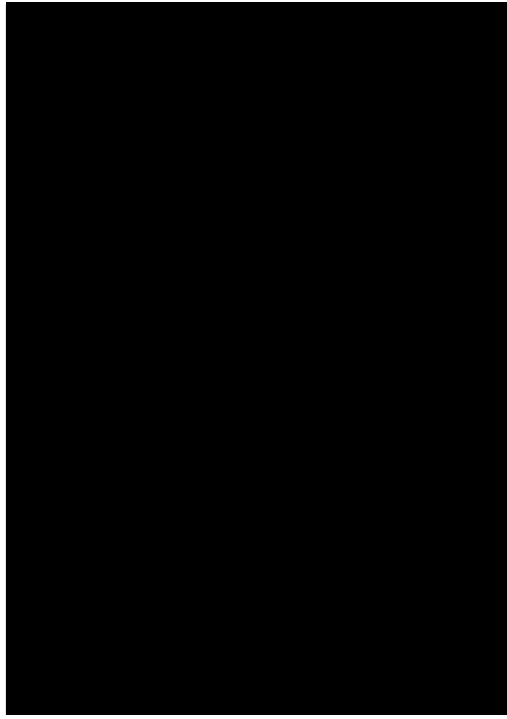
Date created: 4/17/2021
Last Data Uploaded: 4/17/2021 1:13:37 AM

Developed by 

21 APR 20 10:08 AM

Kelly Bridge Court

lot 7



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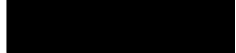
Summary

Parcel Number 076 126
Location Address KELLY BRIDGE COURT
Legal Description LT7 KELLY BRIDGE S/D
 (Note: Not to be used on legal documents)
Class R4-Residential
 (Note: This is for tax purposes only. Not to be used for zoning.)
Tax District UNINCORPORATED (District 01)
Millage Rate 23.867
Acres 1.25
Neighborhood RL-ST - Kelly Bridge (314000)
Homestead Exemption No (S0)
Landlot/District N/A

[View Map](#)

Owner

LABACA MARTIN



Rural Land

Type	Description	Calculation Method	Soil Productivity	Acres
RUR	Small Parcels	Rural	1	1.25

Sales

Sale Date	Deed Book / Page	Plat Book / Page	Sale Price	Reason	Grantor	Grantee
6/26/2020	1420 405	17 173	\$25,000	Fair Market Sale (Vacant)	IH FAMILY TRUST	LABACA MARTIN
11/11/2019	1391 505	17 173	\$0	Title	HERNANDEZ IRMA	IH FAMILY TRUST
4/30/2019	1344 434	17 173	\$19,800	Fair Market Sale (Vacant)	CARVER MIKE	HERNANDEZ IRMA
7/22/1988	111 580		\$7,500	Fair Market Sale (Improved)	CLARK ELBERT & LORI	CARVER MIKE
1/5/1988	106 34		\$0	Quitclaim (non ALT)		CLARK ELBERT & LORI

Valuation

	2020	2019	2018	2017	2016
Previous Value	\$20,600	\$20,600	\$14,641	\$14,641	\$14,004
Land Value	\$19,800	\$20,600	\$20,600	\$14,641	\$14,641
+ Improvement Value	\$0	\$0	\$0	\$0	\$0
+ Accessory Value	\$0	\$0	\$0	\$0	\$0
= Current Value	\$19,800	\$20,600	\$20,600	\$14,641	\$14,641

No data available for the following modules: Land, Conservation Use Rural Land, Residential Improvement Information, Commercial Improvement Information, Mobile Homes, Accessory Information, Prebill Mobile Homes, Permits, Photos, Sketches.

The Dawson County Assessor makes every effort to produce the most accurate information possible. No warranties, expressed or implied are provided for the data herein, its use, or interpretation. The assessment information is from the last certified tax roll. All other data is subject to change.
[User Privacy Policy](#)
[GDPR Privacy Notice](#)



Last Data Upload: 2/3/2021, 5:52:12 PM

Version 2.3.104

21 APR 2021 09:00 AM

**DAWSON COUNTY PLANNING COMMISSION
PLANNING STAFF REPORT**

Applicant.....Martin Labaca

Amendment #ZA 21-12

Request.....Rezone Property from RSR (Residential Sub-Rural) to R-A (Residential Agriculture)

Proposed UseDown zone the parcel for the purpose of putting an accessory structure without a primary residence

Current ZoningR-A (Residential Agriculture)

Size.....1.25± acres

LocationKelly Bridge Court

Tax Parcel076 126

Planning Commission DateJune 15, 2021

Board of Commission Date.....July 15, 2021

Applicant Proposal

Mr. Labaca is seeking to down zone the parcel for the purpose of constructing an accessory structure without the existence of a primary residence. He proposes a metal building (with power) be constructed approximately 1,800 to 2,500 square feet in size that will house his tools, boat and jet skis.

History and Existing Land Uses

Mr. Labaca purchased the parcel in 2020 and received notification from Environmental Health in February 2021 that due to soil conditions, slope of the lot and lack of suitable area for system components a septic system would not be possible for the two bedroom home he was looking to construct.

Adjacent Land Uses	Existing zoning	Existing Use
North	RSR	Residential
South	RSR	Residential

East	RSR	Residential
West	RSRMM	Residential

Development Support and Constraints

Having the land down zoned for a Residential Agricultural would allow the owner to build an accessory structure for storage of such things as his boat and jet skis without a primary structure since the parcel did not perc for a septic system.

Relationship to the Comprehensive Plan and FLUP (Future Land Use Plan)

According to the Comprehensive Plan and accompanying FLUP (Future Land Use Plan), the subject property is identified as Sub-Rural Residential.

Public Facilities/Impacts

Engineering Department – No comments returned

Environmental Health Department – No comments returned but a letter dated February 2021 included in the application.

Emergency Services – No comments.

Etowah Water & Sewer Authority – Sanitary sewer or water not available in this location currently-septic only.

Dawson County Sheriff’s Office – No comments returned.

Analysis

- The requested rezoning does not conform to the Future Land Use Map and Comprehensive Plan and would cause one lot of Kelly Bridge Subdivision, a nine (9) lot subdivision off of Kelly Bridge Road, to be of a differential zoning than the other lots therein. Furthermore, the use of the lot as a storage yard, boat parking or the construction of a shed or other structure without a primary residence on the lot could result in diminished property values for the surrounding lots.

The following observations should be noted with respect to this request:

A. The existing uses and classification of nearby property.

Properties surrounding the parcel are zoned residential (RSR) consisting of residential stick-built homes.

B. The extent to which property values are diminished by the particular land use classification.

The diminishment of property values could occur due to the contrast of the rezoned lot to the zoning of surrounding lots.

C. The extent to which the destruction of property values of the applicant promotes the health, safety, morals, or general welfare of the public.

An unmonitored lot which is used to store vehicles or equipment has the potential of diminishing property.

D. The relative gain to the public, as compared to the hardship imposed upon the individual property owner.

There would be no gain to the public if approved.

E. The suitability of the subject property for the proposed land use classification.

The property was intended to be a residential lot in a nine (9) lot subdivision. It is not suitable for the purposed land use classification and does not fall within the general character of the area.

F. The length of time the property has been vacant under the present classification, considered in the context of land development in the area in the vicinity of the property.

The property has been vacant since original platting in 1988.

G. The specific, unusual, or unique facts of each case, which give rise to special hardships, incurred by the applicant and/or surrounding property owners.

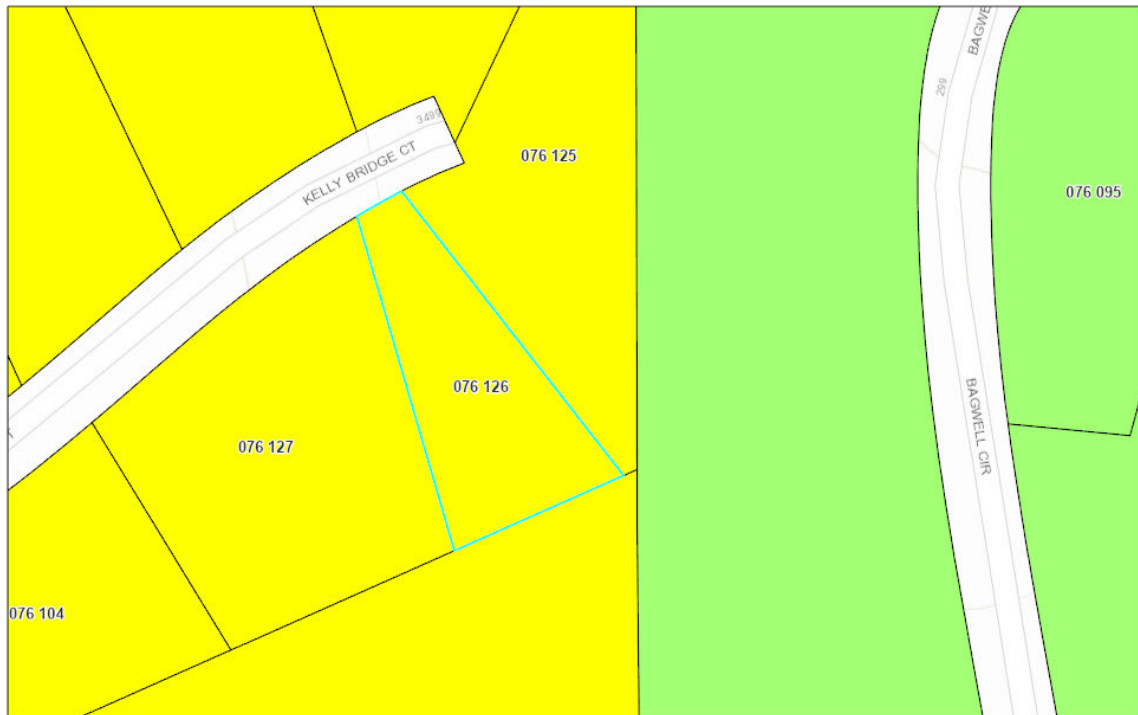
The lot has been deemed unsuitable by Environmental Health for a septic system which would be required for a single family residence.

Pictures of Property:



Current Zoning Map:

Dawson County Current Zoning



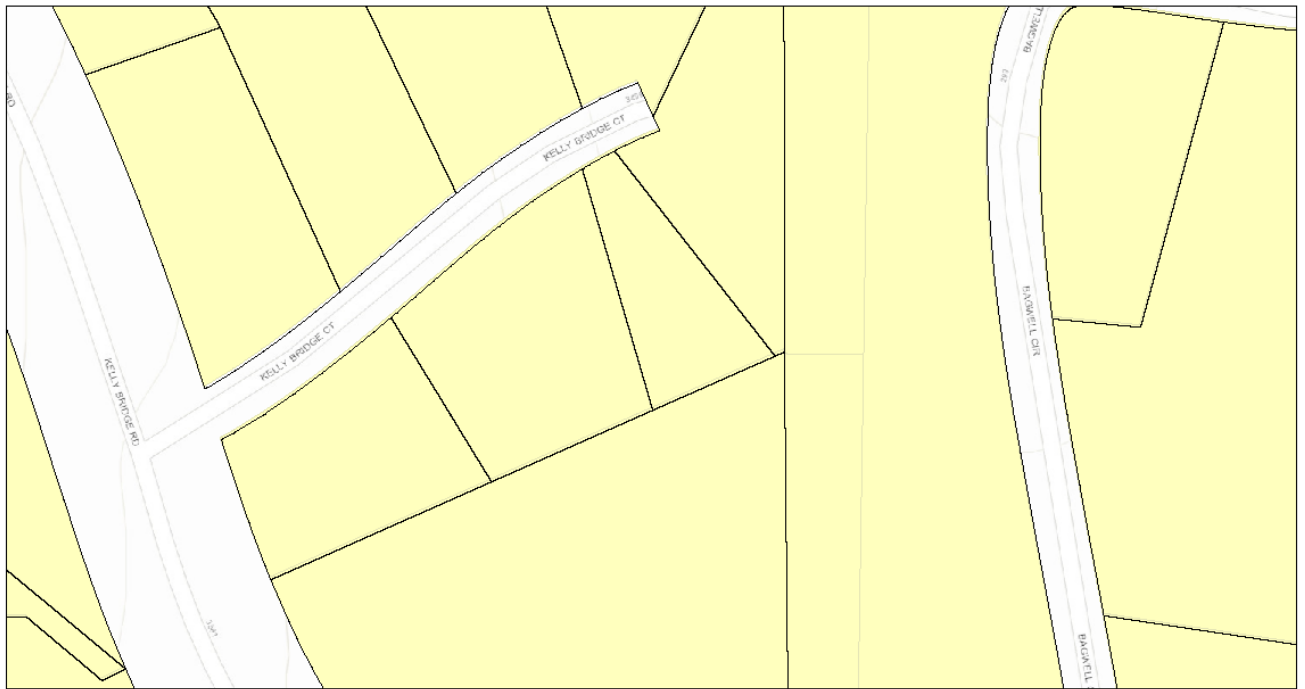
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- Energov Layers - Parcels
- Energov Layers - Zoning
- RSR
- RSRMM

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0 0.01 0.03 0.05 km
Esri, HERE, Garmin, INCREMENT P, USGS, EPA, USDA
Planning and Development
Esri, HERE, Garmin, INCREMENT P, USGS, EPA, USDA

Future Land Use Map:

Future Land Use Map

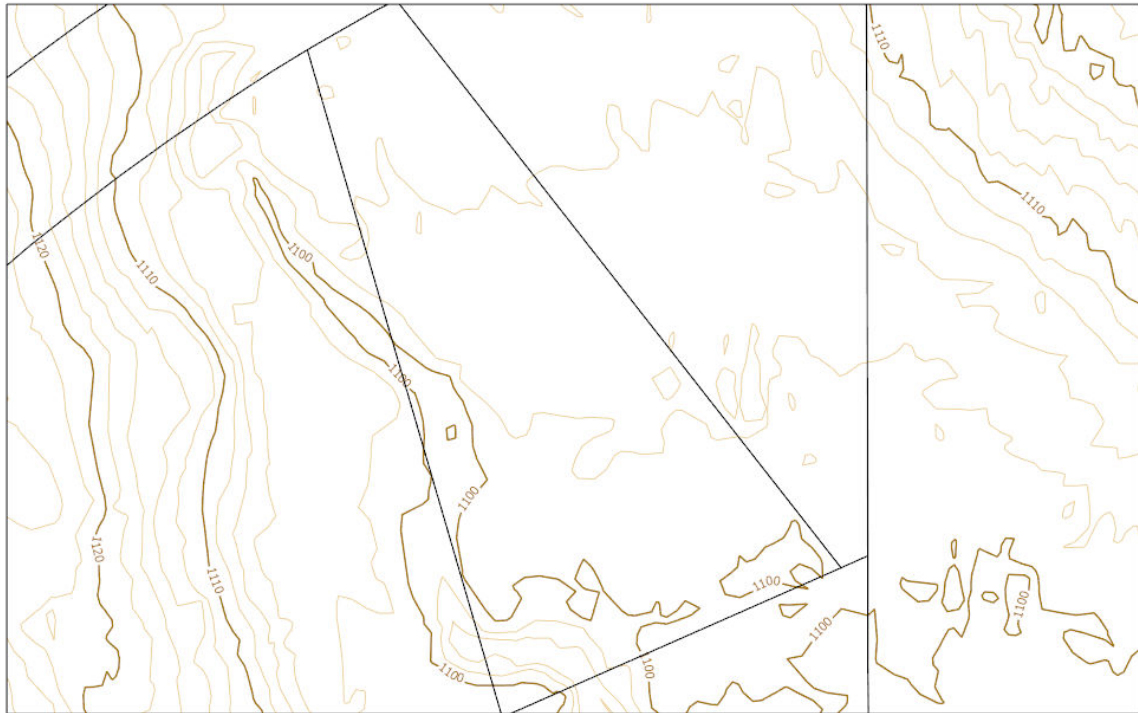


June 7, 2021
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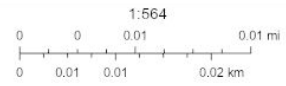
Topography:

Topo Map



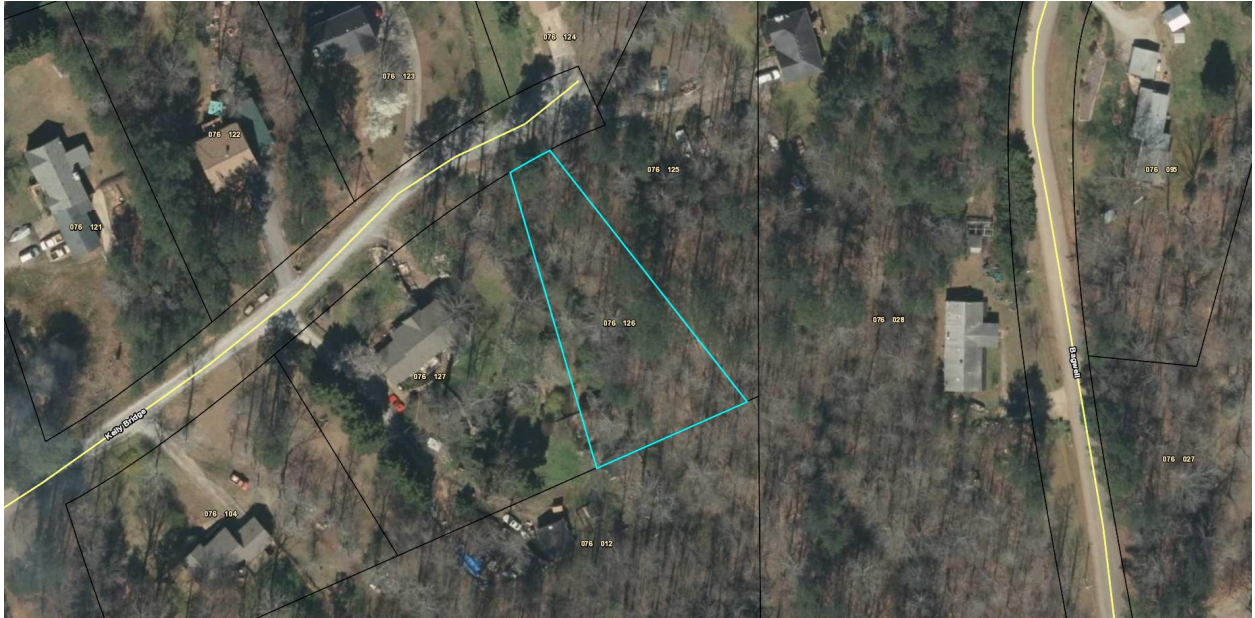
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□ Parcels

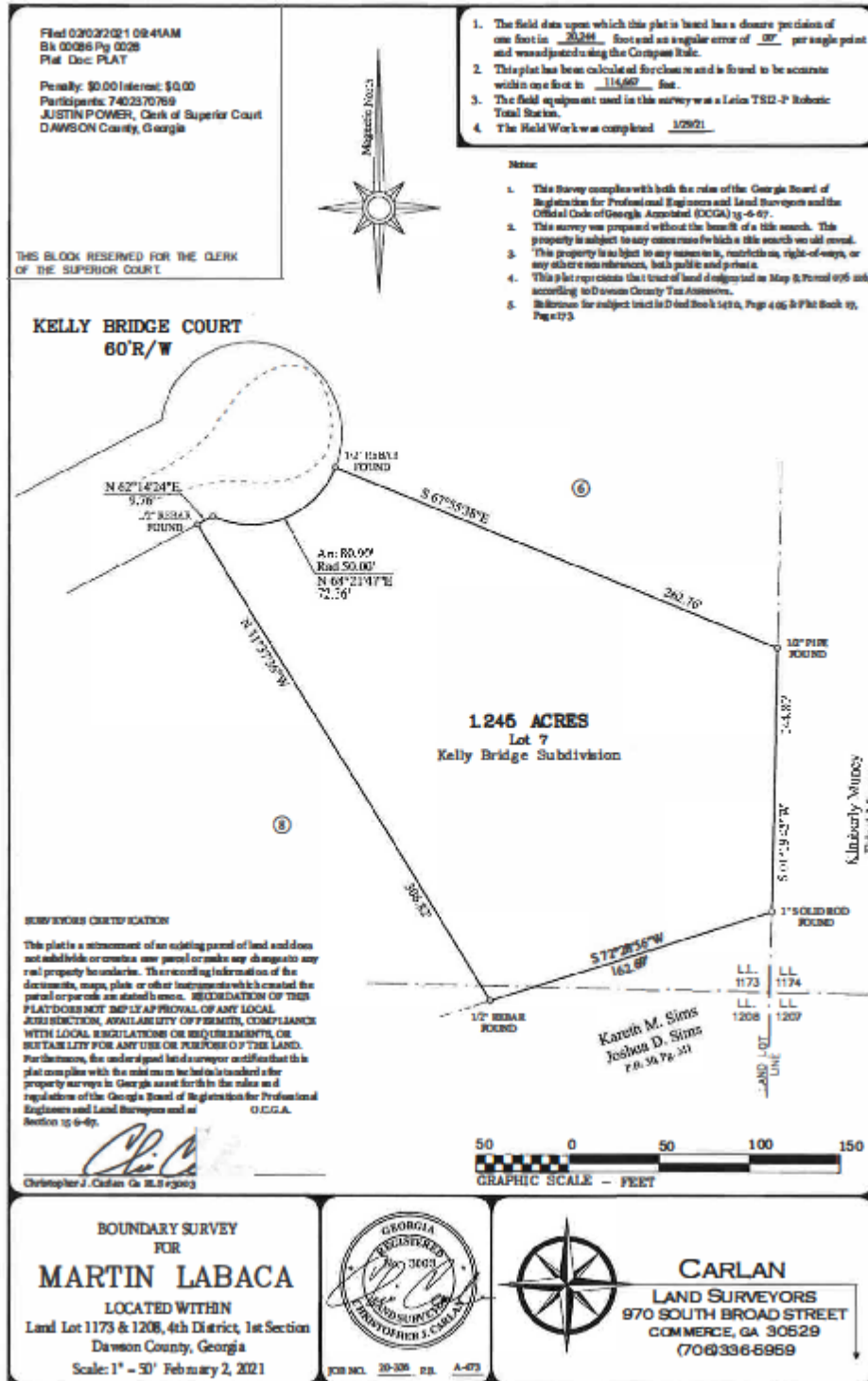


Dawson County
The information on this map (or data product) is from a computer database accessed using a Geographic Information System (GIS). Dawson County Public Works cannot guarantee the accuracy of the information contained on this map. Each user of this map is

Aerial:



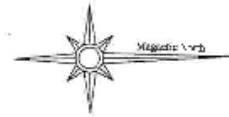
Plats:



HERAL BUILDING - PROPOSED BUILDING

FILED 03/10/2020 2:34:15 PM
 BK 0006 PG 0108
 P. M. DE. PLAT
 Page(s) 50, 60 (open to 50)
 1878117 (PARTIAL) - Book of Original Copies
 MISSISSIPPI COUNTY, MISSOURI

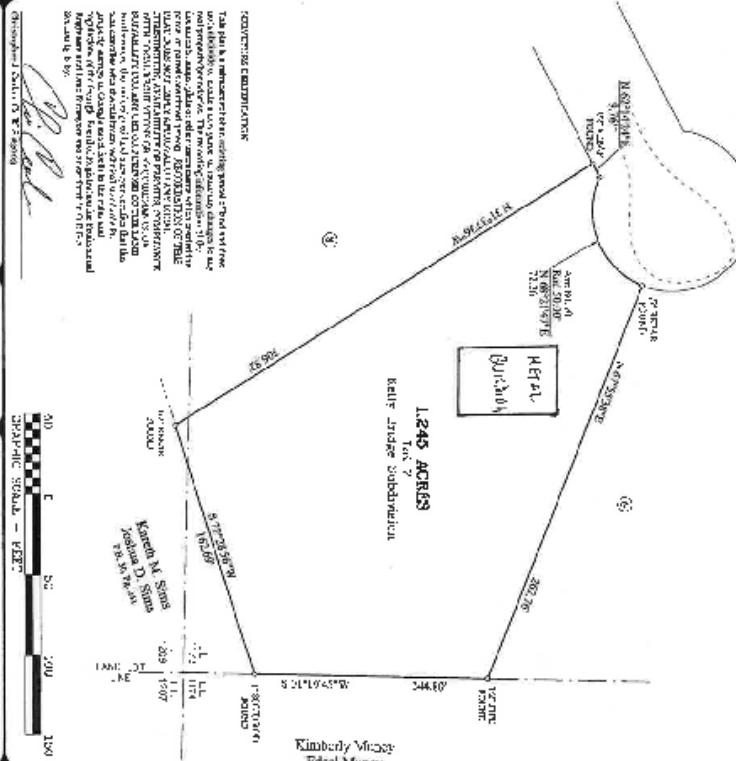
THIS IS A TRUE AND CORRECT COPY OF THE ORIGINAL AS FILED IN THE OFFICE OF THE CLERK OF MISSISSIPPI COUNTY, MISSOURI.



- The bold text appears on this plan to meet the requirements of the Missouri Building Code and the Missouri Building Code and shall comply with the Missouri Building Code.
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NOTES:
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KELLY BRIDGE COURT
 60' R/W



MARTIN LABACA
 LICENSED SURVEYOR
 MISSISSIPPI COUNTY, MISSOURI

LOCALITIES WITHIN
 MISSISSIPPI COUNTY, MISSOURI



CARLAN
 LAND SURVEYORS
 9700 SOUTH BROAD STREET
 COMMERCE, GA 30529
 (770) 936-5958

Site Plan:

2020 APR 26 10:08 AM