

DAWSON COUNTY PLANNING COMMISSION
MEETING Agenda – Tuesday, July 18, 2023
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 on August 15th 2023

F. APPROVAL OF MINUTES:

June 20th 2023

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 23-08 Century Communities
2. Presentation of VR 23-09 Ken Stone

Application for Rezoning:

3. Presentation of ZA 23-06 Kimley Horn & Miles, Hansford and Tallant, LLC obo Hybrid Properties

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

25 Justice Way, Dawsonville, Georgia 30534

APPLICANT INFORMATION (or Authorized Representative)

Printed Name: Century Communities (Arthur Smith)

Address: _____

Contact Email: _____ Telephone # _____

Status: Owner Authorized Agent Lessee

PROPERTY INFORMATION

Street Address of Property:

Lumpkin Campground Road at Prestige Place

Land Lot(s): 254 District: 13th, South half Section: 1st

Subdivision/Lot: Crosby Square / 15, 19, 22, 24, 26, 34, 36, 38, 40, 44, 46, 99, 104, 107 & 109

Building Permit #: _____ (if applicable)

REQUESTED ACTION

A Variance is requested from the requirements of Article # III Section # 121-66(4)d of the Land Use Resolution/Sign Ordinance/Subdivision Regulations/Other.

Front Yard setback **Side Yard** setback **Rear Yard** setback variance of 2 feet to allow the structure to: **be constructed**; **remain** a distance of 18 feet from the property line, **or** **other** : Front property line / Right of Way

instead of the required distance of 20 feet as required by the regulations.

Home Occupation Variance: _____

Other (explain request): _____

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

2020



DAWSON COUNTY VARIANCE APPLICATION

25 Justice Way, Dawsonville, Georgia 30534

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 of any parcel(s) adjoining or adjacent to parcel where variance or zoning is being requested. Please add additional sheets if necessary.

	Name	Address
TMP <u>113</u> - <u>032</u> 1.	SMC Dawson Ridge LLC ATTN: Kristen Renaudin & Nicole Stagnaro	<u>4 Embarcadero Center, Suite 3300, San Francisco, CA 94111</u> <u>Spirit Master Funding IX LLC C/O Spirit SPE Manager LLC</u>
TMP <u>113</u> - <u>042</u> 2.		<u>2727 North Harwood Street, Suite 300, Dallas, TX 75201</u>
TMP <u>113</u> - <u>085-0103</u> 3.		<u>Peaks of Dawsonville, LP/ 1819 Peachtree Road NE, Suite, 250, Atlanta, GA 30309</u>
TMP <u>113</u> - <u>085</u> 4.		<u>Dawsonville Land Holdings / 1819 Peachtree Road NE, Suite 250, Atlanta, GA 30309</u>
TMP <u>113</u> - <u>179</u> 5.		<u>Northeast Georgia Health System Inc / 743 Spring St NE, Legal Department, Gainesville, GA 30501</u>
TMP <u>113</u> - <u>085-0016</u> 6.		<u>Regions Bank / 250 Riverchase Pkwy E, Suite 600, Birmingham, AL 35244</u>
TMP <u>113</u> - <u>037</u> 7.		<u>Black Mtn Management LLC / 2128 Yahoola Road, Dahlonega, GA 30533</u>
TMP <u>113</u> - <u>145</u> 8.		<u>Black Mtn Management LLC / 2128 Yahoola Road, Dahlonega, GA 30533</u>
TMP <u>113</u> - <u>101-001</u> 9.		<u>The Johnson Family Group LLC / 131 Lumpkin Campground Rd N, Dawsonville, GA 30534</u>

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 the Planning Commission agenda 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 may seek the advice of a land use professional if I am not familiar with the zoning and land use requirements.

PLANNING & DEVELOPMENT



DAWSON COUNTY VARIANCE APPLICATION

25 Justice Way, Dawsonville, Georgia 30534

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	Name	Address
TMP <u>113</u> - <u>101</u>	1.	<u>The Johnson Family Group LLC / 103 Lumpkin Campground Rd N, Dawsonville, GA 30534</u>
TMP <u>113</u> - <u>036</u>	2.	<u>Sawnee EMC / 543 Atlanta Highway, Cumming, GA 30040</u>
TMP <u>113</u> - <u>074</u>	3.	<u>Georgia Department of Transportation / PO Box 1057, Gainesville, GA 30503</u>
TMP <u>113</u> - <u>038</u>	4.	<u>SCA Investments Group LLC / 3905 Olde Cloister Cove, Cumming, GA 30040</u>
TMP _____ - _____	5.	_____
TMP _____ - _____	6.	_____
TMP _____ - _____	7.	_____
TMP _____ - _____	8.	_____
TMP _____ - _____	9.	_____

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2024 APR 22 2:54 PM



DAWSON COUNTY VARIANCE APPLICATION

25 Justice Way, Dawsonville, Georgia 30534

I understand that my request will be acted upon at the Planning Commission 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: Arthur Smith
Date: 5/19/23

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.

THIS SECTION TO BE COMPLETED BY STAFF

VR 22- _____ Tax Map & Parcel# _____

Zoning: _____ Commission District #: _____

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

Fee Paid: _____ Planning Commission Meeting Date: ____/____/ 2022

DAWSON COUNTY

Variances

Property Owner Authorization Form

This form must be signed by the owner(s) as listed on the deed of record for the subject property. If there is more than one property owner, additional affidavits must be provided. **Only an owner or an authorized agent may speak on behalf of the variance at the public hearing.**

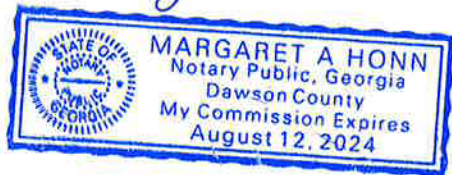
Owner's Name: Century Communities (Arthur Smith)

Mailing Address: _____

Signature of Owner: Arthur Smith Date: 5/22/23

Signature of Notary: Margaret A Honn Date: 5/22/23

Notary
Stamp



2023

GASKINS + LECRAW
 10000 WOODBRIDGE DRIVE
 SUITE 100
 ATLANTA, GA 30338
 PHONE: 404.252.1234
 FAX: 404.252.1235
 WWW.GASKINSLECRRAW.COM

NO.	DATE	DESCRIPTION

CLIENT
CENTURY COMMUNITIES
 3981 GOVERNS LANE DRIVE, NORCROSS, GA 30071

PROJECT
CROSBY SQUARE FKA DAWSON TOWNS
 LAMP LOT 24, 13TH DISTRICT, SOUTH HALF, 1ST SECTION
 DAWSON COUNTY, GEORGIA

SCALE & NORTH ARROW

CALL BEFORE YOU DIG

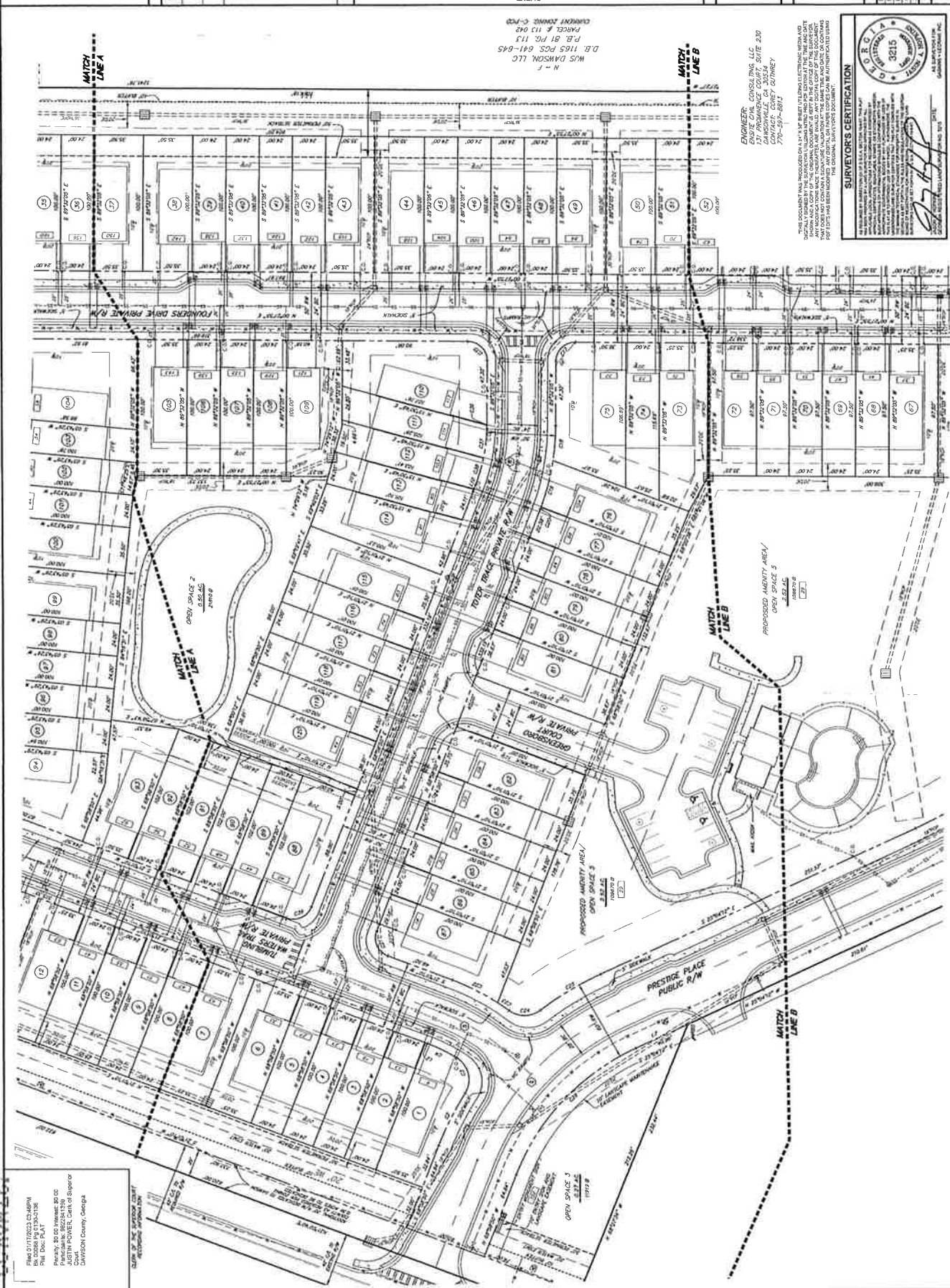
811
 Call Before You Dig
 1-800-4-A-DAWG

ENGINEER: GOSWAMI, LLC
 217 PROSPERITY COURT, SUITE 230
 DUNWOODY, GA 30338
 770-457-8813

DATE: 11/11/2022
 DRAWN BY: J. POWER
 CHECKED BY: J. POWER
 SCALE: 1" = 40'

3215
 SURVEYOR'S CERTIFICATION

FINAL PLAT
 5 OF 7



SURVEYOR'S CERTIFICATION

I, the undersigned, being a duly qualified and licensed Professional Surveyor in the State of Georgia, do hereby certify that the foregoing is a true and correct copy of the original survey record as shown to me by the client, and that the same has been recorded in the public records of the State of Georgia.

DATE: 11/11/2022
 SURVEYOR: J. POWER
 LICENSE NO.: 3215

THIS SURVEY WAS CONDUCTED BY J. POWER, L.S., ON 11/11/2022 FOR JUSTIN POWER, CARL S. SHOPPER & COMPANY, INC., DAWSON COUNTY, GEORGIA.

2:34 PM
 2/21/2023

Owner Information

CENTURY COMMUNITIES OF GEORGIA LLC

Payment Information

Status	Paid
Last Payment Date	11/09/2022
Amount Paid	\$10,277.66

Property Information

Parcel Number	113 092
District	1 DAWSON COUNTY UNINCORPORATED
Acres	5.45
Description	LL 254 LD 13-N
Property Address	LUMPKIN CMPGD RD
Assessed Value	\$479,760
Appraised Value	\$1,199,400

Bill Information

Record Type	Property
Tax Year	2022
Bill Number	13560
Account Number	cent1234
Due Date	01/29/2023

Taxes

Base Taxes	\$10,277.66
Penalty	\$0.00
Interest	\$0.00
Total Due	\$0.00



Owner Information

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VR 23-08

Century Communities of Georgia, LLC

Planning Commission Hearing July 18, 2023

VARIANCE STAFF REPORT

Proposal: The applicant is requesting a variance to a front setback due to an architectural addition of a cantilevered shed roof to the fronts of garages.

Applicant	Century Communities of Georgia, LLC
The development standards and requirements to be varied from	Land Use Code, Article III Section 121-66
Alternative standards and requirements proposed	<i>A front setback of 22 feet along any road frontage</i>
Proposed Use	Setback reduction of 4' to accommodate the construction of architectural additions to garages
Zoning	RMF
Acreage	19.99 acres approximately until platted
Location	Lumpkin Campground Road at the Crosby Square Development
Commercial Square footage	n/a
Road Classification	Private
Tax Parcel	113 092
Commission District	3

Direction	Zoning	Existing Use
North	RMF	Multi-Family Residential
South	C-HB & C-OI	Retail & Bank

East	C-IR C-HB	Industrial and Retail
West	CPCD	Office and Commercial

A variance should be granted only after evidence is presented and accepted that enforcement of all of the required standards on the property in question would render the property useless.

Reasonable conditions may be imposed in connection with a variance as deemed necessary to protect the best interests of the surrounding property or neighborhood, and otherwise secure the purpose and requirements of this article. Guarantees and evidence may be required that such conditions will be and are being complied with.

Variations in accordance with this article should not ordinarily be granted if the special circumstances on which the applicant relies are a result of the actions of the applicant or owner or previous owners.

County Agency Comments:

Emergency Services: No comments returned as of 7.11.2023

Environmental Health Department: No comments necessary. Development is on public water and sewer.

Etowah Water & Sewer Authority: "Contact EWSA if sewer or water lines are impacted."

Planning and Development: The Dawson County Land Use Resolution states that all principal structures shall be 22' from the front property line. (Sec. 121-663.4.d.) With the addition of the architectural elements an encroachment of 4 feet occurs along the front setback.

Public Works Department: "We have no comments in regards to this request."

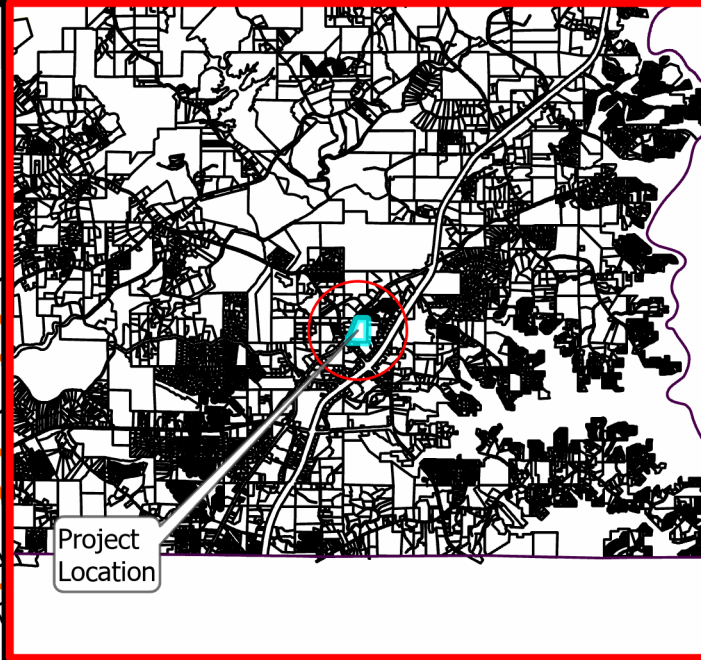
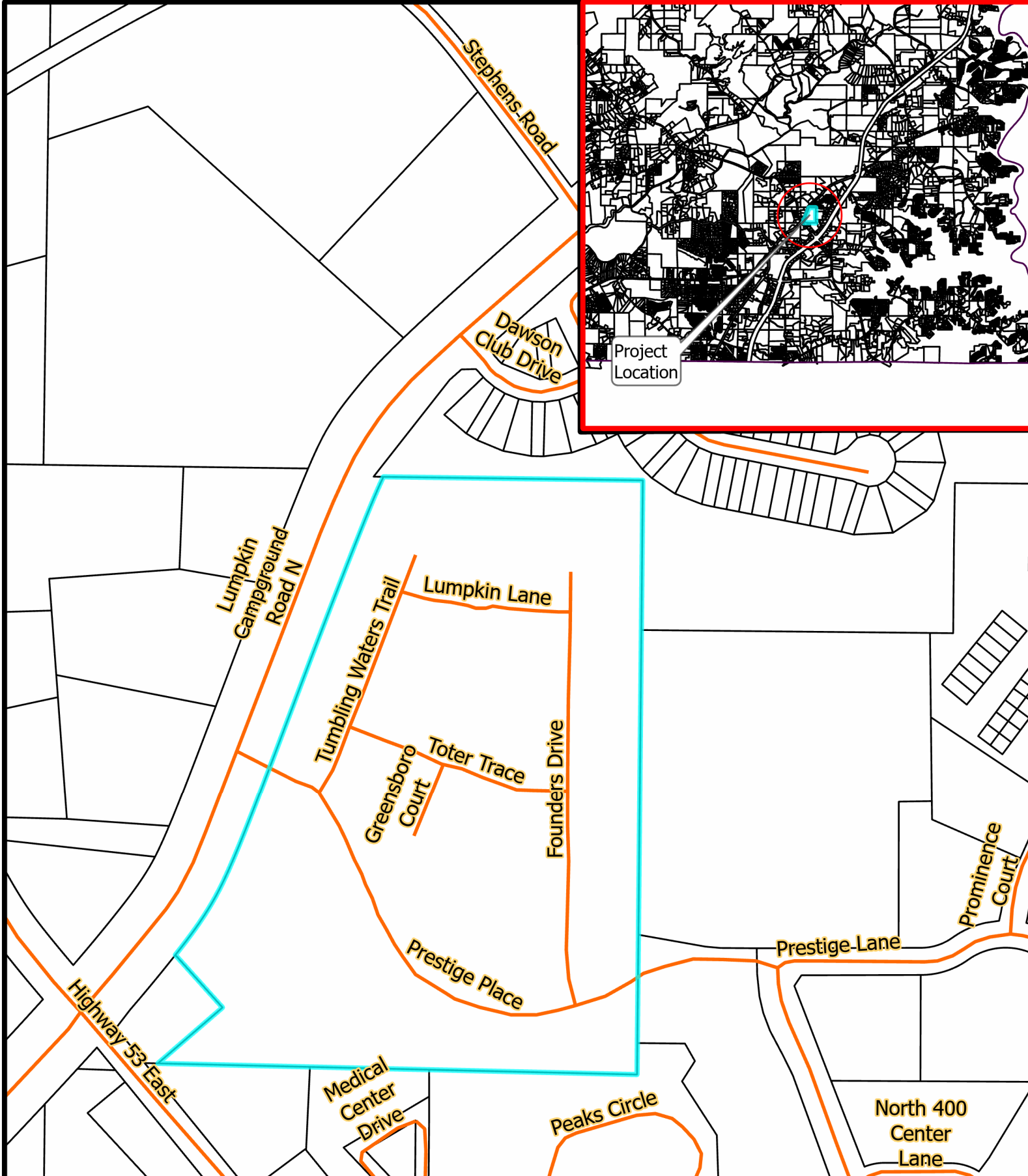
-PHOTO -



Criteria for granting variances.

THE PLANNING COMMISSION SHALL MAKE ITS RECOMMENDATIONS BASED ON ALL FOUR EXPRESSLY WRITTEN FINDINGS:

- (1) That a strict or literal interpretation and enforcement of the specified standard or requirement would result in practical difficulty or unnecessary hardship; and**
- (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; and**
- (3) That 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; and**
- (4) That the granting of the variance would support general objectives contained within the Land Use Chapter of the code.**



DAWSON COUNTY
DISCLAIMS ANY
RESPONSIBILITIES,
LIABILITIES OR
DAMAGES FROM THE USE
OF THIS MAP. THIS MAP
IS ONLY FOR DISPLAY
PURPOSES.

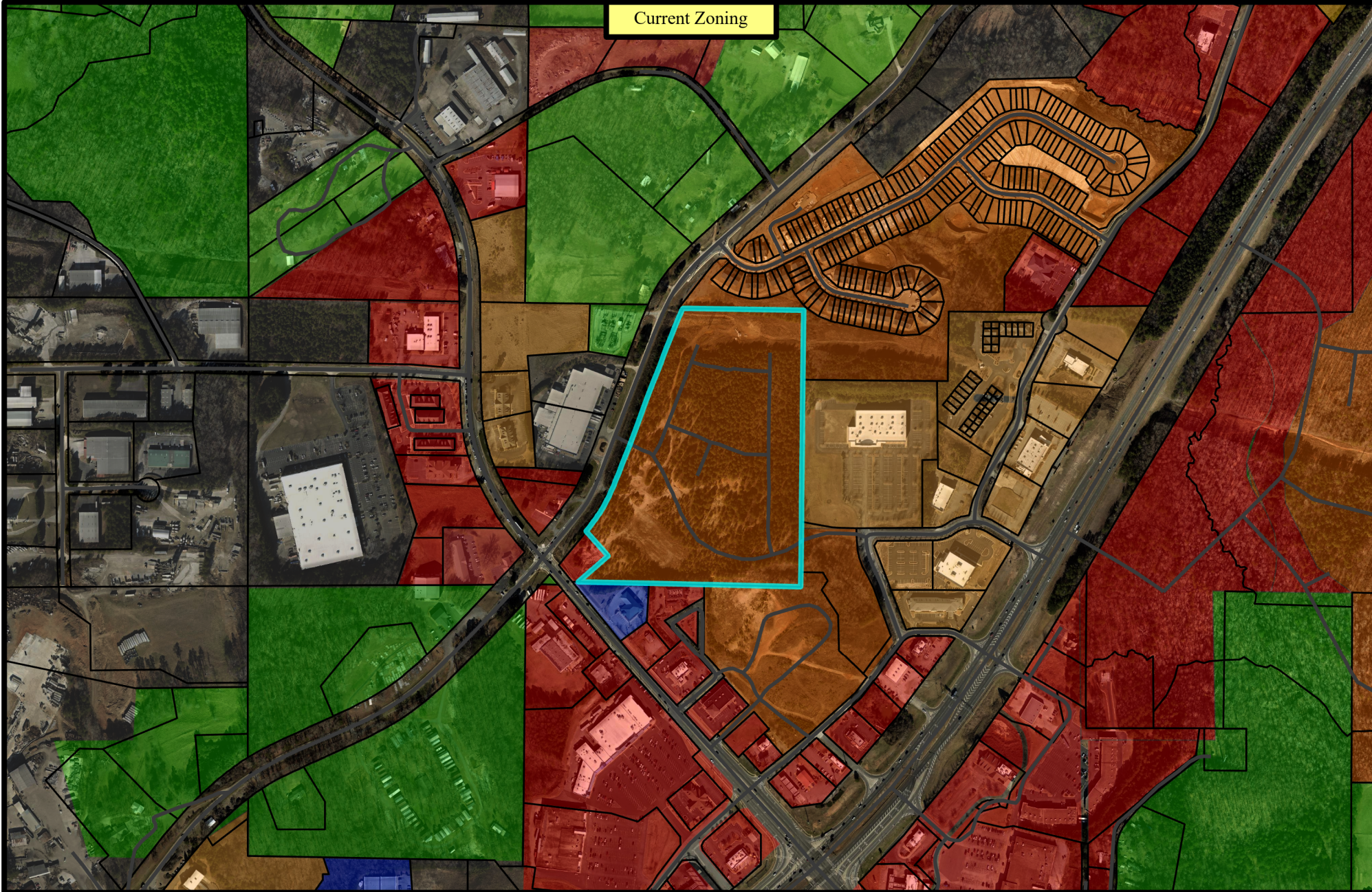


Dawson County
Plan 21 and Development

Staff Report: Exhibit

Parcel#: 113-092
Current Zoning: RMF
FLU: C-HB
Application #: VR 23-08

Current Zoning



DAWSON COUNTY DISCLAIMS ANY RESPONSIBILITIES, LIABILITIES OR DAMAGES FROM THE USE OF THIS MAP. THIS MAP IS ONLY FOR DISPLAY PURPOSES.



Scale: 1:9,168

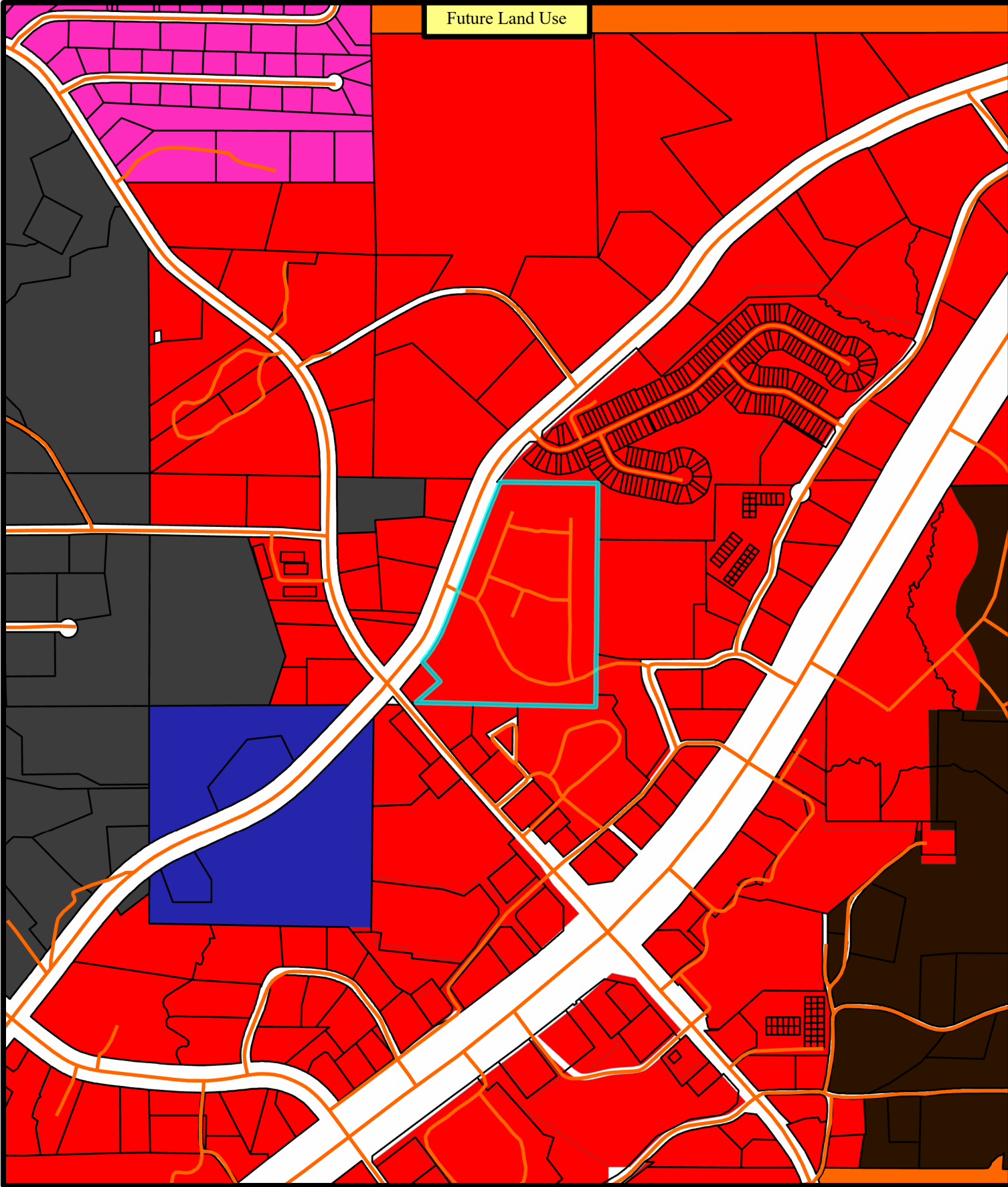
Dawson County
 Planning and Development Department

Staff Report

22

Legend		
■	RA	■
■	C-HB	■
■	RSRMM	■
■	C-CB	■
■	C-IR	□
■	C-PCD	
		■
		■
		■
		■
		□
		C-OI
		RMF
		HD
		C-HI
		Parcels

Parcel#: 113-092
 Current Zoning: RMF
 FLU: C-HB
 Application #: VR 23-08



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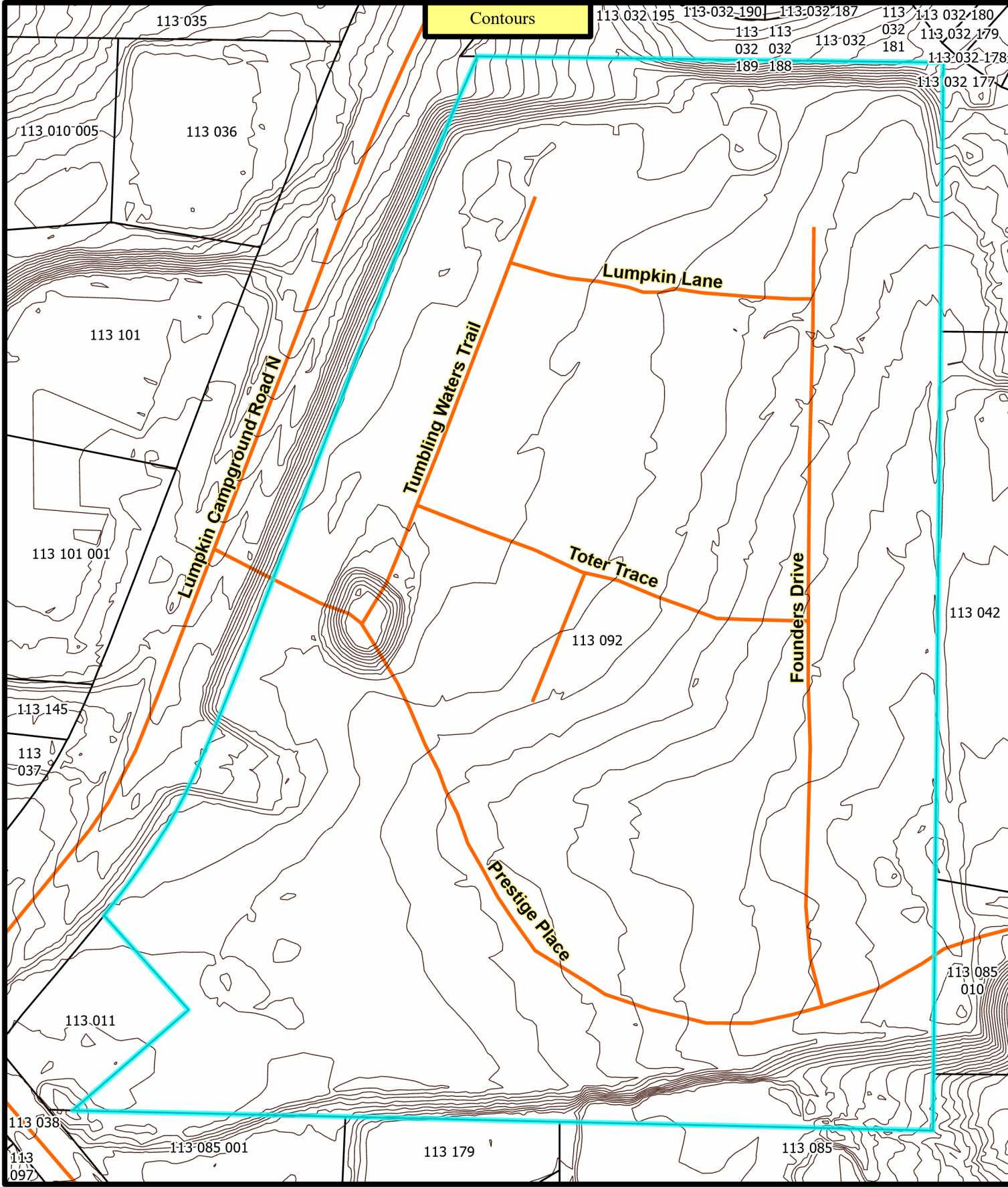
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Dawson County
Plan 23 and Development

Staff Report

Parcel#: 113-092
Current Zoning: RMF
FLU: C-HB
Application #: VR 23-08

Contours



DAWSON COUNTY
DISCLAIMS ANY
RESPONSIBILITIES,
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Scale: 1:2,307

Dawson County
Plan 24 and Development

Staff Report

Parcel#: 113-092
Current Zoning: RMF
FLU: C-HB
Application #: VR 23-08



DAWSON COUNTY VARIANCE APPLICATION

25 Justice Way, Dawsonville, Georgia 30534

APPLICANT INFORMATION (or Authorized Representative)

Printed Name: Ken Stone

Address: _____
Dawsonville, GA 30075

Contact Email: _____ Telephone # _____

Status: Owner Authorized Agent Lessee

PROPERTY INFORMATION

Street Address of Property:
52 Blowing Rock Rd, Dawsonville, GA 30534

Land Lot(s): L10-019 District: _____ Section: _____

Subdivision/Lot: Nix Point Estates / L10-019

Building Permit #: _____ (if applicable)

REQUESTED ACTION

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

Front Yard setback Side Yard setback Rear Yard setback variance of 30 feet to allow the structure to: be constructed; remain a distance of 10 feet from the property line, or other : street instead of the required distance of 40 feet as required by the regulations.

Home Occupation Variance: _____

Other (explain request): _____

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

2020
12
15
10
05
01
2020



DAWSON COUNTY VARIANCE APPLICATION

25 Justice Way, Dawsonville, Georgia 30534

Variances to standards and requirements of the Regulations, with respect to setbacks, 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:

See attached document

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

See attached document

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:

See attached document

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

See attached document

Add extra sheets if necessary.



DAWSON COUNTY VARIANCE APPLICATION

25 Justice Way, Dawsonville, Georgia 30534

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	Name	Address
TMP <u>L10</u> - <u>020</u>	1.	<u>Lonnie Russell, 28 Blowing Rock Rd, Dawsonville, GA 30534</u>
TMP <u>L10</u> - <u>018</u>	2.	<u>John Borek 54 Blowing Rock Rd, Dawsonville, GA 30534</u>
TMP <u>L10</u> - <u>017</u>	3.	<u>Kevin McAdams 55 Blowing Rock Rd, Dawsonville, GA 30534</u>
TMP _____ - _____	4.	_____
TMP _____ - _____	5.	_____
TMP _____ - _____	6.	_____
TMP _____ - _____	7.	_____
TMP _____ - _____	8.	_____
TMP _____ - _____	9.	_____

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2025



DAWSON COUNTY VARIANCE APPLICATION

25 Justice Way, Dawsonville, Georgia 30534

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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: [Handwritten Signature]
Date: 5/29/2023

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.

THIS SECTION TO BE COMPLETED BY STAFF

VR 22- _____ Tax Map & Parcel# _____

Zoning: _____ Commission District #: _____

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

Fee Paid: _____ Planning Commission Meeting Date: ____/____/2022

2023

**Ken Stone
52 Blowing Rock Rd
Dawsonville GA, 30534
L10-019**

List of Adjacent property owners:

1. **To the Right:** Lonnie Russell, 28 Blowing Rock Rd TMP L10-020
2. **To the left:** John Borek-54 Blowing Rock Rd TMP L10-018
3. **Across the street:** Kevin McAdams-55 Blowing Rock Rd TMP L10-017

23 MAY 25 2:49 PM

May 24, 2023

Re: Variance Approval for Stone Residence
52 Blowing Rock Rd, Dawsonville, GA 30534

To whom it may concern,

I, Lonnie Russell, reside at 28 Blowing Rock Rd, adjacent to the Stone residence. After reviewing their building plans, I would like to express my support for the proposed plans, which include a 10-foot setback. As our property is located at the end of a cul-de-sac and will not be directly impacted by their project, we believe it poses no safety risks or hindrances to emergency personnel access.

The construction of their new home will enhance the street view and contribute value to our neighborhood.

If you have any inquiries, please do not hesitate to contact me.

Sincerely,

Lonnie Russell

Lonnie Russell
28 Blowing Rock Rd
Dawsonville, GA 30534

2023
MAY 24
10 52 AM

May 24, 2023

Re: Variance Approval for Stone Residence
52 Blowing Rock Rd, Dawsonville, GA 30534

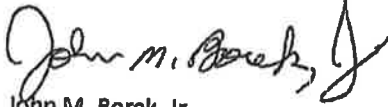
To whom it may concern,

I, John M. Borek, Jr., reside at 54 Blowing Rock Rd, adjacent to the Stone residence. After reviewing their building plans, I would like to express my support for the proposed plans, which include a 10-foot setback. As our property is located at the end of a cul-de-sac and will not be directly impacted by their project, we believe it poses no safety risks or hindrances to emergency personnel access.

The construction of their new home will enhance the street view and contribute value to our neighborhood.

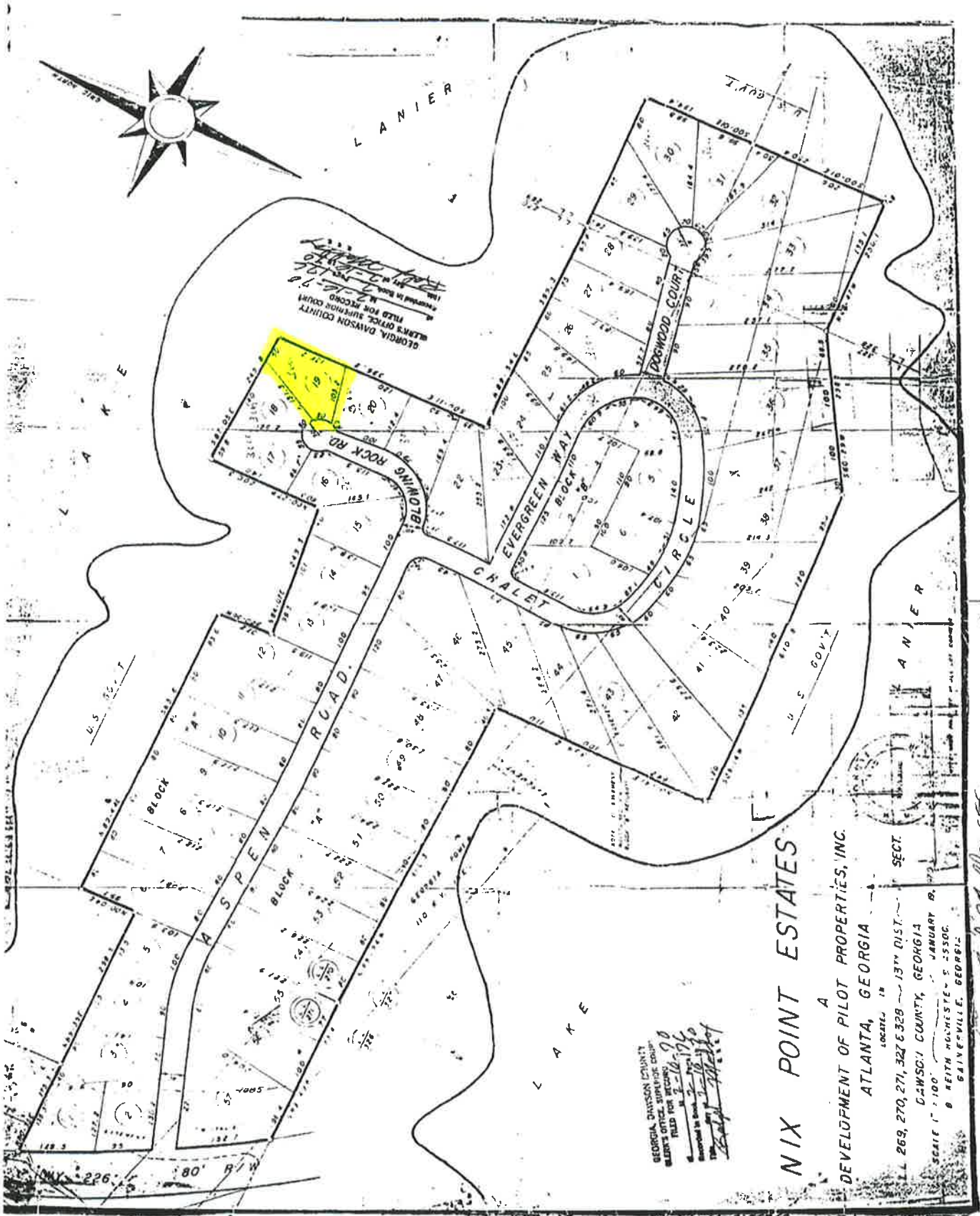
If you have any inquiries, please do not hesitate to contact me.

Sincerely,



John M. Borek, Jr.
54 Blowing Rock Rd
Dawsonville, GA 30534

2023



GEORGIA, DAWSON COUNTY
 CLERK'S OFFICE, SUPERVISOR COURT
 FILED FOR RECORD
 IN BOOK 2-16-196
 JANUARY 19, 1960

GEORGIA, DAWSON COUNTY
 CLERK'S OFFICE, SUPERVISOR COURT
 FILED FOR RECORD
 IN BOOK 2-16-196
 JANUARY 19, 1960

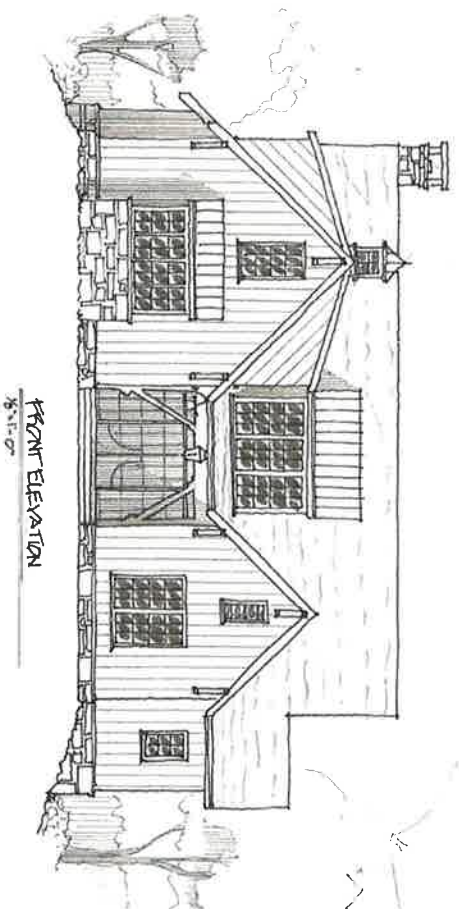
NIX POINT ESTATES

A
 DEVELOPMENT OF PILOT PROPERTIES, INC.
 ATLANTA, GEORGIA

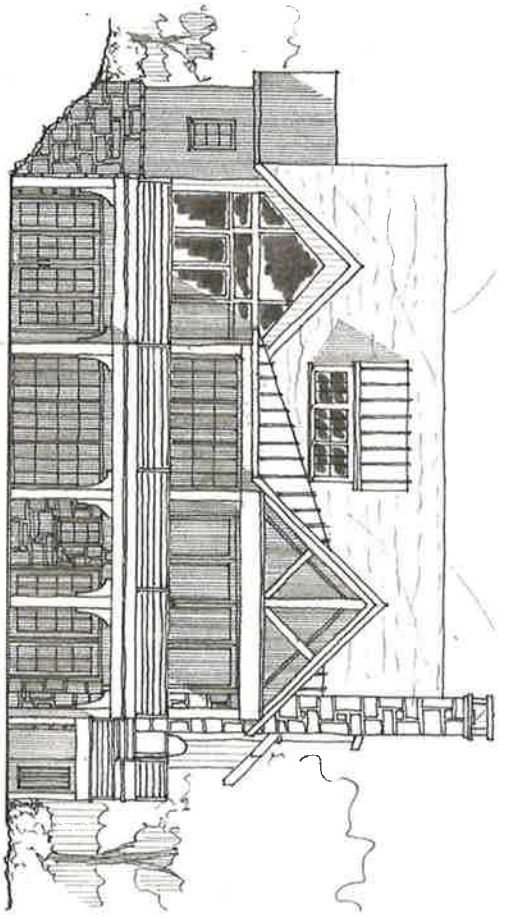
LOCATED IN
 SECTION 18
 TOWNSHIP 13 NORTH
 RANGE 13 WEST
 DAWSON COUNTY, GEORGIA
 JANUARY 19, 1960
 SCALE 1" = 100'
 BY KEITH ROBERTSON, S.S.S.O.C.
 BIRMINGHAM, GEORGIA

Rob M... c.s.

16672 524902



FRONT ELEVATION
8-21-07



LAKE ELEVATION
10-11-07

STONE LAKE HOUSE

SCHEMATIC DESIGN REVISIONS
52 Blowing Rock Road
Dawsonville, GA 30534

December 2, 2022

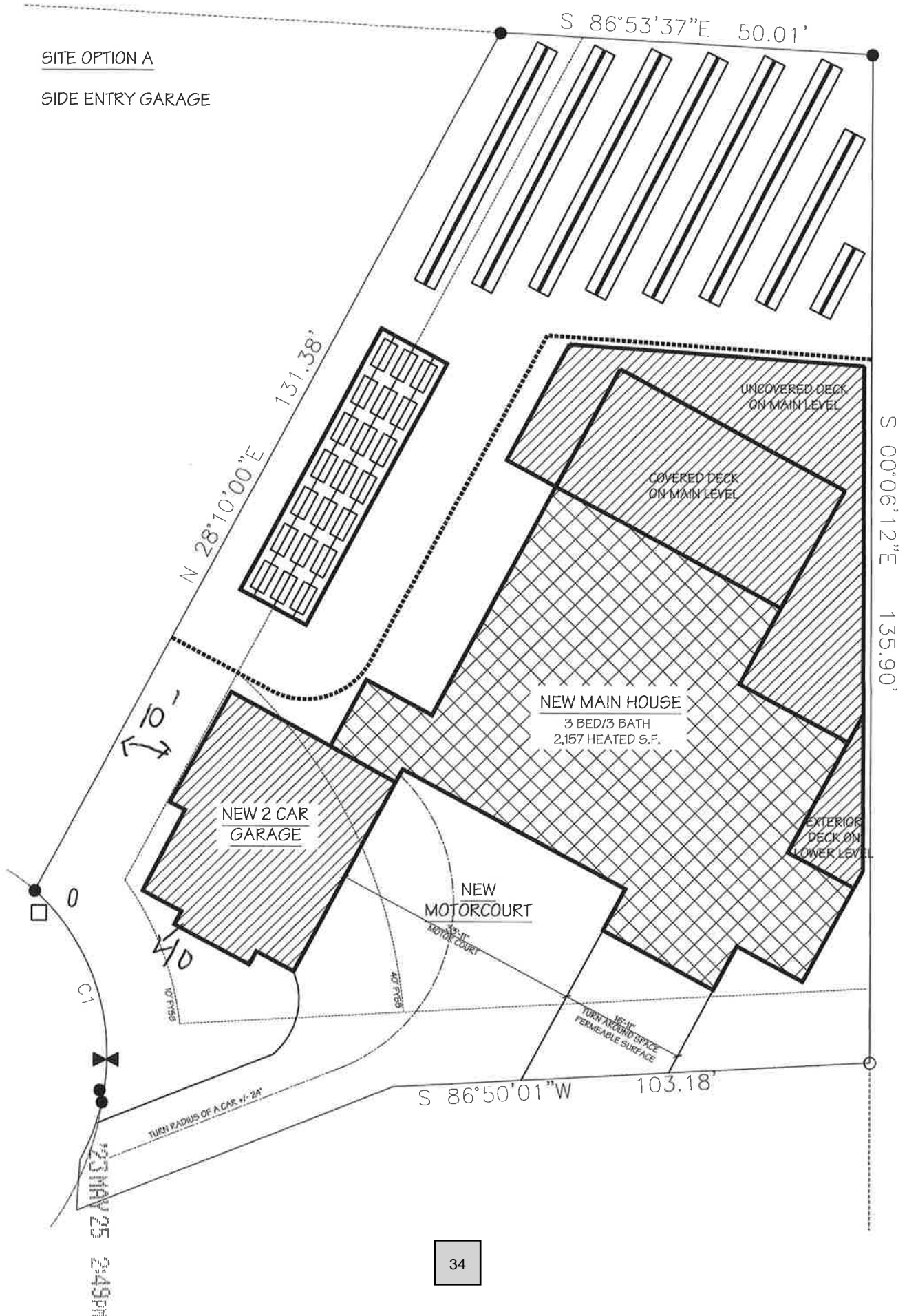
23 MAY 25 2:49 PM

Proposed

*52 Abundant Rock
Dorchester, MA. 01934*

SITE OPTION A

SIDE ENTRY GARAGE





**Official Tax Receipt
Dawson County
25 Justice Way, Suite 1222
Dawsonville, GA 30534
--Online Receipt--**

**Phone: (706) 344-3520
Fax: (706) 344-3522**

Trans No	Property ID / District Description	Original Due	Interest & Penalty	Amount Due	Amount Paid	Transaction Balance
2022 - 24174	L10 019 / 1 LT 19 BLK 1 NIX PT FMV: 607300	\$5203.95	\$0.00 Fees: \$0.00 \$0.00	\$0.00	\$5203.95	\$0.00
Totals:		\$5203.95	\$0.00	\$0.00	\$5203.95	\$0.00

Paid Date: 10/13/2022

Charge Amount: \$5203.95

STONE KENNETH A & TIFFANY A



Scan this code with your mobile phone to view this bill

27 MAY 2023 10:34 AM


Variances

Property Owner Authorization Form

This form must be signed by the owner(s) as listed on the deed of record for the subject property. If there is more than one property owner, additional affidavits must be provided. **Only an owner or an authorized agent may speak on behalf of the variance at the public hearing.**

Owner's Name: Ken Stone

Mailing Address: _____

Signature of Owner:  Date: 5/24/2023

Signature of Notary:  Date: 5/24/2023
02/08/2024

Notary
Stamp



25MAR25 2:50PM

May 24, 2023

Subject: Hardship Letter for setback variance

To: Zoning Authority

Cc: Ken Stone, Dixon Sewell

Dear Zoning Authority,

I am writing this hardship letter to request a setback variance for my current home as we intend to rebuild a new home in the same location. I would like to bring to your attention the circumstances surrounding our situation and provide compelling reasons for granting the setback variance.

When my family purchased the property in 2008, it was advertised and sold to us as a 4 bedroom, 3.5 bath house. Since then, we have been consistently taxed as owners of a 4 bedroom home. At no point were we informed of any discrepancies until we began the process of obtaining permits for our new structure. Throughout the years, we have experienced no issues related to the septic system, utilities, or any other relevant matters.

The reason we are seeking a variance for the setback requirement is due to the irregular shape of our lot, which currently cannot accommodate the necessary septic system and drain fields as mandated by regulations. To address this issue, we have invested significant financial resources in architectural design, surveying, and septic engineering. We have engaged the services of Thomas Morton and Monarch Engineering, who have provided us with a septic design that fully complies with the guidelines, including the required setback. These plans have also been designed in accordance with the Army Corps of Engineers guidelines and adhere to Dawson County codes.

In addition to the professional support we have secured, we have also obtained the support of our neighbors, who are in favor of our new home construction. We have maintained open communication with them, sharing our plans and receiving their approval. This demonstrates that the project will not cause significant disruptions or concerns among the nearby residents. Attached to this letter are written letters from the two adjoining neighbors expressing their support for our project.

It is important to note that our proposed house will be built to fit seamlessly into the neighborhood. The design aligns with the architectural style and characteristics of the surrounding properties, ensuring the visual aesthetics and integrity of the area are maintained. Granting the setback variance will not have any negative impact on the overall appeal of the neighborhood or create an eyesore. On the contrary, it will enhance the street view, increase property tax revenue, and contribute to the value of surrounding and adjacent properties. Furthermore, there are two other properties on our street that have set a precedent by having similar setbacks, which have not posed any negative impact on public health, safety, morals, or welfare.

38

In summary, without the setback variance, we will be unable to fully utilize and derive the value from our property. We are seeking to replace our existing house with an updated version that reflects the home we have owned and paid taxes on for the past 15 years, as we prepare for retirement. The proposed home will not only enhance the value of our neighborhood but also contribute positively to the county as a whole.

I sincerely request your consideration of our circumstances and the supporting information provided in this letter. If you have any questions or require further clarification, please do not hesitate to reach out to me.

Thank you for your time and attention.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ken Stone', with a long horizontal flourish extending to the right.

Ken Stone
52 Blowing Rock Rd.
Dawsonville, GA 30534

Question 1: Describe why a strict and literal enforcement of the standards would result in a practical difficulty or unnecessary hardship:

Unique Property Characteristics: Our property possesses unique characteristics such as its irregular shape. The strict enforcement of building code standards might require extensive and costly modifications to the design and foundation of the structure to conform precisely to the regulations. Such modifications could potentially compromise the natural features and aesthetics of the property or result in an unreasonably high construction cost that exceeds our budget.

Preexisting Structures: When we purchased the home in 2008, it was sold as a 4 bedroom, 3.5 bathroom house. We have paid taxes on a 4 bedroom since 2008 and were unaware of the preexisting permitting of a 2-bedroom, 2 bathroom house. We were never notified by the county to anything different. In that time, we have experienced zero issues in regard to septic, utilities, or any other instances. We are just seeking to replace the existing house with a similar but updated home. Enforcing the building codes strictly could necessitate the removal or alteration of these structures, causing undue financial burden and potential loss of historical or sentimental value.

Homes on the street: Other homes on the street do not currently have a 40 foot setback. A house 1 door down has a 15 foot setback for their garage. We are seeking the same general setback also for our garage similar to those of our neighbors the at 28 Blowing Rock Rd and 26 Blowing Rock Rd

In light of the aforementioned factors, we kindly request that you consider our application for a building code variance. By doing so, you will enable us to proceed with the construction of our home while ensuring that all safety measures and reasonable standards are met. We are committed to working closely with the appropriate authorities and professionals to ensure that any deviations from the code are reasonable, justifiable, and do not compromise the overall integrity of the project.

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

We possess a waterfront lot that poses challenges to meet both the Army Corp of Engineers and Dawson County Department of Health codes without a setback variance. We possess an irregular shaped lot that present challenges for typical construction methods for implementing the septic system that meets health code requirements that contribute to making our property distinct from others in the district.

Question 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:

Granting a variance for our house construction would not be detrimental to public health, safety, morals, or welfare, and would not be materially injurious to properties in the near vicinity for the following reasons:

Design and Fit: The house will be built to fit the neighborhood. The design aligns with the architectural style and characteristics of the surrounding properties, it demonstrates a commitment to maintaining the visual aesthetics and integrity of the area. This ensures that granting the variance will not negatively impact the neighborhood's overall appeal or create an eyesore.

Safety Considerations:

Granting a setback variance would not be detrimental to public health or safety for the following reasons:

1. We are located at the end of a cul-de-sac which provides ample/plenty of room for access and turnaround of emergency services.
2. The proposed improvements would be in keeping with the architectural style and design of existing homes in the community. It will be a very nice compliment to the street view, will increase the property tax revenue of the property and increase the value of surrounding/adjacent properties.
3. Two other property owners have set precedent on the street with similar setbacks which have not had a negative impact on public health, safety, morals or welfare.

Additionally, the house construction will adhere to applicable building codes, safety regulations, and standards, there would be no compromise on public safety. By employing certified professionals and obtaining the necessary permits, we will ensure that the construction process meets all safety requirements, such as structural integrity, electrical safety, fire codes, and proper zoning setbacks. This demonstrates a commitment to the well-being and safety of both the occupants and the community.

Morals and Welfare: There are no moral issues associated with the house construction as the design and purpose of the house align with community values and norms. We will ensure that the proposed construction will not undermine or negatively impact the morals and welfare of the neighborhood. We will respect the existing social fabric, maintain privacy considerations, and addressing potential noise concerns so the home construction will not be detrimental in terms of morals and welfare.

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

Neighbor Support: We have neighbor support and are not opposed to our house construction. We have engaged in open communication, shared our plans, and received support from our neighbors. Their approval demonstrates that our house construction will not cause significant disruptions or concerns among nearby residents. We have attached written letters from the (2) adjoining neighbors in support of the project

Property Impact: Our house construction does not materially injure properties in the near vicinity, it and there will be no adverse effects on neighboring properties in terms of property values, congestion, or privacy. Our design and construction plan take into account considerations such as county and Army Corp code, landscaping, and appropriate distance from neighboring structures; the project will not negatively impact nearby properties.



VR 23-09

Ken & Tiffany Stone

Planning Commission Hearing July 18, 2023

VARIANCE STAFF REPORT

Proposal: The applicant is requesting a variance to the front building setback from 35 feet to 10 feet (a reduction of 25 feet) for the construction of a garage that will be connected to the primary residence. The existing residence on the parcel is proposed to be demolished and a new residence constructed.

Applicant	Ken and Tiffany Stone
The development standard and requirement to be varied	Land Use Code, Section 121-67 3.c
Zoning	Vacation Cottage Restricted
Acreage	.27
Plat	Recorded 2-10-1970
Road Classification	Public
Right-of-Way	40'
Tax Parcel	L10 019
Commission District	3

Direction	Zoning	Existing Use
North	n/a	Lake Lanier
South	VCR	Single Family Residential
East	VCR	Single Family Residential
West	VCR	Single Family Residential

Unless a variance is approved the minimum requirements for the VCR Land Use District are:

Minimum square footage. 800 square feet (heated).

Minimum setbacks.

Front yard - 100 feet on parkways, 60 feet on state highways, 35 feet on others;

Side yard - 15 feet;

Rear yard - 20 feet.

Front yard setback applies to all frontages on publicly maintained streets.

Minimum setbacks for accessory structures:

Front yard - 100 feet on parkways, 60 feet on state highways, 40 feet on others;
Side yard - 10 feet; and Rear yard - 10 feet.

If a principal residential structure is located less than 15 feet from any property line, then local fire codes impose certain requirements.

A variance should be granted only after evidence is presented and accepted that enforcement of all of the required standards on the property in question would render the property useless.

Reasonable conditions may be imposed in connection with a variance as deemed necessary to protect the best interests of the surrounding property or neighborhood, and otherwise secure the purpose and requirements of this article. Guarantees and evidence may be required that such conditions will be and are being complied with.

Variances in accordance with this article should not ordinarily be granted if the special circumstances on which the applicant relies are a result of the actions of the applicant or owner or previous owners.

County Agency Comments:

Emergency Services: No comments returned as of 7.11.2023

Environmental Health Department: No comments returned as of 7.11.2023

Etowah Water & Sewer Authority: "No sewer, septic only. For domestic use, current water line is undersized for fire protection. No plans for expansion at this time. If water main is impacted contact EWSA."

Planning and Development: Nix Point Estates is an established lake neighborhood that has a mixture of newer construction and older lake cottages that are either primary residences or weekend retreats, nestled off of Nix Bridge Road.

Public Works Department: "No comments for this request."

-PHOTO OF PARCEL -



Criteria for granting variances.

THE PLANNING COMMISSION SHALL MAKE ITS RECOMMENDATIONS BASED ON ALL FOUR EXPRESSLY WRITTEN FINDINGS:

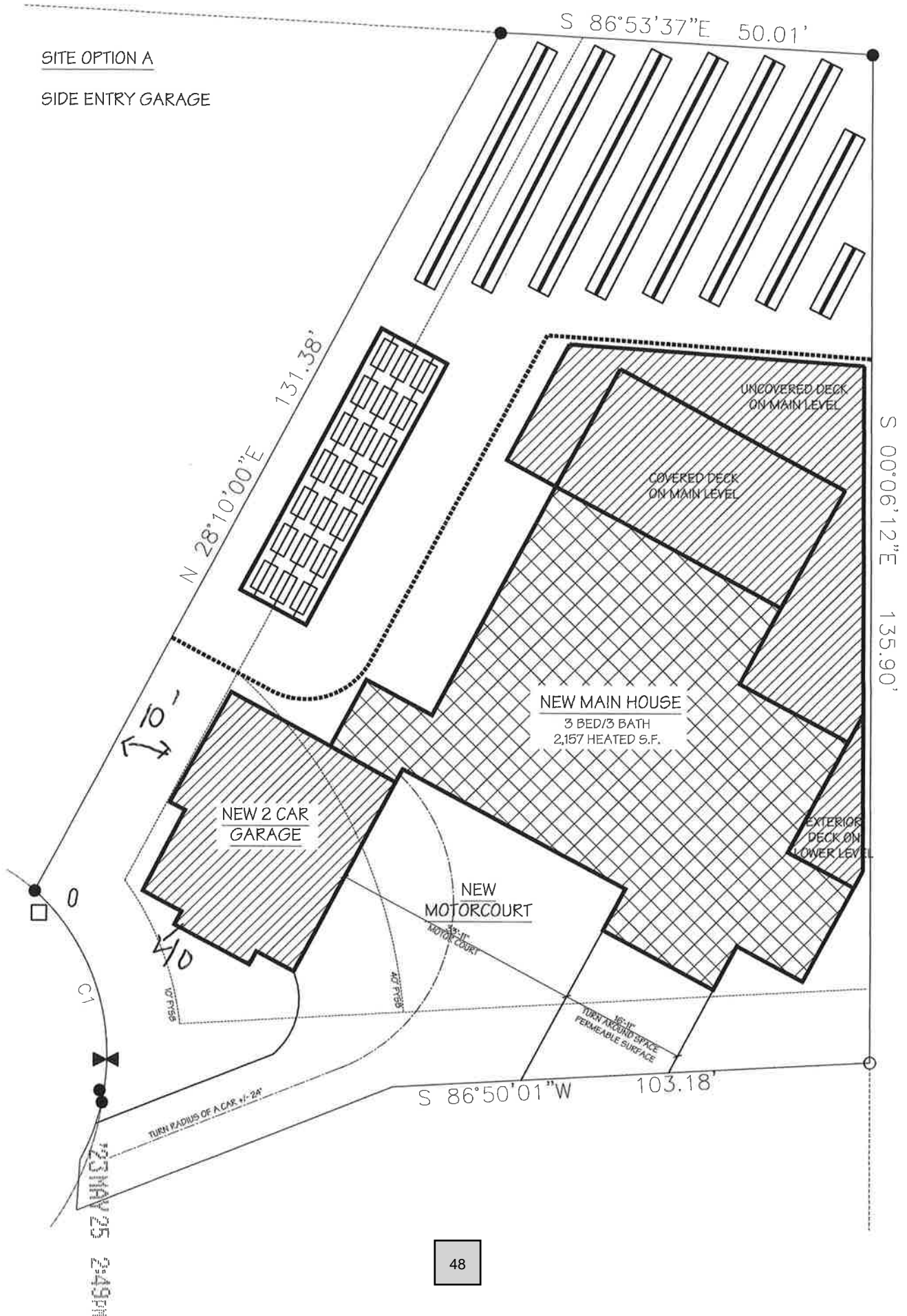
- (1) That a strict or literal interpretation and enforcement of the specified standard or requirement would result in practical difficulty or unnecessary hardship; and**
- (2) That there are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property which do not apply generally to other properties in the same district; and**
- (3) That 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; and**
- (4) That the granting of the variance would support general objectives contained within the Land Use Chapter of the code.**

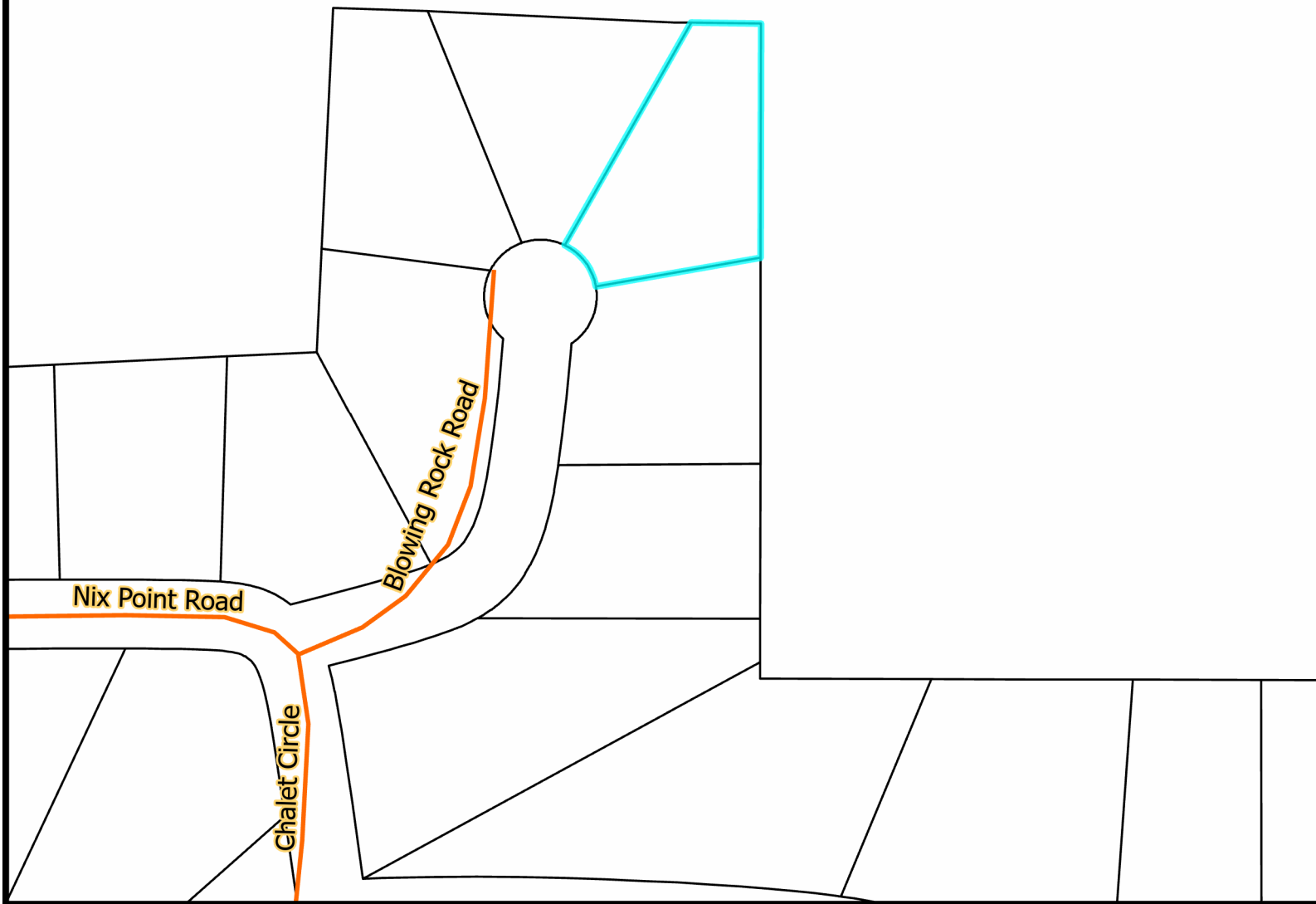
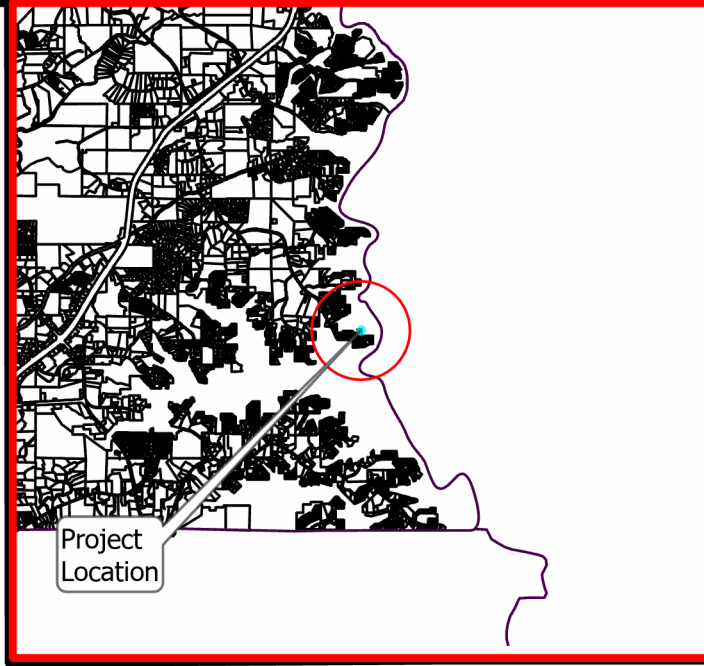
Proposed

*52 Abundant Rock
Dorchester, MA 01934*

SITE OPTION A

SIDE ENTRY GARAGE





DAWSON COUNTY
DISCLAIMS ANY
RESPONSIBILITIES,
LIABILITIES OR
DAMAGES FROM THE USE
OF THIS MAP. THIS MAP
IS ONLY FOR DISPLAY
PURPOSES.



Dawson County
Plann 49 nd Development

Staff Report: Exhibit

Parcel#: L10-019
Current Zoning: VCR
FLU: RL
Application #: VR 23-09



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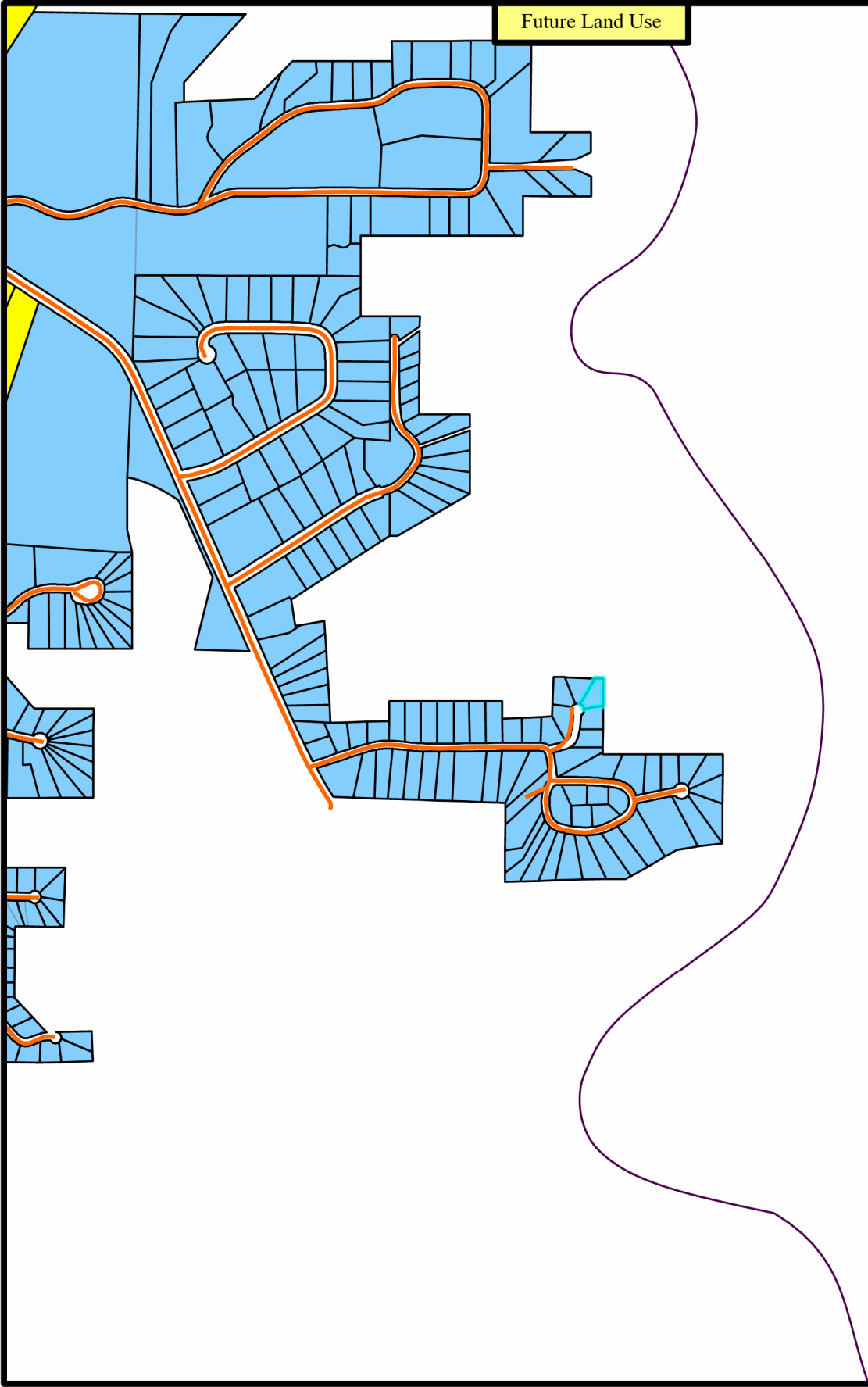
Dawson County
 Planning and Development
 50 feet

Staff Report

Legend	
■	RA
■	RSR
■	VCR
	Parcels

Parcel#: L10-019
 Current Zoning: VCR
 FLU: RL
 Application #: VR 23-09

Future Land Use



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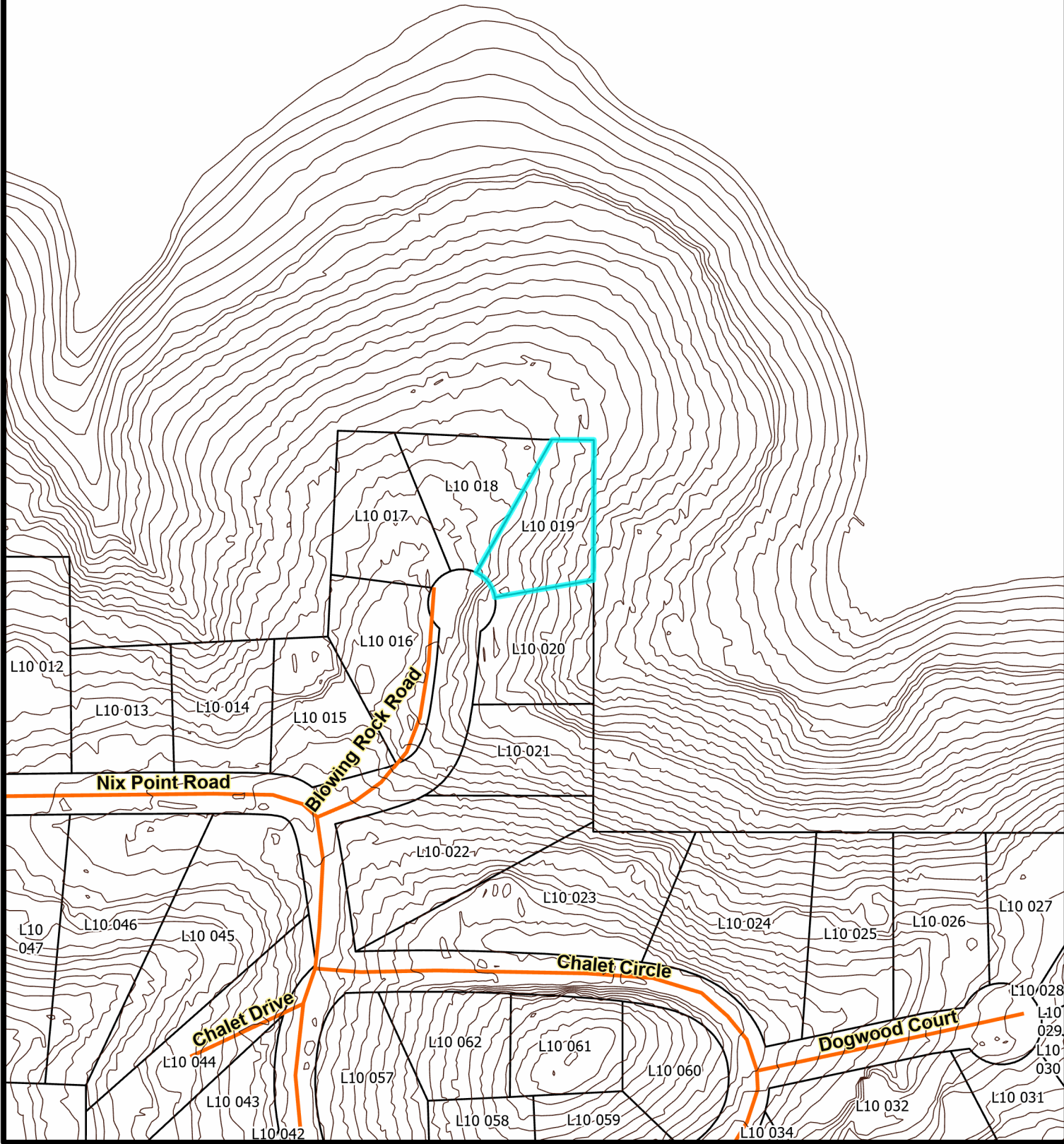
Scale: 1:11,047

Dawson County
Plan 51 and Development

Staff Report

Parcel#: L10-019
Current Zoning: VCR
FLU: RL
Application #: VR 23-09

Contours



DAWSON COUNTY
DISCLAIMS ANY
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LIABILITIES OR
DAMAGES FROM THE USE
OF THIS MAP. THIS MAP
IS ONLY FOR DISPLAY
PURPOSES.



Scale: 1:1,922

Dawson County
Plan 52 and Development

Staff Report

Parcel#: L10-019
Current Zoning: VCR
FLU: RL
Application #: VR 23-09

Dawson County
Rezoning Application
(AMENDMENT TO LAND USE MAP)

APPLICANT INFORMATION (or Authorized Representative)

If applicant is other than owner, the Property Owner Authorization form must be completed.

Printed Name: Hybrid Properties and Investments, LLC c/o Kimley-Horn and Miles, Hansford & Tall

Address: _____

Phone (Listed only please) _____

Email (Business/Personal): _____

Status: Owner Authorized Agent Lessee Option to purchase

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: 4/26/2023 Applicant Signature: _____

REQUESTED ACTION & DETAILS OF PROPOSED USE

Rezoning to: C-HB Special Use Permit for: _____

Proposed Use: Medical Office Building

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

Type of Amenity: _____ Amount of Open Space: _____

COMMERCIAL & RESTRICTED INDUSTRIAL:

Building area: 25,000

No. of Parking Spaces: 112

Property Owner/ Property Information

Name: Hybrid Properties and Investments, LLC c/o Kimley-Horn and Miles, Hansford & Tallant, LLC

Street Address of Property being rezoned: SE corner of SR19 (GA400) and Kilough Church Road

Rezoning from: R-A to: C-HB Total acreage being rezoned: 4.93

Directions to Property (if no address):

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

Current Use of Property: Vacant

Does this proposal reach DRI thresholds? No If yes, the application will require submittal of a transportation study. DRIs require an in depth review by County agencies, and regional impact review by the Georgia Mountains Regional Planning staff. This adds several weeks to processing; additionally, the applicant is responsible for the expense of third party review of the required technical studies associated with the project.

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

Does the property lie within the Georgia 400 Corridor? Yes (yes/no)

SURROUNDING PROPERTY ZONING CLASSIFICATION:

North Kilough R/W South R-MF/C-HB East R-MF West GA 400 R/W

Future Land Use Map Designation: C-HB

Access to the development will be provided from:

Road Name: Kilough Church Road Type of Surface: Asphalt

Property Owner Authorization

(and Scott Buncilda)

I/we, Hybrid Properties & Investments LLC, hereby swear that I/we own the property located at (fill in address and/or tax map parcel #s):

Street Address of Property being rezoned:

TMP#: 113-098-001 & 113-053

as shown in the tax maps and/or deed records of Dawson County, Georgia, and which parcel or parcels 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: Scott Evan Buncilda

Signature of applicant or agent: [Signature] Date: 4.20.23

Printed Name of Owner(s): Scott Evan Buncilda

Signature of Owner(s): [Signature] Date: 4.20.23

Mailing address: _____

City, State, Zip. _____

Phone (Listed/Unlisted): _____

Sworn and subscribed before me this 26th day of April, 2023.

{Notary Seal}

[Signature]
Notary Public

My Commission Expires:

(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.)

Applicant Certification

I hereby request the action contained within this application relative to the property shown on the attached survey, plat, 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. The staff will send notices to adjacent property owners advising of the request and proposed use prior to the public hearing.

I understand that I have the obligation to present all data necessary and required by code 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 or a land use professional 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 or 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 Scott Buwalda  Date May 19, 2023

Witness John Harding Date May 19, 2023

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 acknowledgment shall be public record.

Applicant Signature: _____ 

Applicant Printed Name: _____

Date Signed: _____

Sworn and subscribed before me

this ____ day of _____, 20____.

Notary Public

My Commission Expires: _____

{Notary Seal}

Application Number (by staff): _____

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:

N/A - no contributions 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 \$ N/A 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:



May 19, 2023

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.



Letter of Intent

Date: May 18, 2023

Subject: 4.9 Acres at S.E.C. of Kilough Church Rd & GA 400; Dawson County, GA
Rezoning Request

Overview:

Kimley-Horn submits the attached Rezoning Application on behalf of the landowner, Hybrid Properties and Investments, LLC (the "Applicant") relating to the proposed development of approximately 4.9 acres (the "Property") located at the southeast corner of Kilough Church Road and GA 400, Dawson County, GA. This Letter of Intent is offered to detail the Applicant's plans to develop the Property into a Medical Office Development. It should be noted that the existing tract of land is currently two separate parcels that will be combined and recorded through the Combination Plat process with the county.

The development proposes to construct approximately 25,000 square feet of Medical Office Building on the Property in two phases and will employ approximately 45-55 people. The Property is currently designated as Commercial Highway Business in the Future Land Use Map, which matches our proposed zoning category. The proposed use will include 112 parking spaces, and one pick up/drop off lane. The development will provide buffering and enhanced landscaping strips to provide suitable transition adjacent to surrounding residential areas. The development team has engaged the surrounding community members within the Kilough Residential Community Task Force for input on the proposed development prior to this re-zoning application request. Revisions to the proposed layout have been implemented based on conversations with the Task Force.

Water, sanitary sewer, natural gas and electricity are available to the Property. The development will install private underground utilities that will be connected to public utility mains within the rights-of-way to serve the project. Access to public water and sanitary sewage utilities will be provided by the Etowah Water & Sewer Authority.

Development Summary:

Current Zoning:	RA: Residential Agricultural
Proposed Zoning:	C-HB: Commercial Highway Business
Published Future Land Use:	C-HB: Commercial Highway Business
Overlay District:	GA 400 Corridor
Acreage:	4.9 Acres
Existing Use:	Wooded and Undeveloped
Proposed Use:	25,000 SF of Medical Office Buildings
Right-of-Way Access:	Direct access onto Kilough Church Road

The Applicant respectfully submits that the proposed development is consistent with the policies and intent of the county's Future Land Use Plan and would complement nearby land uses. The Applicant welcomes the opportunity to meet with staff and board members to answer any questions or to address any concerns relating to the matters set forth in this letter or in the Application filed herewith. The Applicant respectfully requests your approval of the Application.

Sincerely,



Brad Horbal, P.E.

Associate

**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
28042 Year-Bill No 2022 - 17558	113 053 / 001 LL 220 LD 13S-1 FMV: \$225,300.00	1,930.60	0.00 Fees 0.00	0.00	1,930.60	1,930.60	0.00
						Paid Date 10/4/2022 09:19:31	Current Due 0.00
Transactions:	28040 - 28043 Totals	1,930.60	0.00	0.00	1,930.60	1,930.60	0.00

Paid By :

HYBRID PROPERTIES AND INVESTMENTS LLC

HYBRID PROPERTIES AND INVESTMENTS LLC
6775 PAYTON RD
CUMMING GA 30041

Check No
Charge Acct

Cash Amt: 0.00
Check Amt: 0.00
Charge Amt: 0.00
Change Amt: 0.00
Refund Amt: 0.00
Overpay Amt: 0.00

**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
28043 Year-Bill No 2022 - 17559	113 098 001 / 001 LL 220 LD 13-1 FMV: \$382,000.00	3,273.36	0.00 Fees 0.00	0.00	3,273.36	3,273.36	0.00
						Paid Date 10/4/2022 09:19:32	Current Due 0.00
Transactions:	28040 - 28043 Totals	3,273.36	0.00	0.00	3,273.36	3,273.36	0.00

Paid By :

HYBRID PROPERTIES AND INVESTMENTS LLC

HYBRID PROPERTIES AND INVESTMENTS LLC
6775 PAYTON RD
CUMMING GA 30041

Check No 1100
Charge Acct

Cash Amt: 0.00
Check Amt: 9,213.38
Charge Amt: 0.00
Change Amt: 0.00
Refund Amt: 0.00
Overpay Amt: 0.00

Joshua A. Scoggins
jscoggins@mhtlegal.com

RESERVATION OF CONSTITUTIONAL AND OTHER LEGAL RIGHTS

Applicant: Hybrid Properties and Investments, LLC c/o Kimley-Horn and Miles Hansford & Tallant, LLC
Subject Property: 4.9+/- Acres Designated as Dawson County Tax Parcel(s): 113-053 and 113-098-001
Current Zoning: Residential Agricultural District (RA)
Proposed Zoning: Commercial Highway Business (C-HB)
Proposed Use: Medical Office
Application: Rezoning
ROW Access: Kilough Church Road

This Reservation of Constitutional and Other Legal Rights (“the Reservation”) is intended to supplement and form a part of the land use application (including any request for zoning, annexation, conditional use permit, sketch plat and variances) (collectively, the “Application”) of the Applicant/Owner of the Subject Property and to put the Dawson County Board of Commissioners on notice of the Applicant’s/Owner’s assertion of its constitutional and legal rights.

The Applicant/Owner objects to the standing of any opponents who are not owners of land adjoining the Subject Property and to the consideration by Dawson County of testimony or evidence presented by any party without standing in making its decision regarding the Application. The Applicant/Owner also objects to the consideration of testimony or evidence that is hearsay, violates any applicable rules of procedure or evidence, or that is presented by any party who fails to comply with notice and campaign disclosure requirements.

Denial of the Application or approval of the Application in any form that is different than as requested by the Applicant/Owner will impose a disproportionate hardship on the Applicant/Owner of the Subject Property without benefiting any surrounding property owners. There is no reasonable use of the Subject Property other than as proposed by the Application and no resulting benefit to the public from denial of modification of the Application.

Any provisions in the Dawson County Zoning Ordinance (the “Ordinance”) that classify, or may classify, the Subject Property into any of the non-requested zoning or use classifications, including the Proposed Zoning District and Proposed Use at a density or intensity less than that requested by the Applicant/Owner, are unconstitutional in that they constitute a taking of the Applicant’s/Owner’s property rights without first paying fair, adequate, and just compensation for such rights in violation of Article I, Section III, Paragraph I of the Georgia Constitution of 1983, as amended and the Fifth and Fourteenth Amendments to the Constitution of the United States.

The Subject Property is presently suitable for development as proposed in the Application and it is not suitable for development under any other zoning classification, use, or at a density or intensity less than that requested by the Applicant/Owner. Failure to approve the Application as requested by the Applicant/Owner will constitute an arbitrary and capricious abuse of discretion in violation of Article I, Section I, Paragraph I of the Georgia Constitution of 1983, as amended and the Due Process Clause of the Fifth and Fourteenth Amendments to the Constitution of the United States.

A refusal by the Dawson County Board of Commissioners to approve the Application as requested by the Applicant/Owner will prohibit the only viable economic use of the Subject Property, will be unconstitutional and will discriminate in an arbitrary, capricious and unreasonable manner between the Applicant/Owner and the owners of similarly situated properties in violation of Article I, Section I, Paragraph II of the Georgia Constitution of 1983, as amended, and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States.

Furthermore, the Board of Commissioners cannot lawfully impose more restrictive standards on the Subject Property's development than are presently set forth in the Ordinance. To do so not only will constitute a taking of the Subject Property as set forth above, but it will also amount to an unlawful delegation of the Commission's authority in response to neighborhood opposition, in violation of Article IX, Section II, Paragraph IV of the Georgia Constitution of 1983, as amended. Any conditions or other restrictions imposed on the Subject Property without the consent of the Applicant/Owner that do not serve to reasonably ameliorate the negative impacts of the development are invalid and void. As such, the Applicant/Owner reserve the right to challenge any such conditions or restrictions.

Finally, the Applicant/Owner assert that the Ordinance, Future Land Use/Development Map and Comprehensive Plan were not adopted in compliance with the laws or constitutions of the State of Georgia or of the United States, and a denial of the Applicant's/Owner's request based upon provisions illegally adopted will deprive the Applicant/Owner of due process under the law.

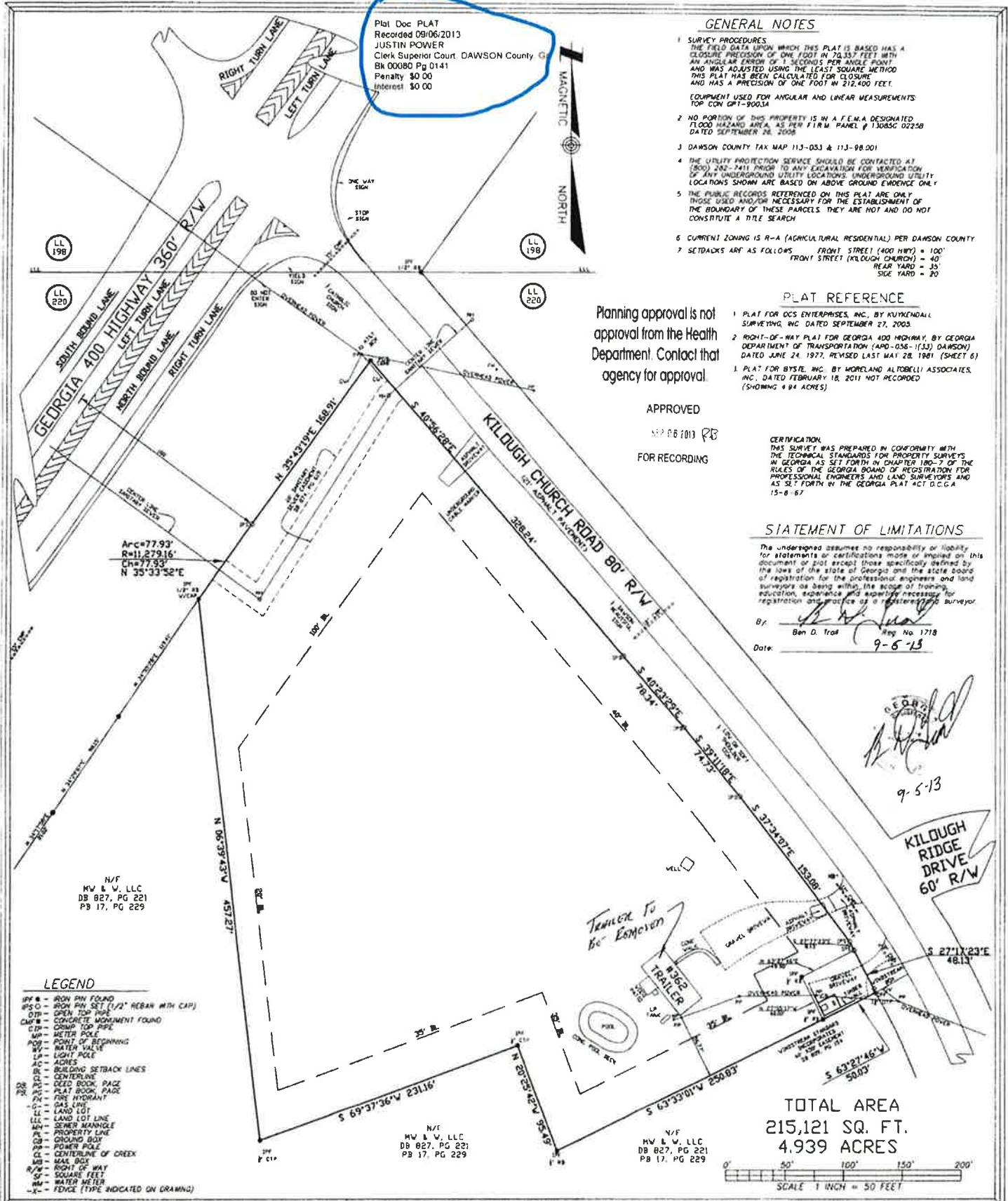
By filing this Reservation, the Applicant/Owner reserves all rights and remedies available to it under the United States Constitution, the Georgia Constitution, all applicable federal, state, and local laws and ordinances, and in equity.

The Applicant/Owner respectfully requests that the Application be approved as requested by the Applicant/Owner and in the manner shown on the Application, which is incorporated herein by reference. This Reservation forms an integral part of the Applicant's/Owner's Application and I ask that this Reservation be presented with the Applicant's/Owner's other Application materials to the governing authority of the jurisdiction. The Applicant/Owner reserves the right to amend and supplement this Reservation at any time.

Sincerely,



Joshua A. Scoggins



Planning approval is not approval from the Health Department. Contact that agency for approval.

APPROVED
 SEP 06 2013 RB
 FOR RECORDING

Trail and Son, Inc.
 LAND PLANNERS & SURVEYORS
 CONSTRUCTION MANAGEMENT
 389B WAR HILL PARK RD, DAWSONVILLE, GEORGIA 30534
 PHONE: (706) 216-8980 CELL: (706) 974-7046
 FAX: (706) 265-4543 EMAIL: btrail@windstream.net

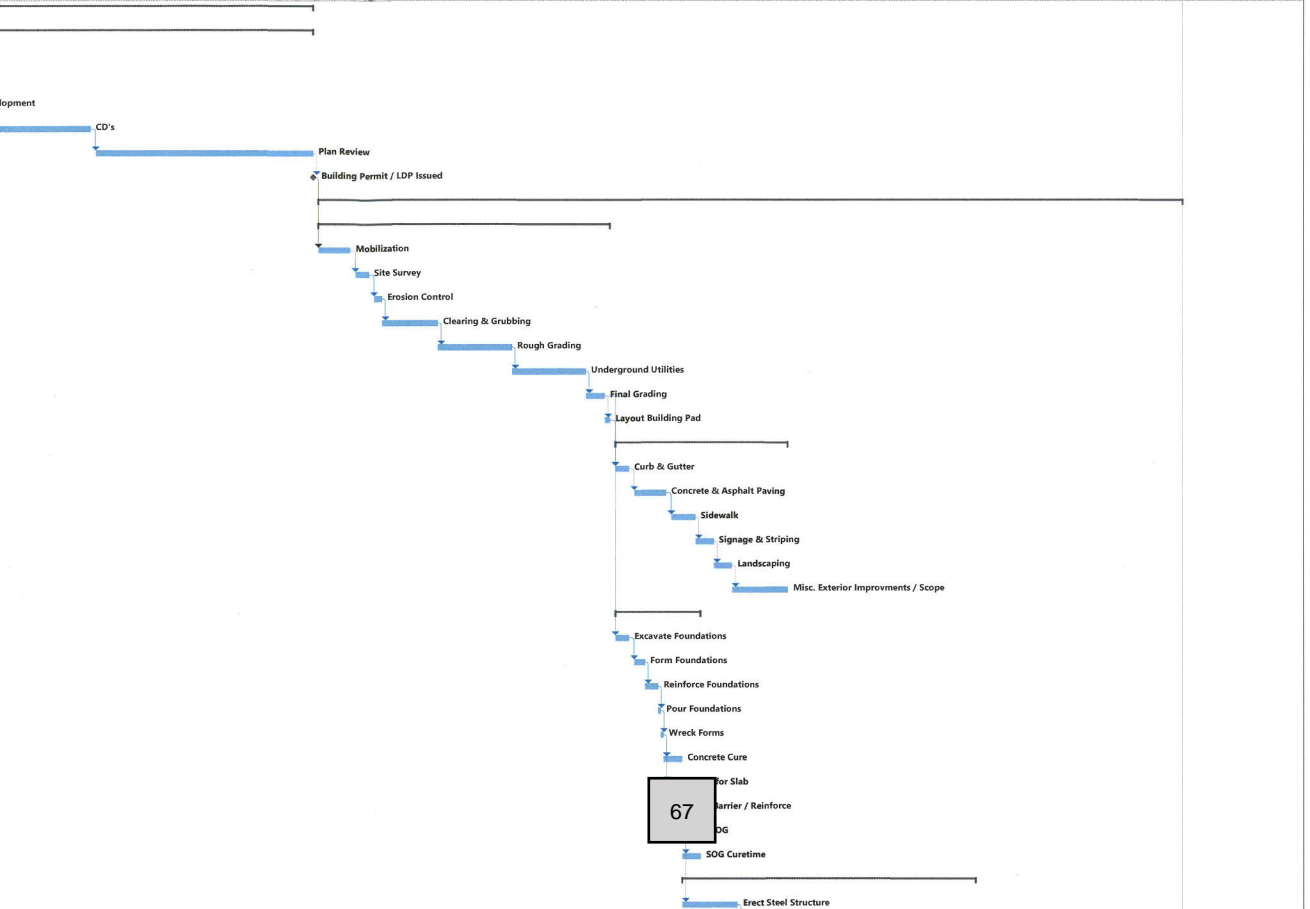
REVISIONS:	PLAT DATE:
ADD BURIED CABLE MARKERS AUGUST 30, 2013	AUGUST 26, 2013
ADD COUNTY COMMENTS SEPTEMBER 5, 2013	SURVEY DATE: AUGUST 14, 2013
	FIELD CREW: JCK
	DRAWN BY: BDT
	DRWG FILE: 0713-004

BOUNDARY SURVEY FOR
HYBRID PROPERTIES & INVESTMENTS
 LAND LOT 220-SOUTH HALF 13TH. DISTRICT-1ST. SECTION
 DAWSON COUNTY, GEORGIA

80/141

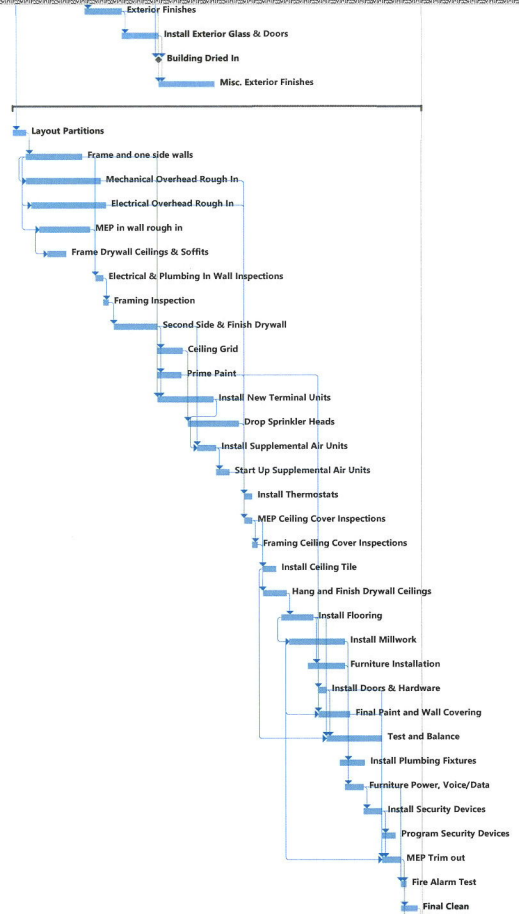
Dawsonville MOB Conceptual Schedule

Oct 1 Oct 6 Oct 1 Oct 7 Oct 2 Nov Nov Nov Dec 1 Dec 1 Dec 1 Dec 1 Jan 7 Jan 1 Jan 2 Jan 2 Feb 4 Feb 1 Feb 1 Feb 2 Mar 1 Mar 1 Mar 1 Apr 1 Apr 1 Apr 2 Apr 2 May May May Jun 2 Jun 5 Jun 1 Jun 2 Jun 3 Jun 7 Jul 11 Jul 7 Jul 21 Aug Aug Aug Aug Aug 1 Sep 1 Sep 1 Sep 1 Sep 2 Sep 2 Oct 6 Oct 1 Oct 2 Oct 2 Nov Nov Nov Nov Dec 1 Dec 1 Dec 2 Dec 2 Jan 5 Jan 1 Jan 2



Dawsonville MOB Conceptual Schedule

Oct 1 Oct 6 Oct 10 Oct 15 Oct 20 Nov 5 Nov 10 Nov 15 Dec 1 Dec 6 Dec 10 Dec 15 Jan 7 Jan 10 Jan 15 Jan 20 Jan 25 Feb 4 Feb 9 Feb 14 Feb 19 Mar 5 Mar 10 Mar 15 Mar 20 Mar 25 Apr 9 Apr 14 Apr 19 Apr 24 May 9 May 14 May 19 May 24 Jun 9 Jun 14 Jun 19 Jun 24 Jul 7 Jul 14 Jul 21 Jul 28 Aug 4 Aug 11 Aug 18 Aug 25 Sep 1 Sep 8 Sep 15 Sep 22 Oct 6 Oct 13 Oct 20 Oct 27 Nov 3 Nov 10 Nov 17 Nov 24 Dec 1 Dec 8 Dec 15 Dec 22 Jan 5 Jan 12 Jan 19 Jan 26





ZA 23-06

Planning Commission Meeting July 18, 2023
Board of Commission Hearing August 17, 2023

Applicant Proposal

The applicant is seeking to zone almost five acres from R-A (Residential Agriculture) to C-HB (Commercial Highway Business) for the purpose of developing a medical office building approximately 25,000 square feet in size.

Applicant	Kimley Horn obo Hybrid Properties and Investments, LLC.
Amendment #	ZA 23-06
Request	Rezone Property from R-A
Proposed Use	Medical Office building approximately 25,000 square feet in size
Current Zoning	Residential Agriculture (RA)
Future Land Use	Commercial Highway
Acreage	4.93
Location	GA Hwy 400 and Kilough Church Road
Commercial Square footage	25,000 square feet
Road Classification	State Arterial Route and County local road
Tax Parcel	113-098-001 & 113-053
Dawson Trail Segment	n/a
Commission District	3
DRI	No
Planning Commission Recommendation	

Direction	Zoning	Existing Use
North	R-A & C-HB	Vacant Land
South	C-HB & RMF	Mixed Use – active land disturbance
East	RSR & R-A	Religious Institution / Single Family Residential
West	C-HI & C-HB	Landscape Supply business/ Vacant Land

According to the Comprehensive Plan and accompanying Future Land Use Plan, the subject property is identified as Commercial Highway. Development in this area includes developed or undeveloped land on both sides of lands designated along Georgia Hwy 9 and GA 400. This area includes retail centers, office and employment areas usually located on large tracts of land with campus or unified development, mixed use activity centers, multi-family development, light industrial and other associated uses.

THE DESIRED DEVELOPMENT PATTERN SHOULD SEEK TO:

- Locate employment centers in areas with ample sewer capacity, with direct access to major arterials;
- ✓ Provide suitable transitions to surrounding residential uses
- Establish a grid pattern of public streets with block lengths between 300 and 600 feet
- ✓ Locate employment centers on land that has good access to GA 400 and other high-capacity highways, utilities and infrastructure
- ✓ Emphasize connectivity with adjacent subdivisions and/or commercial developments in the layout of new developments; Create a network of interconnected streets and parking lots
- Provide safe facilities for pedestrians, school buses, and bicyclists using the road right-of-way
- Create safe, convenient pedestrian and bicycle connections to neighborhoods and subdivisions that are adjacent to the commercial corridors;
- Incorporate sidewalks, crosswalks and bike paths; Require dedicated right-of-way; Limit driveway spacing along the highway frontage and align driveways where needed to improve traffic flow
- ✓ Encourage shared driveways and inter-parcel access for adjacent commercial uses
- ✓ Require residential subdivisions accessing the highway to be interconnected and to provide at least two entrances; Encourage shared parking lots between uses
- Relate road alignment to topography; Ensure environmental protection

Land Uses

Parks, Recreation and Conservation

Urban Residential

Multi-family Residential

Office Professional

Commercial Highway

Light Industrial

Campus-style Business Park

Land Use Districts

RMF (multi-family residential 6 units per acre density neutral) • C-OI (Office Professional) • C-HB; C-PCD (Commercial) • C-IR (Light Industrial) • Georgia 400 Corridor Design Overlay

COUNTY AGENCY COMMENTS:

Emergency Services: No comments returned as of 7.11.2023

Engineering Department: “No comments in regards to this request.”

Environmental Health Department: No comments returned as of 7.11.2023

Etowah Water & Sewer Authority:

“Extensions and upgrades required for service at the developer’s expense for both water and sewer.”

Planning and Development:

This segment of the Georgia 400 corridor has transitioned to a suburban character; however, it remains a primary access to the North Georgia mountains. Development design within this area of Dawson County should endeavor to retain a scenic character through landscaping and architecture.

Staff is supportive of the requested land use; however, the more appropriate land use category is C-OI (Commercial Office Institutional). Areas zoned to this classification are not intended to be retail centers, commercial or industrial activities. Rather, it is the intent of the district to provide locations for sites for offices, professional offices and clinics and institutions, primarily located along major arterial roadways. The request for the C-HB (Commercial Highway Business) zoning is appropriate due to the Future Land Use designation of *Commercial Highway*, however is not consistent with the requested use. The more appropriate land use for medical offices is C-OI. The site plan should incorporate inter-parcel connectivity with the adjacent development (Kilough Pointe).

THE PLANNING COMMISSION SHALL MAKE ITS RECOMMENDATIONS BASED ON THE FOLLOWING CRITERIA:

- (1) The existing uses and classification of nearby property.
- (2) The extent to which property values are diminished by the particular land use classification;
- (3) The extent to which the destruction of property values of the applicant promotes the health, safety, morals, or general welfare of the public;
- (4) The relative gain to the public, as compared to the hardship imposed upon the individual property owner;
- (5) The suitability of the subject property for the proposed land use classification;
- (6) 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;
- (7) Whether the requested zoning would result in a use which could create an excessive or burdensome use of existing streets, transportation facilities, utilities or schools
- (8) Whether the proposal is in conformity with the policy and intent of the future land use plan; and
- (9) The specific, unusual, or unique facts of each case, which give rise to special hardships, incurred by the applicant and/or surrounding property owners.



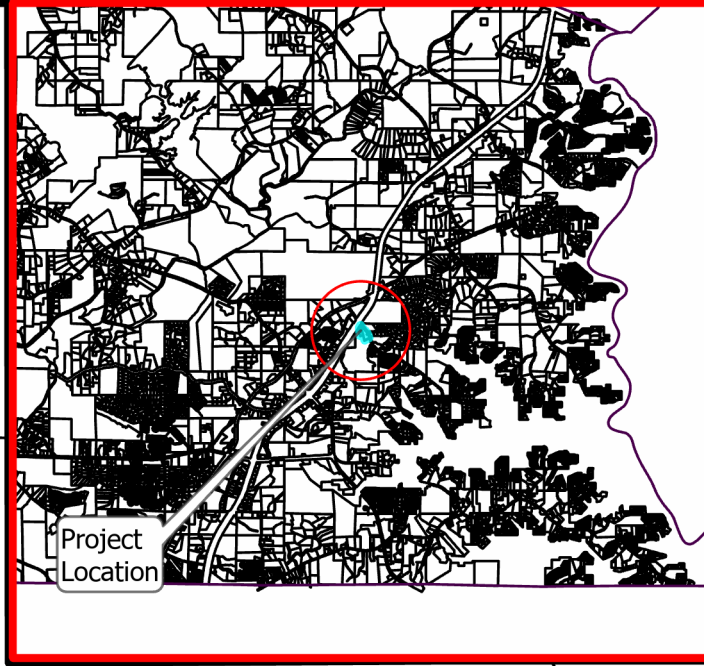
Highway 400 North

Kilough Church Road

Kilough Ridge Drive

Stanhope Drive

Rockaway Drive North



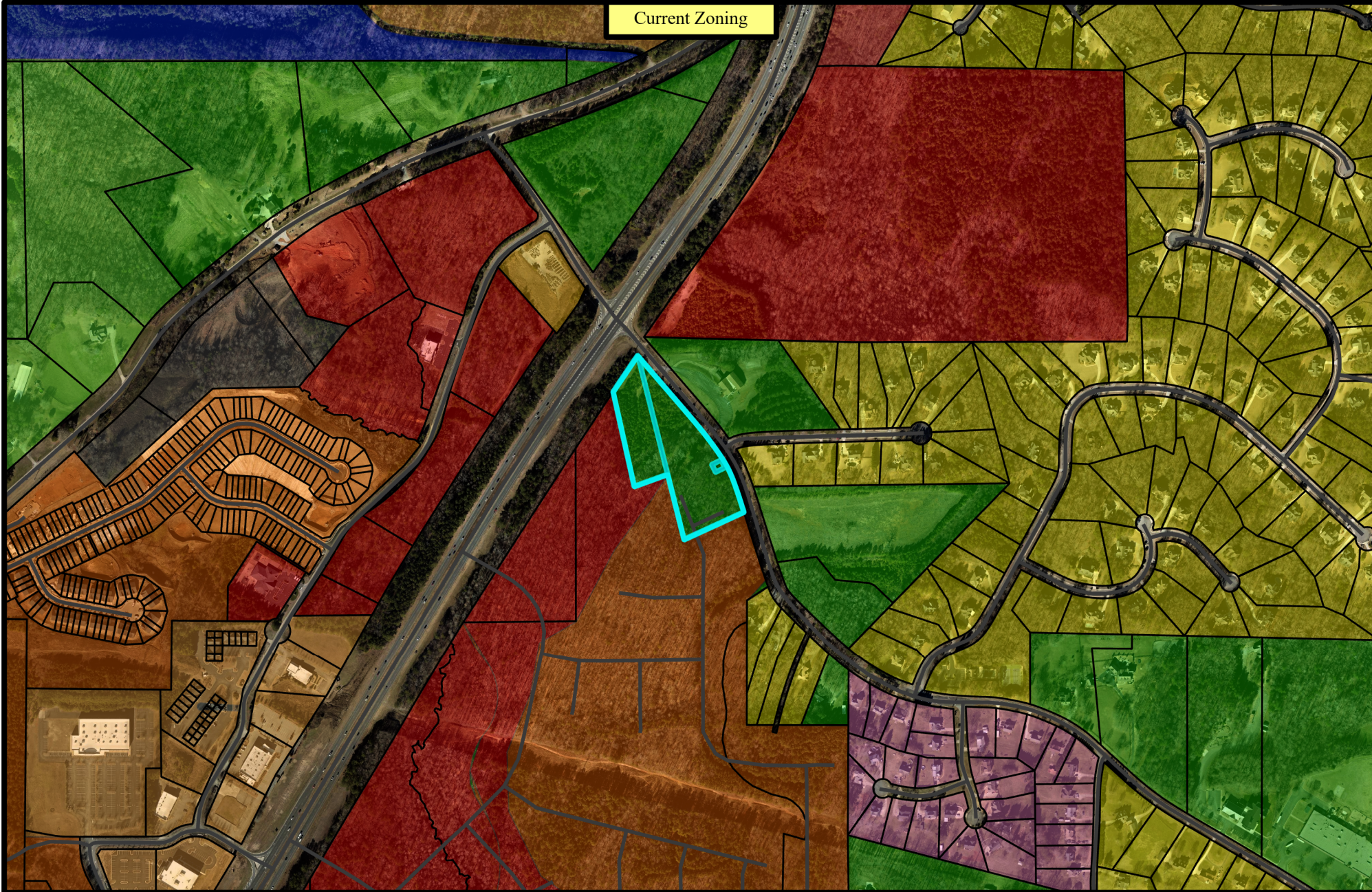
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Dawson County
Plann 75 and Development

Staff Report: Exhibit

Parcel#: 113-098-001 & 113-053
Current Zoning: RA
FLU: C-HB
Application #: ZA 23-06



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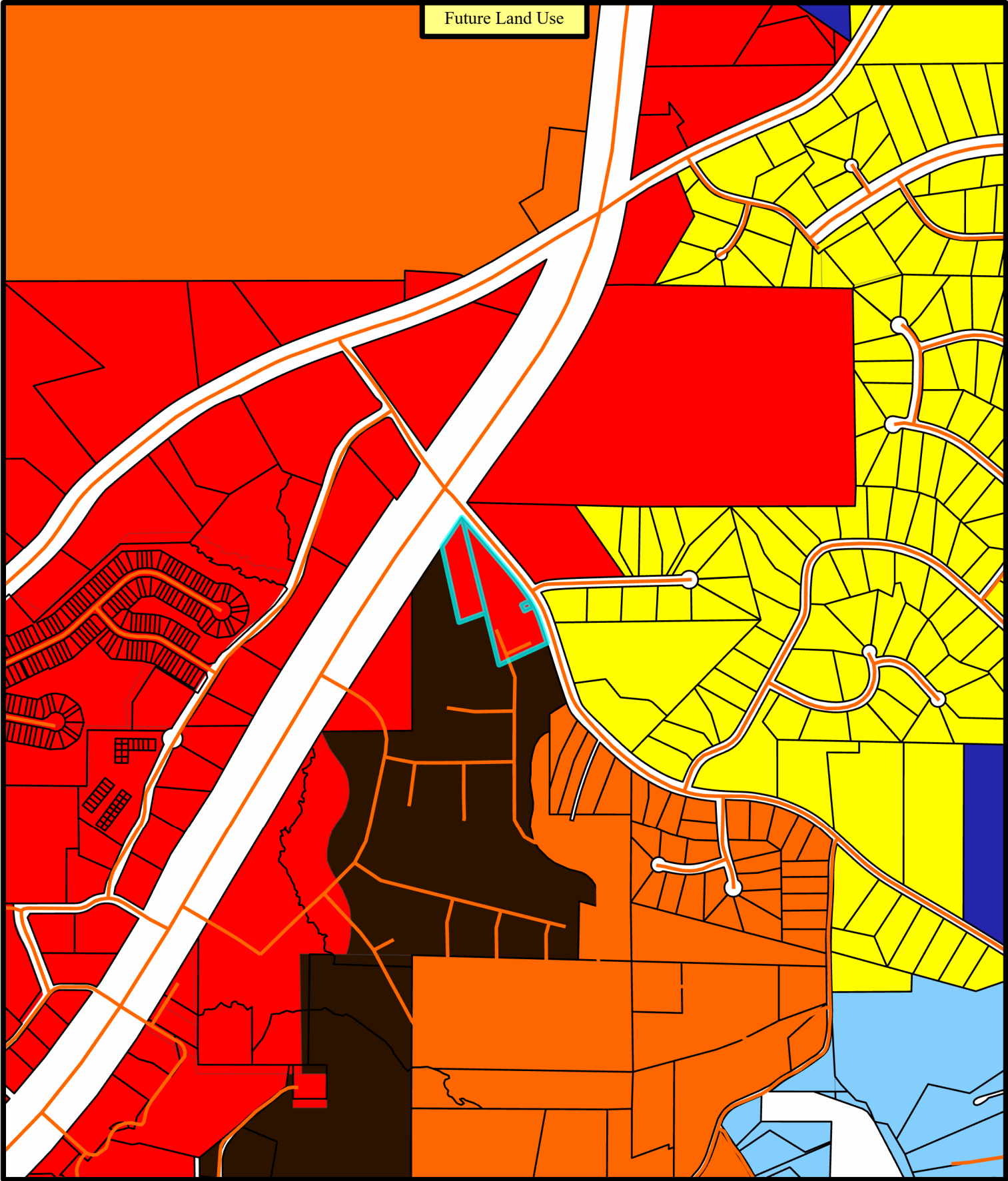
Dawson County
Planning and Development 76

Staff Report

Legend	
	RA
	RSR
	VCR
	C-HB
	RSRMM
	C-CB
	C-IR
	C-PCD
	C-OI
	RMF
	C-HI
	Parcels

Parcel#: 113-098-001 & 113-053
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Future Land Use



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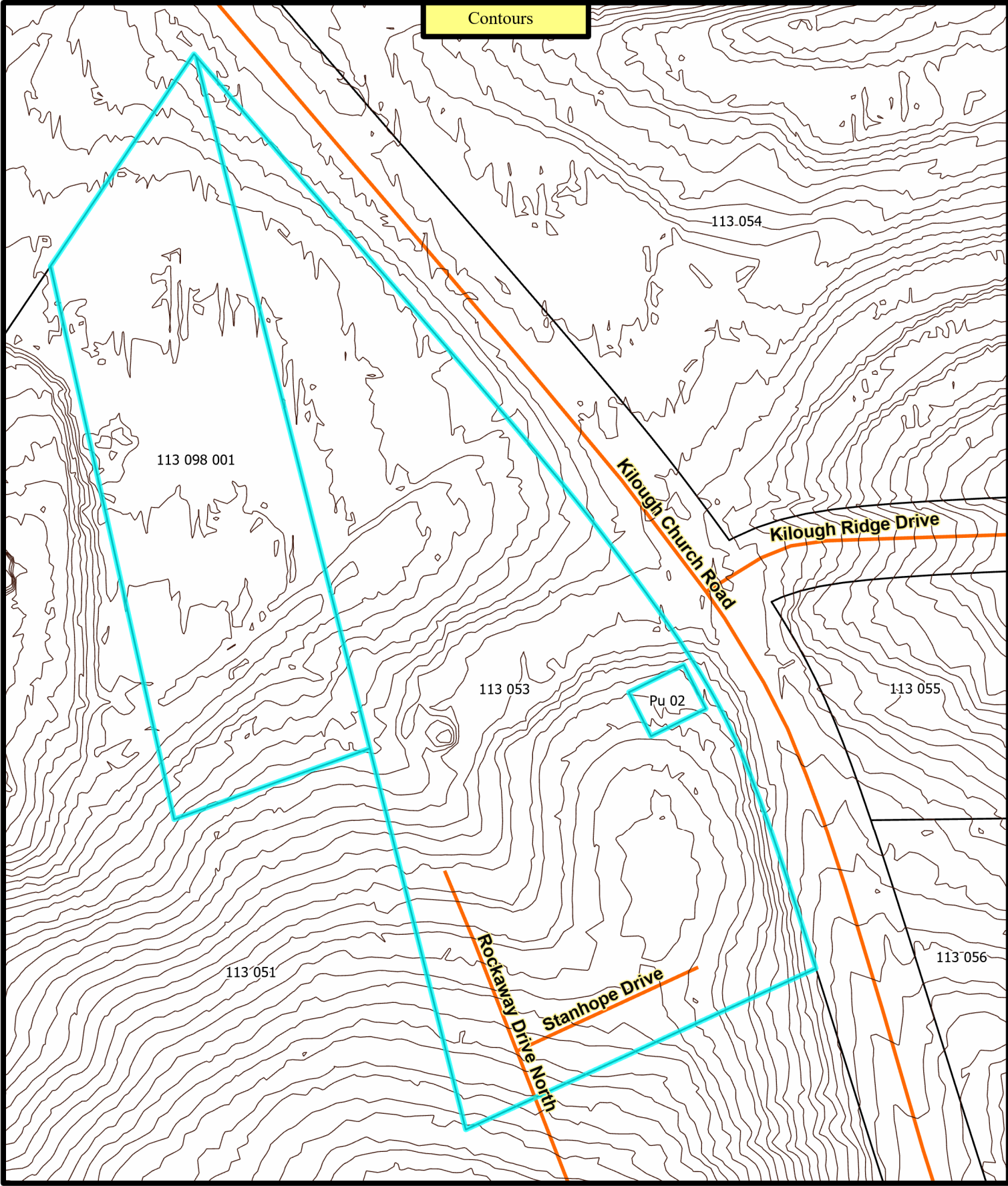
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Dawson County
Plan 77 and Development

Staff Report

Parcel#: 113-098-001 & 113-053
Current Zoning: RA
FLU: C-HB
Application #: ZA 23-06

Contours



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Scale: 1:1,521

Dawson County
Plan 78 and Development

Staff Report

Parcel#: 113-098-001 & 113-053
Current Zoning: RA
FLU: C-HB
Application #: ZA 23-06