

DAWSON COUNTY PLANNING COMMISSION
MEETING Agenda – Tuesday, February 21, 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:

Planning Commission Meeting March 21st 2023

F. APPROVAL OF MINUTES:

December 20, 2022

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 22-28 Danny Lankford obo Discount Tires
2. Presentation of VR 22-30 Nick & Michelle Taber

Application for Rezoning:

3. Presentation of SU 22-03 Karen Mason
4. Presentation of ZA 22-29 & VR 22-29 Miles, Hansford & Tallant, LLC obo Kathleen Martin
5. Presentation of ZA 22-30 Sharon Jennings

Election of Planning Commission Officers:

6. Election of Chairman
7. Election of Vice Chairman
8. Appointment of Planning Commission Secretary

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



VR 22- 28

Danny Lankford obo Tire Discounters Planning Commission Hearing February 21, 2023 VARIANCE STAFF REPORT

Proposal: The applicant is requesting a variance to the Dawson County Sign Ordinance to allow a wall sign area of 129 square feet on the Northeast (right side facing Duvall Road) due to the topography of the lot and the lack of visibility of the allowable 44 square feet.

Applicant	Danny Lankford obo Tire Discounters
The development standards and requirements to be varied from	Dawson County Sign Ordinance Article IX Section 129-224
Alternative standards and requirements proposed	A wall sign area of 129 square feet
Proposed Use	Tire Discounters retail store
Zoning	C-HB (Commercial Highway Business)
Acreage	1.89
Location	Wallace Boulevard & Duval Road
Linear Feet of the Building	44' 4"
Road Classification	Private
Tax Parcel	114-030-003
Commission District	4

Direction	Zoning	Existing Use
North	C-HB	Retail/Commercial
South	C-HB	Retail/Commercial
East	C-HB	Commercial
West	C-HB	Retail/Commercial

The purpose of the Sign Ordinance is to provide general regulation for all signage within the unincorporated portions of Dawson County and is necessary in the public interest to:

- * Protect property values;
- * Protect the public from damage or injury caused or partially attributable to distractions or obstructions from improperly designed or situated signs;
- * Maintain the legibility and effectiveness of signs;
- * Create and maintain high quality signage;
- * Eliminate excess signage;
- * Protect the right of citizens to enjoy Dawson County's natural scenic beauty;
- * Encourage business and tourism; and
- * Regulate the construction, erection, maintenance, and size of signs.

Sec. 129-224. - Wall signs and "freestanding canopy" signs.

Those signs attached to the building or structure for stability or decoration.

(a) Wall signage for single tenant buildings.

(1) Three wall signs will be permitted per building.

(2) Only one wall sign shall be permitted per wall.

(3) Signs shall not exceed one square foot per linear foot of building wall facade each and shall not exceed 180 square feet each.

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 1.20.2023

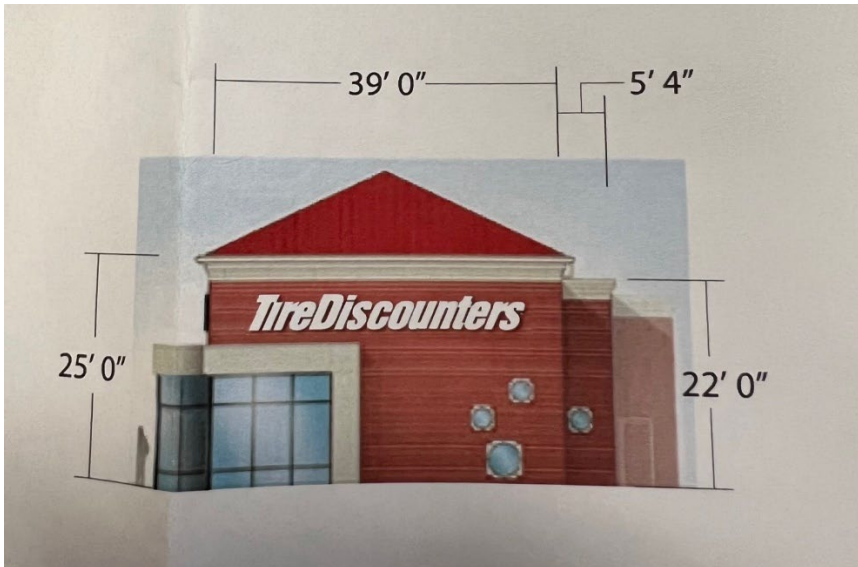
Environmental Health Department: No comments returned as of 1.20.2023

Etowah Water & Sewer Authority: "If work impacts existing water main/sewer line, contact EWSA."

Planning and Development: Since 1999, there have been approximately 55 variances granted to the sign ordinance (post the adoption of the 400 Corridor Guidelines). Approvals are concentrated in the Dawson Forest/Hwy 400 Hwy and 53/Hwy 400 pockets. The approved variances have ranged from increase in size of the signs, increase in the number of signs (wall mounted) and façade materials. Given the location of the building, two retaining walls to the Northwest and Southwest of the building visibility of signage may be compromised.

Public Works Department: No comments returned as of 1.20.2023

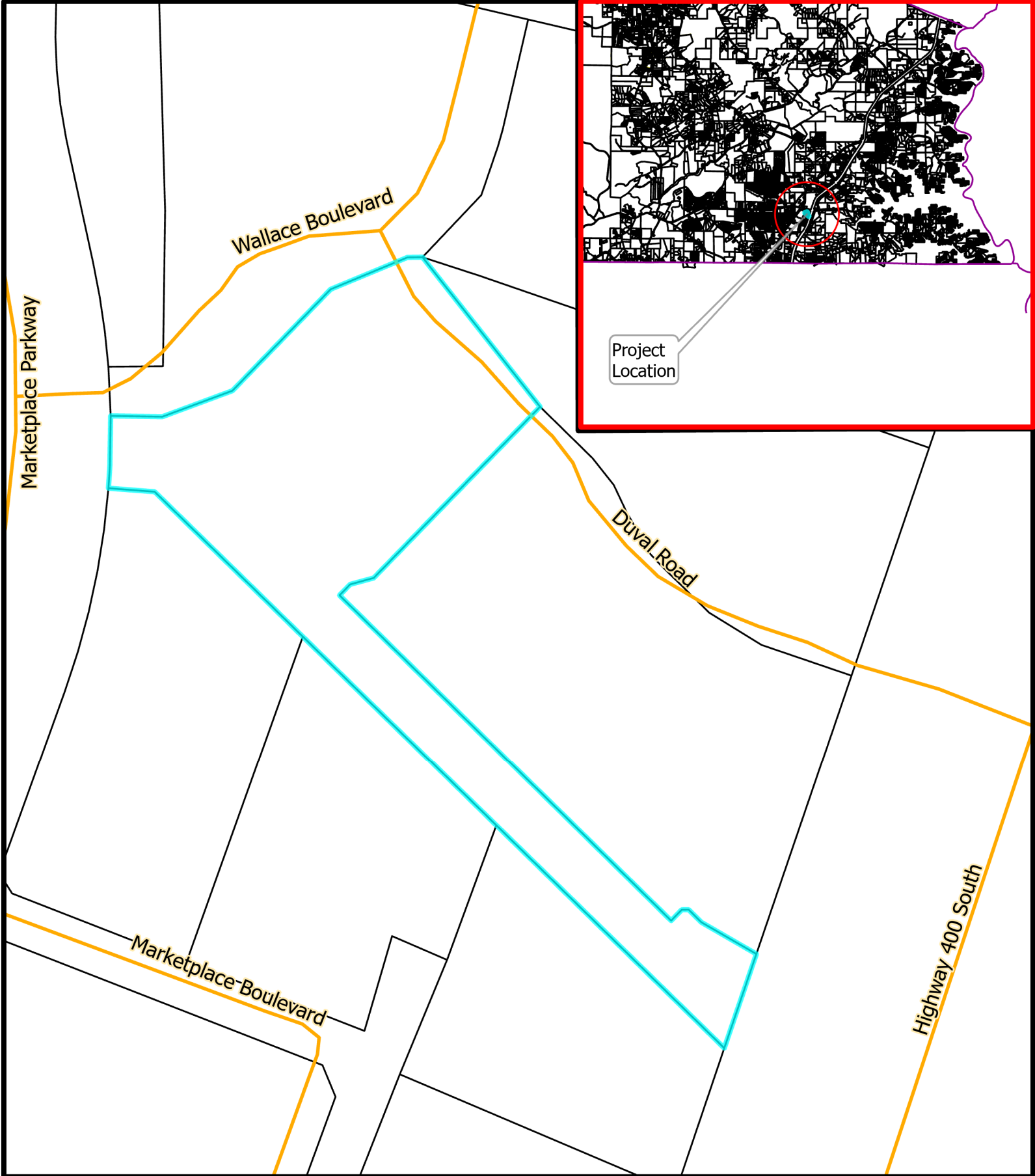
- PHOTO OF PROPERTY -



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
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 IS ONLY FOR DISPLAY
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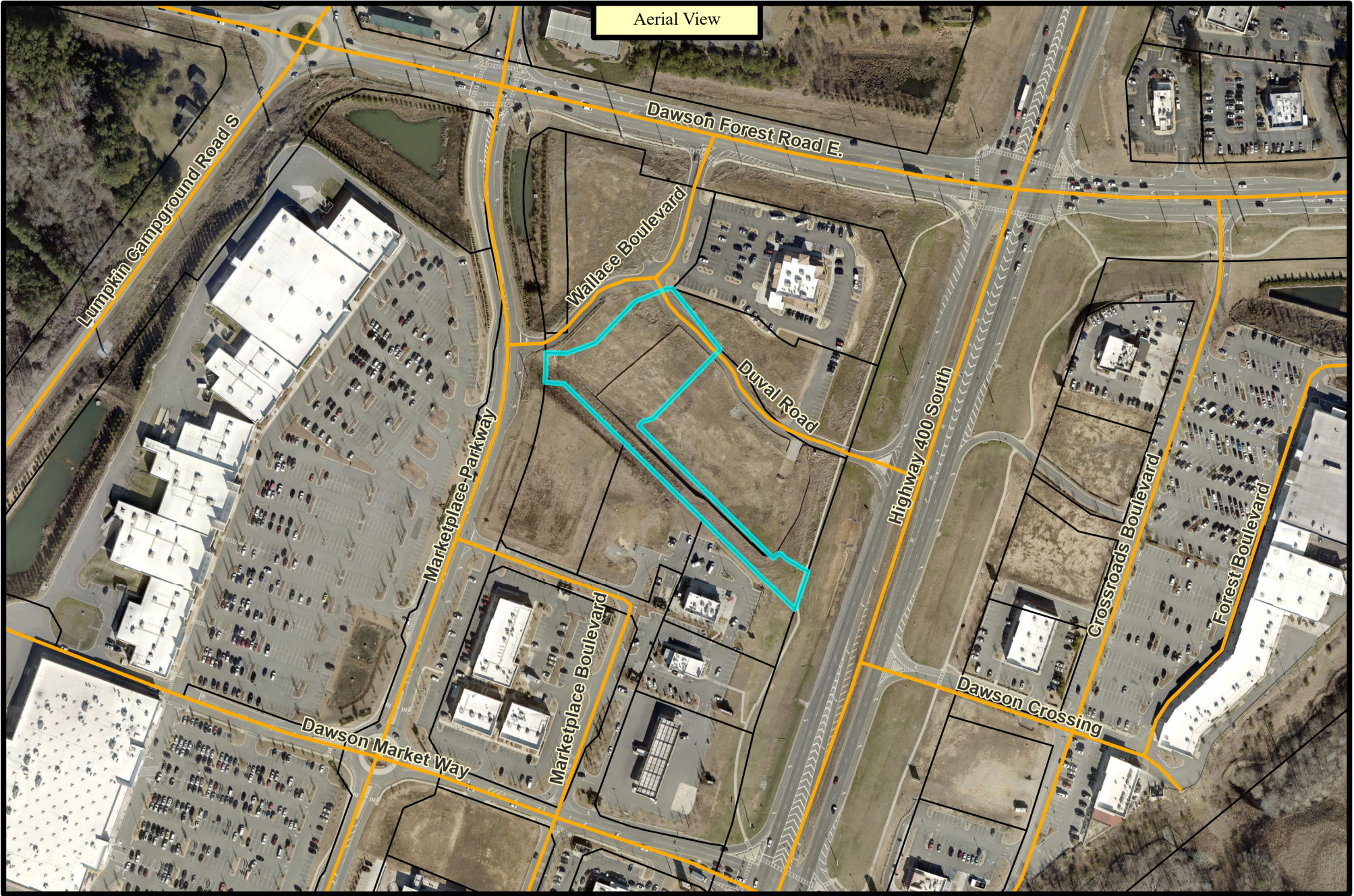


Dawson County
 Planning and Development
 Staff Report: Exhibit

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Parcel #: 114-030-003
 Current Zoning: C-HB
 FLU: C-HB
 Application #: VR 22-28

Aerial View



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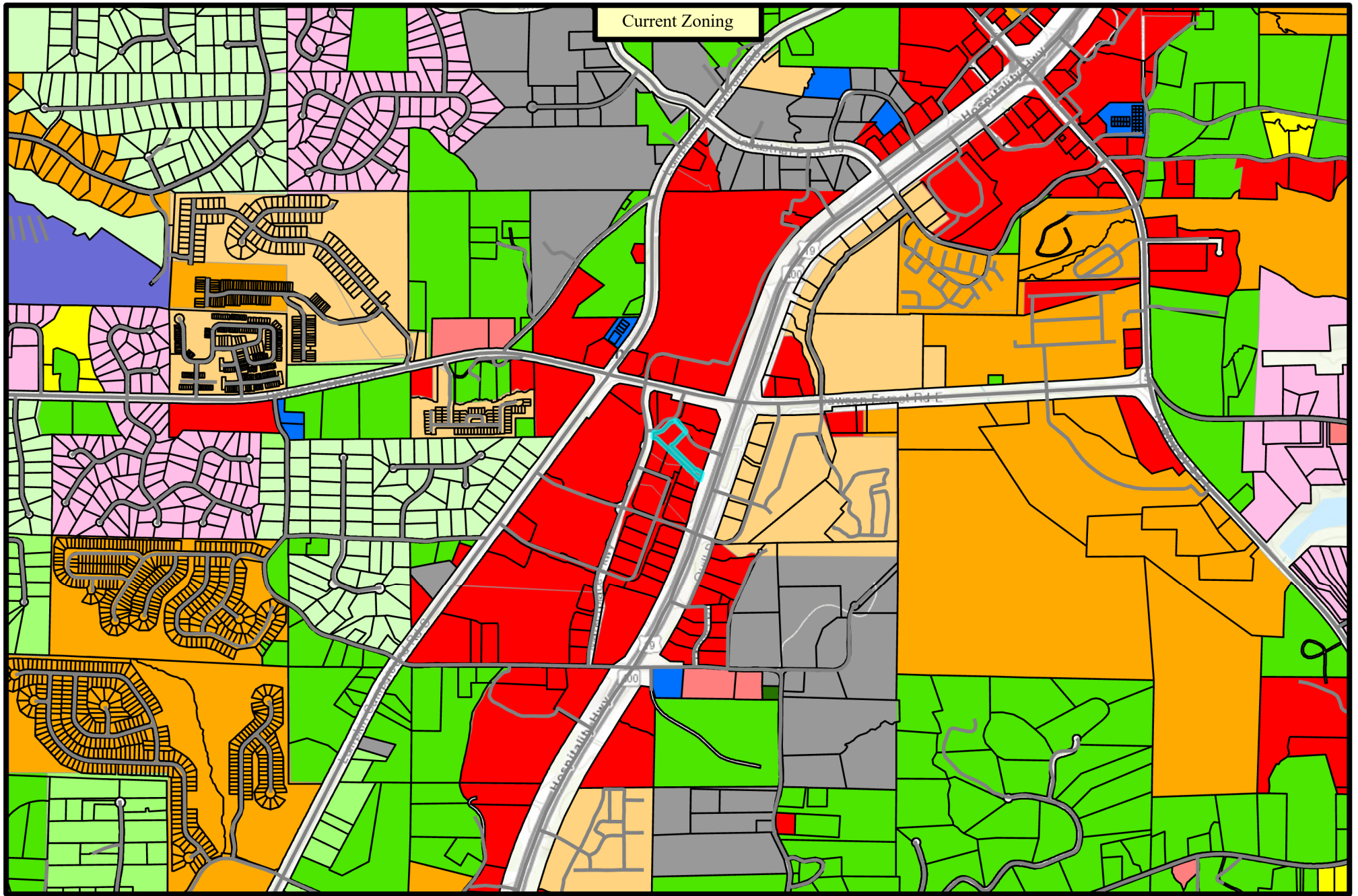
Dawson County

Planning and Development

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Site Report

Parcel #: 114-030-003
Current Zoning: C-HB
FLU: C-HB
Application #: VR 22-28



Current Zoning



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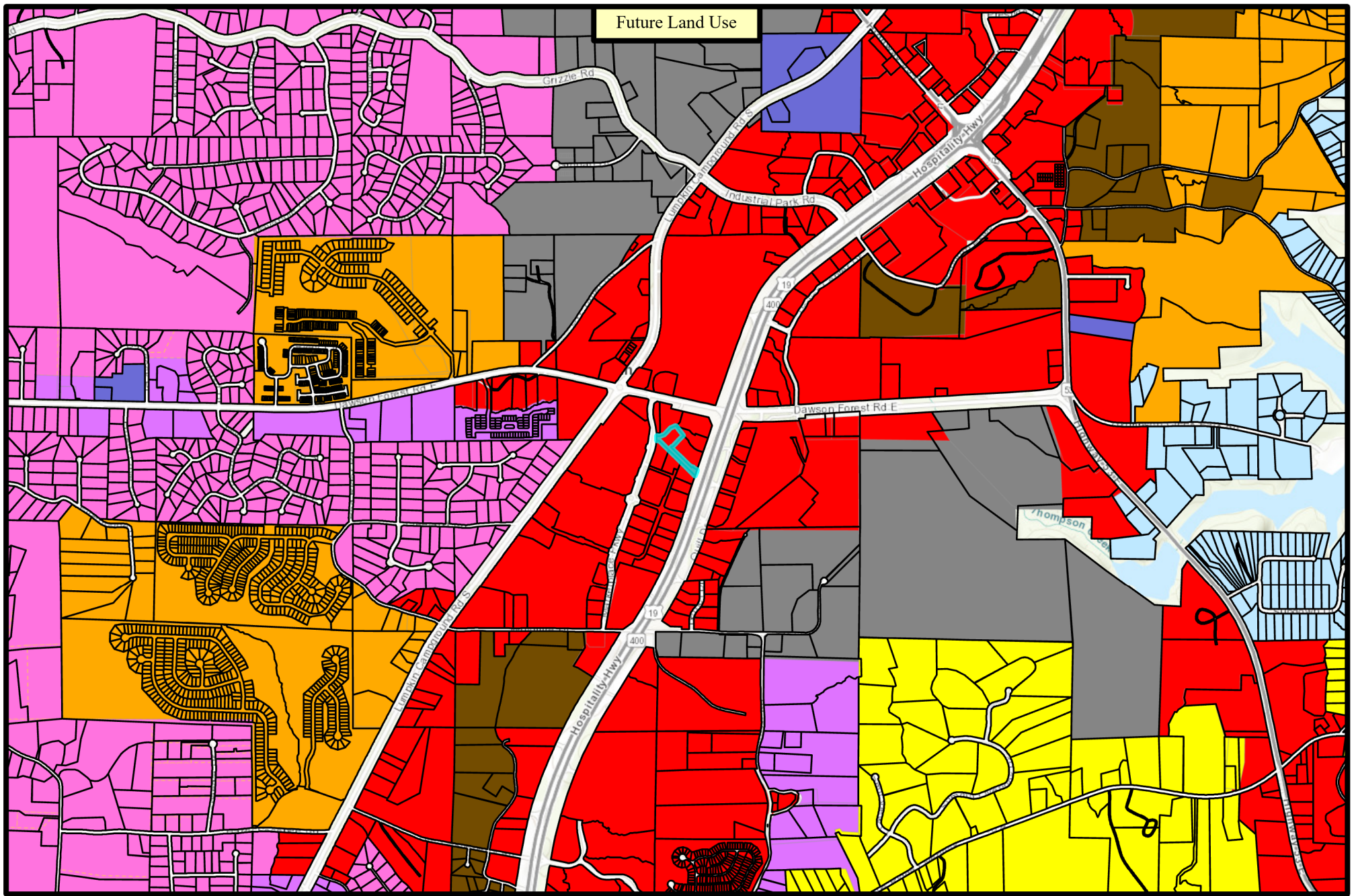
Dawson County

Planning and Development

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Staff Report


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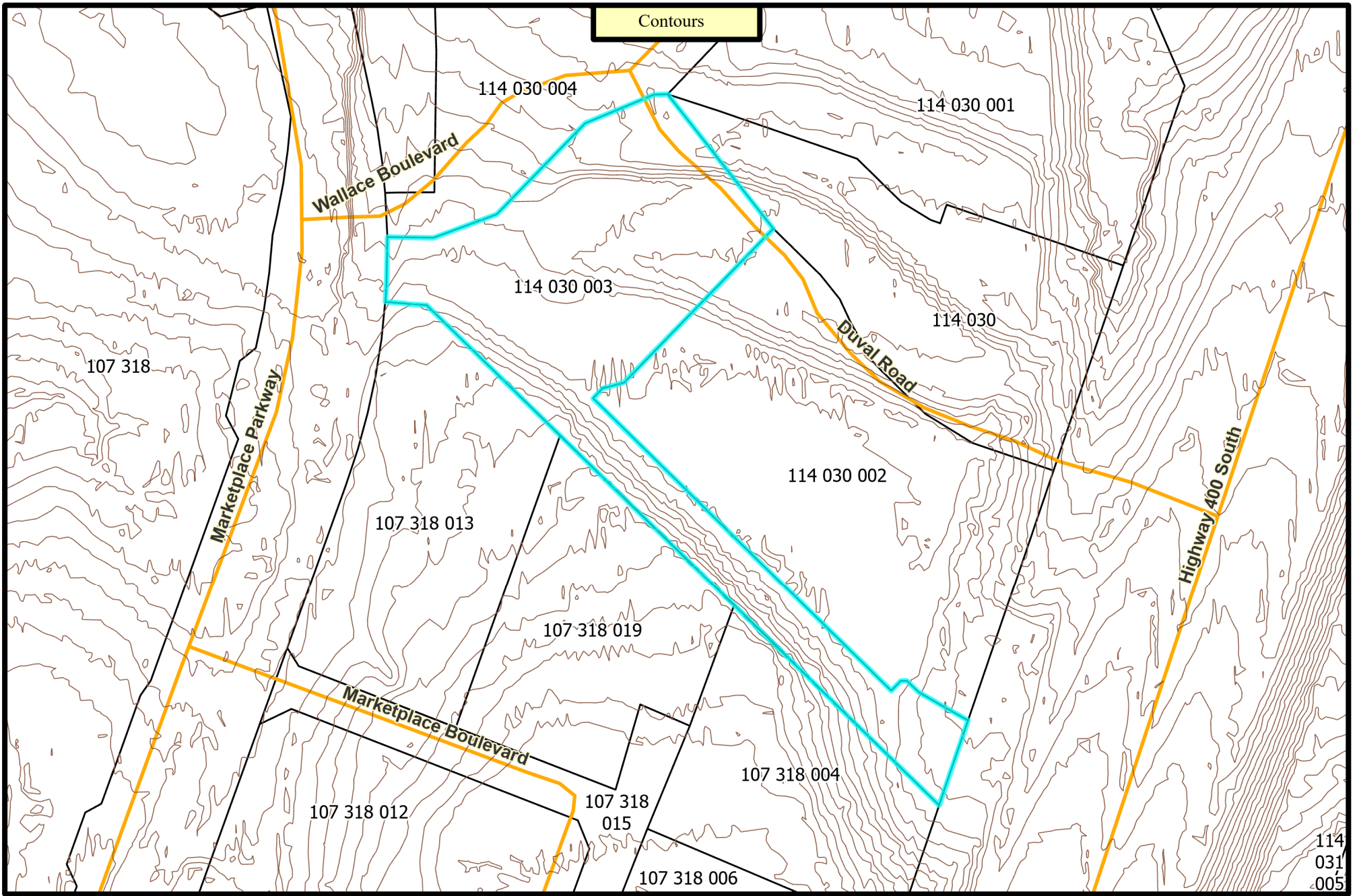
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Dawson County
 Planning and Development

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 Staff Report

Parcel #: 114-030-003
 Current Zoning: C-HB
 FLU: C-HB
 Application #: VR 22-28



Contours

Parcel #: 114-030-003
 Current Zoning: C-HB
 FLU: C-HB
 Application #: VR 22-28



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Dawson County
 Planning and Development

 Staff Report



DAWSON COUNTY VARIANCE APPLICATION

25 Justice Way, Dawsonville, Georgia 30534

APPLICANT INFORMATION (or Authorized Representative)

Printed Name: Danny Lankford

Address: _____

Contact Email: _____ Telephone # _____

Status: Owner Authorized Agent Lessee

PROPERTY INFORMATION

Street Address of Property:
3862 Dawson Forest Road

Land Lot(s): 372 District: _____ Section: _____

Subdivision/Lot: _____ / _____

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 _____ feet to allow the structure to: be constructed; remain a distance of _____ feet from the property line, or other : _____ instead of the required distance of _____ feet as required by the regulations.

Home Occupation Variance: _____

Other (explain request): increase in allowed wall sign area from 39 sq ft to 129 sq ft on front wall of building

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

1234567890



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:

The property has unique topography requires the existing retaining wall on the northwest side of the property where our main wall sign would be located. The topography and retaining wall combine to block visibility of where the main wall sign would be located. Thus, a strict and literal enforcement of the code results in deprivation of signage rights enjoyed by surrounding properties.

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

As mentioned, the property is uniquely situated into a hill, which creates the need for the existing retaining wall on the northwest side of the property. Other surrounding properties enjoy a flat lot unaffected by topography blocking the visibility of primary wall signage.

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:

The variance requested will not be detrimental to the public health, safety or general welfare nor injurious to surrounding properties, because the variance is only an increase to the square footage of a wall sign. This increase will not create any additional adverse impacts to traffic, safety, or surrounding properties.

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

This variance is consistent with the purposes of the General Sign Regulations, more specifically, this variance meets the purposes provided by subsections a, b, d, e, g, h, i, j, and n of Section 105-1 of the Code of Ordinances. Those subsections provide that the purposes of the

Regulation is to find a balance between the right to promote a business and protect against visual discord and safety concerns. The topography of the property prevents applicant from being able to promote its business, and the variance requested does not adversely impact surrounding properties.

Add extra sheets if necessary.





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: _____

Date: 12-7-2022

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 22-28 Tax Map & Parcel# 114.030.003

Zoning: C-1B Commission District #: _____

Submittal Date: 12-7-22 Time: am (p) 1:10 Received by: ngk (staff initials)

Fee Paid: 350- Planning Commission Meeting Date: 2/21/2023

2022 DEC 7 10:58 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: CORNELIA CCR LLC

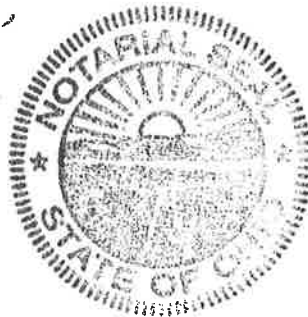
Mailing Address: _____

Signature of Owner:  Date: 12-3-22

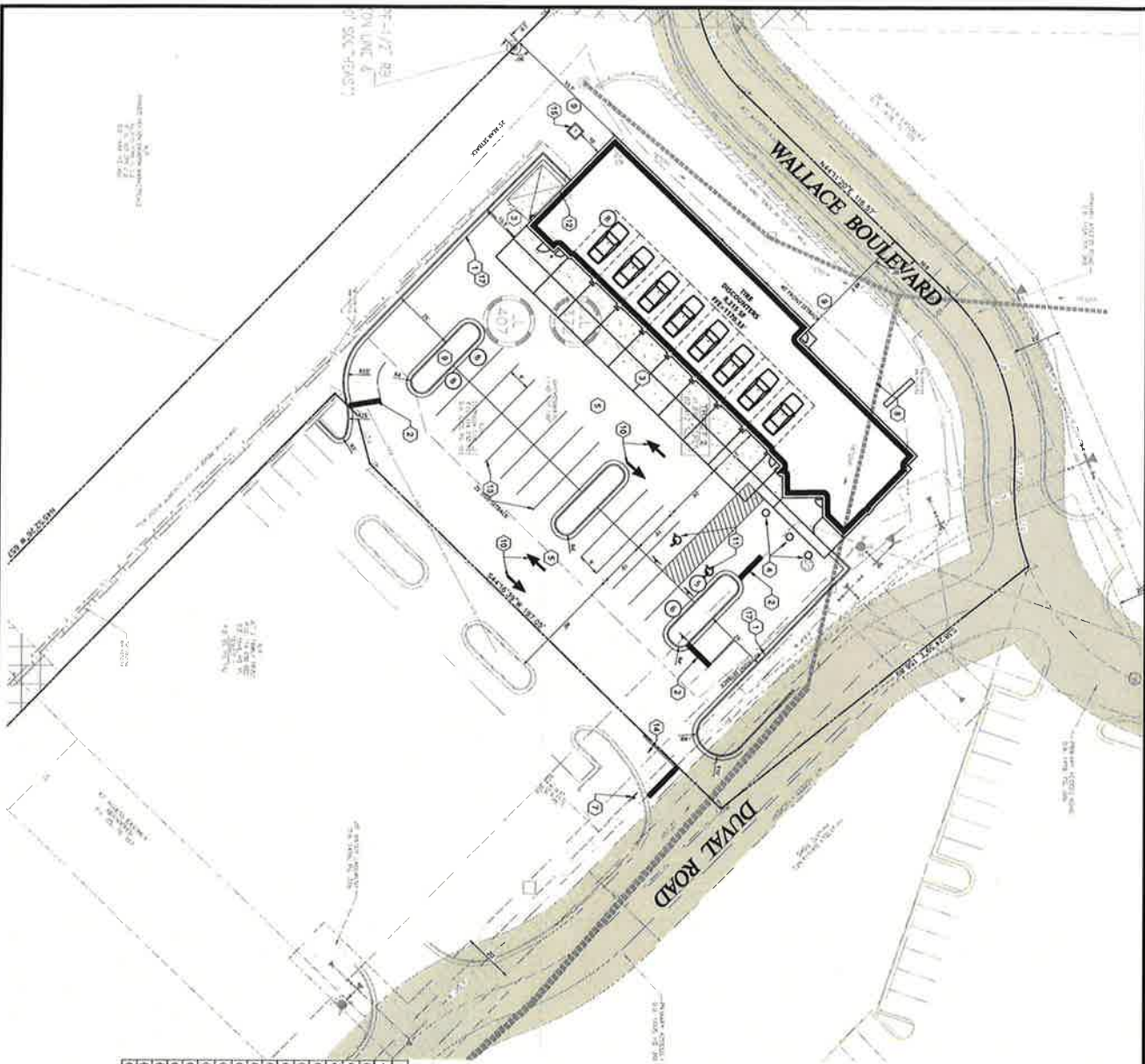
Signature of Notary:  Date: 12-3-22

Notary
Stamp

ROBERT ALAN OESTREICHER, Attorney At Law
NOTARY PUBLIC - STATE OF OHIO
My commission has no expiration date
Sec. 147.03 R.C.



22DEC 7 1:28PM



- KEY NOTES**
1. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL BUILDING CODE (IBC) AND THE INTERNATIONAL PLUMBING AND MECHANICAL CODE (IMC).
 2. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL ELECTRICAL CODE (IEC) AND THE INTERNATIONAL FIRE CODE (IFC).
 3. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL SWEET'S ARCHITECTURAL SYMBOLS AND NOTATION (ASNT).
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GENERAL SITE NOTES

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SITE LEGEND

Symbol	Description
Circle with dot	Existing Utility
Circle with cross	Proposed Utility
Circle with diagonal lines	Proposed Building
Circle with horizontal lines	Proposed Parking
Circle with vertical lines	Proposed Landscaping
Circle with wavy lines	Proposed Water
Circle with dashed lines	Proposed Fencing
Circle with solid lines	Proposed Wall
Circle with diagonal lines (top-left to bottom-right)	Proposed Stair
Circle with diagonal lines (top-right to bottom-left)	Proposed Ramp
Circle with diagonal lines (bottom-left to top-right)	Proposed Elevation
Circle with diagonal lines (bottom-right to top-left)	Proposed Section
Circle with diagonal lines (top-left to bottom-right)	Proposed Foundation
Circle with diagonal lines (top-right to bottom-left)	Proposed Structure
Circle with diagonal lines (bottom-left to top-right)	Proposed Detail
Circle with diagonal lines (bottom-right to top-left)	Proposed Note

LANDSCAPING SUMMARY

Item	Quantity
Plantings	200
Landscaping	100
Water	50
Fencing	100
Wall	100
Stair	100
Ramp	100
Elevation	100
Section	100
Foundation	100
Structure	100
Detail	100
Note	100

BUILDING SUMMARY

Item	Quantity
Plantings	200
Landscaping	100
Water	50
Fencing	100
Wall	100
Stair	100
Ramp	100
Elevation	100
Section	100
Foundation	100
Structure	100
Detail	100
Note	100

GENERAL NOTES

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20. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL SWEET'S ARCHITECTURAL, MECHANICAL, ELECTRICAL, PLUMBING, AND FIRE SYMBOLS AND NOTATION (ASAMEPF).



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 ATLANTA, GA 30333
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 WWW.TDMANAGEMENT.COM

ATWELL
 1355 LAKE PARK BLVD, SUITE 100
 ATLANTA, GA 30305
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VR 22- 30

Michelle & Nick Taber

Planning Commission Hearing February 21, 2023

VARIANCE STAFF REPORT

Proposal: The applicant is requesting a variance to the Dawson County Land Use Resolution front setback requirement for the construction of a single-family residence.

Applicant	Michelle & Nick Taber
The development standards and requirements to be varied	Land Use Code, Article III, Section 121-76 Table 3.2
Proposed Use	A front setback reduction of 20' for the construction of a single-family residence
Zoning	Residential Sub-Rural
Acres	1 acre
Location	Frank Bruce Road
Road Classification	Local
Tax Parcel	092-071
Commission District	2

Direction	Zoning	Existing Use
North	R-A	Single Family Residential
South	R-A	Single Family Residential
East	R-A	Single Family Residential
West	R-A	Vacant Land/Single Family Residential

The primary area of unincorporated Dawson County designed as Sub-Rural Residential is bounded by the forest belt and Dawson Forest on the west, Lumpkin County line on the north, and the agricultural belt to the south and east. In the southern part of this area, there is extensive residential development, but the northern part of this area is mostly undeveloped

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

Minimum setbacks.

Front yard - 100 feet on parkways, 60 feet on state highways, 40 feet on others;

Side yard - 10 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 - 5 feet; and Rear yard - 10 feet.

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:

Environmental Health Department: No comments returned as of 1.23.23

Emergency Services: No comments returned as of 1.23.23

Etowah Water & Sewer Authority: “Access to water should be available at the intersection of North Seed Tick and Frank Bruce Road contact EWSA if residential construction. Septic only available at this location.”

Planning and Development: A front setback reduction variance was requested in 2022 which was denied by the Planning Commission. The applicant withdrew the request of appeal to re-evaluate the request and reposition the location of the home. The original request was that the home be positioned 10’ from the property line, the current request is 20’. The home would be the approximately the same distance from the road as the adjacent home that was built prior to the 1986 zoning ordinance being adopted.

Public Works Department: No comments returned as of 1.23.23

Photo of Property:



Criteria for granting variances.

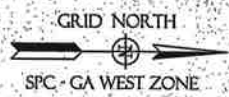
THE PLANNING COMMISSION SHALL MAKE ITS RECOMMENDATIONS BASED ON ALL FOUR EXPRESSLY WRITTEN FINDINGS:

- (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.

Filed 10/12/2020 03:31PM
 BK 0085 Pg 0185
 Plat Dec PLAT
 Penalty: \$0.00 Interest: \$0.00
 Participant: 6319847918
 JUSTIN POWERS, Clerk of Superior Court
 DAWSON County, Georgia

FLOOD NOTE:
 BASED ON AN INTERPRETATION OF FLOOD INSURANCE RATE MAP NO. 13085C0112C, EFFECTIVE DATE 4/4/2016, NO PORTION OF THIS SITE IS LOCATED WITHIN THE 100-YEAR FLOOD PRONE AREA. IF THE ACCURATE LOCATION AND/OR ELEVATION OF THE FLOOD HAZARD IS REQUIRED A DETAILED STUDY MAY BE NECESSARY.

THIS BLOCK RESERVED FOR THE CLERK
 OF THE SUPERIOR COURT



-SURVEYOR CERTIFICATION-

AS REQUIRED BY SUBSECTION (G) OF O.C.G.A. SECTION 44-1-10, THIS SURVEY AND PLAT HAS BEEN PREPARED BY ME AND SUPERVISOR AND I HAVE BEEN PROVIDED WITH APPLICABLE LOCAL JURISDICTIONS FOR RECORDING AS ENFORCED BY APPROVAL, CERTIFICATION, OR SUCH APPROVALS OR APPROVALS SHOULD BE COMPLETED WITH THE APPROPRIATE GOVERNMENTAL AGENCIES BY ANY PURCHASER OR USER OF THIS PLAT. I AM NOT PROVIDING ANY GUARANTEE OR WARRANTY OF ANY KIND FOR THE ACCURACY OF THIS SURVEY OR PLAT. I AM NOT PROVIDING ANY GUARANTEE OR WARRANTY OF ANY KIND FOR THE ACCURACY OF THIS SURVEY OR PLAT. I AM NOT PROVIDING ANY GUARANTEE OR WARRANTY OF ANY KIND FOR THE ACCURACY OF THIS SURVEY OR PLAT.



JASON D. WATKINS BLS #3541

NORTH SEED TICK ROAD
 SHOWN ON PG 29, PG 281 AS BT R/W

Site Plans

Curve	Radius	Length	Chord	Chord Bear.
C1	1890.00'	34.44'	34.44'	N 2815.92° W
C2	1890.00'	331.44'	331.01'	N 5448.14° W

Course	Bearing	Distance
1	N 41°59'52" E	18.78'
2	S 00°40'13" W	17.02'
3	N 28°44'10" W	16.78'

ZONING - RSR
 SETBACKS:
 FRONT - 40 FEET
 SIDE - 10 FEET
 REAR - 20 FEET

-LEGEND-

- CALCULATED POSITION
- FOUND POINT
- MEASUREMENT
- CENTER OF CURVE
- POINT OF BEGINNING OF CURVE
- POINT OF TANGENCY
- POINT OF CURVATURE
- POINT OF INTERSECTION
- POINT OF SIGHT
- POINT OF VIEW
- POINT OF POWER
- POINT OF OVERHEAD POWER
- POINT OF ADJUSTER
- POINT OF RIGHT OF WAY
- POINT OF OVERHEAD POWER

-SURVEY NOTES-

FIELD MEASUREMENTS WERE TAKEN WITH A TRIMBLE S5 ROBOTIC INSTRUMENT. FIELD DATA FOUND TO HAVE A CLOSURE PRECISION OF 1 FOOT IN 30,149 FEET, AND AN ANGULAR ERROR OF 1 SECOND PER ANGLE.

FIELD DATA ADJUSTED USING THE LEAST SQUARES METHOD.

THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND FOUND TO HAVE A PRECISION OF 1 FOOT IN 335,982 FEET.

THIS PLAT DOES NOT CONSTITUTE ANY SHAW-NOT-BE-CONSIDERED AS A TITLE SEARCH OR REPORT, AND THIS MAY BE SUBJECT TO ANY EASEMENTS, RIGHT OF WAY OR RESTRICTIONS ONE MAY FIND.

THIS PLAT WAS PREPARED FOR THE EXCLUSIVE USE OF THE PERSON, PERSONS OR ENTITY NAMED ON THIS PLAT.

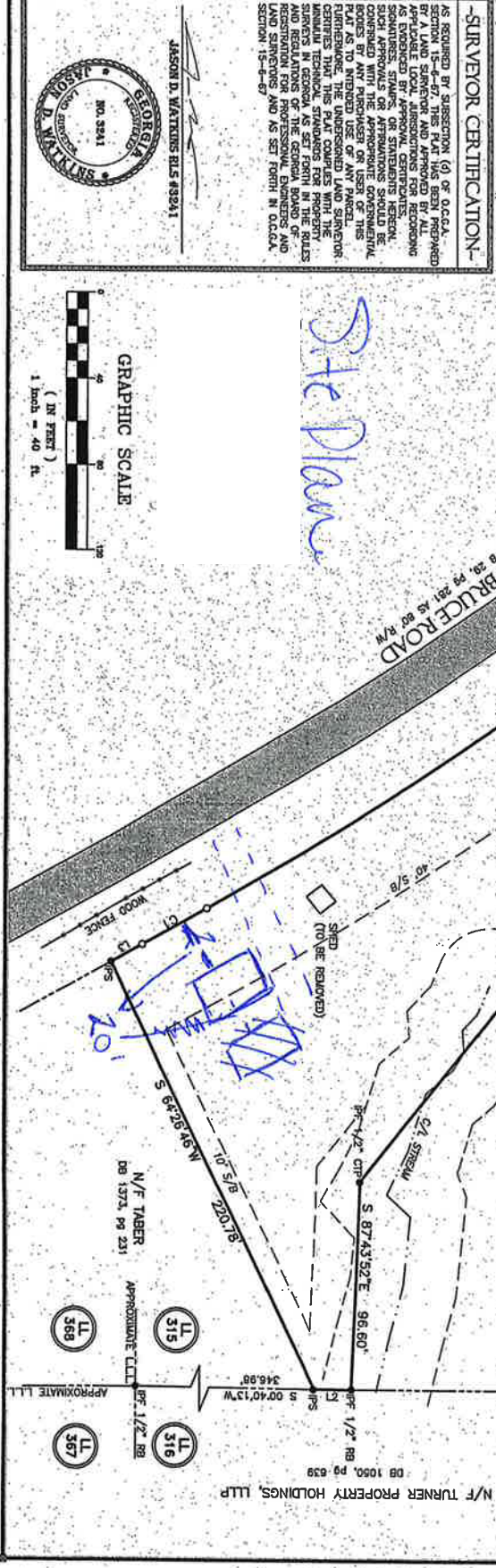
THIS DOES NOT EXTEND TO ANY UNNAMED THIRD PARTY WITHOUT AN EXPRESSED RESTRICTION BY THE SURVEYOR.

TYPE OF SURVEY: DIMENSION

SOURCE OF TITLE DESCRIPTION FOR PROPERTY SHOWN HEREON: DB 1373, PG 231

PROPERTY OWNERS AS OF SURVEY DATE: NICHOLAS M. & MICHELE TABER

PARCEL NUMBER: PORTION OF 092 071



UL 315
 UL 316
 UL 356
 UL 357

SURVEY FOR:

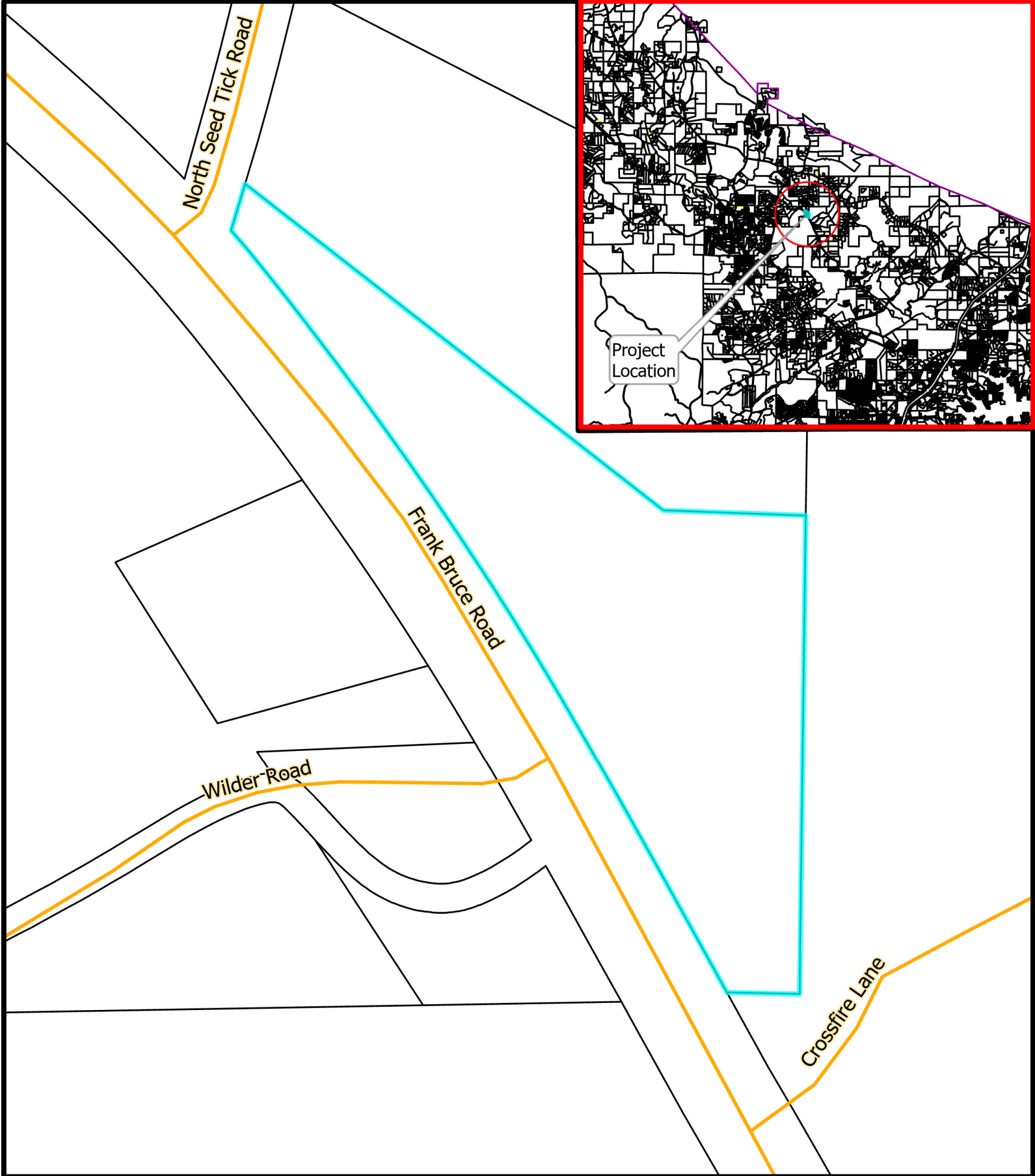
NICHOLAS & MICHELE TABER
 LAND LOT 315
 13th DISTRICT (NORTH HALF), 1st SECTION
 DAWSON COUNTY, GEORGIA

CERTIFICATE OF AUTHORIZATION NUMBER: LSF 00105

DAVIS ENGINEERS & SURVEYING
 133 PROMINENCE COURT
 SUITE 210
 DAWSONVILLE, GA 30054
 PHONE: (706) 265-1234
 DAVISENGINEERS.COM

DRAWN BY: JW/DS
 FIELD CREW: JCM/JM
 PLAT DATE: 3/16/2020
 FIELD DATE: 2/10/2020
 REV. DATE: 10/8/2020

SHEET NO. 1 OF 1
 PROJECT NO. 20-034.1



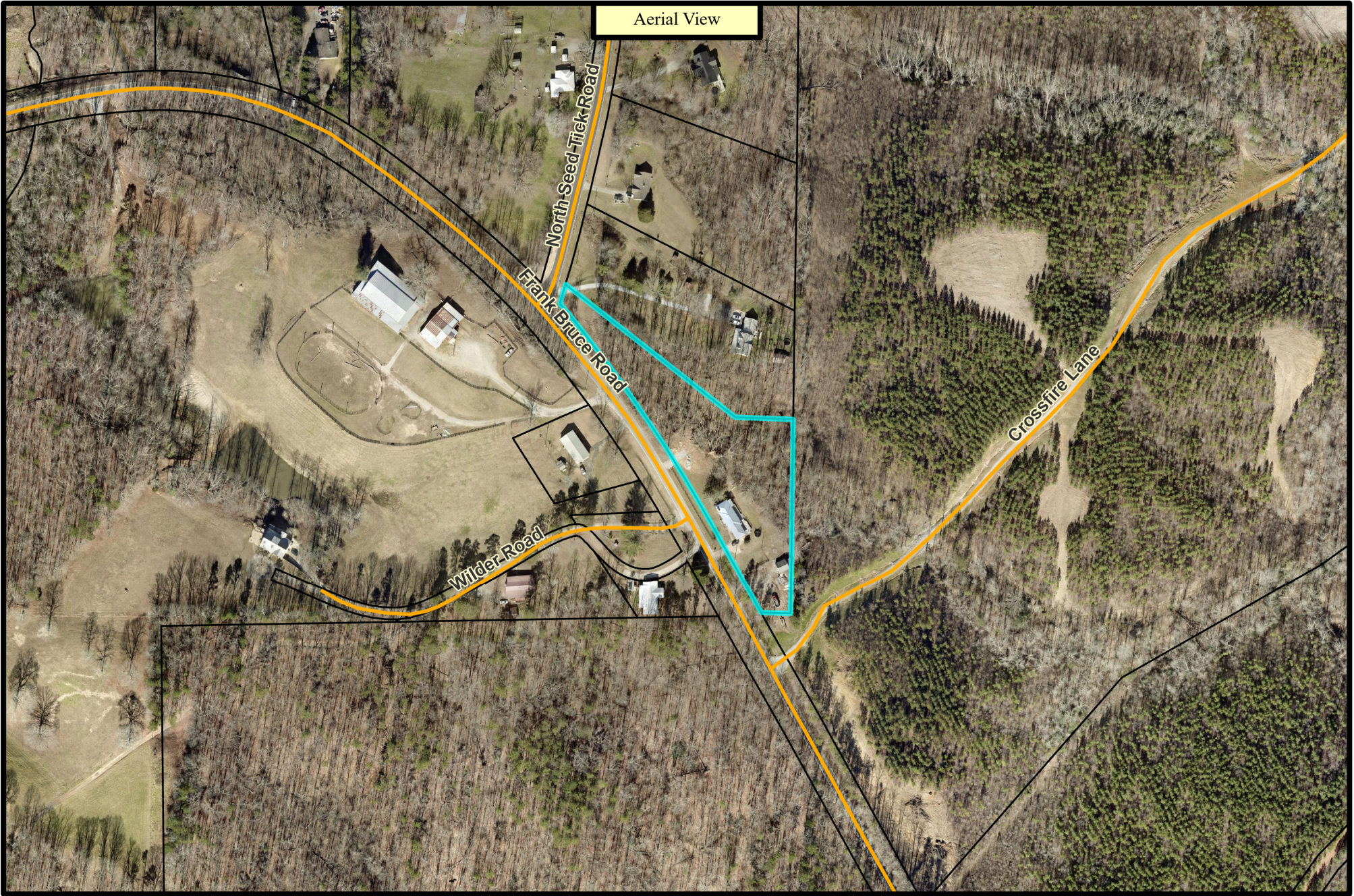
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Dawson County
 Planning and Development
 Staff Report: Exhibit

22

Parcel #: 092-071
 Current Zoning: RSR
 FLU: SRR
 Application #: VR 22-30



Aerial View



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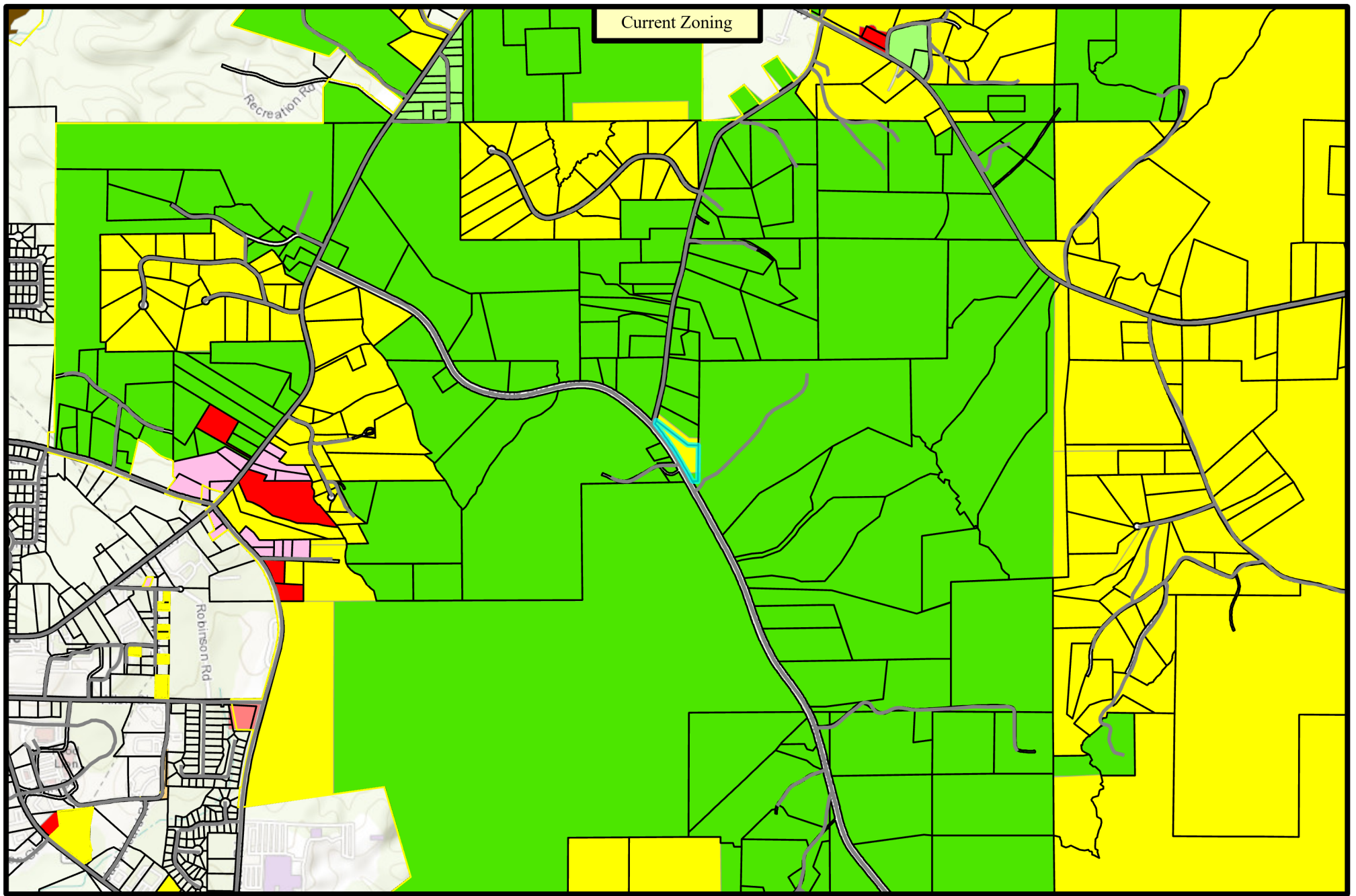
Dawson County

Planning and Development

23

Site Report

Parcel #: 092-071
Current Zoning: RSR
FLU: SRR
Application #: VR 22-30



Current Zoning

Recreation Rd

Robinson Rd



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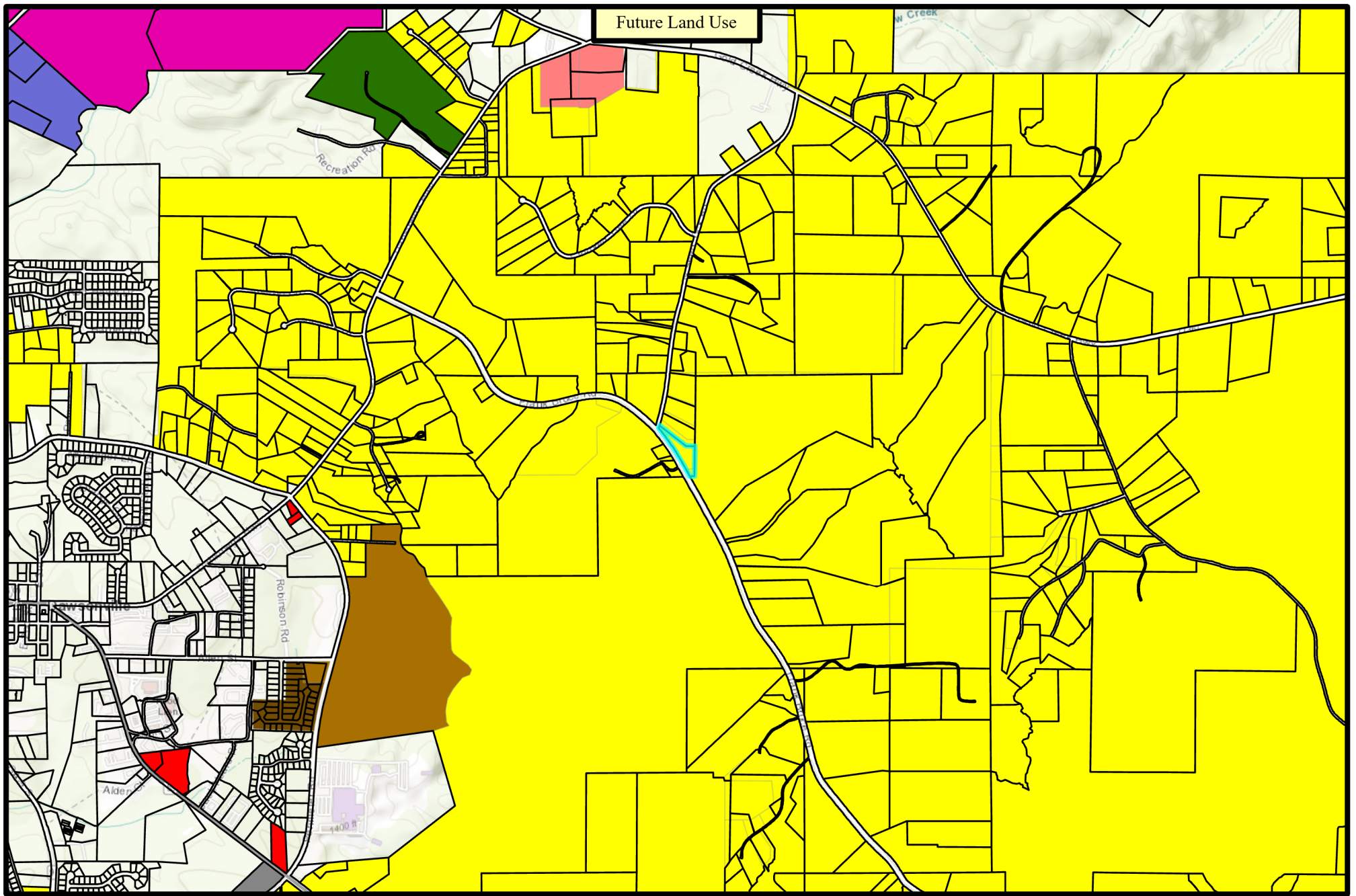
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 Scale: 1:20,637

Dawson County
 Planning and Development

 Staff Report


Parcel #: 092-071
 Current Zoning: RSR
 FLU: SRR
 Application #: VR 22-30



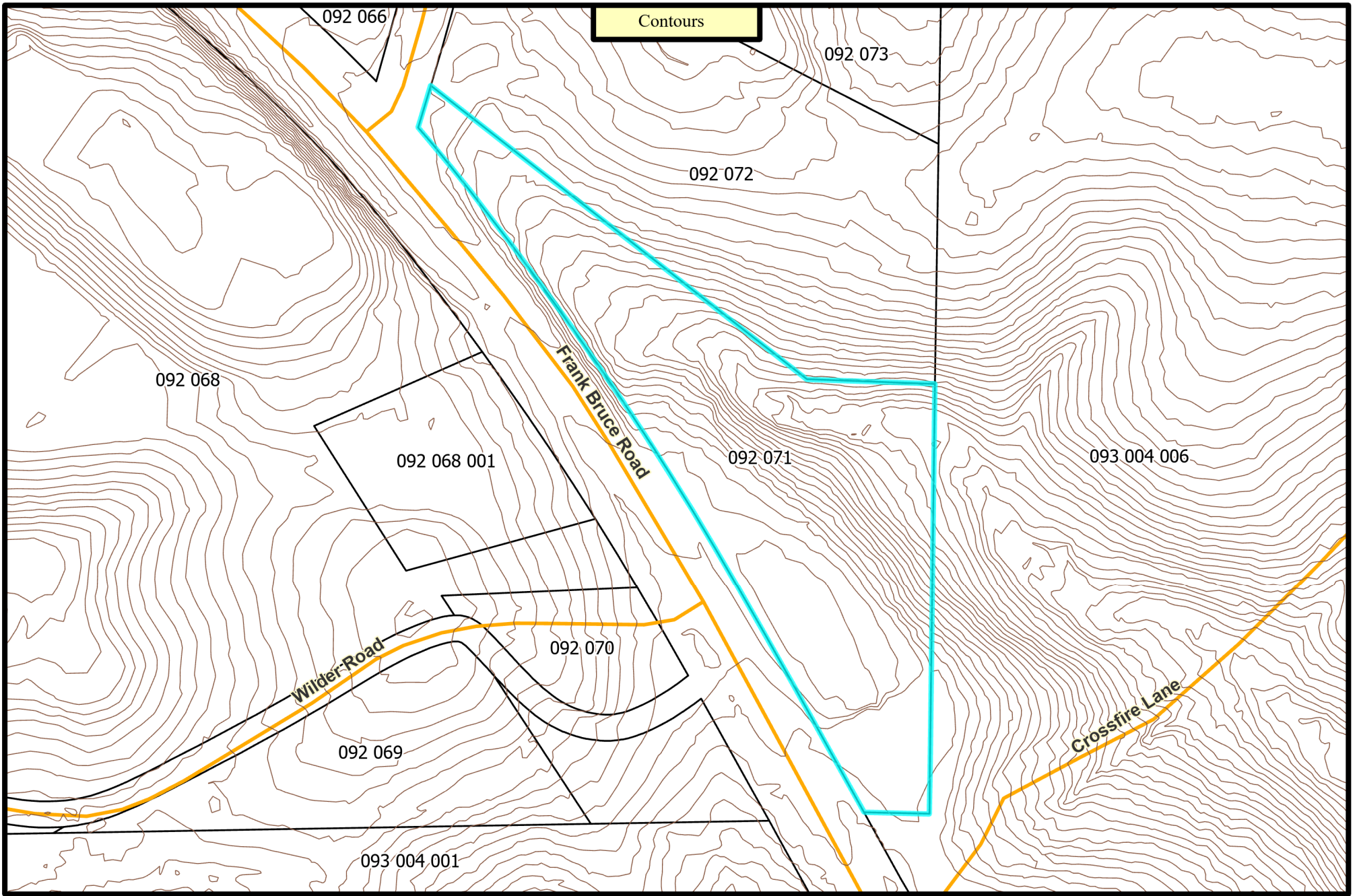
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N

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Dawson County
 Planning and Development

 Staff Report

Parcel #: 092-071
 Current Zoning: RSR
 FLU: SRR
 Application #: VR 22-30



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N

 Scale: 1:1,729

Dawson County
 Planning and Development
 26
 Staff Report

Parcel #: 092-071
 Current Zoning: RSR
 FLU: SRR
 Application #: VR 22-30



DAWSON COUNTY VARIANCE APPLICATION

25 Justice Way, Dawsonville, Georgia 30534

14822 6201221

APPLICANT INFORMATION (or Authorized Representative)

Printed Name: Nicholas & Michele Taber

Address: Dawsonville, GA 30534

Contact Email: _____ Telephone # _____

Status: Owner Authorized Agent Lessee

PROPERTY INFORMATION

Street Address of Property: 947 Frank Bruce Rd

Land Lot(s): _____ District: _____ Section: _____

Subdivision/Lot: _____ / _____

Building Permit #: 11-21-16718 (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 20 feet to allow the structure to: be constructed; remain a distance of 600 feet from the property line, or other : _____ 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:

setback variance



DAWSON COUNTY VARIANCE APPLICATION

25 Justice Way, Dawsonville, Georgia 30534

20200322

Variations 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:

Unable to build.

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

Existing home (next door) at 947 Frank Bruce Rd has the same setback

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:

Creates a buildable lot for single family home, same as surrounding properties

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

Creates a buildable lot.

Add extra sheets if necessary.



DAWSON COUNTY VARIANCE APPLICATION

25 Justice Way, Dawsonville, Georgia 30534

201403 021122

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>092 - 072</u> 1.	<u>Jonathan & Krista Hill</u>	<u>Le N. Seed Tick Rd</u>
TMP <u>092 - 068</u> 2.	<u>Robert & Dorothy Thomas</u>	<u>890 Frank Bruce Rd</u>
TMP <u>092 - 068</u> 3.	<u>"</u>	<u>112 Wiber Rd</u>
TMP <u>092 - 071</u> 4.	<u>Nicholas + Michele Taber</u>	<u>047 Frank Bruce Rd</u>
TMP _____ - _____ 5.	_____	_____
TMP _____ - _____ 6.	_____	_____
TMP _____ - _____ 7.	_____	_____
TMP _____ - _____ 8.	_____	_____
TMP _____ - _____ 9.	_____	_____

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.

2022

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.**

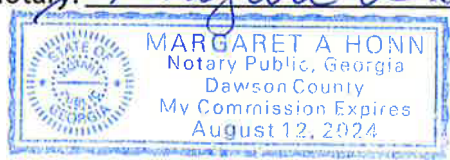
Owner's Name: Nicholas & Michele

Mailing Address: _____

Signature of Owner: Michele Tauer Date: 12/29/22

Signature of Notary: Margaret A Honn Date: 12/29/22

Notary
Stamp





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: Michelle Turner

Date: 12/29/22

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



SU 22-03

Karen Mason

Planning Commission Meeting February 21, 2023

Board of Commission Hearing March 16, 2023

Applicant Proposal

The applicant is seeking to obtain a Special Use of the property to place a manufactured home on a Residential Agriculture zoned parcel that is less than 5 acres in size.

Applicant	Karen Mason
Amendment #	SU 22-03
Request	Place a manufactured home on a Residential Agriculture parcel less than 5 acres in size.
Proposed Use	Single Family Residential
Current Zoning	Residential Agricultural
Future Land Use	Rural Agricultural
Acreage	1.90
Location	Summerour Vale
Commercial Square footage	n/a
Road Classification	Private
Tax Parcel	056-053
Dawson Trail Segment	n/a
Commission District	1
DRI	No
Planning Commission Recommendation	

Direction	Existing Zoning	Existing Use
North	R-A	Vacant Land/Single Family Residential
South	R-A	Vacant Land
East	RSRMM & R-A	Vacant Land/ Single Family Residential
West	R-A	Vacant Land/Single Family Residential

According to the Comprehensive Plan and accompanying Future Land Use Plan, the subject property is identified as Rural Agricultural. The exurban residential area is neither exclusively agricultural nor exclusively residential. Much of this area is rural, agricultural, steeply sloping, and/or forest land. The minimum lot size of five (5) acres is the least amount of land that is considered necessary to sustain viable agricultural or forestry operations. Most of the land in this future land use classification has steeply sloping mountain and hillside topography. It is attractive from a residential market standpoint for Rural Agricultural development, given the scenic mountain views. This area is well beyond the projected limits of development during the 20-year planning horizon (to 2028). In the context of growth management, a five-acre minimum lot for subdivisions is expected to prevent suburban subdivision development, though amenities-driven (i.e., mountain views) exurban development is still likely despite the five-acre minimum lot size. Although most agriculture shown on the future land use plan map is cropland, some agricultural operations such as poultry houses may result in odors, dust, noise, or other effects which can be incompatible with single-lot residential development, which is permitted in this land use category. Although designated as Rural Agriculture, property owners continue to have low-density residential subdivision rights. Within the designated agricultural belt along the west side of the Etowah River, subdivision for detached, single-family residences may be appropriate if developed at lot sizes of five acres or more. If subdivided, lands in the agricultural belt should adhere to conservation subdivision principles in order to retain as much of the belt as possible, thereby protecting sensitive habitat along the river and also contributing to objectives of protecting the existing water supply watershed.

Land Uses: Rural Residential, Parks, Recreation and Conservation, Forestry, Agriculture
Agricultural Retail

Zoning Districts: Residential Agriculture, Agriculture

County Agency Comments:

Environmental Health Department: Septic system approved by Environmental Health August 4th 2022

Emergency Services: No comments returned as of 1.23.2023

Etowah Water & Sewer Authority: "Wells & Septic only available at this site."

Planning and Development: Over the past two years, Planning has processed four applications for this type of request. Within a 2 miles radius of this parcel there are four other properties that are less than 5 (five) acres in size with manufactured homes. This request to place a manufactured home on the property fits with the general character of the area.

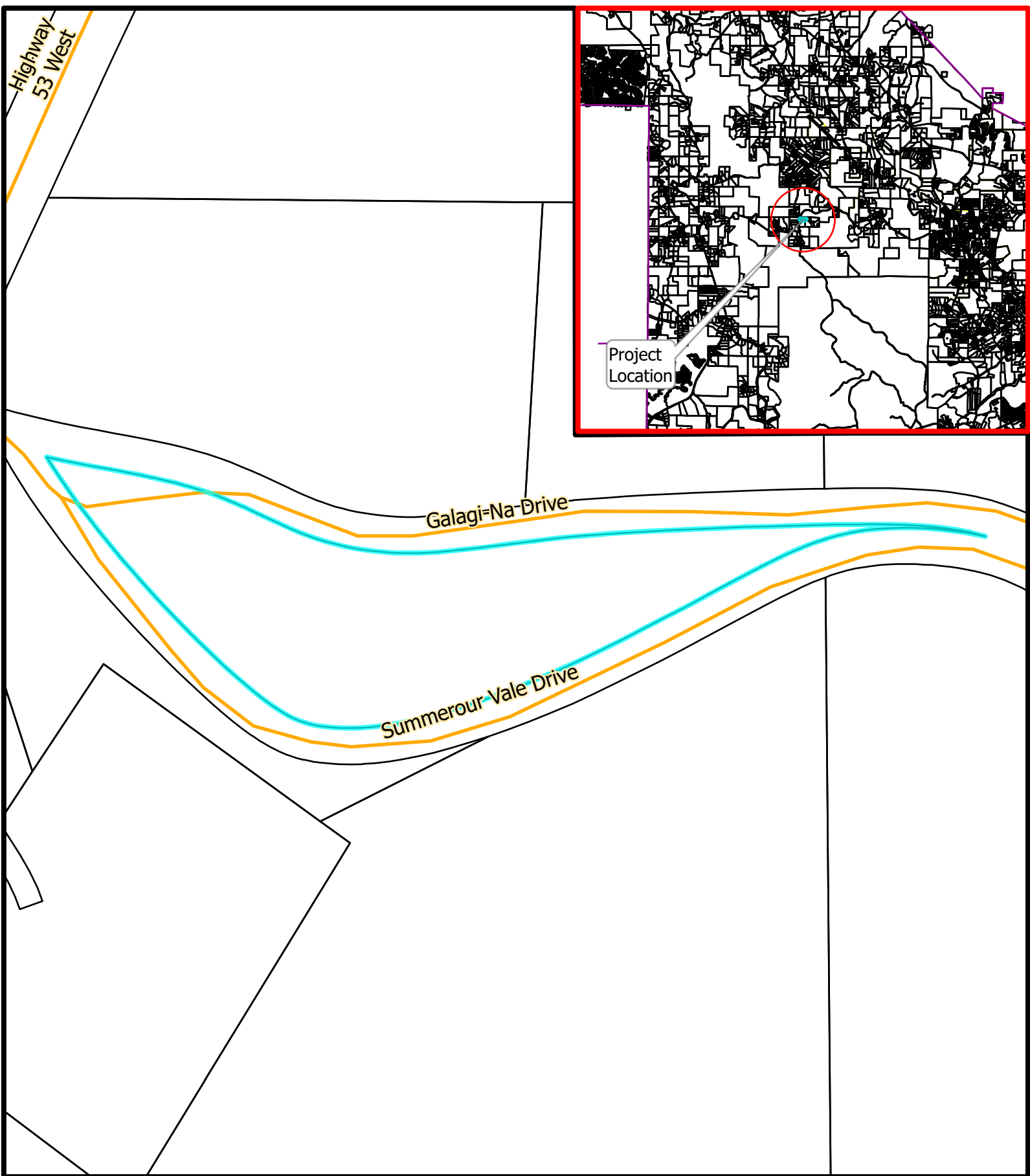
Public Works Department: No comments returned as of 1.23.2023

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

Photo of Parcel:





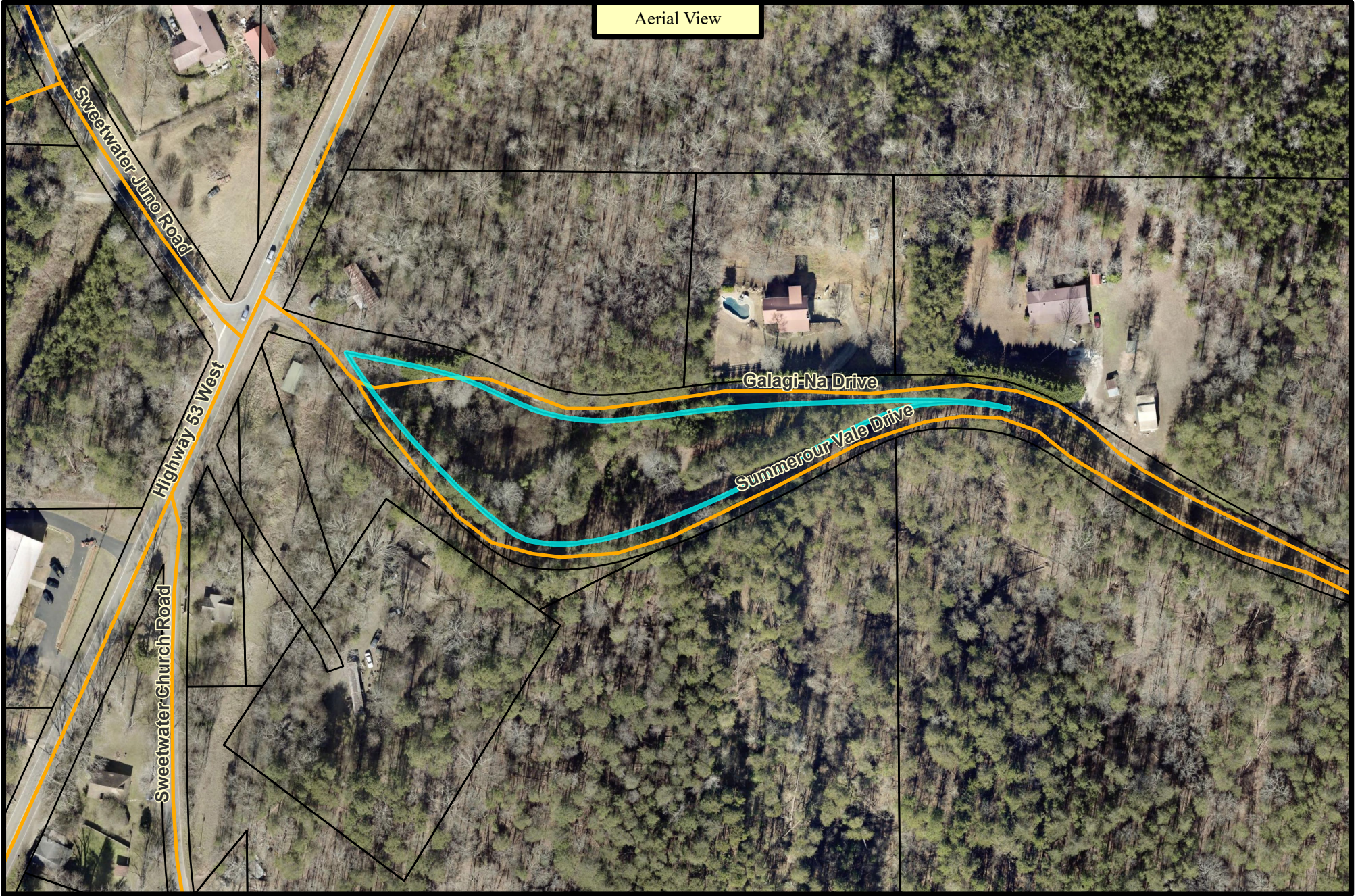
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Dawson County
Planning and Development
37
Staff Report: Exhibit

Parcel #: 056-053
Current Zoning: RA
FLU: RR
Application #: SU 22-03

Aerial View



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Scale: 1:2,220

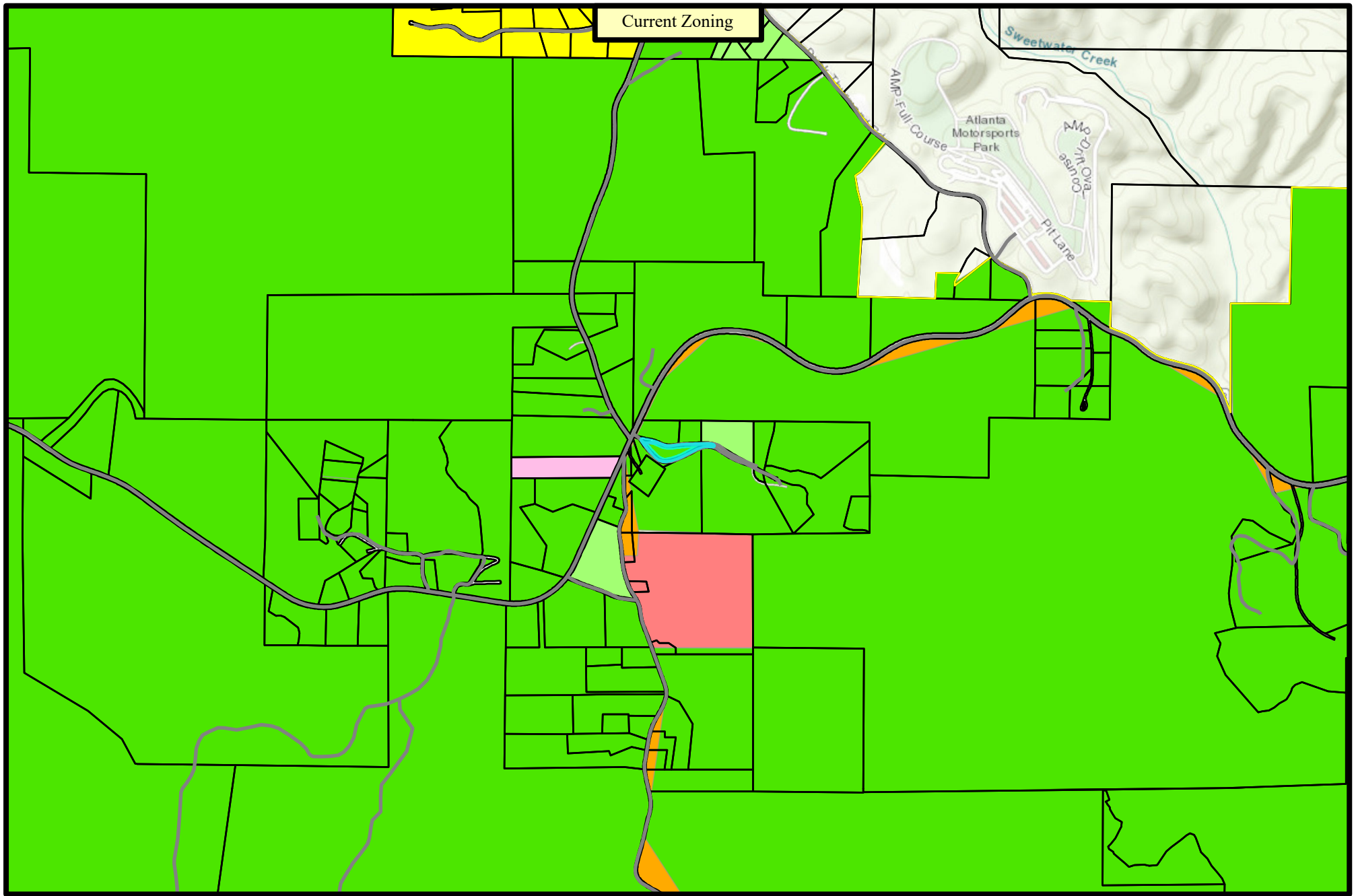
Dawson County

Planning and Development

38

Site Report

Parcel #: 056-053
Current Zoning: RA
FLU: RR
Application #: SU 22-03



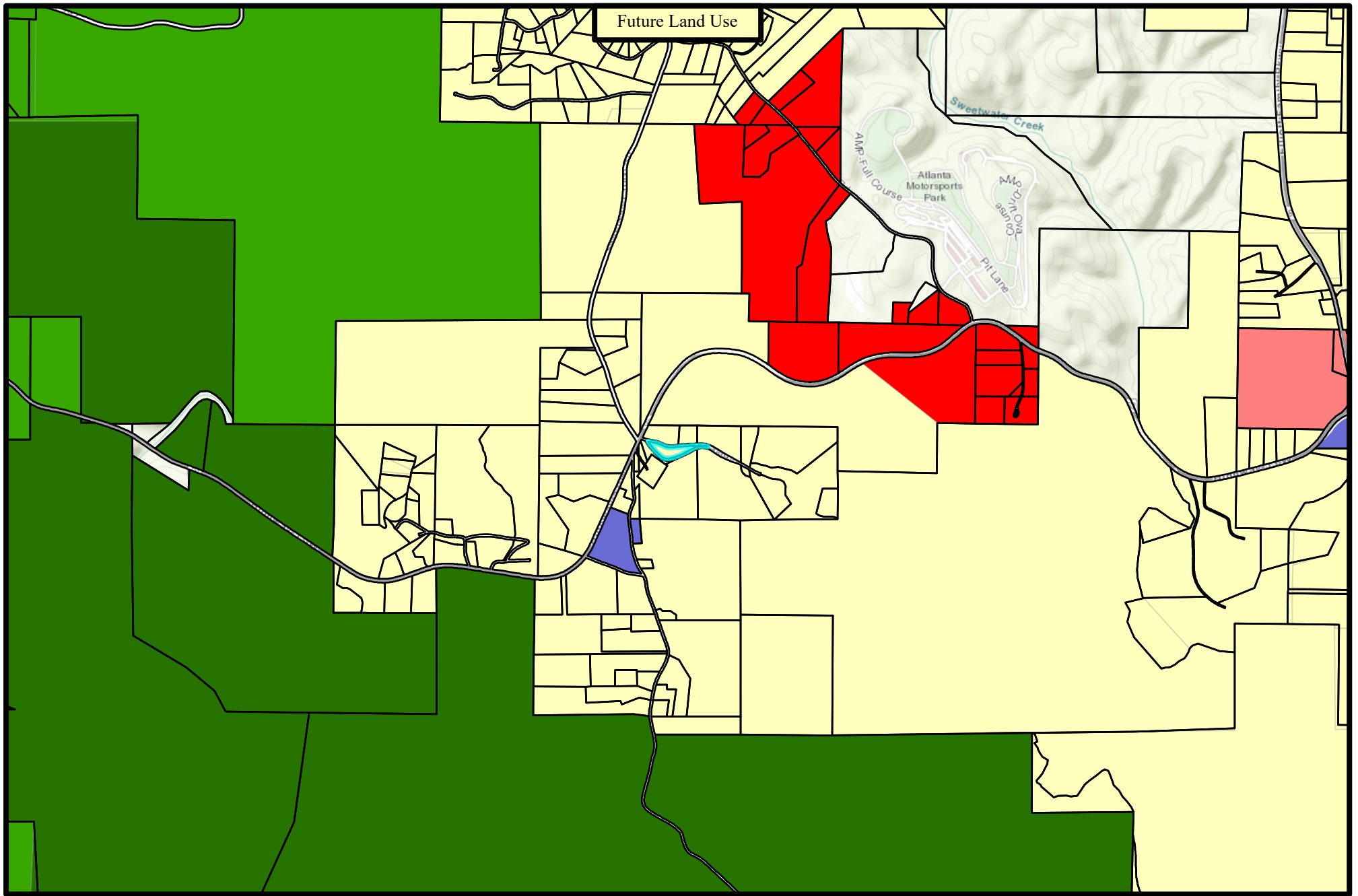
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N

 Scale: 1:20,637

Dawson County
 Planning and Development
 39
 Staff Report

Parcel #: 056-053
 Current Zoning: RA
 FLU: RR
 Application #: SU 22-03



Future Land Use

Sweetwater Creek

Atlanta Motorsports Park

Mojo Golf Course

Pit Lane

Dawson County

Planning and Development

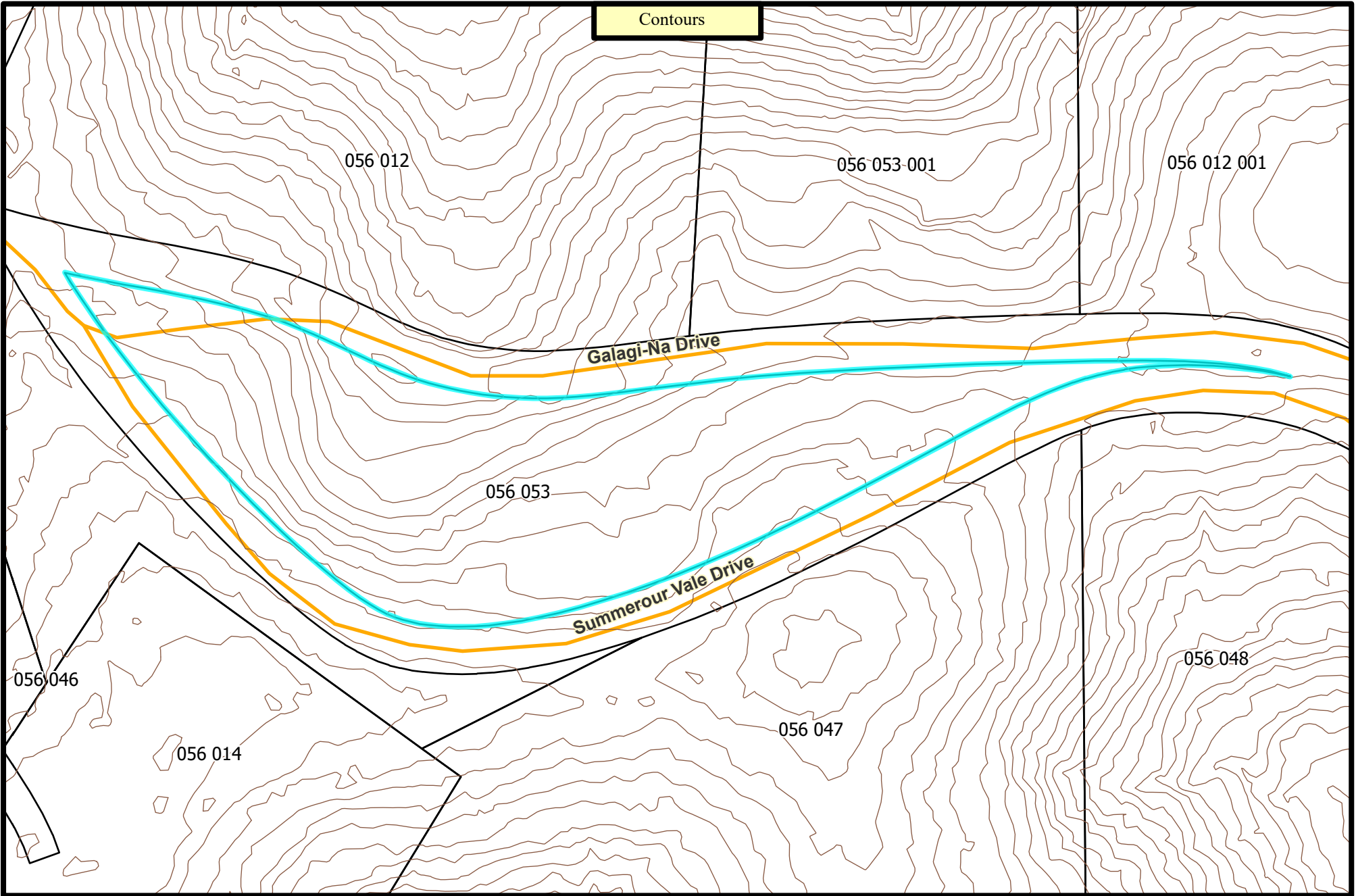
40
Scale

Parcel #: 056-053
 Current Zoning: RA
 FLU: RR
 Application #: SU 22-03





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Dawson County
 Planning and Development

 Staff Report

Parcel #: 056-053
 Current Zoning: RA
 FLU: RR
 Application #: SU 22-03

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: Karen Mason

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: _____ Applicant Signature: Karen Mason

REQUESTED ACTION & DETAILS OF PROPOSED USE

Rezoning to: _____ Special Use Permit for: mobile home on less than 5 acres

Proposed Use: _____

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: _____ No. of Parking Spaces: _____

2006 5 11 2006

Property Owner/
Property Information

Name: Mattie R. Summerour

Street Address of Property being rezoned: N/A Summerour Vale

Rezoning from: _____ to: _____ Total acreage being rezoned: 1.9 AC.

Directions to Property (if no address):

OFF Hwy 53
@ Summerour Vale
Lot 393 LD4-1
1.90 AC.

Subdivision Name (if applicable): _____ Lot(s) #: LL3B-LD4-1

Current Use of Property: N/A vacant

Does this proposal reach DRI thresholds? _____ 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/no)

SURROUNDING PROPERTY ZONING CLASSIFICATION:

North _____ South _____ East _____ West _____

Future Land Use Map Designation: _____

Access to the development will be provided from:

Road Name: Summerour Vale Type of Surface: Gravel

2025

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 Raven Mason Date 12-05-2022
Witness [Signature] Date 12.5.2022

2022
12
05

Letter of Intent

Off of Summerour Vale which is off Hwy 53W of Dawsonville, on the left side of Summerour Vale is 1.9 acres of land with a pre-existing drilled well. My intent or wishes is to place a double wide mobile home on this acreage of land. This is family property that has been in my family for over 100 years and my intent is to establish a home on the property.

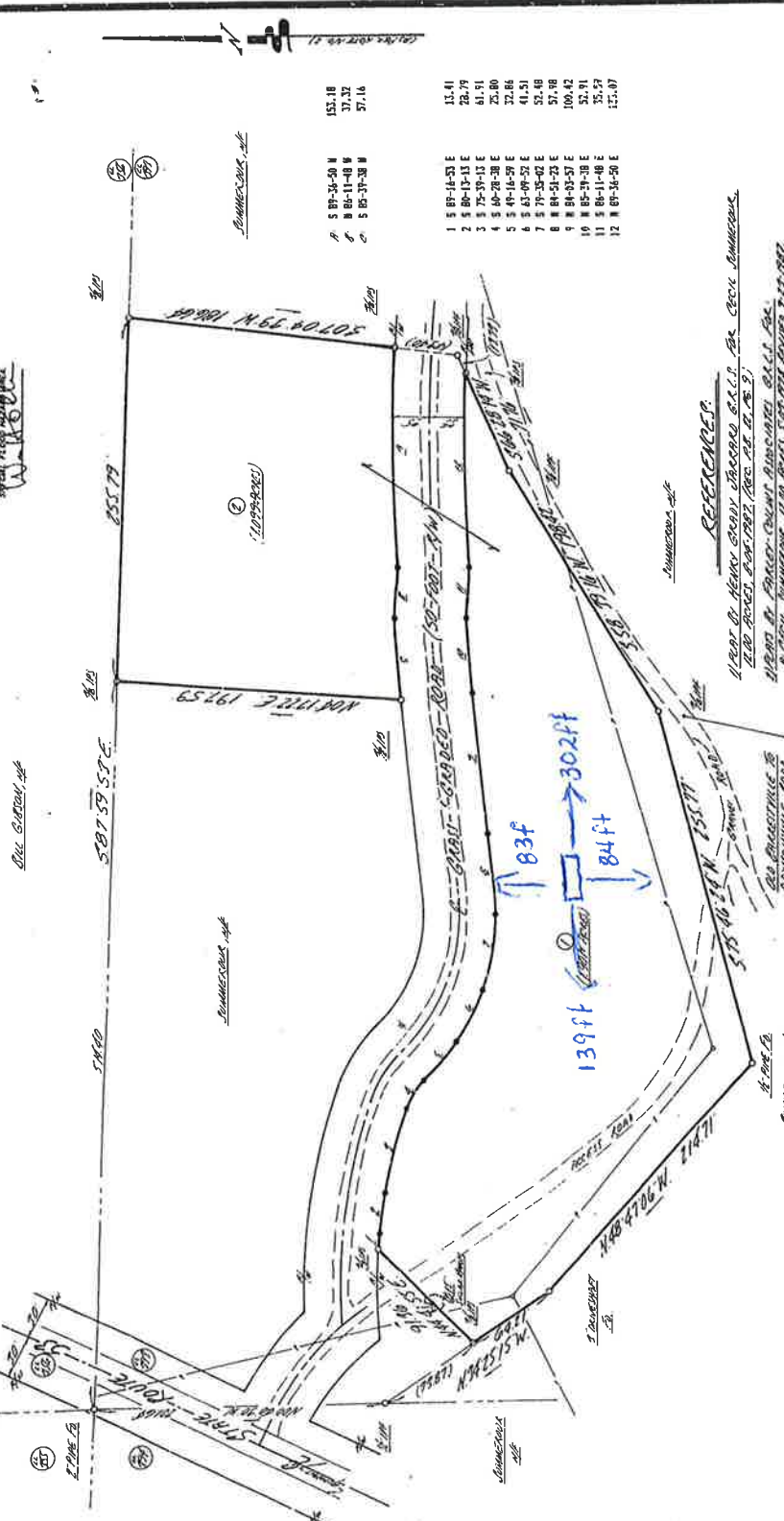
Karen Mason

11-30-2022

22DEC 5 11:23AM

FIELD SURVEY ERROR OF CLOSURE, ADJUSTED BY LEAST SQUARES METHOD. INSTRUMENT USED: SOKKIA 5012. PLAT ERROR OF CLOSURE: 1/100,000.

I HAVE CONSULTED THE FIRM FOR PROFESSIONAL LIABILITY INSURANCE AND AM ADVISED THAT THE FIRM IS NOT PROVIDING SUCH INSURANCE. SPECIAL AGENT: [Signature]



DATE: 11.18.11
 DRAWN BY: [Signature]
 CHECKED BY: [Signature]

SCALE: 1" = 40' (AS SHOWN)
 SHEET NO. 1 OF 1

PROJECT: [Signature]

CLIENT: [Signature]

DATE: 11.18.11

SCALE: 1" = 40'

SHEET NO. 1 OF 1

PROJECT: [Signature]

CLIENT: [Signature]

DATE: 11.18.11

SCALE: 1" = 40'

SHEET NO. 1 OF 1

PROJECT: [Signature]

CLIENT: [Signature]

DATE: 11.18.11

SCALE: 1" = 40'

SHEET NO. 1 OF 1

PROJECT: [Signature]

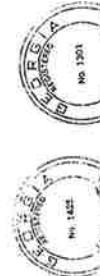
CLIENT: [Signature]

- AAA = ALSO SHOWN AS
- CB = CONCRETE WATER
- CT = CURB TOP IRON PIPE
- DE = DRAINAGE BASIN
- EN = ELEVATION
- FS = FINISHED SURFACE
- LL = LAND LOT LINE
- WF = W/8 OR W/6
- PL = PROPERTY LINE
- SS = SANITARY SEWER
- S/S = SEWER
- X- = FENCE
- C- = GAS
- T- = TOLERANCE
- M- = MUD

NOTES:
 1. PROPERTY LINES SHOWN IN RED IN ORIGINAL RECORDS.
 2. ALL DISTANCES ARE IN FEET AND DECIMALS THEREOF.
 3. ALL BEARINGS ARE TRUE BEARINGS.
 4. THE TOTAL AREA OF THIS TRACT IS 300 ACRES.
 5. SEE ATTACHED RECORDS FOR MORE DETAILS.

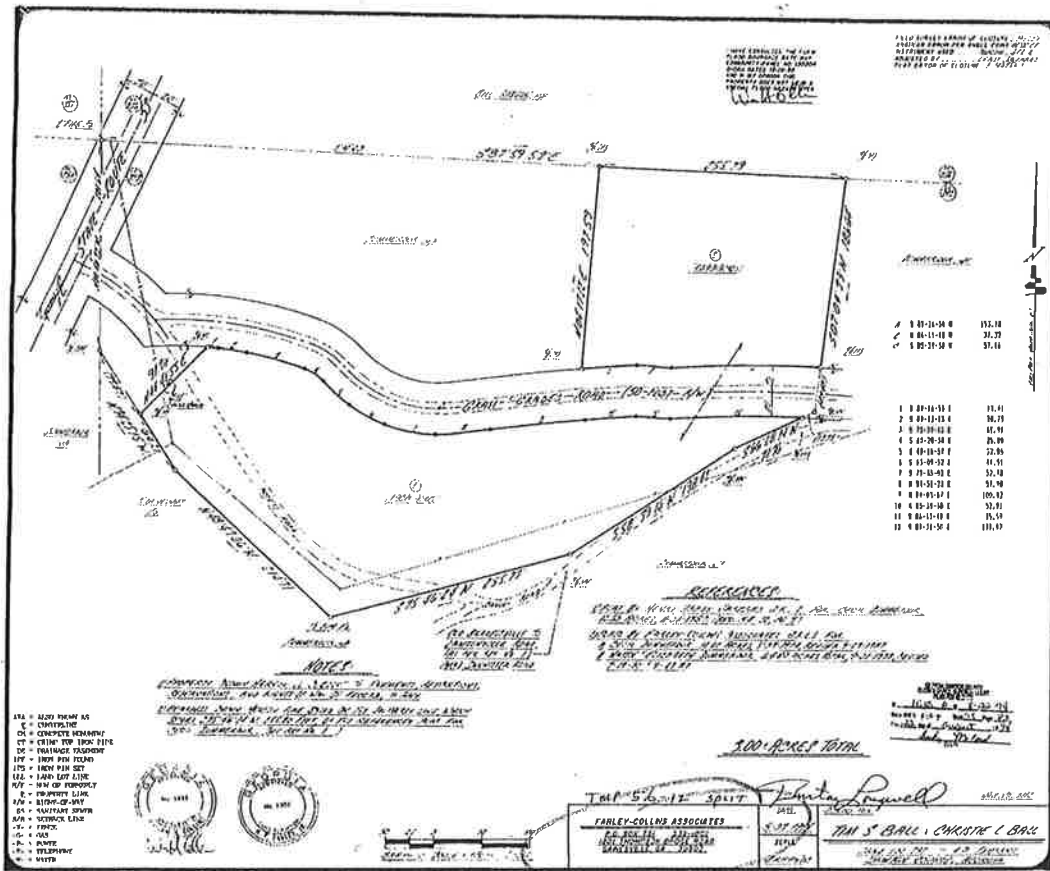
REFERENCE:
 1. DEED FROM [Signature] TO [Signature] DATED 11-17-87.
 2. DEED FROM [Signature] TO [Signature] DATED 11-17-87.
 3. DEED FROM [Signature] TO [Signature] DATED 11-17-87.

ADDITIONAL NOTES:
 1. THE ROAD SHOWN IS 300 FEET WIDE.
 2. THE DRAINAGE SYSTEM IS AS SHOWN.
 3. THE SEWER LINE IS AS SHOWN.



TMP 56-12-SP-IT [Signature]
 DATE: 6-07-08
 SCALE: 1" = 40'
 SHEET NO. 1 OF 1
 FARLEY-COLLINS ASSOCIATES
 P.O. BOX 211
 1201 JAMESON BRIDGE ROAD
 GAINESVILLE GA 30606
 300 ACRES TOTAL
 TIM S. BALL - CHARTERED L. BALL
 CIVIL ENGINEER - 1st DISTRICT
 DORSET COUNTY, GEORGIA

Site plan



- 184 - 1/4" IRON PIN
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Paid cash
5/16/22

20200 51120AM

BK 35 / D 83



ZA 22-29 & VR 22-29
Miles, Hansford & Tallant, LLC
 Planning Commission Meeting February 21, 2023
 Board of Commission Hearing March 16, 2023

Applicant Proposal

The applicant is seeking to zone the property from R-A (Residential Agriculture) to RAC (Residential Agriculture Corrective) for the purpose of recording a plat and building a single-family residence.

Applicant	Miles, Hansford & Tallant, LLC
Amendment #	ZA 22-29 & VR 22-29
Request	Rezone Property from R-A to RAC Vary from the Land Use Resolution minimum lot width requirement
Proposed Use	Single-Family Residence
Current Zoning	R-A
Future Land Use	Sub-Rural Residential
Acreage	2.01
Location	Dogwood Lane
Commercial Square footage	n/a
Road Classification	County Collector
Tax Parcel	L15 116 004
Dawson Trail Segment	n/a
Commission District	3
DRI	No
Planning Commission Recommendation	

Direction	Existing Zoning	Existing Use
North	VC & VCR	Single Family Residential
South	R-A	Single Family Residential
East	R-A	Vacant Land & Single Family Residential
West	RSR	Vacant Land

According to the Comprehensive Plan and accompanying Future Land Use Plan, the subject property is identified as Sub-Rural Residential. The primary area of unincorporated Dawson County designed as Sub-Rural Residential is bounded by the forest belt and Dawson Forest on the west, Lumpkin County line on the north, and the agricultural belt to the south and east. In the southern part of this area, there is extensive residential development, but the northern part of this area is mostly undeveloped.

Though this area may receive new development at gross densities of up to 0.67 unit per acre (1.0 acre with public water), it is not targeted for major development. Public water service may be extended into much of this area, particularly the southern half, during the planning horizon (year 2028). It is desirable that conservation subdivision principles be followed in this area in order to encourage the permanent protections of open space or retention of farm and forest lands.

There is a second **area designated as Sub-rural Residential by the future land use plan map**, east of Georgia 400 and lakefront residential uses along Lake Lanier. Development in this area must be sensitive to the Lake Lanier watershed, and as a result, densities are proposed to be kept low (0.67 unit per acre) in this area. The desired development pattern should seek to:

- Permit rural cluster or conservation subdivision design that incorporates significant amount of open space
- Limit extension of public utilities in these areas
- Limit parking in front of properties
- Connect to regional network of greenspace and trails, available to pedestrians, bicyclists, and equestrians for both tourism and recreational purposes
- Consider the use of drainage swales on paved roads in lieu of curb and gutter
- Ensure safe and direct access to major thoroughfares
- Provide at least one access point from a county road for a minimum number of homes
- Allow unpaved roads and shared driveways that provide access for up to six residences
- Support and encourage agricultural industries

County Agency Comments:

Environmental Health Department: No comments returned as of 1.20.2023

Emergency Services: No comments returned as of 1.20.2023

Etowah Water & Sewer Authority: "Septic only at this location, if residential use, please contact EWSA it will effect water line."

Planning and Development: There are seven lots all approximately 2 acres in size that were a part of the George and Opal Pugh Estate, they were platted and deeded to the Pugh heirs. The lots have been sold over the past 15 years with one single family residence being built. The average width of the seven lots measures 156' 6" (approximately) except one of the lots does meet the minimum lot width requirement of 175' for the Residential Agriculture Corrective zoning classification.

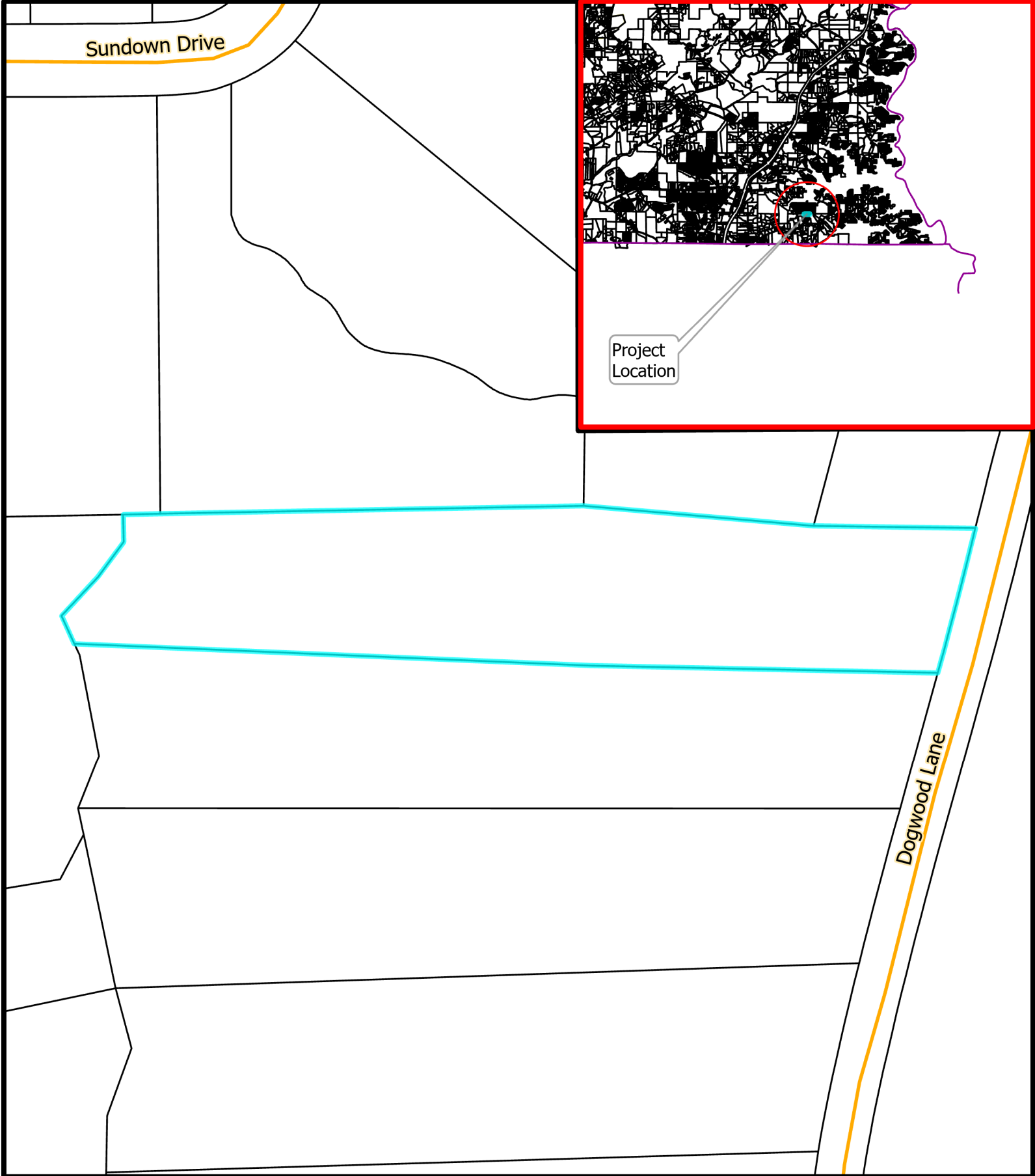
Public Works Department: No comments returned as of 1.20.2023

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

Photo of Parcel:





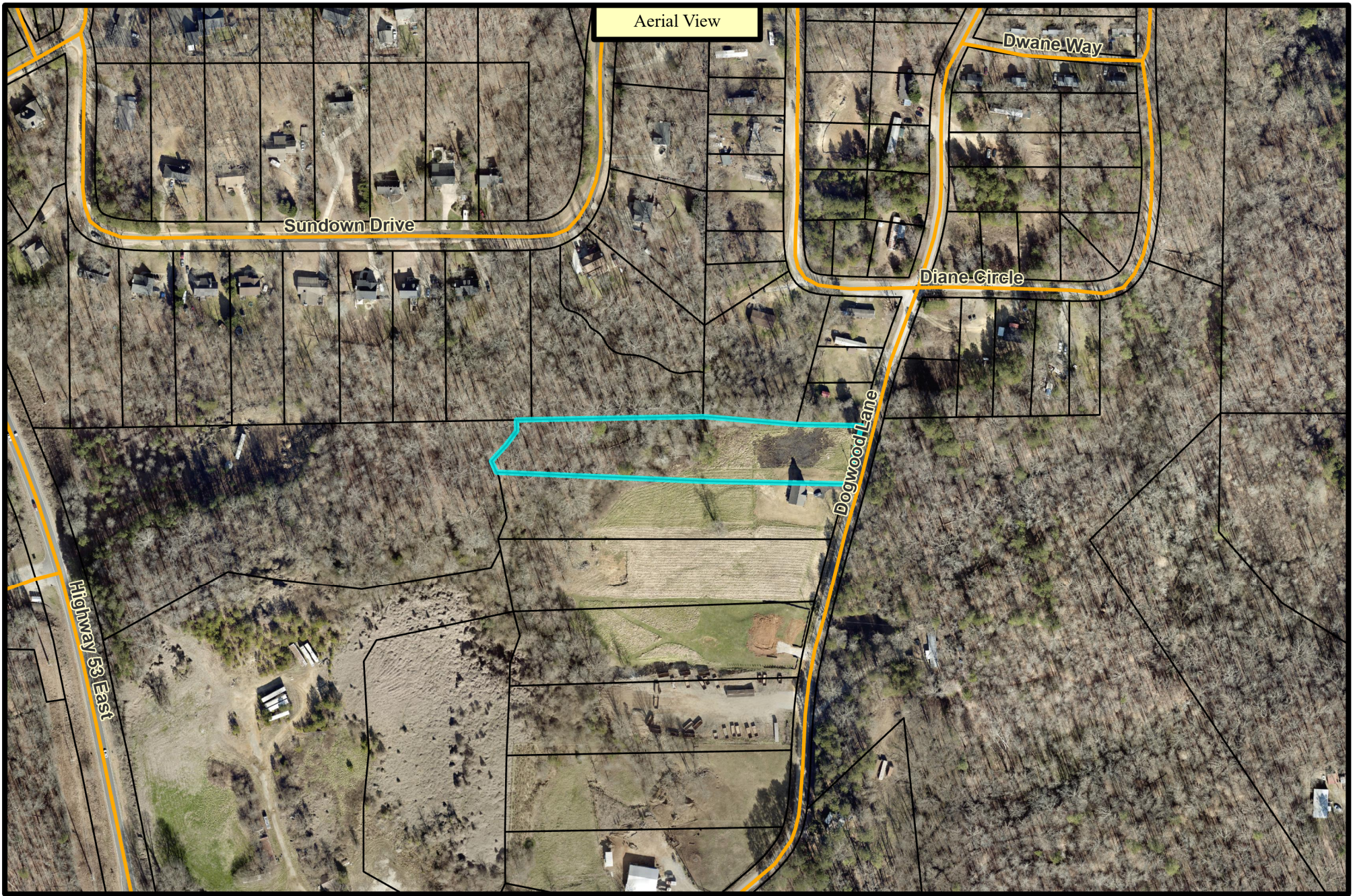
DAWSON COUNTY
 DISCLAIMS ANY
 RESPONSIBILITIES,
 LIABILITIES OR
 DAMAGES FROM THE USE
 OF THIS MAP. THIS MAP
 IS ONLY FOR DISPLAY
 PURPOSES.



Dawson County
 Planning and Development
 Staff Report: Exhibit

52

Parcel #: L15-116-004
 Current Zoning: RA
 FLU: SRR
 Application #: ZA 22-29 & VR
 22-29



Aerial View

Dwane Way

Sundown Drive

Diane Circle

Dogwood Lane

Highway 53 East



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

N



Scale: 1:3,837

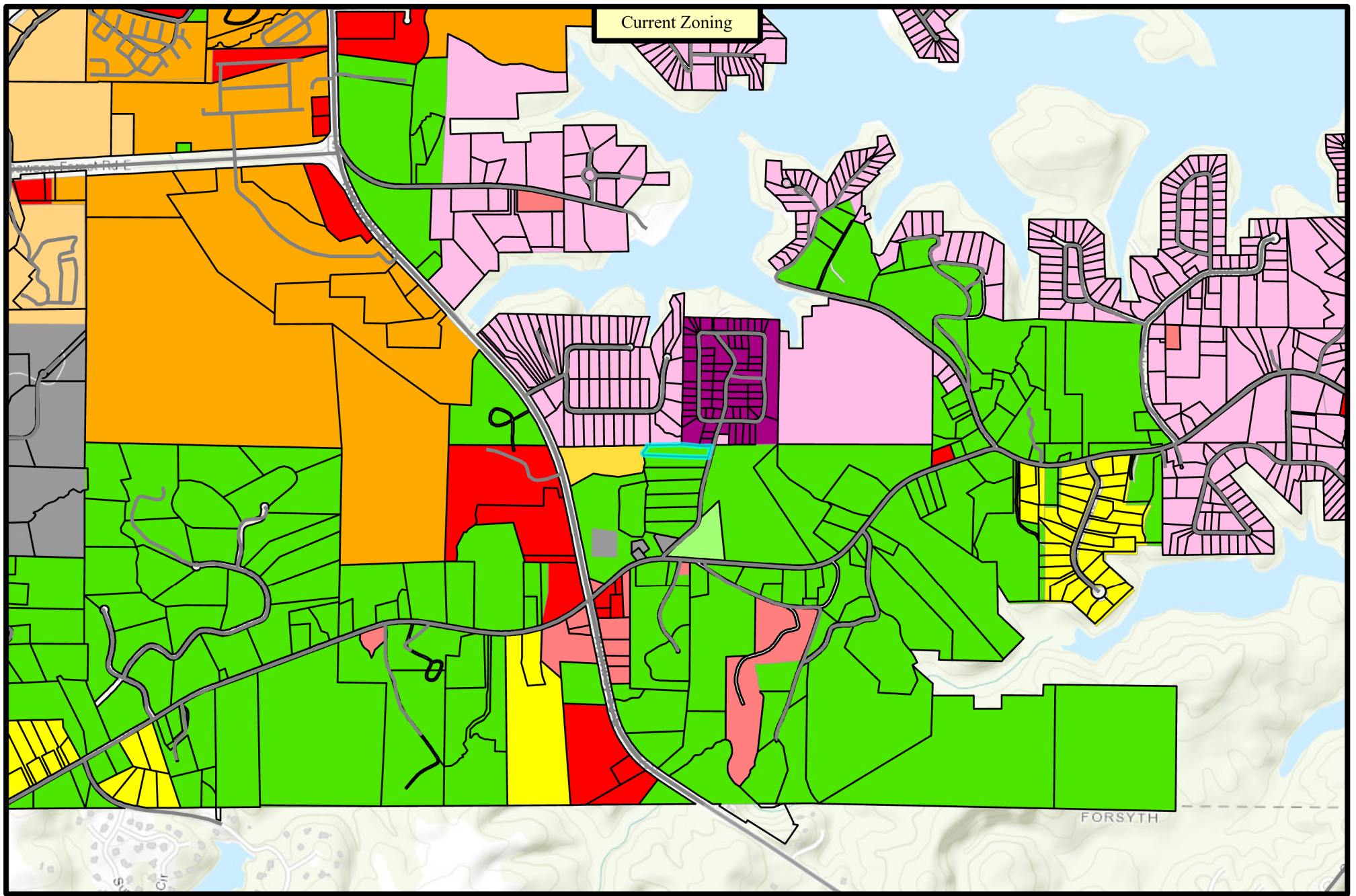
Dawson County

Planning and Development

53

Staff Report

Parcel #: L15-116-004
Current Zoning: RA
FLU: SRR
Application #: ZA 22-29 & VR 22-29



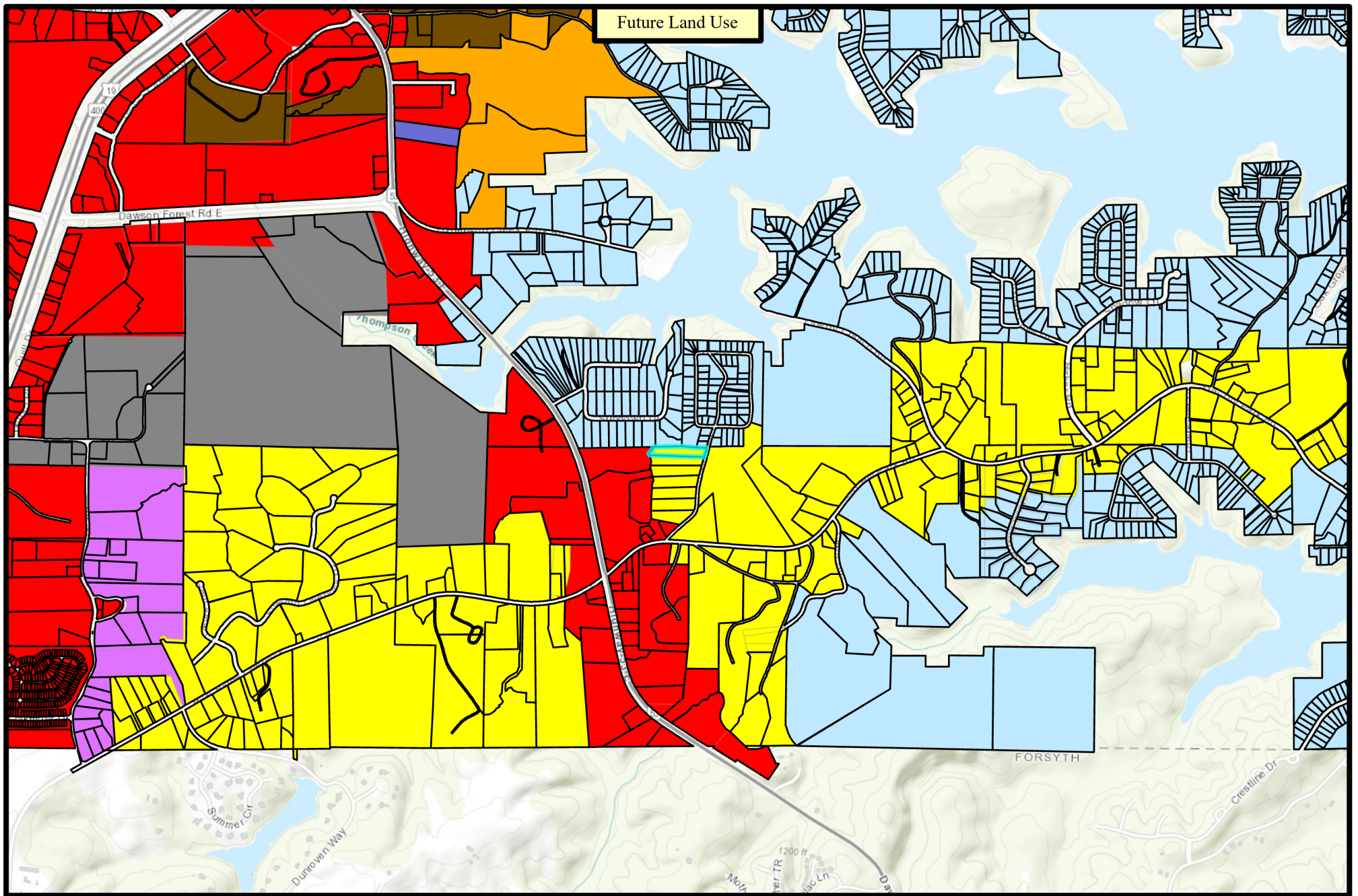
DAWSON COUNTY DISCLAIMS ANY RESPONSIBILITIES, LIABILITIES OR DAMAGES FROM THE USE OF THIS MAP. THIS MAP IS ONLY FOR DISPLAY PURPOSES.

N

 Scale: 1:20,637

Dawson County
 Planning and Development
 54
 Staff Report


Parcel #: L15-116-004
 Current Zoning: RA
 FLU: SRR
 Application #: ZA 22-29 & VR 22-29



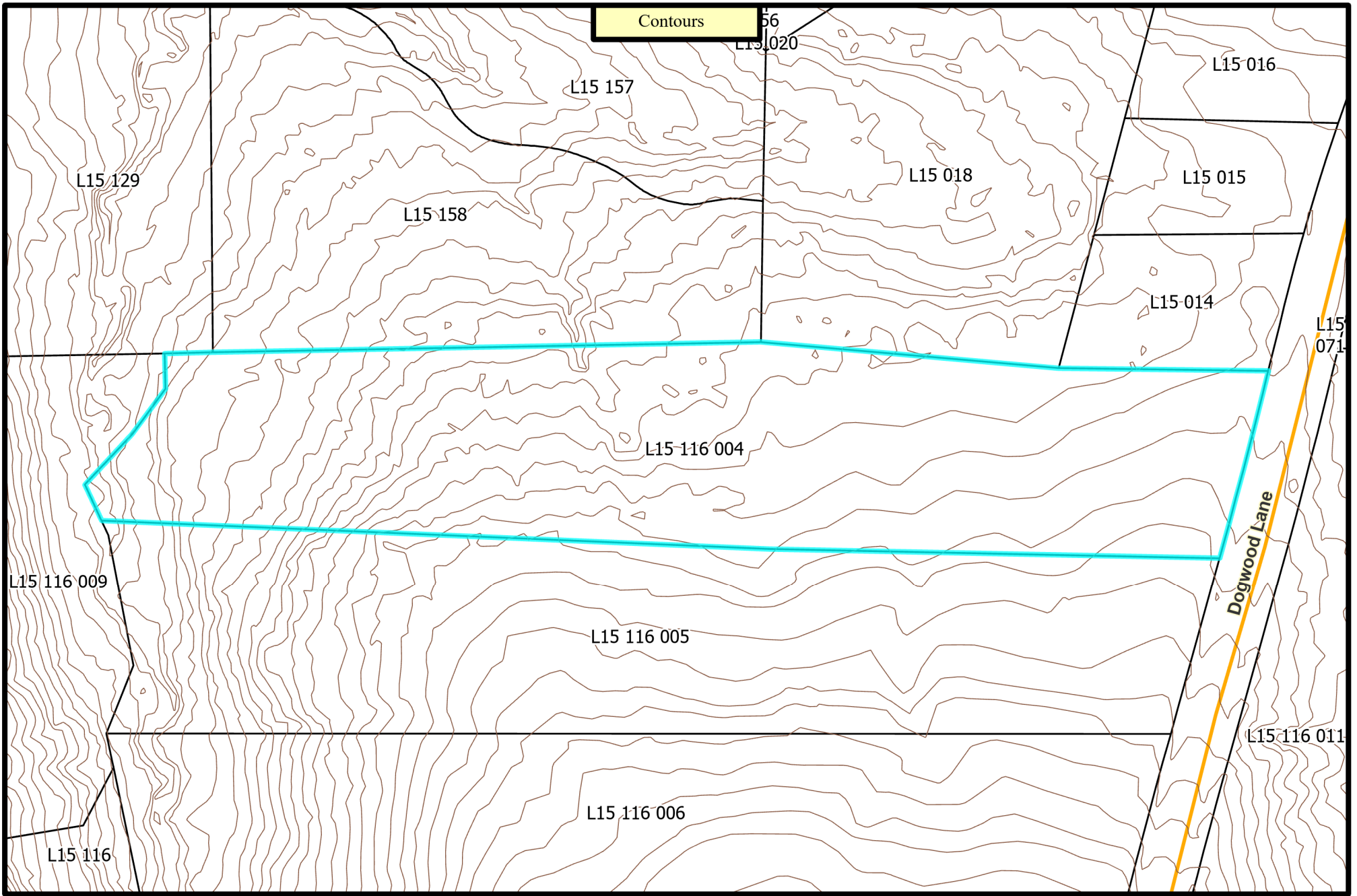
DAWSON COUNTY DISCLAIMS ANY RESPONSIBILITIES, LIABILITIES OR DAMAGES FROM THE USE OF THIS MAP. THIS MAP IS ONLY FOR DISPLAY PURPOSES.

N

 Scale: 1:24,764

Dawson County
 Planning and Development

 Staff Report


Parcel #: L15-116-004
 Current Zoning: RA
 FLU: SRR
 Application #: ZA 22-29 & VR 22-29



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

N

 Scale: 1:1,201

Dawson County
 Planning and Development

 Staff Report

Parcel #: L15-116-004
 Current Zoning: RA
 FLU: SRR
 Application #: ZA 22-29 & VR 22-29

Dawson County
Rezoning Application
(AMENDMENT TO DISTRICT MAP)

FOR STAFF USE ONLY
DATE & TIME STAMP

APPLICANT INFORMATION (or Authorized Representative)

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

Printed Name: Miles Hansford & Tallant, LLC - J. Ethan Underwood on behalf of Kathleen Martin

Address: 202 Tribble Gap Road, Suite 200, Cumming, GA 30040

Phone (Listed/Unlisted): _____

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: _____ Applicant Signature: Ethan Underwood

REQUESTED ACTION & DETAILS OF PROPOSED USE

Rezoning to: RAC Special Use Permit for: _____

Proposed Use: Single Family Dwelling

Existing Utilities: Water Sewer Gas Electric

Proposed Utilities: Water Sewer Gas Electric

RESIDENTIAL

No. of Lots: 1 Minimum Lot Size: 1.5 (acres) No. of Units: 1

Minimum Heated Floor Area: N/A sq. ft. Density/Acre: 0.496

Type: Apartments Condominiums Townhomes Single-family Other

Is an Amenity Area proposed: No; if yes, what? _____

COMMERCIAL & INDUSTRIAL

Building area: N/A No. of Parking Spaces: N/A

2025
APR 15 10:30 AM

Property Owner/ Property Information

Name: Samuel C. Martin

Street Address of Property being rezoned: Dogwood Lane, Dawsonville, GA 30534

Rezoning from: RA to: RAC Total acreage being rezoned: 2.018

Directions to Property (if no address):

Subject property is located between 231 & 281 Dogwood Lane Dawsonville, GA 30534.

Subdivision Name (if applicable): Thompson Creek Estates Lot(s) #: 1

Current Use of Property: Undeveloped

Does this proposal reach DRI thresholds? No If yes, the application will require transportation study and additional review by the Georgia Mountains Regional Planning Commission. This adds several weeks to the review and processing.

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 VCR/VC South RA East RA West C-HI

Future Land Use Map Designation: SRR - Sub-Rural Residential

Access to the development will be provided from:

Road Name: Dogwood Lane Type of Surface: Asphalt

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 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 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 Kathleen Martin Date 7/21/22
Witness [Signature] Date 7/21/22



Property Owner Authorization

I/we, Samuel C. Martin, hereby swear that I/we own the property located at (fill in address and/or tax map parcel #):

Street Address of Property being rezoned: Dogwood Lane, Dawsonville, GA 30534

TMP#: L15 116 004

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: Kathleen Martin

Signature of applicant or agent: Kathleen Martin Date: 7/21/22

Printed Name of Owner(s): Kathleen Martin, Power of Attorney for Samuel C. Martin

Signature of Owner(s): Kathleen Martin Date: 7/21/22

Mailing address: _____

City, State, Zip. _____

Phone (Listed/Unlisted): _____

Sworn and subscribed before me
this 21 day of July, 2022.

Tracy Ann Fisher
Notary Public

My Commission Expires: 7/12/25



{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.)





DAWSON COUNTY VARIANCE APPLICATION

25 Justice Way, Dawsonville, Georgia 30534

APPLICANT INFORMATION (or Authorized Representative)

Printed Name: Miles Hansford & Tallant, LLC - J. Ethan Underwood on behalf of Kathleen Martin

Address: 202 Tribble Gap Road, Suite 200, Cumming, GA 30040

Contact Email: _____ Telephone # _____

Status: Owner Authorized Agent Lessee

PROPERTY INFORMATION

Street Address of Property:

Dogwood Lane, Dawsonville, GA 30534

Land Lot(s): 466 & 467 District: 13th Section: Southern

Subdivision/Lot: N/A / _____

Building Permit #: N/A (if applicable)

REQUESTED ACTION

A Variance is requested from the requirements of Article # III Section # 121-70 (5) of the Land Use Resolution Sign Ordinance/Subdivision Regulations/Other. **Table 3.2**

Front Yard setback Side Yard setback Rear Yard setback variance of _____ feet to allow the structure to: be constructed; remain a distance of _____ feet from the property line, or other : Reduce the minimum lot width to 110 feet instead of the required distance of 175 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:

61



DAWSON COUNTY VARIANCE APPLICATION

25 Justice Way, Dawsonville, Georgia 30534

Variations 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 Written Statement.

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

See attached Written Statement.

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 Written Statement.

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

See attached Written Statement.

Add extra sheets if necessary.





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: Kathleen Martin
Date: 7/21/22 Kathleen Martin

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



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: Samuel C. Martin

Mailing Address: _____

Signature of Owner: Kathleen Martin Date: 7/21/22
Kathleen Martin,
Power of Attorney for Samuel C. Martin

Signature of Notary: J. Fisher Date: 7/21/22

Notary
Stamp



6555100000

J. Ethan Underwood
eunderwood@mhtlegal.com

December 5, 2022

CAMPAIGN DISCLOSURE

Applicant:	Kathleen Martin
Subject Property:	Approximately 2.018 Acres Designated as Dawson County Tax Parcel(s): L15 116 004
Current Zoning:	RA – Residential Exurban/Agricultural District
Proposed Zoning:	RAC – Residential Agricultural Corrective District
Proposed Use:	Single Family Dwelling
Application:	Rezoning & Variance
ROW Access:	Dogwood Lane
Governing Jurisdiction:	Dawson County

Pursuant to O.C.G.A § 36-67A-1, *et seq.*, please be advised that Miles, Hansford & Tallant, LLC, has not given campaign contributions and/or sponsorships to any local officials of the Governing Jurisdiction.

This letter constitutes the disclosure of campaign contributions with respect to the above-referenced application.

Sincerely,



Ethan Underwood
Attorney for Applicant

65



J. Ethan Underwood
eunderwood@mhtlegal.com

RESERVATION OF CONSTITUTIONAL AND OTHER LEGAL RIGHTS

Applicant:	Kathleen Martin
Subject Property:	Approximately 2.018 Acres Designated as Dawson County Tax Parcel(s): L15 116 004
Current Zoning:	RA – Residential Exurban/Agricultural District
Proposed Zoning:	RAC – Residential Agricultural Corrective District
Proposed Use:	Single Family Dwelling
Application:	Rezoning & Variance
ROW Access:	Dogwood Lane
Governing Jurisdiction:	Dawson County

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, conditional use permit, site plan approval, and variances) (collectively, the “Application”) of the Applicant and the owners of the Subject Property and to put the Governing Jurisdiction on notice of the Applicant’s assertion of its constitutional and legal rights.

The Applicant has filed a timely application, has provided all required information and has submitted the appropriate application fees. The Application meets all judicial and statutory requirements for approval.

The Applicant objects to the standing of any opponents who are not owners of land adjoining the Subject Property and to the consideration by the Governing Jurisdiction of testimony or evidence presented by any party without standing in making its decision regarding the Application. The Applicant 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.

The Current Zoning (and/or zoning conditions) of the Subject Property is unconstitutional and deprives the Subject Property and all viable economic use thereof. The Proposed Use is the only viable economic use of the Subject Property, and the Governing Jurisdiction has deemed this Application necessary to allow the Proposed Use. As such, the Applicant and owners file this Application for the purpose of changing the Current Zoning (and/or zoning conditions) to facilitate the Proposed Use, and to exhaust administrative remedies in the event the Application is denied. The Applicant and owners reserve the right to challenge the Current Zoning and any zoning conditions and other restrictions affecting the Subject Property.

Denial of the Application or approval of the Application in any form that is different than as requested by the Applicant will impose a disproportionate hardship on the Applicant and Owners of the Subject Property without benefiting any surrounding property owners. There is no reasonable use of the Subject

RESERVED

Property other than as proposed by the Application and no resulting benefit to the public from denial of or modification to the Application.

Any provisions in the applicable land use, subdivision, and /or zoning ordinances (collectively the “Zoning 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, are unconstitutional in that they constitute a taking of the Applicant’s and 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 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. Failure to approve the Application as requested by the Applicant would be an unreasonable application of local land use authority, which bears no relationship to the public health, safety, morality or general welfare of the public and would 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 Governing Jurisdiction to approve the Application as requested by the Applicant 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 and 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.

A refusal by the Governing Jurisdiction to approve the Application as requested by the Applicant without the consent of persons elected to the governing body of the Governing Jurisdiction will amount to an unlawful delegation of the Governing Jurisdiction’s authority, in violation of Article IX, Section II, Paragraph IV of the Georgia Constitution of 1983, as amended.

Furthermore, the Governing Jurisdiction cannot lawfully impose more restrictive standards on the Subject Property’s development than are presently set forth in the Zoning Ordinance. Any conditions or other restrictions imposed on the Subject Property without the consent of the Applicant and Owner that do not serve to reasonably ameliorate the negative impacts of the development are invalid and void. The imposition of improvements or design requirements unnecessary to facilitate the proposed development constitute an illegal impact fee, an unconstitutional condemnation, or both. As such, the Applicant and Owner reserve the right to challenge any such conditions, restrictions, or design requirements.

Finally, the Applicant and Owner assert that the Zoning Ordinance, Character Area Map, Future 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 request based upon provisions illegally adopted will deprive the Applicant and Owners of due process under the law.

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This Reservation constitutes an Ante Litem Notice pursuant to O.C.G.A. § 36-11-1, which places the Governing Jurisdiction and all other agents of the Governing Jurisdiction, in their official and individual capacities, on notice of the Applicant's and owners' intent to seek monetary damages and attorney's fees against the Governing Jurisdiction for any rezoning action, zoning condition, illegal impact fee, and any other unlawful restrictions and exactions that are imposed upon the Subject Property, the Applicant, or the owners.

By filing this Reservation, the Applicant 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 and Owners respectfully request that the Application be approved as requested by the Applicant and in the manner shown on the Application, which is incorporated herein by reference. This Reservation forms an integral part of the Application, and we ask that this Reservation be included with the Applicant's other Application materials. The Applicant and owners reserve the right to amend and supplement this Reservation at any time.

Sincerely,



Ethan Underwood
Attorney for Applicant

2022
OCT
14
PM 4:17

J. Ethan Underwood
eunderwood@mhtlegal.com

LETTER OF INTENT

Applicant:	Kathleen Martin
Subject Property:	Approximately 2.018 Acres Designated as Dawson County Tax Parcel(s): L15 116 004
Current Zoning:	RA – Residential Exurban/Agricultural District
Proposed Zoning:	RAC – Residential Agricultural Corrective District
Proposed Use:	Single Family Dwelling
Application:	Rezoning & Variance
ROW Access:	Dogwood Lane
Governing Jurisdiction:	Dawson County

This statement is intended to comply with the application procedures established by the Land Use Resolution of Dawson County (the “Zoning Ordinance”), Dawson County Application for Rezoning, Use Permit, & Concurrent Variances, and other Dawson County Ordinances and Standards. The Applicant incorporates all statements made in the Application for Rezoning, Use Permit, & Concurrent Variances by the Applicant (the “Application”) as its letter of intent required by Dawson County.

The Applicant intends to develop the Subject Property for the Proposed Use, as more fully described in the Application, incorporated herein by this reference. Any zoning request, conditional use permit, and variance applications submitted concurrently with the Application are also incorporated herein by this reference. The zoning request, conditional use permit, and/or variance applications, along with all supplemental plans and documents are collectively referred to as the “Applicant’s Proposal.”

Specifically, the Applicant requests the following:

- a) **Rezoning the subject property from RA to RAC.**
- b) **Variance(s):**
 - 1. **Reduce the minimum required lot width from 175 ft. to 110 ft.**

PROPOSED USE

The Applicant proposes to develop a Single-Family Residential Dwelling on the Subject Property.

COMPREHENSIVE PLAN

The Dawson County Comprehensive Plan and the Future Development Map incorporated therein designates the Subject Property as located within the Sub-Rural Residential Character Area. The Proposed Use does conform to the Comprehensive Plan, which allows for the Subject Property to be developed for residential purposes with a larger lot size. See Dawson County Comp. Plan, p. 32. The Subject Property

adjoins other properties that are zoned for residential use; thus, the Proposed Use would not be out of character for the area.

IMPACT ON THE LOCAL POPULATION DENSITY PATTERN AND PUBLIC INFRASTRUCTURE

(A) Public Road System

Permanent access to the development will be from the ROW Access. All of the development’s interior streets and driveways will be privately-owned and maintained.

Access and traffic are not anticipated to be a problem as traffic generated from the development will be minimal and the entrance will be at a location where sight distance is sufficient.

All curb cuts shall be coordinated and approved by Dawson County and acceleration and deceleration lanes will be installed as required by applicable standards. All streets and access drives within the development will be constructed to conform to Dawson County standards. Parking will be provided onsite as required by the Zoning Ordinance.

(B) County School System

The Table below estimates the number of school children expected to be generated by the project, based upon the ratio of the estimated number of school children in Dawson County to the estimated number of households in Forsyth County, then multiplying the quotient by the number of residential units in the Proposed Use. This method produces a factor of 0.670 students per household.

Projected Student Population Impact: After calculating the first year add that amount to each year thereafter	
Year	Total
1	1

The numbers above are a planning factor used to project total student population and plan the need for new school facilities. However, the actual number of students who live in the proposed development may be more or less than the factor above, because the method of calculation uses a total number households countywide, with some households containing more than the average number of children and others comprised of zero children.

(C) Water and Waste Water Systems

The development’s water will be provided by the Etowah Water & Sewer Authority and the sanitary sewage will be provided via onsite septic disposal system.

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(D) Utilities

With regard to public utilities, water, gas, and electricity are available to be extended to the Subject Property. The impact on public utilities is anticipated to be minimal. The Applicant will install underground utility lines within the development to serve the project on an as-needed basis.

(E) Environmental Impact

The project should also have a minimal impact on the environment. There should be no negative impact on air quality. Drainage, soil erosion, and sedimentation controls will be extensively utilized on the site after obtaining all required approvals from all applicable regulatory authorities.

The Applicant will submit plans detailing the development for approval by the Dawson County Department of Planning and Development and all other appropriate governmental agencies, based upon conformity with applicable land use and development regulations.

2020 01 17 AM



J. Ethan Underwood
eunderwood@mhtlegal.com

WRITTEN STATEMENT OF HARDSHIP AND PROPOSED RESOLUTION

Applicant:	Kathleen Martin
Subject Property:	Approximately 2.018 Acres Designated as Dawson County Tax Parcel(s): L15 116 004
Current Zoning:	RA – Residential Exurban/Agricultural District
Proposed Zoning:	RAC – Residential Agricultural Corrective District
Proposed Use:	Single Family Dwelling
Application:	Rezoning & Variance
ROW Access:	Dogwood Lane
Governing Jurisdiction:	Dawson County

This statement is intended to comply with the application procedures established by the Land Use Resolution of Dawson County (the “Zoning Ordinance”), Dawson County Application for Rezoning, Use Permit, & Concurrent Variances, and other Dawson County Ordinances and Standards. The Applicant incorporates all statements made in the Application for Rezoning, Use Permit, & Concurrent Variances by the Applicant (the “Application”) as its letter of intent required by Dawson County.

The Applicant intends to develop the Subject Property for the Proposed Use, as more fully described in the Application, incorporated herein by this reference. Any zoning request, conditional use permit, and variance applications submitted concurrently with the Application are also incorporated herein by this reference. The zoning request, conditional use permit, and/or variance applications, along with all supplemental plans and documents are collectively referred to as the “Applicant’s Proposal.”

The Applicant respectfully requests that the Applicant’s Proposal be approved as requested in the foregoing Application, which is incorporated herein by reference. The Applicant also reserves the right to amend this statement and the Application by supplementing further responses and documents.

Variance Request #1 – Dimensional Requirements

Proposed Variance

Section 121-70 (5) and by reference Table 3.2 – Reduce the minimum required lot width from 175 ft. to 110 ft.

Section 121-70 (5): The building requirements in the Residential Agriculture Corrective District are set forth in Table 3.2. Table 3.2 requires the lot width be a minimum of 175 ft. for the RAC Zoning District.

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HARDSHIP EXPLANATIONS

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

A strict and literal enforcement of Section 121-70 (5), specifically the required 175 ft. width requirement, would result in a practical difficulty and unnecessary hardship because it would make development of the Subject Property as an intended single-family residence impossible.

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

The subject property's shape, size, and topography substantially limit the buildable area of the subject property. The shape, size, and topography of the property necessitate the requested variance and placement of structures in the locations proposed by the Applicant in order to permit feasible development of the subject property. Unless the variance is approved as requested by the Applicant, the Subject Property may not be developed in an economically feasible or physically practical manner. In addition, the Subject Property is a valid lot of record, subdivided in accordance with a prior version of the Dawson County Land Use Resolution.

- 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:**

The proposed variance would not create a safety hazard or noxious condition. Additionally, the Subject Property adjoins other properties that are zoned for residential use and are similar in size, shape and topography; thus, the Proposed Use would not be out of character for the area.

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

The proposed variance will not eliminate the Resolution's intent of requiring at least 1.5 acres but less than 5 acres to allow for the building of a single-family residence. The subject property is well over the 1.5-acre requirement.

DATE OF SURVEY: 04-11-2022

THE FIELD DATA UPON WHICH THIS PLAN IS BASED HAS A CLOSE PROXIMITY OF ONE FOOT IN 28,841 FEET, AN ANGULAR ERROR OF 12 SECONDS PER ANGLE POINT, AND WAS ADJUSTED USING THE LEAST SQUARES METHOD AS HAS BEEN CALCULATED FOR CLOSENESS AND IS FOUND TO BE ACCURATE TO WITHIN ONE FOOT IN 17,933 FEET.

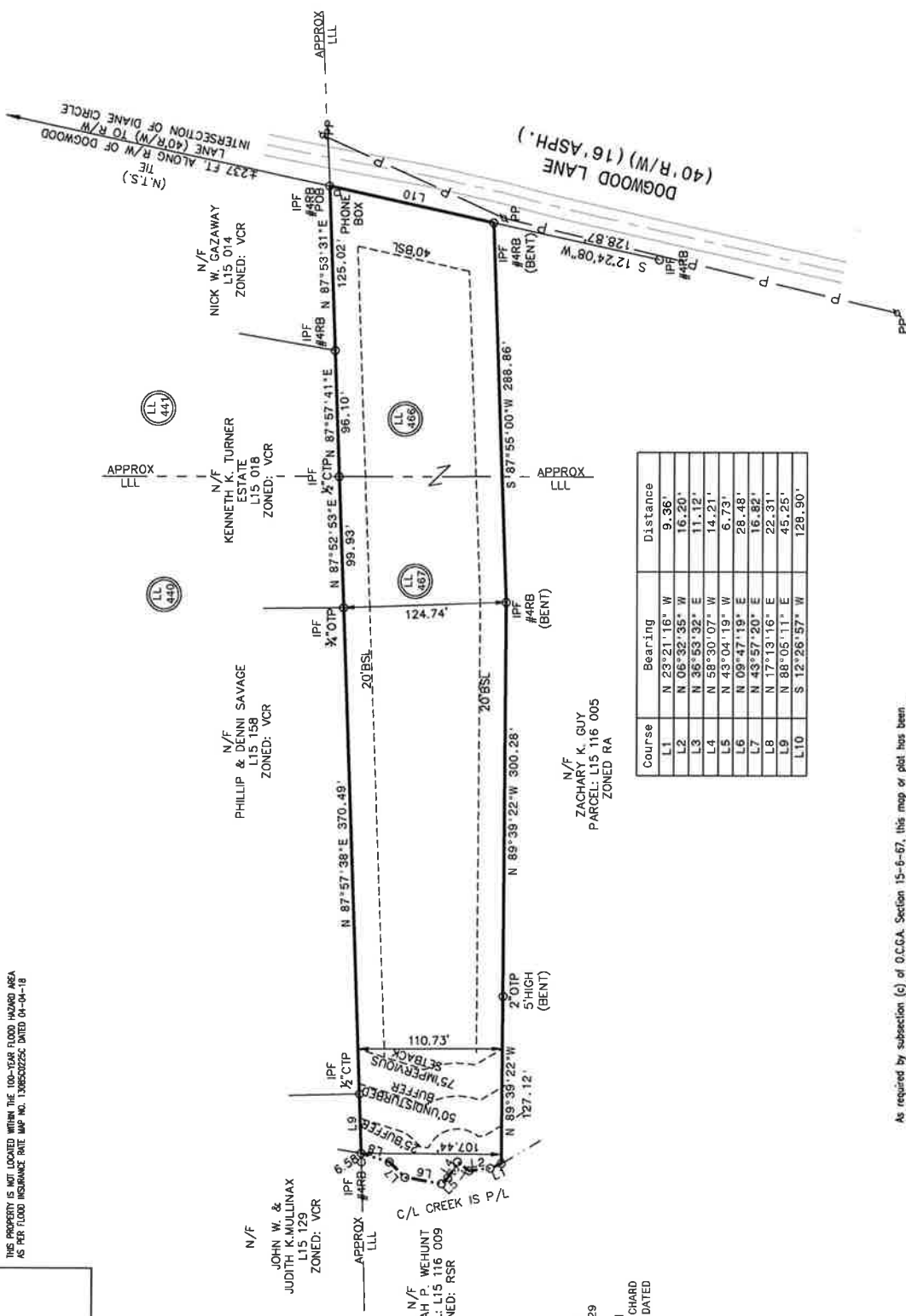
BEARINGS SHOWN ARE BASED ON ANGLES TURNED FROM A SINGLE MAGNETIC OBSERVATION AND ARE SUBJECT TO FIELD CONDITIONS.

THE EQUIPMENT USED FOR ANGULAR AND DISTANCE MEASUREMENTS WAS A TRIMBLE TOPCON.

THIS PROPERTY IS NOT LOCATED WITHIN THE 100-YEAR FLOOD HAZARD AREA AS PER FLOOD INSURANCE RATE MAP NO. 138602222C DATED 04-04-18

- LEGEND
- BOC = BOUNDARY OF CURB
- BSL = BUILDING SETBACK LINE
- P/L = PROPERTY LINE
- R/W = RIGHT OF WAY
- LL = LAND LOT
- N/F = NOW OR FORMERLY
- M/P/L = TAX MAP / PARCEL NO.
- POB = POINT OF BEGINNING
- MS = MET TO SCALE
- IPF = INTERIOR POINT
- IPB = IRON PIN SET
- COR MON = CORNER MONUMENT
- RB = REBAR
- TOP PILE = TOP PILE
- OTF = OPEN TOP PILE
- SO. ROD = SQUARE ROD
- AF = ANGLE IRON FOUND
- CP = CONCRETE PILE
- CP = CONCRETE METAL PIPE
- CP = CONCRETE CONC. PIPE
- WM = WATER METER
- WP = WATER PILE
- PP = POWER POLE
- PK BOX = PHONE BOX
- U/G = UNDERGROUND
- C/O = SEWER CLEAN-OUT
- MS = MANHOLE
- MS = MANHOLE CENTER
- MS = MAN HOLE
- FE = FINISHED FLOOR ELEV.
- TH = THE HYDRAUNT
- SS = SANITARY SEWER LINE
- SS = SANITARY FORCE MAIN
- W = WATER LINE
- F = FENCE LINE

TOTAL = 2.018 ACRES
SQUARE FEET: 87,885.758
ZONED: RA
PARCEL: L15 116 004



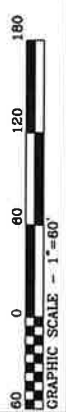
Course	Bearing	Distance
L1	N 23°21'16" W	9.36'
L2	N 06°32'35" W	16.20'
L3	N 35°53'32" E	11.12'
L4	N 58°30'07" W	14.21'
L5	N 43°04'19" W	6.73'
L6	N 09°47'19" E	28.48'
L7	N 43°57'20" E	16.82'
L8	N 17°13'16" E	22.31'
L9	N 88°05'11" E	45.25'
L10	S 12°26'57" W	128.90'

As required by subsection (c) of O.C.G.A. Section 15-6-67, this map or plat has been prepared and issued for submission and approval by the local jurisdiction as is evidenced by the approval certificates, signatures, stamps, or statements hereon. Such approvals or affirmations should be confirmed with the appropriate governmental bodies by any purchaser or user of the survey or map as to intended use at any parcel. Further, the undersigned hereby certifies that this map, plat, or plan complies with minimum technical standards for accuracy and reliability as set forth in the Rules of the Georgia Board of Registration for Professional Engineers and Land Surveyors and as set forth in the Georgia Plat Act O.C.G.A. 15-6-67.



Richard J. Webb
 Richard J. Webb RLS 2507

SURVEY FOR:
KATHLEEN MARTIN
 LAND LOTS 466 & 467
 SOUTHERN HALF 13TH DISTRICT
 DAWSON COUNTY, GEORGIA
 APRIL 19, 2022



THIS SURVEY AND ITS FINDINGS DOES NOT CONSTITUTE A TITLE SEARCH OR A GUARANTEE OF THE LOCATION OF PROPERTY LINES, ENCUMBRANCES, ADJOINING OWNERS, ETC. WAS OBTAINED FROM PUBLIC RECORDS, THE CLIENT, OR OTHER SOURCES AS REFERENCED. NO ABSTRACT OF TITLE OR TITLE CURATIVE DOCUMENTS WERE REVIEWED. OTHER ENCUMBRANCES OR SITUATIONS MAY EXIST THAT WOULD AFFECT THIS PROPERTY, AS WITH ANY LAND TRANSACTION, A TITLE SEARCH AND CERTIFICATE IS RECOMMENDED IN CONNECTION WITH THIS SURVEY, OR YOU MUST CONSULT A COMPETENT TITLE ATTORNEY.

TECHNICAL LAND SERVICES INC. 4/16/6
RICHARD WEBB & ASSOCIATES
 Land Surveying Consultants (770) 888-5103
 P.O. BOX 100 KELLY HILL ROAD CUMMINGS, GA 30040
 Email: rjwebb6103@comcast.net

JOB NO.
22108



ZA 22-30

Sharon Denise Jennings

Planning Commission Meeting February 21, 2023

Board of Commission Hearing March 16, 2023

Applicant Proposal

The applicant is seeking to zone the property from RSR (Residential Sub-Rural) to RSRMM (Residential Sub-Rural Manufactured Moved) for the purpose of placing a manufactured home on the parcel. Due to the cost of building materials, the applicant “thinks that this is a better way to go”.

Applicant	Sharon Denise Jennings
Amendment #	ZA 22-30
Request	Rezone Property from RSR to RSRMM
Proposed Use	Placing a manufactured home on the parcel
Current Zoning	RSR
Future Land Use	Sub-Rural Residential
Acreage	1.5
Location	Highway 9 South
Commercial Square footage	N/A
Road Classification	State
Tax Parcel	085-092-002
Dawson Trail Segment	n/a
Commission District	2
DRI	No
Planning Commission Recommendation	

Direction	Existing Zoning	Existing Use
North	RSR	Single Family Residential
South	RSR & RSRMM	Single Family Residential
East	RSRMM	Single Family Residential
West	RSR & R-A	Single Family Residential

According to the Comprehensive Plan and accompanying Future Land Use Plan, the subject property is identified as Sub-Rural Residential. The primary area of unincorporated Dawson County designed as Sub-Rural Residential is bounded by the forest belt and Dawson Forest on the west, Lumpkin County line on the north, and the agricultural belt to the south and east. In the southern part of this area, there is extensive residential development, but the northern part of this area is mostly undeveloped.

Though this area may receive new development at gross densities of up to 0.67 unit per acre (1.0 acre with public water), it is not targeted for major development. Public water service may be extended into much of this area, particularly the southern half, during the planning horizon (year 2028). It is desirable that conservation subdivision principles be followed in this area in order to encourage the permanent protections of open space or retention of farm and forest lands.

There is a second **area designated as Sub-rural Residential by the future land use plan map**, east of Georgia 400 and lakefront residential uses along Lake Lanier. Development in this area must be sensitive to the Lake Lanier watershed, and as a result, densities are proposed to be kept low (0.67 unit per acre) in this area. The desired development pattern should seek to:

- Permit rural cluster or conservation subdivision design that incorporates significant amount of open space
- Limit extension of public utilities in these areas
- Limit parking in front of properties
- Connect to regional network of greenspace and trails, available to pedestrians, bicyclists, and equestrians for both tourism and recreational purposes
- Consider the use of drainage swales on paved roads in lieu of curb and gutter
- Ensure safe and direct access to major thoroughfares
- Provide at least one access point from a county road for a minimum number of homes
- Allow unpaved roads and shared driveways that provide access for up to six residences
- Support and encourage agricultural industries

County Agency Comments:

Environmental Health Department: No comments returned as of 1.23.2023

Emergency Services: No comments returned as of 1.23.2023

Etowah Water & Sewer Authority: "No water or sewer available at this parcel."

Planning and Development: RSRMM is a subcategory of the RSR zoning classification and would be compliant with the Future Land Use designation and meets the general character of the area. The applicant inherited the parcel from her mother's estate and will be surrounded by family who have either already built homes or are planning to build in the near future. Access to the parcel will be off on a 30' platted easement that begins at Hwy 9 South.

Public Works Department: No comments returned as of 1.23.2023

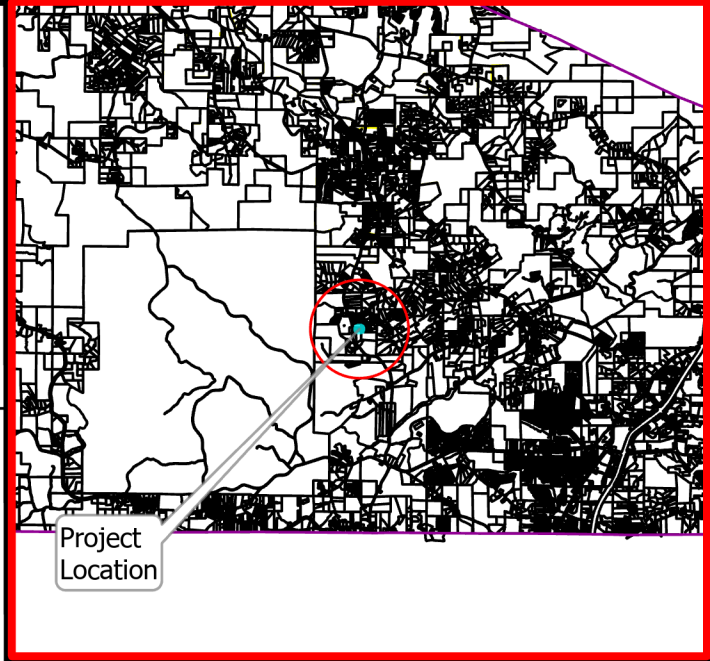
THE PLANNING COMMISSION SHALL MAKE ITS RECOMMENDATIONS BASED ON THE FOLLOWING CRITERIA:

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

Photo of Property:



Mountain
Spring
Drive



Project
Location

Hickory
Trail West

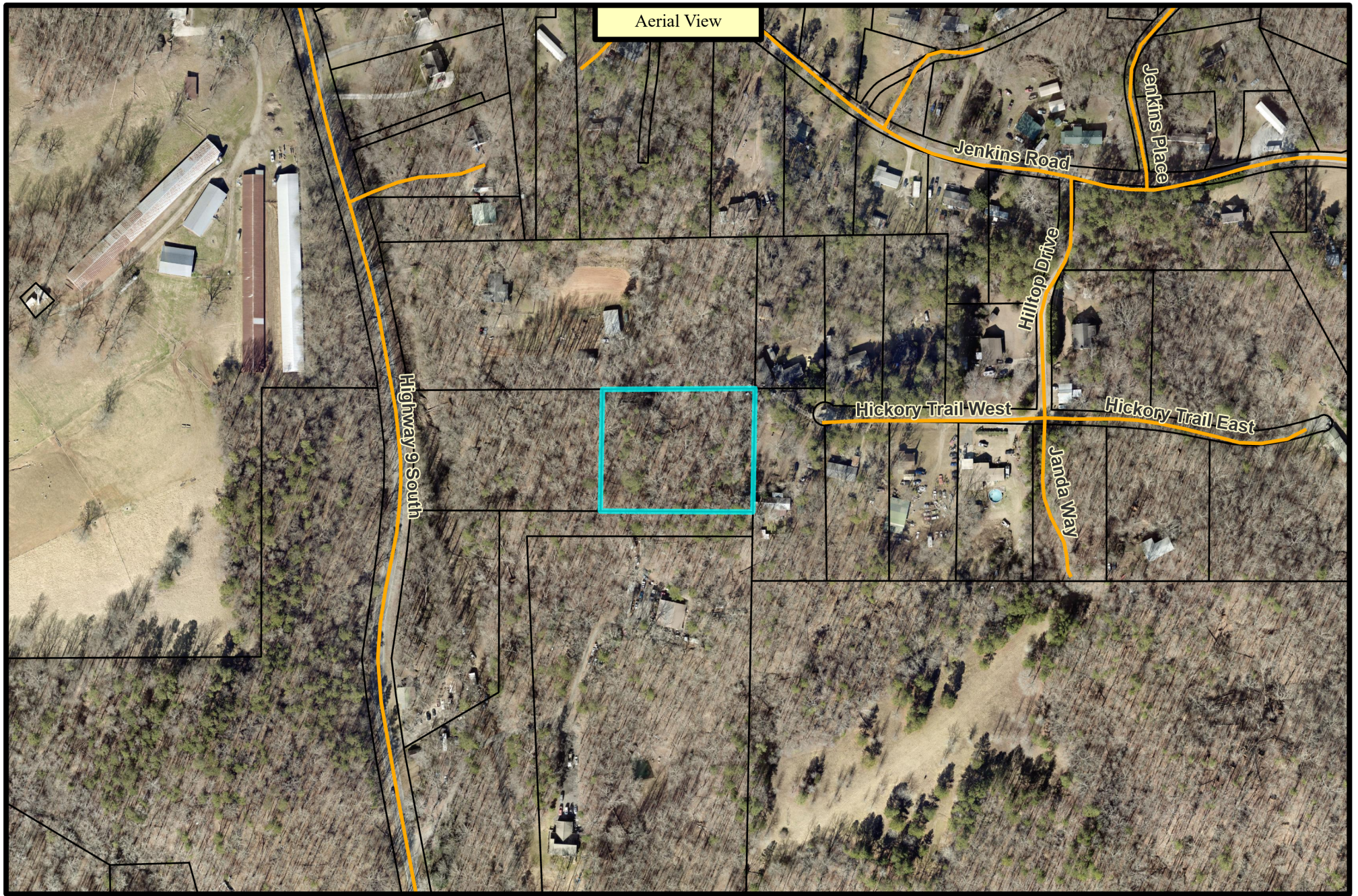


DAWSON COUNTY
DISCLAIMS ANY
RESPONSIBILITIES,
LIABILITIES OR
DAMAGES FROM THE USE
OF THIS MAP. THIS MAP
IS ONLY FOR DISPLAY
PURPOSES.



Dawson County
Planning and Development
Staff Report: Exhibit

Parcel #: 085-092-002
Current Zoning: RSR
FLU: SRR
Application #: ZA 22-30



Aerial View

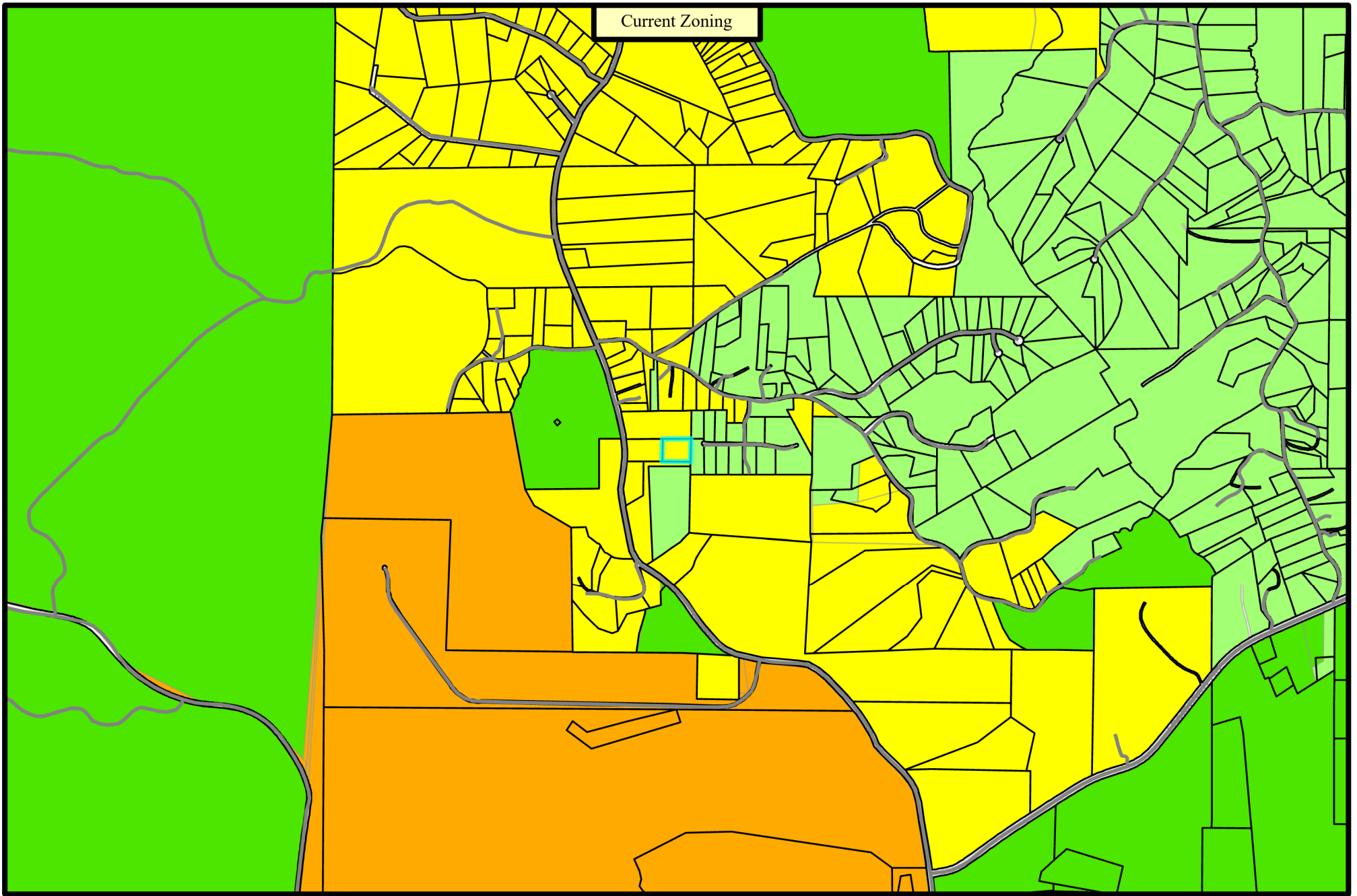


DAWSON COUNTY DISCLAIMS ANY RESPONSIBILITIES, LIABILITIES OR DAMAGES FROM THE USE OF THIS MAP. THIS MAP IS ONLY FOR DISPLAY PURPOSES.

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Scale: 1:3,837

Dawson County
Planning and Development
80
Site Report

Parcel #: 085-092-002
Current Zoning: RSR
FLU: SRR
Application #:ZA 22-30




Current Zoning



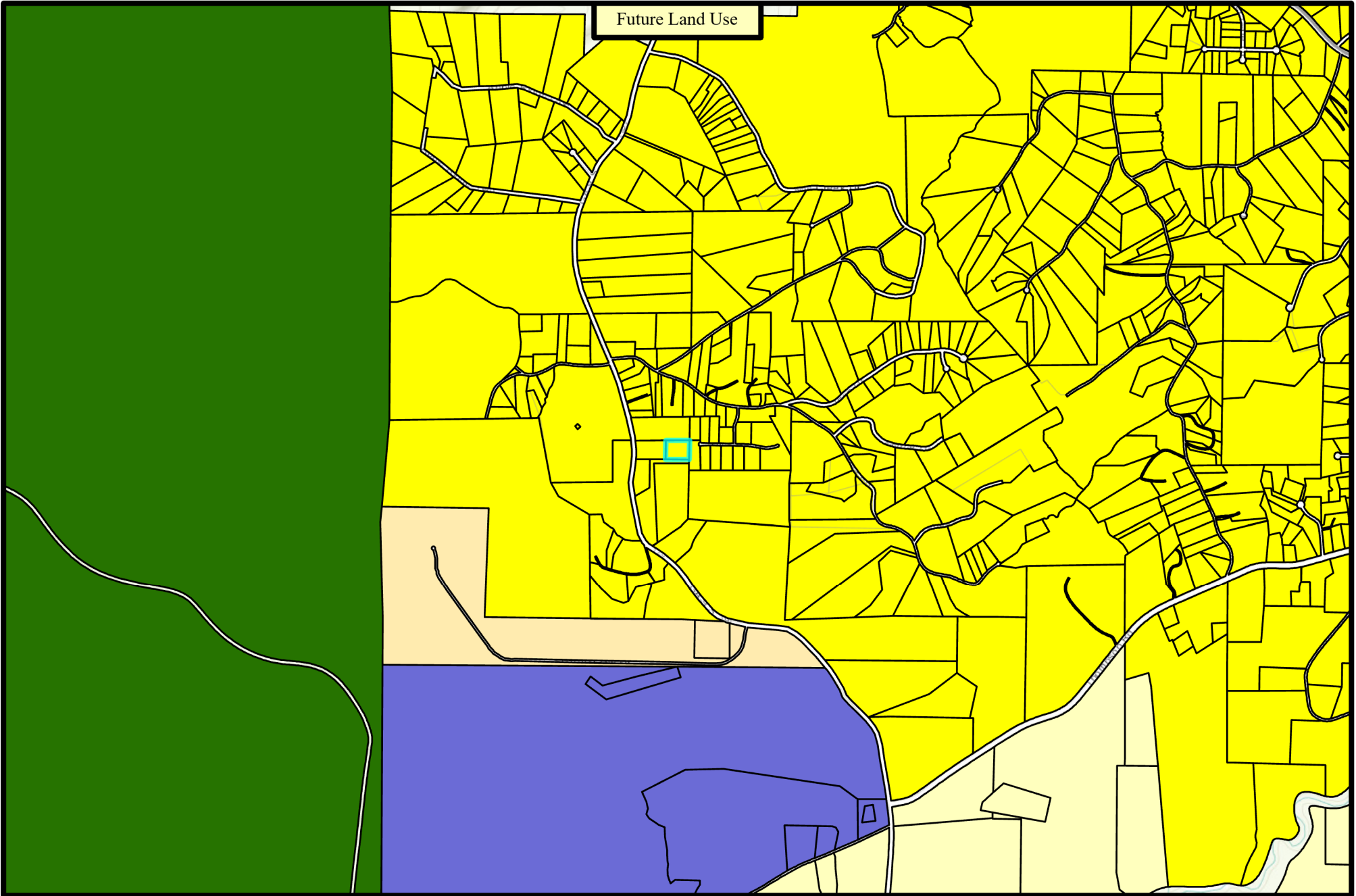
DAWSON COUNTY DISCLAIMS ANY RESPONSIBILITIES, LIABILITIES OR DAMAGES FROM THE USE OF THIS MAP. THIS MAP IS ONLY FOR DISPLAY PURPOSES.

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 Scale: 1:20,637

Dawson County
 Planning and Development

 Staff Report

Parcel #: 085-092-002
 Current Zoning: RSR
 FLU: SRR
 Application #:ZA 22-30




Future Land Use



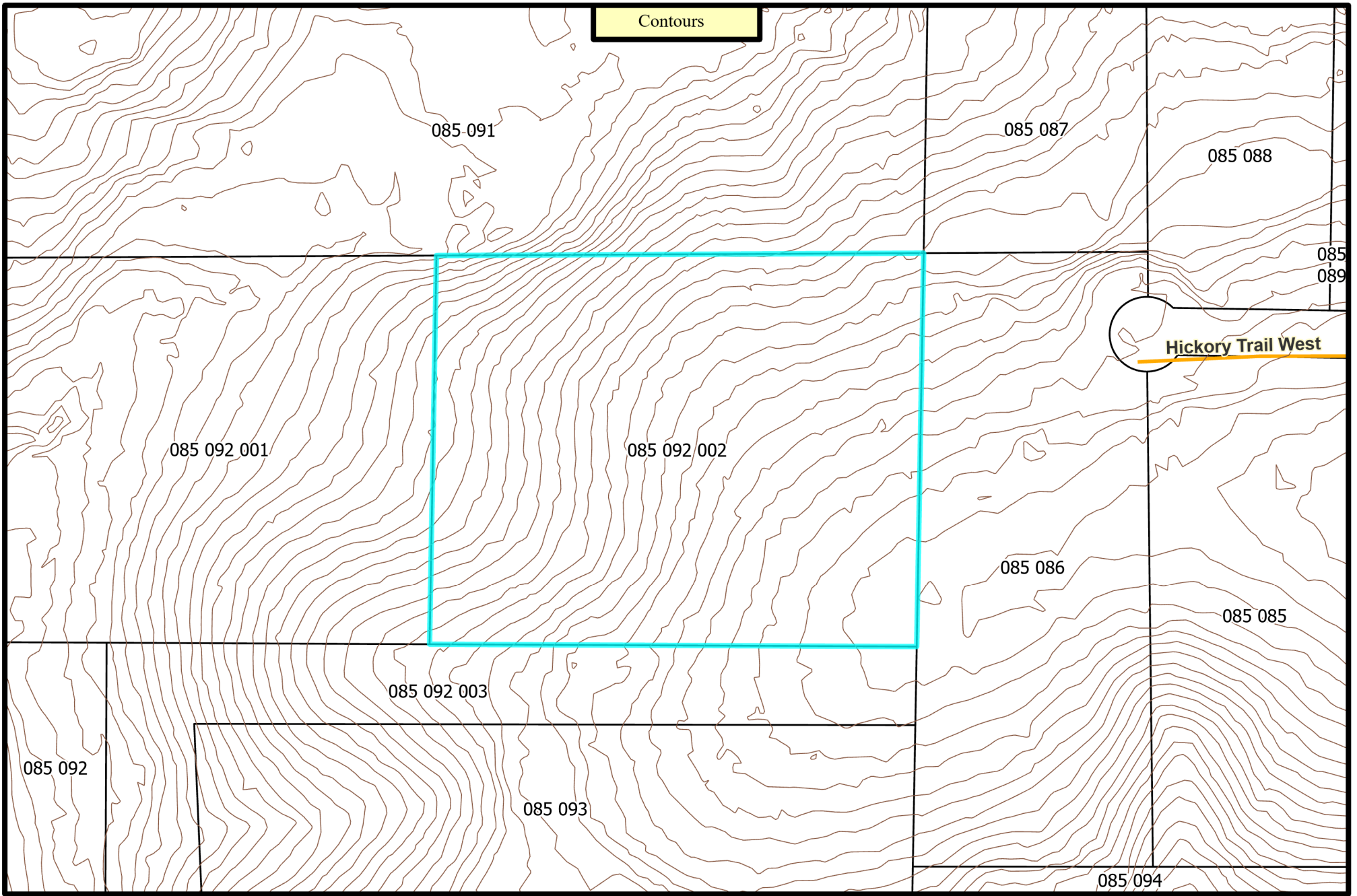
DAWSON COUNTY DISCLAIMS ANY RESPONSIBILITIES, LIABILITIES OR DAMAGES FROM THE USE OF THIS MAP. THIS MAP IS ONLY FOR DISPLAY PURPOSES.

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 Scale: 1:24,764

Dawson County
 Planning and Development
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 Staff Report

Parcel #: 085-092-002
 Current Zoning: RSR
 FLU: SRR
 Application #:ZA 22-30



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

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 Scale: 1:1,201

Dawson County
 Planning and Development
 83
 Staff Report

Parcel #: 085-092-002
 Current Zoning: RSR
 FLU: SRR
 Application #: ZA 22-30

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 Carrol Joe Jennings + Sharon Denise Jennings

Address: [Redacted] Road E Dawsonville Georgia 30534

Phone (Listed only please) Cell for Carrol 770- [Redacted] Sharon Cell 470- [Redacted]

Email (Business/Personal): Jennings Denise [Redacted] .com

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: 12/20/20 Applicant Signature: Sharon Denise Jennings

REQUESTED ACTION & DETAILS OF PROPOSED USE

Rezoning to: RSPmm Special Use Permit for: _____

Proposed Use:

Existing Utilities: Water Sewer Gas Electric

Proposed Utilities: Water Sewer Gas Electric

RESIDENTIAL

No. of Lots: 1 Minimum Lot Size: _____ (acres) No. of Units: 1

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

Type: Apartments Condominiums Townhomes Single-family Other

Type of Amenity: 1 Amount of Open Space: 1

COMMERCIAL & RESTRICTED INDUSTRIAL:

Building area: n/a No. of Parking Spaces: _____

2200020 22100

Property Owner/
Property Information

Name: Carol Joe + Sharon Denise Jennings

Street Address of Property being rezoned: No address yet, near 3017 Highway 9 S

Rezoning from: Residential to: Residential Total acreage being rezoned: 1 1/2 acres

Directions to Property (if no address):

Near 3017 Highway 9 South

Subdivision Name (if applicable): None Lot(s) #: _____

Current Use of Property: None

Does this proposal reach DRI thresholds? _____ 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? No (yes/no)

SURROUNDING PROPERTY ZONING CLASSIFICATION:

North RSP South RSP / RSRmm East RSRmm West RSP

Future Land Use Map Designation: RSP

Access to the development will be provided from:

Road Name: Hwy 9 Type of Surface: pavement

Property Owner Authorization

Carol Joe + Sharon Denise Jennings

I/we, ~~Carol Joe + Sharon~~, 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#: *085-092-002*

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: *Carol Joe Jennings*

Signature of applicant or agent: *[Signature]* Date: _____

Printed Name of Owner(s): *Carol Joe Jennings + Sharon Denise Jennings*

Signature of Owner(s): *[Signatures]* Date: *12-20-22*

Mailing address: ~~_____~~ Road E

City, State, Zip: *Dawsonville Georgia 30534*

Phone (Listed/Unlisted): *(c) 770- [Redacted]* ~~[Redacted]~~
(c) 470- [Redacted]

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

{Notary Seal}

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.)

12-20-2022

I Sharon Denise Jennings and my Husband Carol Joe Jennings would like our acre and a half to be rezoned to put a Manufactured Home on. It will be a New one with a permanent Foundation, it will have 1332 sq. ft. We are living with my sister right now and would really love to have a Home of our own. We were going to Build But due to everything being so expensive at this time we just think this would be a better way to go. Because we can Order it and get it in 4 to 6 weeks versus taking 8 months to Build. I really hope this will be rezoned because we just really want our own Home. Thank you for your time. Sharon Denise and Carol Joe Jennings

